REPORT OF
COMPLIANCE EVALUATION INSPECTION

AT
Hess Salvage
402 Bridge Street,
Clay Center, KS 67432
Facility Registry Service ID: 110055251490
National Pollutant Discharge Elimination System Permit: KSR000217

February 26, 2025

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 Hess Salvage in Clay Center, 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

Hess Salvage:
Elton Hess, Owner and President
(785) 632-5233
Ehess68@currently.com

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 Hess Salvage at 402 Bridge Street, Clay Center, Kansas, at approximately 2:20 PM on February 26, 2025, for an unannounced inspection. I presented my inspector credentials to Elton M Hess, the responsible official. I informed Mr. Hess 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. Hess. I described the Confidential Business Information Notice for Information Collected During the Inspection and the Small Business Resource Information Sheet. I emailed both forms to Mr. Hess. Mr. Hess did not claim any confidential business information during the inspection. I have not received any notice from Mr. Hess 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 reviewed facility records during the onsite inspection, including the Stormwater Pollution Prevention Plan and associated records. I scanned these records onsite, and they are included in the report as attachments. Please see the end of the report for a list of attachments.

I summarized my observations during the visual inspection with Mr. Hess during the closing conference on February 26. 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. Hess to send any other records required to be kept under the permit, such as routine facility inspections, annual comprehensive inspection, visual monitoring and sampling results, and maintenance logs. On February 28 the facility sent three emails showing actions taken after the inspection; I included the facility's correspondence as Attachment 3.

FACILITY DESCRIPTION

Facility Location

Hess Salvage is located at 402 Bridge St. in Clay Center, Kansas, covering about 6 acres. Huntress Creek, assessment unit identifier KS-102500179354, is directly west of the facility. I saw that the facility slopes towards Huntress Creek and stormwater from the facility drains west towards Huntress Creek. Huntress Creek is in the Spring Creek-Dry Creek subwatershed or hydrologic unit code 102500170507 using the National Hydrography Dataset. Huntress Creek is listed as impaired for aquatic life use and primary contact recreation in the 2024 assessment. Impaired parameters include phosphorus, total suspended solids, benthic macroinvertebrate

bioassessments, and Escherichia Coli (E. coli). There are existing plans to restore water quality, like a total maximum daily load for KS Lower Republican Delaware. The Spring Creek-Dry Creek subwatershed is in the Lower Republican subbasin in the Republican River basin.

This area receives about 31.85 inches of rain annually using the U.S. Climate Normals Quick Access tool by the National Centers for Environmental Information.

Facility Operations

Hess Salvage engages in vehicle salvage, dismantling, and scrap metal resale. The facility receives scrap and waste materials from various sources, then sorts and processes the materials for resale. The Occupational Safety and Health Administration classifies this facility under standard industrial classification codes 5015 and 5093.

Hess Salvage has been operating since 1952, with a change in ownership in 2020. The facility employs about three people and operates Monday through Friday from 8 a.m. to 5 p.m., and Saturday from 9 a.m. to noon.

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, are engaging in industrial activity applicable to the National Pollutant Discharge Elimination System.

The Kansas Department of Health and Environment authorized Hess Salvage to discharge industrial stormwater under the National Pollutant Discharge Elimination System permit KSR000217 or general permit S-ISWA-2111-1. I included the permit in the report as Attachment 4. This general National Pollutant Discharge Elimination System permit is effective from November 1, 2021, through October 31, 2026 and 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 Hess Salvage on March 2, 2007. The facility submitted a Notice of Intent on March 21, 2021, and a Notice of Transfer or Ownership Form on March 22, 2021, to the Kansas Department of Health and Environment. I included the Notice of Intent and Notice of Transfer in this report as Attachment 5.

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

During the visual inspection and record review, I noted the following observations:

I accessed precipitation data from the CLIMOD system for Clay Center, KS, provided by the High Plains Regional Climate Center. On February 18, 2025, the weather station recorded 0.1 inches of precipitation, with 3 inches of snowfall and a snow depth of 3 inches. The most recent storm event on February 19, 2025, recorded 0.07 inches of rain and 0.5 inches of snowfall, maintaining a snow depth of 3 inches.

Part 2.4 of the general permit includes requirements for the Stormwater Pollution Prevention Plan. I reviewed the facility's Stormwater Pollution Prevention Plan during the inspection and included the plan in this report as Attachment 6.

Pollution Prevention Team

Following part 2.4.1. the plan outlines specific roles for each employee, detailing their responsibilities in managing and processing materials containing potential pollutants. A designated team is responsible for implementing good housekeeping practices and maintaining best management practices.

Description of Potential Pollutant Sources

Under part 2.4.2 the permit requires the Stormwater Pollution Prevention Plan to have a description of potential pollutant sources, including structural controls on the site map. During the inspection, I saw that the 2024 Stormwater Pollution Prevention Plan did not include all required elements, such as the berm structural control on the site map. The plan lists potential pollutants like gasoline, diesel fuel, oils, and batteries and does not identify other potential pollutants like sediments, antifreeze, oils from hydraulic lines on material handling equipment, and biochemical oxygen demand (BOD). The inventory of exposed materials does not include material handling equipment, trash, and waste. I saw the facility has a list of prohibited items, such as contaminated barrels and buckets, fuel tanks and oil tanks, that they do not accept as part of a source control program to reduce potential pollutants sources.

Measures and Controls

Part 2.4.3 of the permit outlines the measures and controls required under the Stormwater Pollution Prevention Plan, like good housekeeping, preventative maintenance, spill prevention and response procedures, erosion and sediment control, management of runoff, employee training, recordkeeping and internal reporting procedures, and non-stormwater discharges. The report sections below address each subsection under part 2.4.3.

Good Housekeeping

Under part 2.4.3.a. the permit requires good housekeeping including 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, etc. During the inspection, I saw areas that were not clean and orderly such as:

- I saw waste and scrap metal on the embankment migrating into Huntress Creek. Images 9 and 10 show scrap metal wastes on the banks of the Huntress Creek and materials in the stream channel.
- I saw staining on exposed soil beneath material handling equipment shown in image 26; the facility did not promptly clean up leaked vehicle fluid. Image 24 shows this leak under equipment is under overhead covering. The covering reduces but does not eliminate stormwater exposure for the storage area below and the storage area lacks containment to prevent stormwater run-on and run-off, allowing for potential stormwater exposure.
- I saw trash, waste, and debris on the ground in multiple areas, contributing to potential stormwater contamination such as in images 11, 16, 17, 18, 21, and 22.

Preventive Maintenance

The permit requires the Stormwater Pollution Prevention Plan provide a schedule for inspecting and maintaining stormwater management controls, like oil water separators and catch basins. The facility's Stormwater Pollution Prevention Plan did not provide a schedule or inspection and maintaining the berm, a primary control in the facility's stormwater management program. During my inspection, I saw that the berm on the west side of the facility has inconsistent heights along its length. The facility says that they do not discharge because the berm provides complete containment for all runoff events. However, I noticed some sections are noticeably lower and showed signs of erosion, which may allow overflow during heavy rainfall. Images 7, 8, and 12 to 17 show areas where the berm needs maintenance. Areas of the berm in the southwest corner such as in images 16 and 17 are at the lowest spot on the facility and the berm performance expectations may include runoff from the entire facility during storm events.

I saw that sections of the berm are made from materials that are not stabilized or compacted, like exposed soils and loose bricks. Images 7 and 8 show a section made of loose bricks. Image 12 shows berm sections of exposed soils and erosion patterns. Image 16 shows a section of the berm made of waste concrete, bricks and loose soil. Image 17 shows sections of the berm made from large woody debris. Loose materials and exposed soils increase the risk of erosion and structural failure, which may lead to uncontrolled runoff. Berms made from woody debris and loose bricks may not be suitable materials to provide the structural control described by the facility, which is complete containment of industrial stormwater runoff. I saw evidence of erosion and lack of stabilization that show the facility may need to increase inspection and maintenance of their containment berm.

The Stormwater Pollution Prevention Plan did not have design specifications for the berm, such as a designated height and width and material composition. There are no established procedures for using appropriate repair materials to ensure the berm's stability.

