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Clean Air Act: U.S. Environmental Protection Agency Office of Inspector General Report Addressing Facility Evaluations

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The United States Environmental Protection Agency ("EPA") Office of Inspector General ("OIG") issued a May 3rd report titled *Clean Air Act Facility Evaluations Are Conducted, but Inaccurate Data Hinder EPA Oversight and Public Awareness ("Report")*. See Report No. 16-P-0164.

OIG states it performed the review to determine whether EPA management controls:

...reasonably assure the agency conducts compliance assurance activities for major Clean Air Act (CAA) facilities in accordance with the Compliance Monitoring Strategy (CMS).

Pursuant to the CMS, delegated agencies are required to submit a plan that outlines full compliance evaluation frequencies.

OIG states that it obtained information through EPA's Enforcement and Compliance History Online ("ECHO") website indicating many facilities had not received full compliance evaluations in the recommended two year intervals. "Many" major facilities are stated not to have received full compliance evaluations in five years.

Errors were also stated to have been found which had been undetected because of limited data quality oversight performed in EPA Regions 6, 8 and 9.

OIG notes by way of introductory overview that:

Oversight was needed to verify data entered into the Air Facility System (AFS) and migrated into the Integrated Compliance Information System-Air (CIS-Air) database, from which the ECHO website pulls its data. Inaccurate data hinder EPA oversight and reduce assurance that delegated compliance programs comply with the agency's CMS guidance. Further, unreported or inaccurate data presented on the publicly available ECHO website could misinform the public about the status of facilities. While FCEs were generally conducted in the three regions, Region 9's management controls could be improved. For example, on California local air district could not locate compliance monitoring reports for several facilities, despite having a records-retention policy that requires the district to keep records for 7 years or up to 2018. In addition, 89 percent of the 35 local air districts in California had outdated CMS plans, and four of the five local air districts we reviewed had CMS plans that expired in 2011. Due to these conditions, the EPA has less assurance that local agencies in California are conducting adequate compliance activities, which increases the risk that excess emissions could impact human health and the environment.

The *Report* makes recommendations to EPA which include:

- Establishing a policy to conduct regular data quality checks
- Correcting identified inaccuracies in ICIS-Air, and adding recordkeeping requirements to the agency's CMS guidance
- Providing guidance to California's local air districts pertaining to CMS plans
- Consulting with states and local agencies regarding sampled facilities that overdue for a FCE

[Click here to download a copy of the *Report*.](#)