

EARLY ACTION COMPACT

PROGRESS REPORT

JUNE 2004

TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION
DIVISION OF AIR POLLUTION CONTROL

The following list contains a compilation meetings and hearings held since the previous progress report:

JANUARY

- 7 Clean Air Partnership of Middle Tennessee meeting
- 8 Meeting with EAC Advisory Committee subcommittee chairs
- 13 APC met with the Hendersonville City Government to discuss EACs and open burning issues.
- 14 Clean Air Partnership of Middle Tennessee meeting
- 22 Wilson County Air Quality Forum to discuss Air Quality Issues and Early Action Compacts. Attended by various TDEC staff.

FEBRUARY

- 4 Clean Air Partnership of Middle Tennessee meeting
- 6 EAC Advisory Committee Technical Assistance subcommittee call
- 12-13 ATMOS Meeting in Memphis, Tennessee
- 19 Update on EAC activities at the Tennessee Air Pollution Control Board meeting
- 24 Meeting with Dept. of Education and State Board of Education re school bus strategies

MARCH

- 1 Meeting with American Lung Association regarding partnership ideas
- 1 Conference call with EPA rapid response team and EAC stakeholders to discuss questions and issues related to Motor Vehicle Inspection and Maintenance.
- 4 Washington County Economic Development Board meeting
- 5 East Tennessee Environmental Forum presentation
- 10 EAC update at the Tennessee Air Pollution Control Board meeting
- 11 Tennessee Pollution Prevention Roundtable
- 16 Clean Air Partnership of Middle Tennessee meeting
- 16 Region IV EAC Conference call
- 19 Quincy Styke presented at the AWMA meeting on Air Quality and Early Action Compacts in Tennessee.

- 23 Conference call with UT Memphis Center for Health Services and TEC re EAC forum
- 25 TDEC Commissioner Betsy Child and Quincy Styke met with the Knox County Chamber of Commerce
- 31 Clean Air Partnership of Middle Tennessee meeting

APRIL

- Development of an air quality information brochure (April - June). This brochure is being printed by the Tennessee Department of Health.
- 1 TDOT Meeting to discuss Long Range Transportation Plan
- 13 Clean Air Partnership of Middle Tennessee meeting
- 17 Earth Day display – Clean Air Partnership of Middle Tennessee
- 19 APC public hearing on proposed rules was held at TDEC
 - IM expansion
 - Stage I & II
 - Motor Vehicle Tampering
 - Restriction on vehicle idling and smoking
- 22 Earth Day event with Dept of Education promoting clean air
- 27 EAC forum conference call
- 27 Governor and TDEC Commissioner met with proposed ozone nonattainment counties
- 27 Clean Air Partnership of Middle Tennessee meeting
- 28 Meeting in Cookeville with the Executive Directors of the two Clean Cities Coalitions in Tennessee to discuss alternative fuels
- 29 Conformity conference call with TDOT, MPOs, Federal Highway Administration, and EPA

MAY

- 3 Regional Clean Air Coalition of East Tennessee Media Meeting, Knoxville
This meeting was a media event to promote the Air Quality Air Alert program. There were about 30 media people from television, newspaper, and radio. TDEC gave a brief presentation about the Air Quality Alert Program that is taking place in that area.

Development of Clean Air Tennessee web site (May and June)

- 7 Conference call with Wayne Davis, Terry Miller, Mike Vandenberg, Bill Parkhurst and Laura Artates to discuss the best public messages on steps that citizens can take to reduce air pollution. The purpose was to develop recommended messages for regional air quality alert programs.
- 12 Clean Air Partnership of Middle Tennessee meeting
- 19 Legislation (House Bill No. 3498) was passed allowing the Air Board provisions for IM expansion and prohibitions for motor vehicle tampering. Legislation signed by the Governor June 8, 2004.

