Attachment 1 - Incinerators Exacerbate Disparate Health Impacts and Perpetuate Environmental Injustice

Almost 80% of all the municipal solid waste incinerators in the United States are in communities of color or low-income communities. They exacerbate the environmental burdens, health burdens, and economic burdens these communities already bear.[1] If approved, an incinerator at the OLWA location would be no different. Of the population within 5 miles of the proposed facility, most are located within communities of color. Many live below the poverty line.[2] According to a June 1st, 2023 report coauthored by Earthjustice and Florida Rising, a copy of which is included with this correspondence as Attachment B, the County's former incinerator at the Doral location has long emitted pollutants known to cause cancer, respiratory problems, and reproductive health risks.[3] There is ample scientific evidence demonstrating that exposure to emissions from the incineration of solid waste significantly increases the likelihood of death from lymphohematopoietic cancers in men (i.e., leukemia, non-Hodgkin lymphoma, and multiple myeloma) and acute respiratory disease in women.[4] Though marketed as a clean technology, incinerators that convert waste to energy are anything but.[5] In fact, they are the most emission-intensive form of electricity production in the United States.[6] They emit more air pollutants than any other power source per unit of electricity, including up to 18 times more lead, 14 times more mercury, 6 times more smog-forming nitrogen oxides, 5 times more carbon monoxide, 4 times more cadmium and hydrogen chloride, and 2.5 times more greenhouse gases than coal plants.[7] Moreover, the toxic

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[1] Ana Isabel Baptista & Adrienne Perovich, U.S. Municipal Solid Waste Incinerators: An Industry in Decline, TISHMAN ENV'T AND DESIGN CTR., 4 (2019), https://static1.squarespace.com/static/5d14dab43967cc000179f3d2/t/5d5c4bea0d59ad00012d220e/1566329840732/CR_GaiaReportFinal_05.21.pdf.

[2] See Attachment A, EJ Screen Side-by-Side Snapshot depicting the Percentage of People of Color and the Percentage of People Below the Poverty Line for the City and its Surrounding Communities.

[3] See Attachment B, Earthjustice & Florida Rising, The Doral Incinerator Fire, 5-6 (Jun. 1, 2023), https://earthjustice.org/wp-content/uploads/2023/05/20230531_doral-incinerator-fire-report3.pdf.

[4] See Attachment C, Energy Justice Network, Covanta's "Energy-from-Waste & Health Risk" flyer, 1 (2019) (this is a response to a flyer published by Covanta Energy, dated February 1, 2019, which promotes misleading information about the health risks associated with municipal solid waste incinerators).

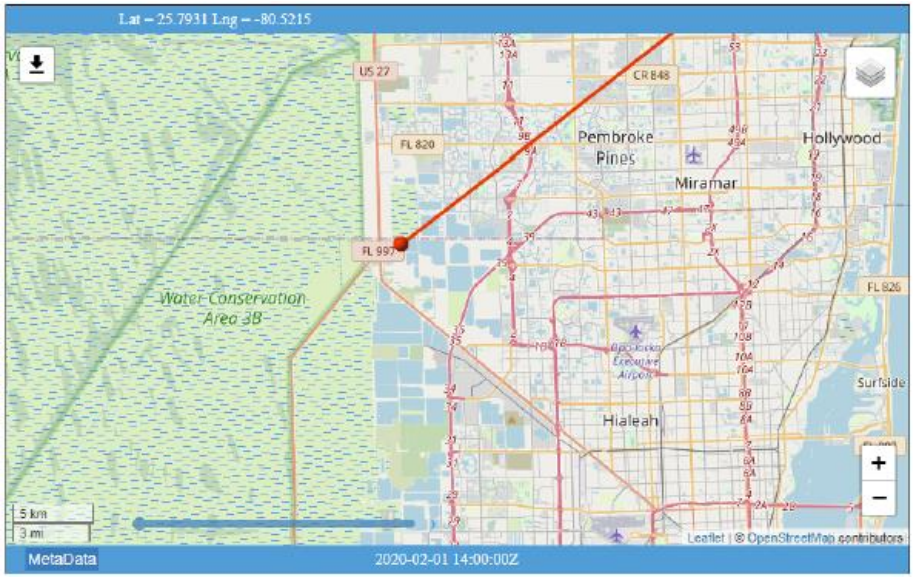
[5] Another myth promoted by the industry and parroted by the County Administration at the 21 September 2023, meeting of the Miami-Dade County Board of Commissioners is that incineration technology has become so advanced that risk of fugitive emissions and injury to human health has been all but eliminated. To the contrary, empirical evidence reflects a recent history of enforcement based on several technological malfunctions, unavailable data issues, and air emission exceedances stemming from the latest in emissions control technology. For example, only two counties to the north in Palm Beach County, the new Palm Beach Renewable Energy Facility #2 has experienced at least 160 documented emissions control failures since that incinerator first came online in July of 2015. Such failures include draft fans tripping due to above-standard flue gas temperatures, inlet probes malfunctioning, and emissions analyzers going offline for days at a time. These failures have resulted in exceedances of carbon monoxide, particulate matter, ammonia, and sulfur dioxide, hours upon hours of unavailable emissions data, and several complaints from the nearby residential community about odor and air quality concerns.

