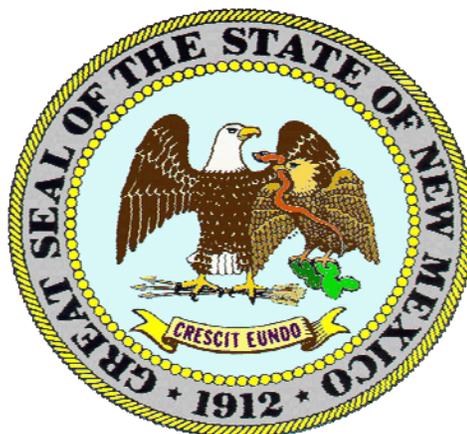


Performance Measures
Fourth Quarter and
Annual, FY 09
July 31, 2009

New
Mexico
Environment
Department

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New Mexico Environment Department

Performance Measures Fourth Quarter and Annual, FY 09

April 1— June 30, 2009

Cabinet Secretary
Ron Curry

Deputy Secretary
Jon Goldstein

New Mexico Environment Department

Mission :

To provide the highest quality of life throughout the state by promoting a safe, clean, and productive environment.



In meeting our Mission, we are committed to:

Providing clear articulation of our goals, standards, and expectations in a professional manner so that employees and the public can make informed decisions and be actively involved in setting priorities.

Promoting environmental awareness through the practice of open and direct communication and sound decision-making by carrying out the mandates and initiatives of the Department in a fair and consistent manner.

Executive Summary

The New Mexico Environment Department is committed to protecting New Mexico's air, water and land for present and future generations. The department's work is broad and touches every New Mexican in one way or another. We oversee the quality of tap water residents' drink, ensure food they eat at restaurants meets safety standards and guard the quality of air residents breathe.

New Mexico Environment Department Secretary Ron Curry is committed to working with regulated groups — including individuals, cities, counties and nongovernmental entities — in finding solutions for environmental concerns. Secretary Curry believes in a person-to-person approach in meeting with those groups on a range of issues related to landfills, dairies, coal-fired power plants, water and wastewater systems and the state's national laboratories. We also contribute to the economic vitality of our state by safeguarding New Mexico's precious, limited water resources.

Our more than 650 employees provide information to residents in field offices, conduct scientific tests and ensure regulated entities meet standards that protect public health. Employees of the department serve citizens of New Mexico through our work in outreach, permitting, inspection and enforcement.

We provide citizens and businesses with information on environmental protection and health and safety requirements. The department awards permits to facilities and businesses that ensure operations meet established environmental standards. We inspect industrial and local facilities to ensure they meet environmental laws and protect public and employee health and safety. The department's believes it must resolve environmental issues that have or could have a direct impact on the health our state's residents.



That duty is tied to the department's commitment to Environmental Justice. Governor Bill Richardson signed the Environmental Justice Executive Order in 2005 that provides meaningful opportunities for public involvement in state decision-making processes and provides information in Spanish and Tribal dialects in areas where those languages are spoken.

The Department's EJ program, which began in January 2004, included the creation of a committee comprised of grassroots organizations, local and tribal governments and industry stakeholders.

Secretary Curry, who has had the honor of visiting many of the state's 22 tribes, offers the department's collaboration to any tribal entity that requests it. We look for meaningful ways whenever possible to collaboratively improve our environment across governments.

The department is also reaching out to communities through its new Water and Wastewater Infrastructure Development Division. Governor Richardson established an executive order last year creating the division to streamline the funding of water and wastewater infrastructure projects. The Environment Department's bureaus of Drinking Water and Construction Programs are included in that division. We can now promise, because of the work of the division, that the days are over where municipalities had to search for money from a variety of sources to fund infrastructure projects. The department hires promotes well-qualified employees from a range of racial, linguistic and socio-economic backgrounds. We are convinced that every job in the department holds equal importance because we are a team in serving New Mexicans.

Secretary Curry also emphasizes that the department wants to be held accountable for the work it does. Those we serve are our best judges.

New Mexico is also at the forefront among states unified and committed to fighting the impacts of climate change despite a lack of federal leadership on that issue.



Governor Richardson entrusted the Environment Department with leading our state in the governor's nationally recognized effort to combat the negative effects of global warming. One of those effects in the arid Southwest is a threatened water supply, which is already limited. The Environment Department is working toward Governor Richardson's aggressive goals of reducing greenhouse gas emissions. We are also working with other states on collaborative efforts, including a regional cap-and-trade system for carbon emissions.

Far reaching initiatives like those are of great importance to the Environment Department. However, we will continue to balance those goals with the everyday needs of New Mexico's citizens. Those needs include providing detailed information to residents about the quality of their water, responding to calls about suspected methamphetamine labs and helping communities devastated by floods.

We are always willing to listen to those we serve and look forward to feedback that will help us to continually improve the services we provide to residents of this great state.

Department Program Listing

PROGRAM: Program Support

PURPOSE: Program Support provides overall leadership, administrative, legal, and information management support to the Department staff and oversight and regulatory entities. This support allows the Department to operate in the most knowledgeable, efficient and cost effective manner possible, and provides the public with information necessary to hold the Department accountable.

PROGRAM COMPONENTS: Program Support is comprised of the Office of the Secretary, General Council, Information Technology Division, the Administrative Services Division, and the Office of Communications.

AUTHORITY: The laws and regulations governing Program Support components include the Laws of 1987, Chapter 74 Articles 1 through 9; 9-7A-6; 74-1-6; 74-6A-2; 74-9-14; 74-6A-1 through 74-6A-13; 74-6B-1 through 74-6B-14; 50-9-19; 74-1-4; 74-6B-4 through 74-6-3.

PROGRAM: Water Quality

PURPOSE: The Water Quality Program protects the quality of New Mexico's ground and surface water resources to ensure clean and safe water supplies are available now and in the future to support domestic, agriculture, economic and recreational activities.

PROGRAM COMPONENTS: The Water Quality Program is comprised of the Ground Water, Surface Water, Department of Energy Oversight, and Hazardous Waste Bureaus.

AUTHORITY: The laws and regulations governing the Water Quality Program components include; 61-1-1 through 61-1-31 NMSA 1978, Section 61-33-1 through 10 Chapter 61, Article

33, 69-25A-1 through 69-25A-35 NMSA 1978, 69-36-1 through 20; 74-6-1 through 17 NMSA 1978, 74-6A-1 through 74-6A15, 74 -6B-1 through 14; 75-1-1 through 75-1-6 NMSA 1978; 20.6.1 through 6.2 NMAC, 20.7.4 NMAC, 110.2 NMAC; US Clean Water Act 33 U.S.C., Code of Federal Regulation - Title 40, Superfund National Contingency Plan, 74-4-1 through 14 NMSA 1978; 20.4.1 through 4.3 NMAC, federal Resource Conservation and Recovery Act Subtitle C (including Hazardous and Solid Waste Amendments); Federal Facilities Compliance Act.

PROGRAM: Environmental Protection

PURPOSE: The Environmental Protection Program protects New Mexico's air quality, prevents releases of petroleum products into the environment, ensures solid waste is handled and disposed of without harming natural resources, and ensures safe and healthful working conditions for employees.

PROGRAM COMPONENTS: The Environmental Protection Program is comprised of the Air Quality, Occupational Health and Safety, Petroleum Storage Tank and Solid Waste Bureaus.

AUTHORITY: The laws and regulations governing the Environmental Protection Program components include the Laws of 1987, Chapter 74 Articles 2 through 2 A; 74-2-1 through 74-2-17, Chapter 74 Article 12, 74-12.1, 20.2.70 through 2.74 NMAC; 20.2.79 NMAC, Federal Clean Air Act and EPA delegation authority (40 CFR Part 58), Laws of 1987, Chapter 74 Articles 4 through 4E-9; 74-1-1 through 74-1-15; 74-4-1 through 74-4-14; 74-4B-1 through 74-4B-14; 74-4C-1 through 74-4C-4, 74-4E-1 through 74-4E-9, Chapter 74 Article 6A, 74-6A-1 through 74-6B-14, Chapter 74, Article 7, 74-7-1 through 74-1-8, Chapter 74, Articles 8 through 11, 74-8-1 through 74-8-3, 74-9-1 through 74-9-42, 74-10-1 through 74-10-100, 74-11-1 through 74-11-17, 20.4.1 through 4.2 NMAC, 20.9.1 through 9.3 NMAC.

PROGRAM: Environmental Health

PURPOSE: The Environmental Health Program protects public health and the environment through specific programs that provide public outreach and education and regulatory oversight for food service and food processing facilities, liquid waste treatment and disposal, public swimming pools and baths, medical radiation, drinking water, mosquito abatement and the Waste Isolation Pilot Plant (WIPP) transportation. The Environmental Health Program also provides public outreach and education about radon in homes and public buildings.

PROGRAM COMPONENTS: The Environmental Health Program is comprised of five district field offices and the Drinking Water and Radiation Bureaus.

AUTHORITY: The laws and regulations governing the Environmental Health Program components include the Laws of 1987, Chapter 50 Articles 9; 50-9-1 through 50-9-25, Chapter 61 Article 1, 61-1-1 through 61-1-31, Chapter 61 Article 14E, 61-14 E-1 through 61-14 E-12, Chapter 74, Article 4A, 74-4A-1 through 74-4A-14, 7NMAC 6.1, 7 NMAC 18.1, 11 NMAC 5.1 through 5.4, 20 NMAC 3.1, 20 NMAC 7.120 NMAC 7.3, 29

PROGRAM: Water and Wastewater Infrastructure Program

PURPOSE: The purpose of the water and wastewater infrastructure development program is to provide leadership for an interagency effort to develop a water and wastewater infrastructure evaluation plan, and recommendations for efficient and effective use of water and wastewater loan funds; and to ensure compliance with the Safe Drinking Water Act.

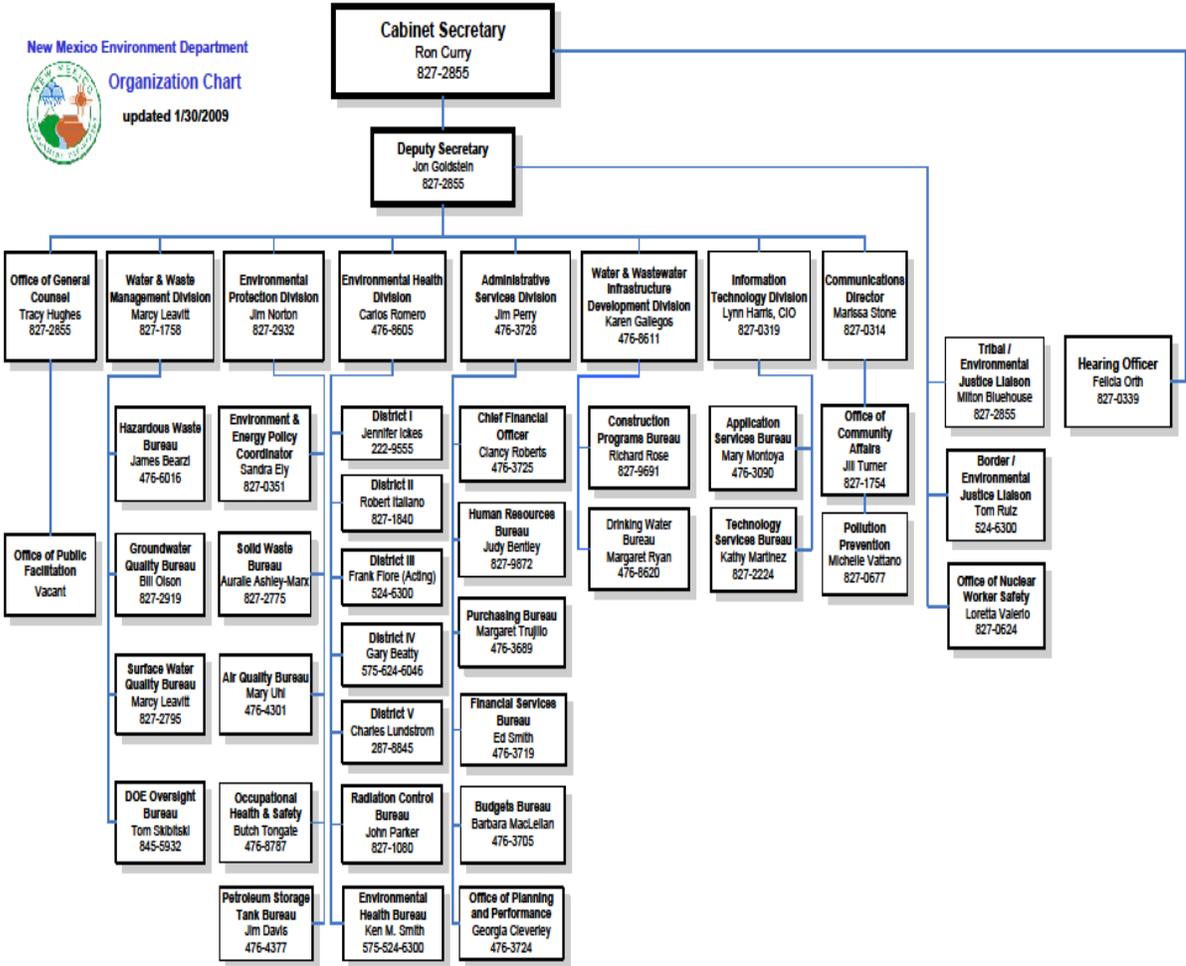
PROGRAM COMPONENTS: The Water and Wastewater Infrastructure Development Program is composed of the Construction Programs and Drinking Water Bureaus.

