

## XTO Energy to Challenge Charges by Pennsylvania Attorney General

- Evidence proves XTO did not cause the release of produced water.
- Criminal charges are unprecedented, baseless and an abuse of prosecutorial discretion.
- Criminalizing a small recycling spill sends the wrong environmental and legal message.

Tuesday, September 10, 2013  
4:45 p.m. EDT

FORT WORTH, TX – XTO Energy Inc., a subsidiary of Exxon Mobil Corporation, said today it will challenge criminal charges filed by Pennsylvania’s Attorney General, Kathleen Kane, regarding a November 2010 spill of produced water from a temporary storage tank being used during a water recycling operation in Lycoming County.

Criminal charges are unwarranted and legally baseless because neither XTO nor any of its employees intentionally, recklessly or negligently discharged produced water on the site.

XTO acted quickly and cooperatively with state and federal authorities to clean up the produced water. There was no lasting environmental impact and the site has been fully remediated in accordance with guidance of Pennsylvania’s Department of Environmental Protection.

The criminal charges filed by the Attorney General are unprecedented and an abuse of prosecutorial discretion. There was no intentional, reckless, or negligent misconduct by XTO. The incident did not result in significant or lasting environmental harm. Charging XTO under these circumstances could discourage good environmental practices, such as recycling. The action tells oil and gas operators that setting up infrastructure to recycle produced water exposes them to the risk of significant legal and financial penalties should a small release occur.

XTO has already agreed with federal authorities on reasonable civil penalties and preventative steps to avoid future accidents of this type. Without admission of liability, on July 18, 2013, a consent decree regarding the discharge was signed between XTO and the U.S. Department of Justice and the U.S. Environmental Protection Agency. The Department of Justice conducted a full investigation for more than a year and concluded that criminal charges were not warranted. An investigation by the Pennsylvania Department of Environmental Protection is ongoing.

### About XTO Energy

**XTO Energy Inc.**, a subsidiary of Exxon Mobil Corporation, is a leading natural gas and oil producer in the U.S. with expertise in developing tight gas, shale gas, coal bed methane and unconventional oil resources. XTO has operations in all major U.S. producing regions, and holds more than 417,000 acres in Pennsylvania.

In 2012, XTO and ExxonMobil paid more than \$9 million in taxes to the state of Pennsylvania, and invested more than \$3.3 million in higher education, medical care, environmental research and arts and civic organizations in Pennsylvania.

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### Photos of the XTO Marquardt Well Site in Lycoming County, PA

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The gravel surface of the well site is in the foreground. A healthy corn crop grows near the site where the produced water was released and next to a lined impoundment designed to store fresh water.



For perspective, the Marquardt well site as it appears today.



Another view of the impoundment and the immediate area of the 2010 water release. Note again the new growth and absence of long-term environmental impact.



Current view of the hillside affected by the leaking container in 2010. Note the new growth and absence of long-term environmental impact. XTO received guidance from the Pennsylvania Department of Environmental Protection on appropriate vegetal restoration.



View of re-growth and gravel drainage from below the well site and the location of the water container in 2010.



The surrounding watershed remains lush with no environmental impact.

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