

**STATE OF NEW MEXICO  
BEFORE THE SECRETARY OF THE ENVIRONMENT**

IN THE MATTER OF:  
THE APPLICATION  
OF YUCCA GROWTH INFRASTRUCTURE, LLC  
FOR AN AIR QUALITY PERMIT

AQB 26-57

NO. 10883

**REQUEST FOR HEARING OFFICER TO ORDER DISCOVERY**

Pursuant to the July 16, 2026 Scheduling Order, the Center for Biological Diversity and New Mexico Environmental Law Center on behalf of Jose Saldaña Jr. and Vivian Fuller hereby request the Hearing Officer order Applicant Yucca Growth Infrastructure, LLC to respond to the attached First Request for Production of Documents and Set of Interrogatories. This discovery request is directly related to the air pollution impacts of the proposed facility and the Applicant’s ability to construct the proposed facility in a reasonable time. Both of these issues are highly relevant to this proceeding and critical to the New Mexico Environment Department’s mandate to control air pollution and protect public health and the environment. This request is narrowly tailored to gather information that is not otherwise reasonably obtainable and will not cause unreasonable delay.

Respectfully submitted this 24<sup>th</sup> day of July 2026,

/s/ Colin Cox

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*Counsel for Jose Saldaña Jr. and Vivian Fuller*

**STATE OF NEW MEXICO  
BEFORE THE SECRETARY OF ENVIRONMENT**

**IN THE MATTER OF:  
THE APPLICATION OF YUCCA  
GROWTH INFRASTRUCTURE'S,  
LLC FOR AN AIR QUALITY PERMIT,  
NO. NSR 10883**

**AQB 26-57 (P)**

**NEW MEXICO ENVIRONMENTAL LAW CENTER ON BEHALF OF JOSE SALDAÑA  
JR. AND VIVIAN FULLER AND CENTER FOR BIOLOGICAL DIVERSITY  
FIRST REQUEST FOR PRODUCTION OF DOCUMENTS AND SET OF  
INTERROGATORIES**

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The requests for production of documents described herein are pursuant to Rules 1-026 and 1-034 of the New Mexico Rules of Civil Procedure for the District Courts of New Mexico. Please produce legible copies of the requested documents for inspection at P.O. Box 12931, Albuquerque, New Mexico 87195, within thirty (30) days. Alternatively, to conserve time and resources, any documents that can be accurately produced in electronic format may be provided

through means agreed upon by both parties. For purposes of this request, documents include any documents authored by the Applicant Yucca Growth Infrastructure, LLC, as well as documents within its possession, custody, or control. Any objection must be served upon the Requestors' counsel within thirty (30) days of the service of these requests for production of documents.

### **DEFINITIONS**

1. "Document" is used in the broadest sense possible and means any written, typed, printed, recorded or graphic matter, including electronically stored information, however produced or reproduced, or any type or description, regardless of origin or location, including without limitation all correspondence, records, memoranda, notes, lists, calendars, telexes, telecopies, messages (including, but not limited to, notes, reports, memoranda, or recordings of telephone conversations), electronic mail messages or transmissions, contracts, agreements, assignments, invoices, statements, acknowledgments, computer-generated or computer-stored documents or information, all other data compilations from which information can be obtained or translated, if necessary, reports and/or summaries of investigations, drafts and revisions of drafts of any documents, invoices, receipts and original preliminary notes. If a document has been prepared in several copies, or additional copies have been made, or copies are not identical, each non-identical copy is a separate document.

2. "Information" shall be construed expansively and shall include facts, data, opinions, knowledge, belief, images, impressions, concepts, and formulae.

## **INTERROGATORIES**

1. Please describe the concentration of all chemicals in the pipeline gas, including, for example, levels of benzene, toluene, xylene, chloroform, sulfur compounds, radon and all other chemicals and radionuclides.

**ANSWER:**

2. Please describe what continuous emissions monitoring systems or parametric monitoring will be installed at the proposed facility to ensure that actual emissions are consistent with permitted assumptions and legal limits. If no continuous emissions monitoring systems or parametric monitoring will be installed, please describe how that will be adequate to ensure compliance with all applicable requirements under the Air Quality Control Act.

