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Mr. Jason R. Hade, Principal Planner
Napa County
Planning, Building & Environmental
Services
1195 Third St., Suite 210
Napa, CA 94558

Re: Application for Major Use Permit Modification for Clover Flat Landfill
(P20-00025)

Dear Mr. Hade,

I am an attorney representing Mr. Geoffrey Ellsworth, who happens to be the Mayor of the City of Saint Helena. While he is the City's mayor, I am submitting this letter on his behalf as an individually elected public official in the position of mayor of St. Helena, but the opinions expressed herein are his individually and do not represent the positions of the St. Helena City Council or the City of St. Helena.

Mr. Ellsworth has long-standing concerns about the Clover Flat Landfill ("CFL"). Indeed, many years ago, when he was an employee of CFL, he directly observed a casual attitude towards compliance with regulatory requirements that has continued to be reflected in more recent regulatory violations. Those concerns are heightened by CFL's application to expand its legal operations to areas that it had already begun to utilize without authorization. Of particular concern in the context of CEQA review is that CFL indulged in activities, including grading and road construction, that had the potential to cause significant environmental impact, but did so without county approval and without the environmental review that should have preceded any such approval. That attitude of disregard for environmental compliance, and any environmental impacts that may have resulted from that noncompliance, both need to be taken into account in evaluating CFL's current application and what level of environmental review is appropriate.

We have retained a consultant who will be submitting a letter providing further evidence for why the application should not be acted upon (other than by summary denial) without first preparing a full environmental impact report (EIR) to address the project's potential significant impacts on the environment.

However, even without that letter, CFL's very location and site characteristics, along with those of the surrounding area, and CFL's prior history of regulatory missteps and disregard for environmental regulations should demand that the County prepare an EIR for this potentially impactful project.

The very location of CFL, on a steep hillside where there are multiple seasonal streams that cross the property and the drainage empties into the Napa River, raises significant issues about the project's potential to increase the already significant risk of water quality violations due to escape of leachate from CFL. Further, as with many landfills of this vintage, much of the current landfill is unlined, as is the area being proposed for addition. This means that in addition to the risk of direct contamination of surface waters, there is a very real, and almost certainly already-existing, potential for increased groundwater contamination by landfill leachate. Not only would that contamination put at risk groundwater quality for agricultural and human consumptive

use, but it also raises the risk of outflow of contaminated groundwater via springs downhill from the site, resulting in further surface water contamination. All of these potentially significant impacts, which could be further increased by the use permit modification's approval, need to be assessed in an EIR.

In addition, CFL is located in a very high fire hazard severity zone (see attached map), as was recently demonstrated when the "Glass Fire" roared through the landfill site, damaging gas lines and hay bales intended to prevent polluted leachate from entering watercourses running through or near the site. Hopefully most of that damage has been repaired at this point, but especially as the wildfire season has expanded to overlap with the rainy season, it becomes more and more risky to continue operating a landfill in this area. That is especially important considering that this landfill has had repeated fires on-site (see attached reports from CalFire), at least some of which may have involved ignition of methane released from the landfill. The EIR for the modification should therefore consider the alternative of phasing out CFL in favor of a waste disposal site with fewer risks associated with it.

As you know, CFL has had a checkered history in terms of its compliance with environmental regulations. It has been cited repeatedly by the San Francisco Bay Regional Water Quality Control Board for water quality violations and has also been cited by the State Department of Resources Recycling and Recovery ("CalRecycle") for violation of minimum regulatory standards for solid waste disposal facilities. (See attached documentation.) In addition, the County itself has cited CFL for violations of the California Integrated Waste Management Act and its implementing regulations. And, of course, this very application reflects CFL's cavalier attitude in beginning to use the area in question for landfill-associated activities without first obtaining the county's approval for the expansion of CFL.

My client is aware of the fact that there have been recent management changes at CFL; that it claims to have "turned over a new leaf;" and that, under its new management, it will vastly improve its environmental compliance. To say the least, my client remains unconvinced that things have truly and permanently changed for the better, as the managing company remains in the same ownership as always. It is perhaps analogous to a "deathbed conversion," and should be viewed with an appropriate level of skepticism. Further, UVWMA's contracts for use of CFL have routinely been awarded without competitive bidding. While this would not necessarily result in poor management, it does mean that the landfill's compliance record has never been compared with those of other bidders, removing one potential incentive for maintaining regulatory compliance. The EIR needs to take into account the current owner's past history of compliance failures and disregard of regulations in assessing the likelihood of being able to adequately mitigate or avoid future impacts. In particular, any proposals for mitigation measures involving self-reporting need to include a requirement for regular periodic auditing by the regulatory agencies involved.

Finally, the application for the use permit modification makes the assertion that adding to CFL's hours of operation will result in no change in the amount of waste deposited or the number of vehicle trips associated with CFL's operations. This might be a credible assertion if the Upper Napa Valley was an area undergoing no growth in its population or its developed area. However, that is obviously not the case. With the continued growth of population and development in the Upper Napa Valley, it is a foregone conclusion that the rate of waste deposition and number of vehicle trips will continue to rise over time. Indeed, this use permit modification and the area it involves would not be needed except for the past and expected future growth in use of CFL. The EIR for this project needs to take into account the projected growth in vehicle trips and in the demand for additional disposal capacity. It should also consider the growth-inducing potential that would result from the addition of the new area to CFL, and the possibility that once it has been added to the facility, it will eventually also be recruited into active landfill capacity, with resultant cumulative impacts.

Mr. Jason Hade, Principal Planner

4/12/21

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My client and I look forward to being able to comment further on this project's potential environmental impacts as its environmental review moves forward. Please keep me informed of any future activity on this project application.

Most sincerely,

Stuart M. Flashman

Attachments:

- Calfire report on fire at CFL
- RWQCB notices of violation and orders
- Napa County Notices of Violation and orders

cc: Bay Area Regional Water Quality Control Board
CalFire
Napa County Board of Supervisors
Napa County Planning Commission
Upper Valley Waste Management Agency
Calrecycling
City of Saint Helena
City of Calistoga
Town of Yountville



A Tradition of Stewardship
A Commitment to Service

Planning, Building & Environmental Services

1195 Third Street, Suite 210
Napa, CA 94559
www.countyofnapa.org

David Morrison
Director

NOTICE OF VIOLATION
ORDER TO COMPLY

January 19, 2016

Robert Pestoni
Vista Corporation
PO Box 382
St. Helena, CA 94574

VIA CERTIFIED MAIL RETURN RECEIPT REQUEST AND STANDARD FIRST-CLASS U.S. MAIL

LOCATION: Clover Flat Landfill, 4380 Silverado Trail, Calistoga, California 94515

APN: 020-120-020-000

SUBJECT: Violation – Stormwater Illicit Discharge

Dear Mr. Pestoni,

On December 21, 2015, the Napa County Planning, Building and Environmental Services Department (PBES), Engineering Division was contacted by an anonymous source with the complaint of a 'Milky Brown' colored water discharging into a tributary to the Napa River off of Maple Lane near Calistoga, CA. On December 22, 2015 and January 6, 2016 County staff conducted several investigations to determine the origin of the discharges. On both occasions staff observed sediment and debris laden discharges entering the unnamed stream that crosses Silverado Trail North at approximately 4300 Silverado Trail North and continues to the Maple Lane site. Further investigation tracked the origin of the discharges to the Clover Flat Landfill property. There is a large unprotected cut slope that appears to be the cause of the illicit discharge. County records indicate that the construction of a new cell was approved under active grading permit (ENG14-00003) and that Clover Flat obtained coverage under the State's Construction General Permit (WDID # 2 28C369501) for this work.

Napa County Stormwater Ordinance No. 1400, requirements identify appropriate Best Management Practices (BMPs) to control the volume, rate, and potential pollutant load of stormwater runoff from new development and redevelopment projects as may be appropriate to minimize the generation, transport and discharge of pollutants. The County incorporated such requirements as conditions in any land use entitlement and construction or building-related permit to be issued relative to such development or redevelopment. The owner and developer shall comply with the terms, provisions, and conditions of such land use entitlements and building permits as required in this chapter. Official records indicate that you own, have a lien or encumbrance on, or have a possessory interest in the property listed above. Based on all the evidence collected on December 22, 2015 and January 6, 2016, the county has determined that the following violations have occurred.

Violation:

1. Appendix J of the 2013 California Building Code J110 (Erosion Control) – The faces cut and fill slopes shall be prepared and maintained to control erosion. This control shall be permitted to consist of effective planting. Erosion control for the slopes shall be installed as soon as practicable and prior to calling for final inspection.
2. Napa County Code Section 16.28.100 (Reduction of pollutants in stormwater) - Any person engaged in activities which may result in pollutants entering the stormwater conveyance system shall, to the maximum extent practicable, undertake the measures set forth below to reduce the risk of illicit discharge and/or pollutant discharge.
3. Napa County Code Section 16.28.090 (Acts potentially resulting in violation of Federal Clean Water Act and/or Porter-Cologne Act.) - Any person who violates any provision of this chapter, any provision of any permit issued pursuant to this chapter, or who discharges waste or wastewater which causes pollution, or who violates any stop order, prohibition, or effluent limitation, may also be in violation of the Clean Water Act and/or Porter-Cologne Water Quality Control Act (California Water Code Section 13020 et seq.), and the Phase II Stormwater Permit, and may be subject to the sanctions of those acts including civil and criminal penalties.

In order to prevent further pollution from entering Napa County waterways and to resolve the above noted violations you must take the steps necessary to eliminate this hazard. The California Department of Fish and Game has been notified of this discharge and may contact you independently of any action that the County takes to remedy the violation. Clean Water Act violations are also reported to the Regional Water Quality Control Board.

Actions Required:

1. Illicit discharge must cease immediately.
2. Run-on Controls need to be installed in all areas of Disturbed Soil Areas (DSAs);
3. Install temporary slope stabilization on all exposed slopes;
4. Install inlet/outlet protection to mitigate sediment/pollutant transport at the outfall locations at the upper cut and upper stockpile locations;
5. You must remediate any damage to the waterways under the direction of the California Department of Fish and Wildlife;
6. Contact Engineering Division, Jeannette Doss, for further direction on remediation and permit processing. Jeannette may be contacted at (707) 259-8179 or via email at Jeannette.Doss@countyofnapa.org.

Please respond within **seven (7) days** of the date of this Notice and Order, **January 26, 2016**, to inform this office of your plans to address the County Code violations. Your cooperation is requested, however, failure to promptly comply, by first responding, this matter may be referred to the District Attorney or County Counsel

for appropriate legal action. These actions will be in addition to any violations possibly pursued by other departments or resource agencies.

Napa County is standing by to provide guidance and cooperation with Clover Flat Landfill in their clean-up and abatement efforts. Should you have any questions regarding this matter, please do not hesitate to contact Ms. Jeannette Doss at (707) 259-8179 or me at (707) 259-8371, or by e-mail at jeannette.doss@countyofnapa.org or nate.galambos@countyofnapa.org.

Thank you for your attention in this matter.

Sincerely,



Nathan J. Galambos, P.E.
Managing Engineering
Engineering Division

By:
Jeannette Doss
Assistant Engineer

cc: David Morrison, Director of Planning, Building and Environmental Services

Carrie Gallagher, Deputy County Counsel

Pirie, Greg, Solid Waste Program Manager, Planning, Building and Environmental Services

Mr. Robert Pestoni, Vista Corporation, PO Box 382, St. Helena, CA 94574 – VIA Certified Mail,
Return Receipt Requested

Warden Ed Morton, CA Department of Fish and Wildlife - Bay Delta Region (Region 3), 7329
Silverado Trail, Napa, CA 94558

Michelle Rembaum-Fox, CA Regional Water Quality Control Board – Region 2, 1515 Clay Street, Suite
1400, Oakland, CA 94612

1 BEFORE THE
2 NAPA COUNTY DEPARTMENT OF PLANNING, BUILDING,
3 AND ENVIRONMENTAL SERVICES AS ENFORCEMENT AGENCY FOR NAPA COUNTY
4

5 In the Matter of:

6 Clover Flat Resource Recovery Park
7 SITE NO. 28-AA-0002
8
9

FIRST AMENDED NOTICE AND ORDER
NO. EA-2019-01-A1

Public Resources Code §§ 45000 and 45011;
California Code of Regulations, Title 14, §§
18304 and 18304.1

10 **TO:** Clover Flat Landfill, Inc., 1285 Whitehall Ln., St. Helena, CA 94574, as operator of the
11 Clover Flat Resource Recovery Park; Vista Corporation, 1285 Whitehall Ln., St. Helena, CA 94574, as
12 owner of the Clover Flat Resource Recovery Park;

13 **PLEASE TAKE NOTICE THAT:**

14 WHEREAS, the Clover Flat Resource Recovery Park ("Site"), a solid waste disposal site and
15 composting facility, is located at 4380 Silverado Trail, Calistoga, CA 94515 (APN 020-120-020); and

16 WHEREAS, the Napa County Department of Planning, Building, and Environmental Services
17 ("LEA") has authority in the capacity as an enforcement agency (EA) and issue Notices and Orders for
18 this Site pursuant to Public Resources Code § 43200, *et seq.*, and the California Code of Regulations,
19 Title 14, Section 18304, and is so acting; and

20 WHEREAS, on July 30, 2014, the operator of the Site obtained a permit from the LEA to operate
21 as a solid waste disposal site and a composting facility, attached hereto as Exhibit "A"; and

22 WHEREAS, the Site is authorized to operate consistent with its duly issued permit as long as the
23 Site is meeting the requirements specified in the Public Resources Code and CalRecycle regulations; and

24 WHEREAS, the LEA has conducted inspections and determined that the Site is in violation of
25 numerous provisions of the Public Resources Code as follows:

- 26 1. On August 8, 2018, the LEA issued and delivered via certified and regular mail a Notice
27 of Violation (NOV) to the owner of the Site, attached hereto as Exhibit "B". The NOV
28

1 memorialized observations made by the LEA during at least one prior inspection that
2 occurred following fire(s) at the Site. The NOV identified the following violations:

- 3 a. **Permit Terms and Conditions – “The permit shall contain all terms and**
4 **conditions which the enforcement agency determines to be appropriate for**
5 **the operation of the solid waste facility. The operator shall comply with all**
6 **terms and conditions of the permit.” (Public Resources Code § 44014.)**

7 The Site’s permit terms and conditions require the Site personnel to consist of at
8 least one facility manager. (See Joint Technical Document and Subsequent
9 Amendments, page 31, section 5.2, attached and incorporated into the Site’s
10 permit.) According to information obtained from the owner and/or operator, the
11 LEA is aware that the facility manager position for the Site had been vacant as of
12 the date of the NOV for approximately six months. The LEA informed the owner
13 that the facility manager position must be filled immediately, as required by the
14 Site’s permit terms and conditions.

