

HB 161 - Northeast Maryland Waste Disposal Authori

Uploaded by: Casey Hunter

Position: FAV

February 8, 2023

Testimony on HB 161

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

Environment and Transportation

Position: Favorable

Common Cause Maryland is in support of HB 161, which would task the Department of Legislative Services with evaluating the Northeast Maryland Waste Disposal Authority, in an effort to improve efficiency and eliminate redundancies across similar quasi-governmental agencies. Today, every service provided by the Authority – with the exception of waste-to-energy trash incineration – is provided by another quasi-governmental agency. As trash incineration becomes increasingly obsolete in Maryland, it follows that continuing to pour resources and taxpayer dollars into the Authority that manages the practice would be futile.

Any given quasi-governmental entity is established with a purpose – to support the government in efficiently and effectively providing a service to the public. In this case, we must ask ourselves whether the Northeast Maryland Waste Disposal Authority meets this standard. Putting aside the clear organizational inefficiencies and redundancies, it is imperative to assess whether or not the Authority is providing a service that actually benefits the public. The negative health impacts – both human and environmental - of trash incineration are well established. The Environmental Integrity Project reported that trash incineration facilities emit significantly more greenhouse gases and harmful air toxins than coal plants. Surrounding communities face increased risks of cancer, respiratory disease, and even birth defects and miscarriages. Additionally, waste-to-energy facilities are routinely placed in low-income, communities of color where residents *already* face significant barriers to accessing healthcare and other critical services.

Because of these established consequences, every Maryland county that operates waste-to-energy trash incineration has either closed or committed to closing their facilities. Why then, would Marylanders need an agency to manage a practice that is already being phased out? Passing HB 161 is not only critical in pursuing the efficiency of Maryland's public services, but critical in affirming that the health and wellbeing of all Marylanders is a priority.

We strongly urge a favorable report.

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: Environment and Transportation

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.

Two other important reasons to consider sunseting the Waste Disposal Authority are:

- equitable public health treatment (the toxins released by the incinerators are dangerous to the surrounding communities);
- 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, concluded, among other things that: (1) incineration would create fewer greenhouse gasses than would landfilling using an EPA model that did not count diversion of organics waste from the waste stream in the calculation; (2) the County could not increase its recycling rate significantly, and (3) the costs to upgrade the incinerator could reach as high as \$62.7 million. HDR also concluded that the lifecycle disposal costs for incineration would be cheaper on a per ton basis than either truck or rail haul to landfill.

Since the issuance of the HDR report, our County Executive has pledged to close the incinerator. At a public meeting in January 2019, the County Executive expressed concerns about the Authority's 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.").

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. They also provide a specific timeline and strategy for closing the incinerator and sending residual waste to a well-managed landfill. 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.

Baltimore City's Mayor has also pledged not to renew the City's contract with its incinerator (formerly known as Wheelabrator). Importantly, community activists have long fought to close that incinerator largely because it is a significant contributor to childhood asthma rates in the surrounding communities. In December 2017, the Abell Foundation, in conjunction with the Environmental Integrity Project, published a study entitled "Asthma and Air Pollution in Baltimore City." The study found that Baltimore's asthma rate is three times greater than the rest of Maryland and that the highest incidence of asthma occurred in those zip codes that are adjacent to major emitters of air pollution: 21230, in which the Baltimore City incinerator is located, and 21226, in which other major facilities are located. The Baltimore incinerator is the single largest stationary source of Nitrogen oxide in Baltimore. According to the Baltimore City Health Department, the average life expectancies for babies born to families in Cherry Hill, Curtis Bay and Brooklyn are all less than 70, a decade less than the statewide average. In Westport, residents are more than twice as likely to die of lung cancer than those in the Guilford or Homeland neighborhoods of North Baltimore. The Chesapeake Bay Foundation estimated that the facility's emissions cost Maryland \$21.8 million in health care expenses annually, and \$55 million overall in annual health expenses.

Similarly, the Dickerson trash incinerator in Montgomery County is the single largest industrial emitter of air pollutants in Montgomery County. This facility annually produces approximately 740 tons of air pollutants and sends about 180,000 tons of toxic ash to landfills in Virginia.

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 House Environment & Transportation Committee

February 8, 2023

Position: Favorable

Mr. Chair, Mr. 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. Since we do not want to see any new trash incinerators built in Maryland, it makes sense for the state to evaluate this agency and carefully consider what are the right steps for its future.

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

February 2, 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 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.

I encourage a FAVORABLE report for this important legislation.

Thank you,

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

HB161 Bruce Holstein.pdf

Uploaded by: Jennifer Kunze

Position: FAV

Testimony in Support of HB 161

I want to testify about the conflict of interest that exists with the Board of Directors at the Northeast Maryland Waste Disposal Authority (Authority).

My name is Bruce Holstein. I worked for the Federal Government for 36 years at the U.S. Government Printing Office. I spent 4 years as their Director of Audits and 11 years as the Agency Comptroller. I also spent about 10 years on the Carroll County Solid Waste Advisory Council.

I got involved with the Authority in 2010 when the governments of Carroll and Frederick announced they were forming a partnership to build a trash incinerator in Frederick County. The Authority acted as the contracting officer for the project. I lived in Carroll County and was concerned by the inability of the County Public Works Director to answer some straightforward questions about the incinerator finances.

Long story short, I analyzed the Authority's financial projections and found that the real cost of the incinerator greatly exceeded the projections announced by the Authority. Once Carroll County officials were provided with the financial data I developed, they voted to terminate their contracts for the incinerator.

The Public Works Directors of both Frederick and Carroll Counties served as members of the Board of Directors as do many of the other members on the Board. That may look good on paper, but the conflict of interest arises because the Board members also serve as subject matter experts for their respective county decision makers. The Authority is viewed as just that – the Authority on solid waste disposal. Consequently, the Public Works directors are in effect approving their own projects when they advise County decision makers.

On a personal note, when I met with Carroll County Public Works Director, he told me that the County Commissioners will do whatever he tells them to do. Fortunately for us county taxpayers, new Commissioners were elected and they were open to receiving input from the public which they from me and many other concerned citizens..

