



Performance Assessment

Fiscal Year 2023 | 4th Quarter | April 1 – June 30, 2023

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

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FY23 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 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 FY23, we strategically deployed 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 13 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 7, 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). FY23 started on July 1, 2022 and ended on June 30, 2023. This is the final quarterly performance assessment for FY23 and provides a retrospective look 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:

Michael G. Bowers
Collaboration Coordinator
(505) 629-6302
Michael.Bowers2@state.nm.us

\$138.7 Million Invested in Communities

River Stewardship Program

NMED's River Stewardship Program enhances the natural functioning of New Mexico's streams and rivers by providing state funding to plan, design, and construct projects that improve surface water quality or river habitat statewide.

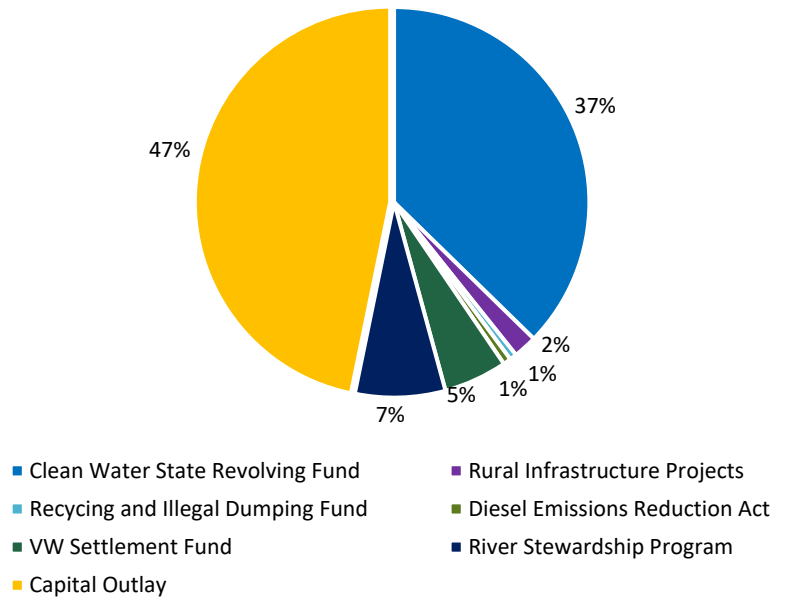
Through FY23, the Legislature made annual appropriations to support this program. In the 2023 legislative session, the Senate Bill 9 was enacted, creating the Land of Enchantment Legacy Fund that will provide an annual distribution to support the River Stewardship Program. In FY23, the program awarded \$10.4 million to 18 projects, including:

- Tijeras Creek, Bernalillo County: \$824,352
- Willow Creek, Catron County: \$598,980
- Cimarron River, Colfax County: \$471,935
- Burro Cienega, Grant County: \$416,875
- Santa Clara Creek, Sandoval County: \$1,031,352

This was more funding awarded than in any previous year, showing the demand for projects and the program's potential to handle increased funding. Knowing this, NMED will continue to seek program funding beyond the Land of Enchantment Legacy Fund distribution. Increased funding and capacity going forward will require additional investment from NMED in terms of staff needed to operate the program.

The next Request for Proposals will be issued in the of Fall 2023.

NMED administers significant funds for community projects throughout the state. Most of that funding is related to water infrastructure projects and consists of loans, grants, and capital outlay. Of the \$138.7 million for communities, the following diagram shows the funds we administered in FY23:



Some of the funding NMED awarded include the following:

- \$800,000 from the Recycling and Illegal Dumping fund for 19 projects to help protect environmental and public health for New Mexico now and for future generations.
- \$435,000 to Acme Iron and Metal and \$465,000 to Goodwill Industries from the Diesel Emission Reduction Act Program to reduce harmful diesel exhaust emissions from older dirtier diesel-fueled vehicles and equipment.
- \$7.3 million from the Volkswagen Settlement fund for seven projects across the state to purchase 29 new electric transit buses, electric and alternate-fueled school buses and shuttle buses, and alternate-fueled and clean diesel solid waste and public works vehicles.

