



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  
Fax: (505) 827-2836

MEETING MINUTES  
MEETING OF THE ENVIRONMENTAL IMPROVEMENT BOARD  
May 25, 2018  
9:30 A.M.  
Room 307, State Capitol Building  
490 Old Santa Fe Trail  
Santa Fe, New Mexico 87501

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

**Members absent:** Greg Fulfer, Member

**Others present:** Erin Anderson, Administrative Law Judge  
Pam Castañeda, Board Administrator  
Stephen Vigil, Board Counsel  
Gideon Elliot, Board Counsel

**Item 1. Roll call.**

**Action:** Roll was called; a quorum was present.

Chair Volkerding was unable to appear in person and asked Matthew Holt, Vice Chair to be the acting Chair for the meeting.

John Volkerding and Timothy Morrow 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.



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**Item 3. Approve the agenda.**

**Action:** The Chair asked for a motion. Mr. Timm so moved. Mr. Morrow seconded the motion. The motion passed unanimously.

**Item 4. Approval of meeting minutes from April 27, 2018.**

**Action:** Two Changes needed to be made, under members present Timothy Morrow should be Secretary instead of member. On page 3 the signature page should be changed from Chair to Timothy Morrow, Secretary. Mr. Volkerding noticed on page 3-line 91 Commission needed to be changed to Board. The Chair entertained a motion. Mr. Timm so moved. Mr. Volkerding seconded. The motion passed unanimously.

**Item 5. Public comment unrelated to agenda items.**

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

**Item 6. EIB 18-02 (R). In the Matter of Proposed Amendments to 20.4.1 NMAC-Hazardous Waste Management. Request for Hearing and appointment of a Hearing Officer.**

**Action:** Andrew Knight, Office of General Counsel, New Mexico Environment Department, Janine Kraemer and Dave Cobraine from the Hazardous Waste Bureau came before the Board to request a hearing to be scheduled for August 24, 2018. The Board questioned Mr. Knight. The Chair entertained a motion. Mr. Timm moved to set the hearing for August 24, 2018. Mr. Volkerding seconded the motion. The motion passed unanimously. Mr. Timm offered to serve as the Hearing Officer.

**Item 7. EIB 18-03 (R). In the Matter of Proposed Amendments to 7.6.2 NMAC-Food Service and Food Processing. Request for Hearing and appointment of a Hearing Officer.**

**Action:** Andrew Knight, Office of General Counsel, New Mexico Environment Department and Johnathan Gerhard, Program Manager came before the Board to request a hearing to be scheduled for August 24, 2018. Mr. Gerhard gave a brief presentation regarding the Proposed Amendments to 7.6.2 NMAC-Food service



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and Food Processing. The Chair entertained a motion to set the hearing for August 24, 2018. Mr. Morrow so moved. Mr. Timm seconded the motion. The motion passed unanimously. Mr. Timm offered to serve as the Hearing Officer.

**Item 8. EIB 18-04 (R). In the Matter of Proposed Amendments to 20.2.3 NMAC-Ambient Air Quality Standards Air Quality Bureau Environmental Protection Division. Request for Hearing and appointment of a Hearing Officer.**

**Action:** Andrew Knight, Office of General Counsel, New Mexico Environment Department and Kerwin Singleton, Air Quality Bureau came before the Board to request a hearing to be scheduled. Mr. Singleton gave a brief presentation regarding the Proposed Amendments to 20.2.3 NMAC-Ambient Air Quality Standards Air Quality Bureau Environmental Protection Division. The Chair entertained a motion. Mr. Timm moved to set the hearing for September 28, 2018, to be held in Las Cruces. Mr. Timm seconded the motion. The motion passed unanimously. Mr. Volkerding offered to serve as the Hearing Officer.

