

## **Summary of Ordinance Requirements for Fugitive Dust Violation**

Rapid City Municipal Code Chapter 8.40 pertains to Emission Standards. Below is a summary of the of ordinance requirements.

- Fugitive dust transported off a construction site for more 10% of the time for one hour is an indication that the conditions of the permit are not being met.
- If dust is transported off site more than ten percent of the hour, an opacity reading is conducted by a certified observer using Tennessee Visible Emission Evaluation Method.
- A fugitive emissions source shall not have a density greater than that designated as 20 percent opacity.
- Exceedance of the emission standard shall be considered a violation of the provisions of the construction permit and cause a review of the construction permit. The violations shall be determined by a certified observer using Tennessee Visible Emission Evaluation Method.
- 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.
- The property line of public or private rights-of-way through the construction site shall not be used for a measurement location.

Although fugitive dust was observed on this site at various times, the amount of dust that was going off site was sporadic, such as wind gusts, soil loading operations or vehicular traffic on site, and not a sustained source that would generate opacity of greater than twenty percent leaving the site. Many times the contractor would make efforts to work on the down wind side of the site so that any dust that was generated would blow back on site and not into the adjoining neighbor.