



Performance Assessment

Fiscal Year 2023 | 2nd Quarter | October 1 – December 31, 2023

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

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FY23 Second Quarter Highlights

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 do our best to ensure compliance with state regulations and permits, leveling the playing field by holding violators accountable, although we have insufficient resources to fully protect all communities. We embrace our mission and core values at every level of the organization.

In FY23, we will strategically deploy our limited funding and personnel to advance public health, protect our natural resources, hold responsible parties accountable, and work to ensure access to clean land, air, and water for New Mexicans. For more information on NMED's program workloads, see Appendix A, beginning on page 15 of this report.

For FY23, NMED received appropriations totaling \$114.0 million to protect public health and the environment. This included \$20.3 million in general fund, \$57.4 million in special revenue funds (e.g., permit fees), \$36.3 million in federal funds, and \$1.9 million in special appropriations for earmarked projects/purposes.

Our approximate budget breakdown is:

- 17.8% state general fund;
- 50.4% special revenue funds; and
- 31.8% federal funds.

Beginning on page 8, this report covers 46 performance measures across these five categories:

- 6 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). This is the second quarterly performance assessment for FY23, which began on October 1, 2022, and provides a retrospective look at the quarter while providing insights for the rest of the 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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New Mexico Environment Department launches Environmental Crimes Task Force

In November, the New Mexico Environment Department (NMED) and the U.S. Environmental Protection Agency (EPA) convened New Mexico's first Environmental Crimes Task Force. The Task Force will meet regularly with members from federal, tribal, and state agencies to disseminate actionable intelligence and coordinate responses to address those individuals and entities who threaten our health and environment by violating such laws.

As stated by Cabinet Secretary James Kenney, "The Environmental Crimes Task Force will bring much needed investigation and prosecution resources and coordination to New Mexico, which will serve to level the playing field and increase environmental compliance in our communities."

The Task Force will focus on advancing civil rights and environmental justice through timely and effective remedies for systemic environmental violations in underserved communities that have been historically marginalized and overburdened, including low-income communities and communities of color. The initial Task Force partners include the following state and federal agencies: New Mexico Attorney General, New Mexico Department of Public Safety, New Mexico Energy, Minerals and Natural Resources Department, New Mexico Environment Department, New Mexico Game and Fish Department, New Mexico State Land Office, Federal Bureau of Investigation's Albuquerque Field Office, U.S. Attorney's Office, U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service, and Navajo Nation Department of Justice



Carey Richardson-Zadra recently came to NMED from the Federal Bureau of Investigation (FBI) and will co-lead the Task Force along with the U.S. EPA's Criminal Investigation Division out of the Regional Office in Dallas, Texas. She is a retired FBI Special Agent with 20 years of investigative, legal, policy, and leadership experience.



Leadership of the Environmental Crimes Task Force

Examples of criminal environmental violations include:

- A chop-shop where stolen vehicles are dismantled and used oil is dumped;
- An oil and gas operator who fabricates records to show they looked for leaking components but never did so or conceals oil spills;
- Industries that fail to follow safety protocols as outlined in its risk management plan, which can put its workers and the public at risk;
- A wastewater treatment plant operator or industrial user who changes sample results to show compliance of non-compliant discharges to surface water or groundwater, including instances of public official misusing their authority for personal gain or benefit.

Watch Secretary Kenney's 10-minute overview of the task force shown on the December 9, 2022, edition of [New Mexico in Focus](#).

NMED Awards \$800k to New Mexico communities for recycling and illegal dumpsite cleanup

19 projects funded in FY23 will improve quality of life, environment across our state

In October, NMED was excited to announce the newest round of recipients of Recycling and Illegal Dumping (RAID) grants for fiscal year 2023.

Communities, tribes, and pueblos around the state – many in rural areas – received \$800,000. Grant funding was spent on cleaning up illegal dumpsites, establishing composting programs, offsetting the cost of scrap tire collection and recycling, providing educational outreach on scrap tire management and illegal dumping prevention, and expanding recycling programs.