- 15 b. **Fire Prevention – “The operator shall provide fire prevention, protection and**
16 **control measures, including, but not limited to, temperature monitoring of**
17 **windrows and piles, adequate water supply for fire suppression, and the**
18 **isolation of potential ignition sources from combustible materials. Firelanes**
19 **shall be provided to allow fire control equipment access to all operation**
20 **areas.” (14 Cal. Code of Regulations 17867(a)(9).)**

21 The LEA determined that during a fire at the Site on August 6, 2018, the Site
22 failed to provide adequate resources available for local fire responders to fight the
23 fire, including inadequate water onsite and inaccessible onsite water supply due to
24 non-usable water supply pipes and adapters. As a result of the Site’s inadequate
25 fire prevention measures and resources, the August 6, 2018, fire was largely
26 fought using CalFire engines, rented water trucks using water from an offsite
27 location, and excavation equipment and operators from an onsite excavation
28 company. Additionally, piles of unprocessed and processed green material were

1 stored in close proximity to one another and the active landfill face. Processed
2 green waste was being used as alternative daily cover and intermediate cover on
3 the active landfill face and side slopes which further contributed to the rapid
4 expansion of the fire.

- 5 c. **Nuisance Control – “All handling activities shall be conducted in a manner**
6 **that minimizes vectors, litter, hazards, nuisances, and noise impacts; and**
7 **minimizes human contact with, inhalation, ingestion, and transportation of**
8 **dust, particulates, and pathogenic organisms.” (14 Cal. Code of Regulations**
9 **17867(a)(3).)**

10 The LEA determined that the Site’s handling of green waste contributed to the
11 rapid expansion of fires and increased hazards for responding firefighters. Chip
12 and grind activities conducted by the Site near green waste storage piles and use
13 of processed green waste materials as intermediate and alternative daily cover on
14 the active face of the landfill slopes during hot summer months likely contributed
15 to the August 6, 2018, fire and its rapid expansion. Additionally, the proximity of
16 the green waste fire to the refuse disposal area resulted in increased hazards for
17 responding firefighters.

- 18 d. **Additional violations of the California Fire Code and Napa County Code.**

19 Enclosed with the LEA’s NOV (and included with Exhibit B, attached) was an
20 additional Notice of Violation issued by the County Fire Marshal detailing
21 additional violations of the California Fire Code and Napa County Code.

- 22 2. On January 29, 2019, the LEA conducted a routine inspection of the Site along with Site
23 representative Kaye Woodworth, compliance/safety coordinator for Upper Valley
24 Disposal Service (“UVDS”), and informed the Site representative of the following area of
25 concern:

- 26 a. **Drainage and Erosion Control – “The drainage system shall be designed and**
27 **maintained to: (1) ensure integrity of roads, structures, and gas monitoring**
28

1 **and control systems; (2) prevent safety hazards; and (3) prevent exposure of**
2 **waste.” (27 Cal. Code of Regulations 20820.)**

3 The LEA inspector observed drainage and erosion control issues near the active
4 face of the Site landfill.

- 5 3. On February 13, 2019, the LEA conducted a follow-up inspection of the Site along with
6 Site representative Kaye Woodworth, compliance/safety coordinator for UVDS, and
7 informed the Site representative of the following violations:

- 8 a. **Drainage and Erosion Control – “The drainage system shall be designed and**
9 **maintained to: (1) ensure integrity of roads, structures, and gas monitoring**
10 **and control systems; (2) prevent safety hazards; and (3) prevent exposure of**
11 **waste.” (27 Cal. Code of Regulations 20820.)**

12 The LEA inspector observed that little or no progress had been made to stabilize
13 the drainage and erosion control issues near the active face of the Site landfill that
14 were identified during the LEA’s January 29, 2019, inspection. The slope near
15 the active face had continued to erode and significant amounts of storm water was
16 running through exposed landfill areas above and into storm water drainage
17 channels or the public access area below. The LEA issued a violation and
18 directed the operator to address drainage and erosion issues immediately.

- 19 b. **Alternative Daily Cover – “Alternative daily cover alone, or in combination**
20 **with compacted earthen material, shall be placed over the entire working**
21 **face at the end of each operating day or at more frequent intervals to control**
22 **vectors, fires, odors, blowing litter, and scavenging without presenting a**
23 **threat to human health and the environment.” (27 Cal. Code of Regulations**
24 **20690.)**

25 The LEA observed large areas of exposed trash near the active face of the landfill
26 at the Site. When questioned, the operator was unsure how to address the issue
27 due to recent rains and saturated conditions. The operator did not have sufficient
28 approved tarps to cover the areas at the time of inspection. In order to temporarily

mitigate the issue, the operator utilized plastic tarps from the operator's Napa County compost facility to cover the exposed trash.

4. The LEA and the San Francisco Bay Regional Water Quality Control Board ("RWQCB") conducted a joint inspection of the Site on March 26, 2019. Also present at the inspection, as representatives of the Site, were Bryce Howard of UVDS, J.C. Isham of Aptim Environmental (consultant to UVDS), and Jake Lethin of Blue Ridge Services (consultant to UVDS). During this inspection, the LEA identified and informed the representatives of the Site of the following violations:

- a. **Leachate Control** – "The operator shall ensure that leachate is controlled to prevent contact with the public." (14 Cal. Code of Regulations 17867(a)(13); 27 Cal. Code of Regulations 20790.)

LEA inspectors observed significant leachate seepage issues from the active landfill areas and eroded drainage channels along the eastern slopes of the older landfill areas, which were actively draining into an unnamed blue line creek along the eastern boundary of the landfill. Additionally, storm water that was determined to be contaminated with leachate by the RWQCB was being directly diverted and discharged into the unnamed blue line creek. This creek ultimately drains into the Napa River, which flows through residential and commercial neighborhoods, thereby presenting public exposure. The LEA directed the operator to immediately divert all contaminated storm water and leachate into collection tanks so that it could be properly disposed of at an approved facility.

- b. **Drainage and Erosion Control** – "The drainage system shall be designed and maintained to: (1) ensure integrity of roads, structures, and gas monitoring and control systems; (2) prevent safety hazards; and (3) prevent exposure of waste." (27 Cal. Code of Regulations 20820.)

The LEA observed significant erosion issues on the eastern slopes below the active landfill area similar to those described in Paragraphs 2.a. and 3.a., immediately above. Several drainage channels had eroded down the hillside and

1 appeared to be the source of active leachate seepage which is ultimately entering
2 the creek below.

- 3 **c. Permit Terms and Conditions – “The permit shall contain all terms and**
4 **conditions which the enforcement agency determines to be appropriate for**
5 **the operation of the solid waste facility. The operator shall comply with all**
6 **terms and conditions of the permit.” (Public Resources Code § 44014.)**

7 The Site’s permit terms and conditions require the Site personnel to consist of at
8 least one facility manager. (See Joint Technical Document and Subsequent
9 Amendments, page 31, section 5.2, attached and incorporated into the Site’s
10 permit.) According to information obtained from the owner and/or operator, the
11 LEA is aware that the facility manager position for the Site has been vacant for
12 approximately nine months. Additionally, based upon LEA inspections over the
13 past three months and information provided by Blue Ridge Services, operator’s
14 contracted solid waste consultant, it is apparent to the LEA that the violations
15 described in this Notice and Order and deficiencies observed at the Site –
16 including, but not limited to, facility operations, equipment maintenance, best
17 management practices, operator training, and general facility knowledge – are a
18 direct result of the Site lacking a full-time on-site facility manager as required.

- 19 **d. Intermediate Cover – “(a) Compacted earthen material of at least twelve (12)**
20 **inches shall be placed on all surfaces of the fill where no additional solid**
21 **waste will be deposited within 180 days to control vectors, fires, odors,**
22 **blowing litter, and scavenging. (b) Alternative materials of alternative**
23 **thickness (other than at least twelve inches of earthen material) for**
24 **intermediate cover may be approved by the EA with concurrence by the**
25 **CIWMB, if the owner or operator demonstrates that the alternative material**
26 **and thickness control vectors, fires, odors, blowing litter, and scavenging**
27 **without presenting a threat to human health and the environment.” (27 Cal.**
28 **Code of Regulations 20700.)**

1 The LEA observed that a large area adjacent to the active landfill area was
2 observed as having extensive trash throughout. Due to the degree of saturation
3 and amount of trash observed it was difficult to determine if the source was
4 windblown litter or daylighting material or both. Insufficient tarps were available
5 at the time of the inspection to cover the trash. Additionally, the LEA observed
6 that the Site was continuing to use processed green waste as intermediate cover,
7 which had been previously found to be a violation as described in Paragraph 1.c.,
8 immediately above. Thus, because the operator continues to use prohibited green
9 waste as intermediate cover, this violation persists.

- 10 e. **Equipment – “Equipment shall be adequate in type, capacity and number,
11 and sufficiently maintained to permit the site operation to meet requirements
12 of these standards.” (27 Cal. Code of Regulations 20740.)**

13 The LEA observed that the trash compactor (826 compactor) was out of service.
14 The compactor is a crucial piece of equipment not only for landfill operations, but
15 also for fire response. Site staff informed the LEA at the time that the compactor
16 was out of service due to deferred maintenance.

- 17 f. **Fire Prevention – “The operator shall provide fire prevention, protection and
18 control measures, including, but not limited to, temperature monitoring of
19 windrows and piles, adequate water supply for fire suppression, and the
20 isolation of potential ignition sources from combustible materials. Firelanes
21 shall be provided to allow fire control equipment access to all operation
22 areas.” (14 Cal. Code of Regulations 17867(a)(9).)**

23 The LEA determined that the owner and/or operator has failed to address the
24 violations described in Paragraph 1.b., immediately above. The owner and/or
25 operator has failed to install all fire protection infrastructure and prevention
26 measures as required by the Napa County Fire Marshal. Thus, because the owner
27 and/or operator has failed to address this violation, this violation persists.

- 28 g. **Additional violations of the California Fire Code and Napa County Code.**

1 The LEA determined that the owner and/or operator has failed to address the
2 violations identified in the Napa County Fire Marshal's Notice of Violation, as
3 described in Paragraph 1.c., immediately above. Thus, because the owner and/or
4 operator has failed to address this violation, this violation persists.

- 5 h. **Site Maintenance – “The operator shall implement a preventative**
6 **maintenance program to monitor and promptly repair or correct**
7 **deteriorated or defective conditions with respect to requirements of the**
8 **CIWMB standards, and conditions established by the EA. All other aspects**
9 **of the disposal site shall be kept in a state of reasonable repair.” (27 Cal.**
10 **Code of Regulations 20750.)**

11 The LEA observed severe deterioration of the leachate collection and pumping
12 systems, and storage infrastructure, which is actively contributing to the ongoing
13 storm water contamination and leachate issues negatively impacting the creek
14 below. The owner and/or operator of the Site has failed to promptly repair or
15 correct these conditions.

- 16 i. **Supervision – “The site operator shall provide adequate supervision of a**
17 **sufficient number of qualified personnel to ensure proper operation of the**
18 **site in compliance with all applicable laws, regulations, permit conditions**
19 **and other requirements.” (27 Cal. Code of Regulations 20615.)**

20 The LEA, while observing the violations described in this Notice and Order, also
21 observed that the Site operator did not have sufficient staff to properly prevent
22 and/or address these violations as many have been re-occurring for several
23 months.

- 24 5. During a joint inspection conducted on March 28, 2019, by the LEA and the California
25 Department of Fish & Wildlife. Also present at the inspection, as representative of the
26 Site, was Bryce Howard of UVDS. The LEA identified and informed the Site
27 representative of the following violations, substantially similar to those identified on
28 March 26, 2019:

- 1 a. **Leachate Control** – “The operator shall ensure that leachate is controlled to
2 prevent contact with the public.” (14 Cal. Code of Regulations 17867(a)(13);
3 27 Cal. Code of Regulations 20790.)

4 LEA inspectors observed continued leachate and contaminated storm water
5 running into a blue line creek, which ultimately drains into the Napa River, which
6 flows through residential and commercial neighborhoods, thereby presenting
7 public exposure. The LEA also observed the operator dumping collected trash on
8 a cement pad during a rainy day, with a storm water collection inlet downslope,
9 further adding contaminated storm water to the Napa River waterway system and
10 increasing the likelihood of public exposure. Thus, because the owner and/or
11 operator has failed to address this violation and has failed to immediately divert
12 the leachate and storm water as previously directed, this violation persists and has
13 been exacerbated as a result of the operator’s inaction.

- 14 b. **Drainage and Erosion Control** – “The drainage system shall be designed and
15 maintained to: (1) ensure integrity of roads, structures, and gas monitoring
16 and control systems; (2) prevent safety hazards; and (3) prevent exposure of
17 waste.” (27 Cal. Code of Regulations 20820.)

18 The LEA observed significant erosion issues on the eastern slopes below the
19 active landfill area similar to those described in Paragraphs 2.a., 3.a., and 4.b.,
20 immediately above. Several drainage channels had eroded down the hillside and
21 appeared to be the source of active leachate seepage which is ultimately entering
22 the creek below. Thus, because the owner and/or operator has failed to address
23 this violation, this violation persists and has been exacerbated as a result of the
24 operator’s inaction.

