

US EPA ARCHIVE DOCUMENT



## North Carolina Department of Environment and Natural Resources

Michael F. Easley, Governor

William G. Ross Jr., Secretary

December 23, 2002

J.I. Palmer, Jr.  
Regional Administrator  
USEPA Region 4  
ATTN: Ms. Kay Prince  
12<sup>th</sup> Floor-APTMD/APB  
Sam Nunn Federal Center  
61 Forsyth Street, SW  
Atlanta, Georgia 30303- 8960

Dear Mr. Palmer:

We are very pleased to forward the Early Action Compacts for the Triad Area (Counties of Alamance, Caswell, Davidson, Davie, Forsyth, Guilford, Randolph, Rockingham, Stokes, Surry, and Yadkin) and the Mountain Area (Counties of Buncombe, Henderson, Haywood, Madison and Transylvania) of North Carolina. These are the third and fourth Compacts completed in this state and they represent a lot of hard work and a strong commitment to clean air by the local officials at the county and municipal levels in these Counties. Attached as part of the Compacts are the resolutions in support of and participation in the Compact, signed by a variety of local governments.

I signed these Compacts today, and I request that EPA Region 4 sign the enclosed three copies before December 31, 2002 and return two copies to us for distribution.

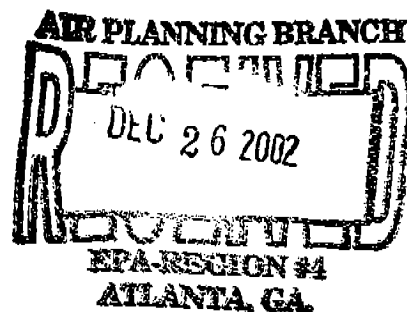
We really appreciate the hard work EPA staff members contributed to this effort. Their cooperation made our work a lot easier. Should there be any questions, please contact Brock Nicholson (919-715-0587)

Sincerely,

William G. Ross, Jr.

Enclosure

Cc: Mr. Keith Overcash  
Ms. Wanda Greene  
Mr. Robert Camby  
Mr. Robert Fulp  
Mr. Randy Billings  
Mr. Matthew Dolge



# **Application of the Mountain Area Compact for 8-hour State Implementation Plan**

**An Agreement of Partnership by USEPA Region 4, North Carolina Department of  
Environment and Natural Resources, the Western North Carolina Regional Air Quality  
Agency, and the Local Governments in the Mountain Area Compact**

**December 2002**

## TABLE OF CONTENTS

I.	Purpose of the Early Action Compact.....	1
II.	Background and History of Air Quality.....	1
III.	Current Air Quality Levels in the Area.....	2
IV.	Components of the Early Action Compact .....	2
	A. Area Covered by the Compact.....	2
	B. Participating Agencies in the Compact.....	2
	C. Requirements of the Early Action Compact .....	2
	i. Milestones and Reporting.....	2
	ii. Emissions Inventory.....	3
	iii. Modeling .....	3
	iv. Control Strategies.....	3
	v. Maintenance for Growth .....	3
	vi. Public Involvement .....	3
V.	Memorandum of Agreement .....	4
	I. General Provisions .....	4
	II. Local Government Responsibilities .....	4
	III. The North Carolina Department of Environment & Natural Resources.....	5
	IV. The Environmental Protection Agency.....	6
	V. The Protocol for Completing the EAP and the 8-Hour Ozone SIP.....	7
	A. Milestones and Reporting.....	7
	B. Emissions Inventories .....	8
	C. Modeling .....	8
	D. Emission Reduction Strategies.....	9
	E. Maintenance for Growth .....	9
	F. Public Involvement .....	10

## **I. Purpose of the Early Action Compact**

The Early Action Compact (EAC) is an agreement between the North Carolina Department of Environment and Natural Resources (DENR), Buncombe County, Haywood County, Henderson County, Madison County and Transylvania County, and the United States Environmental Protection Agency Region 4 (EPA) office. This EAC represents a partnership of Local, State, and Federal agency efforts to develop a State implementation plan (SIP) for the Mountain Area Compact. The SIP is the technical analysis showing what control measures are necessary to attain the 8-hour ozone standard, as well as the adopted rules for those measures. The SIP will be a combination of Local, State, and Federal rules. This EAC includes the memorandum of agreement by all parties, the protocol for the local Early Action Plan (EAP) and the overall SIP development and the schedule the plan development will follow. The result of this EAC is that the SIP will be developed early, the control measures implemented sooner, and the 8-hour ozone standard achieved in a more expeditious manner than following the normal SIP development timeline. Under the EAC schedule, the SIP is due no later than December 31, 2004. Under the normal schedule, the SIP is due three years after the nonattainment designation (expected in 2004, so the SIP would be due in 2007). The ultimate result of the EAC approach is that North Carolinians will breathe clean air sooner. If any party to the EAC fails to achieve a milestone, then the nonattainment designation becomes effective upon EPA finding that failure, and all consequences of nonattainment designation apply to the area. The EAC contains necessary and appropriate mechanisms to return the area to the regular nonattainment planning process should any party fail to meet the agreed upon milestones contained in the EAC.

