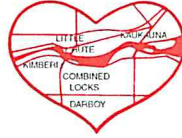


**DISTRICT DIRECTOR:**

Brian M. Helminger

**SERVING:**Combined Locks  
Kaukauna  
Kimberly  
Little Chute  
Darboy S.D.**COMMISSIONERS:**David J. Casper, President  
Bruce M. Siebers, Vice-Pres.  
Patrick E. Hennessey, Secretary  
Kevin P. Coffey  
John W. Sundelius**Heart of the Valley  
METROPOLITAN SEWERAGE DISTRICT**801 THILMANY ROAD  
KAUKAUNA, WISCONSIN 54130  
(920) 766-5731 FAX (920) 766-5733  
[www.hvmsd.org](http://www.hvmsd.org)

VIA EMAIL AND US MAIL

Mr. Brian Van Straten  
Outagamie County Recycling & Solid Waste  
1419 Holland Road  
Appleton, WI 54911

RE: Northeast Landfill – Leachate Management

Dear Mr. Van Straten:

We appreciate the efforts Outagamie County (the “County”) has made in addressing the concerns of Heart of the Valley Metropolitan Sewerage District (“HOVSD”) and the Village of Little Chute (the “Village”) with respect to the above-referenced matter. As you are aware, HOVSD and the Village previously issued a notice of termination, stating we would no longer receive any leachate from the County on February 1, 2023. The engineering consultants of all three parties have been diligently working toward a solution. HOVSD and the Village believe the work proposed by the County would likely address its concerns. As such, we are willing to agree to an extension of the termination deadline on the conditions below in order to afford the County time to implement the proposed plan:

1. The County agrees to diligently and promptly design, bid and construct the work set forth in the SCS Engineers report dated December 14, 2022. All such work shall be undertaken at the sole expense of the County.
2. The County will provide a detailed report to HOVSD and the Village by email at least every two weeks stating the status of the project.
3. Upon receipt by HOVSD and the Village of confirmation of the County’s acceptance of the terms herein, the termination deadline shall immediately be extended to February 28, 2023, to provide the County time to finalize project plans and specifications.
4. Upon receipt by HOVSD and the Village from the County of a copy of the final project plans and specifications, conforming to the SCS Engineers report referenced above, the termination deadline shall be extended to March 31, 2023, to provide the County time to submit the plan modification to the Wisconsin DNR.
5. Upon receipt by HOVSD and the Village from the County of a copy of the plan modification submission, the termination deadline shall be extended to June 30, 2023, to provide the County time to submit the plan modification to the Wisconsin DNR.

6. Upon receipt by HOVSD and the Village from the County of a copy of the plan modification approval by the Wisconsin DNR, the termination deadline shall be extended to July 31, 2023, to provide the County time to prepare and circulate the project for public bidding.
7. Upon receipt by HOVSD and the Village from the County of a copy of the public bidding packet, the termination deadline shall be extended to August 31, 2023, to provide the County time to receive the bids and award the construction contract.
8. Upon receipt by HOVSD and the Village from the County of a copy of the contract award, the termination deadline shall be extended to July 31, 2024, to provide the County time to complete construction of the project.
9. Upon receipt by HOVSD and the Village from the County of documentation the construction of the project has been substantially completed, the termination deadline shall be extended to September 30, 2024, to provide the County time to commence operation of the project improvements.
10. Upon receipt by HOVSD and the Village from the County of written confirmation the project improvements are in full operation, the termination notice shall be withdrawn. At which time HOVSD and the Village will agree to negotiate in good faith any amendments to the agreements between the parties pertaining to the Outagamie County landfill.

We believe the above extensions allow the County the time necessary to complete the project while ensuring it is undertaken in a diligent manner. The dates referenced above are consistent with the schedule proposed by SCS Engineers. If the County is in agreement with this proposal we ask that you confirm to the undersigned in writing no later than 4:30pm, January 31, 2023. If confirmation is not received by that time, the prior notice of termination will apply and service will be discontinued effective February 1, 2023.

The above extensions are further conditioned upon receipt by the Village of the amounts owed by the County no later than 4:30pm on January 31, 2023.

Very truly



Brian Helming  
District Director

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Beau Bernhoft  
Village Administrator