

Dear Representatives,

I am writing to you as a longtime resident of White Bear Lake who expressed written concerns regarding Trichloroethylene (TCE) air emissions to Water Gremlin and the MPCA in February of 2012. (Of note - I have retained original email documentation, which is likely also on the record at the MPCA.)

More specifically, on February 7th, 2012, I sent an email to Water Gremlin with the following questions:

... Can you share with me any data or information you have on what the actual amount of TCE emissions are from Water Gremlin's White Bear Lake facility? And how often the substance is emitted from the premises? Also, what type of capture/reduction system do you have in place currently? Lastly, do you have any air quality data you can share?

The response I received, in part, reads:

I can tell you that we are compliant with our air emissions permit, we are considered a synthetic minor source in regards to emissions by the state of Minnesota, and our carbon adsorption control system captures 95% + of our TCE emissions. – Dave (last name removed).

The reason I inquired about Water Gremlin, is that a news story on TCE and neurological disorders, caught my attention. (I have a family member who was diagnosed with a chronic neurological condition which may be related to TCE exposure.) After doing some digging, I found that Water Gremlin, a company located near me, had a history of emitting a large volume of the substance into our air.

Is there a connection between our family health issues and area TCE emissions? I don't know. But I believe it's likely and I don't appreciate the possibility, regardless.

I remain discouraged that residents of White Bear Lake and beyond are to ultimately rely on 'self-reporting' vs. meaningful regulation via hard scientific data, regular surprise audits and air quality testing. In fact, I raised the following questions in response to Water Gremlin, in my 2012 exchange:

... What kind of testing is done to ensure the 95 percent capture, and what is the end result in terms of TCE emissions output? Also, does Water Gremlin have any data on the levels of TCE in the ambient air surrounding your facility?

I do not recall a written response from Water Gremlin. However, the MPCA did provide air quality modeling data in a reply, which I've touched on below. In their response, the MPCA cc'd Water Gremlin, asserting among other things, that I should be more concerned about an occasional bonfire, than Water Gremlin's TCE emissions:

Neither the MPCA nor EPA have air quality "standards" for TCE and other air toxics. In Minnesota we take actions, if we believe they are required, under our general authority to ensure air that is safe to breathe.

EPA toxicity values are one of the tools we use to determine such safe levels, but we use those tools after carefully considering the evidence upon which they are based.

*Let me reiterate what I tried to say earlier. Living a mile away from this facility, the inhalation risks to you and your family are extremely low. In contrast, the inhalation risks you face from emissions to the air from vehicle traffic on roads and from combustion in your neighborhood (especially things like fireplaces, outdoor burning, wood stoves, outdoor wood boilers, stationary diesel engines, etc.) are many orders of magnitude higher than the risks from this facility.
... ~ Greg P. (MPCA)*

The MPCA response was appreciated but frustrating and ultimately proved questionable when it came to TCE inhalation risk being 'extremely low'. Additionally, my apprehensions proved valid.

I responded to Greg at the MPCA and listed a portion of my reply below:

While I appreciate and share your concern about air quality in general, I am not ready to reject TCE emissions as a potential source of risk for my family simply because other risks exist. I am also concerned for other families in the area, who live closer to the facility. ...

If it's of interest to you, part of the reason this facility remains a concern for me personally, is that the other issues you mention (while valid) are a changing source of impact. ... The TCE emissions at Water Gremlin are a regular source of the same chemical, day after day.

Further, the EPA has reclassified the chemical, considering it "more dangerous than previously thought." Not to mention, the numbers used for your model are entirely based upon what the company reports to be true, and the facility hasn't been inspected since 2004.

Shortly thereafter, the MPCA agreed to inspect Water Gremlin (at my request) and reportedly found no significant issues. While I'm grateful that my inquiry prompted the 2012 inspection, I am displeased that no significant issues were discovered at that time, given what we now know.

Also, of note, in the year 2000 Paul Moss (a resident located in the 'area of concern' prior to it being deemed so) expressed trepidation about Water Gremlin's use of TCE and other potential hazards. (See attached document entitled MPCA's response to Paul Moss in 2000.) In the document, the MPCA response to Mr. Moss, in part indicates:

Alternatives to TCE that were considered were either cost prohibitive (up to \$5,000.00 per drum), or flammable (acetone) which could cause excessive risk to employees and the adjacent community.

... The pollution control equipment will destruct at least 95% of the TCE evaporated in these processes.

MPCA believes that by issuing this permit, there will be a net benefit to the environment.

In addition, Water Gremlin has been formally accused of firing employees who refused to violate safety and environmental laws:

<https://law.justia.com/cases/minnesota/court-of-appeals/2008/opa071615-0902.html>

Thus, I continue to take little comfort in trusting companies to do the 'right thing' by self-reporting, when the 'right thing' is subjective. For example, some may consider saving time and money to be more

important than protecting employees and a community. Others may resent regulation and find a way around it - if a way exists.

In hopes to address Water Gremlin on an ongoing basis, vs. perpetually review permit requests and emissions reporting, I've asked that a permanent air quality monitor be installed in the area. My request was considered, but ultimately denied by the MPCA due to 'funding'.

