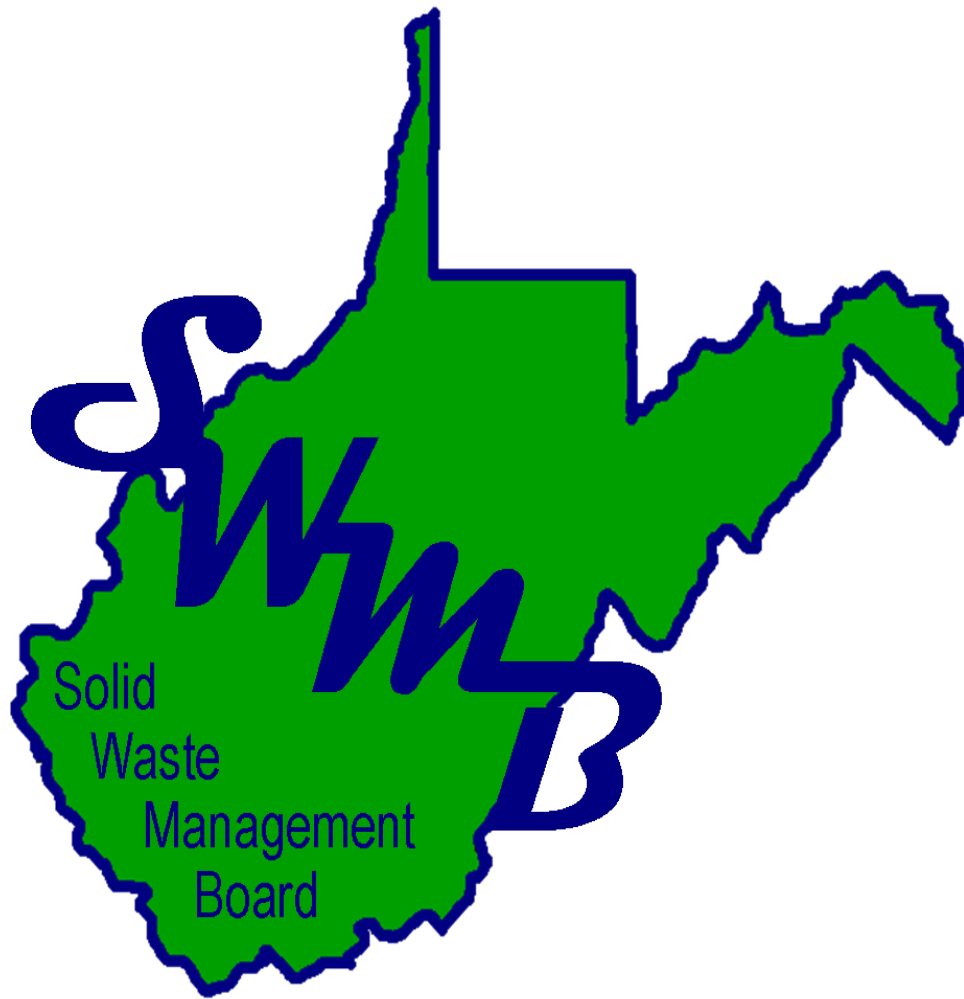


Commercial Solid Waste Facility Plan Update Process



WEST VIRGINIA SOLID WASTE MANAGEMENT BOARD

Recycling, Market Development & Planning Unit

The Process (summarized)

For the updates to the Commercial Solid Waste Siting Plan, there are basically four parts to the process:

- Update Plan
- Public Hearing
- Submission for Approval by the Solid Waste Management Board
- Final Submission of Approved Plan

The following information summarizes how the Solid Waste Management Board staff would explain the process to each authority.

- 1) It is always good practice to ensure that the entire authority board is aware that the process of updating is starting. A board motion is not required, but as a point of public record, it is recommended that the meeting minutes reflect the start of this process.
- 2) The siting plan is only required to have one (1) public hearing. If your board is updating the siting plan and the comprehensive plan at the same time, the SWMB just recommends going ahead and holding two (2) public hearings on the siting plan with the comprehensive plan. If not, then you need to start updating the “draft” version. Information tends to change over a five-year period. Your board needs to review the information for any changes in goals, objectives, programs, statistical data, etc. This Plan is a complete overview of your county’s program and goals for the next twenty (20) years.
- 3) Class I legal ad must be advertised stating the purpose, time, date, and location of the public hearing and the final date of the written comment period and where comments may be sent.
 - a. Public hearing **must** be a minimum of thirty (30) days from the date of publication of the class I legal ad.
 - b. Written comment period **must** be a minimum of ten (10) days from the date of the public hearing.
 - c. Timeframes are based on calendar days, not working days.
 - d. A copy of the affidavit and ad will become part of the final plan.

4) Copies of the plan must be placed at the required locations by the day the legal ad is published.

- a. County Clerk's Office;
- b. All public libraries and branch libraries in the county or counties; and
- c. By posting the public notice at the appropriate county courthouse(s).

5) Public hearing is held and written comment period.

