

**REQUEST FOR ACTION**

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

**From:**   
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Georgianne Turner, Branch Chief  
Waste Evaluation and Enforcement Branch  
Department of Resources Recycling and Recovery

**Hearing Date:** April 15, 2014

**Decision Subject:** Consideration of Action for Noncompliance for the 1-A District  
Agricultural Association (Cow Palace)

**Action By:** April 15, 2014

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**Summary of Request:**

Statue 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)).

JPCU staff independently reviewed the 1-A District Agricultural Association's (Cow Palace) program implementation and diversion rates, using available information from Cow Palace's annual reports, waste hauler tonnage reports, Cow Palace employees, Department databases, and site visits.

Cow Palace provided diversion, disposal and employee data to the department in 2006, which resulted in its 50% equivalent target rate of 4.5 pounds per day per employee. The target rate does not account for the number of visitors to the facility. However, as outlined in the chart below, the tons disposed has increased while both the reported number of employees and visitors to the facility has decreased. This data is not the overriding reason for Cow Palace's failure to comply with the statutory requirements but it was an indicator in evaluating program implementation and performance.

Year	# of Visitors	# of Employees	Reported Disposed (Tons)	Calculated Per Capita Disposal Rate (Pounds/Employee/Day)	Cow Palace's 50% Equivalent Per Capita Disposal Target (Pounds/Employee/Day)
2008	466,724	25	170.90	37.50	4.5
2009	482,000	25	127.60	28.00	4.5
2010	241,000	11	222.40	110.80	4.5
2011	289,000	11	246.70	122.89	4.5
2012	200,065	9	213.56	130.02	4.5

Throughout the review, JPCU staff has maintained an open line of communication with Cow Palace.

Department staff has determined that Cow Palace's key diversion programs have not maximized their effectiveness. These include the cardboard program, the composting and organics program, the CRV beverage container program, the paper programs, and the education and outreach efforts.

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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 for the 1-A District Agricultural Association (Cow Palace)," and other supporting documentation Department staff recommends that Cow Palace be found noncompliant with the State Agency Integrated Waste Management Plan Act.

Further, Department staff recommends that Cow Palace be directed to submit a new Plan of Correction by May 30, 2014, and be placed on the noncompliance section of the Department's website.

Finally, that Department staff be directed to develop a letter to the Legislature and Governor reporting Cow Palace as noncompliant, and continue to have the Local Assistance and Market Development Branch be available to assist Cow Palace 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 1-A District Agricultural Association (Cow Palace) is noncompliant with the diversion requirement of the State Agency Integrated Waste Management Plan Act (PRC Section 42921 (b)). Department staff is directed to implement the above actions as recommended.

**Dated:** 4/16/14



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