[6] Earthjustice et al, New Jersey's Dirty Secret: The Injustice of Incinerators and Trash Energy in New Jersey's Frontline Communities, 4 (2021), https://earthjustice.org/sites/default/files/files/nj-incinerator-report_earthjustice-2021-02.pdf; see also Attachment D, Institute for Local Self-Reliance, Waste Incineration: A Dirty Secret in How States Define Renewable Energy, 3 (Dec. 2018).

[7] Id. at 4 (citing New York State Department of Environmental Conservation, "Re: Matter of the Application of Covanta Energy Corporation for Inclusion of Energy from Waste Facilities as an Eligible Technology in the Main Tier of the Renewable Portfolio Standard Program," 3-7, App. A Fig. 3, 6, (Aug. 19, 2011), https://waterfrontonline.files.wordpress.com/2017/12/deccommentsoncovantaaugust2011.pdf; Attorney General Eric T. Schneiderman, Comments "In the Matter of the Application of Covanta Energy Corporation for Modification of the List of Eligible Resources Included in the New York Main Tier of New York's Renewable Portfolio Standard Program to Include Energy From Waste (EfW) Technology," 10-16, (Aug. 19, 2011), http://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId=%7BC16488AD-4FB5-477B-95A9-6C7797FC7EFD%7D; Environmental Integrity Project, Waste-To-Energy: Dirtying Maryland's Air by Seeking a Quick Fix on Renewable Energy?, 3-9 (2011), https://web.archive.org/web/20131217055632/http://www.environmentalintegrity.org/documents/FINALWTEINCINERATOR

ash that is the byproduct of incineration can contain toxic chemicals like lead, cadmium, and dioxins at such high concentrations that the ash is commonly managed as hazardous waste even if the waste was non-hazardous prior to incineration.[8]

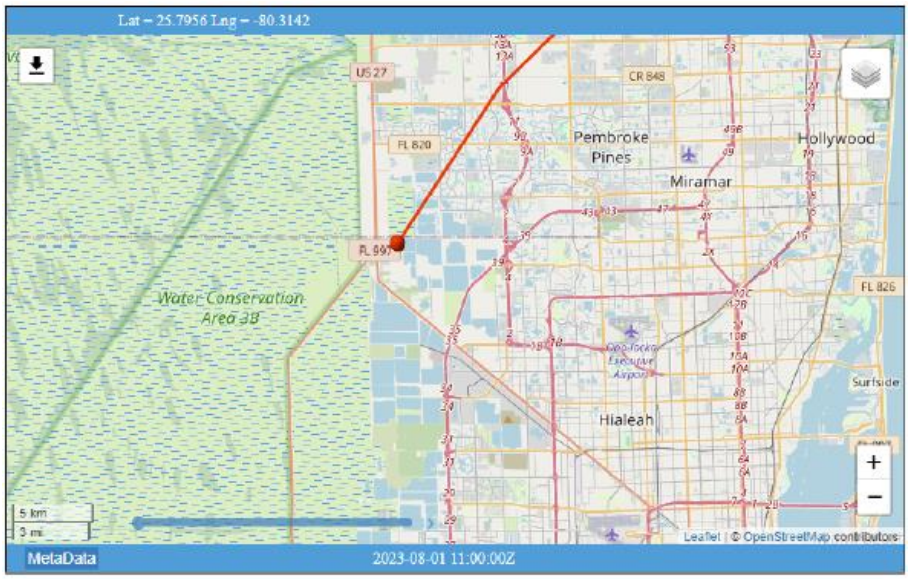
If the OLWA location is approved, hundreds of families and thousands of residents in the City will be directly in the crosshairs of these toxic air emissions. Below and on the following page, I have included two (2) air dispersion model breakouts generated using the National Oceanic and Atmospheric Administration's Air Resources Lab HYSPLIT modeling system that show the direction that an air particle would have traveled from the OLWA location based on historical meteorological data from the first week of each month, pulled from the week of January 1, 2020, to the week of September 1, 2023.[9]



REPORT-101111.pdf; Neil Tangri, Waste Incinerators Undermine Clean Energy Goals, Global Alliance for Incinerator Alternatives, 5 (2021), https://doi.org/10.31223/X5VK5X).