AUTHORITY: The laws and regulations governing the Water and Wastewater Infrastructure Development Program components include the Laws of The Department of the Environment Act, NMSA 1978, §§ 9-7A-1 et seq, Sanitary Projects Act, NMSA 1978, §§ 3-29-1 et seq, Environmental Improvement Act, NMSA 1978 §§ 74-1-1 et seq , Executive Order 2007-050; New Mexico Drinking Water Regulations § 20.7.10 NMAC; Wastewater Facility Construction Loan Act NMSA 1978 §§ 74-1-1 through 15; Rural Infrastructure Act, NMSA 1978 §§ 75-1-1 through 6; Rural Infrastructure Revolving Loan Program NMAC 20.7.2; Clean Water State Revolving Loan Fund NMAC 20.7.5 through 7.

FY09 Operating Budget by Program

	Program Support	Water & Waste Management	Environ - mental Health	Environ - mental Protection	Water and Wastewater Infrastructure	Sp. Revs.	Totals
Personal Services	\$6,925.4	\$14,537.0	\$8,161.6	\$13,759.5	\$6,356.1	\$246.7	\$49,986.3
Contractual Services	\$1,213.1	\$5,879.1	\$231.5	\$856.9	\$3,355.2	\$3,000.0	\$14,535.8
Other Costs	\$1,178.0	\$2,068.1	\$2,134.3	\$3,005.2	\$1,197.0	\$9,983.0	\$19,565.6
Other Financing Sources						\$27,510.1	\$27,510.1
Totals	\$9,316.5	\$22,484.2	\$10,527.4	\$17,621.6	\$10,908.3	\$40,739.8	\$111,597.8
FTE							
Perm	510.0	46.0	111.0	71.0	29.0	4.0	312.0
Term	34.0	159.5	24.0	131.0	60.0	0.0	408.5
Totals	85.0	205.5	135.0	202.0	89.0	4.0	720.0

NMED Organizational Chart



PERFORMANCE AND ACCOUNTABILITY CONTRACT

PROTECTING AND PROMOTING NEW MEXICO'S ENVIRONMENT

Goal 2. Protect New Mexico's Limited Water Resources

Task 2.1 Ensure compliance with the consent orders to clean up New Mexico's national laboratories

Performance Measures and Baseline Data

Measure	FY05 Actuals	FY06 Actuals	FY07 Actuals	FY08 Estimate/ Actuals ³	FY09 Target	FY09 Actuals	FY10 Target
Annual number of regional and intermediate wells routinely monitored for dangerous lab contaminants ^{1,2}	23 Int. 14 Reg.	20 Int. 23 Reg.	25 Int. 39 Reg.	33 Int. 72 Reg.	41 Int. 82 Reg.	40 Int. 85 Reg.	41 Int. 101 Reg.
Annual number of public notices of and final remedy selections for dangerous unlined dumps	1	2	3	5	6	5	8
Percent of enforcement actions brought within one year of discovery of noncompliance with Order	NA	100	100	100	100	100	100
<p>Explanatory Notes:</p> <ol style="list-style-type: none"> 1. Because a single well can have multiple screened intervals from which a sample can be taken, NMED counts screened intervals, rather than individual wells. To date, 54 Regional wells and 33 Intermediate wells are in place. 2. Includes wells at Los Alamos National Laboratory (LANL) only. 3. Actuals as of May 31, 2009. 4. The number of wells installed in FY09 may exceed the estimates due to constantly evolving unknown groundwater monitoring requirements in accordance with the Consent Orders. 							

Task 2.2 Reduce pollution from malfunctioning septic systems

Performance Measures and Baseline Data

Measure	FY04 Actuals	FY05 Actuals	FY06 Actuals	FY07 Actuals	FY08 Actuals	FY09 Actuals	FY 10 Target
Percent of new septic tanks inspected	84%	69%	80%	80%	90%	93%	85%

Number of free well water tests; homeowners with contaminated wells are advised on how to eliminate or reduce health risks	651	916	1,000	1,895	999	1,687	1,000
Explanatory Data							
Number of compliance orders issued in response to complaints or inspection of new septic tanks	0	10	5	5	12	22	TBD

Task 2.3 Safeguard New Mexico’s drinking water supplies for present and future generations



Performance Measures and Baseline Data

Measure	FY03 Baseline	FY04 Actuals	FY05 Actuals	FY06 Actuals	FY07 Actuals	FY08 Actuals	FY09 Actuals
Number of water systems that have taken action to preserve their water source (1,290 total)	NA	NA	15	89	75	20 ²	8 ¹
Number of assistance actions provided to public water systems	NA	NA	94	301	150	4536	5232
Percent of small community drinking water systems (<3,300 households served) with a certified operator (≈581)	76%	72%	74%	79%	85%	79%	71% ³
Percent of large community drinking water systems (>3,300 households served) with a certified operator (≈59)	100%	100%	100%	100%	100%	96%	97% ³
Explanatory Data							
Number of public water systems requiring enforcement actions	2	65	63	22	58	22	23
Number of boil water advisories	9	9	9	8	12	15	12

Measure	FY03 Baseline	FY04 Actuals	FY05 Actuals	FY06 Actuals	FY07 Actuals	FY08 Actuals	FY09 Actuals
Notes:							
<ol style="list-style-type: none"> 1. The source water coordinator position was vacant for approximately 11 months of FY09. Source water is a volunteer program and requires a coordinator to be effective. The Bureau inspected the water source at 358 water systems during Sanitary Surveys. 2. The Bureau inspected the water source at 316 water systems during Sanitary Surveys. 3. The Bureau modified data entry into its data base to obtain more accurate information concerning certified operators. This modification resulted in a decrease in the percentage of certified operators. However, the modification reflects a more accurate measurement than previous years. 							

Task 2.4 Streamline New Mexico funding of Water and Wastewater Projects

Measure	FY06 Actuals	FY07 Actuals	FY08 Actuals	FY09 Target	FY 09 Actuals
Percent completion for implementation of the Uniform Funding Application (UFA)	NA	NA	50% ¹	100%	100%
Explanatory Data					
Number of Applications Processed	NA	NA	2 ²	400	467 ³
<ol style="list-style-type: none"> 1. The program was initiated in November 2007 with the signing of Executive Order 2007-050. Work began in March 2008. 2. Applications were available in May 2008, with two received by June 2008. The FY 08 fiscal year ends June 30, 2008. It is unknown at this time how many applications may be received. The target for FY 09 will be updated as soon as an estimate is determined. 3. In FY09 467 applications were received and processed. This exceeded our goal of 400 applications because the potential for grant funding through the American Recovery and Reinvestment Act generated a greater than anticipated interest level resulting in more applications. 					

Goal 3. Make New Mexico the Clean Energy State

Task 3.4 Improve oversight and environmental management of oil and gas production

Performance Measures and Baseline Data

Measure	FY03 Baseline	FY04 Actuals	FY05 Actuals	FY06 Actuals	FY07 Actuals	FY08 Estimate	FY09 Target
Noxious emissions from wellhead and compressor stations, tons per year	117,096	116,405	112,678	108,000	102,748	96,199	92,000

Measure	FY03 Baseline	FY04 Actuals	FY05 Actuals	FY06 Actuals	FY07 Actuals	FY08 Estimate	FY09 Target
Environmental reviews conducted for oil and gas development projects	4	44	50	34	6	6	5



Goal 4. Combat Climate Change

Task 4.1 Reduce New Mexico greenhouse gas emissions

Performance Measures and Baseline Data (Yr 2000), Linear Extrapolation of Estimates (Yr 2001 to FY 06), and Performance Measures (FY 07 Forward)

Measure	2000 Baseline	2001 Estimates	2002 Estimates	2003 Estimates	2004 Estimates	2005 Estimates	2006 Estimates
Annual statewide greenhouse gas emissions (GHGs) ¹ (MMt CO ₂ e) ² (target = 2000 levels by 2012)	48.6 MMT	49.4 MMT	50.2 MMT	51.0 MMT	51.8 MMT	52.6 MMT	53.4 MMT
	2007 Estimates	2008 Estimates	2009 Estimates	2010 Estimates	2011 Estimates	2012 Estimates	
	54.2 MMT	53.1 MMT	52.0 MMT	50.9 MMT	49.8 MMT	48.6 MMT	

1. This represents the Climate Change Advisory Group recommendation to use net GHGs using a consumption based approach for all sector fossil fuels.

2. MMt CO₂e = million metric tons of carbon dioxide equivalent
Annual increases from baseline year 2000 to year 2006 are linear extrapolations based on two data points (Yr 2000 and Yr 2010) from the *New Mexico Greenhouse Gas Inventory and Reference Case Projections*.
Target Measures to reach 2000 levels by 2012 are also assumed to be linear. The assumption is that the greenhouse gas reduction strategies will begin to reduce emissions in 2007. A statewide top down GHG emissions inventory and projections will be conducted in 2009 to determine 2008 emissions and then repeated for 2012 GHG emissions.

Performance Measures and Baseline Data

Explanatory Data				
<i>Annual greenhouse gas emissions (Mt CO₂e) by sector</i>				
Measure	2000 Baseline	2010 Reference Case Projection	2012 Target (2000 level)	Explanatory Note for 2010 Projections
Electricity	19.2	21.4	19.2	40% of baseline; based on assumed future mix of power plants
Res./Commercial	7.3	8.5	7.3	9% of baseline; based on US DOE regional projections
Transportation	14.2	17.6	14.2	17% of baseline; vehicle miles from NM DOT; aviation fuel and others from US DOE
Fossil Fuel Industry	19.5	20.3	19.5	23.5% of baseline; assumes no change in state gas production
Industrial Processes	1.5	2.0	1.5	2% of baseline; based on US EPA /State Dept. national projections
Waste Management	1.2	1.4	1.2	1.5% of baseline; based on State Dept. national projections and state population increases
Agriculture	6.0	6.4	6.0	7% of baseline; dairy emissions grow with population
Forestry and Land Use	-20.9	-20.9	-20.9	Carbon sequestration rates are assumed to remain constant
Total	48	56	48	

Performance Measures and Baseline Data

Measure	1998-2001 Avg Baseline	2003 Actuals	2004 Actuals	2005 Actuals	2006 Actuals	2007 Estimates ³	2008 Targets	2009 Targets
Annual greenhouse gas emissions in state government operations ¹ (Mt CO ₂ e) ² (Target = 4% below baseline from 2003-2006 and an additional 2% below from 2007-2010)	150,521 Mt	163,353 Mt	156,644 Mt	151,286 Mt	155,036 Mt	156,541 Mt	143,001 Mt	142,242 Mt
1. Excludes emissions associated with leased building space. 2. MtCO ₂ e= metric ton carbon dioxide equivalent 3. Estimate is 104% above baseline. Figures after 2006 do not yet include green power purchases.								
Explanatory Data								
Annual greenhouse gas emissions (Mt CO ₂ e) by emission type								
Electricity/green power ¹	73,450	78,452	71,978	68,757	75,645	76,388	69,778	69,410
Natural Gas	28,212	27,166	27,830	24,906	29,058	29,340	26,801	26,660
All Vehicle Fuels	48,807	57,746	56,835	57,623	50,271	50,579	46,367	46,122
1. Figures after 2006 do not yet include actual green power purchases.								

