



July 16, 2020

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

NOTICE is hereby given that the regular meeting of the Legal, Government and Environmental Affairs Committee will be held Monday, July 20, 2020, at 9:30 a.m., or immediately following the Commission meeting, in the Airport Skyroom of Hollywood Burbank Airport, 2627 N. Hollywood Way, Burbank, California 91505.

Pursuant to Governor Newsom's Executive Order N-29-20, members of the Commission or staff may participate in this meeting via teleconference. In the interest of maintaining appropriate social distancing, members of the public may observe and participate in the meeting telephonically through the following number:

*Dial In: (978) 990-5000*

*Access Code: 880737#*

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

REGULAR MEETING  
OF THE  
LEGAL, GOVERNMENT AND ENVIRONMENTAL AFFAIRS COMMITTEE

Airport Skyroom  
Monday, July 20, 2020  
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.*



*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.*



*The following activities are prohibited:*

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



*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.*



*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.*

## A G E N D A

Monday, July 20, 2020

1. Approval of Agenda

2. Public Comment

3. Approval of Minutes

a. June 15, 2020

*[See page 1]*

4. Contracts and Leases

a. Professional Services Agreement - Geosyntec Consultants, Inc.

- Staff report attached

*[See page 3]*

***Staff recommends that the Committee recommend to the Commission that it approve the proposed Professional Services Agreement with Geosyntec for continued environmental services in connection with the State Water Board Order to conduct groundwater testing for the presence of per- and polyfluoroalkyl substances in the amount of \$152,000 together with a contingency of \$15,200. Staff also recommends that the Committee authorize Staff to present a final access agreement with Lockheed Martin Corporation to the Commission at its August 17th meeting.***

5. Items for Discussion

a. TBI Airport Management Inc. Presentation (continued)

- No staff report attached

***Mr. John Green – CEO, and Corporate General Counsel, Ms. Stephanie Griffin of TBI Airport Management, will present and discuss with the Committee a draft Request for Proposal for Human Resources Auditing Services, copy attached.***

b. State Legislative Report

- No staff report attached

***Kristi Foy of Arnold and Associates will review with the Committee the Legislative Status Report, the certified propositions for the November ballot and report on any updates to the State Budget.***

6. Items for Information

a. Committee Pending Items

*[See page 7]*

7. Adjournment

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

**MONDAY, JUNE 15, 2020**

A special meeting of the Legal, Government and Environmental Affairs Committee was called to order on this date in the Airport Skyroom, 2627 N. Hollywood Way, Burbank, California, at 9:00 a.m., by Chairman Wiggins.

**ROLL CALL**

**Present:** Commissioners Wiggins, Madison (via teleconference) and Agajanian (via teleconference)

**Absent:** None

**Also Present:** Staff: Frank Miller, Executive Director;  
John Hatanaka, Senior Deputy Executive Director  
(arrived at 9:50 a.m.); Patrick Lammerding, Deputy  
Executive Director, Planning and Development  
(arrived at 9:40 a.m.)

Airport Authority Counsel: Terence R. Boga and  
Thomas Jimbo (via teleconference) of Richards,  
Watson and Gershon

TBI Corporate General Counsel, Stephanie Griffin  
(via Teleconference)

TBI Chief Financial Officer, Keith Robinson  
(via Teleconference)

**1. Approval of Agenda** The agenda was approved as presented.

**2. Public Comment** There were no public speakers.

**3. Approval of Minutes**

**a. May 18, 2020** Commissioner Agajanian (via teleconference)  
moved approval of the minutes of the May 18, 2020  
meeting, seconded by Commissioner Madison (via  
teleconference). There being no objection, the motion  
was approved (3-0).

#### 4. Items for Discussion

**a. TBI Airport Management Inc. Presentation**

Corporate General Counsel Stephanie Griffin, with Chief Financial Officer Keith Robinson of TBI Airport Management, Inc. presented and discussed with the Committee a draft Request for Proposal for Human Resources Auditing Services.

Following the discussion, the Committee along with Airport Authority Counsel, agreed to continue the discussion at the next Committee meeting scheduled for July 20, 2020.

