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Cabinet Secretary Designate

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Deputy Secretary

**NOTICE OF VIOLATION**  
**Certified Mail – Return Receipt Requested**

February 6, 2019

Joseph Campo, Colonel, U.S. Air Force  
Commander, Holloman Air Force Base  
49 FW/CC  
490 First St., Suite 1700  
Holloman AFB, NM 88330-8277

**RE: Notice of Violation, Holloman Air Force Base, Groundwater Contamination with Per and Poly-Fluoralkyl Substances, Groundwater Discharge Permit #1127**

Dear Colonel Campo,

The New Mexico Environment Department (NMED) has determined that the above referenced facility is operating in violation of the facility’s groundwater discharge permit (DP-1127 or Discharge Permit), which constitutes a violation of the New Mexico Water Quality Act (WQA) and the associated Ground and Surface Water Protection Regulations (Regulations), 20.6.2 NMAC. On December 18, 2015, NMED issued DP-1127 to Holloman Air Force Base (HAFB or Base or Permittee) pursuant to Section 20.6.2.3109 NMAC of Regulations. Section 20.6.2.3104 NMAC requires the permittee to comply with the terms and conditions of the discharge permit.

NMED is in receipt of HAFB’s November 2018 *Final Site Inspection Report – HAFB* (Report), detailing the Base’s site inspection of aqueous film forming foam (AFFF) release areas. The Report documents the results of site investigation activities conducted at five AFFF release areas located at the Base, evaluating all environmental media via sampling at each of the release areas. The Report concludes that at each of the release sites, groundwater concentrations of PFOS (perfluorooctanesulfonic acid), PFOA (perfluorooctanoic acid), or sums of PFOS and PFOA concentrations violate the 20.6.2.3103.A(2) NMAC standards for toxic pollutants and exceed the US EPA Health Advisory (HA) value of 0.07 parts per billion (or ppb or µg/L), which is equivalent to 70 parts per trillion (ppt).

In addition, the Report identifies groundwater concentrations in some areas of approximately 1,294,000 ppt which is 18,486 times greater than the HA value of 70 ppt. NMED is very concerned for public health and is evaluating the potential uses of groundwater in the area to ensure the owners of private, agricultural, and industrial wells are informed of the contamination in the area stemming from releases at HAFB.

### **VIOLATION 1 [Operational Plan - Condition #2]**

Permit Condition #2 states that “the permittee shall operate in a manner such that standards and requirements of Sections 20.6.2.3101 and 20.6.2.3103 NMAC are not violated.” The regulations at 20.6.2.3103 specify maximum allowable concentration in groundwater for specific contaminants. The regulations at 20.6.2.3103.A(2) specify that a toxic pollutant shall not be present at a concentration shown by credible scientific data and other evidence appropriate under the WQA, currently available to the public, to have potential for causing one or more of the following effects upon exposure, ingestion, or assimilation either directly from the environment or indirectly by ingestion through food chains: (1) unreasonably threatens to injure human health, or the health of animals or plants which are commonly hatched, bred, cultivated or protected for use by man for food or economic benefit; as used in this definition injuries to health include death, histopathologic change, clinical symptoms of disease, behavioral abnormalities, genetic mutation, physiological malfunctions or physical deformations in such organisms or their offspring; or (2) creates a lifetime risk of more than one cancer per 100,000 exposed persons.

Condition #2 has been violated because, as stated in the Report (see Table 5.0-1), the sum of groundwater concentration of PFOS and PFOA at the AFFF Release Area 3: Apache Mesa Golf Course measuring 0.1371 µg/L exceeds the HA value of 0.07 µg/L. This has caused a threat to human health and the environment.

### **VIOLATION 2 [Contingency Plan – Condition #32]**

Permit Condition #32 states in part that, in the event that groundwater monitoring indicates that a groundwater quality standard identified in Section 20.6.2.3103 NMAC is exceeded for groundwater with total dissolved solids (TDS) concentration less than or equal to 10,000 mg/L a toxic pollutant (defined in Subsection T (2) of 20.6.2.7 NMAC) is present in a groundwater sample and in any subsequent groundwater sample collected from a monitoring well required by this Discharge Permit, the permittee shall enact the Discharge Permit contingency plan (CP). That CP requires the Permittee to propose measures to ensure that the exceedance of the standard or the presence of a toxic pollutant will be mitigated by submitting a corrective action plan (Plan) to NMED for approval. The Plan shall include a description of the proposed actions to control the source and an associated completion schedule. The Plan shall be enacted as approved by NMED.

The Report identifies exceedances of PFOA (0.0891 ug/L) and PFOA+PFOS (0.1371 ug/L) in MW-03 in AFFF Release Area 3: Apache Mesa Golf Course. MW-03 is associated with the Apache Mesa Golf Course reuse and is included in the DP-1187 monitoring requirements. MW-03 was sampled on September 6, 2018, and TDS was reported to be 8,000 mg/L, proving that a groundwater quality standard identified in Section 20.6.2.3103 NMAC is exceeded for groundwater with TDS less than or equal to 10,000 mg/L.

Condition #32 has been violated because the required Plan has not been submitted.

To correct Violations 1 and 2, the Permittee must submit the required CP as soon as practicable but not to exceed 60 days from the date of this letter. Furthermore, the Permittee must submit a permit modification

pursuant to Condition #32 as soon as practicable but not to exceed 90 days from the date of this letter to achieve compliance with 20.6.2 NMAC. That modification shall propose the monitoring of discharges of perfluorinated compounds on a monthly basis at all monitoring locations in the permit.

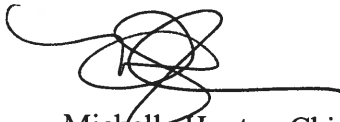
Additionally, failure to comply with this Notice of Violation may result in NMED's issuance of a compliance order that assesses a civil penalty pursuant to WQA, NMSA 1978, Section 74-6-10. Civil penalties may also be assessed for up to \$15,000 per day for each violation of the WQA, NMSA 1978, Section 74-6-5, any regulation promulgated pursuant to that section or any permit issued pursuant to that section. Civil penalties may be assessed for up to \$10,000 per day for each violation of any other provision of the WQA, or any regulation, standard, or order adopted pursuant to such other provision.

As an alternative to the remedies described above, NMED may commence an action in district court for appropriate relief, including injunctive relief.

Nothing in this letter shall be construed as relieving the permittee of the obligation to comply with all requirements of the Discharge Permit, the Water Quality Control Commission Regulations, 20.6.2 NMAC, the WQA, and other applicable federal, state, and local laws, regulations, permits, or orders. This letter is intended to obtain voluntary compliance in addressing violations of certain requirements of the Discharge Permit and may not address all violations. It is the responsibility of the permittee to be familiar with and comply with the Discharge Permit.

If you have any questions regarding this matter, please contact Steve Pullen, Program Manager of the Ground Water Pollution Prevention Section, at (505) 827-2962.

Sincerely,



Michelle Hunter, Chief  
Ground Water Quality Bureau

MH:SP

cc: James Kenney, NMED  
Jennifer Pruett, NMED  
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