




ARKANSAS
Department of Environmental Quality

Memorandum

TO: Michael O'Malley, Hearing Officer
Arkansas Pollution Control and Ecology Commissioners

FROM: Mike Bates, Chief, Air Division 

DATE: August 14, 2009

SUBJECT: Proposed Revisions to Regulation Number 33, Motor Vehicle Racing Facility Regulations

The Arkansas Department of Environmental Quality (ADEQ or "the Department") proposes revisions to Regulation Number 33, Motor Vehicle Racing Facility Regulations. Regulation Number 33 is applicable to motor vehicle racing facilities as defined in the regulation.

The proposed regulatory amendments involve incorporating changes made by Act 1287 of the 87th General Assembly of the Arkansas State Legislature into Chapter 3 Reg.33.301(D) and Reg.33.301(E). These changes define the necessary requirements for racing facilities to apply for an initial annual permit from the ADEQ. These amendments to Regulation Number 33 ensure that the regulation is consistent with Arkansas statutory law, and incorporates the language of Act 1287 without substantive change. The proposed amendments also involve updating formatting, correcting typographical errors, and inconsistencies in the regulation.

The proposed amendments to Reg.33.301(D) determine pre-permit requirements for facilities in certain counties. This section determines areas of the State in which facilities are exempt from Reg.33.301(A)-(C). Changes made to Reg.33.301(E) involve the minimum distance from the boundary of another county for permitted or constructed facilities. The minimum distance is changed from three miles to one mile from the boundary of another county. The changes made to Reg.33.301(D) and Reg.33.301(E) also involve changes for motor vehicle racing facilities located in a county having a population between eighty thousand (80,000) and ninety thousand (90,000) according to the 1990 Federal Decennial Census. The regulation is changed from north to south of a navigable waterway that traverses the state or more than two (2) miles from an interstate highway, public or private school, or church facility in place at the time of the original permit application