

ACTION PLAN

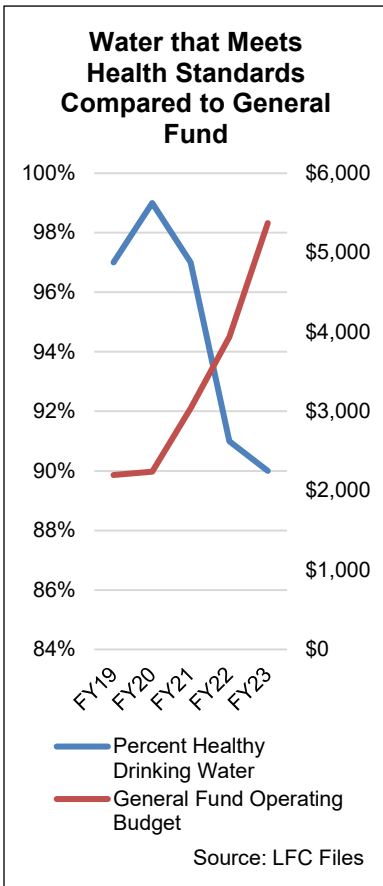
- Submitted by agency? Yes
- Timeline assigned? Yes
- Responsibility assigned? Yes

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. The Surface Water Quality Bureau completed two permittee inspections of the 20 required annually in the second quarter, not including inspection reports that were still in progress at the end of the quarter. NMED believes that either obtaining authorization to take over the U.S. Environmental Protection Agency’s oversight of discharge elimination systems or developing a state surface water discharge permitting program would significantly improve the WPD’s ability to protect the state’s water resources. The bureau has filled 3 FTE to develop a permitting program using two special appropriations from 2022 and 2023.

The Construction Programs Bureau (CPB) executed 98 original funding agreements totaling \$58.6 million in the second quarter. One grant was for the stormwater and sewer overflow program while the rest of the agreements were for legislative capital outlay projects. This measure does not capture NMED’s work on projects from programs not managed directly by CPB, such as DWSRF and water trust board projects, although many such projects receive extensive technical assistance from the bureau.

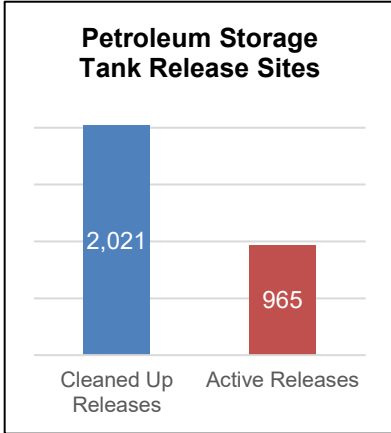


	Budget: \$62,511.4	FTE: 191.3	FY22 Actual	FY23 Actual	FY24 Target	FY24 Q1	FY24 Q2	Rating
Percent of the population served safe and healthy drinking water			97%	89.8%	95%	90.1%	90.5%	Y
Percent of surface water permittees inspected			155%	145%	100%	5%	10%	R
Percent of groundwater permittees inspected			21.1%	18.2%	65%	5.8%	10.3%	R
Number of new water infrastructure projects			114	157	115	65	98	G
Program Rating			Y	Y				Y

Resource Protection

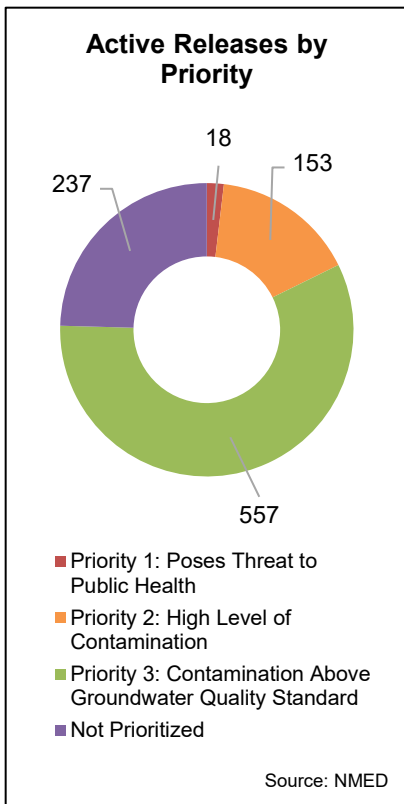
In the Resource Protection Division, Solid Waste Bureau (SWB) enforcement staff inspected 10 of 45 active, permitted solid waste facilities (22.2 percent) in the second quarter. The bureau has now inspected almost half of the facilities requiring inspection,

placing it on track to meet its annual target. The SWB 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 excludes infectious waste generators that make up the majority of the nearly 1,300 total permitted facilities the SWB permits and inspects.



