



Performance Assessment

Fiscal Year 2024 | 1st Quarter | July 1 – September 30, 2023

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

Published December 20, 2023 | www.env.nm.gov

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 FY24, we are strategically deploying 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 FY24, NMED received appropriations totaling \$147.7 million to protect public health and the environment. This included \$25.5 million in general fund, \$62.7 million in special revenue funds (e.g., permit fees), \$59.5 million in federal funds, and \$45.5 million in non-recurring special appropriations for earmarked projects/purposes.

Our approximate recurring budget breakdown is:

- 17.3% state general fund;
- 42.4% special revenue funds; and
- 40.3% 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). This is the first quarterly performance assessment for FY24 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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NMED Informing and Enforcing

Interim Legislative Committee Update

In Q1, NMED provided 12 presentations to five legislative committees.

- NMED updated the Water and Natural Resources Committee (WNRC) on July 11 to address wildfire impacts and flooding in and around Las Vegas;
- On July 18, NMED went to Farmington to inform the Legislative Finance Committee (LFC) on long-term power generation and economic development in the region, then returned to present to WNRC in August on hydrogen and the status of the San Juan Generating Station;
- NMED presented to the Radioactive and Hazardous Materials Committee (RHMC) in Los Alamos, addressing cleanup of the chromium plume and the plutonium pit;
- In September, we presented to the Military and Veteran’s Affairs Committee on the Kirtland AFB jet fuel cleanup, then to RHMC on the cleanup at White Sands Missile Range and on policies in nuclear medicine; and
- To end Q1, the Environmental Protection Division presented the Advanced Clean Cars and Trucks Rule to the Transportation Infrastructure Revenue Subcommittee (LFC).

The presentations are available [here](#).



Above: Water Protection Division Director John Rhoderick (center) made trips to Farmington, Las Cruces, and several more stops in between in the first quarter of FY24.

As noted in previous versions of NMED’s quarterly performance assessments, the Department launched the [Enforcement Watch](#) tool in May 2023. Enforcement Watch is a listing of all active and resolved enforcement cases with online reporting tools for the public.

Compliance is a core value at NMED. Assuring compliance with state licenses, permits, and rules, and enforcing against violations when they occur is critical to protecting the public and the environment. Further, enforcement ensures a level playing field because facilities that fail to comply with regulatory requirements may incur an economic advantage over competitors. Compliance with state-issued licenses, permits, and rules is not optional – it’s required.

Starting with this quarter, we will track Enforcement Watch activity in each of our performance assessments.

Enforcement Watch Alerts for First Quarter:

(click on the month to read the corresponding press release)

Month	Enforcement Actions	
	Initiated	Resolved
May, 2023	221	15
June, 2023	203	31
July, 2023	154	27
August, 2023	284	37
September, 2023	129	15
Total	567	79

Major enforcement actions taken in the first quarter include:

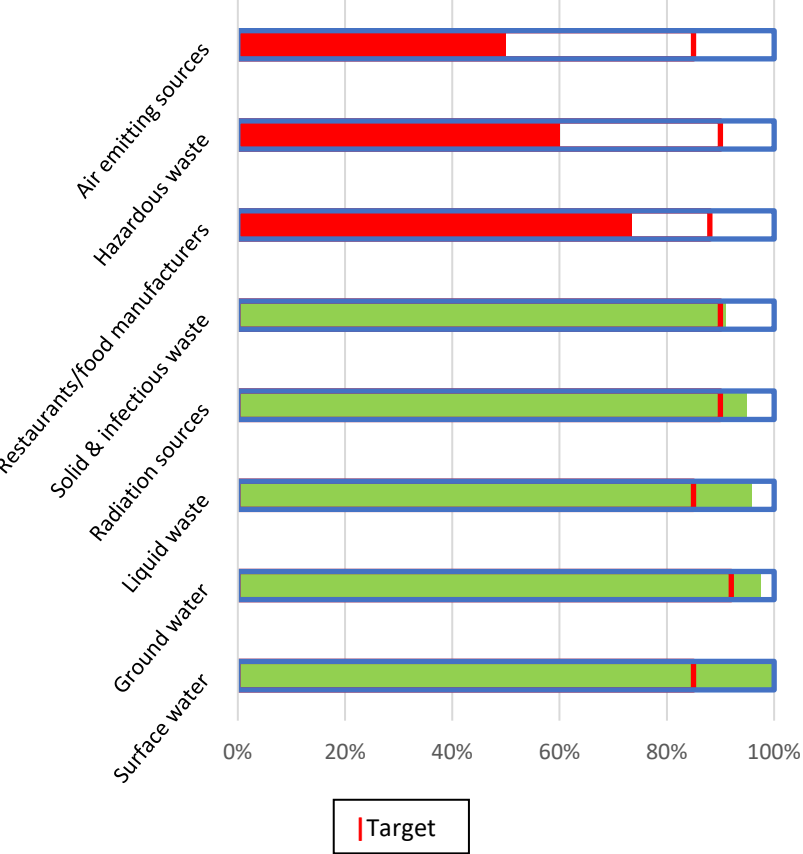
- The Air Quality Bureau issued a Notice of Violation to White Sands Missile Range for failure to limit emission rates and violating emission limits a total of 105 times.
- The Occupational Health and Safety Bureau (or OSHA Bureau) issued a Serious Citation and Notice of Penalty to the New Mexico Department of Transportation (NMDOT) for workplace safety issues related to flagging operations near Clovis that resulted in the fatality of a NMDOT employee near Clovis on March 30, 2023. The citation carries a fine of \$15,543 which is the maximum penalty allowed for this type of violation.
- The Cannabis and Hemp Bureau issued its first three notices of violation to cannabis companies operating without a permit: Minerva Canna in Bernalillo, Stoned Ape Canna Co. in Carlsbad, and Buffalo Bud Farming in Silver City.

