



# 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 February 17 2021 11:00 a.m.

#### 1. Roll Call.

Present - Board:	Mallie Combs, Tim Blankenship, Roger Bryant, Howard Coffield, Walt Ivey, Yogesh Patel, and Steve Pilato.
Absent:	None.
Board Counsel:	Kelley Goes, Esq.
Staff:	Mark Holstine, Scott Norman, Jayne Ann Arthur, Paul Hayes, Nicole Hunter, Carol Throckmorton, Kayla Davis, Ray Keller, 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, at 11:00 a.m., via Conference call. Mark Holstine called the roll. The Chair announced a quorum was present.

**2. Approval of minutes of the January 20, 2021 Board meeting.**

Chair Combs requested a motion for approval of the minutes from the last meeting. Mr. Steve Pilato moved to approve the minutes of the January 20, 2021 meeting. Mr. Howard Coffield seconded the motion and it passed unanimously.

**3. Financial Reports.**

**A. Financial Statements.**

Mr. Norman gave an overview of the balance sheet and income statement for December 2020 and informed the Board that there were no significant changes. The Office Expense line item in the amount of \$1,272.04 includes the laptop bags purchased for the SWMB staff to transport between home and office. The Travel Expense line item in the amount of \$739.70 was for Board member travel to the January board meeting, as well as staff travel to Tucker County Solid Waste Authority.

**B. Purchasing Card Report.**

Mr. Norman went over the November and December 2020 P-card report and stated that Object Code 3211 in the amount of \$420.00 was for staff travel to the Tucker County Landfill and Board member to meetings. No other expenses were out of the ordinary.

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

The assessment fee and tonnage data for December 2020 was explained to the Board by Scott Norman. December assessment fee checks in the amount of \$1,935.00 were mailed out on December 17, 2020. Average check for the year is \$1,852.00.

Assessment fee revenue for the month of December 2020 was \$212,889.00. Average revenue for the year is \$203,676.00. The year-to-date tonnage comparison is 82.07%.

**D. Grant Status Report.**

Mr. Norman informed the Board that Clay County Solid Waste Authority final grant report and refund check have been received. Mr. Norman stated that he has been in touch with Putnam County Solid Waste Authority and several challenges relating to COVID, and weather is delaying the completion of the final grant report.

Semi-annual period for the FY 2022 grants program ended on February 1, 2021 and reports are due Friday, February 19, 2021.

Mr. Norman discussed the purchasing corrective action plan that will be sent to the Purchasing Inspection Division.

E.     **None.**

**4.     Standing Committee Reports.**

A.     **None.**

**5.     Executive Director Report.**

**Legislative Session** – The first day of the legislative session was February 10, 2021.

**Tucker County SWA** – In the FYI section of the Board packet is the response to the WV DEP Civil and Administrative Penalty (CAP) assessed on the violations at the Tucker County landfill. The response explains the complexity of the situation the SWMB found at the TCSWA and operations of the landfill. It addresses each NOV listed and the plans to rectify the issues. This document should be a source of reference for each of the Board and staff when questions arise about the situation at the TCSWA.

Ray Keller and Mark Holstine will teleconference into the next Region VIII SWA meeting to discuss the possibilities of obtaining the tonnage from their transfer stations at the Tucker landfill. The meeting has been rescheduled from Thursday, February 18, 2021 to February 25, 2021 at 10:00 a.m..

Improvements continue at the landfill and cash flow is still positive. The long-term payable to Cleveland Brothers Equipment Company is almost paid in full. Tonnage is lower than estimates so far in February. Hopes are this is weather related as snow fall in the region has been quite high during the first week of February.

**Raleigh County SWA** – The completed Performance Review on the RCSWA on the agenda for the meeting today, February 17, 2021, was emailed to the SWMB Board and Staff separately from the Board packet. RCSWA was found to be 'Satisfactory' with a score of 95 out of 100. The RCSWA staff were great to work with and should be commended on their effective and efficient operation.

Mr. Bryant questioned the score in relation to the recommendations from 2017 not being implemented. Mr. Holstine and Mr. Keller answered the score system has been adjusted since 2017, and the recommendations were not detrimental to the operation of the facility.

**Pocahontas County SWA**– The PSC has issued an order on a case the SWMB have been following since February 2018. A county resident complained that the Pocahontas County SWA raised the annual green box fee of \$107 without first obtaining approval from the PSC. The resident asked to be reimbursed for the overcharge since 2015 and suggested the SWA should pay a penalty.

Pocahontas asserted that the annual residential assessment was not subject to oversight by the PSC. The authority provides notice and holds public hearings annually to discuss the assessment. The SWA Board of Directors sets the green box fee during the meeting following the public hearing.

In an order issued on January 29, 2021, the PSC agreed with Pocahontas that the green boxes and the process to set the fee are valid. The PSC considers the revenues from the green box fees as a credit to the cost of service of the landfill when setting the tipping fees. The Order clarified the PSC does not set or approve the green box fee. In the future, each time that the SWA changes the annual residential green box fee assessment, the SWA will file a revised tariff that accurately states the new fee. The order also clarified that the green box system is not considered a system of transfer stations.

The Pocahontas County SWA did send an email thanking the SWMB staff in their assistance with this case. Additionally, the PCSWA has requested that Ray Keller and/or Mark Holstine attend the PCSWA March meeting to discuss the future of their landfill.

**Recycling Coalition of WV** – The ReFashion Show video is now on-line. You can view the video at WVRecycles.org at <http://www.wvrecycles.com/home.html>.

**Other** – SWMB Staff is in the process of retiring 12 desktop and old laptop computers to the Office of Technology following the purchasing of new laptop computers for all SWMB employees.

Carol Throckmorton made a trip to Upshur County to meet with the new executive director to explain the role the Solid Waste Management Board plays in supporting local solid waste authorities and began the process of working on their county plans. Ms. Throckmorton attended the authority's February Board Meeting and provided her thoughts from the meeting, stating the new director is very organized and Ms. Throckmorton was extremely impressed with the Board packet provided to the UCSWA board members. Scott Norman finalized the corrective action plan regarding the purchasing audit and a copy was emailed to the SWMB Board.

The Governor appointed Harold Ward as Cabinet Secretary of the DEP. Secretary Ward has re-appointed Yogesh Patel as his designee to serve on the Board.

The Governor issued a return-to-work memo on February 4<sup>th</sup>, however a second memo was issued which was very much the same as the memo sent in March 2020. Mr. Holstine is currently working on a return-to-work plan for Board staff when the official word to return to work is communicated. The current memo still requires avoidance of any large meetings and travel restrictions. Mr. Holstine is also awaiting new building directives from the DEP.

**Updated Legislative Session** – Mr. Holstine provided updates emailed on February 16, 2021 stating that in addition to the bill tracking list, the SWMB staff are tracking a House Joint Resolution that may change timeline of the session.

**House Joint Resolution 18** The purpose of this resolution is to provide for a divided legislative session of 30 consecutive days when it first meets and then an additional 30 consecutive days starting the first day of June.

**HB 2502** The purpose of this bill is to provide for the forfeiture of unencumbered funds in special revenue accounts and repayment of certain percentages of the special revenue accounts to the General Revenue Fund if these accounts have been inactive for designated periods. The bill also prohibits expenditures from these accounts pending the forfeiture of the funds. It reads in part:

All moneys collected or received under any act of the Legislature providing that funds collected or received under the act shall be used for specific purposes: Provided, That notwithstanding any provision of this code to the contrary, any unencumbered special revenue account that has had no activity either receiving or disbursing funds shall have 25 percent of those funds forfeited and reverted to the General Revenue Fund: Provided, however, That any unencumbered special revenue account that has had no activity either receiving or disbursing funds for over one year, but less than two years, shall have 50 percent of those funds forfeited and reverted to the General Revenue Fund: Provided further, That any unencumbered special revenue account that has had no activity either receiving or disbursing funds for over two years shall have 100 percent of those funds forfeited and reverted to the General Revenue Fund. Officials and employees of the state authorized by statute to accept moneys on behalf of the State of West Virginia that are designated for special revenue accounts may not disburse funds from these special revenue accounts pending the forfeiture and repayment to the General Revenue Fund required by this subdivision.

**HB 2490** The purpose of this bill is to require the Treasurer to transfer 50 percent of the unencumbered balance of each reappropriated revenue account in the State Treasury to the General Fund, under certain circumstances.

**HB 2131** The purpose of this bill is to clarify that the county or regional solid waste authority that may impose and collect an additional solid waste assessment fee is the county or region where the waste originates.

**6. Unfinished Business.**

**A. None.**

**7. New Business.**

**A. Raleigh County Solid Waste Authority Performance Review.**

Chair Combs stated that the performance review had been sent out via email to the Board.

There being no further discussion Mr. Coffield moved that in accordance with WV Code Rules § 54-6.6.1a and based on the Performance Review conducted on the Raleigh County Solid Waste Authority and its commercial solid waste facility, the Board place Raleigh County in the category of 'Satisfactory'. He further moved to authorize the Executive Director to make any necessary technical corrections prior to the performance review being distributed to the Raleigh County Solid Waste Authority board of directors. Seconded by Mr. Blankenship the motion passed unanimously.

**B. Cabell County Solid Waste Authority Comprehensive Litter and Solid Waste Control Plan and Commercial Solid Waste Facility Siting Plan Updated.**

The abstract for the plan updates for Cabell County were mailed out in the Board packets.

Mr. Ivey moved that the Board approve the Comprehensive Litter and Solid Waste Control Plan update for the Cabell County Solid Waste Authority in accordance with W.Va. Code § 22C-4-8(d) and WV Code Rules § 54-3-3.4a.

He further moved that the Board approve the Commercial Solid Waste Facility Siting Plan update for the Cabell County Solid Waste Authority in accordance with W.Va. Code § 22C-4-24(d) and WV Code Rules 54-4-3.3.b. The motion was seconded by Mr. Coffield and passed unanimously.

**C. Other – None.**

**8. Miscellaneous Business.**

**A. None.**

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

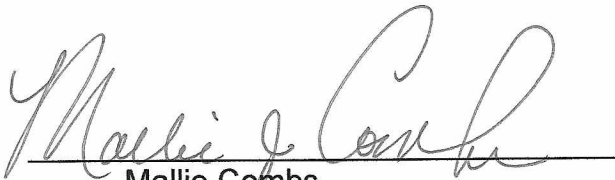
**10. Next Meeting.**

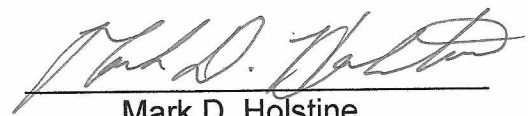
Chair Combs set the next meeting of the Solid Waste Management Board, for **Wednesday, March 17, 2021 at 11:00 a.m.** This meeting location will be determined.

**11. Adjournment.**

There being no further business to discuss, Chair Combs adjourned the meeting at 11:35 a.m.

Respectfully submitted,

  
Mallie Combs  
Chair

  
Mark D. Holstine  
Secretary/Treasurer