

**STATE OF MINNESOTA**  
**Minnesota Pollution Control Agency**

**In the Matter of:**

**ADMINISTRATIVE ORDER**

**Water Gremlin Company**

This Administrative Order (Order) is issued by the Minnesota Pollution Control Agency (MPCA) to Water Gremlin Company (Water Gremlin) pursuant to Minn. Stat. § 115.03, subd. 1(e) and Minn. Stat. § 116.07, subd. 9.

***BACKGROUND***

1. Water Gremlin is a domestic corporation and operates a lead metal fabrication facility located at 4400 Otter Lake Road, White Bear Township, Ramsey County, Minnesota (Facility).
2. Water Gremlin is a Large Quantity Generator of Hazardous Waste and has been issued a hazardous waste generator license by Ramsey County Public Health, Environmental Health Division. The largest sources of hazardous waste at the Facility are lead-contaminated wastes generated from lead die-casting and coating operations. Lead-contaminated used oil is another source of waste generated at the Facility from die-casting operations.
3. Minnesota Statutes § 116.07 authorizes the MPCA to adopt rules for hazardous waste management, and § 115.071 authorizes the MPCA to enforce chapter 116 and rules adopted under it. In addition, Minnesota Statutes § 473.811, subd. 5b, and 5c, require the metropolitan counties to adopt and enforce a Hazardous Waste Management Ordinance, which state law requires must not be in conflict or inconsistent with the standards set by the MPCA.
4. Water Gremlin is permitted under the Industrial Stormwater Multi-Sector General Permit under Sectors F-Primary Metals, AA-Fabricated Metal Products, and AC-Electronic and Electrical Equipment Components.
5. Historically, the Facility also generated trichloroethylene (TCE)-contaminated hazardous wastes from coating operations. However, per an executed Stipulation Agreement with the MPCA on March 1, 2019 (Agreement), Water Gremlin agreed to cease the use of TCE in its coating operations.
6. The Agreement, among other things, resolved known violations relating to Water Gremlin's release of TCE based solvents into the environment as part of its coating operations at the Facility, and required Water Gremlin to conduct a Remedial Investigation (RI) to assess the soil, groundwater, surface water, sediment, soil vapor and private drinking wells for contamination caused by Water Gremlin.
7. On June 20, 2019, Water Gremlin received sample results from the RI which show that Water Gremlin released trans-1,2-dichloroethylene (tDCE) into the soil. On July 30, 2019, Water Gremlin submitted the sample results to the MPCA.

8. On August 22, 2019, the MPCA issued an Administrative Order (AO) to Water Gremlin to immediately cease all solvent-based coating operations until corrective measures to prevent additional tDCE emissions below the Facility were approved by the MPCA, completed, and determined to be effective.

### ***FINDINGS OF FACT AND CONCLUSIONS***

1. On September 4, 2019, MPCA staff conducted an inspection at the Facility related to the AO and observed red-tinted solids underneath a coater. MPCA later learned that this coater was being retrofitted to conduct water-based coating operations. The front panel had been removed as part of that retrofit.
2. According to Water Gremlin, the red-tinted solids on the floor underneath the coater that was observed on the September 4, 2019 inspection were the result of the accumulation of spills of TCE- and tDCE-contaminated hazardous waste over approximately 15 ½ years, which is the last time the floor under the coater was painted. Water Gremlin reported the release to the Duty Officer on September 5, 2019 (DO Report).
3. In response to the DO Report, Ramsey County staff, assisted by MPCA staff, inspected the Facility on September 6, 2019 and September 12, 2019. Ramsey County's inspection addressed potential issues that Ramsey County identified during the inspection, including: posting a current Hazardous Waste License in a public area at the Facility, evaluating TCE-contaminated waste and other wastes generated from coating operations and any waste generated from remedial actions, ensuring hazardous waste containers are kept closed and labeled, ensuring employee training covers spill response and cleaning up used oil spills on the floor and in the leak catchment pans.
4. On September 9, 2019, Water Gremlin submitted a report to the MPCA that outlined the amount of waste that had accumulated under 10 coaters that used TCE and tDCE for coating lead parts. Water Gremlin reported that approximately 332 lbs. of hazardous waste had spilled onto the floor underneath the 10 coaters over the past approximately 15 ½ years. Approximately 300 of those lbs. were also contaminated with TCE.
5. On September 26, 2019, MPCA staff inspected the Facility for compliance with Industrial Stormwater permitting. During its inspection, the MPCA identified several issues, including: oil staining on the concrete below the electrostatic precipitators (ESPs), an erosion channel resulting from lack of erosion prevention and sediment control, incomplete monthly inspection logs, incomplete identification of dust or particulate-generating processes and assessment and inventory of potential sources of pollutants in the Stormwater Pollution Prevention Plan.
6. For years, however, Water Gremlin had certified that it was not exposing pollutants from industrial materials or industrial activities to stormwater. Because Water Gremlin certified that it was a "No-Exposure" facility from 2010 through April 22, 2019, Water Gremlin failed to obtain a required permit, failed to properly monitor its stormwater ponds, and failed to submit annual reports to the MPCA. Minn. R. 7090.3060. MPCA staff determined Water Gremlin did not meet the Industrial Stormwater No Exposure requirements and violated the law in certifying the facility as No Exposure in 2010 and 2015.

