REPORT OF INDUSTRIAL STORMWATER
COMPLIANCE EVALUATION INSPECTION (CEI)

At
Leavenworth Asphalt Materials
1901 S. 2nd Street
Leavenworth, KS 66048
NPDES Permit # KSR000471

On
November 1, 2024

By
U. S. ENVIRONMENTAL PROTECTION AGENCY: Region 7
Enforcement and Compliance Assurance Division (ECAD)

1.0 INTRODUCTION

I performed an Industrial Stormwater Compliance Evaluation Inspection (CEI) at Leavenworth Asphalt Materials asphalt production facility in Leavenworth, Kansas on November 1, 2024. The inspection was authorized by Section 308(a) of the Federal Water Pollution Control Act, as amended. This narrative report and attachments present the findings and observations made during the Industrial Stormwater CEI. The inspection was conducted in accordance with the procedures described herein and following all applicable EPA Region 7 Standard Operating Procedures (SOPs), unless otherwise noted.

2.0 PARTICIPANTS

Leavenworth Asphalt Materials (LAM):
Eric Stalter, General Manager (913) 290-0821
Email: eric@lamasphalt.com

U.S. Environmental Protection Agency (EPA):
Hannah Lewis, Life Scientist (913) 551-7679
Email: lewis.hannah@epa.gov

3.0 INSPECTION PROCEDURES

On November 1, 2024, I arrived unannounced at LAM at 9:30 a.m. and introduced myself to Mr. Stalter. I explained the scope and purpose of the inspection to Mr. Stalter. I informed him I would be performing a complete Industrial Stormwater inspection, consisting of a visual inspection of the facility and a review of records being maintained at the facility.

I explained to Mr. Stalter that I would be conducting the Industrial Stormwater inspection under the authority of Section 308(a) of the Federal Water Pollution Control Act to evaluate the facility's compliance status with the requirements of the Clean Water Act and with the National Pollutant Discharge Elimination System (NPDES) Stormwater Runoff from Industrial Activity

General Permit issued by the Kansas Department of Health & Environment (KDHE) which permits stormwater discharges from industrial activities associated with asphalt plants. I stated that I would document my findings and observations by making photocopies, taking photographs and/or videos, and obtaining statements from facility staff.

I completed my inspection, and I summarized the preliminary findings with Mr. Stalter during the exit meeting. A Notice of Preliminary Findings (NOPF) was issued to Mr. Statler during the inspection (attachment 6). Mr. Stalter signed the Confidentiality Notice indicating no confidential business information had been provided during the inspection (attachment 8). No samples were taken during the inspection. Twenty-seven photographs were taken during the inspection. See attachment 2 for the digital image log and photos #1 - #27.

Prior to entering the facility, I conducted a visual reconnaissance of the facility, searching for areas of concern observable from the public roads such as discharges, drainage patterns, flow directions, facility location, and layout. The facility is located on South 2nd Street with railroad tracks forming the eastern border, City of Leavenworth forming the southern border, and neighboring business forming the northern border. Five Mile Creek receives flow from the nearby city storm sewer system and LAM. Five Mile Creek discharges into the Missouri River approximately 530 yards from the facility.

4.0 FACILITY DESCRIPTION

4.1 Facility Operations

The facility is located southeast of downtown Leavenworth, Kansas, between the Missouri River and Five Mile Creek. The facility's physical address is 1901 South 2nd Street, Leavenworth, Kansas, 66048. At this facility, activities include hot asphalt production, vehicle fueling, oils storage, and aggregate storage (images 5-12, 20-27). The facility is permitted under Standard Industrial Classification (SIC) code 2951. The facility covers approximately 3.5 acres of land. Mr. Statler stated that three employees operate the facility Monday through Friday for eight hours per day.

Hot-mix asphalt is produced as needed per order. Natural gas is burned to heat the mixing drum. Asphalt cement (AC), reclaimed asphalt pavement (RAP), aggregate, and baghouse dust are added to the heated mixing drum. The hot-mix asphalt is then transferred to silos for dispensing into transport trucks (image 24). The facility produces approximately 80,000 tons of hot-mix asphalt annually.

An office building and secondary containment structure are also located on site (images 5,6,8-13). The secondary containment structure included the following containers: two 10,000-gallon used oil aboveground storage tanks (ASTs), one 12,000-gallon used oil AST, one 15,000-gallon used oil AST, one 400-gallon hot oil heater transfer tank, and two 30,000-gallon AC ASTs. Outside the secondary containment structure but nearby were two 55-gallon barrels, one of which was empty, containing heat transfer oil, a 1,000-gallon diesel tank, and two 2.5-gallon containers of Purple Power degreaser (images 5,7,9).

See attachment 3 for the facility layout, photo locations, and runoff flow patterns. Stormwater from the secondary containment structure and the northwest portion of the plant would flow into

the perimeter ditch ending at a storm sewer inlet (images 3,16,18). Stormwater from the southwest aggregate piles, parking area, silos, and some of the eastern materials piles would flow west off site or to the southwest storm sewer inlet (images 1,2,23-25). A central storm sewer inlet receives runoff from the asphalt production plant, aggregate piles, and conveyor belts (images 14,15,26,27). All three of these inlets connect to City of Leavenworth's municipal separate stormwater sewer system (MS4) which discharges to Five Mile Creek followed by the Missouri River. Stormwater leaving the site along the north boundary and flowing to the adjacent property includes runoff from the northeast aggregate piles and sediment ramp leading to the hoppers (images 17,19,20). Runoff from the materials piles against the east property boundary flows east towards railroad tracks.

