



# WEST VIRGINIA SOLID WASTE MANAGEMENT BOARD

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Mark D. Holstine, PE, Executive Director  
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## MINUTES

### West Virginia Solid Waste Management Board January 15, 2025 11:00 am

#### 1. Roll Call.

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

Absent: None.

Board Counsel: Kelley Goes, Esq..

Staff: Mark Holstine, Kelly Vickers, Jayne Ann Arthur, Kyla Morris, Cathleen Salmons, Rosamary Schwaiger, and Maxine Johnson.

Visitors Listed: Niki Davis.

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 a.m., in conference room 1125, in the DEP Headquarters located at 601 57<sup>th</sup> St. SE, Charleston, WV 25304. Jayne Ann Arthur called the roll. The Chair announced a quorum was present.

**2. Approval of minutes of the December 11, 2024 Board meeting.**

Chair Combs requested a motion for approval of the minutes from the last meeting. Mr. Howard Coffield moved to approve the minutes, Vice Chair Bryant seconded the motion and it passed unanimously.

**3. Financial Reports.**

**A. Financial Statements.**

Kelly Vickers gave an overview of the Profit and Loss statement for November 2024 and informed the Board that there were no significant changes. Travel Expenses were increased due to a total of four conferences attended either by the Solid Waste Management Board Staff and Board members or both in October and there were three payrolls in November increasing the Personnel services. Ms. Vickers reviewed the Balance Sheet pointing out the Grants payable for one Solid Waste Authority.

**B. Purchasing Card Report.**

Ms. Vickers asked if the board had any questions regarding the detailed report provided in the board packet as most of the expenses were previously discussed during the financial statements. Ms. Vickers stated again the report consisted of more pages than usual due to the October travel to the numerous conferences that appear on the November statements.

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

The assessment fee and tonnage data for November 2024 was explained to the Board by Kelly Vickers. November assessment fee checks in the amount of \$2,088.43 were mailed out in November. The average check for the year is \$2,106.00.

Assessment fee revenue for the month of November 2024 was \$229,726.00. Total fees for the year is \$1,168,998.00. The year-to-date tonnage comparison is 97.50%.

**D. Grant Status Report.**

Ms. Vickers stated this is the last time for the FY 2024 Grant Report as all necessary documents have been received and reviewed, as well as a few FY 2025 she has received. FY 2025 grant funds have been sent to all but one Solid Waste Authority and Ms. Vickers is working with them, semi-annual grant period will close on February 1, 2025 and semi-annual reports will be due on February 22, 2025.

E. None.

4. **Standing Committee Reports.**

A. None.

5. **Executive Director Report.**

**Jury Duty** – Director Holstine was in the jury pool for Kanawha County Circuit Court beginning Monday, January 13. He was not a selected juror, therefore is present for today's Board meeting. Staff and Director Holstine along with Kelley Goes were prepared for the meeting should Director Holstine have been absent, and Director Holstine was confident that they could respond to any questions the Board may have.

**Tucker County SWA** – Winter is in full swing at the landfill. There were 8-foot snow drifts in places last week. One snowplow attachment was broken during the storm and is being repaired. A new plow and assembly have been purchased for one of the F-250 pickup trucks to assist in snow removal.

Tucker County has received permit approval to construct the new sediment pond for the borrow area from DEP. Construction on this pond will begin as soon as the weather permits.

Bids have been received on the purchase of a new rock hammer and are being evaluated. This hammer will be used to break down sandstone on site, allowing us to screen and produce rock to be used in new cell construction and throughout the site.

The next board meeting is scheduled for Monday, January 20 at 3pm. Director Holstine stated if the weather predicted occurs, he may Chair the meeting virtually.

**Nicholas County** – The Performance Review for the SWA has been completed and is on the agenda today for your approval. Staff is recommending a finding of “Impaired” in the Review. Areas of concern and need for improvement are:

*Internal Control and Segregation of Duties* – Although this is common in small SWAs, Nicholas has enough staff to rectify this issue.

*Timeliness and Accuracy of Quarterly Performance Measures* – the SWA has missed submission deadlines on several due dates of Performance Measures since the last Review.

*Compliance with Accounting Policy for Depositing Funds* – the SWA is not following their own policy for timeliness of deposits.

*Non-Compliance with General Accounting Policies* – Contradictions exist between the SWAs Bylaws, Internal Accounting Policies, and actual practices. The requirement and practice of obtaining dual signatures of checks is inconsistent and unclear in both policy and practice.

*Frequent Cancellation of Board Meetings* – Nine Board meetings were canceled over three years, seven due to a lack of a quorum and two due to the unavailability of the Executive Director.

*Training for Board Members* – No members have attended training since the last Review.

*Lack of a Website for the Transfer Station and Recycling Efforts* – the SWA lacks a dedicated website and infrequently updates its Facebook page.

*Deficiencies in the Safety Program* – the Safety Manual was condensed and edited since the last Review. The Safety Program lacks key components such as a Lockout/Tagout procedure, a chemical inventory list, and comprehensive emergency action plan. Fire extinguishers and emergency exit signage were also found to be deficient.

*Lack of Clarity and Consistency in Employee Raise Approvals* – While the Board approved raises for employees, the specific amount or percentage was not documented in the minutes. Raises varied significantly from 5% to 22%. Lack of clarity and transparency are concerns.

*Lack of Financial Planning and Failure to Fund Accounts* – the SWA has failed to fund its accounts adequately, resulting in a lack of preparation for future operational and capital needs. The SWA's Certificate of Need explicitly states that until the C&D cell is closed, the restricted access Construction and Equipment Escrow and Closure Post Closure Escrow are to be funded. Staff reported that the PSC gave permission to stop funding these escrows, but there is no documentation to support this claim. The SWMB questions the management decision to not fund any escrow to support replacement of key pieces of equipment regardless of PSC approval. Recent tonnage data indicates an increase of tonnage over that which existed at the time of transfer station operation inception which contributes to increased mileage on tractors and trailers, which in turn shortens the initial service life of this equipment.

*Executive Director Certification* – the Director has a certificate for Landfill Operations but lacks a certificate for Transfer Station Operations.

*Lack of Documentation on Policy and Procedure* – Board minutes reflect board approved updates to policies and procedures, but the actual documents do not

include effective dates or signatures confirming the board's approval.

*Lack of Documentation of Employee Acknowledgement of Policy Updates* – a clear policy on updating policies and procedures and ensuring employee acknowledgement of receiving these updates does not exist.

*Deficient Equipment Maintenance and Replacement Policy* – the SWA lacks an official equipment replacement policy and relies on reactive, as needed approach to maintenance. The decision to not fund any equipment escrows is cause for concern and requires significant additional debt service in order to continue operations.

As extensive as the list of deficiencies and issues appears, Director Holstine does not anticipate major involvement by SWMB staff in repairing these issues. At this time, there is no plan for Director Holstine to Chair future meetings at the SWA as has been required in the past. Director Holstine is confident that the Nicholas Board will act, together with its staff, to rectify these issues. As always, the SWMB will offer guidance and assistance as needed to help them make decisions to return their operations to satisfactory condition.

It is also important to note that PSC staff have recently recommended a rate increase for the Nicholas County Transfer Station. This rate increase appears to cover the debt service on a new commercial loan to purchase various equipment including tractors and trailers. This would also permit Nicholas County to pay off the loan owed to the SWMB. The Commission has not yet approved the increase.

Director Holstine would like to point out that this review and its findings are timely and allows the Nicholas Board to act on its own without intervention and supersedure by the SWMB. This review points out key deficiencies in the operation and recommendations that provide a road map for correction. If approved by the SWMB today, the SWMB will forward this review to the Nicholas County board and SWMB staff and Director Holstine will appear at the next Nicholas County SWA meeting to answer any questions they may have. The next meeting of the Nicholas County SWA will be on January 27.

**WV Recycling Coalition** – Director Holstine chaired his first meeting as Chair of the WV Recycling Coalition, replacing Paul Hayes. At this meeting, Director Holstine appointed Kyla Morris as Vice-Chair. Winners of the youth recycling contest and adult contest were also chosen. Director Holstine will report on these at a later meeting once the contestants are notified.

**WV SWMB Staff** – Director Holstine stated he is very happy to announce that Niki Davis, previously of DEP-REAP, has accepted a position with the SWMB as head of Recycling and Market Development, replacing Carol Throckmorton. Niki Davis brings a wealth of

knowledge and experience to the position, having worked closely with all solid waste authorities across the state. Niki's first day with the SWMB will be February 10.

**6. Unfinished Business.**

**A. None.**

**7. New Business.**

**A. Jefferson County Solid Waste Authority Comprehensive Litter and Solid Waste Control Plan.**

Chair Combs stated that the Jefferson County Solid Waste Authority Comprehensive Litter and Solid Waste Control Plan update abstract were emailed and are also included in the Board packet.

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

**B. Nicholas County Solid Waste Authority Performance Review.**

Chair Combs stated that the performance review had been sent out via email to the Board and previously discussed during the Executive Directors Report.

There being no further discussion Mr. Steve Pilato moved that in accordance with W.Va. Code Rules § 54-6.6.1.b, and based on the Performance Review conducted on the Nicholas County Solid Waste Authority and its commercial solid waste facility, the Board placed the Nicholas County Solid Waste Authority in the category of 'Impaired'. Mr. Pilato further moved to authorize the Executive Director to make any necessary technical corrections prior to the final performance review being distributed to the Nicholas County SWA's Board of Directors. Seconded by Mr. Tim Blankenship, the motion passed unanimously.

**C. None.**

**8. Miscellaneous Business.**

**A. None.**

**9. Public Comment – Limited to three minutes.**

**None.**

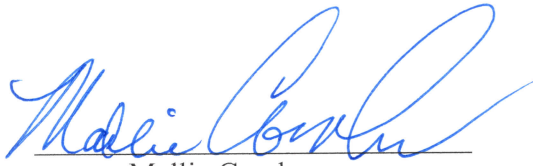
**10. Next Meeting.**

Chair Combs set the next meeting of the Solid Waste Management Board, for **Wednesday, February 19, 2025 at 11:00 am.**

**11. Adjournment.**

There being no further business to discuss, Chair Combs adjourned the meeting at 11:40 am.

Respectfully submitted,



Mallie Combs  
Chair



Mark D. Holstine  
Secretary/Treasurer