

State of Colorado  
Energy & Carbon Management Commission



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Document Number:  
403764008

Date Received:  
04/22/2024

**FIR RESOLUTION FORM**

Overall Status: CAC

CA Summary:

8 of 8 CAs from the FIR responded to on this Form

8 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>dustin@uplandexploration.com</u>
		<u>dustin@uplandexploration.com</u>
		<u>david@uplandexploration.com</u>

ECMC INSPECTION SUMMARY:

FIR Document Number: 697504537  
Inspection Date: 02/28/2023 FIR Submit Date: 03/06/2023 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# 167869

Corrective Action: Comply with Rule 606.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: 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

Operator Comment: 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.

2  CA# 167870

Corrective Action: Comply with Rule 606.d.

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: 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.

3  CA# 167871

Corrective Action: Comply with Rule 427.b.

Date: 02/28/2023

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

Response: CA COMPLETED

Date of Completion: 06/27/2023

Operator Comment: Upland has reduced the speed of the road, adjusted the schedule of water hauling activities to the evening and on non-high wind days, utilizing water trucks to the road as needed, and applied road base, graded, compacted to an additional 1.9 miles of the access road from 6/19-6/27/23. As represented in several FIRR responses and directly in meetings with ECMC, dust mitigation and stormwater management is an ongoing activity due to weather events and winds, Colorado has seen an unprecedented amount of precipitation. The balance of watering and grading is being completed as necessary.

ECMC Decision: **Not Approved**

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

4  CA# 167872

Corrective Action: Comply with Rule 912.a. and 912.b. to submit a Form 19 immediately for spills around the frac tanks.

Date: 02/10/2023

Response: CA COMPLETED

Date of Completion: 02/10/2023

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

ECMC Decision: Approved pending re-inspection

Operator already submitted a FIRR response back on 5/26/2023 and ECMC approved pending re-inspection.

ECMC Representative:

5  CA# 167873

Corrective Action: Comply with Rule 913.c.(8). to submit a Form 27 for the pit.

Date: 02/10/2023

Response: CA COMPLETED

Date of Completion: 11/14/2023

Operator Comment: Remediation Project #32199 has received a "No Further Action" under Form 27 Document #403588182.

ECMC Decision: Approved

ECMC Representative: Operator Comment inaccurately referenced the Remediation Project. The Remediation Project #28280 was related to the unpermitted pit that the Operator was using to bury E&P Waste.

6  CA# 167874

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: 08/07/2023

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.

7  CA# 167875

Corrective Action: Comply with Rule 1002.e.(1) and 1002.e.(4)

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: 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. Operator is maintaining proper weed management per approved plan. Operator is working with contractor for topsoil sampling and reclamation of disturbed areas along the access road and other areas identified.

ECMC Decision: **Not Approved**

ECMC Representative: Rule 1002.e. surface disturbance minimization remains out of compliance.

8  CA# 167876

Corrective Action: Comply with Rules 1002.f.(2) and 1002.f.(2)B

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

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

Operator Comment: 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 has cleaned up and properly contained gasoline containers. Porta-john has been up righted and stabilized.

ECMC Decision: Approved

ECMC Representative: Field Inspection Report Doc.# 697504595 conducted on May 7, 2023 confirmed the corrective actions had been addressed.

**OPERATOR COMMENT AND SUBMITTAL**

Comment:

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 2:30:15 PM

**ATTACHMENT LIST**

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

<b>Document Number</b>	<b>Description</b>
403764008	FIR RESOLUTION SUBMITTED

Total Attach: 1 Files