Regulatory History

KDHE reissued the NPDES permit to the facility on November 1, 2021. The conditions of the current NPDES General Permit are in effect through October 31, 2026 (attachment 7). The facility has not been inspected by KDHE or EPA in the last 5 years.

5.0 FINDINGS AND OBSERVATIONS

The weather conditions at the time of the inspection were cool and clear (55°F). The facility and surrounding area had not received rainfall in the 5 days preceding the inspection. I met with Mr. Stalter, performed a visual inspection of the facility, reviewed operating permit requirements, and reviewed records being maintained by the facility. I did not observe stormwater discharging from the facility.

5.1 Stormwater Pollution Prevention Plan (SWPPP)

The NPDES permit requires the facility to maintain and implement a SWPPP. I was provided a SWPPP during the inspection (attachment 4). Later, a digital copy was emailed to me which I placed into the ECAD electronic file system. According to the SWPPP, the document was created in April of 2008, with no changes made to the document since then. I reviewed the SWPPP during the inspection and noted that the SWPPP and Notice of Intent were not signed, no SWPPP training logs were present, comprehensive site compliance evaluations documentation were not present, and visual discharge examinations of stormwater discharge documentation were not present. These findings are included on the NOPF (attachment 6).

The SWPPP and NPDES permit require routine site inspections of the stormwater structures and best management practices implemented by the facility. I reviewed monthly inspection records from 2021 through the present. The monthly site inspections appeared to be complete. However, the comprehensive site compliance evaluations and visual discharge examinations of stormwater discharge were not present. After reviewing the documents, I placed them in the EPA Region 7 ECAD electronic file system.

Upon further review of the SWPPP after the site inspection, the SWPPP map does not meet the requirements of the NDPES permit. The map is missing key elements such as stormwater conveyances, storm sewer inlets, receiving stream, stormwater management practices, structural control measures, significant materials exposed to precipitation or runoff, all storage tanks, fuel storage, and outlined drainage areas. The SWPPP narrative does not include a complete

description of potential pollutant sources, an inventory of exposed materials, a risk identification and summary of potential pollutant sources, and all structural and non-structural measures and controls per the permit sections 2.4.2 and 2.4.3.

5.2 Other Visual Observations

During the facility tour, I observed the stormwater flow paths throughout the facility and stormwater outfalls (images 1-26). Attachment 3 shows the general runoff path of stormwater at the site.

The three storm sewer inlets (southwest, west, and central) did not have adequate structural controls to minimize pollutants leaving the site (images 1,3,14). Images 14 and 15 show sediment from the associated drainage area entering the central inlet. The southwest and west inlets shown in images 1 through 3 had sediment deposits leading up to and around the inlets. Also, trash was present on top of the west inlet. The SWPPP does not describe structural controls at the inlets needed to minimize the discharge of pollutants.

In the northeast corner of the property, silt fencing was buried against the boundary chain-link fence under sediment and rock (images 17,19). Runoff appeared to be flowing over the compacted sediment and rock to the adjacent property without adequate controls to minimize pollutants leaving the site.

The SWPPP references a Spill Prevention, Control, and Countermeasure (SPCC) Plan (attachment 5). I observed the concrete secondary containment structure in the center of the site which surrounds the AC ASTs, used oil ASTs, and hot oil heat transfer tank. I observed material that had been spilled and staining outside the containment structure (images 8-10). Mr. Stalter stated that personnel will scrape up spilled AC once it is cooled. As shown in images 9, 12, and 13, large debris and sediment deposits were present within the secondary containment structure. It was unclear whether the secondary containment structure meets the SPCC capacity requirements with the addition of the large debris and sediment deposits inside the containment structure (images 9-13).

I also observed two 2.5-gallon containers of Purple Power Degreaser, two 55-gallon drums of hytherm oil, and a 1,000-gallon AST of diesel next to the containment structure (image 5, 9). One of these 55-gallon drums was empty. The diesel fuel and hytherm oil storage area appeared well maintained with no staining.

6.0 SUMMARY

A NOPF was provided to Mr. Stalter during the inspection with the following findings. A response to the NOPF was sent by SCS Engineers on November 15, 2024 (attachment 9).

- SWPPP and Notice of Intent were not signed.
- No SWPPP training logs since 2009.
- Comprehensive site compliance evaluations and visual discharge examinations were not documented.
- Stormwater controls not present or implemented at storm inlets.

The following are additional findings included in this report but not on the NOPF.

- All permit-required parameters of the SWPPP are not met.
- Large debris and sediment deposits were present within the secondary containment structure potentially reducing the holding capacity.
- Spilled material and staining were noted outside the secondary containment structure.
- There were inadequate controls at the northeast corner outfall.

HANNAH LEWIS
Digitally signed by HANNAH LEWIS
Date: 2024.12.16 11:13:16 -06'00'

Hannah Lewis
Life Scientist

JOSEPH HEAFNER
Digitally signed by JOSEPH HEAFNER
Date: 2024.12.17 07:18:50 -06'00'

Joseph Heafner
Acting Section Supervisor

ATTACHMENTS:

1. NPDES Industrial Stormwater Worksheet (6 pages)
2. Digital Image Log (31 pages)
3. Photo Locations Map (1 page)
4. LAM SWPPP (15 pages)
5. SPCC Plan (43 pages)
6. NOPF (1 page)
7. KDHE NPDES General Permit Industrial Stormwater (61 pages)
8. CBI (1 page)
9. Email_Response to NOPF (3 pages)