

State of New Mexico
Environmental Improvement Board
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Susana Martinez
Governor

**Amended Draft
Agenda
Meeting of the
Environmental Improvement Board**

**October 3, 2011
9:00 a.m.
Room 307, State Capitol Building
490 Old Santa Trail
Santa Fe, New Mexico 87501**

The following items are for discussion and possible action:

1. Roll Call
2. How Notice Requirements Were Met for the Meeting
3. Approval of Agenda
4. Public Comment Unrelated to Agenda Items
5. Approval of meeting minutes, August 1, 2011
6. Statement of reasons in **EIB 11-03 (R)**, Liquid Waste Regulations re: licensure (Section 904). Stephen Vigil, NMAGO.
Time estimate: 10 Minutes
7. Final Rule and Statement of reasons in **EIB 11-08 (R)**, Liquid Waste Fee Regulations; discussion and deliberation. Stephen Vigil, NMAGO. Time estimate: 10 minutes

8. Hearing in **EIB 11-06 (R)**, Proposed Revisions to 20.2.79 NMAC, Conformity to the State Implementation Plan of Transportation Plans, Programs, and Projects; Bill Grantham, NMED/OGC, Gail Cook, NMED/ AQB. Time Estimate: 30 Minutes
9. Hearing in **EIB 11-13 (R)**, Amendments to Petroleum Storage Tank Regulations, throughout 20.5.1--20.5.18 NMAC and proposed new Part 20.5.19; Susan George and Leigh Brunner. Time Estimate: 1 Hour
10. Hearing in **EIB 11-14 (R)**, Board Rulemaking Procedures, 20.1.1 NMAC. Felicia Orth, NMED/ Hearing Officer; Douglas Meiklejohn, Jonathan Block, R. Bruce Frederick, and Eric Jantz, NMELC. Time Estimate: 1 Hour
11. Motion hearing (several motions) in **EIB 11-15/17 (R)**, Proposed Repeal of Greenhouse Gas Cap and Trade Provisions and Reporting and Verification Requirements; **and 11-16 (R)**, Proposed Repeal of Greenhouse Gas Reduction Program. Bruce Frederick, NEE; Brent Moore, Tri-State; Louis Rose, NMOGA; Robert Clark, PNM/ SPSC; Sunny Nixon, Farmington; Karin Foster, IPNAM; Bryan Moore, EPEC; Ryan Flynn, NMED; Victoria Mandell, WRA; Felicia Orth, Hearing Officer; Stephen Vigil, NMAGO. Time Estimate: 1 Hour
12. Executive session to discuss pending litigation.
Stephen Vigil, NMAGO. Time estimate: 30 minutes-1 hour
 - a. Helena Chemical Co. v. N.M. Environmental Improvement Board COURT OF APPEALS No. 31,037
Appeal of EIB 10-02(A); 10-11(A). Air Quality Permit Adjudication.
 - b. City of Farmington and Farmington Electric Utility System v. N.M. Environmental Improvement Board COURT OF APPEALS No. 30,897
Appeal of EIB 10-04(R): Cap and Trade Provisions.
 - N.M. Oil and Gas Association v. N.M. Environmental Improvement Board COURT OF APPEALS No. 30,898
Appeal of EIB 10-04(R): Cap and Trade Provisions.

Tri-State Generation and Transmission Association, Inc. v. N.M. Environmental Improvement Board	COURT OF APPEALS No. 30,899 Appeal of EIB 10-04(R): Cap and Trade Provisions.
Southwestern Public Service Company v. N.M. Environmental Improvement Board	COURT OF APPEALS No. 30,901 Appeal of EIB 10-04(R): Cap and Trade Provisions.
Public Service Co. of N.M. v. N.M. Environmental Improvement Board	COURT OF APPEALS No. 30,902 Appeal of EIB 10-04(R): Cap and Trade Provisions.
Independent Petroleum Association of N.M. v. N.M. Environmental Improvement Board	COURT OF APPEALS No. 30,907 Appeal of EIB 10-04(R): Cap and Trade Provisions.
El Paso Electric Co. v. N.M. Environmental Improvement Board	COURT OF APPEALS No. 30,908 Appeal of EIB 10-04(R): Cap and Trade Provisions.
c. N.M. Oil & Gas Ass'n, et al. v. N.M. Environmental Improvement Board	COURT OF APPEALS No. 30,952 Appeal of EIB 10-09(R): Greenhouse Gas Reporting

	Tri-State Generation and Transmission Association, Inc. v. N.M. Environmental Improvement Board	COURT OF APPEALS No. 30,953 Appeal of EIB 10-09(R): Greenhouse Gas Reporting
	Independent Petroleum Association of N.M. v. N.M. Environmental Improvement Board	COURT OF APPEALS No. 30,954 Appeal of EIB 10-09(R): Greenhouse Gas Reporting
d.	City of Farmington and Farmington Electric Utility System v. N.M. Environmental Improvement Board	COURT OF APPEALS No. 31,015 Appeal of EIB 08-19(R): New Energy Economy
	Independent Petroleum Association of N.M. v. N.M. Environmental Improvement Board	COURT OF APPEALS No. 31,016 Appeal of EIB 08-19(R): New Energy Economy
	N.M. Oil & Gas Ass'n, et al. v. N.M. Environmental Improvement Board	COURT OF APPEALS No. 31,017 Appeal of EIB 08-19(R): New Energy Economy
	El Paso Electric Co. v. N.M. Environmental Improvement Board	COURT OF APPEALS No. 31,018 Appeal of EIB 08-19(R): New Energy Economy

	Tri-State Generation and Transmission Association, Inc. v. N.M. Environmental Improvement Board	COURT OF APPEALS No. 31,019 Appeal of EIB 08-19(R): New Energy Economy
	Public Service Co. of N.M. v. N.M. Environmental Improvement Board	COURT OF APPEALS No. 31,020 Appeal of EIB 08-19(R): New Energy Economy
	Southwestern Public Service Company v. N.M. Environmental Improvement Board	COURT OF APPEALS No. 31,021 Appeal of EIB 08-19(R): New Energy Economy
e.	State (ex rel) Hanosh v. N.M. Environmental Improvement Board	THIRD JUDICIAL DISTRICT D-0307-CV-200702708 Clean Car Rules
f.	Regional Haze Rules	Possible litigation, action or appeal regarding EPA decision

13. Other business

14. Board Member Comments and Questions

15. Next meeting—November 8, 2011

Coming up:

- a. Hearings beginning **November 8** in **EIB 11-15/17**, proposed repeal of regulations requiring greenhouse gas emissions reporting and verification, and the cap and trade program, 20.2.300, -301, -350 NMAC.
- b. Hearings beginning **December 5** in **EIB 11-16**, proposed repeal of regulations on greenhouse gas emissions reductions, 20.2.100 NMAC.
- c. Hearing in **EIB 11-18 (R)** on **January 3**, Proposed Revisions to 20.7.10, NMAC Drinking Water Regulations, Bill Grantham, NMED/ OGC.

16. Adjournment

If you are an individual with a disability who needs a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, contact Carmella Casados at least ten days prior to the meeting or as soon as possible at 505.827.2425 or carmella.casados1@state.nm.us. Public documents can be provided in various accessible formats. Contact Carmella Casados if an accessible format is needed.