



Performance Assessment

Fiscal Year 2022 | 4th Quarter | April 1 – June 30, 2022

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

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FY22 Highlights

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 FY22, NMED advanced public health, protected our natural resources, held responsible parties accountable, and worked to ensure access to clean land, air, and water for New Mexicans.

In FY22, NMED received appropriations totaling \$105.7 million to protect public health and the environment. This included \$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.

Beginning on page 8, 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.

About this Report

The New Mexico Environment Department (NMED) began publishing quarterly assessments in Fiscal Year 2022 (FY22). FY22 started on July 1, 2021 and ended on June 30, 2022. This is the final quarterly performance assessment for FY22 and provides a retrospective look at FY22 while providing insights for the upcoming fiscal year.

For more information, please visit our website, www.env.nm.gov > About > Performance, to see past reports and other metrics. You can also contact:

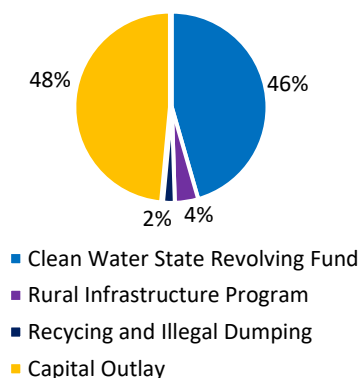
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\$31.6M Invested in Communities

City of Bloomfield

The City of Bloomfield began work on plans to rehabilitate its aging water reclamation plant in 2009. In December 2019, the city secured \$11 million in Clean Water State Revolving Fund (CWSRF) loan/grant funding, along with capital outlay, Water Trust Board funds, and increased sewage rates. Bids for the project significantly exceeded the available funding. NMED provided another \$3.5 million from the CWSRF to fully fund the project, which includes: new, retrofitted, and upgraded treatment equipment; a reclaimed water pump station, storage tank, and pipelines to convey reclaimed water for irrigation uses; and a larger discharge line. Construction was wrapping up at the end of FY22, in time to meet a 2024 deadline from the U.S. Environmental Protection Agency (EPA) to replace the plant.

NMED invests significant funds into communities. Most of that funding is related to water infrastructure projects and consists of loans, grants, and capital outlay. Of the \$31.6 million invested in communities, the following diagram highlights the types of funds we administered in FY22:



In addition to the \$31.6 million invested in communities in FY22 captured by our performance measures, there are additional funds NMED directly and indirectly invests in New Mexico communities. Examples from FY22 include:

- Free private drinking water well testing for over 275 families, saving them approximately \$125 per test. During the fourth quarter of FY22, NMED focused on testing of private drinking water wells for families impacted by wildfires.
- \$850,000 for expenses associated with the proper disposal of PFAS-contaminated hazardous cow carcasses for Highland Dairy in Clovis, New Mexico.

Finally, throughout FY22, NMED offered technical trainings, scientific and engineering consultation, field sampling and analysis, abandoned site clean-up, and other services to the public and various stakeholders.

Bipartisan Infrastructure Law

In FY22, the Bipartisan Infrastructure Law (BIL) was signed into law by President Biden and will deliver more than \$50 billion to the U.S. Environmental Protection Agency (EPA) over the next five years to improve our nation's drinking water, wastewater, and stormwater infrastructure – the single largest investment in water that the federal government has ever made. BIL also increases funding to clean-up Superfund sites, including the Eagle Picher site in Socorro and the McGaffey and Main site in Roswell, and revitalize Brownfields properties. During the first year of funding, 2022, allocations for New Mexico's State Revolving Funds total \$63 million. These investments will mean safe drinking water, clean water for communities, and healthier watersheds across the state.

