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Date: November 30th, 2023
To: Blake Anderson, Facilities Engineering Division Head
From: Kevin White, Senior Registered Engineer.
Subject: Todd Creek Plant North Site Environmental Staff Summary

North Site Environmental Staff Summary

- A Phase I Environmental Site Assessment (ESA) was completed for the North Site in February 2023 by Olsson, Inc. in accordance with the American Society for Testing and Materials (ASTM) E1527-13.
 - The Use of a Phase I ESA is intended to assess the environmental condition of commercial real estate taking into account commonly known and reasonably ascertainable information.
 - A Phase I ESA is conducted by an environmental professional that uses professional judgment, based on commonly known and reasonably ascertainable information, to determine if *recognized environmental concerns* (RECs) are present at a subject site.
 - A Phase I ESA will include a review of regulatory databases, state and local government databases, historical and physical record resources, interviews and user-provided information from the property owner, and visual, non-invasive site reconnaissance.
- No RECS were identified as part of the February 2023 Phase I ESA.
 - *De minimis* conditions, those which generally do not present a threat to human health or the environment and that generally would not be the subject of an enforcement action, encountered include a trash/burn pile, discolored surface water runoff and the former use of the site as a surface mine.
- Omitted from the conclusions drawn in the 2023 Phase I ESA, a Unilateral Order (Order No. 2020-WPCB-1648) was issued by the Missouri Department of Natural Resources (MDNR) to the North Site on September 18, 2020, stemming from noted violations of the Clean Water Act from September 20, 2018 to May 6, 2019, which included:
 - Site was operating an unpermitted composting or waste disposal operation facility, consisting of 500 tons of stockpiled biosolids material (starch, industrial byproduct sludge, lime and sawdust) with an unknown number of stormwater outfalls, with the receiving stream being an unnamed tributary to Todd Creek.
 - Composting operation identified as a point source for leachate contamination, which was discharging to waters of the State.
 - Leachate discharge caused water quality concerns in the unnamed tributary to Todd Creek, as sample results collected by MDNR indicated.
 - An odor concern investigation for the Air Pollution Control Program was conducted by MDNR staff on May 6, 2019, at which time, it was observed that the amount of waste on site was reduced.

- MDNR discussed potential best management practices (BMPs) with the property owner to mitigate the leachate discharge from entering the tributary; however, BMPs were not installed to the satisfaction of MDNR.
 - Sludge from the stormwater ditch was excavated and stockpiled on a hillside to drain by the property owner during the construction of a soil berm; MDNR informed the property owner that this was not an acceptable practice.
 - Follow-up inspections by MDNR found sludge deposits in the unnamed tributary to Todd Creek further affecting water quality.
- Over the course of several weeks (September 20 to October 9, 2018), MDNR staff collected surface water samples from various locations along the unnamed tributary to Todd Creek, within Todd Creek and downstream of the Todd Creek Plant.
 - Samples collected were analyzed for dissolved oxygen (DO); water contaminants that cause a DO in receiving streams lower than 5 milligrams per liter (mg/L) violate the specific criteria for water quality standards as defined by 10 CSR 20-7.031(5)(H).
 - Detected concentrations of DO in the surface water samples collected ranged from 0.76 mg/L within the unnamed tributary to Todd Creek to 9.62 mg/L upstream in Todd Creek.
- KC Water Services is moving forward with completing a Phase 2 ESA at the North Site to investigate potential soil and surface water contamination resulting from the operation of an unpermitted composting or waste disposal facility.
- Upon notification of the omission, Olsson, Inc. reviewed the MDNR Unilateral Order to provide a rationale for its' exclusion from the Phase I ESA.
 - The notice of violation is currently listed in the USEPA ECHO database and is shown as a violation reported in the July-November 2023 quarterly reporting; however, it was not included in previous reporting.
 - Environmental database information is provided by a third party vendor, the information from this vendor did not include the North site.

Attachments

Olsson Phase I ESA Omission Letter – 11/30/2023