

From: [Lederer, Steven](#)
To: [Lederer, Steven](#)
Cc: [Geoff Ellsworth](#)
Subject: FW: Public comment -UWMA Agency, June 23, 2025 - Public Comments to Ca. Civil Rights Dept.
Date: Thursday, July 3, 2025 1:15:52 PM
Attachments: [Federal-Complaint-DFEH-Civil-Cover-Sheet-Employee-Lawsuit-Clover-Flat-UVDS-Waste-Connections-Christy-Pestoni-10.2024.pdf](#)

Board Members,

At our last meeting you may remember that I suggested our Counsel review the Board's options in the context of the subject public comment. Counsel's analysis is included below for your information, and the original commenter is copied as well for his information.

Steve

From: Gary Bell, Agency Counsel

We've reviewed the latest comments submitted below as well as the attached complaint (Case 3:24-cv-07490) filed in the United States District Court for the Northern District of California on October 28, 2024.

The attached lawsuit and the civil rights allegations raised in the comments, although arising out of the performance of waste disposal services, are not within the Agency's limited purview.

Section 3 of the Agency's Joint Powers Agreement (the "JPA") states the Agency's purpose is to provide "coordination of economical, regional waste management services" to its members and to implement the California Integrated Waste Management Act of 1989 and its implementing regulations (the "Act"). Section 6 of the JPA empowers of the Agency to enter into solid waste franchises, establish rates and fees for solid waste services, implement the Act, develop and implement the Countywide Integrated Waste Management Plan, and to perform other associated acts (i.e., hire employees, apply for grants, make recommendations on pending solid waste and household hazardous waste legislation).

Section 6(e) of the JPA authorizes the Agency to sue and be sued and Section 6(l) authorizes the Agency to make plans and conduct studies. However, the scope of those powers is confined to the parameters of the Agency's overarching purpose. These powers do not give the Agency broad authority to investigate or pursue claims of criminal activity or labor or civil rights violations, nor to take "sworn testimony" or act as a finder of fact in ongoing legal disputes. Although the JPA's members may mutually agree to expand the Agency's powers, Section 6.3 states that possible future powers include "other related **waste management** responsibilities and duties."

The Agency's landfill franchise agreement is also limited in scope and authority it grants to the Agency to oversee landfill operations.

Section 7.5 entitles the Agency to conduct performance reviews and audits of the landfill operator.

However, these evaluations are limited to only examining aspects of performance that are “not subject to the jurisdiction of other regulatory agencies.” Civil rights and discrimination matters fall under the jurisdiction of many other regulatory agencies, including the Equal Employment Opportunity Commission, the Civil Rights Division of the Department of Justice (DOJ), and the California Department of Fair Employment and Housing. Labor and employment related issues are subject to the jurisdiction of the U.S. Department of Labor, the California Division of Labor Standards Enforcement, the California Labor Commissioner’s Office, and the California Occupational Safety and Health Administration.. Environmental and hazardous waste matters are subject to the jurisdiction of the U.S. and California Environmental Protection Agencies, the Environmental and Natural Resources Division of the DOJ, the Department of Toxic Substances Control, the State Water Resources Control Board and Regional Water Quality Control Boards, and the State Air Resources Board and Air Quality Management Districts. So, the issues alleged in the lawsuit and the comment are not aspects of performance subject to the Agency’s audit or review under the franchise.

Section 12.2 of the franchise agreement requires the Landfill to always comply with all “Applicable Laws.” It is an “event of default” under Section 11.1(E) of the franchise agreement for the Landfill to have “been found by a court of proper jurisdiction to be in violation of Applicable Law (other than criminal law) relative to this Agreement.”

“Applicable Law” is defined to mean “all Federal, State, County, and local laws, regulations, rules, orders, judgments, degrees, permits, approvals, or other requirements of any governmental agency having jurisdiction **over the Transportation, Processing or Disposal of Franchised Materials, and/or Excluded Waste** ... [including but not limited to] Environmental Laws [emphasis added].” Thus, the civil rights allegations may be outside the scope of “Applicable Law” if unrelated to “the Transportation, Processing or Disposal of Franchised Materials, and/or Excluded Waste”.

