

Legislators Speed Through Final Bills

GOP assails swift action on measures targeting pollution, restrooms and online sales.

By Evan Halper and Carl Ingram, Los Angeles Times Staff Writers, September 11, 2003

SACRAMENTO — California legislators whipped through dozens of bills in an end-of-session frenzy Wednesday, ultimately passing measures that would crack down on Central Valley air pollution, require cleaner bathrooms in public schools and move the state a step closer to taxing sales over the Internet.

Republicans continued to voice frustration at the fast pace in which legislation breezed through both houses, which Democrats dominate. Some accused Democrats of trying to take advantage of a vulnerable Gov. Gray Davis, who faces a recall election Oct. 7. The governor will probably feel pressure to either sign various measures into law, or risk losing the support of interest groups that are pushing them.

Legislative rules prohibit new measures from being introduced at this point in the session. But legislators got around that with a technique known as "gut and amend": several existing bills that had been languishing for months were suddenly stripped of their original contents, filled with new amendments and brought up for a floor vote.

Even issues as seemingly benign as clean bathrooms in public schools sparked spirited debate.

Assemblyman Fabian Nuñez (D-Los Angeles) told legislators that money for keeping school bathrooms clean is sometimes diverted by schools, leaving the facilities so dirty that children don't use them.

"[Students] should be concentrating on what goes on in the classroom, not whether they may get an infection from using the bathroom," he said.

Some Republicans countered that it was absurd that a law had to be passed to force schools to keep their bathrooms clean. "We're debating the wrong issue here," said Assemblyman Doug La Malfa (R-Richvale), saying the solution to the problem was getting new school board members in the districts with dirty bathrooms.

The bill, already approved by the Senate, passed 47 to 29 in the Assembly, and Davis announced that he would sign it.

"Clean and working facilities are elements of a well-run school," he said in a statement.

Meanwhile, Democrats stopped some inter-party fighting that had threatened to kill a package of groundbreaking clean-air bills for the Central Valley.

Sen. Dean Florez (D-Shafter) had accused urban liberals — usually on the same side as him on environmental issues — of colluding with the agriculture lobby to stop his proposals because it could cost them political contributions. The bills failed to make it through the Assembly last week when several Democrats abstained from voting on them.

On Wednesday, the bills were back, and Democrats worked out a compromise to get them passed.

The package would require farmers to abide by federal and state clean-air laws from which they have been exempt. Under the compromise, the new restrictions will be implemented on a graduated scale in which farms in areas where air quality has been improving will be subject to less stringent requirements.

"Three of the four dirtiest cities in the entire country in terms of air pollution are in the Central Valley," said Assemblywoman Sarah Reyes (D-Fresno). "The agriculture industry has been 100% exempt from federal, state and local air quality laws. This bill is a comprehensive measure to clean the air for future residents of the San Joaquin Valley."

Republicans called the package a "job killer" that will put more farms out of business.

"California farmers will be the only farmers in America to have to run their family farms under these regulations," said Assemblyman Steve Samuelian (R-Clovis).

Assembly legislators ultimately passed the central bill in the package, AB 700, by a vote of 45 to 24, and then went on to pass the companion bills soon after. The bills will now go back to the Senate, where they are expected to be approved and sent to the governor.

Democrats also managed to pass measures that they hope will raise billions of dollars for dwindling state coffers by cracking down on what they described as abusive tax shelters, and ultimately enabling the state to tax sales made over the Internet.

On a bipartisan 24-10 vote, the Senate gave final legislative approval to the Internet tax bill by Sen. Debra Bowen (D-Marina del Rey). It would install California as a member of a 38-state organization known as the Streamlined Sales Tax Project, whose goal is to help states find ways to tax Internet transactions.

The U.S. Supreme Court has forbidden states to tax online sales unless the retailer also has a physical presence in the state, such as a store, headquarters or warehouse.

