

Baltimore City Council urges appeal of Baltimore Clean Air Act Ruling

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For more information - Anthony McCarthy:443-488-2043

(Baltimore, MD) In a unanimous vote on Monday, April 6, 2020 the Baltimore City Council adopted a resolution calling on the Baltimore City Law Department to appeal a March 27th federal court ruling that struck down the Baltimore Clean Air Act.

The Act, adopted unanimously in February 2019, was to go into effect this September. It would have forced the closure of the two large waste incinerators in the city unless they comply with modern requirements to monitor, disclose, and reduce their air pollution.

This law affects two waste incinerators: the Wheelabrator Baltimore and Curtis Bay Energy. Wheelabrator burns up to 2,250 tons per day of trash from the City, six Maryland Counties and seven other states. Curtis Bay Energy is the nation's largest medical waste incinerator and accepts medical waste from 20 states, DC, and Canada.

"We have safer alternatives right here in the city that can handle our waste," said Councilman Edward Reisinger (10th District) the lead sponsor of the resolution. "There is no need to burn trash or medical waste, especially if they refuse to meet modern emissions requirements," he added.

Neither incinerator has made efforts to try to comply with the law. Instead, they sued the city in April 2019, arguing that the law is illegal. Federal District Court Judge George Russell, III struck down the city law on the basis that it conflicts with state-issued air pollution permits by "prohibiting" and "criminalizing" the levels of pollution allowed under state regulations.

The council resolution cites state and federal laws that clearly authorize local governments to adopt clean air laws more protective than the state and federal minimums.

"The judge got it wrong. They're putting the lives of residents at risk while taking away the rights of Maryland cities and counties to protect our residents from unnecessary industrial air pollution," said Councilwoman Mary Pat Clarke (14th District).

"This is not a time to be protecting air polluters," said Mike Ewall, attorney with Energy Justice Network, an environmental group that campaigned for the Clean Air Act. "Wheelabrator has long been the city's largest air polluter, cutting lives short and hospitalizing people with asthma attacks and other respiratory illnesses. We're seeing an especially deadly combination of the pandemic, ongoing incinerator air pollution, health disparities, and people losing their health insurance with increased unemployment."

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