In 2015, several citizens worked with State legislative officials to change the Authority's mission by adding Zero Waste activities to their legislative mission in Senate Bill 509. We did not subtract incineration, we merely added zero waste initiatives. The Authority developed a form letter and sent it to their Board members i.e. County Public Works Directors asking them to write letters opposing our bill. The Board members then got their respective County decision makers to sign and submit letters in opposition.

With many things that need to be evaluated about this quasi-governmental agency, I strongly believe the conflict of interest that exists with the Authority's Board of Directors needs to be reviewed as suggested under HB 161.

HB161 Jennifer Kunze Clean Water Action sign on te

Uploaded by: Jennifer Kunze

Position: FAV

Testimony Supporting HB0161
House Environment & Transportation Committee
February 8, 2023

Position: SUPPORT

Dear Chair Barve 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 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. 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

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

Maryland Legislative Coalition, Cecilia Plante, Co-Chair

Chesapeake Earth Holders, David Steigerwald, Maryland Legislative Lead

Echotopia LLC, Diane Wittner, Principal

Montgomery Countryside Alliance, Caroline Taylor, Executive Director

Indivisible Howard County, Richard Deutschmann, Co-Facilitator Climate Action Team

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

Common Cause Maryland, Casey Hunter, Outreach & Engagement Coordinator

HoCo Climate Action, Liz Feighner, Steering Committee

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

Sustainable Hyattsville, Greg Smith, President, Board of Directors

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

HB161 Northeast Maryland Waste Disposal Authority

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 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, one of the quasi-governmental agencies the commission reviewed, duplicates the activities of other quasi-governmental agencies in everything except the Waste Disposal Authority's role in trash incineration. Given that all Maryland counties with proposed or existing trash incinerators have either rejected or closed them, or have stated their intention to stop using them, and given the Commission's recommendation that all quasi-governmental agencies in Maryland receive a routine sunset review periodically, and its decision to identify the Waste Disposal Authority by name as a candidate for special review, HB161 directs the Department of Legislative Services to conduct an independent 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 in 1980 as “a regional coordinating agency and a financing vehicle” for “waste disposal facilities (including those which provide for energy generation and resource recovery) and facilities for the generation of steam, electricity, or other forms of energy from fuels which are derived from or are otherwise related to waste disposal facilities” ([MD. Natural Resources Code Ann. § 3-902](#)). The Waste Disposal Authority's original primary purpose is to coordinate and finance waste-to-energy facilities (trash incinerators) in Maryland.

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 Stadium Authority, the Maryland Food Center Authority, and the Maryland Economic Development Corporation.

Maryland counties and Baltimore City 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. Anne Arundel County, Baltimore City and County, Carroll County, Frederick County, Harford County, Howard County, and Montgomery County are currently members of the Waste Disposal Authority.

What is the Northeast Maryland Waste Disposal Authority's history with trash incineration?

After its creation in 1980, the Waste Disposal Authority has planned, promoted, and financed several trash incinerators across Maryland:

- Opened in 1985, the BRESKO trash incinerator in Baltimore City is owned by WIN Waste Innovations (previously known as Wheelabrator), which still burns Baltimore City and County’s trash. The Baltimore City Mayor has [pledged not to renew the City’s contract](#) with this facility again. (“*Under my administration, we’re going to work to not burn as much at the incinerator as possible. And I will work my butt off to make sure that this is the last time we ever give them a new contract.*”)
- Opened in 1988, a trash incinerator in Harford County closed in 2016.
- Opened in 1995, the Montgomery County trash incinerator is owned by the Waste Disposal Authority and operated by Covanta. Montgomery County’s Executive has [pledged to close](#) this facility. (“*I am writing to inform you that we are beginning to take the steps necessary to change the way Montgomery County handles its solid waste and recycling... The end goal is to close the incinerator within the next 12-18 months.*”)
- In 2010 the Waste Disposal Authority arranged contracts with Wheelabrator to build an incinerator in Frederick County, to be used and paid for by Frederick and Carroll Counties. Both counties withdrew from the project in 2014, in part because of the financial burden the project would have imposed on both Counties. That incinerator was never built.

The Waste Disposal Authority is still involved in management of the trash incinerator in Baltimore City, and continues its ownership of the Montgomery County facility, even though the bond debt has been paid and [title could have been transferred](#) to Montgomery County.

What projects does the Northeast Maryland Waste Disposal Authority manage other than trash incineration?

In the 43 years since its creation, the Waste Disposal Authority has seen significant mission creep from its original statutory purpose, especially as local governments express their intent to avoid or reduce reliance on trash incineration.

Each service the Waste Disposal Authority is now performing (other than trash incineration) is duplicative of services that other quasi-governmental state agencies offer, particularly [Maryland Environmental Service](#) (MES) as well as the [Maryland Clean Energy Center](#) (MCEC).

These are the projects and services described on the Waste Disposal Authority’s website, as compared to the service provided by MES and MCEC:

Northeast Maryland Waste Disposal Authority	Maryland Environmental Service
Landfill services . “The Authority works with	MES offers landfill engineering services ,

<p>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>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>Landfill-gas-to-energy. 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 landfill gas collection and management and landfill gas capture and control including combined heat and power projects. Additionally, Wicomico County, not a member of the Waste Disposal Authority, has installed landfill-gas-to-energy at the Newland Park Landfill.</p>
<p>Composting. “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 yard waste composting and food waste composting 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 biosolid management, and is currently involved in management of the Back River Wastewater Treatment Plant.</p>
<p>Recycling. “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 services in the design, purchase, construction, and operation of recycling systems and the marketing of recycled materials. MES operates Prince George’s County’s Materials Recycling Facility in Capitol Heights and the Midshore Regional Recycling Program in Caroline, Kent, Queen Anne’s, and Talbot Counties.</p>
<p>Solar. “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 planning, design, and construction for renewable energy projects. Many communities in MD have developed solar projects, including on capped landfills, without the Waste Disposal Authority’s involvement, including Prince George’s County. The Maryland Clean Energy Center provides procurement and technical support to its partners, and the Maryland Clean Energy Capital Program and MD-PACE Property Assessed Clean Energy Loan Programs are available to municipal customers.</p>

The mission creep of the Waste Disposal Authority has caused it to duplicate MES and MCEC operations, except for the Waste Disposal Authority's original statutory purpose of planning and financing waste-to-energy projects.