Nevertheless, if this lawsuit and/or other state or federal investigations result in a finding that the Landfill has violated these Applicable Laws, then the Agency could pursue certain remedies (**after** giving the Landfill an **opportunity to cure** the default) under Sections 11.2 and 11.3 of the franchise agreement. But the Agency does not have the authority to determine whether a violation of Applicable Law has actually occurred; it may only pursue contractual remedies against the Landfill after a court of law or other relevant authority has rendered a decision on the matter.

Under Section 11.8, the Agency has the right to demand reasonable assurances from the Landfill that it will timely and properly perform its obligations under the franchise if it becomes “the subject of a civil or criminal judgment or order entered by a Federal, State, regional or local agency for violation of Applicable Law, and the Agency believes in good faith that the [Landfill’s] ability to perform under the [franchise] has thereby been placed in substantial jeopardy.” No judgment or order has yet been entered against the Landfill to our knowledge that would trigger the Agency’s right to demand reasonable assurances.

In sum, the issues raised in the comment are already being investigated and considered by a court of competent jurisdiction and other regulatory agencies. The attached complaint does not appear to raise any causes of action based upon the California Integrated Waste Management Act of 1989 that would trigger the Agency’s jurisdiction over this dispute.

Gary B. Bell*Co-Managing Shareholder***Colantuono, Highsmith & Whatley, PC**

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From: Geoff Ellsworth <Geoff@calulac.org>**Sent:** Monday, June 23, 2025 12:24 PM**To:** Ramirez, Alice <Alice.Ramirez@countyofnapa.org>; Griffis, Amanda <Amanda.Griffis@countyofnapa.org>; Cottrell, Anne <anne.cottrell@countyofnapa.org>; abarak@cityofsthelena.gov; scooper@ci.calistoga.ca.us; htrippe@yville.com; Manfree, Amber <amber.manfree@countyofnapa.org>; Lederer, Steven <Steven.Lederer@countyofnapa.org>**Cc:** Paul Bocanegra <paulbocanegra@icloud.com>; joseh2591@gmail.com; environmentallysustainablesol@gmail.com**Subject:** Public comment -UVWMA Agency, June 23, 2025 - Public Comments to Ca. Civil Rights Dept. - Commission on State of Hate

[External Email - Use Caution]

Please distribute to UVWMA Board and Staff,

Please see Public Comment from Geoff Ellsworth to Ca. Civil Rights Dept. - Commission on State of Hate - May 2 2025 - Impacts/discrimination towards Latino workforce - Upper Valley Disposal Service/Clover Flat Landfill in Napa County.

I request you agendize a Public Hearing on the UVDS/Clover Flat Landfill Civil Rights, environmental and public safety concerns with sworn testimony, as well I continue to request an agendized discussion on Zoom/remote access to UVWMA meetings the public has as much right to as other public meetings such as Board of Supervisors meetings.

From: [Geoff Ellsworth](#)
To: [Ramirez, Alice](#); [Griffis, Amanda](#); [Cottrell, Anne](#); abarak@cityofsthelena.gov; scooper@ci.calistoga.ca.us; htrippe@yville.com; [Manfree, Amber](#); [Lederer, Steven](#)
Cc: [Paul Bocanegra](#); joseh2591@gmail.com; environmentallysustainable@gmail.com
Subject: Public comment -UWVMA Agency, June 23, 2025 - Public Comments to Ca. Civil Rights Dept. - Commission on State of Hate
Date: Monday, June 23, 2025 12:27:03 PM
Attachments: [NAPA Valley Workers Support Letter \(2\) \(1\) \(1\).pdf](#)
[Napa Valley Support \(1\) \(2\) \(1\).pdf](#)

[External Email - Use Caution]

Please distribute to UVWMA Board and Staff,

Please see Public Comment from Geoff Ellsworth to Ca. Civil Rights Dept. - Commission on State of Hate - May 2 2025 - Impacts/discrimination towards Latino workforce - Upper Valley Disposal Service/Clover Flat Landfill in Napa County.

I request you agendize a Public Hearing on the UVDS/Clover Flat Landfill Civil Rights, environmental and public safety concerns with sworn testimony, as well I continue to request an agendized discussion on Zoom/remote access to UWVMA meetings the public has as much right to as other public meetings such as Board of Supervisors meetings.

Additionally, please continue considering as we get into high fire season that the longer YOU allow the fire prone waste activities at UVDS Whitehall Lane and Clover Flat Land to continue in proximity to CalFire high fire danger areas, the more YOU put public safety and the safety of workers at risk.

