

# Performance Assessment

Fiscal Year 2022 | 2<sup>nd</sup> Quarter | October 1 – December 31, 2021



**New Mexico Environment Department  
Office of Strategic Initiatives**

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# Investing for tomorrow, delivering today.

Our mission is to protect and restore the environment and to foster a healthy and prosperous New Mexico for present and future generations. We implement our mission guided by four core values: science, innovation, collaboration, and compliance. We use the best available science to inform our decision-making in protecting public health and the environment. We employ creative engineering and technical solutions to address environmental challenges. We engage communities and interested stakeholders in environmental decision-making. Finally, we ensure compliance with state regulations and permits, leveling the playing field by holding violators accountable. We embrace our mission and core values at every level of the organization.

In Fiscal Year 2022 (FY22), the New Mexico Environment Department (NMED or Department) was appropriated \$105.7 million to protect public health and the environment. This appropriation includes \$16.0 million in general fund, \$50.3 million in special revenue funds (e.g., permit fees), \$38.0 million in federal funds, and \$1.4 million in special appropriations for earmarked projects/purposes.

Our approximate budget breakdown is:

- 15% state general fund;
- 48% special revenue funds; and
- 36% federal funds.

In FY22, NMED's Office of Strategic Initiatives (OSI) will publish quarterly performance reports, as follows:

- First Quarter (Q1): November 22, 2021;
- Second Quarter (Q2): February 1, 2022;
- Third Quarter (Q3): April 29, 2022; and
- Fourth Quarter (Q4): July 29, 2022.

This report covers 47 performance measures across these five categories:

- 7 Public Health Measures;
- 9 Environmental Protection Measures;
- 24 Compliance Measures;
- 4 Economic Investment Measures; and
- 3 Operational Measures.



## Got questions?

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Or, give them a call at 505-670-9050.

## Second Quarter Highlights

### *Economic Investment Measure*

From October through December 2021, the NMED Construction Programs Bureau dispersed \$5.8 million for 75 water infrastructure projects across the state. This brings us to \$14.8 million that we have dispersed during the first half of FY22. We are right on track to meet our FY22 target of investing \$30 million in water infrastructure, which is one way we are actively protecting public health and supporting communities. Check out page six for a highlight of one of our funded projects in the Town of Taos!

### *Environmental Protection Measure*

During the first half of FY22, so from June 1 – December 31, 2021, the Surface Water Quality Bureau successfully implemented a watershed restoration project that reduced 17,400 pounds of sediment that would have reached surface waters through erosion (see page three for before and after photos). Sediment is a pollutant that in excess reduces water quality. For example, sediment covers the bottom of streams and fills in spaces making it hard for critters to survive, essentially burying them. Human activities may increase the amount of erosion that takes place, but our restoration projects are designed to reduce this erosion and protect and improve the quality of surface waters across the state.

# Public Health Measures



Clean air and land, safe drinking water and food, and healthy communities are critical public health measures for developing and maintaining a prosperous New Mexico. The table below provides an at-a-glance view of our progress toward our FY22 targets.

	FY22 Target	Q1	Q2	Q3	Q4	FY22 Actual
Percent of the population breathing air meeting federal health standards.	95.0%	96.9%	99.5%			
Percent of the population served safe and healthy drinking water.	92.0%	94.2%	90.4%			
Number of drinking water systems serving drinking water that did not meet at least one standard compared to the total number of drinking water systems.	260/564 (46.1%)	243/572 (42.5%)	227/569 (39.9%)			
Number of community water system violations returned to compliance as a result of NMED assistance.	500	39	69			
Number of superfund sites cleaned up as compared to the number of superfund sites remaining.	0/15	*				
Number of restaurants/food manufacturers that did not meet at least one standard compared to the total number of restaurants/food manufacturers.	2,300/6,700 (34.3%)	544/6,714 (8.1%)	679/6,518 (10.4%)			
Number of employers that did not meet Occupational Safety and Health Administration (OSHA) requirements for at least one standard compared to the total number of employers.	55%	69.0%	**			

Our public health performance measures are described in detail in Appendix A. These explanations include additional definitions and assumptions to provide further insight into the significance of these measures.



*Photo 1:* NMED and Gila National Forest staff discuss treatment to repair post-fire damage to Cherry Creek, north of Silver City. Photo taken 9/20 by John Moeny.



*Photo 2:* Same location following restoration treatment. Willows will be planted in the plugged channel in February 2022. Photo taken 12/15/21 by John Moeny.

\*Grey boxes in tables represent fields with no data reported because the respective measure is reported on a semi-annual or annual basis, rather than quarterly. \*\*This data is not yet available because the inspections opened in this or a prior quarter have not been closed/resolved. NMED will provide this figure in our FY22 Q3 reporting.

# Environmental Protection Measures



Environmental protection is a set of mitigation techniques aimed to help protect and manage different environmental issues. Environmental protection can be accomplished by reducing pollutants and other factors that contribute to the degradation of the environment. The table below provides an at-a-glance view of our progress toward our FY22 targets.

