



# 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 February 15, 2023 11:00 a.m.

#### 1. Roll Call.

Present - Board:	Mallie Combs, Tim Blankenship, Roger Bryant, Howard Coffield, Yogesh Patel, and Steve Pilato.
Absent:	Lee Orr.
Board Counsel:	None.
Staff:	Mark Holstine, Scott Norman, Jayne Ann Arthur, Paul Hayes, Brittany Cummings, Carol Throckmorton, Rosamary Kincaid, and Cathleen Salmons.
Visitors Listed:	None.

The regular meeting was properly advertised in accordance with W.Va. Code, Chapter 6, Article 9A. The meeting was called to order by Chair Mallie Combs, in conference room 1203/1204, in the DEP Headquarters located at 601 57<sup>th</sup> St. SE, Charleston, WV 25304 at 11:03 am, Jayne Ann Arthur called the roll. The Chair announced a quorum was present.

**2. Approval of minutes of the January 18, 2023 Board meeting.**

Chair Combs requested a motion for approval of the minutes from the last meeting. Tim Blankenship moved to approve the minutes of the January 18, 2023 meeting. Steve Pilato seconded the motion and it passed unanimously.

**3. Financial Reports.**

**A. Financial Statements.**

Mr. Norman gave an overview of the balance sheet and income statement for December 2022 and informed the Board that there were no significant changes. The new line item, fund transfers-out, is the new line item for the new grant refund process. The Travel Expense line item includes the staff visit to Tucker County Landfill.

**B. Purchasing Card Report.**

Mr. Norman asked the Board if they had any questions relating to the detailed P-card report since most of the itemized expenses on the December 2022 P-card report were previously discussed during the financial statements. There were office expenses, cell phone charges, code books, and break room equipment purchases.

**C. Assessment Fee and Tonnage Data.**

The assessment fee and tonnage data for December 2022 was explained to the Board by Scott Norman. December assessment fee checks in the amount of \$2,143.00 were mailed out on December 12, 2022. Average check for the year is \$2,188.00.

Assessment fee revenue for the month of December 2022 was \$235,688.00. Average revenue for the year is \$240,628.00. The year-to-date tonnage comparison is 105.09%.

**D. Grant Status Report.**

Mr. Norman informed the Board that he is waiting on only a few documents from four authorities to close the Grant Program for FY 2022. The FY 2023 grant semiannual period ended on February 1, 2022, and reports are due Wednesday, February 22, 2023.

E. Other – None.

4. **Standing Committee Reports.**

A. None.

5. **Executive Director Report.**

**Tucker County SWA** – Interviews are being scheduled for the office manager’s position at the landfill. Carol Helmick will be retiring later this calendar year.

The letter that was approved at our last SWMB meeting to the Tucker County Commission was sent. There are no updates to the status of the Blackwater PSD board make up.

The Eco-Misters will be going back online soon as the weather has improved. The amount of leachate that was hauled to be treated dropped to a five year low of 460,000 gallons for the month of October.

**Pocahontas County SWA** - Mark Holstine will be attending the February meeting of the Authority on February 22 to discuss the results of their last performance review. Mr. Holstine will also be hoping to receive an update from the meeting on the progress of the purchase of the landfill property from the land owner.

**Fayette County SWA** - Mr. Holstine met with a concerned citizen of Fayette County about open dump problems in their neighborhood and concerns about the Authority. Mr. Holstine has also had conversations with the newly appointed litter control officer for the County. The authority was scheduled to meet on February 13 with most of the members being newly appointed. Mr. Holstine has offered SWMB staff’s assistance to them in resolving any issues they may have.

**Greenbrier County SWA** - The Authority has expressed interest in applying for a loan from the SWMB for the purchase of a new landfill compactor for approximately \$1,000,000. Mr. Holstine has provided them with our loan application, supporting documents and instructions on how to apply.

