

SAN FRANCISCO — Convinced that the state's helmet requirement violates his constitutional rights, defiant motorcyclist David Alcon is willing to risk jail rather than end his bareheaded ways.

"It's something I've always been prepared to do," Alcon said yesterday, a day after he was sentenced to 30 days in jail by a Monterey County judge. The judge gave him until Aug. 31 to appeal.

The part-time bartender from Castroville is the first person in the state sentenced to jail for riding a motorcycle without a helmet.

"I'm opposed to wearing helmets because I feel it's against my right to choose," said Alcon, who has amassed 80 tickets and about \$5,000 in fines since the measure took effect Jan. 1, 1992.

"Just like a woman should have the right to an abortion, I feel I should have the right to choose what I put on my head."

Municipal Court Judge Raymond Simmons found Alcon guilty of eight mis-

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DAVID ALCON
Salinas motorcyclist

demeanor counts and sentenced him to three years' probation and a \$576 fine in addition to the jail time.

Alcon's probation began immediately. Simmons said that Alcon's jail sentence could be extended to six months if he violates the helmet law or any other law.

But Alcon left the courthouse, jumped on his Kawasaki and rode off with the wind in his hair.

Alcon, a 30-year-old husband and father of three, requested that the latest charges

against him be treated as misdemeanors instead of infractions so he could be entitled to a jury trial.

When Simmons refused to allow a jury to hear the dispute, Alcon unsuccessfully tried to get the charges knocked down to infractions over the prosecutor's objections. Simmons agreed to hear Alcon's constitutional questions if the biker would plead no contest to the charges and waive a jury trial.

Simmons ruled against Alcon's argument that the law is unconstitutionally vague because it does not determine which helmets meet the legal definition of proper protection.

Alcon said he would appeal his case to the local Superior Court and then to the 6th District Court of Appeal in San Jose.

Alcon said he'll have the help of Richard Quigley of the Helmet Legal Defense League, a national group. Quigley isn't a motorcyclist, but he says he felt compelled to get involved.

"I consider myself a serious American patriot, and I saw something terribly wrong and I couldn't ignore it."

grade at a nearby middle school.

Neighbors have quoted Carrie Everhart as saying that her husband and Molly Schecter were having an affair.
Associated Press

Anaheim approves Disneyland plans

ANAHEIM — The Walt Disney Co.'s plans to build a new \$2.75 billion resort and theme park near Disneyland and make improvements to the present park won the unanimous approval of the City Council yesterday.

The improvements will cost an estimated \$750 million, while the resort will require another \$2 billion.

The planned resort will include 4,600 hotel rooms, a 5,000-seat amphitheater, a shopping center and Westcot Center, a theme park modeled after Disney World's Epcot Center in Orlando, Fla.

Westcot will be built on Disneyland's existing 100-acre parking lot. The company plans to erect parking garages on each side of the park.

Associated Press

Six military bases face fines for toxic-waste violations

By STEVE LA RUE
Staff Writer

The state's Environmental Protection Agency said yesterday it will seek fines totaling more than \$750,000 from six military bases under a new law allowing the state to penalize federal installations for mishandling hazardous waste.

The largest single fine would be a \$260,000 levy against the San Diego Naval Air Station Public Works Center. Next in line was El Centro Naval Air Station with a \$257,600 fine.

Other bases fined include the Alameda Naval Air Station, \$114,500; the El Toro Marine Corps Air Station in Orange County, \$80,000; the National Training Center at Fort Irwin near Barstow, \$42,300; and Fort Hunter Liggett in Monterey, \$1,050.

"These fines and inspections will ensure that federal military bases comply with our environmental laws, bringing to book the

largest generators of hazardous waste in some California communities," James Strock, California secretary for environmental protection, said in a prepared statement.

Compliance with cleanup orders would reduce the fines. They are the first California has issued under the Federal Facilities Compliance Act, which ended the bases' immunity to state fines after January 1992.

All of the military bases received multiple citations for sloppy handling of hazardous materials, such as failure to safely store and label the wastes, and poor training of personnel assigned to handle the material.

The San Diego Naval Air Station Public Works Center was cited for dumping hazardous wastes into the soil, failing to check if drums of waste were leaking, and failing to build berms or other barriers to prevent spilled waste from spreading into the envi-

ronment, said state EPA spokesman James Lee.

Base personnel also failed to properly mark tanks to indicate what kind of toxic waste was in them, Lee said.

Waste handling practices at the Navy's El Centro facility were so sloppy that they created a danger of waste spills and fires, Lee said. Incompatible types of wastes, which could explode or produce poisonous gases if mixed, were stored next to each other, he said.

The fines stem from state inspections in 1992.

"A lot of these facilities tend to be the largest generators of hazardous wastes in their communities, especially when the bases are in suburban or urban communities. If you don't regulate them to the same standards that you regulate private facilities, you do not have a balance," Lee said.

The proposed fines may be reduced if the bases comply with state EPA orders and deadlines to correct or clean up the violations, Lee said. In that case, the fines could be lowered to cover the state EPA's administrative and other overhead expenses.

"What we are more interested in is changing their practice. If they take care of these things now, there is a chance of avoiding accidents in the future," Lee said.

The federal EPA in December 1991 cited two Navy commands in San Diego for improperly storing toxic wastes, mixing incompatible chemicals which could have exploded or released toxic fumes, and failure to replace leaking waste containers.

The California Environmental Protection Agency two months before cited the North Island Naval Air Station for 21 violations of state hazardous-waste laws.

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185