

**REPORT OF
COMPLIANCE EVALUATION INSPECTION**

**AT
Allmetal Recycling
800 E. 21st St. N.,
Wichita, Kansas 67214
Facility Registry Service ID: 110070120243
National Pollutant Discharge Elimination System Permit: KSR001081**

December 12, 2024

**by U.S. Environmental Protection Agency
Region 7: Enforcement and Compliance Assurance Division**

INTRODUCTION

At the request of the Water Branch of the Enforcement and Compliance Assurance Division in Region 7, I inspected Allmetal Recycling in Wichita, Kansas, for a compliance evaluation of applicable industrial stormwater regulations. Section 308(a) of the Federal Water Pollution Control Act authorizes the inspection. I conducted this inspection following the procedures described here and following applicable Environmental Protection Agency Region 7 standard operating procedures. This narrative report presents the findings of my inspection.

PARTICIPANTS

Allmetal Recycling:

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U.S. Environmental Protection Agency:

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INSPECTION PROCEDURES

I, Caitlin Dix, the EPA Region 7 lead inspector, arrived at Allmetal Recycling at 800 E. 21st St. N. in Wichita, Kansas about 9 a.m. on December 12, 2024, for an unannounced inspection. I presented my inspector credentials to Morgan Koon, general counsel and member. I told Mr. Koon that this was an inspection by the EPA Region 7 to evaluate compliance with the National Pollutant Discharge Elimination System permit as authorized by Clean Water Act Section 308 and implementing regulations. This report is based on information collected by me, the EPA

Region 7 inspector, including digital images, physical evidence, measurements, statements made by facility representatives, and documents shown or sent to the EPA Region 7 inspector by facility representatives during or after the on-site inspection. Information gathered before and after the inspection from a review of the EPA, state, and public records may be included in this report.

Before the inspection, I reviewed facility background information including the:

- EPA's Enforcement and Compliance History Online.
- Kansas Department of Health and Environment records.
- Relevant maps and aerial images such as The National Map by the U.S. Geological Survey.
- Waterbody report using How's My Waterway by the U.S. Environmental Protection Agency.

During the opening conference I met with Mr. Koon. I described the Confidential Business Information Notice for Information Collected During the Inspection and the Small Business Resource Information Sheet during the opening conference. I emailed both forms to Mr. Koon. Mr. Koon did not claim any confidential business information during the inspection. I have not received any notice of confidential business information from Mr. Koon since the inspection.

During the visual inspection I documented my findings and observations by taking pictures and taking notes using Smart Tools, a digital tool for field inspectors. I included digital images taken during the inspection in Attachment 1. I did not review any facility records during the onsite inspection. Mr. Koon said they were having technical difficulties accessing their digital records, but they expected to resolve access that day. I asked Mr. Koon to send the Stormwater Pollution Prevention Plan and associated records as soon as possible.

I summarized my observations during the visual inspection with Mr. Koon during the closing conference on December 12. I issued a Notice of Preliminary Findings to the facility during the closing conference of the onsite inspection. I included this notice in the inspection report as Attachment 2. I asked Mr. Koon to send the Stormwater Pollution Prevention Plan, and all records required to be kept under the permit, such as: routine facility inspections, annual comprehensive inspection, visual monitoring and sampling results, and maintenance logs. The facility sent the records to the EPA on January 7. I included the facility's Stormwater Pollution Prevention Plan and records in attachments 3-7. At the writing of this report, the facility has not sent a response to the Notice of Preliminary Findings.

