

**Responses to Comments on the Adequacy of the
PM10 Transportation Conformity Budgets
Contained in Clark County s PM10 Attainment Demonstration**

On July 23, 2001, the Nevada Division of Environmental Protection (NDEP) submitted a revision to the Nevada State Implementation Plan (SIP) to EPA. The SIP revision submitted by NDEP includes a plan developed and adopted by Clark County to address air quality planning requirements under the Clean Air Act ("Act") for Las Vegas Valley, an area within Clark County that is designated as nonattainment for the PM10 NAAQS and that is further classified as a "serious" PM10 nonattainment area. The 2001 PM10 plan for Las Vegas Valley identifies regional motor vehicle emission budgets in tons of PM10 per day for the years 2001, 2003 and 2006. EPA announced receipt of the plan on the Internet on August 6 and requested public comment by September 6, 2001. We received one set of comments on the plan during that comment period. The comments were included in a letter dated September 6, 2001 from Robert W. Hall of the Nevada Environmental Coalition Inc. Mr. Hall s comments and our responses to those comments are included below.

Introduction (pp. 1-2 of the comment letter)

Comment 1: The commentor states his opposition to the 2001 Las Vegas PM10 plan and requests that EPA impose sanctions against the State of Nevada and promulgate a Federal Implementation Plan (FIP).

Response 1: Since the State of Nevada has submitted a PM10 plan to us for Las Vegas Valley to address the planning requirements for PM10 nonattainment areas classified as "serious," imposition of sanctions would be inappropriate at this time, and as described below, neither the sanctions "clocks" nor the FIP "clock" have yet to expire.

Section 179(a) of the Clean Air Act (Act) mandates imposition of certain types of sanctions (offset ratio and highway funding) after certain periods within a nonattainment area after we make certain types of findings, such as failure to submit plans or plan items, disapproval of such plans or plan items, or a finding of nonimplementation unless the State corrects the deficiency within the period. Under EPA regulations (see title 40 of the Code of Federal Regulations, part 52, section 52.31 [40 CFR 52.31]) that implement section 179(a), EPA must impose sanctions unless the State corrects the deficiency within 18 months (for the offsets ratio sanction) or 24 months (for the highway funding sanction). The time periods during which a State can correct deficiencies prior to mandatory imposition of sanctions by EPA are often referred to as "sanctions clocks." In addition, section 110(c) of the Clean Air Act requires EPA to promulgate a FIP under the circumstances described for imposition of sanctions under section 179 unless the State corrects the deficiency and EPA approves the plan within a 24-month period. The 24-month period is often referred to as the "FIP clock."

Between 1991 and 1997, the State of Nevada submitted four SIP revisions to address PM10 planning requirements for Las Vegas Valley, including a "moderate" area plan (1991 Moderate Plan), an addendum to the 1991 Moderate Plan related to reasonably available control measures (1995 RACM Addendum), a plan related to best available control measures (1994 BACM plan), and a serious area plan (1997 Serious Plan). On June 14, 2000, EPA proposed to disapprove all of these submitted plans. See 65 FR 37324. On December 5, 2000, prior to any final action by EPA, the State of Nevada withdrew the submittals. Subsequent to this withdrawal, EPA took final action to find that the State of Nevada failed to make PM10 nonattainment area SIP submittals for Las Vegas Valley as required under the Clean Air Act Amendments of 1990. See 66 FR 1046 (January 5, 2001). This action was effective as of December 20, 2000 and started an 18-month clock for offset sanctions and a 24-month clock for highway sanctions as well as for promulgation of a FIP.

Pursuant to EPA's finding of no submittal, the mandatory offsets sanction and highway sanction will apply in Las Vegas Valley beginning on June 20, 2002 and December 20, 2002, respectively, if the State of Nevada does not make a complete resubmittal. The State of Nevada submitted a revised PM10 SIP for Clark County (2001 PM10 Plan) on July 23, 2001. We have not determined the submittal to be "complete" at this time, but are likely to do so in the near future based on our preliminary review of the plan for the purposes of finding the emissions budgets to be adequate for transportation conformity purposes. (The completeness determination is different than an adequacy determination and triggers formal, detailed EPA review of a SIP submission.) Assuming that we find the submittal to be complete, our finding of completeness will constitute a finding that the deficiency forming the basis for the offset and highway sanctions clocks has been corrected, and furthermore, our finding that the deficiency has been corrected will permanently stop the sanctions clocks under section 179. See 40 CFR 52.31(d)(5). The FIP clock continues to run, however, until EPA finalizes approval of a PM10 plan meeting all of the requirements of the Act. In this instance, the FIP clock does not expire until December 20, 2002.

Filing of Clark County's documents (pp. 2-3 of comment letter)

Comment 2: The commentor claims that the second Emission Inventory Audit report contained in Appendix B (dated June 19, 2001) was not included in the PM10 State Implementation Plan that was noticed and adopted on June 19th and that, therefore, the report should not be included in the Administrative Record for the PM10 SIP.

Response 2: Section 110(l) of the Clean Air Act prevents EPA from approving a SIP revision if the SIP revision had not been subject to reasonable notice and public hearing prior to adoption by the State or local agency responsible for SIP approvals. As described below, the PM10 SIP meets the notice and hearing requirements of section 110(l).

Public review of a (public draft) PM10 plan occurred originally during a 42-day

public comment period from March 6, 2001 to April 17, 2001. A public hearing was held on April 17, 2001. On May 15, 2001, the Board of County Commissioners received staff responses to comments and authorized a 30-day notice for a public hearing to receive final comments on the staff responses. The second public hearing was held on June 19, 2001. The final version of the PM10 plan, dated June 2001, that was submitted to EPA, contains a second set of public comments and responses as well as documents (including the audit report that the commentor references) to support those responses and simply expands on and clarifies, but makes no changes to, the substantive provisions of the plan. Since the report makes no substantive changes to the plan and is incorporated as a response to a comment, the report should not be removed from the record.

Quality assurance audit of PM10 emissions inventory (pp. 3-5 of the comment letter)

Comment 3: The commentor indicates that the November 7, 2000 draft "audit" of the PM10 emission inventory has numerous deficiencies.

Response 3: The audit that the commentor reviewed was a draft. The final audit corrected and answered these deficiencies. In addition, chapter 4, section 4.8, of the plan identifies a number of commitments by Clark County to improve PM10 emissions inventories.

Decision by U.S. Court of Appeals for Ninth Circuit (pp. 5-8 & 43-44 of the comment letter)

Comment 4: The commentor claims that Clark County does not currently have approved SIP rules that are legally sufficient to support the PM10 plan submitted and that EPA cannot approve a pollutant-specific SIP when no rules are in place or submitted to enforce key portions of the proposed SIP.

