

Agencies

<input checked="" type="checkbox"/> Department of Public Works	<input type="checkbox"/> Baltimore City Public School System
<input type="checkbox"/> Department of Real Estate	<input type="checkbox"/> Baltimore Development Corporation
<input type="checkbox"/> Department of Recreation and Parks	<input checked="" type="checkbox"/> City Solicitor
<input type="checkbox"/> Department of Transportation	<input type="checkbox"/> Comptroller's Office
<input type="checkbox"/> Fire Department	<input type="checkbox"/> Department of Audits
<input checked="" type="checkbox"/> Health Department	<input type="checkbox"/> Department of Finance
<input type="checkbox"/> Mayor's Office of Employment Development	<input type="checkbox"/> Department of General Services
<input type="checkbox"/> Mayor's Office of Human Services	<input checked="" type="checkbox"/> Department of Housing and Community Development
<input type="checkbox"/> Mayor's Office of Information Technology	<input type="checkbox"/> Department of Human Resources
<input type="checkbox"/> Office of the Mayor	<input type="checkbox"/> Department of Planning
<input type="checkbox"/> Police Department	<input type="checkbox"/> Other: _____
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Boards and Commissions

<input type="checkbox"/> Environmental Control Board	<input type="checkbox"/> Board of Estimates
<input type="checkbox"/> Fire & Police Employees' Retirement System	<input type="checkbox"/> Board of Ethics
<input type="checkbox"/> Labor Commissioner	<input type="checkbox"/> Board of Municipal and Zoning Appeals
<input type="checkbox"/> Parking Authority Board	<input type="checkbox"/> Comm. for Historical and Architectural Preservation
<input type="checkbox"/> Planning Commission	<input type="checkbox"/> Commission on Sustainability
<input type="checkbox"/> Wage Commission	<input type="checkbox"/> Employees' Retirement System
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Council Bill 17-0034R

1 The Maryland Department of the Environment is in the process of developing regulations that
2 will establish new NOx emission limits for Maryland's two municipal solid waste incinerators,
3 including the Wheelabrator incinerator in Baltimore. These regulations are part of an air quality
4 plan that Maryland must submit to the EPA under the federal Clean Air Act to show that the state
5 is making progress toward attaining federal ozone standards.

6 The new NOx limits established under this rulemaking must, at minimum, meet a standard
7 called Reasonably Available Control Technology ("RACT"). The RACT standard is defined as
8 "the lowest emissions limit that a particular source is capable of meeting by the application of
9 control technology that is reasonably available considering technological and economic
10 feasibility."

11 MDE may not set NOx emission limits that are weaker and less health-protective than the
12 RACT standard. However, MDE has the authority to set NOx emission limits that are stronger
13 and more protective of health than the RACT standard.

14 Short-term emission limits for incinerators are expressed in parts per million by volume dry
15 at 7% oxygen (hereinafter "ppm"). The limit is frequently assessed based on a 24-hour average.
16 A NOx limit of 150 ppm on a 24-hour basis has been adopted as the RACT standard for
17 municipal solid waste incinerators by the states of Connecticut and New Jersey and has been
18 proposed for adoption in Massachusetts. New Jersey allows facility operators to seek an
19 exception in the form of an alternate limit.

20 Around 2009, the operator of Maryland's second municipal solid waste incinerator, the
21 Montgomery County Resource Recovery Facility ("MCRRF"), voluntarily installed new NOx
22 pollution controls on that incinerator that reduced its NOx emissions by about half. From 2013
23 through 2015, MCRRF's annual average NOx emissions were about 85 to 89 ppm on a 24-hour
24 basis.

25 The Wheelabrator Baltimore's annual average NOx emissions from 2013 through 2015 were
26 162 to 169 ppm on a 24-hour basis. Its current NOx emissions limit is 205 ppm. Wheelabrator
27 Baltimore, L.P. has proposed that Maryland set a new NOx emissions limit of 170 ppm for the
28 Baltimore incinerator. According to the most recent calculations by the Maryland Department of
29 the Environment, this would reduce annual NOx emissions from the Baltimore incinerator by 60
30 tons per year.

31 The Council requests that the Maryland Department of the Environment use its legal
32 authority to go beyond the RACT standard in order to set a nitrogen oxides limit of 45 ppm on a
33 24-hour basis, which is the limit that would likely be set for a new incinerator.

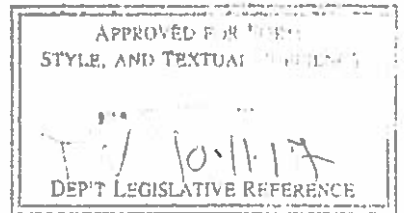
34 The Baltimore incinerator receives financial benefits because it is treated as a Tier 1 source of
35 renewable energy under Maryland's Renewable Portfolio Standard. Under this program,
36 Marylanders are supposed to reap benefits from renewable energy resources that include
37 long-term decreased emissions and a healthier environment.

38 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BALTIMORE,** That the
39 Council urges the Maryland Department of the Environment to set a nitrogen oxides pollution
40 limit for the Wheelabrator Baltimore incinerator that is no higher than the 150 ppm standard on a
41 24-hour average that has been adopted by Connecticut and New Jersey and proposed in

Council Bill 17-0034R

1 Massachusetts, or, if at all possible, significantly lower than 150 ppm in order to provide
2 maximum air quality benefits to residents of Baltimore.

3 **AND BE IT FURTHER RESOLVED,** That a copy of this Resolution be sent to the Governor, the
4 Secretary of the Maryland Department of the Environment, the Director of the Air and Radiation
5 Management Administration, the Division Chief of the Air Quality Regulations Division, the
6 Mayor, and the Mayor's Legislative Liaison to the City Council.



AMENDMENTS TO COUNCIL BILL 17-0034R
(1st Reader Copy)

By: The Housing and Urban Affairs Committee
{To be offered on the Council Floor}

Amendment No. 1

On page 2, after line 27, insert:

“The Council requests that the Maryland Department of the Environment use its legal authority to go beyond the RACT standard in order to set a nitrogen oxides limit of 45 ppm on a 24-hour basis, which is the limit that would likely be set for a new incinerator.”

ADOPTED

BALTIMORE CITY COUNCIL
Housing And Urban Affairs Committee
VOTING RECORD

DATE: 9-28-17

BILL#CC: 17- 0034R BILL TITLE: Resolution – Request for State Action – Set a Strong Nitrogen Oxides Limit for the Wheelabrator Baltimore Incinerator

MOTION BY: HENRY SECONDED BY: DORSEY

FAVORABLE

FAVORABLE WITH AMENDMENTS

UNFAVORABLE

WITHOUT RECOMMENDATION

NAME	YEAS	NAYS	ABSENT	ABSTAIN
Bullock, J. Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Schleifer, I. Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Burnett, K.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Henry, B.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sneed ,S.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cohen, Z	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dorsey, R.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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TOTALS	7	0		


CHAIRPERSON: [Signature]

COMMITTEE STAFF: Richard G. Krummerich, Initials: [Initials]

The Baltimore City Department of
HOUSING & COMMUNITY
DEVELOPMENT

MEMORANDUM

To: The Honorable President and Members of the Baltimore City Council
c/o Natawna Austin, Executive Secretary

From: Michael Braverman, Housing Commissioner 

Date: September 21, 2017

Re: City Council Bill 17-0034R - for Request for State Action – Set a Strong Nitrogen Oxides
Limit for the Wheelabrator Baltimore Incinerator

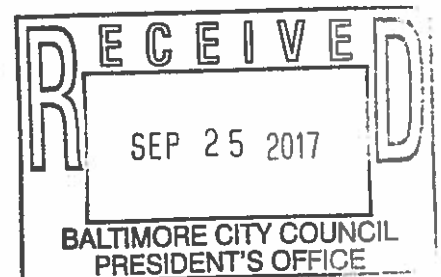
The Department of Housing and Community Development (HCD) has reviewed City Council Bill 17-0034R, for the purpose of urging the Maryland Department of the Environment to set a nitrogen oxides pollution limit for the Wheelabrator Baltimore incinerator that is no higher than the 150 ppm standard on a 24-hour average that has been adopted by Connecticut and New Jersey and proposed in Massachusetts, or, if at all possible, significantly lower than 150 ppm in order to provide maximum air quality benefits to residents of Baltimore.

If enacted, the City would request that the Maryland Department of the Environment set pollution limits on nitrogen oxides from the Baltimore incinerator to assist with improving air quality.



The Department of Housing and Community Development supports the passage of City Council Bill 17-0034R.

