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

Marci Henson
Director
Clark County Department of Environment and Sustainability
4701 W. Russel Road 2nd Floor
Las Vegas, Nevada 89118

Re: EPA Review of Clark County Department of Environment and Sustainability Exceptional Event Demonstrations for the 2015 Ozone NAAQS Las Vegas Nevada Nonattainment Area

Dear Director Henson:

On July 1, 2021, the U.S. Environmental Protection Agency (EPA) received Clark County Department of Environment and Sustainability's (CCDES) request to exclude data showing exceedances of the 2015 8-hour ozone (O_3) National Ambient Air Quality Standards (NAAQS) in calendar years 2018 and 2020 at multiple monitors in the Las Vegas, Nevada Nonattainment Area pursuant to the Exceptional Events Rule (EER). I appreciate the time and detail your staff put into the analyses, as well as the dialogue between our two agencies. After careful and extensive review of the exceptional events documentation submitted by your agency, the EPA is not concurring with CCDES's request to exclude data on June 19, 2018, May 6, 2020, May 9, 2020, June 22, 2020, and June 26, 2020.

The submittal from CCDES dated July 1, 2021, included documentation to show that the June 19, 2018, May 6, 2020, May 9, 2020, June 22, 2020, and June 26, 2020, exceedances were caused by exceptional events due to wildfires and stratospheric ozone intrusions (SOI). After thoroughly reviewing the information CCDES provided, based on the weight of evidence, the EPA has determined that CCDES has not adequately demonstrated that these exceedances satisfy the requirements for exclusion of the data due to an exceptional event as defined in the EER.

The basis for our decisions is set forth in the enclosed five technical support documents. As described in the enclosures, demonstrations failed to show that there was a clear causal relationship between the events and the monitored exceedances. The weight of evidence presented in the wildfire event submittals did not support the finding that the emissions from the identified wildfires caused the exceedances of the O_3 NAAQS in the Las Vegas Valley. Similarly, the evidence presented in the SOI event submittals showed evidence that SOI events had occurred, but the weight of evidence did not support the finding that O_3-rich stratospheric air was transported to the surface in the Las Vegas Valley and caused the exceedances of the O_3 NAAQS. Rather, exceedances occurred on days with meteorological conditions favorable to local O_3 production and for at least several of the event days, there was likely transport of O_3 from southern California.

EPA staff consulted with CCDES several times during the development of these demonstrations and shared feedback on draft analyses and documents. The documents submitted were developed following these exchanges. The EPA also performed independent analyses to further investigate these

exceedances. Based on the extensive amount of information and analysis performed and the resulting weight of evidence, the EPA has found that these exceedances do not qualify as exceptional events, and the EPA does not believe that additional information could be provided that would support concurrence on these demonstrations.

Given this nonconcurrence, the O_3 data associated with these dates are considered appropriate for inclusion in calculating official EPA statistics such as design values and for use in regulatory determinations related to the 2015 8-hour O_3 NAAQS. This decision will be recorded in the EPA's Air Quality System database through application of nonconcurrence flags for these data requested for exclusion.

The EPA's nonconcurrence is a preliminary step in the regulatory process for actions that may rely on these data and does not constitute final Agency action. If the EPA completes a notice-and-comment rulemaking for an action that is influenced by the O_3 data specified in this nonconcurrence, the EPA's nonconcurrence letter and accompanying technical support documents would be included in the record as part of the technical basis for the proposed action. When the EPA issues that regulatory action, it is a final Agency action subject to judicial review.

In addition to the documentation for the five aforementioned dates, CCDES sent submittals to the EPA on July 1, 2021, and September 2, 2021, requesting exclusion of data showing exceedances on numerous other dates in 2018 and 2020 based on influence by wildfires. The EPA's practice is to only act on items that have regulatory significance. Based on the EPA's nonconcurrence of the five aforementioned dates, we have determined that EPA concurrence or nonconcurrence on these other events would not affect upcoming regulatory actions. Specifically, we are sorry to inform you that for the 2015 O_3 NAAQS, the Las Vegas area will have a violating 2020 design value and the area will not be eligible for a one-year extension regardless of action on these remaining submittals. As data from these other events no longer have regulatory significance under the EER, the EPA considers the other events submitted on July 1, 2021 and September 2, 2021 on hold at this time, and will notify you should any of the data requested for exclusion become significant for a future regulatory determination. We are aware of the amount of time and resources each submittal requires and look forward to future discussions with CCDES on how we might improve coordination between our two agencies, including earlier engagement and substantive conversations about prospective exceptional events.

Please let us know if you are interested in having a conversation to discuss the technical basis for our review of these events. If you would like to schedule such a conversation or have any questions or comments about any of the above, please feel free to contact me at (415) 972-3183 or Ben Machol at (415) 516-7470 or machol.ben@epa.gov.

Sincerely,

ELIZABETH ADAMS Digitally signed by ELIZABETH ADAMS
Date: 2022.04.11 13:09:46 -07'00'

Elizabeth J. Adams
Director, Air and Radiation Division

Enclosure: Technical Support Documents for EPA Nonconcurrence on June 19, 2018, May 6, 2020, May 9, 2020, June 22, 2020, and June 26, 2020 O_3 Exceedances in Clark County, Nevada

cc (via email): Jodi Bechtel, CCDES, Araceli Pruett, CCDES

ENCLOSURE

Technical Support Documents for EPA Nonconcurrence on June 19, 2018, May 6, 2020, May 9, 2020, June 22, 2020, and June 26, 2020 O_3 Exceedances in Clark County, Nevada

Five Technical Support Documents included in this enclosure:

1. Technical Support Document for EPA Nonconcurrence on O_3 Exceedances Measured in Clark County, Nevada on June 19, 2018, as a Wildfire Exceptional Event
2. Technical Support Document for EPA Nonconcurrence on O_3 Exceedances Measured in Clark County, Nevada on May 6, 2020, as a Stratospheric O_3 Intrusion Exceptional Event
3. Technical Support Document for EPA Nonconcurrence on O_3 Exceedances Measured in Clark County, Nevada on May 9, 2020, as a Stratospheric O_3 Intrusion Exceptional Event
4. Technical Support Document for EPA Nonconcurrence on O_3 Exceedances Measured in Clark County, Nevada on June 22, 2020, as a Wildfire Exceptional Event
5. Technical Support Document for EPA Nonconcurrence on O_3 Exceedances Measured in Clark County, Nevada on June 26, 2020, as a Wildfire Exceptional Event