

**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 an extension until October 25, 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. XTO was served with the Complaint, via certified mail, on April 18, 2023.
3. The original deadline for XTO to file an Answer to the Complaint was May 18, 2023.
4. The Regional Judicial Officer extended the deadline for XTO to file its Answer until September 25, 2023, to facilitate settlement discussions between EPA and XTO.
5. XTO and EPA recently finalized a mutual settlement.
6. EPA filed the executed Consent Agreement and supporting documents for the Regional Judicial Officer’s review on September 21, 2023.
7. There is good cause for the requested extension: The extension is necessary to provide the Regional Judicial Officer sufficient time to review the proposed settlement between XTO and EPA and the Parties’ request that Regional Judicial Officer approve the Consent Agreement and issue a Final Order.

8. The requested extension will not prejudice EPA: EPA and XTO have agreed to a mutual settlement. EPA 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 22nd day of September 2023.

s/ Dale Ratliff

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 September 22, 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 September 22, 2023.

Date: September 22, 2023

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