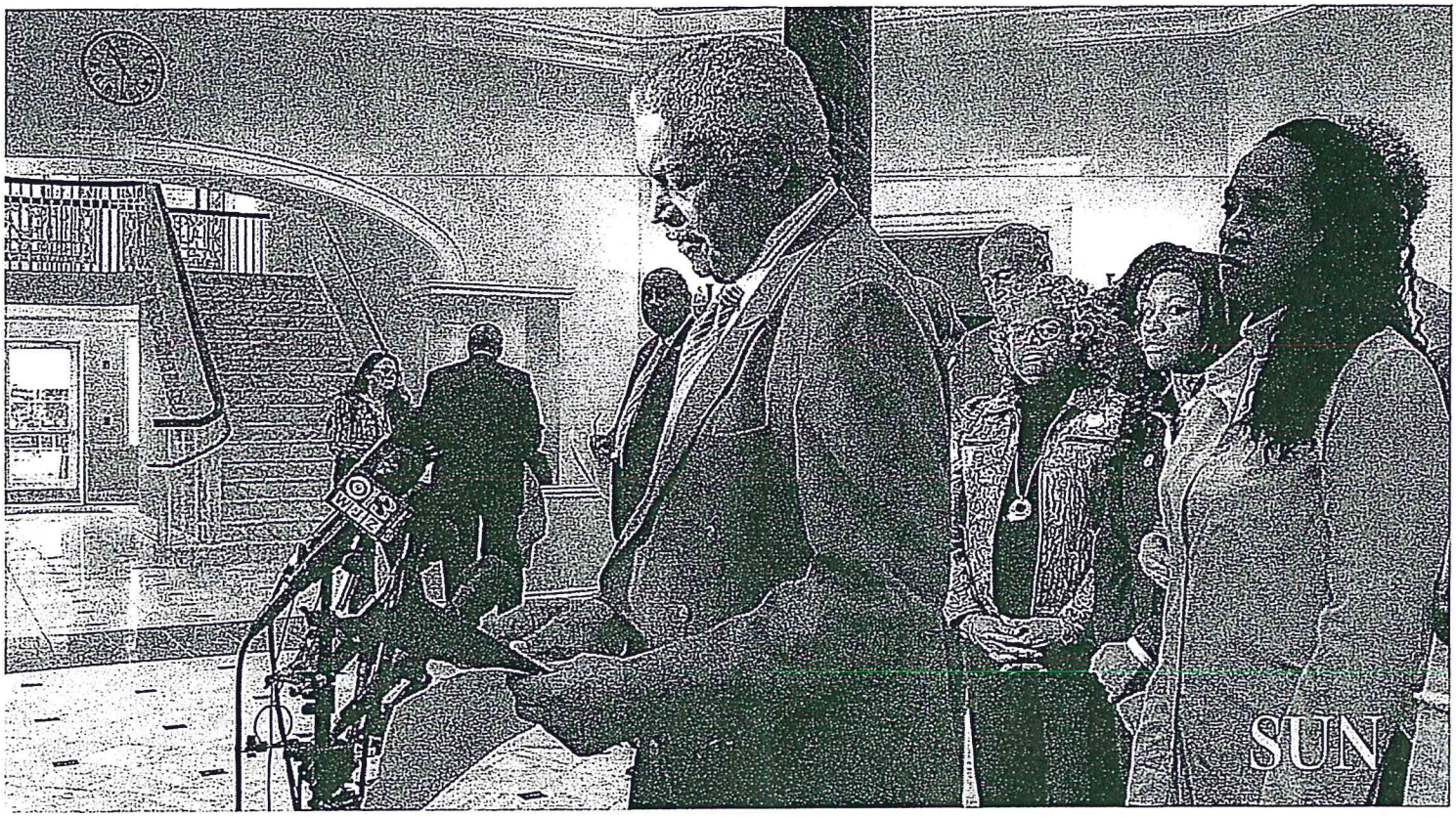
# Power struggle How a trash incinerator — Baltimore's biggest polluter — became 'green' energy




Dante Swinton, an organizer with The Energy Justice Network, leads college students on a "toxic tour" of polluting sites in Baltimore. The Energy Justice Network always starts the tour at the Wheelabrator incinerator, which was long known as BRESCO.

By **Scott Dance**
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A trash incinerator in Southwest Baltimore is the city's largest single source of air pollution. But a state law has nonetheless allowed it to collect roughly $10 million in subsidies over the past six years through a program intended to promote green energy.

Few commuters who pass the imposing white smokestack on Interstate 95 have any idea that the plant burns their household waste, that their electric bills help to maintain it, or that it releases thousands of pounds of greenhouse gases and toxic substances — carbon dioxide, hydrochloric acid, formaldehyde among them — into the air every year.

Wheelabrator Baltimore gets the subsidies because lawmakers agreed in 2011 to classify trash as one of the most environmentally friendly sources of renewable power, on par with wind energy.

The waste-to-energy industry helped write the legislation that awarded it the coveted renewable label that qualifies incinerators for the subsidies. Maryland is one of fewer than a dozen states to reward trash-burning in the same way as it does windmills.

Critics say that's just one example of how Maryland's renewable energy incentive program is like the federal tax code: It's full of breaks and handouts that might have made sense at one time, but have now grown out of control.

Some also question whether burning black liquor — a waste product from paper mills — should qualify as renewable energy eligible for money under the program. A paper mill in Western Maryland and others across the Southeastern United States have collected $60 million from Maryland's electricity ratepayers.

While there is broad support in Maryland and other states for building a clean and renewable energy supply, the debate shows disagreement over how to get there. Politicians generally support efforts to reduce the fossil fuel emissions that are causing the climate to change. But they have been unable to come to a consensus on just what should be counted as green energy.

Del. Jeff Waldstreicher has sponsored legislation to stop rewarding renewable but dirty fuels and focus on truly green energy.

"Each of these elements individually was well-intentioned when it was put in the renewable-portfolio standard," the Montgomery County Democrat says. "Cumulatively, we see it might not be as renewable as we originally thought."

Burning trash to create energy was once widely viewed as a savior, a technology that would make productive use of waste while reducing reliance on environmentally unfriendly landfills. The approach was endorsed by the U.S. Environmental Protection Agency under President Barack Obama. And Wheelabrator, the New Hampshire company that owns and operates the plant that overlooks Russell Street, emphasizes that it has met and exceeded hundreds of air quality standards.

"We work proactively and continuously to maintain a state-of-the-art facility," Wheelabrator spokeswoman Michelle Nadeau says. "Protecting public health and the environment is our highest priority."

But because the Baltimore incinerator is the source of so much of the city's pollution — it produced 82 percent of the sulfur dioxide and 64 percent of the nitrogen oxides emitted by smokestacks within city limits in 2014, according to the EPA — it is getting more scrutiny. Some want to cut its subsidies off.

State environmental officials are working with Wheelabrator to reduce the incinerator's emissions — they note that a comparable facility in Montgomery County produces less than half as much nitrogen oxide. Baltimore

City Council members are also exploring whether more can and should be done to reduce dependence on the incinerator and protect the community from its emissions.

And some residents are mobilizing to move Baltimore toward a "zero-waste" future — increasing recycling and composting to reduce the amount of garbage the city produces — in hopes of eventually cutting off the incinerator's fuel supply.

To Destiny Watford, that would be better than incineration, landfilling or any other option. The 22-year-old Curtis Bay woman began fighting air pollution when she was in high school.

It's not fair, she says, that there is even a debate about whether to burn trash in her community.

"That's environmental injustice — having to ask that question."

