



**FOR IMMEDIATE RELEASE:**

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**COMMUNITY GROUPS SEND NOTICE OF INTENT TO SUE AIR FORCE  
Kirtland Jet Fuel Plume a Threat to Environment and Health**

*ALBUQUERQUE, N.M.* – Today, the Southwest Organizing Project (SWOP), New Mexico Voices for Children, New Mexico State Senator Antoinette Sedillo Lopez, New Mexico State Senator Mimi Stewart, New Mexico State Representative G. Andres Romero, and three individual residents of the impacted area sent a Notice of intent to sue to the U.S. Air Force and the U.S. Department of Defense, asserting the Air Force has created an “imminent and substantial endangerment to health or the environment” resulting from the bulk fuel spill at Kirtland Air Force Base.

The Notice was sent under the Resource Conservation and Recovery Act (RCRA), a federal law that regulates hazardous wastes and requires the cleanup of hazardous chemical constituents.

“It is disappointing to see Kirtland Air Force Base fail to work with state regulators, environmental organizations and the public to ensure that our drinking water is safe,” says State Senator Antoinette Sedillo Lopez. “I urge the leadership to take our concerns very seriously.”

The New Mexico Environment Department has estimated the spill as between 5 million to 24 million gallons. The Albuquerque Bernalillo County Water Authority operates five drinking water production wells in the Ridgecrest well field. Two of these wells are less than a mile from the leading edge of the plume.

“It has been at least twenty years since the Air Force discovered the spill, and we still have no enforceable cleanup plan with meaningful schedules or deadlines,” says Charles de Saillan, staff attorney at the New Mexico Environmental Law Center. “We want to see the Air Force proceed under a consent decree or other court order or enforceable agreement that establishes a schedule with clear deadlines. If the deadlines are missed without good reason, penalties should accrue. The Air Force needs to be held accountable.” Additionally, de Saillan says, “there needs to be more opportunity for public involvement in the cleanup process.”

RCRA is one of the federal environmental laws that allow individuals and organizations to sue parties responsible for pollution, including the federal government, in order to get relief.

“Laws exist in the U.S. for people to take action when they feel that the government is failing to protect human health and resources,” says Douglas Meiklejohn, New Mexico Environmental Law Center Executive Director. “Our clients are taking this action because the federal government has failed to develop and implement solutions that are proportional to the problem. We are hopeful that the new management at the Environment Department will take this problem more seriously,” he added, “and we look forward to working with the new Environment Secretary. But the response to this spill has moved far too slowly for far too long.”

The Air Force and Department of Defense have 90 days to respond to the Notice, after which the community members may start legal action against the Air Force, the Department of Defense, or both, seeking injunctive relief – an order from the court for cleanup of the plume and its highly toxic chemicals.

The Kirtland jet fuel spill was discovered by the Air Force at its bulk fuels facility in 1999, although it could have been leaking since the 1950s. The Air Force has been inexcusably slow in acknowledging and addressing the problem. The spill includes several components:

- A plume of ethylene dibromide (EDB), a fuel additive, which has moved nearly a mile off the Air Force Base property to the north and northwest. EDB tends to move rapidly in groundwater, and it forms the leading edge of the plume. EDB is a known human carcinogen. Recent installation and operation of groundwater extraction wells has partially arrested the migration of this plume;
- A primary liquid-phase contaminant plume, which consists of jet fuel (JP-4 and JP-8), gasoline, and diesel fuel. In addition to the EDB, the liquid-phase plume also contains high levels of benzene (a known carcinogen), toluene (linked to birth defects), xylenes, and naphthalene (linked to hemolytic anemia in infants). This plume will be a continuing source of groundwater contamination until it is cleaned up;
- Vapor contamination in the “vadose zone” (between ground level and the water table) also poses a significant cleanup challenge and health risk.

An earlier group of plaintiffs, some the same as today, filed a Notice of Intent in November 2015. The Air Force began discussions with the plaintiffs and the Law Center on cleaning up the soil and groundwater contamination more effectively and quickly. However, after the Trump administration came in, the Air Force abruptly ended discussions.

The New Mexico Environmental Law Center represents the plaintiffs. The Law Center is a non profit, public interest law firm that provides free and low-cost legal services to frontline communities on environmental matters throughout New Mexico.

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### **Additional Material**

- The [plaintiffs' Notice](#) of Imminent and Substantial Endangerment
- June 2017 [Technical Memorandum](#) from Intera, ABCWUA consultant
- November 2017 Intera [presentation to ABCWUA Board](#)