	FY22 Target	Q1	Q2	Q3	Q4	FY22 Actual
Amount of volatile organic compounds emitted statewide, in tons per year (TPY).	101,095					
Amount of volatile organic compounds emitted illegally, in TPY.	5,000					
Amount of nitrogen oxides emitted statewide, in TPY.	136,906					
Amount of nitrogen oxides emitted illegally, in TPY.	7,000					
Quantity of nutrient-based pollutants reduced due to implementation of watershed restoration and on-the-ground improvement projects, in pounds.	650		41			
Reduction in nonpoint source sediment loading attributed to implementation of watershed restoration and on-the-ground improvement projects, in pounds.	200		17,400			
Number of nonpoint source impaired waterbodies restored by the Department relative to the number of impaired water bodies.	1/377 (0.3%)					
Number of underground storage tank sites cleaned up compared to the total number of leaking underground petroleum storage tank sites remaining.	20/944 (2.1%)	6/873 (0.7%)	0/944 (0%)			
Number of completed cleanups of petroleum storage tank release sites that require no further action. Cumulative over all time.	1,938	1,946*	1,946			

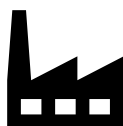
Our environmental protection performance measures are described in detail in Appendix A. These explanations include additional definitions and assumptions to provide further insight into the significance of these measures.

*Photo 3: December 2021 vault installation for a well that will be part of a system monitoring and cleaning up gasoline released from above ground and underground storage tanks at the former Bell Gas station in Alto. Gasoline is floating on top of the groundwater in two wells at the site.*



\*Note: This data point was revised from 1,955 to 1,946 for FY22 Q1 due to a reporting error.

# Compliance Measures



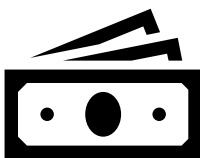
Environmental regulatory compliance is essential to protect the environment and prevent harm to human health. Inspections are a valuable tool for NMED to determine whether regulated entities are in compliance with state law. The table below provides an at-a-glance view of our progress toward our FY22 targets.

	FY22 Target (%)	Q1 (%)	Q2 (%)	Q3 (%)	Q4 (%)	FY22 Actual (%)
<b>Air</b>						
Percent of air emitting sources inspected.	50.0	1.1	1.0			
Percent of air emitting sources in compliance.	85.0	67.0	62.5			
Percent of air emitting sources in violation.	15.0	33.0	37.5			
<b>Groundwater</b>						
Percent of groundwater permittees inspected.	65.0	4.2	3.4			
Percent of groundwater permittees in compliance.	85.0	84.0	95.0			
Percent of groundwater permittees in violation.	15.0	14.8	13.6			
<b>Hazardous Waste</b>						
Percent of hazardous waste facilities inspected.	2.0	1.0	0.8			
Percent of hazardous waste facilities in compliance.	85.0	43.5	72.2			
Percent of hazardous waste facilities in violation.	15.0	56.5	27.8			
<b>Radiation Sources in Medical Equipment</b>						
Percent of ionizing/non-ionizing radiation sources inspected.	85.0	2.4	2.9			
Percent of ionizing/non-ionizing radiation sources in compliance.	85.0	93.0	95.9			
Percent of ionizing/non-ionizing radiation sources in violation.	15.0	7.0	4.1			
<b>Restaurants and Food Manufacturers</b>						
Percent of restaurants/food manufactures inspected.	80.0	23.0	24.1			
Percent of restaurants/food manufactures in compliance.	85.0	68.0	56.8			
Percent of restaurants/food manufactures in violation.	15.0	32.0	43.2			
<b>Septic Systems</b>						
Percent of new or modified liquid waste systems inspected.	85.0	84.0	79.9			
Percent of new or modified liquid waste systems in compliance.	85.0	100.0	99.5			
Percent of new or modified liquid waste systems in violation.	15.0	0.0	0.5			
<b>Solid/Infectious Waste</b>						
Percent of solid and infectious waste management facilities inspected.	85.0	20.0	4.4			
Percent of solid and infectious waste management facilities in compliance.	85.0	98.0	100.0			
Percent of solid and infectious waste management facilities in violation.	15.0	2.0	0.0			
<b>Surface Water</b>						
Percent of surface water permittees inspected.	10.0	15.0	30.0			
Percent of surface water permittees in compliance.	85.0	67.0	16.7			
Percent of surface water permittees in violation.	15.0	0.0	0.0			

Our compliance performance measures are described in detail in Appendix A. These explanations include additional definitions and assumptions to provide further insight into the significance of these measures.



# Economic Investment Measures



NMED is dedicated to making economic investments that promote public health, environmental protection, and compliance. Economic investment is critical to New Mexico's ability to continue to build resilient environments. The table below provides an at-a-glance view of our progress toward our FY22 targets.