- 24 TDEC/APC staff met with Clarksville MPO, Mayors, and Ft. Campbell staff to discuss an Air Quality Action Day program, Transportation Conformity, and ozone nonattainment
- 25 Planning call for June 22 Air Quality Forum - UT Health Science Center
- 27 Air Quality Toolkit conference call (EPA Region 4, Georgia Power, TVA, Georgia EPD)
- 27 TDEC Commissioner met with Knox and surrounding county mayors in Knoxville to discuss air quality

JUNE

- 7-9 Tennessee Association of Pupil Transportation Annual Meeting PowerPoint presentation on reducing emissions from diesel school buses
- 9 Tennessee Air Pollution Control Board discussed
 - Update on Ozone Early Action Compact (EAC) and Non-Attainment Designations
 - Update on likely PM 2.5 Non-Attainment Areas
 - I/M Update Status (Legislative Bill Act)
- 21 Conference call with Clarksville MPO, Mayors, Fort Campbell staff, Clean Fuels Coalition, and TVA to discuss an Clean Fuels, Transportation Conformity, and ozone nonattainment
- 22 Spreading the Word: Air Pollution and Health - a public health forum
- 23 Clean Cities of Middle Tennessee Advisory Committee meeting
- 24 Hopkinsville MSA and Clarksville -This meeting to discuss an Air Quality Air Program and how to get it in place for the area. TDEC committed to providing an air quality forecast for the area.
- 30 Air Quality Toolkit planning meeting in Atlanta

JULY

- 14-15 Tennessee Air Pollution Control Board meeting scheduled

Development of the State Implementation Plan (SIP)

The State's development of the SIP is due December 31, 2004, and no anticipated obstacles are expected for completing this or any future EAC milestones in the Nashville, Chattanooga, or Tri-Cities EAC areas.

May 19, 2004, Legislation (House Bill No. 3498) was passed allowing the Tennessee Air Pollution Control Board provisions for vehicle inspection and maintenance expansion and prohibitions for motor vehicle tampering. The Governor signed this legislation June 8, 2004.

The following proposed rules summarized below went out to hearing on April 19, 2004 for public comment:

RULE SUMMARY

Chapter 1200-3-29 Light-Duty Motor Vehicle Inspection and Maintenance

Purpose: To broaden the scope of the exiting rule to achieve additional emissions reductions and allow for expansion.

Area of Applicability: To be determined by the Air Board

Proposed Changes:

- Requires gasoline and diesel vehicles 1975 and newer with a gross vehicle weight rating up to 14,000 pounds or less to pass an emissions inspection prior to registration renewal
- Requires the Air Board to designate counties subject to the rule
- Removes the exemption for diesel powered vehicles

(New) Chapter 1200-3-36 Motor Vehicle Tampering

Purpose: To reduce the air pollution caused by tampering with a motor vehicle emission system

Area of applicability: Statewide

Pertinent Facts:

- This rule is to prevent persons from tampering with the vehicle's emissions controls may which results in an increase in emissions beyond established federal standards.
- The rule identifies what is specifically prohibited (Example: removing catalytic converter)

(New) Chapter 1200-3-37 Mobile Source Prohibitions

Purpose: To reduce the air contaminants produced by the operation of mobile sources (i.e. gross polluting vehicles and needless idling).

Area of Applicability: Statewide

Pertinent Facts:

- Smoking Restrictions – A rule to abate excessive emissions from vehicles that are visibly smoking during their normal operation.
- Idling Restrictions – to minimize idling of heavy duty diesel engines

Chapter 1200-3-18 Volatile Organic Compounds

Purpose: To amend the existing rules by expanding the applicability requirements for Stage I and II gasoline vapor emission controls.

Area of Applicability: Early Action Compact Counties

Proposed Changes:

- Allows for a 3 year phase in from the effective date of the rule to have equipment installed
- Stage I requires gasoline tank trucks delivering or receiving gasoline to use vapor emission control
- Stage II requires vapor emission control at gasoline dispensing facilities (Pumps). Pending review by the Air Board.

