



# 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 17, 2018 11:00 a.m.

#### 1. Roll Call.

Present - Board:	Mallie Combs, Tim Blankenship, Roger Bryant, Steve Pilato, and Walt Ivey.
Absent:	Howard Coffield and Sudhir Patel.
Board Counsel:	Kevin Carr, Esq.
Staff:	Mark Holstine, Marsha Payton, Jayne Ann Arthur, Scott Norman and Paul Hayes.
Visitors Listed:	Carol Blankenship.

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 2129, located at the DEP Headquarters, 601 57<sup>th</sup> Street, SE, Charleston, WV 25304. Marsha Payton called the roll. The Chair announced a quorum was present.

**2. Approval of minutes of the December 20, 2017 Board meeting.**

Chair Combs requested a motion for approval of the minutes from the last meeting. Mr. Pilato moved to approve the minutes of the December 20, 2017 meeting. Mr. Bryant seconded the motion and it passed unanimously.

**3. Financial Reports.**

**A. Financial Statements for November 2017.**

Mr. Norman gave an overview of the balance sheet and income statement for November 2017 and informed the Board that there were no significant changes.

**B. Purchasing Card Report for November 2017.**

Mr. Norman went over the expenses on the P-card for November 2017. There were no out of the ordinary expenses on the P-card.

**C. Assessment Fee and Tonnage Data for November 2017.**

The assessment fee and tonnage data for November 2017 was explained to the Board by Scott Norman. Assessment fee checks in the amount of \$2,021.00 were mailed out on November 16, 2017. Average check for the year is \$2,166.00.

Assessment fee revenue for the month of November 2017 was \$222,313.00. Average revenue for the year is \$238,247.00. The year-to-date tonnage comparison is 118.36%.

**D. Grant Status Report.**

All final reports for the FY 2017 grant program have been received. Brooke and Wood counties are still under review. McDowell County report was completed on January 16, 2018. Mr. Norman informed the Board that SWMB staff is waiting on a response from the Attorney General's office before Wood County can be completed.

FY 2018 reports are due on February 22, 2018; reports are starting to come in.

**E. Other.**

4. **Standing Committee Reports.**

A. **None.**

5. **Executive Director Report.**

**Wood County SWA** – Due to issues involving the AG's office, we were unable to bring the issue between the SWMB and the Wood County SWA to a resolution. We are working diligently to have the issue resolved by the February meeting.

**Nicholas County SWA** – Due to issues discovered with the initial geotechnical investigation and subsequent drilling, the original location of the transfer station has been abandoned for a more suitable location in the field beside the office building. Ray Keller and Mr. Holstine together with Robyn Stroh and Steve Hamrick from NCSWA met at the engineer's office in Beckley to change the location of the structure. As part of this relocation, the scales will also have to be relocated and a new scalehouse will have to be constructed.

The trial set for January 8 has been postponed pending legal determinations made by the Supreme Court on matters of law regarding the contract between the NCSWA and Larry Bradford.

**Cabell County SWA** – New mobile recycling trailers were unveiled in Milton on Saturday, January 6. A copy of a news article can be found in the FYI section of your board packet.

**West Virginia Legislature** - The Legislature convened on Wednesday, January 10, 2018 and is scheduled to conclude at midnight on Saturday, March 10, 2018. To date, no major solid waste bills or bills that have a major impact on the SWMB have been introduced.

**Brooke County SWA** – On January 2, 2018 Carol Throckmorton attended the Brooke County SWA meeting. Nicole Hunter and Ms. Throckmorton attended the Brooke County Commission meeting on Monday, January 8, 2018. At this meeting, the commission agreed to loan the Authority \$25,383.93 to repay the grant funds owed to the SWMB and the DEP. The Authority held an emergency meeting on January 15, 2018 to approve the loan agreement.

The SWMB received a copy of the contract on January 16, 2018 to review and make comment. Mr. Holstine has several reservations about the terms of the agreement, however, since it has been voted on and approved there is little that can be done to alter it now. Chair Combs informed Mr. Holstine that he should relay the Board's concerns over the loan agreement between the Brooke County SWA and the County Commission.

**Public Service Commission** – Tygarts Valley Transfer, Inc. filed a petition to raise its rates and charges from \$58.25 per ton to \$70.75 per ton or \$79.50 including state and county assessment fees. Tygarts Valley serves customers in Randolph County and provides about 29 percent of the waste disposed of at Tucker County Landfill. A hearing is scheduled in Elkins on January 12, 2018 with the ALJ decision due by February 16, 2018.

**Other** – The DEP REAP Recycling Grants were announced on December 28, 2017. The 23 recipients will share \$1.3 million in grant funding for recycling assistance. Among the grant recipients are ten solid waste authorities and three municipalities.

**Recycling Coalition of WV** – The Coalition has presented four of the five Youth Contest winners. Media Releases for presentations made in Morgan and Greenbrier Counties are included in the FYI section of the board packet.

**6. Unfinished Business.**

**A. Bradford v. WV Solid Waste Management Board.**

Chair Combs informed the Board that they would now go into Executive Session to discuss legal issues. She further stated that there would be no action taken during this time and requested a motion to go into Executive Session. Mr. Bryant moved to go into Executive Session, seconded by Mr. Blankenship, the motion passed unanimously.

The Board came out of Executive Session and Chair Combs stated that there was no action taken during the session; only discussion entailed.

**7. New Business.**

**A. None.**

**8. Miscellaneous Business.**

**A. Other.**

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

**None.**

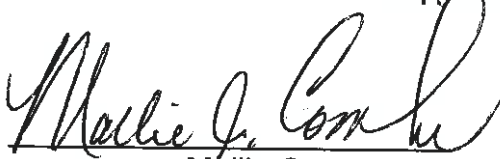
**10. Next Meeting.**

Chair Combs set the next meeting of the Solid Waste Management Board, for **Wednesday, February 21, 2018 at 11:00 a.m.** This meeting will be held at DEP Headquarters.

**11. Adjournment.**

There being no further business to discuss, Chair Combs adjourned the meeting at 12:02 p.m.

Respectfully submitted,



Mallie Combs  
Chair



Mark D. Holstine  
Secretary/Treasurer