PROJECT JUPITER

NMED PUBLIC COMMENT SUBMITTAL FOR PROJECT JUPITER

A comprehensive review of the environmental, water resource, climate, public health, and environmental justice impacts associated with the Yucca Growth Infrastructures Bloom Energy permit application.

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PROJECT JUPITER AND THE YUCCA GROWTH INFRASTRUCTURES AIR PERMIT APPLICATION

Comments on the Proposed Bloom Energy Fuel Cell Power System for Project Jupiter

Submitted to:

New Mexico Environment Department

Public Comment Period Ending July 6, 2026

Executive Summary

Yucca Growth Infrastructures (YGI), formerly Acoma LLC, has submitted a new air pollution permit application for a power generation facility intended to support Project Jupiter in Santa Teresa, New Mexico. The applicant presents this proposal as a revised project utilizing Bloom Energy Solid Oxide Fuel Cells rather than the previously proposed East and West Microgrid facilities.

While the technology described in the application has changed, the underlying purpose of the project has not. The proposed facility remains part of the broader Project Jupiter development, one of the largest proposed data center complexes in the United States. The revised application continues to rely upon natural gas, continues to generate substantial greenhouse gas emissions, continues to consume significant quantities of water, and introduces additional concerns regarding hazardous waste generation and disposal.

The withdrawal of the previous permit applications does not eliminate the environmental concerns previously identified by thousands of public comments, technical reviews, and community organizations. Nor does it erase the obligation of the New Mexico Environment Department (NMED) to evaluate the cumulative impacts of the project, particularly in a region already burdened by air quality challenges, water scarcity, and environmental justice concerns.

This report concludes that:

1. The new permit application does not eliminate the significant environmental impacts associated with Project Jupiter.
2. The proposed Bloom Energy fuel cell system remains dependent upon natural gas and therefore continues to generate substantial greenhouse gas emissions and ozone-forming pollutants.
3. The application raises additional concerns regarding hazardous waste generation, handling, transportation, and disposal.
4. The proposed facility must be evaluated within the context of the larger Project Jupiter development and should not be reviewed as an isolated industrial source.
5. Environmental justice concerns remain unresolved.
6. The public should be granted additional time to review the revised application.
7. NMED should hold a public hearing in both English and Spanish, in a hybrid format, accessible to affected communities.
8. NMED should carefully evaluate whether the application should be denied, required to provide additional information, or subjected to further review before any permit decision is issued.

Introduction

Project Jupiter represents one of the largest proposed data center developments in the United States. Located in Santa Teresa, New Mexico, the project has been promoted as a transformational economic development initiative involving billions of dollars in capital investment, extensive public infrastructure commitments, significant water consumption, and massive electricity demand.

The original power proposals associated with Project Jupiter generated widespread public concern. More than 7,000 public comments were submitted during previous permitting proceedings. Those comments raised substantial questions regarding air quality impacts, greenhouse gas emissions, water consumption, environmental justice, public participation, and the cumulative effects of industrial development in Doña Ana County.

Rather than proceeding with the original applications, the project proponents withdrew those permits and submitted a revised proposal centered on Bloom Energy Solid Oxide Fuel Cells.

The central question before NMED is not whether the technology has changed.

The central question is whether the environmental impacts have been materially reduced, whether the revised application adequately discloses all environmental consequences, and whether the public has been provided a meaningful opportunity to review and comment on those impacts.

This report concludes that significant concerns remain unresolved.

The revised application should therefore be subjected to heightened scrutiny and expanded public review before any permitting decision is made.

The New Application Does Not Eliminate the Underlying Environmental Concerns

The revised application presents Bloom Energy Solid Oxide Fuel Cells as an alternative to the previously proposed power generation facilities. While the technology differs from the original proposal, the project's underlying purpose remains unchanged: supplying large quantities of electricity to Project Jupiter.

The environmental impacts associated with Project Jupiter must therefore be evaluated based on the overall function and scale of the project rather than solely on the specific technology selected to generate electricity.

The revised proposal continues to require natural gas as its primary fuel source. As a result, the project continues to generate greenhouse gas emissions and ozone-forming pollutants that contribute to regional air quality degradation and climate impacts.

The revised proposal also continues to require substantial supporting infrastructure, including fuel supply systems, transmission infrastructure, industrial water use, and long-term operational commitments extending decades into the future.

Changing the technology does not eliminate the environmental consequences associated with supplying power to one of the largest proposed data center developments in the nation.

The public record developed during the previous permitting process therefore remains relevant and should continue to inform NMED's review of the current application.

Natural Gas Dependence, Air Emissions, and Greenhouse Gas Impacts

A central claim advanced by the applicant is that the proposed Bloom Energy Solid Oxide Fuel Cell system represents a cleaner alternative to the previously proposed East and West Microgrid facilities. While fuel cells may operate differently than conventional combustion

turbines, the revised proposal remains fundamentally dependent upon natural gas and therefore continues to generate significant air emissions and greenhouse gases.

The distinction between a fuel cell and a conventional gas-fired power plant should not obscure the underlying reality that both systems rely upon fossil fuel extraction, transportation, processing, and consumption. The revised permit application does not eliminate Project Jupiter's dependence on natural gas. It merely changes the technology used to convert that fuel into electricity.

As a result, the proposed facility remains part of a fossil-fuel-dependent industrial energy system that will operate for decades and contribute to both regional air pollution and global climate impacts.

The revised application acknowledges that the facility will continue to emit greenhouse gases. Public materials associated with the application indicate that the project would generate approximately ten million tons of greenhouse gas emissions annually. Regardless of the precise final emissions inventory, the scale of emissions remains substantial and inconsistent with claims that the project represents a clean energy solution.

The proposed facility also continues to generate pollutants that contribute to ozone formation and regional air quality degradation. Nitrogen oxides (NOx), carbon monoxide (CO), volatile organic compounds (VOCs), and other pollutants associated with natural gas-powered industrial facilities contribute to the formation of ground-level ozone, a pollutant linked to respiratory illness, cardiovascular disease, and adverse public health outcomes.

These impacts are particularly important in southern New Mexico, where communities already experience multiple environmental stressors and where regional air quality challenges continue to be a concern. Air pollution impacts should not be evaluated solely at the project boundary. They must be considered in the context of cumulative exposures affecting nearby communities and sensitive populations.

The revised application also raises broader concerns regarding infrastructure lock-in. Approval of the permit would authorize a long-term industrial energy system designed specifically to support one of the largest proposed data center developments in the United States. Such approval would effectively commit the region to decades of continued fossil fuel consumption, associated emissions, and supporting infrastructure investments.

The applicant's characterization of the project as a cleaner alternative should therefore be carefully scrutinized. The relevant question is not whether fuel cells may emit less pollution than another fossil fuel technology. The relevant question is whether the proposed facility continues to generate significant emissions that contribute to regional environmental burdens.

The answer is yes.

The revised application remains dependent upon natural gas, remains a significant source of greenhouse gas emissions, and remains part of a larger industrial development with substantial

cumulative environmental impacts. These issues warrant careful review and should weigh heavily in NMED's permitting decision.

Hazardous Waste Generation and Bloom Energy's Regulatory History

While much of the public discussion surrounding Project Jupiter has focused on air emissions and water consumption, the revised permit application introduces an additional issue that deserves close scrutiny: hazardous waste generation associated with Bloom Energy's Solid Oxide Fuel Cell technology.

Unlike traditional power plants, fuel cell systems rely upon specialized components that degrade over time and require periodic replacement. These systems generate waste streams that must be managed, transported, and disposed of throughout the operational life of the facility.

The permit application provides limited public discussion regarding the quantity, composition, handling, transportation, and ultimate disposal of these waste materials. Yet these questions are essential to understanding the project's full environmental footprint.

The issue is particularly important because Bloom Energy has previously faced regulatory scrutiny regarding the management and disposal of waste generated by its fuel cell systems. Public records indicate that Bloom Energy has been cited by the United States Environmental Protection Agency regarding waste handling and disposal practices associated with spent fuel cell materials. These enforcement actions raise legitimate questions regarding the characterization, management, and disposal of waste generated by the company's technology.

Because the revised application relies extensively upon Bloom Energy systems, NMED should require comprehensive disclosure regarding:

- The anticipated volume of spent fuel cell materials generated annually.
- The chemical composition of those materials.
- Whether any waste streams qualify as hazardous waste under state or federal law.
- The proposed transportation routes for disposal.
- The identity of disposal facilities.
- Long-term monitoring and reporting requirements.
- Emergency response procedures in the event of releases or transportation accidents.

The environmental consequences of waste disposal do not end at the facility boundary. Waste generated at Project Jupiter will ultimately be transported elsewhere, potentially transferring environmental burdens to other communities. Any evaluation of the project's environmental

impacts must therefore include the full life-cycle impacts associated with waste generation and disposal.

The revised permit application also raises concerns regarding cumulative environmental burdens. Communities in southern New Mexico already face challenges related to water scarcity, industrial development, transportation infrastructure, and air quality. The addition of a large-scale industrial waste stream associated with Project Jupiter compounds these concerns and warrants careful review.

The public has a right to understand not only what emissions will leave the facility's stacks, but also what wastes will leave the facility's gates.

For this reason, NMED should require full disclosure of all waste generation, handling, transportation, and disposal plans associated with the proposed Bloom Energy fuel cell system before any permit decision is made.

The failure to fully evaluate these issues would leave significant gaps in the environmental record and undermine the public's ability to meaningfully participate in the permitting process.

In light of Bloom Energy's regulatory history, the scale of Project Jupiter, and the long-term nature of the proposed operation, NMED should require a heightened level of scrutiny regarding hazardous waste management and should ensure that these issues are fully addressed through the public review process.

Water Demand, Water Supply Impacts, and Aquifer Protection

Water is the defining environmental issue for Project Jupiter.

While the revised permit application focuses primarily on changes in power-generation technology, the substitution of Bloom Energy fuel cells for the previously proposed microgrid configuration does not eliminate the project's fundamental dependence on water. Nor does it eliminate the need to evaluate the long-term impacts of industrial-scale development within an already water-stressed region of southern New Mexico.

Project Jupiter is not a stand-alone power facility. It is part of a proposed hyperscale data center complex designed to operate continuously, twenty-four hours a day, seven days a week, for decades. The project's water demands must therefore be evaluated as part of the larger industrial system it is intended to support.

The public record associated with Project Jupiter has consistently referenced substantial water requirements for both construction and long-term operations. Public materials have identified

millions of gallons of water required during initial construction and system startup, followed by ongoing operational demands associated with power generation, cooling systems, fire suppression infrastructure, domestic use, maintenance activities, and related industrial operations.

Although the revised permit application proposes a different power-generation technology, the fundamental thermodynamic reality remains unchanged. Large-scale data centers generate enormous quantities of heat. That heat must be managed continuously in order to maintain reliable operation. Regardless of the specific technology employed, cooling systems, water treatment systems, and associated infrastructure remain essential components of the project.

The public record does not currently demonstrate that a comprehensive cumulative water analysis has been completed for the full Project Jupiter build-out.

Instead, various aspects of water demand appear to be evaluated through separate administrative processes involving water rights, infrastructure planning, economic development agreements, desalination proposals, utility planning, and permit reviews. This fragmented approach creates a substantial risk that cumulative impacts will be underestimated.

The relevant question is not whether a single permit application appears manageable in isolation.

The relevant question is whether the combined demands of Project Jupiter, operating at full build-out, can be sustained without adversely affecting regional water resources, existing users, municipal systems, agricultural interests, interstate compact obligations, or future generations.

At present, the public record does not provide sufficient evidence to answer that question.

Basin Conditions and Water Scarcity

The proposed project is located within a region already experiencing significant water stress.

