



Agenda Date: 5/20/2019

Agenda Placement: 6E

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

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 IMPACT

Is there a Fiscal Impact? No

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 arisen at the landfill. The purpose of this standing agenda item is to update the Board on progress towards achieving regulatory compliance.

Issues to be discussed at the meeting include:

- | Fire--following the fires at the landfill in 2017 and 2018, CFL was required to perform various actions. As of our last meeting, two key items remained: Hiring of a full time landfill manager, and installation and CalFire approval of fire fighting water distribution systems
- | Leachate--Leachate from the landfill was not being properly controlled, resulting in discharges to a nearby unnamed creek.
- | Chemical Explosion--On 5/10/19, a small chemical explosion occurred at the landfill. A subsequent investigation determined that this was caused (most likely) by a customer illegally disposing of and hiding chemicals in an otherwise regular load. That aspect of the investigation is underway by PBES hazardous materials staff, but for the landfill the small affected area has been cleaned up and this issue is considered closed.
- | Grading violations--This is a newly identified issue that came to light during the various leachate investigations, though the grading in question occurred many months ago. Although the grading in question occurred outside the landfill boundary and this item was not specifically mentioned in the breach decision (because it was not known at the time), we will continue to track this item to conclusion.
- | Pond at Whitehall--The pond odor that occurred at the Whitehall Lane facility appears to have been resolved, by a combination of chemical treatment and adding two more aerators. This item is considered closed unless the odor reappears.

SUPPORTING DOCUMENTS

- A . May 7 LEA & May 9 Grading issues
- B . Landfill Manager resume
- C . LEA Order reopening to the Public

Recommendation: Approve

Reviewed By: Steven Lederer