FACILITY DESCRIPTION

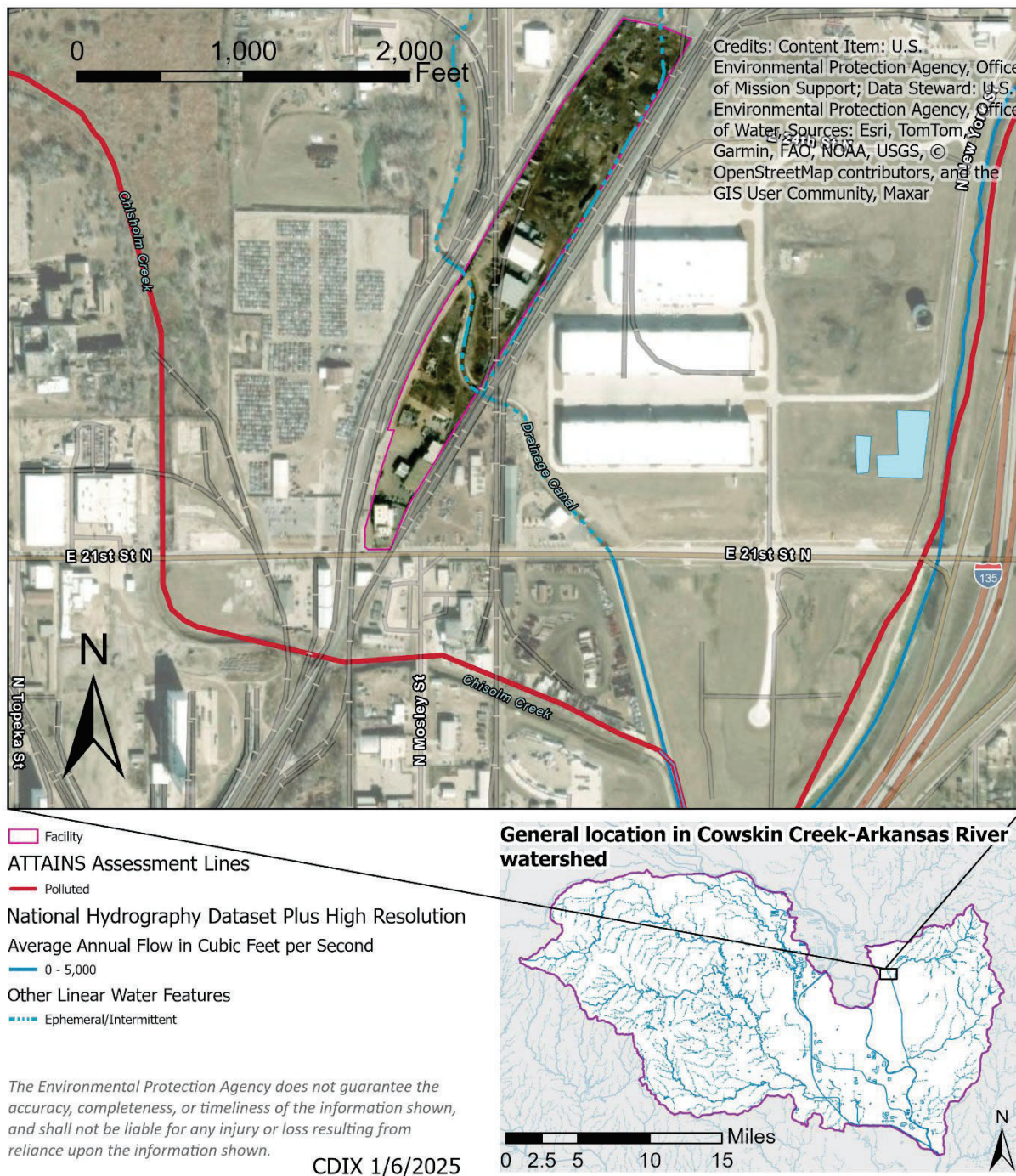
Facility Location

The facility is about 20 acres in Wichita, Kansas. The facility is in the Middle Arkansas-Slate subbasin, or hydrologic unit code 11030013, in the Middle Arkansas Basin. This basin is in the Middle Arkansas subregion of the Arkansas-White-Red Region. This area receives about 34

inches of rain annually using the U.S. Climate Normals Quick Access tool by the National Centers for Environmental Information.

Two intermittent streams flow on the site and these streams confluence near the south side of the facility. Figure 1 shows streams mapped by the U.S. Geological Survey in the National Hydrography Dataset Plus High Resolution.

Figure 1. Map showing streams near Allmetal Recycling.



One of these streams flows southeast through the middle of the facility; the U.S. Geological Survey National Hydrography Dataset Plus High Resolution identifies this stream as a first order intermittent stream with reach identifier 11030013000799. The other stream flows southwest along the east side of the northern part of the facility; the U.S. Geological Survey identifies this stream as a second order intermittent stream with reach identifier 11030013000798. These two streams confluence to a second order intermittent stream at or near the facility and become reach identifier 11030013000797. This intermittent stream further flows about 1050 feet to become Chisholm Creek, a second order perennial stream with reach identifier 11030013000042. Chisholm Creek drains to the Arkansas River, reach 11030013000021.