[8] Id. (citing National Research Council, Waste Incineration and Public Health, NAT'L ACADEMIES PRESS, 53-55, 64-65 (2000), https://www.nap.edu/catalog/5803/waste-incineration-and-public-health).

[9] See Attachment E, Week 1 HYSPLIT Models from January 1, 2020 to September 1, 2023. Concerning impacts to the City and its surrounding communities, particular attention should be paid to the months of February 2020, July 2020, February 2021, May 2021, August 2021, April 2022, January 2023, March 2023, and June 2023 through August 2023. Pay close attention to the direction that incinerator ash will travel from the OLWA Site in these months. The ash travels north-by-northeast in almost all instances, but first passes over the C-9 Impoundment Area. As we discuss in detail below, the C-9 Impoundment Area was designed and paid for by the federal government as part of a multi-billion-dollar effort to provide and store safe, clean drinking water to Southeast Florida. Why anyone would put an incinerator on the front porch of a multi-billion-dollar water quality and water quantity engineering project is beyond comprehension. The federal government should put an immediate stop to this ill-conceived plan that presents an imminent threat to the past, ongoing, and future investment of federal tax dollars.



In the County's *Report Related to the Development of an Integrated Solid Waste Management Plan in Miami-Dade County*, dated August 18, 2023 (the "ISWMP Report"), which incorporates the *Preliminary Future Waste-to-Energy Siting Alternatives Analysis Report* issued in June 2022 by the Bond Engineer for the County's Solid Waste Management Department (Arcadis), the Administration attempts to justify the OLWA location as the preferred alternative by providing that "the closest residential community is over half a mile away in Broward County and ever further away in Miami-Dade County."[10] The unnamed residential community in Broward County is, of course, in Miramar, and the reference to "over half a mile away" without any scientific or health-based context is curious to us.

It appears to the City that use of the modifier "over" by the Administration is intended to by itself suggest that the half-mile distance alone is sufficient to allay any health concerns. However, numerous sources point out not only that the potential health impacts from incinerators may extend "well beyond the area close to the incinerator,"[11] but that the distance should not be considered a "legitimate proxy for exposure" from air

[10] See Attachment F, County Administration, ISWMP Report, 12 (Aug. 18, 2023), https://www.miamiherald.com/latest-news/article278394019.ece/BINARY/Report%20Related%20to%20the%20Development%20of%20an%20Integrated%20Solid%20Waste%20Management%20Plan.pdf.

[11] See National Academies of Sciences, Engineering, and Medicine, *Waste Incineration and Public Health* (2000), https://doi.org/10.17226/5803, https://nap.nationalacademies.org/read/5803/chapter/2#4 ("For metals and other pollutants that are very persistent in the environment, the potential effects may extend well beyond the area close to the incinerator. Persistent pollutants can be carried long distances from their emission sources, go through various chemical and physical transformations, and pass numerous times through soil, water, or food"); Attachment G, Chesapeake Bay Foundation, Report Regarding the Public Health Impacts of Air Emissions from the Wheelabrator Facility (Nov. 20, 2017), https://www.cbf.org/news-media/newsroom/2017/maryland/cbf-study-baltimore-incinerator-causes-55-million-in-health-problems-per-year.html (finding that the health effects of the Wheelabrator trash incinerator in Baltimore "stretch[ ] into other states as well, causing $55 million annually in health problems. . . . The Thurston report evaluated the effect of fine particulate matter from the Wheelabrator facility on nearby and far-reaching populations. . . . The trash incinerator, near Baltimore's sports stadiums and I-95, has the greatest health impacts in Baltimore City, and counties downwind of the city, the report concluded. . . . Because much of the incinerator's emissions are carried on the wind, more than half of the plant's air pollution health impacts accrued in states downwind of Maryland"); Attachment H, Global Alliance for Incinerator Alternatives, *Incinerators Trash Community Health* (Jun. 2008) ("Although the most lethal impacts of incinerators are to those that live nearest to them, toxins like dioxin can be carried long distances and can persist in the environment for decades"); Metro Vancouver, Waste to Energy Facility Air Dispersion Modeling Study (May 26, 2020), https://metrovancouver.org/services/solid-waste/Documents/wtef-air-dispersion-modelling-study.pdf (showing that, per a case study involving a municipal solid waste incinerator in Vancouver, most of the SO2 and NO2 concentrations occur within a mile of the facility, while the CO concentrations occur within 3 miles of the facility and PM 2.5 concentrations can occur within 10 miles of the facility).

emissions because meteorological conditions may carry toxins longer distances.[12] From our perspective, the County's failure to include any data or peer-reviewed literature that speaks to wind-borne pollutant loading from municipal solid waste incinerators, travel times, regional wind currents, seasonal variations in wind currents, exposure pathways, and potential receptors is appalling. The reference to the closest residential community in Miami-Dade County being further away than the closest residential community in Broward smacks of environmental racism[13] and is cold comfort to the families in Miramar that will be impacted.