Southern New Mexico faces increasing pressure from prolonged drought, declining aquifer levels, climate-driven reductions in recharge, competing municipal and agricultural demands, and ongoing obligations under interstate water agreements. Water managers throughout the state have repeatedly warned that future supplies cannot be evaluated based solely on historical assumptions.

The State Engineer’s Office has acknowledged that many New Mexico aquifers receive limited recharge and that continued withdrawals in some basins effectively constitute groundwater mining. Water removed from these systems may require centuries or millennia to naturally replenish.

Under these conditions, the approval of large new industrial water demands requires exceptional scrutiny.

The burden should not rest upon affected communities to prove that harm will occur. Rather, the applicant should be required to demonstrate through independent analysis that the project can operate without causing unacceptable impacts to regional water resources.

Cumulative Water Demand

The revised permit application should not be evaluated solely on the basis of direct facility water use.

Project Jupiter's cumulative water demand includes:

- Power generation and associated cooling systems.
- Data center cooling and thermal management.
- Fire suppression systems.
- Water treatment and conditioning systems.
- Construction-related water use.
- Maintenance and operational requirements.
- Future expansion phases.
- Induced industrial growth associated with the project.

Each of these components contributes to overall water demand.

When viewed separately, individual uses may appear modest. When evaluated together over a thirty-year operational horizon, however, the cumulative impacts become significant.

The issue is not merely annual consumption. It is the long-term commitment of finite water resources to support a single industrial development whose operational lifespan may extend decades into the future.

Desalination and Alternative Water Sources

Project proponents have frequently referenced desalination and alternative water strategies as potential solutions to future water demands.

However, desalination does not create new water.

It converts one water challenge into another.

Desalination facilities require energy, infrastructure, treatment systems, concentrate management, and long-term disposal solutions. The resulting waste streams can themselves create environmental impacts. Moreover, proposed desalination projects remain largely conceptual and should not be treated as guaranteed future supplies.

Environmental review should be based upon demonstrated water availability rather than speculative future infrastructure.

Until such facilities are operational, fully permitted, and proven capable of providing reliable supplies without creating additional environmental burdens, they should not be relied upon as justification for approving major new industrial water demands.

Aquifer Protection and Groundwater Quality

Water quantity is only part of the issue.

Water quality must also be considered.

Project Jupiter introduces multiple potential pathways for groundwater contamination, including industrial operations, fuel handling, chemical storage, wastewater management, hazardous waste generation, transportation activities, and emergency response scenarios.

The revised permit application should therefore be evaluated not only for its direct emissions but also for its potential impacts on groundwater quality.

This is particularly important because groundwater serves as the primary source of drinking water for many communities in the region.

Any contamination event affecting groundwater resources could have consequences lasting far longer than the operational life of the project itself.

NMED should require clear disclosure regarding:

- Groundwater protection measures.
- Spill prevention plans.
- Hazardous materials inventories.
- Wastewater handling procedures.
- Emergency response protocols.
- Long-term monitoring requirements.

The protection of drinking water resources must remain a central consideration throughout the permitting process.

Segmentation of Water Review

One of the most significant concerns associated with Project Jupiter is the apparent segmentation of water-related review.

Water rights applications, utility planning, infrastructure investments, desalination proposals, economic development agreements, and environmental permits have largely been considered through separate administrative processes.

Yet these actions support a common objective: enabling Project Jupiter.

When related infrastructure is evaluated in separate silos, no single review captures the full cumulative impact on regional water resources.

The result is that individual decisions may appear reasonable in isolation while collectively committing substantial quantities of water to a single industrial development.

The public is entitled to understand the full water footprint of Project Jupiter before major permitting decisions are finalized.

Conclusion

The revised permit application does not eliminate the water concerns associated with Project Jupiter.

The project remains dependent upon substantial long-term water supplies. It remains located within a water-stressed region. It remains associated with a larger industrial development whose cumulative demands have not been fully evaluated in a single comprehensive review.

The available record does not demonstrate that full-build water demand has been adequately analyzed, that cumulative impacts have been fully disclosed, or that regional aquifer resources can support the project without adverse consequences.

Accordingly, NMED should require additional analysis, expanded disclosure, and comprehensive cumulative review before making any permitting decision.

Water scarcity is not a future concern.

It is a present reality.

Permitting decisions made today will determine how that reality is shared by communities, ecosystems, and future generations throughout southern New Mexico.

Environmental Justice, Community Burden, and Cumulative Impacts

Environmental justice is not a secondary consideration in the review of Project Jupiter. It is central to understanding how the project's impacts will be experienced by the communities that live, work, raise families, and depend upon the natural resources of southern New Mexico.

The purpose of environmental justice review is not simply to identify whether pollution exists. It is to determine whether environmental burdens are being disproportionately imposed upon

communities that already experience elevated social, economic, health, or environmental vulnerabilities.

That question is particularly important in Doña Ana County.

The communities surrounding Project Jupiter include large Hispanic and Latino populations, working-class neighborhoods, agricultural communities, cross-border families, and residents who already face challenges associated with healthcare access, water security, economic inequality, transportation infrastructure, and environmental exposure.

The question before NMED is not whether Project Jupiter creates a new burden in isolation.

The question is whether Project Jupiter adds additional burdens to communities that are already carrying significant environmental and public health risks.

The available record suggests that it does.

Existing Community Vulnerabilities

Doña Ana County is not an undeveloped industrial blank slate.

It is a living community with existing environmental challenges.

Residents already contend with regional air quality concerns, extreme heat, water scarcity, dust, transportation emissions, industrial development, and public health disparities. Many households live in areas where economic resources are limited and where the ability to absorb additional environmental burdens is correspondingly reduced.

Public health data consistently demonstrate that respiratory illnesses, cardiovascular disease, and environmentally linked health conditions disproportionately affect vulnerable populations.

These realities matter because environmental burdens do not occur in isolation.

Exposure accumulates.

A new source of emissions is added to existing emissions.

A new industrial water demand is added to existing water stress.

A new transportation corridor is added to existing traffic impacts.

A new industrial facility is added to an existing landscape of environmental pressures.

The cumulative effect is often more important than any individual source.

Air Quality and Health Burden

Although the revised permit application proposes a different power-generation technology, the facility remains dependent upon natural gas and continues to generate air emissions that contribute to regional pollution burdens.

The health effects associated with these pollutants are well documented.

Nitrogen oxides contribute to ozone formation and respiratory irritation.

Particulate matter is associated with asthma exacerbation, cardiovascular disease, hospital admissions, and premature mortality.

Combustion-related pollutants disproportionately affect sensitive populations including children, older adults, pregnant women, and individuals with preexisting respiratory conditions.

These health risks cannot be evaluated solely through emissions inventories and modeling exercises.

They must be evaluated in the context of the communities that will experience the impacts.

A technically compliant emissions profile is not the same as an environmentally just outcome.

The permitting process should therefore evaluate not only whether emissions meet regulatory thresholds, but whether those emissions contribute to disproportionate health burdens within affected communities.

Water as an Environmental Justice Issue

Water scarcity is also an environmental justice issue.

When industrial development competes for limited water resources, the consequences are rarely distributed equally.

Communities with the least political and economic power frequently bear the greatest risks.

In arid regions such as southern New Mexico, water allocation decisions influence housing affordability, agricultural viability, economic stability, ecosystem health, and long-term community resilience.

Project Jupiter’s long-term water demand must therefore be evaluated not only as a hydrologic issue but also as a question of environmental equity.

Who benefits from the water consumed by the project?

Who bears the risk if supplies become constrained?

Who absorbs the costs of new infrastructure?

Who experiences the consequences of declining aquifer conditions?

These are environmental justice questions.

The current record does not demonstrate that they have been adequately addressed.

Cumulative Impact Analysis

One of the most significant deficiencies in the current review process is the absence of a comprehensive cumulative impact analysis.

Project Jupiter has frequently been evaluated through separate administrative actions.

Air permits are reviewed separately.

Water issues are reviewed separately.

Infrastructure investments are reviewed separately.

Economic development agreements are reviewed separately.

Utility planning is reviewed separately.

Yet the communities affected by these decisions do not experience them separately. Residents experience the combined impacts.

The cumulative impact framework exists precisely because environmental burdens rarely arrive one permit at a time.The public experiences the aggregate result of all approvals, all emissions, all withdrawals, all infrastructure projects, and all industrial activities operating together.The revised permit application should therefore be evaluated within the context of the broader Project Jupiter development rather than as an isolated source of emissions.

Failure to do so risks understating the project's true environmental footprint.

Financing Before Environmental Review

An additional environmental justice concern arises from the sequencing of approvals associated with Project Jupiter.

Public records indicate that substantial financial commitments, infrastructure planning efforts, economic development agreements, and public subsidy mechanisms were advanced before comprehensive environmental review was completed.

This sequence creates a significant risk that environmental review becomes a procedural exercise rather than a meaningful evaluation of alternatives and impacts.When billions of dollars in financial commitments are made before environmental questions are resolved, communities may reasonably question whether environmental review remains capable of influencing project outcomes.

Environmental justice requires more than public notice.It requires meaningful participation.Meaningful participation becomes difficult when major project decisions have effectively been made before environmental review occurs.

For affected communities, the perception that financing and infrastructure commitments preceded environmental review undermines public confidence in the permitting process and raises serious questions regarding procedural fairness.

The Legacy of Environmental Burdens

Communities throughout New Mexico have long experienced the consequences of decisions made elsewhere.

Water has been extracted.

Resources have been developed.

Infrastructure has been constructed.

Pollution has been permitted.

The promised benefits have often flowed outward while environmental burdens remained local.

Many communities have become familiar with a recurring pattern in which economic development is promised, environmental risks are minimized, and long-term consequences are left for future generations to manage.The review of Project Jupiter occurs within this historical context.

Environmental justice requires acknowledging that context rather than pretending that the project exists in isolation.The public’s concerns regarding air quality, water resources, public health, transparency, and cumulative impacts arise from lived experience.

Conclusion

The revised permit application should not be evaluated solely on the basis of direct emissions from a single facility.

Project Jupiter must be reviewed within the broader context of cumulative environmental burdens, community vulnerability, water scarcity, public health concerns, and environmental justice principles.

The available record does not demonstrate that a comprehensive cumulative impact analysis has been completed.Nor does it demonstrate that disproportionate impacts on affected communities have been fully evaluated.

Before any permit decision is made, NMED should require a cumulative environmental justice analysis that incorporates:

- Existing environmental burdens.
- Regional air quality conditions.
- Water scarcity and aquifer stress.
- Public health vulnerabilities.
- Socioeconomic indicators.
- Long-term industrial build-out scenarios.
- The cumulative impacts of the broader Project Jupiter development.

Without such analysis, the record remains incomplete and does not provide an adequate basis for determining whether the project can proceed without imposing disproportionate burdens on the communities of Doña Ana County.

Environmental justice is not an obstacle to economic development.It is the standard by which responsible development should be measured

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Segmentation, Connected Actions, and Project Jupiter as an Integrated System

A central issue raised by the revised permit application is whether the proposed Bloom Energy fuel cell facility can properly be evaluated as a stand-alone project.

The evidence suggests that it cannot.

The proposed facility exists for one purpose: supplying electricity to Project Jupiter. It has no independent industrial purpose apart from supporting the operation of the larger hyperscale data center development. The power generation facility, the data center campus, associated water infrastructure, transmission facilities, economic development agreements, public subsidies, and supporting transportation improvements are not separate projects in any meaningful operational sense. They function as components of a single integrated industrial system.

The environmental consequences of that system should therefore be evaluated accordingly.

The Project Functions as One Industrial System

Project Jupiter has consistently been presented through separate administrative processes.

Power generation has been reviewed through air permitting.

Water supply has been reviewed through utility planning and water-rights processes.

