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

An NRG Energy Company

September 30, 2026

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 Notice of Planned Participation Progress Report

Subject: Effluent Limitation Guidelines Notice of Planned Participation
Annual Progress Report

Mr. Smailer,

In accordance with 40 CFR 423.19(g)(3), Indian River Generating Station (Indian River) is hereby providing an annual progress report for the Notice of Planned Participation for permanent cessation of coal combustion for the Indian River Generating Station generating units (Unit 4) submitted on October 13, 2021.

Updated Milestones Narrative as of September 30, 2026

Indian River Unit 4 has satisfied the obligations under the Reliability Must Run Order and ceased operation on February 23, 2025. This action satisfies the requirements for bottom ash transport water under the permanent cessation of coal combustion subcategory that was required to be achieved no later than December 31, 2028.

Indian River continues to manage combustion residual leachate (CRL) in accordance with the Notice of Planned Participation for permanent cessation of coal combustion by December 31, 2034 submitted on January 28, 2025 in accordance with 40 CFR 423.19(h).

While this annual progress report presents the best information available, Indian River has identified the following factors that could result in changes to the information submitted in this report:

- Regulatory Changes – On March 12, 2025, EPA announced that it will initiate a new rulemaking to revise the 2024 Rule, which is pending final publishing. EPA's

proposed rulemaking or other potential future regulatory changes (including future regulatory changes that result from litigation) could impact the facilities ELG compliance strategy, including participation in the 2034 permanent cessation of coal combustion subcategory.

- Litigation – Following EPA's issuance of the 2024 Rule, various petitioners representing states, electric utilities, and environmental groups challenged the 2024 Rule in the Eighth Circuit. Although the case is currently held in abeyance, if the Eighth Circuit reached the merits of the case, it could impact Indian River's ELG compliance strategy.

Please contact David Bacher (302) 540-0327 or david.bacher@nrgenergy.com if you have any questions or need any additional information regarding this submittal.

Sincerely,

David A. Burton

David Burton
Plant Manager
Indian River Generating Station