

REPORT OF COMPLIANCE EVALUATION INSPECTION
(INDUSTRIAL STORMWATER)

Wichita Iron and Metals
922 W Merton P.O. Box 13021
Wichita, Kansas 67213

Authorization Number: **NONE**
FRS ID: **110010748860**

BY
U.S. ENVIRONMENTAL PROTECTION AGENCY REGION 7
ENFORCEMENT AND COMPLIANCE ASSURANCE DIVISION (ECAD)
WATER BRANCH/DRINKING WATER & INSPECTIONS SECTION (WB/DWIS)

May 22 and 23, 2024

Introduction

At the request of the Water Branch (WB), Enforcement and Compliance Assurance Division (ECAD), a Compliance Evaluation Inspection (Industrial Stormwater) was conducted on May 22 and 23, 2024, at the Wichita Iron and Metals facility in Wichita, Kansas. The inspection was conducted under the authority of Section 308 of the Clean Water Act, as amended. It was conducted in accordance with the U.S. Environmental Protection Agency (EPA) Region 7 Standard Operating Procedures for Compliance Inspections (ENST SOP No. 2332). This narrative report presents the findings of the inspection.

Participants

Wichita Iron and Metals

- Bonnie Hartstein, President bonnie@wichitairon.com
- Harlan Hartstein, Owner/CEO
- Lencho Gonzalez, Operation Forman

U.S. Environmental Protection Agency (EPA), Region 7

- Naji J. Ahmad, Environmental Engineer, ECAD/WB/DWIS

Inspection Procedures

I arrived at the Wichita Iron and Metals recycling yard in Wichita, Kansas on May 22, 2024, at 10:00 AM. I met with Mrs. Bonnie Hartstein, Mr. Harlan Hartstein, and Mr. Lencho Gonzalez. I introduced myself, presented my credentials, and I explained the purpose and procedures of the industrial stormwater compliance evaluation inspection. These included completing the Region 7 Industrial Stormwater Worksheet (Attachment 1) and the U.S. EPA Confidentiality Notice, evaluating self-monitoring and stormwater management practices, and conducting a facility walk-through with photographs (Attachment 2). I provided Mrs. Hartstein with the U.S. EPA Small Business Resources Information Sheet and the U.S. EPA Confidentiality Notice. The facility chose not to claim any confidential business information (Attachment 4).

Mr. Hartstein indicated that the facility does not have a National Pollutant Discharge Elimination System (NPDES) General permit from the Kansas Department of Health and Environment (KDHE).

After a brief description of the site operations. I explained to Mrs. Stein that they must contact KDHE since the state are the permitting authority and they are able to make the final decision on what type of permit(s) apply to the site and yard.

Soon after, Mr. Gonzalez escorted me on a visual inspection of the site. During the site walkthrough I observed the outdoor storage yard, several spots of ground discoloration, and fluid storage tanks area located within roofed structure. We also observed the sump pump that discharge to the city sanitary (photos 20 and 21).

After the site walkthrough, I held a brief exit meeting with Mrs. and Mr. Hartstein, and Mr. Gonzalez. I discussed the preliminary observations, and I informed them that I will issue a Notice of Preliminary Findings (NOPF) and return the next day to conduct a formal exit meeting. We all agreed to meet the next day at 9:00AM.

On May 23, 2024, at 9:00AM, I returned to the site and held a formal exit meeting with Mrs. and Mr. Hartstein, and Mr. Gonzalez. we discussed the two observations I included on the NOPF (Attachment 3). I informed them that I would communicate with Mrs. Bonnie Hartstein any other matters related to my inspection upon my return to the office.

On May 30, 2024, I received an email from Mrs. Bonnie Hartstein that included a handwritten response to the NOPF and a signed CBI notice (Attachment 4).

Facility Description

Wichita Iron and Metals is a family-owned Industrial scrap yard for commercial, industrial and aircraft scrap metal.

Operation started on this site since 1957. The property is approximately eight acres and Wichita Iron and Metals is leasing the property from the city of Wichita.