Economic incentives have been reviewed through Industrial Revenue Bond approvals, LEDA agreements, and gross receipts tax rebate programs.

Road and infrastructure improvements have been evaluated through separate governmental actions.

Transmission and electrical infrastructure have been evaluated through additional regulatory channels.

Viewed individually, each component appears limited in scope.

Viewed collectively, however, they support a single objective: the development and operation of one of the largest proposed data center complexes in the United States.

The proposed Bloom Energy facility is not an independent commercial power project seeking customers in the open market. It is infrastructure specifically designed to serve Project Jupiter.

The environmental review process should reflect that reality.

Segmentation Risks Understate Environmental Impacts

One of the principal concerns associated with segmented review is that cumulative impacts may be understated.

- Each individual permit may appear manageable when evaluated in isolation.
- Each individual infrastructure improvement may appear modest.
- Each individual water demand may appear limited.
- Yet the communities affected by Project Jupiter will experience the combined impacts of all project components operating together.
- Residents will not experience air emissions separately from water demand.
- They will not experience industrial development separately from transportation impacts.
- They will not experience power generation separately from data center operations.
- They will experience the cumulative effect of the entire project.

For that reason, evaluating only the emissions associated with the proposed fuel cell facility risks understating the true environmental footprint of Project Jupiter.

Foreseeability and Full-Build Analysis

The environmental review process should also consider what is reasonably foreseeable.

Project Jupiter is not a speculative concept.

Public records demonstrate that extensive planning, financing, infrastructure commitments, economic development agreements, and public subsidy mechanisms have already been established to support development of the larger project.

Industrial Revenue Bonds authorizing up to $165 billion in development-related financing have been approved. Economic development agreements have been executed. Public infrastructure planning has advanced. Water supply strategies have been discussed. Transmission and power planning have proceeded.

These actions establish a clear expectation that Project Jupiter is intended to operate at large scale over a multi-decade period.

The resulting environmental impacts are therefore foreseeable.

Environmental review should not be limited to the immediate impacts of the proposed fuel cell facility. It should consider the foreseeable impacts associated with the larger industrial system that the facility is intended to support.

Connected Actions and Regulatory Review

Environmental review frameworks recognize that projects cannot always be separated into artificial components when those components depend upon one another to function.A power facility designed exclusively to serve a specific industrial development is not functionally independent from that development.

Similarly, water infrastructure developed to support the project cannot be separated from the industrial demand it serves. The same principle applies to transportation improvements, utility investments, and economic development incentives that exist because of Project Jupiter. The relevant question is not whether these actions occur through different administrative processes.

The relevant question is whether they are connected through a common purpose and operational dependence.

In the case of Project Jupiter, the answer is clearly yes.

The proposed fuel cell facility, the data center campus, associated infrastructure investments, and public support mechanisms are all directed toward enabling the same industrial development.The environmental consequences of those actions should therefore be evaluated together.

Air Quality, Water, and Infrastructure Are Interdependent

The revised permit application cannot be fully understood through air emissions alone.

Power generation affects water demand.

Water availability affects cooling systems and operational capacity.

Industrial expansion affects transportation systems.

Transmission infrastructure affects future development patterns.

Public subsidies influence project scale and timing.

Each element influences the others.

This interdependence further supports the conclusion that Project Jupiter should be evaluated as an integrated industrial system rather than a collection of unrelated administrative approvals. Failure to recognize these relationships risks creating an incomplete environmental record.

The Public Interest in Comprehensive Review

The purpose of environmental review is to provide decision-makers and the public with an accurate understanding of environmental consequences before irreversible commitments are made. That purpose is undermined when interconnected projects are evaluated through narrow administrative silos.

The public has repeatedly raised concerns regarding cumulative impacts, water consumption, air quality, environmental justice, and long-term infrastructure commitments associated with Project Jupiter. Those concerns cannot be adequately addressed through a review limited solely to the emissions associated with a single fuel cell facility.

Comprehensive review is particularly important given the unprecedented scale of Project Jupiter and the long-term commitments associated with its development.The environmental record should reflect the project as it will actually operate, not as it appears when divided into separate permitting categories.

Conclusion

The proposed Bloom Energy fuel cell facility is not an independent project. It is a foundational component of the larger Project Jupiter development and exists solely to support that development's operational needs.

The facility shares a common purpose, common infrastructure dependencies, common environmental impacts, and common development objectives with the broader Project Jupiter project.

Reviewing the fuel cell facility in isolation risks understating cumulative impacts related to air quality, water demand, greenhouse gas emissions, environmental justice, infrastructure expansion, and long-term resource consumption.

Accordingly, NMED should evaluate the proposed permit within the broader context of Project Jupiter as an integrated industrial system and should require cumulative review sufficient to disclose the full environmental consequences of the development before any permit decision is made.

Financing Before Environmental Review

One of the most significant issues raised by Project Jupiter is not simply the environmental impacts of the project itself, but the sequence in which critical decisions were made.

Environmental review is intended to inform decision-making before major commitments occur. It exists so that agencies, elected officials, and the public can evaluate environmental consequences before projects become effectively predetermined through financial, contractual, and infrastructure commitments.

The public record associated with Project Jupiter raises serious questions regarding whether that sequence has been reversed.

Available documents indicate that substantial financial commitments, public incentive agreements, infrastructure planning efforts, and governmental support mechanisms were advanced before environmental review of the project's full impacts was completed.

This sequencing matters because it directly affects the integrity of the environmental review process.

When financing comes first and environmental review comes later, there is a risk that environmental review becomes a procedural exercise rather than a meaningful evaluation of alternatives and impacts.

The Project Was Financially Advanced Before Environmental Questions Were Resolved

Public records demonstrate that major governmental and financial actions associated with Project Jupiter occurred long before comprehensive environmental review was completed.

These actions include:

- State-level commitments and support agreements.
- Industrial Revenue Bond authorizations.
- Local Economic Development Act (LEDA) approvals.
- Gross Receipts Tax sharing commitments.
- Infrastructure planning activities.
- Water infrastructure discussions.
- Desalination planning initiatives.
- Utility and power infrastructure development.

Collectively, these actions established the financial and political framework necessary for Project Jupiter to proceed.

Yet many of the environmental questions that remain central to public concern—including cumulative impacts, greenhouse gas emissions, water demand, environmental justice impacts, and long-term infrastructure consequences—have not been comprehensively addressed through a single review process.

The result is a growing public perception that environmental review is being asked to validate decisions that have already been made.

The Purpose of Environmental Review

Environmental review serves a specific public purpose.

It is designed to ensure that environmental consequences are understood before commitments become irreversible.

The process is intended to answer questions such as:

- What are the environmental impacts?
- What alternatives exist?
- Can impacts be avoided or reduced?
- Are the public benefits sufficient to justify the environmental costs?
- Who bears the burdens and who receives the benefits?

These questions are most meaningful when asked before substantial commitments have been made.

Once billions of dollars in financing structures, public subsidies, infrastructure commitments, and political agreements have been established, the practical ability to reconsider alternatives becomes increasingly limited.

This concern is particularly relevant for Project Jupiter because of the scale of the proposed development and the magnitude of the public commitments already associated with it.

Public Subsidies and Public Risk

Project Jupiter has been promoted as a major economic development initiative.

At the same time, the project has benefited from significant public support mechanisms including industrial revenue bond structures, economic development incentives, tax abatements, and infrastructure planning commitments.

These public commitments create public risk.

Communities are being asked to absorb environmental impacts while public resources are being committed to facilitate project development.

Under these circumstances, environmental review becomes even more important.

The larger the public investment, the greater the obligation to ensure that environmental consequences are fully disclosed and carefully evaluated.

The public should not be placed in a position where environmental review occurs only after substantial public commitments have already been made.

Environmental Review Should Not Be Fragmented

The sequencing problem is compounded by the fragmented nature of the review process.

Financial approvals occur through one set of governmental processes.

Infrastructure planning occurs through another.

Water issues are reviewed separately.

Air permits are reviewed separately.

Economic development agreements are reviewed separately.

The result is that no single proceeding evaluates the full relationship between financial commitments and environmental consequences.

This fragmentation makes it difficult for the public to understand the true scope of Project Jupiter.

It also makes it difficult for decision-makers to evaluate whether the cumulative environmental burdens are justified by the anticipated public benefits.

The revised permit application cannot be viewed in isolation from this broader context.

The fuel cell facility is being proposed within a project that has already received substantial governmental support and financial commitment.

That reality should inform NMED's review.

Public Confidence and Procedural Fairness

The legitimacy of environmental review depends upon public confidence. Communities must believe that their participation can meaningfully influence project outcomes. When major financial commitments appear to precede environmental review, public confidence is undermined.

Residents may reasonably question whether environmental review remains capable of affecting decisions that already appear politically and financially committed.This concern has been expressed repeatedly throughout public discussions surrounding Project Jupiter.

Thousands of comments were submitted during previous permit proceedings. Community organizations, environmental advocates, technical experts, and residents raised substantial concerns regarding the project's impacts.

The withdrawal of earlier permit applications and the submission of revised proposals do not eliminate those concerns.

Instead, they reinforce the importance of ensuring that environmental review remains independent, transparent, and capable of fully evaluating project impacts.

The Relevance to the Current Permit Application

The issue before NMED is not whether economic development should occur.Nor is it whether financial incentives are appropriate.The issue is whether environmental review has been conducted in a manner that fully informs the permitting decision currently before the agency.

The history of Project Jupiter demonstrates that substantial financial and infrastructure commitments have already been made.That history should not predetermine the outcome of

environmental review.Instead, it should increase the level of scrutiny applied to the permit application.

Where financing has preceded environmental review, agencies have an even greater responsibility to ensure that environmental impacts are thoroughly analyzed, cumulative effects are disclosed, and public participation remains meaningful.

Conclusion

The record associated with Project Jupiter demonstrates a pattern in which financial commitments, public incentives, infrastructure planning, and governmental support mechanisms advanced before comprehensive environmental review was completed.

This sequence raises significant concerns regarding procedural fairness, public confidence, and the ability of environmental review to fulfill its intended purpose.

The revised permit application should therefore be evaluated within the context of these prior commitments and with heightened attention to cumulative impacts, environmental justice concerns, and the adequacy of the administrative record.

Environmental review functions best when it guides decisions.

It is far less effective when it follows them.

For that reason, NMED should apply rigorous scrutiny to the proposed permit application and ensure that environmental considerations—not prior financial commitments—remain the determining factor in any permitting decision.

Public Participation and the Continuing Relevance of Prior Public Comments

Public participation is not a procedural formality. It is a fundamental component of environmental decision-making.

The legitimacy of environmental review depends upon the public's ability to understand proposed actions, access relevant information, evaluate environmental consequences, and provide meaningful input before decisions are made.

Project Jupiter has generated an extraordinary level of public interest and public concern. During previous permitting proceedings, thousands of residents, organizations, technical

experts, environmental advocates, public officials, and community members submitted comments regarding the proposed power facilities associated with the project.

Those comments addressed a wide range of issues, including:

- Air quality impacts.
- Greenhouse gas emissions.
- Water consumption.
- Environmental justice concerns.
- Public health risks.
- Cumulative impacts.
- Segmentation of project components.
- Infrastructure demands.
- Climate implications.
- Long-term sustainability.

The withdrawal of the previous permit applications does not eliminate those concerns.Nor does it erase the public record that was created through those proceedings.

Withdrawal Does Not Erase the Record

The applicant's decision to withdraw the previous permit applications and submit a revised proposal does not create a blank slate.The environmental concerns raised during the prior review process remain relevant because the underlying purpose of the project remains unchanged.

Project Jupiter continues to require large quantities of electricity.

Project Jupiter continues to require water.

Project Jupiter continues to generate environmental impacts.

Project Jupiter continues to involve long-term industrial development at a massive scale.