**ANSWER:**

3. Please describe the pressure and temperature of the desulfurization canisters and desulfurization media under all operating conditions, including normal operation, maintenance, startup, shutdown, and any other conditions.

**ANSWER:**

4. Please describe the expected temperature and atmospheric pressure conditions on days when the desulfurization canisters are opened.

**ANSWER:**

5. Please describe how many individual calendar days per year one or more desulfurization canisters will be opened for any reason.

**ANSWER:**

6. Please describe how spent desulfurization canisters and/or desulfurization media will be cleaned and/or removed from the facility. If canisters will be transported away from the facility, please describe the method of transport.

**ANSWER:**

7. Please describe the volume and weight of spent desulfurization canisters and desulfurization media that will be removed from the facility annually.

**ANSWER:**

8. During SOFC cooldown, the nickel-YSZ anode passes through the temperature range of 50-200°C at which nickel tetracarbonyl can form in the presence of carbon monoxide.  $\text{Ni(CO)}_4$  is acutely toxic at sub-ppm concentrations. Please describe what anode purge

protocol is used during planned and unplanned shutdowns to eliminate CO from the anode compartment before it cools into the carbonyl formation range.

ANSWER:

9. When steel super alloys like those present in the proposed fuel cells are exposed to high temperatures, hexavalent chromium is formed. Please describe the emissions measurements of hexavalent chromium from the proposed fuel cells and proposed facility.

ANSWER:

10. Please describe the emissions profile during individual fuel cell replacement and recommissioning events, specifically during the preheat transient before a replacement fuel cell reaches operating temperature? How many such events are anticipated annually at full facility scale, and are the cumulative emissions from recommissioning transients captured within the permit's annual emission inventory?

ANSWER:

11. Please describe the statistical basis, including confidence intervals, for scaling the emission test on a single 65kw unit by a factor of approximately 37,800 to arrive at proposed facility emissions.

ANSWER:

12. Please explain why the Applicant applied a 15% "safety factor" to its pollution calculations and the basis for choosing 15% specifically.

ANSWER:

13. Please explain why the Applicant used a 100% capacity factor for the proposed 2,462 megawatts in its pollution calculations, and whether 2,462 megawatts represents the entire nameplate capacity of the proposed plant.

ANSWER:

14. Please describe the contents of spent or degraded fuel cells and whether they contain hazardous materials.

ANSWER:

15. Please describe volume and weight of spent or degraded fuel cells that will be removed from the site annually.

ANSWER:

16. Please describe the maximum volumes of water needed to begin and then sustain ongoing operation of the proposed facility.

ANSWER:

17. Please describe the amount of water that will be discharged from the proposed facility.

ANSWER:

18. Please explain why the tons of carbon dioxide pollution do not match the amount of carbon dioxide pollution expected for the listed volume of methane gas consumption.

ANSWER:

19. Please describe the heating value of the pipeline gas, and whether it will remain constant or change for any reason, including, for example, seasonally.

ANSWER:

20. Please describe the temperature, pressure, chemical composition and flow rate of the anode and cathode side of each fuel cell, operating at nameplate as well as maintenance, startup, and shutdown conditions, at the beginning of life and through till the end of life of each fuel cell.

ANSWER:

21. Please describe the height and exit velocity of the anode and cathode side emissions, and whether those exhaust streams are combined.

ANSWER:

22. Please describe the expected methane slip of each fuel cell and of the proposed facility, and how unreacted methane in the fuel cell exhaust is handled.

ANSWER:

23. Please describe the expected hydrogen slip of each fuel cell and of the proposed facility, and how unreacted hydrogen in the fuel cell exhaust is handled.

ANSWER:

24. Please describe how the proposed facility will “cold start” or “black start,” i.e, supply power or heat to begin initial operation of the fuel cells, and the expected pollution emissions from this process.

ANSWER:

25. Please describe how the facility will recover waste heat and what that heat will be used for.

ANSWER:

26. Please explain the quantity of scandium necessary to build all of the fuel cells for the proposed facility.

ANSWER:

27. Please explain how Bloom acquires scandium for the fuel cells, and whether any of its scandium is mined and/or processed in any way in China.

