

APPROVE 01/10/03

**STATE OF NEW MEXICO
ENVIRONMENT DEPARTMENT
ENVIRONMENTAL IMPROVEMENT BOARD
HAROLD RUNNELS BUILDING
1190 St. Francis Drive
P.O. Box 26110
Santa Fe, NM 87502-6110
(505) 827-2002 Phone
(505) 827-0310 Fax**

MINUTES OF THE OCTOBER 11, 2002 MEETING

The September meeting of the Environmental Improvement Board (EIB) was held at the City County Government Center in Albuquerque, New Mexico on October 11, 2002. Chairperson Dr. Hilary A. Noskin called the meeting to order at approximately 9:30 a.m.

Item # 1 Roll Call

Members Present: Ms. Cynthia Mojtabai
 Dr. Abbas Ghassemi
 Mr. Cliff P. Brunson
 Dr. Hilary Noskin
 Mr. David Salopek
 Ms. Janice Argabright

Members Absent: Mr. William F. Brainerd

Item # 2 Approval of the Agenda

ACTION: Ms. Salopek made a motion to approve the agenda as presented. Ms. Mojtabai seconded. The motion passed unanimously.

Item #3 Approval of the August 23, 2002 and September 13, 2002 Meeting Minutes.

ACTION: Dr. Ghassemi made a motion to approve the Minutes of the August 23, 2002 meeting as submitted. Mr. Brunson seconded. The motion passed unanimously.

Ms. Mojtabai recommended the following changes to the September 13, 2002 minutes:

- Page 2, item #4 at the end of the paragraph, replace the word requested with suggested.
- Page 2, item #4 at the end of the paragraph, remove the word combined and add – separate but on the same day, in conjunction with one another or combined.

ACTION: **Ms. Mojtabai made a motion to approve the Minutes of the September 13, 2002 meeting as amended. Mr. Brunson seconded. The motion passed unanimously.**

Item #4 **Report on the Implementation Liquid Waste Fee Regulation – Mike Koranda, Director of Field Operations**

Mr. Koranda presented a report on the Implementation Liquid Waste Fee Regulation, which was implemented at the November 9, 2001 hearing. Mr. Koranda noted that the amount of fee revenue collected as of October 4, 2002 is \$384,200. Extrapolating this rate of fee collection over one year results in an estimated annual fee amount collected of \$576,300. Mr. Koranda stated that it is the Department's commitment to provide periodic updates on its progress to implement the fee regulation and on other important liquid waste issues. The Department intends to present its next report to the Board on these matters at the hearing on the proposed amendments to the Liquid Waste Disposal Regulations early next year.

Item #5 **Petition by the Waste Management of New Mexico, Inc. – In the matter of setting for hearing the Air Quality Operating Permit No. P208L. (EIB 02-12P)**

Mr. Virtue requested that the Board set a hearing as soon as possible on the Air Quality Operating Permit No. P208L.

ACTION: **Mr. Brunson made a motion to set a hearing for November 21, 2002 on the Air Quality Operating Permit No. P208L. Mr. Salopek seconded. Motion passed unanimously.**

Item #6 **Decision on the Petition for Hearing for Proposed Replacement of the Drinking Water Regulations Set Forth at 20-7-10 NMAC. (EIB 01-08R)**

ACTION: **Dr. Ghassemi moved that the Board adopt the Proposed Replacement of the Drinking Water Regulations Set Forth at 20-7-10 NMAC. Mr. Brunson seconded. A roll call was taken and below are the results:**

Janice Argabright	Yes
Dr. Abbas Ghassemi	Yes
David Salopek	No
Cliff Brunson	Yes
Cynthia Mojtabai	Abstain
Dr. Hilary Noskin	Yes

Motion passed with a vote of 4-1-1.

Item #7 Discussion and possible action on pre-hearing issues regarding Petitions for Rulemaking by the Industry Working Group and the Environment Department Air Quality Bureau to consider proposed regulatory revisions to 20.2.70, Section 300 and 302, NMAC. (EIB 02-03R & EIB 02-09)

Pat Simpson, Counsel for the Board, noted that two issues need to be discussed:

- Public Notice
- How hearing should occur

Discussion between Mr. Ames, Mr. Rose and the Board occurred on the issues listed above and a the hearing was rescheduled.

ACTION: **Mr. Brunson made a motion to reschedule a hearing for February 13th & 14th, 2002 in regards to the Petitions for Rulemaking by the Industry Working Group and the Environment Department Air Quality Bureau to consider proposed regulatory revisions to 20.2.70, Section 300 and 302, NMAC. Ms. Mojtabai seconded. Motion carried unanimously.**

Item #8 Discussion and possible action on Air Quality Permit No. 325-M-7, EIB 00-06A, regarding order from New Mexico Court of Appeals.

Mr. Simpson, Counsel for the Board, gave an update on the status of the Intel case and gave instructions to the board on the upcoming matters.

Item #9 Other Business

Nothing was discussed at this time.

Item #10 Next Meeting

The next Environmental Improvement Board regularly scheduled meeting and hearing will be on, November 21, 2002.

Item #11 Adjourn

ACTION: **Mr. Salopek made a motion to adjourn. Mr. Brunson seconded. Motion passed unanimously.**