

From: [Yardman-Frank, Brian, ENV](#)
To: [Jennifer Bradfute](#)
Cc: [Kelsea Sona](#)
Subject: Request for Meeting on YGI Microgrid Application-on Monday 10/5/26 1:00pm
Date: Friday, October 2, 2026 4:51:53 PM
Attachments: [Outlook-Logo](#) [Desc.png](#)

Good afternoon, Jennifer,

Thank you for speaking with me earlier. This email is confirming that the NMED's Air Quality Bureau technical staff and legal team have reviewed the information provided by Yucca Growth Infrastructure, LLC (YGI) and are prepared to have a discussion concerning the batch of information YGI provided to the Air Quality Bureau through September 22.

As a reminder, under 20.2.72.203(E)(1) NMAC, air permit applicants have a continuing duty to promptly supplement and correct their applications, including with relevant information subsequently acquired or determined as relevant. This responsibility applies regardless of whether the Air Quality Bureau separately requests information necessary to evaluate or take final action on an application and regardless of whether the application has already been determined administratively complete. 20.2.72.203(E)(2) NMAC. NMED may require, and if it does the applicant must comply, updated emissions calculations, equipment descriptions, operating schedules, control information, or compliance analyses where those materials are necessary to evaluate the changed information. See 20.2.72.203(A)(3)–(4), (7)–(11), and (E)(2) NMAC. Furthermore, NMED has an obligation to review public comments for material concerns bearing on regulatory compliance and evaluate the same to be able to issue a reasoned permitting decision based on the administrative record. See 20.2.72.206(B)–(C), 207(D)–(E) NMAC. As you are aware, ultimately, “[t]he applicant has the burden of demonstrating that a permit or permit revision should be approved.” 20.2.72.207(D) NMAC.

The Air Quality Bureau received YGI's permit application on April 27, 2026, and revision in May 2026. In May 2026, in response to questions about the application by the Air Quality Bureau, YGI and Bloom Energy – through Trinity Consultants – provided additional information on the fuel cells, related emissions and emission assumptions, including an affirmative statement that a more exact source characterization would have had no noticeable effect on the results as the stacks are spaced closely together and have the same dispersion characteristics. NMED's current draft permit and accompanying modeling report is based on YGI's statements in response to those inquiries.

Based on the Air Quality Bureau's review of public comments, the Air Quality Bureau then sought additional information from YGI regarding the accuracy of emissions testing, exhaust flow and composition, and CO2 calculation methodology. As part of YGI's responses, YGI provided additional information. Specifically, YGI provided the exact design of the stacks and resulting exhaust. This new information leads to different results than the original permit

materials.

In the most recent modeling compared to the original modeling, there is an approximately 2% increase in emissions but, more significantly, the modeled pollutant concentrations doubled although it still appears to be under NAAQS and PSD increment thresholds. And, the new modeling calls into question whether the original use of assumptions is a defensible and conservative approach.

The Air Quality Bureau must now assess the significance of YGI's specific updates, particularly as a new Hearing Officer has been appointed and the November 23, 2026, decision deadline for the agency is rapidly approaching.

To discuss the above, the Air Quality Bureau requests YGI and its technical and legal team meet in-person at the Watson Building (5401 Watson Dr SE, Bldg. B, Albuquerque, NM 87106) on Monday, October 5, 2026, at 1pm. NMED will also bring its technical and legal team to further discuss the information YGI provided.

Thank you,

Brian Yardman-Frank (he/him)
Assistant General Counsel, AQB
New Mexico Environment Department
Office of General Counsel
5401 Watson Drive SE, Bldg. B
Albuquerque, NM 87106
Cell Phone: 505-709-8671
brian.yardman-frank@env.nm.gov
www.env.nm.gov



"Innovation, Science, Collaboration, Compliance"

CONFIDENTIALITY NOTICE: This email and its attachments are for the personal and confidential use of the named recipient(s) only and are intended, to the fullest extent permitted by law, to be privileged and confidential as an attorney-client communication and/or attorney work product. If you are not an intended recipient, or an agent responsible for delivering it to an intended recipient, you have received this email in error. In that event, please (i) immediately notify me by reply email, (ii) do not review, copy, save, forward, or print this email or any of its attachments, and (iii) immediately delete and/or destroy this email and its attachments and all copies thereof. Thank you.

From: [Yardman-Frank, Brian, ENV](#)
To: [Jennifer Bradfute](#)
Cc: [Kelsea Sona](#)
Subject: YGI Permit Application No. 10883
Date: Friday, October 9, 2026 3:35:42 PM
Attachments: [Outlook-Logo Desc.png](#)

Ms. Bradfute,

Thank you and Yucca Growth Infrastructure, LLC (“YGI”), Bloom Energy, and Trinity Consulting for meeting with the Air Quality Bureau’s technical and legal team this past Monday, October 5, 2026.

At the meeting, the Air Quality Bureau listened to YGI’s explanation of its latest air dispersion modeling and reviewed with YGI how different configurations of energy servers into clusters result in different ambient air pollutant concentrations.

As discussed, the configuration and operating conditions described in the permit application must accurately represent the physical and operational design of the YGI Microgrid’s energy server and cluster composition. This information must, in turn, correspond to the parameters used for air dispersion modeling, including the associated exhaust flows and velocities within each stack as described by YGI.

The Air Quality Bureau understood from the meeting that YGI may not use its most current air dispersion modeling design with the three different cluster compositions (*i.e.*, the 10/18/20 configuration) and will submit updated air dispersion modeling reflecting the permit application.

As part of this forthcoming air dispersion modeling submission, the Air Quality Bureau asks that YGI provide the following to ensure that the Air Quality Bureau can adequately review and confirm the information YGI provides:

1. Incorporation of TCEQ emissions data.
2. Specific emissions per stack and how the emissions relate to the number of clusters, servers, and power modules for each respective stack.
3. The flow rate, temperature, and other stack parameters with respect to flow composition (*i.e.* how much flow is from the hotbox, ventilation, and DC inverter modules), as well as any additional blowers or fans YGI intends to use.
4. All supporting calculations used to justify the parameters and associated emissions.
5. A detailed description as to the specific changes that YGI is making compared to its 10/18/20 configuration.

We also understand that YGI may be amenable to an extension of the November 23 decision deadline; however, the Air Quality Bureau cannot properly evaluate extending the decision deadline without the above information.

Thank you,

Brian Yardman-Frank (he/him)
Assistant General Counsel, AQB
New Mexico Environment Department
Office of General Counsel
5401 Watson Drive SE, Bldg. B
Albuquerque, NM 87106
Cell Phone: 505-709-8671
brian.yardman-frank@env.nm.gov
www.env.nm.gov



"Innovation, Science, Collaboration, Compliance"

CONFIDENTIALITY NOTICE: This email and its attachments are for the personal and confidential use of the named recipient(s) only and are intended, to the fullest extent permitted by law, to be privileged and confidential as an attorney-client communication and/or attorney work product. If you are not an intended recipient, or an agent responsible for delivering it to an intended recipient, you have received this email in error. In that event, please (i) immediately notify me by reply email, (ii) do not review, copy, save, forward, or print this email or any of its attachments, and (iii) immediately delete and/or destroy this email and its attachments and all copies thereof. Thank you.