



JIM DOYLE
GOVERNOR
STATE OF WISCONSIN

March 12, 2009

Lisa Jackson
Administrator
US EPA Headquarters
Ariel Rios Building
1200 Pennsylvania Ave., N.W.
Mail Code: 1101A
Washington, D.C., 20460

Subject: Designation of 8-Hour Ozone Nonattainment Areas in Wisconsin.

Dear Acting Administrator Mathur:

I am sending this letter in compliance with section 107(d)(1)(A) of the federal Clean Air Act, which requires the Governor of each state to submit a recommendation as to nonattainment designations within one year from the date of promulgation of new federal standards.

Recommendation

Based on rationale provided below, I am recommending that all counties in Wisconsin be designated as attainment for the 8-hour ozone standard.

Rationale

As you are aware, the State of Wisconsin is very concerned about air pollution and the resultant adverse impacts to public health and the environment. The State has historically been a national leader in improving air quality and has put in place many critical air pollution regulations. The result of these past state actions has born fruit with an improvement in air quality in Wisconsin in recent years.

More specifically, the rationale for my recommendation that portions of the state be designated as nonattainment in Wisconsin is based on the following 4 considerations:

1. Substantial Progress in Reducing Ozone Levels - Even though the federal 8-hour ozone standard was lowered to 75 ppb last year, for the three year period of 2006-08, Wisconsin had only 3 counties monitoring above the standard. This is a reduction of 7 counties from the 10 that were designated as nonattainment for the older 8-hour standard of 85 ppb.

2. Modeling Results – Modeling results conducted by the Lake Michigan Air Director’s Consortium for the upper Great Lakes region including the regional emission reductions from the federal Clean Air Interstate rule, and other on-the-books and on-the-way federal and state regulations, shows all of Wisconsin, save one monitor, will be attaining the new ozone standard by 2015. While including emission reductions from the federal CAIR rule, these positive results do not include additional reductions that will occur in Wisconsin from other recent state actions.

3. State Actions to Reduce NO_x – As you know, NO_x and VOC emissions are key contributors to elevated ozone levels in Wisconsin. Wisconsin’s regulatory platform to reduce NO_x and VOC emissions is a strong one. The state’s on-going mobile source emission control programs for reformulated gasoline and vehicle inspection maintenance have been very effective in reducing VOC emissions. Additionally, in the past three years, Wisconsin focused its efforts on reducing NO_x emissions through the promulgation of four important air quality rules. In addition to the aforementioned CAIR rule, the following 3 rules are now in place:

NO_x Reasonable Available Retrofit Rule
Best Available Retrofit Technology Rule
Mercury Multi-pollutant Rule

In total, these four rules are estimated to reduce NO_x emissions in Wisconsin by more than 60% from 2005 levels and more than 70% from 1995 levels. The net result of these rules is to position the state to meet all applicable current federal air quality standards, and as a result, protect Wisconsin’s citizens from the deleterious impacts of ozone, as well as fine particulates and haze.

4. Ineffectiveness of Non-attainment Designations – There is no firm evidence that designation of the 3 counties that have monitored as exceeding the standard will have any material additional benefit to reducing ozone levels in those counties. Door County has no heavy industry or large coal-fired power plants. As outlined in point # 3 above, industries and utilities in Sheboygan and Kenosha Counties are already subject to state and federal rules targeted at making significant reductions in NO_x and other air pollutants. A non-attainment designation will not change the positive impact of those regulations, nor require additional actions to be pursued.

Under my administration, Wisconsin has taken swift and significant action to protect its citizens from the harmful affects of air pollution. We have jump-started the federal process, by acting now, not after lengthy planning processes. At this time of severe economic crisis for the nation’s economy, we should not place punitive nonattainment designations on counties that would only serve to hinder the vitality of Wisconsin’s businesses.

Lastly, if EPA determines to act on nonattainment designations in Wisconsin, then I request you consider minimizing the geographic area covered by such designations by designating only townships or utilizing alternative designations, such as rural transport for Door County.

Please contact John Melby, Director of the Bureau of Air Management in the Wisconsin DNR, if you have any questions related to this communication. Thank you

for the opportunity to submit the State of Wisconsin's recommendations on this important air quality matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Doyle". The signature is fluid and cursive, with the first name "Jim" and last name "Doyle" clearly distinguishable.

Jim Doyle
Governor

CC: Bharat Mathur, Acting Administrator, Region V, US EPA
Senator Mark Miller, Chair, Senate Environment Committee
Representative Spencer Black, Chair, Assembly Natural Resource Committee
Matt Frank, Secretary, Department of Natural Resources
Al Shea, Administrator, Air & Waste Division, Department of Natural Resources
John Melby, Director, Bureau of Air Management, Department of Natural Resources
County Executives for Door, Sheboygan and Kenosha Counties