

**STATE OF NEW MEXICO
BEFORE THE SECRETARY OF ENVIRONMENT**

**IN THE MATTER OF:
THE APPLICATION OF YUCCA
GROWTH INFRASTRUCTURE,
LLC FOR AN AIR QUALITY PERMIT,
NO. NSR 10883**

AQB 26-57(P)

**NEW MEXICO ENVIRONMENT
DEPARTMENT'S POSTION STATEMENT**

The New Mexico Environment Department ("NMED" or "Department"), through its counsel (Christopher J. Vigil and Brian Yardman-Frank) provide the following *Position Statement*. This Position Statement comes as the result of several recent docketed filings: Sheet Metal Workers Local Union No. 49's ("Union") July 20, 2026, *Request to Move Hearing Date Forward*; Yucca Growth Infrastructure, LLC's ("Applicant") July 20, 2026, *Request of [sic] Emergency Status Conference*; Jose Saldaña Jr. and Vivian Fuller's July 21, 2026, Responses through the New Mexico Environmental Law Center ("NMELC") to the Union's and Applicant's filings; Mr. Maxwell's July 21, 2026, *Maxwell's Consolidated Response*; and Mr. Wetherbee's July 21, 2026, *Wetherbee's Notice of Joinder*.

The Department would like to make clear and affirmatively state that it remains committed to meet all requirements and conduct the necessary public hearing to meet the statutory permit decision deadline under NMSA 1978, Section 74-2-7(B)(2) of November 23, 2026. This includes publishing, mailing, and posting of all necessary notices and documentation. The Department was prepared to make all required postings and publications on July 17, 2026, and refrained from doing

so upon receipt of the Hearing Officer's July 16, 2026, *Scheduling Order*.¹ Barring additional changes to the current *Scheduling Order*, NMED will post the draft permit and statement of basis for public review and comment on or before July 29, 2026, to ensure that there is no confusion with regard to the Department's readiness.

Finally, the Department stands ready to participate in the forthcoming hearing and any other hearings or conferences deemed necessary by the Hearing Officer on this matter.

Respectfully Submitted,



Christopher J. Vigil
Assistant General Counsel
Brian Yardman-Frank
Assistant General Counsel
New Mexico Environment Department
PO Box 5469
Santa Fe, NM 87502-5469
Phone: (505) 469-4696, (505) 709-8671
Christopherj.vigil@env.nm.gov
Brian.yardman-frank@env.nm.gov

*Counsel for the New Mexico Environment
Department*

¹ The notices that were published and circulated on July 17, 2026, by NMED was the result of NMED's inability to pull the publications on such short notice. NMELC's Response is incorrect in its assertion that all public commenters must be provided notice via certified mail. See 20.2.72.206 NMAC.

CERTIFICATE OF SERVICE

I hereby certify that on the 22nd day of July 2026, a copy of the foregoing was sent to the following parties or counsel of record via electronic mail:

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*

Jennifer L. Bieber
Williams Weese Pepple & Ferguson, P.C.
1801 California Street, Suite 3400
Denver, CO 80202
jbieber@williamsweese.com
*Counsel for Applicant Yucca Growth
Infrastructure, LLC*

Nathaniel Chakeres
General Counsel
New Mexico Office of the State Engineer
P.O. Box 25102
Santa Fe, NM 87504-5012
(505) 231-4459
nathaniel.chakeres@ose.nm.gov

Yiwei Chen
Economic Development New Mexico
P.O. Box 20003
Santa Fe, NM 87504-5003
(505) 394-5481
yiwei.chen@edd.nm.gov

Isaiah Zemke
izemke@smwlu49.org
Sheet Metal Workers Local Union No. 49

Esperanza Chairez
esperanza@yuccanm.org
YUCCA Policy Campaign Manager

Maslyn Locke
Senior Staff Attorney
Eric Jantz
Legal Director
New Mexico Environmental
Law Center
Tel.: (505) 989-9022
mlocke@nmelc.org
ejantz@nmelc.org

Colin Cox
Gail Evans
Center for Biological Diversity
P.O. Box 31417
Santa Fe, NM 87594
ccox@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

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

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

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

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

Max Shepherd
max.shepherd@comcast.net
Hearing Officer

By: 

Brian Yardman-Frank
Assistant General Counsel
New Mexico Environment Department
Brian.yardman-frank@env.nm.gov