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

FEB - 4 2003

4APT-APB

Betsy Child, Commissioner
Tennessee Department of Environment
and Conservation
21st Floor, L & C Tower
401 Church Street
Nashville, TN 37243-0435

Dear Ms. Child:

Thank you for your submittal of an Early Action Compact for the Knoxville Area in Tennessee, which was received on December 31, 2002. The Knoxville Area Compact includes Anderson, Blount, Jefferson, Knox, Loudon, Sevier and Union Counties in Tennessee. 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 Tennessee, potentially prior to the regulatory deadlines that will be established for 8-hour ozone standard nonattainment areas.

The Metropolitan Statistical Area (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.

The Early Action Compact submitted by Tennessee encompasses the entire Knoxville MSA, as well as Jefferson County, which is a county located adjacent to the Knoxville MSA. 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 the Knoxville Area. EPA Region 4 is pleased to be a signatory to this Early Action Compact. I have enclosed a copy of the signed Compact (this is enclosed in the package that was mailed to your State Air Quality Agency) 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, 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 Region 4 staff at (404) 562-9026.

Sincerely,

J. I. Palmer, Jr.
Regional Administrator

Enclosure

cc: Barry R. Stephens, P.E., TN DEC
Lynne Liddington, Knox County
Department of Air Quality Management (w/o encl)

EARLY ACTION COMPACT
FOR THE
State of Tennessee and Knoxville Local Area

Prepared for

U. S. Environmental Protection Agency
Region 4
Atlanta, Georgia

TABLE OF CONTENTS

SECTION	DESCRIPTION	PAGE
1.0	PURPOSE OF THE EARLY ACTION COMPACT	3
2.0	BACKGROUND	3
2.1	Air Quality Status/Trends	3
2.2	History of Local Air Quality Planning Efforts	4
2.3	The Early Action Compact/Air Quality Improvement Plan	5
2.4	Regional Interstate Coordination	6
3.0	MEMORANDUM OF AGREEMENT	6
3.1	General Provisions	6
3.2	Air Quality Improvement Plan	6
3.2.1	Milestones and Reporting	7
3.2.2	Emissions Inventories	7
3.2.3	Modeling	8
3.2.4	Emission Reduction Strategies	8
3.2.5	Maintenance for Growth	9
3.2.6	Public Involvement	9
3.3	Local, State, and EPA Commitments	10
3.3.1	State and Local Commitments	10
3.3.2	TDEC Commitments	10
3.3.3	TAPCB Commitments	11
3.3.4	EPA Commitments	11
3.4	Termination Provisions	13
3.5	Signatures	14
4.0	ACRONYMS USED IN THIS DCOUMENT	16

1.0 PURPOSE OF THE EARLY ACTION COMPACT

This Early Action Compact (EAC) serves as a Memorandum of Agreement among government agencies representing, collectively, local governments, the Knox County Department of Air Quality Management, state governments, including the Tennessee Air Pollution Control Board (TAPCB), and the United States Environmental Protection Agency (EPA). It is for the express purpose of commitment to EPA's "Protocol for Early Action Compacts Designed to Achieve and Maintain the 8-Hour Ozone Standard".

The "Protocol" allows for early voluntary 8-hour air quality improvement plans to be developed through a "Compact" between Local, State, and EPA officials for areas that are in attainment for the 1-hour ozone standard, but approach or monitor exceedances of the 8-hour standard. All areas in Tennessee are currently designated in attainment of the 1-hour ozone standard and, based on preliminary data for 2000 through 2002 a number of areas may not be in attainment of the 8-hour ozone standard. Thus, the areas are eligible and a good candidate for the Early Action Compact.

The EAC requires the development of an early action plan that includes all necessary elements of a comprehensive air quality plan, but is tailored to local needs and driven by local decisions. As long as all Compact terms and milestones are met, the effective date of nonattainment designations is deferred, as are related requirements. The early action approach will offer a more expeditious timeline for achieving emissions reductions than EPA's expected 8-hour implementation rulemaking, while providing "fail-safe" provisions for the area to revert to the traditional State Implementation Plan (SIP) process if specific milestones are not met. Currently, EPA plans to make the designations for the 8-hour ozone standard in 2004.

According to the latest EPA guidance, this Compact is to be executed no later than December 31, 2002. The air quality improvement plan required of the Compact is to be completed and its elements submitted to the EPA no later than December 31, 2004 to be incorporated into the Tennessee State Implementation Plan.

2.0 BACKGROUND

2.1 Air Quality Status/Trends in Tennessee

The entire State of Tennessee is currently in attainment for all pollutants with established National Ambient Air Quality Standards. Portions of the State however, are not expected to be in attainment with the 8-hour ozone standard by the end of 2002.

Table 1 provides a summary of Knoxville MSA, 4th highest 8-hour average readings for each of 2000, 2001, and 2002 and the design value for the three year period. A design value of 85 ppb or greater represents a nonattainment situation, thus the Knoxville MSA area is potentially classified with a nonattainment designation.

