

# **REPORT OF INDUSTRIAL STORMWATER COMPLIANCE EVALUATION INSPECTION**

**At**

**Langley Recycling, Inc.**

3557 Stadium Drive

Kansas City, MO 64129

**NPDES Permit Number (Expired): MOR60A008**

**On**

March 28, 2024

**By**

**U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA)**

Region 7: Enforcement And Compliance Assurance Division - Water Branch

## **INTRODUCTION**

At the request of the Enforcement and Compliance Assurance Division (ECAD), Water Branch (WB), I performed a compliance evaluation inspection (industrial stormwater) at Langley Recycling on March 28, 2024. The inspection was conducted under the authority of Section 308(a) of the Federal Water Pollution Control Act, as amended. It was conducted following EPA Region 7 standard operating procedures for Clean Water Act compliance evaluation inspections (SOP No. 2332.11B). This narrative report presents the findings of the inspection.

## **PARTICIPANTS**

### **Langley Recycling, Inc.**

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

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## **INSPECTION PROCEDURES**

Caitlin Dix and I arrived at Langley Recycling (the “site” or “facility”) located at 3557 Stadium Drive in Kansas City, Missouri at 9:00 A.M. on March 28, 2024, for an

unannounced inspection. We met with Mr. Dwayne Hoelker, controller, in the lobby of the facility and continued to a meeting room for an opening conference. I introduced myself, presented my credentials, and explained the purpose and procedures of the industrial stormwater compliance evaluation inspection authorized under Section 308(a) of the Clean Water Act. This included providing the U.S. EPA Small Business Resources Information Sheet and U.S. EPA Confidentiality Notice, reviewing the facility's permit and stormwater records, evaluating self-monitoring and stormwater management practices, and conducting a facility walkthrough with photographs (Attachment 1). The facility did not submit a claim for confidential business information.

During the opening conference with Mr. Hoelker, we were provided a brief description of site operations and three hard copies of Stormwater Pollution Prevention Plan (SWPPP) semi-annual compliance inspection reports dated between September 2022 and September 2023 (Attachment 5). He also provided additional SWPPP rainfall inspection logs dated between October 2023 and March 2024. Mr. Hoelker did not have a physical or digital copy of the SWPPP available at the facility. He provided a SWPPP site features sketch map including outfalls, stormwater flow direction arrows, primary Best Management Practices (BMP) areas, and building and material storage labels (Attachment 6).

I explained to Mr. Hoelker that I would be evaluating the facility's compliance with the National Pollutant Discharge Elimination System (NPDES) general permit issued by the Missouri Department of Natural Resources (MoDNR) that covers stormwater discharge from industrial activities. The permit on record with the MoDNR (MOR60A008) was issued December 21, 2018, with an expiration date of December 11, 2023. I asked Mr. Hoelker if the facility had submitted a renewal package for its NPDES general permit that expired on December 11, 2023. Mr. Hoelker was not aware of the expired permit. He stated that the facility's consultant BioGeo, LLC handles all stormwater compliance, prepares visual inspection reports twice a year, and updates the SWPPP every five years. Mr. Hoelker stated that the facility's operations manager, Mr. Tom Bartolotta, prepares SWPPP rainfall inspection logs at the direction of the facility's consultant following the SWPPP.

Following the opening conference, the operations manager, Mr. Bartolotta, escorted us on a visual inspection of the facility. The weather at the time of the inspection was dry with clear skies. During my visual inspection of the facility, I observed three (3) marked stormwater outfalls and all areas of exterior industrial activity on the site. I did not observe any discharge during the site inspection.

After the facility walkthrough, we held a closing conference with Mr. Hoelker and Mr. Bartolotta to summarize observations made during the site inspection at about 2:15 P.M. I issued a Notice of Preliminary Findings to Mr. Hoelker based on our observations (Attachment 7). We discussed the facility's requirement to submit a permit renewal package to the State of Missouri. I requested Mr. Hoelker email me copies of the SWPPP and employee stormwater training records once located. Mr. Hoelker stated that the

facility's stormwater compliance consultant was scheduled to visit and would be assisting in developing a permit renewal package. I did not receive a response from the facility on the Notice of Preliminary Findings that was issued during the closing conference.

