

Air, jobs issues at political forum

District 3 candidates for supervisor calmly offer their views.

By Kerri Ginis

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[Fresno Citizens for Good Government Web site <http://www.fcgg.org/primary_election.html>](http://www.fcgg.org/primary_election.html)

Job growth, [air quality](#) and budget constraints dominated the first public debate among candidates running for Fresno County supervisor.

Two former Fresno City Council members -- Sal Quintero and Henry Perea Sr. -- squared off against political newcomer Debilyn Molineaux in a forum Wednesday night at Hoover High School. A fourth candidate running for the District 3 seat on the Fresno County Board of Supervisors, Jose Guadalupe Camacho, didn't participate.

The candidates' comments during the hourlong session didn't spark any heated exchanges. The three offered limited give and take as they answered questions posed by residents and the Fresno Council for Good Governments, which sponsored the forum.

If You Go

Candidate forums
resume today in the
Hoover High School
cafeteria at 7 p.m.
The forums are free
and open to the
public.

The candidates stressed the importance of bringing more jobs into Fresno County. Each one talked about the Regional Jobs Initiative -- an ambitious plan to create 30,000 new jobs in the Fresno-Clovis region.

"The plan itself is one that's going to create good paying jobs," said Quintero, who added that funding needs to be set aside so the plan can be implemented.

[The candidates also stressed their commitment to improving air quality in the Valley.](#)

Constructing a light-rail system and consolidating bus systems were some of the ideas brought up.

[Molineaux, a businesswoman who is taking her first shot at public office, said clean air is her passion. She talked about a clean-air stewardship program she is developing, which would allow people to calculate the amount of air pollution they are contributing.](#)

["It's based on the premise that all of us have to do something about air quality," said Molineaux, who coaches women in leadership.](#)

Perea touted a list of accomplishments he made toward cleaning air while serving on the Fresno City Council. Among those was an effort to convert the city's diesel-burning bus fleet to natural gas.

Perea said he wants to see Measure C money -- a half-cent sales tax initiative -- put toward creating other transportation modes, such as a light-rail system, to help clean up the air.

"I believe to move forward we have to pass a Measure C that either minimizes or eliminates our freeways," he said.

The candidates also discussed the current budget problems facing Fresno County and how they would propose maintaining services.

Molineaux said she wants to look at ways to make county systems more efficient. She suggested getting ideas from employees. She said public safety and social services are areas that she wouldn't cut.

Perea said he's strongly against privatizing county services, which he said can bring about low wages. He said he would want to consolidate services between the cities and the county.

Quintero said he's against cutting public safety and health services. He suggested finding ways to integrate and consolidate county services.

About 50 residents attended Wednesday's debate. It was the second of three forums sponsored by Fresno Citizens for Good Government, whose goal is to use the political process to improve the area's quality of life.

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Pentagon Appeals to White House on Pollution Limits

Congress has denied the clean air and toxic waste exemptions. But the Department of Defense says the laws could inhibit readiness.

By Elizabeth Shogren, Times Staff Writer

(Published in the LA Times- Thursday, January 15, 2004)

WASHINGTON - The Defense Department, having won exemptions from three major environmental laws in the last two years, now is seeking to be excused from three more.

Requirements of the Endangered Species Act, the Marine Mammal Act and the Migratory Bird Treaty Act already do not apply to the Pentagon. Now it wants exemptions from the Clean Air Act and two toxic waste laws, which Congress has refused to grant in each of the past two years.

So last month, the Pentagon asked the White House to let it fight those battles once more, according to documents obtained by The Times.

Congressional opponents say that the proposed exemptions would cause more damage than the previous ones because they would jeopardize human health.

The military, however, argues that it needs the three exemptions so that pollution laws do not get in the way of training exercises and other war preparations. "We think those three are the three initiatives that would probably go forward this year," said Bruce Hill, a Defense Department contractor in the office of the deputy undersecretary for readiness.

Many state officials and congressional Democrats disagree.

"Once again, the Department of Defense is using the war on terrorism as an excuse and an opportunity to jam through Congress broad and unnecessary exemptions for itself from three of our most important public health and environmental protection laws," said Rep. John D. Dingell (D-Mich.).

The Clean Air Act proposal would extend by three years various deadlines for the Pentagon to comply with health-based standards for ozone and fine particulates. These air pollutants aggravate asthma, intensify heart and lung ailments and cause early deaths in thousands of Americans.

The other proposals would make it harder for the Environmental Protection Agency and state officials to regulate toxic substances, such as perchlorate, that seep into ground or surface water.

Opponents in Congress and the states argue that the Pentagon has not shown any examples of how these laws have hindered readiness.

"As former EPA Administrator [Christie] Whitman and numerous state officials have testified, there is no evidence or examples where these three laws have ever adversely impacted military readiness," said Dingell. "Never has a set of legislative proposals had so much audacity and so little merit."