While the technology proposed to generate electricity has changed, the broader environmental questions remain substantially the same.The public comments submitted during previous proceedings therefore retain significant value and should continue to inform NMED's review.Environmental review should build upon the existing record rather than disregard it.

The Public Has Already Invested Significant Effort

Thousands of individuals devoted substantial time and effort to reviewing technical documents, attending meetings, consulting experts, researching environmental impacts, and preparing written comments during earlier proceedings.

Community organizations mobilized resources to educate the public and facilitate participation.

Technical experts provided detailed analyses.

Residents shared local knowledge and community concerns.This collective effort represents a significant public investment in the environmental review process.

Treating the revised application as though prior public participation never occurred would undermine that investment and discourage future civic engagement.The public should not be required to repeatedly recreate the same record each time a project is modified or refiled. Meaningful public participation requires continuity and institutional memory.

Changes in Technology Do Not Eliminate Public Concerns

The applicant may argue that the revised proposal differs from the previous applications because it relies on Bloom Energy fuel cells rather than the originally proposed microgrid configuration.

However, the existence of technological differences does not eliminate the broader concerns raised by the public.

Questions regarding cumulative impacts remain.

Questions regarding water demand remain.

Questions regarding greenhouse gas emissions remain.

Questions regarding environmental justice remain.

Questions regarding long-term industrial development remain.

Questions regarding public subsidies and infrastructure commitments remain.

The revised proposal changes certain aspects of the project but does not eliminate the need to evaluate these larger issues.For that reason, NMED should view prior comments as relevant to the current proceeding unless specific concerns have been demonstrably resolved.

Meaningful Participation Requires Adequate Time

Meaningful public participation depends upon adequate access to information and sufficient time for review.

The revised permit application introduces new technologies, new operational assumptions, new environmental questions, and new technical information that must be evaluated by the public.At the same time, many of the issues raised during previous proceedings remain applicable.

Community members should not be forced to choose between reviewing newly submitted materials and reasserting concerns previously documented in the record.NMED should ensure that affected communities have adequate time to evaluate the revised proposal and understand how it differs from earlier applications.

Particular attention should be given to language accessibility, technical complexity, and the practical barriers that many residents face when attempting to participate in environmental proceedings.

Public Hearing Requirements

The level of public interest surrounding Project Jupiter strongly supports the need for a formal public hearing.

A hearing serves several important functions.

It creates a public record.

It allows direct communication between the public and decision-makers.

It provides opportunities for technical questions to be raised and addressed.

It ensures transparency.

Most importantly, it recognizes the significance of the project and the substantial public interest it has generated. Given the scale of Project Jupiter, the number of prior comments submitted, the environmental issues involved, and the continuing public concern, a hearing is both reasonable and necessary.

The hearing should be:

- Conducted in a location accessible to affected communities.
- Available in both English and Spanish.
- Available through hybrid in-person and virtual participation.
- Scheduled at times that maximize public access.
- Supported by full public access to relevant technical documents.

Transparency and Public Trust

Public trust is strengthened when agencies demonstrate that public participation matters.

Conversely, public trust is undermined when communities perceive that environmental review proceeds without meaningful consideration of public concerns.The history of Project Jupiter has already generated substantial concern regarding transparency, disclosure, sequencing of approvals, and public access to information.

For this reason, NMED should take particular care to demonstrate that public comments are being reviewed, considered, and incorporated into the agency's decision-making process.The revised permit application presents an opportunity to reinforce public confidence through transparency and meaningful engagement.

Continuing Relevance of the Prior Record

The existing public record contains valuable information that should not be disregarded.

Previous comments addressed many issues that remain relevant to the revised application, including:

- Cumulative environmental impacts.
- Water resource concerns.
- Environmental justice considerations.
- Public health implications.
- Climate impacts.
- Project scale and foreseeable growth.
- Segmentation and connected actions.
- Community burden and disproportionate impacts.

NMED should explicitly acknowledge the continuing relevance of these issues and ensure that the prior record informs the agency's review of the revised permit application.Doing so will strengthen both the quality of the environmental review and the legitimacy of the final decision.

Conclusion

Public participation is most effective when it is treated as an ongoing process rather than a procedural requirement that resets whenever an application changes.

The thousands of comments submitted during previous Project Jupiter proceedings remain relevant because the underlying project remains substantially the same.

The revised permit application may alter the technology proposed to generate electricity, but it does not eliminate the broader environmental, social, and community concerns that have driven public participation from the beginning.

Accordingly, NMED should incorporate the prior public record into its review, provide additional opportunities for public participation, hold a formal public hearing, and ensure that affected

communities have a meaningful opportunity to evaluate and comment upon the revised proposal before any permit decision is made.

Meaningful participation requires more than notice.It requires continuity, transparency, accessibility, and a demonstrated commitment to considering the concerns of the communities most affected by the decision.

Deficiencies in the Current Administrative Record

The purpose of environmental review is to provide decision-makers and the public with sufficient information to understand the environmental consequences of a proposed action before a permit decision is made.
A complete administrative record is therefore essential.
The record must contain enough information to allow independent evaluation of environmental impacts, verification of applicant claims, assessment of alternatives, and meaningful public participation.
Based upon review of the revised permit application and the broader Project Jupiter record, significant gaps remain.
These deficiencies limit the ability of the public and decision-makers to fully evaluate the project's environmental consequences and weigh heavily in favor of additional review before any permit decision is issued.

Incomplete Hazardous Waste Characterization

One of the most significant deficiencies in the current record concerns hazardous waste generation and management.
The revised application relies upon Bloom Energy Solid Oxide Fuel Cell technology. Unlike conventional power generation systems, these facilities utilize specialized fuel cell components that degrade over time and require replacement throughout the operational life of the project.
The current record does not adequately disclose:

- The expected volume of spent fuel cell materials generated annually.
- The chemical composition of those materials.
- Whether any components qualify as hazardous waste under federal or state regulations.
- Long-term waste management plans.
- Transportation and disposal methods.
- Disposal facility locations.
- Long-term environmental monitoring requirements.

Without this information, the public cannot fully evaluate the environmental impacts associated with operation of the proposed facility.

Insufficient Life-Cycle Analysis

The revised application focuses primarily on emissions generated at the facility itself. However, the environmental footprint of the project extends beyond the facility boundary. The record does not contain a comprehensive life-cycle analysis addressing:

- Upstream natural gas extraction.
- Natural gas transportation infrastructure.
- Fuel processing requirements.
- Equipment manufacturing impacts.
- Fuel cell replacement cycles.
- Waste disposal impacts.
- End-of-life decommissioning requirements.

Because the project relies upon a continuous supply of natural gas and specialized industrial equipment, these impacts represent a material component of the project's overall environmental footprint.

The absence of such analysis leaves the record incomplete.

Lack of Comprehensive Greenhouse Gas Context

Although greenhouse gas emissions are addressed within the application, the record does not adequately evaluate those emissions within the broader context of Project Jupiter. The facility exists solely to support the energy demands of a hyperscale data center development. The current record does not clearly address:

- Full-build operational greenhouse gas emissions.
- Long-term cumulative emissions.
- Interaction between the proposed facility and future development phases.
- Indirect emissions associated with supporting infrastructure.
- Climate implications of multi-decade operation.

Because the facility is part of a larger industrial system, greenhouse gas impacts should be evaluated accordingly.

Inadequate Water Impact Analysis

Water remains one of the most significant environmental issues associated with Project Jupiter. Yet the current record does not demonstrate that a comprehensive cumulative water analysis has been completed. The record lacks:

- Full-build water demand projections.
- Multi-decade operational demand analysis.

- Basin-wide cumulative withdrawal modeling.
- Drought-year scenario evaluation.
- Aquifer response projections.
- Analysis of impacts on existing users.
- Evaluation of future expansion scenarios.

The available information does not provide sufficient evidence to determine whether long-term project demands can be sustained without adverse impacts to regional water resources.

Absence of Integrated Project Analysis

A recurring issue throughout the Project Jupiter review process has been the separation of project components into multiple administrative proceedings.
The current record evaluates the proposed fuel cell facility largely as a stand-alone source. However, the record does not adequately address:

- The relationship between the power facility and Project Jupiter.
- The relationship between power demand and data center operations.
- Supporting infrastructure dependencies.
- Associated utility infrastructure.
- Water infrastructure requirements.
- Transportation impacts.
- Future project phases.

This fragmented approach risks understating cumulative environmental impacts.
The record should contain a comprehensive analysis of how these interconnected elements function together.

Environmental Justice Analysis Remains Incomplete

The current record does not contain a comprehensive cumulative environmental justice assessment. While individual impacts may be discussed separately, the record does not adequately evaluate how those impacts interact within communities already experiencing environmental and socioeconomic burdens.

The record lacks:

- Comprehensive cumulative burden analysis.
- Evaluation of existing environmental stressors.
- Public health vulnerability assessment.
- Long-term community exposure analysis.
- Evaluation of disproportionate impacts.
- Consideration of cumulative air, water, and infrastructure burdens.

Environmental justice review requires more than isolated impact assessments.It requires evaluation of the total burden experienced by affected communities.
That analysis is currently incomplete.

Unresolved Questions Regarding Future Expansion

Project Jupiter is widely understood to be a large-scale, multi-phase development.
Yet the current record provides limited information regarding future expansion and foreseeable growth.

Questions remain regarding:

- Additional power demand.
- Additional infrastructure requirements.
- Future water consumption.
- Additional industrial facilities.
- Induced development effects.
- Long-term operational scaling.

Environmental review should account for reasonably foreseeable future development rather than limiting analysis solely to initial project phases.
The current record does not adequately address these issues.

Public Participation Constraints

The deficiencies identified above directly affect the public's ability to participate meaningfully in the review process.

When critical information is absent, incomplete, or fragmented across multiple proceedings, public review becomes substantially more difficult.
The public cannot effectively evaluate impacts that have not been fully disclosed.
Meaningful participation depends upon meaningful access to information.
Where significant information gaps remain, additional review is warranted.

The Need for Additional Information

The deficiencies identified in this section are not minor technical issues.
They concern fundamental aspects of the project's environmental footprint, including:

- Hazardous waste generation.
- Water demand.
- Greenhouse gas emissions.
- Environmental justice impacts.
- Cumulative effects.
- Future expansion.
- Connected actions.

These issues are central to the permitting decision before NMED.
Until they are adequately addressed, the administrative record remains incomplete.

Conclusion

The current administrative record does not provide sufficient information to fully evaluate the environmental consequences of the proposed facility.
Significant gaps remain regarding hazardous waste management, cumulative water impacts, greenhouse gas emissions, environmental justice concerns, future expansion, and the relationship between the proposed facility and the broader Project Jupiter development.
These deficiencies limit meaningful public participation and undermine the ability of decision-makers to fully assess project impacts.
Accordingly, NMED should require additional disclosures, supplemental analysis, and further review before making any permitting decision.
An incomplete record cannot support an informed decision.
The public interest is best served by ensuring that all material environmental impacts are fully disclosed, independently evaluated, and subject to meaningful public review before any permit is approved.

Climate Lock-In and Long-Term Infrastructure Commitments

The environmental significance of the proposed Bloom Energy facility extends beyond the emissions generated during any single year of operation.

The facility represents a long-term infrastructure commitment that may shape patterns of energy consumption, water use, industrial development, and greenhouse gas emissions for decades.

This phenomenon is commonly described as climate lock-in.

Climate lock-in occurs when major investments in energy infrastructure create long-term dependence on technologies, fuels, and development patterns that continue generating greenhouse gas emissions long after initial permitting decisions have been made.

Once infrastructure is constructed, substantial economic and political pressures emerge to maintain and expand its use. Facilities designed to operate for decades rarely remain temporary. Instead, they become embedded within regional development strategies, utility planning, public investment decisions, and future industrial growth.

