



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

May 28, 2021

OFFICE OF
AIR AND RADIATION

MEMORANDUM

SUBJECT: EPA Response #2 to Final Report: "EPA Needs to Improve Oversight of How States Implement Air Emissions Regulations for Municipal Solid Waste Landfills" Report No. 20-P-0236, July 30, 2020

FROM: Joseph Goffman
Acting Assistant Administrator

TO: Kathlene Butler
Acting Assistant Inspector General
Office of Audit and Evaluation
Office of the Inspector General

Thank you for the opportunity to respond to your December 14, 2020, response to OAR regarding the Office of the Inspector General's (OIG) July 30, 2020, report titled *EPA Needs to Improve Oversight of How States Implement Air Emissions Regulations for Municipal Solid Waste Landfills* (hereinafter "Report"). On September 28, 2020, OAR provided a response that contained proposed corrective actions to address Report Recommendations 1 through 7. On December 14, 2020, OIG replied stating that the planned corrective action for Recommendations 1, 2, 3, and 7 were acceptable. However, OIG expressed concern with the proposed corrective actions for Recommendations 4, 5, and 6. After our January 21, 2021, conference call and several follow up discussions with OIG, OAR is providing the following additional information to supplement the September 28, 2020, response. Our intent here is to add more specifics that are responsive to the OIG's outstanding concerns.

Recommendation 4: Develop and implement a process to periodically review municipal solid waste landfill (MSWL) design capacity information and title V permit lists to identify MSWLs with design capacities over the applicable threshold that have not applied for a title V permit.

Response 4: As described in the September 28, 2020, response, OAR will develop and implement an oversight process, coordinated with OECA, to periodically review MSWL capacity reports and ensure timely application by landfill facilities that trigger title V permitting based on their reported capacity levels. Planned Completion Date: FY 2021 - Quarter 4.

Recommendation 5: Update guidance to clarify the requirements for submitting an initial design capacity report to include how to:

- a. Address closed MSWL areas and the soil used in MSWL daily and final covers when calculating design capacity.
- b. Determine whether a MSWL is subject to title V permit and NMOC requirements.

Response 5: OAR will update guidance on how to address soil used in municipal solid waste landfill daily and final covers when calculating design capacity by adding that information to the municipal solid waste landfills checklist described in the September 28, 2020 response to Recommendation 5. Planned Completion Date: FY 2021 - Quarter 4.

Recommendation 6: Develop and implement a process to confirm that state plans approved for delegation of the 2016 MSWL EG contain all required program elements and provisions for submitting annual progress reports.

Response 6: OAR will develop and implement a process to confirm that state plans include all required program elements by directing regions to use a Technical Support Document (TSD) that will include a list of the required plan elements, including 40 C.F.R. 60.25(b) and (c), and ensure that each required element is included in the state plan before approval is granted. Moreover, if the state submittal cites to existing provisions to satisfy a specific element, for example a state plan that cites to existing statutory or previously approved regulatory authority, the TSD will require a narrative to explain how the cited provision meets the required plan requirement. The use of a standardized TSD document, in conjunction with the current state plan review process described in our September 28, 2020, response, will ensure each state plan contains the minimum required elements before a state plan is approved. Planned Completion Date: FY 2021 - Quarter 4.

Thank you again for this opportunity to supplement our prior response. If you have any questions regarding this response, please contact JoLynn Colins, OAQPS/OAR Audit Liaison, at (919) 541-5671.

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