Finally, throughout FY23, NMED offered technical trainings, scientific and engineering consultation, field sampling and analysis, abandoned site clean-up, free well water testing, and other services to the public and various stakeholders.

NMED Exceeds FY23 Target, Invests \$50.7 Million in 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 starting in FY23, all public borrowers benefit from rates between 0% and 0.01%, after previously reducing rates to 1%. 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. From the start of 2021 through the end of 2022, the CWSRF cash balance committed to current projects increased by \$28.2 million, or nearly 40 percent.

CWSRF Cash Balance Breakdown, in millions			
	12/31/2020	12/31/2021	12/31/2022
Committed to Current Projects	\$72.6	\$85.5	\$100.8
Available Cash	\$95.2	\$92.4	\$77.9
Total	\$167.8	\$177.9	\$178.8

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. With the low interest rates available, these cities can achieve savings for their utilities and ultimately their rate payers. The FY23 investment far exceeds the target of investing \$30 million in water infrastructure.

Capital Outlay

In December 2022, the New Mexico Water Policy and Infrastructure Task Force issued its report and recommendations. NMED leadership served on the task force and contributed to the report. The task force noted “many small communities lack the resources to manage the systems they have. State agencies lack the resources to carry out the jobs they already have been given, with little capacity to address the new challenges.”

In FY23, NMED's CPB received 133 new capital outlay projects to manage and continues to receive no appropriation for capital outlay program administration.

CPB staffing is insufficient for its current and future workload. There are four fulltime equivalents (FTEs) dedicated to managing a total of 560 capital outlay, grant, and loan projects. On average, each engineer in CPB was managing 140 projects at the end of FY23.

CPB does not receive general fund from the Legislature, so staff are paid out of the Corrective Action Fund (CAF) for all their activities associated with capital outlay projects. The CAF was created to address leaks from gas stations across the state. However, the Legislature has provided NMED with the authority to use 30% of CAF funds to match federal grants, address underground contamination, and address water needs. CPB staff are paid out of the CAF as they “address water needs.” NMED continues to use 30% of the CAF for non-gas station remediation work.

FY23 Compliance and Enforcement

Major Enforcement Actions and Results

To close out FY23, NMED and the Energy, Minerals and Natural Resources Department announced significant enforcement actions against oil and gas producer Ameredev, with fines over **\$40 million**.



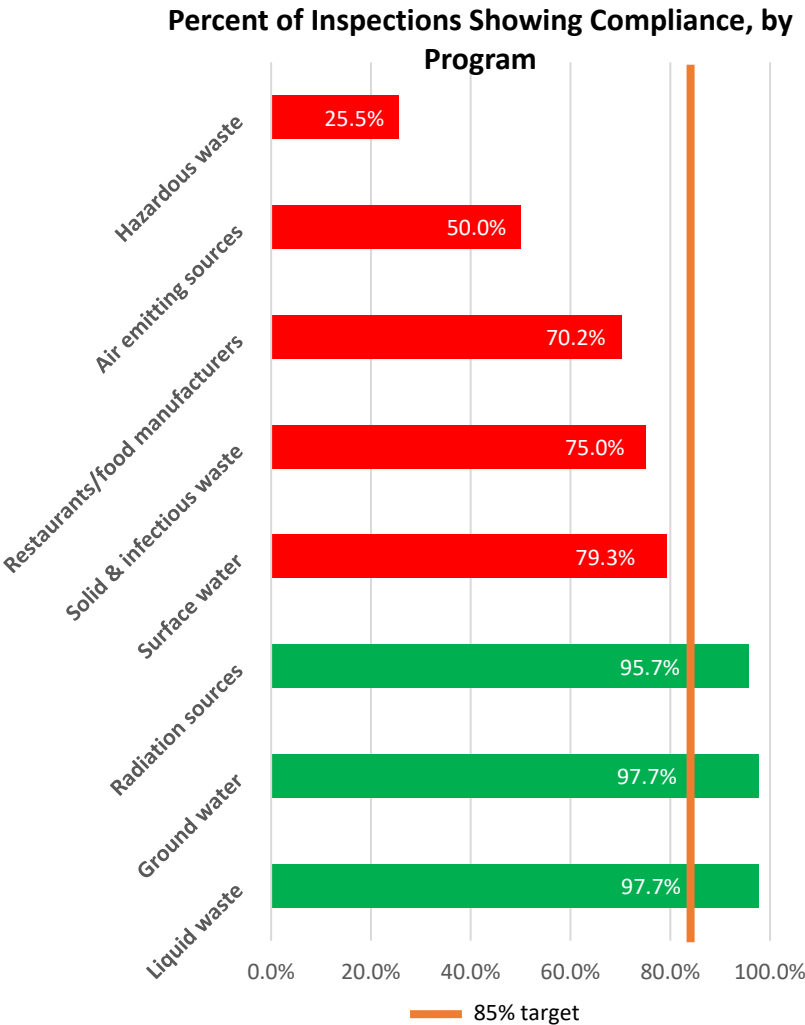
When collected, the penalty will go to New Mexico’s general fund, nearly doubling the \$20.3 million general fund appropriation to NMED for FY23.