MB:sd

cc: Ms. Karen Stokes, *Mayor's Office of Government Relations*
Mr. Kyron Banks, *Mayor's Office of Government Relations*





F R O M	Name & Title	Dr. Leana Wen 	Health Department MEMO	
	Agency Name & Address	Health Department 1001 E. Fayette Street Baltimore, Maryland 21201		
	Subject	17-0034R – Request for State Action – Set a Strong Nitrogen Oxides Limit for the Wheelabrator Baltimore Incinerator		

To: President and Members
of the City Council
c/o 409 City Hall


Sept. 21, 2017

The Baltimore City Health Department (BCHD) is pleased to have the opportunity to review 17-0034R – Request for State Action – Set a Strong Nitrogen Oxides Limit for the Wheelabrator Baltimore Incinerator. The purpose of this resolution is to call upon the Maryland Department of the Environment (MDE) to set stronger limits for the emissions of nitrogen oxide (NO₂) for the Wheelabrator.

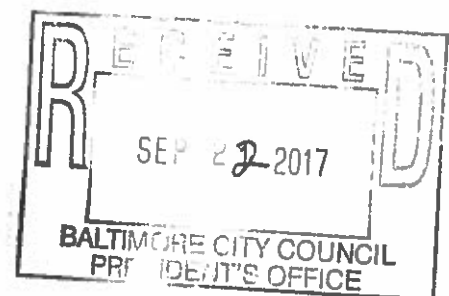
The resolution will not impact BCHD operations, as BCHD does not enforce the standards being recommended for reduction. The positive impact of MDE reducing allowable NO₂ emissions for those living in the immediate area is difficult to measure. However, the Environmental Protection Agency's (EPA) recent Integrated Science Assessment (ISA) for Oxides of Nitrogen – Health Criteria (Final Report, 2016) serves to strengthen the cumulative body of evidence that indicates that short-term exposure to NO₂ can cause respiratory effects. In particular, these effects are related to asthma exacerbation, a disease that impacts Baltimore's children disproportionately.

Baltimore City suffers from high rates of asthma. The state Department of Health and Mental Hygiene reports 12.4% of Baltimore City adults have asthma, four points higher than the statewide average. Moreover, 1 in 5 children under the age of 18 in Baltimore City suffer from asthma, double the national average. These high rates lead to large losses of productivity through missed school and work days. Reduced air pollution realized through a Zero Waste plan could help the city lower its asthma rates.

BCHD appreciates the opportunity to review issues connected to NO₂ emissions at this informational hearings, and to provide information on the potential health benefits of lower emissions.


Leana S. Wen, M.D., M.Sc.
Commissioner of Health
Baltimore City

Comments



CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



DEPARTMENT OF LAW

101 City Hall
Baltimore, Maryland 21202

July 27, 2017

The Honorable President and Members
of the Baltimore City Council
Attn: Executive Secretary
Room 409, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

Re: City Council Bill 17-0034R – Request for State Action – Set a Strong
Nitrogen Oxides Limit for the Wheelabrator Baltimore Incinerator

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 17-0034R for form and legal sufficiency. This resolution calls on the Maryland Department of the Environment to set certain limits for Nitrogen Oxides at the Baltimore Incinerator.

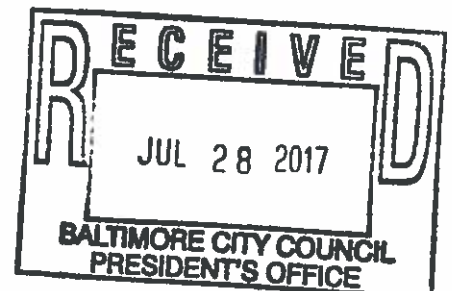
A resolution is an appropriate way for the City Council of Baltimore to request action from a state agency. *See, e.g., Inlet Assocs. v. Assateague House Condominium*, 313 Md. 413, 428 (1988). Therefore, the Law Department approves this Resolution for form and legal sufficiency.

Very truly yours,

Hilary Ruley
Chief Solicitor

cc: David E. Ralph, Acting City Solicitor
Karen Stokes, Director, Mayor's Office of Government Relations
Kyron Banks, Mayor's Legislative Liaison
Elena DiPietro, Chief Solicitor, General Counsel Division
Victor Tervalá, Chief Solicitor
Jennifer Landis, Assistant Solicitor

F





HEARING NOTES

City Council Resolution: CC-17-0034R

Request for State Action - Set a Strong Nitrogen Oxide Limit for the Wheelabrator Baltimore Incinerator

Committee: Housing and Urban Affairs
Chaired By: Councilmember John Bullock

Hearing Date: September 28, 2017
Time (Beginning): 2:15 PM
Time (Ending): 4:20 PM
Location: Clarence "Du" Burns Chamber
Total Attendance: 70
Committee Members in Attendance:
John Bullock Zeke Cohen
Isaac "Yitzy" Schleifer Ryan Dorsey
Kristerfer Burnett
Bill Henry
Sharon Sneed

Bill Synopsis in the file? yes no n/a
Attendance sheet in the file? yes no n/a
Agency reports read? yes no n/a
Hearing televised or audio-digitally recorded? yes no n/a
Certification of advertising/posting notices in the file? yes no n/a
Evidence of notification to property owners? yes no n/a
Final vote taken at this hearing? yes no n/a
Motioned by: **Councilmember Henry**
Seconded by: **Councilmember Dorsey**
Final Vote: **Fav. with Amendments**

Major Speakers

(This is not an attendance record.)

- Marcia Collins - Department of Public Works
- Gwen DuBois - Physicians for Social Responsibility
- Michael Dougherty - Wheelabrator



CITY OF BALTIMORE CITY COUNCIL HEARING AT

Committee: * Housing and Urban Affairs

Date: September 28, 2017

Time: 2:15 PM

Subject: * - Resolution - Request for State Action - Set a Strong Nitrogen Oxide Incinerator

PLEASE PRINT

IF YOU WANT TO TESTIFY PLEASE

FIRST NAME	LAST NAME	ST. #	ADDRESS/ORGANIZATION
John	Doe	100	North Charles Street
Gwen	DuBois		Physcom Co (Soo Road)
Dante Stanton	Swinton		Energy Justice Net
Rodette Jones	Jones		Un. Kd Workers
Taylor Smith	Smith-Hawms		Chesapeake Climate Action
Jennifer	Kearse		Clean Water Act
Kern	Krescher		Serra Club
Andy	Hinz	1427 Ave	City 201
Neil	Selgman		First forgrad Se
Michael	Dougherty		Wholesale water
Maria	Collins		SPB

CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



OFFICE OF COUNCIL SERVICES

LARRY E. GREENE, Director
415 City Hall, 100 N. Holliday Street
Baltimore, Maryland 21202
410-396-7215 / Fax: 410-545-7596
email: larry.greene@baltimorecity.gov

BILL SYNOPSIS

Committee: Housing and Urban Affairs

City Council Resolution CC 17-0034R

Request for State Action – Set a Strong Nitrogen Oxides Limit for the Wheelabrator Baltimore Incinerator

Sponsor: Councilmember Reisinger, et al

Introduced: July 17, 2017

Purpose:

For the purpose of urging the Maryland Department of the Environment to set a nitrogen oxides pollution limit for the Wheelabrator Baltimore incinerator that is no higher than the 150 ppm standard on a 24 hour average that has been adopted by Connecticut and New Jersey and proposed in Massachusetts, or, if at all possible, significantly lower than 150 ppm in order to provide maximum air quality benefits to residents of Baltimore.

Effective: Upon enactment

Hearing Date/Time/Location: September 28, 2017 at 2:15 PM in the Council Chambers

Agency Reports

Department of Law

Favorable

Health Department

Comments

Department of Housing and Community Development

Favorable

Department of Public Works



Analysis

Current Law

None

Background

The Wheelabrator Incinerator is located at 1801 Annapolis Road in the Westport neighborhood in the Southern Portion of Baltimore City. It was constructed in 1985 and has been operated by several owners. It has a primary function of converting trash to energy.

The facility produces nitrogen oxides (NOx) which are considered by many authorities to be a major health hazard.

State Regulations limit NOx emissions to 205 Parts per million (ppm). In inspections between 2013 and 2015 the facility showed emissions 162-169 ppm. Recent literature suggests this is an unhealthy level.

CC 17-0034R calls on The Maryland Department of the Environment to set a limit on NOx emissions at no more than 150 ppm.