## **II. Background and History of Air Quality**

Ozone, or O<sub>3</sub>, is formed in the atmosphere when two primary pollutants, volatile organic compounds and oxides of nitrogen react in the presence of sunlight. DENR and WNCRAQA operate the ozone monitors from April 1 through October 31 of each year, though most exceedances, or days above the ozone standard, occur in the May through September timeframe. There are currently two ozone standards that have been set by EPA to protect the public's health. The first standard is a 1-hour standard, which was set in 1977. The standard is set at 0.12 parts per million (ppm) ozone in the air. The Mountain Area Compact has always met the 1-hour ozone standard.

The second standard is the new 8-hour ozone standard, set by EPA in 1997. This new standard is based on the maximum 8-hour average concentration and is set at 0.08 ppm. To attain this standard, the 3-year average of the annual 4<sup>th</sup>-highest daily maximum 8-hour concentration must be less than or equal to 0.08 ppm. This compact is intended to address the new 8-hour standard and how the Mountain Area Compact will attain this new standard. There are four ozone monitors in the Mountain Area Compact – two valley monitors (Bent Creek in Buncombe County and Waynesville in Haywood County) and two ridge-top monitors (Purchase Knob and Frying Pan in

Haywood County). The Bent Creek, Purchase Knob, and Frying Pan monitors currently violate the 8-hour ozone standard.

### III. Current Air Quality Levels

Ozone data is evaluated over a three year period to determine compliance with the ozone standard. The current design value based on 2000 to 2002 ozone season data is as follows: Bent Creek monitor - .085 ppm; Waynesville monitor - 0.080 ppm; Purchase Knob monitor - 0.086 ppm, Frying Pan monitor - .085 ppm. Table 1 presents the number of days that each monitor exceeded the 8-hour ozone standard over the most recent three years.

**Table 1: Number of Days Over the 8-Hour Standard**

	2000	2001	2002
<b>Bent Creek</b>	7	1	7
<b>Waynesville</b>	3	0	2
<b>Purchase Knob</b>	5	0	17
<b>Frying Pan</b>	4	1	13

### IV. Components of the Early Action Compact

#### A. Area Covered by the Compact

The area covered by this compact is the Mountain Area Compact, which includes the following counties: Buncombe, Haywood, Henderson, Madison and Transylvania. The following cities in the Mountain Area Compact have agreed to join the Compact: Buncombe, Haywood, Henderson, Madison and Transylvania.

#### B. Participating Agencies in the Compact

The State agency will be the Department of Environment and Natural Resources. USEPA will be represented by the Region 4 office. At a minimum, the local agencies will be represented by the Chair of the Western North Carolina Regional Air Quality Board (or designee), the Chair of the Board of County Commissioners (or designee) for each county in the area, and the Mayors (or designee) of the major cities or towns in the area. Other local organizations are invited to participate.

#### C. Requirements of the Early Action Compact

There are certain key requirements that will be addressed in the EAC and in the SIP development. These requirements are described in more detail below:

##### i. Milestones and Reporting

The EAC must identify key milestones and an associated schedule. The milestones include the development of the emissions inventories, base case modeling evaluation, identification of local measures, evaluation of local measures, adoption of local measures, and submittal of SIP incorporating local measures. Status reports are required every six

months. The status reports must contain information regarding the completion of the milestones, or progress on an upcoming milestone.

ii. Emissions Inventory

The NC Department of Environment and Natural Resources (NCDENR) will be responsible for developing several emissions inventories for the project. Episode specific inventories will be developed for the July 1995, June 1996, and July 1997 events. Additionally, a current year inventory will be developed for 2000 or 2001 for purposes of applying the attainment test. Finally, future year inventory for 2007, 2012 and 2017 will also be developed.

iii. Modeling

The NCDENR will be responsible for conducting the meteorological and air quality modeling analysis. The NCDENR will conduct the modeling analysis based on EPA's "Draft Guidance on the Use of Models and Other Analyses in Attainment Demonstrations for the 8-hour Ozone NAAQS", May 1999 (EPA-454/R-99-004). The technical analysis will follow the guidance as facilitated by the EPA regional office.

iv. Control Strategies

All of the signatories will participate in the evaluation and selection of control strategies. The Local agency signatories will primarily be responsible for the identification of the local measures. The NCDENR will be responsible for the state measures and for the development of the complete SIP including state and local measures.

v. Maintenance for Growth

A key component of the plan is the annual check of growth from the mobile and stationary source sector. In addition, a projection of growth to 2012 is required by the protocol. Projection of growth to 2017 will also be performed, but is not required by the protocol.

vi. Public Involvement

The development of the control measures and the SIP will be done through a public involvement process. A diverse stakeholder group, including environmental/citizen groups, local governments, and local businesses and industry, is encouraged. Stakeholders will be invited to participate in this open process.

Mountain Area Compact Early Action Compact

**Memorandum of Agreement**

This Early Action Compact (EAC) is a Memorandum of Agreement between the local governments representing the counties of Buncombe, Haywood, Henderson, Madison and Transylvania the North Carolina Department of Environment and Natural Resources (NCDENR) and the United States Environmental Protection Agency (EPA). It is for the express purpose of developing and implementing an Early Action Plan (EAP) that will reduce ground-level ozone concentrations in the Mountain Area Compact to comply with the 8-hour ozone standard by December 31, 2007, and maintain the standard beyond that date. Failure to meet these obligations results in immediate designation of the area as nonattainment.

