



Legislation Details (With Text)

**File #:** 20-0615      **Version:** 0      **Name:** The Ban the Burn at Every Turn Act  
**Type:** Ordinance      **Status:** Failed - End of Term  
**File created:** 9/21/2020      **In control:** Judiciary Committee  
**On agenda:**      **Final action:** 12/7/2020  
**Enactment date:**      **Enactment #:**  
**Title:** The Ban the Burn at Every Turn Act  
 For the purpose of prohibiting Baltimore City from entering into contracts that would authorize the use of incinerators or waste-to-fuel facilities; and providing for a special effective date.  
**Sponsors:** Mary Pat Clarke, Kristerfer Burnett, Edward Reisinger, Zeke Cohen, Sharon Green Middleton, Ryan Dorsey  
**Indexes:** Ban the Burn at Every Turn Act  
**Code sections:**  
**Attachments:** 1. 20-0615~1st Reader, 2. Sustainability Commission 20-0615, 3. Finance 20-0615, 4. DPW 20-0615, 5. Law 20-0615, 6. Support Letter 20-0615

Date	Ver.	Action By	Action	Result
12/7/2020	0	City Council	Failed - End of Term	
9/24/2020	0	The City Council	Refer to Dept. of Finance	
9/24/2020	0	The City Council	Refer to Dept. of Public Works	
9/24/2020	0	The City Council	Refer to City Solicitor	
9/24/2020	0	The City Council	Refer to Office of Sustainability	
9/21/2020	0	City Council	Introduced	
9/21/2020	0	City Council	Assigned	
9/21/2020	0	Judiciary Committee	Scheduled for a Public Hearing	

**Explanation:** Capitals indicate matter added to existing law.  
[Brackets] indicate matter deleted from existing law.

**\* Warning:** This is an unofficial, introductory copy of the bill.  
The official copy considered by the City Council is the first reader copy.

**Introductory\***

**City of Baltimore  
Council Bill**

Introduced by: Councilmember Clarke, Councilmember Burnett, and Councilmember Reisinger

A Bill Entitled

An Ordinance concerning  
**The Ban the Burn at Every Turn Act**

For the purpose of prohibiting Baltimore City from entering into contracts that would authorize the use of incinerators or waste-to-fuel facilities; and providing for a special effective date.

By adding

Article 5 - Finance, Property, and Procurement  
Section 41-4 :  
Baltimore City Code  
(Edition 2000)

**Section 1. Be it ordained by the Mayor and City Council of Baltimore,** That the Laws of Baltimore City read as follows:

**Baltimore City Code**

**Article 5. Finance, Property, and Procurement**

**Subtitle 41. Prohibited Contracts**

**§ 41-4. Contracts for waste incineration.**

(a) *Definitions.*

(1) *In general.*

In this section, the following terms have the meanings indicated.

(2) *Incinerator; waste-to-fuel facility.*

(i) *In general.*

“Incinerator” or “waste-to-fuel facility” means any facility that disposes of or processes waste, uses waste to heat an industrial process, or uses waste to produce energy, and accomplishes this through:

(A) the combustion of waste;

(B) the combustion of gases produced on-site from the burning, gasification, or pyrolysis of waste; or

(C) the production of a solid, liquid, or gaseous fuel product, or a combination of two or more types of fuel products, through conversion of waste.

(ii) *Exclusions.*

An “incinerator” or “waste-to-fuel facility” does not include a landfill, an anaerobic digester, or any facility that burns gas from a landfill or an anaerobic digester unless the facility also burns waste.

(3) *Waste.*

(i) *In general.*

“Waste” means solid waste, as defined by 42 U.S.C. § 6903(27).

(ii) *Inclusions.*

Notwithstanding subparagraph (i) of this paragraph, “waste” also means:

- (A) sewage sludge or biosolids;
- (B) construction and demolition debris; and
- (C) recyclable or compostable materials.

(b) *Contracts prohibited.*

The City of Baltimore may not award a contract for disposal of waste with any entity that uses or arranges for the use of any incinerator or waste-to-fuel facility located inside or outside the State of Maryland.

(c) *Certification.*

(1) *In general.*

Each contractor for waste disposal for Baltimore City shall certify that no waste will be delivered or transferred to an incinerator or waste-to-fuel facility during the term of the contract.

(2) *Breach of contract.*

Without an exemption described in subsection (d) of this section, it shall be a material breach of contract for any contractor to deliver or transfer waste to an incinerator or waste-to-fuel facility in violation of its certification.

(d) *Exemptions.*

The Board of Estimates may exempt a contractor from the prohibition set forth in subsection (b) of this section on a showing that State or Federal law requires a certain waste stream to be incinerated.

**Section 2. And be it further ordained,** That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

**Section 3. And be it further ordained,** That this Ordinance takes effect on the date it is enacted.