Spill Prevention and Response Procedures

The permit outlines specific requirements for spill prevention and response procedures under permit part 2.4.3.c., including appropriate material handling, storage requirements, equipment usage, and effective spill cleanup techniques. During my inspection, I saw the facility stores lead acid batteries outside the office, covered with a tarp, as seen in Image 1. The facility also stores used batteries on a pallet under a canopy, with two batteries visible on top of the tarp shown in image 4. The Stormwater Pollution Prevention Plan shows procedures for draining and handling fluids from vehicles, such as oil and fuel. The facility has designated fluid management buildings shown in images 25 and 27 that provide cover, prevent exposure for chemical storage areas, and divert run-on around the structures. The facility keeps recently received vehicles in a specific area over pervious ground shown in image 28 before the facility moves the vehicles for processing. Mr. Hess takes vehicles under the canopy of the large metals building for fluid drainage and battery removal. I saw fluid leaks soaking into the bare soil, shown in image 26, below material handling equipment stored under overhead covering and with no method in place to catch leaking fluids. While fluid draining of incoming salvage is addressed in the facility's plan, the plan does not include spill prevention and response procedures during storage and maintenance for material handling equipment, such as procedures established for proper cleanup and covering of equipment before storing it outdoors. I saw vehicles in the salvage yard shown in image 23 stored with hoods off, without alternative covers like tarps, and potentially exposing oily vehicle parts to stormwater. The Stormwater Pollution Prevention Plan does not specifically address the integrity of containers or drums used for storing fluids, which could lead to leaks or spills. The plan does not mention controls for tanker truck transfers, which could result in leaks or spills. The plan does not cover overfill prevention and maintenance of storage tanks but Mr. Hess says that they empty the used oil containers when they are half full as a policy. Leaks from fuel lines, hydraulic lines, and connections on material handling equipment are not specifically addressed in the Stormwater Pollution Prevention Plan.

Inspections

Part 2.4.3.d requires the Stormwater Pollution Prevention Plan to identify facility personnel trained to inspect at appropriate intervals, the inspection frequency must be stated in Stormwater Pollution Prevention Plan, but, at a minimum, quarterly inspections must be performed. Records of inspections must be maintained on-site or in a readily accessible location for at least three years after the date of the inspection. I reviewed the inspection reports provided by the facility and the reports did not have the minimum information required by the permit. The facility provided record of only one of the four quarterly inspections in 2024. The facility showed records of four quarterly inspection reports in 2023. The facility showed zero records of quarterly inspection in 2022. I included the inspection reports as Attachment 7 to this report. The facility emailed on February 28 including a copy of the first quarterly inspection report for 2025 and showing a calendar with quarterly inspection dates to help make sure reports are completed going forward.

Employee Training

Under permit part 2.4.3.e. the permit requires an employee training program to inform personnel responsible for implementing activities identified in the Stormwater Pollution Prevention Plan or otherwise responsible for stormwater management, at all levels of responsibility, of the components and goals of the plan. During the inspection, I saw that Hess Salvage Inc. documented a single training session where an employee watched a YouTube video on stormwater pollution prevention on May 13, 2024. The training covered topics such as identifying potential contaminants, maintaining and signing the Stormwater Pollution Prevention Plan, conducting regular inspections, and documenting training activities. Please see Attachment 8 for the facility's training record.

Record keeping and Internal Reporting Procedures

Under permit part 2.4.3.f. the permit requires a log to document a description of incidents (such as spills, or other discharges, actions taken and signature of inspector) along with other information which may impact the quality and quantity of stormwater discharges to be developed and maintained. Reporting procedures, inspections and maintenance activities must be developed and included in the Stormwater Pollution Prevention Plan. I did not see logs documenting incidents and reporting procedures. I did not see a section in the Stormwater Pollution Prevention Plan on reporting procedures and maintenance which may impact the quality and quantity of stormwater discharges. The facility keeps receipts of some maintenance activities like repairs for material handling equipment with their Stormwater Pollution Prevention Plan records. I did not scan all these receipts because they were banking checks with sensitive information; I scanned some receipts like for the berm construction materials in January 2023, shown in Attachment 9 with other records scanned during the inspection.

Unauthorized, Non-stormwater Discharges

Under permit part 2.4.3.g. the Stormwater Pollution Prevention Plan must identify all unauthorized, non-stormwater discharges directed to surface water or groundwater. I did not see a section in the Stormwater Pollution Prevention Plan on non-stormwater discharges. I did not see any non-stormwater discharges during the inspection.

Sediment and Erosion Control

Under permit part 2.4.3.h. the Stormwater Pollution Prevention Plan must include measures to minimize erosion in areas which, due to topography, non-construction related operating activities, or other factors, have a high potential for significant soil erosion. At a minimum, the Stormwater Pollution Prevention Plan must consider structural, vegetative, and stabilization measures to limit erosion and include measures to minimize erosion related to the high volume of vehicle traffic and heavy equipment operating at the facility on a daily basis such as trucks, forklifts, cranes etc. During the inspection, I saw that the ground was exposed soil in the facility's scrap metal processing area, access roads and some storage areas, such as in images 4, 5, 11, 16, 17, 20, 22, 24, 26, and 28. Bare or exposed soil is susceptible to erosion and increases the likelihood of erosion and sediment transport. I saw that the facility uses a berm on the

downslope side of the facility to keep stormwater and sediment on site. I saw that the berm was of inconsistent height with sections that looked eroded with potential locations on the berm especially in the southwest corner for stormwater to bypass or overtop the control, such as in images 7, 8, and 12 to 17.

