CARMEN A. TRUTANICH (SBN 86629)
City Attorney
EDWARD M. JORDAN (SBN 180390)
Assistant City Attorney
CITY OF LOS ANGELES
1800 City Hall, 200 N. Main Street
Los Angeles, CA 90012-4110
Telephone: (213) 978-8100
Facsimile: (213) 978-8211
Email: ted.jordan@lacity.org

GARY J. SMITH (SBN 141393)
ZACHARY M. NORRIS (SBN 268616)
BEVERIDGE & DIAMOND, P.C.
456 Montgomery Street, Suite 1800
San Francisco, CA 94104-1251
Telephone: (415) 262-4000
Facsimile: (415) 262-4040
Email: gsmith@bdlaw.com
znorris@bdlaw.com

JAMES B. SLAUGHTER (pro hace vice pending)
BEVERIDGE & DIAMOND, P.C.
1350 I Street, N.W., Suite 700
Washington, D.C. 20005-3311
Telephone: (202) 789-6000
Facsimile: (202) 789-6190
Email: jslaughter@bdlaw.com

Attorneys for Plaintiffs City of Los Angeles, Responsible Biosolids Management, Inc., R&G Fanucchi, Inc., and Sierra Transport, Inc.

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF TULARE

CITY OF LOS ANGELES; COUNTY SANITATION DISTRICT NO. 2 OF LOS ANGELES COUNTY; ORANGE COUNTY SANITATION DISTRICT; RESPONSIBLE BIOSOLIDS MANAGEMENT, INC., R&G FANUCCHI, INC.; SHAEN MAGAN, BOTH INDIVIDUALLY AND D/B/A HONEY BUCKET FARMS AND TULE RANCH/MAGAN FARMS; WESTERN EXPRESS, INC.; CALIFORNIA ASSOCIATION OF SANITATION AGENCIES,

Plaintiffs,

v.

COUNTY OF KERN; KERN COUNTY BOARD OF SUPERVISORS,

Defendants.

Case No. Civ. 242057

DECLARATION OF STEVE STOCKTON SUPPORTING PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

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

I, Steve Stockton, declare as follows:

Qualifications And Summary Of Declaration

1. I am Vice President of Responsible Biosolids Management, Inc. ("RBM"), a Plaintiff in this action. I submit this declaration in support of Plaintiffs' Motion for Preliminary Injunction. The facts stated in this declaration are based on my personal knowledge, and I could and would testify competently to these facts if called upon to do so.

2. I was born in Kern County and raised in a small agricultural community nearby. My family has farmed continuously for more than a century. We raised beef cattle and at an early age I developed skills in animal husbandry and growing hay and other feed crops. After high school, I joined the U.S. Marine Corps, served in Vietnam, and was honorably discharged in 1970 with the rank of sergeant.

3. I have been involved in agriculture steadily since that time. I received an Associate Degree in Agriculture from Bakersfield College in 1971. I then worked as a research assistant at the School of Veterinary Medicine, University of California at Davis. I completed my formal education in 1991, receiving a Bachelor's Degree and LL.D. from the Southern California Institute of Law.

4. In the 1970s and 1980s, I managed landscape businesses, which included extensive work regarding soils, fertilizers, organic amendments and horticulture. I also maintained my involvement with the family cattle business. In 1986, I began work as an agricultural consultant.

5. In 1992, I joined RBM as Vice President and Chief Technical Officer and have remained employed there to the present. In my 18 years at RBM, I have learned and become experienced in many aspects of beneficial use of biosolids in Southern California, with an emphasis on land application of biosolids. My expertise includes management of land application, compliance with EPA's Part 503 regulations, compliance with regulations and orders of California's State and Regional Water Boards, and compliance with local ordinances.

6. This declaration describes RBM, the recycling of biosolids utilizing land application at the City of Los Angeles' Green Acres Farm, and the effects of the Kern County biosolids ban (the "Kern Ban" or "Ban") on RBM. As explained below, the Kern Ban, if allowed to take effect, will immediately impose substantial and irreparable burdens on RBM and its employees.

Background Regarding RBM

7. RBM is a small business with 14 employees, with offices in Santa Barbara and Lompoc, California. RBM's expertise and its entire business consist of the safe and effective recycling of biosolids via application to farmlands to grow crops for animal feed.

8. RBM contracts with the City of Los Angeles, also a Plaintiff in this action, to oversee the transportation of the City's biosolids to Green Acres and to beneficially reuse the biosolids there through land application to grow animal feed crops. Green Acres is located in an unincorporated area of Kern County about 15 miles southwest of the City of Bakersfield. RBM has land applied biosolids at the Green Acres site since 1994 and has contracted directly with the City since 1996.

RBM's Reporting and Recordkeeping Activities

9. To fulfill its contract with the City, in 2010 RBM was responsible for recycling approximately 515 wet tons of biosolids each and every day of the year. Among other duties, RBM's responsibilities include (i) planning for the management of biosolids, taking into account the amount of biosolids that can be applied to a particular field, the crops suitable for that field at that time of year, and the market for that crop; (ii) sampling, monitoring, reporting and record-keeping relating to biosolids and the Green Acres; (iii) spreading and incorporating the biosolids into the soil at Green Acres; (iv) training workers; and (v) coordination with the farmer at Green Acres and City of Los Angeles personnel. RBM works closely with R&G Fanucchi, Inc. (also a Plaintiff in this case), a family farming business that has a contract with the City to conduct custom farming operations at Green Acres using biosolids and to sell crops harvested there, mainly to local dairies.

10. RBM assists the City in assuring compliance with federal biosolids regulations (EPA's Part 503 rules); California requirements, including the mandates of the State Water Resources Control Board ("SWRCB") and the Central Valley Regional Water Quality Control Board ("RWQCB"), the agency charged with protecting surface waters and groundwater throughout the Central Valley; and Kern County's local biosolids regulations (with which RBM has complied before and after the passage of Measure E, including after the 2006 preliminary injunction and 2007 permanent injunction entered in prior federal court litigation challenging Measure E). Among other documentation and reporting, RBM prepares and files:

(i) **Pre-application reports**. Prior to each application of biosolids, these reports are submitted to the RWQCB, explaining the amount of biosolids that will be applied to a specific field and establishing that Part 503 requirements for nutrients and metals limits are met and the proper agronomic rates (see Paragraph 14 below) are not exceeded;

(ii) **Post-application/summary field reports**. When activities in a specific field are complete – usually after harvest and always before more biosolids are applied – RBM reassesses and compiles data on the amount of biosolids applied and nutrients and metals loading for that particular field, and prepares a post-application report;

(iii) **Monthly activity reports**. At the end of each month, reports are submitted to the RWQCB and Kern County Environmental Health Services ("Kern EHS") indicating where biosolids have been applied, the source of applied biosolids, and the total wet and dry tons applied by acreage and per field.

(iv) **Quarterly reports on metals and pathogens**. As required by Kern County regulations as they existed prior to Measure E, on a quarterly basis biosolids are sampled directly at the field, before incorporation into the soil, for certain bacteria, helminth ova, enteric viruses, PCBs, and dioxins;

(v) **Annual reports**. These reports, submitted to the RWQCB as well as EPA Region IX, include all summary field reports spanning a calendar year, as well as aggregate reports on cumulative metals loads in each field and farmwide summary reports, collectively further demonstrating on an annual basis Green Acres' compliance with all applicable regulations; and

(vi) **Three-Year Soil Reports**. As required by Kern County regulations preceding Measure E, every three years or after 40 dry tons per acre have been applied to a field, RBM tests the soil for heavy metals, PCBs and dioxins. These soil samples are analyzed and the results are reported directly to Kern County. The last report was submitted on April 1, 2010.

