**REPORT OF INDUSTRIAL STORMWATER**
**COMPLIANCE EVALUATION INSPECTION (CEI)**

**At**
**U.S. Minerals**
911 Linn County Drive
Lacygne, KS 66040
NPDES Permit # KSR001083

On
November 22, 2024

By
U. S. ENVIRONMENTAL PROTECTION AGENCY: Region 7
Enforcement and Compliance Assurance Division (ECAD)

## 1.0 INTRODUCTION

I performed an Industrial Stormwater Compliance Evaluation Inspection (CEI) at U.S. Minerals in Lacygne, Kansas on November 22, 2024. The inspection was authorized by Section 308(a) of the Federal Water Pollution Control Act, as amended. This narrative report and attachments present the findings and observations made during the Industrial Stormwater CEI. The inspection was conducted in accordance with the procedures described herein and following all applicable EPA Region 7 Standard Operating Procedures (SOPs), unless otherwise noted.

## 2.0 PARTICIPANTS

U.S. Minerals:
Robert Stifter, Maintenance
Mike Coen, Maintenance
Cory O'Neill, Plant Manager (not present during inspection) (913) 757-2757
Email: coneill@us-minerals.com

U.S. Environmental Protection Agency (EPA):
Hannah Lewis, Life Scientist (913) 551-7679
Email: lewis.hannah@epa.gov

## 3.0 INSPECTION PROCEDURES

On November 22, 2024, I arrived unannounced at U.S. Minerals at 9:35 a.m. and introduced myself to the office coordinator who stated that the plant manager, Mr. O'Neill was not working that day. I was directed to Messrs. Stifter and Coen for the duration of the inspection. I presented my credentials and explained the scope and purpose of the inspection to both Messrs. Stifter and Coen. I informed them I would be performing a complete Industrial Stormwater inspection, consisting of a visual inspection of the facility and a review of records being maintained at the facility.

I also explained that I would be conducting the Industrial Stormwater inspection under the authority of Section 308(a) of the Federal Water Pollution Control Act to evaluate the facility's compliance status with the requirements of the Clean Water Act and with the National Pollutant Discharge Elimination System (NPDES) General Permit issued by the Kansas Department of Health & Environment (KDHE) which permits stormwater discharges from industrial activities. I stated that I would document my findings and observations by making photocopies, taking photographs and/or videos, and obtaining statements from facility staff.

I completed my inspection, and I summarized the findings and recommendations with the office coordinator and Messrs. Stifter and Coen during the exit meeting. A Notice of Preliminary Findings (NOPF) was issued during the inspection followed by an email to Mr. O'Neill with an additional finding (attachments 5 and 7). A Confidentiality Notice was provided during the inspection as well as by email. I spoke with Mr. Jim Opolony, U.S. Minerals Director of EHS, on January 7, 2025, and discussed the findings in the NOPF. As of the writing of this report, I have not received a signed Confidentiality Notice or a response to all the findings in the NOPF from the facility. No samples were taken during the inspection. Thirty-two photographs were taken during the inspection. See attachment 2 for the digital image log and images #1 - #32.

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, facility location, and layout. The facility is located on Linn County Drive with a tributary of the Marais des Cygnes forming the western border. Outfalls 001 and 002 discharge into this tributary which flows into the Marais des Cygnes River, approximately 1.17 miles downstream. The tributary was flowing at the time of the inspection. Linn County Drive and Ragains Road form the north and east borders, respectively. Railroad tracks form the south border.

## 4.0 FACILITY DESCRIPTION

### 4.1 Facility Operations

The facility's physical address is 911 Linn County Drive, Lacygne, Kansas, 66040. At this facility, activities include coal slag loading, unloading, stockpiling, crushing, sorting, and bagging (images 4, 30-31). Chemicals are also applied to the coal slag based upon the intended end use. The facility is permitted under Standard Industrial Classification (SIC) code 3291.

U.S. Minerals receives coal slag from power plants across the nation by rail or truck. The slag is then stockpiled outdoors on the western half of the property (images 22,24,31). Slag is then crushed, sorted by granule size, and placed into silos. Oils are applied to the slag, upon customer request, as the slag moves along a conveyor belt (images 9,12,13). Finally, the slag is weighed and bagged (image 8). The final bagged products are stored outdoors in the southeast corner of the property for pickup by the customer (image 4). Slag can also be sold loose and loaded out in trucks (image 15).

