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## State OKs Aerojet pollution pact

**Accused of letting the company foul water, it admits no wrongdoing.**

**By Chris Bowman -- Bee Staff Writer - (Published March 22, 2003)**

The state has agreed to pay a Rancho Cordova water company \$2.4 million to settle a lawsuit that accuses pollution enforcers of having willfully allowed Aerojet Corp. to contaminate the groundwater with rocket fuel compounds.

American States Water Co. alleges the state enforcers and Aerojet made a "secrecy pact" in 1979 to conceal the full nature and extent of pollution from the defense contractor's missile plant in the community, according to the lawsuit.

The secrecy, American States argues, allowed Aerojet to extract contaminated groundwater, treat it for a few kinds of industrial solvents, then inject it back underground, still tainted with undisclosed rocket chemicals.

The deal saved Aerojet uncounted costs in environmental restoration in the short term but led to widespread groundwater contamination 20 years later.

Today, American States' Arden-Cordova Water Service and the Sacramento County Water Agency have 14 fewer wells to serve 60,000 Rancho Cordova residents because of Aerojet pollution.

The plume of contaminants migrating underground threatens closure of another 13 wells in the Rancho Cordova area, including neighborhoods served by the California-American Water Co., according to federal environmental records.

The most pervasive pollutant of concern is perchlorate, an ingredient in solid rocket fuel that is known to cause thyroid ailments such as Graves' disease in adults and neurological damage to fetuses and newborns.

Arden-Cordova Water Service has disconnected at least nine wells since 1997 due to contamination with perchlorate and a suspected cancer-causing compound called NDMA, or n-nitrosodimethylamine, used in making liquid rocket fuel.

The utility has warned its 13,000 customers that the loss of wells -- about a third of its supply -- means water could run short in a dry year.

The settlement, in which the state would admit no wrongdoing, would end a legal battle in Sacramento Superior Court that spans more than three years with pretrial testimony from dozens of former and current Aerojet workers and state pollution officials.

The agreement becomes effective once Superior Court Judge Patricia Esgro finds it was negotiated "in good faith."

The judge is expected to hold a hearing on the question in mid-April, attorneys in the case said. The attorneys would not comment about the case until the settlement becomes final.

In its lawsuit, American States contends environmental enforcers -- the state's Central Valley Regional Water Quality Control Board and the Department of Toxic Substances Control -- could have kept Aerojet's pollution from migrating west under the residential neighborhoods had they cracked down on the company's waste-disposal practices in the 1960s and '70s.

"For two decades, (the state) chose to look the other way while Aerojet willfully and recklessly disposed of hazardous waste by burial, open dumping, discharge into unlined ponds and injection into deep underground wells," the lawsuit states.

In late 1979, then-state Attorney General George Deukmejian sued Aerojet to halt the dumping and to clean up the soil and groundwater contamination.

Rather than aggressively pursue the enforcement action, however, the deputy state attorney general assigned to the case immediately engaged in secret settlement negotiations with Aerojet, according to the lawsuit.

Under the plan, Aerojet extracted water and treated it only for a few of the more than 30 chemical wastes present.

Wastewater from the treatment plants -- still containing perchlorate and several other chemicals -- was sprayed onto fields or injected back into groundwater "not previously invaded" by Aerojet contaminants, according to the suit.

"The state consciously determined that the most reasonable and beneficial long-term use of the people's water in the Sacramento basin is as a holding tank for Aerojet's chemical waste," the lawsuit states.

Not until February 1997 did the state inform area water suppliers that some of their wells were contaminated with perchlorate, according to the lawsuit.

State and federal pollution authorities eventually required Aerojet to construct treatment systems that would remove perchlorate and NDMA from the groundwater.

American States also has sued Aerojet; that suit is pending in the Sacramento Superior Court.

The water company contends Aerojet has reimbursed the utility only a fraction of the millions of dollars it has spent drilling new wells and connecting water mains outside the contamination zone, and buying and treating additional water from the American River.

Aerojet officials said they met their financial obligation to replace the tainted water and have offered "more-than-adequate" contingency water should more wells become contaminated.

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#### About the Writer

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