



# WEST VIRGINIA SOLID WASTE MANAGEMENT BOARD

601 57<sup>th</sup> St. SE  
Charleston, WV 25304  
Phone: (304)926-0448

Mark D. Holstine, PE, Executive Director  
[www.state.wv.us/swmb](http://www.state.wv.us/swmb)

## MINUTES

### West Virginia Solid Waste Management Board May 24, 2023 11:00 a.m.

#### 1. Roll Call.

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

Absent: Steve Pilato.

Board Counsel: Kelley Goes, Esq.

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

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 Conference Room 1041 at 601 57th Street, SE, Charleston, WV 25304 the DEP Headquarters. Jayne Ann Arthur called the roll. The Chair announced a quorum was present.

**2. Approval of minutes of the April 19, 2023 Board meeting.**

Chair Combs requested a motion for approval of the minutes from the last meeting. Mr. Blankenship moved to approve the minutes of the April 19, 2023 meeting. Mr. Coffield 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 March 2023 and informed the Board that there were no significant changes. Vehicle expenses included the new Nissan Frontier vehicle purchased. Travel expenses were for the monthly board meeting. Rental expense fee for the month of February, and the office expenses are for office supplies.

**B. Purchasing Card Report.**

Mr. Norman went over the expenses on the P-card for March 2023. The office expenses included the renewal of the Recycling Database and office supply purchases.

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

The assessment fee and tonnage data for March 2023 was explained to the Board by Scott Norman. March assessment fee checks in the amount of \$1,789.00 were mailed out on March 13, 2023. Average check for the year is \$2,097.00.

Assessment fee revenue for the month of March 2023 was \$196,832.00. Average revenue for the year is \$230,687.00. The year-to-date tonnage comparison is 104.94%.

**D. Grant Status Report.**

Mr. Norman informed the Board two final reports are currently under review.

**E. None.**

4. **Standing Committee Reports.**

A. **None.**

5. **Executive Director Report.**

**SWMB Member Appointments** - Director Holstine has been working with the Governor's office since April on addressing the SWMB Board Members that are serving on expired terms. The Director is happy to report the SWMB received the Governor's appointment letter for Steve Pilato, Tim Blankenship, and Howard Coffield on May 22, 2023. Senate confirmation will still have to be received.

**Tucker County SWA** – Director Holstine was contacted by DEP - Air Quality several weeks ago about non-compliance with air quality regulations. It appears that the DEP issued a NOV on September 7, 2017 failed to submit emission rates and to apply for a Title V permit. This has recently resurfaced with the DEP and they are now taking action to obtain the proper emission inventories and receive a proper Title V permit application. After receiving a draft consent order, Director Holstine requested a meeting with staff of Air Quality. The meeting occurred on Wednesday, May 17. A discussion transpired relating to the necessity of a consent order and how this violation and notification evolved. The TCSWA has already hired a consultant to do the work. Air Quality agreed to allow Director Holstine to respond to them with a timeline that would work for the completion of the work required.

The Tucker SWA board met on May 16. One board member has asked to not be reappointed. The board is seeking people that are interested in serving on the board and submitting Director Holstine their information. The financial report for the 9 months ending March 31 were presented by Mark Joseph, CPA. Noteworthy yearly comparison items (March 2023 to March 2022) in the report were the following: Current Ratio has improved to 1.40 from 1.34, Total Tonnage and Total Revenue are up 23%, and Leachate treatment quantity is down 12.5%.

In addition, Kelley Goes, Esq. informed the Board the fines and fees associated with the penalty the Tucker County Solid Waste Authority will have to absorb as well as the economics of landfills was also discussed during the meeting with Air Quality. Director Holstine shared that TCSWA is not a pollutant, emission rates are estimated on the size of landfill and amount of waste.

**Pocahontas County SWA** - The Pocahontas County SWA Board has approved an increase in the annual Green Box fee from \$107 to \$115 effective July 1, 2023. A \$3.00 discount will be given if paid by September 15, 2023 but a 10% late fee will be assessed if the fee is not paid by December 31, 2023. The PSC

referred the proceeding to the ALJ division with a decision due by December 6, 2023.

Director Holstine has been working with Pocahontas County for several months assisting them in formulating a path forward for solid waste management throughout the county. The Pocahontas County landfill is situated on leased property. Air space for the placement of waste is nearing completion and there is not a viable alternative to obtain additional property at the site. Analyzing preliminary finances on operating a transfer station indicates that the tipping fee required would not be competitive to surrounding facilities. Therefore, the future of solid waste management in the county is very much in question. As a result, the Pocahontas County SWA board requested the Director's assistance in formulating a plan. As a first step, The Director requested that the SWA board convene a special meeting and invite key stakeholders and the general public to inform them of the issues.

