

Baltimore Clean Air Act

Frequently Asked Questions

There are still waste incinerators in Baltimore?

The Pulaski Road trash incinerator closed in 1998, the Energy Answers incinerator proposal was defeated in 2016, and 23 medical waste incinerators in the city were closed since 1995. However, the city is still home to Maryland's largest trash incinerator, and the nation's largest medical waste incinerator. Wheelabrator Baltimore burns up to 2,250 tons/day of trash from Baltimore City and Baltimore County, plus six other counties and Pennsylvania. Curtis Bay Energy burns about 70 tons/day of medical waste from 21 states plus DC and Canada.

Does Baltimore Need a Local Clean Air Act?

Baltimore City residents suffer from high rates of asthma. Asthma and other health problems in Baltimore are made worse by air pollution. Waste incinerators in our city unnecessarily add to levels of air pollution that are some of the worst in the nation. The Wheelabrator trash incinerator is responsible for 36% of the city's industrial air pollution, three times as bad as the city's next largest air polluter. They're Baltimore's #1 industrial air pollution source of mercury, lead, hydrochloric acid, sulfur dioxides, nitrogen oxides, and greenhouse gases.

It's the state's job to regulate air pollution... why don't we leave this up to the state?

If state were doing a strong enough job, Baltimore wouldn't have some of the deadliest air in the nation. The Maryland Department of the Environment (MDE) sets minimum standards for industry to meet, but state law leaves it up to local governments to be more protective where needed. A company can be in compliance with state regulations and still be a large air polluter that is unhealthy for city residents. State regulations are not strong enough, and monitoring for most pollutants is too infrequent (often one test per year).

But the state is currently acting to reduce incinerator pollution... isn't that enough?

MDE is currently working on a new standard for reducing one air pollutant – nitrogen oxides (NOx) – from one facility: the Wheelabrator Baltimore trash incinerator. This standard allows 3 times as much NOx pollution than the state permits from new trash incinerators. Exposure to NOx is associated with increases in heart disease, asthma attacks, and other respiratory illnesses. Wheelabrator is the city's largest NOx polluter, releasing 1,100 tons of NOx annually. The new rule would reduce this by just 200 tons, which would only reduce Wheelabrator's total share of Baltimore's industrial NOx emissions from 57% to 52%. Wheelabrator would still release 11 times more air pollutants than the next largest air polluter in our city.

Who supports the Baltimore Clean Air Act?

A growing list of local, regional and national groups including: American Lung Association, Baltimore Beyond Plastic, Baltimore Green Party, Chesapeake Physicians for Social Responsibility, Christ Church Harbor Apartments, Christ Lutheran Church, Communities United, Energy Justice Network, Food & Water Watch, Harbor Way East Condominium Association, Otterbein Community Association, Poverty & Race Research Action Council, Progressive Maryland, The Towers at Harbor Court, Sierra Club – Greater Baltimore Group, St. Ignatus Parish, and Urban Environmental Toxic Tour.

How does the Baltimore Clean Air Act Work?

Authority: the federal Clean Air Act¹ and Maryland state law² grants the power to Maryland local governments to adopt their own air pollution laws that are stricter than the state and federal minimums. Industrial air emissions data is already public information, but not routinely gathered, and not easily accessible. In 1991, EPA provided the authority under the Clean Air Act to make this information public.

What it does: The Act requires incinerators to do three things...

1. Use modern technology to continuously monitor 20 different air pollutants.

- Currently, only a few pollutants are tested this way, and none of the toxic ones.
- This is critical since the other pollutants are only tested once a year, under ideal operating conditions. For most pollutants, no one knows what is coming out each day, and no enforcement can be done if there is no monitoring.
 - Wheelabrator failed their annual mercury test and was fined in 2009. This is based on one test a year, and no one knows how many other days each year they may be in violation.
 - Dioxins are the most toxic human-made chemicals known to science, and mainly come from incinerators. They're tested just 6 hours a year. Continuous testing used in Europe has shown that actual dioxin emissions are 30-50 times higher than we think they are when just looking at annual stack tests.
 - Annual stack testing is like having a speed limit, but allowing drivers to drive with no speedometer, and just setting a speed trap once a year, while setting up signs warning 'speed trap ahead' to warn drivers to slow down... and letting the driver's brother run the speed trap (the companies do their own testing). In reality, smokestack facilities are 'speeding' many other days of the year, with excessive emissions during startup, shutdown and malfunction times, when testing is not done.

