

**APPROVED 09/18/03**  
**ENVIRONMENTAL IMPROVEMENT BOARD**  
**MINUTES OF THE AUGUST 5, 2003 MEETING**

The August meeting of the Environment Improvement Board (EIB) was held at the State Capitol Building in Santa Fe, New Mexico on August 5, 2003. Chair Gay Dillingham called the meeting to order at approximately 9:35 a.m.

**Item #1: Roll Call**

Members Present: Ms. Gay Dillingham, Chair  
Mr. Clifford Stroud, Vice-Chair  
Mr. Gregory Green, Secretary  
Ms. Gwen Wardwell  
Mr. Harold Tso  
Ms. Dolores Herrera

Others Present:	Geraldine Madrid-Chavez	Mary Smith, AGO
	Bill Floyd	Tim Dolan
	John Parker	Stanley Fitch
	Brad Musick	Sandra Ely
	Rita Trujillo	Boyd Hamilton
	Chris Mechels	Sandra Martin
	John Kieling	Chuck Noble
	Richard Virtue	Alia Barr
	Patricia Lillis	

**Item #2: Approval of Agenda**

**ACTION: Ms. Herrera made a motion to approve the agenda. Ms. Wardwell seconded. Motion carried unanimously.**

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

Mr. Chris Mechels introduced himself to the Board and stated that he likes the fact that EIB information is on the web page and he feels that the Board is going in a very positive direction. Mr. Mechels stated he has one concern that three members of the Board do not have Financial Disclosure Sheet available through the Secretary of States Office.

**Item #4: Approval of July 1, 2003 meeting minutes**

**ACTION: Mr. Green made a motion to approve the June 12-13, 2003 minutes as amended. Ms. Herrera seconded. Motion carried unanimously.**

**Item #5: The New Mexico Environment Department's request for a hearing on proposed revisions to 20.2.75 NMAC – Construction Permit Fees. (EIB 03-07)**

Ms. Rita Trujillo requested a 2 hearing be set to begin on October 23rd in the matter of proposed revision to 20.2.75 NMAC – Construction Permit Fees. Ms. Trujillo also requested that the Department be allowed to give a less than 60 day Public Notice.

**ACTION: Mr. Stroud made a motion to set a hearing for October 27<sup>th</sup> & 28<sup>th</sup> in the matter of proposed revision to 20.2.75 NMAC and to allow the Department to give a less than 60 day Public Notice. Mr. Stroud noted that Ms. Wardwell would sit as Hearing Officer in this matter. Mr. Tso seconded. Motion carried unanimously.**

**Item #6: The New Mexico Environment Department's request for hearings on, proposed revisions to and adoption of: (EIB 03-08)**

- A. Regional Haze State Implementation Plan**
- B. 20.2.65 NMAC – Smoke Management (new)**
- C. 20.2.81 NMAC – Western Backstop Sulfur Dioxide Trading Program (new)**
- D. 20.2.73 NMAC – Notice of Intent and Emission Inventory (revision)**
- E. 20.2.60 NMAC – Open Burning (repeal and replace)**

Mr. Rita Trujillo requested that 5 separate hearings be set for November 17<sup>th</sup>, 18<sup>th</sup> & 19<sup>th</sup> to be held consecutively. Ms. Trujillo stated that the Department would give a full 60-day public notice.

**ACTION: Mr. Tso moved to set the 5 separate hearings for November 17<sup>th</sup>, 18<sup>th</sup> & 19<sup>th</sup>, 2003 to include Mr. Tso as Hearing Officer for the Region Haze State Implementation Plan Hearing and the Smoke Management Hearing 20.2.65 NMAC. Mr. Clifford Stroud will sit as Hearing Officer for the Western Backstop Sulfur Dioxide Trading Program Hearing 20.2.81 NMAC & Notice of Intent and Emission Inventory Hearing 20.2.73 NMAC. Ms. Gay Dillingham will sit as Hearing Officer for the Open Burning Hearing 20.2.60 NMAC. Ms. Wardwell seconded. Motion carried unanimously.**

**Item #7: Continuation of hearing of and possible decision to consider Proposed Amendments to Title 20, Chapter 4, Part 1 of NM Administrative Code. (EIB 03-02)**

Mr. Chuck Noble, Counsel for the Department, gave a brief background as to what occurred at the beginning of the hearing and concluded with a brief closing statement.

Ms. Gay Dillingham, Hearing Officer, announced that the record is now closed.

**ACTION:** **Mr. Tso made a motion to approve the Proposed Amendments to Title 20, Chapter 4, Part 1 of the New Mexico Administrative Code. Ms. Wardwell seconded. Motion carried with 1 abstention by Mr. Clifford Stroud.**

**ACTION:** **Ms. Dillingham made a motion to adopt the Statement of Reasons as proposed by the Department. Mr. Tso seconded. Motion carried with 1 abstention by Mr. Clifford Stroud.**

**Item #8:** **Hearing of and possible decision to consider Proposed Amendments Parts 1, 3, 4, 12, 13 and 15 of the New Mexico Radiation Protection Regulation (20.3 NMAC). (EIB 03-03)**

A public hearing was held at the New Mexico State Capitol Building in Santa Fe on August 5, 2003 regarding Petition No. EIB 03-03 at approximately 11:30 a.m. In attendance were Clifford Stroud, Hearing Officer, and the Board Members listed above. This hearing was recorded and will be in the custody of the Administrator. It is available upon request.

Mr. Clifford Stroud, Hearing Officer, announced that the record is now closed.

**ACTION:** **Ms. Dillingham made a motion that the public notice in this case was adequate given. Mr. Tso seconded. Motion carried unanimously.**

**ACTION** **Mr. Tso made a motion that language be incorporated and published in any languages when appropriate. Ms. Dillingham seconded. Motion carried unanimously.**

**ACTION:** **Mr. Stroud made a motion that the Board makes a decision in the above hearing today. Mr. Green seconded. Motion carried unanimously.**

**ACTION:** **Mr. Green made a motion to accept the regulations as amended. Ms. Herrera seconded. Motion carried unanimously.**

**Item #9: Other Business**

Mr. Green stated that he was invited to attend a field trip to the Oil and Gas Fields in Farmington. Ms. Smith informed him that if the Department giving him the tour were to come before the board, Mr. Green would have to make a decision on whether or not to recuse himself.

Ms. Herrera requested that a master calendar be established for the next 12 months.

**Item #10: Next Meeting**

The next meeting of the Environmental Improvement Board will be October 27 & 28, 2003 in Santa Fe.

**Item #11: Adjourn**

**ACTION: Mr. Green made a motion to adjourn. Ms. Dillingham seconded. Motion carried unanimously.**