Management of Runoff

Under permit part 2.4.3.i. the facility must describe and locate on a site map existing and proposed stormwater management practices—practices other than those which control the source of pollutants—to treat, divert, infiltrate, reuse or otherwise manage stormwater runoff in a manner that reduces pollutants in stormwater discharges from the site. The pollutant sources at the facility identified with potential to contribute pollutants to stormwater discharges associated with industrial activity following permit part 2.4.2 must be considered when determining reasonable and appropriate measures to implement**.** Mr. Hess said the scrap metal processing area is dug about four feet deep to provide containment and create a berm on the downslope side of the facility. Mr. Hess said water pools significantly in the southwest corner during rain events. I saw the berm showed signs of erosion and washout, these areas on the berm show that the existing stormwater management practices to contain and infiltrate stormwater may not detain runoff during heavy rain events, such as in images 7, 8, and 12 to 17. This could lead to polluted stormwater draining to Huntress Creek.

Comprehensive Site Compliance Evaluations

Under permit part 2.4.4. a comprehensive site compliance evaluation must be conducted and documented at least once a year. The Stormwater Pollution Prevention Plan includes a comprehensive site compliance evaluation completed in the Kansas Environmental Information Management System on March 18, 2024. I included the 2024 comprehensive site compliance evaluation in this report as Attachment 10.

Monitoring and Record Keeping Requirements

Under permit part 2.4.5. the facility must at a minimum of once per year perform and document a visual examination of a stormwater discharge associated with industrial activity from each identified stormwater outfall. The facility says that they do not discharge and the facility did not provide any records of visual examination of a stormwater discharge.

Record Maintenance

Under permit part 3.1 the permittee must maintain all records required by this general permit for a period of 3 years. All records must be kept on-site or in a readily accessible location. The facility did not have a copy of the general permit. The facility emailed on February 28 to say that they had added a copy of the permit to their records. As discussed in sections above, the facility did not have all inspection records and all comprehensive site compliance evaluations.

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.
    b. The inventory of exposed materials required under permit part 2.4.2.c. does not include all potential pollutants exposed to stormwater.
    c. The facility's good housekeeping, a measure and control required under permit 2.4.3.a., is not adequate to keep scrap metals and trash contained and keep areas clean and orderly.
    d. The facility's plan does not have a preventive maintenance schedule, a measure and control required under permit 2.4.3.b., for the berm, a stormwater management control. I saw the berm showed signs of needing maintenance, like inconsistent berm height, evidence of erosion, and destabilized materials.
    e. The facility's spill prevention and response procedures, a measure and control required under permit 2.4.3.c., does not address handling spills from material handling equipment, vehicle fluid transfers to tanker trucks, and container integrity.
    f. 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 and the second, third and fourth quarter of 2024.
    g. The facility did not show records of training two employees responsible for implementing activities identified in the Stormwater Pollution Prevention Plan under permit part 2.4.3.e.
    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 include measures to minimize erosion due to topography and operating activities that have potential for soil erosion as required under permit part 2.4.3.h.
    j. The facility's Stormwater Pollution Prevention Plan does not describe and locate on a site map existing and proposed stormwater management practices, like the berm, to treat, divert, infiltrate, reuse or otherwise manage stormwater runoff in a manner that reduces pollutants in stormwater discharges from the site, as required under permit part 2.4.3.i.
    k. 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.
    l. 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.
2. The facility did not keep all records required by the general permit for three years as required under permit part 3.1.

CAITLIN DIX

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

JODI BRUNO

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Jodi Bruno
Water Branch Manager
Enforcement and Compliance Assurance Division

ATTACHMENTS:

1. Digital Image Log (18 pages)
2. Notice of Preliminary Findings (2 pages)
3. Facility Follow-Up Correspondence (11 pages)
4. Kansas Water Pollution Control General Permit to Discharge Stormwater Runoff from Industrial Activity Under the National Pollutant Discharge Elimination System (61 pages)
5. Notice of Intent and Notice of Transfer (19 pages)
6. Stormwater Pollution Prevention Plan (5 pages)
7. Quarterly Inspection Reports (51 pages)
8. Training Record (1 page)
9. Other records in facility's Stormwater Pollution Prevention Plan (23 pages)
10. Comprehensive Site Compliance Evaluation (2 pages)