

*State of New Mexico*  
**ENVIRONMENTAL IMPROVEMENT BOARD**  
*Harold Runnels Building, N-4084*  
*1190 St. Francis Drive, P. O. Box 26110*  
*Santa Fe, New Mexico 87502*

**Approved July 6, 2006**  
**Minutes of the**  
**Environmental Improvement Board Meeting**  
**June 7, 2006 Meeting**  
**9:00 a.m.**

**Lea County Event Center, Event Center Meeting Room**  
**5101 Lovington Highway**  
**Hobbs, New Mexico 88240**

**Members Present:** Kathi Bearden, Member  
Dolores Herrera, Secretary  
Gregory Green, Vice-Chair  
Ken Marsh, Member  
Mr. Soren Peters, Member  
Mr. Harold Tso, Member

**Members Absent:** Gay Dillingham, Chair

**Others Present:**

Chuck Noble, NMED/OGC	James Bearzi, NMED/HWB
Randy Steger	Kathi Dunbar
Gary Richardson	Jerry Reynolds, Lea County

Vice-Chair Green called the meeting to order at 9:00 a.m.

**Item 1: Roll Call**

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

**Item 2: Approval of Agenda**

**Action:** Ms. Herrera moved that the agenda be approved as presented. Mr. Tso seconded. The motion carried unanimously.

**Item 3: Public Comment Period**

Jerry Reynolds, Head of the Environmental Services Department of Lea County, welcomed the Board and NMED staff to Lea County.

**Item 4: Approval of May 2-5, 2006 meeting minutes.**

The Vice-Chair noted an amendment at line 136 of the minutes, replacing *twelve* months with *six* months.

**Action:** **Mr. Peters moved that the minutes of the meeting be approved as amended. Mr. Marsh seconded. The motion carried unanimously.**

**Item 5:** **Hearing and possible decision In the Matter of Proposed Amendment to Hazardous Waste Permit and Corrective Action Fees, EIB 06-01(R). Chuck Noble, NMED/OGC; James B. Harris, Sparton Technology, Inc.**

The Vice-Chair then announced that the hearing would commence and that Mr. Marsh would preside as Hearing Officer for this agenda item. Kathy Townsend Court Reporters transcribed the hearing. All Notices of Intent to Present Technical Testimony were timely filed and are available for review, as well as public comment correspondence and the hearing transcript, in the office of the Environmental Improvement Board Administrator, New Mexico Environment Department, 1190 St. Francis Drive, Runnels Building Rm. 2150, Santa Fe, New Mexico 87505.

The hearing commenced and it was noted by Hearing Officer Marsh at the outset that Sparton Technology, Inc. had withdrawn its Notice of Intent to Present Technical Testimony. The withdrawal document was read into the record.

**Action:** **The Vice-Chair moved to accept the regulations as presented by the Hazardous Waste Bureau with two amendments.**

He then indicated that he felt the Board should discuss and vote on the two amendments separately.

A discussion followed regarding the first amendment proposed by Mr. Green.

**Following Board comments, a roll call vote was taken and the motion relating to a text amendment in the proposed regulations failed; 4 negative, 2 affirmative:**

<u><b>Board vote</b></u>	
<b>Kathi Bearden</b>	<b>no</b>
<b>Gregory Green</b>	<b>yes</b>
<b>Dolores Herrera</b>	<b>yes</b>
<b>Ken Marsh</b>	<b>no</b>
<b>Soren Peters</b>	<b>no</b>
<b>Harold Tso</b>	<b>no</b>

The Board then discussed the second amendment proposed by the Vice-Chair.

**Following Board comments, a roll call vote was taken and the motion to strike a section from the proposed regulations failed; 5 negative; 1 affirmative:**

**Board vote**

<b>Kathi Bearden</b>	<b>no</b>
<b>Gregory Green</b>	<b>yes</b>
<b>Dolores Herrera</b>	<b>no</b>
<b>Ken Marsh</b>	<b>no</b>
<b>Soren Peters</b>	<b>no</b>
<b>Harold Tso</b>	<b>no</b>

**The Vice-Chair then moved that the Board accept the proposed amendments to Hazardous Fee Regulation 20.4.2 NMAC as presented by the New Mexico Environment Department in Exhibit D. Mr. Marsh suggested adding a friendly amendment to the motion allowing the Environment Department to make typographical corrections and add non-substantive text where appropriate. Ms. Bearden seconded. A roll call vote was taken; the motion, as amended, carried.**

**Board vote**

<b>Kathi Bearden</b>	<b>yes</b>
<b>Gregory Green</b>	<b>yes</b>
<b>Dolores Herrera</b>	<b>yes</b>
<b>Ken Marsh</b>	<b>yes</b>
<b>Soren Peters</b>	<b>yes</b>
<b>Harold Tso</b>	<b>yes</b>

**Item 6: Other Business:** The Vice-Chair mentioned that the aspartame issue had been removed from today's agenda because of the hardship created by the necessity of interested parties making the drive to Hobbs to attend the meeting.

**Item 7: Next Meeting – July 6, 2006 in Santa Fe.**

**Item 8: Adjournment:**

**Mr. Marsh moved to adjourn the meeting. Ms. Bearden seconded. The motion carried unanimously, the meeting adjourned at 12:15 p.m., June 7, 2006.**

*Signature on file*

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**Gregory Green, EIB Vice-Chair**