



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8**

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[www.epa.gov/region08](http://www.epa.gov/region08)

4/7/2023

5:18 PM

Received by  
EPA Region VIII  
Hearing Clerk

Ref: 8ENF-W-SD

April 6, 2023

XTO Energy Inc.  
Attn: Corporation Service Company, Registered Agent  
251 Little Falls Drive  
Wilmington, DE, 19808

Re: Complaint and Notice of Opportunity for Hearing SDWA-08-2023-0008

To Whom It May Concern:

Enclosed, please find a Complaint and Notice of Opportunity for Hearing (Complaint) issued by the U.S. Environmental Protection Agency (EPA) as authorized by the Safe Drinking Water Act (Act), 42 U.S.C. § 300h-2(c). The document describes XTO Energy Inc.'s (XTO's) violations of the Act and sets forth the assessment of a civil penalty.

Please note that there are deadlines in the Complaint that must be followed. XTO has thirty (30) calendar days within which it may file an answer to dispute the contents of the Complaint. If XTO does not timely respond, the EPA may issue a Final Administrative Order by default.

As noted in the enclosed Complaint, this proceeding is governed by the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders and the Revocation, Termination or Suspension of Permits, 40 C.F.R. part 22, a copy of which can be obtained by accessing the following link: <https://www.ecfr.gov/>.

The EPA encourages discussing whether cases can be settled through informal settlement discussions and is prepared to consider a penalty amount lower than the amount sought in the enclosed Complaint. If XTO wants to pursue the possibility of settling this matter please contact Mia Bearley, Enforcement Attorney, at (303) 312-6554 or at [bearley.mia@epa.gov](mailto:bearley.mia@epa.gov). Please note that calling Ms. Bearley or requesting a settlement discussion does NOT delay the running of the 30-day period for filing an answer and/or requesting a hearing.

If you have any technical questions, please contact Nathan Wiser at (303) 312-6211, or at [wiser.nathan@epa.gov](mailto:wiser.nathan@epa.gov). For any additional legal questions, please feel free to contact Mia Bearley.

We urge your prompt attention to this matter.

Sincerely,

Suzanne Bohan, Director  
Enforcement and Compliance Assurance Division

Enclosures: 1. Complaint and Notice of Opportunity for Hearing  
2. Public Notice

cc:

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