Read the [NMED news release](#) to learn more about the recipients and their projects.

Happy 50th Anniversary to the Clean Water Act!

October 18, 2022 marked the 50th Anniversary of the Clean Water Act. The Surface Water Quality Bureau (SWQB) shared information and activities each week during the “Month of Clean Water” to highlight the past, present, and future of the Clean Water Act. As part of the Week 5 celebration (“Looking to the Future”), SWQB volunteered at the Rio Rancho Children’s Water Festival. Fifth graders, teachers, volunteers, and presenters filled the Rio Rancho event center to celebrate water, and the fifth graders got to go out on their first field trip after two and a half years because of Covid-19 restrictions!



SWQB staff taught students all about the water cycle, that fresh water is a limited resource, and how pollution affects every part of that water cycle. All of these lessons were explored in a fun game called the “Incredible Journey.” Other agencies were there to help with the water lessons too and the students got to visit different agency booths. Every booth provided fun, hands-on activities about different aspects of water science, resources, and management. When we asked the kids what they thought about the “Incredible Journey” and the water fair, they were prompt to say it was “awesome” and “so much fun.”

Learn more about the Clean Water Act and view all of the content from our “Month of Clean Water” on the [SWQB Clean Water Act 50th Anniversary webpage](#).



“The Incredible Journey” is a fun game to play, lots of dice throwing, running around to different water cycle stations, and maybe getting a pollution ticket or more.

NMED Responds to Gila Forest Asphalt Spill

On September 26, 2022, a tanker truck owned by R. Marley, LLC overturned on State Highway 15 in the Gila National Forest and spilled approximately 2,000 gallons of asphalt emulsifier into Jaybird Canyon. NMED learned of the spill on October 4, 2022, and took immediate action to investigate the site, identify necessary corrective actions to remediate immediate impacts from the spill, and communicate with the U.S. Forest Service (USFS), U.S. Environmental Protection Agency (EPA), and R. Marley, LLC about next steps. NMED's SWQB and the USFS oversaw the clean-up of the spill throughout October. However, rain hindered the clean-up due to high stream flows and saturated soils along the stream. In fact, October 2022 was the third wettest October on record (1895-2022) and reported a total of 6.19 inches of precipitation in the Silver City area!



These images depict the same section of the creek before (top) and after (bottom) the cleanup.



During this first phase of clean-up in October, the crew and local volunteers used a combination of manual removal of debris, sifting and screening of stream sediments, and best management practices (BMPs) to filter and trap asphalt material and remove it from the stream. This material is used frequently in roads and highways throughout New Mexico, many landfills are able to accept it, and R. Marley, LLC disposed of it at such a landfill. By the end of October, most of the asphalt material had been removed from Jaybird Canyon. Some asphalt is still adhered to larger rocks, rocks embedded in the stream channel, boulders, and bedrock and will not be removed because removal would cause more damage than to keep it in place.

NMED, USFS, and EPA conducted a walk-through of the site on November 3, 2022, to evaluate clean-up efforts. The agencies determined the initial cleanup was insufficient and that more product needed to be removed. R. Marley, LLC deployed more resources to continue clean-up activities in November and conducted a sweep of the drainage in early December. NMED and USFS had planned to perform a walk-through of the area in mid-December, but snowfall and heavy winter weather paused this assessment. Assessment, cleanup, and remediation efforts will resume once the snow melts and soil in the area is dry enough to walk on without further damaging the area.

Once cleanup is deemed complete, the remediation/stream repair phase of the process will begin, which is expected to start in the spring of 2023. During this phase, R. Marley, LLC will focus on additional clean-up (if needed), stream repair and restoration (such as reseeding and rehabilitating or decommissioning trails), and water quality and soil sampling and analysis to confirm that cleanup and corrective actions were successful.



Sampling activity in Meadow Creek.

