



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, DC 20460

ASSISTANT ADMINISTRATOR  
FOR ENFORCEMENT AND  
COMPLIANCE ASSURANCE

JUN 03 2016

**MEMORANDUM**

**SUBJECT:** EPA Final Response on "*Clean Air Act Facility Evaluations Are Conducted, but Inaccurate Data Hinder EPA Oversight and Public Awareness.*"  
Report No. 16-P-0164, May 3, 2016.

**FROM:** Cynthia Giles 

**TO:** Arthur A. Elkins Jr., Inspector General  
Office of the Inspector General

We appreciate the opportunity to provide you with a final response on the Office of Inspector General (OIG) report *Clean Air Act Facility Evaluations are Conducted, but Inaccurate Data Hinder EPA Oversight and Public Awareness*. Overall, this report reflects the beneficial collaboration that was undertaken to complete the review and the report. EPA agrees that periodic evaluations of regulated facilities are essential to ensure industry compliance with Clean Air Act (CAA) environmental requirements. EPA appreciates and agrees with the OIG finding that CAA evaluations are generally being conducted and completed in accordance with the EPA CAA Stationary Source Compliance Monitoring Strategy (CMS). The OIG report highlights the importance for the Agency and the public to have access to accurate compliance monitoring data to conduct general oversight of compliance monitoring programs and to monitor facility-specific performance within local communities.

Furthermore, EPA agrees with the OIG that CMS plans help ensure that regulated facilities are evaluated on a regular and consistent basis. The OIG correctly identified several California local air districts as having outdated CMS plans as of September 2015, and we continue to agree that they should be updated and maintained per the CAA CMS. While uniquely challenged in overseeing thirty-five local air districts, Region 9 is currently engaged in efforts to have all districts update their plans by October 1, 2016.

EPA would like to note that we continue to have a different perspective regarding the following OIG conclusion: "*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.*" This conclusion concerning the Region 9 program and

California local air districts is stated in both the summary "At a Glance" page and within the body of the report.

Although the OIG revised the conclusion based upon the Agency comments on the draft report, the Agency continues to believe that Region 9 has sufficient assurance that the California local air districts are implementing adequate compliance monitoring programs and conducting adequate compliance activities. This assurance is based upon several factors. First, the OIG review itself found that the California local air districts generally conducted full compliance evaluations for the facilities within the assignment's scope according to the evaluation frequencies outlined in their CMS plans, even though their plans were outdated. Second, the EPA State Review Framework reviews of local air districts confirmed continued adherence with the CMS frequencies. Third, additional assurance is provided via the routine ongoing communications between Region 9 and their local districts. Currently, based on a recent analysis of data in the national compliance and enforcement data system, the local air districts are implementing compliance monitoring programs that meet or go beyond the minimum evaluation frequencies for Title V and SM80 sources.

If you have any questions regarding this final response, please contact Gwendolyn Spriggs, the OECA Audit Liaison, at (202) 564-2439.

cc:

Alexis Strauss, Acting Regional Administrator, Region 9  
Larry Starfield, OECA  
Betsy Smidinger, OC  
Karin Koslow, OC  
Mamie Miller, OC  
Gwendolyn Spriggs, OAP  
James Hatfield, OIG