

US EPA ARCHIVE DOCUMENT



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

FEB - 4 2003

4APT-APB

Charles Chisolm, Executive Director
Mississippi Department of Environmental Quality
Southport Center
2380 Hwy 80, West
Jackson, MS 39204

Dear Mr. Chisolm:

Thank you for your Letter of Support for the Memphis, Tennessee, Early Action Compact, and your submittal of the Letter of Support from DeSoto County, which were received on December 27, 2002. The State of Tennessee submitted an Early Action Compact for Shelby, Tipton, and Fayette Counties which comprise the portion of the Memphis metropolitan statistical area (MSA) in Tennessee, and the State of Arkansas, along with the Environmental Protection Agency (EPA) Region 6, submitted a Letter of Support for Crittenden County, which comprises the portion of the Memphis MSA in Arkansas.

The Early Action Compact process was designed to protect human health by enabling an accelerated local approach to ozone attainment, and to encourage early emission reductions that will ensure attainment of the 8-hour ozone standard. The Early Action Compact protocol, which was endorsed by the EPA, Region 6, on June 19, 2002, is intended to be used in developing and implementing control strategies, accounting for growth, and achieving and maintaining the 8-hour ozone standard. As such, it represents a key component to this area's Early Action Compact. In this Early Action Compact you have committed to a planning process that will result in cleaner air for Mississippi, potentially prior to the regulatory deadlines that will be established for 8-hour ozone standard nonattainment areas.

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

included along with the remainder of the CMSA or MSA as a nonattainment area. If this occurs, then that county, and the entire nonattainment area, will be ineligible for deferral of its nonattainment designation.

We support your efforts to promote early attainment of the 8-hour ozone health standard and believe that this plan will be beneficial to the citizens of Mississippi. EPA Region 4 is pleased to be a signatory to these Early Action Compacts. I have enclosed copies of the signed Compacts (these are enclosed in the packages that were mailed to your State Air Quality Agency) and encourage you to share these documents with the local agencies in your State that are part of the process, including your transportation planning partners and other interested stakeholders such as environmental and industrial representatives. You will also receive a copy of a similar response letter that has been provided to Tennessee regarding the Memphis Early Action Compact. EPA Region 4 will continue to work closely with you to assist in this stakeholder planning process, and is developing a web site for the Early Action Compact process to assist you in this effort. This web site will have copies of all of the Compacts which have been approved. The web site address will be provided to your State Air Quality Agency as soon as it is available.

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

Sincerely,



J. I. Palmer, Jr.
Regional Administrator

Enclosure

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