**Legacy of pollution**

The predominantly African-American neighborhoods along the western bank of the Patapsco River just south of downtown Baltimore are crisscrossed by major highways and scarred by industries that have left their toxic stamp on the environment. More than a dozen sites from Westport to Cherry Hill to Brooklyn have been declared Brownfields by the EPA. That means the soil has been saturated by decades of industrial activity, and cleanups have been ordered.

There has been so much pollution here that a local environmental group leads "toxic tours," taking college students from a playground often coated with coal dust to an incinerator that burns medical waste from across the eastern United States. The Energy Justice Network always starts at the Wheelabrator incinerator, which was long known as BRESCO.

Dante Swinton, an organizer with the group, recently showed the sights to dozens of students from Loyola University Maryland.

"Behind you is the city's largest polluter," he told them. The facility processes more than 700,000 tons of trash each year. It releases about 120 pounds of lead, 60 pounds of mercury, 99 tons of hydrochloric acid and 2 tons of formaldehyde, according to the Maryland Department of the Environment. It's Baltimore's chief source of each of those pollutants, according to EPA data.

For every ton of trash it burns, it emits about a ton of carbon dioxide, the chief greenhouse gas. It also generates steam that is used to heat and cool buildings across downtown. (It was that loop of steam pipes that exploded beneath Eutaw Street this summer.)

The incinerator opened in 1985. James Alston, who grew up in Westport, remembers watching it rise over his neighborhood.

It was one more smokestack in a neighborhood where everybody's parents put on their blue uniforms and walked to work in factories. Alston's father worked at St. Joseph Paper Co.; his mother worked for a succession of glass makers.

It wasn't until Alston was in his 30s, when he took a community college course on community activism and got involved in a neighborhood group, that Alston began to think about all the pollution that had surrounded him his whole life.

The average life expectancies for babies born to families in Cherry Hill, Curtis Bay and Brooklyn are all less than 70, according to the city health department, a decade less than the statewide average. In Westport, residents are more than twice as likely to die of lung cancer than those in the Guilford or Homeland neighborhoods of North Baltimore.

To be sure, those estimates are influenced by a multitude of factors. And it's difficult to link an individual cancer or illness directly to any one specific cause. But local groups believe the Wheelabrator incinerator is affecting the community's health. The Chesapeake Bay Foundation estimated this month that the facility's emissions cost Maryland $21.8 million in health care expenses annually.

Alston's father died of colon cancer 25 years ago. His mother died in 2014 after battling diabetes and the consequences of a stroke.

Wheelabrator officials say that the incinerator is "in full compliance with stringent state and federal air, water and solid waste regulations" and that its permits "have been maintained and renewed without exception."

But Alston wonders if incinerator pollution is to blame for cutting his parents' lives short — and what it might mean now for himself and his neighbors.

### Maneuvering in Annapolis

When the Wheelabrator facility was built in the 1980s, incineration was viewed as an environmentally friendly alternative to landfills. But by the time the state moved to offer renewable power a boost, its "green" luster had faded. So when the state subsidy program started in 2004, trash incinerators were ranked in a lower tier of renewable energy below wind, solar and geothermal power. In that lesser category, state lawmakers committed to providing incentives only through 2018.

But by 2011, industry officials and their lobbyists were arguing that waste-to-energy should be moved up to a higher tier, with wind and geothermal power.

If they could succeed in moving incinerators to that category, the facilities would qualify for millions of dollars in subsidies — money coming from ratepayers' electricity bills. Allies in the General Assembly introduced legislation to help them.

State Sen. Thomas "Mac" Middleton, the Charles County Democrat who chairs the chamber's finance committee, sponsored the Senate version. He was joined by colleagues including fellow Democrat Catherine Pugh, then a state senator, now Baltimore's mayor.

Middleton says he understands environmentalists' opposition to burning trash. But he says the state cannot rely on wind and solar alone to meet its energy needs.

His argument was buoyed by the EPA assessment that waste-to-energy plants are better for the environment than landfills. Landfills produce more methane, which is twice as potent a greenhouse gas as carbon dioxide.