	FY22 Target	Q1	Q2	Q3	Q4	FY22 Actual
Total investment of grants dollars awarded to communities, year to date.	\$65,000,000					
Number of brownfield acres of contaminated land cleaned up and available for reuse.	150					
Investments in water infrastructure, in dollars.	\$30,000,000	\$8,960,885	\$5,867,854			
Number of new water infrastructure projects.	75	40	31			

During this quarter, the NMED Construction Programs Bureau processed 131 disbursements for 75 individual projects (i.e., both new and continuing projects) totaling approximately \$5.87 million. Funds are disbursed when projects meet certain milestones and submit for reimbursements. Note that the total amounts disbursed quarterly can vary greatly depending on what phase individual projects are in. The photos below portray one example of a funded project in Taos that will provide the Town a total cost savings of over \$4.4 million over the loan period of 25 years. The project provides green, renewable, more affordable, and locally sourced energy, while simultaneously providing for the stabilization of utility rates for customers.

Our economic investment performance measures are described in detail in Appendix A. These explanations include additional definitions and assumptions to provide further insight into the significance of these measures.



*Photo 4:* Town of Taos 1-megawatt (MW) and 80-kilowatt (kW) solar array at the Town wastewater treatment plant (WWTP), funded through \$2 million from the Clean Water State Revolving Fund (CWSRF).



*Photo 5:* Aerial photo of the new Town of Taos 1-MW and 80-kW solar array. The system will generate solar energy and provide electricity directly to the WWTP. This photo is courtesy of Affordable Solar.

# Operational Measures



NMED is committed to modernizing and improving operational efficiency while reducing operational costs with no loss in customer service. Increasing operational efficiency enables NMED to provide greater services to the public, industry, and our employees. The table below provides an at-a-glance view of our progress toward our FY22 targets.

	FY22 Target	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FY22 Actual
Vacancy rate by month.	6%	23%	24%	25%	24%	24%	24%							

	FY22 Target	FY22 Actual
Percent of NMED financial transactions completed online by the public or regulated community.	33%	
Total dollars collected by NMED and transferred to the general fund resulting from successful prosecutions and/or settlements stemming from non-compliance with laws, rules, or permits administered by the Department.	\$500,000	

As of the end of the second quarter in FY22, NMED was authorized at 696.5 FTEs staffing level. However, the Department is budgeted for 650.5 FTEs. In October 2021, we employed 527 FTEs (filled positions), down from 536 FTEs in July 2021. Subsequently, our filled positions increased by six to 533 filled FTEs in November 2021 and decreased slightly to 531 filled FTEs in December 2021.

NMED's steady vacancy rate of 24% over the second quarter of FY22, based on exit interview data and anecdotal information, is driven by employee frustration over the volume, pace, and complexity of the work with no increase in salary; greater earning potential for less complex work at other state agencies; private or other public sector opportunities with greater compensation; and employee retirements.

Given budget cuts in the previous administration, NMED lost significant institutional and process knowledge within our Administrative Services Division (ASD). The ASD, which includes our Human Resources Bureau (HRB), is chronically underfunded and acutely overworked. With over 125 different funding sources coming into NMED to fund staff (i.e., one general fund, 100 federal grants, 24 special revenue funds), our ASD staff are constantly balancing these 125 different funding sources on a regular basis for every promotion or hire.

Despite the challenges related to promotions and hiring, we have stabilized our vacancy rate and aim to reduce it during the third quarter because of an innovative hiring initiative. NMED receives multiple applications for most of our advertised positions. In addition, flexible work schedules, work locations, and telework options for eligible employees are often cited as reasons current and new employees desire to work for the Department.



Our operational performance measures are described in detail Appendix A. These explanations include additional definitions and assumptions to provide further insight into the significance of these measures.