Figure 1 also shows waterbodies from the EPA's Assessment, Total Maximum Daily Load Tracking and Implementation System, also called ATTAINS. The intermittent streams around the facility drain to a section of Chisholm Creek with state waterbody identifier KS-110300138. The Kansas Department of Health and Environment lists this section of Chisholm Creek as impaired for drinking water, aquatic life, and swimming and boating designated uses. Identified issues include bacteria and other microbes, degraded aquatic life, nitrogen and phosphorus, and salts. Chisholm Creek continues as state waterbody KS-110300136 and state waterbody KS-110300134. The impairments and identified issues also continue and are the same for the upstream reach listed above. The Kansas Department of Health and Environment lists the receiving section of downstream Arkansas River, or state waterbody KS-110300133, as impaired for drinking water, aquatic life, fish and shellfish consumption, and swimming and boating designated uses. The identified issues include bacteria and other microbes, degraded aquatic life, nitrogen, phosphorous, and PCBs. There are existing Total Maximum Daily Loads plans to restore water quality for this waterbody.

Facility Operations

Allmetal Recycling recycles ferrous and nonferrous scrap metal. The facility receives scrap and waste materials from commercial and industrial sources and then sorts and processes the materials for resale. The Occupational Safety and Health Administration classifies this facility as a recyclable material merchant wholesaler, under NAICS code 423930. Using OSHA's standard industrial classification manual from 1987 this facility is in industry group 5093.

According to its website, Allmetal Recycling established in 2009 and runs 10 locations in Kansas where they buy, process, sell, and broker ferrous and non-ferrous recycled materials. Mr. Koon said the 21st Street facility employs about 30 people and has been operating for about 12 years. The facility operates from about 7:30 a.m. to 4:30 p.m. Monday through Friday and 9 a.m. to noon on Saturdays.

Regulatory History

Federal regulations at 40 CFR 122.26(a)(1)(ii) require stormwater discharges associated with industrial activity to be covered under National Pollutant Discharge Elimination System permits unless otherwise excluded. Under 40 CFR 122.26(b)(14)(vi) facilities involved in the recycling of materials, including: metal scrapyards, battery reclaimers, salvage yards, and automobile

junkyards, including but limited to those classified as Standard Industrial Classification 5015 and 5093 are engaging in industrial activity applicable to the National Pollutant Discharge Elimination System. The EPA authorized the State of Kansas to issue National Pollutant Discharge Elimination System permits for all facilities outside tribal lands in Kansas.

The Kansas Department of Health and Environment authorized Allmetal Recycling to discharge industrial stormwater under the National Pollutant Discharge Elimination System permit KSR001081, general permit number S-ISWA-2111-1. I included this general permit in this report as Attachment 8. This general NPDES permit is effective November 01, 2021, through October 31, 2026. This general NPDES permit authorizes both new and existing point source discharges of stormwater runoff associated with industrial activity to waters of the State of Kansas. Certain non-stormwater discharges are also included in this authorization. The Kansas Department of Health and Environment received a Notice of Intent from Allmetal Recycling at 800 E. 21st. St. N. on July 3, 2017. I included this Notice of Intent as Attachment 9. I reviewed the Notice of Intent and it may not include all the information required by 40 CFR 122.26(c), such as a topographic map showing discharge structures and a brief description of the nature of the business, as examples.

Based on available information I reviewed, the Kansas Department Health and Environment and the Environmental Protection Agency have not inspected this facility in the last five years to evaluate compliance under the National Pollutant Discharge Elimination System.

FINDINGS AND OBSERVATIONS

I noted the following observations during the visual inspection and record review.

I accessed measurements recorded at weather station Wichita Dwight D. Eisenhower National Airport with station identifier USW00003928. This weather station recorded 1.02 inches of rain on November 18 and 0.19 inches of rain on November 17. This weather station is over 9 miles from the facility.

Stormwater Runoff

Mr. Koon said the facility had two permitted discharge points. The facility did not have or did not show a site map showing the locations of their outfalls. The Stormwater Pollution Prevention Plan does not describe the locations of the permitted discharge points and has conflicting information about where stormwater discharges from the site. As an example, section 1.4.2. of the facility's plan says, "Other than the back side of berms, Outfall 001 is the only site outfall." Under section 1.4.1. the facility's plan says, the facility is graded so non commingled stormwater either stays on the facility until it evaporates or leaves the facility through Outfall 001 or Outfall 002. The facility's plan does not effectively show and describe the locations of the permitted discharge points.