### **FACILITY DESCRIPTION AND OPERATIONS**

Langley Recycling is located at 3557 Stadium Drive in Kansas City, Missouri. The site's operational area is about 22 acres. The facility is located next to the Blue River with the north part of the site being an elevated hill area. The site has operated as a family-run scrap recycling facility/scrap yard since 1931 beginning with the collection of bones and rags. The facility employs 30 full-time employees and operates from 8:00 A.M. to 5:00 P.M. Monday through Friday and 8:00 A.M. to 12:00 P.M. on Saturdays, except for holidays.

The facility buys items from individuals and businesses such as scrap metal, scrap vehicles, catalytic converters, radiators and other vehicle parts, kitchen supplies, aluminum cans, computer towers, forklifts and other industrial equipment, batteries, wire, drums, and several other types of metal scrap. Other services provided include box truck pick-up services, supplying scrap metal roll-off dumpsters, and mobile car crushing and bailing. Scrapping equipment used on-site include a shearer unit and a bailer unit, and there are scrap cutting and torching areas on the hill area portion of the site.

Staged storage dumpsters, scrap piles, and equipment were being relocated from the northern portion of the scrap yard hill area to southern portions of the site during the inspection. Mr. Bartolotta said that the northern portion of the hill area, north of East 34th Terrace, was being cleared of all scrap yard materials and equipment for proposed new development. The site's future operational area is planned to end near the East 34th Terrace street line, positioning Outfall 003 outside of the scrap yard boundary.

### **REGULATORY HISTORY**

I contacted the MoDNR prior to the inspection and requested a copy of the facility's NPDES general permit and relevant records of inspection reports, complaints, and communications with the facility. I received the stormwater permit that expired on December 11, 2023 (Attachment 2), a Letter of Warning dated August 27, 2018, with the facility's response dated September 24, 2018 (Attachment 3), and a letter from the MoDNR dated January 30, 2003, denying the facility's request to withdraw the stormwater permit (Attachment 4). I was informed by the MoDNR that the facility's permit had expired, and a renewal package had not been submitted.

The facility's NPDES general permit for industrial stormwater discharge (MOR60A008) was issued on December 21, 2018, for three permitted Outfalls. The receiving stream is listed as "Tributary to Blue River" for each Outfall. The permit expired on December 11, 2023, approximately 3 months prior to the inspection. The MoDNR published an

updated NPDES general permit on December 12, 2023, with new permit requirements including quarterly visual stormwater inspections.

The MoDNR issued a Letter of Warning to the facility following an inspection conducted on October 16, 2017. The Letter stated, “Since October 16, 2017, [the facility] operated, used or maintained a water contaminant source, unidentified outfall, which intermittently discharges to the Blue River, waters of the state, without inclusion in a Missouri State Operating Permit (MSOP).” It was required by the MoDNR that “The facility may either redirect flow from the unpermitted location to an already permitted outfall or modify their permit to include the new outfall location.” In response to the Letter of Warning, the facility constructed three connected detention ponds and a new outfall, Outfall 003, to address the unpermitted discharge. A portion of the hill area near the truck scale was sloped toward Outfall 003 to divert stormwater in that direction. The facility included a list of BMPs and potential effluent from BMP areas in their response, along with a SWPPP site features sketch map.

On January 22, 2003, the MoDNR inspected the facility in response to a request to withdraw the NPDES general permit. A follow up letter was sent to the facility on January 30, 2003, to advise that the permit would not be terminated. The MoDNR letter stated “Auto salvage operations are still occurring at Langley Recycling, Inc. and the possibility of contaminated storm water run-off discharging into the Blue River still exists. Your address shows to be served by combined sewers, which is an exemption from the general permit only if all discharges are directly discharged to the combined sewers.” The letter also says that the facility’s stormwater permit expired on December 4, 2002, and that the facility must apply for a permit renewal.

