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SOLID WASTE MANAGEMENT BOARD

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May 27, 2015

George Deadrick, Chairman  
Region VIII Solid Waste Authority  
P.O. Ox 116  
Petersburg, WV 26847

Dear Mr. Deadrick:

The Region VII Commercial Solid Waste Facility Siting Plan update was approved at the May 20, 2015 meeting of the Solid Waste Management Board (SWMB).

In accordance with §54-4-3.4, Commercial Solid Waste Facility Siting Plans, your Authority must now submit four copies of your final plan, including one copy in an electronic format, to the SWMB within 60 days after approval. A copy of this letter should be included in all copies of the final plan.

In addition, each authority must transmit one copy of the plan to each appropriate regional planning and development council, county commission and the office of each appropriate county clerk, who shall file the plan in the appropriate manner and make it available for public inspection.

If you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script, reading "Carol Ann Throckmorton".

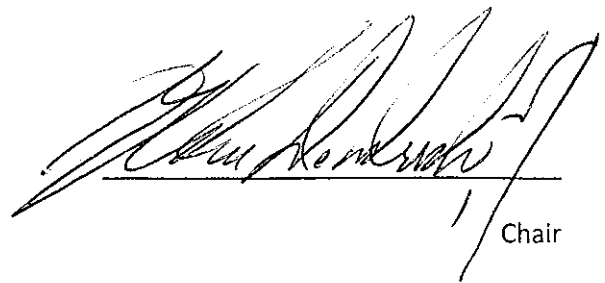
Carol Ann Throckmorton  
Environmental Resource Specialist III

**REGION VIII  
SOLID WASTE AUTHORITY**

(Grant, Hampshire, Hardy, Mineral and Pendleton Counties)

**COMMERCIAL SOLID WASTE  
FACILITY SITING PLAN**

Prepared by: Region VIII Solid Waste Authority



Chair

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## **STATEMENT OF PURPOSE**

It is the express objective of this, our Commercial Solid Waste Facility Siting Plan, to specify what facilities and under what restrictions and conditions a person may establish and operate at any given site as a commercial solid waste facility within the region. Various types of waste management facilities are defined within this plan update.

We intend to relate the rationale upon which we have arrived at certain conclusions that will either preclude or allow for a consideration any given type of commercial solid waste facility on a specifically identified site in our counties, while at the same time offering sufficient latitude for any person desiring to operate a commercial solid waste facility to approach the Authority with justification for permitting a given operation at a specified site.

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# INTRODUCTION

## PREFACE/HISTORICAL BASIS

The Region VIII Solid Waste Authority is committed to the effective and efficient disposition of the solid waste generated by the citizens, business and industries within our five county region. This commitment is reinforced and strengthened by solid waste management laws that have been passed by West Virginia Legislature. The contents of the following Plan update reflects our 38 years of experience in the realm of solid waste management. We have attempted to make the contents of this Plan update as current as possible, reflecting such contingencies as Department of Environmental Protection Rules, Solid Waste Management Board Rules, various solid waste management feasibility studies and other relevant data.

In the evolution of the Authority's policies and philosophies as they relate to these unfolding events, a solid waste management program has effectively operated in this region since 1975. The Region VIII Solid Waste Authority (SWA) was established at that time as an outgrowth of the Region VIII Planning and Development Council. Early on the local governments within the Region felt the need to establish a mechanism to address the region's growing solid waste management problems. It was determined at that time that a regional intergovernmental entity could best serve the collective needs of our five sparsely populated counties. In the ensuing years this wisdom has been proved to be correct.

The Region VIII SWA has managed a waste disposal program and has addressed other waste related issues in a way that has been effective and efficient for the five member counties. The single entity avoids the duplication that would otherwise have been required by each individual member. The SWA has in fact gained national attention for this administrative approach. The structure for regional solid waste authorities as defined in West Virginia Code was modeled largely after our existing administrative structure. The drastic increase in the complexity and cost of waste disposal, plus the increased responsibility that the Code puts on local governments, makes the regionalization of waste related services even more sensible today.

The Region VIII SWA, in compliance with West Virginia Code, reorganized as the Region VIII Solid Waste Authority on January 1, 1989.

## **LEGISLATIVE DIRECTIVE**

In the past sessions of the West Virginia Legislature, many difficult issues have been addressed in the effort to develop a comprehensive and effective set of solid waste management laws for our state. This process continues as, from experience, we test these laws and see which need to be strengthened, changed or deleted, the goal being to establish workable standards for the management and control of our own waste stream and for control over the waste stream generated outside the state.

The legislature further determined that much of the waste management decision making responsibility (including facility siting), which had heretofore been vested at the state level, should be transferred to the "grass roots" level. County and regional solid waste authorities were established to assume this decision making responsibility. We are empowered and obligated to review waste-related facility proposals for our jurisdiction. The Solid Waste Management Board (the Board) was directed to coordinate and approve local waste management plans, including this Commercial Solid Waste Facility Siting Plan, based upon rules established by the Board. In general, the Board intends the scope of this plan to be designed so as "to protect the public health, safety and environment throughout the state of West Virginia and to insure the fair and equitable evaluation of all sites proposed for use as solid waste facilities".

## **PLAN RATIONALE**

In developing this Commercial Solid Waste Facility Siting Plan, the Region VIII Solid Waste Authority interprets our role as one of an overseer for our five counties. The legislature has charged us with the responsibility of promulgating the parameters which will determine the presence, size, type and location of waste management facilities that will be located in our region. Herein we delineate the Authority's rationale by discussing the effect, or the degree of effect, a specific disposal method may have upon the region's economic development, transportation network, property values, ground and surface water quality, efficiency of collection of solid waste generated, air quality, public health and welfare, geologic formations, historic and wetlands sites, public use areas and restrictions as established by law or regulation.

## PLAN SUMMARY

This plan evaluates the counties of Grant, Hampshire, Hardy, Mineral and Pendleton as to their suitability for the establishment of various solid waste disposal and other management methods. This evaluation encompasses all reasonable issues that may permit, or prohibit, landfills, transfer stations, recycling centers, energy recovery facilities and incinerators, materials recovery facilities and composting operations.

This plan is a product of input from many sources. Perhaps most important is the over 38 years of waste management operations experience that the Authority enjoys. In addition, we have solicited input through public meetings and hearings, professional consultants waste management feasibility studies, solid waste haulers, local governmental officials, and other allied professionals. We attempt, wherever possible, to benefit from pre-existing studies, maps and other documents.

## REVIEW OF CURRENT TECHNOLOGY/CONCLUSIONS

After a reasonably exhaustive study, the Authority draws the following conclusions:

1. Landfills do not appear to be an economically or geologically reasonable method of solid waste disposal for Region VIII for the immediate future. Therefore, the Authority declares the entire region as **"Tentatively Prohibited"** for Class A, B and C landfills, except for in the areas which are designated as **"Prohibited"** by the criteria stated in 54CSR4.3

It recognizes, however, that there may be some specific sites for which a case could be made that a Class A, B, or C landfill would meet the established criteria of the Region VIII Solid Waste Authority, West Virginia Solid Waste Management Board, The Department of Environmental Protection and other regulatory agencies.

