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Reported Clean Air Act Compliance-Monitoring Activities-Federal/State: U.S. EPA Office of Inspector General Report Addresses COVID Period

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The United States Environmental Protection Agency ("EPA") Office of Inspector General ("OIG") issued a November 17th report titled:

Total National Reported Clean Air Act Compliance-Monitoring Activities Decreased Slightly During Coronavirus Pandemic, but State Activities Varied Widely ("Report")

See *Report* No. 22-E-0008.

OIG stated it conducted an evaluation to:

- Assess the impacts of the COVID pandemic on the number/type of compliance-monitoring activities by state and local agencies at facilities emitting air pollution
- Determine what guidance EPA provided to state and local agencies to target or prioritize compliance-monitoring activities at facilities
- Determine how state/local agencies conducted compliance-monitoring activities at facilities during the pandemic

In undertaking the evaluation OIG states it distinguished among three types of stationary sources for purposes of compliance-monitoring activities:

- Title V Major Sources
- Synthetic-Minor Sources
- True Minor Sources

State and local agencies with delegated authority are noted to conduct the following air-related compliance-monitoring activities:

- Full-compliance evaluations
- Partial-compliance evaluations
- Stack test reviews
- Title V compliance certification reviews

OIG states that for fiscal years 2016-2020, state and local agencies conducted about 98.5 percent of all air-related compliance-monitoring activities. EPA conducted the remaining 1.5 percent.

The OIG *Report* concludes that the COVID pandemic:

. . . marginally impacted the total number of nationwide compliance-monitoring activities at facilities that emit air pollution.

Nevertheless, OIG also concluded that activities varied widely among states and territories. Reported changes in activities at high-emitting sources in fiscal year 2020 ranged from an 88 percent decline to a 234 percent increase.

OIG also concludes that state and local agencies shifted some types of compliance-monitoring activities from on-site to off-site. However, this shift is noted to be in accordance with guidance EPA issued in July 2020. This guidance provided some flexibility to state and local agencies to count off-site compliance-monitoring activities toward the Clean Air Act Stationary Source Compliance Monitoring Strategy.

Specific OIG conclusions/observations noted in the *Report* included:

- Pandemic Had Small Impact on Total Number of Reported Compliance-Monitoring Activities, but State and Territory Activities Varied Widely, and Off-Site Activities Have Not Been Assessed
- Total Air Compliance-Monitoring Activities in FY 2020 Were Slightly Below Historical Average
- Number of Compliance-Monitoring Activities in FY 2020 Varied Across States and Territories
- Total Compliance-Monitoring Activities Started Increasing in July 2020
- State and Local Agencies Reduced On-Site Activities and Increased Off-Site Activities During the Pandemic
- EPA Convened Workgroup to Test Using Remote Video to Conduct Off-Site PCEs but Has Not Yet Finalized Procedures
- State and Local Agencies Relied on CAA CMS Guidance to Prioritize Facilities for Compliance Monitoring During the Pandemic
- EPA Did Not Provide Pandemic-Specific Guidance on How State and Local Agencies Should Prioritize Facilities for Compliance Monitoring
- State and Local Agencies We Reviewed Prioritized Conducting FCEs at Facilities Covered by CAA CMS

A copy of the *Report* can be downloaded [here](#).