7. On September 30, 2019, MPCA staff, assisted by Ramsey County staff, inspected the Facility and identified additional hazardous waste issues, including: leaks and releases of lead-contaminated hazardous waste and used-oil waste to the floor and leak catchment pans throughout the Facility, general facility maintenance and operational issues, an active used oil release to the pavement outside from the ESPs, open and unlabeled hazardous waste containers, and missing information from the Facility's Contingency Plan.
8. On October 11, 2019, MPCA staff issued an Alleged Violations Letter (AVL) to Water Gremlin identifying alleged violations discovered during the September 4, 26, and 30 inspections and requesting Water Gremlin to take corrective actions.
9. The AVL also contained requests for additional information (RFI) including: floor management plans, information about the Facility's generation of hazardous wastes being managed as feedstocks, correspondence with regulatory agencies regarding hazardous waste compaction and aqueous evaporation treatments occurring at the Facility, waste evaluations for wastewaters generated at the facility, and information regarding contacts with local authorities including the fire department, police department and hospitals.
10. On October 18, 2019, the MPCA received a response to the AVL/RFI from Water Gremlin. The response outlined some immediate, temporary actions being undertaken at the Facility to address the alleged violations and indicated a second response to address the requested corrective actions would be sent to the MPCA by October 31, 2019.

**Water Gremlin failed to maintain and operate its Facility in compliance with Minnesota law.**

11. Minnesota law requires that facilities "must be maintained and operated to minimize the possibility of a fire, explosion, or any unplanned sudden or nonsudden release to air, land, or water of hazardous waste or hazardous waste constituents which could threaten human health or the environment." Minn. R. 7045.0292, Subpart 1, Item G; Minn. R. 7045.0566, subp. 2; *see also*, Minn. Stat. §115E.02 (requiring owners of a facility that transports, stores, or handles hazardous substances or oil to take reasonable steps to prevent discharge of hazardous substances to the land, waters, or air).
12. Generators of hazardous waste must clean up and recover hazardous waste that spills, leaks, or otherwise escapes from a container, tank, or other containment system, as rapidly and thoroughly as possible, and must immediately take other action as may be reasonably possible to protect human life and health and minimize or abate pollution of water, air, or land resources of the state. Minn. R. 7045.0275, subp. 3.
13. Hazardous waste contaminated with trichloroethylene (TCE) and lead was observed on the floor and in leak catchment pans in the coating and chemical rooms at the Facility. Hazardous waste lead and lead-contaminated waste was observed on the floors, leak catchment pans, equipment and walls in the die-casting, coining, gravity casting, billet casting, chemical and extrusion machine rooms at the Facility.

14. The hazardous waste was not rapidly and thoroughly recovered and had the potential to release to the land and water and threaten the human health and environment. Employees were freely allowed to walk from inside to outside of the Facility potentially tracking hazardous waste lead and lead-contaminated wastes outside. Garage doors at the Facility were left open during operations near hazardous waste lead and lead-contaminated materials, allowing for hazardous waste to migrate out of the Facility.
15. Cracks were visible in the concrete floor throughout the Facility. Floor cracks provide a pathway for hazardous waste TCE-contaminated materials, lead, and lead-contaminated materials to release to the environment and threaten human health.
16. Water Gremlin failed to maintain and operate its Facility to minimize the possibility of an unplanned sudden or nonsudden release of hazardous waste to the air, land or water which could threaten human health or the environment.
17. Water Gremlin did not take reasonable steps such as rapidly and thoroughly recovering leaks of hazardous waste TCE and lead-contaminated wastes and used oil and used-oil contaminated wastes and having plans in place that address employee movement from inside to outside the Facility, open garage doors near spills of hazardous waste and floor integrity were not taken.