Response 4: As a result of the decision by the U.S. Court of Appeals for the Ninth Circuit on August 29, 2001 vacating EPA's SIP approval of Clark County's New Source Review (NSR) rules encompassed by Sections 0 (Definitions), 12 (Preconstruction Review for New or Modified Stationary Sources), and 58 (Emission Reduction Credits), the current SIP-approved NSR rules are Clark County Sections 1 (Definitions) and 15 (Source Registration). Clark County Sections 1 and 15 are legally sufficient, SIP-approved rules for the control of particulate matter (including PM10) from new and modified stationary sources. In addition, Sections 0, 12, and 58, submitted by Clark County for SIP approval, are locally enforceable rules that specifically control PM10 emissions from new and modified stationary sources in the PM10 nonattainment area. We will be taking action on Sections 0, 12, and 58 in a separate SIP action consistent with the court's ruling in the near future.

Finally, the NSR rules to which the commentor refers represent only a small part of the County's overall plan to control PM10 emissions. Clark County has worked

closely with EPA to develop and adopt several prohibitory rules that are a large part of their overall plan. These prohibitory rules, including Sections 90, 91, 92, 93, and 94, which control fugitive dust from such sources as open areas and vacant lots, unpaved roads, unpaved parking lots, paved roads and street sweeping equipment, and construction activities, represent a substantial component of the County's submitted plan to control PM10 emissions.

Comment 5: The commentator notes that the Clark County must be able to demonstrate that it can enforce the PM10 plan and concludes that it is not possible for the County to do so since key rules were vacated from the SIP.

Response 5: As noted in our response to comment 4, above, the U.S. Court of Appeals for the 9th Circuit vacated EPA's SIP approval of Clark County's NSR rules - Sections 0, 12, and 58. Since these rules are no longer in the SIP, they can no longer be enforced by EPA or citizens but they continue to be enforceable by the local air quality permitting agency. EPA will be reconsidering approval of Sections 0, 12, and 58 in the near future in light of the court's decision. In addition, based on the emissions inventories prepared for the 2001 PM-10 plan, attainment of the PM10 NAAQS relies much more heavily on implementation and enforcement of prohibitory rules governing fugitive dust sources, such as Clark County Sections 90 through 94, than on NSR rules for stationary sources, and the PM10 SIP demonstrates sufficient resources and commitments by Clark County to implement and enforce these prohibitory rules.

Historical background (pp. 8-16 of the comment letter)

Comment 6: The commentator describes the regulatory context in which the 2001 PM10 plan was developed, the sequence of actions leading to the designation of Las Vegas Valley as a serious nonattainment area for the PM10 NAAQS, the planning requirements under the Act for serious PM10 nonattainment areas, the State of Nevada's PM10 SIP submittals for Las Vegas Valley, EPA's actions related to these submittals, the State of Nevada's purported failure to submit required plans, the reaction by EPA to the State's withdrawal of previously submitted PM10 plans, and EPA's final action finding that the State of Nevada had failed to submit SIP revisions addressing the CAA's moderate and serious area PM10 requirements.

Response 6: Comment noted.

Prevention of Significant Deterioration (PSD) and New Source Review (NSR) (pp. 16-17 of the comment letter)

Comment 7: The commentator notes that the SIP for Nevada should specify how the PSD portion of the Act will be implemented and that the plan should identify how the increment will be determined for each individual Class I and Class II areas in Nevada and how the accounting for increments will be conducted. The commentator cites the

degradation of air quality in Apex Valley as an example of ineffective implementation of the PSD program.

Response 7: The Nevada SIP covers all of the requirements under title I of the Act, including those related to nonattainment, attainment, legal authority, ambient monitoring, and many others, and the plan (and associated emissions budgets) we are evaluating for adequacy represents only a small part of the overall Nevada SIP. The adequacy determination that we are making in this action relates to a control strategy plan submitted to us to address a pollutant (PM10) for which an area (Las Vegas Valley) is designated nonattainment. As such, we have made a preliminary evaluation of that plan for compliance with the requirements of part D (Plan Requirements for Nonattainment Areas) of title I of the Act. In contrast, Prevention of Significant Deterioration (PSD) relates to attainment pollutants and the associated requirements are set forth in part C (Prevention of Significant Deterioration of Air Quality) of title I of the Act. Thus, the submitted PM10 plan need not address PSD implementation issues to be approvable by EPA as a part D control strategy plan.

Reasonable further progress / quantification (pp. 17-18 & 50 of the comment letter)

Comment 8: The commentor states that Clark County has failed to meet the Reasonable Further Progress (RFP) requirements of section 189(c)(1) of the Act and has failed to submit milestone reports to EPA. The commentor also is concerned that emission estimates from this plan are inconsistent with emission estimates in previous (1997) plans.

Response 8: Chapter 5, section 5.6, of the plan addresses RFP requirements of the Act. This section includes emission estimates for the 1998 base case, 2003 (controlled case), and 2006 (controlled case) based on the control measure implementation schedule and estimates of measure effectiveness. The emissions estimates indicate that emissions reductions from implementation of plan control measures will result in a greater degree of reduction during the earlier years covered by the plan (e.g., between 1998 and 2003) than in the later years (2003 to 2006). This is better than the linear incremental annual progress towards attainment that is generally regarded as the minimum required for RFP. Furthermore, the motor vehicle emissions budgets described in section 5.7 of the plan for years 2001, 2003, and 2006 are consistent with the emissions estimates for those years for the BLM disposal area as a whole.

With respect to milestones reports required under section 189(c) of the Act, the first milestone was for year 2000, and the deadline for the first milestone report was due May 8, 2000 based on the effective date of the serious area classification (February 8, 1993) and the deadline for the PM10 SIP (February 8, 1997). No such report was submitted to EPA, but the submission of the 2001 PM10 plan essentially remedies that failure since it constitutes a plan revision (under section 189(c)(3) of the Act) that assures that the next milestone (for year 2003) will be achieved. The next milestone report is due

to EPA no later than February, 8, 2003.

With respect to emissions estimates prepared for previous PM10 plans, we note that emissions inventories are subject to frequent updates and improvements, and estimates prepared for earlier plans may be substantially different from estimates prepared for later plans. Previous PM10 plans for Las Vegas Valley have been withdrawn by the State of Nevada, and the adequacy determination is based on the updated emissions estimates as prepared for the submitted plan, the 2001 PM10 plan.

Population estimates (pp. 18-19 of the comment letter)

Comment 9: The commentor indicates that the plan is based on faulty population projections because the plan's population projections correlate to only a portion of the nonattainment area rather than the whole nonattainment area.

