

ACTION PLAN

- Submitted by agency? Yes
- Timeline assigned? Yes
- Responsibility assigned? Yes

The Environment Department demonstrated mixed performance in the second quarter of FY23. However, it has shown improvement in some key metrics and continues to make progress toward achieving its performance goals despite a vacancy rate of 21 percent.

NMED played a crucial role in developing and submitting a concept paper to the U.S. Department of Energy (DOE) by the Western Interstate Hydrogen Hub (WISHH), which issued an “encouraged” recommendation for the proposal. Reviewers independently scored each concept paper based on evaluation criteria, including qualifications, experience, and capabilities; expected contributions toward a national hydrogen network; plans to develop production, end-use, and connective facilities; and the community benefits plan component. DOE expects to pare down the list of candidate projects before the end of FY23.

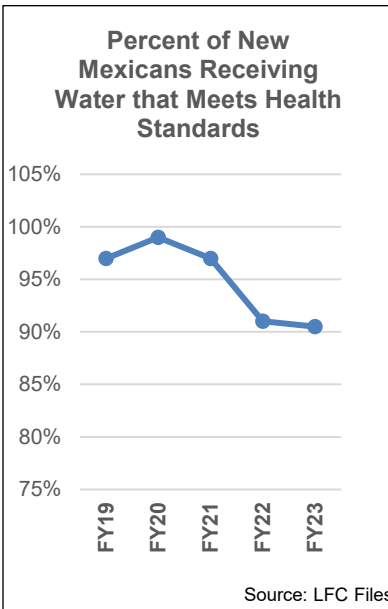
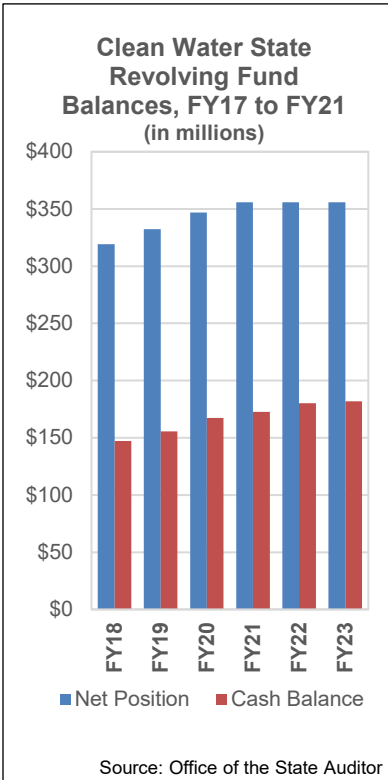
Water Protection

The Water Protection Division continues to assist communities seeking to develop internal capacity to utilize state and federal funding for infrastructure improvement and water resource management. The division also served as the lead agency in responding to threats to drinking water supplies, such as the September 2022 accident in which a tanker truck overturned on State Highway 15 in the Gila National Forest, spilling approximately 2,000 gallons of asphalt emulsifier into Jaybird Canyon. NMED coordinated with the U.S. Forest Service, U.S. Environmental Protection Agency (EPA), and the responsible party to begin assessment, cleanup, and remediation efforts as soon the department was notified of the spill. Site monitoring is ongoing, but preliminary testing indicates the threat has been contained.

Understaffing continues to cause delays in the delivery of compliance determinations and violation notices. The bureau expects to hire additional staff with increased funding from the drinking water state revolving loan program and set-aside grants from the federal Infrastructure Investment and Jobs Act. During the second quarter of FY23, the Construction Programs Bureau processed disbursements for 38 new and continuing projects, totaling approximately \$4.5 million.

The decline in the percentage of New Mexicans receiving water that meets health standards was impacted mainly by stricter guidelines rather than more systems falling out of compliance. This trend will likely continue because of a proposed EPA rule limiting per- and polyfluoroalkyl substances (PFAS) in drinking water, which will likely go into effect in late 2023 or early 2024.

	FY22 Actual	FY23 Target	FY23 Q1	FY23 Q2	Rating
Budget: \$34,875.0 FTE: 191.6					
Percent of population served safe and healthy drinking water	97%	92%	89.4%	90.5%	Y
Percent of surface water permittees inspected	N/A	10%	20%	20%	G
Percent of groundwater permittees inspected.	21.1%	65%	3.5%	5.6%	R
Number of new water infrastructure projects	154	75	31	80	G
Program Rating	Y		Y		Y



Environmental Protection

The Environmental Protection Division is primarily responsible for enforcing regulatory and compliance measures that seek to protect the environment and prevent harm to human health. While inspections are valuable for determining whether regulated entities comply with applicable laws, rules, or permits, the division has continually failed to meet its target percentage of applicable entities inspected.

