

FILED

9/21/2023

4:57 PM

U.S. EPA REGION 8  
HEARING CLERK

Uintah Basin  
**Standard**  
AFFIDAVIT OF PUBLICATION

AFFIDAVIT OF PUBLICATION: #1042140

STATE OF UTAH  
SS.  
COUNTY OF DUCHESNE

I, Kathy Malm, as publisher/agent of

Uintah Basin  
**Standard**

of Duchesne County, State of Utah, state that this newspaper is a qualified newspaper, published and of general circulation in said county, was published in regular edition of said paper, and that the notice of which the annexed is a copy was published on the following date(s):.

04/26/2023

*Kathy Malm*

Agent Signature

Subscribed and sworn to before me this

*26th* day of *April*, A.D. 20*23*

*Kaylene Ellis*  
Notary Public



Advertising Fee: \$157.58

My Commission Expires: 05/31/2026

KAYLENE ELLIS  
Notary Public, State of Utah  
Commission #722732  
My Commission Expires  
1-31-2026

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

Docket Number: SDWA08-2023-0008

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) issued to 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 within 30 days' publication of this public notice and will thereafter determine whether to modify or withdraw the Complaint.

Part C of the Act requires the EPA to regulate underground injection of fluids. 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 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; Latitude 39.937765, Longitude -109.656612.  
• HCU 1-28F SWD well; API: 43-047-33671; Latitude 39.923405, Longitude -109.662702.

• RBU 13-11F SWD well:  
API: 43-047-30973; Latitude 39.954765, Longitude -109.642191.

The Three Wells are used to inject produced brine, also known as salt water, which is brought to the surface in connection with oil or gas produced from 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 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.

More information about this matter can be found at <https://www.epa.gov/uic/underground-injection-control-epa-region-8-comt-nd-sd-ut-and-wy>.

Published in the Uintah Basin Standard April 26, 2023