



CENTRAL VIRGINIA WASTE MANAGEMENT AUTHORITY  
BOARD OF DIRECTORS MEETING AGENDA  
FEBRUARY 15, 2013  
2104 W. LABURNUM AVENUE  
RICHMOND, VIRGINIA

**CALL TO ORDER**

**9:00 a. m.**

**CHAIRMAN'S AGENDA**

**CERTIFICATION OF QUORUM**

<b>ITEM NO.</b>	<b>Page(s)</b>
1. Public Comment Period	
2. Minutes of the Regular Meeting of January 17, 2013	<b>3 - 12</b>
3. Chairman's Report	

**STAFF AGENDA**

<b>ITEM NO.</b>	
4. 2013 Virginia General Assembly Update	<b>13 - 15</b>
5. Curbside Recycling Program	
6. Municipal Solid Waste (MSW) Program	
7. Consideration of <b>Resolution 13-13</b> : Amending the Waste Tire Collection, Storage, Hauling and Processing Services Contract	<b>16 - 17</b>
8. Consideration of <b>Resolution 13-14</b> : Amending the Drop-off Front-end Load Services Contract	<b>18</b>
9. Operations and Program Statistics	
10. Technical Advisory Committee (TAC) Report	
11. Public Information	
12. Financial Reports for January 2013	<b>19 - 25</b>



**13. Administrative**

Upcoming Meetings

Executive Committee ..... March 4, 2013

Technical Advisory Committee (TAC) Meeting ..... March 7, 2013

Board of Directors ..... March 15, 2013

**OLD/NEW BUSINESS**

**ADJOURNMENT**

**MINUTES OF THE REGULAR MEETING OF JANUARY 17, 2013**

Minutes of the January 17, 2013 CVWMA Board of Directors' meeting are attached for review and consideration.

**Recommended Action:** Approve minutes.

Attachments

**CENTRAL VIRGINIA WASTE MANAGEMENT AUTHORITY  
BOARD OF DIRECTORS MEETING  
JANUARY 17, 2013  
MINUTES  
CRATER PLANNING DISTRICT COMMISSION  
PETERSBURG, VIRGINIA**

**MEMBERS/ALTERNATES PRESENT**

**Voting:**

Steve Chidsey (M-Hanover), Chair  
Matthew D. Benka (M-Richmond), Vice Chairman  
Robert C. Key (M-Chesterfield), Treasurer  
Leigh Dunn (M-Goochland), Secretary  
Robert C. Whiteman (M-Henrico), Director  
Mark Kukoski (M-Richmond), Immediate Past Chair  
Lee Sloppy (M-Ashland)  
John T. Bragg (M-Charles City)  
Jeff Howard (A-Chesterfield)  
Marcia R. Phillips (M-Chesterfield)  
William E. Henley (A-Colonial Heights)  
Michael Flagg (A-Hanover)  
J. Allen Lane (M-Henrico)  
Marcia E. Kelley (M-Henrico)  
Phillip E. Elliott (M-Hopewell)  
Steven Hicks (M-Petersburg)  
Bill Hamby, Jr. (M-Prince George)  
James Jackson (M-Richmond)

**Non-Voting:**

**Staff:**

Kimberly A. Hynes, Executive Director  
Bernard B. Harris, Director of Operations  
Nan B. Downey, Director of Administration and Finance  
Nancy W. Drumheller, Public Information Coordinator  
Reginald D. Thompson, Operations Technician  
Patricia McCullagh, General Counsel

**MEMBERS/ALTERNATES NOT PRESENT**

Josh Farrar (A-Ashland)  
Dr. Sheryl D. Bailey (A-Chesterfield)  
Charles E. Dane (A-Chesterfield)  
Robert L. Dunn (M-Chesterfield)  
Tom Mattis (M-Colonial Heights)  
David Lloyd (A-Goochland)  
Wayne Hazzard (M-Hanover)  
Chip England (A-Hanover)  
Jon Clary (A-Henrico)  
William I. Mawyer, Jr. (A-Henrico)  
Arthur D. Petrini (A-Henrico)  
David Fratarcangelo (A-Hopewell)  
James H. Burrell (M-New Kent)  
David Bednarczyk (A-New Kent)  
William Riggleman (A-Petersburg)  
Elliot Danburg (M-Powhatan)  
Christopher Rapp (A-Powhatan)

**Guest**

William H. "Bill" Hefty, Petersburg Attorney  
William Johnson, Petersburg City Manager

With a quorum in attendance Chairman S. Chidsey (M-Hanover) called the meeting to order at 9:00 a.m.

## **CHAIRMAN'S AGENDA**

### **Item No. 1: Public Comment Period**

Chairman Chidsey opened the floor to receive public comment. With no requests from the public to address the Board, Chairman Chidsey closed the public comment period.

### **Item No. 2: Minutes of the Regular Meeting of December 14, 2012**

A motion was made by Mr. M. Kukoski (M-Richmond) seconded by Mrs. M. R. Phillips (M-Chesterfield), and carried that the minutes of the December 14, 2012, Central Virginia Waste Management Authority (CVWMA) Board of Directors' meeting be approved as submitted.

### **Item No. 4: Treasurer's Report**

#### ***Financial Reports for December 2012***

Mrs. N. B. Downey, Director of Administration and Finance, presented the Treasurer's Report on behalf of Mr. R. C. Key (M-Chesterfield), CVWMA Treasurer. She began her report by directing the Board's attention to pages 13-19 of the agenda package, which displayed the Financial Reports for December 2012. Mrs. Downey reported that the financial activity is consistent with the previous months and the Authority continues to remain within total budget in all funds as of December 31, 2012. Mrs. Downey went on to report that the CVWMA has a combined net income of about \$244,000 year to date.

Concluding, Mrs. Downey reported that most of the cost for the 2013 curbside collection calendar has been recorded in the December 2012 financial reports. She added that additional charges from mailing services of about \$5,800.00 will be included in the financial reports for January 2013.

A motion was made by Mr. J. Jackson (M-Richmond), seconded by Mrs. M. R. Phillips (M-Chesterfield), and carried that the Treasurer's Report for December 2012 be approved, accepted, and filed as submitted.

