

State of New Mexico
ENVIRONMENTAL IMPROVEMENT BOARD
Harold Runnels Building, N-2150
1190 St. Francis Drive, P. O. Box 5469
Santa Fe, New Mexico 87502

Environmental Improvement Board Meeting
October 5, 2009
10:00 a.m.
New Mexico State Capitol Room 317
490 Old Santa Fe Trail
Santa Fe, New Mexico 87501

Members Present:

Gregory Green, Chair
Soren Peters, Vice-Chair
Harold Tso, Secretary
Neri Holguin, Member
Abbas Ghassemi, Member
Gay Dillingham, Member

Members Absent:

Frank Simms, Member

Others Present:

Jennifer Hower, NMED/OGC	Cynthia Thomas, NMED/EHD
Carlos Romero, NMED/EHD	Mary Lou LaCasse, NME/EHD
Anita Roy, NMED/EHD	Johnathan Gerhardt, NMED/EHD
Janice Matteson, NNMC/Com. Kitchens	Carmen Segura
Gayle Ice, Ice's Organic Farm	Kathryn Wilson, Ramah Farmers' Market
Jackie Rossignol, Ramah Farmers' Market	Diana Calkins, Alamogordo Farm Market
Karen Kincaid, Tularosa Famers' Market	Robert Calkins
Joan Price, Tularosa Farmers' Market	Denise Miller, NM Farmers' Markets
Ken and Katy Wider, Small Farmer	Madelyn Hasting, Duke's Raspberry Patch
Charles Nilsson	Lisa Fox, Southwest Chutney
Amy Quirke, Intergalactic Bread Co.	Todd R. Doherty, Intergalactic Bread Co.
Joy Roberts haw, Taos Mtn. Yak	Pam Roy, Farm-to-Table
Anna Richards, NMED/AQB	Stephen Vigil, NM Atty. General's Office
Adrian Terry, Atty. General's Office	Link Summers, POWRA

The Chair called the meeting to order at 10:00 a.m.

Item 1. Roll Call

Roll was taken and it was noted that a quorum was present.

Mr. Terry, the Board's counsel, introduced Stephen Vigil, Assistant Attorney General. Mr. Vigil will be taking Mr. Terry's place as Board counsel.

Item 2. Approval of the Agenda

Action: Mr. Tso moved Board approval of the Agenda. Ms. Dillingham seconded. The motion passed unanimously.

Item 3. Approval of September 8, 2009 minutes.

Mr. Tso noted a typographical error in the text of the minutes.

Action: Mr. Tso moved for approval of the minutes as corrected. Mr. Ghassemi seconded. Ms. Dillingham abstained. The motion passed.

Item 4. Public Comment

Mr. Summers, representing himself and POWRA, requested that Mr. Peters, as Hearing Officer in EIB 09-08 (R), schedule a pre-hearing conference prior to the November 2, 2009 hearing in EIB 09-08 (R). There was no decision with respect to his request.

Item 5. Hearing in re: Proposed Changes to 7.6.2 NMAC, to Allow Home-Processing of Non-Potentially Hazardous Foods, EIB 09-05 (R). NM Farmers Marketing Association, Denise Miller/Farm-to-Table, Clark de Schweinitz, Esq., Petitioners; Jennifer Hower, NMED/OGC; Mary Lou LaCasse, NMED/EHD.

At 10:15 a.m. Mr. Peters, Hearing Officer in this matter, announced that the hearing would commence.

The Petitioners in this case chose not to have the meeting transcribed by a court reporter. However, the hearing was tape recorded. All Notices of Intent to Present Technical Testimony were filed and are available for review, as well as public comment correspondence and the tape recording of the hearing in the Office of the Environmental Improvement Board Administrator, New Mexico Environment Department, 1190 St. Francis Drive, Runnels Building N2150, Santa Fe, New Mexico 87505.

The Board reconvened at 12:45 p.m.

A lengthy period of deliberations by the Board ensued.

Action: Ms. Holguin moved that the Board approve the Petitioners' Proposed Changes to 7.6.2 NMAC, to Allow Home-Processing

of Non-Potentially Hazardous Foods, EIB 09-05 (R). Mr. Peters seconded.

There was Board discussion relating to a possible friendly or substitute amendment relating to Ms. Holguin's motion. It was determined that the Board was not allowed to separate the issues involved in this case and vote on them individually.

Roll Call Vote:

Ms. Dillingham	yes
Mr. Ghassemi	no
Mr. Peters	yes
Mr. Tso	no
Ms. Holguin	yes
Mr. Green	yes

The motion passed.

Item 6. Other business

There was a scheduling discussion relating to upcoming Board hearings. Mr. Green discussed the December Farmington meeting and scheduling issues relating to the hearing and the meeting. Additional discussion regarding the November 2-3, 2009 liquid waste and green house gas emissions reporting hearings was conducted.

Item 7. Next meeting: November 2-3, 2009, 9:00 a.m. State Capitol Building, Room 317, 490 Old Santa Fe Trail, Santa Fe, New Mexico 87501.

Item 8. Adjournment.

Item 9. Ms. Dillingham moved for adjournment. Mr. Peters seconded. The motion passed unanimously.

Signature on File

Gregory Green, Chair