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.

JOINT MOTION TO VACATE DECEMBER 7, 2026 HEARING DATE

Applicant Yucca Growth Infrastructure, LLC ("YGI") and the New Mexico Environment Department, Air Quality Bureau (the "Department") jointly move the Hearing Officer to vacate the public hearing currently set to begin December 7, 2026. In support, the parties state:

1. In October 2026, YGI submitted revisions to Application No. 10883.

2. The Department needs to submit a Notice of Hearing to newspaper publishers, on November 3, 2026 in order to effectuate notice in time for the currently scheduled December 7, 2026 hearing date.

3. The Department requires additional time beyond November 3, 2026 to complete its technical review of the revisions.

4. 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.

5. The Bureau will not seek denial or dismissal of the Application absent a finding under NMSA 1978, Section 74-2-7(C) and 20.2.72.208 NMAC.

6. The parties request that the December 7, 2026 hearing date and associated pre-hearing deadlines be vacated.

7. The parties expressly stipulate that the Hearing Officer should 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.

8. Each party reserves all other rights and positions not expressly waived in this motion.

9. Pursuant to 20.1.4.200(D)(3) NMAC, counsel did not contact the other parties regarding their positions on this Motion due to timeliness necessity.

WHEREFORE, YGI and the Department respectfully request that the Hearing Officer vacate the December 7, 2026 hearing date and associated pre-hearing deadlines.

Respectfully submitted,

Respectfully submitted this 3rd day of November, 2026.

YUCCA GROWTH INFRASTRUCTURE, LLC

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CERTIFICATE OF SERVICE

I certify that on November 3rd, 2026, I served the foregoing on all parties and counsel of record on the service list for AQB 26-57(P) by electronic mail.

Hon. James O. Browning
Hearing Officer

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