

State of New Mexico
Environmental Improvement Board
Harold Runnels Building, Room N-2150
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Susana Martinez
Governor

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

**May 7, 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, March 16, 2012
6. Statement of Reasons and Order in **EIB 11-16 (R)**, Repeal of Rule 20.2.100 NMAC – Greenhouse Gas Reduction Program. Time Estimate: 30 minutes.
7. Continuation of hearing in **EIB 11-18 (R)**, Proposed Revisions to 20.7.10, NMAC Drinking Water Regulations, Bill Grantham, NMED/OGC. Time Estimate: 4-6 hours.

8. Executive session to discuss pending litigation.
NMAGO. Time estimate: 30 Minutes

- a. Helena Chemical Co. v. NMED and N.M. Environmental Improvement Board COURT OF APPEALS No. 31,037
Appeal of EIB 10-02(A); 10-11(A). Air Quality Permit Adjudication.
Motion to Dismiss was granted 03/15/12
- 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.	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
d.	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
e.	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

f. Link Summers v. Environmental Improvement Board v. New Mexico Environment Department COURT OF APPEALS No. 31,774
Appeal re EIB 11-08 (R)

9. Update on:

Martinez et al. v. EPA 10th Cir. COURT OF APPEALS 11-9567 and associated cases

Petitioners: Susana Martinez
New Mexico Environment Department

Respondent: U.S. Environmental Protection Agency

Intervenors: WildEarth Guardians
Public Service Company of New Mexico
Dine Citizens Against Ruining Our Environment
National Parks Conservation Association
New Energy Economy
San Juan Citizens Alliance
Sierra Club

10. Other business

11. Board Member Comments and Questions

12. Next meeting – **June 11, 2012**

Coming up:

- a) No meeting on **July 5, 2012** or in July

- b) Meetings scheduled during the remainder of 2012:
August 6, 2012, September 4, 2012, October 1, 2012, November 5, 2012, and December 3, 2012.

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 Felicia Orth at least ten days prior to the meeting or as soon as possible at 505.827.0339 or felicia.orth@state.nm.us. Public documents can be provided in various accessible formats. Contact Felicia Orth if an accessible format is needed.