REPORT OF INDUSTRIAL STORMWATER COMPLIANCE EVALUATION INSPECTION (CEI)

At

Asphalt Sales Company
23200 W 159th Street
Olathe, Kansas 66061
NPDES Number: KSR001080

On

January 28, 2021

By

U.S. ENVIRONMENTAL PROTECTION AGENCY
Region 7
Enforcement and Compliance Assurance Division

1.0 INTRODUCTION

An Industrial Stormwater inspection was performed at Asphalt Sales Company in Olathe, Kansas, on January 28, 2021. This inspection was performed pursuant to Section 308(a) of the Clean Water Act as amended. This narrative report and attachments present the findings and observations made during the Industrial Stormwater CEI.

2.0 PARTICIPANTS

Asphalt Sales Company:
Ted McAnany, President, 913-788-8806, tmcanany@everestkc.net
Christy Frye, Order Desk / Logistics, 913-299-0303

U.S. Environmental Protection Agency (EPA):
Brian D'Alfonso, Life Scientist, 913-551-5095

3.0 INSPECTION PROCEDURES

I arrived previously announced at the Asphalt Sales facility at 8:45 a.m. and presented myself at the main office. I met with Ted McAnany, President and Christy Frye, Order Desk/Logistics. I presented my credentials to both and explained the scope and purpose of the inspection. I informed them that the Industrial Stormwater inspection would consist of a visual inspection of the facility and review of records being maintained at the facility. They both stated they understood.

Prior to entering the facility, I conducted a visual reconnaissance of the facility, searching for areas of concern observable from the public roads such as discharges, drainage patterns, flow

directions, distance and direction of nearest perennial waters, visual condition of perennial waters, facility location, and layout. The facility is located less than 500 feet west of Cedar Creek and as close as 50 feet near outfall 002. Cedar Creek is identified as a perennial water per the USGS topography maps.

Mr. McAnany and Ms. Frye stated that Bryan Frye, Vice-President, was normally the environmental contact for the facility. Mr. Frye was gone for medical reasons at the time of inspection. I explained that if Mr. Frye had any information or questions after the inspection, he could contact me. After the inspection, I spoke with Mr. Frye by telephone to answer a few remaining questions. Mr. McAnany and Ms. Frye provided information pertaining to the facility operation and Mr. McAnany accompanied me during the entire inspection. They also provided copies of facility records for review and provided additional stormwater management information during the inspection. As part of the inspection, I completed the National Pollution Discharge Elimination System (NPDES) Industrial Storm Water Worksheet (attachment 1).

I completed my inspection and I summarized the findings and recommendations with Mr. McAnany during the exit briefing. During the exit briefing I went over the facility's confidentiality rights. Mr. McAnany stated he understood and signed the EPA Confidentiality Notice (attachment 2). No samples were taken during the inspection. A Notice of Potential Violation (NOPV) was issued during the exit interview (attachment 3). Photographs were taken during the inspection. See attachment 4 for the photo log and photos.

4.0 FACILITY DESCRIPTION

4.1 Facility Operations

The facility is located west of Interstate 35 and west of Cedar Creek. The facility's physical address is 23200 W. 159th Street, Olathe, Kansas. The facility consists of an asphalt plant, a construction and demolition landfill (CDL), and support facilities. In the past, the facility included an active quarry, but quarrying activities ceased around 2010 due to removal of all minable materials.

The facility has been in operation since the early 1990s. They generate approximately 300,000 tons of asphalt each year and receive approximately 1000 tons of construction and demolition (C&D) waste in the landfill each week. The facility employs approximately 25 people and the normal operating hours are 7:30 a.m. to 4:00 p.m., Monday through Friday.

The facility has three basic areas that have their own drainage areas (attachment 5). The landfill drainage area flows to an on-site storage pond adjacent to the landfill called a contact water pond. Contact water is "liquid, consisting primarily of precipitation, that has infiltrated through the C&D waste or has been in contact with the C&D waste for any period of time. This term shall include all runoff from the active area of the C&D landfill and all liquid derived from the C&D waste" *K.A.R. 28-29-300*. Contact water is stored separately from all other stormwater on site and includes any stormwater that has come in contact with contact water. Contact water can be used on site for waste compaction, dust control and any other uses approved in the solid waste permit.