Please note that CA LULAC has established a Napa Valley Waste Workers Advocacy Committee to address this issue.

The League of United Latin American Citizens (LULAC), is the nation's largest and oldest Hispanic organization advancing civil rights and education for Hispanic Americans.

Please see attached:

-2025 Ca. LULAC (League of United Latin American Citizens) support letter for Napa Valley Waste Workers of UVDS/Clover Flat LandFill

-2024 Ca. LULAC Resolution in support of Napa Valley Waste Workers of UVDS/Clover Flat LandFill

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- Geoff Ellsworth

To: csh@calcivilrights.ca.gov · Fri, May 2 at 4:52 PM

Public comment– Ca. Civil Rights Dept. - Commission on State of Hate - May 2 2025 -

from Napa County - impacts/discrimination towards Latino workforce - Upper Valley Disposal Service/Clover Flat Landfill

https://calcivilrights.ca.gov/wp-content/uploads/sites/32/2025/04/CSH_Meeting_5.2.2025_NoticeAgenda.pdf

Please distribute to Chair, Board and Staff,

Hello Chair Levin and Board,

Thank you for the excellent work you are presenting.

My name is Geoff Ellsworth and I was mayor of the small town of St. Helena, Napa County, Ca. from 2018-2022 when I became aware of a situation at Upper Valley Disposal Service/Clover Flat Landfill of dozens of Latino garbage workers impacted by long term exposure to toxic wastewater and toxic fires, as well as Latino employees exposed to unregulated radioactive material, an employee death due to substandard infrastructure, and other discriminatory and coercive workplace practices toward this Latino workforce, abused into sub-human working conditions, including servitude type conditions with a company operating under exclusive government contracts.

I recognize the focus of this commission is on hate crimes - what we are seeing here is systemic, unlawful criminal type behavior focused on a primarily Latino workforce, intimidated into silence by this garbage company, putting not only the Latino workforce, but the entire Napa Valley community at risk from wildfires and contamination incidents.

We continue to ask, without success, for public meetings with sworn testimony from local and State oversight agencies such as State and Regional San Francisco Bay Water Board, CalEPA, OSHA, CalFire, etc.

I spoke on these issues last weekend at the Ca. LULAC (League of United Latin American Citizens) statewide convention in Los Angeles, referencing the 2024 Ca. LULAC Resolution on the matter, as well as a new 2025 Ca. LULAC Coalition letter in support of the Napa Valley waste workers of UVDS/Clover Flat Landfill. Both are attached in the comments I am submitting. **LULAC is the largest and oldest Hispanic organization in the United States with significant focus on Civil Rights.** <https://lulac.org/about/>

The situation is also being addressed with A \$100 million to \$500 million dollar Federal

level lawsuit and documentary film called Garbage and Greed: Trashed in Napa Valley that you can find online.

To relate back to Hate Crime aspects, this is a situation of systemically unlawful mistreatment of Latino workers falling through the cracks while elected officials and local/state agencies ignore the problems in a region - the San Francisco Bay Area of California - that should be leading the way on rights and protections for Latino workers and Civil rights protections in general.

It is clear that with what is occurring nationally now that the commitment to racial equity and protection of Civil Rights for all of us, is up to all of us, and each of us, on a day to day basis.

I'd like ask for this matter to be agendized with this commission with public hearings with sworn testimony. My contact information is included here.

Thank you

Geoff Ellsworth

Former mayor St. Helena/Napa County 2018-2022

Current Associate Member Ca. LULAC Lorenzo Patina Chapter 2862 - Sacramento

323-691-9621

Geoff Ellsworth

Committee Member, CA LULAC

Napa Valley Waste Workers Advocacy Committee

323-691-9621

CALulac.org





April 23, 2025

RE: Letter of Support of the Napa Valley Waste Workers of Upper Valley Disposal Service (UVDS) and Petitioning for Closure of the UVDS Clover Flat Landfill.

To Whom it May Concern:

We, a coalition of civil rights, environmental justice, and labor advocacy organizations, write in strong support of **Napa Valley Latino Waste Workers**.

