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1 STATE OF NEW MEXICO
 ENVIRONMENTAL IMPROVEMENT BOARD
 2 EIB 18-04(R)
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 4
 5 IN THE MATTER OF PROPOSED AMENDMENTS
 TO 20.2.3 NMAC.
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 9 TRANSCRIPT OF PROCEEDINGS
 10 DELIBERATIONS
 11
 12 October 26, 2018
 9:55 a.m.
 STATE CAPITOL BUILDING
 13 490 Old Santa Fe Trail, Room 309
 Santa Fe, New Mexico 87501
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 19 REPORTED BY: DENISE KOPAN, CCR #124
 KATHY TOWNSEND COURT REPORTERS
 20 110 Twelfth Street, NW
 Albuquerque, New Mexico 87102
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1 MR. VOLKERDING: Okay. So Agenda item seven,
 2 EIB 18-04(R), In the Matter of Proposed Amendments to
 3 20.2.3 NMAC.
 4 Mr. Knight, whenever. I know there is kind
 5 of activity there.
 6 MR. KNIGHT: Mr. Chairman, Members of the
 7 Board, my understanding is that hearings were held on
 8 the two matters -- the next two matters on September
 9 28th in Las Cruces. I was not there.
 10 MR. VOLKERDING: Neither was I.
 11 MR. KNIGHT: Ms. Kim Bannerman was the
 12 attorney for the Department on those hearings, and my
 13 understanding is that the record is closed and that the
 14 Board is in a position to deliberate on both of these
 15 matters.
 16 The Department has no further or additional
 17 input. I have submitted the Amended Final Orders and
 18 Statements of Reasons, which are identical to the ones
 19 that were submitted with the Notices of Intent, and the
 20 only change is I have changed the September 28th date
 21 for the deliberations to October 26th.
 22 MR. VOLKERDING: Okay.
 23 MR. KNIGHT: And with that, I think the
 24 Department would just sit back and let you -- let the
 25 Board deliberate.

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1 A P P E A R A N C E S
 2 For the Environmental Improvement Board:
 3 MR. JOHN M. VOLKERDING, Chair
 MR. TIM MORROW (Telephonically)
 4 MR. MATTHEW HOLT
 MR. CHRISTOPHER TIMM (Telephonically)
 5
 BOARD COUNSEL: MR. GIDEON ELLIOT
 6 Assistant Attorney General
 7 For the New Mexico Environment Department:
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 12
 13 I N D E X PAGE
 14 Deliberations
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 16 E X H I B I T S
 17 (None)
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1 MR. VOLKERDING: Okay. Thank you. Members
 2 of the Board, any deliberation on 20.2.3 NMAC? Since
 3 it didn't have the title in there, that was the
 4 discussion on ambient air quality standards for -- and
 5 I might just actually turn this over to Member Holt for
 6 a second just to give a better synopsis than I will do,
 7 if you don't mind, sir.
 8 MR. HOLT: So last month, I conducted the
 9 hearing. We didn't have a quorum for the full Board.
 10 So we went ahead with the hearing. And we were in Las
 11 Cruces. We had testimony, we had cross-examination, it
 12 was just like we almost had people in the room with
 13 robes on.
 14 The hearing was transcribed. It's been
 15 provided to everybody on the Board. I assume that
 16 everybody on the Board has read the testimony. And so
 17 the question presented is whether we are going to adopt
 18 the amendments that were proposed in Exhibit 1 of the
 19 Petition.
 20 I can't add anything to what's in the written
 21 record because that is, in fact, what we have to
 22 deliberate on.
 23 MR. VOLKERDING: Perfect. Thank you. So any
 24 items that need to be deliberated on this, Members of
 25 the Board?

1 MR. HOLT: I move that we accept the proposed
2 amendments to 20.2.3 NMAC to remove Section 109 of the
3 regulation.

4 MR. VOLKERDING: I second. Any further
5 discussion?

6 If not, I will call for a vote. All in
7 favor, say aye.

8 MR. HOLT: Aye.

9 MR. MORROW: Member Morrow, aye.

10 MR. VOLKERDING: Member Timm?

11 MR. TIMM: Sorry. Member Tim, aye.

12 MR. VOLKERDING: Okay. And myself, aye.

13 So the motion passes, and the Petition is
14 approved.

15 MR. ELLIOT: You can sign it right there.

16 MR. VOLKERDING: I was going to. I was going
17 to look through it real fast just for typos.

18 MR. KNIGHT: Mr. Chairman?

19 MR. VOLKERDING: Yes, sir?

20 MR. KNIGHT: If I may, we have a transmittal
21 form, as well, that needs to be signed in black ink
22 only, and that can be signed at the same time as the
23 Statement of Reasons.

24 MR. VOLKERDING: Okay. I will take care of
25 that. So here, should we have them type that in? We

1 can write it?

2 MR. ELLIOT: I believe we can just write it
3 in.

4 MR. VOLKERDING: Okay. So four to zero?

5 MR. ELLIOT: Yeah.

6 MR. VOLKERDING: Okay. Thank you.

7 (Proceedings concluded at 9:58 a.m.)
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1 STATE OF NEW MEXICO)
2)
3 COUNTY OF BERNALILLO)

4 I, DENISE KOPAN, the undersigned Court
5 Reporter, HEREBY CERTIFY that the foregoing
6 Deliberations were recorded by me by machine shorthand;
7 that I later caused my notes to be transcribed under my
8 personal supervision; and that the foregoing is a true
9 and accurate record, to the best of my ability, of said
10 proceedings.

11 I FURTHER CERTIFY that I am not a relative or
12 employee of any of the parties or attorneys involved in
13 this matter and that I have no personal interest in the
14 final disposition of this matter.

15 DATED this ____ day of ____, 2018.
16
17

18 Original Signed
19 by Denise Kopan
20 DENISE KOPAN, NM CSR # 1274
License Expiration: 12/31/18

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