



July 26, 2021

Rich Luthy
Executive Director
Napa-Vallejo Waste Management Authority
1195 Third Street, Suite 101
Napa, CA 94559

RE: City of Napa Request to NVWMA to Extend Right of Entry Agreement

Dear Mr. Luthy,

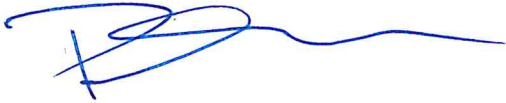
This letter is to document the desire of the City of Napa, as a member jurisdiction of the Napa-Vallejo Waste Management Authority (NVWMA), to extend the right of entry agreement to store and access a stockpile of excess soil currently on NVWMA property until July 31, 2023. As you know, the excess soil is from a major capital improvement project at the City's Materials Diversion Facility (MDF) and the City would like additional time to address removal and/or disposition of the soil for the reasons presented below:

- **Good Faith Effort:** Our City contractor (Overaa Construction) estimated the original soil stockpile amount at approximately 15,000-16,000 cubic yards. The City did move out approximately 4,000 cubic yards during our original right of entry agreement with NVWMA. Our engineer has done a revised estimate on the volume of the remaining soil and he estimates it in the 12,000-16,000 cubic yards range, so we believe that Overaa's original estimate understated the true beginning stockpile amount. The City conducted lab testing on the soil and thought that we had a home for most or all of the remaining soil earlier this year. Unfortunately, while the soil is "clean" and uncontaminated, the soil does not have adequate density and compaction properties to be used for traditional structural fill on construction sites. The City has taken additional soil samples for updated testing this past month and reached out to several potential users of the soil to see if we can find another user. As you know, 2020 was a difficult year to find users with the pandemic but we are hopeful that additional potential users will emerge in the coming weeks and months ahead. The City will continue to make a good faith effort in this regard and will also take any and all environmental and safety measures necessary at the stockpile until it is removed (i.e., mowing grass growth for fire suppression; erosion control, etc.).
- **Intent to Purchase:** The City and our MDF operator (Napa Recycling & Waste Services, LLC or NRWS) have been actively exploring the possibility of a 3 Megawatt (3 MW) BioEnergy/Biomass Gasification project at the MDF. A Napa BioEnergy project would seek to convert local wood

waste in renewable power for use at the MDF as well as sale of excess power back to Pacific Gas & Electric under California's "BioMAT" legislation (SB 1122). The need and positive attributes of such a project have become more and more cost effective and attractive to the City as the cost of recovery of processed wood chips has gone from a small positive return (\$3 to \$5 per dry ton) to a significant cost to the City (currently \$34 to \$37 per shipped ton). Having a local user of urban wood waste would also be attractive to the NVWMA and its member jurisdictions as the Devlin Road Transfer Station also recovers this material from its mixed construction and demolition debris recovery operations (which faces similar costs increases and limited opportunities for recovery of wood waste). The current footprint of the City's MDF property is insufficient to accommodate a 3 MW BioEnergy plant project and the City is very interested purchasing a little over 3 acres of NVWMA property (where the soil stockpile currently is located) for that purpose. However, the required CEQA, vendor selection and capital financing for such a project will take some time and this is why the City is asking for a 2 year period with the hope that the property will be purchased by the City of Napa from the NVWMA within this time period. The City may even want to utilize some of the soil for grading, infill and possibly a perimeter berm for stormwater containment.

Thank you for your consideration of this request. I am reachable by email at pbrun@cityofnapa.org or by phone at (707) 257-9316 if you have questions or would like to further discuss this request.

Sincerely,



Phil Brun
Utilities Director

CC (via email): Mary Luross, Board Member, NVWMA / City of Napa Councilmember
Bernie Narvaez, Alternate Board Member, NVWMA / City of Napa Councilmember
Steve Potter, City Manager
Kevin Miller, Materials Diversion Administrator
Chris Shoop, Management Analyst II (Recycling Coordinator)
Greg Kelley, General Manager/Managing Member NRWS/NCRWS
Mike Murray, Chief Financial Officer, NRWS/NCRWS
Steve Kelley, General Manager, Northern Recycling Operations & Waste Services