Public Hearing for the following NOx RACT proposed rule was held August 19, 2003.

Chapter 1200-3-27 Nitrogen Oxides

Purpose: A new Rule 1200-3-27-.08 is added to Chapter 1200-3-27 as part of a State program to reduce NOx emissions from stationary sources.

Area of Applicability: To be determined by the Air Board

Proposed Changes:

To require certain size stationary sources with NOx emissions to undertake a review and determine if they have reasonably available controls to minimize NOx formation and if not, to install controls.

All of the above rules will be presented to the Air Pollution Control Board for consideration July, 14, 2004.

MIDDLE TENNESSEE EARLY ACTION COMPACT

PROGRESS REPORT

JUNE 2004

- 1. Document progress that the local compact area and State have made since the last progress report (December 2003) regarding development of control strategies and early action plans submitted March 31, 2004.**

The local governments of the Middle Tennessee Early Action Compact (EAC) have developed and adopted a list of local control measures intended to reduce area levels of ozone precursors. Modeling done through the multi-state project known as ATMOS (Arkansas-Tennessee-Mississippi Ozone State), along with supplemental modeling by the University of Tennessee for the adopted local control measures, has demonstrated that the Middle Tennessee area should be able to attain the 8-hour ozone standard by the 2007 deadline.

The region has also programmed funding for implementation of these measures, primarily through adoption of the projects and programs in the Transportation Improvement Program of the Nashville Area Metropolitan Planning Organization.

All of the above information was compiled for the region's early action plan (see attachment), which was submitted to EPA by the March 31, 2004 deadline and subsequently approved.

- 2. Document progress that the local area has made towards adoption and implementation of local measures, including schedule for adoption and implementation of these measures, any changes in the schedule, and any additions or deletions of measures since the submission of March 31, 2004 plans.**

The schedule for adoption of the various control measures is included in the March 31, 2004 early action plan submittal (see attachment). Each project or program is described on a project sheet excerpted from the regional MPO Transportation Improvement Program, which indicates which phase of the measures is to be implemented in each fiscal year.

The majority of projects scheduled for FY04 are being implemented on schedule. Additional detail is provided below.

A. Traffic Signal Synchronization and Related Improvements

Williamson County has already completed about 30% of its signal synchronization projects for 2004, and is currently revising engineering documents in preparation to release bids on another major project. Davidson County is currently working with the FHWA local division office on administrative issues related to special Intelligent Transportation Systems funding being used to implement its signal synchronization projects, and will then be ready to issue a request for bids.

The City of Hendersonville (in Sumner County) is currently replacing some of its older signals in preparation for implementing a citywide closed loop system by next year. The City of Murfreesboro (in Rutherford County) is finishing engineering for its area signal synchronization project and anticipates construction will start this fall.

B. Funding and new infrastructure for rideshare/trip reduction programs

The Town of Smyrna (in Rutherford County) has broken ground on a new intermodal station in its historic downtown area. The station is situated so that it can be served either by bus or rail, depending on which alternative is selected in the Southeast Corridor transit study currently being conducted by the MPO.

The Metro Transit Authority in Nashville/Davidson County has purchased 25 new, low-floor buses to replace vehicles in its fleet that were well past their useful service life. In addition to providing ridership benefits, the new buses will produce significantly less emissions than the older vehicles they are replacing. Work is also underway on MTA's project to build a new, indoor downtown transit facility which will replace the open-air shelters located on Deaderick Street. A consultant was selected in May 2004 for a design-build contract to complete the downtown transit center.

MTA is currently finalizing its Five-Year Operating Plan. Once that is complete, they will be in a position this fall to begin locating sites for new park 'n ride lots.

