Environmental Improvement Board Meeting  
October 5, 2009  
10:00 a.m.  
New Mexico State Capitol Room 317  
490 Old Santa Fe Trail  
Santa Fe, New Mexico 87501

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

Members Absent:  
Frank Simms, Member

Others Present:  
Jennifer Hower, NMED/OGC  
Carlos Romero, NMED/EHD  
Anita Roy, NMED/EHD  
Janice Matteson, NNMC/Com. Kitchens  
Gayle Ice, Ice’s Organic Farm  
Jackie Rossignol, Ramah Farmers’ Market  
Karen Kincaid, Tularosa Farmers’ Market  
Joan Price, Tularosa Farmers’ Market  
Ken and Katy Wider, Small Farmer  
Charles Nilsson  
Amy Quirke, Intergalactic Bread Co.  
Joy Roberts haw, Taos Mtn. Yak  
Anna Richards, NMED/AQB  
Adrian Terry, Atty. General’s Office  
Cynthia Thomas, NMED/EHD  
Mary Lou LaCassee, NME/EHD  
Johnathan Gerhardt, NMED/EHD  
Carmen Segura  
Kathryn Wilson, Ramah Farmers’ Market  
Diana Calkins, Alamogordo Farm Market  
Robert Calkins  
Denise Miller, NM Farmers’ Markets  
Madelyn Hasting, Duke’s Raspberry Patch  
Lisa Fox, Southwest Chutney  
Todd R. Doherty, Intergalactic Bread Co.  
Pam Roy, Farm-to-Table  
Stephen Vigil, NM Atty. General’s Office  
Link Summers, POWRA

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.
Mr. Terry, the Board’s counsel, introduced Stephen Vigil, Assistant Attorney General. Mr. Vigil will be taking Mr. Terry’s place as Board counsel.

Item 2. Approval of the Agenda

Action: Mr. Tso moved Board approval of the Agenda. Ms. Dillingham seconded. The motion passed unanimously.

Item 3. Approval of September 8, 2009 minutes.

Mr. Tso noted a typographical error in the text of the minutes.

Action: Mr. Tso moved for approval of the minutes as corrected. Mr. Ghassemi seconded. Ms. Dillingham abstained. The motion passed.

Item 4. Public Comment

Mr. Summers, representing himself and POWRA, requested that Mr. Peters, as Hearing Officer in EIB 09-08 (R), schedule a pre-hearing conference prior to the November 2, 2009 hearing in EIB 09-08 (R). There was no decision with respect to his request.

Item 5. Hearing in re: Proposed Changes to 7.6.2 NMAC, to Allow Home-Processing of Non-Potentially Hazardous Foods, EIB 09-05 (R). NM Farmers Marketing Association, Denise Miller/Farm-to-Table, Clark de Schweinitz, Esq., Petitioners; Jennifer Hower, NMED/OGC; Mary Lou LaCasse, NMED/EHD.

At 10:15 a.m. Mr. Peters, Hearing Officer in this matter, announced that the hearing would commence.

The Petitioners in this case chose not to have the meeting transcribed by a court reporter. However, the hearing was tape recorded. All Notices of Intent to Present Technical Testimony were filed and are available for review, as well as public comment correspondence and the tape recording of the hearing in the Office of the Environmental Improvement Board Administrator, New Mexico Environment Department, 1190 St. Francis Drive, Runnels Building N2150, Santa Fe, New Mexico 87505.

The Board reconvened at 12:45 p.m.

A lengthy period of deliberations by the Board ensued.

Action: Ms. Holguin moved that the Board approve the Petitioners’ Proposed Changes to 7.6.2 NMAC, to Allow Home-Processing
of Non-Potentially Hazardous Foods, EIB 09-05 (R). Mr. Peters seconded.

There was Board discussion relating to a possible friendly or substitute amendment relating to Ms. Holguin’s motion. It was determined that the Board was not allowed to separate the issues involved in this case and vote on them individually.

**Roll Call Vote:**

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<tr>
<td>Ms. Dillingham</td>
<td>yes</td>
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<tr>
<td>Mr. Ghassemi</td>
<td>no</td>
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<tr>
<td>Mr. Peters</td>
<td>yes</td>
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<tr>
<td>Mr. Tso</td>
<td>no</td>
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<tr>
<td>Ms. Holguin</td>
<td>yes</td>
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<tr>
<td>Mr. Green</td>
<td>yes</td>
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The motion passed.

**Item 6. Other business**

There was a scheduling discussion relating to upcoming Board hearings. Mr. Green discussed the December Farmington meeting and scheduling issues relating to the hearing and the meeting. Additional discussion regarding the November 2-3, 2009 liquid waste and greenhouse gas emissions reporting hearings was conducted.

**Item 7.** Next meeting: November 2-3, 2009, 9:00 a.m. State Capitol Building, Room 317, 490 Old Santa Fe Trail, Santa Fe, New Mexico 87501.

**Item 8.** Adjournment.

**Item 9.** Ms. Dillingham moved for adjournment. Mr. Peters seconded.

The motion passed unanimously.

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**Signature on File**

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Gregory Green, Chair