### **DRAINAGE PATTERNS**

The south side lot generally slopes east toward the Blue River. The part of the scrap yard south of the hill area slopes to the east and southeast toward the east side concrete block barrier wall and the adjacent retention pond. The hill area of the scrap yard generally slopes to the west, southwest, and northwest toward Stadium Drive. The east-most part of the hill area slopes to the east toward the Blue River.

There is a drainage pipe inlet located in the truck loading dock bay east of the main building warehouse that drains to Outfall 1 (Photo #11). The drainage pipe outlet is outside the scrap yard on the other side of the stacked concrete block barrier wall (Photo #64). It is located in a strip of vegetation along the barrier wall and directed toward the hillslope to the Blue River with an absorbent sock at the outlet.

The south side lot drains by sheet flow to Outfall 002 located at the fence line between the lot and gravel drive next to the Blue River (Photo #71). Sediment from the vegetated area was seen migrating in a sheet flow pattern across the gravel drive from Outfall 002 toward the hillslope.

The hill area generally slopes toward the west side of the site and stormwater flows to three connected detention ponds that drain to Outfall 003 (Photos #115, #127). Stormwater from the southern portion of the hill area would flow down East 34th Terrace toward Stadium Drive, bypassing Outfall 003 (Photo #128). There are sewer curb inlets located in Stadium Drive. The site is located in the limits of the Kansas City Combined Sewer System (CSS) and no sewer separation or rehabilitation projects have been documented near this location.

## **FINDINGS AND OBSERVATIONS**

**The facility is operating a scrap yard without an NPDES general permit authorized by the State of Missouri.** The facility's permit was issued on December 21, 2018, and expired on December 11, 2023, approximately 3 months prior to the inspection. There are three (3) designated outfalls that were previously authorized by the MoDNR to discharge stormwater from the site. These outfalls remain in use by the facility to discharge stormwater during rain events. According to SWPPP rainfall inspection logs that were provided by the facility, there have been at least seven (7) rainfall events with rainfall amounts ranging between 0.19 inches and 1.36 inches since the NPDES general permit expired.

**A permit renewal package has not been submitted to the MoDNR.** At the time of the inspection, the facility was not aware of the permit expiration date or renewal requirements. According to the "Permit Renewal" section on Page 8 of the expired Missouri State Operating Permit (MSOP), the permittee must apply for the renewal of the permit no later than thirty (30) days prior to its expiration date. I informed Mr. Hoelker and Mr. Bartolotta of the permit renewal process during the closing conference.

**The facility did not provide a SWPPP for review during or after the site inspection.** Mr. Hoelker was not able to locate a physical or digital copy of the SWPPP at the time of the site inspection. There were SWPPP semi-annual compliance inspection reports dated between September 2022 and September 2023 available on site that Mr. Hoelker provided. The compliance inspection reports included a SWPPP site features map dated Fall 2023. The map includes labeled material storage areas, primary BMP areas, emergency spill containment supplies, and other labeled site features. The map was not drawn to scale and did not identify all exterior material storage areas seen during the site inspection or identify stormwater conveyance throughout the site. The hill area portion of the scrap yard is not fully mapped in the site features sketch. I requested copies of the SWPPP, and employee training records, be emailed to me at the closing conference. I contacted Mr. Hoelker requesting files after the inspection and a response was not received.

**There is a lack of good housekeeping practices in the scrap yard and south side lot.** I saw accumulated trash in several areas throughout the site. The south side lot had trash in the vegetated area where stormwater is directed by sheet flow to Outfall 002 (Photos #9, #10). I saw trash around the inlet to the drainage pipe in the truck docking area that

discharges to Outfall 001 (Photo #11). Outside of the parts storage building next to stored batteries, trash was piled up around an area of dark staining (Photo #23). There was trash located outside the open dumpster adjacent to the air compressor storage bin (Photo #42). Near the adjacent retention pond, I saw accumulated trash at the bottom of the fence line where concrete barriers were absent (Photo #77). At the northeast corner of the site was a large pile of trash and debris mixed with soil (Photo #110). I saw a large quantity of broken up foam waste, trash, and debris in the vicinity of a scrapped bus on the hill area (Photos #113, #114). There were piles of trash stored in various locations and among scrap piles on the hill area (Photos #138, #139, #152).