Additional Information

Fiscal Note: Not Available

Information Source(s): Bill File

Analysis by: Richard G. Krummerich *RK* Direct Inquiries to: 410-396-1266
Analysis Date: 9-26-17

**CITY OF BALTIMORE
COUNCIL BILL 17-0034R
(Resolution)**

Introduced by: Councilmembers Reisinger, Clarke, Henry, Pinkett, Scott, Costello, President
Young, Councilmembers Cohen, Middleton, Stokes, Dorsey, Burnett, Sneed, Bullock

Introduced and read first time: July 17, 2017

Assigned to: Housing and Urban Affairs Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Housing and Community
Development, Department of Public Works, Health Department

A RESOLUTION ENTITLED

1 A COUNCIL RESOLUTION concerning

2 **Request for State Action -- Set a Strong Nitrogen Oxides Limit for the Wheelabrator**
3 **Baltimore Incinerator**

4 FOR the purpose of urging the Maryland Department of the Environment to set a nitrogen oxides
5 pollution limit for the Wheelabrator Baltimore incinerator that is no higher than the 150 ppm
6 standard on a 24-hour average that has been adopted by Connecticut and New Jersey and
7 proposed in Massachusetts, or, if at all possible, significantly lower than 150 ppm in order to
8 provide maximum air quality benefits to residents of Baltimore.

9 **Recitals**

10 Emissions of nitrogen oxides (NOx) contribute to the formation of three pollutants in the
11 ambient (outdoor) air: ground-level ozone, nitrogen dioxide, and fine particulate matter. Each of
12 these pollutants can have adverse effects on human health, including worsening symptoms of
13 asthma in people who already have the condition. Baltimore City has substantially higher rates
14 of asthma hospitalizations and emergency room visits due to asthma than the rest of the State of
15 Maryland.

16 The Baltimore area, which includes Baltimore City and five additional counties, is designated
17 as a nonattainment area for ground-level ozone by the U.S. EPA, meaning that the area does not
18 meet federal air quality standards for ozone. NOx is the primary pollutant that contributes to the
19 formation of ground-level ozone.

20 Many factors contribute to Baltimore's ozone problem, including pollution from power plants
21 located in other states. Locally, the municipal solid waste incinerator operated by Wheelabrator
22 Baltimore, L.P. and located in South Baltimore is a major source of NOx emissions.

23 In 2015, the Baltimore incinerator emitted 1,123 tons of NOx, making it the sixth largest
24 emitter of NOx in the State of Maryland that year. The Baltimore incinerator also emitted more
25 NOx per unit of energy generated in 2015 than any other large power plant in Maryland.

26 The Maryland Department of the Environment is in the process of developing regulations that
27 will establish new NOx emission limits for Maryland's two municipal solid waste incinerators,
28 including the Wheelabrator incinerator in Baltimore. These regulations are part of an air quality

EXPLANATION: Underlining indicates matter added by amendment.
~~Strike-out~~ indicates matter deleted by amendment.

Council Bill 17-0034R

1 plan that Maryland must submit to the EPA under the federal Clean Air Act to show that the state
2 is making progress toward attaining federal ozone standards.

3 The new NOx limits established under this rulemaking must, at minimum, meet a standard
4 called Reasonably Available Control Technology ("RACT"). The RACT standard is defined as
5 "the lowest emissions limit that a particular source is capable of meeting by the application of
6 control technology that is reasonably available considering technological and economic
7 feasibility."

8 MDE may not set NOx emission limits that are weaker and less health-protective than the
9 RACT standard. However, MDE has the authority to set NOx emission limits that are stronger
10 and more protective of health than the RACT standard.

11 Short-term emission limits for incinerators are expressed in parts per million by volume dry
12 at 7% oxygen (hereinafter "ppm"). The limit is frequently assessed based on a 24-hour average.
13 A NOx limit of 150 ppm on a 24-hour basis has been adopted as the RACT standard for
14 municipal solid waste incinerators by the states of Connecticut and New Jersey and has been
15 proposed for adoption in Massachusetts. New Jersey allows facility operators to seek an
16 exception in the form of an alternate limit.

17 Around 2009, the operator of Maryland's second municipal solid waste incinerator, the
18 Montgomery County Resource Recovery Facility ("MCRRF"), voluntarily installed new NOx
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20 through 2015, MCRRF's annual average NOx emissions were about 85 to 89 ppm on a 24-hour
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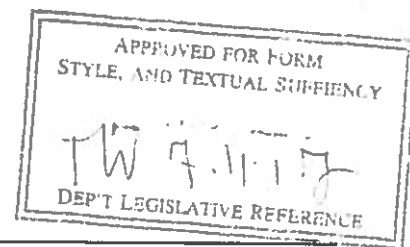
22 The Wheelabrator Baltimore's annual average NOx emissions from 2013 through 2015 were
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25 Baltimore incinerator. According to the most recent calculations by the Maryland Department of
26 the Environment, this would reduce annual NOx emissions from the Baltimore incinerator by 60
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28 The Baltimore incinerator receives financial benefits because it is treated as a Tier 1 source of
29 renewable energy under Maryland's Renewable Portfolio Standard. Under this program,
30 Marylanders are supposed to reap benefits from renewable energy resources that include
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37 maximum air quality benefits to residents of Baltimore.

38 **AND BE IT FURTHER RESOLVED,** That a copy of this Resolution be sent to the Governor, the
39 Secretary of the Maryland Department of the Environment, the Director of the Air and Radiation
40 Management Administration, the Division Chief of the Air Quality Regulations Division, the
41 Mayor, and the Mayor's Legislative Liaison to the City Council.

INTRODUCTORY*
CITY OF BALTIMORE
COUNCIL BILL ____R
(Resolution)



Introduced by: Councilmembers Reisinger and Clarke

A RESOLUTION ENTITLED

A COUNCIL RESOLUTION concerning

**Request for State Action – Set a Strong Nitrogen Oxides Limit for the Wheelabrator
Baltimore Incinerator**

FOR the purpose of urging the Maryland Department of the Environment to set a nitrogen oxides pollution limit for the Wheelabrator Baltimore incinerator that is no higher than the 150 ppm standard on a 24-hour average that has been adopted by Connecticut and New Jersey and proposed in Massachusetts, or, if at all possible, significantly lower than 150 ppm in order to provide maximum air quality benefits to residents of Baltimore.

Recitals

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The Baltimore area, which includes Baltimore City and five additional counties, is designated as a nonattainment area for ground-level ozone by the U.S. EPA, meaning that the area does not meet federal air quality standards for ozone. NO_x is the primary pollutant that contributes to the formation of ground-level ozone.

Many factors contribute to Baltimore's ozone problem, including pollution from power plants located in other states. Locally, the municipal solid waste incinerator operated by Wheelabrator Baltimore, L.P. and located in South Baltimore is a major source of NO_x emissions.

In 2015, the Baltimore incinerator emitted 1,123 tons of NO_x, making it the sixth largest emitter of NO_x in the State of Maryland that year. The Baltimore incinerator also emitted more NO_x per unit of energy generated in 2015 than any other large power plant in Maryland.

The Maryland Department of the Environment is in the process of developing regulations that will establish new NO_x emission limits for Maryland's two municipal solid waste incinerators, including the Wheelabrator incinerator in Baltimore. These regulations are part of an air quality plan that Maryland must submit to the EPA under the federal Clean Air Act to show that the state is making progress toward attaining federal ozone standards.

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

The new NOx limits established under this rulemaking must, at minimum, meet a standard called Reasonably Available Control Technology ("RACT"). The RACT standard is defined as "the lowest emissions limit that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility."

MDE may not set NOx emission limits that are weaker and less health-protective than the RACT standard. However, MDE has the authority to set NOx emission limits that are stronger and more protective of health than the RACT standard.

