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I am submitting this comment to share my strong opposition to the Yucca Growth Infrastructure, LLC-YGI Microgrid Air Quality Construction Permit Application. Please deny this application for the following reasons:

*YGI's application should be denied by NMED because YGI failed to include all relevant information about Bloom Energy's problematic history. A report provided by Hindenburg Research has indicated the nature of the Bloom Energy company and its systems in other states which have higher emissions than they initially indicated [1]. This report was used in a court case (Jacob v. Bloom Energy Corporation) in Delaware where a shareholder of the Bloom Energy company was demanding an inspection of Bloom's books and records following the analysis of the Hindenburg report on the company [2]. In this case the court concluded granting Jacob limited inspection rights as Bloom's Form 8-K form rebuttal to the Hindenburg report as the form stated that there was an accounting error, giving some credibility to Jacob's concerns on the company's financial reporting [2]. Additionally, the EPA probed and fined the company over its handling of potentially hazardous waste from their solid fuel cells in Delaware which ran on natural gas in 2020 [3]. In fact, the company has a trend of downplaying the hazardous waste, including this year [3].

*Bloom Energy's Fuel Cells are not clean energy – no matter what YGI says. These fuel cells generate significant NOX, CO, and VOCs, all of which contribute to negative health impacts, as well as hazardous solid waste that cannot be ignored by NMED. The amount of greenhouse gases that would be produced is still above the emissions of New Mexico's biggest cities combined despite the fact that the fuel cells will emit about 2 million tons less in emissions than the original gas turbines at about 13 million, according to Bloom Energy's own Doña Ana County website [4]. This does not match the state's push for green and renewable energy as stated by the Energy Transition Act, which has "...set a statewide renewable energy standard of 50 percent by 2030 for New Mexico investor-owned utilities and rural electric cooperatives" [5]. Even the Office for Renewable Energy has a track record for renewable energy as touted by the Office's own state website [6]. However, this project's fuel source is the opposite of what the state's own legislation has set for moving away from nonrenewable and CO2 emitting energy sources. The natural gas powered, fuel cell micro-grid as proposed is almost a completed contrast to other energy projects such as the SunZia and the Iberdrola "El Cabo" projects [6].

*Permitting any microgrid facility will result in a clear example of environmental racism and NMED is required to ensure no group of people bears a disproportionate share of negative environmental consequences [7, 8]. This is especially important because Doña Ana County residents already bear the disproportionate burden of environmental pollution compared to the rest of New Mexico.

*NMED should give the public 60 days of additional time to review and comment on the Application to ensure everyone can meaningfully comment and participate.

Above all, the lack of information including the energy source the fuel cells use to residents in the city where the center will be located and nearby cities is not appreciated and should be taken into account when reviewing the application.

The manner in which information has been given has been seemingly muddy for a more popular result. For one, the manner of information about the project and its power sources lacks clarification for the general public, beyond just media coverage. For example, there is very little information about how the fuel cells are powered. When looking up the fuel cells used by the company, three options are talked about: natural gas, biogas, and hydrogen. But the exact energy type used for the Doña Ana County project's fuel cells has been limited. Few sources actually mention the fuel source, with the information difficult to find. It is not mentioned clearly to the public at all, and the Bloom Energy website mentioned it only under a Q&A about pollutant emissions [4]. There has been promotional material used for the project and the use of fuel cells which have been touting that the fuel cells are clean energy when it is not. Even the Bloom Energy website touts that it is cleaner, but only in air pollutants and not emissions despite the way the project likes to make it out to be clean energy [4]. This specific project for Doña Ana County has stated that the fuel cells will be powered with natural gas, which is in fact not a clean energy source [4]. If the project truly wanted to use clean energy, they would have used solar fuel cells, a different energy source that for the fuel cells such as hydrogen which is cleaner, or a combination of green energy sources. The fact that stating the project is using fuel cells and not specifically mentioning that they are natural gas powered is misleading in nature. Most people hearing the phrase 'fuel cells' will likely correlate it to solar powered fuel cells and the lack of clarification is used to generate a more positive perspective of the project's use of fuel cells to residents who have been pushing back on the project's water usage and emissions rates.

The greenwashing and misleading nature by Bloom Energy should not, and is not, acceptable to the county's and state's constituents which is why I believe that the application should be denied.

References:

- [1] <https://hindenburghresearch.com/bloom-energy-a-clean-energy-darling-wilting-to-its-demise/>
- [2] <https://www.potteranderson.com/insights/cases/Jacob-v-Bloom-Energy-Corporation#:~:text=The%20>
- [3] <https://rhinocerosmedia.org/bloom-contradictions>
- [4] <https://bloomenergydonaana.com/en>
- [5] <https://www.dws.nm.gov/ETA#:~:text=The%20ETA%20sets%20a%20statewide,cooperatives%20anc>
- [6] <https://www.nmstatelands.org/divisions/commercial-resources/renewable-energy/>
- [7] <https://nmelc.org/our-work/projectjupiter/>
- [8] <https://www.env.nm.gov/general/environmental-justice-in-new-mexico/>