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April 24, 2012

Dr. Susan Hedman
U.S. Environmental Protection Agency (EPA) - Region 5
77 West Jackson Boulevard
Mail Code: R-19J
Chicago IL 60604

Dear Dr. Hedman:

Thank you for the opportunity to provide comments on the U.S. EPA's recently proposed air quality designations for the 2008 ozone National Ambient Air Quality Standards (NAAQS). These comments are in response to your letter dated January 31, 2012.

We agree with comments submitted by Kenosha County, the City of Kenosha, the Village of Pleasant Prairie, and the Kenosha Area Business Alliance (KABA) to the U.S. EPA on March 14th and 15th, 2012. Kenosha County should be designated attainment based on the U.S. EPA's default data period for ozone designations (2008 – 2010). During this time, Kenosha County met the ozone standard with a design value of 74 parts per billion (ppb). The U.S. EPA's own analysis shows that Kenosha County only contributes 1.72 percent and 1.89 percent of the total nitrogen oxide (NO_x) and volatile organic compound (VOC) emissions, respectively, in the proposed nonattainment area. Furthermore, the U.S. EPA acknowledges that Kenosha County emissions are "probably downwind of the violating Zion, Illinois monitor on high ozone days" and that these conclusions "support the exclusion of Kenosha County from the intended ozone nonattainment area." The only reason given by the U.S. EPA for including Kenosha County as nonattainment is because it has "historically been the high downwind ozone monitoring site for the Chicago region." Given the potential economic burdens associated with nonattainment, Kenosha County should not be designated nonattainment solely for monitoring another state's air quality over which the State of Wisconsin has no control. Consequently, Kenosha County should be designated attainment and the U.S. EPA should consider any regulatory relief that can be given to Kenosha County since the vast majority of its ozone is transported from out of state. Additional arguments to support this position can be found in an April 17, 2012 letter from Secretary Cathy Stepp to Regional Administrator Susan Hedman.

If the U.S. EPA refuses to designate Kenosha County as attainment, we ask the U.S. EPA to designate the smallest feasible area of Kenosha County as nonattainment and that it be included as part of the Chicago-Naperville-Michigan City, IL-IN-WI Combined Statistical Area (CSA). This approach is supported by the fact that the majority of ozone recorded in the county at the Chiwaukee site is from the Chicago metropolitan area and is consistent with U.S. EPA's policy for setting nonattainment area boundaries. Furthermore, the U.S. EPA has frequently described Kenosha County is a "receptor county" rather than a "contributing county".

Historic ozone monitoring data collected on Sheridan Road and Wood Road in Kenosha County demonstrates that average design values at the two locations from 1999 – 2003 were 6.0 % and

9.3 % lower, respectively, than the Chiwaukee Prairie site. The ozone monitor on Sheridan Road was at the Barbershop Quartet Society site (*55-059-0002*) located within 3/4 mile of the lake shore. The ozone monitor on Wood Road was at the University of Wisconsin – Parkside site (*55-059-0022*) located within two miles of the lake shore. These two monitors were discontinued at the end of 2003 due to federal reductions in state funding. Furthermore, the monitor in Racine County (*55-101-0017*) is one mile from the lake shore and was 5.8 % lower than the Chiwaukee Prairie site from 2003 – 2010. The geographic locations of the Kenosha and Racine ozone monitors, along with ozone data summaries, are shown in figures 1 and 2.

As compared to the 2008 – 2010 ozone design value at Chiwaukee Prairie of 74 ppb, the prior ozone data strongly suggests that ozone levels beyond Sheridan Road would attain the 2008 NAAQS. **Given this information, and under the condition that the U.S. EPA does not accept attainment for the entire county, all areas west of Sheridan Road in Kenosha County should be designated as attainment. This approach protects public health and links Kenosha County with the area that is actually contributing to the high ozone concentrations (i.e., the Chicago metropolitan area).**

Thank you for consideration of these comments. Please further address technical issues with the Department of Natural Resources by contacting Bart Sponseller, Air Management Bureau Director, at (608) 264 – 8537 or Bart.Sponseller@wisconsin.gov.

