

## **COMPLAINT TO CalEPA AND ASSOCIATED PUBLIC AGENCIES regarding Upper Valley Disposal Service/Clover Flat Landfill (UVDS/CFL) in Napa County, Ca.**

We are a group of 18 Latino employees and 5 former employees of:

Upper Valley Disposal Service  
1285 Whitehall Lane  
St. Helena, Ca. 94574

Clover Flat Landfill  
4380 Silverado Trail N,  
Calistoga, CA 9451

We are filing this complaint as witnesses and victims of impacts from concerning and unlawful environmental practices at UVDS/CFL for many years, including with the Glass Fire wildfire of 2020, with the intent that these complaints be taken seriously and a full and comprehensive multi-agency investigation of UVDS/CFL is opened, including regarding discriminatory practices towards Latino workers whose status vulnerabilities were taken advantage of (please see social/environmental justice section below) for continuation of unsound environmental practices.

### **SEE PAGES 5-8 REGARDING UPPER VALLEY DISPOSAL SERVICE MIS-REPORTING/NON-REPORTING OF GLASS FIRE WILDFIRE OF 2020 BURNING SIGNIFICANT PORTIONS OF CLOVER FLAT LANDFILL**

**With reference to CalEPA/CUPA VIOLATION CLASSIFICATION DOCUMENT - CLASS 1 VIOLATION**

- <https://calepa.ca.gov/wp-content/uploads/sites/6/2020/06/Violation-Classification-Guidance-Documents-accessible.pdf> and California Environmental Reporting System/Consolidated Unified Program Agency (CERS/CUPA) Consolidated Emergency Response/Contingency Plan.
- <https://cers.calepa.ca.gov/wp-content/uploads/sites/11/2022/06/Emergency-Response-Plan-corrected-6-27-22.pdf>

**Substantiation with photographic evidence and many employees and community members eyewitness accounts is available to support all assertions in this document.**

Complaints in this matter are also being submitted to OSHA, CalOSHA, CalFire, Ca. Office of Emergency Services, the Consulate of Mexico, the US Justice Dept., and other relevant public agencies.

## **SOCIAL/ENVIRONMENTAL JUSTICE POLICIES**

There are many oversight agencies involved in this situation who specialize in specific oversight/statutes in a situation such as this (water quality in the case of the Regional Water Board, air quality in the case of the Bay Area Air Quality Management District, etc.), **it is the social/environmental justice policies of each agency that provide tools** for comprehensive oversight, protection, and action regarding this unfortunate situation involving impacts to primarily Latino workers.

- [CalEPA Racial Equity Home Page | CalEPA](#)

## RETALITORY THREATS

Employees were pressured to do more hazardous work under threat of termination, the threat of termination having stronger leverage with workers of varying status.

This work, including for drivers taking trucks into the community, included being pressured to work on trucks and heavy equipment that we were not trained for and said that we did not feel safe operating.

The trucks lacked proper maintenance and had problems including catching on fire while on routes and engine and steering failures while on routes. Equipment does not comply with FMCSA (Federal Motor Carrier Safety Administrations) and DOT (Department of Transportation) regulations.

The threat of Immigration/Border Patrol/ICE was used by at least one management level employee in the company to create fear in employees to keep them from reporting environmental problems or communicating with others about the problems. **This could potentially be considered extortive behavior from the company.**

For example, employees report that UVDS management employee Kano Galindo talked to employees at UVDS/CFL falsely telling them that former manager Jose Garibay Jr., who was terminated by the company without cause, called Immigration, Border Patrol and ICE on all the undocumented employees from UVDS/CFL. This was untrue and intended to create fear in the employees so the employees would not have any contact or share/step forward with any information related to unlawful activities and environmental problems at UVDS/CFL.

There are significant laws in California and the United States to protect workers of all status from retaliation in reporting unlawful and harmful activity, as well as protecting worker's Civil Rights, (See State of California Dept. of Justice).

There is clear precedent for companies being prosecuted, including by the US Dept. of Justice, for exploiting the vulnerabilities and immigration status of employees.

