

ACTION PLAN

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

Two bills were introduced during the 2020 legislative session to address some of NMED's revenue challenges.

The governor signed into law Chapter 32 (House Bill 312), which creates the environmental health fund to consolidate fees collected from four NMED programs.

Senate Bill 209, which did not pass, proposed to increase the maximum fees for food service licenses. NMED estimated that fee change would result in an additional \$2.3 million in annual revenue for the agency. In FY22, NMED food program spending is expected to exceed revenues.

Environment Department

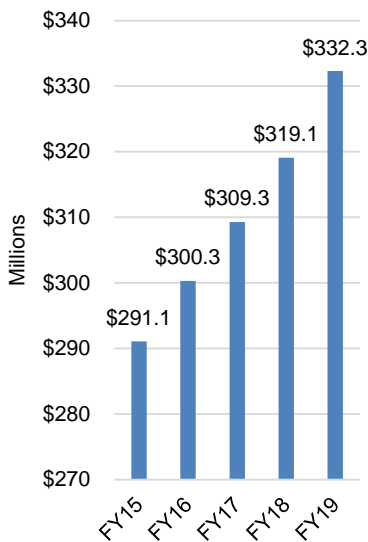
The New Mexico Environment Department (NMED) adapted quickly to the circumstances of the Covid-19 pandemic, finding efficiencies through the technology required for telework and reassigning staff to keep up with the demands of protecting public health in food establishments and workplaces. The agency has been working closely with the Department of Health to ensure all businesses are complying with the public health order and occupational workplace standards to protect employees and the public. NMED provided Covid-19 resources for all employers, drinking water treatment plant operators, food manufacturers, infectious waste management, oil and gas operators, restaurants, and wastewater treatment operators. NMED also ensured the adequate supply of disinfection chemicals for drinking water and wastewater treatment, developed safe practices for food manufacturers, food distribution centers, grocery stores, and restaurants, and provided oversight of companies hauling Covid-19 infectious waste and medical waste incinerators.

Water Protection

Approximately 1.94 million New Mexicans receive their drinking water from community public water systems, and about 1.84 million, or 95 percent, received water that met all health-based standards in the first quarter of FY21. Of the community water systems that were issued health-based violations during the first quarter, 10 were issued violations based on a failure to correct deficiencies 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. Seventeen other community water systems were issued more serious violations that often require major infrastructure improvements to treat contaminants. The Drinking Water Bureau works to help water systems understand and comply with drinking water standards that protect public health rather than merely issuing violations.

In the first quarter, NMED conducted 40 inspections of facilities operating under a groundwater discharge permit, which is about 6 percent of the annual goal of 450 inspections. The agency reports a high vacancy rate in the Ground Water Quality Bureau affects the ability to perform inspections. NMED plans to increase permit fees in FY21 to generate additional revenue that can be used to fund vacant positions. Current fee revenue covers approximately 10 percent of the program's costs.

Wastewater Facility Construction Loan Fund Ending Net Position FY15-19



Source: State Auditor's Office

Budget:	FTE:	FY19 Actual	FY20 Actual	FY21 Target	FY21 Q1	FY21 Q2	FY21 Q3	Rating
Facilities operating under a groundwater discharge permit inspected annually		68%	47%	66%	6%			Y
Population served by community water systems that meet health-based drinking water standards*		97%	99%	N/A	95%			
Number of miles of active watershed restoration, including wetlands projects, state-funded projects and federal Clean Water Act Section 319 projects*		564	560	N/A	548			
EPA clean water state revolving loan fund capitalization grant and matching state funds committed for wastewater infrastructure		100%	100%	100%	17%			G
Number of outreach efforts to promote available clean water state revolving loan funds to eligible recipients throughout the state		NEW	NEW	30	6			G

Dollar amount of new loans made from the clean water state revolving fund*

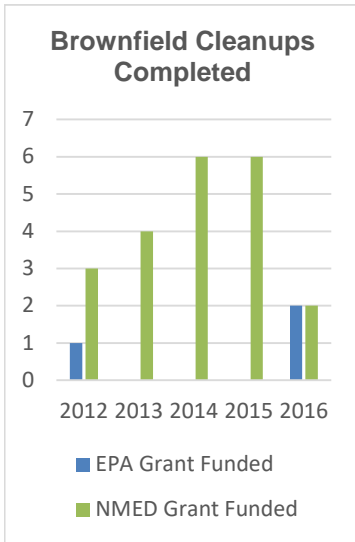
NEW NEW N/A \$0

Program Rating

G Y

G

*Measure is classified as explanatory and does not have a target.



