

*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**

**February 6, 2012 9:00 a.m.**  
**Old PERA Building, Apodaca Hall**  
**1120 Paseo De Peralta**  
**Santa Fe, New Mexico 87501**

**Members Present:** Deborah Peacock, Chair  
John Volkerding, Vice Chair  
Elizabeth Ryan, Secretary  
Jeffrey Bryce, Member  
Timothy Morrow, Member  
James Casciano, Member  
Greg Fulfer, Member

**Members Absent:** None

**Others Present:** Stephen Vigil, Board Counsel  
Carmella Casados, Administrator  
Felicia Orth, Hearing Officer  
Cheryl Arreguin, Court Reporter  
Andrew Knight/NMED  
Bill Grantham, OGC/ NMED  
Angela Cross, DWB, NMED  
Jennifer Hower, OGC/ NMED  
Others-See attached sign-in sheets

**Item 1. Roll Call**

Roll was called; a quorum was present.

**Item 2. How Notice Requirements Were Met**

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

**Item 3. Approval of Agenda**

**Action:** Mr. Morrow moved Board approval of the agenda. Mr. Casciano seconded the motion. The motion passed unanimously.

**Item 4. Public Comment Unrelated to Agenda Items**

**Action:** No public comment offered.

**Item 5. Approval of meeting minutes, January 3, 2012.**

**Action:** Ms. Peacock moved Board approval of the meeting minutes. Mr. Bryce seconded the motion. The motion passed unanimously.

**Item 6.** Request for hearing in **EIB 11-19 (A)**, Petition for a hearing on Title V Operating Permit No. P098-R2, Williams Four Corners LLC. Richard Griffith, Richard L. Griffith, LLC, Elizabeth A. Joyner, Senior Counsel, Williams Four Corners LLC, Andrew Knight, OGC/ NMED.

**Action:** Mr. Knight requested that the request for hearing in EIB 11-19 (A), Petition for a hearing on Title V Operating Permit No. P098-R2, Williams Four Corners LLC be moved to the March 16, 2012 agenda.

**Item 7.** Statement of reasons in **EIB 11-13 (R)**, Amendments to Petroleum Storage Tank Regulations, throughout 20.5.1--20.5.18 NMAC and proposed new Part 20.5.19; Stephen Vigil, AGO.

**Action:** Ms. Ryan move to approve Chair's additional amendments to the statement of reasons in EIB 11-13 (R). Mr. Bryce seconded the motion. The motion passed unanimously.

**Item 8.** Adoption of Open Meetings Act Resolution for 2012, Stephen Vigil, AGO.

**Action:** Ms. Ryan moved to approve Chair's amendments to the Open Meetings Act Resolution for 2012. Mr. Casciano seconded the motion. The motion passed unanimously.

**Item 9.** Deliberations in **EIB 11-15/17 (R)**, Proposed repeal of regulations, 20.2.350 NMAC-Greenhouse Gas Cap and Trade Provisions; 20.2.300 NMAC-Reporting of Greenhouse Gas Emissions and 20.2.301-Greenhouse Gas Emissions-Verification Requirements.

The deliberations in EIB 11-15/17 (R) were recorded and transcribed by Cheryl Arreguin of Kathy Townsend Court Reporters. The transcript is available in the office of the Board Administrator.

**Action:** Ms. Ryan moved to repeal part 350. Mr. Bryce seconded the motion. The motion passed unanimously with members Casciano and Fulfer recusing.

Mr. Morrow moved to repeal part 300. Mr. Bryce seconded the motion. The motion passed unanimously with members Casciano and Fulfer recusing.

Ms. Ryan moved to repeal part 301. Mr. Bryce seconded the motion. The motion passed unanimously with members Casciano and Fulfer recusing.

**Item 10.** Executive session to discuss pending litigation. Stephen Vigil, N MAGO.

- a. Helena Chemical Co. v. NMED and N.M Environmental Improvement Board COURT OF APPEALS No. 31,037  
Appeal of EIB 10-02(A); 10-11(A). Air Quality Permit Adjudication.
- b. City of Farmington and Farmington Electric Utility System v. N.M. Environmental Improvement Board COURT OF APPEALS No. 30,897  
Appeal of EIB 10-04(R): Cap and Trade Provisions.
- N.M. Oil and Gas Association v. N.M. Environmental Improvement Board COURT OF APPEALS No. 30,898  
Appeal of EIB 10-04(R): Cap and Trade Provisions.
- Tri-State Generation and Transmission Association, Inc. v. N.M. Environmental Improvement Board COURT OF APPEALS No. 30,899  
Appeal of EIB 10-04(R): Cap and Trade Provisions.

Southwestern Public Service Company v. N.M. Environmental Improvement Board	COURT OF APPEALS No. 30,901  Appeal of EIB 10-04(R): Cap and Trade Provisions.
Public Service Co. of N.M. v. N.M. Environmental Improvement Board	COURT OF APPEALS No. 30,902  Appeal of EIB 10-04(R): Cap and Trade Provisions.
Independent Petroleum Association of N.M. v. N.M. Environmental Improvement Board	COURT OF APPEALS No. 30,907  Appeal of EIB 10-04(R): Cap and Trade Provisions.
El Paso Electric Co. v. N.M. Environmental Improvement Board	COURT OF APPEALS No. 30,908  Appeal of EIB 10-04(R): Cap and Trade Provisions.
c. N.M. Oil & Gas Ass'n, et al. v. N.M. Environmental Improvement Board	COURT OF APPEALS No. 30,952  Appeal of EIB 10-09(R): Greenhouse Gas Reporting
Tri-State Generation and Transmission Association, Inc. v. N.M. Environmental Improvement Board	COURT OF APPEALS No. 30,953  Appeal of EIB 10-09(R): Greenhouse Gas Reporting

