

Hector H. Balderas
Attorney General



James C. Kenney
Cabinet Secretary

May 9, 2019

The Honorable Patrick M. Shanahan
Secretary
U.S. Department of Defense
1000 Defense Pentagon
Washington, D.C. 20301

The Honorable Heather Wilson
Secretary of the Air Force
U.S. Department of the Air Force
1160 Air Force Pentagon
Washington, D.C. 20330

Colonel Joseph Campo
U.S. Air Force Commander
Holloman Air Force Base
49 FW/CC
490 First St., Suite 1700
Holloman AFB, NM 88330

Re: *State of New Mexico ex rel. Hector Balderas, and the New Mexico Env't Dep't v. United States, and the U.S. Dep't of Air Force*, Case No. 6:19-cv-00178 (D.N.M.)

To Whom it May Concern:

In furtherance of the efforts of the State of New Mexico and the New Mexico Environment Department to address the serious environmental conditions at the Cannon Air Force Base and the Holloman Air Force Base, we write to provide the United States with recent sampling results taken from Lake Holloman that demonstrate extremely high levels of per- and polyfluoroalkyl substances ("PFAS") throughout the Lake. Specifically, perfluorooctanoic acid ("PFOA") was detected at levels as high as 5900 ng/L, more than 84 times the EPA health advisory level of .07 ng/L, and perfluorooctanesulfonic acid ("PFOS") were detected as high as 1600 ng/L, more than 22 times the EPA health advisory level.¹

¹ The March 2019 Lake Holloman sampling results are attached hereto as Exhibit A.

These sampling results exacerbate the State's concern for its citizens and the environment. PFAS, including PFOA and PFOS, are toxic and pose significant threats to the public health and the environment. PFOS and PFOA exposure is associated with a variety of illnesses, including testicular cancer, kidney cancer, thyroid cancer, high cholesterol, ulcerative colitis, and pregnancy-induced hypertension, as well as developmental delays. The continued presence of PFAS associated with the Bases, including at such high levels in Lake Holloman, poses an ongoing severe threat to members of the public who may be exposed to these toxic chemicals and to the environment, including various wildlife that use the Lake habitat as a source of food and shelter.

These sampling results are consistent with the allegations set forth in the Complaint filed on March 5, 2019 in the above-referenced matter and the Letter of Intent to Sue sent to the United States on March 5, 2019, wherein we have set forth detail demonstrating that the Air Force and Department of Defense's discharges and resulting contamination at the Cannon Air Force Base and the Holloman Air Force Base have created an imminent and substantial endangerment to health and the environment. The State has also attempted to regulate and address the PFAS contamination at Cannon Air Force Base through the issuance of a permit pursuant to the New Mexico Hazardous Waste Act, which the United States has challenged in a lawsuit filed against NMED in the District of New Mexico. *United States v. New Mexico Env't Dep't*, Case No.: 1-19-cv-46 (D.N.M.).

Although the State's prior requests regarding this issue have gone unheeded, the State now demands that you take immediate action to close Lake Holloman and take other measures necessary to preclude all public access to the Lake in order to arrest the ongoing irreparable harm to the public health and the environment. Additionally, the State demands that the United States make publicly available all information in its possession related to the risk of PFAS exposure at and around Holloman Air Force Base and Cannon Air Force Base. While these measures will not diminish the extensive uncontrolled contamination emanating from these Bases, it will help protect the citizens of New Mexico from one pathway of exposure to these contaminants.

The State further reiterates its desire to move towards a swift and comprehensive resolution of PFAS contamination at the Bases and prevent further harm to the environment and public health.

Given the severity of the contamination present at Lake Holloman, as evidenced by the State's recent sampling efforts, as well as prior sampling reported by the Air Force, the United States should be amenable to taking the steps necessary to protect the public from an unnecessary risk of exposure to PFAS. These actions will by no means resolve the entirety of the issues presented in the litigation, but may serve to mitigate one aspect of those claims.

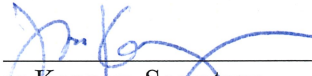
Please inform us by May 16, 2019 regarding your willingness to comply and your interest in further discussions related to this matter.