In this case it is most egregious as UVDS/Clover Flat Landfill have operated on exclusive government contracts for the previous 60 years.

UVDS Management and administration including Christy Pestoni, Sylvia Pestoni, Linda Sereni, Marvin Pestoni, and others, including office staff and Management (Kim Schiebly, Ray Homes, Veronica Hansen, Steve Peterson, Douglas Speicher, Bryce Howard, Kanuto Galindo ) and other members of the Pestoni and Sereni families, were and are well aware of the long term UVDS/Clover Flat Landfill practice of the hiring and exploitation of a workforce vulnerable due to immigration status for the company's own financial profit.

## TOXIC CONTAMINATION/WATER CONTAMINATION

As workers at UVDS and Clover Flat Landfill we have been exposed to all manner of contamination related to garbage and recycling, often without proper training or proper protective equipment. We were not properly advised of the health and safety hazards we have been subjected to while working for this employer. This has gone on for decades.

We were also not properly made aware of our right to such training or protective equipment, and our right to demand it for our own protection.

We were pressured to work in unreasonably hazardous conditions of contamination with fear of termination if we reported problems. We were not provided with proper instruction or translations to understand what we were being subjected to or what our rights were.



There have been clearly negligent practices in management of these toxic and hazardous materials at UVDS/CFL over decades, including inadequate and compromised infrastructure and equipment – affecting employees as well as the surrounding environment and community.

### **Untreated liquid leachate/garbage wastewater**

A significant aspect of the contamination we were exposed to has to do with untreated, contaminated leachate garbage wastewater. For decades the leachate should have been trucked out for treatment, but instead was re-sprayed over the UVDS Whitehall Lane and Clover Flat facilities as a cost saving measure by the company.

Garbage leachate is the mixed wastewater from all waste/garbage operations and is universally understood and designated as toxic, so any claim that leachate from Clover Flat Landfill/UVDS is somehow non-toxic is contrary to established logic and science.

In March of 2020 sampling was collected at Clover Flat Landfill and reported in the Clover Flat Landfill Golder Report titled: PER- AND POLYFLUOROALKYL SUBSTANCES (PFAS) SAMPLING AND ANALYSIS REPORT CLOVER FLAT LANDFILL MAY 2020 that stated: “*PPFAS were detected in all groundwater, leachate, and leachate/condensate samples collected. All PFAS that were detected in groundwater samples were also detected in the leachate samples.*”

Leachate from compost at the UVDS Whitehall Lane facility was mixed with wastewater from the daily washing down of the UVDS garbage truck fleet over years and decades, which included petroleum-based oils and greases. The Whitehall Lane leachate was also infused with heavy chemicals to mask waste pond smells.

**There has been significant contact between UVDS employees and untreated leachate garbage wastewater over time without protective protocols or proper equipment.**

It should also be stated that working in a waste facility can de-sensitize employees to the toxicity, impacts and risks of their workplace - bringing the responsibility for best practices even more firmly onto the shoulders of the garbage company and oversight agencies responsible for the health and safety of their workers and the community in which the company is allowed to operate.

Many UVDS/Clover Flat Landfill employees are also witnesses to large scale contamination of compost sold and given away as “organic” in the upper Napa Valley by UVDS by the moisturizing of large compost piles with sprayed and airborne contaminated leachate wastewater at the UVDS Whitehall Lane facility, also without protective equipment or training.

Employees have also been pressured to suppress ongoing fires at these waste sites with untreated leachate wastewater without protective respiratory equipment (see “Fire” section below). They have also been directed by the company to fight the fires themselves and not contact 911 or the fire department.

### **Ghost Piping**

Many employees at UVDS/Clover Flat Landfill are also witnesses to “Ghost Piping” on the UVDS Whitehall Lane and Clover Flat Landfill sites.

This is unmapped/unquantified underground piping that diverts leachate, wastewater and compromised storm water into public water ways, instead of collecting and holding the leachate for proper treatment.

