

3rd Semi-Annual Progress Report

Ozone Early Action Plan.

For

Eastern Panhandle WV
Ozone Early Action
Compact Area

June 30, 2004

City of Martinsburg, Berkeley and Jefferson Counties, WV

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Introduction & Project Background

In 1997, the United States Environmental Protection Agency (EPA) established a new 8-hour ozone National Ambient Air Quality Standard (NAAQS). This standard was the result of a review of ground level ozone and related health impacts, and was designed to replace the older 1-hour standard. The creation of this new standard was meant to address the cumulative impact of ozone exposure at lower levels for a longer period of time. As such, the new standard is set at a lower level (0.08 parts per million) than the previous standard (0.120 parts per million) and is more protective of human health.

As part of the implementation of the new standard, states submitted area designation recommendations to the EPA in June of 2000 that identified potential ozone nonattainment areas based on air quality data during 1997 to 1999. The Eastern Panhandle area of West Virginia (Berkeley and Jefferson counties) was identified at that time as one of the potential nonattainment areas, mainly based on the fact that the area is currently part of the Baltimore-Washington DC MSA. No monitors were present in either Berkeley or Jefferson counties during this period.

A number of concerns were raised by the potential nonattainment areas about the adverse impacts of a possible nonattainment designation. In response, the Eastern Panhandle area and West Virginia Department of Environmental Protection began to investigate possible voluntary actions that could be implemented proactively to improve air quality and lessen the possible impact of a formal nonattainment designation in areas that marginally exceed the new standard.

The most promising of the options explored was the EPA's Ozone Early Action Compact (EAC) program. The EAC concept was originally developed by several areas in Texas in early 2002 and subsequently endorsed and expanded by the EPA as national voluntary program.

EACs are voluntary agreements by the localities, states, and the EPA to develop Early Action Plans (EAPs) to reduce ozone precursor pollutants and improve local air quality in a proactive manner, and in a shorter time than what would occur through the traditional nonattainment area designation and planning process. These plans must include the same components that make up traditional State Implementation Plans (SIPs). This includes emissions inventories, control strategies, schedules and commitments, and a demonstration of attainment based on photochemical modeling.

The goal of an EAP is to develop a comprehensive strategy that will bring an area into attainment of the 8-hour ozone standard by 2007. This goal is to be

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achieved by selecting and implementing local ozone precursor pollutant control measures that when combined with other measures on the state and national level, are sufficient to bring the area into compliance with the standard. If the area is successful in developing a plan that demonstrates attainment of the 8-hour ozone standard by 2007 and continued attainment through 2012, the EPA will defer the effective date of the nonattainment designation for the area. This deferral will remain in place as long as certain milestones are met, such as implementation of local controls by 2005. If all interim milestones are met and the area demonstrates attainment of the standard during the period from 2005 to 2007 through air quality data, then the nonattainment designations will be withdrawn by EPA, without further regulatory requirements. If an area fails at any point in the process, it will revert back to traditional nonattainment status, with all the associated requirements of such a designation.

The Eastern Panhandle area of West Virginia has entered into an Early Action Compact which includes both Berkeley and Jefferson counties. This Compact was signed by all the parties involved and then submitted to the EPA by the required date (December 31, 2002). The area has subsequently established and empowered the Eastern Panhandle Air Quality Task Force to coordinate the development of the Ozone Early Action Plan for the area. This Task Force has a diverse and knowledgeable membership, which will greatly aid in the development of a comprehensive plan.

The remainder of this status report describes the project area, the significant events and progress made thus far, efforts to encourage public participation in the process, and the technical support activities that have been conducted to support the selection of the final local emissions control measures.

Air Quality Status of the Eastern Panhandle Region

2 EPA entered a consent decree to finalize 8-hour ozone designations by April 15, 2004. On that date, the Eastern Panhandle region of West Virginia, (Berkeley and Jefferson Counties), was designated nonattainment - deferred for the 8-hour ozone standard. This conditional deferral is based on the March 31st. submittal of an acceptable Ozone Early Action Plan which demonstrates attainment of the standard in 2007 and the continued meeting of implementation milestones.

