

RESOLUTION NO. 19-2025

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

WHEREAS, the change in designation to a serious nonattainment area saddles Washington County and other southeastern Wisconsin counties including Ozaukee and Milwaukee with burdensome requirements that will chill development and slow job growth in the region despite the fact that compliance with these requirements will have minimal impact due to the pollution that will continue to migrate in from other states; and

NOW, THEREFORE, BE IT RESOLVED by the Germantown Village Board that this Board respectfully requests that the EPA reconsider and reverse the designation of portions of Washington County as serious nonattainment.

BE IT FURTHER RESOLVED that the Germantown Village Board is joined in this request by the Washington County Board of Supervisors and Washington County Executive Josh Schoemann.

BE IT FURTHER RESOLVED that the Germantown Village Clerk shall transmit a copy of this Resolution to each of Wisconsin's legislators, Wisconsin's Congressional Delegation, the Director of the US EPA, and President Donald J. Trump.

Adopted: October 6, 2025



Robert A Soderberg, Village President

ATTEST:



Donna Ott, Village Clerk