

STATE OF NEVADA
Department of Conservation & Natural Resources
DIVISION OF ENVIRONMENTAL PROTECTION

Jim Gibbons, Governor

Allen Biaggi, Director

Leo M. Drozdoff, P.E., Administrator

February 5, 2007

Wayne Nastri
Regional Administrator
ORA-1, USEPA Region 9
75 Hawthorne Street
San Francisco CA 94105

Wayne
Dear Mr. Nastri:

On behalf of Governor Guinn, as his appointed designee, this letter transmits to you three hard copies of the *Nevada State Implementation Plan for Interstate Transport: 8-Hour Ozone and PM_{2.5}* (Transport SIP) and one compact disc. The Nevada Division of Environmental Protection (NDEP) requests approval of the Transport SIP into the Nevada State Implementation Plan.

The Transport SIP satisfies Clean Air Act § 110(a)(2)(D)(i), which requires that each state implementation plan contain adequate provisions to ensure that emissions from the state will not adversely affect any neighboring state's air quality or plans to protect or improve their air quality. The transport SIP is a negative declaration, which demonstrates that emissions of ozone and PM_{2.5} in Nevada do not contribute significantly to nonattainment in, or interfere with maintenance by, any other state with respect to the 1997 ozone and PM_{2.5} National Ambient Air Quality Standards nor do they interfere with another state's program to prevent the significant deterioration of air quality or another state's measures to protect visibility.

The Transport SIP was properly noticed in accordance with 40 CFR 51.102; documentation of the public review process is enclosed. Evidence that the State has the legal authority to implement the Transport SIP is provided in the enclosed letter from the Nevada State Attorney General's office.

If you should have any questions about this submittal or require additional clarification, you may contact Jennifer Carr, Chief of the Bureau of Air Quality Planning, at (775) 687-9346.

Sincerely,

A handwritten signature in black ink, appearing to read "Leo M. Drozdoff".

Leo M. Drozdoff, P.E.
Administrator



Enclosures

**cc: Michael Dayton, Chief of Staff, Office of the Governor
Steve Robinson, Deputy Chief of Staff, Office of the Governor
Allen Biaggi, Director, DCNR
Andrew Goodrich, Director, Air Quality Management Division, Washoe County DHD
Dennis Ransel, Chief, Planning Manager, Clark County DAQEM
Karina O'Connor, Air Division, EPA Region IX**

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NEVADA STATE IMPLEMENTATION PLAN

for

INTERSTATE TRANSPORT

**TO SATISFY THE REQUIREMENTS OF CLEAN AIR ACT
110(a)(2)(D)(i)
FOR THE 8-HOUR OZONE AND PM_{2.5} NAAQS
PROMULGATED IN JULY 1997**

Bureau of Air Quality Planning
Nevada Division of Environmental Protection

January 31, 2007

NEVADA STATE IMPLEMENTATION PLAN FOR INTERSTATE TRANSPORT

A. Introduction

The Clean Air Act §110(a)(2)(D)(i) requires that each state implementation plan (SIP) submitted to EPA must contain adequate provisions to address emissions that contribute significantly to other states through interstate transport. In addition, states must ensure that no SIP interferes with another state's program to prevent significant deterioration of its air quality or another state's measures to protect visibility.

On April 25, 2005, EPA published (70 FR 21147) a finding that states had failed to submit SIPs meeting the requirements of 110(a)(2)(D)(i) within three years after EPA issued new National Ambient Air Quality Standards (NAAQS) for 8-hour ozone and PM_{2.5} in 1997. The finding requires that EPA issue a Federal Implementation Plan for any state that does not submit a SIP and obtain EPA approval of it by May 25, 2007.

On August 15, 2006, EPA issued final guidance to states for preparation of SIPs that satisfy the 110(a)(2)(D)(i) requirements, and on September 11, 2006 added a supplement to the guidance.

