



David Burton
Indian River Power LLC
29416 Power Plant Road
Dagsboro, Delaware 19939

An NRG Energy Company

January 24, 2025

Steven Smailer
Surface Water Discharges Section, Division of Water Resources
Delaware Department of Natural Resources and Environmental Control
89 King's Highway
Dover, DE 19901

**Indian River Generating Station
NPDES Permit No. DE 0050580 / State Permit No. WPCC 3013C/76
40 CFR 423.19 (h) Notice of Planned Participation**

Mr. Smailer,

Indian River, LLC must manage the discharge of bottom ash transport water to surface waters of the state in accordance with USEPA's Final Steam Electric Reconsideration Rule (ELG), effective December 14, 2020 and the Reconsideration 2024 ELG Rule, effective July 8, 2024, at the Indian River Generating Station (Indian River) located in Dagsboro, Delaware. The 2020 ELG rule provided multiple compliance pathways listed in 40 CFR 423.13, including an ELG-compliant bottom ash system with up to 10% purge (§423.13(k)(2)(i)), permanent cessation of coal burning activities due to retirement or repowering (§423.13(k)(2)(ii)), or low utilization electric generating units (EGUs) operating at a 10% capacity factor or less (§423.13(k)(2)(iii)). On October 13, 2021, Indian River Power LLC provided a Notice of Planned Participation (NOPP) for the Indian River Generating Station's Unit 4 to achieve permanent cessation of coal combustion (PCCC) by December 31, 2028.

In the 2024 Rule, USEPA added the category of Combustion Residual Leachate (CRL) which under 40 CFR 423.13(l), zero discharge compliance must be achieved by December 31, 2029. During implementation briefings hosted by Richard Benware, USEPA directed units that have or plan to cease combustion of coal utilizing the 2028 PCCC subcategory but still have CRL, to file a NOPP declaring their intent to utilize the 2034 PCCC subcategory to avoid zero discharge limits and obtain the benefit of the CRL limits for the 2034 PCCC – limits established by the permitting authority using its best professional judgment. Therefore, Indian River is submitting this additional NOPP to cover Combustion

Residual Leachate in accordance with the limitations in the subcategory for EGU's permanently ceasing coal combustion by December 31, 2034.

On June 29, 2021, Indian River Power LLC filed a deactivation notice to PJM, the Regional Transmission Operator (RTO), requesting permission to deactivate Unit 4 by May 31, 2022. PJM conducted a reliability study as a result of this notification and on July 30, 2021, identified certain transmission-based reliability violations that would result from the proposed deactivation. As a result, Indian River remained in operation and continued to work collaboratively with PJM with the expectation that the unit continues to operate subject to the terms of a Reliability Must Run (RMR) agreement. PJM initially indicated the reliability issues were expected to be resolved by December 31, 2026, which is the basis for our original deactivation timeline. Thus, once the identified reliability violations (PJM) were to be resolved, it was the intention of Indian River Power LLC to commence with deactivation of Unit 4 and in accordance with 40 CFR 423.19(f)(1). Unit 4 is the only remaining coal unit at the facility and was subject to 2020 ELG defined in Section 423.13(k)(1)(i) **Bottom Ash Transport Water**. The facility operates a combustion turbine at the facility which is not subject to this rule or included within our 2021 NOPP notification.

Indian River ELG Planning and Notification

Under Section 423.19(h)(1), **Notice of Planned Participation**, Indian River LLC is submitting such notice seeking to utilize the 2034 PCCC subcategory to avoid zero discharge limits and obtain the benefit of the CRL limits for the 2034 PCCC – limits established by the permitting authority using its best professional judgment under this part.

- Unit 4 is expected to achieve cessation of coal combustion no later than December 31, 2028 due to planned retirement.
- Indian River LLC had previously submitted its initial deactivation notice to PJM and has continued operations under a Reliability Must Run Agreement (RMR). When the reliability issues are to be satisfied, we anticipate Unit 4 to deactivate.
- Documentation that the deactivation notice was submitted to the regulatory body PJM, and that they in turn performed a reliability analysis and reliability impacts were identified can be found on PJM's website here <https://pjm.com/planning/services-requests/gen-deactivations>. In addition, Attachment 1 provides the PJM Termination of RMR Notice.
- Based on recent notification from PJM and FERC, Indian River Unit 4 is expected to commence deactivation on or after February 24, 2025. In the

event the RMR continues beyond December 31, 2028, the facility would avail itself of the protections outlined in Section 423.18.