The proposed Bloom Energy facility should therefore be evaluated not only for its immediate emissions profile, but also for the long-term trajectory it establishes.

A Long-Term Commitment to Natural Gas

Although the revised permit application presents fuel cells as an alternative to conventional combustion technologies, the proposed facility remains dependent upon natural gas.

The facility cannot operate without a continuous fuel supply.

Approval of the permit would therefore authorize not simply a power generation facility, but a long-term commitment to fossil fuel infrastructure supporting Project Jupiter.

This commitment includes:

- Natural gas supply infrastructure.
- Long-term fuel contracts.
- Utility investments.
- Maintenance and replacement programs.
- Associated industrial expansion.
- Future infrastructure upgrades.

Once these systems are established, economic incentives favor continued operation and expansion rather than transition. The result is that decisions made today can influence emissions profiles for decades into the future.

Data Centers and Escalating Energy Demand

Project Jupiter is part of a broader national expansion of hyperscale data centers, artificial intelligence infrastructure, cloud computing systems, and digital industrial facilities.

These developments are among the most energy-intensive forms of modern infrastructure.

Unlike traditional commercial development, data centers operate continuously.

Servers run twenty-four hours per day.

Cooling systems operate continuously.

Backup systems remain available at all times.

As artificial intelligence workloads increase, energy consumption frequently rises rather than declines.

The significance of this trend is that power infrastructure approved today may become the foundation for future expansion tomorrow.

Facilities initially proposed to meet current demand often become justification for additional development, increased capacity, and expanded infrastructure commitments.

Climate lock-in therefore occurs not only through direct emissions, but through the development patterns that energy infrastructure enables.

Water and Climate Lock-In

Energy infrastructure and water infrastructure are inseparable in arid regions.The proposed facility is intended to support a development located in one of the most water-constrained regions of the United States.

Long-term industrial energy systems require supporting water infrastructure, cooling systems, utility planning, and resource allocation decisions that may persist for decades.As climate change intensifies drought conditions throughout the Southwest, these commitments become increasingly significant.

Future generations will inherit the consequences of water allocation decisions made today.For that reason, climate lock-in is not solely an energy issue.

It is also a water issue.

The approval of long-term industrial infrastructure should be evaluated in light of future water uncertainty rather than historical assumptions regarding availability.

Infrastructure Lock-In and Future Expansion

Project Jupiter is widely understood to be a multi-phase development.The proposed Bloom Energy facility is designed to support that growth.The permit therefore raises an important question:

Does approval of the facility simply authorize current operations, or does it create infrastructure that facilitates future expansion?

The distinction matters.

Infrastructure frequently outlives the assumptions upon which it was originally justified.

Roads enable additional growth.

Utility systems enable additional growth.

Power infrastructure enables additional growth.

The cumulative environmental consequences of those future expansions may exceed the impacts associated with the initial permit itself.

NMED should therefore evaluate the foreseeable implications of establishing long-term energy infrastructure intended to support a project of this scale.

Climate Resilience and Future Risk

New Mexico already faces significant climate-related challenges.

These include:

- Increasing temperatures.
- Reduced snowpack.
- Prolonged drought.
- Greater wildfire risk.
- Increased water scarcity.
- More frequent extreme weather events.

Environmental review should consider whether proposed infrastructure enhances or undermines long-term climate resilience.The question is not simply whether emissions meet current permitting thresholds.

The question is whether the infrastructure being approved today is consistent with the environmental realities anticipated over the coming decades.

Projects that increase dependence on fossil fuels, increase water demand, and facilitate energy-intensive industrial expansion may create additional vulnerabilities under future climate conditions. These considerations should be part of any comprehensive review.

The Cost of Future Alternatives

Every major infrastructure decision carries opportunity costs.

Resources committed to one path become unavailable for other options.

The approval of long-term fossil fuel infrastructure may influence future investment decisions, utility planning priorities, and development patterns.

As a result, climate lock-in is not merely about emissions.

It is about narrowing future choices.

Communities may find themselves increasingly dependent upon infrastructure that was designed for conditions that no longer exist.

Environmental review should therefore consider not only the benefits of the proposed facility, but also the alternatives that may become more difficult to pursue once long-term infrastructure commitments have been made.

Conclusion

The proposed Bloom Energy facility represents more than a power generation project.It represents a long-term infrastructure commitment that may shape patterns of energy consumption, water use, industrial development, and greenhouse gas emissions for decades.

The facility remains dependent upon natural gas.

It supports one of the largest proposed data center developments in the United States.

It requires long-term resource commitments in a region already facing significant climate and water challenges.

For these reasons, NMED should evaluate the proposed permit not only in terms of immediate emissions, but also in terms of climate lock-in, infrastructure dependency, future expansion, and the long-term environmental trajectory established by approval of the project.

The consequences of this decision will extend far beyond the permit term itself.They may influence the environmental future of southern New Mexico for generations.

Findings

Based upon review of the revised permit application, publicly available information, prior permitting records, and the broader Project Jupiter development history, the following findings are supported by the administrative record.
These findings reflect concerns regarding environmental impacts, procedural adequacy, cumulative effects, environmental justice, and the completeness of the information currently available to NMED and the public.

Finding 1

The Proposed Facility Remains Dependent Upon Natural Gas
Although the revised application proposes Bloom Energy Solid Oxide Fuel Cell technology rather than the previously proposed microgrid configuration, the facility remains fundamentally dependent upon natural gas.

The change in technology does not eliminate reliance upon fossil fuel extraction, transportation, processing, and consumption.
As a result, the proposed facility continues to generate greenhouse gas emissions and other air pollutants associated with natural gas-powered industrial infrastructure.

Finding 2

The Revised Application Does Not Eliminate the Environmental Impacts Associated with Project Jupiter

The revised permit application changes the method of electricity generation but does not alter the underlying purpose of the project.
The facility continues to exist for the purpose of supplying electricity to Project Jupiter.
The larger project's environmental impacts—including water demand, air emissions, greenhouse gas emissions, infrastructure expansion, and cumulative environmental burdens—remain relevant to the permit review process.
Changing the technology does not eliminate the environmental consequences associated with the larger development.

Finding 3

The Administrative Record Does Not Fully Address Hazardous Waste Generation and Disposal

The record does not contain sufficient information regarding:

- Fuel cell replacement cycles.
- Composition of spent fuel cell materials.
- Hazardous waste characterization.
- Transportation requirements.
- Disposal locations.
- Long-term waste management procedures.

Because waste generation represents a foreseeable consequence of facility operation, these issues should be fully disclosed and evaluated before any permit decision is made.

Finding 4

The Administrative Record Does Not Contain a Comprehensive Life-Cycle Environmental Analysis

The environmental impacts associated with the proposed facility extend beyond emissions generated at the project site.
The record does not adequately evaluate:

- Upstream fuel extraction.
- Fuel transportation.
- Equipment manufacturing.
- Replacement and disposal requirements.
- Long-term operational impacts.
- End-of-life decommissioning.

The absence of a comprehensive life-cycle analysis limits the ability to evaluate the project's full environmental footprint.

Finding 5

The Record Does Not Demonstrate That Cumulative Water Impacts Have Been Fully Evaluated

Water demand remains one of the most significant environmental concerns associated with Project Jupiter.

The record does not demonstrate that cumulative water impacts associated with:

- Power generation,
- Data center operations,
- Cooling requirements,
- Future project phases,
- Supporting infrastructure,

have been comprehensively evaluated through a single cumulative analysis.

The available information does not provide sufficient evidence to determine whether long-term project demands can be sustained without adverse impacts to regional water resources.

Finding 6

The Proposed Facility Functions as Part of an Integrated Industrial System

The proposed fuel cell facility is not an independent industrial project.

Its sole purpose is to provide electricity to Project Jupiter.

The facility shares common operational objectives, infrastructure dependencies, and environmental impacts with the larger development.

The environmental consequences of the facility should therefore be evaluated within the context of the broader Project Jupiter project rather than as an isolated source.

Finding 7

Segmented Review Risks Understating Environmental Impacts

Project Jupiter has been evaluated through multiple separate administrative processes involving:

- Air permitting.
- Water planning.
- Utility infrastructure.
- Economic development incentives.
- Public financing mechanisms.
- Transportation infrastructure.

This segmented approach risks understating cumulative environmental impacts because no single proceeding evaluates the full environmental footprint of the integrated project.

Comprehensive review is necessary to accurately assess cumulative impacts.

Finding 8

The Administrative Record Does Not Contain a Comprehensive Environmental Justice Analysis

The record does not demonstrate that cumulative environmental burdens affecting surrounding communities have been fully evaluated.

The current review does not adequately assess:

- Existing environmental stressors.
- Public health vulnerabilities.
- Water scarcity impacts.
- Air quality burdens.
- Socioeconomic factors.
- Long-term cumulative exposure.

The absence of a comprehensive environmental justice review leaves significant questions unresolved regarding disproportionate impacts on affected communities.

Finding 9

Prior Public Comments Remain Relevant to the Current Proceeding

Thousands of public comments were submitted during prior permitting proceedings involving Project Jupiter.

Although the permit applications have changed, many of the issues raised by those comments remain directly relevant to the revised proposal.

These include concerns regarding:

- Air quality.
- Water resources.
- Greenhouse gas emissions.
- Environmental justice.
- Public health.
- Cumulative impacts.
- Project scale.

The prior public record should therefore remain part of NMED's evaluation of the revised application.

Finding 10

The Level of Public Interest Warrants Expanded Public Review

Project Jupiter has generated extraordinary public interest.

The scale of the project, the number of comments previously submitted, the environmental issues involved, and the continuing public concern all support expanded opportunities for public participation.

The public interest in this proceeding exceeds that of a routine permit action and warrants enhanced transparency and public engagement.

Finding 11

Significant Financial and Infrastructure Commitments Preceded Completion of Environmental Review

Public records indicate that substantial financial commitments, public incentive mechanisms, infrastructure planning efforts, and governmental support activities associated with Project Jupiter advanced before comprehensive environmental review of the project's cumulative impacts was completed.

This sequence raises legitimate concerns regarding procedural fairness and reinforces the need for heightened scrutiny of the current permit application.

Environmental review should inform decisions rather than merely follow them.

Finding 12

The Current Administrative Record Remains Incomplete

The record does not presently contain sufficient information regarding:

- Hazardous waste generation and disposal.
- Long-term cumulative water impacts.
- Environmental justice impacts.
- Connected actions.
- Future expansion.
- Life-cycle environmental consequences.

These deficiencies limit meaningful public participation and prevent a fully informed evaluation of project impacts.

Finding 13

Additional Review Is Necessary Before Any Permit Decision Is Made

Based upon the deficiencies identified throughout this report, the current record does not provide an adequate basis for final permit approval.

Additional information, expanded analysis, and enhanced public participation are necessary to ensure that environmental impacts are fully understood before any permitting decision is issued.

Overall Finding

The revised permit application represents a significant industrial facility intended to support one of the largest proposed data center developments in the United States.

While the technology proposed for electricity generation has changed, the fundamental environmental questions associated with Project Jupiter remain unresolved.

The current record does not adequately address cumulative impacts, environmental justice concerns, hazardous waste generation, long-term water demands, or the relationship between the proposed facility and the broader Project Jupiter development.

For these reasons, the record remains incomplete and additional review is warranted before any permit decision is made

.Requested Actions

The purpose of public comment is not merely to identify concerns. It is to identify actions necessary to ensure that permitting decisions are based upon a complete, transparent, and scientifically defensible record. Based upon the issues identified throughout this report, the following actions are respectfully requested of the New Mexico Environment Department before any final permit decision is issued regarding the proposed Yucca Growth Infrastructures Bloom Energy facility associated with Project Jupiter.