FY24 Compliance and Enforcement

At the end of the first quarter, NMED staff had conducted 2,698 compliance inspections based on our performance targets. Budget and staffing levels must increase to improve the number of targeted compliance inspections NMED can complete in a year.

The figure below shows compliance levels in programs across the Department compared to the performance target. Three program areas fell below the target (depicted in red) and five program areas exceeded the target (depicted in green).

Percent of Inspections Showing Compliance, by Program



NMED Issues Over \$1 Million in Citations at the Gateway Center

On September 1, NMED’s OSHA Bureau cited the City of Albuquerque (CABQ) and Consolidated Builders of NM, LLC for workplace safety issues related to asbestos exposures at the Women’s Shelter within the Gateway Center. The investigation concluded that CABQ and Consolidated Builders violated the New Mexico Occupational Health and Safety Act by demonstrating plain indifference for the safety and health of employees, exposing employees to asbestos between April 11, 2022, and March 9, 2023.

NMED issued a \$761,112 fine to CABQ for seven total citations. Consolidated Builders received a \$331,475 fine for nine citations. To view the press release and list of citations, [click here](#).

Prior to NMED issuing its citations, CABQ acknowledged responsibility for mistakes and notified individuals they identified as having visited the Gateway Women’s Shelter construction area within the Gibson Health Hub during the time period of potential exposure to asbestos.



Northwest New Mexico Outreach Tour

Septic Safe San Juan!



Above: San Juan County Manager Mike Stark (far right) introduces team members to the Totah Subdivision.

On July 11, the Environmental Health Division (EHD) and other NMED team members visited with partners from San Juan County, the City of Farmington, the San Juan County Fire Department, and the San Juan Community Partnership (the local health council) to share ideas about improving the safety of onsite liquid waste (septic) systems across the state.

The San Juan Fire Department shared heart-wrenching personal stories about their responses to the drownings of small children in uncapped septic tanks, as well as details of their [Septic Safety Marketing Campaign](#).

EHD shared information about our developing Onsite Liquid Waste Assistance Program. NMED staff then toured the Totah Subdivision where San Juan County used Office of the Natural Resource Trustee (ONRT) funding to decommission 144 closely packed septic tanks, connecting them to the City of Farmington sewer system.



In July, NMED sent a leadership team to collaborate with San Juan County, San Juan College, the Navajo Nation Environmental Protection Agency, the City of Gallup, and Navajo Technical University (NTU) in Crownpoint.

The outreach tour focused on three priorities: (1) federal Climate Pollution Reduction Grant opportunities and updates on clean fuels, (2) funding requests to mitigate impacts from oil and gas waste recycling, and to initiate NMED's Liquid Waste Assistance Fund, and (3) expanding workforce development options for environmental reclamation and electric and hydrogen fuel cell vehicles. In addition to hosting NMED, our collaborators hosted government partners invited by NMED, including Councils of Government (COGs), legislators, academia, and tribal government officials.