**The facility is not properly managing scrap piles.** I saw piles of scrap stored on the site without containment and extending outside of containment bins. There were uncontained metal turnings piles in the southern portion of the yard (Photo #25). Mr. Bartolotta stated that the metal turnings are stored temporarily at this location and shipped out approximately every 1.5 months. I saw metal scrap pieces fanning out of a concrete block containment bin with additional piles of uncontained scrap stored next to the bin (Photo #15). Pieces of scrap and debris were visible on the ground away from any associated scrap piles (Photos #15, #16). There were piles of loose scrap and debris near the truck scale on the hill area (Photos #98, #103). Loose scrap and debris were present throughout the site with greater amounts located at the hill area.

**Best management practices are not properly implemented to prevent leaks or loss of fluids and oils.** I saw several areas of dark surface and/or soil staining throughout the scrap yard that are exposed to stormwater. There was soil discoloration and staining at the base of metal scrap drums stored on the exterior back side of the parts storage building (Photo #17). I saw dark staining and a standing oily substance on the paved surface around stored batteries outside the front side of the parts storage building (Photo #23). There is a vehicle radiator storage bin south of the parts storage building that I observed with dark surface staining and a buildup of oily residue around the base of the radiator pile (Photo #27). The staining and oily residue extended below the concrete block bin wall to the south toward stored dumpsters where standing oily fluid was seen accumulating (Photo #29). Similar staining was seen below radiators stored inside the main building warehouse (Photo #33).

To the west of the radiator storage bin was an open dumpster against the main building warehouse used for storing oil-containing air compressors. I saw a hole in the bottom corner of the dumpster with dark surface staining and oily residue on the surrounding pavement stemming from the hole (Photo #30). There is a maintenance building canopy located north of the air compressor dumpster with several areas of dark surface staining around hydraulic oil drums and where vehicles park for maintenance (Photos #39, #40).

There is a large air compressor storage bin located on the south side of the above-ground storage tank (AST) and used oil pit area. I saw significant surface staining on the pavement inside and immediately outside of the air compressor storage bin (Photo #41). The portion of the bin with piled air compressors is covered by a metal canopy

that extends over the AST and used oil pit area. A painted concrete wall wraps around the air compressor storage bin and has drainage holes on the back side (Photo #52). The air compressor bin drains through the holes into a used oil pit located behind the bin.

There were three (3) ASTs located in the area below the metal canopy, including an off-road diesel AST, an on-road diesel AST, and a used oil AST. The on-road diesel AST's secondary containment drain valve was partially open with no evidence of a release. I pointed the open valve out to Mr. Bartolotta, and he closed it during the inspection. I saw significant surface staining and a buildup of oily residue in front of the off-road diesel AST and used oil AST that stemmed from the off-road diesel AST (Photo #44). The secondary containment valve for the off-road diesel AST was buried by fuel/oil saturated gravel. I did not see a drain valve in the used oil AST's secondary containment. I saw standing oil inside the secondary containment of the used oil AST that was not escaping the containment barrier. There is a pump inside the adjacent used oil pit that was pumping oil from the pit into the used oil AST at the time of the inspection. I watched used oil streaming down the side of the AST into the secondary containment from the fuel port that was full (Photo #47).

The used oil pit is located below the metal canopy between the ASTs and air compressor storage bin (Photos #49, #50). I saw old and fresh oil staining and areas of built-up oil residue throughout the concrete pad surrounding the used oil pit (Photo #48). Oil from the pit was being pumped into the used oil AST during the inspection. There were several empty and full used oil buckets and drums surrounding the used oil pit (Photo #55). I saw a full used oil drum and 3/4-full used oil drum without lids situated next to the used oil pit that were not fully covered by the metal canopy (Photos #56, #57). Significant oil staining and free-flowing leaked oil was present on the pavement around the exposed open oil drums, including splash mark stains on the dumpster adjacent to the drums from rainfall events. The surface staining and free-flowing oil was seen extending below the dumpster to the other side and migrating toward the east side barrier wall of the scrap yard (Photo #58).