11. In addition to formal reporting, RBM provides the City copies of the Monthly Activity Reports and is in constant communication with the City regarding all land application activities and issues. The City has a full-time employee of its Bureau of Sanitation, Randy Womble, onsite at Green Acres Farm as well. Staff from RBM, the City, R&G Fanucchi, Inc. (the City's contract farmer at Green Acres), and Sierra Transport, Inc. (the biosolids hauler) attend regularly scheduled monthly meetings at the farm, and Mr. Womble submits a report to the City Bureau of Sanitation following each meeting.

12. All farm activities and sampling data are entered and maintained by RBM in a relational database. The data include (among other information) biosolids analyses, field descriptions, and daily activities. The database also aids RBM in preparing the reports described above. These reports have uniformly demonstrated full compliance with all regulatory requirements at Green Acres.

Recycling Biosolids through Land Application at Green Acres Farm

13. Green Acres has approximately 4,700 acres available for land application, which is divided into 54 separate fields. The site is bordered by several dairies to the east and south, as large as 7,000 cows each. The north side is vacant land and the west side is bordered by several small industrial buildings. The nearest residences are located approximately ½ mile from the farm on the dairy properties and one residence is located to the west approximately ¼ mile from the property behind the industrial buildings. The general area is remote and undeveloped.

14. Before any biosolids are applied, RBM determines the amount of biosolids that can be applied to a particular field for a particular crop. As prescribed by EPA's Part 503 regulations, this is done by calculating the "agronomic rate" for a particular field. This agronomic rate assesses the amount of nitrogen needed by a crop for optimal growth, the amount of nitrogen supplied to the plants by the biosolids, the amount of nitrogen available to plants from the soil and irrigation water, the amount of nitrogen that will volatize, and other factors.

This entire process is recorded in a pre-application report, which is submitted to the RWQCB before land application commences.

15. Approximately 15-20 tractor trailer loads of biosolids arrive each day at Green Acres from the City of Los Angeles. The fields that are approved and ready for biosolids are marked and the trucks drive into the fields where they tip their trailers to unload the biosolids. Front-end loaders then scoop the biosolids and stage them across the fields. A short wheelbase landplane is then used to spread the biosolids evenly across the field. A disc is then pulled behind a tractor to incorporate (mix) the biosolids into the first 10 inches to 12 inches of soil within 3 hours after biosolids have been unloaded at the farm. Planting of the crops (corn, wheat, alfalfa, Sudan grass, and milo) occurs within approximately two months of the land application, and usually within two to three weeks. Visual representations of some of these activities are from Green Acres:

16. Like other farms in Southern California, Green Acres depends on irrigation water to grow crops. Under a permit issued by the RWQCB, approximately 80 to 85 percent of the irrigation water used at Green Acres Farm is secondarily treated effluent from the City of Bakersfield wastewater treatment plant. Use of treated secondary effluent for crop irrigation is a widespread practice in the western United States and furthers the recycling and beneficial use goals of Green Acres Farm. This partnership with the City of Bakersfield enables Green Acres Farm to have to use only a small amount of its allotment of water from the Kern Delta Water District's irrigation canals or from wells on the site. Fulfillment of this arrangement would become significantly complicated if Measure E prevents farming with biosolids at Green Acres.

17. The City of Bakersfield has responsibility for monitoring and reporting data from numerous groundwater monitoring wells and dry wells at or near Green Acres. More than thirty wells are monitored by employees and independent technical consultants for the City of Bakersfield, Kern Delta Water District, Kern County Water Agency and the California Department of Water Resources. These reports have shown that there is no degradation, and no threat of degradation, of groundwater quality from activities at Green Acres. In 2003, after an investigation of groundwater issues, the Kern County Water Resources Committee concluded that "land application can be permitted to occur with appropriate regulatory oversight." Memorandum of David Price, Water Resources Committee Secretary, to Kern County Water Resources Committee (Sept. 8, 2003). (The memorandum is attached as Exhibit 1 to this declaration.)

Regulation of Land Application By Kern County

18. At the state level, Green Acres Farm operates under the requirements of SWRCB General Order No. 2004-12-DWQ, which governs land application of biosolids statewide, and the authority of pre-existing Regional Board Orders governing land application and irrigation with Bakersfield effluent. Together, these orders (along with Part 503 and Kern County requirements) impose many specific management practices, as well as monitoring,

record-keeping, and reporting requirements. Green Acres Farm complies with all of these requirements.

19. RBM and the City have always worked closely with Kern County authorities regarding land application of biosolids. When RBM was researching potential sites for land application in the early 1990s, maps and other data were reviewed with the Kern County Water Agency, United States Department of Agriculture Soil Conservation Service, Kern County Agricultural Commissioner, and other interested parties. The Kern County Water Agency specifically recommended the area where the current Green Acres site is located as a good location for land application. Since Kern County passed its first ordinance regulating land application in 1998, RBM and the City have complied with all Kern County requirements and have cooperated with scores of unannounced inspections of Green Acres Farm by personnel from Kern EHS. Each year since Kern County began regulating land application, through 2010, RBM has paid $8,000 annual fees to the County. Under Kern's pre-Ban biosolids ordinance, payment of the annual fee and compliance with the County's biosolids regulations entitled RBM to receive a nondiscretionary annual permit from the County for land application at Green Acres. RBM tendered its renewal fee for 2011 on January 5, 2011. Kern EHS returned the check postmarked January 20, 2011.

20. Public outreach and education has been an important component of both RBM's and the City's operation and stewardship of Green Acres. The City of Los Angeles and RBM have regularly hosted community groups, leaders, and the media at Green Acres Farm for tours and meetings. In 2002, the City constructed a Conference Center at Green Acres, in part to facilitate tours and meetings. Both RBM and the City distribute information regarding Green Acres and biosolids recycling and respond promptly to all public requests for information. RBM is the recipient of numerous Safety Excellence awards from the State Compensation Insurance Fund and the National Biosolids Partnership's Environmental Management System Award. RBM has also contributed to the welfare of Kern County since 1999 through its support of youth

education and sports programs in Kern County such as youth football, basketball, baseball, and the 911 Race for Youth.

21. Green Acres is a normal farming operation and operates in full regulatory compliance. There have been no reported illnesses linked to land application of biosolids at Green Acres. The Class A EQ biosolids prepared by the City do not leave significant odor after they have been incorporated into the soil. Over the years, RBM is aware of very few odor complaints to Kern EHS; these few complaints are usually traced back to other nearby sources including dairies and a gas station. RBM also cooperates with Kern County Parks and Recreation to ensure Green Acres Farm presents no adverse effects on recreation areas, including Buena Vista Aquatic Recreation Area.

22. The relationship between land application of biosolids at Green Acres and fly populations at Buena Vista Aquatic Recreational Area has been examined for over a decade. There has been no documentation that land application at Green Acres is responsible for perceived issues with flies at Buena Vista. Rather, all indications to date suggest that flies at Buena Vista emanate from the numerous local dairies.

