

State of New Mexico
Environmental Improvement Board
Harold Runnels Building, Room N-2150
1190 St. Francis Drive
P.O. Box 5469
Santa Fe, New Mexico 87502
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Susana Martinez
Governor

Draft Agenda Meeting of the Environmental Improvement Board

October 29-30, 2012

9:00 a.m.

Room 307, State Capitol Building

490 Old Santa Fe 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 13, 2012 and September 4, 2012
6. Statement of Reasons in **EIB 12-02 (A)**, Appealing the Denial of Relocation Application No. 3617R3 issued to KI-Stone Environmental. Mark Reynolds, NMAGO. Time estimate: 10 min

7. Statement of Reasons in **EIB 11-18 (R)**, Proposed Revisions to 20.7.10 NMAC Drinking Water Regulations. Mark Reynolds, NMAGO. Time estimate: 10 min

8. Resumption of Hearing and possible deliberations in **EIB 12-01 (R)**, to Consider Proposed Amendments to the Liquid Waste Disposal and Treatment Regulations, 20.7.3 NMAC. Andrew Knight, NMED/OGC; Dennis McQuillan, NMED/LWP; Ralph Baker Dotson and Eugene Bassett, POWRA; Carl Stubbs and Jace Ensor, NMOWA; Susan C. Kery, Sheehan & Sheehan, and Dennis F. Hallahan for Infiltrator Systems, Inc. Felicia Orth, Hearing Officer . Time estimate: 10-12 hours

9. Executive session to discuss pending litigation.
Mark Reynolds, NMAGO. Time estimate: 30 Minutes
 - a. 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.

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| | 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. |
| b. | Western Resource
Advocates, and
New Energy
Economy v.
Environmental
Improvement
Board | COURT OF APPEALS No. 32,056

Appeal of EIB 11-15(R): Repeal of
Rule 350, Greenhouse Gas Cap-and-
Trade Provisions |
| | Western Resource
Advocates, and
New Energy
Economy v.
Environmental
Improvement
Board | COURT OF APPEALS No. 32,055

Appeal of EIB 11-17(R): Repeal of
Rules 300 and 301, Greenhouse Gas
Emissions Reporting and Verification
Requirements |
| 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 |

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

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| | 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. | Western Resource
Advocates and
New Energy
Economy v.
Environmental
Improvement
Board | COURT OF APPEALS No. 32,177

Appeal of EIB 11-16 (R), repeal of
Part 100, Greenhouse Gas Emissions
Cap |
| f. | Link Summers v.
Environmental
Improvement
Board v. New
Mexico
Environment
Department | COURT OF APPEALS No. 31,774

Appeal re EIB 11-08 (R) |

10. Other business
11. Board Member Comments and Questions
12. Next meeting—December 3, 2012

Upcoming:

January 7 – Open Meetings Act Resolution, Mark Reynolds, NMAGO; Hearing in **EIB 12-03 (R)** Proposed Revisions to 20.2.99 NMAC-Conformity to the State Implementation Plan of Transportation Plans; Hearing in **EIB 12-04 (R)** Proposed Revisions to the Infrastructure State Implementation for the Nitrogen Dioxide.

13. 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 Pam Castañeda at least ten days prior to the meeting or as soon as possible at 505.827.2425 or pam.castañeda@state.nm.us. Public documents can be provided in various accessible formats. Contact Pam Castañeda if an accessible format is needed.