US EPA ARCHIVE DOCUMENT

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September 15, 2004

AIR PLANNING BRANCH
SEP 20 2004
EPA-REGION #4
ATLANTA, GA.

Richard Schutt
Environmental Protection Agency, Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303-3104

Kay Prince
Environmental Protection Agency, Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303-3104

Re: Early Action Compacts in North and South Carolina

Dear Mr. Schutt and Ms. Prince,

As background for our meeting on September 27, we are enclosing copies of the documents submitted previously to the North Carolina Department of Air Quality, the South Carolina Department of Health and Environmental Control and local EAC groups. The letters and attachments set forth recommendations for improving EACs in both states.

We look forward to a productive meeting with you.

Sincerely,

David Farren
Senior Attorney

Marily Nixon
Staff Attorney

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July 30, 2004

Renee G. Shealy
Director, Air Planning, Development & Outreach Division
South Carolina Department of Health and Environmental Control
2600 Bull Street
Columbia, SC 29201-1708

Henry Phillips
Section Manager, Air Assessment & Planning/Bureau of Air Quality
South Carolina Department of Health and Environmental Control
2600 Bull Street
Columbia, SC 29201-1708

Re: Improvements to South Carolina Early Action Compacts

Dear Ms. Shealy and Mr. Phillips:

Thank you for meeting with us on July 14 regarding the Southern Environmental Law Center's (SELC) ongoing concerns about South Carolina's Early Action Compacts (EACs). As you know from our meeting and our previous communications with DHEC, from a legal perspective we do not believe the EAC program is authorized under the Clean Air Act, and from a practical perspective we do not believe the state's EACs contain adequate measures to effectively address the ozone pollution problem in the state's nonattainment areas. However, we want to work with you in an effort to strengthen the EAC program to the extent possible and, to that end, we have put into writing our recommendations for improving the South Carolina EACs.

At our meeting, we distributed a document setting out SELC's general recommendations for improving all of the state's EACs. We have attached a copy of that document to this letter. See Attachment 1, "General Recommendations for All South Carolina EACs." We urge that all EACs be revised to meet our general recommendations.

One recommendation we made in our May 2003 comment letter on South Carolina's EAC program (see Attachment 2) and repeated in our general recommendations is to include in

each EAC strong provisions related to land use and vehicle miles traveled (VMT). We were disappointed to find that many EACs fail to include *any* land use or VMT-related provisions. Moreover, the few such provisions that were included in EACs have been weakened to the extent that they are unlikely to have any significant effect on air quality. We continue to believe that strong provisions addressing mobile source emissions are critical to improving and maintaining air quality throughout South Carolina. See EPA Guidance, "Improving Air Quality Through Land Use Activities," Jan. 2001. Thus, we urge each EAC to incorporate at least one strong land use measure and one strong VMT-reducing measure. We have listed examples of these measures in Attachment 3 to this letter. See Attachment 3, "Examples of VMT and Land Use-Related Measures." For many EACs, this will mean adding a new provision. For others, one or more existing provisions could be revised to track the examples. For all EACs the measures must be *specific, quantified, and permanent, and if approved by EPA will be federally enforceable SIP revisions*. See Attachment 4, EPA's Memorandum, "Schedule for 8-Hour Ozone Designations and its Effect on Early Action Compacts," November 14, 2002.

Additionally, as promised, we have conducted a detailed analysis of individual EAC provisions with recommendations for improving problematic provisions. While we believe all of the South Carolina EACs need substantial improvement, we are focusing on the Columbia and Greenville/Spartanburg areas because these cities have the worst existing air pollution problem in the state and these problems likely will worsen in future due to the cities' high rates of population growth and VMT. See Attachment 5, "Specific Recommendations – South Carolina Early Action Compacts – Columbia and Greenville/Spartanburg Areas." We urge that the Columbia area EACs (Richland and Lexington Counties) and the Greenville/Spartanburg area EACs (Greenville, Spartanburg, and Anderson Counties) be revised per our detailed recommendations.

Another issue we discussed at the July 14 is SELC's concern that the 10-year maintenance plan for EAC areas is too short in duration. As we told you at the meeting, we are working with the North Carolina Division of Air Quality ("DAQ") to craft language extending the maintenance period to 20 years and adding needed detail to the plan. We are now finalizing language with DAQ and will get that language to you as soon as possible. You indicated that you would not object to extending the maintenance period to 20 years for South Carolina EACs as well. We urge you to do so by including in the South Carolina SIP language identical to the language proposed for incorporation in North Carolina's SIP.

Finally, at the meeting we requested two types of documentation from DHEC. First, we raised concerns about South Carolina's modeling and whether it now shows that all areas will meet attainment dates for the 8-hour ozone standard. You assured us that it does make this showing. Our analysis of the state's EACs is based on the assumption that the modeling does show attainment. You agreed to send us detailed modeling information; we look forward to reviewing that information. Second, we discussed the commitments DHEC is negotiating for emissions reductions from eight point sources. These sound like promising negotiations. We requested that you identify the point sources, quantify the expected emissions reductions and the equipment/methods for obtaining those reductions, and send us copies of MOAs or permit revisions showing those reductions have become enforceable commitments. We look forward to receiving that documentation from you.

In summary, we urge that all South Carolina EACs be revised to meet our general recommendations; that each EAC incorporate at least one strong land use measure and one strong VMT-reducing measure; and that the Columbia and Greenville/Spartanburg area EACs be revised according to our specific analysis of their provisions. We further urge that DHEC include in the state's SIP a provision extending the maintenance period for EAC areas consistent with the language North Carolina plans to include in its SIP. Also, we look forward to receiving the modeling and point source information from DHEC.

Thank you for the opportunity to present these recommendations to you. We look forward to continuing to work with you to improve the South Carolina's EAC program and to achieve clean air as soon as possible for the citizens of South Carolina.

Sincerely yours,

J David Farren / AMC

J. David Farren
Senior Attorney

Marily Nixon

Marily Nixon
Staff Attorney

cc: South Carolina Sierra Club (Eric Thompson)
South Carolina Coastal Conservation League (Nancy Vincent)

GENERAL RECOMMENDATIONS FOR ALL SOUTH CAROLINA EACs

- Revise measures to ensure they *can* happen. Revise assumptions that are too aggressive. Where there is a cost associated with a control measure, quantify the cost, identify the source of funds, and commit to expend them.

- Revise measures to ensure they *will* happen. Include specific, quantified commitments. Rather than "consider" a control or a "possible" strategy, commit to implementing it and give details of what agency or jurisdiction will implement the strategy, when, and how. Include commitment to actual, realistic implementation dates and specific results. Document the necessary commitment by agencies and/or EAC jurisdictions. Demonstrate that the measures will be permanent.

- Revise measures to ensure they will *make a change*.

    - Distinguish controls that are already being implemented from new controls that are being used to justify deferral of the nonattainment designation. Strengthen the latter.

    - Design local controls to provide a safety margin for attainment, rather than to barely avoid violating the 8-hour ozone standard.

    - Adopt and implement land use controls with "teeth." Use of aspirational statements like "remove local barriers to densification" or "integrate transportation planning with land use planning" falls far short of adequate commitments by EAC jurisdictions that will achieve substantive change in development patterns. EPA's guidance document, "Improving Air Quality Through Land Use Activities" (Jan. 2001), gives examples of land use controls, including increasing development density near transit stations and transit corridors, limiting parking supply, reserving parking close to buildings for carpools and vanpools, use of transferable development rights, setting minimum densities in central areas and around transit facilities, granting financial and non-monetary incentives for development that focuses on existing urban areas and infill, granting incentives for development that locates transit- or pedestrian-oriented amenities like housing or childcare near commercial uses and pedestrian facilities, requiring mixed uses in target areas and/or granting financial incentives for mixed uses, and requiring pedestrian-friendly design elements in new development.

    - Similarly, identify and use financial incentives (e.g., bus subsidies), financial disincentives (e.g., parking fees), and parking management (e.g., limit parking supply) tools to increase transit use.

    - Include measures that ensure development and transportation plans and projects do not worsen air quality ("conformity-type" measures). For example, EAC jurisdictions could amend their transportation plans to include only those projects that will not degrade air quality, or to require that any project that will degrade air quality is

preceded by a project that will improve air quality. Additionally, EAC jurisdictions could amend their development codes to prohibit approval of zoning and/or subdivision applications unless the applicant demonstrates that the project, along with related and projected traffic impacts, will not harm air quality.

- Include measures that ensure new stationary sources will not exacerbate the nonattainment problem (New Source Review-type measures).

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May 15, 2003

James A. Joy, III, PE, Chief
Bureau of Air Quality
South Carolina Department of Health and Environmental Control
2600 Bull Street
Columbia, South Carolina 29201-1708

RE: Ozone Early Action Compact in South Carolina

Dear Mr. Joy,

The Southern Environmental Law Center is writing on behalf of the South Carolina Coastal Conservation League regarding the effort of the State of South Carolina to develop a state-wide Early Action Compact ("EAC") with the U.S. Environmental Protection Agency ("EPA") as a substitute to Clean Air Act requirements regarding the implementation of the 8-hour ozone standard adopted by EPA in 1997.

As you know, the EAC program is designed to allow areas to avoid the consequences of forthcoming nonattainment designations under the revised 8-hour air quality standard for ozone in exchange for their participation in an experimental effort to bring these areas into attainment through local air pollution control measures. Under this program, EPA has established a series of required milestones each compact signatory must meet in order to remain eligible for the deferred effective date of the nonattainment designation. An important upcoming deadline requires the State and local governments in potential nonattainment areas to submit lists of proposed local air quality improvement measures to EPA no later than June 16, 2003. We also understand that DHEC has adopted its own deadline of August 31, 2003, for draft local early action plans to be submitted for inclusion in the statewide early action plan.

We applaud the goal of proactively addressing the serious public health threat that ozone pollution poses to residents of South Carolina, including its 300,000 citizens DHEC admits suffer from asthma and those who live in the 10 South Carolina counties that received failing grades in the American Lung Association's 2003 State of the Air report.[1] We have serious concerns, however, about the potential effectiveness of an EAC approach that would fail to

[1] Available at http://www2.lungusa.org.

provide strategies and safeguards equivalent to the statutory scheme established by Congress. In particular, it is essential that any EAC in South Carolina address the primary source of the key ozone precursor nitrogen oxides ("NOx") in its largest metropolitan areas, which is on-road mobile emissions resulting from vehicle travel. Thus, to be effective, the EAC must include binding commitments by the State and local governments to address vehicle miles traveled ("VMT") through transportation and land use strategies that have been demonstrated to be effective in reducing NOx emissions. The basis for our recommendation is discussed in detail below.

I. BACKGROUND TO EAC PROGRAM

As an initial matter, it is important for all involved communities to understand that the EAC program exists outside the structure of the federal Clean Air Act ("CAA" or "the Act") and allows unauthorized exemptions from some of the Act's fundamental requirements. EPA, however, has presented this program as a way to achieve "clean air sooner," and that is certainly a goal we share. Our hope is that communities will take this opportunity to adopt meaningful, enforceable, and permanent measures that will clean the air their residents breathe, regardless of their involvement with the EAC program. Equally important, we believe that it will be necessary for communities to make an exceptionally compelling showing of effective air quality improvement strategies to avoid future controversy and potential litigation over the adoption of an EAC.

Under the EAC program, EPA has proposed that an area which currently meets the 1-hour standard for ozone but will likely fail to meet the 8-hour standard may avoid the legal ramifications of a nonattainment designation by meeting certain requirements. As presented by EPA, these requirements include affirming an intent to participate in a compact by December 31, 2002, submitting a local plan to EPA by March 2004, adopting the local measures into the State Implementation Plan ("SIP") and submitting the revised SIP to EPA by December 2004, implementing the local controls and providing progress reports to EPA through 2005-06, and attaining the air quality standard for ozone by December 2007. If an area complies with these milestones, EPA asserts that the area will be reclassified as attainment without ever facing the statutory obligations of a nonattainment area. If an area misses one of the milestones, the area will automatically reenter the normal CAA process applicable to 8-hour nonattainment areas. Also, if the EAC fails to result in attainment of the 8-hour standard by the end of 2007, a revised SIP meeting all the requirements of the CAA would be due in December 2008, one year later than the SIP deadline for nonattainment areas that do not participate in the EAC program.

The primary statutory obligations EPA has advertised as avoidable under the EAC program are the "New Source Review," "Transportation Conformity," and "Maintenance Plan" requirements contained in the CAA. "New Source Review" and "Conformity" are two of the most important tools in the Act for reaching attainment of the health based pollution standards, addressing stationary and mobile sources respectively. The "Maintenance Plan" requirement is designed to ensure that an area does not fall back into nonattainment over time.

New Source Review

Under "New Source Review," new or expanding major stationary sources in nonattainment areas are subject to a series of controls. First, the class of "major" sources which must receive a CAA permit from the state in order to operate is expanded from those that emit at least 250 tons of a criteria pollutant per year to sources that emit at least 50 tons of pollution per year.[2] Second, new and modified major sources within the nonattainment area are required to secure offsets of emissions from existing sources.[3] Finally, sources subject to "New Source Review" are required to install what is known as "lowest achievable emissions reductions" or "LAER" technology, rather than the "best available control technology" or "BACT" that is required of sources located in attainment areas.

As evidenced by this brief description, each of the "New Source Review" requirements is designed to ensure that growth in stationary sources does not mean growth in pollution. These provisions are essential to ensuring that emissions from stationary sources do not exacerbate a nonattainment area's air pollution problems. According to information from the DHEC website (Attachment 1), South Carolina stationary sources emitted 137,975 tons of NOx per year as of January 2003, second only to motor vehicle emissions as a contributor to ozone pollution. Any area that is serious about cleaning its air, yet seeking to avoid this important requirement in the CAA, must make meaningful efforts through other means.

Under the EAC approach, nonattainment areas avoid the near-immediate imposition of New Source Review, which would otherwise take effect in 2004. If the EAC proves to be ineffective to meet the 8-hour standard by December 2007, New Source Review would not take effect until 2008, resulting in a four-year delay of this important requirement.

Transportation Conformity

Nonattainment areas are also required by the Act to conduct "conformity" analyses to ensure that transportation plans and highway projects conform to the State Implementation Plan for achievement of the 8-hour standard and that federal funds are not used in a way that would adversely impact air quality.[4] In larger metropolitan areas, where emissions from motor vehicles typically constitute the largest portion of total NOx emissions, transportation conformity is a powerful tool designed to control the portion of emissions contributed by mobile sources due to ever-increasing VMT. In South Carolina on-road mobile emissions are the largest source of NOx, the key ozone precursor, contributing 162,324 tons per year. See Attachment 1. Regions that are unable to demonstrate conformity enter what is known as a "conformity lapse," where new capacity-expanding highway projects are halted in favor of "transportation control

[2] CAA § 175(c)(5), 42 U.S.C. § 7502(c)(5); CAA § 182(a)(2)(C)(i), 42 U.S.C. § 7511(a)(2)(C)(i).
[3] CAA § 182(a)(4), 42 U.S.C. § 7511(a)(4).
[4] CAA § 176(c), 42 U.S.C. § 7506(c).

measures" and "exempt projects" which will not exacerbate air quality violations.[5] For example, the Atlanta metropolitan area experienced a conformity lapse in the late 1990s, resulting in a significant redirection of transportation funds from highways to transit and other projects that help to improve air quality.

With an EAC, nonattainment areas avoid this important conformity requirement which would otherwise take effect in 2005. If the EAC fails to produce the necessary reductions by the end of 2007, conformity would come into effect the following year, yielding a three-year delay in this important requirement.

As discussed in detail below, transportation and land use strategies are readily available to local governments and can help them make significant strides in cleaning their air, reducing congestion, preserving open space, addressing non-point water pollution, and generally improving the quality of life for their residents. Although the "conformity" mechanism contained within the Act presents an important federal incentive for ensuring that transportation investments and related land use development patterns do not hinder the attainment of the health based air quality standards, local commitment to addressing VMT growth through transportation and land use policies and initiatives can also play a significant role in an area's air pollution control strategy. Indeed, as discussed below, transportation and land use controls that focus on reducing per-capita VMT should be the primary strategy for controlling NOx emissions in South Carolina.

Maintenance Plans

EPA Region 4 has suggested that if a participating area demonstrates attainment by December 2007, the twenty-year maintenance plan required under Section 175A of the CAA also would be inapplicable. Instead, the compact signatories would replace the twenty-year maintenance period with a 5-year, or perhaps 10-year, monitoring program.

In order to redesignate an area as attainment, which EPA asserts it will do if the area attains the ozone standard by December 2007, the CAA requires EPA to make several statutorily prescribed determinations. One required determination is whether "the Administrator has fully approved a maintenance plan for the area as meeting the requirements of section 175A."[6] To comply with Section 175A, a maintenance plan must "provide for the maintenance of the national primary ambient air quality standard for [ozone] in the area concerned for at least 10 years after the redesignation."[7] The Act further requires that the applicable SIP be revised to ensure the maintenance of the standard for an additional ten years thereafter.[8]

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[5] 42 U.S.C. § 7506(c)(4)(B)(ii) and 40 C.F.R. § 93.104(b)(3) & (c)(4) (EPA conformity regulations). See also 42 U.S.C. § 7408(f) (identifying approvable transportation control measures) and 40 C.F.R. §§ 93.114(b), 93.115(d) & 93.126 (EPA regulations on projects eligible for funding during conformity lapse).

