RECEIVED Luis Lopez
By The Office Of The Secretary at 12:31 pm, Nov 06, 2026

STATE OF NEW MEXICO
BEFORE THE SECRETARY OF THE ENVIRONMENT

IN THE MATTER OF:
THE APPLICATION **AQB 26-57(P)**
OF YUCCA GROWTH INFRASTRUCTURE, LLC
FOR AN AIR QUALITY PERMIT
NO. 10883.

ORDER

Whereas on November 3, 2026, Yucca Growth Infrastructure, LLC ("YGI") and the New Mexico Environment Department ("Department") Air Quality Bureau filed a stipulated agreement and Joint Motion to Vacate the December 7, 2026 Hearing Date, and on November 4, 2026, the Department filed a Motion for Protective Order and New Energy Economy ("NEE") filed a Renewed Motion to Dismiss YGI's Application, and on November 5, 2026, the Center for Biological Diversity ("CBD") filed a Motion to Dismiss and the Hearing Officer held a hearing on said Motions, the Hearing Officer orders as follows:

1. The Joint Motion to Vacate the December 7, 2026 Hearing Date is granted:
    a. YGI immediately and expressly waives the decision deadline for Application No. 10883 under NMSA 1978, Section 74-2-7(B)(2)(a) and 20.2.72.207(B)-(C) NMAC.
    b. The December 7, 2026 hearing date and associated pre-hearing deadlines stated in the Hearing Officer's Scheduling Order are hereby vacated.
    c. The Hearing Officer will not reschedule the hearing until the Air Quality Bureau places into the Administrative Record its revised recommendation, which, if the recommendation is for issuance, must include an amended Draft Permit, Statement of Basis and Modeling Report.
2. The Department will continue to timely and periodically supplement the Administrative Record in this matter, at least weekly putting something into the record even if it is only indicating it does not have anything to supplement.
3. There will be status conferences before the Hearing Officer on approximately a bi-weekly basis. The first status conference will be November 19, 2026 at 11:00 A.M. M.T.
4. The Department's Motion for Protective Order is denied without prejudice.
5. New Energy Economy's Renewed Motion to Dismiss and the Center for Biological Diversity's Motion to Dismiss are denied.

It is hereby ordered, 11/6/26

James O. Browning

Hon. James Browning Date
Hearing Officer

CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of November 2026, a copy of the foregoing was sent to the following parties or counsel of record via electronic mail:

Zachary Ogaz
General Counsel
Brian Yardman-Frank
Assistant General Counsel
New Mexico Environment Department
Office of General Counsel
121 Tijeras Avenue NE, Suite 1000
Albuquerque, NM 87102
zachary.ogaz@env.nm.gov
brian.yardman-frank@env.nm.gov
Counsel for NMED

Kelsea E. Sona
Robles, Rael & Anaya, P.C.
500 Marquette Ave NW. Suite 700
Albuquerque, NM 87102
kelsea@roblesrael.com
Counsel for NMED

Jennifer L. Bradfute
David Kirmse
P.O. Box 90233
Albuquerque, NM 87199
Telephone: (505) 264-8740
jennifer@bradfutelaw.com
david@bradfutelaw.com
Counsel for Applicant Yucca Growth Infrastructure, LLC

Esperanza Chairez
Zephyr Jaramillo
YUCCA Policy Campaign Manager
esperanza@yuccanm.org
info@yuccanm.org
Youth United for Climate Crisis Action

Jennifer L. Biever
Carlos Romo
Corey Lim
Williams Weese Pepple & Ferguson, P.C.
1801 California Street, Suite 3400
Denver, CO 80202
jbiever@williamsweese.com
cromo@williamsweese.com
clim@williamsweese.com
Counsel for Applicant Yucca Growth Infrastructure, LLC

Colin Cox
Sarah Baer
Gail Evans
Center for Biological Diversity
P.O. Box 31417
Santa Fe, NM 87594
ccox@biologicaldiversity.org
sbaer@biologicaldiversity.org
gevans@biologicaldiversity.org
Counsel for the Center for Biological Diversity