The Regional Transportation Authority is making enhancements to its vanpooling program with the installation of new, web-based ridematching software. Staff has received software training and will have it running in late summer. RTA has also purchased two new "over-the-road coaches" to offer better service for riders on its long-distance express bus routes between Nashville and Murfreesboro. Finally, RTA has been meeting with officials in Wilson County for plans to extend express bus service to Lebanon next year. This route will provide midday and "shadow" bus service once the East Corridor Commuter Rail begins operation.

C. Air Quality Outreach and Action Day Program

The region has successfully launched its regional air quality outreach program, called the Clean Air Partnership of Middle Tennessee. This multi-agency group has been meeting at least monthly since January 2004. The Partnership's first activity was to host an exhibit booth at the Nashville area Earth Day Festival. In the past few months the organization has also introduced a comprehensive website, www.cleanairpartnership.info. The website provides links to general information on air quality issues, personal behaviors that can help reduce emissions, and special local information on activities and resources available. Several county Chambers of Commerce issued a recruitment letter to major employers, urging them to sign up for "air alerts." Employers who sign up will receive an alert just prior to days that are forecasted to have high pollution levels, so that they can implement their organization's action plan on those days.

The Clean Air Partnership is currently emphasizing action plans that involve commuting options for employees, but is also organizing a bureau of qualified volunteers who will be available to conduct on-site assessments and develop an action plan tailored to a particular company. The action plan could include specific best practices for grounds maintenance, energy conservation, and reducing certain industrial processes voluntarily on "air alert" days.

A survey is planned for late summer 2004 to gauge public understanding and compliance with voluntary actions to reduce emissions. The survey, which began last year, will be repeated yearly for benchmarking and evaluation of the outreach program.

D. New Rail Service (Nashville-Lebanon corridor)

Minor delays are being experienced in implementation of the Nashville-to-Lebanon commuter rail line, due to a request by the state Department of Transportation to make some modifications to the financial operating plan. However, the line is still projected to begin service during the period covered by the Early Action Compact.

E. Build New Pedestrian Facilities and Bikeways

Design work is underway for the Richland Creek Greenway and Whites Creek Greenway in Davidson County. An additional \$20 million in local funds is being spent on Davidson County sidewalk upgrades and connections this year.

The City of LaVergne (in Rutherford County) has entered into contracts with the state Department of Transportation to build sidewalks on Fergus Road and Stones River Road, connecting area schools with neighborhood residences. A contract has also been signed with the City of Hendersonville (in Sumner County) for the Nannie Berry Walk/Bike Trail, which provides neighborhood linkages to an elementary school. Also in Sumner County, the City of Portland has started work on sidewalks along two state highways in the central part of town.

F. HOV Lane Expansion

TDOT has begun construction on the new HOV lanes to be added to Interstate 40 East in Davidson County from Interstate 24 to Donelson Pike, as well as the HOV lanes to be added to Interstate 24 in Rutherford County from State Highway 96 to State Route 840.

Engineering is underway for the HOV lanes to be added to Interstate 24 in Rutherford County from U.S. 231 to State Highway 96.

G. Land Use Planning that Reduces Driving

The City of Mt. Juliet, one of the local governments to be connected by the Nashville-to-Lebanon commuter rail line, is midway through a “town center” study. The end product will be an area plan which seeks to capitalize on the opportunities for transit-oriented development near the new Mt. Juliet commuter rail station. Other local and regional planning activities which are expected to help reduce the number of vehicle-miles traveled:

- The City of Franklin (in Williamson County) is reviewing new developments and recommending the addition of transit stops where appropriate.
- The City of White House (in Sumner County) recently adopted commercial design guidelines intended to create a more active, walkable streetscape in its downtown area.
- The City of Gallatin (in Sumner County) has hired a consultant to develop a downtown revitalization plan, building on concepts that arose when the town hosted a Walkable Communities Workshop last year. The City of Brentwood is also midway through the creation of a town center plan.
- Nashville/Davidson County has received a Robert J. Wood Foundation Grant to organize a public campaign called “Music City Moves!” The campaign encourages both adults and children to incorporate more physical activity into their daily life habits. The project will also examine current local zoning and land use policies that need to be modified to better foster bicycle/pedestrian travel.

