Tombstone Resources Application: Flaws and Questions

Oct 31, 2026

A review of the 54-page Special Use Authorization application Tombstone Resources L.L.C. filed with Cochise County on October 30, 2026.

Top findings

The application asks the County to approve all 6,000 megawatts at once, yet the key studies on noise, traffic, wildlife and drainage are promised only after approval, and the power companies confirm only that the first phase is feasible.

1. **The noise study comes after approval.** The applicant offers no decibel figures and will "confirm it with a noise study at building permit," designing to a level "consistent with the surrounding rural industrial area." The land is zoned Rural, not industrial (application p. 10, Q18; Operations Narrative §7).
2. **The wildlife study comes after approval too.** A biological assessment will be done "before ground disturbance," not before the hearing. The concept plan puts buildings and a detention basin against the edge of the Willcox Playa (pp. 22, 29).
3. **Only Phase 1 is shown to be feasible.** AEPCO says later phases "are expected to require additional generation and transmission facilities," and SSVEC says its letter is not a guarantee and member benefits "are not guaranteed" (pp. 51–54).
4. **Thousands of large batteries, with no fire district.** The AEPCO property alone shows 2,520 battery units in 10 yards, labeled "Megapacks" on the plan. The fire plan for a battery fire is to "let an involved unit burn out," and no fire department agreement is in place (pp. 22, 36, 45).
5. **Round-the-clock construction for years.** The applicant asks for 24-hour construction with lighting for each one- to two-year phase, with phases overlapping, and up to about 5,500 workers at peak (pp. 45–46).
6. **The notice neighbors received left most of this out.** It said nothing about 6,000 megawatts, buildings a third of a mile long, 5,500 workers, 24-hour construction or the battery yards (next section).

7. **A required owner authorization is missing.** Only AEPCO's signed authorization and Proposition 207 waiver are included. Southline Transmission's, for 348 of the 747 acres, is not (pp. 3, 13).

What the neighbor notice left out

The October 17 notice mailed to neighbors is the County's citizen review step. Compared with the application filed 13 days later, it understated the project on nearly every point.

Topic	October 17 notice	October 30 application
Power	Not stated	About 6,000 MW in four phases; Phase 1 about 1,500 MW
Building size	Nine buildings, about 39 ft tall	Nine buildings, each about 1,900 by 260 ft (493,000 sq ft), 4.4 million sq ft total
Land	57 parcels on "two contiguous properties"	31 parcels, about 747 acres, owned by AEPCO and Southline Transmission; more land to the north may be added later
Construction	First phase about one year; "may include some night work"	Each phase one to two years, overlapping; 24-hour construction and lighting requested
Workers	Construction crews, then "a smaller number of workers"	About 5,500 at construction peak; about 1,000 permanent at full build-out, including contractors
Traffic	Construction trucks, then fewer vehicles	Peak of about 80 buses, 1,000 to 1,300 cars and 150 to 250 trucks a day on U.S. 191; 600 to 700 vehicles a day in operation
Fuel on site	"No fuel is stored on the site"	A temporary compressed or liquefied natural gas supply may serve the generators until a pipeline arrives

Topic	October 17 notice	October 30 application
Batteries	"Battery energy storage" yards	2,520 battery units on the AEPCO property alone; no fixed fire suppression
Site coverage	Not stated	42 to 43% of the land covered, against a 25% Rural limit; 50% requested
Water	"A few acre-feet a year"	7 to 10 acre-feet a year, plus a possible 4 acre-feet of reserve spray, plus construction water not quantified

Sources: the notice letter; application pp. 1–3, 7–10, 16, 25–28, 31–32, 44–45.

Ask the County: **because the notice understated the project's size, power, construction schedule and workforce, should the citizen review be repeated with an accurate notice before any hearing?**

Flaws and questions by topic

Page numbers refer to the 54-page application PDF.

Water

The application claims 7 to 10 acre-feet a year at full build-out, mostly drinking and restroom water for staff (pp. 31–33). The dry-cooling design does use little water on site. The gaps are in what is left out.

