

KANSAS CITY AIR QUALITY CONTROL CODE

Chapter 8

AIR QUALITY\*

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Sec. 8-2. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Air contaminant* means any particulate matter, gas or vapor, exclusive of water vapor, including but not limited to smoke, charred paper, dust, soot, grime, carbon or any other particulate matter, fumes or gases, or any combination thereof.

*Ambient air* means all space outside of buildings, stacks or exterior ducts.

*Building* means any structure excluding single-family, owner-occupied dwellings, and vacant public or privately owned residential structures of four dwelling units or less being demolished for the sole purpose of public health, safety or welfare. Excluded structures must be geographically disbursed, demolished pursuant to a public safety determination, and must pose a threat to public safety.

*Construction* means fabricating, erecting, reconstructing or installing a source operation. Construction shall include installation of building supports and foundations, laying of underground pipe work, building of permanent storage structures, and other construction activities related to the source operation. For permits not being reviewed under Section 10 CSR 10-6.060(7) or (8), the installation of building supports and foundations, the laying of underground pipe work, and the building of permanent storage structures may be exempted from the construction definition if authorized by the director. Authorization will occur if the applicant submits a signed waiver of any state liability, a complete list of the activities to be undertaken, and the applicant's full acceptance and knowledge of all liability associated with the possibility of denial of the permit application.

*Emission* means the release of discharge, whether directly or indirectly, into the atmosphere of one or more air contaminants.

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*Fugitive emissions* means those emissions which could not, according to good engineering practice, pass through a stack, chimney, vent or other functionally equivalent opening.

*Incinerator* means any article, machine, equipment, contrivance, structure or part of a structure used to burn refuse or to process refuse materials by burning other than by open burning as defined herein.

*Installation* means all source operations, including activities that result in fugitive emissions and any marine vessels docked at that installation, which belong to the same industrial grouping (i.e. which have the same two digit code as described in the Standard Industrial Classification Manual, 1972, as amended by the 1977 Supplement), are located on one or more contiguous or adjacent properties, and are under the common control of the same person(s).

*Open burning* means the burning of any materials wherein air contaminants resulting from combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. For the purposes of this definition, a chamber shall be regarded as enclosed when, during the time combustion takes place, only such apertures, ducts, stacks, flues or chimneys as are necessary to provide combustion air and to permit the escape of exhaust gases are open.

*Owner or operator* means any person who owns, leases, operates, controls or supervises an air contaminant source.

*Particulate matter* means any material, except uncombined water, that exists in a finely divided form as a liquid or solid at standard conditions and as specifically defined as follows:

- (1) Total suspended particles particulate matter as measured by the reference method in 10 CSR 10-6.030 in the context of emissions testing or 10 CSR 10-6.040 in the context of ambient air sampling; and
- (2) Particulate matter-10 micron  $PM_{10}$ -particulate matter with an aerodynamic diameter of ten microns, or less, as measured by reference method 10 CSR 10-6.040(4)(J) in the context of ambient air sampling.

*Refuse* means garbage, rubbish, trade wastes, leaves, salvageable material, agricultural wastes or other wastes.

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*Smoke* means the small gas-borne particles resulting from combustion, consisting of carbon, ash and other material.

*Source* means any process, device, apparatus or operation which emits or may emit any air contaminant.

*Stack* means any point in an installation designed to emit air contaminants into ambient air.

*Trade waste* means the solid, liquid or gaseous material resulting from construction or the pursuit of any business, trade or industry, or any demolition operation, including but not limited to plastics, cardboard cartons, grease, oil, chemicals or cinders.

*Uncombined water* means the visible condensed water which is not bound, physically or chemically, to any air contaminant.

Sec. 8-4. Open burning.

(a) *Refuse burning.* No person shall dispose of refuse by open burning, or cause, allow or permit open burning of refuse.

(b) *Conduct of salvage operations by open burning.* No person shall cause, allow or permit the conduct of a salvage operation by open burning.

(c) *Open burning of trade wastes.*

(1) No person shall cause, allow or permit the disposal of trade wastes by open burning except as provided in this section.

(2) Exceptions shall include but not be limited to the following. Operating permits may be required by the director.

a. *Issuance of permit.* Any person intending to engage in the open burning of trade wastes shall file an application for an operating permit on a form furnished by the director. The open burning of trade wastes may be permitted when it can be shown that it is necessary and in the public interest and that the applicant is willing to comply with the terms and conditions outlined by the director in writing. Trade waste burning permits may be renewed upon submission of

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a new application. The fee set forth in section 8-20 shall be submitted prior to the issuance of an operating permit. The terms and conditions imposed by any such permit must be approved by the chief fire prevention inspector.

b. *Revocation of permit.* Any violation of the provisions relating to open burning of trade waste shall be grounds for revocation of the trade waste burning permit by the director or the chief inspector of fire prevention.

