Lea County Event Center, Event Center Meeting Room
5101 Lovington Highway
Hobbs, New Mexico 88240

Members Present: Kathi Bearden, Member
Dolores Herrera, Secretary
Gregory Green, Vice-Chair
Ken Marsh, Member
Mr. Soren Peters, Member
Mr. Harold Tso, Member

Members Absent: Gay Dillingham, Chair

Others Present:
Chuck Noble, NMED/OGC    James Bearzi, NMED/HWB
Randy Steger              Kathi Dunbar
Gary Richardson          Jerry Reynolds, Lea County

Vice-Chair Green called the meeting to order at 9:00 a.m.

Item 1: Roll Call

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

Item 2: Approval of Agenda

Action: Ms. Herrera moved that the agenda be approved as presented. Mr. Tso seconded. The motion carried unanimously.

Item 3: Public Comment Period

Jerry Reynolds, Head of the Environmental Services Department of Lea County, welcomed the Board and NMED staff to Lea County.

Item 4: Approval of May 2-5, 2006 meeting minutes.
The Vice-Chair noted an amendment at line 136 of the minutes, replacing twelve months with six months.

**Action:** Mr. Peters moved that the minutes of the meeting be approved as amended. Mr. Marsh seconded. The motion carried unanimously.

**Item 5:** Hearing and possible decision In the Matter of Proposed Amendment to Hazardous Waste Permit and Corrective Action Fees, EIB 06-01(R). Chuck Noble, NMED/OGC; James B. Harris, Sparton Technology, Inc.

The Vice-Chair then announced that the hearing would commence and that Mr. Marsh would preside as Hearing Officer for this agenda item. Kathy Townsend Court Reporters transcribed the hearing. All Notices of Intent to Present Technical Testimony were timely filed and are available for review, as well as public comment correspondence and the hearing transcript, in the office of the Environmental Improvement Board Administrator, New Mexico Environment Department, 1190 St. Francis Drive, Runnels Building Rm. 2150, Santa Fe, New Mexico 87505.

The hearing commenced and it was noted by Hearing Officer Marsh at the outset that Sparton Technology, Inc. had withdrawn its Notice of Intent to Present Technical Testimony. The withdrawal document was read into the record.

**Action:** The Vice-Chair moved to accept the regulations as presented by the Hazardous Waste Bureau with two amendments.

He then indicated that he felt the Board should discuss and vote on the two amendments separately.

A discussion followed regarding the first amendment proposed by Mr. Green.

Following Board comments, a roll call vote was taken and the motion relating to a text amendment in the proposed regulations failed; 4 negative, 2 affirmative:

<table>
<thead>
<tr>
<th>Board vote</th>
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<tbody>
<tr>
<td>Kathi Bearden</td>
<td>no</td>
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<tr>
<td>Gregory Green</td>
<td>yes</td>
</tr>
<tr>
<td>Dolores Herrera</td>
<td>yes</td>
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<tr>
<td>Ken Marsh</td>
<td>no</td>
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<td>Soren Peters</td>
<td>no</td>
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<td>Harold Tso</td>
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The Board then discussed the second amendment proposed by the Vice-Chair.
Following Board comments, a roll call vote was taken and the motion to strike a section from the proposed regulations failed; 5 negative; 1 affirmative:

**Board vote**

Kathi Bearden no  
Gregory Green yes  
Dolores Herrera no  
Ken Marsh no  
Soren Peters no  
Harold Tso no

The Vice-Chair then moved that the Board accept the proposed amendments to Hazardous Fee Regulation 20.4.2 NMAC as presented by the New Mexico Environment Department in Exhibit D. Mr. Marsh suggested adding a friendly amendment to the motion allowing the Environment Department to make typographical corrections and add non-substantive text where appropriate. Ms. Bearden seconded. A roll call vote was taken; the motion, as amended, carried.

**Board vote**

Kathi Bearden yes  
Gregory Green yes  
Dolores Herrera yes  
Ken Marsh yes  
Soren Peters yes  
Harold Tso yes

**Item 6: Other Business**  The Vice-Chair mentioned that the aspartame issue had been removed from today’s agenda because of the hardship created by the necessity of interested parties making the drive to Hobbs to attend the meeting.

**Item 7: Next Meeting – July 6, 2006 in Santa Fe.**

**Item 8: Adjournment:**

Mr. Marsh moved to adjourn the meeting. Ms. Bearden seconded. The motion carried unanimously, the meeting adjourned at 12:15 p.m., June 7, 2006.

*Signature on file*

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Gregory Green, EIB Vice-Chair