



Virginia Waste Connection

Summer 2010

VWIA Members Receive Awards

The NSWMA Member of the Year award recognizes an individual who has shown a continuing, high-level of commitment to furthering the goals of the association. The 2010 recipient was Lisa Kardell. As chair of the Virginia Waste Industries Association



during a critical time for waste haulers, Waste Management's Kardell helped defeat an effort by the Southeastern Public Service Authority to convince

eight localities to pass flow control ordinances. The result also led to increased scrutiny by Virginia's legislature over the badly managed authority. Her communication skills in keeping the waste hauler community organized and focused has significantly strengthened VWIA and enhanced the industry's image statewide. In addition, she participates in the Maryland Chapter adding her knowledge to legislative and regulatory issues. When not fighting for the industry, Kardell takes pleasure

in cooking for friends, traveling, and playing golf.

Induction into the Hall of Fame is a lifetime achievement.



Inductees have been actively engaged in the waste industry and their creative ideas, innovative concepts, and contributions have made a significant difference to the industry. VWIA member Mike Cordesman achieved this honor in 2010. Some might say that Cordesman's career centered around trucking, but he would tell you that he was so successful because of the people in which he associated. As the former president and chief operating officer of Republic Services, he was responsible for all operations, including hauling companies, transfer stations, and landfills in 22 states; yet, he always took the time to shake hands with a

Awards Continued on Page 3.



Virginia Waste Industries Association

VWIA Manager's Report to Membership

Mike Dobson
VWIA Manager

I am pleased to report that our membership has held steady at the Virginia Waste Industries Association (VWIA) with a total of 22 companies, including two new members. Please join me in welcoming KMG Ventures and Waste Associates Holdings.

This is our 10th anniversary of the annual summer event here in Williamsburg, Virginia. I am honored to be a part of the event as your chapter manager. Over the years, we have developed this event and had increased participation; which, in turn, has provided greater networking opportunities for members. The commitment of members through steady sponsorship of the event despite a difficult economy is very much appreciated.

Letter from the Editor

Aaron Gilman
SCS Engineers

It's been a few years since I started helping out on the newsletters. Every year, we tend to get better articles and more participation reaching out to more people. It is our industry newsletter and it is a great tool to get information out to your industry peers as part of your membership you have paid for.

It is your input that brings value to the newsletter. Mark your calendars when

The annual summer event is just one example of how strong leadership within the chapter has led to increased political power both through our ability to support businesses such as the Williamsburg Lodge and Golden Horseshoe Golf Course, and to have a voice before the legislature and regulatory agencies.



Maintaining our voice is an on-going effort and I hope that all of you will continue to participate at events, meetings, conference calls, etc.

To reach me, please call 757-686-5960 or send me an email at mdobson@envasns.org.

the publishing dates are announced and capture that value. Keep me in mind during the year in between events and when something exciting happens send me an e-mail and keep me in the loop. If you have new safety programs you want to talk about or share with our members this would be a great format. Have you brought new people on board? This could be a good way to promote them. A lot happens in between the meetings so if it seems like news send it my way. My e-mail address is agilman@scsfieldservices.com.

Bribery in Not Typical Overseas Business

Christina Revels and Meade Spotts
Spotts Fain PC

In today's international marketplace, an increasing number of Virginia Waste Industries Association (VWIA) members with traditionally local operations find themselves involved, indirectly or through their employers, as consultants, industry representatives, and technicians outside the United States. For this reason, it is becoming vitally important that businesses educate themselves regarding the Foreign Corrupt Practices Act ("FCPA") and develop internal controls to ensure that they do not violate it.

The FCPA prohibits payment of anything of value by United States citizens and businesses (and in certain situations, foreign nationals and corporations) intended to obtain or retain business. The interpretation of the phrase "anything of value" is broad and includes items such as employment of officials as consultants, gifts, expense-paid travel, loans with

favorable interest rates and terms, golf outings, sports equipment, charitable contributions, transportation of goods, scholarships, discounts, entertainment, meals, drinks, lodging, or insurance benefits.