ANSWER:

28. Please explain where the Applicant intends to source methane fuel for the proposed facility given the State Land Office's refusal to approve rights-of-way for any pipeline to the proposed facility.

ANSWER:

29. Please provide the detailed timeline for acquisition and installation of the fuel cells.

ANSWER:

### **REQUESTS FOR PRODUCTION**

1. Please provide all documents that the Applicant has produced to, created for or otherwise shared with the New Mexico Environment Department, New Mexico Economic Development Department, and State Engineer of New Mexico from January 1, 2025 until the present.

ANSWER:

2. Please provide all documents showing communications between the Applicant and the New Mexico Environment Department, New Mexico Economic Development Department, or the State Engineer of New Mexico from January 1, 2025 until the present.

ANSWER:

3. Please provide all documents related to the chemical composition and/or heating value of the pipeline gas for the facility.

ANSWER:

4. Please provide all documents related to emissions testing from the proposed fuel cells, including but not limited to statistical analysis of the emissions testing demonstrating the adequacy of the proposed testing in estimating emissions from the proposed plant.

ANSWER:

5. Please provide all documents related to the 15% “safety factor” applied to the pollution limits for the proposed facility.

ANSWER:

6. Please provide all documents related to performance of the proposed fuel cells under various operating conditions, including but not limited to ambient temperatures above 113 degrees Fahrenheit and atmospheric pressures present above 4,000 feet in elevation.

ANSWER:

7. Please provide all documents related to emissions testing of formaldehyde, nickel tetracarbonyl, or hexavalent chromium from the fuel cells.

ANSWER:

8. Please provide all documents showing how the fuel cells reform hydrogen from methane and how the fuel cells generate electricity.

ANSWER:

9. Please provide all documents related to the performance or efficiency of the proposed fuel cells over their lifetime.

ANSWER:

10. Please provide all documents related to the handling and replacement of spent or degraded fuel cells, or fuel cells otherwise at the end of their useful life.

ANSWER:

11. Please provide all documents related to emissions testing from the proposed desulfurization canisters.

ANSWER:

12. Please provide all documents related to the design, operation, and handling of the proposed desulfurization canisters.

ANSWER:

13. Please provide all documents showing or related to the pressure and temperature of the desulfurization canisters and desulfurization media under all operating conditions, including normal operation, maintenance, startup, shutdown, and any other conditions.

ANSWER:

14. Please provide all documents showing the expected volume and weight of spent desulfurization canisters and/or desulfurization media that will be removed from the proposed facility.

ANSWER:

15. Please provide all documents demonstrating the availability of the proposed fuel cells sufficient to complete construction of the facility, including guaranteed delivery dates by the manufacturer.

ANSWER:

16. Please provide all documents demonstrating the availability of sufficient scandium to construct the proposed fuel cells.

ANSWER:

17. Please provide all documents demonstrating the availability of sufficient methane fuel for the proposed facility.

ANSWER:

18. Please provide all documents related to temperature, pressure, chemical composition and flow rate of the anode and cathode side of each fuel cell, operating at nameplate as well as maintenance, startup, and shutdown conditions, at the beginning of life and through till the end of life of each fuel cell.

ANSWER:

19. Please provide all documents related to the water needs of the proposed facility.

ANSWER:

20. Please provide all documents related to the wastewater expected to be produced by the proposed facility, its chemical makeup, and how it will be handled and disposed of.

ANSWER:

21. Please provide all documents related to methane slip from the proposed fuel cells.

ANSWER:

22. Please provide all documents related to hydrogen slip from the proposed fuel cells.

ANSWER:

23. Please provide all documents showing how the Applicant intends to “cold start” or “black start” the proposed fuel cells, and how often the Applicant expects to do so.

ANSWER:

24. Please provide all documents related to waste heat recovery at the proposed facility.

ANSWER:

DATED: July 24, 2026

Respectfully submitted:

By: /s/ Colin Cox

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## Certificate of Service

I hereby certify that on July 24, 2026 a copy of the foregoing Request for Hearing Officer to Order Discovery and attached First Request for Production of Documents and Set of Interrogatories was emailed to the persons listed below.

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