Outfall 001 receives stormwater from the scale house area on the northeast corner of the property (photos 1 & 2). Outfall 001 discharges at the far northeast corner of the property (photo 3).

Outfall 002 collects stormwater from all of the other areas on the property, including a small creek which flows west to east through the center of the property. This creek has been channelized to drain into the stormwater pond (photos 4 & 5). At the headworks to the stormwater pond (photo 6) there are two inlet pipes, one large and one small. The small pipe collects stormwater from a normal flow while the large pipe collects drainage from high flow events. The large pipe is diverted around the pond and discharges directly to outfall 002 without any treatment during high flow events. Both pipes discharge to the same spot at outfall 002 (photos 7 & 8).

4.2 Regulatory History

Asphalt Sales Company received authorization for the General Permit on June 28, 2017 (attachment 6, appendix A). A copy of the Kansas Department of Health and Environment (KDHE) Stormwater Runoff from Industrial Activity General Permit is included as attachment 7. According to KDHE and ECHO (Enforcement and Compliance History Online), it appears that the facility has never been inspected for stormwater.

5.0 FINDINGS AND OBSERVATIONS

An Industrial Stormwater inspection to determine if Asphalt Sales Company is in compliance with their National Pollution Discharge Elimination System (NPDES) General Permit was conducted on January 28, 2021. The weather conditions at the time of the inspection were partly sunny and cold. The ground was frozen and there was no active surface runoff (photo 1).

5.1 Stormwater Pollution Prevention Plan (SWPPP)

The NPDES General Permit requires that the facility have a SWPPP. Mr. McAnany provided a copy of the SWPPP on site for review. I reviewed the SWPPP during the inspection and found that it was complete. A copy of the SWPPP was provided for my records by email after the inspection (attachment 6). Although the electronic copy of the SWPPP that was provided to me after the inspection did not contain a signed certification statement (attachment 6, appendix B), the copy I reviewed on site was properly signed (attachment 8). Thus, no potential violation was noted for failure to sign the certification statement.

While reviewing the SWPPP drainage map and talking with Mr. McAnany, it was determined that when the City of Olathe rebuilt 159th Street, they changed the drainage patterns for outfall 001. While outfall 001 is shown on the facility 'Stormwater Flow Map' (attachment 6), the drainage patterns leading to outfall 001 are not shown on the map. On the map, outfalls are labeled as #1 and #2 instead of 001 and 002. This was noted as item #1 on the Notice of Potential Violation (NOPV) that was left on site at the end of the inspection (attachment 3).

The facility's SWPPP states that at minimum, quarterly inspections will be conducted and documented. Also, at least once per year, a visual examination of stormwater discharges and an annual comprehensive site compliance evaluation will be conducted and documented. At the time of inspection, I was not provided any record of the facility's quarterly inspections. After the

inspection I spoke with Mr. Frye and he stated he would email me copies of the quarterly inspections. Mr. Frye submitted quarterly inspections for 2018 and 2019 on March 2, 2021 (attachment 9). The facility did have documentation of conducting visual examination of stormwater discharges each February (attachment 10) and annual comprehensive site compliance evaluations (attachment 11). While the facility was conducting and documenting an annual visual examination of stormwater discharge, the visual examinations were not conducted during a stormwater discharge. General permit section 2.4.5(a) and SWPPP section 5.2 require that the visual examinations be conducted during a discharge. This is noted as item #2 in the NOPV (attachment 3).

As discussed above, the facility has a construction and demolition landfill (CDL) on site. Also as described above and in section 4.1.4 of the SWPPP, "contact water" is any stormwater that comes into contact with construction and demolition waste. During the inspection, Mr. McAnany stopped me and explained that he believed the facility was "out of compliance". Mr. McAnany explained that approximately two years prior to my inspection, the hose that leads from the contact water pond pump (photos 9 & 10) to the standpipe (photo 11) that is used to de-water the contact water pond had broken (photo 12). During normal operations, this standpipe would be used to fill a water truck or a water tank for permitted re-use on site or transportation off site for disposal at a wastewater treatment plant. According to the SWPPP, contact water can be "used onsite for vegetation watering, dust control, or any other KDHE approved use." These uses would be approved in the facility's solid waste permit which is issued by KDHE. Contact water is not permitted to be discharged off-site.

