



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

January 11, 2022

OFFICE OF  
LAND AND EMERGENCY  
MANAGEMENT

Mr. Richard Nicosia  
Arizona Public Service  
Cholla Power Plant  
4801 Cholla Lake Road  
Mail Station 4451  
Joseph City, Arizona 86032

Dear Mr. Nicosia:

On November 30, 2020, the Environmental Protection Agency (EPA) received a demonstration for the Cholla Power Plant requesting authorization to continue using the Bottom Ash Pond and Fly Ash Pond until June 2025 and completing closure no later than October 17, 2028, pursuant to the alternative closure provision 40 C.F.R. § 257.103(f)(2). EPA reviewed your demonstration to determine whether it included the required information, analyses and documentation specified under 40 C.F.R. § 257.103(f)(2), and we have determined that your demonstration is complete.

This letter merely communicates EPA's determination that your submitted demonstration contains sufficient information for EPA to evaluate the merits of your demonstration. EPA has not made any decision on whether to approve your request. The demonstration will undergo further review to make such a determination. After this review, EPA will publish its proposed decision for public comment in a docket on [www.regulations.gov](http://www.regulations.gov). After consideration of the comments, EPA will issue its final decision on the demonstration.

As a consequence of your submission of a complete demonstration, the deadline for the Coal Combustion Residuals units covered by the demonstration to cease receipt of waste is tolled until EPA issues a final decision on the demonstration. 40 C.F.R. § 257.103(f)(3)(ii).

EPA will notify you when a proposed decision on the demonstration is issued. If you have any questions, please contact Kirsten Hillyer at [Hillyer.Kirsten@epa.gov](mailto:Hillyer.Kirsten@epa.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "B. N. Breen", written over a light blue horizontal line.

Barry N. Breen  
Acting Assistant Administrator