



File Code: 2580

Date: March 4, 2009

Adele King Malone, ES IV, Supervisor
Planning Branch, Bureau of Air Quality Planning
Nevada Division of Environmental Protection
901 S. Stewart Street, Suite 4001
Carson City, NV 89701

Dear Ms. Malone:

On January 5, 2009, the State of Nevada submitted a draft implementation plan describing your proposal to improve air quality regional haze impacts at mandatory Class I areas across your region. We appreciate the opportunity to work closely with the State through the initial evaluation, development, and now subsequent review of this plan. Cooperative efforts such as these ensure that, together, we will continue to make progress toward the Clean Air Act's goal of natural visibility conditions at our Class I wilderness areas and parks.

This letter acknowledges that the US Forest Service has received and conducted a substantive review of your proposed Regional Haze Rule implementation plan. Please note, however, that only the US Environmental Protection Agency (EPA) can make a final determination about the document's completeness, and therefore, only the EPA has the ability to approve the document. The Forest Service's participation in the State of Nevada's administrative process does not waive any legal defenses or sovereignty rights it may have under the laws of the United States, including the Clean Air Act and its implementing regulations.

As outlined in a letter to Michael Elges, dated January 19, 2007, our review focused on eight basic content areas. The content areas reflect priorities for the Federal Land Manager agencies. We are enclosing comments associated with these priorities. Please note we have highlighted comments in bold face that we feel warrant additional consultation prior to public release. We look forward to your response as required by 40 CFR 51.308(i)(3). For further information, please contact Rick Graw at (503) 808-2918 or Scott Copeland at (307) 332-9737.

Again, we appreciate the opportunity to work closely with the State of Nevada. The Forest Service compliments you on your hard work and dedication to significant improvement in our nation's air quality values and visibility.

Sincerely,

/s/ Harv Forsgren
HARV FORSGREN
Regional Forester

Enclosure



cc: Mike Dudley
Randy Karstaedt
Jeff A Sorkin
Rick Graw
Scott A Copeland
Ann Acheson
Bruce Polkowsky

Comments

Section 1: Overview

Overall, we commend the State of Nevada on the content and presentation of the materials contained within the draft Regional Haze SIP. The organization of the material facilitated the review.

Section 1 provides an overview of the regional haze rule and requirements. Within this section it seems appropriate to discuss the relationship of the regional haze program to other state air permitting programs such as the Prevention of Significant Deterioration program. We note that the PSD program can be an effective tool to prevent degradation of “Best Days,” and that new sources should be consistent with or accounted for in RH SIP revisions.

Section 4: Visibility and Source Apportionment Modeling

Table 4-4. A foot note should be added to Death Valley monitoring site to identify that it is not a Class I area.

Section 5: BART

In the BART determinations, NDEP expresses the averaging period for NO_x emission limits as 12-month rolling averages, SO₂ emission limits as 24-hour averages (or 30-day average for Mohave), and PM₁₀ emission limits as 3-hour averaging period. While an annual NO_x limit may be appropriate to be protective of the National Ambient Air Quality Standard for NO₂, this state implementation plan is designed to be protective of regional haze, which is an instantaneous phenomenon as experienced by a visitor to a national park or wilderness area. As such, we believe a shorter averaging period needs to be defined for NO_x limits.

The EPA BART rule specifies a 30-day rolling average as appropriate for NO_x presumptive limits for electric generating units. Additionally, model-predictions of haze are based upon 24-hour averages. As such, we request NDEP to specify a shorter averaging period and corresponding NO_x limit to be consistent with the EPA rule.

Section 7: Long-Term Strategy for Nevada

Please clarify that NDEP will revisit Nevada Cement, Fernley Plant during its mid-term review (5 years after EPA approval of the SIP) to clarify if the facility has been shut down or if not, to consider emission reductions as part of its reasonable further progress goals for Class I areas within and adjacent to Nevada.

Section 7.7: Smoke Management Plan

Please use caution in citing or referring to other legally binding documents, which if modified may require re-opening the regional haze SIP. For example, please cite and use the Clean Air

Act in terms of following the emission reduction and mitigation objectives instead of using an MOU between effected agencies. This will reduce the need to modify the RH SIP, should the MOU which only lasts 5 years, be modified, or expired?

Since anthropogenic fire and prescribed burning constitute a very small component of haze, the Forest Service would like to ensure that these practices are not unnecessarily regulated. As the Forest Service has responsibility both to ensure protection of wilderness areas and to restore fire as a natural component of the ecosystem, we continue our desire in working with NDEP in implementing any changes to their smoke management program.

To aid in the public's understanding, please include a map showing the region within 15 miles of the specific areas (i.e, class I areas, smoke sensitive areas, and non-attainment areas) which have smoke management restrictions.

As the terminology may sometimes be confusing, please segregate out what is required by the open burning regulation and what's required for prescribed burning.

Section 7.9: Long-Term Strategy

While Jarbidge WA is projected to meet the 2018 URP, other Class I areas in adjacent states affected by emission sources in Nevada are not projected to meet the 2018 URP. Nevada analyzed its contribution to impacts in Class I areas in neighboring states and presented its analysis in Section 7.9.3.2. Please expand this table to include the Hoover, CA IMPROVE monitoring site.

Section 8: Monitoring Strategy

Please specify the frequency in which Nevada commits to updating its statewide emissions inventory.

Section 9: Coordination, Future Commitments and Requirements

Based upon the source apportionment of sulfates and nitrates for the worst-case days, the Forest Service encourages Nevada to work with Idaho in identifying strategies to reduce impacts from area sources of nitrate and point sources of sulfates in Idaho to the Jarbidge Wilderness area.