Table 1

Summary Data for 8-Hour Ozone Monitoring Sites Within the Knoxville MSA for 2000-2002

County	Site Name	MONITOR ID	2000 4th Max.	2001 4th Max.	2002 4th Max.	Design Value PPM
Anderson Co	Freels Bend_Study Area Melton Lake	470010101 - 1	0.093	0.085	0.099	0.092
Blount Co	Great Smoky Mountains Np Look Rock	470090101 - 1	0.096	0.086	0.102	0.094
Blount Co	Great Smoky Mountains Np - Cades Cove	470090102 - 1	0.081	0.075	0.082	0.079
Knox Co	9315 Rutledge Pike Mascot Tn 37806	470930021 - 1	0.096	0.086	0.095	0.092
Knox Co	4625 Mildred Drive	470931020 - 1	0.1	0.09	0.098	0.096
Sevier Co	Great Smoky Mountain Np Cove Mountain	471550101 - 1	0.096	0.091	0.103	0.096
Sevier Co	Clingsmans Dome, Great Smoky Mtns. Np	471550102 - 1	0.1	0.093	0.101	0.098
	Area adjacent to MSA.					
Jefferson Co	1188 Lost Creek Rd	470890002 - 1	0.095	0.091	0.099	0.095

Data Source Table 1. Preliminary 2002 data in gray is from sites without complete data for 2002 available yet.

2.2 History of Local Air Quality Planning Efforts

Reclassification status for old 1 hour ozone non-attainment areas in Tennessee.

As of December 2002, the previous nonattainment areas maintenance plans are in place and have been fully implemented.

KNOXVILLE, TN
09/27/1993 58 FR Page 50271 Final Approval Redesignation to Attainment

Ozone forecasting and outreach programs.

Beginning in April 2001 and culminating in September 2002, a statewide effort was undertaken to develop and implement an effective ozone forecasting and public outreach program. The ozone forecasting project focused on the existing metropolitan areas of the state with the support of the local air pollution control agencies, EPA, TVA and the state Air Pollution Control Division.

Several areas of the state are developing or participating in public outreach programs to encourage voluntary measures that can be taken on Ozone Action Days to help minimize emissions of precursor chemicals that contribute to ozone formation and exceedances.

Ozone forecasts were prepared and issued for the Knoxville area in Tennessee including the Great Smoky Mountains National Park. Local air quality reports were also prepared and issued on a daily basis in the Knoxville area of the state.

2.3 The Early Action Compact/Air Quality Improvement Plan

Areas formally declared in violation of the NAAQS are designated "nonattainment areas" and must meet certain Clean Air Act requirements such as:

A. New Source Review – requires a comprehensive review of new or expanded industrial operations to minimize air pollution. Emissions controls requirements are more stringent and costly than for attainment areas.
B. Transportation Conformity – requires a demonstration that regional long-range transportation plans will not negatively affect progress toward attainment or federal highway funds can be withheld.
C. Rate of Progress Requirements – a certain percentage of pollutants must be reduced each year.
D. Failure to Attain – consequences of failure to reach attainment by the specified date include stricter control measures and the potential for stiff penalties.
E. 10-year Maintenance Plan – includes additional or continuing mandatory programs for 10 years following attainment.

The area's participation in the Early Action Compact Protocol offers several key advantages relative to the traditional nonattainment SIP process. These include:

A. The EAC Protocol is designed to achieve clean air sooner than would be expected under the traditional nonattainment process.
B. The EAC Protocol affords the signatories greater flexibility in selecting emission reduction measures and programs that are best suited to local needs and circumstances.
C. The EAC Protocol ensures deferral of nonattainment designation and related requirements, thereby avoiding the stigma, cost, and economic development impacts associated with a nonattainment designation while the Protocol remains in effect.

The cornerstone of the Early Action Compact Protocol is the Air Quality Improvement Plan (AQIP) developed to reduce local ozone-forming emissions and lower summertime ozone levels. It is the official attainment/maintenance plan for the area to be developed under the EAC Protocol agreement. It is a comprehensive air quality plan that will be incorporated into a formal Tennessee State Implementation Plan, and the area will be required to carry out this plan just as in nonattainment areas. Unlike a nonattainment area SIP plan, though, the AQIP will be tailored to local needs and driven by local decisions. The specific elements required of the AQIP are described below in Section 3.2. According to the EAC Protocol, it must be completed and submitted by no later than December 31, 2004, to the EPA to be incorporated into the State SIP. However, recent guidance from EPA requires that the local plan must be complete and submitted to the

State and EPA by March 31, 2004 to provide adequate time for Tennessee to adopt the plan as a State rule prior to submittal to EPA as a SIP revision by December 31, 2004.

