Department of Environment

The New Mexico Environment Department (NMED) met several targets in the third quarter despite a significant vacancy rate that affects performance in the Water Protection and Resource Protection programs. The agency’s greatest challenge in filling vacant positions is salary competitiveness with the private sector for science, engineering, technology, and math (STEM) related jobs. The impact of this can be seen in NMED’s performance on inspection related measures. In other instances, the agency received a yellow rating because targets were not increased after performance exceeded targets in prior years. NMED’s overall performance is difficult to assess because nearly half of the measures are classified as explanatory and do not have a target to measure progress against. NMED has committed to collaborating with LFC staff on improving key measures to provide data more representative of program performance.

The agency received FY20 special appropriations of $2 million to support the state’s ongoing environmental litigation associated with the Gold King mine spill that occurred in 2015. NMED also received $1.2 million to match federal funds for the management and cleanup of a number of Superfund sites across the state.

Water Protection

In the third quarter, the program did not meet its target for the percentage of facilities operating under a groundwater discharge permit that were inspected. NMED reports that this is primarily due to a 40 percent vacancy rate in the Pollution Prevention Section of the Ground Water Quality Bureau. Weather was another factor – it is typical for inspections to decrease during the colder months of quarter three. The number of facilities shown to be in compliance with groundwater standards is reported as explanatory data and thus does not have a target. Also of note is the change in the way data for this measure is reported, from percentage to count. This change prevents a meaningful comparison of performance to prior years, and LFC recommends reporting the data as a percentage again.

So far in FY19, the percentage of the population served by community water systems that meet health-based drinking water standards is higher than it was in FY18. According to NMED data, approximately 85.1 thousand people are served by water systems that do not meet these standards. Next quarter, the program will report the annual percentage of assessed stream and river miles that meet water quality standards.

<table>
<thead>
<tr>
<th>Measure</th>
<th>FY17 Actual</th>
<th>FY18 Actual</th>
<th>FY19 Target</th>
<th>Q1</th>
<th>Q2</th>
<th>Q3</th>
<th>Rating</th>
</tr>
</thead>
<tbody>
<tr>
<td>Facilities operating under a groundwater discharge permit inspected annually</td>
<td>66%</td>
<td>54%</td>
<td>65%</td>
<td>64%</td>
<td>76%</td>
<td>61%</td>
<td>Y</td>
</tr>
<tr>
<td>Facilities in compliance with groundwater standards*</td>
<td>63%</td>
<td>71%</td>
<td>N/A</td>
<td>394</td>
<td>392</td>
<td>397</td>
<td></td>
</tr>
<tr>
<td>Population served by community water systems that meet health-based drinking water standards*</td>
<td>97%</td>
<td>92%</td>
<td>N/A</td>
<td>98%</td>
<td>96%</td>
<td>96%</td>
<td></td>
</tr>
</tbody>
</table>
PERFORMANCE REPORT CARD
Department of Environment
Third Quarter, Fiscal Year 2019

EPA clean water state revolving loan fund capitalization grant and matching state funds that are for wastewater infrastructure* 
New loans from the rural infrastructure and clean water revolving funds’ programs, in millions, cumulatively*

<table>
<thead>
<tr>
<th>Measure</th>
<th>FY17 Actual</th>
<th>FY18 Actual</th>
<th>FY19 Target</th>
<th>Q1</th>
<th>Q2</th>
<th>Q3</th>
<th>Rating</th>
</tr>
</thead>
<tbody>
<tr>
<td>Large quantity hazardous waste generators inspected and in compliance, cumulatively</td>
<td>18%</td>
<td>40%</td>
<td>20%</td>
<td>5.8%</td>
<td>11.6%</td>
<td>20.9%</td>
<td>Y</td>
</tr>
<tr>
<td>Underground storage tank facilities compliant with release prevention and release detection requirements</td>
<td>87%</td>
<td>88%</td>
<td>77%</td>
<td>86%</td>
<td>86%</td>
<td>86%</td>
<td>Y</td>
</tr>
<tr>
<td>Solid waste facilities and infectious waste generators found in compliance with solid waste rules</td>
<td>98%</td>
<td>94%</td>
<td>95%</td>
<td>100%</td>
<td>96%</td>
<td>94%</td>
<td>G</td>
</tr>
<tr>
<td>Landfills compliant with groundwater sampling*</td>
<td>97%</td>
<td>96%</td>
<td>N/A</td>
<td>96%</td>
<td>100%</td>
<td>100%</td>
<td>Y</td>
</tr>
</tbody>
</table>

Program Rating
*Measures are classified as explanatory and do not have targets.

Resource Protection

For FY19, the program reduced the target for hazardous waste generators inspected from 40 percent to 20 percent despite meeting the higher target in FY18. The FY19 target was reduced to match an approved federal Environmental Protection Agency (EPA) grant work plan. As of the third quarter, the program has met the reduced target. The measure for underground storage tank facility compliance also has a target that is lower than the reported FY18 actuals. The program has exceeded the target but is slightly below reported performance in FY18. These measures were given yellow ratings because FY19 targets were not increased to correspond to FY18 actual data as LFC recommended during the FY19 budget recommendation process.

Environmental Protection

Although NMED does not regulate air quality in Bernalillo County, the largest population center, or for tribal lands, the measure is still reported as explanatory data with a target of 100 percent.

Budget: $14,031.2  FTE: 133

Program Rating
*Measure is classified as explanatory and does not have a target.
Radioactive material licensees and registrants issued a violation that come into compliance:

- New Mexico (NEW):
  - 100%
  - 100%
  - 100%
  - 100%
  - 100%

Swimming pools and spas in compliance with state standards:

- 100%
- 100%
- 100%
- 100%
- 100%

**Program Rating**

![Graph showing work site fatal injury rate per 100,000 workers for New Mexico and US average from 2013 to 2017. Source: OSHA.]

The graph indicates that the work site fatal injury rate per 100,000 workers has remained consistent from 2013 to 2017, with New Mexico and the US average showing similar trends.