

**STATE OF NEW MEXICO
BEFORE THE ENVIRONMENT DEPARTMENT AND
THE SECRETARY OF THE ENVIRONMENT DEPARTMENT**

IN THE MATTER OF:
THE APPLICATION OF YUCCA
GROWTH INFRASTRUCTURE, LLC
FOR AN AIR QUALITY PERMIT
NO. NSR 10883

No. AQB 26-57 (P)

WETHERBEE'S NOTICE OF JOINDER IN NEW MEXICO ENVIRONMENTAL LAW
CENTER'S AND CENTER FOR BIOLOGICAL DIVERSITY'S RESPONSE IN OPPOSITION
TO YUCCA GROWTH INFRASTRUCTURE, LLC'S REQUEST FOR EMERGENCY STATUS
CONFERENCE; AND WETHERBEE'S ADDITIONAL REASONS FOR OPPOSING THE
REQUEST FOR AN EMERGENCY STATUS CONFERENCE TO ACCELERATE THE
HEARING PROCESS WHICH WOULD FURTHER SHORTEN THE TIME FOR PUBLIC
PARTICIPATION IN THE HEARING, AND THE PRESENTATION AND EXAMINATION OF
TECHNICAL TESTIMONY RELATED TO THE NEW MEXICO ENVIRONMENT
DEPARTMENT'S (DEPARTMENT) TECHNICAL ANALYSIS AND DRAFT PERMIT
WHICH HAS NOT YET BEEN MADE AVAILABLE BY THE DEPARTMENT ON THE
DOCKET FOR THIS MATTER.

Bruce Wetherbee hereby provides notice of his Joinder in New Mexico Environmental Law Center and the Center for Biological Diversity, response in opposition to Yucca Growth Infrastructure, LLC's Request of [sic] Emergency Status Conference.

In support of this joinder, Wetherbee adopts, incorporates by reference, and joins in the substantive reasons and legal grounds set forth in NMELC's and CBD's Opposition.

Wetherbee additionally offers that this Permit has been identified as being of great concern to a large segment of the general public, many of whom have yet to be made aware of the Permit's status as matter to be heard by the Hearing Officer and their opportunity to enter an appearance as interested persons/parties in a timely manner so as to be included in the scheduling conference.

Wetherbee objects to the characterization that this is an emergency as presented by counsel for Yucca Growth Infrastructure, LLC. The Scheduling Order was emailed to all persons who had entered an appearance on Thursday, July 16, 2026, in the late morning.

Yucca Growth Infrastructure, LLC's counsel plenty of time to advise the other parties of its intent to seek an emergency Scheduling meeting – from Thursday afternoon through the day Friday.

Obviously, Yucca Growth Infrastructure, LLC, and at least one of its partners were aware of the desire to hold the emergency meeting on Friday, as that is the date affiliated with the date of the Affidavit in support of the Applicant's request that the Hearing Officer reconsider his Scheduling Order, which is included as Exhibit 1, in the request for an emergency meeting.

Instead, Yucca Growth Infrastructure, LLC's counsel, without noticing its intent to file the request, chose to wait until late yesterday afternoon to file its request for an emergency meeting.

Due to the lateness of notification of the Yucca Growth Infrastructure, LLC request for an emergency meeting, Wetherbee reserves his rights to offer additional reasons if such a meeting is held.

For the reasons detailed herein and in the aforementioned Opposition, Wetherbee respectfully requests that the Hearing Officer Shepherd either extend the time for the public hearing beyond the date of October 19, 2026 (with appropriate changes to the schedule for filing of Notice of Intent to present technical evidence at the hearing, etc., as laid out in the Scheduling Order issued by Hearing Officer Shepherd on July, 16, 2026), or in the alternative maintain the schedule already established in the Scheduling Order.

Respectfully Submitted,

By: /s/ Bruce Wetherbee

Bruce Wetherbee

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CERTIFICATE OF SERVICE

I certify that a true and correct copy of my Notice of Joinder in Objection to the Scheduling Conference was served by electronic email on Tuesday, July 21, 2026, to the persons listed below:

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Hearing Officer

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