

EPA DIRECTS STATE OF MARYLAND TO TIGHTEN EMISSION LIMITS AND MONITORING FOR BALTIMORE AREA INCINERATOR, CONTRIBUTOR TO CHESAPEAKE BAY POLLUTION

Federal Agency Finds that State Did Not Respond to Environmental Groups' Concerns

WASHINGTON, D.C.//April 19, 2010//The U.S. Environmental Protection Agency (EPA) ruled Friday that the Maryland Department of the Environment (MDE) acted improperly when it issued a Clean Air Act permit that relaxed short-term emission limits for the Wheelabrator incinerator in Baltimore, and failed to show that emissions of mercury and other pollutants would be accurately measured. The EPA action came about as a result of a petition filed with the federal regulator by the Environmental Integrity Project (EIP), Baltimore Harbor Waterkeeper, Clean Water Action (CWA), and Chesapeake Climate Action Network (CCAN) after the MDE ignored the groups' concerns.

Highly visible alongside the western I-95 approach to Baltimore, the Wheelabrator incinerator is a major source of nitrogen oxide (NOx) emissions, which contribute to smog and Chesapeake Bay pollution. When MDE proposed renewing the Clean Air Act operating permit for the facility, EIP, Baltimore Harbor Waterkeeper, and Clean Water Action submitted comments opposing increases in NOx emission limits, and asking for better monitoring of emissions of NOx, mercury, lead, particulate matter, dioxins, and hydrogen chloride as required by the Clean Air Act. When the state failed to revise the permit, the groups asked EPA to object, which the federal agency has a right to do under the Clean Air Act.

The case is being closely watched not only for its Baltimore implications, but also because of plans for a new Wheelabrator incinerator in Frederick, Maryland.

On Friday of last week, the EPA responded, agreeing that MDE failed to address the groups' significant concerns. When the Wheelabrator plant was first constructed, the permit limited hourly emissions of nitrogen oxide. During a recent renewal of the plant's permit, the state proposed relaxing that limit by allowing emissions to be averaged over a 24 hour period, instead of the much shorter averaging times required by the original permit. EPA agreed that the permit cannot be illegally modified to increase emissions by stretching out the time for compliance.

Jennifer Peterson, staff attorney, EIP, said: **"This is excellent news for cleaner air and cleaner water in Maryland. Without monitoring of emissions, we are really flying blind – neither the public nor MDE can be sure what's coming out of the Wheelabrator stacks. Emission monitoring helps make sure that companies are actually complying with the law. We are pleased that EPA intervened here to do the right thing and hope that MDE will fix this permit and take steps to ensure that emissions monitoring of mercury, particulate matter, and other harmful pollutants is as accurate as it can be."**

"This is a great victory, particularly for the communities that live near the Wheelabrator incinerator and suffer the greatest exposure to its emissions," said Andrew Galli, Maryland Program coordinator, Clean Water Action.

In responding to the EIP, Baltimore Harbor Waterkeeper, Clean Water Action, and Chesapeake Climate Action Network petition, EPA also agreed that MDE did not demonstrate that monitoring for mercury, lead, and other pollutants is adequate to ensure Wheelabrator complies with emission limits. Wheelabrator is required to meet hourly emission limits for NOx, mercury, but actually tests for compliance only once a year. Since emissions of mercury and other pollutants vary based on what kind of trash the facility is burning, testing once a year does not ensure that Wheelabrator is actually meeting hourly emission limits. EPA agreed that monitoring in the permit was inadequate and ordered MDE to respond to the groups' concerns.

Diana Dascalu-Joffe, staff attorney, CCAN said: **"EPA's response to our petition is a big win for Baltimore communities living in the shadow of the Wheelabrator municipal solid waste incinerator. EPA's order sends a clear message to MDE that weak permits, which allow for greater air pollution, is not acceptable."**

ABOUT THE GROUPS

The Environmental Integrity Project (<http://www.environmentalintegrity.org>) is a nonpartisan, nonprofit organization established in March of 2002 by former EPA enforcement attorneys to advocate for effective enforcement of environmental laws. EIP has three goals: 1) to provide objective analyses of how the failure to enforce or implement environmental laws increases pollution and affects public health; 2) to hold federal and state agencies, as well as individual corporations, accountable for failing to enforce or comply with environmental laws; and 3) to help local communities obtain the protection of environmental laws.

Baltimore Harbor Waterkeeper is a local grass-roots organization dedicated to addressing Baltimore's water-quality issues. Its mission is to protect and restore Baltimore Harbor and the greater Patapsco River and its tributaries through enforcement, fieldwork, and citizen action in order to make the river suitable for recreation, including fishing and swimming, to improve public health, and to improve the health of the river ecosystem.

Clean Water Action is an organization of 1.2 million members working to empower people to take action to protect America's waters, build healthy communities and to make democracy work for all of us. For 36 years Clean Water Action has succeeded in winning some of the nation's most important environmental protections through grassroots organizing, expert policy research and political advocacy focused on holding elected officials accountable to the public.

Chesapeake Climate Action Network is the first grassroots, nonprofit organization dedicated exclusively to fighting global warming in Maryland, Virginia, and Washington, D.C. Our mission is to educate and mobilize citizens of this region in a way that fosters a rapid societal switch away from fossil fuels and toward clean energy and energy-efficient products, thus joining similar efforts worldwide to halt the dangerous trend of global warming.

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