

'Intolerant' of groundwater contamination, NM sues Air Force over PFAS pollution

Written by By Laura Paskus NM Political Report
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In a lawsuit against the U.S. Air Force, New Mexico alleges the military isn't doing enough to contain or clean up dangerous chemicals that have seeped into the groundwater below two Air Force bases in the state.

On Tuesday, New Mexico Attorney General Hector Balderas and the New Mexico Environment Department (NMED) filed a complaint in federal district court, asking a judge to compel the Air Force to act on, and fund, cleanup at the two bases near Clovis and Alamogordo.

"We have significant amounts of PFAS in the groundwater, under both Cannon and Holloman Air Force bases," NMED Secretary James Kenney told *NM Political Report*.

PFAS, or per and polyfluoroalkyl substances, are toxic, human-manufactured chemicals that move through groundwater and biological systems. Even in small amounts, exposure to PFAS increases the risk of testicular, kidney and thyroid cancer and problems like ulcerative colitis and pregnancy-induced hypertension.

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"We want the groundwater cleaned up in the shortest amount of time possible, and we think at this point litigation is our best and fastest approach," Kenney said. NMED and the New Mexico Department of Health are continuing to collect groundwater samples, and the two agencies are also working closely with the state's Department of Agriculture. "As soon as we have those results, which should be in the next couple of weeks, we will determine the best way [to engage with the community]," he said. That could mean public meetings or roundtable discussions in the communities.

"I personally understand: It's a bit scary, if you're in those areas, to know there's a groundwater issue and [to wonder], 'How am I affected?'" Kenney said. "We need to get some scientific data to get the answers to those questions."

Groundwater tests at [Cannon Air Force Base near Clovis](#) showed concentrations of PFAS exceeding 26,000 nanograms per liter, or more than 300 times the federal lifetime drinking water exposure limit. In off-base wells, including those that supply drinking water to dairies, levels ranged from 25 to 1,600 nanograms per liter. The human health advisory for a lifetime drinking water exposure to PFAS is 70 parts per trillion, or 70 nanograms per liter.

[At Holloman](#)

, contamination levels in some wells were 18,000 times the federal health advisory for PFAS.

In addition to being a plaintiff against the Air Force, New Mexico is also a defendant in a separate case. After NMED issued a [notice of violation against Cannon](#), the [Air Force sued New Mexico](#), challenging the agency's authority to compel PFAS cleanup under its state permit.

There's a bigger issue at stake as well, Kenney said. New Mexico hosts many different types of federal installations and entities, some of which have legacy contamination—pollution from decades ago that has never been cleaned. "We're trying to prevent another legacy issue from occurring here in New Mexico with the bases," he said. "And broadly speaking, New Mexicans should be intolerant of the contamination of our groundwater."

AIR FORCE DEFENDS RESPONSE

The Air Force declined to comment on the pending litigation, but Mark Kinkade, a spokesman

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for the Air Force Installation and Mission Support Center, said the Air Force’s response to PFAS in drinking water is “aggressive.”

“Where we have identified human drinking water contaminated with PFOS/PFOA above the Environmental Protection Agency’s lifetime health advisory in New Mexico, and determined that Air Force activities probably contributed to the PFOS/PFOA contamination, we responded immediately by providing alternate water and then began working with the community and regulators on identifying and implementing a better long-term solution to prevent exposure,” he wrote in an emailed statement.

PFAS includes both perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS).

As part of a nationwide effort to assess PFAS contamination from military bases—which came from foams used to combat petroleum-based fires—the Air Force sampled groundwater at Cannon, Holloman and Kirtland.

Kinkade explained that they sampled 25 off-base drinking water sources around Cannon. And in September 2018, after the military found PFAS above recommended levels for human exposure in three locations, it immediately provided alternate drinking water.

“Since then, we have been working with impacted residents to design and implement point-of-use filtration systems,” he said, adding that the military is expanding its studies and “taking action where necessary to protect people from exposure to drinking water that contains PFOS and PFOA at levels above the [EPA’s lifetime health advisory] and is probably at least partially attributable to Air Force activities at Cannon.”

At Holloman, four on-base wells tested for PFAS. But, he said, drinking water for Holloman and the City of Alamogordo comes from other wells, which have been tested and do not show PFAS contamination. The water below Holloman is “not fit for human consumption,” he wrote. That water is brackish—water that’s too salty to use as drinking or irrigation water.

The military also conducted tests at Kirtland Air Force Base to determine if firefighting exercises

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contaminated the water or soil there. The site inspection, Kinkade noted, concluded the chemicals were either not detected, or they were below the EPA's recommended levels.

"At all three bases, the Air Force replaced legacy firefighting foam (the source of the Air Force's PFOS and PFOA contamination) with a new, more environmentally responsible formula that contains no PFOS and only trace amounts of PFOA," he wrote. "We are also taking steps to ensure the replacement firefighting chemicals don't have an opportunity to enter the environment."

The Air Force is "proud to be a leader" in addressing PFAS contamination in drinking water, which Kinkade called an "urgent national issue." And he noted that PFAS contamination comes not only from firefighting equipment, but also manufacturing processes and commercial applications—uses that were widespread and not limited to the Air Force. Addressing drinking water contamination will also require "a whole-of-government response to fully address health effects and concerns about food safety and agriculture commodities."

For New Mexico officials, it's not just an issue of drinking water, however.

"In a state that values water like we do, whether that's a quantity or quality issue, all water in New Mexico is protected, whether it's being used today or it will be used tomorrow," Kenney said, noting that desalinating brackish, or saline, water is an option New Mexico is considering for future water sources. "Whether that water is being used today or not does not mean you can contaminate large bodies of water and then be recalcitrant in their cleanup," he said. "That is unacceptable. You cannot discharge PFAS into the groundwater of New Mexico. Period."

New Mexico wants a remedy, not a lawsuit, Kenney said. But state officials feel there's no time to waste.

"What's happening in the rest of the country is of concern, environmentally speaking," Kenney said of PFAS contamination. "But here in New Mexico, we don't want to wait until the Air Force figures this out nationally. That may be too late for us."

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