2.4 Regional Interstate Coordination

Tennessee has also participated in the Southern Appalachian Mountains Initiative and in VISTAS to coordinate air quality management in a multi-state fashion in East Tennessee.

3.0 MEMORANDUM OF AGREEMENT

This Early Action Compact (EAC) is a Memorandum of Agreement between the Environmental Protection Agency (EPA), the local governments in the Knoxville MSA (Knox, Blount, Sevier, Loudon, Union, Anderson) represented by their County Executives, the Jefferson County Executive and the state governments represented by the Tennessee Department of Environment and Conservation (TDEC), Tennessee Department of Transportation (TDOT) and the Tennessee Air Pollution Control Board (TAPCB). It is for the express purpose of developing and implementing an Air Quality Improvement Plan (AQIP) that will reduce ozone levels and achieve and maintain compliance with the 8-hour ozone standard in the Knoxville MSA.

3.1 General Provisions

A. The signatory parties commit to develop, implement and maintain the AQIP according to Protocol for Early Action Compacts endorsed by EPA on June 19, 2002 (as supplemented in a letter dated October 18, 2002, from Gregg Cooke, EPA, to Robert Huston, Texas Commission on Environmental Quality), and adhere to all terms and conditions stated in the Protocol. On November 14, 2002, EPA finalized its Early Action Compact guidance memorandum for state and local governments that spelled out specific milestones and tasks for a state or local government to qualify for an early action compact.

B. If the area fails to meet all the terms of the EAC, including meeting agreed-upon milestones, then it will forfeit its participation and will be subject to designation as nonattainment according to EPA's 8-hour ozone implementation rules.

C. Before formal adoption into the Tennessee 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 AQIP before it is submitted to the TAPCB for inclusion in the SIP. Once the AQIP elements are 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.

3.2 Air Quality Improvement Plan

The state and local governments agree to develop and implement an AQIP that will demonstrate attainment of the 8-hour ozone standard by December 31, 2007, and maintenance until at least 2012. The state and local governments will develop this plan in coordination with EPA, stakeholders, and the general public. The AQIP will include a process monitor and maintain long-term compliance with the standard. The AQIP will be finalized and submitted by March 31, 2004 for submittal by December 31, 2004, for SIP amendment. If a development or issue arises that may impact performance or progress toward milestones, the state or local government signatories will immediately notify all other signatories.

The AQIP will address the following major elements.

3.2.1 Milestones and Reporting

To facilitate performance monitoring and communication with the EPA, TAPCB, and stakeholders, the EAC protocol requires that the EAC include clearly measurable milestones for the development and implementation of the AQIP. Major milestones established for this EAC are shown below in Table 2. The individual participants representing their respective area will assess and report all progress relative to these milestones to the state which in turn will report all progress relative to these milestones in a regular, public process at least every six months.

Table 2. Major Milestones for the Tennessee State and Local Early Action Compact.

MILESTONE	DATE
EAC Memorandum of Agreement Executed	31DEC02
Identify & Describe Local Control Measures Being Considered	16JUN03
Emissions Inventories Completed	30JUN03
Initial Progress Report Prepared and Updated Every 6 Months	23JUN03
Base Case/Future Case Modeling Completed	30SEP03
Control Scenarios Modeling Completed	30NOV03
Adoption of Emission Reduction Measures	30JAN04
Completion/Adoption of Air Quality Improvement Plan and Submittal to the EPA for Review	31MAR04
Submittal of SIP	31DEC04
All Local Emission Reduction Strategies Implemented	31MAR05
Review Progress in Implementation of Reduction Strategies	30JUN06
EAC Expires	31DEC07

3.2.2 Emission Inventories

Base case(s) and related future year (2007) emissions inventories will be developed by June 30, 2003. These inventories will be used for input for SIP-quality regional airshed modeling, thus they must be developed using tools that are suitable for this purpose and approved by both TDEC and EPA. The base case(s) inventories will be developed for 1999 or later episodes selected to be representative of typical ozone exceedance situations as determined with EPA episode selection guidance. The inventories will include:

A. Point source emissions – employing TDEC Emission Inventory System data.
B. Onroad mobile source emissions – employing Mobile 6 emission modeling based on appropriate transportation data for the Knoxville MSA.
C. Nonroad sources - model data adjusted for local equipment usage.
D. Area sources - data based, where possible, on local survey data.
E. Biogenic sources – inventory developed employing methods acceptable to TDEC and EPA.

Where practicable, trends in emissions from the various source categories will be analyzed to provide a better understanding of emissions trends statewide and to facilitate verification of accuracy of the inventories.

