

## Dawn Bartel

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**From:** Brian Helminger <brian.helminger@hvmsd.org>  
**Sent:** Thursday, April 16, 2020 12:21 PM  
**To:** bruce siebers; Dave Casper; John Sundelius; kcoffey238@gmail.com; Pat Hennessey  
**Cc:** Dawn Bartel  
**Subject:** FW: CFC doc  
**Attachments:** 2020.4.16 Little Chute OCLF SSA Comments.pdf

This is the latest communication from East Central.

## Brian Helminger

District Director

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**From:** Todd Verboomen <TVerboomen@ecwrpc.org>  
**Sent:** Thursday, April 16, 2020 11:46 AM  
**To:** Community Facilities Interested Parties <cflInterestedParties@ecwrpc.org>; Community Facilities Committee <cfccommittee@ecwrpc.org>; Melissa Kraemer Badtke <mbadtke@ecwrpc.org>; Tanner Russell <trussell@ecwrpc.org>  
**Cc:** Van Straten, Brian J. (Brian.VanStraten@outagamie.org) <Brian.VanStraten@outagamie.org>; Guidote, Joseph P. (Joseph.Guidote@outagamie.org) <Joseph.Guidote@outagamie.org>; Craig Moser <craig.moser@outagamie.org>; Kara Homan <kara.homan@outagamie.org>; Paula VandeHey <paula.vandehey@appleton.org>; James Fenlon <james@littlechutewi.org>; brian.helminger@hvmsd.org; tparish@harrison-wi.org; Mark Mommaerts <MMommaerts@harrison-wi.org>; kevinhietpas@hotmail.com; aren6431@charter.net; Mike Vanden Berg <PresidentVandenBerg@littlechutewi.org>; Chris.Shaw@Appleton.org; djc3xx@gmail.com; Christopher Murawski <chris@littlechutewi.org>; Kent Taylor <kent@littlechutewi.org>; CKoehler@herrlingclark.com  
**Subject:** CFC doc

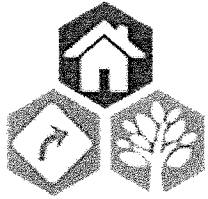
As promised yesterday, I have attached the memo from the Village of Little Chute. I do not believe there are any other document being submitted, but I will share with you all if any others come in.

Please remember to register for the webinar (registration details are included on the agenda) that was sent out.

Let me know if you have any questions.

Regards,

**While our office is closed to the public as of 3/17/2020, our staff is working virtually to continue daily operations**  
Todd A. Verboomen – Principal Environmental Planner



East Central Wisconsin  
Regional Planning Commission

**ECWRPC**

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To: East Central Wisconsin Regional Planning Commission  
From: James Fenlon *JRF*  
Date: April 16, 2020  
Subject: ECWRPC SSA Foth Memo of March 27<sup>th</sup>, 2020

This memo is meant to provide comments related to the Foth Memo on behalf of Outagamie County Landfill related to the County's active application for a Sewer Service Amendment (SSA). Given the breadth of comments, we have provided them below for your consideration:

1. **Village of Little Chute Comments of January 3<sup>rd</sup>, 2020.** Previous to the January 8<sup>th</sup> meeting, the Village of Little Chute provided a letter to the Community Facilities Committee (CFC) regarding the initial SSA application. For the record, that letter is attached, outlining the Village's objections to changing the current District boundaries.
2. **January 8<sup>th</sup> Community Facilities Committee Meeting and Minutes.** Per the minutes and the Village of Little Chute's understanding of the January 8<sup>th</sup> meeting, the committee recommended via a unanimous motion to postpone action so that the County and communities could work together. The County has not reached out to the Village to discuss this matter since the January 8<sup>th</sup> meeting. The recent Foth memo to ECWRPC supporting the boundary change came as a complete surprise to the Village. Furthermore, the County was to provide a sufficient cost-effective analysis so that the committee could act at a future meeting. To date the Village has seen no such cost analysis presented.
3. **Village of Little Chute Involvement.** As illustrated above, since the January 8<sup>th</sup> meeting, the Village of Little Chute, nor any representatives, were contacted for comment, input, or discussion on any item related to the SSA, leachate transmission, or for developing any form of cooperative solution for the new NWLF cell leachate treatment,
4. **Cost Effectiveness Study.** It is clear based upon the Foth memo that no cost effectiveness study was completed or the data has not been released by the applicant. Our position today remains the same that it was on January 8<sup>th</sup>. The magnitude of this decision and the timeframe that all stakeholders will be dealing with the leachate and the cost to treat is one that should not be taken lightly or without appropriate data being provided.
5. **Alleged Misrepresentations of the Village of Little Chute.** The Village of Little Chute's Engineer has reviewed the existing depth of the sanitary sewer on the south side of CTH 00 and east of Holland Road. This sewer has the depth to serve the NWLF by gravity flow without the necessity of installing an on-site lift station or force main. From a timing perspective, the construction of such a gravity flow sanitary sewer in those location is not a limiting factor in this discussion, meaning it would be relatively easy to design and construct. It is the Village Engineer's opinion that all feasible alternatives have not been considered during the preparation of the current county plan. The Village of Little Chute's Engineer would recommend that a third-party design firm investigate the feasibility of this alternative. If it is economically advantageous the savings could be reallocated towards a centralized on-site treatment facility that could potentially serve the entire site.
6. **County Misrepresentation of Current NELF Volume and Concentrations.** The statement included in the Foth Memorandum identified that, "...no additional leachate or ammonia loading is proposed to be added to HOVMSD through this plan." This statement understates at best and is patently false at the worst case. The HOVMSD has

