



STATE OF NEW MEXICO
ENVIRONMENTAL IMPROVEMENT BOARD
Harold Runnels Building, Suite S-2102
1190 St. Francis Drive
Santa Fe, New Mexico 87505
Phone: (505) 827-2425
Fax: (505) 827-2836

MEETING MINUTES
MEETING OF THE ENVIRONMENTAL IMPROVEMENT BOARD
January 24, 2020
9:00 A.M.

Harold Runnels Building, Runnels Auditorium
1190 South Saint Francis Drive
Santa Fe, New Mexico 87505

Members present: John Volkerding, Chair
Phoebe Suina, Vice Chair

Barry Bitzer, Member
Karl Cates, Member
Dr. Benjamin Duval, Member
Karen Garcia, Member

Members absent: Amanda Trujillo Davis, Secretary

Others present: Cody Barnes, Board Administrator
Marah deMeule, Board Counsel
Karla Soloria, Board Counsel
Christopher Vigil, Assistant General Counsel, New Mexico Environment
Department
Michael Broussard, Liquid Waste Program Manager

The following items are for discussion and possible action:

The Chair called the Board into order at 9:15 A.M.

Item 1. Roll call.

Action: Roll was called; a quorum was present.

Item 2. Approve the agenda.

Action: Member Bitzer moved to approve the agenda. Member Duval seconded the motion. The Chair called a voice vote. The motion passed unanimously.

Item 3. How notice requirements were met for the meeting.

Action: Board Administrator Barnes described how notice requirements were met for the meeting consistent with the Board's Open Meetings Act Resolution.

Item 4. Approval of meeting minutes from December 20, 2019.

Action: Member Bitzer moved to approve the meeting minutes from the meeting on December 20, 2019. Member Duval seconded the motion. The Chair called a voice vote. The motion passed unanimously.

Item 5. Public comment unrelated to agenda items.

Action: There was no public comment.

Item 6. Election of Chair, Vice Chair and Secretary.

Action: Member Bitzer moved for Chair Volkerding to remain the Chair for 2020. Member Cates seconded the motion. The Chair called a voice vote. The motion passed unanimously.

The Chair moved for Vice Chair Suina to remain the Vice Chair for 2020. Member Bitzer seconded the Motion. The Chair called a voice vote. The motion passed unanimously.

The Chair moved for Secretary Trujillo Davis to remain the Secretary for 2020. Member Bitzer seconded the Motion. The Chair called a voice vote. The motion passed unanimously.

Item 7. Discussion on the filing of New Mexico Environment Department's Motion for Extension of Time. In the matter of periodic review from the Department pursuant to 20.7.11.17 NMRA, Liquid Waste Treatment and Disposal Fees. Chris Vigil, counsel for the New Mexico Environment Department. The Environmental Improvement Board may render a decision on the New Mexico Environment Department's Motion for Extension of Time following the discussion.

Action: Michael Broussard and Chris Vigil informed the Board why the Motion for Extension of Time was filed.

Member Bitzer moved to grant the Motion for Extension of Time. Member Garcia seconded the motion. The Chair called a voice vote. The motion passed unanimously.

Item 8. Discussion on the filing of petition, docketing of case, Motion to Dismiss, and pending Unopposed Motion to Withdraw the January 8, 2020 Motion for Dismissal and Stay Proceedings. EIB 19-55, In the Matter of the Petition for a Hearing of OXY USA WTP Limited Partnership on the Title V Operating Permit P103-Rs MY for the Indian Basin Gas Plant. Owen Johnson, counsel for the New Mexico Environment Department. J. Scott Janoe, counsel for OXY USA WTP Limited Partnership. The Environmental Improvement Board may render a decision on the Unopposed Motion to Withdraw the January 8, 2020 Motion for Dismissal and Stay Proceedings following the discussion.

Action: The Chair informed the Board of the New Mexico Environment Department's Notice of Withdrawal of Permitting Action. There was no action on item 8.

Item 9. Deliberations on Rulemaking Hearing; EIB 19-35(R), In the Matter of the Proposed Amendments to the Hazardous Waste Regulations 20.4.2 NMAC and 20.4.3 NMAC. Christal Weatherly and Andrew Knight, counsel for the New Mexico Environment Department. Jodi Velasco, counsel for the Department of Defense. Charles de Saillan, counsel for Nuclear Watch New Mexico. The Environmental Improvement Board may render a decision following the hearing.

Action: The Board deliberated on the rulemaking hearing held during the December 20, 2019 public hearing.

Member Bitzer moved the adoption of 20.4.3 NMAC minus paragraph C of section 402. The Chair seconded the motion. The Chair called a roll call vote. The motion did not pass 3-3 (Member Bitzer aye; Member Cates nay; Member Duval aye; Member Garcia nay; Vice Chair Suina nay; and Chair Volkerding aye).

Member Bitzer moved the adoption of 20.4.3 NMAC in its entirety. The Chair seconded the motion. The Chair called a roll call vote. The motion passed 5-1 (Member Bitzer aye; Member Cates aye; Member Duval aye; Member Garcia aye; Vice Chair Suina aye; and Chair Volkerding nay).

Member Cates moved the adoption of 20.4.2 NMAC in its entirety. Member Duval seconded the motion. The Chair called a roll call vote. The motion did not pass 2-4 (Member Bitzer nay; Member Cates aye; Member Duval nay; Member Garcia aye; Vice Chair Suina nay; and Chair Volkerding nay).

Member Bitzer moved to approve new unit types in 20.2.4 NMAC, including associated review times and definitions, as proposed by the department. The Chair seconded the motion. The Chair called a roll call vote. The motion passed 6-0 (Member Bitzer aye; Member Cates aye; Member Duval aye; Member Garcia aye; Vice Chair Suina aye; and Chair Volkerding aye).

Member Bitzer moved to approve 20.2.4 NMAC excluding the changes in existing review times. The Chair seconded the motion. The Chair called a roll call vote. The motion passed 5-1 (Member Bitzer aye; Member Cates aye; Member Duval aye; Member Garcia nay; Vice Chair Suina aye; and Chair Volkerding aye).

The Chair moved for the Chair to work with the Department to edit the Board's Final Order and Statement of Reasons. Member Duval seconded the motion. The Chair called a voice vote. The motion passed unanimously.

Item 10. Next meeting is scheduled for February 28, 2020.

Action: There will be a public rulemaking procedure on EIB 19-42 (R). The Board agreed to start at 10:00 A.M.

Item 8. Adjournment

Action: The meeting was adjourned at 11:00 A.M.


Amanda Trujillo Davis, Secretary