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
July 6, 2010
10:00 a.m.
New Mexico State Capitol Room 317
490 Old Santa Fe Trail
Santa Fe, New Mexico 87501

Members Present:

Gay Dillingham, Chair
Gregory Green, Vice-Chair
Frank Simms, Secretary
James Gollin, Member
Leland Gould, Member

Members Absent:

Abbas Ghassemi, Member
John Horning, Member

Others Present:

Please see attached meeting sign-in sheets

Tannis Fox, NMED/OGC
Bill Grantham, NMED/OGC
Michelle Garcia, AG's Office
William Harvey, NM Board of Pharmacy
Stephen Vigil, Asst. AG Board Counsel
Mary Uhl, NMED/AQB
Jim Norton, NMED/EPD
Mary Smith, Asst. AG
Rita Bates, NMED/AQB

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

Item 1. Roll Call

Roll was called and it was noted that a quorum was present.

Item 2. Approval of Agenda

The Chair noted that Item 3, Approval of June 21, 2010 meeting minutes would be removed from today's agenda.

There was a brief discussion regarding agenda scheduling.

Action: **Mr. Gould moved Board approval of the agenda as amended by the Chair. Mr. Simms seconded. The motion passed unanimously.**

Item 3. **Removed from the Agenda.**

Item 4. **Public Comment**

None.

Item 5. **Request for Hearing in re: the Matter of Proposed Revisions to the State Implementation Plan for Regional Haze, EIB 10-05 (R). Bill Grantham, NMED/OGC; Jim Norton, NMED/EPD; Mary Uhl, NMED/AQB.**

Mr. Grantham introduced himself, Mr. Norton and Ms.Uhl and went on to present the Department's position relating to the need for amendment of the regulations relating to regional haze. He specifically noted the necessity for the Best Available Retrofit Technology (BART) with respect to the San Juan Generating Station. He also mentioned that the San Juan Station was the only facility in New Mexico that would be subject to BART. Additionally, he noted that EPA would control the New Mexico Implementation Plan in the future if the State did not meet the EPA November 10, 2010 deadline with respect to the regional haze issue. He asked the Board to set a two-to-three day hearing in this matter on its October 4, 2010 agenda.

A lengthy scheduling discussion ensued among Board members, Department staff and business entities that could be impacted by the proposed amendments to the regulations.

Action: **Mr. Green moved that the Board accept NMED's proposed schedule for hearing setting in EIB 10-05 (R), the State Implementation Plan for Regional Haze on October 4, 2010, and that Mr. Gould be designated Hearing Officer. Mr. Simms seconded.**

<u>Roll Call Vote:</u>

Mr. Green	**yes**
Mr. Gollin	**yes**
Mr. Simms	**yes**
Mr. Gould	**yes**
Ms. Dillingham	**yes**

The motion passed unanimously

Item 6. **Request for Hearing in re: the Matter of Proposed Amendment of 20.9.2.7 (S)(9) NMAC, Definition of Solid Waste, EIB 10-06 (R). Mary Smith, Asst. Atty. General, Counsel for the Board of Pharmacy; William Harvey, Exec. Dir., NM Board of Pharmacy; Michelle Garcia, NM Attorney General's Office.**

Mary Smith, Asst. Atty. General, introduced herself, Mr. Harvey and Ms. Garcia. She explained to the Board the background relating to this hearing request and the need to amend the definition of "solid waste" as that definition relates to unwanted pharmaceuticals. Additionally, she asked that the hearing be held in Albuquerque, if possible.

A brief Board discussion relating to the manner of disposal of the relevant pharmaceuticals was held.

There was a brief discussion regarding what time the October 4 meeting would convene.

Action: **The Chair moved that the Board set the hearing in the matter of the proposed amendment of 20.9.2.7 (S)(9) NMAC, Definition of Solid Waste, EIB 10-06 (R) at 9:00 a.m. on October 4, 2010 and due to the Board's busy schedule, that the hearing be held in Santa Fe and Mr. Gould be designated as Hearing Officer. Mr. Simms seconded.**

The motion passed unanimously.

Item 7. **Hearing in re: Denial of Issuance of Notice of Intent No. 3035-M1-R2 For Helena Chemical Company's Dry Fertilizer Plant, EIB 10-02 (A). Robert Soza, Esq., Jackson Walker Law Firm for Helena Chemical Company; Tannis Fox, NMED/OGC. Time estimate five days (includes one day, July 21, 2010, at the Parish Hall of Our Lady of Perpetual Help, 125 Mesquite Drive, Mesquite, NM.)**

Kathy Townsend Court Reporters transcribed the hearing. All Notice of Intent to Present Technical Testimony were filed and are available for review, as well as public comments correspondence and the hearing transcript in the office of the Water Quality Control Commission Administrator, New Mexico Environment Department, 1190 St. Francis Drive, Runnels Building Room 2150, Santa Fe, New Mexico 87505.

The hearing recessed at 5:00 p.m. on July 9, 2010 to be reconvened on July 21, 2010, at the Parish Hall of Our Lady of Perpetual Help, 125 Mesquite Drive, Mesquite, NM.

Item 8. **Other business**

Item 9. **Adjournment**

Gay Dillingham, Board Chair