



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

November 19, 2025

Dr. Karen Hyun
Secretary
Wisconsin Department of Natural Resources
101 South Webster Street, Box 7921
Madison, Wisconsin 53707-7921

Dear Secretary Hyun: *Karen*

Thank you for your June 12, 2025 letter regarding the EPA's 2021 final action entitled "Revised Air Quality Designations for the 2015 Ozone National Ambient Air Quality Standards". EPA shares your commitment to addressing the continuing ground level ozone nonattainment challenges in the Lake Michigan area. This letter responds to a petition for reconsideration from the Wisconsin Department of Natural Resources dated August 13, 2021, and to your June 12, 2025 letter.

In the petition, the Wisconsin Department of Natural Resources requested that the EPA convene a proceeding under section 307(d)(7)(B) of the Clean Air Act to reconsider the 2021 designations action. EPA's authority for designations is contained in section 107(d) of the Clean Air Act; a 107(d) designation is not a covered action under section 307(d). As a result, EPA is denying the State's 2021 section 307(d) reconsideration petition.

While EPA cannot grant the State's 2021 section 307(d) reconsideration petition, section 107(d)(3)(D) of the Clean Air Act provides a process by which a State may request a revised designation for any area within the State. If Wisconsin has additional information that the EPA did not consider in the 2021 designations action, I encourage you to submit a request for a revised designation under section 107(d)(3)(D) along with any supporting data and information.

In your June 12 letter, you also requested that the EPA stay implementation of the determination dated December 17, 2024, in which Wisconsin areas were reclassified to Serious by operation of law. On September 5, 2025, the U.S. Court of Appeals for the Seventh Circuit issued a stay of this determination for Wisconsin areas.

EPA appreciates WDNR's continued engagement on the complex impacts of the ozone designations and classification process. As we have discussed with WDNR and multiple stakeholders in Wisconsin, the statutory language of the Clean Air Act does not authorize EPA to grant the type of regulatory relief that has been requested by groups in Wisconsin. From our meetings, we understand that stakeholders have been meeting with members of Congress on potential amendments to the Clean Air Act to

address ozone nonattainment. EPA is available to provide technical assistance to Congress to inform any changes to the Clean Air Act to address ozone in Wisconsin.

As we discussed today, EPA is committed to finding solutions and will continue working with you and your staff to review updated data from southeast Wisconsin.

If you have questions, you are welcome to contact me, or your staff may contact John Mooney, Director, Region 5 Air and Radiation Division, at mooney.john@epa.gov or (312) 886-6043.

Sincerely,

A handwritten signature in black ink that reads "Anne M. Vogel". The signature is written in a cursive style with a large, stylized initial "A".

Anne Vogel

US EPA Region 5 Administrator

& Great Lakes National Program Manager