State of New Mexico ENVIRONMENTAL IMPROVEMENT BOARD Harold Runnels Building, N-2150 1190 St. Francis Drive, P. O. Box 5469 Santa Fe, New Mexico 87502

Environmental Improvement Board Meeting August 3, 2009 10:00 a.m. **New Mexico State Capitol Room 317** 490 Old Santa Fe Trail Santa Fe, New Mexico 87501

Members Present:

Gregory Green, Chair Soren Peters, Vice-Chair Abbas Ghassemi, Member Gay Dillingham, Member Neri Holguin, Member Frank Simms, Member

Members Absent:

Harold Tso, Secretary

Others Present:

Eric Ames, NMED/OGC Andy Berger, Tri-State G&T Brad Musick, NMED/AQB Rhonda Mitchell, Tri-State G&T Kerwin Singleton, NMED/AQB Chuck Noble, NMED/OGC Rick Sprott Emily Geery, NMED/AQB John Gillis, NMGC Adrian Terry, Atty. General's Office

Carlos Romero, NMED/EHD Liz Keuhn, NMED/AQB Rita Bates, NMED/AQB Gail Cooke, NMED/AQB Robb Thomson, NMCC

Beverly Fikse, Dairy Producers of NM Link Summers, POWRA & individually

The Chair called the meeting to order at 10:10 a.m.

Roll Call Item 1.

Roll was taken and it was noted that a quorum was present.

Item 2. Approval of the Agenda

Action: Mr. Peters moved Board approval of the Agenda. Mr. Ghassemi seconded. The motion passed unanimously.

Item 3. Approval of July 7, 2009 minutes.

Action: Mr. Ghassemi moved Board approval of the meeting minutes.

Mr. Peters seconded. The motion passed unanimously.

Item 4. Public Comment

None

Mr. Green introduced new Board members Neri Holguin and Frank Simms.

Item 5. Petition for Public Hearing to consider a Proposed Amendment to the Liquid Waste Disposal and Treatment Regulations, 20.7.3 NMAC, EIB 09-08 (R). Chuck Noble, NMED/OGC; Carlos Romero, NMED/EHD.

Mr. Noble introduced Carlos Romero, NMED's Environmental Health Division Bureau Chief, noting that Mr. Romero would be available to answer questions relating to the Department's request for hearing on the proposed amendment to 20.7.3 NMAC. Mr. Noble stated that in the Department's view, the regulations as currently in force, are unworkable and in some areas, unlawful.

There was discussion regarding dates available to schedule the hearing.

Mr. Noble mentioned that, prior to setting the hearing, the Board should note that Link Summers, representing POWRA and himself individually, was present and was opposed to such a setting.

Mr. Summers, on behalf of POWRA and himself individually, explained his and POWRA's position in this matter and why the Board should not, and in his view, could not, set this matter for hearing before the Board prior to the resolution of a case currently pending in the Santa Fe County District Court involving the parties.

A lengthy discussion among Board members, Mr. Noble and Mr. Summers followed.

Action:

Mr. Green moved that the Board set a hearing in EIB 09-08 (R), Proposed Amendment to Liquid Waste Disposal and Treatment Regulations, 20.7.3 NMAC on November 2, 2009. Mr. Ghassemi seconded.

Roll Call Vote:

Ms. Dillingham	yes
Mr. Ghassemi	yes
Mr. Simms	no
Ms. Holguin	yes

Mr. Peters no Mr. Green yes

The motion passed.

It was agreed that Mr. Peters would act as Hearing Officer in the matter.

Item 6. Petition for Public Hearing for Regulatory Change in re: Proposed New Regulations 20.2.100-20.2.108 NMAC and Rescission of existing regulation 20.2.87 NMAC, EIB 09-09 (R). Eric Ames, NMED/OGC; Brad Musick, NMED/AQB.

Mr. Ames introduced Brad Musick of the Department's Air Quality Bureau, noting that Mr. Musick would describe the new regulations proposed by the Department as well as explaining the reason for rescinding 20.2.87 NMAC.

There was discussion relating to the scheduling, content and projected length of the hearing as requested.

Action:

Ms. Dillingham moved that the Board set a hearing in the Petition for Public Hearing for Regulatory Change in re: Proposed New Regulations 20.2.100-20.2.108 NMAC and Rescission of existing regulation 20.2.87 NMAC, EIB 09-09 on November 3, 2009. Mr. Peters seconded.

Roll Call Vote:

Mr. Peters	yes
Ms. Holguin	yes
Mr. Simms	yes
Ms. Dillingham	yes
Mr. Ghassemi	yes
Mr. Green	yes

The motion passed unanimously

It was agreed that Ms. Dillingham would act as Hearing Officer.

Item 7. Other business

Mr. Terry brought up the matter of scheduling in re: Petition for Reconsideration by Vecinos de la Rio La Casa, Air Quality Permit #3450 (Ramon Romero), **EIB 09-06 (A).** He pointed out that the hearing in that case would also be on the Board's October 5, 2009 agenda together with the hearing previously scheduled by the Board in re: Petition for proposed changes to 7.6.2 NMAC, the home processing of potentially non-hazardous

food, $EIB\ 09-05\ (R)$. There was lengthy Board discussion regarding future scheduling issues.

- **Item 8.** Next meeting: September 8, 2009, 10:00 a.m. State Capitol Building Room 317, 490 Old Santa Fe Trail, Santa Fe, New Mexico 87501.
- Item 9. Adjournment.
- Item 10. Mr. Ghassemi moved for adjournment. Ms. Dillingham seconded. The motion passed unanimously.

Signature on file	
Gregory Green, Chair	