

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:

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...

"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.