Request 1

Extend the Public Review Process

The revised application introduces significant new technical information, new operational assumptions, and new environmental questions that were not part of the previous permit applications.

Meaningful public participation requires adequate time for review of:

- Fuel cell technology.
- Air emissions inventories.
- Hazardous waste generation.
- Water demand assumptions.
- Operational characteristics.
- Supporting technical documents.

Given the complexity of the project and the substantial public interest involved, NMED should extend opportunities for public review and comment to ensure meaningful participation.

Request 2

Hold a Formal Public Hearing

The scale of Project Jupiter, the environmental issues involved, and the level of public concern warrant a formal public hearing.

Thousands of comments were submitted during prior permit proceedings. Similar public interest continues to exist regarding the revised application.

The hearing should:

- Be held within the affected region.
- Include both in-person and virtual participation.
- Be accessible in English and Spanish.
- Provide opportunities for technical testimony.
- Allow meaningful participation by affected communities.

Public confidence in the permitting process requires a transparent and accessible hearing process.

Request 3

Incorporate the Prior Public Record Into the Current Review

The withdrawal of the previous permit applications does not eliminate the concerns raised through prior public participation.

NMED should formally incorporate and consider:

- Prior public comments.
- Technical analyses.
- Expert testimony.
- Environmental justice concerns.
- Cumulative impact concerns.
- Water resource concerns.

The current proceeding should build upon the existing public record rather than disregard it.

Request 4

Require a Comprehensive Cumulative Impact Analysis

The proposed facility should not be evaluated solely as an isolated emissions source.

NMED should require a cumulative impact analysis that evaluates:

- Air quality impacts.
- Greenhouse gas emissions.
- Water demand.
- Hazardous waste generation.
- Infrastructure expansion.
- Future project phases.
- Associated industrial development.

The analysis should evaluate Project Jupiter as an integrated industrial system rather than a collection of separate administrative actions.

Request 5

Require a Comprehensive Environmental Justice Analysis

Before any permit is approved, NMED should require a cumulative environmental justice review that evaluates:

- Existing environmental burdens.
- Public health vulnerabilities.
- Air quality impacts.
- Water resource impacts.
- Socioeconomic conditions.
- Disproportionate impacts on affected communities.

The analysis should evaluate cumulative burden rather than isolated impacts.

Particular attention should be given to communities within Doña Ana County that may experience long-term environmental consequences associated with Project Jupiter.

Request 6

Require Full Hazardous Waste Disclosure

The current record does not adequately address hazardous waste generation associated with Bloom Energy fuel cell technology.

NMED should require disclosure of:

- Waste stream characterization.
- Fuel cell replacement schedules.
- Hazardous material inventories.
- Transportation plans.
- Disposal locations.
- Long-term monitoring requirements.
- Emergency response procedures.

No permit should be issued until these issues are fully disclosed and available for public review.

Request 7

Require Comprehensive Water Impact Analysis

Water remains one of the most significant environmental concerns associated with Project Jupiter.

NMED should require:

- Full-build water demand analysis.

- Multi-decade operational demand projections.
- Basin-wide cumulative impact modeling.
- Drought-year scenario analysis.
- Aquifer response evaluation.
- Assessment of impacts on existing users.
- Evaluation of future expansion scenarios.

The analysis should consider Project Jupiter's complete water footprint rather than only the direct demands of the proposed facility.

Request 8

Evaluate Connected Actions and Segmentation Concerns

NMED should evaluate whether the proposed facility is properly reviewed as a stand-alone project.

The agency should consider:

- Operational dependence on Project Jupiter.
- Shared infrastructure.
- Common project purpose.
- Foreseeable future development.
- Associated utility and water infrastructure.

Where project components function together as a single industrial system, environmental review should reflect that reality.

Request 9

Require Additional Information to Complete the Administrative Record

The current record contains significant information gaps regarding:

- Hazardous waste.
- Life-cycle environmental impacts.
- Water demand.
- Environmental justice.
- Future expansion.
- Cumulative impacts.

NMED should require supplemental information sufficient to address these deficiencies before any final decision is made.

A complete record is essential for informed decision-making and meaningful public participation.

Request 10

Deny the Permit Unless the Deficiencies Identified in This Report Are Corrected

If the deficiencies identified throughout this report are not adequately addressed, NMED should deny the requested permit.

At a minimum, permit approval should not occur until:

- The administrative record is complete.
- Public participation requirements have been fully satisfied.
- Environmental justice concerns have been evaluated.
- Cumulative impacts have been analyzed.
- Hazardous waste issues have been resolved.
- Water resource impacts have been fully disclosed.

Environmental review exists to ensure that decisions are based upon complete information.

Where significant information gaps remain, approval would be premature.

Conclusion

Project Jupiter represents one of the largest industrial developments proposed in New Mexico in recent decades.

The revised Bloom Energy permit application does not eliminate the project's environmental significance. It changes one component of a much larger industrial system whose cumulative impacts remain insufficiently evaluated. The public deserves a complete record.

Affected communities deserve meaningful participation.Decision-makers deserve the information necessary to fully understand the environmental consequences of their actions.

For these reasons, NMED should require additional review, expanded public participation, and comprehensive environmental analysis before making any final permit decision regarding the proposed facility.

Conclusion

The revised permit application for the Yucca Growth Infrastructures Bloom Energy facility presents a different technology, but it does not present a different project.

The underlying purpose remains unchanged.

The facility is intended to provide electricity for Project Jupiter, a hyperscale industrial development whose environmental impacts extend far beyond the boundaries of a single permit application. While Bloom Energy fuel cells differ from the previously proposed microgrid configuration, the revised proposal remains dependent upon natural gas, continues to generate greenhouse gas emissions, requires substantial water resources, introduces unresolved hazardous waste questions, and contributes to the cumulative environmental footprint of the larger Project Jupiter development.

The central issue before NMED is therefore not whether the technology has changed. The central issue is whether the environmental impacts have been fully disclosed, adequately analyzed, and meaningfully reviewed.

The current record demonstrates that important questions remain unresolved.

The administrative record does not adequately address cumulative impacts associated with the broader Project Jupiter development. Significant information gaps remain regarding hazardous waste generation and disposal, long-term water demand, environmental justice impacts, future expansion, and the relationship between the proposed facility and the larger industrial system it is designed to support.

The record also demonstrates that substantial public concern continues to exist.

Thousands of public comments were submitted during previous permit proceedings. Those comments addressed many of the same issues that remain relevant today. The withdrawal of earlier applications did not eliminate those concerns. Nor did it erase the public record that was created through years of community engagement, technical analysis, and public participation.

Environmental review is most effective when it occurs before decisions become irreversible.

Its purpose is to inform decision-making, not merely to document impacts after major commitments have already been made. The history of Project Jupiter raises legitimate concerns regarding the relationship between financial commitments, infrastructure planning, and environmental review. That history reinforces the need for careful scrutiny of the current application and a commitment to ensuring that environmental considerations remain central to the permitting process.

The communities of Doña Ana County deserve a review process that is transparent, thorough, and grounded in complete information.

They deserve an opportunity to understand the project’s full environmental consequences before permits are issued.

They deserve meaningful participation in decisions that may affect their air quality, water resources, public health, and quality of life for decades to come.

The public interest is not served by incomplete analysis.

The public interest is not served by fragmented review.

The public interest is not served when cumulative impacts are separated into individual administrative actions that obscure the scale of the larger project.

The public interest is served when decision-makers have access to complete information and when affected communities have a meaningful opportunity to participate in the process.

For these reasons, NMED should require additional disclosures, expanded public participation, comprehensive cumulative review, and a complete administrative record before making any final permit decision regarding the proposed facility.

Changing the technology does not eliminate the impacts.

Changing the permit does not erase the public record.

And changing the application does not remove the obligation to fully evaluate the environmental consequences of Project Jupiter before additional approvals are granted.

Respectfully submitted,

Elaine Cimino Director

Common Ground Rising Community Advocacy

Endnotes

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24. New Mexico Environmental Law Center, public statements regarding community participation and Project Jupiter proceedings.

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26. Doña Ana County Industrial Revenue Bond Authorizations for Project Jupiter.
27. Project Jupiter Comprehensive Analysis Report, March 9, 2026.
28. Cimino, Elaine. *Project Jupiter Property Tax Loss and Economic Impact Analysis*, March 2026.

Hazardous Waste and Fuel Cells

29. U.S. Environmental Protection Agency, Resource Conservation and Recovery Act (RCRA) Hazardous Waste Program.
30. Bloom Energy Corporation environmental compliance disclosures and public regulatory filings.
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Government Sources

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- Intergovernmental Panel on Climate Change.
- New Mexico Department of Health.
- New Mexico Environment Department.
- New Mexico Office of the State Engineer.
- Rio Grande Compact Commission.
- U.S. Census Bureau.
- U.S. Environmental Protection Agency.
- United States Geological Survey.

Project Documents

- BorderPlex Digital Assets Memorandum of Understanding (February 25, 2025).
- Doña Ana County Industrial Revenue Bond Documents.
- Project Jupiter Comprehensive Analysis Report.
- Project Jupiter Property Tax Loss and Economic Impact Analysis.
- Cumulative Impact and Segmentation Analysis of the Project Jupiter Microgrid Permits.
- Yucca Growth Infrastructures Air Permit Application.

Legal Authorities

- 40 C.F.R. § 51.166.
- 40 C.F.R. § 52.21.
- NMAC 20.2.70.
- NMAC 20.2.74.
- Resource Conservation and Recovery Act (RCRA).
- Title VI of the Civil Rights Act of 1964.

APPENDIX A
Prior Public Record and Technical Materials Incorporated by Reference
Purpose of This Appendix

This report focuses specifically on the revised Yucca Growth Infrastructures Bloom Energy air permit application currently under review by the New Mexico Environment Department. However, the proposed facility is not an isolated project. It is part of the broader Project Jupiter development, a large-scale industrial project that has been the subject of extensive public review, technical analysis, agency proceedings, public records requests, economic development approvals, environmental investigations, and community engagement efforts since 2024.
To avoid unnecessary duplication while preserving the full public record, the documents identified below are incorporated by reference into these comments and should be considered part of the administrative record for purposes of evaluating the proposed permit application. These materials provide additional information regarding cumulative impacts, environmental justice, segmentation, public financing, water resources, infrastructure planning, public participation, economic impacts, and foreseeable future development associated with Project Jupiter.
Documents Incorporated by Reference
A-1
Cumulative Impact and Segmentation Analysis of the Project Jupiter Microgrid Permits
Author: Elaine Cimino
Date: 2026
This report evaluates:

- Segmentation of Project Jupiter infrastructure.
- Connected actions.
- Prevention of Significant Deterioration (PSD) aggregation issues.
- Foreseeability.
- Cumulative environmental impacts.
- Water demand.
- Environmental justice concerns.
- Air quality implications.

The findings and analyses contained in that report remain relevant because the revised permit application continues to serve the same underlying Project Jupiter development.

A-2
Project Jupiter Comprehensive Analysis Report
Author: Elaine Cimino
Date: March 2026
This report evaluates:

- Project ownership structure.
- Public financing mechanisms.
- Industrial Revenue Bonds.
- PILOT agreements.
- Infrastructure commitments.
- Public subsidy programs.
- Economic development agreements.
- Governance and transparency issues.

This report is incorporated for the limited purpose of documenting project scale, foreseeable development, financing commitments, and infrastructure planning relevant to cumulative impact analysis.

A-3
Project Jupiter Property Tax Loss and Economic Impact Analysis
Author: Elaine Cimino
Date: March 2026
This report evaluates:

- Property tax implications.
- PILOT structures.
- Public revenue impacts.
- Public service implications.
- Economic development claims.

This document is incorporated as evidence of project scale and public commitments associated with the broader development.