There are four components of 110(a)(2)(D)(i) that must be addressed. The first two are discussed together in Part B below and address Nevada's potential to interfere with attainment or maintenance of the federal NAAQS in any other state. The requirement that Nevada show no interference with another state's program to prevent significant deterioration of its air quality is found in Part C below. Response to the requirement related to protection measures for visibility is found in Part D below.

B. Nonattainment and Maintenance Area Impact

The "good neighbor" provisions of §110(a)(2)(D)(i) require that state SIPs prohibit,

. . . any source or other type of emissions activity within the State from emitting any air pollutant in amounts which will--
(I) contribute significantly to nonattainment in, or interference with maintenance by, any other State with respect to any such national primary or secondary ambient air quality standard . . .

To demonstrate that emissions from Nevada do not contribute to nonattainment or interfere with maintenance of the 8-hour ozone and PM_{2.5} standards issued in 1997, Nevada relies on the modeling work conducted by EPA to determine which states should be included in the Clean Air Interstate Rule (CAIR). EPA's CAIR analysis identified states contributing significantly to nonattainment of PM_{2.5} and ozone in adjacent states; Nevada is not subject to the CAIR.

"In analyzing significant contribution to nonattainment, we determined it was reasonable to exclude the Western U.S., including the States of Washington, Idaho, Oregon, California, Nevada, Utah and Arizona from further analysis due to geography, meteorology, and topography. Based on these factors, we concluded that the PM 2.5 and 8-hour ozone nonattainment problems are not likely to be affected significantly by pollution transported across these States' boundaries. Therefore, for the purpose of

assessing State's contributions to nonattainment in other States, we have only analyzed the nonattainment counties located in the rest of the U.S."¹

Furthermore, there are no PM_{2.5} nonattainment or maintenance areas downwind from Nevada. With prevailing winds out of the south to west, the California nonattainment areas are directly upwind from Nevada (Appendices A and B). Thus, based on this information and EPA's conclusions in the CAIR, the State of Nevada agrees with EPA that PM_{2.5} emissions from Nevada do not significantly affect nonattainment or maintenance in neighboring states.

The State of Nevada evaluated the nonattainment areas for ozone in Phoenix and southern California (Appendix C). There are no ozone maintenance areas adjacent to Nevada. The Phoenix nonattainment area is 300 miles from Las Vegas in a southeasterly direction; the southern California ozone nonattainment area is to the south west of Las Vegas. Wind data from the Phoenix Skyport International Airport for 1995 through 2002 show that the prevailing winds come from the west and the east (Appendix D). Meteorological data at the McCarran International Airport in Las Vegas indicate that the prevailing winds are from the southwest. We can assume that winds leaving the Las Vegas area would blow northeast or easterly, neither toward Phoenix nor southern California. Thus, based on this information and EPA's conclusions in the CAIR, the State of Nevada agrees with EPA that ozone and ozone precursor emissions from Nevada do not significantly affect any nonattainment areas in neighboring states.

In addition, the Clark County Department of Air Quality and Environmental Management is currently working on an update of their ozone nonattainment SIP. This SIP will include control strategies that will further reduce ozone precursor emissions and likewise reduce any slight potential for influence that may exist on any of these areas. The due date for this submittal is pending resolution of the D.C. Court of Appeals Case No. 04-1200, which vacated the Final Phase 1 Rule to implement the 8-hour ozone NAAQS.

Based on all this information, the State of Nevada believes that emissions from Nevada do not contribute to nonattainment or interfere with maintenance of the 8-hour ozone and PM_{2.5} standards in any neighboring state. Nevada commits to continue to review new air quality information as it becomes available to ensure that this negative declaration is still supported by such information.

C. Impact on PSD

In § 110(a)(2)(D)(i)(II), the Clean Air Act requires that states prohibit emissions within the state from interfering,

". . . with measures required to be included in the applicable implementation plan for any other State under part C of this subchapter to prevent significant deterioration of air quality . . ."

