Upper Valley Agency

W A S T E   M A N A G E M E N T

Upper Valley Waste Management Agency
Board Agenda Letter

TO: Board of Directors

FROM: Steven Lederer - Manager
                 Upper Valley Waste Management Agency

REPORT BY: Steven Lederer, Director, Public Works - 259-8228

SUBJECT: Update on Status of Regulatory Compliance and Contract Breach

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RECOMMENDATION

DISCUSSION ON NOTICES OF VIOLATION AT THE CLOVER FLAT LANDFILL AND RESULTANT DETERMINATION OF BREACH OF CONTRACT
DISCUSSION AND POSSIBLE ACTION: Board to receive an update regarding violations and operational problems at the Clover Flat Landfill, including an update on the status of corrective actions from the LEA and other regulatory entities and the Company.

EXECUTIVE SUMMARY

On April 5, 2019, the UVA Board of Directors found the Company in breach of our contract with CFL due to various violations found at the landfill. This will be a standing agenda item until all such violations are resolved and the Breach is cured.

FISCAL & STRATEGIC PLAN IMPACT

Is there a Fiscal Impact?   No

County Strategic Plan pillar addressed:

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

BACKGROUND AND DISCUSSION

On April 5th, the Board found the Company in Breach of the CFL contract due to various regulatory issues that have a risen at the landfill. The purpose of this standing agenda item is to update the Board on progress towards achieving regulatory compliance.

The following report was provided by Peter Ex, our LEA.

On Tuesday October 15th, the LEA conducted a joint compliance inspection with representatives from Napa County Engineering Division, the Regional Water Quality Control Board (RWQCB), Dept. of Fish and Wildlife, and Clover Flat Landfill staff and consultants. The facility continues to comply with all State Minimum Standards and appears well prepared for the upcoming winter season as it pertains to landfill operations. Winter erosion control measures are largely in place except for a few minor areas to be completed in the next couple of weeks. Napa County Engineering will reinspect upon completion. An interim leachate management plan has been submitted to the LEA and RWQCB which proposes the use of frac tanks in strategic locations and establishes hauling and disposal contracts for an estimated 2 million gallons of leachate. CFL has submitted a Major Mod Use Permit to expand the Solid Waste Facility Boundary to the northern property line incorporating all operational areas into the LEA authority, and open the facility to the public on Mondays. The radioactive tanks remain onsite and are stored away from public access areas. CFL staff stated the radioactive tanks would be removed from the site by the end of the year.

The following was received from Napa County Fire Chief Geoff Belyea:
"My understanding is that CFL is in compliance with all the FD requirements except the installation of the fire suppression system. In discussion our Fire Marshal James Bales, it sounds like CFL will not be done until May 2020. I hesitate to release them from that portion of their responsibility until it is complete and signed off on my our staff."

The Company requested, in the attached letter, that the UVA Board lift the "Breach" determination. The company indicates that this would be useful in obtaining financing of some of the improvements that are underway. If we do remove the breach designation, there is no prohibition against reinstating the breach. It would be preferable that all work be completed, but the current fire system, while temporary, does meet code. My cautious recommendation is that since the Company has made good progress under new management, and we do have the right to reinstate the breach at any time, that the Board agree to drop the Breach status at this time.

SUPPORTING DOCUMENTS

A . Company request Re Breach

Recommendation: Approve

Reviewed By: Steven Lederer