

Rapid City Area Transportation Improvement Program

(Fiscal Years 2007-2011)

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Federal Highway Administration
Federal Transit Administration

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RAPID CITY AREA TRANSPORTATION IMPROVEMENT PROGRAM

(Fiscal Years 2007 - 2011)

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RAPID CITY AREA TRANSPORTATION IMPROVEMENTS PROGRAM

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- ABBREVIATIONS USED IN THIS DOCUMENT -

3-R	Relates to either the interstate maintenance project funding category or the state system structure funding category (Resurfacing, Restoration and Rehabilitation) provided by the DOT under the terms of the ISTEA of 1991.
ADA	Americans with Disabilities Act of 1990. Mandates changes in building codes, transportation, and hiring practices to prevent discrimination against persons with disabilities. This act affects all existing and new public places, conveyances, and employers. The significance of ADA in transportation will be most obvious in transit operations, capital improvements, and hiring practices.
CAAA	Clean Air Act Amendments of 1990
C & G	Curb and Gutter
CY	Calendar Year
DM&E	Dakota Minnesota and Eastern Railroad
DOT	United States Department of Transportation
EPA	United States Environmental Protection Agency
FAUS	Federal-Aid Urban Systems Funds. Designated Federal-Aid routes within urban areas (5,000 or more population). Projects and priorities are established by each urban area. FAUS projects were funded at approximately 78% federal and 22% state. FAUS funds were replaced by STP funds under ISTEA.
FHWA	Federal Highway Administration
FTA	Federal Transit Administration
FY	Fiscal Year
ISTEA	Intermodal Surface Transportation Efficiency Act of 1991
MPO	Metropolitan Planning Organization
NHS	National Highway System
PCCP	Portland Cement Concrete Pavement
PL	Metropolitan Planning Funds. Highway Trust Funds which have been set aside for transportation planning activities in Urbanized Areas. Funding is on an 81.95% - 18.05% federal/local basis.

ABBREVIATIONS USED IN THIS DOCUMENT (Cont.)

RACT	Reasonable Available Control Technologies which have been established by the EPA.
RCATPP	Rapid City Area Transportation Planning Process. The local cooperative transportation planning program.
ROW	Right-Of-Way
SAFETEA-LU	Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users. This five year highway bill was approved in August of 2005 and authorizes the Federal surface transportation programs for highways, highway safety, and transit for the 5-year period 2005-2009 and represents the largest surface transportation investment in our Nation's history.
SEC 5307	Federal Program for capital improvements, i.e. terminals, shelters, mechanical equipment other than buses, computers, office equipment, etc. These funds, formerly known as Section 9 funds, have been available since FY 1984 through the Urban Mass Transportation Act of 1964 as amended by the Federal Transit Act of 1991. They provide resources for planning, capital and operating assistance. The match on planning and capital is 80% federal and 20% local; while the operating subsidy is 50% federal and 50% local.
SEC 5310	These funds, formerly known as Section 16 funds, are available through the Urban Mass Transportation Act of 1964 as amended. This authorizes capital grants to non-profit organizations to assist in providing transportation for the elderly and the handicapped. FTA provides 80% of the costs for equipment, and the 20% match must come from other than federal funds.
SDDOT	South Dakota Department of Transportation
STIP	State Transportation Improvement Program
STP	Surface Transportation Program
TIP	Transportation Improvement Program

METROPOLITAN TRANSPORTATION PLANNING PROCESS SELF-CERTIFICATION STATEMENT

In accordance with 23 CFR 450.334, the **South Dakota Department of Transportation** and the **Rapid City Area Metropolitan Planning Organization** for the **Rapid City, South Dakota urbanized area** hereby certify that the transportation planning process is addressing the major issues in the metropolitan planning area and is being conducted in accordance with all applicable requirements of:

- I. 23 U.S.C. 135, 49 U.S.C. 5303-5305, and 23 CFR Part 450;
- II. Title VI of the Civil Rights Act of 1964 and the Title VI assurance executed by each State under 23 U.S.C. 324 and 29 U.S.C. 794;
- III. Section 1101(b) of the SAFETEA-LU (Pub. L. 109-59) and 49 CFR part 26 regarding the involvement of disadvantaged business enterprises in USDOT funded projects;
- IV. The provisions of the Americans with Disabilities Act of 1990 (Pub. L. 101-336, 104 Stat. 327, as amended) and USDOT regulations "Transportation for Individuals with Disabilities" (49 CFR Part 27 (Nondiscrimination On The Basis Of Disability in Programs Or Activities Receiving Federal Financial Assistance); 49 CFR Part 37 (Transportation Services For Individuals With Disabilities (ADA)); and 49 CFR Part 38 (Americans With Disabilities Act (ADA) Accessibility Specifications For Transportation Vehicles).

Rapid City, South Dakota MPO
Metropolitan Planning Organization

South Dakota Department of Transportation
State Department of Transportation



Signature



Signature

Chairman

Title

Secretary

Title

6/29/06

Date

5 July 06

Date

RAPID CITY AREA TRANSPORTATION IMPROVEMENT PROGRAM

(Fiscal Years 2007 - 2011)

I. INTRODUCTION

A. The Transportation Improvement Program

A Transportation Improvement Program (TIP) is a staged, multi-year program of transportation improvements including highway and transit projects. The TIP is a five (5) year priority list, including a financial plan. The Metropolitan Planning Organization (MPO) and the State Department of Transportation (SDDOT) cooperate in project selection. All projects funded by the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) must be included in the TIP.

The TIP should contain at least the following basic elements:

1. Identification of the project;
2. Estimated total cost and amount of federal funds proposed to be obligated during the program period;
3. Proposed source of federal and non-federal matching funds;
4. Identification of the recipient and, state and local agencies responsible for carrying-out the project;
5. A priority list of projects and project segments; and,
6. A financial plan.

The TIP is a "living" document. It can be amended with the approval of the Executive Policy Committee and Technical Coordinating Committee. The TIP focuses on projects that will require five (5) or less years to implement. Within the first three (3) years of the TIP, projects may be delayed or accelerated according to present needs, without requiring an amendment. This flexibility provides coordination among local and state agencies, saves money and decreases disruptions to the transportation system. The TIP is evaluated at year-end, and an annual increment of improvements is added to maintain a full multi-year program.

The TIP does not constitute an appropriation of funds, nor does it replace the normal funding program. The TIP is intended to serve as a fiscal management tool to assist state and local agencies in matching needs with resources. All projects eligible for placement in the TIP must be selected from an approved Long Range Transportation Plan.

In developing the program, the MPO shall provide citizens, affected public agencies, representatives of transportation agency employees, other affected employee representatives, private transportation providers, and other interested parties a reasonable opportunity to comment on the proposed program. Because public involvement is a very important component of the TIP process, the public is given several opportunities to comment. The TIP is brought before the Rapid City Planning Commission, the Rapid City Council, and the Metropolitan Planning Organization committees. Public notices are printed in the local newspaper for all of the above meetings, and special public meeting notices are printed specifically for review of the TIP before the Metropolitan Planning Organization committees. The public is given the opportunity to comment in person at the meetings or submit comments during a specified

comment period. Responses are made in reply to any comment received, and significant comments are discussed between the Staff involved in the TIP process and ultimately the MPO committees for further discussion.

B. The Transportation Improvement Program In Perspective

SAFETEA-LU projects in urbanized areas must be included in a TIP which is based on a continuing, comprehensive planning process carried on cooperatively by the state and local communities. The rationale for requiring a TIP can be summarized in three (3) key points.

1. Transportation issues should be approached in a comprehensive fashion with participation from all affected parties;
2. A systematic, comprehensive approach to planning and initiating transportation improvements assists decision-makers in determining the location, timing and financing of needed improvements; and,
3. A cooperatively developed program of transportation improvements should facilitate the coordination of public and private improvements thereby eliminating duplication of effort and expense. The TIP development provides local officials and the general public the opportunity to identify, evaluate, and select short-range community transportation improvements.

The Rapid City Area TIP includes all identifiable transportation related improvement projects that may be undertaken in the planning area over the next five (5) years. Emphasis has been on area needs stated in the Long Range Transportation Plan. The guiding principle used in developing the Rapid City Area TIP was that: "the document should be a comprehensive transportation planning and fiscal management tool designed to assist state and local officials in the task of matching needed transportation improvements with available resources to accomplish the community's transportation goals as efficiently and effectively as possible".

II. IDENTIFYING, EVALUATING AND SELECTING CANDIDATE PROJECTS

A. Project Selection And Prioritization

Candidate improvement projects were identified by the appropriate local and state staffs with input from elected officials, private transportation carriers, and the Citizen's Advisory Committee. This input was utilized in developing a Long Range Transportation Plan. Only projects identified in the approved Long Range Transportation Plan are selected as potential TIP projects.

The evaluation of candidate improvement projects and the selection of those to be included in the FY 2007-2011 TIP was based on the following considerations:

1. **Prioritization of Projects:** Candidate projects are prioritized to assess the relative importance of the projects, and to determine the appropriate year for project initiation. Consideration was given to compatibility with adopted community goals and objectives. Priority was given to those projects and programs, which have been documented as needs in recently completed transportation plans or studies.

2. **Economic Feasibility of Project:** This phase of the process consisted of an evaluation of the cost of each project relative to the community's "total" transportation needs and resources. The financial plan demonstrates what funding source will be utilized, and ensures adequate fund allocation to secure all selected projects.
3. **Other considerations:** These considerations included a subjective assessment of the potential environmental, social and energy related impacts of the candidate projects. Such concerns or impacts have been documented in the Long Range Transportation Plan. Finally, state projects were examined so that local projects could be coordinated.

In terms of selecting a project for construction, SAFETEA-LU provides additional flexibility within the period of the first three (3) years. Any projects identified within the initial three (3) year period may be accelerated or moved back based on current funds, needs or priorities. If a newly identified project is to be considered for placement in the TIP, then it must be presented to the transportation planning committees for approval. If approved, an amendment is then placed on the existing TIP to identify the new project.

B. Financial Constraint

SAFETEA-LU requires that Metropolitan Planning Organization (MPO) Transportation Improvement Program be financially constrained and include a financial plan which demonstrates that funding is available for programmed projects. The Rapid City Area Transportation Improvement Program has been developed to meet this requirement, and outlines the available funding in the respective project categories.

All projects sponsored by the City of Rapid City are excerpts from the City's Capital Improvement Program. The CIP is a five-year plan for construction and infrastructure improvements and a committee develops and administers the plan. The five-year plan is revised and updated annually. Streets and Drainage, Government Buildings and the Parks and Recreation Subcommittees submit their requested five-year plan to the CIP Committee. The Committee reviews the requests and formulates the five-year plan based on available funding and priority. The plan is then presented to the Mayor, Planning Commission and City Council for approval. The City of Rapid City Capital Improvements Projects as they relate to transportation are found on Pages 29-31.

The following funding sources have been identified for funding street projects.

1. **Assessments** – Cost recoveries levied against real property based upon the cost of improvements made by the city.
2. **Bond funds** – Funds derived from the issuance of general obligation or revenue bonds by the City. These bonds constitute an obligation of the city to repay principal and interest over a specified number of years from general or other revenues of the City.
3. **Enterprise Funds** – Cost recoveries from user fees or surcharges against real property based upon the cost of improvement by the City. These costs are charged within a specific enterprise fund (water, wastewater, landfill, etc.).
4. **Federal Funds** – Grants or loans from the federal government which are required to be used for specific purposes or projects.

5. **General Fund** – The fund used to account for all financial resources, except those required to be accounted for in another fund. The City's general fund accounts for revenues and expenditures of general property taxes, first penny sales tax, licenses and permits, etc.
6. **Other Funds** – Special revenue or trust funds that account for revenues restricted for specific purposes.
7. **State Funds** – Grants or loans from the State of South Dakota for specific purposes or projects.
8. **Sales Tax (2nd Penny)** – An additional one percent tax levied on gross receipts of retail business and service within the City's jurisdiction that may be used for specific purposes, primarily capital improvement projects and debt retirement.
9. **Tax Increment Financing** – Financing used to fund public investments in an area by capturing, for a time, all of the increased property tax revenue that results when public investment stimulates private investment.
10. **Infrastructure Development Partnership Fund** – Financing used to fund public improvements, including sewer and water system improvements, storm drainage improvements, street construction or street improvements and other public improvements.

Projects programmed for the upcoming year (2007) will be adopted as a part of the City budget. Projects scheduled for subsequent years (2008-2011) are tentatively programmed for implementation in those respective years. All projects beyond the current year are subject to annual review.

Local funding will be provided by developer contributions, Tax Increment Financing and other local sources. The projected annual funding sources for the City of Rapid City's Capital Improvements Plan identified in the 2007-2011 TIP (pages 29-31) are listed above in Figure 1. Adequate funds have been committed to fund the City's local match for transportation projects.

Pennington County presently receives funding from the following sources: Intergovernmental Revenue, Charges for Goods and Services, and Miscellaneous Revenue. Pennington County has committed funds to those County Secondary and Off System Projects (SDDOT) listed within this TIP. The Pennington County Five-Year Construction Program for 2006-2010 and 2012-2014 are included on page 28.

Meade County presently receives funding from the following sources: Intergovernmental Revenue, Charges for Goods and Services, and Miscellaneous Revenue. Meade County has not submitted any information.

Figure 2 identifies the South Dakota Department of Transportation's Comparison of Estimated Funding for Fiscal Years 2007, 2008 and 2009 by project category. Figure 4 provides a graphical representation of the estimated funding versus available program funding for the Rapid City Metropolitan Organization Projects.

Figure 2

FROM THE SOUTH DAKOTA DEPARTMENT OF TRANSPORTATION TENTATIVE 2007-2011 STIP
COMPARING RAPID CITY'S MPO PROJECTS TO ESTIMATED FUNDS

FISCAL YEAR 2007

CATEGORY	INTERSTATE	NHS	STP	BRIDGE	RSI	EAR MARKED	STATE	LOCAL	TOTAL
INTERSTATE	\$ 20.852						\$ 3.990		\$ 24.842
MAJOR ARTERIAL CONST/RECONST			\$ 3.203				\$ 1.000		\$ 4.203
MAJOR ARTERIAL RESURFACING									\$ -
MINOR ARTERIAL CONST/RECONST			\$ 5.405				\$ 1.550		\$ 6.955
MINOR ARTERIAL RESURFACING									\$ -
STATE SECONDARY CONST/RECONST									\$ -
STATE SECONDARY RESURFACING									\$ -
BRIDGE REPLACEMENT				\$ 0.265			\$ 0.065		\$ 0.330
STATE TRUNK 3-R STRUCTURES									\$ -
GRAVEL STOCKPILES									\$ -
RAILROAD CROSSING									\$ -
URBAN SYSTEMS							\$ 2.916		\$ 2.916
ROADWAY SAFETY IMPROVEMENT					\$ 5.076		\$ 0.240	\$ 0.168	\$ 5.484
CONTRACT SURFACE TREATMENT									\$ -
RECREATIONAL TRAILS PROGRAM									\$ -
GAME, FISH AND PARKS									\$ -
SCENIC BYWAYS									\$ -
COUNTY SECONDARY AND OFF SYSTEM			\$ 0.920				\$ 0.230		\$ 1.150
HIGHWAY SYSTEMS MANAGEMENT									
SPECIAL PROJECTS						\$ 12.329	\$ 3.219		\$ 15.548
ECONOMIC DEVELOPMENT									\$ -
ENHANCEMENT PROJECTS									\$ -
TOTAL PROGRAMMED	\$ 20.852	\$ -	\$ 9.528	\$ 0.265	\$ 5.076	\$ 12.329	\$ 13.210	\$ 0.168	\$ 61.428
ESTIMATED FUNDS	\$ 20.852	\$ -	\$ 9.528	\$ 0.265	\$ 5.076	\$ 12.329	\$ 13.210	\$ 0.168	\$ 61.428

Figure 2

FROM THE SOUTH DAKOTA DEPARTMENT OF TRANSPORTATION TENTATIVE 2007-2011 STIP
 COMPARING RAPID CITY'S MPO PROJECTS TO ESTIMATED FUNDS

FISCAL YEAR 2008

CATEGORY	INTERSTATE	NHS	STP	BRIDGE	RSI	EAR MARKED	STATE	LOCAL	TOTAL
INTERSTATE									\$ -
MAJOR ARTERIAL CONST/RECONST									\$ -
MAJOR ARTERIAL RESURFACING									\$ -
MINOR ARTERIAL CONST/RECONST									\$ -
MINOR ARTERIAL RESURFACING									\$ -
STATE SECONDARY CONST/RECONST									\$ -
STATE SECONDARY RESURFACING									\$ -
BRIDGE REPLACEMENT									\$ -
STATE TRUNK 3-R STRUCTURES									\$ -
GRAVEL STOCKPILES									\$ -
RAILROAD CROSSING			\$ 0.160				\$ 0.003	\$ 0.015	\$ 0.178
URBAN SYSTEMS							\$ 1.353		\$ 1.353
ROADWAY SAFETY IMPROVEMENT									\$ -
CONTRACT SURFACE TREATMENT									\$ -
RECREATIONAL TRAILS PROGRAM									\$ -
GAME, FISH AND PARKS									\$ -
SCENIC BYWAYS									\$ -
COUNTY SECONDARY AND OFF SYSTEM									\$ -
HIGHWAY SYSTEMS MANAGEMENT									\$ -
SPECIAL PROJECTS						\$ 1.700		\$ 0.590	\$ 2.290
ECONOMIC DEVELOPMENT									\$ -
ENHANCEMENT PROJECTS									\$ -
TOTAL PROGRAMMED	\$ -	\$ -	\$ 0.160	\$ -	\$ -	\$ 1.700	\$ 1.356	\$ 0.605	\$ 3.821
ESTIMATED FUNDS	\$ -	\$ -	\$ 0.160	\$ -	\$ -	\$ 1.700	\$ 1.356	\$ 0.605	\$ 3.821

Figure 2

FROM THE SOUTH DAKOTA DEPARTMENT OF TRANSPORTATION TENTATIVE 2007-2011 STIP
 COMPARING RAPID CITY'S MPO PROJECTS TO ESTIMATED FUNDS

FISCAL YEAR 2009

CATEGORY	INTERSTATE	NHS	STP	BRIDGE	RSI	EAR MARKED	STATE	LOCAL	TOTAL
INTERSTATE									\$ -
MAJOR ARTERIAL CONST/RECONST									\$ -
MAJOR ARTERIAL RESURFACING									\$ -
MINOR ARTERIAL CONST/RECONST									\$ -
MINOR ARTERIAL RESURFACING									\$ -
STATE SECONDARY CONST/RECONST									\$ -
STATE SECONDARY RESURFACING									\$ -
BRIDGE REPLACEMENT									\$ -
STATE TRUNK 3-R STRUCTURES									\$ -
GRAVEL STOCKPILES									\$ -
RAILROAD CROSSING									\$ -
URBAN SYSTEMS							\$ 1.388		\$ 1.388
ROADWAY SAFETY IMPROVEMENT									\$ -
CONTRACT SURFACE TREATMENT									\$ -
RECREATIONAL TRAILS PROGRAM									\$ -
GAME, FISH AND PARKS									\$ -
SCENIC BYWAYS									\$ -
COUNTY SECONDARY AND OFF SYSTEM			\$ 2.049	\$ 0.132			\$ 0.451	\$ 0.033	\$ 2.665
HIGHWAY SYSTEMS MANAGEMENT									
SPECIAL PROJECTS									\$ -
ECONOMIC DEVELOPMENT									\$ -
ENHANCEMENT PROJECTS			\$ 0.136					\$ 0.030	\$ 0.166
TOTAL PROGRAMMED	\$ -	\$ -	\$ 2.185	\$ 0.132	\$ -	\$ -	\$ 1.839	\$ 0.063	\$ 4.219
ESTIMATED FUNDS	\$ -	\$ -	\$ 2.185	\$ 0.132	\$ -	\$ -	\$ 1.839	\$ 0.063	\$ 4.219

Figure 2

FROM THE SOUTH DAKOTA DEPARTMENT OF TRANSPORTATION TENTATIVE 2007-2011 STIP
 COMPARING RAPID CITY'S MPO PROJECTS TO ESTIMATED FUNDS