Traditional California merchants have long complained that online sales give an unfair advantage to their Internet competitors. Bowen said the state lost an estimated \$1.75 million in revenue from online sales in 2001 and stands to lose much more this year as Internet sales expand.

Davis has yet to take a position on the bill, but has said in the past that he would consider supporting taxation of Internet sales as part of an overall budget reform package.

Both houses passed bills that would empower the state to go after people who use a variety of tax shelter schemes to avoid paying their fair share of taxes, a practice that the Franchise Tax Board has estimated costs California about \$500 million a year.

The Senate passed and returned to the Assembly for approval of Senate changes a bill, AB 1601, by Assemblyman Dario Frommer (D-Los Feliz) that would impose tougher fines on tax cheats and agents who promote illegal shelters. In turn, the Assembly approved and sent back to the Senate an identical bill, SB 614, by Sen. Gil Cedillo (D-Los Angeles).

A Franchise Tax Board spokeswoman said abusive tax shelters, as they are called, are created by wealthy individuals and businesses to unlawfully set aside certain assets that should be taxed. These typically can involve such mechanisms as limited liability partnerships, phony losses and other machinations that are buried under complex layers of corporate structures, she said.

The governor also signed other bills that have passed both houses of the Legislature in recent days. Among them:

- SB 515, which would limit the ability of corporations to use free speech laws to block consumer lawsuits against them.

- AB 458, which would prohibit foster parents from discriminating against children on the basis of gender, race, disability or HIV status. The bill requires equal access to services and benefits for all foster children, and sets new training requirements for foster parents.
- SB 90, which would require landlords to provide reasonable documentation or receipts for every repair to protect tenants from being overcharged.

Valley moves closer to better air

Assembly OKs bills to attack pollution

San Francisco Chronicle, Sacramento Bureau, September 11, 2003

Sacramento -- A crop of bills aimed at cleaning up the San Joaquin Valley's dirty air -- including one that would require farmers to turn to more environmentally friendly equipment and methods -- passed crucial votes in the Assembly on Wednesday.

The linchpin of the legislative package by state Sen. Dean Florez, D-Shafter (Kern County), would end the 60-year-old exemption that agriculture has had from clean air rules and require farms and dairies to obtain permits from local air quality control districts.

The valley has some of the worst air quality in the country, with asthma rates in some parts of the region at three times the national average.

Federal regulators, in response to a lawsuit brought by environmentalists, have threatened to impose sanctions, including withholding billions of dollars in highway funds, if California doesn't bring the region into compliance with the federal Clean Air Act.

Supporters of SB700 say agriculture is responsible for about 25 percent of the air pollution in the San Joaquin Valley. Methane produced by dairies, particulate kicked up by soil tilling, and the after-harvest field burnings contribute to the region's poor air quality.

"This bill is a comprehensive measure to clean the air for future generations of valley residents," said Assemblywoman Sarah Reyes, D-Fresno, who spoke of young nieces and nephews of hers who suffer from asthma.

But Republican lawmakers dubbed the legislation "environmental imperialism" and said it would have disastrous effects on California's \$27 billion agriculture industry. The plan for regulating pollution on farms, they said, went far beyond what was needed to satisfy the federal Environmental Protection Agency.

"Is it reality to stop farmers from plowing because of dust? Do we have to pave every gravel or dirt road because of fugitive dust?" asked Assemblyman Doug LaMalfa, R-Richvale (Butte County). "What we're doing here, once again, is putting California at yet another competitive disadvantage with other regions of this nation and of the world."

The legislation appeared doomed earlier this month after several pro-farm Democrats failed to vote during a key Assembly committee hearing. But Florez and other lawmakers worked out compromise language that won the support of moderate Democrats.

The amendments delay until 2006 the permit requirement for dairies and other confined animal facilities and allow retrofit technology on agricultural pumps that is similar for internal combustion engines in other industries.

The bill passed on a party line vote of 48-26 and now goes back to the Senate, where it is expected to get final approval. A spokesman for Gov. Gray Davis said he has not taken a position on the legislation.

