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Approved April 5, 2005

ENVIRONMENTAL IMPROVEMENT BOARD

MINUTES OF THE March 1, 2005 MEETING

The New Mexico Environmental Improvement Board (EIB) Meeting was held on March 1, 2005 at the Wild Oats Community Room in Santa Fe, New Mexico.

Item #1: Roll Call

Members Present: Ms. Gay Dillingham, Chair
Mr. Clifford Stroud, Vice Chair
Mr. Harold Tso, Member
Mr. Ken Marsh, Member
Ms. Dolores Herrera, Member (9:15 am)

Members Absent: Mr. Gregory Green, Secretary

Others Present: Sally Worthington (NMED) Barbara Claire (NMED)
Mary Smith, AGO
Walter Medina (NMED/RCB) John Parker (NMED/RCB)
Stanley Fitch (NMED RCB) Tracy Hughes (NMED)
Leslie Barnhart (NMED) Lany Weaver (NMED)

Item #2: Approval of Agenda

The following change were made:

- Item No. 7: was struck from the Agenda. Hearing and possible decision on Petition by Mr. Lawrence S. Alba to revoke Air Quality Permit 1879-M1 for Mesa Oil Company to operate a McRae Furnace for Burning Oil Filters. (EIB 04-15). NMED's Notice of Withdrawal of Permitting Action was filed Friday, February 25, 2005

**ACTION: Mr. Marsh made a motion to approve the Agenda as amended.
Mr. Tso seconded. Motion carried unanimously.**

- Item No. 7 was added back on the Agenda. A report from counsel, Tannis Fox, NMED, will be made on Petition by Mr. Lawrence S. Alba to revoke Air Quality Permit 1879-M1 for Mesa Oil Company to operate a McRae Furnace for Burning Oil Filters. (EIB 04-15).

**ACTION: Mr. Tso made a motion to approve the Agenda as amended.
Mr. Marsh seconded. Motion carried unanimously.**

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

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5 • None at this time.

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9 **Item #4: Approval of the January 4, 2005 Meeting Minutes**

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11 **ACTION: Mr. Tso made a motion to approve the Minutes as presented .**
12 **Mr. Marsh seconded. Motion carried unanimously.**

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17 **Item # 5: Consideration of and possible action on NMED's Motion for the**
18 **Board to Resume Deliberations and Reopen the Record in EIB No. 04-06 (Petition**
19 **for Public Hearing to Consider Adoption of 20.2.66 NMAC – Cotton Gins**

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21 **ACTION: Ms. Herrera made a motion to resume deliberations in EIB No. 04-06.**
22 **Mr. Stroud seconded. Motion carried unanimously.**

23
24 The following actions were taken after deliberation and discussion by the Board:

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26 **ACTION: Mr. Stroud made a motion to reopen the record for acceptance of the**
27 **additional evidence labeled NMED Exhibit 6 and thereafter accept**
28 **the document for the reasons so stated. Mr. Tso seconded. Motion**
29 **carried unanimously.**

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31 **ACTION: Mr. Stroud made a motion to accept NMED Exhibit #6 and adopt it**
32 **for the reasons so stated. A roll call vote was taken and the results,**
33 **with members' reasons for their vote, are as follows:**

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35 **Mr. Stroud Yes, for my reasons as stated.**
36 **Ms. Dillingham Yes**
37 **Mr. Tso Yes**
38 **Ms. Herrera No, because I am concerned with the**
39 **mathematical error and it isn't a common sense thing to me because**
40 **there is a huge difference and I am concerned.**
41 **Mr. Marsh Abstain**

42
43 **Motion carries with 1 No vote by Ms. Herrera and one Abstension by Mr. Marsh.**