- **Construction water is not counted.** Several hundred acres will be graded over multiple years, with concrete for 4.4 million square feet of buildings and dust control around the clock, but construction water "is counted with each phase" and no figure is given (pp. 11, 32).
- **"No well" is qualified.** The application repeatedly says no new production well "for cooling," while domestic water comes from "a small on-site potable system or trucked potable water" (pp. 6, 9, 32).
- **The non-potable water comes from Apache Station's evaporation ponds.** The plan is to intercept wastewater "that would otherwise go to its evaporation ponds," which receive about 700 acre-feet a year. That water is pumped from the same basin under

the station's rights (pp. 31–33). Arizona Game and Fish lists Apache Station as a sandhill crane roost.

- **A spray system may be kept after all.** The base design has no evaporative spray, but the applicant may keep "a small spray capability in reserve," about 4 acre-feet a year, and the Operations Narrative refers to "weather-sensitive systems such as dry-cooler spray" (pp. 26, 32).
- **The water used to make the power is not addressed.** AEPCO says later phases will need new generation (p. 53). If that is gas-fired power cooled with water, it could use far more water than the campus itself.

Questions:

1. How much water will construction use, per phase and in total, and from what source?
2. Will any well be drilled on either property, including an exempt domestic well?
3. Where does the trucked water come from?
4. Do the Apache Station evaporation ponds provide crane roosting habitat? What happens to the roost if wastewater is diverted?
5. Will the reserve spray system be installed? If so, cap it as a permit condition.
6. Where will the power for later phases be generated, and how much water will that generation use?

Noise

The application gives no decibel levels and no noise study. It promises to design to a property-line level "consistent with the surrounding rural industrial area" and to confirm it with a noise study at building permit, after the Commission has voted (p. 10; Operations Narrative §7, p. 27).

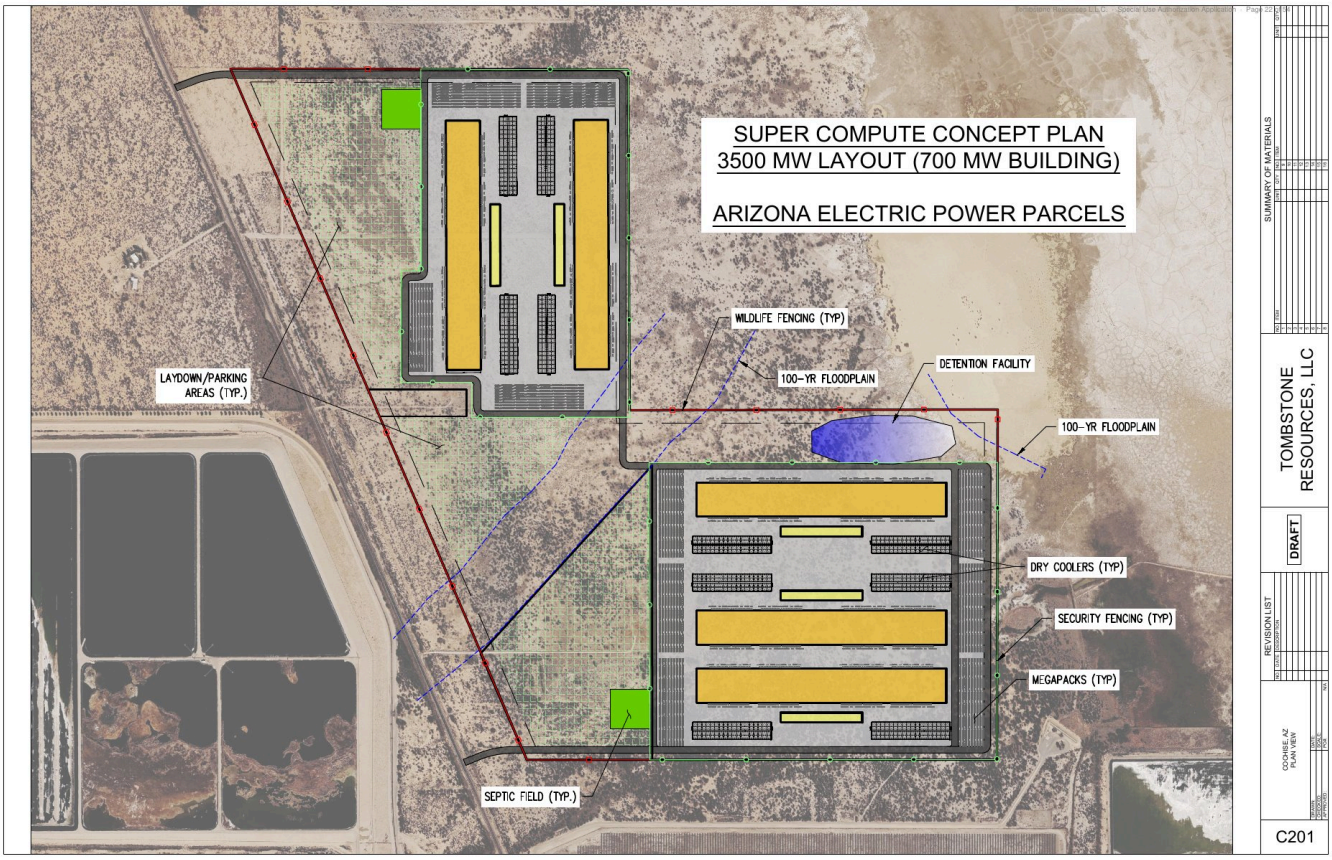
- **The site is zoned Rural.** Calling it a "rural industrial area" sets the standard by the power plant, not by the homes 150 to 300 feet away.
- **The machines run all day and night.** The computing load is continuous, 24 hours a day, every day (pp. 8, 26). Fans slow at night but do not stop.
- **Construction noise is not addressed.** It would run around the clock for years.
- **The comparison is beside the point.** The application compares its coolers with Apache Station's cooling towers near the highway. About 19 acres of 38-foot cooler banks on the AEPCO property alone (p. 44) are a new and much larger source.