San Juan College described how they offer tailor-made training certifications for current job offerings, while Navajo Nation leaders in Window Rock explained their vision of a "100-year jobs program" to foster student learning in the bio-sciences to clean up Uranium contamination. The NMED delegation also heard exciting news from the City of Gallup about its work with the Northwest Council of Governments (NWCOC) to create a Foreign Trade Zone and mobility hub. These projects will create a new airport terminal with expanded service from 8-passenger aircraft to planes with up to 30 seats and build more EV charging stations around the city.

The Economic Development Department (EDD) coordinates with the institutions of higher education (IHEs) in the region to train workers for the clean energy economy, and the NTU campus in Crownpoint is well-situated to give their students opportunities to earn good salaries while working online in their local communities.

Finally, the NWCOC completed a regional water planning project called Williams Acres, which connected private septic users to a community septic system.

NMED Selected for Environmental Protection Agency (EPA) Environmental Justice Government to Government Grant (EJG2G)

Working with local partners in Northwest New Mexico, NMED applied for and was recently awarded a grant to facilitate coordination and collaboration among governments and community-based organizations to carry out a Health Impact Assessment (HIA) to mitigate health and environmental impacts on vulnerable populations in San Juan County due to harmful emissions associated with oil and gas activity. The purpose of EPA's EJG2G grant program is to support and create model state, tribal, and local government activities that lead to measurable environmental or public health results in communities disproportionately burdened by environmental harms and risks.

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.

	FY24 Target	Q1	Q2	Q3	Q4	FY24 Actual
Percent of the population breathing air meeting federal health standards.	95.0% or more	98.3%				
Percent of the population served safe and healthy drinking water.	95.0% or more	90.1%				
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.	260/563 (46.2%)	232/563 (43.8%)				
Number of community water system violations returned to compliance as a result of NMED assistance.	500	16				
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%	73.2%				

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.

NMED Releases Emergency Response Storymap for Public Water Systems

The NMED Drinking Water Bureau's Sustainable Water Infrastructure Group recently released a new *Emergency Response Information for Public Water Systems in New Mexico* storymap. This [interactive webpage](#) provides information and resources to assist public water systems in preparing for, responding to, and recovering from natural or human-caused incidents leading to public drinking water emergencies.

The storymap is one more tool that public water systems can use to become more resilient to various types of emergencies and ensure they can effectively provide a sustainable supply of drinking water to their communities.



Wellhead and source water protection areas are a frontline defense strategy in emergency management planning.

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 FY24 targets.

	FY24 Target	Q1	Q2	Q3	Q4	FY24 Actual
Amount of volatile organic compounds emitted statewide, in tons per year (TPY).	101,095					
Amount of volatile organic compounds emitted illegally, TPY.	5,000					
Amount of nitrogen oxides emitted statewide, 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					
Reduction in nonpoint source sediment loading attributed to the implementation of watershed restoration and on-the-ground improvement projects, in pounds.	400,000					
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. (Denominator fluctuates as sites reach no further action status after completed cleanup.)	20/944 (2.1%)	10/842 (1.2%)				
Number of completed cleanups of petroleum storage tank release sites that require no further action. (Cumulative over all time.)	1,976	2,018				

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.

Fun at the Water Fair

NMED held Water Fairs in Clovis, Lamy, and Mountainair in the first quarter. Well water tests typically cost about \$150 but are free to the first 100 participants or while supplies last.

In Clovis, six volunteers from the Surface Water Quality Bureau (SWQB), Ground Water Quality Bureau (GWQB), and the Office of Strategic Initiatives (OSI) were able to provide 13 private well water tests. NMED also tested 13 private wells in Lamy and 22 more in Mountainair. Test results were mailed to the households following the event.



Left to right: Jaben Richards (GWQB), Madison Buechter (GWQB), Jessica Hubbling (GWQB), Andy Jochems (SWQB), and Aracely Tellez (GWQB). Picture by Kate Cardenas (OSI).

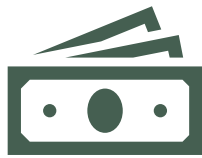
Compliance Measures

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 FY24 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.