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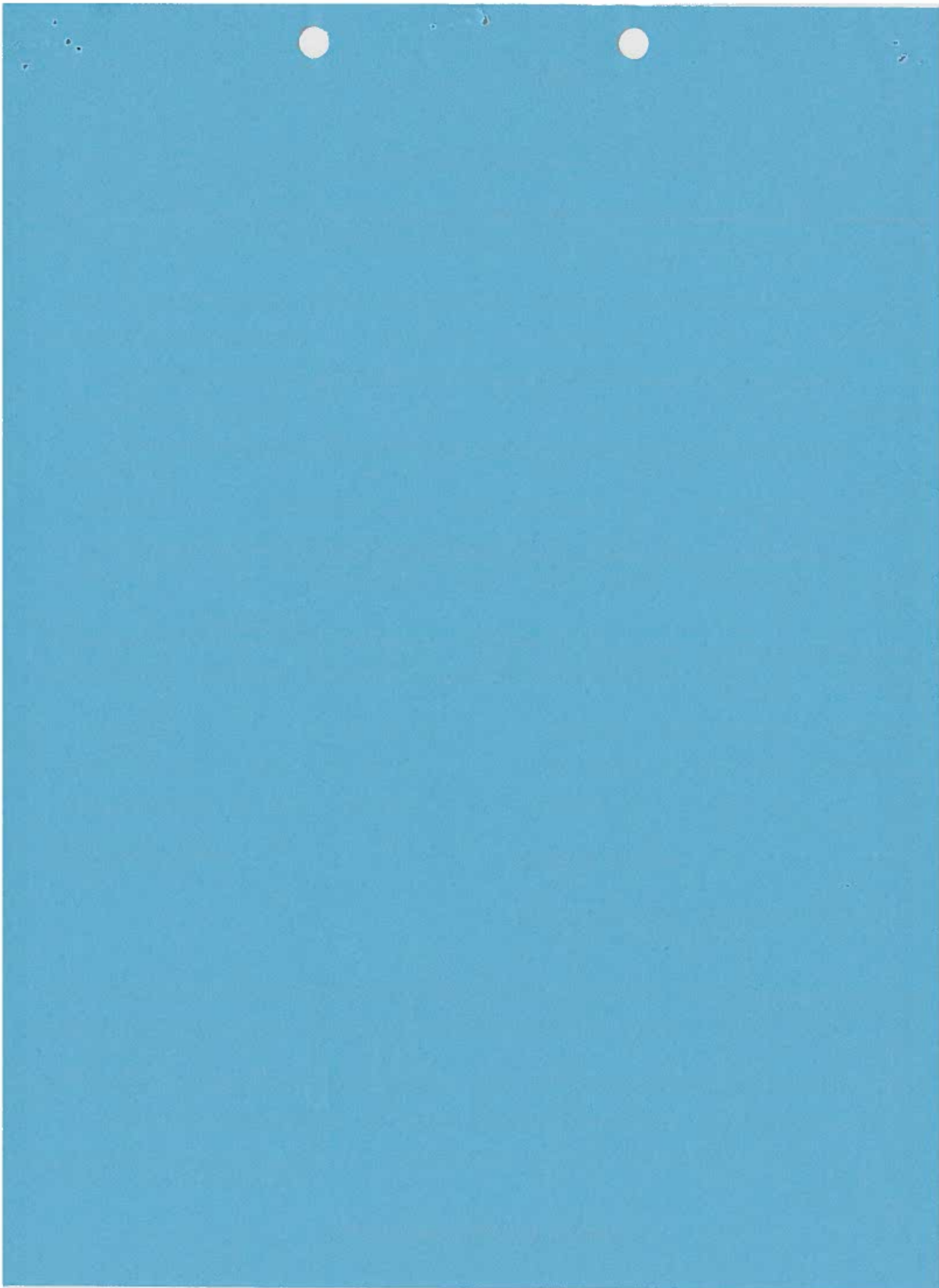
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AND BE IT FURTHER RESOLVED, That a copy of this Resolution be sent to the Governor, the Secretary of the Maryland Department of the Environment, the Director of the Air and Radiation Management Administration, the Division Chief of the Air Quality Regulations Division, the Mayor, and the Mayor's Legislative Liaison to the City Council.



ACTION BY THE CITY COUNCIL

JUL 17 2017

FIRST READING (INTRODUCTION)

20

PUBLIC HEARING HELD ON

20 17

COMMITTEE REPORT AS OF

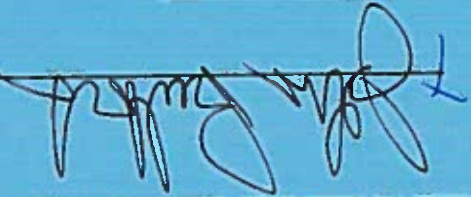
9-28
16-16

FAVORABLE UNFAVORABLE FAVORABLE AS AMENDED WITHOUT RECOMMENDATION

20 17

COMMITTEE MEMBERS:

Chair



COMMITTEE MEMBERS:

SECOND READING: The Council's action being favorable (unfavorable), this City Council bill was (was not) ordered printed for

Third Reading on:

OCT 16 2017

20

Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING

20

Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (ENROLLED)

20

Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (RE-ENROLLED)

20

WITHDRAWAL

20

There being no objections to the request for withdrawal, it was so ordered that this City Council Ordinance be withdrawn from the files of the City Council.

President

Chief Clerk

Council Bill 17-0034R

1 The Maryland Department of the Environment is in the process of developing regulations that
2 will establish new NOx emission limits for Maryland's two municipal solid waste incinerators,
3 including the Wheelabrator incinerator in Baltimore. These regulations are part of an air quality
4 plan that Maryland must submit to the EPA under the federal Clean Air Act to show that the state
5 is making progress toward attaining federal ozone standards.

6 The new NOx limits established under this rulemaking must, at minimum, meet a standard
7 called Reasonably Available Control Technology ("RACT"). The RACT standard is defined as
8 "the lowest emissions limit that a particular source is capable of meeting by the application of
9 control technology that is reasonably available considering technological and economic
10 feasibility."

11 MDE may not set NOx emission limits that are weaker and less health-protective than the
12 RACT standard. However, MDE has the authority to set NOx emission limits that are stronger
13 and more protective of health than the RACT standard.

14 Short-term emission limits for incinerators are expressed in parts per million by volume dry
15 at 7% oxygen (hereinafter "ppm"). The limit is frequently assessed based on a 24-hour average.
16 A NOx limit of 150 ppm on a 24-hour basis has been adopted as the RACT standard for
17 municipal solid waste incinerators by the states of Connecticut and New Jersey and has been
18 proposed for adoption in Massachusetts. New Jersey allows facility operators to seek an
19 exception in the form of an alternate limit.

20 Around 2009, the operator of Maryland's second municipal solid waste incinerator, the
21 Montgomery County Resource Recovery Facility ("MCRRF"), voluntarily installed new NOx
22 pollution controls on that incinerator that reduced its NOx emissions by about half. From 2013
23 through 2015, MCRRF's annual average NOx emissions were about 85 to 89 ppm on a 24-hour
24 basis.

25 The Wheelabrator Baltimore's annual average NOx emissions from 2013 through 2015 were
26 162 to 169 ppm on a 24-hour basis. Its current NOx emissions limit is 205 ppm. Wheelabrator
27 Baltimore, L.P. has proposed that Maryland set a new NOx emissions limit of 170 ppm for the
28 Baltimore incinerator. According to the most recent calculations by the Maryland Department of
29 the Environment, this would reduce annual NOx emissions from the Baltimore incinerator by 60
30 tons per year.

31 The Council requests that the Maryland Department of the Environment use its legal
32 authority to go beyond the RACT standard in order to set a nitrogen oxides limit of 45 ppm on a
33 24-hour basis, which is the limit that would likely be set for a new incinerator.

34 The Baltimore incinerator receives financial benefits because it is treated as a Tier 1 source of
35 renewable energy under Maryland's Renewable Portfolio Standard. Under this program,
36 Marylanders are supposed to reap benefits from renewable energy resources that include
37 long-term decreased emissions and a healthier environment.

38 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BALTIMORE,** That the
39 Council urges the Maryland Department of the Environment to set a nitrogen oxides pollution
40 limit for the Wheelabrator Baltimore incinerator that is no higher than the 150 ppm standard on a
41 24-hour average that has been adopted by Connecticut and New Jersey and proposed in

Council Bill 17-0034R

1 Massachusetts, or, if at all possible, significantly lower than 150 ppm in order to provide
2 maximum air quality benefits to residents of Baltimore.

3 **AND BE IT FURTHER RESOLVED,** That a copy of this Resolution be sent to the Governor, the
4 Secretary of the Maryland Department of the Environment, the Director of the Air and Radiation
5 Management Administration, the Division Chief of the Air Quality Regulations Division, the
6 Mayor, and the Mayor's Legislative Liaison to the City Council.

**CITY OF BALTIMORE
COUNCIL BILL 17-0034R
(Resolution)**

Introduced by: Councilmembers Reisinger, Clarke, Henry, Pinkett, Scott, Costello, President
Young, Councilmembers Cohen, Middleton, Stokes, Dorsey, Burnett, Sneed, Bullock

Introduced and read first time: July 17, 2017

Assigned to: Housing and Urban Affairs Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Housing and Community
Development, Department of Public Works, Health Department

A RESOLUTION ENTITLED

1 A COUNCIL RESOLUTION concerning

2 **Request for State Action – Set a Strong Nitrogen Oxides Limit for the Wheelabrator**
3 **Baltimore Incinerator**

4 FOR the purpose of urging the Maryland Department of the Environment to set a nitrogen oxides
5 pollution limit for the Wheelabrator Baltimore incinerator that is no higher than the 150 ppm
6 standard on a 24-hour average that has been adopted by Connecticut and New Jersey and
7 proposed in Massachusetts, or, if at all possible, significantly lower than 150 ppm in order to
8 provide maximum air quality benefits to residents of Baltimore.