FISCAL YEAR 2010

CATEGORY	INTERSTATE	NHS	STP	BRIDGE	RSI	EAR MARKED	STATE	LOCAL	TOTAL
INTERSTATE	\$ 13.785							\$ 1.787	\$ 15.572
MAJOR ARTERIAL CONST/RECONST			\$ 5.825					\$ 1.853	\$ 7.678
MAJOR ARTERIAL RESURFACING									\$ -
MINOR ARTERIAL CONST/RECONST									\$ -
MINOR ARTERIAL RESURFACING									\$ -
STATE SECONDARY CONST/RECONST									\$ -
STATE SECONDARY RESURFACING									\$ -
BRIDGE REPLACEMENT									\$ -
STATE TRUNK 3-R STRUCTURES									\$ -
GRAVEL STOCKPILES									\$ -
RAILROAD CROSSING									\$ -
URBAN SYSTEMS							\$ 1.428		\$ 1.428
ROADWAY SAFETY IMPROVEMENT									\$ -
CONTRACT SURFACE TREATMENT									\$ -
RECREATIONAL TRAILS PROGRAM									\$ -
GAME, FISH AND PARKS									\$ -
SCENIC BYWAYS									\$ -
COUNTY SECONDARY AND OFF SYSTEM									\$ -
HIGHWAY SYSTEMS MANAGEMENT									\$ -
SPECIAL PROJECTS									\$ -
ECONOMIC DEVELOPMENT									\$ -
ENHANCEMENT PROJECTS									\$ -
TOTAL PROGRAMMED	\$ 13.785	\$ -	\$ 5.825	\$ -	\$ -	\$ -	\$ 1.428	\$ 3.640	\$ 24.678
ESTIMATED FUNDS	\$ 13.785	\$ -	\$ 5.825	\$ -	\$ -	\$ -	\$ 1.428	\$ 3.640	\$ 24.678

Figure 2

FROM THE SOUTH DAKOTA DEPARTMENT OF TRANSPORTATION TENTATIVE 2007-2011 STIP
 COMPARING RAPID CITY'S MPO PROJECTS TO ESTIMATED FUNDS

FISCAL YEAR 2011

CATEGORY	INTERSTATE	NHS	STP	BRIDGE	RSI	EAR MARKED	STATE	LOCAL	TOTAL
INTERSTATE									\$ -
MAJOR ARTERIAL CONST/RECONST		\$ 8.611	\$ 5.643					\$ 4.291	\$ 18.545
MAJOR ARTERIAL RESURFACING									\$ -
MINOR ARTERIAL CONST/RECONST									\$ -
MINOR ARTERIAL RESURFACING									\$ -
STATE SECONDARY CONST/RECONST									\$ -
STATE SECONDARY RESURFACING									\$ -
BRIDGE REPLACEMENT				\$ 0.317			\$ 0.079		\$ 0.396
STATE TRUNK 3-R STRUCTURES				\$ 0.159			\$ 0.054		\$ 0.213
GRAVEL STOCKPILES									\$ -
RAILROAD CROSSING			\$ 0.081					\$ 0.009	\$ 0.090
URBAN SYSTEMS							\$ 3.580		\$ 3.580
ROADWAY SAFETY IMPROVEMENT									\$ -
CONTRACT SURFACE TREATMENT									\$ -
RECREATIONAL TRAILS PROGRAM									\$ -
GAME, FISH AND PARKS									\$ -
SCENIC BYWAYS									\$ -
COUNTY SECONDARY AND OFF SYSTEM									\$ -
HIGHWAY SYSTEMS MANAGEMENT							\$ 2.534		
SPECIAL PROJECTS									\$ -
ECONOMIC DEVELOPMENT									\$ -
ENHANCEMENT PROJECTS									\$ -
TOTAL PROGRAMMED	\$ -	\$ 8.611	\$ 5.724	\$ 0.476	\$ -	\$ -	\$ 6.247	\$ 4.300	\$ 22.824
ESTIMATED FUNDS	\$ -	\$ 8.611	\$ 5.724	\$ 0.476	\$ -	\$ -	\$ 6.247	\$ 4.300	\$ 22.824

III. FUGITIVE DUST CONTROL

The Clean Air Act Amendments (CAAA) of 1990 were signed into law November 15, 1990. These amendments established guidelines calling for substantial compliance and adoption of Reasonably Available Control Technology (RACT) which are designed to improve air quality, including air quality related to transportation. Rapid City Municipal Code chapters 8.34-8.44 and Pennington County Air Quality Ordinance #12, Revised, are recognized as the local air quality improvement guidelines. Additionally, ARSD 74:36:18 regulate state facilities within the Rapid City area.

The Air Quality Control Zone is defined in Ordinance #12 Revised as: "The geographical portion of Pennington County, South Dakota, that encompasses the northwest corner of Section 15, Township 2N, Range 6E to the northeast corner of Section 14, Township 2N, Range 8E, to the southeast corner of Section 35, Township 1N, Range 8E to the southwest corner of Section 34, Township 1N, Range 6E, to the northwest corner of Section 15, Township 2N, Range 6E and those portions of Sections 10, 11 and 12 of Township 2N, Range 6E, Sections 7, 8, 9, 10, 11 and 12 of Township 2N, Range 7E, Sections 7, 8, 9, 10 and 11 of Township 2N, Range 8E lying within Pennington County and subject to the jurisdiction of the Board of Commissioners of Pennington County, South Dakota, excluding that portion located within the city limits of Rapid City." Rapid City Municipal Code chapters 8.34-8.44 address air quality issues within the city limits of Rapid City. ARSD 74:36:18 addresses air quality issues at state facilities within the Air Quality Control Zone.

This TIP has been developed to address air quality issues and projects. The Rapid City Metropolitan Transportation Planning Process incorporates several local government agencies and each has instituted methods or procedures designed to reduce transportation generated fugitive dust.

The purpose of the RACT is to focus on preventive measures rather than mitigation measures; in other words, preventing the problem instead of having to fix the problem later. The following Control Measures, as recommended by the United States Environmental Protection Agency (EPA), are included in the local air quality ordinances:

1. Pave, vegetate, or chemically stabilize access points where unpaved traffic surfaces adjoin paved roads.
2. Require dust control plans for construction or land clearing projects.
3. Require haul trucks to be covered.
4. Provide for traffic rerouting or rapid clean up of temporary (and not readily preventable) sources of dust on paved roads (water erosion runoff, mud/dirt carryout areas, material spills, and skid control sand). Delineate who is responsible for cleanup.
5. Require improved material specification for and reduction of usage of skid control sand or salt (e.g., require use of coarse, nonfriable material during snow and ice season).
6. Require dust control measures for material storage piles.
7. Provide for storm water drainage to prevent water erosion onto paved roads.
8. Require revegetation, chemical stabilization, or other abatement of wind erodible soil, including lands subjected to mining, abandoned farms, abandoned construction sites and vacant lots.

In March of 2001, the City of Rapid City submitted an updated Fugitive Dust Control Plan to the Rapid City Area Air Quality Board. The Board approved the plan and will be updated in the Spring of 2004. This plan identifies sources of fugitive dust under City control and presented recommendations for controlling particulate emissions.

The City has been very aggressive in its approach towards improving air quality. This approach has been implemented through stringent paving requirements, the refinement of Public Works operations, monitoring the Street Department's day to day operation, purchasing the latest control technology equipment, and amending the City Ordinance relating to the paving of private parking and circulation.

Since the original adoption of the Fugitive Dust Control Plan in 1980, only 32 miles of unpaved streets remain. Most of the paving funds have come from contributions from developers and individuals participating in the "Out of the Dust" program. These projects are designed to improve unpaved roads or alleys. "Out of the Dust" projects are funded with a forty-percent contribution from the City 1/2 Cent Sales Tax Fund dedicated to roadway improvements, and a sixty-percent contribution from adjacent landowners. These projects are typically initiated by a request or petition from a landowner. Thus, programming future projects may be difficult since project requests, surveying, cost estimates and actual construction may all be done in one year.

In early 1992 an alley inventory was completed so that a prioritization could be established concerning the paving of alleys. At that time, approximately eighty percent of the 32.5 miles of alleys in the City were not paved. Since the 1992 alley inventory, an additional 8.55 miles of alleys have been paved, reducing the number of unpaved alleys to approximately fifty percent. Due to the limited funding available, most of the emphasis on alley paving has been in high traffic commercial and industrial areas. Future alley paving projects will be programmed as funding becomes available.

During the spring seasons of 1993 and 1994, Rapid City Transportation Planning Staff completed a survey of unpaved parking lots in the downtown core area. This information was used to determine the overall acreage of unpaved parking areas, acreage of unpaved parking, landowners, present use, and the combined contribution the lots make in creating fugitive dust. The Rapid City Council will also have this information at their disposal to use as a guide for revising the existing paving requirements and for finding means to pave existing unpaved parking areas that are exempt from paving requirements.

Concerning new streets, the City of Rapid City Subdivision Ordinance requires that newly platted private streets be designed and built to City standards. These standards require a minimum paving design of five inches of asphalt on a base, which increases relative to the projected traffic on the street. The City standards mandate that all contractors disturbing more than one acre of natural or existing surface area apply to the Rapid City Air Quality Division for a construction permit. Facility design is approved at the preliminary plat stage. Prior to final plat approval, the improvements must be implemented per City specifications or a performance bond must be posted.

The City Street Department operations have made several changes to positively affect the air quality. Snow removal procedures, and traction and deicing material application procedures follow the same general guidelines. These guidelines have been established to increase worker awareness to resourcefulness, air quality, and practical operating procedures.

In 1993, new specifications were written for deicing material, reducing the amount of calcite content by 50% to a maximum content of 25%. The City continues to use river sand (which meets the maximum calcite content of 25%) combined with approximately 20% salt and 90 gallons of magnesium chloride per nine cubic yard load for most deicing operations. The City originally began using the liquid deicer magnesium chloride (also called Magnesium Water or identified by its chemical name as $MgCl_2$) in the downtown core area. This product performs very well on ice to one-quarter inch thick. On ice buildup or packed snow, a combination of magnesium chloride and salt will successfully melt through the buildup.

Experimentation with magnesium chloride has led to the following successful application methods:

- 1) Straight -- The solution is sprayed or distributed from a truck mounted tank.
- 2) Salt/Magnesium Chloride Combination -- Depending on the size of the truck, 45 to 90 gallons of Magnesium Water is added to the top of a load of straight salt.
- 3) Sand/Salt/Magnesium Chloride Combination -- Depending on the size of the truck, 45 to 90 gallons of Magnesium Water is added to the top of a load of a sand/salt mixture.

Further experimentation with magnesium chloride during various snowfall and icing events will help determine the most effective use of this material. When the most effective means of use is determined and additional application equipment is purchased, the application of this product will be extended to other key streets.

In the downtown core area and on principal arterials sand use has been discontinued; however, during periods of heavier snow pack some sand may be required as determined by the Director of Public Works. The amount of sand used per event has been significantly reduced on all City streets. Sand is reapplied less frequently, and any new application is based upon traffic safety conditions in specific areas. Sweeping is conducted between sandy events when the temperatures are high enough to stay freezing.

The downtown streets and arterial streets are swept every other week and the downtown streets are water flushed once per month. However, Omaha Street, West Chicago Street and Deadwood Avenue are swept every week and Omaha Street is water flushed once per month due to the heavy truck traffic on these streets. The collectors and local streets are swept approximately every four to six weeks. Regenerative air vacuum sweepers and/or flushing trucks are used on arterial routes and major collector streets every three to four weeks, however, Omaha Street is flushed once per month. A mix of mechanical, vacuum, and regenerative air vacuum sweepers continue to work the residential streets with a circuit of the City being completed every six to eight weeks, depending on the amount of material on the streets and weather conditions.

Fugitive dust sources at the landfill are being controlled through the use of dust suppressants on temporary haul roads, at the working face and on gravel access roads. Gravel access roads are being paved as time and money permit. Trackout is limited through fifty foot sections of three inch gravel pads to knock muddy materials off wheels between the working face and the main access roads. Wind erosion is minimized through temporary surface application of yard waste grindings and compost on disturbed areas. This year include development of a reclamation plan for the site. Other fugitive dust emitting activities such as grinding and compost turning is curtailed during periods of high wind.

Utility maintenance has established a temporary drying bed for soil from water line breaks to minimize trackout from their shop area. Future plans include an engineered drying bed. Decanting water from trucks into water utility trenches and the use of filter fabric near tailgates limits muddy spillage onto roads which dries and produces fugitive dust. Dump truck loads of drysoil are covered with tarps to control fugitive dust during transportation.

The City of Rapid City understands the importance of air quality and has attempted to promote City ordinances and standards which further improve the air quality. Policies, which previously allowed development without the paving of all circulation and parking areas, have been replaced with tougher policies to ensure that all of the City's controls are directed towards improving rather than deteriorating the existing air quality.

In April 2006, the Environmental Protection Agency declared the Rapid City Air Quality Control Area as being in compliance with the Federal Requirements.

This TIP provides a means of monitoring and implementing projects, which will assist in alleviating air quality concerns. Dedicated paving improvements funds are continually programmed as long as there is an existing need.

IV. RECOMMENDED PROJECTS AND PROGRAMS

A listing of projects, programs, and funding sources during Fiscal Years 2007 – 2011 follows. The projects are listed in order of priority as designated by private citizens, the Citizen's Advisory Committee, the Technical Coordinating Committee, the Executive Policy Committee, Planning Staff, and the South Dakota Department of Transportation (SDDOT). The recommended projects and programs have been grouped into "System or Functional Element" categories.

The Rapid City Area Transportation Planning Organization and Rapid City Area Air Quality Board affirm that the projects identified in the Transportation Improvement Program will not cause or contribute to violations, increase the severity and frequency of existing violations, or delay any progress towards improving the air quality.

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Airport Name: Rapid City Regional Airport		NPIAS No.: 46-0048		Master Plan:				
Associated City: Rapid City, SD		Site No.: 22776.A		ALP Date:				
County Name: Pennington		Location Ident: RAP						
County Code:		SMSA No.:						
	Scheduled Service	Scheduled Service	Air Taxi	Mail	Airports	Airports	Proposed	
	Based Aircraft	Annual Enplanements	Annual Operations	Annual Enplanements	Service (Y or N)	Annual Itinerant Operations	Annual Total Operations	New Runways
Current	100	225,731	14,864	500	Y	41,637	56,164	N/A
1-5 Years	101	227,025	11,896	600	Y	44,238	68,200	N/A
6-10 Years	106	262,845	13,110	700	Y	46,964	71,933	N/A
Item No.	Item Description	Year	Total Cost	FAA Share	Sponsor/State Share	FAA NPIAS Code	FAA Priority Code	
1	Master Plan Update, Phase 1	2006	\$96,210	\$91,400	\$4,811	PLPLMA	66	
2	G/A Security Lighting Design Only	2006	\$28,000	\$26,600	\$1,400	STAPLI	41	
	Total		\$124,210	\$118,000	\$6,211			
1	Master Plan Update, Phase 2	2007	\$222,290	\$211,176	\$11,115	PLPLMA	66	
2	G/A Security Lighting Construction Phase	2007	\$617,744	\$586,857	\$30,887	STAPLI	41	
3	Security System Upgrade	2007	\$130,000	\$123,500	\$6,500	SAEQSE	83	
4	Rehabilitate/Strengthen North G/A Apron	2007	\$2,049,664	\$1,947,181	\$102,483	STAPIM	41	
	Total		\$3,019,698	\$2,868,713	\$150,985			
1	Old Terminal Demolition and Ramp Exp	2008	\$3,873,400	\$3,679,730	\$193,670	STAPIM	41	
	Total		\$3,873,400	\$3,679,730	\$193,670			
Grand Totals			\$7,017,308	\$6,666,443	\$350,865			

TIP		Estimated Costs	Funding Sources
Project Number	Project Description		
CALENDAR YEAR 2007			
Rcpts. 07-1	Annual Operating Assistance for Fixed Route and Dial-A-Ride service	\$612,500.00 \$524,000.00 <u>\$28,425.00</u> \$1,164,925.00	Federal (Sec 5307) Local State TOTAL
Rcpts. 07-2	Capital assistance for purchase of one 25ft. ADA approved fixed route transit vehicle	\$83,000.00 <u>\$17,000.00</u> \$100,000.00	Federal (Sec 5307) Local TOTAL
Rcpts. 07-3	Capital assistance for purchase of three 25ft. AD approved Dial-A-Ride paratransit vehicle (Replace two 1999/2000 vehicles) \$181,770 FTA assistance for ADA service	\$181,770.00 <u>\$37,230.00</u> \$219,000.00	Federal (Sec 5307) Local TOTAL
Rcpts. 07-4	Construct or purchase Storage/Maintenance and bus wash facility Note: Included in 2006 TIP but project may not r forward until 2007	\$1,800,000.00 <u>\$400,000.00</u> \$2,200,000.00	Federal (Sec 5309) Local TOTAL
Rcpts. 07-5	Capital assistance for purchase of two trolleys To be used as a downtown CBD circulator	\$199,200.00 <u>\$40,800.00</u> \$240,000.00	Federal (Sec 5307/5309) Local TOTAL
Rcpts. 07-6	Capital assistance for purchase of security came for fixed route vehicles	\$32,800.00 <u>\$8,200.00</u> \$41,000.00	Federal (Sec 5307) Local TOTAL
CALENDAR YEAR 2008			
Rcpts. 08-1	Annual Operating Assistance for Fixed Route and Dial-A-Ride service	\$631,000.00 \$540,000.00 <u>\$28,425.00</u> \$1,199,425.00	Federal (Sec 5307) Local State TOTAL
Rcpts. 08-2	Capital assistance for purchase of three 25ft. AD approved Dial-A-Ride paratransit vehicle (Replace 2001 vehicles) \$186,750 FTA assistance for ADA service	\$186,750.00 <u>\$38,250.00</u> \$225,000.00	Federal (Sec 5307) Local TOTAL
CALENDAR YEAR 2009			
Rcpts. 09-1	Annual Operating Assistance for Fixed Route and Dial-A-Ride service	\$650,000.00 \$530,000.00 <u>\$28,425.00</u> \$1,208,425.00	Federal (Sec 5307) Local State TOTAL
Rcpts. 09-2	Capital assistance for purchase of two 25ft. ADA approved Dial-A-Ride paratransit vehicle (Replace 2002 vehicles) \$132,800 FTA assistance for ADA service	\$132,800.00 <u>\$27,200.00</u> \$160,000.00	Federal (Sec 5307) Local TOTAL
CALENDAR YEAR 2010			
Rcpts. 10-1	Annual Operating Assistance for Fixed Route and Dial-A-Ride service	\$670,000.00 \$546,000.00 <u>\$28,425.00</u> \$1,244,425.00	Federal (Sec 5307) Local State TOTAL
Rcpts. 10-2	Capital assistance for purchase of four 25ft. ADA approved paratransit vehicles (Replace 2003/2004 vehicles)	\$278,880.00 <u>\$57,120.00</u> \$336,000.00	Federal (Sec 5307) Local TOTAL

Rapid City Area Transportation Improvement Program 2007 - 2011

PUBLIC TRANSPORTATION (PRIVATE NONPROFIT)

The Rapid City Area Metropolitan Planning Organization anticipates the following requests for vehicles from the local private nonprofit groups for Section 5310 (formerly Section 16) funding. Applications will be ranked at the local level and recommendations will be forwarded to the Office of Air, Rail and Transit, South Dakota Department of Transportation, for consideration against the applications received Statewide. This list does not imply that any of the following vehicle requests will be funded within the Rapid City Area Metropolitan Planning Organization

VEHICLE TYPES	FY2007	FY 2008	FY2009
30 Passenger Bus w/ lift	1	1	1
9/2 Mini-busses w/lift (11 passenger)	4	4	4
8 Passenger Vans	1	2	2
19 Passenger Mini-busses	2	2	2
6 Passenger Station Wagon	0	0	0
15 Passenger Vans	1	2	2
Wheel chair lift assembly	3	4	4
Total vehicles requested	12	15	15
Total funds requested	\$171,000	\$171,000	\$171,000

