

FAYETTE COUNTY SOLID WASTE AUTHORITY
(an Agency and Instrumentality of the State of West Virginia)

RESOLUTION No. 01-2021

ESTABLISHING A PUBLIC COMMENT PERIOD FOR A PROPOSED CODE OF RULES FOR THE FAYETTE COUNTY SOLID WASTE AUTHORITY CODIFYING ITS BYLAWS AND RULES FOR ITS INTERNAL MANAGEMENT; SETTING FORTH DEFINITIONS APPLICABLE THROUGHOUT THE CODE OF RULES, ESTABLISHING PROCEDURES FOR INVESTIGATING, GATHERING INFORMATION RELEVANT TO THE EXISTENCE AND ABATEMENT OF, AND INSPECTING ANY INSTANCES OF IMPROPER SOLID WASTE MANAGEMENT OR DISPOSAL WITHIN OR ADVERSELY AFFECTING FAYETTE COUNTY; ESTABLISHING LIABILITY FOR, AND PROCEDURES AND CLEANUP STANDARDS APPLICABLE TO, THE ABATEMENT OF, INSTANCES OF IMPROPER SOLID WASTE MANAGEMENT OR DISPOSAL WITHIN OR ADVERSELY AFFECTING FAYETTE COUNTY, WEST VIRGINIA; PROVIDING PROCEDURES FOR RECOVERY OF RESPONSE COSTS INCURRED OR TO BE INCURRED BY THE FAYETTE COUNTY SOLID WASTE AUTHORITY IN THE COURSE OF APPROPRIATELY RESPONDING TO AND ABATING ANY INSTANCES OF IMPROPER SOLID WASTE MANAGEMENT OR DISPOSAL WITHIN OR ADVERSELY AFFECTING FAYETTE COUNTY, WEST VIRGINIA

WHEREAS, the Fayette County Solid Waste Authority was created as an agency and instrumentality of the State of West Virginia by West Virginia Code § 22C-4-3-to implement the provisions and to effectuate within Fayette County, West Virginia the public purposes of West Virginia Code, Chapter 22C, Article 4; and

WHEREAS, the West Virginia Legislature in West Virginia Code Section 22C-4-1 found and determined that the improper and uncontrolled collection, transportation, processing and disposal of domestic and commercial garbage, refuse and other solid wastes in the State of West Virginia results in: (1) A public nuisance and a clear and present danger to the citizens of West Virginia; (2) the degradation of the State's environmental quality including both surface and ground waters which provide essential and irreplaceable sources of domestic and industrial water supplies; (3) provides harborages and breeding places for disease-carrying, injurious insects, rodents and other pests injurious to the public health, safety and welfare; (4) decreases public and private property values and results in the blight and deterioration of the natural beauty of the State; (5) has adverse social and economic effects on the state and its citizens; and (6) results in the waste and squandering of valuable nonrenewable resources contained in such solid wastes which can be recovered through proper recycling and resource-recovery techniques with great social and economic benefits for the State; and

FAYETTE COUNTY SOLID WASTE AUTHORITY
(AN AGENCY AND INSTRUMENTALITY OF THE STATE OF WEST VIRGINIA)

RESOLUTION # 01-2021 PROVIDING PUBLIC NOTICE OF PROPOSED FAYETTE COUNTY SOLID WASTE AUTHORITY
CODE OF RULES

WHEREAS, the West Virginia Legislature in West Virginia Code Section 22C-4-1 also determined and proclaimed that local land-use conflicts that often arise with respect to the management and disposal of Solid Waste are most effectively resolved in a local governmental forum of the county and regional solid waste authorities created by West Virginia Code, Chapter 22C, Article 4 where citizens can most easily participate in the decision making process and the land-use planning values of local communities can most effectively be identified and incorporated into a comprehensive policy which reflects the values and goals of those communities; and

WHEREAS, West Virginia Code Section 22C-4-8(b)(7) imposes upon the Fayette County Solid Waste Authority the responsibility to develop for Fayette County a “program for the cleanup, reclamation and stabilization of any open and unpermitted dumps” and further requires the Fayette County Solid Waste Authority to include such a program within the Fayette County Solid Waste Authority Comprehensive Plan that the Fayette County Solid Waste Authority is required to prepare and revise every five (5) years; and

WHEREAS, West Virginia Code Section 22C-4-23(5) grants to the Fayette County Solid Waste Authority statutory authority “to promulgate such rules as may be proper and necessary to implement the purposes and duties of West Virginia Code, Chapter 22C, Article 4”; and

WHEREAS, West Virginia Code Section 22C-4-23(13) grants to the Fayette County Solid Waste Authority statutory authority to “cooperate with and make such recommendations to local, state and federal government and the private sector in the technical, planning and public policy aspects of litter control and solid waste management as the authority may find appropriate and effective to carry out the purposes of West Virginia Code, Chapter 22C, Article 4; and