3.2.3 Modeling

All modeling will be based on the "Draft Guidance on the Use of Models and Other Analyses in Attainment Demonstrations for the 8-hour Ozone NAAQS" (EPA-454/R-99-004, May 1999). The modeling will follow the guidance as facilitated by the EPA Regional Office. Regional airshed modeling for the Air Quality Improvement Plan will employ an EPA-accepted modeling technique and appropriate EPA guidance for SIP-level modeling. Modeling protocol development, episode selection, model input preparation, and actual model simulations will involve close collaboration and agreement of the participating representatives, TAPCB, and EPA. As mentioned previously, there may also be opportunity to coordinate with representatives of other planning areas for efficiency and consistency in regional modeling efforts.

Base case and future case (2007) modeling are scheduled to be completed by September 30, 2003. Control strategy modeling including direction (e.g. effectiveness of VOC vs. NOx controls) and range finding (percent reduction scenarios – i.e. needed reduction levels) as well as control strategies scenarios are scheduled to be completed by November 30, 2003.

All adopted Federal and State emission reduction measures that have been or will be implemented by March 31, 2005, will be included in base case, future case, and control strategy modeling.

Modeling efforts will be carefully documented. Model performance will be assessed to assure conformance with EPA's accepted model accuracy criteria. A technical support document describing the modeling effort and attainment demonstration will be part of the AQIP submittal.

3.2.4 Emission Reduction Strategies

Following research of various emission reduction strategies and, with guidance provided by testing of various strategies with the developed regional airshed modeling, the participating stakeholders will select and adopt local emission reduction measures necessary to support demonstration of attainment of the 8-hour ozone standard by December 31, 2007. The research, selection, and adoption process for the local measures is scheduled to be completed by March 30, 2004. However, recent EPA guidance requires that likely local measures being considered for the AQIP should be identified and described by June 16, 2003.

The selected local emission reduction measures will be specific, quantifiable, and enforceable. Specific implementation dates, as well as detailed documentation and reporting processes will be provided for each.

The local emission reduction measures will be incorporated by the TAPCB into the SIP and submitted to EPA for review and approval. In the event the area desires to add, delete or substitute measures after SIP promulgation, the area will request a modification of the AQIP. Such modification will be treated as a SIP revision and facilitated by the Tennessee Department of Environment and Conservation (TDEC).

3.2.5 Maintenance for Growth

The AQIP will include a component to address emissions growth at least 5 years beyond December 31, 2007, ensuring that the previous nonattainment or attaining participating areas will remain in attainment of the 8-hour standard during that period. The future attainment maintenance analysis may 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 stationary and mobile sources) to ensure control measures and growth assumptions are adequate;
C. Identification and quantification of federal, state, and/or local measures indicating sufficient reductions to offset growth estimates.

The AQIP will also detail a continuing planning process that includes modeling updates and modeling assumption verification (particularly growth assumptions) where changes in emissions inventories and growth assumptions warrant. The continuing planning process will consider and evaluate:

A. All relevant actual new point sources and major modifications of existing sources;
B. Impacts from increased emissions from potential new source growth;
C. Future transportation patterns and their impact on air quality in a manner that is consistent with the most current adopted Long Term Transportation Plan and most current estimate of local motor vehicle emissions as adopted in the Knoxville MPO's, and any conformity documents approved by the U. S. Department of Transportation and EPA.

If the review of growth demonstrates that adopted emission reduction measures are inadequate to address growth in emissions, additional measures will be added to the AQIP through the SIP revision process.

3.2.6 Public Involvement

Public involvement will be conducted in all stages of the planning and implementation process. Public education programs will be used to raise awareness regarding issues, opportunities for involvement in the planning process, implementation of control strategies, and any other issues important to the participants. Interested stakeholders will be involved in the planning process as early as possible. They will be provided advance notice of meeting times, locations, and agenda for planning meetings. Plan drafts will be publicly available, and the document development process will have sufficient opportunities for comment from all interested stakeholders. Stakeholders will include, at a minimum, local environmental groups, Chambers of Commerce and other business groups, and the transportation community. Public comment on the proposed final AQIP will follow the normal SIP revision process as implemented by TAPCB. Semi-annual reports detailing, at a minimum, progress toward milestones will be publicly presented and available.

3.3 Local, State, and EPA Commitments

3.3.1 State and Local Commitments

The State, including TDEC, and Local Governments will jointly hold responsibility for the development and implementation of the early action plan (Air Quality Improvement Plan), as well as for maintaining communication with all parties to the Compact. The Local Air Pollution Control Program will be the lead agency in Knox county. TDEC will be the lead agency for all other MSA counties and for Jefferson County. Other responsibilities include:

A. Drawing up the Compact, which embodies the requirements described in the EAC Protocol, including a time line for milestones;
B. Completing and signing by all parties of the Early Action Compact no later than December 31, 2002;

C. Completing and adopting the emission reduction measures elements of the AQIP as part of the SIP no later than March 31, 2004.
D. Notifying parties as soon as possible if Compact milestones will be missed or have been missed;
E. Notifying parties as soon as possible if Compact modification/termination is to be requested.

