

Senate president will sponsor bill to stop controversial trash incineration subsidy

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FULL TEXT

Maryland Senate President Bill Ferguson will sponsor a bill to remove trash incineration from the state's list of subsidized renewable energy practices.

Ferguson, a Democrat who represents Baltimore, said he has long believed that trash incineration doesn't belong in the first tier of Maryland's renewable energy mix. But recent developments in the region's energy market, including escalating prices for ratepayers, make the 2025 session an optimal time for the incineration bill, Ferguson said.

"What we need to use these dollars for is to incentivize new renewable energy," said Ferguson, who announced his plans on the social media site X. "Removing incineration from Tier 1 sets the priority in Maryland on finding additional and other new renewable sources so that we can stabilize our energy markets."

Ferguson's support lends unprecedented momentum to a cause long supported by environmentalists and community groups in South Baltimore, which hosts a trash incinerator that takes in waste from around the region. They have argued that while the incinerator produces some energy, it releases pollutants from its smokestack that harm neighboring residents and diminish air quality.

WIN Waste, which operates that incinerator near the Horseshoe Casino Baltimore, has painted its facility as a bridge away from fossil fuel power plants, and that regulations, plus \$45 million in recent facility upgrades, including to pollution controls, protect the surrounding communities.

Versions of such a bill have been introduced in the General Assembly for the last several years. In 2021, lawmakers voted to remove a different form of energy generation from the renewable portfolio, called black liquor, which is a byproduct of the paper-making process that can be burned to create energy. But officials stopped short then of halting subsidies for waste incineration.

"The year that we did that, there was, I guess, an agreement that we were just going to focus on black liquor. And so an effort to sort of add trash incineration to it —the timing just wasn't right," Ferguson said.

The timing could be right this year, Ferguson said. At an auction this summer run by electric grid operator PJM, the funding awarded to electricity generators skyrocketed, prompting calls for reform from officials, environmental groups and consumer advocates.

"Generators that are on the grid will receive significantly more money on the open market," Ferguson said. "A number of these incineration entities participate in those auctions and will be paid handsomely from these new auctions."

Mary Urban, a spokesperson for WIN Waste, took issue with the notion that removing the subsidy wouldn't impact the incinerator. The energy market is volatile, and the prices awarded by PJM could decline once new energy generators come online, improving the supply, Urban wrote in a statement.

"The purpose of the subsidy is to provide stability during these fluctuations and ensure that waste-to-energy (WTE) facilities, which provide significant environmental benefit over landfilling, can keep operating until our reliance on fossil fuels is dramatically reduced," Urban wrote.

Urban added that pulling incineration from the portfolio could force the state to send more of the energy subsidies to generators outside of Maryland.

"Excluding [waste-to-energy] from the [renewable portfolio standard] requires Marylanders to subsidize out-of-state

businesses while ignoring the work WIN does to divert waste from landfills and reduce greenhouse gases while avoiding fossil fuels,” Urban wrote.

Ferguson said that more subsidies heading out of state is of less consequence, because the renewable energy portfolio will still only fund generators in the PJM grid, which includes Maryland.

“It’s on the grid. That’s what matters most,” he said.

Jennifer Kunze, Maryland organizing director with Clean Water Action, said she was thrilled to hear of Ferguson’s move, and hoped to see similar support for the idea from Gov. Wes Moore and House Speaker Adrienne Jones.

In response to questions from The Sun, Moore’s spokesperson Carter Elliott IV said his administration is “working day and night with all partners involved to ensure that we are continuing to put forward legislation that will make Maryland safer, more affordable, more competitive.”

A spokesperson for Jones did not return a request for comment.

Kunze said she also hoped to see lawmakers remove other types of energy generation from the portfolio as well, namely biogas and wood biomass, given that they are also waste products “siphoning off” support for wind, solar and geothermal energy.

But Ferguson said his bill will address only waste incineration, which accounted for about 7% of the subsidy payments as of 2022. The payments also went to another incinerator in Montgomery County.

“Over the next few years, I think we’re going to have to have a broader conversation about the renewable energy portfolio,” he said. “We don’t want to make too many shocks to the system when we already know there’s a great deal of unpredictability in energy markets.”

Organizers who fought the inclusion of incineration in the renewable portfolio more than a decade ago described Friday’s announcement uniquely heartening. It was included among Tier 1 renewables in 2011 partially to bolster a second incinerator planned for South Baltimore, a plan that was abandoned amid strong resistance from local residents, including high school students such as Shashawnda Campbell, who is now environmental justice director at the nonprofit South Baltimore Community Land Trust.

“While we defeated that development, we’ve been stuck with this toxic policy since 2011 and have watched friends and family suffer from asthma, while BRESCO, the city’s worst polluter, collects millions in public subsidies,” Campbell wrote in a statement, using a past name for the incinerator. “Thankfully, this will be the last legislative session we have to spend on this issue, which literally comes down to paying incinerators to cut our lives short. I just wish it didn’t take almost 15 years for Maryland officials to correct this terrible mistake.”

Greg Sawtell, the Land Trust’s Zero Waste Just Transition director, said he believes the fierce pushback from residents “at meeting after meeting and community event after community event” compelled Ferguson to back the bill this year, which he called a “huge step.”

In May, the Land Trust, together with the Chesapeake Bay Foundation, also filed a federal Title VI Civil Rights complaint arguing that Baltimore City’s failure to promulgate a concrete plan to eventually stop sending its waste to the incinerator disproportionately harms minority residents in South Baltimore.

Ferguson said the incineration issue attracted “some of the greatest level of attention and consternation” among constituents in his district, relative to other issues brought to his office.

“Generally, you don’t hear very much when it comes to the more nitty gritty, complex issues. This is one that is both complicated but also very well-followed,” he said. “I’ve been looking for ways to move this forward over the last few years, and I think now is the right time to really get it done.”

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