

Approved December 6, 2005

ENVIRONMENTAL IMPROVEMENT BOARD
MINUTES OF THE November 1st, 2005 MEETING

The New Mexico Environmental Improvement Board (EIB) Meeting was held on November 1st, 2005, starting at 9:07 am at the New Mexico State Personnel Office, Leo Griego Auditorium, in Santa Fe, New Mexico.

Item #1: Roll Call

Members Present: Ms. Gay Dillingham, Chair
Mr. Clifford Stroud, Vice Chair
Mr. Ken Marsh, Member
Ms. Dolores Herrera, Member
Mr. Gregory Green, Secretary
Mr. Soren Peters, Member

Members Absent: Mr. Harold Tso, Member

Others Present:

Donna House, public	Rita Trujillo, NMED AQB
Miguel Santisstevan, public	Mary Uhl, NMED AQB
Sally Worthington, NMED	Sufi Mustafa, NMED
Bill Blankenship, LANL	Richard Goodyear, NMED
Joni Arends, CCNS	Ken Lieberman, NMED
Sadaf Cameron, public	Jim Perry, NMED
Misty Braswell, NMED	Daniel Cobb, DOM
Phil Wardwell, LANL	Doug Meiklejohn, NMELC
Zachary Shandler, AGO	

Item #2: Approval of Agenda

ACTION: **Member Herrera made a motion to approve the Agenda as presented. Member Green seconded. Motion carried unanimously.**

Item #3: Calendar and scheduling of EIB 05-06, Public Hearing in the Matter to Rescind NSR Air Quality Permit Nos. 2195-J and 2195-K (Gregory Green, Hearing Officer; Charlie de Saillan, NMED OGC; Tannis Fox, NMED OGC; Doug Meiklejohn, NM Environmental Law Center; Phil Wardwell, LANL)

After discussion and deliberation among the parties and the Board, it was decided that Hearing Officer Greg Green would conduct a Prehearing on the Motions on December 6, 2005 in the Albuquerque District Office starting at 9:00 am; the regular Board meeting would follow that afternoon. Members Herrera and Marsh suggested splitting the hearing

between the months of March and April and the Board concurred. It was also agreed to have the hearings divided between Espanola and Los Alamos because of the communities impacted, and to provide for evening sessions both times to allow for sufficient public comment.

ACTION: **Member Marsh moved to cancel the regular EIB meeting on December 6th and a Prehearing on the Motions in EIB 05-06 (P) be conducted in Albuquerque; the parties may meet in January to agree on times. Member Marsh also moved the hearing be set for March 7-8th, 2006 in Espanola with a two hour evening session on March 7th and set for April 3-4th, 2006 in Los Alamos with a two hour evening session on April 4th. Member Herrera seconded. Motion carried unanimously.**

Item #4 Public Comment Period
There was no public comment made at this time.

Item #5 Approval of the October 4th, 2005 meeting minutes
After review and discussion, the Board requested the minutes be amended to reflect Vice Chair Stroud as having made the motion under Item 5 – Action, and to remove the friendly amendment wording from Item 7 action item.

ACTION: **Member Marsh made a motion to approve the October 4th, 2005 minutes as amended. Member Peters seconded. Motion carried.**

Item #6: **Hearing and possible decision on Proposed Revisions to 20.2.74 NMAC, Permits, Prevention of Significant Deterioration (PSD) and 20.2.79 NMAC, Permits, Nonattainment Areas. EIB 05-09 (P). (Rita Trujillo, NMED AQB; Leslie Barnhart, NMED OGC)**

After hearing the merits in the matter, Hearing Officer Ken Marsh instructed the record to remain open until the December 6, 2005 meeting to allow opportunity for submission of additional comment, evidence, argument or proposed statements of reasons in the Matter.

Item #7: **Other Business**

- **EIB 05-11 (R), Ban on Aspartame** – a formal opinion from the Attorney General’s office on the Board’s authority to hear the matter was proposed.

ACTION: **Member Green made a motion to request a formal opinion from the Attorney General’s office. Vice Chair Stroud seconded. After the Board voted, Motion carried five (5) – yea, one (1) no.**

Board Vote:

Gay Dillingham	No
Clifford Stroud	Yes
Gregory Green	Yes
Dolores Herrera	Yes

Ken Marsh **Yes**
Soren Peters **Yes**

Item #8 **Next Meeting (December 6, 2005)**

Item #9 **Adjournment**

ACTION: **Member Herrera made a motion to adjourn. Member Marsh seconded. Motion carried unanimously.**

The meeting adjourned at 3:25 pm.

Signature on File

Gay Dillingham, EIB Chair