After the hose had broken, the hose was diverted and redirected to discharge directly to the facility's main stormwater pond (see photos 13 & 14). Mr. McAnany stated that this was meant to be a temporary set-up but was never properly repaired. Mr. McAnany stated that the facility had dewatered the contact water pond directly to the stormwater pond multiple times during the two-year period. The facility was not de-watering the contact water pond at the time of my inspection. This was noted as item #3 on the NOPV (attachment 3).

One material the facility uses as a feedstock for asphalt is mining chat from a lead mine remediation program in southeast Kansas and northeast Oklahoma. This chat is stored in a large pile outside (photo 15). All runoff from the chat pile flows to the channelized creek that runs through the center of the property. Due to runoff flowing to this channelized creek, all runoff from the chat pile would end up in the stormwater pond except during high flow events. During high flow events, the runoff from the chat pile would comingle with other site runoff and bypass the stormwater pond directly to outfall 002. Also, while reviewing the facility's SWPPP, I observed that the chat is not included in the material inventory list in the SWPPP (attachment 3, appendix C) as required by the general permit.

During my inspection, I observed considerable amounts of sediment in the facility's stormwater pond. This was mostly on the south end (photo 16) and the west end (photo 17) where the pond receives stormwater from the stormwater channel through the facility. Section 4.1.5 of the facility's SWPPP states that "ponds will be cleaned when the sediment accumulation reaches 20% volume" (attachment 6). While I was unable to determine sediment accumulation during my inspection, the facility should investigate how much sediment has accumulated and remove as needed.

The facility's SWPPP states that they will conduct annual stormwater training. The facility was able to produce records of their annual training at the time of inspection (attachment 12).

6.0 SUMMARY

During the exit briefing on January 28, 2021, I discussed with Mr. McAnany my observations from the inspection. I issued a Notice of Potential NPDES Permit Violations (NOPV) and left a copy on site with the facility personnel (attachment 3). The NOPV listed the following findings:

1. Update facility's SWPPP to describe facility. Outfall (discharge) 001 has changed.

2. Ensure facility's "Visual Examination of Stormwater Discharge Quality" inspections are conducted during an active discharge.

3. Facility is currently dewatering CDL contact water to stormwater pond.

Other items of concern not identified on the NOPV or identified after the inspection:

4. Runoff from mining chat bypasses stormwater pond during high flow events.

5. SWPPP Inventory does not include mining chat.

6. The facility was not maintaining records of quarterly inspections.

7. Sediment buildup in the facility's stormwater pond.

On February 5, 2021, I received the facility's response to the NOPV I left on site by email. The response from the facility can be found in attachment 13.

BRIAN D'ALFONSO
Digitally signed by BRIAN D'ALFONSO
Date: 2021.03.02 11:51:29 -06'00'

Brian D'Alfonso
Life Scientist
Date:

Nicole Moran
Section Chief
Date:

ATTACHMENTS:

1. NPDES Industrial Storm Water Worksheet (6 pages)
2. EPA Confidentiality Notice (1 page)
3. Notice of Potential Violation (1 page)
4. Photo Log and Photos (9 pages)
5. Facility Layout (1 page)
6. Facility SWPPP (60 pages)
7. KDHE Stormwater Runoff from Industrial Activity General Permit (57 pages)
8. Stormwater Pollution Prevention Plan Completion Certification Form (2 pages)
9. 2018 and 2019 quarterly inspections (8 pages)
10. Visual Examination of Stormwater Discharges Inspection Logs (3 pages)
11. Annual Comprehensive Site Compliance Evaluation Logs (6 pages)
12. Employee Training Logs (3 pages)

13. Facility's response (4 pages)