Task 4.4 Promote Regional and National Greenhouse Gas Reduction Initiatives

Performance Measures and Baseline Data

Measure	FY05 Actuals	FY06 Actuals	FY07 Actuals	FY08 Target	FY09 Target	FY010 Target
Explanatory Data						
Work with states, tribes and Canadian Provinces to establish the Climate Registry.	NA	NA	NA	January 2008 ¹	Ongoing ²	Ongoing ²
Work with members of the Western Climate Initiative to design a regional market- based emission reduction program..	NA	NA	NA	August 2008 ³	Ongoing ⁴	Ongoing ⁴

Measure	FY05 Actuals	FY06 Actuals	FY07 Actuals	FY08 Target	FY09 Target	FY010 Target
Explanatory Data						
<p>1. In 2008 The Climate Registry established a voluntary web based greenhouse gas reporting and registry program.</p> <p>2. In 2009/2010 The Climate Registry will continue to develop reporting protocols and refine the program.</p> <p>3. In September 2008, the Western Climate Initiative published the “Design Recommendations for the WCI Regional Cap-and-Trade Program”.</p> <p>4. The Western Climate Initiative will continue designing the program described in the “2009-2010 Work Plan which may be viewed at: http://www.westernclimateinitiative.org/component/remository/general/2009-2010-WCI-Work-Plan/</p>						



Goal 5. Conserve and Restore Forests and Watersheds

Task 5.2 Improve New Mexico’s watersheds by restoring native species, habitat and stream flows

Performance Measures and Baseline Data

Measure	FY03 Baseline	FY04 Actuals	FY05 Actuals	FY06 Actuals	FY07 Actuals/ Estimates	FY08 Target
Number of miles/acres of active watershed restoration including wetlands projects, river ecosystem restoration projects and federal Clean Water Act Section 319 projects ¹	NA	NA	732	700	>700/2626	500/2626
	FY09 Target 500/2626	FY10 Target NA				
Number of stream miles monitored annually to assess impairment ²	NA	NA	472	1,283 ³	1,539 ⁴	150

	FY09 Target	FY10 Target				
	500	NA				
Explanatory Data						
Number of impaired stream miles ⁴	NA	NA	2,626	2,626	2,626	NA
<ol style="list-style-type: none"> 1. Includes on-the-ground projects and watershed group formation initiatives. Reported as number of miles being addressed each year (not cumulative) through watershed restoration activities/impaired stream miles. Number of miles being addressed is dependent on the Clean Water Act Section 319 funding allotment each year. Identified impaired miles are expected to increase each biennial reporting cycle as additional studies are completed. 2. Water quality studies are conducted on a calendar year cycle. FY07 actuals report on studies completed in 2007, FY08 target will include studies to be completed in 2008. Study planning for FY09 will begin after the 2008 field season ends (November 2008), therefore FY09 targets will not be available until December 2008. The number of miles assessed each year is dependent on the complexity of the watershed selected for study, including the number of point source discharges to be bracketed, the number of remote sites not accessible by car, the extensiveness of tributary networks, etc. 3. EMNRD's share. Does not include New Mexico Department of Agriculture acres restored from the Salt Cedar Management projects. 4. Number of impaired stream miles as reported in biennial reporting cycle as additional studies are completed. 2008-2010 impaired waters reports will be completed in December 2008. 						

PERFORMANCE AND ACCOUNTABILITY CONTRACT SAFER NEW MEXICO



Goal 1. Increase Workplace Safety

Task 1.1 Decrease the number and severity of work-related accidents

Performance Measures and Baseline Data

Measure	2005 Actuals	2006 Actuals	FY07 Actuals	FY08 Actuals	2009 Actuals	FY10 Target
Percent of serious worker health and safety violations corrected within specified timeframes	85%	95.5%	94.9%	96.4%	95.9%	95%
<p>Data Source: OSHA's Integrated Management Information System (IMIS)</p> <p>Reliability: Violations discovered are entered into IMIS, along with the abatement/correction due date. There is a field for "abatement verified date" and the report cannot be closed unless there is an entry in that field. Reports run at the end of a quarter shows the number of serious violations identified, the violation abatement due date for each, and the date abatement was verified.</p>						
The number of entities participating in voluntary safety efforts	10	14	19	21	23	26
The number of entities is defined as the number of partnership groups, plus the number of companies enrolled in SHARP and VPP.						

NMED KEY PERFORMANCE MEASURES

Reporting Period – 4th Quarter and Annual FY 09, July 31, 2009

Environmental Protection Division

Air Quality Bureau

Performance Measure 1.	2000 Baseline	2006 Estimates	2007 Estimates	2008 Estimates
Annual greenhouse gas emissions (GHGs) (MMtCO _{2e})	48.6 MMT	53.4 MMT	54.2 MMT	53.1 MMT
Objective: Reduce New Mexico greenhouse gas emissions to 2000 levels by 2012				

This is a Governor's Performance and Accountability Contract measure and represents the Climate Change Advisory Group recommendation to use net GHGs using a consumption based approach for all sector fossil fuels.

MMt CO_{2e} = million metric tons of carbon dioxide equivalent

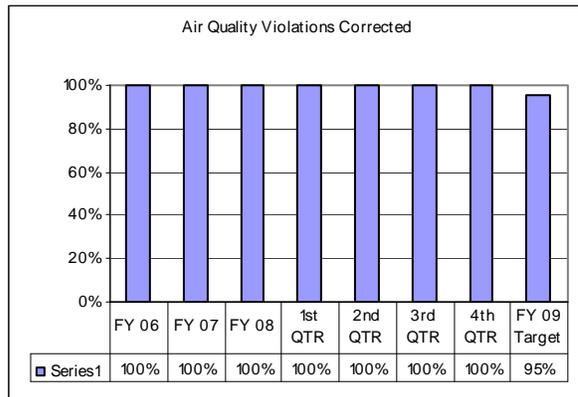
Annual increases from baseline year 2000 to year 2006 are linear extrapolations based on two data points (Yr 2000 and Yr 2010) from the *New Mexico Greenhouse Gas Inventory and Reference Case Projections*.

Target Measures to reach 2000 levels by 2012 are also assumed to be linear. The assumption is that the greenhouse gas reduction strategies will begin to reduce emissions in 2007. A statewide GHG emissions inventory will be conducted in 2009 to determine 2008 emissions.

Air Quality Bureau Continued



Performance Measure 2.	FY06 Actuals	FY 07 Actuals	FY 08 Actuals	FY 09 Target	FY 09 Actuals
Percent of facilities taking corrective action to mitigate air quality violations discovered as a result of inspections.	100%	100%	100%	95%	100%
Objective: Ensure that appropriate corrective action is taken to protect human health and the environment.					



Data Source: AQB Data Tracking System (DTS)

Reliability: The data collected for this measure is highly reliable and is verified at several stages of case resolution. Reports from the DTS are run weekly to monitor the corrective actions on all outstanding NOV's and Compliance Orders.

Comments: The 4th quarter FY 09 result was 100%. There were 15 enforcement actions requiring corrective action. All 15 facilities or 100% took corrective action to mitigate the violations. For all of FY 09, there were 44 enforcement actions requiring corrective action and all 44 facilities or 100% took corrective action to mitigate the violations.

Environmental Protection Division

Occupational Health & Safety Bureau

Performance Measure 1.	FY06 Actuals	FY 07 Actuals	FY 08 Actuals	FY 09 Target	FY 09 Actuals
Percent of serious worker health & safety violations corrected within the timeframes designated on issued citations from the Consultation and Compliance Sections.	96.53%	96.55%	96.4%	95%	95.9%
Objective: Ensure that employees are protected from workplace hazards.					

Data Source: OSHA's Integrated Management Information System (IMIS)
Reliability: Violations discovered are entered into IMIS, along with the abatement/correction due date. There is a field for "abatement verified date" and the report cannot be closed unless there is an entry in that field. Reports run at the end of a quarter shows the number of serious violations identified, the violation abatement due date for each, and the date abatement was verified.
Comments: The combined (consultation and compliance) 4th quarter FY09 result was 95.9%. Analysis for this quarter revealed 244 identified hazards during consultation visits, 244 of which were abated/corrected within the designated timeframe (100%). There were 215 serious violations identified during enforcement inspections. Citations were issued for the violations and 196 of the violations were abated/corrected within the described timeframe (91.2%).
 The calculation for the 4th quarter is: $(244 + 196) / (244 + 215) = 95.9\%$.
 The calculation for the entire FY 09 is:
 $(789 + 853) / (800 + 912) = 95.9\%$.

Percent of Serious Violations Corrected On Time

FY 09	4th Quarter		
	# Hazards/Violations	# Corrected on Time	% Corrected on Time
Consultation Section	244	244	100.0%
Enforcement Section	215	196	91.2%
Total	459	440	
% Total Corrected on Time			95.9%

Occupational Health & Safety Bureau Continued

Performance Measure 2.	FY 06 Actuals	FY 07 Actuals	FY 08 Actuals	FY 09 Target	FY 09 Actuals
Percent of worker health & safety complaints responded to within 5 days.	75%	92%	100%	95%	100%
Objective Ensure that response time is in accordance with federal and state regulations and policies, and that worker health and safety are protected.					

Data Source: OSHA's Integrated Management Information System
Reliability: Complaints are entered into the IMIS system on the day they are received. Within a day or two, a compliance officer is assigned to investigate, and the compliance officer schedules his or her investigation to begin within 5 days of initial receipt. A Complaint Tracking Report run off of IMIS at the end of the quarter shows the date each complaint was received and the date the corresponding investigation was initiated.
Comments: No complaints were received during the 4th quarter FY 09. The total number of complaints received during FY09 was 7. All 7 were responded to within 5 days. The calculation is $7/7=100\%$.



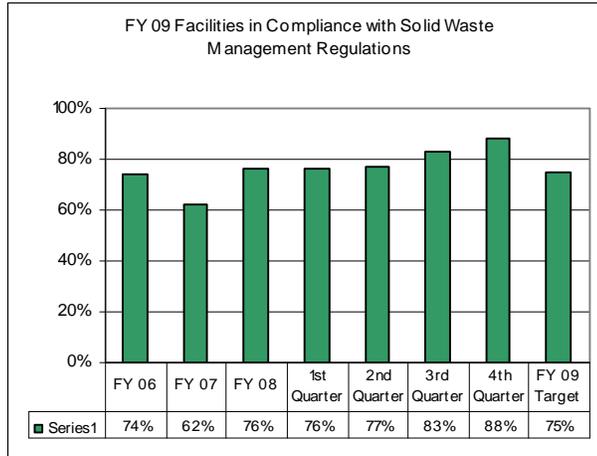
Environmental Protection Division

Solid Waste Bureau

Performance Measure 1.	FY 06 Actuals	FY 07 Actuals	FY 08 Actuals	FY 09 Target	FY 09 Actuals
Percent of inspected solid waste facilities that are in substantial compliance with the Solid Waste Management regulations.	74%	62%	76%	75%	81%
Objective: To inspect facilities and determine if there are violations of one of the critical requirements for substantial compliance.					

Solid Waste Bureau Continued

Data Source: SWB Database
Reliability: Inspection records maintained in hardcopy form in both the main office and in District Offices. Enforcement officers tabulate activity based on actual report records. Field Enforcement Officer's logs are reviewed by the supervisor.
Comments: The 4th quarter FY 09 result was 88%. Eight (8) solid waste facilities were inspected. Of these, seven (7) were found to be in substantial compliance ($7 \div 8 \times 100 = 88\%$). Total for FY 09 was 81%



Performance Measure 2.	FY06 Actuals	FY 07 Actuals	FY 08 Actuals	FY 09 Target	FY 09 Actuals
Percent of landfills meeting ground water monitoring requirements.	71%	59%	61%	93%	72%
Objective: To track and review received groundwater reports as required by the NM Solid Waste Management Rules.					

Solid Waste Bureau Continued

Data Source: Ground Water Monitoring Database. In the past, reports were mostly sent from the landfill operators to the SWB annually, usually in February, for the preceding calendar year (January – December). Since August 2007, when the new Solid Waste Rules became effective, the landfill operators are required to send in the monitoring reports within 90 days of completing sampling.

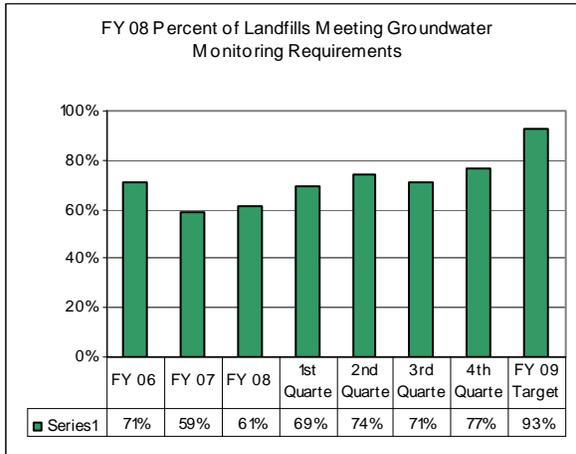
Reliability: : A Hydrologist reviews reports submitted from landfills and prepares a summary report. Reported percentage is based on the number of reports received. If a facility completes groundwater monitoring and does not provide the report, they are considered out of compliance. The reliability of the data regarding the number of facilities reporting is high. However, the Bureau continually updates files to ensure the number of facilities identified as required to report (70 as of June 2009) is accurate. Some facilities may no longer be required to report because they have been granted a waiver of groundwater monitoring, have completed the closure monitoring period, or are exempt. Some other facilities, which have recently been permitted, may be just starting their groundwater monitoring and need to be added to the database as they become operational.