**Class D landfills** are **"Tentatively Prohibited"** except in all zones identified as "exclusionary for all solid waste and landfill disposal sites."

2. **Solid Waste Transfer Stations** are necessary for the effective and efficient disposition of solid waste from Region VIII as a near term solution. Such facilities will be encouraged provided the application substantiates the facility can meet criteria established in 54CSR4.3 Transfer stations are **"Tentatively Prohibited"** region wide except for in the areas which are designated as **"Prohibited"** by the criteria stated in 54CSR4.3

The two transfer stations located in Petersburg and Romney are the only **"Authorized"** sites.

3. **Recycling Facilities** are recognized by the Authority as an effective means of reducing the volume of sold waste entering the waste stream and are encouraged when in compliance with the criteria established in 54CSR4.3. They are however **"Tentatively Prohibited"** region wide except for in the areas which are designated as **"Prohibited"** by the criteria stated in 54CSR4.3.

4. **Energy Recovery Facilities and Environmentally Acceptable Incinerators**, For these types of facilities, all areas are **"Prohibited"** based on W.Va. Code §22-15-19. *Municipal and commercial solid waste incineration and backhauling prohibited: exceptions.* (As follows.)

(a) Notwithstanding any other provision of this code to the contrary, it is unlawful to install, establish or construct a new municipal or commercial solid waste facility utilizing incineration technology for the purpose of solid waste incineration.



**5. Materials Recovery Facility (MRF)** -The Authority concludes that this type of facility is a reasonable approach to the overall disposal of solid waste in Region VIII. It lends itself well to handling and disposing of the largest percentage of unsorted solid waste. A MRF, in combination with a Class D landfill and composting facility, may help meet the needs of Region VIII in the future. Such a facility will be encouraged. The entire region is "**Tentatively Prohibited**" except for in the areas which are designated as "**Prohibited**" by the criteria stated in 54CSR4.3.

**6. Composting Facilities** - Composting is the most economically and environmentally acceptable method of disposal of organic solid waste suitable to Region VIII. Composting is therefore "**Tentatively Prohibited**" region wide expect for in the areas which are designated as "**Prohibited**" by the criteria stated in 54CSR4.3

## **SUMMARY OF SOLID WASTE FACILITY ZONES AND RATIONALE FOR ESTABLISHING THESE ZONES**

### **A. CLASS "A" SOLID WASTE LANDFILLS**

**Authorized:** None

**Tentatively Prohibited:** Entire Region

**Prohibited:** Where prohibited by criteria established in 54CSR4.

#### **Rationale:**

1. Region VIII produces approximately two hundred tons of MSW per day (Based on Solid Waste Management Board Projections for the year 2015.) Therefore, establishing a landfill capable of receiving ten thousand (10,000) or more tons per month would require an additional eight thousand (8,000) tons from outside the Region. The Authority sees its mandate to be that of developing a plan that considers the present and future anticipated solid waste disposal needs of the Region only.

2. Studies done by the Authority and others indicate that the region is neither economically nor geologically capable of supporting a landfill of this size.

### **B. CLASS "B" AND C" LANDFILLS**

**Authorized:** None

**Tentatively Prohibited:** Entire Region

**Prohibited:** Where prohibited by criteria established in 54CSR4.

#### **Rationale:**

While the tonnage of solid waste generated in the region is sufficient in and of itself to justify a Class B or C landfill, the economic and other considerations in comparison with alternate methods doesn't make a landfill the highest priority as the method of choice for the Region for the immediate future.

### **C. CLASS "D" SOLID WASTE LANDFILLS**

**Authorized:** None

**Tentatively Prohibited:** Entire Region

**Prohibited:** Where prohibited by criteria established in 54CSR4.

**Prohibited:** Where prohibited by criteria established in 54CSR4.

**Rationale:**

Class D landfills, by the nature of their use, present less hazards to the environment and present less degradation to community aesthetic values. We recognize the need to separate inert materials from the municipal solid waste stream.

#### **D. SOLID WASTE TRANSFER STATIONS**

**Authorized:** The Transfer Stations presently located near Petersburg and Romney

**Tentatively Prohibited:** The Rest of the Region

**Prohibited:** Where prohibited by criteria established in 54CSR4.

**Rationale:**

Since landfills will very likely not be established in the Region in the near term, some reasonable method must be developed for the disposition of solid waste, accessible to the public and haulers at reasonable locations and cost. The consolidation of solid waste for transport at transfer stations to a final disposal site will reduce the cost to the citizens since both construction/operation costs and transportation costs should be considerably less than total landfill costs.

#### **E. RECYCLING FACILITIES**

**Authorized:** None

**Tentatively Prohibited:** Entire Region

**Prohibited:** Where prohibited by criteria established in 54CSR4.

**Rationale:**

Since it is theoretically possible to remove up to 80% of solid waste from the waste stream by recycling, the utilization of these facilities will assist in achieving at least three objectives:

1. A reduction in the volume of solid waste entering a landfill or other end facilities.
2. A reduction in cost to the generator of solid waste by allowing a method for him/her to recover some of his cost.
3. Providing an incentive for the clean-up of litter.

## **F. ENERGY RECOVERY FACILITIES AND ENVIRONMENTALLY ACCEPTABLE INCINERATORS**

**Authorized:** None

**Tentatively Prohibited:** None

**Prohibited:** Entire Region

### **Rationale:**

These facilities, with the exception of pilot projects approved by state authorities, are prohibited based on W. Va. Code §22-15-19. *Municipal and commercial solid waste incineration and backhauling prohibited: exceptions. (As follows.)*

(a) Notwithstanding any other provision of this code to the contrary, it is unlawful to install, establish or construct a new municipal or commercial solid waste facility utilizing incineration technology for the purpose of solid waste incineration.

## **G. MATERIALS RECOVERY FACILITIES**

**Authorized:** None

**Tentatively Prohibited:** Entire Region

**Prohibited:** Where prohibited by criteria established in 54CSR4.

### **Rationale:**

The Authority recognizes that in spite of efforts to remove recyclable materials from the waste stream by the use of recycling facilities, the waste stream will continue to contain large quantities of materials that can be recovered or otherwise rendered re-usable. Therefore, Materials Recovery Facilities in conjunction with other types of solid waste disposal facilities or an independent operation can play a key role in the management of solid waste.

## **H. COMPOSTING FACILITIES**

**Authorized:** None

**Tentatively Prohibited:** Entire Region

**Prohibited:** Where prohibited by criteria established in 33CSR2 and 33CSR3.

### **Rationale:**

Inert, organic solid waste is often collected independent of municipal solid waste and therefore lends itself to a separate handling process and because of its

nature, can be reduced to a reusable product more economically than other types of solid waste, with less capital investment and fewer environmental regulatory restrictions.