9 **Recitals**

10 Emissions of nitrogen oxides (NOx) contribute to the formation of three pollutants in the
11 ambient (outdoor) air: ground-level ozone, nitrogen dioxide, and fine particulate matter. Each of
12 these pollutants can have adverse effects on human health, including worsening symptoms of
13 asthma in people who already have the condition. Baltimore City has substantially higher rates
14 of asthma hospitalizations and emergency room visits due to asthma than the rest of the State of
15 Maryland.

16 The Baltimore area, which includes Baltimore City and five additional counties, is designated
17 as a nonattainment area for ground-level ozone by the U.S. EPA, meaning that the area does not
18 meet federal air quality standards for ozone. NOx is the primary pollutant that contributes to the
19 formation of ground-level ozone.

20 Many factors contribute to Baltimore's ozone problem, including pollution from power plants
21 located in other states. Locally, the municipal solid waste incinerator operated by Wheelabrator
22 Baltimore, L.P. and located in South Baltimore is a major source of NOx emissions.

23 In 2015, the Baltimore incinerator emitted 1,123 tons of NOx, making it the sixth largest
24 emitter of NOx in the State of Maryland that year. The Baltimore incinerator also emitted more
25 NOx per unit of energy generated in 2015 than any other large power plant in Maryland.

26 The Maryland Department of the Environment is in the process of developing regulations that
27 will establish new NOx emission limits for Maryland's two municipal solid waste incinerators,
28 including the Wheelabrator incinerator in Baltimore. These regulations are part of an air quality

EXPLANATION: Underlining indicates matter added by amendment.
~~Strike-out~~ indicates matter deleted by amendment.

Council Bill 17-0034R

1 plan that Maryland must submit to the EPA under the federal Clean Air Act to show that the state
2 is making progress toward attaining federal ozone standards.

3 The new NOx limits established under this rulemaking must, at minimum, meet a standard
4 called Reasonably Available Control Technology ("RACT"). The RACT standard is defined as
5 "the lowest emissions limit that a particular source is capable of meeting by the application of
6 control technology that is reasonably available considering technological and economic
7 feasibility."

8 MDE may not set NOx emission limits that are weaker and less health-protective than the
9 RACT standard. However, MDE has the authority to set NOx emission limits that are stronger
10 and more protective of health than the RACT standard.

11 Short-term emission limits for incinerators are expressed in parts per million by volume dry
12 at 7% oxygen (hereinafter "ppm"). The limit is frequently assessed based on a 24-hour average.
13 A NOx limit of 150 ppm on a 24-hour basis has been adopted as the RACT standard for
14 municipal solid waste incinerators by the states of Connecticut and New Jersey and has been
15 proposed for adoption in Massachusetts. New Jersey allows facility operators to seek an
16 exception in the form of an alternate limit.

17 Around 2009, the operator of Maryland's second municipal solid waste incinerator, the
18 Montgomery County Resource Recovery Facility ("MCRRF"), voluntarily installed new NOx
19 pollution controls on that incinerator that reduced its NOx emissions by about half. From 2013
20 through 2015, MCRRF's annual average NOx emissions were about 85 to 89 ppm on a 24-hour
21 basis.

22 The Wheelabrator Baltimore's annual average NOx emissions from 2013 through 2015 were
23 162 to 169 ppm on a 24-hour basis. Its current NOx emissions limit is 205 ppm. Wheelabrator
24 Baltimore, L.P. has proposed that Maryland set a new NOx emissions limit of 170 ppm for the
25 Baltimore incinerator. According to the most recent calculations by the Maryland Department of
26 the Environment, this would reduce annual NOx emissions from the Baltimore incinerator by 60
27 tons per year.

28 The Baltimore incinerator receives financial benefits because it is treated as a Tier 1 source of
29 renewable energy under Maryland's Renewable Portfolio Standard. Under this program,
30 Marylanders are supposed to reap benefits from renewable energy resources that include
31 long-term decreased emissions and a healthier environment.

32 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BALTIMORE,** That the
33 Council urges the Maryland Department of the Environment to set a nitrogen oxides pollution
34 limit for the Wheelabrator Baltimore incinerator that is no higher than the 150 ppm standard on a
35 24-hour average that has been adopted by Connecticut and New Jersey and proposed in
36 Massachusetts, or, if at all possible, significantly lower than 150 ppm in order to provide
37 maximum air quality benefits to residents of Baltimore.

38 **AND BE IT FURTHER RESOLVED,** That a copy of this Resolution be sent to the Governor, the
39 Secretary of the Maryland Department of the Environment, the Director of the Air and Radiation
40 Management Administration, the Division Chief of the Air Quality Regulations Division, the
41 Mayor, and the Mayor's Legislative Liaison to the City Council.

The Baltimore City Department of
HOUSING & COMMUNITY
DEVELOPMENT

MEMORANDUM

To: The Honorable President and Members of the Baltimore City Council
c/o Natawna Austin, Executive Secretary

From: Michael Braverman, Housing Commissioner



Date: September 21, 2017

Re: City Council Bill 17-0034R - for Request for State Action – Set a Strong Nitrogen Oxides
Limit for the Wheelabrator Baltimore Incinerator

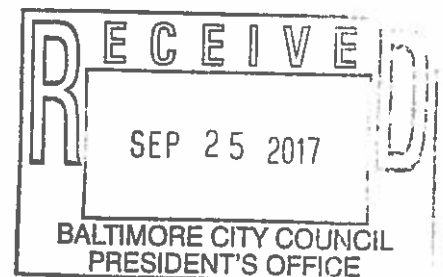
The Department of Housing and Community Development (HCD) has reviewed City Council Bill 17-0034R, for the purpose of urging the Maryland Department of the Environment to set a nitrogen oxides pollution limit for the Wheelabrator Baltimore incinerator that is no higher than the 150 ppm standard on a 24-hour average that has been adopted by Connecticut and New Jersey and proposed in Massachusetts, or, if at all possible, significantly lower than 150 ppm in order to provide maximum air quality benefits to residents of Baltimore.

If enacted, the City would request that the Maryland Department of the Environment set pollution limits on nitrogen oxides from the Baltimore incinerator to assist with improving air quality.



The Department of Housing and Community Development supports the passage of City Council Bill 17-0034R.

MB:sd

cc: Ms. Karen Stokes, *Mayor's Office of Government Relations*
Mr. Kyron Banks, *Mayor's Office of Government Relations*



F

F R O M	Name & Title	Dr. Leana Wen 	Health Department MEMO	
	Agency Name & Address	Health Department 1001 E. Fayette Street Baltimore, Maryland 21201		
	Subject	17-0034R – Request for State Action – Set a Strong Nitrogen Oxides Limit for the Wheelabrator Baltimore Incinerator		

To: President and Members
of the City Council
c/o 409 City Hall


Sept. 21, 2017

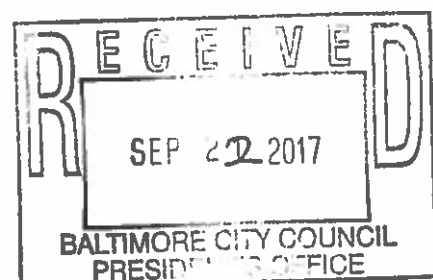
The Baltimore City Health Department (BCHD) is pleased to have the opportunity to review 17-0034R – Request for State Action – Set a Strong Nitrogen Oxides Limit for the Wheelabrator Baltimore Incinerator. The purpose of this resolution is to call upon the Maryland Department of the Environment (MDE) to set stronger limits for the emissions of nitrogen oxide (NO₂) for the Wheelabrator.

The resolution will not impact BCHD operations, as BCHD does not enforce the standards being recommended for reduction. The positive impact of MDE reducing allowable NO₂ emissions for those living in the immediate area is difficult to measure. However, the Environmental Protection Agency's (EPA) recent Integrated Science Assessment (ISA) for Oxides of Nitrogen – Health Criteria (Final Report, 2016) serves to strengthen the cumulative body of evidence that indicates that short-term exposure to NO₂ can cause respiratory effects. In particular, these effects are related to asthma exacerbation, a disease that impacts Baltimore's children disproportionately.

