



TO: The Honorable Kumar P. Barve, Chair
Members, House Environment and Transportation Committee
The Honorable Stephanie Smith

FROM: Richard A. Tabuteau

DATE: February 26, 2020

RE: **OPPOSE** – House Bill 1032 – *Solid Waste Management – Refuse Disposal Systems – Incinerators, Scrap Tires, and Local Authority*

On behalf of Wheelabrator Baltimore, we submit this letter of **opposition** for House Bill 1032. House Bill 1032 prohibits the Department of the Environment (MDE) from issuing a permit to install, materially alter, or materially extend incinerators.

Passage of House Bill 1032 would ironically undermine engineering and technological improvements at waste-to-energy (WTE) facilities, some of which are required by regulation, that would significantly improve the facility's environmental impact. In December 2018, MDE issued regulations setting new NOx standards for WTE facilities. By regulation, Wheelabrator's NOx emissions limits were required to meet a 25% reduction by May 2019 resulting in the most stringent air quality standards for WTE facilities in the Mid-Atlantic region. Moreover, by May 2020, Wheelabrator is required to reduce its emissions even further. Furthermore, on January 1, 2020, Wheelabrator submitted a feasibility report to MDE describing the technologies and costs involved in reducing its emissions further.

House Bill 1032 remarkably prevents WTE facilities from enhancing air quality control systems. WTE facilities are required to receive MDE permits to (1) upgrade their air pollution control equipment to improve control of air emissions; (2) upgrade the recyclable metals recovery system to allow for improved recovery; and (3) modify operations and systems supporting operations such as processing and handling equipment of refuse and ash to improve operational efficiency. It is very concerning that this bill would seek to prohibit WTE facilities from making these continual environmental improvements.

House Bill 1032 also does not limit the authority of a political subdivision to regulate refuse disposal systems and solid waste. Baltimore City recently passed an ordinance, likely in violation of federal law, that impacts solid waste management in Baltimore City. Baltimore City has no current plan for managing its solid waste if Wheelabrator were to close nor has it identified the requisite funding for implementing its aspirational but under-developed zero waste plans.

For example, in a Fiscal Analysis produced by the City of Baltimore, if the City had to resort to landfilling, as a result of the forced closure of Wheelabrator, the cost would be **\$98.6 million** over seven years and a recurring cost going forward of **\$12.8 million annually**. Moreover, the Department of Public Works would need to immediately begin the process of expanding the City-owned Quarantine Road

Landfill (QRL), which is currently expected to reach full capacity by 2026, at an estimated cost of **\$99.7 million**. Because of the reduced compaction rate due to taking waste that would have gone to Wheelabrator, QRL would actually reach full capacity as early as 2024 even though the planned expansion of the landfill will likely not be ready to accept waste until 2026. Costs to the City to transport municipal waste out of Baltimore are not much better. That cost is estimated at **\$73.6 million** over six years, and a recurring cost going forward of **\$15.8 million annually**. These new landfilling and transportation costs to the City contrast dramatically to the **less than \$0 net cost** to the City to dispose municipal waste at Wheelabrator.

There are already a number of large unfunded mandates owed by Baltimore City that ultimately are paid or otherwise subsidized by all Maryland taxpayers. Solid waste management will likely be yet another one should the facility be forced to close.

As you consider House Bill 1032, we hope you will recognize that Wheelabrator provides affordable and dependable disposal services to the City and Baltimore County, while promoting and supporting recycling, diversion of waste from landfills and a reduction in greenhouse gases. We urge the House Environment and Transportation Committee to give House Bill 1032 an unfavorable report.

For more information call:

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