H. Construction Land Clearing - Open Burning (Davidson County only)

The reduction to be obtained from the open burning of land clearing material is only applicable in Davidson County. Currently, open burning of land clearing material is not allowed in Davidson County unless a contractor first obtains permits from the Metro Nashville Air Pollution Control Division (MNAPCD) and the Metro Nashville Fire Marshal and then only while properly using an air curtain destructor. On March 1, 2004, the MNAPCD began adding a condition to

each air curtain destructor permit. This condition prohibits the open burning of land clearing material on any day the air quality is forecast to be in or worse than the unhealthy for sensitive groups category as determined by the EPA air quality index. Enforcement is by the field inspection staff of the MNAPCD. The staff person responsible for the air curtain destructor permit ensures that no burning occurs on any day the air quality is forecast to be in or worse than the unhealthy for sensitive groups category as determined by the EPA air quality index. This is achieved by a permit condition on the air curtain destructor permit requiring the contractor to call the MNAPCD recorded air quality forecast telephone message. If necessary, an on-site inspection by MNAPCD staff is conducted to ensure that no burning takes place until the ozone air quality is forecast to improve into the good or moderate range.

Since the open burning of land clearing material is not allowed except under the conditions stated above, no new regulation or ordinance was required. It simply required a policy change to the standard operating procedures already in place at the MNAPCD. This policy change was made March 1, 2004, and is currently in effect.

3. Describe progress that the State or local area has made in completing technical analyses for attainment demonstration due December 31, 2004, including any additional modeling or analyses since submission of March 31, 2004 plans.

The attainment demonstration was completed and submitted for the March 31, 2004 submittal. The attainment demonstration shows the Middle Tennessee area should attain the 8 hour ozone standard by December 31, 2007.

4. Describe any meetings conducted by the stakeholders since December 31, 2003.

Periodic updates and discussion of regional air quality progress occur at monthly meetings of the Nashville Area Metropolitan Planning Organization, which includes all of the counties in Middle Tennessee that were actually designated by EPA as non-attainment. The additional 3 counties that are members of the EAC (Cheatham, Dickson, and Robertson) have a consultant on retainer who attends regular monthly meetings of the Clean Air Partnership and maintains contact with key staff from the MPO, state and local air program.

Except for the Clean Air Partnership, most of the other meetings that have taken place in 2004 involved focused groups of stakeholders working on a particular control measure or localized area, rather than a regionwide stakeholders meeting. An air quality forum was held in late January 2004 in Wilson County to educate elected officials, business leaders, and others on the requirements of the Early Action Compact. Sumner County also held a special meeting of its county commission in mid-March to give officials the opportunity to have questions answered before voting on a final list of local control measures.

5. Document current progress of the State's development of the SIP (due December 31, 2004), including schedule for adoption and implementation of State regulations, as well as a description of public meetings and/or hearings that have occurred or will be conducted prior to SIP submission.

The State's development of the SIP is due December 31, 2004, and no anticipated obstacles are expected for completing this or any future EAC milestones in the Nashville area.

May 19, 2004, Legislation (House Bill No. 3498) was passed allowing the Tennessee Air Pollution Control Board provisions for vehicle inspection and maintenance expansion and prohibitions for motor vehicle tampering. The Governor signed this legislation June 8, 2004.

April 19, 2004, the following rules summarized below went out to public hearing for comment:

Expansion of vehicle testing requirements (heavier weight class, remove exemption for diesels, and add additional counties)
Prohibition for statewide motor vehicle tampering
Restrictions for excessive idling and smoking heavy-duty vehicles
Expansion of the counties subject to Stage I & II vapor control

The above mentioned rules as well as the NO_x RACT rule will be presented to the Air Pollution Control Board for consideration July, 14, 2004.

