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
Adolfo Mendez, NMED/OGC
Marie Coleman, NMRA
Beth Gillia, Esq., NMED/PSTB
Ralph Eggleston, All Star Construction
Jonathan Block, NMELC
Jason Sandel, Assoc. Well Service
Dawn Matson, Assn. Builders/Contractors
Jennifer Pruett, NMED/PSTB
Dan Pacheco, PNM Resources
Brock Carter, SCI
Robert Genoway, NMED/OHSA
Butch Tongate, NMED/OSHA
Allison Kuper

Rick Brazfield, AESC, Four Corners
Bob Wirtanen, Conoco-Phillips
Dennis Roberts, Assn. of General Contractors
Stacey Scherer, Mtn. States Insurance
Ron Smock, FACT
Curtis Gurley, Assoc, Well Service
Jim McNally, Tru Touch Technologies
Jim Davis, NMED/PSTB
Nick Sanchez, NMRCA
Coren Anderson, Mtn. States Contractors
Mark Harwell, Jaynes Corporation
Harry Buysse, OHSA
Jane Jernigan, NUCA of NM
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
Robert Wirtanen, Conoco Phillips
Nick Sanchez, NMRCA
Jim McNally, Tru Touch Technologies

Allison Kuper
Richard Brazfield, AESC, Four Corners
Dennis Roberts, Assoc. of General Contractors

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
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

Kathi Bearden, Vice-Chair