FOR IMMEDIATE RELEASE

March 30, 2020

**FEDERAL COURT STRIKES DOWN BALTIMORE CITY AIR QUALITY ORDINANCE**

*Baltimore Had Tried to Override Federal and State Law on Air Pollution Control for Waste Combustors*

**Arlington, VA** – On March 27, the U.S. District Court for the District of Maryland struck down the Baltimore Clean Air Act. The Court ruled that the requirements in the ordinance were in conflict with existing federal and state laws and regulations.

Wheelabrator Baltimore, L.P., the only waste-to-energy facility located in the City of Baltimore, and Curtis Bay Energy, L.P., the only medical waste incinerator in Maryland, brought this action along with the National Waste & Recycling Association (“NWRA”), the Energy Recovery Council, and TMS Hauling, LLCto invalidate Baltimore’s attempt to force the closure of the Wheelabrator and Curtis Bay facilities through the imposition of extraordinary emission limits and operational requirements that Baltimore had no power to impose.

“NWRA is pleased with the Court’s decision. We agree with Judge Russell’s view that state and federal regulations already in place protect the public’s health and that allowing the Baltimore City Council to replace those state and federal regulations with its own ordinance is not in alignment with spirit of those existing state and federal regulations,” said NWRA President and CEO Darrell Smith.

“We thank Judge Russell for issuing his ruling on the key preemption issues in an expeditious manner given the September 2020 deadlines for implementation of the Baltimore Clean Air Act that would have forced the closure, at least temporarily, of the Wheelabrator Baltimore facility,” stated Jim Riley, NWRA’s Chief Counsel and Senior Vice President for Government Affairs. “Baltimore’s attempt to do this disregarded nearly fifty years of federal and state primacy in directing a uniform system to regulate air pollution and imposed unprecedented emission limits that lacked scientific, technical, or factual bases.”

The emission limits and other requirements of the Baltimore ordinance directly conflicted with the emission limits and provisions in the Federal Clean Air Act, EPA’s regulations, and the Title V operating permits granted to Wheelabrator and Curtis Bay. Additionally, the ordinance criminalized conduct allowed under federal law and, as the ordinance’s sponsor admitted, was passed with the intent to shut down these facilities under the guise of regulation.

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**ABOUT NWRA**

The National Waste and Recycling Association represents the private sector waste and recycling services industry. Association members conduct business in all 50 states, and DC and include companies that manage waste collection, recycling and medical waste, equipment manufacturers and distributors, and a variety of other service providers. For more information about NWRA, please visit [www.wasterecycling.org](http://www.wasterecycling.org).

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