



WEST VIRGINIA SOLID WASTE MANAGEMENT BOARD

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Mark D. Holstine, PE, Executive Director
www.state.wv.us/swmb

MINUTES

West Virginia Solid Waste Management Board March 19, 2025 11:00 am

1. Roll Call.

Present - Board:	Mallie Combs, Tim Blankenship, Roger Bryant, Howard Coffield, Jason Frame, Yogesh Patel, and Steve Pilato.
Absent:	None.
Board Counsel:	Kelley Goes, Esq.
Staff:	Mark Holstine, Kelly Vickers, Jayne Ann Arthur, Kyla Morris, Niki Davis, Rosamary Schwaiger, and Cathleen Salmons.
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, in conference room 1203/1204, in the DEP Headquarters located at 601 57th St. SE, Charleston, WV 25304 at 11:03 am, Jayne Ann Arthur called the roll. The Chair announced a quorum was present.

2. Approval of minutes of the January 15, 2025 Board meeting.

Chair Combs requested a motion for approval of the minutes from the last meeting. Mr. Tim Blankenship moved to approve the minutes of the January 15, 2025 meeting. Mr. Howard Coffield seconded the motion and it passed unanimously.

3. Financial Reports.

Financial Statements.

Ms. Vickers gave an overview of the profit and loss statements for December 2024 and January 2025 and informed the Board that there were no significant changes. The January tonnage reported is less due to weather issues, however, it is currently increasing and should not be a concern. In addition, the increase in payroll was a result of the retirement of the two SWMB employees' annual leave payout. The difference in the Year to Date comparison with last year is the reduced tonnage and the annual leave payouts indicating the SWMB is precisely on course. Ms. Vickers reviewed balance sheets for December 2024 and January 2025 pointing out the Grants payable credit due to the refunds from the 2024 Grants.

Purchasing Card Report.

Ms. Vickers asked the Board if they had any questions relating to the detailed P-card report provided since most of the itemized expenses on the December 2024 and January 2025 P-card report were previously discussed during the financial statements. The hospitality charges were for the December appreciation luncheon and there were charges for the SWANA membership and the MOLO certification course in January.

Assessment Fee and Tonnage Data.

The assessment fee and tonnage data for December 2024 was explained to the Board by Kelly Vickers. December assessment fee checks in the amount of \$2,262.00 were sent to the SWA's. Average check for the year is \$2,145.00.

Assessment fee revenue for the month of December 2024 was \$248,911.00. Total fees for the is \$1,417,909.00. The year-to-date tonnage comparison is 96.80%.

The assessment fee and tonnage data for January 2025 was also explained to the Board by Kelly Vickers. January assessment fee checks in the amount of \$1,907.00 were sent to the SWA's. Average check for the year is \$2,114.00..

Assessment fee revenue for the month of January 2025 was \$209,824.00. Total

fees for the is \$1,627,733.00. The year-to-date tonnage comparison is 99.14%.

4. Grant Status Report.

Ms. Vickers informed the Board next month Niki Davis will be presenting updates to the Grant Program. Ms. Vickers provided an explanation to the board for the one county that has not received FY 2025 grant funds due to a hold for unemployment and tax issues. Ms. Vickers stated the SWMB staff has reached out and offered to assist in any way possible.

5. Standing Committee Reports.

A. None.

6. Executive Director Report.

SWMB Staff – Niki Davis started work with the SWMB on February 8 as the Recycling and Market Development Manager. Maxine Johnson resigned from her position effective February 7. Moving forward, Kelly Vickers will be assuming the duties of the Business and Financial Support Manager, and Jayne Ann Arthur will be shifting to the Comptroller position.

The shifting of positions and internal promotion has also brought forth clarity to our personnel classification with DOP and Oasis. There is now consensus that our personnel are non-classified exempt. This has been a lingering issue and now seems to be resolved.

Tucker County – At the board meeting on Monday, February 24th, Mark Joseph presented mid-year financials to the board. Comparisons between December 2023 and December 2024 were an increase in Cash on Hand of \$767,456, an increase in Current Ratio from 2.50 to 3.33, an increase in net assets of \$178,315 without financing. There is approximately 2 years of air space in the current disposal cell.