EPA guidance indicates that states with preconstruction permitting programs which implement Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NNSR) have adequately demonstrated that they do not affect PSD

¹ See "Rule to Reduce Interstate Transport of Fine Particulate Matter and Ozone (Interstate Air Quality Rule); Proposed Rule," 69 FR at 4581, January 30, 2004, Preamble, first full paragraph, middle column.

implementation in other states.²

Nevada has a delegated PSD program and regulations for NNSR. Nevada has implemented these programs for many years. EPA indicates³ that it will be establishing schedules for SIP submissions that incorporate revisions to EPA's preconstruction permitting regulations which are specific to the 8-hour ozone and PM_{2.5} NAAQS. When that occurs, Nevada will revise its SIP accordingly. In the meantime, Nevada will implement its current regulations and PSD delegation in accordance with EPA's interim guidance which says that states may use PM₁₀ as a surrogate for PM_{2.5} in their PSD and NNSR programs.

Based on the conclusions stated by the EPA in their August 15, 2006 guidance, the State of Nevada concludes that Nevada's PSD delegation and NNSR permitting program ensure that Nevada does not interfere with PSD implementation in other states. Nevada commits to continue to review new air quality information as it becomes available to ensure that this negative declaration is still supported by such information.

D. Effects on Visibility

The final requirement of § 110(a)(2)(D)(i)(II) is that states prohibit emissions within the state from interfering with the measures of other states to protect visibility. EPA has issued two regulations dealing with visibility: the 1980 regulations which deal with emissions from one or a small number of sources; and the 1999 regulations which address regional haze. Nevada relies on EPA's finding with respect to the 1980 regulations that, ". . . EPA has made no determination that emissions from any State interfere with measures required to be included in a plan to address reasonably attributable visibility impairment."⁴

With respect to the 1999 regional haze regulations, Nevada is required to submit a Regional Haze SIP on December 17, 2007. The State of Nevada is working with the Western Regional Air Partnership including associated states and stakeholders to prepare a SIP to address EPA's Regional Haze regulations (64 FR 35714, July 1, 1999). This regional haze SIP will address visibility impairment. The State also commits to continue to review new air quality information as it becomes available to ensure that this negative declaration is still supported by such information.

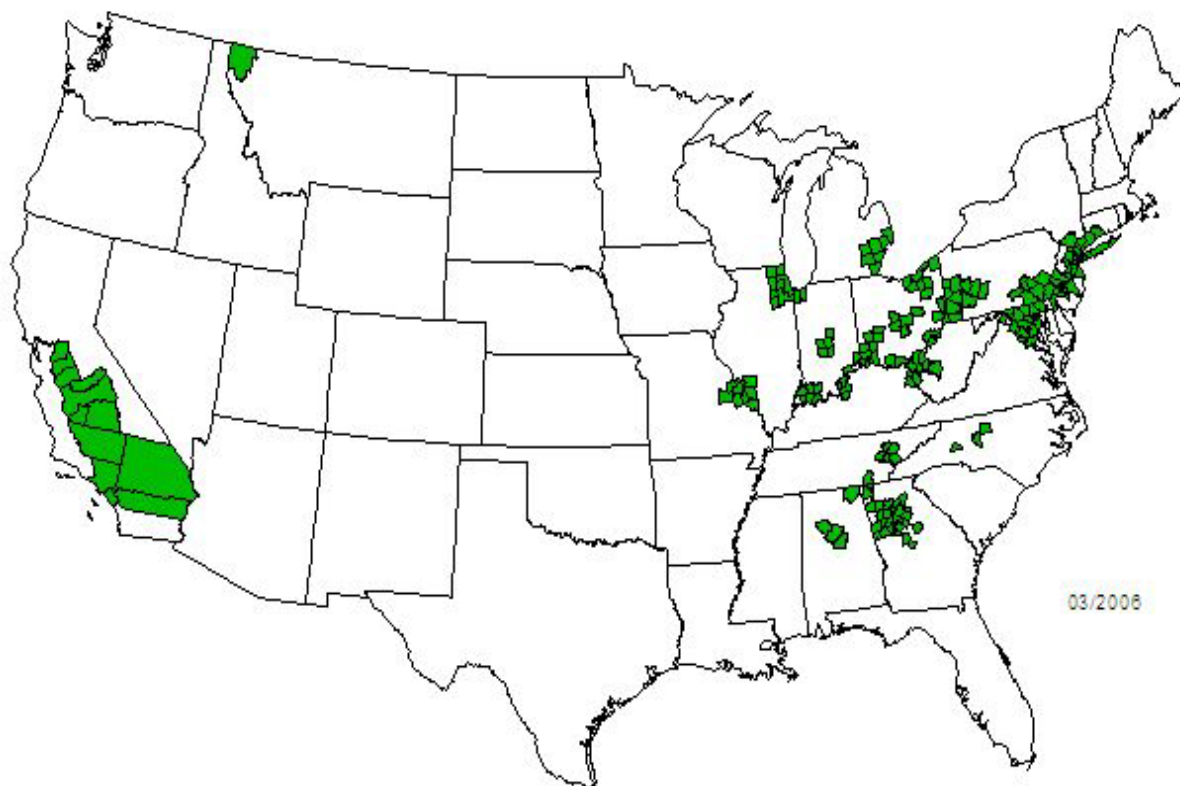
² *SIP Guidance on Section 110(a)(2)(D)(i), August 15, 2006, pages 6- 8.*

