



STATE OF NEW MEXICO
ENVIRONMENTAL IMPROVEMENT BOARD
Harold Runnels Building, Suite S-2102
1190 St. Francis Drive
Santa Fe, New Mexico 87505
Phone: (505) 827-2425
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**MEETING MINUTES
MEETING OF THE ENVIRONMENTAL IMPROVEMENT BOARD**

April 28, 2017

9:30 A.M.

**Room 307, State Capitol Building
490 Old Santa Fe Trail
Santa Fe, New Mexico 87501**

Members present: John Volkerding, Chair
Matthew Holt, Vice Chair
Christopher Timm, Member
Timothy Morrow, Member
Justin Howalt, Member

Member absent: Greg Fulfer, Member

Others present: John Grubestic, Board Counsel
Pam Castañeda, Board Administrator

Item 1. Roll call.

Action: Roll was called; a quorum was present.

Item 2. How notice requirements were met for the meeting.

Action: Ms. Castañeda described how notice requirements were met for the meeting consistent with the Board's Open Meetings Act Resolution.

Item 3. Approve the agenda.

Action: Mr. Holt so moved to approve the agenda. Mr. Morrow seconded the motion. The motion passed unanimously.

Item 4. Approval of meeting minutes from January 13, 2017.

Action: Mr. Morrow moved to approve the minutes as mailed. Mr. Holt seconded the motion. The motion passed unanimously.



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Item 5. Public comment unrelated to agenda items.

Action: There were no public comments unrelated to the agenda items.

Item 6. EIB 16-04 (R). In the Matter of Proposed Revisions to 20.2.77 NMAC – New Source Performance Standards; 20.2.78 NMAC Emission Standards for Hazardous Air Pollutants (NESHAP); and 20.2.82 NMAC-Maximum Achievable Control Technology for Source Categories of Hazardous Air Pollutants (MACT). Public Hearing.

Action: Mr. Holt, Vice Chair, was designated by the Environmental Improvement Board to act as the Hearing Officer in EIB 16-04(R) Proposed Revisions to 20.2.77 NMAC-New Source Performance Standards; 20.2.78 NMAC Emission Standards for Hazardous Air Pollutants (NESHAP); and 20.2.82 NMAC-Maximum Achievable Control Technology for Source Categories of Hazardous Air Pollutants (MACT). The hearing was conducted in accordance with the Board's rulemaking procedures set out in 20.1.1 of the New Mexico Administrative Code.

Cheryl Arreguin of Kathy Townsend Court Reporters recorded and transcribed the hearing in EIB 16-04 (R). The transcript is available in the office of the Board Administrator.

Andrew Knight, Office of General Counsel provided an opening statement. Mr. Richard Goodyear, Bureau Chief of the Air Quality was present and was sworn in to answer any questions the Board had on any policy questions if they arose.

Mark Jones, analyst with the Air Quality Bureau in the Farmington Field Office of the New Mexico Environment Department's Air Quality Bureau, provided testimony. The Board questioned Mr. Jones.

The Board deliberated and discussed EIB 16-04 (R).

The Chair asked for a motion. Mr. Holt so moved. Mr. Timm seconded the motion. Mr. Holt moved to adopt the amendments as set forth in the revised Exhibit 4 to the record. Mr. Timm Seconded the motion. The motion passed unanimously.



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Item 7. EIB 16-06 (R). In the Matter of Proposed Adoption of: Section 111(d) State Plan for Implementing Municipal Solid Waste Landfills Emission Guidelines and Proposed Amendments to: 20.2.64 NMAC – Municipal Solid Waste Landfills. Public Hearing.

Action: Mr. Holt, Vice Chair, was designated by the Environmental Improvement Board as the Hearing Officer EIB 16-06 (R). Proposed Adoption of: Section 111(d) State Plan for Implementing Municipal Solid Waste Landfills Emissions Guidelines and Proposed Amendments to: 20.2.64 of New Mexico Administrative Code. The hearing was conducted in accordance with the Board's rulemaking procedures set out in 20.1.1 of the New Mexico Administrative Code.

Cheryl Arreguin of Kathy Townsend Court Reporters recorded and transcribed the hearing in EIB 16-06 (R). The transcript is available in the office of the Board Administrator.

Lara Katz, Office of General Counsel provided an opening statement. George Schuman, Permit Section Manager for the New Mexico Environment Solid Waste Bureau and Mr. Goodyear were available as part of the witness panel to answer any questions from the Board.

Cindy Hollenberg, Environmental Analyst with the Bureau, provided testimony. The Board questioned Ms. Hollenberg.

The Board deliberated and discussed EIB 16-06 (R).

The Chair asked for a motion. Mr. Timm moved to adopt approval of the revisions to the environmental protection air quality standards for municipal solid waste landfills. Mr. Holt seconded the motion. The Chair asked for Mr. Timm to rephrase his motion. The Chair revised the motion to approve the adoption of Section 111(d), the State Plan for Implementing Municipal Solid Waste Landfill Emission Guidelines, and then the proposed repeal and replacement of 20.2.64 NMAC, Municipal Solid Waste Landfills. Mr. Holt seconded the motion. The motion passed unanimously.



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Item 8. EIB 16-05 (R). In the Matter of Proposed Amendment of 20.3.1 NMAC, 20.3.3-2.3.5 NMAC, 20.3.7 NMAC, 20.3.12 NMAC, and 20.3.15 NMAC. Public Hearing.

Action: Mr. Volkerding, Chair, was designated by the Environmental Improvement Board as the Hearing Officer in EIB 16-05 (R). Proposed Amendment of 20.3.1 NMAC 20.3.3-2.3.5 NMAC, 20.3.7 NMAC, 20.3.12 NMAC, and 20.3.15 NMAC. The hearing was conducted in accordance with the Board's rulemaking procedures set out in 20.1.1 of the New Mexico Administrative Code.

Cheryl Arreguin of Kathy Townsend Court Reporters recorded and transcribed the hearing in EIB 16-05 (R). The transcript is available in the office of the Board Administrator.

Mia Napolitano, Office of General Counsel provided an opening statement. Santiago Rodriguez, Bureau Chief, for the New Mexico Environment Radiation Control Bureau and Michael Ortiz, who is an environmental scientist with the bureau were available as part of the witness panel to answer any questions from the Board.

Mr. Rodriguez provided testimony. The Board questioned Mr. Rodriguez.

The Board deliberated and discussed EIB 16-05 (R).

Mr. Howalt moved to approve the Proposed Amendment of 20.3.1 NMAC 20.3.3-2.3.5 NMAC, 20.3.7 NMAC, 20.3.12 NMAC, and 20.3.15 NMAC. Mr. Morrow seconded the motion. The motion passed unanimously.

Item 9. Board member comments and questions.

Action: Mr. Morrow asked about the recent coverage of bore hole drilling and storage and wanted to know which agency would be responsible for handling inquiries. Because drilling and storage would potentially contain nuclear material, Mr. Ortiz referred him to the Department of Energy.



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Item 10. Next meeting: May 26, 2017.

Action: The Chair asked the Board Administrator about agenda items for the next meeting. There were no agenda items scheduled. Andrew Knight, Office of General Counsel mentioned that he may have a filing for the June meeting.

Item 11. Adjournment.

Action: The Chair adjourned the meeting at approximately 11:56 a.m.


Chair