**Direct and indirect contamination at UVDS/CFL from many sources, negligent practices and lack of safety protocol should be an important aspect of a comprehensive multi-agency investigation into UVDS/Clover Flat Landfill.**

## FIRES

Garbage, waste, recycling and compost facilities are prone to fire due to materials, volatile fuel load and processes inherent to their operations.

The Clover Flat Landfill waste site is in a forested CalFire High Fire Hazard Severity Zone and the UVDS Whitehall Lane waste site is in close proximity to a CalFire High Fire Hazard Severity Zone.

There has been a long and documented history of waste and compost fires at Clover Flat Landfill and the UVDS Whitehall Lane facility, putting employees and the upper Napa Valley community/Napa County agricultural endeavors at risk and exposed to fire and environmental impacts that include toxic smokes and vapors.

A full investigation including analyzation/quantification of volatile fuel load should be taken on this matter by a Ca. state agency such as CalEPA or CalFire. Testimony should be taken from UVDS/CFL employees and the upper Napa Valley community regarding these issues to ensure company accountability for negligent and unsafe practices, and to ensure employee and community safety moving forward.

The company practice has been to pressure employees not to report the fires. The UVDS/CFL employees coming forward now with these complaints are witnesses to these fires that put many lives and the Napa Valley economy at risk.

The company has gone as far as posting on their website that there have been no onsite fires since 2018, when there is significant photographic and firsthand witnessing by employees and community members of many onsite fires occurring at least into 2022. (See attached Fire Flyer).

This is especially egregious as this company has operated by exclusive government contracts for the past 60 years with no competitive bidding, exposing the very community and workers that support the company to such risks and impacts.

Both sites lack adequate fire plans and are inconsistent with the Ca. Fire Code.

In the case of Clover Flat Landfill the fire plan is inconsistent with Ca. Fire Code Chapter 49 - Requirements for Wildland-Urban Interface Areas and is deficient in addressing issues such as ingress/egress, fire reporting processes, and employee and community safety.

Employees at both sites have been exposed to flame and smoke/vapors and additional fire risks without adequate protective equipment or training.

Employees have also been pressured to suppress fires with contaminated liquid leachate (garbage wastewater) without protective respiratory equipment.

With recent significant increases in out-of-county waste entering Clover Flat Landfill there has been a corresponding increase in volatile fuel load that has not been analyzed or quantified.

**It should be considered that all landfills/waste facilities such as Clover Flat Landfill are by their nature large scale processing facilities for high volume, highly flammable/explosive landfill gasses such as methane - and thus carry an immense and highly volatile fuel load.**

Clover Flat Landfill sits in a high fire tier location in a key Napa Valley/Napa County water resource area where there is little to no margin for error in managing such highly volatile fuel loads, and where even in winter just one spark at the wrong time or place can ignite gasses or other fuel load throughout the whole facility and spread into the rugged terrain or across the valley, as well as release significant toxins.



There are significant environmental and toxic impacts associated with landfill and waste fires, including as volatile fuel loads with potential to fuel or accelerate wildfires like the Glass Fire wildfire of 2020 that burned significant portions of Clover Flat Landfill (see below section on Glass Fire 2020).

## **AIR QUALITY**

This complaint is also relevant to air quality, as related both to toxic/hazardous smokes and vapors related to waste fires, as well as to vapors and air quality issues related to contamination.

Air quality issues are a considerable part of the concern with the Glass Fire of 2020 that burned the methane and leachate containment systems at Clover Flat Landfill, as well as paint and oil storage buildings, exposing UVDS/CFL employees to toxic/hazardous smokes and vapors.

Over many years, including in the Glass Fire, employees have also been pressured to suppress fires with contaminated liquid leachate (garbage wastewater) without protective respiratory equipment.

**There are also concerns about lack of adequate ventilation and, respiratory equipment when dealing with contaminated materials.** Including concerns regarding lack of proper hooding and ventilation in the MRF (Materials Recovery Facility).

