

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 As we documented in the report *Beyond Incineration*¹, HDR used an outdated model that substantially underestimated the hazardous air pollutants and greenhouse gasses from incineration in comparison to landfilling.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