

# Oversight of State and Local Air Agencies/Identification of SM-80 Facilities: U.S. EPA Office of Inspector General Project Notification



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The United States Environmental Protection Agency (“EPA”) Office of Inspector General (“OIG”) issued a November 16th Notification of Audit (“Notification”) titled:

*EPA Oversight of State and Local Air Agency Identification of SM-80 Facilities (“Notification”)*

The *Notification* is transmitted from Michael D. Davis, Director, OIG Environmental Infrastructure and Investment, Office of Audit to Lawrence Starfield, Acting Assistant Administrator, EPA Office of Enforcement and Compliance Assurance and Joseph Goffman, EPA Acting Assistant Administrator, Office of Air and Radiation.

SM-80 sources are minor sources that have taken an enforceable limit to remain minor sources. They are synthetic minor sources that emit or have the potential to emit at or above 80 percent of the Title V major-source threshold.

Synthetic minor sources are those facilities that have the potential to emit regulated pollutants at or above major-source thresholds. However, they agreed to enforceable restrictions to limit their emissions below these thresholds to avoid being subject to more stringent major-source requirements. Such enforceable restrictions are also called limitations and are included in a facility’s air permit.

The November 16th *Notification* states that OIG plans to begin fieldwork to determine whether EPA oversight has:

... assured that state and local agencies with large compliance-monitoring programs identify high-emitting synthetic minor facilities, known as SM-80s, in accordance with the EPA’s Clean Air Act Compliance Monitoring Strategy.

The audit is stated to be part of OIG’s oversight plan for the fiscal year 2022. Further, it is stated to address the following fiscal year 2022 top management challenge for the agency:

- Enforcing Environmental Laws and Regulations

OIG states that it plans to conduct work within the:

- EPA Office of Enforcement and Compliance Assurance
- EPA Office of Air and Radiation
- EPA Region 6 (which includes Arkansas)

- EPA Region 9
- State of California
- State of Texas

OIG states that EPA's Enforcement and Compliance History Online database indicates that California and Texas have the two largest Clean Air Act compliance-monitoring programs in the nation. The programs are stated to report over 1,000 Title V major facilities.

A copy of the *Notification* can be downloaded [here](#).