



# CITY OF RAPID CITY

RAPID CITY, SOUTH DAKOTA 57701-5035

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## Community Planning & Development Services

300 Sixth Street

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## MEMORANDUM

TO: Brett Limbaugh, Director

FROM: Kristen M. Cowan, Air Quality Specialist

DATE: August 8, 2013

RE: RCMC 8.34 Ordinance Update

Per the July 8 meeting with Mayor Sam Kooiker, Lyndell Petersen, Brett Limbaugh, Brad Solon, Tim Behlings, and Kristen Cowan, the Mayor requested follow up on county representation, smoke opacity enforcement, and notification to permit holders.

1. County Representation: Currently, the county commission and Mayor's appointments can live or work in any part of the Air Quality Control Zone (ACQZ). The county can appoint someone who lives or works in the city, and the Mayor can appoint someone who lives or works in the county as long as that portion of the county is within the AQCZ. An additional appointment by the County Commission is not needed in order to increase County representation.

**Recommendation:** No change to the ordinance as written. See attached membership chart.

2. Enforcement: Federal Method 9 is the federally-approved method to determine smoke opacity. Devices that visually read the opacity of smoke are expensive and require calibration. There are not enough smoke complaints per winter to justify spending potentially thousands of dollars on a device. Moreover, SD DENR pays 70% of Air Quality Division expenses. The decision to purchase a device to measure smoke opacity rather than employ Federal Method 9 would require approval from DENR. Cities that have a smoke opacity ordinance require their air quality or code enforcement to be certified in Federal Method 9.



EQUAL HOUSING  
OPPORTUNITY

EQUAL OPPORTUNITY EMPLOYER

**Recommendation:** Purchase a digital recording device (camcorder) to record, verify, and timestamp the visual opacity test while it is occurring. (i.e. 50% continuous opacity from a chimney for 6+ minutes). No change to the ordinance as written.

3. Permit holder notification: Staff sent notification to all current holders of Air Quality Construction Permits, Unpaved Parking/Storage Area Permits, and Continuous Operations Compliance Plan Permits regarding ordinance changes. No public comment was received.

**Recommendation:** Proceed with repeal and adoption of RCMC 8.34 as approved and recommended by the Air Quality Board.

# Rapid City Area Air Quality Board

## Voting Members (7)

	Current Member Name	Representative of...	Position Requirement	Appointed By	Term Expires
1	Danielle Wiebers	Industry	not specified	Mayor	8/31/2015
2	Clint Allen	Industry	not specified	Mayor	8/31/2013
3	Jake Smith	At Large	not specified	County	8/31/2013
4	Donna Kliche	Environmental Interests	Member shall have an interest and knowledge of environmental issues, preferably air quality issues	Mayor	8/31/2014
5	David C. Bartsch, MD	Business	Member shall be associated with a business in the area regulated by 8.34 or PennCo Code No. 12	Mayor	8/31/2013
6	Jerry Steinley	Homeowner	Member shall own a home in the area regulated by 8.34 or PennCo Code No. 12	Mayor	8/31/2014
7	Scott Landguth	Engineering	Member shall have graduated from an accredited institution with an engineering degree	Mayor	8/31/2013

## Non-Voting Members (3)

1	Brad Schultz	Secretary of SD DENR or Designee
2	Lyndell Petersen	Chair of Pennington County Commission or Designee
3	Charity Doyle	Mayor Rapid City or Designee

**Residency Requirement:** All voting members **shall be residents of or work in** the Air Quality Control Zone, those areas regulated by RCMC 8.34 OR Pennington County Code No. 12. The Mayor and Commission may appoint Board members who reside or work **in any part** of the Air Quality Control Zone.

### Duties of the Board:

1. Review and approve compliance plans
2. Serve as an appeals board.
3. Act on enforcement actions initiated by the Air Quality Division.
4. Make recommendations to the Rapid City Common Council and Pennington County Commission on policies related to the air quality of the city and county.