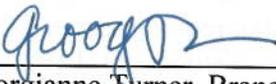


REQUEST FOR ACTION

To: Mark De Bie, Deputy Director
Waste Permitting, Compliance, and Mitigation

From: 

Georgianne Turner, Branch Chief
Waste Evaluation and Enforcement Branch

Hearing Date: April 15, 2014

Decision Subject: Consideration of Action for Noncompliance with the Annual Reporting Mandates (Public Resources Code (PRC) Section 42926) by the 26th and 49th District Agricultural Associations

Action By: April 15, 2014

Summary of Request:

Statute mandates that each State agency and large State facility shall submit a waste management annual report (Public Resource Code (PRC) Section 42926) to the Department of Resources Recycling and Recovery (Department) summarizing its progress in reducing solid waste (PRC Section 42921).

Statute further mandates that each State agency and large State facility on and after January 1, 2004, shall divert at least 50 percent of all solid waste from landfill disposal (PRC Section 42921 (b)). Due to the absence of the 2012 annual report, staff is unable to determine compliance with the diversion mandate.

The Department's ability to evaluate a State agency or large State facility's compliance with PRC Section 42921 (b) rests on each State agency or large State facility's punctual submission of its annual report pursuant to PRC Section 42926. Without the waste management annual report, Department staff cannot validate achievement of their target disposal rate set forth by the diversion mandate.

The 2012 annual report was due on or before May 1, 2013. For reporting year 2012, Department staff has identified two (2) District Agricultural Associations (DAAs) as being noncompliant for non-submittal of their waste management annual report. The two DAAs include:

- 26th DAA (Amador County Fair) located in Plymouth; and,
 - 49th DAA (Lake County Fair) located in Lakeport.
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Recommendation:

Based on Department staff's analysis outlined in the attached April 15, 2014 public hearing for "Consideration of Action for Noncompliance with the Annual Reporting Mandates by the 26th and 49th District Agricultural Associations", staff recommends that the Department find the 26th and 49th DAAs as noncompliant with the annual report submittal requirement of PRC Section 42926 and noncompliant with the diversion requirements of PRC Section 42921 (b).

Further, direct Department staff to develop a letter to the Legislature and Governor reporting the 26th and 49th DAAs as noncompliant with the Legislative directive.

Finally, direct Department staff to place the 26th and the 49th DAAs on the noncompliance section of the Department's website, and continue to have the Local Assistance and Market Development Branch be available to assist the 26th and 49th DAAs with compliance efforts.

Deputy Director Action:

On the basis of the analysis, reports and findings presented in both the public hearing and the public hearing package, I hereby find that the 26th and 49th District Agricultural Associations are noncompliant with the annual report submittal requirement of PRC Section 42926 and without evidence to the contrary cannot determine compliance with the diversion requirements of PRC Section 42921 (b). Department staff is directed to implement the actions as recommended above.

Dated:

4/16/14



Mark De Bie, Deputy Director
Waste Permitting, Compliance, and Mitigation Division
Department of Resources Recycling and Recovery