23. An extraordinary rain event occurred between December 16, 2010 and December 21, 2010, depositing 4.5 inches of rain. This rainfall is comparable to the average *annual* rainfall at the site and dramatically more than the average for the month December, which is less than one inch. The result was that on December 20, 2010 our irrigation tailwater and floodwater control systems were overwhelmed and rainwater from one of our fields and from the public road right of way crossed over at the corner of Enos Lane and Union Road adjacent to Green Acres Farm. By December 22, 2010, after consultation with Kern EHS, we had installed a high horsepower booster pump and portable pipe at the tailwater pond near that intersection and had drawn down the water level so that the rainwater was no longer crossing the road. On December 28, 2010, Kern EHS requested RBM to provide plans to address the existing conditions and prevent further flooding, which RBM timely provided on January 7, 2010. On January 4, 2011, Kern EHS issued a "Notice of Violation" to RBM pursuant to Kern's pre-Ban

biosolids ordinance in connection with alleged runoff of water from Green Acres. RBM has fully responded to this notice of violation, and Kern County has requested no further action. A Kern EHS analysis of a water sample collected December 21, 2010 indicated no significant numbers of pathogens present. (The analysis is attached as Exhibit 2 to this declaration.)

24. RBM has monitored the efforts of activists to undermine and end biosolids recycling at Green Acres, and has attempted to engage all stakeholders in fact-based discussions regarding Green Acres and biosolids. These positive efforts by the City and RBM have been hampered by the 2006 political campaign that led to the passage of the ballot initiative ("Measure E") that banned land application, which is the subject of this lawsuit. "Keep Kern Clean," the organization that organized, sponsored and campaigned for the ballot imitative, specifically called for barring "Los Angeles sludge" from Kern County in both written and oral statements, with such statements as: "Measure E will stop L.A. from dumping on Kern," "we've got a bully next door, flinging garbage over his fence into our yard," and "send the sludge packing." RBM was labeled as a "sludge peddler." Then-California State Senator Dean Florez, listed as the Controlling Official of Keep Kern Clean on its state Election Board reports, repeatedly advocated excluding Los Angeles biosolids from Kern County. For example, Mr. Florez stated: "A lot of voters are just kind of tired of being the dumping ground for everyone else in the state...Enough sludge, enough sexual predators, enough prisons, enough dairies. When does the county stand up for itself?" Examples of further attacks on the Plaintiffs are pasted below, as well on the website http://www.stopdumpingonkern.blogspot.com.

25. Kern's targeting of Plaintiffs was expressly recognized by the court in Plaintiffs' prior federal court challenge to Measure E, in its decisions issued before dismissal of that case on procedural grounds. *See City of Los Angeles v. County of Kern*, 462 F. Supp. 2d 1105, 1114 (C.D. Cal. 2006) (granting preliminary injunction to Plaintiffs against enforcement of Measure E); *City of Los Angeles v. County of Kern*, 509 F. Supp. 2d 865, 876-77 (initially granting summary judgment to Plaintiffs on some of their claims).

26. Kern County does not regulate the land application of biosolids by Bakersfield and other cities in Kern County which annually land apply thousands of tons of biosolids on farm land within city boundaries. Currently, only two farm sites land apply biosolids in the unincorporated area of Kern County, and these are the only two that must cease land application under the Ban – Green Acres Farm, and Honeybucket Farm in northwestern Kern County, also a Plaintiff in this lawsuit. These two farms comprise only about 1% of farmland under cultivation in Kern County. The Kern Ban is targeted at and only affects out-of-county generators of biosolids.

Harm To RBM And Its Employees From The Ban

27. Measure E required cessation of land application at Green Acres within six months, subject to a hardship extension of a few months. RBM, the City, and their co-Plaintiffs filed suit in federal court and, based in part on a declaration I provided that was similar to this present declaration, obtained injunctive relief from November 20, 2006 through November 9, 2010. Currently, Kern faces no legal injunction to enforcement of its Ban.

28. The transportation and land application of biosolids requires much land, labor, equipment, management, and planning. RBM's business operates 365 days a year and must coordinate among the City, truckers, farmers, regulators, and other stakeholders. The company has a very large investment and ongoing commitment to this complex business arrangement. After 16 years of trouble-free operations, the looming shutdown due to the Kern Ban, and the City's obligation to continue to manage its biosolids, is causing and will cause substantial and irreparable harm to RBM and its employees.

29. RBM has made significant investments to support the City's land application program at Green Acres. For example, RBM has installed permanent improvements at Green Acres, including the construction of concrete wash pads for cleaning trucks that haul biosolids, water pipelines, and roadway improvements. RBM has also purchased and/or leased tractors, loaders, plows, a spreader and a disc, a land plane, water trucks, fuel trailer, and a water wagon. RBM has invested approximately $700,000 in this specialized equipment, the value of which is diminished if not used for a large land application operation.

30. In 2010, RBM's work for the City of Los Angeles generated approximately $5.6 million per year in revenues. In 2008 and 2009, gross revenues were $6.6 million and $6.3 million, respectively.

31. The new Kern Ban will impose substantial and irreparable burdens on RBM and its employees. The Ban could force RBM out of business, since its work managing the City's land application program at Green Acres currently constitutes the entirety of RBM's business. If RBM goes out of business, it will not only lose $5.6 million in annual contract

revenues, it will also have to sell the specialized equipment it has purchased and terminate its equipment leases prematurely, and will therefore lose the return on these significant investments.

32. If RBM survives the Kern Ban, it would still face many uncertainties and significant hardships. The Ban will force the City to attempt to relocate its biosolids operations to alternative locations. RBM's investigation of possible alternative locations indicates that the City will have to attempt to rely on one or more new land application sites in Arizona. Therefore, in order to continue its role in administering the City's land application program, RBM would have to attempt to move those aspects of its business that are capable of being transferred to those distant new sites, or rely on as yet unproven and unreliable technologies that have environmental consequences that are significant.

33. The Ban will therefore eliminate the competitive business advantage that RBM has developed at Green Acres due to its extensive knowledge and experience at the site. Furthermore, relocation to Arizona would require RBM to undertake numerous expensive and burdensome tasks.

34. For example, to oversee hauling of biosolids from the City to potential new land application sites in Arizona, RBM may have to establish a new transfer station for truck drivers making the long haul. These sites are as far as 12-15 hours round-trip from Los Angeles, or more depending on the traffic. This compares unfavorably with approximately five to six hours round-trip from the City to Green Acres, and produces additional carbon emissions from long distance hauling.

35. In addition, land application sites in western Arizona are relatively remote and lack sufficient infrastructure and housing. RBM would need to rent or construct an office facility to support the transportation and land application of biosolids, which occurs 365 days a year. RBM probably would also have to rent or construct an equipment maintenance facility. Such a facility would need to include an enclosed shop with high ceilings, double wide roll-up doors, 220-volt three-phase electricity, hoists, welders, compressors, tools and inventory parts for maintenance and repair of the equipment used for land application. Restrooms, showers, potable

water, electricity and telephone service, as well as a water fill station to provide water for cleaning trucks and equipment and for dust mitigation, would also be needed.

36. Further, RBM would likely need to hire and train new local employees. As a responsible employer, RBM would also have to help these new employees (as well as any current employees who relocate from their positions at Green Acres) to find adequate, nearby housing.

37. In all, relocating RBM's land application activities would be a significant and expensive undertaking, which would require a large amount of capital investment and lead time and would also dramatically increase the costs for RBM's business. This is a substantial hardship for our small company.

38. Additionally, given the increasingly limited availability of sites for land application, the Kern Ban will result in significant increases in fees for managing biosolids. Arizona farmers are already anticipating a monopoly on the market and are looking to assess higher fees for land application and composting, which – in combination with higher transportation costs due to longer haul distances – would dramatically increase the costs of land application operations.

39. Green Acres Farm is ideal for land application of biosolids. The soil at Green Acres contains multiple layers of hardened silt known as hardpan approximately every 30 inches that prevent leaching and protect the groundwater. To insure the protection of groundwater underneath Green Acres, there are more than 30 groundwater monitoring wells on and around the Farm, including wells monitored by the City of Bakersfield, Kern Delta Water District, Kern County Water Agency and the California Department of Water Resources. Further, the Farm is easily accessible from Interstate Highway 5 and California State Highway 119. Since 1994, Green Acres has proven to be a safe, sound and effective location for land application of biosolids.

