

**REPORT OF INDUSTRIAL STORMWATER
COMPLIANCE EVALUATION INSPECTION**

**AT
Brown Industries LLC
807 E. 29th St.,
Lawrence, Kansas 66046
Facility Registry Service ID: 110003146186
National Pollutant Discharge Elimination System Permit: Not permitted**

January 23, 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 Brown Industries LLC in Lawrence, 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

Brown Industries LLC:

Annie Dark, Human Resources Manager 785-842-6505
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Andrew Worley, Production Manager

Kansas Department of Health and Environment:

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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 Brown Industries LLC at 807 E. 29th S. in Lawrence, Kansas, about 9:10 a.m. on January 23, 2025, for an unannounced inspection. I presented my inspector credentials to Annie Dark, the human resource manager. I told Ms. Dark 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.

I met with Ms. Dark and Mr. Andrew Worley, the production manager, during the opening conference. 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 Ms. Dark. Ms. Dark did not claim any confidential business information during the inspection. I have not received any notice from the facility about confidential business information 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. Ms. Dark and Mr. Worley accompanied me during the onsite walkthrough and provided information about facility operations.

I summarized my observations during the visual inspection with Ms. Dark and Mr. Worley during the closing conference on January 24. I issued a Notice of Preliminary Findings to the facility on January 24. I included this notice in the inspection report as attachment 2. I asked Ms. Dark 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. On January 24, William Sprague, the chief operating officer contacted me by phone, and I summarized my observations from the visual inspection with Mr. Sprague.

FACILITY DESCRIPTION

Facility Location

The facility is about 10 acres in Lawrence, Kansas. The Lawrence Atlas online map shows this facility is in the Lawrence Industrial Park, a general industrial area zoned by the City of Lawrence. To the west is Haskell Indian Nations University.

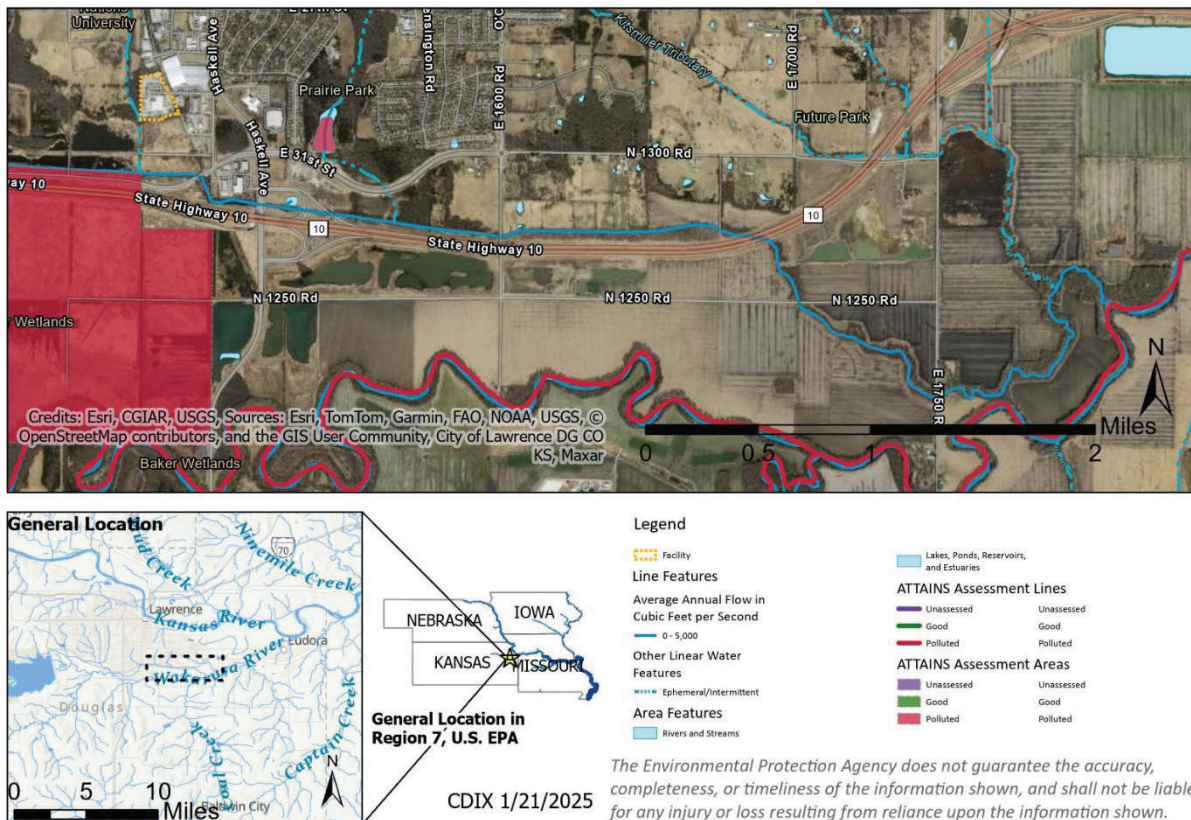
The land around the facility drains to the Haskell Tributary, an intermittent stream mapped in the National Hydrologic Dataset by U.S. Geological Survey. I show the reach identifier in Table 1 below. This tributary drains to Naismith Creek a perennial stream. Naismith Creek flows about 4.4 miles the to the Wakarusa River using the National Hydrologic Dataset.

