

# **Eader.HB161.pdf**

Uploaded by: Caroline Eader

Position: FAV

## HB 161 - "Northeast Maryland Waste Disposal Authority (NMWDA) Sunset Act FAVORABLE

HB 161 is a study bill that will require the Department of Legislative Services (DLS) to conduct an evaluation of the NMWDA to analyze whether the Maryland Environmental Service (MES) is able to provide the services now provided by the NMWDA.

On its website the NMWDA states it is "...a regional service organization assisting Member Jurisdictions with a variety of waste-related projects including **recycling, resource recovery, composting, landfill gas-to-energy and solar.**" In comparison, MES handles.... "...**solid waste management, composting, recycling, dredged material management, hazardous materials cleanup, stormwater services, and renewable energy.**" There certainly appears to be a redundancy of services between the two agencies, and therefore, a more detailed evaluation by DLS is warranted.

HB 161 is a product of Governor Hogan's State Transparency and Accountability Reform Commission that included 14 state quasi-governmental agencies for review and investigation in relation to each agency's operations and structures. The NMWDA is explicitly listed in [Md. Ex. Order. 01.01.2020.05\(C\)\(12\)](#).

There are several reasons why this agency should now be under more detailed review. For example, in 2011 a conflict of interest complaint was filed with the State Ethics Commission about the NMWDA's Executive Director who was discovered traveling the world (as far as Australia), using her agency title as a headline speaker. It was never revealed who paid for these excursions, and no formal action was taken, but she retired within 6 months of the conclusion of the investigation.

This ethics investigation revealed, and made public, numerous NMWDA staff members (including the current NMWDA Executive Director) were not filing the state's disclosure forms as required.

Then in 2012, an Open Meetings Act complaint was filed. The results of that investigation are summarized here from the Frederick NewPost, Frederick, Maryland:

Originally published November 12, 2012

...

"On Sept. 26, the Open Meetings Law Compliance Board, which adjudicates claims of Open Meetings Act transgressions, found the NMWDA in violation of three parts of the act.[...]

The first was that the authority was **lax in adopting minutes from its closed sessions.** They committed to doing that more speedily, but the commission noted that taking the three months the authority suggested it wanted to take for adoption was too long.

More seriously, the authority was **way out of compliance with the act's notification requirements, having hidden away the sign telling people where and when the authority would meet** on an inside-office door in a downtown Baltimore building. The NMWDA's jurisdiction covers Frederick County to the north, south

to Anne Arundel, west to Frederick County and east to Harford. Clearly, making it convenient to find out about meetings wasn't at the top of the authority's list.

Finally, the authority's **notification on its website was inadequate**, saying only that the authority meets 'regularly' without specifying times, dates or places.

Some other complaints weren't within the compliance board's purview, but raised our eyebrows. Apparently, the authority **met at public restaurants, over meals, with drinks (or, at least, where 'alcohol is available,'** the opinion states). That's hardly an environment that encourages public attendance, like a hearing room. It is, however, **conducive to the impression of largesse on the taxpayer dime** and handshake deals over lobster thermidor and sauvignon blanc. Imagine the furor if the Board of Education decided to meet at Volt.

The authority told the compliance board it would hold future meetings in its Baltimore office." (Emphasis added.)

Despite assurance that future meetings would be held in its Baltimore office, in 2017 the NMWDA planned its March meeting at Tersiguel's Restaurant in Ellicott City. It was citizen reaction to this location that caused the NMWDA to cancel this dinner, and to hold this meeting in its office.

Information discovered about the workings of the NMWDA has been through Maryland Public Information Act requests. For years, the process of how the NMWDA chooses the consultants it provides for its members has been vague and unclear. This writer is currently in mediation with the NMWDA through the state's Ombudsman's office, because of the denial of documents showing how these consultants are scored. The vetting process for consultants that charge hundreds of thousands of dollars per project should be transparent to the public.

From the STAR Commission's final report it states, "the Northeast Maryland Waste Disposal Authority (NMWDA) has a provision within its statute (Natural Resources Section 3-924) that allows them to merge within the Maryland Environmental Service (MES). Given that, to the Commission's knowledge, NMWDA does not have any outstanding bonds, it may be appropriate to consolidate them into MES since their work overlaps. This could help eliminate any redundancies and integrate the efforts of both agencies to better serve the state."

The study is going to evaluate the NMWDA's governance, technical abilities, effectiveness, efficiency, sufficiency of resources, adherence to and accomplishment of legislative objectives, and statutory purpose. Therefore, please vote favorably for HB 161, so a review can determine whether the problems I outline above can be better addressed if the NMWDA is merged with MES.

Thank you,

Caroline Eader, Esq.

# **HB0161 NE MD Waste Disposal Authority Sunset Act F**

Uploaded by: Cecilia Plante

Position: FAV



## TESTIMONY FOR HB0161

### **Northeast Maryland Waste Disposal Authority – Evaluation and Termination of Bond Authority (Northeast Maryland Waste Disposal Authority Sunset Act)**

**Bill Sponsor:** Delegate Korman

**Committee:** Education, Energy, and the Environment

**Organization Submitting:** Maryland Legislative Coalition

**Person Submitting:** Cecilia Plante, co-chair

**Position:** FAVORABLE

I am submitting this testimony in favor of HB0161 on behalf of the Maryland Legislative Coalition. The Maryland Legislative Coalition is an association of individuals and grassroots groups with members in every district in the state with well over 30,000 members.

HB161 would implement recommendations of the State Transparency and Accountability Reform Commission (“the Commission”), a bipartisan commission convened in 2021 to review and investigate the operations and structures of quasi-governmental agencies in Maryland. The Northeast Maryland Waste Disposal Authority (the “Waste Disposal Authority” or “Authority”), one of the quasi-governmental agencies the commission reviewed, duplicates the activities of other quasi-governmental agencies in everything but trash incineration.

The Commission recommended that all quasi-governmental agencies in Maryland receive a periodic sunset review, and specifically named the Waste Disposal Authority as a candidate for review. HB161 directs the Department of Legislative Services to conduct an independent review and report to the legislature recommendations. Simply as a matter of good governance and fiscal responsibility, the continued existence of the Waste Disposal Authority should be reviewed.

Another important reason to consider sunseting the Waste Disposal Authority is the Authority’s role in hampering the development of policies to divert organic waste from the waste stream. Organic waste is the primary source of methane emissions from Maryland’s waste and meaningful diversion of organic waste would be a significant step forward for both public health and achieving Maryland’s greenhouse gas reduction goals.

Montgomery County’s experience with the Waste Disposal Authority is illustrative of how the Authority impedes development of sustainable solid waste policies. When Montgomery County initially turned to the Waste Disposal Authority for technical support to develop an “Aiming for Zero Waste” plan, the Authority relied upon its pre-approved list of “on-call consultants,” while excluding from this list other nationally renowned experts in sustainable solid waste management planning. Instead, it sought engineering firms with a bias toward waste-to-energy and landfill solutions. The Authority’s chosen consultant for Montgomery County, HDR, was not well-versed in any newer technology solutions, and their report was not at all what the County was expecting.

