

**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 by Mr. Nicholas R. Maxwell to allow limited supplementation of direct technical testimony and exhibits if materially responsive information is produced too late for reasonable use by August 24, and the responses filed by Applicant, YGI, and the New Mexico Environment Department.

Having reviewed all of the pleading filed I find that Mr. Maxwell has failed to explain why existing procedures in Part 4, including the ability to submit rebuttal testimony and conduct cross-examination at the hearing itself, are insufficient to address new information that could not have been anticipated.

I also find that Mr. Maxwell's request to supplement his direct technical testimony finds no support in statute, regulation, or precedent, rests on speculative and premature concerns rather than good cause, and would prejudice the other parties.

I, therefore, deny Mr. Maxwell's motion to allow limited supplementation of direct technical testimony and exhibits if materially responsive information is produced too late for reasonable use by August 24,

Max Shepherd
Hearing Officer

CERTIFICATE OF SERVICE

I hereby certify that on the 20th 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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