A-4
State Investment Council Exposure Analysis
Author: Elaine Cimino
Date: 2026
This analysis evaluates:

- State Investment Council investments.
- Private equity exposure.
- Digital infrastructure investments.
- Data center investment ecosystems.
- Venture capital relationships.
- Public capital participation in infrastructure expansion.

This report is incorporated solely for context regarding the broader financing environment surrounding Project Jupiter and related infrastructure development.

A-5
Water Resource Research and Supporting Materials
Including but not limited to:

- Aquifer research.
- Office of the State Engineer publications.
- Groundwater basin studies.
- Rio Grande water planning materials.
- Desalination project materials.
- Water demand analyses.
- Climate and drought studies.

These materials are incorporated to support the cumulative water impact concerns identified throughout this report.

A-6
Prior Public Comments Submitted During Earlier Project Jupiter Permit Proceedings
Including:

- Individual public comments.
- Organizational comments.
- Technical expert comments.
- Community submissions.
- Public hearing requests.
- Environmental justice submissions.

The withdrawal of prior permit applications does not eliminate the relevance of these comments because many of the underlying concerns remain applicable to the revised proposal.

A-7
Public Records Obtained Through Inspection of Public Records Act Requests
Including records obtained from:

- Doña Ana County.
- City of Sunland Park.
- New Mexico Environment Department.
- New Mexico State Land Office.
- Office of the State Engineer.
- Economic Development Department.
- Other local, state, and federal agencies.

These records provide information regarding project planning, infrastructure development, environmental review, public financing, and governmental decision-making associated with Project Jupiter.

A-8
Environmental Justice and Community Impact Materials
Including:

- Demographic analyses.
- Public health information.
- Community impact studies.
- Environmental justice guidance documents.
- EPA environmental justice resources.
- Community organization submissions.

These materials are incorporated to support cumulative burden and environmental justice concerns discussed in this report.

Continuing Relevance of Prior Materials
The applicant has revised the proposed power generation technology associated with Project Jupiter. However, the broader development remains substantially unchanged.
The revised permit application continues to support:

- The same Project Jupiter development.
- The same data center complex.

- The same long-term operational objectives.
- The same regional infrastructure commitments.
- The same water demand concerns.
- The same environmental justice considerations.
- The same cumulative impact concerns.

Accordingly, the documents identified above remain relevant to NMED's review and should be considered as part of the broader administrative record.

Reservation of Rights

The incorporation of these materials by reference is intended to supplement, not limit, the issues raised in these comments.

The commenter reserves the right to supplement the record with additional information, technical materials, public records, expert analyses, agency documents, and related evidence as such materials become available.

Nothing in this appendix should be construed as limiting the scope of concerns raised regarding Project Jupiter, cumulative impacts, environmental justice, water resources, greenhouse gas emissions, hazardous waste generation, public participation, or the adequacy of environmental review.

Conclusion

Project Jupiter did not begin with this permit application, and its environmental consequences cannot be understood solely through the documents associated with this application.

The materials incorporated by reference provide important context regarding project scale, cumulative impacts, public financing, environmental justice, water resources, infrastructure planning, and foreseeable future development.

For that reason, these materials should be included as part of the administrative record and considered by NMED in evaluating the proposed Yucca Growth Infrastructures Bloom Energy permit application.

APPENDIX B

Chronology of Project Jupiter Decisions and Approvals (2024–2026)

Purpose of This Appendix

The purpose of this chronology is to provide decision-makers and the public with a consolidated timeline of major Project Jupiter actions, approvals, financing commitments, infrastructure planning activities, and environmental review milestones.

The chronology demonstrates a recurring pattern in which financial commitments, infrastructure planning, and governmental approvals frequently advanced before completion of comprehensive environmental review.

This timeline is intended to assist NMED in evaluating cumulative impacts, connected actions, foreseeability, public participation concerns, and the broader context within which the current permit application is being considered.

2024

Project Development and Recruitment Activities

Throughout 2024, discussions regarding large-scale data center development, artificial intelligence infrastructure, power generation requirements, and associated economic development initiatives accelerated in New Mexico and the BorderPlex region.

Public information regarding Project Jupiter remained limited during much of this period.

Environmental review had not yet occurred.

Public participation opportunities were limited.

February 25, 2025

Memorandum of Understanding Executed

The State of New Mexico and BorderPlex Digital Assets entered into a Memorandum of Understanding regarding Project Jupiter.

The MOU established a framework for cooperation and support associated with development of the project.

This agreement occurred before comprehensive public environmental review of cumulative project impacts.

Spring–Summer 2025

Infrastructure and Economic Development Planning

Project planning activities continued.

Discussions included:

- Electrical infrastructure.
- Power generation requirements.
- Water supply planning.
- Economic development incentives.
- Public infrastructure commitments.
- Utility coordination.

These activities further advanced project development while environmental review remained fragmented among separate administrative processes.

2025

Industrial Revenue Bond Authorizations

Doña Ana County approved Industrial Revenue Bond authorizations associated with Project Jupiter.

Public records indicate authorization levels reaching approximately $165 billion.

These approvals represented one of the largest public financing commitments associated with a private development project in New Mexico history.

Comprehensive cumulative environmental review had not yet been completed.

2025

Public Subsidy and Incentive Discussions

Governmental entities considered and approved various forms of support associated with Project Jupiter, including:

- Industrial Revenue Bonds.
- PILOT structures.
- Infrastructure planning.
- Utility coordination.
- Economic development incentives.

These actions further committed public resources to project development.

Late 2025

Original Power Generation Permit Applications Submitted

Permit applications were submitted for the East and West Microgrid facilities intended to support Project Jupiter.

The applications proposed large-scale power generation facilities utilizing natural gas infrastructure.

Public review began.

Late 2025 – Early 2026

Public Awareness and Community Engagement Expand

Public awareness of Project Jupiter increased substantially.

Community organizations, residents, technical experts, environmental advocates, and local governments began reviewing project documents and permit applications.

Concerns emerged regarding:

- Air quality.
- Water demand.
- Greenhouse gas emissions.
- Environmental justice.
- Segmentation.
- Public financing.
- Long-term sustainability.

2025–2026

Thousands of Public Comments Submitted

More than 7,000 public comments were reportedly submitted regarding the original permit applications and associated Project Jupiter infrastructure.

The comments addressed:

- Air quality.
- Water resources.
- Public health.
- Environmental justice.
- Climate impacts.
- Cumulative impacts.

- Project scale.

This level of public participation reflected extraordinary public interest.

2025–2026

Public Records Requests and Document Releases

Extensive public records requests were submitted to multiple governmental agencies.
Records obtained included information regarding:

- Financing.
- Infrastructure planning.
- Utility coordination.
- Economic development agreements.
- Water planning.
- Project development activities.

The resulting documents significantly expanded public understanding of Project Jupiter.

Early 2026

Technical Reports and Independent Analyses Released

Independent reports and analyses were prepared addressing:

- Segmentation.
- Connected actions.
- Environmental justice.
- Water resources.
- Economic impacts.
- Public financing.
- Property tax implications.
- State Investment Council exposure.

These reports raised additional concerns regarding cumulative project impacts.

2026

Original Permit Applications Withdrawn

The original East and West Microgrid permit applications were withdrawn.
The withdrawal occurred after substantial public participation and extensive review of the proposed facilities.
The underlying Project Jupiter development, however, remained active.

2026

Revised Bloom Energy Proposal Submitted

Yucca Growth Infrastructures submitted a revised permit application proposing Bloom Energy Solid Oxide Fuel Cell technology.
The revised application was presented as an alternative approach to supplying power for Project Jupiter.
Although the proposed technology changed, the underlying purpose remained unchanged: supplying electricity to Project Jupiter.

2026

New Public Comment Period Opened

NMED opened a new public comment period regarding the revised permit application.
The current proceeding is focused on the proposed Bloom Energy facility.
However, many of the concerns raised during earlier proceedings remain relevant, including:

- Greenhouse gas emissions.
- Water demand.
- Environmental justice.
- Hazardous waste.
- Segmentation.
- Cumulative impacts.

July 6, 2026

Current Public Comment Deadline

Public comments regarding the revised permit application are scheduled to close on July 6, 2026.
This report is submitted as part of that comment process.

Key Observations from the Timeline

Review of this chronology supports several conclusions:

Observation 1

Major financial commitments preceded completion of comprehensive environmental review.

Observation 2

Public infrastructure planning advanced before cumulative environmental impacts were fully evaluated.

Observation 3

The project was reviewed through multiple separate administrative processes rather than through a single comprehensive evaluation.

Observation 4

Public participation increased substantially only after major project commitments had already occurred.

Observation 5

Withdrawal of the original permit applications did not eliminate the underlying project or its associated environmental concerns.

Observation 6

The revised permit application remains part of the same broader Project Jupiter development.

Observation 7

The current permit review should be understood within the larger context of Project Jupiter's financing, infrastructure development, public subsidies, environmental impacts, and cumulative effects.

Conclusion

This chronology demonstrates that Project Jupiter evolved through a series of interconnected financial, infrastructure, permitting, and governmental actions occurring over multiple years.
The proposed Bloom Energy facility did not emerge independently.
It represents the latest phase of a broader development effort involving substantial public commitments, extensive infrastructure planning, and significant environmental consequences.
Understanding this sequence is essential to evaluating cumulative impacts, environmental justice concerns, public participation issues, and the adequacy of environmental review associated with the current permit application.
For that reason, the chronology should be considered as part of the administrative record supporting review of the Yucca Growth Infrastructures permit application.

APPENDIX C

Questions NMED Must Answer Before Permit Approval

Purpose of This Appendix

The purpose of environmental review is to provide sufficient information for informed decision-making.

A permit should not be approved if fundamental questions regarding environmental impacts, public health, cumulative effects, environmental justice, water resources, hazardous waste management, and long-term project consequences remain unanswered.

The following questions arise directly from the revised permit application, the broader Project Jupiter development, and the information currently available in the administrative record.

These questions should be answered before any final permitting decision is made.

Project Scope and Cumulative Impacts

Question 1

Has NMED evaluated the proposed Bloom Energy facility as part of the larger Project Jupiter development, or solely as an individual emissions source?

Question 2

What analysis demonstrates that the proposed facility can be meaningfully separated from the larger Project Jupiter development for environmental review purposes?

Question 3

What cumulative impact analysis has been conducted that incorporates:

- Data center operations,
- Power generation,
- Water demand,
- Supporting infrastructure,
- Future development phases,
- Induced growth effects?

Question 4

Has NMED evaluated the reasonably foreseeable full-build impacts of Project Jupiter?

If so, where is that analysis contained within the administrative record?

Air Quality and Greenhouse Gas Emissions

Question 5

What is the total projected annual greenhouse gas emission inventory associated with the proposed facility?

Question 6

What are the projected cumulative greenhouse gas emissions associated with Project Jupiter over:

- 10 years,

- 20 years,
- 30 years of operation?

Question 7

How does the proposed facility affect New Mexico's statewide greenhouse gas reduction goals and climate policies?

Question 8

What cumulative air quality impacts result when emissions from the proposed facility are considered together with existing and foreseeable regional industrial development?

Question 9

Has NMED evaluated whether the proposed facility contributes to climate-related environmental burdens that may disproportionately affect vulnerable populations?

Natural Gas Dependence

Question 10

What percentage of the facility's energy production depends upon natural gas?

Question 11

What assumptions were used regarding long-term natural gas availability and supply infrastructure?

Question 12

Has NMED evaluated upstream environmental impacts associated with natural gas extraction, processing, and transportation required to support long-term operation of the facility?

Hazardous Waste and Fuel Cell Disposal

Question 13

What hazardous or industrial waste streams will be generated by operation of the Bloom Energy fuel cell system?

