

**INTRODUCTORY\***  
**CITY OF BALTIMORE**  
**COUNCIL BILL \_\_\_\_\_**

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Introduced by: Councilmember Clarke, Councilmember Burnett, and Councilmember Reisinger

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A BILL ENTITLED

AN ORDINANCE concerning

**The Ban the Burn at Every Turn Act**

FOR the purpose of prohibiting Baltimore City from entering into contracts that would authorize the use of incinerators or waste-to-fuel facilities; and providing for a special effective date.

BY adding

Article 5 - Finance, Property, and Procurement  
Section 41-4  
Baltimore City Code  
(Edition 2000)

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**SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the Laws of Baltimore City read as follows:

**Baltimore City Code**

**Article 5. Finance, Property, and Procurement**

**Subtitle 41. Prohibited Contracts**

**§ 41-4. CONTRACTS FOR WASTE INCINERATION.**

(A) *DEFINITIONS.*

(1) *IN GENERAL.*

IN THIS SECTION, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

**EXPLANATION:** CAPITALS indicate matter added to existing law.  
[Brackets] indicate matter deleted from existing law.

\* **WARNING:** THIS IS AN UNOFFICIAL, INTRODUCTORY COPY OF THE BILL.  
THE OFFICIAL COPY CONSIDERED BY THE CITY COUNCIL IS THE FIRST READER COPY.

(2) *INCINERATOR; WASTE-TO-FUEL FACILITY.*

(I) *IN GENERAL.*

“INCINERATOR” OR “WASTE-TO-FUEL FACILITY” MEANS ANY FACILITY THAT DISPOSES OF OR PROCESSES WASTE, USES WASTE TO HEAT AN INDUSTRIAL PROCESS, OR USES WASTE TO PRODUCE ENERGY, AND ACCOMPLISHES THIS THROUGH:

- (A) THE COMBUSTION OF WASTE;
- (B) THE COMBUSTION OF GASES PRODUCED ON-SITE FROM THE BURNING, GASIFICATION, OR PYROLYSIS OF WASTE; OR
- (C) THE PRODUCTION OF A SOLID, LIQUID, OR GASEOUS FUEL PRODUCT, OR A COMBINATION OF TWO OR MORE TYPES OF FUEL PRODUCTS, THROUGH CONVERSION OF WASTE.

(II) *EXCLUSIONS.*

AN “INCINERATOR” OR “WASTE-TO-FUEL FACILITY” DOES NOT INCLUDE A LANDFILL, AN ANAEROBIC DIGESTER, OR ANY FACILITY THAT BURNS GAS FROM A LANDFILL OR AN ANAEROBIC DIGESTER UNLESS THE FACILITY ALSO BURNS WASTE.

(3) *WASTE.*

(I) *IN GENERAL.*

“WASTE” MEANS SOLID WASTE, AS DEFINED BY 42 U.S.C. § 6903(27).

(II) *INCLUSIONS.*

NOTWITHSTANDING SUBPARAGRAPH (I) OF THIS PARAGRAPH, “WASTE” ALSO MEANS:

- (A) SEWAGE SLUDGE OR BIOSOLIDS;
- (B) CONSTRUCTION AND DEMOLITION DEBRIS; AND
- (C) RECYCLABLE OR COMPOSTABLE MATERIALS.

(B) *CONTRACTS PROHIBITED.*

THE CITY OF BALTIMORE MAY NOT AWARD A CONTRACT FOR DISPOSAL OF WASTE WITH ANY ENTITY THAT USES OR ARRANGES FOR THE USE OF ANY INCINERATOR OR WASTE-TO-FUEL FACILITY LOCATED INSIDE OR OUTSIDE THE STATE OF MARYLAND.

(C) *CERTIFICATION.*

(1) *IN GENERAL.*

EACH CONTRACTOR FOR WASTE DISPOSAL FOR BALTIMORE CITY SHALL CERTIFY THAT NO WASTE WILL BE DELIVERED OR TRANSFERRED TO AN INCINERATOR OR WASTE-TO-FUEL FACILITY DURING THE TERM OF THE CONTRACT.

(2) *BREACH OF CONTRACT.*

WITHOUT AN EXEMPTION DESCRIBED IN SUBSECTION (D) OF THIS SECTION, IT SHALL BE A MATERIAL BREACH OF CONTRACT FOR ANY CONTRACTOR TO DELIVER OR TRANSFER WASTE TO AN INCINERATOR OR WASTE-TO-FUEL FACILITY IN VIOLATION OF ITS CERTIFICATION.

(D) *EXEMPTIONS.*

THE BOARD OF ESTIMATES MAY EXEMPT A CONTRACTOR FROM THE PROHIBITION SET FORTH IN SUBSECTION (B) OF THIS SECTION ON A SHOWING THAT STATE OR FEDERAL LAW REQUIRES A CERTAIN WASTE STREAM TO BE INCINERATED.

**SECTION 2. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

**SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the date it is enacted.