



**MINUTES OF THE APRIL 1, 2019  
SPECIAL MEETING OF THE BOARD OF DIRECTORS**

**1. CALL TO ORDER**

The Upper Valley Waste Management Agency met in Special session on Monday, April 1, 2019 at 1:30 p.m. at the Yountville Town Council Chambers. Chair Mohler called the meeting to order at 1:33 p.m.

**2. ROLL CALL**

The following members were present: Chair Mohler, Member Koberstein, Member Canning, Vice Chair Pedroza, and Alternate Member Wagenknecht.

**3. PLEDGE OF ALLEGIANCE**

Alternate Member Wagenknecht led in the Pledge of Allegiance.

**4. PUBLIC COMMENT**

*During this 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

**5. CONSENT CALENDAR ITEMS**

None

**6. ADMINISTRATIVE ITEMS**

**A. Board Discussion and possible direction to Staff on response to Notices of Violation to CFL.**

Chair Mohler described the key issues at hand, and the process by which this agenda item would be heard, providing for input from the Local Enforcement Agency (LEA), the franchisee and Company owner (Upper Valley Disposal Service (UVDS), Clover Flat Landfill (CFL) or the "Company"), the public, Town and City Staff, and the Board itself.

Agency Manager Steve Lederer provided a history of how we got to this point, including a review of the fires from last summer. The subsequent directives which have been partially but not completely complied with (CFL still lacks a full time manager and complete fire suppression system), and then the most recent issues identified by the LEA, specifically leachate escaping from the landfill and contaminating a nearby unnamed creek, which leads to Dutch Henry Creek and then the Napa River.

David Morrison, Director of County Planning Building and Environmental Services (PBES) provided a report as the LEA. About two weeks ago, the LEA inspector (Peter Ex), during a regular periodic inspection of CFL, discovered several locations where leachate (contaminated water) was "oozing" out of areas of the landfill, creating erosion, and carrying contaminants from the landfill area toward a nearby unnamed creek. The LEA directed CFL to resolve this issue, by stopping the flow of water, collecting its tanks, and taking various other actions. As the problem persisted, on March 30<sup>th</sup> the LEA directed that the landfill be closed to accepting any waste, which was then amended to being closed to acceptance of public "self-haul" waste, but still open to accepting Franchise waste (i.e. UVDS garbage trucks), so as to prevent a potential public health issue resulting from uncollected garbage in the communities. The Regional Water Quality Control Board (RWQCB) has also issued a notice of violation with a suspected Order to Abate on the way, and the California Department of Fish and Wildlife (CDFW) is also discussing regulatory actions with the Napa County District Attorney. The LEA has provided CFL a 5PM Tuesday (April 2<sup>nd</sup>) deadline for the Company to provide an action plan and to complete various actions, at which point LEA staff will review the actions taken to determine if the landfill's status should be changed (either more or less operations). Medium and longer-term actions are also required of the Company to fully resolve the issues identified.

Bryce Howard, representing the Company, provided a status report on the landfill, including photos of the areas of

concerns, and described actions being taken; including collecting the leachate in several tanks that have recently been brought to the site, correction of a failed sump pump, actions taken to stop the leachate from coming out of the ground in the first place, and that he has been assigned by the Company as the person in charge at the landfill until a permanent person can be found. Weather and soft soils from rain are an impediment to moving forward quickly with a permanent solution. Bob Pestoni (Company owner) provided a history of the site and provided a personal commitment to spending whatever resources are necessary to make it right. Bryce estimated the total cost to fix all the problems is likely to be "around" \$1,000,000. Company committed to submitting the required plan by the 5PM deadline on 4/2, and Company retained Consultant (Blue Ridge) indicated he was working on a map of all the leachate areas and would develop a plan to resolve the issues permanently.

Public Comments were provided by Geoff Ellsworth, Mayor of St. Helena, requesting information on which creeks were affected (described above), and whether drinking water quality was likely to be impacted (LEA indicated that was unlikely but that monitoring and sampling is ongoing, and that everyone who lives along the affected creeks had been notified). Joe Tagliaboschi, Public Works Director for Town of Yountville, voiced concerns that if garbage pickups were delayed, impacts to customers would be significant. This issue is discussed in more detail below.

In the event the landfill were to be closed to Franchise waste, the Company indicated it could still continue to pick up customer garbage, but that the longer distance to dispose of at the Devlin Road Transfer Station could mean that current schedules might not be able to be maintained. A shuttle system, transferring waste from collection to longer haul trucks could be developed, but this would take some time and potentially permit changes and LEA authorization at the Whitehall Lane facility. For the Whitehall Lane facility to become a transfer station for waste to be trucked farther south, a permit from the LEA could take up to five days to ship up to 15 tons a day or 30 days to ship 100 tons. Instead of being able to pick up all customers in 5 days, it might take 7. The Board and the LEA directed the Company to draft a contingency plan, and by motion (Member Canning motion, Member Pedroza second) authorized the Agency Manager and the Chair to act for the Board in reviewing and approving such a plan in the event that there was insufficient time to bring the plan to the full Board before it was needed. Communications to customers (robo calls, press releases, social media, etc.) would be an important piece of this plan should it be needed.

The Board provided a wide range of comments and concerns:

First and foremost, all Board members voiced their strong concern that they expected the Company to treat this with highest most priority, and expected it to get fixed expeditiously, by complying with the LEA of other regulatory body directions.

The Board is also very concerned about the potential disruption of normal service and expected the Company to take all actions necessary to work with LEA to prevent having the landfill closed to franchise waste. The LEA independently has stated that they are aware of this concern, and while many factors weigh into their decision making, if the continued import of franchise waste does not exacerbate the problems they will work with the Company on this issue.

Member Canning indicated that, although he recognizes that it is not currently within the authority of the Board, that he has lost confidence in the Company's ability to perform and would prefer some other company to take over the operation. Member Canning also expressed his frustration that a full time landfill manger had not yet been hired despite many months of knowing this need.

Member Koberstein, as supported by Agency Manager and Counsel, described the process within the Franchise Agreement to find the Company in breach of the agreement, and the monetary and other penalties the Agency could consider. The Board asked that this be placed as a separate item on a future agenda for the Board to consider what action they may choose to take.

The Board also suggested that the Company could volunteer to put a performance bond or similar instrument in place now to provide assurance that the repairs to the landfill will actually occur. The Board requested that a special meeting be tentatively scheduled for Friday, 4/5, to allow the Board to get an update on the status of corrective actions, discuss the breach provisions in the contract in more detail, and get an update on water quality sampling and monitoring results.

**7. FRANCHISES' BUSINESS ITEMS**

None

**8. OTHER BUSINESS ITEMS**

None

**9. ADJOURNMENT**

Meeting was adjourned at 3:45 p.m. The next scheduled special meeting of the Agency Board of Directors will be held on Friday, April 5, 2019 at 1:30 p.m. in the Yountville Town Council Meeting Chambers.

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