Other measures by Florez that received Assembly approval Wednesday include a bill that would phase out the burning of field crops and orchard prunings by 2010, and a measure to promote the use of biomass plants to dispose of agricultural waste.

Another bill would add a \$1 annual registration fee on vehicles in the San Joaquin Valley.

Valley air bills OK'd

Florez legislation would end farm waste burning

By Jake Henshaw, Visalia Times Delta Sacramento Bureau, September 11, 2003

SACRAMENTO -- With unexpected ease -- but still with opposition -- the Assembly on Wednesday approved bills intended to clean up the air in the San Joaquin Valley.

The package included one measure that was defeated last week to end open field burning of farm waste and another controversial one to subject agriculture to clean air permits for the first time.

Only one bill, which would provide \$6 million to bio-mass facilities as an incentive to burn more farm waste, passed with no opposition.

"I was pleasantly shocked," said Sen. Dean Florez, D-Shafter, the bills' author.

The four measures next must return to the Senate for a final vote to approve Assembly amendments.

The deadline is Friday, when the Legislature is scheduled to finish its work for the year.

The measures are among eight bills introduced by Florez as part of a larger effort to clean up the Valley air, which is rated among the dirtiest in the nation and a contributor to a regional asthma rate that is three times the national average.

In the fall, agriculture contributes 13 percent of the smog-forming emissions in the Valley, according to data cited in legislative testimony.

Senate Bill 705 to end open field burning by the year 2010 failed last week when a bipartisan group of Valley lawmakers joined some urban legislators to oppose the bill for not providing adequate alternatives.

On Wednesday, the bill was tied to SB704, the biomass funding bill, which was voted on first Wednesday to reassure last week's critics that at least one alternative would be funded. SB704 passed 71-0.

SB705 further was amended to allow growers to temporarily escape the burning ban if there is no economically feasible alternative, inadequate funding for biomass facilities and continued burning of the crop wouldn't be a major factor in clean air violations.

The bill passed on a 45-30 vote; though, no one spoke against it.

The major debate occurred on SB700, which would end agriculture's decades-long exemption from rules requiring other industries to obtain clean air permits.

SB700 was prompted at least in part by federal officials who agreed last year in the settlement of a lawsuit brought by environmentalists to enforce national air standards on growers.

Failure to comply with this agreement could lead to restrictions on development and the loss of millions of dollars in highway funds.

While growers have been subject to other clean air regulations and have resigned themselves to getting permits, they've complained that SB700 would require them to do more than the federal rules mandate.

The result has been intense negotiations that produced a bill defusing their opposition without gaining their support.

"It's going to mean a whole new day," said Cynthia Cory, a lobbyist for the California Farm Bureau. "We have to step up to the plate and get involved in new regulatory issues."

Florez accepted a number of changes intended to focus the regulatory efforts on the larger farms by requiring regulators to consider cost, socio-economic effects and other factors in determining who would be subject to new controls.

But the key compromise, both sides said, was Florez's willingness to delay the schedule for new regulations from 2004 to 2006 to allow the local air board to use the result of academic pollution studies under way to design the new rules.

"This is a comprehensive measure to clean the air for future generations of Valley residents," said Assemblywoman Sarah Reyes, D-Fresno, who managed all the Florez air bills on the Assembly floor.

The changes won support of other Valley Democrats, Assemblywomen Barbara Matthews, D-Tracy, chairwoman of the Assembly Agriculture Committee, and Assemblywoman Nicole Parra, D-Hanford.

But the compromises weren't enough for Republicans, who said the bill went too far beyond federal standards, unfairly blamed agriculture for Valley pollution and put Valley growers at a competitive disadvantage nationally and internationally.

"This has not been worked out to a point that we can support it," Assemblyman Bill Maze, R-Visalia, said.

SB700 passed 48-26.

Maze also opposed SB709, which gives the San Joaquin Valley Pollution Control Board some authority to deal with vehicle emissions by requiring ride-sharing programs for companies of 100 or more employees and to impose a \$1 fee on vehicle registration to help fund clean air programs.

"I'm sure they will figure out a way to tax my wheelbarrow" that he uses on construction projects as a contractor, Maze said. "This is ludicrous."

SB709 passed 42-29.

Assembly approves 4 air bills

Bill repealing ag air operation permit exemption is amended.

By Jennifer M. Fitzenberger, The Fresno Bee Capitol Bureau

(Published in The Fresno Bee and The Modesto Bee Thursday, September 11, 2003, 5:29 AM)

SACRAMENTO -- Four controversial clean-air bills survived a tough Assembly floor vote Wednesday, clearing the highest hurdle on the journey to Gov. Davis' desk.

Lengthy, heated discussion ending in amendments to a bill repealing the agriculture industry's historic exemption from air operating permits persuaded Assembly holdouts to lend their support.

Passage of Senate Bill 700, the linchpin of state Sen. Dean Florez's aggressive eight-bill, clean-air package, defused tension between both sides for the first time in weeks.

"Our goal in this was not to bow to the [agriculture] industry and take a little, small step. Our goal was to take a giant step for the future," Florez, a Shafter Democrat, said after the vote. "I'm happy. I'm tired. I think the process worked here."

Florez praised Assembly Member Sarah Reyes, D-Fresno, who presented the package to her colleagues and urged their support: "In this show, she was our lead actress, and she deserves an Academy Award."

Agriculture officials called the bill restrictive and costly, but said changes will make adjusting to permits a bit easier.

"Neither side was happy," said Cynthia Cory, director of environmental affairs for the California Farm Bureau. "When nobody's happy, that's what you call a deal."

Also passing Wednesday was SB 705, which would phase out open-field agricultural burning. It failed last week to get a majority Assembly vote. Its counterpart, SB 704, which would provide incentives for biomass plants to take more farm waste, also got the nod.

SB 709, granting more authority to Valley air officials to regulate vehicle emissions, also advanced.

The bills go to the Senate for concurrence, then to the governor, who has not indicated whether he will sign them.

A band of moderate Democrats Florez once accused of playing to the pocketbooks of farm lobbyists sided with SB 700. Assembly members Joe Canciamilla, D-Pittsburg, and Barbara Matthews, D-Tracy, who once aired concerns for the bill, spoke in favor Wednesday.

"We never get 100% on either side, but certainly this effort was undertaken with the intention of getting the best bill possible," Matthews told the Assembly.

Said Canciamilla: SB 700 "is an important step to clearing up the air in the Valley."

The bill also got a yes vote from Assembly Member Nicole Parra, D-Hanford. Florez charged Parra's colleagues with trying to kill the bill in a committee to keep her from casting a controversial vote.

Parra is considered vulnerable in the next election, and picking a side could give her opponents political power.

But Parra said Wednesday she wasn't afraid to vote for SB 700. When asked about potential retribution from farm leaders still against the bill, Parra said, "You're never going to please them in the negotiation process. ... This is a better bill than we saw last week. Is it a perfect bill? In negotiations, you're never going to get a perfect bill."

Forty-eight of 80 lawmakers supported SB 700, and 27 members voted no, including Valley members David Cogdill, R-Modesto; Bill Maze, R-Visalia; and Steve Samuelian, R-Clovis. Five lawmakers didn't vote.

Opponents said the bill puts too much blame on farmers for the Valley's dirty air. They said permits would unfairly penalize owners of small farms and put California's agriculture industry at an economic disadvantage.

"It will hold us to a higher environmental standard than our national and international competition," said Michael Boccadoro, a lobbyist for the poultry industry.

But agriculture leaders knew some form of SB 700 had to pass. It is the only bill to lift the exemption, and failing to do so could lead to a loss of billions of dollars in highway funds and increased fees for some businesses.

The U.S. Environmental Protection Agency -- forced by an environmental lawsuit settlement -- told California last year to repeal the exemption or face the sanctions.

Florez said his revised bill retained air-cleaning muscle while going easier on small farms, created an appeal process and allowed enough time to finish key studies on pollution from dairies.

"We negotiated to a compromise, and some people might not be happy, but personally, I'm thrilled," said Kevin Hall, a Sierra Club member from Fresno.

"I'm so happy to get so much. I truly am."

SB 705 passed 45-30, with five members abstaining. Valley lawmakers voted the same as on SB 700.

SB 705 would phase out burning of field crops by June 1, 2005, and all other farm waste by 2010. Florez inserted a clause to push back the deadline for farms that meet certain criteria.

"While everybody wants to achieve the same vision, you have to take some practical steps to get there," said Joel Nelsen, president of California Citrus Mutual, which after the amendment removed its opposition to the bill.

"On this one, [Florez] finally understood."

88 dairy plans await Tulare County's word Suits caused delays, but report sign of progress.

By Bethany Clough

The Fresno Bee

(Published Thursday, September 11, 2003, 5:20 AM)

During the past five years, permission to build a new dairy has been granted twice in Tulare County -- the No. 1 dairy county in the nation.

Delays were caused by lawsuits and environmental issues, but most of the dust has cleared.

Still, 88 applicants are waiting for permission to build new dairies.

There are 310 dairies already running here.

"We're all dressed up and ready to go to the dance, and we're waiting," said Al Oliver, chairman of the Dairy Industries Alliance, a group representing dairy operators and related businesses.

If things don't get rolling soon, the county that leads the nation in milk production -- worth \$961 million last year -- might begin to lose its edge, some in the industry warn.

The delays began when Tulare County's environmental rules regarding dairies were put under the microscope. In 1999, state Attorney General Bill Lockyer sued the county over what he called weak environmental standards, and a settlement resulted in stricter environmental regulations.

Then in 2000, the Center on Race, Poverty and the Environment sued the county and eventually settled.

Meanwhile, the Dairy Industries Alliance spent about \$1 million on an environmental impact report.

Scientists tested water and measured air quality to come up with a report that could withstand a challenge in court by environmentalists and could be used by dairy operators as proof that their dairies meet environmental regulations.

Since then, Rob Hilarides won approval to build a 14,000-cow dairy near Lindsay after a battle against the state and environmentalists.

On Aug. 27, Bill Van Beek became the second person in the past five years to receive a permit from the Tulare County Planning Commission to build a dairy. He and his brothers plan to begin construction soon on a 2,500-cow dairy southwest of Woodville.

Hilarides and Van Beek are the trailblazers. The ones who come after them can use the environmental report the alliance helped create, Oliver said.

Roberto Brady, project review division manager for the county agency that oversees the dairy-permitting process, said progress has been made with the report the alliance created.

"There's a solid path, a ground for the county to follow," he said.

Oliver believes that should be the key for the county to begin processing applications.

But Brady said scientists are still needed to finish a supplemental environment report that looks at the big picture of air, water and other concerns.

He estimates it will be ready to go before the Board of Supervisors for approval by March. When that's passed, the application process likely will speed up and the cost will go down, Brady said. Waiting until March may be too long for some potential farmers.

"A lot of them have just given up. They're going someplace else," Van Beek said.

Oliver remembers walking through Tulare's Ag Expo and seeing at least five other states and California counties billing themselves as the ideal place to build a dairy. But future dairy owners aren't fleeing the county yet, Oliver said. "I think the vast majority of them are waiting to see what the county does," he said.

County Planning Commissioner Shirley Kirkpatrick -- on the board that approves or denies dairy permits -- said the county doesn't want to jeopardize its dairy industry.

In the long run, the work being done while dairy operators wait will benefit them and prevent lawsuits from being filed against them, she said.

