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CABINET SECRETARY

December 17, 2025

Certified Mail No.

Dan McGuire
Operations Manager
Doña Ana County
600 Congress Ave
Suite 15041
Austin, TX 78701

Re: Incomplete Determination of Air Quality Permit Application No. 10732 (Agency Interest No. 41309 - PRN20250001)-East Microgrid

Dear Dan McGuire:

This letter is to update the status of your air quality permit application dated November 12, 2025, to construct the East Microgrid near Santa Teresa, New Mexico. The application was received by the Department on November 17, 2025.

A preliminary review has been completed and the information provided is insufficient to complete an evaluation of your permit application. Therefore, pursuant to 20.2.72 NMAC - Construction Permits, your application was ruled administratively incomplete on December 17, 2025.

Based on the synthetic minor limits requested for NOx, the Department requires that Acoma, LLC propose a lower synthetic minor limit or submit a Prevention of Significant Deterioration (PSD) permit application for the East Microgrid. Acoma, LLC reports a potential to emit (PTE) for the East Microgrid of up to 521 tpy NOx, 476 tpy CO, and 311 tpy PM₁₀ and PM_{2.5}, and requests a PSD synthetic minor emissions limit cap for East Microgrid of 248.90 tpy NOx. A PSD synthetic minor limit for NOx that is 1.1 tons away from the 250.0 tpy PSD threshold is not practically enforceable and NOx emissions of 248.90 tpy would have the same ambient air impact as NOx emissions of 250.00 tpy; the ambient air will also be impacted by the nearby West Microgrid emitting approximately the same quantities of air pollutants as the East Microgrid.

Submittal of the following information is necessary to make a determination whether the application is administratively complete:

1. Recalculation of turbine emissions without reducing emissions by 10% for Configuration 1 and 1% for Configuration 2 based on a "fleet average dispatch rate of the on-line turbines."
2. Supporting documentation on the basis for the formaldehyde emission factor.

3. Documentation of the sulfur content of the fuel used to calculate SO2 emissions, such as a tariff sheet from the fuel provider.
4. Clarification of the following statement: "A non-physical constraint on output will be the proposed emissions caps. The amount of output achievable under the emission cap depends on the annual average pollutant concentration and heat rate achieved."
5. Clarification of which emissions controls will be used to reduce NOx emissions to reconcile the differences in Table 2-C and the various references to other control equipment (e.g., nonselective catalytic reduction, dry low NOx burners, and water injection).

Please provide the requested information by January 19, 2026.

Once the additional administrative information is received, the Department will promptly determine whether the application is administratively complete. Once the application is deemed administratively complete, 20.2.72 NMAC, Section 207, allows the Department ninety (90) days to approve or deny a PSD Synthetic Minor permit; 20.2.74 NMAC, Section 400, allows the Department one hundred and eighty (180) days to approve or deny a permit a PSD permit.

20.2.72 NMAC, Section 200.E, states that "for all sources subject to this regulation applications for permit shall be filed prior to the commencement of construction, modification, or installation. Regardless of the anticipated commencement date, no construction, modification, or installation shall begin prior to issuance of the permit."

If you have any questions, please contact me at 505-699-7132 or abra.ziegler@env.nm.gov.

Sincerely,

Abra Ziegler
PSD Unit Supervisor
Permits Section
Air Quality Bureau

cc via email: Jesse Lovegren, Trinity Consultants - Austin