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Planning, Building & Environmental Services

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David Morrison
Director

April 4, 2019

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

Subject: Napa County LEA Response to Clover Flat Resource Recovery Park submitted "Erosion Control, Storm Water Management Leachate Management Plan" per Notice and Order No. EA-2019-01

On March 29, 2019, the Napa County Local Enforcement Agency ("LEA") issued Notice and Order No. EA-2019-01 (the "Notice") pertaining to numerous violations and corrective actions required for environmental and safety concerns at the Clover Flat Resource Recovery Park ("CFRRP"). On March 30, 2019, the LEA delivered a physical original of the Notice to CFRRP via personal service.

On April 2, 2019, the LEA (Peter Ex), Regional Water Quality Control Board ("RWQCB") (Alyx Karpowicz & Jerry Xu), and California Department of Fish & Wildlife ("CDFW") (Mark White, Wes Stokes, & Joe Kermish-Wells) conducted a joint inspection at the CFRRP. The purpose of the inspection was to evaluate the progress made by CFRRP to address the corrective actions required by the Notice, to further document outstanding violations, and to observe current operations at the facility.

On behalf of Clover Flat Landfill, Inc., Edgar & Associates submitted an "Erosion Control, Storm Water Management Leachate Management Plan" to Napa County Planning, Building, and Environmental Services ("PBES") and the LEA as required by the Notice at approximately 5pm on April 2, 2019.

Based upon the facility inspection completed on April 2, 2019, the LEA has the following comments in regards to the submitted Erosion Control, Storm Water Management Leachate Management Plan:

1. The Notice, Corrective Action, 2(a), states in part that "[n]o later than 5:00 p.m. on April 2, 2019, ... [t]he operator shall employ measures to prevent contaminated storm water, black oily water, and leachate from entering the creek as identified and cited in the Notice of Violation issued by the RWQCB." The submitted Erosion Control, Storm Water Management Leachate Management Plan, page 1, first bullet point states in part that "The black oily material causing the release of leachate into the creek as shown, has been remediated by the excavation of the sump at that location. A pump has been installed in this sump to capture leachate comingled with storm water, eliminating this discharge to the creek."

On April 2, 2019, the Napa County LEA observed black oily water and leachate actively entering the creek. CFRRP had excavated a shallow bermed collection basin and installed a sump pump with float to

pump collected contaminated water into a temporary collection tank, which was to then pump the water uphill to existing storage tanks. (See photo "Exhibit 1.") From the time between approximately 11 a.m. to 2:30 p.m. on April 2, 2019, based on flow meter readings out of the temporary tank and tank level gauge indicator on the tank, it appeared that no water had been pumped into the tank from the bermed collection basin. Additionally, contaminated water was observed to be flowing freely around the bermed collection basin and based on the fact that no water had been pumped, through the bermed soil into the creek representing a potential public exposure hazard. (See photos "Exhibit 2, 3, 4, & 5") As of approximately 3:30 p.m., CFRRP had proposed to line the collection basin with an impermeable liner, but the actual installation timeframe for the liner was unknown. Thus, CFRRP has not complied with the corrective action by the deadline required in the Notice, Corrective Action 2(a).

As ordered by the Notice, the LEA requires that CFRRP immediately develop and implement functional measures to fully capture and collect contaminated water from entering the creek.

2. The Notice and Order, Corrective Action, 2(f), states "[t]he operator shall provide the LEA with a plan to employ measures to prevent immediate erosion on the eastern slopes of the landfill and efficiently manage storm water onsite." The submitted Erosion Control, Storm Water Management Leachate Management Plan, page 21, states "As a Contingency Plan for leachate storage beyond the capacity of the current storage system, Module 5B drainage storage area could be used for leachate storage should EBMUD have limitations on the volume or chemistry of the leachate and stormwater with millions of gallons of storage capacity."

On April 2, 2019, the Napa County LEA observed that the Module 5B drainage storage area drain has been plugged with concrete and that this area is actively filling with storm water comingled with leachate. (See photo "Exhibit 6") The LEA is concerned that the existing "dam" which separates this area from the creek below has not been evaluated for its integrity. The LEA is also informed that as of April 2, 2019, EBMUD could not approve disposal of collected leachate based upon current water quality testing results. Thus, CFRRP has not complied with the Notice, Corrective Action 2(f).

As ordered by the Notice, the LEA requires that CFRRP submit sufficient documentation to PBES, RWQCB, and CalRecycle demonstrating that the Module 5B drainage storage area is not only engineered to serve as a "water retention basin", but also provide documentation that addresses what potential negative impacts, if any, both the operation and potential failure of the basin may cause to the integrity of the landfill and leachate generation, collection, and storage infrastructure.

3. The submitted Erosion Control, Storm Water Management Leachate Management Plan does not appear to adequately describe ongoing corrective actions, provide measures to prevent immediate erosion on the eastern slopes of the landfill and efficiently manage storm water onsite, or provide measures to prevent additional leachate from entering the creek as required by the Notice, Corrective Action 2(a) & 2(f).

On April 2, 2019, the Napa County LEA observed that CFRRP had blocked all storm water collection inlets in the active landfilling area. Excavations and French drains had also been installed around the perimeter of the south facing active landfill areas so as to divert storm water and leachate back into the lined areas of the landfill. Some straw wattles had been placed on the eastern slopes of the old landfill

boundary, but these appear to be failing to prevent further erosion on the hillsides below and prevention of leachate and black oily water from running into the creek. (See photo "Exhibit 7") As observed on April 2, 2019, the measures employed to prevent direct discharge of black oily water and leachate contaminated water into the creek were not effective. Thus, CFRRP has not complied with the Notice, Corrective Action 2(a) & 2(f).

As ordered in the Notice, the LEA requires that the Erosion Control, Storm Water Management Leachate Management Plan be revised to provide effective and timely solutions to address ongoing erosion, storm water, and leachate management issues. While the LEA understands that future weather may affect the ability of CFRRP to fully and quickly repair the eroded areas, additional rain also risks additional containment and contamination challenges. Weather effects should be evaluated and planned for accordingly.

The LEA recognizes that CFRRP has made an effort to comply with the Notice. However, as indicated above, the CFRRP has not provided adequate solutions for the two most critical violations and corrective actions identified in the Notice. Specifically: (1) contaminated black oily water and leachate continues to actively flow into the unnamed blue line creek east of the landfill; and (2) it is unknown if or when CFRRP will be able to begin transporting leachate to EBMUD, and without CFRRP providing further engineering information, it is unclear if the proposed leachate storage capacity and infrastructure is adequate. Additionally, the LEA observed a new violation described above with regard to the CFRRP's disposal methods and lack of supervision.

Should CFRRP fail to immediately correct the issues identified above and fail to provide adequate solutions consistent with the Notice, the LEA intends to pursue further action as described when the Notice becomes effective on April 15, 2019.

Please feel free to contact me at 707-253-4419 or peter.ex@countyofnapa.org should you have any questions.

Regards,



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Clover Flat Landfill, Calistoga – Referenced Photos:

Exhibit 1 - temporary collection basin 4-2-19



Exhibit 2 - flow around basin at creek #1 4-2-19



Exhibit 3 - flow around basin at creek #2 4-2-19



Exhibit 4 - black oily water entering creek 4-2-19



Exhibit 5 - discharge to creek 4-2-19



Exhibit 6 - module 5B drainage 4-2-19



Exhibit 7 - eastern slopes straw wattle 4-2-19



