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FOR IMMEDIATE RELEASE

FEDERAL COURT GRANTS FINAL JUDGMENT AGAINST KERN COUNTY BAN OF L.A. BIOSOLIDS

Judge Issues Summary Judgment Finding Breaches of the Commerce Clause and California Integrated Waste Management Act

LOS ANGELES (August 13, 2007)—U.S. District Court Judge Gary Allen Feess in Los Angeles granted the request for final judgment by the City of Los Angeles and other Southern California agencies, businesses and farmers to overturn Kern County's ban of biosolids and maintain the land application of biosolids on farmland. This ruling follows the court's opinion in November 2006 that preliminarily enjoined the enforcement of Measure E, an ordinance passed by Kern County voters in June 2006, which would have halted all land application of biosolids in the county.

"We have worked hard to operate our biosolids program to the highest environmental standards and will continue to ensure that the Green Acre farm is the best neighbor it can be," Mayor Villaraigosa said. "We are hopeful that this court decision will permit us to work together to address the best interests of the residents of Kern and Los Angeles counties and of the environment."

The fifty-five page order granted the request by the City and plaintiffs for the entry of final judgment against Kern County. Judge Feess ruled that Measure E "demonstrated irreparable harm" as the ordinance violated the Commerce Clause of the U.S. Constitution by discriminating against biosolids from metropolitan Los Angeles and preempted the California Integrated Waste Management Act by conflicting with a statewide policy of recycling solid waste, which by statute includes biosolids.

Judge Feess summarized that "government agencies cannot decide to stop producing biosolids and instead must find ways to manage those that are produced" and the court found "that land application

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Page 2 of 2

constitutes a ‘beneficial use’ of biosolids, and indeed the EPA explains that it adopted the term ‘biosolids’ so as ‘to emphasize the beneficial nature of this valuable, recyclable resource.’”

“The court’s ruling clearly supports the public interest and affirms that the City operates a safe and model biosolids program at Green Acres Farm,” said Cynthia M. Ruiz, president of the Board of Public Works of the City of Los Angeles. “An adverse ruling would have caused significant harm to the City and region that would have dramatically increased the costs of managing biosolids and increased pollution in our environment.”

“We applaud this ruling as we continue to demonstrate the safe management of our biosolids program,” said Rita L. Robinson, director of the Bureau of Sanitation.

The City of Los Angeles filed a lawsuit challenging the new ordinance and was joined by the Los Angeles County and Orange County Sanitation Districts, the California Association of Sanitation Agencies, businesses and farmers that recycle biosolids at two farm sites in Kern County—Green Acres, a 5,000-acre farm southwest of Bakersfield owned by the City of Los Angeles and Tule Ranch, a privately owned farm.

About Board of Public Works

The five-commissioner Board of Public Works manages the Department of Public Works, the City’s third largest municipal division with a \$559 million operating budget. The department awards more than \$500 million in construction and personal service contracts annually, and oversees the construction, renovation, and operation of public projects such as municipal buildings, streets, bridges, street lights, water treatment plants, sewers and sidewalks, and provides essential public services like recycling and solid waste management. For more information, visit www.lacity.org/bpw.

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