

Board of County Commissioners

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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


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