



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
February 21, 2018
9:30 A.M.
New Mexico Public Education Department
Mabry Hall
300 Don Gaspar Ave.
Santa Fe, New Mexico 87501

Members present: John Volkerding, Chair
Matthew Holt, Vice Chair (Teleconference)
Christopher Timm, Member (Teleconference)
Timothy Morrow, Member

Members absent: Justin Howalt, Member
Greg Fulfer, Member

Others present: Pam Castañeda, Board Administrator
Stephen Vigil, Board Counsel

Item 1. Roll call.

Action: Roll was called; a quorum was present.

Christopher Timm and Matthew Holt explained why they needed to appear by teleconference. It was impossible and impractical for them to attend in person.

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: The Chair asked for item 10 to be placed ahead of item. 9 in case there were any questions by the Board for EIB 17-04 (R). The Chair moved to approve the agenda. Mr. Morrow seconded the motion. The motion passed unanimously.



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Item 4. Approval of meeting minutes from October 27, 2017.

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

Item 5. Election of Chair/Vice Chair.

Action: Matthew Holt nominated Chair Volkerding. Mr. Morrow seconded the motion. Mr. Morrow nominated Mr. Holt as Vice chair. Chair Volkerding seconded the motion. The Chair motioned that the terms would be for one year for both positions. Mr. Morrow seconded. The motion passed unanimously. Commission Counsel mentioned that a Secretary is also needed this will be placed on the agenda for a future meeting.

Item 6. Adoption of EIB Open Meetings Act Resolution for 2018.

Action: Stephen Vigil, Commission Counsel addressed the EIB Open Meetings Act Resolution for 2018. The Chair moved to adopt the EIB Open Meetings Act Resolution for 2018 as written. Mr. Morrow seconded the motion. The motion passed unanimously.

Item 7. Public comment unrelated to agenda items.

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

Item 8. Board member comments and questions.

Action: Chair Volkerding wanted to make sure that all Board members had received a copy of the Annual Liquid Waste fee report. All Board members received it. No action was taken on this item.

Item 9. EIB 17-03 (R). In the Matter of Proposed Revisions to the Rulemaking Rules for the Environmental Improvement Board, 20.1.1 NMAC. Public Hearing.

Action: The Chair served as Hearing Officer and conducted the hearing in accordance with the Board's rulemaking procedures found in 20.1.1 of the New Mexico Administrative Code.



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Christopher Atencio, Office of General Counsel, New Mexico Environment Department provided an opening statement.

Jason Wallace, Office of General Counsel, New Mexico Environment Department provided testimony.

Chair Volkerding moved to repeal the current version and replace with the version submitted with the petition. Mr. Holt seconded the motion. Chair Volkerding restated his motion. Chair Volkerding moved that the Board repeal the current version of 20.1.1 and replace it with NMED Exhibit 1 in EIB 17-03 (R). Mr. Holt seconded the motion. The motion passed unanimously. Mr. Morrow, Mr. Volkerding, Mr. Holt and Mr. Timm aye.

The Board delegated authority to the Board administrator to sign the administrative forms. Chair Volkerding moved to give the Board administrator the authority to sign the administrative forms. Mr. Morrow seconded the motion. The motion passed unanimously. Mr. Morrow, Mr. Volkerding, Mr. Holt and Mr. Timm aye.

The Board gave authority to the Chair to work with Mr. Vigil on the editorial changes. Mr. Holt so moved. Mr. Morrow seconded the motion. The motion passed unanimously. Mr. Morrow, Mr. Volkerding, Mr. Holt and Mr. Timm aye.

Item 10. EIB 17-04 (R). In the Matter of Proposed Repeal of 20.5.1 NMAC through 20.5.16 NMAC, 20.5.18 NMAC and 20.5.19 NMAC and Replacement with 20.5.101 NMAC through 20.5.122 NMAC, 20.5.124 NMAC and 20.5.125 NMAC Resource Protection Division Petroleum Storage Tank Bureau, New Mexico Environment Department, Petitioner. Public Hearing.

Erin Anderson, Administrative Law Judge conducted the hearing in accordance with the EIB Rulemaking procedures 20.1.1 NMAC. The hearing was held from February 21-22, 2018.

Kathy Townsend of Kathy Townsend Court Reporters recorded and transcribed the public hearing for EIB 17-04 (R). The transcript is available in the office of the Commission Administrator.

The Board recessed for lunch at 11:56 a.m. and reconvened at 1:15 p.m. The case reconvened on February 22, 2018, at 10:05 a.m.



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The case will remain open until March 2, 2018.

The EIB Board will deliberate at a future meeting.

Item 11. Next meeting: March 23, 2018.

Action: The meeting continued February 22, 2018. Chair Volkerding, Matthew Holt, Christopher Timm and Mr. Morrow attended by teleconference. All Board members explained why they needed to appear by teleconference. It was impossible and impractical for them to attend in person. The Chair asked the Board Administrator if there were agenda items. None are scheduled for now. The next meeting will be set for April 2018. The EIB Board may deliberate on case EIB 17-04 (R).

Item 11. Adjournment.

Action: The Chair adjourned the meeting at approximately 10:04 a.m. The Chair moved to adjourn the meeting. Mr. Morrow seconded the motion. Mr. Morrow Aye, Mr. Volkerding Aye, Mr. Holt Aye, Mr. Timm Aye. The motion passed unanimously.


Chair