



**STATE OF NEW MEXICO
ENVIRONMENTAL IMPROVEMENT
BOARD**

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**MEETING MINUTES
MEETING OF THE ENVIRONMENTAL IMPROVEMENT BOARD
Public Hearing -EIB 21-05
May 28, 2021
9:00 A.M.
Virtual Meeting on Webex**

Members present: Phoebe Suina, Chair
Amanda Trujillo-Davis, Vice-Chair
Karl Cates, Secretary
Barry Bitzer, Member
Karen Garcia, Member
Dr. Benjamin Duval, Member
William Honker, Member

Others present: Pam Jones, Board Administrator
Madai Corral, OPF Staff
Karla Soloria, Board Counsel
Andrew Knight, Counsel, NMED
Daniel Timmons
Elizabeth DeLone Parahos
Michael Baca

The Chair called the Board into order at 9:03 A.M.

Item 1. Roll call.

Action: The Administrator called the roll; a quorum was present. Chair Suina discussed the protocol of the virtual meeting. Administrator Jones will video record the meeting and will post the recording on the Board's website as soon as practicable after the meeting.

Item 2. Approve the agenda.

Action: Member Honker moved to approve the agenda. Member Garcia seconded the motion. The Chair called a roll call vote. Member Bitzer: aye; Member Cates: aye; Member Duval: aye; Member Garcia: aye; Member Honker: aye; Member Trujillo Davis: aye; Chair Suina: aye. The motion passed.

Item 3. Approval of meeting minutes from March 26, 2021.

Action: Member Bitzer moved to approve the meeting minutes from the meeting on March 26, 2021. Member Honker seconded the motion. The Chair called a roll call vote. Member Bitzer: aye; Member Cates: aye; Member Duval: aye; Member Garcia: aye; Member Honker: aye; Member Trujillo Davis: aye; Chair Suina: aye. The motion passed.

Item 4. EIB 21-27: *In the Matter of Proposed New Regulation, 20.2.50 NMAC – Oil and Gas Sector – Ozone Precursor Pollutants.*

Action: Lara Katz, Counsel for NMED introduced the Petition and Request for Hearing. The regulatory changes were presented to the Board.

The Board discussed the Petition. There was discussion about the request for a hearing. It was suggested that the Board appoint an experienced contract hearing officer since the subject matter of the hearing suggests it will be a lengthy hearing.

Member Garcia moved to set the hearing for September 20, 2021 beginning at 9:00 a.m. and continuing day-to-day until complete. Member Bitzer seconded the Motion. The Chair called a roll call vote. Member Bitzer: aye; Member Cates: aye; Member Duval: aye; Member Garcia: aye; Member Honker: aye; Member Trujillo Davis: aye; Chair Suina: aye. The motion passed.

Member Honker moved to set the deadline to submit Notices of Intent to Present Technical Testimony as July 28, 2021 with rebuttal testimony due September 6th. Member Bitzer seconded the Motion. The Chair called a roll call vote. Member Bitzer: aye; Member Cates: aye; Member Duval: aye; Member Garcia: aye; Member Honker: aye; Member Trujillo Davis: aye; Chair Suina: aye. The motion passed.

Member Honker moved to delegate Chair Suina to appoint a hearing officer. Member Bitzer seconded the Motion. The Chair called a roll call vote. Member Bitzer: aye; Member Cates: aye; Member Duval: aye; Member Garcia: aye; Member Honker: aye; Member Trujillo Davis: aye; Chair Suina: ABSTAINED. The motion passed with one abstention.

Item 5. PUBLIC HEARING: EIB 21-05: *In the Matter of Certification for the 2015 Ozone NAAQS Transport or “Good Neighbor” Provision of the State Implementation Plan.*

Action: Andrew Knight, Counsel for NMED presented his testimony, followed by Daniel Timmons, Counsel for WildEarth Guardians. Member Bitzer served as Hearing

Officer and the proceedings were transcribed by a court reporter from Albuquerque Court Reporting.

At the conclusion of the public hearing, the Board deliberated. Member Bitzer moved to approve the SIP as submitted. Member Cates seconded the Motion. The Chair called a roll call vote. Member Bitzer: aye; Member Cates: aye; Member Duval: no; Member Garcia: aye; Member Honker: aye; Member Trujillo Davis: aye; Chair Suina: aye. The motion passed with one member voting against the motion.

Item 6. Adjourment.

Action: Member Honker moved to adjourn the meeting. Member Garcia seconded the motion. The Chair called a roll call vote. Member Bitzer: aye; Member Cates: aye; Member Duval: aye; Member Garcia: aye; Member Honker: aye; Member Trujillo Davis: aye; Chair Suina: aye. The motion passed.

/s/ Karl Cates 6.13.2021
Karl Cates, Secretary