

Comments for Baltimore City / Northeast Maryland Waste Disposal Authority RFP Statement of Work

[Note: underlined comment headings indicate ones that are critical relevant to not supporting incineration.]

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Monday April 9, 2018

Dear Mr. Hammen,

We would like to first thank you for taking the time to review these notes and consider the amendments below on short notice, as we have much work to do to improve our beloved Charm City. Below are notes, comments and proposed amendments to the RFP released by the Northeast Maryland Waste Disposal Authority concerning Zero Waste planning in Baltimore City. We are a team of Zero Waste experts, consultants and environmentalists with decades of experience working in and with cities like Baltimore. We have come together to review the RFP and submit these comments and amendments to your team with the hope that you will amend this Statement of Work to reflect City policies and the concerns of Baltimore residents.

We are pleased that Baltimore City is actively pursuing the hiring of experts to draft a comprehensive “Master Plan” that will address the transition to Zero Waste. However, we are concerned that the Scope of Work is biased in favor of maintaining incineration, and other problematic directions, such as privatizing the city’s landfill. In order to get the right answers you must ask the right questions.

We are also concerned with the behavior and biases of the Northeast Maryland Waste Disposal Authority and their shortlisted consultants who will review (and be selected for) this RFP. The Authority has a decidedly pro-incinerator history and has refused to allow experienced Zero Waste consultants to be involved in consulting on this and related contracts. We implore Baltimore City to open this RFP to all Zero Waste consultants in the United States to ensure that a truly sustainable plan is developed.

All told, this call for extensive studying of what programs to do to reduce and divert waste from disposal is largely unnecessary. Many jurisdictions (including DC and Prince George’s County in recent years) have already thrown big dollars at consultants to come up with studies, many of which sit on a shelf and often recommend problematic “wolf-in-sheep’s-clothing” solutions due to the biases of the questions asked and the answerers. Baltimore City residents are not suffering for a lack of knowing what crucial steps are needed next. We are suffering for a lack

of leadership at DPW to proceed with those crucial next steps, and to ensure that they're financially supported by the City.

Should the City move forward with this RFP, we recommend the following amendments to ensure that the process follows the new directions that the City is trying to pursue, as expressed in multiple resolutions, and sustainability efforts.

o Page 1, After "Key Assumption" Paragraph:

■ Add the following paragraph:

- The City has adopted a Zero Waste resolution on June 5, 2017, as well as a Climate resolution, adopted June 19, 2017. These resolutions call for the development of a Zero Waste plan, and state that "Baltimore City will strive to disincentivize energy generation from incineration technologies, a source of greenhouse gases, and mitigate health harms associated with pollution from combustion," and that "Baltimore City will develop a solid waste management plan that will curtail the use of waste incineration, with the explicit aims of eliminating waste incineration and protecting the workers involved." All work done to develop this Master Plan must abide by these City directives by planning for an end to the use of incineration by 1/1/2022, and must strictly abide by the internationally peer-reviewed Zero Waste Hierarchy as codified by the Zero Waste International Alliance and used internationally as the basis for Zero Waste Facility Certification conducted by Green Business Certification Inc. The term "diversion," as used within, refers to methods that keep waste out of incinerators, landfills or other forms of destructive disposal by means of source reduction, reuse, recycling/material recovery, and composting.
- The term "diversion/recycling" used six times throughout the document, if the above language is added, can be replaced simply with "diversion."

o Page 1, Selection Criteria:

- The City and Authority are to review the proposals and select from the Authority's list of on-call consultants. One of the Authority's on-call consultants is GBB, Inc., a firm out of Fairfax, VA that is notorious for pushing incinerators. The City must not allow them to be hired. The Authority's list of on-call consultants does not include Zero Waste experts, as the Authority deliberately rejected a proposal by a team of Zero Waste expert consultant when building their list of on-call consultants. The Authority also prohibited one of their on-call consultants from hiring a leading Zero Waste expert to be part of their team, which says a lot. Its vital that the City push back on this and insist on NOT hiring incinerator-oriented consultants (true of GBB and others on their list), and on deliberating hiring Zero Waste experts who have experience developing comprehensive Zero Waste plans, like the team that developed the one for Austin, TX.
- **Amendment:** This effort is being procured by the Authority by requesting proposals from consultants nationwide, with special consideration paid to consultants specializing in Zero Waste efforts executed in other municipalities. The Authority and City will review

the proposals and make a selection based on the proposal that is most advantageous to the City. The Authority/City will select the Consultant based on the quality/experience of the firm/team proposed to complete the effort, the overall price, the Consultant's understanding of the scope and the ability to meet the proposed schedule.