40. RBM has investigated farms in other areas. Many could benefit from the application of biosolids, but none match the combination of optimal conditions at Green Acres.

All of the alternative sites RBM has investigated would entail significantly higher costs for transportation and land application, less reliable access, higher costs to house employees, and a longer distance to sell crops at market which means higher fuel consumption and increased carbon emissions. These results are contrary to environmental stewardship and biosolids recycling efficacy. Moreover, other jurisdictions considering actions similar to Measure E will likely have the effect of making unavailable to municipalities the leading, EPA approved, and California supported option for beneficially recycling biosolids.

41. In sum, solely because of the Kern Ban, RBM stands to lose the benefit of its existing contract with the City, which is worth approximately $5.6 million in revenues per year and constitutes the entirety of RBM's business. It also stands to lose the return on the significant investments it has made in specialized equipment and constructed improvements at Green Acres. Even if RBM survives the Kern Ban, it will lose the competitive advantage it has built up at Green Acres over the past 16 years, and it will face greatly increased costs and uncertainty in all aspects of its land application operations.

42. Moreover, RBM employs a team of specially trained personnel to land apply biosolids at Green Acres, work that differs markedly from regular farming activities in its complexity and the need for constant supervision and labor. Given the nature of the work, the six full-time employees RBM uses at Green Acres to conduct land application operations earn a year-round wage that surpasses the local rate for farm labor. The Kern Ban would either force these employees to pick up with their families and quickly move to distant out-of-County locations (such as potential new land application sites in Arizona), or to try to find new farming jobs locally – jobs that may only be seasonal instead of year-round, and that most likely would not pay as well as or offer the same benefit package as their current employment with RBM. These job losses do not include Kern County residents employed by other contractors at Green Acres. Kern County is already suffering the consequences of some of the most severe unemployment in the nation, 15.4% in November 2010. Exhibit 3 to this declaration includes

unemployment statistics from State of California Employment Development Department, from November, 2010.

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

Executed this 22nd day of April 2011, at Lompoc, California.

Steve Stockton
Responsible Biosolids Management, Inc.

EXHIBIT 1

RESOURCE MANAGEMENT AGENCY — ***DAVID PRICE III, DIRECTOR***
Community and Economic Development Department · Engineering and Survey Services Department · Environmental Health Services Department · Planning Department · Roads Department

Phones: (661) 862-8800
(800) 552-5376 Option 5
Fax: (661) 862-8801
TTY Relay: (800) 735-2929

2700 "M" STREET, SUITE 350
BAKERSFIELD, CA 93301-2370
E-Mail: rma@co.kern.ca.us
Web Page: http://www.co.kern.ca.us/rma

KERN COUNTY WATER RESOURCES COMMITTEE

MEMORANDUM

TO: BIOSOLIDS TASK FORCE MEMBERS
KERN COUNTY WATER RESOURCES COMMITTEE

FROM: DAVID PRICE III
Water Resources Committee Secretary
Resource Management Agency Director

DATE: SEPTEMBER 8, 2003

SUBJECT: REPORT TO THE KERN COUNTY WATER RESOURCES COMMITTEE REGARDING THE LAND APPLICATION OF KERN COUNTY CLASS A-EQ BIOSOLIDS AND GROUNDWATER ISSUES

As promised at the Biosolids Task Force (Task Force) meeting on August 18, 2003, staff has prepared the following sections addressing the background, summary of presentations issues, and information provided at the four meetings held as part of the referral from the Kern County Water Resources Committee (Committee) to your Task Force. There has been a great deal of valuable information presented since our first meeting on March 17, 2003 and all interested parties have had an opportunity to share their perspective on this challenging issue. Also included for consideration by the Task Force is a draft final recommendation. Staff would encourage discussion on this matter and will seek the guidance of the Task Force at the September 8, 2003 meeting with respect to subsequent action to be considered by the full Committee.

BACKGROUND

The County of Kern (County) has regulated by ordinance the land application of Biosolids during the past three years. When adopted, the ordinance contained a successor ordinance that was to become effective on January 1, 2003. This successor ordinance banned any further land application of Class B Biosolids and allowed land application of Kern County Class A-EQ Biosolids without restriction. Subsequent to that time, the ordinance has been administered by the Environmental Health Services Department (EHS), a component department of the Resource Management Agency (RMA).

EHS staff have amassed a considerable body of experience regarding Class B Biosolids land application activity. During this period, staff found that the permitting, data collection and reporting, field inspection, and enforcement programs contained in the ordinance worked in the public interest and were efficient to administer. Based on this experience, staff recommended that a new ordinance be considered that in essence would not restrict the land application of Class A-Exceptional Quality (Class A-EQ) Biosolids, but would regulate the activity similar to the permitting, reporting, inspection, and enforcement programs under the prior ordinance.

Accordingly and at the request of the RMA, the Board of Supervisors (Board) on October 22, 2002 introduced an ordinance to regulate the land application of Class A-EQ Biosolids. As a part of its action, the Board accepted a public request that a task force be formed to consider groundwater quality impacts and that the RMA Director report back to the Board in four months. As a part of the November 26, 2002 ordinance adoption letter to the Board, the RMA Director proposed that rather than appoint a new entity, the Committee be designated to address the issue and advise the RMA Director regarding future actions. This recommendation was made because the Committee has existing authority to advise on water issues, including those related specifically to groundwater, and that the Committee is a more broadly representative body than would be a group comprised of parties only interested in the biosolids issue. The ordinance was adopted as introduced.

Since adoption of the permanent ordinance three years ago, there has been little in the way of new research or scientific findings regarding land application practices and/or health risk assessments. The predominant body of evidence has failed to establish a clear indication of risk to either humans or natural resources due to land application activities when those activities are conducted in accordance with existing regulations.

Based on the available information, the County now permits the land application of Class EQ Biosolids under a new program of monitoring and inspection that will create an otherwise unavailable body of information that identifies where and how land application activity has taken place. It is anticipated that this information will be useful as monitoring and evaluating continues to identify the implications related to land application activities in an arid climate, for which little data is available from other sources.

Nonetheless, there remained lingering concerns about any potential risk to groundwater resources. In order to be responsive to these concerns, a focused review of this issue was proposed to be undertaken while the new ordinance was implemented and thereby acquired additional information. To assist in this process, a task force of Committee members was appointed to work with County staff and other interested persons. The Biosolids Task Force would review groundwater issues related to the land application of Class A-EQ Biosolids and would report back to the Committee.

TASK FORCE MEETINGS SUMMARY–PRESENTATIONS, ISSUES, INFORMATION

A synopsis of key issues and information, chronologically presented by meeting date of the Biosolids Task Force, is listed below:

March 17, 2003

Stuart Pyle, Chairman of the Committee and the Task Force, provided an overview of the referral from the Board to the Committee.

The Committee in turn established the Biosolids Task Force to further review and make recommendations regarding the potential impact of the continued land application of biosolids on groundwater and to recommend changes to the current ordinance should they be deemed necessary. Mr. Pyle introduced the members of the Task Force, which include members of the KCWRC from each Supervisorial District (S.D.), as Will Boschman (S.D. #3), Robert Jasper (S.D. #2), Edward Herrera (S.D. #5), Allan Jaffe (S.D. #1), and Kenneth Paul (S.D. #4). In addition, David Price III, Director of the Kern County Resource Management Agency (RMA), was introduced as Committee Secretary, and Steve McCalley and Guy Shaw with the Environmental Health Services Department were introduced as staff.

