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Via Email: [MCheh@dccouncil.us](mailto:MCheh@dccouncil.us)

Councilmember Mary Cheh  
Council of the District of Columbia  
1350 Pennsylvania Avenue NW, Suite 108  
Washington, DC 20004

July 6, 2015

**Re: Proposed 5-11 Year Waste Incineration Contract with Covanta Fairfax**

Dear Councilmember Cheh:

We write to urge you not to move the proposed contract with the Covanta Fairfax trash incinerator to a vote. This proposed contract to burn the District's waste in Lorton, Virginia locks the city in to at least five years of using the most expensive, polluting and unjust option available to dispose of our city's municipal waste.

Locking the city in to at least five years of incineration while our agencies are in transition ties the hands of this new leadership and undermines the city's zero waste efforts. This comes at a time when the Department of Public Works (DPW) is seeking a new director – hopefully one better suited to advance the city's zero waste goals. The Department of the Environment is still hiring new staff to bring in expertise on zero waste strategies, and to implement the Sustainable DC and Sustainable Solid Waste Management laws you spearheaded last year. The Interagency Waste Reduction Working Group, set up under the new waste law to move us toward the mandated goal of 80% diversion from incinerators and landfills, has yet to meet.

As the attached factsheet spells out, we're concerned about this incineration contract for several reasons:

Health: the Covanta Fairfax incinerator is the region's second largest emitter of nitrogen oxide pollution, aggravating asthma, which is already a problem for many in the District.

Pollution: the incinerator is also the largest mercury polluter in the DC area, and is among the top polluters by many other measures. Incinerators are 7 times more air-polluting than landfills, according to the latest EPA data, and affects a much larger population.

Expense: incineration is more expensive than all of our landfill options, as outgoing DPW Director Howland admitted to your committee and to the mayor's office.

Civil Rights: the RFP that led to the contract was designed so that only incinerators in communities of color could bid for DC's waste, which is a violation of the Civil Rights Act.

**The solution:** letting this proposed contract die will require DPW to extend the current contract on a shorter-term basis (up to a year), allowing time for new DPW leadership to issue a new RFP with guidance from DDOE and the Interagency Waste Reduction Working Group. This would allow a new RFP to be opened to all bidders that can handle DC’s waste (including landfills and digesters, not just incinerators), and will enable the city to use its contracting power to work toward genuine zero waste goals. For whatever waste cannot be reduced, reused, recycled or composted, the “back end” contracts ought to require that waste be anaerobically digested before landfilling, avoiding gassy, stinky landfills, and helping the city meet its goals regarding climate change.

Sincerely,

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Cc: DC Council, Office of the Mayor, DPW, DDOE

## **REJECT THE COVANTA WASTE CONTRACT**

About half of the waste going through DC's two transfer stations goes to be burned in Covanta's Fairfax trash incinerator in Lorton, Virginia. This contract expires at the end of 2015. DPW has issued an RFP for 5-11 more years of waste burning, and awarded it to Covanta. This contract needs council approval.

Incineration is the most expensive and polluting way to manage waste (or to make energy). Continued reliance on incineration flies in the face of the new waste law City Council passed in 2014, requiring the city to move toward zero waste. It's also bad for the health and pocketbooks of DC residents, and violates the Civil Rights Act.

### RFP Too Narrow

The RFP was set up so that only one facility could bid. It was restricted to existing incinerators within 50 miles of DC's transfer stations. There are only four such facilities. The only one in a white community (Montgomery County) does not take out-of-county trash. Two of the others (Alexandria and Baltimore) do not have room for the volume of DC's waste. The contract was rigged to keep waste flowing to Covanta's Lorton incinerator. Landfills were not allowed to bid.

### Economics

Incineration is the most expensive way to manage waste. DPW Director Howland admitted – in a 2009 email to the Mayor's office, and in sworn testimony before city council in 2012 – that trucking waste to southeastern Virginia landfills was cheaper than disposing of it at the incinerator in Lorton, yet DPW chose to go with incineration in the last contract because of their pro-incineration bias.

### Social justice

DC's waste system is a prime example of environmental racism – a documented national trend. DC's waste is first transferred through black communities in Wards 5 and 7, then much of it is burned in Lorton, VA, which is the 12<sup>th</sup> most diverse community of color in the country. The Lorton Valley community lives adjacent to the giant incinerator and two large landfills (one is where the incinerator's ash goes), and nearby a third landfill and a sewage sludge incinerator. It's a violation of the Civil Rights Act for federally-funded agencies, including the District, to take actions that have a discriminatory effect, as this RFP does.