To provide an alternative perspective to the Authority's consultants conclusions and recommendations, the County Executive subsequently procured the services of nationally recognized Zero Waste consultants to develop a report (at a fraction of the cost of the HDR report). The consultants reported that Montgomery County could significantly reduce its waste through a range of actions, including: reuse and repair programs; universal collection of recycling, organics and trash for all generators; deconstruction, construction, and demolition debris recycling requirements; establishment of a resource recovery park; and a comprehensive organics management strategy. This is an example of the different outcomes that can result from a jurisdiction's choice of consultants for developing a long-term strategic plan, and of the results that have come from using the Waste Disposal Authority's on-call consultants.

At the end of the day, it is beneficial for quasi-governmental agencies to be evaluated periodically and that this fulfills the STAR Commission's recommendations. We support this bill and recommend a **FAVORABLE** report in committee.

# **HB161\_IndivisibleHoCoMD\_FAV\_CrystalKonny.pdf**

Uploaded by: Crystal Konny

Position: FAV



## **HB161 – Northeast Maryland Waste Disposal Authority Sunset Act**

### **Testimony before Senate Education, Energy, and the Environment Committee**

**March 23, 2023**

#### **Position: Favorable**

Mr. Chair, Ms. Vice Chair and members of the committee, my name is Crystal Konny, and I represent the 750+ members of Indivisible Howard County. We are providing written testimony today in **support of HB161**, the Northeast Maryland Waste Disposal Authority Sunset Act. Indivisible Howard County is an active member of the Maryland Legislative Coalition (with 30,000+ members). We appreciate the leadership of Delegate Korman for sponsoring this important legislation.

This legislation tasks the Department of Legislative Services with evaluating the Northeast Maryland Waste Disposal Authority, which was set up in 1980 to plan and finance solid waste management systems for its member jurisdictions which includes Howard County, where our members reside. The State Transparency and Accountability Review Commission in 2021 recommended that every quasi-governmental agency receive periodic reviews at least every eight years, which has not been done in this case and is basic good governance.

Some business conducted by the Waste Disposal Authority is duplicative of other quasi-governmental agencies. Once such agency, the Maryland Environmental Service, was recently reformed to improve operations, transparency, and accountability, and is now required to report to the legislature on its efforts to reduce greenhouse gas emissions annually, something the Waste Disposal Authority is not required to do. Given the large impact that solid waste management techniques have on the environment, it makes sense to have measures like that in place.

For all of these reasons, please pass the Northeast Maryland Waste Disposal Authority Sunset Act, so that the Department of Legislative Services may conduct this valuable review and the legislature can consider its findings in 2025.

Thank you for your consideration of this important legislation.

**We respectfully urge a favorable committee report.**

Crystal Konny  
Columbia, MD 21044



**HB 161.pdf**

Uploaded by: Dave Arndt

Position: FAV

March 21, 2023

**Testimony on HB 161**

***Northeast Maryland Waste Disposal Authority* Position: Favorable**

Dave Arndt of Baltimore MD supports HB 161

Hello,

I live in Baltimore where we have a trash issue

Unfortunately, Baltimore is paying hundreds of thousands of dollars a year on the Northeast Maryland Waste Disposal Authority without getting real solutions or our money's worth.

We need to do our fiscal responsibility on this organization to see if it makes sense to keep it around. There seems to be out organizations where the City of Baltimore can get advice and help implementing a zero-waste strategy that we need.

This proposed legislation would require that the Department of Legislative Services to evaluate the Authority providing enough detail for the General Assembly to determine whether the Authority should continue in its current form; requiring the Maryland Environmental Service to review certain aspects of the Authority and analyze whether the Environmental Service or the Clean Energy Center could assume those aspects.

I encourage a FAVORABLE report for this important legislation.

Thank you,

Dave Arndt  
1445 Haubert St.  
Baltimore MD, 21230  
240-328-7383

# **HB0161 - FAV - Bruce Holstein.pdf**

Uploaded by: Jennifer Kunze

Position: FAV

## **Testimony in favor of HB 161**

HB 161 requires a study be done of the Northeast Maryland Waste Disposal Authority (Authority). I am writing in support of this bill that will evaluate the authorizing legislation, governance, and management practices of this agency.

The Authority, an Independent Agency is tasked by legislation for the efficient collection and disposal of waste on a regional basis and for the generation of energy and recovery of useable resources from such waste to the extent practicable.

I provided testimony to the Star Commission last year informing them that the Authority has virtually no oversight which is normal for other State agencies. Their authorizing legislation, which was developed in 1980, establishes a huge conflict of interest that allows County bureaucrats to, in effect, approve their own projects. The Authority is comprised of seven Counties, Anne Arundel, Baltimore, Carroll, Frederick, Harford, Howard, Montgomery, and Baltimore City. The respective trash Directors are appointed by the Authority and approved by the Governor to serve on the Board of Directors. These same individuals are also considered subject matter experts by County and City decision makers.

I believe the proposed study will evaluate the authorizing legislation to determine if it needs to be updated after 40 plus years, the structure of the Board of Directors, and determine whether the Board of Directors should be restructured by adding additional members who possess varied backgrounds.

R. Bruce Holstein  
Comptroller Emeritus  
U.S. Government Printing Office

# **HB0161 - FAV - Jennifer Kunze - Clean Water Action**

Uploaded by: Jennifer Kunze

Position: FAV

# **HB161 - Northeast Maryland Waste Disposal Authority Sunset Act Frequently Asked Questions**

**Summary:** HB161 implements recommendations of the State Transparency and Accountability Reform (STAR) Commission, a bipartisan commission convened in 2021 to review and investigate the operations and structures of quasi-governmental agencies in Maryland. The commission recommended that all quasi-governmental agencies receive a sunset review periodically, approximately once every eight years, as a matter of routine. The Northeast Maryland Waste Disposal Authority, one of the quasi-governmental agencies the Commission reviewed, was specifically named in Appendix E of the commission's report as deserving further consideration by the legislature. There is a provision within its statute that allows the Waste Disposal Authority to merge within the Maryland Environmental Service (MES), and their work significantly overlaps. HB161 fulfills the STAR Commission's recommendations by directing the Department of Legislative Services to conduct a review of the Waste Disposal Authority and return data and recommendations to the legislature regarding its future.

## **About the Northeast Maryland Waste Disposal Authority**

### **What is the Northeast Maryland Waste Disposal Authority?**

The Waste Disposal Authority is a quasi-governmental agency of 10 employees that was created by the state of Maryland in 1980. Local governments can choose to join the Waste Disposal Authority and pay annual fees in order to have membership in this agency. These annual fees are in addition to management, administrative, service, and bond costs. For FY 2023, the Waste Disposal Authority collected over two million dollars in just membership fees. The current member jurisdictions of the Waste Disposal Authority are Anne Arundel County, Baltimore City and County, Carroll County, Frederick County, Harford County, Howard County, and Montgomery County; the other 16 counties in Maryland manage their solid waste without the involvement of the Waste Disposal Authority.