### **1. UVDS Does Not Have Vacuums or Proper Hooding for Recovery of Toxic Dust**

- **(Language provided from waste industry websites including PrestiVac and ImpactAir Systems)**

While recycling is good for the environment, it can be dangerous for workers. Certain materials that are recycled or reused, such electronics, scrap metal, batteries, and used oil and other chemicals, have materials that directly pose hazards to workers.

Employees in facilities that recycle scrap are exposed to a range of safety hazards associated with material handling methods, hazards associated with the metals themselves (as dust or fumes), and with the hazardous substances used to process or recover these metals.

The recycling industry encompasses a wide range of metals. Some of the most commonly recycled metals (by volume) are iron and scrap steel (ISS), copper, aluminum, lead, zinc, and stainless steel. Scrap metals, in general, are divided into two basic categories: ferrous and nonferrous.

Ferrous scrap is metal that contains iron. Iron and steel (which contains iron) can be processed and re-melted repeatedly to form new objects. Common nonferrous metals are copper, brass, aluminum, zinc, magnesium, tin, nickel, and lead. Non-ferrous metals also include precious and exotic metals. Precious metals are metals with a high market value in any form, such as gold, silver, and platinum. Exotic metals contain rare elements such as cobalt, mercury, titanium, tungsten, arsenic, beryllium, bismuth, cerium, cadmium, niobium, indium, gallium, germanium, lithium, selenium, tantalum, tellurium, vanadium, and zirconium.

Exposure to hazardous substances may lead to acute and chronic health effects and may potentially cause long-term public health and environmental impacts. Uncontrolled hazardous materials pose significant threats to public health through inhalation of dust particles.

### **2. Environment**

The Environmental Industry is composed of establishments operating in a variety of industries that produce environmental goods and services. Environmental goods and services are goods and services that are used, or can potentially be used to measure, prevent, limit or correct environmental damage (both natural or by human activity) to water, air, soil as well as problems related to waste and ecosystems. They also include clean or resource-efficient (eco-

efficient) technologies that decrease material inputs, reduce energy consumption, recover valuable by-products, reduce emissions and/or minimize waste disposal problems.

Environmental health hazards may be biological, chemical, or biomechanical. Toxic exposure for workers in the environmental Industry can include, but not limited to the following: Arsenic compounds; Asbestos; Beryllium; Cadmium & cadmium compounds; Chromium (hexavalent) compounds; Coal tars; Diesel; Epichlorohydrin; Mineral oils (untreated and mildly treated); Nickel and nickel compounds; Radon; Silica (crystalline); Soots; Strong inorganic acid mists containing sulfuric acid; Talc, etc.

### **3. Dust dangers**

POPs – Persistent Organic Pollutants (POPs) are poisonous chemicals found in household items such as upholstered domestic seating and when shredded can omit these chemicals. Suitable dust control measures must, therefore, be put in place.

Fire/explosion – Combustible dusts present an explosion hazard when suspended in certain conditions which can result in catastrophic damage.

Occupational health issues – as well as creating an unpleasant working environment for staff, some types of dust can cause respiratory allergies, infection, and long-term health problems such as asthma and chronic obstructive pulmonary disease.

Maintenance issues – An excessive buildup of dust can get into moving parts and create problems with the efficiency of operational equipment.

### **UVDS MIS-REPORTING OF GLASS FIRE WILDFIRE OF 2020 BURNING SIGNIFICANT PORTIONS OF CLOVER FLAT LANDEILL**

Below is a list of workers who are submitting this complaint who were a part of the group of employees of UVDS/Clover Flat who were deployed into hazard zones during the Glass Fire of 2020 from Sept. 27/28 2020 into early/mid Oct. of 2020

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THIS WORKERS/DRIVERS WERE ALSO UVDS/Clover Flat who were deployed into hazard zones during the Glass Fire of 2020 from Sept. 27/28 2020 into early/mid Oct. of 2020

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

UVDS/CFL workers were deployed by UVDS/CFL to Clover Flat Landfill during the Glass Fire wildfire from late Sept. into early Oct. of 2020. During this time workers were exposed to toxic releases and highly hazardous situations without proper protective equipment or proper training.



