

## CASE STUDY: Godfrey & Kahn plays key role in Door County clean air determination



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### The client need:

The U.S. Environmental Protection Agency (EPA) made a formal determination that Door County, Wisconsin met the attainment standard for ozone under the [stringent ozone standards](#) adopted in 2015. The EPA proposed that the northern half of Door County should be designated as nonattainment for ozone based upon the monitoring results for the sole monitor for the County located at the tip of the Door County peninsula in Newport State Park. Door County officials believed these results were limited to near shore area ozone generated from distant sources in the Chicago area and did not adequately represent the quality of air located throughout the County.

### Godfrey & Kahn's solution:

On Door County's behalf, Godfrey & Kahn's Environmental Law Practice Group worked cooperatively with the Wisconsin Department of Natural Resources (DNR), the Door County Corporation's general counsel and the County Administrator to craft a complex technical support document. This technical support document was presented to the EPA to support the County's position for limiting the final nonattainment designation to Newport State Park.

### Results:

Based on the data presented, the EPA decided to classify the entire area as attainment under the 2015 ozone standard based on more recent monitoring data. This decision represents final confirmation of clean air for this unique county in Wisconsin. The decision to limit nonattainment to Newport State Park, which is one of the smallest nonattainment areas ever established by the EPA, was critical to Door County given the adverse impacts a larger nonattainment designation could have on the recreational and residential real estate economy in the County.

The final attainment decision was cause for celebration by Door County as well as the DNR and the EPA. The [recent joint press release](#) issued by EPA with comments by Door County officials celebrated this final decision.

*"The Newport State Park area achieving attainment with the 2015 NAAQS is a significant and positive development for Door County... The time, effort and able assistance of all involved, including the Wisconsin Department of Natural Resources, U.S. Environmental Protection Agency, and Attorney Art Harrington, is greatly appreciated. We look forward to working with the DNR and EPA to keep the area in attainment long into the future..."*

**- Ken Pabisch, County Administrator, Door County Wisconsin**

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