**8.34.230 Rapid City Area Air Quality Board.**

A. There is hereby created the Rapid City Area Air Quality Board (Air Quality Board) consisting of 7 voting members and 3 ex-officio members. The composition and further requirements of the 7 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 of environmental issues, preferably air quality issues);
4. One member representing homeowners (member shall own a home in the area regulated by this chapter or Pennington County Ordinance No. 12);
5. One member representing the business community (member shall be associated with a business in the area regulated by this chapter or Pennington County Ordinance No. 12); and
6. One member at large selected at large by the County Commission.

B. 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 Common Council for a term of 3 years on a staggered-term basis. One member at large will be appointed by the Pennington County Commission for a term of 3 years. The current Air Quality Board shall continue until their respective terms are up, and shall be replaced by application and appointment.

C. All voting members shall be residents of or work in the regulated area as defined in § 8.34.320A., or the area as regulated in Section 102(A) of Pennington County Ordinance No. 12, and with the exception of the 2industry members, shall not derive a majority of their income, either directly or indirectly, from a person who is subject to regulation by RCMC Chapter 8.34 or by Pennington County Ordinance No. 12. For purposes of this section, a person who is subject to regulation by Rapid City Municipal Code Chapter 8.34 or by Pennington County Ordinance No. 12 does not include one who is regulated solely for a parking and/or outdoor storage area, open burning, or a solid fuel burning device. Applicants for the above positions, except for the industry representatives, 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 Chapter 8.34 or by Pennington County Ordinance No. 12. The 2 industry members may derive their income from a person or company who is regulated by the Air Quality Division of the South Dakota Department of Environment and Natural Resources, and/or the provisions of Chapter 8.34 of the Rapid City Municipal Code and/or Pennington County Ordinance No. 12. Any further documentation which the Rapid City Common 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 Common Council or Pennington County Commission.

D. The composition and professional associations of the 3 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); and
3. One member representing the Pennington County Commission (Chairperson of the Commission or designee).

E. The duties of the Air Quality Board shall be to review and approve compliance plans, serve as an Appeal Board, act on enforcement actions initiated by the Air Quality Division, and make recommendations to the Rapid City Common Council and Pennington County Commission on policies related to the air quality of the city and 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.

(Ord. 5958 (part), 2013)