

State of New Mexico
Environmental Improvement Board
Harold Runnels Building, Room N-2150
1190 St. Francis Drive
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Santa Fe, New Mexico 87502
Phone: (505) 827-0339
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Susana Martinez
Governor

**Draft
Agenda
Meeting of the
Environmental Improvement Board**

**February 6, 2012
9:00 a.m.
Old PERA Building, Apodaca Hall
1120 Paseo De Peralta
Santa Fe, New Mexico 87501**

The following items are for discussion and possible action:

1. Roll Call
2. How Notice Requirements Were Met for the Meeting
3. Approval of Agenda
4. Public Comment Unrelated to Agenda Items
5. Approval of meeting minutes, January 3, 2012
6. Request for hearing in **EIB 11-19 (A)**, Petition for a hearing on Title V Operating Permit No. P098-R2, Williams Four Corners LLC. Richard Griffith, Richard L. Griffith, LLC, Elizabeth A. Joyner , Senior Counsel, Williams Four Corners LLC, Andrew Knight, OGC/ NMED. Time Estimate: 30 Minutes

7. Statement of reasons in **EIB 11-13 (R)**, Amendments to Petroleum Storage Tank Regulations, throughout 20.5.1--20.5.18 NMAC and proposed new Part 20.5.19; Stephen Vigil, AGO.
Time Estimate: 30 Minutes

8. Adoption of Open Meetings Act Resolution for 2012, Stephen Vigil, AGO. Time Estimate: 5 Minutes

9. Deliberations in **EIB 11-15/17 (R)**, Proposed repeal of regulations, 20.2.350 NMAC-Greenhouse Gas Cap and Trade Provisions; 20.2.300 NMAC-Reporting of Greenhouse Gas Emissions and 20.2.301-Greenhouse Gas Emissions-Verification Requirements.
Time Estimate: 3- 6 Hours

10. Executive session to discuss pending litigation.
Stephen Vigil, NMAGO. Time estimate: 30 Minutes-1 Hour
 - a. Helena Chemical Co. v. NMED and N.M. Environmental Improvement Board COURT OF APPEALS No. 31,037
Appeal of EIB 10-02(A); 10-11(A). Air Quality Permit Adjudication.

 - b. City of Farmington and Farmington Electric Utility System v. N.M. Environmental Improvement Board COURT OF APPEALS No. 30,897
Appeal of EIB 10-04(R): Cap and Trade Provisions.

 - N.M. Oil and Gas Association v. N.M. Environmental Improvement Board COURT OF APPEALS No. 30,898
Appeal of EIB 10-04(R): Cap and Trade Provisions.

 - Tri-State Generation and Transmission Association, Inc. v. N.M. Environmental Improvement Board COURT OF APPEALS No. 30,899
Appeal of EIB 10-04(R): Cap and Trade Provisions.

Southwestern Public Service Company v. N.M. Environmental Improvement Board	COURT OF APPEALS No. 30,901 Appeal of EIB 10-04(R): Cap and Trade Provisions.
Public Service Co. of N.M. v. N.M. Environmental Improvement Board	COURT OF APPEALS No. 30,902 Appeal of EIB 10-04(R): Cap and Trade Provisions.
Independent Petroleum Association of N.M. v. N.M. Environmental Improvement Board	COURT OF APPEALS No. 30,907 Appeal of EIB 10-04(R): Cap and Trade Provisions.
El Paso Electric Co. v. N.M. Environmental Improvement Board	COURT OF APPEALS No. 30,908 Appeal of EIB 10-04(R): Cap and Trade Provisions.
c. N.M. Oil & Gas Ass'n, et al. v. N.M. Environmental Improvement Board	COURT OF APPEALS No. 30,952 Appeal of EIB 10-09(R): Greenhouse Gas Reporting
Tri-State Generation and Transmission Association, Inc. v. N.M. Environmental Improvement Board	COURT OF APPEALS No. 30,953 Appeal of EIB 10-09(R): Greenhouse Gas Reporting

	Independent Petroleum Association of N.M. v. N.M. Environmental Improvement Board	COURT OF APPEALS No. 30,954 Appeal of EIB 10-09(R): Greenhouse Gas Reporting
d.	City of Farmington and Farmington Electric Utility System v. N.M. Environmental Improvement Board	COURT OF APPEALS No. 31,015 Appeal of EIB 08-19(R): New Energy Economy
	Independent Petroleum Association of N.M. v. N.M. Environmental Improvement Board	COURT OF APPEALS No. 31,016 Appeal of EIB 08-19(R): New Energy Economy
	N.M. Oil & Gas Ass'n, et al. v. N.M. Environmental Improvement Board	COURT OF APPEALS No. 31,017 Appeal of EIB 08-19(R): New Energy Economy
	El Paso Electric Co. v. N.M. Environmental Improvement Board	COURT OF APPEALS No. 31,018 Appeal of EIB 08-19(R): New Energy Economy
	Tri-State Generation and Transmission Association, Inc. v. N.M. Environmental Improvement Board	COURT OF APPEALS No. 31,019 Appeal of EIB 08-19(R): New Energy Economy

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| | Public Service Co.
of N.M. v. N.M.
Environmental
Improvement
Board | COURT OF APPEALS No. 31,020

Appeal of EIB 08-19(R): New Energy
Economy |
| | Southwestern
Public Service
Company v. N.M.
Environmental
Improvement
Board | COURT OF APPEALS No. 31,021

Appeal of EIB 08-19(R): New Energy
Economy |
| e. | Link Summers v.
Environmental
Improvement
Board v. New
Mexico
Environment
Department | COURT OF APPEALS No. 31,774

Appeal re EIB 11-08 (R) |

11. Other business

12. Update on:

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| Martinez et
al. v. EPA | 10th Cir. COURT OF APPEALS 11-9567 and
associated cases |
| Petitioners: | Susana Martinez
New Mexico Environment Department |
| Respondent: | U.S. Environmental Protection Agency |
| Intervenors: | WildEarth Guardians
Public Service Company of New Mexico
Dine Citizens Against Ruining Our Environment
National Parks Conservation Association
New Energy Economy
San Juan Citizens Alliance
Sierra Club |

13. Board Member Comments and Questions

14. Next meeting—March 16, 2012

Coming up:

- a) Deliberations in **EIB 11-16(R)** on **March 16**, Proposed repeal of regulations regarding greenhouse gas reduction program, 20.2.100 NMAC

- b) No meeting on **April 2, 2012** or in April
- c) Continuation of hearing in **EIB 11-18 (R)** on **May 7**, Proposed Revisions to 20.7.10, NMAC Drinking Water Regulations, Bill Grantham, NMED/OGC.
- d) No meeting on **July 5, 2012** or in July

15. Adjournment

If you are an individual with a disability who needs a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, contact Carmella Casados at least ten days prior to the meeting or as soon as possible at 505.827.2425 or carmella.casados1@state.nm.us. Public documents can be provided in various accessible formats. Contact Carmella Casados if an accessible format is needed.