

CITY OF LOS ANGELES SECURES TRIAL DECISION STRIKING DOWN KERN COUNTY BIOSOLIDS BAN

LOS ANGELES, CA (December 5, 2016)— Following a two week trial that concluded in May of 2016, the Tulare County Superior Court has issued a 48 page opinion striking down a voter initiative passed in 2006 in Kern County that banned the land application of biosolids (treated sewage sludge) to farmland in Kern County. Judge Lloyd Hicks wrote that that Measure E “is invalid and void for all purposes, for the dual reasons that it exceeds Kern’s police power authority and is preempted by state law.”

The City of Los Angeles led a coalition of Southern California public agencies, farmers, and contractors in the lawsuit against Kern County to protect their long standing use of biosolids as a fertilizer and soil amendment on farms in Kern County. The City owns a 4,700 acre farm in Kern where it has grown feed crops with the aid of biosolids for over 20 years.

On the police power claim, the Court ruled in its statement of decision that “the overwhelming weight of the evidence is that there is no basis in fact for any determination that land application of biosolids poses any risk to Kern County residents, let alone a real and substantial risk that would be alleviated by banning such land application... Los Angeles has met its burden of producing evidence to the effect that there is no basis in fact for Measure E’s public welfare claims... There is no evidence of risk to human health.”

On the preemption claim, the Court ruled that the California Integrated Waste Management Act (CIWMA), which requires that all local governments in California promote and maximize recycling, was controlling over a local voter initiative and thus preempted Measure E. The Court held that “Measure E prohibits what CIWMA requires... Measure E is in direct conflict with, and inimical to, CIWMA, and is therefore, for that reason, also void.”

The City of Los Angeles welcomed the decision and looks forward to continue recycling biosolids at its farm to grow feed crops used by Kern County dairies and to benefit the millions of City residents who depend on economical and environmentally sound wastewater management.

About LA Sanitation

As the lead agency for the City’s environmental programs and initiatives, LA Sanitation protects public health and the environment through the administration and management of three program areas: Clean Water (Wastewater), Solid

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city of los angeles department of public works

public affairs office ■ 200 N. Spring St., M-165 ■ L.A., CA 90012 ■ phone 213-978-0333 ■ FAX 213-978-0332

website: bpw.lacity.org

Resources (Solid Waste Management) and Watershed Protection (Stormwater). These infrastructure programs collect, treat, recycle, and dispose the solid and liquid waste generated by the nation's second largest city of more than four million residents. Through these essential public service programs, LA Sanitation delivers a triple bottom line of economic, environmental, and social benefits that sustain the quality of life in Los Angeles. For more information, please visit www.lacitysan.org.

Media Contact

Public Affairs Office

(213) 978-0333 Main Office

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