

REPORT OF INDUSTRIAL STORMWATER COMPLIANCE EVALUATION INSPECTION

AT
Air Capitol Salvage
6603 S Broadway Ave,
Hayesville, Kansas 67216
Facility Registry Service ID: 110003193295
National Pollutant Discharge Elimination System Permit: Unpermitted

December 10, 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 Air Capitol Salvage in Haysville, 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

Air Capitol Salvage:

Kenneth Boote, Owner (316) 524-8121
kenboote@sbcglobal.net

U.S. Environmental Protection Agency:

Caitlin Dix, Physical Scientist (Lead Inspector) (913) 551-7109
dix.caitlin@epa.gov

INSPECTION PROCEDURES

I, Caitlin Dix, the EPA Region 7 lead inspector, arrived at Air Capitol Salvage at 6603 S Broadway Ave, in Haysville, Kansas about 10:30 a.m. on December 10, 2024, for an unannounced inspection. I presented my inspector credentials to Kenneth Boote, the owner and operator. I told Mr. Boote that this was an inspection by the EPA Region 7 to evaluate compliance with the National Pollutant Discharge Elimination System 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 like 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. Boote in his office. 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. Boote. Mr. Boote did not claim any confidential business information during the inspection. I have not received any notice from Mr. Boote 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 summarized my observations during the visual inspection with Mr. Boote during the closing conference on December 10. 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. Boote to send any previous correspondence about industrial stormwater permitting if available. The facility has not sent a response to the Notice of Preliminary Findings or sent any records of correspondence.

FACILITY DESCRIPTION

Facility Location

The facility is about 4 acres in Hayesville, Kansas. Mr. Boote said that the facility has a Wichita, Kansas mailing address but the facility is in Hayesville, Kansas. The facility is next to vacant land next to the levee of the Wichita-Valley Center Floodway. There are residential areas to the north and west and a major road to the east.

The land in this area drains to the Wichita-Valley Center Floodway, a canal that drains to the Arkansas River. The U.S. Geological Survey shows the Wichita-Valley Center Floodway as a permanent artificial path and a perennial stream. The hydrologic unit code for Wichita Floodway watershed is 110300130105. This section of the floodway is state waterbody identifier KS-11030013456. The waterbody report shows water is used for drinking water, aquatic life, fish and shellfish consumption, swimming and boating, and other. The water is listed as impaired for drinking water, aquatic life, and fish and shellfish consumption. Identified issues included degraded aquatic life, nutrients, and PCBs.

The National Stormwater Calculator shows this facility can expect an average rainfall of about 33 inches per year.

Facility Operations

Air Capitol Salvage operates an auto salvage yard and dismantles vehicles for the purpose of selling parts. This facility is classified under industry group 5015 following the Occupational Safety and Health Administration's standard industrial classification manual.

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.

This facility does not have a current industrial stormwater permit with the Kansas Department of Health and Environment. Mr. Boote said that the facility at one time was under group permit coverage for stormwater with about 30 other facilities.

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 nearby weather station in Derby, Kansas with weather station identifier US1KSSG0095 that showed 0.01 of rain on December 9. The last measurable rain event at this weather station was November 18-19.

Air Capitol Salvage dismantles vehicles for the purpose of selling parts.

Stormwater runoff from Air Capitol Salvage is stormwater directly related to manufacturing, processing and raw materials storage areas at an industrial plant as described in 40 CFR 122.26(b)(14)(vi). I saw industrial activities at this site as described under 40 CFR 122.26(b)(14) such as:

- Industrial yard.
- Immediate access roads used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility.

- Material handling sites, including storage, loading and unloading, transportation or conveyance of raw material, intermediate product, final product, byproduct or waste product.
- Refuse sites.
- Sites used for the storage and maintenance of material handling equipment.
- Sites used for residual treatment, storage, or disposal.
- Shipping and receiving areas.
- Storage areas for raw materials, and intermediate and finished products.
- Areas where industrial activity has taken place in the past and significant materials remain and are exposed to stormwater.

Mr. Boote said that they dismantle vehicles outside depending on the weather. I show the outdoor dismantling area in images 17 and 28. This dismantling area is not under a storm-resistant covering.

The facility operates an auto salvage yard. Vehicles in different stages of dismantling are stored in rows outside in a yard and not under stormwater-resistant covering. The yard is about 3 acres and not paved. Images showing the salvage yard include image 15, 16, 22, 25, and 26.

Mr. Boote said they stack dismantled vehicles until there are enough for a contractor to bring a mobile compactor on site. I show the area where vehicles are stacked until they can be recycled in image 26. Mr. Boote said the contractor was on site last week to compact vehicles before hauling several hundred vehicles for recycling offsite. Mr. Boote said they recently cleaned and graded areas shown in images 25 and 26 after vehicles were crushed and hauled away for recycling.

The facility stores equipment outside and not under storm-resistant coverings, like in images 17 and 20. The facility stores materials outside and not under storm-resistant covering, like: used oil shown in image 21, batteries shown in image 19, and parts shown in image 18, 21, and 22.

The facility has leaks and spills of vehicle fluids on the ground. I saw oily parts stored outside without coverings and staining on the ground like in image 18, 22, 23, 27, and 28. I saw containers of vehicle fluids that were not plainly labeled with their contents, like in image 21.

There are two access roads for moving product. There is an access gate on the west side of the facility shown in image 1, 2 and 24. Mr. Boote said the mobile crusher and recycler and other large tractor trailers use the west entrance. There is an access road off the Broadway Avenue used for deliveries and retail customers.

Stormwater flows south.

Mr. Boote said stormwater on the site flows to the south. The land the facility is on is flat. I saw that land gently slopes to the south and southeast corner of the facility. I saw that there is a swale on the south side of the fence, shown in image 4. This swale drains west to the stormwater conveyance shown in image 3, 6, and 16. Conveyance continues by pipe under the

levee shown in image 5 and 7-9. The channel then drains to the Wichita-Valley Center Floodway shown in images 10-14.

The facility uses a low berm, shown in image 24, to divert some runoff at the west access gate to the south. There is a municipal storm sewer system conveyance that collects stormwater from A Street and Grover Avenue and conveys stormwater to the drains under the levee. This conveyance on the west side of the facility is shown in image 2 and 3.

SUMMARY

This facility is engaging in industrial activities regulated under the National Pollutant Discharge Elimination System. Based on my professional experience, industrial stormwater runoff from this facility requires a permit. The facility should contact the Kansas Department of Health and Environment about permitting under the National Pollutant Discharge Elimination System.

I saw areas of concern that the facility should evaluate and consider corrective actions, including:

1. Leaks and spills of vehicle fluids on the ground and contaminating soil. Spills and leaks not cleaned up contaminate stormwater. Discharges not composed entirely of stormwater are not authorized.
2. Exposure not minimized for industrial materials and activities.

CAITLIN DIX
Digitally signed by CAITLIN DIX
Date: 2025.01.03 09:17:51 -06'00'

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

NICOLE MORAN
Digitally signed by NICOLE MORAN
Date: 2025.01.03 10:06:47 -06'00'

Nicole Moran
Acting Water Branch Supervisor
Enforcement and Compliance Assurance
Division

ATTACHMENTS:

1. Digital Image Log (17 pages)
2. Notice of Preliminary Findings (2 pages)