**I. General Provisions**

- A. The signatory parties commit to develop, implement and maintain the EAP according to EPA Protocol for Early Action Compacts issued June 19, 2002, and adhere to all terms and conditions stated in the guidelines. See Appendix A for EPA Protocol for Early Action Compacts Designed to Achieve and Maintain the 8-Hour Ozone Standard.
- B. If the region does not meet all the terms of the EAC, including meeting agreed-upon milestones, then it will forfeit its participation, deferral of the area's nonattainment designation may be withdrawn and its nonattainment designation for the 8-hour ozone NAAQS will become effective.
- C. Before formal adoption into the SIP, this agreement may be modified or terminated by mutual consent of all signatory parties, or any party may withdraw from the agreement. The local government signatories will approve the local control measures before they are submitted to NCDENR for inclusion in the SIP. Once the EAP is incorporated into the SIP, any modifications will be treated as SIP revisions.
- D. The signature date of the EAC is the start date of the agreement's term and the agreement remains in effect until December 31, 2007.

**II. Local Government Responsibilities**

The local governments agree to develop and implement a local EAP that will, when combined with State and Federal measures, demonstrate attainment by year's end 2007 of the 8-hour ozone standard and maintenance until at least 2012. The local governments will develop this plan in



coordination with NCDENR, EPA, stakeholders and the public. The EAP will include a process to monitor and maintain long-term compliance with the standard. The local governments will develop and submit a list of control measures being considered for adoption as part of the EAP by June 16, 2003. The EAP will be submitted to NCDENR and EPA for review by January 31, 2004, and finalized by March 31, 2004, for inclusion in the SIP by December 31, 2004.

In the event a development or issue arises that may impact performance or progress toward milestones (including if a milestone will be or has been missed and/or if a termination or modification has been requested), Buncombe County, serving as the Lead Planning Agency, or the signatory party responsible will notify all other signatories as soon as possible.

### **III. The North Carolina Department of Environment and Natural Resources**

The state, represented by NCDENR, will provide support to areas throughout the planning and implementation process, including:

1. Development of emission inventories, modeling process, trend analysis and quantification and comparison of emission reduction strategies;
2. Necessary information on all Federal and State adopted emission reduction strategies which affect the area;
3. Technical and strategic assistance, as appropriate, in the selection and implementation of emission reduction strategies;
4. Technical and planning assistance in developing and implementing processes to address the impact of emissions growth beyond the attainment date;
5. Maintenance of monitors and reporting and analysis of monitoring data;
6. Support for public education efforts;
7. Coordinate communication between local areas and EPA to facilitate continuing EPA review of local work;
8. Expedient review of the locally developed EAP, and if deemed adequate, propose modification of the SIP to adopt the EAP;
9. Adoption of emission reduction strategies into the SIP as expeditiously as possible. The final complete SIP revision must be completed, adopted, and submitted by the state to EPA by December 31, 2004.

### **IV. The Environmental Protection Agency**

1. The EPA will provide technical assistance to the state and local area in the development of the early action plan.
2. The EPA will take final action by September 30, 2005 on any SIP revisions submitted by December 31, 2004 pursuant to the compact
3. When EPA's 8-hour implementation guidelines call for designations, if the area has met the first two milestones (signed compact by December 31, 2002 and list of measures being considered for local adoption by June 16, 2003), EPA will defer the effective date of nonattainment designation and related requirements for participating areas that fail to meet the 8-hour ozone standard until September 30, 2005, contingent upon the area's submission of local control measures by March 31, 2004. As part of the SIP approval mentioned in item 2 above and assuming the SIP is approvable, EPA will propose as part of the SIP approval action, the second deferral of the effective date of nonattainment designation until December 31, 2006. If the June 30, 2006 progress assessment is submitted, implementation of the SIP measures have 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.
4. Provided that the monitors in the area reflect attainment by December 31, 2007, EPA will move expeditiously to designate the area as attainment and impose no additional requirements.
5. If at any time the area does not meet all the terms of this compact, including meeting agreed-upon milestones, then it will forfeit its participation, deferral of the area's nonattainment designation may be withdrawn and its nonattainment designation will become effective. The EPA will offer such an area no delays, exemptions or other favorable treatment because of its previous participation in this program.
6. If the area violates the standard as of December 31, 2007, and the area has had a nonattainment designation deferred, the nonattainment designation will become effective no later than April 15, 2008. The state will then submit a revised attainment demonstration SIP revision according to the Clean Air Act (CAA) and EPA's 8-hour implementation rule, unless the 8-hour implementation schedule requires SIPs from 8-hour nonattainment areas before December 31, 2008. In that event, a revised attainment demonstration SIP revision for the participating area will be due as soon as possible but no later than December 31, 2008. In no event will EPA extend the attainment date for the area beyond that required by the CAA and/or EPA's 8-hour implementation rule.
7. The region will not be allowed to renew this EAC after December 31, 2007, or to initiate a new compact if it has previously forfeited its participation.

