



VIRGINIA RECYCLING MARKETS DEVELOPMENT COUNCIL
January 5, 2011
DRAFT MINUTES

10:00 AM
DEQ Piedmont Office
Glen Allen, VA

1. Welcome and Introductions:

Kevin Byrnes, RMDC Chair, began the meeting at 10:05 A.M. and welcomed everyone and asked the members of the Virginia Recycling Markets Development Council and guests to introduce themselves.

2. Determination of a Quorum:

Chairman Byrnes noted that there was not a quorum present and began the meeting with informational items that did not require a quorum. By 10:25 several additional members had arrived and Chairman Byrnes noted that there was now a quorum present and called the meeting to order. Those who were present for some or all of the meeting are noted below:

RMDC	Representing	Absent RMDC	
Kevin Byrnes– Chair	Urban PDC	VACANT	Oil Industry
Jimmy Sisson	Recycling	Jerome Segovia	Public at Large
Phillip Abraham	Plastics Industry	John-Kemper Garrett	Glass Industry
Bernard Harris	Waste Industry	Christopher Ambrose	Electronics Industry
Michael Benedetto	Paper Industry	VACANT	VML
Toby Edwards	Rural PDC	VACANT	Aluminum Industry
Tom Smith	VACO	Robert Broom	Composting Industry
William Bailey	VDOT	Richard Lerner	Metal Industry
Steve Coe	VDEQ	John Kline	Tires
Brad Crawford	VDGS	William Vehrs	VDBA

Visitors	Representing
Katie Vasquez	Virginia Recycling Association
Tim Lee	TFC

3. Chairman’s Message:

Chairman Byrnes advised members that the annual financial disclosure forms were due to Steve Coe Friday, January 7. He then reported to the Council that Mike Ward has submitted his resignation from the committee. His term had expired but he was still the official representative of the Oil Industry since a replacement had not as yet been found. This leaves a vacancy for a representative of the Oil Industry.



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4. Approval of Agenda:

Mr. Byrnes asked if any revisions to the agenda were proposed. Hearing none, Mr. Benedetto moved to approve the agenda. It was seconded by Mr. Sisson and approved by the Council.

5. Approval of Minutes:

Mr. Byrnes noted several changes to the draft minutes from the December 1, 2010 meeting and asked if anyone had any additional changes or corrections. A motion was then made by Phil Abraham to approve the minutes. It was seconded by Bernie Harris, and approved unanimously by the Council.

6. Old Business:

1.) Status of Council Appointments:

As reported by Mr. Coe, it was noted that replacements have been submitted for Committee vacancies for the Aluminum Association (Steve Thompson), VML, VACO and the Oil Industry. The paperwork is being processed for these but with the General Assembly session about to get started, they may not get approved by the Governor until after the session.

2.) DEQ Report:

Mr. Coe reported that Amendment 7 to the Solid Waste Regulations has been signed by the Governor. It should take effect mid-February. Among other changes, this amendment will facilitate PBR permitting for the compost industry.

In response to a question from Mr. Byrnes, Mr. Coe also indicated that Permit by Rule (PBR) procedures for small bio-fuel facilities are still being discussed and have not as yet been approved by the DEQ.

3.) Sector Reports / Comments:

Tom Smith reported that the current focus of many VACO members is the annual Recycling Rate Report which consumes a lot of effort this time of year.

Chairman Byrnes asked Mr. Coe about the possibility of making changes to the report questionnaire to ask for information that the Council might be able to use to determine locality needs for assistance from the Council. Mr. Coe noted that it would be more appropriate to gather the information through another means. He indicated that he can send out a request for information or the Committee could either request information or conduct a survey.

Phil Abraham reported that he had shared the information with the Plastics Council from last year's Recycling Rate Report that indicated plastic recycling totals in Virginia had increased.

Mike Benedetto reported that the current market is good for paper.

Jimmy Sisson noted that CDD volumes are down as there is very little if any new building projects as there is ample office space in most markets. No land clearing for new projects is anticipated until existing office space / houses are filled.

Toby Edwards notes that the rural PDCs (PDCs 1, 2 and 3) have applied for a USDA Rural Development Grant to contact a feasibility study for a rural MRF. The grant is being considered for funding. He indicated that he may request a letter of support in the future from the Council if the feasibility study comes back positive.