Quasi-governmental agencies largely operate as private entities but are designed to fulfill public purposes. Other examples of quasi-governmental agencies in Maryland include the Maryland Environmental Service, the Maryland Stadium Authority, the Maryland Food Center Authority, and the Maryland Economic Development Corporation.

### **What does the Northeast Maryland Waste Disposal Authority do, and how does it overlap with the Maryland Environmental Service?**

Major categories of services performed by the Northeast Maryland Waste Disposal Authority are also performed by the Maryland Environmental Service, for counties that are not members of the Waste Disposal Authority, and in some cases even for counties that are also members of the

Waste Disposal Authority. The chart below cites descriptions of overlapping work available on each agency’s website.

Northeast Maryland Waste Disposal Authority	Maryland Environmental Service
<p><a href="#">Landfill services</a>. “The Authority works with member jurisdictions to design landfill expansions and provide construction oversight services. The Authority also helps to secure landfill services such as landfill aerial surveying and volumetric analysis and environmental monitoring services.”</p>	<p>MES offers <a href="#">landfill engineering services</a>, including landfill design, closure cap systems, and leachate control. For example, MES’s work at the Brown Station Road Leachate Pretreatment Facility “saved our partner, Prince George’s County, more than \$400,000 in 2017.”</p>
<p><a href="#">Landfill-gas-to-energy</a>. The Authority has developed several landfill gas-to-energy facilities at landfills in member jurisdictions. However, two of these facilities, in Frederick and Montgomery Counties, ceased operation in 2017 and 2018 respectively.</p>	<p>MES’s landfill services include <a href="#">landfill gas collection and management</a> and <a href="#">landfill gas capture and control including combined heat and power projects</a>. Additionally, Wicomico County, not a member of the Waste Disposal Authority, has installed landfill-gas-to-energy at the Newland Park Landfill.</p>
<p><a href="#">Composting / biosolids management</a>. “The Baltimore City Composting Facility has been an integral component of biosolids management for the City of Baltimore since 1988. The facility is operated through a partnership between the Authority, Baltimore City and Veolia Water North America.” The facility processes sewage sludge from the Back River Wastewater Treatment Plant.</p>	<p>MES operates both <a href="#">yard waste composting</a> and <a href="#">food waste composting</a> for Prince George’s County and Montgomery County. The food waste compost facility has been extremely successful, growing to become the largest such compost facility on the East Coast. Additionally, MES offers <a href="#">biosolid management</a>, and is currently involved in management of the Back River Wastewater Treatment Plant for Baltimore City.</p>
<p><a href="#">Recycling</a>. “Our services include program planning and development, budget analyses, contracting with materials recovery facilities (MRFs), technical guidance, developing collection programs, market analyses, plus education, training and public information programs.”</p>	<p>MES offers <a href="#">services</a> in the design, purchase, construction, and operation of recycling systems and the <a href="#">marketing of recycled materials</a>. MES operates <a href="#">Prince George’s County’s</a> Materials Recycling Facility in Capitol Heights and the Midshore Regional Recycling Program in Caroline, Kent, Queen Anne’s, and Talbot Counties.</p>
<p><a href="#">Solar</a>. “The Authority has been a leader in providing renewable energy from waste for many years. As renewable energy resources are becoming more important, the Authority has expanded its role in providing renewable energy by developing solar energy projects at solid waste facilities.”</p>	<p>MES offers <a href="#">planning, design, and construction</a> for renewable energy projects. Additionally, many communities in MD have developed solar projects, including on capped landfills, without the Waste Disposal Authority’s involvement, including <a href="#">Prince George’s County</a>.</p>

## **Why does it matter that the Waste Disposal Authority and MES overlap so much?**

Duplicating services between two or more quasi-state agencies leads to potential redundancies and inefficiencies, potentially costing Maryland taxpayers more money without providing improved services.

For these projects, MES has more safeguards for the public required by statute. The General Assembly gave significant consideration to improving MES's operations, transparency, and accountability following the concerns about its operations that arose in 2020, and the resulting [Maryland Environmental Service Reform Act of 2021](#) made many improvements to MES's operations, transparency, and accountability. Of particular relevance to public concerns about waste management: that legislation of 2021 requires MES to report to the legislature on its efforts to reduce greenhouse gas emissions annually; the Waste Disposal Authority has no similar requirement.

## **Is the Waste Disposal Authority procuring services that meet member jurisdictions' needs?**

This question deserves careful study by the State, which HB161 will provide.

Some recent RFPs issued by the Waste Disposal Authority have been non-competitive, with one or zero respondents. For example, the Waste Disposal Authority board approved two Master Service Agreements at its [board meeting last December](#). The first, for textile collection and reuse/recycling services, had initially received no responses to the Waste Disposal Authority's Request for Expressions of Interest (REOI). Almost two years later, the Waste Disposal Authority became aware that Frederick County had independently procured services from a company which the Waste Disposal Authority had no knowledge of, even though the company was servicing over 100 locations in Maryland. The second, for mattress and box spring collection and recycling, had received only one response to the Waste Disposal Authority's REOI.

To handle many of the project requests from its member jurisdictions, the Waste Disposal Authority supplies a list of engineers that it calls its "On-Call Consultants." The Waste Disposal Authority uses a prequalification process that includes issuing a consultant/engineer RFP once every five years, applying a scoring system that is not transparent to the public (the Waste Disposal Authority [denied a MD PIA](#) requesting the scores from the 2017 selection).

In the 2022 selection, [approved at the board meeting in April](#), and in prior selections, the Waste Disposal Authority excluded nationally renowned experts in sustainable solid waste management planning from selection as on-call contractors; the same experts have been selected by Washington, D.C., to develop its [Zero Waste DC Plan](#). The Waste Disposal Authority's decision to exclude these leaders means that comparable expertise is not available



for its member jurisdictions for the development of more forward-thinking solid waste management strategies. Planning processes conducted by the Waste Disposal Authority's on-call consultants have not led to significant levels of solid waste reduction and diversion that are possible with sustainable solid waste management planning.

For example, at Montgomery County's request, the Waste Disposal Authority issued an RFP for a consulting group to develop an "Aiming for Zero Waste" plan. The Waste Disposal Authority chose a company from among their On-Call Consultants for \$500,000. This consultant's report stated that the County could not increase its recycling rate significantly. At a public meeting in January 2019, the County Executive [expressed concerns about this process](#) (*"I question whether the consultants we have are the right consultants to make the switch over we want to make. Is the consultant willing to work on it in the frame of mind that we want to do?... We only do so poorly because we tolerate people not abiding by what our goals are."*) and subsequently hired a small group of nationally recognized Zero Waste consultants to develop another report for a fraction of the cost, approximately \$30,000. This group has just concluded their report, and found that Montgomery County can significantly reduce its waste through expanded recycling, pay-as-you-throw programs, and organic waste composting. This is an example of the dramatically different outcomes that can result from a jurisdiction's choice of consultants for developing a long term strategic plan, and of the suboptimal results that have come from using the Waste Disposal Authority's On-Call Consultants for solid waste management planning purposes.