#### 5. Closed Session

**Please note Closed Session items were taken in the following order; 5.c., 5. b, and 5. a.**

The meeting recessed to closed session at 9:40 a.m. to consider the items listed on the closed session agenda and to confer with legal counsel regarding existing and potential litigation.

**a. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

Significant Exposure to Litigation (California Government Code Section 54956.9(d)(2)): 1 potential case. Facts and Circumstances: COVID-19 pandemic.

**b. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

Significant Exposure to Litigation (California Government Code Section 54956.9(d)(2)): 1 potential case. Facts and Circumstances: Environmental Protection Agency (EPA) Claim

**c. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

Initiation of Litigation (California Government Code Section 54956.9(d)(4)): 1 potential case

The meeting reconvened to open session at 10:15 a.m. with the same Commissioners present. Chairman Wiggins announced that there was no reportable action taken in closed session.

#### 6. Items for Information

**a. Committee Pending Items**

Staff informed the Committee of future pending items that will come to the Committee for review.

#### 7. Adjournment

There being no further business, the meeting was adjourned at 10:17 a.m.

**STAFF REPORT PRESENTED TO THE  
BURBANK-GLENDALE-PASADENA AIRPORT AUTHORITY  
LEGAL, GOVERNMENT AND ENVIRONMENTAL AFFAIRS COMMITTEE  
JULY 20, 2020**

**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 Professional Services Agreement (“PSA”) with Geosyntec Consultants, Inc. (“Geosyntec”) in the amount of \$152,000 with an additional \$15,200 for project contingency for implementation of the second phase of a State mandated work plan to determine the presence and extent in groundwater of a class of chemical substances commonly known as 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, including a wide variety of consumer products such as non-stick cookware (Teflon) and carpet protective coatings. Specifically relating to airports, this class of substances is primarily found in the aqueous film-forming foam (“AFFF”) product that is mandated by the Federal Aviation Administration for aircraft rescue and firefighting use.

As stated in the Order, the 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 PSA 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.

The first work plan titled *Per- and Polyfluoroalkyl Substances Investigation Work Plan* (Work Plan 1) focused on an investigation of soils and was submitted by Geosyntec to the LARWQCB on June 11, 2019. Following LARWQCB’s approval of Work Plan 1 and direction for additional investigation, Geosyntec was awarded a contract with an additional budget of \$170,000 in Amendment No. 1 of the 2019 PSA. The scope under this budget (\$170,000) included: 1) soil sampling (described in Work Plan 1 and additional investigation directed by the LARWQCB); 2) preparation and submittal of *Per- and Polyfluoroalkyl Substances Soils Investigation Report* (Report 1) describing the results of soil sampling; 3) preparation and submittal of *Per- and Polyfluoroalkyl Substances Groundwater Sampling Work Plan* (Work Plan 2); and 4) associated project management and communications activities.

Geosyntec submitted Work Plan 2 on November 27, 2019 (Exhibit A) that proposed sampling of six existing groundwater monitoring wells owned or operated by Lockheed Martin Corporation ("LMCO"). LMCO was consulted beforehand during preparation of Work Plan 2 and had indicated a willingness to provide access to those wells. Because the LMCO well pumps contain Teflon materials, it will be necessary to make special one-time adjustments to remove the existing pumps and use special one-time pumps that will avoid the potential for cross contamination during the PFAS sampling process.

After completion of the soil sampling, Geosyntec submitted its initial report on the soil sampling results (Exhibit B) on February 6, 2020.

The LARWQCB approved Work Plan 2 in a letter dated April 20, 2020 with conditions for additional investigation at the soil boring location to be designated as SB-5A located in the Fuel Supply Area, which has an above-ground storage tank containing AFFF (Exhibit C). The FAA has already reviewed and approved the prospective new drilling location in a Form 7640 process (Exhibit D).

As the 2019 PSA with Geosyntec is now expired, Staff is seeking the Committee's recommendation on an award of a new PSA to cover implementation of Work Plan 2.

