



**Testimony of Ted Michaels  
President, Energy Recovery Council  
Before the Maryland Senate Education, Health and the Environmental  
Affairs Committee  
March 2, 2010**

**In opposition to:**

- 1) Senate Bill 333, An Act prohibiting the Secretary of the Environment from issuing a permit to construct an incinerator within a certain distance of a battlefield, wildlife, or a recreational area in the National Park System, and**
- 2) Senate Bill 514, An Act prohibiting the Secretary of the Environment from issuing permits to construct or materially alter an incinerator located within 3 miles of specified locations.**

Good afternoon, Chairman Conway and Members of the Committee. My name is Ted Michaels and I serve as President of the Energy Recovery Council (ERC). ERC represents those engaged in the waste-to-energy sector, including municipalities that rely upon this important technology for safe, effective trash disposal and the generation of clean, renewable energy. ERC members with facilities in Maryland include Covanta Energy, Wheelabrator Technologies, and the Northeast Maryland Waste Disposal Authority. Maryland's three existing waste-to-energy facilities, located in the City of Baltimore, Montgomery County and Harford County, generate 123 megawatts of electricity from the disposal of more than 4,400 tons of trash per day and have operated safely for many years.

On behalf of the ERC and its members, I strongly oppose Senate bills 333 and 514. The bills' sponsors hope to kill one waste-to-energy facility in particular, although they take slightly different approaches to blocking the facility. SB 333 would prohibit a permit from being issued if a waste-to-energy facility is located within one mile of a battlefield, wildlife or recreational area in the National Park System. SB 514 would prohibit a permit from being issued if a waste-to-energy facility is located within three miles of certain locations such as schools, churches, hospitals, homes, etc. Both bills would have the widespread effect of preventing virtually any new development of waste-to-energy as a clean, renewable energy technology in the State of Maryland and would override a process being undertaken by the Frederick Board of County Commissioners.

ERC's opposition to SB 333 and SB 514 is based primarily on the following: 1) the bills inappropriately override the decision making processes and zoning authorities vested with local governments, and 2) the bills unfairly and inappropriately target the

development of waste-to-energy facilities, which ironically is a technology encouraged by the Maryland renewable portfolio standard.

ERC believes that these bills inappropriately limit the ability of local governments to make informed and considered judgments on the siting of waste-to-energy plants. Sweeping proposals, such as SB 333 and SB 514, fail to consider the individual circumstances surrounding any decision. Proximity to hospitals, parks, schools or homes has no bearing on how a waste-to-energy facility---or a facility of any nature---may or may not impact the use of a location. For example, a wind turbine sited five miles from a park could have a much greater impact on the use of that park than a natural gas-fired power plant or a waste-to-energy plant located a half-mile from the same park.

Siting decisions depend on the specific conditions of a given area and local governments are in the best position to make these decisions. Furthermore, the environmental track record of waste-to-energy facilities is exemplary and poses no risk to homes, hospitals, or schools, whether they are three miles away or next door. The U.S. Environmental Protection Agency ensures that waste-to-energy facilities meet Maximum Achievable Control Technology standards and as a result have stated that waste-to-energy facilities produce electricity with “less environmental impact than almost any other source of electricity.” In fact, waste-to-energy facilities around the world are safely sited in downtown locations, including a new waste-to-energy facility located approximately one mile from the Eiffel Tower in Paris.

Waste-to-energy is an enormously important resource in Maryland and state policies that encourage waste-to-energy should not be replaced with state laws that seek to drive it away. Maryland exports significant amounts of trash each year because of a lack of in-state disposal capacity. Landfill expansions and siting new landfills continue to encounter opposition, making the continued operation of safe, clean and reliable waste-to-energy facilities a critical part of the State’s solid waste infrastructure. Unfortunately, this legislation jeopardizes the stability of existing and future waste-to-energy facilities rather than promoting policies that assist communities manage their solid waste and generate clean, renewable energy.

While some choose to turn a blind eye, the following statements are supported by fact:

- Waste-to-energy is an environmentally responsible method to manage solid waste;
- Waste-to-energy utilizes a homegrown energy source which Maryland, 24 other states, and the federal government have deemed renewable;
- Waste-to-energy is a net reducer of greenhouse gases;
- All waste-to-energy facilities meet the strictest federal air quality standards called Maximum Achievable Control Technology standards;
- The average recycling rates of communities with waste-to-energy is greater than those communities that do not have waste-to-energy; and

Michaels Testimony  
SB 333 / SB 514  
March 2, 2010

- Construction and operation of these renewable energy facilities create numerous high-paying green jobs.

In summary, ERC opposes SB 333 and 514 and we urge the committee to reject this legislation. The State of Maryland will be better served if we constructively develop policies that promote all renewable energy sources, including waste-to-energy. Thank you.