# Appendix A

Public Health Measures	Definitions and Assumptions
Percent of the population breathing air meeting federal health standards.	"Meeting federal health standards" means meeting the National Ambient Air Quality Standards (NAAQS) for air pollutants. "Population" means 32 percent of the total population of New Mexico since 35 percent of the total population live in 20 counties without air monitors and 33 percent of the total population live in Bernalillo County and the City of Albuquerque which operate their own air monitoring sites and monitors and do not contribute to the NMED data set. Therefore, 32 percent of the population will be used as the denominator when calculating the percent of the population in the 10 monitored counties breathing air meeting federal health standards.
Percent of the population served safe and healthy drinking water.	"Community water system" means a public water system that serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents. "Safe and healthy drinking water" is defined as drinking water served by a community water system that meets primary health-based drinking water standards. Health-Based Standards are standards that fall into one of three categories: 1) maximum contaminant levels (MCLs) that specify the highest allowable contaminant concentrations in drinking water; 2) maximum residual disinfectant levels (MRDLs) that specify the highest concentrations of disinfectants allowed in drinking water; and 3) treatment technique requirements that specify certain processes intended to reduce the level of a contaminant. The numerator will exclude the population served by systems with unresolved violations from prior quarters and will be based on the compliance status of each community water system at any time during the quarter. The denominator is the total number of people served by community water systems.
Number of drinking water systems serving drinking water that did not meet at least one standard compared to the total number of drinking water systems	"Drinking water system serving drinking water that did not meet at least one standard" is a community water system with one or more violations of primary health-based drinking water standards. See above for "community water system" definition. The numerator will exclude population served by systems with unresolved violations from prior quarters; also, the numerator will be based on compliance status of each community water system at any time during the quarter. The denominator is the total number of people served by community water systems.
Number of community water system violations returned to compliance as a result of NMED assistance.	See above for "community water system" definition. "Violations" means all violations, including monitoring, reporting, public notice and exceedances. "Returned to compliance" means that a violation has gone from non-compliant status to compliant status in the data system of record (i.e., Safe Drinking Water Information System). Note that there can be a lag between when the system addresses the violation and when NMED documents that the system returned to compliance.
Number of superfund sites cleaned up as compared to the number of superfund sites remaining.	"Superfund site" means an entire Superfund Site on the National Priorities List, including all operational units. As of September 30, 2021, there are 15 Superfund Sites in New Mexico. Superfund Site clean-ups take many years, and it is common for Sites to remain on the National Priorities List for decades. As a result, most years the number of Superfund Sites cleaned-up will be zero. If, in a given year, a Superfund Site is partially delisted (e.g., one operational unit is delisted and one or more remains) we will note this in the narrative, but a partial delisting will not count toward this measure.
Number of restaurants/food manufacturers that did not meet at least one standard compared to the total number of restaurants/food manufacturers.	"One standard" means having at least one priority violation during an annual inspection. "Priority violations" are the highest risk violations that indicate the greatest risk of consumers possibly becoming ill as a result of eating food from the restaurant/food manufacturer. The denominator is the number of facilities for which NMED made a compliance determination during the quarter, following an inspection of the facility. The denominator does not include facilities for which the program made a compliance determination without conducting an inspection (e.g., based on records review).
Number of employers that did not meet Occupational Safety and Health Administration (OSHA) requirements for	"Number of employers that did not meet OSHA requirements" includes all employers issued at least one citation for violation(s) of OSHA standards (numerator). "Total number of workplaces" includes all employers inspected during the fiscal year (denominator). This data does not represent the percentage of all workplaces not complying with OSHA standards statewide because only a small



at least one standard compared to the total number of employers.	percentage (approximately 0.6 percent) of workplaces are inspected each year. The measure conveys the effectiveness of targeting enforcement to establishments expected to have violations so that corrections can be made to protect workers.
<b>Environmental Protection Measures</b>	<b>Definitions and Assumptions</b>
Amount of volatile organic compounds emitted statewide, in tons.	This measure will use the annual calendar year volatile organic compounds (VOCs) emissions inventory which includes actual emissions (i.e., routine, start up, shut down, maintenance, malfunction (SSM/M)) and all illegal VOC emissions. The tons per year reported at the end of the fiscal year will constitute emissions for the previous calendar year. Qualified sources are defined in 20.2.73.300.B(1) as “Any source which emits, or has the potential to emit, 5 tons per year or more of lead or lead compounds, or 100 tons per year or more of PM10, PM2.5, sulfur oxides, nitrogen oxides, carbon monoxide, or volatile organic compounds shall submit an emissions report annually”. NMED will assume for this performance measure that legal emissions are from sources in NMED's jurisdiction, which excludes Bernalillo County and Tribal areas.
Amount of volatile organic compounds emitted illegally, in tons.	“Illegal emissions” are those that exceed permitted (allowable) limits. This is a reporting of the illegal total tons of VOC emissions for comparison to total tons of emissions. The tons per year reported at the end of the fiscal year will constitute emissions for the previous calendar year. NMED will assume for this performance measure that illegal emissions are from sources in NMED's jurisdiction, which excludes Bernalillo County. This measure assumes all excess emissions reported to NMED by regulated facilities are in violation of state and federal law. Note: nonpermitted sources are not required to report excess emissions because they do not have an “allowable” limit.
Amount of nitrogen oxides emitted statewide, in tons.	This measure will use the annual calendar year nitrogen oxides (NOx) emissions inventory which includes actual emissions (i.e., routine, start up, shut down, maintenance, malfunction (SSM/M)) and all the illegal NOx emissions. The tons per year reported at the end of the fiscal year will constitute emissions for the previous calendar year. See above for “qualified sources” definition. NMED will assume for this performance measure that legal emissions are from sources in NMED's jurisdiction, which excludes Bernalillo County and Tribal areas. The data is collected from permitted and registered industrial facilities (point sources).
Amount of nitrogen oxides emitted illegally, in tons.	See above for “illegal emissions” definition. This is a reporting of the illegal total tons of NOx emissions for comparison to the total tons of emissions. The tons per year reported at the end of the fiscal year will constitute emissions for the previous calendar year. NMED will assume for this performance measure that illegal emissions are from sources in NMED's jurisdiction, which excludes Bernalillo County. This measure assumes all excess emissions reported to NMED by regulated facilities are in violation of state and federal law. Note: nonpermitted sources are not required to report excess emissions because they do not have an “allowable” limit.
Quantity of nutrient-based pollutants reduced due to implementation of watershed restoration and on-the-ground improvement projects, in pounds.	“Nutrient-based pollutants” are nitrogen and phosphorus. “Pounds of nitrogen” are measured as Total Nitrogen. “Pounds of phosphorus” are measured as Total Phosphorus. NMED will count load reductions toward this measure when NMED confirms individual project completion. The data do not include pollutant load reductions resulting from programs and projects not represented in the U.S. Environmental Protection Agency's (EPA) Grants Reporting and Tracking System (GRTS). Due to the requirement for NMED to report to EPA once annually, along with the cycle for implementation of water quality restoration projects that generate pollutant reductions, numbers reported for this measure mid-year may not demonstrate progress toward annual targets.
Reduction in nonpoint source sediment loading attributed to implementation of watershed restoration and on-the-ground improvement projects.	“Nonpoint source sediment loading” means the amount of sediment (in pounds) that is carried by rain and snowmelt and deposited in aquatic environments from many diffuse (i.e., nonpoint) sources over a specific period (e.g., day, year, etc.). “Nonpoint source pollutant” means a pollutant released into the aquatic environment from a wide area and many diffuse sources. NMED will count load reductions toward this measure when NMED confirms individual project completion. The data do not include pollutant load reductions resulting from programs and projects not represented in EPA GRTS. Due to the requirement for NMED to report to EPA once annually, along with the cycle for implementation of water quality restoration projects that generate pollutant reductions, numbers reported for this measure mid-year may not demonstrate progress toward annual targets.

