

James Kanel

To the NMED Air Quality Bureau, Permitting Section:

I am a resident and business owner in Doña Ana County. I am submitting this comment to urge the Department to deny YGI's Application and, at minimum, to hold a public hearing in Santa Teresa conducted in both English and Spanish before any further action. The Application is incomplete, rests on unrepresentative data, and appears structured to evade the permitting tier its true emissions require. My specific objections:

1. The emissions estimates are not credible. YGI's VOC and CO factors derive from a single two-day test (December 5–6, 2023) of one 65–67 kW ES-6.5 unit, scaled to a 2,462 MW fleet with no demonstration that the result is representative at installed scale, over time, or across cell degradation. CARB's BACT standard for CO from fuel cells is 0.1 lb/MWh — roughly ten times YGI's claimed 0.013 lb/MWh. If the real-world factor is even 60% higher than claimed (~0.02 lb/MWh), the facility exceeds the 250 TPY PSD major-source threshold under 20.2.74.7(AG)(2) NMAC. The Department should not accept self-generated factors from a single unrepresentative test.
2. Startup and black-start emissions are reported as zero — which is not physically possible. Bloom solid-oxide fuel cells require diesel generators for cold start ("black start") and after maintenance. At a sub-100 MW Bloom installation in West Jordan, Utah, black start required eight diesel engines projected at 81.3 TPY NO_x and 100.6 TPY CO. YGI's facility is ~2.46 GW — roughly 25 times larger — yet lists zero SSM emissions and provides no construction-dust or startup analysis. This alone can push CO past the PSD threshold and must be quantified before the Application is deemed complete.
3. Formaldehyde is claimed at zero using a test method that cannot detect it. YGI relies on a TO-15 canister method, which does not include formaldehyde as a target analyte, and a CARB certification covering only NO_x, CO, and VOC. Formaldehyde is the primary cancer-risk driver for gas-fired generation and is a listed HAP under EPA AP-42 §1.4. YGI also provides no toxic air pollutant (TAP) modeling whatsoever. A "zero" that comes from not testing is not a finding — it is a gap, and it understates the facility's true health risk.
4. This is a PSD major source and should be permitted as one. Beyond the threshold exceedances above, a fossil-fuel-fired electric generating facility with heat input on this order (roughly 64x the 250-MMBtu/hr trigger) fits the listed-source criteria at the 100 TPY threshold under 20.2.74.7(AG)(1) and 20.2.74.501(G) NMAC. YGI's stated 124.01 TPY VOC and 161.21 TPY CO already clear 100 TPY. Permitting an emerging technology as "minor" simply because the regulations predate it lets a major source escape PSD and Title V review.
5. YGI improperly folds the data center out of regulation entirely. The Application asserts that because the microgrid supplies the adjacent data center, "the data center... will not require a permit and will have no regulated emissions sources." The Department should reject this. The developer cannot exempt an entire hyperscale facility from Clean Air Act and AQCA review by attaching it to a power-plant application.
6. The greenhouse gas load is irreconcilable with state policy. By YGI's own figures the facility emits over 10.1 million tons of CO₂ per year — more than Albuquerque and Las Cruces combined — against New Mexico's goal of cutting statewide emissions 45% below 2005 levels by 2030. With no ambient standard for GHGs in place, the Department should, at minimum, require the Environmental Improvement Board to establish a GHG framework before permitting a source of this magnitude.
7. Cumulative burden and environmental justice. Santa Teresa and Sunland Park already sit in the

80th–100th percentile on EPA's ozone EJ index, border an ozone nonattainment area, and have endured a documented drinking-water crisis for years. VOC and NOx from this facility are ozone precursors that will react in the region's intense sun and heat. Adding a major pollution source to an already-overburdened, ~84% Hispanic community is exactly the disproportionate impact the AQCA (NMSA 1978 §74-2-5.1(H)) and Title VI direct the Department to prevent.

8. The public-involvement record is being erased. NMED's Public Involvement Plan states there is "no history of public involvement" because "the YGI Microgrid is a new facility." That is inaccurate. YGI is the renamed Acoma, LLC; its East and West microgrid applications for this same project drew roughly 7,155 comments and were withdrawn once a hearing was triggered. Treating this as a clean-slate "new facility" to sidestep a hearing is not acceptable for what the Department itself labels a "high interest facility."

For these reasons I ask the Department to deny the Application. If it proceeds, I demand a public hearing held in Santa Teresa, in person and virtually, in both English and Spanish, with all application materials available in Spanish.

Respectfully,

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