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

MINUTES
Environmental Improvement Board Meeting
June 10, 2013
10:00 a.m.
Room 322, State Capitol Building
490 Old Santa Fe Trail
Santa Fe, New Mexico 87501

Members Present: Deborah Peacock, Chair
Elizabeth Ryan, Secretary
Greg Fulfer, Member (Conference call)
Timothy Morrow, Member
James Casciano, Member
Matthew Holt, Member

Members Absent: John Volkerding, Vice Chair

Others Present: Mark Reynolds, Board Counsel
Felicia Orth, Hearing Officer
Pam Castañeda, Administrator
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. Castañeda 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 further revised agenda. Mr. Casciano seconded the motion. The motion passed unanimously.

Item 4. **Approval of meeting minutes April 15, 2013**

Action: Mr. Holt moved Board approval of the meeting minutes. Mr. Casciano seconded the motion. The motion passed unanimously.

Item 5. **Public Comment Unrelated to Agenda Items**

Action: Mr. Ryan Flynn, NMED Cabinet Secretary-Designate, introduced Jeff Kendall as the new NMED General Counsel, Kay D'Souza and Kevin Powers as new Assistants General Counsel and Jason Alexander as intern.

Item 6. **Request for Hearing in EIB 13-02 (R), regarding the Regional Haze State Implementation Plan (SIP) with respect to the determination of best available retrofit technology (BART) for nitrogen oxides from the San Juan Generating Station.**

Action: Mr. Grantham and Ms. Bates provided an update regarding the Regional Haze and State Implementation Plan. Ms. Bates requested a hearing for September 5th and 6th to be held in Farmington. Mr. Fulfer moved that the hearing be set as requested. Ms. Ryan seconded. The motion passed unanimously.

Item. 7 **Request for Hearing in EIB 13-03 (R), regarding the Interstate Transport State Implementation Plan (SIP) with respect to visibility.**

Action: Ms. Bates requested that a hearing be set immediately following the EIB 13-02 (R) hearing set for September 5th and 6th, also to be held in Farmington if the revisions are adopted. Mr. Morrow moved that the hearing be set as requested. Mr. Holt seconded. The motion passed unanimously.

Item 8. **Executive session to discuss pending litigation**

a. 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
b. 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 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
c.	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
	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. N.M. v. N.M. Environmental Improvement Board	COURT OF APPEALS No. 31,020 of 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
d.	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

Action: Mr. Holt moved to enter into executive session to discuss items 8a through 8d at 10:22 a.m. Mr. Casciano seconded the motion. The open session resumed at 10:40 a.m. No action was taken and no other matters were discussed during closed session.

Item 9. **Other Business**

Action: Ms. Bates requested that hearings be set at the July meeting to be held in the fall on the Clean Car rules repeal and to revise the State Implementation Plan for the Grant County Carbon Sulfur Dioxide Standard.

Item 10. **Board Member Comments and Questions**

Action: Change in schedule for the upcoming meetings.

Item 11. **Next meeting: July 15, 2013**

Action: **Upcoming meetings:**

September 5-6, 2013 in Farmington.
October 8, 2013 in Silver City
November 7 and 8, 2013 in Santa Fe

Item 12. **Adjournment**

Ms. Peacock adjourned the meeting at approximately 10:45 a.m.

Board Secretary