NMED Hosts One Year Anniversary Meeting of the Navajo-Gallup Water Supply Project

November 10, 2022, the Drinking Water Bureau (DWB) hosted a stakeholder meeting regarding the Navajo-Gallup Water Supply Project (NGWSP), marking the one-year anniversary of NGWSP water being provided to communities in San Juan, Rio Arriba, and Sandoval Counties.

The meeting included participants from the Bureau of Reclamation, Navajo Nation Environmental Protection Agency, Navajo Tribal Utility Authority, Jicarilla Apache Nation, U.S. Environmental Protection Agency Regions 6 and 9, contract engineers and operators, and the Office of the State Engineer.

A major part of the meeting included discussions of the inter-agency regulatory strategy that has been used to oversee this project over the past year. This regulatory strategy took approximately 8 years to develop and culminated in a signed Memorandum of Understanding (MOU) between NMED, EPA, and the Navajo Nation.

The meeting also included discussions about the continued use of that strategy as well as discussions about the ongoing development of this important drinking water project. All of the stakeholder participants had positive feedback about the project and the current regulatory strategy. Future quarterly meetings are planned with an annual in-person gathering slated for summer 2023.

Western Interstate Hydrogen Hub Concept Paper Receives Positive Recommendation

A regional hydrogen hub in Colorado, New Mexico, Utah, and Wyoming is one step closer to reality after the U.S. Department of Energy (DOE) issued an “Encouraged” recommendation for the [concept paper submitted by Western Interstate Hydrogen Hub \(WISHH\)](#). Reviewers encouraged applications from only 33 of the 79 concept papers submitted earlier this fall.

Reviewers independently scored each concept paper based on evaluation criteria including qualifications, experience, and capabilities; expected contributions toward a national hydrogen network; plans to develop production, end-use, and connective facilities; and the community benefits plan component.

The Bipartisan Infrastructure Law defines “regional clean hydrogen hub” as “a network of clean hydrogen producers, potential clean hydrogen consumers, and connective infrastructure located in close proximity.” Applicants encouraged to proceed by DOE plan to develop all elements critical to a regional clean hydrogen hub: comprising production, end-uses, and connective infrastructure; demonstrating capabilities to execute a project plan or to attract and hire such capabilities; planning to deploy proven technologies; and indicating commitments to clean hydrogen and meaningful community benefits.

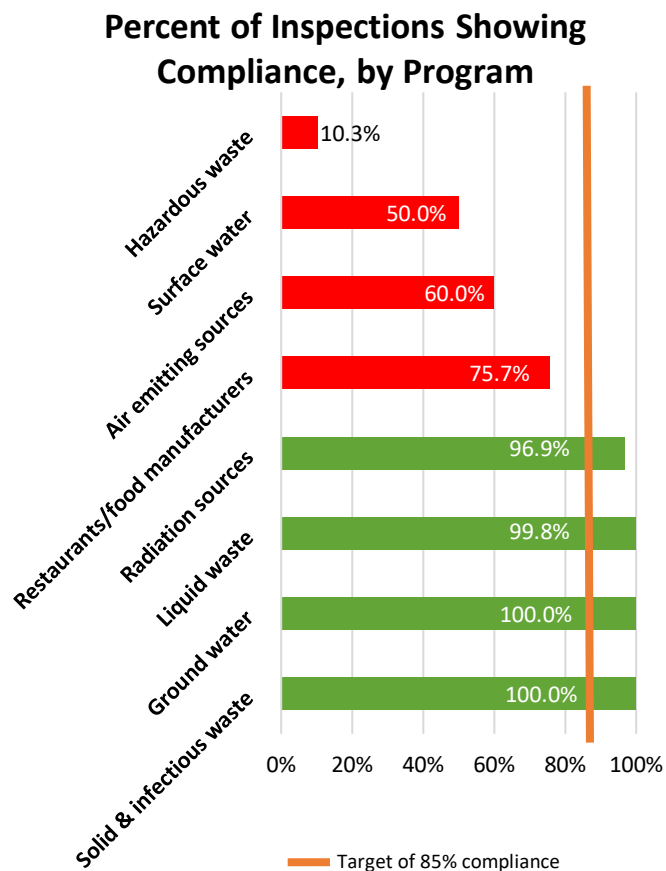
“New Mexico and our western state partners are the place to invest in a clean, sustainable hydrogen economy,” said James Kenney, Cabinet Secretary of the New Mexico Environment Department. “We appreciate those businesses who already invested in New Mexico and welcome further clean hydrogen investments to help us reach our ambitious climate goals.”