David Price III, Secretary to the Task Force, informed the Task Force that this meeting would provide them with an understanding of the history of regulation of biosolids in Kern County, how the current program is administered, how permits are reviewed and processed and an overview of current application activities. He further outlined the content of future meetings, while noting that the April meeting would include a presentation by members of the generators and the Food Growers Against Sewage Sludge. The May meeting originally was to include a presentation by the Kern County Water Agency to share a perspective of the application of biosolids on groundwater banking activities and a general overview of ground water quality issues. This meeting was delayed until August to allow the Water Agency and staff to obtain more up to date and detailed information.

Steve McCalley, Director of EHS, provided comments on the development and evolution of the ordinance and implementation of the program to date, as follows:

- In 1997, desert residents raised initial concerns regarding odors emanating from trucks transporting "sludge". Subsequently, residents in the Cantil area voiced complaints regarding odors, blowing material, and the failure of farmers to use the material to grow crops. In the San Joaquin Valley, additional concerns were raised about deteriorating roads, odors, and nuisance flies in the vicinity of Shafter and Buena Vista Lake. These concerns prompted the Board to refer the issue to the RMA for an investigation of possible solutions to the alleged problems. This began a several year process of ordinance proposals, community meetings, scientific debates, modifications, and ongoing review of the issues that has let to our current referral and review.

- The general consensus was that the Federal Part 503 regulations failed to adequately address the issues of health, nuisance, and impacts to groundwater and agriculture. Also, there appeared to be a failure of the Federal agencies and the Regional Water Quality Control boards to effectively monitor the permitted sites to minimize nuisances. The Board took action on several occasions by enacting successive ordinances to address local concerns.

- At the high point of application under the Regional Board and Federal Part 503 oversight, there were approximately 53,000 acres approved for application of sludge. Our best estimates, however, indicate that a total of no more than 24,000 acres of that permitted area actually received material. As the level of Kern County regulation became more stringent, the amount of acreage under permit has been reduced to less than 9,000 acres today.

Guy Shaw, the EHS staff person charged with the daily oversight of the program, provided the following information regarding the Kern County Biosolids Ordinance:

- Unlike prior versions of the ordinance, the current ordinance allowed the application of Kern County Class A-EQ Biosolids on parcels anywhere throughout the county. Further the Kern County definition of biosolids was stricter that the Federal standard requiring testing and limits for polychlorinated biphenyls and dioxins, both possible contaminates that may be found in sludge hence causing concern for contamination.

- The ordinance requires a lengthy application including testing for agronomic constituents of soil, various chemical constituents that may be part of the biosolids including helminth ova and salmonella, as well as a variety of information regarding site-specific criteria, application procedures, and agronomic needs. The key element of the testing is to assure that the material meets the Kern County Class A-EQ standard before it is applied.

Blake Sandin, an advisor with the University of California Cooperative Extension Service, offered to share his experience and information gained during his four years of field trial and observations of biosolids use in Kern County. A research paper prepared by Mr. Sandin was provided to Task Force members.

As the presentations occurred, members of the Task Force asked numerous questions of the presenters seeking clarification. An opportunity was also accorded to members of the audience to ask questions or clarify issues that occurred during the presentations.

The next meeting was scheduled for April 21, 2003 with presentations by the Publically Owned Treatment Works (POTW's) and Food Growers Against Sewage Sludge.

April 21, 2003

Chairman Pyle called the meeting to order. Chairman Pyle noted that today's meeting would be focused on the Impacts to Groundwater of Land Application of Kern County Class A-EQ Biosolids. Presentations would be made by the Publicly Owned Treatment Works (POTWs) – a collaborative presentation by the City of Los Angeles, Orange County Sanitation District, and the City of Oxnard – all producers of biosolids that are land applied in Kern County. Another viewpoint would be presented by the Food Growers Against Sewage Sludge. Each of the two was limited to 45 minutes for their presentation.

The presentation by the POTWs began a very informative session.

Diane Gilbert, with the City of Los Angeles, began the POTW presentation with a three-minute video entitled "Imagine" showing how the biosolids "product" is trucked to and applied in the field. This video noted many of the requirements contained in the Kern County Ordinance such as assuring the loads are covered; the material is incorporated into the soil in a timely manner, and the agronomic aspects of the process.

Ms. Gilbert was followed by Layne Baroldi, with the Orange County Sanitation District, who presented a power point presentation entitled "OCSD's Pretreatment Program and the SWRCB General Order EIR." This presentation focused upon the key aspects of sewage monitoring prior to arrival at the treatment plant intended to assure that potentially harmful industrial materials are not received and do not become part of the treatment process and hence part of the biosolids material applied in Kern County. It was noted that all POTW's have this type of program that physically inspects the sewage flows for chemical content. He further shared key aspects of the evolution of the State Water Resources Control Board (SWRCB) General Order EIR.

It was noted that the requirements of this Order provide for the standards that biosolids may be applied under including testing, reporting, application standards, cropping restrictions and process for approval. These requirements use the Federal Part 503 standards as their basis yet are less restrictive than Kern County Ordinance requirements.

Both presentations by Ms. Gilbert and Mr. Baroldi included the significant changes that have been made by the POTWs to meet the Class A-EQ Kern County standard including significant plant upgrades, testing, and on-site monitoring. All of which have had an impact on their respective budgets.

Sterling Cox, a consultant for the City of Oxnard, also made a brief statement regarding the City's program and application process.

The Food Growers Against Sewage Sludge followed with their presentation.

Rebecca Lewis, with Marko Zaninovich Inc., provided a power point presentation entitled "Kern Food Growers Against Sewage Sludge." This presentation focused upon the concerns that the content of sewage sludge is a problematic combination of industrial wastes processed through the POTW system as a means of disposal. Further, that the materials contained in the sludge have an unknown impact on the soil, water and crops grown where the material is applied hence the need to strictly regulate or ban entirely the use of biosolids as a soil and crop amendment.

Paul Giboney, with M. Caratan Inc., followed Ms. Lewis with a power point presentation entitled "Sludge, Water Quality and Organic Chemicals." Mr. Giboney provided more detail regarding specific chemicals, including hazardous waste and pharmaceuticals, that may be found in sludge and the concern for health impacts and for long term impacts on soils, ground water, crops and perceptions of the agricultural community where sludge is used. He noted that there have been significant concerns in recent years regarding the adequacy of sewage treatment processes, including that the material is not being adequately treated yet becomes part of the effluent and is further concentrated in the sludge. Mr. Giboney introduced Ken Schmidt.

Ken Schmidt, a groundwater hydrologist, then presented an overview of groundwater issues entitled "Hydrology Issues with Sewage Sludge in Kern County" accompanied by a handout of key issues and facts. Mr. Schmidt shared concerns as to the potential impacts of sludge on the vast water basin under the San Joaquin Valley, the unknown fate and transport of sludge constituents, and the case for caution on the use of sludge in an effort to protect this valuable resource.

Howard Frick, a local farmer in the Lamont-Arvin area, reiterated the case for concern in recognition of the material presented by his fellow speakers.

Thirty minutes were then allowed for questions and answers related to the presentations.

With the formal presentations completed, Chairman Pyle took input from the audience. General comments were made and a discussion ensued regarding the effects of dairies, as well as the potential pollutants from fertilizers, manures, pesticides, and chemicals used in farming operations.

The next meeting was announced to be on May 19, 2003, with a presentation by the Kern County Water Agency, a perspective on land application, and the impacts of biosolids on their water banking and general operations.

May 19, 2003

The meeting originally scheduled for May 19, 2003, was postponed to August 18, 2003, due to scheduling concerns.

