

## Prepublication Copy Notice:

The Assistant Administrator for the Office of Land and Emergency Management signed the following document on February 9, 2026:

Title: **Proposed Approval of the CCR Part B Alternate Liner Demonstration Application, SRP Coronado Generating Station, Evaporation Pond, St. Johns, Apache County, Arizona and Proposed Rescission of Previous Denial**

Action: **Proposed Determination**

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## OFFICE OF RESOURCE CONSERVATION AND RECOVERY

WASHINGTON, D.C. 20460

February 9, 2026

### **MEMORANDUM**

**SUBJECT:** Posting EPA-HQ-OLEM-2021-0285 to Regulations.gov for Public Access

**FROM:** Tracy Atagi  
Waste Identification, Notice, and Generators Division  
Office of Resource Conservation and Recovery  
Office of Land and Emergency Management

**THRU:** Jessica Young  
Acting Director  
Waste Identification, Notice, and Generators Division  
Office of Resource Conservation and Recovery  
Office of Land and Emergency Management

**TO:** Docket No. EPA-HQ-OLEM-2021-0285

This memorandum authorizes the posting of EPA-HQ-OLEM-2021-0285 to Regulations.gov for public access.

EPA is proposing to rescind our previous denial and proposing to approve the application the Salt River Project (SRP) submitted in 2020 for the Coronado Generating Station that requests approval to submit an alternate liner demonstration for their Evaporation Pond. EPA received additional information from SRP about the geologic and hydrogeologic site conditions at the Evaporation Pond. Upon further analysis, EPA is proposing that the application meets the standard for approval.

EPA is soliciting public comment on this proposed action. The basis for EPA's proposed determination is explained in the document titled "PROPOSED DETERMINATION, Proposed Approval of the CCR Part B Alternate Liner Demonstration Application, SRP Coronado Generating Station, Evaporation Pond, St. Johns, Apache County, Arizona and Proposed Rescission of Previous Denial," which can be found attached to this memorandum. **This document will be open for public comment from February 17, 2026 to March 9, 2026.**

Submit your comments, identified by Docket ID No. EPA-HQ-OLEM-2021-0285, by one of the following methods:

- Federal eRulemaking Portal: [www.regulations.gov](http://www.regulations.gov) (our preferred method). Follow the online instructions for submitting comments.
- Mail: U.S. Environmental Protection Agency, EPA Docket Center, OLEM Docket, Mail Code 28221T, 1200 Pennsylvania Avenue NW, Washington, DC 20460.
- Hand Delivery or Courier: EPA Docket Center, WJC West Building, Room 3334, 1301 Constitution Avenue, NW, Washington, DC 20004. The Docket Center's hours of operations are 8:30 a.m. – 4:30 p.m., Monday – Friday (except Federal Holidays). Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from the docket. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (i.e., on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit: <http://www.epa.gov/dockets/commenting-epa-dockets>.

**FOR FURTHER INFORMATION CONTACT:**

- Tracy Atagi, Office of Resource Conservation and Recovery, Waste Identification, Notice, and Generators Division, Environmental Protection Agency, 1200 Pennsylvania Avenue NW, MC: 5304T, Washington, DC 20460; telephone number: (202) 566-0511; email address: [Atagi.Tracy@epa.gov](mailto:Atagi.Tracy@epa.gov).
- For more information on coal ash regulations, please visit <https://www.epa.gov/coalcombustion-residuals>.



## **PROPOSED DETERMINATION**

Proposed Approval of the CCR Part B Alternate Liner Demonstration Application, SRP Coronado  
Generating Station, Evaporation Pond, St. Johns, Apache County, Arizona and Proposed  
Rescission of Previous Denial

### **SUMMARY**

Salt River Project Agricultural Improvement and Power District (SRP) owns and operates the Coronado Generating Station (CGS) located in St. Johns, Apache County, Arizona. The CGS facility is a coal-fired utility, with a combined generating capacity of 780 megawatts. The facility generates coal combustion residuals (CCR) and non-CCR wastestreams that it places into a CCR surface impoundment, which it refers to as the “Evaporation Pond.”

On November 25, 2020, SRP submitted an application on behalf of CGS to the Environmental Protection Agency (EPA or the Agency) seeking authorization to provide an alternate liner demonstration (ALD) for its Evaporation Pond to continue to receive CCR and nonCCR wastestreams after the April 11, 2021, deadline to cease receiving waste. EPA’s regulations provide an opportunity for such impoundments to continue to operate beyond April 11, 2021, if the owner or operator submits a demonstration showing that the unit meets the criteria for 40 C.F.R. § 257.71(d).

The procedure for EPA to adjudicate ALD requests consists of a two-step process. Under the first step, the application stage, the requestor submits an application announcing their intention to submit a demonstration. The application consists of the information required under 40 C.F.R. § 257.71(d)(1)(i). If the application is approved by EPA, then the requestor submits a demonstration of the ALD by providing the information required under 40 C.F.R. § 257.71(d)(1)(ii). While this

adjudication process is active, the deadline for the facility to cease receipt of waste into the CCR surface impoundment is tolled per the provisions found at 40 C.F.R. § 257.71(d)(2).