[6] CAA § 107(d)(3)(E)(iv), 42 U.S.C. § 7407(d)(3)(E)(iv).

[7] CAA § 175(a), 42 U.S.C. § 7505a(a).

[8] CAA § 175(b), 42 U.S.C. § 7505a(b).

In addition to the unauthorized administrative waiver of the two key nonattainment obligations concerning stationary and mobile sources, it remains unclear how EPA will be able to avoid the continuing procedural and substantive obligations under the Act to both plan for maintenance of the 8-hour standard and actually to achieve that goal. Indeed, with local governments taking experimental steps that have not been proven successful – unlike those contained within the Act itself – monitoring for the long run becomes even more important. A first step to ensuring that areas do no fall back into nonattainment would be to extend the prescribed monitoring program for 20 years, rather than the 5 or 10 suggested by EPA. Areas should also consider other long-term efforts to meet the maintenance goals and requirements of the Act, especially given that VMT is projected to continue to increase over the next 20 years.

II. POTENTIAL LEGAL PROBLEMS WITH THE EAC APPROACH.

The product of decades of intense legislative effort and political compromise, the CAA is an exceedingly broad, complex, and sophisticated statute aimed not only at improving local air quality but also at addressing national issues such as the interstate transport of pollution. The 1990 Amendments to the Act were the most recent strengthening of this important law, intended to require states to take potentially difficult actions found necessary to clean the air. The 1990 Amendments introduced both a strict deadline structure for the strengthened version of the Act and important consequences for failing to comply with those deadlines. Under this scheme, EPA's deferral of the effective date for the nonattainment status of EAC participants is a contrivance that lacks any legal basis. That schedule is at the center of the Act's strategy for bringing nonattainment areas into attainment and triggers a schedule under which SIPs are due, control measures must be implemented, and air quality standards must be attained.

The EAC program exists wholly outside the structure and requirements of the Clean Air Act. Moreover, many aspects of the EAC approach directly conflict with important requirements of the Act, including statutory deadlines and consequences. As such, this illegal EPA "authorization" of states and local governments to substitute their preferred approaches to pollution control for the specific requirements of the Clean Air Act may face legal challenge. Indeed, the Agency's failure to effectively designate nonattainment areas, its failure to timely require the nonattainment SIP measures specified in the Act, including new source review and transportation conformity, and its failure to require approvable maintenance plans would all be actionable.

Such avoidance of the Act's mandatory requirements has been routinely struck down by the courts. See, e.g., Sierra Club v. EPA, 294 F.3d 155 (D.C. Cir. 2002) (invalidating attainment deadline extension based on interstate pollution transport); EDF v. EPA, 167 F.3d 641 (D.C. Cir. 1999) (invalidating "grandfathering" exception to transportation conformity requirements); Sierra Club v. EPA, 129 F.3d 137 (D.C. Cir. 1997) (invalidating one-year grace period for nonattainment areas to meet Act's transportation conformity requirements). In 2001, the Supreme Court spoke directly to the provisions governing implementation of the revised 8-hour ozone standard, holding that the Act's provisions governing ozone nonattainment areas "eliminate[] regulatory discretion" that other areas of the Act may allow. Accordingly, "EPA may not construe the statute in a way that completely nullifies textually applicable provisions

meant to limit its discretion." Whitman v. American Trucking Ass'ns, 531 U.S. 457, 484-85 (2001)(holding that CAA provisions governing ozone nonattainment areas were meant to limit EPA discretion).

Based on this consistent legal precedent, it is clear that the deferral of the effectiveness of nonattainment designations, the waiver of the Act's mandatory control measures, and the waiver of the Act's maintenance requirements are all highly vulnerable to potential invalidation. The appropriateness of prompt voluntary local measures, however, does not hinge on the validity of the EAC program. Thus, rather than undermine local governments' commitment to finding local measures to control air pollution, potential threats to the validity of the program should energize local governments to work even harder toward significant air quality improvements. Such efforts also should be spurred by the unfortunate national history of missed mandatory deadlines to reduce pollution previously established under the Act. We believe the measures discussed below, and other measures like them can bring about such benefits.

III. POSITIVE MEASURES LOCAL GOVERNMENTS SHOULD TAKE TO CLEAN THEIR AIR.

With the avoidance of the key CAA measures just discussed, the responsibility for making up for the emissions reductions that would result from these measures largely falls to the localities. This means that while EAC areas are allowed under the program to avoid, or at least delay, compliance with what they may consider to be painful control measures, they are not free to sit back and do nothing. They are left without the requirements of the Act to design their own strategies for bringing them into attainment with the health based standard for ozone by December 2007 or as expeditiously as practicable before that deadline. This is both a great opportunity and a great responsibility to take actions that will clean the air to the health-based standard and make sure it stays at a healthy level.

As stated at the outset, it is essential that any EAC in South Carolina include transportation and land use strategies to control VMT to effectively address the state's largest source of ozone pollution, emissions from the transportation network. As DHEC is aware, VMT growth has far outstripped population growth in South Carolina. While the State's population has grown about 18 percent in the last 15 years, VMT has increased over 45 percent, almost three times the rate of population growth. As a result, the largest single source of NOx emissions in the Columbia area (41%) and Greenville/Spartanburg (57%), the two South Carolina metro areas with the most significant ozone problems, is on-road mobile emissions. Closely related to these high VMT and NOx statistics, Greenville/Spartanburg was ranked the United States' fifth most sprawling metro area in a recent report by researchers at Rutgers and Cornell Universities.[9]

While some transportation and land use measures will take several years or more to produce air quality benefits, they are still essential to ensure that clean air is attained and maintained in the following decades. To date, reductions in mobile source pollution has been

[9] See Ewing, Pendall & Cheng, "Measuring Sprawl and its Impact" (available at http://www.smartgrowthamerica.com/sprawlindex/MeasuringSprawl.PDF).

due to improved vehicle technology concerning tailpipe emissions and fuel efficiency as the result of past federal mandates. Such improvements are projected to level off in the next few years as the "fleet" of vehicles on the road continues to modernize, resulting in a greater percentage of vehicles with the latest federal emissions requirements. Later this decade and continuing into the next decade, however, these tailpipe improvements are expected to be outstripped by ever-increasing VMT caused by more frequent and longer distance driving.[10] By taking a long-term approach and beginning now to implement a mix of short-term and long-term transportation and land use strategies to reduce VMT growth, areas will be able to demonstrate that the 8-hour standard will be maintained well into the future after the attainment deadline as required under the Act.

Attachment 2 to this letter lists and explains six primary measures we believe the EAC signatories should consider in their stakeholder processes and include in their June 16th submissions to EPA:

- Mixed Use Development
- Infill, Densification, and Downtown Revitalization
- Interconnected Street Networks
- Pedestrian and Bicycle Facilities
- Community Schools
- Public Transportation

In general, these actions would serve to reduce auto trips by making transit, biking, and walking safer and more convenient. These suggestions are consistent with the list of approved Transportation Control Measures set out in 42 U.S.C. § 7408(f) of the Act (Attachment 3) and the recommendations in the February 2003 Quality of Life Task Force Report produced for South Carolina Governor Mark Sanford (Attachment 4). Further tools for implementing air quality improvements through transportation and land use planning can also be found in a DHEC document entitled "Air Quality Improvement Tools For Local Governments" (Attachment 5) and an EPA guidance document entitled "Improving Air Quality Through Land Use Activities."[11] Appendix A to EPA's guidance document (Attachment 6) contains an excellent list of potential strategies.

IV. CONCLUSION

Aggressive coordinated action by local, state, and federal governments is necessary to address the significant air quality problems in South Carolina reflected in the impending 8-hour designation. For that reason, we support the initial planning attempts that localities are beginning to undertake in order to find effective ways to locally control pollution. Indeed, voluntary discretionary measures such as those urged through EACs can be implemented at any

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[10] See "EPA Guidance: Improving Air Quality Through Land Use Activities," January 2001, at 10, Figure 1 (available at http://www.epa.gov/otaq/transp/landguid.htm).

[11] "Improving Air Quality Through Land Use Activities," (EPA, Air and Radiation Office of Transportation and Air Quality, January 2001) (available at http://www.epa.gov/otaq/transp/landguid.htm). See also http://www.epa.gov/otaq/transp/publicat.htm.

time and can play a big role in achieving "clean air sooner." We urge South Carolina and its local governments to take all actions necessary, including the important transportation and land use strategies discussed above, to bring the air into compliance with and maintain the standard set to protect public health.

Please add us to your notification list for this matter, including any proposed amendments to R. 61-62 pursuant to the notice in the South Carolina Register, Vol. 27, Issue 4 (April 25, 2003). Do not hesitate to contact us if you have any questions concerning this letter or if we can be of further assistance in helping to craft effective solutions to South Carolina's air quality challenges.

Very Truly Yours,

J. David Farren
Senior Attorney

Sierra B. Weaver
Associate Attorney

Cc:

Gov. Mark Sanford
Henry Phillips, SC DHEC
Heather Preston, SC DHEC
John Gardner, SC DOT
Stan Meiburg, U.S. EPA
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Jim Darby, Santee-Lynches Regional COG
Patricia Edmonds, Upper Savannah COG
Ken Thompson, Waccamas Regional Planning and Development Council
Jim D'Amato, SPATS
John Owings, GRATS
Michelle Ransom, COATS
Dana Beach, SCCCL

Attachments:
1. VOC and NOx Emissions in SC (January 2003)
2. Suggested Transportation and Land Use Strategies and Policies
3. Transportation Control Measures, § 7408(f) of the CAA
4. February 2003 Quality of Life Task Force Report
5. Air Quality Improvement Tools for Local Governments
6. Appendix A to EPA's guidance document "Improving Air Quality Through Land Use Activities"

ATTACHMENT 1

VOC and NOx Emission Estimates by County (January 2003)

Attachment 6

County	Stationary Sources NOx	Area Sources NOx	Off-road Mobile NOx	On-road Mobile NOx	Natural NOx	Total	Stationary Sources VOC	Area Sources VOC	Off-road Mobile VOC	On-road Mobile VOC	Natural VOC	Total
ABBEVILLE	40	357	269	965	95	1,726	114	914	85	625	8,967	10,705
AIKEN	8,913	1,324	1,840	6,181	245	18,503	1,078	4,025	875	4,112	22,075	32,165
ALLENDALE	47	63	211	357	236	914	3	368	165	207	7,837	8,580
ANDERSON	4,255	1,002	1,769	7,118	237	14,381	1,529	7,512	924	4,509	10,770	25,244
BAMBERG	5	120	241	466	229	1,061	0	643	65	272	6,578	7,558
BARNWELL	66	299	305	556	211	1,437	311	931	108	399	9,582	11,331
BEAUFORT	264	375	2,453	2,410	218	5,720	62	2,146	3,246	2,127	10,711	18,292
BERKELEY	30,988	472	1,458	5,469	268	38,655	2,406	3,351	1,317	4,004	29,406	40,484
CALHOUN	1,730	87	242	1,697	245	4,001	1,381	459	100	746	7,101	9,787
CHARLESTON	3,249	1,371	6,682	9,065	244	20,611	2,676	10,165	4,425	8,611	21,174	47,051
CHEROKEE	817	360	585	2,933	93	4,788	492	1,614	235	1,504	6,304	10,149
CHESTER	2,503	331	356	2,500	99	5,789	642	1,306	144	1,278	11,928	15,298
CHESTERFIELD	75	306	500	1,591	225	2,697	529	2,951	156	1,014	16,208	20,858
CLARENDON	4	197	488	3,286	433	4,408	66	1,219	650	1,446	12,296	15,677
COLLETON	2,983	570	540	3,237	377	7,707	225	1,873	968	1,558	27,633	32,257
DARLINGTON	8,627	449	1,028	3,402	340	13,846	1,011	3,538	792	2,028	10,230	17,599
DILLON	26	238	484	2,360	236	3,344	128	1,341	118	1,176	8,355	11,118
DORCHESTER	3,962	272	922	4,421	177	9,754	290	2,177	1,629	2,819	16,811	23,726
EDGEFIELD	39	126	273	683	94	1,215	292	864	347	426	10,358	12,287
FAIRFIELD	98	177	214	1,990	85	2,564	276	1,833	157	900	15,917	19,083
FLORENCE	3,581	561	1,876	5,975	436	12,429	1,498	4,918	1,091	3,858	17,566	28,931
GEORGETOWN	23,169	455	1,349	1,764	213	26,950	1,607	1,699	1,927	1,211	18,532	24,976
GREENVILLE	675	2,516	5,398	11,166	165	19,920	2,998	14,935	3,506	9,491	14,562	45,492
GREENWOOD	352	664	816	2,232	98	4,162	299	2,382	344	1,538	7,202	11,765
HAMPTON	146	339	327	946	258	2,016	3,357	1,199	544	484	15,080	20,664
HORRY	2,472	679	3,005	4,497	487	11,140	103	4,432	2,712	3,676	21,849	32,772
JASPER	17	239	122	2,830	175	3,383	22	908	180	1,191	17,600	19,901
KERSHAW	1,610	329	507	3,130	171	5,747	237	7,196	328	1,638	15,435	24,834
LANCASTER	1,366	272	597	2,263	114	4,612	332	1,997	448	1,435	11,719	15,931
LAURENS	84	494	529	4,612	137	5,856	234	1,779	382	2,385	13,020	17,800
LEE	5	84	387	1,775	373	2,624	274	968	213	788	5,680	7,923
LEXINGTON	4,117	1,420	2,285	8,299	222	16,343	955	7,923	2,002	5,595	13,852	30,327
MARION	27	235	420	1,219	208	2,109	131	1,433	397	870	10,915	13,746
MARLBORO	1,403	340	396	1,047	265	3,451	1,302	1,208	115	751	10,263	13,639
MCCORMICK	3	76	106	307	31	523	88	410	173	189	8,882	9,742
NEWBERRY	173	391	672	2,987	121	4,344	869	1,323	1,648	1,491	12,617	17,948
OCONEE	87	359	847	2,563	152	4,008	263	2,363	1,024	1,596	13,968	19,214
ORANGEBURG	8,022	491	1,339	5,981	644	16,477	1,447	4,340	1,590	3,191	25,786	36,354
PICKENS	215	645	1,184	3,473	117	5,634	186	3,551	1,153	2,448	11,172	18,510
RICHLAND	12,498	1,373	3,556	10,095	177	27,699	2,721	11,088	1,695	8,734	17,368	41,606
SALUDA	21	114	352	631	124	1,242	60	748	836	362	6,566	8,572
SPARTANBURG	4,466	1,422	3,028	12,468	206	21,590	2,663	12,938	1,230	7,876	11,883	36,590
SUMTER	252	496	1,313	4,017	422	6,500	1,507	3,298	773	2,915	13,916	22,409
UNION	285	202	338	1,159	78	2,062	130	1,170	405	785	11,004	13,494
WILLIAMSBURG	85	311	601	1,581	461	3,039	101	1,980	392	901	23,735	27,109
YORK	4,176	639	2,818	5,585	165	13,383	2,727	6,699	1,549	4,019	12,005	26,999
Total	**137,957**	**23,285**	**54,759**	**162,324**	**10,312**	**388,637**	**39,621**	**152,115**	**43,163**	**109,179**	**632,418**	**976,496**

Point sources are regulated industrial units
All values are expressed in tons per year

Emissions Estimates based on the most recent information available to the SC DHEC and should only be used for comparison purposes.

ATTACHMENT 2

SUGGESTED LOCAL TRANSPORTATION AND LAND USE POLICIES AND STRATEGIES

This list of example transportation and land use strategies and policies has been compiled from various sources including the February 2003 Quality of Life Task Force Report produced for South Carolina Governor Mark Sanford, Maryland's Smart Growth initiative, and the June 1995 report entitled "Transportation-Related Land Use Strategies to Minimize Mobile Source Emission: An Indirect Source Research Study" produced by JHK & Associates for the California Air Resources Board. We believe that these six strategies should be incorporated into any early action plan for South Carolina.

1. MIXED USE DEVELOPMENT

Objective: To encourage pedestrian and transit travel by locating a variety of compatible land uses within walking distances of each other.

Implementation Strategies: (1) Remove legal impediments and barriers such as zoning regulations to mixed use and traditional neighborhood designs. (2) Provide incentives such as tax breaks and expedited approvals for the development and revitalization of mixed use and traditional neighborhoods. (3) Grant similar incentives for new mixed use development that locates near transit and pedestrian oriented amenities.

2. INFILL, DENSIFICATION, AND DOWNTOWN REVITALIZATION

Objective: To encourage pedestrian and transit travel by locating new development in already developed areas, so that activities are closer together.

Implementation Strategies: (1) Require identification of priority investment areas where local governments will concentrate public investment in infrastructure projects. (2) Require fact-based decision making in order to ensure that major infrastructure projects conform to adopted local land use plans. (3) Work with community builders, MainStreet programs and other non-governmental organizations to encourage renewal and revitalization projects. (4) Highway system maintenance should take precedence over new roads. (5) Allow for increased density for residential, retail, and employment generating uses in central areas and around transit. (6) Grant incentives such as accelerated permitting processing and infrastructure upgrades for development that focuses on existing urban areas and infill. (7) Allow for increased density within walking distance of transit centers.

