

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.* HECTOR BALDERAS, Attorney General, and the NEW MEXICO ENVIRONMENT DEPARTMENT,

Plaintiffs,

v.

THE UNITED STATES and THE UNITED STATES DEPARTMENT OF THE AIR FORCE,

Defendants.

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Case No. 6:19-cv-00178

PLAINTIFFS’ MOTION FOR PRELIMINARY INJUNCTION

Come now Plaintiffs, through counsel, and ask this Court for a preliminary injunction to address per and polyfluoroalkyl substances (“PFAS”) contamination at the Cannon Air Force Base near Clovis, New Mexico, and the Holloman Air Force Base near Alamogordo, New Mexico. Defendants oppose this Motion. In order to protect the public health and the environment from further harm resulting from this PFAS contamination, Plaintiffs request that the Court enter an order granting the following preliminary injunctive relief:

- Expedited discovery of existing documents related to the following:
 - The current delineation of contamination conducted by the Air Force, including groundwater, surface water, and potential airborne exposure pathways and bioaccumulation at Cannon and Holloman; and
 - Interim measures to prevent additional human and environmental exposures, including but not limited to the closure of Lake Holloman to the public.
- Performance of the following work to delineate the extent of PFAS contamination at and around Cannon and Holloman:
 - Regular sampling of all water wells located within a four-mile radius of the southeastern corner of Cannon and within a six-mile radius southwest of Holloman (collectively the “Zones”);
 - Sampling of offsite river and ephemeral stream habitat within six miles of Holloman to the west;

- Production of documentation that the Defendants made due diligent and good faith efforts to timely obtain permission from owners of offsite wells in these Zones;
 - Production of all sampling results for PFAS conducted at Cannon and Holloman and any sampling that might have occurred offsite;
 - Analysis and quantification of perfluorobutanoate (“PFAB”) in the ongoing testing of soil and water on and near the Bases;
 - Resampling of all on-base water wells for all PFAS constituents; and
 - Sampling/surveys of wildlife, including migratory birds.
- Completion of the following interim measures to protect the public health at Cannon and Holloman:
 - Providing voluntary blood tests for residents who wish to quantify their exposures to known and suspected PFAS used at the Bases; and
 - Providing alternative drinking water sources to all individuals that have affected water supplies, to the extent those impacts can be determined without full delineation of the contaminant plume.

WHEREFORE, for the reasons more fully set forth in Plaintiffs’ Brief in Support of Plaintiffs’ Motion for Preliminary Injunction, as well as the certifications of Cholla Khoury, Dave Cobrain, and Mark Laska, Ph.D., in support, Plaintiffs respectfully ask this Court to enter an order granting the requested preliminary injunction.

Dated: July 24, 2019

Respectfully submitted:

**HECTOR H. BALDERAS
NEW MEXICO ATTORNEY GENERAL**

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CERTIFICATE OF SERVICE

I CERTIFY that, on July 24, 2019, I filed the foregoing using CM/ECF which cause the parties of record to be served by electronic means, as more fully reflected on the Notice of Electronic Filing.

/s/ P. Cholla Khoury