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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
March 1, 2010
10:00 a.m.

New Mexico State Personnel Office Auditorium
Willie Ortiz Building
2600 Cerrillos Road
Santa Fe, New Mexico 87505

Members Present:

Gregory Green, Chair
Gay Dillingham, Member
Frank Simms, Member
Abbas Ghassemi, Member
James Gollin, Member

Members Absent:

None

Others Present:

Stephen Vigil, Asst. AG Board Counsel

Please see attendance sheets for those members of the public that wished to make public comment attached hereto. There were attendance sheets for those members of the public who did not wish to make public comment however those sheets were lost.

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

Item 1. Roll Call

Roll was taken and it was noted that a quorum was present. Chair Green noted that Mr. Ghassemi had called and would be arriving late.

Chair Green welcomed the newest Board member, James Gollin.

Item 2. Approval of Agenda

The Chair requested that the Agenda be amended by moving Item 7, Election of officers to follow Item 5, Request for Hearing in EIB 10-01 (A).

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**Action: Ms. Dillingham moved approval of the agenda as amended.
Mr. Simms seconded. The motion passed unanimously.**

Item 3. Approval of January 11, 2010 meeting minutes.

**Action: Mr. Simms moved Board approval of the January 11, 2010 minutes.
Ms. Dillingham seconded. The motion passed unanimously.**

Item 4. Public Comment (unrelated to Public Comment in EIB 08-19 (R))

None.

**Item 5. Request for Hearing in re: No Permit Required Determination
for Horizon Ag-Products, LP's Cuba Humate Processing Facility,
EIB 10-01 (A). Louis Rose, Esq., Montgomery & Andrews for
Horizon Ag- Products; Andrew Knight, NMED/OGC.**

Mr. Rose discussed his client's position regarding the hearing request and added that he intended to work with the Department and to also seek a determination from EPA with respect to the issue at hand in order to resolve the matter. Mr. Knight noted that the Department was amenable to resolution of the matter and that he would also be involved in seeking an EPA determination. There was a brief discussion relating to scheduling.

**Action: Ms. Dillingham moved that the Board tentatively schedule the hearing
in the No Permit Required Determination for Horizon Ag-Products
LP's Cuba Humate Processing Facility, EIB 10-01 (A), on the
Board's September, 2010 meeting agenda.**

Mr. Vigil, Board Counsel, inquired whether the Petitioner was waiving the sixty-day hearing setting requirement. Mr. Rose affirmed that was the case and noted that he would file a formal waiver of the sixty-day requirement on behalf of his client.

Mr. Simms seconded.

Roll Call Vote:

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

The motion passed unanimously.

The Chair stated that the Board would proceed to Item 6. in order to give Mr. Ghassemi a little more time to make his way from Albuquerque.

93 **Item 6. Hearing in re: Appointment of new Hearing Officer; Public**
94 **Comment Only on the Adoption of New Regulations and Amendment**
95 **of Various Sections of 20.2.1, 20.2.2, 20.2.70 and 20.2.72 NMAC, to**
96 **Create a Statewide Cap on Greenhouse Gas Emissions and Promul-**
97 **gating other Requirements, EIB 08-19 (R). Gay Dillingham, Hearing**
98 **Officer**
99

100 Ms. Dillingham stated that as this case increased in size and complexity, there have been
101 discussions with Felicia Orth the Department's Hearing Officer and that Ms. Orth has
102 agreed to act as Hearing Officer in this matter.
103

104 **Action: Mr. Green moved that the Board appoint Ms. Orth to act as Hearing**
105 **Officer in EIB 08-19 (R). Mr. Gollin seconded.**
106

107 **Roll Call Vote:**
108

109	Mr. Simms	yes
110	Mr. Gollin	yes
111	Ms. Dillingham	yes
112	Mr. Green	yes

113

114 **The motion passed unanimously.**
115

116 At 10:20 a.m. the hearing in case **EIB 08-19 (R)**, Adoption of New Regulations and
117 Amendment of Various Sections of 20.2.1, 20.2.2, 20.2.70 and 20.2.72 NMAC to Create
118 a Statewide Cap on Greenhouse Gas Emissions and Promulgating other Requirements,
119 commenced. Maureen Costello of Hunnicutt, Costello Reporting, Inc. transcribed the
120 hearing. The transcript is available for review in the Office of the Environmental
121 Improvement Board Administrator, New Mexico Environment Department, 1190 St.
122 Francis Drive, Runnels Building Room N-2150, Santa Fe, New Mexico 85701.
123

