

ACTION PLAN

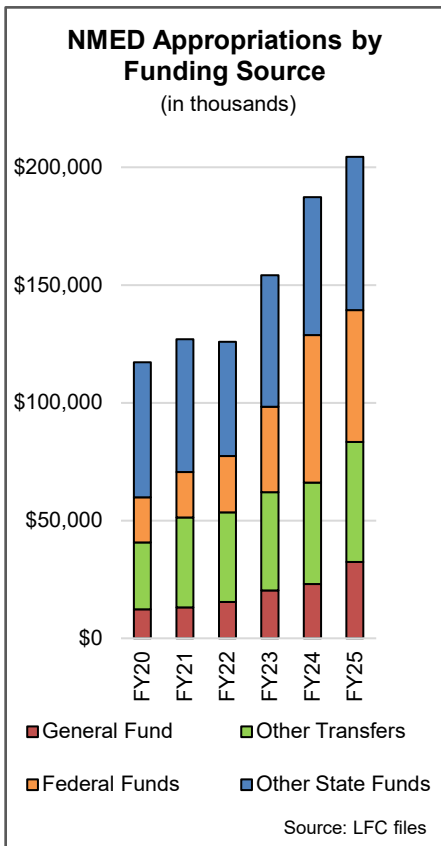
Submitted by agency?	Yes
Timeline assigned?	Yes
Responsibility assigned?	Yes

While the majority of the Environment Department’s (NMED) regulatory programs demonstrated improved performance in FY24, some of those trends were reversed in the first quarter of FY25. Due to new credentialing processes for the Surface and Water Quality bureaus, inspections fell far below the target. Additionally, the Solid and Hazardous Waste bureaus continue to grapple with recruitment and retention issues, resulting in missed performance targets. While NMED has worked to decrease its vacancy rate, which at one point was as high as 25.6 percent and is now 21.5 percent, the agency continues to note it has issues with recruitment and retention. The significant investment by the Legislature to address NMED’s staffing and retention issues has reversed some of the agency’s lingering issues, but further work to address historic performance issues is needed.

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, due to changes in the U.S. Environmental Protection Agency’s credentialing process, had two credential inspectors for the first quarter of FY25. This resulted in the percentage of surface water permittees inspected dropping to 10 percent in the first quarter of FY25, far off the pace to reach the FY25 target. Staffing issues with the groundwater program continue to hamper the program’s ability to conduct inspections. The agency is working to reclassify the positions to make them more competitive, though the consistent vacancy level at the program and its impact on its performance remains an issue to be monitored. The Construction Programs Bureau initiated 47 new water infrastructure projects, totaling roughly \$14.9 million, and is on pace to exceed its FY25 target.

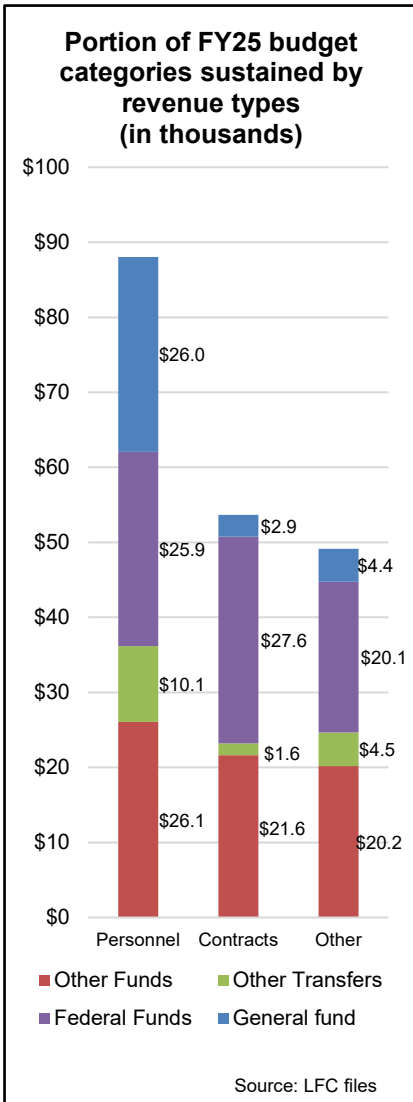
Budget: \$62,511.4 **FTE:** 191.3



	FY23 Actual	FY24 Actual	FY25 Target	FY25 Q1	Rating
Percent of the population served safe and healthy drinking water	89.8%	89.5%	95%	95%	G
Percent of surface water permittees inspected	145%	100%	100%	10%	R
Percent of groundwater permittees inspected	18.2%	30.6%	65%	11%	R
Number of new water infrastructure projects	157	175	115	47	G
Program Rating	G	Y			Y

Resource Protection

The Resource Protection Division (RPD) was far behind its target for all three of its performance measures. RPD has historically had issues with recruitment and retention, specifically its Solid and Hazardous Waste bureaus, resulting in consistent lagging of performance measures. RPD notes it has continued 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.



In the first quarter of FY25 the Petroleum Storage Tank Bureau (PSTB) did not issue no further action (NFA) status for any sites. 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 \$2.5 million 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 has six FTE focused on compliance and completed 93 inspections in FY24. HWB inspected 1.3 percent of the hazardous waste sites in the state in the first quarter of FY25, though the bureau noted it is hiring new inspectors and plans to expand the department. The continued trend of low inspection rates remains even after the bureaus began the decline in the pandemic and while it has been predominantly due to a lack of staff, new efforts to improve performance should be considered.

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

	FY23 Actual	FY24 Actual	FY25 Target	FY25 Q1	Rating
Number of completed cleanups of petroleum storage tank release sites that require no further action	2,005	2,041	1,976	0	G
Percent of solid waste facilities and infectious waste management facilities inspected	53.3%	98.8%	87.5%	10.6%	R
Percent of hazardous waste facilities inspected	3.7%	3.7%	15%	1.3%	R
Program Rating	R	R			R

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 targets for the percentage of applicable entities inspected. NMED hopes these consistent issues will be improved with the help of record investments from the legislature in the current fiscal year, and efforts by the agency to streamline its organizational structure.

In addition to its compliance and enforcement duties inspections and monitoring, the Radiation Control Bureau’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.

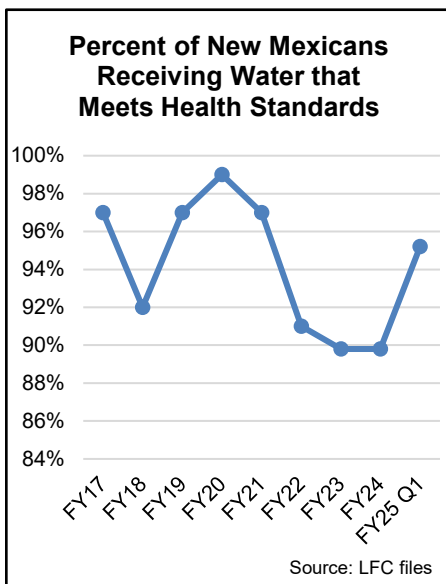
Air Quality Bureau deployed new air monitoring instruments to improve connectivity, efficiency, and remote access to air quality data. The bureau worked with the New Mexico Climate Change Task Force to develop rules for reducing volatile organic compounds and oxides of nitrogen emissions in the oil and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

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

	FY23 Actual	FY24 Actual	FY25 Target	FY25 Q1	Rating
Percent of ionizing and non-ionizing radiation sources inspected	15%	16.8%	20%	5.6%	R
Percent of air emitting sources inspected	33.3%	32.2%	25%	7.8%	G
Percent of the population breathing air meeting federal health standards	99.9%	99.9%	95%	98.3%	G
Program Rating	Y	Y			Y

Environmental Health

The Environmental Health Division (EHD) continued to administer the state hemp extraction and manufacturing program. 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, which inspects approximately 1 percent of all workplaces each year, found 72 percent of employers did not meet occupational health and safety requirement for at least one standard in Q1, exceeding the target by 17 percent. The bureau must continuously refine its strategy for targeting the highest-risk workplaces and aim to meet its FY25 target, falling short of reaching it last year.

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. This has resulted in high vacancy rates within the bureau and the majority of inspections not being able to be conducted in-person, a worrying historic trend the agency should work to improve.

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

	FY23 Actual	FY24 Actual	FY25 Target	FY25 Q1	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	64%	67.1%	55%	72%	Y
Percent of restaurants and food manufacturers inspected	80%	80.5%	90%	21%	Y
Percent of new or modified liquid waste systems inspected	86%	91%	85%	49%	R
Program Rating	Y	Y			R