

*State of New Mexico*  
***Environmental Improvement Board***

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Gary E. Johnson  
Governor

STATE OF NEW MEXICO  
ENVIRONMENTAL IMPROVEMENT BOARD  
MINUTES OF THE REGULAR MEETING OF  
August 24, 2001

Chairperson Jimi Gadzia called the regular meeting of the Environmental Improvement Board to order at approximately 9:30 a.m., at the City County Government Center, One Civic Plaza, 9th Floor, Room 9081, Albuquerque, New Mexico.

**Members Present**

Jimi Gadzia, Chair

Dr. Hilary Noskin

David Salopek, Secretary

Dr. Abbas Ghassimi

Cynthia Mojtabai

**Others present:**

Patrick Simpson

EIB Attorney

Mike Addy

Albuquerque Vault Co.

Maria Voyles

EIB Administrator

Steven Walker

NMED

Ron McClannahan

Albuquerque Journal

Brian Schall

NMED

Randy Traynor

NM Home Builders

Mike Koranda

NMED

**Item 1 - Approval of the Agenda**

Dr. Noskin moved to approve the previous agenda and minutes nunc pro tunc. Ms. Mojtabai seconded the motion. The motion passed unanimously.

Dr. Noskin moved to approve the agenda. Ms. Mojtabai seconded the motion. The motion passed unanimously.

**Item 2 - Approval of the Minutes of the July 13, 2001, meeting.**

Dr. Noskin moved to approve the minutes of the July 13, 2001, meeting, as corrected. Ms. Mojtabai seconded the motion. The motion passed unanimously.

**Item 3 - Discussion and possible decision on New Mexico Environment Department's proposed new regulation 20.7.11 NMAC, Liquid Waste Treatment and Disposal Fees. EIB-00-10 (hearing was July 13, 2001)**

Not all members were present for the complete hearing on July 13, 2001. A copy of the transcript was provided and the members reviewed the portion they had missed.

Dr. Noskin agrees with the idea of business helping to pay fees. Dr. Noskin has some issues with the lack of input allowed by the public, the lack of criteria for inspections and the lack of information provided by the Department (NMED) to the Board. Dr. Noskin stated that she could not agree with the petition. Dr. Noskin stated that she "might" agree with a re-worked petition.

Dr. Ghassemi stated that he strongly supports the concept of the private sector participating in absorbing some of the costs that are incurred and that the fee of \$100.00 is reasonable. Dr. Ghassemi stated that a program that assists the public should be initiated. Dr. Ghassemi stated that the Department must come before the Board in six months to provide a status report. Dr. Ghassemi stated that the fee would allow the Department to hire more individuals in order to get more work done.

Mr. Salopek stated that the Department should guarantee the industry would receive better service for the fee. Mr. Salopek stated that the fee could cause more illegal septic tanks being installed, and he did not agree with the certified check requirement. Mr. Salopek would not agree with the fee increase unless there is some accountability from the Department. Mr. Salopek would like to know how the amount of the fee was determined. Mr. Salopek suggested a phase in program for the fees.

Ms. Mojtabai stated that the regulations say it must be done within 10 days and she supports the fee. Ms. Mojtabai requested that the record be reopened for more information and possibly a "business plan" from the Department. Ms. Mojtabai would like to see a cash flow analysis, not only money out but also the money coming in.

Ms. Gadzia stated that she supports the fee-based program but would like more justification for the financial figures. Ms. Gadzia stated that the \$100.00 fee is reasonable and feels that the Department needs more resources.

Dr. Noskin stated that she is unsure if more resources are really needed, the Department did not provide enough information. Dr. Noskin would like to see cost breakdowns of time spent on permits. Dr. Noskin stated that if they vote today, her vote is no. But if they open the record and allow the Department to provide more information, she is willing to review the information, but will not guarantee that she will change her vote. Dr. Noskin also expressed the idea of setting aside some of the money for people who cannot afford the permit fee.

Dr. Noskin stated that she felt this was not done correctly the first time and that the Department should start over.

Ms. Mojtabai suggested that the Department do a feasibility study on the whole program.

Dr. Ghassemi would like to see accountability from the Department.

Ms. Mojtabai moved to stay the decision on the present petition for rulemaking and requested that the Department produce a feasibility study addressing the concerns as stated in today's meeting record. If elected, the Department will serve the Board administrator with the requested information within sixty (60) days, and provide copies to all participants to the extent possible. Responses from participants concerning the feasibility study would be welcomed within ten days of the next scheduled meeting following the Department's submission, and may include a request for more time with reasons stated. Dr. Noskin seconded the motion. A roll call vote was taken.

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|--------------------|-----|
| Jimi Gadzia        | yes |
| Dr. Hilary Noskin  | yes |
| David Salopek      | yes |
| Dr. Abbas Ghassemi | yes |
| Cynthia Mojtabai   | yes |

The motion passed unanimously. Ms. Gadzia suggested that the Department review the Environmental Improvement Board's August 24, 2001, minutes to help in formulating a feasibility study.

The motion passed unanimously

#### **Item 4 - Consideration of and possible action on Open Meetings Act Resolution.**

Dr. Noskin moved to accept the Open Meetings Act Resolution as amended. Dr. Ghassemi seconded the motion. The motion passed unanimously.

#### **Item 5 - Other business.**

Dr. Noskin suggested that the Board send Tammy Lakes a card. Ms. Voyles will bring one to the next meeting.

Dr. Ghassemi suggested that the minutes be created in a pdf file. Ms. Voyles will now e-mail as many documents as possible to save paper. Ms. Voyles will e-mail to all members except Mr. Salopek. He will receive his by mail. Ms. Voyles will take the case folders to the meetings.

Mr. Simpson will check on if it is legal to place the transcripts on the web site.

**Item 6 - Next meeting.**

The next meeting will be on October 12, 2001. It will be held at the City County Government Center at 9:30 a.m.

Dr. Noskin moved to adjourn the meeting. Ms. Mojtabei seconded the motion. The motion passed unanimously.

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**Jimi Gadzia, Chair**

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**David Salopek, Secretary**