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FOR IMMEDIATE RELEASE

FEDERAL COURT STOPS KERN COUNTY BAN OF L.A. BIOSOLIDS Judge Issues Preliminary Injunction Finding Ban Illegal and Biosolids Safe

LOS ANGELES (November 28, 2006)—A federal judge in Los Angeles issued an opinion last week that allows the City of Los Angeles and other Southern California agencies, businesses and farmers to continue the land application of biosolids on farmland in Kern County. The court issued a preliminary injunction that stops Kern County from enforcing its “Measure E” ordinance passed by voters in June, which would have halted all land application of biosolids beginning early next year.

The twenty-four page opinion by U.S. District Judge Gary Alan Feess granted the request of the City and plaintiffs for a stay of the Kern County biosolids ban while the case awaits trial. Judge Feess ruled that a preliminary injunction is justified because Measure E is likely illegal on three separate grounds – it violates the Commerce Clause of the U.S. Constitution by discriminating against biosolids from metropolitan Los Angeles, it undermines California law that mandates recycling and it exceeds Kern County’s Police Power authority to regulate biosolids.

The court also found “no evidence at all” of environmental harm to Kern County from the two farms that recycle biosolids. Judge Feess summarized that “while applying sewage sludge to agricultural land may provoke a visceral response in lay observers, the available evidence suggests that the practice has been undertaken safely throughout the United States without any indication of detrimental environmental or health impacts, and indeed is the most environmentally sound method of managing the material.”

The court found that a preliminary injunction, allowing the land application of biosolids to continue, is clearly in the public interest. Judge Feess concluded, “The public is best served by

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disposing of sewage sludge in the safest and least expensive manner possible. On this record, that method is the land application of Class A EQ biosolids at Tule Ranch and Green Acres.”

Cynthia Ruiz, President of the Board of Public Works of the City of Los Angeles said, “The preliminary injunction affirms that the City operates a safe, efficient and environmentally positive recycling program at Green Acres Farm. We will continue to secure and uphold the rights of the City along with the agencies joined in this case and look forward to continuing the operation of a model biosolids program that benefits Los Angeles as well as Kern County.”

Ruiz added, “An adverse ruling would have caused the City and plaintiffs to seek alternatives to the recycling of biosolids that would have significantly increased the costs of managing biosolids and damaged the environment through an increase in pollution.”

Rita Robinson, Director of the Bureau of Sanitation said, “We welcome this ruling, which saves the City and its sister agencies in Southern California millions of dollars and preserves scores of good jobs including many in Kern County. The Court’s opinion makes clear that Measure E is discriminatory and illegal, and is likely to be permanently enjoined as the case continues. We will continue our education and outreach efforts in Kern County to demonstrate the good sense and safety of recycling biosolids.”

The City of Los Angeles filed a lawsuit challenging the new ordinance and is 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.

In October, the court ruled that the lawsuit could be heard in federal court in Los Angeles because of the adverse impacts of the biosolids ban on metropolitan Los Angeles. The court then rejected Kern County’s efforts to dismiss the lawsuit. Kern County now has the right to appeal the court’s preliminary injunction to the U.S. Court of Appeals for the 9th Circuit.

The five-member Board of Public Works manages the activities of the Department of Public Works, the third largest municipal agency in Los Angeles. The Department of Public Works is responsible for construction, renovation and operation of public facilities and infrastructure ranging from curbside collection and graffiti removal to maintenance of sidewalks, bridges, sewers and streetlights, and from maintenance of wastewater treatment plants to the design of public buildings.