

**CITY OF BALTIMORE
COUNCIL BILL 23-0162R
(Resolution)**

Introduced by: Councilmember Cohen
Introduced and adopted: March 27, 2023

A COUNCIL RESOLUTION CONCERNING

**Calling on the United States Environmental Protection Agency to
Block Norfolk Southern's Plan to Send Toxic Waste to Baltimore City**

FOR the purpose of calling on the United States Environmental Protection Agency (EPA) to rescind approval of Norfolk Southern's plan to send water contaminated with toxic chemicals from the East Palestine train derailment to Baltimore City.

WHEREAS, the United States EPA recently approved a plan for at least 675,000 gallons of contaminated water from the February 3, 2023 Norfolk Southern train derailment in East Palestine, Ohio to be transported to Baltimore City via rail.

WHEREAS, according to Norfolk Southern, the train that derailed in East Palestine was transporting the U.S. Department of Transportation Regulated Hazardous Materials butyl acrylate, vinyl chloride, ethylene glycol monobutyl ether, and ethylhexyl acrylate, as well as propylene glycol, petroleum lube oil, diethylene glycol, and benzene residue.

WHEREAS, the Clean Harbors, Inc. facility located at 1910 Russell St would treat this contaminated water and send the treated water to the Back River Wastewater Treatment Facility, which is owned by the Baltimore City Department of Public Works.

WHEREAS, the Back River Wastewater Treatment Facility has been operated by the Maryland Environmental Service since March 27, 2022 due catastrophic failures at the facility that led to illegal releases of partially-treated sewage.

WHEREAS, ongoing sludge management issues have been identified as a likely cause of a March 15, 2023 explosion at the Synagro Technologies Facility at the Back River Wastewater Treatment Facility.

WHEREAS, chemicals released into streams during the derailment have killed an estimated 43,722 aquatic animals, according to the Ohio Department of Natural Resources.

WHEREAS, according to the Federal Railroad Administration, 10 trains derailed in Baltimore City between 2018 and 2022.

WHEREAS, according to the EPA, Westport, Mount Winans, Cherry Hill, and other south Baltimore neighborhoods surrounding the Clean Harbors, Inc. facility have an air toxics cancer risk in the 80th-100th percentile and wastewater discharges in the 90th-100th percentile, nationally.

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

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1 **WHEREAS**, the EPA’s Equity Action plan states that the Agency “has committed to making
2 equity, environmental justice, and civil rights a centerpiece of the agency’s mission”.

3 **WHEREAS**, the Back River drains into the Chesapeake Bay.

4 **WHEREAS**, the Chesapeake Bay Foundation, in its 2022 State of the Bay Report, gave the
5 Bay a D- overall health index, including a D grade for toxic pollutants.

6 **WHEREAS**, the health of the Chesapeake Bay is essential to Baltimore City’s future.

7 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BALTIMORE**, that the City
8 Council calls on the EPA to block the plan to send toxic waste to Baltimore City.

9 **AND BE IT FURTHER RESOLVED**, That a copy of this Resolution be sent to the Chief
10 Executive Officer of Norfolk Southern, the Chief Executive Officer of Clean Harbors Inc., the
11 United States President, the Administrator of the United States Environmental Protection
12 Agency, the Governor of Maryland, the Maryland Secretary of the Environment, the Maryland
13 Secretary of Natural Resources, the Baltimore County Executive, the Mayor, the Director of the
14 Baltimore City Department of Public Works, and the Mayor’s Legislative Liaison to the City
15 Council.