2. Disclose this pollution information on a public website, real-time, for all to see.

- Montgomery County does this for their trash incinerator (the only other one in the state). So does the newest trash incinerator in Canada (Durham York Energy Center).

3. Reduce air pollution

- Match North America's strictest standards for sulfur dioxide (SO₂) and mercury in 2020
- Match North America's strictest standards for dioxins and nitrogen oxides (NO_x) by 2022
 - The NO_x standard (45 ppm) is already being met by the newest incinerator in the U.S., in West Palm Beach, Florida, and is the same standard as was set by the Maryland Department of the Environment in air permits issued for Wheelabrator to meet at their proposed facility in Frederick, MD, and at the new Energy Answers incinerator planned for Curtis Bay – both of which were defeated by local opposition since 2014.
Baltimore City Council's Bill 17-0034R called on the state to set the same limit.
 - The mercury, dioxin and SO₂ standards match those being met at the newest trash incinerator in Canada, the Durham-York Energy Center in Ontario.

¹ 42 U.S.C. § 7416.

² Md. Environment Code § 2-104.

What companies would be affected?

The Act only applies to facilities capable of burning at least 25 tons a day of a solid fuel or waste. There are currently only two facilities in Baltimore – both of them large waste incinerators:

- **Wheelabrator Baltimore:**
 - Largest trash incinerator in Maryland and 10th largest in the U.S.
 - Burns up to 2,250 tons/day of trash, mostly from Baltimore City and County
 - Baltimore's largest air polluter by far
- **Curtis Bay Energy:**
 - Largest medical waste incinerator in the U.S., twice as large as the second largest
 - Burns up to 170 tons/day of medical waste from 21 states plus Canada
 - Ranks #13 among 80 industrial air polluters in Baltimore
- *NOTE: The nation's largest waste incinerator was almost built in Baltimore, Energy Answers, which would have burned up to 4,000 tons/day of trash, tires, wood waste and shredded cars. Should something like that threaten the city again, this Act would apply to them, too.*

Who pays for the equipment, website and enforcement?

The Act is designed to pass costs on to the polluters themselves. The city can also generate revenue from fines issued when incinerators fail to follow the emissions monitoring, disclosure and control requirements.

What does this mean for jobs in Baltimore?

Clean air is good for business! There are jobs created in meeting the Act's requirements at incinerators. Once pollution limits kick in and air pollution is reduced, health outcomes in the city can only improve, reducing asthma attacks, COPD, strokes, and other ailments that keep people from work and school. Should incinerators eventually close down instead of clean up, there are many more jobs in the alternatives. For municipal solid waste (trash), using the city's landfill provides nearly twice as many jobs as incineration, and 5-10 times as many jobs can be created through recycling and composting. Many more are created through reuse of the reusable materials that are discarded.

What are the Alternatives to Incineration?

Only 63% of Baltimore's trash goes to Wheelabrator. Another 20% goes to the city's Quarantine Road Landfill, along with the incinerator's ash (44% of which comes from burning waste from Baltimore County and elsewhere). At current dumping rates, Quarantine Road Landfill has room until 2026, and once expanded, will have room until 2052. The best option is for Baltimore to adopt a Zero Waste plan, as City Council called for in Council Bill 17-0022R, the Zero Waste resolution adopted on June 5th, 2017. Such a plan would have the city end the use of incineration and eventually divert at least 90% of its waste from landfill, by maximizing source reduction, reuse, recycling and composting. This would stretch the life of the landfill out tremendously.

Medical waste incineration is unnecessary and outdated, as non-burn alternatives have been adopted throughout the country. In 1988, EPA estimated that there were 6,200 medical waste incinerators in the U.S. Now there are fewer than 30, and the largest two of these are the burners at Curtis Bay Energy in Baltimore. In 1995, Baltimore had 23 other medical waste incinerators, all of which have been replaced.

Baltimore Clean Air Act Timeline:

- Within six months of passage: The Health Commissioner may begin to certify Air Monitoring Contractors that incinerator operators can hire to comply with the Act's monitoring and disclosure requirements.
- 18 months after passage (requirements on incinerators take effect):
 - Incinerators must start continuously monitoring 20 chemical air pollutants, and reporting that information to a public website. Historic smokestack test data must be loaded into the website as well.
 - Continuous monitoring data may be used by City to enforce compliance with any existing emissions limits in state permits, which are adopted by the City via the Act. Fines for violations go to the City.
 - Stricter air pollution limits on mercury and sulfur dioxides (SO₂) apply.
- 1/1/2022: Stricter air pollution limits on dioxins/furans and nitrogen oxides (NO_x) apply.