## **About HB161, the Northeast Maryland Waste Disposal Authority Sunset Act**

### **What does the Northeast Maryland Waste Disposal Authority Sunset Act do?**

This legislation tasks the Department of Legislative Services with evaluating the Waste Disposal Authority's efficiency, effectiveness, technical abilities, sufficiency of resources, governance, adherence to and accomplishment of legislative objectives, and statutory purpose (including whether its statutory purpose is appropriate and sufficient to meet Maryland's waste diversion and recycling goals). Legislative Services is to consider whether the continuation of the Waste Disposal Authority is necessary for the public interest, and report its findings to the legislature by December 2024, along with draft legislation to merge the Waste Disposal Authority into Maryland Environmental Service (as outlined in [MD. Natural Resources Code Ann. § 3-924](#)) and/or implement any other statutory changes recommended in its report.

### **What would change during and after the evaluation?**

The Waste Disposal Authority will be able to continue its normal operations procuring contractors and services requested by member counties. The Waste Disposal Authority will also be able to continue servicing any bonds that are outstanding or unpaid, or any contracts that rely on the Waste Disposal Authority's bonding authority. This legislation pauses the Waste Disposal Authority's ability to issue bonds while that evaluation is completed, to avoid encumbering the implementation of recommendations resulting from the evaluation. (The Waste Disposal Authority [reported to the legislature on January 4](#) that it did not issue any bonds during 2021 or 2022, and has no plans to issue bonds during 2023.)

After December 2024, it will be up to the General Assembly to decide whether to implement any of the changes recommended in the Department of Legislative Services's report. The Department of Legislative Services might recommend to make no changes to the status quo; or to make some changes to the Waste Disposal Authority's statute regarding its purpose and operations; or to merge the Waste Disposal Authority into Maryland Environmental Service. If the latter, and if the General Assembly then passed legislation enacting that recommendation, Maryland Environmental Service would assume the Waste Disposal Authority's role in any outstanding projects as already described in statute.

### **How does the Northeast Maryland Waste Disposal Authority Sunset Act align with the recommendations of the State Transparency and Accountability Reform (STAR) Commission?**

In 2021, a bipartisan state commission was tasked with reviewing and investigating the operations and structures of quasi-governmental agencies in Maryland, including the Waste Disposal Authority. The [STAR Commission's Final Report](#) submitted 31 recommendations and 4 best practices to the legislature for the operation of quasi-state agencies in Maryland, among them:

### Agency Oversight

29. Each agency should undergo a periodic review conducted by the legislature, at least every eight years, similar to a “sunset review,” to assess statutory compliance with the mission and vision. The reviews should not endanger an agency’s current outstanding bonds or ability to use bonds.

31. When assessing an agency’s future and the creation of new agencies, refer to Appendix C, Questions for Determining Continuance or Creation of a QGA [quasi-governmental agency] for questions and factors that should be considered.

The STAR Commission noted that quasi-governmental agencies should not be assumed to last forever after they are created.

*When these quasi-governmental agencies are created, it is typically because a gap is identified that is not currently served by the public or private sectors, and the agency is thus created to fill that need. There could, feasibly, come a time where the agency’s mission is achieved and the agency no longer needs to exist. The Bainbridge Development Corporation (BDC), for example, knew from the time it was created that it would not become a permanent fixture of the state and that they would, upon the completion of the development of the Bainbridge site, dissolve because their work is completed and will no longer need to provide their services. Not all agencies will fit the same mold as BDC, but a period review conducted by the legislature can help assess if mission creep has occurred, if the agency’s statute needs to be updated and amended, and what the status of the agency should be moving forward.*

The STAR Commission outlined the elements that should be included in a sunset review (Appendix C), which it recommended be conducted for every quasi-governmental agency (QGA) in the state every eight years. These closely mirror the review requested of the Department of Legislative Services in the Northeast Maryland Waste Disposal Authority Sunset Act.

1. *Is there still a need for this QGA?*
  - *What was the problem or issue that resulted in the formation of this QGA? Does the problem or need still exist at the same level?*
  - *Is there another agency either private or governmental that could or is already providing this service?*
2. *Is this QGA continuing to fulfill legislative intent?*
  - *Has it remained faithful to its initial mission? If the agency has deviated, was it as per legislative directive?*
  - *Would this entity be created again under current circumstances?*
3. *Should this Agency continue as a QGA?*
  - *Should they continue as a QGA but with changes?*
  - *Are there financial consequences, such as bonding, if the agency was terminated?*

- *Are the benefits of the QGA worth the operational costs inherited by the state?*
4. *Should this Agency move back to a Governmental Agency?*
    - *Should this Agency become a private entity?*
    - *Should this Agency cease to operate?*
  5. *Has this Agency operated with transparency and accountability?*

Finally, the STAR Commission noted in Appendix E - Items Requiring Further Consideration and Discussion:

*Moving Northeast Waste Disposal Authority into the Maryland Environmental Service. It was brought to the Commission's attention that the Northeast Maryland Waste Disposal Authority (NMWDA) has a provision within its statute (Natural Resources Section 3-924) that allows them to merge within the Maryland Environmental Service (MES). Given that, to the Commission's knowledge, NMWDA does not have any outstanding bonds, it may be appropriate to consolidate them into MES since their work overlaps. This could help eliminate any redundancies and integrate the efforts of both agencies to better serve the state.*

The Waste Disposal Authority Sunset Act simply implements the STAR Commission's recommendation that each quasi-state agency in Maryland receive a sunset review every eight years, and affirms the special attention that the Commission paid to the Waste Disposal Authority.

### **Why is the Northeast Maryland Waste Disposal Authority Sunset Act necessary?**

The Waste Disposal Authority has operated without significant statutory change since its founding in 1980, more than four decades ago. The STAR Commission recommended that every quasi-governmental agency in Maryland undergo a sunset review every eight years in order to evaluate whether the agency still needs to exist, and highlighted the Waste Disposal Authority as an agency likely in need of such an evaluation. HB161 will provide such an evaluation for the Waste Disposal Authority to ensure that Maryland's quasi-governmental agencies are providing the best value for Maryland's local governments and residents.

# **HB0161 - FAV - Jennifer Kunze - Clean Water Action**

Uploaded by: Jennifer Kunze

Position: FAV

**Testimony Supporting HB0161**  
**Senate Education, Energy, and the Environment Committee**  
**March 23, 2023**

**Position: SUPPORT**

Dear Chair Feldman and Members of the Committee,

The undersigned organizations urge a favorable report on HB161, the Northeast Maryland Waste Disposal Authority Sunset Act, sponsored by Delegates Korman and Szeliga. This legislation tasks the Department of Legislative Services with conducting an evaluation of the Northeast Maryland Waste Disposal Authority, a basic good-government step recommended for all such quasi-governmental agencies by the State Transparency and Accountability Review Commission in 2021. Since much of the work done by the Waste Disposal Authority is duplicative of the work done by the Maryland Environmental Service, it makes sense for the state to evaluate the Waste Disposal Authority and carefully consider what are the right steps for its future. After the Department of Legislative Services conducts the evaluation requested in this bill, it will return a report to the legislature in December 2024, and any implementation steps will be for the legislature to consider in 2025 or later; this bill will simply give the legislature the necessary information and tools to make well-founded decisions. We urge you to support HB161 so that you will be equipped with this information in the future.

Sincerely,

**Clean Water Action**, Emily Ranson, Maryland Director

**Common Cause Maryland**, Casey Hunter, Outreach & Engagement Coordinator

**Maryland Legislative Coalition**, Cecilia Plante, Co-Chair

**Environmental Justice Ministry, Cedar Lane Unitarian Universalist Church**, Nanci Wilkins,  
EJM team

**Chesapeake Earth Holders**, David Steigerwald, Maryland Legislative Lead

**Echotopia LLC**, Diane Wittner, Principal

**Montgomery Countryside Alliance**, Caroline Taylor, Executive Director

**Indivisible Howard County**, Crystal Konny, Member

**Baltimore Phil Berrigan Memorial Chapter Veterans For Peace**, Ellen E Barfield, VFP Chapter  
Co-founder and Coordinator

**Unitarian Universalist Legislative Ministry of Maryland**, Phil Webster, Lead Advocate, Climate  
Change

**HoCo Climate Action**, Liz Feighner, Steering Committee

**Elders Climate Action Maryland**, Frances Stewart, Chapter Co-leader

**Sustainable Hyattsville**, Greg Smith, Board Member

**Beaverdam Creek Watershed Watch Group**, Tom Taylor, Co-Chair

**Zero Waste Montgomery County**, Susan Eisendrath, Volunteer

**Regenerative Solutions**, Daniela Ochoa Gonzalez, self-proprietor

**Envision Frederick County**, Karen Cannon, Executive Director

**Chesapeake Physicians for Social Responsibility**, Gwen L. DuBois, President

**Sugarloaf Citizens' Association**, Steven Findlay, President

**LG written Testimony for senate HB161\_AM Edits.pdf**

Uploaded by: Lauren Greenberger

Position: FAV

## Testimony supporting HB161, The Northeast Maryland Waste Disposal Authority Sunset Act

EEE Senate Committee

March 23, 2023

Position: Support

I am Lauren Greenberger, representing Zero Waste Montgomery County. We support The Waste Disposal Authority Sunset Act simply on the grounds that it supports good governance and assures cost-effective use of our taxpayer dollars. The bill would assure the implementation of the STAR Commission's recommendation that each quasi-state agency in Maryland receive a sunset review every eight years, and affirms the special attention that the Commission paid to the Waste Disposal Authority.

The Waste Disposal Authority has operated without significant statutory change since its founding in 1980, more than four decades ago. The STAR Commission recommended that every quasi-governmental agency in Maryland undergo a sunset review every eight years in order to evaluate whether the agency still needs to exist, and highlighted the Waste Disposal Authority as an agency likely in need of such an evaluation. HB161 will provide such an evaluation for the Waste Disposal Authority to ensure that Maryland's quasi-governmental agencies are providing the best value for Maryland's local governments and residents.

Every year for the past 27 years the County has paid a membership fee to the Authority which has been well over \$380,000. In 2022, the Authority prepared a budget that requested over a million dollars total including consultant expenses and litigation fees. In 2023 their membership fee alone has been raised again to now \$568,000. These are significant fees for taxpayers and the programs that the Authority oversees, represent millions of dollars of taxpayer-funded programs.

Let's look at its duties as laid out in the Authority's own 2022 operational plan:

- 1. Monthly invoicing of Covanta, the County and Republic Services.*
- 2. Managing and enforcing all project contracts.*
- 3. Monitor project performance and environmental compliance.*
- 4. Inspecting the facility and Shady Grove Transfer Station to ensure the punch list repairs are being made in a timely fashion. Engaging HDR to monitor facility operations and maintain and recommend further improvements to the facility.*
- 5. Continue to monitor the electricity sales market and certify and market renewable energy credits as appropriate to maximize electricity revenues.*

Given that the Authority no longer holds bonds for capital projects, all the above functions could be handled by Maryland Environmental Services, which manages Montgomery County's recycling facility



and markets its recycling to private markets, bringing in \$32 million in FY 2022. Further, MES runs the operation of the County yard trim compost facility and also brings in revenue from the sale of its high quality Leafgro compost. MES has had an outstanding performance record at this facility throughout its history, is very transparent about its activities, and publicly reports on environmental concerns.

Based on these findings, and as recommended by the State Transparency and Accountability Review Commission, we fully support conducting an evaluation of this quasi-governmental agency

Thank you so much for your attention,

Lauren Greenberger

Zero Waste Montgomery County

# **HB161 NE Maryland Waste Disposal Authority Sunset**

Uploaded by: Laurie McGilvray

Position: FAV



**Committee: Education, Energy, and the Environment**

**Testimony on: HB0161-Northeast Maryland Waste Disposal Authority Sunset Act**

**Organization: Maryland Legislative Coalition Climate Justice Wing**

**Submitting: Laurie McGilvray, Co-Chair**

**Position: Favorable**

**Hearing Date: March 23, 2023**

Dear Chair and Committee Members:

Thank you for allowing our testimony today. The Maryland Legislative Coalition Climate Justice Wing, a statewide coalition of over 50 grassroots and professional organizations, urges you to vote favorable with amendments on HB161.

The Northeast Maryland Waste Disposal Authority (Waste Disposal Authority) is a quasi-governmental agency. In 2021, the bipartisan State Transparency and Accountability Reform Commission (Commission) reviewed the operations and structures of quasi-governmental agencies in Maryland, including the Waste Disposal Authority. The Commission recommended that all quasi-governmental agencies receive a periodic sunset review, and specifically named the Waste Disposal Authority.

HB161 directs the Department of Legislative Services to conduct an independent evaluation of the Waste Disposal Authority and the potential for sunseting it. In addition, the bill prohibits the Waste Disposal Authority from issuing bonds and requires the Maryland Environmental Service (MES) to review the Waste Disposal Authority and analyze whether MES would be able to assume the Waste Disposal Authority's responsibilities.

Montgomery County's experience with the Waste Disposal Authority illustrates its shortcomings regarding transitioning to sustainable solid waste policies. When Montgomery County asked the Waste Management Authority to provide technical support for a zero-waste plan, they relied upon a list of pre-approved consultants, rather than an open request for proposals. The Waste Management Authority engaged an engineering firm without the necessary experience for holistic waste diversion planning. The County Executive subsequently had to procure the services of nationally recognized zero waste consultant to get a more comprehensive perspective on for the County's plan.

