

US EPA ARCHIVE DOCUMENT



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

**75 Hawthorne Street
San Francisco, CA 94105-3901**

December 3, 2003

**OFFICE OF THE
REGIONAL ADMINISTRATOR**

Honorable Kenny C. Guinn
Governor of Nevada
Capitol Building
Carson City, Nevada 89701

Dear Governor Guinn:

Thank you for making recommendations on 8-hour ozone air quality designations. This is an important step in providing citizens of Nevada with information on air pollution levels where they live and work. We have reviewed Nevada Division of Environmental Protection Administrator Allen Biaggi's July 10, 2003 letter submitting Nevada's recommendations. This letter is to inform you that the EPA agrees with your recommendation to not designate any Nevada area as nonattainment for the 8-hour ozone standard. Please note that EPA will address designations of Tribal lands through a separate concurrent process with the Tribes in Nevada.

Levels of ground-level ozone, a major constituent of smog, have improved significantly since the Clean Air Act (CAA) was amended in 1990, at which time 135 areas were designated as not attaining the 1-hour ozone standard. Since that time nearly half those areas (67) have cleaned up their air to meet the 1-hour ozone standard and have been redesignated as attaining that standard. However, many areas have still not met the less stringent 1-hour ozone standard and, in 1997, the United States Environmental Protection Agency (EPA) promulgated a more stringent 8-hour ozone national ambient air quality standard. Thus, much work remains to be done. Under the CAA, EPA is required to promulgate designations for new or revised standards, such as the 8-hour ozone standard. Earlier this year, after several public interest groups filed a lawsuit claiming EPA had not met the statutory deadline for designating areas for the 8-hour ozone standard, we entered into a consent decree that requires us to promulgate designations by April 15, 2004.

The CAA defines a nonattainment area as "any area that does not meet (or that contributes to ambient air quality in a nearby area that does not meet) the national primary or secondary ambient air quality standard for the pollutant". (CAA §107(d)(1)) EPA guidance indicates that Nevada should use the larger of the Consolidated Metropolitan Statistical Area (CMSA), Metropolitan Statistical Area (MSA), or the 1-hour ozone nonattainment area as the presumptive boundary for 8-hour ozone nonattainment areas. The guidance provides 11 factors that Nevada should consider in determining whether to modify the presumptive boundaries. We have reviewed your submission and believe it is consistent with our guidance.

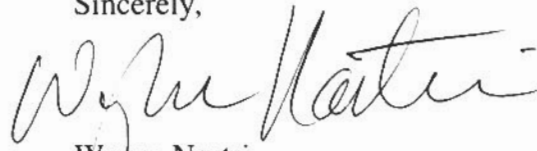
EPA has been tracking 2003 ozone monitoring data and its impact on areas' 2001-2003 design values (DV). EPA will continue to closely review monitoring data for differences that

may occur throughout the remainder of the 2003 ozone season or as a result of data handling procedures to determine if it might affect the State's recommendation. It is critical for Nevada to expedite submittal of the 2003 monitoring data to EPA so that air quality designations and classifications for the 8-hour ozone standard will accurately reflect the State's air quality. Please submit your final 2003 8-hour ozone monitoring data into the Air Quality System as quickly as possible, if it has not already been done. In addition, please submit the 8-hour and 1-hour design values and the average expected 1-hour exceedance rate to John Kennedy, Technical Support Office Chief (415-947-4129), by official letter by December 17, 2003 to advance the designations and classifications process.

Based on our preliminary review of air quality monitoring data for the 2003 ozone season, there are no areas in Nevada violating the 8-hour ozone standard based on data from 2001-2003. However, the data indicate that a monitor in Clark County is recording ambient levels of ozone that bring the area close to violating the standard. In fact, the 2003 data indicate that ozone levels are higher than they have been during the past several years, and the 2003 data will continue to affect the 3-year average design value for the area for several years. We will continue to review the 2003 monitoring data and will also watch this monitor closely over the next several years to determine whether the area remains in attainment with the 8-hour ozone standard.

We look forward to a continued dialog with Nevada as we work to finalize the designations for the 8-hour ozone standard. If you have any questions, please do not hesitate to contact Steven Barhite at (415) 972-3980.

Sincerely,



Wayne Natri
Regional Administrator

cc: Allen Biaggi, NDEP
Andy Goodrich, Washoe County District Health Department AQMD
Christine Robinson, Clark County Department of Air Quality Management