

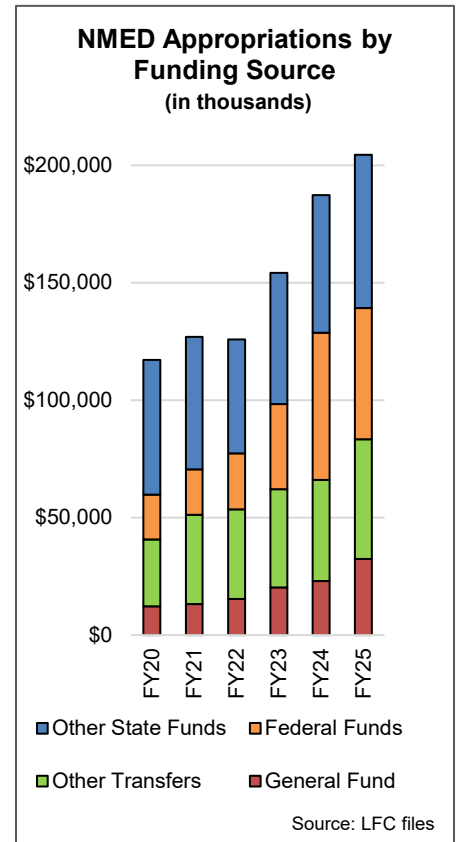
The majority of the Environment Department’s (NMED) regulatory programs demonstrated positive gains in FY24. Further, NMED’s vacancy rate, which at one point was as high as 25.6 percent this fiscal year, has now been reduced to 21.5 percent. The results from the Water Protection Division’s Drinking Water Bureau, where the percent of New Mexican’s being served safe and health drinking water has dropped by 7 percent over three years, is largely fueled by increased levels of regulation from the EPA and not by systems falling out of compliance. One of the few programs to lag behind the positive trend seen in the majority of NMED’s programs, the Hazardous Waste Bureau, continued to be unable to meet the target of inspecting 15 percent of hazardous waste facilities. Despite this outlier, NMED used the significant investment by the legislature to address its staffing and retention issues and has reversed the trend of lagging regulatory programs.

ACTION PLAN

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

Water Protection

The Water Protection Division (WPD) continues to assist communities seeking to develop internal capacity to use state and federal funding for infrastructure improvement and water resource management. The Surface Water Quality Bureau completed all of the 20 inspections required in FY24. NMED believes obtaining authorization to take over the U.S. Environmental Protection Agency’s oversight of discharge elimination systems and continuing to ramp up development of a state surface water discharge permitting program will 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; however, the program has not yet been established. NMED monitors 707 groundwater permits across the state and conducted inspections on 58, or 8.2 percent. There is currently no regulatory requirement that establishes inspection frequency.



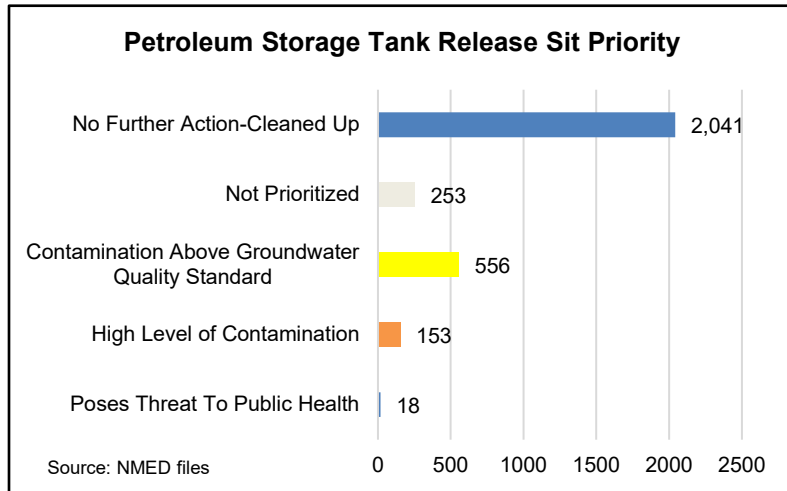
Budget: \$62,511.4 **FTE:** 191.3

	FY22 Actual	FY23 Actual	FY24 Target	FY24 Actual	Rating
Percent of the population served safe and healthy drinking water	97%	89.8%	95%	89.5%	R
Percent of surface water permittees inspected	155%	145%	100%	100%	G
Percent of groundwater permittees inspected	21.1%	18.2%	65%	30.6%	R
Number of new water infrastructure projects	114	157	115	175	G
Program Rating	G	Y			Y

Resource Protection

The Resource Protection Division (RPD) exceeded two out of three of its inspection targets in FY24. The Solid Waste Bureau staff inspected a total of 98.8 percent of the solid and infectious waste facilities it monitors, a 45.5 percent jump from FY23. 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. Currently, RPD has a 30 percent vacancy rate.

