

FILED

Sep 29, 2023

10:24 am

**U.S. EPA REGION 8
HEARING CLERK**

**U.S. ENVIRONMENTAL PROTECTION AGENCY
PUBLIC NOTICE
COMPLAINT AND NOTICE OF OPPORTUNITY FOR HEARING
REGARDING
XTO ENERGY INC.
FOR FAILURE TO COMPLY WITH
UNDERGROUND INJECTION CONTROL REGULATIONS**

Docket Number: SDWA-08-2023-0008

PURPOSE OF PUBLIC NOTICE

The purpose of this notice is to solicit written comments on a Complaint and Notice of Opportunity for Hearing that the United States Environmental Protection Agency Region 8 (EPA) proposes to issue against XTO Energy Inc., which has offices located at 22777 Springwoods Village Parkway, Spring, Texas 77389. The Complaint alleges violations of the Underground Injection Control (UIC) regulations and proposes a monetary penalty for the alleged violations. The Complaint is issued under the UIC provisions of the Safe Drinking Water Act (Act) and the Act's implementing regulations. These regulations govern the injection of fluids that may endanger an underground source of drinking water (USDW).

The EPA solicits written comments from any interested party having knowledge of the alleged violations or who can provide any information useful to ensure that the proposed penalty is appropriate. The EPA will review any comments received on the Complaint and will thereafter determine whether to modify or withdraw the Complaint.

BACKGROUND

Part C of the Act requires the EPA to regulate underground injection of fluid through wells to assure that USDWs are not endangered. Section 1422 of the Act requires the EPA to administer UIC programs in locations that do not have primary enforcement authority for UIC programs. Regulation of the UIC Program in the location of these wells has not been delegated; therefore, the EPA administers the program in accordance with title 40 of the Code of Federal Regulations (40 C.F.R.), Parts 124, 144, 146, 147, and 148.

XTO Energy Inc. previously operated three Class II injection wells on the Uintah & Ouray Indian Reservation within Uintah County, Utah, listed below and referred to as the Three Wells.

- RBU 4-22F SWD well; API: 43-047-31615; Lat 39.937765, Long -109.656612,
- HCU 1-28F SWD well: API: 43-047-33671; Lat 39.923405, Long -109.662702, and
- RBU 13-11F SWD well: API: 43-047-30973; Lat 39.954765, Long -109.642191

The Three Wells are used to inject waste produced brine, also known as salt water, which is

brought to the surface in connection with oil produced from the nearby production wells.

The Complaint alleges that XTO Energy Inc. was in violation of UIC regulations and is subject to appropriate penalties for failing to properly transfer EPA's permits for the Three Wells. The Complaint alleges that XTO Energy Inc. sold the Three Wells wells in 2020, but for approximately 21 months failed to provide information necessary for EPA to transfer the permits to the new operator. The Complaint also alleges XTO Energy Inc. failed to timely repair one of the Three Wells after it had lost mechanical integrity. The Complaint proposes that the EPA assess an administrative civil penalty in the amount of \$39,255.00.

PUBLIC COMMENTS

Written comments on the Complaint are encouraged and will be accepted at the address listed below for a period of 30 days after the publication of this notice. Written comments submitted by the public as well as information submitted by XTO Energy Inc. will be available for public review, subject to the provisions of law restricting the disclosure of confidential information. XTO Energy Inc. may request a hearing. Any person submitting written comments will be notified of and has a right to participate in such a hearing. Commenters should include their name and complete mailing address and state they wish to participate in the proceeding. The Complaint and the well files are available for review between 9:00 a.m. and 4:00 p.m. at the street address listed below. It is recommended that those wishing to view the Complaint or the well files call Nathan Wisner, Environmental Scientist, Enforcement and Compliance Assurance Division, EPA Region 8, at (303) 312-6211 before visiting the EPA Region 8 offices.

Please submit written comments to:

Kate Tribbett, Regional Hearing Clerk
U.S. EPA, Region 8 (8ORC)
1595 Wynkoop Street
Denver, Colorado 80202-1129

-or-

R8_Hearing_Clerk@epa.gov.

A copy of the Complaint will also be available for public review at <https://www.epa.gov/uic/underground-injection-control-epa-region-8-co-mt-nd-sd-ut-and-wy#public-notice> for at least 30 days from the date of this public notice.

Any person interested in receiving their own copy of this or any future public notice of a UIC administrative action can call Nathan Wisner in the UIC program, EPA Region 8, at (303) 312-6211.

THE DECISION

The EPA will review and consider all public comments received on the Complaint and will thereafter determine whether to modify or withdraw the Complaint. If the Complaint is revised, copies shall be provided to all parties and to all members of the public who have commented.

Tiffany Cantor, Supervisor
Safe Drinking Water Act Enforcement Section
Enforcement and Compliance Assurance Division
U.S. EPA, Region 8
1595 Wynkoop Street
Denver, CO 80202-1129

Publication Date: April 19, 2023