Comments: The 4th quarter of FY 09 result was 77 % (16% below the target). 54 of the 70 landfills were in compliance. Of the 16 landfills that were out of compliance, 2 actually performed sampling but were late submitting their reports, resulting in non-compliance. Fifteen are considered small landfills that fall under the first bullet listed below (economically disadvantaged) and 5 of those small landfills are all located in Catron County. The measure includes landfills that performed their ground water sampling (as required in their ground water plan, and submitted the ground water report to the Department within the required 90 day period, or were granted an extension due to unforeseen circumstances). Those landfills that failed to meet either one of the above criteria would be considered in non-compliance. For the year FY09, there were 276 facilities total for four quarters, 200 (72%) of those were in compliance with groundwater monitoring and 76 (28%) were out of compliance.

The main reasons for the measure being so much below the target are as follows:

- Unrealistically high target due to the high number of small, closed landfills that are located in economically disadvantaged communities and do not have enough funds to afford the cost of groundwater monitoring;
- Several engineering firms that were performing ground water monitoring have decided to stop since they did not have any qualified ground water scientists on staff [which is a requirement of the Solid Waste Rules, 20.9.9.10.N(20) NMAC]. As a result, several communities were scrambling to find an approved consultant to perform ground water monitoring and ended up in non-compliance. The Bureau has, in most cases, been working with these communities and allowed them extensions to get an approved consultant in place;
- Staffing in the Permit section is not at 100% and there is still one vacant hydrologist position (due to the hiring freeze) and the hydrologist is primarily responsible for monitoring compliance and contacting non-compliant facilities; and
- Due to the economic situation many cities and counties are indicating they do not have the funding to perform the required monitoring.

Solid Waste Bureau Continued



Action Plan: The Bureau is planning the following actions to meet the performance measure.

- Anticipate filling the vacant hydrologist position as soon as the hiring freeze is released. This staff will assist in monitoring compliance with non-compliant facilities.
- Notices of Violation are being sent to landfills that did not sample groundwater or a vadose zone as required by their monitoring plans.
- The Solid Waste Facility Grant Fund as of March 2009 has \$250,000 available for monitoring activities and all landfills have been notified of this funding source. Applications are due by April 15, 2009.
- Provide advice on other sources of grants and loans for communities that are financially unable to afford groundwater monitoring.

Environmental Protection Division

Petroleum Storage Tanks Bureau

Performance Measure 1.	FY 09 Target	FY 09 Actuals
Number of confirmed sites contaminated by petroleum products that require no further action as a result of aggressive remediation.	30/yr.	47

Data Source: Corrective Action Fund (CAF) database

Reliability: Remedial Action Program Manager reviews remediation reports documenting achievement of NFA status submitted by project managers and prepares a summary report.

Comments: Reported result (47) is based on the number of sites where No Further Action letters were issued by the Bureau.

Petroleum Storage Tanks Bureau Continued

Performance Measure 2.	FY 09 Actuals
Number of new confirmed releases from leaking storage tank sites that are being assessed for environmental and human health risk.	23



Data Source: Corrective Action Fund (CAF) database

Reliability: Remedial Action Program Manager reviews initial incident reports submitted to the PSTB. Reported result is based on the number of reports received.

Comments: Twenty-three (23) new petroleum releases were reported to the Bureau during FY 09. Once a release is reported, owners and operators are required to begin assessment and corrective action immediately.

Performance Measure 3.	FY 09 Target	FY 09 Actuals
Number of storage tank sites with confirmed releases of petroleum products that are high risk and are undergoing aggressive corrective action.	150	148

Data Source: Corrective Action Fund (CAF) database

Reliability: Reported result is based on the number of work plan approvals and requests for proposals issued by the Bureau during the fiscal year.

Comments: Aggressive corrective action activities are taking place at 17 of 20 1st priority and 131 of 209 2nd priority storage tank sites that have had confirmed releases of petroleum products.

Performance Measure 4.	FY05 Actuals	FY 06 Actuals	FY 07 Actuals	FY 08 Target	FY 09 Actuals
Percent of underground storage tank facilities in significant operational compliance with release prevention and release detection regulations of the petroleum storage tank regulations.	92.5%	93%	81%	90%	58%
Objective: To track percentage of facilities in compliance with release prevention and release detection requirements which are designed to minimize petroleum releases to the environment.					

Petroleum Storage Tanks Bureau Continued

Data Source: One Stop database

Reliability: This statistic is tracked by accumulating the information from individual inspection reports generated and signed by Inspectors stationed state wide. The inspection reports are maintained as hard paper copies in files both in the individual Inspector's offices and in the central offices in Santa Fe. The percentage of compliance reported is the number of facilities in compliance divided by the total number inspected that year.

Comments For FY 09, 929 compliance inspections were performed for underground storage tank facilities. 538 facilities (58%) were in compliance with significant operating compliance (SOC) measures for release prevention and release detection requirements.

The compliance target of 90% for FY 08 and 09 is unrealistically high. The trend for the last two fiscal years is showing a decreasing percentage of facilities in compliance with SOC measures. FY 08 totals accumulated 1,006 compliance inspections and 774 (77%) were in compliance with SOC measures. The following is our explanation why this decrease continued in FY 09.

- 1) The Bureau elevated inspection activities this year to report all observed compliance violations when we initially inspect the facility. Prior to this year, inspectors would visit the facility and require additional records to be provided by the tank owner/operator before the inspection was closed. That practice gave the tank owner additional time to meet compliance requirements. The new practice was initiated to improve current business processes to better document any and all compliance violations that may trigger implementation of delivery prohibition or required retraining of a certified operator when these regulations become effective in New Mexico. This approach also improves and documents the notification process to the tank owners/operators that violations have been found at their facility that need their immediate attention. Re-inspections were performed to ensure that the issues which trigger the violation have been corrected. Accordingly, inspections are improving in quality resulting in a decrease of facilities in compliance with the SOC performance measures.
- 2) A second reason for this reported increase in the number of facilities that are out of compliance with SOC performance measures is that many facilities statewide are due to system equipment needing upgrades or replacements. Specifically, these inspections have documented that the most common types of violations involve spill buckets and overfill prevention devices that need replacement and or repair.
- 3) Staffing has been down since FY 07. The Prevention and Inspection Program currently is holding two vacant positions. Many facility inspections that were out of compliance with SOC measures are in areas that have not had full time inspection coverage since FY 07.
- 4) Some mid-sized companies that own 3 to 12 facilities and some larger companies are not performing proper operation and maintenance for their own facilities. This may be a result of corporate down-sizing of the number of personnel that perform these types of activities.

Petroleum Storage Tanks Bureau Continued

Action Plan: The Bureau is planning to continue with the current practice to document compliance concerns upon first inspection and perform re-inspections to confirm that corrections were made. The following actions should assist to increase our reporting measures:

- Educational brochures on regulatory compliance have been developed and will be provided to tank owners at inspections, will be presented at trade shows, and have been posted on our web page. Brochures were included in correspondence to tank owners/operators by mail.
- The Program continues to emphasize internal training of inspectors to help provide consistency in performing inspections.
- Recent changes to the Petroleum Storage Tank regulations, effective June 15, 2009 establish new requirements for certified operator training. The Bureau will implement these training requirements during FY 10. These training programs will provide storage tank system operation and maintenance training as well as regulatory compliance training for tank owners and operators. This training will result in an increased level of compliance.

Environmental Health Division

Liquid Waste Bureau

Performance Measure 1.	FY06 Actuals	FY 07 Actuals	FY 08 Actuals	FY 09 Target	FY 09 Actuals
Number of free well water Tests.	1,000	1,895	999	1,000	1,687
Objective: Provide data to identify areas that may require stricter standards in order to protect groundwater.					

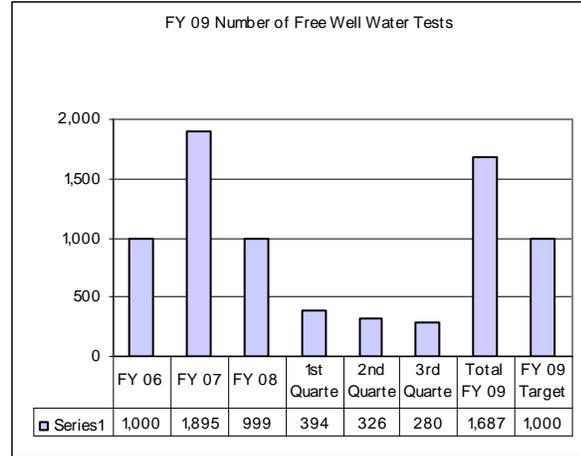
Liquid Waste Bureau Continued

Data Source: District Managers

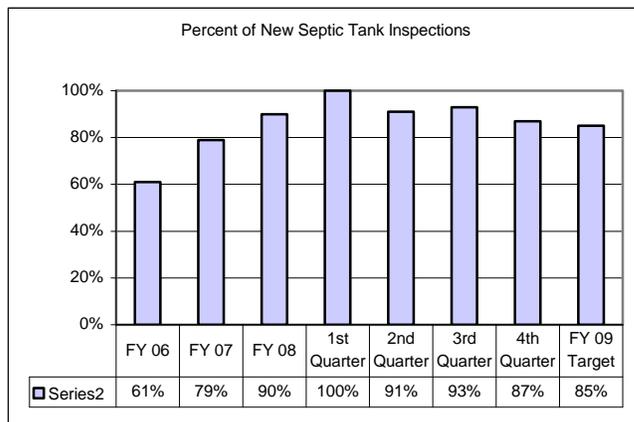
Reliability: Hard copies of all test results are maintained in each field office.

Comments: The 4th quarter FY09 result was 687 tests; 1,687 cumulative tests were performed in FY09. The FY09 target has been exceeded for FY09.

Field offices continue to advertise for and perform private well water testing services on demand and through water fairs in order to provide homeowners with a test of the quality of their drinking water as well as to provide the department with valuable information on the quality of groundwater resources state-wide.



Performance Measure 2.	FY06 Actuals	FY 07 Actuals	FY 08 Actuals	FY 09 Target	FY 09 Actuals
Percent of new septic tank inspections completed.	61%	79%	90%	85%	93%



Data Source: District Managers/
Liquid Waste Database

Reliability: A manual count is performed and compared to information in the Liquid Waste Database.

Comments: The 4th quarter FY09 result was 87% (927 inspections completed out of 1,071 permits issued); the FY09 result was 93% (3,910 inspections completed out of 4,225 permits issued). The FY09 target has been exceeded for FY09.

NMED staff continues to perform new liquid waste system inspections as required. Within any given quarter inspections are conducted for permits issued in previous quarters, and permits are issued for construction that will commence in subsequent quarters. Construction does not always begin within the quarter the permit is issued.

Liquid Waste Bureau Continued

Performance Measure 3.	Explanatory
Number of compliance orders issued in response to complaints or inspection of new septic tanks.	FY 09 22
Objective: Ensure that appropriate corrective action is taken to protect human health and the environment.	



Data Source: District Managers/ Liquid Waste Database
Reliability: A manual count is performed and compared to information in the Liquid Waste Database.
Comments: The 4th quarter FY09 result was 12 compliance orders issued; 22 cumulative compliance orders were issued for FY09. Compliance orders are issued on an as-needed basis when reasonable efforts to obtain voluntary compliance have failed and a Notice of Violation (NOV) was disregarded.

Environmental Health Division

Food Program



Performance Measure 1.	Explanatory
Number of food related inspections performed by EHD Environmental Scientists.	FY 09 9,613 inspections, which included pre-openings, openings, routine, follow-ups, complaints, investigations and/or closings of annually permitted locations.
Objective: Protect public health by inspecting food facilities for compliance with food safety requirements.	

Food Program Continued

Data Source: District Offices/ Tempo Database
Reliability: Hard copies of all inspections and test results are maintained in each field office.
Comments: The 4th quarter FY09 result was 2,331 food related inspections performed; 9,613 cumulative food related inspections were performed in FY09. The inspections included pre-openings, openings, routine, follow-ups, complaints, investigations and/or closings of annually permitted locations, and measures inspections above and beyond the annual permit inspections required.

Performance Measure 2.	FY 08 Actuals	FY 09 Target	FY 09 Actuals
Percent of high risk food related violations corrected within the timeframes noted on the inspection report issued to permitted commercial food establishments.	71%	100%	85%
Objective: To assure protection of the public from possible food borne illness.			