Baltimore City suffers from high rates of asthma. The state Department of Health and Mental Hygiene reports 12.4% of Baltimore City adults have asthma, four points higher than the statewide average. Moreover, 1 in 5 children under the age of 18 in Baltimore City suffer from asthma, double the national average. These high rates lead to large losses of productivity through missed school and work days. Reduced air pollution realized through a Zero Waste plan could help the city lower its asthma rates.

BCHD appreciates the opportunity to review issues connected to NO₂ emissions at this informational hearings, and to provide information on the potential health benefits of lower emissions.


Leana S. Wen, M.D., M.Sc.
Commissioner of Health
Baltimore City



Comments

CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



DEPARTMENT OF LAW

101 City Hall
Baltimore, Maryland 21202

July 27, 2017

The Honorable President and Members
of the Baltimore City Council
Attn: Executive Secretary
Room 409, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

Re: City Council Bill 17-0034R – Request for State Action – Set a Strong
Nitrogen Oxides Limit for the Wheelabrator Baltimore Incinerator

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 17-0034R for form and legal sufficiency. This resolution calls on the Maryland Department of the Environment to set certain limits for Nitrogen Oxides at the Baltimore Incinerator.

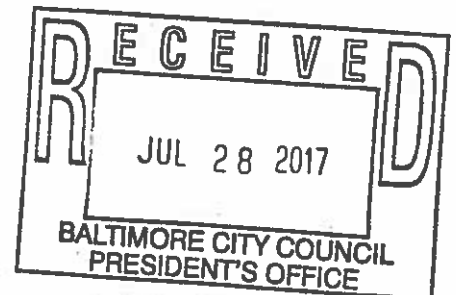
A resolution is an appropriate way for the City Council of Baltimore to request action from a state agency. *See, e.g., Inlet Assocs. v. Assateague House Condominium*, 313 Md. 413, 428 (1988). Therefore, the Law Department approves this Resolution for form and legal sufficiency.

Very truly yours,

Hilary Ruley
Chief Solicitor

cc: David E. Ralph, Acting City Solicitor
Karen Stokes, Director, Mayor's Office of Government Relations
Kyron Banks, Mayor's Legislative Liaison
Elena DiPietro, Chief Solicitor, General Counsel Division
Victor Tervalá, Chief Solicitor
Jennifer Landis, Assistant Solicitor

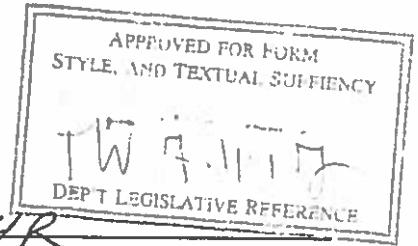
F



INTRODUCTORY*

CITY OF BALTIMORE
COUNCIL BILL ___ R
(Resolution)

17-0034R



Introduced by: Councilmembers Reisinger and Clarke

A RESOLUTION ENTITLED

A COUNCIL RESOLUTION concerning

Request for State Action – Set a Strong Nitrogen Oxides Limit for the Wheelabrator Baltimore Incinerator

HUA
Law
Health
HCD
DPW

FOR the purpose of urging the Maryland Department of the Environment to set a nitrogen oxides pollution limit for the Wheelabrator Baltimore incinerator that is no higher than the 150 ppm standard on a 24-hour average that has been adopted by Connecticut and New Jersey and proposed in Massachusetts, or, if at all possible, significantly lower than 150 ppm in order to provide maximum air quality benefits to residents of Baltimore.

Recitals

Emissions of nitrogen oxides (NOx) contribute to the formation of three pollutants in the ambient (outdoor) air: ground-level ozone, nitrogen dioxide, and fine particulate matter. Each of these pollutants can have adverse effects on human health, including worsening symptoms of asthma in people who already have the condition. Baltimore City has substantially higher rates of asthma hospitalizations and emergency room visits due to asthma than the rest of the State of Maryland.

The Baltimore area, which includes Baltimore City and five additional counties, is designated as a nonattainment area for ground-level ozone by the U.S. EPA, meaning that the area does not meet federal air quality standards for ozone. NOx is the primary pollutant that contributes to the formation of ground-level ozone.

Many factors contribute to Baltimore's ozone problem, including pollution from power plants located in other states. Locally, the municipal solid waste incinerator operated by Wheelabrator Baltimore, L.P. and located in South Baltimore is a major source of NOx emissions.

In 2015, the Baltimore incinerator emitted 1,123 tons of NOx, making it the sixth largest emitter of NOx in the State of Maryland that year. The Baltimore incinerator also emitted more NOx per unit of energy generated in 2015 than any other large power plant in Maryland.

The Maryland Department of the Environment is in the process of developing regulations that will establish new NOx emission limits for Maryland's two municipal solid waste incinerators, including the Wheelabrator incinerator in Baltimore. These regulations are part of an air quality plan that Maryland must submit to the EPA under the federal Clean Air Act to show that the state is making progress toward attaining federal ozone standards.

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

The new NOx limits established under this rulemaking must, at minimum, meet a standard called Reasonably Available Control Technology ("RACT"). The RACT standard is defined as "the lowest emissions limit that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility."

MDE may not set NOx emission limits that are weaker and less health-protective than the RACT standard. However, MDE has the authority to set NOx emission limits that are stronger and more protective of health than the RACT standard.

Short-term emission limits for incinerators are expressed in parts per million by volume dry at 7% oxygen (hereinafter "ppm"). The limit is frequently assessed based on a 24-hour average. A NOx limit of 150 ppm on a 24-hour basis has been adopted as the RACT standard for municipal solid waste incinerators by the states of Connecticut and New Jersey and has been proposed for adoption in Massachusetts. New Jersey allows facility operators to seek an exception in the form of an alternate limit.

Around 2009, the operator of Maryland's second municipal solid waste incinerator, the Montgomery County Resource Recovery Facility ("MCRRF"), voluntarily installed new NOx pollution controls on that incinerator that reduced its NOx emissions by about half. From 2013 through 2015, MCRRF's annual average NOx emissions were about 85 to 89 ppm on a 24-hour basis.

The Wheelabrator Baltimore's annual average NOx emissions from 2013 through 2015 were 162 to 169 ppm on a 24-hour basis. Its current NOx emissions limit is 205 ppm. Wheelabrator Baltimore, L.P. has proposed that Maryland set a new NOx emissions limit of 170 ppm for the Baltimore incinerator. According to the most recent calculations by the Maryland Department of the Environment, this would reduce annual NOx emissions from the Baltimore incinerator by 60 tons per year.

The Baltimore incinerator receives financial benefits because it is treated as a Tier 1 source of renewable energy under Maryland's Renewable Portfolio Standard. Under this program, Marylanders are supposed to reap benefits from renewable energy resources that include long-term decreased emissions and a healthier environment.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BALTIMORE, That the Council urges the Maryland Department of the Environment to set a nitrogen oxides pollution limit for the Wheelabrator Baltimore incinerator that is no higher than the 150 ppm standard on a 24-hour average that has been adopted by Connecticut and New Jersey and proposed in Massachusetts, or, if at all possible, significantly lower than 150 ppm in order to provide maximum air quality benefits to residents of Baltimore.

AND BE IT FURTHER RESOLVED, That a copy of this Resolution be sent to the Governor, the Secretary of the Maryland Department of the Environment, the Director of the Air and Radiation Management Administration, the Division Chief of the Air Quality Regulations Division, the Mayor, and the Mayor's Legislative Liaison to the City Council.

**Judiciary and Legislative Investigations Informational Hearing on
Request for State Action – Set a Strong Nitrogen Oxides Limit for the
Wheelabrator Baltimore Incinerator
Thursday – September 28, 2017**

Panelists

Destiny Watford, 2016 Goldman Environmental Prize winner

Mike Ewall, Founder and Director Energy Justice Network

James Alston, Westport Resident and leader within the Westport Community
Development Corporation

Dr. Laalitha Surapaneni, Hospitalist at Bayview and public health graduate

Leah Kelly, Environmental Integrity Project

Neil Seldman, co-founder of the Institute for Local Self-Reliance and is a member
of ILSR's Board of Directors. (Zero Waste)

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Krummerich, Richard

From: Gayle Killen <killchar@gmail.com>
Sent: Wednesday, September 20, 2017 12:35 PM
To: Bullock, John; Schleifer, Isaac; Burnett, Kristerfer; Henry, Bill (email); Sneed, Shannon; Cohen, Zeke; Dorsey, Ryan; Krummerich, Richard
Subject: Bresco Incinerator and Baltimore Air Quality

Greetings, and thank you for your care and concern over citizen health.