Response 9: We believe the plan's use of population projections for the BLM disposal area, rather than projections for the nonattainment area as a whole, is reasonable. On pages 3-8 and 3-9, the PM10 SIP indicates that over 99 percent of the population within the nonattainment area live within the BLM disposal area and that future development within the nonattainment area is restricted to the BLM disposal area unless Congress acts to change the boundary, and thus, new residents within the nonattainment area will also live within the BLM disposal area. Furthermore, as discussed in various places in Clark County's responses to the commentor (Appendix Q), and on page E-1, due to the vast concentration of population and anthropogenic activities in the BLM disposal boundary, it is appropriate to limit the modeling domain to that area. This effort focused the maximum required emission reductions on the major anthropogenic activities. In addition to these reductions, Clark County has formed an off-road enthusiast/off-highway vehicle working group to ensure that off-road vehicle activities do not prevent the area from reaching attainment.

Appendix E, page E-4, of the plan indicates that the plan assumes a 38% growth in population between 1998 and 2006 within the BLM disposal area. This figure is lower than the 56% figure for growth cited by the commentor, but the commentor's figure is the percent change between 2006 county-wide population and 1998 population within the BLM disposal area. Consistent use of county-wide population projections reveals a 43% growth in population over the county as a whole, which is similar to the extent of growth projected for the BLM disposal area and used for the PM10 plan. The nonattainment area constitutes only a portion of Clark County.

Emission data assumptions (p. 19 of the comment letter)

Comment 10: The commentor believes that the plan's valley-wide emissions data assumptions are not credibly supported. As one example, the commentor questions the emissions estimates for McCarran International Airport.

Response 10: We disagree that the plan's emissions data are not credibly supported. The commentator's example of counterintuitive emissions estimates for aircraft at McCarran International Airport can be explained with reference to the available emissions factors for use in calculating PM10 emissions from aircraft engines. Such data is not available for most of the engines used on modern commercial jet aircraft. PM10 emissions factors are available for some of the engines found on older aircraft, but as the fleet of aircraft change over time, and older aircraft for which PM10 emissions factors are available are phased out of the fleet, the PM10 emissions estimates would decrease despite the overall increase in aircraft operations since the PM10 emissions from the newer aircraft for which factors are unavailable are assumed for inventory purposes to be zero. PM10 emissions from these newer aircraft engines are not zero, but are considered insignificant within the broader context of the plan, and their omission does not undermine the basic soundness of the inventory as a whole.

Concerns related to air monitoring network (pp. 20-21 of the comment letter)

Comment 11: The commentator states that the Clark County air monitoring network fails to meet the six basic objectives as established by federal regulations.

Response 11: The commentator does not provide any support for his statement that the network design does not meet the six objectives in our regulations and indicates not so much a concern with the network design as with the operation of the network. It is well established in the monitoring community that agencies cannot monitor in all locations in the nonattainment area and that the network should be designed in such a way so that monitors are located in areas that are representative of other similar locations. However, to assure the public that the PM10 network is designed to meet these objectives, the Clark County Department of Air Quality Management (CCDAQM) should assess the PM10 network to ensure that the monitoring objectives are being met.

In evaluating the existing PM10 monitoring network, we believe that it generally meets EPA requirements but CCDAQM should provide some supporting analyses or documentation that specific monitoring objectives are being met. Regarding the first objective, determining the maximum concentration expected to occur in the area covered by the network, we believe that CCDAQM collects high concentration data and reports it to EPA. Based on data submitted to EPA over the last decade, 1990 through 2000, we can see concentrations as high as 442 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$), recorded in 1999 at the Craig Road PM10 monitor, which lies within the BLM disposal area boundary and a 508 $\mu\text{g}/\text{m}^3$ value recorded in 2000 at the Apex monitoring site, which falls outside the nonattainment area. CCDAQM should demonstrate that, to the best of their knowledge and expertise, the data collected at certain monitoring sites represents the highest concentrations expected to occur in the area covered by their network.

It is important to keep in mind however that, unlike ozone and even PM2.5 air pollution, due to its localized nature, a maximum concentration PM10 monitoring

location may not occur in a static location in the Las Vegas Valley, making it difficult to pinpoint a permanent location for this purpose. The maximum concentration PM10 location is going to vary depending on the PM10 source activity, which tends to move in areas like Las Vegas as development expands the urbanized area. This supports the concern we have that the CCDAQM needs to routinely (e.g., every three to five years) perform a comprehensive assessment of their network design.

Monitoring for representative population exposure is the second objective, and we believe that the CCDAQM network is adequate for that purpose. When monitoring for this objective the goal is not to capture maximum expected concentrations but to locate the monitor to represent broad population exposure to PM10 air pollution. CCDAQM operates 16 monitoring stations that collect PM10 ambient concentration data, all but 3 of which are located within the BLM disposal area, where 99% of the population located within the nonattainment area reside. We believe that, for the purpose of collecting data that is representative of the general population's exposure to PM10 air pollution in Las Vegas Valley, the CCDAQM PM10 network is adequate.

The third objective, determining the impact of significant sources or source categories, may or may not be addressed by the CCDAQM PM10 monitoring network. The limited information provided by CCDAQM in their annual network review makes it difficult for us to assess whether this objective is being met by the network. We do believe that the source category of construction dust is adequately covered by the network, and the Apex monitor meets this monitoring objective under certain meteorological conditions, but we cannot be sure of whether the network captures impacts from all types of industrial sources, such as sand and gravel operations, in the nonattainment area. This again supports the need for a comprehensive network assessment.

The fourth objective is to determine general background concentration levels. According to CCDAQM's network descriptions, determining general background concentration levels is accomplished by the Apex monitoring site, located northeast of the nonattainment area in an unpopulated but industrialized area. Our conclusion, however, is that under certain wind regimes this site does not represent background. Based on wind roses created from meteorological data collected at McCarran Airport, the prevailing winds in Las Vegas Valley come from the south and southwest. CCDAQM needs to find a more appropriate location for a background monitor, one that is upwind of valley activity and does not have any nearby sources of PM10 air pollution. However, the need to identify a more suitable background monitoring site for the PM10 network does not undermine the 2001 PM10 plan because the plan's attainment demonstration, with one exception, relies on background data from the Jean monitoring site, which lies in the prevailing upwind direction from Las Vegas Valley. The exception is the J.D. Smith microscale area for which the 24-hour NAAQS attainment demonstration relies on background data from the Walter Johnson monitoring site.