already identified consistent annual increases in loadings of ammonia from the East and NELF discharging to the Village of Little Chute sanitary sewer system and being measured in the HOVMSD Meter Station #2. In September of 2017, a slug load of leachate upset the HOVMSD biological process enough to create a permit violation. This incident led HOVMSD to contact the Village of Little Chute and the Landfill regarding leachate ammonia content and issues with slugging to the WWTF. With long-term continued acceptance of refuse, the ammonia content will continue to rise in the NELF until this facility is closed. Data compiled by HOVMSD indicates significant increases in year over year ammonia loading through Little Chute to HOVMSD. Additionally, evaluating the OCLF's monthly billing data indicates consistent growth of volume and content in the recent past. Finally, since the OCLF has not had functionally accurate magnetic meters since October of 2018, it would seem extremely difficult to accurately portray what the volume or concentration of leachate actually is. The Village of Little Chute is gravely concerned as to how Outagamie County and a professional engineering firm could represent data that has been shown to be inconsistently measured over the past year and half, conflicts with the data of the applicant, and is in direct conflict to data that HOVMSD has observed and provided to the OCLF.

7. **AAWTP.** Based upon Foth's description of the AAWTP, it is stated that the proposed NWLF would utilize reserve treatment capacity in order to accommodate the loading of the NWLF. While the Village of Little Chute does not operate or manage a WWTP, proper planning would indicate any plan intending to utilize reserve capacity to be misguided. Additionally, Foth's memo appears to indicate that AAWTP has determined that ammonia will have to be reduced from the NWLF at some point in the future.
8. **HOVMSD.** It is clear from HOVMSD that pre-treatment of ammonia of the NWLF must be in-place in order to accept any volume of leachate. However, it is also appears that "ammonia reduction" will have to occur for the AAWTP to accept any volume of leachate. We are not sure the appropriate analysis has been conducted in order to conclude that "HOVMSD is not the preferred location".
9. **OCLF and the unequitable cost distribution of leachate treatment.** Over the past number of decades, OCLF has operated and benefited from advantageous treatment rates from HOVMSD and the Village of Little Chute. Over that time, it is readily apparent that volume and content of leachate has become a burden not only to Little Chute but the entire HOVMSD (which includes Kaukauna, Kimberly, Combined Locks, and the Darboy Sanitary District). With the growth of the volume and content of leachate, the rate payers of the Little Chute have been subsidizing the ever-growing costs of treating the ammonia. OCLF has a service population of more than 700,000 residents in Outagamie, Brown, and Winnebago. Moving forward, it is the Village of Little Chute's position that the OCLF must pay an equitable share of treatment expense for their leachate. It is very troubling to the Village of Little Chute that our rate payers should shoulder the burden on the ever-growing expense of treating the leachate from the OCLF.
10. **Conclusion.** Based upon all the points illustrated above, it would be premature to amend the current district boundary at this time. We urge the Community Facilities Committee to direct OCLF to engage in a professional, transparent, objective, and inclusive planning process as to how they intend to deal with the volume and content of the leachate generated at the OCLF. The residents of Little Chute certainly deserve a process as outlined above from their County government.



January 3, 2020

Community Facilities Committee  
East Central Wisconsin Regional Planning Commission  
c/o Todd Verboomen – Associate Environmental Planner  
400 Ahnaip Street, Suite 100  
Menasha, WI 54952

Dear Community Facilities Committee,

The Village of Little Chute has reviewed the SSA application from Outagamie County Solid Waste and the Regional Plan Commission’s memorandum on the application. Based upon our review, please accept this letter as an official response to the proposed amendment.

We note per the staff memo that a “full cost-effectiveness analysis was not completed”. Given the gravity of the amendment, the expense to treat leachate, and the indefinite timeframe and amount of leachate that the NWLF will discharge, we urge the committee or applicant conduct an independent, third party study to analyze the efficacy, reasonableness, and actual cost benefit of the application. The magnitude of this decision requires a formal engineering study and complete cost benefit analysis of viable alternatives. This course of action would set a proper example of governance and establish a precedent for future amendments.

If the committee does not direct a complete analysis, we then urge the committee to alter the SSA and release the entirety of the landfill property to the City of Appleton. Dividing the Outagamie County Solid Waste property between two SSA’s will lead to issues in the future regarding where and how much leachate is being transported to separate facilities (note Outagamie County’s backup or emergency plan for the NWLF). As the Outagamie County Solid Waste Department has experienced, monitoring the amount and the timing of the release of leachate leaving an active landfill has proved sporadic and problematic. Splitting a single site into different SSA’s will most likely make matters worse, sets a poor example of planning, and creates a precedent that is untenable. One relevant example is the fact that Little Chute currently provides water service via a 12 inch main to the proposed area to be amended.

The Village of Little Chute appreciates the opportunity to be a part of this discussion. A regional landfill that benefits more than 700,000 Northeast Wisconsin residents is a benefit and responsibility that must thoroughly vet alternatives. We look forward to working through this matter with all parties involved.

Sincerely,

James P. Fenlon  
Village Administrator