

**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)

**CENTER FOR BIOLOGICAL DIVERSITY, JOSE SALDAÑA JR.
AND VIVIAN FULLER'S REPLY IN SUPPORT OF DISCOVERY REQUESTS TO
APPLICANT AND NEW MEXICO ENVIRONMENT DEPARTMENT
AND REQUEST FOR HEARING OFFICER TO ORDER EXPEDITED DISCOVERY
RESPONSES**

The Center for Biological Diversity, Jose Saldaña Jr. and Vivian Fuller (collectively, “Movants”) file this reply in support of their July 24 Motion to Order Discovery, July 24 discovery request to Applicant Yucca Growth Infrastructure (the “Applicant”), and July 31 discovery request to the New Mexico Environment Department (the “Department”),¹ and to address the Applicant’s July 31 Response to Requests for Hearing Officer to Order Discovery.

Movants’ discovery requests are reasonable and narrowly tailored to acquire information that is not otherwise obtainable about the proposed project’s compliance with the New Mexico Air Quality Control Act. Movants need these documents to remedy the absence of critical information in the Application and to accommodate the Department’s refusal to supply the administrative record or fully respond to IPRA requests prior to Movants’ direct testimony deadlines. Movants filed these discovery requests in good-faith compliance with the Hearing Officer’s orders, and ask the same of the Applicant and Department when responding.

¹ Previously-filed discovery requests to Applicant and NMED are attached as Attachments 1 and 2, respectively.

Movants request the Hearing Officer order expedited responses to Movants' discovery requests by August 14, 2026, to allow Movants ten days' time to review and develop expert testimony on the contents of the responses, and to ensure no additional delay of this proceeding.

I. Movants request critical information that is highly relevant to this proceeding and not otherwise available.

Movants request information about 1) whether the YGI Microgrid would meet applicable regulations adopted pursuant to the New Mexico Air Quality Control Act, 2) whether the YGI Microgrid will emit a hazardous air pollutant or an air contaminant in excess of any applicable New Source Performance Standard or National Emission Standard for Hazardous Air Pollutants or a regulation of the board, 3) whether the YGI Microgrid will cause or contribute to air contaminant levels in excess of any National Ambient Air Quality Standard or New Mexico ambient air quality standard, 4) whether the YGI Microgrid would cause or contribute to ambient concentrations in excess of a prevention of significant deterioration increment, 5) whether any provision of the Air Quality Control Act will be violated if the YGI Microgrid is permitted, and 6) whether the Applicant can construct the YGI Microgrid in a reasonable amount of time. These requests are relevant because, should the Applicant and Department fail to satisfy these requirements, the Department must deny the Application. 20.2.72.208.A-G, NMAC.

Movants have requested detailed information about the internal processes of the fuel cells the Applicant purports to rely on in order to determine emissions of various pollutants that are inexplicably not discussed in the Application. For example, based on public statements by Bloom Energy, the fuel cell manufacturer, Movants are aware that fuel cells may emit unknown quantities of hexavalent chromium, a very dangerous air pollutant. The Application contains no mention or measurement of hexavalent chromium. Similarly, Movants are aware that nickel

tetracarbonyl, a toxic pollutant, may form during certain operations of the fuel cells. The Application is also silent regarding nickel tetracarbonyl. As such, Movants have requested information sufficient to show whether the YGI Microgrid would emit this pollutant.

20.2.72.208.A, B, F, NMAC.

Movants have asked for information about methane and hydrogen “slip,” which is what happens when a portion of the fuel is not reacted in the various processes and instead ejected as exhaust to the atmosphere. Slippage is extremely common in physical and chemical reactions like those that take place inside the fuel cells, yet the Application is entirely silent on this point, so Movants have requested information to show the actual amount of methane and hydrogen slippage from the proposed YGI Microgrid. 20.2.72.208.A, B, F, NMAC.

Movants have requested information about the pollution emission performance of the fuels cells over their lifetime, highly relevant to accurately calculating the true pollution emissions from the proposed source. Movants have reason to believe that the fuel cells degrade significantly over their lifetime and may produce more pollution than the Applicant claims. The Application includes only a brief stack test of a brand-new unit operating in ideal conditions, an insufficient basis for assessing the true impacts of the proposed source. 20.2.72.208.A, B, C, F, NMAC.

Movants have requested detailed information on the desulfurization canisters and media, and the venting process for those canisters. The desulfurization canisters are known to contain a variety of highly toxic substances, including benzene, toluene, xylene, chloroform, sulfur compounds, radon. The Application claims, without support, that none of those hazardous compounds are released to the atmosphere when the canisters are opened and purged. Movants

have requested information and documents to determine the actual pollution released in that process. 20.2.72.208.A, B, C, F, NMAC.

