

OCT 25 2026

Luis Lopez (OPF)


STATE OF NEW MEXICO
BEFORE THE ENVIRONMENTAL 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 NOTICE OF JOINDER IN NEW ENERGY ECONOMY'S MOTION TO
DISMISS APPLICATION WITHOUT PREJUDICE AS INCOMPLETE AND NOT
READY FOR HEARING (Dkt. No. 107, October 14, 2026).

Bruce Wetherbee hereby respectfully provides notice of his Joinder in New Energy Economy's Motion to Dismiss Application Without Prejudice as Incomplete and Not Ready for Hearing (Dkt. No. 107, October 14, 2026). Wetherbee joins New Energy Economy in seeking either dismissal or suspension of this proceeding to remedy the incompleteness of the underlying application and the lack of a fully developed administrative record on which to base technical testimony.

In support of this joinder, Wetherbee adopts, incorporates by reference, and joins in the substantive reasons and legal grounds set forth in New Energy Economy's (NEE) Motion to Dismiss.

Wetherbee further incorporates by reference, and joins in the substantive reasons and legal grounds set forth in the Joinder Document entitled, JOSE SALDAÑA JR. AND VIVIAN FULLER AND CENTER FOR BIOLOGICAL DIVERSITY'S NOTICE OF JOINDER IN NEW ENERGY ECONOMY'S MOTION TO DISMISS APPLICATION WITHOUT PREJUDICE AS INCOMPLETE AND NOT READY FOR HEARING (Dkt. No. 123, October 22, 2026),

submitted by Jose Saldaña Jr. and Vivian Fuller, and the Center for Biological Diversity on October 22, 2026, in support of NEE's Motion to Dismiss.

Wetherbee would also add the following.

On October 22, 2026 the New Mexico Environment Department (NMED) Air Quality Bureau (AQB) filed a motion entitled NEW MEXICO ENVIRONMENT DEPARTMENT AIR QUALITY BUREAU'S MOTION FOR CORRECTION OF THE HEARING RECORD (Dkt. No. 124, October 22, 2026).

Yucca Growth Infrastructure, LLC's (YGI), on Friday, October 23, 2026, filed a Response to APPLICANT YUCCA GROWTH INFRASTRUCTURE, LLC'S RESPONSE TO THE NEW MEXICO ENVIRONMENT DEPARTMENT AIR QUALITY BUREAU'S MOTION FOR CORRECTION OF THE HEARING RECORD (as of the filing of this Joinder, it had not yet received a docket number).

Wetherbee intends to submit a response to the NEW MEXICO ENVIRONMENT DEPARTMENT AIR QUALITY BUREAU'S MOTION FOR CORRECTION OF THE HEARING RECORD (Dkt. No. 124, filed October 22, 2026) within the time allowed such a response, but is concerned that the introduction by the NMED AQB of matters introduced in its NEW MEXICO ENVIRONMENT DEPARTMENT AIR QUALITY BUREAU'S MOTION FOR CORRECTION OF THE HEARING RECORD (Dkt. No. 124, filed October 22, 2026), as well as YGI's related Response, in Motions being heard on Monday, October 26, 2026, provides an unlevel advantage.

Wetherbee seeks clarification from the Hearing Officer as to the hearing of arguments raised in motions that parties have not been allowed adequate time for which to provide a response.

Interestingly, and in further support of this Joinder, Wetherbee notes that the New Mexico Environment Department plainly acknowledged that the underlying application is flawed and procedurally premature.

In particular, in reading the October 22, 2026 NEW MEXICO ENVIRONMENT DEPARTMENT AIR QUALITY BUREAU'S MOTION FOR CORRECTION OF THE HEARING RECORD (Dkt. No. 124, filed October 22, 2026), to which Wetherbee has not yet been able to enter a response, the Department openly acknowledged that the Applicant's submission of material revisions to the original application was "*not ready for prime time.*"

Forcing the public, the parties, and the Hearing Officer to proceed to a technical hearing is a waste of administrative resources and violates due process.

For the reasons detailed herein and in the aforementioned Notice of Joinder, Wetherbee respectfully joins New Energy Economy's Motion and respectfully requests that the Hearing Officer enter an order that either dismisses without prejudice the application or suspends this proceeding for a time when a properly prepared and completed application can be vigorously reviewed by the NMED AQB, all parties, and the public.

Respectfully Submitted,

By: /s/ 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 Sunday, October 25, 2026, to the persons listed below:

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