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Clean Air Act Section 111(d)/129 - Existing Hospital/Medical/Infectious Waste Incinerator Units: U.S. Environmental Protection Agency Final Rule Accepting Arkansas Negative Declaration

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The United States Environmental Protection Agency (“EPA”) published a March 2nd Federal Register Notice accepting a Clean Air Act Section 111(d)/129 negative declaration from Arkansas. See 86 Fed. Reg. 12109.

EPA is issuing the final rule to accept the Arkansas negative declaration in regards to Hospital/Medical/Infectious Waste Incinerator (“HMIWI”) units because none exist in the state.

The Federal Register Notice also indicates EPA’s accepting negative declarations from:

- Louisiana
- New Mexico
- Albuquerque-Bernalillo County, New Mexico

EPA states that it had previously received an HMIWI negative declaration from the Arkansas Department of Energy and Environment – Division of Environmental Quality.

The Clean Air Act requires EPA to approve a Section 111(d)/129 submission that complies with the applicable provisions of the statute and relevant regulations. As to negative declarations for designated facilities, upon receipt of such from the states, the federal agency’s role is to notify the public of the receipt of the negative declaration. Further, it is required to revise 40 C.F.R. Part 62.

A copy of the Federal Register Notice can be downloaded [here](#).