



# Milwaukee region meets ozone standards, EPA to report

## But likely lumped with Chicago, Kenosha feels slighted in new air pollution groupings

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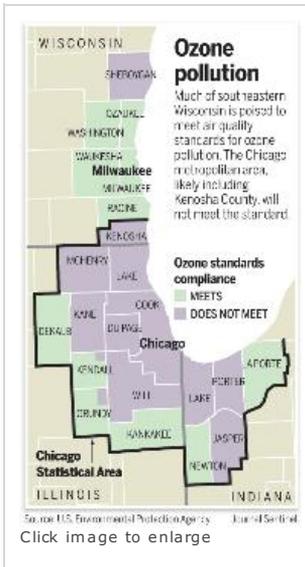
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In a major triumph in the fight against pollution, the U.S. Environmental Protection Agency is getting ready to conclude that the metropolitan Milwaukee region is meeting a new national standard for ozone levels.

But Kenosha County is likely to be left out because of the action of Illinois. Officials there are pushing to keep the Chicago area in violation of ozone standards to ensure that Illinois will keep tens of millions of dollars in annual federal aid.

If that happens, Kenosha County will be lumped in with Illinois.

The EPA has notified state officials that the region is meeting federal standards for ozone. Southeastern Wisconsin's air quality has improved because of cleaner-burning vehicles, the use of reformulated gas, an emissions testing program and stricter smokestack controls.

Business is lauding the impending redesignation because it will ease restrictions on factories with heavy emissions.

When a region violates smog standards, companies must install more expensive pollution controls or purchase emissions credits from other factories if they want to expand or relocate.

"It's a huge win for the Milwaukee area," said Scott Manley of Wisconsin Manufacturers & Commerce, the state's largest business lobby. "We remove that stigma in our economic development."

Environmental and health groups say it's premature to declare victory because the new smog standards aren't strict enough.

Late last year, the EPA said it would implement a new standard for ozone that would drop from 80 to 75 parts per billion measured over eight hours. It was an about-face for the Obama administration, which earlier said it was eyeing 60 to 70 parts per billion.

The new standard will remain in effect until at least 2015 or 2016, according to the Wisconsin Department of Natural Resources.

"We needed to go further," said Jennifer Feyerherm of the Sierra Club in Wisconsin.

For consumers, aside from knowing they're breathing cleaner air, the designation doesn't appear to be a game-changer.

Congress would have to rewrite clean-air laws and eliminate the requirement for more expensive reformulated gasoline, said Joseph Hoch, an air pollution section chief at the DNR. Reformulated gas has been sold in the Milwaukee area since 1995.

Getting rid of testing stations - a fixture in the region since 1984 - is possible. But generally, regulators must maintain rules that brought a region into compliance. Hoch said the environmental benefits of the stations would need to be made up elsewhere.

Smog is created when nitrogen oxides and volatile organic compounds from vehicles, factories and other sources react with heat and sunlight and can cause respiratory problems.

Elsewhere in the state, Sheboygan County is expected to remain in violation of ozone standards. Because of its location along the lake and downwind from Milwaukee and Chicago when summer winds push ozone north, it's traditionally been saddled with higher smog levels.

### Illinois problem

Kenosha County's situation, meanwhile, is tied to Illinois.

Earlier this year, the county was poised to join Milwaukee, Waukesha, Ozaukee, Washington and Racine counties in compliance with the new ozone standards.

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The reason: Illinois officials - fearful they would lose about \$80 million annually in federal transportation funds - provided federal regulators with updated data showing Illinois is violating smog standards.

Kenosha County is part of Chicago's metropolitan statistical area, but until now, it's been assigned to Wisconsin for air pollution purposes.

Illinois' violation occurred at a single monitoring site in Zion, just over the border, so Illinois officials decided to replace 2008-'10 data with new data from 2009 to 2011 that showed that Zion was 1 part per billion above the new standard, or 76 parts per billion.

Earlier this year, the EPA said it intended to redesignate metro Chicago, Kenosha County and three Indiana counties as out of compliance for ozone.

## **A 'unique situation'**

In a letter to Gov. Scott Walker, EPA regional administrator Susan Hedman acknowledged a "unique situation" where Illinois provided updated data ahead of schedule.

But she also noted that Kenosha County's air monitor at Chiwaukee Prairie on Lake Michigan and the Illinois border has historically been used to measure Illinois air quality.

A complicating factor in all of this is Kenosha County, too, would slightly exceed the new standard if Wisconsin used 2009-'11 figures. That's because of high ozone levels in 2011. But Wisconsin was not required to use data from last year.

"We're so close one way or another that it comes down to how warm the summer is," Hoch said. "It's not that the emissions are changing that much."

Walker has not yet responded to the EPA, but a DNR spokesman said he would provide written comment by April 20. The EPA is expected to make a final decision by May 31.

Illinois authorities praised the EPA and said the loss of \$80 million a year in Congestion Mitigation and Air Quality Improvement funding would jeopardize the state's efforts to fight air pollution. The funds are used for projects such as express bus service and paving bicycle paths.

"We must ensure that Illinois receives adequate resources to improve air quality and reduce congestion," Illinois Gov. Pat Quinn said in a Feb. 1 statement.

## **Kenosha unhappy**

But Kenosha and northern Indiana officials have been critical of the EPA.

"This might be great news for Chicago, but the fact that Kenosha County is being dragged into this is not very appealing to us," said Todd Battle, president of the Kenosha Area Business Alliance.

While Kenosha has benefited from its proximity to Illinois, Battle said companies with heavy emissions haven't been expanding because of the ozone regulations.

"I couldn't find one that's expanded for the better part of 15 years," Battle said.

Representing the alliance, Milwaukee attorney Arthur J. Harrington filed comments with the EPA, noting that computer modeling shows ozone tends to drift north from Illinois. Kenosha County is the source of less than 2% of nitrogen oxides and volatile organic compounds in metro Chicago, he said.

"Kenosha County has little control over emissions sources that contribute to ozone levels in Chicago, . . . Rather, ozone concentrations are largely driven by Chicago-area sources," Harrington said.

From Illinois, a different perspective:

Ozone levels rose in 2011, and it's inevitable that regulators will ratchet down the standard in the future, said Donald Kopec, deputy director of planning and programming for the Chicago Metropolitan Agency for Planning.

"We're eventually going to be in nonattainment again," he said. "This is only temporary. It sends the wrong message - there is still a lot of work to be done."