A 15 member all Latino crew of UVDS/CFL employees were deployed to clean up Clover Flat Landfill from the Glass Fire while it was still burning.

**The workers deployed for this work were the general MRF (Materials Recovery Facility) workers and a few from Clover Flat Landfill general labor C&D pad (Concrete and Debris tipping floor/pad where the general public dumps their trash), and a few Equipment Operators - all without any training or certification from any agency.** These workers were directed by the company to clean up the aftermath of the Glass Fire impacts, including fire suppression for hot spot fires with untreated leachate wastewater, felling still burning trees, running heavy chainsaws, wood chipping, hauling, and massive cleanup on rugged, steep terrain all to be done without training or proper safety equipment in compromised air quality due to the ongoing fires in the area and impacts to the landfill facility.

This clean-up/fire suppression work should have been handled by professional firefighters and trained hazmat workers instead of untrained UVDS/CFL workers.

Drivers and general MRF workers should also not have been sent into this hazard zone as general operations at this landfill were not essential at the time.

It should also be noted that most of the drivers and general MRF crew and Clover Flat Landfill C&D pad crew were/are of Latino background and that the clean-up crew deployed into the Glass Fire hazard zones was 100% Latino.

Evidence substantiates that employees were deployed into this situation with intent by the company to obscure facts and evidence of the Glass Fire impacts on Clover Flat Landfill for the company's own financial benefit, and to needlessly keep the landfill operational during this emergency situation for the company's own financial benefit.

The previous wildfires in the surrounding local areas in previous years proved to be very lucrative for the company. The tonnage at Clover Flat Landfill increased exponentially during wildfires, with UVDS/CFL seeking special permitting to accept the out-of-area fire waste.

There was a huge push from the company to have the Clover Flat Landfill back open and operational as quickly as possible, despite health or safety risks.

## **CERS/CUPA PROCESS**

- California Environmental Reporting System/Consolidated Unified Program Agency (CERS/CUPA)

It is our understanding that CalEPA has jurisdiction in a situation like this through CERS/CUPA processes and there is a five-year statute of limitations regarding environmental incidents such as this. We would like to request a full **CalEPA investigation** into this matter including fire behavior analysis of the Glass Fire 2020, and toxicology/quantification of toxic releases from the burning of significant portions of Clover Flat Landfill that should have occurred in the immediate aftermath of the Glass Fire.

**There should also be consideration of this incident as a Class 1 Violation per criteria of the CalEPA/CUPA Violation Classification Document of 03/06/2020 included below.**

On Sept. 27 and 28 of 2020 the Glass Fire Wildfire burned through the upper Napa Valley, including burning significant portions of Clover Flat Landfill, including the methane collection system, leachate (garbage wastewater) collection system, as well as paint and oil storage structures - fire impacts which would have undeniably created **significant toxic discharges** that UVDS/CFL workers were exposed to, as well as having impacts to the environment and putting the local population of the upper Napa Valley and firefighters at risk.

Many acres of large forest trees on steep inclines on Clover Flat Landfill property leading to local waterways were also burned in the Glass Fire.

Despite the facts of the Glass Fire impacts on Clover Flat Landfill as reported by the Ca. Regional Water Board and the Local Enforcement Agency (LEA) - of CalRecycle (reports attached), **UVDS/CFL - including then owner**



**Christy Pestoni - failed to immediately report the incident to the State Warning Center (CalOES) per CERS/CUPA protocols.**

California Emergency Response System/Consolidated Unified Program Agency.

(See below CERS/CUPA Consolidated Emergency Response/Contingency Plan - Section C on Emergency Communications. The Consolidated Emergency Response/Contingency Plan also provides an inventory of equipment, training and protocol in many cases disregarded - Sections D,E,F).

- <https://cers.calepa.ca.gov/wp-content/uploads/sites/11/2022/06/Emergency-Response-Plan-corrected-6-27-22.pdf>

It is also of great concern that the inspectors for the Napa County LEA and Ca. Regional Water Board (Peter Ex/Alex Karpowicz) failed to recognize in their Glass Fire inspections the exposures/impacts to UVDS/CFL workers at the time of the Glass Fire or carry out any due diligence regarding the workers safety.

