

July 4, 2026

Via portal

New Mexico Environment Department
Air Quality Bureau - Permitting Section
525 Camino de los Marquez, Ste. 1
Santa Fe, NM 87505

Re: Yucca Growth Infrastructure, LLC Notice of Air Quality Permit Application – YGI Microgrid

Dear Air Quality Bureau Permitting Section Staff,

Please accept this comment on Yucca Growth Infrastructure, LLC, (YGI), formerly known as Acoma, LLC, and its application for an air pollution permit to power Project Jupiter, the hyperscale data center campus proposed for Santa Teresa, New Mexico. Project Jupiter's backers, including YGI, own projections -- and what they omit -- will have deleterious impacts on our health here in Southern New Mexico/Western Texas. For this reason, I implore you to deny YGI's air permit application, and if not yet, hold a public hearing.

I. Emissions remain significant and include hazardous air pollutants with harmful health impacts.

As the New Mexico Environment Department (the Department) is aware, YGI first submitted two air permits on behalf of Project Jupiter, one for an East natural gas-powered microgrid and one for a west natural gas-powered microgrid. This energy model is hardly different: the previous microgrids and this solid oxide fuel cell technology both take in natural gas---comprised mostly of methane---to generate electricity.¹ That is, they are both fossil fuel power plants. YGI's Application will still emit over ten million tons of greenhouse gas emissions per year.² It is well documented that greenhouse gas emissions, including carbon dioxide, nitrous oxide, methane, and sulphur hexafluoride, harm human health. Moreover, greenhouse gas

¹ Initial NSR Application for the YGI Microgrid (hereinafter "Application") at 132.

² Application at 138.

emissions accelerate climate change, contributing to environmental changes like higher temperatures and ozone formation, which in turn harm human health. Such plumes of emissions thus violate the Department's duty to protect air quality for human welfare.³

But greenhouse gas emissions are far from the only pollutants YGI's gas power plant will produce. YGI's application includes projections that its solid-oxide-fuel-cell-comprised gas plant will produce at least three hazardous hydrocarbon air pollutants: 400 pounds of benzene, 132 pounds of xylenes, and 2,300 pounds of methanol per year. Benzene health impacts. Xylene health impacts. Methanol health impacts. These impacts are magnified in the desert, where the sun's intensity catalyzes the breakdown of hydrocarbons like benzene in the air.

And still, greenhouse gases and the above-listed hazardous air pollutants are not all the pollutants this gas power plan will emit, contrary to the contents of YGI's application. Formaldehyde is the chemical byproduct from natural gas conversion to electricity with a high cancer-causing risk.⁴ Yet YGI's application failed to include tests that measure formaldehyde and other aldehydes, like CARB Method 430. Rather, YGI relied on CARB Method 100 certification,⁵ a method that measures only carbon dioxide, carbon monoxide, oxygen, nitrogen oxides, and sulphur dioxide.⁶

This Department must deny YGI's application because of excessive greenhouse gas emissions and the harm they pose to people and the environment; because of excessive hazardous air pollutants; and because questions left unanswered regarding the quantity of formaldehyde and other aldehyde pollution this gas plant will cause.

³ NMSA 1978 § 74-2-2(B) (stating "air pollution means the emission, except emission that occurs in nature, into the outdoor atmosphere of one or more air contaminants in quantities and of a duration that may with reasonable probability injure human health or animal or plant life or as may unreasonably interfere with the public welfare, visibility, or the reasonable use of property").

⁴ *Public Health Statement for Formaldehyde*, Agency for Toxic Substances and Disease Registry (May 17, 2021), <https://www.cdc.gov/TSP/PHS/PHS.aspx?phsid=218&toxid=39>.

⁵ Application at 145.

⁶ CARB 100, at 4-5.

II. The Department should deny this permit on account of its cumulative and cross-state impacts.

While the above shows that permitting YGI's application would violate the Department's duty to not allow pollution such that it is likely to harm humans, plants, or animals, the Department should also consider the cumulative impact that approving YGI's permit would be contributing to.

Project Jupiter is strategically sited in an environmental justice community. It is not barren land. The project is being constructed within three miles of Santa Teresa High School and will be located just across the road from a new housing development. As this Department knows, Sunland Park has suffered from arsenic pollution in municipal drinking water. The medical waste treatment plant emits high levels of benzene. Dust storms and high ozone levels plague the community year after year. Siting Project Jupiter here will exacerbate these impacts and harm human health in this low-income, primarily hispanic community.

The pollution from Project Jupiter will not be contained around the facility. Rather, it will spread and impact El Paso, Texas and Ciudad Juarez, both of which have their own environmental justice communities on the border with New Mexico. While New Mexico does not have an obligation to people across borders, this Department should consider its broader goals of protecting human and animal health, even across borders.

This data center jeopardizes my family's long-term future in El Paso. While air quality is only part of the impact of Project Jupiter, approving this permit application will make it that much easier for the data center's construction (which has already begun) and operation, jeopardizing over one million people that call this region home.

III. YGI wrongfully combined the permit application for the data center's gas power system *and* the data center itself.

YGI bundled the construction permit for the gas power plant and the data center in a single application. This fails to account for many known and unknown facts about air contamination from data centers themselves. For example, how will this Department regulate how much heat Project Jupiter will emit? It is becoming clearer with every study that data centers emit vast amounts of heat to their surroundings. This impacts ambient heat and in turn exacerbates ozone pollution and human health. This is not regulated at all in this permit or by the department if it approves this single, bundled permit.

IV. The Department should not consider economic appeals submitted supporting approval of YGI's permit application.

The department has received many cookie-cutter comment submissions in support of the Department approving YGI's permit application on account of the economic benefits of the project; however, the Department should not take these opinions into consideration when its duty is to protect the air quality and the project violates these protections. While I do not deny that Sunland Park and Santa Teresa would benefit from more job growth, Project Jupiter will not play this part. Data centers cannot stimulate the economy because they do not create local jobs nearly to the scale that they advertise. Indeed the average number of local jobs created by data centers is a maximum of thirty, several thousand below Project Jupiter's estimated 5,500 jobs. This was certainly evident at the job fair that the County approved in lieu of an open meeting: most jobs advertised were for placement across the country, with very few, if any for permanent employment in Santa Teresa.