## **STAFF AGENDA**

### **Agenda Revision**

Chairman Chidsey indicated that **Agenda Line Item No. 7: Resolution 13-12** would be presented next followed by the remaining line items in the order listed on the January 17, 2013 agenda. There were no objections from the Board.

**Item No. 7: Consideration of Resolution 13-12: Amending the Contract for MSW Collection Services for Ashland, Hopewell, and Petersburg with Allied Waste Services**

Mrs. Hynes, Executive Director, restated Board meeting discussions regarding the City of Petersburg's desire to cancel MSW services with Allied Waste Services and thus the service agreement with CVWMA. Mrs. Hynes then introduced guest Mr. William H. Hefty from the law firm Hefty & Wiley P.C.

Mr. Hefty, representing the City of Petersburg, greeted the Board and remarked that William E. Johnson, Petersburg City Manager who is attending Virginia's General Assembly and should be here shortly.

Mr. Hefty explained that representatives for the City of Petersburg and the CVWMA along with their respective legal counsel discussed the City's desire to terminate its MSW service contract with Allied Waste Services and service agreement with the CVWMA due to expire on June 30, 2014. He went on to explain that through a Request for Proposal (RFP) process, Container First Services (CFS) was awarded the contract for Municipal Solid Waste and Curbside Recycling Collection Services for the City of Petersburg effective July 1, 2014.

Mr. Hefty went on to state that the contract with CFS is less expensive than the City's current contract and that early termination of the contract would enable CFS to begin service on March 1, 2013. He asserted that Mr. Steven W. Hicks, Director of Public Works/Utilities for the City of Petersburg, would expound in detail.

Continuing, Mr. Hefty stated that Allied and representatives for the City of Petersburg have been negotiating a financial agreement through their legal counsel adding that as part of the agreement, the City requested a condition addendum and release ("Addendum") be made to the current contract releasing Allied from its contract with Petersburg through the Authority. Mr. Hefty informed the Board that legal counsel for both parties have agreed to terms of the financial agreement. He noted that Allied is under new management and that the contract would need to go through the company's Phoenix office for signatures. The city is requesting the CVWMA vote to amend the contract terminating Allied's service to Petersburg. Mr. Hefty asserted that the alternative option for the Board would be hold off on its decision until after the financial agreement has been signed and call for a special meeting next week for a consensus for the contract addendum.

Mr. M. D. Benka (M-Richmond) asked if this is the appropriate time to ask for specific information or would those questions be asked during executive session. Patricia C. McCullagh, Esq., counsel to CVWMA responded that questions that are not legal questions are permitted outside executive session.

Mr. Benka asked if the financial agreement required approval from Petersburg City Council. Mr. Hefty responded that Petersburg City Council had approved the terms of the financial agreement and that legal terminology in the contract was reviewed by legal counsel.

Mr. M. Kukoski (M-Richmond) asked what the payback was over time. Mrs. Hynes responded that figures were calculated to determine what the new contract would cost the Authority and the City has calculated savings from their own collection in the Old Town area and from the bulk of the collection.

Mr. S. Hicks (M-Petersburg) commented that the contract absorbs the costs of collection in the downtown area in addition to debris/bulk pick-up collection.

Chairman Chidsey asked for a quick overview of components involving debris/bulk pick-up collection and the downtown component to help the Board gain insight of the process.

Mr. Hicks responded that the City collects in Old Towne five days a week, predominately in the restaurant district. He added that the components consist of three MSW trucks and between three to four personnel at any given time. Mr. Hicks noted that there are service limitations under the current contract for bulky waste collection and that the service provided through the City costs approximately \$550,000 per year. This amount is paid through the City's Department of Public Works and Utilities General Funds budget.

Mr. Hicks indicated that under the new contract, CFS would provide trash collection and recycling service to Old Town three times per week and recycling, trash and bulky waste collection city wide. Mr. Hicks stated that CFS will haul off the discarded items and any debris left at the curb during normal trash pick-up days, in essence eliminating the City's isolated bulky waste pick-up and downtown collection service program. He remarked that the change in service will result in a significant savings to the City.

Mr. Hicks informed the Board that they would not have to purchase three new trash trucks which would be a savings to the City of about \$700,000 in the first year removing the capital outlay and that coupled with the bulk savings would result in about \$1.1 million in total savings and the City gets recycling services too.

Mr. M. Kukoski asked what would be the savings to the City if it were to remove the cost of the trucks. Mr. Hicks responded about \$600,000 annually.

Mr. M. Benka (M-Richmond) asked why the increase in costs in the second year. Mr. Hicks responded that funds in the City's General Fund budget used for bulky waste pick-up service are transferred to other City services.

At this time Mr. William E. Johnson arrived. Mr. Johnson gave a brief synopsis of information provided by Mr. Hicks stating that during the first year of the contract, the City would save about 1.2 to 1.3 million dollars clarifying capital outlay of about \$750,000 for the three new trucks. He added that if the City were to remove the cost of the trucks the savings would be about \$600,000 and that citizens of Petersburg would continue receiving MSW collection in addition to curbside recycling service.

Mrs. P. C. McCullagh informed the Board that the CFS contract is a phased in service for current service for the City's Old Town area and not a new service contract.

Mr. W. E. Henley (A-Colonial Heights) commented that the City of Colonial Heights went through a transition of MSW service that included creating new opportunities for the City and the region. Mr. Henley added that Petersburg's desire to renegotiate its MSW contract is a continuation of taking advantage of opportunities made available that are beneficial to the customers and the region.

Chairman Chidsey responded that the solid waste contracts, disposal, and pricing in the region has significantly changed in recent years that are beneficiary to member jurisdictions.

A motion was made by Mr. M. Benka (M-Richmond), Vice Chair and seconded by Mrs. M. R. Phillips (M-Chesterfield) and carried to move into closed session pursuant to Virginia Code Section 2.2-3712 to provide an update regarding certain legal matters impacting the Authority, as authorized under Virginia Code Section 2.2-3711 (A) (7) which permits for such closed sessions for consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel. Further, the presence of Mrs. K. Hynes and Mr. B. Harris is required during the closed session as they are necessary to the discussion and will reasonably aid the Board in its consideration of the matters at issue.