Movants have requested information about the water use of the YGI Microgrid. Pollution sources of this enormous scale that use water in their fuel conversion processes, as the proposed source would do, often have wastewater treatment plants that emit additional air pollution. Because the Application is silent with respect to water use and wastewater treatment, Movants have requested documentation sufficient to determine how much wastewater the Applicant will generate, how it will handle that wastewater, and whether that will result in additional air pollution that must be included in the permit. 20.2.72.208.A, B, C, F, NMAC

The Department's statement of basis lists a handful of other sources that use the same Bloom fuel cells, but several of those sources have much more stringent limits on toxic air pollutants like nitrogen oxides and greenhouse gasses including carbon dioxide compared to the Applicant's proposal. Movants have requested documents explaining why the Applicant's proposed YGI Microgrid will emit significantly more pollution than the same fuel cells in Delaware, Texas, and Ohio. 20.2.72.208.C, D, F, NMAC.

Finally, Movants have asked for discovery related to the availability of sufficient fuel cells and raw materials to construct the YGI Microgrid as well as the availability of sufficient methane fuel to supply the YGI Microgrid. These are directly relevant to the Department's burden of showing that the Applicant can construct the YGI Microgrid in a reasonable amount of time. 20.2.72.208.G, NMAC

All of Movants' requests are relevant to this proceeding, and not available in the extremely limited public materials currently available. The Applicant's claims in its Response that Movants' requests are irrelevant or otherwise available are false. For the same reasons, the

information requested is not cumulative or duplicative. Movants seek information that is not in the Application or the limited documents released by the Department. The information is also not available on Bloom's website, which is mostly a collection of public relations fluff. If the requested information was otherwise available, duplicative, or cumulative, Movants would not waste time filing discovery requests or engaging in motions practice. Movants have been forced into this position by the reticence of the Applicant and the Department to share information necessary to determine whether the Application complies with all of the requirements of the Air Quality Control Act.

Additionally, Movants are not seeking privileged documents. To the extent any responsive documents are protected by a privilege, the Applicant can certainly exercise its rights by asserting that privilege and producing a privilege log.

Movants have therefore satisfied 20.1.4.200.E(2) (b) and (c), NMAC: (b) the information sought is not privileged and is relevant to the subject matter of the proceeding; and (c) the information to be obtained is not unreasonably cumulative or duplicative, or not otherwise reasonably obtainable.

II. Discovery will not unreasonably delay the proceeding and is not unreasonably burdensome or expensive.

Movants seek focused discovery on issues directly relevant to a number of as-yet-unquantified air pollutants and unsupported assumptions of air pollution from the proposed YGI Microgrid. Movants requests were timely filed on July 24 with the Applicant, based on information missing from the Application, and on July 31 with the Department, based on information missing from the Department's July 29 Draft Permit and Statement of Basis.

In the interest of respecting the filing deadlines in the July 29 Amended Scheduling Order, Movants ask the Hearing Officer to order the Applicant and Department to respond in good faith to our discovery requests by August 14. This will allow Movants ten days to review responsive documents and develop expert technical testimony prior to the August 24 deadline, and will cause no additional delay in the hearing process.

The Applicant's claim in its Response that the discovery requests are unreasonably burdensome and expensive is disingenuous. The Applicant claimed it was fully prepared to go to hearing on August 17. Movants simply ask for interrogatories and documents sufficient to support some of the Applicant's so-far-unsupported claims regarding air pollution, and remedy just a portion of the glaring omissions of required information in the Application. In fact, in its Response, the Applicant lists only two of Movants' requests for production as burdensome, the first requesting documents related to the "performance or efficiency of the proposed fuel cells over their lifetime" (RFP No. 9), and the second related to "documents demonstrating the availability of sufficient scandium to construct the proposed fuel cells" (RFP No. 16). The Applicant claims these are unreasonably broad but offers nothing to support that claim and argues more about their relevance than their breadth. As explained above, these issues are highly relevant to the Department's evaluation of this permit, and the Applicant has failed to demonstrate any unreasonable burden in responding to Movants' discovery requests on these points.

The Applicant has hired multiple legal teams for this proceeding, which seeks a permit to build the largest source of greenhouse gas pollution in the state, with a price tag of approximately ten billion dollars. \$10,000,000,000. Movants' targeted discovery requests are neither unreasonably burdensome nor expensive for this Applicant.

Turning to the Department, Mr. Vigil similarly stated that the Department was ready to proceed to a hearing on August 17 but has since delayed release of the administrative record until August 24, leaving Movants no time to review “thousands of pages” of relevant documents prior to filing their direct technical testimony. The Department’s withholding of documents it claimed it *could* file weeks earlier than it now intends to file them is pure gamesmanship, and places Movants and other parties at a significant disadvantage here. The Department stated it could have filed these documents earlier, and it cannot now reasonably claim burden or expense in being required to do so.

For these reasons, Movants have satisfied NMAC 20.1.4.200.E(2)(a): the discovery will not unreasonably delay the proceeding and is not unreasonably burdensome or expensive.

III. Request for Relief

Having met all three prongs of NMAC 20.1.4.200.E(2), as required by the July 29 Order, Movants respectfully request the Hearing Officer order the Applicant and the Department to respond to Movants’ previously filed discovery requests by August 14, 2026.