3.3.2 TDEC Commitments

The State, represented by TDEC and TDOT, will provide support to all participants throughout the planning and implementation process. Areas of support will include:

A. Technical assistance in the development of emission inventories, modeling process, trend analysis, and quantification and comparison of emission reduction strategies;
B. Necessary information on all Federal and State adopted emission reduction measures which affect the area;
C. Critical third party review of emissions inventory, modeling, and self-evaluation work;
D. Technical and strategic assistance, as appropriate, in the selection and implementation of emission reduction strategies;
E. Technical and planning assistance in developing and implementing processes to address the impact of emissions growth beyond the attainment date;
F. Maintenance of monitors and reporting and analysis of monitoring data;
G. Support for public education efforts;
H. Coordinate communication between stakeholders and EPA to facilitate continuing EPA review of local work;
I. Propose a modification of the SIP to adopt the appropriate elements of the AQIP;
J. 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.

3.3.3 Tennessee Air Pollution Control Board Commitments

The Tennessee Air Pollution control Board, in consultation with TDEC, the local governments, interested stakeholders and members of the public will help to ensure that actions under the Early Action Compact are tailored to the needs of and that adequate

progress is attained under the AQIP. In consultation with the aforementioned, the Tennessee Air Pollution Control Board will:

A. By February 1, 2003 develop a plan for routine state-level consultation with members of the environmental, public health and business communities as well as opportunities for timely public input and comment.

B. By March 1, 2003, develop measurable goals and milestones, building on those listed in Table 2: identify the consequences of failure to achieve goals and milestones and provide samples of acceptable control measures for the AQIP.

C. Every 6 months conduct a formal review of progress attained under the EAC, including determining whether the terms of the EAC, in general and with respect to each local area, should be modified or revoked.

3.3.4 EPA Commitments

The EPA will recognize the State and Local commitment to voluntarily adopt an early, substantive, scientifically-based and enforceable attainment plan with early implementation of control measures by becoming a party to the Early Action Compact developed in conformance with the EPA's EAC Protocol. EPA responsibilities include:

A. Provided that the monitors in the Knoxville MSA reflect attainment by December 31, 2007, EPA will move expeditiously to designate those areas as attainment and impose no additional requirements other than those federally approved SIP revisions undertaken pursuant to this Early Action Compact. The Office of Management and Budget (OMB) has announced changes for Core Based Statistical Areas (65 FR 82228,12/27/2000 FR) and plans to publish new lists of areas in June 2003. EPA will be evaluating OMB's new lists after they are released to determine whether they concur and/or can still use OMBs new definition for purposes of the starting point for nonattainment area boundaries. At that time EPA will also look at the nonattainment boundary guidance memo of 3/28/2000 to see if it might need updating based on the OMB work.

B. If monitors in the Knoxville MSA reflect nonattainment when EPA's 8-hour implementation guidelines call for designations or at any time during the area's participation in the Early Action Compact, EPA will defer the effective date of nonattainment designation and related requirements for the area as long as all terms and milestones of the Compact are being met, including submission of the early action SIP revision by 2004.

C. The EPA will provide technical assistance to all Tennessee participants in the development of the early action plan.

D. The EPA will move quickly to review and approve completed plans by no later than nine months after submission of the SIP revision by TDEC.

E. Provided that the area has progressed from nonattainment to attainment status by December 31, 2007, EPA will move expeditiously to designate the area as attainment and impose no additional requirements.

F. 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 and be designated (or re-designated if necessary) according to EPA's 8-hour ozone implementation guidelines. The EPA will offer such an area no delays, exemptions or other favorable treatment because of its previous participation in this program.

G. If the any of the monitors identified in Table 1 violates the standard after December 31, 2007, the area will be designated nonattainment. TDEC 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.

H. 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.

3.4 Termination Provision:

This Early Action Compact is offered to EPA in good faith as a way to achieve clean air quicker with the opportunity to tailor a control plan in the most beneficial way possible to a local or state area. It is expressly declared that prior to adoption of early control measures into the SIP of Tennessee, a signatory to this Early Action Compact may opt out of the process by filing a written notice to the other signatories. In filing said written termination notice, the terminating entity will revert to the routine attainment designation process provided in the Clean Air Act and its implementing regulations in effect at the time of the signing of this document. It is also recognized that if EPA deems the terminating entity's emissions are critical to the success of an Early Action Compact, EPA may nullify the Early Action Compact for the entire MSA.

In evaluating certain public participation documents that were filed as part of the process that created this document, it is apparent that not all entities agree with the concept of an Early Action Compact. If litigation should ensue that results in the inability of any entity to live up to the commitments made including actual SIP revisions, then the signatories shall have the option of withdrawing all or part of any SIP revision given to EPA as part of the Early Action Compact and EPA shall honor that withdrawal.

3.5 Signatures

The signatory below, as authorized by the Tennessee Air Pollution Control Board Resolution approved December 11, 2002, has agreed to this Early Action Compact, which becomes effective on December 27, 2002. All other signatories shall be attached as appropriate.