Number of nonpoint source impaired waterbodies restored by the Department relative to the number of impaired water bodies.	See above for “nonpoint source pollutant” definition. “Impaired waterbody” means a surface water of the state (i.e., stream, river, lake, wetland) is not meeting the applicable surface water quality standards for one or more pollutants. In other words, the concentration of the pollutant(s) is higher than the levels established to protect fish, recreation, irrigation, and other uses. Full restoration of a waterbody takes years and typically many combined projects to address the causes of the impairment. Despite successful efforts to restore certain waterbodies and remove them from the impaired waters list, the total number of impaired waterbodies will increase over time due to: (1) monitoring and assessment of more waterbodies; and, (2) the general trend for changing land uses over time, combined with impacts of climate change.
Number of underground storage tank sites cleaned up compared to the total number of leaking underground petroleum storage tank sites remaining.	“Cleaned up” means that soil and groundwater contaminants of concern have met the applicable state’s standards. “Underground storage tank” means a single tank or combination of tanks, including pipes connected thereto, that are used to contain an accumulation of regulated substances and the volume of which, including the volume of the underground pipes connected thereto, is ten percent or more beneath the surface of the ground. “Petroleum storage tank” means a storage tank system that contains petroleum or a mixture of petroleum with de minimis quantities of other regulated substances. Such systems include those containing motor fuels, jet fuels, distillate fuel oils, residual fuel oils, lubricants, petroleum solvents, and used oils. “Leak” means any spilling, emitting, discharging, escaping, or disposing of a regulated substance due to the failure of components of a storage tank system to contain a regulated substance as designed. A leak may or may not result in a release to the environment. “Petroleum” means crude oil, crude oil fractions, and refined petroleum fractions, including gasoline, kerosene, heating oils, and diesel fuels. This measure does not reflect ongoing work to clean up sites to achieve No Further Action (NFA) status. Also, this measure does not report NFA releases from above ground storage tanks.
Number of completed cleanups of petroleum storage tank release sites that require no further action.	“No Further Action” is a technical determination issued by NMED that documents that the owner or operator of a site has met all applicable WQCC and EIB remediation standards and that no contaminant will present a significant risk of harm to public health, safety, welfare, and the environment. “Completed cleanups” is another term for “No Further Action.” See above for “petroleum storage tank” definition. “Release” means any spilling, leaking, emitting, discharging, escaping, leaching or disposing of a regulated substance from a storage tank system into the groundwater, surface water or soil. See above for “petroleum” definition. This measure does not reflect ongoing work to clean up sites to achieve NFA status.

Compliance Measures	Definitions and Assumptions
<b>Air</b>	
Percent of air emitting sources inspected.	“Inspected” means a full compliance evaluation, either on-site or off-site (with photographic verification of equipment and other physical verifications required) that is conducted to inform a compliance determination and support enforcement actions, if appropriate. Inspections include evaluation of all appropriate regulatory requirements and permit conditions. “Air emitting source” means a source of air pollutants, usually an industrial facility, that is included in the Air Quality Bureau (AQB) list of sites to inspect in the universe of sources that may be included in a given annual Compliance Monitoring Strategy (CMS) Plan.
Percent of air emitting sources in compliance.	“Air emitting source” means an industrial facility that is included in the annual CMS Plan that is subject to approval by the EPA. “In compliance” means, upon completion of an on-site or off-site evaluation by NMED, the air emitting source meets all the requirements of permit(s), state regulations and federal regulations that apply to the facility and its operations. The denominator is the number of facilities for which NMED made a compliance determination during the quarter, following an inspection of the facility. The denominator does not include facilities for which the program made a compliance determination without conducting an inspection (e.g., based on records review).
Percent of air emitting sources in violation.	See above for “air emitting source” definition. “In violation” means that one or more potential violations were discovered through analysis of state or federal regulatory requirements or permit conditions. The numerator is the number of facilities for which inspectors discovered one or more violations for the inspection covered by the quarter. The denominator is the number of permitted facilities for which NMED made a compliance determination during the quarter, following an inspection of the facility.

