

BEFORE THE ARKANSAS POLLUTION CONTROL AND ECOLOGY
COMMISSION

IN THE MATTER OF PROMULGATING NEW)
REGULATION NO. 33, MOTOR VEHICLE) DOCKET NO. 08-____-R
RACING FACILITY REGULATIONS)

PETITION TO INITIATE RULEMAKING TO PROMULGATE A NEW
REGULATION NO. 33, MOTOR VEHICLE RACING FACILITY
REGULATIONS

The Arkansas Department of Environmental Quality (hereinafter “ADEQ” or “the Department”), for its Petition to Initiate Rulemaking to promulgate a new Regulation 33, Motor Vehicle Racing Facility Regulations, states:

1. A.C.A . §§ 8-10-302, 8-10-303, and 8-10-304 (hereinafter “the motor vehicle racing facility statutes”) establish the requirements for the construction and permitting of motor vehicle racing facilities. The Arkansas Legislature (hereinafter “Legislature”) authorized the Arkansas Pollution Control & Ecology Commission (hereinafter “Commission”) to promulgate rules and regulations to implement the motor vehicle racing facility statutes. In addition, the Legislature authorized the Commission to set a permit fee to recover the cost of issuing a motor vehicle racing facility permit.
2. ADEQ issued permits to four motor vehicle racing facilities that met the requirements of the motor vehicle racing facility statutes. The ADEQ proposes these regulations to streamline the permitting process, to codify existing law, to define key, undefined terms, to clarify applicable administrative procedures, and to establish a fee schedule.
3. Mike Porta or Deborah Pitts from ADEQ will be available to answer questions concerning this proposed rulemaking. A copy of the proposed

regulation is attached as Exhibit “A” and is hereby incorporated by reference. A copy of the Legislative Questionnaire is attached as Exhibit “B”, and a copy of a financial impact statement for the proposed revision is attached as Exhibit “C”, both of which are incorporated by reference. An analysis of the impact to small business required pursuant to Act 143 of 2007 (formerly Executive Order 05-04), is attached as Exhibit “D” and hereby incorporated by reference. A copy of the Economic Impact/Environmental Benefit Analysis is attached hereto as Exhibit “E” and is hereby incorporated by reference. A proposed minute order is attached as Exhibit “F” and is hereby incorporated by reference.

WHEREFORE, ADEQ requests that the Commission initiate the rulemaking process, adopt the proposed Minute Order, and promulgate the proposed Regulation No. 33.

Respectfully Submitted,
ARKANSAS DEPARTMENT OF
ENVIRONMENTAL QUALITY
5301 Northshore Drive
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By: _____
Mike Bates