Questions:

1. Section 2.51.240.3.d lets the County require a noise impact analysis. Will the County request one now, before the hearing, instead of accepting a study at building permit?
2. What property-line limit, in decibels, day and night, will be a binding condition?
3. Will existing night sound levels be measured at nearby homes and at the crane roost first?
4. Will low-frequency sound be measured and limited?
5. What are the noise limits for 24-hour construction?

Wildlife and the Willcox Playa

The concept plan places the AEPCO site's buildings, battery yards and detention basin directly against the edge of the Willcox Playa, with part of the site in the 100-year floodplain. Apache Station's ponds lie just west, and Arizona Game and Fish lists Apache Station as a crane roost.



- **The biological assessment comes after approval.** It is to be completed "before ground disturbance" (pp. 2, 29). Agency recommendations will only "be considered."
- **Monitoring is left to a later private agreement.** Operational monitoring is "as provided in the Development Agreement" (p. 29).

- **The design measures help, but miss the main risks.** Shielded lighting, no ponds and wildlife-friendly fencing are good. But 24-hour construction lighting for years, continuous noise, and possible changes to the ponds are not assessed.

Questions:

1. Will the County require the biological assessment, reviewed by Arizona Game and Fish, before the hearing?
2. How close is the nearest building, battery yard and cooler bank to the crane roost and the playa's edge?
3. Will construction near the roost be barred from mid-September to mid-March?
4. Why is a detention basin placed in the floodplain at the edge of a protected playa?

Fire and batteries

The site is outside any fire district. The plan shows battery yards labeled "Megapacks" at every building: 2,520 battery units in 10 yards on the AEPCO property alone (pp. 22, 45). The Southline plan shows the same pattern for four more buildings (p. 23).

- **The battery fire plan is to let it burn.** No fixed suppression is proposed on the containers; the response is "to let an involved unit burn out under controlled conditions while protecting exposures with hydrant water" (p. 36).
- **No fire department has agreed to respond.** An agreement with Sunsites-Pearce Fire District "will be sought," with an estimated 10 to 15 minute response (pp. 6, 35). Otherwise the applicant relies on its own trained staff.
- **Smoke is not addressed.** Nothing covers smoke or toxic gases from a battery fire drifting toward homes, Highway 191 or the playa.
- **Gas will be stored on site after all.** A temporary compressed or liquefied natural gas supply may run the generators until a pipeline arrives (pp. 25, 36), although the notice said no fuel would be stored.
- **The project name includes battery storage.** The signed AEPCO authorization calls it "191 Data Center and BESS" (p. 13), meaning battery energy storage system. The County's data center definition excludes batteries used primarily for grid export (p. 16).

Questions:

1. What is the total battery storage capacity, in megawatt-hours, for each property and in total?
2. Will the batteries ever export power to the grid or sell grid services? If so, isn't that a separate use needing its own review?

