



LOS ANGELES COUNTY
SOLID WASTE MANAGEMENT COMMITTEE/
INTEGRATED WASTE MANAGEMENT TASK FORCE
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DONALD L. WOLFE
CHAIRMAN

August 25, 2005

Assembly Member Juan Vargas
State Capitol Room 2013
Sacramento, CA 94249-0079

Dear Assembly Member Vargas:

**ASSEMBLY BILL 1351 (AMENDED JULY 7, 2005)
OFFICE OF ADMINISTRATIVE LAW: REGULATIONS**

The Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force (Task Force) **supports** Assembly Bill 1351 (AB 1351), related to the Office of Administrative Law and “underground regulations.”

Pursuant to Chapter 3.67 of the Los Angeles County Code and the California Integrated Waste Management Act of 1989 (AB 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, public, and a number of other governmental agencies.

As a part of our responsibilities, we have been monitoring activities by State agencies in regard to their procedures in adoption of regulations. As stated in our enclosed letter of March 3, 2004, to Governor Arnold Schwarzenegger, for many years the State Waste Board has been adopting so called “procedures”, guidelines” and “policies” as a part of their efforts to implement the California Integrated Waste Management Act of 1989 requirements. While these policies, procedures, and guidelines have not been adopted as regulations, they are being enforced as if they were. As a result, local governments have incurred millions of dollars in expenditures to insure compliance with these underground regulations while awaiting an action by the State Office of Administrative Law (OAL) with a backlog of five to seven years.

AB 1351 would provide for a workable definition of “underground regulation,” and would establish a procedure for any interested person to petition the OAL for a determination that a given agency action is an underground regulation. Twenty years ago, the OAL adopted regulations for issuing determinations that constitute an underground regulation. Subsequent budget cuts and staff reductions to the OAL resulted in an unworkable program with massive backlogs. This bill would reinstitute proper funding, and establish new procedural requirements relating to the OAL's

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determinations regarding State agency rules or guidelines, including requirements for timely responses, helping to reduce the current structural backlog at the OAL.

Therefore, the Task Force **supports** AB 1351. If you have any questions or comments please, contact Mr. Mike Mohajer of the Task Force at (909) 592-1147.

Sincerely,



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

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Enc.

cc: Governor Arnold Schwarzenegger
Cabinet Secretary (Terry Tamminen)
Secretary of California Environmental Protection Agency (Alan C. Lloyd)
Secretary of California Department of Food and Agriculture (A.G. Kawamura)
Chair of California Energy Commission (Joe Desmond)
Secretary of Resources (Mike Chrisman)
Each Member of the California Integrated Waste Management Board
Mr. Mark Leary, Executive Director, California Integrated Waste Management Board
Senate President Pro-Tem (Don Perata)
Speaker of the Assembly (Fabian Nunez)
Each Member of the Senate Appropriation Committee
Each Member of the County of Los Angeles 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
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 Member of the Alternative Technology Advisory Subcommittee
Each Member of the Facility and Plan Review Subcommittee
Each City Recycling Coordinator in Los Angeles County