Earlier in the year, NMED announced a **\$100,000** settlement regarding two citations issued by the Bureau following the workplace fatality and injury that occurred on Oct. 21, 2021, on the set of the film “Rust.” This was the largest OSHA penalty in New Mexico since 2010.

In FY23, NMED also agreed to a **\$6.2 million** settlement with Matador Production Company, an oil and gas producer, for alleged failures to (1) capture and control emissions, (2) comply with inspection, monitoring, and recordkeeping requirements, and (3) obtain state and federal permits for 25 of its production operations.

In FY23, NMED’s regulatory compliance programs made a concerted effort to conduct inspections for compliance with applicable licenses, permits, and rules. The Department launched the [Environmental Crimes Task Force](#) in the second quarter and [Enforcement Watch](#) in the third quarter. At the end of FY23, NMED staff conducted 9,270 compliance inspections of the 10,653 we had hoped to complete based on our performance targets. However, our FY23 budget and staffing levels were insufficient to complete all the targeted 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 9,270 compliance inspections NMED conducted in FY23, the figure below shows compliance levels across various programs compared to the performance target of 85% compliance. Five program areas fell below the target (depicted in red) and three program areas exceeded the target (depicted in green).



Enforcement Watch

Launched in January 2023, NMED's new [Enforcement Watch](#) website is a listing of all active and resolved enforcement cases. This provides the public, business community, environmental nongovernment organizations, and municipal governments with easy access to see which organizations NMED has alleged are in violation of regulations, permits, and/or licenses administered by the Department. At the end of FY23, after just three months, the Enforcement Watch gained over 2,100 pageviews and was the 12th most visited page on the NMED website, ranking 7th in total time spent by visitors on the site.

It is updated as new Notices of Violations are issued or past notices are resolved. Retrospective cases are added as staffing resources within programs allow. Importantly, organizations remain on the Enforcement Watch until the alleged violations are corrected to the Department's satisfaction. The easiest way for an organization to avoid appearing on the Enforcement Watch is to stay off it in the first place by remaining in full compliance with applicable regulations. NMED encourages organizations that are unclear of their regulatory responsibilities to contact a consultant and conduct a third-party compliance audit and disclose potential violations.

We started publishing monthly updates at the end of FY23. In May and June alone, NMED initiated 424 enforcement actions and resolved 46. These included:

- A notice of violation to the Grand Cloudcroft Hotel for building a swimming pool and spa without necessary permits and prohibiting use of the facility until plans and specification are submitted and approved.
- A citation and notification of penalty of \$28,099 to Hakes Brothers in Las Cruces for alleged safety violations.
- An \$8,400 settlement with Inn of the Mountain Gods Resort and Casino, owners and operators of five above ground petroleum storage tanks located at Ski Apache. The settlement agreement resolves the failed payment of tank registration fees by waiving all penalties and interest which amounted to approximately \$220,000.
- A notice of alleged violation to Lotus LLC, an Andrews, Texas-based company specializing in the handling of Naturally Occurring Radioactive Materials (NORM) for failing to obtain a license for handling such material and providing of alleged removal of 34 barrels low-level radioactive sludge from an oil and gas facility in Eddy County, New Mexico.

