

FACT SHEET

EARLY ACTION COMPACT AREAS -- PROPOSED EXTENSION TO DEFERRAL OF CLEAN AIR ACT REQUIREMENTS FOR 8-HOUR OZONE NATIONAL AMBIENT AIR QUALITY STANDARDS

ACTION

- On Thursday, August 4 the U.S. Environmental Protection Agency (EPA) proposed to continue deferring Clean Air Act requirements to reduce ozone pollution for 14 *Early Action Compact* areas from December 31, 2006 to April 15, 2008. Communities with *Early Action Compacts* are starting to reduce smog one to two years sooner than required by the Clean Air Act.
- EPA is proposing this deferral because the 14 areas met the milestone of submitting progress reports on December 31, 2005 and June 30, 2006. The progress reports describe actions taken to implement their State Implementation Plans to reduce smog in their area. All plans met the requirement to include all adopted control measures that demonstrate attainment of the 8-hour ozone NAAQS by December 31, 2007.
- This is the third time EPA has proposed to defer the date by which certain Clean Air Act requirements become effective for the *Early Action Compact* areas. EPA finalized the second deferral in August 2005 after the areas met a previous milestone.
- As long as these 14 *Early Action Compact* areas meet agreed upon milestones to reduce ozone pollution in their areas, certain Clean Air Act requirements, such as controls on new sources, are deferred by EPA and will not apply.
- The areas receiving a deferral are: Frederick County/Winchester, Va.; Roanoke, Va.; Washington County/Hagerstown, Md.; Berkeley & Jefferson Counties, W.Va.; Hickory/Morganton/Lenoir area, N.C.; Fayetteville, N.C.; Greensboro/Winston-Salem/Highpoint area, N.C.; Greenville-Spartanburg-Anderson, S.C.; Columbia area, S.C.; Chattanooga area, Tenn.; Nashville area, Tenn.; Johnson City-Kingsport-Bristol area, Tenn.; San Antonio area, Texas; and Denver-Boulder-Greeley-Ft. Collins-Love area, Colo.
- The EPA will accept public comment for 30 days after the proposal is published in the Federal Register.

BACKGROUND

- In April 2004, EPA published a final rule designating areas of the country as either meeting or not meeting the ground-level ozone National Ambient Air Quality Standards (NAAQS), also called the 8-hour ozone NAAQS. If an area fails to meet health-based national air quality standards, the Clean Air Act requires an area to implement a number of efforts to improve air quality by a certain date.

- EPA is working with several areas across the country to reduce ground-level ozone, or smog, as quickly as possible. Together with EPA, these communities entered into agreements called *Early Action Compacts*. These Compacts give areas the flexibility to develop their own approach to meeting the 8-hour ozone standard, provided they achieve clean air sooner than the Clean Air Act would otherwise require.
- There are 29 Early Action Compact areas in the country. Fifteen of these communities already meet the 8-hour ozone standard, but chose to join the compact to ensure that they stay in attainment and because they wish to take voluntary steps to protect the health and quality of life in their communities.
- *Early Action Compacts* require communities to:
 - ▶ Develop and implement air pollution control strategies,
 - ▶ Account for emissions growth, and
 - ▶ Achieve and maintain the national 8-hour ozone standard.
- *Early Action Compact* areas must attain the 8-hour ozone standard no later than December 31, 2007. Any compact area that does not meet the standard at that time will be designated as not meeting the standard by April 15, 2008, which will trigger the mandatory Clean Air Act requirements to reduce ground-level ozone.
- EPA will withdraw the deferral if an area misses any milestone set out in the *Early Action Compact*.
- In addition to working with areas that are participating in *Early Action Compacts*, EPA is also working with local governments, States and Tribes that are not participating in an *Early Action Compact* to develop an implementation strategy for the 8-hour ozone standard.

FOR MORE INFORMATION

- To download a copy of this notice, go to EPA's World Wide Web site at: <http://www.epa.gov/ttn/naaqs/ozone/eac/index.htm#RMNotices>
- Today's proposed action and other background information are also available either electronically at www.regulations.gov, the federal government's docket management system, or in hard copy at EPA West, U.S. EPA (6102T), 1301 Constitution Avenue, NW, Washington, DC 20460. (Docket ID No. EPA-HQ-OAR-2003-0090). The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the Air and Radiation Docket and Information Center is (202) 566-1742.
- NOTE: The EPA Docket Center suffered damage due to flooding during the last week of

June 2006. The Docket Center is continuing to operate. However, during the cleanup, there will be temporary changes to Docket Center telephone numbers, addresses, and hours of operation for people who wish to make hand deliveries or visit the Public Reading Room to view documents. Consult EPA's Federal Register notice at 71 FR 38147 (July 5, 2006) or the EPA website at www.epa.gov/epahome/dockets.htm for current information on docket operations, locations and telephone numbers. The Docket Center's mailing address for U.S. mail and the procedure for submitting comments to www.regulations.gov are not affected by the flooding and will remain the same.

- HOW TO COMMENT: Comments will be accepted for 30 days beginning when this proposal is published in the Federal Register. All comments should be identified by Docket ID No. EPA-HQ-OAR-2003-0090 and submitted by one of the following methods:
 - [Federal e-rulemaking portal](http://www.regulations.gov) (www.regulations.gov);
 - [E-mail](mailto:a-and-r-docket@epa.gov) (a-and-r-docket@epa.gov);
 - Facsimile (202) 566-1741;
 - Mail (Air and Radiation Docket and Information Center, Environmental Protection Agency, Mailcode: 6102T, 1200 Pennsylvania Avenue, NW, Washington, DC 20460); or Hand delivery (Air and Radiation Docket and Information Center, Environmental Protection Agency, Room B102, 1301 Constitution Avenue, NW, Washington, DC).

- Information on *Early Action Compacts* is available at <http://www.epa.gov/oar/eac/basic.html>