³ *SIP Guidance on Section 110(a)(2)(D)(i), August 15, 2006, page 6.*

⁴ *SIP Guidance on Section 110(a)(2)(D)(i), August 15, 2006, page 9.*

Appendix A

Counties Designated Nonattainment for PM-2.5

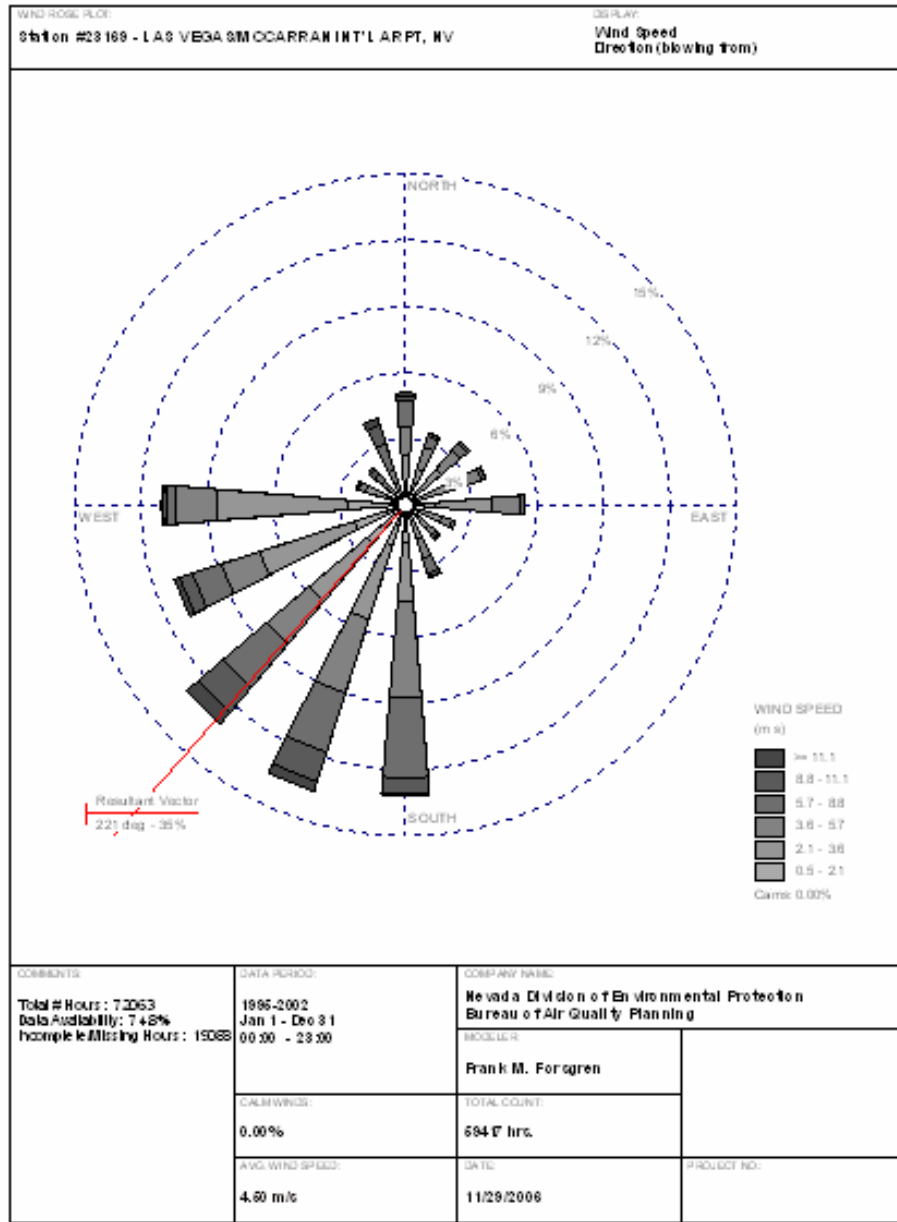


Partial counties are shown as whole counties

Ref: <http://www.epa.gov/oar/oaqps/greenbk/mappm25.html>

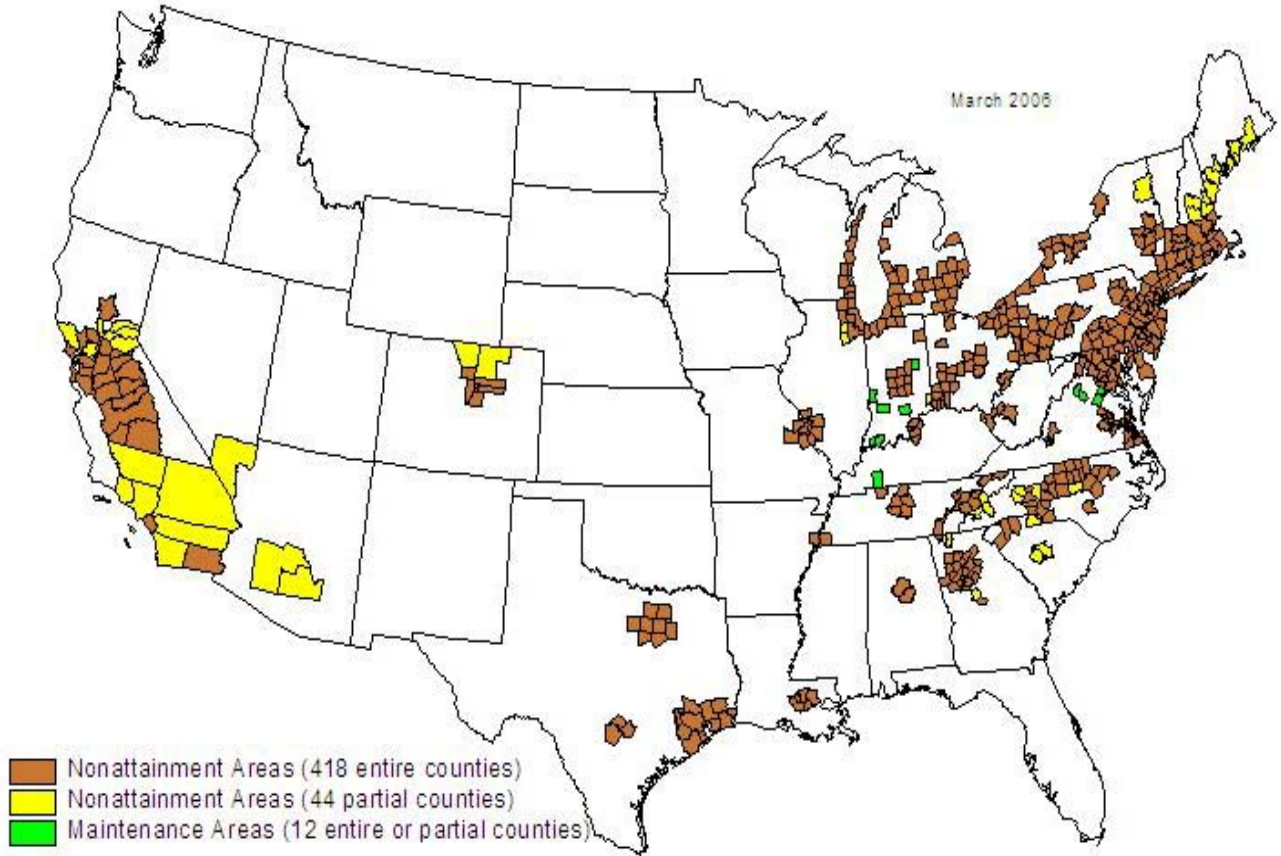
Appendix B

McCarran International Airport, Las Vegas Wind Rose, 1995-2002



Appendix C

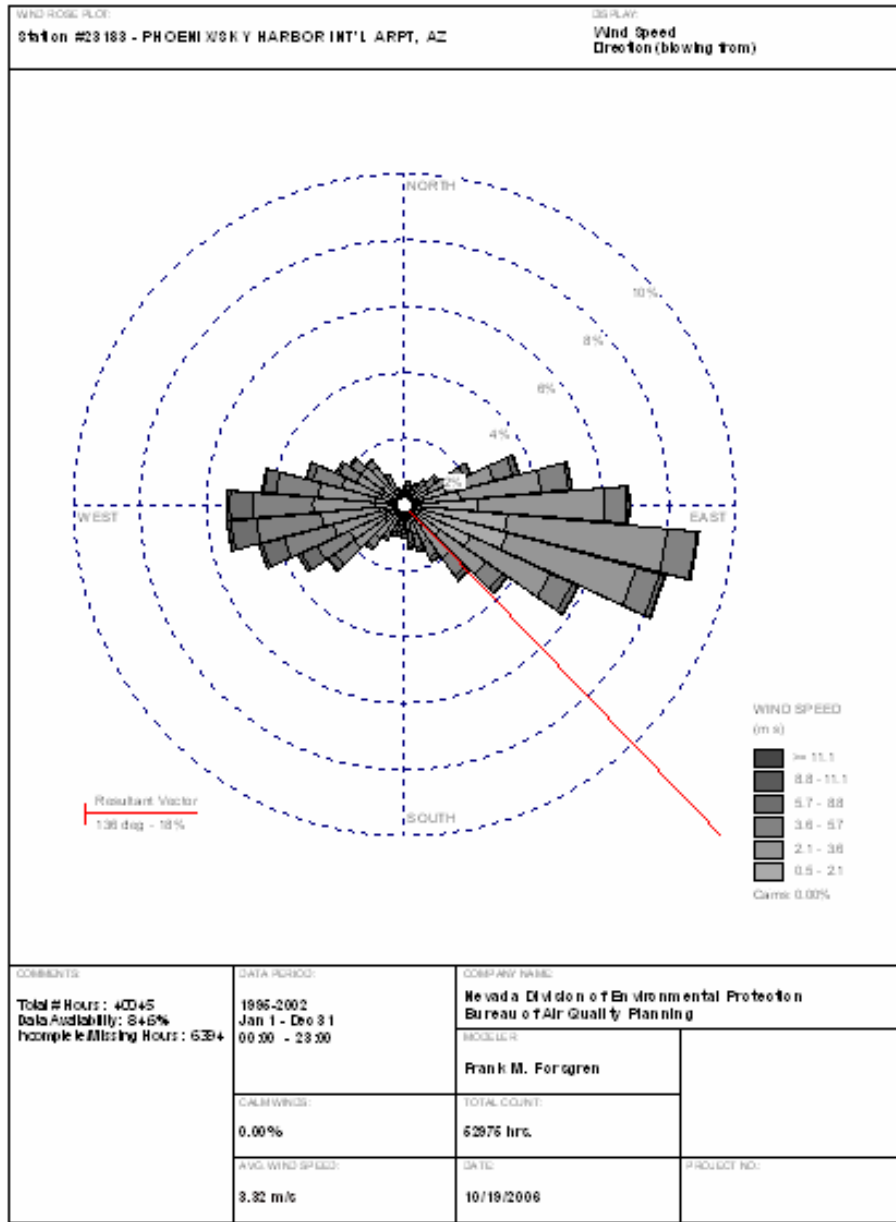
Nonattainment and Maintenance Areas in the U. S.
8-hour Ozone Standard



