



WEST VIRGINIA SOLID WASTE MANAGEMENT BOARD

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Mark D. Holstine, PE, Executive
Director
www.state.wv.us/swmb

MINUTES

West Virginia Solid Waste Management Board March 15, 2023 11:00 a.m.

1. Roll Call.

Present - Board:	Mallie Combs, Tim Blankenship, Howard Coffield, Roger Bryant, Yogesh Patel, and Lee Orr.
Absent:	Steve Pilato.
Board Counsel:	None
Staff:	Mark Holstine, Scott Norman, Jayne Ann Arthur, Paul Hayes, Carol Throckmorton, Rosamary Kincaid, Brittany Cummings, 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, at 11:00 am, in the DEP Headquarters, conference room 1203/1204 located at 601 57th Street SE, Charleston WV 25304. Jayne Ann Arthur called the roll. The Chair announced a quorum was present.

2. Approval of minutes of the February 15, 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 February 15, 2023 meeting. Howard Coffield seconded the motion and it passed unanimously.

3. Financial Reports.

A. Financial Statements for January 2023.

Mr. Norman gave an overview of the balance sheet and income statement for January 2023 and informed the Board that there were no significant changes. Travel Expenses include December and January board meetings. Office Expenses incurred are for standing staff desk and Other Insurance Costs were for the third quarter BRIM payment.

B. Purchasing Card Report for January 2023.

Mr. Norman stated most P-card expenses for January 2023 were already discussed with expenses on the financial statements. Mr. Norman informed the Board that some of the additional P-card expenses incurred were for shredder bags for the paper shredder, the Holiday appreciation luncheon, code books, and renewal subscription for the *Parsons Advocate*.

C. Assessment Fee and Tonnage Data for January 2023.

The assessment fee and tonnage data for January 2023 was explained to the Board by Mr. Norman. January assessment fee checks in the amount of \$1,916.00 were mailed out on January 11, 2022. Average check for the year is \$2,149.00.

Assessment fee revenue for the month of January 2022 was \$210,753.00. Average revenue for the year is \$236,360.00. The year-to-date tonnage comparison is 104.23%.

D. Grant Status Report.

Mr. Norman informed the Board that the Semi-annual period for the FY 2023 grants program ended on February 20, 2023. All but one (1) report has been received. The FY 2022 grant program is waiting on one sworn statement form to finalize closing.

E. Other. - None.

4. Standing Committee Reports.

A. None.

5. Executive Director Report.

Tucker County SWA – Jody Alderman and Mark Holstine conducted interviews for the Office Manager position on February 23 and March 3. A selection has not been made and the advertisement has been reopened.

The conversion of the finance accounting software began the week of March 6, changing from Sage to Quickbooks.

The next meeting of the authority will be held on March 21.

Pocahontas County SWA - Director Holstine attended the Pocahontas County Board meeting on February 22 to discuss their last performance review. The board had a couple questions and the discussion was well received. The authority continues its progress on purchasing the land the landfill is situated on.

Fayette County SWA - The authority board is back to full membership. Director Holstine has spoken with their board and the commission's litter control officer and all seems to be back on course. The board may request assistance from the SWMB in the future.

Greenbrier County SWA - Bobby Bennett has retired from the authority as its executive director. The landfill manager and recycling center manager will be splitting those responsibilities for now.

Nicholas County SWA - Nicholas County SWA has filed a tariff filing to add the processing fees for electronic payments and to reduce the frequency of free day service to once every other month. Nicholas will not see an increase in revenues from the fee and customers will still have the option to avoid it if paying with cash or check. The case was sent to an ALJ with a decision due by September 22, 2023.

Chair Combs inquired about why the reduction in free day offering. Director Holstine explained free day service has been honored, however, is not required to be offered by the transfer station. In an effort to reduce expenses the choice was made to reduce the number of days free days are offered rather than increasing rates.

Legislative Session - The legislative tracking list for bills dealing with solid waste authority related content is available on the SWMB website [here](#). Approximately ten bills on the tracking list passed.

- [SB 4](#) to authorize Adopt-A-Trail volunteer programs for public lands under the jurisdiction of the DNR by providing that activities be performed by volunteer groups for the coordination for removal of trash and other items.
- [SB 143](#) made changes to the DEP REAP Adopt-A-Stream program. Raised minimum age to 17 and defined areas for litter to be deposited.
- [SB 300](#) clarifies that the definition of a law-enforcement officer under this article does not include county litter control officers whose authority is limited to issuing citations for open dumps, unlawful disposal of litter, or failure to provide proof of proper disposal of solid waste.
- [SB 533](#) to strike from the code the requirement that recycling co-ops be limited to the use of one motor vehicle for the purpose of collection and transportation of recyclable goods.
- [SB 548](#) clarifies what parties are entitled to redeem delinquent property and limit those that are entitled to bid on delinquent property at public auction. Bidders must pre-register and not have delinquent properties of their own and must not reside in a “country of particular concern”.
- [HB 2645](#) and HB2646 were consolidated into HB2640. Recycling assistance grant program rules [33 CSR 10](#).
- [HB 2646](#) Reclamation of Abandoned and Dilapidated Properties Grant Program rules, [33 CSR 13](#).
- [HB 2848](#) and to allow water and sewer operator licensing reciprocity.
- [HB 2955](#) to establish the operation of regional water, wastewater, and stormwater authorities.
- [HB 3189](#) to create the PFAS Protection Act. The bill requires the DEP to identify and address PFAS sources impacting public water systems.

Some of the bills that passed that are not on the solid waste related list include:

- [HB 3146](#) adopts the Model Public Meetings During Emergencies Act providing for virtual meetings including public observation of and participation in virtual meetings.

- [SB 268](#) and with the purpose to protect solvency of the Public Employees Insurance Agency has passed both the Senate and House and will be sent to the Governor.
- [SB 734](#) was an originating bill that came out late in the session relating to state data accessibility and infrastructure resiliency by requiring adoption of cloud computing services by state agencies and the development of a cloud strategy by the Chief Information Officer. Part of this process will include the digitization of state agency forms and requiring annual reporting on information technology modernization.
- [HB 2024](#) was the budget bill which passed both the House and Senate.

Some bills died on the last day including:

- [SB 426](#) banning use of certain products and platforms including TikTok that are deemed unsafe or high risk on government systems.
- [HB 2939](#) would allow a municipality to file a lien for unpaid and delinquent refuse fees.

Public Service Commission - An update to the Bionic Tire Recycling LLC application for a certificate of need to operate a waste tire facility in Preston County. Previously the PSC staff recommended the application be dismissed and that Bionic and Hovatter jointly reapply for a CON. This recommendation was based on the PSC staff determining that Bionic and Hovatter are separate entities involved in the storing, shredding and processing of waste tires. Bionic will shred the tires and Hovatter will sell the final shredded product.

A subsequent procedural Order agreed with Bionic's interpretation of the DEP regulations that Hovatter does not need a permit to further process tire derived materials. A second final joint staff memorandum recommended that the rates be modified and approved in the case. On March 6, 2023 the ALJ entered a recommended Decision granting the certificate with the rate determined by PSC staff. Exceptions were not filed and the order will be final on March 11, 2023. The tariff has not been filed as of the date of this report.

An update to the Kanawha County Commission's petition for a general investigation into the practices, procedures and operations of Waste Management. PSC did conduct an investigation into the operations and service complaints but recommended the petition be dismissed as being resolved. On March 6, 2023 the

PSC dismissed the procedure without prejudice and removed it from the docket of open cases.

Other - Carol Throckmorton and Brittany Cummings attended the Kanawha County SWA meeting. Carol Throckmorton, also went to a recent Ohio County SWA meeting. Carol Throckmorton explained she and Brittany had visited the Kanawha County Solid Waste Authority to observe the operations as discussed during the February Board Meeting. However, the most recent visit was to attend the Kanawha County Board meeting. Ms. Throckmorton noted the improvement of how the meetings are being conducted with the new director, Nicole Hunter. The visit to Ohio County SWA was to assist Rebecca Friend, the director with the process of completing her first plans.

Director Holstine informed the board the new vehicle purchase approved during the November 2021 Board meeting is in the process of being purchased and should be in the SWMB possession, hopefully next week.

6. Unfinished Business.

A. None.

7. New Business.

A. None.

8. Miscellaneous Business.

A. None.

9. Public Comment – Limited to three minutes.

A. None.

10. Next Meeting.

Chair Combs set the next meeting of the Solid Waste Management Board, for **Wednesday, April 19, 2023 at 11:00 a.m.** Location of the meeting is currently at the DEP Headquarters located at 601 57th Street SE, Charleston WV 25304, in conference room 1203/1204.


11. Adjournment.

There being no further business to discuss, Chair Combs adjourned the meeting at 11:35 am.

Respectfully submitted,



Mallie Combs
Chair



Mark D. Holstine
Secretary/Treasurer