UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

FEB - 4 2003

4APT-APB

Betsy Child, Commissioner
Tennessee Department of Environment
and Conservation
21st Floor, L & C Tower
401 Church Street
Nashville, TN 37243-0435

Dear Ms. Child:

Thank you for your submittal of Early Action Compacts for the Memphis Area and Haywood County in Tennessee, which were received on December 31, 2002. The Memphis Compact includes Shelby, Tipton, and Fayette Counties in Tennessee. The States of Mississippi and Arkansas also submitted letters of support for DeSoto County, MS, and Crittenden County, AR, respectively, as well as for their own states. Arkansas and Mississippi also signed the Memphis Compact for their respective states. The Early Action Compact process was designed to protect human health by enabling an accelerated local approach to ozone attainment, and to encourage early emission reductions that will ensure attainment of the 8-hour ozone standard. The Early Action Compact protocol, which was endorsed by the Environmental Protection Agency (EPA), Region 6, on June 19, 2002, is intended to be used in developing and implementing control strategies, accounting for growth, and achieving and maintaining the 8-hour ozone standard. As such, it represents a key component to these areas' Early Action Compacts. In these Early Action Compacts, you have committed to a planning process that will result in cleaner air for Tennessee, potentially prior to the regulatory deadlines that will be established for 8-hour ozone standard nonattainment areas.

The Metropolitan Statistical Area (MSA) is the EPA's presumptive boundary for the 8-hour ozone standard nonattainment designation, as described in EPA's March 28, 2000, boundary guidance memorandum. As you know, EPA has not yet designated areas as attainment or nonattainment for the 8-hour ozone standard, an action which will take place by April 2004. Prior to EPA's designations for the 8-hour ozone standard, the Agency is soliciting recommendations from the states by April 2003, and will review these submittals based on the March 28, 2000, guidance, submit an official response to the states by October 2003, and have discussions to resolve any remaining issues during the following 120-day period as provided by the Clean Air Act. Through our acceptance of these Compacts, EPA is not prejudging the outcome of the 2004 designations process.

EPA may determine later in the designation process that a county which is part of or adjacent to a nonattaining CMSA or MSA, and not a participant in the compact, should be included along with the remainder of the CMSA or MSA as a nonattainment area. If this occurs, then that county, and the entire nonattainment area, will be ineligible for deferral of its nonattainment designation.

We support your efforts to promote early attainment of the 8-hour ozone health standard and believe that these plans will be beneficial to the citizens of the Memphis area and Haywood County. EPA Regions 4 and 6 are pleased to be signatories to these Early Action Compacts (only Region 4 is a signatory on Haywood County's Compact). I have enclosed copies of the signed Compacts (these are enclosed in the package that was mailed to your State Air Quality Agency) and encourage you to share these documents with the local agencies in your State that are part of the process, including your transportation planning partners and other interested stakeholders such as environmental and industrial representatives. EPA Region 4 will continue to work closely with you to assist in this stakeholder planning process, and is developing a web site for the Early Action Compact process to assist you in this effort. This web site will have copies of all of the Compacts which have been approved. The web site address will be provided to your State Air Quality Agency as soon as it is available.

If you have questions or would like to discuss this issue further, please feel free to contact me or have a member of your staff contact Kay Prince of the Region 4 staff at (404) 562-9026.

Sincerely,

J. I. Palmer, Jr.
Regional Administrator

Enclosure

cc: Barry R. Stephens, P.E., TN DEC
Diane Arnst, Memphis-Shelby County
Health Department (w/o encl)
Charles H. Chisolm, MS DEQ (w/o encl)
Dwight K. Wylie, P.E., MS DEQ (w/o encl)
Marcus C. Devine, AR DEQ
Tom Diggs, EPA Region 6 (w/o encl)