The Region VIII SWA feels that yard waste composting and sewage sludge composting are necessary in controlling solid waste in the region.

## NARRATIVE DESCRIPTION FOR DESIGNATING SOLID WASTE ZONES

The following exclusionary criteria are recognized and used on accompanying maps as prohibiting all solid waste disposal facilities within zones where these conditions are applicable.

- A significant adverse impact upon wetlands
- A significant adverse impact upon surface water
- A significant adverse impact upon groundwater quality
- A violation of surface water quality standards found in 47CSR1.

In addition to the exclusionary criteria identified above, applicable to all solid waste facilities, landfills shall be excluded in zones where their locations could have an adverse affect.

- With perennial streams.
- Within 300 feet of (significant) wetlands.
- Within a 100 year flood plain.
- Within 300 feet of surface water.
- Within 1,200 feet of any public or private water supply well.
- Within 1,000 feet of the nearest edge of right-of-way of any state trunk highway, or the boundary public park.
- Within 500 feet of an dwelling, unless a waiver has been obtained from the owner.
- Within 6 miles of an airport.

- A. **"Class A facility"** means a commercial solid waste facility which handles an aggregate of between ten and thirty thousand (10,000-30,000) tons of solid waste per month. Class A facility includes two or more Class B solid waste landfills owned or operated by the same person in the same county, if the aggregate tons of solid waste handled per month by such landfills exceeds nine thousand nine hundred ninety-nine (9,999) tons of solid waste per month.

Class A landfills are found by the Authority to be "tentatively prohibited" in all of the Region except where the above criteria prohibits their construction.

1. Topographical and geological evaluations reveal that almost the entirety of the Region has a subsurface that the Natural Resources Conservation Service excludes from being appropriate for landfills. This condition alone permits conditions for which very little of the land lends itself to landfill development.

2. The Authority finds that sufficient acreage of suitable conditions to establish a landfill receiving 10,000 or more tons of solid waste monthly and offering a life of 20 years probably does not exist in the Region.
3. Region VIII processes 50 tons of solid waste per day through the transfer stations. Therefore, a Class A landfill is not required for its use. A Class A landfill would therefore require considerable solid waste from outside the regional borders.
4. Since much of Region VIII land has severe slope limitations suitable landfill sites would require the utilization of land in valleys where most of the residential businesses and prime agricultural areas are located. Further, the Region is so intertwined with these valleys that little opportunity for the development of a Class A landfill is practical.

There are certain beneficial characteristics that must be considered in the development of a landfill. The developer of a landfill should consider whether the site possesses any of the following characteristics:

1. The site is remote from any current or contemplated development.
2. The site has been used or is being used as a landfill or industrial site.
3. The geological characteristics of the site comply with current standards of landfill development, and meet the regulations of the Department of Environmental Protection.
4. The hydrogeological characteristics of the site will protect the groundwater and surface waters in the area.

B. **"Class B facility"** means a commercial solid waste facility which receives, or is expected to receive, an average daily quantity of mixed solid waste equal to or exceeding one hundred (100) tons each working day; or serves, or is expected to serve, a population equal to or exceeding forty thousand (40,000) persons, but which does not receive solid waste exceeding an aggregate of ten thousand (10,000) tons per month. "Class B facility" does not include construction/demolition facilities: Provided, that the definition of Class B facility may include such reasonable subdivisions or sub classifications as the director may establish by legislative rule proposed in accordance with the provisions of W. Va. Code § 29A-1-1 et seq.

**"Class C facility"** means a commercial solid waste facility which receives, or is expected to receive, an average daily quantity of mixed solid waste of less than one hundred (100) tons each working day; and serves, or is expected to serve, a population of less than forty thousand (40,000) persons. Class C facility" does not include construction/demolition facilities.

## Class B and C Landfills (under 10,000 tons per month)

The Authority finds Class B and C landfills to be "tentatively prohibited" in all of Region VIII except where the above criteria prohibits their construction, but with fewer reservations of a Class A landfill as described below:

1. Conditions and circumstances that could authorize Class B and C landfills
  - a. The size of such landfills to serve the Region for 20 years would require less acreage and therefore could more likely meet applicable requirements.
  - b. Public and political acceptance could more easily be achieved.
2. Beneficial characteristics to be considered in siting Class B and C landfills
  - a. Areas that are sufficiently remote from residential development to offer a buffer zone to present or expected development.
  - b. Availability to a major highway requiring a haul road of no more than five (5) miles.
  - c. Areas currently being used as an industrial site.
  - d. Areas having at least ten (10) feet of over- burden for cover meeting applicable soil consistency for uniform slow permeability.
  - e. Areas of geological inactivity having a slope of no less than 5% and no greater than 20%.
  - f. Areas whose hydrogeological characteristics indicate slow groundwater flow.
  - g. Areas isolated from public water supply aquifers.
  - h. Areas having access to public water and wastewater systems.
3. Exclusionary characteristics to be considered for Class B and C landfills  
Class B and C landfill sites shall be excluded from all zones as identified as exclusionary for all solid waste facilities and landfill disposal sites.

C. **"Class D facility"** means any commercial solid waste facility for the disposal of only construction/demolition waste, and does not include the legitimate beneficial re use of clean waste concrete/masonry substances for the purpose of structural fill or road base material.

1. Conditions and circumstances that could authorize Class D Landfills
  - a. A Class D landfill could be developed to accept inert solid waste.
  - b. The size of a Class D landfill to serve Region VIII only for 20 years would require less acreage and therefore could meet applicable requirements. Public and political acceptance could be more easily achieved.



c. There are fewer environmental and public health and welfare considerations.

2. Beneficial characteristics to be considered in siting a Class D landfill

The beneficial characteristics of a Class B and C landfill as identified previously in this plan will likewise apply to a Class D landfill. However, the following characteristic shall be additionally considered:

Areas that can be readily accessible, i.e. short haul time, to centers of heavy industrial and business operations.

3. Exclusionary characteristics to be considered for Class D landfills

Class D landfill sites shall be excluded from a" zones as identified as exclusionary for a" solid waste facilities and landfill disposal sites.

D. **"Transfer station"** means a combination of structures, machinery, or devices at a place, or facility where solid waste is taken from collection vehicles and placed in other transportation units (such as a "walking floor," or other method of transfer as determined by the director) for movement to another solid waste management facility. Provided, when the initial generator of solid waste disposes of said waste into a container such as a roll-off, greenbox or bin which is temporarily positioned (not more than five days) at a specific location for transport by a transportation unit, such container shall not be considered a transfer station. Under any circumstances, leachate, litter and windblown materials must be properly managed.

1. Beneficial characteristics to be considered in siting a transfer station

Any area of Region VIII being considered for the establishment of a transfer station shall be evaluated as to whether it does or can be constructed or operated so as to meet the following desirable characteristics:

- a. Be sufficiently removed by mileage or travel time from a disposal site so as to be practicably desirable for utilization by haulers and the general public. (Areas located further than about 40 miles from the closest disposal site are desirable.)
- b. Areas that are close to large population areas and industries.
- c. Areas close to major state or federal highways. Areas that are or can be readily obstructed from view from existing residences.
- d. Areas having access to water supply and waste water disposal.

