



Variance Request for nAPM2316026914, nMCS0124836953, and nMCS0124842142 Denial

From Minnix, Sharon, EMNRD <Sharon.Minnix@emnrd.nm.gov>

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To cdixon@vertexresource.com <cdixon@vertexresource.com>; fernandorodriguez@rileypermian.com <fernandorodriguez@rileypermian.com>

Cc Hall, Brittany, EMNRD <Brittany.Hall@emnrd.nm.gov>; Hamlet, Robert, EMNRD <Robert.Hamlet@emnrd.nm.gov>; Wells, Shelly, EMNRD <Shelly.Wells@emnrd.nm.gov>

Hi Chance and Fernando,

At this time the Variance Request for **nAPM2316026914**, **nMCS0124836953**, and **nMCS0124842142** cannot be accepted by OCD. As of 6/10/26 a new detail can be seen under incident events stating "The operator of record for the incident and well is Silverback Operating II, LLC (330968) and the application was submitted by Riley Permian Operating Company, LLC (372290). The operator of record must submit all C-141 applications, the documents submitted with this application are incorrect. OCD does not review or approve Characterization Plans. Activities for release site assessment/characterization must be completed pursuant to the requirements of 19.15.29.11 NMAC and submitted with a remediation plan pursuant to 19.15.29.12 C. NMAC. If this report was to be submitted as a composite and grab sample plan, the report must be submitted via email to OCD.Enviro@emnrd.nm.gov at this time."

If a new variance request will be submitted with a sample plan, there must be enough proposed sample points attempting to horizontally and vertically delineate the area. For future variance requests please follow:

19.15.29.14 VARIANCES:

A. A responsible party may file a written request for a variance from any requirement of 19.15.29 NMAC with the appropriate division district office. The variance request must include:

- (1) a detailed statement explaining the need for a variance; and
- (2) a detailed written demonstration that the variance will provide equal or better protection of fresh water, public health and the environment.

B. The division district office must approve or deny the variance in writing within 60 days of receipt. If the division district office denies the variance, it must provide the responsible party with the reasons for denial.

C. If the division district office does not approve or deny a request for variance from the requirements of 19.15.29 NMAC within 60 days of the date the request for variance is received by the division district office, then the request for variance is deemed denied and the responsible party may file an application for a hearing pursuant to 19.15.4 NMAC within 30 days of the denial.

D. If the responsible party requests a hearing pursuant to 19.15.4 NMAC within 30 days after receipt of notice, the division must set the matter for hearing with notice to the responsible party and appropriate division district office.

E. In addition to the notice provisions in 19.15.4 NMAC, the responsible party must provide notice of the hearing on the request for variance to the surface owner of the site by certified mail, return receipt requested, at least 20 days prior to the date of the hearing.

F. Variances must receive division approval prior to implementation.

[19.15.29.14 NMAC - N, 8/14/2018]

Please let me know if you have any questions.

Thank you,



**New Mexico Energy Minerals and Natural Resources Department
Oil Conservation Division**

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[OCD Home - Oil Conservation](#)

Effective 05/27/2026: C-141N and C-141L Notice. This notice can be found at: [OCD - Operator Guidance - Oil Conservation](#) under "RELEASES AND REMEDIATION".

Effective 12/1/2024: OCD has updated guidance on karst potential occurrence zones. This notice can be found at: <https://www.emnrd.nm.gov/ocd/ocd-announcements-and-notifications/> under "2024 OCD ANNOUNCEMENTS AND NOTIFICATIONS".

The Digital C-141 guidance documents can be found at <https://www.emnrd.nm.gov/ocd/ocd-announcements-and-notifications/> or <https://www.emnrd.nm.gov/ocd/ocd-forms/>.

Sante Fe Main Office
Phone: (505) 476-3441

General Information
Phone: (505) 629-6116

Online Phone Directory
<https://www.emnrd.nm.gov/ocd/contact-us>

State of New Mexico
Energy, Minerals and Natural Resources
Oil Conservation Division
1220 S. St Francis Dr.
Santa Fe, NM 87505

CONDITIONS

Action 594583

CONDITIONS

Operator: Silverback Operating II, LLC 29 E Reno Ave STE 500 Oklahoma City, OK 73104	OGRID: 330968
	Action Number: 594583
	Action Type: [IM-SD] Incident File Support Doc (ENV) (IM-BNF)

CONDITIONS

Created By	Condition	Condition Date
sharon.minnix	None	6/11/2026