AIR-2

ALLEN BIAGGI, *Administrator*

(775) 687-4670

Administration
Facsimile 687-5856

Water Quality Planning
Water Pollution Control
Facsimile 687-4684

Mining Regulation and
Reclamation
Facsimile 684-5259

STATE OF NEVADA
KENNY C. GUINN
Governor

R. MICHAEL TURNIPSEED, *Director*

Air Pollution Control
Air Quality Planning
Facsimile 687-6396

Waste Management
Federal Facilities

Corrective Actions
Facsimile 687-8335

NDEP.nv.gov

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF ENVIRONMENTAL PROTECTION
333 W. Nye Lane, Room 138
Carson City, Nevada 89706

DATE 6/14/04	
ACTION (✓)	COPIED (✓)
RA	X RA
DRA	X DRA
X AIR	AIR
OCGR	OCGR
ORC	ORC
OSPEI	OSPEI
PMD	PMD
# FUND	# FUND
WASTE	WASTE
WATER	WATER
X-MEDIA	X-MEDIA

June 9, 2004

Michael O. Leavitt
Administrator
U.S. Environmental Protection Agency Headquarters
Ariel Rios Building
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460

Dear Administrator Leavitt:

This is written to supplement the information provided to you in Governor Guinn's letter of May 21, 2004. It provides additional support for the Governor's request that EPA delay the effective date of the 8-hour ozone nonattainment area designation for Clark County, Nevada until October 15, 2004.

The Joe Neal monitoring site, which was the site that measured the exceedance of the 8-hour ozone NAAQS that is the basis for Clark County's nonattainment designation, is a relatively new monitoring site. The first full year of data was collected in 2001. The State and Clark County had an expectation that the 2001 data would not affect the design value for the 8-hour ozone designation. When the significance of using the 2001 data came to our attention in late February 2004, we did not have adequate time to conduct an analysis for the purpose of determining a designation boundary.

These facts are significant because, as noted in Governor Guinn's letter and the technical support document submitted with the Governor's April 12, 2004 designation recommendation, the size (8,000 square miles) and complex topography of Clark County made it unrealistic to credibly perform the 11-factor analysis to determine an appropriate nonattainment area boundary for the County in a thirty-day period. Instead the State focused its efforts on an analysis of data from Nye County, Nevada, because it was thought that this rural county could be evaluated in a defensible manner during the short period that was available. Thus, my letter of April 12, 2004 recommended that Clark

County be designated as a nonattainment area in its entirety because we lacked the data or analysis to recommend otherwise within the timeframe allowed. However, since that time, we have determined that it is imperative that an analysis be conducted to determine an appropriate area for the nonattainment designation. I should note that the Desert Research Institute is actively engaged at this time in the early stages performing this analysis.

I hope that this additional information will aid you in affirmatively acting upon our request for a delay of the effectiveness date of the designation until October 15, 2004.

Sincerely,

Allen Biaggi
Administrator

cc: Governor Kenny Guinn
Wayne Nastri, Regional Administrator
Christine Robinson, Director, Clark County Air Quality Management District
Jolaine Johnson, Deputy Administrator, NDEP