- 25 c. **Permit Terms and Conditions** – “The permit shall contain all terms and
26 conditions which the enforcement agency determines to be appropriate for
27 the operation of the solid waste facility. The operator shall comply with all
28 terms and conditions of the permit.” (Public Resources Code § 44014.)

1 The Site's permit terms and conditions require the Site personnel to consist of at
2 least one facility manager. (See Joint Technical Document and Subsequent
3 Amendments, page 31, section 5.2, attached and incorporated into the Site's
4 permit.) As described in Paragraphs 1.a. and 4.c., immediately above, the LEA is
5 aware that the facility manager position for the Site has been vacant for
6 approximately nine months. Additionally, Blue Ridge Services, operator's
7 contracted solid waste consultant that had been temporarily acting as interim
8 facility manager, is no longer acting in any capacity on behalf of the Site. It is
9 apparent to the LEA that the violations described in this Notice and Order and
10 deficiencies observed at the Site – including, but not limited to, facility
11 operations, equipment maintenance, best management practices, operator training,
12 and general facility knowledge – are a direct result of the Site lacking a full-time
13 on-site facility manager as required. Thus, because the owner and/or operator has
14 failed to address this violation, this violation persists and has been exacerbated as
15 a result of the operator's inaction.

- 16 d. **Intermediate Cover – “(a) Compacted earthen material of at least twelve (12)**
17 **inches shall be placed on all surfaces of the fill where no additional solid**
18 **waste will be deposited within 180 days to control vectors, fires, odors,**
19 **blowing litter, and scavenging. (b) Alternative materials of alternative**
20 **thickness (other than at least twelve inches of earthen material) for**
21 **intermediate cover may be approved by the EA with concurrence by the**
22 **CIWMB, if the owner or operator demonstrates that the alternative material**
23 **and thickness control vectors, fires, odors, blowing litter, and scavenging**
24 **without presenting a threat to human health and the environment.” (27 Cal.**
25 **Code of Regulations 20700.)**

26 The LEA observed that the operator had not addressed the insufficient tarps and
27 continued use of processed green waste as intermediate cover, as described in
28 Paragraphs 1.c. and 4.d., immediately above. Thus, because the owner and/or

operator has failed to address this violation, this violation persists and has been exacerbated as a result of the operator's inaction.

- e. **Equipment – “Equipment shall be adequate in type, capacity and number, and sufficiently maintained to permit the site operation to meet requirements of these standards.” (27 Cal. Code of Regulations 20740.)**

The LEA observed that the trash compactor (826 compactor) continued to be out of service as described in Paragraph 4.e., immediately above. Thus, because the owner and/or operator has failed to address this violation, this violation persists and has been exacerbated as a result of the operator's inaction. Additionally, the LEA observed that the Site's two water transport and spray trucks were actively involved in collecting and transporting leachate storage water and contaminated storm water to other storage tanks onsite.

- f. **Fire Prevention – “The operator shall provide fire prevention, protection and control measures, including, but not limited to, temperature monitoring of windrows and piles, adequate water supply for fire suppression, and the isolation of potential ignition sources from combustible materials. Firelanes shall be provided to allow fire control equipment access to all operation areas.” (14 Cal. Code of Regulations 17867(a)(9).)**

The LEA determined that the owner and/or operator has failed to address the violations described in Paragraphs 1.b. and 4.f., immediately above. Thus, because the owner and/or operator has failed to address this violation, this violation persists and has been exacerbated as a result of the operator's inaction.

- g. **Additional violations of the California Fire Code and Napa County Code.**

The LEA determined that the owner and/or operator has failed to address the violations identified in the Napa County Fire Marshal's Notice of Violation, as described in Paragraphs 1.c. and 4.g., immediately above. Thus, because the owner and/or operator has failed to address this violation, this violation persists and has been exacerbated as a result of the operator's inaction.

- 1 h. **Site Maintenance** – “The operator shall implement a preventative
2 maintenance program to monitor and promptly repair or correct
3 deteriorated or defective conditions with respect to requirements of the
4 CIWMB standards, and conditions established by the EA. All other aspects
5 of the disposal site shall be kept in a state of reasonable repair.” (27 Cal.
6 Code of Regulations 20750.)

7 The LEA observed continued severe deterioration of the leachate collection and
8 pumping systems, and storage infrastructure, which continues to actively
9 contribute to the ongoing storm water contamination and leachate issues
10 negatively impacting the creek below. Thus, because the owner and/or operator
11 has failed to address this violation, this violation persists and has been
12 exacerbated as a result of the operator’s inaction.

- 13 i. **Supervision** – “The site operator shall provide adequate supervision of a
14 sufficient number of qualified personnel to ensure proper operation of the
15 site in compliance with all applicable laws, regulations, permit conditions
16 and other requirements.” (27 Cal. Code of Regulations 20615.)

17 The LEA, while observing the violations described in this Notice and Order, also
18 observed that the Site operator did not have sufficient staff to properly prevent
19 and/or address these violations as many have been re-occurring for several
20 months. The Site operator has failed to make any meaningful progress in
21 addressing the violations at issue since prior inspections, further indicating the
22 operator’s insufficient number of qualified personnel on hand or readily available
23 to address the serious violations that have been and continue to occur. Thus,
24 because the owner and/or operator has failed to address this violation, this
25 violation persists and has been exacerbated as a result of the operator’s inaction.

26 WHEREAS, consistent with Public Resources Code § 45010.2, the LEA previously met with or
27 communicated with representatives of the Site on August 8, 2018, January 29, 2019, February 13, 2019,
28 March 26, 2019, and March 28, 2019, to identify violations, review the applicable requirements, and

1 determine what actions, if any, that the owner and/or operator may voluntarily take to bring the Site into
2 compliance by the earliest feasible date; and

3 WHEREAS, the continued existence of the violations described above pose a potential or actual
4 threat to public health and safety or the environment; and

5 WHEREAS, the RWQCB issued a Notice of Violation on March 29, 2019, attached hereto as
6 Exhibit "C", describing observations and violations at the Site substantially similar to those described
7 above. Specifically, the RWQCB's Notice of Violation additionally cites the violations described in
8 Paragraphs 4.h., 4.i., 5.h., and 5.i., immediately above; and

9 WHEREAS, Public Resources Code § 40194 states that a solid waste facility includes a solid
10 waste transfer or processing station, a composting facility, a gasification facility, a transformation
11 facility, an EMSW conversion facility and a disposal facility, and pursuant to Public Resources Code §
12 45000, *et seq.*, the LEA may issue an order requiring that the owner and/or operator of the Site take
13 corrective action as necessary to abate a nuisance or to protect human health and safety or the
14 environment; and

15 WHEREAS, on March 29, 2019, the LEA issued Notice and Order No. EA-2019-01 ("Notice 1")
16 ordering corrective action to address the above-mentioned violations; and

17 WHEREAS, Notice 1 was served by personal service on the owner and operator of the Site on
18 March 30, 2019; and

19 WHEREAS, on April 2, 2019, the Site submitted to the LEA a plan for controlling erosion and
20 disposing of collected leachate as required by Corrective Actions 2.a. and 2.f. of Notice 1. However,
21 such plan was determined to be unfeasible and unachievable, in part because the leachate disposal site
22 has refused to accept the collected leachate without prior treatment; and

23 WHEREAS, to date, the site has not provided the LEA with any updated or amended plan
24 consistent with Corrective Actions 2.a. and 2.f. of Notice 1; and

25 WHEREAS, on April 10, 2019, the RWQCB issued Cleanup and Abatement Order No. R2-
26 2019-0014 for the Site that included similar compliance steps outlined in Notice 1;

27 WHEREAS, in response to a request from the Site to allow reopening to the public, the LEA on
28 April 26, 2019, issued Notice and Order No. EA-2019-02 ("Notice 2") allowing public disposal until

1 May 9, 2019. On May 8, 2019, the LEA issued First Amended Notice and Order No. EA-2019-02-A1
2 (“Notice 2A”) extending the permission for public disposal to May 31, 2019; and

3 WHEREAS, on April 12, 2019, the Site filed a timely request for hearing and statement of issues
4 (the “Request”) relating to Notice 1; and

5 WHEREAS, the Site and the LEA have continued to work toward compliance and completion of
6 the corrective actions demanded in Notice 1 and have a desire to continue to do so; and

7 WHEREAS, the LEA desires to amend Notice 1 to ensure consistency among orders, provide
8 additional guidance to the Site to achieve compliance, and to address issues raised by the Site in the
9 Request.

10
11 **NOW THEREFORE, PURSUANT TO PUBLIC RESOURCES CODE §§ 45000 AND**
12 **45011 AND CALIFORNIA CODE OF REGULATIONS, TITLE 14, §§ 18304 AND 18304.1,**
13 **CLOVER FLAT LANDFILL, INC., AND IS ORDERED TO COMPLY WITH THE PUBLIC**
14 **RESOURCES CODE AND CALIFORNIA REGULATIONS AS FOLLOWS:**

15 1. **Commencing immediately and until further notice**, the operator shall comply with all
16 of the following:

- 17 a. Conduct all disposal by members of the public in a manner consistent with the
18 orders and conditions specified in Notice 2, as amended.
- 19 b. Any and all solid waste received from commercial haulers shall be offloaded
20 directly into the active landfill cell and shall not be offloaded onto the cement pad
21 or any other surface with storm water drainage that flows directly into any
22 waterway.
- 23 c. The operator shall not spread green waste or wood chips anywhere on the Site for
24 any purpose.
- 25 d. As previously directed verbally by RWQCB and LEA inspectors on March 26,
26 2019, all contaminated storm water runoff, black oily water, and leachate shall be
27 captured, collected and transported (by a permitted wastewater hauler) offsite to
28 an approved wastewater disposal facility. The operator shall employ measures to

1 prevent contaminated storm water, black oily water, and leachate from entering
2 the creek as identified and cited in the Notice of Violation issued by the RWQCB
3 (Exhibit C). Any additional or continued discharges shall be documented and
4 reported to all local and state Authorities as required by law, regulations, or other
5 applicable terms and conditions.

- 6 e. The black 12-18" HDPE storm water pipe currently discharging into the creek
7 shall be re-routed to a collection tank and contaminated storm water shall be
8 hauled offsite by an approved wastewater hauler.
- 9 f. All previously identified locations of the active landfilling area with insufficient
10 intermediate cover shall be covered with approved soil.
- 11 g. All sources of suspected leachate contaminated runoff shall be identified and
12 marked. The operator shall submit a to-scale site plan identifying those sources to
13 the LEA.
- 14 h. The operator shall implement and maintain daily logs to track all of the following
15 information:
 - 16 i. Daily inspection of all leachate/condensate collection tanks, pumps, and
17 temporary and permanent storm water and leachate collection
18 infrastructure.
 - 19 ii. Amounts of leachate pumped, collected, stored and transported offsite.
- 20 i. The operator shall hire a permanent facility manager, or designate an existing
21 employee or contractor as a permanent or interim facility manager, to serve as the
22 LEA's point of contact for all inspections and for compliance with this Notice and
23 Order. If the permanent facility manager is unable to perform their duties for any
24 reason, including due to medical or other leave, the operator shall immediately
25 designate or hire an interim facility manager who is knowledgeable of the Site
26 and all operating procedures and who has the authority to make administrative
27 and financial decisions necessary to continue safe operations at the Site and
28

1 immediately address any new violations discovered during any LEA or other
2 enforcement agency inspection.

- 3 j. The Site shall provide adequate supervision of a sufficient number of qualified
4 personnel to ensure proper operation of the Site in compliance with all applicable
5 laws, regulations, permit conditions, and other legal requirements.

6 2. **No later than June 1, 2019**, the operator shall:

- 7 a. Provide the LEA, in good faith, with a viable and executable plan to:
- 8 i. Mitigate and prevent erosion on the eastern slopes of the landfill and
9 efficiently manage storm water onsite; and
- 10 ii. Dispose of pumped or collected leachate in a manner which is approved
11 by the RWQCB.
- 12 b. Provide fire prevention, protection, and adequate water supply for fire suppression
13 as required by Napa County Fire Marshall and referenced in the Notice of
14 Violation dated August 7, 2018, and attached hereto as Exhibit B.

15
16 **PLEASE TAKE NOTICE THAT PURSUANT TO PUBLIC RESOURCES CODE §§**
17 **45010.1, 45011, 45014, AND 45023**, if the above actions are not completed or complied with by the
18 specified dates, the LEA may:

- 19 1. Impose administrative civil penalties in an amount not to exceed \$5,000 for each
20 violation, for each day the violation continues from the issue date of the original Notice
21 1. (Public Resources Code § 45010.1.)
- 22 2. Impose administrative civil penalties in an amount not to exceed \$5,000 per day for each
23 day the Site fails to achieve compliance with the timeframes specified above. (Public
24 Resources Code § 45011.)
- 25 3. Petition the superior court for injunctive relief to enforce this Notice and Order. (Public
26 Resources Code § 45014.)
- 27 4. Petition the superior court for civil penalties in an amount not to exceed \$10,000 per day
28 for each violation. (Public Resources Code §§ 45023 and 45024.)

1 5. Seek suspension and/or revocation of the Site's operating permit, use permit(s), and other
2 entitlements and/or operational permissions as allowed by law. (Public Resources Code
3 §§ 44305 and 44306.)

4 6. Issue a subsequent or amended Notice and Order providing for additional or alternate
5 compliance orders, including, but not limited to, suspending landfill operations pursuant
6 to Paragraph 17.f. of the Enforcement Agency (EA) Conditions contained in the Site's
7 issued permit (Exhibit A).

8 In the event that the owner and/or operator of the Site cannot complete the above activities
9 within the specified timeframes due to adverse weather or other factors beyond the control of the owner
10 and/or operator, then the LEA may in writing extend the timeframes based upon those specific factors
11 provided by the owner and/or operator. Any such extension to the timeframes or other amendment to
12 this Amended Notice and Order shall be in the form of an Amended Notice and Order.

