

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2010, Legislative Day No. 28

Bill No. 57-10

Introduced by Mr. Middlebrooks, Chairman
(by request of the County Executive)

By the County Council, July 6, 2010

Introduced and first read on July 6, 2010
Public Hearing set for and held on August 2, 2010
Bill AMENDED and VOTED ON August 2, 2010
Bill Expires October 9, 2010

By Order: Judy C. Holmes, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Millersville Landfill Gas to Energy Project

2
3 FOR the purpose of approving the Millersville Landfill Gas to Energy Agreement between
4 the Northeast Maryland Waste Disposal Authority and Anne Arundel County, Maryland
5 to provide for the design, construction, ownership, operation, and maintenance of a
6 Landfill Gas to Energy Project; approving the payment of certain costs associated with
7 the Project in accordance with the Agreement; authorizing the Authority to sell energy
8 generated by the Project for the benefit of the County; establishing the Energy Loan
9 Revolving Fund; providing for the payment of certain revenues into the Energy Loan
10 Revolving Fund; providing that the Energy Loan Revolving Fund shall be a special,
11 nonlapsing fund; specifying the purposes for which transfers may be made from the
12 Energy Loan Revolving Fund; and generally relating to the Agreement and the Energy
13 Loan Revolving Fund.

14
15 BY adding: § 4-11-116 (as amended by Bill No. 27-10)
16 Anne Arundel County Code (2005, as amended)

EXPLANATION: CAPITALS indicate new matter added to existing law.
[Brackets] indicate matter stricken from existing law.
Underlining indicates amendments to bill.
~~Strikeover~~ indicates matter stricken from bill by amendment.

1 WHEREAS, the Northeast Maryland Waste Disposal Authority (the “Authority”) is
2 an instrumentality of the State of Maryland created to assist with the preservation,
3 improvement, and management of the quality of air, land, and water resources and to
4 promote the health and welfare of the citizens of the State by providing dependable,
5 effective, and efficient disposal and management of waste, including energy recovery
6 from waste; and

7
8 WHEREAS, the County has requested that the Authority provide for the design,
9 construction, ownership, operation, and maintenance of a Landfill Gas to Energy
10 Project (the “Project”) located at the Millersville Landfill and Resource Recovery
11 Facility; and

12
13 WHEREAS, the County Council has received the Authority’s Notice of Intent, which
14 is Exhibit 1 of this Ordinance, which notice is a statutory requirement that must be
15 delivered by the Authority and received by the County Council to provide adequate
16 public notice prior to the construction, leasing or installation of the Landfill Gas to
17 Energy Project, pursuant to the Natural Resources Article, § 3-920, of the Annotated
18 Code of Maryland; and

19
20 WHEREAS, the County Executive has reviewed and approved the Authority’s
21 Notice of Intent; and

22
23 WHEREAS, the Authority and the County desire to enter into an Agreement under
24 which the Authority will be obligated to provide these services, which is Revised
25 Exhibit 2 of this Ordinance (the “Agreement”); and

26
27 WHEREAS, the conversion of landfill gas to electrical energy within the boundaries
28 of the County in the manner and upon the terms and conditions described in the
29 Agreement is in the best interests of the County; and

30
31 WHEREAS, the Authority intends to fulfill its obligations to the County by entering
32 into a Service Agreement with a single, qualified, private sector entity (the
33 “Contractor”); and

34
35 WHEREAS, the County will pay the Authority for certain costs incurred by the
36 Authority in providing services under the Service Agreement, including amounts
37 payable to the Contractor; and

38
39 WHEREAS, the Authority will sell all electricity, emission reduction credits, and
40 other environmental attributes generated by or attributable to the Project on the open
41 market and return such revenue to the County; and

42
43 WHEREAS, the net revenues to the County from the Project, after deduction of the
44 amounts payable to the Authority, debt service on the bonds issued to finance the
45 construction of the Project, and the cost of electricity at the Millersville Landfill and
46 Resource Recovery Facility, the Millersville Convenience Center, the Glen Burnie
47 Convenience Center, and the Sudley Convenience Center, will be divided such that

1 60% will be deposited into the Waste Collection Fund, and 40% will be deposited
2 into the Energy Loan Revolving Fund, a special non-lapsing fund; now therefore
3

4 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
5 That the Agreement, known as Revised Exhibit 2 of this Ordinance, incorporated herein by
6 reference as if fully set forth, is approved and adopted.
7

8 SECTION 2. *And be it further enacted,* That a copy of the Agreement shall be
9 permanently kept on file with the Administrative Officer to the County Council.
10