Mr. M. Benka asked for an amendment of his motion to include the presence of Mr. William H. Hefty and Mr. William E. Johnson, Petersburg City Manager. There were no objections from the Board.

At the conclusion of the closed session, a motion was made by Mr. M. Benka (M-Richmond) Vice Chair, seconded by Mr. M. Kukoski (M-Richmond), Immediate Past Chair and carried unanimously to exit the closed session.

The doors to the meeting room were reopened.

Chairman Chidsey asked for a roll call vote, pursuant to Virginia Code Section 2.2-3712D to certify to the best of each Board member's knowledge that only the matters identified in the motion to move into closed session were in fact discussed during the closed session, such matters being properly exempted from the open meeting requirement pursuant to Virginia Code Section 2.2-3711 (A) (7) and 2.2-3712A. Chairman Chidsey asked any member who believes there was a departure from this understanding state their belief of such and the reasons supporting such belief.

Mr. S. Hicks (M-Petersburg) left the meeting prior to the executive Session.

The following certified that the only matters referenced above were discussed during the closed session:

Chairman S. Chidsey (M-Hanover), Mr. W. E. Henley (A-Colonial Heights), Mr. P. E. Elliott (M-Hopewell), Mr. M. Kukoski (M-Richmond), Mr. M. D. Benka (M-Richmond), Mr. J. A. Jackson (M-Richmond), Mr. J. T. Bragg (M-Charles City), Mr. J. Howard (A-Chesterfield), Mr. R. C. Key (M-Chesterfield), Mrs. M. R. Phillips (M-Chesterfield), Mrs. L. Dunn (M-Goochland), Mr. M. Flagg (A-Hanover), Mr. J. A. Lane (M-Henrico), Mrs. M. E. Kelley (M-Henrico), Mr. R. C. Whiteman (M-Henrico), and Mr. B. Hamby, Jr. (M-Prince George), and Mr. L. Sloppy (M-Ashland).

Mr. M. Flagg (A-Hanover), motioned and Mr. M. Kukoski (M-Richmond) seconded to approve the amendment to the MSW contract relating to MSW services by Allied Waste in the City of Petersburg, contingent on a review and acceptance by two or more members of the CVWMA Executive Committee of executed agreements and associated documents in substantial conformance with those presented to the Board on January 17, 2013, including any of the Board's proposed revisions, after review and approval by counsel that such documentation and or any changes thereto protects and or is in the best interest of CVWMA as long as the fully executed documentation is provided to the Executive Committee on or before close of business on Friday, January 18, 2013, and carried unanimously.

## **Item No. 5: 2013 Virginia General Assembly**

Mrs. Hynes reported that the Authority has been tracking legislation introduced in the 2013 Virginia General Assembly, which convened on Wednesday, January 9, 2013. Mrs. Hynes then directed the Board's attention to the January 17 Board package which provides a summary of relevant bills that have been introduced.

Mrs. Hynes reported that the 2013 session of the Virginia General Assembly will end on February 23, 2013. The crossover date is February 6, 2013. Mrs. Hynes went on to report that about 2,000 bills were introduced as of January 16, 2013.

Mrs. Hynes reported that **HB 1381/SB 970 Plastic bag tax.** are essentially the same bill allowing retailers to retain one cent (\$0.01) of the five-cent (\$0.05) tax or two cents (\$0.02) if the retailer has a customer bag credit program. The revenues from the tax would be deposited into the Virginia Water Quality Improvement Fund.

Continuing, Mrs. Hynes reported that **HB 1591 Plastic bags; use by retailers.** Bans the use of plastic carryout bags by retailers at the point of sale unless such bags are durable plastic bags with handles, at least 2.25 mils thick, and specifically designed and manufactured for multiple reuse. She asserted that the bills are still in committee, but not likely to pass.

Proceeding, Mrs. Hynes reported that there were several bills introduced relating to scrap metal processors. Rules and reporting on scrap metal processors have become more stringent due to theft and metal prices. Mrs. Hynes went on to report that several bills were introduced regarding stormwater and stormwater regulations. **HB 1488 Local implementation of stormwater management program** will delay the date that local governments will have to assume responsibility for administering the stormwater management program from July 1, 2014 to July 1, 2015.

Moving on, Mrs. Hynes reported that **HB 1548 Guidance documents for municipal separate storm sewer (MS4) permittees** requests that the Department of Conservation and Recreation and the Department of Environmental Quality jointly prepare guidance documents to assist MS4 permittees in developing and implementing their Chesapeake Bay Total Maximum Daily Load (Bay TMDL) Action Plans.

Proceeding, Mrs. Hynes reported that there were several bills introduced relating to litter and penalties. She asserted that bills were introduced on both the House and Senate for water and waste authorities. The bills require setting rates for refuse collection which does not impact the Authority. She went on to report that there were several public procurement bills introduced reducing the requirement of advertising in newspapers and requiring a public body to advertise on the Department of General Services Website.

Closing, Mrs. Hynes informed the Board that the Authority will continue to monitor the legislation during this session and keep the Board apprised of relevant bills and their status.

## **Item No. 6: Consideration of Resolution 13-11: Amending the Contract for eCycling Services with Creative Recycling Services**

Mr. B. Harris, Director of Operations, directed the Board's attention to page 22 and 23 of the agenda package, which displays **Resolution 13-11** authorizing the renewal of the contract for collecting, transporting, and processing used electronics equipment between the CVWMA and Creative Recycling Services, Inc. and the Special Project Service Agreement with participating local jurisdictions for a three year period commencing on April 1, 2013.

Chairman Chidsey then opened the floor for a motion to approve **Resolution 13-11**. A motion was made by Mr. M. Kukoski (M-Richmond), seconded by Mr. R. C. Whiteman (M-Henrico), and carried that **Resolution 13-11** be approved as submitted.

## **Item No. 8: Curbside Recycling Program**

Mr. B. Harris directed the Board's attention to a graph showing that December was another strong month for curbside collection. The tonnage total was 3,212 with 21 collection days compared to 3,116 in December 2011 with 22 collection days; an increase of 3.5 percent from the previous year. Mr. Harris went on to report that missed collections were 183 for the month. He added that the set-out rate was 35.8 percent for the month.

