



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGIONAL ADMINISTRATOR
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

August 13, 2020

The Honorable Tony Evers
Governor of Wisconsin
Wisconsin State Capitol
115 East Capitol Drive, #1
Madison, Wisconsin 53702

Dear Governor Evers:

The purpose of this letter is to notify you of the U.S. Environmental Protection Agency's (EPA's) intended designations for the remaining undesignated areas in Wisconsin for the 2010 1-hour sulfur dioxide (SO₂) primary national ambient air quality standard (NAAQS). In accordance with section 107(d)(1)(B)(ii) of the Clean Air Act (CAA), EPA is providing you with 120 days' notice before promulgating final designations for areas in Wisconsin. The designations for this NAAQS are an important part of EPA's commitment to a clean, healthy environment.

EPA's intended designations are a response to, and in consideration of, the recommendations and designations-related information your state submitted in letters dated May 26, 2011¹, May 1, 2020, and July 17, 2020.

In previous final actions, EPA issued designations for the 2010 SO₂ NAAQS for most areas of the country.² To meet the requirements of a March 2, 2015 schedule ordered by the U.S. District Court for the Northern District of California, by December 31, 2020, EPA will sign for publication in the *Federal Register*, a notice promulgating designations for all remaining areas of the country.³ We are referring to this final set of designations for the 2010 SO₂ NAAQS as "Round 4" designations. After EPA completes these Round 4 designations, there will be no remaining undesignated areas for the 2010 SO₂ NAAQS in the United States.

After carefully considering Wisconsin's recommendations and all available information, particularly (but not limited to) the most recent (2017-2019) air monitoring data, EPA intends to designate the

¹ Letter from Scott Walker, Governor of Wisconsin, to Susan Hedman, USEPA Region 5 Administrator, regarding Wisconsin's Designation Recommendations for the 1-Hour Sulfur Dioxide (SO₂) National Ambient Air Quality Standard, dated May 26, 2011 <https://www.epa.gov/sites/production/files/2016-03/documents/wi-rec.pdf>

² Most areas of the U.S. were previously designated in actions published on August 5, 2013 (78 FR 47191), July 12, 2016 (81 FR 45039), December 13, 2016 (81 FR 89870), December 21, 2017 (83 FR 1098) and March 28, 2018 (83 FR 14597). The EPA is not reopening these previous designation actions in this current Round 4 of designations under the 2010 SO₂ NAAQS, except where specifically discussed.

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

following areas in Wisconsin as shown in the table below. The enclosures to this letter provide the technical information that supports EPA’s intended designation decisions for these areas in Wisconsin.⁴

Areas	Included Counties	EPA’s Intended Designation
Outagamie County except Oneida Township (which includes Oneida Reservation), Oneida Off-Reservation Trust Land, and Noncontiguous Portions of Seymour Township Adjoining the Oneida Nation Tribal Lands	Outagamie County (p)*	Nonattainment
Oneida Tribal Lands and Noncontiguous Seymour Township Areas	Outagamie County (p)*	Attainment/Unclassifiable

(p) indicates portion of county

An asterisk (*) indicates that the EPA’s intended boundaries incorporate modifications consistent with the intent of the recommendation to remove Oneida Reservation land from the non-attainment area boundaries in your July 17, 2020 letter. EPA identified the additional Oneida Off-Reservation Trust Land, and two non-tribal parcels of land in Seymour Township that are isolated from the remaining non-tribal lands that we are proposing to designate as attainment/unclassifiable. Our intent to designate these three land parcels as attainment/unclassifiable would avoid splitting Oneida Nation Tribal Lands into two different designated areas, refrain from creating isolated pockets of nonattainment areas in Seymour Township, and provide geographic continuity in the designated areas. We invite Wisconsin to review the available information and further discuss this issue with EPA to inform appropriate boundaries for the areas. EPA is available to assist and hopes to resolve any differences regarding the appropriate designation for these areas within the 120-day period provided by the CAA.

EPA will publish a notice in the *Federal Register* announcing a 30-day public comment period for interested parties to provide feedback on EPA’s intended designations. States will have additional time beyond the public comment period to respond to public comments, if necessary, and/or provide additional information. If you or your staff have additional information that EPA should review and consider prior to promulgating final designations, please submit it as soon as possible but no later than October 16, 2020. You may submit additional information to EPA’s public docket for these designations, Docket# EPA-HQ-OAR-2020-0037, located at www.regulations.gov.

⁴ Enclosure 1 includes *Chapter #1: Background and History* and *Chapter #2: Designations for Areas without Violating Monitors* of the Technical Support Document. Enclosure 2 includes Chapter # 11 of the Technical Support Document that addresses areas in Wisconsin. The Technical Support Document is also available at <https://www.epa.gov/sulfur-dioxide-designations>.

Thank you for Wisconsin's efforts to provide cleaner air for the 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 SO₂ NAAQS. For additional information regarding designations under the 2010 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 at 312-886-3000, or have your staff contact John Mooney, Acting Air Division Director, at mooney.john@epa.gov, or at 312-886-6043.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kurt A. Thiede".

Kurt A. Thiede
Regional Administrator

Enclosure 1: Technical Support Document, Chapter #1: Background and History and Chapter #2: Designations for Areas without Violating Monitors of the Technical Support Document

Enclosure 2: Technical Support Document, Chapter #11: Intended Round 4 Area Designation for the 2010 1-Hour SO₂ Primary National Ambient Air Quality Standard for Wisconsin

cc: Preston D Cole, Secretary, Wisconsin Department of Natural Resources
Tehassi Hill, Tribal Chair, Oneida Nation