"They studied it, and their research showed it should be a designated Tier 1 renewable energy source," Middleton said recently. "That's good enough for me."

At a March 2011 hearing of Middleton's committee, proponents argued that there will always be trash to burn, and offering renewable subsidies to incinerators could give the state an economic boost. At the time, there were three trash-to-energy incinerators in Maryland: the Wheelabrator Baltimore facility, the one in rural Montgomery County, and another in Aberdeen.

An agency that helps counties handle their refuse was working with Frederick County to build a fourth incinerator south of Frederick, and a New York-based power company was proposing a fifth, in the Fairfield area of South Baltimore. Supporters said each could bring hundreds of new jobs to the state.

Energy Answers International wanted to build an incinerator in Fairfield on the site of a shuttered chemical plant. The facility could qualify for subsidies from Maryland ratepayers if lawmakers added three words to the bill: "Refuse-derived fuel." That was the name of its main energy source, made from processed trash.

Legislators acquiesced.

Gov. Martin O'Malley's administration was among the bill's supporters, though it would separately come out against black liquor, the waste product burned by paper mills. The administration argued that it set back greenhouse reduction goals.

Kathy Magruder, executive director of Maryland Clean Energy Center, a state agency, argued that declaring trash a renewable resource would create "some tremendous opportunities" to meet the goals of growing the state's green energy supply, and its green work force.

When it came time to vote, that argument won out — narrowly.

With only three hours to go in the 2011 legislative session, then-state Sen. Brian E. Frosh pleaded with his colleagues to put the legislation on hold, a move that would have effectively killed it. The Montgomery County Democrat and his colleagues had advanced it on preliminary votes, but now he feared the measure would effectively diminish investment that might otherwise be made in wind and solar.

The Senate rejected his pleas and voted 24-20 to move trash up to the highest tier of renewable energy.

"I don't know if it just wasn't on anybody's radar or what," recalls Frosh, now the state's attorney general. "I thought we shouldn't have done it."

O'Malley signed the legislation in May 2011 after "careful deliberation," he said at the time. The question, he said, was not whether waste-to-energy generation is better for the environment than a coal plant or a landfill, but whether it was better than both of those evils in combination.

"The answer to that question is a qualified 'yes,'" he said in a statement announcing his decision.

It seemed a practical, environmentally friendly choice. But to those in the communities around the Baltimore incinerator, the decision seemed to ensure decades of more incinerator pollution — from that facility, and, potentially, the Energy Answers project, as well.

**Students rise up**

Destiny Watford had heard that Energy Answers planned to build its Fairfield incinerator within a mile of her school, Benjamin Franklin High School in Curtis Bay, and four miles from the Wheelabrator incinerator. But it wasn't until a class field trip to Center Stage in 2012, she says, that she fully understood the consequences it could have on her community.

The students saw "An Enemy of the People," a play written by Henrik Ibsen and adapted by Arthur Miller. A man realizes that the new medicinal spa that his town is clamoring for is actually contaminated. But when he attempts to expose the pollution, it is he who ends up being ostracized by his community.

The parallels were easy for Watford and her classmates to draw. With the help of the community activist group United Workers, they launched a campaign to stop the incinerator.

When the incinerator was seen as desirable, the Baltimore public school system and other institutions in the region agreed that they would buy energy from it. The commitments were supposed to make it easier for Energy Answers to secure the investment it needed to build the facility.

Now the students were demanding that the school district pull out of the deal. Watford and her classmates argued it would amount to subsidizing pollution of their community.

At a Baltimore school board meeting in 2014, students Audrey and Leah Rozier expressed their fears in a rap: "No more green, only buildings and all that I can see is landfills and / I'm disgusted, I can't believe we trusted the world but it's not too late to be adjusted."

In late 2015, the students staged a sit-in at the Maryland Department of the Environment, demanding it rescind a key permit for the incinerator project. Seven were arrested.