Trucking company gets OK to grow

Board approves permit for Tulare's Custom Hayloading

By Laura Florez, Tulare Advance-Register Staff writer, September 11, 2003

VISALIA -- The Tulare County Board of Supervisors voted unanimously Tuesday to tentatively grant a special-use permit to a Tulare truck company so that it can expand its operation off Highway 137.

The special-use permit request of Steven and Amoreena Machado of Machado Custom Hayloading Inc. went to the board on appeal after the county Planning Commission approved it in July.

Two adjacent property owners, Steve Penn and Richard Hamilton, along with the city of Tulare, argued that granting the permit would cause dust, noise and traffic hazards on an already busy Highway 137.

The board set modified conditions of approval, such as compliance with San Joaquin Valley Air Pollution Control District standards regarding dust, and asked staff to prepare written findings consistent with its decision.

The decision didn't exactly settle the dust, as far as Penn and Hamilton were concerned.

"We're sort of disappointed -- we're the main people that are affected," Penn said.

Some of the conditions of the approval require Machado to comply with San Joaquin Valley Air Pollution Control District standards regarding dust and that any washing of trucks on site meet county standards for drainage and treatment of waste.

Following the board's decision, Penn said he and Hamilton, who are represented by attorney Ralph Jordan, would most likely continue their difference of opinion with the Machados in a lawsuit.

The permit was requested by the Machados to expand an existing trucking operation on a nearly 5-acre parcel of land that is zoned for residential use at 3228 East Tulare Ave. in Tulare.

The company has been operating since 1972, before the area was zoned residential. That use has been grandfathered in.

Conflict came into play after the Machados applied for a building permit for a storage building. They were then advised that commercial use of the building would require a special-use permit. The Machados applied for the special-use permit because they wanted to start using the storage building in conjunction with the trucking operation.

According to county planning staff, a violation investigation found that the trucking operation had expanded and that an office trailer was being used for it.

But Steven Machado said that wasn't the case, and that while it was his intent to eventually use the storage building as an office when the appropriate permission was granted, it had not yet been used.

"The only thing I can do with it is pay property taxes," he said.

The Machados said they've always tried to work out the kinks of running the truck company in the rural neighborhood with their neighbors. Only two of 13 nearby neighbors objected to the expansion, Steven Machado said.

"We've always tried to be good neighbors," he said. "They try to portray the site as a big ugly complex with trucks coming in and out all hours of the day and that's just not the case."

The following article is cut off midway through on the Bakersfield Californian web site...

Assembly OKs landmark clean-air bills

By VIC POLLARD, Californian Sacramento Bureau
The Bakersfield Californian

Wednesday September 10, 2003, 11:10:12 PM

SACRAMENTO -- Historic legislation to end agriculture's exemption from clean-air rules passed the Assembly Wednesday after supporters agreed to amendments that will soften its impact on smaller farms and dairies.

The controversial bills by Sen. Dean Florez, D-Shafter, now await what is expected to be routine concurrence by the state Senate before heading to Gov. Gray Davis' desk. Davis has not signaled whether he will sign them.

The approval largely on party-line votes capped two weeks of marathon negotiations and

News in brief from the San Joaquin Valley

The Associated Press

In the Bakersfield Californian

Thursday September 11, 2003, 07:55:09 AM

SACRAMENTO (AP) - Four controversial clean-air bills have been approved by the state Assembly, clearing one of the last hurdles on their way to Gov. Gray Davis' desk.

Passage of Senate Bill 700, which repeals the agriculture industry's historic exemption from air operating permits, is a key part of state Sen. Dean Florez's aggressive eight-bill clean-air package.

"Our goal in this was not to bow to the (agriculture) industry and take a little, small step. Our goal was to take a giant step for the future," Florez, a Shafter Democrat, said after the vote. "I'm happy. I'm tired. I think the process worked here."

Agriculture officials called the bill restrictive and costly, but said changes will make adjusting to permits a bit easier.

"Neither side was happy," said Cynthia Cory, director of environmental affairs for the California Farm Bureau. "When nobody's happy, that's what you call a deal."

