

1 *State of New Mexico*
2 **ENVIRONMENTAL IMPROVEMENT BOARD**
3 *Harold Runnels Building, N-2150*
4 *1190 St. Francis Drive, P. O. Box 5469*
5 *Santa Fe, New Mexico 87502*
6

7 **Environmental Improvement Board Meeting**
8 **December 1, 2008**
9 **10:00 a.m.**
10 **State Capitol Building, Room 317**
11 **490 Old Santa Fe Trail**
12 **Santa Fe, New Mexico 87501**
13

14 **Members Present:**

15 Kathi Bearden, Vice-Chair
16 Harold Tso, Secretary
17 Gay Dillingham, Member
18 Dolores Herrera, Member
19 Soren Peters, Member
20

21 **Members Absent:**

22 Gregory Green, Chair
23 Abbas Ghassemi, Member
24

25 **Others Present:**

26
27 Mary Uhl, NMED/AQB Rick Brazfield, AESC, Four Corners
28 Adolfo Mendez, NMED/OGC Bob Wirtanen, Conoco-Phillips
29 Marie Coleman, NMRA Dennis Roberts, Assn. of General Contractors
30 Beth Gillia, Esq., NMED/PSTB Stacey Scherer, Mtn. States Insurance
31 Ralph Eggleston, All Star Construction Ron Smock, FACT
32 Jonathan Block, NMELC Curtis Gurley, Assoc, Well Service
33 Jason Sandel, Assoc. Well Service Jim McNally, Tru Touch Technologies
34 Dawn Matson, Assn. Builders/Contractors Jim Davis, NMED/PSTB
35 Jennifer Pruett, NMED/PSTB Nick Sanchez, NMRCA
36 Dan Pacheco, PNM Resources Coren Anderson, Mtn. States Contractors
37 Brock Carter, SCI Mark Harwell, Jaynes Corporation
38 Robert Genoway, NMED/OHSA Harry Buysse, OHSA
39 Butch Tongate, NMED/OSHA Jane Jernigan, NUCA of NM
40 Allison Kuper Adrian Terry, Atty. General's Office
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42 The Vice-Chair, Kathi Bearden, called the meeting to order at 10:00 a.m. She noted that
43 Chairman Green would not be able to attend today's meeting.
44

45 **Item 1. Roll Call**

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47 Roll was taken and it was noted that a quorum was not present.
48

49 Because of the lack of a quorum, the Vice-Chair moved to Agenda Item 4. and asked for
50 comments from the public. There were none.

51
52 **Items 2. and 3. follow Item 5.**

53
54 **Item 4. Public Comment**

55
56 None (see notation under Item #1, Roll Call).

57
58 **Item 5.**

59
60 Request for hearing in re: Petroleum Storage Tank Bureau (PSTB) amendments to Parts 1, 7, 10,
61 12, 13, 14, 15, 16 and 18 of Title 20, Chapter 5 NMAC; a new section of Storage Tank Rules
62 dealing with operator training requirements, EIB 08-18 (R). Beth Gillia, Esq., representing PSTB;
63 Jim Davis, NMED/PSTB and Jennifer Pruett, NMED/PSTB.

64
65 The Vice-Chair acknowledged the arrival of Ms. Dillingham and announced that a quorum was
66 now present.

67
68 **Action: Mr. Tso moved that a hearing be set in EIB 08-18 (R) on the Board's**
69 **April 6, 2009 agenda. Mr. Peters seconded. The motion passed**
70 **unanimously.**

71
72 **It was agreed that Mr. Peters would act as hearing officer in this matter.**

73
74 **Item 2. Approval of Agenda**

75
76 **Action: Mr. Tso moved approval of the meeting agenda. Ms.**
77 **Dillingham seconded. The motion passed unanimously.**

78
79 **Item 3. Approval of November 3, 2008 meeting minutes**

80
81 **Action: Ms. Dillingham moved approval of the November 3, 2008 meeting minutes.**
82 **Mr. Peters seconded. The motion passed unanimously.**

83
84 **Item 6. Hearing and possible decision in re: Operating Permit Fees, 20.2.71**
85 **NMAC EIB 08-06 (R). Eric Ames, NMED/OGC.**

86
87 At 10:10 a.m., the Vice-Chair announced that the hearing in the above-referenced matter would
88 commence and Ms. Dillingham would act as Hearing Officer for this matter. Kathy Townsend
89 Court Reporters transcribed the hearing. All Notices of Intent to Present Technical Testimony
90 were filed and are available for review, as well as public comment correspondence and the
91 hearing transcript in the office of the Environmental Board Administrator, New Mexico
92 Environment Department, 1190 St. Francis Drive, Runnels Building Room N2150, Santa Fe,
93 New Mexico 87505.

94
95 The hearing concluded at 10:55 a.m. and the Board meeting reconvened.

96

97 Following a short recess the Vice-Chair asked the members if they were prepared to deliberate.
98 They indicated that they were.

99
100 Board discussion followed.

101
102 **Action:** Ms. Dillingham moved the Board's acceptance of NMED's proposed
103 changes in Operating Permit Fees, 20.2.71 NMAC, EIB 08-06 (R).
104 Ms. Herrera seconded the motion. The motion passed unanimously.

105
106 **Item 7. Hearing and possible decision in re: Occupational Health and Safety**
107 **Bureau's Proposed Amendments to Illegal Drug and Alcohol Beverage**
108 **Use regulations, 11.5.2, 11.5.3 and 11.5.4 NMAC, EIB 08-14 (R). Tannis**
109 **Fox, NMED/OGC; Butch Tongate, NMED/OHSB; Ron Smock, Chief**
110 **Toxicologist and Forensic Scientist.**

111
112 At 11:20 a.m., the Vice-Chair announced that NMED's presentation in the above-referenced case
113 would not commence until after the Board's lunch recess. She asked if there were individuals
114 wishing to make public comment with respect to EIB 08-14 (R). Several members of the public
115 indicated their desire to present comments in this case. It was agreed that anyone who wished to
116 make public comment would be able to do so prior to the commencement of NMED's
117 presentation.

118
119 The following individuals gave public comment:

120
121 Jason Sandel, Assoc. Well Service Allison Kuper
122 Robert Wirtanen, Conoco Phillips Richard Brazfield, AESC, Four Corners
123 Nick Sanchez, NMRC A Dennis Roberts, Assoc. of General Contractors
124 Jim McNally, Tru Touch Technologies

125
126 Following the Board's lunch recess, the Vice-Chair stated that the hearing would commence and
127 that Ms. Herrera would act as Hearing Officer in EIB 08-14 (R).

128
129 Kathy Townsend Court Reporters transcribed the proceedings. All Notices of Intent to Present
130 Technical Testimony were filed and are available for review, as well as public comment
131 correspondence and the hearing transcript in the office of the Environmental Board
132 Administrator, New Mexico Environment Department, 1190 St. Francis Drive, Runnels Building
133 Room N2150, Santa Fe, New Mexico 87505.

134
135 The hearing recessed at 2:25 p.m. and the Board meeting reconvened. Following discussion, it
136 was agreed that a continuation of the hearing in the Occupational Health and Safety Bureau's
137 Proposed Amendments to Illegal Drug and Alcohol Beverage Use regulations, 11.5.2, 11.5.3 and
138 11.5.4 NMAC, EIB 08-14 (R) would be scheduled on the Board's January 5, 2009 agenda.

139
140 **Item 8. Other business**

141
142 None.

143
144 **Item 9. Next meeting: 10:00 a.m. January 5, 2009, Energy, Minerals and Natural**