WHEREAS, West Virginia Code Section 22C-4-23(1) and (2) grant statutory authority to the Fayette County Solid Waste Authority “to sue and be sued, implead and be impleaded” in its own name; and

WHEREAS, West Virginia Code Section 22C-4-23(11) grants statutory authority to the Fayette County Solid Waste Authority to employ managers, engineers, accountants, attorneys, planners and such other professional and support personnel as are necessary in its judgment to carry out the provisions of West Virginia Code, Chapter 22C, Article 4;

WHEREAS, West Virginia Code Section 22C-4-23 exempts the rules promulgated by the Fayette County Solid Waste Authority from any obligation to comply with any provision of Article 3 of the West Virginia Administrative Procedures Act, West Virginia Code, Chapter 29A, Article 3;

WHEREAS, the duly appointed Board of Directors of the Fayette County Solid Waste Authority has determined that the adoption and diligent enforcement of the provision of the Rules set forth in this, the original version of the Fayette County Solid Waste Authority Code of Rules, best effectuates the authorities and responsibility of the Fayette County Solid Waste

FAYETTE COUNTY SOLID WASTE AUTHORITY
(AN AGENCY AND INSTRUMENTALITY OF THE STATE OF WEST VIRGINIA)

RESOLUTION # 01-2021 PROVIDING PUBLIC NOTICE OF PROPOSED FAYETTE COUNTY SOLID WASTE AUTHORITY
CODE OF RULES

Authority conveyed by West Virginia Code, Chapter 22C, Article 4, and will best enable the Fayette County Solid Waste Authority to discharge its responsibilities to the present and future generation of the public within Fayette County to assure the adequate protection of the Public Health, Safety, Welfare and the Environment within Fayette County from the endangerments that are or may be presented by any instances of improper solid waste management or disposal within or adversely effecting Fayette County, West Virginia;

WHEREAS, the public can view the proposed rules at <https://fayettecounty.wv.gov/departments/Pages/solid-waste-authority.aspx> or at the office of the Fayette County Solid Waste Authority, Fayette County Courthouse, Fayetteville, WV . The office of the Secretary of the Fayette County Solid Waste Authority may be contacted by telephone at 304-574-4339.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Fayette County Solid Waste Authority duly appointed pursuant to the provisions of West Virginia Code Section 22c-4-3(b) that the attached legal advertisement providing Public Notice regarding the thirty (30) day Public Comment Period commencing on the effective date of this Resolution and the Public Hearing on the proposed Fayette County Solid Waste Authority Code of Rules be published in the Register Herald for a period of one days per week (Thursday) for three weeks;

BE IT FURTHER RESOLVED that the duly appointed Board of Directors of the Fayette County Solid Waste Authority hereby notifies the public that it will hold a Public Hearing in the Fayette County Commission Room at the Fayette County Courthouse, Fayetteville, WV on December 16, 2021 at 5:00p.m. to receive public comments on the proposed Code of Rules.

BE IT FURTHER RESOLVED THAT AN EXECUTED COPY OF THIS RESOLUTION AND THE ATTACHED NOTICE TO THE PUBLIC BE POSTED ON THE OFFICIAL WEB PAGE OF THE FAYETTE COUNTY SOLID WASTE AUTHORITY (<https://fayettecounty.wv.gov/departments/Pages/solid-waste-authority.aspx>) **AND ON THE PUBLIC BULLETIN BOARD AT THE FAYETTE COUNTY COURTHOUSE.**

IT IS SO RESOLVED, DONE, ORDERED AND ADOPTED by the Board of Directors of the Fayette County Solid Waste Authority by unanimous vote with a quorum present and voting at its duly noticed, public meeting this 28 day of October, 2021.

**BOARD OF DIRECTORS
FAYETTE COUNTY SOLID WASTE AUTHORITY**

By: _____

**FAYETTE COUNTY SOLID WASTE AUTHORITY
(AN AGENCY AND INSTRUMENTALITY OF THE STATE OF WEST VIRGINIA)**

**RESOLUTION # 01-2021 PROVIDING PUBLIC NOTICE OF PROPOSED FAYETTE COUNTY
SOLID WASTE AUTHORITY CODE OF RULES**

By: Aletha L. Stolar
Aletha Stolar
Its Chairperson

ATTEST:



Adam Hodges
Its Vice-Chair

FAYETTE COUNTY SOLID WASTE AUTHORITY
(AN AGENCY AND INSTRUMENTALITY OF THE STATE OF WEST VIRGINIA)

RESOLUTION # 01-2021 PROVIDING PUBLIC NOTICE OF PROPOSED FAYETTE COUNTY SOLID WASTE AUTHORITY
CODE OF RULES