3. INTERCONNECTED STREET NETWORKS

Objective: To encourage pedestrian and bike travel by providing more direct routes between locations. Also, alleviate traffic congestion by providing multiple routes between origins and destinations.

Implementation Strategies: (1) Require connected, narrower streets and sidewalks in new developments. (2) Require bicycle lanes and transit stops on larger streets in new developments.

4. PEDESTRIAN AND BICYCLE FACILITIES

Objective: To encourage pedestrian and bicycle travel by increasing sidewalks, paths, crosswalks, protection from fast vehicular traffic, pedestrian-activated traffic signals and shading.

Implementation Strategies: (1) Reduce local zoning requirements for setbacks and minimum lot sizes to create stronger connection between building and sidewalks. (2) Reduce minimum parking requirements and provide other incentives for projects that encourage pedestrian, bicycle and transit activity. (3) Require traffic-calming devices in new development.

5. COMMUNITY SCHOOLS

Objective: To reduce vehicle miles traveled and encourage biking and walking for students and parents by encouraging smaller community-based schools that are integrated into neighborhoods.

Implementation Strategies: (1) Eliminate minimum acreage requirements for school sites. (2) Cap student populations per facilities. (3) Require coordination among school boards and local governments to plan school sites and avoid conflicts with local planning goals. (4) Favor restoration and construction of community-based small schools over new construction of remote mega schools.

6. PUBLIC TRANSPORTATION

Objective: To reduce vehicle miles traveled by developing efficient user-friendly transit systems.

Implementation Strategies: (1) Integrate transportation planning with land use planning so public transit can make a comprehensive contribution to economic development and mobility. (2) Remove local barriers to densification in downtowns, infill areas, and transit stations and corridors. (3) Require local jurisdictions within a region to coordinate transportation planning. (4) Provide adequate funding for construction and operation of a convenient public transportation system tailored to meet community needs.

ATTACHMENT 3

The Administrator shall from time to time review, and, as appropriate, modify, and reissue any criteria or information on control techniques issued pursuant to this section. Not later than six months after August 7, 1977, the Administrator shall revise and reissue criteria relating to concentrations of NO_2 over such period (not more than three hours) as he deems appropriate. Such criteria shall include a discussion of nitric and nitrous acids, nitrites, nitrates, nitrosamines, and other carcinogenic and potentially carcinogenic derivatives of oxides of nitrogen.

(d) Publication in Federal Register; availability of copies for general public

The issuance of air quality criteria and information on air pollution control techniques shall be announced in the Federal Register and copies shall be made available to the general public.

(e) Transportation planning and guidelines

The Administrator shall, after consultation with the Secretary of Transportation, and after providing public notice and opportunity for comment, and with State and local officials, within nine months after November 15, 1990, and periodically thereafter as necessary to maintain a continuous transportation-air quality planning process, update the June 1978 Transportation-Air Quality Planning Guidelines and publish guidance on the development and implementation of transportation and other measures necessary to demonstrate and maintain attainment of national ambient air quality standards. Such guidelines shall include information on—

(1) methods to identify and evaluate alternative planning and control activities;

(2) methods of reviewing plans on a regular basis as conditions change or new information is presented;

(3) identification of funds and other resources necessary to implement the plan, including interagency agreements on providing such funds and resources;

(4) methods to assure participation by the public in all phases of the planning process; and

(5) such other methods as the Administrator determines necessary to carry out a continuous planning process.

(f) Information regarding processes, procedures, and methods to reduce or control pollutants in transportation; reduction of mobile source related pollutants; reduction of impact on public health

(1) The Administrator shall publish and make available to appropriate Federal, State, and local environmental and transportation agencies not later than one year after November 15, 1990, and from time to time thereafter—

(A) information prepared, as appropriate, in consultation with the Secretary of Transportation, and after providing public notice and opportunity for comment, regarding the formulation and emission reduction potential of transportation control measures related to criteria pollutants and their precursors, including, but not limited to—

(i) programs for improved public transit;

(ii) restriction of certain roads or lanes to, or construction of such roads or lanes for use by, passenger buses or high occupancy vehicles;

(iii) employer-based transportation management plans, including incentives;

(iv) trip-reduction ordinances;

(v) traffic flow improvement programs that achieve emission reductions;

(vi) fringe and transportation corridor parking facilities serving multiple occupancy vehicle programs or transit service;

(vii) programs to limit or restrict vehicle use in downtown areas or other areas of emission concentration particularly during periods of peak use;

(viii) programs for the provision of all forms of high-occupancy, shared-ride services;

(ix) programs to limit portions of road surfaces or certain sections of the metropolitan area to the use of non-motorized vehicles or pedestrian use, both as to time and place;

(x) programs for secure bicycle storage facilities and other facilities, including bicycle lanes, for the convenience and protection of bicyclists, in both public and private areas;

(xi) programs to control extended idling of vehicles;

(xii) programs to reduce motor vehicle emissions, consistent with subchapter II of this chapter, which are caused by extreme cold start conditions;

(xiii) employer-sponsored programs to permit flexible work schedules;

(xiv) programs and ordinances to facilitate non-automobile travel, provision and utilization of mass transit, and to generally reduce the need for single-occupant vehicle travel, as part of transportation planning and development efforts of a locality, including programs and ordinances applicable to new shopping centers, special events, and other centers of vehicle activity;

(xv) programs for new construction and major reconstructions of paths, tracks or areas solely for the use by pedestrian or other non-motorized means of transportation when economically feasible and in the public interest. For purposes of this clause, the Administrator shall also consult with the Secretary of the Interior; and

(xvi) program to encourage the voluntary removal from use and the marketplace of pre-1980

model year light duty vehicles and pre-1980 model light duty trucks.

(B) information on additional methods or strategies that will contribute to the reduction of mobile source related pollutants during periods in which any primary ambient air quality standard will be exceeded and during episodes for which an air pollution alert, warning, or emergency has been declared;

(C) information on other measures which may be employed to reduce the impact on public health or protect the health of sensitive or susceptible individuals or groups; and

(D) information on the extent to which any process, procedure, or method to reduce or control such air pollutant may cause an increase in the emissions or formation of any other pollutant.

(2) In publishing such information the Administrator shall also include an assessment of—

(A) the relative effectiveness of such processes, procedures, and methods;

(B) the potential effect of such processes, procedures, and methods on transportation systems and the provision of transportation services; and

(C) the environmental, energy, and economic impact of such processes, procedures, and methods.

(3) The Secretary of Transportation and the Administrator shall submit to Congress by January 1, 1993, and every 3 years thereafter a report that—

(A) reviews and analyzes existing State and local air quality-related transportation programs, including specifically any analyses of whether adequate funding is available to complete transportation projects identified in State implementation plans in the time required by applicable State implementation plans and any Federal efforts to promote those programs;

(B) evaluates the extent to which the Department of Transportation's existing air quality-related transportation programs and such Department's proposed budget will achieve the goals of and compliance with this chapter; and

(C) recommends what, if any, changes to such existing programs and proposed budget as well as any statutory authority relating to air quality-related transportation programs that would improve the achievement of the goals of and compliance with this chapter.

(4) In each report to Congress after the first report required under paragraph (3), the Secretary of Transportation shall include a description of the actions taken to implement the changes recommended in the preceding report.

(g) Assessment of risks to ecosystems

The Administrator may assess the risks to ecosystems from exposure to criteria air pollutants (as identified by the Administrator in the Administrator's sole discretion).

(h) RACT/BACT/LAER clearinghouse

The Administrator shall make information regarding emission control technology available to the States and to the general public through a central database. Such information shall include all control technology information received pursuant to State plan provisions requiring permits for sources, including operating permits for existing sources.

(July 14, 1955, c. 360, Title I, § 108, as added Dec. 31, 1970, Pub.L. 91-604, § 4(a), 84 Stat. 1678, and amended Aug. 7, 1977, Pub.L. 95-95, Title I, §§ 104, 105, Title IV, § 401(a), 91 Stat. 689, 790; Nov. 15, 1990, Pub.L. 101-549, Title I, §§ 108(a) to (c), (o), 111, 104 Stat. 2465, 2466, 2469, 2470.)

HISTORICAL AND STATUTORY NOTES

Revision Notes and Legislative Reports

1970 Acts. House Report No. 91-1146 and Conference Report No. 91-1783, see 1970 U.S. Code Cong. and Adm. News, p. 5356.

1977 Acts. House Report No. 95-294 and House Conference Report No. 95-564, see 1977 U.S. Code Cong. and Adm. News, p. 1077.

1990 Acts. Senate Report No. 101-228, House Conference Report No. 101-952, and Statement by President, see 1990 U.S. Code Cong. and Adm. News, p. 3385.

Codifications

Section was formerly classified to section 1857c-3 of this title.

Reference in subsec. (e) in the original to "enactment of the Clean Air Act Amendments of 1989" has been codified as "November 15, 1990" as manifesting Congressional intent in the date of the enactment of Pub.L. 101-549, Nov. 15, 1990, 104 Stat. 2399, popularly known as the Clean Air Act Amendments of 1990.

Effective Dates

1990 Acts. Amendment by Pub.L. 101-549 effective Nov. 15, 1990, except as otherwise provided, see section 711(b) of Pub.L. 101-549, set out as a note under section 7401 of this title.

1977 Acts. Amendment by Pub.L. 95-95 effective Aug. 7, 1977, except as otherwise expressly provided, see section 406(d) of Pub.L. 95-95, set out as a note under section 7401 of this title.

Savings Provisions

Suits, actions or proceedings commenced under this chapter as in effect prior to Nov. 15, 1990, not to abate by reason of the taking effect of amendments by Pub.L. 101-549, except as otherwise provided for, see section 711(a) of Pub.L. 101-549, set out as a note under section 7401 of this title.

Prior Provisions

A prior section 108 of Act July 14, 1955, was renumbered section 115 by Pub.L. 91-604 and is set out as section 7415 of this title.

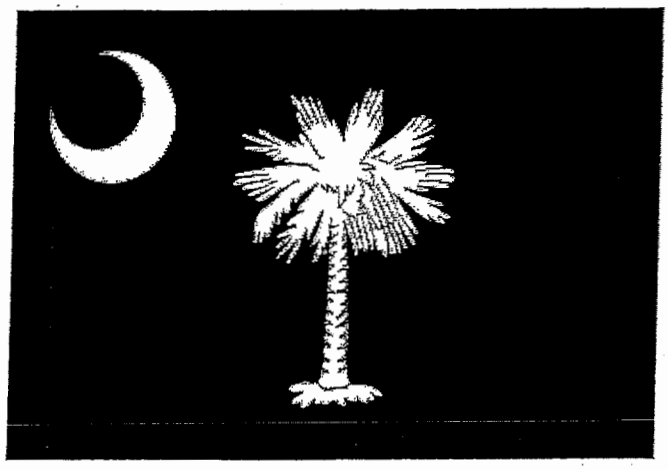
ATTACHMENT 4

QUALITY OF LIFE TASK FORCE REPORT

Presented to Governor Mark Sanford

By the Quality of Life Task Force

February 6, 2003



Vision Statement on Quality of Life

Purpose

To enhance the quality of life for present and future generations of South Carolinians through the stewardship of our commonly held values of PLACE

Our Values of Place

- **People.** Our citizens are the source of our strength as a State. We reach out to one another with trust and respect, holding high expectations for individual abilities and desires. This ideal involves a bottom-up faith in South Carolina's famed spirit of hospitality, which is inclusive of all, and built on the strength of our diversity.

- **Long-term.** Recognizing that the decisions of today impact our children's future, we resolve to approach challenges with a view toward how they affect our present and future economic, natural and cultural resources. We strive to see beyond our present vision.

- **Aspire.** We shall not rest on the accomplishments or limitations of previous generations, but aspire to advance our people and the stewardship of our natural resources while respecting fundamental freedoms, the fountainhead of our economic well-being.

- **Community.** We believe an inclusive spirit of mutually beneficial relationships within the strength of a diverse citizenry will enable the whole of our community to be far greater than the sum of its parts.

- **Education.** We believe in instilling these values in a manner that will enable them to be embraced by this and future generations.

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Executive Summary

The Quality of Life Task Force was charged with developing recommendations for Governor Sanford concerning Quality of Life issues in South Carolina. The resulting recommendations are narrow in scope but cover a wide variety of topics including community growth, land conservation, regulatory reform, resource inventory and water resources. (See Appendix I, "Scope of Report")

While the 29-member task force represents diverse perspectives, it is united by common values and a shared sense of place. This task force has reached fundamental accord in many significant areas concerning Quality of Life, developing the following recommendations by consensus rather than by majority vote. The driver of all recommendations is the task force mission statement: "to protect the land and water resources of South Carolina in balance with economic growth by emphasizing:

- education,
- incentives over regulation,
- market principles, and
- respect for private property rights."

Based on this mission statement, the Quality of Life Task Force drafted a set of Guiding Principles that undergirds all recommendations contained in this report:

- That South Carolina has extraordinary resources in its land, its water, its communities, and its people.
- That basic values bind us together. (See Vision Statement.)
- That these values can lead to agreement on the stewardship of our resources for this and future generations.
- That this agreement can be embodied in a common vision.
- That this vision should guide and prioritize all public actions – spending, legislating, regulating, and educating.
- That all public institutions should be inspired and directed by that vision.
- That public decision-making should be informed, analytical, innovative, efficient, and flexible.
- That the private sector, both for-profit and not-for-profit, has exhibited innovation and effectiveness toward achieving common goals.
- That public institutions should coordinate with one another and support, facilitate, and enhance exemplary private sector initiatives.
- That public officials and citizens should understand complex issues and pursue educational opportunities.
- That financial and procedural incentives can enhance private efforts to conserve resources and develop properly.
- That private property rights, economic development, and environmental conservation can be compatible.

The following recommendations reflect these principles; however, ***the principal recommendation to Governor Sanford by this task force is to embrace and communicate these Guiding Principles and Vision Statement on Quality of Life in South Carolina.***

I. COMMUNITY GROWTH

A. Community Schools

1. Eliminate minimum acreage requirements; cap student populations for future facilities.
2. Require coordination among school boards and local governments to plan school sites and avoid conflicts.
3. Favor restoration and construction of community-based small schools over new construction of remote mega schools.

B. Efficient Public Investment

1. Require fact-based decision-making: major projects should conform to adopted plans, developed by local authorities, to keep politics from guiding infrastructure decision-making,
2. Public entities should plan where they build and only build where they plan.
3. Local governments coordinate with other local authorities to designate priority investment areas which will receive funding preferences
4. Highway system maintenance should take precedence over new roads

C. Affordable Housing

1. Reduce regulations that are inefficient and excessively impact housing affordability, particularly for lower income and minority families.
2. Support private-sector efforts in affordable housing and community development .

D. Predatory Lending

1. Protect home and automobile buyers from predatory lending practices.

E. Traditional Neighborhoods

1. Remove legal impediments to traditional neighborhood designs and provide incentives for the construction and revitalization of traditional neighborhoods.

F. Public Transportation

1. Integrate transportation planning with land use planning so public transit can make a comprehensive contribution to economic development and mobility.
2. Evaluate public transportation opportunities, including intra-regional and inter-regional systems.

G. Protecting Traditional Communities

1. Evaluate rural communities and designate those which have served as ancestral habitation for more than 100 years as historic areas; require that eminent domain processes respect this designation.

H. Downtown Revitalization

1. Work with Community Builders, MainStreet programs, and other non-governmental organizations to encourage downtown renewal and revitalization projects.

II. LAND CONSERVATION

A. Conservation Incentives

1. Raise the per acre cap in the Conservation Incentives Act; raise the maximum annual credit.
2. Increase funding for the South Carolina Conservation Bank.

B. Heirs' Property

1. Endorse and support existing private initiatives addressing this issue.

C. Focus Area Expansion

1. Encourage public/private partnerships in promoting conservation initiatives based on the ACE basin model.

D. Traditional Agriculture and Forestry

1. Support farmland protection initiatives.

E. Best Development Practices

1. Develop and promote incentive-based standards for use by landowners to implement conservation measures in their land management practices or for new development.

F. Natural Resource Education

1. Support curricular efforts to teach students the value of conservation of SC natural resources.

II. REGULATORY REFORM

A. Streamline Agencies, Consolidate Permitting Processes, and Eliminate Wasteful Appeals

1. Agency processes should be made user-friendly by streamlining permitting processes, reducing the time to act on permit applications, and coordinating with sister agencies to eliminate redundancies.
2. Assure that agencies are run by the fewest but most capable people

B. Provide Incentives for Infill and Re-Development of Greyfield and Brownfield Areas

1. Local and state incentives could include expedited, prioritized processing of approvals; reduced impact fees; and other economic incentives.

C. Adopt Property Rights Legislation Consistent with the Qualify of Life Task Force Vision Statement

1. Provide property owners and local governments the opportunity and flexibility to mediate land use regulation disputes.

D. Eliminate "Postage Stamp" Appeals of Regulatory Permits

E. Adopt Additional Protection for Isolated Freshwater Wetlands Based on Function and Size

1. New regulations should not be "one-size-fits-all" but graded by function and size.

F. Reform Annexation and Condemnation Laws

III. RESOURCE INVENTORY/UNIFORM VISION

1. Sponsor a statewide visioning process based on citizens' input and a bottom-up approach.
2. Support coordination of existing resource data for use in all aspects of land use planning.
3. Support training and technical assistance to local governments in vision-driven planning.