In order to move to a zero-waste approach to waste management, Maryland needs to free itself from the biases of the Waste Management Authority. We ask that you vote FAVORABLE for HB161.

**HB 161 - MoCo\_Elrich\_FAV\_Senate (GA 23).pdf**

Uploaded by: Marc Elrich

Position: FAV



OFFICE OF THE COUNTY EXECUTIVE

Marc Elrich  
County Executive

March 23, 2023

TO: The Honorable Brian Feldman  
Chair, Education, Energy, and the Environment

FROM: Marc Elrich  
County Executive

RE: House Bill 161, *Northeast Maryland Waste Disposal Authority – Evaluation, Termination of Bond Authority, and Assumption of Functions, Employees, and Contracts (Northeast Maryland Waste Disposal Authority Sunset Act)*

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I am writing to express my support for House Bill 161, *Northeast Maryland Waste Disposal Authority – Evaluation, Termination of Bond Authority, and Assumption of Functions, Employees, and Contracts (Northeast Maryland Waste Disposal Authority Sunset Act)*.

The bill prohibits the Northeast Maryland Waste Disposal Authority (NMWDA) from issuing bonds beginning June 1, 2023. In addition, the Department of Legislative Services (DLS) must conduct an evaluation of the NMWDA, including an analysis of whether: (1) the NMWDA is fulfilling its statutory purpose; (2) continuing the NMWDA is in the public interest; (3) the NMWDA and its operations have led to a reduction in waste sent to incinerators and landfills, higher recycling rates, and costs savings; and (4) another entity, such as the Maryland Environmental Services (MES), is better able to perform the NMWDA's duties and functions. DLS must also recommend whether any changes should be made to State law to improve the NMWDA's operations or whether the NMWDA should be merged into the MES or other appropriate entity.

I strongly support House Bill 161 and the commitment reflected in the bill to reach closure on the question of whether the MES should absorb the NMWDA. Overall, I believe that such a merger should take place, to better focus all our collective efforts on the environmental impacts of climate change and how those impacts should be immediately addressed. The NMWDA was created to support the construction and operation of waste incinerators in Maryland. The need for incinerators has been superseded by other trash disposal strategies. Counties that had incinerators either closed them or have indicated a desire to close them. As counties are moving away from incineration as a method of disposing of solid waste, the services of the NMWDA are no longer needed.

I respectfully request that the Education, Energy, and the Environment Committee give House Bill 161 a favorable report.

cc: Members of the Education, Energy, and the Environment Committee

# **HB 161-Andrew Serafini-FAV.pdf**

Uploaded by: Marc Korman

Position: FAV

Honorable Kumar Barve

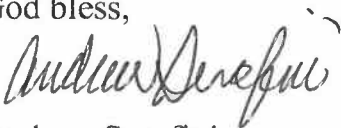
Honorable Dana Stein

Re: HB 161 Northeast Maryland Waste Disposal Authority – Evaluation and Termination of Bond Authority (Northeast Maryland Waste Disposal Authority Sunset Act)

Dels. Barve, Stein, and Committee Members,

I am writing in favor of HB 161. The STAR Commission was charged with reviewing the benefits and challenges of Quasi-Governmental Agencies. As the former chair of this Commission I believe this legislation is an example of what the Commission had suggested the legislature consider. While the Commission acknowledged that these agencies can provide excellent support and services mission drift or redundancies can appear over time. I applaud Dels. Korman and Szeliga for their contributions to the Commission and this excellent piece of legislation.

God bless,

A handwritten signature in cursive script that reads "Andrew Serafini". The signature is written in black ink and is positioned above the printed name.

Andrew Serafini

# **HB 161-Delegate Korman-FAV.pdf**

Uploaded by: Marc Korman

Position: FAV



MARC KORMAN  
Legislative District 16  
Montgomery County

MAJORITY LEADER

Appropriations Committee

*Subcommittees*

Capital Budget

Oversight Committee on Personnel

Chair, Transportation and the  
Environment



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6 Bladen Street, Room 350  
Annapolis, Maryland 21401  
410-841-3649 · 301-858-3649  
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Marc.Korman@house.state.md.us

THE MARYLAND HOUSE OF DELEGATES  
ANNAPOLIS, MARYLAND 21401

Northeast Maryland Waste Disposal Authority Sunset Act (HB 161)  
Testimony of Delegate Marc Korman—Favorable

Thank you Mr. Chair, Madam Vice Chair, and the members of the Education, Energy and the Environment Committee. I come before you today to discuss the **Northeast Maryland Waste Disposal Authority Sunset Act (HB 161)**. The bill would require a sunset review of the Northeast Maryland Waste Disposal Authority (NMWDA) to determine whether or not we still need this authority. The bill passed the House of Delegates unanimously.

The NMWDA is a quasi-governmental agency consisting of ten employees, which has operated without significant statutory change since its foundation in 1980. Its services and responsibilities include landfill services, landfill gas-to-energy, composting, recycling, solar energy, and trash incineration. Its member jurisdictions are Montgomery, Frederick, Carroll, Baltimore, Harford, Howard, and Anne Arundel Counties, as well as Baltimore City. Perhaps its most significant role was in building the waste-to-energy facility in Harford County, which closed in 2016; the Dickerson incinerator, the contract for which terminates in 2026; and the Baltimore City waste-to-energy facility, whose contract expires in 2031.

Almost all these functions, with the exception of trash incineration, are a duplication of services currently provided by the Maryland Environmental Service (MES). Indeed, in NMWDA's statute, Natural Resources Sec. 3-924, exists a provision regarding its eventual merger with the Maryland Environmental Service (MES).

Chair Feldman and I both served on the bipartisan State Transparency and Accountability Reform (STAR) Commission for Maryland for quasi-governmental agencies. One of the recommendations of the STAR Commission was to conduct a periodic sunset review of such entities and this bill would fulfill that purpose.

The legislation does the following:

- Directs the Department of Legislative Services to evaluate the Northeast Maryland Waste Disposal Authority's governance, technical abilities, effectiveness, efficiency, sufficiency of resources, adherence to and accomplishment of legislative objectives, and statutory purpose and to recommend whether the continuation of the Waste Disposal Authority is necessary in a report due by December 2024.

- Requires the Maryland Environmental Service to evaluate whether it can assume any necessary functions of the NWMWA.
- Prohibits the Waste Disposal Authority from issuing new bonds—it currently has no bonds outstanding—while the Department of Legislative Services evaluation is ongoing, something their most recent letter to the Spending Affordability Committee said they had no intention of doing.

The version of the bill before you incorporates three amendments that were worked on with stakeholders. The first removes the Maryland Clean Energy Center (MCEC) from the bill, largely because the Maryland Environmental Service can fill the role outlined for MCEC. The other two amendments relate to stakeholder engagement and clarification on continuity of NWMWA services.

