



May 27, 2026

Sent By Certified Mail

Amanda Marrufo  
Operator  
Yucca Growth Infrastructure, LLC  
4353 North First Ave  
San Jose, CA 95134

Re: Air Quality Permit Application No. 10883 (Agency Interest No. 41351 - PRN20260001)

Dear Amanda Marrufo:

This letter is in response to your air quality permit application dated and received by the New Mexico Environment Department (“NMED” or “the Department”) on April 27, 2026, to construct the “YGI Microgrid” near Santa Teresa, New Mexico in Doña Ana County. This letter addresses the Completeness Determination, Public Notice and Comment, and Invoice for Permit Fee and is intended for use by the applicant, interested individuals and groups, and the appropriate NMED Field Office.

Completeness Determination

A preliminary review has been completed and the information provided is sufficient to complete an evaluation of your permit application. Therefore, your application was ruled administratively complete on May 27, 2026. Under the requirements of 20.2.72 NMAC, the Department anticipates issuing or denying this permit on or before August 25, 2026.

Public Notice and Comment

The Department will publish a legal notice that will be sent to the NMED district or field office nearest the source (see enclosed). It describes the proposed facility, a summary of estimated emissions and ambient impact, the Department’s preliminary intent to issue the permit, and the provisions for public comment.

The Department’s analysis includes the Statement of Basis and is prepared as part of the technical review of the permit application. All interested persons have thirty (30) days from the date the public notice is published to notify the Department in writing of their interest in the permit application. The Department will notify all such persons of when and where the Department’s analysis may be reviewed. Interested persons may review the Department’s analysis for thirty (30) days after it becomes available at the NMED district or field office nearest the source. Written comments on the analysis or permit application and requests for a public hearing may be submitted to the Department during this second thirty (30) day period or any time before the permit is issued or denied.

The Department will hold a public hearing if the Secretary determines there is significant public interest in the permit application. The Department will also determine the time, date, and place of the hearing and shall notify the applicant and the public. At the hearing, all interested persons shall be given a reasonable chance to submit data, views or arguments orally or in writing, and to examine witnesses testifying at the hearing.

After the permit is issued or denied, the Department will mail written notice of the action taken on a permit application to all persons who submitted written comments or evidence on the application.

Invoice for Permit Fee

In accordance with 20.2.75 NMAC, this letter includes an invoice for the required permit fee in the amount of \$16,170.00. The outstanding balance of \$15,670.00 is due within thirty (30) days of the date ruled administratively complete. 20.2.75 NMAC states that the Department shall deny any permit application or request for permit revision if the required permit fee has not been paid. This fee is not refundable. An enforcement/compliance fee will also be assessed annually. All fees shall be remitted in the form of a corporate check, certified check, or money order made payable to the New Mexico Environment Department and shall be accompanied by the enclosed remittance slip. Fees shall be submitted to New Mexico Environment Department, Air Quality Bureau at the address shown on the invoice.

20.2.72.200.E NMAC states: "for all sources subject to this part, applications for permits 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."

The Department may make additional requests for information pursuant to 20.2.72.203(E) NMAC. Under Policy AQB 02-013, if the application changes substantially from the original application that was submitted during review, an extension may be requested and subsequently granted.

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  
Permits Section  
Air Quality Bureau

cc via email: Jesse Lovegren, [jesse.lovegren@trinityconsultants.com](mailto:jesse.lovegren@trinityconsultants.com)  
cc via regular mail: Las Cruces NMED District/Field Office

Enclosures Sent with Letter:

- Legal Notice – Attachment A
- Permit fee invoice
- NMED District or Field Office Request – Attachment B

Legal Notice  
and  
Preliminary Determination for an Air Quality Permit for  
**Yucca Growth Infrastructure, LLC**

Yucca Growth Infrastructure, LLC at 600 Congress Ave, Suite 15041, Austin, TX has submitted an air quality permit application to the Air Quality Bureau (aqb), New Mexico Environment Department (NMED) for an air quality permit to construct the "YGI Microgrid." The application file has been assigned Permit No. 10883 and TEMPO Agency Interest No. 41351. The exact location of the facility will be at latitude and longitude decimal degrees: 31.8183, -106.6792 Datum: WGS 84. To aid in locating this facility, the approximate location is 3.6 miles South of Santa Teresa in Doña Ana County, NM.

This application is for a microgrid power generation facility. This application is an initial NSR application being submitted under 20.2.72.200.A(1) NMAC. The proposed construction will consist of microgrid power generation facility consisting of a Bloom Energy Server System as emissions sources. This system is a type of solid oxide fuel cell system (SOFC) which converts natural gas into electricity. The site will be a major source for Title V (20.2.70 NMAC).

Total air pollutant emissions to the atmosphere are estimated to be approximately: Nitrogen Oxides (NO<sub>x</sub>) at 37.2 tons per year (tpy); Carbon Monoxide (CO) at 161.2 tpy; Volatile Organic Compounds (VOC) at 124.0 tpy; Sulfur Dioxide (SO<sub>2</sub>) at 0.1 tpy; Particulate Matter 10 microns or less (PM<sub>10</sub>) at 75.4 tpy; and Particulate Matter 2.5 microns or less (PM<sub>2.5</sub>) at 75.4 tpy; total Hazardous Air Pollutants (HAPs) at 1.4 tpy; and greenhouse gas (CO<sub>2</sub>e) >75,000 tpy. These emission estimates could change slightly during the course of the Department's review of the application.

