



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

January 11, 2022

OFFICE OF
LAND AND EMERGENCY
MANAGEMENT

Mr. David Bacher
NRG Energy
Powerton Generating Station
29416 Power Plant Rd
Dagsboro, DE 19939

Dear Mr. Bacher:

On November 30, 2020, the Environmental Protection Agency (EPA) received a demonstration from Powerton Generating Station requesting authorization to continue using Ash Surge Basin for its Coal Combustion Residual (CCR) and non-CCR wastestreams until August 11, 2023, pursuant to the alternative closure provision 40 C.F.R. § 257.103(f)(1). EPA reviewed your demonstration to determine whether it included the required information, analyses and documentation specified under 40 C.F.R. § 257.103(f)(1), 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. 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 CCR unit(s) 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.

Sincerely,

A handwritten signature in black ink, appearing to read "Barry N. Breen", written over a light blue rectangular background.

Barry N. Breen
Acting Assistant Administrator