IV. WATER RESOURCES

A. Coordinated Position on Dam Relicensing

1. Insist on coordination among state agencies, facilitated by the governor's office.
2. Develop drought contingency plans which include improved release strategies.

B. Proactive Management of Water Supplies

1. Exercise more control over the flow of the state's waters to assure the protection of the needs of South Carolina citizens and industry.

C. Multi-State Water Use Agreements

1. Develop "compacts" with North Carolina and Georgia to better manage our water resources.
2. Work with other governmental entities, utility companies and non-governmental to develop regional solutions to regional problems.

Introduction

Governor-elect Mark Sanford formed the Quality of Life Task Force in December, 2002 charging it with developing recommendations to enhance South Carolina's quality of life for this and future generations. The committee held three meetings in the month of January in Columbia and Charleston and corresponded extensively during that time. The resulting recommendations cover a wide variety of topics including community growth, land conservation, regulatory reform, resource inventory and water resources. (See Appendix I, "Scope of Report")

The 29-member task force represents a broad diversity of perspectives, yet they have reached fundamental accord about which issues matter most to the future of the state. The recommendations were agreed upon by consensus rather than by majority vote. Although members emphasized different issues, key themes emerged throughout the discussion. Divergent perspectives were united by common values and a shared sense of place. The mission statement of the Quality of Life task force became:

"to protect the land and water resources of South Carolina in balance with economic growth by emphasizing:

- education,
- incentives over regulation,
- market principles, and
- respect for private property rights."

Based on this mission statement, the Quality of Life Task Force articulated a set of Guiding Principles that undergirds all recommendations contained in this report:

- That South Carolina has extraordinary resources in its land, its water, its communities, and its people.
- That basic values bind us together. (See Vision Statement.)
- That these values can lead to agreement on the stewardship of our resources for this and future generations.
- That this agreement can be embodied in a common vision.
- That this vision should guide and prioritize all public actions – spending, legislating, regulating, and educating.
- That all public institutions should be inspired and directed by that vision.
- That public decision-making should be informed, analytical, innovative, efficient, and flexible.
- That the private sector, both for-profit and not-for-profit, has exhibited innovation and effectiveness toward achieving common goals.
- That public institutions should coordinate with one another and support, facilitate, and enhance exemplary private sector initiatives.
- That public officials and citizens should understand complex issues and pursue educational opportunities.
- That financial and procedural incentives can enhance private efforts to conserve resources and develop properly.
- That private property rights, economic development, and environmental conservation can be compatible.

Based on these tenets, the task force submits the following recommendations for consideration. However, *the principal recommendation to Governor Sanford by this task force is to embrace and communicate these Guiding Principles and Vision Statement on Quality of Life in South Carolina.*

Recommendations

I. COMMUNITY GROWTH

A. Community Schools
Description:

New public schools in South Carolina are increasingly massive facilities far removed from the communities they serve. Some students spend more time on buses than they do with their families. This trend toward larger schools is growing in spite of a national body of literature "that firmly established small schools as more productive and effective than large ones. . ." (Mary Anne Raywid, 1999, from a broad-based research summary commissioned by the U.S. Department of Education) These studies consistently reveal that small schools are particularly beneficial for lower-income, traditionally underserved students, who stand to benefit most from a quality education.

According to W. Cecil Steward, dean of the University of Nebraska's College of Architecture, "the public school system is the most influential planning entity, public or private, promoting the sprawl pattern of development in America," - lengthening bus routes, discouraging parental participation in school activities, precluding the sharing of costly facilities with the community, and generally wasting precious public and private resources. It is time for South Carolina to bring back smaller, community-centered schools.

Action Items:

1.) Work with the SC State Department of Education to eliminate minimum acreage requirements. By doing so, school boards will have much greater flexibility in future site selection.

2.) Support legislation that caps student populations for future facilities. In Florida, for example, the legislature recently passed a bill limiting elementary schools to 500 students, middle schools to 700 students and high schools to 900 students. (Florida Statutes XVI Education - Chapter 235.2157- Education Facilities.)

3.) Support changes to current planning legislation and require local school boards and other relevant agencies (i.e. Department of Transportation) to participate in the comprehensive planning process and to adhere to comprehensive plans. Coordination among school boards and local governments will help communities plan for future school sites and avoid conflicts.

4.) Examine the funding programs for school construction and renovation and identify biases toward new construction on remote sites. The administration should recommend changes to favor restoration and construction of community-based small schools.

B. Efficient Public Investment
Description:

South Carolina faces a staggering infrastructure deficit of $57 billion – repairing roads and sewer lines, adding lanes to overburdened urban highways, building new schools to accommodate growing populations. Much of this deficit represents highway maintenance needs. Yet between 1992 and 2000, South Carolina spent just 20% of its highway funds on road maintenance – a percentage that was lower than all but 5 other states in the nation. If the state is to deal successfully with this enormous fiscal challenge, public agencies like the SC Department of Transportation and local governments must carefully analyze and prioritize how infrastructure funds are spent.

Currently, major infrastructure decisions are often made according to political considerations rather than thoughtful planning. There is little coordination between state and local agencies; nor is there cooperation between cities and counties in metropolitan areas. The lack of planning, coordinating, and prioritizing has resulted in areas with legitimate infrastructure construction and maintenance needs being shortchanged and underserved. At the same time, sprawl development is subsidized in places where growth is inappropriate,

placing unnecessary pressure on traditional rural communities, natural resource based industries, and wildlife habitat.

Local governments, through comprehensive planning, can become the agents of fiscal responsibility. As a part of their comprehensive plans, local governments should identify priority investment areas to support economic development and new growth. These designations should guide all public expenditures – sewer and water lines, new schools, transportation projects, and other major public investments. State agencies, local school boards, and other entities responsible for the expenditure of public funds, should participate in these planning processes. To keep politics from guiding infrastructure decision-making, all major projects should be required to conform to adopted plans. The bottom line is that the taxpayer pays the infrastructure bill; so all public entities should plan where they build and only build where they plan.

Action Items:

1.) Support an amendment to the 1994 Planning Enabling Legislation requiring local governments to coordinate with their neighbors, with local school districts, and with local service providers to designate priority investment areas.

2.) Through executive order or legislation, ensure that infrastructure funding for projects within priority investment areas will receive preference. Priority investment area projects would be eligible for a higher non-local match and would be first in line for distribution of funds.

3.) Highway system maintenance should take precedence over new roads. The SC Department of Transportation (SCDOT) should demonstrate a valid transportation need before undertaking new projects.

4.) SCDOT should ensure that new projects are consistent with local and regional comprehensive plans. Projects within Priority Investment Areas should receive funding preference over those outside of these areas.

5.) SCDOT should analyze alternatives for new projects once a valid transportation need has been identified. The range of alternatives should include projects of reduced scope, such as turn lanes and passing lanes, non-construction methods such as transportation demand management and trip-reduction incentives, as well as land use strategies that reduce traffic congestion. The least-expensive alternative that achieves the project goal should be chosen.

6.) The state should insure that transportation modeling technology that links transportation to land use is available to SCDOT, COGs, and local governments.

C. Affordable Housing

Description:

According to the 2000 census, South Carolina's state rank in housing affordability has moved from the top half to the bottom half. In nearly every community in South Carolina, the typical home for sale is out of the reach of a family earning the typical wage in that community. The National Association of Home Builders estimates that compliance with unnecessary regulations accounts for at least ten percent of the cost of a new home.

Some regulations are written specifically to reduce housing choice to the consumer. They come in the form of exclusionary zoning codes, severe limitations on multi-family housing, large minimum lot sizes and large minimum house sizes in zoning ordinances. In state regulations they include ever expanding buffers, setbacks, and development exclusions, many of which have little relationship to protecting the interests of the State. In addition to regulations, the explosion of taxes and fees add substantially to the cost of housing. These expenses are passed on to the homebuyer in the form of higher housing prices. Housing prices increases that are driven by inefficient and unnecessary regulations and excessive fees hurt all South Carolinians, but they are particularly burdensome on lower income and minority families.

Non-governmental organizations such as Community Development Corporations and Habitat for Humanity provide an invaluable service in the field of affordable housing and community development. The state should examine ways to support and enhance this work in the private sector.

Action Items:

1.) Pass legislation establishing a process, under the Administrative Procedures Act, to evaluate the impact of new regulations on affordable housing costs within developed and developing areas, (including urban and suburban priority investment areas and rural communities).

2.) Create a legislative study committee to evaluate the impact of existing legislation and regulations that could affect housing affordability. This legislative study committee should evaluate the effectiveness of these laws and rules, including but not limited to the 2000 International Building Code (IBC), and make recommendations for reforming those that do not serve a reasonable purpose or that add unnecessarily to the cost of housing.

3.) Pass legislation that brings the adoption of the statewide building code with regional considerations under the Administrative Procedures Act.

4.) Establish incentives for local governments to identify unnecessary barriers to affordable housing, (such as zoning codes, subdivision ordinances, and other statutes that could affect housing costs in developed and developing areas and in rural settlement areas) and take steps to remove those barriers. Localities that conduct this exercise would be eligible for higher state and federal matches for infrastructure and housing funds.

5.) Seek out non-governmental organizations working in the fields of housing and community development and identify ways, though legislation, executive order, or education, to help advance this work.

6.) Support a technical amendment to the South Carolina Community Economic Development Act that extends the current sunset provision of 2005 until the time that the Legislature appropriates the 5 million dollars designated in the current Act.

7.) Streamline grant application procedures for the South Carolina Housing Trust Fund.

D. Predatory Lending

Description:

The American dream of home ownership is difficult enough to obtain. South Carolinians rank 36th in the nation in average net worth. Unfortunately, unscrupulous lenders in South Carolina are permitted to prey on the uninformed with high cost loans and unconscionable lending practices. The problem with predatory lending is particularly severe for lower income borrowers who may have few lending options. Lenders in South Carolina should not be permitted to take advantage of these homebuyers.

Action Items:

1.) Support legislation to insure that home and automobile buyers are not victimized by predatory lending practices..

E. Traditional Neighborhoods

Description:

Many South Carolinians want to live in traditional neighborhoods, where residents can walk to schools, shops, and offices. Studies have shown that traditional neighborhood design can reduce infrastructure costs, slow the rate of rural land consumption, and even improve the health of children by providing more opportunities for physical activity. But current zoning laws make it nearly impossible to create these types of neighborhoods. These codes effectively prohibit the development today of places like Pendleton and Beaufort, like Shandon in Columbia, or like Aiken and downtown Charleston – places that are nationally regarded as some of the most beautiful and desirable in America. The state should work to remove legal impediments to traditional neighborhood design and to provide incentives for the construction and revitalization of traditional neighborhoods.

One way to level the playing field is for local governments to enact traditional neighborhood development (TND) ordinances. These ordinances allow new development to occur in traditional, rather than conventional,

forms by relaxing many existing restrictions on housing types and non-residential uses, while applying specific, detailed parameters on building mass and street design.

Action Items:

1.) Oversee development of a model TND ordinance that would be integrated into local planning codes as a use of right. This would allow the developer, and consequently, the home buyer, to choose between conventional development and the TND alternative.

2.) Create incentives at the state level that would encourage local governments to adopt TND ordinances. One incentive would be to provide a higher non-local infrastructure funding match for communities that adopt TND zoning options. Another incentive with important benefits for mobility is to allow the use of state and federal transportation funds to construct a portion of the internal road systems for TND developments. This is justified by extensive research showing significant reductions in household trips in traditional neighborhoods, and thus, lower costs for external road maintenance and construction.

F. Public Transportation

Description:

South Carolina's public transportation systems are not adequate to serve the needs of a growing and urbanizing state. With another million new residents living in the state by 2015, public transportation in urban areas is necessary to insure full access to jobs. Further, it is clear that unless transportation planning is integrated with land use planning, transit systems will neither be financially sustainable nor will they help alleviate traffic congestion. Instead, they will be relegated solely to providing transit services for the poor, rather than making a comprehensive contribution to economic development and mobility.

Besides the need for public transportation systems within metropolitan regions, the state should explore the merit of providing transportation between metro regions and to major cities in North Carolina and Georgia. North Carolina has over the past few years analyzed and begun to plan for rail connections between its major urban areas.

The governor's office should initiate an assessment of public transportation systems and needs in the state. It will explore the potential to provide incentives for intergovernmental cooperation in the development of public transportation plans.

Action Items:

1.) Through appropriate action, establish a higher percentage of state and federal transportation funding for those metropolitan regions that develop regional plans for public transportation that are integrated with land use plans.

2.) In partnership with state agencies and appropriate non-governmental organizations, rigorously evaluate the needs and opportunities for public transportation in South Carolina, including intra-regional and inter-regional systems.

G. Protecting Traditional Communities

Description:

Industrial and residential growth in rural areas can have a huge impact of the quality of life of long time residents. Major changes include increased highway congestion and rail use, as well as condemnation of land and homes for new public infrastructure. Because lower income rural communities often lack political power and land values are low, they bear a larger proportion of the impacts of these types of changes. Growth drives land values and property taxes higher. The increasing tax burden can force the sale of family land, especially in the case of heirs' property where many individuals hold an undivided interest in a single parcel.

Traditional and historical South Carolina neighborhoods are a vital part of the state's makeup. They often offer affordable housing interspersed with more expensive housing. Community members rarely place a priority on property value appreciation but instead are concerned with community stability. These communities reflect many of the values important to the whole state. Yet efforts to classify these places as historical are denied because the criteria for designation emphasize the age of the buildings rather than the age and

significance of the community. The state should acknowledge the importance of old rural communities by modifying the process of historical designation.

Actions Items:

1.) The state historic preservation office should evaluate South Carolina's rural communities and designate those which have served as ancestral habitation for more than 100 years as historic areas.

2.) Governmental entities seeking to utilize eminent domain in these areas should be required to adhere to strict guidelines regarding property values of the entire community, not simply the property being condemned.

3.) Establish a process of communication between developers, local governments, state agencies and these communities when permitting and funding decisions are made.

H. Downtown Revitalization

Description:

Many South Carolinians don't "go to town" anymore. In many areas, residents face increasing traffic congestion along major highways lined with strip commercial development. With these changes, South Carolinians may also be losing a vital sense of community. Small cities across the state, where "town" was the beginning and end of commerce, where healthcare was delivered and where information was dispersed are now becoming relics of the past. These places represent a new challenge and an opportunity to renew that pride we all have in our communities.

Action Items:

1) Work with Community Builders (formerly Downtown Development Associations), MainStreet programs, and other non-governmental organizations dedicated to downtown renewal, to formulate a strategy to incite revitalization projects.

2) Explore possible legislation to streamline the process cities use to obtain DOT enhancement grants, community development block grants, or tax increment financing districts with the goal of downtown revitalization.

V. LAND CONSERVATION

A. Conservation Incentives

Description:

South Carolina is fortunate to rank as the 10th most biologically diverse state in the nation. We have tall mountains, rocky piedmont foothills with rolling open lands surrounded by hardwood forests. Our massive rivers bring the water from the mountains past the sandhills, carving vast bottomland forests, rich farmland, swamps and isolated wetlands on their way to the miles of marshes, barrier islands, estuaries and beaches where the land meets the ocean. Our vast riverine floodplains, isolated wetlands, and salt marshes purify storm water run-off, stabilize streams and rivers banks, store excess water, and provide extensive wildlife habitat. Yet the natural beauty of our state puts these landscapes at risk. Within the next 15 years there will be another one million people living in South Carolina. These demographic changes combined with the historically low economic conditions experienced by a majority of our citizens will place increasing pressure on the landowners to develop their lands. National regulations help protect these resources, but these regulations are minimal and in many cases more protection is necessary to insure long-term protection.

Research has revealed that landowners find non-cash incentives persuasive reasons to expand their protection of vital ecosystems, scenic vistas and open lands beyond the minimum regulatory standards. Desirable enhancements to the existing system include non-cash incentives such as: "fast track" or expedited permitting from DHEC and other state agencies and local planning commissions and councils. Another helpful incentive is designation under the South Carolina Land and Water Steward program. Monetary incentives include public funding for the purchase of land or development rights and increased state tax credits for donation of conservations easements.

Action Items:

1) Raise the per acre cap in the Conservation Incentives Act. Raise the maximum annual credit of $52,500 per year.

2) Index any limitations in the act to inflation or documented property appreciation.

3) Increase funding for the South Carolina Conservation Bank from one quarter to one half of the real estate transfer fee that goes to the State.

4) Focus particular attention on using Conservation Bank funds to obtain easements on riparian wetlands and buffers with the goal of protecting water quality from sedimentation and inappropriate development.

5) Modify state permitting processes to allow for the reconstruction of rice field dikes when the following conditions are met: a.) the state has conducted a basin-wide study of the river system in which the project is proposed to determine the cumulative ecological impacts of dike reconstruction, b.) the landowner has a clear chain of title to a Kings grant or a state grant; c.) the landowner develops and adopts a management plan that protects ecological functions; d.) the landowner places or has placed a bona fide conservation easement on the associated uplands adjacent to the rice field with a qualified conservation organization; e.) the reconstruction does not impede the state's interest in public access to waters of the state.