Continuing, Mr. Harris reported that December was also a good month for cart sales. He added that this can be attributed to Chesterfield County's utility stuffer. Mr. Harris noted that about 39 percent of sales were in Chesterfield, 35 percent in Henrico, and 25 percent in Richmond before the utility stuffer. After, the percentage sold in Chesterfield jumped to 80 percent. He included that 544 carts were sold during the month of December with over 500 to date in January.

Mr. Harris provided the Board with a summary of information on cart sales in Colonial Heights that included a graph of the CVWMA set-out rate for the City over the previous 10 years. Mr. Harris reminded the Board of previous discussions regarding the change in collection service from weekly to biweekly for Ashland residents and their receiving a new 96-gallon. He noted that carts were delivered the first week in January.

Concluding, Mr. Harris reported that there were a few rerouting changes in the City of Richmond and a few in the Counties of Henrico and Chesterfield that went into effect in January.

## **Item No. 9: Municipal Solid Waste (MSW) Program**

Mr. R. D. Thompson, Operations Technician, reported that the month of November was a good month for Allied Waste Services who finished the month with 101 misses and \$20 in penalties. Mr. Thompson went on to report that in the City of Petersburg an estimated .8 tons of trash was missed compared to 918.1 tons collected for the month. He noted that Allied Waste has a 99.9 percent collection rate.

Proceeding, Mr. Thompson reported that Colonial Heights trash collection day was scheduled for Wednesday, December 26 and Wednesday, January 2. Due to low set outs following the Christmas Holiday, Container First Services agreed to a one day slide moving collection service to Thursday.

Concluding, Mr. Thompson reported that the collection of bagged leaves collection went well this year. He added that up to 30 bags of leaves can be placed at the curb for collection and that the call volume for missed collections was low.

#### **Item No. 10: Operations and Program Statistics**

Mr. Harris reported that December tonnage in the Drop-off Program is down from the previous year by 5.9 percent, excluding Prince George it would be 1.6 percent. Mr. Harris went on to report that containers at the Science Museum were relocated to allow for construction of the Redskin training facility. Robin Hood Road was designated as the new site on Friday, January 4. Mr. Harris went on to report that it is anticipated that construction of Fire Station #13 will be completed soon.

Concluding, Mr. Harris reported that Virginia Recycling Corporation contacted Authority staff and communicated that as a result of state budget changes, the company will no longer receive benefit of the tire subsidy. Tires are taken to Waste Management's landfill in Charles City for use in daily cover. Mr. Harris included that Virginia Recycling requested a rate increase to offset the elimination of subsidy.

#### **Item No. 11: Technical Advisory Committee (TAC) Report**

Mr. Harris presented the Technical Advisory Committee (TAC) report. Mr. Harris reported that the TAC met on Thursday, January 3 at the CVWMA office. Mr. Harris informed the Board that Mr. J. Clary (A-Henrico) was named the new committee chair and that discussion included much of the information reported on during this meeting.

Concluding, Mr. Harris reported that in lieu of the February TAC meeting, committee members will join guests at the February 7 Regional Environmental Education Workshop that will be held at Henrico County's Training Center.

#### **Item No. 12: Public Information**

Mrs. N. W. Drumheller, Public Information Coordinator, reported that media promoting the 2013 Curbside Collection Schedule will conclude on January 18. She went on to highlight the Christmas Tree Recycling Program including that the Authority's Web site received over 3,000 visits from November through December.

Mrs. Drumheller directed the Board's attention to a handout placed at each seat with information on the February Environmental Education Workshop titled, "Keeping It Out of the Stream: Regional". She asserted that invitations were recently sent and that 53 people have already signed up. Mrs. Drumheller asserted that Authority staff is please that members of the Board have expressed an interest in attending. She added that the event will include guest speaker, Mr. Keith White, DCR Stormwater Management, Stormwater Local Government Advisory committee, and Henrico County Department of Public Works.

Mrs. Drumheller noted that also in attendance will be Mr. Doug Fritz, VSPM and MS4 Manager, Virginia Division of Stormwater Management who will share information on stormwater management issues and MS4 permits. Mrs. Drumheller went on to report that showcased will be Hanover County and its MS4 Education personnel in addition to other local government educational outreach programs.

Concluding, Mrs. Drumheller commented that the Authority staff hope that the event would provide local government staff the opportunity to network and work together on a regional approach to measurable educational initiatives.

### **Item No.13: Administrative**

Mrs. Hynes reported that there will be a visible change to the Authority's staff this time next year. She informed the Board that N. B. Downey will be retiring on April 30, Mr. B. Harris will be retiring on October 31, and Call Center Representative Carolyn Bagby will be retiring the end of June. Mrs. Hynes commented that the Authority has certainly appreciated their work over the years.

### **Old/New Business**

Chairman Chidsey then asked if there was any further old/new business to come before the CVWMA Board of Directors. With no further business to come before the Board, Chairman Chidsey opened the floor for a motion to adjourn the CVWMA Board of Directors meeting at 11:34 a.m. The motion was made by Mr. R. C. Whiteman (M-Henrico), Director seconded by Mrs. M. R. Phillips (M-Chesterfield), and carried that the January 17, 2013 Board of Directors' meeting be adjourned.



### **CERTIFICATE**

I, Stephen E. Chidsey, Chairman of the CVWMA certify that the foregoing minutes are true and correct copy of the minutes of the January 17, 2013, regular meeting of the Central Virginia Waste Management Authority (CVWMA) Board of Directors. These minutes were adopted at a CVWMA Board meeting held at 9:00 a.m., February 15, 2013. Given under my hand and seal of the CVWMA this 15<sup>th</sup> day of February 2013.

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**Stephen E. Chidsey, Chairman**

## 2013 VIRGINIA GENERAL ASSEMBLY UPDATE

The 2013 session convened Wed. Jan 9 and ends February 23. The last day to file was Fri. Jan 18 and crossover day was February 6. Nearly 2,200 bills have been introduced this session. Bills of interest that are still active are included below and the staff will be discussing at the Board meeting.