Historically, there had been little reason to site an air pollution monitor in the West Virginia portion of the area due to its relatively low population and agricultural nature. Subsequent growth in Berkeley and Jefferson has largely been residential in character with few new large air pollution sources. Nevertheless, the DAQ set up and began operating an ozone monitor in Berkeley

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County (Martinsburg, WV) in calendar year 2000 with complete quality assured ozone season data becoming available starting in 2001. The most recent data (2001-2003) from Martinsburg, considered representative of Berkeley and Jefferson counties (BJC), yields a three year design value of 86 parts per billion (ppb), which does not meet the 8-hour ozone standard. The State of West Virginia concurs with US EPA's designation of this area as "nonattainment – deferred", pursuant to the Early Action Compact.

Adopted Local Control Measures

The City of Martinsburg and Berkeley and Jefferson counties in West Virginia entered into an Ozone Early Action Compact in December of 2002. Discussions with county officials and local economic development authorities continued through the beginning of calendar year 2003. Representatives from the area also participated in Air Improvement Task Force meetings with neighboring Winchester – Frederick County in Virginia.

In late April, 2003, the Berkeley County Economic Development Authority, on behalf of Berkeley and Jefferson counties, procured the professional services of Wilbur Smith Associates, a transportation/air quality planning firm to assist in facilitating Air Quality Task Force meetings and developing the required consensus-based documents for the June 16th and 30th submittals to US EPA.

A broad-based group of stakeholders was brought together in April 2003 which became the Eastern Panhandle Air Quality Task Force. The first meeting of the group was held in Martinsburg WV on April 23, 2003 with approximately 27 in attendance. The Task Force members include local government representatives from both Counties and the City of Martinsburg, local businesses and industries, healthcare interests and environmental interests. State Departments of Transportation and Environmental Protection are also participants. (A complete listing of Air Quality Task Force Members is included as an attachment.)

Meetings of the Eastern Panhandle Air Quality Task Force have continued throughout 2003, and into 2004. The Air Quality Task originally focused on educational and informational activities so that members could understand the complexity of the air pollution issues facing the region. Task Force activities during fall 2003 focused on evaluating the specific emissions control strategies that might be appropriate for the region. During this period, the Task Force after examining a compilation of over 100 potential emissions control strategies selected 25 measures for an initial screening for potential feasibility. Environ corporation, sub-consultant to Wilbur Smith Associates, performed the initial screening for the Task Force. The criteria used by the consultant for the screening were technical feasibility, potential emissions reductions, timeframe

considerations, and potential US EPA acceptance, in terms of quantifiable and enforceable reductions

The Task Force spent a considerable amount of time evaluating the information provided by Environ and questioned Environ Managing Principle, David Souten extensively regarding the evaluation. Environ went on to recommend the “top ten” emissions reduction strategies, strictly from a scientific standpoint. The group evaluated these recommendations and then with a few modifications, requested that Environ perform more in-depth analysis on 11 measures.

Further Analysis of the 11 remaining measures was performed by Environ and the results provided to the Air Quality Task Force. It was further decided that the measures would be divided into two categories for further consideration. The Primary category of measures would be those that would be implemented as quickly as possible, but no later than 2005. The contingency category of measures would be those that would be considered for future implementation after the results of the modeling for the attainment demonstration is finished.

After submittal of the December 31st. Progress Report, base-case and future case photochemical modeling was finished by the Virginia Department of Environmental Quality (VDEQ). That modeling has indicated that the Eastern Panhandle area will attain the 8-hour ozone standard by 2007 with the implementation of national and state control measures.

On March 9, 2004 the Executive Committee of the Eastern Panhandle Air Quality Task Force met to finalize selection of local emissions control measures and to discuss implementation of those measures. At the March 9 meeting it was decided that all previously identified primary control measures should be implemented, with the exception of lower RVP gasoline. This measure was removed from the primary list of measures and added to the contingency list of measures.

