



Dave Heineman
Governor

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cc RA/DRA
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RECEIVED

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AWMD / APDB

Mr. Karl Brooks
Regional Administrator
U.S. EPA, Region VII
901 North 5th Street
Kansas City, KS 66101

Dear Mr. Brooks:

In accordance with section 107(d)(1) of the Clean Air Act, and additional guidance from EPA, I am submitting my designation recommendation for the Primary National Ambient Air Quality Standard for Nitrogen Dioxide which was signed by the Administrator on January 22, 2010, published in the Federal Register on February 9, 2010 (75 FR 6473), and became effective on April 12, 2010.

Because Nebraska presently is not required to have and does not have any air quality monitors for nitrogen dioxide, I am recommending that all of Nebraska be designated as "unclassifiable".

This recommendation is in accordance with guidance provided in section V.C of the preamble to the rule (74 FR 6521), which states "The EPA will designate as "nonattainment" any areas with NO₂ monitors recording violations of the revised NO₂ NAAQS. We intend to designate all other areas of the country as "unclassifiable" to indicate that there is insufficient data to determine whether or not they are attaining revised NO₂ NAAQS."

Sincerely,

Dave Heineman
Governor

c: Becky Weber, Air, RCRA, and Toxics Divisions, U.S. EPA, Region VII
Mike Linder, Director, Nebraska Department of Environmental Quality
Shelley Schneider, Administrator, Air Quality Division, NDEQ