

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8

Received by
EPA Region VIII
Hearing Clerk

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 August 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. On May 4th, 2023, the Regional Judicial Officer granted an extension for XTO to file its Answer until July 17, 2023, to facilitate settlement discussions between EPA and XTO.
5. XTO and EPA are continuing discussions to attempt to resolve this matter amicably through a negotiated settlement.
6. XTO and EPA’s next meeting to discuss this matter is scheduled for July 20, 2023, after the current deadline for XTO to file its Answer.
7. XTO and EPA have conferred. EPA stated it does not oppose this Motion and the requested extension until August 25, 2023, so that the parties can continue to discuss a resolution.
8. There is good cause for the requested extension: The extension is necessary to provide XTO and EPA with additional time to facilitate settlement negotiations between the parties.

9. 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.

10. 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 7th day of July 2023.

s/ Dale Ratliff

Dale Ratliff

Carlos R. Romo

Williams Weese Pepple & Ferguson

1801 California St., Suite 3400

Denver, Colorado 80202

(303) 861-2828

dratliff@williamsweese.com

cromo@williamsweese.com

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 July 7, 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 July 7, 2023.

Date: July 7, 2023

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