Rapid City Area Transportation Improvement Program 2007 - 2011

PROJECT NUMBER	PCEMS	COUNTY	LENGTH (mi.)	ROUTE NO.	LOCATION OF PROJECT	TYPE OF IMPROVEMENT (FEDERAL FUNDS)	TOTAL COST (MILLIONS)
INTERSTATE 3-R PROGRAM							
* FISCAL YEAR 2007 *							
IM-PH 901(61)49 P-PH 0079(49)85	5586 6951	Meade	2.6	I90E I90W SD231 SD231N SD231S	I90, Exit 51 at Black Hawk & SD79, north and south bound lanes from Black Hawk Creek Structure to I90	I90, Reconstruct interchange, strs & mainline east and west bound lanes, SD79 portion, reconstruct	11.924 (Fed) <u>1.738</u> (State) 13.662 TOTAL
Also funded in:							
					Minor Arterial Construction/Reconstruction Projects	1.936	Total Project Cost
					Roadway Safety Improvement	3.804	19.402
IM 0902(141)58	00GF	Pennington	0.0	I90E I90W	Over Maple Ave., 0.5 East of Haines Interchange; over Box Elder Creek & Crk, 1.6 & 2.1 E. St. Patrick Interchange; over RR, EAFB Entrance & old EAFB Main Entrance, 1.6, 1.5 & 1.0 West of Exit 67	Deck overlay, grinding, epoxy, deck seal & approach slabs	0.000 (Fed) <u>1.051</u> (State) 1.051 TOTAL
090 EF-451	00W3	Meade	0.0	I90EF	Exit 40 to Exit 46 on I90	Asphalt surface treatment	0.000 (Fed) <u>0.108</u> (State) 0.108 TOTAL
* FISCAL YEAR 2010 *							
IM 901(38)38	5580	Meade	5.5	I90E I90W	East bound lane & west bound lane from Exit 40 to just west of the West Piedmont (#44) Exit	Reconstruct main line, remove and replace strs	13.785 (Fed) <u>1.787</u> (State) 15.572 TOTAL
* FISCAL YEAR 2011 *							
IM 0901(102)44	3183	Meade	3	I90E I90W	Exit #44 to #46 near Piedmont	Reconstruct mainline & interchanges	19.778 (Fed) <u>3.363</u> (State) 23.141 TOTAL

Rapid City Area Transportation Improvement Program 2007 - 2011

PROJECT NUMBER	PCEMS	COUNTY	LENGTH (mi.)	ROUTE NO.	LOCATION OF PROJECT	TYPE OF IMPROVEMENT (FEDERAL FUNDS)	TOTAL COST (MILLIONS)
MAJOR ARTERIAL CONSTRUCTION/RECONSTRUCTION PROJECTS							
* FISCAL YEAR 2007 *							
P 0044(52)50	6437	Pennington	3.9	SD44	From the end of the concrete in Rapid City to the junction with Airport Road	Grading and surfacing	3.201 (Fed) <u>1.002</u> (State) 4.203 TOTAL
Also funded in:							
					Minor Arterial Construction/Reconstruction Projects	5.019	Total Project Cost 9.222
* FISCAL YEAR 2010 *							
P 0044()42	00X9	Pennington	1.3	SD44	SD 44 (Jackson Blvd.) from Rapid Creek to Mt. View Rd. in Rapid City	Grading, storm sewer, curb & gutter, sidewalk & PCC paving	5.823 (Fed) <u>1.855</u> (State) 7.678 TOTAL
* FISCAL YEAR 2011 *							
NH 2016()64	6875	Pennington	3.5	US16B	From US16 to SD79 in Rapid City	Grading & PCC paving	8.611 (Fed) <u>2.454</u> (State) 11.065 TOTAL
Also funded in:							
					Highway Systems Management	3.358	Total Project Cost 14.423
P 0044()40	6925	Pennington	1.3	SD44	Jackson Boulevard from Chapel Lane Road to Rapid Creek in Rapid City	Grading, storm sewer, curb & gutter, & PCC paving	5.642 (Fed) <u>1.838</u> (State) 7.480 TOTAL

Rapid City Area Transportation Improvement Program 2007 - 2011

PROJECT NUMBER	PCEMS	COUNTY	LENGTH (mi.)	ROUTE NO.	LOCATION OF PROJECT	TYPE OF IMPROVEMENT (FEDERAL FUNDS)	TOTAL COST (MILLIONS)
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MINOR ARTERIAL CONSTRUCTION/RECONSTRUCTION PROJECTS

* FISCAL YEAR 2007 *

IM-PH 901(61)49 P-PH 0079(49)85	5586 6951	Meade	2.6	I90E I90W SD231 SD231N SD231S	I90, Exit 51 at Black Hawk & SD79, north and south bound lanes from Black Hawk Creek Structure to I90	I90, Reconstruct interchange, strs & mainline east and west bound lanes, SD79 portion, reconstruct	1.587 (Fed) <u>0.349</u> (State) 1.936 TOTAL
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Also funded in:

Interstate 3-R Program	13.662		Total Project Cost
Roadway Safety Improvement	3.804		19.402

P 0044(52)50	6437	Pennington	3.9	SD44	From the end of the concrete in Rapid City to the junction with Airport Road	Grading & surfacing	3.818 (Fed) <u>1.201</u> (State) 5.019 TOTAL
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Also funded in:

Major Arterial Construction/Reconstruction Projects	4.203		Total Project Cost
			9.222

BRIDGE REPLACEMENT PROJECTS

* FISCAL YEAR 2007 *

BRF 0079(57)60 BRF 0044(69)39	003V 003U	Custer Pennington		SD44 SD79	SD79 - 1.6 south of the Pennington County line over Battle Creek & 6.6 north of the Custer County line over Spring Creek & SD44 - 4.1 southwest of SD79 over Rapid Creek	Epoxy deck seal	0.265 (Fed) <u>0.065</u> (State) 0.330 TOTAL
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* FISCAL YEAR 2011 *

BRF 0235()48	00KS	Pennington		US16EB US16WB	SE Connector - Over SD44/Railroad & over Rapid Creek	Epoxy deck seal	0.317 (Fed) <u>0.079</u> (State) 0.396 TOTAL
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Rapid City Area Transportation Improvement Program 2007 - 2011

PROJECT NUMBER	PCEMS	COUNTY	LENGTH (mi.)	ROUTE NO.	LOCATION OF PROJECT	TYPE OF IMPROVEMENT (FEDERAL FUNDS)	TOTAL COST (MILLIONS)
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STATE TRUNK 3R STRUCTURE PROJECTS

* FISCAL YEAR 2011 *

P 0016()67	6492	Pennington	0.0	US16E	Tower Road, Non Federal-Aid Co Rd over US16, 1.9 south of SD 44 in Rapid City	Epoxy deck seal & modify joints	0.159 (Fed) <u>0.054</u> (State) 0.213 TOTAL
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RAILROAD CROSSING IMPROVEMENT PROJECTS

* FISCAL YEAR 2008 *

PP 000S(152)	5159	Butte Custer Fall River Lawrence Meade Pennington	0.0		Dakota, Minnesota & Eastern Railroad Crossings from Nebraska South of Oelrichs to Wyoming NW of Belle Fourche	Replace railroad crossing Crossbuck signs	0.025 (Fed) <u>0.003</u> (State) 0.028 TOTAL
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PS 8052(48)	5163	Pennington	0.0		Maple Avenue east of East Boulevard in Rapid City, DM&E #190-261W & #190-262D	Railroad crossing rehabilitation	0.135 (Fed) <u>0.015</u> (State) 0.150 TOTAL
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* FISCAL YEAR 2011*

PP 8052(41)	1432	Pennington			11th Street west of West Boulevard in Rapid City, DM&E #190-273R	Railroad crossing Flashing light signals	0.081 (Fed) <u>0.009</u> (State) 0.090 TOTAL
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URBAN SYSTEMS PROJECTS (STP)

* FISCAL YEAR 2007*

P 1648(00)	H020	Pennington	0.3		Anamosa Street from LaCrosse to Milwaukee Street in Rapid City	Grading, widening, curb & gutter, PCC paving, storm sewer, lighting & sidewalks	0.000 (Fed) <u>1.353</u> (State) 1.353 TOTAL
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Rapid City Area Transportation Improvement Program 2007 - 2011

PROJECT NUMBER	PCEMS	COUNTY	LENGTH (mi.)	ROUTE NO.	LOCATION OF PROJECT	TYPE OF IMPROVEMENT (FEDERAL FUNDS)	TOTAL COST (MILLIONS)
URBAN SYSTEMS PROJECTS (STP) (con't)							
* FISCAL YEAR 2007* (con't)							
P 1648(00)		Pennington	0.3		Anamosa Street from LaCrosse East (To end of existing road)	Grading, widening, curb & gutter, PCCP paving, storm sewer, lighting & sidewalks	0.000 (Fed) <u>1.563</u> (State) 1.563 TOTAL
		Pennington	0.09		East Mall Drive from Elk Vale Road to the west .09 miles	Widening from 2 lanes to 3 lanes, to include design, grading, curb & gutter, storm sewer, & PCCP surfacing	0.000 (Fed) <u>0.300</u> (State) 0.300 TOTAL
* FISCAL YEAR 2008*							
P 1648(00)	H021	Pennington	0.1		Anamosa Street from Haines Avenue to Wood Avenue/Willsie Avenue in Rapid City	Grading, widening, storm sewer, curb & gutter, PCC paving, intersection improve., traffic signals, lighting & sidewalks	0.000 (Fed) <u>1.353</u> (State) 1.353 TOTAL
* FISCAL YEAR 2009*							
P 1648(00)		Pennington	0.2		Anamosa Street from Midway Street to Wood Avenue/Willsie Avenue in Rapid City	Grading, widening, curb & gutter, PCC paving, storm sewer, traffic signals, lighting, intersection improvements & sidewalks	0.000 (Fed) <u>1.388</u> (State) 1.388 TOTAL
* FISCAL YEAR 2010*							
P 1648(00)	005V	Pennington	0.5		Anamosa Street from Midway Street to Milwaukee Street in Rapid City	Grading, widening, curb & gutter, PCCP surfacing, storm sewer, intersection improve, traffic signals, sidewalk & lighting	0.000 (Fed) <u>1.428</u> (State) 1.428 TOTAL
* FISCAL YEAR 2011*							
P 8052(00)	00JF	Pennington	1.1		Mall Drive from Haines Avenue to LaCrosse Street in Rapid City	Design, grading (2 lanes to 4 lanes), intersec improvements, traffic signals, curb & gutter, storm sewer, sidewalks, PCCP & lighting	0.000 (Fed) <u>2.800</u> (State) 2.800 TOTAL

Rapid City Area Transportation Improvement Program 2007 - 2011

PROJECT NUMBER	PCEMS	COUNTY	LENGTH (mi.)	ROUTE NO.	LOCATION OF PROJECT	TYPE OF IMPROVEMENT (FEDERAL FUNDS)	TOTAL COST (MILLIONS)
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URBAN SYSTEMS PROJECTS (STP) (con't)

* FISCAL YEAR 2011* (con't)

P 1650(00)	005Q	Pennington	0.3		Eglin Street from East North Street east to the DOT complex entrance in Rapid City	Grading, traffic signals, lighting, storm sewer, curb & gutter, lighting & PCC paving	0.000 (Fed) <u>0.780</u> (State) 0.780 TOTAL
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ROADWAY SAFETY IMPROVEMENT

* FISCAL YEAR 2007*

IM-PH 901(61)49 P-PH 0079(49)85	5586 6951	Meade	2.6	I90E I90W SD231 SD231N SD231S	I90, Exit 51 at Black Hawk & SD79, north and south bound lanes from Black Hawk Creek Structure to I-90	I90, Reconstruct Interchange, Strs & Mainline east and west bound lanes, SD79 portion, reconstruct	3.564 (Fed) <u>0.240</u> (State) 3.804 TOTAL
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Also funded in:

Interstate 3-R Program	13.662	
Minor Arterial Construction/Reconstruction Projects	1.936	Total Project Cost
		19.402

P-PH 8052(17)	6292	Pennington	1.2		East 53rd Street (Reservoir Road) from SD44 N to Twilight Drive	Grading, base course, curb & gutter, storm sewer and AC surface	1.395 (Fed) <u>0.155</u> (State) 1.550 TOTAL
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Also funded in:

County Secondary and Off System Projects	1.15	
		Total Project Cost
		2.700

PH 1771(03)	00LM	Pennington			Intersection of Sheridan Lake Road and W. Main in Rapid City	Upgrade traffic signals, pavement marking and ADA	0.117 (Fed) <u>0.013</u> (State) 0.130 TOTAL
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Rapid City Area Transportation Improvement Program 2007 - 2011

PROJECT NUMBER	PCEMS	COUNTY	LENGTH (mi.)	ROUTE NO.	LOCATION OF PROJECT	TYPE OF IMPROVEMENT (FEDERAL FUNDS)	TOTAL COST (MILLIONS)
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COUNTY SECONDARY AND OFF SYSTEM PROJECTS

* FISCAL YEAR 2007*

P-PH 8052(17)	6292	Pennington	1.2		East 53rd Street (Reservoir Road) from SD44 N to Twilight Drive	Grading, base course, curb & gutter, storm sewer and AC surface	0.942 (Fed) <u>0.208</u> (State) 1.150 TOTAL
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Also funded in:

Roadway Safety Improvement	1.55	Total Project Cost
		2.700

* FISCAL YEAR 2009*

BRO 8052()	H081	Pennington	0.2		Str on Spruce Street over a creek in Box Elder	Structure and approach grading	0.132 (Fed) <u>0.033</u> (State) 0.165 TOTAL
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P 6480(04)	5777	Pennington	2.5		Sheridan Lake Drive from Alberta Drive to Victoria Lake Road	Grading, base course, curb & gutter, storm sewer & asphalt surfacing	2.049 (Fed) <u>0.451</u> (State) 2.500 TOTAL
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HIGHWAY SYSTEMS MANAGEMENT

* FISCAL YEAR 2011*

NH 2016()64	6875	Pennington	3.5	US16B	From US16 to SD79 in Rapid City	Grading & PCC paving	0.000 (Fed) <u>3.358</u> (State) 3.358 TOTAL
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Also funded in:

Major Arterial Construction/Reconstruction Projects	11.065	Total Project Cost
		14.423

Rapid City Area Transportation Improvement Program 2007 - 2011

PROJECT NUMBER	PCEMS	COUNTY	LENGTH (mi.)	ROUTE NO.	LOCATION OF PROJECT	TYPE OF IMPROVEMENT (FEDERAL FUNDS)	TOTAL COST (MILLIONS)
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SPECIAL PROJECTS

* FISCAL YEAR 2007*

EM 0902(39)61	1939	Pennington	2.9	I90E I90W US16B	Exit 61, Elk Vale Road, from north of the RR tracks to north of Mall Drive & resurface Beale Street from Dyess Avenue to West Eglin Street & Dyess Avenue from Elgin St. to I90	Urban interchange and resurface of frontage roads	12.329 (Fed) <u>3.219</u> (State) 15.548 TOTAL
		Pennington	0.7		East Anamosa Street from east of North LaCrosse St. to East North St.	Construction of new 5 lane pavement and a railroad grade separation	5.208 (Fed) 1.759 (City) <u>0.100</u> (Other) 7.067 TOTAL
		Pennington			East Mall Drive from North LaCrosse Street to Exit 60 (East North Street)	Construction of new 5 lane pavement, curb & gutter, sidewalk and storm sewer	1.700 (Fed) 3.648 (State) <u>0.285</u> (Other) 5.633 TOTAL
EM 8052		Pennington	0.0		Greenway - Purchase land to expand existing greenway tracts providing increased recreational opportunities, expanded bike path & pedestrian access	Purchase land	1.700 (Fed) <u>0.375</u> (City) 2.075 TOTAL

TRANSPORTATION ENHANCEMENT PROJECTS

* FISCAL YEAR 2009*

P OENH(171)		Pennington	0.0		Fairgrounds bike path in Rapid City	Bike path	0.136 (Fed) <u>0.030</u> (State) 0.166 TOTAL
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Meade County

**Deadwood Avenue North / Mill Road
Road Alignment**

2007

Construction Costs Estimate	\$451,280
Survey, Engineering Design, Plans & Specs and Bid Letting	16,000
Construction Management, Testing and Pay Estimates	<u>19,000</u>
	\$486,280

TRANSPORTATION IMPROVEMENT PLAN
FOR PENNINGTON COUNTY
2006-2010

Year	Project	PCENS	Length	Number	Location	Type of Improvement	Estimated Cost	Unorg Road Reserves	Rd & Brdg Unobligated Reserves	Safety Enhancement	Federal Bridge Funds	Federal Enhancement Funds	Forest Highway Funds	STP Funds	Rd & Brdg	Total Funding	
2006	P OEH(138)	H114	1.0		Irrigation Ditch S of Twilight Dr in Rapid City	Rapid City Bike Path	\$850,000									\$850,000	
2006	BR0 8052(50)	H063	0.2	52-719-310	Structure 10.8 E & 2 S of New Underwood over Creek	Structure & Approach Grading	\$145,000					\$380,000			\$111,111	\$491,111	
2006	BR0 8052(5-1)	H117	0.1	52-940-159	Structure 2 E & 2 N of Creighton over Stockdam Spkway	Structure Rehabilitation	\$55,000				\$44,000				\$28,000	\$145,000	
2007	P-P4 8052(17)	6292	1.2		Reservoir Road from SD44 N to Twilight Dr	Grading, Base Course, Curb & Gutter, Storm Sewer, Asphalt Surfacing	\$2,150,000	\$500,000	\$972,504	\$500,000					\$11,000	\$277,496	\$2,150,000
2007	BR0 8052()	BL	0.1	52-692-290	Structure 8.1 E of New Underwood (Highway 1416) over Creek	Structure Rehabilitation	\$55,000				\$44,000				\$11,000	\$55,000	
2007	BR0 8052()	BM	0.1	52-877-290	Structure 6.7 E of New Underwood (Highway 1416) over Creek	Structure Rehabilitation	\$55,000				\$44,000				\$11,000	\$55,000	
2007	BR0 8052()	BN	0.1	52-696-290	Structure 5.6 E of New Underwood (Highway 1416) over Creek	Structure Rehabilitation	\$55,000				\$44,000				\$11,000	\$55,000	
2008	BR0 8052()	BO	0.1	52-312-433	Structure 0.8 W of Keystone over Battle Creek	Structure Rehabilitation	\$55,000				\$44,000				\$11,000	\$55,000	
2008	BR0 8052(45)	5555	0.2	52-645-305	Structure 1.0 S & 3.5 E of New Underwood over Box Elder Creek	Structure & Approach Grading	\$247,000				\$197,900				\$49,100	\$247,000	
2008	BRF 6404()	AO	0.2	52-319-298	Structure 1.1 E & 3 N of Johnson Sliding over Box Elder Creek	Structure Rehabilitation	\$45,000				\$36,000				\$9,000	\$45,000	
2008	P 6403()	6364	2.5		Deerfield Road from Hill City Northwest	Grading, Drainage, Base Course, & Asphalt Surface	\$3,000,000									\$3,000,000	
2009	P 6490(4)	5777	2.5		Shedan Lake Road from Alberta Drive to Victoria Lake Road	Grading, Base Course, Curb & Gutter, Storm Sewer, Asphalt Surfacing	\$2,500,000		\$500,000				\$2,400,000	\$500,000		\$3,000,000	
2012			9.5		South Rockford Road from Rockford south to end of Deerfield Road asphalt	Grading, Drainage, Base Course, & Asphalt Surface	\$10,200,000							\$1,800,000		\$12,000,000	
2013			5.4		Rockford Road from Rockford east to the Lawrence County Line	Grading, Drainage, Base Course, & Asphalt Surface	\$5,800,000									\$5,800,000	
2014			9.8		Mystic Road from Rockford Road south to the Tigrerville Junction	Grading, Drainage, Base Course, & Asphalt Surface	\$10,300,000									\$10,300,000	