Richard A. Bolton — Dec. 27, 2002

Mr. Richard A. Bolton, Vice-Chairman
Tennessee Air Pollution Control Board

Date

J. F. Palmer, Jr. — 12-31-02

J. F. Palmer, Jr.
Regional Administrator
Region 4

Date

4.0 Table of Acronyms as Used in this Document

MSA	Metropolitan Statistical Area
EAC	Early Action Compact
EPA	Environmental Protection Agency
TAPCB	Tennessee Air Pollution Control Board
SIP	State Implementation Plan
ppb	parts per billion
GVWR	Gross Vehicle Weight Rating
OBD II	On Board Diagnostics
I/M	Inspection and Maintenance
TVA	Tennessee Valley Authority
NAAQS	National Ambient Air Quality Standards
AQIP	Air Quality Improvement Plan
SAMI	Southern Appalachian Mountain Initiative
VISTAS	Visibility Improvement State and Tribal Association of the Southeast
VOC	Volatile Organic Compound
NO_X	Nitrogen Oxide
TDEC	Tennessee Department of Environment and Conservation
MPO	Metropolitan Planning Office
TDOT	Tennessee Department of Transportation
CAA	Clean Air Act

ANDERSON COUNTY

REX A. LYNCH
COUNTY EXECUTIVE

December 26, 2002

Barry Stephens, P.E
Technical Secretary
Tennessee Air Pollution Control Board
9th Floor, L&C Annex
401 Church Street
Nashville, TN 37243-1531

Dear Mr. Stephens,

Upon evaluation of the document entitled *Early Action Compact for the State of Tennessee and Anderson County*, I have concluded that the compact serves the best interest of the citizens of Anderson County. I therefore sign this document with the express understanding that once the specific measures needed to stay in the compact are made known to me, I have the option of canceling Anderson County's participation in the compact. The opting-out of my area will result in the attainment designation process returning to status quo with no penalty to the area that I represent.

I certify that I have the necessary authority to enter into a commitment of this nature, and bind the area that I represent.

Sincerely,

Rex Lynch
Anderson County Executive

100 NORTH MAIN STREET • SUITE 208 • CLINTON, TENNESSEE • 37716
PHONE: (865) 457-5400, EXTENSION 200-201 • FAX: (865) 457-5491

Beverley D. Woodruff
Blount County Executive
341 Court Street, Maryville, TN 37804-5906

December 20, 2002

Mr. Barry R. Stephens, P.E.
Technical Secretary
Tennessee Air Pollution Control Board
9th Floor, L & C Annex
401 Church St.
Nashville, TN 37243-1531

Dear Mr. Stephens:

After evaluating the document entitled *Early Action Compact for the State of TN and Blount County*, I have concluded that the compact serves the best interest of the citizens of Blount County.

I, therefore, sign this document with the express understanding that once I know the specific measures needed to stay in the compact, I have the option of canceling Blount County's participation in the compact. My understanding is if my area opts out, this will result in the attainment designation process returning to status quo with no penalty to the area that I represent.

I certify that I have the necessary authority to enter into a commitment of this nature, and bind the area that I represent.

Sincerely,

Beverley D. Woodruff
Blount County Executive

pj

Enclosure

Phone: (865) 273-5700
email: bwoodruff@mail.blount.state.tn.us

AIR POLLUTION CONTROL
TN. DIV. OF
2002 DEC 18 11:16
RECEIVED

December 16, 2002

SEVIER COUNTY
LARRY WATERS
County Executive

Room 201E
125 Court Avenue
Sevier County Court House
Sevierville, Tennessee 37862
Office: (865) 453-6136
Home: (865) 436-4796
FAX: (865) 453-6830

Mr. Barry Stephens, P.E.
Department of Environment & Conservation
9th Floor, L & C Annex, 401 Church Street
Nashville, Tennessee 37243-1531

Dear Mr. Stephens,

Upon evaluation of the document entitled Early Action Compact for the State of Tennessee and Sevier County, I have concluded that the compact serves the best interest of the citizens of Sevier County. I therefore sign this document with the express understanding that once the specific measures needed to stay in the compact are made known to me, I have the option of canceling Sevier County's participation in the compact. The opting-out of my area will result in the attainment designation process returning to status quo with no penalty to the area that I represent.