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Chairman Byrnes, reporting on behalf of the urban PDCs, noted the Northern Virginia Waste Management Board's activities to advance the cause of more electronics market solutions. They may urge additional legislation for a stronger industry-based solution to the problem as many Northern Virginia localities are getting inundated with eWaste. Additionally they are supportive of the Recycling Markets Development Council pointing out that there is still more work to be done in the market area. They are conveying these messages to Delegate Plum.

Chairman Byrnes reported that he has been trying to get a copy of the Southeast Recycling Development Council (SERDC) report on the economic impact of recycling-based manufacturing in the Southeastern US.

7. New Business:

1. Mr. Abraham reported that Delegate Oder is indicating that he would like all the affected Boards and Councils to have an opportunity to testify before his sub-committee after the session. Since this appears to mean that there will not be any legislation this session to eliminate the VRMDC, the urgency for this agenda item (Council response to recommendation that it be eliminated) is not as great and we can defer this to a future meeting or sub-committee and use the time to develop a thorough response. Mr. Edwards motioned to authorize the Chairman to develop and send a letter with a brief response to Chairman Oder that the Council is looking forward to the opportunity of demonstrating its merit. The motion was seconded by Phil Abraham and approved by the Committee.

2. Chairman Byrnes distributed a handout (attached) listing the Council's Sub-Committee responsibilities and including a plan for the formation of special project committees to accomplish this. This initiated a long discussion of FOIA issues and its application to the committees. The Committees would be as follows:

- Rural MRF Committee: Led by Toby Edwards with Richard Lerner and John Kline
- Glass Beneficiation: John Kemper Garrett with Michael Benedetto
- Legislative and Regulatory: Byrnes, Phil Abraham, Jimmy Sisson and Tom Smith
- Ways and Means (Finance): Mr. Abraham suggested that this would be a component of the other committees and would there not be needed as a stand alone committee. Members agreed to this suggestion.
- Outreach: It was suggested that this be called Communications. Mr. Abraham suggested that this committee could handle issues like surveys, request information and assist the others as needed. Members of this committee will be Jerome Wiley Segovia, Chris Ambrose and Bernie Harris

Chairman Byrnes then asked why agency representatives on the Council normally abstained from voting. It was noted that they are part of the Executive Branch and try to avoid the appearance of taking an advocacy role.

Chairman Byrnes suggested that the committees develop work plans. He also indicated that FOIA questions and issues could be covered at the April meeting.

Chairman Byrnes called on Steve Coe to review the procedures to hold an electronic meeting. As long as a majority (quorum) is present at the primary meeting site, other members could call in. If this is done, the site calling in is a public meeting site, open to the public and



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must be included in the advance public notice. If any call-in location gets cut-off, the meeting must be suspended until communications are restored or the meeting must be terminated. It was suggested that the Regional DEQ offices could be used as site to call in from.

During a discussion on legislation being currently proposed about plastic bags (banning, taxing...), Mr. Abraham noted that it was not, in his opinion, within the scope of the Council to take a position on this in any form that might discourage a market. He cited Trex as an example of a Virginia company currently using plastic bags as an input material.

8. Public Comment:

Ms. Vasquez cautioned members about possible survey questions about markets as many of the people to whom the survey would go do not deal directly with markets so that might lead to confusion in the results.

She also noted that she had gone to Alabama for a presentation of the SERDC report and that it is important that everyone understand what is and what isn't include in the data. The report is technically accurate but somewhat subjective since manufacturing was included, but collection systems and MRFs were not.

Ms. Vasquez noted that the VRA is currently looking for a Treasurer and asked if Committee members were aware of anyone who might be interested.

9. Schedule next meeting, location and adjourn:

After some discussion it was decided that the meeting schedule for the year would be as follows:

- April 13, 2011 at GWRC office (406 Princess Anne St) in Fredericksburg at 10 am.
- June 8, 2011 possible at the Williamsburg office of the Hampton Roads PDC. Chairman Byrnes will follow-up on this.
- October 5, 2011 at the Lynchburg DEQ office. Steve Coe will confirm availability.

At 12: 35 Bernie Harris made a motion to adjourn which was seconded by Mr. Sisson. Chairman Byrnes adjourned the meeting.

