

Bryce Howard

From: Bryce Howard
Sent: Thursday, October 17, 2019 11:51 AM
To: Lederer, Steven
Cc: Christy Pestoni
Subject: CFL Fire Plan Extension

Please see email string below.

From: "Belyea, Geoff@CALFIRE" <Geoff.Belyea@fire.ca.gov>
Subject: Re: Clover Flat Landfill Test Cert for 6 in. Ductile Pipe - Fire System & Photos
Date: October 17, 2019 at 11:02:43 AM PDT
To: Rob Anglin <anglin@htralaw.com>
Cc: "Bales, James@CALFIRE" <James.Bales@fire.ca.gov>, "Lederer, Steven" <Steven.Lederer@countyofnapa.org>

Good Morning,

I am ok with the request for the extension until May 2020 to allow your client time to complete the fire suppression infrastructure improvements. However, as you are probably well aware of, fires are a highly sensitive topic within the County and therefore I can not support any additional extensions beyond May 2020.

Kind Regards,

Geoff Belyea

Napa County Fire Chief

CAL FIRE/Napa County Fire

Deputy Chief-Sonoma-Lake-Napa Unit

707-227-9200 cell

From: Rob Anglin <anglin@htralaw.com>
Sent: Wednesday, October 16, 2019 1:18 PM
To: Belyea, Geoff@CALFIRE <Geoff.Belyea@fire.ca.gov>
Cc: Bales, James@CALFIRE <James.Bales@fire.ca.gov>
Subject: Fwd: Clover Flat Landfill Test Cert for 6 in. Ductile Pipe - Fire System & Photos

Warning: this message is from an external user and should be treated with caution.

Good afternoon Mr. Belyea,

I am a local attorney working with the Clover Flat Landfill (CFL), and I have been assisting CFL to resolve Notices of Violation from Napa County Fire and Napa County's Local Enforcement Agency (LEA). A part of CFL's corrective actions is installing fire protection infrastructure per a fire protection plan that was reviewed and approved by County Fire. CFL has installed some of the fire protection infrastructure and received a temporary sign-off back in May. The remaining work required is to underground this infrastructure and to install a new water tank. CFL has

applied for a larger than required water tank (450,000 gallons) under Building Permit B19-01237, and we've asked that F19-00160 be extended so that all construction will be complete by May 2020. (Our proposed timeline is contained in the email string below.) We're hoping that County Fire is willing to extend F19-00160 so that we can complete the work while adding the new water tank. The NOV's issued by Napa County Fire and the LEA both require CFL to complete these improvements. I am working with the LEA to reach a Stipulated Notice and Order that imposes significant financial penalties on CFL if the fire protection infrastructure is not completed.

Separate from CFL's corrective actions, we are asking the Upper Valley Waste Management Authority (UVWMA) to find that CFL has cured a breach of contract. UVWMA contracts with CFL to provide a landfill for waste generated up valley. Back in April when CFL still was experience leachate collection failures, UVWMA found that CFL was in breach of the contract between the parties. This week, CFL made its request that UVWMA find the breach cured based on CFL's efforts to work with County Fire, the LEA, and other regulators to come into compliance on an enforceable timeframe. If UVWMA decided to find the breach cured, that decision does not limit the enforcement powers of regulatory agencies (County Fire, LEA, RWQCB, and CDFW). Said another way, the fire protection infrastructure will be installed whether or not UVWMA decides the contractual breach is cured.

I apologize if I've included information you already know. CFL is committed to resolving all compliance issues related to the past fires. If you have any questions or concerns, I'd be happy to meet with you. Thanks,

Rob Anglin

Holman Teague Roche Anglin, LLP

1455 First Street, Suite 217

Napa, California 94559

707.927.4280 (main)

707.927.4274 (direct)

707.363.8116 (cell)

anglin@htralaw.com

Begin forwarded message:

From: Rob Anglin <anglin@htralaw.com>

Subject: Re: Clover Flat Landfill Test Cert for 6 in. Ductile Pipe - Fire System & Photos

Date: October 11, 2019 at 9:01:44 AM PDT

To: "Bales, James@CALFIRE" <James.Bales@fire.ca.gov>

Cc: "Beckman, Chase@CALFIRE" <Chase.Beckman@fire.ca.gov>, "Hade, Jason" <Jason.Hade@countyofnapa.org>

Good morning,

I wanted to follow up on our meeting back on September 9. Last week, Clover Flat resubmitted on building permit B19-01237. (A pdf copy of the resubmitted letter is attached.). We included arguments on why this building permit can issue before approval of the use permit related to the grading violation.

In relation to F19-00160, we'd like to request an extension of that permit as we discussed on September 9. We request that F19-00160 be extended to May 1, 2020. Below is our planned timing for installation of the improvements under both B19-01237 and F19-00160:

Provided response to B19-01237 comments - 10/3/19

B19-01237 Issuance - 11/1/19

Construct tank foundation - 11/1 to 1/1/20 (concrete cure time subject to potential weather delays)

Construct tank - 1/1/20 to 3/1/20

Underground pipeline - 3/1/20 to 4/1/20

Project completed - 5/1/20

We feel this is a realistic timeframe that greatly improves Clover's fire suppression infrastructure before next year's fire season. If this extension is acceptable, we request that the extension be documented through a letter or an email confirmation so that Clover can inform other regulators of our planned schedule to install these fire protection improvements.

Please feel free to call or email with any questions. Thanks,

Rob Anglin

Holman Teague Roche Anglin, LLP

1455 First Street, Suite 217

Napa, California 94559

707.927.4280 (main)

707.927.4274 (direct)

707.363.8116 (cell)

anglin@htralaw.com

Bryce Howard

(415) 342-2597

bryce@uvds.com