

US EPA ARCHIVE DOCUMENT



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUN 14 2004

THE ADMINISTRATOR

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

Dear Governor Guinn:

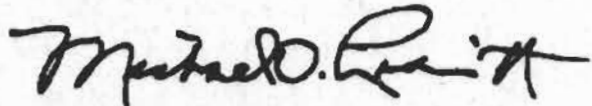
I am writing to respond to your May 21, 2004 letter requesting a 120-day delay to the effective date of the 8-hour ozone nonattainment designation for Clark County, Nevada. This is to inform you that EPA is providing the State of Nevada with a 90-day deferral of the effective date, until September 13, 2004.

In granting this deferral, EPA has considered the information contained in your May 21 letter, as well as information in a follow-up letter from Allen Biaggi, the Administrator of the Division of Environmental Protection, dated June 9, 2004. These letters explain the unique circumstances that led to the State's failure to consider certain monitoring data from 2001. Specifically, Nevada has demonstrated to our satisfaction that until late February 2004, the State was not aware that it would contain a nonattainment area for the new 8-hour ozone standard. We understand that this led to the late determination that Clark County would be a nonattainment area, and as a result the State had insufficient time to recommend an appropriate boundary for the nonattainment area.

Around the country, States that include an 8-hour ozone nonattainment area generally have had a considerable period of time to recommend appropriate boundaries. EPA believes the situation in Clark County is unique and we agree that the State needs additional time to provide an appropriate recommendation. Given the large size of Clark County (8,000 square miles), its geographic features, the location of emission sources, and the monitoring data collected in the outlying portions of the County, we believe it is appropriate for the Agency to provide additional time for the State to further evaluate an alternate boundary for the nonattainment area. EPA does not intend that this deferral of the effective date will extend the deadline for state implementation plan submission or believe that this deferral should delay the deadline for the nonattainment area to achieve attainment of the 8-hour ozone standard.

We will continue to work closely with Nevada as we implement the 8-hour ozone standard. We appreciate your efforts and will review any future supporting information Nevada wishes to submit on these recommendations.

Sincerely,



Michael O. Leavitt

cc: Allen Biaggi, NDEP
Andy Goodrich, Washoe County District Health Department AQMD
Christine Robinson, Clark County Department of Air Quality Management
Wayne Nastri, Regional Administrator, EPA Region 9