On January 15, 2025, EPA issued a denial of the application based on a determination that SRP had failed to demonstrate that the Evaporation Pond: (1) is in compliance with all the requirements of 40 C.F.R. part 257, subpart D, as required in 40 C.F.R. § 257.71(d)(1)(i)(A); (2) appropriately remains in detection monitoring, as required by 40 C.F.R. § 257.71(d)(1)(i)(B); and (3) has a liner that is of good quality and in line with proven and accepted engineering practices, as required by 40 C.F.R. § 257.71(d)(1)(i)(C).<sup>1</sup>

On March 13, 2025, SRP submitted a request to EPA to extend the deadline to cease using the Coronado Generating Station (CGS) Evaporation Pond due to grid reliability and resource adequacy concerns, in accordance with the procedures in 40 C.F.R. § 257.103(f), which EPA granted on March 20, 2025, extending the deadline to September 30, 2026.<sup>2</sup>

On April 25, 2025, SRP requested a rescission of EPA's January 15, 2025 denial to provide SRP an opportunity to address and resolve any concerns on SRP's application.<sup>3</sup> This request was followed on June 17, 2025 by a transmittal of supplemental data and information regarding the geologic and hydrogeologic conditions of the Evaporation Pond.<sup>4</sup> On September 10, 2025, EPA responded to SRP's request for a rescission indicating that, upon further review of the application

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<sup>1</sup> U.S. EPA *Final Determination: Final Denial of the CCR Part B Alternate Liner Demonstration Application, SRP Coronado Generating Station, Evaporation Pond, St. Johns, Apache County, Arizona*, [EPA-HQ-OLEM-2021-0285-0022](#).

<sup>2</sup> Letter from Barry N. Breen, Principal Deputy Assistant Administrator, Office of Land and Emergency Management, U.S. Environmental Protection Agency to Bobby Olsen, Salt River Project, March 20, 2026

<sup>3</sup> Letter from Bobby Olsen, Associate General Manager & Chief Power System Executive to Steven Cook, Deputy Assistant Administrator, Office of Land and Emergency Management, U.S. Environmental Protection Agency, April 25, 2026

<sup>4</sup> *Supplemental Data and Information Geologic and Hydrogeologic Conditions at the Existing Evaporation Pond, Coronado Generating Station, St. Johns, Arizona* Memo from Adam Kneeling, R.G. Senior Geologist and Mark Nicholls, R.G. Principal

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and additional information, the Agency intended to initiate such a rescission.<sup>5</sup> On November 7, 2025, EPA received additional technical information from SRP regarding the geologic and hydrogeologic site conditions at the Evaporation Pond.<sup>6</sup>

Based upon further analysis, EPA is proposing to determine that the original application denial was made in error and the Agency made significant errors in its determination, based on the totality of the information during its review of SRP's application. As a result, when considering the totality of the available information regarding this unit, EPA is proposing that SRP has demonstrated in its application that, based on the construction of the unit and surrounding site conditions, there is no reasonable probability that continued operation of the surface impoundment will result in adverse effects to human health or the environment, and therefore the ALD adjudication process should proceed to the demonstration phase. Therefore, EPA is proposing to rescind the previous denial and is issuing a proposed approval of SRP's application. If this proposal is finalized, then the adjudication process would proceed to the demonstration phase and SRP's deadline for the facility to cease receipt of waste into the Evaporation Pond would be tolled.

**DATES:** Comments on this proposed rescission of the previous denial and issuance of a proposed approval are due March 9, 2026.

**ADDRESSES:** EPA has established a docket for this action under Docket ID No. EPA-HQ-OLEM-

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Hydrogeologist, Haley & Aldrich, Inc., Andy Crossland, Director of Materials Recovery and Waste Management Division, U.S. EPA. June 17, 2025.

<sup>5</sup> Letter from Steven Cook, Principal Deputy Assistant Administrator, Office of Land and Emergency Management, U.S. Environmental Protection Agency to Bobby Olsen, Salt River Project, September 10, 2025.

<sup>6</sup> Letter from Bobby Olsen, Associate General Manager & Chief Power System Executive to Steven Cook, Deputy Assistant Administrator, Office of Land and Emergency Management, U.S. Environmental Protection Agency, November 7, 2025.

2021-0285. All documents in the docket are listed on the <http://www.regulations.gov> web site.

Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form.

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Publicly available docket materials are available electronically through <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** For information concerning this decision, contact

Tracy Atagi, Office of Resource Conservation and Recovery, Waste Identification, Notice, and

Generators Division, Environmental Protection Agency, 1200 Pennsylvania Avenue NW, MC:

5304T, Washington, DC 20460; telephone number: (202) 566-0511; email address:

[Atagi.Tracy@epa.gov](mailto:Atagi.Tracy@epa.gov). For more information on this decision please visit:

<https://www.epa.gov/coalcombustion-residuals>.

**SUPPLEMENTARY INFORMATION:**

**List of Acronyms**

ALD	alternate liner demonstration
CBI	Confidential Business Information
CCR	coal combustion residuals
C.F.R.	Code of Federal Regulations
CGS	Coronado Generating Station
EPA	Environmental Protection Agency
FGD	flue gas desulfurization
RCRA	Resource Conservation and Recovery Act
SRP	Salt River Project Agricultural Improvement and Power District



SSI	statistically significant increase
SSL	statistically significant level
TU	tritium units
UPL	upper prediction limit
USGS	United States Geological Survey

## **I. General Information**

### **A. Summary of this Proposed Determination**

EPA is proposing to approve the application seeking authorization to provide Alternate Liner Demonstration (ALD) for the Evaporation Pond, located at CGS in St. Johns, Apache County, Arizona. SRP submitted an application under 40 C.F.R. § 257.71(d)(1)(i) to request the opportunity to demonstrate that the Evaporation Pond meets the criteria to continue to receive CCR and non-CCR wastestreams in the surface impoundment after the federal deadline of April 11, 2021.

EPA is proposing to rescind the previous denial issued on January 15, 2025.<sup>7</sup> As discussed in more detail below, EPA is proposing that this denial decision included significant errors and failed to give sufficient weight to the data in the record supporting an alternative conclusion.

