

ACTION PLAN

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

PFAS

NMED estimates the state has spent over \$6 million to protect communities from PFAS contamination. Since February 2021, NMED has worked to map the size and boundaries of the PFAS groundwater plumes at Cannon and Holloman Air Force Bases. In 2022, NMED committed \$850,000 to assist with the disposal costs of dead and toxic dairy cows.

Environment Department

The Environment Department (NMED) received over \$10 million in federal funding through the Coronavirus Aid, Relief, and Economic Security (CARES) Act and is eligible for over \$63 million from the Infrastructure Investment and Jobs Act (IIJA). The department will be responsible for implementing any changes to the Comprehensive Environmental Response and Litigation Act (Superfund Act) that designate emerging contaminants such as per- and polyfluoroalkyl substances (PFAS) as hazardous substances.

The department continues to maintain a high funded vacancy rate of 21 percent. However, the department maintains that lack of funding and salary flexibility are the primary drivers behind its inability to attract and retain staff for many technical positions.

Water Protection

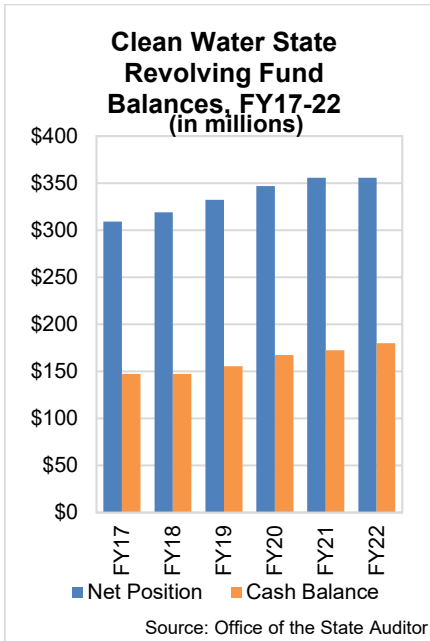
The Water Protection Division leads the department with a funded vacancy rate of 25 percent. Current staffing levels and inability to attract and retain technical and legal staff continues to impact the division’s capacity to complete inspections, make timely compliance determinations, and issue necessary notices of violation to water systems.

Construction Programs. The Construction Programs Bureau (CPB) provides hundreds of millions of dollars in infrastructure investment in communities across New Mexico. In the first quarter, CPB began administering the additional funding coming through the IIJA, spending \$1.2 million or 12 percent of allocated federal funds so far.

Drinking Water. The Drinking Water Bureau (DWB) provides regulatory oversight of New Mexico’s nearly 1,100 non-tribal public drinking water systems and administers the Water Conservation Fund. DWB, in conjunction with the New Mexico Finance Authority, began administering additional funding provided through the CARES act and has plans to spend the entire allocation between FY23 and FY25.

Groundwater. The Water Protection Program continued regulatory efforts to identify and address per- and polyfluoroalkyl substances (PFAS) and other emerging contaminants. This includes incorporating PFAS monitoring into groundwater discharge permits and federal surface water discharge permits. The program coordinated with U.S. Environmental Protection Agency to begin implementing cleanup remedies at two Superfund sites, in Socorro and Roswell, based on new federal funding from the IIJA.

Surface Water. The Surface Water Quality Bureau (SWQB) completed a multi-year rulemaking process before the Water Quality Control Commission, which codified improvements to the state’s surface water quality standards. SWQB also supported two third-party rulemakings resulting in standards changes that designated certain northern New Mexico waters as *Outstanding National Resource Waters*. The designation provides these waters with enhanced protection against degradation under the state’s surface water quality standards.



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

Source: Office of the State Auditor

		FY21	FY22	FY23	FY23	Rating
		Actual	Actual	Target	Q1	
Budget: \$34,875.0	FTE: 191.6	97%	97%	92%	89.4%	Y
Percent of population served safe and healthy drinking water						

Percent of surface water permittees inspected	N/A	N/A	10%	20%	G
Percent of groundwater permittees inspected	19%	21.1%	65%	3.5%	R
Number of new water infrastructure projects	N/A	154	75	31	G
Program Rating	G	Y			Y

Nonrecurring Appropriations to NMED, 2021-2022 Special and Regular Sessions

River Stewardships Program	\$11.5 million
Eastern New Mexico Rural Water System	\$10 million
Emerging contaminants initiatives	\$525 thousand
Interstate ozone pollution	\$450 thousand
Superfund and uranium mine site cleanup	\$400 thousand
Radiation Control Bureau	\$300 thousand
Surface water discharge permitting program	\$250 thousand

Resource Protection

The Resource Protection Division (RPD) continues to monitor and regulate the generation, storage, transportation, and disposal of wastes in New Mexico. As the state continues to grow as both a source and storage site for hazardous waste, the division's oversight responsibilities also expand, while their importance to public health continues to increase.

