

**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 having come before me on the Motion of The Center for Biological Diversity and Jose Saldaña Jr., and Vivian Fuller's (Movants) to Reset the October 19th Hearing Schedule and Preserve Due Process. Having reviewed the Movants' argument and the responsive pleading filed by the New Mexico Environment Department, I hereby adopt the New Mexico Environment Department's statement of how administrative hearings proceed under NMAC 20.1.4, and reject Movants' assertion that the Hearing Officer has the authority to extend the decision deadline of November 23, 2026 on due process grounds under the facts present in this matter. And without extending the decision deadline, I find that resetting the date when the hearing is to begin to October 19, 2026 would not give the parties and the Deputy Secretary of NMED sufficient time to complete the post-hearing steps set forth in NMAC 20.1.4.500. Accordingly, I hereby deny Movants' motion.

August 3, 2026

Max Shepherd

Hearing Officer

CERTIFICATE OF SERVICE

I hereby certify that on the 3rd day of August 2026, a copy of the foregoing was sent to the following parties or counsel of record via electronic mail:

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