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Senate limits military exemptions to environmental laws: CLEANUP: The vote concerns such substances as perchlorate, present in Inland ground water.

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By: The Associated Press and the Press Enterprise

WASHINGTON

The Senate voted Wednesday to limit the military's exemptions from environmental laws that the Pentagon says impede training exercises.

The vote came as the Senate neared completion of a bill authorizing $400.5 billion in 2004 defense programs.

Language that would have given the Pentagon exemptions from toxic substance cleanup laws was taken out.

Environmentalists are worried about legislation that could allow the Department of Defense off the hook for any cleanup of perchlorate in drinking water supplies.

Perchlorate, a salt used in rocket fuel, has seeped into Inland ground water and has forced agencies to shut down about two dozen wells from Fontana to Glen Avon, Redlands and La Quinta.

Lawmakers, including Sen. Dianne Feinstein, D-Calif., have called on the Department of Defense to take the lead role in cleaning up perchlorate.

Defense subcontractors made rocket fuel and munitions in the Inland area during World War II and the Cold War.

The Senate bill originally would have provided the military with exemptions from Endangered Species Act requirements intended to protect rare plants or animals.

The House voted Wednesday to give the Pentagon broad discretion to waive laws meant to protect rare species if the restrictions were judged to interfere with military training and readiness.

Rep. Duncan Hunter, R-Calif., the chairman of the House Armed Services Committee, said the laws were making it increasingly difficult for the military to find sufficient training grounds. He said that stretches of beach at Camp Pendleton could not be used for marine olanding exercises because of lawsuits and the presence of an endangered gnatcatcher and protected vegetation.

"The most important fact was that there had been no impact at all on actual property values," said Garrett Johnson, a lawyer who represented Motorola in the lawsuit. A key part of the strategy, Johnson said, was to show the jury -- through extensive real estate records -- that the prices of homes near contaminated sites in Scottsdale had, over time, risen in line with non-polluted areas.

However, crucial differences stand out between the TCE-affected homes in Scottsdale and those in Mountain View.

Since an Arizona jury rejected the plaintiffs' case in 2001, the EPA has begun examining the possibility that TCE is drifting up from groundwater into homes and offices. The federal agency is also in the midst of revising its toxicity guidelines for TCE, which may be many times more dangerous than previously thought.

So far, discussions at Mountain View community meetings held by the EPA have centered on the health risks of TCE and what the agency is doing about it -- not on lawsuits.

"We're in here for the long haul," said Barbara Goodwin, who lives near a contaminated area. "It's still a desirable place, and as long as people know that things are happening, they feel a little more relieved."