

HUMAN RIGHTS REPORT CARD OF THE ENERGY ANSWERS INCINERATOR PROPOSAL

<p><b>HUMAN RIGHTS PRINCIPLE</b> <u>Equity</u> Are benefits and costs of the project shared fairly?</p>	<p><b>HAS IT BEEN ACHIEVED?</b> We have determined that the incinerator proposal is not consistent with the principle of equity. Baltimore and Curtis Bay are already overburdened with toxic air pollution. Consider the following:</p>	<p><b>WHAT ARE POSITIVE ALTERNATIVES?</b></p>
<ol style="list-style-type: none"> <li>1. Baltimore has major problems with air pollution. Our city has the highest rate of air pollution related deaths of all the major cities in the US. <sup>1</sup></li> <li>2. Brooklyn &amp; Curtis Bay are already overburdened with pollution and environmental problems. The community has the highest rate of the toxic air emissions in MD. <sup>2</sup></li> <li>3. Curtis Bay has some of the highest mortality rates in the city from lung cancer, heart disease and lower respiratory disease – all linked to air pollution. <sup>3</sup></li> <li>4. The incinerator will be the largest in the nation and will burn 4,000 tons of waste per day including tires, plastic, and metal. <sup>4</sup></li> <li>5. The incinerator will be built less than a mile away from Benjamin Franklin High School and Curtis Bay Elementary despite a state law that prohibits this. <sup>5</sup></li> <li>6. The incinerator would be the largest single source of mercury in Maryland, releasing 240 lbs per year. The incinerator would also release dangerous amounts of lead, NO x, and Dioxins into the air and through the toxic ash left over after burning. <sup>6</sup></li> <li>7. South Baltimore already has a large trash incinerator and a landfill. Curtis Bay also has the nation's largest medical waste incinerator.</li> <li>8. This project is a continuation of a historical pattern of environmental injustice. The nearby community of Fairfield had to be relocated due to the public health consequences of environmental destruction. <sup>7</sup></li> </ol>		<ol style="list-style-type: none"> <li>1. Create a new equitable permitting process that does not allow for communities to be overburdened by toxic pollution. Do not allow for certain residential areas to be significantly more polluted than others.</li> <li>2. Break the failed development cycle that results in communities like Curtis Bay being treated as dumping grounds. Prioritize truly green wind and solar projects where they are most needed.</li> <li>3. Partner with communities calling for jobs that do not hurt their health and the environment. Recycling alone creates 10-20 times more jobs than incineration and deals with waste responsibly. <sup>8</sup></li> <li>4. Pursue Zero Waste policies to deal with waste in a comprehensive way that is equitable and sustainable.</li> <li>5. Respect the law and the community - do not build the incinerator.</li> </ol>

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<p><b><u>HUMAN RIGHTS PRINCIPLE</u></b> <u>Transparency</u></p>	<p><b><u>HAS IT BEEN ACHIEVED?</u></b></p>	<p><b><u>WHAT ARE POSITIVE ALTERNATIVES?</u></b></p>
<p>Is any and all information about the incinerator and its impact on the public discussed, decided, and monitored in an open, accessible manner? Was information that informed the decisions to approve the project easily available to public?</p>	<p>We have determined that there are major gaps in information that raise serious questions about the incinerator's viability. We have learned the following:</p> <ol style="list-style-type: none"> <li>1. Critical information is lacking - no Health Impact Assessment (HIA) or cumulative impact assessment has been conducted to determine the public health consequences of the project.<sup>9</sup></li> <li>2. Information about public hearings was not widely available to the community.<sup>10</sup></li> <li>3. None of our requests to Energy Answers for information have been responded to over the past 2 years.<sup>11</sup> The company has missed their Aug 2013 construction deadline – currently there is no activity at the site nor is there evidence of construction and our concerns about this have not been adequately addressed.<sup>12</sup></li> <li>4. The Energy Answers website is not functional which makes assessing the company's track record in running incinerators, let alone the biggest one in the country, difficult to determine.<sup>13</sup></li> <li>5. We are unable to determine the cost of the electricity that the incinerator would generate and sell to many of our public institutions.</li> <li>6. We have been unable to determine whether Energy Answers will be able to obtain the 4,000 tons of waste per day it needs to operate. The company may need to import garbage from other states.</li> <li>7. We have been unable to determine where the company will deposit the toxic ash that is left over after burning.</li> <li>8. The incinerator is presented as being green and safe and yet the toxins emitted pose threats to our health and environment.</li> </ol>	<ol style="list-style-type: none"> <li>1. Increase capacity to conduct HIAs on future projects before critical permitting decisions are made.</li> <li>2. Account for and report on the existing levels of pollution that a community is already burdened with in the permitting process. We need to know the true impact of a polluting project and not treat it as if it exists apart from all other sources of pollution.</li> <li>3. Increase air quality monitoring efforts that give us basic information about what is in our air (air quality monitors have been removed from Curtis Bay).</li> <li>4. Strengthen requirements for community involvement in the hearing process.</li> <li>5. Re-open the discussion about what we define and mean by renewable energy here in Maryland. Defining trash incineration as renewable in the same way as wind and solar is extremely controversial and should require significant open public discussion.</li> <li>6. Notify members of public institutions (i.e. all of us) about proposed energy contracts so that we have a chance to contribute to the discussion.</li> </ol>

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**HUMAN RIGHTS**

**PRINCIPLE**  
**Participation**

Were decisions involving the project made by meaningful input by the community?

