

## PFAS: New Mexico Environment Department Issues Notice of Violation to United States Air Force (Cannon Air Force Base)



**Walter Wright, Jr.**  
wwright@mwlaw.com  
(501) 688.8839

12/10/2018

The New Mexico Environment Department (“NMED”) announced in a December 4th news release that it issued a Notice of Violation (“NOV”) to the United States Air Force (“Air Force”) regarding PFAS and Poly-Fluoroalkyl Substances (“PFS”).

NMED states that the Air Force failed to properly address groundwater contamination at Cannon Air Force Base near Clovis, New Mexico.

A state agency determination is stated to have been made that Cannon Air Force Base is operating in violation of the New Mexico Water Quality Act and its correlated ground and surface water protection regulations.

NMED states that for approximately 40 years:

. . . Cannon Air Force Base used PFAS, a suite of hundreds of compounds, that was contained in aqueous film-forming firefighting foam (AFFF) used in training and actual firefighting events at the base. Use of PFAS in AFFF at Cannon Air Force Base has now ceased. However, PFAS remains at very high concentrations in groundwater both on and off the base.

The NOV requires that the Air Force undertake the following activities:

1. Identification and timeline of options to be evaluated as potential short-term corrective measures for affected dairies, including water hauling and water treatment of contaminated well sources for both livestock and irrigation of crops.
2. In conjunction with the findings of a technical working group, evaluation of the feasibility of installing one or more treatment systems on contaminated water supply wells.

The Air Force addressed this issue in a November 9th news release stating:

In late August, Cannon leadership was informed that several groundwater monitoring sites near the south east corner of the base boundary registered levels of Perfluorooctane Sulfonate (PFOS) and Perfluorooctanoic Acid (PFOA) above the EPA Lifetime Health Advisory for drinking water, of 70 parts per trillion. These compounds, found in Aqueous Film Forming Foam (AEFFF) is used by emergency fire response teams at commercial airports, the Air Force and other services to combat petroleum-based fires.

The Air Force Civil Engineer Center (AFCEC), who leads the testing program, determined that per groundwater hydrology analysis, that an Expanded Site Inspection (ESI) was necessary to determine potential impacts to private drinking water wells off base. The sampling and testing is part of the Air Force's proactive, service-wide investigation to assess potential risk to drinking water from PFOS/PFOA contamination. The ESI commenced in late August and is ongoing.

A copy of the both the news releases can be found [here](#).