



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

OFFICE OF
INSPECTOR GENERAL

December 14, 2020

MEMORANDUM

SUBJECT: Notification of Evaluation:
Impacts of the Coronavirus Pandemic on State and Local Air Compliance
Monitoring Activities
Project No. OE-FY21-0065

FROM: Renee McGhee-Lenart, Acting Director
Air Directorate *Renee D. McGhee-Lenart*
Office of Evaluation

TO: Susan Parker Bodine, Assistant Administrator
Office of Enforcement and Compliance Assurance

The Office of Inspector General for the U.S. Environmental Protection Agency plans to begin the subject evaluation. Specifically, the OIG will assess how the coronavirus pandemic—that is, the SARS-CoV-2 virus and resultant COVID-19 disease—has impacted air compliance monitoring activities undertaken by EPA-delegated state and local agencies to confirm that facilities that emit air pollution are complying with the Clean Air Act and federal air regulations. This evaluation addresses the following top management challenges for the Agency, as identified in our [EPA's FYs 2020–2021 Top Management Challenges](#) report, issued July 21, 2020:

- Maintaining operations during pandemic and natural disaster responses.
- Overseeing states implementing EPA programs.

The OIG's objectives are to:

- Assess the impacts of the 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 EPA has provided to state and local agencies to target or prioritize compliance monitoring activities at facilities.
- Determine how state and local agencies have targeted or prioritized compliance monitoring activities at facilities during the pandemic.

The OIG plans to conduct work within the Office of Enforcement and Compliance Assurance, as well as within selected EPA regions and states. The evaluation will be conducted using *Quality Standards for Inspection and Evaluation*, issued by the Council of the Inspectors General on Integrity and Efficiency. The anticipated benefits of this evaluation include improving the EPA's and delegated state and local air agencies' maintenance of critical operations during future pandemic and natural disasters, improving the

EPA's oversight of states responsible for implementing Clean Air Act programs, and ensuring compliance with clean air laws and regulations.

We will contact you to arrange a mutually agreeable time to discuss our objectives. We would also be particularly interested in any areas of concern that you may have. We will answer any of your questions about the evaluation process, reporting procedures, methods used to gather and analyze data, and what we should expect of each other during the evaluation. Throughout the evaluation, we will provide updates on a regular basis.

To expedite our evaluation, please provide us with, or refer us to the locations of, the following information either before or at the entrance conference:

- EPA policies, procedures, and guidance from March 2020 to the present related to:
 - How state and local agencies target and prioritize air compliance monitoring activities.
 - How EPA regions oversee state and local agencies' reporting of air compliance monitoring activities.
 - What virtual or remote tools are available to conduct air compliance monitoring activities.
- A list of provisions in the Clean Air Act and air regulations requiring state and local agencies to report compliance monitoring information to the EPA.
- Information on the accuracy, completeness, and upload time frames of air data into the Integrated Compliance Information System for Air and the Enforcement and Compliance History Online databases. This information should include a description of specific tools in the Enforcement and Compliance History Online database that the Office of Enforcement and Compliance Assurance suggests state and local agencies use to prioritize compliance monitoring, as discussed in the EPA's July 22, 2020 memorandum, *Office of Enforcement and Compliance Assurance Recommended Processes for Adjusting Inspection Commitments Due to the COVID-19 Public Health Emergency*.
- Information on the EPA-Environmental Council of the States' remote virtual compliance pilot project workgroup, including:
 - A list of the air-related remote virtual compliance pilot projects, including a short description of each pilot project, the EPA regions and states where each pilot project took place, and the lead point of contact for each pilot project.
 - Workgroup charter, memorandum of understanding, or memorandum of agreement, as well as any expected deliverables.
 - Any workgroup meeting minutes or notes.

We respectfully note that the OIG is authorized by the Inspector General Act of 1978, as amended, to have timely access to personnel and all materials necessary to complete its objectives. We will request that you immediately resolve the situation if an Agency employee or contractor refuses to provide requested materials to the OIG or otherwise fails to cooperate with the OIG. We may report unresolved access matters to the administrator and include the incident in the *Semiannual Report to Congress*.

I will supervise the evaluation, and the project manager will be Erica Hauck. Any information related to the evaluation should be addressed to Erica Hauck at (303) 312-6629 or hauck.ERICA@epa.gov or to me at (913) 551-7534 or mcghee-lenart.renee@epa.gov.

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