The fifth and sixth objectives, determining regional transport and welfare impacts, are relatively new objectives established when EPA revised the 40 CFR 58 regulations in 1997. CCDAQM has not evaluated their network to assess whether these objectives are being met but neither have most State and local agencies at this time. EPA is currently working on a nationwide program to assess all the pollutant monitoring networks and is working to develop the tools that these agencies need to perform this function. However, EPA is addressing the sixth objective, determining the welfare related impacts in more rural and remote areas, through the expansion of the Interagency Monitoring for the Protection of Visual Environments (IMPROVE) network. We also believe that due to the relative isolation of Las Vegas Valley and the localized nature of PM10 air pollution that the fifth objective, pollution transport between populated areas, is not particularly relevant in this case. That may not be true, however, of the more regional pollutants, ozone and PM2.5.

Comment 12: The commentor has also observed irregularities in the operation of the monitoring network. He states that the network does not determine the highest expected concentrations of a pollutant since the local air agency has manipulated the heights of monitoring equipment, site locations, calibration schedules, maintenance schedules, data and reporting, in order to reduce the risk that they will not achieve attainment.

Response 12: The commentor believes that CCDAQM (or the Air Quality Division of the Clark County Health District (CCHD), the agency that had been responsible for air pollutant monitoring prior to formation of CCDAQM in July 2001) manipulates monitoring data in order to avoid recording exceedance data. While there was an instance where the CCDAQM raised a carbon monoxide inlet probe beyond the maximum height, thereby invalidating the data collected, the PM10 data submitted to EPA by CCHD does not support this comment. During the period 1998-2000, there were a number of sites which violated the daily PM10 NAAQS. The following table summarizes the average number of expected exceedances per year and the maximum values for violating PM10 sites:

SITE NAME	AVERAGE NUMBER OF EXCEEDANCES PER YEAR* 1998-2000	MAXIMUM 24 HOUR CONCENTRATION g/m ³
Henderson	1.1	206
East Craig Road	3.6	442
Apex	1.1	508
Pittman	2.5	334
Green Valley	2.0	358

Flamingo	2.5	281
JD Smith	2.1	267

Source: Aerometric Information Retrieval System/ Air Quality Subsystem

* A site violates the 24 hour PM10 NAAQS if the average number of exceedances per year over a three year period is greater than one (rounded to one decimal place).

Comment 13: The commentor claims that CCDAQM has avoided reporting real exceedances by locating monitors upwind of expected high impact areas or by taking a site monitor out of service for maintenance, calibration or some other reason.

Response 13: We do not concur with the commentor that CCDAQM has avoided reporting exceedances of the PM10 NAAQS. As shown in the table in the response to the previous comment, CCDAQM has reported a number of exceedances to EPA, with values that are quite high. This fact alone disputes the commentor's assertions.

EPA Region 9 had recently conducted a technical systems audit (TSA) of the CCDAQM monitoring program. A TSA is an on-site review and inspection of a State or local agency's ambient air monitoring program to assess its compliance with established regulations governing the collection, analysis, validation, and reporting of ambient air quality data. As a result of any findings we make in the TSA, CCDAQM will need to prepare a plan that details how they will correct any deficiencies we found in their program and establish a schedule for making those program corrections. During the TSA we saw no evidence that the monitoring instrumentation was manipulated in any way to bias the data collected so that instruments would not report exceedance data.

We do concur with the commentor's statements regarding instrument shutdown for calibration or maintenance during high PM10 events. However, we believe this is due to poor communication between management and the field staff and a lack of detailed standard operating procedures rather than an attempt to manipulate exceedance data collected by the agency. Our final TSA report will address this issue of poor communication in the agency and the lack of standard operating procedures.

Comment 14: The commentor claims that, by manipulating area designations, Clark County has evaded the language, spirit and intent of the Act in order to avoid air pollution controls on new industry.

Response 14: EPA has discretionary authority under section 107(d)(3)(A) of the Act to notify a State that available information indicates that the designation of any area within the State should be revised. CCAQMD has reported monitoring data collected at the Apex monitoring site to the official EPA air quality database, the Aerometric Information Retrieval System (AIRS). Apex Valley lies outside of the Las Vegas Valley PM10 nonattainment area and within an area designated as unclassifiable under the Act. As

discussed in more detail in response to the following comment, we are aware of the exceedance data at the Apex site are considering the options available to us to address this issue, including the option of redesignation to nonattainment under section 107(d)(3)(A). The 2001 PM10 plan, however, appropriately addresses PM10 violations within the designated nonattainment area. We would identify any future planning requirements under the Act for Apex Valley through a SIP revision process that would be separate from the one for the PM10 SIP that has been submitted.

Comment 15: The commentor claims that the local air quality agency is ignoring exceedances measured at Apex Valley and that, when exceedances are imminent, instruments are shut down.

Response 15: According to information in AIRS, the Apex monitoring site began reporting data for regulatory purposes in 1998. Prior to that time, the CCDAQM may have operated the site for their own purposes and did not report the data collected to AIRS. From 1998 to September 2001, CCDAQM has reported 1,258 daily PM10 concentration values from the Apex monitoring site to AIRS. Four of these values exceeded the 24 hour PM10 NAAQS, with a maximum value of 508 $\mu\text{g}/\text{m}^3$. The design value for this site is the third highest value recorded, 191 $\mu\text{g}/\text{m}^3$, which was recorded in 1998. CCDAQM's reporting of this information to AIRS undermines any claims that the local agency is avoiding or ignoring exceedance data at the Apex site.

Regarding the assertion that the CCDAQM simply turns off their monitors when they believe an exceedance is imminent, we addressed this in our response to comment 13, above. CCDAQM needs to develop a better system of communicating issues between staff and management and develop standard operating procedures for all aspects of monitor operations, including schedules for performing routine maintenance and calibrations of equipment. The staff should be directed by management to reschedule planned maintenance activities if it appears that an air pollution event is developing in the Las Vegas Valley.

Comment 16: The commentor asserts that intentional data gaps in the PM10 monitoring record lead to deficiencies in the County's administration of the PSD pre-construction permitting program in Apex Valley.

Response 16: Comments regarding PM10 attainment or unclassifiable areas, such as Apex Valley, and the PSD program that is administered in those areas are not germane to our determination of the adequacy or inadequacy of the PM10 motor vehicle emissions budgets identified in a SIP revision submitted to us to address requirements under part D of title I of the Act as they apply to areas designated as nonattainment for PM10.

Periodic monitoring (p. 22 of the comment letter)

Comment 17: The commentor is concerned that sufficient periodic monitoring is absent

from most Clark County draft permits and notes how the lack of sufficient periodic monitoring ignores the requirements of section 504 of the Act and 40 CFR part 70 and is especially problematic for sources claiming synthetic minor status to avoid getting a title V permit.

Response 17: As the commentor notes, the requirement for permits to have sufficient periodic monitoring is located at 40 CFR part 70, which contains EPA's regulations for the title V operating permits program. The Clark County title V operating permits program is not part of their submitted PM10 nonattainment plan. Therefore, comments on the Clark County title V program, including this comment on the sufficiency of periodic monitoring, are not relevant to our current evaluation.

Monitoring network (pp. 23-24 of the comment letter)

Comment 18: The commentor claims that there is no provision in the 2001 PM10 plan for a monitoring network that meets the statutory requirements of section 110(a)(2)(B)(i) of the Act.

Response 18: The commentor is correct that the Act requires States to establish air quality monitoring networks. The process under which we approve monitoring networks into the SIP is separate from the process under which we review and approve or disapprove plan revisions, such as the 2001 PM10 plan, which are developed to meet specific requirements for nonattainment areas under part D of title I of the Act. The 2001 PM10 plan includes a brief description of the PM10 monitoring network and appropriately relies on the data generated by that network in developing a strategy to attain the PM10 NAAQS in Las Vegas Valley.

Comment 19: The commentor is concerned about the use of the BLM disposal area in the PM10 plan and is concerned that use of the disposal area for attainment demonstration purposes effects a change in the designated nonattainment area without full public notice, comment and hearing.

Response 19: See response to comment 9 regarding the plan's use of the BLM disposal area. We believe that demonstration of attainment of the PM10 NAAQS within the BLM disposal area can be extrapolated to attainment over the larger nonattainment area as a whole since 99% of the population within the nonattainment area lives in that area, the vast majority of emissions sources operate within that area, and future development will occur in that area.

Monitoring outside BLM disposal boundary (pp. 24-26 of the comment letter)

Comment 20: The commentor is concerned that ambient monitors that are primarily located inside an artificial BLM disposal boundary and believes that the PM10 plan is inadequate because the monitoring network is not representative of entire nonattainment

area.

Response 20: The commentor is correct in stating that the monitoring network operated by CCDAQM does not address the entire nonattainment area (i.e., hydrographic area 212) but is concentrated within the BLM disposal area. We believe that CCDAQM appropriately focuses its monitoring resources in that portion of Clark County that has the most population. The monitoring resources available to U.S. EPA, State and local agencies are finite and need to be utilized in a manner that maximizes the benefit to human health and as such, monitoring in areas that are not inhabited are of a lower priority. The fact that there could be activities outside the BLM disposal area which create PM10 pollution does not in and of itself require the CCDAQM to conduct monitoring in that area. The design of the monitoring network is for the most part left to the discretion of the State or local agency primarily responsible for its operation.

Regarding the placement and quantity of monitors, EPA regulations only dictate a minimum number of National Air Monitoring Station (NAMS) monitors in large urban areas. Beyond this NAMS requirement, 40 CFR 58, Appendix D states: It should be noted that this appendix contains no criteria for determining the total number of stations in SLAMS (State and Local Air Monitoring Station) networks...The optimum size of a particular SLAMS network involves trade offs among data needs and available resources that EPA believes can best be resolved during the network design process .

Comment 21: The commentor states that there is substantial evidence that the monitors are upwind, or far away from the prevailing wind drainage paths of the largest listed PM10 sources. One example that the commentor notes is the Lone Mountain Community Pit, sand and gravel sites. The commentor states that the closest PM10 monitors for these sand and gravel sites are miles away or are upwind of the prevailing wind drainage paths of the site.

Response 21: CCDAQM operates a PM10 monitor in the Lone Mountain area. According to CCDAQM, this monitor is located south and east of the Lone Mountain Community Pit within one quarter and one half mile from the source and was sited specifically to assess the impacts of this source. No single location can capture PM10 emissions under all possible wind conditions, but since the CCDAQM operates this monitor every day, and it is in relatively close proximity to the source, it must be capturing PM10 emissions from this source under some wind conditions. The highest 24 hour concentration recorded at this site since 1998 is 102 g/m^3 , recorded in 2000.

However, as stated previously, we do believe that CCDAQM needs to reassess the adequacy of their PM10 monitoring network and to do so routinely, i.e. every three to five year. As the mix of sources change in the Las Vegas Valley so should the monitoring network. The fact that the CCDAQM does report exceedance data to EPA's AIRS database does not support the notion that CCDAQM locates its monitors to avoid recording exceedances of the PM10 NAAQS.

Comment 22: The commentor states that, in most instances, there is no implementation or enforcement of CAA section 173 BACT or LAER as required by the only approved SIP.

Response 22: Section 173 of the Act contains the permitting requirements for major sources in nonattainment areas. The section 173 control technology requirement for new or modified major sources is lowest achievable emission rate (LAER). Thus, new or modified major sources of PM10 in Las Vegas Valley are required to comply with LAER. Clark County Sections 15 (SIP approved) and 12 (submitted to EPA for SIP approval) both require new or modified major PM10 sources located in the nonattainment area to apply LAER. If a source is required to comply with LAER but it is not applied, EPA has independent authority to take an enforcement action requiring the application of LAER. As part of EPA's oversight responsibilities, we have at times used our enforcement authority to compel the application of appropriate control technology and we will continue to do so in the future, when necessary.

Comment 23: The commentor asserts that two major sources of air pollution (NV Power's Reid-Gardner and Mojave Generating Station) have PM10 emissions that impact the Las Vegas Valley nonattainment area, even though they are beyond the 25-mile regulatory limit.

Response 23: Clark County has indicated that including major utility sources that are outside the nonattainment boundary, such as the two sources mentioned by the commentor, would not enhance the accuracy of the modeling or attainment demonstration, and could actually minimize the impacts of local sources that have a greater impact. EPA has no data supporting the commentor's claim that these sources are having an impact on Las Vegas Valley that needs to be addressed in the plan, nor did the commentor provide any data to support the claim. Thus, EPA does not agree that this is a deficiency in the submitted plan.

Local ERC offset program (pp. 26-31 of the comment letter)

Comment 24: Several comments are directed toward Clark County's minor source road paving credit program. The commentor cites numerous alleged deficiencies in this local offset program (e.g., double-counting of reductions, inaccuracies in quantification, lack of an overall air quality benefit, not meeting federal standards, etc.).

Response 24: As the commentor notes, the PM10 attainment plan submitted by Clark County does not rely on this credit program to demonstrate attainment. Since the submitted plan demonstrates attainment without including emission reductions from the local road paving credit program, EPA does not believe it is necessary to scrutinize Clark County's implementation of this program, for purposes of reviewing the submitted plan.

