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Director Christopher Geldart
District of Columbia Department of Public Works
Franklin D. Reeves Municipal Center
2000 14th Street NW
Washington, DC 20009

Dear Director Geldart:

It is my understanding from your testimony at the Committee on Transportation and the Environment's October 9, 2020, roundtable that DPW is preparing to send an extension of the District's waste management contract with Covanta for Council approval. The District currently contracts with Covanta to dispose of its solid waste at their trash incinerator in Lorton, VA ("Covanta Fairfax"). The 5-year base term for this contract expires at the end of the calendar year, with the potential to extend for two 3-year options. Because of the concerns laid out in this letter, I am not prepared to support a 3-year extension. Rather than exercise a 3-year option, I ask that DPW extend the contract by just one year, as is permitted under the contract terms, and use this time to conduct an assessment of the health, environmental, equity, and financial implications of the District's waste disposal, including how waste disposal fits within the Sustainable DC Plan, and, thereafter, issue a new request for proposals ("RFP") based on this assessment.

To be clear, incineration and landfilling are both unsatisfactory methods of waste disposal that cause harm to surrounding communities and the global environment. This is why I have long advocated for—and pushed DPW to implement—waste diversion efforts that would keep our waste *out* of incinerators and landfills. But even in a best-case scenario (which we are far from achieving), we cannot divert all of our waste, so we must be thoughtful about where it goes. For this reason, over the past several years, the Committee has asked DPW to consider the environmental implications of where we send the District's waste, and to make sure our method of disposal complements our waste diversion efforts. In a 2018 oversight hearing before the Committee, the Director of DPW committed to doing an economic and environmental analysis of incineration vs. landfilling to compare impacts and costs. As part of that commitment, DPW specifically promised to issue a

request for information on the costs of direct landfilling, since the RFP for the Covanta contract only allowed incinerators to bid, even though all 14 competitive bids since 2004 showed incineration to be more expensive. I was frustrated to learn at the roundtable that the agency has conducted no such analysis, and instead plans to extend the contract with Covanta without considering alternatives.

The evidence is increasingly clear that incineration at Covanta Fairfax poses particular harms to marginalized communities and is in direct conflict with the District's waste diversion and clean energy goals under the Sustainable DC Plan. Trash incinerators release many air pollutants, including nitrogen oxides, sulfur dioxides, particulate matter, lead, mercury, dioxins, and furans. For many of these substances, the emissions exceed the levels at coal power plants. These substances are known to have serious public health effects, including increased risk of cancer, respiratory illness, and cardiovascular disease.

Covanta will undoubtedly point out that its emissions fall under limits set by state and federal law. However, these emissions limits do not take into account the *cumulative* risks in a particular locality. And this is the main problem with Covanta Fairfax, which is located in an area that already experiences a disproportionate amount of pollution.¹ The incinerator is directly adjacent to two large landfills (one of which receives the ash from the Covanta Fairfax incinerator), and close to a third landfill and sewage sludge incinerator. This area is also home to a large population of people of color, meaning that the surrounding community is especially vulnerable to the impacts of pollution due to other social determinants of health, such as socioeconomic status, access to health care, and racism. In short, the District sends its waste to be burned in a community that faces disproportionate exposure to environmental hazards and increased vulnerability to these hazards. Clearly, this arrangement raises significant environmental justice concerns, and the District should think critically about whether incineration at Covanta Fairfax is a just way to dispose of our waste.

In addition to my concerns about equity and environmental justice, incineration is inconsistent with the District's Zero Waste goal of diverting 80% of its waste away from incineration and landfill. Trash incinerators depend on a steady stream of waste to burn, putting their bottom line in

¹ Furthermore, while the facility has pollution controls to curb emissions, these controls do not eradicate the harmful substances. Instead, they are separated into the incinerator ash, which must be landfilled. Indeed, 30% of the weight of trash incinerated must be landfilled, further contributing to the cumulative pollution experienced by the surrounding community.

direct conflict with efforts to reduce and divert waste. While landfills are also bad for the environment, they do not require a certain amount of waste to function. Instead, increased waste diversion will actually extend the life of a landfill.