Larry Waters
Name

Sevier County Executive
Title

12/17/02
Date

County of Loudon

GEORGE M. MILLER — COUNTY EXECUTIVE

100 RIVER RD. #106 LOUDON, TENNESSEE 37774 PH. (865) 458-4664

December 19, 2002

Mr. Barry R. Stephens, P.E.
Technical Secretary
Tennessee Air Pollution Control Board
9th Floor, L&C Annex, 401 Church Street
Nashville, TN 37243-1531

Dear Mr. Stephens:

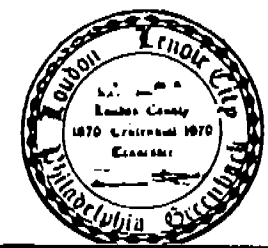
Upon evaluation of the document entitled *Early Action Compact for the State of Tennessee and Loudon County*, I have concluded that the compact serves the best interest of the citizens of Loudon County. I therefore sign this document with the express understanding that once the specific measures needed to stay in the compact are made known to me, I have the option of canceling Loudon County's participation in the compact. The opting-out of my area will result in the attainment designation process returning to status quo with no penalty to the area that I represent. Loudon County supports the compact and will participate in the stakeholder process to develop a local area plan.

I certify that I have the necessary authority to enter into a commitment of this nature, and bind the area that I represent.

Yours truly,

George M. Miller

George M. Miller
Loudon County Executive



OFFICE OF COUNTY EXECUTIVE, MIKE RAGSDALE

400 Main Street, Suite 615, Knoxville TN 37902

2002 DEC 23 PM 1:42

December 18, 2002

CERTIFIED MAIL

Mr. Barry Stephens
TN Dept. of Environment & Conservation
Division of Air Pollution Control
9th Floor, L&C Annex
401 Church Street
Nashville, TN 37243-1531

Dear Mr. Stephens:

Upon evaluation of the document entitled *Early Action Compact for the State of Tennessee and Knoxville Local Area,* I have concluded that the compact serves the best interest for the citizens of Knox County. I therefore sign this document with the express understanding that once the specific measures needed to stay in the compact are made known to me, I have the option of canceling Knox County participation in the compact. The opting-out of my area will result in the attainment designation process returning to status quo with no penalty to the area that I represent.

I certify that I have the necessary authority to enter into a commitment of this nature, and bind the area that I represent.

Name: Michael R. Ragsdale
Title: Knox County Executive
Date: December 18, 2002

Michael R. Ragsdale

county.exec@knoxcounty.org • ph 865.215.2005 • fax 865.215.2002

LARRY G. LAY
UNION COUNTY EXECUTIVE

901 MAIN STREET• SUITE 124
MAYNARDVILLE, TN 37807
(865) 992-3061
FAX: (865) 992-1937
E-MAIL: larrylay@unioncountytn.org
WEB: www.unioncountytn.org

2002 DEC 17 PM 3:29

December 16, 2002

State of Tennessee
Department of Environment and Conservation
Barry R. Stephens, P. E.
Division of Air Pollution Control
9th Floor, L & C Annex, 401 Church Street
Nashville, TN 37243-1531

Dear Mr. Stephens:

Upon evaluation of the document entitled Early Action Compact for the State of Tennessee and Union County, I have concluded that the compact serves the best interest of the citizens of Union County. I therefore sign this document with the express understanding that once the specific measures needed to stay in the compact are made known to me, I have the option of canceling Union County's participation in the compact. The opting-out of my area will result in the attainment designation process returning to status quo with no penalty to the area that I represent.

I certify that I have the necessary authority to enter into a commitment of this nature, and bind the area that I represent.

Larry Lay
Union County Executive
December 16, 2002

JEFFERSON COUNTY, TENNESSEE

GARY W. HOLIWAY, COUNTY EXECUTIVE
P. O. Box 710
Dandridge, Tennessee 37725
Phone: 865 / 397-3800

December 17, 2002

Barry R. Stephens, P.E.
Division of Air Pollution Control
9th Floor, L & C Annex, 401 Church Street
Nashville, TN 37243-1531

Re: Early Action Compact

Dear Mr. Stephens;

Upon evaluation of the document entitled *Early Action Compact for the State of Tennessee and Jefferson County* , I have concluded that the compact serves the best interest of the citizens of Jefferson County. I therefore sign this document with the express understanding that once the specific measures needed to stay in the compact are made known to me, I have the option of canceling Jefferson County's participation in the compact. The opting-out of my area will result in the attainment designation process returning to status quo with no penalty to the area that I represent.

I certify that I have the necessary authority to enter into a commitment of this nature, and bind the area that I represent.

Sincerely,

Gary W. Holiway
County Executive

GWH:ks

BEFORE THE TENNESSEE AIR POLLUTION CONTROL BOARD

CLEAN AIR EARLY ACTION RESOLUTION

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

WHEREAS, in 1997, the Environmental Protection Agency promulgated an 8-hour ground level ozone standard;

WHEREAS, ground level ozone is a prime ingredient in smog during the warmer weather seasons and can act as an irritant that may aggravate respiratory diseases and otherwise affect human health;

WHEREAS, monitoring by the Tennessee Department of Environment and Conservation and the four local air programs operating under a Certificate of Exemption from the board indicates that certain counties in Tennessee, may be approaching or exceeding the 8-hour ground level ozone standard;