Respectfully,

Scott Walker, Governor
State of Wisconsin

cc: Cathy Stepp, Secretary, WDNR – AD/8
Matt Moroney, Deputy Secretary, WDNR – AD / 8
Patrick Stevens, Air and Waste Division Administrator, WDNR – AD / 8
Bart Sponseller, Air Management Bureau Director, WDNR – AM / 7
Joseph Hoch, Regional Pollutant and Mobile Source Section Chief – AM / 7

FIGURE 1

Historic Ozone Design Values from 1999 - 2003

Parkside (55-059-0022)

Max: 92 ppb (*8.9% lower than Chiwaukee*)
Average: 88 ppb (*9.3% lower than Chiwaukee*)
Min: 85 ppb (*8.6% lower than Chiwaukee*)

Barbershop (55-059-0002)

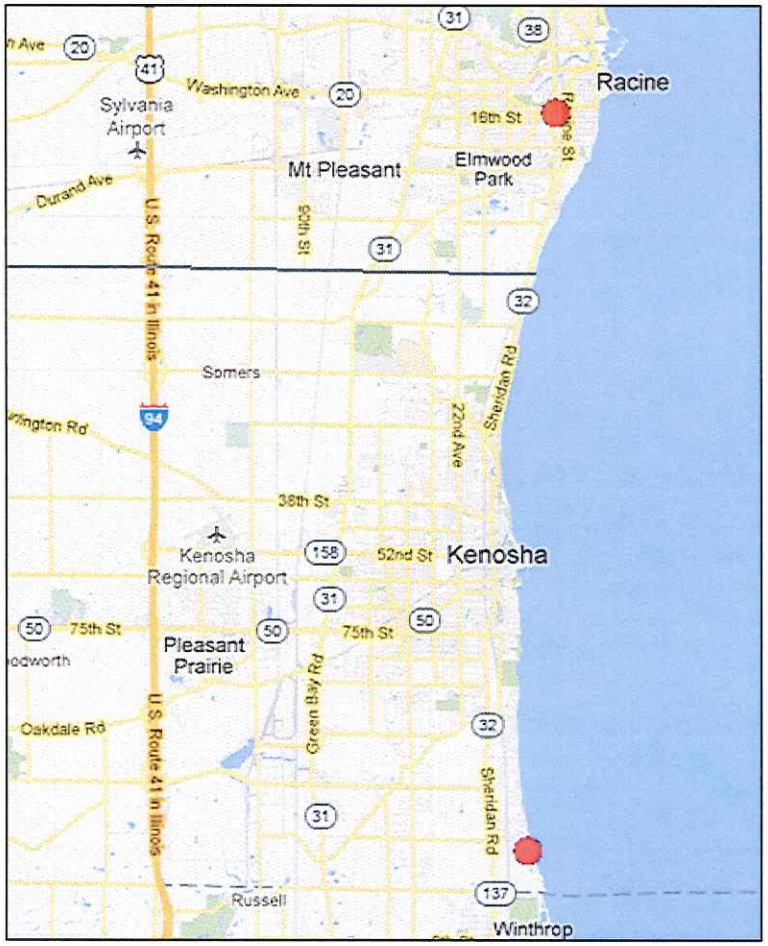
Max: 97 ppb (*4.0% lower than Chiwaukee*)
Average: 91 ppb (*6.0% lower than Chiwaukee*)
Min: 86 ppb (*7.5% lower than Chiwaukee*)

Chiwaukee (55-059-0019)

Max: 101 ppb
Average: 97 ppb
Min: 93 ppb

FIGURE 2

Historic Ozone Design Values from 2003 - 2010



Racine (55-101-0017)

Max: 82 ppb (*4.7% lower than Chiwaukee*)
Average: 76 ppb (*5.8% lower than Chiwaukee*)
Min: 71 ppb (*4.1% lower than Chiwaukee*)

Chiwaukee (55-059-0019)

Max: 86 ppb
Average: 80 ppb
Min: 74 ppb