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*RE: Civitas Resources Remedial Action Plan
HighPoint Operating Corporation LLC - Operator #10071 – NOAV #40429999*

Mr. Lindley,

Civitas Resources, Inc. (Operator No. 200642) (“Civitas”) submits on behalf of its wholly owned subsidiary HighPoint Operating Corporation (Operator #10071) (“HighPoint”), its response to the Corrective Action (“CA”) set forth in the July 22, 2025, Notice of Alleged Violation (“NOAV”) document number 40429999. The CA requires HighPoint to submit a prioritized plan that sets forth how it will reassess and remediate all remediation projects affected by falsified data, within the specified time frames. (the “CA Plan”). Please find below HighPoint’s CA Plan, which adopts a risk-based classification system to ensure that those projects that have the potential to present the greatest concern to sensitive receptors are prioritized for remediation and final closure.

Introduction

Five Civitas subsidiaries, including HighPoint, had falsified data submitted on their behalf by Eagle Environmental to the Energy and Carbon Management Commission (ECMC”) without their knowledge and beyond the reasonable control of Civitas or its subsidiaries. A total of 52¹ Civitas remediation projects are implicated by the data falsifications. The CA requires the implementation of a plan that “will achieve reassessment and delineation of all falsified data locations within 6 months under approved Forms 27 workplans,” and full remediation of “all soil only contamination locations within 1 year.” Civitas is committed to working to complete the

¹Included within the audit are four remediation projects for locations that were subsequently acquired by Bison IV Operating LLC (“Bison IV”). Those locations are Fox Creek 28 Facility # 485259, Critter Creek 17-21 Facility # 480364, Lion Creek 23 NWNW Facility # 483930 and Whitetail F-4 Facility # 440714. We understand from staff that they are coordinating with Bison IV to address remediation at these locations.

remediation of these projects as timely as possible. However, Civitas will be unable to meet the deadlines set out in the NOAV for all 52 remediations and spills for the following reasons.

First, the remediation projects are located on private land. HighPoint must obtain surface owner approval to access lands where it does not have current active operations. HighPoint is endeavoring to obtain surface access as quickly as possible, but the decision to grant access rests with the surface owner. For those remediation projects that are located on farmland, HighPoint will need to work with the surface owner to ensure that its remediation efforts do not conflict with farming activities. In addition, for those locations that are within High Priority Habitat, HighPoint must coordinate with and receive approval from Colorado Parks and Wildlife (“CPW”) to conduct remediation activities on those lands. It is possible that CPW will put in place timing restrictions that limit when the affected areas can be accessed and when work can be conducted on the affected lands which may not be possible to occur within the six months identified in the CA for reassessment and delineation.

Moreover, HighPoint, like all operators, relies upon third-party environmental consultants to conduct the remediation work at these locations. The number of qualified environmental consultants and service companies in Colorado that can perform this work is limited, and there may be delays in conducting the work due to consultant and lab availability. Labs are currently operating near capacity and any increase in sample volume is likely to exacerbate processing delays and impact overall project timelines. Civitas simply cannot hire enough qualified consultants to coordinate, plan and undertake the required investigatory and remediation work for 52 sites at the same time.

Delays may also occur because additional spills or historical impacts are discovered at a location while implementing the workplan. Were that to occur, the workplan would have to be updated to reflect the changed circumstances which ECMC staff would have to approve. HighPoint recognizes the volume of forms that the ECMC Environmental Staff must review and approve is high and that there may be a lag time in administrative approvals.

It is for these reasons that the remediation schedule set forth in the NOAV is unachievable. Given all of these concerns, HighPoint proposes to categorize the sites to give priority to those sites that present the greatest potential risk to public health and the environment. Dedicating limited resources to addressing those locations that are of the highest priority for remediation advances the protection of public health, safety, welfare, the environment, and wildlife resources.

Remediation Project Tiers.

Contained within the CA Plan is HighPoint’s proposal to categorize the locations into four tiers based on the degree of risk to the environment.