Comment 25: The commentor believes that the emissions inventory for stationary

sources is inaccurate in part because it ignores emissions from sources that are offset through the local road paving and tree planting programs. The commentor further contends that because the data supporting the PM10 SIP are inaccurate, the plan's calculations for reaching attainment are deficient.

Response 25: The plan submitted by Clark County indicates that emissions from stationary sources in the nonattainment area fall below the EPA threshold for significance (i.e., they are de minimis) and they project that emissions from this category will remain constant through 2006. However, this claim is in no way based on an assumption that stationary source emission increases will be offset by road paving (or other minor source) credits. Instead, the plan notes that the relatively constant emissions from stationary sources are predicated on factors such as the current trends for the stationary source category and the declining rates of population growth and construction activity in the nonattainment area. EPA believes this is a reasonable expectation and does not agree that the plan's calculations for reaching attainment are deficient. As an additional measure, Clark County has committed to conducting a PM10 saturation study to further evaluate the impacts of stationary sources on neighborhood-scale PM10 concentrations. If these source categories are found to have significant impacts on local PM10 concentrations, the plan commits Clark County to developing and adopting U.S. EPA-approvable rules that require additional control for these sources.

Clark County permit enforcement (pp. 31-33 of the comment letter)

Comment 26: The commentor claims that Clark County does not enforce permit requirements citing the lack of periodic monitoring as an example.

Response 26: The commentor's claims are based on his assessment of the local air agency's ability to enforce specific provisions of stationary source permitting rules. These rules are a small part of the enforcement strategy needed to control PM10. The major control programs included in the PM10 plan are new fugitive dust rules. These prohibitory rules, including Sections 90, 91, 92, and 93, which control fugitive dust from such sources as open areas, vacant lots, and unpaved roads, represent a substantial component of the County's submitted plan to control particulate emissions. The need for additional staff and funding to support the rules is addressed in the PM10 Plan. Section 4.8.1 includes commitments for 15 additional staff to implement and enforce the new regulations supporting the control measures in the PM10 plan. PA has reviewed the County's commitments of personnel and funds for enforcement of the provisions of the 2001 PM10 plan and finds them sufficient for the task (see section 4.10 in chapter 4 of the plan).

Mobile source emissions growth (p. 33 of the comment letter)

Comment 27: The commentor states that the area did not justify its methodology used to focus the attainment demonstration on emissions included in the BLM disposal boundary

(rather than in the entire nonattainment area.

Response 27: See response to issue raised on page 18-19 (Population Estimates).

BACT/BACM/RACT/RACM (pp. 33-35 of the comment letter)

Comment 28: The commentor states that the Clean Air Act requires that RACM/RACT be implemented in moderate PM10 nonattainment areas for existing major sources and BACM/BACT implemented in serious PM10 nonattainment areas, at a minimum, to each significant source or source category. The commentor is concerned that full RACM/BACM is not being applied to all required source categories and that reasoned justification is not available for all those where RACM/BACM isn't applied.

Response 28: The plan has demonstrated that stationary source emissions fall below the de minimis thresholds set forth in EPA's serious area plan guidance. As the commentor has acknowledged, EPA's guidance only requires RACM and BACM, including RACT and BACT, be submitted as part of the plan for significant sources of PM10. We disagree that Clark County has done nothing to address these sources. Chapter 4 (pages 104-107) of the plan describes current BACT requirements that apply for stationary sources with a potential to emit greater than 2 tons. With respect to the nonattainment boundary, the area has not requested any changes to the nonattainment boundary. We believe the plan adequately addresses these sources so it is not incomplete.

Comment 29: The commentor is concerned that Clark County has never met a statutory deadline.

Response 29: EPA shares the concerns of the commentor as our proposed disapproval of the previously-submitted PM10 plans (see 65 FR 37324) and our finding of no submittal (66 FR 1046) attest. However, the current PM10 SIP revision has been submitted in a timely manner following our finding of no submittal following the State's withdrawal of the previous PM10 plans. We believe CCDAQM's new management is committed to meeting statutory deadlines.

Stationary source emissions data (pp. 35-39 of the comment letter)

Comment 30: The commentor claims that the PM10 emission inventory data (especially that for stationary sources) in the plan is incorrect. The commentor claims that the plan identifies few major sources, out of several, that have over 100 tons of PM10 per year and that this underreporting is a misrepresentation of PM10 emissions in the nonattainment area.

Response 30: We have reviewed the emissions estimates, including the stationary source estimates, that are included in the PM10 plan based on the methods and factors in the EPA reference document, *Compilation of Air Pollutant Emission Factors* (AP-42), and

have determined that the estimates comply with the statutory requirements under section 172(c)(3) of the Act.

Inappropriate overall strategy to attain (p. 39 of the comment letter)

Comment 31: The commentor believes that the county must cut back on the number of building and dust control permits to reach attainment of the PM10 standard and is concerned that the area is not applying this approach. The commentor also asserts that Clark County management fails to properly oversee the operation of the PM10 ambient monitoring network.

Response 31: The Act does not explicitly prescribe control measures (i.e. restricting dust control permits) that must be applied in areas to reach attainment. State and local control agencies can develop appropriate strategies for their areas that contain the measures needed to reach attainment. The 2001 PM10 plan includes measures, such as new regulations controlling dust from construction sites, and projects steadily declining emissions from construction and vacant land (the two major sources of PM10 emissions). Since the modeling demonstration included with the plan shows attainment with these measures, no additional measures (i.e. restricting dust control permits) are needed. Please see responses to comments 12 and 13 with respect to the PM10 ambient monitoring network.

Integration of emissions budgets with plan (pp. 40-41 of the comment letter)

Comment 32: The commentor states that Clark County did not coordinate with any federal agencies (FHWA, BLM, FAA) or incorporate data from these agencies in the emission inventory for the plan and that, because of this lack of cooperation, the PM10 plan is flawed.

Response 32: As discussed in the County's response to this issue in Appendix P (see response #9 to the NEC comment letter on the March 2001 Draft PM10 plan), development of the emission inventory did include information from federal agencies for the appropriate sources. It should also be noted that previous federal conformity documents may include information that is no longer relevant for inclusion in the emission inventory. Information in previous transportation conformity analysis, for example, may be based on older population and VMT estimates that those currently in affect for the area. Also note that the information used in these federal documents was originally developed by local agencies (e.g., RTC). Clark County's approach of using the most recent local data available from the local agencies is correct.

Request for extension of attainment date (pp. 41 & 55-58 of the comment letter)

Comment 33: The commentor states that Clark County cannot legally apply for an extension of the attainment date for PM10. This claim is based on the assertion that there

is no valid SIP, that the plan doesn't provide enough information to determine if attainment by the date established under section 188(c) of the Act would be impracticable, and since the SIP contains relaxed requirements.

