



DONALD L. WOLFE  
CHAIRMAN

LOS ANGELES COUNTY  
SOLID WASTE MANAGEMENT COMMITTEE/  
INTEGRATED WASTE MANAGEMENT TASK FORCE  
900 SOUTH FREMONT AVENUE, ALHAMBRA, CALIFORNIA 91803-1331  
P.O. BOX 1460, ALHAMBRA, CALIFORNIA 91802-1460  
[www.lacountyiswmtf.org](http://www.lacountyiswmtf.org)

November 3, 2005

Mr. William L. Gausewitz, Director  
Office of Administrative Law  
300 Capitol Mall, Suite 1250  
Sacramento, CA 95814-4339

Dear Mr. Gausewitz:

**PROPOSED REGULATIONS AFFECTING THE EMERGENCY REGULATIONS  
PROCESS AND PETITIONS/DECISIONS ON UNDERGROUND REGULATIONS**

This is in reference to the proposed regulations affecting the Emergency Regulations Process and Petitions/Decisions on Underground Regulations currently being considered by the State's Office of Administrative Law (OAL). It is anticipated that the OAL will be adopting the proposed regulations following a public hearing on November 7, 2005, in Sacramento. The Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force (Task Force) respectfully requests that the proposed regulations be amended to retain the existing regulatory requirement that OAL investigate all underground regulation claims promulgated by State agencies, and extend the public comment period on underground regulation claims to allow entities subject to the Brown Act (including local governments) sufficient time to meet and discuss these issues in order to forward comments to OAL prior to adoption.

Pursuant to Chapter 3.67 of the Los Angeles County Code and the California Integrated Waste Management Act of 1989 (Assembly Bill 939, as amended), the Task Force is responsible for coordinating the development of all major solid waste planning documents prepared for the County of Los Angeles and its 88 cities in Los Angeles County. Consistent with these responsibilities and to ensure a coordinated and cost-effective solid waste management system in Los Angeles County, the Task Force also addresses issues impacting the system on a Countywide basis. The Task Force membership includes representatives of the League of California Cities-Los Angeles County Division, County of Los Angeles Board of Supervisors, City of Los Angeles, waste management industry, environmental groups, the public, and a number of other governmental agencies.

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The OAL serves a critical function in California's regulatory process by overseeing and reviewing administrative regulations proposed by over 200 State agencies, giving the regulated community and the public a voice in the decision making process, and allowing stakeholders to file challenges when State agencies act outside their authority or without an open and transparent process. We commend the OAL for taking the initiative to remedy current difficulties resulting from overseeing and enforcing emergency and underground regulations. However, OAL's fiduciary responsibility would seriously be hampered under the proposed regulatory changes since it would give the OAL the **discretion** (rather than the obligation as is currently the case) to determine the validity of underground regulation complaints. We strongly believe that this discretion would significantly diminish OAL's gatekeeper role of ensuring the integrity and transparency of emergency regulations promulgated by State agencies.

The process of responding to public inquiries is further hindered by the lack of resources available to the OAL. We understand that without sufficient means, the OAL is unable to meet its primary responsibilities, let alone adjudicate allegations of underground regulations. Thus, rather than limiting public involvement in the regulatory process, we believe a more appropriate solution is for the State's Executive Branch to allocate additional resources to the OAL to properly investigate all public inquires and, most importantly, to enforce its decisions. Without sufficient oversight and enforcement, all OAL's decisions would ring hollow.

For the above reasons, the Task Force respectfully requests the proposed regulations be amended to address the above-stated concerns. We look forward to working with the OAL to draft language that would further strengthen the public's confidence in our State's regulatory process. If you have any questions, please contact Mr. Mike Mohajer of the Task Force at (909) 592-1147.

Sincerely,



Michael Miler, Vice-Chair  
Los Angeles County Solid Waste Management Committee/  
Integrated Waste Management Task Force and Council member,  
City of West Covina

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cc: Governor Arnold Schwarzenegger  
Senate President Pro Tem Don Perata  
Assembly Speaker Fabian Nunez  
Cabinet Secretary (Terry Tamminen)  
Each Member of the California Assembly Local Government Committee  
Each Member of the California Assembly Business and Professions Committee  
Each Member of the California Senate Local Government Committee  
Each Member of the California Senate Judiciary Committee  
Each Member of the Los Angeles County State Legislative Delegation  
Each Member of the County of Los Angeles Board of Supervisors  
Each City Mayor in the County of Los Angeles  
California State Association of Counties  
League of California Cities  
League of California Cities, Los Angeles County Division  
Southern California Association of Governments  
San Gabriel Valley Council of Governments  
South Bay Cities Council of Governments  
Solid Waste Association of North America  
Each Member of the Los Angeles County Integrated Waste Management Task Force  
Each City Recycling Coordinator in Los Angeles County