V. **The Protocol for Completing the EAP and the 8-Hour Ozone SIP**

A. **Milestones and Reporting**

1. **Milestones**

<b>EAC/CAAP Milestones (Responsible Party)</b>	
<b>December 31, 2002</b>	Signed EAC (All parties)
<b>May 31, 2003</b>	Initial modeling emissions inventory completed (NCDENR)
	Conceptual modeling completed (NCDENR)
	Base case modeling completed (NCDENR)
<b>June 16, 2003</b>	Identify and describe local strategies being considered for inclusion in local clean air plans (Local Governments)
<b>June 30, 2003</b>	Biannual status reports to begin (Lead Planning Agency/NCDENR)
<b>October 31, 2003</b>	Future year emissions inventory modeling completed (NCDENR)
	Emissions inventory comparison and analysis completed (NCDENR)
	Future case modeling completed (NCDENR)
<b>January 31, 2004</b>	Attainment maintenance analysis completed (NCDENR)
	One or more modeled control cases completed (NCDENR)
	Local emission reduction strategies selected (Local Governments)
	Submission of preliminary EAP to NCDENR and EPA (Local Governments)
<b>March 31, 2004</b>	Final revisions to modeled control cases completed (NCDENR)
	Final revisions to local emission reduction strategies completed (Local Governments)
	Final revisions to attainment maintenance analysis completed (NCDENR)
	Submission of final EAP to NCDENR and EPA (Local Governments)
<b>December 31, 2004</b>	EAP adopted and incorporated into the SIP, SIP submitted to EPA (NCDENR)
<b>December 31, 2005</b>	Local emission reduction strategies implemented no later than this date (Implementing Agency)
<b>June 30, 2006</b>	Biannual status reports on implementation of measures begin on this date (Lead Planning Agency/NCDENR)
<b>December 31, 2007</b>	Attainment of the 8-hour standard no later than this date (All Parties)

2. **Reporting**

In order to facilitate self-evaluation and communication with EPA, NCDENR, stakeholders, and the public, the region will assess and report progress towards milestones in a regular, public process, at least every six months.

## B. Emissions Inventories

1. An **initial modeling emissions inventory** will be developed by May 31, 2003. This inventory will include:
  - a. Emissions modeling data for a July 1995, June 1996 and July 1997 episode, all of which are representative of a typical ozone season event and meet EPA episode selection guidance;
  - b. MOBILE6 data with link based Travel Demand Model (TDM) mobile data in urban areas;
  - c. NONROAD model data adjusted for local equipment populations and usage rates where available;
  - d. Area source data, based on local survey data, when possible.
2. A **2007 future year modeling emissions inventory** will be developed by July 31, 2003. This inventory will sufficiently account for projected future growth in ozone precursor emissions through 2007, particularly from stationary, non-road and on-road mobile sources.
3. Selection of specific episode inventories was partially determined by the conceptual model, which reflects an analysis of meteorological conditions typical of high ozone events. The conceptual model will be updated by May 31, 2003.
4. Emissions inventories will be compared and analyzed for trends in emission sources over time. The **emissions inventory comparison and analysis** will be completed by October 31, 2003.

## C. Modeling

1. **Base case modeling** will be completed by May 31, 2003 and **future case modeling** will be completed by October 31, 2003. One or more **modeled control cases** will be completed by January 31, 2004, with final revisions completed by March 31, 2004. All modeling:
  - a. Will be SIP quality, consistent with the latest EPA modeling guidance, and perform within EPA's accepted margin of accuracy;
  - b. Will be carefully documented;
  - c. Will sufficiently account for projected future growth in ozone precursor emissions;
  - d. Will be accomplished by NCDENR and reviewed by EPA;

- e. Will be used to determine the effectiveness of NO<sub>x</sub> and/or VOC reductions. The control case(s) will be used to determine the relative effectiveness of different emission reduction strategies and to aid in the selection of appropriate emission reduction strategies.

**D. Emission Reduction Strategies**

1. All adopted Federal and State emission reduction strategies that have been or will be implemented by the December 31, 2007 attainment date will be included in base, future and control case modeling.
2. Additional local emission reduction strategies needed to demonstrate attainment for the Mountain Area Compact by December 31, 2007 will be selected by January 31, 2004, with final revisions completed by March 31, 2004. The selected local strategies will be implemented as soon as practical, but no later than December 31, 2005.
3. Local emission reduction strategies will be specific, quantified, permanent and enforceable. The strategies will also include specific implementation dates and detailed documentation and reporting processes.
4. Voluntary strategies can play a supporting role in the EAP. If emission reductions from voluntary strategies are quantified and credit is taken for them in the EAP, those emission reductions must be made part of the SIP and will be enforceable. Additional strategies must be implemented to meet those quantified reduction requirements if quantified voluntary strategies fail. This is true for all quantified emission reductions.
5. Local emission reduction strategies will be designed and implemented by the community with stakeholder participation.
6. Local emission reduction strategies will be incorporated by the state into the SIP. In the event that the region desires to add, delete or substitute strategies after SIP submittal, the region will request a modification. EAP modifications will be treated as SIP revisions and facilitated by the state.