2. Exclusionary characteristics to be considered for transfer stations

In addition to the exclusionary characteristics applicable to all solid waste facilities, transfer stations shall be excluded from areas having the following characteristics:

- a. Any area where the transfer station would be economically not justifiable because of its proximity to existing facilities.
- b. Areas further than one mile from a state or federal highway.
- c. Areas that are within view of or that cannot be practically rendered obscured from view from residential areas.
- d. Areas that are heavily congested with vehicular traffic so as to cause conditions that would likely add to the congestion or create conditions contributing to increased accidents.

- E. **"Materials Recovery Facility"** any solid waste facility at which source-separated materials or materials recovered through a mixed waste processing facility are manually or mechanically shredded or separated for purposes of re-use and recycling, but does not include a composting facility.

1. Beneficial characteristics to be considered in siting a materials recovery facility

Any area of Region VIII being considered for the establishment of a materials recovery facility shall be evaluated as to whether it does or can be constructed or operated so as to meet the following desirable characteristics:

- a. Be near existing markets that are reasonably expected to use the output of the processing facility (as evidenced by contract or other commitment), or,
- b. Be sufficiently located adjacent to major state or federal highways so as to be readily capable of transporting the output to markets, or
- c. Have rail transportation available to the site.
- d. Be located or in close proximity to site(s) utilized by other solid waste facilities (ie., composting).
- e. Have existing buildings that can reasonably be converted for facility use.
- f. Have water supply and wastewater disposal facilities available.

- F **"Recycling facility"** means any solid waste facility for the purpose of recycling at which neither land disposal nor biological, chemical or thermal transformation of solid waste occurs;-Provided, That mixed waste recovery facilities, sludge processing facilities and composting facilities are not considered to be reusing or recycling solid waste within the meaning of W. Va. Code §§ 20-11-1 et seq., 22-15-1 et seq and 22C-4-1 et seq.

1. Beneficial characteristics to be considered in siting a recycling facility

Any area of Region VIII being considered for the establishment or operation of a recycling facility shall be evaluated as to whether it does or can be constructed or operated so as to meet the following desirable characteristics:

- a. Be located near centers of population so as to be conveniently accessible to the general public.
- b. Be sufficiently located near major state and/or federal highways so as to be readily accessible for transportation of the output to markets or,
- c. Be located on or in close proximity to site(s) utilized by other solid waste facilities so as to network with other facilities.
- d. Have existing buildings that can be reasonably converted for facility use.
- e. Have water supply and wastewater disposal facilities available to the site, if justified.

2. Exclusionary characteristics to be considered for recycling facilities

In addition to the exclusionary characteristics applicable to all solid waste facilities, recycling facilities shall be excluded from areas having the following characteristics:

- a. Within 500 feet of a residential area (does not include satellite "drop-offs").
- b. Areas that are within view of or that cannot be practically rendered obscured from view from residential areas.
- c. Areas further than one half (1/2) mile from a state or federal highway.
- d. Areas that are heavily congested with vehicular traffic so as to cause conditions that would likely add to the congestion or create conditions contributing to increased accidents.

G. "**Energy recovery incinerator**" means any solid waste facility at which solid wastes are incinerated with the intention of using the resulting energy for the generation of steam, electricity, or any other use not specified herein.

"**Incinerator**" means an enclosed device using controlled flame combustion to thermally break down solid waste, including refuse-derived fuel, to an ash residue that contains little or no combustible materials.

These facilities, with the exception of pilot projects approved by state authorities, are prohibited based on W.Va. Code §22-15-19. *Municipal and commercial solid waste incineration and backhauling prohibited: exceptions.* (As follows.)

(a) Notwithstanding any other provision of this code to the contrary, it is unlawful to install, establish or construct a new municipal or commercial solid waste facility utilizing incineration technology for the purpose of solid waste incineration.

H. **"Commercial composting facility"** means any solid waste facility processing solid waste by composting, including sludge composting, organic waste or yard waste composting, but does not include a composting facility owned and operated by a person for the sole purpose of composting waste created by that person or such person and other persons on a cost-sharing or non-profit basis and shall not include land upon which finished or matured compost is applied for use as a soil amendment or conditioner.

1. Beneficial characteristics to be considered in siting a composting facility.

Since the composting of household and industrial type solid waste has little probability as a near term viable alternative to the disposal methods of choice for Region 8, the term "composting" as used herein is restricted to yard waste, sludge from sewage treatment plants, and other materials usually collected and transported separately from other types of municipal solid waste that are reasonably recognized to lend themselves to composting treatment.

Any area of Region VIII being considered for the establishment of a composting facility shall be evaluated as to whether it does or can be constructed and operated so as to meet the following desirable characteristics:

- a. Be near existing markets that are reasonably expected to use the output of the facility.
- b. Be sufficiently located adjacent to state or federal highways so as to be readily accessible to the public.
- c. Be located on or near the site of other solid waste facilities (ie. landfills, recycling operations, resource recovery).
- d. Areas with soils having rapid permeability and good surface drainage.
- e. Areas that are rural in nature having natural buffering to existing or potential residential development.
- f. Areas that are reasonably level with adequate capability to facilitate easy maneuverability of equipment.
- g. "Backyard" composting by home owners is encouraged as it reduces the waste stream and generate nutrients and humus production for gardening.

2. Exclusionary characteristics to be considered for composting facilities

In addition to the exclusionary characteristics applicable to all solid waste facilities, composting facilities shall be excluded from areas having the following characteristics:

- a. Areas that exceed 6% grade.
- b. Within 2000 feet of any health care facility, school, church or similar type institution.
- c. Within 100 year flood plain.
- d. Within 200 feet of drinking water supply wells and occupied

dwellings.

- e. Within 100 feet of a adjacent property owner's boundary line.
- f. Within 50 feet of a federal or state highway right-of-way or within 25 feet of a city street right-of-way
- g. On land where run-off drains into a sinkhole.
- h. On land that has a seasonal high groundwater table or has less than 20 inches of soil over bedrock or on an impervious pan.
- i. Within 10,000 feet to the closest point of any airport runway used or planned to be used by turbojet aircraft or within 5,000 feet to the closest point of any airport runway used only by piston type aircraft.

## **NARRATIVE DESCRIPTION OF PURPOSES/OBJECTIVES OF THE PLAN**

The Region VIII Solid Waste Authority has two closed landfills in the Region. One, near Romney, that served Hampshire and Mineral counties and closed in 1994. The other, near Petersburg, that served Grant, Hardy and Pendleton counties and closed in 1993. Both facilities were operated by the Authority. These landfills were replaced by two transfer stations, one in Petersburg and the other in Romney, which currently serve the solid waste disposal needs of the region.

Presently, some recycling actively exists in the Region. However, recycling minimizes the waste stream only fractionally at present. A diffuse waste stream spread over a broad geographic area, distance to markets, fluctuation availability of markets and other factors compound rural recycling efforts. However, the Authority will assure that recycling activities are encouraged and undertaken in a prudent manner. These activities will be detailed in the Comprehensive Litter and Solid Waste Control Plan.

The Region, for all practical purposes, is totally covered by certified private solid waste collection services and municipal collection services. All residences and business in the Region have access to solid waste collection services.

The Authority recognizes and accepts the responsibility of assuring all of the Region's customers a continued accessible, and economical solid waste disposal capability through the establishment of facilities that most appropriately consider those parameters. Therefore, it is the purpose of this plan to specify, in as far as it is practical, what types of facilities the Authority considers to be viable for use in Region VIII, and what beneficial and restrictive characteristics certain "zones" of the Region may have upon the establishment of specified types of facilities that could be used for solid waste disposal.

The overall objective of the Region VIII Solid Waste Authority, is to provide a clear and definitive view of the solid waste disposal needs of the region and the provisions by which these needs can be effectively met by commercial solid waste facilities without detriment to the environment or the health and welfare of the citizens of our five counties.

It is the intent of the Authority that the purposes and objectives of this updated plan be in effect, until such time as being modified by due process. The plan is updated every five years and uses a planning horizon of a period of twenty years from the date of adoption.

The regulations provide for amendments to this siting plan at any time by the Authority. A public hearing is required. State Board approval is needed before any amendments become effective.

Any person or group *may* apply to the Authority for an amendment re-designating a zone or any portion of a zone. The "applicant" has the burden to affirmatively and clearly demonstrate, based on the criteria listed above, that the requested re-designation is appropriate and proper and that any solid waste facility sited could be appropriately operated in the public interest at the proposed location.

In order to make such a demonstration, the applicant is responsible for making whatever examination is necessary by the Authority and for submitting specific detailed information to the Authority.

## **PROVISIONS OF THE COMPREHENSIVE LITTER AND SOLID WASTE CONTROL PLAN**

In conjunction with this plan, the Region VIII Solid Waste Authority has developed a regional Comprehensive Litter and Solid Waste Control Plan. That plan was developed in accordance with Title 54CSR3 Legislative Rules.

This plan relates to the philosophies, and policies, of the Region VIII Solid Waste Authority concerning solid waste management in our region, in general, and certain specific recommendations concerning solid waste collection and disposal activities. This plan relates demographic data for our five-county Region, including projections for a twenty year period into the future. The Plan evaluates recycling and recycling markets. It supports an ongoing public dump cleanup program.



## **PUBLIC ANNOUNCEMENTS OF PUBLIC HEARING/SUMMARY OF PUBLIC COMMENTS AND AUTHORITY'S RESPONSE**

After submission of the draft Plan to the Solid Waste Management Board, a public notice and public hearing process was conducted. The purpose of the public meeting was to solicit ideas, opinions and comments from the general public concerning the Plan.

A public meeting, duly advertised per Title 54CSR4 Legislative Rules, was held at the location of the Authorities regular meeting place which is in the Meeting Room of the Region VIII SWA building located on Airport Road in the Grant County Industrial Park near Petersburg. The meeting was held at 10 a.m. on November 6, 2014. Additionally, the public was invited to submit written comments to the Authority by November 17, 2014.

## SUMMARY OF PUBLIC COMMENTS

### *Oral Comments:*

- 1) Dorothy Kengla, HC 78 Box 89AA, Augusta, WV 26704
  - She asked specifically why the current plans state "no recycling facilities will be permitted". She asked how that will change and why does it state that.
  
- 2) Robert B. Mills IV, 601 Paul's Woods Road, Delray, WV, 26714
  - He began by stating he doesn't understand about C&K Recycling, located in Moorefield. The current plan states "authorized-none". They are a recycling facility in the RVIII region and is not listed. Furthermore he knows that all nine public schools in Hampshire County have small recycling locations as required by Robin Lewis, since she was director of the Hampshire County school system. Are those recycling centers? All nine schools?

### *Written Comments:*

- Juanita "Windy" Cutler, 159 Finding Way, Romney, WV 26757

"Jeff, here are my comments, such as they are, about your two documents. They are both very well done and complete and informative. I hope you don't mind a couple of editing comments."

"Recycling SWA 8 Documents comments 2014"

### **"COMMERCIAL SOLID WASTE FACILITY SITING PLAN"**

"Some typos: page 4, item 3, line 2 "solid" not "sold," "encouraged" not "encourage," line 4: "except" not "expect"; page 16, item H, line 4: "composting" not "compositing,""

"About Recycling: appreciate sections on page 7, 15-16 re specifications for recycling sites."

"About maps: Am I mistaken? It seems to me the symbol for Romney Transfer Station is on the wrong side of Route 28."

## AUTHORITY RESPONSE TO PUBLIC COMMENTS

*1st speaker Dorothy Kengla:*

- In response to Ms. Kengla's question regarding permitting of recycling facilities - the current plan categorizes many of these type of facilities as "tentatively prohibited" – that is simply a "catchall" category or a "default" categorization that is used unless detailed studies have been completed for a specific site that is proposed for one of these facilities. It does not mean that these type of facilities are illegal or banned from the region. It just means that no one has ever proposed to site any sort of recycling facility and if and when someone would like to do that, then there would be a process that would have to take place.

*2nd speaker Robert B. Mills IV:*

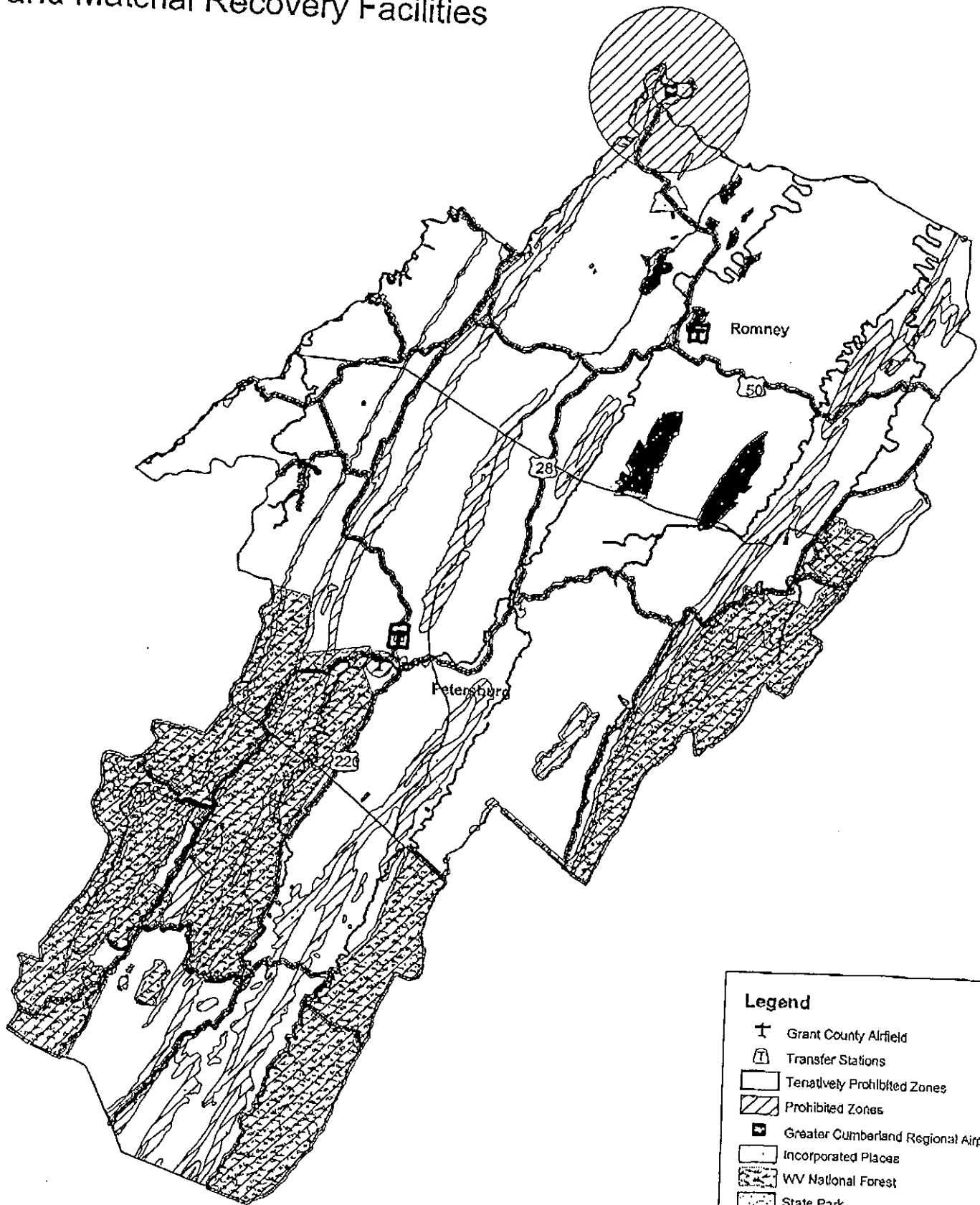
- In response to Mr. Mills' comment regarding scrap yards and school recycling programs – the Authority is under the impression that scrap yards are not required to follow the same siting and permitting requirements as other types of recycling facilities. Further, the Authority understands that school based recycling programs only need to register those activities with the DEP to let them know the basics of the program operation and what is being collected.

*In response to Ms. Cutler's written comments* – the Authority appreciates Ms. Cutler's comments regarding the plans. The Authority would like to acknowledge the amount of time and effort that has been expended by Ms. Cutler to bring comprehensive recycling to Hampshire County and the region. Again, her thoughts and opinions on the subject are always greatly appreciated.

The typos and map location of the Romney Transfer Station have been corrected in the plan.

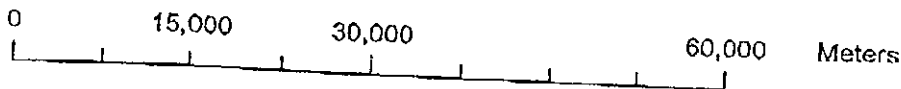
# Maps – Zones

# Region VIII SWA Class A, B, C and D Landfills and Material Recovery Facilities

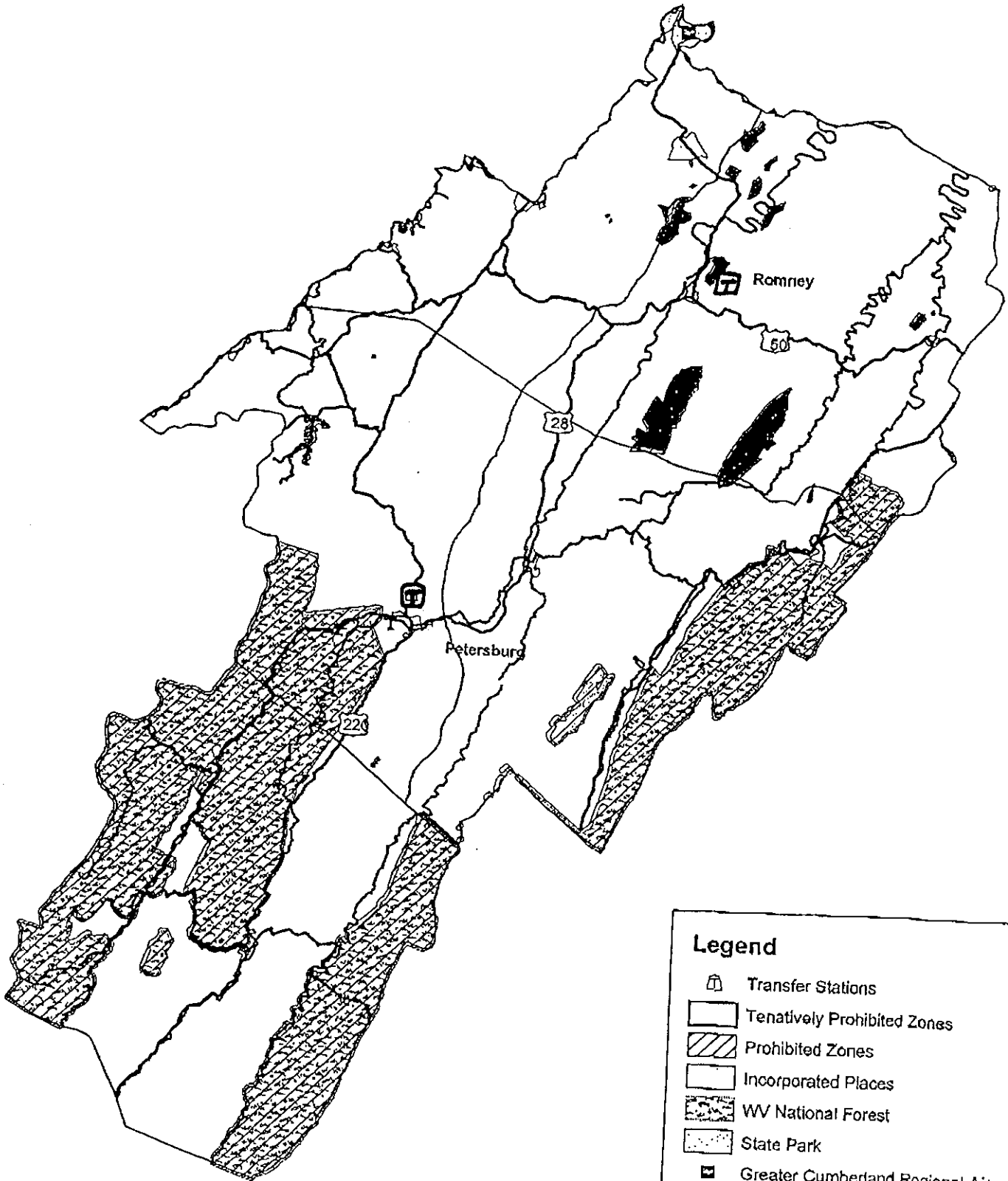


**Legend**












- Grant County Airfield
- Transfer Stations
- Tentatively Prohibited Zones
- Prohibited Zones
- Greater Cumberland Regional Airports
- Incorporated Places
- WV National Forest
- State Park
- Public Fishing Lakes
- Karst Regions
- Wildlife Management Areas



# Region VIII SWA Transfer Stations



## Legend

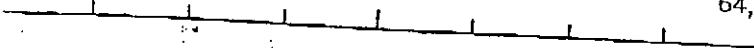
-  Transfer Stations
-  Tenatively Prohibited Zones
-  Prohibited Zones
-  Incorporated Places
-  WV National Forest
-  State Park
-  Greater Cumberland Regional Airport
-  Public Fishing Lakes
-  Karst Regions
-  Wildlife Management Areas
-  Grant County Airfield

16,000

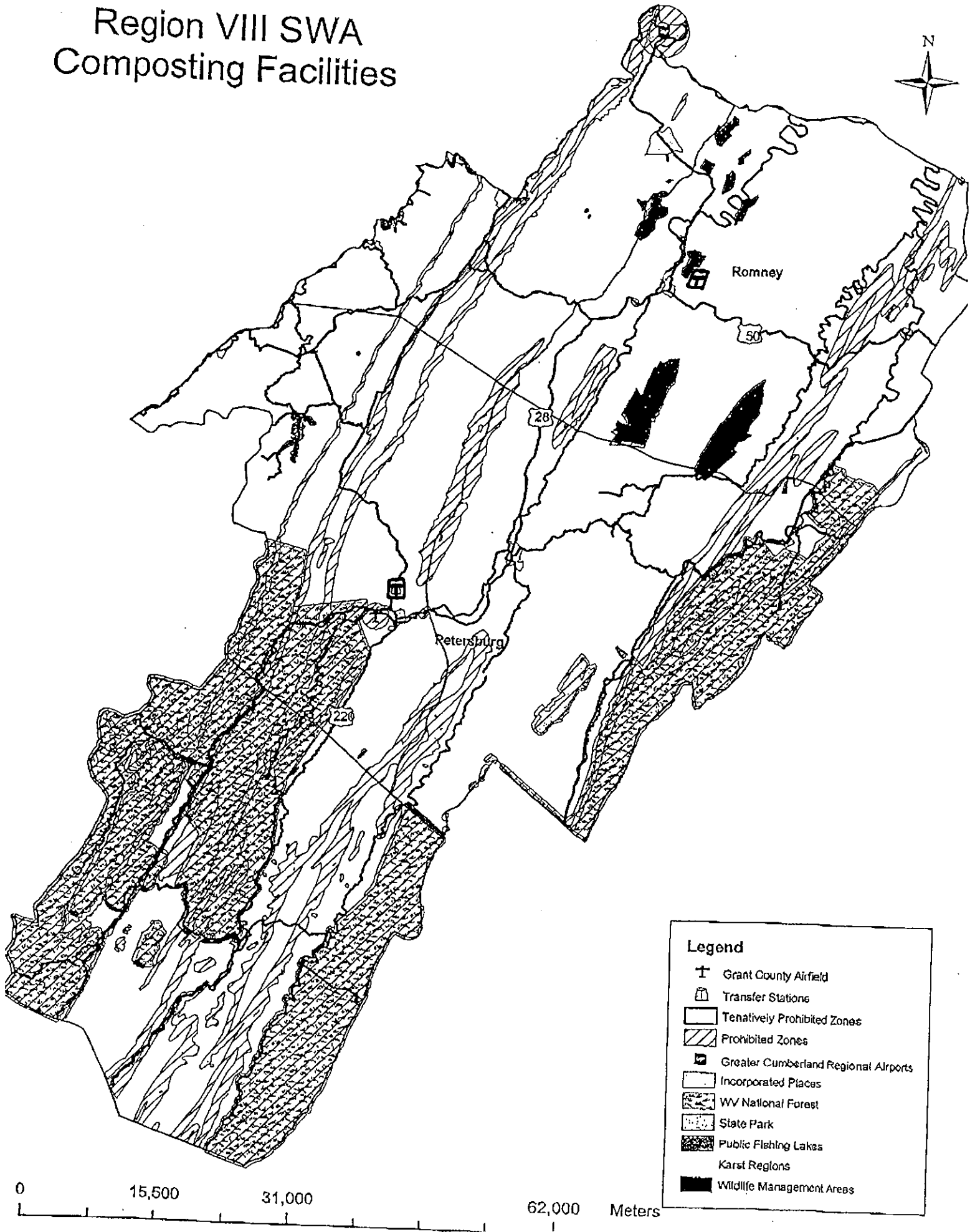
32,000

64,000

Meters

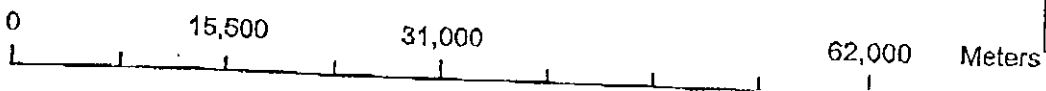


# Region VIII SWA Composting Facilities



**Legend**

- ✈ Grant County Airfield
- 🏠 Transfer Stations
- ▭ Tentatively Prohibited Zones
- ▨ Prohibited Zones
- ✈ Greater Cumberland Regional Airports
- ▭ Incorporated Places
- 🌲 WV National Forest
- 🏞 State Park
- 🌊 Public Fishing Lakes
- ⬛ Karst Regions
- ⬛ Wildlife Management Areas



# Appendix A



# Certificate of Publication

State of West Virginia  
County of Grant, to-wit:

The undersigned hereby certifies  
that the annexed notice was duly  
published in the

## Grant County Press

a weekly newspaper published at  
Petersburg, Grant County, West  
Virginia, for 1 consecutive  
weeks ending on the 30 day of  
September 2014.

GRANT COUNTY PRESS  
By William E. Touch  
Editor

Publishing Notice \$ 34.39

Hand Bills \_\_\_\_\_

Miscellaneous \_\_\_\_\_

Total \$ 34.39

Sworn before me on this the 30  
day of Sept 2014.

Peggy G. Hughes  
Notary Public

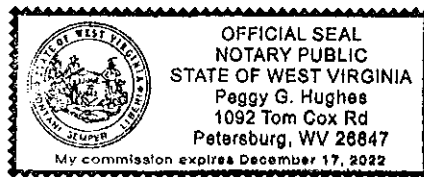
Dec 17, 2022  
My Commission Expires

### PUBLIC HEARING on update of the comprehensive litter and solid waste control plan and the commercial solid waste facility siting plan for the Region VIII Solid Waste Authority

The Region VIII Solid Waste Authority will conduct a public hearing to solicit ideas, opinions and comments from the general public on the updates to the Comprehensive Litter and Solid Waste Control Plan and the Commercial Solid Waste Facility Siting Plan for the Region VIII. Copies of these plans are available for review in the public library, at the county clerk's office and the Region 8 Planning and Development Council office near Petersburg, WV.

