

State of Colorado
Energy & Carbon Management Commission



1120 Lincoln Street, Suite 801, Denver, Colorado 80203
Phone: (303) 894-2100 Fax: (303) 894-2109

Document Number:
403763781

Date Received:
04/22/2024

FIR RESOLUTION FORM

Overall Status: CAC

CA Summary:

9 of 9 CAs from the FIR responded to on this Form

9 CA Completed
0 Factual Review Request

OPERATOR INFORMATION

ECMC Operator Number: 10701
Name of Operator: UPLAND EXPLORATION LLC
Address: 424 S MAIN ST
City: BOERNE State: TX Zip: 78006

Contact Name and Telephone:
Name: _____
Phone: () _____ Fax: () _____
Email: _____

Additional Operator Contact:

Contact Name	Phone	Email
<u>Rollins, Dustin</u>		<u>david@uplandexploration.com</u> <u>dustin@uplandexploration.com</u>

ECMC INSPECTION SUMMARY:

FIR Document Number: 697504595
Inspection Date: 04/07/2023 FIR Submit Date: 04/13/2023 FIR Status: _____

Inspected Operator Information:

Company Name: UPLAND EXPLORATION LLC Company Number: 10701
Address: 424 S MAIN ST
City: BOERNE State: TX Zip: 78006

LOCATION - Location ID: 456651

Location Name: Salt Ranch Fee Number: 18 East County: _____
Qtrqtr: SESE Sec: 18 Twp: 11N Range: 64W Meridian: 6
Latitude: 40.914603 Longitude: -104.584484

FACILITY - API Number: 05-123-00 Facility ID: 456651

Facility Name: Salt Ranch Fee Number: 18 East
Qtrqtr: SESE Sec: 18 Twp: 11N Range: 64W Meridian: 6
Latitude: 40.914603 Longitude: -104.584484

CORRECTIVE ACTIONS:

1 CA# 169445

Corrective Action: Comply with Rule 606.d. Date: 02/10/2023

The prior Corrective Action remains in effect and remains out of compliance.

Response: CA COMPLETED Date of Completion: 02/10/2023

Operator Comment: Upland placed an enclosed dumpster on location - trash being discovered is not a direct result of Upland operations; field personnel are maintaining good housekeeping measures. The access road is utilized by multiple contractors and the landowner. The location and access road is driven and maintained daily, if trash is observed it is picked up and properly disposed of; this area experiences significant winds; trash observed by the inspector

is not the result of Upland activities. Operator continues to work with Subcontractors to keep trash properly picked up.

ECMC Decision: **Not Approved**

ECMC Representative: NOAV #403347572 issued to operator on March 16, 2023. NOAV has not been resolved and Rule 606.d. is an on-going issue that remains out of compliance.

2  CA# 169446

Corrective Action: Comply with Rule 427.b

Date: 02/28/2023

The prior Corrective Action remains in effect and remains out of compliance.

Response: CA COMPLETED

Date of Completion: 02/28/2023

Operator Comment: The contractor represented in the complaint filed October 11, 2023 document # 403557225 works for CCRP & Upland. Upland contacted CCRP and Standard Resources regarding the complaint filed against Upland and had then spoke to their contractors that utilize the shared lease road to access their location and remind them to comply with all posted and communicated rules of the road re. speed, trash and traveling on accurate access points. Upland has contacted all of its subcontractors to work with them to make sure their employees comply with the speed restrictions. If one of their employees are caught speeding, the subcontractor will ensure that the employee will not longer be on location.

ECMC Decision: **Not Approved**

ECMC Representative: Rule 427.b remains out of compliance due to ongoing issues with Upland subcontractors.

Upland continues to provide false statements, specifically that if any Upland subcontractor is caught speeding they will no longer be on location. There is continued evidence that the same vehicles from Fuzion and LS Pumping that violate speed restrictions continue to operate on location.

3  CA# 169447

Corrective Action: Comply with Rule 902.b to install wildlife protection equipment, and properly dispose fluids from within the bucket.

Date: 04/07/2023

The corrective action date is the date the location was observed out of compliance.

Response: CA COMPLETED

Date of Completion: 04/07/2023

Operator Comment: This container was cleaned out, wiped down and the bucket was disposed of on the same day as the inspection.

ECMC Decision: Approved

ECMC Representative: Field Inspection Report Doc.# 697504665 conducted on May 11, 2023 confirmed the corrective action had been addressed.

4  CA# 169448

Corrective Action: Comply with Rule 606.

Date: 04/07/2023

The corrective action date is the date the location was observed out of compliance.

Response: CA COMPLETED

Date of Completion: 04/07/2023

Operator Comment: This hose was left behind by Fuzion after getting their first load of the day and coming back for their next load. Operator has discussed with them that they are to unhook all hoses and out them back on their trucks, we have had no further issue with this happening.

ECMC Decision: Approved

ECMC Representative: Field Inspection Report Doc.# 697504665 conducted on May 11, 2023 confirmed the corrective action had been addressed.

5  CA# 169449

Corrective Action: Comply with Rule 606.c.

Date: 02/10/2023

The prior Corrective Action remains in effect and remains out of compliance.