o Public involvement:

- Page 1 states that a "Key Assumption" in the RFP is to seek input from citizens and environmental group leaders and for DPW to encourage meaningful discussion with stakeholders. The RFP ought to make it clear that the various required conference calls are open to the general public to listen in and to provide feedback in a suitable manner.
- Also, references to "citizens" should be changed to "city residents," since not all residents are citizens. For the process to be open to all residents, translation of documents and at meetings must be available in Spanish and any other languages commonly spoken by monolingual residents.

[Equal Access to Public Services—Individuals with Limited English Proficiency Act in 2002. Chapter 141 of Act 2002 requires State agencies to take reasonable steps to provide equal access to public services for Limited English Proficiency (LEP) individuals. Under the State law, State agencies are required to translate "vital documents" into the language spoken by LEP population that constitutes 3 percent of the overall population within the geographic area served by a local office. It also requires State agencies to provide LEP individuals with "oral language services." "Vital documents" are defined as informational materials, brochures, posters, applications for benefits, licenses, and other services, client notice of action, and other documents as each department deems necessary.]

o Throughout the RFP (10 occurrences):

- Amendment: "The Authority will ~~combine all Authority/City comments into one set of comments~~ separately present all comments by the City and the Authority, side-by-side where commenting on the same section, for each round of review."
- Note: So long as the Authority is economically and philosophically wed to incineration, and remains hostile to Zero Waste, the City and Authority should not share the same agenda, and the Authority should not be in a position to subsume the City's comments into theirs. The public should know what agenda is being advanced by the Authority where it differs from that of the City.

o Page 2, Task 0:

- The waste composition sort is unnecessary to spend money on at this time, as it doesn't matter if a certain material is 12% or 13% at the moment. However, this should be conducted periodically after major steps of a Zero Waste system are adopted, so that the "what's left" fractions can be tackled, starting with the largest remaining materials, to inform whether the city needs to enhance recovery efforts, ban certain problem materials, or seek more systemic solutions to get products taken back by manufacturers or redesigned. Any waste characterization study should include identifying reusable items, which are usually 5% of the waste stream, but usually worth as much as all of the

recyclables and compostables combined. It should also break down the materials into enough categories that the miscellaneous category is no more than 10% of the total.

○ Page 5, Task 3, Section 11:

■ Amendment: “11) BRESKO-the City’s contract and ~~its benefits by looking at the net cost of the disposal contract compared to other potential disposal outlets~~use of the facility and the measures needed to discontinue use of BRESKO upon the expiration of the current contract on 12/21/2021.”

■ Note: Current phrasing asks only for the direct economic benefits of BRESKO compared to other disposal methods thus ignoring all other impacts associated with the use of the incinerator. There are documented burdens Baltimore City bears from the use of BRESKO that would not be identified or addressed with the current phrasing, as only economic benefits are highlighted.

○ Page 6, Task 4:

■ Amendment: “The benchmarking will compare waste ~~generation~~disposal rates (per capita)... The benchmarking will include a brief discussion of "counting methodologies" that are used in other high diversion jurisdictions, and comparisons will be made based on the amount of waste sent to disposal (landfilling or incineration) per capita, with a definition of waste types standardized as much as possible, to ensure a true comparison of program metrics is accomplished. Waste or recyclables sent to landfill, even as alternative daily cover, shall be considered disposal, as should any waste or recyclables used as boiler fuel. Effort should be made to best characterize the amount of material sent to a recycling facility, but not actually ending up in recycling markets, so that this material that is not recycled is also properly counted as disposal if, in fact, it is disposed of.”

■ Note: simply noting the different counting methods isn’t sufficient. Comparisons ought to be made using standardized measures of actual tonnage sent to disposal per person to avoid the inflated recycling percentages that are common in Maryland and in other states.