Table 1 shows the reach identifiers of streams in the National Hydrologic Dataset by the U.S. Geological Survey.

Description	Reach identifier
Haskell Tributary	10270104000869
Naismith Creek	10270104000862
Wakarusa River	10270104000215

Figure 1 shows the location of the facility relative to the receiving waters. The hydrologic unit code for Baker Wetlands-Wakarusa River watershed is 102701040204. The Wakarusa River

Figure 1 is a map showing surface waters their water quality assessment status.



state waterbody identifier is KS-1027010424. The waterbody report shows water is used for drinking water, aquatic life, swimming and boating and other. The water is listed as impaired for aquatic life and swimming and boating. Identified issues are bacteria and other microbes, degraded aquatic life, and nitrogen or phosphorus. The waterbody report shows no existing plans for restoration and that the 303(d) listing status is “submitted to EPA for review”. There are previous plans to restore water quality for the Wakarusa River. The waterbody report shows a restoration plan identified as R7_2018_00446 to address impairments caused by phosphorous completed on December 14, 2018. The waterbody reports shows restoration plan R7_KS_2020_00011 completed on December 11, 2020 for total phosphorus.

Lawrence, Kansas receives about 39.40 inches of rain annually using the U.S. Climate Normals Quick Access.

Facility Operations

Brown Industries in Lawrence, Kansas, builds custom van bodies on customer-owned chassis. The Occupational Safety and Health Administration classifies this facility under North American Industrial Classification System as industry 336211: motor vehicle body manufacturing. Using the North American Industrial Classification System crosswalk this facility’s standard industrial classification industry code is 3713: truck and bus bodies under manufacturing equipment for transportation.

Brown Industries’ website says the Lawrence, Kansas, facility manufactures and sells truck bodies and allied equipment since 1975. Current ownership purchased the company in 2009. Ms. Dark said they employ about 50 people and operate 6:00 a.m. to 2:30 p.m.

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)(xi) facilities under standard industrial classification 37 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. Based on available information I reviewed, the Kansas Department Health and Environment and the Environmental Protection Agency have not inspected this facility 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.

During the inspection, the weather was below freezing, windy and mostly sunny. There was ice and snow on the ground from earlier precipitation events. Table 2 shows recent precipitation records accessed using the High Plains Regional Climate Center CLIMOD.

Table 2 is recent precipitation measured at the Clinton Lake, Kansas weather station with the identifier USC00141612 in the global historical climatology network.

