

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

IN THE MATTER OF:

THE APPLICATION OF YUCCA
GROWTH INFRASTRUCTURE, LLC
FOR AN AIR QUALITY PERMIT,
NO NSR 10833

AQB 26-57(P)

ORDER

This matter came before me on July 27, 2026 on a Request of Emergency Conference filed by the Applicant, Yucca Growth Infrastructure, LLC requesting that I reconsider the Scheduling Order entered on July 17, 2026 in this matter. In the July 17th Scheduling Order I had rejected the date of August 17, 2026 proposed by Applicant and the Environment Department as the date on which the public hearing in this matter was to begin and had instead ordered that the public hearing was to begin on October 19, 2026. The basis for the Applicant's Request was the asserted conflict between the October 19th start date and the statutory requirement to issue a permit decision by November 23, 2026.

After additional consideration of the arguments of the parties, including the due process arguments of the New Mexico Environmental Law Center, the Center for Biological Diversity, and the New Energy Economy, I find that the best interests of all of the parties will be best served if the hearing in this case begins on September 14, 2026. I, therefore, will amend the Scheduling Order filed July 17, 2026 to indicate

that the public hearing in this case will begin on September 14, 2026. I also hereby deny Applicant's request to reset the hearing to August 17, 2026.

I also find that discovery should be allowed in the case subject to the provisions of NMAC 20.1.4.200 (3).

July 29, 2026

Max Shepherd

Hearing Officer

CERTIFICATE OF SERVICE

I hereby certify that on the 29th day of July 2026, a copy of the foregoing was sent to the following parties or counsel of record via electronic mail:

Zachary Ogaz
General Counsel
Christopher Vigil
Assistant General Counsel
Brian Yardman-Frank
Assistant General Counsel
New Mexico Environment Department
Office of General Counsel
121 Tijeras Avenue NE, Suite 1000
Albuquerque, NM 87102
zachary.ogaz@env.nm.gov
christopherj.vigil@env.nm.gov
brian.yardman-frank@env.nm.gov
Counsel for NMED

Jennifer L. Bradfute
David Kirmse
P.O. Box 90233
Albuquerque, NM 87199
Telephone: (505) 264-8740
jennifer@bradfutelaw.com
david@bradfutelaw.com
Counsel for Applicant Yucca Growth Infrastructure, LLC

Jennifer L. Bieber
Carlos Romo
Williams Weese Pepple & Ferguson,
P.C.
1801 California Street, Suite 3400
Denver, CO 80202
jbieber@williamsweese.com
cromo@williamsweese.com
Counsel for Applicant Yucca Growth Infrastructure, LLC

Colin Cox
Gail Evans
Center for Biological Diversity
P.O. Box 31417
Santa Fe, NM 87594
ccox@biologicaldiversity.org
gevans@biologicaldiversity.org
Counsel for the Center for Biological Diversity

Mariel Nanasi
Christopher Dodd
New Energy Economy
422 Old Santa Fe Trail
Santa Fe, NM 87501
mnanasi@newenergyeconomy.org
chris@fayerbergdodd.com
Counsel for New Energy Economy

Maslyn Locke
Senior Staff Attorney
Eric Jantz
Legal Director
New Mexico Environmental
Law Center
mlocke@nmelc.org
ejantz@nmelc.org
Counsel for Viviana Fuller and Jose Saldaña Jr.

Esperanza Chairez
Zephyr Jaramillo
YUCCA Policy Campaign Manager
esperanza@yuccanm.org
info@yuccanm.org
Youth United for Climate Crisis Action

Yiwei Chen
Economic Development New Mexico
P.O. Box 20003
Santa Fe, NM 87504-5003
yiwei.chen@edd.nm.gov
*Counsel for the New Mexico Economic
Development Department*

Nicholas R. Maxwell
P.O. Box 1064
Hobbs, NM 88241
inspector@sunshineaudit.com
Pro Se Intervenor

Isaiah Zemke
2300 Buena Vista SE, Suite 110
Albuquerque, NM 87106
izemke@smwlu49.org
*Counsel for Sheet Metal Workers
Local Union No. 49*

Bruce Wetherbee
60 Thoreau Street #103
Concord, MA 01742
editor@thecandlepublishing.com
Pro Se Intervenor

Courtenay Eichhorst
411 Arizona St.
Albuquerque, NM 87108
courtenaye@ualocal412.org
*Counsel for New Mexico Building
and Construction Trades Council*

Christine Dobbin
1 Cielo Azul
Anthony, NM 88021
dobbin.cc@gmail.com
Pro Se Intervenor

Andre Makarski
510 San Pedro
Albuquerque, NM 87108
andre@ualocal412.org
*Counsel for United Association
Local 412*

Joe Cardillo
344 4th Street SW
Albuquerque, NM 87102
joe@progressnownm.org
Pro Se Intervenor

Nathaniel Chakeres
General Counsel
New Mexico Office of the State
Engineer
P.O. Box 25102
Santa Fe, NM 87504-5012
nathaniel.chakeres@ose.nm.gov
Counsel for NMOSE

Max Shepherd
max.shepherd@comcast.net
Hearing Officer

By: /s/ Luis Lopez
Luis Lopez, Hearing Clerk
Office of Public Facilitation
New Mexico Environment Department
Direct: 505-490-0186
luis.lopez@env.nm.gov