January 16, 2023

**To the Napa County District Attorney,**

I'm Jose Garibay Jr. and I am a former employee of Upper Valley Disposal Service (UVDS), who are also the owners of Clover Flat Landfill. I am writing to make you aware I submitted a letter to the Ca. San Francisco Bay Regional Water Quality Control Board last December 29, 2022 regarding the PROPOSED SETTLEMENT AGREEMENT AND STIPULATION FOR ENTRY OF ADMINISTRATIVE CIVIL LIABILITY ORDER PROPOSED ORDER - VISTA CORPORATION AND CLOVER FLAT LAND FILL INC., NAPA COUNTY - Violations of Industrial Storm water General Permit (NPDES Permit CAS 000001, Order 2014-0057-DWQ) related to contamination incidents at Clover Flat Landfill in 2019.

I also submitted a supplemental letter regarding ongoing contamination and fire risks at Clover Flat Landfill/UVDS continuing throughout my employment of 2019-2022, including related to the Glass Fire.

Attached are amended versions of those letters that I re-submitted with some minor corrections.

These letters and my comments here are meant to share significant concerns with ongoing contamination and fire risks and impacts related to operations at both Clover Flat Landfill Located at 4380 Silverado Trail N, Calistoga, CA. 94515 and Upper Valley Disposal Service Located at 1285 Whitehall Lane St. Helena. CA.94574

**I was hesitant in the past to submit comment about Upper Valley Disposal Service/Clover Flat Landfill because of concerns of retribution from the company, but now I have legal representation if that occurs.**

While I did sign a non-disclosure agreement on my termination, April 29, 2022, that agreement did not pertain to unlawful activity. I believe much of what my statements here pertain to is unlawful activity by UVDS/Clover Flat Landfill leading to contamination and fire issues, and that is what I am bringing to your attention here.

The final sentence in section 11 of my nondisclosure agreement states:

**Nothing in this agreement prevents Garibay from discussing or disclosing information about unlawful acts in the workplace such as harassment or discrimination or any other conduct that Garibay has reason to believe is unlawful.**

I am also aware that criminal charges against members of the company have been considered in this matter.

My letters and comments here are also meant to support Geoff Ellsworth's Napa County District Attorney complaint of August 11, 2022 that he submitted and made public while he was still the mayor of St. Helena, and within 2 years of the start of Glass Fire, within the District Attorney Complaint period for such an incident. I would like this to be submitted as additional evidence/documentation to support his complaint.

I would like to be interviewed on these matters as soon as possible, and will have more information to present, including photos, once it is determined the best way for those to come forward. With ongoing rainstorms and fire season on the way. **I urge the District Attorney act quickly on these matters before there are further impacts to the community, employees, Napa Valley visitors and our local water and environment.**

 I have firsthand information and documentation of many fires and contamination incidents that have occurred at Clover Flat Landfill and the UVDS Whitehall Lane Yard during my employment from 2019-2022.

The current UVDS website says there has not been an onsite fire since 2018. This is blatantly untrue as many fires continue to occur on an ongoing basis at both Clover Flat Landfill and UVDS Whitehall Lane sites, as well as contamination problems, for which I have evidence.

Clover Flat is located in a high wildfire risk area and the UVDS Whitehall Lane site is a half mile from a high wildfire risk area.

The Glass Fire of 2020 was especially notable because it burned the Clover Flat Landfill facility but the company told the public it didn't burn,

Not only did this expose the community and workers to fire and toxic smoke impacts and risks during the Glass Fire itself, but also because the methane and leachate systems burned and significant contamination entered the waterways and methane off gassing went on for weeks without the public or landfill workers being made aware of the risks and impacts. I have documentation and first hand testimony of this.

An important part I want to mention in support of Geoff Ellsworth's Aug 11. 2022 District Attorney complaint is where the current Clover Flat fire plan (Summit Engineering 2019), that was in place in 2020 when the Glass Fire burned the Clover Flat Landfill facility, is clearly not consistent with the Ca. Fire Code Chapter 49 - Requirements for Wildland -Urban Interface (WUI) Fire Areas. The Summit fire plan does not even mention the WUI, high wildfire risk area that Clover Flat Landfill is located in.

I have significant firsthand information and documentation regarding impacts from the Glass Fire to Clover Flat Landfill establishing the large scale fire, smoke, contamination and methane impacts the community, employees and visitors were exposed to and which UVDS/Clover Flat should be held responsible for in a significant way, particularly because they were not truthful when they said that Clover Flat Landfill had not burned and it took weeks for employees to address the concerns, and without adequate training and equipment from the company.

**Again, the community, UVDS/Clover Flat employees and visitors to the Napa Valley were all exposed to large scale fire, smoke, contamination and methane impacts related to the Glass Fire burning the Clover Flat Landfill in 2020 without public awareness and for which UVDS/ Clover Flat should be held responsible and accountable for significant compensation (compensation number now? Certainly over $150 million dollars) back to the general Napa County public, employees, and visitors.**

**That compensation number should be based on exploration of the large scale impacts of aspects of the Glass Fire associated with Clover Flat Landfill, including the associated smoke, methane and contamination aspects.**

**Certainly over $150 million dollars.**

**This compensation should be distributed back to the general Napa County public, UVDS/Clover Flat Landfill employees, and visitors, all who were impacted.**

**The newspaper, the St. Helena Star, also inaccurately printed that the landfill did not burn.**

**I have also learned that Clover Flat Landfill/UVDS may not have had full insurance when the Glass Fire burned it in 2020.**

These concerns are being submitted to the EPA, OSHA, the Napa County District Attorney, the Ca. Attorney General, Cal Fire, Cal Recycle and the Ca. insurance Commissioner for the protection of the community, UVDS/Clover Flat employees and visitors to Napa Valley, as well as local waters and environment.

 The Consulate of Mexico has also been made aware of the situation as nearly 100 workers of Latino heritage work for these companies and are exposed to these risks and impacts in an ongoing manner.

**Again, I urge the District Attorney to consider these concerns as soon as possible.**