An Incinerator Located at the OLWA Location Will Have Devastating Impacts to Wetlands and Threatened and Endangered Species

In addition to the likely human health impacts that have caused a near panic in our community, we are at a loss to understand how a government entity can responsibly promote the siting, construction, and operation of a municipal solid waste incinerator so close to Everglades National Park and Water Conservation Area 3B, which is located northwest of Everglades National Park and part of the greater Everglades ecosystem. The Everglades is a unique network of subtropical wetlands in South Florida that has already degraded to half its historical size.[14] Had the devastating, harrowing fire that destroyed the County's incinerator in Doral occurred at the proposed OLWA site and jumped Interstate 27, the impact on and damage to the Everglades and Water Management Conservation Area 3B would have been incalculable.[15]

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[12] See Attachment I, Peter W. Tait, et. al, *The health impacts of waste incineration: a systematic review*, 44 Australian and New Zealand J. of Pub. Health, 40-48 (Feb. 2020), https://www.sciencedirect.com/science/article/pii/S132602002300732X; see also Hui-Ru Li, et. al, Occurrence and carcinogenic potential of airborne PBDD/Fs and PCDD/Fs around a large-scale municipal solid waste incinerator: A long-term passive air sampling study, 178 Envt. Int'l (Aug. 2023), https://www.sciencedirect.com/science/article/pii/S016041202300377X (finding that the maximum concentration of dioxins emitted from a particular MSWI plant in China were deposited in soils approximately 1.3 miles away from the plant and that dioxin/furan concentrations in air could be larger at monitoring locations further away from the plant if such locations were located within the dominant downwind zone of the plant's emissions).

[13] The selection of the OLWA location in such close proximity to a predominantly minority municipality where all of the elected representatives are African American, where the City Manager is African American, and where the Deputy and Assistant City Managers are African American without any outreach to the City at all is a grave violation of federal policy, federal permitting requirements, and federal law, including Title VI Of the Civil Rights Act of 1964. It is imperative in this age where fundamental notions of environmental justice (i) are well understood, (ii) infuse every level government, and (iii) drive the decision-making process of public officials everywhere that the City be afforded the respect and common courtesy of being considered a legitimate stakeholder in the County's siting, permitting, construction, and operation decisions.

[14] See Attachment J, Congressional Research Service, "Recent Developments in Everglades Restoration," 1 (Dec. 27, 2023).

[15] Fires apparently were not an uncommon event at the incinerator, where Miami-Dade County appears incapable or unwilling to compel proper fire safety protocols. The blaze that finally consumed the Doral facility in February of this year was just one of five fires that broke out there in recent years, the other four occurring in July 2022 (waste on a conveyor belt), March 2021 (conveyor belt), February 2021 (trash pit), and June 2019 (shredder lines). See also Attachment K, Earthjustice, Decades of Denial: The Environmental Injustice of EPA's Failure to Regulate Incinerators, 3 (Jun. 2023), (noting that "[l]arge fires and other incidents occur at incinerators on a regular basis, and there are very few safeguards in place to prevent these incidents") https://earthjustice.org/wp-content/uploads/2023/06/epa-incinerator-standards-report_earthjustice_2023.pdf. See also Attachment E, Week 1 HYSPLIT Models from January 1, 2020 to September 1, 2023. Concerning impacts to the Everglades and Water Management Conservation Area 3B, particular attention should be paid to the months of January 2020, March 2020, June 2020, August 2020 through November 2020, January 2021, June 2021, July 2021, October 2021 through February 2022, May 2022 through September 2022, November 2022 through February 2023, April 2023, and July 2023. Pay close attention to the direction that incinerator ash will travel from the OLWA Site in these months. The ash travels west-by-northwest in almost all instances, going directly toward Water Conservation Area 3B. It takes little effort to imagine a scenario where smoldering ash emitted from an incinerator at the OLWA Site could cause a immeasurable damage to the greater Everglades ecosystem.

Fire at the incinerator in Miami-Dade County. *Juan Carlos Esquivel*

Yet, the County attempts to justify the OLWA location as the preferred alternative by providing that it "is the furthest site from the boundary of the Everglades Class I area[.]"[16] Notwithstanding the County's lack of evidence to support this assertion, the distance between the western edge of OLWA to the eastern edge of Water Conservation Area 3B is just under 7/10th of a mile.