The Tier 1 remediation projects are those with altered data that masked the presence of organic constituents in soil or instances where groundwater detections exceeded the thresholds specified in ECMC’s Table 915-1. HighPoint grouped all locations with altered data for organic constituents into this tier because of the recognized environmental risk posed by organic constituents compared to inorganic constituents. The presence of organic compounds is indicative of a release as defined in the ECMC’s 900 series rules. Depending on the concentration and

chemical characteristics (e.g., volatility, solubility, and persistence), such compounds may pose an elevated risk to human health and environmental receptors, including potential impacts to groundwater, surface water, and ecological resources. A total of three HighPoint locations met the Tier 1 criteria:

Facility Name	Facility ID	REM #	Priority Ranking
Rothe 43-30	465074	20406	High – Organic exceedances in soil
Rothe 13-31	476908	20398	High – Organic exceedances in soil
Anschutz Windmill 13-23H	421762	19982	High – Organic exceedances in soil

The criteria for a Tier 2 remediation project closely follows that of a Tier 1 project, except that no organic constituent data was falsified. For Tier 2 locations, the data falsifications included concentrations of inorganic constituents in soil that exceeded the thresholds identified in ECMC’s Table 915-1 Cleanup Concentrations and the location of the remediation project is within ¼-mile of High Priority Habitat or other sensitive receptors. The inorganic constituents identified in Table 915-1 alone are not indicative of a release and are often found naturally occurring in native soil. Additionally, inorganic substances in soil such as salts, minerals, and certain metals are generally more stable and less chemically reactive than organic contaminants. They do not readily evaporate, break down into toxic byproducts, or migrate rapidly through soil and groundwater, making them easier to monitor and manage during remediation efforts. While elevated levels of inorganic compounds can affect soil quality, plant health, and environmental conditions, they typically pose far less risk to human health and ecosystems compared to organic constituents. A total of two HighPoint locations met the Tier 2 criteria:

Facility Name	Facility ID	REM #	Priority Ranking
Peterson 5-63-30	481665	NA	Medium - Soil inorganics, within HPH pronghorn winter concentration. Other sensitive receptors within 1/4 mile.
Peterson 5-63-30 SWNE	450230	23378	Medium - Soil inorganics, within HPH pronghorn winter concentration. Other sensitive receptors within 1/4 mile.

Tier 3 projects present far less risk. A Tier 3 remediation project has altered data only for inorganic constituents and is located more than a ¼ mile away from a sensitive receptor. A total of seven HighPoint locations met the Tier 3 criteria:

Facility Name	Facility ID	REM #	Priority Ranking
Anschutz State 5-62-36-6457CH	434210	22834	Low- Soil Inorganics, no sensitive receptors
Dutch Lake 09-11H	422932	22792	Low- Soil Inorganics, no sensitive receptors
NHF Laura 4-63-3 SWNW	476919	18944	Low- Soil Inorganics, no sensitive receptors
Rothe 24-31	463120	20552	Low- Soil Inorganics, no sensitive receptors

RSU Anschutz State Fed 4-62-2 SWNW	4893929	29602	Low- Soil Inorganics, no sensitive receptors
RSU Anschutz Fed 4-62-2 1SE3	484019	29704	Low- Soil Inorganics, no sensitive receptors
RSU Anschutz Fed 4-62-2 1SWNW	480912	NA	Low- Soil Inorganics, no sensitive receptors

Finally, a Tier 4 project is reserved for those instances where typographical errors were made by Eagle Environmental on form submissions, and no evidence suggests that they were anything other than inadvertent errors. A total of one HighPoint location met the Tier 4 criteria:

Facility Name	Facility ID	REM #	Priority Ranking
Grinde 1-64-5_4	480881	20722	Typographical error

Operating Procedure and Form 27 Submission Deadlines.

Proposed Operating Procedure for Investigating and Remediating Sites.

In preparing and implementing its CA Plan, HighPoint is adhering to all applicable ECMC Rules, including Rule 913. For the Tier 1, Tier 2 and Tier 3 remediation projects, HighPoint will prepare an Initial Site Investigation and Remediation Workplan Form 27 - Initial. The Form 27-Initial will include among other things a proposed sampling plan, proposed scope of work and timeline for follow-up reporting. Once ECMC staff has reviewed and approved the Form 27 workplan in accordance with Rule 913.c., HighPoint will implement the sampling and work plans.

For soil impacts, HighPoint will conduct an internal review of each remediation project including the review of previously submitted forms, data packages, and associated figures. A site assessment will be developed and proposed via Form 27-Initial. With approved surface access, representative soil samples will be collected around sample points with previously altered data in each cardinal direction utilizing various mechanical methods. Background samples will be collected from homogenous soil horizons and/or corresponding excavation sample depths. Soil samples will be submitted under a signed chain of custody to a NEPA certified laboratory and analyzed for full Table 915-1.

Analytical results will be gathered and reported to the ECMC on Form 27-Supplementals. These analytical results will determine the scope of the project and will be used to create a detailed remediation plan that will be submitted on a Form 27-Supplemental. Progress for implementing the remediation plan will be documented with quarterly updates until the impacted material is remediated below regulatory thresholds and a No Further Action (“NFA”) determination is granted by the ECMC.