11 SECTION 3. *And be it further enacted,* That the County Executive or his authorized
12 designee is hereby authorized on behalf of the County to execute and deliver the Agreement
13 in substantially the same form hereby approved with (i) such changes in form or such
14 changes in content which do not materially adversely affect the interests of the County, and
15 (ii) such other changes as may be approved by resolution or resolutions of the County
16 Council.
17

18 SECTION 4. *And be it further enacted,* That the County is obligated under the
19 Agreement to pay the Authority in connection with the performance of its obligations under
20 the Agreement including (without limitations) costs of designing, constructing, owning,
21 operating, and maintaining the Project under the Agreement throughout the term of the
22 Agreement.
23

24 SECTION 5. *And be it further enacted,* That any net revenues to the County from the
25 Project, after deduction of the amounts payable to the Authority, debt service on the bonds
26 issued to finance the construction of the Project, and the cost of electricity at the Millersville
27 Landfill and Resource Recovery Facility, the Millersville Convenience Center, the Glen
28 Burnie Convenience Center, and the Sudley Convenience Center, shall be divided such that
29 sixty percent (60%) shall be deposited into the Waste Collection Fund and forty percent
30 (40%) shall be deposited into the Energy Loan Revolving Fund (the "Fund").
31

32 SECTION 6. *And be it further enacted,* That the County Council approves the Notice of
33 Intent of the Authority forwarded to the County Council, in substantially the form shown as
34 Exhibit 1 of this Ordinance which is incorporated herein by reference as if fully set forth.
35

36 SECTION 7. *And be it further enacted,* That Section(s) of the Anne Arundel County
37 Code (2005, as amended) (as amended by Bill No. 27-10) read as follows:
38

39 **ARTICLE 4 FINANCE, TAXATION, AND BUDGET**
40 **TITLE 11. BUDGET**
41

42 **4-11-116. Energy Loan Revolving Fund.**
43

44 (A) **Fund established.** THERE IS AN ENERGY LOAN REVOLVING FUND INTO WHICH
45 FORTY PERCENT (40%) OF THE NET REVENUES FROM THE MILLERSVILLE LANDFILL GAS TO
46 ENERGY PROJECT SHALL BE DEPOSITED. FOR THE PURPOSES OF THIS SECTION, "NET
47 REVENUES" MEANS THE REVENUE ATTRIBUTABLE TO THE SALE OF ELECTRICITY
48 GENERATED BY THE PROJECT AND THE SALE OF OTHER ATTRIBUTES OF THE PROJECT, LESS

1 THE AMOUNTS PAYABLE TO THE NORTHEAST MARYLAND WASTE DISPOSAL AUTHORITY,
2 DEBT SERVICE ON BONDS ISSUED TO FINANCE THE CONSTRUCTION OF THE PROJECT, THE
3 COST OF ELECTRICITY AT THE MILLERSVILLE LANDFILL AND RESOURCE RECOVERY
4 FACILITY, THE MILLERSVILLE CONVENIENCE CENTER, THE GLEN BURNIE CONVENIENCE
5 CENTER, AND THE SUDLEY CONVENIENCE CENTER.
6

7 (B) **Special fund.** THE ENERGY LOAN REVOLVING FUND IS A SPECIAL, NONLAPSING
8 FUND.
9

10 (C) **Purposes.** THE NET REVENUES PAID INTO THE ENERGY LOAN REVOLVING FUND
11 SHALL BE APPROPRIATED FOR COUNTYWIDE ENERGY EFFICIENCY AND CONSERVATION
12 PROJECTS.
13

14 (D) **Administration of the Fund.** THE PROJECTS FINANCED BY THE ENERGY LOAN
15 REVOLVING FUND SHALL BE ADMINISTERED BY ARUNDEL COMMUNITY DEVELOPMENT
16 SERVICES, INC. PURSUANT TO THE TERMS AND CONDITIONS OF AN THE ENERGY EFFICIENCY
17 AND CONSERVATION PROGRAM AGREEMENT BETWEEN THE COUNTY AND ARUNDEL
18 COMMUNITY DEVELOPMENT SERVICES, INC.
19

20 SECTION 8. *And be it further enacted,* That this Ordinance shall take effect 45 days
21 from the date it becomes law.

AMENDMENT ADOPTED: August 2, 2010

READ AND PASSED this 2nd day of August, 2010

By Order:

Judy C. Holmes
Administrative Officer

PRESENTED to the County Executive for his approval this 3rd day of August, 2010

Judy C. Holmes
Administrative Officer

APPROVED AND ENACTED this _____ day of August, 2010

JOHN R. LEOPOLD
County Executive

EFFECTIVE DATE: