



WEST VIRGINIA SOLID WASTE MANAGEMENT BOARD

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Mark D. Holstine, PE, Executive Director
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MINUTES

West Virginia Solid Waste Management Board October 24, 2023 11:00 am

1. Roll Call.

Present - Board: Mallie Combs, Roger Bryant, Tim Blankenship, Howard Coffield, Yogesh Patel, and Steve Pilato.

Absent: Jason Frame.

Board Counsel: Kelley Goes.

Staff: Mark Holstine, Scott Norman, Jayne Ann Arthur, Paul Hayes, Cathleen Salmons, Carol Throckmorton, Brittany Cummings, Maxine Johnson, and Rosamary Kincaid.

Visitors Listed: Anthony Carpenter, Brown Edwards. Carol Blankenship. Jody Alderman, Tucker County SWA ✓ Fred Davis, Tucker County SWA ✓ Lowell Moore, Tucker County SWA ✓ Angie Curl, Region VIII ✓ Jeff Slack, Region VIII ✓ Nancy Deters, Brooke County SWA ✓ Heidi Kirchner, Brooke County SWA ✓

The regular meeting was properly advertised in accordance with the W.Va. Code, Chapter 6, Article 9A. The meeting was called to order by Chair Mallie Combs, at 11:00 am. Jayne Ann Arthur called the roll. The Chair announced a quorum was present.

2. Approval of minutes of September 20, 2023 Meeting.

Chair Combs requested a motion for approval of the minutes from the September 20, 2023 meeting. Howard Coffield moved to approve the minutes, seconded by Tim Blankenship, the motion passed unanimously.

3. Financial Reports.

A. Financial Statements.

Scott Norman gave an overview of the balance sheet and income statement for August 2023 and informed the Board that there were no significant changes. Expense line items included contractual and professional for audit expenses, office expenses for office supplies, travel expenses for the July board meeting. Rental expenses for the July and August rent, as well as the meeting room for the October board meeting. Vehicle Expense is for the new tonneau cover.

B. Purchasing Card Report.

Mr. Norman went over the expenses on the P-card for August 2023 and informed the Board that there were not any out of the ordinary expenses on the P-card. Most expenses were mentioned in the financial statement information. Other expenses include the purchasing conference fees.

C. Assessment Fee and Tonnage Data.

The assessment fee and tonnage data for August 2023 was explained to the Board by Scott Norman. August assessment fee checks in the amount of \$2,095.00 were mailed out on August 15, 2023. Average check for the year is \$2,107.00.

Assessment fee revenue for the month of August 2023 was \$230,454. Average revenue for the year is \$231,824. The year-to-date tonnage comparison is 123.90%.

D. Grant Status Report.

Mr. Norman provided an update to the Board on the FY 2023 grant program. Indicating he will be reaching out to the four Authorities who received extensions to finalize them.

E. FY 2023 SWMB Financial Audit Presentation – Anthony Carpenter, Brown Edwards.

Anthony Carpenter of Brown Edwards opened the presentation by thanking the Solid Waste Management Board and staff for the excellent cooperation in gathering the information needed to perform the audit.

Anthony Carpenter continued with the presentation by presenting the FY 2023 Financial Audit of the SWMB to the Board.

Mr. Carpenter informed the Board that the financial statements referred to present fairly, in all material respects, the financial position of the West Virginia Solid Waste Management Board as of June 30, 2023, and the changes in its financial position and its cash flows for the year then ended in accordance with accounting principles generally accepted in the United States of America with no new accounting principles introduced in 2023.

The Board was further informed that there were no deficiencies in internal controls that might be material weaknesses and there were no significant deficiencies. There were no instances of non-compliance. The SWMB had a clean unmodified opinion.

Mr. Blankenship asked Mr. Carpenter if any changes may occur for next year. Mr. Carpenter referenced page 31 of the audit indicating no significant changes that would have an impact on the way Mr. Norman is currently producing financial statements. Chair Combs thanked Mr. Norman and the SWMB team.

F. Other – None.

4. Standing Committee Reports.

A. None.

5. Executive Director Report.

Tucker County SWA - Corrections and adjustments have been made to comply with most of the DEP notices of violation (NOVs). Some of these NOVs were administrative in nature. A new office manager started on October 9. A couple of the NOVs relating to stormwater discharge will require some design and potential purchase of property. A new portable wind fence has been purchased and is in use. A litter vac, which should

be delivered to the site this month, will help collect any wind-blown trash that escapes the mobile litter fence. The litter vac was purchased with the help of a SWMB grant.

The TCSWA is concerned about consistent tonnage from two customers. Inconsistent tonnage makes it very difficult to budget for necessary expenditures to make improvements to the operation. However, engineering has already begun on the design of a new sediment pond and re-routing of the leachate lines draining into Pond 2. This new sediment pond will require the purchase of property.

Director Holstine informed the Board Air Quality had sent an email just this morning responding.

Mr. Blankenship was interested in the portable fence and also asked about odor complaints. Director Holstine and Jody Alderman responded to the portable fence questions. Fred Davis, informed Mr. Blankenship odor complaints have improved.

Pocahontas County SWA - After analyzing several alternatives, the Pocahontas County board is pursuing keeping the Green Box system as it is and transporting the waste to a disposal facility with their current packer truck. The fee structure needed for this operation is being worked on. The SWMB staff will assist the Authority as needed.

Greenbrier County SWA - The Authority approved their budget at the October meeting. The answers to Mr. Blankenship's questions have been distributed and are included in the FYI section of the board packets. Director Holstine stated he did not speak to the question involving the DEP. Mr. Patel stated he would provide an answer to Director Holstine later. The SWMB anticipates bringing a recommendation on the loan to the Board at the December meeting.

