MINUTES
Environmental Improvement Board Meeting
June 10, 2013
10:00 a.m.
Room 322, State Capitol Building
490 Old Santa Fe Trail
Santa Fe, New Mexico 87501

Members Present:  Deborah Peacock, Chair
                  Elizabeth Ryan, Secretary
                  Greg Fulfer, Member (Conference call)
                  Timothy Morrow, Member
                  James Casciano, Member
                  Matthew Holt, Member

Members Absent:   John Volkerding, Vice Chair

Others Present:   Mark Reynolds, Board Counsel
                  Felicia Orth, Hearing Officer
                  Pam Castañeda, Administrator
                  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. Castañeda 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 further revised agenda. Mr.
        Casciano seconded the motion. The motion passed unanimously.

Item 4. Approval of meeting minutes April 15, 2013

Action: Mr. Holt moved Board approval of the meeting minutes. Mr. Casciano
        seconded the motion. The motion passed unanimously.
Item 5. Public Comment Unrelated to Agenda Items

Action: Mr. Ryan Flynn, NMED Cabinet Secretary-Designate, introduced Jeff Kendall as the new NMED General Counsel, Kay D’Souza and Kevin Powers as new Assistants General Counsel and Jason Alexander as intern.

Item 6. Request for Hearing in EIB 13-02 (R), regarding the Regional Haze State Implementation Plan (SIP) with respect to the determination of best available retrofit technology (BART) for nitrogen oxides from the San Juan Generating Station.

Action: Mr. Grantham and Ms. Bates provided an update regarding the Regional Haze and State Implementation Plan. Ms. Bates requested a hearing for September 5th and 6th to be held in Farmington. Mr. Fulfer moved that the hearing be set as requested. Ms. Ryan seconded. The motion passed unanimously.

Item 7. Request for Hearing in EIB 13-03 (R), regarding the Interstate Transport State Implementation Plan (SIP) with respect to visibility.

Action: Ms. Bates requested that a hearing be set immediately following the EIB 13-02 (R) hearing set for September 5th and 6th, also to be held in Farmington if the revisions are adopted. Mr. Morrow moved that the hearing be set as requested. Mr. Holt seconded. The motion passed unanimously.

Item 8. Executive session to discuss pending litigation

a. Western Resource Advocates, and New Energy Economy v. Environmental Improvement Board

COURT OF APPEALS No. 32,056


Western Resource Advocates, and New Energy Economy v. Environmental Improvement Board

COURT OF APPEALS No. 32,055

Appeal of EIB 11-17 (R): Repeal of Rules 300 and 301, Greenhouse Gas Emissions Reporting and Verification Requirements

b. 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 Association, Inc. v. N.M. Environmental Improvement Board

COURT OF APPEALS No. 30,953

Appeal of EIB 10-09 (R): Greenhouse Gas Reporting

Independent Petroleum Association of N.M. v. N.M. Environmental Improvement Board

COURT OF APPEALS No. 30,954

Appeal of EIB 10-09(R): Greenhouse Gas Reporting

c. City of Farmington and Farmington Electric Utility System v. N.M. Environmental Improvement Board

COURT OF APPEALS No. 31,015

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

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

Appeal of EIB 08-19(R): New Energy Economy

Public Service Co. N.M. v. N.M. Environmental Improvement Board

COURT OF APPEALS No. 31,020 of

Appeal of EIB 08-19(R): New Energy Economy
Mr. Holt moved to enter into executive session to discuss items 8a through 8d at 10:22 a.m. Mr. Casciano seconded the motion. The open session resumed at 10:40 a.m. No action was taken and no other matters were discussed during closed session.

Item 9. Other Business

Action: Ms. Bates requested that hearings be set at the July meeting to be held in the fall on the Clean Car rules repeal and to revise the State Implementation Plan for the Grant County Carbon Sulfur Dioxide Standard.

Item 10. Board Member Comments and Questions

Action: Change in schedule for the upcoming meetings.

Item 11. Next meeting: July 15, 2013

Action: Upcoming meetings:

September 5-6, 2013 in Farmington.
October 8, 2013 in Silver City
November 7 and 8, 2013 in Santa Fe

Item 12. Adjournment

Ms. Peacock adjourned the meeting at approximately 10:45 a.m.