Table 1 below includes the complete list of adopted primary local control measures for the Eastern Panhandle of WV Early Action Plan. These measures have been carefully selected based on stakeholder consultation and taking into consideration available resources and political constraints. These measures are realistic and have received broad public support.

**Ozone Early Action Plan
Eastern Panhandle Region, WV**

**Table 1
Ozone Early Action Plan
Eastern Panhandle of West Virginia (Berkeley-Jefferson Counties)**

Final List of Emission Reduction Strategies

Local Control Measures	Description of Measure	Non-Modeled Estimate of Emissions Reduction (Tons per Day)	Proposed Date for Implementation	Local Government Implementation
<i>Primary Measures</i>				
Ozone Action Days Program	A two-pronged program aimed at reducing emissions on days where ozone levels are likely to be high; Program would be geared to both the general public and employers.	0.09 NOx 0.32 VOC	7/1/2004	Berkeley County Jefferson County
Public Awareness Program	A two pronged program focusing on increasing the public's understanding of air quality issues in the region and increasing support for actions to improve the air quality.	0.88 NOx 0.72 VOC	7/1/2004	Berkeley County Jefferson County City of Martinsburg
Bicycle and Pedestrian Measures	A series of measures designed to promote bicycling and walking including both promotional activities and enhancing the environment for these activities.	0.12 NOx 0.20 VOC	9/1/2005	Berkeley County Jefferson County City of Martinsburg
Reduce Engine Idling	Voluntary program to restrict heavy duty diesel engine idling times for both truck and school buses.	0.17 NOx 0.01 VOC	7/1/2005	Berkeley County Jefferson County City of Martinsburg
Voluntary Partnership with Ground Freight Industry	A voluntary program using incentives to encourage the ground freight industry to reduce emissions.	0.84 NOx 0.07 VOC	7/1/2005	Berkeley County Jefferson County
Increase Compliance with Open Burning Restrictions	Increase public awareness of the existing open burning restrictions and work with communities to increase	0.0005 NOx 0.0054 VOC	7/1/2004	Berkeley County Jefferson County
School Bus Engine Retrofit	Have existing school bus engines retrofitted to lower emissions.	0.02 NOx 0.001 VOC	7/1/2004	Berkeley County Jefferson County City of Martinsburg

* Implementation of the school bus retrofit program is well underway.

Descriptions of Local Emissions Control Measures

Local officials have enthusiastically embraced the recommendations of the Air Quality Task Force. The City of Martinsburg and the Counties of Berkeley and Jefferson have officially adopted the final list of local control measures as their Early Action Plan. Detailed discussions have begun on the sharing and funding of responsibilities for various implementation activities among EAP participants.

The local governments, as well the Economic Development Authorities from each county have come together in the spirit of cooperation to provide funding for implementation of the EAP. The participating entities have already pledged \$220,000 for continuing work on the Early Action Plan and its implementation. Work has also begun on the writing of a job description for an Air Quality Coordinator to be charged with program implementation. Currently, efforts are underway to expand support for these programs beyond the limits of the two counties.

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Ozone Action Days – The program will be initiated by July 1 2004 and phased in throughout the following calendar year. The focus of the 2004 program will be educational and setting up the administrative processes needed for successful implementation. Program activities will be expected to increase for the 2005 ozone season, with the additional of participant employers. The Air Quality Coordinator will be working with the Virginia Department of Environmental Quality (VDEQ) to obtain the ozone forecasting needed for the Ozone Action Days Program.

Public Awareness Program – The public awareness program will be begun concurrently with the Ozone Action Days program. The focus of this program will be broader than Ozone Action Days, including information on the health impacts of air pollution and how changes in everyday behaviors can positively impact the air we breathe. The public awareness program will also be expanded incrementally throughout 2005.

