

June 29, 2007

Phil Korell, Chairman
Timbershores Homeowners Association
218 Klondike Landing
Polson, Montana 59860

RE: Timbershores - Borchers of Finley Point Condominium Subdivision
Status of Environmental Health Approvals

Mr. Korell:

Earlier this year, the Lake County Environmental Health Department was asked to approve expansion of a residence within the Borchers of Finley Point Condominium Subdivision. In order to give a complete response, the department reviewed the records of the subdivision. The records reviewed were the Certificate of Subdivision Plat Approval, included, issued in 1977 by the Montana Department of Health and Environmental Sciences (now the Montana Department of Environmental Quality-MDEQ), wastewater treatment system permits issued by Lake County, the Planning Approval documents, and the original application documents for the subdivision.

From that review, it was determined there are several issues that require attention in order to bring the subdivision into compliance with its approvals. This letter will address the environmental health issues. Sue Shannon, Planning Director, 883-7235, should be contacted regarding any issues related to the subdivision's planning approval.

Environmental Health (Sanitation) Issues:

1. The MDEQ approval states that "the total number of residential building sites or their identification number as indicated on the site plan to be filed with the county clerk and recorder will not be further altered without approval". There are residential sites that are not consistent with the locations approved on the filed plat.
2. The community water systems for residential structures were to be constructed in accordance with the approved plans and specifications of Douglas E. Daniels, P.E. dated June 28, 1977. It is not clear that the systems are constructed per the approved design; see letter to Mr. Daniels dated July 27, 1977.
3. The community wastewater system for the residential structures was to be constructed in accordance with the approved plans and specifications of Douglas E. Daniels, P.E. dated June 20, 1977; see letter to Mr. Daniels dated July 21, 1977. The plan was that wastewater from all the proposed structures would flow to multi-user septic tanks and then flow to a common drainfield. When the

existing drainfields serving the existing residences failed, they were to be connected to this community drainfield.

The wastewater treatment systems serving the subdivision are clearly not as approved. The largest drainfield located near the "lodge" residence was not installed as per the approved design for the community drainfield. This drainfield has been determined to be undersized for the number of residences it serves; see evaluation page included. Some homesites are served by individual, shared, or multi-user drainfields. Some of the systems existing at the time of the subdivision are not known and probably do not meet minimum setbacks or other standards.

The newer systems installed are excellent drainfields and use advanced technologies unavailable at the time the subdivision was approved. Most of the systems installed since the subdivision approval have county permits. It is not clear why these systems did not follow the MDEQ approval for one community system.

In order to correct the legal record for this subdivision, Borchers of Finley Point must revise its MDEQ approval regarding water and wastewater systems. This involves an application made to the MDEQ that defines: how the residences are currently served by water and wastewater systems; how inadequate systems will be brought into compliance; and how shared user agreements, easements, and/or homeowner association documents will address system installation, maintenance and operation. The application is typically submitted by an environmental consultant, and, in this case, will likely require professional engineering.

Now that it is understood that the subdivision is not in compliance with its MDEQ approval, the Lake County Environmental Health Department will not issue wastewater permits for this subdivision nor allow new construction or changes to existing systems until the MDEQ approval is revised. Revision of the MDEQ approval, while a substantial undertaking, will both bring the subdivision into compliance with state law and provide an orderly plan for the future water and wastewater infrastructure of this condominium subdivision.

Please do not hesitate to contact me for further information and discussion on what is needed to resolve the above issues.

Sincerely,

Susan K. Brueggeman, R.S.
Environmental Health Director

Enc: MDEQ Certificate of Subdivision Approval
Water System Approval Letter
Wastewater System Approval Letter
Evaluation of Community Drainfield