I ask you to emphatically urge the Maryland Department of the Environment to set a nitrogen oxides pollution limit for the Wheelabrator Baltimore incinerator that is no higher than the 150 ppm standard on a 24-hour average that has been adopted by Connecticut and New Jersey and proposed in Massachusetts, or, if at all possible, significantly lower than 150 ppm in order to provide maximum air quality benefits to residents of Baltimore.

Sincere Gratitude,
Gayle Killen
Ellicott City, MD

--

Every great advance in natural knowledge has involved the absolute rejection of authority.
~Thomas H. Huxley

Dear Chairman and Council Members,

Thank you for the opportunity to share scientific evidence on the toxic effects of NOx on all of our health. I am a practicing Internal Medicine physician at Johns Hopkins Bayview representing Physicians for Social Responsibility. I am here to speak on behalf of my patients who suffer from Asthma, COPD Heart Disease and Lung Cancer. Everyday I see these patients, struggling with their diseases, taking newer, more expensive medications, sick, in the hospital, missing work and time spent with their families. All of these illnesses have been linked to air pollution and NOx in particular.

Exposure to NOx is associated with higher risk for asthma related hospital visits ^{1,2}, especially in children.³ NOx also stunts the growth of lungs in children.⁴ Unfortunately, medications via Inhalers do not seem to completely counter the effects of air pollution⁵. Studies done worldwide show that exposure to NOx increases fatalities, (*with a study showing that for every 10 microgram per m3 increase in No2, chance of mortality from a cardiovascular cause increases by 13%*)⁶. A study done right here in Baltimore shows that NOx disproportionately increases mortality in patients on dialysis⁷

NOx also acts as a source to generate other more dangerous pollutants like ground level ozone and Particulate matter. Higher levels of Ozone were associated with a 3 time higher likelihood of developing asthma in children playing outside for a longer time⁸. Particulate matter is shown to cause increased deaths from cardiovascular causes and is associated with increased heart attacks⁹, strokes¹⁰, kidney disease¹¹, diabetes¹², infertility stillbirths¹³, and death from cardiovascular disease¹⁴.

As I appeal to you today, it does not escape me that the air I breathe as a physician living in an upscale walk able neighborhood with green spaces is quite different from the air some of my patients breathe. Studies show that NOx and its co-pollutants **disproportionally** affect our vulnerable populations- children, elderly¹⁵, people suffering from pre-existing conditions, racial minorities¹⁶ and city residents living in poverty.¹⁷

21230 is the area affected most by BRESCO's emissions according to Dr. Gray's modeling report¹⁸. The asthma emergency room visit rate in zip code 21230 is about 80% higher than the statewide rate. According to the state health data from 2009, we in Baltimore City spend around 23million dollars per year on asthma hospitalizations, 72% of which is paid by public insurance¹⁹. We do not know that this burden falls entirely on NOx. However, we maintain that decreasing NOx emissions will improve health outcomes for some of these residents and save taxpayer dollars.

The good news is that there is evidence that decreases in NOx levels are translated to health benefits in real time. 2 studies done in California showed decreasing NOx and ozone levels in communities improve lung function in children²⁰ and reduce

bronchitis episodes in children²¹. This improved lung function translates into adulthood and prevents premature deaths. Studies from Europe show decline in mortality from decreased NOx levels.²² Studies in the United States also show that decrease in particulate matter increases life expectancy²³

Today you have the power to save lives. As you enact this set of nitrogen dioxide related regulations, to prevent some Maryland children from missing school from their asthma, to prevent a young never-smoker from getting lung cancer. ²⁴Because of what you do to set a RACT limit for the BRESCO incinerator that is much lower than 150 ppm on a 24-hour basis, someone's grandma in Maryland will live longer and someone's dad will not have a heart attack. Please take this opportunity to save lives and make Maryland a better place for everyone to live, work and raise a family.

¹ <http://journals.plos.org/plosone/article?id=10.1371/journal.pone.0138146>

Zheng, X., Ding, H., Jiang, L., Chen, S., Zheng, J., & Qiu, M. et al. (2015). Association between Air Pollutants and Asthma Emergency Room Visits and Hospital Admissions in Time Series Studies: A Systematic Review and Meta-Analysis. *PLOS ONE*, 10(9), e0138146. <http://dx.doi.org/10.1371/journal.pone.0138146>

² <https://www.ncbi.nlm.nih.gov/pubmed/9892028>

(2017). Retrieved 27 September 2017, from [http://Emergency room visits of asthmatic children, relation to air pollution, weather, and airborne allergens. Garty BZ1, Kosman E, Ganor E, Berger V, Garty L, Wietzen T, Waisman Y, Mimouni M, Waisel](http://Emergency%20room%20visits%20of%20asthmatic%20children,%20relation%20to%20air%20pollution,%20weather,%20and%20airborne%20allergens.%20Garty%20BZ1,%20Kosman%20E,%20Ganor%20E,%20Berger%20V,%20Garty%20L,%20Wietzen%20T,%20Waisman%20Y,%20Mimouni%20M,%20Waisel)

³ <https://www.ncbi.nlm.nih.gov/pubmed/22763046>

Vieira, S., Stein, R., Ferraro, A., Pastro, L., Pedro, S., & Lemos, M. et al. (2012). Urban Air Pollutants Are Significant Risk Factors for Asthma and Pneumonia in Children: The Influence of Location on the Measurement of Pollutants. *Archivos De Bronconeumología (English Edition)*, 48(11), 389-395. <http://dx.doi.org/10.1016/j.arbr.2012.08.002>

⁴ <http://journals.plos.org/plosone/article?id=10.1371/journal.pone.0142565>

Barone-Adesi, F., Dent, J. E., Dajnak, D., Beevers, S., Anderson, H. R., Kelly, F. J., . . . Whincup, P. H. (2015). Long-Term Exposure to Primary Traffic Pollutants and Lung Function in Children: Cross-Sectional Study and Meta-Analysis. *Plos One*, 10(11). doi:10.1371/journal.pone.0142565

⁵

http://journals.lww.com/epidem/Fulltext/2006/11001/Interaction_Between_Ambient_Air_Pollution_and.748.aspx

Qian, Z., Lin, H., Liao, D., Lehman, E., Chinchilli, V., & Duan, Y. et al. (2006). Interaction Between Ambient Air Pollution and Typical Asthma Medication Regimens on Exhaled Nitric Oxide. *Epidemiology*, 17(Suppl), S287. <http://dx.doi.org/10.1097/00001648-200611001-00748>

⁶ <http://erj.ersjournals.com/content/44/3/744.article-info>

Faustini, A., Rapp, R., & Forastiere, F. (2014). Nitrogen dioxide and mortality: review and meta-analysis of long-term studies. *European Respiratory Journal*, 44(3), 744-753. doi:10.1183/09031936.00114713

⁷ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4602828/>

Lin, J., Yen, T., Weng, C., & Huang, W. (2015). Environmental NO₂ Level is Associated with 2-Year Mortality in Patients Undergoing Peritoneal Dialysis. *Medicine*, 94(1). doi:10.1097/md.0000000000000368

⁸ <https://www.ncbi.nlm.nih.gov/pubmed/11844508>

Reigart, J. R. (2003). Asthma in Exercising Children Exposed to Ozone: A Cohort Study. *Clinical Pediatrics*, 42(1), 90-90. doi:10.1177/000992280304200117

⁹ <https://www.ncbi.nlm.nih.gov/pubmed/28236545>

Zuin, M., Rigatelli, G., Dellavocata, F., Picariello, C., Conte, L., Marcantoni, L., . . . Roncon, L. (2017). Air pollution and ST-elevation myocardial infarction treated with primary percutaneous coronary angioplasty: A direct correlation. *International Journal of Cardiology*, 236, 49-53. doi:10.1016/j.ijcard.2017.02.050

¹⁰ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2788298/>

Lisabeth, L. D., Escobar, J. D., Dvorchak, J. T., Sánchez, B. N., Majersik, J. J., Brown, D. L., Morgenstern, L. B. (2008). Ambient air pollution and risk for ischemic stroke and transient ischemic attack. *Annals of Neurology*, 64(1), 53-59. doi:10.1002/ana.21403

¹¹ <http://jasn.asnjournals.org/content/early/2017/09/21/ASN.2017030253.full>

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¹² <https://www.ncbi.nlm.nih.gov/pubmed/28153529>

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Krummerich, Richard

From: Bullock, John
Sent: Wednesday, September 27, 2017 11:22 AM
To: Elizabeth L. Engleman
Subject: RE: Hearing calling on the Maryland Department of the Environment (MDE) to Lower Nitrogen Oxides Limits

Good Morning,

Thank you for sharing your perspective. We will add this to the record.

