

Pamela Jones

**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 10883**

No. AQB 26-57 (P)

**MAXWELL'S CONSOLIDATED RESPONSE IN OPPOSITION TO IBEW LOCAL 611
AND LIUNA LOCAL 16 REQUESTS TO MOVE HEARING DATE FORWARD**

Mr. Maxwell submits this consolidated response to the requests by International Brotherhood of Electrical Workers Local Union 611 ("IBEW Local 611") and Laborers' International Union of North America Local 16 ("LIUNA Local 16") to advance the hearing.

Mr. Maxwell incorporates by reference his July 21, 2026 Consolidated Response and July 27, 2026 Supplement. Those filings addressed materially identical requests by other labor organizations based upon employment, wage, and economic interests. The present requests add no materially different basis for further acceleration. IBEW Local 611 requests the week of August 24 or the earliest opportunity in September, while LIUNA Local 16 requests the same relief. More importantly, the requested relief is now foreclosed as a practical matter by Part 4's notice requirement. A Notice of Hearing must state the date, time, and location of the hearing, and the Hearing Clerk must distribute that notice no later than thirty days before the hearing. 20.1.4.200(C)(2)(a)-(b) NMAC.

As of August 14, 2026, a notice issued today could not support a hearing before September 13. September 13 is a Sunday; the presently scheduled hearing begins Monday, September 14. The existing September 14 date is therefore already effectively the earliest practicable hearing date available under the thirty-day notice requirement.

The Hearing Officer has also already reconsidered the previous October 19 schedule and determined that the hearing should begin September 14.

Nothing in the two later labor filings supplies a basis for disturbing that determination, and the passage of time has rendered their request for an August hearing or materially earlier September hearing impracticable.

WHEREFORE, Mr. Maxwell respectfully requests that the Hearing Officer deny the requests of IBEW Local 611 and LIUNA Local 16 to advance the hearing.

By -s- Nicholas Maxwell
Mr. Nicholas R. Maxwell
P.O. Box 1064
Hobbs, New Mexico 88241
Telephone: (575) 441-3560
Email: inspector@sunshineaudit.com

CERTIFICATE OF SERVICE

I certify that a true and correct copy of my Consolidated Response in Opposition to IBEW Local 611 and LIUNA Local 16 Requests to Move Hearing Date Forward was served by email to the Hearing Clerk and all parties of record on August 14, 2026, with a hard copy mailed upon request.

-s- Nicholas Maxwell
Mr. Nicholas R. Maxwell