

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Water, Bureau of Water Permits
625 Broadway, Albany, New York 12233-3505
P: (518) 402-8111 | F: (518) 402-9029
www.dec.ny.gov

9/22/2021

YARO ENTERPRISES/PLUG POWER
1025 JOHN ST
WEST HENRIETTA, NY 14586

Re: Acknowledgement of the Conditional No Exposure Certification for exclusion from permitting under the SPDES Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity (GP-0-17-004)

Dear Owner/Operator:

This is to acknowledge that the New York State Department of Environmental Conservation (the Department) has received a complete Conditional No Exposure Certification for exclusion from permitting under the terms and conditions imposed by the New York State Department of Environmental Conservation (DEC) SPDES Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity (GP-0-17-004) (MSGP) for the following facility:

PLUG POWER GIGAFACTORY
1025 JOHN ST
WEST HENRIETTA, NY 14586

The Conditional No Exposure Certification identification number for this facility is **NYR00G530**. Please be sure to include this identification number on any forms or correspondence you send the Department related to this Conditional No Exposure Certification.

This facility has been granted exclusion from permitting under the terms and conditions imposed by the MSGP, **effective 5/10/2021**. It is not, however, a Department determination of the validity of the information you provided. Your signature on the Conditional No Exposure Certification form certifies that you have read, understood and are implementing all of the applicable requirements. An important aspect of this certification requires that you have correctly determined whether you are eligible for permitting exclusion under MSGP.

The Conditional No Exposure Certification is valid for a 5-year term. You will need to submit a new Conditional No Exposure Certification Form **on or before 5/10/2026** in order to maintain the Conditional No Exposure Certification. The Conditional No Exposure Certification Form can found on the Department's website at http://www.dec.ny.gov/docs/water_pdf/noexposure.pdf.

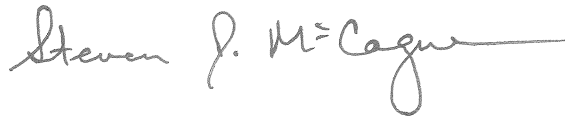


If you determine you are no longer eligible for the Conditional No Exposure Certification, you must apply for coverage under MSGP. Information regarding the MSGP and a copy of the Notice of Intent needed to obtain coverage under the MSGP can be found on the Department's website at <http://www.dec.ny.gov/chemical/9009.html>

Conditional No Exposure Certification only relieves a facility of the responsibility to obtain a permit for stormwater discharges covered by the MSGP. If you have questions whether or not your facility needs other permits related to stormwater discharges, you should contact your Regional Permit Administrator (<http://www.dec.ny.gov/about/39381.html>).

If you have any questions or require additional information, please contact me at (518) 402-8108 or steven.mccague@dec.ny.gov

Sincerely,

A handwritten signature in cursive script that reads "Steven J. McCague". The signature is written in black ink and includes a long horizontal flourish extending to the right.

Steven J McCague, P.E.
MSGP Permit Coordinator