Hundreds Attend Public Meeting with NNSA and DOE on the future of LANL

In April 2023, Santa Fe County Commissioner Anna Hansen hosted a public meeting with the National Nuclear Security Administration's top administrator, Jill Hruby, and Department of Energy Senior Advisor for Environmental Management, Ike White, to discuss environmental issues at Los Alamos National Lab. The standing-room-only meeting was attended by around 300 people in the room and an additional 200 via Zoom.

Questions centered on pit production, the Waste Isolation Pilot Plant (WIPP) application to extend service, and the nation's nuclear policy.

In addition, Neelam Dhawan from the Hazardous Waste Bureau provided an update on NMED's concerns with the remediation of the chromate plume threatening San Ildefonso Pueblo's drinking water supply. As the meeting was wrapping up, Commissioner Hansen called out NMED for its great work acting as, "the watchdog of the state."



Above: More than 200 people joined the LANL event.

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 FY23 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%	99.5%	98.9%	98.8%
Percent of the population served safe and healthy drinking water.	92.0% or more	89.4%	90.5%	89.2%	89.9%	89.8%
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%)	235/574 (40.9%)	235/574 (40.9%)	236/574 (41.1%)
Number of community water system violations returned to compliance as a result of NMED assistance.	500	28	12	27	22	89
Number of superfund sites cleaned up as compared to the number of superfund sites remaining.	0/15					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%	75.3%	55.3%	64.0%

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.

OHSB Inspectors Stop Dangerous Trench Activity in Albuquerque

In June, inspectors from the Occupational Health and Safety Bureau (OHSB) inspected an open trench worksite in Albuquerque after a concerned constituent indicated that workers were in a deep trench outside the TA Travel Center at University and Menaul. State occupational safety laws require an immediate inspection for calls reporting workers inside of any excavation. NMED inspectors found that employees working around the trench had recently been inside it. All work was halted immediately. The trench, being deeper than 4 feet, lacked the required shoring and benching or the use of a trench box. The ladder to enter and exit the trench was also out of compliance, among other site violations that could have resulted in serious injury or the death of employees.



Open trench that employees had been in only moments before NMED inspectors arrived.

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					290,068
Amount of volatile organic compounds emitted illegally, TPY.	5,000					540
Amount of nitrogen oxides emitted statewide, TPY.	136,906					256,957
Amount of nitrogen oxides emitted illegally, in TPY.	7,000					102
Quantity of nutrient-based pollutants reduced due to implementation of watershed restoration and on-the-ground improvement projects, in pounds.	650		941		2,588	2,588
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		4,330,000	4,330,000
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. (Denominator fluctuates as sites reach no further action status after completed cleanup.)	20/944 (2.1%)	18/869 (2.1%)	0/956 (0%)	12/873 (1.4%)	19/871 (2.2%)	19/871 (2.2%)
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	1,996	2,005	2,005

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.

NMED Negotiates Settlement Agreement for WIPP Renewal Permit

On June 23, NMED Secretary Kenney and his Waste Isolation Pilot Plant (WIPP) Group negotiated a settlement agreement (in conjunction with the WIPP Permittees) with parties who had requested a hearing and were in opposition to the draft ten-year renewal permit. The parties met in Santa Fe to develop a proposed final permit that would be satisfactory to all, and the outcome was successful, mainly due to excellent mediation, strong organization, and real-time edits of permit language. Secretary Kenney rescinded his order authorizing a hearing and appointing a hearing officer in this matter. The proposed final permit ensures stronger safeguards and allows the facility to emplace waste in two new underground panels, one of which will prioritize legacy waste from clean-up activities. NMED will issue the proposed final WIPP permit on August 15, 2023. The public comment period for the renewal permit will remain open until September 22, 2023, and a final permit will be issued in October.



