

State of New Mexico
ENVIRONMENTAL IMPROVEMENT BOARD
Harold Runnels Building, N-2150
1190 St. Francis Drive, P. O. Box 26110
Santa Fe, New Mexico 87502

Environmental Improvement Board Meeting
May 5, 2008
10:00 a.m.
State Capitol Building, Room 317
490 Old Santa Fe Trail
Santa Fe, New Mexico 87501

Members Present: Gregory Green, Chair
Kathi Bearden, Vice-Chair
Harold Tso, Secretary
Soren Peters, Member
Gay Dillingham, Member
Abbas Ghassemi, Member

Members Absent:
Dolores Herrera, Member

Others Present:

Jennifer Hower, NMED/OGC	Tracy Hughes, General Counsel NMED
Darren Padilla, NMED/DWB	Louis Rose, Esq., Montgomery Andrews Law Firm
Kathryn Becker, NMED/OGC	ButchTongate, NMED/OHSB
Carol Walker	Chris Wolpert
Jason Sandel	Dallas Wiley, NMED/OHSB
Robert Genoway, Southwest Water	Dawn Matson, Assoc. of Builders and Contractors
Ruben Baca	Curtis Gurley, Gurley Law Firm
George S. Vigil	Zachary Shandler, Atty. General's Office

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.

Item 2. Approval of Agenda

Action: Ms. Bearden moved approval of the meeting agenda. Ms. Dillingham seconded. The motion passed unanimously.

Item 3. Approval of April 7, 2008 meeting minutes

Action: Mr. Peters moved approval of the April 7, 2008 meeting minutes. Ms. Dillingham seconded. The motion passed unanimously.

Item 4. Public Comment

None.

Item 5. Request for Hearing in re: Amendments to 20.7.10 NMAC, Drinking Water Regulations, EIB 08-03 (R). Jennifer Hower, NMED/OGC; Darren Padilla, NMED/DWB.

Ms. Hower asked that the hearing be set on the Board's August 4, 2008 agenda. A brief discussion followed relating to Board scheduling issues.

Action: Ms. Bearden moved that the hearing in EIB 08-03 (R) be set on the Board's August 4, 2008 agenda. Ms. Dillingham seconded. The motion passed unanimously.

It was agreed that Mr. Peters would act as Hearing Officer in this matter.

Item 6. Request for hearing in re: Petition for Hearing on NSR Permit No. 2394-M1 WWC, Inc., 300 TPH Asphalt Drum Mix Plant, EIB 08-09 (A). Louis Rose, Esq., WWC, Inc.

Mr. Rose asked that a hearing in this matter be placed on the Board's July 8, 2008 agenda. A discussion relating to this setting and the filing of a companion case by Mr. Rose was held. Mr. Rose stated that he would be filing the companion case shortly and would like the Board to hear the cases together.

Action: Mr. Tso moved that the hearing in EIB 08-09 (A) and the companion case mentioned by Mr. Rose be set on the Board's July 8, 2008 agenda. Mr. Peters seconded.

It was agreed that Ms. Bearden would act as Hearing Officer in this matter.

Item 7. Hearing and possible decision in re: Proposed amendments to Parts 1, 2, 3, 4 and 6 of 11.5 NMAC, OHSB Regulations EIB 07-15 (R). Kathryn Becker, NMED/OGC; Butch Tongate, NMED/OHSB. Hearing Officer Soren Peters.

At 10:15 a.m. the hearing in EIB 07-15 (R), noted above as Item 7, was commenced. Kathy Townsend Court Reporters 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 meeting was recessed at 12:50 p.m. for lunch.

The hearing reconvened at 2:00 p.m.

The hearing concluded at 3:50 p.m. At the end of the hearing, the Board agreed to leave the record open with respect to three specific issues (1) that portion of the transcript and studies from the 2006 convenience store regulations relating to the amount of money kept in the cash register, (2) restrictions and rights relating to counsel for employees and (3) the number of days in which an employee has to obtain outside counsel.

Item 8. Other Business

None

Item 9. Next Meeting: June 2, 2008, State Capitol Room 317 at 10:00 a.m.

Item 10. Adjournment

Action: Mr. Tso moved to adjourn the meeting at 3: 55 p.m. Ms. Bearden seconded. The motion passed unanimously.

Gregory Green, EIB Chair