



September 19, 2019

CALL AND NOTICE OF A SPECIAL MEETING OF THE
LEGAL, GOVERNMENT AND ENVIRONMENTAL AFFAIRS COMMITTEE
OF THE
BURBANK-GLENDALE-PASADENA AIRPORT AUTHORITY

NOTICE is hereby given that a special meeting of the Legal, Government and Environmental Affairs Committee will be held on Monday, September 23, 2019, at 9:30 a.m., or immediately following the Commission meeting, in the Burbank Room of Hollywood Burbank Airport, 2627 N. Hollywood Way, Burbank, California 91505.

Terri Williams, Board Secretary
Burbank-Glendale-Pasadena Airport Authority

SPECIAL MEETING
OF THE
LEGAL, GOVERNMENT AND ENVIRONMENTAL AFFAIRS COMMITTEE

Burbank Room
Monday, September 23, 2019
9:30 a.m., or Immediately Following
the Conclusion of the
Commission Meeting

As a result of the convening of this meeting of the Legal, Government and Environmental Affairs Committee, each Committee member in attendance is entitled to receive and shall be provided \$200.

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The public comment period is the opportunity for members of the public to address the Committee on agenda items and on airport-related non-agenda matters that are within the Committee's subject matter jurisdiction. At the discretion of the presiding officer, public comment on an agenda item may be presented when that item is reached.

Members of the public are requested to observe the following decorum when attending or participating in meetings of the Committee:

- *Turn off cellular telephones and pagers.*
- *Refrain from disorderly or boisterous conduct, including loud, threatening, profane, or abusive language, clapping, whistling, stamping, or other acts that disrupt or otherwise render unfeasible the orderly conduct of the meeting.*
- *If you desire to address the Committee during the public comment period, fill out a speaker request card and present it to the Board Secretary.*
- *Confine remarks to agenda items or to airport-related non-agenda matters that are within the Committee's subject matter jurisdiction.*
- *Limit comments to five minutes or to such other period of time as may be specified by the presiding officer.*

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The following activities are prohibited:

- *Allocation of speaker time to another person.*
- *Video presentations requiring use of Authority equipment.*

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Any disclosable public records related to an open session item on a regular meeting agenda and distributed by the Authority to the Committee less than 72 hours prior to that meeting are available for public inspection at Hollywood Burbank Airport (2627 N. Hollywood Way, Burbank) in the administrative office during normal business hours.

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In accordance with the Americans with Disabilities Act of 1990, if you require a disability-related modification or accommodation to attend or participate in this meeting, including auxiliary aids or services, please call the Board Secretary at (818) 840-8840 at least 48 hours prior to the meeting.

AGENDA

Monday, September 23, 2019

1. Approval of Agenda

2. Public Comment

3. Approval of Minutes

a. August 19, 2019

[See page 1]

4. Contracts and Leases

a. Amendment No. 1 to Professional Services Agreement - Geosyntec Consultants, Inc.

- Staff report attached.

[See page 2]

Staff seeks a Committee recommendation to the Commission that it approve Amendment No. 1 to the Professional Services Agreement with Geosyntec Consultants Inc. for continued environmental services in connection with the State Water Board Order to conduct soil and groundwater testing for the presence of PFAS.

5. Closed Session

a. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Significant Exposure to Litigation (California Government Code Section 54956.9(d)(2)): 2 potential case. Facts and Circumstances:

- 1) EPA San Fernando Valley Superfund Site Claim;
- 2) EPA Omega Chemical Corp Superfund Site Claim

6. Adjournment

**MINUTES OF THE REGULAR MEETING OF THE
LEGAL, GOVERNMENT AND ENVIRONMENTAL AFFAIRS COMMITTEE
BURBANK-GLENDALE-PASADENA AIRPORT AUTHORITY**

MONDAY, AUGUST 19, 2019

A regular meeting of the Legal, Government and Environmental Affairs Committee was called to order on this date in the Burbank Room, 2627 N. Hollywood Way, Burbank, California, at 11:53 a.m., by Chairman Wiggins.

