

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

MEETING MINUTES
Environmental Improvement Board Meeting
October 29-30, 2012 9:00 a.m.
Room 307, State Capitol Building
490 Old Santa Fe Trail
Santa Fe, New Mexico 87501

Members Present: Deborah Peacock, Chair
Elizabeth Ryan, Secretary
Greg Fulfer, Member
James Casciano, Member
Timothy Morrow, Member

Members Absent: John Volkerding, Vice-Chair

Others Present: Mark Reynolds, Board Counsel
Felicia Orth, Hearing Officer
Pam Castañeda, Administrator
Cheryl Arreguin Court Reporter
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. Orth described how notice requirements were met for the meeting consistent with the Board's Open Meetings Act Resolution.

Item 3. Approval of Agenda

Action: Chair Peacock proposed one change to the agenda: In item #8, the words "possible deliberations" were deleted because the transcripts are needed before the deliberations. Mr. Morrow moved to approve the agenda as amended. Mr. Casciano seconded the motion. The motion passed unanimously.

Item 4. Public Comment Unrelated to Agenda Items.

Action: None.

Item 5. Approval of meeting minutes, August 13, 2012 and September 4, 2012

Action: Mr. Morrow moved Board approval of the meeting minutes as presented. Mr. Fulfer seconded the motion. The motion passed unanimously.

Item 6. Statement of Reasons in EIB 12-02 (A), Appealing the Denial of Relocation Application No. 3617R3 issued to KI-Stone Environmental. Mark Reynolds, NMAGO.

Action: Chair Peacock recused herself from hearing this matter. Ms. Ryan moved Board approval of the Statement of Reasons. Mr. Casciano seconded the motion. The motion passed unanimously.

Item 7. Statement of Reasons in EIB 11-18 (R), Proposed Revisions to 20.7.10 NMAC Drinking Water Regulations. Mark Reynolds, NMAGO.

Action: Mrs. Ryan moved Board approval of the Statement of Reasons. Mr. Casciano seconded the motion. The motion passed unanimously.

Item 8 Resumption of Hearing in EIB 12-01 (R), to Consider Proposed Amendments to the Liquid Waste Disposal and Treatment Regulations, 20.7.3 NMAC. Andrew Knight, NMED/OGC; Dennis McQuillan, NMED/LWP; Ralph Baker Dotson and Eugene Bassett, POWRA; Carl Stubbs and Jace Ensor, NMOWA; Susan C. Kery, Sheehan & Sheehan, Dennis F. Hallahan for Infiltrator Systems, Inc. Felicia Orth, Hearing Officer

Action: The continuation of the hearing in EIB 12-01 (R) was recorded and transcribed by Cheryl Arreguin of Kathy Townsend Court Reporters. The transcript is available in the office of the Board Administrator.

The hearing was concluded on October 30.

Item 9. Executive Session to discuss pending litigation. Sean Cunniff, NMAGO

a.

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.

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| | 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. |
| b. | Western Resource
Advocates, and
New Energy
Economy v.
Environmental
Improvement
Board | COURT OF APPEALS No. 32,056

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

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

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| d. | 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 |
| | N.M. Oil & Gas
Ass'n, et al. v.
N.M.
Environmental
Improvement
Board | COURT OF APPEALS No. 31,017

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

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.
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. 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

f. Link Summers v.
Environmental
Improvement
Board v. New
Mexico
Environment
Department

COURT OF APPEALS No. 31,774

Appeal re EIB 11-08 (R)

Action: Chair Peacock moved to enter into executive session to discuss items 9a through 9f. Mr. Morrow seconded the motion. The motion passed unanimously after a roll call vote. The Board went back on the record at 9:25 a.m. The Board took no action during the Executive Session and discussed no other matters.

Item 9. Board Member Comments and Questions.

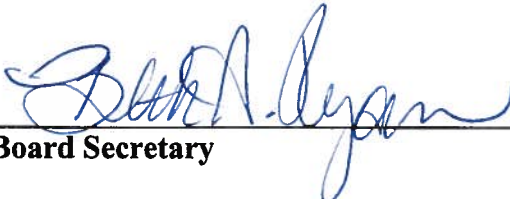
Action: None.

Item 10. Next two meetings: December 3, 2012 and January 7, 2012

Action: None.

Item 11. Adjournment.

Ms. Peacock adjourned the meeting at approximately 4:45 p.m.



Board Secretary