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

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

Members Present: Deborah Peacock, Chair
John Volkerding, Vice Chair
Elizabeth Ryan, Secretary
Jeffrey Bryce, Member
Timothy Morrow, Member
James Casciano, Member
Greg Fulfer, Member

Members Absent: None

Others Present: Stephen Vigil, Board Counsel
Carmella Casados, Administrator
Felicia Orth, Hearing Officer
Cheryl Arreguin, Court Reporter
Andrew Knight/NMED
Bill Grantham, OGC/ NMED
Angela Cross, DWB, NMED
Jennifer Hower, OGC/ NMED
Others-See attached sign-in sheets

Item 1. Roll Call

Roll was called; a quorum was present.

Item 2. How Notice Requirements Were Met

Ms. Casados described how notice requirements were met for the meeting consistent with the Board's Open Meetings Act Resolution.

Item 3. **Approval of Agenda**

Action: Mr. Morrow moved Board approval of the agenda. Mr. Casciano seconded the motion. The motion passed unanimously.

Item 4. **Public Comment Unrelated to Agenda Items**

Action: No public comment offered.

Item 5. **Approval of meeting minutes, January 3, 2012.**

Action: Ms. Peacock moved Board approval of the meeting minutes. Mr. Bryce seconded the motion. The motion passed unanimously.

Item 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.

Action: Mr. Knight requested that the request for hearing in EIB 11-19 (A), Petition for a hearing on Title V Operating Permit No. P098-R2, Williams Four Corners LLC be moved to the March 16, 2012 agenda.

Item 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.

Action: Ms. Ryan move to approve Chair's additional amendments to the statement of reasons in EIB 11-13 (R). Mr. Bryce seconded the motion. The motion passed unanimously.

Item 8. Adoption of Open Meetings Act Resolution for 2012, Stephen Vigil, AGO.

Action: Ms. Ryan moved to approve Chair's amendments to the Open Meetings Act Resolution for 2012. Mr. Casciano seconded the motion. The motion passed unanimously.

Item 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.

The deliberations in EIB 11-15/17 (R) were recorded and transcribed by Cheryl Arreguin of Kathy Townsend Court Reporters. The transcript is available in the office of the Board Administrator.

Action: Ms. Ryan moved to repeal part 350. Mr. Bryce seconded the motion. The motion passed unanimously with members Casciano and Fulfer recusing.

Mr. Morrow moved to repeal part 300. Mr. Bryce seconded the motion. The motion passed unanimously with members Casciano and Fulfer recusing.

Ms. Ryan moved to repeal part 301. Mr. Bryce seconded the motion. The motion passed unanimously with members Casciano and Fulfer recusing.

Item 10. Executive session to discuss pending litigation. Stephen Vigil, NMAGO.

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)

Action: The Board came back into open session at 2:49 P.M. The Board took no action in closed session and discussed no other business.

Item 11. **Other business.**

None

Item 12. **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

Item 13. **Board Member Comments and Questions.**

None

Item 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. Request for hearing in **EIB 11-19 (A)** on **March 16**, 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.
c. No meeting on **April 2, 2012**
d. 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
e. No meeting in **July 5, 2012** or in July.

Item 15. **Adjournment.**

Ms. Peacock adjourned the meeting.

Board Secretary