I saw dark surface staining surrounding the shearer unit directly south of the hill area (Photos #88, #90). There was an emergency spill containment supply cabinet containing absorbent material located next to the shearer unit. Oil absorbent socks were present around some areas of staining.

There were two (2) oil drums stored in the paved area between the adjoining warehouse building property and hill area of the scrap yard near Stadium Drive (Photo #91). I saw oil staining on the surface stemming from the stored drums and extending to the east. Additional surface staining was observed east of the stored drums near the drive leading to the hill area of the scrap yard (Photo #92).

The north portion of the hill area contains a large metal turnings storage bin underlain by pavement (Photos #111, #112). I saw significant surface staining and discoloration in the bin where turnings piles were previously stored. Stormwater at this location on the

hill area flows toward the detention ponds that drain to Outfall 003.

**The facility did not have a Spill Prevention, Control, and Countermeasure (SPCC) plan available for the site at the time of the inspection.** The facility is required to develop and implement an SPCC plan based on the storage capacity of ASTs exceeding the 1,320-gallon requirement threshold in accordance with Section 311 of the Clean Water Act (40 CFR Part 112). Mr. Hoelker provided an SPCC plan for a separate Langley Recycling facility in Topeka, Kansas during the opening conference.

**Best management practices are not maintained to prevent or minimize material loss from the site.** There is a stacked concrete block barrier wall that lines the majority of the east side of the site (Photos #59, #60). A gap is present in the east side barrier wall where the site wraps around the east adjacent retention pond, with some concrete blocks and concrete jersey barriers remaining along the fence line. I saw sediment, gravel, and trash leaving the site through the chain link fence and migrating onto the concrete path around the retention pond (Photos #79, 80). There were additional gaps in the concrete block barrier wall on the hill area. Sediment, trash, and gravel was seen leaving the site through gaps in the concrete blocks lining the east side of the hill area (Photos #101-102, #104, #107-108).

At the beginning of the inspection, I saw staff using a leaf blower on accumulated dirt and debris from the scrap loading and unloading area into the right-of-way and Stadium Drive (Photos #140-144). I also saw a truck driving on the hill area by the truck scale that was kicking up dust high enough to migrate over the barrier wall to the east toward the Blue River (Photos #97, #105).

I did not see any structural controls to divert stormwater from flowing west down East 34th Terrace at the hill area toward Stadium Drive (Photo #128). Stormwater flowing down East 34th Terrace would bypass Outfall 003 and the associated detention basins.

## **CONCLUSION**

Langley Recycling's controls are inadequate to prevent polluted discharges, including the prevention of stormwater in contact with petroleum substances. Both structural and nonstructural controls are inappropriate for the facility.

1. The facility is operating a scrap yard without an NPDES general permit authorized by the State of Missouri.
2. A permit renewal package has not been submitted to the MoDNR. At the time of the inspection, the facility was not aware of the permit expiration date or renewal requirements
3. The facility did not provide a SWPPP for review during or after the site inspection.
4. There is a lack of good housekeeping practices in the scrap yard and south side lot. Accumulated trash and debris were seen throughout the site.

5. The facility is not properly managing scrap piles. Piles of scrap are stored on the site without containment and extending out of containment bins.
6. Best management practices are not properly implemented to prevent leaks or loss of fluids and oils. There were several areas of surface staining throughout site that are exposed to stormwater.
7. The facility did not have an SPCC plan available for the site at the time of the inspection. The facility is required to develop and implement an SPCC plan based on the storage capacity of ASTs exceeding the 1,320-gallon requirement threshold.
8. Best management practices are not maintained to prevent or minimize material loss from the site. Sediment, gravel, and trash were seen leaving the site through gaps in the east side barrier wall.

**CARSON  
COLLETIER**

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Nicole Moran  
Section Chief, ECAD/WB-DWIS

## **ATTACHMENTS**

1. Image log and image location maps (90 pages)
2. Expired NPDES general permit (24 pages)
3. MoDNR Letter of Warning & facility response (26 pages)
4. MoDNR denial of permit withdrawal letter (1 page)
5. SWPPP semi-annual compliance inspection reports (199 pages)
6. Site maps (3 pages)
7. Notice of Preliminary Findings (2 pages)