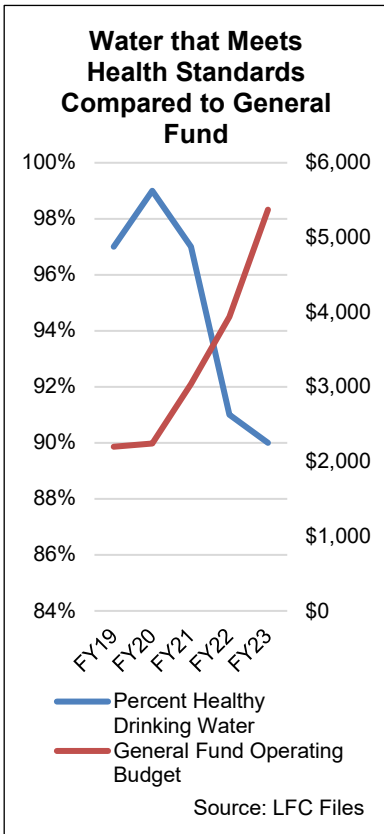


ACTION PLAN

- Submitted by agency? Yes
- Timeline assigned? Yes
- Responsibility assigned? Yes



The Environment Department’s (NMED) regulatory programs continued to demonstrate mixed results on compliance levels in quarter one of FY24 faced with the challenge of attracting technical staff in a competitive employment landscape. Despite the anticipated influx of drinking water state revolving fund (DWSRF) set-aside grants for infrastructure projects and programmatic costs, following the passage of the federal bipartisan infrastructure bill, these funds are secured only until 2026. To address staffing issues, some NMED programs are collaborating closely with human resources and state personnel to reclassify certain positions, making them more competitive. The department is actively working to reduce the vacancy rate, despite a minor increase in the vacancy rate from the previous quarter’s 19 percent to the current 20.9 percent. Despite significant investments in personnel by the Legislature to add capacity, the agency’s recruitment and retention of key staff continues to be a challenge.

Water Protection

The Water Protection Division (WPD) continues to assist communities seeking to develop internal capacity to utilize state and federal funding for infrastructure improvement and water resource management. Of the 232 systems with one or more outstanding violations in the first quarter of FY24, 115, or 49.5 percent, had violations that were health-related. The remaining non-compliance issues primarily involve administrative violations, including the failure to submit required reports, collect necessary samples, inform customers of violations, and submit consumer confidence reports. Although some violations may have been addressed by the water system, the required documentation for NMED to confirm the correction is still pending. NMED does not reinstate compliance for these violations until the necessary documentation is provided to confirm the correction of the violation notice.

In the first quarter of FY24, 65 original funding agreements were executed, amounting to \$65.1 million. These include 58 agreements for legislative capital outlay totaling \$36.5 million, four agreements for clean water state revolving fund projects amounting to \$27.8 million, and three rural infrastructure loans totaling \$775 thousand. Notably, this measure does not capture work on projects from programs not managed directly by NMED’s Construction Programs Bureau (CPB), such as DWSRF and water trust board projects, although many such projects receive extensive technical assistance from the bureau.

	FY22 Actual	FY23 Actual	FY24 Target	FY24 Q1	Rating
Budget: \$62,511.4 FTE: 191.3					
Percent of the population served safe and healthy drinking water	97%	89.8%	95%	90.1%	Y
Percent of surface water permittees inspected	155%	145%	100%	5%	Y
Percent of groundwater permittees inspected	21.1%	18.2%	65%	5.8%	R
Number of new water infrastructure projects	114	157	115	65	G
Program Rating	Y	Y			Y

Resource Protection

The Resource Protection Division (RPD) met its inspection target in the first quarter. Solid Waste Bureau enforcement staff inspected 11 of 45 active, permitted solid waste facilities (24.4 percent) in the first quarter, on par with its goal to inspect 25 percent of permitted facilities each year. The bureau continues to work to reclassify existing vacancies to higher-level positions to improve recruitment and retention, but the agency reports additional staffing is needed to improve the rate of inspections. The existing measure covers 45 permitted waste management facilities but excludes infectious waste generators that make up the majority of the nearly 1,300 total permitted facilities that bureau permits and inspects.