Water Infrastructure

NMED's Construction Programs Bureau (CPB) helps New Mexico communities develop sustainable and secure water, wastewater, and solid waste infrastructure through funding and technical assistance. CPB administers the following grant and loan programs:

- Clean Water State Revolving Fund
- Rural Infrastructure Loan Program
- Capital Outlay

CPB also plays a critical role in administering BIL water funding for the state through the Clean Water State Revolving Fund (CWSRF) program. In addition, the Drinking Water Bureau works directly with communities and the New Mexico Finance Authority to administer the Drinking Water State Revolving Fund, including three new related BIL funding programs to address drinking water infrastructure, lead service lines and emerging contaminants.

Since NMED lowered CWSRF interest rates in 2021, all public borrowers benefit from rates between 0% and 0.01%. Project and borrower eligibilities were broadened in previous years and NMED continues marketing efforts to convey this information. NMED accepts applications year-round and uses a cloud-based communication platform to reach potential borrowers more easily.

In FY22, NMED contracted with Northbridge Environmental to assist in marketing CWSRF loans in New Mexico. NMED conducts outreach through in person and virtual conferences, works with partners such as the New Mexico Municipal League and the Association of Counties to reach potential borrowers and explore other marketing and outreach avenues as they present themselves. NMED is also working with the largest utilities in New Mexico – the Albuquerque Bernalillo County Water Utility Authority, and the Cities of Las Cruces and Santa Fe – to fund eligible projects. These communities have traditionally sold bonds to fund projects. It is our intent to show that with the low interest rate of 0.01%, these cities can achieve savings for their utilities and ultimately their rate payers.

Capital Outlay

In FY22, the CPB received 145 new capital outlay projects to manage and no appropriation for capital outlay program administration.

CPB staffing is insufficient for its current and future workload. There are six fulltime equivalents (FTEs) dedicated to managing a total of 414 capital outlay projects, including financial and technical experts. This is in addition to 222 grant/loan projects unrelated to capital outlay that CPB is managing. On average, each engineer in CPB manages 159 projects at one time.

CPB staff are paid out of the Corrective Action Fund for all their activities associated with capital outlay projects. The Corrective Action Fund was created to address leaks from gas stations across the state. However, the legislature provided NMED with the authority to use 30% of the Corrective Action Fund balance to match federal grants, address underground contamination, and address water needs. CPB staff are paid out of the Corrective Action Fund as they “address water needs.”

\$2.4M Civil Penalties to the General Fund

Gold King Mine Settlement

In June of 2022, NMED and the New Mexico Attorney General reached a \$32 million settlement with the U.S. Environmental Protection Agency (EPA).