The concept paper outlines the four-state coalition’s preliminary hydrogen hub concept. Since February 2022, this bipartisan, interstate coalition between Colorado, New Mexico, Wyoming, and Utah has been developing a regional strategy for the safe, clean and sustainable use of clean hydrogen.

Visit the [RANGE Collaborative website](#) for more information about the Western Interstate Hydrogen Hub.

Compliance Programs Update

For FY23, NMED's regulatory compliance programs are making a concerted effort to conduct inspections for compliance with applicable licenses, permits, and rules. The figure below shows the levels of compliance found in first quarter inspections across various programs compared to the target of 85% compliance. Four program areas fell below the target (depicted in red) and four program areas exceeded the target (depicted in green).



NMED Presents at EPA Symposium on Improving Compliance at Small Municipal Wastewater Treatment Plants

The Department's Surface Water Quality Bureau (SWQB) presented at EPA's Symposium for Improving Compliance at Small Municipal Wastewater Treatment Plants (WWTPs). The three-day virtual symposium focused on various issues regulators and EPA face and the tools that can be used to enhance National Pollutant Discharge Elimination System (NPDES) permit compliance.

The presentation focused on the challenges and successes learned from adopting the discharger-specific temporary water quality standard ("Temporary Standard") for the City of Raton's WWTP. A Temporary Standard is an amendment to the state's water quality standards that can serve as a tool which, under particular circumstances, provides time and interim standards for NPDES permittees to meet the state's underlying water quality standards. This was the state's first Temporary Standard, adopted by the Water Quality Control Commission in 2020.

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.

	FY23 Target	Q1	Q2	Q3	Q4	FY23 Actual
Percent of the population breathing air meeting federal health standards.	95.0% or more	97.0%	99.9%			
Percent of the population served safe and healthy drinking water.	92.0% or more	89.4%	90.5%			
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%)	231/ 573 (40.3%)	241/573 (42.1%)			
Number of community water system violations returned to compliance as a result of NMED assistance.	500	28	12			
Number of superfund sites cleaned up as compared to the number of superfund sites remaining.	0/15					
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.	55.0%	59.3%	60.0%			

Note: 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.

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

Petroleum Storage Tank Bureau Staff Attend Hazardous Waste Training

Until recently, most hands-on trainings were not available during the Covid-19 Pandemic. In October, Petroleum Storage Tank Bureau (PSTB) staff attended a 16-hour hazardous waste operations and emergency response standard (HAZWOPER) hands-on training in Albuquerque. For some of them it was the first time to meet fellow colleagues working from the various offices in Santa Fe, Albuquerque, and Las Cruces. Attendees learned about the various personal protective equipment (PPE) needed for distinct stages of assessment involving potential exposures to different chemicals.

Inspector Joseph Apodaca wearing the self-contained breathing apparatus (SCBA) and suit.



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 FY23 targets.

	FY23 Target	Q1	Q2	Q3	Q4	FY23 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		941			
Reduction in nonpoint source sediment loading attributed to the implementation of watershed restoration and on-the-ground improvement projects, in pounds.	400,000		788,000			
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%)	18/869 (2.1%)	0/956 (0%)			
Number of completed cleanups of petroleum storage tank release sites that require no further action. Cumulative over all time.	1,958	1,984	1,984			

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

Los Alamos Oversight Section Rafts the Rio Grande to Collect Environmental Samples

Staff from the DOE Oversight Bureau took to the water in October to collect spring, river and biota samples with DOE contractor N3B along White Rock Canyon. The annual event is required of N3B under the Los Alamos National Laboratory (LANL) Consent Order for the collection of water from springs discharging from the Pajarito Plateau to the Rio Grande downstream of Otowi Bridge and below LANL. The Bureau fielded a crew of four to observe, record, and sample the more than 20 springs between Buckman Landing and Cochiti Lake.



