



CITY OF RAPID CITY

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MEMORANDUM

TO: Legal and Finance Committee

FROM: Kristen M. Cowan, Air Quality Specialist

DATE: August 12, 2013

RE: Repeal RCMC 8.34 Fugitive Emissions and the Abatement of Smoke and adopt the new RCMC 8.34.

On December 10, 2012 the Rapid City Area Air Quality Board authorized staff to reorganize the ordinance to make it easier to read, consolidate redundant sections, and provide for the use of an objective method of measuring smoke opacity when responding to smoke complaints. This revision consolidates and eliminates eight sections.

On April 26, 2013, the American Lung Association named Rapid City as one of the four US cities with the best overall air quality. This designation is the direct result of the joint efforts of Rapid City and Pennington County to reverse the EPA's non-attainment designation and achieve the nation's highest levels of clean air. This partnership continues to produce nationally-recognized results and demonstrates the immeasurable value of this shared commitment to public health and welfare.

On June 6, 2013, the Pennington County Commission amended Pennington County Code No. 12 (which covers the portion of the county outside the city limits of the Air Quality Control Zone boundary) with the same revisions recommended for RCMC 8.34, so as to maintain consistency between the two ordinances. On June 10, 2013, the Air Quality Board acknowledged the County's approval of the revised County air quality ordinance and recommended the Legal and Finance Committee approve the same proposed amendments to RCMC 8.34.

On June 20, 2013, Mayor Kooiker requested the item be pulled from the June 26, 2013 Legal and Finance agenda. The Mayor had questions regarding ordinance enforcement, county representation, and whether ordinance changes would affect the business community. The Mayor



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held a meeting on July 8, 2013 including County Commissioner Lyndell Petersen, Asst. Chief of Fire Prevention Tim Behlings, and Community Planning and Air Quality Division staff to clear up questions regarding ordinance changes. Staff reviewed the items requested, made recommendations, and sent all air quality permit holders notification of ordinance changes and request for comment.

Recommendation: The Air Quality Board recommends repealing RCMC 8.34 and adopting the new revised RCMC 8.34.