A brownfield is a property whose expansion, redevelopment, or reuse may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant.

Source: Environmental Council of the States

The Petroleum Storage Tank Bureau is increasing outreach and assistance to the regulated community to help improve compliance with regulatory requirements for underground storage tanks. Staff report that tank owners may still be learning about new regulations that were passed in 2018.

There are an estimated 930 leaking petroleum storage tanks throughout New Mexico that require and are in various stages of corrective action and are potentially eligible for reimbursement from the corrective action fund.

Resource Protection

There are 3,085 underground storage tank systems at 1,154 regulated facilities across the state, of which 103 have outstanding violations that can threaten groundwater. New Mexico's compliance rate is above the national average of 70 percent. Due to the Covid-19 pandemic, only 61 inspections were conducted in the first quarter of FY21, compared with 159 inspections in the first quarter of FY20. Twenty-four solid waste or medical facilities were inspected in the first quarter of FY21 and two municipal landfills were cited for two or more substantial violations, resulting in an 8 percent noncompliance rate.

The department has identified 75 large quantity hazardous waste generators (LQGs) in the state, seven of which were inspected during the first quarter of FY21; none were in compliance with permit requirements. When the Hazardous Waste Bureau finds an LQG in violation of regulations, it issues enforcement actions requiring compliance and will seek monetary penalties based on the nature of the violations.

Budget:	FTE:	FY19 Actual	FY20 Actual	FY21 Target	FY21 Q1	FY21 Q2	FY21 Q3	Rating
Large quantity hazardous waste generators inspected and in compliance, cumulatively*		39%	25%	N/A	0%			G
Underground storage tank facilities compliant with release prevention and release detection requirements		86%	83%	90%	91%			G
Solid waste facilities and infectious waste generators not in compliance with solid waste rules		5%	5%	5%	8%			Y
Percent of obligated corrective action funds expended		14%	10%	N/A	18%			G
Program Rating		Y	Y					G

Environmental Protection

The Environmental Protection Division, through its Food Program and Occupational Health and Safety Bureau (OHSB), has been heavily involved in managing the Covid-19 public health emergency. The Food Program is responsible for protecting employees, consumers, and the public from adverse health and safety conditions in food establishments, and thus enforces statewide restrictions on indoor dining per public health orders and provides guidance to food establishments on safely operating during the pandemic. OHSB is responsible for protecting employees of private industry and state, county, and city governments from workplace hazards. As a result, OHSB leads the majority of the state's rapid responses, which ensure employers are following proper safety precautions to prevent the transmission of Covid-19 within their workplaces. NMED conducted 1,070 rapid responses in the first quarter of FY21.

So far in FY21, 95 percent of restaurant and food manufacturer priority violations were corrected within the timeframes specified by the Environmental Health Bureau. Priority violations indicate the highest level of risk for foodborne illness. The Bureau has been

conducting virtual inspections due to the additional demands created by the pandemic as well as limited resources for field staff. In the first quarter of FY21, 85 percent of days had good or moderate air quality ratings as measured by NMED's statewide network of ambient air quality monitors.

Budget:	FTE:	FY19 Actual	FY20 Actual	FY21 Target	FY21 Q1	FY21 Q2	FY21 Q3	Rating
Percent of serious worker health and safety violations corrected within the designated timeframes		95%	94%	96%	92%			G
Priority food-related violations from inspections corrected within the designated timeframes		100%	95%	100%	95%			Y
Days with good or moderate air quality index rating*		87%	96%	N/A	85%			Y
Facilities taking corrective action to mitigate air quality violations within six months of violation		NEW	100%	100%	100%			G
Radiation-producing equipment in violation when inspected		NEW	NEW	20%	1%			G
Program Rating		G	G					G