



**STATE OF NEW MEXICO  
ENVIRONMENTAL IMPROVEMENT BOARD  
Harold Runnels Building, Suite S-2102  
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**MEETING MINUTES  
MEETING OF THE ENVIRONMENTAL IMPROVEMENT BOARD  
February 28, 2020  
10:00 A.M.  
PERA Building  
33 Plaza la Prensa  
Santa Fe, New Mexico 87507**

**Members present:** John Volkerding, Chair  
Phoebe Suina, Vice Chair  
Amanda Trujillo Davis, Secretary

Barry Bitzer, Member  
Karl Cates, Member  
Dr. Benjamin Duval, Member  
Karen Garcia, Member

**Members absent:**

**Others present:** Cody Barnes, Board Administrator  
Melayna Ortiz, New Mexico Environment Department  
Karla Soloria, Board Counsel  
Cheryl Arreguin, Albuquerque Court Reporting Services  
Christopher Vigil, Assistant General Counsel, New Mexico Environment  
Department  
Michael Broussard, Liquid Waste Program Manager  
William Chavez, Environmental Health Bureau Chief  
Link Summers, Pro Se  
Ralph Baker Dotson, Professional Onsite Wastewater Reuse Association  
of New Mexico  
Eugene Bassett, Professional Onsite Wastewater Reuse Association  
of New Mexico  
Donald Becker, Professional Onsite Wastewater Reuse Association  
of New Mexico  
Kevin Vigil, Professional Onsite Wastewater Reuse Association  
of New Mexico

**The following items are for discussion and possible action:**

The Chair called the Board into order at 9:15 A.M.

**Item 1. Roll call.**

**Action:** Roll was called; a quorum was present.

**Item 2. Approve the agenda.**

**Action:** Member Bitzer moved to approve the agenda. Member Garcia seconded the motion. The Chair called a voice vote. The motion passed unanimously.

**Item 3. How notice requirements were met for the meeting.**

**Action:** Board Administrator Barnes described how notice requirements were met for the meeting consistent with the Board's Open Meetings Act Resolution.

**Item 4. Approval of meeting minutes from January 24, 2020.**

**Action:** Member Duval moved to approve the meeting minutes from the meeting on January 24, 2020. Member Bitzer seconded the motion. The Chair called a voice vote. The motion passed unanimously.

**Item 5. Public comment unrelated to agenda items.**

**Action:** There was no public comment.

**Item 6. Rulemaking Proceeding; EIB 19-42(R), In the Matter of the Proposed Repeal and Replacement of 20.7.11 NMAC. Chris Vigil, counsel for the New Mexico Environment Department. Link Summers, Koi Environmental. Ralph Baker and Eugene Bassett, Professional Onsite Wastewater Reuse Association of New Mexico. The Environmental Improvement Board may render a decision following the hearing.**

**Action:** Ms. Cheryl Arreguin from Albuquerque Court Reporting Services transcribed agenda item 6. The transcript is available for review at the Board Administrator's Office at 1190 South Saint Francis Drive, Santa Fe, New Mexico, 87505. A copy can be obtained from Albuquerque Court Reporting Service, LLC. Post Office Box 56787, Albuquerque, New Mexico, 87187, or (505) 806-1202.

Hearing Officer Benjamin Duval provided an explanation of the hearing process.

Chris Vigil, NMED Assistant General Counsel; William Chavez, Environmental Health Bureau Chief; and Michael Broussard, Liquid Waste Program Manager gave an opening statement and provided their technical testimony. They were cross

examined as a panel by the Board; Link Summers, pro se; and Donald Becker, Professional Onsite Wastewater Reuse Association of New Mexico.

Link Summers provided his opening statement and technical testimony. He was cross-examined by the Board and Chris Vigil.

Ralph Baker Dotson, Professional Onsite Wastewater Reuse Association of New Mexico, provided his opening statement and technical testimony. He was cross-examined by the Board and Link Summers.

Chris Vigil, Link Summers, and Donald Becker presented their closing statements respectively.

Board Administrator Barnes entered the sign-in sheet into evidence as EIB exhibits one and two.

After the public hearing, the Board deliberated on the proceedings.

Member Bitzer moved to approve the repeal and replacement of 20.7.11 NMAC as proposed in NMED exhibit 24 minus 20.7.11.8 paragraph F NMAC; subtracting the word “biennial” in 20.7.11.19 NMAC; and restoring the words “of each year” where they have been stricken. Member Garcia seconded the motion. The Chair called a voice vote. The motion passed unanimously.

**Item 7. Adoption of EIB Open Meetings Act Resolution for 2020. Karla Soloria, Board Counsel.**

**Action:** Board Counsel provided an overview of the EIB Open Meetings Act Resolution for 2020. Member Bitzer moved to approve the Resolution for 2020. Member Duval seconded the motion. The Chair called a voice vote. The motion passed unanimously.

**Item 8. Next meeting is scheduled for March 27, 2020.**

**Action:** Board Administrator Barnes stated there were no items yet for the March meeting. Members Duval and Bitzer mentioned they will not be able to attend the March meeting. The Chair mentioned the possibility of canceling the meeting due to a lack of business.

**Item 8. Adjournment**

**Action:** The meeting was adjourned at 3:30 P.M.

  
Amanda Trujillo Davis, Secretary