There are two purposes of the bill. First and foremost, it will promote efficiency and eliminate redundancies between the Maryland Environmental Service and the Northeast Maryland Waste Disposal Authority, integrating the efforts of both agencies to serve the state more effectively. Second, as you will hear from some advocates, there are concerns that the NWMWA is fixed on 20th century approaches to waste management and a change is needed. While that may be so, the bill before you does not mandate any of those changes, close down any incinerators, or shift us to a zero waste policy. But it does require us to evaluate our General Assembly-created agencies to make sure they are serving us well. I urge a favorable report.

# **Northeast Maryland Waste Disposal Authority.pdf**

Uploaded by: nanci Wilkinson

Position: FAV

HB 161 Northeast Maryland Waste Disposal Authority – Evaluation and Termination of Bond Authority (Northeast Maryland Waste Disposal Authority Sunset Act)

Sponsored by Delegates [Korman](#) and [Szeliga](#)

Hearing 2/08 at 1:30 p.m.

Senate Environment & Transportation Committee

Organization: Environmental Justice Ministry Cedar Lane Unitarian Universalist Church

Position: Favorable

Prohibiting the Northeast Maryland Waste Disposal Authority from issuing bonds beginning June 1, 2023; requiring the Department of Legislative Services to evaluate the Authority providing enough detail for the General Assembly to determine whether the Authority should continue in its current form; requiring the Maryland Environmental Service and the Maryland Clean Energy Center to review certain aspects of the Authority and analyze whether the Environmental Service or the Clean Energy Center could assume those aspects; etc.

The Environmental Justice Ministry of Cedar Lane Unitarian Universalist Church strongly supports HB161, the Northeast Maryland Waste Disposal Authority Sunset Act, sponsored by Delegates Korman and Szeliga. This legislation tasks the Department of Legislative Services with conducting an evaluation of the Northeast Maryland Waste Disposal Authority, a basic good-government step recommended for all such quasi-governmental agencies by the State Transparency and Accountability Review Commission in 2021. Since we do not want to see any new trash incinerators built in Maryland, and since other business conducted by the Waste Disposal Authority is duplicative of other quasi-governmental agencies, it makes sense for the state to evaluate this agency and carefully consider what are the right steps for its future.

*The Maryland Environmental Service Reform Act of 2021 made a number of improvements to MES's operations, transparency, and accountability; it also requires MES to report to the legislature on its efforts to reduce greenhouse gas emissions annually, something the Waste Disposal Authority is not required to do. Given the large impact that solid waste management techniques have on the environment, it makes sense to have measures like that in place.*

- This legislation does not prevent the Waste Disposal Authority from providing the procurement and management services that it has been conducting with participating counties for the past several years; that will be able to continue while DLS conducts its evaluation. The legislation does prevent the Waste Disposal Authority from issuing new bonds; this is important to prevent any additional encumbrances that would prevent the legislature from acting on the information in DLS's report after it is completed in December 2024. The Waste Disposal Authority reported to the legislature last month that*

*it did not issue any new bonds during 2021 or 2022 and has no plans to issue bonds during 2023.*

- *The State Transparency and Accountability Review Commission recommended that every quasi-governmental agency (QGA) receive periodic reviews at least every eight years, which has not happened. The Commission recommended that these reviews consider questions like: Is there still a need for this QGA? Is this QGA continuing to fulfill legislative intent? Should this agency continue as a QGA? Should this agency move back to a governmental agency? Has this agency operated with transparency and accountability? This legislation implements this recommendation, a basic good-government measure.*

For all of these reasons, please pass the Northeast Maryland Waste Disposal Authority Sunset Act, so that the Department of Legislative Services may conduct this valuable review and the legislature can consider its findings in 2025.

Thank you,

Nanci Wilkinson

Environmental Justice Ministry

Cedar Lane Unitarian Universalist Church

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# **HB161 Support Testimony.pdf**

Uploaded by: Tom Taylor

Position: FAV

HB161 implements recommendations of the State Transparency and Accountability Reform (STAR) Commission, a bipartisan commission convened in 2021 to review and investigate the operations and structures of quasi-governmental agencies in Maryland. The commission recommended that all quasi-governmental agencies receive a sunset review periodically, approximately once every eight years, as a matter of routine. The Northeast Maryland Waste Disposal Authority, one of the quasi-governmental agencies the Commission reviewed, was specifically named in Appendix E of the commission's report as deserving further consideration by the legislature.

HB161 fulfills the STAR Commission's recommendations by directing the Department of Legislative Services to conduct a review of the Waste Disposal Authority and return data and recommendations to the legislature regarding its future.

**HB0161-EEE\_MACo\_SWA.pdf**

Uploaded by: Dominic Butchko

Position: FWA





## House Bill 161

*Northeast Maryland Waste Disposal Authority - Evaluation, Termination of Bond Authority, and Assumption of Functions, Employees, and Contracts*  
*(Northeast Maryland Waste Disposal Authority Sunset Act)*

MACo Position: **SUPPORT**  
**WITH AMENDMENTS**

To: Education, Energy, and the Environment  
Committee

Date: March 23, 2023

From: Dominic J. Butchko

The Maryland Association of Counties (MACo) **SUPPORTS HB 161 WITH AMENDMENTS**. The bill would prohibit the Northeast Maryland Waste Disposal Authority (the Authority) from issuing new bonds beginning in June 2023 and require the Department of Legislative Services (DLS) to study whether the Authority should continue operations or be absorbed by another entity.

It is a smart exercise of public policy to analyze government processes to eliminate waste or discover more efficient ways to deliver public services. As responsible stewards of public funds, counties often conduct their own reviews and work to streamline where necessary. HB 161 seeks such an end, studying ways to either make the Authority more efficient or absorb the Authority into a new entity that can offer the same services at a reduced cost. Counties support the intent of HB 161 and suggest two friendly amendments to further this end:

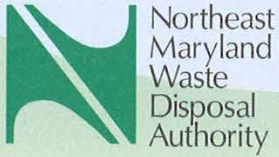
1. The bill should fully ensure the continuation of services should the Authority be dissolved or somehow otherwise become unable to perform its obligations. While counties are flexible regarding the vehicle of service delivery, it is critical that there be no interruption to any current services provided by the Authority.
2. The Authority currently has a robust system for stakeholder engagement with its member counties. Counties ask that the DLS study include language examining ways that a new entity may be able to replicate a high level of stakeholder and intergovernmental engagement and direction.

MACo's amendments to HB 161 serve to ensure continuity of services and preserve robust stakeholder engagement should the Authority be absorbed. Accordingly, MACo asks for a **FAVORABLE WITH AMENDMENTS** report on HB 161.

