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February 12, 2024

Maxeon Golden Eagle Environmental Assessment  
Department of Energy, Loan Programs Office  
c/o ICF Consulting  
1902 Reston Metro Plaza  
Reston, VA 20190

Submitted electronically to: [LPO\\_Environmental@hq.doe.gov](mailto:LPO_Environmental@hq.doe.gov)

RE: U.S. Department of Energy, Proposed Federal Loan Guarantee to Maxeon for Golden Eagle Project in Albuquerque, New Mexico

NEPA Document Manager Brown,

The New Mexico Environment Department (NMED) offers a favorable opinion of the Proposed Federal Loan Guarantee to Maxeon for the Golden Eagle Project in Albuquerque, New Mexico. The Project will create clean energy jobs and products that align with and advance New Mexico's commitment to reducing carbon emissions to combat climate change.

NMED concurs with the Department of Energy's Environmental Assessment and Finding of No Significant Impact (EA/FONSI). Our attached comments identify technical corrections to the EA/FONSI and two suggested considerations for project permitting.

We appreciate this opportunity to comment.

Sincerely,

Jonas Armstrong, Director  
Office of Strategic Initiatives

Attachment (1)

## **Attachment**

### **Introduction**

The U.S. Department of Energy's (DOE) Loan Programs Office (LPO) prepared an Environmental Assessment (EA) pursuant to the National Environmental Policy Act to consider the environmental impacts of its decision of whether to provide a federal loan guarantee to Maxeon to support the construction and operation of a new photovoltaic (solar) cell fabrication and panel assembly facility ("the Project") on a 126-acre site along University Boulevard in Albuquerque, New Mexico. DOE-LPO Drafted an Environmental Assessment and Finding of No Significant Impact (EA/FONSI). The New Mexico Environment Department (NMED) concurs with DOE's EA/FONSI determination but has identified a few technical corrections and suggested considerations.

The Project will create clean energy jobs and products that align with and advance New Mexico's commitment to reducing carbon emissions to combat climate change. In 2019, New Mexico passed the Energy Transition Act (ETA), establishing the state as a national leader in clean energy. The ETA sets a statewide renewable energy standard of 50 percent by 2030 for New Mexico investor-owned utilities (IOUs) and rural electric cooperatives. The renewable energy standard rises to 80 percent by 2040 for IOUs and requires all generation to be from zero-carbon resource for 2045. Rural electric cooperatives must achieve a zero-carbon resource standard by 2050 comprised of at least 80% renewables. The law transitions New Mexico away from coal and toward clean electricity, ensuring greater renewable electricity production and reducing costs for consumers, and provides tens of millions of dollars of economic and workforce support for communities impacted by coal plant closures, as well as the development of renewable replacement power.

By producing solar panels for both the utility scale power plant and distributed rooftop generation market, the Project will increase access to technology to help New Mexico meet the goals laid out in the ETA and to reduce carbon emissions from electricity generation well-beyond our state's borders. As noted in the EA/FONSI "[Greenhouse gas] emissions associated with the construction of the Project would be minimal compared to the CO2 offset resulting from use of the PV panels from the proposed manufacturing facility."

### **Comments**

#### *Technical Corrections*

DOE should correct Section 1.4, Scope of Environmental Assessment anticipated environmental permit list to identify that the National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges from Construction Activities is issued by the EPA Region 6, not NMED. Similarly, Appendix A should NPDES General Permit for Stormwater Discharges from Construction Activities is issued by the EPA Region 6, not NMED.

Sedimentation and Erosion Control (S&EC) and Storm Water Pollution Prevention Plans (SWPPP) are not requirements of EPA publicly operated treatment works wastewater treatment plant NPDES permits. DOE should correct the statement in Section 3.3.1, Groundwater and Surface Water, that reads "An S&EC Plan and SWPPP to support the NPDES wastewater permit" to read "An S&EC Plan and SWPPP to support the NPDES stormwater permit". Again, the same correction should be made in Appendix A, which incorrectly notes that the SWPP and Spill Prevention Control and Countermeasure (SPCC) plan are required by EPA and not NMED.

Finally, DOE should correct Appendix A to identify that the Industrial Pretreatment and Discharge Permit is required by EPA and/or ABCWUA, not NMED.

### Suggested Considerations

The Project includes installation of sanitary sewer services and the construction of a site-specific advanced wastewater treatment plant (AWTP), including the fluoride waste treatment plant and acid-waste neutralization system. Both the sanitary and industrial systems will discharge to the Albuquerque Bernalillo County Water Utility Authority (ABCWUA) National Pollutant Discharge Elimination System (NPDES) permit NM0022250. The sewer lines, lift stations, and collection systems are included in the NPDES permit coverage area. Maxeon should be sure to consider sewer overflow events and discharges that may be affected by the Project. Any spills and releases from the potable and wastewater lines, or releases of other chemicals and pollutants, should be reported as required by the ABCWUA NPDES permit number NM0022250 and 20.6.2.1203 NMAC.

The Project's AWTP, solar photovoltaic cell fabrication facility, and panel assembly facility may be Sectors that require NPDES Multi-Sector General Permit (MSGP) coverage, which would require an SWPPP for the Project and that appropriate best management practices be installed and maintained to prevent, to the extent practicable, pollutants in stormwater runoff from entering WOTUS. Coverage under the MSGP is required for stormwater discharges to waters of the United States (WOTUS) associated with specific categories of industrial activity or sectors. If required, the SWPPP should include discharge and spill reporting requirements as outlined in the ABCWUA NPDES permit number NM0022250 and 20.6.2.1203 NMAC.