Site operations consist of receiving, processing, shredding, storing scrap metal, ferrous and nonferrous scrap metal, light industrial equipment, household and structural materials, engine blocks, white-goods refrigerant compressors, and equipment fueling.

Hours of operations at the site are Monday through Friday from 8:00AM to 3:45PM. Currently there are eighteen people employed as office and yard personnel.

The yard is located to west of the city of Wichita Central Maintenance Facility with the Missouri Pacific (Kansas and Oklahoma) Railroad track ditch is the dividing line.

Sources of pollutant consist of (1) receiving handling, processing and stockpiling of metals, equipment/vehicle storage that may cause leaks or spills of gasoline, diesel, fuel, hydraulic fluids, and fuel oil; and (2) above ground storage tanks containing diesel fuel, motor oil, hydraulic fluids, and gasoline that may cause spillage due to vehicle fueling and handling.

Site Drainage Patterns

Stormwater would stay on the property, except at the southeast section where runoff during significant storm event might leave the site into the Missouri Pacific (Kansas and Oklahoma) Railroad track ditch along the east side of the yard. Runoff would then flow south approximately 1,200 feet via the Wichita MS4. Then right 300 feet beneath S. McLean Blvd into the Arkansas River.

Findings and Observations

All findings and observations of this inspection concern Wichita Iron and Metals' status of compliance with the requirements of the Clean Water Act. These findings are based on my interview with Mrs. and Mr. Hartstein, and Mr. Gonzalez, and my visual observations of the site. All observations were discussed in detail with Mrs. and Mr. Hartstein, and Mr. Gonzalez throughout the inspection and with Mrs. and Mr. Hartstein during the formal exit meeting on May 23, 2024. All photos taken during the inspection on May 22, 2024, are included as Attachment 2 to this report.

1. At the time of the inspection, I did not observe stormwater discharging from the site.
2. I noticed significant amount of murky water caused by stormwater running off the shredded pile of aluminum (photos 3-7). There was a hose with screen appeared to be used to transfer the murky water to behind the pile. Mr. Gonzalez indicated that they use a pump to remove the murky water to a larger area behind the pile (photo #7) to avoid water budling and for the water to be absorbed by the ground .

Photo 6 Murky water caused by stormwater runoff off the aluminum pile



3. I issued Notice of Preliminary Findings number 2 (NOPF #2) because I observed significant ground discolorations throughout the yard, especially in the vicinity of the areas of the salvaged air compressors area (photo #10), salvaged forklifts (photo 13), salvaged drums (photo #17), and salvaged engine blocks (photo #16).

Photo 10, Significant ground discoloration around the salvaged air compressors



Photo 1, Significant ground discoloration around the salvaged forklifts



4. The area where the drums of fluids are stored shows improper handling of fluids and significant ground discoloration. The area is under a roofed structure but also can be exposed to stormwater due to the poor enclosure. I noticed there was a sump pump. Mr. Gonzalez was not sure where the sump pump drains to. But he thinks the pump discharges to the sanitary sewer.

Photo 18, Poor handling of petroleum fluids causing significant ground discoloration



Photo 21, Sump pump possibly leadn the sanitary sewers



5. I issued NOPF #1 because Wichita Iron and Metals did not apply for the NPDES for Stormwater Runoff from Industrial Activity General Permit from the Kansas Department of Health and Environment (KDHE).
6. There were no structural and nonstructural Stormwater controls installed or practiced at the site.
7. In Wichita Iron and Metals May 30, 2024, response to the NOPF, Mrs. Stein indicated that areas of concerns were addressed and they have paid for the permit. But still are not sure if they need a permit.

Conclusion and Recommendations

Wichita Iron and Metals should develop and implement stormwater best management practices and should contact KDHE to investigate the applicability of the National Pollutant Discharge Elimination System (NPDES) for Stormwater Runoff from Industrial Activity.

NAJI AHMAD Digitally signed by NAJI AHMAD
Date: 2024.08.01 07:00:58 -05'00'

Naji J. Ahmad
Environmental Engineer, WB/DWIS

David Pratt
Acting Manager, WB

Attachments

1. ISW Checklist
2. NOPF
3. Photo Log
4. Response to the NOPF and CBI notice