The meeting was held May 18 in the Pocahontas County Courthouse in the Circuit Court Room. Approximately 30 people attended the meeting and Director Holstine presented a brief history of the SWA's management practices, the issues at hand, and requested that key stakeholders volunteer to join a work group. The SWA requested that the Director form the work group and begin soliciting ideas/help. Director Holstine is still awaiting names to be sent for him to pick from and he will try to commence work on this next week.

**Greenbrier County SWA** - Scott Norman traveled to the Greenbrier Solid Waste Authority meeting on May 16, 2023. The purpose of his visit was to explain the loan process to the Board and to answer any questions they may have. Greenbrier's finalized budget has been submitted to the application and the evaluation process continues on the loan application.

**Public Service Commission** - You will recall Jochum Refuse Service filed for approval of a Service Agreement to provide service within McMechen in Marshall County. The ALJ issued a recommended decision declining to retroactively consent and approve Jochum's contract with the City of McMechen. The ALJ found the contract with McMechen does not adversely affect the public interest and the contract is not void; however, the existence of the contract has been noted by the PSC.

A new formal complaint was filed on May 17, 2023 against the Allied Group by Sunrise Sanitation, Stewart's Sanitation, Mountain State Waste and Tygarts Valley Sanitation for collecting and disposing of solid waste without authorization from the PSC. Allied Group is accused of advertising waste removal and

dumpster rental services in Upshur, Lewis, Randolph, Barbour and Harrison County since November of 2022. The case is subject to mandatory mediation and all formal case processing has stopped until the mediation process is completed by the ALJ division.

**Other** - The DEP Environmental Advocate has received a SWIFR Solid Waste Infrastructure for Recycling Grant from the USDA to include a waste characterization study. Director Holstine has met with DEP REAP to work on the workflow process for submission to the EPA. Other grants will assist local waste management by supporting improvements to local post-consumer materials management, including municipal recycling programs, and assisting local waste management authorities in making improvements to local waste management systems.

Maxine Johnson will be returning to the SWMB on June 3. Maxine previously worked for the SWMB with Jan Borowski as her supervisor. We are looking forward to her return.

Director Holstine informed the board that grant applicants have been received and the grant team is working on them. Carol Throckmorton stated that approximately 29 eligible applications were received.

**6. Unfinished Business.**

**A. None.**

**7. New Business.**

**A. Monongalia County Solid Waste Authority FY 2023 Grant Budget Revision and Extension Request.**

Chair Combs stated that the request for revision and extension to the FY 2023 grant was emailed out and is also in the Board packets.

There being no questions, in accordance with WV Code Rules § 54-5-12-4 and § 54-5-4-2, Mr. Coffield moved that the Board approve the Monongalia County Budget revision request in the amount of \$2,030.00 and also, approve the Monongalia County Solid Waste Authority's request for a 90 day extension to their FY 2023 SWMB Grant, provided that the authority submits all grant expenditure documentation as required by the Board. Seconded by Mr. Blankenship, the motion passed unanimously.

**B. Wirt County Solid Waste Authority FY 2023 Grant Extension Request.**

Chair Combs stated that the request for an extension to the FY 2023 grant was emailed out and is also in the Board packets.

There being no questions, in accordance with WV Code Rules § 54-5-4-2, Vice Chair Bryant moved that the Board approve the Wirt County Solid Waste Authority's request for a 90 day extension to their FY 2023 SWMB Grant, provided that the authority submits all grant expenditure documentation as required by the Board. Seconded by Mr. Coffield, the motion passed unanimously.

**C. Kanawha County Comprehensive Litter and Solid Waste Control Plan.**

The Kanawha County Solid Waste Authority Comprehensive Litter and Solid Waste Control Plan update were emailed out and are in the Board packet.

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

**D. Other - 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, June 21, 2023 at 11:00 am. Prior to the regular meeting there will be a Finance Committee meeting at 10:00 am. and the Grants Committee will meet at 10:30 am.**

11. **Adjournment.**

There being no further business to discuss, Chair Combs adjourned the meeting at 11:52 am.

Respectfully submitted,



Mallie Combs  
Chair



Mark D. Holstine  
Secretary/Treasurer