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15 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
16 **FOR THE COUNTY OF TULARE**

17
18 CITY OF LOS ANGELES; COUNTY
19 SANITATION DISTRICT NO. 2 OF LOS
20 ANGELES COUNTY; ORANGE COUNTY
21 SANITATION DISTRICT; RESPONSIBLE
22 BIOSOLIDS MANAGEMENT, INC.; R&G
23 FANUCCHI, INC.; SHAEN MAGAN, both
individually and d/b/a HONEY BUCKET
FARMS and TULE RANCH/MAGAN FARMS;
WESTERN EXPRESS, INC.; SIERRA
TRANSPORT, INC.; CALIFORNIA
ASSOCIATION OF SANITATION AGENCIES,

Plaintiffs,

v.

25 COUNTY OF KERN; KERN COUNTY BOARD
26 OF SUPERVISORS,

Defendants.

Case No. Civ. 242057

**DECLARATION OF KRISTI LUTREL
SUPPORTING PLAINTIFFS' MOTION
FOR A PRELIMINARY INJUNCTION**

Hearing: June 9, 2011
Dep't: 10
Hearing Judge: Hon. Lloyd L. Hicks
Action filed: January 26, 2011
Trial date: Not set

1 I, Kristi Lutrel, declare as follows:

2 1. I am President of Sierra Transportation, Inc. ("Sierra Transport"), a family
3 trucking business based in Kern County. I have worked in the trucking industry for the past 20
4 years.

5 2. I submit this declaration in support of Plaintiffs' Motion for Preliminary
6 Injunction. The facts stated in this declaration are based on my personal knowledge, and I could
7 and would testify competently to these facts if called upon to do so.

8 3. On June 6, 2006, the voters of Kern County adopted Measure E, an
9 initiative ordinance that prohibits land application of biosolids at the City of Los Angeles' Green
10 Acres Farm ("Farm" or "Green Acres"). Before Measure E went into effect, enforcement was
11 stopped pursuant to a federal court challenge until dismissal of that case on November 9, 2010.
12 Sierra Transport was a Plaintiff in that challenge. My husband, Mark Lutrel, who was then
13 President of Sierra Transport, submitted a declaration in 2006 in support of the motion for a
14 preliminary injunction in the federal case that was granted.

15 4. As explained below, Measure E (the "Kern Ban") will impose substantial
16 and irreparable burdens on Sierra Transport and its employees.

17 **BACKGROUND REGARDING SIERRA TRANSPORT**

18 5. Sierra Transport is responsible for transporting the biosolids generated by
19 the City of Los Angeles ("the City") from the City's wastewater treatment facilities to Green
20 Acres in Kern County. Sierra Transport has hauled City biosolids to Green Acres since 1998.
21 The work is performed under a contract with Responsible Biosolids Management, Inc., which
22 manages land application for the City at the Farm.

23 6. Sierra Transport employs a staff of 23 men and women, including drivers,
24 shop workers and administrative staff.

25 7. Each and every day of the year, Sierra Transport hauls roughly 500 tons of
26 biosolids from Los Angeles to Green Acres. On average, this work has required 20 truckloads
27 per day.

1 8. The hauling work for the City constitutes of the vast majority of Sierra
2 Transport's entire business.

3 **HARM TO SIERRA TRANSPORT AND ITS EMPLOYEES**

4 9. Kern's enforcement of the Ban likely would force Sierra Transport
5 entirely out of business. The Ban will force the City to attempt to relocate its biosolids
6 operations to alternative locations, such as potential new land application sites in Arizona. This
7 would cause Sierra Transport, a valuable local company based in Kern County near Green Acres,
8 to lose its work hauling biosolids from Los Angeles to Green Acres. This work represents the
9 majority of Sierra Transport's \$2.7 million per year in revenues. No ready opportunities exist for
10 Sierra Transport to replace this lost business and income, particularly on such a short timeframe.

11 10. In addition, Sierra Transport has made significant capital investments to
12 support its hauling work for the City of Los Angeles. The Kern Ban would cause Sierra
13 Transport to lose the return on these significant investments.

14 11. In 2006, Sierra Transport purchased real property, at a cost of \$900,000,
15 so that it could be located closer to Green Acres. Sierra Transport constructed permanent
16 improvements on the property, including a truck yard and repair facility, at a cost of \$500,000.
17 Sierra Transport acquired the property and constructed improvements on it to better serve
18 biosolids operations at Green Acres.

19 12. The significant investments made by Sierra Transport also include the
20 purchase of trailers and tractors that are specially designed for the transport of biosolids; this
21 equipment is not well-suited for hauling other types of materials.

22 13. Sierra Transport owns a fleet of 26 high-capacity, end-dump trailers with
23 sealed tailgates, purchases at a cost of \$60,000 each. It also owns 23 lightweight tractors,
24 purchased at a cost of \$100,000 each. Because of the high mileage and constant use, the tractors
25 must be replaced every three to three and a half years. Since 2008, Sierra Transport has
26 purchased nine new tractors and additional equipment at a total cost of \$900,000.

27 14. In order to be able to continue its hauling operations for the City and
28 RBM, Sierra Transport at minimum would have to move those aspects of its business capable of

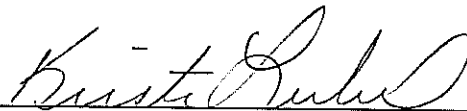
1 being transferred to one or more new sites, such as potential new land application sites in
2 Arizona. At the present time, however, Sierra Transport lacks the infrastructure and business
3 relationships to operate effectively at such distant new sites.

4 15. Moving the company's operations to Arizona, for example, would require
5 significant investment, lead time and ongoing costs to establish and operate a new truck shop and
6 yard there near the new land application site(s); to establish business relationships there; and to
7 hire new local employees. This would be an extreme burden on our small company. In addition,
8 the company would have to sell the property it purchased near Green Acres, and would therefore
9 lose the return on the significant investments it made to acquire the property and to construct
10 improvements on that property to serve biosolids operations at Green Acres.

11 16. The Kern Ban would also harm Sierra Transport's employees. Even if
12 Sierra Transport is able to continue hauling operations to new distant locations outside of Kern
13 County, the company's current employees would likely lose their jobs. In 2010 our payroll to
14 our employees was approximately \$1,036,000.

15
16 I declare under penalty of perjury under the laws of the State of California that the
17 foregoing is true and correct.

18 Executed this 20 day of April, 2011, at Bakersfield, California.

19
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21 

22 Kristi Lutrel
23 Sierra Transport, Inc.