Ref: <http://www.epa.gov/oar/oaqps/greenbk/map8hrnm.html>

Appendix D

Sky Harbor International Airport, Phoenix Wind Rose, 1995-2002



NOTICE OF PROPOSED ACTION

by the
Nevada Division of Environmental Protection
Bureau of Air Quality Planning

PUBLIC NOTICE

Pursuant to the public hearing requirements in Title 40 of the Code of Federal Regulations Part 51 section 102, the Nevada Division of Environmental Protection (NDEP) is issuing the following notice.

The NDEP Bureau of Air Quality Planning (BAQP) has drafted a proposed state implementation plan (SIP) to address the Clean Air Act section 110(a)(2)(D)(i) requirement with respect to the interstate transport of ozone and PM_{2.5}. On April 25, 2005 U.S. Environmental Protection Agency (EPA) published a finding that states had failed to submit SIPs meeting the requirements of 110(a)(2)(D)(i) within three years after EPA issued new National Ambient Air Quality Standards (NAAQS) for ozone and PM_{2.5} in 1997. The finding requires that EPA issue a Federal Implementation Plan for any state that does not submit a SIP and obtain EPA approval of it by May 25, 2007.

The NDEP has chosen to write a SIP and submit it to EPA rather than being regulated under a Federal Implementation Plan. The proposed *Interstate Transport SIP* is available on the NDEP web site at http://ndep.nv.gov/admin/public.htm#air_qp, at the NDEP offices in Carson City (901 S. Stewart Street, Suite 4001) and Las Vegas (1771 East Flamingo Road, Suite 121A) and at county libraries throughout the State.

Persons wishing to comment on the proposed SIP or to request a hearing should submit their comments or request in writing either in person or by mail or fax within thirty (30) days to:

Adele Malone
NDEP Bureau of Air Pollution Control
901 South Stewart Street, Suite 4001
Carson City, Nevada 89701
(775) 687-9356 (775) 687-6396 FAX

Written comments will be received by NDEP at the above address until January 19, 2007 and will be retained and considered. Upon receipt of a valid written request, prior to the end of the comment period, the NDEP will hold a public hearing in Carson City at the NDEP offices from 10:00 to 11:00 a.m. on January 25, 2006. If this hearing is scheduled, notice will be posted on the NDEP web site, at NDEP offices and county libraries. We will also send the notice to everyone on our e-mail distribution list.

Please bring the foregoing notice to the attention of all persons you know that may be interested in this matter.

NOTE: No request for a public hearing was received, therefore, none was held.