



September 29, 2026

Via U.S. Certified Mail and Electronic Delivery

Blake Marcus
Project Developer
Granite Renewables and Site Layer 1, LLC
126 E 56th Street, 7th Floor
New York, New York 10023
blake@graniterenewables.com

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

Dear Mr. Marcus,

On Friday, September 25, 2026, the New Mexico Environment Department (NMED) received your email response to our revised letter sent earlier the same day (attached). While I appreciate receiving your direct phone number and email address as the primary point of contact for this project, I want to inform you that NMED's requested records of stakeholder and community engagement, including meeting dates, attendees, and presentation materials are still required before NMED moves forward with any permit application(s).

NMED is aware – as you are no doubt also aware – that your proposed data center project has significant community opposition. My concern is not about Site Layer 1, LLC failing to meet the minimum requirements for regulatory notice; my concern is about Site Layer 1, LLC's lack of community outreach and engagement in the relevant New Mexico communities.

For Site Layer 1, LLC to expressly and solely depend on NMED's air quality application process as a substitute for its own community outreach and engagement is wholly insufficient. It also forces NMED to incur exponentially greater expenses, as at a minimum, NMED has a fiduciary duty to protect legislatively appropriated funding.

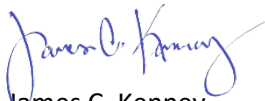
To move forward, I am requesting you:

1. Provide the documentation of public engagement regarding this project, as stated in the September 18, 2026 letter and the revised September 25, 2026 letter. To date, NMED has not received any information other than a general reference in your email to you having "met virtually with Grant and Hidalgo County officials in the fall of 2025."
2. Schedule a pre-application meeting with NMED's Air Quality Bureau to discuss the proposed project before submitting a formal permit application. These are routine meetings the Air Quality Bureau holds with prospective permittees and typically focus on applicable permitting requirements, emissions information, modeling or monitoring needs, required application materials, public involvement and notice, and the permitting process and schedule. Site Layer 1, LLC should come prepared with a clear project description, anticipated emissions and equipment information, a process flow diagram, and specific questions or issues you would like addressed.

3. Submit a complete and accurate permit application, including all required information and transparent calculations (Excel editable). Once submitted and deemed complete by NMED, the permitting process is governed by timelines established in law and rule.

Again, please provide supporting documentation related to this letter and my prior letters to NMED's 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. You may also contact Ms. Hollenberg directly to schedule the pre-application meeting as discussed above.

Sincerely,



James C. Kenney
Cabinet Secretary

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

Attachment

From: [Blake Marcus](#)
To: [Kenney, James, ENV](#); [Ian Marcus](#)
Cc: [Sohm, Bradley](#); [Stephanie Blochowiak](#); [Hollenberg, Cindy, ENV](#); [Miano, Michelle, ENV](#); [Hardison, Cember, ENV](#)
Subject: Site Layer 1, LLC Air Permitting Public Notice // Re: [EXTERNAL] RE: Site Layer 1, LLC Notice of Air Quality Permit Application
Date: Friday, September 25, 2026 9:43:16 AM

Dear Secretary Kenney and Ms. Cindy Hollenberg,

Site Layer 1 is in receipt of your letter dated September 18, 2026, regarding the pre-application public notice.

Pursuant to New Mexico Administrative Code 20.2.72.203 sections B, C, and D – Site Layer 1 published the public notice prior to submittal of an application. Our compliance with the NMED's public notice requirements was confirmed via a phone call between Brad Sohm (SWCA's Air Quality Director) and Cember Hardison on September 8, 2026 (an agency-provided public notice template was used). It is not Site Layer 1's intention to create any undue strain on the agency, but rather to follow the requirements as published and advised by the agency.

We are indeed anticipating future outreach with the public and the county throughout the permitting process. Site Layer 1 representatives have met virtually with Grant and Hidalgo County officials in the fall of 2025 to discuss this project. Site Layer 1 remains committed to complying with all applicable local, state, and federal laws including relevant sections of the New Mexico Administrative Code and any other requirements.

We would like to request a virtual meeting with NMED to discuss the topics raised in the letter, supporting documentation requests, application submittal timeline, and to develop a further understanding of your agency's application review procedures including public outreach or hearings, and best practices for community engagement. Please provide a few dates and times for the week of September 28th that would work for your team to meet. We will then follow up with a calendar meeting link.

For the company contact information request, the pending (not yet submitted) application lists Ian Marcus as the project's Responsible Official, Plant Operator, and Billing Contact. I myself, Blake Marcus, am Site Layer 1's primary point of contact for project permitting and public or agency inquiries, and my phone number is 413.530.8511.

We look forward to working with your agency,

Blake Marcus
Project Developer
413.530.8511

blake@graniterenewables.com

From: Kenney, James, ENV <James.Kenney@env.nm.gov>

Sent: Monday, September 21, 2026 4:14 PM

To: Ian Marcus <ian@graniterenewables.com>; Blake Marcus <blake@graniterenewables.com>

Cc: Soh, Bradley <bsohm@swca.com>; Stephanie Blochowiak <Stephanie.Blochowiak@swca.com>; Hollenberg, Cindy, ENV <Cindy.Hollenberg@env.nm.gov>; Miano, Michelle, ENV <michelle.miano@env.nm.gov>

Subject: RE: [EXTERNAL] RE: Site Layer 1, LLC Notice of Air Quality Permit Application

Please see the attached letter and direct responses to Cindy Hollenberg, Chief, Air Quality Bureau, as directed.