Bicycle and Pedestrian Measures – This program will actually start prior to the September 2005 date listed in the EAP. Early activities will include promotion of bicycling and walking, particularly on Ozone Action Days. The second portion of this measure will be the review of each county's comprehensive plan to identify opportunities for changes that would support bicycling and walking. The issues for review will include but not be limited to sidewalk ordinances, mixed use development, bicycle accommodation of streets, pavement markings, future bicycle trails etc.

Reduce Engine Idling – This voluntary measure will be implemented by July 2005 and will be a measure that is coordinated with other EAC areas in the I-81 corridor. During the coming year, the details of this strategy will be fleshed out with neighboring jurisdictions.

Voluntary Partnership with Ground Freight – This measure will not be implemented until July 2005, allowing time for discussions and negotiations with the members of the ground freight industry with operations in the Eastern Panhandle area.

Increase Compliance with Open Burning Restrictions – Both counties have open burning restrictions now in place. However, these restrictions have not yet received much public attention. A program to bring about a higher level of compliance with the existing regulations will be begun this summer with the goal of impacting the 2004 ozone season. This measure will be part of both the general public awareness campaign as well as specifically targeted on Ozone Action Days. The counties will also work with local developers, construction companies and other entities that are impacted by these restrictions.

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School Bus Engine Retrofit -

This measure is a key element of the Eastern Panhandle Early Action Plan and includes the retrofitting of approximately 60 school bus engines in Berkeley and Jefferson counties. The WV DEP has finalized the grant application for funding for this program and significant progress has taken place on this measure since March 31, 2004. A more detailed discussion of school bus retrofit activities is included in the Progress Since March 31, 2004 section below.

Progress Since March 31, 2004

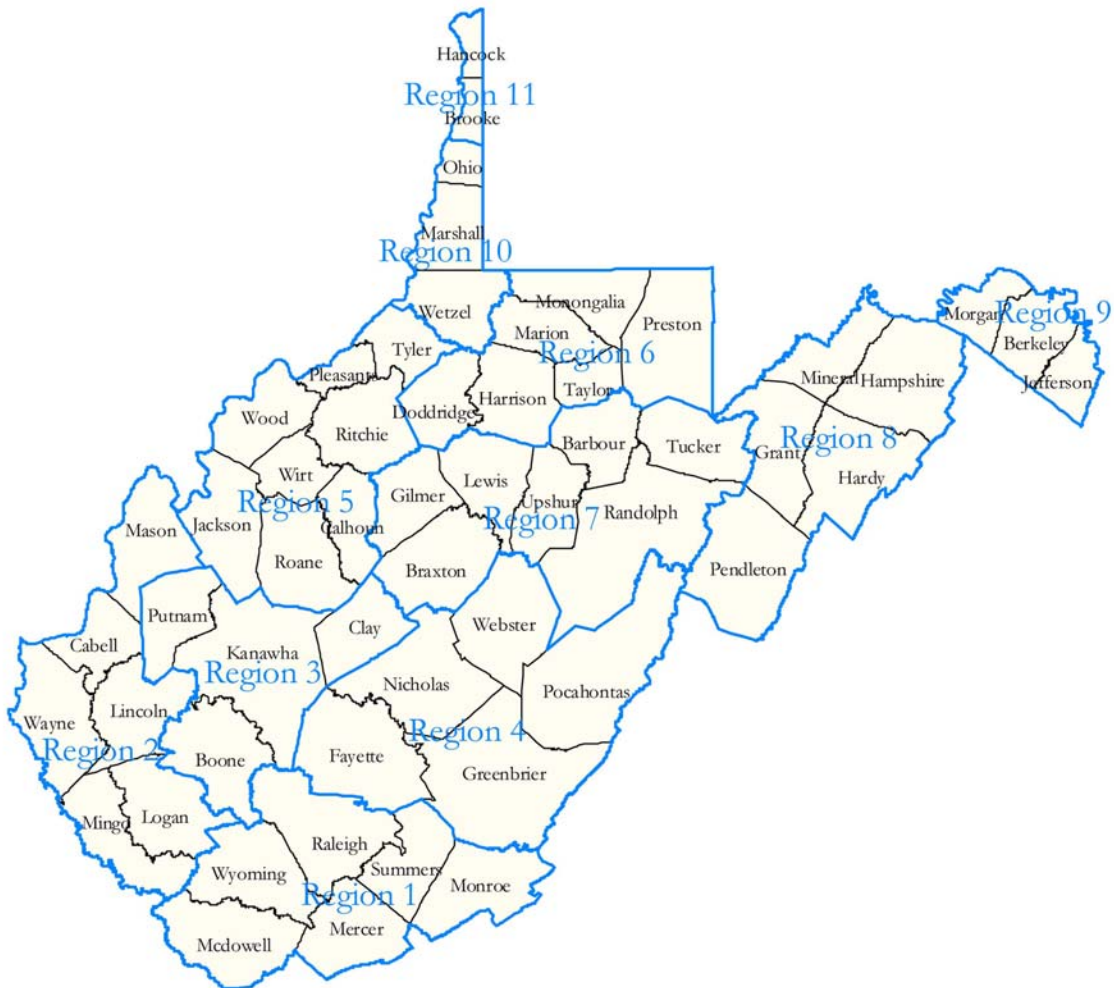
The primary focus of the state and local officials and the Eastern Panhandle Air Quality Task Force since March has been in two areas: first, to establish a more broad-based and permanent source of funding for program implementation; and second, to jumpstart the school bus retrofit program.

