



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 20, 2024

11:00 am

1. Roll Call.

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

Absent: None.

Board Counsel: Kelley Goes, Esq.

Staff: Mark Holstine, Scott Norman, Jayne Ann Arthur, Paul Hayes, Carol Throckmorton, Rosamary Kincaid, Brittany Cummings, Maxine Johnson, 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 1125 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 21, 2024 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 21, 2024 meeting. Howard Coffield seconded the motion and it passed unanimously.

3. Financial Reports.

A. Financial Statements for January 2024.

Mr. Norman gave an overview of the balance sheet and income statement for January 2024 and informed the Board that there were no significant changes. Travel Expenses for the January board meeting. Association Dues are for SHRM. Insurance Costs were for the third quarter BRIM payment.

B. Purchasing Card Report for January 2024.

Mr. Norman stated most P-card expenses for January 2024 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 general office supplies, code books, and renewal subscription for the *Parsons Advocate*.

C. Assessment Fee and Tonnage Data for January 2024.

The assessment fee and tonnage data for January 2024 was explained to the Board by Mr. Norman. January assessment fee checks in the amount of \$2,192.00 were mailed out on January 10, 2024. Average check for the year is \$2,096.00.

Assessment fee revenue for the month of January 2024 was \$241,137.00. Average revenue for the year is \$230,522.00. The year-to-date tonnage comparison is 97.53%.

D. Grant Status Report.

Mr. Norman informed the Board that the Semi-annual period for the FY 2024 grants program ended on February 1, 2024. All reports have been received. The FY 2023 grant program is waiting on a few sworn statement forms to finalize closing.

E. Other. - Vice Chair Bryant inquired about expenses incurred by the SWMB when a supersedure is necessary and if there should be consideration to create a policy relating to expenses. Chair Combs stated each situation is individualized as are the finances of each SWA, therefore, it would be difficult to initiate a policy for all possibilities. Director Holstine explained the closure process with DEP and PSC that would also be necessary.

4. Standing Committee Reports.

A. None.

5. Executive Director Report.

SWMB Training Series - The SWMB staff have been preparing their presentations for the April 18 training session at the Raleigh County SWA Recycling Center. It appears that several authorities are planning to attend and we are looking forward to spending the day with them.

Chair Combs suggested the board schedule the April and September Board meetings around the training series, and unanimously the board members agreed.

Tucker County SWA - The Board authorized the signing of the Lease Agreement and Renewable Gas Purchase agreement with Renewable Natural Gas Company at its March board meeting. Engineering has begun on the gas capture and transmission lines.

Design options have been reviewed and selection made for the construction of a new sediment control pond located near Leachate Pond 2. CENTEC Engineering will be pursuing a permit modification for the permitting of this proposed pond. Design has also commenced on the liner overlay adjacent to the current and future disposal cells as well as a new leachate manhole sump that will be installed to allow us to pump leachate into Leachate Pond 2 to overcome the head pressure due to the outlet being near the bottom of the pond. This will alleviate leachate pooling in the disposal cells that create seeps.

The Litter-Vac purchased with SWMB grant funds continues to perform well.

Kanawha County SWA - Director Holstine attended their Board meeting on Tuesday, March 19th, to listen to John Yonce of Clean-Seas Corporation who is proposing to build a plastic pyrolysis facility in the old 84 Lumber building in Quincy near Riverside High School. They will be accepting Nos. 4 through 7 plastics, pre-shredded to process using temperature and pressure to break the plastic down and create a liquid, solid, and gas by-product. This facility will be marketing the liquid primarily. The gas will be used to create energy for the facility and the remainder will be marketed.

There was also discussion of the siting plan amendment for the Waste Management transfer station to be located adjacent to the current Charleston landfill.

Legislative Session - The legislative session ended with passage of the following bills. A Complete breakdown of the solid waste bill during the session can be found [SWMB website](https://swmb.wv.gov/resources/Documents/Bill-Tracking-2024-WEB-LIST.pdf) at <https://swmb.wv.gov/resources/Documents/Bill-Tracking-2024-WEB-LIST.pdf>

- [SB 603](#) The purpose of this bill is to amend the definition of "commercial solid waste facility" to exclude any solid waste facility that accepts solid waste collected by the owner or operator (or its affiliate(s)) of the solid waste facility for consolidation and subsequent transport to a disposal or recycling facility, provided "that any such solid waste facility be located on a site that contains a mixed waste processing and resource recovery facility that possesses a solid waste facility permit from the Department of Environmental Protection". This change in definition limits this type of activity to the Entsorga site in Berkeley County. The bill was approved by the Governor and is effective on March 1, 2024.
- [HB 5006](#) The purpose of this bill is to eliminate antiquated recycling goals and to set new criteria for evaluating the State's success in achieving recycling goals, as well as for ensuring continued federal financial support for State recycling programs. The State is to set a base recycling rate. The bill establishes reporting requirements of recycling establishments and defines the establishments. This bill was approved by the Governor and is effective on May 19, 2024.
- [HB 4976](#) The purpose of this bill is to provide the contact information of the Inspector General on the agencies and boards websites of the executive

departments. This bill was signed by the Governor and effective on May 14, 2024.