Moreover, the OLWA location itself consists of 377 acres of "wetland preserve areas."[17] A Natural Resources Summary prepared by Terracon Consultants, Inc. ("Terracon"), dated September 18, 2023, identifies four (4) distinct wetland areas totaling 313.04 acres at the OLWA location that would require offsetting mitigation prior to development.[18] However, there are currently no mitigation banks with credits located within the same cumulative impact basin as the OLWA location.[19] This means that the County would likely have to mitigate onsite, which would limit it to developing only 30% of the site with no more than approximately 21.49 acres of wetland impact.[20] The remainder of the site would then have to be placed under a conservation easement, enhancement activities would need to be implemented, and the mitigation areas would need to be monitored

[16] See Attachment F, County Administration, ISWMP Report, 12 (Aug. 18, 2023), https://www.miamiherald.com/latest-news/article278394019.ece/BINARY/Report%20Related%20to%20the%20Development%20of%20an%20Integrated%20Solid%20Waste%20Management%20Plan.pdf.

[17] Id. at 64, Ex. B. This is ironic, as the County's Administration attempted to justify the OLWA location as the preferred alternative by heralding the size of the property at 416 acres without noting that only 39 acres of the site, at best, is usable without obtaining permits to destroy wetlands and take threatened or endangered species. Id. at 12.

[18] Attachment L, Terracon Natural Resources Summary for OLWA Site, 2 (Sep. 18, 2023).

[19] Id. at 3.

[20] Attachment M, Terracon Wetlands Mitigation Summary for OLWA Site, 4 (Sep. 18, 2023).

in perpetuity to confirm success criteria are being met in accordance with a mitigation plan.[21] The permitting requirements alone speak to how inappropriate this site is for development.

Siting a municipal solid waste incinerator at the OLWA location will only perpetuate the century's long disconnect between the central Everglades and adjacent transitional wetlands, which defies existing statewide initiatives aimed at counteracting these unintended consequences.[22] Specifically, fly ash from MSWIs is known to contain as much phosphorus as sewage sludge.[23] I note that Florida has invested more than $1.8 billion in water quality improvements under both the Everglades Forever Act and the Restoration Strategies Program to *reduce phosphorus levels in the Everglades*.[24] Under the South Florida Water Management District's ("SFWMD") regional water quality plan, more than 6,500 acres of land were converted into stormwater treatment areas for the purpose of removing excess phosphorus from the Everglades ecosystem.[25] By putting a known emitter of phosphorus right at the doorstep of the Everglades and Water Conservation Area 3B, the County would be putting these restoration efforts at serious risk of relapse.

In addition to the wetland impacts, Terracon advised in its Natural Resources Summary that there is a high probability that the OLWA location contains Everglade snail kites, Florida bonneted bats, and wood storks.[26] Everglade snail kites and Florida bonneted bats are endangered species[27] and wood storks are threatened species under the Endangered Species Act.[28] The main threat to Everglade snail kites and Florida bonneted bats in Florida is the loss and degradation of wetlands and critical habitat, which serve as natural roost sites for both species.[29] Similarly, the main threat to the wood stork is the disruption in normal hydrocycles brought on by

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[21] Id.

[22] See SFWMD, Everglades (n.d.), https://www.sfwmd.gov/our-work/everglades; see also Chapter 94-115, §§ 1-2, Laws of Fla.; Fla. Stat. § 373.4592 (establishing Water Conservation Area 3B as part of the Everglades Forever Act). The Water Conservation Areas have provided numerous benefits for the Everglades and South Florida, including providing water to Everglades National Park, recharging the Biscayne Aquifer for east coast communities, slowing saltwater intrusion in coastal well fields, and benefitting fish and wildlife in the Everglades.

[23] See Attachment N, Yuliya Kalmykova, et al, Pathways and Management of Phosphorus in Urban Areas, 16 J. of Indus. Ecology 6, 1 (2012), https://onlinelibrary.wiley.com/doi/epdf/10.1111/j.1530-9290.2012.00541.x?src=getftr ("A study on phosphorus flows in Gothenburg, Sweden, points out the potential role of solid waste in nutrient management, as the amounts of phosphorus in solid waste and in wastewater were found to be equal").

[24] See Attachment O, SFWMD, "Improving Everglades Water Quality" brochure (n.d.), https://www.sfwmd.gov/sites/default/files/documents/infographic_everglades_wq.pdf; see also Fla. Stat. § 373.4592(4)(f) ("[t]he phosphorus criterion shall be 10 parts per billion (ppb) in the Everglades Protection Area"); Attachment P, SFWMD, "Quick facts on . . . Restoration Strategies for Clean Water for the Everglades," 1 (Feb. 2017), https://www.sfwmd.gov/sites/default/files/documents/spl_restoration_strategies.pdf.