Local officials have begun a process that will result in essential intergovernmental agreements designed to provide a stable financial base for the Ozone Early Action Plan. The focus of those agreements will be the Region IX Planning and Development Council of West Virginia. In 1971, the West Virginia Planning and Development Act mandated that the state be divided into eleven regions to promote economic, environmental, educational, cultural and recreational growth in West Virginia. Region IX includes Berkeley and Jefferson counties, as well as neighboring Morgan County. (See Figure 1 below for a map of West Virginia Planning and Development Councils.)

Efforts are currently being finalized for the Region IX Planning and Development Council to act as an umbrella agency to secure more stable and broad-based funding for implementation of the Ozone Early Action Plan in Berkeley and Jefferson counties. Discussions are also being held with Morgan County regarding the possible extension of certain voluntary measures to that county as well.

Figure 1

Planning and Development Councils of West Virginia



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The second implementation measure given heavy emphasis in the last few months is the school bus retrofit program. The WVDEP has been diligent in moving preparations for this important program forward as early as possible in the process. Following is a chronology of important events accomplished toward execution of the school bus retrofit program in Jefferson and Berkeley counties:

- April 22, 2004 - WVDEP and Schools meet to discuss final details of grant applications, grant agreements, financial processes, and the bidding process;
- April 21, 2004 - \$150,000.00 VEPCO funds received at WV DEP – Division of Air Quality (DAQ);
- April 22, 2004 - \$150,000.00 deposited in Air Pollution Education and Environment Fund;
- April 26, 2004 - Part of Berkeley County Schools' grant application received;
- May 3, 200 - Schools issue a combined request for bids to DOC vendors;
- May 5, 2004- - Jefferson County Schools' grant application received;
- May 6, 2004 - Remainder of Berkeley County Schools' grant application received;
- May 17, 2004 - Schools choose a vendor based on lowest bidder, notify DAQ & issue purchase orders;
- May 20, 2004 - WVDEP check presentation ceremony at Berkeley County Schools Bus Garage. DAQ distributed outreach materials such as tee-shirts with clean air tips as well as pamphlets and other informational materials;
- May 24, 2004 - Grant agreements fully executed by all parties;
- June 2, 2004 - Dominion report to EPA regarding meeting the obligations of the VEPCO consent decree for disposition of WV monies to reduce diesel particulates.