NMED staff Prepare to Push Off Near Buckman Landing to collect samples.

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 FY23 targets.

	FY23 Target (%)	Q1 (%)	Q2 (%)	Q3 (%)	Q4 (%)	FY23 Actual (%)
Air						
Percent of air emitting sources inspected.	50.0	12.4	3.9			
Percent of air emitting sources in compliance.	85.0	53.3	60.0			
Percent of air emitting sources in violation.	15.0	0.2	0.1			
Groundwater						
Percent of groundwater permittees inspected.	65.0	4.5	5.6			
Percent of groundwater permittees in compliance.	85.0	96.3	100.0			
Percent of groundwater permittees in violation.	15.0	0.8	0.5			
Hazardous Waste						
Percent of hazardous waste facilities inspected.	6.0	0.7	1.0			
Percent of hazardous waste facilities in compliance.	85.0	36.8	10.3			
Percent of hazardous waste facilities in violation.	15.0	1.0	1.0			
Radiation Sources in Medical Equipment						
Percent of ionizing/non-ionizing radiation sources inspected.	85.0	2.9	4.3			
Percent of ionizing/non-ionizing radiation sources in compliance.	85.0	94.0	96.9			
Percent of ionizing/non-ionizing radiation sources in violation.	15.0	0.2	0.2			
Restaurants and Food Manufacturers						
Percent of restaurants/food manufacturers inspected.	80.0	18.7	18.6			
Percent of restaurants/food manufacturers in compliance.	85.0	69.7	75.7			
Percent of restaurants/food manufacturers in violation.	15.0	3.6	4.5			
Septic Systems						
Percent of new or modified liquid waste systems inspected.	85.0	83.0	84.5			
Percent of new or modified liquid waste systems in compliance.	85.0	99.6	99.8			
Percent of new or modified liquid waste systems in violation.	15.0	0.4	0.2			
Solid/Infectious Waste						
Percent of solid and infectious waste management facilities inspected.	85.0	13.3	13.3			
Percent of solid and infectious waste management facilities in compliance.	85.0	100	100			
Percent of solid and infectious waste management facilities in violation.	15.0	0.0	0.0			
Surface Water						
Percent of surface water permittees inspected.	10.0	20.0	20.0			
Percent of surface water permittees in compliance.	85.0	100	50.0			
Percent of surface water permittees in violation.	15.0	8.0	6.3			

Our compliance performance measures are described in detail in Appendix B. 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 FY23 targets.

	FY23 Target	Q1	Q2	Q3	Q4	FY23 Actual
Total investment of grant 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, in dollars.	\$30,000,000	\$10,900,000	\$4,940,000			
Number of new water infrastructure projects.	75	31	38			

During the second quarter of FY23, the NMED Construction Programs Bureau processed disbursements for 38 individual projects (i.e., both new and continuing projects) totaling approximately \$4.5 million. Funds are disbursed when projects meet certain milestones and submit for reimbursements.

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

Construction Programs Bureau Attends Infrastructure Finance Conference

In October, Construction Programs Bureau (CPB) staff attended the New Mexico Infrastructure Finance Conference (NMIFC) in Albuquerque. NMIFC was created to help support the planning and funding of sustainable infrastructure projects throughout New Mexico. The conference offered local entities and individuals the opportunity to meet with key funding agency contacts that answer questions and provide guidance as they bring their capital projects to reality. Conference participants include local entities, special districts, school districts, tribes and pueblos, and private organizations. NMED presented on the Clean Watersheds Needs Survey and the Bipartisan Infrastructure Law funding. The financial and administrative sections of CPB conducted outreach and education at the exhibit booth where they shared information about the Clean Water State Revolving Fund loan program and the Rural Infrastructure Program. The conference was well attended with an estimate of over 350 attendees.