For groundwater impacts, HighPoint will conduct an internal review of each project including the review of previously submitted forms, data packages, and associated figures. A site assessment will be developed and proposed via Form 27-Initial. Upon ECMC staff’s approval of the Form 27-Initial, and with approved surface access, HighPoint will implement the site

assessment. The assessment will include installation of one monitoring well at the source of the release and point of compliance (“POC”) wells will be installed in each cardinal direction until the plume is completely delineated. Following complete delineation, an appropriate groundwater remediation strategy will be selected. Remedial options typically include monitored natural attenuation (MNA) or the implementation of active treatment technologies such as air sparging (AS) and/or soil vapor extraction (SVE) systems, depending on site-specific hydrogeologic conditions and contaminant characteristics. The source and POC wells will be sampled quarterly until analytical results indicate four consecutive compliant quarters and an NFA determination is granted by the ECMC.

Upon demonstration of compliance with the cleanup concentrations in Table 915-1, and any condition of approval within the approved Form 27, HighPoint will request final closure of the remediation project in accordance with Rule 913.h.

Proposed Deadlines.

The process detailed above includes the following submittal landmarks for HighPoint: submittal of the Form 27-Initial describing the proposed investigation of a site; submittal of the Form 27-Supplemental describing the proposed remediation plan for a site; and submittal of closure request with information demonstrating compliance with the cleanup concentrations in Table 915-1, and any condition of approval within the approved Form 27.

With respect to submittal of Form 27-Initials, HighPoint understands that staff is encouraging the submission of approvable Form 27s as quickly as possible. While it is not feasible for Civitas to submit 52 Form 27s at the same time, it plans to submit the Forms as soon as practicable. Accordingly, we are proposing a staggered Form 27 submission schedule as set forth below that focuses its efforts on those remediation projects that are of the highest priority first, and from there those projects that require prompt attention, and finally those locations that pose very low risk.

Tier Level Project	Proposed Submission By-Date
Tier 1	September 15, 2025
Tier 2	September 22, 2025
Tier 3	September 29, 2025
Tier 4	September 15, 2025

With respect to the deadline for submittals of Form 27-Subsequent and the closure requests for each site, the CA requires that the “reassessment and delineation of all falsified data locations” will be completed “within 6 months” after the approval of the Form 27-Initial, and full remediation within 1-year of approval of the Form 27-Supplemental.²

² HighPoint confirmed with Commission staff that reassessment and delineation of all falsified data locations will be completed within 6 months from staff’s approval of the Form 27-Initial, and that full remediation will be completed within 1-year from staff’s approval of the Form 27-Supplemental that demonstrates reassessment and delineation has been achieved.

As explained, in Section 1, execution of the timeline set forth in the CA is dependent upon circumstances that are outside of HighPoint's control. Despite the difficulties posed by these factors, HighPoint agrees that for Tier 1 and Tier 2 projects it will seek to meet the requirement to complete reassessment and delineation within 6-months, and full remediation within 1-year. However, HighPoint requests that if it is demonstrated that compliance with these deadlines is impossible or extremely difficult for one or more sites due to circumstances outside its control, that ECMC staff work with HighPoint to establish alternative deadlines for compliance and not pursue further enforcement actions related to the inability to meet the original deadlines.

With respect to Tier 3 projects, HighPoint respectfully requests that it be given 18-months to complete remediation. As described above, Tier 1 and Tier 2 projects are of the highest priority and should be prioritized for remediation. Tier 3 projects do not present the same risk as the Tier 1 and Tier 2 locations. By seeking an additional 6-months to complete remediation of Tier 3 locations ensures that resources and personnel can be dedicated as necessary to Tier 1 and Tier 2 locations. Additionally, HighPoint requests that that if it is demonstrated that compliance with the 6-month deadline to complete reassessment and delineation for a Tier 3 project is impossible due to circumstances outside its control, that ECMC staff work with HighPoint to establish a revised compliance deadline and not pursue further enforcement related to HighPoint's inability to meet the 6-month deadline.

Finally, Tier 4 locations do not require any additional remediation work at the location as a result of the submission of incorrect data. As explained above, there is no evidence of falsified data submitted for Tier 4 locations that materially altered or changed the outcome of a remediation project. Because of this, the time frames set forth in the CA for reassessment and delineation and remediation are not applicable.

HighPoint appreciates ECMC staff's consideration of this proposed compliance plan and welcomes the opportunity to address any questions regarding its contents.

Sincerely,



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