

**ACTION PLAN**

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

**Department of Environment**

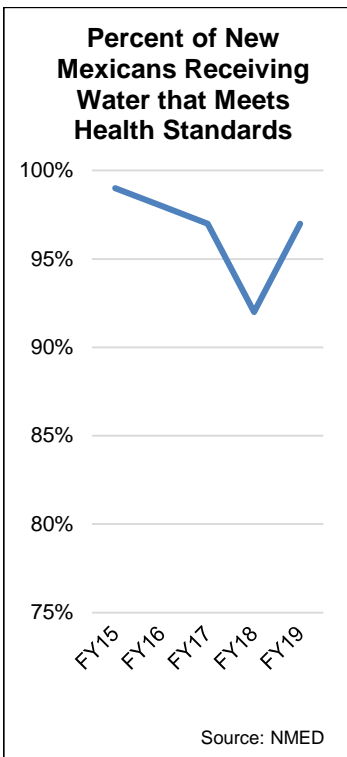
The New Mexico Environment Department (NMED) met several targets related to inspections and compliance in FY19 despite a significant vacancy rate that affects performance in the Water Protection and Resource Protection programs. The agency's greatest challenge in filling vacant positions is salary competitiveness with the private sector for science, engineering, technology, and math (STEM) related jobs. In some 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, and other measures focus more on inputs and outputs than outcomes. 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. The discovery of perfluoroalkyl and polyfluoroalkyl substances (PFAS) in ground water 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 struggling to increase staff in oversight and compliance positions due to decreasing federal funds.

**Water Protection**

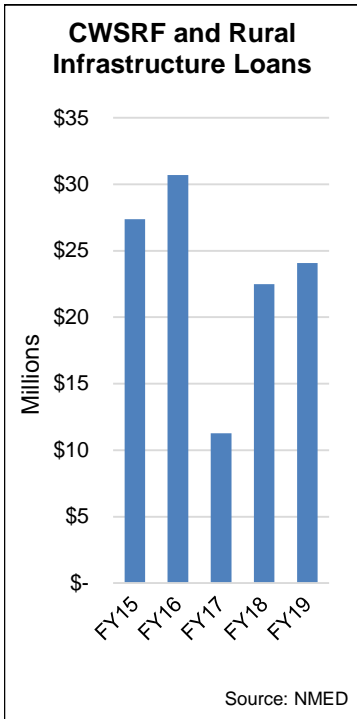
The program met its target for the percentage of facilities operating under a groundwater discharge permit that were inspected, despite a reported 40 percent vacancy rate in the Pollution Prevention Section of the Ground Water Quality Bureau. The program discovered a discrepancy in the way the percentage of facilities in compliance with groundwater standards was calculated, and therefore reported the data as a count instead. This change prevents a meaningful comparison of performance to prior years, and the measure was given a yellow rating as a result. LFC recommends reporting the data as a percentage once the discrepancy with past years is rectified.

In FY19, the percentage of the population served by community water systems that meet health-based drinking water standards was higher than it was in FY18. According to NMED data, nearly 47 thousand people are served by water systems that do not meet these standards. NMED also noted that 11 Drinking Water Bureau staff members are responsible for oversight and compliance of 1,100 drinking water systems. The program reported that 35 percent of assessed stream and river miles meet water quality standards.



**Budget:** \$23,859.2 **FTE:** 189

Measure	FY17 Actual	FY18 Actual	FY19 Target	FY19 Actual	Rating
Facilities operating under a groundwater discharge permit inspected annually	66%	54%	65%	68%	<b>G</b>
Facilities in compliance with groundwater standards*	63%	71%	N/A	1,582	<b>Y</b>



Population served by community water systems that meet health-based drinking water standards\* 97% 92% N/A 97%

EPA clean water state revolving loan fund capitalization grant and matching state funds that are for wastewater infrastructure\* NEW NEW N/A 100%

New loans from the rural infrastructure and clean water revolving funds programs, in millions, cumulatively\* \$11.3 \$22.4 N/A \$24.1

**Program Rating**

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

**G**

**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 program exceeded the reduced target in FY19. 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. 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.

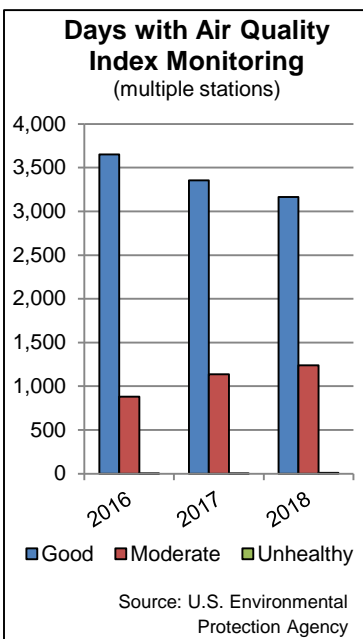
**Budget:** \$14,031.2 **FTE:** 133

Measure	FY17 Actual	FY18 Actual	FY19 Target	FY19 Actual	Rating
Large quantity hazardous waste generators inspected and in compliance, cumulatively	18%	40%	20%	39.1%	<b>Y</b>
Underground storage tank facilities compliant with release prevention and release detection requirements	87%	88%	77%	86%	<b>Y</b>
Solid waste facilities and infectious waste generators found in compliance with solid waste rules	98%	94%	95%	95%	<b>G</b>
Landfills compliant with groundwater sampling*	97%	96%	N/A	99%	

**Program Rating**

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

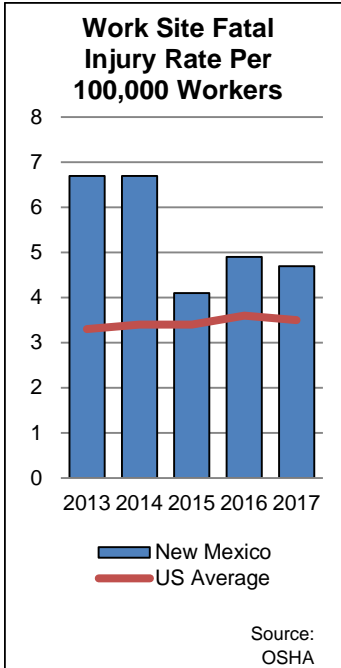
**Y**



**Environmental Protection**

The number of days rated good or moderate for air quality averaged 98 percent across the second and third quarters, but lower ratings in the first and fourth quarters brought the FY19 total to 87 percent. 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 in 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 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:** \$21,907.7 **FTE:** 238.5

Measure	FY17 Actual	FY18 Actual	FY19 Target	FY19 Actual	Rating
Priority food-related violations from inspections that are corrected	100%	100%	100%	100%	<b>G</b>
Days with good or moderate air quality index rating	NEW	NEW	100%	87%	<b>Y</b>
Radioactive material licensees and registrants issued a violation that come into compliance	NEW	NEW	100%	100%	<b>G</b>
Swimming pools and spas in compliance with state standards	100%	100%	100%	100%	<b>G</b>
<b>Program Rating</b>					<b>G</b>