



Upper Valley Waste Management Agency **Board Agenda Letter**

TO: Board of Directors
FROM: Steven Lederer - Manager
Upper Valley Waste Management Agency
REPORT BY: Alice Ramirez, Senior Office Assistant - 259-6716
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. In May, the Company completed installation of a temporary fire control system, which was signed off by CalFire. The permanent system must be completed by November.
- | Leachate--Leachate from the landfill was not being properly controlled, resulting in discharges to a nearby unnamed creek. Discharges are now being controlled, but disposal of leachate and other corrective actions remain. Peter Ex will provide an update.
- | 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. The company is working with PBES to resolve.

SUPPORTING DOCUMENTS

A . Email-CFL Inspection Summary 6-4-19

Recommendation: Approve

Reviewed By: Alice Ramirez