

[Bakersfield Californian commentary, Wed., Sept. 14, 2011:](#)

Lack of credibility fouls the air in ozone debate

By Lois Henry, Californian columnist

It's September in the valley and the air is thick. But it's not ozone stinkin' up the place, it's hypocrisy.

I'm sure you all read how, for the first August since we've been tracking air pollution, the valley didn't violate the so-called one-hour standard.

And perhaps you also read how air quality advocate groups didn't take the news so well. Nooo. In fact, they came out swinging.

The one-hour standard is bunk, they said, and not a true measure of the harm pollution causes to human health. Using the newer eight-hour standard, this was the worst August since 2006, according to the Central Valley Air Quality Coalition. (Not true but we'll get to that in a bit.)

So, the one-hour standard is crap, huh?

Then I gotta wonder why several members of the Coalition are suing the feds demanding they do more to enforce the one-hour standard.

That's right, they're suing to bulk up a standard they claim is useless.

And this is long after the one-hour rule was rescinded by the Environmental Protection Agency in favor of the eight hour rule.

It's a little complicated, but the one-hour rule was revoked in 2005 and is still "in place" until the EPA approves an attainment plan by the San Joaquin Air Pollution Control District under the new eight-hour rule.

Even in their lawsuits, though, the air advocacy groups acknowledge the one-hour rule is outdated.

I read the lawsuits to find out what, exactly, they want.

One suit, filed by Medical Advocates for Healthy Air and the Sierra Club last spring, demands that the EPA determine whether the valley ever attained the one-hour standard. (Um...no, which everyone knows.)

Plus they want attorney's fees. Ding!

The other suit, filed last summer by Medical Advocates, Sierra Club, Committee for a Better Arvin, Association of Irrigated Residents, etc., wants the EPA to have the air district come up with a new plan to achieve the one-hour standard. (Even though it's dead and gone.)

Plus they want attorney's fees. Ding!

Hmmm. A skeptical person might stop right there, roll her eyes and grumble, "Money, money money."

Both lawsuits probably do have some merit in terms of the government not living by its own byzantine rules, timelines or procedures.

All of which means absolutely nothing to you and me and the air we breathe.

But it means everything to public interest lawsuits.

See, when things like the Clean Air Act were created, Congress included a way for the public to act as a watchdog.

So-called public interest groups are allowed to sue on behalf of the public to make sure government agencies enforce their own rules. When these groups win their suits, they automatically get fees -- attorney fees, expert witness fees and what not.

In the case of these air advocacy groups and the one-hour standard, I almost feel sorry for them.

On the one hand, if they really think the one-hour rule is important and the government gave it short shrift, they have to sue since that's their purpose, right?

On the other hand, if they admit our air is improving, how do they continue to justify their existence?

Quite a conundrum.

Oh, back to that bit about this being the worst August for ozone since 2006, looking at our air under the new eight-hour standard.

Turns out, they cherry picked data from isolated monitoring stations in some of the worst areas. For example, more than half their data for this year, came from the Ash Mountain monitor, at 1,800 feet, where ozone mixes. That's not "ground level" ozone, which is what the vast majority of valley residents breathe, according to Air District Director Seyed Sadredin.

When you look the entire eight county area in the air district, monitors show the number of days we exceeded the new proscribed ozone level dropping steadily -- 547 violations in 1996 down to 194 this year.

Yes, we're still over the line on violations, but clearly we're improving.

Guess that doesn't make such great press release fodder.

Progress reported in local fire fights

Staff reports

Bakersfield Californian, Wed., Sept. 14, 2011

Cooler, moister weather helped crews suppress the Breckenridge Complex Fire that prompted a precautionary evacuation order Monday afternoon, officials said Tuesday morning.

As of 8 a.m., the fire had burned 29,383 acres, was 40 percent contained and was still threatening 30 structures, according to the South Central Sierra Interagency Incident Management Team.

The fire was located at Highway 178 near the lower Kern River Canyon. The evacuation order remained in effect.

"Firefighters continue to make progress in line construction. Hand crews, engine crews and air support are in place for structure protection for several structures that are in the area of the fire," the team's update read.

"Steep terrain continues to hamper firefighting efforts as the fire moves to the east onto the Sequoia National Forest."

Breckenridge Road was closed between Comanche Drive and Caliente-Bodfish Road.

In other major news, all evacuation orders tied to the Comanche Complex fires were lifted as of 8 a.m. Tuesday.

The fires were 60 percent contained.

And the Keene Complex fires, six blazes totaling 10,312 acres, were 88 percent contained.

At Tuesday's Board of Supervisors meeting, Kirk Swartzlander, Tulare County unit chief for Cal Fire said that when he drove into Kern County over the weekend, he was stunned by what he saw.

Multiple columns of smoke rose from the mountains in a long arc from west of the Grapevine east and then north to the Kern River Canyon.

"It looked like Armageddon," he said.

Looking to find humor in the exhausting battle against a complex, challenging collection of around 50 fires, Kern County Fire Chief Nick Dunn told supervisors the firefighters have taken to calling the lightning-sparked firestorm "Kern-maggedon."

Kern County Deputy Fire Chief Brian Marshall said the blazes, and the destructive Canyon Fire from the week before, have cost an estimated \$21 million to fight so far and scorched a combined 84,000 acres of mountainside and range land in the Tehachapi Mountains.

Another storm system is expected to roll into Kern County Tuesday afternoon and could produce more lightening at around 1 p.m. Marshall said.

Dale Hutchinson, California's southern region chief for Cal Fire, called this weekend's fire incident historic in Kern County, saying officials don't believe the county has ever had to use three incident command teams to manage such a large volume of fires simultaneously.