Why is it a matter of concern that the Waste Disposal Authority and MES offer the same services?

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. Also, compared to the Waste Disposal Authority, MES conducts its projects with more safeguards for the public required by statute. The General Assembly gave significant consideration to improving MES's operations, transparency, and accountability following 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 pertinence 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.

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 [most recent board meeting in 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). This procurement process does not facilitate a bidding process that would attract professionals other than engineering firms who specialize in waste-to-energy and landfill services.

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 to support the County's desired move away from trash incineration. The Waste Disposal Authority chose from their On-Call Consultants and hired a company that was already contracted for consulting services on the existing County incinerator, for \$500,000. This consultant's report stated that the County could not increase its recycling rate significantly, and that continuing to incinerate would be the safest, most cost-effective and environmentally friendly method of waste disposal. 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. They also concluded that hauling residual waste to a well managed landfill would be safer and less expensive than continuing to incinerate. 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 results that have come from using the Waste Disposal Authority's On-Call Consultants.

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 mission creep within quasi-governmental agencies was a major area of concern.

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.

ZWMC Testimony for HB161 .pdf

Uploaded by: Lauren Greenberger

Position: FAV

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

House Environment & Transportation Committee

February 8th, 2023

Position: Support

I am Lauren Greenberger, representing Zero Waste Montgomery County. I also own a cattle farm located in Dickerson, Maryland, just around the corner from the Montgomery County waste incinerator. Because we are so close by, we have had many encounters with the Northeast Maryland Waste Disposal Authority over the past 27 years. In general, this is an agency that has not been easy to work with. They rarely appear at public meetings. When we have asked them for information, they have generally requested that we submit a Public Information Act request, and, most importantly, they have made choices for the County that we feel are more in the interest of the Authority, than in the interest of the County.

Most recently, when the County was looking to develop a zero-waste plan, it turned the Request for Proposal (RFP) process over to the Authority. Rather than pick a consulting group with zero-waste management as its primary function, the Authority chose the consulting group that already had the contract with them to provide technical assistance on the incinerator, HDR. The consulting contract cost in excess of \$470,000. While the consultant did recommend a number of waste diversion programs that could be implemented, it also recommended that the County continue burning “what’s left,” in the waste stream. As we documented in the report *Beyond Incineration*¹, HDR used an outdated model that substantially underestimated the hazardous air pollutants and greenhouse gasses from incineration in comparison to landfilling.

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. As the bonds for the incinerator were paid off in 2016, we now see virtually no reason to have the Authority manage our waste. There are other agencies that could do this work, much more efficiently with more transparency, and with environmental accountability.

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.*

¹ <http://www.energyjustice.net/md/beyond.pdf>, pages 43-67

Under the watch of the Authority during the last decade, the incinerator proved to be very poorly managed with huge piles of trash, well above safe limits, piling up on the tipping floor. In 2016, this resulted in a fire that burned for two weeks - the largest in the entire fleet of Covanta incinerators across the country. Clearly the Authority and HDR, were not doing the job they should have been doing.

5. Continue to monitor the electricity sales market and certify and market renewable energy credits as appropriate to maximize electricity revenues.

Under its management, income from sales of electricity have dropped by more than half in just 6 years. Since 2016 sales have gone from \$20 million down to \$8 million.² Perhaps they consider this as maximizing revenues, but from our perspective, it's an unimpressive track record. I will further note that it is our fervent hope that this will be the year that you finally decide to remove this dirty source of electricity from the Renewable Portfolio Standard and allow clean energy credits to go to the development of truly green sources of energy here in Maryland. This would then be yet another duty for which the Authority would not be needed.

We believe that most functions handled by the Authority could be transferred to 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 near my farm 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. It is quite clear that there may well be a much more efficient, transparent, and environmentally responsible solution for our county's waste management needs than that which has been provided by the Northeast Maryland Waste Disposal Authority.

Thank you so much for your attention,

Lauren Greenberger
Daybreak Farm and
Zero Waste Montgomery County

² Montgomery County Monthly Invoice summaries

HB161 NE Maryland Waste Disposal Authority Sunset

Uploaded by: Laurie McGilvray

Position: FAV



Committee: Environment & Transportation

Testimony on: HB161-Northeast Maryland Waste Disposal Authority Sunset Act

Organization: Maryland Legislative Coalition Climate Justice Wing

Submitting: Laurie McGilvray, Co-Chair

Position: Favorable

Hearing Date: February 8, 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) and the Maryland Clean Energy Center (MCEC) to review the Waste Disposal Authority and analyze whether MES or the MCEC 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 without incineration. 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 biased toward waste-to-energy and landfill solutions. 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.

HB161_MDSierraClub_fav 8Feb2023..pdf

Uploaded by: Martha Ainsworth

Position: FAV



Maryland Chapter
P.O Box 278
Riverdale, MD 20738

Committee: Environment and Transportation

Testimony on: HB 161 – “Northeast Maryland Waste Disposal Authority – Evaluation and Termination of Bond Authority”

Position: Support

Hearing Date: February 8, 2023

The Maryland Chapter of the Sierra Club supports HB 161. This bill would prohibit the Northeast Maryland Waste Disposal Authority (NMWDA) from issuing bonds as of June 1, 2023. It would require the Department of Legislative Services to evaluate the performance of the Authority and the impact of merging it with the Maryland Environmental Service (MES) or other appropriate entity, on or before December 1, 2024. The evaluation would include an assessment of whether MES and the Clean Energy Center could take on the Authority’s current projects.

