Melanie Vonfange

I am a resident of Truth or Consequences, New Mexico, and a researcher involved in public-interest work concerning large-scale data-center development and its effects on New Mexico communities. I am submitting this comment in my individual capacity regarding Yucca Growth Infrastructure LLC's application for Air Quality Permit No. NSR 10883.

I ask the New Mexico Environment Department to deny Permit No. NSR 10883 unless and until the applicant can demonstrate, through a complete and transparent administrative record, that this enormous proposed microgrid will comply with all applicable air-quality requirements and will not create unacceptable risks for surrounding communities.

I am not opposed to technology, data infrastructure, or economic development. I am opposed to treating projects of unprecedented scale as inevitable before their environmental consequences have been fully examined.

My concerns are as follows.

First, this is not an ordinary backup-power installation. The proposed YGI Microgrid is intended to provide power for Project Jupiter at an extraordinary industrial scale. Publicly available permit materials and reporting describe a system dependent on natural gas and capable of producing very substantial emissions. NMED itself lists YGI Microgrid as a Major Title V source under review.

The scale should increase the level of scrutiny, not decrease it.

Second, NMED should evaluate the project as it will actually operate. If thousands of fuel-cell units, associated gas infrastructure, emergency generators, construction activities, roads, and other equipment function together to supply a single integrated data-center development, the public deserves a clear explanation of how their combined and cumulative emissions were evaluated. Administrative segmentation should not obscure real-world cumulative impacts.

Third, I ask NMED to require clear, enforceable monitoring requirements. Modeled emissions are not enough for a project of this size. Any permit that is issued should require continuous or appropriately frequent monitoring, transparent reporting of actual emissions, malfunction and startup/shutdown events, enforceable maintenance requirements, and prompt public disclosure when permit limits are exceeded.

The public should be able to compare what was predicted with what actually occurs after operation begins.

Fourth, NMED should examine the consequences of equipment failure and degradation over time. A system containing an exceptionally large number of individual fuel-cell units creates questions that are different from those posed by a much smaller installation. What happens when units age, malfunction, cycle, are replaced, or operate outside ideal conditions? What emissions assumptions were used for those conditions? What evidence demonstrates that those assumptions remain valid at the proposed scale?

Fifth, this project cannot be evaluated in a vacuum. Southern Doña Ana County already contains communities exposed to transportation, industrial, dust, and other pollution sources. NMED should make the cumulative air-quality analysis understandable to the people who actually live there. That analysis should clearly identify existing background pollution and the additional pollution this project would contribute.

Sixth, there must be meaningful accountability if the applicant's predictions prove wrong. Permit conditions should not depend primarily upon voluntary corporate commitments. They should be measurable, enforceable, publicly reported, and accompanied by consequences for noncompliance.

Finally, I am concerned by the extraordinary public controversy surrounding the integrity of earlier comments submitted in this proceeding. The administrative record must accurately represent actual members of the public. NMED should ensure that comments submitted without a person's authorization are identified appropriately and are not treated as legitimate evidence of public support.

New Mexico is being asked to host infrastructure at a scale we have never previously experienced. That means agencies cannot simply ask whether each individual piece of a project can be made to fit inside an existing regulatory box. They must ask whether the evidence actually supports the assumptions being made about the system as a whole.

If Yucca Growth Infrastructure cannot demonstrate compliance and adequate protection of public health through a complete, transparent, enforceable record, NMED should deny Permit No. NSR 10883.

At minimum, before issuing any permit, I ask NMED to require:

1. A clear cumulative-emissions analysis for all interconnected components of the proposed microgrid.
2. Disclosure of the assumptions used to model normal operation, startup, shutdown, malfunction, degradation, and equipment replacement.
3. Enforceable monitoring and public reporting of actual emissions.
4. Clear procedures and consequences for exceedances and equipment failures.
5. Analysis of existing pollution burdens on nearby communities and the project's incremental contribution.
6. An explanation of how NMED determined that the unprecedented scale of this installation does not create risks inadequately represented by experience with substantially smaller facilities.
7. Verification of the integrity of the public-comment record.

Economic-development promises cannot substitute for environmental review. Jobs, investment, and technological ambition do not answer an air-quality question.

The applicant has the burden of demonstrating that this project meets New Mexico's requirements. At this scale, New Mexicans should not be required to discover after construction what should have been established before permitting.

Please deny NSR 10883 if that burden has not been met.