

# Aerojet pact hits a last-minute tangle

By Sekhar Padmanabhan -- Neighbors Staff Writer

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A battle is looming over Aerojet property -- how to clean it up, which governing body will control it and whether a piece may be primed for development before the cleanup begins.

On one front, a residents' group -- known as "Neighborhood Eyes" -- wants to reopen comment periods on a proposed modified consent decree between the company and state and federal agencies.

The Central Valley Regional Water Quality Control Board closed its comment period Nov. 8, as did the federal Environmental Protection Agency, in conjunction with the U.S. Department of Justice.

The board on Friday is scheduled to announce whether it will support the proposed decree and ask for the binding signature of a federal judge. The board's attorneys have said its decision can't be appealed.

Alex MacDonald, senior engineer with the water board, said Monday that if board members decide to allow more comments, the federal agencies likely will do the same.

"One of the things they will be looking at, as will our board, is whether they would receive any new comments," MacDonald said.

He added that the EPA will include comments received after Nov. 8 because, as a result of the anthrax scare, it hasn't been receiving all of its mail.

The decree, which was entered in federal court Sept. 28, lays out the methods and financing for cleaning up a spreading plume of contaminated groundwater. It also says that in return for a quicker cleanup, 3,200 acres of Aerojet property along U.S. 50 will be "carved out" of the company's larger Superfund site.

The acreage served as a buffer area -- never used for Aerojet operations -- and, according to company officials, never should have been on the Superfund list.

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That trade-off troubles Neighborhood Eyes president Nora Kostelnik, who said she wants three steps taken before Aerojet is allowed to remove the 3,200 acres from the Superfund site. She wants the EPA to move forward with the cleanup, a "good neighbor" agreement from Aerojet saying it will consider being within the boundaries of the proposed city of Rancho Cordova and for Aerojet to guarantee that current residents will receive any additional water supply before new development.

Kostelnik said that if her wishes are granted, residents will have leverage as Aerojet decides whether to seek annexation to the city of Folsom. The Aerojet property is in an unincorporated part of Sacramento County.

To that end, her group -- which she said has 200 participants, from all over Rancho Cordova, and 11 active block captains -- is sending letters to the federal Department of Justice, which she said has "the final stamp of approval" on the court pact before the judge signs off on it.

Kostelnik, a Rancho Cordova activist originally from Seattle, organized the group's first public meeting Nov. 29 at Mills Middle School.

Her fiance, Tod Kershaw, agreed that the carve-out is an important issue. "We, the people, are being used as bargaining chips," he said at the meeting.

Rancho Cordova seeks to become a city, and cityhood proponents say they hope to have an incorporation measure on the November 2002 ballot.

David Sander, chairman of the Cordova Community Planning Advisory Council, said in an e-mail Nov. 29 that any delay on the decree would delay that vote 18 months.

Sander wrote that the Sacramento Local Agency Formation Commission "would be forced to act on cityhood boundaries without having Aerojet and Rancho Cordova agreeing on a boundary."

LAFCO must act on boundaries in January, he said, or a new environmental impact report and comprehensive fiscal analysis for the proposed incorporation will be required.

However, Bob McGarvey, chairman of the Rancho Cordova Incorporation Committee, said Monday that the party requesting that the reports be done again would be the one covering the costs. In no way, he said, would the committee be required to cover the cost.

Sander predicted that if LAFCO acts without an agreement from Aerojet, the company may sue the commission, or "we may lose much of Aerojet in a LAFCO 'compromise' to which we have little input."

LAFCO Executive Officer Peter Brundage recommended last week that the commission give preliminary approval to a proposed boundary alternative that includes Aerojet but excludes Gold River. LAFCO was scheduled to take public comment before deciding on the boundary alternative and directing staff members to update the fiscal analysis and environmental report at a meeting Wednesday night.

Brundage notes in his report that Aerojet, a unit of GenCorp, does not want its 13,500 acres to be in a city of Rancho Cordova.

Tim Murphy, GenCorp director of public affairs, said at the community meeting, "It's clear we won't discuss (being in Rancho Cordova) until after we get the carve-out. If we don't get it, we prefer to be in the (unincorporated part of the county). If we do, we will talk with the incorporation committee and evaluate the options."

This complication has changed some minds. At the meeting, resident Carl Steiner said he supported an extended comment period and denial of Aerojet's request to remove part of the property from the Superfund list. But in an e-mail Monday, Steiner wrote that after thinking over comments at the meeting, he favored the carve-out "in order to expedite -- and make financially no more burdensome -- the LAFCO cityhood approval process."

Others didn't need convincing. Attorney Ken Cooley, who seeks the Democratic nomination

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for the 10th Assembly District seat, said Neighborhood Eyes "was the biggest barrier to self-determination" because it could delay a cityhood vote.

In addition, the Arden-Cordova Water Service, a unit of Southern California Water Co., is suing Aerojet to recover more of the \$16 million it has spent so far to compensate for contamination of the water system. Donald K. Sadoris, vice president and chief of operations for Southern California Water, said the company is obligated to spend an additional \$6 million.

James D. Carson, a Southern California water district manager, said an 11th well should be off line by summer.

The company opposes any carve-out of Aerojet land unless the rocket manufacturer replaces the lost water. Water company officials say rates could double if they can't recover the losses.

Aerojet officials say their firm has reimbursed the utility \$4 million of the original \$16 million so far and wants to negotiate. They add, however, that they can't do so because of litigation. "We didn't file the lawsuit," said GenCorp spokeswoman Rosemary Younts.

The Community Advisory Group on Aerojet Superfund Issues is scheduled to discuss the carve-out issue at 7 p.m. Tuesday at the Sheriff's East Sub-Station, 10361 Rockingham Drive, Lincoln Village.

Kostelnik said she will ask Aerojet to sign the good neighbor agreement at this gathering.

Added Kostelnik, "We don't want to sue. We want (Aerojet) to sign a piece of paper on their intentions."

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## About the Writer

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