

DELAY REDUCTION CASE

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The People of the State of California

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF NAPA

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

v.

VISTA CORPORATION AND CLOVER FLAT
LAND FILL INC.,

Defendants.

ENDORSED

SEP 12 2025

CLERK OF THE NAPA SUPERIOR COURT

By: E. BOWDEN

Deputy

CASE MANAGEMENT CONFERENCE

DATE: 2/19/26

TIME: 9:30am

PLACE: Courtroom 13

825 Brown Street, Napa CA 94559

Case No. 25CV001855

**COMPLAINT FOR
INJUNCTION, CIVIL
PENALTIES, AND OTHER
EQUITABLE RELIEF**

Plaintiff, the People of the State of California, appears through its attorneys, Allison Haley, District Attorney for the County of Napa, by Deputy District Attorney Patrick Collins, and alleges upon information and belief:

THE PARTIES

1. The Plaintiff is the People of the State of California (hereinafter "the People" or "Plaintiff"). The People are represented through the District Attorney of Napa County.
2. Plaintiff, by this action, seeks to enjoin Defendant Vista Corporation and Defendant Clover Flat Land Fill Inc. (collectively, "Defendants") from engaging in the unlawful practices alleged herein, and seeks civil penalties, injunctive relief, and environmental restoration costs for the Defendants' violations of Fish and Game Code sections 1602, 5650, and 5652, and Business and Professions Code section 17200.

3. Defendant Vista Corporation is a California corporation with its principal place of business located at 4380 Silverado Trail N, Calistoga, California 94515, and its headquarters located at 3 Waterway Square Place, Suite 110, The Woodlands, Texas 77380.

4. Defendant Clover Flat Land Fill Inc. is a California Corporation with its principal place of business located at 4380 Silverado Trail N, Calistoga, California 94515, and its headquarters located at 3 Waterway Square Place, Suite 110, The Woodlands, Texas 77380.

5. Whenever reference is made in this Complaint to any act of the corporate Defendants, such reference shall be deemed to mean that the corporations' officers, directors, members, employees, agents, or representatives did, ratified, or authorized such act while actively engaged in the management, direction or control of the affairs of the corporate Defendants or while acting within the scope and course of their duties.

JURISDICTION AND VENUE

6. This Court has subject matter jurisdiction pursuant to article 6, section 10, of the California Constitution.

7. The authority of the District Attorney to bring this action is derived from the statutory law of the State of California, specifically Fish and Game Code sections 1602, 1615, 5650, 5650.1, and 5652, and Business and Professions Code sections 17203, 17204, and 17206.

8. This Court has jurisdiction over Defendants pursuant to Code of Civil Procedure section 410.10 because Defendants are California corporations, and the causes of action alleged herein arise out of business activities that occurred in the County of Napa.

9. Venue is appropriate in this Court because the violations of law alleged herein have been carried out within Napa County.

10. Plaintiff and Defendants have entered into an agreement to toll any applicable statutes of limitation. As a result of this agreement, each day from March 25, 2019, through July 30, 2025, (hereinafter, the “Tolling Period”), will not be included in computing the time limited by any statute of limitations applicable to any and all causes of action brought herein against Defendants.

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1 gallons of leachate into Stream 1.

2 17. Leachate is a liquid containing soluble dissolved or suspended materials that is
3 generated as a result of rainwater and moisture percolating through the waste in a landfill.

4 18. DFW wardens and other staff visited Clover Flat multiple times in late March
5 and early April 2019.

6 19. In addition to the discharge of leachate, DFW staff observed significant
7 alterations to the bed, bank, and channel of both Stream 1 and Stream 2. These alterations
8 included the excavation of a road through what had been Stream 2, as well as the removal of
9 trees and other vegetation forming the riparian canopy, and the deposit of rock and mineral
10 earth wastes from construction.

11 20. DFW staff observed that these alterations caused erosion, which then caused
12 fine sediment to run into Stream 1 and Stream 2.

13 21. Defendants failed to notify DFW and failed to apply for a LSAA before making
14 such drastic alterations to the streams.

15 22. Near the confluence of Stream 1 and Stream 2, DFW staff also observed large
16 amounts of litter, including plastic bags, Styrofoam, roof shingles, and concrete.

17 23. The release of leachate, sediment, and other waste can have a substantial
18 detrimental impact on water quality and aquatic life. Here, in the months following the March
19 2019 leachate spill, DFW staff did not observe any aquatic life in Stream 1 or Stream 2
20 adjacent to the landfill. However, DFW staff did observe aquatic life in Stream 1 upstream of
21 the landfill.

22 *Water Board Investigation*

23 24. The San Francisco Bay Regional Water Quality Control Board ("Water Board")
24 regulates Clover Flat under the National Pollutant Discharge Elimination System General
25 Permit for Storm Water Discharges Associated with Industrial Activities, Order 2014-0057-
26 DWQ as amended ("Permit").

27 25. Parallel to DFW's investigation, the Water Board also investigated Defendants
28

1 for discharging leachate-laden stormwater into Stream 1 and Stream 2 in violation of the
2 Permit.

3 26. The Water Board issued Cleanup and Abatement Order No. R2-2019-0014 on
4 April 10, 2019 (subsequently amended on August 27, 2019), which required Defendants to take
5 a number of actions to prevent leachate discharge and to come into compliance with the Permit.