L-R: Sec. Kenney, Megan McLean Acting WIPP Group Manager, and mediator Judge David Levi.

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. The “compliance” measures reflect the results of inspections conducted within the reporting period. The “violation” measures reflect all active violations among all permittees. This difference in denominators can cause large differences between the “compliance” and “violations” rates.

	FY23 Target (%)	Q1 (%)	Q2 (%)	Q3 (%)	Q4 (%)	FY23 Actual (%)
Air						
Percent of air emitting sources inspected.	50.0	12.4	3.9	6.3	10.9	33.3
Percent of air emitting sources in compliance.	85.0	53.3	60.0	37.5	50.0	50.0
Percent of air emitting sources in violation.	15.0	0.2	0.1	0.1	0.2	0.2
Groundwater						
Percent of groundwater permittees inspected.	65.0	4.5	5.6	3.6	6.0	18.2
Percent of groundwater permittees in compliance.	85.0	96.3	100.0	100.0	95.2	97.7
Percent of groundwater permittees in violation.	15.0	0.8	0.5	0.3	0.6	0.6
Hazardous Waste						
Percent of hazardous waste facilities inspected.	6.0	0.7	1.0	1.0	1.1	3.7
Percent of hazardous waste facilities in compliance.	85.0	36.8	10.3	29.2	30.8	25.5
Percent of hazardous waste facilities in violation.	15.0	1.0	1.0	0.7	0.7	0.7
Radiation Sources in Medical Equipment						
Percent of ionizing/non-ionizing radiation sources inspected.	85.0	2.9	4.3	3.1	4.7	15.0
Percent of ionizing/non-ionizing radiation sources in compliance.	85.0	94.0	96.9	88.9	100.0	95.7
Percent of ionizing/non-ionizing radiation sources in violation.	15.0	0.2	0.2	0.4	0.0	0.0
Restaurants and Food Manufacturers						
Percent of restaurants/food manufacturers inspected.	80.0	18.7	18.6	22.4	20.0	79.8
Percent of restaurants/food manufacturers in compliance.	85.0	69.7	75.7	65.3	71.0	70.2
Percent of restaurants/food manufacturers in violation.	15.0	3.6	4.5	7.8	5.8	5.8
Septic Systems						
Percent of new or modified liquid waste systems inspected.	85.0	83.0	84.5	82.3	89.1	85.7
Percent of new or modified liquid waste systems in compliance.	85.0	99.6	99.8	99.4	94.9	97.7
Percent of new or modified liquid waste systems in violation.	15.0	0.4	0.2	0.6	5.1	2.3
Solid/Infectious Waste						
Percent of solid and infectious waste management facilities inspected.	85.0	13.3	13.3	17.8	8.9	53.3
Percent of solid and infectious waste management facilities in compliance.	85.0	100.0	100.0	62.5	25.0	75.0
Percent of solid and infectious waste management facilities in violation.	15.0	0.0	0.0	6.7	11.1	11.1
Surface Water						
Percent of surface water permittees inspected.	10.0	20.0	20.0	15.0	90.0	145.0
Percent of surface water permittees in compliance.	85.0	100.0	50.0	100.0	77.8	79.3
Percent of surface water permittees in violation.	15.0	8.0	6.3	6.3	7.0	7.0

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 grant dollars awarded to communities.*	\$65,000,000					\$138,739,544 (includes \$64.9 million from Capital Outlay)
Number of brownfield acres of contaminated land cleaned up and available for reuse.	150					645
Investments in water, in dollars.	\$30,000,000	\$10,900,000	\$4,940,000	\$18,400,000	\$16,480,000	\$50,720,000
Number of new water infrastructure projects.	75	31	80	38	8	157

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.