In the fourth quarter of FY24, the Petroleum Storage Tank Bureau (PSTB) did not issue no further action (NFA) status for any sites and brought the total number of completed site cleanups to 2,041. NFA status signifies compliance with



remediation standards, assuring no significant risk of harm to public health or the environment at the site. Notably, NFA status determinations are fluid throughout the year, based on specific site conditions, staffing levels, and the availability of funding from the corrective action fund. PSTB currently has proposed assessments totaling \$160 thousand from the corrective action fund pending approval by the department for proposed work.

The Hazardous Waste Bureau (HWB) monitors 2,495 hazardous waste generators in the state, though this number changes frequently. HWB have six FTE focused on compliance and

completed 93 inspections in FY24. The Hazardous Waste Bureau inspected a total of 3.7 percent of the hazardous waste facilities in FY24; the agency’s goal is 15 percent. This continued trend of minimal inspection goes back to the pandemic and is due to a lack of funding and staff.

Budget: \$18,653.4 **FTE:** 143.3

	FY22 Actual	FY23 Actual	FY24 Target	FY24 Actual	Rating
Number of completed cleanups of petroleum storage tank release sites that require no further action	1,964	2,005	1,976	2,041	G
Percent of solid waste facilities and infectious waste management facilities inspected	47%	53.3%	85%	98.8%	G
Percent of hazardous waste facilities inspected	4%	3.7%	15%	3.7%	R
Program Rating		R			Y

Environmental Protection

While inspections are valuable for determining whether regulated entities comply with applicable laws, rules, or permits, NMED’s regulatory compliance programs continually struggle to meet their target percentages 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.

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 41 air-emitting sources for all of FY24. Due to changes in the target for AQB’s air-emitting inspection numbers, the department exceeded its goal, yet still was slightly lower than the previous year total.

Budget: \$18,320.1 **FTE:** 121.8

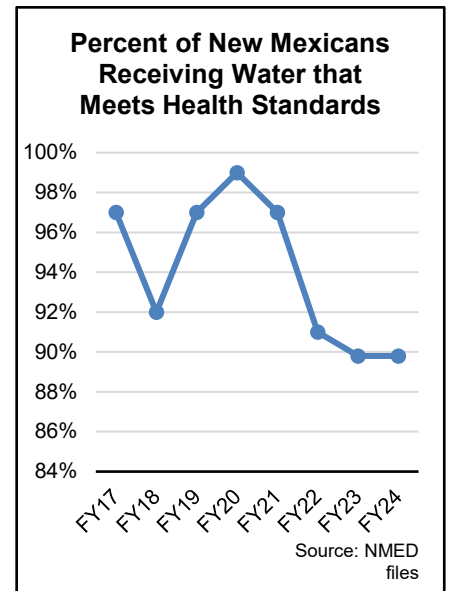
	FY22 Actual	FY23 Actual	FY24 Target	FY24 Actual	Rating
Percent of ionizing and non-ionizing radiation sources inspected	12.6%	15%	20%	16.8%	R
Percent of air emitting sources inspected	20.5%	33.3%	25%	32.2%	G
Percent of the population breathing air meeting federal health standards	98.4%	99.9%	95%	99.9%	G
Program Rating		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 hundreds 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, at the end of FY24, there were 67,495 employers in New Mexico. The bureau must continuously refine its strategy for targeting the highest-risk workplaces. In the fourth quarter, the food safety program fell short of reaching the percentage needed to reach its annual target.

The Environmental Health Bureau’s (EHB) Food Safety Program inspections increased dramatically in the third and fourth quarters, which allowed it to hit its performance target for FY24. Under state statute and regulation, each restaurant and food manufacturer in the state should be inspected once per year. However, the same inspectors cover restaurants, food manufacturers, pools, and spas. Bureau staff currently have a compliance and enforcement workload of approximately 313 facilities per inspector, above the federal Food and Drug Administration’s guidance that retail food inspectors (a much narrower role than EHB’s inspectors) are assigned 280-320 inspections. EHB increased the total number of inspectors in FY24, from 33.8 in the first quarter to 38.8 at the end of the fourth.



Budget: \$16,219.3 **FTE:** 156

	FY22 Actual	FY23 Actual	FY24 Target	FY24 Actual	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%	67.1%	G
Percent of restaurants and food manufacturers inspected	90.2%	80%	90%	80.5%	Y
Percent of new or modified liquid waste systems inspected	82.1%	86%	85%	91%	G
Program Rating		R		G	