**2006 Capital Plan for
Streets, Drainage, and MIP Projects
2006 through 2010 Summary
April 2006**

Fund/Project Name	CIP No.	2006	2007	2008	2009	2010	Fund Total
8910 - Streets							
2006 Bridge Inspections	50630	10,000					10,000
43rd Court Watermain Reconstruction	50606	440,000					440,000
44th St. Reconstruction: W. Chicago to W. Main	50365-1435		20,000	350,000			370,000
6th St. and Hillcrest Dr. Water Main Extension	50614-1521	40,147					40,147
Adjust for Late Invoices and Previous Years Cost	8910Adjust	154,382					154,382
Centre St. Reconst., LaCrosse to Cambell	50141-990					600,000	600,000
Chapel Lane Bridge Widening/Rehab.	50016-1359	498,987					498,987
Clark Street Sanitary Sewer Extension	50587	90,000					90,000
Contingency/Inflation for 8910 - Streets	8910Inflat	0	109,000	113,500	118,500	124,500	465,500
Creek Dr./Anamosa St. Intersection Oversize	50621	16,718					16,718
Creek Drive Bridge Replacement	50309-1241	160,000					160,000
Creek Drive Oversize	50644	16,979					16,979
Dover Drainage Improvements	50025-1452		19,000	183,000			202,000
Downtown Alleys Reconstruction	50379	52,623	50,000	50,000	50,000		202,623
Downtown Area Improvement Project - Engineering	50132-1077	(15,532)					(15,532)
Downtown Area Improvement Project - Phase 1 Const.	50627		1,090,400				1,090,400
Downtown Area Improvement Project - Phase 2 Const.	50138-1432				868,000		868,000
E. Anamosa St. Extension, E. North to Century Rd	50261-1497	324,000					324,000
E. North Reconstruction, Rapid Creek to Cambell	50142-1511			77,000	1,227,000	1,227,000	2,531,000
E. St. Patrick St./E. St Joseph St. Intersection	50564-1527	0					0
East St. Louis Reconstruction	50468-1309	177,590					177,590
Elk Vale Rd., I-90 to City Limits - Exit 61	50143-1502	12,000	225,000				237,000
Elm Ave. Reconstruction - North Phase	50643					915,000	915,000
Elm Ave. Reconstruction - South Phase	50130-1075				1,680,900		1,680,900
Farnwood/Rapp/Anamossa Intersection Improvements	50286-929	328,300					328,300
Fifth St. Bridge Deck Repair	50525-1360	164,279					164,279
Geotechnical Investigations Program	50592	5,000	20,000	20,000	20,000	20,000	85,000
Infrastructure QA Program	50637	20,000					20,000
Jolly Lane Reconstruction, Hwy 44 to Back Nine Dr	50428-1508		26,000	300,000			326,000
Lemmon Ave. Reconst., College to Monroe	50120-1068	293,700					293,700
Lombardy Drive Reconst.	50133	323,755					323,755
Mall Dr Watermain Loop	50344-1260	350,000					350,000
Materials Investigation/Testing Program	50591	6,667	10,000	10,000	10,000	10,000	46,667
Meade Street Reconstruction - Phase 1	50145-1076	787,600					787,600
Meade Street Reconstruction - Phase 2	50416			142,000			142,000
Memorial Pk & Dilger Ave Watermain Reconstruct	50465		160,000				160,000
Mill & Overlay, Various Locations	50549-1431	421,970	300,000	300,000	300,000	300,000	1,621,970
Nugget Gulch Street Extension	50615-1534	26,953					26,953
Owen Hibbard Survey and Plat	50629-1399	2,000					2,000
Raider Road Watermain Looping	50475		10,000	100,000			110,000
Robbinsdale Reconstruction Project - Engineering	50134-1494	118,000	16,000	470,000		668,000	1,272,000
Robbinsdale Reconstruction Project - Phase One	50626		910,000				910,000
Robbinsdale Reconstruction Project - Phase Three	50421-1494					1,480,000	1,480,000
Robbinsdale Reconstruction Project - Phase Two	50424-1494				1,700,000		1,700,000
Sedivy Lane, St. Pat to St. Charles	50125-1063	305,284					305,284
Silver St. & Gold St. Utilities Reconstruction	50418		485,000				485,000
Silka Street Area Drainage	50602	3,500					3,500
Skyline Dr / Tower Rd Intersection	50405-1238	75,000					75,000

**2006 Capital Plan for
Streets, Drainage, and MIP Projects
2006 through 2010 Summary
April 2006**

Fund/Project Name	CIP No.	2006	2007	2008	2009	2010	Fund Total
St. Andrew Reconstruction	50410		24,000	400,000			424,000
Van Buren St., Milwaukee to LaCrosse	50149-1362	343,753					343,753
W. Chicago Street Lighting	50366	20,000	145,000				165,000
Wonderland Dr. Street & Drainage Reconst.	50155		150,000				150,000
Project Total 8910 - Streets		5,573,655	3,769,400	2,515,500	5,974,400	5,344,500	23,177,455
Budget for 8910 - Streets		5,789,581	3,526,648	3,686,313	3,836,766	3,978,236	20,817,544
Budget Minus Project Total		215,926	(242,752)	1,170,813	(2,137,634)	(1,366,264)	(2,359,911)
8911 - Drainage							
43rd Court Watermain Reconstruction	50606	110,000					110,000
44th St. Reconstruction: W. Chicago to W. Main	50365-1435		25,000	275,000			300,000
Canyon Lake Dam Maintenance	50576-1433	38,760					38,760
Centre St. Reconst., LaCrosse to Cambell	50141-990					300,000	300,000
Contingency/Inflation Funding for 8911 - Drainage	8911Inflat	0	60,000	62,500	65,000	68,000	255,500
Dover Drainage Improvements	50025-1452		23,000	230,000			253,000
Downtown Area Improvement Project - Engineering	50132-1077	(7,117)					(7,117)
Downtown Area Improvement Project - Phase 1 Const.	50627		203,700				203,700
Downtown Area Improvement Project - Phase 2 Const.	50138-1432				112,800		112,800
Drainage MIP	50006	25,000					25,000
E. North Reconstruction, Rapid Creek to Cambell	50142-1511			6,000	106,000	106,000	218,000
East St. Louis Reconstruction	50468-1309	59,220					59,220
Elk Vale Rd., I-90 to City Limits - Exit 61	50143-1502	2,000	10,000				12,000
Elm Ave. Reconstruction - North Phase	50643					212,900	212,900
Elm Ave. Reconstruction - South Phase	50130-1075				481,800		481,800
Geotechnical Investigations Program	50592	5,000					5,000
Jackson Blvd Reconst. Mt. View to SLR	50351			35,000	400,000		435,000
Knollwood Outfall, Elements 2 & 20	50312	850,000	80,000				930,000
LaCrosse/Philadelphia Drainage Improvements	50438-1157		16,000	144,000			160,000
Lemmon Ave. Reconst., College to Monroe	50120-1068	653,800					653,800
Lime Ck Drainage, Lime Ck. Dr. to Brookside	50024		70,000	550,000			620,000
Meade Street Reconstruction - Phase 1	50145-1076	1,157,300					1,157,300
Meade Street Reconstruction - Phase 2	50416			1,433,100			1,433,100
Memorial Pk & Dilger Ave Watermain Reconstruct	50465		160,000				160,000
Metering Dam Expansion, SLR & Minnewasla	50384		65,000	250,000			315,000
Mt View Reconst., RR to Jackson Blvd	50350-5617	89,400					89,400
Omaha/Mt. View Detention Pond	50528	0					0
Promise Rd Detention Pond	50440	150,000					150,000
Raider Road Watermain Looping	50475			20,000			20,000
Red Rock Estates Detention Ponds	50259-1182	265,000					265,000
Robbinsdale Pk Detention Pond Improvements	50403		20,000	300,000			320,000
Robbinsdale Reconstruction Project - Engineering	50134-1494	28,000		135,000		172,000	335,000
Robbinsdale Reconstruction Project - Phase One	50626		170,000				170,000
Robbinsdale Reconstruction Project - Phase Three	50421-1494					460,000	460,000
Robbinsdale Reconstruction Project - Phase Two	50424-1494				440,000		440,000
S. Robbinsdale Channel Improvements, Elems. 2 & 4	50556	106,100					106,100
Sedivy Lane, St. Pat to St. Charles	50125-1063	202,285					202,285
Silver St. & Gold St. Utilities Reconstruction	50418		160,000				160,000
Silka Street Area Drainage	50602	12,500					12,500
Soo San Drive Box Culvert	50633	160,000					160,000

**2006 Capital Plan for
Streets, Drainage, and MIP Projects
2006 through 2010 Summary
April 2006**

Fund/Project Name	CIP No.	2006	2007	2008	2009	2010	Fund Total
United Field Drainage	50610-1144	83,500					83,500
Van Buren St., Milwaukee to LaCrosse	50149-1362	47,978					47,978
Viewfield Detention Dam Outlet Structure	50412		120,000				120,000
Wonderland Dr. Street & Drainage Reconst.	50155		100,000				100,000
Project Total 8911 - Drainage		4,038,726	1,282,700	3,440,600	1,605,600	1,318,900	11,686,526
Budget for 8911 - Drainage		3,954,422	2,351,098	2,432,542	2,532,844	2,652,158	13,923,064
Budget Minus Project Total		(84,304)	1,068,398	(1,008,058)	927,244	1,333,258	2,236,538
8913 - Misc Improvements							
11th St. Railroad Crossing	50173-1504		9,000				9,000
Block 8 Alley Paving - W. Blvd. Addn.	50595-1330	13,332					13,332
Cross St Railroad Crossing	50172		8,000				8,000
Maple Ave. Railroad Crossing	50170-5163		15,600				15,600
Milwaukee St. Railroad Crossing Improvements	50527-1196	7,500					7,500
Miscellaneous Improvement Projects (MIP)	50298	50,000	50,000	50,000	50,000	50,000	250,000
Out-of-the-Dust, Various Locations	50297	50,000	50,000	50,000	50,000	50,000	250,000
West Blvd. RR Crossing	50642	7,000					7,000
Project Total 8913 - Misc. Improvements		127,832	132,600	100,000	100,000	100,000	560,432
Budget for 8913 - Misc. Improvements		169,503	150,000	150,000	150,000	150,000	769,503
Budget Minus Project Total		41,671	17,400	50,000	50,000	50,000	209,071
Budget Totals - Streets, Drainage & MIP							
		9,913,506	6,027,746	6,268,855	6,519,610	6,780,394	35,510,111
Project totals - Streets, Drainage & MIP							
		9,740,213	5,184,700	6,056,100	7,680,000	6,763,400	35,424,413
Budget Totals Minus Project Totals							
		173,293	843,046	212,755	(1,160,390)	16,994	85,698
Total Cumulative Balance							
		173,293	1,016,339	1,229,094	68,704	85,698	
Note: Revisions to 2006 CIP are as noted on sheet entitled 2006 Capital Plan for Streets, Drainage and MIP Projects April 2006 dated April 21, 2006.							
Legend	Rescheduled	Revised Cost	Added Cost				

APPENDIX A

CITY OF RAPID AIR QUALITY POLICY, APPLICABILITY AND DEFINITIONS

**Chapter 8.34 of the
Rapid City Municipal Code**

Chapter 8.34

POLICY, APPLICABILITY AND DEFINITIONS

Sections:

- 8.34.010** Policy of city.
8.34.020 Applicability.
8.34.030 Definitions.

8.34.010 Policy of city.

In order to maintain a compliance status with the United States Environmental Protection Agency's National Ambient Air Quality Standards and to prevent adverse health effects that result from fugitive emissions and smoke from wood burning and open burning, it is declared to be the policy of the city of Rapid City, South Dakota to achieve and maintain the PM₁₀ and PM_{2.5} National Ambient Air Quality Standards by controlling fugitive emissions, open burning and wood burning so as to protect the health and welfare of all the people who inhabit the city; to limit environmental damage to plant and animal life within the county; and to promote commercial and industrial development while limiting environmental degradation; and to educate the residents of the city on air quality issues. This policy is to be achieved and maintained through the development and implementation of programs of education, air pollution prevention, abatement and control. It is the purpose of Chapters 8.34 through 8.44 to provide for a program of fugitive emissions control by applying reasonable available control technology and solid fuel smoke abatement. (Ord. 3825 (part), 2002; Ord. 3597 (part), 2000)

8.34.020 Applicability.

Chapters 8.34 through 8.44 pertaining to air quality compliance to control particulate matter shall apply to:

A. The portion of the city of Rapid City corporate limits contained within the geographic area legally described as: the northwest corner of Section 15, Township 2 North, Range 6 East to the northeast corner of Section 14, Township 2 North, Range 8

East, to the southeast corner of Section 35, Township 1 North, Range 8 East to the southwest corner of Section 34, Township 1 North, Range 6 East, to the northwest corner of Section 15, Township 2 North, Range 6 East and those portions of Sections 10, 11 and 12 of Township 2 North, Range 6 East, Sections 7, 8, 9, 10, 11 and 12 of Township 2 North, Range 7 East, Sections 7, 8, 9, 10 and 11 of Township 2 North, Range 8 East lying within Pennington County;

B. Smoke from solid burning devices and open burning;

C. Construction permits;

D. Parking lot permits (paved parking lots or graveled lots);

E. Compliance plans for continuous operations. (Ord. 4020, 2004; Ord. 3693 (part), 2001; Ord. 3597 (part), 2000)

8.34.030 Definitions.

Air Quality Board.

1. There is created an air quality board consisting of seven voting members and three ex-officio members,

a. The composition and further requirements of the seven voting members are as follows:

i. Two members representing industry,

ii. One member representing the engineering profession (member shall have graduated from an accredited college or university with an engineering degree),

iii. One member representing environmental interests (member shall have an interest and knowledge in environmental issues, preferably air quality issues),

iv. One member representing homeowners (member shall own a home in the regulated area),

v. One member representing the business community (member shall be associated with a business in the regulated area),

vi. One member at large (member shall be selected at large by the county commission);

2. Six of the voting members of the air quality board shall be appointed by the mayor of Rapid City and confirmed by the Rapid City council for a term of three years on a staggered term basis. One member

at large will be appointed by the Pennington County Commission for a term of three years. The current board shall continue until their respective terms are up and shall be replaced by application and appointment;

3. All voting members shall be residents of the regulated area as defined in Section 8.34.020(A) or the area as regulated in Section 1.02 of Pennington County Ordinance No. 12, and with the exception of the two industry members, shall not derive a majority of their income, either directly or indirectly, from a person, who is subject to regulation by Rapid City Municipal Code Chapters 8.34 through 8.44. For purposes of this section, a person who is subject to regulation by Rapid City Municipal Code Chapters 8.34 through 8.44 does not include one who is regulated solely for a parking lot, open burning, or a solid fuel burning device. Applicants for the above positions, except for industry representative, shall submit a signed statement that they do not derive a majority of their income from a person who is subject to regulation by Rapid City Municipal Code Chapters 8.34 through 8.44. Any further documentation which the Rapid City council or Pennington County Commission may require concerning the applicant's finances are to be considered confidential and shall not be made available to anyone other than the Rapid City council or Pennington County commission.

4. The composition and professional associations of the three ex-officio members are as follows:

a. One member representing state government (Secretary of the Department of Environment and Natural Resources, or designee),

b. One member representing the city of Rapid City, South Dakota (mayor of Rapid City or designee),

c. One member representing the Pennington County Commission (chairman of board or designee);

5. The duties of the air quality board shall be to review and approve compliance plans, serve as an appeal board, act on enforcement action initiated by the air quality division, and make recommendations to the Rapid City council and Pennington County commission on policies related to the air quality of

the city of Rapid City and Pennington County. The purpose and goal of the decisions made and actions taken by the air quality board shall be to protect and serve the public interest.

"Air quality control zone" means that area as defined in Section 8.34.020(A).

Air Quality Division. There is created the Rapid City air quality division. The air quality division shall be responsible for the administration and enforcement of Chapters 8.34 through 8.44.

"Ambient air" means that portion of the atmosphere outside of buildings to which the general public has access.

"Best management practices" means a storm water technique, measure or structural control that is used for a given set of conditions to manage the quantity and improve the quality of storm water runoff in the most cost-effective manner.

"Burning season" means that period of time from November 1st through March 31st in the following year.

Civil Action. In addition to the penalties set forth in Chapters 8.34 through 8.44 for a smoke abatement violation, the air quality board may bring civil action for appropriate relief including a temporary or permanent injunction to enforce compliance with the provisions of Chapters 8.34 through 8.44.

"Commission" means the Pennington County commission.

"Compliance plan" means the plan prepared for the control and prevention of fugitive emissions from continuous operation activities.

"Construction activity" means any temporary activity which involves the removal or alteration of the natural or pre-existing cover of one acre or more of land. The one acre of surface area is based on a cumulative area of anticipated disturbance to be completed for the entire project. "Construction activity" shall include but not be limited to stripping of topsoil, drilling, blasting, excavation, dredging, ditching, grading, street maintenance and repair, road construction or earth moving. "Construction activity" is generally completed within one year.

“Continuous operating activity” means any activity which may cause particulate fugitive emissions to be released into the ambient air and which is conducted on an on-going basis in the same locality, including, but not limited to, street deicing and traction material activities, loading and unloading of material that may cause fugitive emissions and for a site with ongoing soil fill operations.

“Control measure” means a technique, practice or procedure used to prevent or minimize the generation, emission, entrainment, suspension, and/or airborne transport of fugitive dust.

“Correction action” means actions required by the air quality division or air quality board to correct violations of the Chapters 8.34 through 8.44.

"Council" means the Rapid City council.

"Disturbed area" means a property where the natural or pre-existing cover has been disturbed but not properly reclaimed or stabilized to prevent fugitive emissions.

"Ecosystem management" means those activities employed to maintain or enhance the floral or fauna habitat, or to reduce accumulated natural fuels in an area, and supervised by a local, state or federal land/wildlife management agency.

"Entry on property" means any duly authorized officer, employee or representative of any city or county agency responsible for enforcing Chapters 8.34 through 8.44, after obtaining an escort and complying with safety regulations, may enter and inspect that part of any property, premises or place in which such officer, employer, or representative has reasonable grounds to believe is a source of air pollution or in which such officer, employee or representative has reasonable grounds to believe that the provisions of Chapters 8.34 through 8.44 are not being followed. The entry and inspection may be conducted at any reasonable time, without prior notice, for the purpose of investigating said pollution or of ascertaining the state of compliance with the ordinance. No person shall refuse entry or access to any authorized person who requests entry for the purpose of such an investigation, and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such investigation.

"Erosion control" means the measures that will be used to limit erosion of soil from disturbed areas at a construction site. The purpose of erosion control is to limit the amount and rate of erosion occurring on disturbed areas.

"Fire hazard" means any thing or act, including buildings or flammable materials, which increases or could cause an increase of the hazard or menace of fire to a greater degree than that customarily recognized as normal by persons in the general public.

"Fire department personnel training" means activities designed for the purpose of training fire department personnel and conducted by a fire department.

"Fuel" means solid matter burned in a solid fuel

burning device or under the conditions of open burning that is limited to the following: untreated wood and lumber, coal and products manufactured for the sole purpose as a fuel. "Untreated wood or lumber" means wood in its natural state that has not been chemically soaked or treated.

"Fugitive emissions" means those particulate emissions which do not pass through a stack, chimney, vent, or other functionally equivalent opening. In the event that any of the particulate emissions included by this definition are regulated by the state of South Dakota, stricter and more extensive requirements for control of such emissions shall be enforced over the less restrictive requirements. Particulate emissions from rock crushers for which a permit to operate has been issued are excluded from this definition.

"Gravel pad" means a layer of washed gravel, rock or crushed rock which is at least two inches or larger in diameter, located at the interface of the construction site and a paved surface. The gravel pad shall be an adequate length to dislodge mud, dirt and/or debris from the tires or motor vehicles, haul trucks and/or equipment prior to leaving the work area.

"Grizzly" means a device, such as rails, pipes or grates, used to dislodge mud, dirt, and/or debris from the tires and undercarriage of motor vehicles and/or haul trucks prior leaving the work site.

"Inappropriate fuel for open burning" includes, but is not limited to: leaf piles, grass clippings, green plants, refuse, paper, rubbish, books, magazines, fiberboard, packaging, rags, fabrics, animal waste, liquid gelatinous hydrocarbons, tar, paints and solvents, chemically soaked or treated wood, plastic or rubber, the materials specified in Section 8.36.020(D), or other materials not listed in the definition of fuel in this section.

"Inappropriate fuel for solid fuel burning devices" includes, but is not limited to: leaves, grass clippings, pine needles, green plants, refuse, paper, rubbish, books, magazines, fiberboard, packaging, rags, fabrics, building materials, animal waste, liquid or gelatinous hydro-carbons, tar, paints and solvents, chemically soaked or treated wood, plastic or rubber,

the materials specified in Section 8.36.020(D), or other materials not listed in the definition of fuel in this section.

“Manual sweeping” means the use of a hand broom and shovel or bobcat for clean up of soil deposited on a paved surface. This method shall be used only if the area of impact is small or as a pre-cleaning for another clean up method.

“Mechanical sweeping” means the sweeping method used to remove material from a paved surface utilizing a water system and mechanical capture of material to eliminate or reduce fugitive emissions.

“National Ambient Air Quality Standards (for particulates)” means the national primary and secondary ambient air standards for particulate matter as described in the Code of Federal Regulations (CFR), Title 40, Volume 2, Part 50 (July 1, 1997); specifically:

1. PM_{2.5}: The annual primary and secondary PM_{2.5} standards are met when the annual arithmetic mean concentration as determined in accordance with 40 CFR, Part 50, Appendix N (July 1, 1997) is less than or equal to 15.0 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$). The twenty-four hour primary and secondary PM_{2.5} standards are met when the 98th percentile twenty-four hour concentration as determined in accordance with 40 CFR, Part 50, Appendix N (July 1, 1997), is less than or equal to 65 $\mu\text{g}/\text{m}^3$.

2. PM₁₀: The annual primary and secondary PM₁₀ standards are met when the annual arithmetic mean concentration as determined in accordance with 40 CFR, Part 50, Appendix K (July 1, 1997) is less than or equal to 50 $\mu\text{g}/\text{m}^3$. The twenty-four primary and secondary PM₁₀ standards are attained when the expected number of days per calendar year with the twenty-four hour average concentration above 150 $\mu\text{g}/\text{m}^3$, as determined in accordance with 40 CFR, Part 50, Appendix N (July 1, 1997), is less than or equal to one.