Best Regards,

Dr. John Bullock
Councilman, 9th District
100 Holliday Street, Room 516
Baltimore, MD 21202
410-396-4815
john.bullock@baltimorecity.gov

From: Elizabeth L. Engleman [vSe304@hotmail.com]
Sent: Wednesday, September 27, 2017 11:00 AM
To: Bullock, John; Schleifer, Isaac; Burnett, Kristerfer; Henry, Bill (email); Sneed, Shannon; Cohen, Zeke; Dorsey, Ryan
Cc: Clarke, Mary Pat; Jennifer Kunze; Reisinger, Edward; Pinkett, Leon; Scott, Brandon; Costello, Eric; City Council President; Middleton, Sharon; Stokes, Robert; Stephen Cleghorn
Subject: Hearing calling on the Maryland Department of the Environment (MDE) to Lower Nitrogen Oxides Limits

DATE: September 27, 2017

TO: Housing and Urban Affairs Committee

Baltimore City Council

RE 17-0034R Request for State Action - Set a Strong Nitrogen Oxides Limit for the Wheelabrator Baltimore Incinerator For the purpose of urging the Maryland Department of the Environment to set a nitrogen oxides pollution limit for the Wheelabrator Baltimore incinerator that is no higher than the 150 ppm standard on a 24-hour average that has been adopted by Connecticut and New Jersey and proposed in Massachusetts, or, if at all possible, significantly lower than 150 ppm in order to provide maximum air quality benefits to residents of Baltimore.

FROM: Elizabeth Engleman
4000 N Charles ST, Suite 1610
Baltimore, MD 21218
Cell 863 632 3075

Dear Councilmembers:

This is written in support of efforts to set a stricter limit on the BRESKO trash burning incinerator's nitrogen oxide (NOx) pollution limits. NOx mixed with sunlight creates unacceptable ground level ozone. From this, NOx contributes to the region's hazy air, its oxygen-gobbling algal blooms in the Chesapeake Bay and ozone and fine airborne particles that cause asthma and other respiratory disease.

I serve as Co-chair of Peace and Justice Ministry-Environmental Justice Steering Committee for First Unitarian Church of Baltimore. We are a vibrant urban congregation in celebration of our historic Bicentennial year.

Our brief *Mission Statement* provides the context in which I write:

- Transforming spirits,
- Celebrating diversity,
- Supporting each other,
- Building a better Baltimore

To be clearer, I shall cite two mandates from our **Mission**:

- We partner with Baltimore communities to mutually transform
- We challenge injustice, brutality and ignorance with compassion, love and understanding.

This is our **Vision**, " We bring hope as we work with our Baltimore neighbors to heal the wounds of racism, poverty and injustice."

Our Change-for-Change partner, Clean Water Action-Maryland, states our concern in this way, "The BRESKO trash incinerator is the largest air polluter in Baltimore, wastes what could be a valuable resource for local businesses using zero waste practices, and connects with a system of steam pipes that put residents and visitors at risk."

Even though the "waste to energy" industry often touts trash incineration as a source of "green" energy, it's far from that - BRESKO generated more NOx pollution per unit of energy than any power plant in Maryland.

Variable winds provide long term health risks to our members, friends and neighbors. At greatest risk are neighbors who are particularly vulnerable populations such as children, the elderly and individuals with asthma. Although the odor is unbearable at times, that is not the gravest threat.

'In addition to BRESKO's NOx releases, its sulfur dioxide, formaldehyde, mercury and hydrochloric acid emissions are also the highest of any industrial source in the city", according to Michael Ewall, of Energy Justice Network, who reviewed the most recent Environmental Protection Agency data.

"At 3 million pounds annually, the incinerator accounts for more than 37% of all the stationary (non-car) emissions in Baltimore", Ewall said.

Chesapeake Bay Foundation and Environmental Integrity Project has said about BRESCO: "They're getting a fair amount of money for producing ostensibly clean energy...(and) Some of that ought to be reinvested in good pollution controls to protect the lungs of the ratepayers who are subsidizing that."

I concur that 17-0034R is a good start to **Request for State Action - Set a Strong Nitrogen Oxides Limit for the Wheelabrator Baltimore Incinerator** *For the purpose of urging the Maryland Department of the Environment to set a nitrogen oxides pollution limit for the Wheelabrator Baltimore incinerator that is no higher than the 150 ppm standard on a 24-hour average that has been adopted by Connecticut and New Jersey and proposed in Massachusetts, or, if at all possible, significantly lower than 150 ppm in order to provide maximum air quality benefits to residents of Baltimore.*

However, I am mandated to ask that no citation of "unbearable cost" be allowed to let BRESCO continue operations as usual. The technology exists to remedy for Nitrogen Oxide limits of 150ppm (standard on a 24-hour average) or less. Life and health emergencies of our members and neighbors demand we should make sure it's polluting as little as possible - and that's a whole lot less than it's polluting now.

I stand with Destiny Watford, student activist, who points to a 2013 Massachusetts Institute of Technology study that found Baltimore has the highest emissions-related mortality rate of all the large cities in the country. Of every 100,000 residents in the city, the study found that 130 were likely to die prematurely each year of causes related to air pollution. This is unacceptable now!

With respect and hope,

Elizabeth Engleman

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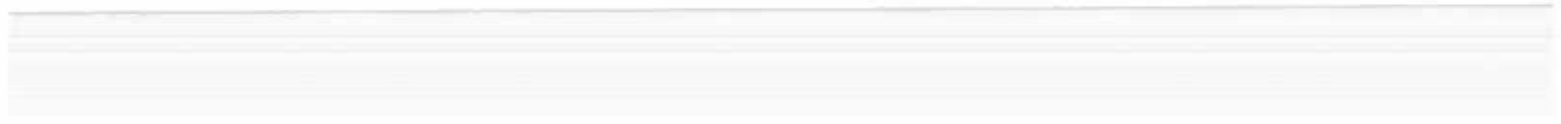
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Krummerich, Richard

From: Thomas Reilly <tmtreilly@gmail.com>
Sent: Thursday, September 28, 2017 8:26 AM
To: Bullock, John; Schleifer, Isaac; Burnett, Kristerfer; Henry, Bill (email); Sneed, Shannon; Cohen, Zeke; Dorsey, Ryan
Cc: Krummerich, Richard
Subject: Bresco Incinerator

Hello all,

I work in the solid waste industry in Anne Arundel County, but live in Baltimore City. I am a registered Professional Engineer (PE) and Board Certified Environmental Engineer (BCEE). I am also a concerned citizen when it comes to our air quality.

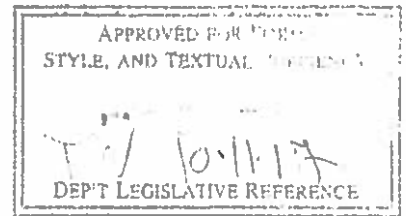
I urge you to pressure MDE to set stricter limits on the NO_x pollution that is currently escaping the BRESCO incinerator. Some of the harmful effects of NO_x pollution (from the EPA website):

- Breathing air with a high concentration of NO₂ can irritate airways in the human respiratory system. Such exposures over short periods can aggravate respiratory diseases, particularly asthma, leading to respiratory symptoms (such as coughing, wheezing or difficulty breathing).
- NO₂ along with other NO_x reacts with other chemicals in the air to form both particulate matter and ozone. Both of these are also harmful when inhaled due to effects on the respiratory system.
- NO₂ and other NO_x interact with water, oxygen and other chemicals in the atmosphere to form acid rain. Acid rain harms sensitive ecosystems such as lakes and forests.
- The nitrate particles that result from NO_x make the air hazy and difficult to see though. This affects the many national parks that we visit for the view.

Let's make Baltimore a healthier place to live AND become a shining example for other cities regarding how to manage our pollution.

Thank you for your time.

-Thomas Reilly, P.E., BCEE



**AMENDMENTS TO COUNCIL BILL 17-0034R
(1st Reader Copy)**

By: The Housing and Urban Affairs Committee
{To be offered on the Council Floor}

Amendment No. 1

On page 2, after line 27, insert:

“The Council requests that the Maryland Department of the Environment use its legal authority to go beyond the RACT standard in order to set a nitrogen oxides limit of 45 ppm on a 24-hour basis, which is the limit that would likely be set for a new incinerator.”

