

REPORT OF COMPLIANCE EVALUATION INSPECTION
(INDUSTRIAL STORMWATER)

12th & Haskell Recycling Center, Inc.

1006 E 11th Street
Lawrence, Kansas 66406

NPDES General Permit: **KSR000176**

BY

U.S. ENVIRONMENTAL PROTECTION AGENCY

REGION 7

ENFORCEMENT AND COMPLIANCE ASSURANCE DIVISION (ECAD)
WATER BRANCH/DRINKING WATER & INSPECTIONS SECTION (WB/DWIS)

ON

SEPTEMBER 29 AND 30, 2022

Introduction

At the request of the Water Branch (WB), Enforcement and Compliance Assurance Division (ECAD), a Compliance Evaluation Inspection (Industrial Stormwater) was conducted on September 29, 2022, at the 12th & Haskell Recycling Center facility located at 1006 E 11th Street in Lawrence, 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. Trevor Flynn and Jeff Scott with the City of Lawrence Municipal Services and Operations were present during the inspection.

Participants

12th And Haskell Recycling Center, Inc.

- Bo Killough, Owner
- Carey Rainey, Site Manager

City of Lawrence- Municipal Services and Operations

- Trevor Flynn, Assistant Director
- Jeff Scott, Environmental Manager

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

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

Procedures and Introduction

Messrs. Trevor Flynn and Jeff Scott and I arrived at the 12th & Haskell Recycling Center, Inc. facility located at 1006 E 11th Street in Lawrence, Kansas, at 10:30 A.M. on September 29, 2022. We met with Ms. Carey Rainey and Mr. Bo Killough. We introduced ourselves, I presented my credentials, and I explained the purpose and procedures of the industrial stormwater compliance evaluation inspection. These included completing the Region 7 NPDES Industrial Storm Water Worksheet, completing the USEPA Confidentiality Notice, evaluating self-monitoring and stormwater management practices, and conducting a facility walk-through with photographs.

I provided Ms. Rainey with the U.S. EPA Small Business Resources Information Sheet and the US EPA Confidentiality Notice. After a brief description of site operations, we discussed the storm water management regulations and the National Pollutant Discharge Elimination System (NPDES) General Permit requirements. Ms. Rainey provided us with the Stormwater Pollution Prevention Plan (SWPPP) folder that included the site Notice of Intent, the SWPPP document, the NPDES permit, training records, and site inspection records (Attachment 3).

Soon after I completed my review of records, Ms. Rainey and Mr. Killough escorted Messrs. Flynn and Scott and I on a visual inspection of the facility. During my visual inspection of the facility, I observed above ground storage tanks and totes, scrap metal storage piles, pallets of used batteries properly stored indoors, and a vehicle-fluid-draining area under a canopy in the north section of the site. I also observed one potential surface discharge point at the southeast corner of the site near main the entrance as a potential outfall.

After the facility walkthrough, I informed Ms. Rainey and Mr. Killough that I would return the next day to hold the formal exit meeting, complete the required inspection forms, and issue a Notice of Preliminary Findings (NOPF).

On September 29, 2022, I received an email from Ms. Rainey that included the SWPPP. (Attachment 2).

On September 30, 2022, I returned to the facility. I held a formal exit meeting with Ms. Rainey and Mr. Killough. I discussed my preliminary observations of the site and the SWPPP. I completed the US EPA Receipt for Documents and Samples form (Attachment 4). The facility chose not to claim any confidential business information. I issued a NOPF with three findings (Attachment 5). I informed Ms. Rainey and Mr. Killough that I would communicate to them any additional findings that I may find upon my return to the office.

On October 14, 2022, I received two emails from Ms. Rainey that included photos of corrective actions as the facility response to the NOPF (Attachment 8).

Site Drainage Patterns

The site is located within the Burrough Creek watershed. Based on the site local topography, surface runoff from the west yard (west of the main yard entrance) would

flow south toward a surface discharge point (38.96527, -95.22309) and toward the main yard entrance (38.96510, -95.22257) at the south corner of the site and into the railroad ditch. Surface water in the east yard (east of the main yard entrance) would flow (38.96489, -95.22125) 115 yards south into the railroad ditch as well. Runoff in the railroad ditch would continue to flow south through the culvert pipe beneath N. 1550 Road into an open channel (38.96423, -95.22001). The open channel would flow east approximately one mile into Burrough Creek (38.96176, -95.20510). Burrough Creek would then flow approximately half a mile (north-east-north) into the Kansas River (38.96471, -95.19763). The culvert and the open channel are part of the City of Lawrence municipal separate storm sewer system (MS4)

