



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.