According to the bill’s preamble, the NMWDA was created by the General Assembly in 1980 to coordinate and finance participating subdivisions of the State (Anne Arundel, Baltimore, Frederick, Harford, Howard, and Montgomery Counties and the City of Baltimore), in addition to public entities and the private sector “in the provision of adequate waste disposal facilities, including facilities that provide for energy generation and resource recovery and facilities that generate steam, electricity, or other forms of energy from fuels derived from or otherwise related to waste disposal facilities.”

Since then, the Maryland Clean Energy Center was created in 2008 to encourage development of clean energy industries and technologies in the State; the Harford County waste-to-energy incinerator has closed; Montgomery County has signaled its intention close its incinerator in April 2026; and contracts with the Baltimore City incinerator by the City and Baltimore County will be expiring within the next eight years.

Given this situation and that when the NMWDA was formed, the General Assembly anticipated that at some future time the Authority could merge with the MES, the proposed evaluation is timely and appropriate. It will inform the decision concerning a merger with MES, while also providing useful lessons about the effectiveness and performance of the NMWDA that will be useful going forward.

For these reasons, we respectfully request a favorable report on HB 161.

Martha Ainsworth
Chair, Chapter Zero Waste Team
Martha.Ainsworth@MDSierra.org

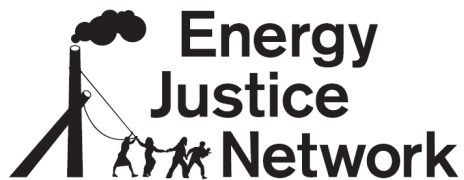
Josh Tulkin
Chapter Director
Josh.Tulkin@MDSierra.org

Founded in 1892, the Sierra Club is America’s oldest and largest grassroots environmental organization. The Maryland Chapter has over 70,000 members and supporters, and the Sierra Club nationwide has approximately 800,000 members.

HB161_EnergyJusticeNetwork_Ewall_FAV.pdf

Uploaded by: Mike Ewall

Position: FAV



February 8, 2022

Comments before House Environment
& Transportation Committee

FAVORABLE

House Bill 161

**Northeast Maryland Waste Disposal Authority
Sunset Act**

Mike Ewall, Esq.
Founder & Director
Energy Justice Network
215-436-9511
mike@energyjustice.net
www.EnergyJustice.net

Good afternoon. My name is Mike Ewall, and I'm the founder and director of a national organization, Energy Justice Network. Energy Justice works at the local level with grassroots community groups in Maryland and the rest of the country to support efforts to promote zero waste, and to stop polluting and unnecessary energy and waste industry facilities, with a focus on ending waste incineration.

We emphatically support this legislation, which is long overdue. The Northeast Maryland Waste Disposal Authority is redundant with other state agencies and sadly operates to the detriment of human and environmental health in the state. They exist primarily to be bonding outfit and an advocate for trash incineration.

Trash incineration is the [most expensive and polluting](#) way to manage waste or to make energy. It is dirtier than coal burning and worse than simply landfilling waste directly instead of turning it into air pollution and toxic ash before landfilling the ash. A life cycle assessment study conducted for Montgomery County found that burning their trash and landfilling the toxic ash in Virginia is twice as bad for climate change as going directly to landfills. When factoring in the impacts on asthma, cancer, heart attacks, and other health and environmental damage caused by the various other pollutants released, the overall impact was more than three times that of landfilling directly. This analysis helped inform the decision by the county executive to plan for the early closure of the incinerator.

Incineration is also far more polluting than burning coal. According to EPA's latest data, to produce the same amount of energy as coal, burning trash releases 65% more carbon dioxide (CO₂), three times as much nitrogen oxides (which triggers asthma attacks), five times as much mercury, nearly six times as much lead and 27 times more hydrochloric acid. This is far from a clean energy source.

After bruising, 5-8 year battles that stopped proposed waste incinerators in Frederick County and Baltimore City, and the withdrawal of pursuits for a new one in Prince George's County in 2016, the Authority has acknowledged that building new incinerators isn't politically viable. However, they continue to perpetuate the operation of the remaining incinerators in Baltimore City and Montgomery County.

The Authority creates a conflict of interest for local waste management directors who are typically the ones chosen to represent their eight member jurisdictions on the Authority's board. When the Authority makes money on perpetuating aging waste incinerators, the county official cannot fairly serve both masters when they have a fiduciary duty to the Authority while also having to do what is best for their county. Montgomery County is a glaring example, but it's also an issue in Baltimore City, where the mayor and other city leaders have committed to the current contract to burn their trash being the last.

In 2017, the Authority chose a handful of pre-selected consultants to be on-call for member jurisdictions. A team of the nation's leading Zero Waste experts were not chosen, yet other consulting companies were chosen who do not have the qualifications for some of the work they've been assigned. One is the nation's leading cheerleader for incinerator technologies. Another was told that they are not allowed to subcontract

to a leading Zero Waste expert. This hostility to genuine and proven waste reduction strategies is telling, and is show in the product that their consultants produce.

In 2018, the Authority set up Baltimore City and Montgomery County with their consultants to come up with long-term solid waste plans. The scope of work in each case read almost identically, and the documents were authored by the Authority. However, when confronted with this, city and county officials insisted that they wrote the scopes of work and the Authority did not, which was clearly false.

This wouldn't be a problem except for these two facts:

- 1) The Authority represented before this legislature a few years ago that they take the lead from their members and only exist to serve these member jurisdictions. The deception around who wrote the scope of work for those two member jurisdictions shows that it's really the Authority driving the policy.
- 2) The scope of work in each case was quite biased, and instructed consultants to look only at the benefits, but not the harms, of incineration – and to look at recommendations for the continued use of these incinerators well past their useful life... beyond 2040. Both reports, indeed, made that recommendation. One also dismissed, out of hand, the most effective and cost-effective program to quickly reduce waste (unit-based pricing). This was Geosyntec in the plan for Baltimore City, making the same bad recommendation they previously made while consulting for Frederick County.

Maryland deserves an agency that isn't simply putting their finger on the scale in favor of the dirtiest waste management technology in order to maximize their profits. Folding NMWDA into more responsible agencies could end this bias that pushes against the desires of the county and city leaders who are seeking to move away from reliance on the largest air polluters in their jurisdictions.