The manhole that has been awaiting a pump and flow meter is now in service and leachate is now flowing better and being pumped into the leachate pond. The weather this winter has resulted in nearly one million gallons of leachate being hauled to treatment in the month of February. The permanent wind fence was damaged during a severe windstorm which resulted in windblown litter getting through.

A meeting with Nacelle occurred on March 6 to discuss plans for the natural gas project on site. May 1 is the target date for work to begin on this project.

Jody Alderman, Kelley Goes, and Director Mark Holstine met with DEP Enforcement on February 26 to discuss the status of several lingering issues that exist at the landfill. Leachate seeps getting into surface water, windblown litter, and adequate storm water ponds are the main concerns. With the completion of the manhole to provide positive leachate drainage and pumping into the leachate pond, we are hopeful the seep issue will become less of an issue. We were just issued a permit to construct a new storm water pond and construction will begin soon. The wind fence will be repaired, and additional bull fence will have to be purchased to assist in the control of windblown.

Budget preparations for FY 2026 are going to begin this month and we are going to make a significant investment in rectifying these issues. This investment will have to be balanced with maintaining enough reserve to begin construction of the disposal cell in calendar year 2026.

Nicholas County – Staff has been assisting the NCSWA with their efforts to correct issues noted in their Performance Review. The authority has also been made aware that they have reached the 60-day mark in the 90-day improvement period and should notify the SWMB if they are going to need more time to make necessary corrections. We are awaiting their response.

SWMB Training Series - The training for SWA board members and staff members is scheduled for May 6th in Bridgeport at the Bridgeport Convention Center and September 23rd at Chief Logan State Park. Kyla Morris has sent out a survey to all SWAs for feedback on the following topics; Comprehensive and Siting Plans, Grants, Segregation of Duties, Personal Identifiable Information, P-Card, Fraud, Ethics, and Roundtable (open for questions). Once the training is complete, we will post the PowerPoints on our website.

Public Service Commission-

Nicholas County SWA – On January 29, the authority requested 60 additional days to review PSC staff's final memo regarding its rate case and requested until February 28 to file a response. On March 7, the PSC administrative law judge scheduled an evidentiary hearing for April 2 at 1:30pm. On March 11, the Authority revised its list of capital assets requested in their initial filing, reducing the amount from \$1,328,027.75 to \$940,286.86. The authority proposes to borrow the money from First Community Bank for a term of 10 years at 6.99%.

Greenbrier County SWA – On March 4, PSC staff issued a final memorandum requesting a copy of the escrow agreement and to inform the Commission in writing as to whether it intends to hire a replacement for the lost employee with a timeframe to hire a replacement. If they hire a replacement, Staff recommends they continue to operate at the approved rate of \$52.25 per ton. If they do not hire a replacement, Greenbrier shall submit a new rule

19A or 42A to set more reasonable rates. On March 13, Greenbrier replied to the Staff memo stating that they have recently moved their escrow account from a private institution to the WV State Treasurers office and have requested a copy of the escrow agreement. Greenbrier also stated that they have recently hired replacement employees and requested that they be able to continue to operate at the rate of \$52.25 per ton.

Mercer County SWA – On August 26, Mercer filed an application to increase its rates for residential solid waste from \$38 per ton to \$44 per ton. They also proposed that their Closure/Post-Closure, and Construction escrows are sufficiently funded and proposed to reduce deposits into those accounts from \$4.34 per ton to \$2.17 per ton. Mercer also proposed having negotiable rates for municipalities and for certificated haulers located in Mercer County in the event they threaten to haul waste out of state. PSC Staff recommends a rate increase including the cities of Princeton and Athens of \$38.65 per ton, having a positive cash flow of \$4,460. PSC staff also states that if Mercer wishes to enter negotiable contracts with Princeton and Athens, it should submit those contracts to the Commission for approval. On February 13, the ALJ granted Mercer until February 23 to file any objections to the Order. On February 18, Mercer filed a 60-day extension. On February 26, the ALJ revoked the February 13 Order, and Mercer has been given until April 20 to indicate whether it objects to the Staff recommendations in whole or in part.

