

*State of New Mexico*  
**ENVIRONMENTAL IMPROVEMENT BOARD**  
*Harold Runnels Building, N-4084*  
*1190 St. Francis Drive, P. O. Box 26110*  
*Santa Fe, New Mexico 87502*

**Approved May 2, 2006**  
**Minutes of the**  
**Environmental Improvement Board Meeting**  
**March 7, 2006**  
**9:00 a.m.**

**Porter Hall, Wendell Chino Building**  
**New Mexico Energy, Minerals and Natural Resources Department**  
**1220 South St. Francis Drive**  
**Santa Fe, New Mexico 87505**

**Members Present:** Gay Dillingham, Chair  
Kathi Bearden, Member  
Ken Marsh, Member  
Soren Peters, Member  
Harold Tso, Member  
Dolores Herrera, Secretary

**Members Absent:** Gregory Green

**OTHERS PRESENT:**

Tannis Fox, NMED	Douglas Meiklejohn, NMELC
Chuck Noble, NMED	Louis Rose, Montgomery & Andrews
Sally Malave, NM Asst. Atty. General	Sandra Ely, NMED
Charles de Saillan, NMED	Sally Worthington, NMED
Hector Escobar, Esq.	Larry Alba
Charles Falcon	Rosalie Castellano
David Castellano	James Bearzi, NMED
Patrick Shay, Rodey Law Firm	Ernest Jaramillo
Lany Weaver, NMED	

**Item #1      Roll Call:**

The Board administrator took roll and noted a quorum was present.

**Item #2      Approval of Agenda**

**ACTION:**      **The Chair moved to approve the agenda, Mr. Tso seconded. The motion carried unanimously.**

**Item #3      Public Comment Period**

Ron Curry, Secretary of the New Mexico Environment Department, after welcoming the Board's most recent appointees, Ms. Bearden and Mr. Peters, spoke briefly about new and proposed programs that are underway or being considered by the Department. He specifically mentioned issues concerning the improvement of water quality in New Mexico and the Department's efforts to facilitate improvement. He discussed the improvements that have been made in the Department's website and its increased use as a means of communicating with greater numbers of New Mexico residents and the expansion of in-depth information that is now available on the website. Additionally, he introduced Adam Rankin, the Department's new Communications Director, and further informed the Board that Deputy Secretary Derrith Watchman-Moore would be leaving the Department effective March 21, 2006, to seek an elected position on the New Mexico Public Regulation Commission.

In conjunction with Mr. Curry's comments regarding water quality, Mr. Marsh stated that he would like to see the Department work directly with other state agencies with respect to sharing information and knowledge regarding water quality issues.

The Chair introduced Ms. Bearden and Mr. Peters as well as Ms. Sally Malave, who attended as Board counsel in Zachary Shandler's absence.

**Item #4      Approval of the January 3, 2006 Meeting Minutes.**

The Board briefly discussed the prior meeting minutes.

**ACTION:      Mr. Marsh moved to approve the January 3, 2006 minutes. Mr. Peters seconded. The motion carried unanimously.**

**Item #5      Ratification of Order Granting Joint Motion to Dismiss as Moot in EIB 05-06 (P) In the Matter of the Petition for Hearing to Rescind NSR Air Quality Permit No. 2195-J and NSR Air Quality Permit No. 2195-K.**

The Chair presented Hearing Officer Green's Order Granting Joint Motion to Dismiss as Moot to the Board for discussion.

Mr. Meiklejohn, appearing on behalf of the New Mexico Environmental Law Center and Mr. Rose, appearing on behalf of Los Alamos National Laboratory, jointly requested that the Board ratify the Order. Mr. de Saillan, on behalf of NMED, concurred in the Joint Motion to Dismiss. A brief discussion followed.

