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LAWRENCE PERIN  
DAVID R. OWEN  
NORMAN P. RAMSEY  
WILLIAM A. FISHER, JR.  
JOHN H. MUDD  
THOMAS E. CINNAMOND  
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CLEAVELAND D. MILLER  
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H. THOMAS HOWELL

PARTNERS EMERITUS  
HAROLD TSCHUDI  
WILLIAM D. MACMILLAN  
RICHARD F. CLEVELAND

JOHN E. SEMMES (1881-1967)

**SEMMES, BOWEN & SEMMES**

ATTORNEYS AT LAW

10 LIGHT STREET (17TH FLOOR)

BALTIMORE, MARYLAND 21202

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CHARLES R. MORAN  
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RICHARD T. SAMPSON  
J. THOMAS CASKEY, JR.  
WILLIAM F. GATELY

TOWSON OFFICE:  
106 JEFFERSON BLDG.  
TOWSON, MD. 21204  
TELEPHONE (301) 296-2832

January 2, 1973

Mr. James H. Norris, Jr.  
Clerk  
Maryland Court of Appeals  
Court of Appeals Building  
Annapolis, Maryland 21404

Re: William A. Hylton, Jr., et ux v. Mayor and City  
Council of Baltimore, et al

Dear Jim:

I acknowledge, with thanks, the Mandate, Order and Per Curiam Order which you forwarded to me under date of December 29. We will attend to the payment of costs promptly.

I would appreciate it if you would again thank the Court for its very expeditious attention to this matter. I am most appreciative of the courtesy shown by the Court in being willing to break into its December recess to give us a hearing.

Kindest personal regards.

Very sincerely yours,



Norman P. Ramsey

NPR/dcj

No. 298-727  
No. 298, 1972 F.

LAW OFFICES OF

# PIPER & MARBURY

2000 FIRST MARYLAND BUILDING  
28 SOUTH CHARLES STREET  
BALTIMORE 21201

TELEPHONE 301-539-2530

January 2, 1973

WILLIAM L. MARBURY  
JOHN W. AVIRETT, 2<sup>o</sup>  
MCKENNY W. EGERTON  
JESSE SLINGLUFF  
G. VAN VELSOR WOLF  
J. MARTIN McDONOUGH  
FRANKLIN G. ALLEN  
MICHAEL P. CROCKER  
EDWARD S. SMITH  
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DONALD P. MCPHERSON, III  
GEORGE A. NILSON  
FRANK R. GOLDSTEIN  
LAWRENCE M. KATZ  
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ROBERT M. BELL  
JAMES P. GILLECE, JR.  
JUDITH K. SYKES  
WALTER G. LOHR, JR.  
JAMES J. WINN, JR.  
CHARLES A. REES  
RAYMOND J. COUGHLAN, JR.  
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JUSTIN E. BEALS  
W. MINOR CARTER  
EDWARD S. DIGGES, JR.  
JEFFREY J. RADOWICH  
MICHAEL ESHER YAGGY  
STEVEN D. SHATTUCK  
WM. GAR RICHLIN  
EDWARD M. NORTON, JR.

Honorable Robert C. Murphy  
Chief Judge  
Court of Appeals of Maryland  
Annapolis, Maryland 21404

Hylton v. Mayor and City Council of Baltimore  
(No. 298)

Dear Judge Murphy:

After the argument and decision of the case my attention was called to a misstatement, for which I am responsible, in the brief for the City and Monsanto. On page 5 our brief states that the new plant will diminish the burning of coal by Baltimore Gas & Electric Company. I had read the word "fuel" and supposed that it was coal, but I am advised that for two years the only fuel burned by the Gas Company in Baltimore is low-sulphur oil.

This is a minor fact, but I regret the misstatement.