RMDC Powers & Duties, By Function:

1. Legislative & Regulatory:
 - Identify and evaluate existing or proposed state statutes, policies, regulations, and procedures that may attract or deter new businesses or the expansion or retention of existing businesses that can use recycled or recovered materials generated in the Commonwealth or that may create barriers to the development of markets for or the reuse of recycled materials collected by or on behalf of local governments and regional authorities;
2. Public Outreach: “Do they want our help?”
 - Upon request, assist local governments, regional authorities and agencies of the Commonwealth in meeting recycling mandates established under state law and identify markets for recycled or recovered materials collected or generated by local governments, regional authorities or agencies of the Commonwealth;
3. Special Projects (Rural MRF & Glass Beneficiation) & Finance
 - Facilitate access to markets for recycled or recovered materials collected by local governments, authorities, businesses, and residents of the Commonwealth;
4. Full Council
 - Develop, update annually, and implement a plan to fulfill its powers and duties; and
 - Upon request of the Governor, resolution of the General Assembly, a standing or joint study committee, the Secretary of Natural Resources, or the Department of Environmental Quality, report its findings and recommendations as directed.

FOIA Compliance

- A gathering or meeting (in person or electronic (telephonic or e-mail)) = 3 or more members of public body (RMDC) requires advance public notice & access (with special requirements for electronic meetings)
- **Problem Statement:**
 - Is there a way to increase the level and frequency of communications between & among members of the RMDC (& interested NGOs) without violation or perversion of FOIA?

Public Meeting Process

- 30 days advance notice to DEQ (**Steve Coe**) is preferred, but 7 is really the minimum.
- A meeting can be announced without an agenda, but if an agenda is developed it should be sent to DEQ as soon as possible, but not less than 7 days before the meeting.
- Within 10 working days after the meeting, DEQ must post draft minutes.
- Once the minutes are approved, they must be posted within 3 working days.

Special Requirements for Electronic Meeting(s)

- normal notice requirements
- a quorum of the group has to be in a single location and
- all others have to be at a location that is open to the public
- alternate location(s) must be announced at least 3 days in advance of the meeting

Committee Responsibilities:

1. Develop a work plan for year
2. Implement a work plan
3. Communicate progress periodically to DEQ, RMDC Chair & VRA RMD Group Chair
4. Observe VA public meeting regs & communication guidelines adopted by RMDC

What Committees & What Guidelines?