**Water Gremlin failed to stop releases of used oil to the environment.**

18. Minnesota rules require that, “upon a detection of a release of used oil to the environment...a generator must stop the release, contain the released used oil, clean up and manage properly the released used oil and other materials contaminated with used oil, and repair or replace any leaking used oil storage equipment prior to returning it to service to prevent future releases.” Minn. R. 7045.0855, Subp. 2, Item D.
19. Releases of lead-contaminated used oil were observed outside of the Facility dripping onto pavement from electrostatic precipitators (ESP) used to capture emissions from die casting operations inside the Facility. The releases were occurring from the vents of the ESPs due to the condensing of emissions from the ESPs onto the vents and then dripping to the ground. The releases were exposed to stormwater runoff and a direct pathway into a stormwater pond and wetland at the Facility.
20. Water Gremlin failed to stop releases of used oil to the environment.
21. Water Gremlin failed to adequately repair or replace the ESPs to stop the dripping oil. Water Gremlin also failed to contain the oil which dripped freely onto the ground and into the environment.

**Water Gremlin failed to use proper procedures for containing used oil, waste containing used oil, and other hazardous waste.**

22. Used oil generators must store used oil in containers in accordance with Minn. R. 7045.0855, including storing used oil in closed containers marked with the words “Used Oil.” Minn. R. 7045.0855, subp. 2, Item C. Waste contaminated with used oil, such as towels, granular absorbents, and absorbent mats, must be managed in accordance with Minn. R. 7045.0805.

23. Leaks of used oil were observed being stored on the ground and in open and unmarked leak catchment pans throughout the die-casting and extrusion machine rooms at the Facility. An unlabeled container used to store used oil vacuumed from leak catchment pans was left open in the die-casting room.
24. Waste contaminated with used oil, including towels, granular absorbents, absorbent mats and other absorbent waste contaminated with used oil were lying on the ground throughout the die-casting and extrusion machine rooms at the Facility.
25. Containers that store waste contaminated with used oil were observed to have holes punctured in the bottom of the containers, by design, to allow for the drainage of used oil out of the container and on to the floor in the cold form area of the Facility.
26. Water Gremlin failed to store used oil and waste contaminated with used oil, in containers or tanks that are in good condition and not leaking, are closed, and are marked with the words, "Used Oil."
27. Minnesota Rules require that satellite containers used to store hazardous waste must: "have lids, caps, hinges, or other closure devices of sufficient strength and construction so that when closed they will withstand dropping, overturning, or other shock without impairment of the container's ability to fully contain the hazardous waste." Minn. R. 7045.0292, Subp. 8, Item B, Sub item (1); Minn R. 7045.0626, Subp. 2, Item B. Each container must be clearly labeled with the words "Hazardous Waste" and a description that clearly identifies its contents to employees and emergency personnel. Minn. R. 7045.0292, Subp. 8, Item B., Sub item (2).
28. Satellite mop buckets storing hazardous wastewater in the die casting rooms at the Facility and a satellite container storing hazardous waste kerosene in the coining room at the Facility were observed without lids, caps, hinges, or other closure devices, and without a clear label with the words "Hazardous Waste" and a description of its contents.
29. Water Gremlin failed to store hazardous waste in satellite containers that have lids, caps, hinges or other closure devices, and failed to label containers properly.

**Water Gremlin discharged waste and pollutants that polluted underground water.**

30. Minnesota Rules require that, "No sewage, industrial waste, other waste, or other pollutants shall be allowed to be discharged to the unsaturated zone or deposited in such place, manner, or quantity that the effluent or residue therefrom, upon reaching the water table, may actually or potentially preclude or limit the use of the underground waters as a potable water supply, nor shall any such discharge or deposit be allowed which may pollute the underground waters." Minn. R. 7060.0600, subp. 2.
31. On October 15, 2019, both Water Gremlin and the MPCA received analytical results from soil and groundwater samples collected from beneath the coating room at the Facility. These results showed detections of TCE, tDCE, and lead in the soil and groundwater below the building at the Facility.
32. In groundwater samples collected from around the outside of the building at the Facility in June and August, 2019, tDCE values ranged from non-detect to 3.01 micrograms per liter (ug/L). In the same samples, TCE values ranged from non-detect to 23.9 ug/L.

