



July 13, 2026

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

**Re: Comments on Draft NPDES/SDS Permit MN0050636, Cimarron Wastewater Treatment Plant,
Lake Elmo, MN**

Dear Cameron Berthiaume:

The Valley Branch Watershed District (VBWD) appreciates the opportunity to comment on the draft permit for the Cimarron Park Wastewater Treatment Plant. The facility serves approximately 500 households; if the plant were to flood, the Cimarron Park community would lose sewer service and the ability to use water.

VBWD has a direct interest in this permit due to the facility's location below the 100-year flood level of Rose Lake and its potential impacts on VBWD waters.

Connection to Regional Sanitary Sewer System

Given the facility's long history of flooding risk, operational failures, and documented downstream impacts, VBWD strongly recommends that the Minnesota Pollution Control Agency (MPCA) not reissue a permit allowing the continued operation of this poorly sited and inherently high-risk facility. Instead, the MPCA should require connection to the Metropolitan Council's regional sanitary sewer system.

Minnesota floodplain management rules require local sanitary regulations to ensure that "public or municipal collection and treatment facilities are used where available and where feasible" (Minn. R. 6120.5900, subp. 4.B.(3)). The Metropolitan Council's regional system is available, and connection is feasible. Continued reliance on an isolated wastewater treatment facility in a FEMA-mapped floodplain where repeated flooding and emergency operations have occurred is inconsistent with these requirements. The MPCA, City of Lake Elmo, and Minnesota Department of Natural Resources should therefore require connection to the regional system.

The Metropolitan Council should work collaboratively with the City of Lake Elmo and the Cimarron Park community to implement this connection in a manner that preserves housing affordability.

At a minimum, the permit should include enforceable requirements and a defined schedule for connection to the regional system. If the permittee fails to meet any required deadline or performance standard, the MPCA should require immediate connection to the regional sanitary sewer system.

Site History and Ongoing Concern

The Cimarron Park wastewater treatment plant is located within a FEMA-mapped floodplain. It has been problematic since its construction and continues to pose significant risks to the surrounding watershed and downstream waterbodies. The top of the berm surrounding the plant's lower seepage pond is approximately 2.5 feet below the outlet of Rose Lake. This has resulted in repeated emergency pumping events (1980, 1983, 2020, and 2024) to prevent overtopping and flooding of the seepage ponds. These reactive measures have shifted flood risk and water quality impacts downstream to Horseshoe Lake and Lake St. Croix—both vital regional resources. The seepage ponds' proximity to Rose Lake also presents an ongoing risk of seepage through the berm into the lake.

Need for Analyses Prior to Permit Issuance

The draft permit relies on analyses (e.g., Emergency Flood Plan, groundwater evaluations, and rapid infiltration basin [RIB] performance assessments) that are deferred until after permit issuance. Given the known and ongoing risks at this site, deferring these analyses is not appropriate.

If the MPCA proceeds with permit issuance, these analyses should be completed, reviewed, and used to establish permit conditions. The permit should not be issued without a clear and demonstrated understanding of flood risk, groundwater behavior, and system performance.

Emergency Flood Plan (Section 5.19.44)

If the MPCA elects to allow continued operation, the Emergency Flood Plan requirement should be substantially strengthened and supported by quantitative hydrologic and hydrogeologic analyses prior to permit issuance.

At a minimum, the analyses and resulting plan should include the following:

- Analysis of system discharge, including overflows and seepage to Rose Lake
- Evaluation of Rose Lake flood conditions and protection of the system, including:
 - 100-year and 500-year flood elevations
 - Overtopping risks and containment measures
 - Demonstration that treatment and containment are maintained under elevated lake levels
- Analysis of groundwater flow paths and mounding associated with the RIBs
- Analysis of contaminant transport, including PFAS and other constituents under flood and high groundwater conditions
- Defined operational thresholds tied to measurable conditions that trigger emergency actions

If emergency measures include pumping to downstream waterbodies, the analysis must quantify impacts to flood elevations, identify any required property acquisition, and address water quality mitigation.

Rapid Infiltration Basins (Section 5.22.109)

VBWD has received reports that the RIBs have not functioned properly, including soil saturation and impacts to adjacent agricultural operations. Although the system was reworked in 2021, it remains unclear whether these issues have been resolved.

The permit should require a completed and verified evaluation of RIB performance prior to issuance, including confirmation of whether groundwater mounding is occurring and whether adjacent properties are being affected.

VBWD emphasizes that the Cimarron Park wastewater treatment facility must not pose a flooding or water quality risk to downstream resources or community residents. Based on the above concerns, VBWD respectfully requests that the MPCA revise the permit accordingly prior to issuance.

Sincerely,



Edward H. Marchan
President

c: Judy Seeberger, Minnesota Senate
Wayne Johnson, Minnesota House
Katrina Kessler, Minnesota Pollution Control Agency
Dana Vanderbosch, Minnesota Pollution Control Agency
Donya Dawson, Minnesota Pollution Control Agency
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