	FY24 Target (%)	Q1 (%)	Q2 (%)	Q3 (%)	Q4 (%)	FY24 Actual (%)
Air						
Percent of air emitting sources inspected.	25.0	7.8				
Percent of air emitting sources in compliance.	85.0	50.0				
Percent of air emitting sources in violation.	15.0	50.0				
Groundwater						
Percent of groundwater permittees inspected.	65.0	5.8				
Percent of groundwater permittees in compliance.	92.0	97.5				
Percent of groundwater permittees in violation.	8.0	0.7				
Hazardous Waste						
Percent of hazardous waste facilities inspected.	15.0	0.8				
Percent of hazardous waste facilities in compliance.	90.0	60.0				
Percent of hazardous waste facilities in violation.	8.0	0.7				
Radiation Sources in Medical Equipment						
Percent of ionizing/non-ionizing radiation sources inspected.	85.0	5.6				
Percent of ionizing/non-ionizing radiation sources in compliance.	90.0	94.8				
Percent of ionizing/non-ionizing radiation sources in violation.	10.0	0.3				
Restaurants and Food Manufacturers						
Percent of restaurants/food manufacturers inspected.	90.0	20.8				
Percent of restaurants/food manufacturers in compliance.	88.0	73.4				
Percent of restaurants/food manufacturers in violation.	15.0	5.5				
Septic Systems						
Percent of new or modified liquid waste systems inspected.	85.0	91.8				
Percent of new or modified liquid waste systems in compliance.	85.0	95.8				
Percent of new or modified liquid waste systems in violation.	13.0	4.2				
Solid/Infectious Waste						
Percent of solid and infectious waste management facilities inspected.	85.0	24.4				
Percent of solid and infectious waste management facilities in compliance.	90.0	90.9				
Percent of solid and infectious waste management facilities in violation.	N/A	31.1				
Surface Water						
Percent of surface water permittees inspected.	100.0	5.0				
Percent of surface water permittees in compliance.	85.0	100.0				
Percent of surface water permittees in violation.	15.0	6.0				

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 FY24 targets.

	FY24 Target	Q1	Q2	Q3	Q4	FY24 Actual
Total grant dollars awarded to communities.*	\$65,000,000					
Number of brownfield acres of contaminated land cleaned up and available for reuse.	20					
Investments in water, in dollars.	\$30,000,000	\$16,700,000				
Number of new water infrastructure projects.	115	65				

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.

NMED Prepares Heat Standard for New Mexico

The Occupational Health and Safety Bureau (OHSB) is working to prevent heat-related injury in the workplace by developing a heat standard to protect workers from excessive heat exposure. From 2019 to 2023, the number of heat-related emergency room visits reported in the hottest months (April-September) nearly doubled, from 469 to 913. Many other potential heat-related incidents go unreported as they may be coded as cardiac or other events by emergency room personnel.

Certain industries such as agriculture, oil and gas, and construction are especially vulnerable to heat exhaustion. It is critically important that employers provide adequate water, rest breaks, and shade in hot conditions to prevent injury. The development of a specific heat standard will protect employees by helping employers understand how to best ensure the safety of their workforce.



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 FY24 targets.

	FY24 Target	FY24 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.	\$750,000	

Vacancy rate by month													
FY24 Target	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FY24 Actual
6.0%	22.09%	20.73%	20.88%										

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.

At the end of Q1, NMED had employees filling 523 full-time equivalent positions (FTE). While the Department has 714 authorized FTEs, the FY24 staffing budget funded 661 of those based on the average FTE cost because the Legislature did not fully fund that expense. 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. The Department’s FY25 budget request includes a \$6.2 million general fund increase to appropriately compensate employees based on their education and experience in accordance with state regulations.

NMED’s vacancy rate declined slightly by the end of the first quarter of FY24, but the Department still faces headwinds to retaining and recruiting staff. In 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.

Environment Department Works to Fill over 40 Positions at Rapid Hire Event

In September, NMED held a Rapid Hire event to fill over 40 positions based in Albuquerque, Los Lunas, Rio Rancho, and Santa Fe. The event was held from 10 a.m. to 5 p.m. on Saturday, September 23, 2023, at the Harold Runnels Building in Santa Fe. Environment Department staff were available to review resumes for nearly 300 applicants and schedule qualified individuals for an on-site interview the same day.



The State of New Mexico provides a competitive benefits package, including medical, dental, vision, pharmacy, and short and long-term disability insurance; Flexible Spending Accounts; retirement through the Public Employees Retirement Association; paid annual and sick leave; and 11 paid holidays each year. NMED also awards five days of paid administrative comp time leave at the start of employment for new hires.

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.