Legislative
& Regulatory
13 & 8
& 21

Standing

Finance
10 or 6 & 17
& 21

Committees

Outreach
9 & 16
& 21

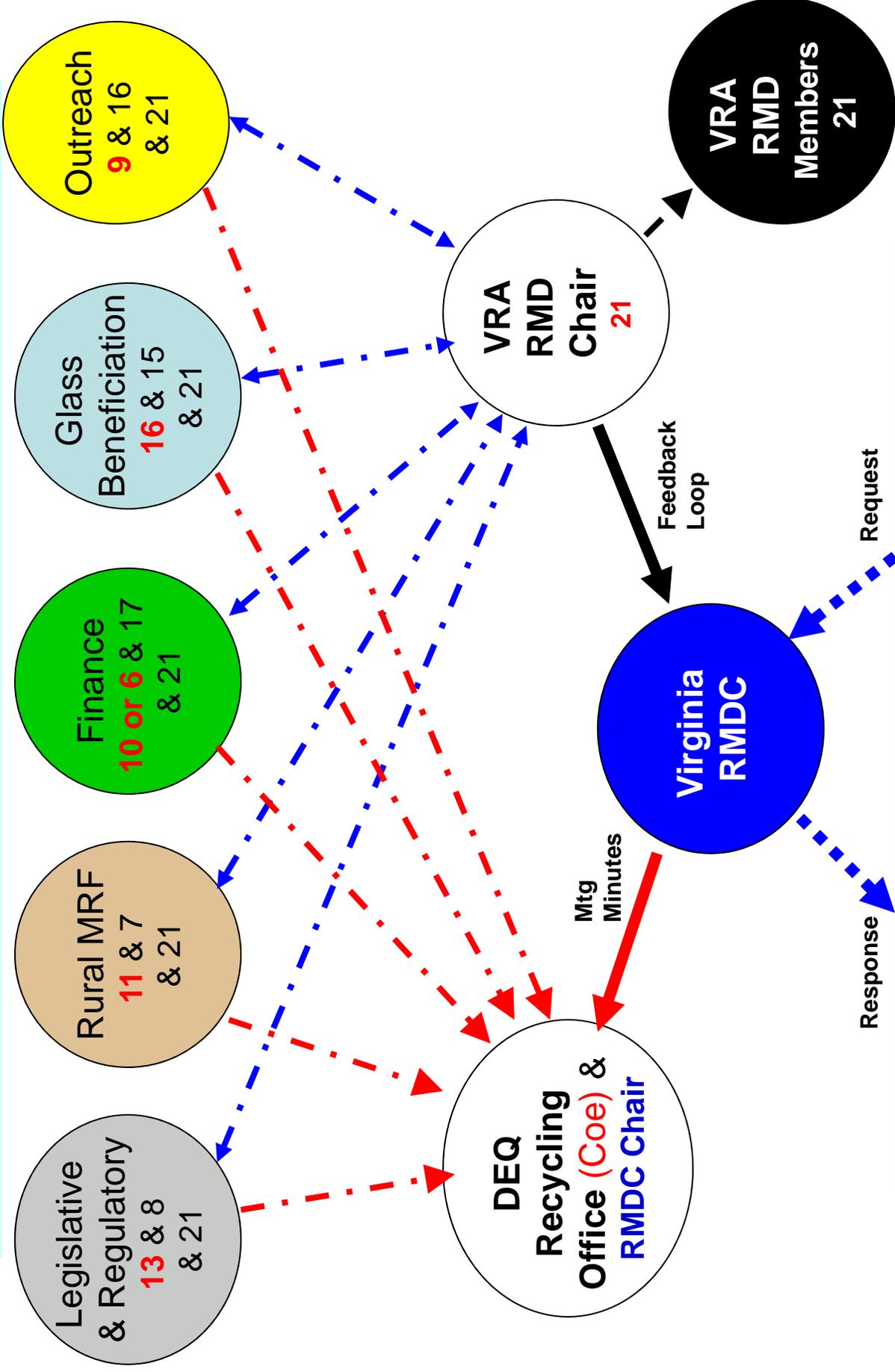
REF	Sector	Member	REF	Sector	Member
1	Aluminum	Vacant	11	Rural PDC	Toby Edwards
2	Electronics	Christopher J. Ambrose	12	Tires	John Kline
3	Glass	John Garrett Kemper	13	Urban PDC	Kevin F. Byrnes
4	Metals	Richard Lerner	14	VML	Vacant
5	Oil	Mike Ward	15	VACO	Tom Smith
6	Organics/Composting	Robert K. Broom	16	Waste	Bernard B. Harris
7	Paper	Mike Benedetto	17	VDBA	Will Vehrs
8	Plastics	Philip F. Abraham	18	VDEQ	Leslie D. Beckwith
9	Public At Large	Jerome Wiley Segovia	19	VDGS	Brad Crawford
10	Recycling	James Sisson	20	VDOT	William R. Bailey III
	21	VRA & KVB		Volunteers/General Public	

Rural MRF
11 & 7
& 21

Special Project Committees

Glass
Beneficiation
16 & 15
& 21

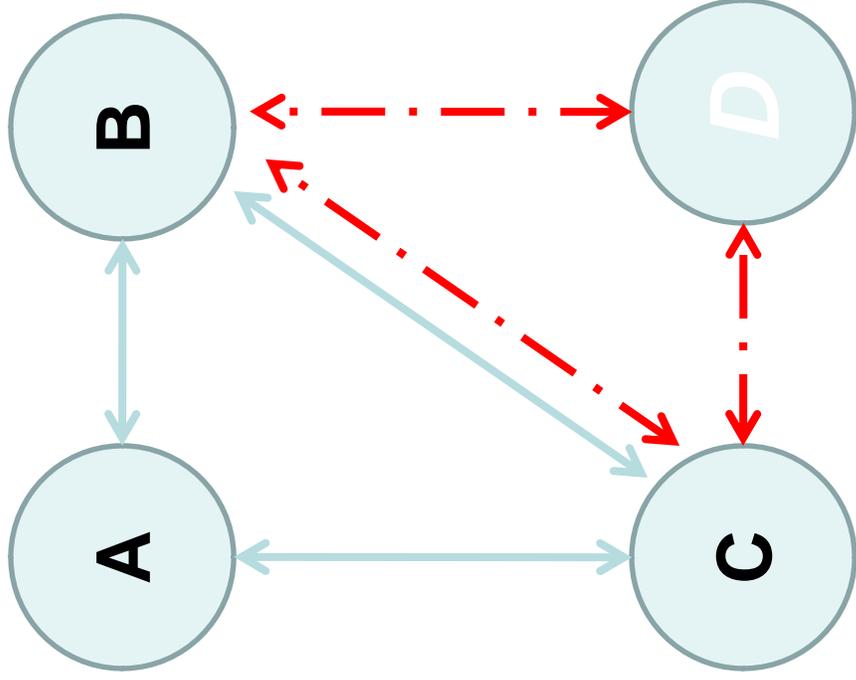
PROPOSED RMDC COMMUNICATIONS PROCESS GUIDELINES