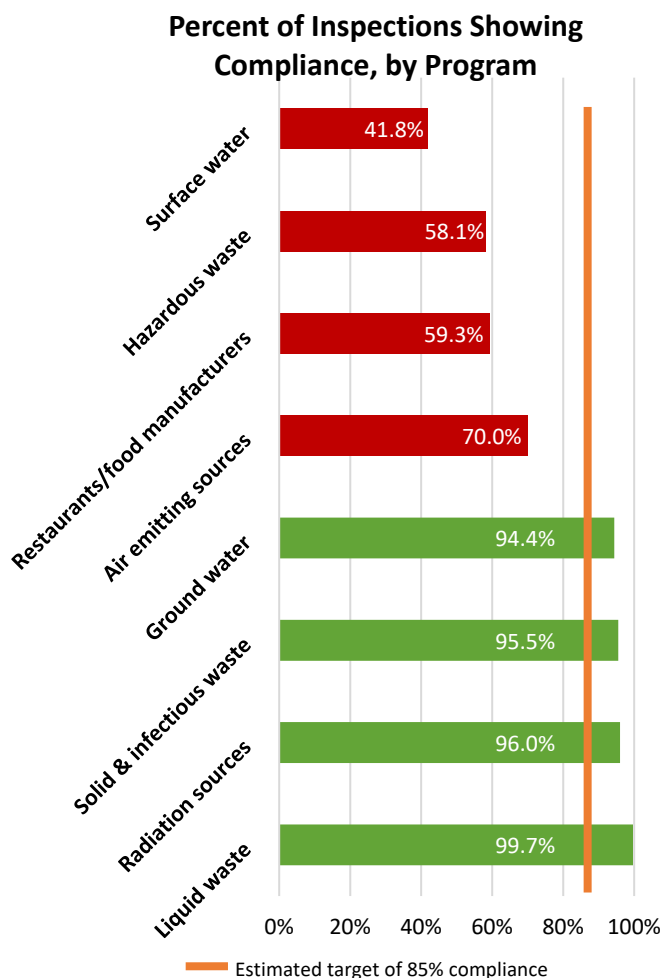
Photo credit: Farmington Daily Times

"Today is a turning point for communities who were devastated by the Gold King Mine blowout. While the San Juan and Animas rivers have healed from the spill, it's time for communities like Farmington, Bloomfield, and Aztec to do the same," said Gov. Lujan Grisham. "This \$32 million settlement is what communities and watersheds impacted by the spill deserve in light of the federal government's role in the disaster. The funds will help to make these communities whole once again and protect the river now and for future generations."

Under the settlement, the U.S. will make cash payments to New Mexico of \$18.1 million for response costs and \$10 million for restoration of injured natural resources and commit to providing an additional \$3.5 million to state water quality and cleanup activities through Clean Water Act and Superfund grants.

In FY22, NMED's regulatory compliance programs made a concerted effort to conduct inspections for compliance with applicable licenses, permits, and rules. At the end of FY22, NMED staff conducted 8,916 compliance inspections of the 10,370 we had hoped to complete based on our performance targets. However, our FY22 budget and staffing levels were insufficient to complete all 10,370 compliance inspections. Reaching our inspection targets was further hampered by the high rate of violations discovered during inspections as staff focused on resolution of enforcement actions versus conducting field work.

Based on the 8,916 compliance inspections conducted in FY22, the figure below shows the levels of compliance across various programs compared to the estimated target of 85% compliance. Four program areas fell below the estimated target (depicted in red) and four program areas exceeded the estimated target of 85% compliance (depicted in green).



Occupational Health & Safety

In April, the NMED Occupational Health and Safety Bureau (OHSB) released the results of its investigation into the workplace fatality and serious injury that occurred on the set of “Rust” on October 21, 2021. The report concluded that Rust Movie Productions, LLC management knew that firearm safety procedures were not being followed on set and demonstrated plain indifference to employee safety by failing to review work practices and take corrective action. The LLC was issued a Willful-Serious citation that includes a \$136,793 civil penalty. This is the highest level of citation and maximum fine allowable by state law in New Mexico. The LLC’s failure to adhere to their own guidelines resulted in an avoidable loss of life.

When violations of licenses, permits, or rules are discovered during an inspection, NMED technical and legal staff follow program-specific policies and procedures. A facility is notified of the alleged violation and has an opportunity to remedy the situation. Depending on the nature of the alleged violation, NMED may issue a notice of violation or seek compliance through an administrative order. However, due to lack of funding and staffing, NMED is not always capable of timely remedying the alleged violations at most sources. As a result, this may lead to greater adverse public health outcomes, workplace safety issues, and environmental impacts.

In FY22, NMED collected \$2.4 million in civil penalties that were reverted to the general fund. This included \$1.3 million for violations from excess air emissions by a gas plant operator in Lea County in August 2021 and \$950,000 from alleged air quality violations in Eddy and Lea Counties by an oil and gas company in September 2021.

The \$32 million federal settlement regarding Gold King Mine is not included in NMED’s measure of the amount of civil penalties collected and reverted to the general fund because the state’s legal claims in the Gold King Mine case were outside the scope of programs administered by NMED.