### ACTIVE:

#### *Scrap Metal*

#### **HB1481 Secondhand articles; scrap metal purchasers; penalty. (Merricks – Pittsylvania)**

Provides that any person or business that purchases scrap metal in excess of \$20,000 during a 12-month period shall be subject to requirements regarding the purchase of nonferrous scrap, metal articles, and proprietary articles. The bill requires scrap metal purchasers to take and maintain for 30 days an image of any proprietary articles purchased. The bill also requires scrap metal purchasers to submit to the chief of police or other law-enforcement officer a report of all purchases made by the scrap metal purchaser of any nonferrous scrap, metal articles, and proprietary articles if so requested by the chief of police or other law-enforcement officer.

1/2/2013 Referred to Committee on Commerce and Labor  
1/10/2013: Assigned to Subcommittee #2  
1/17/2013: Sub recommends reporting w/ amend (10Y-0N)  
1/22/2013: Reported w/ substitute (18Y-0N)  
1/23/2013: House incorporates HB1323  
1/28/2013: Passed the House  
1/29/2013: Referred to Senate Commerce and Labor

#### *Littering*

#### **SB1166 Littering and illegal dumping; community service. (Smith – Roanoke)**

Provides that when a person is convicted of illegally dumping or disposing of garbage or refuse on public property or on private property without the permission of the owner, the court shall order a mandatory minimum of 10 hours of community service. Under current law, community service in litter abatement may be ordered in lieu of confinement in jail and is not mandatory.

1/9/2013: Referred to Transportation  
1/16/2013: Referred to Courts of Justice  
1/30/2013: Reported w/ amendment (13Y-1N)  
2/5/2013: Passed Senate (38Y - 2N)

#### *Water and waste authorities:*

#### **HB 1727/SB1121 Water and waste authorities; rates. (Toscano – Charlottesville; Ruff-Clarkesville)**

Clarifies the ability of a water or waste authority to fix rates for services that are furnished by a refuse collection and disposal system. The bill expands the list of rate-setting powers that require a public hearing by adding the rate-setting power found in subdivision 10 of § 15.2-5114, a power that includes the establishment of incentives for green roofs. The bill combines the two parallel processes found in current law for the setting of rates for sewage disposal and refuse collection, and it reduces the period for publication of notice of a rate-setting hearing from 60 days to

14 days. Finally, the bill provides that no rate established before January 1, 2013, shall be invalidated because of a failure to provide the required public notice. The bill also makes technical changes.

1/8/2013: Referred to Cities, Counties and Towns  
1/11/2013: Assigned CC & T Sub #1  
1/16/2013: Subcommittee recommends reporting (10Y-0N)  
1/18/2013: Reported from CC&T (22Y - 0N)  
1/24/2013: Passed House (89Y - 9N)  
1/25/2013: Referred to Senate Local Govt Committee  
1/9/2013: Referred to Local Govt Comm  
1/22/2013: Reported from LG (15Y-0N)  
1/28/2013: Passed Senate (40Y-0N)  
2/2/2013: Ref to Senate CC&T

### ***Department of Environmental Quality***

**SB1212 Provision of information to Department of Environmental Quality; protection of trade secrets. (Stuart – Northern Neck)** Requires that every person who the Department of Environmental Quality has reason to believe is generating or handling waste provide the Department with information about the waste upon request. The bill exempts trade secrets contained in such information from disclosure by the Department under certain conditions while still allowing the Department to provide such information to the Environmental Protection Agency or as otherwise required by law.

1/9/2013: Referred to ACNR  
1/17/2013: Reported from ACNR (15Y - 0N)  
1/23/2013: Passed Senate (40Y - 0N)  
1/25/2013: Referred to House ACNR

### ***Stormwater***

**HB2048 Consolidation of water quality programs. (Sherwood – Winchester)** Moves the water quality programs currently administered by the Department of Conservation and Recreation to the Department of Environmental Quality. The Department of Environmental Quality and the State Water Control Board will have oversight of water quality planning and laws dealing with stormwater management, erosion and sediment control, and the Chesapeake Bay Preservation Areas. The composition of the Virginia Soil and Water Conservation Board is changed, reducing the number of voting members from 12 to seven, and the Department of Environmental Quality is assigned responsibility for staffing the Board. The Virginia Soil and Water Conservation Board will continue its oversight responsibilities of the soil and water conservation districts and of resource management planning. The Board of Conservation and Recreation will be responsible for administration of the flood prevention and dam safety laws.

1/9/2013: Referred to ACNR  
1/14/2013: Subcommittee: Chesapeake  
1/24/2013: Sub recommends reporting w/ amendments (6Y-0N)  
1/30/2013: Reported from ACNR w/ sub (22Y - 0N)  
2/4/2013: Passed House (82Y - 17N)

**HB2190 Stringency of stormwater management ordinances. (Cosgrove – Chesapeake)** Requires localities that adopt more stringent stormwater management requirements than those necessary to ensure compliance with the minimum regulations of the Soil and Water Conservation Board to submit such requirements to the Board to confirm that statutory requirements have been met and that the locality's determinations pursuant to the statute are reasonable.

1/10/2013: Referred to ACNR  
1/22/2013: Assigned ACNR Sub: Chesapeake  
1/24/2013: Sub recommends reporting w/ amendments (6Y-0N)  
1/30/2013: Reported from ACNR w/ Sub (18Y-4N)  
2/4/2013: Passed House (73Y - 26N)

***Procurement***

**HB1823 Public procurement; posting by local public bodies of procurement opportunities. (Villanueva – Virginia Beach)** Requires public bodies to post procurement notices on Dept of General Services central electronic procurement website and make newspapers optional.

1/8/2013: Referred to General Laws  
1/22/2013: Assigned sub#2: FOIA  
1/24/2013: Subcom repots w/amendments (4Y-3N)  
1/29/2013: Reported from GL w/ substitute (15Y-7N)  
1/29/2013: Incorporates HB 2170  
2/1/2013: Passed House (73Y - 25N)  
2/4/2013: Referred to House General Laws & Technology

Several bills, such as those related to taxes and bans on plastic bags did not survive their respective committees. Increased fines and definitions of litter have also died with the exception of SB1166 above. As stormwater is a hot topic, there were many bills introduced in the 2013 session. HB1488 would have delayed the responsibilities of local governments for administering a stormwater management program from July 1, 2014 to 2015 and HB1548 would have required guidance documents be provided by the Department of Conservation and Recreation and DEQ to assist MS4 permittees in implementing the Chesapeake Total Maximum Daily Load (TMDL) plans.

