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7 California Dump Truck Owners Association

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9 UNITED STATES DISTRICT COURT
10 EASTERN DISTRICT OF CALIFORNIA

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12 CALIFORNIA DUMP TRUCK OWNERS
13 ASSOCIATION

14 Plaintiff,

15 vs.

16 MARY D. NICHOLS, Chairperson of the
California Air Resources Board; JAMES
17 GOLDSTENE, Executive Officer of the
California Air Resources Board; and DOES 1-
18 50

19 Defendants.
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Case No. 2:11-CV-00384-MCE-GGH

DECLARATION OF ERNIE WIPF

21
22 I, Ernie Wipf, hereby declare as follows:

23 1. I currently own and operate Wipf Construction in Ukiah, California. I have been
24 engaged in the business of construction trucking for _____ years.

25 2. Currently, my firm has approximately 19 trucks that are subject to the Truck and
26 Bus Regulation promulgated by the California Air Resources Board. I have to take steps to bring
27 our fleet into compliance by January 1, 2012.

28 3. Installing diesel particulate filters is not an option for the majority of my fleet due
to the age of the engines. Only three of my trucks could be retrofitted with filters

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4. If forced to comply with the rule, I would purchase filters for three of my trucks, which could cost anywhere between \$40,000 and \$80,000. I would also have to replace several of my trucks, at a cost of at least \$100,000 per truck.

5. This type of capital investment would force me to raise my prices or lower the level of service I provide.

6. I will also be forced to lay off a number of current employees who currently earn a very good wage with health benefits.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and based on my personal knowledge, and if called to testify to these facts, I would do so competently and truthfully.

Executed this 8th day of December, 2011, in UKIAA, California.

Ernie Wipf
Ernie Wipf