Aura Quecan is also a Napa County LEA inspector familiar with the UVDS/CFL waste sites. While she may not have been involved in Glass Fire inspections, she should also have recognized impacts to Latino workers on a day-to-day basis.

It is also concerning that efforts of the company to obscure the burning of the landfill and its associated toxic releases from the general public were not called out by these governmental agents from the CalRecycle LEA and Regional Water Board tasked with public health and safety.

Had it been properly reported and processed the public would have been made aware of the burning landfill so that sensitive populations could take additional precautions, as well as better safety protocol would have been in place for employees.

**The company - UVDS/CFL, including then owner Christy Pestoni - also willfully provided clearly inaccurate public messaging through the local St. Helena Star newspaper that Clover Flat Landfill was untouched by the Glass Fire. (see St. Helena Star article Oct.6 2020 - by Jesse Duarte - attached) – no other media or government statement was put out to alert the public or employees to the significant health/safety concern of a burning landfill.**

Though UVDS/CFL sold to Waste Connections in 2022/2023, former owner Christy Pestoni is still involved as Director of Environmental/Governmental Affairs for Waste Connections and with management of UVDS/CFL – and accountability needs to be taken on this matter.

## **CalEPA VIOLATION CLASSIFICATION DOCUMENT - CLASS 1 VIOLATION**

According to the CalEPA Violation Classification Document (Revised 03/06/2020) there are numerous criteria to be factored in consideration of a Class 1 Violation including - Multiple Hazardous Waste Violations - Volume of the Hazardous Waste - Relative Hazard of the Hazardous Waste - Proximity of the Population at Risk - Knowing, Willful or Intentional Violations - Compliance History - Economic Benefit.

All of these criteria are applicable in this case and documentation exists to support the concerns in each of these aspects that should be reviewed in an investigation.

- <https://calepa.ca.gov/wp-content/uploads/sites/6/2020/06/Violation-Classification-Guidance-Documents-accessible.pdf>

Regarding Economic Benefit aspects of the criteria - we believe there is more than sufficient evidence of financial motivation by UVDS to obscure evidence of the Glass Fire impacts to Clover Flat Landfill and to re-open the landfill



as quickly as possible - despite the health and safety risks to employees, the community and the environment - to continue the lucrative intake of regional waste into Clover Flat Landfill by the company, even as the Glass Fire raged, and alternative waste sites had already been in use.

## **NON-ESSENTIAL WORK**

Any claim by the company that UVDS/CFL workers deployed to Clover Flat Landfill during the Glass Fire were exempt from basic protections as “essential workers” must be disabused as it was clearly not essential for Clover Flat Landfill to remain operational in the aftermath of the Glass Fire for any other reason than the company’s own financial benefit, as well as the fact that any “essential worker” classification does not absolve the company from responsibility to provide proper safety protocol and equipment for workers.

Also, to be considered is how the “essential worker” classification related to the pandemic was carried out by UVDS related to the Glass Fire while Napa County was under an evacuation order for the Glass Fire.

There are significant questions both to whether UVDS workers were actually classified as essential workers at the time of the Glass Fire, pertinent to the Glass Fire, or as related to the pandemic, as well as who made the decision to issue the passes for these workers to enter evacuation zones without proper fire or hazmat training or equipment, particularly if the work was not actually essential?

Which it was not because alternative sites in southern Napa County had already been identified and used to take in local waste.

**Included in the Economic Benefits considerations would be that insurance coverage at Clover Flat Landfill was questionable at the time of the Glass Fire. No insurance documents for Clover Flat Landfill per the franchise agreement with the County of Napa have been produced by UVDS or the County of Napa. Through Public Records Requests and an Environmental Attorney, Stu Flashman, evidence of insurance held by Clover Flat Landfill was requested. Per the Clover Flat Landfill contract with the Joint Powers Authority Agency Upper Valley Waste Management Agency (UVWMA) they are required to hold insurance at the landfill however the Director of UVWMA, Steven Lederer, could not provide insurance for Clover Flat Landfill, only Upper Valley Disposal.**

Also, during the pandemic UVDS used the MRF (Materials Recovery Facility) at the UVDS Whitehall Lane site as a **transfer station without permits** to collect all recycling from their upper Napa County and Lake County operations then transferring it to Napa Recycling. This had environmental impacts that were not analyzed.