DATED: August 5, 2026

Respectfully submitted:

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Certificate of Service

I hereby certify that on August 5, 2026 a copy of the foregoing Reply in Support of Discovery Requests to Applicant and New Mexico Environment Department and Request for Hearing Officer to Order Expedited Discovery Responses was emailed to the persons listed below.

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**STATE OF NEW MEXICO
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**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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Counsel for Applicant Yucca Growth Infrastructure, LLC

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. 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:

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Counsel for Jose Saldaña Jr. and Vivian Fuller

Attachment 2

**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,
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**CENTER FOR BIOLOGICAL DIVERSITY, JOSE SALDAÑA JR. AND VIVIAN
FULLER's FIRST REQUEST FOR PRODUCTION OF DOCUMENTS AND SET OF
INTERROGATORIES TO NMED**

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The Center for Biological Diversity, Jose Saldaña Jr. and Vivian Fuller file these discovery requests pursuant to the Hearing Officer's July 29 order ordering discovery to proceed in this hearing. 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. 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 New Mexico Environment Department (the "Department"), as well as documents within its possession, custody, or control.

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 explain why the 15% safety factor was removed with respect to carbon dioxide pollution but was retained with respect to criteria pollutants, including nitrogen oxides, carbon monoxide, volatile organic compounds, particulate matter, and hazardous air pollutants.

ANSWER:

2. Please describe what continuous emissions monitoring systems or parametric monitoring will be installed, and where it 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 explain the Department's basis for determining that the proposed source is exempt from PSD applicability.

ANSWER:

4. Please explain the Department's basis for determining that emissions from the associated data center are not required to be considered in evaluating this Application.

ANSWER:

5. Please explain why the proposed source has higher pollution limits of nitrogen oxides per megawatt hour than the Bloom facilities listed in the statement of basis in Delaware, Texas and Ohio, and the basis for allowing those higher pollution limits.

ANSWER:

6. Please explain why the proposed source has higher pollution limits of carbon dioxide per megawatt hour than the Delaware-based Bloom facilities listed in the statement of basis, and the Departments basis for allowing those higher pollution limits.

ANSWER:

7. Please explain the specific chemical composition of fuel cell exhaust from, separately, the cathode side of the fuel cell and, separately, the anode side of the fuel cell.

ANSWER:

8. Please explain how the Department has modeled or otherwise accounted for impacts of heat, ground-level CO₂, and low levels of oxygen in the fuel cell exhaust.

ANSWER:

9. Please explain the Department's basis for concluding that the Applicant will be able to construct the proposed facility in a reasonable amount of time.

ANSWER:

REQUESTS FOR PRODUCTION

1. Please provide all documents related to this Application or Applicant Yucca Growth Infrastructure that the New Mexico Environment Department has produced to, created for

or otherwise shared with the Applicant Yucca Growth Infrastructure, the New Mexico Economic Development Department, or State Engineer of New Mexico.

ANSWER:

2. Please provide all documents showing communications related to this Application or Applicant Yucca Growth Infrastructure between the New Mexico Environment Department and the New Mexico Economic Development Department or the State Engineer of New Mexico.

ANSWER:

3. Please provide all communications and documents shared between the Department and Applicant Yucca Growth Infrastructure, LLC, and its consultant Trinity Consultants.

ANSWER:

4. Please provide all emission calculation spreadsheets in their native formats, complete and with formulas intact.

ANSWER:

5. Please provide the complete source-test reports for the tests run on Dec. 2023 and Apr. 2026, including raw data, QA/QC, calibration, chain of custody, and the specific methods run for each analyte.

ANSWER:

6. Please provide the full AERMOD/BPIP/AERMAP input and output files, receptor grid included.

ANSWER:

7. Please provide all documents related to the Department's conclusion that the source is not a listed PSD source category.

ANSWER:

8. Please provide all documents related to the conclusion that emissions from the associated data center do not need to be included in analysis and review of this Application.

ANSWER:

9. Please provide all documents related to the meteorological data and background concentration values the Department provided or directed the Applicant to use, and the basis and monitor sources for each.

ANSWER:

10. Please provide all documents related to any prior Department permitting determinations for Bloom Energy or other SOFC facilities in New Mexico.

ANSWER:

11. Please provide all documents related to any permitting determinations for the Bloom Energy facilities in other states listed in the statement of basis.

ANSWER:

12. Please provide all documents related to emissions of nickel tetracarbonyl or formaldehyde from the proposed fuel cells.

ANSWER:

13. Please provide all documents related to emissions of methane or hydrogen from the proposed fuel cells.

ANSWER:

14. Please provide all ambient air monitoring data for the Sunland Park/Santa Teresa area relied upon in reviewing this Application.

ANSWER:

15. Please provide the complete administrative record.

ANSWER:

DATED: July 31, 2026

Respectfully submitted:

By: /s/ Colin Cox

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Certificate of Service

I hereby certify that on July 31, 2026 a copy of the foregoing First Request for Production and Set of Interrogatories to NMED was emailed to the persons listed below.

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