August 18, 2003

Chairman Pyle called the meeting to order. It was then announced that Mr. Herrera had submitted his resignation from the Task Force due to personal obligations. His resignation was accepted with regret.

Chairman Pyle briefly summarized the goals and objectives of the Task Force and then introduced the program for this meeting, which was a presentation by the Kern County Water Agency (KCWA). The KCWA staff was asked to provide an overview of the KCWA activities regarding water banking, surface and groundwater management, and protection of water quality.

Chairman Pyle introduced Rick Iger, with the KCWA, who presented a multimedia program on the activities and concerns of KCWA with regard to biosolids. Mr. Iger narrated a power point presentation, which included numerous maps (copies of which were provided to all Task Force members and members of the public that were present) outlining the broad soil conditions, underlying water quality, water depths, areas of concern for land application activities, and noted the relationship of past and current biosolids land application permitted sites. The presentation was informal and allowed for questions and discussion from the Task Force and the public throughout.

It was noted that the two northerly application sites appear to pose a minimal risk to groundwater as they are located in areas with existing quality problems, the depth to groundwater is a great distance, and/or the surrounding uses are less sensitive. The area noted near Buena Vista Lake, however, is located in a sensitive area and is of concern.

Discussion and questions centered around monitoring options, data development, and the review of possible strategies to contain or limit the potential adverse impacts of biosolids application.

Jim Beck, KCWA Assistant General Manager, provided a brief discussion of the KCWA Board of Directors' concerns as to biosolids application as it related to the various multi-million dollar efforts currently being undertaken to bank, protect and enhance water availability in Kern County.

Considerable discussion among the Task Force and the public occurred with respect to possible standards and implementation measures that could be considered to improve the administration of land application activities in Kern County.

Chairman Pyle and other Task Force members all expressed appreciation to the KCWA presenters and all previous presenters for a thorough exploration of the issues and concerns related to biosolids.

Shaen Magan, a farmer and biosolids applier, offered a tour of his facility to acquaint members of the Task Force with site-specific details of material application. It was agreed that the Task Force and interested public would meet at the Tule Ranch on August 29, 2003, at 10:00 a.m. to tour the facility. As this tour is an official special meeting of the Task Force, public notice of the meeting was mailed to interested parties and posted.

August 29, 2003

Task Force members and the public convened at Tule Ranch for a description of the lime stabilization process employed to process biosolids into Kern County Class A-EQ Biosolids for land application purposes. Shaen Magan provided a detailed discussion of the mixing process as well as the staging, spreading, and incorporation practices used on the ranch.

CONCLUSIONS AND FINDINGS

On October 22, 2002, the Board asked the RMA Director to convene a committee of persons that would consider whether additional safeguards were required to protect groundwater with respect to the land application of Kern County Class A-EQ Biosolids. On November 26, 2002, the RMA Director advised the Board of the future role of the Committee in further review of this issue. It was determined that the Committee, which is authorized by California Government Code section 25699 and enabling Board adopted local ordinances, was the appropriate body to conduct the review because the Board has vested it with authority to advise the Board on the water resources of the County.

On January 13, 2003, the Committee approved a staff recommendation that the chairman of the Committee appoint a representative cross-section of Committee members to the Task Force. The chairman did so at that meeting and all those appointed accepted their appointments. Subsequently, notice of all meetings has been posted and mailed to all those on the Biosolids and Committee mailing lists.

During the activities and deliberations of the Task Force, correspondence and other information has been received from a number of sources including proponents, opponents, and the University of California and all has been made a part of the record. Its proceedings to date has led the Task Force to the following conclusions:

- The Board has found that the land application of Kern County Class A-EQ Biosolids can be permitted to occur with appropriate regulatory oversight.

- Although some research activity is continuing, there has been no substantially conclusive body of knowledge established since the ordinance banning the land application of Class B Biosolids was enacted by the Board. Even the recently published National Academy of Sciences' National Research Council report, "Biosolids Applied to Land: Advancing Standards and Practices", did not establish a clear public health threat.

- Much of the acreage now under land application permit does not pose a verifiable risk to groundwater resources. One permitted site adjacent to groundwater recharge projects is, however, a site of concern due to as of yet undetermined but potential risk.

- Due to the amount of County resources required to undertake ongoing reviews related to this topic, it is desirable to select a course of action that would require a lesser amount of attention while still allowing for efficient and consistent regulatory oversight of land application activities.

- As new information becomes available that would justify new and more detailed examination of new evidence, then such a reassessment should be undertaken.

- County staff should work with the POTWs to develop localized research programs that can obtain data useful to the further review of potential impacts of land application practices.

RECOMMENDATION

THEREFORE, IT IS RECOMMENDED that the Kern County Water Resources Committee recommend the following actions to the Board of Supervisors:

1. The Biosolids Land Application Ordinance be amended as follows:
    a. Allow continued permitting of fields that were permitted prior to January 1, 2004, and
    b. Allow staff to require groundwater monitoring for sites of concern that overlay water aquifers, and
    c. Restrict permitting of new sites to those areas that are determined to pose minimal risk to groundwater resources, and
    d. Readopt the previously adopted Biosolids Transportation Impact Fee, and
    e. Make minor, non-substantive changes.

2. Direct staff to work with the POTWs concerning the creation of local, specialized research activities that support efforts to better assess the impact of land application activities on groundwater resources.

EXHIBIT 2

BioVir Laboratories, Inc

NELAC #05234CA
EPA ID# 01401, CA-ELAP #179

685 Stone Road, Unit 6 • Benicia, CA 94510 • (707) 747-5906 • 1-800-GIARDIA • FAX (707) 747-1751 • WEB: www.biovir.com

REPORT NO.: 102375
PAGE NO.: 1 of 3
CLIENT: B.C. LABORATORIES, INC.
ADDRESS ACCOUNTS PAYABLE
4100 ATLAS COURT
BAKERSFIELD, CA 93308
CLIENT NO BCL001 **CLIENT PO:** 1017915

ASSAY RESULTS:

Test: Helminth Ova **Method: EPA 600/R-92/013 modified**

BioVir #	Sample ID	Site	Analyte	Result	Units
102375-001	1	#5	Viable Helminth Ova	<1	Helminth Ova / Liter

Collector: Not listed CollectDate 12/21/2010 CollectTime: 2:50:00 PM
ReceiveDate 12/22/2010 10:25:00 AM Matrix: Raw Water Temp 6.6
Volume: 1 L Analysis Start Date: 12/22/10 Analysis Start Time: 1140
Analyst: SMullaney Analysis End: 1/21/2011

Comment Per Chrissy Herdon, OK to run per volume examined, OK for modified, OK to run past hold time for Salmonella.

BioVir #	Sample ID	Site	Analyte	Result	Units
102375-002	2	#10	Viable Helminth Ova	<1	Helminth Ova / Liter

Collector: Not listed CollectDate 12/21/2010 CollectTime: 3:16:00 PM
ReceiveDate 12/22/2010 10:25:00 AM Matrix: Raw Water Temp 6.6
Volume: 1 L Analysis Start Date: 12/22/10 Analysis Start Time: 1140
Analyst: SMullaney Analysis End: 1/21/2011

Comment Per Chrissy Herdon, OK to run per volume examined, OK for modified, OK to run past hold time for Salmonella.

