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# Groups sue Air Force over Kirtland cleanup

By Scott Turner / Journal Staff Writer

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A well monitors the Kirtland Air Force jet fuel contamination on Arizona SE between Ross and Eastern SE in Albuquerque in 2015. (Dean Hanson/Albuquerque Journal)

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The Air Force insists it isn't taking any shortcuts and is making progress in the cleanup of contamination caused by the decades-old jet fuel spill at Kirtland Air Force Base.

But groups, legislators and residents in the community don't believe the Air Force is doing enough and that the cleanup is taking too long.

New Mexico Voices for Children, the Southwest Organizing Project, state Sen. Mimi Stewart, state Sen. Antoinette Sedillo Lopez, state Rep. G. Andrés Romero, and three residents of the impacted area filed a Complaint for Injunctive Relief in federal court Monday against the Air Force and the Department of Defense.

The Air Force discovered the leak, which occurred over decades, in an aviation fuel pipeline at Kirtland Air Force Base in 1999 and reported the leak to the state Environment Department. The fuel, which contained ethylene dibromide, had seeped into groundwater and a plume of EDB had spread off-base to the north, threatening public drinking water supplies.

The complaint alleges that the Air Force has failed to adequately respond to the leak of gasoline and jet fuel from the Bulk Fuels Facility. The lawsuit claims the fuel presents an "imminent and substantial endangerment to health or the environment" due to the high levels of benzene and ethylene dibromide – both human carcinogens – as well as other contaminants in soil and groundwater.

"We are taking this action because the federal government has failed to develop and implement adequate solutions to this problem," Stewart said in a release. "The response to this spill has moved far too slowly for far too long. Environmental cleanups at other sites



in New Mexico are subject to rigorous, enforceable requirements. Let's use those requirements for the Kirtland plume, instead of taking another 20 years to study the issue."

At a public hearing last fall, Kate Lynnes, senior adviser for the bulk fuels facility cleanup, said she understood the community's frustration at the pace of the cleanup. But she said the military branch didn't "want to do too little." She said the Air Force was going to look at all the data it could before planning a permanent remedy, and even that had to go through the Resource Conservation and Recovery Act permitting process, which gives the New Mexico Environment Department the final say.

As of Tuesday, the Air Force said it had treated more than 808 million gallons of water that had been contaminated by the jet fuel spill. It currently has four extraction wells and one injection well in operation as an interim measure trying to rid an area north of Ridgecrest Road of a groundwater EDB plume. There are 162 monitoring wells used in evaluating the plume, the Air Force said. The Air Force said 91% of the EDB mass in the area has been removed by the pump-and-treat system, which has been in operation since 2015 to keep the EDB plume from reaching municipal drinking water wells.

The area south of Ridgecrest contains other contaminants, such as benzene, in addition to EDB. But the fuel constituents in the area have not been found to be mobile or expanding like the EDB. The Air Force has conducted a soil-vapor extraction and used a method called "bioslurping" to address the contamination south of Ridgecrest. It is also running a pilot test in an effort for more rapid degradation of the fuel contaminants.

"We want the Air Force to fully characterize the plume of contamination, which it has not yet done," said Charles de Saillan, staff attorney at the New Mexico Environmental Law Center, which represents the plaintiffs. "We want the Air Force to propose a plan for cleanup of the main plume of the contamination and to implement that plan. The main plume has not yet been addressed, and it will continue to be a source of groundwater contamination until it is cleaned up. Perhaps most importantly, we want the Air Force on an enforceable schedule for completing the investigation and cleanup of the soil and groundwater contamination at and around Kirtland Air Force Base."

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## Coalition sues over Kirtland Air Force Base jet fuel pollution

By Michael Gerstein [mgerstein@sfnewmexican.com](mailto:mgerstein@sfnewmexican.com)

Feb 3, 2020



A contract employee in 2014 watches a crew excavate contaminated soil at a site where millions of gallons of jet fuel leaked underground over decades at Kirtland Air Force Base in Albuquerque.

Associated Press file photo

Citizens groups, state lawmakers and three New Mexico residents who live near jet fuel contamination in Albuquerque have filed a lawsuit against the U.S. Air Force and the U.S. Department of Defense, alleging a failure to adequately clean up pollution from Kirtland Air Force Base.

The lawsuit was filed in U.S. District Court in New Mexico and asks a federal judge to order the Air Force to “abate and mitigate the endangerment.” It also seeks to recover legal fees, which have so far climbed to at least \$10,000, according to the complaint.

A jet fuel leak was first discovered at Kirtland Air Force Base in 1999, according to the lawsuit.

Since then, some five to 24 million gallons of fuels have leaked from the facility and have been absorbed into soil and groundwater, according to a notice letter the New Mexico Environmental Law Center sent to the U.S. Air Force, the U.S. Environmental Protection Agency, the Department of Defense and New Mexico Attorney General Hector Balderas.

The fuels contain benzene, a carcinogen; ethylene dibromide, another carcinogen; ethylbenzene, a possible carcinogen; and toluene, which has been linked to birth defects and other chemicals.

“The endangerment is the result of the past and present handling, storage or disposal of petroleum-based fuels from the bulk fuels facility at Kirtland Air Force Base,” the lawsuit said, alleging violations of the federal Resource Conservation and Recovery Act.

The legal complaint said the leak has contaminated soil and groundwater extending more than a mile from the base to property beneath a residential neighborhood in Albuquerque.

The Air Force has said it does not comment on pending litigation.

The lawsuit is being brought by a coalition that includes the nonprofit groups Southwest Organizing Project and New Mexico Voices for Children; state Sen. Mimi Stewart, D-Albuquerque; state Sen. Antoinette Sedillo Lopez, D-Albuquerque; state Rep. Andrés Romero, D-Albuquerque; and Albuquerque residents Lucille Cordova, Reynaluz Juarez and Dante Smith.

“We are taking this action because the federal government has failed to develop and implement adequate solutions to this problem,” Stewart said in a statement. “The response to this spill has moved far too slowly for far too long.”

Kenneth Martinez, with New Mexico Voices for Children, also complained about Air Force inaction in a statement.

“Children have been born, grown up and become adults while the Air Force has been dragging its feet and interminably delaying cleanup,” Martinez said. “We owe it to the next generation of children to make sure the Air Force delays no longer.”

New Mexico sued the Air Force over separate chemical contamination known as per- and polyfluoroalkyl substances, abbreviated as PFAS, at bases near Clovis and Alamogordo in March 2019.

In January, the New Mexico Environment Department fined the Air Force close to \$1.7 million for failing to monitor potentially cancer-causing pollution that has leached from Cannon Air Force Base near Clovis and for allowing a wastewater permit there to lapse.

Michael Gerstein