

ORDINANCE #3693

AN ORDINANCE AMENDING SECTIONS 8.34.020 AND 8.34.030 OF CHAPTER 8.34 OF THE RAPID CITY MUNICIPAL CODE PERTAINING TO APPLICABILITY AND DEFINITIONS; AMENDING SECTIONS 8.38.010, 8.38.040, 8.38.050, 8.38.070 AND 8.38.080 PERTAINING TO CONSTRUCTION PERMITS AND COMPLIANCE PLANS, AND REPEALING SECTION 8.38.030 ALL OF CHAPTER 8.38 OF THE RAPID CITY MUNICIPAL CODE; ADDING NEW SECTIONS 8.39.010 AND 8.39.020 OF NEW CHAPTER 8.39 TO THE RAPID CITY MUNICIPAL CODE PERTAINING TO STREETS AND ROADS; AMENDING SECTION 8.42.010 OF CHAPTER 8.42 OF THE RAPID CITY MUNICIPAL CODE PERTAINING TO FEES

BE IT ORDAINED by the City of Rapid City that Sections 8.34.020 and 8.34.030 of Chapter 8.34 of the Rapid City Municipal Code be and are hereby amended to read as follows:

8.34.020 Applicability.

Chapters 8.34 through 8.44 shall apply to:

- A. The geographical area encompassing the city limits of the city of Rapid City;
- B. Smoke from solid fuel-burning devices and open burningsources;
- C. Construction permits;
- D. Compliance plans (paved and unpaved parking lots, streets sanding and cleaning operations);
- E. Fugitive emissions requirements with the exception of industrial sources permitted by the South Dakota Department of Environment and Natural Resources.

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 aAir eQuality bBoard shall be appointed ~~on a rotating basis~~ by the mMayor of Rapid City and confirmed by the Rapid City eCouncil for a term of three years on a staggered term basis. One member at large will be appointed by the Pennington County Commissionboard of commissioners for a term of three years. The current bBoard 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, ~~and~~ shall not derive a majority of their income, either directly or indirectly, from a person, ~~as defined by this section~~, 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 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 Rapid City Municipal Code Chapters 8.34 through 8.44. Any further documentation which the Rapid City eCouncil or Pennington County Commission board of county commissioners 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 eCouncil or Pennington County Commissionboard of commissioners.

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 board of commissioners~~ (chairman of board or designee);

5. The duties of the ~~a~~Air ~~q~~Quality ~~b~~Board shall be to review and approve compliance plans, serve as an appeal board, act on enforcement action initiated by the ~~a~~Air ~~q~~Quality ~~d~~Division, and make recommendations to the Rapid City ~~e~~Council and ~~Pennington County Commission board of county commissioners~~ on policies related to the air quality of the ~~e~~City of Rapid City and Pennington County. The purpose and goal of the decisions made and actions taken by the ~~a~~Air ~~q~~Quality ~~b~~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.

"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 board of commissioners~~.

~~"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. "Construction activity" shall include but not be limited to stripping of topsoil, drilling, blasting, excavation, dredging, ditching, grading, street maintenance and repair, 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. Continuous operation is associated with winter sanding of paved parking lots and maintenance of unpaved parking lots of more than one acre in size and with street sanding and cleaning of streets, highways and roads.

"Council" means the Rapid City council.

"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.

"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 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.

"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, the ~~governmental entity which has the more strict~~er and more extensive requirements for control of such emissions shall be ~~enforced over the less restrictive requirements, crushers for which a permit to operate has been issued are excluded from this enforced over the least restrictive requirements.~~

Particulate emissions from rock crushers for which a permit to operate has been issued are excluded from this definition.

"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, animal waste, liquid or 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.

"National Ambient Air Quality Standards (for particulates)" means the national primary and secondary ambient air standards for particulate matter as described in the July 18, 1997 publication of the Code of Federal Regulations (CFR), Title 40, Part 50, Volume 62, Part 50-138 (July 1, 1997); specifically are:

1. PM_{2.5}- 15.0 micrograms per cubic meter (ug/m³), annual arithmetic mean concentration and sixty-five ug/m³, twenty-four hour average concentration. The daily standard is based upon an annual ninety-ninth percentile with a three year average of the ninety-ninth percentiles;

2. PM₁₀- 50.0 ug/m³, annual arithmetic mean concentration and 150.0 ug/m³, twenty-four hour average concentration. The daily standard is based upon an annual ninety-eighth percentile with a three year average of the ninety-eighth percentiles.

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 (ug/m³). The 24-hour primary and secondary PM_{2.5} 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 ug/m³.

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 ug/m³. 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 ug/m³, as determined in accordance with 40 CFR, Part 50, Appendix N (July 1, 1997), is less than or equal to one.

