

### ACTION PLAN

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

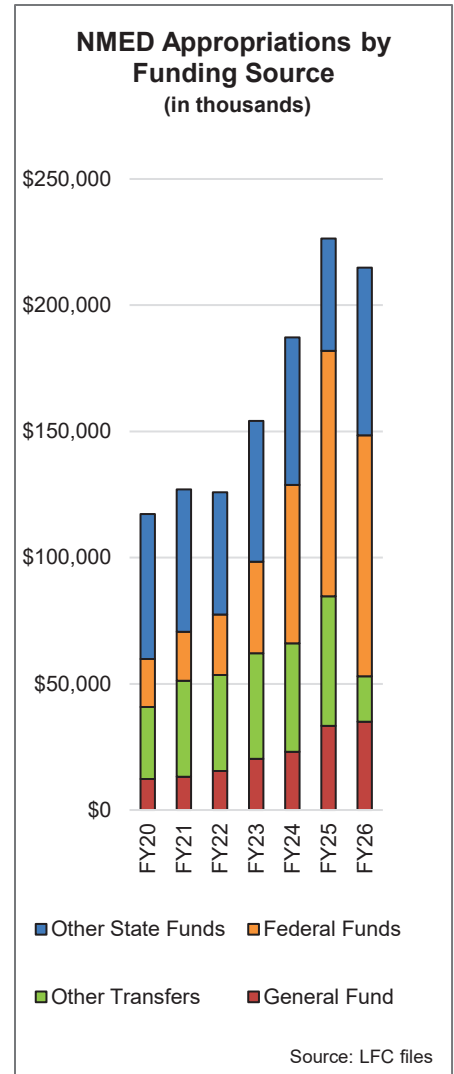
While some of the Environment Department's (NMED) regulatory programs demonstrated improved performance in FY25 and continued it in FY26, negative trends in the Environmental and Resource Protection Bureaus continued. The significant investment by the Legislature to address NMED's staffing and retention issues has reversed some of the agency's lingering issues, but the agency has an estimated 230 vacant FTE and \$5.4 million in vacancy savings, indicating the agency has room significant room to grow and utilize expanded funding. Further work to address the agency's historic performance issues is needed.

### Water Protection

Amendments to the state Water Quality Act enacted in 2025 granted primacy to NMED to administer a National Pollutant Discharge Elimination System program, in effect placing control of all discharge into the state's surface water and groundwater from the federal government to the state's water quality agency. Creation and implementation is underway and will continue to take shape, pending approval of a permitting program from the Water Quality Control Commission. 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. In the first quarter of FY26, the program's Surface Water Protection Bureau inspected 10 of the 20 annual required inspections, resulting in a 50 percent inspection rate, indicating the program is well on its way to meeting its FY26 target. The Groundwater Quality Bureau inspected 46 permits, or roughly 6.7 percent of its FY26 target. The Construction Programs Bureau initiated 33 new water infrastructure projects, totaling roughly \$10.5 million, and is on pace to exceed its FY26 target. The percent of the state's population served safe and healthy drinking water dipped below the FY25 actual of 94.7 percent to 91 percent for the first quarter of the year. This dip reflects the bureau's review and resolution of unaddressed water quality compliance violations. The percent is also subject to change due to changes in federal drinking water regulations.

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

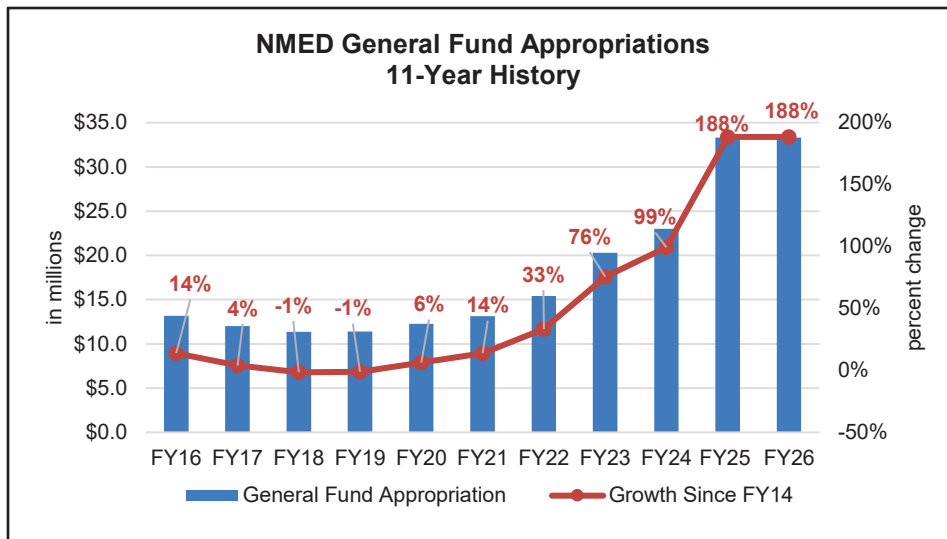
	FY24 Actual	FY25 Actual	FY26 Target	FY26 Q1	Rating
Percent of the population served safe and healthy drinking water	89.5%	94.7%	98%	91%	<span style="background-color: #28a745; color: white; border-radius: 50%; padding: 2px 5px;">G</span>
Percent of surface water permittees inspected	100%	40%	100%	50%	<span style="background-color: #ffc107; color: white; border-radius: 50%; padding: 2px 5px;">Y</span>
Percent of groundwater permittees inspected	30.6%	9.2%	65%	6.7%	<span style="background-color: #dc3545; color: white; border-radius: 50%; padding: 2px 5px;">R</span>
Number of new water infrastructure projects	175	148	115	39	<span style="background-color: #28a745; color: white; border-radius: 50%; padding: 2px 5px;">G</span>
<b>Program Rating</b>	<span style="background-color: #28a745; color: white; border-radius: 50%; padding: 2px 5px;">G</span>	<span style="background-color: #ffc107; color: white; border-radius: 50%; padding: 2px 5px;">Y</span>			<span style="background-color: #ffc107; color: white; border-radius: 50%; padding: 2px 5px;">Y</span>



### 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.



In the first quarter of FY25 the Petroleum Storage Tank Bureau (PSTB) issued no further action (NFA) status for nine 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 did not provide any estimate for any additional funding or work it was planning.

The Hazardous Waste Bureau (HWB) monitors 2,495 hazardous waste generators in the state, though this number changes frequently. HWB has four FTE focused on compliance and the positions are each slated to inspect 350 facilities in FY26. This is two fewer personnel than in FY24. The relatively few personnel inspecting facilities resulted in the bureau only inspecting 1.1 percent of the hazardous waste sites in the state in the first quarter of FY26, well off track to meet its FY26 target. The continued trend of low inspection rates, while it has been predominantly due to a lack of staff, should be evaluated in comparison to other states to see if New Mexico can utilize new practices to monitor its hazardous waste facilities.

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

	FY24 Actual	FY25 Actual	FY26 Target	FY26 Q1	Rating
Number of completed cleanups of petroleum storage tank release sites that require no further action	2,041	972	2,050	9	R
Percent of solid waste facilities and infectious waste management facilities inspected	98.8%	34.8%	95%	13%	R
Percent of hazardous waste facilities inspected	3.7%	.5%	12.5%	1.1%	R
<b>Program Rating</b>	<b>R</b>	<b>R</b>			<b>R</b>

## 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.

The Air Quality Bureau noted only 86.7 percent of the state's population is breathing air meeting federal health standards, which the bureau notes is due to Dona Ana and Eddy County being above federal ozone health standards. The bureau also notes outside of the state contributions also are impacting the state's overall air quality. The state has 20 air monitoring stations, with the majority surrounding Las Cruces and others scattered around the state (Bernalillo County monitors its own air quality and is separate from the reporting AQB does). Additional stations could provide a clearer picture as to the state's air quality.

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

	FY24 Actual	FY25 Actual	FY26 Target	FY26 Q1	Rating
Percent of ionizing and non-ionizing radiation sources inspected	16.8%	1.9%	20%	8.8%	Y
Percent of air emitting sources inspected	32.2%	8.5%	32%	110%	G
Percent of the population breathing air meeting federal health standards	99.9%	78.3%	99%	86.6%	Y
<b>Program Rating</b>	<b>Y</b>	<b>Y</b>			<b>Y</b>

## 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 73.6 percent of employers did not meet occupational health and safety requirement for at least one standard in Q1, exceeding the target by 18.6 percent.

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, which is at the high end of FDA's recommend range of 280-300 inspections per retail food inspector- a narrower role than EHB's inspects. The bureau conducted 1,690 inspections in the first quarter of the year, slightly behind its goals of 1,950 but improved from previous years first quarters.

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

	FY24 actual	FY25 Actual	FY26 Target	FY26 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	67.1%	60.5%	55%	73.6%	Y
Percent of restaurants and food manufacturers inspected	80.5%	21.3%	90%	86.7%	Y
Percent of new or modified liquid waste systems inspected	91%	53.2%	89%	50.9%	R
<b>Program Rating</b>	<b>Y</b>	<b>Y</b>			<b>R</b>

**Portion of FY26 budget categories sustained by revenue types**