In the first quarter of FY24, the Petroleum Storage Tank Bureau (PSTB) approved no further action (NFA) status for 13 petroleum release sites. "No Further Action" signifies compliance with remediation standards, assuring no significant risk of harm to public health or the environment at the site.

	FY22 Actual	FY23 Actual	FY24 Target	FY24 Q1	Rating
Budget: \$18,653.4 FTE: 144.3					
Number of completed cleanups of petroleum storage tank release sites that require no further action	1,964	2,005	1,976	2,018	G
Percent of solid waste facilities and infectious waste management facilities inspected	47%	53.3%	85%	24.4%	G
Percent of hazardous waste facilities inspected	4%	3.7%	15.0%	0.8%	R
Program Rating	R	R			Y

Environmental Protection

While inspections are valuable for determining whether regulated entities comply with applicable laws, rules, or permits, many of NMED's regulatory compliance programs continually struggle to meet their target percentage of applicable entities inspected. The Environmental Protection Division's Air Quality (AQB) and Radiation Control Bureaus (RCB) are responsible for enforcing regulatory and compliance measures to protect the environment and prevent harm to human health.

In addition to inspections and monitoring, RCB's work includes assisting nuclear workers who have become ill due to occupational exposures received while working for contractors or subcontractors at U.S. Department of Energy facilities or in the uranium industry. NMED contends that reaching the target of inspecting 85 percent of radiation sources would require 216 inspections from each staff member, and the target cannot be met with current staffing levels. While not on track to meet the target for FY24, RCB's pace of inspections during the quarter exceeds the annual rate for FY23 by 50 percent.

The AQB has deployed new air monitoring instruments that improve connectivity, efficiency, and remote access to air quality data. The bureau worked with the New Mexico Climate Change Task Force to develop rules for reducing volatile organic compounds and oxides of nitrogen emissions in the oil and gas industry. AQB inspected

10 of 128 air-emitting sources in the first quarter. AQB's Compliance & Enforcement Section is actively involved in recruiting new inspectors. The Inspections Unit now has a Manager and a Supervisor with five inspectors. Three more inspector positions are in the recruiting process.

	FY22 Actual	FY23 Actual	FY24 Target	FY24 Q1	Rating
Budget: \$18,320.1 FTE: 121.8					
Percent of ionizing and non-ionizing radiation sources inspected	12.6%	15%	85%	5.6%	R
Percent of air emitting sources inspected	20.5%	33.3%	25%	7.8%	G
Percent of the population breathing air meeting federal health standards	98.4%	99.9%	95%	98.3%	G
Program Rating	R	R			Y

Environmental Health

The Environmental Health Division (EHD) continued to administer the state hemp extraction and manufacturing program, ensuring public health protection while supporting the growth and sustainability of the cannabis industry. EHD is also responsible for working to prevent workplace injuries and fatalities, avoiding unnecessary risks to public health from commercially prepared foods, regulating septic tanks, and ensuring the safety of public pools and spas.

The Occupational Health and Safety Bureau conducts thousands of inspections annually and targets workplaces with the greatest expectations of noncompliance to reduce illness, injuries, and fatalities. The bureau inspects approximately 1 percent of all workplaces each year. Still, it expects that a much higher percentage of workplaces are out of compliance at any given time, necessitating continuous refinement of the strategy by which the highest-risk workplaces are targeted.

In the first quarter, the NMED Food Safety Program (FSB) fell short of reaching the target percentage for this measure over a full fiscal year. Limited funding to fill vacant positions in key locations statewide restricts the Bureau's capacity to conduct essential restaurant and food manufacturer inspections, onsite consultations, and training to perform the inspection process.

	FY22 Actual	FY23 Actual	FY24 Target	FY24 Q1	Rating
Budget: \$ 16,219.3 FTE: 156.0					
Number of employers that did not meet occupational health and safety requirements for at least one standard compared with the total number of employers	63.5%	64%	55%	73.2%	G
Percent of restaurants and food manufacturers inspected	90.2%	80%	90%	20.8%	Y
Percent of new or modified liquid waste systems inspected	82.1%	86%	85%	91.9%	G
Program Rating	R	R			Y