This quarter, the Petroleum Storage Tank Bureau (PSTB) approved no further action (NFA) status for two petroleum release sites, bringing the total number of completed site cleanups to 2,020. NFA status signifies compliance with remediation standards, assuring no significant risk of harm to public health or the environment at the site. The PSTB currently has proposed assessments totaling \$1.8 million from the corrective action fund pending approval.

In the second quarter, there were 2,474 hazardous waste generators in the state; this number changes frequently. The Hazardous Waste Bureau inspected 20 generators this quarter, a small percentage of the total and insufficient number to make headway towards its annual goal.



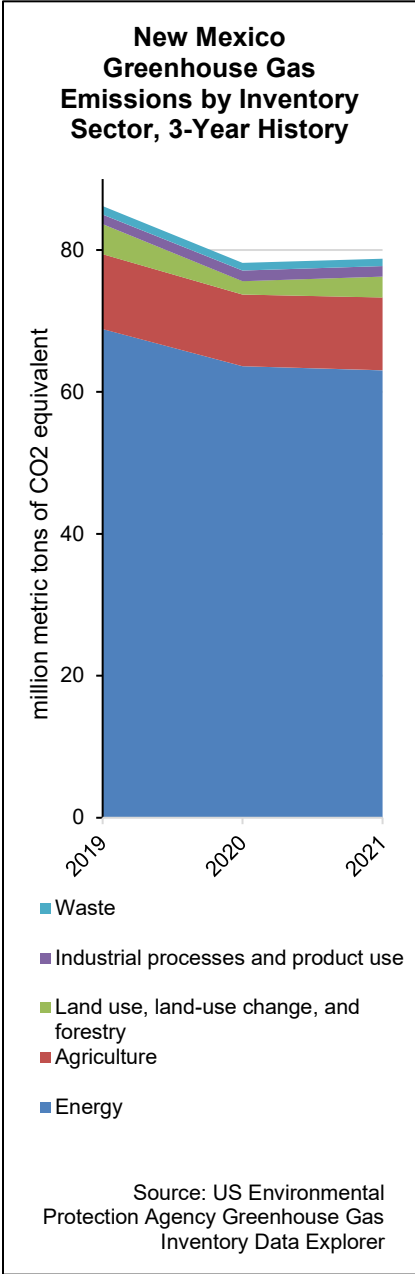
	FY22 Actual	FY23 Actual	FY24 Target	FY24 Q1	FY24 Q2	Rating
Budget: \$18,653.4 FTE: 144.3						
Number of completed cleanups of petroleum storage tank release sites that require no further action	1,964	2,005	1,976	2,018	2,020	G
Percent of solid waste facilities and infectious waste management facilities inspected	47%	53.3%	85%	24.4%	22.2%	G
Percent of hazardous waste facilities inspected	4%	3.7%	15.0%	0.8%	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.

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 8 of 122 air-emitting sources in the second 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, but only one inspector has more than two years of experience in air inspections, which is the minimum to be considered fully trained.

Budget: \$18,320.1	FTE: 121.8	FY22 Actual	FY23 Actual	FY24 Target	FY24 Q1	FY24 Q2	Rating
Percent of ionizing and non-ionizing radiation sources inspected		12.6%	15%	85%	5.6%	4.4%	R
Percent of air emitting sources inspected		20.5%	33.3%	25%	7.8%	6.6%	Y
Percent of the population breathing air meeting federal health standards		98.4%	99.9%	95%	98.3%	100%	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 second quarter, the Food Safety Program fell short of reaching the percentage needed for this measure to reach its annual target.

Budget: \$ 16,219.3	FTE: 156.0	FY22 Actual	FY23 Actual	FY24 Target	FY24 Q1	FY24 Q2	Rating
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%	52.3%	G
Percent of restaurants and food manufacturers inspected		90.2%	80%	90%	20.8%	20.2%	Y
Percent of new or modified liquid waste systems inspected		82.1%	86%	85%	91.9%	90.6%	G
Program Rating		R	R				Y