Response 33: As the commentor states in his comments, there are several criteria EPA examines to determine if an area can be granted an extension for the attainment date. The request must show (1) that attainment would be impracticable, (2) that the state has complied with all requirements and commitments pertaining to the area in the implementation plan and (3) that most stringent measures are included in the plan or are achieved in practice. These criteria are applied with respect to the applicable attainment plan, in this case for PM10. With respect to these criteria, EPA believes that the plan makes a credible case that the area can not meet the 24 hour standard by 2001. We also believe that the state has complied with all requirements associated with the implementation plan and that most stringent measures are included with the plan.

Failure to implement stationary source requirements (p. 42 of the comment letter)

Comment 34: Grandfathered sources do not implement BACM and permanent controls.

Response 34: Section 110(a)(2)(I) of the Act requires plans or plan revisions for an area designated as a nonattainment area to meet the applicable requirements of part D of the Act. Part D of the Act requires both existing stationary sources and new or modified stationary sources located in a nonattainment area to apply appropriate control technology (RACT/BACT/LAER). Clark County's rules meet the part D stationary source requirements for nonattainment areas, and Clark County's submittal indicates that all existing major sources in the nonattainment area have applied appropriate controls. Any of the existing major sources that undergo significant modifications (or any new major sources) are required by Clark County's NSR rules to apply LAER.

Credible air quality modeling and data (p. 42 of the comment letter)

Comment 35: The commentor claims that there are no absolute emission estimates, only percent reductions included in the plan, therefore the air quality agency does not know how to reach attainment. The commentor also expresses little faith that the controls in the submitted PM10 plan will be implemented.

Response 35: The modeling contained in Chapter 5 of the plan discusses the methods used to determine the amount of particulate emissions that must be reduced to meet the 24-hour and annual PM10 NAAQS. (Section 5.4.1) Later sections also present information on how particulate emissions will decrease with the proposed control measures and the resultant predicted ambient levels. The plan also established mobile source emissions budgets for the years 2001, 2003 and 2006. These budgets are limits on emissions from vehicle emissions (including tire and brake wear), re-entrained dust from paved and unpaved roads and emissions associated from road construction and trackout.

Future transportation plans can not be approved by FHWA unless emissions from these source categories are below these limits.

Statutory Review (pp. 43-44 of the comment letter)

Please see earlier response to comment 4.

EPA issues (FIP) (pp. 45-46 of the comment letter)

Comment 36: The commentor claims that EPA has failed to (1) promulgate a Federal Implementation Plan, (2) notify Nevada that all statutory extensions of time to comply with the Act have expired, (3) rescind or withhold all Clean Air Act authority granted to Clark County, (4) stop state and local government executives from exercising Clean Air Act powers, (5) stop distributing EPA funds to state and local government agencies, and (6) advise and coordinate with other federal agencies regarding their duties when there is no SIP.

Response 36: As the commentor mentions in his comments (pages 12 & 13), on January 5, 2001 (effective December 20, 2000), EPA determined that Nevada had failed to submit the required moderate and serious PM10 attainment plans. EPA's finding started clocks for mandatory application of sanctions under the Act. This finding started the 18 and 24 month time clocks for mandatory application of local sanctions unless the State submits, and EPA finds complete, a revised SIP before that time. The finding also started a 2-year time clock for promulgation of a federal implementation plan (FIP) unless the State submits, and EPA approves a revised SIP before December 20, 2002.

Since then, Clark County has developed a PM10 SIP, which EPA has been reviewing for completeness and adequacy. The positive adequacy finding documented in the attached letter is the first step toward EPA approval. While the positive adequacy does not ensure that the entire SIP will be approved, it provides an initial reading that the SIP's emission budget and attainment demonstration is on track.

Hydrographic area 212 vs. Clark County (p. 46 of the comment letter)

Comment 37: The commentor believes that the title of the plan would have been more accurate if it had referred to the Las Vegas Valley nonattainment area rather than Clark County.

Response 37: We agree that it would have been more accurate for the title of the plan to refer to the designated nonattainment area, which is a portion of Clark County defined as hydrographic area 212 but more commonly referred to as Las Vegas Valley, rather than Clark County itself, but we also note that the reference to Clark County is not inaccurate in the sense that the nonattainment area lies entirely within that county. Furthermore, the reference to Clark County in the title of the PM10 plan was not so broad as to deprive the

public of reasonable notice as required under section 110(1) of the Act.

Legally sufficient authority / statutes versus guidance documents (pp. 46-50 of the comment letter)

Comment 38: The commentor refers to the paucity of references in the plan to the statutory sections, regulations, and guidance documents that shaped the development of the plan and concludes that the failure to include a greater number of such citations makes the plan legally insufficient.

Response 38: We agree that a greater number of references to specific sections of the Clean Air Act, implementing regulations, and EPA guidance documents in the 2001 PM10 plan, where appropriate, would have been helpful to the public in reviewing and commenting on the draft plan; however, we disagree that the plan is legally insufficient in that respect. For example, chapter 1 of the plan describes the basic elements required under the Clean Air Act Amendments of 1990 for PM10 nonattainment areas, such as Las Vegas Valley, and implicitly provides the public with an overview of the basic regulatory framework.

Comment 39: The commentor cites a technical report that reviewed the March 2001 (Draft) PM10 plan as support for the contention that the plan's emissions inventories have serious flaws and that an audit is necessary to establish credibility of these inventories.

Response 39: Appendix P of the 2001 PM10 plan indicates that Clark County staff reran the MOBILE5b and PART5 models to address comments raised by the Resource Systems Group report and incorporated the revised estimates into the emissions inventories included in the final (June 2001) version of the plan. Clark County staff did not respond to all of the comments raised by the Resource Systems Group report by revising emissions estimates, but provided reasoned explanations in those instances where no revised estimates were made. With respect to audits of the emissions inventories, Appendix B of the 2001 PM10 plan contains two quality assurance audits on the emissions inventories prepared by Converse Consultants, one dated November 7, 2000 and the other dated June 19, 2001. Both audits found no major deficiencies in the accuracy or completeness of the emissions inventories. EPA's independent review of the emissions inventory as part of this adequacy determination verifies the basic soundness of the emissions inventories included in the plan.

Comment 40: The commentor asserts that Clark County's alleged lack of commitment for enforcement undermines the purpose of the PM10 plan.

Response 40: We agree generally that, without enforcement of its provisions, an air quality plan has little chance of success. However, the public was allowed a full opportunity to comment at length on enforcement issues, if not, perhaps, at the public

hearing, then through submitted written comments. EPA has reviewed the County's commitments of personnel and funds for enforcement of the provisions of the 2001 PM10 plan and finds them sufficient for the task (see section 4.10 in chapter 4 of the plan).

