



Testimony Opposing HB1407
House Economic Matters Committee
February 29, 2024

Position: UNFAVORABLE

Dear Chair Wilson and Members of the Committee,

Clean Water Action respectfully urges you not to pass HB1407, which would prohibit counties from adopting zoning laws or other regulations that restrict or prohibit the construction or operation of energy generating systems or facilities that are defined as Tier 1 renewable energy sources.

Trash incineration, unfortunately, is currently classified as a Tier 1 renewable energy source. It is strongly in the public interest for local governments to be able to restrict or prohibit the construction of new trash incinerators, which are detrimental to the environment and public health. Local governments in Maryland benefit from being able to prevent construction of trash incinerators in residential areas or in close proximity to schools and public health facilities, for example.

Baltimore City's zoning code includes trash incinerators in the list of uses prohibited in all zoning districts in the city ([Baltimore City zoning code](#), pages 22-23). (This zoning code was adopted in 2017 so this provision did not apply to already-built incinerators within the City, including the BRESCO municipal waste incinerator which began operations in 1985.) Reversing Baltimore City's carefully deliberated decision to use its zoning code to prohibit the construction of any new trash incinerators would counteract the City government's wishes to preemptively protect its residents from potential new trash incinerators that may be proposed in the future.

Whether for directly harmful polluters like trash incinerators, or for those truly beneficial Tier 1 sources of energy that still require thoughtful land use planning like solar panels, local zoning codes are meaningful mechanisms for communities to protect themselves from polluters and identify the most beneficial locations for positive land uses. Blanket policies to promote all Tier 1 renewable energy resources can harm local communities' efforts to protect themselves from pollution so long as polluting facilities like trash incinerators remain defined as Tier 1 renewable energy sources. For these reasons, we urge the committee not to pass HB1407, and to revisit the definition of Tier 1 renewable energy sources to ensure that all such sources are beneficial for the communities they may be built in.

Sincerely,

Jennifer Kunze
Maryland Organizing Director
Clean Water Action
jkunze@cleanwater.org