

WOODS AT EAGLE LAKE SEWAGE TREATMENT SYSTEM

Framework for Sewage Treatment System and Ownership

The development plan for the Woods at Eagle Lake (WAEL) set forth that all homes would be connected to a shared Sewage Treatment System (STS), which is owned and operated by a private company. This is different from many developments where the Homeowners Association (HOA) owns the land and sewage treatment system, and contracts out the operation and maintenance.

The current ***Woods at Eagle Lake Amended and Restated Declaration***, recorded May 5, 2006, states in the Recitals:

“B. There is a common sewage treatment system which will provide sewage collection and treatment system and to which each Dwelling on each Lot within the Property must be connected.

C. Declarant intends on transferring the common Sewage Treatment System to a private company which will own, operate and maintain the system and charge monthly fees for its services.

D. Declarant will convey to the private company Outlots D, E, F and G, WOODS AT EAGLE LAKE, on which a portion of this Sewage Treatment System is located.

E. Declarant will grant the private company easement in, over, under, upon and across Outlots A, WOODS AT EAGLE LAKE and the other Common Elements for access to the Sewage Treatment System.”

Section 17 of ***The Woods at Eagle Lake Amended and Restated Declaration*** sets forth the particulars for the STS, including responsibilities, fee collection, and transfers. The ***Declaration*** can be found under the “Governance Documents” tab of this website.

OUTLOTS D, E, F, AND G OWNED BY NSU



= Woods at Eagle Lake Boundary



= Outlots D, E, F, and G owned by NSU

Description of STS

As stated in the facility permit from the Minnesota Pollution Control Agency:

“The Facility was built to serve 42 3.5 bedroom homes and has an average wet weather design flow of 14,175 gallons per day...

The application and plans indicate that the Facility consists of a pressure sewer collection system utilizing individual GP 2010-124 Simplex grinder pump stations at all houses with service lines to the treatment system. The collection system consists of 3,900 linear feet of force main with pipe diameters varying from 1.25 inches to 3.0 inches [note: buried beneath the streets].

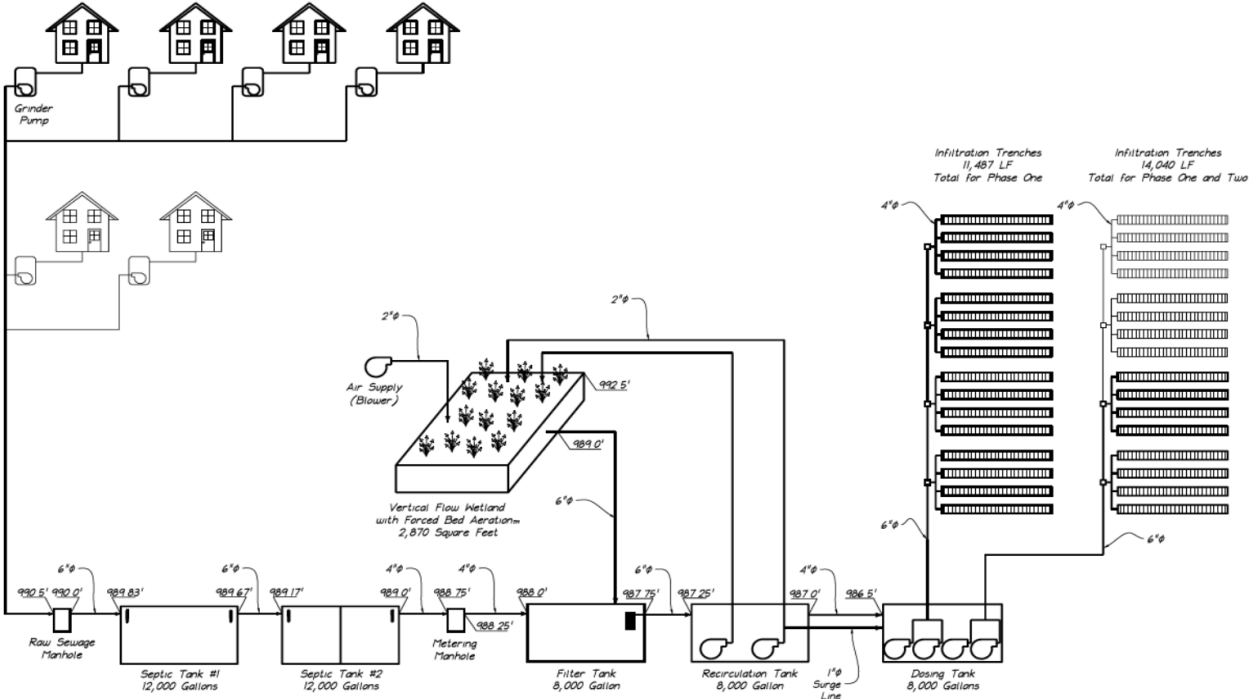
The system also consists of an uncompartimentalized 12,000-gallon septic tank and a compartmentalized 12,000-gallon septic tank operated in series. These tanks are followed by an 8,000-gallon filter tank, a 2,870-square foot recirculating gravel filter (vertical flow wetland) with Forced Bed Aeration, and lined with 30-mil PVC.

An 8,000-gallon recirculation tank with two pumps doses the recirculating gravel filter and an 8,000-gallon dosing tank with four dosing pumps pressure doses the drainfield zones.