“Normal agricultural practices” means all activities conducted by the owner or lessee at a site for the production of crops and/or nursery plants.

“Noxious weed” means undesirable vegetation that is characterized by profuse seed production

and/or an ability to spread through rapid growth, making it difficult to control or eradicate through normal management operations.

“Opacity” means the degree to which fugitive emissions reduce the transmission of a light source.

“Open burning” means the burning of any matter in such a manner that the products of combustion resulting from the burning are emitted directly into the ambient air without passage through a stack, duct or chimney.

“Open burning permit” means the permit that must be obtained from the air quality division and completed by any person seeking approval to conduct open burning. The permit provides relevant information regarding a planned open burning activity. Depending on the location of the open burn, a permit may be required by the South Dakota Department of Agriculture, Wildland Fire Suppression Division or Rapid City Department of Fire and Emergency Services.

“Parking lot” means any paved parking lot, one acre or more in size, to which deicing and/or traction materials are applied during adverse weather and any unpaved parking or storage lot, one acre or more in size.

“PM_{2.5}” means particulate matter with an aerodynamic diameter less than or equal to a nominal two and one-half micrometers.

“PM₁₀” means particulate matter with an aerodynamic diameter less than or equal to a nominal ten micrometers.

“Person” means any individual, partnership, firm, association, municipality, public or private corporation, subdivision or agency of the state, trust, estate or any other legal entity.

“Phased work” means work completed in phases for subdivision improvements. A separate permit will be required for each phase of subdivision work. Work can not be phased for the sole purpose of reducing the size of the work to be less than one acre and not subject to the requirements of a permit.

“Political subdivision” means any public or private entity that maintains street operations within the area designated in Section 8.34.020(A).

“Reasonably available control technology (RACT)” means the emission control technology determined on a case by case basis by the air quality board to be feasible in meeting the requirements of Chapters 8.34 through 8.44, taking into account energy, environment, economic impacts and other costs.

“Reclamation plan” means the plan that describes the manner and timeframe in which all disturbed surfaces will be stabilized to prevent fugitive dust generation.

“Reentrainment” means a process in which particulate matter that has been deposited in one place, is then liberated into the ambient air by vehicular travel, wind, or other causes.

“Road construction travel surface” means the surface material located at the interface of the road construction activity and the paved public right of way. The travel surface shall be constructed of a material and length to adequately dislodge mud, dirt and/or debris from the tires of motor vehicles, haul trucks and/or equipment prior to leaving the road construction area.

“Sediment control” means the measures that will be used to limit transport of sediment to off-site properties, public rights-of-way and downstream receiving waters. The objective of sediment control is to capture the soil that has been eroded before it leaves the construction site.

“Smoke” means small airborne particles resulting from incomplete combustion consisting predominantly, but not exclusively, of carbon, ash, and other combustible materials, that form a visible plume.

“Solid fuel burning device” means any fireplace, fireplace insert, wood stove, wood-burning heater, wood-fired boiler, coal-fired furnace, coal stove, or similar device burning any solid fuel used for aesthetic, cooking or space heating inside a building.

“Trackout control device” means a device that includes but is not limited to a gravel pad, grizzly, wheel wash system, road construction travel surface and/or paved area for temporary use that has restricted public access, located at the point of intersection of a construction activity and a paved road, street or parking lot to dislodge mud, dirt, and/or debris

from the tires of motor vehicles, haul trucks and/or equipment prior to leaving the work area. The device shall be the full width of all points of ingress and egress. The device shall be maintained in a condition, which will prevent trackout onto paved surfaces and public rights of way.

“Vacant lot” means a lot or property where there is no current activity but fugitive dust can be generated because the property has not been properly reclaimed or stabilized to prevent fugitive emissions.

“Vacuum sweeping” means the method of sweeping used to remove material from a paved surface that utilizes a water system and vacuum capture of material to eliminate or reduce fugitive emissions.

“Wheel wash system” means a system at the site entrance used to wash soil from motor vehicles or equipment to prevent tracking or material becoming dislodged from the vehicle or equipment onto a public right-of-way or paved parking lot.

“Wildfire” means an uncontrolled fire spreading through vegetative fuels, exposing and possibly consuming structures.

“Wildfire control management” means activities, including open burning, that are conducted to reduce the potential for serious or wild fires. (Ord. 3825 (part), 2002; Ord. 3693 (part), 2001; Ord. 3597 (part), 2000)

Chapter 8.36

SMOKE ABATEMENT

Sections:

- 8.36.010** **Restrictions on solid fuel burning devices.**
- 8.36.020** **Open burning rules.**

8.36.010 **Restrictions on solid fuel burning devices.**

A. Inappropriate Fuels Burned in Solid Fuel Burning Device Prohibited. No person shall, at any time, burn inappropriate fuel as defined in Section 8.34.030 in any solid fuel burning device. No person shall use a fuel in a solid fuel burning device, except those that are recommended by the manufacturer, subject to any installation or operational restrictions imposed by the manufacturer.

B. Sale of New Solid Fuel Heating Devices. After July 1, 1991, no person shall sell or offer for sale, any new solid fuel heating device as defined by the United States Environmental Protection Agency in 40 CFR Part 60.530 through 60.539b, unless the solid fuel heating device has been emissions certified and labeled in accordance with those requirements. After July 1, 1991, no person shall sell or offer to sell any new solid fuel heating device that can not be certified under the aforementioned federal regulation unless the solid fuel heating device has an air to fuel ratio equal to or greater than thirty-five to one as determined by an independent testing laboratory. (Ord. 3825 (part), 2002; Ord. 3597 (part), 2000)

8.36.020 **Open burning rules.**

A. Open Burning Restricted. No person shall, at any time, engage in open burning activities within the air quality control zone, except as allowed under the following conditions:

1. Open burning of agricultural irrigation ditches;
2. Open burning for noxious weed control;
3. Open burning for wildfire control management;

4. Open burning for ecosystem management;
5. Open burning for fire department personnel training;
6. Open burning of a fire hazard.
7. Open burning for the heating or cooking of food for human consumption in residential areas, city of Rapid City parks and campground areas.
8. Open burning for recreational purposes when such fires are confined to a fireplace or barbecue pit.
9. Open burning for ceremonial purposes.

Any inappropriate fuels, as defined in Section 8.34.030, present prior to open burning will be removed to the fullest extent possible prior to ignition.

B. Conditions for Open Burning Approval. Prior to ignition, a person requesting to open burn for the exceptions allowed under subsection A of this section must gain permission from one of the following fire control entities listed in subsections (B)(1)(a) through (c) of this section, based upon the location of the proposed burning activity. Permits are not required for activities covered under subsection (A)(7) of this section.

1. Zones of Jurisdiction for Gaining Permission to Open Burn.

a. The Black Hills Forest Fire Protection District. This includes all areas outside of the Rapid City city limits that are west of Interstate 90 to the north, and west of South Highway 79 to the south. Permission will be granted by the Wildland Fire Coordinator of the South Dakota Department of Agriculture, Wildland Fire Suppression Division, or his designee.

b. Rapid City. This includes all areas within the Rapid City city limits. Permission will be granted by the Rapid City department of fire and emergency services.

c. All Other Portions of the Control Zone. This includes those areas served by the North Haines Volunteer Fire Department (VFD), the Box Elder VFD, the Rapid Valley VFD, except that portion west of South Highway 79, and those residents of the Black Hawk VFD who reside in that portion east of Interstate 90. Permission for these areas will be granted by the Rapid City air quality division by obtaining an open burn permit.

2. The following information, as outlined on the open burning form, will be provided to the appropriate fire control entity as described in subsection (B)(1) of this section.

- a. The type of burning as described in subsection A of this section;
- b. Size of burn;
- c. Location of the site;
- d. Anticipated time and date of burn;
- e. Name and phone number of contact person;
- f. Name of responsible party assuming liability for the burn;
- g. A contingency plan to be implemented in the event that control of the burn is lost.

A copy of the open burning form is available at the air quality division and at all fire departments whose territories are outside of the Black Hills Forest Fire Protection District and inside of the air quality control zone.

C. Basis for Approval. Approval may be granted following receipt of the open burning form, and will be contingent upon the following:

1. Current and forecast meteorological conditions;
2. Current ambient air quality data;
3. The volume of burning pending at the time of the request;
4. The information provided on the open burning form;
5. A site inspection, conducted at the discretion of the air quality division.

Approval may be revoked or suspended by the air quality division prior to the actual burn in order to protect public health and welfare. This determination would be based upon changing meteorological and/or ambient air conditions.

D. State Air Quality Regulations (ARSD 74:36:06) prohibit the following open burning practices:

1. A person may not burn waste oils, rubber, waste tires, tarpaper, or asphalt shingles. For the purposes of this regulation, "waste oil" means any oil that has been refined from crude oil, used and contaminated by physical or chemical impurities as a result of such use;

2. A municipality or county governmental agency may not burn municipal solid waste unless exempted by the small town exemption in accordance with ARSD 74:27:12:25:

3. A person may not conduct or permit the operation of a salvage operation by open burning, except as allowed in Article 74:27;

4. A person may not burn railroad ties or wood treated with inorganic arsenicals, pentachlorophenol, or creosols. (Ord. 3825 (part), 2002; Ord. 3597 (part), 2000)

Chapter 8.37**GENERAL AIR QUALITY PRACTICES****Section:**

- 8.37.010** **General standards for all construction projects.**
- 8.37.020** **Erosion and sediment control measures.**
- 8.37.030** **Reclamation of disturbed areas.**
- 8.37.040** **Stabilization of vacant lots.**

8.37.010 **General standards for all construction projects.**

All owners, contractors, subcontractors and operators involved in construction activities must provide reasonably available control technology as described in Section 8.38.050 to prevent or minimize particulate matter from becoming airborne regardless of the size of the construction project. All construction sites must maintain a trackout control device and/or clean up material deposited on a paved surface in accordance with Section 8.39.010. (Ord. 3825 (part), 2002)

8.37.020 **Erosion and sediment control measures.**

All sites, including, but not limited to, construction sites, vacant lots or homes without landscaping, shall maintain erosion and sediment control measures to prevent soil from going off site to public rights of way where soil can be readily reentrained.

1. Erosion controls are surface treatments that stabilize soil exposed by excavation or grading. Erosion control measures, or best management practices, are variously referred to as source controls, vegetative controls or non-structural controls.

2. Sediment controls capture soil that has been eroded. Soil particles suspended in runoff can be filtered through a porous media or deposited by slowing the flow and allowing the natural processes of sedimentation to occur. Sediment controls, or best management practices, are built to perform this function, and are also referred to as structural controls. (Ord. 3825 (part), 2002)

8.37.030 **Reclamation of disturbed areas.**

Landscaping and revegetation shall be completed as soon as grading or construction has been completed to eliminate or reduce wind and/or water erosion. When landscaping and/or revegetation can not be completed immediately due to weather, the exposed areas can be temporarily stabilized and final landscaping and/or revegetation can be completed in the next planning season. A written reclamation plan may be required by the air quality division for sites where there are on going problems with vegetative and structural stabilization. (Ord. 3825 (part), 2002)

8.37.040 **Stabilization of vacant lots.**

Vacant lots shall be maintained and stabilized to prevent fugitive dust generation from sources including but not limited to wind and/or water erosion, trackout or erosion to public right-of-way, and vehicle or equipment traffic. (Ord. 3825 (part), 2002)

Chapter 8.38

CONSTRUCTION PERMITS, PARKING LOT PERMITS AND COMPLIANCE PLANS

Sections:

- 8.38.010** **Construction permit required.**
- 8.38.020** **Parking lot permits requirements.**
- 8.38.030** **Compliance plan required.**
- 8.38.040** **Exempt activities from Chapters 8.34 through 8.44.**
- 8.38.050** **Reasonably available control technology requirements.**
- 8.38.060** **Contents of application for construction permit, compliance plan or amendment to a compliance plan.**
- 8.38.070** **Records and information available to public.**
- 8.38.080** **Application procedure for construction permits.**
- 8.38.090** **Appliance procedure for parking lot permits.**
- 8.38.100** **Application procedure for compliance plans.**
- 8.38.110** **Life of permits and compliance plans.**
- 8.38.120** **Operating with a compliance plan.**

8.38.010 **Construction permit required.**

No person shall engage in any construction activity disturbing one acre or more of surface area which may cause fugitive emissions to be released into the ambient air without first obtaining a construction permit from the air quality division. The one acre of surface area is based on a cumulative area of anticipated disturbance to be completed for the entire project. (Ord. 3825 (part), 2002)

8.38.020 **Parking lot permits requirements.**

All owners and operators of parking and/or storage lots one acre or more in size that meet the following criteria are required to obtain a permit from the air quality division:

A. Any paved parking lot on which deicing and traction materials are applied during adverse weather; and

B. All unpaved parking lots or storage lots. (Ord. 3825 (part), 2002)

8.38.030 **Compliance plan required.**

No person shall engage in any continuous operation which may cause fugitive emissions to be released into the ambient air without first having a compliance plan approved by the air quality board.

A construction permit shall not be required for construction activity at a continuous operation activity facility if such construction activity is a part of the site's compliance plan. (Ord. 3825 (part), 2002)

8.38.040 **Exempt activities from Chapters 8.34 through 8.44.**

The following activities are exempt from Rapid City Municipal Code Chapters 8.34 through 8.44:

A. Fugitive emissions from industrial sources permitted by the South Dakota Department of Environment and Natural Resources that have incorporated fugitive dust control requirements or conditions;

B. Activities conducted at city of Rapid City or Permington County recreational facilities, such as but not limited to ball fields, bicycle racetracks or the fairgrounds;

C. Landscape maintenance. Landscape maintenance does not include grading, trenching or any other mechanized surface disturbance activities;

D. Normal agricultural practices.

The use of dust control measures for these exempted activities is recommended but not required. (Ord. 3825 (part), 2002)

8.38.050 **Reasonably available control technology requirements.**

Any construction permit, parking lot permit, continues operation or political subdivision responsible for maintaining public roads shall provide for reasonably available control technology to prevent fugitive emissions from becoming airborne. If the reasonably available control technology selected for the site proves to be insufficient at controlling fugitive

emissions, additional measures shall be required. Such controls may include, but not be limited to the following practices:

A. For activity involving the removal or alteration of natural or pre-existing ground cover including, but not limited to, road construction, land clearing, excavating, grading, earthmoving, dredging or demolition:

1. Use of water to control fugitive emissions from disturbed areas or other work activities;
2. Chemical stabilization;
3. Applying dust palliative;
4. Minimization of area disturbed;
5. Reclamation of disturbed area as soon as possible;
6. Vehicular speed limitation;
7. Routine cleaning of paved areas with a vacuum sweeper, as necessary, to remove any materials deposited through tracking or erosion that may become reentrained. Any other method of cleaning shall be submitted in writing to the air quality division for approval;
8. Maintain a trackout control device at all site access points to prevent tracking onto the public right-of-way or private driveways or parking lots where fugitive dust may become reentrained;
9. Minimization of dust from open trucks or on-site storage piles and/or;
10. Install plastic fences to reduce wind erosion.

B. For paved and unpaved roads, alleyways and storage area, construction, altering, yearly street or highway maintenance and repair of road surface:

1. Use of water to control fugitive emissions from disturbed areas or other work activities;
2. Chemical stabilization;
3. Applying dust palliative;
4. Vehicular speed limitation;
5. Movement of materials by enclosed vehicles or covered conveyance system;
6. Routine cleaning of paved areas by sweeping (mechanical or vacuum) to remove materials that may become reentrained;
7. Water flushing (when safety is not jeopardized); and/or
8. Wetting ahead of open sweepers on rural roads.

C. Paved and unpaved parking lots:

1. The paved parking lots shall be cleaned either by sweeping (mechanical or vacuum sweeper), water flushing (when safety is not jeopardized), or by any means possible to reduce reentrainment of deicing and traction materials; and
2. The unpaved parking lots shall be maintained by any means possible to reduce dust reentrainment, such as wetting down, chemical stabilization, and vehicular speed limitation. The most appropriate control measures shall be used to prevent erosion or trackout from an unpaved parking or storage lot to a paved public right-of-way where the material can be readily reentrained.

D. For material screening, handling, storage, processing or transportation:

1. Installation of baghouses and other emission control and collection systems;
2. Enclosed conveyance systems;
3. Enclosing, covering or applying dust suppressants on storage piles where practical;
4. Moisturizing or chemically treating the material during processing;
5. Cleaning of paved areas; and/or
6. Movement of materials by enclosed vehicle or covered conveyance system.

E. For erosion and sediment control:

1. Soil stabilization of exposed area and stockpiles within fourteen days on areas that will remain dormant for longer than thirty days;
2. Installing wind screen or equivalent wind speed reduction device to control wind erosion;
3. Chemical stabilization;
4. Covering with a non-erodible material; and/or
5. Runoff control barriers, such as silt fences, and dams.

F. Landscaping and Revegetation. Landscaping and revegetation shall be completed as soon as grading or construction has been completed. When landscaping and/or revegetation can not be completed immediately due to weather, the exposed areas can be temporarily stabilized and final landscaping and/or revegetation can be completed in the next planning season. If necessary, a written reclamation plan may be required by the air quality division. (Ord. 3825 (part), 2002)

8.38.060 Contents of application for construction permit, parking lot permit, compliance plan or any amendment to a permit or compliance plan.

All applications shall be submitted to the air quality division. The applications shall contain:

A. Name and address of the person making the application. If the applicant is a corporation, the name and address of its registered agent.

B. Legal description and location of the land affected, including a site map.

C. Description of the proposed construction or proposed continuous operation activity including nature and description of equipment used.

D. Proposed date for both commencement and termination of operation.

E. Proposed date for both commencement and completion of reclamation plan including a detailed description of plan.

F. Necessity for state approval and, if so, an indication of:

1. If application has been made;
2. When action on the application is expected;
3. Name, division and board or the state agency from whom approval is sought.

G. An overall description of the nature and scope of the construction or continuous operation activity and conditions which will result in fugitive emissions.

H. A plan of the reasonably available control technology required in Section 8.38.050 to be applied which will prevent fugitive emissions that exceed twenty percent opacity.

I. Upon request by the air quality division the following information may be required:

1. A listing of all sources of particulate fugitive emissions, stating in tons per year the uncontrolled emissions to be produced;

2. The control technology applied or proposed to be applied and the fugitive emissions expected in tons per year after the control technology has been applied;

3. The percentage of efficiency of the control technology.

The plan shall identify the sources of all emissions calculations or estimates and provide documentation of the methods used to determine control efficiency.

J. Upon request by the air quality division a discussion of the economic and technical reasonableness of the proposed fugitive emission controls, including data which will assist the air quality board in determining if the control technology specified in the compliance plan will meet the requirements set forth in Chapters 8.34 through 8.44, may be required.

The air quality board shall have the authority to require the applicant to provide actual or proposed production data to the air quality division. This information shall be used by the air quality division for the purpose of processing the application, and determining if a compliance plan or compliance plan amendment will meet the requirements of Chapters 8.34 through 8.44 and for no other purposes. (Ord. 3825 (part), 2002)

8.38.070 Records and information available to public.

Any records or information obtained by the air quality division or air quality board from owners or operators of an air contaminant source or sources shall be available to the public. (Ord. 3825 (part), 2002)

8.38.080 Application procedure for construction permits.

A. The air quality division shall have ten working days from the time a determination is made that the application is complete to either approve or reject the application and issue the construction permit. If the air quality division determines the application is complete and is in compliance with Chapters 8.34 through 8.44, a construction permit shall be issued. In the event that the application has not been approved or rejected within the ten working day period, it shall be deemed to be approved.

B. Any change in construction which would result in an increase of fugitive emissions from the construction site shall require an amendment to the construction permit. The amendment procedure is the same as set out in subsection A of this section. The

required fee for the amendment is described in Chapter 8.42.

C. The construction permit fee is as described in Chapter 8.42. The fee is payable to the city of Rapid City, and shall be collected by air quality division at the time an application is filed. (Ord. 3825 (part), 2002)

8.38.090 Application procedure for parking lot permits.

A. The air quality division shall have ten working days from the time a determination is made that the application is complete to either approve or reject the application and issue the parking lot permit. If the air quality division determines the application is complete and is in compliance with Chapters 8.34 through 8.44, a parking lot permit shall be issued. In the event that the application has not been approved or rejected within the ten working day period, it shall be deemed to be approved.

B. Any change in operations or maintenance of the parking lot, which would result in an increase of fugitive emissions from the site, would require an amendment to the parking lot permit. The amendment procedure is the same as set out in Section 8.38.080(A). The required fee for the amendment is described in Chapter 8.42.