B. Heirs' Property

Description:

Heirs' property is a term that describes land owned primarily by the descendants of African-Americans who originally purchased, or were deeded, land following emancipation. All descendants equally share in the inheritance of the land, which has been passed down through generations usually without a will. Such an inheritance gives each family member equal property rights. However, the law does not determine how responsibility for the land should be divided. Because of the tenuous nature of this kind of ownership, if one descendant wishes to sell, the rest are often forced to sell.

To help stem the tide of land loss, non-governmental organizations including the SC Centers for Equal Justice (formerly known as The Neighborhood Legal Assistance Program), Penn Center, the Community Foundation serving Coastal South Carolina, the SC Bar Foundation and the SC Appleseed Legal Justice Center have developed a three-pronged strategy to provide educational, legal and advocacy services. A Resource Bank of community-based groups which have an interest in the issue of heirs' property and land use issues will act as a source of referrals, provide assistance and extend community outreach. The state should endorse and support this initiative.

Action Items:

1.) Support and seek to expand this program for implementation in all counties. Establish a liaison to facilitate communication on this issue.

C. Focus Area Expansion

Description:

Public/private partnerships have been extremely successful in promoting conservation in South Carolina. These initiatives involve federal agencies like the US Fish and Wildlife Service, the state Department of Natural Resources, national and local land trusts, timber companies, and private land owners. The oldest and most successful example of such a partnership is the ACE Basin Task Force working in the Ashepoo/Combahee/ Edisto basin focus area. During the 1990s other focus areas were established on the coast and in the upstate. The focus area task forces conduct assessments of the ecology of the project areas, identify conservation opportunities, leverage assets to maximize public funds for conservation, educate landowners about management strategies, and work to obtain donated conservation easements.

Action Items:

1.) Encourage the state and its non-governmental partners to identify ecologically important areas not presently included in focus areas, evaluate the potential leadership among landowners in the area, and where it is warranted, support the establishment of new focus areas based on the ACE basin model.

D. Traditional Agriculture and Forestry

Description:

Productive agricultural land (*farmland*) is a finite and irreplaceable natural resource. Farmland also provides cultural and ecological values. Other environmental benefits include wildlife habitat, clean air and water, flood control, ground water recharge and carbon sequestration. Despite its importance, much of South Carolina farmland is at risk due to "urban influences." Agricultural and forestry production and practices are more frequent targets of nuisance complaints or lawsuits from urban users. Farmland is more desirable to develop because it tends to be flat, well drained and more affordable to developers than to farmers. Rezoning and neighboring property uses are often restrictive or punitive to on-going agricultural practices. South Carolina should include farmland protection initiatives in specific legislation as well as laws that indirectly affect farming or forestry.

Action Items:

1.) Include "Right to Farm" and "Right to Burn" language in state zoning enabling laws. Consider Agricultural Protection Zoning (*APZ*) as it has been applied in other states.

2.) Incorporate agriculture-specific policies in state conservation practices, i.e., Agricultural Conservation Easements.

3.) Evaluate Transfer of Development Rights (*TDR*) to preserve or create agricultural and forest lands.

4.) Inventory compliance with Farmland Protection Policy Act (*FPPA*) for federal (*mandatory*) and state (*optional*) projects.

5.) Provide support for family farms, minority farmers, forest operations, small farms and part-time farmers through the Department of Agriculture, South Carolina State University, Clemson University, and others.

E. Best Development Practices

Description:

South Carolina's development and growth activities, including permitting and zoning approvals, are governed by myriad agencies enforcing myriad regulations and laws, often to conflicting or ineffectual ends. In the worst cases, these rules actually hurt the state's natural resources. Occasionally, landowners seeking to implement conservation measures on their land or in new development find those efforts are thwarted by the very regulations that are supposed to protect the environment. To overcome this problem, the state should develop a "Best Development Practices" framework and promote these standards to the various bodies with jurisdiction over development. These practices should be supported by voluntary incentives.

Action Items:

1.) Appoint a task force with representation from development interests, conservation/environmental interests, local government interests, agency interests, and professional interests (legal, engineering) to produce a set of development practices consistent with environmental protection and governmental efficiency. The practices would cover activities such as erosion control, wetland disturbance and management, road design and construction, and other impacts. The committee would identify which agencies should adopt and implement these incentive-based standards. Each agency would determine appropriate incentives to insure that the standards within their jurisdiction were employed.

2.) Through appropriate action, require that Best Development Practices be implemented on state-funded projects.

F. Natural Resource Education

Description:

South Carolina's school curricula do not effectively instill a sense of pride of place, nor do they teach young students the value of conservation of our state's precious natural resources. Generally, today's students are not made aware of the state's historical and current reliance on agriculture and forestry. There is no educational support mechanism for instilling pride in our rural heritage or understanding of our natural resources. The state should support conservation, agriculture and forestry education programs for all schools in

South Carolina. The time to educate the children in South Carolina about the value of its natural resources and the importance of conserving those natural resources is now. We believe that each child should be given the opportunity to learn the importance and uniqueness of our state's resources to assure that these values are embraced by this and future generations (see Vision Statement).

Action Items:

1) The South Carolina Department of Education and county school boards should identify and partner with existing private sector education organizations such as Project Learning Tree, the South Carolina Association of Environmental Educators, the South Carolina Aquarium, other non-governmental environmental organizations, and interested education foundations.

2.) The Department of Education in conjunction with these partners, should develop curriculum guidelines and goals similar to SC History requirements for the elementary school program.

3.) The Department of Education should partner with appropriate non-governmental organizations in identifying and disseminating existing resources for assistance in curricula, teacher training or financial assistance.

4.) Distribute copies of the Quality of Life Vision Statement to all public schools.

III. REGULATORY REFORM

A. Streamline Agencies, Consolidate Permitting Processes, and Eliminate Wasteful Appeals

Description:

Permitting has become extremely complex, time consuming and expensive – for both the applicant and the State. Without clear lines of responsibility for issues (such as isolated wetlands) agencies feel the necessity to expand their jurisdiction and find it difficult to prioritize work or to act promptly. Agency processes should be made more user friendly – especially in times of budget constraints. This would include streamlining permitting processes and reducing the time to act on permit applications.

Likewise, permitting processes should not be used by agencies to achieve goals not directly related to the permitted activities. Frequently, regulatory approvals are necessary in order to incorporate Best Management Practices and Wildlife Management techniques on conservation easement properties. Such permits are often difficult and expensive to obtain.

Our environment is changing rapidly – new concerns are constantly arising. It is imperative that our State agencies stay on the cutting edge of technology and are prepared to pro-actively deal with – and predict - the needs of our citizens. The preparedness and response capabilities of the various agencies start at the top. Longevity in a position does not necessarily mean that the State's best interests are being served. With limited financial resources, the State must assure that its agencies are run by the fewest but most capable people consistent with protecting the quality of life that makes South Carolina so special.

Permit appeals of OCRM and DHEC permits are heard before the OCRM Appellate Panel and the DHEC Board only AFTER being heard in a full evidentiary hearing before an administrative law judge. This costs money and time for both the State and the permittee/applicant.

Action Items:

1.) Issue an executive order directing all permitting agency directors to streamline permitting processes; to coordinate with sister agencies to eliminate redundancies; and to establish "Best Practices" guidelines, by which agency effectiveness and leadership could be measured, and thus, the agencies held accountable for permitting issues.

2.) The OCRM Appellate Panel and DHEC Board effectiveness in the appeal process should be evaluated, and a requirement that permit appeals be filed directly with the Circuit Court should be considered.

B. Provide Incentives for Infill and Re-Development of Greyfield and Brownfield Areas
Description:

For the most part, land use regulations do not recognize the value to the community of certain types of development. Infill development and the re-use of abandoned or under-utilized properties work against the trend of continued growth and urban sprawl. The application of "one size fits all" regulations, including assessment of full impact fees, actually operates as a disincentive to these uses. A good example of this problem is the regulations governing the construction of new schools. Building large new schools in rural or transitional areas results in rapid spread of new residential neighborhoods, as parents seek to live near where their children learn. This leads to greater traffic congestion, and the abandonment of older, established neighborhood schools. These older neighborhoods thereby become unattractive for young families who move to the new developments nearer the new schools.

Action Items:
1.) Prepare and support amendments to the Comprehensive Planning act of 1994 to require local comprehensive plans to offer incentives for infill development and the re-development of greyfield and brownfield areas. These incentives could include expedited and prioritized processing of approvals; reduced or waived impact fees; and other economic incentives. The same treatment should be adopted by State agencies through appropriate legislation.

C. Adopt Property Rights Legislation Consistent with the Qualify of Life Task Force Vision Statement
Description:

Application of land use regulations occasionally results in a property owner suffering loss or damage because of unique circumstances that do not adversely affect the community, generally. In such cases, an expedient, low-cost procedure should be available to allow the property owner to seek relief from the governmental entity imposing the regulation, and to provide the governmental entity flexibility to deal with the property owner fairly, but without payment of money damages. The only recourse now is a lengthy and expensive judicial proceeding where no one wins and everyone loses – regulation is necessary to provide predictable framework to protect our resources, but not at the expense of private property rights.

Action Items:
1.) Promote and sign legislation that provides property owners and local governments the opportunity and flexibility to mediate land use regulation disputes. The new law should respect traditional land uses, and provide for an expedited initial appeal. (The legislation should exclude claims of alleged constitutional takings, where the remedy would remain a judicial challenge.)

D. Eliminate "Postage Stamp" Appeals of Regulatory Permits
Description:

An applicant for a permit is required to comply with ever-increasing regulations and requirements in order to complete a permit application. Likewise, the State spends a lot of money and time in reviewing and processing permit applications. These routinely involve experts and professionals in multiple fields of discipline. Under present law, it is quite possible for an individual, with tenuous standing, to appeal the issuance of a permit by simply writing to the agency in protest. This can result in legitimate endeavors being delayed for years, and at extraordinary expense, while the matter works its way though the lengthy appeals process.

Action Items:
1.) Initiate and support legislation amending permitting regulations to (i) require third party appeals to valid permits only upon demonstration of standing – i.e. the appellant is directly affected in a material way by the permitted activity; (ii) provide a process to protect agencies and permittees from expense or damage due to appeals brought on frivolous grounds, or primarily for the purpose of causing delay; and (iii) ensure that said regulations are uniformly and consistently applied.

E. Adopt Additional Protection for Isolated Freshwater Wetlands Based on Function and Size
Description:

Federal protection of isolated freshwater wetlands has been dramatically reduced or eliminated by court decisions and subsequent de-regulation. Because of the importance certain of these wetlands have in South Carolina, new State regulations should be adopted that recognize the need to protect the functions served by

such wetlands and require mitigation which is proportionately relative to the impacts of development and other uses. Any new regulations should not be "one size fits all", however, and should recognize the traditional uses of our land for agricultural, silvacultural and recreational purposes.

Action Items:

1.) Appoint a task force to develop a method of grading isolated freshwater wetlands, and devising a matrix for assessing required mitigation for impacts which may be permitted. As an alternative to mitigation by protection of other wetlands, a permittee should be allowed to pay an impact fee, which would be deposited in the State Conservation Bank. The Task Force should include appropriate appointees from State agencies, environmental, development and property owner groups

F. Reform Annexation and Condemnation Laws

Description:

Rapid growth and multiple jurisdictions have led to annexation being used in some cases to stop growth, and in others to inappropriately facilitate development. Most would agree that annexation should only be used to assure orderly, quality growth, and protection of property values for both owners and the community. The present annexation laws should be examined and amended to reflect the dynamics of land use and quality of life in the twenty-first century. Condemnation has been used by a State entity to acquire property for a purpose that ultimately was not permitted (SCPA for Cainhoy/Daniel Island Railroad). This means that the property owner has lost his property for no public use.

Action Items:

1.) Appoint a task force including representatives of municipal and county governments, the State legislature and landowners to review legal and practical issues of annexation and condemnation procedures, and recommend changes to current laws.

IV. RESOURCE INVENTORY/UNIFORM VISION

Description:

South Carolina is rich in natural resources. These resources support one of the ten most biologically diverse landscapes in the nation. This landscape has, throughout history, provided resources for plants and animals, agricultural activities, forestry and recreation, as well as urban, suburban and industrial development. More recently, South Carolina's natural beauty is providing impetus for one of the fastest growing populations in the region as well as the nation.

Our natural resources are being depleted at an alarming rate. Every year, approximately 72,000 acres of land are lost to new development (200 acres per day). In fact, a 1997 report by the Center for Urban Policy Research at Rutgers University indicated that South Carolina was tenth in growth nationally and fifth regionally. Land is being consumed by urban growth at higher rates than predicted by population growth figures alone.

The cumulative effects of the successive waves of settlement and human use over the past 300 years have put as many as 25 percent of the state's native fish and wildlife species at risk of being eliminated from the state. Management of public lands has also become problematic due to their fragmented nature and surrounding land use. In addition, riparian corridors, wetlands, and salt marshes are subject to non-point source pollution from surrounding urban and suburban areas. Between colonial times and the 1980s, the state lost approximately 27% of its wetlands. These losses continue today.

As of 1997, there were approximately 4.5 million acres in agricultural production in South Carolina, an 18 percent drop since 1982 (SC Statistical Abstract, 1998). Much of the state's development and growth has also resulted in a loss of productive forestlands.

Action Items:

1.) In partnership with appropriate state agencies and non-governmental organizations, support efforts to determine the status and trends of the state's natural and cultural resources and to use resource data in all aspects of land use planning. Many organizations, including the state Department of Natural Resources, the Forestry Commission, Archives and History, DHEC, private land trusts, timber companies, and the state Forestry Commission, have data coverage for resources such as forests, wetlands, endangered species, archaeological sites and agricultural soils. Local, regional, and state planning should, without divulging sensitive or proprietary information, have access to this data and have the capacity to analyze the impacts growth is having on important resources. Regular updates of these databases will allow agencies and non-governmental organizations to assess the extent and impacts of land use changes. Whenever possible, data should be available through the Internet. All data users and collectors should be encouraged to use compatible software to allow data-sharing.

2.) Support the efforts of appropriate non-governmental organizations and state agencies to sponsor a statewide visioning process. County and regional meetings should be held to create a citizens' vision of the future for South Carolina's quality of life. Clemson University can provide assistance with its expertise in meeting facilitation. Other appropriate organizations and entities such as the SC Planning Association should be utilized.

3) Create a partnership among state agencies, colleges and universities, and non-governmental organizations like the S.C.Planning Association to provide technical assistance and training to local governments, Councils of Government and Community Development Corporations.

V. WATER RESOURCES

A. Coordinated Position on Dam Relicensing

Description:

Over the next six years, the Federal Energy Regulatory Commission (FERC) will relicense most of the dams in South Carolina, North Carolina, and Georgia. This process offers an important opportunity to ensure water flow regimes that enhance South Carolina's economic interests and natural resources. FERC relicensing encompasses issues such as minimum release from reservoirs in North Carolina that supply water into South Carolina in the Catawba-Wateree and Yadkin-Pee Dee systems, as well as management of flows and reservoirs in South Carolina. It is essential that state agencies participating in this process present coordinated viewpoints in order to have the greatest impact on the outcome. The governor's office should facilitate this coordination.

Action Items:

1.) Insist on coordination among agencies, both within and outside of the cabinet for the overall benefit of the state. The administration should rely on scientific analysis of FERC issues produced by state agencies and non-governmental organizations such as the Farm Bureau and The Nature Conservancy in developing the state's position.

2.) The state should develop a drought contingency plan for every impoundment. Plans should include improved release strategies to better protect lake levels and minimum flows for downstream users.

B. Proactive Management of Water Supplies

Description:

While the level of drought that occurred during 1997 – 2002 is not a frequent occurrence, it will most certainly happen again. The population of our state is increasing especially along the coast and the I-85 and I-77 corridors. These areas depend on the Savannah, the Broad/Saluda, the Catawba and the Yadkin/Pee Dee Rivers. Current surface water storage in these basins (except the Saluda) is owned and operated by the Corps of Engineers or by out-of-state corporations. The current program of drought initiated water conservation established by the Drought Response Act is limited to public water providers. Private water companies are not subjected to this requirement. The Act gives The Department of Natural Resources the authority to adopt regulations by other water users but such regulations have not been adopted.

The current process that a public water supplier must follow to develop a reservoir is daunting and, in part for that reason, no new on-stream reservoirs have been developed in South Carolina since 1994. Other states in

the southeast are engaged in the planning and development of new reservoirs. It should be noted that the same agency charged with planning for future water supplies is also the agency that raises the greatest objections to the permitting of water supply impoundments. The State must take a more active role in planning, coordinating and managing our state's water supplies.

Action Items:

1.) The State must move to exercise more control over the flow the state's waters to assure the protection of the needs of South Carolina citizens and industry.

2.) The State should undertake the development of new regulations that could be activated by the Drought Response Committee when severe or extreme drought occurs.

3.) The governor should appoint Drought Response Committee members.

C. Multi-State Water Use Agreements

Description:

South Carolina has been in the grips of a five-year drought and on the verge of a water crisis. Most scientists predict greater swings in climate variability, increasing the odds for more frequent and severe droughts, floods and hurricanes. In addition to drought, present and future withdrawals and power generation requirements could intensify management difficulties in all of our existing impoundments. Atlanta hopes to use the Savannah River for some portion of its water supply. Industries and municipalities that now meet their water supply demands with ground water will likely also move to the Savannah River to accommodate increasing demands. Operation of the existing reservoirs to prevent flooding, generate power, and meet minimum in-stream flow requirements requires careful evaluation.