This resolution acknowledges the serious and ongoing issues faced by over two dozen Latino workers at Upper Valley Disposal Service (UVDS)/Clover Flat Landfill in Napa County, which is associated with the Pestoni Family Winery. These workers have filed state and federal complaints citing unreasonable exposure to fires, toxic smoke, and significant contamination—often without adequate protective equipment or training. Their grievances also include allegations of workplace discrimination and civil rights violations. The resolution further highlights that PFAS (“forever chemicals”) from the Clover Flat Landfill pose a long-term threat to Napa Valley’s water resources and the San Francisco Bay, endangering the health and safety of all regional communities.

Through this letter, we respectfully urge you to join our call for Support of the Napa Valley Waste Workers of Upper Valley Disposal Service and for the closure of the Clover Flat Landfill.

This matter represents both a **civil rights** and **environmental justice** crisis. We are calling on organizations with a commitment to these values to help petition for accountability, transparency, and a public process—including sworn testimony—regarding the long-standing and unlawful mistreatment of Latino workers at this private waste company. UVDS operates under exclusive, no-bid government contracts across multiple Napa County jurisdictions, including St. Helena, Yountville, Calistoga, and the County of Napa, through the Upper Valley Waste Management Agency (UVWMA), a Joint Powers Authority.

At the federal level, **Case 3:24-cv-07490**—a lawsuit filed by nearly three dozen affected Latino workers—describes allegations of discriminatory treatment, wage theft, dangerous working conditions, and even involuntary servitude. Workers were reportedly exposed to fires, untreated garbage wastewater (leachate), toxic smoke, and potentially radioactive waste. Tragically, there has also been the death of a Latino worker at this site.

This situation has attracted the attention of the **U.S. Department of Justice and the FBI**, both of which have conducted recent investigations into the operations at UVDS/Clover Flat. Despite this, elected officials and relevant agencies at all levels of government continue to fail in addressing the systemic racial and environmental injustices affecting these workers and surrounding communities.

Please refer to the attached supporting documents for more details, including video documentation and a growing list of supporting environmental organizations.

We also welcome the opportunity to meet with you at your earliest convenience to discuss this urgent matter further.

Sincerely,

Jacob Sandoval
State Director, CA LULAC
Board Member, National LULAC



California League of United Latin American Citizens

2024 CA LULAC Resolution

Support Napa Valley Latino Waste Workers

Jacob Sandoval
State Director

Jose Barrera Immediate Past
State Director

Alvssa Mireles Deputy State
Director

Elizabeth Gonzalez Zepeda
CA State Treasurer

Miriam Aguilar Escobar
Deputy Director for Women

Isabella Castro Deputy
Director for Young Adults

Jaime Sonne-Diddi
Deputy Director for Youth

Arturo Torres Deputy
Director for Seniors

Tony Flores
District Director 1

Anthony Noriega
District Director 5

Angel Galvez
District Director 11

Aidee Farias
District Director 12

Dave Rodriguez
District Director 17

Christian Contreras
Legal Advisor

WHEREAS, over two dozen Latino workers at Upper Valley Disposal Service /Clover Flat Landfill in Napa County (associated with Pestoni Family Winery) have filed California, state and federal complaints claiming unreasonable exposure to fires, smoke and significant contamination without adequate protective equipment or training, as well as other workplace concerns including discrimination and civil rights violations; and,

WHEREAS, though Upper Valley Disposal Service/Clover Flat Landfill has entered into new ownership structure, much of the same problematic management is still in place, many of the old and unacceptable practices towards Latino workers have not changed, and accountability has not been taken for long term impacts and inequities, particularly toward Latino members of Upper Valley Disposal Service/Clover Flat Landfill workforce; and,

WHEREAS, the Federal Department of Justice have commenced investigations regarding violations of environmental laws and breached governmental contracts; and,

WHEREAS, PFAS (forever chemicals) from the Clover Flat Landfill threaten Napa Valley's water resources that ultimately flow into the San Francisco Bay; and,

WHEREAS, the Clover Flat Landfill in Napa Valley threatens the health and safety of not only the Latino community but all communities in the region.

NOW, THEREFORE BE IT RESOLVED, that CALIFORNIA LULAC support the Napa Valley Latino waste workers.

Voted and Approved by the Assembly of the 2024 LULAC California State Convention.

Sincerely,

Jacob Sandoval

Jacob Sandoval

State Director

CA LULAC

Jacob@calulac.org | CALULAC.ORG | 831-809-3503