An office building, maintenance building, and fueling station are also located on site (images 24,28,29). The maintenance building includes chemical tote storage with secondary containment. A 520-gallon double-walled diesel aboveground storage tank is located adjacent to the maintenance building along with a spill kit. Slag chemical additives, such as Met Lube and Dust

Net, and motor oil are stored above secondary containment either outdoors or under cover near the slag conveyor belts (images 9,10,12-14).

Mr. Coen stated that this facility has approximately 15 employees and operates seven days per week, 5am-1pm. See attachment 3 for the photo locations and surface flow patterns. Stormwater generally flows west to one of the two outfalls. Runoff from the north driveway flows to Linn County Drive then west to a storm sewer inlet which discharges to the tributary. There are vegetated areas along the north and east property boundaries. Adjacent to the railroad tracks in the southeast corner of the site is a heavily vegetated strip where stormwater pools (images 5,11,16). Facility personnel referred to this area as a stormwater retention area. The southern property boundary is located through the middle of the stormwater retention area and is shared with the neighboring facility, Reed Minerals.

**Regulatory History**

KDHE reauthorized the facility to discharge stormwater associated with industrial activities under the NPDES permit (KSR001083) through October 31, 2026. The conditions of the current NPDES General Permit are in effect beginning November 1, 2021 (attachment 6). The facility has not been inspected by KDHE or EPA in the last 5 years.

## 5.0 FINDINGS AND OBSERVATIONS

The weather conditions at the time of the inspection were cool and clear (45°F). The most recent rainfall prior to the inspection was approximately 1.5 inches on November 18, 2024. I met with Messrs. Coen and Stifter, performed a visual inspection of the facility and reviewed records being maintained onsite. Additional documentation was provided via email after the inspection on November 25, 2024, January 7, 2025, and January 8, 2025. After reviewing the documents, I placed them in the EPA Region 7 ECAD electronic file system. I observed evidence of coal slag discharged to the tributary near outfall 001 (images 20,21).

### 5.1 Stormwater Pollution Prevention Plan (SWPPP)

The NPDES permit requires the facility to maintain and implement a SWPPP. Facility personnel did not have access to all the SWPPP and Spill Prevention, Control, and Countermeasure (SPCC) Plan files during the inspection because Mr. O'Neill has control of those files and was out of the office. However, I was provided SWPPP inspection reports during the inspection. Digital copies were emailed to me the following week which I placed into the ECAD electronic file system. According to the SWPPP, the SWPPP was last reviewed on April 8, 2024. I reviewed the SWPPP inspections and noted that permit-required inspections during the last three years were not present. This is included as a finding on the NOPF.

The SWPPP and NPDES permit require routine site inspections of best management practices (BMPs) implemented by the facility. I reviewed inspection records and stormwater discharge monitoring data from November 2021 through November 2024. After reviewing the documents, I placed them in the EPA Region 7 ECAD electronic file system. I noticed that some reports do not include the date when the activity occurred or the inspector's name. The following documentation is required by the NPDES permit and SWPPP but was not provided: quarterly

visual site inspections during the 1st through 4th quarters of 2022 and 1st and 4th quarters of 2024; and an annual comprehensive evaluation in 2022. These are included as findings on the NOPF.

The annual comprehensive evaluation for 2024 was conducted on January 8, 2025. There are numerous responses on the evaluation form which should have follow-up actions. However, there are no follow-up actions recorded and no schedule for follow-up actions. This is included as a finding in the summary of the report. Also, based upon the documentation submitted to me by the facility, inspections of BMPs, such as structural controls and non-structural controls, were not conducted in 2022 or during the first and fourth quarters of 2024. Lastly, there is no record by the facility of the coal slag discharge at the western border which was photographed during the inspection. Site inspection procedures in the SWPPP need improvement.