EPA is also proposing to approve the application because the weight of the available information, when considered in its totality, indicates that SRP will likely be able to demonstrate under 40 C.F.R. § 257.71(d)(1)(ii) that the standard in 40 C.F.R. § 257.71(d) has been met, and therefore that based on the construction of the unit and surrounding site conditions, that there is no

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<sup>7</sup> U.S. EPA *Final Determination: Final Denial of the CCR Part B Alternate Liner Demonstration Application, SRP Coronado Generating Station, Evaporation Pond, St. Johns, Apache County, Arizona*, [EPA-HQ-OLEM-2021-0285-0022](https://www.epa.gov/record/EPA-HQ-OLEM-2021-0285-0022).

reasonable probability that continued operation of the surface impoundment will result in adverse effects to human health or the environment.

#### B. The Agency's Authority for this Proposed Determination

This proposal is being issued pursuant to 40 C.F.R. § 257.71(d).

## II. Background

#### A. Summary of the Part B Final Rule

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On August 21, 2018, the U.S. Court of Appeals for the D.C. Circuit found that the rulemaking record did not support the conclusion that the 2015 CCR Rule would adequately address the adverse effects posed by clay-lined CCR surface impoundments. *Utility Solid Waste Activities Group v. EPA* 901 F.3d 414 (D.C. Cir. 2018) (“*USWAG*”). On that basis, the court vacated the provisions that treated clay-lined surface impoundments differently than unlined impoundments. *Id.* at 449. The result of the court's decision is that such units must either retrofit or close.

In response to this ruling, EPA received reports from industry groups and individual companies claiming that the performance of some surface impoundments that would be required to retrofit or close under this decision is equivalent or even superior to the liners required by the 2015 CCR Rule. According to these entities, these impoundments rely on engineered liner components (e.g., manufactured geomembrane, mechanically compacted soil) that deviate from the regulations and/or rely on natural low-conductivity soil beneath the unit.

EPA agreed that it is possible for individual impoundments that are not lined with a composite liner or an alternative composite liner (as those terms are defined in the CCR regulations) to still be protective of human health and the environment. As EPA subsequently explained in the rulemaking, this is possible if the effective hydraulic conductivity of the engineered liner and/or naturally occurring soil

is so low that, even if leachate migrates from the unit, the volume of leachate that can be released to the underlying aquifer over the active life of the impoundment is so small that these releases will not result in a reasonable probability of adverse effects at any point in the future. See, 85 FR 72508. Accordingly, on November 12, 2020, EPA published the final rule titled *Hazardous and Solid Waste Management System: Disposal of CCR; A Holistic Approach to Closure Part B: Alternate Demonstration for Unlined Surface Impoundments* in the Federal Register (85 FR 72506) (“Part B final rule”). This rule established procedures at §257.71(d) to allow facilities to submit to EPA an alternate liner demonstration that would provide a sufficient record to demonstrate that the continued operation of an unlined surface impoundment will pose no reasonable probability of adverse effects to human health or the environment. Specifically, the rule requires a facility to provide evidence that the hydraulic conductivity of the engineered liner and/or naturally occurring soil results in no reasonable probability that the peak groundwater concentration that may result from releases to groundwater from the CCR surface impoundment throughout its active life will exceed the groundwater protection standard at the waste boundary. See §257.71(d)(ii)(C)(2).

The rule establishes a two-step process at 40 C.F.R. § 257.71(d) to submit this evidence. The first step (40 C.F.R. § 257.71(d)(1)(i)) consists of an application intended to show whether the impoundment and the surrounding site have the characteristics that make it likely the applicant will be able to make the more extensive demonstration to support continued operation. The criteria in the application also are designed to ensure that the CCR surface impoundment can operate safely over the short term while the facility collects the data and conducts the analyses necessary to support the more comprehensive demonstration. The application step requires the facility to demonstrate that: (1) the impoundment is in full compliance with the applicable requirements in 40 C.F.R. part 257, subpart D; (2) the impoundment and the site possess characteristics and/or engineered components that meet specified criteria; and (3)

there is no evidence the unit is currently leaking or is likely to leak while the demonstration is completed, which is largely shown by demonstrating that the unit appropriately remains in detection monitoring—i.e., no constituents listed in 40 C.F.R. part 257 appendix III have been detected at a statistically significant increase (SSI) above background. EPA did not require the generation of new data or additional sampling to support the initial application; rather, all of the information required to be submitted with the initial application should have been generated as part of complying with the requirements of part 257.

The second step (40 C.F.R. § 257.71(d)(1)(ii)) consists of a final demonstration intended to show whether there is a reasonable probability that releases from the impoundment throughout its active life may result in groundwater concentrations of any constituents listed in 40 C.F.R. part 257 appendix IV, at a statistically significant level (SSL). During this stage, the facility must conduct additional sampling to fully characterize the site, as well as modeling of potential releases based on those data. The purpose of this two-step approach is to ensure that units that proceed to the demonstration stage can continue to operate safely throughout the process.

#### B. SRP's Application for an Alternate Liner Demonstration

SRP is the owner and operator of CGS. On November 25, 2020, SRP submitted an application for an ALD for the Evaporation Pond at CGS, titled “SRP Application and Notice of Intent to Submit an Alternate Liner Demonstration in Accordance with 40 CFR §257.71(d)(1)(ii)” (“application”). CGS has three regulated CCR units, including two CCR surface impoundments: the Evaporation Pond and the Ash Slurry Settling Ponds; and one CCR landfill: the Ash Landfill. The Ash Slurry Settling Ponds were certified closed with waste in place under 40 C.F.R. § 257.102(h) on June 26, 2020. The ALD application is only for the Evaporation Pond.

