

Information you can't afford to trash

July 2020

What a ride

2020 hasn't unfolded quite like we anticipated. The Corona virus has tested us all.

Most of us have found new ways to get our jobs done, whether it be working from your couch or developing new procedures for Free Day at the landfills.

To your credit, most SWAs didn't skip a beat. Recycling centers continued to operate, and phones continued to be answered.

So, pat yourself on the back and take a deep breath. This too will pass and until it does, we are here to answer your questions as best we can.

WasteNews

2020 Legislature Session – what happened

Now that things are starting to get back to some sort of “normal” it's time to look back – back to the 2020 Legislative session. Below is a list of bills that made it through the last gavel along with a short explanation and how it could potentially have an impact on you.

SB35 The purpose of this bill is to limit the civil penalty for persons convicted of littering to no less than \$200 nor more than \$2,000. It amends §22-15A-4 of the West Virginia Code and became effective May 13, 2020.

This bill was a priority to SWAs, so this was a big win. Previous fines were much higher, and in many instances limited the number of penalties imposed by magistrates. The new fines are more likely to be paid which will result in more money going to SWAs.

SB175 The purpose of this bill is to require executive branch agencies to maintain a website with specific information; and to authorized county commissions and municipalities to maintain websites with specific information to be made available to the public at no charge, and require them to provide certain information to the Secretary of State and Office of Technology.

SB225 The purpose of this bill is to empower municipalities to enact Adopt-A-Street programs.

SB311 The purpose of this bill is to provide immunity to the state and political subdivisions from legal actions for liability for injury to a person while the person is performing voluntary community service ordered by the municipal court or magistrate.

HB 4026 The purpose of this bill is to exempt motor vehicles operated under a contract with the WV DEP exclusively for cleanup and transportation of waste tires and solid waste generated from state authorized waste tire remediation or cleanup projects from those statutory Public Service Commission provisions.

The bill resolved some ongoing issues with tire collection programs around the state.

HB 4042 This bill requires agencies that have been exempt from some or all state purchasing requirements to adopt procedural rules establishing their own purchasing procedures.

HB 4587 This bill modernizes the Public Service Commission's regulation of solid waste motor carriers and solid waste facilities.

The bill authorizes indexing automatic rate increases for solid waste collection and hauling; authorizing multi-year contracts; setting procedures for the approval of rates; authorizing solid waste carriers to require pooling; and authorizing the Public Service Commission to promulgate rules.

HB 4797 This bill authorizes municipalities to enact ordinances that allow the municipal court to place a structure, dwelling or building into receivership as an alternative to demolition.

There are plans for Legislative Interims to take place. No dates, agendas or restrictions have been set at this time. As this information becomes available, we will notify you so you can make your voice heard.

SAVE THE DATE – Oct. 17 – 19, 2021

Unfortunately, the 2020 WV Educational Conference on Litter Control and Solid Waste Management has become another casualty of Covid-19. This year's conference was scheduled for Oct. 18 – 20 at The Resort at Glade Springs, in Daniels, WV.

Our goal is to give SWA members, and others, the opportunity to learn and network with their peers. This year it would be impossible to do that in a safe way. It was a hard decision but, as time went by it became clear we were not going to be able to have the conference.

We have notified Glade Springs and have been able to reschedule for Sunday, Oct. 17 – Tuesday Oct. 19, 2021. As we approach the date, we will be sending out details and registration information.

GRANT AUDITS

You should have received a letter from the Auditor's Chief Inspector Division sometime in June. As if the auditing process isn't already daunting enough, there is now a new wrinkle related to provisions in WV State Code Chapter 12, Article 4, Section 14.

In the letter the Auditor is asking for information related to any state program you received funds in the fiscal year, including state matching portions of federal grant funds. This allows them to identify those receiving state grants of \$50,000 or more.

The letter further states that any agency providing grants may require you to comply with the additional audit requirements.

It's important to know the Solid Waste Management Board grants do not require you to comply with the West Virginia Code §12-4-14 if you receive less than \$50,000 in a given fiscal year. Authorities receiving less than \$50,000 in grant funding in a given fiscal year, will be required to submit a Sworn Notarized Statement of

Expenditures with the grantor within two years of the end of the fiscal year in which the grantee received the grant funding. The Sworn Notarized Statement of Expenditures form will be provided to the Authority by each granting agency.

You will be required to fulfill the audit requirement or AUP/Other Attestation Agreement within two years if you receive over \$50,000 in state grant funding for any fiscal year. If you fail to meet the audit requirement or file the Sworn Notarized Statement of Expenditures, you will be ineligible for state grants moving forward.

After meeting with the Deputy Auditor earlier this year, we agreed that it would be more cost effective for solid waste authorities to have an audit completed instead of completing an agreed upon procedures (AUP). If you have an AUP done within two years to satisfy §12-4-14, you will still need to have had an audit completed within the last three years to be eligible for future SWMB grants.

The bottom line is we don't feel there is any reason for the authorities to be paying for an AUP/Other Attestation Agreement and for an audit as well.

We had planned to have a training session at the conference to try to explain this more clearly. Now that the conference is postponed, we are looking at putting together some other type of training but meanwhile, if you have any questions please call.

MISCELLANEOUS

***Generic Email** – For privacy purposes we encourage all SWAs to use a generic email when conducting authority business. Using personal email could expose you and the authority to fraud, hacking and other attacks on your personal and business information. A generic Email allows multiple individuals the opportunity to access the account and serves to keep personal and business information separate. There are several free options available – Google, MSN, Outlook, just to name a few.

***Direct Deposit** – It is hard to believe there are still SWAs out there waiting by their mailbox every month for a paper check. If you are one of those authorities, we encourage you to sign up for direct deposit through the auditor's office. Direct deposit is quicker, more secure and it can save you a trip to the post office.

***Recycling Champion** – The Recycling Coalition of West Virginia honors Recycling Champions every day. If you and your Authority know someone that goes the extra mile to make recycling bigger and better in your community then you know a Recycling Champion. These people provide recycling leadership across the state and make significant contributions to the recycling community. Nominating is easy, just contact Paul Hayes and he will walk you through the process. Let's shine the light on as many Champions as we can. They live where you do.



July Spotlight on Recycling Markets

COVID-19 has been a wild ride in every way and that includes the recycling markets. Just when it seemed that everything was shutting down, Resource Recycling showed the market for OCC started heating up. Climbing thru February, March, April and May to a high of \$107.19. Prices evened out at \$75.00 per ton in June. Despite that drop we are doing far better than the \$32 per ton a year ago.

Other bright spots in the paper markets include mixed paper, which had a negative value for much of last year, now at \$11.56 per ton. And although sorted office paper dropped from \$174.38 per ton last month it still traded at \$150.31 in June.

Many of our SWA recycling centers never shuttered their doors and this bump in prices seemed to be their reward.

The SWMB follows recycling markets, posting it on our website and updating it frequently. You can access up to date information at <http://www.state.wv.us/swmb/commodities.html> or go to the website and scroll down to **NEW* Recycling Commodity Pricing and Markets Information* and click on the link.

When significant changes, good or bad, happen we will keep you posted via email.