**Legislative Session** - The legislative session continues and the last day to introduce bills in the House is February 14, 2023 and February 20th in the Senate. The legislative tracking list for bills dealing with solid waste authority related content, continues to be updated regularly on the SWMB website. Some of the bills we are tracking but not on the solid waste related list include:

- [SB 21](#) requires certain documents that include records of wages be considered confidential.
- [SB 296](#) relating to adopting the Model Public Meetings During Emergencies Act providing for virtual meetings and providing for public observation of, and public participation in virtual meetings. This has been passed by the Senate and is in House Government Organization.
- [SB 268](#) and [HB 2534](#) with the purpose to protect solvency of the Public Employees Insurance Agency.

**Public Service Commission** - Greenbrier County SWA rate case timeline has been extended. The final substantive staff recommendation has been extended to February 20, 2023, the decision due date for the ALJ was extended until May 1, 2023.

**Short Creek Landfill V. Brooke County Sanitary Landfill** - An update on the case we first told you about in July. On June 24, 2022, a formal complaint was filed by the owners of Short Creek Landfill against Brooke County Landfill. The complaint requested Brooke County cease and desist from charging the City of Weirton any rate that is not consistent with its tariff on file with the PSC.

According to the complaint, Short Creek, located in Wheeling, has a rate of \$22.75 a ton plus assessment fees. The tariff for Brooke County on file with the PSC is a rate of \$48.21 per ton for commercial haulers, cities and the public, inclusive of state and county assessments. Short Creek contends that Brooke County has entered into an agreement with the City of Weirton to dispose of its solid waste at a rate of \$40.00 per ton. Following an investigation, the ALJ issued a recommended decision ordering Brooke to immediately cease and desist from charging rates that deviate from its approved tariff, specifically including rates that do not collect the full mandatory solid waste assessment fees. Brooke may continue to accept solid waste from Weirton, but must do so at the full approved tariff rate including assessment fees.

**Other** - Rosamary Kincaid has compiled for Executive Director Holstine's review, the most recent Quarterly Performance Measures for the seven Solid Waste Authorities required to submit this information to the SWMB. Ms. Kincaid is working on some changes Mr. Holstine has requested to the reports to further standardize the information we request.

The SWMB FY 2024 grant information has been published on wvOasis Vendor Self Service (VSS) Portal. Emails have been sent to all SWAs making them aware of the applications availability along with detailed instructions on the

submission process. Updated grant guidelines/information and grant application forms were added to the SWMB website.

Recycling Assistance Grants - The DEP REAP approved nearly \$2 million in Recycling Assistance Grants to 29 recipients including 12 Solid Waste Authorities, 4 county government entities, 5 private businesses, 7 non-profit organizations including the Recycling Coalition of WV and the WV School of Osteopathic Medicine. A press release has been included in the FYI section.

**6. Unfinished Business.**

**A. None.**

**7. New Business.**

**A. Harrison County Comprehensive Litter and Solid Waste Control Plan Update.**

The Harrison County Solid Waste Authority Comprehensive Litter and Solid Waste Control Plan update abstract were mailed out in the Board packet.

There being no questions, Steve Pilato moved that the Board approve the Comprehensive Litter and Solid Waste Control Plan for the Harrison County Solid Waste Authority in accordance with W.Va. §22C-4-8(d) and WV Code of State Rules 54-3-6. Seconded by Tim Blankenship, the motion passed unanimously.

**B. None.**

**8. Miscellaneous Business.**

**A. None.**

**9. Public Comment – Limited to three minutes.**

**10. Next Meeting.**

Chair Combs set the next meeting of the Solid Waste Management Board, for **Wednesday, March 15, 2023, at 11:00 a.m.** This meeting is scheduled to be held in the DEP Headquarters conference rooms 1203/1204.

11. **Adjournment.**

There being no further business to discuss, Chair Combs adjourned the meeting at 11:42 am.

Respectfully submitted,

  
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Mallie Combs  
Chair

  
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Mark D. Holstine  
Secretary/Treasurer