**Item 9: EIB 18-05 (R). In the Matter of Petition to Adopt New Regulations for the Purpose of Control of Fugitive Dust Sources, Title 20, Chapter 2 NMAC.**

**Action:** Kim Bannerman, Office of General Counsel, New Mexico Environment Department and Kerwin Singleton, Air Quality Bureau came before the Board to request a hearing to be scheduled. Mr. Singleton gave a brief presentation regarding the new regulations for the purpose of control of fugitive dust sources, Title 20, NMAC. The Chair entertained a motion to set the hearing for September 28, 2018, to be held in Las Cruces. Mr. Timm so moved. Mr. Volkerding seconded the motion. The motion passed unanimously. Mr. Holt offered to serve as the Hearing Officer.

**Item 10. EIB 18-06 (R). In the Matter of Proposed Approval of New Mexico's Infrastructure State Implementation Plan for Ozone National Ambient Air Quality Standard. Request for Hearing and appointment of a Hearing Officer.**

**Action:** Mia Napolitano, Office of General Counsel, New Mexico Environment Department and Neal Butt, Environmental Analyst with the Air Quality Bureau came before the Board to request a hearing to be scheduled. Mr. Butt gave a brief



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presentation regarding the Proposed Approval of New Mexico's Infrastructure State Implementation Plan for Ozone National Ambient Air Quality Standard.

Mr. Volkerding moved to set the hearing for September 28, 2018, to be held in Las Cruces. Mr. Timm seconded the motion. The motion passed unanimously. Mr. Holt offered to serve as the Hearing Officer. The Chair entertained a motion to waive the 60-day requirement and provide for a 30-day notice. Mr. Timm so moved. Mr. Morrow seconded the motion. The motion passed unanimously.

**Item 11. 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. Deliberations and possible decision.**

**Action:** Cheryl Arreguin of Kathy Townsend Court Reporters recorded and transcribed EIB 17-04 (R). The transcript is available in the office of the Commission Administrator.

The Chair entertained a motion. Mr. Volkerding moved to accept the proposed repeal of 20.5.1 NMAC through 20.5.16 NMAC, also 20.5.18 NMAC and 20.5.19 NMAC and replace those with 20.101 NMAC and 20.5.122 NMAC as well as 20.5.124 NMAC and 20.5.125. Timm seconded the motion. Mr. Timm Aye, Mr. Volkerding, Aye, Mr. Morrow, Aye, Mr. Holt Aye. The motion passed unanimously.

The Board discussed the Statement of Reasons. Mr. Morrow moved that the Board appoint Chairman Volkerding to work with the New Mexico Environment Department on the Statement of Reasons. Mr. Timm seconded the motion. Mr. Timm Aye, Mr. Volkerding, Aye, Mr. Morrow, Aye, Mr. Holt Aye. The motion passed unanimously.

Ms. Napolitano asked for the Board to delegate the authorization for the Board Administrator to sign the transmittal forms. The Chair entertained a motion. Mr. Volkerding moved that the Board authorize the Board Administrator to sign at the New Mexico Environment Department's request. Mr. Timm seconded the motion. Mr. Timm Aye, Mr. Volkerding, Aye, Mr. Morrow, Aye, Mr. Holt Aye. The motion passed unanimously. Matthew Holt can sign as well as Acting Chair.



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**Item 12. Board member comments and questions.**

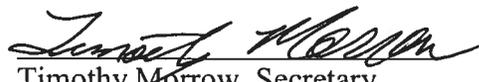
**Action:** Gideon Eliot from the Attorney General's Office will be replacing Stephen Vigil as Board Counsel. Mr. Timm had a comment regarding the Hazardous Waste Bureau or Mining Bureau, if they could try to update and post their annual reports, permits, current annual reports and compliance issues to their website.

**Item 13. Next meeting: June 22, 2018.**

**Action:** No items are currently scheduled.

**Item 14. Adjournment.**

**Action:** The Chair entertained a motion to adjourn the meeting at approximately at 11:03 a.m. Mr. Timm so moved to adjourn. Mr. Volkerding seconded the motion.

  
Timothy Morrow, Secretary