Thank you,
Secretary Kenney

From: Stephanie Blochowiak <Stephanie.Blochowiak@swca.com>

Sent: Tuesday, September 8, 2026 3:34 PM

To: Kenney, James, ENV <James.Kenney@env.nm.gov>; Miano, Michelle, ENV <michelle.miano@env.nm.gov>

Cc: Ian Marcus <ian@graniterenewables.com>; Blake Marcus <blake@graniterenewables.com>; michael <michael@emberrenewables.com>; Soh, Bradley <bsohm@swca.com>

Subject: [EXTERNAL] RE: Site Layer 1, LLC Notice of Air Quality Permit Application

Some people who received this message don't often get email from stephanie.blochowiak@swca.com. [Learn why this is important](#)

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Secretary Kenney,

Thank you for your email. We are confirming receipt of your correspondence and appreciate your feedback. Site Layer 1, LLC (Site Layer 1) contracted SWCA Environmental Consultants (SWCA) to complete early-stage due diligence activities, including preparation of an air permit application for the Site Layer 1 Project proposed on private land in Grant County, New Mexico (Project or Site Layer 1). The Site Layer 1 concept is a “power-first” approach to development of a co-located energy generation, storage, and data center project.

Our team recognizes that the New Mexico Environment Department (NMED) air permit application and associated public notice represent one early step in a broader due diligence and project development process that will involve multiple permits. Site Layer 1 remains committed to complying with all applicable local, state, and federal laws. SWCA is working on

behalf of Site Layer 1 to submit an air permit application to the NMED in late September or early October. Based on our understanding, public notice is required in connection with and prior to NMED air permit application submittal, and NMED administers opportunities for public participation during its review of air permit applications.

We appreciate the opportunity to complete due diligence activities and follow all applicable regulations including and not limited to those administered by the US Environmental Protection Agency and the NMED.

Project contact information remains (805) 204-4183 and hello@graniterenewables.com.

Sincerely,

Brad Sohм, Air Quality Services Director, SWCA
Stephanie Blochowiak, Principal Project Manager, SWCA

From: Kenney, James, ENV <James.Kenney@env.nm.gov>

Sent: Friday, September 4, 2026 2:41 PM

To: Ian Marcus <ian@graniterenewables.com>; Blake Marcus <blake@graniterenewables.com>; Ellen Kraus <Ellen.Kraus@swca.com>; michael <michael@emberrenewables.com>; Dave Ulozas <dulozas@outlook.com>; Travis McWhorter <Travis.McWhorter@swca.com>; Brad Sohм <bsohm@swca.com>

Cc: Miano, Michelle, ENV <michelle.miano@env.nm.gov>

Subject: Site Layer 1, LLC Notice of Air Quality Permit Application

Hello –

Regarding the public notice below, I am requesting you immediately provide the New Mexico Environment Department with a point of contact and phone number of a qualified company person to respond to public inquiries on this project. Please note that this number for Granite Renewables is insufficient, (805) 204-4183. I want to set an expectation for you now that meeting minimum requirements as you have with the air quality permit application notice is insufficient community engagement for a data center project. Please provide me with the names and dates of the elected and government officials, as well as community leaders, who you met with prior to filing this notice. Please share all community presentations as well.

Thank you,
Secretary Kenney

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James Kenney | Cabinet Secretary (he/him)

New Mexico Environment Department

Mobile: (505) 470-6161 | James.Kenney@env.nm.gov

To request a meeting, please fill out this [form](#). Use this [link](#) to reach our organizational listing, including names, titles, email addresses, and mobile numbers.

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This email is for the sole use of the intended recipient(s) and may contain confidential or privileged information. If you are not the intended recipient, kindly let me know and delete the message. Namaste.

NOTICE OF AIR QUALITY PERMIT APPLICATION

Site Layer 1, LLC announces its application submittal to the New Mexico Environment Department for an air quality permit for the **construction** of its **data center powered by natural-gas fired electrical power generation** facility. The expected date of application submittal to the Air Quality Bureau is **October 1, 2026**.

The exact location for the proposed facility known as **Site Layer 1** will be at latitude **31.980165 dec deg North** and longitude **-108.511324 dec deg West**. The approximate location of this facility is **4.5 miles northeast** of **Playas** and **11.8 miles west-northwest** of **Hachita** in **Grant County**.

The proposed **construction** consists of thirty-two (32) Wartsila 20V34SG internal combustion engines (ICE), each rated at approximately 9.4 MW, fired exclusively on clean-burning, pipeline-quality natural gas. Each ICE will be equipped with selective catalytic reduction (SCR) and oxidation catalyst controls to minimize air emissions. Ancillary emission sources associated with the Project include an ammonia storage tank for the SCR control system and minor fugitive emissions from ammonia and natural gas piping components. No other combustion or process emission sources are anticipated.

The estimated maximum quantities of any regulated air contaminant will be as follows in pound per hour (pph) and tons per year (tpy) and could change slightly during the course of the Department's review:

Pollutant:	Pounds per hour	Tons per year
Particulate Matter (PM)	74 pph	225 tpy
PM ₁₀	74 pph	225 tpy
PM _{2.5}	74 pph	225 tpy
Sulfur Dioxide (SO ₂)	37 pph	9 tpy
Nitrogen Oxides (NO _x)	152 pph	184 tpy
Carbon Monoxide (CO)	219 pph	241 tpy
Volatile Organic Compounds (VOC)	69 pph	238 tpy
Total sum of all Hazardous Air Pollutants (HAPs)	10 pph	42 tpy
Ammonia (NH ₃)	32 pph	140 tpy
Green House Gas Emissions as Total CO ₂ e	n/a	1,292,118 tpy

The standard and maximum operating schedules of the facility will be 24 hours a day, 7 days a week, and a maximum of 52 weeks per year.

The owner and/or operator of the Facility is:

Site Layer 1, LLC
126 E 56th Street, 7th Floor;
New York, NY 10022