124 The Chair discussed alternatives regarding how the Board might proceed in terms of
125 holding the election of officers since Mr. Ghassemi was still experiencing traffic
126 difficulties. Mr. Simms suggested that the Board wait for Mr. Ghassemi to arrive before
127 proceeding with the election. Chair Green announced that the Board would wait for his
128 arrival and hold the election at a convenient time in the course of the proceedings.
129

130 Mr. Ghassemi arrived at 10:30 a.m.
131

132 After the morning portion of the hearing which was devoted, in general, to those persons
133 supporting NEE's petition, the Board meeting reconvened in order to elect new officers.
134

135 **Item 7. Election of officers**
136

137 Following Board discussion, Mr. Green asked for nominations for Chair. Mr. Ghassemi
138 moved the election of Ms. Dillingham as Chair. Mr. Green seconded.

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Roll Call Vote:

Mr. Simms	yes
Mr. Ghassemi	yes
Mr. Gollin	yes
Ms. Dillingham	yes
Mr. Green	yes

The motion passed unanimously.

The Chair asked for nominations for Vice-Chair. Ms. Dillingham moved the election of Mr. Green as Vice-Chair. Mr. Gollin seconded.

Roll Call Vote:

Mr. Gollin	yes
Mr. Ghassemi	yes
Ms. Dillingham	yes
Mr. Simms	yes
Mr. Green	no

The motion passed.

Ms. Dillingham moved the election of Mr. Simms as Board Secretary. Mr. Gollin seconded.

Roll Call Vote:

Mr. Green	yes
Ms. Dillingham	yes
Mr. Ghassemi	yes
Mr. Gollin	yes
Mr. Simms	no

The motion passed.

The Board then recessed for lunch.

The hearing was reconvened at 2:05 p.m.

Item 8. Other Business

None

184 **Item 9.** **Next Meeting:** April 5, 2010, 10:00 a.m. State Capitol Room 317,
185 490 Old Santa Fe Trail, Santa Fe, NM 87501

186
187 **Item 10.** **Adjournment.**

188
189 **Action:** **The Chair adjourned the meeting.**

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Gregory Green, Chair

NM ENVIRONMENTAL IMPROVEMENT BOARD MEETING
March 1, 2010
Sign-In Sheet

Please Print Legibly

PERSONS WHO WANT TO MAKE PUBLIC COMMENT

- ✓ Name Maude Granham-Richards
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- ✓ Name Teddy Nez
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Name _____
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- ✓ Name Jim Ferland - Against
Address or Email _____
- ✓ Name Scott David Alhara
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NM ENVIRONMENTAL IMPROVEMENT BOARD MEETING
March 1, 2010
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✓ Name Scott Scanland

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✓ Name Kennay Rayroux

Address or Email KR@CO.EDDY.NM.US - In opposition

✓ Name Henry Varela - C In opposition

Address or Email 443 PASEO ROJA PL. NE RIO RANCHO NM 87124

✓ Name Steve McCutcheon - Against

Address or Email _____

✓ Name Vern Hershberger - Against

Address or Email _____

✓ Name Gerges Scott - against

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✓ Name Bill Cathey - against

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NM ENVIRONMENTAL IMPROVEMENT BOARD MEETING
March 1, 2010
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Please Print Legibly

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NM ENVIRONMENTAL IMPROVEMENT BOARD MEETING
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- ✓ Name Louise Benally Pro
Address or Email louisebenally@gmail.com
- ✓ Name MAC JUAREZ / continental divide electric / ~~PRO~~
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NM ENVIRONMENTAL IMPROVEMENT BOARD MEETING

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NM ENVIRONMENTAL IMPROVEMENT BOARD MEETING

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NM ENVIRONMENTAL IMPROVEMENT BOARD MEETING
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NM ENVIRONMENTAL IMPROVEMENT BOARD MEETING

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NM ENVIRONMENTAL IMPROVEMENT BOARD MEETING
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NM ENVIRONMENTAL IMPROVEMENT BOARD MEETING
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Name Pat Simpson Com.

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✓ Name Cecilia Abeyta (opp.)

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NM ENVIRONMENTAL IMPROVEMENT BOARD MEETING
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Name Bill Medlin

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NM ENVIRONMENTAL IMPROVEMENT BOARD MEETING
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Name Jerry Partin CON

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PERSONS WHO WANT TO MAKE PUBLIC COMMENT

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Name Gabrielle Kotoski

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Name Michelle Henrie

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Name _____

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Name _____

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(10)

NM ENVIRONMENTAL IMPROVEMENT BOARD MEETING

March 1, 2010

Sign-In Sheet

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PERSONS WHO WANT TO MAKE PUBLIC COMMENT

Name Marta Nystrom CON

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Name _____

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Name _____

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