C. The parking lot permit fee is as described in Chapter 8.42. The fee is payable to the city of Rapid City, and shall be collected by air quality division at the time an application is filed. (Ord. 3825 (part), 2002)

8.38.100 Application procedure for compliance plans.

A. All applications for a compliance plan or amendments to a compliance plan shall be submitted to the air quality division at least fifteen working days before the regular bimonthly air quality board meeting at which it would be considered. The fifteen working day time period shall commence on the day after the date the application was submitted and shall include the day of a board meeting if such a date is a working day. During the fifteen-day period, the air quality division shall determine if the application is complete. No application shall be submitted to the air

quality board that does not have all the information required by Chapters 8.34 through 8.44. If an application is returned to the applicant as not being complete, the rejection notice shall be in writing and specifically state what information is missing or not contained in sufficient detail to meet the requirements of Chapters 8.34 through 8.44.

B. Any change in continuous operation activity which would result in an increase of fugitive emissions from that site shall require an amendment to the approved compliance plan permit.

Any amendments to a compliance plan will take effect upon approval by the air quality board. The existing compliance plan will be amended to reflect the change and will be valid through the life of the initial permit. Fees for amendment will be charged in accordance with Chapter 8.42.

C. Once an application for a compliance plan or an amendment to a compliance plan has been submitted to the air quality board, a sixty-day review period shall commence. The air quality board must act upon the proposed plan within sixty days or such plan shall be deemed as approved. If the applicant is requested to provide additional information within a specified period of time and fails to act within such time period, the sixty-day review period shall be extended by a like number of days.

D. The compliance plan fee is as described in Chapter 8.42. The fee is payable to the city of Rapid City, and shall be collected by the air quality division at the time an application is filed. (Ord. 3825 (part), 2002)

8.38.110 Life of permits and compliance plans.

A. Construction Permit. The construction permit shall be valid for one year. If all areas have not been reclaimed at the end of one year, the permit can be renewed for up to one additional year by submitting a written request to the air quality division prior to the expiration of the permit. For subdivision work that is to be completed in phases, a separate permit is required for each phase. Project completion is the date on which the site has been reclaimed through building construction, paving, landscaping, permanent revegetation and/or other permanent stabilization.

B. **Parking Lot Permits.** The parking lot permit shall be valid for three years unless site conditions or operations change. Applications for a parking lot permit renewal shall be submitted to the air quality division sixty days prior to the expiration, and shall follow the requirements as described in Section 8.38.090.

C. **Compliance Plans.** After air quality board approval of the compliance plan, a three year operating permit shall be issued by the air quality division. This operating permit allows the applicant to commence the operation thereunder. Applications for a compliance plan renewal shall be submitted to the air quality division sixty days prior to the expiration, and shall follow the requirements as described in Section 8.38.100. (Ord. 3825 (part), 2002)

8.38.120 Operating with a compliance plan.

The approved compliance plan shall become binding terms of the operation. Amendments to a compliance plan approved by the air quality board are enforceable provisions of the permit.

Compliance plans shall be updated every three years, or three years from a plan's last review by the air quality board, whichever is later. The update shall contain all changes, additions, modifications and expansions, which would result in an increase of fugitive emissions from the operation over the past three years. (Ord. 3825 (part), 2002)

Chapter 8.39

STREETS, ROADS AND PARKING LOT REENTRAINMENT REQUIREMENTS

Sections:

- 8.39.010** Streets, roads, and parking lot reentrainment requirements.
- 8.39.020** Reasonably available control technology requirements.

8.39.010 Streets, roads and parking lot reentrainment requirements.

A. All reentrainment requirements are applicable to the areas defined in Section 8.34.020(A).

B. Any political subdivision responsible for maintaining any public road is required to have a compliance plan as described in Chapter 8.38.

C. No person shall place any street deicing and traction materials upon any road, highway, driveway, or parking lot to which the public has general access which does not meet the following requirements:

1. A durability or hardness as defined in MOH of greater than six for seventy percent of the material used;
2. No more than three percent of the total particle material content by weight may be smaller than two hundred sieve.

For street deicing and traction materials, these criteria apply only to the material prior to the addition of salt or chemicals. Material of a lesser hardness may be used on steep roads if it is the only effective option available.

D. Any political subdivisions responsible for maintaining any public road shall clean the center line and areas immediately adjacent to the travel lane. Cleaning shall commence under one or more of the following conditions:

1. When it has been determined by the air quality division that the streets are sufficiently dry to commence street sweeping;
2. When it has been determined by the air quality division that there is a fugitive emissions problem due to street deicing and traction materials.

Street cleaning will not be required on public roads with restricted travel, or when unusual weather or other circumstances prevent it. The political subdivision shall include in its compliance plan a street cleaning plan listing priority streets and schedules. The compliance plan is as described in Chapter 8.38.

E. Any political subdivisions maintaining any public roads shall water flush such roadways when it has been determined by the air quality division that street deicing and traction materials are causing a fugitive emissions problem. This will be conducted after street cleaning. Street water flushing is not required if it endangers public safety or if water use restrictions are in effect. The political subdivision shall include in its compliance plan a water flushing plan.

F. All vehicles that are transporting fugitive dust emitting materials on public roads shall be covered with a tarp to reduce such emissions or must use a method that is equally effective in reducing such emissions.

G. Any material that is deposited, other than street deicing and traction materials, on any public roadway on which vehicular travel is not restricted, that could be reentrained as fugitive emissions shall be cleaned or removed within twenty-four hours of deposition. The cleaning or removal process shall be conducted so that the minimal fugitive emissions are generated. Deposited materials shall be cleaned up by using a vacuum sweeper or other method pre-approved by the air quality division. The use of a dry mechanical broom or compressed air is prohibited.

H. Cleaning of Paved Surfaces. Deposited materials shall be cleaned up by using a vacuum sweeper or manually sweeping up materials. Sufficient water shall be used to prevent or minimize fugitive dust during sweeping activities. The use of a dry mechanical broom or compressed air to clean up deposited materials is prohibited. (Ord. 3825 (part), 2002; Ord. 3693 (part), 2001)

8.39.020 Reasonably available control technology requirements.

Any political subdivision responsible for maintaining public roads in the areas defined in Section

8.34.020(A) shall provide for reasonably available control technology to prevent fugitive emissions from becoming airborne as described in Chapter 8.38. (Ord. 3825 (part), 2002; Ord. 3693 (part), 2001)

Chapter 8.40

EMISSION STANDARDS

Sections:

8.40.010 Emissions standards for construction, parking lots or continuous operation facility sites.

8.40.010 Emissions standards for construction, parking lots or continuous operation facility sites.

A. Facility Boundary Standard. The transportation of visible fugitive emissions off the property of a construction or continuous operation facility site for more than ten percent of the time for any one hour period will be considered as an indication that the provisions of the construction permit or compliance plan are not being complied with and shall cause a determination to be made of the source of the visible fugitive emissions and an opacity reading to be made at such sources. Visible fugitive emissions limitations specified in this paragraph shall be determined by a certified observer using Tennessee Visible Emission Evaluation Method (40 CFR 52.2220 Part A 73 Method 4), Visual Determination of Fugitive Dust Emission Crossing a Property Line, approved by EPA Federal Register V52, No. 10, January 15, 1987, page 1628.

B. Fugitive Emissions Source Standard. A fugitive emissions source shall not have a density greater than that designated as twenty percent opacity. Exceedance of this standard shall be considered a violation of the provisions of the construction permit or compliance and cause a review of the construction permit, parking lot permit or compliance plan. Fugitive emissions limitations specified in this paragraph shall be determined by a certified observer using Tennessee Visible Emission Evaluation Method 1, (40 CFR 52.2220 Part A 50, 51 Method) Visual Determination of Opacity of Emission From Nontraditional Source, approved by the U.S. EPA in Federal Register, Vol. 47, No. 235, December 7, 1982, page 54936, as amended, Federal Register Vol. 28, No. 51,

March 15, 1983, page 10834, Federal Register Vol. 50, No. 78, April 23, 1985, page 15892; or by operation of equipment approved by the air quality division that is known to produce equivalent or more accurate results.

No readings shall be made when wind velocity exceeds twenty miles per hour during, or within thirty minutes of the reading as determined by a qualified person, or by use of one or more anemometers at the site. Anemometers shall be used where practical. The property line of public or private rights-of-way through the construction or continuous operation facility site shall not be used for a measurement location. (Ord. 3825 (part), 2002: Ord. 3597 (part), 2000)

Chapter 8.41

ENFORCEMENT AND APPEAL

Sections:

- 8.41.010** Notice of violation—Order for corrective action included.
- 8.41.020** Penalties and petition to contest notice of violation
- 8.41.030** Air quality board appeal procedures.
- 8.41.040** Action after expiration of time for appeal.
- 8.41.050** Recovery of costs incurred.
- 8.41.060** Time allowed for corrective action in air quality board order.
- 8.41.070** Remedy not exclusive.
- 8.41.080** Consent agreement.
- 8.41.090** Voluntary compliance.

8.41.010 Notice of violation—Order for corrective action included.

The air quality division has reason to believe that a violation of any provision of Chapters 8.34 through 8.44 has occurred, the air quality division may cause written notice to be served upon the alleged violator or violators. The notice shall specify:

- A. The provision(s) of Chapters 8.34 through 8.44 alleged to be violated;
- B. The facts alleged to constitute a violation thereof.

The notice may include an order that necessary corrective action be taken within a reasonable time period.

The air quality division shall execute or issue a written notice of violation and order to any person who violates any portion of Chapters 8.34 through 8.44. (Ord. 3825 (part), 2002)

8.41.020 Penalties and petition to contest notice of violation.

Any person violating any portion of Chapters 8.34 through 8.44 shall be subject to a fine not to exceed two hundred dollars. Each calendar day a violation occurs shall be considered a separate offense. Any

person who wishes to contest a notice of violation or order requiring corrective action must request a hearing before the air quality board within fifteen days of receiving the notice of violation or it becomes final. A petition to contest a notice of violation or order requiring corrective action to the air quality board shall be heard at its next regularly scheduled meeting in which a decision on the notice of violation shall be rendered. The air quality board's decision may be appealed to the common council in accordance with Section 8.41.030 (D). (Ord. 3825 (part), 2002)

8.41.030 Air quality board appeal procedures.

A. General Provisions.

1. The air quality board shall presume the notice of violation or order requiring corrective action is correct and proper.

2. The violator shall bear the burden of proving it is more likely than not that the notice of violation or order requiring corrective action was improperly issued.

3. The air quality board may modify the hearing procedure set out in 8.42.030(B) prior to the start of any hearing. All parties shall be given at least five days notice of any proposed changes and the opportunity to comment on any procedural modifications. Any party may waive the notice requirement and consent to a modified hearing procedure prior to the start of a hearing if it appears that the times allotted will not be sufficient, and the modifications grant the parties additional time for argument.

4. Upon receipt of a request for a hearing, the air quality division shall schedule the hearing for the next regularly scheduled meeting and inform the violator of the date and time of the hearing. The violator shall also be given a copy of the provisions governing the appeal procedure.

B. Hearing Procedure.

1. City staff shall briefly present to the air quality board the circumstances that lead to the issuance of a notice of violation or order requiring corrective action. The staff shall be allotted five minutes for their presentation.

2. The violator shall be allotted ten minutes to present its basis for appeal to the air quality board.

3. City staff shall have ten minutes to reply to the violator's arguments.

4. The violator shall have five minutes for rebuttal to city staff's reply.

5. The air quality board may direct questions to the violator or to city staff.

6. The chair of the air quality board, may in its discretion, allot additional time to each party for additional comment after the board members have completed questioning the parties.

C. Decision of the Air Quality Board.

1. At the completion of the hearing procedure set out in 8.42.030(B), the chair shall declare the hearing complete. The board shall then deliberate the merits of the appeal.

2. The chair may, in its discretion, accept additional comments from the parties.

3. During the deliberation process, any member of the board may make an appropriate motion regarding disposition of the appeal. If the motion is seconded, the standard practice for discussing and deciding motions shall apply.

4. Any motion regarding the disposition of an appeal shall require the support of a majority of the board members present for the hearing. The chair shall not vote except in the case of a tie vote.

D. Appeal to the Common Council.

1. The violator may appeal any adverse decision of the air quality board to the common council.

2. To initiate an appeal to the common council, the violator must file with the finance officer a written request for reconsideration of the air quality board's action within fifteen days of the air quality board's decision. The finance officer shall include the request for reconsideration on the next common council agenda and inform the violator of the date and time of the meeting.

3. The violator may appear before the common council and request that the decision of the air quality board be reconsidered and a hearing be set by the council.

4. If the common council approves the request

for reconsideration, it shall immediately set a hearing on the reconsideration for the next regularly scheduled council meeting.

5. Failure of the applicant to appear and request reconsideration or failure to appear for the hearing on the appeal shall be deemed a waiver of the appeal and shall finalize the decision of the air quality board. (Ord. 3825 (part), 2002)

8.41.040 Action after expiration of time for appeal.

When the time for appeal to the air quality board has passed without an appeal of a notice of violation and order issued under 8.41.010 or when the time for corrective action granted by the air quality board pursuant to 8.41.060 has passed without completion of all corrective action, the air quality division may take any action it deems necessary to prevent further violations of the Chapters 8.34 through 8.44. (Ord. 3825 (part), 2002)

8.41.050 Recovery of costs incurred.

All costs and expenses incurred by the air quality division, the city attorney or other city staff in carrying out the provisions of 8.41.040 shall be billed to the property owner. If not paid in full within thirty days, the remaining amount due shall be assessed to the property where the violation occurred. (Ord. 3825 (part), 2002)

8.41.060 Time allowed for corrective action in air quality board order.

For any order issued as part of a notice or after proceedings under Chapters 8.34 through 8.44, the air quality board shall prescribe the date by which the violation shall cease and may prescribe timetables for necessary action in preventing, abating or controlling the implicated emissions or air pollution. (Ord. 3825 (part), 2002)

8.41.070 Remedy not exclusive.

Nothing in Chapters 8.34 through 8.44 shall be construed to abridge, limit or otherwise impair the right of any person to damages or other relief on ac-

count of injury to persons or property, and to maintain any action or other appropriate proceedings for such relief. (Ord. 3825 (part), 2002)

8.41.080 Consent agreement.

Nothing in Chapters 8.34 through 8.44 shall prevent the air quality division from notifying an alleged violator of violations and negotiating a consent agreement. Any consent agreement shall be approved by the air quality board. (Ord. 3825 (part), 2002)

8.41.090 Voluntary compliance.

Nothing in Chapters 8.34 through 8.44 shall prevent the air quality division from making efforts to obtain voluntary compliance through warning, conferences, or any other appropriate means. However, the air quality divisions shall not be obligated to make any such efforts and may proceed directly to available enforcement actions. (Ord. 3825 (part), 2002)

Chapter 8.42

FEES

Sections:

8.42.010 Fees.

8.42.010 Fees.

Application fees for permitting services are payable to city of Rapid City and shall be collected by the air quality division at the time an application is filed. The city of Rapid City and county of Pennington County are exempt from paying fees. Fees administered by this office will be as follows:

A. Construction permit for sites one to five acres: seventy-five dollars; for sites over five acres: one hundred dollars; one year permit renewal: twenty-five dollars;

B. Permits for paved parking lots larger than or equal to one acre: seventy-five dollars;

C. Permits for unpaved parking or storage lots larger than or equal to one acre: one hundred dollars;

D. Compliance plan for continuous operations: one hundred and fifty dollars.

E. Amendments to construction permits, parking lot permits or compliance plans: twenty five dollars.

F. Open burning permit: no charge.

Failure to submit the application and/or pay the permitting fee will result in a daily fine not to exceed two hundred dollars. Each day in which the application and/or payment is not received, is considered a separate offense, and separate fines will be assessed. (Ord. 3825 (part), 2002; Ord. 3693 (part), 2001; Ord. 3597 (part), 2000)

Chapter 8.44**SEVERABILITY OF PROVISIONS AND
APPLICATIONS****Sections:**

8.44.010 Severability of provisions and applications.

8.44.010 Severability of provisions and applications.

If a part of this chapter is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of Chapters 8.34 through 8.44 is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid application. (Ord. 3825 (part), 2002; Ord. 3597 (part), 2000)

APPENDIX B

**PENNINGTON COUNTY ORDINANCE NO. 12
REVISED
(07/23/02)**

AIR QUALITY ORDINANCE

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PENNINGTON COUNTY ORDINANCE NO. 12

Be it ordained by the Board of County Commissioners of Pennington County, South Dakota:

1.0 AIR QUALITY COMPLIANCE

1.01 Policy of County: In order to maintain a compliance status with the United State's Environmental Protection Agency's National Ambient Air Quality Standards and to prevent adverse health effects that result from fugitive emissions and smoke from wood burning and open burning, it is hereby declared to be the policy of Pennington County, South Dakota to achieve and maintain the PM₁₀ and PM_{2.5} National Ambient Air Quality Standards by controlling fugitive emissions, open burning and wood burning so as to protect the health and welfare of all the people who inhabit the county; to limit environmental damage to plant and animal life within the county; and to promote commercial and industrial development while limiting environmental degradation; and to educate the residents of the county on air quality issues. This policy is to be achieved and maintained through the development and implementation of programs of education, air pollution prevention, abatement and control. It is the purpose of this ordinance to provide for a program of fugitive emissions control by applying reasonable available control technology and solid fuel smoke abatement.

1.02 Applicability: This ordinance pertaining to air quality compliance to control particulate matter shall apply to:

1. The geographical portion of Pennington County, South Dakota, that encompasses the northwest corner of Section 15, Township 2N, Range 6E to the northeast corner of Section 14, Township 2N, Range 8E, to the southeast corner of Section 35, Township 1N, Range 8E to the southwest corner of Section 34, Township 1N, Range 6E, to the northwest corner of Section 15, Township 2N, Range 6E and those portions of Sections 10, 11 and 12 of Township 2N, Range 6E, Sections 7, 8, 9, 10, 11 and 12 of Township 2N, Range 7E, Sections 7, 8, 9, 10 and 11 of Township 2N, Range 8E lying within Pennington County and subject to the jurisdiction of the Board of Commissioners of Pennington County, South Dakota excluding that portion located within the city limits of the City of Rapid City;
2. Smoke from solid burning devices and open burning;
3. Construction permits;
4. Parking lot permits (paved parking lots or graveled lots);
5. Compliance plans for continuous operations.

This ordinance applies to the sources listed above located in the area defined in Section 1.02 (1).

1.03 Definitions.

1. Air Quality Board: There is created an Air Quality Board consisting of seven voting members and three ex-officio members.
 - a. The composition and further requirements of the seven voting members are as follows:
 1. Two members representing industry,
 2. One member representing the engineering profession (member shall have graduated from an accredited college or university with an engineering degree),

3. One member representing environmental interests (member shall have an interest and knowledge in environmental issues, preferably air quality issues),
4. One member representing homeowners (member shall own a home in the regulated area),
5. One member representing the business community (member shall be associated with a business in the regulated area),
6. One member at large (member shall be selected at large by the county commission);

Six of the voting members of the Air Quality Board shall be appointed by the Mayor of Rapid City and confirmed by the Rapid City Council for a term of three years on a staggered term basis. One member at large will be appointed by the Pennington County Commission for a term of three years. The current Board shall continue until their respective terms are up and shall be replaced by application and appointment;

All voting members shall be residents of the regulated area as defined in Section 8.34.020 of the Rapid City Municipal Code or the area as regulated in Section 1.02 of Pennington County Ordinance No. 12, with the exception of the two industry members, and shall not derive a majority of their income, either directly or indirectly, from a person who is subject to regulation by Pennington County Ordinance No. 12. For purposes of this section, a person who is subject to regulation by this ordinance does not include one who is regulated solely for a parking lot, open burning, or a solid fuel burning device. Applicants for the above positions, except for the industry representative, shall submit a signed statement that they do not derive a majority of their income from a person who is subject to regulation by this ordinance. Any further documentation which the Rapid City Council or Pennington County Commission may require concerning the applicant's finances are to be considered confidential and shall not be made available to anyone other than the Rapid City Council or Pennington County Commission.

- b. The composition and professional associations of the three ex officio members are as follows:
 1. One member representing state government (Secretary of the Department of Environment and Natural Resources, or designee),
 2. One member representing the city of Rapid City, South Dakota (Mayor of Rapid City or designee),
 3. One member representing the Pennington County Commission (Chairman of Board or designee);

The duties of the Air Quality Board shall be to review and approve compliance plans, serve as an appeal board, act on enforcement action initiated by the Air Quality Division, and make recommendations to the Pennington County Commission and Rapid City Council on policies related to the air quality of Pennington County and Rapid City. The purpose and goal of the decisions made and actions taken by the Air Quality Board shall be to protect and serve the public interest.