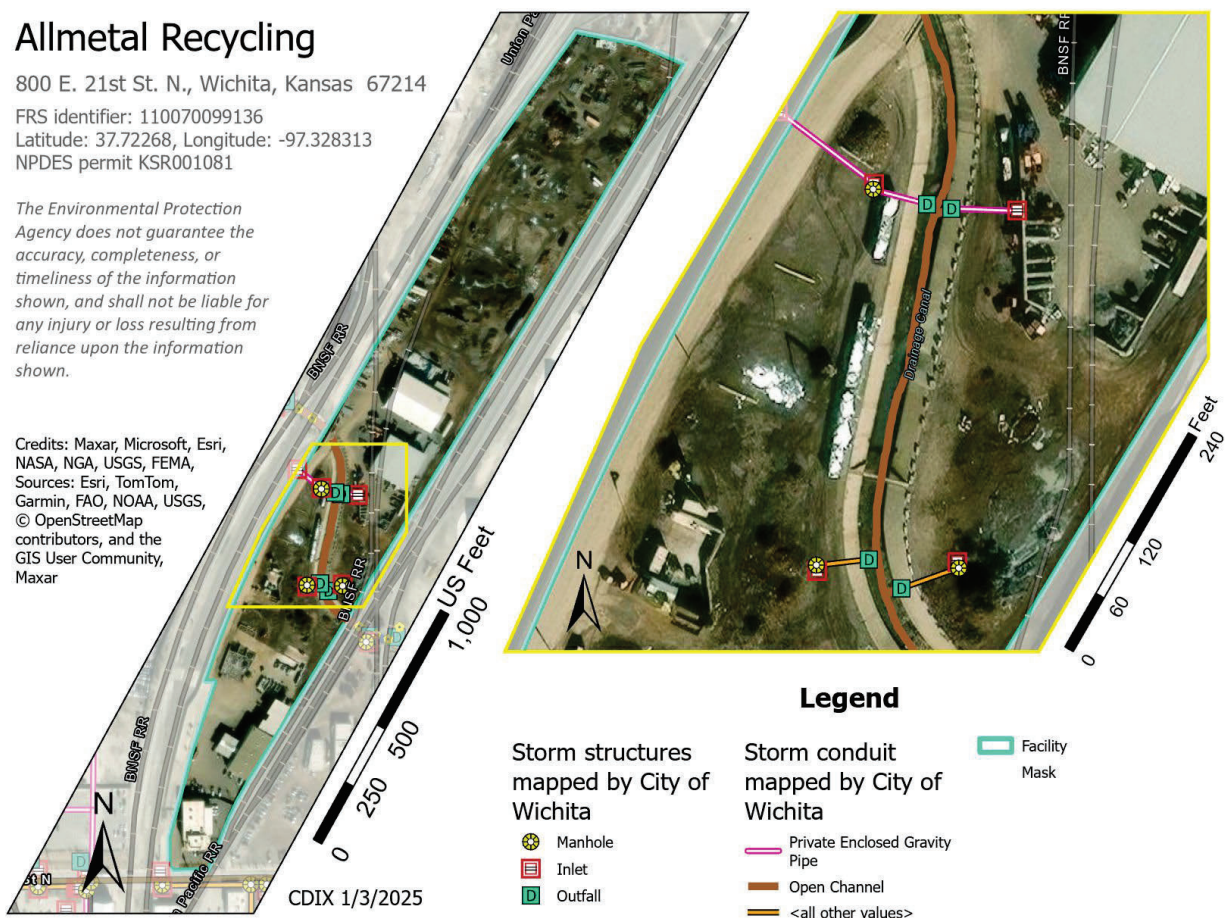
Figure 2. Map showing the approximate location of Image 50.



Mr. Koon said the pipe end shown in images 49 and 50 is one of the permitted discharge points. I show Image 50 and the approximate location of the picture in Figure 2. The City of Wichita has not mapped this pipe end located on the east side of the facility in its inventory of stormwater structures in the City of Wichita. This pipe is in the drainage channel of second order intermittent stream with reach identifier 11030013000798. Stormwater enters this channel by overland flow such as in areas shown in images 25, 42-45 and 47-48.

I saw that stormwater may leave the site through overland flow and stormwater conveyance structures into the drainage canal or mapped intermittent stream with reach identifier 11030013000799. Images 14-16 and 18-19 show how industrial stormwater may drain into the drainage canal by overland flow and through stormwater structures. The map in Figure 3 shows the drainage structures seen in images 16 and 18-21 as well as more drainage structures serving this facility and mapped by the City of Wichita.

Figure 3. Map showing stormwater drainage structures mapped by the City of Wichita



I saw inlets not mapped by the city or the facility, for example the stormwater inlets in images 30 and 52. I was not able to find out where these inlets discharge. Mr. Koon said he did not know the discharge location. The discharge location of the inlets is not included in the site map, Stormwater Pollution Prevention Plan or on the Notice of Intent.

Stormwater drains from the facility's primary access road to East 21st Street North at the front entrance to facility. The City of Wichita owns and operates an inlet to the municipal storm sewer system on East 21st Street North next to the driveway for Allmetal Recycling. The City of Wichita defines their municipal separate storm sewer system under their code of ordinances section 16.32.010.F.36 as the system of conveyances—including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains—owned and operated by the city and designed or used for collecting or conveying stormwater, and which is not used for collecting or conveying sewage. East 21st Street North is a street that is part of the City of Wichita municipal separate storm sewer system. Stormwater structure 5550-0176 is a storm drain in the municipal separate storm sewer system and drains to Chisholm Creek, assessment unit identifier KS-110300138.

Stormwater Pollution Prevention Plan

The facility must develop a Stormwater Pollution Prevention Plan following permit part 2 that is specific to the site and the industrial activities described in their Notice of Intent. Mr. Koon said that the facility has a Stormwater Pollution Prevention Plan. I asked Mr. Koon to show me the facility's Stormwater Pollution Prevention Plan. Mr. Koon said they recently transitioned to cloud storage services for their records. Mr. Koon said relevant files were not available after the file transfer, but that they created a backup before copying files to the new system. I was not able to review the Stormwater Pollution Prevention Plan during my inspection. Implementation of the controls specified in the plan are enforceable requirements of the permit under permit part 2.2. Without the Stormwater Pollution Prevention Plan I was not able to review the site-specific control measures that the facility uses to meet the limits in the permit during the inspection. After troubleshooting file recovery and file transfer to the EPA, Mr. Koon sent the Stormwater Pollution Prevention Plan on January 7, 2025. I reviewed the Stormwater Pollution Prevention Plan.

The Stormwater Pollution Prevention Plan says that Figure 3 in Appendix A shows the location of Outfall 001 and Outfall 002. Appendix A is empty in the plan I received and reviewed. Mr. Koon sent a site map with the documents submitted on January 7. I included the facility's site map in this report as Attachment 3. The map is an aerial image that shows the facility boundary and stormwater flow directions. This site map does not include all elements required under 2.4.2.b., such as:

- The scale of the map.
- The location of significant structures.
- The outlined drainage areas.
- Approximate acreage of each stormwater outfall.
- Stormwater conveyances and area inlets for each outfall.
- Name of the first water body receiving the discharge.
- The location of significant materials exposed to precipitation or runoff.
- Storage tanks.
- Scrap yards and general refuse areas.
- Fuel storage and distribution areas.
- Vehicle and equipment maintenance and storage areas.
- Loading or unloading areas.
- Waste treatment.
- Storage or disposal areas.
- Short- and long-term material storage areas, including but not limited to: supplies, construction materials, plant equipment, oils, fuels, used and unused solvents, cleaning materials, paint, water treatment chemicals, fertilizers, and pesticides.
- Stockpiles.
- Surface water bodies.
- Existing structural control measures to reduce pollutants in stormwater runoff.

Examples of significant structures not shown on the map include outfalls 001 and 002 and Building 3. Examples of stormwater conveyances and area inlets for each outfall not shown on the site map include structures and conveyance shown in Figure 3 and inlets I saw during the inspection, such as the inlets in images 30 and 52.

Under permit part 2.4.2.c. the facility must provide an inventory of exposed materials including a narrative description of significant materials handled, treated, stored, leaked, spilled, or disposed of in a manner which would allow exposure to stormwater within the period starting three years prior to the date of this permit. The Stormwater Pollution Prevention Plan includes a material inventory under plan section 1.4.1. The inventory includes “ferrous and non-ferrous stockpiles” and “various pieces of equipment on site.” Table 1.1 of the facility’s plan uses selections from the EPA’s sector fact sheet showing common activities, pollutant sources, and pollutants. Plan section 1.6 lists materials used and stored on site, including: ferrous scrap metal, non-ferrous scrap metal, oil storage containers, 1000-gallon aboveground storage tank for diesel, and 5000-gallon aboveground storage tank for diesel. The plan says the list was developed during a September 30, 2014, inventory. The inventory of exposed materials did not include stockpiles of dirt.

The facility must use measures and controls reasonable and appropriate for the facility under section 2.4.3. These minimum controls include: good housekeeping, preventative maintenance, spill prevention and response procedures, inspections, employee training, record keeping and internal reporting procedures, identifying non-stormwater discharges, sediment and erosion control and management of runoff. I made the following observations about the facility’s measures and controls:

Good housekeeping.

Permit part 2.4.3.a. says good housekeeping is a minimum control requiring the maintenance of areas in a clean, orderly manner including handling, process, and storage areas exposed to precipitation for raw materials, scrap metals, general refuse, fuels, paints, and etc. I that the facility sweeps as a good housekeeping measure and control. I saw an employee sweeping the aluminum processing area seen in Image 5. I saw the facility has a small sweeper as shown in Image 13. Mr. Koon says they operate the sweeper daily. The Stormwater Pollution Prevention Plan does not specify the sweeping schedule. Section 2.2 of the facility’s plan says areas are kept clean, orderly and free of debris. I saw areas that appeared not clean and orderly, such as in images 23, 25, 40, 41, and 51 and I saw scrap metal, metal fines, and wastes on the ground, such as in images 24- 30, 32, 35-38, 40, 44-48, and 50-51.

Preventative maintenance.

Permit part 2.4.3.b. says the facility must provide a schedule for inspection and maintenance of stormwater management controls. Section 2.3 of the facility’s Stormwater Pollution Prevention Plan says the preventive maintenance program includes stormwater management devices, inspection and testing of equipment used in the control of significant materials and proper maintenance of equipment. I did not see a schedule for inspection and maintenance for these controls in the Stormwater Pollution Prevention Plan or other documents sent by the facility.

Spill prevention and response procedures.

Permit part 2.4.3.c. says the facility must include spill prevention and response procedures. The facility has a spill prevention, control and countermeasure plan. I included this plan as Attachment 5. I did not review the Spill Prevention, Control and Countermeasure Plan or program. I saw leaks and spills of waste coolant as seen in images 23, 24, 28, 29, 35, 37, and 38, and leaked oils and staining seen in image 25, 26, and 27.

Inspections.

The facility must inspect designated areas at a minimum once per quarter under permit part 2.4.3.d. The facility must maintain records of inspections in a readily accessible location for at least three years after the date of the inspection. The facility sent records of inspections dated May 13, 2024, and September 30, 2024. I included these inspection records in this report as Attachment 6.

The May 13, 2024, inspection report shows that Mr. Koon observed coolant in a ditch on the east side of the property. Permit part 2.4.3.d. says a set of tracking or follow-up procedures must be used to make sure that appropriate actions are taken in response to the inspections. The facility's inspection report says these findings were discussed with partner Clint Cornejo including constructing a new building as a control. The completed corrective action timeline says "immediate" for BMPs and up to one year for building construction.

Employee training.

Permit part 2.4.3.e. requires an employee training program that informs personnel responsible for implementing activities in the Stormwater Pollution Prevention Plan. Plan section 3.5 says the facility will keep records of personnel training events on-site or in a readily accessible location. The facility did not show the EPA any records of a training program.

Record keeping and internal reporting procedures.

Permit part 2.4.3.f. requires record keeping and internal reporting procedures. Section 2.8 of the facility's plan says records are maintained for the various inspections, spill events, and maintenance activities. The facility did not show a log documenting incidents and information which may impact the quality and quantity of stormwater discharges.

Identifying non-stormwater discharges.

Permit part 2.4.3.g. requires the facility to identify non-stormwater discharges directed to surface water or groundwater. These discharges include any process water discharges not directed to a POTW sanitary sewer, and any other discharges not described under Part 1.2 unless such discharges are already covered by a Water Pollution Control Permit issued by Kansas Department of Health and Environment. The table of contents in the facility's Stormwater Pollution Prevention Plan says Section 1.7 is about non-stormwater discharges. There is no corresponding section 1.7 in the body of the plan.

Sediment and erosion control.

Permit part 2.4.3.h. requires the facility to minimize erosion in areas that due to topography, operating activities or other factors have a high potential for significant soil erosion and at a minimum consider structural, vegetative, and stabilization measures to limit erosion. Section 2.5 of the facility's Stormwater Pollution Prevention Plan says the facility controls erosion by covering soil with concrete and asphalt to eliminate site runoff, maintaining vegetation where possible, and placing riprap at outfall locations where possible. I saw stockpiles of dirt not covered by storm-resistant covering and not surrounded by controls to limit pollutant runoff, such as in images 12, 32, and 37. I saw inlets to conveyance and flow paths to drainage channels without controls to minimize the discharge of sediments, such as in images 14-16, 18-21, 45, and 49-50. I saw industrial yards and access roads next to drainage channels with limited to no vegetative buffers, for example as shown in images 44, 45, 46, and 48.

Management of runoff.

Permit part 2.4.3.i says the facility must describe and locate on a site map existing and proposed stormwater management practices to treat, divert, infiltrate, reuse or otherwise manage stormwater runoff in a manner that reduces pollutants in stormwater discharges from the site. Section 2.5 of the facility's Stormwater Pollution Prevention Plan says established practices include grading of the overall site to minimize site runoff and evaluation and grading of dirt roads to minimize site runoff. The facility's site map does not show stormwater management practices to treat, divert, infiltrate, reuse, or otherwise manage stormwater runoff. The plan and site map do not show or include grading description of the overall site, the facility's control to manage site runoff, and how grading must be designed and implemented to minimize site runoff.

Permit part 2.4.3.i says the pollutant sources with potential to contribute pollutants to stormwater discharges associated with industrial activity at the facility must be considered when determining reasonable and appropriate measures to implement. Section 2.1 of the Stormwater Pollution Prevention Plan says that coolant from buildings 2 and 3 is diverted to remain on-site. Coolant seen in stormwater conveyance in the facility's inspection on May 13, 2024, and seen during the EPA's inspection, for example in images 46-50, show that the coolant is not diverted to remain on site. I saw coolant and oil staining on the ground in areas not under storm-resistant covering, and not curbed or bermed to prevent contaminated runoff and limit run-on, such as in images 23-29, 35, 37, and 38. I saw stockpiles of metal fines and dirt not under storm-resistant coverings and not surrounded by controls shown in images 12, 16, 18, 21-24, 32, 34, and 51. The facility has metal fines throughout the facility and I saw metal fines on the ground in several locations, for example in images 24-26, 29, 30, 32-34, and 36. At the inlets I saw during the inspection, I did not see controls adequate to prevent metal fines or other potential pollutants from being mobilized into stormwater conveyance, such as metal fines on the ground around inlets shown in images 18, 21, 25 and 30. I saw metal fines, scrap metal, waste, and debris in the stormwater conveyance to the intermittent stream as shown in image 20. I saw damaged batteries cases stored in a boneyard not under storm-resistant covering and not in secondary containment, such as images 40 and 41. I saw industrial materials and activities outdoors, not under storm-resistant coverings and not curbed or

bermed to prevent contaminated runoff and limit run-on, such as stockpiles in image 8 and 15 and industrial processing equipment shown in images 6 and 12.

Comprehensive site compliance evaluations.

The facility must conduct and document a comprehensive site compliance evaluation at least once per year under permit part 2.4.4. The facility sent a record of a comprehensive site compliance evaluation completed on May 13, 2024. I included this annual report in this report as Attachment 6.

Visual examination of stormwater quality.

The facility must perform and document a visual examination of stormwater discharge associated with industrial activity from each identified stormwater outfall following permit part 2.4.5.a. The facility sent to the EPA on January 7 a stormwater visual examination checklist and report dated November 4, 2024. I included this visual examination report in this report as Attachment 7. The facility did not provide record of visual examinations in 2022 and 2023. The 2024 visual examination does include documentation of a visual examination for each outfall; the report shows only Outfall 001 and not Outfall 002. The visual examination report notes 3.2 inches of rain starting Saturday, November 2 at 5:00 a.m. through Sunday, November 3. The report shows the facility performed the visual examination on November 4 at 8:00 a.m. Plan section 3.2 says the facility must collect a grab sample within the first 30 minutes but no more than 1 hour after a discharge begins. The report does not document that the visual examination was within the first 30 minutes of an actual discharge. The report does not document the visual examination of stormwater discharge was from a storm event at least 72 hours from the previous discharge following accepted sampling procedures. For sampling methods and procedures permit part 2.4.5. directs the permittee to the EPA Industrial Stormwater Monitoring and Sampling Guide, EPA 832-B-09-003.

Updating the Stormwater Pollution Prevention Plan

Section 2.4.6. says that the Stormwater Pollution Prevention Plan must be re-evaluated and modified in a timely manner but in no case more than 90 days after a change in design, construction, operation or maintenance that has a significant effect on the potential for the discharge of pollutants to Waters of the State. The facility did not effectively update the Stormwater Pollution Prevention Plan after the construction of Building 3, for example the site map was not updated.