33. In samples collected from beneath the coating room at the Facility in October 2019, tDCE values ranged from non-detect to 51.9 ug/L. In the same samples, TCE values ranged from 2.6 ug/L to 79.2 ug/L.
34. Samples collected in 2019 are indicative of a recent liquid spill of TCE and tDCE.
35. In 2004, Water Gremlin collected final groundwater samples and completed a remedial investigation in MPCA's Voluntary Investigative Cleanup program. TCE and tDCE concentrations in all samples were below 2 ug/L.
36. Therefore, since the concentrations detected in groundwater in 2004 are lower than the concentrations detected in 2019, a recent liquid release of TCE and/or tDCE occurred.
37. In addition, 330 pounds of TCE and tDCE and lead contaminated hazardous wastes were spilled on the floor, and the MPCA observed lead contaminated wastes dripping from the ESPs outside the facility.
38. Possible pathways include transport through concrete floor and cracks in the floor inside the Facility, ESPs dripping outside at the Facility, and from leaks on the floors inside the Facility being tracked outside the Facility via foot and equipment.
39. Water Gremlin discharged waste and pollutants to the unsaturated zone that polluted the underground waters.

**Water Gremlin failed to make necessary arrangements with law enforcement and emergency personnel regarding the handling of hazardous waste.**

40. Large quantity generators of hazardous waste must attempt to make emergency arrangements with police departments, fire departments, emergency response teams, state emergency response teams, emergency response contractors, equipment suppliers and hospitals as appropriate for the type of waste handled at the facility and the potential need for services. Minn. R. 7045.0292, Subpart 1, Item G.; Minn. R. 7045.0568, Subpart 1.
41. Water Gremlin failed to make emergency arrangements with police departments, fire departments, emergency response teams, state emergency response teams, emergency response contractors, equipment suppliers and hospitals as appropriate for the type of waste handled at its Facility and the potential need for services.

**Water Gremlin failed to demonstrate its hazardous waste qualifies as a feedstock and is exempt from hazardous waste management rules.**

42. Minnesota Rules allow that, if hazardous wastes are shown to be recycled in accordance with Minn. R. 7045.0125, subp. 5, A., then that hazardous waste may be considered a "feedstock" and is exempt from certain hazardous waste rules, including accumulation and storage and manifesting requirements. Minn. R. 7045.0125, subp. 5.
43. Hazardous wastes streams generated at the Facility, (Bead Blast Media, Floor Sweepings, Rags/Glove/Mat Scrap, Lead, MW/Hose/Duct/Misc and Plastic Scrap), are being managed as if the feedstock exemption applies. However, the MPCA was not shown that the use of these hazardous

wastes satisfies the requirements for the feedstock exemption.

44. Therefore, Bead Blast Media, Floor Sweepings, Rags/Glove/Mat Scrap, Lead, MW/Hose/Duct/Misc and Plastic Scrap hazardous waste streams are hazardous wastes that must be managed pursuant to Minnesota Rules 7045.0205 to 7045.0990 and 7045.1390.
45. Water Gremlin failed to prepare a manifest for the transportation of the Bead Blast Media, Floor Sweepings, Rags/Glove/Mat Scrap, Lead, MW/Hose/Duct/Misc and Plastic Scrap hazardous waste streams.
46. Water Gremlin failed to store its Floor Sweepings and Rags/Glove/Mat Scrap hazardous waste streams in containers that have lids, caps, hinges, or other closure devices of sufficient strength and construction so that when closed they will withstand dropping, overturning, or other shock without impairment of the container's ability to fully contain the hazardous waste. Containers of Floor Sweepings and Rags/Glove/Mat Scrap were observed in the coining room and die-casting rooms of the Facility without lids, caps, hinges, or other closure devices of sufficient strength and construction so that when closed they will withstand dropping, overturning, or other shock without impairment of the container's ability to fully contain the hazardous waste.
47. Water Gremlin failed to label its Floor Sweepings and Rags/Glove/Mat Scrap hazardous waste stream containers with the words "Hazardous Waste." Containers of Floor Sweepings and Rags/Glove/Mat Scrap were observed in the coining room and die-casting rooms of the Facility without labels containing the words, "Hazardous Waste."