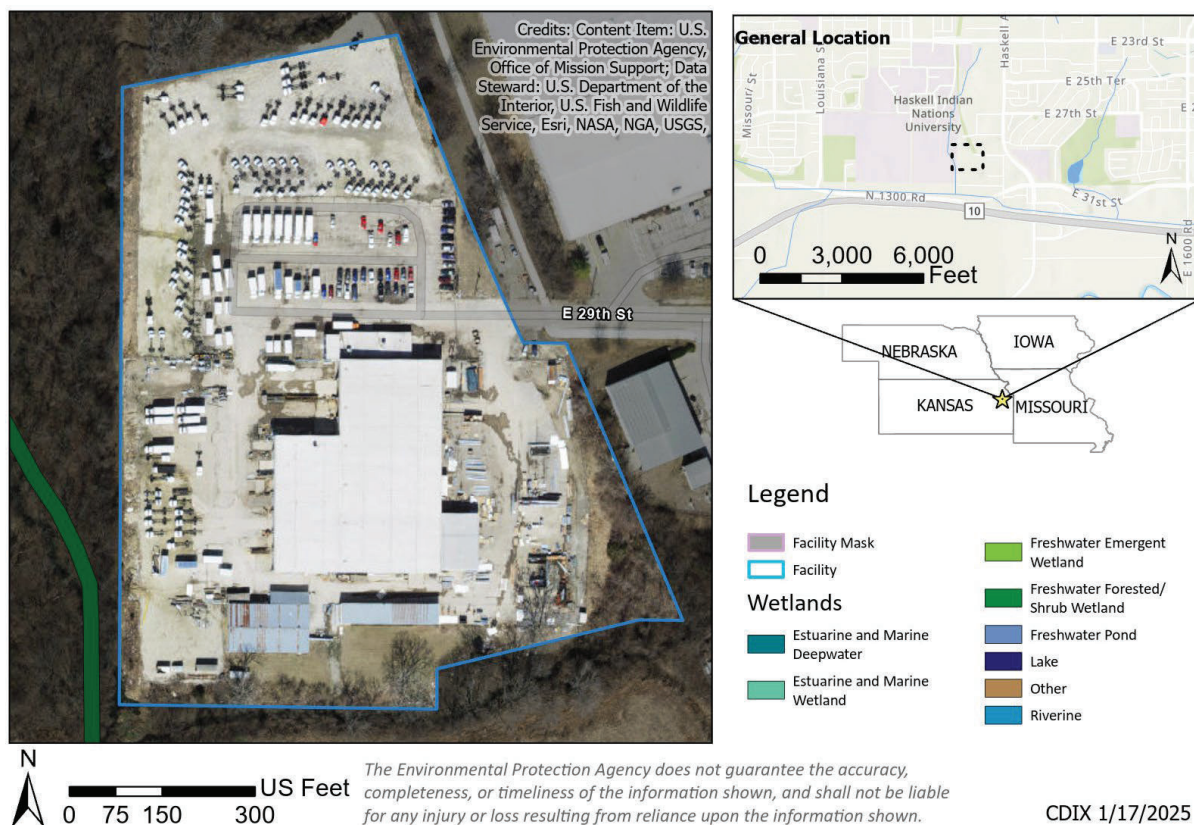
Date	Precipitation (inches)	Snowfall (inches)	Snow Depth (inches)
January 5	0.07	4.0	4
January 6	0.31	8.0	12
January 10	0.09	3.0	12
January 12	0.01	0.0	No data
January 23	0.00	0.0	1

Brown Industries LLC builds van bodies for customer-bought chassis at this facility in Lawrence, Kansas.

The Brown Industries LLC website says they build van bodies, trailers, and rail equipment for customers throughout North America. Mr. Worley said this facility in Lawrence, Kansas builds van bodies, like moving vans and flatbeds. I saw outdoor industrial activities at this site as described under 40 CFR 122.26(b)(14) such as:

- Industrial yard.

Figure 2 is a map showing an aerial image of the facility.



- 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.

The industrial yard around the manufacturing and storage buildings is about 7 acres. Images 1 to 19, 29 to 31, 33 to 35, 39, 41 to 45 and 48 show industrial activities such as material and equipment storage outside not under storm-resistant covering in an industrial yard. Figure 2 is a map showing the facility using the parcel boundary and an aerial image. Based on my site observations, industrial activities may occur throughout the area and the facility boundary is a rough approximation for the area of industrial activities, including grassy areas on the south side used for material storage like in images 30 and 31, but not including nearby offsite storage.

The facility has some offsite storage areas of their raw material, and customer chassis. I saw chassis storage area around the southwest intersection of East 28th Street and Haskell Avenue. Mr. Worley said they store customer chassis at nearby storage locations until they move them on site. This facility's area of industrial activity may also include offsite storage locations of materials.

Finding: Stormwater runoff from Brown Industries LLC 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)(xi).

Stormwater flows by conveyance to a tributary.

Most of this facility is impervious surfaces, such as roofs on manufacturing and storage buildings, concrete or asphalt paving and compacted gravel. All of these surfaces are hard surfaces which either prevent or significantly reduce infiltration and have higher rates of stormwater runoff. When it rains, stormwater runs off impervious surfaces at this facility. As an example, using The National Stormwater Calculator and an event threshold of 0.10 to 0.25 inches of precipitation, this facility may expect runoff about 30 to 45 days per year.

I used The National Map to view the U.S. Geological Survey 3D Elevation Program layers. I saw drainage channels to the north and south of the facility that drain west to Haskell Tributary. Figure 3 shows the bare earth elevation from the U.S. Geological Survey 3D Elevation Program. I used the Lawrence Atlas to view the City of Lawrence stormwater network. Figure 3 shows drainage channels to the south and north of the facility mapped by the City of Lawrence.

Lawrence Atlas also shows stormwater pipe near the east edge of the facility near East 29th Street.

Figure 3 shows a map made using the U.S. Geological Survey 3D Elevation Program bare earth elevation and showing the facility and surrounding land.

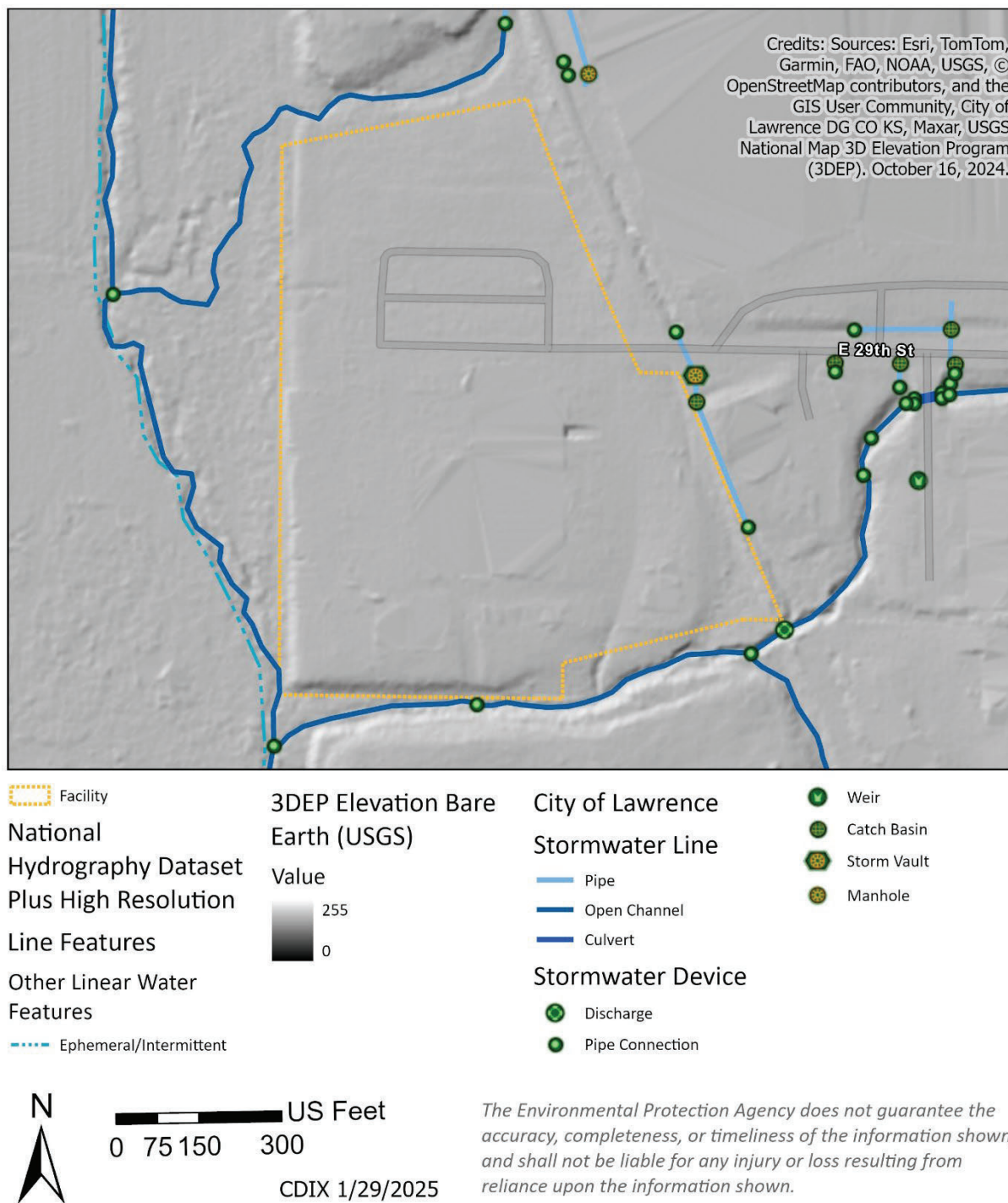




Figure 4 shows image 19 from the digital image log.



Figure 5 shows image 28 from the digital image log.



Figure 6 shows image 26 from the digital image log.

On the south side of the facility is a concrete channel that drains stormwater to an earthen channel sloping south. Image 19 in Figure 4 and image 28 in Figure 5 show the flow path from the industrial yard to the fence.