Radiation Control. In addition to inspections and monitoring, the Radiation Control Bureau’s work includes assisting nuclear workers who have become ill due to occupational exposures received while working for contractors or subcontractors at U.S. Department of Energy facilities or in the uranium industry. NMED contends that reaching the target of inspecting 85 percent of radiation sources would require 209 inspections from each staff member and is unachievable, given current staffing levels.

Air Quality. The Air Quality Bureau worked with the New Mexico Climate Change Task Force to develop rules for reducing volatile organic compounds and oxides of nitrogen emissions in the oil and gas industry. The bureau also deployed new air monitoring instruments that improve connectivity, efficiency and remote access to air quality data. In addition, having recently hired a new manager for its inspections unit, the bureau hopes to add two additional inspectors to improve the rate of inspections.

Climate Change. The Climate Change Bureau works to identify, implement and monitor statewide efforts to reduce greenhouse gas emissions. The bureau launched the state environmental crimes task in November 2022 to leverage state, local and federal resources to pursue legal action against polluters. The bureau is also playing a significant role in the Climate Change Task Force’s efforts to meet greenhouse gas emission reduction targets and spent significant time in FY22 since its formation working on New Mexico’s contribution to the hydrogen hub application.

	FY22 Actual	FY23 Target	FY23 Q1	FY23 Q2	Rating
Budget: \$33,261.2 FTE: 304.1					
Percent of ionizing and nonionizing radiation sources inspected	12.6%	85%	2.9%	4.3%	R
Percent of air emitting sources inspecting	20.5%	50%	12.4%	3.9%	R
Percent of population breathing air meeting federal health standards	98.4%	95%	97%	99.9%	G
Program Rating	R		Y		Y

Environmental Health

The Environmental Health Division (EHD) continued to administer the state hemp extraction and manufacturing program, ensuring public health protection while supporting the growth and sustainability of the cannabis industry. EHD is also responsible for working to prevent workplace injuries and fatalities and avoiding unnecessary risks to public health from commercially prepared foods.

Occupational Health and Safety. The bureau conducts thousands of inspections annually and targets workplaces with the greatest expectations of non-compliance to reduce illness, injuries, and fatalities. However, current staffing levels mean that there

are 5,670 regulated facilities per inspector, which limits the program’s opportunity to help employers prevent fatalities, amputations, or injuries resulting from occupational hazards.

Food Services Bureau. The Food Services Bureau failed to meet its quarterly inspection target and is on track to miss it for FY23 overall. Ideally, each restaurant and food manufacturer in the state should be inspected once per year. Bureau staff currently have a compliance and enforcement workload of approximately 241 facilities per FTE, and with a vacancy rate of 12.5 percent, it will likely fail to reach this target in FY23 due to an insufficient number of staff to perform the necessary inspections.

	FY22 Actual	FY23 Target	FY23 Q1	FY23 Q2	Rating
Budget: \$28,466.1 FTE: 281.6					
Number of employers that did not meet occupational health and safety requirements for at least one standard compared to the total number of employers.	63.5%	55%	59.3%	60.0%	Y
Percent of restaurants/food manufacturers inspected.	90.2%	80%	18.7%	18.6%	R
Percent of new or modified liquid waste systems inspected.	82.1%	85%	83%	84.5%	Y
Program Rating	R		Y		Y

Resource Protection

The Resource Protection Division (RPD) also failed to reach its inspection target in the second quarter. Solid Waste Bureau staff inspected six of 45 active permitted solid waste facilities in the second quarter, well below the trajectory needed to inspect every permitted facility each year. In addition, the bureau is working to reclassify existing vacancies to higher-level positions to improve recruitment and retention.

In the second quarter of FY23, the Petroleum Storage Tank Bureau did not issue any No Further Action (NFA) status determinations. The total number of open underground storage tank (UST) sites is 873, and the total number of UST and above-ground storage tank release sites is 956. Notably, NFA status determinations are fluid throughout the year, based on the specific site conditions, staffing levels, and the availability of funding from the corrective action fund.

	FY22 Actual	FY23 Target	FY23 Q1	FY23 Q2	Rating
Budget: \$17,925.9 FTE: 146.6					
Number of completed cleanups of petroleum storage tank release sites that require no further action.	1,964	1,948	1,984	1,984	G
Percent of solid and infectious waste management facilities inspected.	47%	85%	13.3%	13.3%	R
Percent of hazardous waste facilities inspected.	4%	6%	0.7%	1%	R
Program Rating	R		Y		Y