

## Ben Foerstner

I strongly oppose the issuance of an air quality permit to Yucca Growth Infrastructure, which is directly tied to the Project Jupiter data center. This data center will affect far more than its immediate location. Air pollution does not stop at county or state boundaries. Emissions from this facility will impact residents throughout the Paso del Norte region, including the communities of Doña Ana County, Las Cruces, El Paso, Texas, and Ciudad Juárez, Chihuahua. The New Mexico Environment Department should carefully evaluate cumulative air quality impacts regionally, not just the impacts immediately surrounding the facility.

Adding 25 billion tons of greenhouse gases annually to the region's active and long-time non-attainment zone should not be approved through their permit application. This level of gases is equivalent to the amounts generated by Albuquerque and Las Cruces combined; it will be like a new city has sprung up in southern New Mexico.

The Las Cruces/El Paso metro area currently ranks 16th worst in the nation for ozone pollution according to the American Lung Association's 2026 State of the Air report. It is unimaginable to approve a new source of carbon dioxide annually to our communities that equates to the annual outputs of two of New Mexico's largest cities.

In addition, I am very concerned about southern New Mexico's precious and dwindling water resources. This region is experiencing chronic water scarcity and prolonged drought. Our region is running out of water. Project Jupiter's estimates of water needed for the closed-loop portion of its campus range from 20,000- 60,000 gallons per day following a one-time fill of ~960,000 gallons.

In addition, the Project's two gas-fired microgrids will require nearly 1 million gallons of water per day. Decisions about projects of this scale should reflect long-term sustainability of the region's limited water supply. Southern New Mexico does not have water to spare. We need to protect our resources for our ranchers, farmers, and recreationists.

On the issue of water conservation alone, a data center of this scale in southern New Mexico is impractical due to its enormous water consumption. This project will consume the region's scarce water resources while increasing profits of millionaires and billionaires; people who do not live in or contribute to the community.

The air quality permit application should be denied on its face, given the project's fuel cell provider's (Bloom Energy) known history of multiple Environmental Protection Agency-enforced actions for hazardous waste violations. Bloom Energy is classified by the EPA as a Large Quantity Generator of hazardous waste. A simple internet search found Bloom Energy was, "contracted to operate the proposed Deep Green data centers with 16 MW of fuel cells, received more than \$580 million in public subsidies in Delaware, was fined \$1.37 million by the EPA for hazardous waste violations, delivered fewer than 800 of 1,500 promised jobs, and had 18 MW of fuel cells decommissioned after roughly seven years against a 15-to-21-year expected lifespan."

I am concerned about the good faith of the corporations proposing this project. Residents have stated the corporations (via canvassers) have utilized their personal information to

submit public comments to NMED that are the opposite of the residents' adverse stance on this project. If true, this is devious and misrepresents our community's opinion on this data center and its fuel cell technology.

Project Jupiter's supportive form letters are a disingenuous tactic. Their commercials and social media posts are a farce. The young woman in the commercials happily discusses proposed economic benefits while eliminating any of the actual long-term and adverse impacts in southern New Mexico. Do not fall for the corporate hype and partial information offered.

I oppose the Project Jupiter data center and urge the NMED to deny Yucca Growth Infrastructure's permit application on the grounds of: 1) adverse impacts on our region's air quality, 2) adverse impacts on our region's water resources, and 3) the unethical behavior of corporations linked to this project.

A proposal with potentially significant regional environmental consequences should be subject to broad public awareness and meaningful public participation. Many residents who could be impacted may not have been aware of the project until late in the permitting process or to this day. The public deserves an open, transparent process that provides adequate time to review technical documents, understand potential impacts, and submit informed comments before any permits are issued.

1

<https://elpasomatters.org/2026/01/21/opinion-project-jupiter-data-center-carbon-emissions-new-mexico>

2

<https://www.abqjournal.com/news/abq-las-cruces-among-20-most-polluted-cities-in-us-according-to-report/3027772>

3

<https://elpasomatters.org/2025/09/10/project-jupiter-data-center-santa-teresa-new-mexico-el-paso-textile-water-electricity/>

4

<https://haussamen.com/2026/04/07/project-jupiter-water-use-claim-rankles-opponents-and-supporters/>

5

[https://yosemite.epa.gov/oa/eab\\_web\\_docket.nsf/Filings%20By%20Appeal%20Number/088EEAB7218085258566006288E5/\\$File/Final%20Order.%20Bloom%20Energy%20Consent%20Agreement.pdf](https://yosemite.epa.gov/oa/eab_web_docket.nsf/Filings%20By%20Appeal%20Number/088EEAB7218085258566006288E5/$File/Final%20Order.%20Bloom%20Energy%20Consent%20Agreement.pdf)

<https://hindenburesearch.com/bloom-energy-a-clean-energy-darling-wilting-to-its-demise/>

<https://rhinocerosmedia.org/bloom-contradictions/>

<https://rhinocerosmedia.org/bloom-energy-record>