6. Describe any obstacles toward completing the December 31, 2004 milestone or any future milestones.

At this time, no difficulties are anticipated in implementing the local control measures or meeting the other requirements of the Middle Tennessee area's Early Action Compact.

TRI-CITIES TENNESSEE EARLY ACTION COMPACT

PROGRESS REPORT

JUNE 2004

- 1. Document progress that the local compact area and State have made since the last progress report (December 2003) regarding development of control strategies and early action plans submitted March 31, 2004.**

The local governments of the Tri-Cities Early Action Compact have implemented a portion of its list of likely control measures and is pursuing adoption of the remaining portion. The local Ozone Action Day program, a voluntary program, has been operational since the beginning of ozone season. This program aims at providing a daily ozone forecast to local media outlets and provides an Ozone Action Day Alert if ozone levels are forecast to be at or above the 8 hour standard.

A ban on opening burning during Ozone Action Days is currently being pursued by the local governments in the Compact. Each of the local governing bodies would likely approve a similar resolution banning open burning of wood wastes and landscape debris on such days. A meeting of local officials to discuss the road map to achieve this goal is scheduled for July 7, 2004.

- 2. Document progress that the local area has made towards adoption and implementation of local measures, including schedule for adoption and implementation of these measures, any changes in the schedule, and any additions or deletions of measures since the submission of March 31, 2004 plans.**

Each County in the Compact is pursuing adoption of a ban on open burning during Ozone Action Days. Each of the Counties will have this control measure implemented in the next few months. As stated earlier, the local Ozone Action Day program has been implemented since May. This particular control measure is an established program and was the first of its type in Tennessee when implemented 2 years ago.

- 3. Describe progress that the State or local area has made in completing technical analyses for attainment demonstration due December 31, 2004, including any additional modeling or analyses since submission of March 31, 2004 plans.**

The attainment demonstration was completed and submitted for the March 31, 2004 submittal. The attainment demonstration shows the Tri-Cities area should attain the 8 hour ozone standard by December 31, 2007.

4. Describe any meetings conducted by the stakeholders since December 31, 2003.

Periodic updates are provided to the County Mayors of the Early Action Compact counties. The Region's Ozone Action Partnership has assumed responsibility for providing these updates and conducting public meetings when necessary. Since December 31, 2004, the Ozone Action Partnership conducted 1 public meeting in Blountville, Tennessee at the Sullivan County Health Department. At this meeting an update on the progress of the Early Action Compact timeline was given as well as a presentation from Tennessee's Deputy Director of Air Pollution Control.

5. Document current progress of the State's development of the SIP (due December 31, 2004), including schedule for adoption and implementation of State regulations, as well as a description of public meetings and/or hearings that have occurred or will be conducted prior to SIP submission.

The State's development of the SIP is due December 31, 2004, and no anticipated obstacles are expected for completing this or any future EAC milestones in the Nashville area.

May 19, 2004, Legislation (House Bill No. 3498) was passed allowing the Tennessee Air Pollution Control Board provisions for vehicle inspection and maintenance expansion and prohibitions for motor vehicle tampering. The Governor signed this legislation June 8, 2004.

April 19, 2004, the following rules summarized below went out to public hearing for comment:

Expansion of vehicle testing requirements (heavier weight class, remove exemption for diesels, and add additional counties

Prohibition for statewide motor vehicle tampering

Restrictions for excessive idling and smoking heavy-duty vehicles

Expansion of the counties subject to Stage I & II vapor control

The above mentioned rules as well as the NOx RACT rule will be presented to the Air Pollution Control Board for consideration July, 14, 2004.

6. Describe any obstacles toward completing the December 31, 2004 milestone or any future milestones.

At this time, no difficulties are anticipated in implementing the local control measures or meeting the other requirements of the Tri-Cities Tennessee area Early Action Compact.