Mariel Nanasi
Christopher Dodd
New Energy Economy
422 Old Santa Fe Trail
Santa Fe, NM 87501
mnanasi@newenergyeconomy.org
chris@fayerbergdodd.com
Counsel for New Energy Economy

Bruce Wetherbee
60 Thoreau Street #103
Concord, MA 01742
editor@thecandlepublishing.com
Pro Se Intervenor

Kayla Jankowski
Staff Attorney
Maslyn Locke
Senior Staff Attorney
Eric Jantz
Legal Director
New Mexico Environmental Law Center
kjankowski@nmelc.org
mlocke@nmelc.org
ejantz@nmelc.org
cc: kpalmer@nmelc.org
Counsel for Viviana Fuller and Jose Saldaña Jr.

Yiwei Chen
Economic Development New Mexico
P.O. Box 20003
Santa Fe, NM 87504-5003
yiwei.chen@edd.nm.gov
Counsel for the New Mexico Economic Development Department

Nicholas R. Maxwell
P.O. Box 1064
Hobbs, NM 88241
inspector@sunshineaudit.com
Pro Se Intervenor

Isaiah Zemke
2300 Buena Vista SE, Suite 110
Albuquerque, NM 87106
izemke@smwlu49.org
Counsel for Sheet Metal Workers Local Union No. 49

Courtenay Eichhorst
411 Arizona St.
Albuquerque, NM 87108
courtenaye@ualocal412.org
Counsel for New Mexico Building and Construction Trades Council

Christine Dobbin
1 Cielo Azul
Anthony, NM 88021
dobbin.cc@gmail.com
Pro Se Intervenor

Andre Makarski
510 San Pedro
Albuquerque, NM 87108
andre@ualocal412.org
Counsel for United Association Local 412

Joe Cardillo
344 4th Street SW
Albuquerque, NM 87102
joe@progressnownm.org
Pro Se Intervenor

Nathaniel Chakeres
General Counsel
New Mexico Office of the State Engineer
P.O. Box 25102
Santa Fe, NM 87504-5012
nathaniel.chakeres@ose.nm.gov
Counsel for NMOSE

Mark Trujillo
Stephanie Maez
Electrical Workers, Local Union 611
markgtrujillo@ibew611.org
smaeznm@gmail.com
Authorized Representatives for IBEW Local Union 611

Darrell Deaguero
Laborers' International Union of North America
1030 San Pedro Dr. NE
Albuquerque, NM 87110
darrell.deaguero@liuna16.org
cc: mlor@liuna.org
Representative of LIUNA Local 16

Robert Aubert
IUPAT District Council 36, Local 823
P.O. Box 9163
Albuquerque, NM 87119
robert.aubert@dc36.org
cc: uriel.apodaca@dc36.org
Counsel for IUPAT District Council 36, Local 823

Rocky Bacchus
Consultant
6501 Tarascas Drive
El Paso, TX 79912
rockybacchus@gmail.com
Pro Se Intervenor

Allison Johnson
Kalista Wilson
Assistant Attorneys General
New Mexico Department of Justice
201 3rd Street, Suite 300
Albuquerque, NM 87102
ajohnson@nmdoj.gov
kwilson@nmdoj.gov
Counsel for NM DOJ

Thomas M. Hnasko
David A. Lynn
Alton Smith
Hnasko Gilbert LLC
119 E. Marcy Street, Suite 201
Santa Fe, NM 87501
thnasko@hnaskogilbert.com
dlynn@hnaskogilbert.com
asmith@hnaskogilbert.com
cc: npierpont@hnaskogilbert.com
Counsel for LIUNA Local 16, NMBCTC, Sheet Metal Workers Local Union No. 49 and UA Local 412

Judge James O. Browning
james.oren.browning@gmail.com
Hearing Officer

By: */s/ Luis Lopez*
Luis Lopez, Hearing Clerk
Office of Public Facilitation
New Mexico Environment Department
Direct: 505-490-0186
luis.lopez@env.nm.gov