In its application, SRP asserted that its “Evaporation Pond is protective of human health and the environment, and thus is eligible for an alternative liner demonstration.” SRP stated that the Evaporation Pond meets all the location restrictions specified in CCR regulations and is not a source of groundwater contamination exceeding the CCR regulations’ groundwater protection standards. SRP asserts that the 200 feet to 250 feet of low-permeability clay that underlies the Evaporation Pond provides an effective seepage barrier such that continued operation of the unit poses no reasonable probability of adverse effects to human health or the environment.

The Evaporation Pond is reported to be a 330-acre surface impoundment that has been receiving wastewater and CCR since 1980. It is the final disposal area for flue gas desulfurization materials and nonrecyclable process wastewaters. SRP asserts that the Evaporation Pond does not decant to other ponds or to any water body; evaporation is the only means of water discharge from the pond. It is permitted through the Arizona Aquifer Protection Program.

### C. Summary of Denial and Subsequent Reconsideration

On January 15, 2025, EPA issued a final denial on the grounds that SRP had failed to demonstrate that the three criteria in 40 C.F.R. § 257.71(d)(1)(i)(A)-(C) had been met.<sup>8</sup> Specifically, the denial was based on the grounds that SRP’s application had not demonstrated that (1) the groundwater monitoring system at the Evaporation Pond is in compliance with all applicable requirements of §§ 257.91-95, as required in 40 C.F.R. § 257.71(d)(1)(i)(A); (2) the Evaporation Pond is appropriately in detection monitoring, as required by 40 C.F.R. § 257.71(d)(1)(i)(B); and (3) the soil conditions at the Evaporation Pond effectively result in a liner that is of good quality and in line with proven and accepted engineering practices, as required by 40 C.F.R. § 257.71(d)(1)(i)(C).

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<sup>8</sup> U.S. EPA *Final Determination: Final Denial of the CCR Part B Alternate Liner Demonstration Application, SRP Coronado Generating Station, Evaporation Pond, St. Johns, Apache County, Arizona*, [EPA-HQ-OLEM-2021-0285-0022](https://www.epa.gov/record/EPA-HQ-OLEM-2021-0285-0022).

On April 25, 2025, SRP requested a rescission of EPA’s January 15, 2025 denial to provide SRP an opportunity to address and resolve any concerns on SRP’s Part B application.<sup>9</sup> This request was followed on June 17, 2025 by a transmittal of supplemental data and information regarding the geologic and hydrogeologic conditions of the Evaporation Pond.<sup>10</sup> On September 10, 2025, EPA responded to SRP’s request for a rescission indicating that, upon further review of the application

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and additional information, the Agency intended to initiate such a rescission.<sup>11</sup> On November 7, 2025, EPA received additional technical information from SRP regarding the geologic and hydrogeologic site conditions at the Evaporation Pond.<sup>12</sup>

As part of the consideration of SRP’s rescission request, EPA conducted a supplemental technical review of the available information.<sup>13</sup> After consideration of the results of this review and the totality of the available information, EPA proposes to conclude that SRP’s existing groundwater monitoring well network is appropriately designed and installed and meets all the requirements of 40 C.F.R. § 257.91. Based on the construction of the unit and surrounding site conditions, EPA proposes to find that there is no reasonable probability that continued operation of the surface impoundment will result in adverse effects to human health or the environment.

### **III. Basis for EPA’s Proposed Decision**

To reach today’s proposed decision, EPA evaluated SRP’s application using the process and regulatory standards discussed in 40 C.F.R. § 257.71(d) and the Part B final rule preamble, and

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<sup>9</sup> Letter from Bobby Olsen, Associate General Manager & Chief Power System Executive to Steven Cook, Deputy Assistant Administrator, Office of Land and Emergency Management, U.S. Environmental Protection Agency, April 25, 2026

<sup>10</sup> *Supplemental Data and Information Geologic and Hydrogeologic Conditions at the Existing Evaporation Pond, Coronado Generating Station, St. Johns, Arizona*. Memo from Adam Kneeling, R.G. Senior Geologist and Mark Nicholls, R.G. Principal Hydrogeologist, Haley & Aldrich, Inc., Andy Crossland, Director of Materials Recovery and Waste Management Division, U.S. EPA. June 17, 2025.

other information in the record for today's action, including information submitted by SRP related to its request that EPA rescind the January 15, 2025, denial.

## A. Basis for Proposed Rescission of Denial

### *1. Overview of the Denial*

When EPA issued the final denial of SRP's ALD, the Agency stated that SRP had failed to demonstrate that any of the three criteria in 40 C.F.R. § 257.71(d)(1)(i)(A)-(C) had been met. In

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<sup>11</sup> Letter from Steven Cook, Principal Deputy Assistant Administrator, Office of Land and Emergency Management, U.S. Environmental Protection Agency to Bobby Olsen, Salt River Project, September 10, 2025.

<sup>12</sup> Letter from Bobby Olsen, Associate General Manager & Chief Power System Executive to Steven Cook, Deputy Assistant Administrator, Office of Land and Emergency Management, U.S. Environmental Protection Agency, November 7, 2025.

<sup>13</sup> U.S. EPA, *Review of Geologic, Geochemical, and Hydrologic Information Summaries Prepared for the Coronado Generating Station Evaporation Pond (St. Johns, Arizona)*. Memo from Rick Wilkin, Ph.D., Senior Groundwater Scientist, Office of Research and Development to Jessica Young, Acting Director of the Waste Identification, Notice, and Generators Division, February 2026

making this finding, EPA identified perceived deficiencies with the groundwater monitoring network and liner characteristics, which are summarized below. Following each summary is an explanation of the errors in EPA's prior determinations and the factual basis for its current proposal that the weight of the available evidence supports a conclusion that SRP has met the requirements of 40 C.F.R. § 257.71(d)(1)(i).

