

**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 10883**

No. AQB 26-57 (P)

ORDER

This matter having come before on Mr. Nicholas R. Maxwell's Motion for Expedited Prehearing Disclosure, Production of Identified Administrative Record Materials, Targeted Admissions, and, in the Alternative, Limited Discovery and the responsive pleading filed by the New Mexico Environment Department (NMED).

Having reviewed Mr. Maxwell's motion and the arguments and authorities cited therein, and the responsive pleading filed by NMED, I find for the reasons argued by NMED in Part I of its response that Mr. Maxwell is asking the hearing officer to order NMED to submit technical testimony before it is due contrary to the Amended Scheduling Order and to the purpose of 20.1.4 NMAC, which contemplates that pre-hearing orders discourage "unnecessary, duplicative or wasteful pre-hearing activities." 20.1.4.300(A)(3) NMAC. And I also find for the reasons argued by NMED in Part II of its response that all public documents related to this matter not subject to exceptions are available via IPRA.

I, therefore, deny Mr. Maxwell's Motion for Expedited Prehearing Disclosure, Production of Identified Administrative Record Materials, Targeted Admissions, and, in the Alternative, Limited Discovery.

Max Shepherd
Hearing Officer

CERTIFICATE OF SERVICE

I hereby certify that on the 11th 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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