**ACTION:      Mr. Marsh moved to ratify the Order Granting Joint Motion to Dismiss as Moot. Ms. Bearden seconded. The motion carried unanimously**

**Item #6      Request for hearing on amendments to Hazardous Waste Permit and Corrective Action Fees, 20.4.2 NMAC, EIB 06-01 (R), submitted by NMED Hazardous Waste Bureau. (Appearing for NMED, Chuck Noble and James Bearzi)**

The Board discussed the proposed amendments with Mr. Noble and Mr. Bearzi specifically with respect to the practical aspects of the fees increase issue and the probability of needing additional bureau staff in conjunction with the logistics of providing adequate oversight and timely review measures as well as the Department recovering its costs for oversight.

**ACTION:** Mr. Marsh moved to grant the request for hearing in this matter. Ms. Herrera seconded. The motion carried unanimously. Mr. Marsh will act as hearing officer in this matter.

**Item #7 Joint Motion for Summary Disposition in EIB 04-15 (A) Mesa Oil, Air Quality Permit. (Appearing for NMED, Tannis Fox; Louis Rose, Mesa Oil; Hector Escobar, counsel for Ian Martin and Larry Alba, individually)**

Ms. Fox and Mr. Rose set out the chronology of the disputed notice issues in this case, discussing in detail the procedures followed which NMED and Mesa Oil feel refute the allegations of failure to adequately and appropriately notice the public at large and all interested parties of the issuance of the permit in question.

The following persons spoke to the Board regarding their views that the public notice was not adequate. Among those issues cited were allegations of failure to publish the notice in Spanish as well as failure to identify the technical chemical terms in the notice in language understandable by the general public.

Hector Escobar, Esq., Counsel, appearing for Ian Martin  
Ernest Jaramillo  
Charles Falcon  
Larry Alba

An open discussion with the Board followed this testimony relating to the air pollution problems allegedly created by Mesa Oil and that several additional peripheral problems that were being complained of appeared to fall under the authority of Valencia County, not the EIB.

Ms. Fox and Mr. Rose reiterated in detail the facts relating to the notice and that the publication complied with all current publication requirements.

**ACTION:** Mr. Marsh moved that the Joint Motion for Summary Disposition be granted. Mr. Peters seconded. The motion carried unanimously.

**Item #8 Discussion and update on New Mexico Climate Change activities. (Sandra Ely, NMED)**

Ms. Ely presented current status information to the Board regarding New Mexico Climate Change activities. Following the presentation, Board members discussed in some depth the

affects of greenhouse gas emissions and the emissions relationship to polar ice cap melt rates as well as the eventual melt impact on the climate of the entire earth.

**Item #9      2006 Open Meetings Act resolution adoption.**

The Chair noted that the adoption of the Open Meetings Act resolution was an annual Board requirement.

**ACTION:    Mr. Marsh moved that the Board adopt the Open Meetings Act resolution. Mr. Tso seconded. The motion carried unanimously.**

**Item #10     Election of Board Vice-Chairman.**

The Chair asked for nominations from the Board. Ms. Herrera nominated member Gregory Green.

**ACTION:    Ms. Herrera moved the election of Gregory Green as Board Vice-Chair. Mr. Tso seconded. The motion carried unanimously.**

**Item #11     2006 Meeting Calendar**

Following discussion by the Board, a Board meeting date and location calendar was established for the remainder of 2006.

**ACTION:    The following meeting date and location schedule was adopted by the Board:**

<b>April 4 – Santa Fe</b>	<b>May 2-5 – Santa Fe</b>
<b>June 6-7 – Hobbs</b>	<b>July 6 – Santa Fe</b>
<b>August 1 – Santa Fe</b>	<b>Sept. 7 – Albuquerque</b>
<b>Oct. 3 – Santa Fe</b>	<b>Nov. 9 – Santa Fe</b>
<b>Dec. 5 – Santa Fe</b>	

**Item #12     Other Business**

None.

**Item #13     Next Meeting**

The Chair noted that the next meeting would be held April 4, 2006, in Santa Fe.

**Item #14     Adjournment:**

**ACTION:    Mr. Marsh moved that the meeting be adjourned. Ms. Herrera seconded. The motion carried unanimously.**

*Signature on file*

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**Gay Dillingham, Chair**