



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590
AUG 22 2017

The Honorable Scott K. Walker
Governor
Office of the Governor, State of Wisconsin
State Capitol
115 East Capitol
Madison, Wisconsin 53702

REPLY TO THE ATTENTION OF:

Dear Governor Walker:

The purpose of this letter is to inform you of the U.S. Environmental Protection Agency's intended designations for certain areas in Wisconsin for the 2010 Primary National Ambient Air Quality Standard (NAAQS) for sulfur dioxide (SO₂). The designations for this NAAQS are an important part of EPA's commitment to a clean, healthy environment. These intended designations are a response to designations-related recommendations and information your state submitted in letters dated May 26, 2011 and January 13, 2017.

On July 25, 2013, EPA designated certain areas in 16 states as nonattainment,¹ but did not at that time designate other areas. Additional areas were designated on June 30, 2016,² and November 29, 2016.³ In Wisconsin, the following areas were designated in these previous actions: Columbia County and a portion of Oneida County. Pursuant to a March 2, 2015, court-ordered schedule,⁴ the agency must complete the remaining SO₂ designations by two specific deadlines: December 31, 2017, and December 31, 2020. Accordingly, pursuant to section 107(d)(1)(B)(ii) of the Clean Air Act, this letter is to notify you of EPA's assessment of your state's recommended designations for all remaining undesignated areas in Wisconsin except areas that are associated with sources for which Wisconsin elected to install and begin operating a new SO₂ monitoring network.⁵ While we are in agreement with your recommendation for many of these areas, some warrant further discussion as explained below and in the accompanying technical support document. We stand ready to assist and hope to resolve any differences regarding the proper designation for these areas within this 120-day period provided by the Clean Air Act.

To this end, if you or your staff have additional information that EPA should consider prior to finalizing the designations, please submit it as soon as possible but no later than October 23, 2017. You may submit additional information by sending it to EPA's public docket for these designations, EPA-HQ-OAR-2017-0003, located at www.regulations.gov, and sending a copy to EPA Region 5. EPA also will publish a notice in the *Federal Register* announcing a 30-day comment period for the public to provide input on EPA's intended designations.

¹ A portion of Oneida County was designated as nonattainment in this action.

² Columbia County was designated as unclassifiable/attainment in this action.

³ This action only affected Texas.

⁴ *Sierra Club v. McCarthy*, No. 3-13-cv-3953 (SI) (N.D. Cal. Mar. 2, 2015).

⁵ Outagamie County is affected by the 2020 deadline.

Wisconsin has recommended a designation of attainment for Walworth County. EPA regulations for implementing the SO₂ NAAQS require Wisconsin to characterize SO₂ air quality in each listed area below. In considering your recommendation, we have taken into account all available information, including any current (2014-2016) air monitoring data, and any air dispersion modeling analyses provided by Wisconsin or by a third party. The air dispersion modeling data show either that Walworth County may be violating the 2010 primary SO₂ NAAQS or contains sources that may be contributing to air quality in a nearby area that may be violating the 2010 primary SO₂ NAAQS, which would require a modification of the recommended designation. We recognize, however, that we recently approved new requirements on USG-Walworth (82 FR 31458), which are contained in Wisconsin Administrative Order AM-16-01. EPA has reviewed Wisconsin's modeling, which includes the new AM-16-01 requirements for USG-Walworth, and agrees that the state's modeling demonstrates attainment. EPA's approval of the AM-16-01 requirements will become effective September 5, 2017, and AM-16-01 contains a compliance date of October 1, 2017. Because the AM-16-01 requirements will be in force before we take final action on the designation for the USG-Walworth area, EPA anticipates designating the area unclassifiable/attainment in December 2017. A detailed explanation for this conclusion is explained in the enclosure to this letter.

Area	Included Counties
Walworth County	Entirety of Walworth County

Wisconsin has recommended a designation of attainment for the areas indicated below. EPA regulations for implementing the SO₂ NAAQS require Wisconsin to characterize SO₂ air quality in each listed area. In considering your recommendation, we have taken into account all available information, including any current (2014-2016) air monitoring data, and any air dispersion modeling analyses provided by Wisconsin or by a third party. Our review of this information indicates that it is consistent with your recommendation. EPA intends to designate each listed area as a separate unclassifiable/attainment area, as indicated.⁶

Intended Unclassifiable/ Attainment Area	Included Counties
Marathon County	Entirety of Marathon County
Sheboygan County	Entirety of Sheboygan County

The enclosure to this letter provides the information that supports the intended designation decisions for these areas in Wisconsin.⁷

Finally, we intend to designate as unclassifiable/attainment all remaining areas of Wisconsin that were not required to be characterized and for which EPA does not have information that suggests the area may not be meeting the NAAQS or contributing to air quality in a nearby area that does not meet the

⁶ Our intended designated areas include all areas of Indian country located in each of the indicated areas.

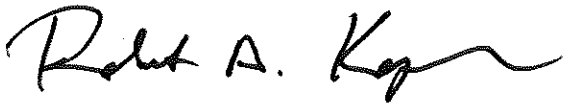
⁷ Enclosure 1 is Chapter 44 of the Technical Support Document for the designations EPA plans to complete by December 31, 2017, that addresses areas in Wisconsin. The Technical Support Document is also available at <https://www.epa.gov/sulfur-dioxide-designations>

NAAQS. A list of these remaining areas are also included in the enclosure, in the section titled, "Analysis for the Remaining Counties in Wisconsin".

EPA will promulgate the final designations for the areas identified in this letter by December 31, 2017. We are prepared to work with you to resolve any disagreements with respect to the available information or information gaps. We are then required to designate all other remaining undesignated areas in Wisconsin by December 31, 2020, consistent with the prescribed timing of the court order. The remaining area to be designated is Outagamie County.

We share your goal to provide cleaner air for citizens in your state. We look forward to a continued dialogue with you and your staff as we work together to complete the area designations and implement the 2010 primary SO₂ NAAQS. For additional information regarding designations under the SO₂ NAAQS, please visit our website at <https://www.epa.gov/sulfur-dioxide-designations>. Should you have any questions, please do not hesitate to call me, or have your staff contact Ed Nam of my staff at 312-353-2192 or Nam.Ed@epa.gov.

Sincerely,



Robert A. Kaplan
Acting Regional Administrator

Enclosure

Cc Cathy Stepp, Secretary, Wisconsin Department of Natural Resources
Gail Good, Director, Air Management Program, Wisconsin Department of Natural Resources