



**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) 827-2818**

**Meeting Minutes
Meeting of the Environmental Improvement Board
December 18, 2015
9:00 A.M.
State Capitol Building, Room 322
490 Old Santa Fe Trail
Santa Fe, New Mexico 87501**

Members present: John Volkerding, Chair
James Casciano, Vice-Chair (Teleconference)
Matthew Holt, Member
Timothy Morrow, Member
Christopher Timm, Member

Member absent: Greg Fulfer, Member

Others present: Pam Castañeda, Board Administrator
Joseph Dworak, Assistant Attorney General

Item 1. Roll call.

Roll was called; a quorum was present.

Item 2. How notice requirements were met for the meeting.

Ms. Castañeda described how notice requirements were met for the meeting consistent with the Board's Open Meetings Act Resolution.

Item 3. Approve the agenda.

Action: Mr. Morrow moved to approve the agenda as presented. Mr. Timm seconded the motion. The motion passed unanimously.

Item 4. Public comment unrelated to agenda items.

Action: There were no public comments unrelated to the agenda items.



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Item 5. EIB 15-02 (A) . In the Matter of Title V Air Quality Permit No. P100-R2 Los Alamos National Laboratory, Tewa Women United, Dr. Maureen Merritt and Concerned Citizens for Nuclear Safety. Discussion and possible action by the Board regarding its decision on the appeal.

Action: The Board deliberated and discussed possible action on hearing EIB 15-02(A).

Kathy Townsend of Kathy Townsend Court Reporters recorded and transcribed the hearing in EIB 15-02 (A). The transcript is available in the office of the Board Administrator.

Mr. Volkerding moved to deny the petitioners' petition and request for relief, because the petitioners did not meet their burden of persuasion on the issues brought up during the hearing. Mr. Holt seconded the motion. The motion passed unanimously.

Item 6. EIB 15-03 (R). In the Matter of Proposed Repeal of 20.2.36 NMAC- Petroleum Refinery-Sulfar. Public Hearing.

Action: The Hearing Officer conducted the hearing in accordance with the EIB rulemaking procedures found in 20.1.1 NMAC

Kathy Townsend of Kathy Townsend Court Reporters recorded and transcribed the hearing in EIB 15-03 (R). The transcript is available in the office of the Board Administrator.

John Verheul, Office of General Counsel introduced his witness Mark Jones, environmental analyst with the Air Quality Bureau who provided testimony for the New Mexico Environment Department.

Leslie Porter, Director of the Office of Business Advocacy for the New Mexico Economic Development Department and the Small Business Regulatory Advisory Commission, provided public comment.

Mr. Holt moved to grant the petition and repeal 20.2.36 NMAC. Mr. Timm seconded the motion. The motion passed unanimously.

Item 7. EIB 15-01 (R). In the Matter of Proposed Amendments to Air Quality Regulations 20.2.77, 20.2.78 and 20.2.82 NMAC. Public Hearing.



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Action: The Hearing Officer conducted the hearing in accordance with the EIB rulemaking procedures found in 20.1.1 NMAC.

Kathy Townsend of Kathy Townsend Court Reporters recorded and transcribed the hearing on the Motion for Stay in EIB 15-01 (R). The transcript is available in the office of the Board Administrator.

Kay Bonza, Office of General Counsel introduced her witness Cindy Hollenberg, Environmental Analyst with the Air Quality Bureau who provided testimony for the New Mexico Environment Department.

Leslie Porter, Director of the Office of Business Advocacy for the New Mexico Economic Development Department and the Small Business Regulatory Advisory Commission, provided public comment.

Mr. Holt moved to approve the revisions to grant the petition 15-01 (R) and proposed amendments to 20.2.77, 20.2.78 and 20.2.82 NMAC. Mr. Morrow seconded the motion. The motion passed unanimously.

Item 8. EIB 15-04 (R) In the Matter of Proposed Amendments to 7.6.2 NMAC Food Service and Food Processing. Public Hearing.

Action: The Hearing Officer conducted the hearing in accordance with EIB rulemaking procedures found in 20.1.1 NMAC.

Kathy Townsend of Kathy Townsend Court Reporters recorded and transcribed the hearing in EIB 15-04 (R). The transcript is available in the office of the Board Administrator.

Andrew Knight, Office of General Counsel introduced his witness Johnathan Gerhardt, Food Program Manager, who provided testimony for the New Mexico Environment Department.

Mr. Timm moved to adopt and approve the proposed amendments to 7.6.2 NMAC, Food Service and Processing. Mr. Volkerding clarified, during the hearing, that there was discussion regarding the Department's Second Amended Petition with changes to the regulation. The Second Amended Petition was filed



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with the Board Administrator on December 17, 2015. Mr. Holt and Mr. Casciano seconded the motion. The motion passed unanimously.

Item 9. Board member comments and questions.

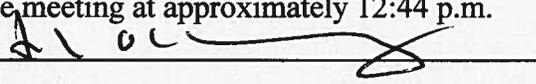
Action: None

Item 10. Next meeting: April 15, 2016.

Action: The Board schedules meetings the third Friday of every other month. The next meeting is April 15, 2016.

Item 9. Adjournment.

Mr. Volkerding adjourned the meeting at approximately 12:44 p.m.



Chair