"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 form" means a form produced by the air quality division and completed in cooperation with any person seeking approval to conduct open burning. The form provides relevant information regarding a planned open burning activity.

"Parking lot" means any parking lot to which street sanding material is applied and any unpaved parking lot to which the public has access that may generate fugitive emissions.

"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.

"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, environmental, economic impacts and other costs.

"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.

"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.

"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.

BE IT FURTHER ORDAINED by the City of Rapid City that Sections 8.38.010, 8.38.040, 8.38.050, 8.38.070 and 8.38.080 of Chapter 8.38 of the Rapid City Municipal Code be and are hereby amended to read as follows and Section 8.38.030 of Chapter 8.38. be and is hereby repealed:

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.

~~**8.38.030 Street reentrainment requirements.**~~

~~A. No person shall place any street sanding materials upon any road, highway, driveway, or parking lot to which the public has general access located in the area defined in Section 8.34.020(A) 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 sanding material, 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.~~

~~B. Any political subdivisions responsible for maintaining any public road inside the area in which road sanding materials are regulated 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 sanding material.~~

~~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.~~

~~C. Any political subdivisions maintaining any public roads inside the area in which road sanding materials are regulated shall water flush such roadways when it has been determined by the air quality division that street sanding material is 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.~~

~~D. All vehicles that are transporting fugitive dust emitting materials within the area designated in Section 8.34.020(A) 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.~~

~~E. Any material that is deposited, other than street sanding material, 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 minimal fugitive emissions are generated.~~

8.38.040 Reasonably available control technology requirements.

Any construction 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. 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 land clearing, excavating, grading, earthmoving, dredging or demolition:

1. ~~Wetting down~~ Use of water truck on site for wetting down disturbed areas;
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; ~~and/or~~
7. ~~Cleaning of paved areas.~~ Routine cleaning of paved areas, including streets with a vacuum sweeper, as necessary for any mud tracking;
8. 50 feet of crushed rock pad or dirt grates at all site access points;
9. Minimization of dust from open trucks or onsite storage piles; and/or
10. Installation of plastic fences to reduce wind erosion.

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

1. Wetting down;
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;
7. Mechanical capture of fugitive emissions by vacuuming;
8. Water flushing (when safety is not jeopardized); and/or
9. 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 sanding material reentrainment; 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.

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 control:

1. Planting of exposed area;
2. Installing wind screen or equivalent wind speed reduction device;
3. Chemical stabilization;
4. Covering with a nonerodible material;
5. Runoff control barriers and dams.

8.38.050 Contents of application for construction permit, compliance plan or amendment to a 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.

- C. Description of the proposed construction or proposed continuous operation activity including nature and description of equipment used, including a site map.
- 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 ~~reasonable~~ available ~~control~~ technology required in Section 8.38.040 to be applied which will prevent fugitive emissions that exceed 20% opacity ~~twenty percent~~.

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.

8.38.070 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~~ No change in construction ~~shall be allowed~~ which would result in an increase of fugitive emissions from the construction site shall require an amendment without first amending 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.

8.38.080 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 No~~ change in continuous operation activity ~~shall be allowed~~ which would result in an increase of fugitive emissions from that site ~~shall require an amendment to without first amending~~ 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 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.~~

BE IT FURTHER ORDAINED by the City of Rapid City that Sections 8.39.010 and 8.39.020 of Chapter 8.39 of the Rapid City Municipal Code be and are hereby added to read as follows:

8.39 STREETS, ROADS AND PARKING LOT REENTRAINMENT 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 sanding 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 6 for 70% of the material used;
 - 2. No more than 3% of the total particle material content by weight may be smaller than 200 sieve.

For street sanding material, 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 sanding material.

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 sanding material is 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 sanding material, 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.

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.

BE IT FURTHER ORDAINED by the City of Rapid City that Sections 8.42.010 of Chapter 8.42 of the Rapid City Municipal Code be and is hereby amended to read as follows:

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 less than or equal~~ to five acres: seventy-five dollars; for sites over five acres: one hundred dollars;
- B. Construction permit amendment:; twenty-five dollars;
- C. Compliance plan for paved parking lots larger than or equal to one acre: fifteen dollars per acre, not to exceed seventy-five dollars;
- D. Compliance plan for unpaved parking lots larger than or equal to one acre: twenty-five dollars per acre, not to exceed one hundred fifty dollars;
- E. Open burning ~~permits: form,~~ no charge.

Failure to submit the application and/or pay the permitting fee will result in a daily fine not to exceed one 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. An air quality notice of violation will be attached to the deed of the property at the register of deeds office in the Pennington County Courthouse until the fines and permitting fees have been paid.

CITY OF RAPID CITY

Mayor

ATTEST:

Finance Officer
(SEAL)

First Reading:
Second Reading
Published:
Effective: