

*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*

**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 5<sup>th</sup> and 6<sup>th</sup> 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 5<sup>th</sup> and 6<sup>th</sup>, 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**

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| a. Western Resource Advocates, and New Energy Economy v. Environmental Improvement Board | COURT OF APPEALS No. 32,056<br><br>Appeal of EIB 11-15 (R): Repeal of Rule 350, Greenhouse Gas Cap-and-Trade Provisions                                   |
| Western Resource Advocates, and New Energy Economy v. Environmental Improvement Board    | COURT OF APPEALS No. 32,055<br><br>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<br><br>Appeal of EIB 10-09(R): Greenhouse Gas Reporting   |

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| <p>Tri-State<br/>Generation and<br/>Association, Inc. v.<br/>N.M.<br/>Environmental<br/>Improvement<br/>Board</p>                   | <p>COURT OF APPEALS No. 30,953</p> <p>Appeal of EIB 10-09 (R): Greenhouse<br/>Gas Reporting</p> |
| <p>Independent<br/>Petroleum<br/>Association of<br/>N.M.v.N.M.<br/>Environmental<br/>Improvement<br/>Board</p>                      | <p>COURT OF APPEALS No. 30,954</p> <p>Appeal of EIB 10-09(R): Greenhouse<br/>Gas Reporting</p>  |
| <p>c. City of Farmington<br/>and Farmington<br/>Electric Utility<br/>System v. N.M.<br/>Environmental<br/>Improvement<br/>Board</p> | <p>COURT OF APPEALS No. 31,015</p> <p>Appeal of EIB 08-19(R): New Energy<br/>Economy</p>        |
| <p>Independent<br/>Petroleum<br/>Association of<br/>N.M. v. N.M.<br/>Environmental<br/>Improvement Board</p>                        | <p>COURT OF APPEALS No. 31,016</p> <p>Appeal of EIB 08-19(R): New Energy<br/>Economy</p>        |
| <p>Tri-State<br/>Generation and<br/>Transmission<br/>Association, Inc. v.<br/>N.M.<br/>Environmental<br/>Improvement<br/>Board</p>  | <p>COURT OF APPEALS No. 31,019</p> <p>Appeal of EIB 08-19(R): New Energy<br/>Economy</p>        |
| <p>Public Service Co.<br/>N.M. v. N.M.<br/>Environmental<br/>Improvement<br/>Board</p>  | <p>COURT OF APPEALS No. 31,020 of</p> <p>Appeal of EIB 08-19(R): New Energy<br/>Economy</p>     |

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

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

COURT OF APPEALS No. 32,177

Appeal of EIB 11-16 (R), repeal of  
Part 100, Greenhouse Gas Emissions  
Cap

**Action:** 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.

  
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**Board Secretary**