Tentative Schedule for SIP Development and Submittal

Federal regulations establish the public notice and public hearing requirements for a SIP revision. The WV DEP Division of Air Quality (DAQ) has developed a tentative time-line for the EAC SIP submittal. The submittal must be made on or before December 31, 2004. (69 FR 23865) The required hearing(s) should be scheduled for mid-December to allow time for response to comments and to make any consequent revisions to the proposed SIP. Public notice and opportunity for review must start at least 30 days prior to the hearing date. DAQ typically posts such advertisements in the newspaper and the West Virginia State Register. The latter has a Wednesday deadline. Therefore, a tentative hearing date of December 15, 2004 or before is envisioned. Then, the notice must be published on or before November 15, 2004. To make the State Register deadline for the preceding issue (published on November 12, 2004), the notice must be submitted by November 10, 2004. All SIP materials and supporting documents should be complete and available for public review on the planned date of the State Register public notice, November 12, 2004.

On-going Public and Stakeholder Involvement

The Eastern Panhandle Air Quality Task Force was instrumental in evaluating and selecting the final local emissions control measures for the Early Action Plan. Local officials believe that this group should continue to meet and become actively involved with the implementation of the measures. The cornerstone of the Eastern Panhandle program is public education and awareness. Air Quality Task Force members represent a broad range of interests and perspectives in the region and as such they can play an important role in raising the general level of awareness and stimulate voluntary actions to improve air quality. Efforts are now under way to hire a new Air Quality Coordinator, who will meet with the Task Force on a periodic basis, keeping them informed on progress implementing control measures and identifying opportunities for “hands-on” participation. Members of the Air Quality Task Force will also provide important feedback from community interests on the acceptance and success of control measures. (A current listing of Task Force Members is attached.)

In addition the Air Quality Task Force, public involvement opportunities will also be made available through the Region IX Planning and Development Council. (A summary of public involvement activities since the last progress report is attached.)

Maintenance for Growth

One of the requirements for an Early Action Plan is that there be provision for potential growth of emissions in the future. The purpose of this requirement is to ensure that areas will remain in attainment beyond December 31st 2007. The Eastern Panhandle Air Quality Task Force will work closely with the WV DEP to establish an annual review of growth in the area (especially mobile and stationary source). This review will help ensure that assumptions on the level and type of growth occurring are still accurate and that existing control measures are adequate.

Part of the annual review process will be coordination with the WVDEP on periodic updates of planning assumptions and modeled data. Modeling updates by WV DEP and VDEQ will consider:

- All relevant actual new point sources;
- Impacts from potential new source growth;
- Future transportation patterns and their impact on air quality in a manner that is consistent with the most current Long Range Transportation Plan and most current trend and projections of local motor vehicle emissions.

If review of growth indicates that adopted national, state and local control measures are going to be inadequate to maintain attainment in the future, additional measures will be considered for implementation.

The Eastern Panhandle region has already given considerable thought to continuing maintenance of effort and has identified a series of contingency measures that will be evaluated for inclusion in the Early Action Plan, should the need arise.

**Table 2
Contingency Measures**

Local Control Measures	Description of Measure	Non-Modeled Estimate of Emissions Reduction (Tons per Day)	Proposed Date for Implementation	Local Government Implementation
<i>Contingency Measures</i>				
WVDEP RACT (Reasonably Available Control Technology) and RACM (Reasonably Achievable Control Measures)*	Adoption of state requirements for control of volatile organic compounds (VOCs) in nonattainment areas.	1.29 VOC	Undetermined	Berkeley County Jefferson County City of Martinsburg
Alternative Fuels Program	Work with fleet owners to encourage use of alternative fuels.	Not Estimated	Undetermined	Berkeley County Jefferson County
Truck Stop Electrification	Develop a program to encourage the electrification of truck stops to discourage engine idling.	0.17 NOx 0.01 VOC	Undetermined	Berkeley County Jefferson County
Lower RVP Gasoline	Require sale of lower Reid Vapor pressure gasoline in the area.	0.94 VOC	Undetermined	Berkeley County Jefferson County