Find more about the history of the consulting study in Baltimore, and city council's unanimous objection to it, here: <https://www.cleanairbmore.org/campaigns/solidwasteplan/>

HB161-Waste Disposal Authority Act - E&T-MoCoCAP-F

Uploaded by: MoCo Climate Action Plan Coalition Younts

Position: FAV

Montgomery County Climate Action Plan Coalition

Committee: Environment & Transportation

Testimony on: HB161 - Northeast Maryland Waste Disposal Authority Sunset Act

Organization: MoCo CAP Coalition (Montgomery County Climate Action Plan Coalition)

Submitting: Diana Younts

Position: Favorable

Hearing Date: February 8, 2023

Dear Mr. Chairman and Committee Members:

Thank you for allowing our testimony today. The MoCo CAP Coalition is a Montgomery County-wide Coalition of grassroots organizations dedicated to helping our County to reach the goal of its Climate Action Plan to reduce greenhouse gas emissions 80% by 2027 and 100% by 2035. We urge you to vote favorably on HB161.

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.

Two other important reasons to consider sunseting the Waste Disposal Authority are:

- equitable public health treatment (the toxins released by the incinerators are dangerous to the surrounding communities); and
- 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 implementing Climate Solutions Now and Montgomery County’s goal of reducing greenhouse gas emissions.

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, concluded, among other things that: (1) incineration would create fewer greenhouse gasses than would landfilling using an EPA model that did not count diversion of organics waste from the waste stream in the calculation; (2) the County could not increase its recycling rate significantly, and (3) the costs to upgrade the incinerator could reach as high as \$62.7 million. HDR also concluded that the lifecycle disposal costs for incineration would be cheaper on a per ton basis than either truck or rail haul to landfill.

Since the issuance of the HDR report, our County Executive [pledged to close](#) the incinerator. At a public meeting in January 2019, the County Executive [expressed concerns about the Authority’s 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.*”).

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. They also provide a specific timeline and strategy for closing the incinerator and sending residual waste to a well-managed landfill. 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.

Baltimore City’s Mayor has also [pledged not to renew the City’s contract](#) with its incinerator (formerly known as Wheelabrator). Importantly, community activists have long fought to close that incinerator largely because it is a significant contributor to childhood asthma rates in the surrounding communities. In December 2017, the Abell Foundation, in conjunction with the Environmental Integrity Project, published a study entitled “Asthma and Air Pollution in Baltimore City.” The study found that Baltimore’s asthma rate is three times greater than the rest of Maryland and that the highest incidence of asthma occurred in those zip codes that are adjacent to major emitters of air pollution: 21230, in which the Baltimore City incinerator is

located, and 21226, in which other major facilities are located. The Baltimore incinerator is the single largest stationary source of Nitrogen oxide in Baltimore. According to the Baltimore City Health Department, the average life expectancies for babies born to families in Cherry Hill, Curtis Bay and Brooklyn are all less than 70, a decade less than the statewide average. In Westport, residents are more than twice as likely to die of lung cancer than those in the Guilford or Homeland neighborhoods of North Baltimore. The Chesapeake Bay Foundation estimated that the facility's emissions cost Maryland \$21.8 million in health care expenses annually, and \$55 million overall in annual health expenses.

Similarly, the Dickerson trash incinerator in Montgomery County is the single largest industrial emitter of air pollutants in Montgomery County. This facility annually produces approximately 740 tons of air pollutants and sends about 180,000 tons of toxic ash to landfills in Virginia.

Thus, reassessing the Northeast Maryland Waste Disposal Authority is both a fiscally responsible step but also an important step that will facilitate Maryland's ability to move forward with healthy, sustainable solid waste disposal policies.

For these reasons, we ask that you vote FAVORABLE for HB161.

Respectfully Submitted,

MoCo CAP Coalition:

350 MoCo

ACQ Climate

Biodiversity for a

Livable Climate

Chesapeake Climate

Action Network

Elders Climate Action

Environmental Justice Ministry

Cedar Lane UU Church

Friends of Sligo Creek

Glen Echo Heights Mobilization

Green Sanctuary Committee of

UU Church of Silver Spring

Montgomery County Faith Alliance

For Climate Solutions

One Montgomery Green

Safe Healthy Playing Fields

Sugarloaf Citizens Assn

Takoma Park Mobilization

Environment Committee

The Climate Mobilization

Transit Alternative to Mid County

Highway Extension

Karen Metchis, Bethesda Md

Lucy McFadden, Bethesda Md

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

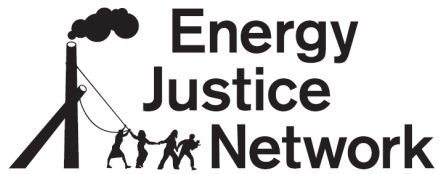
Environmental Justice Ministry

Cedar Lane Unitarian Universalist Church

HB161_EJN_Compton_FAV.pdf

Uploaded by: Stephanie Compton

Position: FAV



02/06/2023

Stephanie Compton
2936 Wyman Pkwy.
Baltimore, MD 21211

Testimony Supporting HB0161

House Environment & Transportation Committee

February 8, 2023

Position: SUPPORT

As a Baltimore City resident living with 2 incinerators in my city, the BRESCO/Wheelabrator trash incinerator and the Curtis Bay medical waste incinerator, I am writing to express my support for the 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.

For the past 8 years I've been involved with the work to shut down the BRESCO trash incinerator. I understand that the Northeast Maryland Waste Disposal Authority approves these waste incinerator contracts into existence. We do not need to continue having such an "authority" that is not in alignment with the Environmental Justice Communities experiencing Environmental Racism from trash incineration. These communities demand sustainable waste management systems like zero waste, which has no room for burning trash.

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.

