



# COMMERCIAL SOLID WASTE FACILITY SITING PLAN UPDATE PROCESS

## **The Process (summarized)**

For the updates to the Commercial Solid Waste Facility 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 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)** 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, the 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 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)** 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 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.
- 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 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 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; 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.**

<u>Hearing</u>	<u>ACTUAL DATES</u>	<u>SAMPLE DATES</u>
Date legal ad appears in publication	_____	Jan. 3, 2017
Date of public hearing	_____	Feb. 5, 2017 (35 days)
Date of written comment period	_____	Feb. 15, 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 54CSR4. 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 Commercial Solid Waste Facility Siting 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) , 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.I, "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 "...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 goes on to explain the Content of Plan. This section explains in detail what each of the sections listed above and those major subdivisions are to include. The Table of Contents on the next page shows each item “required” from the Rule to be included in the plan and the code citing for each.

For a detailed description of each, refer to the copy of 54CSR4 included at the end of this overview.