In March 2016, city officials who had once urged state lawmakers to offer subsidies to the proposed new incinerator canceled their agreements to buy its electricity. Then-Mayor Stephanie Rawlings-Blake said she still supported the project, but expressed frustration over delays.

Three months later, the Department of the Environment agreed that Energy Answers had violated its permit after construction on the project had stalled for more than 18 months.

Energy Answers did not respond to requests for comment on this article.

Company officials said in 2015 that the students' opposition was unfounded. They said the plant would have created 180 "green" jobs, and that it would have met or exceeded any emissions benchmarks.

"Their facts are not accurate," CEO Patrick F. Mahoney told The Baltimore Sun after the sit-in. "I just don't understand the objective of the protest."

But Energy Answers never built the project. To Watford, it was a victory.

"It was just this powerful demonstration of the potential of the people in the room," Watford says.

And she felt validated last year when she was named the North American recipient of the Goldman Environmental Prize, an international award for grassroots activists.

"The fact that I won acknowledges there's a deep-rooted problem in Baltimore," she says.

**Dangerous pollutants**

Emissions from the Wheelabrator incinerator consistently fall within state and federal guidelines. Now state regulators are in the process of reducing the incinerator's limits for one of its most dangerous pollutants.

The Department of the Environment is expected to tell the incinerator next year to reduce its output of nitrogen oxides by 13 percent, to 150 parts per million. Wheelabrator has agreed to comply.

Nitrogen oxides inflame lung tissue and cause or exacerbate breathing problems, particularly asthma. The particles and other pollutants are often too small to be filtered by the cilia in the upper airways. They make their way deep into the lungs, and eventually the bloodstream.

"It really escapes the body's ability to cleanse itself," said Dr. Gwen DuBois, a Baltimore internist who helps lead the group Chesapeake Physicians for Social Responsibility.

Research has shown that these pollutants can lead to heart disease, asthma, and even stroke, which contributed to the death of Alston's mother.

Wheelabrator officials say they continuously monitor environmental health and safety measures to ensure that their incinerator is complying with regulations and permits. They say they meet or exceed standards in more

than 800 different checks every day at the Baltimore facility.

Alston, now 48, lives in his parents' former home. From the front steps, he has a clear view of the Wheelabrator smokestack half a mile down the hill, billowing steam in front of the downtown skyline.

Alston says he can't believe that the plant is continuing to pump pollutants into the air that he and his neighbors breathe.

Wheelabrator officials say they're helping to improve air quality by reducing the use of fossil fuels to produce electricity and heat.

Alston is nonetheless infuriated over the state of his community's air.

"It's nothing short of environmental racism."

**Incinerator foes gear up**

Almost seven years after the industry push in Annapolis, some in the capital are ready to reverse the legislation that classified incinerators as green energy.

A coalition of environmental and public health groups is pitching legislation to grow Maryland's renewable energy supply, and it's also calling for ratepayer subsidies to trash incinerators to be phased out.

Others — led by the environmental group Food and Water Watch — are urging more aggressive measures in the legislative session that begins in January. Some want lawmakers to immediately eliminate renewable energy subsidies for any power-generating technology that produces carbon. Some want to shift the state's power supply entirely to renewable sources.

Middleton, the state senator, has shepherded consensus around renewable energy incentives since they were first created in 2004. He says the issue is too complicated to label incinerators as all bad. Wind and solar power are cleaner, he says, but they're less reliable. The supply of garbage, in contrast, is endless.

"We ought to be maximizing the energy generated from wind and solar," he said. "But you've got to look at the cost of it and also the practicality of it."

Opponents say incinerators are falling out of favor. Frederick County backed out of its plans for an incinerator in 2014 over concerns about costs. The Harford County facility closed last year after it lost Aberdeen Proving Ground as a client.

That leaves Wheelabrator Baltimore and the Montgomery County Resource Recovery Facility in Dickerson as the only two trash-to-energy incinerators in Maryland.