Sincerely,



By:

Hector Balderas,
New Mexico Attorney General



James Kenney, Secretary
New Mexico Environment Department

Detection Summary

Client: Hall Environmental Analysis Laboratory
 Project/Site: 1904481

Job ID: 320-49111-1

Client Sample ID: 1904481-012A (Holloman-1) **Lab Sample ID: 320-49111-12**

Analyte	Result	Qualifier	RL	MDL	Unit	Dil Fac	D	Method	Prep Type
Perfluorooctanoic acid (PFOA)	1600		16		ng/L	10		EPA 537(Mod)	Total/NA
Perfluorononanoic acid (PFNA)	130		16		ng/L	10		EPA 537(Mod)	Total/NA
Perfluoroheptanesulfonic Acid (PFHpS)	280		16		ng/L	10		EPA 537(Mod)	Total/NA
Perfluorobutanoic acid (PFBA) - DL	9300		160		ng/L	100		EPA 537(Mod)	Total/NA
Perfluoropentanoic acid (PFPeA) - DL	24000		160		ng/L	100		EPA 537(Mod)	Total/NA
Perfluorohexanoic acid (PFHxA) - DL	28000		160		ng/L	100		EPA 537(Mod)	Total/NA
Perfluoroheptanoic acid (PFHpA) - DL	3500		160		ng/L	100		EPA 537(Mod)	Total/NA
Perfluorobutanesulfonic acid (PFBS) - DL	5700		160		ng/L	100		EPA 537(Mod)	Total/NA
Perfluorohexanesulfonic acid (PFHxS) - DL	16000		160		ng/L	100		EPA 537(Mod)	Total/NA
Perfluorooctanesulfonic acid (PFOS) - DL	5900		160		ng/L	100		EPA 537(Mod)	Total/NA
6:2 FTS - DL	8700		1600		ng/L	100		EPA 537(Mod)	Total/NA

Client Sample ID: 1904481-013A (Holloman-2) **Lab Sample ID: 320-49111-13**

Analyte	Result	Qualifier	RL	MDL	Unit	Dil Fac	D	Method	Prep Type
Perfluorooctanoic acid (PFOA)	1300		16		ng/L	10		EPA 537(Mod)	Total/NA
Perfluorononanoic acid (PFNA)	95		16		ng/L	10		EPA 537(Mod)	Total/NA
Perfluoroheptanesulfonic Acid (PFHpS)	200		16		ng/L	10		EPA 537(Mod)	Total/NA
Perfluorobutanoic acid (PFBA) - DL	9500		160		ng/L	100		EPA 537(Mod)	Total/NA
Perfluoropentanoic acid (PFPeA) - DL	22000		160		ng/L	100		EPA 537(Mod)	Total/NA
Perfluorohexanoic acid (PFHxA) - DL	32000		160		ng/L	100		EPA 537(Mod)	Total/NA
Perfluoroheptanoic acid (PFHpA) - DL	3900		160		ng/L	100		EPA 537(Mod)	Total/NA
Perfluorobutanesulfonic acid (PFBS) - DL	5600		160		ng/L	100		EPA 537(Mod)	Total/NA
Perfluorohexanesulfonic acid (PFHxS) - DL	15000		160		ng/L	100		EPA 537(Mod)	Total/NA
Perfluorooctanesulfonic acid (PFOS) - DL	4500		160		ng/L	100		EPA 537(Mod)	Total/NA
6:2 FTS - DL	7900		1600		ng/L	100		EPA 537(Mod)	Total/NA

Client Sample ID: 1904481-014A (Holloman-3) **Lab Sample ID: 320-49111-14**

Analyte	Result	Qualifier	RL	MDL	Unit	Dil Fac	D	Method	Prep Type
Perfluoroheptanoic acid (PFHpA)	3000		16		ng/L	10		EPA 537(Mod)	Total/NA
Perfluorooctanoic acid (PFOA)	990		16		ng/L	10		EPA 537(Mod)	Total/NA
Perfluorononanoic acid (PFNA)	35		16		ng/L	10		EPA 537(Mod)	Total/NA
Perfluoroheptanesulfonic Acid (PFHpS)	100		16		ng/L	10		EPA 537(Mod)	Total/NA
Perfluorooctanesulfonic acid (PFOS)	1700		16		ng/L	10		EPA 537(Mod)	Total/NA
Perfluorobutanoic acid (PFBA) - DL	9500		160		ng/L	100		EPA 537(Mod)	Total/NA
Perfluoropentanoic acid (PFPeA) - DL	25000		160		ng/L	100		EPA 537(Mod)	Total/NA
Perfluorohexanoic acid (PFHxA) - DL	31000		160		ng/L	100		EPA 537(Mod)	Total/NA
Perfluorobutanesulfonic acid (PFBS) - DL	5900		160		ng/L	100		EPA 537(Mod)	Total/NA
Perfluorohexanesulfonic acid (PFHxS) - DL	14000		160		ng/L	100		EPA 537(Mod)	Total/NA
6:2 FTS - DL	7500		1600		ng/L	100		EPA 537(Mod)	Total/NA

This Detection Summary does not include radiochemical test results.

Eurofins TestAmerica, Sacramento