

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
December 3, 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
John Volkerding, Vice-Chair

Others Present: Mark Reynolds, Board Counsel
Sally Worthington, Hearing Clerk
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. 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. Casciano moved Board approval of the agenda. Mr. Fulfer seconded the motion. The motion passed unanimously.

Item 4. Public Comment Unrelated to Agenda Items.

Action: None.

Item 5. Approval of meeting minutes, October 29-30, 2012

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

Item 6. Hearing in EIB 12-05 (R), Proposed Revisions to 20.2.70 and 20.2.74, NMAC- Operating Permits and Permits-Prevention of Significant Deterioration (PSD). Bill Grantham, NMED/OGC; Kerwin Singleton, Rita Bates and Ned Jerabek, NMED/AQB.

Action: The hearing in EIB 12-05 (R) was recorded and transcribed by Cheryl Arreguin of Kathy Townsend Court Reporters. The transcript is available in the office of the Board Administrator.

Following the close of the evidentiary record, Ms. Peacock moved approval of the proposed revisions with corrections to some of the chemical symbols in the rules. Mr. Casciano seconded the motion. The motion passed unanimously.

**Item 7. Executive Session to discuss pending litigation.
Sean Cunniff, NMAGO**

- a. 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
- 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

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| <p>Tri-State
Generation and
Transmission
Association, Inc. v.
N.M.
Environmental
Improvement
Board</p> | <p>COURT OF APPEALS No. 30,953</p> <p>Appeal of EIB 10-09(R): Greenhouse
Gas Reporting</p> |
| <p>Independent
Petroleum
Association of
N.M. v. N.M.
Environmental
Improvement
Board</p> | <p>COURT OF APPEALS No. 30,954</p> <p>Appeal of EIB 10-09(R): Greenhouse
Gas Reporting</p> |
| <p>c. City of Farmington
and Farmington
Electric Utility
System v. N.M.
Environmental
Improvement
Board</p> | <p>COURT OF APPEALS No. 31,015</p> <p>Appeal of EIB 08-19(R): New Energy
Economy</p> |
| <p>Independent
Petroleum
Association of
N.M. v. N.M.
Environmental
Improvement
Board</p> | <p>COURT OF APPEALS No. 31,016</p> <p>Appeal of EIB 08-19(R): New Energy
Economy</p> |
| <p>N.M. Oil & Gas
Ass'n, et al. v.
N.M.
Environmental
Improvement
Board</p> | <p>COURT OF APPEALS No. 31,017</p> <p>Appeal of EIB 08-19(R): New Energy
Economy</p> |
| <p>El Paso Electric
Co. v. N.M.
Environmental
Improvement
Board</p> | <p>COURT OF APPEALS No. 31,018</p> <p>Appeal of EIB 08-19(R): New Energy
Economy</p> |

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| | 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 |
| 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 |
| 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:

Chair Peacock moved to enter into executive session to discuss items 7a through 7e at 10:10 a.m. The open session resumed at 10:30 a.m. No action was taken and no other matters were discussed during closed session.

Item: 8. 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

Mark Reynolds, NMAGO.

Action: There were no updates to report on item 8.

Item 9. Other Business

Action: Ms. Peacock announced that Matthew Holt was a new member appointed to the Environmental Improvement Board.


Item 10. Board Member Comments and Questions.

Action: The Board thanked Ms. Peacock for her outstanding work as Chair.

Item 11. Next meeting: January 7, 2013, including election of officers, adoption of Open Meetings Act resolution and deliberations in EIB 12-01(R), proposed amendments to the liquid waste regulations.

Item 12. Adjournment.

Ms. Peacock adjourned the meeting at approximately 10:32 a.m.



Board Secretary