3. Has Sunsites-Pearce Fire District agreed, and does it have the staff and equipment for a battery fire of this size?
4. What is the plan for smoke and toxic gases from a battery fire, including warning and evacuating neighbors?
5. How long could a temporary gas supply stay on site, and in what quantity?

Power and who pays

- **Only Phase 1 is confirmed.** AEPCO's preliminary studies show Phase 1 can be served with network upgrades; later phases "are expected to require additional generation and transmission facilities" (p. 53). Yet the application asks for approval of all 6,000 MW now.
- **The benefits are promises.** SSVEC says its letter is not a guarantee of service, and member benefits "are not guaranteed" (p. 52). The agreement is still being negotiated and needs Arizona Corporation Commission approval (Docket E-01773A-26-0123).
- **AEPCO is on every side of the deal.** It is selling about 400 acres to the applicant under a contract signed September 3, 2026 (p. 20), signed the owner authorization (p. 13), will supply the power, and wrote a letter supporting approval (p. 54).
- **New generation and transmission are left out.** Off-site transmission, the 345 kV connection and any new power plants are "not part of this request" (pp. 7, 48–49). Their impacts are not considered.

Questions:

1. Should the County approve only what has been shown feasible, Phase 1, rather than 6,000 MW?
2. Where will power for Phases 2 to 4 come from? Will new gas plants be built at or near Apache Station?
3. What is AEPCO being paid for the land, and what is its financial interest in approval?
4. Will new transmission lines cross other properties in the valley?

Construction and traffic

- **24-hour construction for years.** Each phase runs one to two years, around the clock, with lighting beyond the County's lighting code, and phases overlap (pp. 28–29, 45–46).
- **About 5,500 workers at peak.** The application estimates 80 buses, 1,000 to 1,300 cars and 150 to 250 trucks a day on U.S. 191 at peak (p. 8). The traffic impact analysis has not been done.

- **Worker housing is not addressed.** The application does not say where 5,500 workers will live, or where the park-and-ride lots will be.

Questions:

1. Where will the construction workforce live, and what will that do to local rents and services?
2. Where are the park-and-ride lots, and have those communities been told?
3. Will the traffic study be done before the hearing?
4. Will the County limit night construction and lighting, especially in crane season?

Zoning modifications

The applicant asks for three exceptions to Rural rules (pp. 43–46):

- **Height:** buildings and dry coolers up to 40 feet, versus the 30-foot Rural limit. Each building is about 1,900 feet long, more than a third of a mile.
- **Site coverage:** up to 50%, versus the 25% Rural limit. The applicant's own figure is 42 to 43% on the AEPCO property, and 45 to 46% if the battery yards are paved, so the request leaves room to grow.
- **24-hour construction and lighting**, as above.

Questions:

1. Why ask for 50% coverage when the plan calculates 42 to 43%?
2. Can site coverage be granted inside a Special Use, or does it need a variance with a hardship finding from the Board of Adjustment, as the applicant itself suggests?
3. The plans say layout changes "will be handled at building permit." What will the public get to review after approval?

Who the applicant is

- **The company is still unidentified.** It is still represented only by "Michael Smith" with a generic email address. The computing is "primarily for the applicant and its affiliates," and fire response would follow what "the applicant's affiliates do at their other facilities" (pp. 8, 35).
- **Taxes are uncertain.** Projected property tax is $34 million to $103 million a year, "depending on the decisions" of officials and voters (p. 3). That wide range suggests tax breaks may be sought.

- **The workforce is uncertain.** About 1,000 permanent jobs at full build-out includes on-site contractors (p. 8).

Questions:

1. Who owns and controls Tombstone Resources LLC, and who are its "affiliates"?
2. What other facilities do those affiliates operate?
3. Will the applicant seek property tax abatements or other incentives? What is the low end of $34 million based on?
4. How many of the 1,000 jobs will be filled by local residents?

