



# U.S. DOD PFAS Contamination in New Mexico

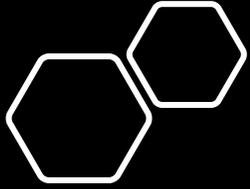
Radioactive and Hazardous  
Materials Committee

August 5, 2022  
Clovis, New Mexico

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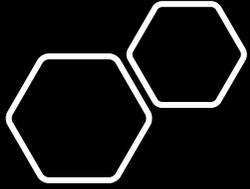
**NMED**  
New  
Mexico  
Environment  
Department





New science  
necessitates  
immediate  
action.

- Lower levels of PFAS exposure present less risk.
- In June of 2022, the U.S. EPA released new acceptable exposure limits for two common PFAS, lowering the limit from the previous 70 parts per trillion to just 0.002 and 0.04 parts per trillion—**more than a thousand times lower.**
- EPA is moving forward with proposing a PFAS National Drinking Water Regulation in fall 2022.



# New Mexico leadership, U.S. EPA partnership.

- In October 2021, the U.S. EPA responded to Governor Michelle Lujan Grisham's June 2021 petition.
- The U.S. EPA agreed take two actions:
  - Definition of Hazardous Waste applicable to corrective action for solid waste management units – proposed rule 12/2022
  - Proposed Rule to list four PFAS chemicals RCRA Hazardous Constituents under 40 CFR Part 261 Appendix VIII – proposed rule 7/2023

# U.S. DOD strikes first against New Mexico.

- NMED has consistently maintained that the U.S. DOD/Air Force is required to address PFAS contamination under its existing Resource Conservation and Recovery Act (RCRA) permit for Cannon Air Force Base.
- In January 2019, U.S. DOD/Air Force sued New Mexico to prevent NMED from requiring PFAS remediation at Cannon Air Force Base.
- In July 2020, U.S. DOD/Air Force issued a press release that it was addressing PFAS contamination at former Reese AFB under RCRA authority – about 18 months after it launched its litigation against New Mexico.

# U.S. DOD caused an imminent and substantial endangerment.

- In the matter of the U.S. DOD/Air Force v. NMED, the matter is now fully briefed and awaiting decision in New Mexico Federal District Court.
- In April of 2019, NMED and the New Mexico Attorney General filed a lawsuit against the U.S. DOD/Air Force alleging the PFAS contamination resulted in an imminent and substantial endangerment at and around Cannon and Holloman Air Force Bases.
  - New Mexico is seeking corrective action and remediation at and around both the sites.
- Subsequently, New Mexico's case was transferred to a multi-district litigation which deals with product liability lawsuits against PFAS manufacturers.

# U.S. DOD continues to challenge New Mexico authority.

- Cannon Air Force Base has a discharge permit for its wastewater treatment facility that incorporates land application of the reclaimed wastewater but voiced disagreement with required PFAS sampling requirements.
- Cannon Air Force Base asserts it should not have to comply with some of the permit requirements as it is performing similar work under a U.S. DOD/Air Force clean-up program.
- Cannon Air Force Base has filed a petition for review of the discharge permit with the New Mexico Water Quality Control Commission, again challenging state authority.

# The health, water, land & economy of New Mexico are at risk.

- Since February 2021, NMED has worked to map the size and boundaries of the PFAS groundwater plumes at Cannon and Holloman Air Force Bases.
- A lack of progress on clean-up destroyed the livelihood Highland Dairy resulting in the euthanizing of 3,600 PFAS contaminated cattle and nearly \$6 million in losses to the Dairy.
- In May of 2022, NMED committed \$850,000 to assist with the disposal costs of dead and toxic dairy cows due to the U.S. DOD/Air Force's negligence and failure to remediate PFAS contaminated groundwater.
- To date, NMED estimates the state has spent over \$6M to protect communities from PFAS contamination.



For more information,  
please visit:

[www.env.nm.gov/pfas/](http://www.env.nm.gov/pfas/)

