

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

Docket No. SDWA-08-2023-0008

In the Matter of:)
)
XTO Energy Inc.)
)
Respondent.)
)
Proceedings under Section 1423)
of the Safe Drinking Water Act)
42 U.S.C. 300h-2)

**UNOPPOSED MOTION FOR
EXTENSION OF TIME**

Respondent XTO Energy Inc. (“XTO”) hereby files this Unopposed Motion for Extension of Time to file its Answer to the Complaint and Notice of Opportunity for Hearing (“Complaint”) filed by the Environmental Protection Agency (“EPA”) in the above-captioned matter.

XTO respectfully requests a 60-day extension until July 17, 2023, to file its Answer in this matter. In support of this request, XTO states as follows:

1. EPA filed its Complaint with the Regional Hearing Clerk on April 7, 2023.
2. EPA sent its Complaint via certified mail to XTO on April 12, 2023.
3. XTO was served with the Complaint, via certified mail, on April 18, 2023.
4. The deadline for XTO to file an Answer to the Complaint is May 18, 2023.
5. XTO and EPA are currently engaged in, and wish to continue, discussions to attempt to resolve this matter amicably through a negotiated settlement.
6. XTO conferred with EPA on May 2, 2023, and EPA stated it does not oppose this Motion so that the parties can continue to discuss a resolution.
7. There is good cause for the requested extension: The extension is necessary to provide XTO with additional time to investigate the facts and to facilitate settlement negotiations between the parties.
8. The requested extension will not prejudice EPA: EPA is interested in pursuing settlement negotiations; EPA indicated it does not oppose the motion; and the underlying mechanical-integrity issue identified in the Complaint has been addressed.

9. The requested extension is timely filed: This Unopposed Motion for Extension of Time is being filed “sufficiently in advance of the due date” for XTO to file its Answer as required by 40 C.F.R. § 22.7(b).

Respectfully submitted this 4th day of May 2023.

s/ Dale Ratliff _____
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Counsel for XTO Energy Inc.

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing Unopposed Motion for Extension of Time in the matter of XTO Energy Inc. was filed with the Regional Hearing Clerk on May 4th, 2023.

Kate Tribbett, Regional Hearing Clerk
U.S. Environmental Protection Agency — Region 8
1595 Wynkoop Street (Mail Code 80RC)
Denver, Colorado 80202
R8—Hearing_Clerk@epa.gov

Further, the undersigned certifies that a true and correct copy of the attached Unopposed Motion for Extension of Time was served via email to Mia Bearley, Enforcement Attorney, at bearley.mia@epa.gov on May 4th, 2023.

Date: May 4, 2023

By: /s/ Dale Ratliff
Dale Ratliff
Williams Weese Pepple & Ferguson