Raleigh County SWA - The Performance Review is being finalized and will be on the December agenda for approval.

Kanawha County SWA - On October 17, 2023, Director Holstine attended a Kanawha County SWA meeting. Waste Management was present and discussed the closure of the Charleston Landfill and plans to develop a transfer station near the current landfill site. They are in negotiations with the City of Charleston to obtain the property. Waste Management is hoping to utilize the same access road and be able to leave the scales and public convenience stations in their current location.

Fayette County SWA – Director Holstine attended the Fayette County SWA meeting on October 9. They had requested the SWMBs assistance with program development. Director Holstine reviewed a consultant's report that they had completed and was there to answer questions and

offer assistance as needed. There was good discussion and conversation about recycling program development, open dump cleanup, dilapidated properties, and residential cleanup.

REAP Recycling Grants Review Committee had \$2 million available for the \$2,226,473 requested from 22 eligible applicants of which 10 were from solid waste authorities who received full or partial funding. The meeting was held on October 12 and recommendations have been forwarded to the Secretary of DEP and the Governor's office for approval.

Region VIII Performance Review - A site visit took place with Maxine Johnson, Carol Throckmorton, Brittany Cummings and Paul Hayes going to both the Northern and Southern Transfer Stations of Region VIII for the Performance Review. Initial impressions were positive. Director Holstine thanked Jeff Slack and Angie Curl who will replace Mr. Slack at the end of year upon his retirement for attending the meeting.

Public Service Commission - On Oct 16, 2023, Apple Valley Waste Services, Inc. filed a petition with the PSC seeking a "Determination that No Certificate of Need is Required," or if required, an "Alternative Application for a Certificate of Need for Emergency Interim Transfer Station, Petition of Waiver" if a CON is necessary. They are requesting expedited processing.

Apple Valley Waste Services' parent company owns a minority equity interest in Entsorga and had representation on Entsorga's Board of Directors but resigned from the Board due to the poor performance of the facility. Following a July 23-26, 2023, fire, Apple Valley worked with the West Virginia DEP and the Berkeley County Solid Waste Authority without compensation to extinguish fires and remove roughly 75% of the trash that was left by Entsorga.

Berkeley County SWA (BCSWA) issued a request for proposal to utilize the Entsorga site on a short term, month to month basis to which Apple Valley Waste Services was the successful respondent. Under the terms of a lease agreement with the BCSWA, Apple Valley West Virginia would utilize the facilities located within the footprint of the solid waste facility previously operated by Entsorga. Waste would only be collected by Apple Valley of WV (an affiliate of Apple Valley Waste Services) and would be condensed onto large roll off containers, which would only be transported to solid waste facilities when full. This practice will reduce Apple Valley of WV's expenses by approximately \$100,000 per month, which in turn will defer a need to seek a rate increase.

PSC staff responded on October 18 and asserts that a CON will be necessary. Staff also agreed to expedited treatment of the case and considering the application for a temporary CON.

Mr. Patel questioned if EntSORGA will have an effect on the Tucker County landfill operation. Jeff Slack stated Apple Valley does bring waste to the Northern transfer station that goes to Tucker County. Director Holstine stated currently though there is not an anticipated effect.

6. Unfinished Business.

A. None.

7. New Business.

A. Fayette County Solid Waste Authority Equipment Disposal Request.

Mr. Norman informed the Board of the Fayette County Solid Waste Authority's request to sell a dump trailer with winch and 2020 Dodge Truck.

In accordance with WV Code Rules § 54-5-11.1, Mr. Coffield moved that the Fayette County Solid Waste Authority be given permission to sell a dump trailer with winch and 2020 Dodge Truck, that was purchased with SWMB Grant Funds in Fiscal Year 2018 and 2020, and that any funds realized from this sale be used in their recycling program, provided that the Fayette County SWA notify the Solid Waste Management Board of the sale and the disposition of the funds realized there from. Seconded by Mr. Blankenship, the motion passed unanimously.

B. Summers County Commercial Solid Waste Facility Siting Plan Updates.

Ms. Throckmorton informed the Board that in the past year Summers County has worked to become compliant with audits and plans and was eligible for a REAP grant.

The Summers County Solid Waste Authority Commercial Solid Waste Facility Siting Plan update abstract was emailed out and is in the Board packet.

There being no questions, Vice Chair Roger Bryant moved that the Board approve the Commercial Solid Waste Facility Siting Plan update for the Summers County Solid Waste Authority in accordance with W.Va. §22C-4-24(d) and WV Code of State Rules

54-4-6. Seconded by Howard Coffield, the motion passed unanimously.

C. **None.**

8. Miscellaneous Business.

A. **Other-** Vice Chair Bryant thanked Scott Norman and staff for a clean audit and all the work to achieve it. Mr. Norman thanked the audit team for their assistance with audits as well. Chair Combs also thanked the staff for their hard work.

9. Public Comment – Limited to three minutes.

A. Mr. Fred Davis, County Commissioner and member of Tucker County Solid Waste Board thanked Mr. Holstine and his staff for the assistance provided to Tucker County landfill.

Mr. Lowell Moore also thanked the SWMB for the invitation to the meeting and the warm welcome.

Chair Combs stated the SWMBs purpose is to provide assistance to SWA's and expressed her appreciation to the SWMB. Mr. Blankenship also expressed appreciation to the SWMB staff for all their work.

10. Next Meeting.


Chair Combs set the next meeting of the Solid Waste Management Board, for **Wednesday, December 6, 2023, at 11:00 am.**

11. Adjournment.

There being no further business to discuss, Chair Combs adjourned the meeting at 12:00 pm.

Respectfully submitted,


Mallie Combs
Chair


Mark D. Holstine
Secretary/Treasurer