Data Source: District Offices/ Tempo Database
Reliability: Hard copies of all inspections and test results are maintained in each field office.
Comments: The 4th quarter FY09 result was 88% (1,675 high risk violations corrected out of 1,907 violations cited during routine inspections). The FY09 result was 85% (6,865 high risk violations corrected out of 8,090 violations cited during routine inspections).
 The FY09 results demonstrate an under-performance for the Food Program based on the 100% target. As protocol allows, NMED food inspectors must assess the severity and public health significance of any inspection results and may conduct a follow-up inspection, have the high risk violations corrected on-site or issue a Notice of Corrective Action Response (NCAR) form.

Action Plan: : Inspectors are strengthening efforts in requiring that the high risk violation noted be corrected at the time of the inspection and/or issuing NCAR forms and following up on responses. The inspectors strive to meet the requirement of the Food Regulations by performing one inspection of annually permitted facilities; additional inspections are difficult to accomplish. In addition, standardization of the data entry process is being done to provide a more accurate reporting of the high risk violation corrected as needed.

Food Program Continued

Performance Measure 3.	FY 09 Target	FY 09 Actuals
Percent of annual permitted commercial food establishment inspections completed.	100%	100%
Objective: Protect public health by inspecting food facilities for compliance with food safety requirements.		

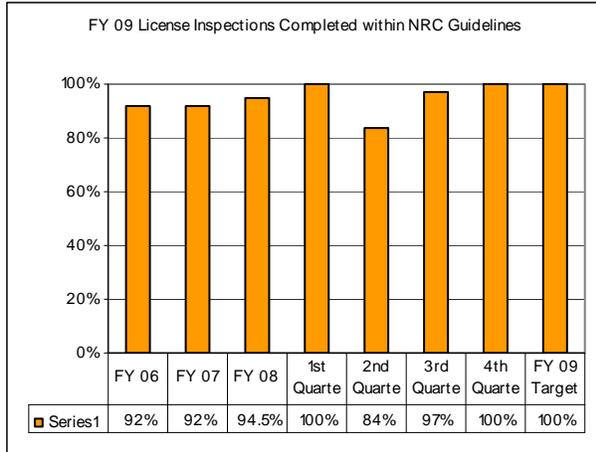
Data Source: District Offices/ Tempo Database
Reliability: Hard copies of all inspections and test results are maintained in each field office.
Comments: The percent of annual permitted commercial food establishment inspections completed in FY09 was 104% (6,871 inspections completed out of 6,614 total annual permits).

Environmental Health Division

Radiation Control Bureau

Performance Measure 1	FY06 Actuals	FY 07 Actuals	FY 08 Actuals	FY 09 Target	FY 09 Actuals
Percent of license inspections completed within the timelines identified in the Radiation Control Bureau policies.	92%	92%	94.5%	100%	95%

Radiation Control Bureau Continued



Action Plan: Program management and staff have been reminded of the importance of this measure and are instituting processes and checks to lessen the likelihood of a recurrence.

Data Source: Radiation Control Bureau Radioactive Material Licensee and X-ray Registrant Databases.

Reliability: Hard copies of all inspections are maintained in the Radiation Protection Program Central Office.

Comments: The 4th quarter FY09 result was 100% (20 inspections were performed out of 20 inspections due for various licensed industrial and medical facilities). The result for FY09 was 95% (81 inspections performed out of 85 inspections due).

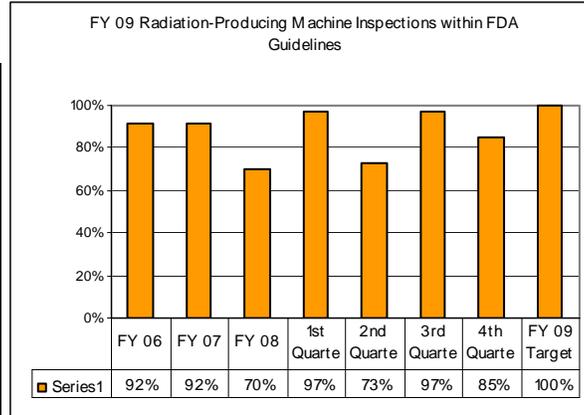
Performance Measure 2	FY06 Actuals	FY 07 Actuals	FY 08 Actuals	FY 09 Target	FY 09 Actuals
Percent of radiation - producing machine inspections completed within the timeframes identified in the Radiation Control Bureau Policies.	92%	92%	70%	100%	91%

Radiation Control Bureau Continued

Data Source: Radiation Control Bureau Radioactive Material Licensee and X-ray Registrant Databases.

Reliability: Hard copies of all inspections are maintained in the Radiation Protection Program Central Office.

Comments: The 4th quarter FY09 result was 85% (66 out of 78 inspections due were performed). For FY09, the result was 91% (464 out of 510 inspections due were performed). In the last quarter, staff efforts have been concentrated on preparing for a U.S. Nuclear Regulatory Commission (NRC) audit of the bureau's radioactive materials licensing and inspection agreement state program; inspections not performed are in outlying areas of the state.



Action Plan: Program management and staff have been reminded of the importance of this measure and are instituting processes and checks to lessen the likelihood of a recurrence. Additional instruments have been ordered to meet the inspection needs. Inspection efforts to reach targets will resume after the NRC audit in July 2009.

Performance Measure 3.	FY 08 Target	FY 08 Actuals	FY 09 Target	FY 09 Actuals
Percent of new radioactive material licensees and x-ray registrants inspected and issued a notice of violation (NOV) that comes into compliance within the time frame specified.	97%	97%	97%	91%

Data Source: NOV's issued (Tickler File), corrective action response, and follow-up inspections for verification of compliance.

Comments: The percent of new radioactive material licensees and x-ray registrants receiving a violation that came into compliance was 91% (52 of 57 NOV's came into compliance) for FY09.

The bureau is evaluating other enforcement actions for the x-ray facilities that have not come into compliance; four of the five non-compliances are facilities that are operating under the same management.

Action Plan: The bureau is evaluating other enforcement actions for the x-ray facilities that have not come into compliance.

Administrative Services Division

Budgets Management Bureau

Performance Measure 1	FY06 Actuals	FY 07 Actuals	FY 08 Actuals	FY 09 Target	FY 09 Actuals
Percent of budgets reviewed and analyzed quarterly to the lowest program level.	100%	75%	94%	100%	100%
To timely identify potential and perceived fiscal problems as early as possible allowing the Department to implement viable solutions.					

Data Source: Program Excel spreadsheets

Reliability: Spreadsheets are updated by program financial staff and reconciled to SHARE reports for accuracy. Reliability depends on accuracy of input data and whether or not the spreadsheets are updated in a timely manner.

Comments: The 4th quarter FY 09 result was 100%. Each program met with the budget bureau twice during this period, which exceeded the 4th quarter objective. During these reviews, topics of discussion were BAR deadlines, federal stimulus grants, year-end closing deadlines and actions, fund reconciliations, and the FY10 Operating Budget Submission.

Administrative Services Division

Financial Services Bureau

Performance Measure 2	FY05 Actuals	FY 06 Actuals	FY 07 Actuals	FY 08 Target	FY 09 Target	FY 09 Actuals
Percent of prior-year significant audit findings resolved.	100%	100%	14%	100%	100%	57%
Objective: To ensure administrative or budgetary issues identified by the prior year audit are corrected in order to effect greater efficiency throughout the Department.						

Data Source: NMED Audit-Finding Corrective Action Plan

Reliability:

Ongoing Tracking of Corrective Actions

Comments: During FY07, the Department resolved four of seven (57%) "**significant audit**" findings, as outlined in the FY08 audit report. The remaining significant findings are repeats from FY07 and will be resolved during the FY09 audit. The Department has taken the necessary corrective actions to eliminate significant findings in the future.

Program Support

Office of General Counsel

Performance Measure 1.	FY06 Actuals	FY 07 Actuals	FY 08 Actuals	FY 09 Target	FY 09 Actuals
Percent of clients contacted within 2 weeks of assignment of case.	100%	100%	96%	100%	99%
Objective: Continue assigning attorneys to cases; handle cases in a timely and efficient manner.					

Data Source: The OGC Case Log maintained by the Office Manager. It is updated to include a section for attorneys to enter Client Contact date.

Reliability: Attorneys licensed through the State Bar of New Mexico receive Continuing Legal Education that includes Ethics and Professionalism credits. Department attorneys are held to the highest standards and must factually report data. The log is updated as clients are contacted.

Comments: The 4th quarter FY 09 result was 100%. Twenty-eight out of 28 requests by clients were contacted within the required 2 week time on all of the newly assigned cases received during this quarter.

Performance Measure 2.	FY06 Actuals	FY 07 Actuals	FY 08 Actuals	FY 09 Target	FY 09 Actuals
Percent of legal requests reviewed and assigned within 3 days of receipt.	98%	95.33%	100%	100%	100%
Objective: Continue handling cases in a timely and efficient manner.					

Objective: Continue handling cases in a timely and efficient manner.

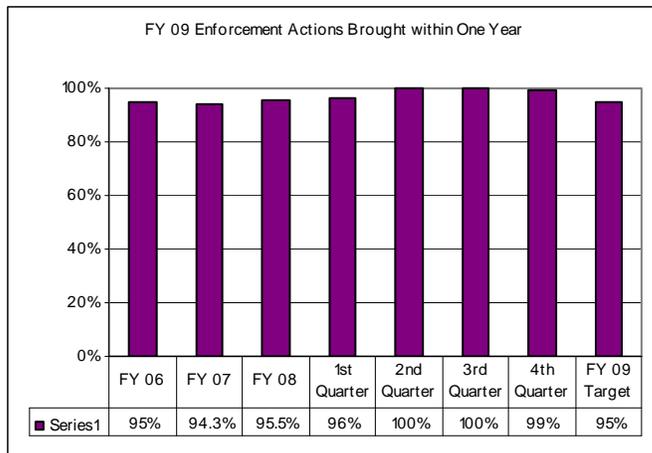
Data Source: The OGC Case Log maintained by the Office Manager. Legal Request forms that are initiated by Client (divisions/bureaus).

Reliability: The Log is updated as cases are assigned to attorneys.

Comments: The 4th quarter FY09 result was 100% (28 of 28). The Office of General Counsel reviewed and assigned 100% of the legal requests that were received during this quarter within the required 3 day time limitation.

Office of General Counsel Continued

Performance Measure 3.	FY 06 Actuals	FY 07 Actuals	FY 08 Actuals	FY 09 Target
Percent of enforcement actions brought within one year of inspection or documentation of a violation.	95%	94.3%	95.5%	100%
Objective: Continue ensuring timely enforcement actions.				



Data Source: The Solid Waste Bureau (SWB), Ground Water Bureau (GWB), Occupational Health and Safety Bureau (OHSB), Hazardous Waste Bureau (HWB) and Air Quality Bureau (AQB).

Reliability: Reliability is maintained by each bureau reporting.

Comments: 4th quarter FY 09 results

SWB – 94% (15 of 16 issued). Total for FY 09 was 71 of 72, or 99%.

GWB – no Administrative Compliance Orders issued for the 4th quarter. Total for FY 09 was 2 of 2 for the 1st quarter and no orders issued for the last 3 quarters (100%).

HWB – 100 % (16 of 16 issued). Total for FY 09 was 56 of 56, or 100%.

OHSB –100% (326 of 326 issued) for the 4th quarter. Total for FY 09 was 1,495 of 1,495 or 100%.

AQB –100% 15 of 15 enforcement actions were issued within one year. Total for FY09 was 49 of 50 or 98%.

4th quarter average of 5 of 5 bureaus – 99%.

Total average for FY 09 was 99.4%

Water & Wastewater Infrastructure Development Division

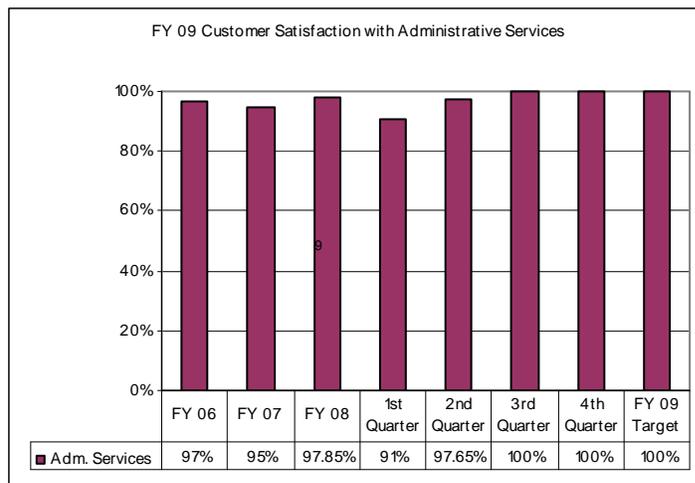
Construction Programs Bureau

Performance Measure 1.	FY06 Actuals	FY 07 Actuals	FY 08 Actuals	FY 09 Target	FY 09 Actuals
Percent customer satisfaction with CPB's administrative services provided in conjunction with federal and state loan and grant projects for construction of water, wastewater and solid waste projects, based on written customer surveys.	97%	95%	97.85%	100%	97%
Objective: Provide customers complete information in a timely manner; communicate regularly with project Participants.					