Action Items:

1.) The State must develop "compacts" with the states of North Carolina and Georgia to better manage our water resources utilizing the lessons learned from the recent drought.

2.) In addition to working with the Corps of Engineers, utility companies, and others, the State must work with groups like the Pee Dee River Coalition to develop regional solutions to what are truly regional problems.

3.) The State should consider the option to purchase storage in out-of-state reservoirs for future water supply as well as other purposes not originally specified.

Conclusion

The task force is unanimous in its conviction that the status quo in government cannot serve the long-term needs of the state. The state lacks a clear vision to inform decision-making. This lack of clarity has spawned regulations and spending decisions at the state and local levels that fail to achieve their intended goals and work against conservation and economic development. Regulatory processes can be inefficient and over costly. Local governments and state agencies fail to coordinate their decisions, generating unnecessary conflict. Public entities often make decisions based on political influence rather than objective analysis.

The task force submits these 26 recommendations to change the direction of South Carolina. We believe these changes will help enable South Carolina to more fully develop and sustain the strengths of its diverse citizenry, its private sector institutions, its natural landscapes and its traditional communities. We envision government institutions working in collaboration with private sector interests, enabling and complimenting exemplary efforts to improve South Carolina's future.

Finally, the task force recognizes how difficult it will be to achieve meaningful change, yet the members are dedicated to seeing these recommendations fully implemented. To that end, members of the task force offer to Governor Sanford their continuing time and energy in support of Quality of Life efforts by this administration.

Respectfully submitted,

The Quality of Life Task Force

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Appendix I – Quality of Life: The Long Term Horizon

Scope of this Report

Quality of Life is a topic as broad as the human and natural diversity of this state. While the ultimate scope of this task force was narrow, focusing on land and people, it by no means minimizes the importance of issues not addressed in this report. A number of factors honed this report to the five areas of concern addressed herein:

1) the work of other task forces appointed by the governor (i.e. public health, education and economic development);
2) the scope of the governor's authority to address issues;
3) the belief that the state's two primary assets are its people and land; and
4) the task force's identification of a corpus of issues critical to initiating a comprehensive quality of life agenda.

Long Range Plan for Quality of Life

It is the consent of this task force that effective quality of life efforts will require the on-going attention of the governor. The fact is that this report deals with issues critical to *initiate* a Quality of Life component in this administration. There are many relevant areas of concern that are not addressed in this report. Issues such as air quality, progressive traffic and congestion, and public safety will arise in the form of crises if mechanisms for their consideration and management are not in place in advance. Furthermore, areas such as the arts and cultural affairs are vital components of a comprehensive quality of life agenda for South Carolina. For this reason, the task force envisions this report becoming a strong "first-step" toward enhancing the quality of life in South Carolina. Future steps would require continual oversight and vigilance. Since it might not be optimal for the governor's office to staff such a position, the governor would need to rely on the commitment and focus of a voluntary citizen's council. The task force recommends establishing such an advisory committee that can serve the dual purposes of public participation and policy direction.

Leadership

South Carolina is blessed that the Quality of Life issues we face are not classified as "crisis issues" as are issues such as the state budget, Medicaid or DMV. In such a climate as this, it would be easy to take quality of life issues for granted. Through his foresight and personal commitment to these issues, Governor Sanford has the opportunity to lead and establish a vision that will bear great fruit for South Carolina in the long term. The most critical element to the future sustainability of our quality of life is leadership. The governor needs to be **the standard bearer for quality growth in South Carolina:** growth that benefits our state economically while preserving our precious natural resources and sense of community. South Carolina is unique among states in that we have not yet destroyed the very assets that enrich our state. The greatest asset we have to attract desirable businesses to South Carolina is our quality of life, the heart of which are our natural and cultural resources. As governor, Mark Sanford should paint a clear Quality of Life Vision for the state and initiate efforts that will ensure its success.

Community Growth Resources

Congress for New Urbanism Email: www.cnu.org

Council on Coastal Futures

Appointed by DHEC to make recommendations regarding future of the coast. Hank Johnston sits on this council.

Dover, Kohl & Partners

Planning design firm focusing on traditional town revitalization, fixing sprawl design

Email: www.doverkohl.com

Institute for Public Service and Public Policy - University of South Carolina

Interested in developing policies, research, GIS, etc.

Contact: Jeffery Beacham, Ph.D. 803-777-5522 Fax - 777-4575

SmartGrowth

Focuses on restoring community and vitality to center cities and older suburbs; is more town-centered, is transit and pedestrian oriented; has a greater mix of housing, commercial and retail uses; and preserves open space and other environmental amenities. No "one-size-fits-all" solution.

Website: www.smartgrowth.org

SC Real Estate Center - University of South Carolina

Ron Rogers, Director - 803-777-5960 Fax 803-777-9344 Email: realestate@moore.sc.edu ,

Organized SC Smart Growth Initiative with the Urban Land Institute headed by Mayor Joe Riley and Jim Chaffin. This group has been meeting for 18 months to develop a consensus on ways to manage growth.

Strom Thurmond Institute - Clemson University

Very involved with land use issues, using GIS to predict development patterns, etc.

Contact: Bob Becker, Director - 864-656-2227 Web site: www.strom.clemson.edu

Land Conservation Resources

The South Carolina Nature Conservancy

Marc Robertson, Director

The Lowcountry Open Land Trust

Will Haynie, Director Website: www.lolt.org

Ducks Unlimited Website: www.ducks.org

South Carolina Coastal Conservation League

Dana Beach, Director Email: danabeach@SCCCL.org

Upstate Forever

Brad Wyche Website: www.upstateforever.org

Regulatory Reform Resources

South Carolina Tourism Council

Non-profit coalition of businesses, associations and individuals involved in common sense regulations of land uses that promote economic development yet protect private property rights.

Phone 803/782-9863 Fax 803/790-8396 Email: sctourismcouncil@usit

ATTACHMENT 5

Air Quality Improvement Tools For Local Government

Working Draft 02-20-03

Category	Improvement Action	Resources
Awareness	Local government joins and participates in the SC Early Action Plan for 8-hour ozone.	www.scdhec.net/eqc/baq; http://www.deq.state.la.us/evaluation/o3act/oaptools.htm
Awareness	Enhance ozone awareness (Outreach - Communication): assign a local agency to develop and implement a program to educate and motivate individuals to take actions to minimize ozone pollution. Includes a focused distribution of educational materials, dissemination of SCDHEC ground-level ozone forecast, increased media alerts to specific audiences, and includes action oriented components (i.e. ridesharing, telecommuting, etc.).	www.scdhec.net/eqc/baq; www.drivecleanacrosstexas.org; http://www.commuterchoice.gov/
Political	Use tax incentives to promote expanded use of low emissions technology, energy efficient technology, etc.	
Awareness	Establish an assistance panel through which the local area may deal with potential non-attainment issues.	
Awareness	Meet with representatives of other metropolitan areas that have implemented programs to learn from experiences. Determine feasibility of replicating successful programs or components in local areas.	
Awareness	Participate in "Rebuild South Carolina" - a program that promotes use of more reflective glass, efficient buildings, tougher energy use standards, white roofs on new houses, etc.	www.state.sc.us/energy/rebuildsc.htm; www.millionsolarroofs.com
Conservation	Develop City and County Energy Plan (Energy Conservation): An energy plan could be developed that directs municipal departments to reduce energy use. This could include retrofitting municipal buildings/city schools and street lights for energy efficiency, i.e., "Energy Star" Program, white roofs, etc., promoting transportation alternatives, and encouraging recycling and composting.	www.energystar.gov
Conservation	Purchase Green Power if/when available. Green power is electricity generated by renewable resources like solar, wind, and even decomposing garbage in selected landfills. These resources are replenished naturally and minimize harm to the environment.	http://www.eren.doe.gov/greenpower/; http://www.scgreenpower.com

Awareness	Join and participate in Clean Cities (Palmetto State Clean Fuels Coalition).	http://www.ccities.doe.gov/; http://www.state.sc.us/energy/cleancities.htm
Awareness	Assign staff to become air quality contact/expert for jurisdiction.	
Land-use	Promote land-use planning intentionally altering the urban environment to improve air quality. Examples are transit oriented development, infill development, and pedestrian oriented development, concentrated activity centers, strengthening downtowns, balancing location of housing and employment opportunities. Can include policies, programs, or actions such as zoning regulations, design controls, "green development" practices, and incentive programs to encourage smart growth.	www.epa.gov/smartgrowth/; www.smartgrowthamerica.com
Land-use	Consider tree planting/landscaping standards: Planted trees reduce the need for air conditioning, reduce the heat island effect in urban areas, and reduce energy usage. Tree ordinances could be drafted to establish minimum tree planting standards for new development; and to promote strategic tree planting, street trees, and parking lot trees.	www.upstateforever.org; www.state.sc.us/forest/urban.htm
Mobile Sources	Retrofit public heavy-duty diesel fleets. Retrofitting existing diesel engines with exhaust control technologies or converting diesel engines to natural gas are available strategies to reduce emissions. The available retrofit technologies include: a diesel oxidation catalyst, diesel particulate filters, enhances combustion modifications and crankcase emission controls (PM, CO, VOC, toxics). Elective catalytic reduction, lean NO_x catalyst technology, engine modifications (NO_x). (Trucks and Buses: Seattle-school bus, DC-metro bus & sanitation trucks, Norfolk- Marine engines, St. Louis, Atlanta, Houston).	www.epa.gov/otaq
Mobile Sources	Retrofit private heavy-duty diesel fleets. Retrofitting existing diesel engines with exhaust control technologies or converting diesel engines to natural gas strategies are available to reduce emissions. The available retrofit technologies include: a diesel oxidation catalyst, diesel particulate filters, enhances combustion modifications, and crankcase emission controls (PM, CO, VOC, toxics). Elective catalytic reduction, lean NO_x catalyst technology, engine modifications (NO_x).	www.epa.gov/otaq
Mobile Sources	Require replacement of all gasoline golf carts with electric, propane, natural gas, etc.	http://www.arb.ca.gov/enf/advs/adv305.pdf http://www.thinkenergy.com/a/view/em5515.html
Mobile Sources	Assess vehicle registration fee to fund repair/retirement program for high-emitting/polluting vehicles and consider accelerated vehicle	

	retirement (scrappage) programs to encourage vehicle owners to voluntarily retire their vehicles sooner than they would have otherwise.	
Mobile Sources	Implement a smoking vehicle program (requiring smoking vehicle reports and repairs).	
Mobile Sources	Conduct leaking gas cap checks: Leaking gas caps release volatile organic compounds into the atmosphere. The program encourages the public to obtain a free gas cap leak checks and gives a free replacement cap if it is found leaking.	http://www.rcc.org/oem/gcwhy.html http://www.raqc.org/ozone/ozone-gascap.htm http://www.tmacog.org/CommuterServices/gascapsummary.pdf http://www.marc.org/environment/airquality/gascap.htm;
Mobile Sources	Encourage not overfilling your fuel tank. Stop when the nozzle clicks off.	http://www.raqc.org/community-resources/hot%20tips-archives.htm; http://www.cdphe.state.co.us/release/2000/061600.html;
Mobile Sources	Assist with establishing alternative fuels for public fleets. Fuels other than gasoline and diesel that are used to power on-road vehicles. Examples of alternate fuels include bio-diesel, electricity, ethanol, liquefied petroleum gas, methanol, and natural gas.	www.epa.gov/autoemissions/whycare.htm; www.fueleconomy.gov
Mobile Sources	Assist with establishing alternative fuel infrastructure for private sector clean fuel fleets. Fuels other than gasoline and diesel that are used to power on-road vehicles. Examples of alternate fuels include bio-diesel, electricity, ethanol, liquefied petroleum gas, methanol, and natural gas.	www.epa.gov/autoemissions/whycare.htm; www.fueleconomy.gov; http://www.afdc.doe.gov/altfuel/pse_general.html#what
Mobile Sources	Require taxi operators licensed to serve the commercial airports to purchase ultra-low-emission vehicles or alternative fuel.	www.epa.gov/autoemissions/whycare.htm; www.fueleconomy.gov
Awareness	Prohibit/limit/ban open burning (all year or May - September or on Ozone Action Days) encourage to mulch clearing debris rather than burning it.	
Awareness	Restrict mowing days and times all year/during ozone season/ozone action days (focus on public). Promote the use of electric and propane lawn mowers.	
Mobile Sources	Electrify Truck Stops: Provide the drivers of refrigerated rigs and sleepers with places to plug in and avoid idling engines.	http://www.oksolar.com/inverters/truck_inverters.htm; http://fleetowner.com/ar/fleet_volt_solution/
Awareness	Support coordination and/or consolidation of Metropolitan Planning Organizations (MPO), Council of Government (COG), and/or county efforts related to air quality, land-use, and transportation planning.	
Mobile Sources	Seek to hold jurisdiction VMT growth rate to population growth rate; Encourage transportation-related land use strategies that reduce VMT; Promote multi-modal mobility; Support market mechanisms; Provide	

	relevant information to Planning Commissions. (Support Smart Highways)	
Mobile Sources	Convert bus fleets to hybrid electric, propane, compressed natural gas (CNG), or liquid nitrogen gas (LNG).	
Awareness	Promote telecommuting as an option where an employer allows an employee to perform their job tasks either from home or from a designated tele-work center.	http://www.commuterchoice.gov/
Awareness	Use compressed work weeks or flexible work hours, which helps reduce traffic congestion during the peak driving hours by spreading out the number of vehicles on the roadway over a longer period of time.	http://www.commuterchoice.gov/
Awareness	Consider parking facility controls that can include employers offering a tax-free transit/vanpool benefits and which limit the amount of parking and encourage carpooling, mass transit, etc.	http://www.commuterchoice.gov/
Awareness	Encourage carpooling/vanpooling as an option where employees living in the same area agree to ride to work together rather than to drive their individual vehicles to work.	http://www.commuterchoice.gov/
Mobile Sources	Encourage mass transit (transportation choices and alternatives): While the only local mass transit choice that is currently available in some areas is the transit bus. Example of future options such as bus rapid transit, commuter passenger service offered by trains on existing rail systems, a diesel multiple unit or "light rail".	
Mobile Sources	Limit vehicle idling time and the location where idling occurs. This is a particular concern for school busses as fumes build up and in some cases enter into buildings exposing children to diesel fumes.	www.beeponline.org
Mobile Sources	Support development of park and ride facilities at the urban fringe and along major corridors.	
Mobile Sources	Encourage and support improved traffic operational planning, engineering and maintenance for existing and future transportation infrastructure.	
Fuels	Require Stage I and/or Stage II vapor recovery at gas stations	
Airports	For commercial airports, encourage and support propane, natural gas tugs, or electrifying ground service equipment, improving operations on the ground (reducing idling time, etc.), use cleanest fuels in fleets, consolidate shuttles, and increase choices for passenger access to and from airports.	

ATTACHMENT 6

APPENDIX A EXAMPLES OF LAND USE POLICIES AND STRATEGIES

This list of examples of land use strategies and policies has been borrowed from a June, 1995 report by JHK & Associates for the California Air Resources Board entitled, "Transportation-Related Land Use Strategies to Minimize Mobile Source Emissions: An Indirect Source Research Study." This report is available on the U.S. Department of Energy's "Sustainable Developments website at http://www.sustainable.doe.gov/pdf/arb-report/arb-overview.htm

Some examples of Land Use Strategies include:

- Concentrated activity centers: Encourage pedestrian and transit travel by creating "nodes" of high density mixed development, that can be more easily linked by a transit network.
- Strong downtowns: Encourage pedestrian and transit travel by making the central business district a special kind of concentrated activity center, that can be the focal point for a regional transit system.
- Mixed-use development: Encourage pedestrian and transit travel by locating a variety of compatible land uses within walking distance of each other.
- Infill and densification: Encourage pedestrian and transit travel by locating new development in already developed areas, so that activities are closer together.
- Increased density near transit stations: Encourage transit travel by increasing development density within walking distance (0.25 to 0.50 miles) of high capacity transit stations, and incorporate direct pedestrian access.
- Increased density near transit corridors: Encourage transit travel by increasing development density within walking distance (0.25 to 0.50 miles) of a high capacity transit corridor.
- Pedestrian and bicycle facilities: Encourage pedestrian and bicycle travel by increasing sidewalks, paths, crosswalks, protection from fast vehicular traffic, pedestrian-activated traffic signals, and shading.

♦	Interconnected street network:	Encourage pedestrian and bicycle travel by providing more direct routes between locations. Also, alleviate traffic congestion by providing multiple routes between origins and destinations.
♦	Strategic parking facilities:	Encourage non-automobile modes of transit by limiting the parking supply, and encourage carpooling by reserving parking close to buildings for carpools and vanpools.

Some examples of Land Use Polices include:

Encourage focused higher density by:

- Allowing transfer of unused development density capacity in outlying areas to permit development density above maximum limits near central areas and transit (zoning/regulations and non-monetary incentives);
- Allowing increased density for residential, retail, and employment generating uses in central areas and around transit (zoning/regulations and non-monetary incentives);
- Setting minimum densities for residential, retail, and employment generating uses in central areas and around transit (zoning/regulations);
- Requiring no net decrease in residential density for redevelopment (zoning/regulations);
- Stating densities in terms of square feet of land per dwelling unit, rather than minimum lot size, to encourage clustering (zoning/regulations);
- Granting incentives (e.g., reduced parking requirements, accelerated permit processing, infrastructure upgrades) for development that focuses on existing urban areas and infill (non-monetary incentives);
- Adjusting development impact fee structures or giving tax breaks to encourage infill and increased density development near transit and activity centers, and to discourage outlying development (monetary incentives).

