

1 APPROVED March 1, 2005

2 ENVIRONMENTAL IMPROVEMENT BOARD
3 MINUTES
4 OF THE
5 JANUARY 4, 2005 MEETING
6

7 The New Mexico Environmental Improvement Board (EIB) Meeting was held on
8 January 4, 2005, at the New Mexico State Library in Santa Fe, New Mexico.
9

10 **Item #1: Roll Call**

11
12 Members Present: Ms. Gay Dillingham, Chair
13 Mr. Clifford Stroud, Vice Chair
14 Mr. Harold Tso, Member
15 Mr. Ken Marsh, Member
16 Ms. Dolores Herrera, Member
17

18 Members Absent: Mr. Gregory Green, Secretary
19 Ms. Gwen Wardwell, Member
20

21 Others Present: Sally Worthington Felicia Orth
22 Mary Smith, AGO Jan Waye
23 Joe McCutcheon John Renner
24 Ken Holder Art Bouffard
25 Charles Clamurro Robert Cachalane
26 Michael Heuman Jon King
27 Ted Strehlau Belinda Bowling
28 Rusty Fausnaugh Chris McGuinn
29

30 **Item #2: Approval of Agenda**

31
32 The following changes were made:
33

- 34 • Move Item #6 before Item #5 and re-number.
35 • Item #7 to be stayed.
36 • Other business – at the end of the meeting will discuss continuation of the Liquid
37 Waste Regulations Hearing.
38

39 **ACTION: Mr. Tso made a motion to approve agenda as amended.**
40 **Mr. Stroud seconded. Motion carried unanimously.**
41

42 **Item #3: Public Comment Period – 9:30 am – 10:00 am**

43
44 None at this time.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48

Item #4: Approval of the December 7, 8 & 9, 2004 Meeting Minutes

Mr. Tso asked about an amendment to the October 5, 2004 Meeting Minutes regarding his declaring of himself qualified to vote on the matter of the Convenience Stores, having read all the material. Ms. Worthington, Acting Board Administrator, later checked and found the wording in the October 5, 2004 minutes on line 87.

ACTION: Mr. Tso made a motion to approve the December 7, 8 & 9, 2004 meeting minutes as presented. Mr. Marsh seconded. Motion carried unanimously.

Item #5: Request for Hearing re: changes to Radiation Protection Regulations – John Parker, Radiation Control Bureau.

Mr. Parker needs to file a petition first so he will request to be on the April Agenda to request a hearing. He apologized for not being prepared at this time.

Item #6: Hearing and possible decision to consider repeal of 7 NMAC 18.1, recompiled on 10/31/01 as 7.18.2 NMAC, “Public Swimming Pools and Public Baths” and addition of four new parts governing Public Swimming Pool, Spa, and Bath General Provisions, Design and Construction, Operation and Maintenance, and Fees at 7.18.2 through 7.18.5 NMAC.

A public hearing was held at the New Mexico State Library, Yucca Room #2022, Santa Fe, New Mexico on January 4, 2005, regarding the repeal of 7 NMAC 18.1, recompiled on 10/31/01 as 7.18.2 NMAC, “Public Swimming Pools and Public Baths” and addition of four new parts governing Public Swimming Pool, Spa, and Bath General Provisions, Design and Construction, Operation and Maintenance, and Fees at 7.18.2 through 7.18.5 NMAC starting at approximately 11 A.M. on January 4, 2005. In attendance were Clifford Stroud, Hearing Officer (filling in for Greg Green, who was unable to attend), and the Board Members listed above. This hearing was transcribed and the transcripts will be in the custody of the Administrator. It is available for viewing upon request.

At the conclusion of the hearing Mr. Stroud announced the record is now closed. The following action was taken after deliberations:

ACTION: Mr. Tso made a motion to repeal existing 7 NMAC 18.1, the 1995 compilation, entitled “Public Swimming Pools and Public Baths”. Mr. Stroud seconded. Motion carried unanimously.

ACTION: Mr. Stroud made a motion to adopt Exhibit #4 in the proposed regulations as proposed by the Environment Department. Ms. Herrera seconded. A roll call vote was taken and the results are as follows:

1
2 **Mr. Stroud** Yes
3 **Ms. Dillingham** Yes
4 **Mr. Tso** Yes
5 **Ms. Herrera** Yes
6 **Mr. Marsh** No

7
8 **Motion carries with 1 No vote by Mr. Marsh.**

9
10 **ACTION: Ms. Herrera made a motion to adopt all changes into the proposed**
11 **regulations cited and outlined in the document supplied by the NMED**
12 **to the EIB and read and entered into the record as Exhibit Number**
13 **11, the title of which is “Public Swimming Pool Rules, EIB Hearing**
14 **January 4, 2005, Response to Public Comment Letters from**
15 **USAquatics and the National Swimming Pool Foundation”. Mr. Tso**
16 **seconded. Motion carried unanimously.**
17

18
19 **ACTION: Mr. Stroud made a motion that the Board authorize the Chair, Ms.**
20 **Dillingham, to sign the Statement of Reasons resulting from this**
21 **hearing. Mr. Marsh seconded. Motion carried with 1 No vote by Mr.**
22 **Tso.**
23

24
25 **Item #7: Hearing and possible decision to consider proposed amendments to**
26 **Operating Permits 20.2.70 NMAC. (EIB 04-10)**
27

28 The hearing will be scheduled for May 3, 4 & 5, 2005 and start at 9 AM each day, with
29 Mr. Marsh presiding as Hearing Officer.

30
31 **Item #8: Other Business**
32

33 To continue the Liquid Waste Disposal Regulations, 20.7.3 NMAC hearing, it is
34 necessary to give a 60-day notice so it will be scheduled for April 5 & 6, 2005 starting at
35 9 AM each day.
36

37 **Item #9: Next Meeting**
38

39 The next regularly scheduled meeting of the Environmental Improvement Board is
40 scheduled for April 5, 2005.
41

42 **Item #10:Adjourn**
43

44 **Ms. Dillingham adjourned the meeting at 4:30 PM.**
45
46

47 _____
48 EIB Chair