	The denominator does not include facilities for which the program made a compliance determination without conducting an inspection (e.g., based on records review). If a compliance determination has not been made for an inspected facility at the time of reporting, that facility will not be included until the next quarter.
<b>Groundwater</b>	
Percent of groundwater permittees inspected.	"Inspected" means an on-the-ground compliance inspection that is conducted to inform a compliance determination and support enforcement actions, if appropriate. "Groundwater permittees" means a person or facility with an active discharge permit issued by the NMED Ground Water Quality Bureau (GWQB) under the authority of Water Quality Control Commission (WQCC) regulations found at 20.6.2 NMAC, 20.6.6 NMAC, and 20.6.7 NMAC; this term does not include sites under abatement pursuant to WQCC regulations unless the facility is abating groundwater contamination under discharge permit. The numerator is the number of permittees inspected during the reporting period; the denominator is total regulated permittees. The denominator will be set on July 1 each year and quarterly inspection activity will vary. This measure will be tracked and reported cumulatively across quarters.
Percent of groundwater permittees in compliance.	See above for "groundwater permittees" definition. "In compliance" means that GWQB inspected the facility and determined that no violations of the permit conditions or regulations were found at the time of inspection. See above for which permits are included in this measure. This measure will provide a compliance rate as a snapshot in time (one quarter only). The numerator is the number of permittees inspected in past quarter that are in compliance with applicable requirements and permit conditions. The denominator is the number of permittees for which a compliance determination was made during the quarter following an inspection of the permittee. The denominator does not include facilities for which the program made a compliance determination without conducting an inspection (e.g., based on records review).
Percent of groundwater permittees in violation.	See above for "groundwater permittees" definition. "In violation" means a permittee with a violation that has not yet been resolved. This will include permittees that are working on ongoing corrective actions but have not completed them. See above for which permits are included in this measure. The numerator is all permittees with an enforcement action initiated that remains unresolved (i.e., permittees with an ongoing violation). The denominator is the number of permittees for which NMED made a compliance determination during the quarter, following an inspection of the permittee/facility. The denominator does not include permittees for which the program made a compliance determination without conducting an inspection (e.g., based on records review).
<b>Hazardous Waste</b>	
Percent of hazardous waste facilities inspected.	"Inspected" means an on-the-ground compliance inspection that is conducted to inform a compliance determination and support enforcement actions, if appropriate. "Facilities" tracked under this measure include hazardous waste generators, transporters, and treatment, storage and disposal facilities.
Percent of hazardous waste facilities in compliance.	See above for "facilities" definition. "In compliance" means that there were no violations of the New Mexico Hazardous Waste Management Regulations (HWMR) 20.4.1 New Mexico Administrative Code (NMAC) found at the time of inspection. This percentage will be calculated based on the number of compliant facilities out of the total number of facilities inspected.
Percent of hazardous waste facilities in violation.	See above for "hazardous waste facilities" definition. "In violation" means the facility was found to be out of compliance with the New Mexico HWMR 20.4.1 NMAC at the time of inspection. This percentage will be calculated based on the number of non-compliant facilities out of the total number of facilities inspected.
<b>Radiation Sources in Medical Equipment</b>	
Percent of ionizing/non-ionizing radiation sources inspected.	"Inspection" means an official examination or observation including, but not limited to, tests, surveys and monitoring to determine compliance with rules, regulations, orders, requirements and license or registration conditions of the department. In other words, an on-the-ground compliance inspection that is conducted to inform a compliance determination and support enforcement actions, if appropriate. "Ionizing radiation" means a form of energy that acts by removing electrons from atoms and molecules of materials that include air, water, and living tissue. "Non-ionizing radiation" means a form of radiation with less energy than ionizing radiation.



