

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 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. NMED was able to significantly reduce the time to fill new and vacant positions from over 200 days on average to as little as seven days after a mission-critical position became vacant. NMED invested \$31.6 million in communities for water infrastructure, drinking water testing, technical trainings, scientific and engineering consultation, field sampling and analysis, abandoned site clean-up, and other services to the public and stakeholders. In FY22 NMED staff conducted 8,916 compliance inspections and collected \$2.4 million in civil penalties that were reverted to the general fund. NMED continues to make progress toward achieving its performance goals despite personnel challenges and contends that additional state resource investments will be necessary to continue these positive trends.

Water Protection

Drinking Water. More than 1.7 million New Mexicans, or 91 percent, received drinking water that met all health-based standards in the fourth 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 to calculate this measure to include all uncorrected violations rather than only new ones identified. This reduced the reported performance on this measure from prior fiscal years.

The Drinking Water Bureau is actively recruiting for 18 vacant positions, which are causing delays in compliance determinations and violation notices, and restructuring to maximize resources. The agency expects 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.

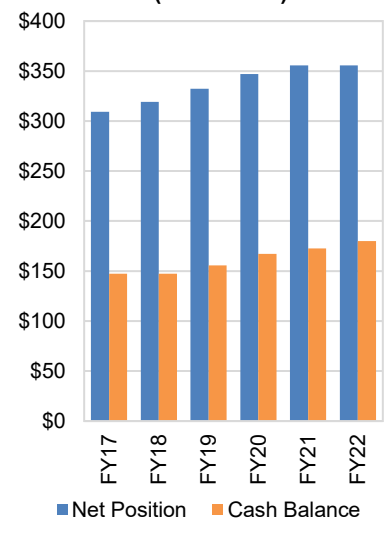
Surface and Groundwater Inspections. The Surface Water Quality Bureau (SWQB) completed 31 annual inspections, exceeding the 20 in their FY22 target. Because inspections can span across quarters due to the length of time between inspection open and close, and the 30-day time period between the close of the inspection and the completion of the inspection report, the reported number does not include inspection reports in progress as of June 30, 2022. To report meaningfully on this performance measure, NMED would need to either assume authorization from the U.S. Environmental Protection Agency to implement the National Pollutant Discharge Elimination System Program or develop a state surface water discharge permitting program. In support of this, SWQB initiated the process to create three new positions funded through a one-time appropriation from the Legislature of \$190 thousand that will be filled in FY23.

The number of groundwater permittees increased again in the fourth quarter to 605, and the Ground Water Quality Bureau conducted 46 inspections. Inspections typically occur at sites requiring immediate attention due to complaints, failures, or other causes outside normal operations. To optimize resources, staff make

ACTION PLAN

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

Clean Water State Revolving Fund Balances, FY17-22 (in millions)

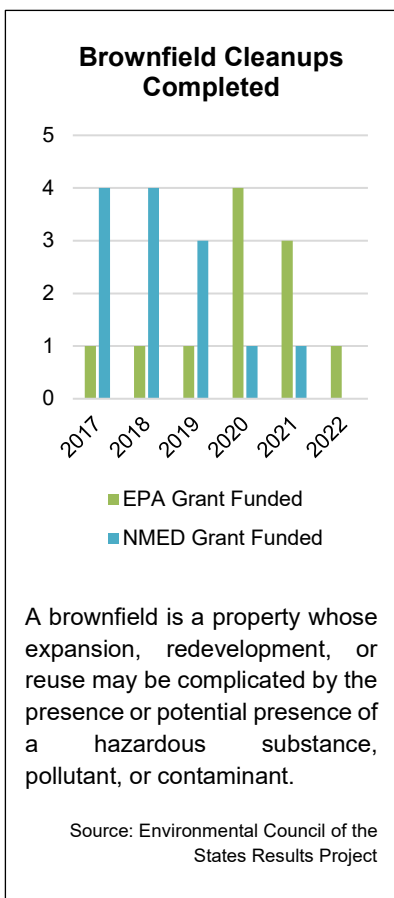


Through the clean water state revolving fund (CWSRF), local communities secure affordable financing for a wide range of projects. Communities benefit from CWSRF loans to finance essential wastewater, storm water, and solid waste projects at interest rates between 0 percent and 1 percent and loan terms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