**E. Maintenance for Growth**

1. The EAP will include a component to address emissions growth at least five years beyond December 31, 2007, ensuring that the area will remain in attainment of the 8-hour standard during that period. Attainment maintenance analysis will be completed by January 31, 2004, with final revisions completed by March 31, 2004. The analysis will employ one or more of the following or any other appropriate techniques necessary to make such a demonstration:

- a. Modeling analysis showing ozone levels below the 8-hour standard in 2012;
  - b. An annual review of growth (especially mobile and stationary source) to ensure emission reduction strategies and growth assumptions are adequate;
  - c. Identification and quantification of federal, state, and/or local measures indicating sufficient reductions to offset growth estimates.
2. A continuing planning process that includes modeling updates and modeling assumption verification (particularly growth assumptions) will be conducted concurrent with the tracking and reporting process for the EAP. This update and verification will be an ongoing process between the signatories, stakeholders and the public. Modeling updates and planning processes must consider and evaluate:
- a. All relevant actual new point sources;
  - b. Impacts from potential new source growth; and
  - c. Future transportation patterns and their impact on air quality in a manner that is consistent with the most current adopted Long Range Transportation Plan and most current trend and projections of local motor vehicle emissions.
3. If the review of emissions growth in conjunction with the continuing planning process demonstrates that adopted emission reduction strategies are inadequate to address growth in emissions, additional measures will be added to the EAP.
4. In the event that the continuing planning process identifies the need to add, delete, or substitute emission reduction strategies after the EAP has been incorporated into the SIP, the local area will initiate, and NCDENR will facilitate a SIP revision to accommodate changes.

**F. Public Involvement**

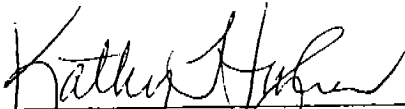
1. Public involvement will be conducted in all stages of planning by the signatory parties. Outreach may include one or more of the following techniques: public meetings and presentations, stakeholder meetings, websites, print advertising and radio.
2. Public education programs will be used to raise awareness regarding issues, opportunities for involvement in the planning process, implementation of emission reduction strategies, and any other issues important to the area.

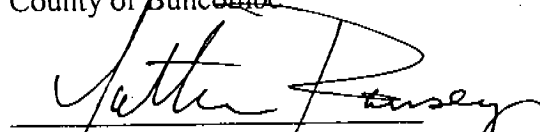
3. Interested stakeholders will be involved in the planning process as early as possible. Planning meetings will be open to the public, with posted meeting times and locations. EAP drafts will be publicly available, and the drafting process will have sufficient opportunities for comment from all interested stakeholders.
4. Public comment on the proposed final EAP will follow the normal SIP revision process as implemented by the State.
5. Semi-annual reports detailing, at a minimum, progress toward milestones, will be publicly presented and publicly available.

Adopted by Buncombe County on December 17, 2002.

Attest

Board of Commissioners for the  
County of Buncombe

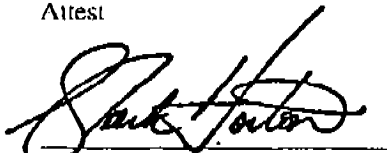
  
Kathy Hughes, Clerk

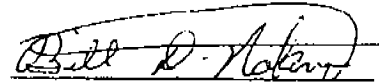
  
Nathan Ramsey, Chairman

Adopted by Haywood County on December 16, 2002.

Attest

Board of Commissioners for the  
County of Haywood

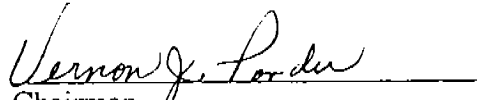
  
Clerk

  
Chairman

Attest

Board of Commissioners for the  
County of Madison

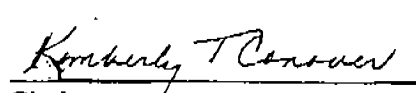
  
Clerk

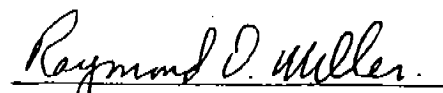
  
Chairman

Adopted by Transylvania County on December 9, 2002.

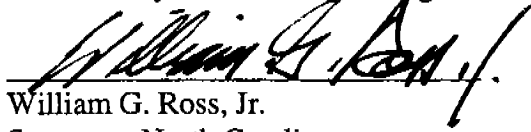
Attest

Board of Commissioners for the  
County of Transylvania

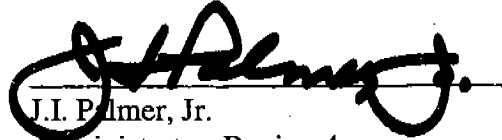
  
Clerk

  
Chairman

VI. Early Action Compact Signatures:



William G. Ross, Jr.  
Secretary, North Carolina  
Department of Environment and  
Natural Resources



J.I. Palmer, Jr.  
Administrator, Region 4,  
U.S. Environmental Protection Agency



Attachment to the  
Mountain Area MSA Early  
Action Compact

Resolutions of Support of and Participation in  
the Mountain Area MSA Early Action Compact

from:

Buncombe County  
Haywood County  
Transylvania County  
Henderson County  
City of Asheville  
Town of Black Mountain  
Asheville Chamber of Commerce