	Unlike ionizing radiation, non-ionizing radiation does not remove electrons from atoms or molecules of materials that include air, water, and living tissue. The denominator is the total regulated entities.
Percent of ionizing/non-ionizing radiation sources in compliance.	See above for "ionizing radiation" and "non-ionizing radiation" definitions. "In compliance" means no violations of state regulations were found during onsite or virtual inspections. The denominator is the number of facilities for which NMED made a compliance determination during the quarter, following an inspection of the facility. The denominator does not include facilities for which the program made a compliance determination without conducting an inspection (e.g., based on records review).
Percent of ionizing/non-ionizing radiation sources in violation.	See above for "ionizing radiation" and "non-ionizing radiation" definitions. "In violation" means a violation of at least one state regulation was found during and on-site or virtual inspection. The denominator is the number of facilities for which NMED made a compliance determination during the quarter, following an inspection of the facility. The denominator does not include facilities for which the program made a compliance determination without conducting an inspection (e.g., based on records review).
<b>Restaurants and Food Manufacturing</b>	
Percent of restaurants/food manufactures inspected.	"Inspected" means an on-the-ground compliance inspection that is conducted to inform a compliance determination and support enforcement actions, if appropriate. The denominator is the total regulated entities with scheduled inspections within the quarter being reported.
Percent of restaurants/food manufactures in compliance.	"Compliance" means an inspected facility did not have priority violations during an annual inspection. "Priority violations" are the highest risk violations that indicate the greatest risk of consumers possibly becoming ill as a result of eating food from the restaurant/food manufacturer. The denominator is the number of facilities for which NMED made a compliance determination during the quarter, following an inspection of the facility. The denominator does not include facilities for which the program made a compliance determination without conducting an inspection (e.g., based on records review).
Percent of restaurants/food manufactures in violation.	"Violation" means having at least one priority violation during an annual inspection. See above for "priority violations" definition. The denominator is the number of facilities for which NMED made a compliance determination during the quarter, following an inspection of the facility. The denominator does not include facilities for which the program made a compliance determination without conducting an inspection (e.g., based on records review).
<b>Septic Systems</b>	
Percent of new or modified liquid waste systems inspected.	"Inspected" means an on-the-ground compliance inspection that is conducted to inform a compliance determination and support enforcement actions, not including photo or virtual inspections. A liquid waste system inspection includes, for the purpose of this measure, an inspection of a new or modified system that has been installed, complete and not ready for a compliance inspection. This measure does not include compliance-based inspections. The denominator is total number of systems inspected as a result of the installation of a new or modified system.
Percent of new or modified liquid waste systems in compliance.	"Compliance" of a new or modified liquid waste systems means the system has been inspected on-site and found to meet regulatory requirements during the initial inspection and may be issued a final approval. The denominator is the total number of systems inspected as a result of the installation of a new or modified system by department personnel, not including photo and unpermitted system inspections.
Percent of new or modified liquid waste systems in violation.	"Violation" of new or modified liquid waste systems are those that have been inspected and have been found to not meet regulatory requirements and could not be issued a final approval. The system installation requires a re-inspection before final approval. The denominator is the total number of systems inspected as a result of the installation of a new or modified system by department personnel, not including photo and unpermitted system inspections.
<b>Septic Systems</b>	
Percent of solid and infectious waste management facilities inspected.	The intent of this measure is to show the cumulative number of permitted solid waste facilities, including permitted infectious waste processing facilities, that were inspected during the year. A positive trend will convey NMED oversight of compliance at these facilities. "Inspected" means an on-the-ground compliance inspection that is conducted to inform a compliance

	determination and support enforcement actions, if appropriate. "Facilities" are permitted solid waste facilities, which include landfills, transfer stations, and solid waste and infectious waste processing facilities. The denominator is total regulated permitted facilities.
Percent of solid and infectious waste management facilities in compliance.	See above for "facilities" and "infectious waste generators" definitions. "In compliance" is defined as having not more than one significant violation, otherwise known as "in substantial compliance." The denominator is the number of facilities for which NMED made a compliance determination during the quarter, following an inspection of the facility. The denominator does not include facilities for which the program made a compliance determination without conducting an inspection (e.g., based on records review).
Percent of solid and infectious waste management facilities in violation.	See above for "facilities" and "infectious waste generators" definitions. "In violation" is defined as having more than one significant violation, otherwise known as "in substantial violation." The denominator is the number of facilities for which NMED made a compliance determination during the quarter, following an inspection of the facility. The denominator does not include facilities for which the program made a compliance determination without conducting an inspection (e.g., based on records review).
<b>Surface Water</b>	
Percent of surface water permittees inspected.	"Inspected" means an off-site or on-site compliance inspection that is conducted to evaluate compliance with the EPA permit and support EPA enforcement actions, if appropriate. "Surface water permittees" refers to NPDES surface water discharge permittees. The numerator is the number of permittees subject to NMED-led inspections completed that quarter; the denominator is the number of NMED-led inspections planned for the fiscal year through SWQB's commitment to EPA Region 6. This measure represents surface water discharge inspections NMED conducts on behalf of EPA Region 6, which is currently the permitting authority for these regulated entities in New Mexico.
Percent of surface water permittees in compliance.	See above for "surface water permittees" definition. "In compliance" means the permittee scored a 3 or higher on their facility evaluation rating on a scale of 1 (very unreliable programs) to 5 (very reliable programs). The denominator is the number permittees for which NMED issued a final Facility Evaluation Rating during the quarter, following an NMED-led inspection of the permittee. The numerator is the number of permittees for which final inspection reports were issued with a Facility Evaluation Rating of 3 or higher during the quarter.
Percent of surface water permittees in violation.	See above for "surface water permittees" definition. "In violation" means that EPA issued an enforcement action towards an inspected facility. The numerator is the number of permittees for which EPA made a noncompliance determination year to date, following an NMED-led inspection of the permittee. The denominator is the total number of NMED-led inspections year to date. Note that there is lag time between an inspection and the issuance of an enforcement action. "Enforcement action" is an EPA-issued administrative order or administrative penalty order. If SWQB completes an inspection report during the 1 <sup>st</sup> quarter, that facility may not be in the numerator for percent in violation for the 1 <sup>st</sup> quarter because the noncompliance determination may not be made until another quarter. This facility would end up in the numerator for the percent in violation measure in the quarter when the EPA issues the enforcement action.
<b>Economic Investment Measures</b>	
<b>Definitions and Assumptions</b>	
Total investment of grants dollars awarded to communities, year to date.	"Investment" means the action of investing money to a particular undertaking with the expectation of a worthwhile result. "Grant dollars" means money from federal funds. "Communities" means a physical location of census tracts, or a neighborhood bounded by certain streets and geophysical features. "Awarded" means funds given to communities. This performance measure will include data from the following sources: Solid Waste Bureau's Recycling and Illegal Dumping (RAID) grants, and the Construction Program Bureau (CPB)'s Clean Water State Revolving Loan Fund (CWSRF) and Rural Infrastructure Program (RIP). These data do not include tracking funds as they are reimbursed or capital outlay funds. Also, these data do not include funds awarded to contractors or area without populations.