Natural Resources Trustee Maggie Hart Stebbins, Shiprock Delegate to the Navajo Nation Council Eugenia Charles-Newton, U.S. EPA Deputy Administrator Janet McCabe, New Mexico Governor Michelle Lujan Grisham, New Mexico Attorney General Hector Balderas, NMED Deputy Cabinet Secretary Rebecca Roose, NMED Cabinet Secretary James Kenney, and New Mexico Chief Deputy Attorney General Cholla Khoury at the announcement of the Gold King Mine Settlement.

Staffing and Morale

NMED's FY22 budget was \$105.7 million and appropriated as follows:

- \$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.

In the fourth quarter of FY22, all state employees' salaries increased by 3% but NMED was only provided funding for 23% of the salary increase (i.e., NMED received \$71,200 of the \$317,000 needed for all employees to receive a 3% increase for the fourth quarter). Over the course of FY23, NMED will reallocate funding from services it provides (i.e., permitting, compliance assistance, inspections, enforcement, environmental remediation, technical assistance, grant administration, etc.) by approximately \$1.3 million to maintain payroll stemming from the FY22 increase.

It is important to note that the New Mexico Legislature authorized another 4% raise that took effect in FY23 (July 2022). The New Mexico Department of Finance and Administration (DFA) estimated that this additional raise will cost NMED approximately \$4.2 million. However, NMED only received \$917,000 in additional payroll, meaning NMED is short \$3.3 million in FY23.

While NMED supports the 3% raise in FY22 and 4% raise in FY23 for its employees, approximately \$4.6 million in recurring costs were not provided to the Department to sustain these raises. In order to sustain these raises, the Department will need to further reduce services and leave vacant positions unbudgeted and unfilled.



NMED's budget team

Recruitment and Retention

Propelled by high vacancy rates and long human resource action processing times, the New Mexico State Personnel Office (SPO) delegated authority to NMED to approve certain personnel transactions, including in-band pay adjustments, without the need for SPO approval. As a part of the delegation, SPO audits transactions to ensure the department meets personnel rules.

From January through the end of FY22, NMED processed approximately 63 personnel actions that would have otherwise needed SPO and DFA approval. Notably, NMED reports that the time to fill new and vacant positions has been significantly reduced from over 200 days on average in FY22 before the delegation to as little as seven days after a mission-critical position became vacant.

In addition, NMED was able to initiate a department-wide recruitment and retention effort providing recruitment and referral incentives such as voluntary duty station changes, personal days granted upon referral by current employees of candidates who are hired, extra personal days to the new employee, and cash incentives to eligible retirees who provide 12 months' notice before retiring.

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% or more	96.9%	99.5%	99.3%	98.0%	98.4%
Percent of the population served safe and healthy drinking water.	92.0% or more	94.2%	90.4%	89.9%	89.2%	91.0%
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%)	223/ 570 (39.1%)	226/ 571 (39.6%)	230/ 571 (40.3%)
Number of community water system violations returned to compliance as a result of NMED assistance.	500	39	69	16	20	144
Number of superfund sites cleaned up as compared to the number of superfund sites remaining.	0/15	*	*	*	*	0
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%)	879/ 7,409 (11.9%)	472/ 7,494 (6.3%)	2,574/ 7,034 (36.6%)
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%	67.0%	56.0%	0%**	63.5%**

*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 fully available because the inspections opened in this, or a prior, quarter have not been closed/resolved.

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.

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					270,583
Amount of volatile organic compounds emitted illegally, in TPY.	5,000					933
Amount of nitrogen oxides emitted statewide, in TPY.	136,906					214,858
Amount of nitrogen oxides emitted illegally, in TPY.	7,000					197
Quantity of nutrient-based pollutants reduced due to implementation of watershed restoration and on-the-ground improvement projects, in pounds.	650		41			941
Reduction in nonpoint source sediment loading attributed to the implementation of watershed restoration and on-the-ground improvement projects, in pounds.	400,000		17,400		788,000	805,400
Number of nonpoint source impaired waterbodies restored by the Department relative to the number of impaired water bodies.	1/377 (0.3%)					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%)	14/870 (1.6%)	0/881 (0.0%)	20/892 (2.2%)
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	1,964	1,964	1,964

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

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.