WHEREAS, exceedance of the 8-hour ground level ozone standard by a county will cause that county or portions of that county to be classified as "non-attainment" for ground level ozone under the CAA;

WHEREAS, a non-attainment 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 non-attainment county, thereby resulting in negative economic impacts and diminished job growth;

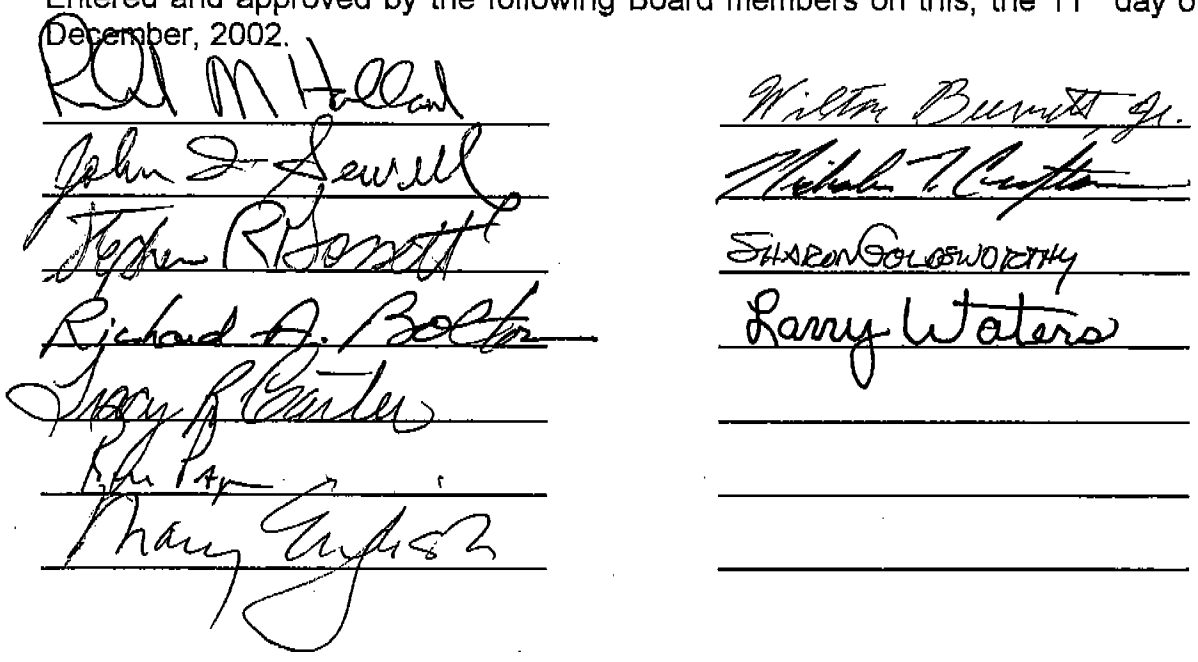
WHEREAS, Section 68-201-103 of the Tennessee Air Quality Act instructs the Board and Department of Environment and Conservation to protect air quality in such a fashion as to maximize industrial development and full employment levels in the state;

WHEREAS, the local officials of counties of the state that may be exceeding the 8-hour ground level ozone standard place great value and importance on the health of their citizens and the related need for clean air;

WHEREAS, the Tennessee Air Pollution Control Board views participation in the Early Action Program as a proactive means of achieving compliance with the 8-hour ground level ozone standard ahead of the federally-mandated compliance date while avoiding unnecessary and burdensome federal restrictions that normally apply to non-attainment areas.

NOW, THEREFORE, in recognition of the above provisions, the Tennessee Air Pollution Control Board adopts this resolution to express its support for the process of developing Early Action Compacts for potential nonattainment areas of Tennessee in conformity with EPA's guidance on this subject. Further, the Board authorizes its Vice-Chair to sign any and all Early Action Compacts (EACs) whose language generally conforms with the draft Early Action Compact endorsed on December 11, 2002, and which are submitted individually or collectively by local governments comprising a potential nonattainment area as a cooperative means of improving air quality to meet applicable state and federal air quality standards. By entering into this resolution, the Board expects the Participating Counties to agree to the following:

1. Each Participating County will provide individuals to serve on a Steering Committee for each local area. The Steering Committee shall be representative of stakeholder interests, including but not limited to public health groups, environmental groups, the business community, transportation planners, and others. The Steering Committee will strive to finalize an Air Quality Improvement Plan. The Air Quality Improvement Plan is intended to direct implementation of proactive measures that will bring the Participating Counties into compliance with the 8-hour ozone standard consistent with Tennessee's Early Action Compact.

2. Once an Air Quality Improvement Plan is developed by the Steering Committee, each of the Participating Counties will consider adoption of the Air Quality Improvement Plan within the boundaries of the respective participating Counties consistent with the goals of the Early Action Compact.

Entered and approved by the following Board members on this, the 11th day of December, 2002.