In the past year, the Montgomery County incinerator and another in Northern Virginia have been beset by fires that have raged for days.

The Montgomery County Council passed a resolution last month calling for the state to drop incinerators and other dirty energy sources from the renewable power supply, a move that would end the subsidies they receive.

But based on experience, lawmakers don't expect a simple debate in 2018. Last year, before the legislature voted to expand Maryland's renewable energy goal from 20 percent of the power supply by 2022 to 25 percent by 2020, the Senate came within one vote of amending the bill to end subsidies for trash incinerators.

State Sen. Michael Hough, the Republican who pushed the amendment, says he'll keep trying.

Hough, who represents Frederick and Carroll counties, says he can't believe the measure keeps failing in Democratic Maryland.

"One of the most progressive legislatures in the country shoots this thing down every year," he says.

**A community empowered**

In Westport and Curtis Bay, residents are hoping not just to end the subsidies to the Wheelabrator incinerator. They want to shut it down — and they believe they can.

To students at Benjamin Franklin High, all it might take are some recycling bins. When South Carolina native Liz Samuel moved to Baltimore last year, she was astonished by all the litter between her bus stop on Patapsco Avenue and her school. On neighborhood cleanup days organized by the students and United Workers, she and her classmates noticed that at least two thirds of the garbage they picked up could actually be recycled.

"There's nowhere to put it," the 17-year-old senior says. So she applied for a grant from a local community organization to place trash cans and recycling bins along the littered stretch. The more that goes to recycling, she says, the less there is to feed the incinerator.

Energy Justice Network is applying that concept to a pilot project across Westport and neighboring Lakeland and Mount Winans. Every week, volunteers are rolling around industrial scales to weigh the trash and recycling of homes participating in the pilot.

They hope that by showing that residents are shifting a significant amount of their waste from trash cans to recycling bins, they can convince City Hall it would be cost-effective to provide the recycling bins free citywide.

That's because the city is paying Wheelabrator $52 per ton to burn trash this year, according to a fee schedule that rises each year. But the city makes money selling the scrap metal recovered from trash and recycling -- about $20,000 a year, according to budget documents.

Opponents have packed hearings at the Department of the Environment's headquarters to call on regulators to be aggressive in reducing the incinerator's output of nitrogen oxides. And they have crowded City Council chambers as council members have passed non-binding resolutions to limit the incinerator pollution and to adopt a zero-waste plan for the city.

> “
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>
> — Greg Sawtell, an organizer with United Workers in Curtis Bay

Greg Sawtell, an organizer with United Workers in Curtis Bay, says he is seeing a community energized. “It’s like going from passive acceptance to active resistance,” he says.

Still, the region’s dependence on the incinerator complicates their fight. Wheelabrator officials stress that the incinerator “is an important part of Maryland’s environmental and energy infrastructure,” Nadeau said.

The facility processed nearly 723,000 tons of trash last year, and only 161,000 tons of it came from Baltimore City residents. The rest comes from outside the city, diverting waste that could otherwise end up in landfills across the state.

The South Baltimore activists are hoping their pressure can put the incinerator out of business nonetheless. They hope their chance will come in four years — under a contract the city approved in 2011, that’s how much longer Baltimore is locked into burning its trash at the incinerator.

If the environmentalists have their way, Swinton says, by then, it will be obsolete.

***About the series:***

*This project was supported with a grant from the Society of Environmental Journalists, a professional organization dedicated to increasing and improving coverage of environmental issues.*

***Read the first in the series:*** The Battle for Luke: A massive paper mill in a tiny town in Western Maryland has been ground zero for the debate over what should be considered green energy – and qualify for millions of dollars in subsidies.

***Read the third in the series:*** *Going Green: One wind farm project in Western Maryland is 16 years in the making but still battling community opposition, an example of the challenges that can arise as the green economy of the future becomes a reality.*

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