Findings and Observations

1. 12th & Haskell Recycling Center accepts and processes ferrous metals and non-ferrous metals from commercial and private sources. The facility processes approximately 7,200 tons of scrap metals annually including approximately 200 vehicles. All fluids are drained on site prior to crushing.
2. 12th & Haskell Recycling Center is subject to the Kansas NPDES general permit category (vi) Recycling/Reclamation requirement for recycling of materials, including metal scrap yards, battery reclaimers, salvage yards, and automobile junkyards, including but not limited to those classified as SIC 5015 (used motor vehicle parts) and SIC 5093 (scrap and waste materials). The entire property consists of three parcels, totaling an area of 7.04 acres.
3. Section 2.1 of the NPDES requires that the permittee shall develop and implement a SWPPP within 10 months of Kansas Department of Health and Environment (KDHE) authorization of the permittee's notice of intent (NOI). The initial NOI was submitted on July 27, 2015, and Discharge Authorization was granted under NPDES general permit number KSR000176 (G-KS31-0004). The current permit will expire on October 31, 2026.
4. The SWPPP document was prepared and signed on July 27, 2015. The SWPPP narrative appeared adequate and included the minimum requirements listed under Section 2.4 of the NPDES permit.
5. During my review of the records required by the NPDES permit and the SWPPP, such as the annual comprehensive site compliance evaluation, the quarterly inspections of stormwater outfalls and process areas, visual evaluation of water quality, and employee trainings, I noticed and pointed out to facility personnel that such required records were missing from the file. I also pointed out that the last employee training was conducted on June 18, 2015, and the last quarterly inspection and the last comprehensive site compliance evaluation were conducted on July 21, 2017 (Attachment 4). Facility personnel indicated that they have not conducted any inspections or training since then. Therefore, I issued NOPF #1.
6. The SWPPP did not include a site map. I pointed out to facility personnel that NPDES Permit Section 2.4.2.b and SWPPP Section 5.0 requires that the SWPPP include a site

map identifying: the scale of the map; the location of significant structures; the outlined drainage areas, direction of flow, approximate acreage of each stormwater outfall; stormwater conveyances and area inlets for each outfall; all authorized non-stormwater discharge locations; name of the first water body the discharge is directed to; 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/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); landfills; construction sites; stock piles; areas where spills have occurred and residues remain; surface water bodies; and existing structural control measures to reduce pollutants in stormwater runoff (such as bermed areas, grassy swales, etc.). Therefore, the facility failed to develop and include a site map as required by the permit.

7. During our visual site inspection, I pointed out to site personnel the location of a surface runoff discharge point where water discharged from the site near the south fence line into the railroad tracks. I also pointed out that this discharge point should be included in the site map as a permitted outfall.
8. I issued NOPF #2 because during our visual inspection of the site, I pointed out to facility personnel evidence of poor housekeeping practices and significant ground discoloration near the scrap compressor collection area caused by mishandling of leaking compressors as shown in Photo 2 below. I pointed out to facility personnel that the NPDES Permit Section 2.4.3.a and the SWPPP Section 9.0 requires good housekeeping practices and spill management.

Photo 2, evidence of spills and ground discoloration



9. The facility has an aggregate aboveground storage capacity over 1,320 U.S. gallons of petroleum products (diesel fuel, gasoline, hydraulic fluid, oil, and used oil) stored onsite in various containers such as double-wall tanks, totes, and 50-gallon drums. According to 40 CFR Part 112, §112.3, the facility must prepare in writing and implement a Spill Prevention Control and Countermeasure (SPCC) plan in accordance with §112.7 and any other applicable section of this Part. Therefore, I issued NOPF #3 for failure to develop a SPCC plan.
10. Used batteries are collected on pallets and stored in an enclosed structure.

Conclusion

1. Managerial/administrative best management practices (BMPs), structural control BMPs, and non-structural control BMPs did not exist on site.
2. The SWPPP should include a site map that shall comply with the requirement of Section 4.42.b of the NPDES permit.
3. 12th & Haskell Recycling Center personnel shall conduct the annual comprehensive site compliance evaluation, the quarterly inspections of stormwater outfalls and process areas, visual evaluation of water quality, and employee training.
4. Based on the aboveground storage capacity of aggregate petroleum products stored on site, the facility must prepare in writing and implement a SPCC plan in accordance with §112.7 and any other applicable sections of 40 CFR Part 112, §112.3.

**NAJI
AHMAD**

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Naji J. Ahmad
Environmental Engineer, WB/DWIS

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Nicole Moran
Section Chief, DWIS

ATTACHMENTS

1. R7 ISW Worksheet
2. SWPPP
3. Required records
4. Receipts for documents form
5. NOPF
6. Photo log
7. Site photos
8. Response to the NOPF