AB 23 Disclosure: The Assistant Board Secretary announced that, as a result of the convening of this meeting of the Legal, Government and Environmental Affairs Committee, each Committee member in attendance is entitled to receive and shall be provided \$200.

ROLL CALL

Present: Commissioners Wiggins and Madison

Absent: None

Also Present: Staff: Frank Miller, Executive Director (arrived at 12:05 a.m.); Mark Hardymont, Director of Transportation and Environmental Programs; Sarah Paulson Sheehy, Senior Director of Government and Public Affairs

Airport Authority Counsel: Terence R. Boga, Esq.,
Richards, Watson, Gershon

1. **Approval of Agenda** The agenda was approved as presented.
2. **Public Comment** There were no public speakers.
3. **Approval of Minutes**
 - a. **June 17, 2019** Commissioner Madison moved approval of the minutes of the June 17, 2019 meeting. There being no objection, the minutes were approved (2-0).
4. **Items For information**
 - a. **Information Update: Air Quality Improvement Program and Memorandum of Understanding** Staff reviewed with the Committee on-going development of an Air Quality Improvement Program (AQIP) in response to directives from the South Coast Air Quality Management District (SCAQMD).
5. **Adjournment** There being no further business, the meeting was adjourned at 12:07 a.m.

**STAFF REPORT PRESENTED TO THE
BURBANK-GLENDALE-PASADENA AIRPORT AUTHORITY
LEGAL, GOVERNMENT AND ENVIRONMENTAL AFFAIRS COMMITTEE
SEPTEMBER 23, 2019**

**AMENDMENT NO. 1 TO
PROFESSIONAL SERVICES AGREEMENT
GEOSYNTEC CONSULTANTS, INC.**

SUMMARY

Staff seeks a Legal, Government and Environmental Affairs Committee ("Committee") recommendation to the Commission to approve a proposed Amendment No. 1 to the Professional Services Agreement with Geosyntec Consultants, Inc. ("Geosyntec") in the amount of \$170,000 with an additional \$10,000 for project contingency for implementation of a State mandated work plan to determine the presence and extent of a class of chemical substances commonly known by the name of per- and polyfluoroalkyl substances ("PFAS").

BACKGROUND

In March 2019, the Authority received a State Water Resources Control Board ("State Water Board") Order through the Los Angeles Regional Water Quality Control Board ("LARWQCB") to develop a work plan and to conduct soil and groundwater testing for the determination of the presence and extent of PFAS. This class of compounds is contained in many products, however, specifically relating to airports, this class of substances is primarily found in the aqueous film-forming foam ("AFFF") product that is approved by the Federal Aviation Administration for aircraft rescue and firefighting use. Although the State Water Board indicated that use of these compounds was phased out of general use in the 2000-2002 time period, they can persist in soils and groundwater many years after the cessation of actual use.

In May 2019 the State Water Board amended its initial Order to California Airports, modifying the work plan submission dates to include a sliding scale based on airport size. The due date for medium hub airports was established as June 15, 2019.

As stated in the Order, Hollywood Burbank Airport was "identified as a facility that has accepted, stored, or used materials that may contain "per- and polyfluoroalkyl substances". The Order continued, requiring that the Authority submit technical reports to investigate PFAS impacts to the site as specified further in the Order. To comply with this directive, the Authority entered into a Professional Services Agreement (Exhibit A) with Geosyntec in May 2019 for an initial amount not to exceed \$29,000 to develop a work plan for the LARWQCB's review and approval.

Following meetings with airport staff and review of training / incident reports, Geosyntec prepared and submitted the required work plan on June 11, 2019, which the LARWQCB responded to on August 20, 2019, with a conditioned approval letter (Exhibits B & C).