**CONSIDERATION OF RESOLUTION 13-13: AMENDING THE WASTE TIRE COLLECTION, STORAGE, HAULING AND PROCESSING SERVICES CONTRACT**

The *Waste Tire Collection, Storage, Hauling and Processing Services Contract and Service Agreement* between the Central Virginia Waste Management Authority (CVWMA) and Virginia Recycling Corporation was executed for the period beginning July 1, 2009 and extends for a five year term through June 30, 2014.

During the 2012 legislative session budget revisions allocated funds previously utilized to support the Tire Reimbursement Program to the Department of Transportation. As a result, the DEQ reduced the subsidy to tire processors such as Virginia Recycling and end users that help them cover the cost of tire shredding and disposal from \$30 per ton to \$15 per ton. Virginia Recycling Corporation takes the shredded tires to the Waste Management Landfill in Charles City County where tire crumb is used as daily cover. When the DEQ was providing a \$30 per ton subsidy Waste Management was keeping \$23.50 per ton for the disposal and Virginia Recycling received the remaining \$6.50 per ton to assist in their hauling and processing costs. July 2012 the DEQ reduced the subsidy to \$15 per ton. At that time Virginia Recycling absorbed the reduced subsidy and the entire \$15/ton went to Waste Management. The DEQ has recently eliminated the subsidy entirely and January 8, 2013 Waste Management notified Virginia Recycling that as a result of the elimination of the payment from the DEQ effective January 16, 2013 the rate for Virginia Recycling to dispose of the tire shreds is be \$21.00 per ton.

Virginia Recycling has requested a rate increase of \$20.00 per ton to offset the loss of the subsidy from the DEQ Tire Reimbursement Program. Currently the CVWMA Contract with Virginia Recycling calls for a fee of \$806.02 (\$80.60/ton) to pick-up and process a trailer of tires (assumes average trailer weight of 10 tons). This proposed increase will raise the cost to \$1006.02 per trailer.

The Contract between Virginia Recycling and CVWMA in Section 4, paragraph D states that the Contractor may petition CVWMA for adjustment to the fees on the basis of unusual changes such as new or revised laws, ordinances or regulations. The elimination of the state Tire Reimbursement Program meets this criteria.

Based on the Fiscal Year 2012 volume of tires received from participating CVWMA jurisdictions, this increase will cost about \$15,000 per year.

Attached is **Resolution 13-13** authorizing the Executive Director to execute an addendum to the *Waste Tire Collection, Storage, Hauling and Processing Services Contract and Service Agreement* to reflect a revised fee schedule to include the increase in costs for Waste Tires services as a result of the elimination of the DEQ Tire Reimbursement Program.

**Recommended Action:** Approval of **Resolution 13-13**

Attachment

# RESOLUTION 13-13

A resolution authorizing an addendum to the *Waste Tire Collection, Storage, Hauling and Processing Service Contract* between Central Virginia Waste Management Authority and Virginia Recycling Corporation and the Special Project Service Agreements with Participating Local Jurisdictions.

## **THE CENTRAL VIRGINIA WASTE MANAGEMENT AUTHORITY RESOLVES:**

**WHEREAS**, the report included as Staff Agenda Item No. 7 of the February 2013 Board Agenda identified the request from Virginia Recycling Corporation to Central Virginia Waste Management Authority to amend the terms of compensation in the Waste Tire Collection, Storage, Hauling and Processing Services Contract to reflect the elimination of the DEQ Tire Reimbursement Program; and

**WHEREAS**, the Executive Director is authorized, subject to General Counsel's review and approval, to execute an addendum to the Waste Tire Collection, Storage, Hauling and Processing Services Contract between the Central Virginia Waste Management Authority and Virginia Recycling Corporation, and

**WHEREAS**, the Executive Director is authorized, subject to General Counsel's review and approval, to execute an addendum to the Special Project Service Agreement between the Central Virginia Waste Management Authority and Participating Local Jurisdictions, and

**THEREFORE, BE IT RESOLVED**, that this resolution shall be in full force and effect upon its passage.

**Adopted this 15<sup>th</sup> day of February 2013**

**Attest:** \_\_\_\_\_  
**Stephen E. Chidsey**  
**Chairman of the Board**

**CONSIDERATION OF RESOLUTION 13-14: AMENDING THE DROP-OFF FRONT-END LOAD SERVICES CONTRACT**

The *Drop-Off Front-End-Load Services Contract* between the Central Virginia Waste Management Authority (CVWMA) and Tidewater Fibre Corporation (TFC) was executed for the period beginning July 1, 2007 and extends for a seven year term through June 30, 2014.

The Contract provides for TFC to collect, process and market single stream recyclables and Old Corrugated Containers (OCC) from Participating Local Jurisdiction sites throughout the CVWMA region. A member jurisdiction has expressed an interest in collecting, transporting and marketing baled OCC.

The CVWMA staff is considering amending the existing contract to an option for localities that bale their own cardboard. Negotiations are in the process, thus more details and a resolution will be provided prior to the Board meeting on February 15.

**FINANCIAL REPORTS FOR JANUARY 2013**

The financial reports for January 2013 are hereby submitted for review and consideration. The reports reflect the results of operations in the General Operating Fund, Curbside, Drop Off, MSW and Other Special Project Funds. The CVWMA has a combined net income of about \$206,000 for administration, operations and public information for the remainder of the fiscal year. The CVWMA continues to remain within total budget in all funds as of January 31, 2013.