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 FY23 targets.

	FY23 Target	FY23 Actual
Percent of NMED financial transactions completed online by the public or regulated community.	50%	
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	

	FY23 Target	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FY23 Actual
Vacancy rate by month.	6.0%	21.2%	20.9%	21.3%	19.9%	21.0%	21.0%							

As of the end of the second quarter in FY23, NMED had 708 authorized full-time equivalent (FTE) positions. However, based on NMED's available staffing budget and average FTE cost at the end of the first quarter of FY23, the Department was budgeted for 662 FTEs; this is adjusted downward somewhat from the 668 used for our first quarter FY23 reporting, resulting in revised figures for July through September in the table above. In January 2023, 536 of these FTE were filled, up from 522 at the start of FY23 (July 2022).

Based on exit interview data, NMED's average vacancy rate of 20.6% (vacant FTE divided by budgeted FTE) in the second quarter of FY23, was driven by private/public sector opportunities with greater compensation; greater earning potential for less complex work at other state agencies; frustration over compensation related to the volume, pace, and complexity of work; and retirements. This feedback supports the critical importance of NMED's enhanced approaches to improve retention and recruitment, including incentives such as voluntary duty station changes, personal days for referring candidates who are eventually hired, extra personal days for new employees, and cash incentives for eligible retirees who provide 12 months' notice before retiring.

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-pay band adjustments, without the need for SPO approval, in the middle of FY22. As a part of the delegation, SPO audits transactions to ensure the Department meets personnel rules. Under this arrangement, NMED has significantly accelerated its processing of personnel transactions:

- In FY22, NMED processed 1,262 personnel actions. **2.0x** more than FY21.
- During the first half of FY23, NMED processed 2,262 personnel actions. **3.5x** more than FY21.
- The time to fill new and vacant positions has reduced from over 200 days in FY22 to 60 days or less in many cases.

NMED Staff Workload Snapshot

Based on existing staffing levels and assuming 235 workdays per year, it would take most NMED programs multiple years to assure compliance with all permitted or licensed facilities.¹ This means that businesses subject to laws passed by the legislature, regulations adopted by state boards and commissions, and permits and licenses issued by the Department go largely unchecked by NMED staff for years. New Mexicans likely perceive greater oversight by NMED than what is achievable under existing budget and staffing levels. In reality, NMED cannot meaningfully offer technical assistance to the regulated community or assure compliance with legislation, rules, permits and licenses that protect public health and the environment.

- Occupational Health and Safety Bureau (or OSHA Bureau) – There are 5,670 regulated facilities per inspector. If the employees inspected one facility per day, it would take this team 24 years to visit each site.
- The Air Quality Bureau had 22 filled permitting and enforcement staff spending about 10% of their time on compliance inspections. With this staffing level and distribution of work, it would take 6.5 years for the team to visit all permittees. This does not include the vast majority of smaller air-emitting sources, including the majority of oil and gas operations.
- The Ground Water Quality Bureau's Pollution Prevention Section has six filled permitting and enforcement staff spending about 10% of their time on compliance inspections. With this staffing level and distribution of work, it would take more than 3 years for the team to visit all permittees.

For other non-regulatory bureaus, the workload is also enormous.

- The OSHA Bureau's Consultation Program has three staff to serve 68,041 employers, or 22,680 employers per person, which limits the program's opportunity to help employers prevent fatalities, amputations or injuries resulting from occupational hazards.
- The Surface Water Quality Bureau oversees 6,698 miles of perennial (present year-round) streams, 190,225 miles of non-perennial streams, and all lakes, with only the equivalent of one staff person responsible for developing water quality standards and six staff persons collecting all water quality data.
- Each of the Construction Programs Bureau Technical Section's five staff manage 126 water infrastructure projects per person.
- The Hazardous Waste Bureau has 1.3 incident coordination staff who responded to 365 emergency calls in the previous fiscal year.
- The Drinking Water Bureau has the equivalent of one person focused on providing infrastructure funding support to the 1,068 public water systems in New Mexico.