RESOLUTION # 02-12-07

**RESOLUTION AUTHORIZING THE EXECUTION OF AN EARLY ACTION  
COMPACT AGREEMENT WITH GREATER ASHEVILLE BASIN GOVERNMENTS**

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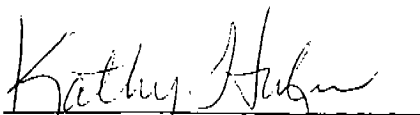
- WHEREAS**, the federal Clean Air Act, through the Environmental Protection Agency (EPA) establishes air quality standards to protect public hearing and welfare; and
- WHEREAS**, North Carolina has acknowledged the importance of these standards in promoting quality of life, economic development and future healthy development; and
- WHEREAS**, EPA's most stringent eight hour ozone standard has been in effect since 1997, and the Western North Carolina Regional Air Quality Agency and the North Carolina Department of Environment and Natural Resources, Division of Air Quality have preliminarily determined through monitoring and analysis that the Greater Asheville Basin currently exceeds the eight hour standard; and
- WHEREAS**, the Greater Asheville Basin will face non-attainment of the ozone standard; and
- WHEREAS**, designation as non-attainment is widely acknowledged to have negative consequences for an area's economic development, transportation planning and construction, and quality of life; and
- WHEREAS**, the EPA has offered an opportunity to local governments to enter into an "Early Action Compact", which will allow local stakeholders and elected officials to devise a plan to improve air quality in the Greater Asheville Basin and avoid the negative implications of non-attainment; and
- WHEREAS**, local action will lead to greater community input and support for air quality solutions.

**NOW, THEREFORE BE IT RESOLVED** by the Board of Commissioners for the County of Buncombe as follows:

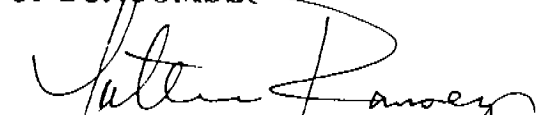
1. That this Board does hereby enter an Early Action Compact with other Greater Asheville Basin (Mountain Area Compact) governments.
2. That this Board does hereby agree to fully participate in the Early Action Compact planning process with the understanding that Buncombe County can withdraw from the compact at any time and deal directly with the EPA on non-attainment issues.
3. That this resolution shall be effective upon its adoption.

ADOPTED this the 17<sup>th</sup> day of December, 2007.

ATTEST

  
Kathy Hughes, Clerk to the Board

BOARD OF COMMISSIONERS FOR THE COUNTY  
OF BUNCOMBE

  
Nathan Ramsey, Chairman

**RESOLUTION AUTHORIZING THE EXECUTION OF AN EARLY ACTION  
COMPACT AGREEMENT WITH GREATER ASHEVILLE BASIN GOVERNMENTS**

**WHEREAS,** the federal Clean Air Act, through the Environmental Protection Agency (EPA) establishes air quality standards to protect public health and welfare; and

**WHEREAS,** North Carolina has acknowledged the importance of these standards in promoting quality of life, economic development and future healthy development; and

**WHEREAS,** EPA's most stringent eight hour ozone standard has been in effect since 1997, and the Western North Carolina Regional Air Quality Agency and the North Carolina Department of Environment and Natural Resources, Division of Air Quality have preliminarily determined through monitoring and analysis that the Greater Asheville Basin currently exceeds the eight hour standard; and

**WHEREAS,** the Greater Asheville Basin will face non-attainment of the ozone standard; and

**WHEREAS,** designation as non-attainment is widely acknowledged to have negative consequences for an area's economic development, transportation planning and construction, and quality of life; and

**WHEREAS,** the EPA has offered an opportunity to local governments to enter into an "Early Action Compact", which will allow local stakeholders and elected officials to devise a plan to improve air quality in the Greater Asheville Basin and avoid the negative implications of non-attainment; and

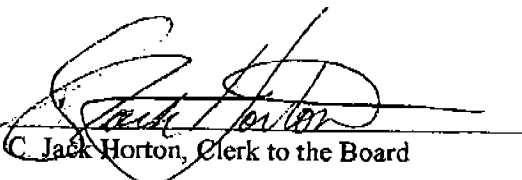
**WHEREAS,** local action will lead to greater community input and support for air quality solutions.

**NOW, THEREFORE BE IT RESOLVED** by the Board of Commissioners for the County of Haywood as follows:

1. That this Board does hereby enter an Early Action Compact with other Greater Asheville Basin governments.
2. That this Board does hereby agree to participate fully in the Early Action Compact planning process with the understanding that Haywood County can withdraw from the compact at any time and deal directly with the EPA on non-attainment issues.
3. That this resolution shall be effective upon its adoption.

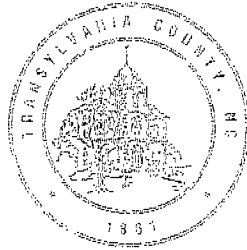
**ADOPTED** this the 16<sup>th</sup> day of December 2002.