In April, the Petroleum Storage Tank Bureau was on site for the installation of monitoring wells in Raton at the Cunico Tire above ground storage tank site, which was initially reported in 1999. Monitoring in June 2021 showed elevated concentrations of toxic chemicals at the site. The new monitoring wells were placed to better define the extent of contamination and allow a determination of groundwater flow direction.



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 applicable laws, rules or permits. The table below provides an at-a-glance view of our progress toward our FY22 targets.

	FY22 Target (%)	Q1 (%)	Q2 (%)	Q3 (%)	Q4 (%)	FY22 Actual (%)
Air						
Percent of air emitting sources inspected.	50.0	1.1	1.0	6.6	4.1	20.5
Percent of air emitting sources in compliance.	85.0	67.0	62.5	75.0	80.0	70.0
Percent of air emitting sources in violation.	15.0	33.0	37.5	25.0	20.0	30.0
Groundwater						
Percent of groundwater permittees inspected.	65.0	4.2	3.4	5.9	7.6	21.1
Percent of groundwater permittees in compliance.	85.0	84.0	95.0	97.1	97.8	94.4
Percent of groundwater permittees in violation.	15.0	14.8	13.6	8.1	6.3	9.7
Hazardous Waste						
Percent of hazardous waste facilities inspected.	2.0	1.0	0.8	1.3	0.9	3.9
Percent of hazardous waste facilities in compliance.	85.0	43.5	72.2	46.7	77.3	58.1
Percent of hazardous waste facilities in violation.	15.0	56.5	27.8	53.3	22.7	41.9
Radiation Sources in Medical Equipment						
Percent of ionizing/non-ionizing radiation sources inspected.	85.0	2.4	2.9	2.9	2.5	12.6
Percent of ionizing/non-ionizing radiation sources in compliance.	85.0	93.0	95.9	97.4	97.7	96.0
Percent of ionizing/non-ionizing radiation sources in violation.	15.0	7.0	4.1	2.6	2.3	4.0
Restaurants and Food Manufacturers						
Percent of restaurants/food manufacturers inspected.	80.0	23.0	24.1	23.4	19.6	90.2
Percent of restaurants/food manufacturers in compliance.	85.0	68.0	56.8	49.4	67.9	59.3
Percent of restaurants/food manufacturers in violation.	15.0	32.0	43.2	50.6	32.1	40.7
Septic Systems						
Percent of new or modified liquid waste systems inspected.	85.0	84.0	79.9	82.4	82.4	82.1
Percent of new or modified liquid waste systems in compliance.	85.0	100.0	99.5	99.7	99.5	99.7
Percent of new or modified liquid waste systems in violation.	15.0	0.0	0.5	0.3	0.5	0.3
Solid/Infectious Waste						
Percent of solid and infectious waste management facilities inspected.	85.0	20.0	4.4	8.9	13.3	46.7
Percent of solid and infectious waste management facilities in compliance.	85.0	98.0	100.0	100.0	71.4	95.5
Percent of solid and infectious waste management facilities in violation.	15.0	2.0	0.0	0.0	28.6	4.5
Surface Water						
Percent of surface water permittees inspected.	10.0	15.0	30.0	30.0	80.0	155.0*
Percent of surface water permittees in compliance.	85.0	67.0	16.7	33.3	50.0	41.8
Percent of surface water permittees in violation.	15.0	0.0	0.0	6.7	3.2	6.5

* NMED completed 31 surface water permittee inspections out of the EPA required 20 inspections.

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					\$16,220,511
Number of brownfield acres of contaminated land cleaned up and available for reuse.	150					44
Investments in water, in dollars.	\$30,000,000	\$8,960,885	\$5,867,854	\$6,093,741	\$10,094,721	\$31,017,102
Number of new water infrastructure projects.	75	40	31	37	6	114

During this fiscal year, the NMED Construction Programs Bureau processed disbursements for 114 individual projects (i.e., both new and continuing projects) totaling approximately \$10.1 million. Funds are disbursed when projects meet certain milestones and submit for reimbursements.