¹ Assuming an employee works five days per week, receives the 11 state holidays, and exercises their right to two weeks of annual leave but does not take any sick leave.

Appendix A

NMED Program Workload Data

Regulatory Permitting and Enforcement Programs

Division	Bureau	Program	Known Regulated Universe / Number of Permits	Authorized Permitting & Enforcement FTE	Filled Permitting & Enforcement FTE	% Time Permitting	% Time Enforcement	Regulated Entities/Permits per Filled Permitting & Enforcement FTE	As of Date
EHD	EHB	Liquid Waste, Food Safety, & Pool and Spa Programs	11,788	56.0	49.0	25%	75%	241	2/16/2023
EHD	OHSB	Compliance Program	68,041	18.0	12.0	0%	100%	5,670	2/16/2023
EPD	AQB	Permitting and Enforcement	3,390	27.0	22.0	90%	10%	154	2/16/2023
EPD	RCB	Radiation Protection Program	1,713	9.0	7.0	90%	10%	245	2/7/2023
RPD	HWB	Compliance and Technical Assistance Program	2,839	6.8	5.8	0%	100%	489	1/7/2023
RPD	HWB	Permitting Program	23	22.0	18.0	100%	0%	1	1/7/2023
RPD	PSTB	Prevention/Inspection - Delivery Prohibition	1,718	4.0	15.0	0%	100%	362	2/9/2023
RPD	PSTB	Remedial Action Program	923	16.0	11.0	0%	100%	84	2/9/2023
RPD	SWB	Solid Waste Bureau	1,297	13.0	11.0	36%	64%	118	2/9/2023
WPD	DWB	Public Water System Supervision	1,068	12.0	11.0	90%	10%	97	2/16/2023
WPD	GWQB	Agriculture Compliance Section	206	5.0	4.0	90%	10%	52	2/16/2023
WPD	GWQB	Mining Environmental Compliance Section	42	12.0	7.0	90%	10%	6	2/16/2023
WPD	GWQB	Pollution Prevention Section	471	11.0	6.0	90%	10%	79	2/16/2023
WPD	SWQB	404 Dredge or Fill Permits	76	4.0	3.0	15%	5%	25	2/9/2023

WPD	SWQB	402 NPDES permit compliance	3,955	76.0	4.0	3.0	15%	5%	2/9/2023
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Non-Regulatory Programs

Division	Bureau	Program	Permittees / Facilities	Known Universe Category	Authorized FTE	Filled FTE	Workload per filled FTE	Descriptor	As of Date
EHD	OHSB	Consultation Program	68,041	Employers	6.0	3.0	22,680	Employers per Consultation Program FTE	2/16/2023
RPD	HWB	Incident Coordination	365	Emergency calls	1.3	1.3	280.8	Emergency calls per Incident Coordination FTE	1/7/2023
RPD	SWB	Recycling and Illegal Dumping Grants	19	FY23 grants	1.1	0.7	27	FY23 grants per Recycling and Illegal Dumping Grants FTE	2/16/2023
WPD	CPB	Technical Section	628	Infrastructure Projects	7.0	5.0	126	Infrastructure Projects per Technical Section FTE	1/6/2023
WPD	DWB	Engineering	1,068	Public Water Systems	2.0	2.0	534	Public Water Systems per Engineering FTE	2/7/2023
WPD	DWB	Infrastructure Funding Support	1,068	Infrastructure Funding Support	1.0	1.0	1,068	Infrastructure Funding Support per Infrastructure Funding Support FTE	2/7/2023
WPD	DWB	Sustainable Water Infrastructure	1,068	Public Water Systems	13.0	8.0	134	Public Water Systems per Sustainable Water Infrastructure FTE	2/7/2023
WPD	DWB	Utility Operator Certification	2,173	Utility operators	3.0	3.0	724.3	Utility operators per Utility Operator Certification FTE	2/7/2023
WPD	GWQB	Remediation Oversight Section	189	Sites	7.0	6.0	31.5	Sites per Remediation Oversight Section FTE	2/16/2023
WPD	GWQB	Superfund Oversight Section	29	Sites	10.0	7.0	4.1	Sites per Superfund Oversight Section FTE	2/16/2023
WPD	SWQB	Water Quality Standards	6,698	Perennial stream miles in NM	3.0	1.0	6,698	Perennial stream miles in NM per Water Quality Standards FTE	2/9/2023

