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Comments before House Environment
& Transportation Committee

FAVORABLE

House Bill 161

**Northeast Maryland Waste Disposal Authority
Sunset Act**

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Good afternoon. My name is Mike Ewall, and I'm the founder and director of a national organization, Energy Justice Network. Energy Justice works at the local level with grassroots community groups in Maryland and the rest of the country to support efforts to promote zero waste, and to stop polluting and unnecessary energy and waste industry facilities, with a focus on ending waste incineration.

We emphatically support this legislation, which is long overdue. The Northeast Maryland Waste Disposal Authority is redundant with other state agencies and sadly operates to the detriment of human and environmental health in the state. They exist primarily to be bonding outfit and an advocate for trash incineration.

Trash incineration is the [most expensive and polluting](#) way to manage waste or to make energy. It is dirtier than coal burning and worse than simply landfilling waste directly instead of turning it into air pollution and toxic ash before landfilling the ash. A life cycle assessment study conducted for Montgomery County found that burning their trash and landfilling the toxic ash in Virginia is twice as bad for climate change as going directly to landfills. When factoring in the impacts on asthma, cancer, heart attacks, and other health and environmental damage caused by the various other pollutants released, the overall impact was more than three times that of landfilling directly. This analysis helped inform the decision by the county executive to plan for the early closure of the incinerator.

Incineration is also far more polluting than burning coal. According to EPA's latest data, to produce the same amount of energy as coal, burning trash releases 65% more carbon dioxide (CO₂), three times as much nitrogen oxides (which triggers asthma attacks), five times as much mercury, nearly six times as much lead and 27 times more hydrochloric acid. This is far from a clean energy source.

After bruising, 5-8 year battles that stopped proposed waste incinerators in Frederick County and Baltimore City, and the withdrawal of pursuits for a new one in Prince George's County in 2016, the Authority has acknowledged that building new incinerators isn't politically viable. However, they continue to perpetuate the operation of the remaining incinerators in Baltimore City and Montgomery County.

The Authority creates a conflict of interest for local waste management directors who are typically the ones chosen to represent their eight member jurisdictions on the Authority's board. When the Authority makes money on perpetuating aging waste incinerators, the county official cannot fairly serve both masters when they have a fiduciary duty to the Authority while also having to do what is best for their county. Montgomery County is a glaring example, but it's also an issue in Baltimore City, where the mayor and other city leaders have committed to the current contract to burn their trash being the last.

In 2017, the Authority chose a handful of pre-selected consultants to be on-call for member jurisdictions. A team of the nation's leading Zero Waste experts were not chosen, yet other consulting companies were chosen who do not have the qualifications for some of the work they've been assigned. One is the nation's leading cheerleader for incinerator technologies. Another was told that they are not allowed to subcontract

to a leading Zero Waste expert. This hostility to genuine and proven waste reduction strategies is telling, and is show in the product that their consultants produce.

In 2018, the Authority set up Baltimore City and Montgomery County with their consultants to come up with long-term solid waste plans. The scope of work in each case read almost identically, and the documents were authored by the Authority. However, when confronted with this, city and county officials insisted that they wrote the scopes of work and the Authority did not, which was clearly false.

This wouldn't be a problem except for these two facts:

- 1) The Authority represented before this legislature a few years ago that they take the lead from their members and only exist to serve these member jurisdictions. The deception around who wrote the scope of work for those two member jurisdictions shows that it's really the Authority driving the policy.
- 2) The scope of work in each case was quite biased, and instructed consultants to look only at the benefits, but not the harms, of incineration – and to look at recommendations for the continued use of these incinerators well past their useful life... beyond 2040. Both reports, indeed, made that recommendation. One also dismissed, out of hand, the most effective and cost-effective program to quickly reduce waste (unit-based pricing). This was Geosyntec in the plan for Baltimore City, making the same bad recommendation they previously made while consulting for Frederick County.

Maryland deserves an agency that isn't simply putting their finger on the scale in favor of the dirtiest waste management technology in order to maximize their profits. Folding NMWDA into more responsible agencies could end this bias that pushes against the desires of the county and city leaders who are seeking to move away from reliance on the largest air polluters in their jurisdictions.

Find more about the history of the consulting study in Baltimore, and city council's unanimous objection to it, here: <https://www.cleanairbmore.org/campaigns/solidwasteplan/>