The [drainfield] trench system is 3 feet wide by 14,040 feet long, equaling 42,120 square feet of total trench infiltration area. The drainfield will be phased up to full capacity as more homes are added to the development. [Note: as of 2023, not all of the drainfield has been constructed.]

No bypass points exist at this Facility. The Facility transfers its seepage [sludge] to a permitted regional treatment facility for final treatment and disposal.”

SCHMATIC FLOW DIAGRAM FROM NSU POWERPOINT



MAP OF OUTLOT G UPON WHICH THE STS IS LOCATED



Chronology of Key Events

2002: Scott Breuer (Morgan Run LLC), the Declarant and developer, applied to the Minnesota Pollution Control Agency (MPCA) for a permit for the STS.

2003: The original STS was designed by North American Wetland Engineering. The plans can be found under the “STS Design and Wells” tab on this website.

2003: The MPCA granted a permit to Scott Breuer (Morgan Run LLC) for the STS.

2003: Monitoring wells GW001 thru GW004 were installed. The Well Records can be found under the “STS Design and Wells” tab on this website.

200?: The STS was constructed by ???? under the direction of the Declarant, Scott Breuer (Morgan Run LLC).

2004: When the first home was built, the STS began operation under contract by Scott Breuer (Morgan Run LLC) to ???? for operation and maintenance.

2006: The Declarant, Scott Breuer (Morgan Run LLC), transferred ownership of Outlots D, E, F, and G **Woods at Eagle Lake** and the STS infrastructure to Connexus Energy (dba Connexus WaterWays), who then took over operation and maintenance. The transfer documents can be found under the “STS Ownership” tab on this website.

2008: The Minnesota Department of Health, which regulates construction of wells, increased the required separation distance for a water supply well to 300 feet. MN Rule 4725.4450, Subpart 1(A)(1) states: “A water supply well must be no less than 300 feet from the absorption area of a soil dispersal system with an average design flow greater than 10,000 gallons per day.” The STS has a design flow of 14,175 gallons per day, so this setback applies. The “absorption area” is the drainfield, so the 300 feet is measured from there. Block 1: lots 3, 4, 5, and 6 **Woods at Eagle Lake Second Addition** are adjacent to the STS property and within 300 feet of the drainfield. Hence, the significance of the rule change is that these lots became unbuildable. A copy of correspondence with the MDH dated November 9, 2023, regarding this matter can be found in the “Letters & Meeting Notes” tab of this website.

2011: Natural Systems Utilities (NSU) acquired Connexus WaterWays, thereby ownership and operations of the STS were transferred to NSU. Documentation can be found in the “STS Ownership” tab of this website.

2013: The MPCA reissued a permit to NSU, requiring:

- 1) installation of two new monitoring wells (5 and 6) when the number of homes reached 16,
- 2) setting forth a compliance standard of 10 mg/L for nitrates in groundwater, and
- 3) setting forth a building moratorium on Block 1: lots 3, 4, 5, and 6; Block 2: lot 2; Block 3: lots 1, 2, and 3; and Outlot B. A map of these lots can be found under the “STS Permits” tab on this website

The permit can be found under the “STS Permits” tab on this website.

2016: Monitoring wells GW005 and GW006 were installed. The Well Records can be found under the “STS Design and Wells” tab on this website.

2017: Concentrations of nitrates were detected in groundwater at monitoring well GW006 above the compliance standard of 10 mg/L.

2022: The MPCA reissued a permit to NSU, requiring:

1. installation of a denitrification component to the STS to lower nitrogen levels, and in particular nitrates,
2. the MPCA set an additional compliance standard of 10 mg/L for total nitrogen at “the end of the pipe” after treatment and before the effluent enters the drain field, and
3. the MPCA extended the building moratorium on the same lots as in the 2013 permit. “The building moratorium for Block 1: lots 3, 4, 5, and 6 will remain in effect for the full term of this permit cycle. The building moratorium for Block 2, Block 3, and Outlot B will not be lifted until the Permittee [NSU] completes construction and initiates operation of the denitrification unit and ensures that end-of-pipe total nitrogen concentrations and groundwater nitrate-nitrogen concentrations at the property boundary that the system is located on will not exceed 10 mg/L.

The permit can be found under the “STS Permits” tab on this website.

October 11, 2023: NSU sent a letter to the Owners with notification of non-compliance for nitrates in groundwater at GW006 and the “significant upgrades to the system will be required. The letter also

stated “NSU needs to increase Usage Fees to cover the costs for system upgrades...those Usage Fee increases will be significantly higher than current levels.” The letter also scheduled a virtual meeting for October 17, 2023 to discuss this matter. A copy of the letter can be found in the “Letters and Meeting Notes” tab of this website.

October 17, 2023: A virtual meeting was hosted by NSU for the WAEL Owners. The slides they presented, along with a video copy of the meeting can be found in the “Letters and Meeting Notes” tab of this website.

October 24, 2023: The WAEL HOA Board voted to form a Sewage Treatment System (STS) Committee to advocate on behalf of the Owners in this matter.

October 30, 2023: The STS Committee presented information at an Owners gathering. The slides presented can be found in the “Letters and Meeting Notes” tab of this website.