- [SB 544](#) The purpose of this bill is to raise the threshold from \$25,000 to \$50,000 for the requirement of bids for municipal public works projects. This bill has been signed by the Governor and will be effective on May 27, 2024.
- [SB 687](#) The purpose of this bill relates to the Legislative Auditor; establishing that the Legislative Auditor is responsible to the Joint Committee on Government and Finance; clarifying that the Legislative Auditor may exercise powers at the direction of the Senate President or Speaker of the House of Delegates. This bill has passed both sides and was sent to the Governor.

Pocahontas County SWA - Pocahontas County SWA has submitted a Rule 42A application to increase its solid waste disposal rates and charges. The case has been referred to an ALJ with a decision expected by October 4, 2024. I am attempting to coordinate a meeting between the DEP and the landfill stakeholders in Pocahontas County. Director Holstine will update at the SWMB meeting if dates have been finalized.

Region VIII - The PSC staff recommended that the Region VIII request to amend the current authorized tariff to include electronic payment fees from WViPay and AppEngine be approved without publication but required to post signs notifying customers of electronic payment fees and indicating that electronic payments are optional.

Public Service Commission - An update on the Apple Valley Waste Services, Inc. case. As you recall the PSC had determined no CON was necessary. The case had been appealed to the Supreme Court which scheduled hearing oral arguments in the case on March 12, 2024. On March 6, 2024, the Petitioners for Appeal and the Respondents, Apple Valley and the PSC, filed a Joint Motion for Voluntary Dismissal with the West Virginia Supreme Court of Appeals. The Court granted the Motion on March 7, 2024.

The case has been reopened by the PSC so both parties have the opportunity to file position statements regarding whether the Commission should declare its November 8, 2023 Order moot as of March 1, 2024 considering the passage of Senate Bill 603.

Other - Maxine Johnson presented the Raleigh County Performance Review at the February 28, 2024 meeting of the Raleigh County SWA. She will be attending the quarterly meeting with the Region VIII SWA to present their Performance Review on April 18, 2024. The next Performance Review will be conducted at Greenbrier County at both the landfill and recycle center on March 27, 2024.

Carol Throckmorton attended the Marion County SWA meeting on March 18, 2024.

There will be a meeting with the consultant, DEP-REAP, and Director Holstine to discuss the Waste Characterization study on March 29. This study is funded with an EPA grant through DEP-REAP.

Director Holstine has been invited to speak this coming Fall to a Concord University, State and Local Government class, on the topic of Environmental Policy: Regulation and Innovation.

Mr. Blankenship inquired about employee raises and there was a discussion relating to the budget bill and state employee salary increases.

6. Unfinished Business.

A. None.

7. New Business.

A. Summers County Solid Waste Authority Comprehensive Litter and Solid Waste Control Plan Update.

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

There being no questions, Yogesh Patel moved that the Board approve the Comprehensive Litter and Solid Waste Control Plan update for the Summers County Solid Waste Authority in accordance with W.Va.

§22C-4-8(d) and WV Code of State Rules 54-3-6. Seconded by Steve Pilato, the motion passed unanimously.

B. Mercer County Solid Waste Authority Performance Review.

Chair Combs stated that the performance review had been sent out via email to the Board.

There being no further discussion Jason Frame moved that in accordance with W.Va. Code Rules § 54-6.6.1a, and based on the Performance Review conducted on the Mercer County Solid Waste Authority and its commercial solid waste facility, the Board place Mercer County Solid Waste Authority in the category of 'Satisfactory'. Jason Frame further moved to authorize the Executive Director to make any necessary technical corrections prior to the final performance review being distributed to the Mercer County Solid Waste Authorities Board of Directors. Seconded by Tim Blankenship, the motion passed unanimously.

C. 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 17, 2024 at 11:00 a.m.** Location of the meeting will be at the Raleigh County Solid Waste Authority located on 200 Fernandez Drive Beckley, WV 25801 .


11. Adjournment.

There being no further business to discuss, Chair Combs adjourned the meeting at 11:55 am.

Respectfully submitted,



Mallie Combs
Chair



Mark D. Holstine
Secretary/Treasurer