

# Maleena Light

I submit this comment in strong opposition to Air Quality Construction Permit Applications 10732 (East Microgrid) and 10734 (West Microgrid) proposed by Acoma, LLC in southern Doña Ana County to power Project Jupiter. These applications are unlawfully and deceptively designed to evade public health protections and, if approved, would result in significant air pollution and destructive climate impacts that will harm all New Mexicans. NMED must reject both applications outright, and require Acoma LLC to submit a single, accurate permit that fully accounts for the Project's true pollution impacts because:

## 1. The Project Is a Single Pollution Source and Must Be Permitted as One

The Applicant has improperly divided a single gas-fired power project into two permits to avoid stricter air quality requirements. The East and West Microgrids:

- Are under common ownership and control
- Are located less than one mile apart
- Serve the same facility
- Fall under the same industrial classification

Under EPA and NMED rules, these facts require treatment as one stationary source. When combined, emissions of nitrogen oxides (NO<sub>x</sub>), carbon monoxide (CO), particulate matter (PM), and hazardous air pollutants (HAPs) exceed major source thresholds, triggering stronger pollution controls and review. Artificially splitting the Project unlawfully circumvents these protections.

New Mexicans are not stupid. We can tell when a bad actor is trying to get away with murder. That is exactly what is happening here.

## 2. The Applications Rely on Unenforceable Emission Limits

Acoma proposes "synthetic minor" annual emission limits that are not based on any specified physical or operational restrictions, such as limits on operating hours, fuel use, or turbine capacity. Self-declared annual caps alone are not enforceable and cannot be used to avoid major source permitting.

Nobody trusts Acoma LLC to monitor and self-regulate their pollution, and NMED cannot be naive enough to accept their word as evidence. Because the stated limits are unenforceable, the Project's full potential emissions based on the proposed turbines must be used, making each Microgrid, and the Project as a whole, a major source.

## 3. The Project Will Result in Destructive Climate Impacts, Worsen Ozone Pollution and Violate Health Standards

Taken together the two Microgrids exceed the climate warming CO<sub>2</sub>e emissions of Albuquerque, Santa Fe and Las Cruces combined, making a mockery of the Energy Transition Act and endangering the future of all New Mexicans. Southern Doña Ana County and the El Paso already exceed ozone and NO<sub>x</sub> air quality standards and these Acoma microgrids will increase the respiratory, cardiovascular and long term health impacts that these communities already face.

4. A Safe and Cost Effective Alternative Exists - Solar and Battery Storage are feasible, safer, cheaper and faster to deploy.

At the very least a full public hearing on the merits of the applications must be held.