

*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**  
**July 7, 2009**  
**9:00 a.m.**  
**New Mexico State Capitol Room 317**  
**490 Old Santa Fe Trail**  
**Santa Fe, New Mexico 87501**

**Members Present:**

Gregory Green, Chair  
Gay Dillingham, Member  
Harold Tso, Secretary  
Soren Peters, Vice-Chair

**Members Absent:**

Abbas Ghassemi, Member  
Neri Holguin, Member  
Frank Simms, Member

**Others Present:**

Ricardo Campos, NMDOT	Clark de Schweinitz, Esq.
Nancy Norem, PNM	Ron Dutton, Xcel Energy
Bill Grantham, NMED/OGC	Rick Alvidrez, PNM
Kerwin Singleton, NMED/AQB	Adam Keaster, NMED/AQB
Rita Bates, NMED/AQB	Deborah Seligman, NMOGA
Gail Cooke, NMED/AQB	Dennis Newman, OXY USA
Andrew Knight, NMED/OGC	Rhonda Mitchell, Tri-State
Gloria Miller, NMED	Louis, Rose, Esq.
Randy Poteet, Conoco Phillips	Curt Frischkorn, NMDOT
Adrian Terry, Atty. General's Office	

The Chair called the meeting to order at 9:05a.m.

**Item 1. Roll Call**

Roll was taken and it was noted that a quorum was present.

**Item 2. Approval of the Agenda**

The Chair noted that Item 5, the Petition for Hearing on Air Quality Permit for Stephens Construction and Ready Mix, Inc., EIB 08-17 (A), Scott Dickerman, had been withdrawn from today's agenda.

**Action:** Ms. Dillingham moved that the Board accept the agenda as amended. Mr. Tso seconded. The motion passed unanimously.

**Item 3.** Approval of June 1, 2009 minutes.

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

**Item 4.** Public Comment

None

**Item 5.** Petition for Hearing in EIB 08-17 (A) withdrawn.

**Item 6.** Update on NMED climate change strategies and rulemaking for 2009 and 2010.

Jim Norton and Sandra Ely, both of the department's Environmental Protection Division, presented a status report relating to New Mexico's current and future involvement in issues relating to climate change and proposed strategies for years 2009 and 2010.

Mr. Norton noted, prior to Ms. Ely's presentation to the Board, that she was the recipient of a National Climate Leaders Award given by the Environmental Protection Agency at the Kennedy Center in Washington DC.

Following the presentation, Mr. Norton and Ms. Ely discussed at length with Board members, the State's future climate change strategies, implementation of the Western Climate Initiative (WCI), implementation of WCI in New Mexico, advanced energy tax credits as well as complementary policies and various additional relevant issues.

The Board members extended their congratulations and appreciation to Ms. Ely for her award and to her exemplary efforts relating to climate change issues in New Mexico.

There was a discussion relating to 2009 hearing schedules for the Board, which included, but was not limited to, specific scheduling issues with respect to EIB 08-19 (R), New Energy Economy's proposed new regulations relating to a statewide cap on greenhouse gas emissions.

**Item 7.** Hearing in re: Proposed amendments to AQB regulations, 20.2.77, 20.2.78 and 20.2.82 NMAC, New Source Performance Standards, National Emissions Standards for Hazardous Air Pollutants and Maximum Achievable Control Technology

**Standards for Source Categories of Hazardous Air Pollutants, EIB 09-03 (R). Bill Grantham, NMED/OGC; Adam Keaster, NMED/AQB. Hearing Officer: Soren Peters**

At 10:40 a.m., the Chair announced that the hearing in the above-referenced case would commence and Mr. Peters 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 Improvement Board Administrator, New Mexico Environment Department, 1190 St. Francis Drive, Runnels Building Room N2150, Santa Fe, New Mexico 87505.

The hearing concluded at 11:00 a.m.

The Board meeting reconvened.

There was a brief discussion relating to the proposed amendments.

**Action:** Ms. Dillingham moved Board adoption of the proposed amendments to AQB regulations, 20.2.77, 20.2.78 and 20.2.82 NMAC, New Source Performance Standards, National Emissions Standards for Hazardous Air Pollutants and Maximum Achievable Control Technology Standards for Source Categories of Hazardous Air Pollutants, in EIB 09-03 (R), as presented by the Environment Department. Mr. Tso seconded.

**Roll Call Vote:**

<b>Mr. Peters</b>	<b>yes</b>
<b>Mr. Tso</b>	<b>yes</b>
<b>Ms. Dillingham</b>	<b>yes</b>
<b>Mr. Green</b>	<b>yes</b>

**The motion passed unanimously.**

**Item 8. Hearing in re: Proposed revisions to 20.2.2 NMAC, Definitions; 20.2.74 NMAC, Permits-Prevention of Significant Deterioration and 20.2.79 NMAC, Permits-Non-Attainment Areas, EIB 09-04 (R). Bill Grantham, NMED/OGC; Gail Cooke, NMED/AQB. Hearing Officer: Soren Peters**

At 11:05 a.m., the Chair announced that the hearing in the above-referenced case would commence and Mr. Peters 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

Improvement Board Administrator, New Mexico Environment Department, 1190 St. Francis Drive, Runnels Building Room N2150, Santa Fe, New Mexico 87505.

The hearing concluded at 11:35 a.m.

The Board meeting reconvened.

There was a brief discussion relating to the proposed amendments.

**Action:** Ms. Dillingham moved Board adoption of the proposed amendments to AQB regulations, 20.2.2 NMAC, Definitions; 20.2.74 NMAC, Permits-Prevention of Significant Deterioration and 20.2.79 NMAC, Permits-Non-Attainment Areas, EIB 09-04 (R). Mr. Tso seconded.

**Roll Call Vote:**

<b>Mr. Tso</b>	<b>yes</b>
<b>Mr. Peters</b>	<b>yes</b>
<b>Ms. Dillingham</b>	<b>yes</b>
<b>Mr. Green</b>	<b>yes</b>

**The motion passed unanimously.**

**Item 9. Other Business**

The Board conducted a lengthy discussion regarding procedural issues and the Board's scheduling of future hearings.

There was considerable discussion regarding EIB 09-07 (A), an appeal by Daniel Guillen and Miguel Castro of Air Quality Permit #3640. It was agreed that in the event it was necessary to conduct a hearing in this case, Mr. Ghassemi would act as Hearing Officer and the hearing would convene at a location to be determined in Vado, NM.

Additionally, the Board discussed hearings tentatively scheduled to take place in Farmington in December.

Mr. Terry noted that the Board had not designated a Hearing Officer in EIB 09-05 (R), Proposed Changes to 7.6.2 NMAC, relating to home processing of non-potentially hazardous foods. Mr. Peters agreed to act as Hearing Officer in this matter.

There was a brief discussion regarding Ms. Dillingham, as Hearing Officer in EIB 08-19 (R), New Energy Economy's petition for a statewide cap on greenhouse gas emissions, scheduling a prehearing conference at 1:00 p.m. August 3, 2009.

**Item 10.** Next meeting: To Be Announced; Prehearing Conference in EIB 08-19 (R) August 3, 2009, 1:00 p.m. State Capitol Room number To Be Announced.

**Item 11. Adjourment.**

**Action: Mr. Peters moved for adjournment. Ms. Dillingham seconded. The motion passed unanimously.**

*Signature on file*

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Gregory Green, Chair