

**From:** Allen, Garrett@Wildlife <Garrett.Allen@wildlife.ca.gov>  
**Sent:** Wednesday, March 27, 2019 3:30 PM PDT  
**To:** Roberson, Keith@Waterboards <Keith.Roberson@waterboards.ca.gov>  
**CC:** Karpowicz, Alyx@Waterboards <Alyx.Karpowicz@waterboards.ca.gov>; Ex, Peter <PETER.EX@countyofnapa.org>; Whitehill, Jon@CalRecycle <Jon.Whitehill@CalRecycle.ca.gov>; Lawrence, Paulina@CalRecycle <Paulina.Lawrence@CalRecycle.ca.gov>; Xu, Jerry@Waterboards <Jerry.Xu@Waterboards.ca.gov>  
**Subject:** RE: Illegal Discharge at Clover Flat Landfill, Calistoga

Hi Keith,

Thank you for notifying me about this. I'm not sure why we didn't hear about this until now. Mark White, one of our local Warden's and myself will be heading out to the site early tomorrow morning to try and document impacts to fish and wildlife resources.

Thanks for all of the details.

Best,

Garrett Allen  
*Environmental Scientist (Covering: Napa County, Vallejo, Benecia)*  
*California Department of Fish and Wildlife – Bay Delta Region*  
*Habitat Conservation Program*  
**2825 Cordelia Road, Suite 100**  
**Fairfield, CA 94534**  
**(707) 428-2002 (front desk)**  
**(707) 428-2076 (direct line)**

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**From:** Roberson, Keith@Waterboards <Keith.Roberson@waterboards.ca.gov>  
**Sent:** Wednesday, March 27, 2019 3:17 PM  
**To:** Allen, Garrett@Wildlife <Garrett.Allen@wildlife.ca.gov>  
**Cc:** Karpowicz, Alyx@Waterboards <Alyx.Karpowicz@waterboards.ca.gov>; Peter.Ex@Countyofnapa.org; Whitehill, Jon@CalRecycle <Jon.Whitehill@CalRecycle.ca.gov>; Lawrence, Paulina@CalRecycle <Paulina.Lawrence@CalRecycle.ca.gov>; Xu, Jerry@Waterboards <Jerry.Xu@Waterboards.ca.gov>  
**Subject:** Illegal Discharge at Clover Flat Landfill, Calistoga

Garrett,

This is Keith Roberson of the San Francisco Bay Regional Water Quality Control Board (an agency under the umbrella of CalEPA). I just spoke with you on the phone about an intentional, illegal discharge of landfill leachate at the Clover Flat Landfill, located at 4380 Silverado Trail in Calistoga. The email below from Alyx Karpowicz of my staff summarizes the discharge; she personally observed the situation on a site inspection yesterday.

We are coordinating with CalRecycle and the Napa County Environmental Health in an enforcement action, and would like to invite your agency to join us in this effort, if possible, because of likely impacts to aquatic organisms in the creek and riparian zone.

Please contact me or Alyx if you have any questions about the incident.

Keith Roberson  
Land Disposal Program Manager  
San Francisco Bay Regional Water Quality Control Board  
Oakland, CA  
510-622-2404

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**From:** Karpowicz, Alyx@Waterboards <[Alyx.Karpowicz@waterboards.ca.gov](mailto:Alyx.Karpowicz@waterboards.ca.gov)>  
**Sent:** Wednesday, March 27, 2019 12:04 PM  
**To:** Roberson, Keith@Waterboards <[Keith.Roberson@waterboards.ca.gov](mailto:Keith.Roberson@waterboards.ca.gov)>  
**Subject:** Clover Flat Landfill, Calistoga

Monday morning (3/25/19) I got a call from a whistleblower reporting that over 30,000 gallons of leachate were purposefully released into an unnamed creek running alongside the landfill (which discharges directly to the Napa River further downstream), and was asked to come to the site for an immediate inspection.

Jerry Xu (Enforcement Division) and I inspected the site jointly with the Local Enforcement Agency (LEA) caseworker, Peter Ex on Tuesday (3/26/19, arrived onsite at 1pm). Peter had been issuing the landfill violations for months due to other concerns and was unaware of the leachate issue.

We were accompanied onsite by Bryce Howard (working for the owner, Bob Pestoni of Upper Valley Disposal), JC Isham (Aptim), and Jake Lethin (Blue Ridge Services). We first inspected the leachate tanks, three of which are made of concrete and not dual

contained, the final being a cylindrical metal tank to hold leachate condensate, also no secondary containment. Evidence of leaking and overflow was immediately obvious by the amount rust staining from the overflow holes to the stained soil around the tanks, indicating overflow and leakage is not a new event.

From there we went down to where the leachate is pumped from the toe of the landfill up to the concrete tanks. At that point we were told that the pump was shut off for at least a couple of days, and leachate was observed to be spraying from this location and making its way down to the creek. Bryce and Jake informed us that they flipped the switch to the pump back on, and had a company come out to fix the pump inside the leachate well. There was leachate ponded all around this area, and the leachate wellhead was in severe disrepair and entirely rusted over.

Following the runoff up the hill, and toward the active area of the landfill, we 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. Jerry took photos along the way and all of them are posted in the following folder: <R:\RB2\PublicShare\1Div- Npdes Division\StaffFolders\Jerry Xu\CFL Landfill\20190327 Inspection>

The next bench up showed more ponded leachate/stormwater, as well as a new pipeline running from the active area of the landfill directly into the creek. When asked what was in this pipe, Jake and Bryce told us it was the stormwater from the active area they were routing directly to the creek to avoid additional erosion on the hillside (of final soil-covered waste slopes). Upon inspection of the active area the "stormwater" was flowing from, we observed numerous leachate seeps from the waste piles, which flowed into drop inlets. The drop inlets lead to the pipe running down the hillside and into the creek.

At this point I informed everyone that they were actively and knowingly discharging leachate into the creek, since it was obviously mixing with stormwater, to which Bryce replied "all water running off this site is a mix of leachate and stormwater, and it all goes into the creek". Further upslope there were other obvious locations of commingled leachate and stormwater, which were also discharging to the creek in a more indirect method (since there was no direct pipe, water is allowed to flow down the hill by gravity over several hundred feet).

Before leaving the site, Peter and I discussed with the group the need to immediately shut the site down, upon approval from our supervisors and CalRecycle. I also directed them to cease all discharge immediately, by routing all water into holding tanks (which is planned for off haul to EBMUD Thursday (3/28/19), and that they can no longer self-monitor- they need third party oversight immediately to supervise their work.

After a joint phone call with CalRecycle, the LEA and the Water Board this morning (3/27/19 at 1030 am), CalRecycle agreed the LEA should use their authority in the Solid Waste Facility Permit to shut the site down. Going forward, I will be writing an NOV immediately. Peter and I will write a joint inspection, then I will issue a CAO citing all the violations of their WDRs (and beyond) that needs to be signed immediately. This site accepted a lot of debris from the 2017 Napa fires, it was improperly managed and now leachate generated by this mixture is running off the site and ultimately to the Napa River.

Please feel free to ask if you have any questions.  
Alyx