Division	Bureau	Program	Permittees / Facilities	Known Universe Category	Authorized FTE	Filled FTE	Workload per filled FTE	Descriptor	As of Date
WPD	SWQB	Monitoring Program	6,698	Perennial stream miles in NM	6.0	6.0	1,116	Perennial stream miles in NM per Monitoring Program FTE	2/9/2023
WPD	SWQB	Monitoring Program	190, 225	Non-perennial stream miles in NM	3.0	1.0	190,225	Non-perennial stream miles in NM per Monitoring Program FTE	2/9/2023
WPD	SWQB	Monitoring Program	6,698	Perennial stream miles in NM	6.0	6.0	1,116	Perennial stream miles in NM per Monitoring Program FTE	2/9/2023
WPD	SWQB	Monitoring Program	190,225	Non-perennial stream miles in NM	6.0	6.0	31,704	Non-perennial stream miles in NM per Monitoring Program FTE	2/9/2023
WPD	SWQB	Monitoring Program	173	Number of Significant Lakes and Reservoirs	6.0	6.0	29	Number of Significant Lakes and Reservoirs per Monitoring Program FTE	2/9/2023
WPD	SWQB	TMDL & Assessment	538	Number of assessed river/stream reaches	4.0	4.0	135	Number of assessed river/stream reaches per TMDL & Assessment FTE	2/9/2023
WPD	SWQB	Wetlands Protection	1,053,809	Acres of freshwater wetlands in NM	4.0	2.0	526,905	Acres of freshwater wetlands in NM per Wetlands Protection FTE	2/9/2023
WPD	SWQB	Nonpoint Source Pollution - Planning & Restoration	3,223	Number of sub-watersheds	9.0	6.0	537	Number of sub-watersheds per Nonpoint Source Pollution - Planning & Restoration FTE	2/9/2023
WPD	SWQB	Effectiveness Monitoring	191	Number of impaired river/stream reaches	1.0	1.0	191	Number of impaired river/stream reaches per Effectiveness Monitoring FTE	2/9/2023

Appendix B

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 found in compliance (case closed with no citations) and employers issued citation(s) during the fiscal year (denominator).

at least one standard compared to the total number of employers.	
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. Numerator is all permittees with one or more potential violations that remain unresolved (i.e., permittees with an ongoing violation). Denominator is the total number of regulated entities (permittees/facilities).

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. Numerator is the number of facilities with an unresolved violation, regardless of whether the violation was identified during the reporting quarter. Denominator is the total number of regulated facilities/entities.
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. Numerator is the number of facilities with an unresolved violation, regardless of whether the violation was identified during the reporting quarter. Denominator is the total number of regulated facilities/entities.
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. Numerator is the number of facilities with an unresolved violation, regardless of whether the violation was identified during the reporting quarter. Denominator is the total number of regulated facilities/entities.
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. Numerator is the number of facilities with an unresolved violation, regardless of whether the violation was identified during the reporting quarter. Denominator is the total number of regulated facilities/entities.
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. Numerator is the number of facilities with an unresolved violation, regardless of whether the violation was identified during the reporting quarter. Denominator is the total number of regulated facilities/entities. "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 state or 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 many sources, including but not limited to: Solid Waste Bureau's Recycling and Illegal Dumping (RAID) grants, 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 budgeted FTE positions (i.e., 662 for FY23) 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.