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.



Flooding at Roosevelt County Fairgrounds (above) and storm water inlet constructed to address the problem (below)



The Roosevelt County Fairgrounds, northwest of the City of Portales, is prone to extreme storm water flooding, directly impacting area residents, private businesses, and state, county, and local governments. Hampton Farms is one of the County's largest employers and experienced runoff flooding their shelling and storage facilities and causing great damage. The County contracted for engineering services, completed a preliminary engineering plan and design, and received funding from the CWSRF program in the amount of \$625,000 including a loan for \$325,000 and \$300,000 in subsidy to construct stormwater management facilities. Construction was completed in FY22. The project included three retention ponds and underground drainage to control the storm water run-off at the fairgrounds.

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	FY22 Actual
Percent of NMED financial transactions completed online by the public or regulated community.	33%	17.6%
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	\$2,351,183

	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%	24%	24%	24%	24%	24%	25%	24%

As of the end of the fourth quarter in FY22, NMED had 702.5 authorized full-time equivalent (FTE) positions. However, the Department was budgeted for 653.5 FTEs. In June 2022, 526 of these FTE were filled, down from 536 at the start of FY22 (July 2021).

NMED's steady average vacancy rate of 24% in FY22, based on exit interview data and anecdotal information, is driven by private/public sector opportunities with greater compensation; greater earning potential for less complex work at other state agencies; employee frustration over compensation related to the volume, pace, and complexity of work; and employee retirements. This has led to NMED focusing on retention of employees – not just recruitment.

Annual Employee Engagement Survey

NMED employees indicated above-average engagement in the agency in the third annual employee engagement survey. NMED administers employee engagement surveys annually each January and issues a summary report in the spring. At 65.6% overall engagement (which represents the percentage of positive answers to the 88 survey questions), NMED employee engagement is higher than the 2020 baseline level of 61.9% and nearly twice the national average of 34% reported by the similar 2022 Gallup poll. Employees cited telework as a key benefit to working at the department and noted improvements in support of diversity (15% increase since 2020), promotions within the department (12% increase), and rewards for creativity and innovation (7% increase). Employees are less satisfied with their pay (8% decrease since 2020, with nearly 50% stating they were dissatisfied) and with preparation for potential security threats (6% decrease).

To address the challenges related to promotions and hiring, NMED implemented an innovative hiring pilot with the State Personnel Office and the Department of Finance and Administration to reduce the time it takes to process retention and recruitment actions. This pilot, along with continuing to build capacity in our Human Resources Bureau, has started to show improvement in managing personnel actions, such as reducing the amount of time to process such actions. In addition, NMED continues to focus on retention and recruitment incentives such as flexible work schedules, work locations, and telework options for eligible employees, as these are often cited as reasons current and new employees desire to work at NMED.

In June of 2022, NMED initiated a department-wide retention effort offering employees incentives such as voluntary duty station changes, personal days granted upon referral by current employees of candidates who are hired, and extra personal days to the hire, and cash incentives to eligible retirees who provide 12 months' notice before retiring.

Our operational 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.

A tile on the NMED website directing visitors to the 2022 Employee Engagement Survey Report.



94% of NMED employees say the work they do is important

View the 2022 Employee Engagement Survey Report and our other performance 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.
Environmental Protection Measures	Definitions and Assumptions
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
Air	
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.
Groundwater	
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).
Hazardous Waste	
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.
Radiation Sources in Medical Equipment	
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).
Restaurants and Food Manufacturing	
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).
Septic Systems	
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.
Surface Water	
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 of 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 against 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 st quarter, that facility may not be in the numerator for percent in violation for the 1 st 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.

Economic Investment Measures	Definitions and Assumptions
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 areas 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.