- a. No quorum is needed for the public hearing. May be conducted by a board member or an employee. Entire board is not required to be in attendance.
- b. Purpose of the public hearing is to solicit ideas, opinions and comments from the public concerning the plan being updated. The public hearing is not the time to respond to any comments received. No action is required.
- c. Public should be given a reasonable time limit for oral statements.
- d. Hearing should last at least an hour, unless public participation constitutes it to last longer.
- e. Hearing must be recorded by "mechanical means" (any type of electronic recorder). Copies of all written comments and hearing minutes shall be retained for a period of three (3) years from the date of the public hearing.
- f. Public hearing minutes will become part of the final plan.

6) At the following board meeting, board members should acknowledge any verbal or written comments received.

- a. A brief letter acknowledging the receipt of any written comments should be sent to person submitting the comments.
- b. The authority shall prepare a written summary of the public comments received and how it was responded to. This will be included in the final plan.

- 7) If agreed, a motion must be made to submit the plan to the Solid Waste Management Board for final approval. Approved minutes must be included in the final plan.
- 8) SWMB staff reviews the plan for completeness.
 - a. If found complete, plan is placed on the next monthly agenda.
 - b. If found incomplete, the insufficiencies will be noted, and the plan will be returned to your board for corrections. Within ninety (90) days, the authority shall revise the plan and submit the corrected version to the SWMB for approval.
- 9) Upon approval by the SWMB, an approval letter and the original plan will be sent back to your board. Your authority will be given sixty (60) days after approval to mail four (4) copies of its final plan back to the SWMB. One (1) copy must be mailed to the appropriate regional planning and development council, county planning commission and the office of the appropriate county clerk, who shall file the plan in an appropriate manner and make it available for public inspection.
- 10) **This process is not finalized until the final versions are received by the SWMB.**

Public Hearing Worksheet

The Commercial Solid Waste Facility Siting Plan is only required to have one (1) public hearing and written comment period.

- An updated “draft” copy must be placed out for this public review period.
- If your board is updating the comprehensive plan at the same time, it is recommended that you go ahead and have two public hearings for the siting plan. Follow the same steps in the comprehensive plan update guidelines.

Any changes that are being made to the “draft” version should be made as follows:

- Language being **removed** needs to be done so with ~~striketroughs~~.
- Language being **added** needs to be done so using underlines.
- This allows the general public to quickly notice what information is being changed.

Plan **must** be placed in the following locations by the date of publication of class I legal ad:

- County clerk’s office;
- Every county public library and its branches; and
- The SWA office (should you choose).

Public hearing date **must be** a minimum of thirty (30) days from the **published** date of the class I legal ad. Written comment period **must be** extended a minimum of ten (10) days from the hearing date. **Note: Timeframes are calendar days, not working days.**

Hearing

	Sample dates
Date legal ad appears in publication	Jan. 3, 2026
Date of public hearing	Feb. 5, 2026 (33 days)
Date of written comment period	Feb. 15, 2026 (10 days)

Sample Class I Legal Ad

This is only to serve as a suggested template for the class I legal ad based on the required information form 54CSR4. Wording may vary as to each board's preferences of wording.

However, this information is, to a minimum, required to be included.

The (Name of County) County Solid Waste Authority will hold a public hearing concerning the five-year update of the Commercial Solid Waste Facility Siting Plan. The hearing will take place at (location), on (date), (month), (year), at (time), during which the public comments will be heard. The plan may be reviewed at the (county library location), and the (county) County Clerk's Office. Written comments will be accepted until (date- 10 days from hearing) and may be sent to (Authority or Chairman/Director), at (mailing address and email address, if you so choose).

In accordance with 54CSR3-5.2.1, "Public hearings for the comprehensive plan update may be held at the same time as the siting plan update hearings, as long as both plans are advertised and addressed equally."

If your authority needs to provide updates for both the comprehensive and siting plans at the same time, you may combine the class I legal ad to reflect so. This may be done by adding "...Comprehensive Litter and Solid Waste Control Plan" to the first sentence to reflect the public hearing for both and including the regional planning and development council to a review location (required for the comprehensive plan). Not only does this ensure both are being done properly, at the same time, but saves the authority from paying for two class I legal ads. Just make sure that the recording and minutes for the public hearings indicate that comments are/were being accepted for both plans.

Required Format of Plan

WV Code Rules §54-4-4, plainly states the format of each plan. The Commercial Siting Plan shall include:

- **Cover Sheet**
 - o Includes the name of the authority,
 - o Title of the plan, and
 - o Signature of the authority chair.
- **Forward or Preface**
 - o Includes the purpose of the plan.
- **Table of Contents**
 - o Indicating the major subdivisions of the plan.
- **Executive Summary**
 - o Procedures,
 - o Methodology, and
 - o Conclusions
- **Solid Waste Facility Zones**
- **Rational for Establishing the Zones**
- **Public Participation Process**
 - o Class I Legal Ad,
 - o Affidavit,
 - o Minutes of Public Hearing, and
 - o Summary of any comments received.
- **Appropriate Maps**

Section 5 of this Rule explains the required content of the plan. It provides detailed guidance on what must be included in each of the sections and major subdivisions listed above.

For a detailed description of each requirement, please refer to a copy of 54CSR4, which is available on our [website](#) under Resources → WV Solid Waste Code and Rules. You can also find all other applicable codes and rules within the Resources section of the website.