In closing, I do appreciate the progress that has been made along with enhanced oversight. But the bottom line remains the same. I ask again, almost a decade after my original inquiries (and two decades after residents like Paul Moss expressed concerns) ... with no scientific, measurable, air quality testing and regular verification of 'self-reported' air quality related data, how can we have confidence in the system designed to protect us? And, if it's a question of adequate staff and funding, let's provide the MPCA with the necessary tools and funds to act in accordance with their stated mission.

Thank you kindly for your efforts.

Sincerely,

Denise Gullickson

Representative Lee,

Leigh Thiel informed me of your interest and action for stronger legislation for pollution control. While I do not have much to add regarding the current proposals, I do have much to comment about the lack of proper enforcement against serial offenders of pollution laws.

As Leigh might have told you, myself and my neighbors have been victims of a serial polluter in Rosemount, MN. The company, Spectro Alloys, an aluminum recycler, has seldom played by the rules. In 2012 they were convicted of multiple federal felonies for falsifying their emission records to the EPA. Since then, they have continued to disregard rules and regulations that are in place to keep residents safe.

According to EPA ECHO information, in the last five years Spectro Alloys has been issued four formal enforcement actions with an additional action currently in progress, for releasing excess and uncaptured hazardous emissions. But the penalties issued for these serious offenses that contaminate the air, soil, water, and affect resident's health, have been next to nothing. This provides proof that the small fines and hand slaps being issued are not a deterrent and instead create a perfect climate for serial offenders to flourish.

In the last few years, after an expansion at Spectro Alloys, residents were exposed to a noxious haze that would blanket the area. The haze made the local resident's eyes, throat, and lungs burn. We could taste burnt metallic in our mouths for hours later and suffered heart palpitations and headaches. Multiple complaints were made to the MPCA with no action. According to a FOIA request, 23 separate citizen complaints were filed against Spectro Alloys with most being closed by the MPCA, no action. Suffering residents had to wait until November 2019 for the Chicago based EPA to conduct a site visit at Spectro Alloys. The EPA immediately observed hazardous emissions escaping capture at multiple points throughout the facility. The enforcement is still ongoing, but notably, the MPCA is still nowhere to be found.

From our first hand experience, not only is the MPCA ineffective in controlling pollution violations, but when the MPCA does enforce actions, they are minimal and do not hold these businesses accountable. A few years later the same businesses are yet again violating the same rules and regulations. The MPCA creates serial offenders of pollution laws with either no enforcement or minimal fines.

Something needs to change. If the MPCA is not going to do their job, as observed in multiple industrial disasters such as Water Gremlin, Northern Metals, Spectro Alloys, then the punishment needs to be enhanced, especially when repeat violations are being issued year after year. We also would love to see legislation be recommended to limit how many violations a business can be issued before their permits are pulled indefinitely. Hard stop. Resident's health and the environment deserve this.

Thank you for your work on the current statutes and please know that what you're doing is appreciated and affects residents all across Minnesota, especially in places where our own representatives do not offer any concern. If you find there is any way myself or my neighbors could be of assistance to you, please reach out.

Rebecca Wayerski

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To the House Environment and Natural Resources Finance and Policy Committee
Testimony of Deanna White, State Director, Clean Water Action
In Support of HF168 * February 16, 2021

Thank you Mr. Chair and members of the Committee for hearing HF168 and considering my testimony.

In theory, environmental permitting processes exist to protect our environment and ensure that activities that benefit a few don't come at the cost of the many. But over and over again, permitting processes have failed to adequately protect the health of all citizens. Over and over again, we see that permitting is about getting to yes for the benefit of the few.

HF168 recognizes the weaknesses of the current system and takes steps to begin to address them. Weaknesses that have allowed communities – particularly Environmental Justice communities -- to be victimized over and over again by pollution that impacts their health in very real ways. HF168 gives Environmental Justice communities the ability to say "no more" to pollution in my community.

Unfortunately, it is clear that race and income relate to the amount of environmental burdens placed on communities. Decades of environmental racism and decisions made with little or no thought about their long term impact on the health and well being of communities has led to some communities being overburdened by pollution and environmental degradation.

There are a number of important parts of this legislation – and we support the proposed author's amendment and the resulting bill as amended.

The bill requires the MPCA to conduct and consider a demographic analysis of any community BEFORE it issues a pollution permit to fully consider the real impact of any proposed project by considering its cumulative impact with existing pollution. This is key to ensuring that communities aren't unfairly targeted for new pollution when they are already dealing with a legacy of pollution.

This bill rightly defines an environmental justice community broadly to recognize the reality of communities who are dealing with a legacy of pollution and the resulting health problems and helps to avoid creating new legacies in communities who may have changing demographics.

The bill begins to provide impacted EJ communities a genuine say in how decisions are made to allow pollution. This is an incredibly important step to helping communities recover and thrive.

The political and regulatory process in Minnesota is currently and inappropriately controlled by interests that sacrifice certain communities for corporate profits or a very short-term idea of the public good. We must stop dumping on communities that are overburdened and this bill is an important step to help protect the most vulnerable among us. Please support HF168.

Thank you.

A handwritten signature in black ink that reads "Deanna White".

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