

Per- and Polyfluoroalkyl (PFAS) Contamination

Water and Natural
Resources Committee

August 25, 2022
Clovis, New Mexico



PFAS in
everyday
life.



**FIREFIGHTING
FOAMS**



**MICROWAVE
POPCORN BAGS**



**WATER RESISTANT
CLOTHING**



PAINT



**STAIN RESISTANT
PRODUCT**



**PERSONAL
CARE PRODUCTS**

PFAS IN PRODUCTS



COSMETICS



**NON-STICK
COOKWARE**



**FAST FOOD
PACKAGING**



**STAIN RESISTANT
FURNITURE**



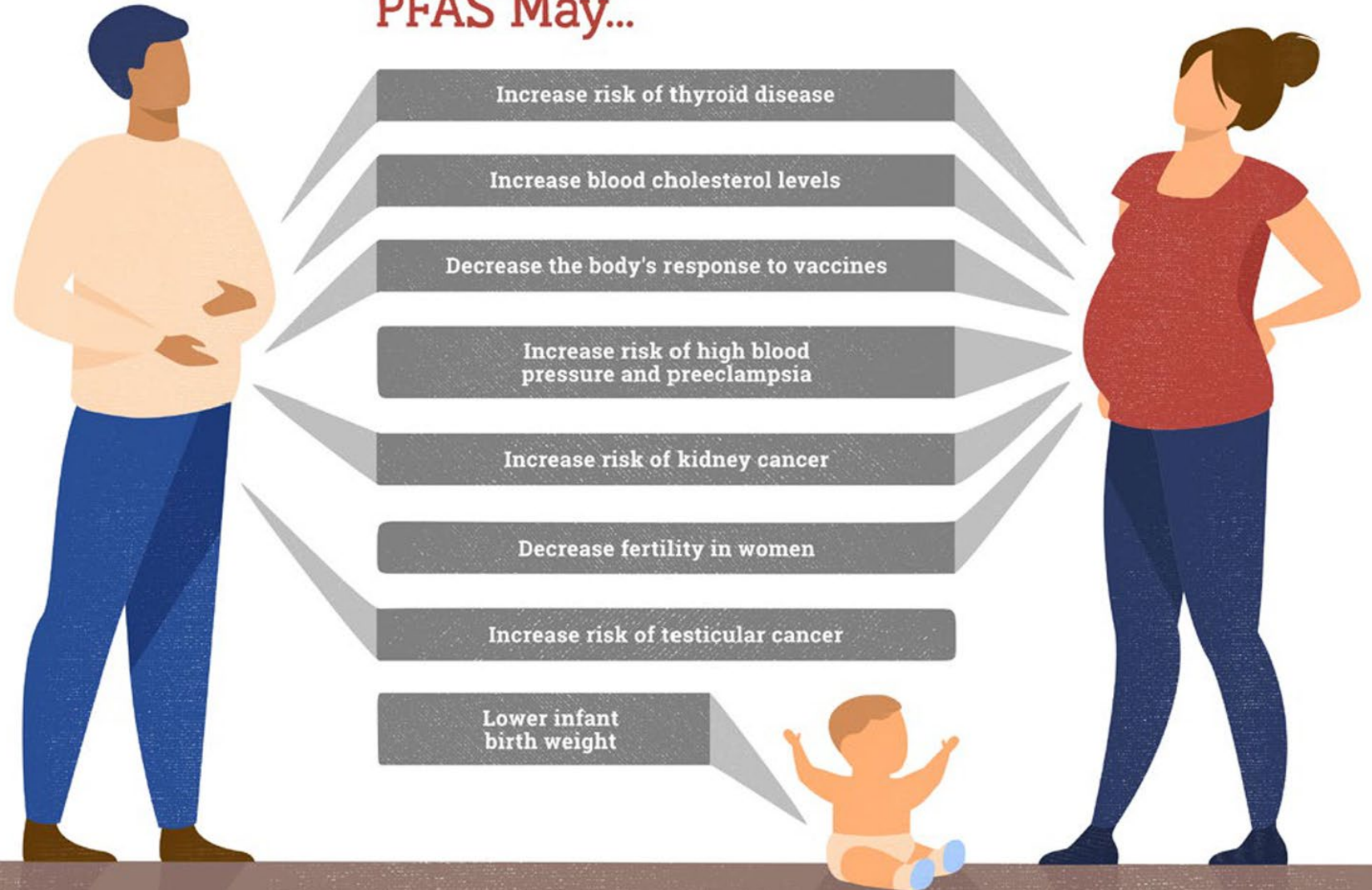
PHOTOGRAPHY



PESTICIDES

PFAS in everyday life.

Human Studies Suggest PFAS May...



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.

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.



- On August 18, 2022, the U.S. District Court dismissed the U.S. DOD/Air Force case against NMED, handing the matter to the New Mexico Court of Appeals, affirming that the U.S. DOD is subject to state hazardous waste laws.
- 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.

No transparency.



CANNON AIR FORCE BASE

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ENVIRONMENTAL

An aquifer flow rate testing site stands ready for water collection as part of a pilot study civil engineering project during a per- and polyfluoroalkyl (PFAS) remedial investigation Nov. 18, 2021, at Cannon Air Force Base, New Mexico. A \$16.6M contract awarded to Cannon AFB in May 2021 enabled the Air Force Civil Engineer Center (AFCEC) to accelerate PFAS remedial investigation efforts with a pilot study of the aquifer beneath the installation, located near Clovis, New Mexico.

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 to 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 as RCRA Hazardous Constituents under 40 CFR Part 261 Appendix VIII – proposed rule 7/2023

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 Highland Dairy, resulting in the euthanizing of 3,600 PFAS contaminated cattle and nearly \$6 million in losses to the Dairy.
- In May 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 \$6 million to protect communities from PFAS contamination.



Cannon PFAS destroyed longtime Clovis farmer's dairy

BY THERESA DAVIS / JOURNAL STAFF WRITER

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UPDATED: SUNDAY, MAY 29TH, 2022 AT 12:02AM



Cannon Air Force Base ducking public meetings about 'forever chemical' risk, neighbors say

PFAS contamination resulted in the deaths of thousands of cattle and could be a problem for more of the state's dairies and farms