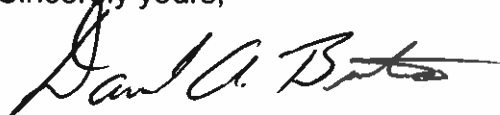
A timeline to achieve permanent cessation of coal combustion, including interim milestones and the projected dates of completion is provided below.

Action	Actual or Estimated Timeline
Filed Deactivation Notice for Unit 4 with PJM	June 29, 2021
Reliability Impacts Resolved	Anticipated December 31, 2026, notice of expedited completion received December 19, 2024 for termination February 24, 2025.
Cease coal-fired operations of Unit 4	No later than December 31, 2028 or as soon as RMR concludes.

Indian River, LLC reserves the ability to modify the plans for ELG rule compliance at the Indian River Station, including but not limited to changing the expected shutdown date, but in no case later than December 31, 2024, requesting authorization to continue as a low-utilization unit, or discharge bottom ash transport water discharge limits in accordance with 40 CFR 423.13(k)(2) and the operation of its CRL leachate collection system. Further, in the event the RMR continues beyond December 31, 2028, the facility would avail itself of the protections outlined in Section 423.18.

If you have any questions or require any additional information regarding this notice, please contact David Bacher, Senior Regional Manager, Environmental Business at (302) 540-0327 or david.bacher@nrg.com.

Sincerely yours,



David Burton
Facility Manager, Indian River Generating Station

CC: David Bacher (NRG)
Asset Management (NRG)

Attachment 1

PJM Termination of RMR Notice



PJM Interconnection, L.L.C.
2750 Monroe Blvd
Audubon, PA 19403-2497

Michael Bryson
Sr. VP, Operations
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December 20, 2024

Cortney Slager
Vice President & Assistant General Counsel
NRG Energy
804 Carnegie Center
Princeton, NJ 08540
Cortney.Slager@nrg.com

*Re: NRG Power Marketing LLC, Docket No. ER22-1539-002
NRB Business Marketing LLC, Docket No. ER23-2688-002
Formal Notice of Termination of Reliability Must-Run Service*

Dear Cortney,

Pursuant to Section 2.4 of the Electric Rate Schedule FERC No. 3, Reliability Must-Run (“RMR”) Rate Schedule, submitted as part of the April 2, 2024 Settlement Agreement and Offer of Settlement to the Federal Energy Regulatory Commission (“FERC”) in Docket Nos. ER22-1539-002 and ER23-2688-002,¹ PJM Interconnection, L.L.C. (“PJM”) hereby notifies NRG Business Marketing LLC (“NRG-BML”), acting on behalf of Indian River Power LLC, of PJM’s determination, in coordination with Delmarva Power & Light Company, that Unit 4 of the Indian River Generating Station (“Unit 4”) is no longer necessary for RMR service pursuant to the RMR Rate Schedule and Section 113 of the PJM Open Access Transmission Tariff.

¹ The RMR Rate Schedule that accompanied the April 2, 2024 Settlement Agreement and Offer of Settlement is currently in effect on an interim basis. See *NRG Business Marketing LLC, Motion for Authorization to Implement Settlement Rate Schedule on an Interim Basis*, Docket No. ER23-2688-003 (Apr. 2, 2024); *NRG Business Marketing LLC*, 187 FERC ¶ 63,002 (Apr. 4, 2024) (Order of the Chief Judge granting the April 2, 2024 Motion for Authorization to Implement Settlement Rate Schedule on an Interim Basis).

Cortney Slager
December 20, 2024
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In accordance with Section 2.4 of the RMR Rate Schedule, this correspondence constitutes formal notice to NRG-BML of termination, to be effective February 24, 2025.²

PJM intends to submit a copy of this correspondence into Docket Nos. ER22-1539 and ER23-2688, and post a copy of this correspondence on its website.

Please do not hesitate to contact me with any questions.

Sincerely,

/s/ Michael Bryson

Michael Bryson
Sr. VP, Operations
PJM Interconnection, L.L.C.

CC TO:

NRG Energy
804 Carnegie Center
Princeton, NJ 08540
Attn: Contract Administration
Contract.Admin@nrg.com
Attn: General Counsel
ogc@nrg.com

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² See RMR Rate Schedule, Section 2.4 ("Promptly upon determining that Unit 4 is no longer necessary for RMR service pursuant to Section 113.3 of the PJM Tariff, PJM shall provide sixty-five (65) days' advanced written notice of termination to Utility, after which sixty-five (65) day period the RMR service pursuant to this Rate Schedule shall terminate. In the event of such termination, the applicable Monthly Fixed-Cost Charge component set forth in Section 5.1 shall be reduced by forty (40) percent for the last twenty (20) days for RMR service.").