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July 28, 2026

Cameron Berthiaume
Minnesota Pollution Control Agency
7678 College Rd, Ste 105
Baxter, MN 56425

RE: Minnesota Pollution Control Agency draft NPDES/SDS permit for the Cimarron Park Wastewater Treatment Plant (MN0050636)

Dear Cameron Berthiaume,

Thank you for the opportunity to review and submit comments regarding the draft wastewater permit for the Cimarron Park Wastewater Treatment Plant in the City of Lake Elmo. The draft permit was reviewed by multiple departments including Public Works, Emergency Management, and Public Health and Environment.

Washington County does not support the reissuance of this permit in its current form. The County's interest is direct and operational: reissuing the permit in its current state is a threat to public health, safety and the environment. The County and other public agencies have repeatedly borne the cost and risk of protecting this privately owned facility from surface-water inundation, and the County is responsible for the public infrastructure, emergency response, and downstream resources affected when the treatment plant is stressed. The County has significant concerns about reissuing a permit that allows continued operation of the treatment plant in its current configuration and location without an enforceable path toward a permanent solution.

In the event a permit is reissued, the County requests that the state establish an enforceable schedule and outcome standard for connection to municipal/regional sanitary sewer and water service. Public sewer and water service is available now or will be within the term of this permit. Given that availability, and the facility's documented history of flooding, emergency response, and unreliable performance, this permit should direct the facility toward that connection rather than reissuing a five-year permit that locks in the status quo. The permit should commit the permittee to a defined timeline and performance milestones for connecting Cimarron Park to public service, consistent with Minn. R. 6120.5900, subp. 4.B.(3), which directs that public or municipal collection and treatment facilities be used where available and feasible. With service available within this permit cycle, continued reliance on an isolated, flood-exposed private system is neither necessary nor justifiable.

We also urge Cimarron Park management to work collaboratively with the MPCA, City of Lake Elmo and Metropolitan Council to preserve housing affordability for the residents within the park.

Enclosed please find additional comments compiled from county departments in response to the draft permit. Please contact Adriana Atcheson at 651-430-6716 or via email at adriana.atcheson@washingtoncountymn.gov if you have questions regarding the comments.

Sincerely,



Karla Bigham

Washington County Commissioner, Chair

CC: Washington County Board of Commissioners
Kevin Corbid, County Administrator
David Brummel, Director, Department of Public Health & Environment
Wayne Sandberg, Director, Department of Public Works
Douglas Bergland, Emergency Services Manager, Sheriff's Office

Public Works

Requested actions:

Complete the deferred analyses before issuance.

The draft permit defers the Emergency Flood Plan (Sections 5.19.44–5.19.45) and the Rapid Infiltration Basin (RIB) Dosing Plan (Sections 5.19.42–5.19.43) until 180 days after reissuance. The Emergency Flood Plan's own contingency framework (Section 5.19.45) anticipates the very scenario the County has repeatedly lived through: it directs the permittee to assess whether the RIBs can accept flow as a flood-mitigation action and to identify "appropriate action steps" when the ground around the RIBs is saturated or discharge is otherwise prevented. In practice, the "action step" to date has been County intervention — emergency pumping of Rose Lake at public expense to keep the facility from being inundated. A plan that effectively defaults to public rescue, which is not due until after the permit is reissued, is not an adequate basis for a five-year authorization. Given the documented flood history and known RIB performance problems, these analyses are needed to decide whether continued operation is defensible at all. They should be completed, reviewed, and used to set permit conditions prior to issuance.

Add an automatic-connection trigger.

If the permittee fails to meet any connection milestone, performance standard, or flood-protection condition, the permit should require connection to public sewer and water as the default remedy, not further reactive measures at public expense.

Reasons supporting these requests:

- **Public funds are subsidizing a private facility's sitting risk.** The facility's lower seepage pond berm sits roughly 2.5 feet below the outlet elevation of Rose Lake, leaving the system exposed to inundation from adjacent surface water. The result has been repeated emergency pumping of Rose Lake — documented in 1980, 1983, 2020, and 2024 — to keep surface water from overtopping and flooding the ponds. Each event shifts cost and liability onto public agencies and taxpayers to protect a privately owned, investor-operated utility. This is not a sustainable or equitable arrangement, and a five-year reissuance without a connection path effectively ratifies it for another permit cycle.
- **The RIBs are unreliable.** The infiltration basins are frequently saturated during high-water periods when the facility most needs functioning land-disposal capacity. A system that cannot reliably dispose of effluent when surface water is high is not a sound long-term basis for serving roughly 500 households.

- **Downstream public resources are at risk.** Emergency measures to protect this facility transfer flood risk and water-quality impacts downstream toward Horseshoe Lake and Lake St. Croix — both significant regional resources within the Lower St. Croix watershed that the County and its partners are obligated to protect.
- **The residents bear the consequences.** Cimarron Park is a manufactured home community whose residents have limited ability to relocate if the facility fails. A loss of sewer and water service would fall hardest on households least able to absorb it — and when a private system fails a community like this, the residents predictably fall back on public agencies for emergency shelter, relocation assistance, and basic services. In other words, the failure of this privately owned wastewater treatment plant would shift responsibility for several hundred displaced households onto the County and other public entities. That shift of risk and cost from a private operator to the public is precisely what concerns us. Connection to public service is the most durable way to protect these residents and the environment while removing that contingent liability from the public, and it can and should be implemented in a way that preserves housing affordability.
- **Ownership incentives are not aligned with long-term stewardship.** The documented pattern — repeated reliance on public emergency response, deferred analyses, and persistent RIB performance problems — indicates that the long-term capital investment needed to make this site safe is unlikely to be undertaken voluntarily. An enforceable connection schedule, paired with a clear default remedy, is the mechanism most likely to produce a permanent fix rather than another cycle of public bailouts.

Sheriff's Office – Emergency Management

Washington County Emergency Management evaluates this permit from the perspective of public safety, emergency preparedness, and community resilience. Based on our experience responding to repeated flood threats affecting this wastewater treatment plant, we do not support the reissuance of the permit in its current form.

- On multiple occasions, Emergency Management has been required to coordinate county resources to address imminent flooding threats to the treatment plant, its holding ponds, and the surrounding lakes. In one instance, notification of the potential failure was received only one day before forecasted flood conditions. This limited warning places residents at unnecessary risk and requires the commitment of significant public resources to protect privately owned infrastructure.
- The consequences of a flood or prolonged failure of this wastewater treatment plant extends far beyond the facility itself. An operational failure would likely require the evacuation and temporary relocation of approximately 500 families residing in the Cimarron Park community.
- During the 2019 flooding threat, when the facility was reportedly within approximately one inch of overtopping, Emergency Management consulted with the American Red Cross regarding

sheltering and supporting an evacuation of this magnitude. The response was that such an event would be considered catastrophic and would likely exceed available staffing and volunteer resources due to concurrent demands elsewhere. This underscores the limited capacity to respond should the treatment system fail.

- The existing treatment system is approximately 50 years old and has repeatedly demonstrated its vulnerability during periods of heavy rainfall. Continued reliance on emergency response agencies to protect the wastewater treatment plant and residents during foreseeable flooding events is not a sustainable or appropriate long-term strategy.
- With a new municipal/regional public sanitary sewer system currently being constructed in close proximity to the facility, there is now a viable and significantly more reliable alternative. Connecting the development to the municipal/regional public sewer system would eliminate a known single point of failure, substantially reduce public safety risks, and remove the recurring need for emergency intervention by county resources.

Washington County Emergency Management recommends that the permit not be reissued in its current form. Instead, any future permit approval should require connection to the municipal/regional public sanitary sewer system as a condition of continued wastewater service. This action represents the most effective long-term solution to protect public health, public safety, environmental resources, and the residents of the Cimarron Park community.

Public Health and Environment:

Washington County Department of Public Health and Environment (PHE) licenses the Cimarron Park mobile home park under Minnesota Rules Chapter 4630, and County Ordinance 182.

Minnesota Rule 4630.0800 §Subpart 1 states that *All sewage and other water carried wastes shall be discharged into a municipal sewage system which is being operated under a permit issued by the Minnesota Pollution Control Agency whenever such a system is available.* Furthermore, Minnesota Rules 327.20 indicate the following: *All sewage and other water carried wastes shall be discharged into a municipal sewage system whenever available. When a municipal sewage system is not available, a sewage disposal system acceptable to the state commissioner of health shall be provided.*

As previously noted in comments above, with a new municipal/regional public sanitary sewer system currently being constructed in close proximity to the facility, there is now a viable and significantly more reliable alternative. We urge the MPCA to deny the permit in its current form and work with the Cimarron Park management and the City of Lake Elmo to identify funding and support for long term connection to the municipal/regional public sewer.

Larger infrastructure considerations

In addition, the county is aware that Cimarron Park is working with the MPCA and Department of Natural Resources (DNR), as co-trustees of the 3M Settlement, along with the City of Lake Elmo, to identify long term solutions to the PFAS contamination in Cimarron Park's water supply. Given that the park management is exploring water supply connection, we urge the MPCA to consider bigger picture infrastructure needs related to the park and leverage future improvements to the water supply along with connection to the municipal/regional public sewer.

Groundwater quality

Washington County's Groundwater Plan contains strategy 1.F to prevent pollution by minimizing wastewater impacts on groundwater quality. No additional environmental contamination at any level should occur from the re-permitting of operations on this property. As identified below, Cimarron Park is located within an area where groundwater is vulnerable to contamination. As such, proper precautions should be taken.

- Located within a Drinking Water Supply Management which is assessed as having a high vulnerability to contamination.
- Located within an area of known Per- and polyfluoroalkyl substances (PFAS) groundwater contamination.

Emergency Flood Plan (Section 5.19.44)

Analysis of contaminant transport, including PFAS, under flood and high groundwater conditions, should be included in the emergency flood plan.

History of non-compliance

As demonstrated by records of past sampling, operations and performance requirements, this plant has a history of non-compliance with the prescribed and required treatment standards outlined in past permits. Specifically, and most recently, from April 2022 through April 2025 based upon the information available to the MPCA, MPCA compliance staff have determined the Cimarron Park wastewater treatment plant experienced permit violations during the review period. The violations consisted of permit limit exceedances and missed permit sampling requirements. This information was provided to Washington County from the MPCA and is of major concern.