



COMPREHENSIVE LITTER & SOLID WASTE CONTROL PLAN UPDATE PROCESS

The Process (summarized)

For the updates to the Comprehensive Litter and Solid Waste Control Plan, there are basically four parts to the process:

- First Public Hearing
- Second 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 a 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) 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.
- 3) 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;
 - c. Office of each appropriate regional planning and development council; and
 - d. By posting the public notice at the appropriate county courthouse(s).
- 4) 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.
- 5) 1st public hearing is held and 1st 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 shall be given a reasonable time limit for oral statements.
 - d. Hearing should last at least an hour, unless public participation would constitute 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 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)** 2nd Class I Legal Ad is advertised stating the dates of the public hearing and ending of the written comment period. (same information included in step 2)
- 8)** Copies of the “draft” version is placed at the required locations by the day the legal as is published. (same locations as listed under step 3)
- 9)** 2nd public hearing is held and 2nd written comment period ends. (see step 5)
- 10)** At the following board meeting, the board addresses any comments received. (step 6) 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.
- 11)** 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.
- 12)** Upon approval the by 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.
- 13) THIS PROCESS IS NOT FINALIZED UNTIL THE FINAL VERSIONS ARE RECEIVED BY THE SWMB.**

Public Hearing Worksheet

The Comprehensive Litter and Solid Waste Control Plan must have two (2) public hearings and written comment periods.

- The existing plan may be used for the first (1st) public review period.
- An updated “draft” copy must be placed out for the second (2nd) public review period.

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 note 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;
- Regional Planning and Development office; 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.**

First Hearing

ACTUAL DATES

SAMPLE DATES

Date legal ad appears in publication

Jan. 3, 2017

Date of public hearing

Feb. 3, 2017 (33 days)

Date of written comment period

Feb. 13, 2017 (10 days)

Second Hearing

ACTUAL DATES

SAMPLE DATES

Date legal ad appears in publication

March 7, 2017

Date of public hearing

April 7, 2017 (32 days)

Date of written comment period

April 17, 2017 (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 from 54CSR3. Wording may vary as to each board's preference of wording. However, this information is, at 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 Comprehensive Litter and Solid Waste Control Plan. The hearing will take place at (location), on (date), (month), (year), at (time), during which time public comments will be heard. The plan may be reviewed at the (county library – location), (county) County Clerk's Office, and the (regional planning & development 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 is needing 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 "and Commercial Solid Waste Facility Siting Plan" to the first sentence to reflect the public hearing for both. 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.

WEST VIRGINIA SOLID WASTE MANAGEMENT BOARD

Comprehensive Litter and Solid Waste Control Plan Final Process for Plan Updates

Items to be included in packet when submitting final plan to the SWMB for approval:

- Clean copy of updated plan (underlines & strikethroughs removed)
- Affidavit & copy of first Class I legal ad
- Minutes from first public hearing
- Copies of any public comments received (written or verbal) and written response to each
- Minutes from second public hearing
- Copies of any public comments received (written or verbal) and written response to each
- Copy of board meeting minutes showing motion made to submit plan(s) to the SWMB for final approval (may be draft version – approved version must be included in final submission)

Once received, the SWMB staff will review plan(s) 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.

Upon approval by the Solid Waste Management Board, an approval letter and the original final versions of the plan(s) will be sent back to your board. A copy of that approval letter MUST BE INCLUDED in the final copies. Your authority will be given sixty (60) days after approval to file the final eight (8) copies in accordance with WV Code Rules §54-3-3.4.:

- Four (4) copies must be mailed BACK to the SWMB.
- One (1) copy must be mailed to the appropriate regional planning and development county.
- One (1) copy must be mailed to your county planning commission.
- One (1) copy must be submitted to your county clerk.
- One (1) copy must be retained by your solid waste authority.