

State of New Mexico
Environmental Improvement Board
Harold Runnels Building, Room N-2150
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Susana Martinez
Governor

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

**January 3, 2012
9:00 a.m.
Room 307, State Capitol Building
490 Old Santa Trail
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, November 7, 2011
6. Update on progress of stakeholder outreach and consensus development for Liquid Waste Regulation Amendments, Dennis McQuillan, LWB/NMED, Jace Ensor, NMOWA, Ralph Baker, POWRA. Time Estimate: 30 Minutes

7. Hearing in **EIB 11-18 (R)**, Proposed Revisions to 20.7.10, NMAC Drinking Water Regulations, Bill Grantham, NMED/OGC
Time Estimate: 1 Hour

8. Deliberations of hearing 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; Jennifer Hower, OGC/ NMED. Time Estimate: 2 Hours

9. 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
- 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)

10. Other business

11. Update on:

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

12. Board Member Comments and Questions

13. Next meeting—February 7, 2012

Coming up:

- a) Deliberations in **EIB 11-15/17(R)**, on **February 7**, Proposed repeal of regulations requiring greenhouse gas emissions reporting and verification, and the cap and trade program, 20.2.300, -301, -350 NMAC.
- b) Deliberations in **EIB 11-16(R)** on **March 5**, Proposed repeal of regulations regarding greenhouse gas reduction program, 20.2.100 NMAC
- c) Scheduling for 2012.

14. 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.