

State of New Mexico
ENVIRONMENTAL IMPROVEMENT BOARD
Harold Runnels Building, N-2150
1190 St. Francis Drive, P. O. Box 26110
Santa Fe, New Mexico 87502

Environmental Improvement Board Meeting
September 10, 2007 Meeting
9:00 a.m.

New Mexico Energy, Minerals and Natural Resources Department
Wendell Chino Building, Porter Hall
1220 St. Francis Drive
Santa Fe, New Mexico 87505

Members Present: Gay Dillingham, Chair
Kathi Bearden, Member
Dolores Herrera, Secretary
Soren Peters, Member
Harold Tso, Member

Members Absent: Abbas Ghassemi, Member
Gregory Green, Vice-Chair

Others Present:

Eric Ames, NMED/OGC	Jennifer Pruett, NMED/PSTB
Jim Davis, NMED/PSTB	Beth Ann Gillia, Esq., Institute of Public Law
John Wright, Wright & Associates	Lester Drapela, NMED/AQB
Tracy Hughes, NMED/GC	Anthony Arand, Envirepel Energy
Bryan Bird, Forest Guardians	Jan Eshleman
Bud Latven	Martin Hibbs
Doug Campbell, PNM	Myra Pancrazio, Estancia Valley Economic Dev.
Colin Messer, EMNRD	Maria McCulley
Richard Spencer	Richard Goodyear, NMED/AQB
Lawrence Alire, NMED/AQB	Chuck Noble, NMED/OGC
Zachary Shandler, NM AG's Office	

Chair Gay Dillingham called the meeting to order at 9:05 a.m.

Item 1. Roll Call

The Board administrator took the roll and noted a quorum was present.

Item 2. Approval of Agenda

Action: Mr. Peters moved that the agenda be approved. Mr. Tso seconded.
The motion passed unanimously.

Item 3. Approval of minutes of August 7, 2007 meeting.

Action: Ms. Bearden moved that the Board approve the August 7, 2007 meeting minutes.

Mr. Peters noted that there should be an addition made to the text at line 164 because he had joined Mr. Green in requesting that the various Department bureaus coordinate hearing scheduling.

The motion passed unanimously as amended.

Item 4. Request for hearing in re: Petition by the Petroleum Storage Tank Bureau for Regulatory Change, EIB 07-11 (R). Jennifer Pruett, NMED/PSTB; Jim Davis, NMED/PSTB and Beth Ann Gillia, Esq., Institute of Public Law.

Mr. Davis introduced Ms. Pruett and Ms. Gillia noting that they would be representing the Bureau in requesting the hearing. Ms. Gillia stated that though there were a number of regulatory changes to be made, the Bureau did not anticipate opposition to the changes primarily because of the extensive outreach procedures and programs conducted by the Bureau prior to this request for hearing before the Board. She went on to ask that the Board set the hearing in this matter on its December 4, 2007 meeting agenda.

Mr. Peters moved that the Board set a hearing in this matter on December 4, 2007, possibly extending into December 5, 2007. Ms. Bearden seconded. The motion passed unanimously.

Mr. Peters will act as hearing officer in this matter.

Item 5. Public Comment – a portion of public comment time will be devoted to a continuation of comments on the Estancia Biomass issues.

Ms. Dillingham asked for public comment on general issues.

There being none, she stated that Mr. Green, who had acted as hearing officer in this case, was out of town and would not be participating in the biomass deliberations. She also noted that there was a quorum present and asked Mr. Peters to acknowledge that he had in fact read the hearing transcript and was qualified to deliberate. Mr. Peters replied in the affirmative.

At Ms. Dillingham's request, Mr. Shandler set forth the parameters relating to the scope of the biomass public comment by individuals unable to comment by means other than verbal, and as limited by Hearing Officer Green, to the agreed upon four additional conditions submitted at the hearing and identified as NMED Exhibit F.

Item 6. Deliberations re: Appeal in EIB 07-04 (A) Estancia Biomass Facility. Zachary Shandler, Asst. AG, Board Counsel.

At this juncture, public comment regarding the specific Estancia biomass facility issues commenced. Kathy Townsend Court Reporters transcribed the comments and the Board deliberations. The transcript is available for review in the office of the Environmental Improvement Board Administrator, New Mexico Environment Department, 1190 St. Francis Drive, Runnels Building Room N-2150,

Santa Fe, New Mexico 87505.

The Board took the following action in this matter:

Ms. Bearden moved that the permit for Western Water and Power be approved with five additional conditions. The five conditions are the four that were presented at the hearing in Moriarty as well as the condition that Forest Guardians proposed regarding fuel type at the hearing in Moriarty as well as the inclusion in the preamble regarding forest principles.

Following a lengthy discussion regarding the impact of whatever action the Board might take, a roll call vote was taken.

<u>Board Vote:</u>	
Ms. Bearden	yes
Ms. Dillingham	yes
Ms. Herrera	yes
Mr. Peters	yes
Mr. Tso	yes

The meeting was reconvened by the Chair at 12:25 p.m.

Item 7. Other Business

The Chair asked Mr. Shandler to write a letter on behalf of the entire Board expressing the need for a greater exchange of information, communication and regulation matters among state agencies when those agencies have common interests in specific issues.

Item 8. Next regular meeting – October 2 and 3, 2007, Santa Fe, NM. Hearing in **EIB 07-05 (A)**, Clovis Ethanol Facility, **September 27 and 28, 2007** at the Clovis Civic Center, Enchantment I Ballroom, 801 Schepps Boulevard, Clovis, NM 88101.

The Chair asked which Board members were planning to attend the Clovis hearing. Ms. Herrera, Ms. Bearden and Mr. Tso indicated they would be there. Mr. Peters was unable to attend.

Additionally, Ms. Dillingham polled the Board regarding attendance at the October 2-3, 2007 meeting. The members present indicated they would be attending that meeting.

Item 9. Adjournment

Action: The Chair moved for adjournment at 12:35 p.m.. Ms. Herrera seconded. The motion passed unanimously.

Signature on File

Gay Dillingham, EIB Chair