



October 3, 2017

The Honorable Scott Pruitt
Administrator
United States Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Re: Notice of Intent to Sue EPA for its Failure to Promulgate Designations of Attainment, Non-Attainment or Unclassifiable for the 2015 Ozone NAAQS under 42 U.S.C. § 7407(d)(1)(B)(i).

Dear Administrator Pruitt:

As required by 42 U.S.C. § 7604(b)(2), the State of Nevada, Division of Environmental Protection (the "NDEP"), hereby notifies you of its intent to bring a civil action against you in your official capacity as Administrator of the United States Environmental Protection Agency ("EPA") for failing to perform a non-discretionary duty under the Clean Air Act ("Act"). Specifically, you have failed to designate areas within the State of Nevada as attainment, nonattainment, or unclassifiable for the 2015 ozone National Ambient Air Quality Standard (NAAQS) within the timeframe prescribed by 42 U.S.C. § 7407(d)(1)(B)(i).

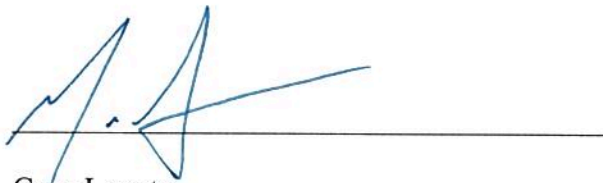
On October 1, 2015, the EPA signed a notice of final rulemaking that revised the 8-hour primary and secondary ozone NAAQS (60 FR 65292; October 26, 2015). Pursuant to 42 U.S.C. § 7407(d)(1)(B)(i), the Administrator shall promulgate designations of all areas (or portions thereof) ... as expeditiously as practicable, but in no case later than 2 years from the date of promulgation of the new national ambient air quality standard. Such period may be extended for up to one year in the event the Administrator has insufficient information to promulgate the designations." Thus, the deadline for promulgating initial area designations for the 2015 ozone NAAQS is October 1, 2017.

The EPA had a non-discretionary duty to designate all areas within the State of Nevada no later than October 1, 2017. To date, the EPA has not taken action to designate any areas within the State of Nevada. As a result, you have failed to perform a non-discretionary duty under 42 U.S.C. § 7407(d)(1)(B)(i).

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The NDEP intends to file suit sixty days from the date of postmark of this letter seeking declaratory and injunctive relief to enforce the non-discretionary duty described above, as well as an award of litigation costs. Jeff Kinder, NDEP Deputy Administrator for Air Programs can be contacted with any technical questions at 775-687-9307 or jkinder@ndep.nv.gov. Belinda Suwe, Deputy Attorney General can be contacted with any legal questions at 775-684-1163 or bsuwe@ag.nv.gov.

Sincerely,



Greg Lovato
Administrator

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