



September 21, 2018

Mr. Randy Mosier
Chief of the Regulation Division
Air and Radiation Administration
Department of the Environment
1800 Washington Boulevard, Suite 730
Baltimore, Maryland 21230-1720
randy.mosier@maryland.gov

RE: Comments on Proposed Action on Regulation for Incinerator NOx Limits

Dear Mr. Mosier,

Clean Water Action is a national environmental advocacy organization with over 8,000 members within Baltimore City and 38,000 members in the state of Maryland. We work for swimmable, fishable waters in Maryland, for safe drinking water, and for environmentally healthy communities. Over the past decade, we have worked to support local organizations fighting trash incinerators across the state, from the Wheelabrator incinerator that would have been built in Frederick City, to the Energy Answers incinerator that would have been built just a few miles from here in South Baltimore. Trash incineration is an inherently dirty and polluting method of reducing trash volume and producing energy which costs local municipalities more money than composting initiatives, recycling facilities, and source reduction efforts. Accordingly, we have engaged in the process for updating the NOx RACT standard with great interest in improving public health and moving Baltimore toward a better future.

We understand that RACT 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.” Wheelabrator incinerators similar to BRESCO in other states are subject to a RACT limit of 150 ppm, and we know from outside expert analysis that BRESCO can achieve this limit. This will result in a reduction of 200 tons of NOx emissions per year, a not insignificant step toward achieving cleaner air and healthier communities in Baltimore.

However, as we and our allies have maintained throughout this process, the RACT standard itself is insufficient to drive reductions in nitrogen oxide emissions necessary to protect public health. Under this RACT standard, BRESCO will still emit 940 tons of nitrogen oxides per year. MDE has the regulatory authority to demand much stronger emissions reductions, and we are pleased to see that MDE has set forth a process to write such standards in 2020.

It is imperative that MDE follow through on its promise, closely monitor the feasibility study required of Wheelabrator under this regulation, and require far stricter emissions reductions based on a feasibility study that includes all potential technologies for reducing nitrogen oxides



emissions. Potential technologies must not be excluded because of expected cost or perceived infeasibility. Particularly when Wheelabrator has received over \$10 million in state subsidies for its classification as a Tier 1 Renewable source of energy in Maryland, cost cannot be a factor in excluding the most effective potential NOx controls.

In Resolution 17-0034, the Baltimore City Council urged MDE “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.” Members of the Baltimore City Council have since reiterated their strong desire for MDE to set strong, health-protective limits as part of this process. On behalf of our members in Baltimore City represented by this Council, and of all of our members impacted by the NOx pollution that BRESCO emits, we urge MDE to demand a rigorous study and set far stricter limits on BRESCO’s NOx emissions in 2020.

Thank you for your consideration.

Sincerely,

Jennifer Kunze
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