Staff and legal counsel have sought to obtain a separate Access Agreement with LMCO to provide access to the six groundwater monitoring wells that are the subject of the further groundwater investigation. At this time, Staff and legal counsel are in the process of negotiating the final terms of the Access Agreement, and a copy of the Agreement is not yet available for the Committee's review. If the Committee recommends approval of the proposed PSA with Geosyntec, Staff requests the Committee's concurrence to allow Staff to present a proposed Access Agreement with LMCO directly to the Commission in conjunction with this item at the Commission meeting on August 17, 2020.

## PROPOSAL

The Geosyntec proposal (Exhibit E) includes implementation of Work Plan 2, addressing additional investigation at SB-5 as directed by the LARWQCB in its conditional letter of approval, and added required scope of work as described below:

1. Collect and analyze groundwater samples from six selected existing monitoring wells owned by LMCO (via low flow sampling);
2. Collect and analyze an additional grab groundwater sample from a location adjacent to the previous soil sample location SB-5 via a temporary well or Hydropunch™ ;
3. To be able to understand the grab groundwater data and analyze soil samples at that location at every 10-foot interval starting from 60 feet below ground surface to the groundwater; and
4. Prepare and submit a report documenting the process and results of the investigation.

A summary of the principal elements of Geosyntec's proposal is as follows:

<b>Task</b>	<b>Scope</b>	<b>Geosyntec Labor</b>	<b>Subcontractor and Other Direct Costs</b>	<b>Total</b>
<b>1</b>	Preparation/Planning	\$ 6,800	\$ 600	\$ 7,400
<b>2</b>	Implementation of Field Investigation	\$ 24,500	\$ 89,800	\$ 114,300
<b>3</b>	Preparation of Report	\$ 22,000	\$ 900	\$ 22,900
<b>4</b>	Project Management and Communication	\$ 7,100	\$ 300	\$ 7,400
<b>GEOSYNTEC PROPOSED BUDGET</b>				<b>\$ 152,000</b>
Contingency Budget <sup>1</sup> (10% of total)				\$ 15,200
<b>GEOSYNTEC TOTAL BUDGET</b>				<b>\$ 167,200</b>

### FUNDING

The FY 2021 budget includes a \$200,000 allocation for this second phase which is based upon the above estimate provided by Geosyntec for the potential cost of implementing this phase of work in response to the Order. Subject to the final costs to meet the conditions of the approved Work Plan, an additional funding authorization may be required.

### STAFF RECOMMENDATION

Staff recommends that the Committee recommend to the Commission that it approve the proposed PSA with Geosyntec for continued environmental services as attached hereto as Exhibit F, in connection with the State Water Board Order to conduct groundwater testing for the presence of PFAS and that the President be authorized to execute the same in the amount of \$152,000 together with a contingency of \$15,200. Staff also recommends that the Committee authorize Staff to present a final access agreement with LMC to the Commission at its August 17th meeting.

<sup>1</sup> Contingency budget is for unexpected scope of work that includes, but not limited to, unforeseen field conditions, communication required beyond Task 4, multiple reviews of the draft report, responding to Regional Board's questions/concerns etc.

List of Exhibits:

Exhibit A: Per- and Polyfluoroalkyl Substances Groundwater Sampling Work Plan dated 27 November 2019

Exhibit B: Per- and Polyfluoroalkyl Substances Soils Investigation Report dated 6 February 2020

Exhibit C: LARWQCB Conditional Approval of Per- and Polyfluoroalkyl Substances Groundwater Sampling Work Plan dated April 20, 2020

Exhibit D: FAA Form 7640 approval

Exhibit E: Proposal for implementation work submitted by Geosyntec

Exhibit F: Proposed New Professional Services Agreement (executed by Geosyntec)

**BURBANK-GLENDALE-PASADENA AIRPORT AUTHORITY  
LEGAL, GOVERNMENT AND ENVIRONMENTAL AFFAIRS COMMITTEE  
July 20, 2020**

**COMMITTEE PENDING ITEMS**

**Future**

1. Award of Contract – Task Force Public Outreach Support
2. Award of Contract – Trifelliti Consulting (AQMD MOU Program)