Also passing Wednesday was SB 705, which would phase out open-field agricultural burning. It failed last week to get a majority Assembly vote. Its counterpart, SB 704, which would provide incentives for biomass plants to take more farm waste, also passed, along with SB 709, granting more authority to Valley air officials to regulate vehicle emissions.

The bills go to the Senate for concurrence, then to the governor, who has not indicated whether he will sign them. Davis said Wednesday night he has not read yet the bills.

Activist turns on former employer Parra

News Brief

The Bakersfield Californian

Wednesday September 10, 2003, 11:10:12 PM

Community activist Wesley Crawford of Bakersfield announced Wednesday he has officially established a campaign finance committee to challenge 30th District Assemblywoman Nicole Parra, D-Hanford, whom he worked for last year.

Crawford, 50, did logistics work, including putting up signs, for Parra during her 2002 campaign. He said Parra has fallen down on the job, especially failing to make facilities and sidewalks more accessible to the disabled **and improve air quality**. Crawford, who is black, said Parra's staff is not diverse enough -- that it's predominantly Latino -- and with 24 members is inordinately large for a freshman lawmaker.

"If citizens have to squeeze their belts more, legislators should have to squeeze their belts, too," Crawford said.

In response, Parra spokeswoman Nicole Winger said Parra **voted for all of the air-quality bills just put forth by state Sen. Dean Florez**, D-Shafter, and that Parra has a 15-person staff.

There is a good mix of ethnicities, ages and geographic backgrounds in that staff, Winger said. She said constituents haven't raised handicapped-accessibility issues as a major concern but Parra is very supportive of Americans with Disabilities Act compliance.

Crawford is a former oil-field warehouse manager who has unsuccessfully run for the Bakersfield City Council and Kern Community College District.

He's now a law student, taking courses over the Internet, at Concord University School of Law.

* Sept. 22 is the deadline to register to vote in the Oct. 7 recall election. Sept. 30 is the last day to apply, by mail, for absentee ballots. Voters can obtain them at the elections division up until 8 p.m. on Election Day.

Elections officials are telling voters to check the back of their sample ballots for the address of their polling place because it probably has changed.

-- *Compiled by Californian staff writer Christine Bedell*

[Fresno Bee editorial, Sept. 11, 2003:](#)

Cleaning up garbage trucks Bill would help pay for new diesel technology on state's fleet.

(Published Thursday, September 11, 2003, 5:20 AM)

Most of the attention in the state Legislature in recent weeks has been on the package of clean air bills sponsored by Valley Sen. Dean Florez. That will continue, but there's another clean air bill that deserves immediate support from voters and their representatives.

State Sen. Wes Chesbro, D-Arcata, is the author of Senate Bill 1078, which would create a program to help pay for reductions in pollution from the 12,000 diesel garbage trucks in use around the state.

The state Air Resources Board is about to adopt stricter rules governing emissions from those trucks. Engines will be retrofitted with new devices for that purpose. But not all such devices are created equal. Some are better than others, though often more expensive. To get the maximum that technology has to offer in pollution reduction, SB 1078 will help public and private truck operators pay for the best technology available.

The money will come from a fee -- 50 cents per ton -- collected by landfill operators on each load they take in. The bill would sunset in 2011.

Changing to the newer technologies will remove tons of particulate matter (PM) and smog-forming oxides of nitrogen (NOx) from the state's air. That would be especially welcome in the Valley, where some of the state's worst pollution afflicts us all.

Not surprisingly, supporters include many health and environmental groups, such as the American Lung Association, the Planning and Conservation League and the Sierra Club. But the measure also has the support of many private waste hauling companies that understand the benefits of the program and hope to have the help they need to do it right.

This is an easy one. Industry, business and environmentalists agree: We need SB 1078.

LASTGASP

"We can't go on living this way.

And we won't."

Another in a series of Thursday editorials on efforts to clean the Valley's polluted air. Today: reducing pollution from garbage trucks.