**Water Gremlin failed to obtain necessary permits,  
provide required documentation, and obtain necessary approvals from the MPCA**

48. Minnesota law prohibits any person from treating, storing, or disposing of hazardous waste without obtaining a hazardous waste facility permit. Minn. R. 7001.0520, Subpart 1, Item A; *see also* Minn Stat. § 116.081, Subdivision 1 and Minn. R. 7001.0030.
49. Minnesota Rules allow that a permit is not required for the treatment of hazardous wastes if the hazardous waste is treated in a closed container in accordance with part 7045.0292, or if the treatment involves evaporation of aqueous waste in an open container with prior approval from the Commissioner. Minn. R. 7045.0450, Subp. 3, Item K.
50. To qualify for the exemption allowing treatment as evaporation, the generator must submit to the commissioner the information required under part 7045.0539, subpart 2, items A to C, that is relevant to the treatment activity and must be notified by the commissioner that the treatment activity is approved. Minn. R. 7045.0450, Subp. 3, Item K.
51. Solid hazardous waste generated at the Facility is compacted in a waste compactor in the chemical room at the Facility, however, the compaction treatment is not being conducted according to the exception allowed in Minn. R. 7045.0450, subp. 3, Item K. The compaction in the waste compactor is not being conducted in a closed container, per Minn. R. 7045.0292, as evidenced by staining from leaks of hazardous waste observed on and in the compactor and around the floor in the area of the compactor.

52. Water Gremlin evaporates aqueous hazardous waste generated at the Facility in a boiler in the chemical room. Water Gremlin did not submit information to the MPCA to ensure the protection of human health and the environment is satisfied through the location, design, construction, operation, and maintenance of the boiler treatment unit.
53. Water Gremlin, therefore, failed to obtain a permit for the evaporation treatment of the aqueous hazardous waste generated at the Facility, and for compaction treatment of solid hazardous waste.

#### **Industrial Stormwater Permit and “No Exposure” Violations**

54. Minnesota Rules require that an NPDES/SDS industrial storm water permit is required for industrial activity. Minn. R. 7090.3010, Subpart 1. Item A.
55. Minnesota Industrial Stormwater Permit MNR0500 states that, “All stormwater control measures, including BMPs, shall be designed and implemented to eliminate or reduce contact or exposure of pollutants to stormwater or remove pollutants from stormwater prior to discharge from the facility.” MNR050000, Part III.
56. Water Gremlin failed to design and implement BMPs to reduce or eliminate contact or exposure of pollutants from the ESPs to Stormwater. Staining on the concrete below the ESPs was observed at the Facility and indicates spills of pollutants have occurred. No BMPs were observed in place to contain the spills.
57. Minnesota Industrial Stormwater Permit MNR0500 states that, “The Permittee shall identify areas at the facility that, due to topography, land disturbance (e.g. construction, grading, landscaping), or other factors, have potential for soil erosion. In those areas, the Permittee shall implement structural, vegetative, and/or stabilization BMPs to prevent or control on-site erosion and reduce sediment loads in stormwater discharges.” MNR050000, Part III. Item D.
58. Water Gremlin failed to identify areas at the facility that have potential for soil erosion, and failed to implement structural, vegetative, and/or stabilization BMPs to prevent or control on-site erosion and reduce sediment loads in stormwater discharges. It was observed at the Facility that there was an erosion channel formed along the length of the un-vegetated area immediately adjacent to the damaged, un-repaired, roof gutter which ended at the edge of a wetland area located on the east side of the main campus.
59. Minnesota Industrial Stormwater Permit MNR0500 states that, “All facility inspections shall include the following: An evaluation of all structural and non-structural BMPs to determine effectiveness and proper function.” MNR050000, Part III. Item F. Number 3. Sub Item b.
60. Water Gremlin failed to include an evaluation of all structural and non-structural BMPs on their monthly Industrial Stormwater inspection sheets to determine effectiveness and proper function during in its facility inspections.



