

US EPA ARCHIVE DOCUMENT



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

December 24, 2002

Stephanie Timmermeyer, Director
Division of Air Quality
West Virginia Department of Environmental Protection
7012 MacCorkle Ave., S. E.
Charleston, WV 25304

Dear Ms. Timmermeyer:

With the signing of the enclosed Eastern Panhandle Region of West Virginia Early Action Compact (EAC) agreement and this letter, the U.S. Environmental Protection Agency (EPA), in partnership with the State of West Virginia, Berkeley County, Jefferson County and the City of Martinsburg, 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 Berkeley and Jefferson Counties. 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.

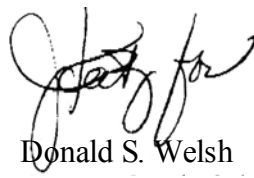
Additionally, the Office of Management and Budget (OMB) has announced changes for Core Based Statistical Areas (Vol. 65, No. 249, page 82228, 12/27/2000) and plans to publish new lists of areas in June, 2003. EPA will be evaluating the impacts the new lists will have on establishing nonattainment area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

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

We commend the West Virginia Department of Environmental Protection'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 State of West Virginia, Berkeley County, Jefferson County and the City of Martinsburg 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 "D. Welsh", written over a horizontal line.

Donald S. Welsh
Regional Administrator

Enclosure

cc/enc: George Karos, Mayor of City of Martinsburg

Jane K. Peters, President of the Jefferson County Commission

Howard L. Strauss, President of Berkeley County Commission