**ATTEST**

  
C. Jack Horton, Clerk to the Board

**HAYWOOD COUNTY  
BOARD OF COMMISSIONERS**

  
Bill D. Noland, Chairman



**BOARD OF COMMISSIONERS:**

Ray Miller, Chairman  
Jeff Duvall, Vice Chairman  
Marla Cilley  
Rob Davenport  
W. David Guice  
828-884-3107

**COUNTY MANAGER**

Arthur C. Wilson, Jr.  
828-884-3100  
FAX 828-884-3119  
  
28 East Main Street  
Brevard, NC 28712

**RESOLUTION 29-02**

**RESOLUTION TO PARTICIPATE IN AN EARLY ACTION COMPACT  
FOR THE GREATER ASHEVILLE BASIN**

The Transylvania County Board of Commissioner's meeting in regular session on December 9, 2002, do hereby resolve as follows:

**WHEREAS**, the federal Clean Air Act, through the Environmental Protection Agency (EPA), established air quality standards to protect public health and welfare; and

**WHEREAS**, North Carolina has acknowledged the importance of these standards in promoting quality of life, economic development and future healthy development; and

**WHEREAS**, EPA's more stringent eight-hour ozone standard has been in effect since 1997, and the Western North Carolina Regional Air Quality Agency (WNCRAQA) and the North Carolina Department of Environment and Natural Resources (DENR), Division of Air Quality, have preliminarily determined through monitoring and analysis that the Greater Asheville Basin currently exceeds the eight-hour standard; and

**WHEREAS**, the Greater Asheville Basin will face non-attainment of the ozone standard; and

**WHEREAS**, designation as non-attainment is widely acknowledged to have extremely negative consequences for an area's economic development, transportation planning and construction, and quality of life; and

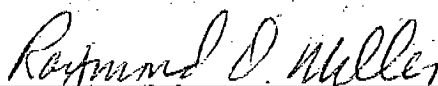
**WHEREAS**, the Environmental Protection Agency has offered an opportunity to local governments to enter into an "Early Action Compact", which will allow local stakeholders and elected officials to devise a plan to improve air quality in the Greater Asheville Basin and avoid the negative implications of non-attainment; and

**WHEREAS**, local action will lead to greater community input and support for air quality solutions;


**NOW THEREFORE, BE IT RESOLVED** that the Board of County Commissioners hereby enters into an Early Action Compact with other Greater Asheville Basin governments; and, further, that the Board of County Commissioners agrees to fully participate in the Early Action Compact planning process with the understanding that the Board of County Commissioners can withdraw from the compact at any time and deal directly with the Environmental Protection Agency on non-attainment issues.

**IN WITNESS WHEREOF**, this Resolution was passed this the 9<sup>th</sup> day of December, 2002.

TRANSYLVANIA COUNTY BOARD OF COMMISSIONERS

  
\_\_\_\_\_  
Chairman

ATTEST:

  
\_\_\_\_\_  
Clerk to Board

## RESOLUTION

## BE IT RESOLVED THAT

Whereas, the federal Clean Air Act, through the Environmental Protection Agency (EPA), establishes air quality standards to protect public health and welfare; and

Whereas, North Carolina has acknowledged the importance of these standards in promoting quality of life, economic development and future healthy development; and

Whereas, EPA's more stringent eight hour ozone standard has been in effect since 1997, and the Western North Carolina Air Quality Agency and the North Carolina Department of Environment and Natural Resources (DENR), Division of Air Quality have preliminarily determined through monitoring and analysis that the Greater Asheville Basin currently exceeds the eight hour standard; and

Whereas, the Greater Asheville Basin will face non-attainment of the ozone standard; and

Whereas, designation as non-attainment is widely acknowledged to have extremely negative consequences for an area's economic development, transportation planning and construction, and quality of life; and

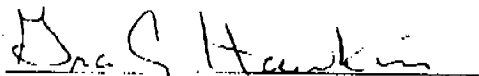
Whereas, the Environmental Protection Agency has offered an opportunity to local governments to enter into an "Early Action Compact", which will allow local stakeholders and elected officials to devise a plan to improve air quality in the Greater Asheville Basin and avoid the negative implications of non-attainment; and

Whereas, local action will lead to greater community input and support for air quality solutions;

The Henderson County Board of Commissioners hereby resolves to enter into an Early Action Compact with other Greater Asheville Basin governments.

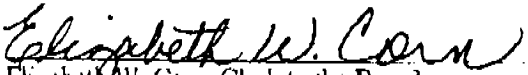
The Henderson County Board of Commissioners agrees to fully participate in the Early Action Compact planning process with the understanding that the Henderson County can withdraw from the compact at any time and deal directly with the Environmental Protection Agency on non-attainment issues.

In witness whereof, this Resolution was passed this the 18th day of December, 2002.



Grady Hawkins, Chairman  
Henderson County Board of Commissioners

Attest:



Elizabeth W. Corn, Clerk to the Board

RESOLUTION NO. 02- 188

RESOLUTION AUTHORIZING THE CITY OF ASHEVILLE TO ENTER INTO AN EARLY ACTION COMPACT WITH OTHER GREATER ASHEVILLE BASIN GOVERNMENTS

Whereas, the federal Clean Air Act, through the Environmental Protection Agency (EPA), establishes air quality standards to protect public health and welfare; and

Whereas, North Carolina has acknowledged the importance of these standards in promoting quality of life, economic development and future healthy development; and

Whereas, EPA's more stringent eight hour ozone standard has been in effect since 1997, and the Western North Carolina Regional Air Quality Agency (WNCRAQA) and the North Carolina Department of Environment and Natural Resources (DENR), Division of Air Quality have preliminarily determined through monitoring and analysis that the Greater Asheville Basin currently exceeds the eight hour standard; and

Whereas, the Greater Asheville Basin will face non-attainment of the ozone standard; and

Whereas, designation as non-attainment is widely acknowledged to have negative consequences for an area's economic development, transportation planning and construction, and quality of life; and

Whereas, the Environmental Protection Agency has offered an opportunity to local governments to enter into an "Early Action Compact", which will allow local stakeholders and elected officials to devise a plan to improve air quality in the Greater Asheville Basin and avoid the negative implications of non-attainment; and

Whereas, local action will lead to greater community input and support for air quality solutions;

The City of Asheville hereby resolves to enter into an Early Action Compact with other Greater Asheville Basin governments.

The City of Asheville agrees to fully participate in the Early Action Compact planning process with the understanding that the City of Asheville can withdraw from the compact at any time and deal directly with the Environmental Protection Agency on non-attainment issues.

Read, approved and adopted this 17th day of Dec., 2002.

Magdalena Bourleson  
CITY CLERK

Charles R. Worley  
MAYOR

Approved as to form:

[Signature]  
CITY ATTORNEY

Resolution # R-02-24

**RESOLUTION SUPPORTING THE DEVELOPMENT OF  
AN "EARLY ACTION COMPACT" TO IMPROVE  
AIR QUALITY IN THE GREATER ASHEVILLE BASIN**

**WHEREAS**, the federal Clean Air Act, through the Environmental Protection Agency (EPA), establishes air quality standards to protect public health and welfare; and

**WHEREAS**, North Carolina has acknowledged the importance of these standards in promoting quality of life, economic development and future healthy development; and

**WHEREAS**, EPA's more stringent eight hour ozone standard has been in effect since 1997, and the Western North Carolina Regional Air Quality Agency (WNCRAQA) and the North Carolina Department of Environment and Natural Resources (DENR), Division of Air Quality have preliminarily determined through monitoring and analysis that the Greater Asheville Basin currently exceeds the eight hour standard; and

**WHEREAS**, the Greater Asheville Basin will face non-attainment of the ozone standard; and

**WHEREAS**, designation as non-attainment is widely acknowledged to have extremely negative consequences for an area's economic development, transportation planning and construction, and quality of life; and

**WHEREAS**, the Environmental Protection Agency has offered an opportunity to local governments to enter into an "Early Action Compact", which will allow local stakeholders and elected officials to devise a plan to improve air quality in the Greater Asheville Basin and avoid the negative implications of non-attainment; and

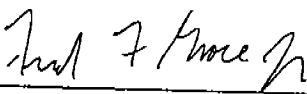
**WHEREAS**, local action will lead to greater community input and support for air quality solutions;

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Aldermen for the Town of Black Mountain that:

1. The Board of Aldermen hereby resolves to enter into an Early Action Compact with other Greater Asheville Basin governments.
2. The Board agrees to fully participate in the Early Action Compact planning process with the understanding that the Town of Black Mountain can withdraw from the

***NOW, THEREFORE***, in recognition of the above provisions, the Asheville Area Chamber of Commerce recommends that Buncombe County and other local governments enter into the Early Action Compact. Although a level of uncertainty exists, a good faith effort to reduce air emissions through this means outweighs the consequences associated with nonattainment. By making this recommendation, the Asheville Area Chamber of Commerce pledges support to assist local officials, Buncombe County and other participating organizations in the development and implementation of the Early Action Compact.

Signed this 13<sup>th</sup> day of December, 2002.

By:   
Fred F Groce, Jr., Chairman  
Asheville Area Chamber of Commerce

By:   
Richard J. Lutovsky  
President & CEO



## EARLY ACTION COMPACT RESOLUTION

*WHEREAS*, the federal Clean Air Act requires that air quality in every state meet health based National Ambient Air Quality Standards, which include a standard for ground level ozone;

*WHEREAS*, the Environmental Protection Agency promulgated an 8-hour ground level ozone standard which is more stringent than and replaces the previous 1-hour ground level ozone standard;

*WHEREAS*, the Bent Creek air quality monitor south of Asheville violated the 8-hour standard for ozone for the years 2000-2002, suggesting that Buncombe County at least, and potentially Haywood, Henderson and Madison Counties, will be designated as nonattainment;

*WHEREAS*, a nonattainment classification may result in restrictive permitting requirements, including a defined growth policy for industry and restrictions on the distribution and use of federal highway funds within a nonattainment county, thereby resulting in negative economic impacts and diminished job growth;

*WHEREAS*, the Asheville Area Chamber of Commerce recognizes the importance of clean air to the quality of life in the Asheville region, including the health of area citizens;

*WHEREAS*, the Early Action Compact will provide areas with the flexibility to control air emissions, achieve cleaner air and defer the effective date of future EPA ozone non-attainment designations;

*WHEREAS*, the Early Action Compact is voluntary, flexible and has multiple advantages including:

- The EAC keeps options open. Our region can always default to nonattainment designation if an EAC proves unworkable;
- It provides a degree of local control over the program;
- It provides an opportunity to collaborate with neighboring jurisdictions and other community organizations to produce greater air quality improvements;
- Air quality improvement actions can occur earlier with the EAC than by waiting for nonattainment designation, planning, and eventual actions;
- With an early planning process, our region may also be able to head off fine particle problems (i.e., related health problems and possible future PM 2.5 nonattainment designation);

*WHEREAS*, December 31, 2002 is the deadline for Buncombe County and other local governments to enter into the Early Action Compact;