Tire and Rubber, Inc – On January 22, the Commission entered a final order granting a rate increase for the disposal of tires and construction and demolition waste. The rates are calculated to produce a cash flow surplus of \$651,459 with a positive net income \$236,313. Rates will be \$1.74 per passenger tire (\$116/per ton), \$2.45 per light truck tire, \$6.98 per heavy truck tire, and \$56.04 per ton for C&D.

Session - The legislative session continues. The legislative tracking list for bills dealing with solid waste authority related content, continues to be updated regularly on the SWMB website at <https://swmb.wv.gov/resources/Documents/Bill-Tracking-2024-WEB-LIST.pdf>

The tracking list will be handed out to you at the board meeting as it changes every day with new additions. There have not been many bills relating directly to solid waste or recycling that have been introduced or moving during this session.

HB2105 is moving and requires Governor approval for any government entity to accept certain grants.

HB2800 requires the PSC to do a survey of surrounding state's border counties and to establish a maximum rate for waste haulers to charge their customers.

HB 2968 transitions PEIA from a public healthcare entity and permitting PEIA to operate

as a private healthcare insurance company.

HB3171 requires the Governor's consent accept certain grants.

SB 734 repeals one section of the REAP section of Code regarding purchase of recycled materials.

HB3441 just introduced on Monday, 3/17, allows County SWAs that have a solid waste authority in their county to assess \$1.00 per ton in lieu of the current \$0.50 per ton.

Other - Kyla Morris traveled to Brooke County HS and Point Pleasant for the Recycling Coalition. The SWMB FY 2026 grant process has begun, and our notice is published on the Grants WV.gov website. The application process will once again go through the wvOasis Vendor Self Service (VSS) Portal.

The PSC has opened an investigation into Waste Management that Director Holstine stated seems to be centralized around the Cross Lanes area and a Kanawha County delegate. Director Holstine proceeded to inform the board of the numerous phone calls received by the SWMB due to "google" searches for Waste Management and there have been several customers concerned.

7. Unfinished Business.

A. None.

8. New Business.

A. Ohio County Solid Waste Authority Comprehensive Litter and Solid Waste Control Plan and Commercial Solid Waste Facility Siting Plan Updates.

Niki Davis presented an update to the board indicating the changes that have occurred at the Ohio County Solid Waste Authority since the last updates. Chair Combs stated that the Ohio County Solid Waste Authority Comprehensive Litter and Solid Waste Control Plan and Commercial Solid Waste Facility Siting Plan update abstracts were emailed and are also included in the Board packet.

There being no questions, Howard Coffield moved that the Board approve the Ohio County Comprehensive Litter and Solid Waste Control Plan update in accordance with W.Va. §22C-4-8(d) and WV Code of State Rules 54-3-6, Mr. Coffield further moved that the board approve the Commercial Solid Waste Facility Siting Plan update for the Ohio County Solid Waste Authority in accordance with W.Va. §22C-4-24(d) and WV Code Rules 54-4-6. Seconded by Vice Chair Bryant, the motion passed unanimously.

B. Other - None.

9. Miscellaneous Business.

A. None.

10. Public Comment – Limited to three minutes.

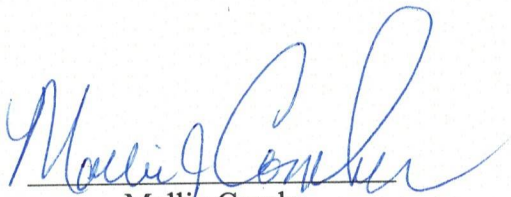
11. Next Meeting.


Chair Combs set the next meeting of the Solid Waste Management Board, for **Wednesday, April 16, 2025, at 11:00 am.**

12. Adjournment.

There being no further business to discuss, Chair Combs adjourned the meeting at 11:54 pm.

Respectfully submitted,


Mallie Combs
Chair


Mark D. Holstine
Secretary/Treasurer