Respectfully,

  
Franklin G. Allen

FGA:Jmr

cc: Honorable George L. Russell, Jr.

cc: Norman P. Ramsey, Esquire



DEPARTMENT OF LAW

508 TOWER BUILDING  
222 E. BALTIMORE STREET  
BALTIMORE, MD. 21202  
TEL. 752-2000

GEORGE L. RUSSELL, JR.  
CITY SOLICITOR

AMBROSE T. HARTMAN  
DEPUTY CITY SOLICITOR

December 28, 1972

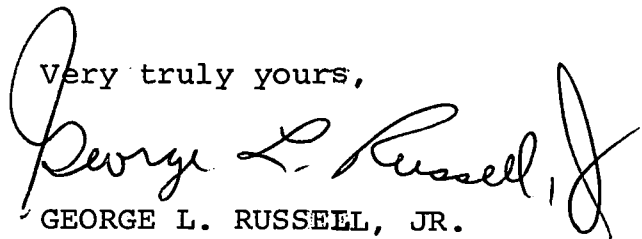
The Honorable Robert C. Murphy  
Chief Judge  
Maryland Court of Appeals  
Court of Appeals Building  
Annapolis, Maryland 21404

Dear Chief Judge Murphy:

RE: Hylton, et al vs. MCC and Monsanto  
Court of Appeals of Maryland  
September term 1972  
(unnumbered)

With the permission of the Court, I most respectfully submit for the Court's consideration additional documentation of the City's position in the above-captioned case. This documentation consists of a request by Mr. B. T. Fendall, City Engineer, to the Honorable W. Cabell Bruce, City Solicitor of Baltimore in 1908, and the reply by the then Acting City Solicitor Albert C. Ritchie, dated March 17, 1908, 9 City Solicitor Opinions 2579-2581. It should be noted that the case of MCC, et al vs. Flack, et al, 104 Md. 107, relied upon in part by the City was decided by the Court of Appeals in 1906, and the case was presented by W. Cabell Bruce, City Solicitor, and Albert C. Ritchie. A copy of these documents have been furnished to all counsel.

Very truly yours,



GEORGE L. RUSSELL, JR.  
City Solicitor

c.c. Associate Judges, Maryland Court of Appeals

DEPARTMENT OF PUBLIC IMPROVEMENTS.  
SUB-DEPARTMENT OF CITY ENGINEER.

Baltimore, March 17, 1908.

Hon. W. Cabell Bruce,  
City Solicitor.

Dear Sir:-

5862

I have in the service of the City at this time a ten ton Harrisburg roller, which we have been using for about seven years with exceptionally good results. The price of such a roller new is \$2,800. I am advised by the company that manufactures these rollers, that they can let me have a second-hand roller, in excellent condition, f.o.b. cars, Baltimore, for \$1,850. The company is willing to give the same guarantee with the second-hand roller that they give with the new.

If I advertised for a Harrisburg Road Roller, drawing my specifications to cover just what I wanted, the only bidder would be the Kelly Springfield Road Roller Company, that company being the sole manufacturer. In order that I might get the thing which I consider neces-

CORRESPONDENCE.

No. 7738 Continued.

sary there could be no competition, even if I undertook to purchase a new machine. In this particular case, where I am seeking to purchase a second-hand machine there is still less possibility of competitive bidding. I consider it of great importance to have rollers which are duplicates the one of the other; moreover, with the experience of seven years in handling a Harrisburg Roller, finding it absolutely satisfactory, I do not care to experiment with any other machine.

I shall thank you to advise me whether or not I might legally buy the second-hand Harrisburg Roller without advertising or proceeding along the lines as recited in the Charter for ordinary purchases amounting to more than \$500. If deemed desirable, the matter, of course, could be passed upon by the Board of Awards. This I should expect to do under any circumstances.

If you find it convenient to let me have your opinion on this subject before 11 A.M. of March 18th 1908, I shall thank you to do so.

Very truly yours,

(Signed) B. T. Fendall,

City Engineer.

CPIN

File No. 7738.

LAW DEPARTMENT.

Baltimore, March 17, 1908.

B. T. Fendall, Esq.,  
City Engineer.

Dear Sir:-

In the absence of the City Solicitor, I have the honor to acknowledge your favor of March 17th, asking whether you can purchase a second-hand Harrisburg Roller without advertising.

9 City Solicitor Opinions 2579-2581

File No. 7738.

OPINION.

LAW DEPARTMENT.

Baltimore, March 17, 1908.

B. T. Fendall, Esq.,  
City Engineer.

Dear Sir:-

In the absence of the City Solicitor, I have received your favor of March 17th, asking whether you can purchase a second-hand Harrisburg Roller in excellent condition for \$1,850., without complying with the provisions of the Charter relating to competitive bidding.

I understood, from my conversation with you this morning, that the Harrisburg Road Roller is considered by you to be the most

le No. Continued.