EPA's decision to reconsider and then propose to rescind the January 15, 2025, denial is based on the totality of available information for the Evaporation Pond. In doing so, EPA finds that in conducting its evaluation, the January 15, 2025, denial gave too much weight to uncertainties in the data that are inherent in any risk-based decision making.

Specifically, EPA finds that the previously identified potential deficiencies regarding the groundwater monitoring system failed to consider significant information related to the construction of the unit and surrounding site conditions and therefore the conclusions were made in error. These

perceived deficiencies of the groundwater monitoring system, as described in more detail in the January 15, 2025 final denial, include (1) location of the wells at least 50 to 100 feet from the waste boundary, (2) SRP's installation of well screens as long as 80 ft, potentially resulting in unrepresentative groundwater samples, and (3) the adequacy of SRP's groundwater monitoring system in characterizing of groundwater flow direction and identifying the extent of the uppermost aquifer across this site. After reviewing the supplemental technical review, and considering all available information, EPA has found evidence that the conclusions drawn were made in error.

#### *Placement of Monitoring Wells*

In its comments on EPA's proposed denial, SRP explained that the placement of wells at 50 to 100 feet was in accordance with EPA's groundwater monitoring guidance, taking into consideration safety and access issues, and surface water/flooding considerations.<sup>11</sup> In response, EPA stated in the denial that "SRP provides no explanation of why the placement of monitoring wells in this location meets the requirement to install the downgradient monitoring wells 'at the waste boundary.'" <sup>12</sup>

However, the relevant requirement is not just installation of wells "at the waste boundary", and it is incorrect to state that SRP provided "no explanation" of why this requirement was met. The full text of 40 C.F.R. § 257.91(a)(2) requires that the monitoring wells "[a]ccurately represent the quality of groundwater passing the waste boundary of the CCR unit. The downgradient monitoring system must be installed at the waste boundary *that ensures detection of groundwater*

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<sup>11</sup> Comment submitted by Salt River Project Agricultural Improvement District (SRP) on *EPA's Proposed Decision to Deny SRP's Application to Submit an Alternate Liner Demonstration (EPA-HQ-OLEM-2021-0285)*, April 10, 2023. Pages 29-33 [Document \(EPA-HQ-OLEM-2021-0285-0020\)](#)

<sup>12</sup> EPA 2025. *Final Determination: Final Denial of the CCR Part B Alternate Liner Demonstration Application, SRP Coronado Generating Station, Evaporation Pond, St. Johns, Apache County, Arizona*. Page 27. [Document \(EPA-HQ-OLEM2021-0285-0022\)](#)



*contamination in the uppermost aquifer.* All potential contaminant pathways must be monitored.” (emphasis added) In the denial, EPA pulled the language “at the waste boundary” out of its larger regulatory context of needing to “ensure detection of groundwater contamination in the uppermost aquifer.” However, the language of the regulation must allow consideration of the potential for flooding of the monitoring wells, or the standard of “ensuring detection of groundwater contamination in the uppermost aquifer” becomes meaningless. Moreover, 40 C.F.R. § 257.91(b) states that the “number, spacing, and depths of monitoring systems shall be determined based upon site-specific technical information.” In its application and subsequent public comments SRP did in fact explain how its decision regarding placement of the monitoring wells was based on site-specific technical information, namely the need to avoid inundation of the monitoring wells based on the local conditions.

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In the response to comments document, EPA tacitly acknowledges that potential for flooding may be a factor for determining compliance with monitoring well placement requirements by challenging the technical basis for SRPs determination, stating that “SRP has provided no evidence to support the claim that installation of wells closer to where waste has been placed would inevitably result in ‘flooding and destruction of the monitoring wells and contamination of the uppermost aquifer being monitored.’”<sup>13</sup>

However, this is a mischaracterization of SRPs comments, which did not claim that flooding is “inevitable.” Moreover, if EPA were to require that flooding of wells be *inevitable* before allowing its consideration in meeting the regulatory requirements regarding well placement, that

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<sup>13</sup> EPA 2025. *Response to Comments Volume I: Final Denial of the CCR Part B Alternate Liner Demonstration Application, SRP Coronado Generating Station, Evaporation Pond, St. Johns, Apache County, Arizona.* page 11 [EPA-HQ-OLEM-20210285-0061](#)

would be an unreasonable and unsafe standard. The quote about “flooding and destruction” appears to come from Exhibit D attached to SRP comments, which is the declaration from the certified hydrogeologist who directed the site characterization. The hydrogeologist’s full statement follows:

“To prevent inundation and loss of monitoring wells, the wells were sited outside of the topographic contour equal to the elevation of the spillway. This elevation was chosen because areas lower than this elevation would be inundated by pond water if severe storm events or other conditions were to raise the water level in the pond to the spillway elevation. Such an event would result in flooding and destruction of the monitoring wells and contamination of the uppermost aquifer being monitored. For this reason, it is not advisable or customary to locate monitoring wells in areas where they may be inundated. Areas above the spillway elevation are protected from flooding by the Evaporation Pond.”<sup>14</sup>

In other words, the possible “flooding and destruction” could occur if a severe storm or other flooding event were to raise the water level of the pond to the spillway elevation, which is a

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reasonable concern despite its lack of inevitability.

EPA goes on in its response to comments to note that “SRP separately acknowledges in its comments that wells were constructed with an ‘annular seal to prevent a vertical connection between the surface and the groundwater.’ SRP also references the length of time these wells may be in service as another factor for consideration, but does not further elaborate on this point. However, the age of monitoring system age [sic] has no bearing on whether the wells are located at the waste boundary; the regulations provide no exemption for older wells.”