**HAS IT BEEN ACHIEVED?**

We have determined that community members did not have adequate chances to participate in the decision making process. We note that the lack of participation is closely connected to the lack of transparency.

**WHAT ARE POSITIVE**  
**ALTERNATIVES?**

1. Value community members as the source of ideas/projects rather than as a group that hears about proposals after decisions have been made.

2. Hold community awareness events that present upcoming development projects to citizens in advance. Make the events accessible and attractive to community members.

3. Address the lack of public participation in the process that resulted in public entities across the state being financially connected to the incinerator.

4. Recognize that we as a city and a state are capable of participating in a process that results in a positive and ambitious vision for how we deal with waste and produce energy. We do not need to settle for false solutions like the incinerator. We are capable and can choose.

1. Over the past 2 years we have talked to thousands of people in Curtis Bay and throughout the city. Not only did the vast majority lack information about the incinerator proposal, but most did not know the incinerator project existed.<sup>14</sup>

2. A small number of public meetings were held to discuss and build understanding of the proposed incinerator within our community.<sup>15 16</sup>

3. We learned about the issue after most decisions had already been made and were frustrated that such a big project could be decided without us even knowing about it.<sup>17</sup>

4. The proposal to build the incinerator did not emerge from the communities of Curtis Bay or Brooklyn or even the state of Maryland. Given the difficulty we have had in making the most basic contact with the New York based company, this is alarming.

5. Public entities across Maryland are in a contract to purchase energy from the incinerator and therefore support it economically. This decision was made with minimal or no public participation. The consequence of the decision is that nearly all Marylanders are economically supporting a project that many are strongly opposed and directly threatened by.<sup>18</sup>

6. In 2011, incineration was moved into tier 1 of Maryland's Renewable Portfolio Standard. This means that incineration receives valuable public incentives to keep burning waste.<sup>19</sup> We know that Energy Answers donated \$100,000 to the Democratic Governors association as this decision was made.<sup>20</sup> We feel that the company's voice was listened to while communities throughout Maryland were not

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<p><u>HUMAN RIGHTS PRINCIPLE</u></p>	<p><u>HAS IT BEEN ACHIEVED?</u> We have determined that there are significant questions about accountability to remain unanswered.</p>	<p><u>WHAT ARE POSITIVE ALTERNATIVES?</u></p>
<p><u>Accountability</u> Are clear, sufficient and actionable measures in place in the event that promises related to project are not kept, or if damages result from it?</p>	<p>1. If the incinerator is built, it is unclear to us who will be held responsible if there are negative public health consequences as a result. How would a resident hold Energy Answers accountable if there are problems after the incinerator is built?</p> <p>2. How often will the incinerator be inspected and its emissions monitored? The existing incinerator in Baltimore is subject to a yearly inspection of its pollution control equipment.<sup>21 22</sup></p> <p>3. We know that the existing incinerator in Baltimore has violated their mercury emissions limits and yet it still continues to operate.<sup>23</sup></p> <p>4. Energy Answers was required to begin construction on Aug 6 2013. We have been monitoring the site and no construction activity is taking place. We have not received an adequate response and this raises serious concerns about the reliability of accountability measures down the line.<sup>24</sup></p>	<p>1. Hold companies like Energy Answers responsible to meet all deadlines and benchmarks.</p> <p>2. Respond in a timely manner to community concerns and questions regarding a company's compliance with deadlines and benchmarks.</p> <p>3. Require more than once per year inspections of critical sources of toxic air emissions.</p> <p>4. Determine whether or not Energy Answers met their requirement to begin construction on Aug 6<sup>th</sup> 2013 and make the information available to the community.</p>

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<p><u>HUMAN RIGHTS PRINCIPLE</u></p>	<p><u>HAS IT BEEN ACHIEVED?</u></p>	<p><u>WHAT ARE POSITIVE ALTERNATIVES?</u></p>
<p><u>Universality</u> Will the project benefit all of us?</p>	<p>We have determined that the incinerator will not benefit all of us and that there are positive alternatives for us to pursue.</p> <ol style="list-style-type: none"> <li>1. We are concerned that counting waste as a renewable energy source will take our society away from moving towards an equitable and sustainable future that works for all of us. How can we consider waste that is made up of finite resources and takes energy to produce a renewable resource?</li> <li>2. We know that incinerators have a negative impact on climate change and that as we face this global challenge, incinerators are not the right path forward.</li> <li>3. We are concerned that building the nations' largest incinerator here in Baltimore will take us away from pursuing composting, recycling and waste reduction.</li> </ol>	<ol style="list-style-type: none"> <li>1. Pursue development projects that benefit everyone. Respect all the principles of fair development. Stop the incinerator.</li> </ol>

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