

US EPA ARCHIVE DOCUMENT



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

03 DEC 2003

REPLY TO THE ATTENTION OF

F-19J

Honorable Jim Doyle  
Governor of Wisconsin  
Madison, Wisconsin 53707

Dear Governor Doyle

Thank you for making recommendations on 8-hour ozone air quality designations. Pursuant to the Clean Air Act (CAA), the United States Environmental Protection Agency (EPA) is required to promulgate designations for new or revised standards, such as the 8-hour ozone standard. Earlier this year, we entered into a consent decree that requires us to promulgate 8-hour ozone standard designations by April 15, 2004.

We have reviewed your July 14, 2003, letter submitting Wisconsin's recommendations. Consistent with section 107(d)(1) of the CAA, this letter is to inform you that, based on the information contained in your letter, and in the absence of additional substantiation for your recommendations, EPA intends to make modifications to Wisconsin's recommended designations and boundaries. If you would like to provide additional information about the areas in question, please provide this information by February 6, 2004, so that we can continue to work with your office as we move forward to make final designations. Also, please note that EPA will address designations of Indian country lands through a separate concurrent process with the Tribes in Wisconsin.

The CAA defines a nonattainment area as any area that does not meet (or that contributes to ambient air quality in a nearby area that does not meet) the national primary or secondary ambient air quality standard for the pollutant. EPA guidance indicates that Wisconsin should use the larger of the Consolidated Metropolitan Statistical Area, Metropolitan Statistical Area, or the 1-hour ozone nonattainment area as the presumptive boundary for 8-hour ozone nonattainment areas. The guidance provides 11 factors that Wisconsin should consider in determining whether to modify the presumptive boundaries. We note that your recommendations do not include any expansion or contraction of nonattainment areas based on these 11 factors.

The enclosure to this letter identifies the counties that should be included in each nonattainment area. We are also providing a written summary of our reasoning for modifying your recommendations, explaining why we believe your recommendation is not consistent with the statutory definition of a nonattainment area in light of the 11 factors provided in our guidance.

EPA has been tracking preliminary 2003 ozone monitoring data and their impact on areas' preliminary 2001-2003 design values. Where preliminary 2001-2003 ozone monitoring data indicate that an area's attainment status will differ from Wisconsin's recommendation based on 2000-2002 monitoring data, EPA indicates the potential modification to the designation recommendation in the enclosure. Additionally, the EPA will continue to closely review monitoring data for additional differences that may have occurred throughout the remainder of the 2003 ozone season or as a result of data handling procedures to determine if it might affect the State's recommended designations. It is critical for Wisconsin to expedite submittal of 2003 monitoring data to EPA so that air quality designations and classifications for the 8-hour standard will accurately reflect the States's air quality

To advance this process, please submit your final 2003 monitoring data into the Air Quality System as quickly as possible, if it has not already been done. In addition, please submit the 8-hour and 1-hour ozone design values and the average expected 1-hour exceedance rate to Stephen Rothblatt, of my staff, by official letter by December 17, 2003.

We look forward to a continued dialog with Wisconsin as we work to finalize the designations for the 8-hour ozone standard. We appreciate your efforts and will review any future supporting information Wisconsin wishes to submit on these recommendations. If you have any questions, please do not hesitate to contact me.

Very truly yours,



Thomas V Skinner  
Regional Administrator

Enclosure

cc: P. Scott Hassett, Secretary  
Wisconsin Department of Natural Resources

Renee Cipriano, Director  
Illinois Environmental Protection Agency

Enclosure

The following tables identify the individual areas and counties comprising those areas within Wisconsin that EPA intends to designate as nonattainment. Following the tables is a description of the area where EPA intends to modify Wisconsin's recommendation and the basis for such modification. EPA intends to designate as attainment/unclassifiable all counties not identified in one of the tables below.

Area	Wisconsin Recommended Nonattainment Counties	EPA Recommended Nonattainment Counties
Door County Area - WI	Door	Door
Kewaunee County Area - WI	Kewaunee	Kewaunee
Manitowoc County Area - WI	Manitowoc	Manitowoc
Milwaukee-Racine Area - WI (*)	Kenosha Milwaukee Ozaukee Racine Washington Waukesha	Kenosha Milwaukee Ozaukee Racine Washington Waukesha
Sheboygan Area - WI	Sheboygan	Sheboygan

\*The monitoring site in Kenosha County, Wisconsin is also the current design value site for the Chicago-Gary-Lake County IL-IN area.

The following table identifies the individual areas and counties comprising those areas within Wisconsin that EPA intends to designate as nonattainment because the area is violating the standard based on 2000-2002 monitoring data but current preliminary 2001-2003 data show that the area may not be violating the 8-hour standard. While EPA will consider modifying the recommendation to designate this area to attainment, we will recommend the area as nonattainment while we continue to evaluate the monitoring data to conclude whether it supports such a modification. It is important for Wisconsin to expedite submittal of 2003 data in order to accurately reflect the air quality in this area because it is critical to the designation and classification process.

Area	Wisconsin Recommended Nonattainment Counties	EPA Recommended Nonattainment Counties
Jefferson County Area - WI	No recommendation	Jefferson

### Modifications to Wisconsin's Recommendations

#### Jefferson County

While Wisconsin made no recommendation for Jefferson County due to incomplete data, the area would be nonattainment based on evaluation of available 2000-2002 and historical monitoring data. Preliminary 2001-2003 data indicate that Jefferson County may not be currently violating the 8-hour standard. While EPA will consider modifying the recommendation to designate this county to attainment, we will recommend nonattainment while we continue to evaluate the monitoring data to conclude whether it supports such a modification. It is important for Wisconsin to expedite submittal of 2003 data in order to accurately reflect the air quality in this area because it is critical to the designation and classification process.