61. Minnesota Industrial Stormwater Permit MNR0500 states that, "The facility SWPPP shall include an assessment and inventory/list of activities that can potentially be sources of pollutants to stormwater discharges associated with industrial activity. These activities include, but are not limited to: Dust or particulate-generating processes including dust collection devices and vents." MNR050000, Part IV. Item B. Number 4. Sub Item a. Number 9.
62. Water Gremlin failed to identify areas of dust or particulate-generating processes as part of an assessment and inventory/list of activities that can potentially be sources of pollutants to stormwater discharges associated with industrial activity in the facility SWPPP. Lead (Pb) dust or particulate-generating processes and rooftop contamination of Lead (Pb) were not listed in the Facility's SWPPP.
63. Minnesota Industrial Stormwater Permit MNR0500 states that, "The SWPPP shall include documentation of an assessment and inventory/list of materials handled or stored at the facility that can potentially be a source of pollutants to stormwater discharges associated with industrial activity. The assessment shall also include pollutant constituents (e.g. crankcase oil, zinc, sulfuric acid, cleaning solvents, etc) associated with each type of material identified below: Raw materials; intermediate products, by-products, final products, and waste products." MNR050000, Part IV. Item B. Number 4. Sub Item b.
64. Water Gremlin failed to identify Lead (Pb) in the assessment and inventory/list of materials handled or stored at the facility that can potentially be a source of pollutants to stormwater discharges associated with the industrial activities occurring at the site.
65. Water Gremlin applied for No Exposure Certification in 2010 and in 2015, however it was observed, via aerial photo review, that the Facility was not eligible for No Exposure Certification during those times because the Facility routinely, and consistently, had significant materials stored outdoors and exposed to stormwater from 2010 through 2019.
66. Water Gremlin did not apply for permit coverage until April 23, 2019 and therefore operated without the required NPDES/SDS industrial storm water permit from 2010 through April 22, 2019.

### **ORDER**

#### **NOW, THEREFORE, IT IS ORDERED:**

1. Immediately, Water Gremlin shall manage the six hazardous waste streams, Bead Blast Media, Floor Sweepings, Rags/Glove/Mat Scrap, Lead, MW/Hose/Duct/Misc and Plastic Scrap, identified as "feedstocks" by Water Gremlin, as fully-regulated hazardous wastes by:
  - i. Storing the waste in closed containers with lids, caps, hinges, or other closure devices of sufficient strength and construction so that when closed they will withstand dropping, overturning, or other shock without impairment of the container's ability to fully contain the hazardous waste.
  - ii. Labeling the containers with the words "Hazardous Waste" and a description that identifies the contents of the container.

iii. Preparing and using hazardous waste manifests for each shipment of hazardous waste to a permitted hazardous waste facility that is able to accept the waste .

iv. Submitting to Ramsey County an amended Hazardous Waste License application reporting the hazardous wastes as fully-regulated hazardous wastes.

v. Submitting to the MPCA photographs of the hazardous waste in closed and labeled containers, a copy of a hazardous waste manifest for each of the wastes being shipped to a permitted facility and a copy of the amended Ramsey County Hazardous Waste License.

This requirement shall continue until and if Water Gremlin provides sufficient written documentation that the hazardous wastes meet the feedstock recycling exemption per Minn. R. 7045.0125, subp. 5, A, and the MPCA approves the exemption in writing.

2. Immediately, Water Gremlin shall discontinue the use of the waste compactor in the chemical room for the compaction of hazardous waste. Submit to the MPCA a signed statement indicating the waste compactor will not be used for hazardous waste compaction.
3. Immediately, Water Gremlin shall discontinue the use of the boiler in the chemical room to treat hazardous wastewater via evaporation of the aqueous waste . This requirement shall continue until and if Water Gremlin provides sufficient documentation of the information required under part 7045.0539, subpart 2, items A to C, that is relevant to the treatment activity and the MPCA approves the treatment activity.
4. Immediately, Water Gremlin shall discontinue the practice of draining used oil from used oil-contaminated materials through punctured 55-gallon containers onto the floor in the cold form room and submit to the MPCA a signed statement indicating used oil is no longer drained onto the floor in the cold form room.
5. Within 24 hours, Water Gremlin shall clean up the releases and staining of used oil on the pavement around the ESPs outside of the Facility. Containerize the used oil in labeled and closed containers, and submit to the MPCA photographs documenting that the used oil and used oil staining has been cleaned up and containerized in closed and labeled containers.
6. Within 24 hours, Water Gremlin shall place temporary equipment, such as a spill containment pan, underneath each ESP outside to capture all used oil being released from the ESPs and submit to the MPCA photographs documenting the temporary capture equipment underneath the ESPs.
7. Within 24 hours, Water Gremlin shall, using persons trained and qualified in hazardous waste management operations, label the hazardous waste accumulation container in the chemical room at the Facility with a description that identifies the contents of the container and an accumulation start date. Submit to the MPCA a photograph documenting that the label on the container contains a description identifying the contents and an accumulation start date.
8. Within 24 hours, Water Gremlin shall, using persons trained and qualified in hazardous waste management operations, transfer the hazardous wastewater from all mop buckets into closed containers, labeled with the words "Hazardous Waste" and a description that identifies the contents of the containers. Submit to the MPCA photographs documenting that the contents of the mop buckets have been transferred to closed and labeled containers.

