



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.

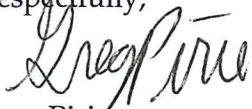
CORRECTIVE ACTIONS:

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

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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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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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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.

A handwritten signature in black ink, appearing to read "Garrett Veyna".

Garrett Veyna
Napa County Fire Marshal