[25] See Attachment P, SFWMD, "Quick facts on . . . Restoration Strategies for Clean Water for the Everglades," 1 (Feb. 2017), https://www.sfwmd.gov/sites/default/files/documents/spl_restoration_strategies.pdf.

[26] Attachment M, Terracon Natural Resources Summary for OLWA Site at 4.

[27] See Florida Fish and Wildlife Conservation Commission, Everglade Snail Kite (n.d.), https://myfwc.com/wildlifehabitats/profiles/birds/raptors-and-vultures/everglade-snail-kite/#:~:text=The%20main%20threat%20to%20the,Fish%20%26%20Wildlife%20Service%201999); see also Florida Fish and Wildlife Conservation Commission, Florida Bonneted Bat (n.d.), https://myfwc.com/wildlifehabitats/profiles/mammals/land/florida-bonneted-bat/#:~:text=The%20Florida%20bonneted%20bat%20is,Endangered%20and%20Threatened%20Species%20Rule.

[28] See Florida Fish and Wildlife Conservation Commission, Wood Stork (n.d.), https://myfwc.com/wildlifehabitats/profiles/birds/waterbirds/wood-stork/#:~:text=It%20is%20also%20protected%20as,2014%2C%20from%20Endangered%20to%20Threatened.

[29] Supra note 29.

the drainage of cypress stands, which decreases prey populations and prevents the wood stork from nesting.[30] The draining and filling of wetlands at the OLWA location, even if possible, will almost certainly have an effect on hydrocycles in that area.

County's Project Threatens the Federal Investment in Everglades Restoration

If placed at the OLWA location, a new incinerator would threaten to undermine the billions of dollars spent by both the federal government and the State of Florida on restoration of the Everglades through the Comprehensive Everglades Restoration Plan ("CERP"),[31] not to mention the hundreds of millions of dollars needed from both the federal government and the State of Florida for FY 2024.[32] CERP was approved by Congress as part of the Water Resources Development Act of 2000 (WRDA 2000; P.L. 106-541).[33] It is a framework under which the federal government and the State of Florida are attempting to restore the Everglades and improve the timing, distribution, and quality of the water flowing south from Lake Okeechobee to the Everglades.[34] Under CERP, the federal government, through the U.S. Army Corps of Engineers ("USACE") and the Department of the Interior ("DOI"), is funding half the costs of Everglades restoration while the State of Florida contributes the balance. Tribes and local agencies, such as the Miccosukee and Seminole tribes of Florida and the SFWMD, are also involved in the restoration effort.[35] While CERP was originally supposed to include 60 projects to be completed over a 30-year span at a cost of $8.2 billion in FY 2000 dollars, subsequent reports to Congress project that CERP would take approximately 50 years from its authorization to implement at a total cost of $23.2 billion (in FY 2020 dollars).[36] As of FY 2023, both the federal government and the State of Florida have each spent $2.6 billion on CERP construction projects.[37] In FY 2023 alone, over $500 million was appropriated to Everglades Restoration projects from the federal government and another $400 million was appropriated from the State of Florida.[38]

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[30] Supra note 30.

[31] See Water Resources Development Act of 2000, § 601(a) (CERP), P.L. 106-541 (Dec. 11, 2000), https://www.govinfo.gov/content/pkg/PLAW-106publ541/pdf/PLAW-106publ541.pdf (providing that the CERP was authorized by Congress as a plan to "restore, preserve, and protect the south Florida ecosystem while providing for other water-related needs of the region, including water supply and flood protection"). At a cost of more than $10.5 billion and with a 35-plus-year timeline, CERP has been described as the largest hydrologic restoration project ever undertaken in the United States.

[32] See Attachment Q, South Florida Ecosystem Restoration Task Force, 2024 Cross-Cut Budget, 7-9 (2024) (providing funding actuals from both the Federal Government and the State of Florida for CERP and Non-CERP Everglades Restoration Projects from FY 2017 to FY 2024 Requested).

[33] See Attachment J, Congressional Research Service, "Recent Developments in Everglades Restoration," 1 (Dec. 27, 2023).

[34] Id.

[35] Id.; see also Tom Bayles, "Everglades Coalition conference features surprises, praise," WGCU (Feb. 1, 2024) (noting that this year's Everglades Coalition Conference featured a panel discussion on Western Everglades Restoration, wherein representatives from the Miccosukee and Seminole tribes of Florida were featured panelists); SFWMD, "Ecosystem Restoration" (n.d.), https://www.sfwmd.gov/our-work/restoration.

[36] See Attachment J, Congressional Research Service, "Recent Developments in Everglades Restoration," 1 (Dec. 27, 2023).

[37] Id.