Test: Salmonella Species **Method: US EPA 1682 - MSRV**

BioVir #	Sample ID	Site	Analyte	Result	Units
102375-001	1	#5	Salmonella spp.	<2.2	MPN/100ml

Collector: Not listed CollectDate 12/21/2010 CollectTime: 2:50:00 PM
ReceiveDate 12/22/2010 10:25:00 AM Matrix: Raw Water Temp 6.6
Volume: 1 L Analysis Start Date: 12/22/10 Analysis Start Time: 1123
Analyst: JTruscott Analysis End: 12/24/2010

Comment Per Chrissy Herdon, OK to run per volume examined, OK for modified, OK to run past hold time for Salmonella.

CLIENT: B.C. LABORATORIES, INC.
ADDRESS ACCOUNTS PAYABLE
4100 ATLAS COURT
BAKERSFIELD, CA 93308
CLIENT NO BCL001 **CLIENT PO:** 1017915

ASSAY RESULTS:

Test: Salmonella Species Method: US EPA 1682 - MSRV

BioVir #	Sample ID	Site	Analyte	Result	Units
102375-002	2	#10	Salmonella spp.	<2.2	MPN/100ml

Collector: Not listed CollectDate 12/21/2010 CollectTime: 3:16:00 PM
ReceiveDate 12/22/2010 10:25:00 AM Matrix: Raw Water Temp 6.6
Volume: 1 L Analysis Start Date: 12/22/10 Analysis Start Time: 1123
Analyst: JTruscott Analysis End: 12/28/2010

Comment Per Chrissy Herdon, OK to run per volume examined, OK for modified, OK to run past hold time for Salmonella.

Test: Total Culturable Virus Method: EPA 600/R-95/178

BioVir #	Sample ID	Site	Analyte	Result	Units
102375-001	1	#5	Total Culturable Virus	< 5.5	MPN/L

Collector: Not listed CollectDate 12/21/2010 CollectTime: 2:50:00 PM
ReceiveDate 12/22/2010 10:25:00 AM Matrix: Raw Water Temp 6.6
Volume: 1 L Analysis Start Date: 12/22/10 Analysis Start Time: 1208
Analyst: ValentinaL Analysis End: 1/18/2011

Comment Per Chrissy Herdon, OK to run per volume examined, OK for modified, OK to run past hold time for Salmonella.

BioVir #	Sample ID	Site	Analyte	Result	Units
102375-002	2	#10	Total Culturable Virus	< 5.5	MPN/L

Collector: Not listed CollectDate 12/21/2010 CollectTime: 3:16:00 PM
ReceiveDate 12/22/2010 10:25:00 AM Matrix: Raw Water Temp 6.6
Volume: 1 L Analysis Start Date: 12/22/10 Analysis Start Time: 1208
Analyst: ValentinaL Analysis End: 1/18/2011

Comment Per Chrissy Herdon, OK to run per volume examined, OK for modified, OK to run past hold time for Salmonella.

REPORT NO.:	102375
PAGE NO.:	3 of 3
CLIENT:	B.C. LABORATORIES, INC.
ADDRESS	ACCOUNTS PAYABLE 4100 ATLAS COURT BAKERSFIELD, CA 93308
CLIENT NO	BCL001 **CLIENT PO:** 1017915

ASSAY RESULTS:

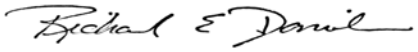
SAMPLE EVALUATION PERFORMANCE CRITERIA: The precise rates of recovery of organisms from environmental samples cannot be determined. B ioVir Laboratories has analyzed your sample(s) in accordance with the method described with each analyte above, however, due to inherent limitations of these methods organisms may avoid detection. For additional information regarding the limitations of the method(s) referred to above please call us at 1-800-GIARDIA.

COMPANY IS NOT AN INSURER: BioVir Laboratories is not an insurer or guarantor of the quality and/or purity of water, wastewater, biosolid or other material from which the sample was taken. BioVir offers no express or implied warranties whatsoever concerning the quality or purity of any water, wastewater, biosolid or other material which is ultimately consumed, distributed, applied or disposed.

MAINTENANCE OF RECORDS: BioVir Laboratories, Inc. shall maintain records pertaining to the historical reconstruction of client's data for a minimum of five years from the date of issuance of the final report. Records m ay be destroyed after that date unless a written client's request for records transfer is received by BioVir which requests otherwise. Records transfer or storage charges may apply after the 5 year period. THIS REPORT SHALL NOT BE REPRODUCED, EXCEPT IN FULL, WITHOUT THE WRITTEN APPROVAL OF BIOVIR LABORATORIES, INC.

1/28/2011

Date:



Signature

Quality Checked dcelio

EXHIBIT 3

State of California
EMPLOYMENT DEVELOPMENT DEPARTMENT
Labor Market Information Division
2555 S. Elm Ave.
Fresno, CA 93706

December 17, 2010

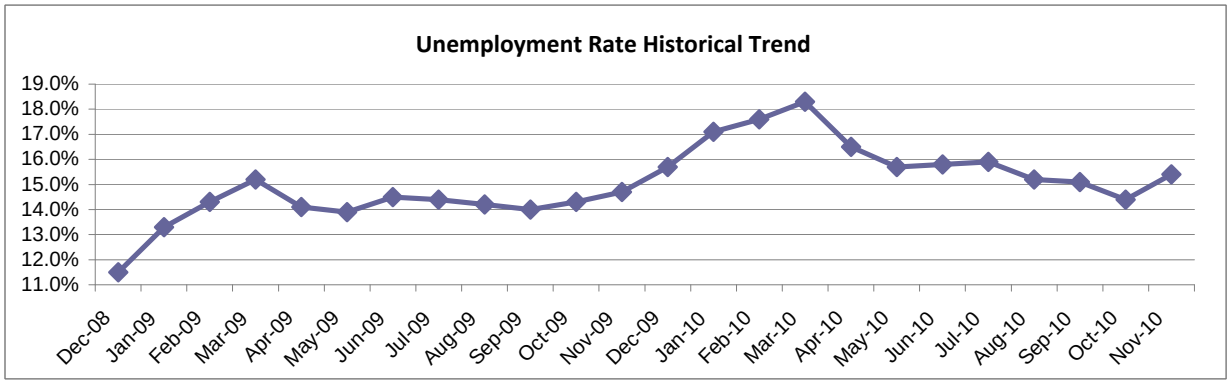
Sheila Urdesich
559/445-5708

IMMEDIATE RELEASE

BAKERSFIELD DELANO METROPOLITAN STATISTICAL AREA (MSA)

(Kern County)

The unemployment rate in the Kern County was 15.4 percent in November 2010, up from a revised 14.4 percent in October 2010, and above the year-ago estimate of 14.7 percent. This compares with an unadjusted unemployment rate of 12.4 percent for California and 9.3 percent for the nation during the same period.