Question 14

What is the anticipated replacement schedule for fuel cell stacks and associated components?

Question 15

What quantity of spent fuel cell material is expected to be generated annually?

Question 16

Have all waste streams been characterized under applicable federal and state hazardous waste regulations?

Question 17

Where will spent fuel cell materials be transported for disposal or recycling?

Question 18

What transportation routes will be used?

Question 19

What environmental monitoring requirements will apply to waste handling and disposal activities?

Water Demand and Aquifer Protection

Question 20

What is the total projected annual water demand associated with the proposed facility?

Question 21

What is the projected water demand associated with full Project Jupiter build-out?

Question 22

Has NMED reviewed a cumulative water demand analysis that includes:

- Data center operations,
- Power generation,
- Cooling requirements,
- Construction,
- Future expansion phases?

Question 23

What drought-year assumptions were used when evaluating project water demands?

Question 24

What analysis demonstrates that long-term water demands can be sustained without adverse impacts to regional aquifers?

Question 25

How will groundwater quality be monitored and protected throughout the operational life of the project?

Question 26

What contingency plans exist if projected water supplies become unavailable or insufficient?

Environmental Justice

Question 27

Has NMED conducted a cumulative environmental justice analysis for the proposed facility?

Question 28

What existing environmental burdens were considered during environmental justice review?

Question 29

What public health indicators were evaluated?

Question 30

How were cumulative impacts assessed for communities already experiencing environmental and socioeconomic stressors?

Question 31

What analysis demonstrates that environmental burdens associated with the project will not fall disproportionately upon affected communities?

Question 32

Has NMED evaluated the combined effects of:

- Air emissions,
- Water demand,
- Industrial development,
- Infrastructure expansion,
- Climate impacts,

on surrounding communities?

Public Participation

Question 33

How were the more than 7,000 public comments submitted during prior permit proceedings incorporated into the current review process?

Question 34

What concerns raised during prior proceedings have been resolved?

Question 35

Which concerns remain unresolved?

Question 36

Why should the withdrawal of a permit application eliminate consideration of issues previously raised by the public regarding the same underlying project?

Question 37

Has NMED determined that the level of public interest warrants a formal public hearing?

If not, why not?

Financing Before Environmental Review

Question 38

What major public financing commitments were approved before completion of comprehensive environmental review?

Question 39

How did NMED account for prior infrastructure commitments when evaluating environmental impacts?

Question 40

Has NMED evaluated whether environmental review occurred before or after substantial project commitments became effectively irreversible?

Question 41

How does the sequencing of project approvals affect the agency's review of alternatives?

Administrative Record

Question 42

Does NMED consider the current administrative record complete?

Question 43

If so, how does the agency justify the absence of:

- Comprehensive cumulative impact analysis,
- Comprehensive environmental justice review,
- Full-build water analysis,

- Hazardous waste disposal analysis,
- Life-cycle environmental assessment?

Question 44

What additional information would be required before the agency could fully evaluate cumulative impacts associated with Project Jupiter?

Ultimate Question

Question 45

What evidence in the current administrative record demonstrates that the environmental consequences of Project Jupiter—including cumulative impacts, environmental justice concerns, water demand, greenhouse gas emissions, hazardous waste generation, and foreseeable future development—have been fully evaluated before permit approval?

Conclusion

The questions presented in this appendix are not peripheral issues.

They concern fundamental aspects of the proposed facility and the broader Project Jupiter development. If these questions cannot be answered based upon the existing administrative record, then the record is incomplete.

An incomplete record cannot support a fully informed permitting decision.

Before any permit is approved, NMED should ensure that these questions are answered through transparent analysis, public disclosure, and meaningful public review.The burden of uncertainty should not fall upon affected communities.

The burden of demonstrating environmental adequacy belongs to the applicant and the permitting process itself.

APPENDIX D

Statement of Public Interest and Basis for Public Hearing

Purpose of This Appendix

This appendix explains why the proposed Yucca Growth Infrastructures Bloom Energy permit application is not a routine permitting matter and why it warrants heightened public review, expanded public participation, and a formal public hearing.

The public interest associated with Project Jupiter is extraordinary by any reasonable measure.

The scale of the project, the magnitude of the proposed infrastructure, the volume of public subsidies, the anticipated water demand, the long-term energy requirements, the greenhouse gas implications, and the level of public participation distinguish this proceeding from a typical air permitting action.

For these reasons, the proposed permit should be reviewed under the highest standards of transparency and public accountability.

An Unprecedented Industrial Development

Project Jupiter has been promoted as one of the largest proposed data center developments in the United States.

The scale of the project exceeds that of many industrial developments previously reviewed in New Mexico.

The project involves:

- Billions of dollars in proposed capital investment.
- Massive electrical demand.
- Long-term natural gas infrastructure.
- Significant water requirements.
- Extensive public infrastructure commitments.
- Large-scale economic development incentives.
- Multi-phase industrial expansion.

The proposed Bloom Energy facility is a critical component of this larger development and cannot be understood apart from it.

The environmental consequences of the permit therefore extend well beyond the boundaries of the proposed power facility.

Significant Public Resource Commitments

Project Jupiter is not solely a private development project.

The project has been supported through substantial governmental involvement, including:

- Industrial Revenue Bond authorizations.
- Economic development incentives.
- Public infrastructure planning.
- Utility coordination.
- Transportation planning.
- Water infrastructure discussions.

The use of public resources creates a heightened public interest in ensuring that environmental review is complete, transparent, and subject to meaningful public participation.

Where public resources are committed, public scrutiny should increase rather than decrease.

Water Scarcity and Long-Term Resource Commitments

New Mexico is among the most water-constrained states in the nation.

Communities throughout southern New Mexico are already confronting:

- Prolonged drought.
- Aquifer depletion.
- Water allocation conflicts.
- Climate-related water uncertainty.

- Increasing competition among users.

Project Jupiter proposes long-term industrial activity that may continue for decades.

Any decision affecting long-term water demand therefore carries significance far beyond the project itself.

The public has a substantial interest in understanding how water resources will be allocated, protected, and sustained over the life of the project.

Greenhouse Gas Emissions and Climate Implications

The proposed facility remains dependent upon natural gas and contributes to long-term greenhouse gas emissions.

Climate impacts are inherently matters of public concern because they affect:

- Public health.
- Water availability.
- Agricultural systems.
- Infrastructure resilience.
- Future generations.

The environmental consequences of major energy infrastructure projects extend beyond facility boundaries and beyond permit terms.

The public therefore has a legitimate interest in understanding how Project Jupiter contributes to long-term climate impacts and fossil fuel dependence.

Environmental Justice Considerations

Environmental justice concerns further elevate the public importance of this proceeding.

The affected region includes communities that already experience environmental, economic, and public health challenges.

The public has a strong interest in ensuring that environmental burdens are not disproportionately imposed upon communities with limited resources or reduced capacity to absorb additional impacts.

Meaningful environmental justice review requires meaningful public participation.

A decision of this magnitude should not occur without providing affected communities every reasonable opportunity to participate.

Extraordinary Public Participation

Project Jupiter has generated one of the largest public responses to an environmental permitting process in recent New Mexico history.

Thousands of comments were submitted during prior proceedings involving related permit applications.

Community organizations, environmental advocates, technical experts, public officials, and residents have devoted significant time and resources to understanding the project and its potential impacts.

This level of participation reflects widespread public concern regarding:

- Air quality.
- Water resources.
- Climate impacts.
- Public health.
- Environmental justice.
- Public financing.
- Long-term sustainability.

The volume of public engagement alone demonstrates that this is not a routine permit matter.

The Public Interest in Transparency

The legitimacy of environmental decision-making depends upon public trust.

Public trust is strengthened when:

- Information is accessible.

- Review processes are transparent.
- Public concerns are addressed.
- Decision-making is accountable.

Public trust is weakened when major decisions appear to occur without adequate public participation or before environmental consequences are fully understood.

Given the scale and significance of Project Jupiter, transparency should be treated as an essential component of environmental review rather than an administrative obligation.

Basis for Public Hearing

A formal public hearing is warranted because:

1. The project is unusually large in scale.
2. The environmental impacts are potentially significant.
3. Water resource concerns remain unresolved.
4. Environmental justice issues remain unresolved.
5. Hazardous waste questions remain unresolved.
6. Thousands of public comments have already been submitted regarding related permit proceedings.
7. The revised application introduces new technical information that warrants public review.
8. The public interest in the proceeding is extraordinary.
9. A hearing would improve transparency and strengthen public confidence in the permitting process.
10. A hearing would assist NMED in developing a more complete administrative record.

Conclusion

Project Jupiter represents far more than a routine permit application.

The project raises significant questions regarding environmental protection, water resources, greenhouse gas emissions, environmental justice, public financing, infrastructure development, and long-term community impacts.

The public consequences of this project will extend for decades.

The level of public interest is substantial.

The environmental issues are significant.

The administrative record remains incomplete.

Under these circumstances, expanded public participation and a formal public hearing are not merely appropriate—they are necessary.

A decision of this magnitude should be made only after the fullest possible opportunity for public review, public testimony, and public accountability.

The public interest requires nothing less.

APPENDIX E

Declaration of the Author

Identification of Author

My name is Elaine Cimino.

I am the Director of Common Ground Rising Community Advocacy and have been engaged in environmental, land-use, water resource, public participation, and government accountability issues for approximately three decades.

My work has included research, public education, environmental advocacy, administrative proceedings, public records investigations, community organizing, and participation in federal, state, and local environmental review processes.

Among other activities, I was a co-author of the petition that resulted in the United States Environmental Protection Agency’s designation of the Española Basin Sole Source Aquifer, a federal determination recognizing the importance of protecting groundwater resources relied upon by local communities.

I have participated in numerous proceedings involving environmental review, water protection, air quality, public records, land-use planning, infrastructure development, and governmental transparency.

Basis of This Report

The report submitted to the New Mexico Environment Department regarding the Yucca Growth Infrastructures Bloom Energy permit application was prepared using information obtained from a variety of sources, including:

- Publicly available permit documents.
- New Mexico Environment Department records.
- Public notices and agency publications.
- Inspection of Public Records Act (IPRA) responses.
- Project Jupiter development documents.
- Technical reports.
- Government publications.
- Environmental research materials.
- Water resource studies.
- Public comments and hearing records.
- Economic development records.
- Independent analysis prepared by the author.

The report also incorporates prior technical materials and public records identified in Appendix A.

Purpose of Submission

The purpose of this report is to assist the New Mexico Environment Department in evaluating the environmental, water resource, environmental justice, cumulative impact, public participation, and public policy issues associated with the proposed permit.

The report is intended to support informed decision-making and meaningful public participation.

The report is not intended to replace agency analysis, technical review, or independent expert evaluation.

Rather, it is intended to identify issues that warrant careful consideration before any permit decision is made.

Good Faith Statement

The analyses, observations, findings, and conclusions contained in this report are offered in good faith and are based upon information available to the author at the time of preparation.

Where questions remain unanswered, those questions are identified as deficiencies in the administrative record rather than presented as established facts.

The report reflects the author's understanding of the available information and is intended to contribute constructively to the environmental review process.

Reservation of Rights

The author reserves the right to supplement, amend, update, or correct information contained in this report if additional documents, technical materials, public records, agency analyses, or other relevant information become available.

Nothing contained in this declaration should be interpreted as limiting future submissions, public comments, administrative filings, hearing testimony, or other participation related to Project Jupiter or associated permit proceedings.

Declaration

I, Elaine Cimino, declare that the information contained in this report is true and correct to the best of my knowledge, information, and belief.

I further declare that this report was prepared based upon publicly available information, agency records, public documents, independent research, and materials identified within the report and its appendices.

Executed this 15 day of June 2026.

Elaine Cimino

Director, Common Ground Rising Community Advocacy