13 Failure to remedy the aforementioned violations by the required dates may result in the LEA
14 and/or CalRecycle expending available funds to perform any cleanup, abatement, or remedial work
15 required under the circumstances set forth in Public Resources Code § 45000. If the LEA and/or
16 CalRecycle expend(s) funds to perform any cleanup, abatement, or remedial work, the LEA and/or
17 CalRecycle may seek cost reimbursement from responsible parties, pursuant to Public Resources Code
18 §§ 48020, *et seq.*

19 Failure to allow or provide the LEA, CalRecycle or contractors for the LEA or CalRecycle with
20 access to enter onto the property of the Site and perform all necessary cleanup, abatement, or remedial
21 work may result in the LEA pursuing a warrant from the court to permit reasonable access to the
22 property to perform the activity(ies), pursuant to Public Resources Code § 44100.

23 Nothing in this Amended Notice and Order shall constitute or be construed as a satisfaction or
24 release from liability for any conditions or claims arising as a result of past, current, or future operations.
25 Notwithstanding compliance with the terms of this Amended Notice and Order, the owner and/or
26 operator of the Site may be required to take further actions as necessary to protect the public health,
27 safety, or the environment.

1 The LEA and/or CalRecycle shall not be liable for injuries or damages to persons or property
2 resulting from acts or omissions by the owner and/or operator of the Site or related parties in carrying
3 out activities pursuant to this Amended Notice and Order, nor shall the LEA and/or CalRecycle be held
4 as a party to any contract entered into by the owner and/or operator of the Site or their agent(s) in
5 carrying out activities pursuant to this Notice and Order.

6 This Amended Notice and Order is supported by the declaration of Peter Ex, Napa County Solid
7 Waste Manager.

8 This Amended Notice and Order does not relieve the owner and/or operator from complying
9 with other local, state, and federal requirements, nor does it preclude the LEA or CalRecycle from
10 taking any and all other actions allowed by law.

11 This Amended Notice and Order may only be amended in writing signed by an appropriate
12 representative of the LEA.

13
14 **PLEASE TAKE NOTICE THAT:**

- 15 1. You have the right to appeal this Notice and Order to the Hearing Panel. (Public
16 Resources Code § 44307.)
- 17 2. If you wish to appeal this Notice and Order to the Hearing Panel, you must do so by
18 submitting a written request for a hearing to the undersigned, together with a statement of
19 issues on which your appeal is based, within 15 days from the date you receive this
20 Notice and Order. (Public Resources Code § 44310.)
- 21 3. An appeal of this Notice and Order does not stay the effect of any provision of this
22 Notice and Order; however, you may petition the Director of CalRecycle, in writing, to
23 stay the effect of this Notice and Order, or portion thereof, pending the completion of
24 your administrative appeals. (Public Resources Code § 45017.)


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This Amended Notice and Order is issued as of the date set forth below.

Dated: 5-9-19



David Morrison, Director, Napa County Planning, Building, and Environmental Services
Acting as the Local Enforcement Agency for Napa County
1195 Third St., Suite 210
Napa, CA 94559

1 **DECLARATION IN SUPPORT OF NOTICE AND ORDER**

2 I, Peter Ex, declare as follows:

3 1. I am currently employed as Solid Waste Manager by the Napa County Department of
4 Planning, Building, and Environmental Services ("PBES"), a position I have held for approximately one
5 (1) week. Prior to being appointed as Solid Waste Manager, I served as Acting Solid Waste Manager
6 for approximately three (3) months. Prior to serving as Acting Solid Waste Manager, I was employed
7 by PBES for approximately seven (7) years as Senior Environmental Health Specialist. My duties at
8 PBES, in both positions in which I have served, include inspecting solid waste facilities and disposal
9 sites in Napa County to determine their compliance with the Integrated Waste Management Act (Public
10 Resources Code §§ 40000, *et seq.*) (the "Act") and CalRecycle regulations issued pursuant to the Act.

11 2. I have personal knowledge that the Site is in violation of the Act, the Public Resources
12 Code, and CalRecycle regulations through visual observations of the Site during inspections and
13 meetings with the owner and/or operator conducted on January 29, 2019, February 13, 2019, March 26,
14 2019, and March 28, 2019, and recurring weekly visits to the Site since March 28, 2019, as well as other
15 correspondence with the owner and/or operator as described in this First Amended Notice and Order.

16
17 I declare under penalty of perjury that the foregoing is true and correct.

18
19 DATED: 5/9/19

20
21 
22 _____
23 Peter Ex, Solid Waste Manager, Napa County Planning, Building, and Environmental Services
24 Acting as the Local Enforcement Agency for Napa County
25
26
27
28

EXHIBIT A

CLOVER FLAT

GARY 339-3224

SOLID WASTE FACILITY PERMIT

Facility Number:

28-AA-0002

1. Name and Street Address of Facility:

Clover Flat
Resource Recovery Park
4380 Silverado Trail
Calistoga, CA 94515

2. Name and Mailing Address of Operator:

Clover Flat Landfill, Inc.
1285 Whitehall Ln.
St. Helena, CA 94574

3. Name and Mailing Address of Owner:

Vista Corporation
1285 Whitehall Ln.
St. Helena, CA 94574

4. Specifications:

a. Permitted Operations: ☒ Solid Waste Disposal Site☐ Transformation Facility☐ Transfer/Processing Facility (MRF)☐ Other: _____☒ Composting Facility

b. Permitted Hours of Operation: Receipt of Refuse/Waste: Public - Tuesday to Saturday 9am to 4pm. Sunday 9am to 3pm.
Closed Mondays and legal holidays.
Commercial Haulers - 2am to 5pm. Monday to Sunday.


c. Permitted Maximum Tonnage: 600 Tons per Dayd. Permitted Traffic Volume: 275 Vehicles per Day

e. Key Design Parameters (Detailed parameters are shown on site plans bearing EA and CalRecycle validations):

	Total	Disposal	Transfer/Processing	Composting	Transformation
Permitted Area (in acres)	79	44	----	See Condition M	----
Design Capacity (cu.yds)		4.56 million cu. yds.	----	See Condition M	----
Max. Elevation (Ft. MSL)		1000			
Max. Depth (Ft. MSL)		N/A			
Estimated Closure Year		2047			

Upon a significant change in design or operation from that described herein, this permit is subject to revocation or suspension. The attached permit findings and conditions are integral parts of this permit and supersede the conditions of any previously issued solid waste facility permit.

5. Approval:

 Christine Secheli
Approving Officer Signature Asst Dir of Planning,
(Name and Title) Bldg & Environ.

6. Enforcement Agency Name and Address:

Napa County Planning, Building, and Environmental Services
1195 Third St. Suite 210
Napa, CA 94559

7. Date Received by CalRecycle:

JUN 10 2014

8. CalRecycle Concurrence Date:

JUL 21 2014

9. Permit Issued Date:

7/30/2014

10. Permit Review Due Date:

7/30/2019

11. Owner/Operator Transfer Date:

N/A

notify 1/31/19
due 3/2/19

SOLID WASTE FACILITY PERMIT

Facility Number:

28-AA-0002

12. Legal Description of Facility:

The legal description of this facility is contained in Appendix A of the Joint Technical Document

13. Findings:

- a. This permit is consistent with the Napa County Integrated Waste Management Plan, which was approved by CalRecycle in 1987. The location of the facility is identified in the Countywide Siting Element, pursuant to Public Resources Code (PRC), Section 50001(a).
- b. This permit is consistent with the standards adopted by CalRecycle, pursuant to PRC 44010.
- c. The design and operation of the facility is consistent with the State Minimum Standards for Solid Waste Handling and Disposal as determined by the enforcement agency, pursuant to PRC 44009.
- d. A Mitigated Negative Declaration was filed with the State Clearinghouse (SCH #2011082050) and adopted by the Napa County Conservation, Development and Planning Commission on 12/7/2011. The Mitigated Negative Declaration describes and supports the design and operation which will be authorized by the issuance of this permit.

14. Prohibitions:

The permittee is prohibited from accepting the following wastes:

- Hazardous, radioactive, medical (as defined in Chapter 6.1, Division 20 of the Health and Safety Code), liquid, designated, or other wastes requiring special treatment or handling, except as identified in the Report of Facility Information and approved amendments thereto and as approved by the enforcement agency. Additionally prohibited from: open burning, scavenging by the public.

15. The following documents describe and/or restrict the operation of this facility:

	Date		Date
Joint Technical Document and Subsequent Amendments	4/22/2013	Preliminary Closure and Postclosure Maintenance Plan	4/22/2013
Waste Discharge Requirements Order No. R2-2008-0027	2008	Closure Financial Assurance Documentation	4/22/2013
BAAQMD Permit/Plant #11247	2/1/2013	Operating Liability Certification	8/19/2012
Mitigated Negative Declaration (SCH #2011082050)	12/2011	Land Use and/or Conditional Use Permit	12/2011 11/2010 2/2000 2/1996 6/1990

SOLID WASTE FACILITY PERMIT

Facility Number:

28-AA-0002

16. Self Monitoring:

The owner/operator shall submit the results of all self monitoring programs to the Enforcement Agency within 30 days of the end of the reporting period (for example, 1st quarter = January – March, the report is due by April 30, etc.. Information required on an annual basis shall be submitted with the 4th quarter monitoring report, unless otherwise stated.)

Program	Reporting Frequency
a. The types and quantities (in tons) of waste, including separated or commingled recyclables, entering the facility per day.	Monthly
b. The number and types of vehicles using the facility per day.	Monthly
c. Results of the hazardous waste load checking program, including the quantities and types of hazardous wastes, medical wastes or otherwise prohibited wastes found in the waste stream and the disposition of these materials. Available to the LEA on request, to be kept on site.	Available upon request
d. Copies of all written complaints regarding this facility and the operator's actions taken to resolve these complaints.	Quarterly
e. Results of the landfill gas monitoring program.	Quarterly
f. Wet weather preparedness report/winter operations plan.	Annual – due by November 1
g. Fill sequencing plan for the forthcoming year.	Annually
h. Remaining site capacity.	Annually
i. Quarterly waste monitoring reports and groundwater monitoring as required in WDR monitoring program.	Quarterly
j. Log of special occurrences (fire, explosion, accident, inadvertent disposal of hazardous materials, or other unapproved waste) shall be maintained. Available to the LEA on request, to be kept on site.	Annual – Available Upon Request
k. Emergencies such as hazardous materials spills, landfill fire, MPF fire, compost or wood fire, or an event requiring emergency response from another agency. Personnel requiring hospitalization.	Immediate notice via phone or email. Detailed response within 24 hours.
l. Load Check inspections – Average one (1) load check per day for landfill and MPF. Continuous identification of contaminants in compost feedstock – identify contaminants in daily or special occurrence log. The LEA can increase or decrease frequency.	Available Upon Request
m. Quantity (cubic yards) of mulch/green, food compost (feedstock, composting, finished), commodity bunkers, gasification operation feedstock on site. Recorded weekly, reported monthly.	Monthly
n. Quantity of approved ADC/AIC used. Recorded daily, reported monthly.	Monthly

SOLID WASTE FACILITY PERMIT

Facility Number:

28-AA-0002

17. Enforcement Agency (EA) Conditions:

- a. The operator shall comply with all State Minimum Standards for solid waste handling and disposal as specified in Title 27, California Code of Regulations.
- b. The operator shall maintain a log of special/unusual occurrences. This log shall include, but is not limited to, fires, explosions, the discharge and disposition of hazardous or unpermitted wastes, and significant injuries, accidents or property damage. Each log entry shall be accompanied by a summary of any actions taken by the operator to mitigate the occurrence. The log shall be available to site personnel and the EA at all times.
- c. Additional information concerning the design and operation of the facility shall be furnished upon request and within the time frame specified by the EA.
- d. The maximum permitted daily tonnage for this facility is 600 tons per day, and shall not receive more than this amount without a revision of this permit.
- e. This permit is subject to review by the EA and may be temporarily suspended or revoked at any time by the EA for sufficient cause, in accordance with Division 30 of the Public Resource Code, Part 4, Chapter 4, Article 2, Sections 44305 et seq and associated regulations.
- f. The EA reserves the right to suspend or modify waste receiving and handling operations due to an emergency, a potential health hazard, or the creation of a public nuisance.
- g. Any change that would cause the design or operation of the facility not to conform to the terms and conditions of this permit is prohibited. Such a change may be considered a significant change, requiring a permit revision. In no case shall the operator implement any change without first submitting a written notice of the proposed change, in the form of an RFI amendment, to the EA at least 180 days in advance of the change.
- h. A copy of this permit shall be maintained at the facility.
- i. Access roads shall be watered as needed to prevent excessive blowing of dust or reduced visibility.
- j. Landfill operations, storage, and material processing conducted on the landfill intermediate cover, including but not limited to composting, green/wood material, sludge, food composting, C/D, must be on an all weather surface. The all weather surface would include, but limited to, crushed or ground asphalt/concrete, road base material. Location of operations and all weather surface material shall be approved annually by the LEA, submitted with the Wet Weather Preparedness report/Winter Operations Plan. Area shall be sloped to prevent ponding.
- k. ADC/AIC shall be approved by the LEA prior to implementation. Approval shall be as stated in Title 27, 20690 (ADC) or 20695(Cover Performance Standards).
- l. Sludge or biosolids received at the landfill shall be dewatered and nonhazardous (< 50% liquid). Sludge transported and placed in the working face shall be done in an environmentally safe method, to include transportation vehicles constructed to avoid any drainage or debris spill on roadways, and placed in the working face at an appropriate time of the day when the public will not be affected by the operations.

m. Food/Green Waste Compost Operation:

The Compost area will operate as a distinct operations unit and with the physical operational area and design as stated in the JTD and Appendix X. Composting operational area will periodically change and be dependent on available intermediate cover opposite the landfill working face. The Composting operation area will be subject to the Compostable Materials Handling Operations and Facilities Regulatory Requirements – Title 14, Section 17850 et seq., Division 7, Chapter 3.1,

Food Waste Compost Operation shall be operated pursuant to JTD Appendix X. All processing and handling of compost material shall be conducted in a manner that minimizes vectors, leachate, odor impacts, litter, hazards, nuisances, and noise impacts: and minimizes human contact with, inhalation, ingestion, and transportation of dust, particulates, and pathogenic organisms.

Operator shall conduct temperature monitoring, food waste container log (number, start and end date, temperature), incoming feedstock volume, finished storage volume, end use (date of use, volume, location). Finished compost for sale shall meet metals concentration limits and pathogen reduction requirements as stated in California Code of Regulations, Section 17868.2 (Maximum metal concentrations, and Section 17868.3 (Pathogen Reduction). Operator shall conduct composite samples for every 5,000 cu yd of material produced..

n. Material Processing Facility Operations (MPF):

MPF shall be operated pursuant to JTD Appendix W. All processing and handling of construction, demolition, and dry-mixed commercial recyclables shall be conducted in a manner that includes the following, including-but not limited to:

1. Cleaning - operations, facilities, and their equipment, boxes, shall be cleaned each operating day of all loose materials and litter.
2. Drainage Control - water and leachate shall be controlled to minimize contact water, off-site migration of contact water, integrity of roads and structures, protect public health, prevent safety hazards.
3. Dust Control - take adequate measures to minimize the creation, emission, or accumulation of excessive dust and particulates, and prevent other safety hazards to the public caused by obscured visibility or dust in contact with the public. Measures to control dust, in addition to what is identified in the JTD, include, but not limited to: reduced processing, periodic sweeping and cleaning, misting systems.
4. Protection of Users - facility shall be designed, constructed, operated, and maintained so that contact between the public and solid waste is minimized. MPF operations, vehicle traffic, and equipment shall be physically separated from incoming customer vehicle flow. This may be accomplished through the use of railings, curbs, grates, fences, and/or spotters.
5. Material storage and fire protection - one day storage limit of material on the processing pad overnight. The material volume remaining overnight shall be as minimal as possible. To prevent fire in overnight storage, unprocessed solid waste may be kept in containers, minimal volume, and located away from equipment.

END

EXHIBIT B



A Tradition of Stewardship
A Commitment to Service

Planning, Building & Environmental Services

1195 Third Street, Suite 210
Napa, CA 94559
www.countyofnapa.org

David Morrison
Director

August 8, 2018

NOTICE of VIOLATION

Clover Flat Resource Recovery Park
Attn: Bob Pestoni
1285 Whitehall Lane
St. Helena, Ca 94574

By Certified and Regular USPS mail &
Email

SUBJECT: CLOVER FLAT LANDFILL – VIOLATIONS AND CORRECTIVE ACTIONS
LOCATION: 4380 Silverado Trail, Calistoga, Ca APN 020-120-020

Dear Mr. Pestoni:

As you are aware, over the past year and especially within the past few months numerous fires have started at Clover Flat Landfill. The most recent fire started on Monday August 6, 2018, and involved approximately 2 acres encompassing the active landfill face, chip and grind processing area, and intermediate cover side slopes. Although the exact cause of the most recent fire is currently unknown, the Clover Flat Landfill facility has a concerning history of fires. More concerning is the fact that adequate fire prevention and fire-fighting infrastructure has yet to be constructed. Over the past year, the Napa County Local Enforcement Agency (LEA) and CalFire/Napa County Fire has observed and reported repeated areas of concern and violations in regards to green waste processing operations, green waste storage methods, and fire prevention and fire-fighting infrastructure. Recommendations have also been provided and some progress has been made to address those recommendations. However, due to the repeated fire issues and outstanding violations, the Napa County LEA and Napa County Fire Marshall are issuing an immediate Notice of Violation. Additionally, a Notice and Order shall be forthcoming.

During and following the initial response to the most recent fire at Clover Flat Landfill, both Napa County LEA staff and CalFire/Napa County Fire staff have made site inspections and discussed areas of concern and violations observed. Although this Notice of Violation represents a consolidated effort to achieve compliance, for clarity, Garrett Veyna, Napa County Fire Marshall, has prepared a specific Notice of Violation that is attached and referenced within this document. Napa County LEA specific Violations and Corrective Actions are detailed below:

Violation: PRC 44014 (b) Operator Complies with Terms & Conditions: – Clover Flat Solid Waste Facility Permit, Section 15 – Documents describing and restricting operation (JTD). JTD Section 5.2 – Including Site Manager.

The site manager position has been vacant for nearly 6 months. This position must be filled to fully manage the landfill and composting operations.

Violation: Title 14: Section 17867(a)(9) states: “The operator shall provide fire prevention, protection and control measures, including, but not limited to, temperature monitoring of windrows and piles, adequate water supply for fire suppression, and the isolation of potential ignition sources from combustible materials. Fire lanes shall be provided to allow fire control equipment access to all operation areas.”

During the 8/6/18 landfill fire, there was inadequate resources available for local fire responders to fight the fire including; inadequate water onsite, inaccessible onsite water supply due to non-usable water supply pipes and adaptors. The fire was largely fought using CalFire engines, rented water trucks using water from an offsite location, and excavation equipment and operators from an onsite excavation company. Little to no progress has been made by the landfill operator to install fire prevention infrastructure as required by Napa County Fire Marshall since the last major fire in September 2017.

Additionally, piles of unprocessed and processed green material was stored in close proximity to one another and the active landfill face. Processed green waste was being used as alternative daily cover and intermediate cover on the active landfill face and side slopes which further contributed to the rapid expansion of the fire.

Violation: Title 14, Section 17867(a)(3) states: “All handling activities shall be conducted in a manner that minimizes vectors, litter, hazards, nuisances, and noise impacts; and minimizes human contact with, inhalation, ingestion, and transportation of dust, particulates, and pathogenic organisms.”

Chip and grind activities near green waste storage piles and use of processed green waste materials as intermediate and alternative daily cover on the active face and covered landfill slopes during hot summer months likely contributed to the 8/6/18 fire and its rapid expansion.

The proximity of the green waste fire to the refuse disposal area additionally resulted in increased hazards for responding fire fighters.

Also refer to Clover Flat Landfill JTD, Section 2.2.2 Table 2, 2.8.3 Green Waste Storage and Composting Operations, 5.5.3 Green Waste Handling which specifies green and wood waste storage time frames.

Violation: California Health and Safety Codes, 2016 California Fire Code, and Napa County Municipal Codes. Please see the attached Violation letter issued by Garrett Veyna, Napa County Fire Marshall.

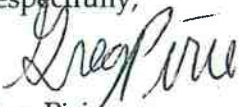
CORRECTIVE ACTIONS:

1. Only soil shall be used as daily cover material for the working face (refuse). Daily cover stockpile must include at least 2 days of available material. Alternative daily cover (green waste and wood chips) may not be used.

2. All intermediate cover must be soil. All areas with green waste or wood chips will be replaced with soil. No alternative intermediate cover (green waste and wood chips).
3. Cover all existing slopes in active landfill area (above construction & demolition processing pad) with soil.
4. There shall be no spreading of green waste or wood chips anywhere on site.
5. Remove all existing green and wood waste immediately from the facility. Approximately 7,500 cubic yards of material would be moved to different facilities, sold, used for beneficial use at another location, or other approved receiving sites.
6. All green waste received must be transferred or buried by the end of each day.
7. There shall be no green waste, food waste, or wood waste processing allowed onsite.
8. Construction wood shall be separated from construction and demolition processing pad and shall be transferred off-site.
9. The landfill working face shall have a full-time spotter to identify contaminants in incoming loads and to conduct load checks.
10. Hire a full time permanent landfill site operations manager.
11. Provide fire prevention, protection, and adequate water supply for fire suppression – as required by Napa County Fire Marshall and referenced in the attached letter.

All Corrective Actions listed above shall be implemented immediately. Once the items listed above have been verified as complete by the Napa County LEA and Napa County Fire Marshall, future site operations will be further reviewed and discussed. Clover Flat Landfill shall obtain written authorization from the Napa County LEA prior to resuming any green or wood waste processing and/or composting operations.

Respectfully,



Greg Pirie

Solid Waste Program Manager

greg.pirie@countyofnapa.org

707-253-4144

Cc: David Morrison, david.morrison@countyofnapa.org (via email)
Christine Secheli, Christine.secheli@countyofnapa.org (via email)
John Kara, john.kara@countyofnapa.org (via email)
Peter Ex, peter.ex@countyofnapa.org (via email)
Bryce Howard, bryce@uvds.com (via email)
Kaye Woodworth, kaye@cfrfp.com (via email)
Christy Abreu, christy@uvds.com (via email)
Candice Houghton, Candice.houghton@calrecycle.ca.gov (via email)

Patrick Snider, Patrick.snider@calrecycle.ca.gov (via email)

Sue Markie, susan.markie@calrecycle.ca.gov (via email)

Evan Edgar, evan@edgarinc.org (via email)

Steve Lederer, steve.lederer@countyofnapa.org (via email)



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A Commitment to Service

Napa County Fire Department
Fire Marshal's Office
Hall of Justice, 2nd Floor
1125 3rd Street
Napa, CA 94559

Office: (707) 299-1461

Garrett Veyna
Fire Marshal

TO: Clover Flat Landfill 4380 Silverado Trail Calistoga CA 94515	DATE: August 7, 2018
FROM: Garrett Veyna Napa County Fire Department	
SUBJECT: Clover Flat Debris Fires	APN: 020-120-020

In response to the wildfire which occurred on the evening of August 6, 2018 Napa County Fire Department is requiring specific mitigation measures set forth by the Health and Safety Code, 2016 CA Fire Code, NFPA Standards, and Napa County Local Ordinances. Since July 2013 Napa County Fire/ CAL Fire has responded to 26 incidents at the landfill, 13 of those have been confirmed fires which have required fire department intervention.

Napa County Fire Marshal's Office has determined Clover Flat Landfill to be in violation of the Health and Safety Code, the 2016 California Fire Code and Napa County Municipal Codes.

***[California Code of Regulations, Title 19, Division 1, §3.14]
Fire Hazard.***

No person, including but not limited to the State and its political subdivisions, operating any occupancy subject to California Code of Regulations, Title 19, Division 1 regulations shall permit any fire hazard, as defined in this article, to exist on premises under their control, or fail to take immediate action to abate a fire hazard when requested to do so by the enforcing agency.

Note: "Fire Hazard" as used in California Code of Regulations, Title 19, Division 1 regulations means any condition, arrangement, or act which will increase, or may cause an increase of, the hazard or menace of fire to a greater degree than customarily recognized as normal by persons in the public service of preventing, suppressing or extinguishing fire.

**Napa County Municipal Code
1.20.020 - Public nuisances designated—Remedies.**

A. Whenever in this code or in any ordinance of the county, or in any condition of a permit or license or other entitlement issued by the county, law of the state, or rule or regulation promulgated pursuant there to, any act or failure to act is prohibited or made



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Fire Marshal

or declared to be unlawful or an offense or a misdemeanor, the doing of any act or failure to act shall constitute a public nuisance subject to abatement pursuant to the provisions of this chapter.

B. The provisions of this chapter shall also apply to any specific condition, act, or failure to act declared to be a public nuisance by the board of supervisors by resolution following a noticed hearing as set forth in this chapter where such condition, act or failure to act involves:

1. Any unlawful obstruction of or encroachment upon any public property, including but not limited to any public street, highway or right-of-way, park or building;
2. **Any condition, act or failure to act which is dangerous to human life, or unsafe or detrimental to the public health or safety;**
3. Any establishment, use or operation of buildings, land or property contrary to the provisions of the ordinances of the county; or
4. Any condition, act or failure to act constituting a public nuisance known at common law or equity.

Requirements and timeframes

Immediate

- Meet the requirements required in Chapter 28 of the CA Fire Code.
- Full time trained spotter is required where debris/waste is being dumped.
- Fire watch 24 hours a day.

14 days

- 27CCR, §20680: All municipal solid waste landfill units shall cover disposed solid waste with a minimum of six inches of compacted earthen material at the end of each operating day, or at more frequent intervals if necessary, to control vectors, fires, odors, blowing litter, and scavenging.

30 days

- Submit a plan set to the Napa County Fire Marshal's Office designed by a licensed professional to indicate fire flow requirements are being met per NFPA



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Fire Marshal

- 15,22,24. Indicate supply line dimensions and location of water supplies required for firefighting operations.
- 14CCR, §17383.3: The operator shall provide fire prevention, protection and control measures, including, but not limited to, temperature monitoring of windrows and piles, adequate water supply for fire suppression, and the isolation of potential ignition sources from combustible materials. Fire lanes shall be provided to allow fire control equipment access to all operation areas. These requirements are in addition to the requirement for a Fire Prevention, Control and Mitigation Plan.

If you are unable to meet the requirements set forth by the Napa County Fire Marshal's Office/ Napa County contact us immediately at 707-299-1461.

Garrett Veyna
Napa County Fire Marshal

EXHIBIT C



San Francisco Bay Regional Water Quality Control Board

NOTICE OF VIOLATION

Date: March 29, 2019
CIWQS ID: 217946

Mr. Bob Pestoni
Upper Valley Disposal Service
P.O. Box 382
St. Helena, CA 94574

SUBJECT: Notice of Violation – Failure to Comply with Waste Discharge Requirements (WDRs) Order No. R2-2008-0027 and General Industrial Stormwater Permit Order No. 2014-0057-DWQ, Clover Flat Landfill, Calistoga

Dear Mr. Pestoni:

Water Board staff were informed of a leachate release from the landfill into the unnamed creek along the eastern perimeter of the site on Monday, March 25, 2019. On Tuesday, March 26, 2019, Water Board staff Alyx Karpowicz and Jerry Xu inspected the site jointly with the Local Enforcement Agency (LEA, Napa County Environmental Health Department) caseworker, Peter Ex. Bryce Howard of Upper Valley Disposal Service (UVDS), JC Isham of Aptim Environmental (consultant to UVDS), and Jake Lethin with Blue Ridge Services (consultant to UVDS) were also onsite.

Observations

My staff first inspected the leachate tanks, three of which are made of concrete with no secondary containment, the final being a cylindrical metal tank to hold leachate condensate, also with no secondary containment. Evidence of repeated leaking and overflow was immediately obvious by the amount of rust staining from the overflow holes on the concrete tanks, to the stained soil around the metal tank, indicating overflow and leakage is not a new event.

My staff were informed that on March 21, 2019, Mr. Howard, and a Blue Ridge Services employee observed the leachate tanks overflowing. Mr. Howard, another Clover Flat employee, and Mr. Lethin observed the tanks (which have a total capacity of 30,000 gallons) to be empty on March 25, 2019. When my staff asked Mr. Howard what became of the leachate from the tanks, he responded that it was sprayed on the working face as dust control by the landfill's water truck. The capacity of the water truck is 3,500 gallons, and Mr. Howard stated the two truckloads were sprayed for dust control on the active landfill face on Friday, March 22, 2019 but couldn't confirm if the truck also

sprayed leachate over the weekend or not. Under this scenario, at least 23,000 gallons of leachate remain unaccounted for.

After inspecting the leachate tanks (see photo number 521), my staff proceeded down to the location where the leachate is pumped from the near toe of the landfill (LEW-2) up to the concrete holding tanks. This location is approximately 150 feet from the creek. They observed ponded leachate that had been spraying from this pump location, on March 25, 2019, making its way into the creek. The wellhead housing this pump was in severe disrepair and entirely rusted over (see photo number 535). They were told that this pump had been shut off somehow over the weekend, and Mr. Howard and Mr. Lethin informed us that they flipped the switch to turn the pump back on Monday morning. Since the three leachate tanks had been full for approximately two weeks at this point (as observed by Blue Ridge Services on their initial site inspection on March 12, 2019), leachate was being routed into the metal condensate storage tank. Therefore, leachate and condensate were mixed together in this tank, and this combined liquid was being used as dust control at the landfill as recently as Monday March 25, 2019 when the National Weather Service showed rain accumulation in Calistoga of 0.65 inches between the hours of 06:53 and 15:53.

From this location, my staff followed the path of runoff up the hill toward the active area of the landfill. Along the way, they observed severe erosion and rilling on the bench/access road leading to the leachate pump, as well as black oily-looking water actively running down the hill and into the creek (see photo number 589).

They observed more ponded leachate and stormwater on the next bench up, as well as a new pipeline (shown in photo number 575) that ran from the active area of the landfill directly into the creek. When asked what this pipe was transporting, Mr. Lethin and Mr. Howard told us it was routing stormwater from the active area directly to the creek to prevent additional erosion on the hillside (of final soil-covered waste slopes- see photo number 615). They then inspected the active waste disposal area from which the stormwater originated and observed numerous leachate seeps from the waste piles (which had been previously noted on my March 12, 2019 inspection), which flowed into drop inlets (see photo number 684). The drop inlets collected leachate and stormwater runoff and transported it to the pipe running down the hillside and into the creek.

At this point, my staff informed the site representatives that they were actively and knowingly discharging leachate into the creek, since it was obviously mixing with stormwater at the drop inlets, to which Mr. Howard replied, "all water running off this site ends up in the creek." Further upslope (in the active area referred to as Module 5) my staff also observed other obvious locations of commingled leachate and stormwater discharging to the creek.

Summary of Violations

During my staff's March 26, 2019 inspection, they documented several violations of the landfill's WDRs and the General Industrial Stormwater Permit.

1. Prohibition No. 2 states that "Wastes shall not be disposed of in any position where they can be carried from the disposal site into waters of the State or of the United States." Poor best management practices have allowed waste to be blown and/or carried by stormwater down to the creek. Furthermore, severe erosion from lack of stormwater management has washed

away the soil cover in several areas of the old, unlined portion of the landfill which are topographically above the creek, and have the ability to unearth buried waste and carry it down to the creek as well.

2. Prohibition No. 13 states that "Surface drainage from tributary areas and internal site drainage from surface or subsurface sources shall not contact or percolate through wastes during the life of the site." This is actively happening at the site and has resulted in leachate commingling with stormwater at the site.
3. Prohibition No. 15 states that "Leachate, stormwater, or stormwater or groundwater containing leachate or in contact with waste, shall not be discharged into waters of the State or of the United States unless specifically authorized under an NPDES permit." Active leachate seeps from multiple locations on the landfill are mixing with stormwater, and this combined liquid is being intentionally routed directly to the creek.
4. The intentional discharge of the active leachate seeps mixed with stormwater directly to the creek (described in 3, above) is also a violation of the General Industrial Stormwater Permit Order No. 2014-0057-DWQ.
5. Prohibition No. 16 states that "The treatment, storage, or discharge of groundwater or leachate shall not create a condition of pollution or nuisance as defined in Section 13050 of the California Water Code, nor degrade the quality of waters of the State or of the United States." Analytical results collected from leachate samples, as of September 2018, indicate that volatile organic compounds are present at concentrations exceeding Maximum Contaminant Levels. With the intake of a significant volume of debris from the 2017 Napa fires, followed by heavy rains in the last several months, the likelihood of additional contamination in leachate is high. We are concerned about the chemical quality of the leachate, especially with the observation of black, oily water observed seeping out from the landfill.
6. Prohibition No. 17 states that "The Discharger shall not cause the following conditions to exist in waters of the state or of the United States at any place outside the landfill boundary:
 - a. Surface waters (4) Visible, floating, suspended, or deposited oil or other products of petroleum origin." The black oily substance we observed on our inspection had a distinct petroleum sheen and was present in the pooled water on the banks of the creek.
7. Specification No. 4 states that "The Discharger shall maintain, inspect, repair, and replace all devices installed in accordance with this Order such that they continue to operate as intended without interruption."
 - a. The leachate and condensate tanks have no secondary containment, and clearly have a history of repeated overflows.
 - b. The pump that conveys leachate from the toe of the landfill has not been working properly and is in clear disrepair.
 - c. The facility does not have or maintain proper stormwater conveyance and storage capability.
8. Specification No. 8 states that "Containment, collection, drainage, and monitoring systems for groundwater, surface water, and leachate shall be maintained and operated as long as waste or leachate is present and poses a threat to water quality." We observed that the facility is not containing surface water, and the leachate containment is severely lacking in capacity and overflow measures.
9. Specification No. 20 states that "The Discharger shall notify the Water Board immediately of any failure occurring in the landfill. Any failure that threatens the integrity of containment or control features at the landfill shall be promptly corrected after approval of the method

and schedule by the Executive Officer.” No notice was provided to Water Board staff when the leachate overflow was first observed, or when the severe erosion on the hillsides led to the decision to route commingled stormwater and leachate directly to the creek.

We have documented that Clover Flat Landfill is in violation of several aspects of Waste Discharge Requirements Order No. R2-2008-0027. You are also in violation of the General Industrial Stormwater Permit Order No. 2014-0057-DWQ, including its prohibition on non-stormwater discharges. We expect you to take immediate actions to correct these violations. Water Code sections 13350 and 13385 allow the Regional Water Board to impose administrative civil liability of up to \$5,000 and \$10,000, respectively, for each day the violation occurs.

If you have any questions, please contact Alyx Karpowicz of my staff at (510) 622-2427, or alyx.karpowicz@waterboards.ca.gov.

Sincerely,

Lisa Horowitz McCann
Assistant Executive Officer

Attachments: photos from 3/26/19 inspection

cc: Bryce Howard, UVDS- Bryce@uvds.com
Kaye Woodworth, UVDS- Kaye@cfrrp.com
JC Isham, Aptim- Julian.Isham@aptim.com
Jake Lethin, Blue Ridge- Jake@blueridgeservices.com
Peter Ex, LEA- Peter.ex@countyofnapa.com
Jon Whitehall, CalRecycle- Jon.Whitehall@CalRecycle.ca.gov
Paulina Lawrence, CalRecycle- Paulina.Lawrence@CalRecycle.ca.gov
Mark White, California Department of Fish and Wildlife- Mark.White@wildlife.ca.gov
James Jones, California Department of Fish and Wildlife- James.Jones@wildlife.ca.gov

Clover Flat Landfill, Calistoga- Select Photos from 3/26/19 inspection



Photo 521- rust staining and leakage from the leachate condensate tank, looking northeast.



Photo 535- ponded leachate around the rusted LEW2 wellhead, looking northwest.

Clover Flat Landfill, Calistoga- Select Photos from 3/26/19 inspection



Photo 575- pipeline from the landfill into the creek, looking east.



Photo 589- black, oily-looking material flowing toward the creek, looking northeast.

Clover Flat Landfill, Calistoga- Select Photos from 3/26/19 inspection



Photo 615- erosion from stormwater and leachate overflow, leachate ponding on the bench, looking northwest.



Photo 684- active leachate seeps draining into the drop inlet, looking northwest

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD SAN FRANCISCO BAY REGION

CLEANUP AND ABATEMENT ORDER NO. R2-2019-0014

CLOVER FLAT LANDFILL CLASS III SOLID WASTE DISPOSAL FACILITY CALISTOGA, NAPA COUNTY

The California Regional Water Quality Control Board, San Francisco Bay Region (Regional Water Board or Water Board) finds that:

- 1) **Site Ownership and Location:** Clover Flat Landfill, Inc., operates and Vista Corporation owns Clover Flat Landfill (hereafter, CFL or the landfill). Clover Flat Landfill, Inc. and Vista Corporation are jointly named as the Dischargers. Clover Flat Landfill is a Class III municipal refuse disposal site located at 4380 Silverado Trail, about three miles east of the city of Calistoga in northern Napa County (Figure 1).
- 2) **Site Hydrology:** Drainage from the site feeds into an unnamed ephemeral creek that runs along the eastern perimeter of the landfill (Figure 1). This creek is a tributary to Dutch Henry Creek, which ultimately discharges to the Napa River approximately 1.3 miles south of the landfill.
- 3) **Purpose of this Order:** This Cleanup and Abatement Order requires the Dischargers to perform corrective actions to address serious operational and water quality violations that require immediate action to prevent unlawful discharges of landfill leachate to waters of the state that threaten public health and safety and pose a significant risk to the environment. Water Board staff discovered these violations during recent site inspections, particularly during a March 26, 2019, site inspection, as further described below. Due to the gravity of the situation, the Napa County Department of Planning, Building and Environmental Services issued an Environmental and Health Advisory on March 29, 2019, advising the public of the release of leachate and stormwater into a tributary to Dutch Henry Creek and not to consume, use, or contact the water.
- 4) **Discharge of Leachate into Waters of the State and Other Observations:** During a routine inspection on March 12, 2019, with representatives of CFL and its consultant Blue Ridge Services (BRS), Water Board staff observed numerous leachate seeps emerging from the active face of the landfill. This leachate was visibly commingling with stormwater and running off the site in multiple locations (notably from Module 5, the active filling area in the northeast corner of the landfill- see Figure 26 landfill modules). After the inspection Water Board staff planned to perform a follow-up inspection three weeks later to give BRS and CFL time to address the leachate seeps, as well as the commingling of stormwater and leachate.

On March 21, 2019 (prior to the planned follow-up inspection), however, Water Board staff received notification of the leachate tanks overflowing at the landfill. In response to this notification, staff inspected the landfill on March 26, 2019. During this inspection, Water Board staff observed that the landfill's three concrete leachate holding tanks, which have a combined capacity of 30,000 gallons and lack secondary containment, were

nearly empty. A fourth metal tank, used to store landfill gas condensate, was mostly full. A landfill representative informed Water Board staff the leachate from the concrete tanks was sprayed on the working face of the landfill for dust control by the landfill's water truck, which has a capacity of 3,500 gallons. The representative told Board staff that two truckloads were sprayed for dust control on Friday March 22, 2019, but he could not confirm if the truck continued to spray leachate over the weekend. A substantial volume of leachate from the concrete tanks remains unaccounted for.

Water Board staff were also informed during the inspection that the leachate pump located near the toe of the landfill (LEW-2; see Figure 12) had been spraying leachate onto the ground instead of pumping it up to the three concrete holding tanks as intended. The location of the leachate pump is approximately 150 feet from the creek, and Water Board staff observed ponded leachate flowing into the creek from LEW-2 (see photo number 535 in the attached photo log), which was in severe disrepair and completely rusted. During the time that the three concrete leachate tanks were full (approximately two weeks), leachate was being routed into the metal condensate storage tank and mixed with landfill gas condensate. This mixture of leachate and condensate was being used as dust control at the landfill as recently as Monday, March 25, 2019 (despite the fact that a significant amount of rain, 0.65 inches, fell in Calistoga on that day, according to records of the National Weather Service).

Water Board staff also observed severe erosion and rilling on the bench/access road leading to the leachate pump, as well as black oily water actively running down the hill into the creek from the lower leachate collection system (LCS) (see photo number 589 in the attached photo log, as well as Figure 12 for the locations of the leachate pumps.)

Water Board staff observed ponded leachate and stormwater on the landfill bench between covered waste slopes, as well as a new pipeline that ran from the active area of the landfill directly into the creek (see photo number 575 in the attached photo log). The landfill's personnel informed staff that this pipe was transporting stormwater from the active disposal area directly to the creek to prevent additional erosion on the hillside (see photo number 615 in attached photo log). Upon inspection of the active waste disposal area, staff observed the leachate seeps mixing with stormwater and flowing into drop inlets (see photo number 684 in attached photo log). The drop inlets collected leachate and stormwater runoff and transported it into the pipe running down the hillside and into the creek.

Water Board staff inspected the landfill again on April 2, 2019 and found that the landfill operator had implemented some measures to stop leachate from leaving the site and discharging into the creek:

- a. The pipeline that was draining the leachate and stormwater mixture from the active disposal area had been removed from the creek. The drop inlet that was collecting this water was blocked, and a sump was installed to capture the mixture and route it to a temporary storage tank.
- b. The black oily water that was observed around the LCS area was being partially captured by a sump and routed to the leachate tanks. This sump was not entirely effective at keeping this black oily water from entering the creek, as it was

constructed with earthen berms. Staff were informed on April 3, 2019, that the sump was lined with plastic to prevent further runoff into the creek.

- c. The leachate seeps on the active face of the landfill were being addressed by installation of French drains and placement of new soil cover.
- d. Where leachate and stormwater were mixing in the upper northeast corner of the site (Module 5), the stormwater conveyance pipe was filled with cement, and the leachate line capped where it was discharging through the riprap below and into the creek. However, there is now a large pond of leachate and stormwater in the bottom of Module 5 that is adjacent to waste and partially inundating the liner.
- e. Four 20,000-gallon holding tanks had been brought to the landfill to provide additional leachate storage capacity.

Further immediate corrective action is necessary to prevent additional leachate discharges into the creek due to additional seeps being discovered, and to contain the black oily water that was still entering the creek as recently as April 2, 2019.

5) Violations of Waste Discharge Requirements Order No. R2-2008-0027 (WDRs):

During the Water Board's March 26, 2019, inspection, staff observed and documented several violations of the landfill's WDRs and the General Industrial Stormwater Permit Order No. 2014-0057-DWQ. These violations include the following:

- a. Prohibition No. 2 of the landfill's WDRs states that "*Wastes shall not be disposed of in any position where they can be carried from the disposal site into waters of the State or of the United States.*" Poor stormwater management practices have allowed waste to be blown and/or carried by stormwater down to the creek. Furthermore, severe erosion from lack of stormwater management has washed away the soil cover in several areas of the old, unlined portion of the landfill which are topographically above the creek. Erosion of the landfill cap also increases the likelihood that buried waste will be exposed and carried down to the creek.
- b. Prohibition No. 13 states that "*Surface drainage from tributary areas and internal site drainage from surface or subsurface sources shall not contact or percolate through wastes during the life of the site.*" However, such drainage is actively happening at the site and has resulted in leachate commingling with stormwater at the site.
- c. Prohibition No. 15 states that "*Leachate, stormwater, or stormwater or groundwater containing leachate or in contact with waste, shall not be discharged into waters of the State or of the United States unless specifically authorized under an NPDES permit.*" Active leachate seeps from multiple locations on the landfill are mixing with stormwater, and this combined liquid was being discharged until March 29, 2019, when the pipeline was removed from the creek. Leachate was still actively leaking from numerous points on the eastern side slopes as of April 2, 2019, and into the creek.
- d. The discharge of the active leachate seeps mixed with stormwater directly to the creek is also a violation of the General Industrial Stormwater Permit Order No. 2014-0057-DWQ.

- e. Prohibition No. 16 of the WDRs states that *“The treatment, storage, or discharge of groundwater or leachate shall not create a condition of pollution or nuisance as defined in Section 13050 of the California Water Code, nor degrade the quality of waters of the State or of the United States.”* Analytical results collected from leachate samples on March 25, 2019, indicate that volatile organic compounds (mostly benzene compounds, tert-butyl alcohol, and zinc) are present at concentrations exceeding either Maximum Contaminant Levels (which are the cleanup levels that shall be used when evaluating a drinking water source), or the East Bay Municipal Utility District’s (EBMUD) waste water treatment plant influent limits. EBMUD was the only entity that had the capacity to take the volume of leachate CFL generated, and conditionally agreed to take the leachate pending analytical data.

With the intake of a significant volume of debris from the 2017 Napa fires, followed by heavy rains in the last several months, the likelihood of additional contamination in leachate is high. The chemical quality of the leachate, especially with the observation of black, oily water observed seeping out from the landfill and into waters of the state, is therefore of serious concern and threatens public health and safety and the environment.

- f. Prohibition No. 17 states that *“The Discharger shall not cause the following conditions to exist in waters of the state or of the United States at any place outside the landfill boundary”*:
 - a. *“Visible, floating, suspended, or deposited oil or other products of petroleum origin.”* The black oily substance that we observed in the pooled water on the banks of the creek had a distinct petroleum sheen.
- g. Specification No. 4 states that *“The Discharger shall maintain, inspect, repair, and replace all devices installed in accordance with this Order such that they continue to operate as intended without interruption.”*
 - a. The leachate and condensate tanks have no secondary containment and have a history of repeated overflows.
 - b. The pump that conveys leachate from the toe of the landfill has not been working properly and is clearly in disrepair.
 - c. The facility does not have or maintain proper stormwater conveyance and storage capability.
- h. Specification No. 8 states that *“Containment, collection, drainage, and monitoring systems for groundwater, surface water, and leachate shall be maintained and operated as long as waste or leachate is present and poses a threat to water quality.”* Water Board staff observed that the facility is not containing surface water, and the leachate containment is severely lacking in capacity and overflow measures. Additionally, groundwater impacts may be identified in or downgradient of areas where leachate has been seeping onto the ground surface. Groundwater from the landfill likely percolates into the underlying Sonoma Valley Groundwater Basin, and therefore has the potential to contaminate a source of drinking water.
- i. Specification No. 20 states that *“The Discharger shall notify the Water Board immediately of any failure occurring in the landfill. Any failure that threatens the*

integrity of containment or control features at the landfill shall be promptly corrected after approval of the method and schedule by the Executive Officer.” No notice was provided to the Water Board when the leachate overflow was first observed, or when the severe erosion on the hillsides led to the decision to route commingled stormwater and leachate directly to the creek.

Based on the violations noted above, the Water Board issued a Notice of Violation to the Dischargers on March 29, 2019.

- 6) **Basin Plan and State Water Resources Control Board Policies:** The *Water Quality Control Plan for the San Francisco Bay Region* (hereafter, Basin Plan) designates beneficial uses, establishes water quality objectives, contains implementation programs for achieving objectives, and incorporates by reference plans and policies adopted by the State Water Resources Control Board. The beneficial uses of Dutch Henry Creek, as identified in Table 2-1 of the Basin Plan, include warm and cold water habitat, fish migration and spawning, preservation of rare and endangered species, and recreation. The Napa River beneficial uses include the same as Dutch Henry Creek, as well as agricultural and municipal use and groundwater recharge. The beneficial uses of the Napa Sonoma Valley Groundwater Basin, as identified in Table 2-2 of the Basin Plan, include municipal and domestic supply, agricultural supply, and industrial service and process water supply.

State Water Resources Control Board Resolution 68-16 (Anti-Degradation Policy), "Statement of Policy with Respect to Maintaining High Quality of Waters in California," applies to this discharge. It requires maintenance of background levels of water quality unless a lesser water quality is consistent with maximum benefit to the people of the State, will not unreasonably affect present and anticipated beneficial uses, and will not result in exceedance of applicable water quality objectives. This order and its requirements are consistent with Resolution No. 68-16.

State Water Board Resolution No. 92-49, "Policies and Procedures for Investigation and Cleanup and Abatement of Discharges Under Water Code Section 13304," applies to this discharge. It directs the Regional Water Boards to set cleanup levels equal to background water quality or the best water quality which is reasonable, if background levels cannot be restored. Cleanup levels other than background must be consistent with the maximum benefit to the people of the State, not unreasonably affect present and anticipated beneficial uses of such water, and not result in exceedance of applicable water quality objectives. This order and its requirements are consistent with the provisions of Resolution No. 92-49, as amended.

- 7) **California Safe Drinking Water Policy:** It is the policy of the State of California that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. This order promotes that policy by requiring discharges to meet maximum contaminant levels designed to protect human health and ensure that water is safe for domestic use.
- 8) **Preliminary Cleanup Goals:** Pending the establishment of cleanup levels, preliminary cleanup goals will be set at Maximum Contaminant Levels, due to the beneficial uses of

both the Napa River and the Napa Sonoma Valley Groundwater basin, in conducting remedial investigation and action. These goals should address all relevant media (e.g., groundwater, soil) and all relevant concerns (e.g., groundwater ingestion, migration of groundwater to surface waters).

- 9) **Basis for 13304 Order:** California Water Code Section 13304 authorizes the Regional Water Board to issue a cleanup and abatement order requiring a discharger to clean up and abate the effects of waste discharges. The Dischargers are named in this Order because, as set forth in these findings, they have, in violation of waste discharge requirements, caused or permitted, causes or permits, threatens to cause or permit waste to be discharged or deposited where it is, or probably will be, discharged into waters of the state and creates, or threatens to create, a condition of pollution or nuisance.
- 10) **Basis for 13267 Requirements:** This Order requires several investigative and technical reports. The burden of the reports, including costs, bears a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. Specifically, the information is necessary to implement remediation activities which will eliminate leachate discharges, which pose a threat to human health and the environment, to tributaries of the Napa River.
- 11) **Cost Recovery:** Pursuant to Section 13304 of the Water Code, the Discharger is hereby notified that the Regional Water Board is entitled to, and may seek reimbursement for, all reasonable costs incurred to investigate unauthorized discharge of waste and to oversee cleanup of such waste, abatement of the effect thereof, or other remedial action, as required by this Order.
- 12) **CEQA:** The issuance of this Order is an enforcement action taken by a regulatory agency and is exempt from the provisions of the California Environmental Quality Act, pursuant to Section 15321(a)(2), Title 14, California Code of Regulations.
- 12) **Notification:** The Regional Water Board has notified the Discharger, Napa County (the Local Enforcement Agency), CalRecycle, and California Department of Fish and Wildlife of its intent under Water Code section 13304 to issue this Order for the discharge. Due the urgent need to abate the continuing leachate discharges into waters of the state, which threaten public health and safety and the environment, this Order has been issued as expeditiously as possible. The Discharger can seek changes or comment on this Order once it is issued. Moreover, under Water Code section 13320, a party aggrieved by a Regional Water Board's cleanup and abatement order may petition the State Water Resources Control Board to review the Regional Water Board's action within 30 days of the Regional Water Board's action.

THEREFORE, IT IS HEREBY ORDERED that pursuant to Sections 13304 and 13267 of the California Water Code, the Discharger shall clean up and abate the effects described in the above findings and submit required technical reports as follows:

- 1) **CEASE ALL DISCHARGES TO THE CREEK**

COMPLIANCE DATE: Immediately

The Dischargers shall immediately cease all discharges of leachate, leachate condensate, or any water that has come in contact with leachate or landfilled refuse, from the site. All such discharges shall be captured within the landfill perimeter and contained in storage tanks designated for that purpose.

All temporary leachate storage tanks shall be labeled as such, and accurate records kept of the volume of leachate collected. The Discharger shall collect samples from each tank for analysis at a certified laboratory, submit laboratory reports electronically as they become available, and document where and how the leachate was disposed.

2) CEASE ALL SPRAYING OF LEACHATE DURING RAIN EVENTS

COMPLIANCE DATE: Immediately

No leachate or leachate condensate shall be sprayed on the landfill for the purpose of dust control until leachate seeping has been stopped. The waste mass in the landfill is currently saturated, as indicated by numerous leaks on the active face and around the base of the landfill, and any additional liquid sprayed onto the landfill will not be properly conveyed to the leachate collection and recovery system. Spraying of leachate for dust control shall not resume until dry conditions are re-established and until the Dischargers attain proper operation of the leachate collection and recovery system.

3) REPORTING REQUIREMENTS

COMPLIANCE DATE: As data becomes available

The Dischargers shall ensure that corrective actions to address all violations are implemented properly and expediently, shall submit analytical data promptly as it becomes available, and shall be responsible for providing timely and unbiased findings and facts to the Water Board, the Local Enforcement Agency, and other regulatory agencies with jurisdiction over landfill operations and discharges. It may be helpful for the Dischargers to employ an independent (third-party) consultant to help manage site operations and prepare the required reports necessary to document compliance with this Order and the landfill's WDRs.

4) CEASE ALL LEACHATE SEEPS FROM THE ACTIVE LANDFILL AREA

COMPLIANCE DATE: Immediately

The Dischargers shall immediately implement corrective actions to terminate leachate seeps and to prevent additional commingling of leachate with stormwater. The Dischargers shall perform all necessary maintenance to ensure that leachate is properly conveyed to the leachate collection and recovery system, does not leave containment areas, and does not pond within the base of Module 5.

5) COLLECT CREEK SAMPLES

COMPLIANCE DATE: Daily until leachate is no longer being discharged to the creek, and weekly through June 1, 2019

The Dischargers shall collect samples from the creek daily until leachate seepage is terminated. Samples should be analyzed for all contaminants of concern present in leachate, as well as any likely contaminants contained in fire debris (such as PFAS compounds, polyaromatic hydrocarbons, poly-chlorinated biphenyls, semi-volatile organic compounds, metals, dioxins, furans, etc.). The Dischargers shall promptly submit all analytical reports to the Water Board. If impacts to the creek are observed, the Dischargers shall submit a work plan acceptable to the Executive Officer proposing immediate mitigation measures to correct creek impacts, along with preliminary recommendations to permanently abate the discharge and clean up any long-lasting impacts to the creek, such as contamination of creek sediments.

6) WORK PLAN TO REPAIR EROSION OF FINAL SOIL CAP ON MODULE 1 AND 2B

COMPLIANCE DATE: May 1, 2019

A work plan, acceptable to the Executive Officer, shall be submitted to propose repair and replacement of the final cap on the side slopes of Modules 1 and 2B, where severe erosion from stormwater and leachate runoff and seepage is evident and ongoing. The work plan shall also propose trenching to determine the thickness of the cap and the location of refuse on the lower southeast portion of Module 1. It is unclear where the limit of waste mass is in this Module, and if the original final cap has been compromised by the dense foliage growing in this area.

