

**MINUTES OF THE AUGUST 13, 2018
SPECIAL MEETING OF THE BOARD OF DIRECTORS**

1. CALL TO ORDER

The Upper Valley Waste Management Agency met in Special session on Monday, August 13, 2018 at 8:30 a.m. at the Yountville Town Council Chambers. Chair Mohler called the meeting to order at 8:35 a.m.

2. ROLL CALL

The following members were present: Chair Mohler, Member Canning, Member Koberstein, Vice Chair Pedroza, Member Dillon.

3. PLEDGE OF ALLEGIANCE

Chair Mohler led in the Pledge of Allegiance.

4. PUBLIC COMMENT

In this time period, anyone who wishes to speak to the Authority Board of Directors regarding any subject over which the Board has jurisdiction, that is not on the agenda, or to request consideration to place an item on a future Board agenda, may do so at this time. Individuals will be limited to a three minute presentation.

THE BOARD OF DIRECTORS WILL TAKE NO ACTION AS A RESULT OF ANY ITEM PRESENTED AT THIS TIME.

None

RECESS TO CLOSED SESSION

There was no reportable action from the Closed Session

5. FRANCHISES' BUSINESS ITEMS

A. Waste Management Companies' Issues

None

6. OTHER BUSINESS ITEMS

A. Manager's Report

Agency Manager clarified this is a Special meeting, not an Emergency meeting. Purpose of this Special meeting was due to the recent series of fires at the Clover Flat Landfill starting from September of 2017 to the most recent fire. The company that runs the landfill is our Franchisee, meaning they are under contract with this Agency under the UVDS contract. These fires are concerning and the Board agreed to have this meeting. Would like to propose order in which to handle this item and introduce those who will be speaking to these fires and what needs to happen now. Greg Pirie, Napa County Staff member with Planning Building and Environmental Services, is also the Local Enforcement Agent (LEA). LEA is the regulatory body that oversees the landfill. Reporting to CalRecycle and the local and state levels; Chief Barry Biermann, the Napa County Fire Chief; followed by a representative of the Company. Then ask Public Comment be opened and then turn back to the Board for comments.

Chair Mohler suggests, due to the recent fires, Company should provide monthly public reports to the Board. Reports should included causes and remedial actions. Later in the meeting this was amended to a weekly update from the manager to the Board until the fire issues are considered resolved. In the future monthly LEA inspection reports will also be shared with the Board.

Greg Pirie explained the reasons we are here today including providing information regarding the Notice of Violation (NOV) that was issued and publically available at the Napa County, Upper Valley Waste Management site.

Steve summarized and asked for status on the 11 actions on this violation. The first 9 of these are immediate operational actions to reduce the risk of fire. Also effectively, the NOV requires the Company not to process compost and green waste or use these materials as Alternative Daily Cover, until other issues are resolved. Items 10 (hiring a

full time site manager) and 11 (fire flow requirements) are requirements in order to get back to normal business.

Greg clarified collection and same day processing of green and wood waste is acceptable, Company must then remove from site or bury.

Member Canning asked if the Agency has some responsibility to know where green & wood waste is being temporarily hauled. The concern being he does not want it to then become someone else's problem.

Agency Manager explained the contract with the Company requires the Company operate in accordance with laws and regulations. Agency does not have "right of refusal", so long as the location is a legal, permitted facility. The agency is interested when the Company's decision impacts one of our missions, which includes minimizing waste going to the landfill. So the decision to add some of this green waste and wood waste to the landfill because this is the only option available at this time, it does impact our mission; therefore, we do have an interest in knowing how this material is being processed.

Chair Mohler again wanted to ask that all paperwork pertaining to this matter be posted and made public on the Agency's website for access to everyone.

Barry Biermann, Napa County Fire Chief, provided a summary of past calls to the facility, mentioning that there were 26 calls since 2013, 13 being actual fires. The most significant ones were the one in September (2017) and August 6th (2018). Chief also shared the process taken to combat fire with risks and limitations that day. Back in September the Fire Marshall submitted mitigation measures letter (included in previously noted NOV). Many risk factors were identified while putting out this last fire).

Member Canning reported the City of Calistoga Fire services have responded through mutual aide at least 8 times within the last 5 years. Always happy to help but mentioned it was tapping into the City's resources. States this is a challenge that does not need to keep happening.

Fire Marshall Garrett Veyna elaborated on remedial actions requested in the NOV and what's been met to date.

Company's Bryce Howard reported on the landfill situation (slide presentation with printed copies made available includes aerial photos) before and after fires. Detailed past fires, causes, and remedial actions taking place. Contractors are on-site working on access improvements and increasing water availability on-site. Increasing diversion of woodchips is the hardest material to get rid of with limited facilities taking them due to market place changes. Compost is also affected by changes in the market. Soon all organics will be restricted from landfills. Goal being water tank situation will be worked out soon to allow the return of regular operations at the facility. Company mentioned working better with managing the incoming material to the landfill and removing material not allowed by NOV.

Owner Bob Pestoni added making more water available has been in the works for some time.

Member Canning asked Company to confirm all is being done by the Company to make these changes happen.

Company's Bryce Howard also reassured the Board they are and there will be frequent reports.

Public Comment:

Dennis Kelley, lives across the street and brought several concerns about the importance of reducing fire risks and improving processes at the landfill.

Agency Manager summarized and explained this agency's several missions. One is to regulate rates another being the diversion mission to divert as much waste from the landfill as possible. The fires are in conflict with these missions. Manager would like to know how much material was buried instead of diverted and pointed out the need to get a handle on this. Based on this Agency's contract language with the Company it is the Company's duty to be in compliance with the contract. Need to track the return to compliance and keep the Board informed as to the terms of compliance. Agency/Board does not set the compliance standards, do the inspections, don't report back if company is in compliance or not. This is the role of the LEA. Manager will keep board informed on a weekly basis while in this transition phase and in the fire season. This Board's remedy would need to be through this contract and future discussion will need to happen.

Member Canning asked how response costs are recovered.

Chief Biermann stated the District Attorney would be the one potentially looking for cost recovery options.

County staff member Greg Pirie (LEA) recoups costs from inspection fees. For example, Environmental Health staff have been at the landfill daily verifying information provided by Company, including the removal of all green waste by deadline (Friday). Until there is an established pattern of compliance at the facility, they will continue to aggressively pursue enforcement action. All information pertaining to this facility will be shared with (Agency Manager) Mr. Lederer.

Member Mohler reiterated her understanding of the Board's main responsibilities being regulating rates and the diversion issue. Would like to make sure this is in the mission statement and further discuss and clarification on what the agency's job really is. If significant changes are necessary, who is going to pay for it?

Vice Chair Pedroza would like to see who owns the prevention aspects (of these fires). Our checks and balances should reassure everyone we are taking action in preventing future fires, like these.

Member Canning would like to see more corrective action on behalf of the Company that reassures everyone that (fire prevention on site) is a priority to the Company. Would like to see some kind of behavioral correction be created, that is within the scope of this board.

Company's Bryce Howard commented that Company is using all resources available to them to try and eliminate the potential for that fuel source to be present. By the end of the week they plan to remove all the product and have already taken steps to isolate that product by covering the area with soil. The Contractor onsite building the road, which is costing the company about \$15,000 a day for his equipment was a resource that was going to be used for another purpose but is currently being used to mitigate the fire potential. Company continues to look at what else they can do. Company brought in another 12,000 gallons of water onsite on the suggestion from the Fire Chief. Besides filling the 55,000 gallon water tank already onsite. Trenching will begin soon after Summit Engineering comes back with how big the line can be.

Member Koberstein would like us to further look into what is working and what is not working based on our Cloverflat contractual agreement.

C. Board of Directors Comments

Member Canning acknowledged a Happy Birthday to Steve Campbell, Calistoga Fire Chief.

D. Future Agenda Items

Board requests an additional meeting in September, in addition the meeting already scheduled to include a tour of the Landfill on September 17th. A Special meeting will be held on Monday, September 24, 2018 at 1:30 in the Yountville Town Council Meeting Chambers.

Agency Manager will be providing weekly compliance updates, by email, to the Board. Staff will also post those updates to this meeting's agenda, so that they are also available to the public. If any time in between now and the next meeting the Board would like to call an additional meeting, with direction from the Chair and 72 hour notice, we can schedule another meeting then.

Board would like Fire staff or LEA staff to be present at the next (Monday, September 17, 2018) Board meeting at the landfill, to discuss areas that have been accomplished (from the NOV).

E. Closed Session [Supplemental Agenda] Conference with Legal Counsel-Initiation of Litigation

At the discretion of the Chair this Closed Session item was moved up on the agenda to happen after item 4. (Board Members and Counsel left the room at 8:37am and returned at 8:58am); No reportable actions.

7. ADJOURNMENT

Meeting was adjourned at 10:46 a.m. The next regularly scheduled meeting of the Agency Board of Directors will be held on Monday, September 17, 2018 at 12:30 p.m. on-site at the Clover Flat Landfill.

AYES: _____
NOES: _____
ABSTAIN (A): _____
ABSENT(B): _____
EXCUSED(X): _____

By: _____
ATTEST: Steven Lederer, Manager of the Upper Valley Waste Management Agency

KEY

Vote: AP = Alfredo Pedroza; CC = Chris Canning; DD = Diane Dillon; MK = Mary Koberstein; MM = Margie Mohler
BW = Brad Wagenknecht; GE = Geoff Ellsworth; GK = Gary Kraus; KD = Kerri Dorman
The maker of the motion and second are reflected respectively in the order of the recorded vote.
Notations next to vote: Y = Ayes; N = No; A = Abstain; B = Absent; X = Excused