



**STATE OF NEW MEXICO  
ENVIRONMENTAL IMPROVEMENT BOARD  
Harold Runnels Building, Suite S-2102  
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**MEETING MINUTES  
MEETING OF THE ENVIRONMENTAL IMPROVEMENT BOARD  
January 22, 2021  
1:00 P.M.  
Virtual Meeting on Webex**

**Members present:** John Volkerding, Chair  
Barry Bitzer, Member  
Karen Garcia, Member  
Karl Cates, Member  
Dr. Benjamin Duval, Member  
Phoebe Suina, Vice Chair  
Amanda Trujillo-Davis, Secretary

**Others present:** Pam Jones, Board Administrator  
Madai Corral, OPF Staff  
Karla Soloria, Board Counsel  
Christopher Vigil, Counsel, NMED  
Lara Katz, Counsel NMED  
Michael Broussard, LWP  
Kirby Olson  
Melinda Owens  
Melissa Fetman  
William Chavez  
Andrew Tarrant  
Daniel Timmons  
Joseph Kimbrell  
Olivia Yu  
Ted Schooley  
Louis Rose  
Vanessa Springer  
Matt Nykiel

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

The Chair called the Board into order at 1:01 P.M.

**Item 1. Roll call.**

**Action:** The Administrator called the roll; a quorum was present. Chair Volkerding discussed the protocol of the virtual meeting. He provided contact information for any individual experiencing technical issues. He mentioned the items on the agenda were time sensitive, which allowed the Board to meet virtually, per advice from the Open Government Division of the Attorney General's Office. Chair Volkerding pointed out that Administrator Jones will video record the meeting and will post the recording on the Board's website as soon as practicable after the meeting.

**Item 2. Approve the agenda.**

**Action:** Member Garcia moved to approve the agenda. Member Bitzer seconded the motion. The Chair called a roll call vote. Member Bitzer: aye; Member Cates: aye; Member Duval: aye; Member Garcia: aye; Member Suina: aye; Member Trujillo Davis: aye; Chair Volkerding: aye. The motion passed.

**Item 3. Approval of meeting minutes from September 25, 2020.**

**Action:** Member Bitzer moved to approve the meeting minutes from the meeting on September 25, 2020. Member Garcia seconded the motion. The Chair called a roll call vote. Member Bitzer: aye; Member Cates: aye; Member Duval: aye; Member Garcia: aye; Member Suina: aye; Member Trujillo Davis: aye; Chair Volkerding: aye. The motion passed.

**Item 4. Board deliberation on LWP EIB 21-01: *In the Matter of 20.7.11.17 NMAC NMED's Motion for Extension of Time.***

**Action:** Christopher Vigil, Counsel for NMED presented the issue. The Department is required to provide to the EIB an Annual Report for review by January 15<sup>th</sup> 2020. Due to the events of January 6<sup>th</sup> and the subsequent closing of all State buildings, an extension of time is requested to prepare the required Report.

Chair Volkerding moved to approve the Extension of Time. Member Garcia seconded the Motion. The Chair called a roll call vote. Member Bitzer: aye; Member Cates: aye; Member Duval: aye; Member Garcia: aye; Member Suina: aye; Member Trujillo Davis: aye; Chair Volkerding: aye. The motion passed.

**Item 5. Board deliberation on EIB 20-21(A) and 20-33(A): *In the Matter of the Appeals of the Air Quality Permit No. 7482-M1 Issued to 3 Bear Delaware Operating – NM LLC and Registration Nos. 8729, 8730, and 8733 Under General Construction Permit for Oil and Gas Facilities.***

**Action:** Counsel Soloria suggested that the Board hear the Motion to Recuse first. Counsel

Soloria stated that the Motion was filed under the Board's rule which is specific to a member's obligation to recuse him or herself. Counsel Soloria asked Member Trujillo-Davis to make her decision whether to recuse herself. Member Trujillo-Davis denied to recuse herself based on the argument of authority and response to the Motion.

Chair Volkerding asked if there were any questions from the Board on the Report on Recommended Decision. Hearing none, Chair Volkerding summarized the Report as saying the burden of proof was not met by the Petitioners. His recommendation on both Petitions was for the Board to deny the Petitioner's request. The Board discussed the Petitions. Chair Volkerding moved to deny both the Petitions for EIB 20-21A and 20-33A. Member Duval seconded the motion. The Chair called a roll call vote. Member Bitzer: aye; Member Cates: aye; Member Duval: no; Member Garcia: aye; Member Suina: aye; Member Trujillo Davis: aye; Chair Volkerding: aye. The motion passed with 6 votes in the affirmative and one vote no.

Chair Volkerding then moved to adopt the Order attached to the Hearing Officer's Report. Member Bitzer seconded the motion. The Chair called a roll call vote. Member Bitzer: aye; Member Cates: aye; Member Duval: aye; Member Garcia: aye; Member Suina: aye; Member Trujillo Davis: aye; Chair Volkerding: aye. The motion passed.

**Item 6. Election of Officers.**

**Action:** Chair Volkerding made the Motion to nominate Member Trujillo-Davis as Chair. Member Cates made the motion to nominate Member Suina as Chair and Member Trujillo-Davis as Vice Chair. Member Garcia seconded the Motion to nominate Member Suina as Chair. Chair Volkerding called a roll call vote. Member Bitzer: aye; Member Cates: aye; Member Duval: aye; Member Garcia: aye; Member Suina: aye; Member Trujillo Davis: aye; Chair Volkerding: aye. The motion passed.

Chair Suina called for a nomination for the position of Secretary. Member Garcia nominated Member Cates for the position of Secretary. Member Volkerding seconded the Motion. The Chair called a roll call vote. Member Bitzer: aye; Member Cates: aye; Member Duval: aye; Member Garcia: aye; Member Trujillo Davis: aye; Member Volkerding: aye. Chair Suina: aye. The motion passed

**Item 7. Adoption of EIB Open Meetings Act Resolution for 2021. Karla Soloria, Board Counsel.**

**Action:** Counsel Soloria presented the Open Meetings Act Resolution for 2021-2022. Chair Suina called for a Motion to Adopt the Open Meetings Act for 2021-22. Member Garcia made the Motion, Member Bitzer seconded the Motion. The Chair called a roll call vote. Member Bitzer: aye; Member Cates: aye; Member Duval: aye; Member Garcia: aye; Member Trujillo Davis: aye; Member Volkerding: aye. Chair Suina: aye. The motion passed

**Item 8.** Next meeting – February 26, 2021.

**Item 9:** Adjournment

**Action:** Chair Suina called for a Motion to adjourn. Member Bitzer moved to adjourn, Member Cates seconded the Motion. The Chair called a roll call vote. Member Bitzer: aye; Member Cates: aye; Member Duval: aye; Member Garcia: aye; Member Trujillo Davis: aye; Member Volkerding: aye. Chair Suina: aye. The motion passed and the meeting adjourned at 1:54 P.M.

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Karl Cates, Secretary