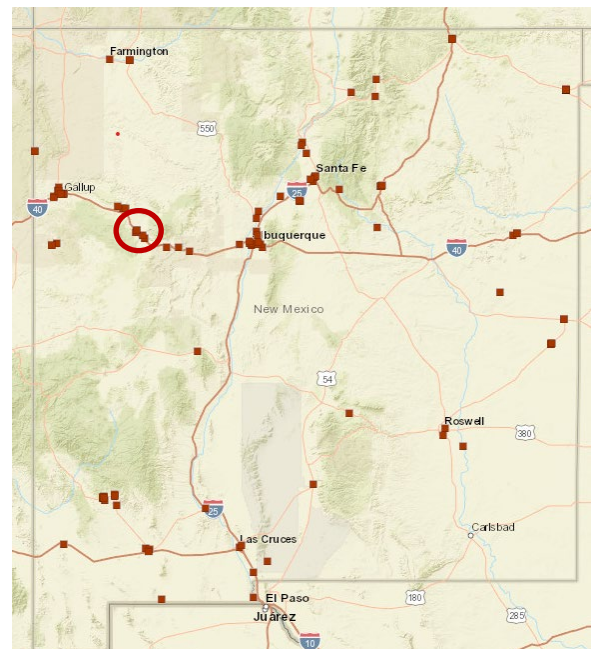
645 Acres of Former Brownfields Available for Reuse in FY23

The NMED Ground Water Quality Bureau (GWQB) reports that the number of brownfield acres of contaminated land cleaned up and available for reuse for FY23 is 644.83 acres, far exceeding the target to clean up 150 acres of brownfields in FY23. This includes six properties:

- Prewitt-Section 36 (McKinley County, 640 acres),
- Freedom School (Union County, 0.08 acres),
- the Larken Building (Union County, 0.30 acres),
- the Cornerstone Apartments (Hidalgo County, 2.00 acres),
- 1013 E. Hill (McKinley County, 2.30 acres) and
- 1015 E. Hill (McKinley County, 0.15 acres).

Climate Pollution Reduction Grant

In the fourth quarter of FY23, NMED applied for a \$3 million U.S. Environmental Protection Agency grant to support ongoing Climate Change Task Force planning to reduce greenhouse gases in New Mexico. NMED and the Energy, Minerals and Natural Resources Department will use the grant to deliver an updated greenhouse gas emission inventory, a priority climate action plan with anticipated emission reductions, a low-income and disadvantaged community benefits plan, and a workforce development plan. Over the next year, the two Departments will conduct extensive community engagement to inform the proposed climate actions and benefits to New Mexicans.



The largest brownfield cleanup (see red circle), Section 36 in Prewitt, NM, is located between Gallup and Grants. [Click here](#) to see the interactive map of all brownfield cleanup sites and more.

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%	18.9%
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	\$1,086,858

Vacancy rate by month													
FY23 Target	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FY23 Actual
6.0%	21.2%	20.9%	21.3%	19.9%	21.0%	21.0%	19.0%	17.8%	17.2%	16.9%	19.0%	17.7%	19.4%

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.

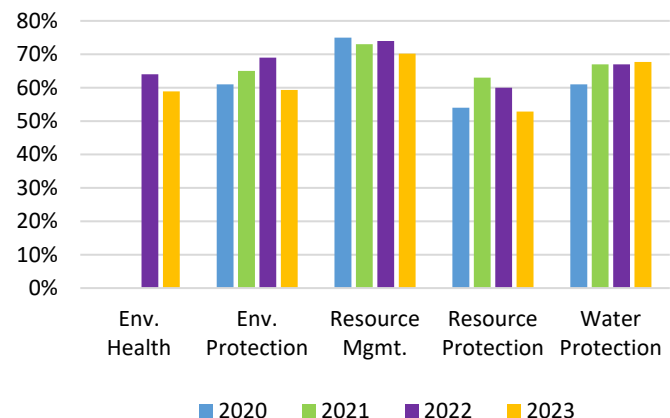
As of the end of FY23, NMED had employees filling 545 full-time equivalent positions (FTE). While the Department has 708 authorized FTE, the FY23 staffing budget funded 662 of those based on the average FTE cost. NMED is supportive of addressing the longstanding underpayment of state employees. For FY24, NMED was the only state agency to receive a separate appropriation to help cover the cost of the 6 percent raise for state employees. Still, the Legislature did not fully fund that expense and, despite the increase, NMED's FY24 budget will only support 661 FTE at the Department's average FTE cost.