[38] Id. at 2; see also Attachment Q, South Florida Ecosystem Restoration Task Force, 2024 Cross-Cut Budget, 7-9 (2024) (providing funding actuals from both the Federal Government and the State of Florida for CERP and Non-CERP Everglades Restoration Projects from FY 2017 to FY 2024 Requested).

In addition to the likely impacts to surface waters and uplands from incinerator ash emissions to Water Conservation Area 3B, only 7/10th of a mile away from the County's favored location, an incinerator at the OLWA location will have direct and devastating impact on the C-9 Impoundment Area,[39] which abuts the OLWA site to the north and, among other purposes,[40] is designed and engineered to provide groundwater recharge and clean water supply to urban areas. Approximately 563,000 acres of Water Conservation Area 3A/3B and 200,000 acres of the greater Everglades benefit from the implementation of the BCWPA project.[41] We cannot conceive of a greater threat to the water quality and usable water quantity enhancements contemplated by the BCWPA generally and the C-9 Impoundment Area specifically than placing an incinerator on the front porch of this structure, which already has a federal and state price tag in the billions of dollars.

The image on the following page is a depiction of the BCWPA project, inclusive of Water Conservation Area 3B, the Seepage Management Area for Water Conservation Area 3A/3B, the C-9 Impoundment Area, and the C-11 Impoundment Area. Note the proximity of the OLWA Site to the southern border of the C-9 Impoundment Area, separated only by a narrow right-of-way.

[39] The C-9 Impoundment Area is one of the three main components of the Broward County Water Preserve Areas ("BCWPA") project within CERP. According to USACE, federal costs to date for the BCWPA project are as follows:

2. FUNDING

Estimated Total Cost	$2,511,000,000
Estimated Federal Cost	$1,211,500,000
Other Federal Agency	$44,000,000

a. Regular Civil Works funds:

Allocation thru FY22	$93,170,000
Allocation for FY23	$6,000,000
President's Budget FY24	$5,900,000

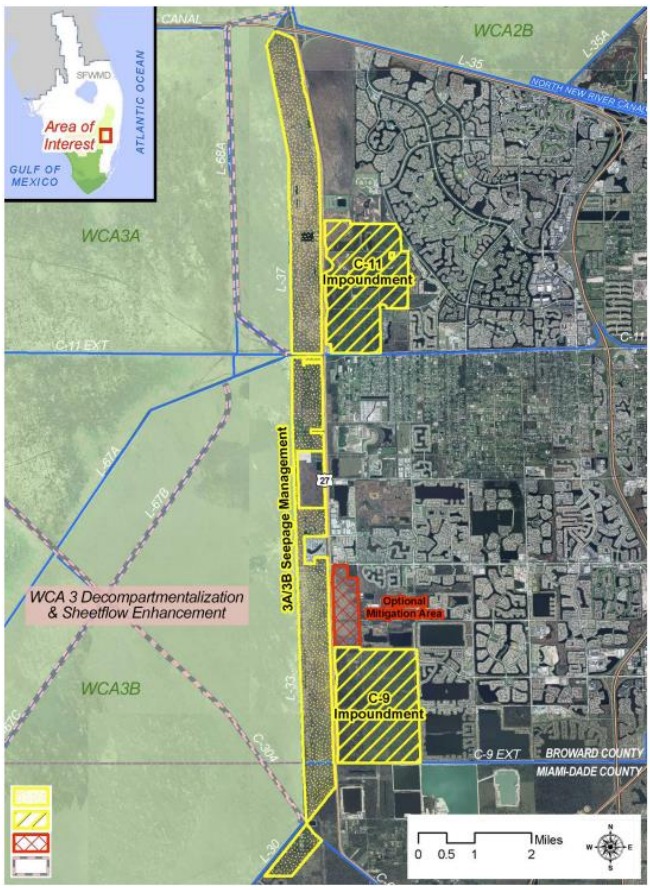
b. P.L. 117-58: Infrastructure Investment and Jobs Act, Supplemental:

Total Work Plan	$347,000,000
Allocation thru FY22	$347,000,000
Allocation for FY23	$0

See USACE, CERP Broward County Water Preserve Areas Fact Sheet (May 2023), https://www.saj.usace.army.mil/About/Congressional-Fact-Sheets-2023/CERP-Broward-County-Water-Preserve-Areas-C/.)

[40] In addition to the purposes noted above, the C-9 Impoundment Area (i) aids in reducing seepage from the Water Conservation Area 3A/3B Seepage Management Area; (ii) captures, stores, and distributes surface water runoff from the western C-11 Basin that has been discharged into Water Conservation Area 3A/3B; and (iii) helps prevent saltwater intrusion. See Attachment R, USACE, Broward County Water Preserve Areas – Facts & Information, 2 (Jan. 2018).

[41] Id.