Response: CA COMPLETED

Date of Completion: 02/10/2023

Operator Comment: 10/04/2023: Location was all sprayed last year by CCR before Upland took over the lease, weeds were dormant, this was discussed with Chris Binschus 2/28/2023. Crews conducted pulling weeds by hand (3/2/23 - 3/31/23); Precision Industrial Applications is conducting weed spraying at the location and along lease road .Upland has continued to spray and remove weeds. Colorado had seen an unprecedented amount of precipitation. Russian Thistle was present along the road and adjacent lands prior to Upland operations as represented in historical aerial photos. Weed mitigation/spraying and removal is ongoing. Weed Management Plan was approved per Inspection Document #697504884.

ECMC Decision: **Not Approved**

ECMC Representative: NOAV #403347572 issued to operator on March 16, 2023. NOAV has not been resolved and Rule 606.c. is an on-going issue that remains out of compliance.

The Weed Plan failed to mention the requirement to control all Undesirable Plant Species. Operator shall comply with Rule 606.c. The approval and implementation of the Weed Management Plan does not alleviate compliance with ECMC rules and will not mitigate failures to comply with applicable Reclamation Rules.

Department of Agriculture is conducting an investigation into Upland subcontractors regarding a pesticide complaint and has contacted ECMC.

6 CA# 169450

Corrective Action: The prior Corrective Action remains in effect and remains out of compliance. Date: 02/10/2023

Response: CA COMPLETED Date of Completion: 05/12/0023

Operator Comment: Original FIRR 403414217 approved CA pending re-inspection. See document # 697504676. Non-reportable spill to either ECMC or CDPHE; Material spilled was hydraulic fluid less than 3 gallons.

ECMC Decision: Approved pending re-inspection

ECMC Representative: Field Inspection Report Doc.# 697504665 conducted on May 11, 2023 did not confirm or deny the corrective action had been addressed.

7 CA# 169451

Corrective Action: Comply with Rule 1002.c. Date: 02/10/2023

The corrective action date is the date the location was observed out of compliance.

Response: CA COMPLETED Date of Completion: 02/10/2023

Operator Comment: Per Inspection Document #697504785, ECMC acknowledges that "Operator has reseeded the topsoil stockpile since the previous inspection". Topsoil stockpiles have been sprayed and reseeded as well as crimped and stabilized to address the excessive rainfall and wind storm events; Upland continues to conduct weed and sediment erosion mitigation as necessary along the topsoil stockpiles and along the access road. Inspection Document 697504884 acknowledges the proper weed management plan is in place.

ECMC Decision: **Not Approved**

ECMC Representative: Operator has not fully complied with the Rule 1002.c. ECMC has left the topsoil stockpile on location in-process, but the Operator has not attempted to address the approximate 1.5 mile access road were topsoil was windrowed.

8 CA# 169452

Corrective Action: The prior Corrective Action remains in effect and remains out of compliance. Date: 02/10/2023

Response: CA COMPLETED Date of Completion: 08/31/2023

Operator Comment: Upland is maintaining its SW BMPs at the location to control stormwater runoff in a manner that minimizes erosion, transport of sediment offsite, and site degradation. Ongoing maintenance of SW controls has been being maintained and sediment controls, rock checks and/or waddles have been routinely replaced. Stormwater controls will be managed and maintain until the location is fully reclaimed. FIRR Document #403572538 stated that this CA was approved pending re-inspection. SW BMPS were addressed at the location, access road and Geary Creek areas see attached photos. FIRR Document #403533083 says CA was approved pending re-inspection.

ECMC Decision: **Not Approved**

ECMC Representative:

Rule 1002.e. surface disturbance minimization remains out of compliance.

9 CA# 169453

Corrective Action: The prior Corrective Action remains in effect and remains out of compliance.

Date: 02/10/2023

Response: CA COMPLETED

Date of Completion: 08/31/2023

Operator Comment:

Upland is maintaining its SW BMPs at the location to control stormwater runoff in a manner that minimizes erosion, transport of sediment offsite, and site degradation. Ongoing maintenance of SW controls have been maintained and sediment controls, rock checks and/or waddles have been routinely replaced. Stormwater controls will be managed and maintain until the location is fully reclaimed. FIRR Document #403572538 stated that this CA was approved pending re-inspection. SW BMPS were addressed at the location, access road and Geary Creek areas see attached photos. FIRR Document #403533083 says CA was approved pending re-inspection. Operator is working with contractor to conduct Topsoil sampling. Reseeding along the approximate 1.5 mile access road and any other identified locations is planned to commence in mid May. A Form 4 will be submitted once reseeding has been Completed.

ECMC Decision: Approved pending re-inspection

ECMC Representative:

Operator already submitted a FIRR response back on 9/18/2023 and ECMC approved pending re-inspection.

OPERATOR COMMENT AND SUBMITTAL

Comment:

[Empty comment box]

I hereby certify that the statements made in this form are, to the best of my knowledge, true, correct, and complete.

Print Name: Dustin Rollins

Signed:

Title: Field Supervisor

Date: 4/22/2024 1:34:42 PM

ATTACHMENT LIST

View Attachments in Imaged Documents on ECMC website (<http://ecmcweblink.state.co.us/>) - Search by Document Number.

Document Number **Description**

403763781	FIR RESOLUTION SUBMITTED
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Total Attach: 1 Files