The SWPPP should be updated to reflect the current site operations. This finding is included in the summary of the report. Page 12 of the SWPPP describes a pond in the southeast corner that discharges to an unnamed tributary of the Marais Des Cygnes River. I did not see a pond during the inspection. The monthly inspection reports also mention a stormwater pond associated with outfall 3. However, the SWPPP map does not have a pond marked and the revision section of the SWPPP mentions the removal of Outfall 3 and associated parcel of land on January 19, 2021, and November 13, 2023. Also, the SWPPP map does not detail the location of the concrete block barrier along the western border and the sprinklers used on stockpiles. The SWPPP mentions a raw material storage pad, but it is not marked on the map nor are there details included in the narrative as to the location of the storage pad.

### 5.2 Other Visual Observations

Coal slag was photographed at the north driveway with deposits leading to a storm sewer inlet on Linn County Drive (images 1-3). This storm sewer inlet discharges to the tributary approximately 65 yards away. During the inspection, I saw a tanker truck receive loose coal slag at the covered loading/unloading area shown in image 15. After the truck was loaded, coal slag remained piled around the tank's upper ports. As the tanker truck departed through the north driveway, coal slag fell off the tank onto Linn County Drive. Facility personnel stated the road is swept but did not indicate a frequency, and sweeping logs are not maintained. Based upon my observations, the frequency of street sweeping should be increased, and more effective BMPs should be enacted to reduce coal slag from entering the roadways. This is noted as a finding in the summary of this report.

A stormwater retention area stretches from the southeast corner along the south border to the halfway point of the south border (images 5,11,16). Coal slag was present from the facility leading over the railroad tracks and into the stormwater retention area (image 7). Waste packaging debris was also noted on the ground and along the railroad tracks (images 5-7). This is noted as a finding in the summary of this report.

I observed the tributary to the Marais des Cygnes River during the inspection (images 21,26,27). The creek was flowing at the time of the inspection. Coal slag is piled against the concrete block barrier/retaining wall along the west border. A gap in the barrier was present allowing the discharge of coal slag and pallet waste debris. Images 18 through 22 show the path of coal slag and pallet debris discharge from the stockpile area to the tributary. This finding is included in the NOPF.

## 6.0 SUMMARY

A NOPF was provided to Mr. Stifter during the exit meeting (attachment 5). I also discussed the facility's rights to claim confidential business information. The facility did not make any claims of confidentiality at the time of inspection. A CBI form was left on-site during the exit meeting as well as emailed after the inspection, with a request to sign and return. The document was not returned after the inspection. An additional finding was emailed to Mr. O'Neill on November 25, 2024 (attachment 7).

1. The SWPPP and NOI were not present during the inspection (NPDES Permit Section 2.1). These documents were provided via email after the inspection was completed.
2. The comprehensive site compliance evaluation was not conducted (NPDES Permit Section 2.4.4). These documents were provided via email after the inspection was completed.
3. The retaining wall near outfall 1 is overtopped allowing materials to leave the site (NPDES Permit Section 4.1).
4. Not maintaining 3 years of records (NPDES Permit Section 3.1).

Additional findings not included in the NOPF:

5. The SWPPP and SWPPP implementation are not satisfactory because of the following reasons.
    a. Coal slag was entering Linn County Drive from the north driveway. The frequency of street sweeping should be increased, and more effective BMPs should be implemented to minimize coal slag from entering the roadways.
    b. The annual comprehensive site evaluation dated January 8, 2025, indicates follow-up actions are needed. However, no follow-up actions are included or scheduled.
    c. Waste packaging material was on the ground near the final product storage area during the inspection.
    d. The SWPPP does not include the concrete block barrier and sprinklers as implemented BMPs.
    e. Site inspection procedures need improvement.
    f. The concrete block barrier along the western border is not being managed properly to minimize the discharge of pollutants. Also, stockpiles are located too close to the concrete block barrier.
    g. The SWPPP does not reflect the current site operations.

HANNAH LEWIS
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Date: 2025.01.17 11:16:56 -06'00'

Hannah Lewis
Life Scientist

JOSEPH HEAFNER
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Joseph Heafner
Acting DWIS Supervisor

**ATTACHMENTS:**

1. NPDES Industrial Stormwater Worksheet (6 pages)
2. Digital Image Log (35 pages)

3. Photo Locations Map (1 page)
4. SWPPP US Minerals (125 pages)
5. NOPF US Minerals (1 page)
6. KDHE NPDES General Permit (61 pages)
7. Additional Findings Email (1 pages)