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

MEETING MINUTES
Environmental Improvement Board Meeting
October 29-30, 2012 9:00 a.m.
Room 307, State Capitol Building
490 Old Santa Fe Trail
Santa Fe, New Mexico 87501

Members Present: Deborah Peacock, Chair
Elizabeth Ryan, Secretary
Greg Fulfer, Member
James Casciano, Member
Timothy Morrow, Member

Members Absent: John Volkerding, Vice-Chair

Others Present: Mark Reynolds, Board Counsel
Felicia Orth, Hearing Officer
Pam Castañeda, Administrator
Cheryl Arreguin Court Reporter
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. Orth described how notice requirements were met for the meeting consistent with the Board's Open Meetings Act Resolution.

Item 3. Approval of Agenda

Action: Chair Peacock proposed one change to the agenda: In item #8, the words "possible deliberations" were deleted because the transcripts are needed before the deliberations. Mr. Morrow moved to approve the agenda as amended. Mr. Casciano seconded the motion. The motion passed unanimously.

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

Action: None.

Item 5. **Approval of meeting minutes, August 13, 2012 and September 4, 2012**

Action: Mr. Morrow moved Board approval of the meeting minutes as presented. Mr. Fulfer seconded the motion. The motion passed unanimously.

Item 6. **Statement of Reasons in EIB 12-02 (A), Appealing the Denial of Relocation Application No. 3617R3 issued to KI-Stone Environmental. Mark Reynolds, NMAGO.**

Action: Chair Peacock recused herself from hearing this matter. Ms. Ryan moved Board approval of the Statement of Reasons. Mr. Casciano seconded the motion. The motion passed unanimously.

Item 7. **Statement of Reasons in EIB 11-18 (R), Proposed Revisions to 20.7.10 NMAC Drinking Water Regulations. Mark Reynolds, NMAGO.**

Action: Mrs. Ryan moved Board approval of the Statement of Reasons. Mr. Casciano seconded the motion. The motion passed unanimously.

Item 8 **Resumption of Hearing 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, Dennis F. Hallahan for Infiltrator Systems, Inc. Felicia Orth, Hearing Officer**

Action: The continuation of the hearing in EIB 12-01 (R) was recorded and transcribed by Cheryl Arreguin of Kathy Townsend Court Reporters. The transcript is available in the office of the Board Administrator.

The hearing was concluded on October 30.

Item 9. Executive Session to discuss pending litigation.
Sean Cunniff, NMAGO

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
	Western Resource Advocates, and New Energy Economy v. Environmental Improvement Board	COURT OF APPEALS No. 32,055 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 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.	Western Resource Advocates and New Energy Economy v. Environmental Improvement Board	COURT OF APPEALS No. 32,177 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 Appeal re EIB 11-08 (R)

Action: Chair Peacock moved to enter into executive session to discuss items 9a through 9f. Mr. Morrow seconded the motion. The motion passed unanimously after a roll call vote. The Board went back on the record at 9:25 a.m. The Board took no action during the Executive Session and discussed no other matters.

Item 9. **Board Member Comments and Questions.**

Action: None.

Item 10. **Next two meetings: December 3, 2012 and January 7, 2012**

Action: None.

Item 11. **Adjournment.**

Ms. Peacock adjourned the meeting at approximately 4:45 p.m.

Board Secretary