

Luis Lopez

**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 RESPONSE TO HEARING OFFICER'S ORDER FOR EXPEDITED
BRIEFING DENYING MAXWELL'S MOTION FOR RECONSIDERATION AND
CLARIFICATION OF AUGUST 11, 2026 ORDER AND ON COROLLARY ISSUE RAISED
BY MAXWELL SEEKING LIMITED MODIFICATION OF THE AUGUST 24, 2026 FILING
DEADLINE**

Bruce Wetherbee (Wetherbee) respectfully enters his objection regarding the Hearing Officer's Order denying reconsideration of the request by Maxwell for reconsideration of his Motion for Expedited Prehearing Disclosure, Production of Identified Administrative-Record Materials, Targeted Admissions, and, in the Alternative, Limited Discovery.

Wetherbee also enters his statement regarding the four limited modifications to the August 24, 2026, filing deadline.

The vast amount of data for parties to review and offer responses to and the importance and potential great impact the granting of the air quality permit at the center of this matter will have on the general public without adequate time to properly review all technical evidence offered in the expedited schedule laid out by the Hearing Officer has caused significant lack of trust by thousands of residents of New Mexico regarding that this proceeding is being conducted fairly and without prejudice.

Maxwell's efforts, and those offered by other parties up to this point, have been to somewhat mitigate the problems associated with the Hearing Officer's apparent determination to speed the process of the hearing along to the benefit of the applicant at the potential expense of at minimum the public trust in this process.

Wetherbee supports a broader opportunity of time for all parties to discovery and review of the yet to be provided information needed to be reviewed prior to the public hearing; however Wetherbee supports Maxwell's suggested four limited modifications as a minimum,

although still likely inadequate time to properly examine and act on the applicant's and the New Mexico Environment Department's documentation.

For these reasons, Wetherbee respectfully requests that the Hearing Officer Shepherd extend the time for discovery and preparation for the public hearing beyond the date of August 24, 2026.

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 Wednesday, August 19, 2026, to the persons listed below:

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