### Health

DC has high asthma rates. According to the CDC, DC's adult lifetime asthma prevalence was 16.2%, while the national rate is 13.3%. The age-adjusted asthma hospitalization rate in the District of Columbia was 267.1 per 100,000 persons compared with the U.S. rate of 144 per 100,000 persons. Within 20 miles of DC, Covanta's Lorton incinerator is second only to Dulles Airport in emissions of nitrogen oxides (NOx), the air pollutants that aggravate asthma. Covanta's Alexandria incinerator is also in the top five in the DC area. DC's waste disposal should not be helping drive DC's high asthma rates.

Other health problems are exacerbated by the fact that this incinerator is the largest emitter of Hydrofluoric Acid in their entire industry, is the largest source of mercury pollution within 20 miles of DC, is in the top five sources of lead and sulfur dioxides within 20 miles, and is a large source of volatile organic compounds (VOCs).

### Environment

Incinerators do not avoid landfills. They just make for smaller, more toxic, landfills. The Covanta incinerator Lorton dumps their toxic ash in an old Fairfax County landfill adjacent to the incinerator. For every 100 tons of trash burned, 30 tons of ash remain. The rest went into the air. Landfills are a problem,

but incineration just makes the pollution problem worse, creating new toxins in the combustion process and concentrating what doesn't end up in the air, into the ash sent to landfills, where it can still leach and harm groundwater.

Trash incineration is dirtier than coal burning. To make the same amount of energy as a coal power plant, trash incinerators release 28 times as much dioxin than coal, 2.5 times as much carbon dioxide (CO<sub>2</sub>), twice as much carbon monoxide, three times as much nitrogen oxides (NO<sub>x</sub>), 6-14 times as much mercury, nearly six times as much lead and 70% more sulfur dioxides.

#### Covanta's track record

Covanta has an extensive track record of violations at their facilities across the country. Many are for air pollution violations. They were even once caught and fined for tampering with their emissions monitors to make it seem like their emissions are lower than they really are.

#### "Waste-to-energy" and "energy from waste" = Incineration

Covanta's facilities are defined and regulated as trash incinerators ("municipal waste combustors" in EPA language). The fact that they generate small amounts of electricity has no bearing on whether they are incinerators. However, the industry has a (well-deserved) terrible reputation, as incineration is one of the most unpopular technologies there is. For that reason, Covanta and others avoid the 'i' word and insist that they're not incinerators, choosing inaccurate PR terms instead. Waste isn't actually turned into energy, but into toxic ash and toxic air emissions. Three to five times more energy is saved by recycling and composting discarded materials than can be created by burning them. In essence, these are "waste-OF-energy" facilities.

#### What **Should** be Done: Let the Covanta contract die so that DPW can extend the current contract on a 1-year basis, allowing time to properly rebid for a shorter term contract allowing landfills and digesters to bid, and moving toward zero waste

In passing the Sustainable Solid Waste Management Amendment Act of 2014, city council mandated that the District come up with a zero waste plan, outlining steps the District can take to achieve at least an 80% waste diversion rate – diverting waste from both incinerators and landfills. Rather than continue to use both, and lock in contracts for 5 to 11 years, city council ought to reject the Covanta contract (or let it die, un-introduced), extend the current Covanta contract on a short-term basis (no more than a year), and request that DPW issue a 1-year RFP that is open to all bidders that can handle DC's waste (including landfills and digesters, not just incinerators). This will buy some time to allow DPW to then start working toward contracts that reflect the zero waste goal. For whatever waste cannot be reduced, reused, recycled or composted, the "back end" contracts ought to require that waste be anaerobically digested before landfilling, avoiding gassy, stinky landfills, and helping the city meet its goals regarding climate change.

There are several landfills that could bid. The remainder of DC's waste currently goes to landfills in much more rural areas in southeastern Virginia, affecting far fewer people (1,500 to 4,500 people within 5 miles of the landfills, compared to 103,000 people living within five miles of the Lorton incinerator).

Background material and further documentation available from:

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[www.energyjustice.net/dc/wastecontract](http://www.energyjustice.net/dc/wastecontract)  
[www.energyjustice.net/dc](http://www.energyjustice.net/dc)  
[www.energyjustice.net/incineration](http://www.energyjustice.net/incineration)