General Assembly, Governor, Secretary of NR, DEQ

“Rule of 3” Scenario:

A, B & C are Council members, D is not 3-member quorum



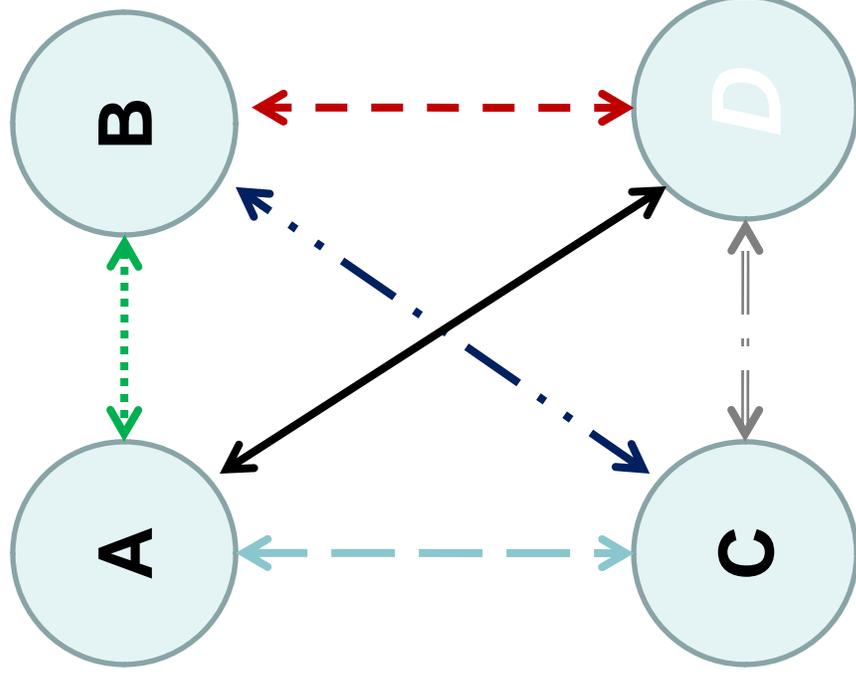
*** DEQ request 7 days in advance to process notice request**

FOIA Rules Apply:

- With any 3-way interaction (e.g. mtg, tele-conference, or e-mail), FOIA requires:
 1. 3*-working days advance public notice
 2. Open public meeting
 3. Mtg minutes prepared & forwarded to DEQ within 3 working days for public posting

“2 by 2 Rule”:

- no 3-way mtgs!



FOIA-Compliant:

1. 2-way interactions & consultations among Council members on Committee, or between a Council member and outside committee participant are encouraged by FOIA
2. No FOIA requirements:
 - No public notice
 - No open meeting
 - No meeting minutes

Suggested periodic summary e-mail to RMDC Chair from Committee Chair with progress report at RMDC quarterly meetings & public discussion at quarterly Council mtgs on progress of “Committee” discussions

FOIA Compliance Issues:

- RMDC member participation in any common “listserve” (e.g. VRA)
- RMDC members (2+) attending a common meeting where subject matter related to RMDC business is discussed (e.g. VRA)
 - RMDC meetings in conjunction with VRA meetings...add possible attendance to VRA mtg in public notice for Council mtg.
 - Don’t sit at a common table, or interact with others with common interest