So far, Pentagon officials agreed, the Clean Air Act has not thwarted military preparedness, but there have been some close calls.

The Navy, they said, was able to add some F-14 fighters to the Naval Air Station Lemoore in the heavily polluted San Joaquin Valley only because nearby Castle Air Force Base had closed and its pollution allotments could be transferred to the aircraft at Lemoore. Similarly, the Navy sent aircraft to Naval Air Station Oceana in Virginia because the state was willing to shift industrial pollution allotments to the military.

"As these near-misses demonstrate, under the existing requirement there is limited flexibility to accommodate readiness needs," Benedict S. Cohen, the Defense Department's deputy general counsel, told a Senate committee in April.

Under the changes the military seeks to the toxic pollution laws, state, local and federal agencies would no longer be able to regulate military emissions, including unexploded ordnance, on operational training ranges.

Water agencies and state attorneys general, including California's, argue that the exemptions would inhibit their ability to prevent the contamination and loss of drinking water.

"Our concern is that when we don't have any authority, [military officials] tend not to listen to us," said Dan Miller, an assistant attorney general in Colorado.

States are in the midst of wrestling with releases of perchlorate, a hazardous chemical used in rocket propellants and explosives, into the ground or surface water at 27 Defense Department facilities. In at least two cases - the Aberdeen Proving Ground in Maryland and the Massachusetts Military Reservation - drinking water supplies have been contaminated and state and federal officials are trying to force the military to clean up.

"This legislation could eliminate our ability to require them to investigate or clean up soil or groundwater contamination that has military munitions in it," Miller said.

Waiting to address the problem until the pollutants flow outside of the boundaries of the ranges, some of which are massive, could mean that the states have much more expensive and health-threatening problems to deal with, state officials said.

"By the time it starts escaping off the military property, you've got a huge problem coming right after you, said Krista Clark, regulatory specialist for the Assn. of California Water Agencies. "You

don't wait until you have a huge problem and it's about to impact someone before you take control."

Perchlorate has turned up in drinking water across California, and some districts have shut off wells because of contamination. The military and its contractors are the largest perchlorate polluters in the state.

Brian Hembacher, a deputy California attorney general, said the military could already get exemptions on a case-by-case basis. State officials, he added, were eager to find solutions that do not impair military readiness.

"There is no justification," he said, "for any of these changes."

High Court Urged to Dump Southland Clean-Air Rule

By David G. Savage, Times Staff Writer

(Published in the LA Times - Thursday, January 15, 2004)

WASHINGTON - Lawyers for diesel-engine makers, the oil industry and the Bush administration urged the Supreme Court on Wednesday to throw out a 2-year-old anti-pollution rule in Southern California. It requires the buyers of buses, garbage trucks, airport shuttles and other fleet vehicles to choose cleaner-burning engines.

The rule, which was adopted by the South Coast Air Quality Management District, is intended to result in replacement of the region's diesel engines over a decade with newer models on the market, including trucks powered by natural gas. It applies to cities in Los Angeles, Orange, Riverside and San Bernardino counties and the U.S. Postal Service, and to private firms that haul trash or shuttle travelers to airports.

Air quality regulators said 70% of the cancer risk from bad air came from diesel particles. The smog also has been blamed for an increase in asthma, especially among children.

Advocates for the diesel industry and the administration said the Southern California rule violates the federal Clean Air Act.

"Congress determined there should be a uniform standard" regulating the makers of cars, trucks and buses in the United States, said Solicitor Gen. Theodore B. Olson. If states and cities could adopt their own pollution standards for vehicles, he said, it would "disrupt the national economy."

If the air quality regulators in Los Angeles can impose their own anti-pollution standards for new vehicles, "you have to consider that every locality" might do the same, said Carter G. Phillips, a Washington lawyer representing the Engine Manufacturers Assn. and the Western States Petroleum Assn.

Olson and Phillips faced skeptical questions from several justices.

"Why can't a local agency decide it will buy no diesel vehicles?" asked Justice Sandra Day O'Connor. "Suppose it wants to establish this standard for itself."

"It seems to me a state can do whatever it wants with its own vehicles," said Justice Anthony M. Kennedy. If city officials decided to buy garbage trucks that emit less pollution, that is their choice, not a regulation imposed on the diesel industry, O'Connor and Kennedy suggested.

The anti-pollution rules were defended by Seth Waxman, a Washington lawyer who was President Clinton's solicitor general. He argued that the Clean Air Act bars states and cities from imposing regulatory requirements on vehicle manufacturers. It has no effect, however, on the purchasing policies of states and cities, he argued.