Industry	Oct-2010 Revised	Nov-2010 Prelim	Change		Nov-2009	Nov-2010 Prelim	Change
Total, All Industries	269,300	267,700	(1,600)		274,200	267,700	(6,500)
Total Farm	46,700	43,500	(3,200)		47,400	43,500	(3,900)
Total Nonfarm	222,600	224,200	1,600		226,800	224,200	(2,600)
Mining and Logging	9,800	9,900	100		9,600	9,900	300
Construction	10,900	10,900	0		12,000	10,900	(1,100)
Manufacturing	13,100	12,900	(200)		12,900	12,900	0
Trade, Transportation & Utilities	41,100	41,600	500		42,300	41,600	(700)
Information	2,600	2,600	0		2,700	2,600	(100)
Financial Activities	8,200	8,200	0		8,500	8,200	(300)
Professional & Business Services	23,700	23,800	100		24,200	23,800	(400)
Educational & Health Services	26,200	26,200	0		25,900	26,200	300
Leisure & Hospitality	20,600	20,500	(100)		20,500	20,500	0
Other Services	6,700	6,800	100		6,600	6,800	200
Government	59,700	60,800	1,100		61,600	60,800	(800)

Notes: Data not adjusted for seasonality. Data may not add due to rounding
Labor force data are revised month to month
Additional data are available on line at www.labormarketinfo.edd.ca.gov

December 17, 2010

Employment Development Department
Labor Market Information Division
(916) 262-2162

Bakersfield Delano MSA

(Kern County)

Industry Employment & Labor Force
March 2009 Benchmark

Data Not Seasonally Adjusted

	Nov 09	Sep 10	Oct 10 Revised	Nov 10 Prelim	Percent Change Month	Year
Civilian Labor Force (1)	368,400	364,500	365,800	367,800	0.5%	-0.2%
Civilian Employment	314,200	309,600	313,100	311,100	-0.6%	-1.0%
Civilian Unemployment	54,100	54,900	52,800	56,700	7.4%	4.8%
Civilian Unemployment Rate	14.7%	15.1%	14.4%	15.4%		
(CA Unemployment Rate)	12.0%	12.2%	11.9%	12.4%		
(U.S. Unemployment Rate)	9.4%	9.2%	9.0%	9.3%		
Total, All Industries (2)	274,200	266,400	269,300	267,700	-0.6%	-2.4%
Total Farm	47,400	47,100	46,700	43,500	-6.9%	-8.2%
Total Nonfarm	226,800	219,300	222,600	224,200	0.7%	-1.1%
Total Private	165,200	162,900	162,900	163,400	0.3%	-1.1%
Goods Producing	34,500	33,900	33,800	33,700	-0.3%	-2.3%
Mining and Logging	9,600	9,800	9,800	9,900	1.0%	3.1%
Mining and Logging - Residual	800	500	500	500	0.0%	-37.5%
Oil & Gas Extraction, Well Drilling	8,800	9,300	9,300	9,400	1.1%	6.8%
Construction	12,000	11,000	10,900	10,900	0.0%	-9.2%
Manufacturing	12,900	13,100	13,100	12,900	-1.5%	0.0%
Durable Goods	4,700	4,300	4,400	4,400	0.0%	-6.4%
Nondurable Goods	8,100	8,800	8,700	8,500	-2.3%	4.9%
Food Manufacturing	5,400	6,200	6,000	5,800	-3.3%	7.4%
Non-Durable Goods - Residual	2,700	2,600	2,700	2,700	0.0%	0.0%
Service Providing	192,300	185,400	188,800	190,500	0.9%	-0.9%
Private Service Producing	130,700	129,000	129,100	129,700	0.5%	-0.8%
Trade, Transportation & Utilities	42,300	40,900	41,100	41,600	1.2%	-1.7%
Wholesale Trade	7,100	6,800	6,700	6,600	-1.5%	-7.0%
Retail Trade	26,000	24,800	24,900	25,400	2.0%	-2.3%
Food & Beverage Stores	5,900	5,900	5,800	5,800	0.0%	-1.7%
Clothing & Clothing Accessories Stores	1,700	1,700	1,700	1,800	5.9%	5.9%
General Merchandise Stores	5,800	4,600	4,700	5,000	6.4%	-13.8%
Department Stores	4,500	4,100	4,100	4,400	7.3%	-2.2%
General Merchandise Stores - Residual	1,300	500	600	600	0.0%	-53.8%
Retail Trade - Residual	12,600	12,600	12,700	12,800	0.8%	1.6%
Transportation, Warehousing & Utilities	9,200	9,300	9,500	9,600	1.1%	4.3%
Information	2,700	2,600	2,600	2,600	0.0%	-3.7%
Financial Activities	8,500	8,200	8,200	8,200	0.0%	-3.5%
Finance & Insurance	5,400	5,400	5,400	5,400	0.0%	0.0%
Real Estate & Rental & Leasing	3,100	2,800	2,800	2,800	0.0%	-9.7%
Professional & Business Services	24,200	23,600	23,700	23,800	0.4%	-1.7%
Professional, Scientific & Technical Services	9,900	9,900	10,000	10,200	2.0%	3.0%
Management of Companies & Enterprises	2,600	2,500	2,500	2,500	0.0%	-3.8%
Administrative & Support & Waste Services	11,800	11,200	11,200	11,100	-0.9%	-5.9%
Educational & Health Services	25,900	26,000	26,200	26,200	0.0%	1.2%
Educational Services	1,900	1,800	1,900	1,900	0.0%	0.0%
Health Care & Social Assistance	23,900	24,200	24,300	24,300	0.0%	1.7%
Ambulatory Health Care Services	10,200	10,300	10,400	10,400	0.0%	2.0%
Hospitals	6,300	6,300	6,300	6,300	0.0%	0.0%
Health Care and Social Assistance - Residual	7,400	7,600	7,600	7,600	0.0%	2.7%
Leisure & Hospitality	20,500	21,000	20,600	20,500	-0.5%	0.0%
Arts, Entertainment & Recreation	2,400	2,400	2,300	2,100	-8.7%	-12.5%
Accommodation & Food Services	18,000	18,600	18,300	18,400	0.5%	2.2%
Accommodation	1,500	1,700	1,500	1,600	6.7%	6.7%
Food Services & Drinking Places	16,500	16,900	16,800	16,800	0.0%	1.8%
Limited-Service Eating Places	9,700	9,900	9,900	10,000	1.0%	3.1%
Food Services and Drinking Places - Residu	6,800	7,000	6,900	6,800	-1.4%	0.0%
Other Services	6,600	6,700	6,700	6,800	1.5%	3.0%
Government	61,600	56,400	59,700	60,800	1.8%	-1.3%
Federal Government	10,400	10,500	10,500	10,600	1.0%	1.9%

December 17, 2010

Employment Development Department
Labor Market Information Division
(916) 262-2162

Bakersfield Delano MSA
(Kern County)
Industry Employment & Labor Force
March 2009 Benchmark

Data Not Seasonally Adjusted

	Nov 09	Sep 10	Oct 10 Revised	Nov 10 Prelim	Percent Change Month	Year
Department of Defense	7,500	7,700	7,700	7,800	1.3%	4.0%
Federal Government excluding Department of I	2,900	2,800	2,800	2,800	0.0%	-3.4%
State & Local Government	51,200	45,900	49,200	50,200	2.0%	-2.0%
State Government	10,100	9,900	9,900	10,000	1.0%	-1.0%
State Government Education	1,400	1,300	1,400	1,500	7.1%	7.1%
State Government Excluding Education	8,700	8,600	8,500	8,500	0.0%	-2.3%
Local Government	41,100	36,000	39,300	40,200	2.3%	-2.2%
Local Government Education	26,700	22,200	25,200	26,300	4.4%	-1.5%
County	9,500	9,100	9,100	9,100	0.0%	-4.2%
City	2,400	2,400	2,400	2,300	-4.2%	-4.2%
Special Districts plus Indian Tribes	2,500	2,300	2,600	2,500	-3.8%	0.0%

Notes:

(1) Civilian labor force data are by place of residence; include self-employed individuals, unpaid family workers, household domestic workers, & workers on strike. Data may not add due to rounding. The unemployment rate is calculated using unrounded data.

(2) Industry employment is by place of work; excludes self-employed individuals, unpaid family workers, household domestic workers, & workers on strike. Data may not add due to rounding.

These data are produced by the Labor Market Information Division of the California Employment Development Department (EDD). Questions should be directed to: Sheila Urdesich 559/445-5708 or Nati Martinez 209/941-6551

These data, as well as other labor market data, are available via the Internet at http://www.labormarketinfo.edd.ca.gov. If you need assistance, please call (916) 262-2162.

#####