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45 **ACTION: Mr. Stroud made a motion for acceptance of the NMED's**
46 **recommendation regarding Exhibit #6 for the reasons stated. Mr.**
47 **Tso seconded. Mr. Marsh abstained. Motion passed.**
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4 **Item#6: Radiation Control Bureau Petition for Public Hearing to Consider**
5 **Proposed Amendments to Title 20, Chapter 3, Parts, 3, 4, 12, and 15, and repeal**
6 **replacement of Part 20 of the New Mexico Administrative Code. (EIB 05-01 (A))**
7 **(John Parker, Chief, Radiation Control Bureau) (5 minutes requested).**

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9 **ACTION: Mr. Stroud made a motion to schedule a Public Hearing to Consider**
10 **Proposed Amendments to Title 20, Chapter 3, Parts, 3, 4, 12, and 15,**
11 **and repeal replacement of Part 20 of the New Mexico Administrative**
12 **Code during the June 7th EIB meeting.**
13 **Mr. Marsh seconded. Motion carried unanimously.**

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15 **ACTION: Mr. Stroud will serve as the Hearing Officer for the June 7th EIB**
16 **Hearing referenced above.**

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20 **Item #7:** A Report was made by Counsel Tannis Fox on Petition by Mr. Lawrence
21 S. Alba to revoke Air Quality Permit 1879-M1 for Mesa Oil Company to
22 operate a McRae Furnace for Burning Oil Filters **(EIB 04-15)**. Permitting
23 Action was withdrawn due to a permitting defect: there was a failure by
24 City of Belen to provide notice by certified mail. Mesa Oil is looking for
25 evidence of notice to the City, they do have 10 days to object to NMED's
26 withdrawal.

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31 **Item #8: 2005 Open Meetings Act resolution adoption.**

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33 **ACTION: Chair Dillingham made a motion to adopt the Open Meetings Act.**
34 **Mr. Stroud seconded. Motion carried unanimously.**

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38 **Item #9: Other Business**

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- 40 • Mr. Tso proposed that a letter of thanks be written and sent to former Board
 - 41 member Gwen Wardwell, "expressing the Board's gratitude and appreciation for
 - 42 serving on the Board."
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 - 44 • Chair Dillingham proposed a discussion to the Board on the board position
 - 45 vacancy left by Ms. Wardwell's resignation on February 14, 2005.
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- 1 • Chair Dillingham asked the Board to review the proposed amendments to the
2 Rules under the Rule Making Procedures. After deliberation and discussions by
3 the Board, the following actions were taken:
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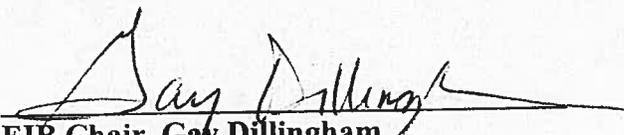
5 **ACTION: Committee Chair Mr. Stroud will conduct a teleconference of the**
6 **Rule Making Procedure Committee consisting of himself, Mr. Greene,**
7 **Ms. Herrera, Counsel Mary Smith and interested parties Mr. Chuck**
8 **Noble (NMED) and Mr. Eric Ames (NMED before the next board**
9 **meeting. The Committee will, with the assistance of Counsel Mary**
10 **Smith, draft the proposed amendments to the Rule Making**
11 **Procedures. A non-committee member should submit in writing any**
12 **suggestion they have for the rule making procedures to the Committee**
13 **Chair Stroud for appropriate action. Public Notice will be given and a**
14 **Public Rules Hearing conducted to adopt the amendments to the Rule**
15 **Making Procedures. At that time the EIB board will engage in**
16 **discussion and non-committee members will have the opportunity to**
17 **make contributions to the proposed rules.**
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23 **Item #10: Next Meeting**

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25 The next regularly scheduled meeting of the Environmental Improvement Board is
26 scheduled for April 5, 2005.
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31 **Item #11: Adjournment**

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33 **Chair Dillingham adjourned the meeting at approximately 10:50 AM.**
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39 **EIB Chair, Gay Dillingham**
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