○ Page 6, Task 5:

■ Amendment: “Task 5) Improvements to the current diversion/recycling system. The Consultant will conduct a cursory review of methods/ideas for increasing diversion and recycling in the City. The list of methods/ideas, at the minimum, will include those listed below. The purpose of the review is to identify programs and provide the anticipated amount of diversion/recycling, high level budgetary information for the cost to implement, the number of jobs created within City Government and in the private sector as well as the level of pay/benefits for such jobs and the environmental benefit as compared to disposal via landfilling or use of BRESKO. The environmental ~~benefits-~~analysis will look at compare life cycle GHG emissions reduction, as well as the dispersal of pollutants including NOx, SO2, particulate matter, dioxins/furans, acid gases, toxic metals, other toxic emissions, and smog formation⁶. One of the comparisons must evaluate the impact of all Zero Waste measures combined, following the Zero Waste Hierarchy, including the use of material recovery and biological treatment (MRBT) to

landfill with 60%, 75% and 90% diversion rates. The methodology implemented for life cycle GHG analysis will be reviewed with the DPW, and shall be available for public comment, prior to use by the Consultant. The review will also include contingency planning for unexpected events that would temporarily or permanently prevent the use of one of the main disposal locations. In any GHG analysis, biogenic carbon must be counted from both incineration and landfill emissions, and no discounts should be made based on assumptions of what sort of electricity production might be displaced."

- Note: This sort of study will be overly burdensome, as it asks to compare incineration and landfilling to over 20 program ideas listed in Task 5. It's pretty unnecessary, but if it's to be done, it ought to include the other sorts of emissions and not be limited to greenhouse gas (GHG) emissions. A 2017 analysis of DC's landfill vs. incineration options compared ten environmental measures, and GHG emissions were just one of the ten. Many of the GHG life cycle assessments make incinerators out to be better than landfills by selectively ignoring the "biogenic" half of their GHGs while counting all of the GHGs from landfills (which are all biogenic). Another common way that these analyses are skewed is by speculating that any electricity generation displaces coal, yet in Maryland, incineration competes directly with wind power as a renewable energy source.
- Page 7, Task 5, Idea 5:
 - Amendment: "5) Increased education efforts for waste reduction, ~~diversion~~, reuse, and recycling and composting..."
 - Note: need to include composting, but the word 'diversion' is redundant with all of these concepts and can be removed.
- Page 7, Task 5, Idea 14:
 - Amendment: "14) Anti-litter/more recycling/trash containers in public places, with recycling containers being larger than trash receptacles"
- Page 7, Task 5, Idea 15:
 - Amendment: "15) Bans on materials (plastic bags, polystyrene, PVC plastic, others)"
 - Note: PVC is the most toxic plastic, when created, used, and especially when burned. It should be a priority for phaseouts.
- Page 7, Task 5, Idea 16:
 - Amendment: "16) Explore the City's role to lead efforts for state-wide legislation for bottle deposit and Extended Producer Responsibility/Product Stewardship..."
 - Note: A bottle bill is one of the best drivers for increasing recycling, and is a type of Extended Producer Responsibility that should be explicitly supported if the City is to be urging state-wide legislation.
- Page 7, Task 5, Idea 18:
 - Amendment: "18) Incentives for waste producers to divert waste from ~~the landfill~~ disposal by following the Zero Waste Hierarchy."
 - Note: we don't just want to divert waste from landfilling (and thus potentially support incineration), but want to divert waste from disposal altogether through the best possible means in the hierarchy.
- Page 8, Task 6:

- Amendment: "...so that the DPW may narrow the focus of diversion/recycling activities that should be refined and used to develop an estimate of "What's Left" that will need to be disposed of via landfill, ~~the use of BRESKO, or other disposal options,~~ and provide projections of the waste stream for future planning including the building of Material Recovery Facilities. The planning period for the recycling/diversion improvements will be through 2040."
- Note: The wording suggests continued use of BRESKO until 2040. BRESKO must be seen as something to be phased out ASAP and the building of one or more Material Recovery Facilities (MRFs) must be an explicit goal of future waste disposal in Baltimore City.
- Page 9, Task 7, Options 1 through 6:
 - Amendments:

At a minimum, the Consultant will review and outline the following ~~options~~components:

- 1) ~~Construction of a new transfer station on the east side of the City to include a citizens drop-off area, disposal/transfer location for small haulers, transfer location for City collection vehicles (recycling and waste), commercial waste deliveries~~A Zero Waste program comprised of maximizing the recommendations evaluated in Task 5, following the Zero Waste Hierarchy.
- 2) ~~Long-haul transfer options for disposal out of City~~Establishment of curbside collection of food scraps and yard waste, and the development of a City-owned composting site within the City, as well as maximizing the use of backyard composting, and other decentralized composting efforts.
- 3) ~~Continued use of BRESKO~~The phasing out of the use of BRESKO, by December 31, 2021 or sooner.
- 4) ~~Other processing technologies such as mixed waste processing, solid recovered fuel production, gasification, etc~~Construction of new City-owned Material Recovery Facilities within the City.
- 5) ~~Maximizing use of Quarantine Road Landfill to include the following concepts: landfill mining, expansion, privatization, landfill rapid fill to generate instant funding from avoided disposal costs elsewhere, etc.~~Operating a City-owned Material Recovery and Biological Treatment facility, mechanically capturing additional recyclables, and stabilizing waste through aerobic composting or anaerobic digestion prior to landfilling at Quarantine Road Landfill.
- 6) ~~Analyze if a large portion of materials are diverted from the waste stream how that would impact disposal facilities such as BRESKO or a landfill. For example, if there are less organics and less recyclable material in the "What's Left" waste stream, how does that impact energy production, leachate and gas production, etc.? This could impact the economic feasibility for a facility.~~Analyze how to best extend the life of an expanded Quarantine Road Landfill after an expected 1/1/2022 closure of BRESKO with the ramping up of a full-blown Zero Waste system maximizing the solutions evaluated in Task

6, and using Material Recovery and Biological Treatment prior to landfilling.

- Note: These segments are clear that the consultant is to make a plan that will keep BRESCO in use into the foreseeable future, contrary to the plans and views of the Council, and the best interests of Baltimoreans. Expecting a 33-year-old incinerator to last another 22 years is massively unrealistic given that the typical life of an incinerator rarely exceeds 35-40 years. The first two points are only necessary if Baltimore plans to start dumping on other communities outside of the city, which is unnecessary since we're projected to have plenty of room at the city's public landfill (until 2052). We should not be subjecting other communities to our waste. Mixed waste processing means ending the practice of separating recyclables from trash and expecting machines to sort it all out, which results in less recycling and lower value. Solid recovered fuel production and gasification are merely new incineration schemes, with the latter being commercially unproven and monstrously expensive. Landfill mining is experimental and likely to expose the community to massive amount of toxic dust from incinerator ash buried there. An expansion of the landfill is already in the permitting process. Privatizing or rapidly filling up the city's landfill is against the public interest. No City money should be spent exploring these bad ideas.

○ Page 9, Task 7:

- Amendment: "The review will include budgetary costs (both capital and operating), timeline for implementation, siting requirements, ~~environmental benefits (lifecycle GHG benefits) compared to landfilling,~~ and a brief discussion related to operational or financial issues that may be experienced at the disposal location ~~should as~~ the waste stream continues to change with the implementation of the Master Plan."

- Note: This life cycle GHG accounting is redundant with Task 5. By asking for only the benefits compared to landfilling, the study will be biased to make incineration and other bad ideas look better than landfilling, even though they're worse. Typical lifecycle GHG analysis is biased in ways that will reinforce this misconception unless done responsibly. Both landfilling and incineration are awful for the climate (with incineration being worse). We already know this. Also, there are many impacts of incineration and landfilling other than GHG emissions. Studies already exist to prove that incineration is worse than landfilling, and that the best option for climate and other measures is a Zero Waste system, with Material Recovery and Biological Treatment prior to landfilling of residuals. There's no need to do new studies, but if they're done, they need to compare incineration and convention landfilling to the Zero Waste solutions set, and by many more measures than just GHG emissions, as our proposed amendments to Task 5 would ensure. As it stands, it just asks for a comparison to conventional landfilling in an effort to justify more burning.

○ Page 9, Task 8:

- Amendment: "The funding discussion must also take into account the changes in the revenue streams ~~if~~when BRESCO is shuttered, as well as options for private investment (i.e., P3 arrangements). This should also consider collaborative efforts with non-profit organizations."

- Page 10, Tasks 8 and 9:
 - Amendment: “The ~~City~~ Authority will pay for any media posting.”
 - Note: The City pays the Authority about \$400,000 a year on top of any profits the Authority makes through its incinerator contracts. They can afford to pay for the advertising, and especially ought to if they’re barring Zero Waste experts and limiting the eligible consultants for the RFP to their incinerator-friendly consultant list.

In conclusion we would like to thank you again for taking the time to review these comments and we thank you in advance for any amendments and adjustments you may chose to make to the RFP in light of this letter. We would are inspired by the progressive moves made by Baltimore City and are happy to support this work for the benefit of us all.

Best wishes,

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