

US EPA ARCHIVE DOCUMENT



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

Mr. Robert G. Burnley, Director  
Virginia Department of Environmental Quality  
P.O. Box 1009  
Richmond, Virginia 23240

Dear Mr. Burnley:

With the signing of the enclosed Northern Shenandoah Valley Region, City of Winchester, County of Frederick Early Action Compact (EAC) agreement and this letter, the U.S. Environmental Protection Agency (EPA), in partnership with the Commonwealth of Virginia, the City of Winchester and the County of Frederick, enter into a commitment to develop and implement a comprehensive air quality plan for attainment of the 8-hour ozone National Ambient Air Quality Standard in the Northern Shenandoah Valley Region. Through voluntary, local, enforceable measures to be approved as part of the State Implementation Plan (SIP), the EAC is designed to achieve the 8-hour ozone standard faster than the Clean Air Act would otherwise require.

In signing the EAC, EPA recognizes the local area's commitment to early action by provisionally deferring the effective date of the nonattainment designation for participating areas that are monitoring a violation of the 8-hour ozone standard. The deferral of the effective date of the designation is contingent upon the participating area's meeting all terms and milestones of the EAC and boundary designations. EPA has not yet designated areas as attainment or nonattainment for the 8-hour ozone standard. That will take place by April, 2004. Prior to EPA's designations for the 8-hour ozone standard, EPA will go through a dialogue with interested stakeholders concerning appropriate designations, including soliciting recommendations from the states by April, 2003. The metropolitan statistical area (MSA) is EPA's presumptive boundary for the 8-hour ozone standard, as described in EPA's March 28, 2000, boundary guidance memorandum. While the EPA cannot prejudge the 2004 designations process, States are advised that if an EAC area is determined to be part of an area that is designated nonattainment for the 8-hour ozone standard, its nonattainment designation would not be deferred.

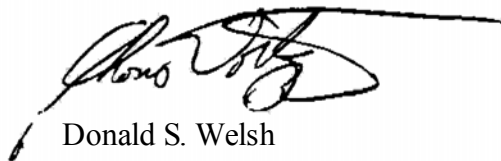
Additionally, the Office of Management and Budget (OMB) has announced changes for Core Based Statistical Areas (Vol. 65, No. 249, page 82228, 12/27/2000) and plans to publish new lists of areas in June, 2003. EPA will be evaluating the impacts the new lists will have on establishing nonattainment area boundaries. At that time, EPA will also look at the nonattainment

boundary guidance memo of March 28<sup>th</sup>, 2000 to see if it might need updating. These actions could potentially affect the EACs.

We commend the Commonwealth of Virginia's commitment to improve air quality by pursuing alternatives to conventional controls and providing local areas with the flexibility to control air emissions from sources. We look forward to our partnership with Commonwealth of Virginia, the City of Winchester and the County of Federick, to achieve air quality reductions earlier than would otherwise be required.

If you have any questions, please feel free to contact me or have your staff contact Judith M. Katz, Director, Air Protection Division, at (215) 814-2654.

Sincerely,

A handwritten signature in black ink, appearing to read "Donald S. Welsh", with a long horizontal flourish extending to the right.

Donald S. Welsh  
Regional Administrator

Enclosure

cc/enc: Mayor Larry Omps, Common Council, City of Winchester  
Chairman Richard Shickle, Board of Supervisors, Federick County

CONCURRENCES

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SURNAME	ammentorp	wilkie	kramer	katz				
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