However, once again, SRP’s full comments on this issue provide an important context that was not captured in EPA’s response:

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<sup>14</sup> Comment submitted by Salt River Project Agricultural Improvement District (SRP) on *EPA’s Proposed Decision to Deny SRP’s Application to Submit an Alternate Liner Demonstration (EPA-HQ-OLEM-2021-0285)*, Exhibit D Declaration of Mark Nicholls, April 10, 2023, paragraph 20. [Document \(EPA-HQ-OLEM-2021-0285-0020\)](#)

“While each of the wells are indeed constructed with an annular seal to prevent a vertical connection between the surface and the groundwater, and a cap is placed at the top of the well casing itself, the monitoring well system is designed to be used for long-term monitoring (on the order of 30 years or more). It is important to place the well in an area that prevents potential surface water contamination over the operational lifespan of the monitoring well.”<sup>15</sup>

A careful review of this SRP comment regarding the annular seal indicates that, while such a seal would help prevent a vertical connection between the surface and groundwater under general circumstances, it would not be expected to remove the potential for flooding of wells that are located below the spillway elevation in the event of severe storm events that may occur over the full operational lifespan of the unit, which may be thirty years or more.

Finally, in its denial, EPA also appears to question whether a severe storm could ever occur at all, stating that “SRP does not specify the magnitude of the storm that would be necessary to cause this type of discharge, but makes clear that no discharge to this spillway has actually occurred

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since the Evaporation Pond began operation in 1980.”<sup>16</sup> However, the fact that such an event has not occurred since the pond began operating, does not mean it could never occur, and EPA provided no evidence that such a storm event is not a possibility that merits consideration when determining compliance with the monitoring well placement regulations at this site.

After reviewing SRP’s comments regarding well placement and the concerns about well flooding if the wells were located closer to the unit boundary in their full context, EPA proposes to

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<sup>15</sup> Ibid. page 32.

<sup>16</sup> EPA 2025. *Final Determination: Final Denial of the CCR Part B Alternate Liner Demonstration Application, SRP Coronado Generating Station, Evaporation Pond, St. Johns, Apache County, Arizona*. Page 26. [Document \(EPA-HQ-OLEM2021-0285-0022\)](#)

find that the Agency's failure to take potential flooding into account when determining whether the requirements of 40 CFR 257.91(a)(2) were met was a significant error. The proposed conclusion is further supported by the supplemental technical analysis, which observes that based on the flow velocity of the uppermost aquifer and the quarterly monitoring schedule for the compliance wells, the location of the downgradient wells is reasonable from a technical standpoint.<sup>17</sup>

#### *Installation of well screens*

In the denial, EPA opposed SRP's use of 80-foot well screens, stating among other things that the use of longer well screens is neither a necessary nor effective method to compensate for the uncertainties created by the drilling method and that there are a number of widely available methods that can characterize undisturbed downhole lithology at a more refined resolution than with traditional field classification methods or laboratory measurement of index properties. While EPA agreed in the denial that longer screens may be appropriate under certain circumstances, such as where the top of the saturated interval fluctuates more than the standard screen length can, but then stated that consideration is not relevant for a confined aquifer, such as the one targeted for monitoring below the Evaporation Pond. EPA stated that with well screens as long as 80 feet and a monitored aquifer with a reported thickness of only about 30 feet thick, the majority of some well screens would fall entirely outside the saturated interval. EPA further stated that even when groundwater samples are collected at appropriate depths from within an aquifer, long well screens can inaccurately characterize groundwater quality, allowing waters from elsewhere in the formation to mix with and dilute contamination entering the well screen, delaying or entirely preventing

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<sup>17</sup> U.S. EPA Review of Geologic, Geochemical, and Hydrologic Information Summaries Prepared for the Coronado Generating Station Evaporation Pond (St. Johns, Arizona). Memo from Rick Wilkin, Ph.D., Senior Groundwater Scientist, Office of Research and Development to Jessica Young, Acting Director of the Waste Identification, Notice, and Generators Division, February 2026 page 7

identification of a potential release. Finally, EPA stated that in addition to inaccurate characterization of groundwater quality, a long well screen can also result in incorrect characterization of the broader potentiometric surface across the facility.

However, the supplemental technical analysis found that the longer screen lengths would help ensure that the relatively thin water-bearing strata (approx. 10 to 20 feet thick) were open to the wellbore and not sealed off during well installation, particularly due to the difficulty in identifying water-bearing intervals during drilling. In addition, in monitoring wells that have screened intervals within the unsaturated zone, soil gas penetration can impact redox conditions or the carbon dioxide partial pressure above the water column in sealed wells and thereby affect groundwater quality data, but there is no expectation that these factors impacted the groundwater monitoring wells at the Coronado site. The supplemental technical analysis found that the screened intervals within unsaturated or dry horizons provide no plausible source for dilution.<sup>18</sup>

Thus, EPA proposes to find that, while other methods may be available, the longer screen length is appropriate for meeting the performance standard in 40 C.F.R. § 257.91(a) and EPA's use of these considerations as one of the bases for the denial was in error.