Missing items and inconsistencies

- **Southline Transmission's authorization is missing.** No owner authorization or Proposition 207 waiver for its 348 acres is included (pp. 3, 13). The application form's owner signature line is also blank (p. 5).
- **The power figures don't add up.** The plans show 3,500 MW plus 2,800 MW, which is 6,300 MW at 700 MW per building. The text says about 6,000 MW, and a 1,500 MW Phase 1 does not match 700 MW buildings (pp. 22–23).
- **The concept plans are drafts.** Both sheets are marked "DRAFT," with no scale, dates or reviewer, and both are numbered C201 (pp. 22–23). One appendix dates the AEPCO sheet October 13 and another October 29 (pp. 21, 44).
- **The land list changed.** The notice listed 57 parcels; the application lists 31. The other 26 appear to be the land to the north the applicant "is pursuing," to be added later by amendment (pp. 1, 20).
- **Decommissioning has no money behind it.** There is no bond or financial guarantee; details are left to the Development Agreement (pp. 3, 28).

Questions:

1. Is the application complete without Southline Transmission's signed authorization and waiver?
2. What is the actual total power, 6,000 or 6,300 MW?
3. Will the County require final, dimensioned site plans before the hearing?
4. Will the County require a decommissioning bond?
5. If more land is added later, will that require a full new public hearing?

What the County's own rules allow

Cochise County's data center ordinance, Zoning Regulations Section 2.51.240 (adopted April 7, 2026, Ord. 26-06), gives the County the power to require the missing studies before it decides. Several of them happen only "if requested by the County," so residents should ask in writing for each one.

Section	What it says	What to ask for
3.d	A noise impact analysis "if requested by the County"	Request it before the hearing, with existing night sound levels and low-frequency sound
3.g	"Any additional studies the County may reasonably request," including traffic, drainage and floodplain, wildfire risk and visual screening	Request a traffic study, a drainage study, a visual study with views from Highway 191 and homes, and a wildlife assessment
4.b	Construction limited to 6 a.m. to 7 p.m., Monday through Saturday, unless approved in the Special Use	Deny the request for 24-hour construction
5.b(2)	Larger setbacks, buffering or screening may be required next to residentially used rural parcels	Require larger setbacks from homes and the playa
5.f	Noise kept to a minimum beyond the property line; generator testing in daytime only	Set a numeric decibel limit as a condition
5.e	Annual inspection of fuel and hazardous-material controls may be required	Require annual inspection of the battery yards and the gas supply
9	Financial assurance "may be required" where site features create heightened decommissioning risk	Require a bond covering removal of buildings and batteries
2.c	Approval does not authorize transmission lines, substations or other off-site infrastructure	Ask what transmission and generation will be needed, and where

One more inconsistency: the application cites "Section 2.51.040" and "Ordinance 26-09" (pp. 1, 7, 16), but the data center rules are Section 2.51.240, amended by Ord. 26-06.

Asking for more time. If the studies are not ready, residents can ask the Planning and Zoning Commission to continue (postpone) the hearing until they are. If the Commission approves anyway, anyone aggrieved can appeal to the Board of Supervisors within 15 calendar days of the hearing (Cochise County: Special Uses).

Next steps

The applicant's community meeting is Wednesday, November 4, 2026, at 6:00 p.m., in the Cochise Elementary School gym. The application says a summary, including attendance, concerns raised and the sign-in sheet, will go to the County before the hearing agenda is published (pp. 3, 9). Every concern raised there goes into the record.

- [ ] Spread the word: Wednesday, November 4, 6:00 p.m., Cochise Elementary School gym. Arrive early to sign in.
- [ ] Attend, sign in, and ask questions from this review. Bring printed copies, so answers are given on the record.
- [ ] Take notes on every answer and every question left unanswered.
- [ ] Send written comments to the County through the public comment form, citing page numbers.
- [ ] Ask Development Services (developmentservices@cochise.az.gov, 520-432-9300) for the hearing date. Cochise Regional News reported that an application filed by October 31 would likely be heard December 9.

The five requests to put to the County before any hearing:

1. A noise study, a biological assessment reviewed by Arizona Game and Fish, a traffic study and a construction water estimate, all public.
2. Approval limited to what has been shown feasible, not 6,000 MW at once.
3. Southline Transmission's signed authorization and waiver, final site plans, and full disclosure of who owns the applicant.
4. A new, accurate neighbor notice that states the true size, power, workforce and construction schedule.
5. Binding conditions: noise limits, water caps, battery fire and smoke plans, a confirmed fire department agreement, seasonal limits near the crane roost, and a decommissioning bond.

This review is based only on the application as filed. It is not legal advice; for questions about procedure, contact Development Services or an attorney.