November 5, 2026

Certified Mail No.
No Return Receipt

Ellen Kraus
Project Manager
Site Layer 1 LLC
7770 Jefferson Street NE
Albuquerque, NM 87109

Re: Incomplete Determination of Air Quality Permit Application No. 11043 (Agency Interest No. 41381 - PRN20260001)-Site Layer 1

Dear Ellen Kraus:

This letter is to update the status of your air quality permit application dated October 07, 2026, to construct the Site Layer 1 near Playas, New Mexico. The application was received by the Department on October 9, 2026.

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 November 5, 2026.

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

1. Provide documentation of additional public outreach, requested by Secretary Kenney.

The following technical information is necessary to continue the technical review of the application:

1. Table 2-A: Provide the rated horsepower of the engines. This information is needed for AQB's database and to determine subpart ZZZZ emission standards.
2. Table 2-B: Please explain why the ammonia storage tanks are not a source of ammonia emissions.
3. Table 2-D: Provide emissions calculations and the documentation and basis of the uncontrolled emission rates reported in table 2-D. No information was provided for those values.
4. Table 2-F: Clarify if the SSM1 emission limit is for all 32 engines combined or for one engine. If the limits are per engine, please list each engine SSM limit separately and total the SSM emissions.
5. Table 2-F: Explain why there will be higher emission rates for SO2, PM10, and PM2.5 emissions during startup if the emissions controls apply only to NOx, CO, and VOCs/HAPs. If emission rates for these

pollutants are not higher during startup of the units, please resubmit table 2-F requesting limits only for the emission rates that will be higher during startup. Please do not request SSM limits if the pph emission rates are not higher during the first hour of startup compared to steady state emissions.

6. Section 6: Per the application a March 18, 2025, Wartsila document providing test data was used to estimate steady state pph emission limits for NOx, CO, VOC, PM10, PM2.5, and Ammonia. No emission factors were provided or calculations used. Only the NOx and PM10 pph rates from the Wartsila document were used as entries in section 6. Please identify the source of the VOC, CO, PM2.5, and NH3 values that were entered as emission rates in section 6. If emission factors were used to calculate any of these emission rates, provide the source of each emission factor and provide the actual calculations used. Any safety factors applied to emission limits, must be clearly identified and calculated in the emissions calculations.
7. Section 6: SSM limits were also based on information from Wartsila provided as pph emission rates after 2 days, 6 hours, and 12 hours of down time. Please justify why the highest expected startup emission rates for NOx, CO, VOC, and PM10 were not used in the SSM calculation section. Also, explain why the emission rates reported in the SSM calculations do not correspond with any of the values used in the Wartsila document.
8. Section 6: Please explain why the steady state tpy emission rates entered as values in Section 6 do not correspond with the requested limits in Table 2-E.
9. Table 2-F: Explain why neither pph or tpy SSM emission rates in calculations correspond with requested limits in Table 2-F.
10. Please note that each engine will be limited to 8729 operating hours per year since this was the value used to determine tpy emission limits. Monitoring and records of engine operating hours will be required.
11. Section 6: It appears that a sulfur content of 0.588 gr/100 scf was used to calculate SO2 pph emissions but the footnote states that AP42 emission factors of 1 gr/100 scf was used. Please clarify.
12. Section 7: Provide manufacturer specifications for the Wartsila engines. Only a narrative describing some test results for another project were provided.
13. Section 7: Provide information and manufacturer specifications for the selective catalytic reduction and oxidation catalysts.
14. Section 7: Provide a tariff sheet or other specification sheet identifying the total sulfur content of the natural gas fuel to be used for the engines.
15. Section 13: Please provide the low-level regulatory citations of the emissions standards that apply to engines in 40 CFR 60, Subpart JJJJ and 40 CFR 63, Subpart ZZZZ. Also, if any Subpart ZZZZ standards are in ppm provide manufacturer specifications of the standard in ppm units. If a standard is a formaldehyde or CO control efficiency, provide the manufacturer specifications identifying uncontrolled emissions and controlled emissions to confirm compliance.

Please provide the requested information by December 5, 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 one hundred and eighty (180) days to approve or deny a 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 in Santa Fe at 505-660-0933.

Sincerely,

Daniel O'Brien Digitally signed by Daniel O'Brien
Date: 2026.11.09 08:35:09 -07'00'

Daniel OBrien
Air Permit Specialist
Permits Section
Air Quality Bureau

cc via email: Ellen Kraus, SWCA Environmental Consultants