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## Department of Toxic Substances Control

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**NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT  
FOR THE WESTBOROUGH AT EASTON SPECIFIC PLAN, STATE  
CLEARINGHOUSE NUMBER: [2023110125](#)**

Dear Darcy Goulart:

The California Department of Toxic Substances Control (DTSC) is providing comments on the City of Rancho Cordova Notice of Preparation (NOP) of a Draft Environmental Impact Report (EIR) for The Westborough at Easton Specific Plan (SCH #2023110125). The proposed project describes the plan for development and conservation of an approximately 1,548-acre area within the City of Rancho Cordova and unincorporated Sacramento County.

The NOP describes the proposed project location, current land uses, surrounding properties, and proposed project details. Within the NOP, Figure 3 depicts the "Conceptual Land Use Plan," showing the proposed project extent and planned future

land uses. The proposed project extends within an area generally bound by the Folsom South Canal to the west and northwest; Folsom Boulevard and the Schnitzer Steel and Rancho Cordova Logistics Center commercial/industrial properties to the north; the southern extension of Hazel Avenue south of Folsom Boulevard, called Nimbus Road, to the northeast; the Aerojet-General Corporation Superfund Site (Aerojet Superfund Site, or the Site) along the eastern side; and White Rock Road to the south.

Within the NOP Section D, “Potential Environmental Effects,” describes the focus areas to be evaluated in the future Draft EIR. This section includes a subsection on Hazards and Hazardous Materials, which states: “An existing Superfund site designated by the Environmental Protection Agency (EPA) is located adjacent to the eastern edge of the Plan Area, and there are existing groundwater extraction and treatment facilities in place to treat contaminated groundwater from this site. Additionally, the Department of Toxic Substances Control has issued an Emergency Permit to AMPAC Fine Chemicals, located just to the east of the Plan Area, to treat hazardous waste through a controlled reaction with a chemical solution. This chapter will assess the proposed Specific Plan’s compatibility with nearby hazardous materials conditions and prescribe mitigation measures, as needed, to ensure that construction and operation do not exacerbate existing conditions or result in new hazardous materials impacts.”

As discussed below, DTSC disagrees with the Section D language that the proposed project, as depicted in Figure 3, is adjacent to the Aerojet Superfund Site. In fact, the proposed project would encompass several Aerojet Superfund Site Operable Units. There are pending cleanup activities for the Aerojet Superfund Site which also include the proposed project areas. Therefore, any California Environmental Quality Act (CEQA) analysis of the Plan Area cannot accurately describe the present and probable future environmental conditions. There are pending Land Use Covenants (LUCs) which generally restrict uses of land and may impact any future development at the Plan Area.

## **Aerojet-General Corporation Superfund Site Background**

Aerojet Rocketdyne, Inc. (Aerojet) and its subsidiaries operated at an approximately 8,500-acre facility in Sacramento County from the 1950s; operations primarily included solid rocket motor manufacturing and testing, liquid rocket engine manufacturing and testing, and chemical manufacturing. These operations resulted in the release of hazardous substances/materials, including trichloroethene (TCE), perchlorate, and N-nitrosodimethylamine (NDMA), resulting in impacted soil, groundwater, and soil vapor. Aerojet discontinued rocket motor component manufacturing and testing activities at this location in 2019.

The Aerojet-General Corporation Superfund Site was added to the National Priorities List (NPL) in 1983. In 1989, Aerojet, the United States Environmental Protection Agency (USEPA), the DTSC, and the California Central Valley Regional Water Quality Control Board (RWQCB) entered into a Partial Consent Decree (PCD), obligating Aerojet to perform Remedial Investigation (RI)/Feasibility Study (FS) at the Site and take specific interim obligations. The PCD was later modified in 1998 and 2002. The 1989 PCD established procedures for completion of the Sitewide RI/FS in three phases: Scoping Phase, Phase I RI/FS, and Phase II RI/FS. Sitewide preliminary characterization (Scoping Phase) was completed in the 1990s. The 2002 modification to the PCD allowed for an Operable Unit (OU) approach to the RI/FS, resulting in the formation of multiple OUs. The 2002 modification also removed approximately 2,600 acres known as the “Carve-Out Lands” from the Aerojet Superfund Site as defined in paragraph 5(A)(2) of the PCD, “except for contaminated groundwater and associated contaminated media beneath the surface of these areas.” Two Declarations of Covenants and Environmental Restrictions were recorded for the Carve-Out Lands following the 2002 modification of the PCD. The remaining approximately 5,900 acres of the Aerojet facility included in the Aerojet Superfund Site are undergoing investigation, monitoring, remediation, and/or post-remediation operation and maintenance (O&M) under the various OUs.

## **DTSC Comments on the Proposed Project**

DTSC provides the following comments in response to the NOP of draft EIR for the Westborough at Easton Specific Plan:

1. Based on DTSC review of the NOP and comparison to Aerojet Superfund Site maps and documents, DTSC considers the NOP Section D language referenced above identifying the location of the Aerojet Superfund Site as “adjacent to the eastern edge of the Plan Area” a misstatement. The proposed Plan Area includes portions of the following Aerojet Superfund Site OUs within the project boundary:
  - a. **Boundary Operable Unit (BOU, or OU-6)**, including Management Areas Buffalo Creek, Westlakes / Open Space Area 6, Line 5 North / Open Space 7, and Line 2 / Open Space 5. The USEPA completed a Record of Decision (ROD) for the BOU in 2015. The ROD describes the selected remedies and proposed land uses for the above-listed Management Areas, which were referred to as part of the Westborough Subgroup in the ROD; however, the selected remedies in the ROD have not yet been implemented for these areas. Within the Westborough Subgroup, the primary prescribed ROD remedies involve excavation, soil flushing, and soil vapor extraction, which are to be supplemented with institutional controls to be implemented in the form of LUCs, and vapor mitigation measures. The primary contaminants of concern within soil vapor at the BOU include tetrachloroethene (PCE) and TCE originating from subsurface sources and the underlying contaminated groundwater. In addition, the groundwater contamination will require groundwater related LUCs to be recorded comparable to those established in other Aerojet Superfund Site OUs.

- b. **Central Operable Unit (COU, or OU-9)**, including source areas 32E, 33E, 34E, 42E, and 43E. The COU has not yet had a ROD recorded by the USEPA for remedy decisions; therefore, the final selected remedy required for cleanup of this OU has not been identified. A Draft RI/FS Sampling and Analysis Plan (SAP) was completed for the COU in 2008; the SAP RI fieldwork is currently scheduled for a future date.
        - c. **Perimeter Groundwater Operable Unit (PGOU, or OU-5)** Lands soil area C4. A USEPA ROD has been recorded for the PGOU Lands including area C4, however, the remedy for area C4 has not been fully implemented, including recording of land use restrictions.
        - d. The proposed project area also includes and/or is adjacent to **PGOU** and **Western Groundwater Operable Unit (WGOU, or OU-3)** groundwater remedial operations, including active monitoring wells, extraction wells, groundwater extraction and treatment system EF, and the American River groundwater extraction and treatment system.
2. Since the proposed project includes portions of the Aerojet Superfund Site that have not completed the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) cleanup process, the final extent of potential environmental hazards for these areas is unknown. The proposed project for the development of Aerojet Superfund Site land is premature as the future environmental hazards and hazardous materials conditions cannot accurately be assessed at this time in order to prescribe appropriate mitigation measures. Therefore, any CEQA analysis of the Plan Area cannot accurately describe the present, and probable future projects environmental conditions until the cleanup process is completed.

3. In accordance with California Civil Code Section 1471 and pertinent state legislation, the DTSC will develop LUCs for soil areas within the BOU, COU, and PGOU as necessary for protection of human health and the environment. These LUCs will encompass provisions delineating the manner in which future use will be restricted to enforce institutional controls. Such provisions may include potential restrictions related to protection of and/or exposure to contaminated groundwater, non-interference with groundwater remedial systems in the PGOU and WGOU without Agency approval, restrictions on land use, and requirements for vapor mitigation if necessary. The exact environmental restrictions of these future LUCs are not known. Any future CEQA compliance documents should address the potential restrictions of these future LUCs with respect to the proposed Specific Plan.
4. Any future CEQA compliance documents should consider the timing of the Superfund cleanup process for the COU and BOU as it relates to any restrictions on property transfer or property development prior to USEPA approval of the implementation of the Superfund Site remedy.
5. Pages 11 and 12 of the NOP list Required Approvals for the proposed project. Any future CEQA compliance documents should address approvals from the USEPA, RWQCB, and DTSC as required prior to future development of the Aerojet Superfund Site property and/or as specified in current and future land use covenants.
6. The land within the proposed project boundary also includes Carve-Out Lands formerly included in the Aerojet Superfund Site PCD. Two LUCs are recorded for the Carve-Out Lands, or portions thereof: *Declaration of Covenants and Environmental Restrictions Related to Groundwater*, Book 20021122, Page 1899; and *Declaration of Covenants and Environmental Restrictions*, Book 20021122, Page 1900. The proposed development must not violate any

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restrictions or requirements as described in the applicable Carve-Out Lands LUCs.

7. The proposed project must not in any way introduce new contamination or spread or exacerbate existing contamination in soil and groundwater. Any party that causes or exacerbates the contamination could potentially be held liable for the contamination.

DTSC believes the City of Rancho Cordova must address these comments to determine if any significant impacts under the CEQA will occur and, if necessary, avoid significant impacts under CEQA. DTSC appreciates the opportunity to comment on the Westborough at Easton Specific Plan. Thank you for your assistance in protecting California's people and environment from the harmful effects of toxic substances. Should you have any questions or comments regarding this matter, please contact Susan Scudder at (916) 255-3601, or [Susan.Scudder@dtsc.ca.gov](mailto:Susan.Scudder@dtsc.ca.gov).

Sincerely,



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