

**Town of Polk  
Washington County**

**RESOLUTION NO. 05.2025**

**Advisory Resolution Supporting Reversal of the US Environmental Protection Agency  
Decision Classifying Portions of Washington County as Serious Nonattainment for the 2015  
Ozone National Ambient Air Quality Standard**

**WHEREAS**, the Clean Air Act requires the United States Environmental Protection Agency (EPA) to set national ambient air quality standards (NAAQS) for "criteria pollutants." Currently, ozone and related photochemical oxidants, and five other major pollutants are listed as criteria pollutants including carbon monoxide, lead, nitrogen oxides, particulate matter and sulfur oxides; and

**WHEREAS**, the Clean Air Act identifies two types of NAAQS. Primary standards which provide public health protection, including protecting the health of "sensitive" populations such as asthmatics, children, and the elderly and Secondary standards which provide public welfare protection, including protection against decreased visibility and damage to animals, crops, vegetation, and buildings; and

**WHEREAS**, if the EPA determines that pollution levels in an area exceed a NAAQS or an area contributes to ambient air quality in a nearby area that fails to meet a primary or secondary NAAQS, it may designate that location as a nonattainment area meaning that the area exceeds a standard for one or more criteria and the designated area becomes subject to a state implementation plan that must impose emission reduction requirements on emission sources in that area sufficient to return to attainment; and

**WHEREAS**, the EPA is required to periodically review relevant scientific data to ensure that the NAAQS provide the requisite protection for public health and welfare; and

**WHEREAS**, where portions of Washington County were designated as a marginal nonattainment area for ozone in 2015 and were redesignated as a moderate nonattainment area in 2021; and

**WHEREAS**, in January 2025, those portions of Washington County were redesignated as serious nonattainment area (89 Fed. Reg. 101,901 (December 17, 2024) despite the fact that pollution levels along the Lake Michigan shoreline as measured in Wisconsin have dropped 22% in the last 20 years and ambient air ozone concentrations in Washington County are not monitored, therefore there is no evidence of air quality in Washington County exceeding the ozone NAAQS; and

**WHEREAS**, the EPA in conducting its review resulting in the serious redesignation failed to consider the State of Wisconsin's good faith efforts to reduce emissions, did not properly account for Washington County's ambient ozone levels having never been monitored above the ozone NAAQS, improperly concluded that pollution attributable to emission sources associated with Washington County meaningfully contribute to the elevated ozone levels monitored along

1 Wisconsin's Lake Michigan shoreline, and anthropogenic ozone in Washington County and the  
2 other Wisconsin ozone nonattainment areas being largely the result of polluted air migrating from  
3 upwind states including Illinois and Indiana; and  
4

5 **WHEREAS**, the change in designation to a serious nonattainment area saddles  
6 Washington County and other southeastern Wisconsin counties including Ozaukee and Milwaukee  
7 with burdensome requirements that will chill development and slow job growth in the region  
8 despite the fact that compliance with these requirements will have minimal impact due to the  
9 pollution that will continue to migrate in from other states; and  
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11 **NOW, THEREFORE, BE IT RESOLVED** by the Town of Polk, Town Board that this  
12 Board respectfully requests that the EPA reconsider and reverse the designation of portions of  
13 Washington County as serious nonattainment.  
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15 **BE IT FURTHER RESOLVED** that the Town of Polk Clerk shall transmit a copy of this  
16 Resolution to each the Washington County Clerk to further distribute.  
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20 ADOPTED this 10th day of June 2025.  
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24 Albert Schulteis, Town Chair  
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26 Attest:   
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28 Alison Pecha, Town Clerk  
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