OPINION.

satisfactory Roller obtainable, and that you consider that the best interests of your department require this, and no other Roller. I understood, further, that the Harrisburg Roller is manufactured by only one Company, and that if you advertised for bids for Harrisburg Roller, only one Company can possibly bid. Finally, I understood that if you prepared specifications calling for a Roller of the same description as the Harrisburg Roller, that the Company owning the Harrisburg Roller is the only one which could submit a bid, inasmuch as there is no other Roller in the market exactly like the Harrisburg.

Under these circumstances an advertisement for bids would be a mere form, and could not possibly result in any competition. The city could not possibly get a better price if the owner of the Harrisburg Roller submitted a bid than it could if you negotiated the deal with the owner yourself.

In my judgment the provisions of the Charter relating to competitive bidding, were not intended to apply, and do not apply to a case of this kind, and if my understanding of the facts as recited above is correct, I am of opinion that you have the legal right to purchase the Roller in question without resort to competitive bidding.

Truly yours,

(Signed) Albert C. Ritchie,

Acting City Solicitor.

*[Handwritten signature]*

WILLIAM A. HYLTON, JR.  
et ux.

v.

MAYOR AND CITY COUNCIL  
OF BALTIMORE et al.

\*

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\*

\*

\*

\*

In The

Court of Appeals

of Maryland

No. 298

September Term, 1972

O R D E R

Upon consideration of the letter of

December 1, 1972 it is this 29<sup>th</sup> day of December,

1972

ORDERED by the Court of Appeals of Maryland

that the above entitled case be set for hearing on

Friday, December 29, 1972 at 9:30 A.M.

*Robert Murphy*  
Chief Judge

No 298, 1972 T.



DS

No. 298 - 757

December 4, 1972

The Honorable George L. Russell, Jr.  
City Solicitor  
508 Tower Building  
Baltimore, Maryland 21202

Re: William Hylton, Jr. et al. v.  
M. & C. C. of Baltimore et al.  
(C. C. No. 2 of Baltimore City)

Dear Judge Russell:

Confirming our telephone conversation,  
the Court of Appeals will be in session specially on  
Friday, December 29, 1972, beginning at 9:30 A.M. and  
will hear, at that time, the appeal (if one is taken)  
in the pending case of Hylton.

Typewritten briefs in the case should be  
filed not later than the evening of December 23rd.

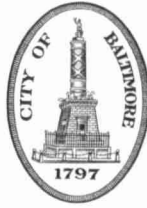
Very truly yours,

/s/ Robert C. Murphy

Chief Judge

RCM/jr  
cc: Norman P. Ramsey, Esq.  
Franklin G. Allen, Esq.

Copy - H  
Type - Erase



DEPARTMENT OF LAW

508 TOWER BUILDING  
222 E. BALTIMORE STREET  
BALTIMORE, MD. 21202

TEL. 752-2000

GEORGE L. RUSSELL, JR.  
CITY SOLICITOR

AMBROSE T. HARTMAN  
DEPUTY CITY SOLICITOR

December 1, 1972

The Honorable Robert C. Murphy  
Chief Judge  
Court of Appeals of Maryland  
Court of Appeals Building  
Rowe Boulevard & Taylor Avenue  
Annapolis, Maryland 21401

*Bob*  
Dear Judge ~~Murphy~~:

Re: William Hylton, Jr., et al v.  
Mayor & City Council of Baltimore,  
et al. In the Circuit Court No. 2  
of Baltimore City.

The captioned case is a taxpayers' suit brought at the instance of the City in order to determine whether a contract between the City and Monsanto Enviro-Chem Systems, Inc. was validly entered into. The contract involves a new system known as pyrolysis for the disposal of solid waste, and it goes without saying, that it is of utmost importance to the City. The legal issue presented is a narrow one involving whether the contract had to be let under the competitive bidding provisions of our Charter. The matter has particular urgency because of a provision in the contract which increases the contract price by \$2,180 per day for each day the contract is delayed beyond January 9, 1973.