9. Within 24 hours, Water Gremlin shall, using persons trained and qualified in hazardous waste management operations, close and label the hazardous waste satellite container of kerosene in the coining room with the words "Hazardous Waste" and a description that identifies the contents of the container. Submit to the MPCA photographs documenting that the container has been closed and labeled.
10. Within 3 days, Water Gremlin shall, using persons trained and qualified in hazardous waste clean-up operations, recover all leaks and releases of TCE and lead-contaminated hazardous waste and used oil and used oil-contaminated material, including used oil-contaminated absorbents, in all areas accessible by the employees, from the floors, spill catchment pans, equipment and walls in the coating, die casting, coining, gravity casting, billet casting, chemical and extrusion machine rooms at the Facility. Submit to the MPCA pictures taken before and after clean up, of all areas where the materials listed above were recovered.
11. Upon completion of the requirement in paragraph 10 of the Order, Water Gremlin shall notify the MPCA that the cleanup has concluded, and shall commence conducting floor cleanings in all areas accessible by the employees, from the floors and spill catchment pans, every 8 hours the Facility is operating, until a Floor Management Plan has been approved by the MPCA, and submit to the MPCA a signed statement indicating that floor cleanings will occur every 8 hours of Facility operation.
12. Within 7 days, Water Gremlin shall contact police, fire departments, emergency response teams and hospitals to coordinate emergency services to be performed at the Facility in the event of an emergency and submit to the MPCA documentation of attempts made to contact the authorities.
13. Within 30 days, Water Gremlin shall describe the arrangements made with the police, fire departments, emergency response teams and hospitals to coordinate emergency services to be performed at the Facility in the event of an emergency in the Facility's Contingency Plan and submit to the MPCA a copy of the updated Contingency Plan.
14. Within 30 days, Water Gremlin shall, using persons trained and qualified in hazardous waste clean-up operations, recover all leaks and releases of TCE and lead-contaminated hazardous waste and used oil and used oil-contaminated material, including used oil-contaminated absorbents, from underneath the die-casting equipment. Containerize the hazardous waste, used oil and used oil-contaminated material in labeled and closed containers and submit to the MPCA photographs documenting that all hazardous waste, used oil and used oil-contaminated material leaks and releases have been recovered and placed into closed and labeled containers.
15. Within 30 days, Water Gremlin shall, using persons trained and qualified in hazardous waste clean-up operations, develop and submit to the MPCA for review and approval, facility management plans, that demonstrate how future leaks and releases of lead-contaminated hazardous wastes, used oil and used oil-contaminated wastes inside the Facility will be rapidly and thoroughly recovered and how employee foot traffic and equipment movement from inside to outside the building, garage doors and the floor inside the Facility will be maintained and operated to minimize releases of hazardous waste or hazardous waste constituents to air, land, or water which could threaten human health or the environment. At a minimum the facility management plans must include:
  - a. A floor management plan that follows the guidance and templates outlined in the following MPCA factsheets and templates:

- i. <https://www.pca.state.mn.us/sites/default/files/w-hw3-46a.pdf>
- ii. <https://www.pca.state.mn.us/sites/default/files/w-hw3-46b.doc>
- iii. <https://www.pca.state.mn.us/sites/default/files/w-hw3-46c.doc>

At a minimum, the floor management plan must address:

- i. The need for floor coatings and sealants to prevent lead and used oil from penetrating through the floor, including underneath die-casting equipment;
  - ii. A floor cleaning schedule, not to exceed every 24 hours, in all floor areas accessible by the employees, and from areas where employees could become potentially contaminated from the leaks and releases from the floors, spill catchment pans, equipment and walls;
  - iii. A floor cleaning schedule, not to exceed every 12 months, for floors underneath the die-casting equipment;
  - iv. A protocol that addresses how hazardous wastewater generated during the cleaning of floors will immediately be containerized in closed and labeled containers after generation; and
  - v. A protocol that addresses the proper capturing, containerizing and labeling of the used oil in the cold form room that is currently being drained to the floor through punctured holes in 55-gallon containers.
- b. An employee management plan that addresses prevention measures employees will undertake to not track leaks and releases of lead-contaminated hazardous wastes, used oil and used oil-contaminated wastes from inside the Facility to outside the Facility via foot and equipment. At a minimum the employee management plan must address:
- i. a protocol on the use of shoe coverings inside production areas at the Facility and decontamination areas prior to exiting the production areas into office areas, break rooms and the outdoors; and
  - ii. a protocol on equipment movement, i.e. forklifts, dollies etc., from inside production areas at the Facility to the office areas, break rooms and the outdoors and decontamination areas prior to exiting the production area.
- c. An open door management plan that addresses prevention measures that the Regulated Party will take to ensure leaks and releases of lead-contaminated hazardous wastes, used oil and used oil-contaminated wastes will not exit through open doors, including garage doors, at the Facility.
16. Within 30 days, Water Gremlin shall conduct and submit to the MPCA a root cause analysis for the releases of used oil from the ESPs outside of the Facility and the steps taken to repair or replace any leaking used oil storage equipment or install a permanent system that captures the releases and submit to the MPCA photographs documenting the permanent capture system.

17. Obtain the required Industrial Stormwater General Permit coverage for industrial activities conducted at the facility.

**...This Corrective Action has been completed**

18. Implement BMPs that will effectively reduce or eliminate contact of stormwater with potential significant materials associated with the Smog Hog devices. Submit documentation to MPCA indicating the type(s) of BMP(s) utilized, including but not limited to photographs and a detailed BMP description.

**...This Corrective Action has been completed**

19. Repair/replace downspout mechanism on the southeast inner corner of the main campus building and stabilize the adjacent area where the erosion channel has formed. Submit documentation to MPCA indicating the form of stabilization used, type(s) of BMP(s) utilized, including but not limited to photographs and a detailed BMP description.

**...This Corrective Action has been completed**

20. Update monthly inspection logs, or develop new ones, to include an evaluation of all structural and non-structural BMPs during inspections, and submit a copy to the MPCA.

**...This Corrective Action has been completed**

21. Update the facility SWPPP to include Lead (Pb) in the assessment and inventory/list of materials handled or stored at the facility that can potentially be a source of pollutants to stormwater discharges associated with industrial activity.

**...This Corrective Action has been completed**

22. Submit a termination form for the No Exposure Certification for the Main Campus and the No Exposure Certification for the South Campus.

**...This Corrective Action has been completed**

23. Submit an Industrial Stormwater Change Form to include the following:

- a. Combine the South Campus and Main Campus under the Main Campus Industrial Stormwater General Permit;
- b. Update facility acreage to include South Campus,
- c. Add the following secondary SIC codes to the Main Campus General Permit,
  - i. 3694-Electrical Equipment for Internal Combustion Engines
  - ii. 3479-Coating, Engraving, and Allied Services, Not Elsewhere Classified
- d. Add additional monitoring location(s) for the South Campus transition from no exposure to permit coverage.

**...This Corrective Action has been completed**

**RESERVATION OF AUTHORITY**

Nothing in this Order shall prevent the MPCA from taking action to enforce the requirements of this Order, or from requiring additional action by Water Gremlin if necessary to ensure compliance with MPCA rules and statutes. In addition, the issuance of this Order is not an exclusive action or remedy by the MPCA, and it does not limit in any way the MPCA's authority to bring an enforcement action against or to seek and collect penalties from Water Gremlin. This Order is issued to require immediate action to correct violations, and it does not limit or preclude any other action, including the issuance of further orders, pursuit of injunctive or other relief, or commencement of enforcement actions and collection of penalties.

This Order is effective upon the date that it is signed by the MPCA Commissioner or designee.

**IT IS SO ORDERED.**

**STATE OF MINNESOTA  
POLLUTION CONTROL AGENCY**



Laura Bishop  
Commissioner  
Minnesota Pollution Control Agency

November 5, 2019

*Date signed (Month day, year)*