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

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

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 Wheelebrator 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

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

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.

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 to169 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.