NMED's vacancy rate declined over the course of FY23, but the Department still faces headwinds to retaining and recruiting staff. Going into FY24, NMED will continue to work to reduce vacancy rates for the Department overall and especially in those programs where employees are still stretched too thin. Our NMED Staff Workload Snapshot, on page 12, highlights some of those areas.

Annual Employee Engagement Survey

NMED's 2023 Employee Engagement Survey results indicated overall employee engagement in NMED is at 62%. This is well above the national average of 32% reported by Gallup in January 2023, but a return to the level seen in our first survey in 2020. Since starting the survey, employees are more confident that their opportunities to grow professionally at NMED will lead to better job opportunities, are more satisfied with the job training they receive, and feel their performance evaluations more fairly reflect their work. As in past years, the 2023 survey results show there is room for improvement in providing more meaningful employee recognition, a better salary structure, more opportunities for promotion, and focused efforts to prepare employees for potential security threats.

NMED Employee Engagement by Division, 2020-2023



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. 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 6,804 regulated facilities per inspector. If the employees inspected one facility per day, it would take this team 29 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 seven 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 Drinking Water Bureau has 724 utility operators per each of the three Utility Operator Certification FTEs despite a growing need to support existing operators with renewing their certifications and to certify more utility operators to ensure New Mexicans receive clean drinking water. Many operators carry more than one certification, placing additional workload on bureau staff.
- The Drinking Water Bureau recently created a second position focused on providing infrastructure funding support to the 1,055 public systems in New Mexico. Unfortunately, both positions are now vacant after a longtime employee advanced within NMED to a higher-paying position.
- Only four FTE are available to oversee protection of over one million acres of freshwater wetlands in New Mexico. This work is even more critical following the U.S. Supreme Court's recent ruling that dramatically limits the authority to protect wetlands under the federal Clean Water Act.
- The OSHA Bureau's Consultation Program has two staff to serve 68,041 employers, or 34,021 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's monitoring team oversees 6,698 miles of perennial (present year-round) streams, 190,225 miles of non-perennial streams, and 85,369 acres of publicly owned lakes, with only one filled position responsible for developing water quality standards and four filled positions collecting all water quality data.
- Each of the Construction Programs Bureau Technical Section's four staff manages 140 water infrastructure projects per person.

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	14,541	56.0	47.0	25%	75%	241	6/30/2023
EHD	OHSB	Compliance Program	68,041	17.0	10.0	0%	100%	6,804	6/30/2023
EPD	AQB	Permitting and Enforcement	3,390	27.0	22.0	90%	10%	154	7/24/2023
EPD	RCB	Radiation Protection Program	1,729	9.0	8.0	90%	10%	216	7/6/2023
RPD	HWB	Compliance and Tech. Assistance Program	2,447	7.0	3.0	0%	100%	816	7/24/2023
RPD	HWB	Permitting Program	19	24.0	18.0	100%	0%	1	7/24/2023
RPD	PSTB	Prevention/Inspection - Delivery Prohibition	1,717	15.0	9.0	0%	100%	191	7/14/2023
RPD	PSTB	Remedial Action Program	926	16.0	8.0	0%	100%	116	7/14/2023
RPD	SWB	Solid Waste Bureau	1,297	14.0	10.0	36%	64%	130	6/30/2023
WPD	DWB	Public Water System Supervision	1,055	12.0	11.0	90%	10%	95	7/19/2023
WPD	GWQB	Agriculture Compliance Section	206	5.0	4.0	90%	10%	52	6/1/2023
WPD	GWQB	Mining Environmental Compliance Section	42	12.0	8.0	90%	10%	5	6/1/2023
WPD	GWQB	Pollution Prevention Section	446	11.0	7.0	90%	10%	63	6/1/2023
WPD	SWQB	Dredge/Fill Permits	76	4.0	3.0	15%	5%	25	6/30/2023
WPD	SWQB	NPDES permit compliance	3,955	7.0	3.0	50%	50%	1,318	6/30/2023

