

Resolution No.: 17-372  
Introduced: March 20, 2012  
Adopted: March 27, 2012

**COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND**

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By: County Council

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**SUBJECT:** Extension of Covanta Montgomery's Service Agreement for the RRF and Transfer Station

**Background**

1. In November 1990, the Northeast Maryland Waste Disposal Authority ("NMWDA") entered into a Waste Disposal Agreement with the County whereby NMWDA would procure the services of a company to design, engineer, construct and operate the waste-to-energy facility known as the Montgomery County Resource Recovery Facility and Transfer Station for the County.
2. NMWDA procured the services of Ogden Martin Systems, now Covanta Montgomery, Inc. ("Covanta"), and entered into a multi-year Service Agreement with Ogden Martin Systems, now Covanta Montgomery, Inc., in November 1990 for the design, construction, operation, and maintenance of the Resource Recovery Facility located in Dickerson, Maryland and the Transfer Station located in Derwood, Maryland.
3. The NMWDA is a body politic and corporate organized and existing under the laws of the State of Maryland.
4. Section 3-902 of the Natural Resources Article of the Annotated Code of Maryland provides that the NMWDA's purpose includes, but is not limited to, assisting certain political subdivisions of the State of Maryland in supplying adequate waste disposal facilities and the recovery of useable resources by providing a financial vehicle for such facilities.
5. The current term of the NMWDA Service Agreement expires on April 1, 2016, which is the 20<sup>th</sup> anniversary of the acceptance date, which can be renewed for two separate five (5) year extensions at the County's option.

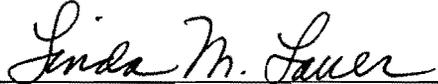
6. Section 5.2.1.2.c of the County's Comprehensive Solid Waste Management Plan states in pertinent part that: "The County must not approve, or allow to take effect, under either the Waste Disposal Agreement or Service Agreement, any material change in the capacity or operation ... of the facility or the transportation system unless the Director of DEP has submitted the change to the County Council.
7. The County Council believes it to be in the best interest of the County to exercise the first of two five (5) year extensions of the Service Agreement prior to its April 1, 2016 expiration.

**Action**

The County Council approves the following action:

The County shall exercise its option to enter into the first of two (2) separate five (5) year extensions with Covanta Montgomery.

This is a correct copy of Council action.

  
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Linda M. Lauer, Clerk of the Council