

State of New Mexico
ENVIRONMENTAL IMPROVEMENT BOARD
Harold Runnels Building, N-2150
1190 St. Francis Drive, P. O. Box 26110
Santa Fe, New Mexico 87502

Environmental Improvement Board Meeting
May 1, 2007 Meeting
9:00 a.m.

Location: 1190 St. Francis Drive
Harold Runnels Building N-4043
Santa Fe, New Mexico 87505

Members Present: Gay Dillingham, Chair
Gregory Green, Vice-Chair
Soren Peters, Member

Members Attending
by Telephone: Kathi Bearden, Member
Dolores Herrera, Secretary

Members Absent: Harold Tso, Member

Others Present:

Andy Berger, NMED/AQB	Robert Spillers, NMED/AQB
Eric Ames, NMED/OGC	Mary Hilbert, NMED/AQB
Pay Shay, Rodey Law Firm	Doug Meiklejohn, NMELC
Margaret Ryan, NMED/CPB	Richard Rose, NMED/CPB
Tania Maestas, AG's Office	Bill Grantham, NMED/OGC
Zachary Shandler, AG's Office	

Chair Gay Dillingham called the meeting to order at 9:05 a.m.

Item 1. Roll Call

The Board administrator took the roll and noted a quorum was present.

Item 2. Approval of Agenda

Action: Mr. Green moved that the agenda be approved. Mr. Peters seconded.
The motion passed unanimously.

Item 3. Public Comment

None.

Item 4. Vote on approval of Statement of Reasons in: EIB 06-03(R) Amendments to Solid Waste Management Plan, 20.9.4 NMAC; EIB 06-06(R), EIB 06-07(R), EIB 06-13(R) Amendments to Liquid Waste Disposal and Treatment Rules, 20.7.3 NMAC; EIB 06-15(R), Adoption of 20.2.85 NMAC and Revisions to 20.2.71, 77 and 84 NMAC; and EIB 06-16(R), Revisions to 20.2.78 and 20.2.82 NMAC. Zachary Shandler, Board counsel.

Mr. Shandler noted small grammatical and typographical changes that needed attention with respect to the Statements of Reasons. Ms. Herrera asked if any of the changes would have an impact on the content of the documents. Mr. Shandler stated that the changes did not affect the content. Ms. Dillingham suggested that Mr. Shandler work with NMED in making the necessary changes.

Action: Ms. Dillingham moved that the Board accept the Statements of Reasons in EIB 06-03(R) Amendments to Solid Waste Management Plan, 20.9.4 NMAC; EIB 06-06(R), EIB 06-07(R), EIB 06-13(R) Amendments to Liquid Waste Disposal and Treatment Rules, 20.7.3 NMAC; EIB 06-15(R), Adoption of 20.2.85 NMAC and Revisions to 20.2.71, 77 and 84 NMAC; and EIB 06-16(R), Revisions to 20.2.78 and 20.2.82 NMAC with the minor grammatical and typographical changes Mr. Shandler will make in consultation with NMED. Mr. Green seconded. The motion passed unanimously.

Item 5. Request for hearing re: In the Matter of the Petition for Hearing on Proposed Amendments to 20.7.2 NMAC – Rural Water Supply Infrastructure, EIB 07-01(R). Eric Ames, NMED/Construction Program Bureau.

Mr. Ames explained the Construction Program Bureau's reasons for needing to schedule a hearing on the proposed amendments filed with the Board. Mr. Ames noted that the Bureau was requesting a hearing setting on the Board's August 7 meeting agenda.

There was Board discussion regarding the estimated length of time required for the hearing. Mr. Ames stated that he felt there would not be any opposition to the proposed amendments and was requesting one hour for the hearing.

Action: Ms. Dillingham moved that the hearing in EIB 07-01(R) be set on the Board's August 7, 2007 meeting agenda. Mr. Green seconded. The motion passed unanimously. Mr. Peters was designated as Hearing Officer in this matter.

Item 6. Request for hearing re: In the Matter of the Petition for Hearing to Consider Proposed State Implementation Plan (SIP) Revisions – Interstate Transport of Emissions, EIB 07-02(R). Bill Grantham, NMED/OGC.

Mr. Grantham introduced Mary Hilbert of the Air Quality Bureau to set out the Bureau's position with respect to this request for hearing. Ms. Hilbert discussed the EPA's Clean Air Interstate Rule and New Mexico's compliance requirements. Ms. Hilbert noted that the Bureau was requesting a hearing setting on the Board's August 7 meeting agenda and that the Bureau anticipated the hearing taking approximately one hour.

Action: Mr. Green moved that the hearing in EIB 07-02(R) be set on the Board's August 7, 2007 meeting agenda. Ms. Herrera seconded. The motion passed unanimously. Mr. Peters was designated as Hearing Officer in this matter.

Item 7. Other business

Mr. Green asked about the status of the hearing check-off sheet that had been requested earlier by the Board. Mr. Shandler said that it was on his to-do list.

Mr. Green stated that he had sent a letter to Mary Smith congratulating her on the Court of Appeals Opinion in the convenience store case and that he would forward a copy of the letter to Board members.

Ms. Dillingham mentioned that she had a meeting conflict with the EIB June 5, 2007 meeting date and asked whether there were any items on that agenda. Mr. Berger noted that the Board would need to deliberate on the Hearing Officer's Report relating to those cases that were heard on May 7, 2007 in Sunland Park in order to meet an EPA June 15, 2007 deadline. Mr. Green asked when the transcripts of the hearings would be available for Board member review. That information will be forthcoming.

There was Board discussion regarding the estimated length of the June 5 meeting. Ms. Herrera stated that she would plan on attending the meeting by telephone if it was going to be a short meeting. Ms. Bearden said she would attend since she would be acting as Hearing Officer.

Mr. Berger noted that though there were two hearings held in Sunland Park only one them was involved in the EPA June 15 deadline.

Ms. Dillingham asked if the Board would consent to the June 5 meeting convening at 8:30 a.m. instead of 9:00 a.m. There were no objections to starting the meeting at 8:30 a.m.

Item 8. Next meeting – June 5, 2007 – Santa Fe

Item 9. Adjournment

Action: **Ms. Herrera moved for adjournment at 9:35 a.m. Mr. Green seconded. The motion passed unanimously.**

Signature on file

Gay Dillingham, EIB Chair