When Congress passed the Clean Air Act, it did "not want manufacturers to have to build different cars for different parts of the country," Waxman said. By contrast, the "fleet rules" in California do not require manufacturers to devise new engines. Instead, the rules require buyers to choose clean engines from among those "that are already commercially available," he said.

The rules "operate on manufacturers through the wallet," Waxman told the court.

The South Coast Air Quality Management District adopted the regulations in 2000. They took effect in 2002.

Lawyers for the diesel industry challenged the regulations in federal court on the theory that they are trumped by a provision of the Clear Air Act that bars states and other agencies from adopting "any standard relating to the control of emissions from new motor vehicles."

A federal judge in Los Angeles rejected the challenge, and the U.S. 9th Circuit Court of Appeals upheld that ruling last year in a one-line opinion. But the Supreme Court agreed to hear the industry's appeal, and the Bush administration joined the case to support the industry's position. During much of the oral argument, most of the justices sounded as though they leaned toward upholding the Southern California rules. The case is Engine Manufacturers vs. South Coast Air Quality Management District.

The court also heard arguments in a Florida case that was being closely watched by water districts in California and the West. At issue is whether water districts must obtain a federal permit whenever they pump water into a new drainage system. Usually, permits are required only for those that add pollution to the water.

Lawyers for the South Florida Water Management District near Fort Lauderdale said they don't need a water permit to pump water across a levee and into the drainage area of the Everglades. They were sued by the Miccosukee Indian Tribe, which said the pumped water was polluting the Everglades.

The ruling is expected to clarify when a permit is required.

Port of Oakland continues efforts to curb pollution

By Paul T. Rosynsky, STAFF WRITER

(Published in the Tri-Valley Herald - January 14, 2004)

OAKLAND -- In its continuing effort to reduce air pollution around maritime terminals and comply with a lawsuit settlement, the Port of Oakland today will unveil a new program to reduce diesel truck emissions.

Modeled after two programs in Sacramento and Long Beach, the port's new program will offer truckers grants to buy newer, cleaner burning rigs and outfit at least 250 trucks with diesel oxidation catalysts.

"This might have the biggest impact because of where the trucks go," said Gerald Serventi, port engineering director. "The idea is to take the program, use it like seed money, and then watch it grow."

Almost \$2 million is being steered toward the program, the result of an almost \$9 million settlement the port reached with West Oakland residents when it first introduced a plan to expand maritime terminals.

It will be the last of several programs the port already has instituted to clean the air. Others included outfitting tugboats with cleaner engines, replacing diesel-powered dredging equipment with electric power and helping AC Transit purchase clean fuel-burning busses.

Port officials decided to earmark money to retrofit trucks after it found almost half of the vehicles servicing its terminals have engines made in 1994 or earlier. They were built before technological advancements for cleaner burning motors were introduced.

As a result, some studies have found West Oakland residents are subjected to more than 90 tons of diesel pollution a year -- more than twice the amount in other areas of Alameda County.

Port officials spent the last year discussing how to reduce truck emissions with members of the trucking community, West Oakland residents and the Bay Area Air Quality Management District.

The meetings resulted in the current plan and a goal of raising grant funds to help the program grow.

"It's a start," said Teresa Lee, a spokeswoman for the air quality district. "As long as there is money to fund it ... it will work."

Some within the trucking industry are already questioning the port's decision to give truckers only \$5,000 to \$7,500 to buy new rigs.

Stephanie Williams, senior vice president for the California Trucking Association, said the grants aren't enough to sway independent truckers to abandon their old rigs for new ones.

"That's a good idea, but these drivers don't make enough money," she said. "It's really hard to take an industry that is this poorly paid and have their costs increase."

In fact, the Gateway Cities Clean Air Program in Long Beach offers truckers up to \$25,000 in grants to buy new trucks. Even then, some can't afford it, said Sarah Siwek, director of the program, a joint effort between the Port of Long Beach and 27 cities in southern Los Angeles County.

"Many of them, even to come up with financing for \$7,000 to \$10,000, is hard," she said. "That \$7,000 grant is not going to make much of a difference."

Serventi and Lee acknowledged more funding is needed for the port's program to work, but both said they hope the initial \$1.9 million investment will attract more funding.

"This is the port's foray into dealing with the really large number of shipments that come in each year," Lee said. "We understand that right now this is only going to deal with a fraction of the trucks that come to the port."

The Gateway Cities program began in 2002 with a similar challenge, Siwek said, but since then it has raised and spent more than \$16 million.

The ultimate goal, she said, is to raise and spend about \$83 million to scrap 3,000 trucks. So far, Gateway Cities has taken 200 older trucks off the road, she said.

The port's board is scheduled to approve the plan next month, after which it will begin looking for trucks to target. The port hopes to target trucks that primarily work within its maritime area. The trucks usually take containers from a terminal to a distribution center located just outside the terminals.

"This is an important issue for us," Serventi said.