

Clean Air Act Section 111(d)/Municipal Solid Waste Landfills: U.S. Environmental Protection Agency Final Rule Approving Arkansas Plan



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The United States Environmental Protection Agency (“EPA”) published in the December 29th Federal Register a final rule approving the Clean Air Act Section 111(d) state plan submitted by the State of Arkansas for sources subject to the Municipal Solid Waste (“MSW”) Landfills Emission Guidelines (“EG”). See 87 Fed. Reg. 80074.

The Arkansas Department of Energy & Environment – Division of Environmental Quality submitted the MSW Landfills plan to fulfil the State of Arkansas’s obligations under Section 111(d) of the Clean Air Act to implement and enforce the requirements under the MSW Landfills EG.

EPA had previously proposed the referenced approval in a September 30th Federal Register Notice. See 87 Fed. Reg. 59376.

EPA’s approval will require that it amend 40 C.F.R. Part 62, Subpart E to codify that action.

The final rule addresses the regulation of emissions from existing MSW landfills for which construction, reconstruction, or modification was commenced on or before July 17, 2014. EPA’s approval is stated to be based on its belief that the requirements for existing MSW landfills and resulting emissions reductions have contributed to reduced environmental and health impacts on all populations impacted by emissions from such sources in Arkansas. The EPA approval was also based on its finding that the Arkansas MSW Landfills Plan is at least as protective as the federal requirements provided under the MSW Landfills EG.

EPA is required by statute to approve Section 111(d) Clean Air Act plans that meet the federal criteria for approval.

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