Comment 41: The commentor cites the priority of statutes over regulations and regulations over guidance documents and indicates that the plan should contain sufficient citations to inform the public.

Response 41: EPA recognizes the importance of grounding decisions in statutory authority and implementing regulations but also recognizes that guidance documents can be useful to a State in developing a plan since they indicate how EPA generally interprets statutes and regulations and in allowing EPA itself to avoid arbitrary or inconsistent decisions. Upon our review of the 2001 PM10 plan for this adequacy determination, we find that the plan provides a sufficient, though sparse, number of citations to the relevant federal statutes, regulations, and guidance documents.

Comment 42: The commentor refers to the misuse of guidance documents as cited in two court decisions, *Appalachian Power Company v. EPA*, 208 F.3d 1015 (D.C. Cir. 2000) and *Christensen v. Harris*, 529 U.S. 576 (2000), in the context of developing the 2001 PM10 plan.

Response 42: The court in *Appalachian Power* objected to EPA's use of guidance documents as if they were legislative rules that had been subject to notice-and-comment rulemaking. In a case involving interpretation of the Fair Labor Standards Act, the court in *Christensen* declined to give the deference normally accorded agency interpretations of statutes to a Department of Labor opinion letter since the opinion letter had not been subject to notice-and-comment rulemaking and thus lacked the force of law. The holdings in these two cases stand as a cautionary note to EPA on its use of guidance documents in reviewing the 2001 PM10 plan under section 110(k) of the Act but do not undermine the reliance on guidance documents by Clark County in developing the plan itself.

CAA 116 (p. 50 of the comment letter)

Comment 43: The commentor requests that EPA disallow any provision of the 2001 PM10 plan that is less stringent than the existing 1979 SIP.

Response 43: On April 14, 1981, at 46 FR 21758, we conditionally approved a particulate matter plan for Las Vegas Valley, and on April 13, 1982, at 47 FR 15790, we found that the conditions had been fulfilled and revoked the conditions on the approval. That plan addressed attainment of the NAAQS for particulate matter, which, at that time, was defined in terms of particles with diameters up to (roughly) 30 microns and referred to as total suspended particulate (TSP). In 1987, EPA changed the NAAQS for particulate matter from TSP to PM10, which denotes particles with diameters up to 10

microns. The approved plan included a local fugitive dust rule, referred to as Section 41. The 2001 PM10 plan submitted to EPA relies on new local regulations, referred to as Sections 90 (Fugitive Dust from Open Areas and Vacant Lots), 91 (Fugitive Dust from Unpaved Roads, Unpaved Alleys, and Unpaved Easement Roads), 92 (Fugitive Dust from Unpaved Parking Lots), 93 (Fugitive Dust from Paved Roads and Street Sweeping Equipment), and 94 (Permitting and Dust Control for Construction Activities), and does not seek approval for deletion of any existing particulate matter rules (including section 41) in the Nevada SIP. Thus, the new local regulations supplement existing regulations and do not replace them so a side-by-side comparison is unnecessary.

Reasonable further progress (p. 50 of the comment letter)

Please see earlier response to comment 8.

Adequate staff (pp. 50-51 of the comment letter)

Comment 44: The commentor indicates that plan does not adequately document the needed personnel and funding needed to support the proposed control measures for five years. The commentor also references a statement in the ENVIRON report which indicates that the two previous and separate air quality agencies be eliminated.

Response 44: The need for additional staff and funding to support the proposed control measures in the plan is an issue that is addressed in the PM10 Plan. Chapter 4, section 4.8.1 of the plan includes commitments for 15 additional staff to implement and enforce the new regulations supporting the control measures in the PM10 plan. Also described are some specific funding sources to support the additional staff and equipment. Consistent with the recommendations in the ENVIRON report, the County has formed the new CCDAQM which combines staff that were formerly in the Department of Comprehensive Planning and the County Board of Health.

Management / integrity of CCDAQM (pp. 51-53 of the comment letter)

Comment 45: The commentor claims that the local air quality planning agencies are not capable and lack the leadership needed to develop adequate clean air plans for Las Vegas Valley.

Response 45: We believe that CCDAQM s new management is committed to develop and implement adequate clean air plans in Las Vegas Valley. In addition to the new measures included in the PM10 plan, CCDAQM has shown a strong interest in retraining staff from the old agencies and hiring new capable staff to implement the new programs. The plan includes commitments to do additional research to improve the emission inventory and controls (dust suppressants) in the plan. CCDAQM is also committing to conduct a PM10 saturation study to further assess the adequacy of the monitoring network as future growth within the valley could affect the distribution on high PM10

levels.

Environ report (p. 53 of the comment letter)

Please see last two comments and responses.

Missing conformity determinations (pp. 53-54 of the comment letter)

Please see earlier response to comment 32.

Missing federal implementation plan (p. 54 of the comment letter)

Please see earlier response to comment 36.

SIP plan relaxations (p. 54 of the comment letter)

Please see earlier response to comment 43.

Wind-speed evasions (p. 54 of the comment letter)

Please see earlier responses to comments 18 and 19.

Clark Air Act evasions (p. 54 of the comment letter)

Please see earlier response to comment 32.

Legally insufficient (p. 55 of the comment letter)

Please see earlier responses to comments 38, 41, and 42.

Request for extension date (pp. 55-58 of the comment letter)

Please see earlier response to comment 33.

CAA 60 day notice (p. 58 of the comment letter)

Comment 46: The commentor indicates that the comment letter also represents an addendum to prior sixty-day notices of intent to sue under section 304 of the Clean Air Act.

Response 46: Comment noted.

Comment 47: The commentor asserts that, since there is no EPA-approved PM10 plan for Las Vegas Valley, no conformity determinations that have been made for that area are

valid.

Response 47: EPA agrees that an approvable PM10 plan is an important tool to ensure improvement of air quality for the citizens in Las Vegas Valley but disagrees that it is an essential predicate for a valid conformity determination. EPA's transportation conformity regulations (see 40 CFR 93, subpart A) provide procedures and criteria under which transportation conformity determinations can be made in areas that do not have EPA-approved post-1990 plans (see 40 CFR 93.119, Criteria and procedures: emission reductions in areas without motor vehicle emissions budgets). Such determinations are valid despite the absence of an EPA-approved plan for the area.

Supporting documentation (pp. 58-62 of the comment letter)

Comment 48: The commentor provides a list of documents supporting the comments.

Response 48: Comment noted.

Relief sought (pp. 62-63 of the comment letter)

Please see earlier response to comment 1.