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BEFORE THE
NAPA COUNTY DEPARTMENT OF PLANNING, BUILDING,
AND ENVIRONMENTAL SERVICES AS ENFORCEMENT AGENCY FOR NAPA COUNTY

In the Matter of:

Clover Flat Resource Recovery Park
SITE NO. 28-AA-0002

NOTICE AND ORDER
NO. EA-2019-02

Public Resources Code §§ 45000 and 45011;
California Code of Regulations, Title 14, §§
18304 and 18304.1

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

13 **PLEASE TAKE NOTICE THAT:**

14 WHEREAS, pursuant to Public Resources Code §§ 45000 and 45011 and California Code of
15 Regulations, Title 14, §§ 18304 and 18304.1, the Napa County Department of Planning, Building, and
16 Environmental Services (“LEA”) on March 29, 2019, issued Notice and Order No. EA-2019-01
17 (“Notice 1”) relating to the Clover Flat Resource Recovery Park (“Site”); and

18 WHEREAS, Notice 1 was served by personal service on the owner and operator of the Site on
19 March 30, 2019;

20 WHEREAS, Corrective Order Paragraph 1.a. on page 13 of Notice 1 ordered immediate closure
21 of the Site to members of the public; and

22 WHEREAS, the closure of the Site to the public was necessary for public safety and
23 environmental protection due to a lack of procedures for public disposal, the threat of contaminated
24 storm water run-off from the concrete pad used for public disposal, and safety concerns with members
25 of the public utilizing other disposal methods; and

26 WHEREAS, the Site has provided the LEA with procedures to minimize the threat to public
27 safety and the environment that can occur with public disposal; and

1 WHEREAS, the Site has requested that the LEA amend Notice 1 to allow public disposal in
2 compliance with the procedures provided; and

3 WHEREAS, the LEA has need to ensure that the proposed procedures for public disposal can be
4 safely and effectively implemented by the Site given the ongoing compliance activities at the Site; and

5 WHEREAS, the Site is responsible for ensuring public and environmental safety for all activities
6 conducted at the Site and has assured the LEA that it is capable of doing so should the LEA amend
7 Notice 1 to allow public disposal.

8
9 **NOW THEREFORE, PURSUANT TO PUBLIC RESOURCES CODE §§ 45000 AND**
10 **45011 AND CALIFORNIA CODE OF REGULATIONS, TITLE 14, §§ 18304 AND 18304.1,**
11 **CLOVER FLAT LANDFILL, INC., IS ORDERED TO COMPLY WITH THE PUBLIC**
12 **RESOURCES CODE AND CALIFORNIA REGULATIONS AS FOLLOWS:**

- 13 1. Consistent with the terms and orders below, the ordered compliance with Corrective
14 Order Paragraph 1.a. on page 13 of Notice 1 shall be suspended until May 9, 2019, at
15 which time said Corrective Order shall become operative and the Site shall be required at
16 that time to immediately comply with the terms and obligations therein.
- 17 2. Disposal by members of the public at the Site shall be permitted from the date of this
18 Notice and Order until May 9, 2019, unless otherwise ordered by the LEA, with the
19 following conditions:
- 20 a. No municipal solid waste shall be deposited on the C&D concrete pad during or
21 immediately following a rain event.
- 22 b. Green waste drop off shall be segregated such that it is not commingled with any
23 other waste or contaminants.
- 24 3. Except as provided above, all other provisions, notices and obligations of Notice 1 shall
25 remain in force.

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1 4. The LEA may issue additional or amended orders altering any provision of this Notice
2 and Order.

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4 This Notice and Order is issued as of the date set forth below.

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6 Dated: 4-26-19

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9 _____
10 David Morrison, Director, Napa County Planning, Building, and Environmental Services
11 Acting as the Local Enforcement Agency for Napa County
12 1195 Third St., Suite 210
13 Napa, CA 94559
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1 **DECLARATION IN SUPPORT OF FIRST AMENDMENT TO NOTICE AND ORDER**

2 I, David Morrison, declare as follows:


3 1. I am currently employed as Director of the Napa County Department of Planning,
4 Building, and Environmental Services (“PBES”), which has been designated as the Local Enforcement
5 Agency for solid waste facilities. My duties include supervising and overseeing the inspection of solid
6 waste facilities and disposal sites in Napa County to determine their compliance with the Integrated
7 Waste Management Act (Public Resources Code §§ 40000, *et seq.*) (the “Act”) and CalRecycle
8 regulations issued pursuant to the Act.

9 2. I have personal knowledge that the Site is in violation of the Act, the Public Resources
10 Code, and CalRecycle regulations through visual observations of the Site during inspections and
11 meetings with the owner and/or operator conducted on March 30, 2019, and other correspondence with
12 the owner and/or operator as described in Notice 1.

13 3. I have personal knowledge as to the representations made by the Site relating to public
14 disposal and the conditions necessitating the public disposal restrictions described.

15
16 I declare under penalty of perjury that the foregoing is true and correct.

17
18 DATED: 4-26-19

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21 _____
22 David Morrison, Director, Napa County Planning, Building, and Environmental Services
23 Acting as the Local Enforcement Agency for Napa County
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