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*Adequacy of the groundwater monitoring system*

In its denial, EPA found that the existing network of groundwater monitoring wells for the Evaporation Pond was not sufficient to ensure detection of any groundwater contamination resulting from the impoundment. The denial raises a number of technical issues, including the number and

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<sup>18</sup> U.S. EPA Review of Geologic, Geochemical, and Hydrologic Information Summaries Prepared for the Coronado Generating Station Evaporation Pond (St. Johns, Arizona). Memo from Rick Wilkin, Ph.D., Senior Groundwater Scientist, Office of Research and Development to Jessica Young, Acting Director of the Waste Identification, Notice, and Generators Division, February 2026 page 7

spacing of groundwater monitoring wells, uncertainty regarding SRP's characterization of the hydrogeology beneath the pond, the potential for discontinuities within the clay to occur at the site, uncertainty about the direction of groundwater flow, the potential for localized preferential pathways, and uncertainty regarding the characterization of the uppermost aquifer.<sup>19</sup>

EPA acknowledges that, as with all risk-based decisions, there are uncertainties inherent in SRP's decisions regarding the development of the groundwater monitoring network for the Evaporation Pond. However, EPA's decision to deny the application based on these uncertainties failed to properly take into account the totality of the available information, including, as noted earlier, a failure to give sufficient weight to the declaration by the certified hydrogeologist who directed the site characterization. After considering the weight of evidence available for the Evaporation Pond, EPA proposes to find that SRP's network of groundwater monitoring wells is sufficient to ensure detection of any groundwater contamination resulting from the impoundment, based on direction of flow, well location, screening depth and other relevant factors.

This conclusion is further supported by the supplemental technical analysis which found that, based on the geochemical data provided to the EPA, including stable and radiogenic isotopes, the Evaporation Pond water has not significantly impacted or mixed with groundwater in the uppermost aquifer of the Chinle Formation. Upgradient and compliance monitoring wells are able

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to depict consistent water level elevations and a potentiometric surface suggesting that groundwater flow in the uppermost aquifer moves in a southeasterly or easterly direction.<sup>20</sup> Water quality results

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<sup>19</sup> EPA 2025. *Final Determination: Final Denial of the CCR Part B Alternate Liner Demonstration Application, SRP Coronado Generating Station, Evaporation Pond, St. Johns, Apache County, Arizona*. Pages 36-51. [Document \(EPA-HQOLEM-2021-0285-0022\)](#)

<sup>20</sup> U.S. EPA Review of Geologic, Geochemical, and Hydrologic Information Summaries Prepared for the Coronado

for groundwater samples show coherent trends and the geochemical environment is consistent throughout the monitored zone of the Chinle Formation, implying that any observed differences in solute concentrations are likely due to natural variations or geological facies changes rather than impacts from the CCR unit.<sup>24</sup> Groundwater quality data collected between 2016 and 2024 show that no persistent statistically significant increases of constituents used for detection monitoring have occurred in monitoring wells below and adjacent to the Evaporation Pond, which suggests that groundwater within the uppermost aquifer remains unimpacted by the Evaporation Pond or by dilution of fresh recharge of meteoric water.<sup>25</sup>

In conclusion, after consideration of all of the available, scientifically relevant information, and based on the weight of evidence available for the Evaporation Pond, EPA finds that SRP's existing groundwater monitoring well network is appropriately designed and installed, and that the previous determination that this network did not satisfy the requirements of 40 C.F.R. § 257.71(d)(1)(i)(A)-(B) was made in error.

#### *Suitability of Liner Material*

In the denial, EPA found that the clay liner for the Evaporation Pond did not meet the requirements of 40 C.F.R. § 257.71(d)(1)(i)(C), stating that the identification of water in the alluvium<sup>21</sup> surrounding the Evaporation Pond could provide a direct hydraulic connection between

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the Evaporation Pond and any deeper contaminant pathways. As noted in the supplemental technical report, EPA acknowledges that there are uncertainties associated with the mapped units of higher

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*Generating Station Evaporation Pond (St. Johns, Arizona)*. Memo from Rick Wilkin, Ph.D., Senior Groundwater Scientist, Office of Research and Development to Jessica Young, Acting Director of the Waste Identification, Notice, and Generators Division, February 2026 page 10. <sup>24</sup> Ibid. page 3. <sup>25</sup> Ibid. page 5

<sup>21</sup> Alluvium is a general term for loose, unconsolidated soil or sediment that has been eroded, transported, and subsequently deposited by flowing water.

conductivity alluvium around the perimeter of the Evaporation Pond, the pond itself is constructed on the Chinle Formation, a thick sequence of naturally occurring clay that is a barrier to downward water migration. The clay formation is between 181.5 and 291 feet thick, with no observable fractures, faults, travertine deposits, or fluvial deposits exist at ground surface in the Chinle Formation that might act as preferential flow pathways.<sup>22</sup> In conclusion, after consideration of all of the available, scientifically relevant information, and based on the weight of evidence available for the Evaporation Pond, EPA finds that SRP's existing liner is of good quality and inline with proven and accepted engineering practices, and that the previous determination that this liner did not satisfy the requirements of 40 C.F.R. § 257.71(d)(1)(i)(C) was made in error.

Based on these findings and in consideration of the totality of the available information regarding this unit, EPA is proposing to rescind the previous denial.

## 2. Basis for Proposed Approval

EPA is also proposing to grant SRP's application request to proceed to an alternate liner demonstration based on a determination that SRP has met the requirements of 40 C.F.R. § 257.71(d)(1)(i) and has demonstrated that, based on the construction of the unit and surrounding site conditions, there is no reasonable probability that continued operation of the surface impoundment will result in adverse effects to human health or the environment during the demonstration phase.

Section 257.71(d)(1)(i) requires the owner or operator of a CCR surface impoundment to have submitted an application letter to the Administrator or the Participating State Director before

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<sup>22</sup> U.S. EPA Review of Geologic, Geochemical, and Hydrologic Information Summaries Prepared for the Coronado Generating Station Evaporation Pond (St. Johns, Arizona). Memo from Rick Wilkin, Ph.D., Senior Groundwater Scientist, Office of Research and Development to Jessica Young, Acting Director of the Waste Identification, Notice, and Generators Division, February 2026 page 9



November 30, 2020, announcing their intention to submit a demonstration under 40 C.F.R. § 257.71(d)(1)(ii). On November 25, 2020, SRP submitted an application to EPA pursuant to 40 C.F.R. § 257.71(d)(2)(i). The application included the location of the facility in St. Johns, Apache County, Arizona. It also identified the specific CCR surface impoundment for which the demonstration would be made, which is the Evaporation Pond. As noted in the denial, EPA determined that SRP's application was timely and included the necessary components to make the completeness and eligibility determination. That determination remains applicable for this proposed approval.

