



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

January 11, 2022

OFFICE OF  
LAND AND EMERGENCY  
MANAGEMENT

Mr. J. Michael Brown  
Ohio Valley Electric Corporation  
Kyger Creek Power Station  
3932 U.S. Route 23  
Piketon, Ohio 45661

Dear Mr. Brown:

On November 30, 2020, the Environmental Protection Agency (EPA) received a demonstration from Kyger Creek Power Station requesting authorization to continue using South Fly Ash Pond and Boiler Slag Pond until September 22, 2023, and October 17, 2022, respectively, 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](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 gray rectangular background.

Barry N. Breen  
Acting Assistant Administrator