Recycling and Disposal Reporting System Entity and Cal-OSHA

#12027 Clover Flat Landfill

#10426 Clover Flat Resource Recovery Park

#10423 upper valley disposal

#12024 UPPER VALLEY DISPOSAL

I'm Jose Garibay Jr., former employee of Upper Valley Disposal Service (UVDS) and Clover Flat Landfill (CFL) in Napa County. On Dec. 12, 2022, outgoing St. Helena mayor Geoff Ellsworth submitted an OSHA complaint about these companies with information from me. I submit this as well as I believe this serious and time sensitive due to ongoing concern about leachate wastewater contamination and fires. Clover Flat Landfill is in a Cal Fire High Fire Hazard Severity Zone, UVDS Whitehall Lane just a half mile from a high wildfire risk area**.**

Mayor Ellsworth's complaint was made pursuant to the Occupational Safety and Health Act ("OSHA")29 U.S.C. 651 (b), because of unlawful employment hazards at UVDS/CFL properties due to leachate exposure. I make my complaint pursuant to this, and other issues affecting workers, including ongoing unreported fires, un-permitted work, lack of training for procedure/ handling of waste, lack of proper equipment for managing waste, fires, and leachate to detriment of workers daily and with emergencies like the Glass Fire of 2020 and storms increasing worker exposure to fire, hazardous smoke/gasses and contamination. Also concerns about lack of inspections/proper permits including for Material Recovery Facility (MRF).

I recently submitted comments to the Ca. Regional Water Quality Control Board (Region 2 - San Francisco Bay) related to a proposed settlement for incidents from 2019 - SETTLEMENT AGREEMENT AND STIPULATION FOR ENTRY OF ADMINISTRATIVE CIVIL LIABILITY ORDER PROPOSED ORDER - VISTA CORPORATION AND CLOVER FLAT LANDFILL INC., NAPA COUNTY - Violations of Industrial Storm water General Permit (NPDES Permit CAS 000001, Order 2014-0057-DWQ), proposed fine $619,400.

These comments included concerns about overall operations from 2019-2022 at Clover Flat and UVDS Whitehall Lane related to water contamination and fires contributing to an unsafe workplace. I have photographs from 2019-2022 showing ongoing problems and what I believe unlawful acts at UVDS/CFL. I can submit them under procedure to protect me bringing forward. I began as a commercial driver July 15, 2019, moved to operations supervisor April 05, 2021, then operations manager January 01, 2022.  I signed an NDA on termination, April 29, 2022, but that didn't pertain to unlawful acts.

**The last sentence in section 11 of 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 believe I was terminated because I saw operational problems leading to unlawful water contamination and fires, and was trying to fix them, but the company did not want to spend money to fix many of the problems.  I’m a witness to many fires and leachate runoff from Clover Flat and UVDS Whitehall Lane While UVDS has stated intent to sell, the new company may keep current management in place, including current owner Christy Pestoni and General Manager Bryce Howard, that allowed these problems. Unless management changes and current management held accountable, I believe problems will continue.

The company also owns Pestoni Family Winery next to UVDS Whitehall Lane into whose vineyards much leachate has been dispersed, draining into waters of the state inconsistent with state/federal regulations. Contaminated leachate at Clover Flat/UVDS was sprayed as dust control so the liquid would evaporate so UVDS could save money by not transporting leachate for proper treatment. There are onsite water issues with company housing where workers, including myself, have lived. There is lack of adequate eating/restroom areas risking worker health/safety.

I was hesitant to make comments about UVDS/CFL with concerns of retribution from UVDS but now I have legal representation if that occurs.  I seek no personal compensation, I submit this only for workers at UVDS to have a safer workplace, and best outcome for our environment, community, and Napa Valley visitors. My statements will also go to EPA, Napa County District Attorney, Ca. Attorney General, Cal Fire, Cal Recycle, Ca. Insurance Commissioner and the Mexican Consulate as roughly 90% of workers at UVDS/CFL are of Latino background. It has been hard for workers and community to speak on these problems fearing retaliation from UVDS. All agencies should consider this.

On the UVDS website it states there has not been an onsite fire since 2018. This is untrue as fires occur on an ongoing basis at UVDS/CFL and add to contamination problems, including the Glass Fire of 2020 where leachate/methane systems burned, and contamination/ gasses escaped for weeks. I witnessed and have documentation of this. A current Federal storm water case against UVDS/CFL will help support my statements, as well as information the Water Board has from numerous sources including the Department of Fish and Wildlife and Napa County District Attorney.

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