**Recommended Action:** Approval of the January 2013 Financial Reports.

Attachments

**Central Virginia Waste Management Authority**  
**Summary Statement of Actual Revenues and Expenses By Fund**  
**July 2012 – January 2013**

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	<u>Total Revenues</u>	<u>Total Expenses</u>	<u>Transfers In (Out)</u>	<u>Totals</u>
General Operating Fund	\$ 533,538	\$ 330,916	\$ -	\$ 202,622
Curbside Project Fund	3,743,717	3,744,982	-	(1,265)
Drop-Off Project Fund	437,525	421,260	-	16,265
Municipal Solid Waste Fund	2,199,657	2,206,710	-	(7,053)
CFC/HCFC	10,292	10,334	-	(42)
Special Waste Collections	101,109	100,813	-	296
Waste Tire Fund	26,993	27,065	-	(72)
Appliance and Scrap Metal Hauling	76,618	77,147	-	(529)
Other Projects	18,581	18,581	-	-
Yard Waste Projects	274,638	275,302	-	(664)
Waste Transfer & Disposal	1,151,082	1,154,271	-	(3,189)
	<u>\$ 8,573,750</u>	<u>\$ 8,367,381</u>	<u>\$ -</u>	<u>\$ 206,369</u>
<i><b>Totals</b></i>				

<i><b>Capital Outlay:</b></i>	<u>Month to date</u>	<u>Year to date</u>	<u>Budget</u>	<u>Variance</u>
Computer equipment	\$ -	\$ -	\$ 10,000	\$ 10,000
Office equipment	-	-	-	\$ -
<i><b>Total Capital Outlay</b></i>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 10,000</u>	<u>\$ 10,000</u>

**Central Virginia Waste Management Authority**  
**Statement of Revenues and Expenses – Budget and Actual**  
**July 2012 – January 2013**

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**General Operating Fund**

	<u>Month to Date</u> <u>Actual</u>	<u>Year to Date</u> <u>Actual</u>	<u>Total</u> <u>Budget</u>	<u>Variance</u>	<u>% Budget</u> <u>Remaining</u>
<b>Revenues:</b>					
Annual Gov't Assessments	\$ -	\$ 533,205	\$ 533,205	\$ -	0.0%
Miscellaneous/Other	-	-	500	(500)	-100.0%
Interest on Investments	25	333	7,580	(7,247)	-95.6%
Sponsorships and Grants	-	-	-	-	<u>0.0%</u>
<b>Total Revenues</b>	<u>25</u>	<u>533,538</u>	<u>541,285</u>	<u>(7,747)</u>	<u>-1.4%</u>
<b>Expenses:</b>					
Personnel services	30,095	209,629	361,150	151,521	42.0%
Fringe benefits	8,504	63,026	96,830	33,804	34.9%
Professional services	107	19,169	29,510	10,341	35.0%
Repairs and maintenance	214	1,508	2,700	1,192	44.1%
Advertising and promotions	100	1,391	1,250	(141)	-11.3%
Materials and supplies	620	4,299	5,375	1,076	20.0%
Other services and charges	1,070	7,269	14,260	6,991	49.0%
Leases	3,203	21,329	38,115	16,786	44.0%
Depreciation	391	3,296	6,125	2,829	<u>46.2%</u>
<b>Total Expenses</b>	<u>44,304</u>	<u>330,916</u>	<u>555,315</u>	<u>224,399</u>	<u>40.4%</u>
<b>Transfers In (Out)</b>	<u>-</u>	<u>-</u>	<u>14,030</u>	<u>(14,030)</u>	
<b>Totals</b>	<u>\$ (44,279)</u>	<u>\$ 202,622</u>	<u>\$ -</u>	<u>\$ 202,622</u>	
<b>Capital Outlay:</b>					
Computer equipment	\$ -	\$ -	\$ 3,500	\$ 3,500	
Office equipment	-	-	-	\$ -	
Vehicular equipment	-	-	-	\$ -	
<b>Total Capital Outlay</b>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 3,500</u>	<u>\$ 3,500</u>	

**Central Virginia Waste Management Authority**  
**Statement of Revenues and Expenses – Budget and Actual**  
**July 2012 – January 2013**

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**Curbside Project Fund**

	<u>Month to Date</u> <u>Actual</u>	<u>Year to Date</u> <u>Actual</u>	<u>Total</u> <u>Budget</u>	<u>Variance</u>	<u>% Budget</u> <u>Remaining</u>
<b>Revenues:</b>					
Project Service Fees	\$ 477,984	\$ 3,370,277	\$ 5,760,000	\$ (2,389,723)	-41.5%
Public Relations Assessment	15,810	112,132	189,000	(76,868)	-40.7%
Customer Service Assessment	16,576	116,732	198,000	(81,268)	-41.0%
96-gal Cart Revenue	46,051	133,566	93,600	39,966	42.7%
Contract Admin Costs	-	-	500	(500)	-100.0%
Sponsorships and Grants	-	10,000	10,000	-	0.0%
Interest on Investments	88	1,010	8,460	(7,450)	-88.1%
	<u>556,509</u>	<u>3,743,717</u>	<u>6,259,560</u>	<u>(2,515,843)</u>	<u>-40.2%</u>
<b>Expenses:</b>					
Personnel services	15,043	102,995	176,005	73,010	41.5%
Fringe benefits	4,340	30,206	52,025	21,819	41.9%
Professional services	722	16,636	24,685	8,049	32.6%
Repairs and maintenance	89	2,655	2,160	(495)	-22.9%
Advertising and promotions	7,661	42,987	62,000	19,013	30.7%
Materials and supplies	379	2,741	3,575	834	23.3%
Other services and charges	571	45,094	63,175	18,081	28.6%
Leases	2,224	15,503	26,825	11,322	42.2%
Depreciation	302	2,153	5,375	3,222	59.9%
Contractual services	477,983	3,370,096	5,760,000	2,389,904	41.5%
96-gal Cart Expense	43,357	113,916	89,210	(24,706)	-27.7%
	<u>552,671</u>	<u>3,744,982</u>	<u>6,265,035</u>	<u>2,520,053</u>	<u>40.2%</u>
<b>Transfers In (Out)</b>	<u>-</u>	<u>-</u>	<u>5,475</u>	<u>(5,475)</u>	
<b>Totals</b>	<u>\$ 3,838</u>	<u>\$ (1,265)</u>	<u>\$ -</u>	<u>\$ (1,265)</u>	
<b>Capital Outlay:</b>					
Computer equipment	\$ -	\$ -	\$ 6,000	\$ 6,000	
Office equipment	-	-	-	\$ -	
<b>Total Capital Outlay</b>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 6,000</u>	<u>\$ 6,000</u>	

**Central Virginia Waste Management Authority**  
**Statement of Revenues and Expenses – Budget and Actual**  
**July 2012 – January 2013**

