

ACTION PLAN

Submitted by agency?	Yes
Timeline assigned?	No
Responsibility assigned?	Yes

The performance of the Environment Department (NMED) continues to be mixed, with most below-target performance results associated with low inspection rates. The agency reported it is working with the State Personnel Office (SPO) to reclassify positions to improve vacancy rates and reorganize some bureaus to better serve the agency’s objectives.

Water Protection

Drinking Water. Approximately 1.9 million New Mexicans, or 90 percent, received drinking water that met all health-based standards in the third quarter of FY22. This data is based on NMED’s sampling of 570 community water systems. Starting this year, NMED changed which data is used in the calculation of this measure to include all uncorrected violations rather than only new violations identified. This reduced the reported performance on this measure from prior fiscal years.

The Drinking Water Bureau is actively recruiting for its 10 vacant positions, which are causing delays in compliance determinations and violation notices, as well as restructuring to maximize resources. The agency expects it will be able to hire additional staff with increased funding for the drinking water state revolving loan program and set-aside grants from the federal Infrastructure Investment and Jobs Act.

In FY21, NMED was forced to reduce testing for drinking water contaminants due to the depletion of the water conservation fund, which derives revenue from fees on public water systems and supports the sampling and analysis of drinking water in small and rural communities. Legislation to increase this fee to keep up with program costs was vetoed by the governor, and as a result, additional services will be discontinued, potentially worsening water quality as communities struggle to afford the tests needed to identify contaminants.

Surface and Ground Water Inspections. Of the 20 surface water permittee inspections the Surface Water Quality Bureau planned to complete in FY22, six were performed in the third quarter. Nine additional inspections or inspection reports were in progress at the end of the second quarter. The bureau curtailed inspections at the direction of the U.S. Environmental Protection Agency (EPA) out of concern for the health and safety of the regulated community and EPA contractor staff who perform the inspections.

The number of groundwater permittees increased again in the third quarter to 597, and the Ground Water Quality Bureau conducted 35 inspections. Inspections typically occur at sites requiring immediate attention due to complaints, failures, or other causes outside normal operations. To optimize resources, staff make additional inspections of nearby systems to increase efficiency in travel planning and time in the field. Seven of the bureau’s 28 inspector positions are vacant, and program staff are working with SPO on reclassifications to make positions more competitive.

Water Infrastructure. This new measure reports the number of funding agreements executed each quarter for drinking water, wastewater, and stormwater infrastructure projects supported by capital outlay funding, the clean water state revolving fund (CWSRF), or the Rural Infrastructure Program. These projects are managed by NMED’s Construction Programs Bureau (CPB) and improve ground and surface water quality and increase access to reliable and safe drinking water across New Mexico. In the third



Source: Office of the State Auditor

Through the clean water state revolving fund (CWSRF), local communities secure affordable financing for a wide range of projects. Communities benefit from CWSRF loans to finance essential wastewater, storm water, and solid waste projects at interest rates between 0 percent and 1 percent and loan terms up to 30 years. These construction projects add revenue to local economies and improve quality of life through effective environmental infrastructure.

Nonrecurring Appropriations to NMED, 2021-2022 Special and Regular Sessions

River Stewardships Program	\$11.5 million
Eastern New Mexico Rural Water System	\$10 million
Emerging contaminants initiatives	\$525 thousand
Interstate ozone pollution	\$450 thousand
Superfund and uranium mine site cleanup	\$400 thousand
Radiation Control Bureau	\$300 thousand
Surface water discharge permitting program	\$250 thousand

quarter, agreements were executed for 36 capital outlay projects and one CWSRF loan/grant agreement. The CPB disbursed \$6.1 million to communities for 139 projects this quarter, bringing total water infrastructure investments for FY22 to \$21 million.

Budget: \$30,576.4	FTE: 184.3	FY20 Actual	FY21 Actual	FY22 Target	FY22 Q1	FY22 Q2	FY22 Q3	Rating
Percent of the population served safe and healthy drinking water		97%	97%	92%	94%	90.4%	89.9%	Y
Surface water permittees inspected		NEW	NEW	10%	15%	30%	30%	G
Ground water permittees inspected		47%	19%	65%	4%	3%	6%	R
New water infrastructure projects		NEW	NEW	75	40	31	37	G
Community water system violations corrected as a result of NMED assistance		NEW	NEW	500	39	69	NO DATA	R
Program Rating		Y		G				Y

Resource Protection

NMED inspected four solid waste or medical facilities this quarter, or 9 percent of the 45 active, permitted facilities, which is below the pace needed to meet the annual target. The Solid Waste Bureau filled one vacancy but gained two new ones this quarter. One position is being reclassified to a higher level, creating a new career ladder the agency hopes will improve this bureau's historically high turnover rate. Staff time also continues to be consumed by infectious waste generator inspections and illegal dumping investigations, which are not included in the performance measures.

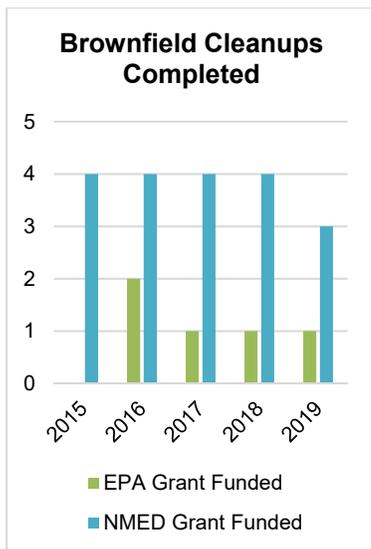
This quarter, NMED inspected nine hazardous waste facilities that are not registered in the EPA database that this performance measure is based on. The FY22 general fund appropriation to NMED included an increase of \$200 thousand to fill inspector vacancies in this program. Despite this, inspections have consistently been low throughout the year.

Budget: \$16,651.1	FTE: 142.3	FY20 Actual	FY21 Actual	FY22 Target	FY22 Q1	FY22 Q2	FY22 Q3	Rating
Completed cleanups of petroleum storage tank release sites that require no further action*		NEW	NEW	1,938	1,946	1,946	1,964	
Ratio of underground storage tank (UST) cleanups to total leaking USTs remaining		NEW	NEW	20:944	6:873	0:944	14:870	Y
Solid and infectious waste management facilities inspected		NEW	NEW	85%	20%	4%	9%	Y
Hazardous waste facilities inspected		NEW	NEW	2%	1%	1%	1%	Y
Program Rating		Y		G				Y

* FY22 target is a baseline rather than a goal, so this measure was not given a rating.

Environmental Protection

The Environmental Protection Division inspected 50 X-ray machine registrants and radioactive material licensees this quarter out of 1,710 registrants and licensees total. The agency reports additional funding is needed to sufficiently train and equip staff to perform inspections, but a budget increase for the Radiation Control Bureau was not



A brownfield is a property whose expansion, redevelopment, or reuse may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant.

requested in FY22 or FY23. In the Air Quality Bureau, NMED reports vacancies continue to hamper inspections but a reorganization that will hopefully improve recruitment and retention is in process.

	FY20 Actual	FY21 Actual	FY22 Target	FY22 Q1	FY22 Q2	FY22 Q3	Rating
Budget: \$28,466.1 FTE: 281.5							
Ionizing/non-ionizing radiation sources inspected	NEW	NEW	85%	2.4%	3%	3%	R
Air emitting sources inspected	NEW	NEW	50%	1%	1%	7%	R
Percent of the population breathing air meeting federal health standards	NEW	NEW	95%	97%	99%	99%	G
Program Rating	G	G					Y