

*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**  
**March 1, 2010**  
**10:00 a.m.**  
**New Mexico State Personnel Office Auditorium**  
**Willie Ortiz Building**  
**2600 Cerrillos Road**  
**Santa Fe, New Mexico 87505**

**Members Present:**

Gregory Green, Chair  
Gay Dillingham, Member  
Frank Simms, Member  
Abbas Ghassemi, Member  
James Gollin, Member

**Members Absent:**

None

**Others Present:**

Stephen Vigil, Asst. AG Board Counsel

Please see attendance sheets for those members of the public that wished to make public comment attached hereto. There were attendance sheets for those members of the public who did not wish to make public comment however those sheets were lost.

The Chair called the meeting to order at 10:00 a.m.

**Item 1. Roll Call**

Roll was taken and it was noted that a quorum was present. Chair Green noted that Mr. Ghassemi had called and would be arriving late.

Chair Green welcomed the newest Board member, James Gollin.

**Item 2. Approval of Agenda**

The Chair requested that the Agenda be amended by moving Item 7, Election of officers to follow Item 5, Request for Hearing in EIB 10-01 (A).

**Action:** Ms. Dillingham moved approval of the agenda as amended.  
Mr. Simms seconded. The motion passed unanimously.

**Item 3.** Approval of January 11, 2010 meeting minutes.

**Action:** Mr. Simms moved Board approval of the January 11, 2010 minutes.  
Ms. Dillingham seconded. The motion passed unanimously.

**Item 4.** Public Comment (unrelated to Public Comment in EIB 08-19 (R))

None.

**Item 5.** Request for Hearing in re: No Permit Required Determination for Horizon Ag-Products, LP's Cuba Humate Processing Facility, EIB 10-01 (A). Louis Rose, Esq., Montgomery & Andrews for Horizon Ag- Products; Andrew Knight, NMED/OGC.

Mr. Rose discussed his client's position regarding the hearing request and added that he intended to work with the Department and to also seek a determination from EPA with respect to the issue at hand in order to resolve the matter. Mr. Knight noted that the Department was amenable to resolution of the matter and that he would also be involved in seeking an EPA determination. There was a brief discussion relating to scheduling.

**Action:** Ms. Dillingham moved that the Board tentatively schedule the hearing in the No Permit Required Determination for Horizon Ag-Products LP's Cuba Humate Processing Facility, EIB 10-01 (A), on the Board's September, 2010 meeting agenda.

Mr. Vigil, Board Counsel, inquired whether the Petitioner was waiving the sixty-day hearing setting requirement. Mr. Rose affirmed that was the case and noted that he would file a formal waiver of the sixty-day requirement on behalf of his client.

**Mr. Simms seconded.**

**Roll Call Vote:**

<b>Ms. Dillingham</b>	<b>yes</b>
<b>Mr. Gollin</b>	<b>yes</b>
<b>Mr. Simms</b>	<b>yes</b>
<b>Mr. Green</b>	<b>yes</b>

**The motion passed unanimously.**

The Chair stated that the Board would proceed to Item 6. in order to give Mr. Ghassemi a little more time to make his way from Albuquerque.

**Item 6.      Hearing in re: Appointment of new Hearing Officer; Public Comment Only on the Adoption of New Regulations and Amendment of Various Sections of 20.2.1, 20.2.2, 20.2.70 and 20.2.72 NMAC, to Create a Statewide Cap on Greenhouse Gas Emissions and Promulgating other Requirements, EIB 08-19 (R). Gay Dillingham, Hearing Officer**

Ms. Dillingham stated that as this case increased in size and complexity, there have been discussions with Felicia Orth the Department's Hearing Officer and that Ms. Orth has agreed to act as Hearing Officer in this matter.

**Action:      Mr. Green moved that the Board appoint Ms. Orth to act as Hearing Officer in EIB 08-19 (R). Mr. Gollin seconded.**

**Roll Call Vote:**

<b>Mr. Simms</b>	<b>yes</b>
<b>Mr. Gollin</b>	<b>yes</b>
<b>Ms. Dillingham</b>	<b>yes</b>
<b>Mr. Green</b>	<b>yes</b>

**The motion passed unanimously.**

At 10:20 a.m. the hearing in case **EIB 08-19 (R)**, Adoption of New Regulations and Amendment of Various Sections of 20.2.1, 20.2.2, 20.2.70 and 20.2.72 NMAC to Create a Statewide Cap on Greenhouse Gas Emissions and Promulgating other Requirements, commenced. Maureen Costello of Hunnicutt, Costello Reporting, Inc. transcribed the hearing. The transcript is available for review in the Office of the Environmental Improvement Board Administrator, New Mexico Environment Department, 1190 St. Francis Drive, Runnels Building Room N-2150, Santa Fe, New Mexico 85701.

The Chair discussed alternatives regarding how the Board might proceed in terms of holding the election of officers since Mr. Ghassemi was still experiencing traffic difficulties. Mr. Simms suggested that the Board wait for Mr. Ghassemi to arrive before proceeding with the election. Chair Green announced that the Board would wait for his arrival and hold the election at a convenient time in the course of the proceedings.

Mr. Ghassemi arrived at 10:30 a.m.

After the morning portion of the hearing which was devoted, in general, to those persons supporting NEE's petition, the Board meeting reconvened in order to elect new officers.

**Item 7.      Election of officers**

Following Board discussion, Mr. Green asked for nominations for Chair. Mr. Ghassemi moved the election of Ms. Dillingham as Chair. Mr. Green seconded.

**Roll Call Vote:**

Mr. Simms	yes
Mr. Ghassemi	yes
Mr. Gollin	yes
Ms. Dillingham	yes
Mr. Green	yes

**The motion passed unanimously.**

The Chair asked for nominations for Vice-Chair. Ms. Dillingham moved the election of Mr. Green as Vice-Chair. Mr. Gollin seconded.

**Roll Call Vote:**

Mr. Gollin	yes
Mr. Ghassemi	yes
Ms. Dillingham	yes
Mr. Simms	yes
Mr. Green	no

**The motion passed.**

Ms. Dillingham moved the election of Mr. Simms as Board Secretary. Mr. Gollin seconded.

**Roll Call Vote:**

Mr. Green	yes
Ms. Dillingham	yes
Mr. Ghassemi	yes
Mr. Gollin	yes
Mr. Simms	no

**The motion passed.**

The Board then recessed for lunch.

The hearing was reconvened at 2:05 p.m.

**Item 8. Other Business**

None

**Item 9.**      **Next Meeting:** April 5, 2010, 10:00 a.m. State Capitol Room 317,  
490 Old Santa Fe Trail, Santa Fe, NM 87501

**Item 10.**      **Adjournment.**

**Action:**      **The Chair adjourned the meeting.**

  
\_\_\_\_\_  
Gregory Green, Chair