

Council Bill 18-0101R

1 that MDE use its legal authority to go beyond the RACT standard in order to set a NOx limit of
2 45 ppm on a 24-hour basis, which is the limit that would likely be set for a new incinerator.

3 On August 17, 2018, MDE issued a notice of proposed action in the Maryland Register for a
4 regulation that sets new NOx emission limits for Maryland’s two municipal solid waste
5 incinerators. Under MDE’s proposed regulation, the Wheelabrator Baltimore incinerator must
6 meet a NOx limit of 150 ppm on a 24-hour average starting on May 1, 2019 and a NOx limit of
7 145 ppm on a 30-day average starting on May 1, 2020. MDE projects that these new limits will
8 reduce the incinerator’s NOx emissions by 200 tons per year, meaning that, after the limits go
9 into effect, the Wheelabrator Baltimore incinerator will likely continue to emit around 900 tons
10 per year of NOx.

11 In addition, the proposed regulation requires that, no later than January 1, 2020, Wheelabrator
12 must submit an analysis of the feasibility of additional control of NOx emissions to MDE,
13 including the potential to install state-of-the-art NOx control technology on the Wheelabrator
14 Baltimore incinerator. Wheelabrator Baltimore would also be required to propose new NOx
15 pollution limits to MDE by January 1, 2020 for the Baltimore incinerator based on the results of
16 the feasibility analysis.

17 MDE has the legal authority to set NOx emission limits that are much stronger and more
18 protective of health than the 150 and 145 ppm limits in the regulation that was proposed on
19 August 17, 2018. However, there is no language in the proposed regulation that compels MDE
20 to commence a second rulemaking and to set stronger NOx emissions limits for the Baltimore
21 incinerator after it receives the feasibility analysis and proposed NOx limits from Wheelabrator.

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

26 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BALTIMORE,** That the
27 Council requests that Maryland Department of the Environment ensure that the analysis
28 submitted by Wheelabrator by January 1, 2020 is a rigorous and serious assessment of the
29 feasibility of installing new NOx pollution control technology on the Wheelabrator Baltimore
30 incinerator. Specifically, MDE should not accept an analysis that fails to evaluate any kind of
31 pollution control technology on the basis that the control technology has not been installed on an
32 existing incinerator as part of a retrofit elsewhere. The Council requests that MDE ensure that
33 Wheelabrator fully evaluate the technical feasibility of installing, at minimum, the following
34 control technology on the Wheelabrator Baltimore facility, regardless of cost or whether the
35 technology has been used in other retrofits: selective catalytic reduction (SCR); hybrid
36 SCR/selective non-catalytic reduction (SNCR); and regenerative selective catalytic reduction
37 (RSCR). In addition, the study should evaluate the options of boiler modification and boiler
38 replacement. If cost is a concern for Wheelabrator, this should be explained separately from the
39 evaluation of technical feasibility.

40 **AND BE IT FURTHER RESOLVED,** That the Council also urges the Maryland Department of the
41 Environment to commence a second rulemaking process as soon as possible after receiving the
42 feasibility analysis from Wheelabrator in order to set a second set of NOx emission limits. The
43 Council requests that MDE use this rulemaking process to establish much stronger and more
44 health-protective limits than those set forth in the August 17, 2018 proposed rule.

Council Bill 18-0101R

1 **AND BE IT FURTHER RESOLVED**, That the Council requests that MDE transmit the feasibility
2 analysis and proposed emissions limits that it receives from Wheelabrator to the Baltimore City
3 Health Department, the Baltimore City Department of Public Works, and the Office of the
4 President of the Baltimore City Council upon MDE's receipt.

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