As part of the application, the owner or operator must provide a signed certification that the CCR unit is in full compliance with 40 C.F.R. part 257, subpart D, except for 40 C.F.R. § 257.71(a)(1). *See* 40 C.F.R. § 257.71(d)(1)(i)(A). As noted in the denial, SRP submitted a signed certification that the Evaporation Pond is in full compliance with the CCR regulations at 40 C.F.R. part 257, subpart D, except for 40 C.F.R. § 257.71(a)(1). EPA determined that SRP's certification satisfied the requirement to submit a certification of compliance. That determination remains applicable for this proposed approval.

To be eligible to submit an ALD, an applicant must demonstrate that both the design of the groundwater monitoring system, and the placement of monitoring wells around the unit comply with 40 C.F.R. § 257.91. In addition, the applicant must demonstrate that the CCR surface impoundment remains in detection monitoring pursuant to 40 C.F.R. § 257.91. *See* 40 C.F.R. § 257.71(d)(1)(i)(B)(1) and (2). As discussed in Unit III.A of this proposed determination, EPA proposes to find that SRP's existing groundwater monitoring well network is appropriately designed and installed, and that the monitoring data indicate no evidence of seepage from the Evaporation Pond, meeting the requirements of 40 C.F.R. § 257.71(d)(1)(i)(B)(1) and (2).

40 C.F.R. § 257.71(d)(1)(i)(B)(3) requires an applicant to submit documentation that the unit meets all of the location restrictions under 40 C.F.R. §§ 257.60 through 257.64. Location restrictions were established to ensure that units are constructed in suitable geographic areas. Prohibited locations reflect areas where local conditions have the potential to compromise the integrity of the unit or where, if contamination were to occur, the damages could be particularly severe or difficult to remediate. As noted in the denial, EPA determined that the Evaporation Pond meets all the location restrictions under 40 C.F.R. §§ 257.60 through 257.64. That determination remains applicable for this proposed approval.

The regulations at 40 C.F.R. § 257.71(d)(1)(i)(B)(4) require an applicant to provide the most recent structural stability assessment, conducted pursuant to 40 C.F.R. § 257.73(d). Similarly, 40 C.F.R. § 257.71(d)(1)(i)(B)(5) requires the most recent safety factor assessment, pursuant to 40 C.F.R. § 257.73(e). Finally, 40 C.F.R. § 257.73(b) provides that only those impoundments with a height of five feet or more and a storage volume of 20 acre-feet or more, or those impoundments with a height of 20 feet or more, are subject to these assessment requirements. The Evaporation Pond is subject to the requirements to comply with 40 C.F.R. § 257.73(d)–(f) due to the dike height and impoundment storage volume. As noted in the denial, the Agency determined that SRP has demonstrated that the Evaporation Pond meets the structural stability and safety factor assessment requirements. That determination remains applicable for this proposed approval.

The regulations at 257.71(d)(1)(i)(C) require documentation of the design specifications for any engineered liner components, as well as all data and analyses the owner or operator of the CCR surface impoundment relied on when determining that the materials are suitable for use and that the construction of the liner is of good quality and in-line with proven and accepted engineering

practices. As discussed in Unit III.A of this proposed determination, EPA proposes to find that SRP's existing liner is of good quality and in-line with proven and accepted engineering practices.

The regulations at 40 C.F.R. § 257.71(d)(1)(i)(D) require that facilities with CCR surface impoundments located on properties adjacent to a water body must demonstrate that there is no reasonable probability that a complete and direct transport pathway (i.e., not mediated by groundwater) can exist between the impoundment and any nearby water body. If the potential for such a pathway is identified, then the unit would not be eligible to submit a demonstration. If ongoing releases are identified, the owner or operator of the CCR unit must address these releases in accordance with § 257.96(a). As noted in the denial, the application states that the Evaporation Pond is in an arid region of the country with no surface water bodies located in close proximity. The closest permanent water body identified is 3 miles cross-gradient of the impoundment, and on the opposite side of a topographic divide. Although unnamed washes are present closer to the surface impoundment, there has been no evidence of seepage to the ground surface, and flow is only observed following precipitation events. Based on the review of site conditions, it is unlikely that lateral transport could be sustained for over a distance of 3 miles. Therefore, EPA determined that the Evaporation Pond satisfies the requirements of 40 C.F.R. § 257.71(d)(1)(i)(D). That determination remains applicable for this proposed approval.

### **3. Conclusion**

In conclusion, EPA is proposing to grant SRP's application for an ALD for the Evaporation Pond located at the CGS in St. Johns, Apache County, Arizona. EPA is proposing to grant SRP's application based on its proposed determination that SRP has demonstrated that the Evaporation Pond is in compliance with all the requirements of 40 C.F.R. § 257.71(d)(1)(i).

#### **4. Effective Date of an Approval**

EPA is proposing that the effective date for EPA's final decision in response to SRP's application will be the date that the final decision is signed. If the application is approved, the deadline for the facility to cease receipt of waste into the CCR surface impoundment would be tolled per the provisions found at 40 C.F.R. § 257.71(d)(2)(iii)(D).

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John W. Busterud  
Assistant Administrator  
Office of Land and Emergency Management