**ADM1192515KLU.DOCX (Senator Feldman - HB161 - NMWD)**

Uploaded by: Andrew Kays

Position: INFO



March 21, 2023

The Honorable Brian J. Feldman, Chair  
Education, Energy, and the Environment Committee  
Miller Senate Office Building, 2 West Wing  
11 Bladen Street  
Annapolis, Maryland 21401

RE: House Bill 161 - Northeast Maryland Waste Disposal Authority – Evaluation and Termination of Bond Authority (Northeast Maryland Waste Disposal Authority Sunset Act)

Dear Senator Feldman and Members of the Committee:

The Northeast Maryland Waste Disposal Authority (the "Authority") acknowledges the proposal of HB0161. The Authority is looking forward to working with Legislators and the Department of Legislative Services to provide updates.

Feel free to reach out to the Authority with questions or comments.

Best regards,



Joseph J. Siemek, P.E.  
Chairman of the Northeast Maryland Waste Disposal Authority



Andrew Kays  
Executive Director of the Northeast Maryland Waste Disposal Authority

cc: Board, Northeast Maryland Waste Disposal Authority  
Delegate Marc Korman, Sponsor  
Members of the Education, Energy, and the Environment Committee

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**Comprehensive Waste Management Through Recycling, Reuse, Resource Recovery and Landfill**

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Charles Glass, Maryland Environmental Service / Andrew Kays, Executive Director



# **HB 161 in Senate LOI.pdf**

Uploaded by: Jeff Tosi

Position: INFO



Wes Moore GOVERNOR

Aruna Miller LT. GOVERNOR

Charles Glass, Ph.D., P.E. EXECUTIVE DIRECTOR

March 23, 2023

The Honorable Guy Guzzone, Chair  
Senate Budget and Taxation Committee  
Miller Senate Building, Room 2  
Annapolis, Maryland 21401

Re: House Bill 161 - Re: House Bill 161 - Northeast Maryland Waste Disposal Authority – Evaluation and Termination of Bond Authority (Northeast Maryland Waste Disposal Authority Sunset Act)

Dear Chairman Guzzone,

The Maryland Environmental Service (MES) is committed to completing the task of reviewing and analyzing whether MES can assume a portion or all of the functions, employees and active contracts of the Northeast Maryland Waste Disposal Authority (NMWDA). We will report back to the legislature on or before December 1, 2024.

MES is a leader in Solid Waste Management operations providing engineering, construction, and operations of sustainable 21st Century large scale, diversified and integrated solid waste management systems. The majority of MES's solid waste management work is the operation and engineering support for large scale and sustainable recycling operations, including both traditional recycling and organics recycling as well as renewable energy projects that captures landfill methane emissions at our two Midshore landfills. Beyond that, MES also provides contract support for many of our county and municipal government partners.

We look forward to providing the Committee with our analysis and working with the Committee on the appropriate path forward. In the meantime, we are happy to answer any questions.

Contact: Jeff Tosi, Director of Government Affairs  
Phone/Email: 410-729-8504 (w) | [jtosi@menv.com](mailto:jtosi@menv.com)

**HB0161-EEE-LOI.pdf**

Uploaded by: Nina Themelis

Position: INFO



**BRANDON M. SCOTT**  
MAYOR

*Office of Government Relations  
88 State Circle  
Annapolis, Maryland 21401*

**HB 161**

March 23, 2023

**TO:** Members of the Education, Energy, and the Environment Committee

**FROM:** Nina Themelis, Interim Director of Mayor's Office of Government Relations

**RE:** House Bill 161 – Northeast Maryland Waste Disposal Authority – Evaluation & Termination of Bond Authority (Northeast Maryland Waste Disposal Authority Sunset Act)

**POSITION: LETTER OF CONCERN**

Chair Feldman, Vice Chair Kagan, and Members of the Committee, please be advised that the Baltimore City Administration (BCA) has deep concerns regarding House Bill (HB) 161 and its intention to consider transferring the functions and staff of the Northeast Maryland Waste Disposal Authority, a regional body, to an entity with a State-wide focus.

HB 161 would prohibit the Northeast Maryland Waste Disposal Authority (NMWDA) from issuing bonds by a certain date; require the Department of Legislative Services (DLS) to conduct an evaluation of the NMWDA; require the Maryland Environmental Service (MES) and the Maryland Clean Energy Center (MCEC) to review certain aspects of the NMWDA and analyze whether the MES or the MCEC is able to assume those aspects; require the NMWDA to provide information that the DLS, MES and MCEC request; require the DLS, MES, and MCEC to follow procedures that maintain confidentiality of certain information, documents, and proceedings; and generally relating to the NMWDA.

The Baltimore City Department of Public Works has been a member of the NMWDA since its formation as a regional body in 1980. It provides its members with a regular forum for regional discussions on a range of solid waste management issues and topics. NMWDA's talented support staff is a valuable resource to Solid Waste leadership, providing information on industry standards and trends that have been affecting operations on a global scale. The NMWDA helped the City complete a "Less Waste Better Baltimore" plan that analyzed the multiple public and private waste streams generated within and brought into the City, and how Baltimore could transition to a waste diversion culture. NMWDA is currently assisting with the re-writing of the City State-required Ten-Year Solid Waste Management Plan, which includes public outreach, virtual and in-person meetings to gather public comments, and a final plan for consideration and approval by the Mayor and City Council.

The NMWDA is providing guidance and support for the contracting of Quarantine Landfill projects under a \$5M and \$2M Compliance MOUs affecting the operation and maintenance of a range of facilities at the landfill; from leachate collection systems, daily cover procedures, maintenance of cell drainage layers, to a daily compliance inspection tool and dashboard, a 5-year strategic plan and budget. The NMWDA is assisting with access to and creation of contracts and agreements with consultants and contractors for much needed health and safety improvement at three critical Solid Waste yards, as well as their rehabilitation. Thanks to the foresight of this Legislative body, the City will be receiving much needed capital bond funds toward the creation of an Eastside Transfer Station on the closed Bowley's Lane Landfill. This facility will provide a location for our solid waste collections crews working on the east side of the City to bring their loads to a convenient location, making them more efficient in the service of their routes. This Station will also provide another convenient location for small haulers to bring their loads. The NMWDA is helping expedite this project by assisting with the hiring of a design engineering firm.

Recent assistance from the NMWDA resulted in the City renewing its recycling contract for processing recyclables collected curbside, renewing the City's electronics recycling contract, procuring a contract with a company for the safe reuse or disposal of the tons of scrap tires the City collects and cleans up from illegal dump sites, and providing access to a contractor through the City's NMWDA co-op agreement to acquire a mattress recycling contract.

The City of Baltimore has benefitted greatly from its membership in the NMWDA and its expertise in regional solid waste concerns. The groundwork has been laid to pivot the management of our solid waste stream to methods and means that will repurpose, reuse, and reduce the waste we generate. We believe the NMWDA will be a critical partner in that effort.

It is for these reasons that the City of Baltimore is expressing its concerns regarding the unintended consequences that may result from this well-meaning legislation.