The NMED has conducted a preliminary review of the information submitted with the permit application. The preliminary review and applicant's analysis of ambient air quality impacts indicates that the facility's air emissions will meet the air quality standards for NO<sub>x</sub>, CO, SO<sub>2</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub>. VOCs are a pre-cursor to ozone and the NMED does not require an individual ozone ambient impact analysis for each application. To determine compliance with national ambient air quality standards for ozone, NMED uses air monitors to monitor ozone concentrations. A full review will evaluate the estimated emission rates for the pollutants listed in this public notice and determine compliance with ambient air quality requirements and standards.

Based on the applicant's analysis, a preliminary determination is that this facility will comply with the requirements of Title 20, New Mexico Administrative Code (NMAC), Chapter 2, Parts 1, 7, 23, 70, 72, 73, 75 and 80; and the New Mexico Air Quality Control Act. Therefore, the preliminary intent of NMED is to issue the air quality permit on or before August 25, 2026.

To ensure compliance with state and federal air regulations, the permit is expected to include conditions that limit the emissions, hours of operation, production rate, and conditions that will require record keeping and reporting to the Department.

The permit application is available for review on the AQB Public Notices of Permitting Actions website [www.env.nm.gov/public-notice](http://www.env.nm.gov/public-notice).

All interested persons have thirty (30) days from the date this notice is published, to notify the Department in writing of their interest in the permit application. The written comments should refer to the company name, facility name and Permit No. (or send a copy of this notice along with your comments). The written comments

## Attachment A – Legal Notice

shall state the nature of the issues raised and how it relates to the requirements of applicable state and federal air quality regulations and the Clean Air Act. The written comments should be mailed to New Mexico Environment Dept., Air Quality Bureau, Permit Section, 525 Camino de los Marquez Suite 1, Santa Fe, NM 87505-1816 or submitted electronically via the NMED public comment portal online at: <https://nmed.commentinput.com/comment/search>.

The Department will notify all persons who have provided written comments as to when and where the Department's analysis may be reviewed. Although all written comments will be made part of the public record, any person who does not express interest in writing before the end of this first thirty (30) day period will not receive such notification.

If the Department receives written public comment before the end of the Department's thirty (30) day public notice, the Department's analysis will be made available for review for thirty (30) days at the NMED district or field office nearest to the source before the permit will be issued. Written comments on the analysis or permit application may be submitted to the Department during this second thirty (30) day period or at any time before the permit is issued or denied.

General information about air quality and the permitting process can be found at the Air Quality Bureau's web site. The regulation dealing with public participation in the permit review process is 20.2.72.206 NMAC. This regulation can be found in the "Permits" section of this web site.

### **Atención**

Este es un aviso de la oficina de Calidad del Aire del Departamento del Medio Ambiente de Nuevo México, acerca de las emisiones producidas por un establecimiento en esta área. Si usted desea información en español, por favor comuníquese con esa oficina al teléfono (505) 629-7748.

### **Notice of Non-Discrimination**

NMED does not discriminate on the basis of race, color, national origin, disability, age or sex in the administration of its programs or activities, as required by applicable laws and regulations. NMED is responsible for coordination of compliance efforts and receipt of inquiries concerning non-discrimination requirements implemented by 40 C.F.R. Part 7, including Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975, Title IX of the Education Amendments of 1972, and Section 13 of the Federal Water Pollution Control Act Amendments of 1972. If you have any questions about this notice or any of NMED's non-discrimination programs, policies or procedures, or if you believe that you have been discriminated against with respect to a NMED program or activity, you may contact: Non-Discrimination Coordinator, NMED, 1190 St. Francis Dr., Suite N4050, P.O. Box 5469, Santa Fe, NM 87502, (505) 827-2855, [nd.coordinator@env.nm.gov](mailto:nd.coordinator@env.nm.gov). You may also visit our website at <https://www.env.nm.gov/non-employee-discrimination-complaint-page/> to learn how and where to file a complaint of discrimination.

Attachment B – Field Office Request

District or Field Office Request

- The attached completeness letter and Legal Notice, which include website links, are being sent to your office in accordance with 20.2.72.206 NMAC - Public Notice and Participation, which states: "the Department shall make available for public inspection the permit application, the Department’s analysis, and the Department's preliminary determination. This material shall be available both at the Department's central office and the district or field office nearest to the proposed source." The Legal Notice contains the Department's preliminary determination.
- The following website link on the **NMED Public Participation webpage** shows where the public may go to find documents for this permit action, such as application, draft permit, and Department analysis:

<https://www.env.nm.gov/public-notices/>

For this permit action scroll down to **Dona Ana County** to find documents loaded to the website and look for **Yucca Growth Infrastructure, LLC-YGI Microgrid**.

**Public Notices**

This page lists public notices for rulemakings, permitting actions and any appeals of the action. Any rulemaking hearing or specific permitting or enforcement matter appealed to a board, commission or Environment Department Secretary is found on our [Docketed Matters webpage](#) once it is docketed.

Historical actions (e.g., public notices and associated documents) are archived on the previous NMED site.

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- The public may also submit comments online via the NMED Public Comment Portal at link below:

<https://nmed.commentinput.com/comment/search>

**NMED** New Mexico Environment Department

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