Data Source: Customer Satisfaction Surveys sent out to communities upon execution of a grant or loan agreement and then upon expenditure of all project funds and results entered into the Master Survey Analysis spreadsheet.

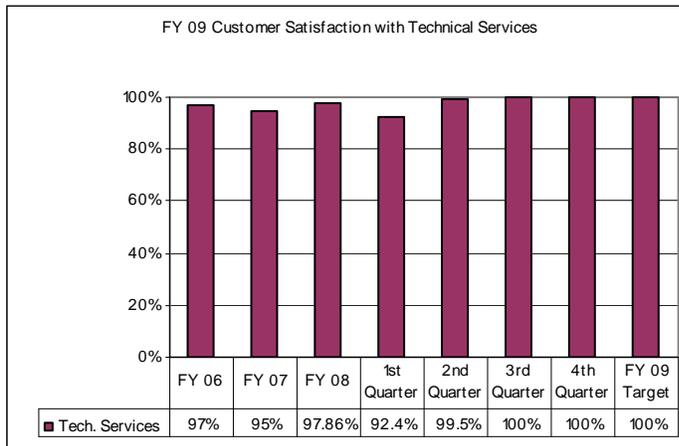
Reliability: Forty-two (42) out of 68 surveys were received in the 4th Quarter of FY 09, yielding approximately a 62% return rate. The Bureau received 197 out of 313 surveys in all of FY09, yielding approximately a 63% return rate.

Comments: 4th quarter FY09 results were 100% satisfaction, the same as last quarter. This quarter one person checked "neutral" on overall satisfaction, but it turned out her grant agreements had been delayed because her office repeatedly did not respond to our questions. Our overall satisfaction was rated at 97% for FY09. Scores of 100% for satisfaction in the last two quarters reflect efforts to address customer concerns in past quarters.



Construction Programs Bureau Continued

Performance Measure 2	FY06 Actuals	FY 07 Actuals	FY 08 Actuals	FY 09 Target	FY 09 Actuals
Percent customer satisfaction with CPB's <u>technical assistance and engineering services</u> provided in conjunction with federal and state loan and grant projects for construction of water, wastewater and solid waste projects, based on written customer surveys.	97%	95%	97.86%	100%	98%



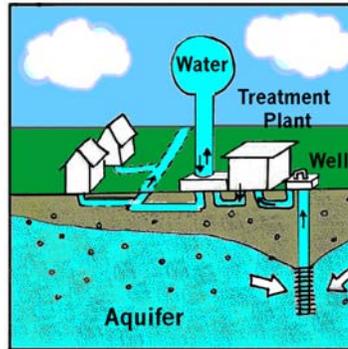
Data Source: Customer Satisfaction Surveys sent out upon execution of a grant or loan agreement and then upon expenditure of all project funds.

Reliability: The Bureau received 42 out of 68 surveys in the 4th Quarter of FY 09, yielding approximately a 62% return rate. The Bureau received 197 out of 313 surveys in all of FY09, yielding approximately a 63% return rate.

Comments: 4th quarter FY 09 results were 100% satisfaction, as they were last quarter. Overall FY09 results were 97% satisfaction, reflecting the effectiveness of program adjustments based on customer feedback. CPB has a continuous improvement process that strives to make changes as necessary to respond to customer comments. The results of these improvements are reflected in the survey outcome.

Construction Programs Bureau Continued

Performance Measure 3.	FY 09 Actuals
Percent completion of the New Mexico Environment Department's portion of implementing Executive Order 2007-050 and implementation of the Uniform Funding Application (UFA).	100%
Objective:	



Data Source: Access based Project Data Base and Program Excel spreadsheets

Reliability: Information is updated by CPB Project Engineers and the Program Administrators as the project progresses.

Comments: The Bureau is 100% complete on this measure. The UFA is now implemented successfully. Refinements will be ongoing, but the system is working well. All three deadlines set in the Executive Order were met and reported to the Water Cabinet and are as follows:

- 1) Create and approve a water and wastewater infrastructure project evaluation plan. Done and submitted to the Water Sub Cabinet in March 2008.
- 2) Create and execute a uniform application implementation plan. Done in August 2008 and the uniform funding application is now operational and well used.
- 3) Develop recommendations for the efficient and effective use of water and wastewater loan funds. Done and approved by the Water Cabinet in November 2008.

Construction Programs Bureau Continued

Performance Measure 4.	Explanatory
Total number of new projects funded and dollar amount of new loans made from the Clean Water State Revolving Fund Program (CWSRF) and the Rural Infrastructure Revolving Loan Program (RIP).	
Objective: Provide information on new projects funded and new loans made from the Clean Water State Revolving Fund Program and the Rural Infrastructure Revolving Loan Program.	

Data Source: Access based Project Data Base and Program Excel spreadsheets

Reliability: Information is updated by CPB Project Engineers and the Program Administrators as the project progresses.

Comments: Rural Infrastructure Revolving Loan Program (RIP) Activity 4th Quarter FY09

1. Village of Cimarron – Loan in the amount of \$44,800 for the purchase of a backhoe. Loan executed 5/12/09. Funds disbursed and loan closed 6/23/09.
2. Village of Cloudcroft – Loan in the amount of \$682,000 for WWTP improvements and reclaimed water reuse conservation project. Loan was approved and being signed by Secretary Curry.
3. Navajo Dam MDWCA – Loan in the amount of \$450,000 for construction of water treatment plant completion and office and storage building. Loan approved and sent to the community for signature.
4. Upper Arroyo Hondo – Loan in the amount of \$15,000 to complete construction of new storage tank. Loan approved and being signed by Secretary Curry.
5. Lincoln County SWA – Loan in the amount of \$500,000 to construct a convenience/recycling center. Waiting for loan application from the community.
6. Santa Fe County (Valle Vista) – Loan in the amount of \$2,000,000 for WWTP. Waiting for loan application from the community.

Rural Infrastructure Revolving Loan Program (RIP) Loans Executed in FY09

1. Town of Estancia – Loan in the amount of \$100,000 to complete water treatment system upgrades. Loan executed 7/8/08.
2. City of Portales – Loan in the amount of \$2,000,000 to construct additional water main lines. Loan executed 7/15/08.
3. Santa Fe SWMA – Loan in the amount of \$2,000,000 to construct a new solid waste cell. Loan executed 7/23/08.
4. Town of Edgewood – Loan in the amount of \$2,000,000 to complete WWTP facility. Loan executed 9/12/08.
5. Town of Red River – Loan in the amount of \$500,000 to construct new water lines and re-route existing lines. Loan executed 9/9/08.
6. El Vadito de los Cerrillos – Loan in the amount of \$40,000 to complete water system upgrades. Loan executed 12/11/08.
7. Taos SWA – Loan in the amount of \$500,000 to construct an operations and recycling facility. Loan executed 12/29/08.
8. Village of Cimarron – Loan in the amount of \$44,800 for the purchase of a backhoe. Loan executed 5/12/09.

Construction Programs Bureau Continued

Performance Measure 5.	Target Date
Date by which an annual project status report for water, wastewater and solid waste facility construction projects will be provided to the legislative finance committee members and analyst, and to department of finance and administration secretary and analyst.	August 15, 2009
Objective: Provide DFA, LFC, legislators and other interested parties information on projects funded by the Construction Programs Bureau.	

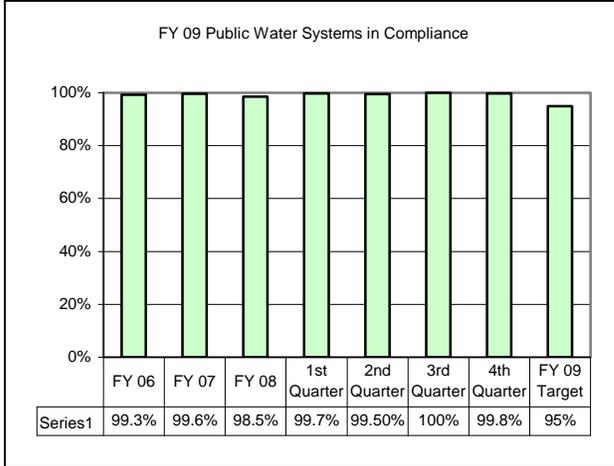
Data Source: Access database with project information maintained by Project Managers and excel spreadsheets with financial project information maintained by Program Administrators.
Reliability: Updated by Project Managers and Programs Administrators on a regular basis as changes or updates occur.
Comments: Project Status Report will be distributed by August 1st, 2009. Also available on NMED/Construction Programs Bureau website.

Water & Wastewater Infrastructure Development Division

Drinking Water Bureau

Performance Measure 1.	FY06 Actuals	FY 07 Actuals	FY 08 Actuals	FY 09 Target	FY 09 Actuals
Percent of public water systems that comply with acute maximum contaminant levels.	99.3%	99.6%	98.5%	95%	99%

Drinking Water Bureau Continued



Data Source: District Managers/
Safe Drinking Water Information
System Database (SDWIS)

Reliability: Laboratories
performing analyses maintain
reliability.

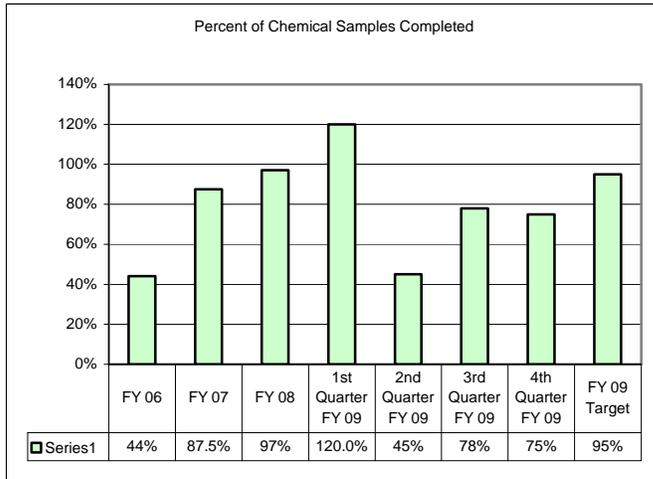
Comments: During the 4th quarter
of FY09, 1,252 of 1,254 (99.8%)
water systems complied with acute
maximum contaminate levels
(MCL).

For all of FY 09, 14 acute
violations occurred. There were 12
violations for the Total Coliform
Rule and two violations of the MCL
for Nitrate. The two MCL violations
for Nitrate occurred at the same
system and three of the Total
Coliform Rule violations occurred
at the same system. Eleven water
systems did not comply with acute
maximum contaminate levels. For
FY09, 99.1 % of systems complied
with acute maximum contaminant
levels.



Performance Measure 2.	FY06 Actuals	FY 07 Actuals	FY 08 Actuals	FY 09 Target	FY 09 Actuals
Percent of drinking water chemical samplings completed within the regulatory timeframe.	44%	87.5%	97%	95%	73%
Objective: To determine the presence of chemical contamination so action may be taken to prevent exposure to contaminants in drinking water that are harmful to humans.					

Drinking Water Bureau Continued



Action Plan: The above results do not accurately reflect the Bureau's performance for drinking water chemical samplings completed within the regulatory timeframe. The Bureau is currently working internally and externally to correct past and avoid future data entry issues that impact this performance measure. The following has been implemented:

1. Modified contracts with laboratories to ensure quality data entry.
 2. Realigned job tasks to ensure prompt and accurate data entry.
 3. Review of invoices to ensure all sampling data has been entered into SDWIS.
 4. Enforcement of laboratory contract provisions to ensure that proper testing procedures are used.
- In addition to the above changes, many minor changes to the Bureau operating procedures should increase the reliability of SDWIS data and in turn provide quality data which will provide a more accurate representation of this performance measure.

Data Source: Safe Drinking Water Information System Database (SDWIS)

Reliability: Hard copies of all sample records are maintained and are available for data entry verification purposes.

Comments: For the 4th quarter of FY09, 1606 chemical samples were collected (75%), which is below the quarterly target of 2,129. This performance measure reflects per-quarter results and is reported as a **cumulative percentage at fiscal year-end**. Thus quarterly results *may* or *may not* represent approximately ¼ of the total target. Calendar year sampling schedules are developed by the bureau based on state and federal regulatory requirements.