6 27. On January 24, 2023, the Water Board and Defendants entered into a Settlement
7 Agreement and Stipulation for Entry of Administrative Civil Liability Order, Order No. R2-2022-
8 1018, pursuant to which, Defendants agreed to pay an administrative fine of \$619,400 for violations
9 of the Permit.

10 *Napa County LEA Investigation*

11 28. The Napa County Department of Planning, Building, and Environmental
12 Services is a Local Enforcement Agency ("LEA"), and, as such, is responsible for enforcing the
13 solid waste handling and disposal requirements of Public Resources Code sections 43200, et
14 seq.

15 29. Defendants have a permit from the LEA to operate Clover Flat landfill.

16 30. The LEA conducted site inspections of the landfill on March 26 and March 28,
17 2019, and observed several violations related to the release of leachate into Stream 1 and
18 Stream 2.

19 31. As part of the LEA's enforcement action entitled In the Matter of: Clover Flat
20 Resource Recovery Park Site No. 28-AA-0002, the LEA and Defendants entered into the
21 Stipulated Second Amended Notice and Order No. EA-2019-01-A2 on October 18, 2019,
22 which, among other things, imposed on Defendants civil penalties and investigative costs in the
23 amount of \$107,020.30.

24 **FIRST CAUSE OF ACTION**

25 VIOLATIONS OF FISH & GAME CODE SECTION 5650
26 (DISCHARGE OF PROHIBITED MATERIALS INTO THE WATERS OF THIS STATE)
27 (AS TO ALL DEFENDANTS)
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1 32. Plaintiff incorporates by reference all preceding paragraphs as if set forth in full
2 herein.

3 33. Within the relevant time period preceding the filing of this complaint,
4 Defendants placed leachate, sediment, and waste, which are materials deleterious to fish, plant
5 life, mammals, and/or bird life, into the waters of the State of California in violation of Fish and
6 Game Code section 5650(a)(6), as set forth above.

7 **SECOND CAUSE OF ACTION**

8 VIOLATIONS OF FISH & GAME CODE SECTION 1602

9 (SUBSTANTIAL OBSTRUCTION OF FLOW OF STREAM)

10 (AS TO ALL DEFENDANTS)

11 34. Plaintiff incorporates by reference all preceding paragraphs as if set forth in full
12 herein.

13 35. Within the relevant time period preceding the filing of this complaint,
14 Defendants substantially diverted, obstructed, and/or changed the natural flow of Stream 1 and
15 Stream 2 by excavating a road through what had been Stream 2, as well as the removal of
16 riparian canopy and the deposit of rock and mineral earth wastes from construction. Defendants
17 failed to notify DFW, pay the applicable fees, or otherwise comply with the approval
18 procedures contained in section 1602(a)(1)–(4), in violation of Fish and Game Code section
19 1602(a).

20 **THIRD CAUSE OF ACTION**

21 VIOLATIONS OF BUSINESS AND PROFESSIONS CODE SECTION 17200

22 (UNFAIR COMPETITION)

23 (AS TO ALL DEFENDANTS)

24 36. Plaintiff incorporates by reference all preceding paragraphs as if set forth in full
25 herein.

26 37. Defendants conducted business practices and/or activities at Clover Flat landfill.

27 38. Within the relevant time period preceding the filing of this complaint,
28 Defendants violated Business and Professions Code section 17200 by engaging in unlawful

business practices and/or activities, including, but not limited to, the following acts or practices within Napa County:

- A. Defendants violated Fish and Game Code section 5650 as more particularly described in the First Cause of Action of this complaint.
- B. Defendants violated Fish and Game Code section 1602 as more particularly described in the Second Cause of Action of this complaint.
- C. Defendants violated Fish and Game Code section 5652(a) by depositing, permitting to pass into, or placing where it could pass into the waters of the State of California, refuse, waste, and/or debris.

DEMAND

WHEREFORE, Plaintiff prays for judgment as follows:

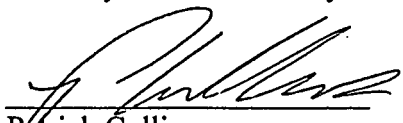
1. Defendants be permanently enjoined from directly or indirectly engaging in actions in violation of Fish and Game Code sections 1602, 5650, and 5652, and Business and Professions Code section 17200.
2. Pursuant to Fish and Game Code section 5650.1, the Court assess a civil penalty of twenty-five thousand dollars (\$25,000) against Defendants for each violation of Fish and Game Code section 5650, as well as a civil penalty of ten dollars (\$10) per gallon for each gallon of deleterious material discharged, in an amount to be proven at trial.
3. Pursuant to Fish and Game Code section 1615, the Court assess a civil penalty of twenty-five thousand dollars (\$25,000) against Defendants for each violation of Fish and Game Code section 1602, in an amount to be proven at trial.
4. Pursuant to Business and Profession Code section 17206, the Court assess a civil penalty of two thousand five hundred dollars (\$2,500) against Defendants for each violation of Business and Professions Code section 17200, in an amount to be proven at trial.
5. Defendants be ordered to pay the costs of restoring Clover Flat Landfill, including Stream 1 and Stream 2, as well as the cost of any other environmental restoration that DFW deems necessary, in an amount to be proven at trial.
6. That Plaintiff recover costs of suit herein.
7. That Plaintiff have whatever and further relief as this Court deems equitable and just.

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Dated: 9/12/25

Respectfully submitted,

Allison Haley
Napa County District Attorney

By: 
Patrick Collins
Deputy District Attorney