2. Air Quality Control Zone: That area as defined in Section 1.02(1).

3. Air Quality Division: There is hereby created the Rapid City Air Quality Division located in the Rapid City Planning and Zoning Office. The Air Quality Division shall be responsible for the administration and enforcement of Rapid City Municipal Code Chapters 8.34 through 8.44 and Pennington County Ordinance No. 12.
4. Ambient Air: That portion of the atmosphere outside of buildings to which the general public has access.
5. Best Management Practices. A storm water technique, measure or structural control that is used for a given set of conditions to manage the quantity and improve the quality of storm water runoff in the most cost-effective manner.
6. Burning Season: That period of time from November 1st through March 31st in the following year.
7. Civil Action: In addition to the penalties set forth in this ordinance for a smoke abatement violation, the Air Quality Board may bring civil action for appropriate relief including a temporary or permanent injunction to enforce compliance with the provisions of this ordinance.
8. Commission: The Pennington County Commission.
9. Compliance Plan: The plan prepared for the control and prevention of fugitive emissions from continuous operation activities.
10. Construction Activity: Any temporary activity which involves the removal or alteration of the natural or pre-existing cover of one acre or more of land. The one acre of surface area is based on a cumulative area of anticipated disturbance to be completed for the entire project. Construction activity shall include but not be limited to stripping of topsoil, drilling, blasting, excavation, dredging, ditching, grading, street maintenance and repair, road construction or earth moving. Construction activity is generally completed within one year.
11. Continuous Operation Activity: Any activity which may cause particulate fugitive emissions to be released into the ambient air and which is conducted on an on-going basis in the same locality including but not limited to, street deicing and traction material activities, loading and unloading of material that may cause fugitive emissions and for a site with ongoing soil fill operations.
12. Control Measure: A technique, practice or procedure used to prevent or minimize the generation, emission, entrainment, suspension, and/or airborne transport of fugitive dust.
13. Corrective Action: Actions required by the Air Quality Division or Air Quality Board to correct violations of this ordinance.
14. Council: Rapid City Council.
15. Disturbed Area: A property where the natural or pre-existing cover has been disturbed but not properly reclaimed or stabilized to prevent fugitive emissions.

16. **Ecosystem Management:** Those activities employed to maintain or enhance the floral or fauna habitat, or to reduce accumulated natural fuels in an area, and supervised by a local, state or federal land/wildlife management agency.
17. **Entry on Property:** Any duly authorized officer, employee or representative of any city or county agency responsible for enforcing this ordinance, after obtaining an escort and complying with safety regulations, may enter and inspect that part of any property, premises or place in which such officer, employer, or representative has reasonable grounds to believe is a source of air pollution or in which such officer, employee or representative has reasonable grounds to believe that the provisions of this ordinance are not being followed. The entry and inspection may be conducted at any reasonable time, without prior notice, for the purpose of investigating said pollution or of ascertaining the state of compliance with the ordinance. No person shall refuse entry or access to any authorized person who requests entry for the purpose of such an investigation, and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such investigation.
18. **Erosion Control:** The measures that will be used to limit erosion of soil from disturbed areas at a construction site. The purpose of erosion control is to limit the amount and rate of erosion occurring on disturbed areas.
19. **Fire Hazard:** Any thing or act, including buildings or flammable materials, which increases or could cause an increase of the hazard or menace of fire to a greater degree than that customarily recognized as normal by persons in the general public.
20. **Fire Department Personnel Training:** Activities designed for the purpose of training fire department personnel and conducted by a fire department.
21. **Fuel:** Solid matter burned in a solid fuel burning device or under the conditions of open burning that is limited to the following: untreated dry wood and lumber, coal and products manufactured for the sole purpose as a fuel. "Untreated wood or lumber" means wood in its natural state that has not been chemically soaked or treated.
22. **Fugitive Emissions:** Those particulate emissions which do not pass through a stack, chimney, vent, or other functionally equivalent opening. In the event that any of the particulate emissions included by this definition are regulated by the state of South Dakota, the stricter and more extensive requirements for control of such emissions shall be enforced over the less restrictive requirements. Particulate emissions from rock crushers for which a permit to operate has been issued are excluded from this definition.
23. **Gravel Pad:** A layer of washed gravel, rock or crushed rock which is at least two inches or larger in diameter, located at the interface of the construction site and a paved surface. The gravel pad shall be an adequate length to dislodge mud, dirt and/or debris from the tires of motor vehicles, haul trucks and/or equipment prior to leaving the work area.
24. **Grizzly:** A device, such as rails, pipes or grates, used to dislodge mud, dirt, and/or debris from the tires and undercarriage of motor vehicles and/or haul trucks prior to leaving the work site.

25. **Inappropriate Fuel for Open Burning:** Includes, but is not limited to: leaf piles, grass clippings, green plants, refuse, paper, rubbish, books, magazines, fiberboard, packaging, rags, fabrics, building materials animal waste, liquid gelatinous hydrocarbons, tar, paints and solvents, chemically soaked or treated wood, plastic or rubber, the materials specified in Section 2.02(4), or other materials not listed in the definition of fuel in Section 1.03(16).
26. **Inappropriate Fuel for Solid Fuel Burning Devices:** Includes, but is not limited to: leaves, grass clippings, pine needles, green plants, refuse, paper, rubbish, books, magazines, fiberboard, packaging, rags, fabrics, building materials, animal waste, liquid or gelatinous hydrocarbons, tar, paints and solvents, chemically soaked or treated wood, plastic or rubber, the materials specified in Section 2.02(4), or other materials not listed in the definition of fuel listed in Section 1.03(16).
27. **Manual Sweeping:** The use of a hand broom and shovel or bobcat for clean up of soil deposited on a paved surface. This method shall be used only if the area of impact is small or as a pre-cleaning for another clean up method.
28. **Mechanical Sweeping:** The sweeping method used to remove material from a paved surface utilizing a water system and mechanical capture of material to eliminate or reduce fugitive emissions.
29. **National Ambient Air Quality Standards (for particulates):** The national primary and secondary ambient air standards for particulate matter as described in the Code of Federal Regulations (CFR), Title 40, Volume 2, Part 50 (July 1, 1997); specifically:
 - a. **PM2.5:** The annual primary and secondary PM2.5 standards are met when the annual arithmetic mean concentration, as determined in accordance with 40 CFR, Part 50, Appendix N (July 1, 1997) is less than or equal to 15.0 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$). The 24-hour primary and secondary PM2.5 standards are met when the 98th percentile 24-hour concentration, as determined in accordance with 40 CFR, Part 50, Appendix N (July 1, 1997), is less than or equal to 65 $\mu\text{g}/\text{m}^3$.
 - b. **PM10:** The annual primary and secondary PM10 standards are met when the annual arithmetic mean concentration, as determined in accordance with 40 CFR, Part 50, Appendix K (July 1, 1997) is less than or equal to 50 $\mu\text{g}/\text{m}^3$. The 24-hour primary and secondary PM10 standards are attained when the expected number of days per calendar year with the 24-hour average concentration above 150 $\mu\text{g}/\text{m}^3$, as determined in accordance with 40 CFR, Part 50, Appendix N (July 1, 1997), is less than or equal to one.
30. **Normal Agricultural Practices.** All activities conducted by the owner or lessee at a site for the production of crops and/or nursery plants.
31. **Noxious Weed:** Undesirable vegetation that is characterized by profuse seed production and/or an ability to spread through rapid growth, making it difficult to control or eradicate through normal management operations.
32. **Opacity:** The degree to which fugitive emissions reduce the transmission of a light source.

33. **Open Burning Permit:** Permit that must be obtained from the Air Quality Division and completed by any person seeking approval to conduct open burning. The permit provides relevant information regarding a planned open burning activity. Depending on the location of the open burn, a permit may be required by the South Dakota Department of Agriculture, Wildland Fire Suppression Division or Rapid City Department of Fire and Emergency Services.
34. **Parking Lot:** Any paved parking lot, one acre or more in size, to which deicing and/or traction materials are applied during adverse weather and any unpaved parking or storage lot, one acre or more in size.
35. **Phased Work:** Work completed in phases for subdivision improvements. A separate permit will be required for each phase of subdivision work. Work can not be phased for the sole purpose of reducing the size of the work to be less than one acre and not subject to the requirements of a permit.
36. **PM2.5:** Particulate matter with an aerodynamic diameter less than or equal to a nominal two and one-half micrometers.
37. **PM10:** Particulate matter with an aerodynamic diameter less than or equal to a nominal ten micrometers.
38. **Person:** Any individual, partnership, firm, association, municipality, public or private corporation, subdivision or agency of the state, trust, estate or any other legal entity.
39. **Political Subdivision:** Any public or private entity that maintains street operations within the area designated in Section 1.02(1).
40. **Project completion:** All surface areas have been reclaimed by building construction, paving, gravel, landscaping and/or permanent revegetation to prevent fugitive dust generation.
41. **Reasonably Available Control Technology (RACT):** The emission control technology determined on a case by case basis by the Air Quality Board to be feasible in meeting the requirements of this ordinance, taking into account energy, the environment, economic impacts and other costs.
42. **Reclamation Plan:** The plan that describes the manner and timeframe in which all disturbed surfaces will be stabilized to prevent fugitive dust generation.
43. **Reentrainment:** A process in which particulate matter that has been deposited in one place, is then liberated into the ambient air by vehicular travel, wind, or other causes.
44. **Road Construction Travel Surface:** The surface material located at the interface of the road construction activity and the paved public right of way. The travel surface shall be constructed of a material and length to adequately dislodge mud, dirt and/or debris from the tires of motor vehicles, haul trucks and/or equipment prior to leaving the road construction area.

45. **Sediment Control:** The measures that will be used to limit transport of sediment to off-site properties, public rights of way and downstream receiving waters. The objective of sediment control is to capture the soil that has been eroded before it leaves the construction site.
46. **Smoke:** Small airborne particles resulting from incomplete combustion consisting predominantly, but not exclusively, of carbon, ash, and other combustible materials, that form a visible plume.
47. **Solid Fuel Burning Device:** Any fireplace, fireplace insert, wood stove, wood-burning heater, wood-fired boiler, coal-fired furnace, coal stove, or similar device burning any solid fuel used for aesthetic, cooking or space heating inside a building.
48. **Trackout Control Device:** A device that includes but is not limited to a gravel pad, grizzly, wheel wash system, road construction travel surface and/or paved area for temporary use that has restricted public access, located at the point of intersection of a construction activity and a paved road, street or parking lot to dislodge mud, dirt, and/or debris from the tires of motor vehicles, haul trucks and/or equipment prior to leaving the work area. The device shall be the full width of all points of ingress and egress. The device shall be maintained in a condition, which will prevent trackout onto paved surfaces and public rights of way.
49. **Vacant Lot:** A lot or property where there is no current activity but fugitive dust can be generated because the property has not been properly reclaimed or stabilized to prevent fugitive emissions.
50. **Vacuum Sweeping:** The method of sweeping used to remove material from a paved surface that utilizes a water system and vacuum capture of material to eliminate or reduce fugitive emissions.
51. **Wheel Wash System:** A system at the site entrance used to wash soil from motor vehicles or equipment to prevent tracking or material becoming dislodged from the vehicle or equipment onto a public right of way or paved parking lot.
52. **Wildfire:** An uncontrolled fire spreading through vegetative fuels, exposing and possibly consuming structures.
53. **Wildfire Control Management:** Activities, including open burning, that are conducted to reduce the potential for serious or wild fires.

2.0 SMOKE ABATEMENT

2.01 Restrictions on Solid Fuel Burning Devices

1. **Inappropriate Fuels Burned in Solid Fuel Burning Device Prohibited:** No person shall, at any time, burn inappropriate fuel as defined in this ordinance in any solid fuel burning device. No person shall use a fuel in a solid fuel burning device, except those that are recommended by the manufacturer, subject to any installation or operational restrictions imposed by the manufacturer.
2. **Sale of New Solid Fuel Heating Devices:** After July 1, 1991, no person shall sell or offer for sale, any new solid fuel heating device as defined by the United States Environmental Protection Agency in 40 CFR Part 60.530 through 60.539b, unless

the solid fuel heating device has been emissions certified and labeled in accordance with those requirements. After July 1, 1991, no person shall sell or offer to sell any new solid fuel heating device that can not be certified under the aforementioned federal regulation unless the solid fuel heating device has an air to fuel ratio equal to or greater than 35 to 1 as determined by an independent testing laboratory.

2.02 Open Burning Rules:

1. Open Burning Restricted: No person shall, at any time, engage in open burning activities within the Air Quality Control Zone, except as allowed under the following conditions:
 - a. Open burning of agricultural irrigation ditches;
 - b. Open burning for noxious weed control;
 - c. Open burning for wildfire control management;
 - d. Open burning for ecosystem management;
 - e. Open burning for fire department personnel training;
 - f. Open burning of a fire hazard.
 - g. Open burning for the heating or cooking of food for human consumption in residential areas, City of Rapid City parks and campground areas.
 - h. Open burning for recreational purposes when such fires are confined to a fireplace or barbecue pit.
 - i. Open burning for ceremonial purposes.

Any inappropriate fuels, as defined in Section 1.03(16 18) present prior to open burning will be removed to the fullest extent possible prior to ignition.

2. Conditions for Open Burning Approval: Prior to ignition, a person requesting to open burn for the exceptions allowed under Section 2.02(1) must gain permission from one of the following fire control entities listed below, based upon the location of the proposed burning activity. Permits are not required for activities covered under subsection (1)(g) of this section.
 - a. Zones of Jurisdiction for Gaining Permission to Open Burn:
 1. The Black Hills Forest Fire Protection District: This includes all areas outside of the Rapid City city limits that are west of Interstate 90 to the north, and west of South Highway 79 to the south. Permission will be granted by the Wildland Fire Coordinator of the South Dakota Department of Agriculture, Wildland Fire Suppression Division, or his designee.
 2. Rapid City: This includes all areas within the Rapid City city limits. Permission will be granted by the Rapid City Department of Fire and Emergency Services.
 3. All other portions of the Control Zone: This includes those areas served by the North Haines Volunteer Fire Department (VFD), the Box Elder VFD, the Rapid Valley VFD, except that portion west of South Highway 79, and those residents of the Black Hawk VFD who reside in that portion east of Interstate 90. Permission for these areas will be granted by the Air Quality Division in Rapid City by obtaining an open burning permit.

- b. The following information, as outlined on the open burning permit, will be provided to the appropriate fire control entity as described in Section 2.02(2)(A):

1. The type of burning as described in Section 2.02(1);
2. Size of burn;
3. Location of the site;
4. Anticipated time and date of burn;
5. Name and phone number of contact person;
6. Name of responsible party assuming liability for the burn;
7. A contingency plan to be implemented in the event that control of the burn is lost.

A copy of the open burning permit is available at the Air Quality Division and at all fire departments whose territories are outside of the Black Hills Forest Fire Protection District and inside of the Air Quality Control Zone.

3. Basis for Approval: Approval may be granted following receipt of the open burning permit, and will be contingent upon the following:
 - a. Current and forecast meteorological conditions;
 - b. Current ambient air quality data;
 - c. The volume of burning pending at the time of the request;
 - d. The information provided on the open burning permit;
 - e. A site inspection, conducted at the discretion of the Air Quality Division.

Approval may be revoked or suspended by the Air Quality Division prior to the actual burn in order to protect public health and welfare. This determination would be based upon changing meteorological and/or ambient air conditions.

4. State Air Quality Regulations (Administrative Rules of South Dakota 74:36:06) prohibit the following open burning practices:
 - a. A person may not burn waste oils, rubber, waste tires, tarpaper, or asphalt shingles. For the purposes of this regulation, waste oil means any oil that has been refined from crude oil, used and contaminated by physical or chemical impurities as a result of such use;
 - b. A municipality or county governmental agency may not burn municipal solid waste unless exempted by the small town exemption in accordance with Administrative Rules of South Dakota 74:27:12:25;
 - c. A person may not conduct or permit the operation of a salvage operation by open burning, except as allowed in Administrative Rules of South Dakota 74:27;
 - d. A person may not burn railroad ties or wood treated with inorganic arsenicals, pentachlorophenol, or creosols.

3.0 GENERAL AIR QUALITY PRACTICES

- 3.01 **General Standards for All Construction Projects:** All owners, contractors, subcontractors and operators involved in construction activities must provide reasonably available control technology as described in Section 4.05 to prevent or minimize particulate matter from becoming airborne regardless of the size of the construction

project. All construction sites must maintain a trackout control device and/or clean up material deposited on a paved surface in accordance with Section 5.01.

3.02 Erosion and Sediment Control Measures: All sites, including but not limited to, construction sites, vacant lots or homes without landscaping, shall maintain erosion and sediment control measures to prevent soil from going off site to public rights of way where soil can be readily reentrained.

1. Erosion controls are surface treatments that stabilize soil exposed by excavation or grading. Erosion control measures, or best management practices, are variously referred to as source controls, vegetative controls or non-structural controls.
2. Sediment controls capture soil that has been eroded. Soil particles suspended in runoff can be filtered through a porous media or deposited by slowing the flow and allowing the natural processes of sedimentation to occur. Sediment controls, or best management practices, are built to perform this function, and are also referred to as structural controls.

3.03 Reclamation of Disturbed Areas: Landscaping and revegetation shall be completed as soon as grading or construction has been completed to eliminate or reduce wind and/or water erosion. When landscaping and/or revegetation can not be completed immediately due to weather, the exposed areas can be temporarily stabilized and final landscaping and/or revegetation can be completed in the next planting season. A written reclamation plan may be required by the Air Quality Division for sites where there are on going problems with vegetative and structural stabilization.

3.04 Stabilization of Vacant Lots: Vacant lots shall be maintained and stabilized to prevent fugitive dust generation from sources including but not limited to wind and/or water erosion, trackout or erosion to public right of way, and vehicle or equipment traffic.

4.0 CONSTRUCTION PERMITS, PARKING LOT PERMITS AND COMPLIANCE PLANS:

4.01 Construction permit required: No person shall engage in any construction activity disturbing one acre or more of surface area which may cause fugitive emissions to be released into the ambient air without first obtaining a construction permit from the Air Quality Division. The one acre of surface area is based on a cumulative area of anticipated disturbance to be completed for the entire project.

4.02 Parking Lot Permits Requirements: All owners and operators of parking and/or storage lots one acre or more in size that meet the following criteria are required to obtain a permit from the Air Quality Division:

1. Any paved parking lot on which deicing and traction materials are applied during adverse weather; and.
2. All unpaved parking lots or storage lots.

4.03 Compliance Plan Required: No person shall engage in any continuous operation which may cause fugitive emissions to be released into the ambient air without first having a compliance plan approved by the Air Quality Board.

A construction permit shall not be required for construction activity at a continuous operation activity facility if such construction activity is a part of the site's compliance plan.

4.04 The following activities are exempt from this ordinance:

1. Fugitive emissions from industrial sources permitted by the South Dakota Department of Environment and Natural Resources that have incorporated fugitive dust control requirements or conditions.
2. Activities conducted at City of Rapid City or Pennington County recreational facilities, such as but not limited to ball fields, bicycle racetracks or the fairgrounds.
3. Landscape maintenance. Landscape maintenance does not include grading, trenching or any other mechanized surface disturbance activities.
4. Normal agricultural practices.

The use of dust control measures for these exempted activities is recommended but not required.