This schedule fluctuates for various reasons. Thus, this performance measure, which is based on a fiscal year, may not accurately demonstrate the progress of the bureau's sampling program process to improve sampling program performance when results are viewed quarterly for the fiscal year. Total for 2009 result was 6,190 of the 8,516 scheduled drinking water chemical samples (73%) were collected during FY09.

Drinking Water Bureau Continued

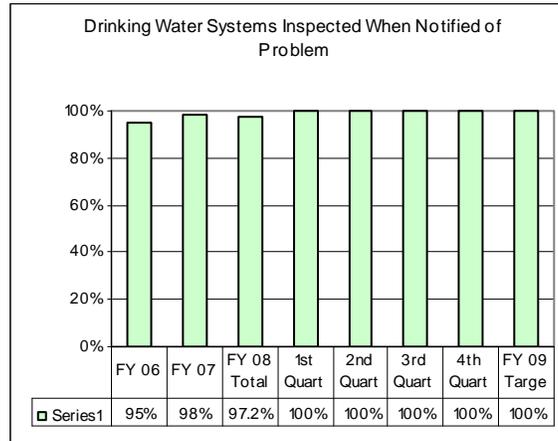
Performance Measure 3.	FY06 Actuals	FY 07 Actuals	FY 08 Actuals	FY 09 Target	FY 09 Actuals
Percent of public drinking water systems inspected within one week of notification of system problems that might impact public health.	95%	98%	97.2%	100%	100%

Data Source: District Managers/ Safe Drinking Water Information System Database (SDWIS)

Reliability: Hard copies of all inspections and test results are maintained in each field office.

Comments: There were 2 notifications of water system problems impacting public health during the 4th quarter of FY09. Both systems were inspected within one week of notification for 100% compliance.

The total for FY09 result was 100%. Of the 26 notifications of a potential public health threat, all were responded to within one week.



Drinking Water Bureau Continued



Performance Measure 4.	Explanatory
Number of site visits and assistance actions provided to public water systems to assist them to return to compliance with Safe Drinking Water Act requirements.	FY 09 7,647
Objective: To ensure public water systems are able to comply with Safe Drinking Water Act requirements.	

Data Source: District Managers/ Safe Drinking Water Information System Database (SDWIS)

Reliability: Hard copies of all inspections and test results are maintained in each field office.

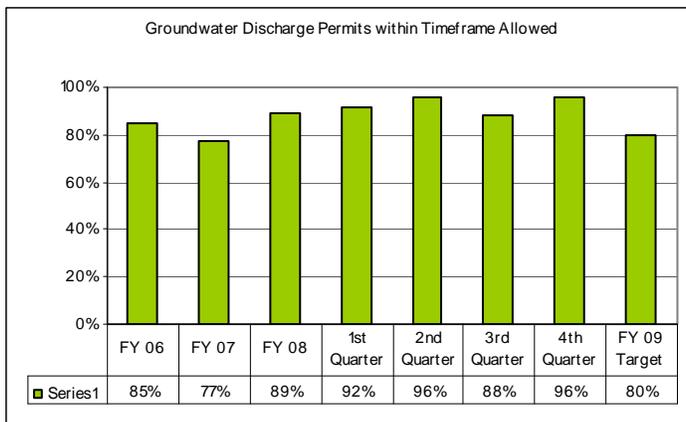
Comments: During the 4th quarter of FY09, 2141 site visits and assistance actions were provided to public water systems.

The total result for FY 09 was 7,647 assistance actions, enforcement actions, and site visits conducted.

Water & Waste Management Division

Groundwater Quality Bureau

Performance Measure 1.	FY06 Actuals	FY 07 Actuals	FY 08 Actuals	FY 09 Target	FY 09 Actuals
Percent of groundwater discharge permits issued within the time allowed by statute or regulation.	85%	77%	89%	80%	94%



Data Source: Tempo database

Reliability: The Tempo database contains "work activity logs" that are used to track the performance of work tasks for permitted sites. Dates associated with the work tasks are entered into the database by the program staff. The dates entered into the work activity logs are used to determine if permits have been issued within the regulatory timeframes.

Comments: Result for the 4th quarter FY09 was 96% (27 of 28 permits issued within the regulatory timeframe).

The total result for FY09 was 94% (76 of 81 permits issued within the regulatory timeframe). Performance for the 4th quarter and the year exceeded the target of 80%.

Timeliness of permit issuance has been observed to be affected by public hearing responsibilities (i.e., preparation for, and participation in, hearings). No public hearings were held during the 4th quarter of FY09 and only one hearing was held during FY09, thus most permitting personnel were able to focus on their routine activities during the 4th quarter and the fiscal year.

Groundwater Quality Bureau Continued

Performance Measure 2.	FY06 Actuals	FY 07 Actuals	FY 08 Actuals	FY 09 Target	FY 09 Actuals
Percent of permitted facilities receiving annual compliance evaluations and annual field inspections, and total estimated permitted facilities.	64%	42% of 875	76% of 875	65% of 935	61% of 935

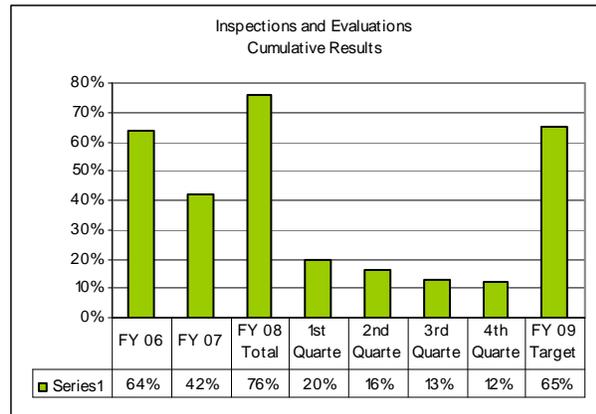
Data Source: Tempo database

Reliability: Performance of compliance evaluations and inspections, and the dates associated with the performance of these tasks, are entered into the database by program staff.

Comments: Result for the 4th quarter FY09 was 12% of the total number of permitted facilities (114 of 935).

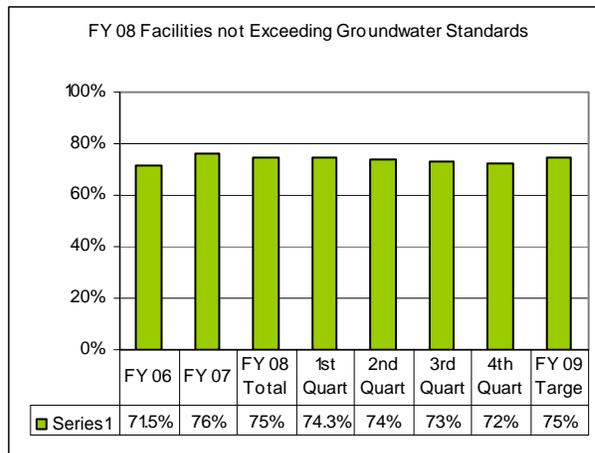
The cumulative result for FY09 (sum of 1st, 2nd, 3rd, and 4th quarters) is 61% of the total number of permitted facilities (573 of 935). The total number of permitted facilities (935) is taken from the data for the fourth quarter of FY08.

The quarterly performance somewhat compared to the 1st and 2nd quarters, and the annual goal was not achieved. Performance on this measure was negatively influenced by several vacancies (6 vacancies as of the end of FY09) in the permitting program. It is expected that these vacancies will be maintained through the end of FY10 due to the hiring freeze on executive agency classified positions.



Groundwater Quality Bureau Continued

Performance Measure 3.	FY06 Actuals	FY 07 Actuals	FY 08 Actuals	FY 09 Target	FY 09 Actuals
Percent of permitted facilities where monitoring results do not exceed standards.	71.5%	76%	75%	75%	73%
Objective: Increase the number of permitted facilities that have successfully prevented ground water pollution and maximize the availability of high quality ground water supplies.					



Groundwater Quality Bureau Continued

Data Source: Tempo database

Reliability: The Tempo database contains ground water analytical data and determinations as to whether WQCC ground water standards are being exceeded at each permitted facility. This information is updated as ground water analytical data is received by the program.

Comments: The 4th quarter FY09 result was 72% (646 of 901 active/inactive sites) represents a slight drop compared to the previous quarters (74% for 1st and 2nd quarters, 73% for 3rd quarter) and is below the annual goal of 75%.

This change between the 2nd and 3rd quarters is attributable primarily to data entry corrections rather than an increase in the number of facilities where ground water standards are exceeded. During the 3rd quarter, a concerted effort was made to evaluate the status of Discharge Permits and revise database entries accordingly. Consequently, the number of actively discharging facilities and facilities with effective permits but not presently discharging decreased from 937 during the 2nd quarter to 905 during the 3rd quarter. The facilities that were removed from the active/inactive category did not have exceedances of ground water standards, thus the number of facilities where ground water standards are not exceeded decreased relative the 2nd quarter (692 for the 2nd quarter versus 658 for the 3rd quarter). While both the total number of active/inactive facilities and the number of facilities where standards are not exceeded were decreased by approximately the same number, the decrease to the number of facilities where standards are not exceeded was proportionally greater due to its smaller value compared to the total number of active/inactive facilities; this factor accounts for the slight percentage decrease from the 2nd quarter to the 3rd quarter noted above. The change in percentage between the 3rd and 4th quarters is attributable primarily to a decrease in the number of facilities where ground water standards are not exceeded (658 during the 3rd quarter versus 646 during the 4th quarter), which resulted from both data entry corrections and entry of new ground water quality data.

Exceedance of ground water standards is typically representative of past wastewater management practices that are no longer permitted and the fact that clean-up activities often require long timeframes to restore ground water quality. The relatively small changes in the percentage of facilities not exceeding ground water quality standards from quarter to quarter have several causes: data revision effects, as noted above; facilities that have one or several ground water monitoring wells with contaminant concentrations close to the value of a ground water standard that may be affected by seasonal fluctuations and analytical variations; and newly obtained ground water data from facilities that previously lacked adequate ground water monitoring (for example, some dairy facilities).

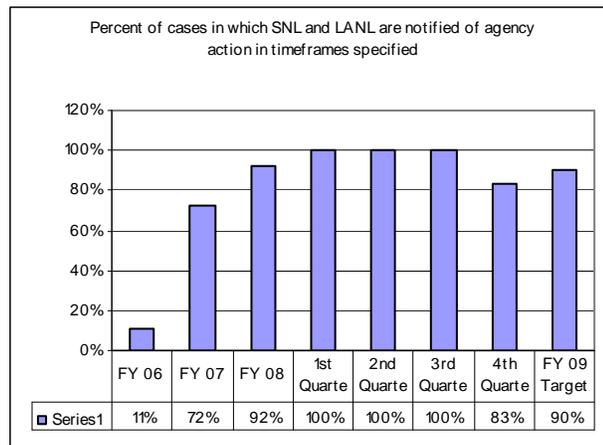
Action Plan: Require abatement of ground water contamination at facilities that exceed ground water standards when source control measures fail to restore ground water quality. The Bureau required abatement at numerous dairies in Dona Ana County in 2006. In 2008 and 2009, dairies in Chaves and Lea Counties were notified of the requirement to abate ground water contamination. The Bureau continues to bring additional facilities into abatement on a quarterly basis.

Water & Waste Management Division

Hazardous Waste Bureau

Performance Measure 1.	FY 06 Actuals	FY 07 Actuals	FY 08 Actuals	FY 09 Target	FY 09 Actuals
Percent of cases in which SNL and LANL are notified of agency action on document submittals within the timeframes specified in the executed consent orders.	11%	72%	92%	90%	93%
Objective: Ensure cleanup of the national laboratories under orders enforceable by the state of New Mexico.					

Data Source: Count of notices required during reporting period.
Reliability: Notices (with dates) are retained in official administrative record Data can be verified by third parties.
Comments: For the 4th quarter FY 09 there were 6 documents with Notice Dates for LANL. The Bureau provided notice on 5 documents in the required time (83%). The Bureau did not provide a response to one document because LANL lacks adequate groundwater data necessary conduct a technical review of the document. No documents had Notice Dates in the reporting period for SNL. For FY09, the Bureau met 93% (15 of 16) of the Notice Dates for Consent Order documents.