BY: PATRICK LOHMANN - AUGUST 11, 2022 4:30 AM



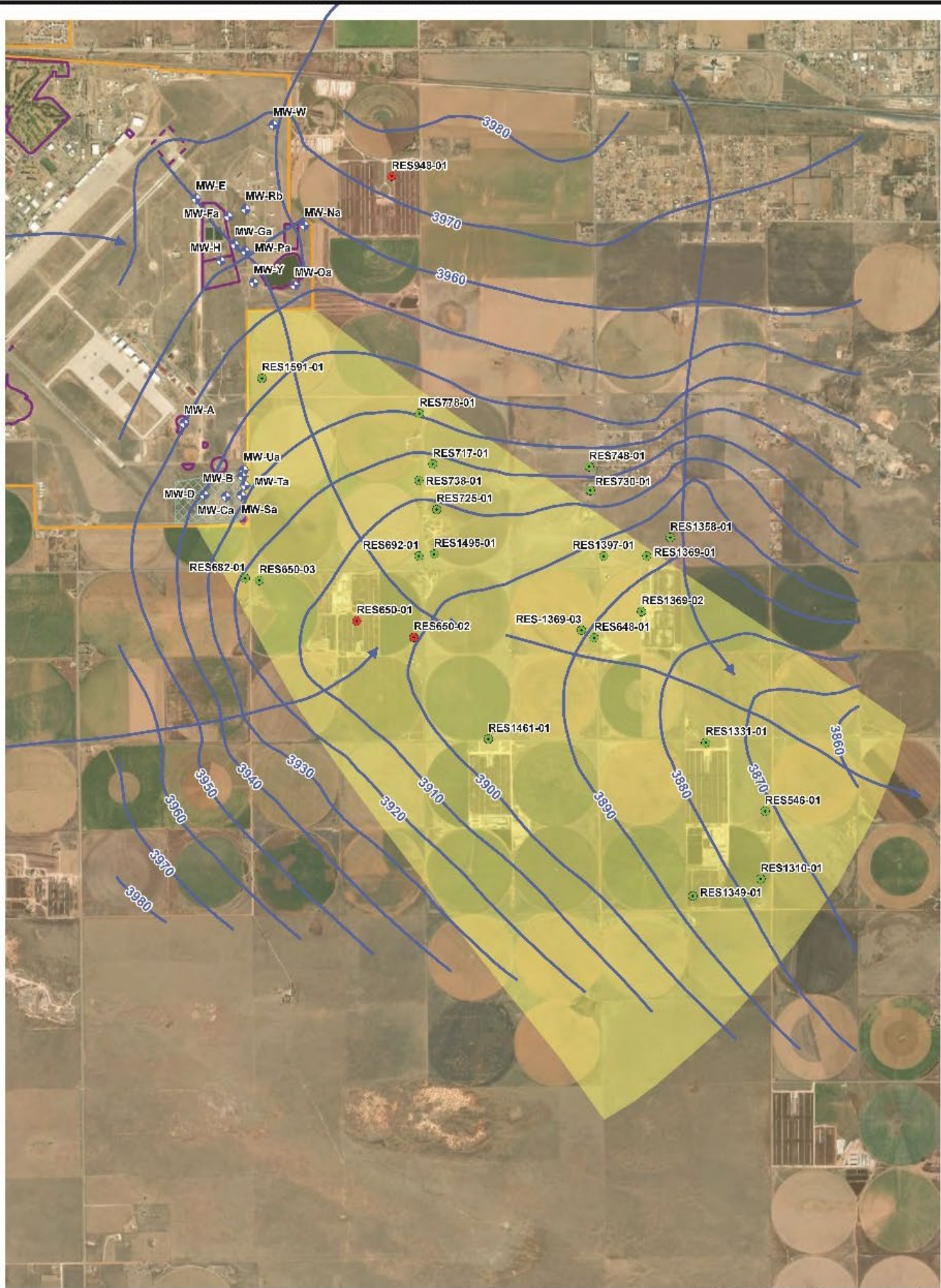
PFAS Investigation at Cannon & Holloman Air Force Bases

FOR MORE INFORMATION, PLEASE VISIT:
WWW.ENV.NM.GOV/PFAS/



New Mexico Environment Department PFAS Investigation at Cannon Air Force Base

S:\Projects\00211269 - NMED PFAS Investigation\06 Drawings\07 PFAS Plume\15 USAF Map of Cannon AFB PFAS Plume.dwg



Source: Esri, et al., Figure adapted from Figure 4.2-2.
Amec Foster Wheeler, 2018. Final Site
Inspection Report, Cannon Air Force Base, NM.
August 2018.

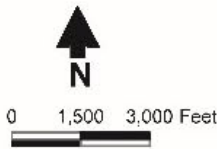
Explanation

- Monitor well
- Potentiometric surface elevation contours (ft msl)
- AFFF release area
- Approximate AFFF release area
- Landfill 5
- Cannon AFB Installation boundary

- Groundwater flow direction
- Potentially Contaminated groundwater to 4-miles downgradient

Residential sample locations

- PFOS+PFOA detected
- PFOS+PFOA non-detect



DBS&A
Daniel B. Stephens & Associates, Inc.
6/22/2022 JN DB21.1062

NMED PFAS INVESTIGATION, CANNON AFB
USAF Map of Cannon AFB PFAS Plume