Air Force Bases and National Labs. The division has taken a larger role in the investigation and remediation of PFAS contamination at U.S. Department of Defense installations and corresponding impacts on the public. Having identified the presence of PFAS at both air force bases and the state's national labs, RPD is continuing monitoring in advance of proposed changes to the Superfund Act. RPD is also following and participating in ongoing litigation regarding clean-up of legacy waste at Los Alamos National Labs. RPD is seeking a favorable conclusion that will allow it to increase the speed of clean-up activities.

	FY21 Actual	FY22 Actual	FY23 Target	FY23 Q1	Rating
Budget: \$17,925.9 FTE: 146.6					
Number of completed cleanups of petroleum storage tank release sites that require no further action	N/A	1,964	1,948	1,984	G
Percent of solid and infectious waste management facilities inspected	N/A	47%	85%	13.3%	R
Percent of hazardous waste facilities inspected	N/A	4%	6%	0.7%	R
Program Rating		Y			Y

Environmental Protection

The Environmental Protection Division is home to the Radiation Control Bureau (RCB), Air Quality Bureau (AQB), and the newly created Climate Change Bureau (CCB). The division is primarily responsible for developing programs to mitigate the impacts of climate change, reducing greenhouse gas emissions, and expanding clean energy and transportation options for New Mexicans.

Air Quality. AQB implemented core air quality control program activities, including permit issuance, enforcement, and nonattainment analysis. The bureau also worked with the New Mexico Climate Change Task Force; developing rules to reduce volatile organic compounds and oxides of nitrogen emissions in the oil and gas industry. The bureau also

deployed new air monitoring instruments that improve connectivity, efficiency and remote access to air quality data.

Radiation Control. RCB worked to protect the public nonfederal radiation workers from the harmful effects of radiation. In addition to inspections and monitoring, the bureau’s work includes assisting nuclear workers who have become ill due to occupational exposures received while working for contractors or subcontractors at U. S. Department of Energy facilities or in the uranium mining and milling industries.

	FY21 Actual	FY22 Actual	FY23 Target	FY23 Q1	Rating
Budget: \$33,261.2 FTE: 304.1					
Percent of ionizing and nonionizing radiation sources inspected	N/A	12.6%	85%	2.9%	R
Percent of air emitting sources inspected	N/A	20.5%	50%	12.4%	Y
Percent of population breathing air meeting federal health standards	N/A	98.4%	95%	97%	G
Program Rating	G	Y			Y

Environmental Health

The Environmental Health Division (EHD) continued to administer the state hemp extraction and manufacturing program, working to ensure the protection of public health while supporting the growth and sustainability of the cannabis industry. EHD is also responsible for permit issuance and compliance with liquid waste

Occupational Health and Safety. The Occupational Health and Safety Bureau (OHSB) initiated or closed 16 workplace fatality investigations, including the high-profile fatality on the Rust movie set. OHSB conducted more than 44 thousand Covid-19 rapid responses to prevent the spread of the virus in the workplace. OHSB also developed occupational health and safety programs for industries such as hemp manufacturing, industries affected by climate change and heat illness, and industries such as the oil and gas sector where employees are exposed to serious health and safety hazards.

	FY21 Actual	FY22 Actual	FY23 Target	FY23 Q1	Rating
Budget: \$28,466.1 FTE: 281.55					
Number of employers that did not meet occupational health and safety requirements of at least one standard compared with total number of employers	N/A	63.5%	55%	59.3%	Y
Percent of restaurants and food manufacturers inspected	N/A	90.2%	80%	18.7%	R
Percent of new or modified liquid waste systems inspected	N/A	82.1%	85%	83.0%	Y
Program Rating	G	Y			Y

Resource Management

The Resource Management Division is responsible for providing administrative oversight for the rest of the department. The recently added performance goal intends to display the success of enforcement actions and litigation, as well as the benefit to the entire state via general fund revenue generation. Individual attorneys within the NMED Office of General Counsel (OGC) will oversee and finalize enforcement actions and settlement agreements and will report these to the Office of Strategic Initiatives (OSI) at the end of the fiscal year.

General Counsel. In addition to representing the department in all legal matters, OGC has worked with the Office of the State Engineer (OSE) and the Office of the Attorney General to plan for changes that will be necessary under any proposed settlement in the pending *Texas v. New Mexico* case. While most of the responsibility for ensuring compliance under the compact will lie with the Office of the State Engineer, NMED may also have statutorily obligated duties related to surface and groundwater quality enforcement.

Administrative Services and Strategic Initiatives. In addition to the metric reporting general fund transfers, OSI also measures NMED employee engagement on an annual basis, a metric that might be considered for inclusion in future performance goals. In an effort to improve efficiency, the agency’s Administrative Services Division has completed several compensation and classification analyses that helped identify positions it hopes to move in FY23 and FY24 to better balance workload and funding across programs.

	FY21 Actual	FY22 Actual	FY23 Target	FY23 Q1	Rating
Budget: \$10,108.8 FTE: 80.25					
Total dollars collected and transferred to the general fund	N/A	N/A	\$500,000	N/A	Y
Program Rating					Y