Images 20 and 21 in the digital image log show where the drainage channel flows under the fence.

Images 22 to 25 in the digital image log show the channel that drains south from the facility to the channel south of the facility.

Image 31 shows a swale in the grassy area on the south side of the facility. The swale drains from a paved area between two storage buildings on the south side of the facility. This swale drains to the channel to the south. This swale is visible in the bare earth elevation products.

Images 24 to 27 show the drainage channel to the south of the facility. Figure 6 shows image 26 which is looking west or downstream the channel to the south of the facility.

This drainage channel south of the facility is visible on the U.S. Geological Survey bare earth elevation product shown in Figure 4. The City of Lawrence mapped this stormwater channel in their publicly available stormwater infrastructure map. Using the U.S. Geological Survey 3D Elevation Program, the City of Lawrence stormwater



Figure 7 shows image 35 from the digital image log.

side of the facility.

On the north side of the facility the ground slopes towards a channel draining west-southwest. Figure 8 and Figure 9 show this drainage channel on the north side of the facility. This drainage channel is visible in the bare earth elevation model shown in Figure 3 and the City of Lawrence stormwater infrastructure viewer. The Lawrence Atlas shows that this channel is in a drainage easement.



Figure 8 shows image 46 from the digital image log.



Figure 9 shows image 47 from the digital image log.

infrastructure viewer and my onsite observations, I saw that the channel south of the facility drains west to Haskell Tributary.

On the west side of the facility the ground slopes to the west towards a drainage channel and intermittent stream, Haskell Tributary. I saw rills, erosional paths, and flow paths in the embankment conveying stormwater downslope and west. Images 36 to 41 show more detail of the embankment on the west

I followed the flowpath from public streets and right-of-ways from the Haskell Tributary to Naismith Creek. Images 49 and 50 in the digital image log show some of the drainage path.

Finding: Stormwater runoff from this facility drains by channel offsite. Stormwater runoff from this facility drains in channels that further drain to Haskell Tributary then Naismith Creek.

I saw good housekeeping concerns.

I saw trash and debris on the ground, shown in images 3, 6, 18 to 21, 33, 34, 38, and 41 to 44. I saw released used oil not contained or cleaned up in a timely manner, shown in images 3, 9, 42 to 45, and 48. I saw used oil in containers and aboveground tanks not clearly marked with the words “Used Oil” shown in images 3 and 4. Based on the oil I saw on the ground, the facility did not contain released used oil and clean up the released used oil. I saw that the used oils containers were stored outside, open, and not under covering when the facility was not actively adding to the container, like images 3 to 5. I saw that these used oil containers did not have secondary containment. Spills and leaks not cleaned up may contaminate stormwater. I saw one of the potential pollutant sources is oil from the customers’ truck chassis, image 48 shows an example. Based on the releases I saw at the truck chassis and the oil collection sites at the facility, this industrial activity needs added structural and nonstructural controls to prevent stormwater pollution.



Figure 10 shows image 3 from the digital image log.



Figure 11 shows image 44 from the digital image log.

I saw some materials offsite that were consistent with materials on site, such as cardboard and green strapping seen in images 20 and 21 in the drainage channel near the fence. I saw green strapping in the drainage channel downstream of the industrial yard shown in images 22, 24, and 26. I saw similar green strapping around materials or on the ground in the industrial yard, shown in images 10, 12, and 41.

I saw two barrels previously storing solvent used as trash containers on the south side of the facility shown in image 33. I smelled the solvent when I was near the barrels. These solvent barrels used as uncovered trash cans are a potential pollutant source.

SUMMARY

Based on my inspection observations this facility is engaging in industrial activities regulated under the National Pollutant Discharge Elimination System. Stormwater runoff from this facility drains by channel offsite. Stormwater runoff from this facility drains by channel to Haskell Tributary then Naismith Creek. Based on my site observations and professional knowledge, industrial stormwater discharges from this facility must be permitted.

Recommendations:

The facility should contact the Kansas Department of Health and Environment about permitting for industrial stormwater discharges under the National Pollutant Discharge Elimination System.

The facility should consider cleaning up released oils and improving pollution prevention controls. Spills and leaks not cleaned up may contaminate stormwater and discharges not composed of stormwater are not authorized. Standards for the management of used oil may be found in 40 C.F.R. Part 279.


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ATTACHMENTS:

1. Digital Image Log (27 pages)
2. Notice of Preliminary Findings (2 pages)
3. Digital Image Map Book (50 pages)