



May 17, 2022

David Casper
President

Heart of the Valley Metropolitan Sewerage District
801 Thilmany Road
Kaukauna, WI 54130

Dear Mr. Casper,

As you are aware, the Outagamie County Recycling and Solid Waste Department (OCRSD) has been working to understand, assess, and address concerns raised by Heart of the Valley Metropolitan Sewerage District (HOVMSD) regarding acceptance and treatment of landfill leachate from the Outagamie County Northeast Landfill. OCRSD has retained the expertise of Foth Infrastructure & Environment, LLC to analyze leachate at the Northeast Landfill and evaluate options for management that could address HOVMSD's concerns. Foth prepared a Leachate Option Review Report in September 2020 and an updated Report from August 2021, which outlined possible leachate management options. OCRSD and Foth presented these options as part of a meeting held on September 21, 2021, with representatives from HOVMSD.

On October 19, 2021, OCRSD sent a meeting summary to HOVMSD. Both during the meeting and as part of this summary, OCRSD requested that HOVMSD provide additional information regarding, among other things: the contribution of landfill leachate as compared to the overall ammonia and BOD loading at the HOVMSD Wastewater Treatment Plant (WWTP); treatment capacity and standards at the WWTP; WWTP performance including compliance with discharge permit limitations; and local limits. This information was and continues to be necessary for OCRSD to understand HOVMSD's concerns and to evaluate and design possible solutions to these concerns.

Despite this work toward a mutually agreeable resolution to HOVMSD's concerns, on January 13, 2022, HOVMSD informed OCRSD that the agreement under which HOVMSD has been accepting and treating leachate from OCRSD would terminate effective February 1, 2023. OCRSD responded to HOVMSD that it continued to believe OCRSD and HOVMSD could reach a mutually beneficial resolution and has diligently continued to undertake work toward such a resolution. On February 2, 2022, OCRSD sent additional correspondence to HOVMSD including a new Northeast Landfill Leachate Management Analysis Report developed by Foth, which provided additional information on potential leachate management options. OCRSD also

reiterated its request for information critical to the evaluation of leachate management options from HOVSMD. This correspondence is attached.

To date, OCRSWD has not received the requested information. Absent receipt of this critical information, OCRSWD is unable to understand exactly what concerns HOVSMD has regarding acceptance of landfill leachate and how to address those concerns in a mutually beneficial manner. Further, HOVSMD's latest correspondence to OCRSWD dated April 4, 2022, suggests that HOVSMD is no longer willing to even continue meeting to discuss a possible resolution. Follow up correspondence from OCRSWD's legal counsel to legal counsel for HOVSMD has gone unanswered.

We continue to believe that OCRSWD can work with HOVSMD to find a reasonable resolution to these issues. However, without the technical information we are requesting from HOVSMD, OCRSWD cannot assess the extent of the problem to determine other conveyance options, or justify the expenses of such options to our governing bodies which not only include the Outagamie County Board and its respective committees of jurisdiction, but also Outagamie's Intergovernmental Solid Waste partners of Brown and Winnebago Counties and their respective Solid Waste Boards. If HOVSMD is not willing to continue to engage in discussions with OCRSWD, OCRSWD will need to turn its attention to other options for leachate disposal, if feasible. It should be noted that OCRSWD has been conveying leachate to HOVSMD continuously for over 25 years in accordance with the Wisconsin Department of Natural Resources ("WDNR") approved Plan of Operations for the Northeast and East Landfills. These approvals were based on the current sewer service area in which the Northeast and East Landfill are located and subsequent concurrence by HOVSMD to accept and treat said leachate. Such other options will require budgetary and other approvals from the County Board as well as regulatory approvals from the WDNR. OCRSWD will not be able to secure many of these approvals yet this year, including funding for such a project. Thus, the February 1, 2023 timeline provided by HOVSMD is untenable.

OCRSWD believes it would be useful for all parties at this juncture to fully understand the issues noted above. To that end, OCRSWD requests time before the Commission at the next available Commission meeting to present the work that OCRSWD has done, answer any questions the Commission may have, and to obtain a better understanding directly from the Commission on how OCRSWD and HOVSMD can work together toward a mutually beneficial resolution.

Best Regards,

Brian Van Straten

Brian Van Straten, Director of Outagamie County Recycling & Solid Waste

Enclosures

Cc: William Cole, Axley Brynelson

Brian Helminger, Director, Heart of the Valley Metropolitan Sewerage District