



STATE OF NEW MEXICO
ENVIRONMENTAL IMPROVEMENT BOARD
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DRAFT MEETING MINUTES

MEETING OF THE ENVIRONMENTAL IMPROVEMENT BOARD

February 28, 2020

10:00 A.M.

PERA Building

33 Plaza la Prensa

Santa Fe, New Mexico 87507

Members present: John Volkerding, Chair
Phoebe Suina, Vice Chair
Amanda Trujillo Davis, Secretary

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

Members absent:

Others present: Cody Barnes, Board Administrator
Melayna Ortiz, New Mexico Environment Department
Karla Soloria, Board Counsel
Cheryl Arreguin, Albuquerque Court Reporting Services
Christopher Vigil, Assistant General Counsel, New Mexico Environment
Department
Michael Broussard, Liquid Waste Program Manager
William Chavez, Environmental Health Bureau Chief
Link Summers, Pro Se
Ralph Baker Dotson, Professional Onsite Wastewater Reuse Association
of New Mexico
Eugene Bassett, Professional Onsite Wastewater Reuse Association
of New Mexico
Donald Becker, Professional Onsite Wastewater Reuse Association
of New Mexico
Kevin Vigil, Professional Onsite Wastewater Reuse Association
of New Mexico

40 **The following items are for discussion and possible action:**

41
42 The Chair called the Board into order at 9:15 A.M.

43
44 **Item 1. Roll call.**

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46 **Action:** Roll was called; a quorum was present.

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48 **Item 2. Approve the agenda.**

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

52
53 **Item 3. How notice requirements were met for the meeting.**

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

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58 **Item 4. Approval of meeting minutes from January 24, 2020.**

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60 **Action:** Member Duval moved to approve the meeting minutes from the meeting on January
61 24, 2020. Member Bitzer seconded the motion. The Chair called a voice vote. The
62 motion passed unanimously.

63
64 **Item 5. Public comment unrelated to agenda items.**

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66 **Action:** There was no public comment.

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68 **Item 6. Rulemaking Proceeding; EIB 19-42(R), In the Matter of the Proposed Repeal
69 and Replacement of 20.7.11 NMAC. Chris Vigil, counsel for the New Mexico
70 Environment Department. Link Summers, Koi Environmental. Ralph Baker
71 and Eugene Bassett, Professional Onsite Wastewater Reuse Association of
72 New Mexico. The Environmental Improvement Board may render a decision
73 following the hearing.**

74
75 **Action:** Ms. Cheryl Arreguin from Albuquerque Court Reporting Services transcribed
76 agenda item 6. The transcript is available for review at the Board Administrator's
77 Office at 1190 South Saint Francis Drive, Santa Fe, New Mexico, 87505. A copy
78 can be obtained from Albuquerque Court Reporting Service, LLC. Post Office Box
79 56787, Albuquerque, New Mexico, 87187, or (505) 806-1202.

80
81 Hearing Officer Benjamin Duval provided an explanation of the hearing process.

82
83 Chris Vigil, NMED Assistant General Counsel; William Chavez, Environmental
84 Health Bureau Chief; and Michael Broussard, Liquid Waste Program Manager
85 gave an opening statement and provided their technical testimony. They were cross

86 examined as a panel by the Board; Link Summers, pro se; and Donald Becker,
87 Professional Onsite Wastewater Reuse Association of New Mexico.

88
89 Link Summers provided his opening statement and technical testimony. He was
90 cross-examined by the Board and Chris Vigil.

91
92 Ralph Baker Dotson, Professional Onsite Wastewater Reuse Association of New
93 Mexico, provided his opening statement and technical testimony. He was cross-
94 examined by the Board and Link Summers.

95
96 Chris Vigil, Link Summers, and Donald Becker presented their closing statements
97 respectively.

98
99 Board Administrator Barnes entered the sign-in sheet into evidence as EIB exhibits
100 one and two.

101
102 After the public hearing, the Board deliberated on the proceedings.

103
104 Member Bitzer moved to approve the repeal and replacement of 20.7.11 NMAC as
105 proposed in NMED exhibit 24 minus 20.7.11.8 paragraph F NMAC; subtracting
106 the word “biennial” in 20.7.11.19 NMAC; and restoring the words “of each year”
107 where they have been stricken. Member Garcia seconded the motion. The Chair
108 called a voice vote. The motion passed unanimously.

109
110 **Item 7. Adoption of EIB Open Meetings Act Resolution for 2020. Karla Soloria, Board**
111 **Counsel.**

112
113 **Action:** Board Counsel provided an overview of the EIB Open Meetings Act Resolution for
114 2020. Member Bitzer moved to approve the Resolution for 2020. Member Duval
115 seconded the motion. The Chair called a voice vote. The motion passed
116 unanimously.

117
118 **Item 8. Next meeting is scheduled for March 27, 2020.**

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120 **Action:** Board Administrator Barnes stated there were no items yet for the March meeting.
121 Members Duval and Bitzer mentioned they will not be able to attend the March
122 meeting. The Chair mentioned the possibility of canceling the meeting due to a
123 lack of business.

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125 **Item 8. Adjournment**

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127 **Action:** The meeting was adjourned at 3:30 P.M.

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Amanda Trujillo Davis, Secretary