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|    | Independent Petroleum Association of N.M. v. N.M. Environmental Improvement Board                 | COURT OF APPEALS No. 30,954<br>Appeal of EIB 10-09(R): Greenhouse Gas Reporting |
| d. | City of Farmington and Farmington Electric Utility System v. N.M. Environmental Improvement Board | COURT OF APPEALS No. 31,015<br>Appeal of EIB 08-19(R): New Energy Economy       |
|    | Independent Petroleum Association of N.M. v. N.M. Environmental Improvement Board                 | COURT OF APPEALS No. 31,016<br>Appeal of EIB 08-19(R): New Energy Economy       |
|    | N.M. Oil & Gas Ass'n, et al. v. N.M. Environmental Improvement Board                              | COURT OF APPEALS No. 31,017<br>Appeal of EIB 08-19(R): New Energy Economy       |
|    | El Paso Electric Co. v. N.M. Environmental Improvement Board                                      | COURT OF APPEALS No. 31,018<br>Appeal of EIB 08-19(R): New Energy Economy       |
|    | Tri-State Generation and Transmission Association, Inc. v. N.M. Environmental Improvement Board   | COURT OF APPEALS No. 31,019<br>Appeal of EIB 08-19(R): New Energy Economy       |

Public Service Co. of N.M. v. N.M. Environmental Improvement Board COURT OF APPEALS No. 31,020  
Appeal of EIB 08-19(R): New Energy Economy

Southwestern Public Service Company v. N.M. Environmental Improvement Board COURT OF APPEALS No. 31,021  
Appeal of EIB 08-19(R): New Energy Economy

e. Link Summers v. Environmental Improvement Board v. New Mexico Environment Department COURT OF APPEALS No. 31,774  
Appeal re EIB 11-08 (R)

**Action:** The Board came back into open session at 2:49 P.M. The Board took no action in closed session and discussed no other business.

**Item 11. Other business.**

None

**Item 12. Update on:**

Martinez et al. v. EPA 10th Cir. COURT OF APPEALS 11-9567 and associated cases

Petitioners: Susana Martinez  
New Mexico Environment Department

Respondent: U.S. Environmental Protection Agency

Intervenors: WildEarth Guardians  
Public Service Company of New Mexico  
Dine Citizens Against Ruining Our Environment  
National Parks Conservation Association  
New Energy Economy  
San Juan Citizens Alliance  
Sierra Club

**Item 13. Board Member Comments and Questions.**

None

**Item 14. Next meeting—March 16, 2012**

Coming up:

- a. Deliberations in **EIB 11-16(R)** on **March 16**, Proposed repeal of regulations regarding greenhouse gas reduction program, 20.2.100 NMAC
- b. Request for hearing in **EIB 11-19 (A)** on **March 16**, Petition for a hearing on Title V Operating Permit No. P098-R2, Williams Four Corners LLC. Richard Griffith, Richard L. Griffith, LLC, Elizabeth A. Joyner , Senior Counsel, Williams Four Corners LLC, Andrew Knight, OGC/ NMED.
- c. No meeting on **April 2, 2012**
- d. Continuation of hearing in **EIB 11-18 (R)**, on **May 7**, Proposed Revisions to 20.7.10, NMAC Drinking Water Regulations, Bill Grantham, NMED/OGC
- e. No meeting in **July 5, 2012** or in July.

**Item 15. Adjournment.**

Ms. Peacock adjourned the meeting.

  
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**Board Secretary**

NM ENVIRONMENTAL IMPROVEMENT BOARD

Regular Meeting

February 6, 2012

9:00 a.m.

Sign-In Sheet

Please Print Legibly

Name Albert Dye Public Comment Yes \_\_\_\_\_ No   
Address/Email adyea@lanl.gov Representing: LANL

Name Jennifer Puett Public Comment Yes \_\_\_\_\_ No   
Address/Email PSTB Jennifer.Puett@slab.nm.gov Representing: PSTB

Name Aaron Lee Public Comment Yes \_\_\_\_\_ No   
Address/Email alee@protekservice.com Representing: SJC912

Name \_\_\_\_\_ Public Comment Yes \_\_\_\_\_ No \_\_\_\_\_  
Address/Email \_\_\_\_\_ Representing: \_\_\_\_\_

Name \_\_\_\_\_ Public Comment Yes \_\_\_\_\_ No \_\_\_\_\_  
Address/Email \_\_\_\_\_ Representing: \_\_\_\_\_

Name \_\_\_\_\_ Public Comment Yes \_\_\_\_\_ No \_\_\_\_\_  
Address/Email \_\_\_\_\_ Representing: \_\_\_\_\_

Name \_\_\_\_\_ Public Comment Yes \_\_\_\_\_ No \_\_\_\_\_  
Address/Email \_\_\_\_\_ Representing: \_\_\_\_\_

Name \_\_\_\_\_ Public Comment Yes \_\_\_\_\_ No \_\_\_\_\_  
Address/Email \_\_\_\_\_ Representing: \_\_\_\_\_

Name \_\_\_\_\_ Public Comment Yes \_\_\_\_\_ No \_\_\_\_\_  
Address/Email \_\_\_\_\_ Representing: \_\_\_\_\_

Name \_\_\_\_\_ Public Comment Yes \_\_\_\_\_ No \_\_\_\_\_  
Address/Email \_\_\_\_\_ Representing: \_\_\_\_\_

Name \_\_\_\_\_ Public Comment Yes \_\_\_\_\_ No \_\_\_\_\_  
Address/Email \_\_\_\_\_ Representing: \_\_\_\_\_