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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. 10734 (Agency Interest No. 41311 - PRN20250001)-West Microgrid

Dear Dan McGuire:

This letter is to update the status of your air quality permit application dated November 12, 2025, to construct the West 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 West Microgrid. Acoma, LLC reports a potential to emit (PTE) for the West Microgrid of up to 388 tpy NOx, 378 tpy CO, 278 tpy PM<sub>10</sub> and PM<sub>2.5</sub>, and requests a PSD synthetic minor emissions limit cap for West Microgrid of 249.97 tpy NOx. A PSD synthetic minor limit for NOx that is less than one ton away from the 250.0 tpy PSD threshold is not practically enforceable and NOx emissions of 249.97 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 East Microgrid emitting approximately the same quantities of air pollutants as the West Microgrid.

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

1. Additional information about how the two diesel generators will be used at the facility and what equipment and activities the generators will power.

2. Confirmation that emissions from the two standby generators were included in air dispersion modeling. The minor source exemptions in 20.2.72.202.B NMAC do not apply to a PSD permit applications pursuant to 20.2.74 NMAC.
3. Recalculation of turbine emissions without reducing emissions by 10% based on the “fleet average dispatch rate of the on-line turbines.”
4. Documentation of the sulfur content of the fuel used to calculate SO<sub>2</sub> emissions, such as a tariff sheet from the fuel provider.
5. Supporting documentation of the basis for the formaldehyde emission factor.
6. 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.”
7. 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; or 20.2.74 NMAC, Section 400, allows the Department one hundred and eighty (180) days to approve or deny 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 in Santa Fe at 505-629-2893 or [julia.kuhn@env.nm.gov](mailto:julia.kuhn@env.nm.gov).

Sincerely,

Julia Kuhn  
Major Source Manager  
Permits Section  
Air Quality Bureau

cc via email: Jesse Lovegren, Trinity Consultants - Austin