Source: Office of the State Auditor

PFAS

In June 2022, the U.S. Environmental Protection Agency (EPA) released new acceptable exposure limits for two common per- and polyfluoroalkyl substances (PFAS), lowering the limit from the previous 70 parts per trillion to just 0.002 and 0.04 parts per trillion—less than a thousandth of the previous level. EPA is expected to move forward with proposing a PFAS national drinking water regulation in fall 2022. To date, NMED estimates the state has spent over \$6 million to protect communities from PFAS contamination.



additional inspections of nearby systems to increase efficiency in travel planning and time in the field. Nine 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. The new measure (new water infrastructure projects) 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 fourth quarter, CPB executed six new funding agreements, and disbursed \$10.1 million to communities, bringing total water infrastructure investments for FY22 to \$31.1 million.

	FY20 Actual	FY21 Actual	FY22 Target	FY22 Actual	Rating
Budget: \$30,576.4 FTE: 184.3					
Percent of the population served safe and healthy drinking water	97%	97%	92%	91%	Y
Surface water permittees inspected	NEW	NEW	10%	39%	G
Ground water permittees inspected	47%	19%	65%	21.1%	R
New water infrastructure projects	NEW	NEW	75	114	G
Program Rating	Y	G			Y

Resource Protection

The Petroleum Storage Tank Bureau (PTSB) reports the cumulative number of cleanups, not the actual cleanups that take place each quarter. A petroleum storage tank release site is granted no further action (NFA) status only once the soil and groundwater have met all applicable state standards. This does not reflect the ongoing work to clean up sites to achieve NFA status. In FY22 NMED completed cleanups at 20 of the 892 remaining sites with leaking storage tanks. The Solid Waste Bureau (SWB) inspected six solid waste or medical facilities this quarter, or 13 percent of the 45 active, permitted facilities, which led to missing the annual target. SWB maintained two vacancies this quarter. They are actively filling one, and the other is being reclassified to a higher level. This will create a new career ladder the agency hopes will improve this bureau’s historically high turnover rate. The Hazardous Waste Bureau’s inspection performance in FY22 doubled the target. The Resource Protection Division’s performance goals were consolidated and clarified in FY22, resulting in fewer, but more meaningful measures.

	FY20 Actual	FY21 Actual	FY22 Target	FY22 Total	Rating
Budget: \$16,651.1 FTE: 142.3					
Completed cleanups of petroleum storage tank release sites that require no further action*	NEW	NEW	1,938	1,964	G
Solid and infectious waste management facilities inspected	NEW	NEW	85%	47%	R
Hazardous waste facilities inspected	NEW	NEW	2%	4%	G
Program Rating	Y	G			Y

*Measure is classified as explanatory and does not have a target.

Environmental Protection

The Environmental Protection Division inspected 2.5 percent of Xray machine registrants and radioactive material licensees this quarter out of 1,752 registrants and licensees in 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 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 Total	Rating
Budget: \$28,466.1 FTE: 281.6					
Ionizing/non-ionizing radiation sources inspected	NEW	NEW	85%	12.56%	R
Air emitting sources inspected	NEW	NEW	50%	20.49%	R
Percent of the population breathing air meeting federal health standards	NEW	NEW	95%	98.4%	G
Program Rating	G	G			Y

Environmental Health

The Environmental Health Division did not close any inspections with violations in the fourth quarter, however, overall results for FY22 show the Occupational Health and Safety Bureau found violations in 54 of 85 inspections. The Food Safety Bureau (FSB) achieved the target percentage for restaurant and food manufacturer inspections despite vacant positions in strategic geographical locations. However, FSB was unable to conduct desired in-person reinspections of noncompliant facilities and was instead reliant on the receipt of written responses from operators. The Onsite Wastewater Program nearly achieved the target percentage for inspections in FY22 despite vacant positions throughout the states. Continued staffing challenges in strategic locations throughout the state and increases in construction inspection requests may present challenges in meeting these goals during FY23. Wastewater system inspections are critical to maintaining groundwater quality and will continue to be a priority for NMED.

	FY20 Actual	FY21 Actual	FY22 Target	FY22 Actual	Rating
Budget: \$28,466.1 FTE: 281.5					
Number of employers that did not meet occupational health and safety requirements for at least one standard	NEW	NEW	55%	63.5%	R
Percent of restaurants/food manufacturers inspected	NEW	NEW	80%	90%	G
Percent of new or modified liquid waste systems inspected	NEW	NEW	85%	82%	Y
Program Rating					G

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