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**Drop Off Project Fund**

	<u>Month to Date</u> <u>Actual</u>	<u>Year to Date</u> <u>Actual</u>	<u>Total</u> <u>Budget</u>	<u>Variance</u>	<u>% Budget</u> <u>Remaining</u>
<i>Revenues:</i>					
Project Service Fees	\$ 50,224	\$ 342,157	\$ 650,000	\$ (307,843)	-47.4%
Materials Sales Rebate	18,494	95,324	135,000	(39,676)	-29.4%
Interest on Investments	3	44	600	(556)	-92.7%
	<hr/>	<hr/>	<hr/>	<hr/>	
<b>Total Revenues</b>	<b>68,721</b>	<b>437,525</b>	<b>785,600</b>	<b>(348,075)</b>	<b>-44.3%</b>
<i>Expenses:</i>					
Personnel services	516	3,588	6,115	2,527	41.3%
Fringe benefits	116	812	1,535	723	47.1%
Professional services	6	729	1,190	461	38.7%
Repairs and maintenance	10	59	115	56	48.7%
Advertising and promotions	-	858	250	(608)	-243.2%
Materials and supplies	-	89	80	(9)	-11.3%
Other services and charges	64	501	525	24	4.6%
Leases	107	747	980	233	23.8%
Contractual services	50,224	342,157	650,000	307,843	47.4%
Materials sales rebate	13,910	71,720	101,250	29,530	29.2%
	<hr/>	<hr/>	<hr/>	<hr/>	
<b>Total Expenses</b>	<b>64,953</b>	<b>421,260</b>	<b>762,040</b>	<b>340,780</b>	<b>44.7%</b>
<b>Transfers In (Out)</b>	<b>-</b>	<b>-</b>	<b>(23,560)</b>	<b>23,560</b>	
	<hr/>	<hr/>	<hr/>	<hr/>	
<b>Totals</b>	<b>\$ 3,768</b>	<b>\$ 16,265</b>	<b>\$ -</b>	<b>\$ 16,265</b>	

**Central Virginia Waste Management Authority**  
**Statement of Revenues and Expenses – Budget and Actual**  
**July 2012 – January 2013**

**Municipal Solid Waste Fund**

	<u>Month to Date</u> <u>Actual</u>	<u>Year to Date</u> <u>Actual</u>	<u>Total</u> <u>Budget</u>	<u>Variance</u>	<u>% Budget</u> <u>Remaining</u>
<b>Revenues:</b>					
Project Service Fees	\$ 303,678	\$ 2,182,427	\$ 3,900,000	\$ (1,717,573)	-44.0%
Customer Service Assessment	1,841	16,285	29,500	(13,215)	-44.8%
Contract Admin Costs	20	380	2,000	(1,620)	-81.0%
Interest on Investments	66	565	6,615	(6,050)	-91.5%
	<u>305,605</u>	<u>2,199,657</u>	<u>3,938,115</u>	<u>(1,738,458)</u>	<u>-44.1%</u>
<b>Expenses:</b>					
Personnel services	1,618	10,912	17,035	6,123	35.9%
Fringe benefits	479	3,321	5,075	1,754	34.6%
Professional services	11	4,326	6,565	2,239	34.1%
Repairs and maintenance	63	375	730	355	48.6%
Advertising and promotions	-	119	500	381	99.0%
Materials and supplies	41	565	885	320	36.2%
Other services and charges	312	2,067	3,255	1,188	36.5%
Leases	251	1,751	2,450	699	28.5%
Depreciation	120	847	1,620	773	47.7%
Contractual Services	303,678	2,182,427	3,900,000	1,717,573	44.0%
	<u>306,573</u>	<u>2,206,710</u>	<u>3,938,115</u>	<u>1,731,405</u>	<u>44.0%</u>
<b>Transfers In (Out)</b>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	
<b>Totals</b>	<u>\$ (968)</u>	<u>\$ (7,053)</u>	<u>\$ -</u>	<u>\$ (7,053)</u>	
<b>Capital Outlay:</b>					
Computer equipment	\$ -	\$ -	\$ 500	\$ 500	
Office equipment	\$ -	\$ -	\$ -	\$ -	
<b>Total Capital Outlay</b>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 500</u>	<u>\$ 500</u>	

**Central Virginia Waste Management Authority**  
**Statement of Revenues and Expenses – Budget and Actual**  
**July 2012 – January 2013**

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**Other Special Projects**

	<b>Month to Date</b>	<b>Year to Date</b>	<b>Total</b>	<b>Variance</b>	<b>% Budget</b>
	<b><u>Actual</u></b>	<b><u>Actual</u></b>	<b><u>Budget</u></b>		<b><u>Remaining</u></b>
<b>Revenues:</b>					
Project Service Fees	\$ 170,826	\$ 1,524,559	\$ 2,855,000	\$ (1,330,441)	-46.6%
Materials Sales Rebate	14,558	134,491	425,000	(290,509)	-68.4%
Interest on Investments	19	263	4,005	(3,742)	-93.4%
	<u>185,403</u>	<u>1,659,313</u>	<u>3,284,005</u>	<u>(1,624,692)</u>	<u>-49.5%</u>
<b>Total Revenues</b>					
<b>Expenses:</b>					
Personnel services	39	288	490	202	41.2%
Fringe benefits	3	22	40	18	45.0%
Professional services	-	3,781	5,680	1,899	33.4%
Repairs and maintenance	53	318	620	302	48.7%
Materials and supplies	-	345	435	90	20.7%
Other services and charges	63	448	795	347	43.6%
Contractual services	170,825	1,524,552	3,180,000	1,655,448	52.1%
Materials sales rebate	14,558	133,758	100,000	(33,758)	-33.8%
	<u>185,541</u>	<u>1,663,512</u>	<u>3,288,060</u>	<u>1,624,548</u>	<u>49.4%</u>
<b>Total Expenses</b>					
<b>Transfers In (Out)</b>	<u>-</u>	<u>-</u>	<u>4,055</u>	<u>(4,055)</u>	
<b>Totals</b>	<b><u>\$ (138)</u></b>	<b><u>\$ (4,199)</u></b>	<b><u>\$ -</u></b>	<b><u>\$ (4,199)</u></b>	