Encourage mixed-use zones by:

- Allowing mixed use, which is now prohibited in many places (zoning/regulations);
- Requiring mixed uses, with certain percentages of residential, public, and commercial uses in target areas (zoning/regulations);
- Using fine-grained zoning to achieve mixed use while ensuring residential zones are buffered from heavy industrial zones with light industrial and commercial zones (zoning/regulations);

- Using mixed-use overlay zoning, to add a second use to an area that is primarily in another use, e.g., commercial corridors along major arterials in a primarily residential area (zoning/regulations);

- Granting incentives (e.g., reduced parking requirements, accelerated permit processing, infrastructure upgrades) for development that locates transit- or pedestrian-oriented amenities, like housing or child care near commercial uses and pedestrian-oriented design (non-monetary incentives);

- Adjusting development impact fee structures or giving tax breaks to encourage mixed use (monetary incentives).

Encourage pedestrian, bicycle, transit, and carpooling activity by:

- Requiring connected, narrower streets with trees and sidewalks in new development (zoning/regulations);

- Requiring bicycle lanes and transit stops on larger streets in new development (zoning/regulations);

- Requiring traffic-calming devices in new development; e.g., textured paving at crossings, frequent intersections with pedestrian-activated traffic signals, and traffic circles (zoning/regulations);

- Reducing requirements for setbacks and minimum lot sizes to create a stronger connection between buildings and sidewalks (zoning/regulations and non-monetary incentives);

- Requiring pedestrian scale signs in pedestrian- and transit-oriented areas (zoning/regulations);

- Reducing minimum parking requirements near transit hubs and for projects providing features that encourage pedestrian, bicycle, and transit activity (zoning/regulations and non-monetary incentives);

- Setting parking maximums in transit- and pedestrian-oriented areas (zoning/regulations);

- Requiring preferential parking for carpools (zoning/regulations).

For more examples of applications of land use activities that may reduce reliance on automobiles and thus the air quality impacts of driving, see the following sources:

Smart Growth Network's Case Studies page
http://www.smartgrowth.org/casestudies/casestudy_index.html

Sierra Club's "Smart Choices or Sprawling Growth: A 50 State Survey of Development"
http://www.sierraclub.org/sprawl/50statesurvey/intro.asp

Center of Excellence for Sustainable Development Land Use Planning Success Stories
http://www.sustainable.doe.gov/landuse/lusstoc.shtml

Urban Land Institute's Smart Growth: News, Tools and Hot Links
http://www.uli.org/indexJS.htm

Sprawl Watch Clearinghouse Best Practices page
http://www.sprawlwatch.org/bestpractices.html

White House Livable Communities web site
http://www.livablecommunities.gov

USEPA Office of Solid Waste and Emergency Response Brownfields website
http://www.epa.gov/brownfields

EXAMPLES OF VMT AND LAND USE-RELATED MEASURES

Transportation is the largest single source of NOx emissions, the key ozone precursor, in the nonattainment areas participating in the EAC program. To ensure timely attainment and maintenance of the new ozone standard in these rapidly growing cities, it is important that the EAC local measures addressing transportation and land use include meaningful commitments to ensure that VMT increases will not offset other emission reduction strategies. To effectively address escalating per capita VMT in these areas, it is essential that transportation and land use planning be integrated to encourage alternatives to single occupant auto travel.

Consistent with the recommendations in our comment letter submitted to state and local officials in May of 2003, each EAC area should take prompt, meaningful and enforceable steps in the areas of transportation and land use planning to address the issue of increasing per capita VMT. *See EPA Guidance: Improving Air Quality Through Land Use Activities, Jan. 2001.*

In the transportation planning arena, such steps would include one or more of the following commitments:

- Develop a plan to increase by an agreed upon percentage the number of trips via transit in the metro area over the next decade.
- Develop a plan to increase by an agreed upon percentage the amount of local funding over the next decade for transit, bike and pedestrian projects.
- Institute and fund within a year a program of employee incentives to encourage alternatives to single occupant commuting including such measures as parking cash out, bus passes or other programs.

In the land use planning arena, such steps would include one or more of the following commitments:

- Amend local land use plans within one year to remove impediments to and provide incentives for TND, TOD and other mixed use developments in urban areas and along transit routes.
- Amend local land use plans within one year to support infill, densification and downtown revitalization.
- Amend local land use and transportation plans within one year to require interconnected street networks.
- Amend local land use plans within one year to require community schools.
- Establish a review mechanism in the permit review and zoning variance processes with established standards to evaluate the air and transportation impacts of major new development projects.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

NOV 14 2002

OFFICE OF
AIR AND RADIATION

MEMORANDUM

SUBJECT: Schedule for 8-Hour Ozone Designations and its Effect on Early Action Compacts

FROM: Jeffrey R. Holmstead
Assistant Administrator

TO: Regional Administrators, Regions I-X

The purpose of this memorandum is to inform State and local air pollution control Agencies and Tribes (States and Tribes) about the Environmental Protection Agency's (EPA's or Agency's) schedule for designating areas for the 8-hour ozone National Ambient Air Quality Standards (NAAQS or standard) and the impact of the designation schedule on areas that are developing early action compacts (compacts). Please share this memorandum with your States and Tribes. This memorandum does not replace earlier guidance on the designation process and determining nonattainment area boundaries based on case-by-case application of air quality-related factors and presumptions. These earlier memoranda, titled "Boundary Guidance on Air Quality Designations for the 8-Hour Ozone National Ambient Air Quality Standards" dated March 28, 2000 and "Guidance on 8-Hour Ozone Designations for Indian Tribes" dated July 18, 2000, provide more detail on these issues and are located at http://www.epa.gov/ttn/oarpg.

Part A of this memorandum describes the schedule for designations, Part B addresses designation of Tribal areas and Part C addresses the effect of this schedule on States and Tribes that are developing compacts pursuant to the Texas "Protocol for Early Action Compacts Designed to Achieve and Maintain the 8-Hour Ozone Standard" (protocol) endorsed by EPA on June 19, 2002. The protocol can be found at http://www.epa.gov/earth1r6/6pd/air/pd-1/8hourozone.pdf.

A. Schedule for Designations for the 8-Hour Ozone NAAQS

On May 30, 2002 representatives of nine environmental organizations filed a notice of citizen suit under the Clear Air Act (Act) alleging that the Administrator failed to promulgate air

quality designations by the required statutory deadline.[1] On November 13, 2002, the nine environmental groups filed their lawsuit in the U.S. District Court for the District of Columbia. The EPA and the environmental groups have agreed upon a schedule for EPA to promulgate air quality designations for the 8-hour ozone standards by April 15, 2004. This agreement is embodied in a consent decree that was lodged with the U.S. District Court for the District of Columbia on November 13, 2002. In accordance with §113(g) of the Act, prior to finalizing the consent decree, EPA will publish a notice in the Federal Register providing a 30-day period for public review. If the public review results in revisions to the consent decree, EPA will modify this guidance as appropriate.

The EPA is now requesting that each State Governor and Tribal Chief or Leader submit their updated, revised, or new designation recommendations and documentation to the Regional Administrator of the appropriate Regional Office by April 15, 2003. It should be noted that State recommendations do not apply to Indian country. The recommendations should generally be based on 2000-2002 quality assured, Federal reference or equivalent air quality monitoring data. This date will provide time for States and Tribes to quality assure the data for use in developing their recommendations and for EPA to carefully review and evaluate each recommendation prior to promulgating designations. To the extent that 2001-2003 air quality data are available and quality assured at the time of final designations, EPA will use 2001-2003 data when promulgating the designations. Therefore, EPA encourages Regional Offices, States and Tribes to prioritize and accelerate quality assurance of 2003 ozone monitoring data for use in promulgating designations. In the case where a State or Tribe does not submit a recommendation by April 15, 2003, EPA will promulgate the designation it deems appropriate.

In accordance with the Act, EPA will review the recommended designations and may make modifications as deemed necessary. If EPA determines that a modification to a recommendation is necessary, EPA will notify the State or Tribe no later than 120 days prior to promulgating the designations, which will provide an opportunity for the State or Tribe to demonstrate why EPA's modification is not appropriate. The EPA anticipates that it would provide such notification no later than October 15, 2003.

The EPA believes this timetable for promulgating designations is reasonable and appropriate and provides adequate time for States, Tribes, and local communities to develop effective ozone abatement strategies. Accordingly, EPA believes that there is no need for legislative action to alter the statutory deadline for ozone designations or related implementation

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[1] Section 6103 of the Transportation Equity Act for the 21st Century ("TEA-21") provided that EPA was required to designate areas for the 8-hour ozone NAAQS no later than July 18, 2000. See CAA section 107 Note. As part of Pub. L. 106-377, enacted in October 2000, Congress prohibited EPA from spending funds to designate areas for the 8-hour NAAQS until the earlier of a decision by the Supreme Court in Whitman v. American Trucking Assoc. or June 15, 2001. The Supreme Court issued its decision in Whitman v. American Trucking Assoc. on February 27, 2001.

requirements. In addition, EPA believes that it is possible to harmonize implementation of the 8-hour ozone and particulate matter NAAQS for 2.5 microns or less ($PM_{2.5}$) without seeking legislation because EPA will work with States to ensure that area designations for both NAAQS will occur in 2004. Indeed, the designation of areas for the $PM_{2.5}$ standard by December 2004 is one of the Agency's highest priorities, due to the serious public health implications of $PM_{2.5}$ exposure and the corresponding importance of initiating the air quality planning process for both the ozone and $PM_{2.5}$ standards. This will enable States and Tribes to plan for implementation of both NAAQS at the same time. In addition, EPA intends to promulgate an implementation rule and release guidance addressing the 8-hour ozone program by the end of 2003 to aid States in planning for implementation prior to promulgation of designations.

The EPA is committed to ensuring that all stakeholders have an opportunity to participate in the designation process for the 8-hour ozone NAAQS, and that State, local and Tribal officials have ample time to comply with obligations that are triggered by designations. States are encouraged to involve their stakeholders in developing their recommendations. Regional Offices should work with States and Tribes, particularly those Tribes located in or near an area where a monitor is recording a violation of the 8-hour ozone NAAQS.

B. Designation of Tribal Areas

Tribes have raised a number of concerns and questions to EPA about the designation process in discussions held by the Tribal Designations and Implementation Work Group. For instance, many Tribes believe that consolidated metropolitan statistical area (C/MSA) boundaries should not include reservations which are often politically and economically not integrated with the surrounding or adjacent urban area. The C/MSA presumption for the recommended nonattainment area plus nearby contributing areas in EPA's guidance recognizes the need for broader nonattainment areas associated with urban areas because of transport of pollution and precursor emissions within and into urban areas, widespread poor air quality in and near urban areas and protection of health and welfare of citizens living in the area. While EPA's guidance establishes a presumption that the metropolitan area[2] is the initial default area, the guidance offers a method to arrive at a different conclusion other than C/MSA through case-by-case evaluation and documentation based on the factors in the guidance. Therefore, a Tribe may make a recommendation that their area not be included in a C/MSA nonattainment area and/or that a nonattainment designation is not appropriate for the area by addressing the factors in the guidance. Another concern that Tribes have raised with the designation process is that Tribes may not have the resources to do the detailed analysis necessary to prepare recommendations. Therefore, EPA offers to work with Tribes on their recommendation upon request.

Tribes are encouraged, but not required, to submit designation recommendations for their reservations, or other area under their jurisdiction, to EPA. The Tribal Authority Rule (TAR)

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[2] "Metropolitan area" means the Metropolitan Statistical Area (MSA) or, in areas with multiple contiguous MSAs, the Consolidated Metropolitan Statistical Area (CMSA).

offers flexibility to Tribes for specific plan submittal and implementation deadlines for NAAQS-related requirements, including but not limited to such deadlines in CAA sections 110(a)(1), 172(a)(2), 182, 187, 189, and 191. However, EPA is required by the Act and the consent decree to make designations according to a timetable. Therefore, if a Tribe wishes to participate in the designation process, it must submit a recommendation in time for EPA to consider that recommendation when making a designation. In cases where Tribes do not make recommendations, the EPA, after consultation with the respective Tribe(s), will promulgate the designation it deems appropriate.

The EPA will continue to work with the Tribes to address their concerns, consistent with the TAR. Because many of the Tribal concerns about designations will be area specific, it is important for the Tribes to work with their EPA Regional Office on their recommendations. For more information on ozone designations for Tribes, see EPA's Guidance on 8-Hour Ozone Designations for Indian Tribes, available on the Office of Air and Radiation's Tribal AIR website, www.epa.gov/oar/tribal/airprogs/tribe8hd.html. The EPA plans to contact Tribes regarding consultation prior to promulgating actual designations.

C. Early Action Compacts

In this section, EPA is addressing how it anticipates the designation schedule will work for areas that develop voluntary 8-hour compacts, as provided in the protocol. The EPA endorsed this protocol on June 19, 2002. The purpose of a signed 8-hour compact is to provide a local area with flexibility to control air emissions from their sources and offer a means to achieve cleaner air faster than the Act would otherwise require. Areas that currently approach or monitor exceedances of the 8-hour ozone standard, but are designated attainment and "clean" for the 1-hour ozone standard, i.e., no monitored violations, would be eligible to qualify for the compact approach, provided the milestones and schedules discussed in the next section of this memorandum are met. Under this approach, 8-hour air quality plans would be developed consistent with a cooperative agreement between local, State or Tribe and EPA officials. These early 8-hour plans would consist of local, enforceable measures that would achieve air quality reductions earlier than otherwise would be required and that would be approved as part of the State implementation plan (SIP). In cases where a Tribe elects to participate, the local controls would be included as part of the Tribal implementation plan (TIP). For participating areas that are monitoring a violation of the 8-hour ozone standard, EPA would recognize the local area's commitment to early action by provisionally deferring the effective date of the nonattainment designation. The deferral of the effective date of the designation would be contingent upon the participating area's meeting all terms and milestones of the compact. The Agency believes that these compacts can result in early environmental progress, and we continue to support local areas' commitments to develop plans that are designed to achieve clean air faster than the Act would otherwise require.

We strongly encourage States, Tribes and local areas to begin broad-based stakeholder outreach early, and to maintain an effective and inclusive collaborative process. The early action

program is based upon, and cannot effectively operate without, broad-based support from all interests.

One of the principles of the protocol concerns deferral of the effective date of the nonattainment designation for areas that are in compliance with applicable milestones in the compact. For these areas, EPA would plan to defer the effective date of the nonattainment designation on a rolling basis such that each deferral is linked to a key milestone, as described below in the next section of this memorandum. We have included a schedule for deferrals later in this memorandum in the section entitled "Provisional Deferral of the Effective Date of Nonattainment Designation."

Key Compact Milestones and Schedules

Below EPA sets forth the key milestones, which are also outlined in the protocol, that should be included in each compact. The milestones have been supplemented as described below and in a letter dated October 18, 2002, from Gregg Cooke, EPA, to Robert Huston, Texas Commission on Environmental Quality. The Regional Offices should work closely with States, Tribes and local areas to emphasize the importance of adhering to these critical milestones and schedules, as well as the importance of implementing an effective stakeholder process.

1. December 31, 2002 - The compact must be completed, signed by local, State or Tribal and EPA officials, and submitted to EPA no later than December 31, 2002. Areas that submit compacts after that date will not qualify for the deferred effective date. These agreements represent commitments of States and local areas or Tribes that culminate in the development of the SIPs or TIPs that will achieve local reductions earlier than otherwise required, and which demonstrate attainment of the 8-hour ozone NAAQS by December 31, 2007. The compacts should follow the principles outlined in the protocol and should address the following components described in the protocol: milestones and reporting; emissions inventory; modeling; control strategies; maintenance for growth; public involvement; and local, State or Tribal and EPA commitments.

2. June 16, 2003 - The protocol requires that, after all adopted Federal and State or Tribal controls that have been or will be implemented by the attainment date of December 31, 2007 are accounted for in the modeling, the local area must adopt additional local controls, as necessary, to achieve reductions earlier than otherwise would be required, and to demonstrate attainment of the 8-hour ozone NAAQS by December 31, 2007. Therefore, by June 16, 2003, the first step in complying with this requirement, the local area will identify and describe the local control measures that are being considered during the local planning process. The June 16, 2003 deadline for describing the control measures under consideration must be met to maintain eligibility in the program. While failure to list a measure at this stage would not preclude its adoption later, it is important to develop a reasonably complete initial list of measures. We recognize that the modeling may not be complete at this stage, and that control measures may need to be modified. This milestone, therefore, will provide the public with clear information on

the measures under consideration, will help ensure that interested parties are fully aware of the level of effort and local commitment that is necessary, and will demonstrate that the local area is making progress toward meeting the critical March 31, 2004 deadline for adoption of local measures.