Use of the Covanta Fairfax facility is also inconsistent with our clean energy goals. Advocates for incineration emphasize that incinerators produce energy that contributes to the electric grid, displacing the use of fossil fuels and coal and resulting in net greenhouse gas reductions. Putting aside the question of whether incineration actually provides this benefit elsewhere, it is plainly not the case at Covanta Fairfax, where much of the energy production is *not* displacing the use of coal and fossil fuels. Instead, because Covanta Fairfax is permitted to sell renewable credits into Maryland’s renewable energy portfolio (which includes “waste-to-energy” incineration as a tier one renewable energy source), much of the energy produced at the facility is displacing clean renewable energy, likely wind, resulting in a net harm to the region’s clean energy efforts.

Compounding all of these problems is the age of the facility. Covanta Fairfax is 30 years old, already at the average life expectancy of an incinerator. Incinerators often experience operational issues as they age, as we know firsthand: in 2017, Covanta Fairfax experienced a fire that burned uncontrolled for two weeks. This fire—and similar incidents likely to occur with increasing frequency as the facility continues to age—only exacerbates the public health and environmental justice concerns associated with this facility. In addition, the incinerator was closed for the rest of the year as it underwent repairs. During this time, the District had to redirect its waste to landfills, and the District has been in an ongoing financial dispute with Covanta over Covanta’s broken promise to pay to redirect waste during that time.

For all of these reasons, the District must take a serious look at whether incineration fits into its waste diversion and clean energy goals, and consider alternatives such as landfills. As I already acknowledged, there are many problems associated with landfills. They are a major producer of methane, a potent greenhouse gas. And even with the required protections in place, they release toxic substances into the groundwater and soil. However, there is evidence to suggest that the overall environmental impact of disposal at landfills would be lower than those associated with Covanta Fairfax. A life cycle analysis conducted and presented to DPW in 2017 compared disposal of the District’s waste at Covanta Fairfax to disposal at four landfills in Virginia. The analysis found that most emissions were worse for the incinerator than for the landfills, even taking into account the emissions

associated with hauling waste farther away.² Furthermore, because in the original contract the District only allowed incinerators to bid, we do not even know whether the Covanta contract represents the best financial deal. Based on past solicitations, it is likely that landfilling would be cheaper.

This suggests that, while waste diversion is the topmost priority, the District may have better alternatives for managing its waste disposal. I am concerned that DPW has not conducted the promised assessment of its options and appears to have just gone forward with the existing contract, even after Covanta's incinerator fire forced us to redirect our waste elsewhere for nearly a year.

I appreciated your commitment at the roundtable to looking into these issues moving forward; however, there is insufficient time to do a proper analysis before the end of the base term. Because DPW has not taken these considerations into account, I will oppose a 3-year extension and ask DPW to instead submit a one-year extension of the contract, which again, is allowed under the contract terms. DPW must use this one-year extension to conduct the promised assessment and work toward a contract that is consistent with the District's waste diversion and clean energy goals. DPW should work with the Department of Energy & the Environment to determine the disposal option that is best for waste diversion, public health, and the climate, taking into account the District's vision for serious reductions to the waste stream. DPW should use this assessment to issue a more informed solicitation that weighs public health and environmental justice criteria and give other entities an opportunity to compete.

Six years ago, we took major steps to support Sustainable DC's Zero Waste goals by creating the Office of Waste Diversion at DPW and by ramping up waste diversion efforts such as composting and recycling education. In the intervening years, progress on this effort has been exceedingly slow, with many critical efforts repeatedly delayed and under-prioritized.³ This contract extension should not make us lose sight of the fact that the District should be doing much more to keep its waste out of

² Another more general assessment of the best way to dispose of the "leftovers" (whatever cannot be diverted) found that a system where a high level of landfill gas is captured and used for energy production has lower overall environmental and human health impacts than incineration. Many landfills in Virginia have the ability to recover over 75% of landfill gas and use it for energy production, significantly reducing the greenhouse gas emissions of these facilities.

³ In addition, the District has made no progress toward developing the statutorily required zero waste plan, which would have been a natural place for the considerations outlined in this letter to get aired before extending the contract.

incinerators *and* landfills. But, in the meantime, the District must ensure that its waste disposal methods are forward looking and consistent with achieving our Zero Waste targets.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mary M. Cheh', written in a cursive style.

Councilmember Mary M. Cheh

cc: Mayor Muriel Bowser

Kevin Donahue
Interim City Administrator

Lucinda Babers
Deputy Mayor for Operations and Infrastructure