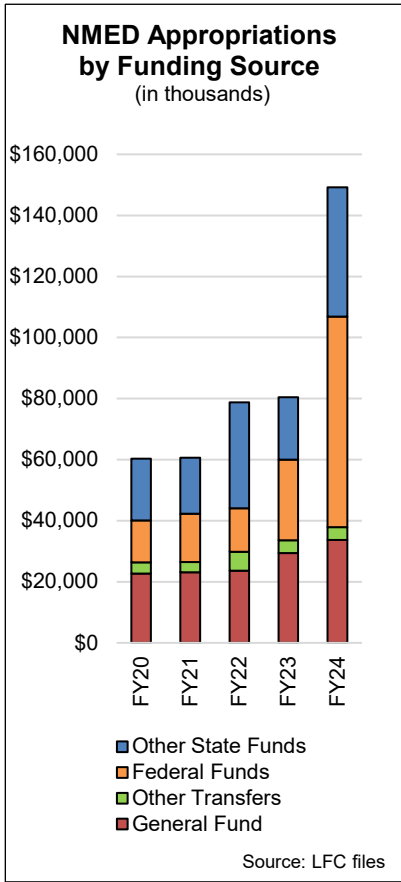


**ACTION PLAN**

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

While inspections are valuable for determining whether regulated entities comply with applicable laws, rules, or permits, many of the Environment Department’s (NMED) regulatory compliance programs continually struggle to meet their targets. These results are further compounded due to recruitment and retention issues at all levels of the agency. To address staffing, some NMED programs are collaborating closely with the State Personnel Office to reclassify certain positions to make them more competitive with the private sector. Despite this, NMED’s vacancy rate increased from 20.9 to 25.6 percent in the third quarter. While the Legislature has invested significantly in expanding personnel, the agency’s recruitment and retention of key staff continues to be a challenge.



**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 one permittee inspection of the 20 required annually in the third quarter, not including inspection reports still in progress at the end of the quarter. 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.

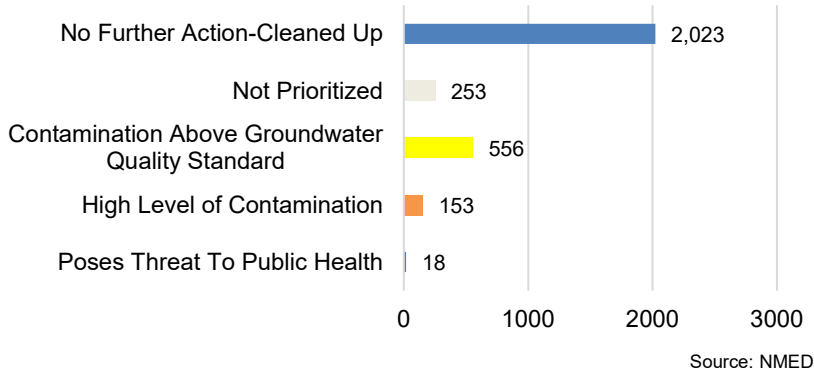
The Construction Programs Bureau (CPB) executed 40 original funding agreements totaling \$18.6 million in the third quarter. Thirty of the agreements were for legislative capital outlay, totaling \$12.4 million. This measure does not capture NMED’s work on projects from programs not managed directly by CPB, such as drinking water state revolving fund and water trust board projects, although many such projects receive extensive technical assistance from the bureau.

<b>Budget:</b> \$62,511.4	<b>FTE:</b> 191.3	<b>FY22 Actual</b>	<b>FY23 Actual</b>	<b>FY24 Target</b>	<b>FY24 Q1</b>	<b>FY24 Q2</b>	<b>FY24 Q3</b>	<b>Rating</b>
Percent of the population served safe and healthy drinking water		97%	89.8%	95%	90.1%	90.5%	89%	<span style="background-color: yellow; border-radius: 50%; padding: 2px;">Y</span>
Percent of surface water permittees inspected		155%	145%	100%	5%	10%	20%	<span style="background-color: red; border-radius: 50%; padding: 2px;">R</span>
Percent of groundwater permittees inspected		21.1%	18.2%	65%	5.8%	10.3%	8.2%	<span style="background-color: red; border-radius: 50%; padding: 2px;">R</span>
Number of new water infrastructure projects		114	157	115	65	98	40	<span style="background-color: green; border-radius: 50%; padding: 2px;">G</span>
<b>Program Rating</b>		<span style="background-color: yellow; border-radius: 50%; padding: 2px;">Y</span>	<span style="background-color: yellow; border-radius: 50%; padding: 2px;">Y</span>					<span style="background-color: yellow; border-radius: 50%; padding: 2px;">Y</span>

**Resource Protection**

In the Resource Protection Division, Solid Waste Bureau (SWB) enforcement staff inspected 11 of 45 active permitted solid waste facilities (23.9 percent) in the third

**Petroleum Storage Tank Release Site Priority**



quarter. The bureau has now inspected almost half of the facilities requiring inspection, placing it on track to meet its annual target. SWB reports additional staff are needed to improve the rate of inspections and it continues to work to reclassify existing vacancies to higher-level positions to improve recruitment and retention. Of concern, the existing measure excludes infectious waste generators that make up the majority of the nearly 1,300 total permitted facilities the SWB permits and inspects.

This quarter, the Petroleum Storage Tank Bureau (PSTB) approved no further action (NFA) status for

three petroleum release sites, bringing the total number of completed site cleanups to 2,023. NFA status signifies compliance with remediation standards, assuring no significant risk of harm to public health or the environment at the site. PSTB currently has proposed assessments totaling \$2 million from the corrective action fund pending approval by the department for proposed work.

In the third quarter, there were 2,488 hazardous waste generators in the state; this number changes frequently. The Hazardous Waste Bureau inspected 20 generators this quarter, a small percentage of the total and an insufficient number to make headway towards its annual goal. This continued trend of minimal inspection is, according to the agency, due to a lack of funding and staff.

	FY22 Actual	FY23 Actual	FY24 Target	FY24 Q1	FY24 Q2	FY24 Q3	Rating
<b>Budget:</b> \$18,653.4 <b>FTE:</b> 144.3							
Number of completed cleanups of petroleum storage tank release sites that require no further action	1,964	2,005	1,976	2,018	2,020	2,023	<span style="background-color: green; border-radius: 50%; padding: 2px;">G</span>
Percent of solid waste facilities and infectious waste management facilities inspected	47%	53.3%	85%	24.4%	22.2%	23.9%	<span style="background-color: green; border-radius: 50%; padding: 2px;">G</span>
Percent of hazardous waste facilities inspected	4%	3.7%	15.0%	0.8%	0.8%	1.1%	<span style="background-color: red; border-radius: 50%; padding: 2px;">R</span>
<b>Program Rating</b>	<span style="background-color: red; border-radius: 50%; padding: 2px;">R</span>	<span style="background-color: red; border-radius: 50%; padding: 2px;">R</span>					<span style="background-color: yellow; border-radius: 50%; padding: 2px;">Y</span>

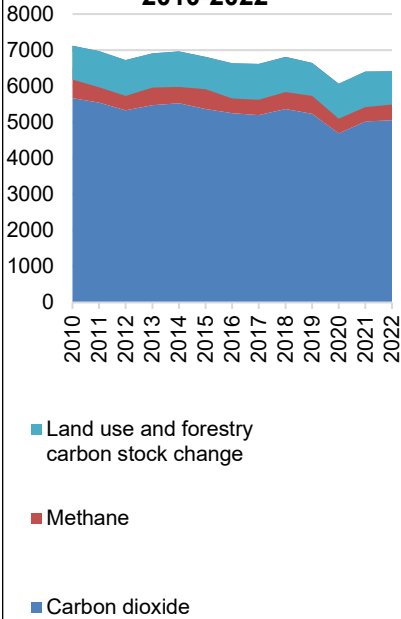
**Environmental Protection**

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.

The Air Quality Bureau took part in joint inspections with the Environmental Protection Agency in April and is working on alternative strategies to focus its resources on facilities that have histories of violations, mainly oil and gas facilities. AQB's

**New Mexico  
Greenhouse Gas  
Emmissions by Gas  
2010-2022**



Source: US Environmental Protection Agency Greenhouse Gas Inventory Data

compliance and enforcement section is actively involved in recruiting new inspectors. The inspections unit now has a manager and a supervisor with four inspectors; one left this quarter. Currently, only one inspector has more than two years of experience in air inspections, the minimum needed to be considered fully trained.

	FY22 Actual	FY23 Actual	FY24 Target	FY24 Q1	FY24 Q2	FY24 Q3	Rating
<b>Budget:</b> \$18,320.1 <b>FTE:</b> 121.8							
Percent of ionizing and non-ionizing radiation sources inspected	12.6%	15%	85%	5.6%	4.4%	4.6%	<span style="color: red;">R</span>
Percent of air emitting sources inspected	20.5%	33.3%	25%	7.8%	6.6%	6.5%	<span style="color: green;">G</span>
Percent of the population breathing air meeting federal health standards	98.4%	99.9%	95%	98.3%	100%	99%	<span style="color: green;">G</span>
<b>Program Rating</b>	<span style="color: red;">R</span>	<span style="color: red;">R</span>					<span style="color: yellow;">Y</span>

### 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 thousands of inspections annually and targets workplaces with the greatest expectations of noncompliance but sees only 1 percent of all workplaces each year and suspects a much higher percentage of workplaces are out of compliance at any given time. The bureau must continuously refine its strategy for targeting the highest-risk workplaces. In the third quarter, the food safety program fell short of reaching the percentage needed to reach its annual target.

	FY22 Actual	FY23 Actual	FY24 Target	FY24 Q1	FY24 Q2	FY24 Q3	Rating
<b>Budget:</b> \$ 16,219.3 <b>FTE:</b> 156.0							
Percent 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%	73.2%	52.3%	60.7%	<span style="color: yellow;">Y</span>
Percent of restaurants and food manufacturers inspected	90.2%	80%	90%	20.8%	20.2%	21.5%	<span style="color: yellow;">Y</span>
Percent of new or modified liquid waste systems inspected	82.1%	86%	85%	91.9%	90.6%	89.5%	<span style="color: green;">G</span>
<b>Program Rating</b>	<span style="color: red;">R</span>	<span style="color: red;">R</span>					<span style="color: yellow;">Y</span>