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

July 15, 2004

The Honorable Philbert H. Swain
Chairman, Moapa Band of Paiutes
P.O. Box 340
Moapa, Nevada 89025

Dear Chairman Swain:

On June 14, 2004, U.S. EPA Administrator Leavitt deferred the effective date for the Las Vegas 8-hour ozone nonattainment area until September 13, 2004. EPA intends to use this time to consider further recommendations on the appropriate boundary for the Las Vegas nonattainment area. This letter is to outline EPA's time line for handling any such recommendations.

As explained in our June 18, 2004 Federal Register notice (69 FR 34076), if EPA takes no further action on the 8-hour ozone designation for the area, all of Clark County will be designated nonattainment effective September 13, 2004. Should you choose to recommend a different nonattainment boundary for the Las Vegas area, we ask that the recommendation and supporting analysis be delivered to EPA by July 30, 2004.

Supporting analysis should follow our March 28, 2000 guidance entitled "Boundary Guidance on Air Quality Designations for the 8-Hour Ozone National Ambient Air Quality Standards (NAAQS or Standard)." A copy of this guidance is enclosed with this letter. The guidance describes eleven factors that are to be considered when making a recommendation that deviates from the "presumptive" nonattainment area. For the Las Vegas nonattainment area, the presumptive area is Nye and Clark counties in Nevada, and Mojave County in Arizona. This is the presumptive area because these counties comprise the Las Vegas Metropolitan Statistical Area (MSA). EPA designated Clark County as the 8-hour nonattainment area based on 11-factor analyses provided by Nevada and Arizona. At issue now is whether a smaller area than the 8,000 square mile county is appropriate for the Las Vegas 8-hour ozone nonattainment area.

Our hope is that the State, Tribes and County will work with each other and with EPA between now and July 30th in formulating any analysis and recommendations so that EPA review can be as efficient as possible in the short time involved.

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If you have any questions, I invite you to contact me or have your staff call Amy Zimpfer (415-947-4146) at our Regional Air Office.

Sincerely,

Deborah Jordan
Director, Air Division

Enclosure

cc: Calvin Myers, Moapa Paiute Tribe

***This letter also went to the following people:***

The Honorable Nora McDowell, Fort Mojave Tribe
cc. Africa Dorame, Fort Mojave

The Honorable Alfreda L. Mitre, Las Vegas Paiute Tribe
ccs. Kenny Anderson, Las Vegas Paiute Tribe
Atef Elzeftawy, Las Vegas Paiute Tribe