



STATE OF NEW MEXICO
ENVIRONMENTAL IMPROVEMENT BOARD
Harold Runnels Building, Suite S-2102
1190 St. Francis Drive
Santa Fe, New Mexico 87505
Phone: (505) 827-2425
Fax: (505) 827-2836

DRAFT MEETING MINUTES

MEETING OF THE ENVIRONMENTAL IMPROVEMENT BOARD

May 22, 2020

1:00 P.M.

Virtual Meeting on Webex

To connect via video conference, go to: <https://nmed-oit.webex.com/nmed-oit/j.php?MTID=m8a63757958b58e3814fdbe2e40f2d61b>

When prompted, dial the meeting number: 283 599 468

The password is: h7pFm24M36w

To connect via teleconference dial: 1-415-655-0001

When Prompted, dial access code: 283 599 468

Members present: John Volkerding, Chair
Amanda Trujillo Davis, Secretary

Barry Bitzer, Member
Karen Garcia, Member

Members absent:

Karl Cates, Member
Dr. Benjamin Duval, Member
Phoebe Suina, Vice Chair

Others present:

Cody Barnes, Board Administrator
Karla Soloria, Board Counsel
Lara Katz, Assistant General Counsel, New Mexico Environment
Department
Daniel Timmons, WildEarth Guardians
Samantha Rucavage-Barz, WildEarth Guardians
Mike Wosniak, 3 Bear Delaware Operating – NM, LLC

The following items are for discussion and possible action:

The Chair called the Board into order at 1:16 P.M.

Item 1. Roll call.

40 **Action:** The Administrator called the roll; a quorum was present. Chair Volkerding
41 discussed the protocol of the virtual meeting. He provided contact information for
42 any individual experiencing technical issues. He mentioned the items on the agenda
43 were time sensitive, which allowed the Board to meet virtually, per advice from the
44 Open Government Division of the Attorney General’s Office. Chair Volkerding
45 pointed out that Administrator Barnes will video record the meeting and will post
46 the recording on the Board’s website as soon as practicable after the meeting.
47

48 **Item 2. Approve the agenda.**

49
50 **Action:** Member Bitzer moved to approve the agenda. Member Garcia seconded the
51 motion. The Chair called a roll call vote. Member Bitzer: aye; Member Garcia:
52 aye; Secretary Trujillo Davis: aye; Chair Volkerding: aye. The motion passed.
53

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

55
56 **Action:** Board Administrator Barnes described how notice requirements were met for the
57 meeting consistent with the Board’s Open Meetings Act Resolution.
58

59 **Item 4. Approval of meeting minutes from February 28, 2020.**

60
61 **Action:** Member Garcia moved to approve the meeting minutes from the meeting on
62 February 28, 2020. Member Bitzer seconded the motion. The Chair called a roll
63 call vote. Member Bitzer: aye; Member Garcia: aye; Secretary Trujillo Davis: aye;
64 Chair Volkerding: aye. The motion passed.
65

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

67
68 **Action:** There was no public comment.
69

70 **Item 6. Request for hearing. EIB 20-21 (A). In the Matter of the Appeal of the Air**
71 **Quality Permit No. 7482-M1 Issued to 3 Bear Delaware Operating – NM, LLC.**
72 **Daniel Timmons and Samantha Ruscavage-Barz, counsel for the Petitioner:**
73 **WildEarth Guardians. Lara Katz, counsel for the New Mexico Environment**
74 **Department. Time estimate: 30 minutes.**
75

76 **Action:** Daniel Timmons and Samantha Ruscavage-Barz, counsel for the Petitioner,
77 WildEarth Guardians; Lara Katz, counsel for the New Mexico Environment
78 Department; and Mike Wosniak with 3 Bear Delaware Operating – NM, LLC.,
79 discussed the petition. The Petitioner was willing to waive the 60-day hearing date
80 requirement and was prepared to provide a written motion to that effect. The Board
81 asked questions. Chair Volkerding moved to approve the request for hearing,
82 appoint a hearing date at a later point, and appoint himself as Hearing Officer.
83 Member Bitzer seconded the motion. The Chair called a roll call vote. Member
84 Bitzer: aye; Member Garcia: aye; Secretary Trujillo Davis: aye; Chair Volkerding:
85 aye. The motion passed.

86
87
88
89
90
91
92
93
94
95
96
97
98
99
100

Item 7. Next meeting is scheduled for June 26, 2020.

Action: Board Administrator Barnes stated there were no items yet for the June meeting.

Item 8. Adjournment

Action: The meeting was adjourned at 1:45 P.M.

Amanda Trujillo Davis, Secretary