Sincerely,
Stephanie Compton

SCA Testimony for HB 161.pdf

Uploaded by: Steven Findlay

Position: FAV

**Testimony Supporting HB161
The Northeast Maryland Waste Disposal Authority Sunset Act**

House Environment & Transportation Committee

February 8th, 2023

Position: Support

As president of Sugarloaf Citizens' Association, located in Dickerson Maryland, I am writing to express our support for HB 161, the Northeast Maryland Waste Disposal Authority Sunset Act, sponsored by delegates, Korman and Szeliga.

As the county incinerator is located just steps from our headquarters, we have closely observed the work of the Authority for the last 27 years.

When the County decided to build a trash incinerator, they partnered with the Authority in order to get financing and to build this industrial facility.

From the start, we have questioned whether this was the best mechanism for the County for its waste management. Every year for the past 27 years, our tax dollars have supported the Authority with approximately half a million dollars in membership, fees. Having used the Authority as a purchasing agent, we needed to maintain this relationship until 2016. But after that time, our bonds were paid off and we no longer needed them. And yet, for the past six years, we have continued to pay that membership fee, and use them for oversight of the facility. In 2022, their fees exceeded \$1,000,000 when consultant expenses and litigation fees were added to their management fee.

Overtime, we have seen the Authority, exert more and more control over county government decisions. This has been especially evident in areas where there is clearly a conflict of interest, and they have made choices on behalf of the County that keep their contract going.

Four years ago, we participated in the County Executive's Zero Waste Advisory Group. After reviewing the County's waste management practices and looking at programs in other jurisdictions around the state, and around the country, the Advisory Group concluded that, with better practices, the county could significantly reduce the waste they were sending to the incinerator, and increase their recycling rate from the 42% at which it had been stagnating for a number of years.

Unfortunately, rather than hire the best cutting-edge Zero Waste experts in the country to develop a strategic plan for the County, the County turned the choice of consultants over to the Authority to pick one to do this work for us. Rather than look for Zero Waste experts, the Authority chose from their pre-approved short list of engineering firms. The group they chose, was the same consulting group, HDR, that already had a contract to provide technical assistance in the management and operation of the county incinerator.

Not surprisingly, after completing a nearly \$500,000 contract, this consulting group presented data that indicated that continuing to incinerate as far into the future as 2046 would be the most cost effective and environmentally sound choice for the county. The report also gave a list of commonly known recycling recommendations, but even these, they recommended implementing over many years into the future with no details as to an implementation plan. Clearly, this was not the strategic plan with operational directives that the County was hoping for. It was, however, by far the best choice for the Northeast Maryland Waste Disposal Authority. As long as that incinerator kept running, the Authority would have a very lucrative contract, all funded by Montgomery County taxpayers.

After the debt was retired on the bonds for this facility, the cost for incineration went down to \$23 million in 2017. Rather than stay at that rate, the cost has increased by several million dollars each year. In 2022, the Authority budgeted \$62 million for its operation. meanwhile, the revenue from electricity generation has gone from \$20 million for the year 2016 to \$8 million for the year 2022.

Precisely because of exorbitant costs and environmental concerns, no new incinerator has been built in the United States since ours, and yet the Authority continues to fervently defend it.

For these reasons, we fully support HB161, so that the Department of Legislative Services can conduct a thorough evaluation of the Authority and, with all the facts at their disposal, determine whether this quasi-governmental agency is acting in the best interest of Montgomery County, and other jurisdictions in the state, and whether there may be a better agency, that actually serves the needs of the County and operates with transparency and accountability with regards to both its financial choices and environmental practices.

Thank you,

Steven Findlay
President, Sugarloaf Citizens' Association

HB0161-ET_MACo_SWA.pdf

Uploaded by: Dominic Butchko

Position: FWA



House Bill 161

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

MACo Position: **SUPPORT**
WITH AMENDMENTS

To: Environment and Transportation Committee

Date: February 8, 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.

HB 161 Amendment Continuity of Service.pdf

Uploaded by: Marc Korman

Position: FWA



HB0161/693122/1

AMENDMENTS
PREPARED
BY THE
DEPT. OF LEGISLATIVE
SERVICES

03 FEB 23
14:47:05

BY: Delegate Korman

(To be offered in the Environment and Transportation Committee)

AMENDMENTS TO HOUSE BILL 161

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “and” and substitute a comma; in line 3, after “Authority” insert “, **and Assumption of Functions, Employees, and Contracts**”; and in line 17, after “proceedings;” insert “requiring the Maryland Environmental Service to temporarily assume and maintain certain aspects of the Northeast Maryland Waste Disposal Authority under certain circumstances and until a certain entity is prepared and ready to assume those aspects;”.

AMENDMENT NO. 2

On page 11, after line 6, insert:

“SECTION 4. AND BE IT FURTHER ENACTED, That the Maryland Environmental Service shall:

(1) temporarily assume all of the functions, current employees, and active contracts of the Northeast Maryland Waste Disposal Authority during any merger of the Northeast Maryland Waste Disposal Authority with another entity; and

(2) maintain the assumption of the functions, current employees, and active contracts of the Northeast Maryland Waste Disposal Authority until the entity with which the Northeast Maryland Waste Disposal Authority merges is prepared and ready to assume those functions, current employees, and active contracts.”;

and in lines 7 and 9, strike “4.” and “5.”, respectively, and substitute “5.” and “6.”, respectively.

HB 161 Amendment Stakeholder Engagement.pdf

Uploaded by: Marc Korman

Position: FWA



HB0161/603326/1

AMENDMENTS
PREPARED
BY THE
DEPT. OF LEGISLATIVE
SERVICES

06 FEB 23
08:37:42

BY: Delegate Korman
(To be offered in the Environment and Transportation Committee)

AMENDMENTS TO HOUSE BILL 161
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “**and**” and substitute a comma; in line 3, after “**Authority**” insert “, **and Stakeholder Engagement**”; in line 17, after “proceedings,” insert “requiring an entity that assumes certain aspects of the Northeast Maryland Waste Disposal Authority to establish a system for maintaining stakeholder engagement.”.

AMENDMENT NO. 2

On page 11, after line 6, insert:

“SECTION 4. AND BE IT FURTHER ENACTED, That an entity that assumes a portion or all of the functions, current employees, or active contracts of the Northeast Maryland Waste Disposal Authority shall establish a system for maintaining stakeholder engagement.”;

and in lines 7 and 9, strike “4.” and “5.”, respectively, and substitute “5.” and “6.”, respectively.

HB 161 MCEC Amendment.pdf

Uploaded by: Marc Korman

Position: FWA



HB0161/513225/1

AMENDMENTS
PREPARED
BY THE
DEPT. OF LEGISLATIVE
SERVICES

03 FEB 23
14:41:30

BY: Delegate Korman

(To be offered in the Environment and Transportation Committee)

AMENDMENTS TO HOUSE BILL 161

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 8 and 9, strike “and the Maryland Clean Energy Center”; in lines 10 and 11, strike “or the Maryland Clean Energy Center”; in lines 13 and 15, in each instance, strike the first comma and substitute “and”; and in lines 13 and 14 and 15 and 16, in each instance, strike “, and the Maryland Clean Energy Center”.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 17 through 21, inclusive.

On page 8, in line 12, strike “or the Maryland Clean Energy Center”.

On page 10 in lines 1, 9, and 33, and on page 11 in line 3, in each instance, strike “and the Maryland Clean Energy Center”.

On page 10, in lines 5 and 6, 15 and 16, 20 and 21, 24, and 31, in each instance, strike “or the Maryland Clean Energy Center”.

HB 161-Andrew Serafini-FAV.pdf

Uploaded by: Marc Korman

Position: FWA

Honorable Kumar Barve

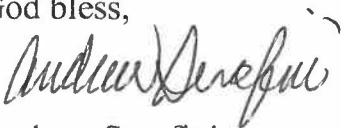
Honorable Dana Stein

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 Marc Korman-FWA.pdf

Uploaded by: Marc Korman

Position: FWA

MARC KORMAN
Legislative District 16
Montgomery County

MAJORITY LEADER

Appropriations Committee

Subcommittees

Capital Budget

Oversight Committee on Personnel

Chair, Transportation and the
Environment



The Maryland House of Delegates
6 Bladen Street, Room 350
Annapolis, Maryland 21401
410-841-3649 · 301-858-3649
800-492-7122 Ext. 3649
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 with Amendments

Thank you Mr. Chair, Mr. Vice Chair, and the members of the Environment and Transportation 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 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).

One of the recommendations of the bipartisan State Transparency and Accountability Reform (STAR) Commission for Maryland for quasi-governmental agencies 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 NWMDA.
- 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.

We will be submitting three amendments for your consideration. 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 NMWDA 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 NMWDA 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.

HB161-CarrollCoCommissioners-FWA.pdf

Uploaded by: Michael Fowler

Position: FWA

Board of County Commissioners

Edward C. Rothstein, President
Kenneth A. Kiler, Vice President
Thomas S. Gordon III
Michael R. Guerin
Joseph A. Vigliotti



Carroll County Government

225 North Center Street
Westminster, Maryland 21157
410-386-2043; 1-888-302-8978
fax 410-386-2485
MD Relay 711/800-735-2258

The Honorable Kumar P. Barve, Chair
House Environment and Transportation Committee
Room 251
Taylor House Office Building
6 Bladen Street
Annapolis MD 21401

Re: HB161 – Northeast Maryland Waste Disposal Authority – Evaluation and Determination of Bond Authority (Northeast Maryland Waste Disposal Authority Sunset Act) – **FAVORABLE w/Amendments**

Dear Delegate Barve and Members of the Committee,

As a member county of the Northeast Maryland Waste Disposal Authority (Authority) we write to raise several issues related to the bill's intent to merge the Authority into the Maryland Environmental Service (MES) and/or the Maryland Clean Energy Center (MCEC). Under its member support structure, the Authority provides a wide range of services to our county as we address such issues as waste diversion and disposal, recycling, associated project design and management, to name a few. We understand the conclusion of the State Transparency and Accountability Reform Commission recommending a consolidation with MES and recognize that conditions for an eventual dissolution of the Authority are contained in current statute. We concur with Maryland Association of Counties (MACo) proposed amendments and respectfully ask that the committee also consider the following recommendations as you deliberate on the bill.

Continuity of operations

The bill must ensure acceptable continuity of services such as contract and project management. For example, Carroll County has six contracts currently in place. Authority member counties must also be permitted to retain some or all existing contracts at their discretion. Authority staff retention is an important consideration as well, bringing experience and institutional knowledge of county operations.

Cost/benefit

The bill includes as part of the evaluation by DLS a determination of costs savings for members vs. non-members. The services provided by the Authority are supported by member fees. This fee is a predictable, recurring annual cost to our county and, in our view, a clear cost benefit. The required analysis of the Authority's services should include case studies using actual projects to determine how cost structures may change. Any changes resulting in increased costs to our county are obviously problematic.

Retaining county decision-making

In managing solid waste, counties must comply with state and federal law and regulations. The ability of counties to be the primary decision makers on how contracts are bid and managed should be retained by the counties.

(HB161 Cont'd)

(Proposed legislation to merge)

The direction to DLS to prepare legislation to affect a merger of the Authority into MES is premature given the bill also requires an evaluation of such a merger. DLS should submit their report to the designated committees and when the committees have received and analyzed the report, that would be the appropriate time to consider legislation to take any recommended action. Further, parties with a stake in the outcome, such as MES, should not participate in the evaluation or participate in peer-review of evaluation results, without the Authority also having ability to participate.

(Waste-to-energy projects (WTE))


Given that the bill's preamble makes it clear that WTE projects do not align with the state's environmental and energy goals, perhaps simply removing WTE projects from the Authority's scope and mission would suffice.


In closing, we believe the Authority to be a competent and cost-effective vehicle to assist us in meeting our solid waste and recycling obligations. Their membership model is particularly valuable as a predictable, annual recurring cost. We look forward to an outcome favorable to all.

We appreciate the opportunity to weigh in on the bill and we respectfully ask for consideration of our concerns by returning a report of Favorable with amendments.

Sincerely,

THE BOARD OF COUNTY COMMISSIONERS OF CARROLL COUNTY


Edward C. Rothstein (COL, Ret.)
President


Kenneth A. Kiler
Vice President


Thomas S. Gordon III


Michael R. Guerin


Joseph A. Vigliotti

HarfordCountyGovt_HB161_Oppose.pdf

Uploaded by: Genavieve Foley

Position: UNF

ROBERT G. CASSILLY
Harford County Executive



ROBERT S. McCORD
Director of Administration

February 6, 2023

Delegate Kumar Barve, Chair
Environment and Transportation Committee
251 Lowe House Office Building
6 Bladen Street
Annapolis, Maryland 21401

Re: Letter of Opposition on HB161 – Northeast Maryland Waste Disposal Authority –
Evaluation and Termination of Bond Authority

Dear Delegate Barve and Committee Members,

Harford County Government opposes House Bill 161. The proposed legislation would strip the Authority of its ability to issue bonds, require the Department of Legislative Services to evaluate and recommend whether the Authority should remain in existence, and require Maryland Environmental Service and the Maryland Clean Energy Center to determine how to divvy up the spoils left from dissolution of the Authority. Harford County has worked very well with both the Authority and with MES for the benefit of our citizens and recommend that both the Authority and MES continue to employ their unique capabilities in tandem to serve our needs.

The Authority provides services that other quasi-state agencies do not. The Authority enables member counties with access to specialized engineering and infrastructure services at a reasonable cost consistent with our County goals and objectives. The Authority also provides a voice for our County and acts in the interests of its members. HB 161 would significantly reduce the ability of member to receive legislative updates and advocate effectively on key legislative issues. MES cannot serve that role as its policy is to remain impartial.

For these reasons, Harford County respectfully requests that the Committee report unfavorably on HB 161.

Thank you.

Yours truly,



Robert G. Cassilly

Harford County Celebrates 250 Years ~ 1773-2023

HB 161_rholthaus_unfav.pdf

Uploaded by: Rhody Holthaus

Position: UNF



Bureau of Waste Management Services
2662 Riva Road, Suite 490
Annapolis, MD 21401

January 31, 2023

Delegate Kumar P. Barve, Chair
Environment and Transportation Committee
Maryland House of Delegates
Room 251
House Office Building
Annapolis, Maryland 21401

RE: House Bill 161, Northeast Maryland Waste Disposal Authority Sunset Act

Dear Delegate Barve:

The Northeast Maryland Waste Disposal Authority (Authority) is a member-funded, multi-county agency currently serving Anne Arundel, Baltimore, Carroll, Frederick, Harford, Howard, and Montgomery Counties, and Baltimore City. I have served as a Board Member representing Anne Arundel County since 2016.

In the case of Anne Arundel County and our Department of Public of Works, in recent years we have engaged the Authority to very successfully:

1. design, build and operate our EPA award-winning renewable electricity project developed in part with grant funding through the American Recovery and Reinvestment Act (ARRA) signed into law by President Barack Obama on February 17, 2009;
2. develop and secure an operating contract for the County's Tier 1 Composting Facility in Severn, saving our residents money and ensuring we control local recycling capacity to serve our collection programs; and
3. develop a regional contract for the disposal of non-processable, non-recyclable wastes in conjunction with Howard County, Maryland.

The Authority represents another tool in our management toolbox and complements the full-time merit employees, consultants, and contractors employed by Anne Arundel County to meet our obligations under Maryland law, regulations, the framework of our approved 10-Year Solid Waste Management Plan, and our own Plan2040 General Development Plan.

I respectfully request an unfavorable report on House Bill 161 from the Environment and Transportation Committee.

Sincerely,

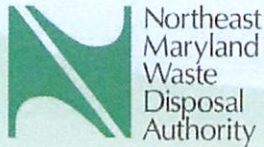
A handwritten signature in blue ink, appearing to read 'Rhody R. Holthaus'.

Rhody R. Holthaus, Deputy Director
Anne Arundel County Department of Public Works

Delegate Barve - HB161 - NMWDA 2-6-2023.pdf

Uploaded by: Andrew Kays

Position: INFO



February 6, 2023

The Honorable Kumar P. Barve, Chair
Environment and Transportation Committee
Taylor House Office Building, Room 251
6 Bladen Street
Annapolis, Maryland 21401

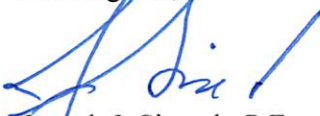
RE: House Bill 161 - Northeast Maryland Waste Disposal Authority – Evaluation and Termination of Bond Authority (Northeast Maryland Waste Disposal Authority Sunset Act)

Dear Delegate Barve 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 Environment and Transportation Committee

ADM1192488KLU.DOCX

410.333.2730 / 410.333.2721 fax / authority@nmwda.org
[nmwda.org / Business-to-Business Recycling: mdrecycles.org](http://nmwda.org/Business-to-Business-Recycling:mdrecycles.org)
Tower II – Suite 402, 100 S. Charles Street, Baltimore, MD 21201-2705

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

MEMBERS:

Rhody R. Holthaus, Anne Arundel County / Vacant, Baltimore City / D'Andrea L. Walker, Baltimore County / Clifford J. Engle, Carroll County
Phillip S. Harris, Frederick County / Joseph J. Siemek, Harford County / Mark A. DeLuca, Howard County / Guillermo Wainer, Montgomery County
Charles Glass, Maryland Environmental Service / Andrew Kays, Executive Director



HB 161 LOI.pdf

Uploaded by: Byron Tosi III

Position: INFO



Wes Moore GOVERNOR

Aruna Miller LT. GOVERNOR

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

February 8, 2023

The Honorable Kumar P. Barve, Chair
House Environment and Transportation Committee
Room 251
House Office Building
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 Chairman Barve,

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 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

HB0161-ET-LOI.pdf

Uploaded by: Nina Themelis

Position: INFO



BRANDON M. SCOTT
MAYOR

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

HB 161

February 8, 2023

TO: Members of the Environment & Transportation 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 Barve, Vice Chair Stein, 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.