



**STATE OF NEW MEXICO  
ENVIRONMENTAL IMPROVEMENT  
BOARD**

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**MEETING MINUTES  
MEETING OF THE ENVIRONMENTAL IMPROVEMENT BOARD**

**Public Hearing -EIB 21-07  
Public Hearing – EIB 21-09  
June 25, 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 Bitzer moved to approve the agenda. Member Honker seconded the motion. The Chair called a roll call vote. Member Bitzer: aye; Member Cates: aye; Member Duval: absent; Member Garcia: aye; Member Honker: aye; Member Trujillo Davis: aye; Chair Suina: aye. The motion passed.

**Item 3. Approval of meeting minutes May 28, 2021.**

**Action:** Member Honker moved to approve the meeting minutes from the meeting on May 28, 2021. Member Garcia seconded the motion. The Chair called a roll call vote. Member Bitzer: aye; Member Cates: aye; Member Duval: absent; Member Garcia: aye; Member Honker: aye; Member Trujillo Davis: aye; Chair Suina: aye. The motion passed.

**Item 4. Reconsideration of virtual platform to be used for EIB 21-27 rule hearing.**

**Action:** Board Counsel Karla Soloria described the purpose of the reconsideration. Because there have been issues with the reliability of Zoom, the Board was asked to consider changing the selection of the Zoom platform in favor of not listing any virtual platform in future agenda actions or public notices. Lara Katz, NMED counsel concurred with Counsel Soloria's summary of the issue. Chair Suina asked if any stakeholders present during the meeting had any comments. Tannis Fox, Counsel with Western Environmental Law Center concurred with the idea of not naming a virtual platform. Member Bitzer made the motion to no longer specify a particular virtual platform for meetings. Member Honker seconded the motion. The Chair called a roll call vote. Member Bitzer: aye; Member Cates: aye; Member Duval: absent; Member Garcia: aye; Member Honker: aye; Member Trujillo Davis: aye; Chair Suina: aye. The motion passed.

**Item 5. PUBLIC HEARING - EIB 21-07: *In the Matter of Proposed Amendments to 20.2.79 NMAC – Permits – Nonattainment Areas: Petition for Regulatory Change.***

**Action:** Hearing Officer Trujillo-Davis opened the hearing on this matter. Andrew Knight, counsel for NMED began his presentation of the technical testimony and exhibits for this public hearing and testimony occurred. This was followed by Wildearth Guardians.

Member Duval arrived at 11:07am and was present for the remainder of this hearing and the next.

Following the presentation, the Board opened discussion about whether or not to deliberate immediately. It was agreed to deliberate.

**Item 6. PUBLIC HEARING - EIB 21-09: *In the Matter of Proposed Amendments to 20.3.1, 20.3.3, 20.3.4, 20.3.5, 20.3.7, 20.3.12 and 20.3.15 NMAC of the Radiation Protection Regulations and Request for Hearing***

**Action:** Hearing Officer Cates opened the hearing on this matter. Mia Napolitano, counsel for NMED gave her presentation of the technical testimony and exhibits for this public hearing.

Following the presentation, the Board opened discussion about whether or not to deliberate immediately. It was agreed to deliberate.

**Item 6.      Adjournment.**

**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.

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Karl Cates, Secretary