Companies may unknowingly violate the FCPA when conducting business overseas when they are told that bribery is simply how business is done there. However, the FCPA makes it very clear that bribery is not "just how business is done" overseas. As several recent headlines show, the United States government is intent on enforcing the FCPA, against both businesses and individuals, and this enforcement is not limited to large, well known international corporations. All businesses, regardless of size, should tread carefully with respect to the FCPA.

On April 19, 2010 a Virginia resident was sentenced to the longest prison term imposed against an individual

Overseas Continued on Page 5.

Members Receive Recognition

Awards from Page 1.

division manager or a driver and tell them how much he appreciated their work. He encouraged his employees to engage in community service such as participating in Republic's partnership with a homeless organization in Florida. He also encouraged employees to participate in chapter activities with NSWMA and often traveled himself to meetings or to

play golf in a chapter tournament. In addition, he served for six years on the EIA Board of Trustees where he helped to build the associations safety program. After working to ensure a smooth transition between Republic and Allied Waste Services, in 2008, Cordesman left the company to assist his wife in building their home in Indiana and spend more time with his family, especially his grandchildren.

NSWMA Board Meeting Report

Tommy Stump
First Piedmont Corp.

The NSWMA Board of Governors meeting was held in Atlanta, Georgia on May 3. Some of the highlights from the meeting are below.

Financials for the year ending 2009 as well as first quarter ending 2010 were very positive. The year 2009 ended with a revenue of \$2,203,981 and a net of \$412,041. Dues were off by 5.44 percent. The new credit card program generated royalties of over \$34,000, which were 76 percent higher than anticipated. For the first quarter of 2010 revenue was \$445,428 and expenses were \$352,049, yielding a net of \$93,379.

The economy is still having an impact on NSWMA dues. A few companies have dropped despite being offered lower dues or a payment plan and several larger companies have requested to be moved to lower dues as a result of a drop in revenue. On a brighter note, there were 31 new members. Projected dues revenue for 2010 is \$1,833,733 with an actual paid to date (as of April 6, 2010) of \$1,324,404.

In the area of public relations, staff reported that the number of people visiting the associations' website continues to increase. NSWMA staff also developed an official association position on "zero waste" and developed a plan to publicize this new position. We pitched an opinion

article to the McClatchy News Service about the positive developments related to solid waste management and they agreed to include this information in the package of information that was distributed on Earth Day.

The staff report on federal legislation included:

H.R. 1409, the "Employee Free Choice Act of 2009" (Miller, D-Calif.) and S. 560, the "Employee Free Choice Act of 2009" (Kennedy, D-Mass.) amends the National Labor Relations Act to allow employees to form unions without a secret ballot election if a majority sign a union card specifying a desire to engage in collective bargaining with the employer. The bill also requires mandatory arbitration by a federal arbitrator if the first contract is not reached within 120 days. In effect, an arbitrator without knowledge of the waste industry could determine compensation, work and safety practices, employee benefits, etc.

While the legislative outlook for the Employee Free Choice Act remains unclear, we continue to expect attempts to implement aspects of the legislation in other ways. Recently, President Obama appointed Craig Becker to the National Labor Relations Board (NLRB). Becker was a lawyer for the AFL-CIO and a strong supporter of organized labor and the Employee Free Choice Act. We are concerned that Becker will seek to restrict employers'

Board Continued on Page 7.

Penalties for Foreign Corruption are Huge

Overseas from Page 3.

for violating the FCPA. U.S. District Court Judge Henry E. Hudson of the U.S. District Court for the Eastern District of Virginia sentenced the Virginia resident to eighty seven months in prison, three years of supervised release, and a \$15,000 fine.

In their press release, the U.S. Department of Justice officials emphasized the seriousness of the crime and the fact that the U.S. government is intent on enforcing the laws against bribery. Officials noted their intent to prosecute violators to the maximum extent and their position that this sentence should serve as a warning to those engaging in corrupt business dealings.