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	2.0	34,021	Employers per Consultation Program FTE	6/30/2023
RPD	HWB	Incident Coordination	365	Emergency calls	1.3	1.3	280.8	Emergency calls per Incident Coordination FTE	7/24/2023
RPD	SWB	Recycling and Illegal Dumping Grants	19	FY23 grants	1.1	0.7	27	FY23 grants per Recycling and Illegal Dumping Grants FTE	6/30/2023
WPD	CPB	Technical Section	560	Infrastructure Projects	7.0	4.0	140	Infrastructure Projects per Technical Section FTE	7/1/2023
WPD	DWB	Engineering	1,055	Public Water Systems	2.0	2.0	527	Public Water Systems per Engineering FTE	7/19/2023
WPD	DWB	Infrastructure Funding Support	1,055	Infrastructure Funding Support	1.0	0.0	1,055	Infrastructure Funding Support per Infrastructure Funding Support FTE	7/19/2023
WPD	DWB	Sustainable Water Infrastructure	1,055	Public Water Systems	14.0	8.0	131	Public Water Systems per Sustainable Water Infrastructure FTE	7/19/2023
WPD	DWB	Utility Operator Certification	2,173	Utility operators	3.0	3.0	724.3	Utility operators per Utility Operator Certification FTE	7/19/2023
WPD	GWQB	Remediation Oversight Section	189	Sites	8.0	5.0	37.8	Sites per Remediation Oversight Section FTE	6/1/2023
WPD	GWQB	Superfund Oversight Section	29	Sites	10.0	7.0	4.1	Sites per Superfund Oversight Section FTE	6/1/2023
WPD	SWQB	Water Quality Standards	6,698	Perennial stream miles in NM	4.0	1.0	6,698	Perennial stream miles in NM per Water Quality Standards FTE	6/30/2023

Division	Bureau	Program	Permittees / Facilities	Known Universe Category	Authorized FTE	Filled FTE	Workload per filled FTE	Descriptor	As of Date
WPD	SWQB	Water Quality Standards Program	190,225	Non-perennial stream miles in NM	4.0	1.0	190,225	Non-perennial stream miles in NM per Water Quality Standards Program FTE	6/30/2023
WPD	SWQB	Monitoring Program	6,698	Perennial stream miles in NM	6.0	4.0	1,675	Perennial stream miles in NM per Monitoring Program FTE	6/30/2023
WPD	SWQB	Monitoring Program	190,225	Non-perennial stream miles in NM	6.0	4.0	47,556	Non-perennial stream miles in NM per Monitoring Program FTE	6/30/2023
WPD	SWQB	Monitoring Program	173	Number of Significant Lakes and Reservoirs	6.0	4.0	43	Number of Significant Lakes and Reservoirs per Monitoring Program FTE	6/30/2023
WPD	SWQB	TMDL & Assessment	538	Number of assessed river/stream reaches	5.0	4.0	135	Number of assessed river/stream reaches per TMDL & Assessment FTE	6/30/2023
WPD	SWQB	Wetlands Protection	1,053,809	Acres of freshwater wetlands in NM	4.0	4.0	263,452	Acres of freshwater wetlands in NM per Wetlands Protection FTE	6/30/2023
WPD	SWQB	Nonpoint Source Pollution - Planning & Restoration	3,223	Number of sub-watersheds	9.0	7.0	460	Number of sub-watersheds per Nonpoint Source Pollution - Planning & Restoration FTE	6/30/2023
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	6/30/2023

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.