



September 18, 2026

Via U.S. Certified Mail and Electronic Delivery

Ian Marcus
Blake Marcus
Granite Renewables and Site Layer 1, LLC
126 E 56th Street, 7th Floor
New York, New York 10023
hello@graniterenewables.com
(805) 204-4183

Re: Requirements for Site Layer 1, LLC's Air Quality Permit Application under 20.2.72.203(11) NMAC

Dear Messrs. Marcus and Marcus,

I am writing to express my disappointment regarding Granite Renewables' lack of responsiveness to my direct outreach on September 4, 2026. As you are aware, I called the phone number on your website, left a voicemail requesting a call, and sent you follow-up correspondence via email requesting information – to which you have not responded as of the date of this letter. If the Cabinet Secretary for the New Mexico Environment Department (NMED) – the state agency in charge of your permitting and future compliance inspections – cannot reach a single person in your organization or receive basic information about the project; I fear that no one in the community could gather this information from you either.

I specifically requested a point of contact and a phone number of a qualified person from Granite Renewables / Site Layer 1, LLC to respond to public inquiries from New Mexicans on your proposed data center project. Instead, SWCA Environmental Consultants, a consulting firm with unclear ties to your company, provided me with the exact same phone number where I left a voicemail and the exact same email address to which you did not respond. Therefore, I reject your public notice that appeared in the Silver City Daily as you did not create a meaningful process for public engagement.

In addition, I specifically requested the names and dates of the elected and government officials, as well as community leaders, with whom you met prior to your publication of your Notice of Air Quality Permit Application, along with all community presentations that you have made regarding your data center project. I informed you that meeting minimum regulatory notice requirements – including those under the Air Quality Control Act and state regulations – without further engagement with New Mexicans is insufficient. Instead of responding to me with this information, SWCA failed to provide any information requested and noted that it "remains committed to complying with all applicable local, state, and federal laws," and stated that it is "NMED [that] administers opportunities for public participation during its review of air permit applications." Simply stated, you and your consulting firm are wrong.

It is the responsibility of Granite Renewables / Site Layer 1, LLC to engage the public regarding its air quality permit application – not NMED. Let me be exceptionally clear: NMED's job is to process air quality permits pursuant to state law and rules – not defend Site Layer 1, LLC. NMED develops and proposes air quality permits based on technical information provided to us to ensure compliance with federal and state air quality standards.

It is entirely your job to seek a social license to operate in the local community by engaging community members and addressing their concerns prior to your permit hearing. A permit hearing is an opportunity for public participation, but it is well past the opportunity for Site Layer 1, LLC to earn the community's trust and support.

This letter serves as notice that any Site Layer 1, LLC forthcoming application is incomplete pursuant to 20.2.72.203(11) NMAC. In order to proceed with a complete air quality permit application, you must: (1) immediately provide the public with the name, title, and direct phone number for one or more qualified representatives from your company to answer questions or take public input related to the project for the duration of the air quality permitting process; and (2) provide to NMED within seven business days the requested records of stakeholder and community engagement, including meeting dates, attendees, and presentation materials. Please provide supporting evidence and documentation related to items (1) and (2) to NMED Air Quality Bureau Chief Cindy Hollenberg at Cindy.Hollenberg@env.nm.gov or by U.S. Mail at 525 Camino de los Marquez, Santa Fe, New Mexico 87505. Until you satisfy these requirements, NMED will not advance any air quality permit applications for this site.

Sincerely,



James C. Kenney
Cabinet Secretary

cc: Brad Sohm, Air Quality Services Director, SWCA
Stephanie Blochowiak, Principal Project Manager, SWCA