

US EPA ARCHIVE DOCUMENT



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

OFFICE OF THE
REGIONAL ADMINISTRATOR

DEC 09 2011

The Honorable Brian Sandoval
The State of Nevada
101 North Carson Street
Carson City, Nevada 89701

Dear Governor Sandoval:

Thank you for your recommendations dated March 10, 2009 and November 18, 2011 on air quality designations for the revised 2008 National Ambient Air Quality Standards for ozone throughout Nevada. I appreciate the information Nevada shared with the U.S. Environmental Protection Agency as we move forward to improve ozone air quality. The purpose of this letter is to notify you of the U.S. Environmental Protection Agency's preliminary decision to designate Nevada as unclassifiable/attainment for the revised 2008 ozone NAAQS, according to your recommendations, and to inform you of our approach for completing the designations for the revised ozone NAAQS.

On March 12, 2008, the EPA revised its NAAQS for ground-level ozone to provide increased protection of public health and the environment. The EPA lowered the primary 8-hour ozone standard from 0.08 parts per million (ppm) to 0.075 ppm to protect against health effects associated with ozone exposure, including a range of serious respiratory illnesses and increased premature death from heart or lung disease. The EPA revised the secondary 8-hour ozone standard, making it identical to the primary standard, to protect against welfare effects, including impacts on sensitive vegetation and forested ecosystems.

History shows us that better health and cleaner air go hand-in-hand with economic growth. Working closely with the states and tribes, the EPA is implementing the standards using a common sense approach that improves air quality and minimizes the burden on state and local governments. As part of this routine process, EPA is working with the states to identify areas in the country that meet the standards and those that need to take steps to reduce ozone pollution. Within one year after a new or revised air quality standard is established, the Clean Air Act requires the Governor of each state to submit to the EPA a list of all areas in the state, with recommendations for whether each area meets the standard.

As a first step in implementing the 2008 ozone standards, the EPA asked states to submit their designation recommendations, including appropriate area boundaries, by March 12, 2009. In September 2009, the EPA announced it was reconsidering the 2008 ozone standards. The EPA later took steps to delay the designation process for the 2008 ozone standards pending outcome of the reconsideration. However, in September 2011, the Office of Management and Budget returned to EPA the draft final rule addressing the reconsideration of the 2008 standards. On September 22, 2011, the EPA restarted the implementation effort by issuing a memorandum to clarify for state and local agencies the

status of the 2008 ozone standards and to outline plans for moving forward to implement them. The EPA indicated that it would proceed with initial area designations for the 2008 standards, and planned to use the recommendations states made in 2009 as updated by the most current, certified air quality data from 2008-2010. While the EPA did not request that states submit updated designation recommendations, the EPA provided the opportunity for states to do so. Thank you for the November 18, 2011 updated designation recommendation from Nevada based on the assessment of preliminary 2009-2011 air quality data.

As required by the Clean Air Act, the EPA will designate an area as nonattainment if it is violating the 2008 ozone standards or contributing to a violation of the standards in a nearby area. Consistent with designations for previous ozone standards, the EPA intends to designate an area as unclassifiable/attainment if there are certified, quality-assured air quality monitoring data showing the area is meeting the ozone standards or there are no monitoring data for the area, and the EPA has not made a determination that the area is contributing to a violation in a nearby area.

After considering Nevada's November 18, 2011 ozone designation recommendation, which was based on preliminary 2009-2011 air quality data, as well as other relevant technical information, the EPA intends to designate the entire state of Nevada as unclassifiable/attainment. In order for the EPA to consider 2009-2011 air quality data in the final designation decisions for this area, Nevada must submit certified, quality-assured 2009-2011 air quality monitoring data for the area to the EPA by February 29, 2012.

The EPA will also make its preliminary designation decisions and supporting documentation available to the general public for review and comment. We will be announcing a 30-day public comment period shortly in the *Federal Register*. After considering additional information we receive, the EPA plans to promulgate final ozone designations in the spring of 2012.

The EPA is committed to working with the states and tribes to share the responsibility of reducing ozone air pollution. Current and upcoming federal standards and safeguards, including pollution reduction rules for power plants, vehicles and fuels, will assure steady progress to reduce ozone-forming pollution and will protect public health in communities across the country. We look forward to a continued dialogue with you and your staff as we work together to implement the 2008 ozone standards. Should you have any questions, please do not hesitate to contact me or Amy Zimpfer, Associate Director, Air Division, of my staff at 415-947-4146 or zimpfer.amy@epa.gov.

Sincerely,



Jared Blumenfeld

cc: Colleen Cripps, Administrator, Nevada Department of Environmental Protection
Mike Elges, Deputy Administrator, Nevada Department of Environmental Protection
Rob Bamford, Bureau Chief, Bureau of Air Quality Planning, Nevada Department of Environmental Protection
Gina McCarthy, Assistant Administrator for Air and Radiation
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