

*State of New Mexico*  
***Environmental Improvement Board***  
*Harold Runnels Building, Room N-2150*  
*1190 St. Francis Drive*  
*P.O. Box 5469*  
*Santa Fe, New Mexico 87502*  
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*Susana Martinez*  
*Governor*

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

**September 4, 2012  
9:00 a.m.  
Room 307, State Capitol Building  
490 Old Santa Fe 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. Approval of meeting minutes, August 6 and August 13, 2012
5. Public Comment Unrelated to Agenda Items
6. Request for Hearing in **EIB 12-05**, Petition for Proposed Revisions to 20.2.70 NMAC-Operating Permits, and 20.2.74-Permits-Prevention of Significant Deterioration. Bill Grantham, OGC/NMED and Kerwin Singleton, AQB/NMED. Time estimate: 10 minutes
7. Deliberations in **EIB 11-18 (R)**, Proposed Revisions to 20.7.10 NMAC, New Mexico Drinking Water Regulations. Bill Grantham, NMED/OGC; Angela Faye Cross, Andrew Edmondson, NMED/DWB. Beth Ryan, Hearing Officer. Time estimate: 6 hours

8. Adoption of Statement of Reasons in **EIB 12-02 (A)**, Appealing the Denial of Relocation Application No. 3617R3 issued to Ki-Stone Environmental. Mark Reynolds, NMAGO.

9. Update on:

Martinez et al. v. EPA      10th Cir. COURT OF APPEALS 11-9567 and associated cases and administrative actions

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

Mark Reynolds, NMAGO, and Ryan Flynn, NMED/OGC.

Time estimate: 15 minutes

10. Executive session to discuss pending litigation.

Mark Reynolds, NMAGO.      Time estimate: 30 Minutes

a.      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.
b. Western Resource Advocates, and New Energy Economy v. Environmental Improvement Board	COURT OF APPEALS No. 32,056  Appeal of EIB 11-15(R): Repeal of Rule 350, Greenhouse Gas Cap-and- Trade Provisions

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|    | Western Resource Advocates, and New Energy Economy v. Environmental Improvement Board             | COURT OF APPEALS No. 32,055<br><br>Appeal of EIB 11-17(R): Repeal of Rules 300 and 301, Greenhouse Gas Emissions Reporting and Verification Requirements |
| c. | N.M. Oil & Gas Ass'n, et al. v. N.M. Environmental Improvement Board                              | COURT OF APPEALS No. 30,952<br><br>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<br><br>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<br><br>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<br><br>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<br><br>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

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| e. | Western Resource Advocates and New Energy Economy v. Environmental Improvement Board | COURT OF APPEALS No. 32,177<br><br>Appeal of EIB 11-16 (R), repeal of Part 100, Greenhouse Gas Emissions Cap |
| f. | Link Summers v. Environmental Improvement Board v. New Mexico Environment Department | COURT OF APPEALS No. 31,774<br><br>Appeal re EIB 11-08 (R)   |

11. Other business

12. Board Member Comments and Questions

13. Next two meetings:      **October 29-30, 2012 and December 3, 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 Felicia Orth at least ten days prior to the meeting or as soon as possible at 505.827.0339 or felicia.orth@state.nm.us. Public documents can be provided in various accessible formats. Contact Felicia Orth if an accessible format is needed.*