



New Mexico Environment Department

Mission and Values

Our mission is to protect and restore the environment and to foster a healthy and prosperous New Mexico for present and future generations.

SCIENCE



Using the best available science to inform our decision-making in protecting public health and the environment.

INNOVATION



Employing creative engineering and technological solutions to address environmental problems.

COLLABORATION



Engaging communities and interested stakeholders in environmental decision-making.

COMPLIANCE



Ensuring meaningful compliance with state regulations and permits.

A Message from Secretary Kenney

Dear Honorable Legislators,

Thank you for your consideration of our Fiscal Year 2025 (FY25) budget request and your past support of the New Mexico Environment Department.

Our recurring request is straight forward: +\$6.1M in recurring general fund to appropriately compensate our employees; and +\$825K in recurring general fund to pay for our leased office space across the state. We are also seeking one-time funds to advance specific projects.

With your support, we can advance the following goals:

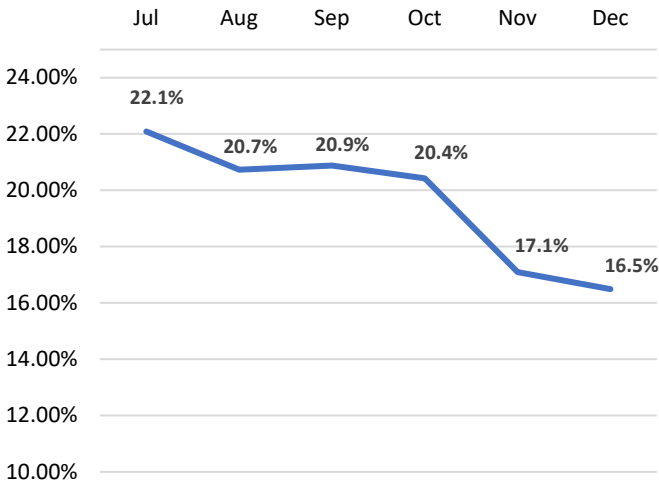
- Create and support economic development opportunities stemming from the Bipartisan Infrastructure Law and Inflation Reduction Act, like clean hydrogen, uranium mining clean-up, and brackish water desalination.
- Protect communities from emerging public health concerns (e.g., creating an OSHA employer heat stress standard) and mitigating environmental contaminants (e.g., per and polyfluoroalkyl substances (PFAS)).
- Protect the public health and the environment through innovative and traditional compliance assurance activities and assessing civil penalties for violations. This includes the federal government installations as well as the private sector.

This budget request is essential to stem legal risks to the state from employee grievances, litigation, and adverse judgements. In addition, this budget request will allow us to meet the moment in aligning historic public and private investments with our climate, air, water, waste, and other goals while better protecting our communities.

Sincerely,

James C. Kenney
Cabinet Secretary

FY24 Vacancy Rate Data



Learn more about our Agency's performance on our website:



Environmental Agency Funding

Environmental Agency Funding Snapshot

How do legislatures fund environmental agencies nationally?	61% Federal Funds	27% Permit Fees	12% General Fund
How does the New Mexico Legislature fund NMED?	40% Federal Funds	43% Permit Fees	17% General Fund



NORTH CAROLINA
Environmental Quality

North Carolina's 2023 Appropriations Act included permit fee adjustments for 28 programs to support the delivery of services and state employee salaries. Prior to the state budget, the fees for most of these programs remained unchanged since 2007, while the technical demands, operating costs and **salary requirements** for the programs continued to increase.

Nationally: In the last 20 years, federal funds have not increased for staffing or inflationary costs.
New Mexico: Permit fees have not increased for staffing or inflationary costs.



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

In FY 2021, 79% of staff salaries below midpoint. TCEQ was appropriated \$36 million from its legislature in FY24 and another \$36 million in FY25 to **appropriately compensate** its 2,700 employees.