- 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 16 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 9.6 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 eight 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 two 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 1,068 public systems in New Mexico. Unfortunately, both positions are now vacant after a longtime employee advanced within NMED to a higher-paying position.
- Only three FTEs 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 four staff to serve 68,041 employers, or 17,010 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 two filled positions 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 149 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	15,553	56.0	45.0	25%	75%	346	9/30/2023
EHD	OHSB	Compliance Program	68,041	17.0	10.0	0%	100%	6,804	11/3/2023
EPD	AQB	Permitting and Enforcement	3,628	27.0	16.0	90%	10%	227	11/16/2023
EPD	RCB	Radiation Protection Program	1,729	9.0	8.0	90%	10%	216	10/5/2023
RPD	HWB	Compliance and Tech. Assistance Program	2,447	7.7	4.7	0%	100%	521	11/16/2023
RPD	HWB	Permitting Program	19	23.0	18.0	100%	0%	1	11/16/2023
RPD	PSTB	Prevention/Inspection - Delivery Prohibition	1,708	16.0	18.0	0%	100%	155	10/20/2023
RPD	PSTB	Remedial Action Program	928	16.0	6.0	0%	100%	155	10/20/2023
RPD	SWB	Solid Waste Bureau	1,297	14.0	11.0	36%	64%	118	9/30/2023
WPD	DWB	Public Water System Supervision	1,068	12.0	11.0	90%	10%	97	10/19/2023
WPD	GWQB	Agriculture Compliance Section	208	5.0	4.0	90%	10%	52	9/30/2023
WPD	GWQB	Mining Environmental Compliance Section	42	12.0	9.0	90%	10%	5	9/30/2023
WPD	GWQB	Pollution Prevention Section	450	11.0	8.0	90%	10%	56	9/30/2023
WPD	SWQB	Dredge/Fill Permits	76	4.0	4.0	15%	5%	19	9/30/2023
WPD	SWQB	NPDES permit compliance	4,641	7.0	2.0	50%	50%	2,321	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	4.0	17,010	Employers per Consultation Program FTE	11/3/2023
RPD	HWB	Incident Coordination	365	Emergency calls	1.3	1.3	280.8	Emergency calls per Incident Coordination FTE	11/09/2023
RPD	SWB	Recycling and Illegal Dumping Grants	19	FY24 grants	1.1	0.7	27	FY24 grants per Recycling and Illegal Dumping Grants FTE	11/1/2023
WPD	CPB	Technical Section	596	Infrastructure Projects	7.0	4.0	149	Infrastructure Projects per Technical Section FTE	10/13/2023
WPD	DWB	Engineering	1,068	Public Water Systems	2.0	2.0	534	Public Water Systems per Engineering FTE	10/19/2023
WPD	DWB	Infrastructure Funding Support	1,068	Infrastructure Funding Support	1.0	0.0	1,068	Infrastructure Funding Support per Infrastructure Funding Support FTE	10/19/2023
WPD	DWB	Sustainable Water Infrastructure	1,068	Public Water Systems	14.0	8.0	134	Public Water Systems per Sustainable Water Infrastructure FTE	10/19/2023
WPD	DWB	Utility Operator Certification	2,173	Utility operators	3.0	3.0	724.3	Utility operators per Utility Operator Certification FTE	10/19/2023
WPD	GWQB	Remediation Oversight Section	192	Sites	8.0	5.0	38.4	Sites per Remediation Oversight Section FTE	9/30/2023
WPD	GWQB	Superfund Oversight Section	29	Sites	10.0	9.0	3.2	Sites per Superfund Oversight Section FTE	9/30/2023
WPD	SWQB	Water Quality Standards	6,698	Perennial stream miles in NM	4.0	2.0	3,349	Perennial stream miles in NM per Water Quality Standards FTE	9/30/2023

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	2.0	95,113	Non-perennial stream miles in NM per Water Quality Standards Program FTE	9/30/2023
WPD	SWQB	Monitoring Program	6,698	Perennial stream miles in NM	6.0	2.0	3,349	Perennial stream miles in NM per Monitoring Program FTE	9/30/2023
WPD	SWQB	Monitoring Program	190,225	Non-perennial stream miles in NM	6.0	2.0	95,113	Non-perennial stream miles in NM per Monitoring Program FTE	9/30/2023
WPD	SWQB	Monitoring Program	173	Number of Significant Lakes and Reservoirs	6.0	2.0	87	Number of Significant Lakes and Reservoirs per Monitoring Program FTE	9/30/2023
WPD	SWQB	TMDL & Assessment	538	Number of assessed river/stream reaches	5.0	5.0	108	Number of assessed river/stream reaches per TMDL & Assessment FTE	9/30/2023
WPD	SWQB	Wetlands Protection	1,053,809	Acres of freshwater wetlands in NM	4.0	3.0	351,270	Acres of freshwater wetlands in NM per Wetlands Protection FTE	9/30/2023
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	9/30/2023
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	9/30/2023

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 at least one standard compared to the total number of employers.	"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).
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.
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