

*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**

**November 7, 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, October 3, 2011
6. Continuation of 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; Jennifer Hower, OGC/ NMED. Time Estimate: 3 Hours

7. Consideration of motion to reconsider language of the Statement of Reasons approved in **EIB 11-08(R)**, Proposed Amendments to Liquid Waste Treatment and Disposal Fees. Carol Parker, NMED/OGC; Dennis McQuillan, NMED/FOB; Link Summers; Ralph Baker Dotson and Eugene Bassett, Professional Onsite Wastewater Reuse Association of New Mexico; Jace Ensor, New Mexico Onsite Wastewater Association Time estimate: 20 Minutes
  
8. 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

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| d. | <p>City of Farmington<br/>and Farmington<br/>Electric Utility<br/>System v. N.M.<br/>Environmental<br/>Improvement<br/>Board</p> <p>Independent<br/>Petroleum<br/>Association of<br/>N.M. v. N.M.<br/>Environmental<br/>Improvement<br/>Board</p> <p>N.M. Oil &amp; Gas<br/>Ass'n, et al. v.<br/>N.M.<br/>Environmental<br/>Improvement<br/>Board</p> <p>El Paso Electric<br/>Co. v. N.M.<br/>Environmental<br/>Improvement<br/>Board</p> <p>Tri-State<br/>Generation and<br/>Transmission<br/>Association, Inc. v.<br/>N.M.<br/>Environmental<br/>Improvement<br/>Board</p> <p>Public Service Co.<br/>of N.M. v. N.M.<br/>Environmental<br/>Improvement<br/>Board</p> | <p>COURT OF APPEALS No. 31,015</p> <p>Appeal of EIB 08-19(R): New Energy<br/>Economy</p> <p>COURT OF APPEALS No. 31,016</p> <p>Appeal of EIB 08-19(R): New Energy<br/>Economy</p> <p>COURT OF APPEALS No. 31,017</p> <p>Appeal of EIB 08-19(R): New Energy<br/>Economy</p> <p>COURT OF APPEALS No. 31,018</p> <p>Appeal of EIB 08-19(R): New Energy<br/>Economy</p> <p>COURT OF APPEALS No. 31,019</p> <p>Appeal of EIB 08-19(R): New Energy<br/>Economy</p> <p>COURT OF APPEALS No. 31,020</p> <p>Appeal of EIB 08-19(R): New Energy<br/>Economy</p> |
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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

9. Statement of reasons 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: 15 Minutes

10. Other business

11. Board Member Comments and Questions

12. Next meeting—December 5, 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, OGC/ NMED.

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 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](mailto:carmella.casados1@state.nm.us). Public documents can be provided in various accessible formats. Contact Carmella Casados if an accessible format is needed.*