The hearing will be held in the Region 8 office building conference room, Grant County Industrial Park, Petersburg, WV. The hearing will be at 10 a.m., on November 6, 2014. The proceedings will be recorded and comments received will be considered in the development of the final plans.

The public is invited to submit oral and written comments at the hearing. Written comments will be accepted until November 17, 2014, and will be included in the minutes of the public hearing. Comments may be mailed to the Region VIII Solid Waste Authority, P.O. Box 116, Petersburg, WV 26847.  
9/30



AFFIDAVIT OF PUBLICATON  
State of West Virginia  
County of Hardy, to wit:

Cost of Publication \$25.79

I, Phoebe Fisher Heishman, being first sworn upon my oath, do depose and say that I am President of the R. E. Fisher Company, a corporation, and publisher of the newspaper entitled THE MOOREFIELD EXAMINER, a Democratic newspaper; that I have been duly authorized by the Board of Directors of such corporation to execute all affidavits of publication; that such newspaper has been published for more than one year prior to publication of the annexed notice described below; that such newspaper is regularly published twice weekly on Wednesdays and Saturdays, for at least fifty weeks during a calendar year, in the municipality of Moorefield, Hardy County, West Virginia; that such newspaper is a newspaper of "general circulation," as that term is defined in article three, chapter fifty-nine of the Code of West Virginia, 1931, as amended within the publication area or areas of aforesaid municipality and county; that such newspaper averages in length four or more pages, exclusive of any cover, per issue; that such newspaper is circulated to the general public at a definite price or consideration; that such newspaper is a newspaper to which the general public resorts for passing events of a political, religious, commercial, and social nature, and for current happenings, announcements, miscellaneous reading matters, that the annexed

Notice of Public Meeting--SWA

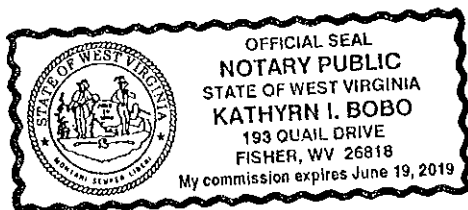
was duly published in said newspaper once a week for 1 successive weeks, commencing with the issue of 1<sup>st</sup> day of October, 2014, and ending with the issue of the 1<sup>st</sup> day of October, 2014, and was posted at the N/A on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

/S/ Phoebe Fisher Heishman  
Phoebe Fisher Heishman, Publisher  
The Moorefield Examiner

Taken, subscribed and sworn to before me in my said county this 1<sup>st</sup> day of October, 2014.

My commission expires June 19, 2019.

/S/ Kathryn I. Bobo  
Notary Public of Hardy County, WV



**PUBLIC MEETING**

Public Hearing On Update Of The Comprehensive Litter And Solid Waste Control Plan And The Commercial Solid Waste Facility Siting Plan For The Region VIII Solid Waste Authority

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10/11c

Certificate of Publication

I, John McCoy, Publisher of



do hereby certify that the attached  
legal advertisement

was published in the aforesaid Pendleton Times, a weekly newspaper published at Franklin, Pendleton County, West Virginia for one successive weeks, beginning with the issue of Oct. 2, 2014.

John McCoy, Publisher

Cost of Publication..... \$ 35<sup>88</sup>  
Other ..... \$ \_\_\_\_\_  
Total Amount Due..... \$ 35<sup>88</sup>

Public Hearing On Update Of The Comprehensive Litter And Solid Waste Control Plan And The Commercial Solid Waste Facility Siting Plan For The Region VIII Solid Waste Authority

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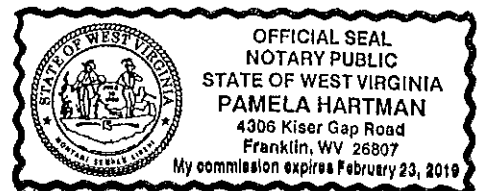
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NOTARY'S CERTIFICATE

Sworn to and subscribed before me this 3<sup>rd</sup> day of October, 2014

Pamela Hartman  
Notary Public.

My commission expires Feb. 23, 2019



NOTE: Do not misplace this certificate; it will be needed in settling the estate.

I, as an officer of the News-Tribune, a daily newspaper published at Keyser, Mineral County, West Virginia, hereby certify that the Region 8 Solid Waste Authority in the case of \_\_\_\_\_

Public Hearing on Update of Comprehensive Litter vs. & Solid Waste Control Plan

a copy whereof is hereto annexed has been published for 1 consecutive time

in said NEWS TRIBUNE, the first publication being on the 1st day of October, 2014.

Given under my hand at Keyser this 1st day of October, 2014.

[Signature]  
Publisher

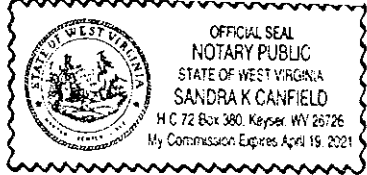
Publisher's Fee  
\$ 31.98

**130 Legal Notices**

**PUBLIC HEARING ON UPDATE OF THE COMPREHENSIVE LITTER AND SOLID WASTE CONTROL PLAN AND THE COMMERCIAL SOLID WASTE FACILITY SITING PLAN FOR THE REGION VIII SOLID WASTE AUTHORITY**

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Sandra K. Canfield

My Commission Expires!

4-19-21

STATE OF WEST VIRGINIA  
COUNTY OF HAMPSHIRE,  
TO WIT:

The Undersigned hereby certifies that the  
Annexed notice was duly published in the  
HAMPSHIRE REVIEW, a weekly  
Newspaper published in said county, for  
1 consecutive weeks, commencing  
On the 1<sup>st</sup> day of October  
2014.

CORNWELL & AILES, INC.  
PUBLISHERS

BY: Jennifer See

WORDS 273 COST 40.26

STATE OF WEST VIRGINIA  
County of Hampshire, to wit:

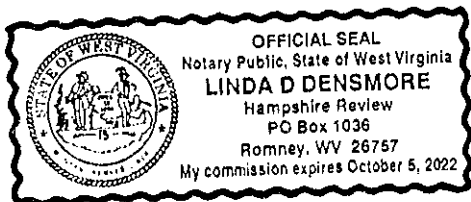
I hereby certify that the said

Jennifer See

did prepare and sign in my presence this  
Certificate of Publication on this the  
1<sup>st</sup> day of October 2014.

My commission expires October 5, 2022

Linda D Denmore  
Linda D Denmore



**Public Hearing On Update Of  
The Comprehensive Litter And  
Solid Waste Control Plan And The  
Commercial Solid Waste Facility  
Siting Plan For The Region VIII Solid  
Waste Authority**

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