

*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*

**Environmental Improvement Board Meeting**  
**December 1, 2008**  
**10:00 a.m.**  
**State Capitol Building, Room 317**  
**490 Old Santa Fe Trail**  
**Santa Fe, New Mexico 87501**

**Members Present:**

Kathi Bearden, Vice-Chair  
Harold Tso, Secretary  
Gay Dillingham, Member  
Dolores Herrera, Member  
Soren Peters, Member

**Members Absent:**

Gregory Green, Chair  
Abbas Ghassemi, Member

**Others Present:**

Mary Uhl, NMED/AQB	Rick Brazfield, AESC, Four Corners
Adolfo Mendez, NMED/OGC	Bob Wirtanen, Conoco-Phillips
Marie Coleman, NMRA	Dennis Roberts, Assn. of General Contractors
Beth Gillia, Esq., NMED/PSTB	Stacey Scherer, Mtn. States Insurance
Ralph Eggleston, All Star Construction	Ron Smock, FACT
Jonathan Block, NMELC	Curtis Gurley, Assoc, Well Service
Jason Sandel, Assoc. Well Service	Jim McNally, Tru Touch Technologies
Dawn Matson, Assn. Builders/Contractors	Jim Davis, NMED/PSTB
Jennifer Pruett, NMED/PSTB	Nick Sanchez, NMRCA
Dan Pacheco, PNM Resources	Coren Anderson, Mtn. States Contractors
Brock Carter, SCI	Mark Harwell, Jaynes Corporation
Robert Genoway, NMED/OHSA	Harry Buysse, OHSA
Butch Tongate, NMED/OSHA	Jane Jernigan, NUCA of NM
Allison Kuper	Adrian Terry, Atty. General's Office

The Vice-Chair, Kathi Bearden, called the meeting to order at 10:00 a.m. She noted that Chairman Green would not be able to attend today's meeting.

**Item 1. Roll Call**

Roll was taken and it was noted that a quorum was not present.

Because of the lack of a quorum, the Vice-Chair moved to Agenda Item 4. and asked for comments from the public. There were none.

**Items 2. and 3. follow Item 5.**

**Item 4. Public Comment**

None (see notation under Item #1, Roll Call).

**Item 5.**

Request for hearing in re: Petroleum Storage Tank Bureau (PSTB) amendments to Parts 1, 7, 10, 12, 13, 14, 15, 16 and 18 of Title 20, Chapter 5 NMAC; a new section of Storage Tank Rules dealing with operator training requirements, EIB 08-18 (R). Beth Gillia, Esq., representing PSTB; Jim Davis, NMED/PSTB and Jennifer Pruett, NMED/PSTB.

The Vice-Chair acknowledged the arrival of Ms. Dillingham and announced that a quorum was now present.

**Action: Mr. Tso moved that a hearing be set in EIB 08-18 (R) on the Board's April 6, 2009 agenda. Mr. Peters seconded. The motion passed unanimously.**

**It was agreed that Mr. Peters would act as hearing officer in this matter.**

**Item 2. Approval of Agenda**

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

**Item 3. Approval of November 3, 2008 meeting minutes**

**Action: Ms. Dillingham moved approval of the November 3, 2008 meeting minutes. Mr. Peters seconded. The motion passed unanimously.**

**Item 6. Hearing and possible decision in re: Operating Permit Fees, 20.2.71 NMAC EIB 08-06 (R). Eric Ames, NMED/OGC.**

At 10:10 a.m., the Vice-Chair announced that the hearing in the above-referenced matter would commence and Ms. Dillingham would act as Hearing Officer for this matter. Kathy Townsend Court Reporters transcribed the hearing. All Notices of Intent to Present Technical Testimony were filed and are available for review, as well as public comment correspondence and the hearing transcript in the office of the Environmental Board Administrator, New Mexico Environment Department, 1190 St. Francis Drive, Runnels Building Room N2150, Santa Fe, New Mexico 87505.

The hearing concluded at 10:55 a.m. and the Board meeting reconvened.

Following a short recess the Vice-Chair asked the members if they were prepared to deliberate. They indicated that they were.

Board discussion followed.

**Action:** Ms. Dillingham moved the Board's acceptance of NMED's proposed changes in Operating Permit Fees, 20.2.71 NMAC, EIB 08-06 (R). Ms. Herrera seconded the motion. The motion passed unanimously.

**Item 7. Hearing and possible decision in re: Occupational Health and Safety Bureau's Proposed Amendments to Illegal Drug and Alcohol Beverage Use regulations, 11.5.2, 11.5.3 and 11.5.4 NMAC, EIB 08-14 (R). Tannis Fox, NMED/OGC; Butch Tongate, NMED/OHSB; Ron Smock, Chief Toxicologist and Forensic Scientist.**

At 11:20 a.m., the Vice-Chair announced that NMED's presentation in the above-referenced case would not commence until after the Board's lunch recess. She asked if there were individuals wishing to make public comment with respect to EIB 08-14 (R). Several members of the public indicated their desire to present comments in this case. It was agreed that anyone who wished to make public comment would be able to do so prior to the commencement of NMED's presentation.

The following individuals gave public comment:

Jason Sandel, Assoc. Well Service	Allison Kuper
Robert Wirtanen, Conoco Phillips	Richard Brazfield, AESC, Four Corners
Nick Sanchez, NMRC	Dennis Roberts, Assoc. of General Contractors
Jim McNally, Tru Touch Technologies	

Following the Board's lunch recess, the Vice-Chair stated that the hearing would commence and that Ms. Herrera would act as Hearing Officer in EIB 08-14 (R).

Kathy Townsend Court Reporters transcribed the proceedings. All Notices of Intent to Present Technical Testimony were filed and are available for review, as well as public comment correspondence and the hearing transcript in the office of the Environmental Board Administrator, New Mexico Environment Department, 1190 St. Francis Drive, Runnels Building Room N2150, Santa Fe, New Mexico 87505.

The hearing recessed at 2:25 p.m. and the Board meeting reconvened. Following discussion, it was agreed that a continuation of the hearing in the Occupational Health and Safety Bureau's Proposed Amendments to Illegal Drug and Alcohol Beverage Use regulations, 11.5.2, 11.5.3 and 11.5.4 NMAC, EIB 08-14 (R) would be scheduled on the Board's January 5, 2009 agenda.

**Item 8. Other business**

None.

**Item 9. Next meeting: 10:00 a.m. January 5, 2009, Energy, Minerals and Natural**

**Resources Dept., 1220 S. St. Francis Drive, Chino Bldg., Porter Hall, Santa Fe.**

**Item 10. Adjournment**

**Action: Ms. Herrera moved that the meeting adjourn. Mr. Tso seconded. The motion passed unanimously.**

*Signed by G. Green for Ms. Bearden*

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Kathi Bearden, Vice-Chair