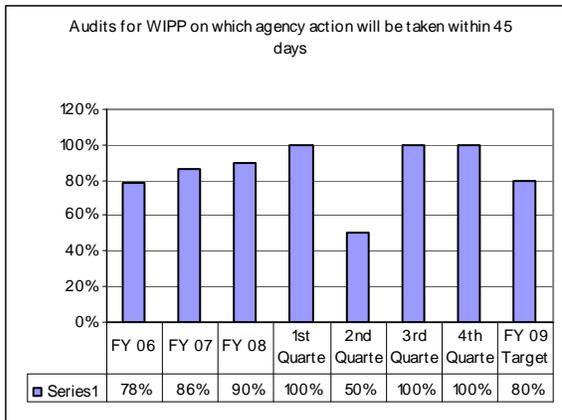


Performance Measure 2.	FY06 Actuals	FY 07 Actuals	FY 08 Actuals	FY 09 Target	FY 09 Actuals
Percent of Department of Energy generator site audits for WIPP on which agency action will be taken within 45 days.	78%	86%	90%	80%	93%
Objective: To track program efficacy at reviewing and evaluating the waste entering New Mexico for permanent disposal at the WIPP facility.					

Hazardous Waste Bureau Continued



Data Source: Count of notices required during reporting period.
Reliability: For the 4th quarter FY09 the Bureau had 3 audit report approvals due. The Bureau processed and approved 2 audit reports and provided comments to the Permittees on the 3rd within the 45 day period (100%). For FY09, the Bureau acted timely on 13 of 14 (93%) audit reports, thus exceeding the target.

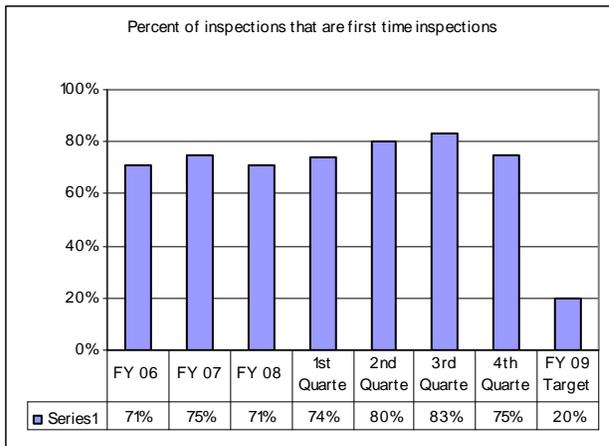


Performance Measure 3.	FY 06 Actuals	FY 07 Actuals	FY 08 Actuals	FY 09 Target	FY 09 Actuals
Percent of enforcement actions brought within one year of discovery of noncompliance with order.	100%	100%	100%	100%	100%
Objective: Ensure compliance with the consent orders to clean up New Mexico's national laboratories.					

Data Source: RCRAInfo database
Reliability: Federal audits of RCRAInfo and NM's RCRA program and supervisory review of data and RCRAInfo reports.
Comments: For the 4th quarter of FY09, the Bureau issued two enforcement actions for noncompliance with the Consent Orders. Both were issued within 1 year of discovery (100%). There are no enforcement actions pending for noncompliance with Consent Orders that are greater than one year since discovery. For FY09, the Bureau issued 3 enforcement actions [1 notice of violation and 2 demands for stipulated penalties] for noncompliance with the LANL Consent Order and both were issued within 1 year of discovery.

Hazardous Waste Bureau Continued

Performance Measure 4.	FY06 Actuals	FY 07 Actuals	FY 08 Actuals	FY 09 Target	FY 09 Actuals
Percent of inspections that are first time inspections for hazardous waste notifiers, generators and transporters.	71%	75%	71%	20%	77%
Objective: Ensure a percentage of facilities that have never been inspected are in compliance with regulatory and permit requirements.					



Data Source: RCRAInfo database
Reliability: Federal audits of RCRAInfo and NM's RCRA program and supervisory review of data and RCRAInfo reports.

Comments: For the 4th quarter of FY09, 75% (36 of 48) were "first-time" inspections. Eighty-two (82) of the 200 inspections performed through the 4th quarter were technical assistance visits. These inspections are designed to help small businesses better understand what is needed to be in compliance with the hazardous waste regulations and do not result in enforcement actions if the businesses implement corrective actions in a timely manner. Seventy-three (73), or 89% of this type of inspection were at businesses that had never been inspected before. The remaining inspections were routine compliance inspections, which can result in enforcement actions. Seventy-one (71), or 75% of these were first-time inspections. With 155 first-time inspections out of 201 total inspections (77%) performed in FY09, HWB exceeded the target.

Available resources and an aggressive strategy to target facilities that have never been inspected have allowed HWB to easily exceed the target for this PM for the last several years. This PM will change for FY10 to provide a more meaningful measure of progress toward achieving a long-term goal of minimizing the number of hazardous waste handlers that have never been inspected.

Hazardous Waste Bureau Continued

Performance Measure 5.	Explanatory
Approximate number of hazardous waste Conditionally Exempt Small Quantity Generators (CESQG), Small Quantity Generators (SQG), Large Quantity Generators (LQG), and Transporters in the state.	FY 09 1303 CESQGs; 481 SQGs; 54 LQGs; and 66 Transporters
Objective: Assess temporal variations in the universe of hazardous waste generators and transporters.	

Data Source: RCRAInfo database

Reliability: Federal audits of RCRAInfo and NM's RCRA program and supervisory review of data and RCRAInfo reports.

Comments: At the end of the 4th quarter of FY09, New Mexico had 1303 CESQGs; 481 SQGs; 54 LQGs; and 66 Transporters. Data reported are based on number of active facilities reported in EPA RCRAInfo database at the end of the reporting period. The numbers in each category change daily based on new facilities notifying and old facilities becoming inactive or changing notification status. For comparison, the totals at the beginning of FY09 were: 1211 CESQGs; 477 SQGs; 53 LQGs; and 60 Transporters.

Performance Measure 6.	FY 08 Actuals	FY 09 Target	FY 09 Actuals
Approximate number of large quantity generators and number of large quantity generators inspected per EPA five year goal (20% per year).	86/24	87/17	53/22
Objective: Ensure compliance of large quantity generators with hazardous waste management regulations.			

Data Source: RCRAInfo database

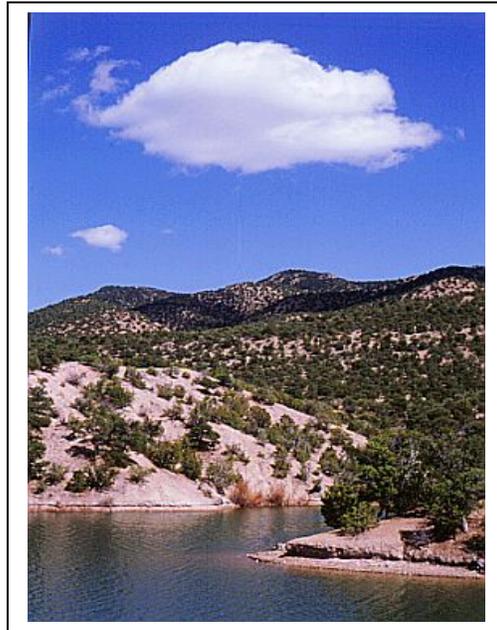
Reliability: Federal audits of RCRAInfo and NM's RCRA program and supervisory review of data and RCRAInfo reports.

Comments: For the 4th quarter of FY09, the Bureau inspected 4 Large Quantity Generators (LQGs) (out of 53 LQGs at beginning of fiscal year; 7%). When this measure was adopted, there were 87 active LQGs. However, there were actually only 53 facilities still listed as Large Quantity Generators (LQGs) at the beginning of FY09. Therefore, inspecting 20 percent in FY09 equals approximately 11 facilities. Through the 4th Quarter, The Bureau inspected 22 facilities that were either listed as LQGs prior to the inspection or were identified as LQGs at the time of the inspection. Sixteen of these were on the original list of 53 identified as LQGs at the beginning of FY09; eight additional LQGs were identified and inspected during the course of the year.

Water & Waste Management Division

Surface Water Bureau

Performance Measure 1.	FY06 Actuals	FY 07 Actuals	FY 08 Actuals	FY 09 Target	FY 09 Actuals
Stream miles and lake acreage monitored annually to determine if surface water quality is impaired.	Stream Miles 1,349 Lake Acres 11,882	Stream Miles 1539 Lake Acres 13,700	Stream Miles 780 Lake Acres 150	Stream Miles 1,500 Lake Acres 10,000	Stream Miles 634 Lake Acres 124
Objective: To determine if State Standards for Interstate and Intrastate Streams are met, that designated uses are supported and to provide an overview of New Mexico's water quality and its associated programs.					



Surface Water Bureau Continued

Data Source: SWQB water quality database.

Reliability: Water quality survey data analyses are checked for reliability.

Comments: Water quality surveys are conducted on an 8-year rotational cycle (see attached figure). Surveys generally begin in February and end in November/December. Some survey years include small watersheds with a dense network of sampling stations due to the high level of development and human activity. Some survey years include geographically extensive watersheds with a lower density of sampling stations due to the less-developed nature of the watershed. Annual survey planning includes an assessment of available resources (analytical lab capacity, staff, and travel costs) and surveys are expanded or scaled back based on current year available resources. The number and extent of surveys are dependent on federal Clean Water Act Section 106 funds. The stream miles are lower than the suggested target of 750 because the primary study basin has a drainage network that consists of many streams of short length draining out of the Sangre de Cristo Mountains thus the stream length represented by each site is smaller than on average. In addition a significant number of streams cross tribal lands and these stream lengths are not counted as they are not New Mexico waters. Lake acres of 124 are consistent with the proposed acres of this year as the Mimbres and the Upper Rio Grande are both without a large mainstem reservoir.

At current staffing levels with CWA 106 funds we are able to perform water quality sampling at roughly 60 sites/assessment units within the survey area. On average each site is considered to be representative of the water quality of 12.5 miles; as such an appropriate target for each year is 750 stream miles monitored.

Likewise we are able to monitor 4-8 lakes per year depending on size, location and access issues. The number of lake acres monitored per year will vary greatly depending on the size of the water body in the watersheds being studied in a given year. Consider for example Elephant Butte Reservoir with a surface area of ~40,000 acres, however there are only 15 reservoirs with surface areas greater than 1000 acres. As such some years, when no main stem reservoirs are sampled will have very small surface areas.

2008 survey = 780 stream miles and 150 lake acres.

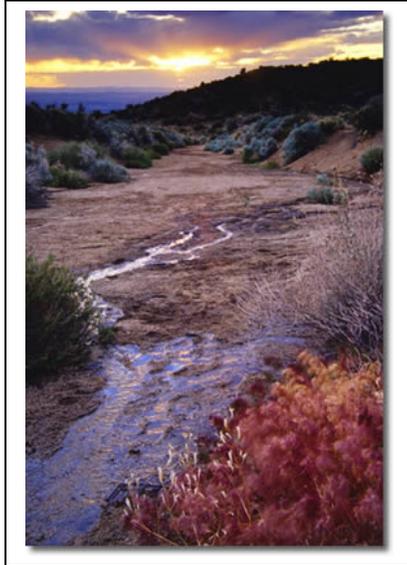
2008 surveys include the Middle Rio Grande (Angostura to San Marcial), reference sites around the state and Lake Holloman and Burn Lake.

2009 survey = 634 stream miles and 124 lake acres.

2009 surveys include the 5 lakes and 59 streams sites in the Upper Rio Grande (Colorado to Cochiti Reservoir), Mimbres, and Gallinas (above Las Vegas) Watersheds.

Surface Water Bureau Continued

Performance Measure 2.	FY06 Actuals	FY 07 Actuals	FY 08 Actuals	FY 09 Target	FY 09 Actuals
Number of impaired stream miles currently being addressed through watershed restoration plans to improve surface water quality.	611	441	441	220	TBD
Objective: Ensure that any contamination of New Mexico's surface waters is identified and addressed through watershed restoration activities.					



Data Source: SWQB summary of annual Section 319 project awards.

Reliability: Watershed Restoration Action Strategy (WRAS) development includes reliability.

Comments: The projects included as part of this reporting period were selected during the summer 2008. Watershed group formation projects allow organization of a dedicated stakeholder workgroup and development of a WRAS that will be used to guide future on-the-ground project plans. On-the-ground projects include activities such as restoration of stream bank vegetation, channel stabilization, head cut prevention, etc. The number and extent of projects funded are evaluated each year based on availability of federal Clean Water Act Section 319 funds. This is not a cumulative measure and only represents the projects awarded the current year.

There were initially 4 projects selected to address 96.7 stream miles. A fifth project was later added to address another 13.9 miles. The projects were awarded 3/30/09, 4/7/09, 4/24/09, 5/11/09 and 5/21/09, and include watershed group formation and Watershed Restoration Action Strategy (WRAS) development, and on-the-ground projects. The projects areas include: Ponil Creek, Middle Ponil Creek, North Ponil Creek, Upper San Antonio Creek, Rio de los Pinos, Polvadera Creek and Blue Water Creek. NMED needed U.S. EPA work plan approval before it could award the FY09 projects. EPA approval has been received and 5 of the 4 project award documents have been sent to DFA. An RFP has been issued to start the process for next fiscal year.