3. March 31, 2004 - The resulting local plan must be completed and submitted to the State or Tribal leader by March 31, 2004 for inclusion in the SIP or TIP and a copy must be provided to EPA by that date. The local plan shall include measures that are specific, quantified, and permanent, and that if approved by EPA, will be Federally enforceable as part of the SIP or TIP. The March 31, 2004 submission also must include specific implementation dates for the adopted local controls. In addition, the local plan must include detailed documentation supporting the plan and reports outlined in the protocol, as well as a modeling analysis based on local controls demonstrating attainment of the 8-hour ozone NAAQS by December 31, 2007.

4. December 31, 2004 - No later than December 31, 2004, States or Tribes will submit to EPA a SIP or TIP consisting of the local plan, including all adopted control measures, and a demonstration that the area will attain the 8-hour ozone standard by December 31, 2007. If a SIP or TIP has been submitted by that date, EPA will review it for completeness and approvability.

5. September 30, 2005 - EPA will take final action on any SIP or TIP revisions submitted by December 31, 2004, pursuant to the compact.

6. December 31, 2005 - No later than December 31, 2005, the area will implement the local control measures that have been incorporated into the SIP or TIP. The EPA strongly recommends that these local measures be implemented earlier (no later than the beginning of the local area's 2005 ozone season) to ensure that the area will have timely and sufficient air quality data (2005-2007) to show attainment by December 31, 2007.

7. June 30, 2006 progress assessment - The protocol requires 6-month progress reports. No later than June 30, 2006, the State or Tribe must submit to EPA a report attesting to the local area's progress since the December 31, 2005 milestone. To determine whether the effective date of the nonattainment designations should continue to be deferred, EPA will review the mid-2006 report to ensure that the area continues to implement its control measures, that emission reductions attributed to local measures are being achieved, and that improvements in air quality are being made. This 6-month report should contain sufficient information to ensure that EPA can make a comprehensive assessment of air quality progress in the local area.

8. December 31, 2007 - No later than December 31, 2007, the area must attain the 8-hour ozone NAAQS. If the area has attained the standard by December 31, 2007, EPA will withdraw the deferred nonattainment designation and replace it with an attainment designation. If the area fails to attain by this date, the nonattainment designation will become effective on April 15, 2008. In addition, pursuant to the terms of the compact, the State must submit a revised attainment demonstration SIP for the nonattainment area by December 31, 2008.

Provisional Deferral of the Effective Date of Nonattainment Designation

If an area meets the first two compact milestones, EPA anticipates that it will propose in October 2003 to defer the effective date of the nonattainment designation for that area until September 30, 2005, contingent upon the area's submission of local control measures by March 31, 2004, as required by the third compact milestone. If the area submits the required control measures, and after consideration of public comment, EPA intends to take final action by April 15, 2004 on the deferred effective date.

Under the terms of the protocol, EPA has committed to approve the SIP or TIP by September 30, 2005. Assuming the SIP or TIP is approvable, the Agency intends to propose, as part of the approval action, the second deferral of the effective date until December 31, 2006. This will allow the Agency time to determine if implementation of control measures has occurred by the December 31, 2005 milestone before further extending the effective date. If the June 30, 2006 progress assessment (described in the previous section) has been submitted, implementation has occurred, and air quality improvement is taking place, EPA will propose and, if appropriate, take final action on the third deferral of the effective date until April 15, 2008. By that date EPA will determine if an area has attained the 8-hour ozone NAAQS by December 31, 2007, as required by the protocol.

In the event of any missed key milestone, EPA will take action to propose and promulgate a finding of failure to meet the milestone, and to withdraw any deferred effective date of the nonattainment designation shortly after the missed milestone. The deferred effective dates will expire unless EPA determines, as part of the rulemaking actions described above, that all intervening milestones have been achieved. If any milestone is missed and EPA withdraws the deferred effective date, thereby triggering a nonattainment designation and applicable statutory requirements, a nonattainment SIP would have to be submitted to EPA within 1 year of the new effective date of the nonattainment designation. A timeline of key compact milestones and deferred effective dates is attached.

Questions on designations should be directed to Sharon Reinders at 919/541-5284. Questions on 8-hour compacts should be directed to David Cole at 919/541-5565.

cc: Air Directors, Regions I-X
Margo Oge, OTAQ

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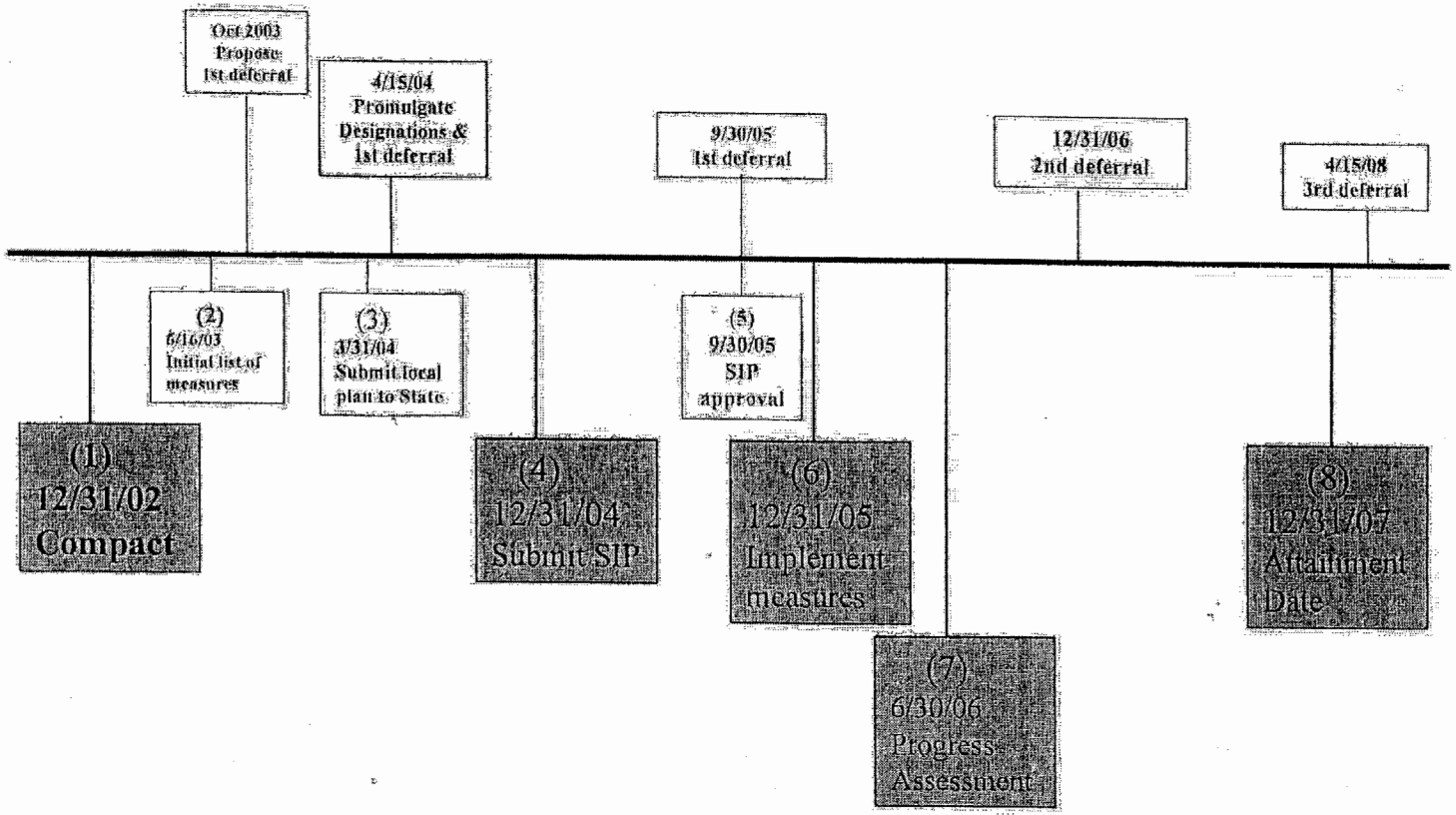
Early Action Compact Timeline



SPECIFIC RECOMMENDATIONS - SOUTH CAROLINA EARLY ACTION COMPACTS - COLUMBIA AND GREENVILLE/SPARTANBURG AREAS

COLUMBIA AREA (Richland and Lexington Counties)

Richland County

This EAC contains some good ideas, but all need to be strengthened to ensure they will produce real air quality impacts.

- Identification of county air quality contact will not result in direct air impacts.

- Gas can exchange project. Good project. Should show commitment to annual event, establish goal for number of cans exchanged.

- Support state regulation changes. This does not add to existing state efforts.

- Promote land use planning. This measure states that Richland County is rewriting its land use code. This is an important measure, and the proposed code changes are substantial. However, the EAC should specify key air quality-related provisions the county will include in the code. Key provisions are those that reduce vehicle miles traveled and/or provide requirements and strong incentives to achieve a real reduction in sprawl-type development patterns. Without detail on air-related improvements it is impossible to gauge how much impact the proposed code revision will have on air quality in the Columbia area. Also, the landscaping standards have been held up at the Planning Commission level. Finally, how will this provision be included as an enforceable measure in the SIP?

- Join the Clean Cities program. Laudable, but will not result in direct air impacts.

- Formation of industry advisory panel. Will not result in direct air impacts. Should include public interest and science representatives on the panel. Should establish quantifiable goals for the panel and commit to them in the EAC.

- Replacement of gas golf carts with electric. The name of the measure "under consideration" is "Require replacement" of carts; however, the county has simply "recommended" future purchase of electric carts in future, and the EAC states that "emphasis will be placed" the next time a golf cart is purchased. This is not a powerful measure, but the county should commit at a minimum to replacing all gas-powered carts with electric and should establish a schedule for doing so.

- Use of alternative fuels for public fleets. This measure states that the county "is looking" to purchase "around" 15 CNG vehicles in FY 2004-05. This is a good measure, but the

county should commit to purchasing 15 vehicles in FY 2004-05 and should commit the funds to do so. The county should also make specific commitments to replace all practical vehicles with alternative fuels vehicles within a specified time period.

- Ozone awareness education. Laudable, but will not result in direct air impacts.

- Meet with other local governments about their programs. Laudable, but will not result in direct air impacts. Should identify specific measures used by other local governments, analyze how they can be effectively implemented in Richland county, and commit to implementing them.

- Use compressed work weeks and flex hours. Laudable, but should do more than "hope to expand" the program. How many other departments will make it available to how many additional employees? When?

- Encourage car- and vanpooling. Need information about how carpooling will be encouraged. Should set aside close-in parking spaces for car- and vanpoolers and require businesses to do so as well as part of the development code. Should offer other concrete incentives to ensure better participation.

- Develop city and county energy plan. The county commits to nothing here; it simply states that it currently promotes recycling and that it will remind employees to turn off lights and computers. However, an energy plan is a much more aggressive step that the county should commit to take. The county should complete an energy plan that includes an energy audit for all county buildings and should commit to implementing all measures identified in the energy audit. The county should also require energy efficiency as a component of its development code.

- Encourage mass transit. The county says use of transit is "encouraged." However, the county should identify specific ways in which it will increase transit use, including such mechanisms as reduced or free fares, employer-provided or subsidized passes, and/or additional transit lines or improved schedules.

- Encourage the public not to overfill fuel tanks. This is fine, but a fairly minor provision.

- Restrict mowing times, especially during ozone season; promote the use of electric and propane mowers. The county commits to nothing in this measure, simply stating that "ozone action days will be a factor in scheduling county activities." The county also states that it seeks cooperation from large landscaping firms in refraining from using gas-powered equipment on ozone action days. The county should commit not to do any mowing on ozone action days and to switch over to use of all non-gas powered equipment by a specified date. The county should prohibit any use of gas mowers by citizens, contractors, or government on ozone action days and should provide real incentives to landscaping companies to switch to non gas-powered equipment.

- Landscaping standards in development code. These have stalled at the Planning Commission. There is no assurance that they will be passed or that, as passed, they will be aggressive enough.

- Reductions of emissions at International Paper and SCE&G facilities. This measure describes mostly controls that are already required or controls that are being evaluated but for which the facility has made no commitment. All commitments should be quantified and fully documented and any promised emissions reductions should be required by the facility's Title V air permit.

- Open burning ban during ozone days. This "measure" is just an attempt to cobble together minor restrictions that don't address the issue substantively. At a minimum, the county should ban all burning throughout the county, except in emergency/public safety situations, from May through September.

Lexington County

Overall, this EAC identifies some potentially effective tools, but fails to give details or proof of commitment to the tools or results to be achieved. The existing provisions should be strengthened and the county should include additional measures that will demonstrably reduce vehicle miles traveled.

- Identification of a county Ozone Action Coordinator and industry/municipality Ozone Action Contacts will not result in real air impacts.

- Park and ride facilities: staff "will be contacting" churches, shopping centers, etc., with large parking lots to "discuss" program. This is a good idea, but there needs to be demonstrable commitment. For example, the EAC should pinpoint specific locations for park and ride lots, documentation should be supplied showing agreement by the site owner for specific number of spaces allotted, and commitment by the transit provider to serve the lots.

- Alternate work schedule: "discuss" with companies and municipalities. This is too vague. Should have commitments from participating entities and/or firm incentives in place.

- Bio-diesel/alternate fuels: "investigate" feasibility of these methods. There needs to be specificity about what program is proposed – early replacement of old vehicles with AF vehicles at a specified rate per year – and commitment from entities participating in the program.

- Idle reduction. This is a minimal provision, but should at least be supported with documentation of county policies.

- Landfill methane reduction. "Analyze" methane production and reduction, recycling efforts. There need to be specifics about what analysis is being conducted, by whom, the deadlines for the analysis, sources of funding, expected results, etc.

GREENVILLE/SPARTANBURG AREA (Greenville, Spartanburg, and Anderson Counties)

These three counties submitted a joint document titled "List of Possible Emission Reduction Strategies Under Consideration." These EACs contain some good ideas but they all need to be strengthened to produce real air quality impacts.

1. Support state efforts. This measure does not add to existing state efforts.

2. Designate Ozone Action Coordinator. This measure will not result in direct air impacts.

3. Seek low sulfur fuels as soon as possible. Laudable, but won't necessarily result in direct air impacts. Are there incentives the local governments or state can employ to encourage provision of fuels as soon as possible?

4. Design and implement congestion management measures. This is a good measure, but the counties need to commit to exact measures to implement and when.

5. Use of hybrid vehicles. "Encouraging" agencies and the public to purchase hybrids is not going far enough. The counties need to commit to switching their fleets over to hybrids or alternative fuel vehicles by a specific date and obtain commitments from resident businesses to do the same. The counties should also offer incentives to convince the public to switch over.

6. Use of higher efficiency engines for school buses. If the counties are committing to switch over to high efficiency engines, that commitment should be documented. Also, does this provision include a commitment to use bio-diesel/alternative fuels?

7. Transit measures:

   - Develop incentive programs for citizens to use alternative transit. Laudable, but what specific commitments are counties making to specific programs? Rather than simply describing future options for mass transit (most of which would occur, if at all, after the 2007 deadline for attainment), identify and commit to take key measures now that will affect air quality now.

   - Free or reduced transportation cost on high ozone days. Good measure, but there needs to be demonstrated commitment. Consider use of free or reduced transportation cost throughout ozone season. Also include measures to subsidize transit passes or enlist employers to do so.

- Develop use-friendly transit systems. Show how the counties are integrating transportation planning with land use planning and removing local barriers to densification. Include commitments to time frames, funding, results.

8. Update air emissions inventory. This is not a provision to improve air quality, but rather an argument why the base information is incorrect. It does not reflect real air emission reductions and should be deleted from the EAC.

9. Support state efforts to seek reductions from major sources. This measure appears to include emissions reductions already required at the federal level (e.g., it claims 2,000-4,000 tons/year No_x reduction from the NO_x SIP Call), emissions reductions that may be captured as a result of state initiatives, and the possibility of developing an Early Reduction Program with "Tier Two Type emission NO_x sources." The local EAC cannot take credit for emissions reductions required by the state program, for which the state is already taking credit. The only measure that looks like it might be local is the Early Reduction Program. If so, details should be presented and commitments demonstrated to support the claimed 500-1000 tons/year NO_x reductions.

10. Program to purchase/repair smoking vehicles. These sound like good ideas. Need evidence of commitment, authority to carry them out (e.g., state and/or local regulations), details of how funding and programs will work, realistic expectations for quantifiable results (e.g., how many smoking cars will each program get off the road by the end of 2007?). Also, "consider" early vehicle retirement programs is no commitment at all. Will the programs be implemented? If so, give details. If not, "considering" the program adds nothing to the local program.

11. Open burning ban. Has this been adopted, or is it the assumption that the statewide ban covers this issue?

12. Incentives for purchase of high efficiency and low emissions vehicles. These sound like good ideas. Need evidence of commitment, authority to carry them out (e.g., state and/or local regulations), details of how funding and programs will work, realistic expectations for quantifiable results (e.g., how many low efficiency/high emissions cars will each program get off the road by the end of 2007?).

13. Use land-use and transportation planning to improve air quality. Need details of which jurisdictions have "included air quality measures as a part of the land-use and transportation planning process." How have they done this? Show that code revisions have been adopted.

14. Implement green power program. This measure refers to capturing landfill gas and implementation of a Purchase Green Power program "when available." What are the exact steps the counties are committing to in this measure? When must those steps occur, and what are the expected results? As written, this measure includes no commitment to do anything.