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Comments before Senate Education,
Energy, and the Environment
Committee

FAVORABLE

Senate Bill 590

Renewable Energy Portfolio Standard -
Eligible Sources – Alterations

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Good afternoon. My name is Mike Ewall, and I'm the founder and director of a national organization, Energy Justice Network. Energy Justice works at the local level with grassroots community groups in Maryland and the rest of the country to support efforts to promote zero waste, and to stop polluting and unnecessary energy and waste industry facilities, with a focus on ending waste incineration.

We emphatically support this legislation, and are the only group to have been speaking up against all of the dirty energy sources since before Maryland adopted the Renewable Portfolio Standard in the first place, two decades ago. We warned that it would be subsidizing polluters, and history has proved us right, as this policy has become a leading driver of support for dirty so-called "renewable" energy sources across many states, as far as Wisconsin and Tennessee. We were the first to put forth this legislation in 2016.

We applaud those of you who, in 2021, supported the bill to finally removing subsidies for burning the toxic "black liquor" from paper mills. Now it's time to finish the job of cleaning up this RPS law. Some high-level points to consider:

Trash incineration (a.k.a. "refuse-derived fuel" and "waste-to-energy")

- It's the [most expensive and polluting](#) way to manage waste or to make energy. It's dirtier than coal burning and worse than simply landfilling waste directly instead of turning it into air pollution and toxic ash before landfilling the ash. The latest EPA data shows that burning trash releases 65% more greenhouse gases than burning coal per unit of energy – clearly *not* a climate solution.
- [Montgomery County](#) has been consistently on record in support of removing incineration RECs, even though they benefit from them, as they get the windfall from the RECs at this publicly-owned incinerator. In fact, the county is actively planning to close the incinerator early.
- Baltimore City Council has passed unanimous resolutions in 2017 and 2019 in support of removing incineration RECs as well. Since Wheelabrator Baltimore is privately owned, and the city is already in a new long-term contract (and the last contract) with the incinerator, the city has nothing to lose by steering the millions of dollars away from the Australian-based holding company that owns and operates their incinerator, and letting those ratepayer funds go to wind and solar where they belong. In fact, Baltimore cannot meet their own climate goals without such a transition. Baltimore City's mayor is on record saying that the current contract to incinerator their waste is their last.
- The only other incinerator benefitting from the RPS is in Virginia. Covanta Fairfax is the largest facility getting credits from Maryland' ratepayers. They're the largest air polluter within at least 25 miles of DC, where much of their pollution blows right into Maryland. With Montgomery County and Baltimore City both aiming to move away from trash burning, why stay stuck on subsidizing this industry? For a polluter in Virginia?
- No one is building new incinerators. This industry is dying, and no new incinerator can be built in the U.S. due to intense community opposition and the incredible expense of such unnecessary machines.

Landfill gas

- 94% of the credits go out-of-state to landfills in eight other states.

- If incinerators are no longer to be subsidized, it's only fair that landfills not be subsidized, either.
- [Landfill gas](#) burning incentivizes mismanagement of landfills in ways that cause more gas to escape capture.
- Subsidizing landfills and incineration puts waste reduction at a competitive disadvantage, as no similar subsidies are flowing to waste reduction, reuse, recycling, composting, or back-end processing to stabilize waste prior to landfilling.

Biomass

- 97.3% of the RECs for biomass are going out-of-state, mostly to Virginia and North Carolina, to burn trees or paper mill waste that is categorized separately from black liquor and is still subsidizing many of the same 11 out-of-state paper mills that the legislature acted last year to stop supporting by banning black liquor from the RPS.
- Biomass burning is 50% worse than coal for the climate. It is [not carbon neutral](#), as it takes about 45 years for newly growing trees to suck up enough carbon to become equivalent to coal burning (which is still far from carbon neutrality, which is never reached).

Poultry litter

- Despite being in the MD RPS since the start, no [poultry waste incinerators](#) have been seriously proposed or built in the past 20 years since they started talking about it.
- About a dozen proposed poultry waste incinerators in the U.S. were stopped by communities who refused to accept them.
- The only commercial scale poultry waste incinerator built in the U.S. was Fibrominn in Benson, Minnesota. That facility illegally burned construction and demolition waste, and violated its air emissions limits from their very first year. Poultry waste burning is so expensive that Xcel Energy, the large power utility in Minnesota that was required to buy its power under a similar law, lobbied to get poultry waste incineration removed so that they could buy out the plant and town and [tear down](#) the plant, which they did in 2019. Xcel Energy pointed out that it was costing them [10 times more](#) to buy this power than to build new wind power.

Anaerobic Digestion

- [Anaerobic digestion](#) isn't a good idea, either. It's better to aerobically compost poultry litter, without creating the methane and risking methane leakage. Rates of methane leakage from farm digesters are high enough that the global warming impacts are worse than coal burning.
- 100% of the credits for "biogas" have been going out-of-state, all to Ohio until 2018, when DC, VA, and PA started to profit from Maryland's policy.
- In 2020, 88% went to the sewage treatment plant in DC, which doesn't need subsidies by Maryland ratepayers. The sewage treatment plant serves Maryland and isn't at risk of going away, nor are its digesters. Some Maryland residents already pay for it through their sewer bills.

All told, there is nothing worth protecting among these dirty energy sources. Please support Senate Bill 590 so that we can finally be done transitioning Maryland's RPS to one that is based solely on sources without smokestacks.