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

DEC 31 2002

4APT-APB

Lewis Shaw, Deputy Commissioner
South Carolina Department of Health
and Environmental Control
2600 Bull Street
Columbia, South Carolina 29201

Dear Mr. Shaw:

Thank you for your submittal of an Early Action Compact for York, Chester, Lancaster and Union Counties, South Carolina, received on December 23, 2002. 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 Environmental Protection Agency (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 South Carolina, potentially prior to the regulatory deadlines that will be established for 8-hour ozone standard nonattainment areas.

Although EPA will accept this Compact at this time, there are circumstances surrounding this particular Compact which must be addressed. The Early Action Compact is designed for areas that are designated attainment for the 1-hour ozone standard and where monitored air quality reflects continued attainment of the 1-hour standard. While York, Chester, and Lancaster Counties meet these tests, their proximity to Charlotte, North Carolina requires additional consideration. York County is part of the Charlotte metropolitan statistical area (MSA), and Chester and Lancaster Counties are adjacent counties which could reasonably be expected to influence conditions in the Charlotte area. 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 this compact, EPA is not prejudging the outcome of the 2004 designations process. If a

portion of the compact area, such as York, Chester or Lancaster County, is determined to be part of the Charlotte 8-hour ozone nonattainment area, that portion would no longer be eligible for participation in the Early Action Compact.

Although the currently designated Charlotte maintenance area is not eligible for an Early Action Compact because of recent monitored exceedances of the 1-hour ozone standard, EPA believes that early actions in North and South Carolina can bring clean air sooner to the citizens of both States. We also believe that early actions taken in South Carolina will be important to the success of the Charlotte Region Integrated Air Quality Management Pilot Project (the "Charlotte Project"). Therefore, in addition to the milestones for identifying and adopting early control measures established in this Early Action Compact, one of our further requirements in accepting the Compact is that South Carolina will continue to actively participate in the Charlotte Project and will agree to implement appropriate controls needed for attainment in the Charlotte region even if they are beyond the controls developed for the compact. Our support for this compact is further based on our understanding that North Carolina and South Carolina will develop a specific memorandum of understanding within the next 60 days detailing how these requirements will be met.

We support your efforts to achieve the 8-hour ozone health standard and believe that this plan will be beneficial to the citizens of York, Chester and Lancaster Counties, and EPA Region 4 is pleased to be a signatory to this Early Action Compact. I have enclosed a copy of the signed compact and encourage you to share this document 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. EPA Region 4 will continue to work closely with you to assist in this stakeholder planning process.

Please feel free to contact me or Kay Prince of my staff at (404) 562-9026 if you have questions or would like to discuss this issue further.

Sincerely,

J. I. Palmer, Jr.
Regional Administrator

Enclosure

cc: William (Bill) G. Ross, Jr., Secretary
NC Department of Environment & Natural Resources