FY25 Executive and LFC Recommendations

Base Budget/General Fund Recurring Funding

	Executive	LFC	HAFC	SFC
Recurring General Fund Increase	+\$6,916,700	+\$1,264,700		
Personnel Compensation (Appropriate Placement)	+6,091,400	+\$0		
Other costs (Leased space)	+\$825,300	+\$1,264,700		

One-Time Funding

	Executive	LFC		
50-year water plan implementation*	\$8,000,000	\$0		
Emerging Contaminants, including PFAS and illicit drugs	\$1,000,000	\$1,000,000		
Enhanced compliance and enforcement	\$1,000,000	\$1,000,000		
Surface water permitting program	\$600,000	\$600,000		
Digital Self-Service Portal^	\$1,600,000	\$800,000		
Document Digitization and Management^	\$1,600,000	\$1,600,000		

* ARPA Appropriation Recommendation

^ IT Appropriation Recommendation

Agency Information

Economic Development

\$138,739,544 provided in grants/capital outlay to communities in FY23.

\$50,720,000 invested in water projects in communities in FY23.

645 acres of contaminated sites cleaned-up for development in FY23.

Employee Pay and Retention

64% of employees remain compensated below midpoint without appropriate placement.

88% of our employees have over **10** years of career experience.

20% of employees who left NMED in the last year and half were with the agency for more than **15** years.

Civil Penalties to General Fund

\$1,086,858 in civil penalties collected and returned to the general fund in FY23.

\$3,641,055 in civil penalties collected or agreed to in FY24.

FY23 Budget Reversions

\$93,600 in General Fund which is 0.5% of our recurring general fund.

\$586,988 in Special Appropriations.

\$503,350 in Capital Outlay.

Potential Risks to the State

Union Grievance

- Prior to submitting our FY2025 budget request, NMED calculated the cost of appropriate placement per employee across the agency.
- On September 1, 2023, NMED submitted its FY2025 budget request to the Department of Finance and Administration.
- On September 6, 2023, Communication Workers of America (CWA) Local 7076 filed a grievance alleging pay discrimination, stating over **90%** of bargaining unit employees are not appropriately placed (both pay bands and pay rates).



Local 7076

Date: 9/6/2023

Grievance #: NMED_CWA_20230905_Appropriate Placement

Agency: New Mexico Environment Department (NMED)

Immediate Supervisor: James Kenney, NMED Secretary

Human Resources/Labor Relations Contact: Leslie Munoz

Union Representative: Linsey Hurst, CWA NMED Agency VP- Union Steward

Address: CWA Local 7076, 460 Saint Michael's Drive, Suite 1008, Santa Fe, NM 87505

Email Address: Linsey.Hurst@cwa7076.org

Phone #: 505-470-4007(union cell)

Name of Grievant(s): All NMED Bargaining Unit Employees Not Appropriately Placed

Job Title of Grievant: All NMED positions covered in the collective bargaining agreement and the memorandum of understanding to include Water Resource Professionals.

Worksite/Location: NMED all locations

Nature of Grievance:

On August 8, 2023, Communications Workers of America Local 7076 (CWA) received appropriate placement calculations for all NMED employees via a document request submitted to the State Personnel Office (SPO). Based on NMED's calculations as provided to the SPO, over 90% of our bargaining unit employees are not appropriately placed within applicable pay bands and many have pay rates that are not internally aligned, as required by Section 11 of Article 25 of the Collective Bargaining Agreement (CBA), as executed on July 29, 2021. CWA identified multiple hiring actions completed since July 29, 2021, in which NMED hired new employees with appropriately placed salaries without adjusting current employees' salaries for appropriate placement and internal alignment.

May 11, 2023

Lawsuit says New Mexico has failed to protect the environment, communities from oil and gas

Paul and Mary Ann Atencio sometimes hear a loud boom. This boom, they have been told, occurs when an 18-inch high pressure pipeline that runs down the road by their house is cleaned out. They aren't told when this will occur and, when it does, they say that they can hear and smell the gaseous [...]

By [Hannah Grover](#)

Workload Snapshot

- ✓ There are 6,804 regulated facilities per inspector in our OSHA Bureau. 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.
- ✓ 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.
- ✓ Over one million acres of freshwater wetlands in New Mexico are overseen by three FTEs or **333,333 acres per person**. 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 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**.