7) REPAIR AND REPLACE LEACHATE COLLECTION SYSTEMS

COMPLIANCE DATE: June 1, 2019

The Dischargers shall perform a comprehensive assessment of the leachate collection and recovery and shall promptly perform all repairs necessary to resume proper operation of the system and all of its appurtenances. These repairs must be completed prior to the landfill resuming waste disposal. The concrete tanks are in clear disrepair, do not have sufficient capacity to hold leachate generated onsite, do not have dual containment to capture overflow, and were observed to be actively leaking as of April 2, 2019.

The metal condensate tank is in a similar state of disrepair, with severe rusting around the base of the tank and the surrounding soil, indicating leakage of condensate is ongoing. All tanks are required to have dual containment, adequate storage volume, and an alarm or notification system when the tanks are full. The leachate pump at LEW-2 is also severely rusted and does not work as intended. The water-truck filling station that is connected to the metal tank continuously leaks and needs a shutoff valve installed when trucks are done filling. A concrete pad, with a catchment basin below,

needs to be installed to ensure any leachate and condensate mixture is captured during filling. The Discharger shall replace and/or repair all leachate conveyance appurtenances such that leachate is contained within the landfill and releases to the creek do not occur.

8) INSTALL STORMWATER CAPTURE AND STORAGE SYSTEM

COMPLIANCE DATE: July 1, 2019

The Dischargers shall prepare and submit a Design Report acceptable to the Executive Officer for a system to capture, collect, and store stormwater at the site. At a minimum, the report shall consider drainage controls required to capture and convey runoff from a 100-year, 24-hour storm event.

The Dischargers shall also update the Stormwater Pollution and Prevention Plan, best management practices for keeping trash out of the stormwater and creek, and monitoring and analytical compliance with the NPDES General Industrial Stormwater Permit limits.

9) CLEANUP PLAN

COMPLIANCE DATE: August 30, 2019

The Dischargers shall prepare and submit a cleanup and creek restoration plan, acceptable to the Executive Officer, which details how the surface water at and leaving the landfill will be cleaned to MCLs, per State Board Resolution 92-49, as detailed in finding 6 above.

10) DELAYED COMPLIANCE

If the Discharger is delayed, interrupted, or prevented from meeting one or more of the completion dates specified for the above tasks, the Discharger shall promptly notify the Executive Officer, and the Regional Water Board or Executive Officer may consider revision to this Order. Other than the tasks requiring immediate compliance, the Regional Water Board recognizes the possibility that delays may occur due to other agencies' permitting requirements for proposed abatement activities.

- 11) Failure to comply with this Order may result in an enforcement action, including under section 13350 and 13268 of the California Water Code, which allows for administrative civil liability up to a maximum of five thousand dollars (\$5,000) for each day of violation.
- 12) If any hazardous substance is discharged in or on any waters of the State, or discharged or deposited where it is or probably will be discharged into any water of the State, the Discharger shall report such discharge to the Water Board immediately. A written report shall be filed with the Water Board within five working days, which describes the nature of the substance, quantity released, cause and duration of release, size of affected area, and any corrective actions taken or planned to eliminate or

mitigate such release.

- 13) Contractor / Consultant Qualifications: All technical documents shall be signed by and stamped with the seal of a California registered geologist, a California certified engineering geologist, or a California registered civil engineer.
- 14) Lab Qualifications: All samples shall be analyzed by State-certified laboratories or laboratories accepted by the Regional Water Board using approved U.S. EPA methods for the type of analysis to be performed. Quality assurance/quality control (QA/QC) records shall be maintained for Regional Water Board review. This provision does not apply to analyses that can only reasonably be performed onsite (e.g., temperature).

4/10/2019
Date

Michael Montgomery
Executive Officer

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FAILURE TO COMPLY WITH THE REQUIREMENTS OF THIS ORDER MAY SUBJECT THE VISTA CORPORATION TO ENFORCEMENT ACTION, INCLUDING BUT NOT LIMITED TO: IMPOSITION OF ADMINISTRATIVE CIVIL LIABILITY UNDER WATER CODE SECTIONS 13268 OR 13350, OR REFERRAL TO THE ATTORNEY GENERAL FOR INJUNCTIVE RELIEF OR CIVIL OR CRIMINAL LIABILITY

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Attachments: Figure 1 – Site Location Map
 Figure 12 – WDR Compliance Monitoring Network
 Figure 26 – Landfill Modules

Photo Log from March 26, 2019



CLIENT
CLOVER FLAT LANDFILL, INC.
CALISTOGA, CALIFORNIA

CONSULTANT



YYYY-MM-DD 2018-10-25

DESIGNED KMM

PREPARED KMM

REVIEWED TLV

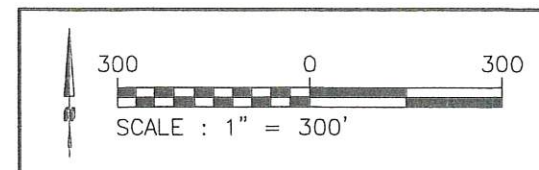
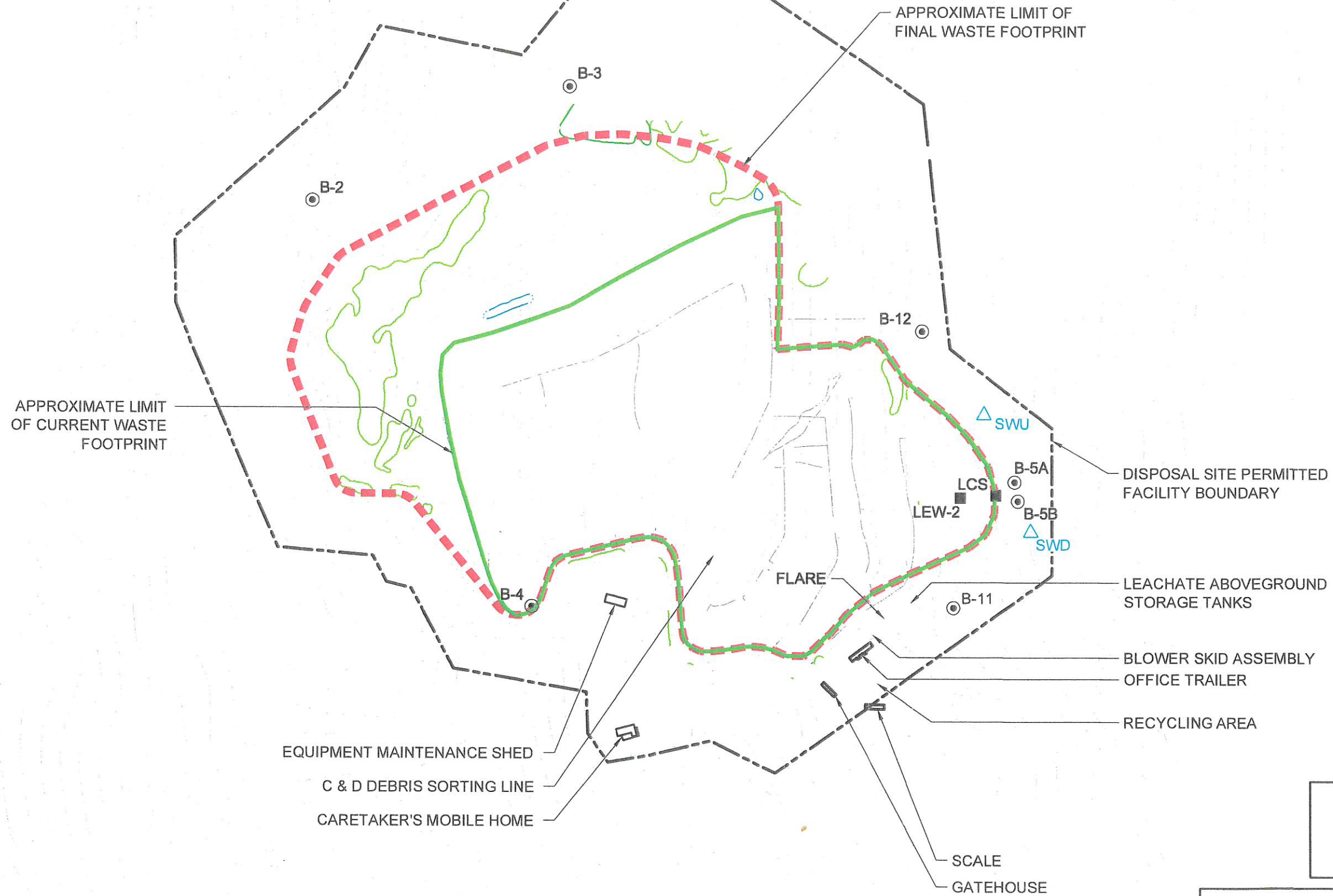
APPROVED TLV

PROJECT
CLOVER FLAT LANDFILL
4380 SILVERADO TRAIL
CALISTOGA, CALIFORNIA

TITLE
FIGURE 1
SITE LOCATION MAP

PROJECT NO.
1300297-01

REV.



LEGEND

- B-12 ● GROUNDWATER MONITORING WELL
- LCS ■ LEACHATE COLLECTION SUMP/WELL
- SWU △ SURFACE WATER STATION
- C&D CONSTRUCTION AND DEMOLITION

FIGURE

12

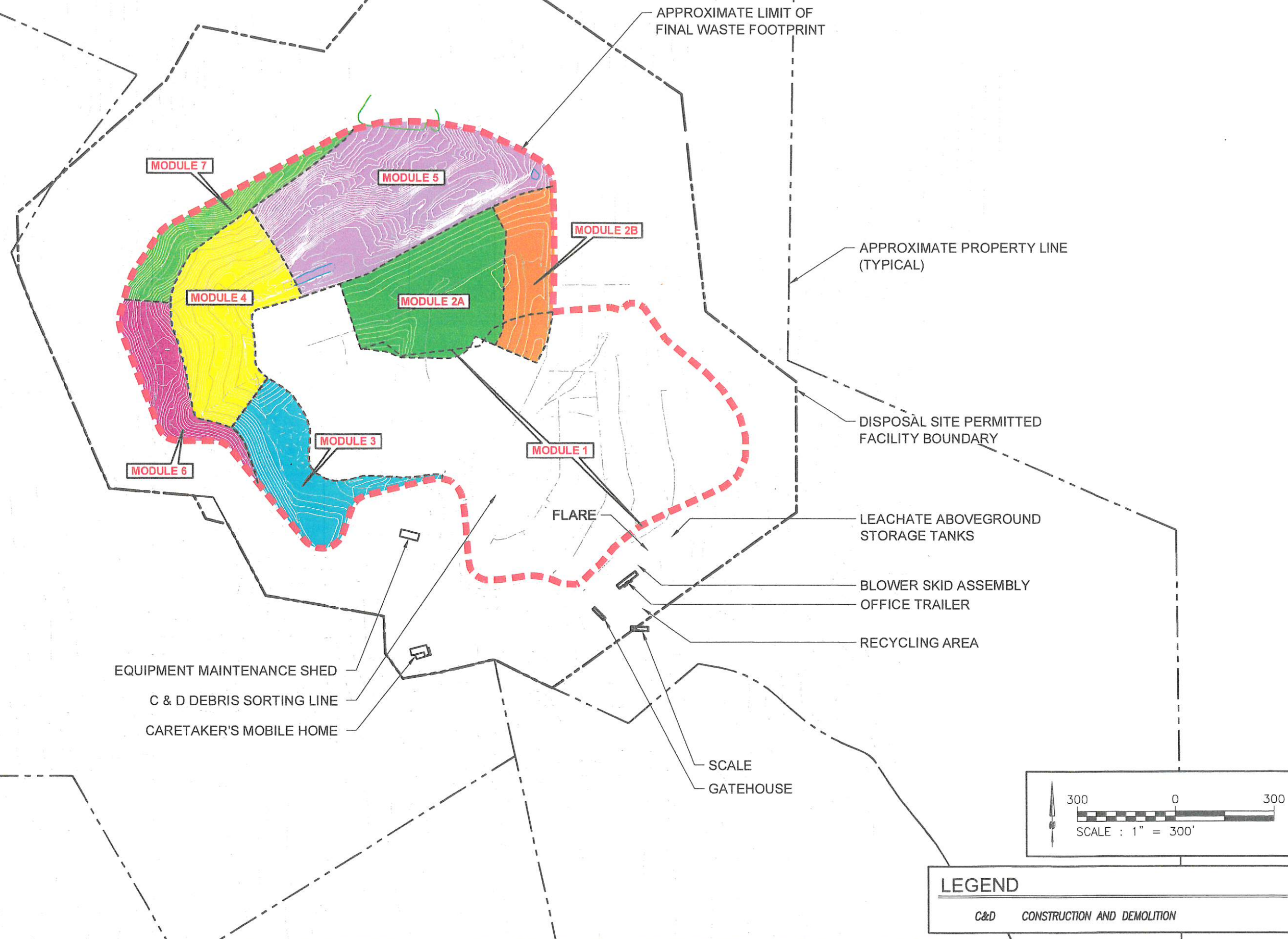
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WDR COMPLIANCE MONITORING NETWORK

CLOVER FLAT LANDFILL
4380 SILVERADO TRAIL
CALISTOGA, CALIFORNIA



LANDFILL MODULES
CLOVER FLAT LANDFILL
4380 SILVERADO TRAIL
CALISTOGA, CALIFORNIA



Clover Flat Landfill, Calistoga- Select Photos from 3/26/19 inspection



Photo 521- rust staining and leakage from the leachate condensate tank, looking northeast.



Photo 535- ponded leachate around the rusted LEW2 wellhead, looking northwest.

Clover Flat Landfill, Calistoga- Select Photos from 3/26/19 inspection



Photo 575- pipeline from the landfill into the creek, looking east.



Photo 589- black, oily-looking material flowing toward the creek, looking northeast.

Clover Flat Landfill, Calistoga- Select Photos from 3/26/19 inspection



Photo 615- erosion from stormwater and leachate overflow, leachate ponding on the bench, looking northwest.



Photo 684- active leachate seeps draining into the drop inlet, looking northwest