Daimler AG and its subsidiaries recently settled criminal and civil cases related to FCPA violations resulting in Daimler AG paying a total of \$185 million dollars. Daimler was allegedly involved in a long standing practice of bribing foreign government officials in at least 22 countries, through a variety of mechanisms.

As a result of violations of the FCPA, Daimler AG and its subsidiaries have agreed to pay \$93.6 million dollars in criminal fines and penalties. In addition, in settlement of a civil complaint filed by the U.S. Securities and Exchange Commission, Daimler AG has also agreed to pay \$91.4 million dollars in disgorgement of profits related to those violations.

The lengthy prison sentence imposed on the Virginia resident and the hefty payments by Daimler AG underscore the importance of compliance with the FCPA. As U.S. Attorney Neil H. MacBride aptly stated, “[b]ribery isn’t just a cost of doing business overseas.”

Bribing foreign governments and officials is prohibited by the FCPA and United States citizens and businesses should be mindful of the provisions of the FCPA in their dealings with foreign governments and officials.

As illustrated by the Virginia resident’s sentence and the settlement payments by Daimler AG, violations of the FCPA carry the potential for stiff criminal and civil penalties. If you or your employer contemplate conducting business activities overseas, the first step that you should take is to educate yourself regarding the activities prohibited by the FCPA. The second step you should take is to ensure that there is an adequate system of internal controls, protocols and education to ensure that the FCPA is not violated.

Members in the News

Mike Lawless, CPG, of Draper Aden Associates and National President of the American Institute of Professional Geologists (AIPG), recently travelled to Alaska to meet with the Alaska Section of AIPG in Anchorage and Fairbanks. The Section has agreed to host the AIPG Annual Meeting in 2013, the 50th anniversary of the Institute. Lawless, Environmental Division Manager and a senior associate, is currently on the Board of Directors for Draper Aden Associates. He has been with the firm for 14 years and is a registered professional geologist in three states and holds a BS and MS in Geology.

Ian A. Whitlock, MS, CES, and Timothy M. Kelly, PhD, PE, two employees of Joyce Engineering, have co-authored an article that is being published in the Spring 2010 edition of *Ground Water Monitoring & Remediation*. The periodical, which is published by the National Ground Water Association, is expected to be available on May 24, 2010. The article is entitled "Relationship Between Subsurface Landfill Gas and Arsenic Mobilization into Groundwater" and is based on research they did at a Subtitle D landfill concerning the effects of landfill gas on the mobility of arsenic in groundwater. For more information, please contact Ian Whitlock at Joyce Engineering, Inc., (804) 355-4520.

SCS Engineers (SCS) recently announced that the U.S. General Services Administration (GSA) awarded the firm a Blanket Purchase

Agreement (BPA) to provide comprehensive professional services to increase energy conservation measures by federal government agencies. SCS is one of 19 contractors awarded a BPA by GSA to assist the federal government with sustainable solutions to energy and green building challenges. SCS's BPA award is part of the federal government's "Federal Strategic Sourcing Initiative" aimed at streamlining internal processes and leveraging buying power. GSA has established the total value of the 19 BPA contracts at approximately \$500 million over a five-year contract period.

Wheelabrator Technologies Inc., a wholly owned subsidiary of Waste Management, has purchased the Southeastern Public Service Authority's (SPSA) Refuse Derived Fuel (RDF) plant and adjacent waste-to-energy facility. The closing of the sale includes a transfer of \$150-million in funds from Wheelabrator to SPSA and recording of a deed of sale in Portsmouth, where the plants are located. The purchase concludes a lengthy process that commenced more than two years ago when SPSA began consideration of a proposal to sell the two plants in order to reduce debt and operating costs and draw on the expertise of a private vendor. SPSA will use the \$150-million from the sale to pay down debt to the Virginia Resource Authority (VRA) and other lending institutions, and repay money owed to the City of Virginia Beach.

NSWMA Watches Federal/State Action

Board from Page 4.

ability to communicate with employees through NLRB actions. Other efforts (including regulations and executive orders) to advance the labor movement's agenda through administrative action may increase as midterm elections approach.