It seems nonsensical to us that the Administration would propose to place a known air pollutant/dispersion source directly to the south of an extremely important and expensive water control structure intended to provide groundwater recharge and additional water supply to urban areas.[42] We have made these arguments

[42] Also dubious is the underlying business model for incineration of municipal solid waste to produce energy. Incinerators have proven to be risky investments for both cities and utilities, particularly as prices for legitimate renewable energy sources (i.e., solar, wind, geothermal, hydropower, and bioenergy) continue to decline - see, e.g., United Nations Framework Convention on Climate Change, "Renewable Power Remains Cost-Competitive amid Fossil Fuel Crisis (Jul. 14, 2022), https://unfccc.int/news/renewable-power-remains-cost-competitive-amid-fossil-fuel-crisis - and a growing number of plants are unable to cover operating costs or remain competitive. See Attachment D, Institute for Local Self-Reliance, Waste Incineration: A Dirty Secret in How States Define Renewable Energy, 3 (Dec. 2018). Tipping fees (i.e., the waste disposal fees paid by haulers and ultimately passed down to cities and customers) at incinerators are often two to three times higher than comparable recycling or composting costs. Id. Additionally, when accounting for life-cycle energy (i.e., the amount of energy used to source, manufacture, and transport materials for consumption), municipal solid waste incinerators present a net energy loss. Id. at 11. Meanwhile, zero waste practices like composting and recycling operations conserve three to five times the amount of energy produced by waste incineration. Id. at 11; see also Attachment S, Global Alliance for Incinerator Alternatives, Facts About "Waste-to-Energy" Incinerators, 2 (Jan. 2018). In the County's Report Regarding Funding of the Department of Solid Waste Management ("FDSWM Report"), the Administration provides that "[t]he new WTE facility will take 8-10 years to build and is estimated to cost approximately $1.75 billion. This would equate to an average $159 million cash outlay per year or a bond financing payment of $115 million per year spread over 30 years." See Attachment T, County Administration, FDWSM Report, 3 (Jan. 16, 2024). Similarly, in 2011, the city of Harrisburg, Pennsylvania took on hundreds of millions of dollars in debt and debt guarantees to fund an incinerator retrofit project, which ultimately drove the city into bankruptcy and left a stranded asset in its wake. Attachment D, Institute for Local Self-Reliance, Waste Incineration: A Dirty Secret in How States Define Renewable Energy, 13 (Dec. 2018) (citing Romy Varghese, et. al., "Harrisburg Files for Bankruptcy on Overdue Incinerator Debt," Bloomberg (Oct. 12, 2011), https://www.bloomberg.com/news/articles/2011-10-12/pennsylvania-capital-harrisburg-files-for-bankruptcy-over-incinerator-debt). In fact, the growing trend is that incinerators across the country are shutting down because they are unprofitable and cannot cover their costs. Id. at 14 (citing Niel Seldman, "California Down to Two Garbage Incinerators," Institute for Local Self-Reliance (Aug. 7, 2018), https://ilsr.org/california-down-to-two-garbage-incinerators/ and Bob Shaw, "Fire sale: $37 million garbage-burning power plant in Elk River," Pioneer Press (Jul. 16, 2018), https://www.twincities.com/2018/07/16/fire-sale-37-million-garbage-burning-power-plant-in-elk-river/).

directly to the County, including to the Mayor of Miami-Dade County, the Chairman of the Miami-Dade County Commission, and the Miami-Dade County Commission itself. We've done so in public testimony, private meetings, and written comments. But all to no avail. Accordingly, we ask that the U.S. Congress step in and take all necessary action to prevent the construction of the County's replacement incinerator at the OLWA location, including by denying any federal funding that the County will need for the project and by convening public hearings and taking expert testimony, including testimony from the U.S. Environmental Protection Agency, the U.S. Department of Interior, the U.S. Fish and Wildlife Service, and the U.S. Army Corps of Engineers, for purposes of discussing whether a proposed incinerator on the front porch of a multibillion public works system designed to restore the Everglades and store, treat, and distribute clean water to millions of individuals in Southeast Florida is consistent with federal environmental, natural resources, and public health protection goals.

In 1947 in her seminal work, *River of Grass*, Marjory Stoneman Douglas famously wrote "There are no other Everglades in the world. They are, they have always been, one of the unique regions of the earth; remote, never wholly known. Nothing anywhere else is like them." That's the thing about incinerators generally, and this incinerator in this location specifically, in the shadow of the Everglades: The science and engineering of wind-borne incinerator emissions tell us that *there is no remote*. We can all expect the toxic constituents of the incinerator ash to end up in near and far Everglades surface waters – and of course in the lungs and bloodstreams of thousands of our residents in Miramar and west Broward County. We urge your members of the Broward League of Cities to stand with us.