Approved August 2, 2005

ENVIRONMENTAL IMPROVEMENT BOARD
MINUTES OF THE July 5, 2005 MEETING

The New Mexico Environmental Improvement Board (EIB) Meeting was held on July 5, 2005, starting at 9:00 am at the New Mexico State Capitol Building Room 321 in Santa Fe, New Mexico.

Item #1: Roll Call

Members Present: Ms. Gay Dillingham, Chair
Mr. Soren Peters, Member
Ms. Dolores Herrera, Member
Mr. Harold Tso, Member

Members Absent: Mr. Clifford Stroud, Vice Chair
Mr. Ken Marsh, Member
Mr. Gregory Green, Secretary

Others Present:

Mary Smith, Counsel (AGO)	Barbara Claire, EIB Administrator
Gail Cooke, NMED AQB	Leslie Barnhart, NMED
Rita Trujillo, NMED AQB	Kathryn Becker, NMED OGC
Cheryl, KT Court Reporters	Jeff Fredin, NM DOT

Item #2: Approval of Agenda

ACTION: **Ms. Herrera made a motion to approve the Agenda as amended. Mr. Tso seconded. Motion carried unanimously.**
In Item #5, the word 'Reconsideration' was changed to 'Consideration' and Ms. Uhl's name was exchanged with that of Ms. Rita Trujillo.

Item #3: Request for a hearing on Proposed Amendments to 20.2.74 and 79 NMAC **EIB 05-09 (R)** (Rita Trujillo, AQB; Leslie Barnhart, OGC; 5 minutes)

Ms. Trujillo explained to the Board there have been recent changes at the federal level that directly impact the rules that the Bureau is proposing to amend. She requested to come before the Board in August to request a hearing with a new petition and set of rules, with the caveat that the EPA may decide to extend the deadline to adopt the changes, so it may not be necessary to be on the August Agenda. The projected hearing date of November 2005 is available; the hearing time is estimated to be to two days. Member Tso questioned if the new petition will contain the court

decision, Ms. Trujillo could not confirm this as there was still uncertainty on EPA's decision.

Item #4: **Public Comment Period**
There were no comments made at this time.

Item #5 **Public Hearing for Consideration of Revision of one Air Quality Regulation: 20.2.99 NMAC – Conformity to the State Implementation Plan of Transportation Plans, Programs and Projects.** EIB 05-03 (R) **(Gail Cooke, Air Quality Bureau, NMED).**

Member Dolores Herrera presided as the Hearing Officer. A court reporter from Kathy Townsend Court Reporters transcribed this hearing. Member Tso requested additional information from Ms. Cooke on precursor chemical determination criteria used by the EPA as there were seemingly chemically incomprehensive criteria used. Mr. Jeff Fredin, from the NM Department of Transportation, gave non-technical testimony. The Hearing Officer closed the record at 10:30 am. Chair Dillingham announced that the Board would begin deliberations. The Board adopted the proposed Amendments to Title 20, Chapter 2, Part 99. The Board approved the amendments to the regulations as presented. Counsel Mary Smith will draft the Statement of Reasons, based on the reasons presented and the Members guidance, for the adoption of the regulations.
The members concurred that the amendments were in alignment with the EPA requirements, Public Notice requirements have been met, and that the proposed changes are consistent with the EPA regulations. They also requested a longer timeline by the Department in order to consider amendments to rules in a thorough and consistent manner.

ACTION: **Ms. Herrera made a motion to adopt the proposed amendments to 20.2.99 NMAC as presented; the reasons for adoption given as they are aligned with the compliance of the character degree of injury to or interference with health, welfare and plant life, property and the environment, protecting people and the environment, and the public interest was considered including the social, economic and cultural value of regulated activity and the cultural effects of environmental degradation, and includes the technical practibility, the necessity for economic reasonableness of reducing, eliminating and taking action with respect to environmental degradation. The NM DOT and ABQ have been consulted and agree with the proposed changes; [the City of Albuquerque has its own Air Quality Board]. There is no opposition and this is a mandatory amendment by the Federal Government. The proposed changes are consistent with federal requirements and state regulations. Mr. Tso seconded. Motion carried unanimously.**

Item #6 **Approval of the June 7, 2005 meeting minutes**
As Chair Dillingham and Member Tso needed to abstain form the vote, there was not the required forum to approve the minutes; approval was continued to the next regularly scheduled EIB meeting on August 2nd.

Item #7: **Other Business**

Chair Dillingham introduced and welcomed Mr. Soren Peters, newly appointed to the Board by Governor Richardson. Mr. Peters shared his background, experience and work and expressed his thanks to the other members for their welcome and support.

Item 8: **Next Meeting**

The next regularly scheduled meeting of the Environmental Improvement Board is August 2, 2005. Chair Dillingham requested the Board Administrator to advise the Board ten to eleven days in advance of the Agenda for August and if there are no items added to the Agenda, the meeting could be cancelled. There remains the possibility of Ms. Trujillo coming before the Board in August with a request for hearing in EIB 05-09(R).

Item #9: **Adjournment**

As there was no other business before the Board, the meeting was adjourned.

ACTION: **Chair Dillingham made a motion to Adjourn. Mr. Tso seconded. Motion carried unanimously.**

The meeting adjourned at 10:45 am.

Gay Dillingham

Gay Dillingham, EIB Chair