## **INADEQUATE CLOVER FLAT FIRE PLAN/PRE-EXISTING CONDITIONS**

Investigation into this matter should include investigation into pre-existing conditions at Clover Flat Landfill when the Glass Fire struck, including consideration inadequacies of the existing Fire Plan at Clover Flat Landfill at the time of the Glass Fire – a Fire Plan which was inconsistent with the Ca Fire Code - including Chapter 49 – Requirements for Wildland-Urban Interface Areas.

- (See attached Clover Flat Fire Plan document and attached Ca. Fire Code Chapter 49)

Even cursory scrutiny of this Fire Plan reveals major inadequacies including related to ingress/egress, employee safety, fire reporting protocols, and protocol for fire suppression/prevention in a Wildland Urban Interface area such as Clover Flat.

It should also be considered that negligence in adhering to the Ca. Fire Code Chapter 49 may have created vulnerabilities with Clover Flat Landfill infrastructure and fuel load that could have accelerated or affected the



trajectory of the Glass Fire through the Clover Flat property and across the Napa Valley from east to west, creating additional environmental impacts.

Clover Flat sits at one of the narrowest parts of the Napa Valley (1-2 miles) and is one of the two places the Glass Fire crossed the Napa Valley from east to west. Burn patterns from satellite imagery establish the fire's trajectory through Clover Flat drainages extending across the valley floor.

Also, acres of large forest trees on steep inclines at Clover Flat leading to waterways and along the Clover Flat entrance road were also burned and should be considered in analysis of fire trajectory related to Clover Flat Landfill and the Glass Fire.

Members of the Calistoga Fire Department that witnessed the situation would have additional information, CalFire was operational in the surrounding area at the time of the Glass Fire but was not engaged in operations at Clover Flat Landfill.

## CLOSING

In closing we respectfully ask the numerous responsible regulatory agencies to open investigations into the gross negligence of Upper Valley Disposal Service and Clover Flat Landfill. As employees for this company, we were always put in dangerous situations. We lost a fellow friend and employee, Gabriel Diaz-Cervantes, in a preventable death at Upper Valley Disposal in 2013. He was 44 years old and left behind a wife and four children. It is only a matter of time before another employee is seriously injured or killed. We have all felt afraid for our lives and/or safety while working for Upper Valley Disposal and Clover Flat Landfill. Please open a full investigation into these environmental and social justice violations. If our coworkers are able to see it is safe to come forward, we are confident more will be willing to come forward to confirm and add to these facts.

Thank you for your time and consideration.

Signed and dated

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### ADDITIONAL REFERENCE LINKS:

- <https://huntingtonbeachca.gov/files/users/fire/SummarySpill-Release-Feb2014.pdf>
- <https://acgov.org/forms/aceh/ReleaseReporting.pdf>
- [California Toxic Release Inventory Program \(CalTRIP\) | Department of Toxic Substances Control](#)
- <https://www.epa.gov/toxics-release-inventory-tri-program>
- [CalEPA Environmental Complaint System FAQs | CalEPA](#)
- <https://calepa.ca.gov/enforcement/complaints/faqs/>

### **Attachments:**

- Fire Flyer
- St. Helena Star Article – Clover Flat Landfill untouched by Glass Fire
- CFL Fire Plan/Chapter 49 – Fire Code
- PFAS – Golder Report

- [complaints@calepa.ca.gov](mailto:complaints@calepa.ca.gov)
- <https://calepa.ca.gov/enforcement/complaints/faqs/>
- <https://app.scoutcms.com/CaStateAuditorWhistleblowerComplaint>