



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

August 19, 2021

OFFICE OF
AIR AND RADIATION

MEMORANDUM

SUBJECT: EPA Revised Response to OIG Report titled: "EPA Has Reduced Its Backlog of State Implementation Plans Submitted Prior to 2013 but Continues to Face Challenges in Taking Timely Final Actions on Submitted Plans" - Project No. OA&E-FY20-0125, April 22, 2021

FROM: Joseph Goffman
Acting Assistant Administrator
Office of Air and Radiation

TO: Renee McGhee-Lenart
Acting Director of Programs, Offices, and Centers Oversight Directorate
Office of the Inspector General

The Office of Air and Radiation (OAR) welcomes the opportunity to propose revised corrective actions for the Office of the Inspector General's (OIG) report titled *EPA Has Reduced Its Backlog of State Implementation Plans Submitted Prior to 2013 but Continues to Face Challenges in Taking Timely Final Actions on Submitted Plans*. Specifically, we wish to address OIG Recommendation 2 in the report. Our response to this OIG recommendation for OAR is as follows:

OIG Recommendation 2: Develop and implement a plan to address regional workload disparities to ensure that State Implementation Plan submittals can be acted upon in a timely manner.

Response 2: As noted in your report, EPA Regions employ work sharing within and across Regions to address temporary shifts in workload. Just recently, multiple Regions stepped forward to assist Region 9's Air and Radiation Division in reviewing the numerous Exceptional Events Demonstration precipitated by wildfires in their states.

With respect to the workload associated with taking action on State Implementation Plans (SIPs), EPA is seeking additional resources both for Region 9, which faces unique challenges posed by an unusually high number of SIP-submitting air agencies (48 state and local, 148 tribes and Guam), nonattainment areas (95), and SIPs in active litigation (over 100), and for all regional air programs. EPA has worked hard to improve the timeliness of its SIP actions through process improvements, including early engagement with submitting air agencies, and enhanced tracking via both visual management and the State Planning Electronic Collaboration System (SPeCS). These improvements enabled EPA to take action on a record number of SIPs in FY2020 (451 versus 511 submitted, noting that many of the 451 acted on were not submitted in FY2020)

and reduced the historic backlog to an all-time low of 50 SIPs. However, even with this enhanced efficiency, 341 SIPs remained backlogged in FY2020. With 400 SIPs submitted on average each year and the SIP backlog on average totaling 350, it is clear that the 200 regional FTE currently devoted to processing SIPs is inadequate to effectuate a short-term elimination of the SIP backlog while still taking timely action on all incoming SIPs.

Plan for Addressing Regional Workload Issues

EPA's primary plan for addressing regional SIP workload issues is to seek additional FTE for regional air programs through the budget process. EPA took a first step toward increasing resources for the SIP workload in the FY2021 Operating Plan which provided 8 new FTE to Region 9. The FY 2022 President's Budget also includes a request for significant additional FTE for regional air program implementation, many of which would go toward efforts to reduce the SIP backlog and ensure timely review of incoming SIPs. EPA will seek additional resources for the SIP workload as necessary depending on the outcome of the appropriation process.

While working to obtain additional FTE for regional air work, OAR will take the following additional measures to ameliorate workload disparities:

Supplementary / Interim Remediation

Phase 1: Identify Disparities in Annual Workforce Review

The OAR Deputy Assistant Administrator will send a memo to the regional air directors in November to solicit projected workforce needs and shortfalls for the coming year. This information will be shared and used to inform discussions of potential collaboration/worksharing opportunities at regularly occurring meetings, such as an Air Division Director (ADD) meeting. This practice will provide regular structure for OAR and Regions to identify potential needs for worksharing or other solutions in the short-term while the appropriation process determines FTE levels over the longer-term.

Phase 2: Periodic Review

OAR and Regions will use the existing mechanisms to track progress on any initiatives launched at the Annual Workforce Review with OAR/ADDs in Phase 1, and Regions will be able to use these mechanisms to raise any new issues as they arise through the year. Mechanisms we intend to use for periodic review include regularly occurring meetings between OAR and different levels of regional management.

Phase 3: Implementation

OAR and the Regions will develop situation-specific strategies to address FTE shortfalls identified through the mechanisms described in phases 1 and 2 of the plan. Examples of other strategies to alleviate workload disparities include:

- **Worksharing:** Regions with some available capacity may be able to engage in worksharing with other Regions without available capacity on a temporary basis for more routine SIP submissions.
- **Technical Support:** In situations where a SIP has some scientific, technical or legal complexity, OAR and the Regions have identified subject matter experts and may explore opportunities for them to lend their expertise to address these specific complexities in SIPs located outside of their home offices. This is a

particularly helpful approach in situations where an issue occurs in several instances and an individual's expertise can have broad applicability, such as exceptional event determinations related to wildfires.

Planned Completion Dates: OAR has completed its plan to address regional SIP workload disparities and is in implementation. The primary plan to seek additional regional air program FTE through the budget process will be pursued annually until sufficient resources are allocated. The Supplementary/Interim Plan will also occur annually, with initial launch of the updated communication from OAR to Regions soliciting workforce needs occurring in November 2021.

If you have any questions regarding this response, please contact JoLynn Collins, OAQPS/OAR Audit Liaison, at (919) 541-0528.

cc: Gabrielle Fekete
Betsy Shaw
Peter Tsirigotis
Scott Mathias
Grant Peacock
Marc Vincent
Penny Lassiter
JoLynn Collins
Vera Kornylak
Matt Lakin
Lynne Hamjian
Justin Spenillo