Section 2.4.6. says that the Stormwater Pollution Prevention Plan must be re-evaluated and modified in a timely manner but in no case more than 90 days after a visual inspection of contributing areas or a visual inspection of the stormwater discharges or monitoring of the stormwater discharges indicate the plan appears to be ineffective in eliminating or significantly minimizing pollutants from sources identified in the plan. The visual inspection on May 13, 2024, reports coolant in stormwater conveyance which shows the plan was ineffective at eliminating or significantly minimizing pollutants from entering conveyance.

Based on my review, the Stormwater Pollution Prevention Plan is not up to date. As an example, the permit references in the plan do not align with the current general permit, such as the sampling requirements in section 3.2 of the plan do not match the sampling requirements in part 2.4.5. of the permit. The plan discusses a settling pond under section 3.3 and discharge monitoring reports for the settling pond. I did not see a settling pond and the site map does not include a settling pond.

CONCLUSION

1. Based on my review this facility's Stormwater Pollution Prevention Plan does not meet the minimum requirements under permit part 2.4.
 - a. The site map does not include all elements required under 2.4.2.b. as itemized above.
 - b. The plan does not identify locations of permitted discharge point(s), significant structure(s), as required under 2.4.2.b.
 - c. The inventory of exposed materials required under permit part 2.4.2.c. did not include stockpiles of dirt.
 - d. The facility's good housekeeping, a measure and control required under permit 2.4.3.a., is not adequate to prevent potential pollution sources from coming into contact with stormwater.
 - e. The facility's plan does not have an adequate preventive maintenance schedule appropriate to the controls, a measure and control required under permit 2.4.3.b. The plan does not include or the facility did not show a schedule for preventative maintenance for the controls under Section 2.3 of the Stormwater Pollution Prevention Plan.
 - f. The facility's spill prevention and response procedures, a measure and control required under permit 2.4.3.c., are inadequate to minimize the potential for leaks, spills, and other releases that may be exposed to stormwater.
 - g. The facility did not show records of inspections meeting the minimum requirements under permit part 2.4.3.d, such as quarterly inspections in 2022, 2023, and the first quarter of 2024.
 - h. The facility did not show a log documenting incidents and information which may impact the quality and quantity of stormwater discharges, a measure and control required under permit part 2.4.3.f.
 - i. The facility's Stormwater Pollution Prevention Plan does not identify unauthorized, non-stormwater discharges as required under permit part 2.4.3.g.
 - j. The facility's Stormwater Pollution Prevention Plan does not include measures to minimize erosion for operating activities like stockpiling dirt that have a high potential for soil erosion as required under permit part 2.4.3.h.
 - k. The facility's Stormwater Pollution Prevention Plan does not describe and locate on a site map existing and proposed stormwater management practices to treat, divert, infiltrate, reuse or otherwise management stormwater runoff in a manner that reduces pollutant stormwater discharges from the site, a required control and measure under permit part 2.4.3.i.

- l. The facility's plan does not effectively consider all pollutant sources to determine reasonable and appropriate control measures to implement, a required control and measure under permit part 2.4.3.i.
 - m. The facility did not provide documentation of comprehensive annual site evaluations in 2022 and 2023 following the minimum requirements under permit part 2.4.4.
 - n. The facility did not provide documentation of a completed a visual examination of stormwater discharge associated with industrial activity from each identified stormwater outfall following permit part 2.4.5.a. The facility did provide documentation to support that they performed and documented visual examinations in 2022 and 2023. The 2024 visual examination does not show that the facility performed and documented a visual examination from each outfall.
 - o. The facility did not show that it updated the Stormwater Pollution Prevention Plan within 90 days after a change in design and operation and a visual inspection showed controls were ineffective as required under permit part 2.4.6.
2. The facility did not keep all records required by the general permit for three years as required under permit part 3.1.

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Caitlin Dix
Physical Scientist, Water Branch
Enforcement and Compliance Assurance
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Jodi Bruno
Water Branch Manager
Enforcement and Compliance Assurance
Division

ATTACHMENTS:

1. Digital Image Log (37 pages)
2. Notice of Preliminary Findings (2 pages)
3. Facility site map (1 page)
4. Stormwater Pollution Prevention Plan (34 pages)
5. Spill Prevention, Control, and Countermeasure Plan (40 pages)
6. Facility inspections and site compliance evaluation (4 pages)
7. Visual examination of stormwater discharge (2 pages)
8. Kansas Water Pollution Control General Permit to Discharge Stormwater Runoff from Industrial Activity Under the National Pollutant Discharge Elimination System (57 pages)
9. Notice of Intent (2 pages)