

*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*

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

**August 6, 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. Public Comment Unrelated to Agenda Items
5. Approval of meeting minutes, July 7, 2012
6. Request for hearing in **EIB 12-03 (R)**, Proposed Revisions to 20.2.99 NMAC- Conformity to the State Implementation Plan of Transportation Plans, Programs and Projects. Bill Grantham, NMED/OGC; Gail Cooke, NMED/AQB.  
Time estimate: 10 minutes.
7. Request for hearing in **EIB 12-04 (R)**, Proposed Revisions to the Infrastructure State Implementation Plan for the Nitrogen Dioxide National Ambient Air Quality Standard. Bill Grantham, NMED/OGC; Michael Baca, NMED/AQB.  
Time estimate: 10 minutes.

8. Briefing on Liquid Waste Assistance for Indigent Households. Dennis McQuillan, NMED/LWP; Ralph Baker Dotson, POWRA and Jace Ensor, NMOWA. Time estimate: 10 minutes.
9. Hearing and possible deliberations in **EIB 12-01 (R)**, to Consider Proposed Amendments to the Liquid Waste Disposal and Treatment Regulations, 20.7.3 NMAC. Andrew Knight, NMED/OGC; Dennis McQuillan, NMED/LWP; Ralph Baker Dotson and Eugene Bassett, POWRA; Carl Stubbs and Jace Ensor, NMOWA; Susan C. Kery, Sheehan & Sheehan, and Dennis F. Hallahan for Infiltrator Systems, Inc. Felicia Orth, Hearing Officer Time estimate: 6 hours

10. 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

11. 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.

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

<p>Independent Petroleum Association of N.M. v. N.M. Environmental Improvement Board</p>	<p>COURT OF APPEALS No. 31,016  Appeal of EIB 08-19(R): New Energy Economy</p>
<p>N.M. Oil &amp; Gas Ass'n, et al. v. N.M. Environmental Improvement Board</p>	<p>COURT OF APPEALS No. 31,017  Appeal of EIB 08-19(R): New Energy Economy</p>
<p>El Paso Electric Co. v. N.M. Environmental Improvement Board</p>	<p>COURT OF APPEALS No. 31,018  Appeal of EIB 08-19(R): New Energy Economy</p>
<p>Tri-State Generation and Transmission Association, Inc. v. N.M. Environmental Improvement Board</p>	<p>COURT OF APPEALS No. 31,019  Appeal of EIB 08-19(R): New Energy Economy</p>
<p>Public Service Co. of N.M. v. N.M. Environmental Improvement Board</p>	<p>COURT OF APPEALS No. 31,020  Appeal of EIB 08-19(R): New Energy Economy</p>
<p>Southwestern Public Service Company v. N.M. Environmental Improvement Board</p>	<p>COURT OF APPEALS No. 31,021  Appeal of EIB 08-19(R): New Energy Economy</p>

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

12. Other business

13. Board Member Comments and Questions

14. Next two meetings –

August 13, 2012, including hearing in **EIB 12-02**, Appeal of Denial of Relocation Application by KI-Stone Environmental; and

September 4, 2012, including deliberations in **EIB 11-18 (R)**, Proposed Revisions to 20.7.10, NMAC Drinking Water Regulations.

Meetings scheduled during the remainder of 2012:  
October 1, November 5 and December 3

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 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.*