



Agenda Report

Fullerton City Council

MEETING DATE: MAY 18, 2021

TO: CITY COUNCIL / SUCCESSOR AGENCY

SUBMITTED BY: STEVE DANLEY, ACTING CITY MANAGER

PREPARED BY: MEG McWADE, PUBLIC WORKS DIRECTOR
TIFFANY FOO, CIVIL ENGINEER

SUBJECT: RAYTHEON COMPANY ENCROACHMENT LICENSE AGREEMENT

SUMMARY

Request to enter into an amended and restated encroachment license agreement with Raytheon Company for remedial actions installation on City right-of-way to treat groundwater impacted by volatile organic compounds.

RECOMMENDATION

1. Authorize City Manager, or designee, to enter into Encroachment License Agreement with Raytheon Company, amending and restating November 19, 2018 Encroachment License Agreement, in a form approved by the City Attorney.
2. Authorize Public Works Director to execute any future amendments / supplements with Raytheon Company within project scope and budget, in a form approved by the City Attorney.

PRIORITY POLICY STATEMENT

This item matches the following Priority Policy Statement:

- Infrastructure and City Assets.

FISCAL IMPACT

If approved, Raytheon Company would pay the City of Fullerton an annual license fee of up to \$28,603 in year one for the ability to encroach upon City right-of-way property. Staff calculated this fee based on the remedial actions, taking into consideration the total length of trench with pipeline installed multiplied by \$4.85 per linear foot and total number of wells multiplied by \$302.69 per well. Raytheon would pay this fee to the City

upon completion of GRS installation within the public rights-of-way. The license fee shall increase by two percent on January 1 of each year thereafter.

DISCUSSION

The Hughes Aircraft Company (HAC) previously owned the site ("Site") northeast of the intersection of Malvern Avenue and Gilbert Street, located at 1901 West Malvern Avenue (see Attachment 1). The Site formerly included HAC manufacturing operations. HAC has since sold the property to Raytheon. The environmental investigation of the Site discovered the presence of volatile organic compounds (VOCs), including 1,1-Dichloroethene (1,1-DCE) and 1,4-dioxane, trichloroethylene (TCE) which dissolved into the perched groundwater zones (depths ranging from 80 to 120 feet below land surface). These constituents pose harm to human health. If left untreated and uncontained, constituents could migrate into the deeper groundwater zone where the City extracts its drinking water.

The nearest City water production well to the Site is the City's Airport Well 9, located approximately 4,000 feet downgradient to the Site boundary. VOCs testing at this site detected 1,1-DCE in the deepest screened intervals of the well. Even though the 1,1-DCE levels did not exceed drinking water standards, the City sought to seal off the deepest screened intervals with the installation of an inflatable packer. The packer is a long cylinder of rubber mounted on a pipe that attaches to the pump bowl assembly. When inflated, the packet isolates the water below it from entering the well pump. The drinking water from Well 9 has and continues to meet all standards for protection of human health as established by the Federal and State agencies for drinking water.

To mitigate these issues, the City evaluated groundwater corrective measures alternatives and the California Environmental Protection Agency, Department of Toxic Substances Control (DTSC) selected a remedy. The selected groundwater remedy for Raytheon includes groundwater extraction using five existing extraction wells and four proposed extraction wells. The extracted well water travels to a treatment system that consists of filtration, Advanced Oxidation Process (AOP) and granular activated carbon (GAC). The AOP employs ultraviolet light and hydrogen peroxide. Once treated, the effluent would return to the groundwater aquifer through injection wells.

Since 2008, the City has used a pilot groundwater extraction and treatment system has to test the effectiveness of the treatment system in removing VOCs. Results show that the treatment system has effectively removed VOCs and has meet treatment goals.

Under the oversight of DTSC, Raytheon must execute the selected remedy which includes planning, design, construction, operating, maintaining and monitoring the groundwater remediation system. According to Raytheon's conceptual design, Raytheon intends to install pipelines in wells as shown in Exhibit A of the encroachment license agreement (Attachment 2). The City anticipates four of the wells and approximately 5,653 feet of pipeline constructed in the City's Right of Way. This Encroachment License Agreement grants Raytheon the license to construct, use and maintain GRS within a portion of the City's Rights of Way.

Attachments:

- Attachment 1 – Site Location
- Attachment 2 – License Agreement (2021)
- Attachment 3 – License Agreement (November 19, 2018)