State of New Mexico
ENVIRONMENTAL IMPROVEMENT BOARD
Harold Runnels Building, N-2150
1190 St. Francis Drive, P. O. Box 5469
Santa Fe, New Mexico 87502

Environmental Improvement Board Meeting
April 5, 2010
10:00 a.m.
New Mexico State Capitol Room 317
490 Old Santa Fe Trail
Santa Fe, New Mexico 87501

Members Present:

Gregory Green, Vice-Chair
Frank Simms, Secretary
James Gollin, Member
John Horning, Member

Members Absent:

Gay Dillingham, Chair
Abbas Ghassemi, Member

Others Present:

James and Donna Crawford
Rita Bates, NMED/AQB
Robert Samaniego, NMED/
Joshua Grantz, NMED
Sandra Ely, NMED/EPD
Stephen Vigil, Asst. AG Board Counsel
Gail Cooke, NMED/AQB
Andrew Knight, NMED/OGC
Jennifer Hower, NMED/OGC
Bill Grantham, NMED/OGC
Jim Norton, NMED/EPD

The Vice-Chair called the meeting to order at 10:00 a.m.

Item 1. Roll Call

A telephone call was placed to Mr. Ghassemi in order for him to attend the meeting. Mr. Green noted that a quorum was present so it was not necessary for Mr. Ghassemi to attend given the rather poor quality of the phone connection. Mr. Ghassemi agreed.

Vice-Chair Green welcomed the newest Board member, John Horning.

Item 2. Approval of Agenda

Action: **Mr. Simms moved Board approval of the agenda. Mr. Gollin seconded. The motion passed unanimously.**

Item 3. **Approval of March 1, 2010 meeting minutes.**

Action: **Mr. Gollin moved Board approval of the March 1, 2010 minutes. Mr. Horning seconded. The motion passed unanimously.**

Item 4. **Public Comment**

None.

Item 5. **Board update in re: State climate change activities. Jim Norton, NMED/EPD; Sandra Ely, NMED/EPD.**

Mr. Norton noted that he and Ms. Ely, appear before the Board periodically to provide updated information regarding the Department's strategies with respect to climate change issues. The Vice-Chair asked that Mr. Norton and Ms. Ely limit the discussion to general matters and to refrain from discussing any issues relating to current cases before the Board. The ensuing presentation by Mr. Norton and Ms. Ely consisted of a brief background of climate change matters in New Mexico as well as current issues involving implementation of the Western Climate Initiative, an update of the greenhouse gas reporting rule and implementation of the federal greenhouse gas "tailoring" rule.

A discussion among Board members and Ms. Ely and Mr. Norton followed the presentation.

Item 6. **Hearing in re: Revisions to 20.2.1 NMAC, General Provisions, EIB 09-14 (R). Gail Cooke, NMED/AQB; Bill Grantham, NMED/OGC. Frank Simms, Hearing Officer.**

The Vice-Chair noted that Mr. Simms would act as Hearing Officer in EIB 09-14 (R) and turned the meeting over to Mr. Simms.

Kathy Townsend Court Reporters transcribed the hearing. A Notice of Intent to Present Technical Testimony was filed by NMED and is available for review, as well as public comments correspondence and the hearing transcript in the office of the Environmental Improvement Board Administrator, New Mexico Environment Department, 1190 St. Francis Drive, Runnels Building Room 2150 N, Santa Fe, New Mexico 87505.

The meeting recessed and Mr. Simms convened the hearing at 10:47 a.m.

The meeting reconvened.

There was Board discussion regarding the proposed revisions to 20.2.1 NMAC.

Action: **Mr. Simms moved Board adoption of the Revisions to 20.2.1 NMAC, General Provisions, EIB 09-14 (R), as presented by NMED. Mr. Horning seconded.**

Roll Call Vote:

Mr. Gollin	**yes**
Mr. Simms	**yes**
Mr. Horning	**yes**
Mr. Green	**yes**

The motion passed unanimously.

Item 7. **Other business**

The Vice-Chair suggested that Mr. Vigil provide the Board with a status report relating to the Lea County District Court lawsuit No. D-0506-CV2010-00050, Leavell, et al., v. NM Environmental Improvement Board and New Energy Economy. Mr. Vigil discussed the hearing and noted that Judge Shoobridge had taken the matter under advisement and indicated that he would issue a decision in the case within two weeks. There was a discussion relating to the allegations contained in the Plaintiffs' case pleadings.

The Vice-Chair again welcomed the Board's newest member, John Horning.

After a brief scheduling discussion, Mr. Green announced that there would not be a May, 2010 meeting of the EIB.

A brief discussion relating to the authority of the Board Chair with respect to decision-making issues was held.

Item 9. **Next Meeting:** June 21, 2010, 10:00 a.m. State Capitol Room 317, 490 Old Santa Fe Trail, Santa Fe, NM 87501

Item 10. **Adjournment.**

Action: **Mr. Gollin moved for adjournment. Mr. Simms seconded. The motion passed unanimously.**

Gregory Green, Vice-Chair

28/6/2010