(d) *Exceptions to open burning restrictions.* General exceptions to open burning restrictions are as follows:

(1) Fires set in connection with agricultural operations relating to the growing of crops, but not including noncrop vegetation such as trees, brush or fence rows. For the purpose of this subsection, botanical nursery operations shall not be considered as agricultural operations.

(2) Fires used for recreational purposes, or fires used for the noncommercial preparation of food such as barbecuing.

(3) Fires used for training, when approved by the director.

Sec. 8-5. Emission of particulate matter.

(c) *Incinerators.*

(1) General provisions applying to all incinerators.

b. *Test schedule.* Within 30 days after the date on which installation or construction of an incinerator is completed, the installer shall file a request with the director to schedule the performance tests provided in this subsection (c). If the results of the performance tests indicate that the incinerator is not operating in compliance with subsection (c)(2), no person may cause or permit further operation of the incinerator, except for additional tests as outlined in this subsection (c) until approval is received from the director.

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c. *Capacity.* The burning capacity of an incinerator shall be the manufacturer's or designer's guaranteed maximum rate or such other rate as may be determined by the director in accordance with good engineering practice. In case of conflict, the findings of the director shall govern.

(2) Restriction of emissions from incinerators.

a. *Particulate and opacity limitations.* No person shall cause or permit the emission of particulate matter from the chimney, stack or vent of any incinerator.

1. In excess of one tenth grain of particulate matter per standard dry cubic foot of exhaust gas, corrected to seven percent oxygen.

2. Of such opacity as to obscure an observer's view to a degree equal to or greater than ten percent.

(3) Performance testing.

a. *Representative sample.* Refuse burned in conjunction with the performance tests specified in this subsection shall be a representative sample of the refuse normally generated by the operation which the incinerator is intended to serve.

b. *Procedure.* Emissions shall be measured when the incinerator is operating at the burning capacity as defined in subsection (c)(1)c. or at any greater operating rate requested by the operator. Testing methods shall be those outlined in 10 CSR 10-6 or 40 CFR, part 60 Appendix A.

c. *Compliance.* A performance test to determine compliance with the opacity requirements specified in subsection (c)(2)a.2. shall be performed by the director on each new incinerator and each existing modified or rebuilt incinerator.

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d. *When required.* The performance test specified in subsection (c)(3)b. may be required on any incinerator, and shall be require for each new incinerator. The initial performance test shall be performed at the expense of the vendor or operator by an independent testing organization or by any other qualified person subject to approval of the director. The performance test may be observed by the director.

(Code of Gen. Ords. 1967, § 18.85; Ord. No. 34696, 4-26-68; Ord. No. 36539, 4-3-69; Ord. No. 41255, 6-8-72; Ord. No. 56726, 8-2-84)

Cross-references—Fire prevention and protection, ch. 26; solid waste, ch. 62.

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## EPA Rulemakings

CFR: 40 C.F.R. 52.1320(c)  
FRM: FR 64 71663 (12/22/99)  
PRM: FR 64 71704 (12/22/99)  
State Submission: 1/6/99  
State Proposal: 2/5/98  
State Final: 12/10/98  
APDB File: MO-145  
Description: This revision approves the replacement of the 1972 KCAPCC incinerator provisions contained in Chapter 18, Sections 18.83 and 18.91, with the provisions contained in the 1996 KCAPCC in Chapter 8, Sections 8-2, "Definitions," and 8-5, "Emission of Particulate Matter."

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CFR: 40 C.F.R. 52.1320  
FRM: FR 63 19823 (4/22/98)  
PRM: FR 63 19876 (4/22/98)  
State Submission: 3/20/97  
State Proposal: 9/26/96  
State Final: Effective 10/31/96  
APDB File: MO-122  
Description: This revision eliminates sections of local ordinances covered by equivalent or more stringent Federally approved state rules and retains sections that are not.

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## Difference Between the State and EPA-Approved Regulation

Only subsections 8-5(c)(1)b, 8-5(c)(1)c, 8-5(c)(2)a, 8-5(c)(3)a, 8-5(c)(3)b, 8-5(c)(3)c, 8-5(c)(3)d are approved in the SIP.