PROPOSAL

The State Water Board's original Order provided 120 days from the date that the Work Plan is approved for the Authority to submit the required sample data, analysis and report. Geosyntec's opinion was that the Order's time period was insufficient for the work requirement and negotiated an additional 60 days to submit the report.

Even with the additional 60 days, the effort to meet the deadline would be a challenge. Therefore, based on their knowledge and familiarity with the Airport, Staff solicited a turn-key proposal from Geosyntec from sample collection, to laboratory analysis and preparation of the final report. Geosyntec submitted the attached all-inclusive proposal in the amount of \$170,000 (Exhibit D) with Staff recommending an additional \$10,000 contingency for unforeseen circumstances.

The proposal includes addressing additional work requirements included in the State Water Board's conditional letter of approval (Exhibit C) with the added required scope of work as follows:

1. Add an additional sample location near the AFFF aboveground storage tank (AST) in the fuel farm area (to the same depths and sampled via the same methodology as the other sample location defined in the Work Plan);
2. Analyze all the samples collected from each sample location; and
3. Develop a supplemental groundwater sampling work plan to provide certain test data in the immediate area on and off the Airport.

The last additional requirement will require cooperation and coordination with Lockheed Martin, Inc. ("LMCO") to utilize their groundwater monitoring wells. LMCO has indicated a willingness to provide the Airport and its consultants access to those wells. LMCO also advised Staff that they have in the past undertaken from these groundwater monitoring wells, their own limited testing for PFAS compounds in 2017 and 2019.

The agreed upon groundwater sampling with the LARWQCB, due to the deep depth of groundwater beneath the Airport of approximately 230 to 290 feet below ground surface ("ft bgs"), will be an iterative approach in which soils borings would be investigated first to a depth of 50 ft bgs. A review of sampling at this depth may provide a better understanding of the vertical extent of potential PFAS impacts.

It should be noted that after the Work Plan was submitted, further due diligence work conducted by Airport staff discovered that there are two former burn pit areas which were potentially used by former occupants of the Airport to conduct training activities in the past. Upon learning of these burn pit areas, Airport staff instructed Geosyntec to add sampling in these areas as an addition to the scope proposed in the Work Plan and to notify the LARWQCB about these areas.

Under the proposed Amendment, Geosyntec will prepare a response to the conditional approval letter with the added scope modifications and submit it to the LARWQCB and will serve as an addendum to the Work Plan. The elements of Geosyntec's proposal is as follows:

Task	Scope	Geosyntec Labor	Subcontractor and Other Direct Costs	Total
1	Preparation/Planning	\$ 17,800	\$ 3,500	\$ 21,300
2	Implementation of Field Sampling and Analysis Plan	22,300	45,800	68,100
3	Preparation of Report	21,300	900	22,200
4	Project Management and Communication	13,000	400	13,400
5	Preparation of Groundwater Sampling Work Plan	25,000	-	25,000
6	On-Call Services	20,000	-	20,000
TOTAL PROPOSED BUDGET		\$ 119,400	\$ 50,600	\$ 170,000
7	Requested Contingency	\$ 10,000		\$ 10,000

FUNDING

At the time the FY 2020 budget was being developed, the potential cost and timing impact of the State Water Board's Order could not be estimated. This item was therefore not included in the adopted FY 2020 budget. Subject to the final costs to meet the conditions of the approved Work Plan, a budget amendment may be required.

STAFF RECOMMENDATION

Staff recommends that the Committee recommend to the Commission that it approve Amendment No. 1 to the Professional Services Agreement with Geosyntec for continued environmental services, as described above, in connection with the State Water Board Order to conduct soil and groundwater testing for the presence of PFAS and that the President be authorized to execute the same.

List of Exhibits:

Exhibit A: May 2019 Professional Services Agreement

Exhibit B: June 11, 2019 Proposed Work Plan

Exhibit C: August 20, 2019 LARWQCB Conditional Approval

Exhibit D: Proposed Amendment No. 1 to the Professional Services Agreement