The House bill is in the Committee on Education and Labor and has 226 sponsors, which is enough to guarantee passage. The Senate bill is in the Committee on Health, Education, Labor, and Pensions and has 40 co-sponsors. However, a group of Senate moderates have stated they will not support the bill as currently written. Card check is a very controversial bill, pitting unions against businesses. Late in 2009, unions floated a compromise in which elections could be held by mail, the election period would be shorter, union organizers would be allowed at the work site, and mandatory arbitration would remain. Business groups rejected the compromise. The bill is not likely to come to a floor vote without serious compromise and some Republican support.

NSWMA is part of the Coalition for a Democratic Workplace, consisting of a large group of diverse associations representing business interests that strongly oppose card check.

H.R. 2024, the "Commercial Motor Vehicle Advanced Safety Technology Tax Act of 2009" (Thompson,

D-Calif.) imposes a tax credit for using certain advanced safety systems in commercial motor vehicles. These new technologies are intended to lower the highway accident rate. The bill was referred to the House Committee on Ways and Means.

NSWMA's Government Affairs Task Force voted to support tax credits for rear view cameras. Staff will be meeting with Hill staff on this issue in the coming months.

Staff also reported on several areas of proposed federal regulations, including:

DOT--Federal Motor Carrier Safety Administration (FMCSA): Electric On-Board Recorders (EOBRs) for Hours of Service Compliance: In 2004, FMCSA issued an Advance Notice of Proposed Rulemaking (ANPRM) requesting information about issues that should be considered if that agency is to require the use of electric on-board recording devices to show compliance with driver hours-of-service requirements. In 2007, FMCSA released a proposed rule requiring EOBRs for "substantial violators" of hours of service. The final rule was released April 5, 2010 and requires EOBRs for motor carriers who, as a result of a compliance review, have an hours of service violation rate exceeding 10 percent.

NSWMA responded to the ANPRM

Continued Next Page.

OSHA Safety Inspections on the Rise

Continued from Previous Page.

that EOBRs are unnecessary for local routes operating within the 100 air-mile rules. NSWMA did not respond to the proposed regulation because EOBR use would only be mandatory for substantial violators.

DOT--FMCSA: Comprehensive Safety Management System: FMCSA is implementing a new safety data system, CSA 2010, which will replace the SafeStat system. The new system will include data from all out-of-service inspections and from accidents. Results will be used to determine if an “intervention” is needed with the motor carrier. In the new system, overweight violations carry a high “severity” rating.

FMCSA staff conducted a webinar for NSWMA members on the new system. NSWMA may file a docket request with FMCSA to lower the severity rating as it affects garbage trucks.

EPA--Landfill Methane Outreach Program (LMOP) Restructuring: In early April 2010, a group of 10 environmental groups petitioned the U.S. Environmental Protection Agency (EPA) to restructure the Landfill Methane Outreach Program (LMOP) from a methane recovery program to an organic recovery program. The group argued that burying organics in landfills creates fugitive methane emissions that could be avoided if the material was composted through controlled anaerobic digestion.

NSWMA staff, working with a coalition of members and the Solid Waste Association of North America, submitted comments on April 9 to ensure that LMOP continues to support methane recovery at landfills.

In the area of safety, NSWMA staff reported that the number of U.S. occupational Safety and health Administration inspections and fines are on the rise in our industry.

In the state legislative report, staff reported the following regarding Virginia:

Permit fees: Legislation increasing permit fees to cover at least 58 percent of Virginia’s costs in issuing permits passed. The chapter will meet with DEQ regulators to discuss the appropriate fee level and definition of what costs should be covered. New fees will be in place on July 1.

Trash taxes: Trash tax legislation was defeated.

Privatization: Chapter members in Fairfax County are campaigning to privatize collection services for public schools and other public sector accounts that are currently collected by the public sector without the benefit of competitive bidding.

For more information, contact NSWMA’s Chaz Miller, Director, State Programs, at 202-364-3742 or cmiller@envasns.org.