

ACTION PLAN

Submitted by agency?	Yes
Timeline assigned?	No
Responsibility assigned?	No

Department of Environment

The New Mexico Environment Department (NMED) has significant recruitment and retention challenges that impact its funded vacancy rate. The agency also reports that its unfunded vacancy rate is high due to revenue shortages and restricted fund balances. While the effects are seen across the agency, they are especially evident in NMED’s drinking water, groundwater, and surface water programs, hazardous waste program, and environmental health programs, including food and hemp manufacturing and liquid waste.

NMED finds particular difficulty competing with the private sector on recruitment of new employees and retention of existing employees in the disciplines of science, engineering, technology, and math (STEM). To address these challenges, in the first quarter of FY20 NMED launched a social media campaign to highlight the differences its staff makes in communities, began advertising positions nationwide through social media, announced vacancies through various organizations of environmental professionals, partnered with in- and out-of-state institutions to recruit staff, and reclassified positions.

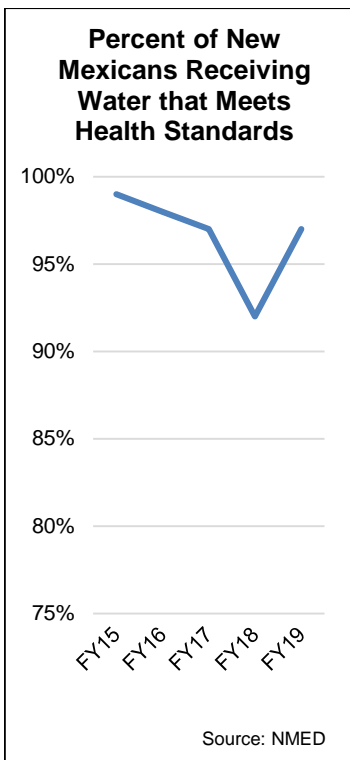
NMED’s overall performance is difficult to assess because nearly half of the measures are classified as explanatory and do not have a target to measure progress against, and other measures focus more on inputs and outputs than outcomes. NMED has committed to collaborating with LFC staff to improve key measures and 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 release 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. The discovery of per- and poly-fluoroalkyl substances (PFAS) in groundwater near Cannon and Holloman Air Force Bases required regulatory enforcement from NMED in FY19 and is expected to be an ongoing challenge for the foreseeable future. NMED reports increasing staff in oversight and compliance positions has been difficult due to decreasing federal funds.

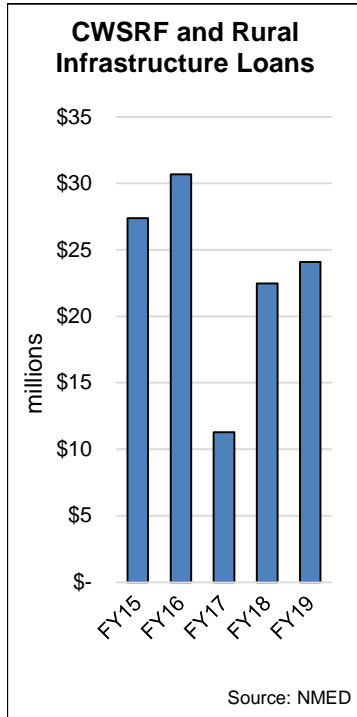
Water Protection

Approximately 1.9 million New Mexicans receive their drinking water from community public water systems, and about 1.7 million receive water that meets all health-based standards. Of the community water systems that were issued health-based violations during the FY20 first quarter, 78 were issued violations based on a failure to correct deficiencies that were noted during sanitary survey inspections. In many cases, these deficiencies are easily correctable and only require the water systems to provide compliance documentation showing that the issue has been corrected. NMED also notes that 11 Drinking Water Bureau staff members are responsible for oversight and compliance of 1,100 drinking water systems.

A large portion of surface water quality impairments identified in New Mexico are due to nonpoint source pollution (e.g., land runoff). Watershed-scale changes to improve surface water is a long-term investment. The Surface Water Quality Bureau produces



the NonPoint Source (NPS) Annual Report, which evaluates reductions in NPS pollutant loading.



