



**STATE OF NEW MEXICO  
ENVIRONMENTAL IMPROVEMENT BOARD  
Harold Runnels Building, Room S-2100  
1190 St. Francis Drive  
Santa Fe, New Mexico 87505  
Phone: (505) 827-2425  
Fax: (505) 827-2818**

**MINUTES  
MEETING OF THE ENVIRONMENTAL IMPROVEMENT BOARD  
July 17, 2015  
10:00 A.M.  
Room 307, State Capitol Building  
490 Old Santa Fe Trail  
Santa Fe, New Mexico 87501**

**Members present:** John Volkerding, Chair  
Matthew Holt, Member  
Timothy Morrow, Member  
James Casciano, Vice-Chair (Conference call)  
Greg Fulfer, Member

**Member absent:**

**Others present:** Joseph Dworak, Assistant Attorney General  
Pam Castañeda, Board Administrator  
Others—please see the attached sign-in sheets

**Item 1. Roll call.**

Roll was called; a quorum was present.

The Chair read regulation 20.1.2 regarding why it is impossible for a Board member to appear in person and have to participate by teleconference. Vice-Chair Casciano confirmed.

**Item 2. How notice requirements were met for the meeting.**

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

**Item 3. Approve the agenda.**

**Action:** Mr. Fulfer moved to approve the agenda. Mr. Holt seconded. The motion passed unanimously.



**STATE OF NEW MEXICO  
ENVIRONMENTAL IMPROVEMENT BOARD  
Harold Runnels Building, Room S-2100  
1190 St. Francis Drive  
Santa Fe, New Mexico 87505  
Phone: (505) 827-2425  
Fax: (505) 827-2818**

**Item 4. Approval of meeting minutes from May 15, 2015.**

**Action:** The Chair made one correction on page 1 by changing Vice-Chair Casciano's to Vice-Chair. Mr. Holt asked to insert "because" into the second paragraph on the same page. Mr. Morrow moved to approve the meeting minutes as amended. Mr. Holt seconded. The motion passed unanimously with Mr. Fulfer abstaining from voting because he had been absent from the previous meeting.

**Item 5. Public comment unrelated to agenda items.**

**Action:** There were no public comments unrelated to the agenda items.

**Item 6. Adoption of Annual Open Meetings Act Resolution**

**Action:** There were a couple of changes to the Open Meetings Act Resolution. The start time was changed from 10:00 a.m. to 9:00 a.m. and the regular meeting schedule changed from every month to every other month. Mr. Holt moved to approve the 2015-2016 Open Meetings Act Resolution. Mr. Fulfer seconded. The motion passed unanimously.

**Item 7. EIB 15-03 (R), Proposed Repeal of 20.2.36 NMAC. Petroleum Refinery-Sulfer. Request for Hearing.**

**Action:** John Verhuel, Office of General Counsel introduced Mark Jones with the Air Quality Bureau. Mr. Jones gave a brief explanation of the Proposed Repeal of 20.2.36 NMAC. Mr. Morrow moved to set the hearing for December 18, 2015. Mr. Fulfer seconded. Mr. Holt offered to serve as the Hearing Officer.

**Item 8. The Board may enter into Closed Executive Session pursuant to the Open Meetings Act, NMSA 1978, Section 10-15-1(H)(3) and (7) for discussion of matters related to an adjudicatory proceeding and potential legal action with regard to EIB 15-02 (A), Title V Air Quality Permit P-100-R2. No vote or formal action shall take place in executive session.**

**Action:** The Chair reviewed the history of 15-02 (A). Mr. Holt moved to enter into Closed Executive Session as noted on the agenda and as authorized by the Open Meetings Act to discuss limited matters related to an adjudicatory proceeding and potential legal action with regard to EIB 15-02 (A), Title V Air Quality Permit P-100-R2. Mr. Fulfer seconded. The motion passed unanimously.

A roll call vote was taken by the Board Administrator to go into executive session. All Board members were in favor. The motion carried.



STATE OF NEW MEXICO  
ENVIRONMENTAL IMPROVEMENT BOARD  
Harold Runnels Building, Room S-2100  
1190 St. Francis Drive  
Santa Fe, New Mexico 87505  
Phone: (505) 827-2425  
Fax: (505) 827-2818

The Board entered into Closed Executive Session at 10:19 a.m.

The Board returned to open session at 11:01 a.m. The matters discussed during the Closed Executive Session were limited only to those specified in the motion for closure and no votes or official action were taken during the closed session.

**Item 9. EIB 15-02 (A) –Title V Air Quality Permit P100-R2. Deliberations and possible action on Motion to Dismiss.**

**Action:** The Board members deliberated regarding the Motion to Dismiss. Mr. Holt moved to deny the motion. Vice-Chair Casciano seconded. The other Board members supported denying the motion other than Mr. Fulfer. The Board denied the Motion to Dismiss filed by the New Mexico Environment Department by a vote of four to one. The hearing is set for October 16, 2015.

**Item 10. Other business.**

**Action:** None.

**Item 11. Board member comments and questions.**

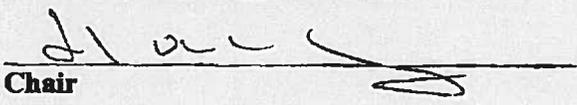
**Action:** Mr. Dworak, board counsel, clarified that there had been an issue with the Open Meetings Act. There had been a complaint relating to recording the votes. The Open Meetings Act requires that the votes be recorded and should reflect, which members have voted or a roll call vote should be taken to show who has voted. A voice vote in favor is unanimous unless there is an objection or no vote. All votes should be reflected in the meeting minutes.

**Item 12. Next meeting.**

**Action:** Meetings are scheduled for the third Friday of every other month. The next meeting is scheduled for September 18, 2015.

**Item 13. Adjournment.**

Mr. Volkerding adjourned the meeting at approximately 11:09 a.m.

  
Chair