Number of brownfield acres of contaminated land cleaned up and available for reuse.	"Brownfield acres" means brownfields sites that utilize the Brownfield Revolving Loan Fund (BRLF) program or a national brownfield grant to fund assessment or clean-up. "Cleaned up and available for reuse" means the acres are remediated and "Ready for Anticipated Use (RAU)," a technical determination that environmental conditions at the site are protective of human health and the environment based on current use(s) or planned future use(s). This measure will not report on sites being regulated through the State Cleanup Program.
Investments in water infrastructure, in dollars.	"Investments" means actual disbursements from CWSRF, RIP and Capital Outlay to communities for water infrastructure projects. "Water infrastructure" includes drinking water, wastewater, stormwater and any other projects eligible for CWSRF or RIP, and any Capital Outlay projects appropriated to NMED and managed by the CPB. These data are reported by quarter, not as a rolling total of dollars from quarter to quarter. It is important to note that the number of new Capital Outlay projects in a given year is dependent on legislative appropriation. Disbursements from programs not managed directly by CPB are not included in this measure, so a total amount of financial impact to the state from water programs CPB only participates in as a contractor are not included.
Number of new water infrastructure projects.	"New water infrastructure project" means Clean Water State Revolving Loan Fund (CWSRF), Rural Infrastructure Program (RIP) and capital outlay projects with a funding agreement executed during the reporting period (i.e., quarter). Capital outlay funding agreements are a consequence of appropriations made to the NMED by the Legislature. Because this measure does not capture disbursements from programs not managed directly by NMED CPB, reporting of this measure does not reflect the total amount of financial impact to the State of New Mexico from all water infrastructure financing programs.

Operational Measures	Definitions and Assumptions
Total dollars collected by NMED and transferred to the general fund resulting from successful prosecutions and/or settlements stemming from non-compliance with laws, rules, or permits administered by the Department.	Enforcement actions are administrative or judicial actions initiated by NMED in response to some information that a regulated entity is violating a statute and/or rule (regulation) for which NMED has legal enforcement authority, or a permit administered by NMED. NMED administers permits pertaining to the following: air quality, water quality, drinking water quality, solid waste, hazardous waste, liquid waste, food safety, ionizing radiation, hemp (warehousing, extraction processing, manufacturing), and public recreation water safety. NMED has enforcement authority for all these matters, in addition to occupational health and safety. The intent of this measure is to display the success of enforcement actions and litigation, as well as the benefit to the entire state via general fund revenue generation. Ideally, the target is zero since compliance with state rules and permits is always required. Realistically, and as the compliance and violation performance measures indicate, NMED is likely to see violations that merit civil penalties in all regulatory programs. Note that NMED may transfer penalties to the general fund from actions initiated by NMED, the Attorney General, a federal agency, etc.
Vacancy rate by month.	The intent of this measure is to track NMED's effort to achieve our budgeted vacancy rate. A negative trend will convey greater staff retention and increased hiring to reduce our vacancy rate. "Vacancy rate" is calculated by subtracting the number of filled full-time equivalent (FTE) positions from the number of authorized FTE positions (i.e., 696.5 for FY22) and dividing by the number of authorized FTE positions. Note that as FTE goes down, vacancy rate increases.
Percent of NMED financial transactions completed online by the public or regulated community.	A "financial transaction" facilitates the utilization of ACH and credit card payments for NMED license permitting, loan payments, corrective action fees, certification renewal fees, and other compliance, primacy, and regulatory fees which NMED bills to the constituent and regulated community via email, paper mail, or at the Wells Fargo portal, who pay directly to Wells Fargo, who processes the payment, and the money is deposited into individual program's Wells Fargo account. The intent of this measure is to drive NMED's modernization, cost-saving efforts, and improved customer service (e.g., online transactions require different resources than in-person or by mail). A positive trend will convey that a greater share of financial transactions is being completed online, directly resulting from modernization, human capital, and cost-saving efforts to improve efficiency and provide enhanced customer service. The following transactions are not being measured here: legal settlements, compliance agreements, State of New Mexico budgets, federal and state grants, inter/intra agency transfers, and special revenue funds.