Budget: \$28,828.9 **FTE:** 189

Measure

	FY18 Actual	FY19 Actual	FY20 Target	FY20 Q1	Rating
Facilities operating under a groundwater discharge permit inspected annually	54%	68%	63%	11%	G
Facilities in compliance with groundwater standards*	1,482	1,582	N/A	401	
Population served by community water systems that meet health-based drinking water standards*	92%	97%	N/A	91%	
EPA clean water state revolving loan fund capitalization grant and matching state funds that are for wastewater infrastructure	100%	100%	100%	19%	Y
Capital outlay dollars disbursed, in millions*	\$25.6	\$8.9	N/A	\$1.8	
Loan program dollars disbursed, in millions*	\$25.7	\$18.1	N/A	\$3.0	

Program Rating

G

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

Resource Protection

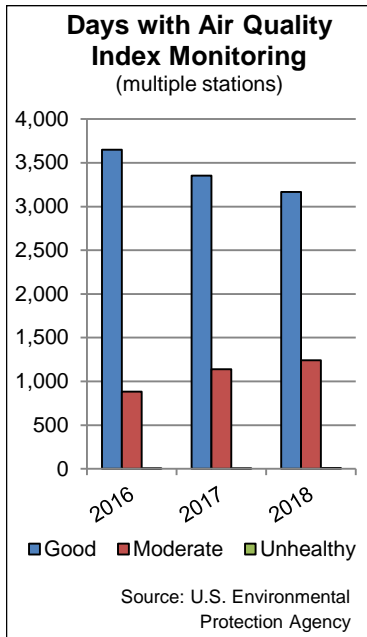
There are 3,095 underground storage tank systems at 1,167 regulated facilities across the state, of which 198 have outstanding violations that can threaten groundwater. New Mexico's compliance rate is above the national average of 70 percent. In the solid waste program, fewer qualifying inspections of solid waste facilities and infectious waste generators were performed in the first quarter of FY20 due to staffing issues. For the first quarter of FY20, all permitted municipal landfills in New Mexico complied with regulatory and permit-specific requirements for groundwater and/or vadose zone monitoring and reporting at the time of the inspection.

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 and exceeded the reduced target in FY19. There are approximately 2,630 hazardous waste facilities in New Mexico and seven inspector positions, but NMED reports only three are filled due to budget constraints. The measure for underground storage tank facility compliance also has a target that is lower than the reported FY18 actuals. The program exceeded the target but is slightly below reported performance in FY18.

Budget: \$14,031 **FTE:** 133

Measure

	FY18 Actual	FY19 Actual	FY20 Target	FY20 Q1	Rating
Large quantity hazardous waste generators inspected and in compliance, cumulatively*	32%	39%	N/A	25%	

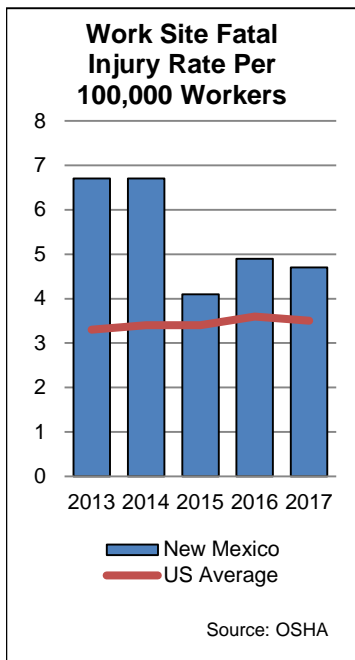


Underground storage tank facilities compliant with release prevention and release detection requirements	88%	86%	90%	83%	Y
Solid waste facilities and infectious waste generators found in compliance with solid waste rules	94%	95%	95%	93%	Y
Landfills compliant with groundwater sampling*	96%	99%	N/A	100%	Y
Program Rating					Y

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

Environmental Protection

In the first quarter, 92 percent of days had good or moderate air quality ratings. Although this measure has a target of 100 percent, NMED reports it as explanatory data because it does not regulate air quality in all areas of the state and significant emissions can be transported from outside NMED's jurisdiction. NMED reports that air quality permitting grew by 256 percent between 2008 and 2018, but the Air Quality Bureau did not increase inspection or permitting staff during that time, leading to difficulties meeting inspection goals. The lack of oversight may contribute to poorer air quality as unpermitted emissions go undiscovered and violations are not addressed by Air Quality Bureau staff. NMED reports that the larger impact on air quality, however, is the increased oil production and related facilities in the state.



Budget: \$23,381.5 **FTE:** 238.5

Measure	FY18 Actual	FY19 Actual	FY20 Target	FY20 Q1	Rating
Priority food-related violations from inspections that are corrected	100%	100%	100%	100%	G
Days with good or moderate air quality index rating	90%	87%	100%	92%	Y
Radioactive material licensees inspected within timeframes due	NEW	100%	95%	100%	G
Swimming pools and spas in compliance with state standards	100%	100%	100%	100%	G
Program Rating					G