



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

THE INSPECTOR GENERAL

June 15, 2021

**MEMORANDUM**

**SUBJECT:** Response to the Office of Air and Radiation's Corrective Action Plan for Office of Inspector General Report No. [20-P-0236](#), *EPA Needs to Improve Oversight of How States Implement Air Emissions Regulations for Municipal Solid Waste Landfills*, issued July 30, 2020

**FROM:** Sean W. O'Donnell

A handwritten signature in blue ink that reads "Sean W O'Donnell".

**TO:** Joseph Goffman, Acting Assistant Administrator  
Office of Air and Radiation

Thank you for your memorandum dated May 28, 2021, which supplements the U.S. Environmental Protection Agency's initial September 28, 2020 memorandum and outlines the EPA's revised planned corrective actions and estimated milestones dates for the remaining three unresolved recommendations issued in the subject Office of Inspector General report. The other four recommendations were previously resolved. Based on the information provided in the initial and supplemental memorandums, we agree that the Agency's planned corrective actions meet the intent of Recommendations 4, 5, and 6, which we now consider resolved:

- In Recommendation 4, we recommended that the Office of Air and Radiation “develop and implement a process for the periodic review of municipal solid waste landfill design capacity information and Title V permit lists to identify municipal solid waste landfills with design capacities over the applicable threshold that have not applied for a Title V permit.” The initial memorandum committed to assisting state and local air permitting authorities and EPA regional offices in implementing a process—but not to developing a process. In the supplemental memorandum, the Agency committed to developing a process.
- In Recommendation 5, we recommended that the Office of Air and Radiation:

Update guidance to clarify the requirements for municipal solid waste landfills to submit initial design capacity reports, including how to:

- a. Address closed municipal solid waste landfill areas and the soil used in municipal solid waste landfill daily and final covers when calculating design capacity.
- b. Determine whether a municipal solid waste landfill is subject to Title V permit and nonmethane organic compound emissions reporting requirements.

The planned corrective actions outlined in the initial memorandum satisfied Recommendation 5.b but not Recommendation 5.a. In the supplemental memorandum, the Agency committed to adding guidance to the municipal solid waste landfills checklist described in the initial memorandum to address soil used in municipal solid waste landfill daily and final covers when calculating design capacity. Together, the initial and supplemental memorandums are fully responsive to Recommendation 5.

- In Recommendation 6, we recommended that the Office of Air and Radiation “develop and implement a process to confirm that state plans approved for delegation of the 2016 municipal solid waste landfill Emission Guidelines contain all required program elements and provisions for submitting annual progress reports.” We disagreed that the planned corrective actions proposed in the initial memorandum would assure that state plans include all required program elements. In the supplemental memorandum, the EPA committed to directing that regions use a Technical Support Document, or TSD, that will include a list of the required plan elements, including those specified in 40 C.F.R. 60.25(b) and (c), and to requiring that each of those elements be included in the state plan before granting approval. You also noted:

Moreover, if the state submittal cites to existing provisions to satisfy a specific element, for example a state plan that cites to existing statutory or previously approved regulatory authority, the TSD will require a narrative to explain how the cited provision meets the required plan requirement. The use of a standardized TSD document, in conjunction with the current state plan review process described in our September 28, 2020, response, will ensure each state plan contains the minimum required elements before a state plan is approved.

Together, the initial and supplemental memorandums are fully responsive to Recommendation 6.

All recommendations are now resolved with corrective actions pending. You should track implementation of the corrective actions in the Agency’s audit tracking system until all actions are completed.

We will post this memorandum on our public website at [www.epa.gov/oig](http://www.epa.gov/oig).

cc: Elizabeth Shaw, Deputy Assistant Administrator for Air and Radiation  
Peter Tsirigotis, Director, Office of Air Quality Planning and Standards, Office of Air and Radiation  
Eleanor Marusiak, Audit Follow-Up Coordinator, Office of Air and Radiation  
Eunjee Koh, Audit Follow-Up Coordinator, Office of Air and Radiation  
Grant Peacock, Audit Follow-Up Coordinator, Office of Air and Radiation  
Sabrina Hamilton, Air and Radiation Liaison Specialist and FOIA Coordinator, Office of Air and Radiation  
JoLynn Collins, Audit Liaison, Office of Air Quality Planning and Standards, Office of Air and Radiation  
Charles J. Sheehan, Deputy Inspector General  
Edward S. Shields, Associate Deputy Inspector General  
Rashmi Bartlett, Acting Assistant Inspector General for Special Review and Evaluation  
Christine El-Zoghbi, Deputy Assistant Inspector General for Special Review and Evaluation  
Katherine Trimble, Assistant Inspector General for Audit  
James Hatfield, Associate Deputy Assistant Inspector General for Audit