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Napa County
Dept of Public Works

February 8th, 2021

Upper Valley Waste Management Agency
Napa County Public Works
1195 Third Street, Suite 101
Napa, CA 94559

To The Upper Valley Waste Management Agency,

I write this letter as an individually elected official, as mayor of St. Helena, **as I am signing the documents that remove myself and appoint the City's new representatives to the Upper Valley Waste Management Agency - Joint Powers Agency (UWVMA JPA).**

In doing so, however, I want to bring to the St. Helena City Council's attention, and the attention of others, my concerns regarding Upper Valley Disposal Service (UVDS) and Clover Flat Landfill (CFL), as well as concerns about the oversight, transparency and functions of the UWVMA JPA and its mechanisms for public participation. These concerns include systemic inadequacies and failures in the liaison system as it currently operates in reporting back to member agencies such as the City of St. Helena.

The CFL landfill/UVDS concerns include long term storage of unregulated radioactive waste for nearly a year (spring 2019 - spring 2020) at the same facility (CFL) that processes highly flammable and potentially explosive landfill gasses in a high fire tier, high wind area in proximity to recognized earthquake faults, as well as chemical contamination of the Napa River and its related groundwater area that directly irrigate many of our Napa Valley grape vineyards, risking the health and safety of our Napa County community, as well as our Napa County Brand.

The fire risk concerns extend to air quality/toxicity issues in the event that fire sweeps through the landfill, such as occurred with the Glass Fire. In that case the landfill did not act as an effective firebreak, contrary to the suggestion by the UVDS/CFL owner at a St. Helena City Council meeting in the months prior to the Glass Fire. Indeed, there is clear and direct photographic evidence to the contrary, as well as an initial LEA report. There are also questions about whether the landfill, with its off gassing and flammable refuse material, could actually add fuel or even accelerate a future fire event that originated or swept through this landfill, given its location in a high fire tier area.

There are also continued concerns regarding employee health and safety with an employee death at a UVDS facility in 2013, a chemical explosion leading to an employee hospitalization in 2019 and employee hospitalizations for radiation exposure in 2019. The UWVMA JPA's liaison system, as it currently operates, did not adequately bring these concerns back to the St. Helena City Council for its consideration. At the same time, the UWVMA JPA was negotiating and approving major amendments to its contract with UVDS for continued operations of UVDS/CFL, including its service for the City of St. Helena. As mayor, I was elected and sworn to represent and protect our city.

I recognize that the UWVMA JPA may have been established for contract oversight, rather than regulatory oversight of its contracting landfill operators. Nevertheless, public officials such as myself have an overriding responsibility for the health and safety of their communities. I am concerned that the inadequate communication between St. Helena and the UWVMA JPA has resulted in a disconnect in oversight and function of the UWVMA JPA that compromises the health, safety and economic protection of our upper Napa Valley community and our Napa County Brand.

The location/proximity of CFL/UVDS operations to the City of St. Helena factors greatly into the concerns, particularly related to fire danger, potential impacts to our water resources, and potential exposure to hazardous materials, including unregulated radioactive waste such as was stored at Clover Flat from spring of 2019 to spring of 2020.

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It is important to recognize that both the surface and groundwater drainage from the Clover Flat landfill area flow south/downstream with the Napa River through the eastern section of St. Helena.

It is also worth noting here that environmental and procedural concerns regarding the UVDS facility on Whitehall Lane just south of St. Helena have also come up. Regarding this, any contamination from the Whitehall Lane Facility that might get into Napa River waters can also work its way back upstream to St. Helena through aquatic life. Looking at the practices at the Whitehall Lane yard should also be a part of the oversight mandate of the UVWMA JPA.

The concerns also include issues of transparency regarding lack of protocols for the reporting back from UVDS/CFL and the UVWMA JPA to our residents/citizens and the St. Helena City Council on matters of substantial concern such as the presence of radioactive material, and the use of veiled language such as "midwestern material" in describing the unregulated radioactive material in public meetings.

The bringing in of wildfire waste from outside of Napa County for private revenue purposes was part of the activity/dynamic that precipitated the radioactive waste issues and this practice also needs examination.

Of additional concern to me in these matters is the potential conflict of interest of UVWMA JPA liaison board members, and their public promotion of this private company while they are intended to be sitting as impartial UVWMA JPA liaison board members.

The lack of competitive bidding for refuse hauling/landfill services in the Upper Napa Valley over the last sixty years, as well as the combined ownership by the same owner of both the landfill and the hauling companies, brings up questions regarding potential conflicts of interest and anti-trust/monopoly issues, as well as questions of assurance towards best practices, and concerns about systemic inadequacies.

I believe an immediate and thorough re-evaluation of roles and responsibilities of the UVWMA - JPA is in order, including consideration of the JPA issuing a Request-for-Proposal (RFP) for other qualified waste management firms to bid on services in the Upper Napa Valley, as well as consideration of the City Of St. Helena leaving the JPA and issuing a Request - for- Proposal(RFP) for other qualified waste management firms to bid on services to the City of St. Helena.

I believe the issues related to mismanagement of **unregulated radioactive material** rise to the top of all of our many civic concerns, particularly related to the health and safety of our community, local fiscal investment, and protection of our St. Helena/Napa County Brand, and must be immediately prioritized before continuing with other major City business.

Respectfully,



Geoff Ellsworth