



Office of Inspector General U.S. Environmental Protection Agency **At a Glance**

22-E-0008
November 17, 2021

Why We Did This Evaluation

We conducted this evaluation to:

- Assess the impacts of the coronavirus pandemic on the number and type of compliance-monitoring activities taken by state and local agencies at facilities that emit air pollution.
- Determine what guidance the U.S. Environmental Protection Agency provided to state and local agencies to target or prioritize compliance-monitoring activities at facilities and how agencies conducted those tasks during the pandemic.

The EPA's *Clean Air Act Stationary Source Compliance Monitoring Strategy* recommends the frequency and type of activities to be conducted by delegated state and local agencies, which then report those activities to the EPA. We relied on those reported activities for our findings and recommendations.

This evaluation supports an EPA mission-related effort:

- *Improving air quality.*

This evaluation addresses these top EPA [management challenges](#):

- *Overseeing states implementing EPA programs.*
- *Maintaining operations during pandemic responses.*

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

What We Found

The coronavirus pandemic marginally impacted the total number of nationwide compliance-monitoring activities at facilities that emit air pollution. However, activities varied widely among states and territories, with reported changes in activities at high-emitting sources in fiscal year 2020 ranging from an 88-percent decline to a 234-percent increase. Substantially lower levels of compliance monitoring limit the deterrent effect that consistent monitoring can have on facilities' noncompliance and increase the risk that noncompliance could go undetected at facilities.

Compliance-monitoring activities are important to ensure that facilities comply with applicable Clean Air Act requirements and air regulations to protect human health and the environment and deter violations that result in excess emissions.

State and local agencies shifted some types of compliance-monitoring activities from on-site to off-site. This shift is in accordance with guidance the EPA issued in July 2020, which 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*, or CAA CMS, commitments for full compliance evaluations. The EPA, however, has not yet assessed the impact of this flexibility on the use of off-site full-compliance evaluations to ensure that evaluations are consistent with the CAA CMS. In addition, while the EPA convened a workgroup to explore using remote video to conduct off-site partial-compliance evaluations, the Agency has not yet determined the conditions under which remote video is technically, legally, and programmatically feasible and has not finalized its draft standard operating procedures.

While the EPA did not issue pandemic-specific guidance on how state and local agencies should prioritize facilities for compliance monitoring, the three state and local agencies we reviewed told us that they prioritized activities at the largest emitters of air pollution to meet their commitments under the CAA CMS.

Recommendations and Planned Agency Corrective Actions

We recommend that the EPA address the needs of agencies that had significant declines in compliance-monitoring activities. We also recommend internal controls to strengthen the EPA's oversight of off-site compliance-monitoring activities. The EPA provided acceptable corrective actions and planned completion dates for our six recommendations. All recommendations are resolved with corrective actions pending.