4.05 Reasonably available control technology requirements. Any construction permit, parking lot permit, continuous operation or political subdivision responsible for maintaining public roads shall provide for reasonably available control technology to prevent fugitive emissions from becoming airborne. If the reasonably available control technology selected for the site proves to be insufficient at controlling fugitive emissions, additional measures shall be required. Such controls may include, but not be limited to the following practices:

1. For activity involving the removal or alteration of natural or pre-existing ground cover including, but not limited to road construction, land clearing, excavating, grading, earthmoving, dredging or demolition:
 - a. Use of water to control fugitive emissions from disturbed areas or other work activities;
 - b. Chemical stabilization;
 - c. Applying dust palliative;
 - d. Minimization of area disturbed;
 - e. Reclamation of disturbed area as soon as possible;
 - f. Vehicular speed limitation;
 - g. Routine cleaning of paved areas, with a vacuum sweeper, as necessary to remove any materials deposited through tracking or erosion that may become reentrained. Any other method of cleaning shall be submitted in writing to the Air Quality Division for approval;
 - h. Maintain a trackout control device at site access points to prevent tracking onto the public right of way or private driveways or parking lots where fugitive dust may become reentrained;
 - i. Minimization of dust from open trucks or onsite storage piles; and/or
 - j. Installation of plastic fences to reduce wind erosion.
2. For paved and unpaved roads, alleyways and storage areas, construction, altering, yearly street or highway maintenance and repair of road surface:
 - a. Use of water to control fugitive emissions from disturbed areas or other work activities;
 - b. Chemical stabilization;
 - c. Applying dust palliative;
 - d. Vehicular speed limitation;
 - e. Movement of materials by enclosed vehicles or covered conveyance system;

- f. Routine cleaning of paved areas by sweeping (mechanical or vacuum) to remove materials that may become reentrained;
 - g. Water flushing (when safety is not jeopardized); and/or
 - h. Wetting ahead of open sweepers on rural roads.
3. Paved parking lots and unpaved parking or storage lots:
- a. The paved parking lots shall be cleaned either by sweeping (mechanical or vacuum sweeper), water flushing (when safety is not jeopardized), or by any means possible to reduce reentrainment of deicing and traction materials; and
 - b. The unpaved parking lots shall be maintained by any means possible to reduce dust reentrainment, such as wetting down, chemical stabilization, and vehicular speed limitation. The most appropriate control measures shall be used to prevent erosion or trackout from an unpaved parking or storage lot to a paved public right of way where the material can be readily reentrained.
4. For material screening, handling, storage, processing or transportation:
- a. Installation of baghouses and other emission control and collection systems;
 - b. Enclosed conveyance systems;
 - c. Enclosing, covering, or applying dust suppressants on storage piles where practical;
 - d. Moisturizing or chemically treating the material during processing;
 - e. Cleaning of paved areas; and/or
 - f. Movement of materials by enclosed vehicle or covered conveyance system.
5. For erosion and sediment control:
- a. Soil stabilization of exposed area and stockpiles within fourteen (14) days on areas that will remain dormant for longer than thirty (30) days;
 - b. Installing wind screen or equivalent wind speed reduction device to control wind erosion;
 - c. Chemical stabilization;
 - d. Covering with a nonerodible material and/or;
 - e. Runoff control barriers, such as silt fences, and dams.
6. Landscaping and Revegetation: Landscaping and revegetation shall be completed as soon as grading or construction has been completed. When landscaping and/or revegetation can not be completed immediately due to weather, the exposed areas can be temporarily stabilized and final landscaping and/or revegetation can be completed in the next planning season. If necessary, a written reclamation plan may be required by the Air Quality Division.

4.06 Contents of application for construction permit, parking lot permit, compliance plan or any amendment to a permit or compliance plan. All applications shall be submitted to the Air Quality Division. The applications shall contain:

- 1. Name and address of the person making the application. If the applicant is a corporation, the name and address of its registered agent.
- 2. Legal description and location of the land affected, including a site map.

3. Description of the proposed construction or proposed continuous operation activity including nature and description of equipment used.
4. Proposed date for both commencement and termination of operation.
5. Proposed date for both commencement and completion of reclamation plan including a detailed description of plan.
6. Necessity for state approval and, if so, an indication of:
 - a. If application has been made;
 - b. When action on the application is expected;
 - c. Name, division and board or the state agency from which approval is sought.
7. An overall description of the nature and scope of the construction or continuous operation activity and conditions which will result in fugitive emissions.
8. A plan of the Reasonably Available Control Technology required in Section 4.05 to be applied which will prevent fugitive emissions that exceed 20% opacity.
9. Upon request by the Air Quality Division the following information may be required:
 - a. A listing of all sources of particulate fugitive emissions, stating in tons per year the uncontrolled emissions to be produced;
 - b. The control technology applied or proposed to be applied and the fugitive emissions expected in tons per year after the control technology has been applied;
 - c. The percentage of efficiency of the control technology.

The plan shall identify the sources of all emissions calculations or estimates and provide documentation of the methods used to determine control efficiency.

10. Upon request by the Air Quality Division a discussion of the economic and technical reasonableness of the proposed fugitive emission controls, including data which will assist the Air Quality Board in determining if the control technology specified in the compliance plan will meet the requirements set forth in this ordinance, may be required.

The Air Quality Board shall have the authority to require the applicant to provide actual or proposed production data to the Air Quality Division. This information shall be used by the Air Quality Division for the purpose of processing the application, and determining if a compliance plan or compliance plan amendment will meet the requirements of this ordinance and for no other purposes.

4.07 Records and Information Available to Public: Any records or information obtained by the Air Quality Division or Air Quality Board from owners or operators of an air contaminant source or sources shall be available to the public.

4.08 Application procedure for construction permits.

1. The Air Quality Division shall have ten working days from the time a determination is made that the application is complete to either approve or reject the application and issue the construction permit. If the Air Quality Division determines the application is complete and is in compliance with the ordinance, a construction permit shall be issued. In the event that the application has not been approved or rejected within the ten working day period, it shall be deemed to be approved.
2. Any change in construction which would result in an increase of fugitive emissions from the construction site shall require an amendment to the construction permit. The amendment procedure is the same as set out in subsection 1 of this section. The required fee for the amendment is described in Section 8.0.

3. The construction permit fee is as described in Section 8.0. The fee is payable to the city of Rapid City, and shall be collected by Air Quality Division at the time an application is filed.

4.09 Application Procedure for Parking Lot Permits:

1. The Air Quality Division shall have (10) working days from the time a determination is made that the application is complete to either approve or reject the application and issue the parking lot permit. If the Air Quality Division determines the application is complete and is in compliance with the ordinance, a parking lot permit shall be issued. In the event that the application has not been approved or rejected within the (10) working day period, it shall be deemed to be approved.
2. Any change in operations or maintenance of the parking lot, which would result in an increase of fugitive emissions from the site, would require an amendment to the parking lot permit. The amendment procedure is the same as set out in Section 4.09(1). The required fee for the amendment is described in Section 8.0.
3. The parking lot permit fee is as described in Section 8.0. The fee is payable to the City of Rapid City, and shall be collected by Air Quality Division at the time an application is filed.

4.10 Application procedure for compliance plans.

1. All applications for a compliance plan or amendments to a compliance plan shall be submitted to the Air Quality Division at least fifteen working days before the regular bimonthly Air Quality Board meeting at which it would be considered. The fifteen working day time period shall commence on the day after the date the application was submitted and shall include the day of a board meeting if such a date is a working day. During the fifteen-day period, the Air Quality Division shall determine if the application is complete. No application shall be submitted to the Air Quality Board that does not have all the information required by this ordinance. If an application is returned to the applicant as not being complete, the rejection notice shall be in writing and specifically state what information is missing or not contained in sufficient detail to meet the requirements of this ordinance.
2. Any change in continuous operation activity which would result in an increase of fugitive emissions from that site shall require an amendment to the approved compliance plan permit.

Any amendments to a compliance plan will take effect upon approval by the Air Quality Board. The existing compliance plan will be amended to reflect the change and will be valid through the life of the initial permit. Fees for amendment will be charged in accordance with Section 8.0.

3. Once an application for a compliance plan or an amendment to a compliance plan has been submitted to the Air Quality Division, a sixty-day review period shall commence. The Air Quality Board must approve the proposed plan within sixty days or such plan shall be deemed as approved. If the applicant is requested to provide additional information within a specified period of time and fails to act within such time period, the sixty-day review period shall be extended by a like number of days.
4. The compliance plan fee is as described in Section 8.0. The fee is payable to the city of Rapid City, and shall be collected by the Air Quality Division at the time an application is filed.

4.11 Life of Permits and Compliance Plans:

1. Construction permit: The construction permit shall be valid for one year. If all areas have not been reclaimed at the end of one year, the permit can be renewed for up to one additional year by submitting a written request to the Air Quality Division prior to the expiration of the permit. For subdivision work that is to be completed in phases, a separate permit is required for each phase. Project completion is the date on which the site has been reclaimed through building construction, paving, landscaping, permanent revegetation and/or other permanent stabilization.
2. Parking Lot Permits: The parking lot permit shall be valid for three years unless site conditions or operations change. Applications for a parking lot permit renewal shall be submitted to the Air Quality Division sixty (60) days prior to the expiration, and shall follow the requirements as described in Section 4.09.
3. Compliance Plans: After Air Quality Board approval of the compliance plan, a three (3) year operating permit shall be issued by the Air Quality Division. This operating permit allows the applicant to commence the operation thereunder. Applications for a compliance plan renewal shall be submitted to the Air Quality Division sixty (60) days prior to the expiration, and shall follow the requirements as described in Section 4.10.

4.12 Operating with a Compliance Plan: The approved compliance plan shall become binding terms of the operation. Amendments to a compliance plan approved by the Air Quality Board are enforceable provisions of the permit.

Compliance plans shall be updated every three years, or three years from a plan's last review by the Air Quality Board, whichever is later. The update shall contain all changes, additions, modifications, and expansions which would result in an increase of fugitive emissions from the operation over the past three (3) years.

5.0 STREETS, ROADS AND PARKING LOT REENTRAINMENT REQUIREMENTS

5.01 Streets, Roads and Parking Lot Reentrainment Requirements.

1. All reentrainment requirements are applicable to the areas defined in Section 1.02(1).
2. Any political subdivision responsible for maintaining any public road is required to have a compliance plan as described in Section 3.0.
3. No person shall place any street deicing and traction materials upon any road, highway, driveway, or parking lot to which the public has general access which does not meet the following requirements:
 - a. A durability or hardness as defined in Mohs scale of greater than 6 for 70% of the material used;
 - b. No more than 3% of the total particle material content by weight may be smaller than 200 sieve.

For street deicing and traction materials, these criteria apply only to the material prior to the addition of salt or chemicals. Material of a lesser hardness may be used on steep roads if it is the only effective option available.

4. Any political subdivisions responsible for maintaining any public road shall clean the center line and areas immediately adjacent to the travel lane. Cleaning shall commence under one or more of the following conditions:
 - a. When it has been determined by the Air Quality Division that the streets are sufficiently dry to commence street sweeping;
 - b. When it has been determined by the Air Quality Division that there is a fugitive emissions problem due to street deicing and traction materials.

Street cleaning will not be required on public roads with restricted travel, or when unusual weather or other circumstances prevent it. The political subdivision shall include in its compliance plan a street cleaning plan listing priority streets and schedules. The compliance plan is as described in Section 4.0.

5. Any political subdivisions maintaining any public roads shall water flush such roadways when it has been determined by the Air Quality Division that street deicing and traction materials are causing a fugitive emissions problem. This will be conducted after street cleaning. Street water flushing is not required if it endangers public safety or if water use restrictions are in effect. The political subdivision shall include in its compliance plan a water flushing plan.
6. All vehicles that are transporting fugitive dust emitting materials on public roads shall be covered with a tarp to reduce such emissions or must use a method that is equally effective in reducing such emissions.
7. Any material that is deposited, other than street deicing and traction materials, on any public roadway on which vehicular travel is not restricted, that could be reentrained as fugitive emissions shall be cleaned or removed within 24 hours of deposition. The cleaning or removal process shall be conducted so that minimal fugitive emissions are generated. Deposited materials shall be cleaned up by using a vacuum sweeper or other method pre-approved by the Air Quality Division. The use of a dry mechanical broom or compressed air is prohibited.
8. Cleaning of Paved Surfaces: Deposited materials shall be cleaned up by using a vacuum sweeper or manually sweeping up materials. Sufficient water shall be used to prevent or minimize fugitive dust during sweeping activities. The use of a dry mechanical broom or compressed air to clean up deposited materials is prohibited.

5.03 Reasonably Available Control Technology Requirements: Any political subdivision responsible for maintaining public roads in the areas defined in Section 1.02 (1) shall provide for reasonably available control technology to prevent fugitive emissions from becoming airborne as described in Section 4.0.

6.0 EMISSION STANDARDS

6.01 Emissions Standards for Construction, Parking Lots or Continuous Operation Facility Sites:

1. Facility boundary standard: The transportation of visible fugitive emissions off the property of a construction, parking lot or continuous operation facility site for more than 10% of the time for any one hour period will be considered as an indication that the provisions of the construction permit, parking lot permit or compliance plan are not being complied with and shall cause a determination to be made of the source of the visible fugitive emissions and an opacity reading to be made at such sources. Visible fugitive emissions limitations specified in this paragraph shall be determined by a certified observer using Tennessee Visible Emission Evaluation

Method (40 CFR 52.2220 Part A 73 Method 4), Visual Determination of Fugitive Dust Emission Crossing a Property Line, approved by EPA Fed. Reg. V52, No. 10, January 15, 1987, Page 1628.

2. Fugitive emissions source standard: A fugitive emissions source shall not have a density greater than that designated as twenty percent (20%) opacity. Exceedance of this standard shall be considered a violation of the provisions of the construction permit or compliance and cause a review of the construction permit, parking lot permit or compliance plan. Fugitive emissions limitations specified in this paragraph shall be determined by a certified observer using Tennessee Visible Emission Evaluation Method 1, (40 CFR 52.2220 Part A 50, 51 Method) Visual Determination of Opacity of Emission From Nontraditional Source, approved by the US EPA in Federal Register, Vol. 47, No. 235, December 7, 1982, page 54936, as amended, Federal Register Vol. 28, No. 51, March 15, 1983, page 10834, Federal Register Vol. 50, No. 78, April 23, 1985, page 15892; or by operation of equipment approved by the Air Quality Division that is known to produce equivalent or more accurate results.

No readings shall be made when wind velocity exceeds twenty (20) miles per hour during, or within thirty (30) minutes of the reading as determined by a qualified person, or by use of one or more anemometers at the site. Anemometers shall be used where practical. The property line of public or private rights-of-way through the construction or continuous operation facility site shall not be used for a measurement location.

7.0 ENFORCEMENT AND APPEAL

7.01 Notice of Violation - Order for Corrective Action Included: The Air Quality Division has reason to believe that a violation of any provision of this ordinance has occurred, the Air Quality Division may cause written notice to be served upon the alleged violator or violators. The notice shall specify:

1. The provision(s) of this ordinance alleged to be violated;
2. The facts alleged to constitute a violation thereof.

The notice may include an order that necessary corrective action be taken within a reasonable time period.

The Air Quality Division shall execute or issue a written notice of violation and order to any person who violates any portion of this ordinance.

7.02 Penalties and Petition to Contest Notice of Violation: Any person violating any portion of this ordinance shall be subject to a fine not to exceed \$200.00. Each calendar day a violation occurs shall be considered a separate offense. Any person who wishes to contest a notice of violation or order requiring corrective action must request a hearing before the Air Quality Board within (15) days of receiving the notice of violation or it becomes final. A petition to contest a notice of violation or order requiring corrective action to the Air Quality Board shall be heard at its next regularly scheduled meeting in which a decision on the notice of violation shall be rendered. The Air Quality Board's decision may be appealed to the Commission in accordance with Section 7.03 (4).

7.03 Air Quality Board Appeal Procedures

1. General Provisions

- a. The Air Quality Board shall presume the Notice of Violation or order requiring corrective action is correct and proper.
- b. The violator shall bear the burden of proving it is more likely than not that the Notice of Violation or order requiring corrective action was improperly issued.
- c. The Air Quality Board may modify the Hearing Procedure set out in 7.03(2) prior to the start of any hearing. All parties shall be given at least five days notice of any proposed changes and the opportunity to comment on any procedural modifications. Any party may waive the notice requirement and consent to a modified hearing procedure prior to the start of a hearing if it appears that the times allotted will not be sufficient, and the modifications grant the parties additional time for argument.
- d. Upon receipt of a request for a hearing, the Air Quality Division shall schedule the hearing for the next regularly scheduled meeting and inform the violator of the date and time of the hearing. The violator shall also be given a copy of the provisions governing the appeal procedure.

2. Hearing Procedure

- a. The Air Quality Division staff shall briefly present to the Air Quality Board the circumstances that lead to the issuance of a Notice of Violation or order requiring corrective action. The staff shall be allotted five minutes for their presentation.
- b. The violator shall be allotted ten minutes to present its basis for appeal to the Air Quality Board.
- c. The Air Quality Division staff shall have ten minutes to reply to the violator's arguments.
- d. The violator shall have five minutes for rebuttal to the Air Quality Division staff's reply.
- e. The Air Quality Board may direct questions to the violator or to the Air Quality Division staff.
- f. The Chair of the Air Quality Board, may in its discretion, allot additional time to each party for additional comment after the Board members have completed questioning the parties.

3. Decision of the Air Quality Board

- a. At the completion of the hearing procedure set out in Section 7.03(2), the Chair shall declare the hearing complete. The Board shall then deliberate the merits of the appeal.
- b. The Chair may, in its discretion, accept additional comments from the parties.
- c. During the deliberation process, any member of the Board may make an appropriate motion regarding disposition of the appeal. If the motion is seconded, the standard practice for discussing and deciding motions shall apply.
- d. Any motion regarding the disposition of an appeal shall require the support of a majority of the Board members present for the Hearing. The Chair shall not vote except in the case of a tie vote.

4. Appeal to the Commission

- a. The violator may appeal any adverse decision of the Air Quality Board to the Commission.

- b. To initiate an appeal to the Commission, the violator must file with the County Auditor a written request for reconsideration of the Air Quality Board's action within fifteen days of the Air Quality Board's decision. The County Auditor shall include the request for reconsideration on the next Commission agenda and inform the violator of the date and time of the meeting.
- c. The violator may appear before the Commission and request that the decision of the Air Quality Board be reconsidered and a hearing be set by the Commission.
- d. If the Commission approves the request for reconsideration, it shall immediately set a hearing on the reconsideration for the next regularly scheduled Commission meeting.
- e. Failure of the applicant to appear and request reconsideration or failure to appear for the hearing on the appeal shall be deemed a waiver of the appeal and shall finalize the decision of the Air Quality Board.

7.04 Action After Expiration of Time For Appeal: When the time for appeal to the Air Quality Board has passed without an appeal of a Notice of Violation and Order issued under Section 7.01 or when the time for corrective action granted by the Air Quality Board pursuant to Section 7.06 has passed without completion of all corrective action, the Air Quality Division may take any action it deems necessary to prevent further violations of the this ordinance.

7.05 Recovery of Costs Incurred: All costs and expenses incurred by the Air Quality Division or other County staff in carrying out the provisions of Section 7.04 shall be billed to the property owner. If not paid in full within 30 days, the remaining amount due shall be assessed to the property where the violation occurred.

7.06 Time Allowed for Corrective Action in Air Quality Board Order: For any order issued as part of a notice or after proceedings under this ordinance, the Air Quality Board shall prescribe the date by which the violation shall cease and may prescribe timetables for necessary action in preventing, abating or controlling the implicated emissions or air pollution.

7.07 Remedy Not Exclusive: Nothing in this ordinance shall be construed to abridge, limit or otherwise impair the right of any person to damages or other relief on account of injury to persons or property, and to maintain any action or other appropriate proceedings for such relief.

7.08 Consent Agreement: Nothing in this ordinance shall prevent the air quality division from notifying an alleged violator of violations and negotiating a consent agreement. Any consent agreement shall be approved by the Air Quality Board.

7.09 Voluntary compliance: Nothing in this ordinance shall prevent the Air Quality Division from making efforts to obtain voluntary compliance through warning, conferences, or any other appropriate means. However, the Air Quality Divisions shall not be obligated to make any such efforts and may proceed directly to available enforcement actions.

8.0 FEES:

8.01 Fees: Application fees for permitting services are payable to city of Rapid City and shall be collected by the Air Quality Division at the time an application is filed. The city of

Rapid City and county of Pennington County are exempt from paying fees. Fees administered by this office will be as follows:

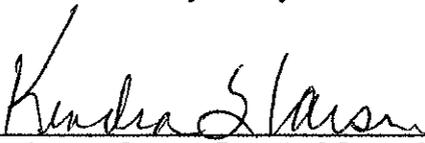
1. Construction permit, for sites one to five acres: seventy-five dollars; for sites over five acres: one hundred dollars, one year permit renewal: twenty-five dollars;
2. Permits for paved parking lots larger than or equal to one acre: seventy-five dollars;
3. Permits for unpaved parking or storage lots larger than or equal to one acre: one hundred dollars;
4. Compliance plan for continuous operations: one hundred and fifty dollars.
5. Amendments to construction permits, parking lot permits or compliance plans: twenty five dollars.
6. Open burning permits: no charge.

Failure to submit the application and/or pay the permitting fee prior to the commencement of fugitive dust generating activities will result in a daily fine not to exceed two hundred dollars. Each day in which the application and/or payment is not received, is considered a separate offense, and separate fines will be assessed.

9.0 SEVERABILITY OF PROVISIONS AND APPLICATIONS

9.01 Severability of Provisions and Applications: If a part of this chapter is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this ordinance is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid application.

Dated this 23rd day of July 2002.


Pennington County Board of Commissioners

ATTEST:


Cindy Mohler, Deputy Auditor

First Reading: June 4, 1991
Second Reading: June 18, 1991
Published: July 3, 1991
Effective Date: July 23, 1991

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Second Reading: April 19, 1994
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