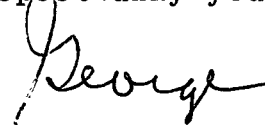
Today we, Norman P. Ramsey, attorney for the taxpayers, and Franklin G. Allen, attorney for Monsanto, met with Judge David Ross, who is sitting in Circuit Court No. 2, and we have arranged a schedule whereby we will have a decision from him by December 20. We will appreciate it if your Court can arrange to hear this case on typewritten briefs sometime in the first week of January. We know that this is a great imposition on the Court

The Honorable Robert C. Murphy  
December 1, 1972  
Page Two

because it is not scheduled to sit that week, and we would not make the request but for the urgency of the matter.

Thanking you for your favorable consideration of this request, I am

Respectfully yours,



GEORGE L. RUSSELL, JR.  
City Solicitor

cc: Norman P. Ramsey, Esquire  
Franklin G. Allen, Esquire

These letters  
are not part of  
the record in this  
case - keeps on  
file in Court Clerk  
office



January 9, 1973

Norman P. Ramsey, Esq.  
Attorney at Law  
10 Light Street, 17th Floor  
Baltimore, Maryland 21202

Re: William A. Hylton, Jr. et ux. v. Mayor and  
City Council of Baltimore et al.  
No. 298 - September Term, 1972

No 298, 1972

Dear Mr. Ramsey:

The Court has directed that a copy of the enclosed letter from the Devco Management Inc. be sent to counsel in the above case. If you wish to make any remarks you may file them with this office by January 16, 1973.

Very truly yours,

James H. Norris, Jr.  
Clerk

JHNjr/h  
Encl.

cc: George L. Russell, Jr., Esq.  
Franklin G. Allen, Esq.  
Hon. Robert C. Murphy

February 27, 1973

Mr. Robert H. Clampitt  
President  
DEVCO MANAGEMENT INC.  
410 Park Avenue  
New York, New York 10022

Dear Mr. Clampitt:

Enclosed herewith is a copy of the opinion of the Court of Appeals of Maryland in the case of William A. Hylton, Jr. et ux. v. Mayor and City Council of Baltimore et al.

I did not answer your letters of January 3 and February 7, 1973 prior to today because the case was not finally adjudicated until yesterday when the Court's opinion was filed.

Neither in the briefs of the parties nor in oral argument was the position ever taken by the City of Baltimore that Mansanto was the only company with a pyrolysis process for disposing of solid wastes, a fact noted in the Court's opinion.

Sincerely,

Robert C. Murphy

RCM/h  
Encl.

*Send to  
Bert Phoenix*



DEVCO MANAGEMENT INC.  
410 PARK AVENUE,  
NEW YORK, NEW YORK 10022  
(212) 371-9105

*Murphy, C.S. has  
only letter  
in the files*

January 3, 1972

The Honorable Robert Murphy  
Chief Justice  
Maryland Court of Appeals  
Court of Appeals Building  
Annapolis, Maryland 21404

Re: Baltimore Solid Waste Disposal  
-- Enviro-Chemical Systems

Dear Justice Murphy:

According to the January 2nd Baltimore Sun, the Maryland Court of Appeals has upheld a decision by Judge David Ross of the Baltimore Circuit Court ruling that the City of Baltimore could award a sole source contract to Monsanto Enviro-Chemical Systems without competitive bidding because Monsanto "is the only company that has developed the pyrolysis process, which bakes trash without using oxygen." The assumption is inaccurate. We would like to call on the Court and upon public officials of the City of Baltimore, the State of Maryland and upon Federal officials to take judicial notice of the fact that Monsanto does not have the only system using pyrolysis. Devco Management Inc., for example, owns and operates the largest system using pyrolysis that has been developed anywhere to date. It has a capacity of 120 tons per day.

The Devco System, formerly owned by Waste Reclamation Corporation, has been developed over a period of five years, first with a cooperating city government in California and later with the assistance and support of the Environmental Protection Agency of New York City. Devco has been aware for some time that Monsanto has been marketing a competitive system, the principles of which are very similar to those used by Devco. U. S. Patent claims have issued on the critical aspects of the Devco System, as related to pyrolysis.

The Honorable Robert Murphy

January 3, 1972

Devco Management Inc. is very much interested in bidding on the Baltimore system. We feel that the Devco System offers economic and practical advantages over those offered by any of its competitors.

Although some temporary delay may be experienced by opening this matter to competitive bidding, the potential benefit to the people of Baltimore is a better system for less money. That, in our view, is what the legislation requiring competitive bidding was designed to produce.

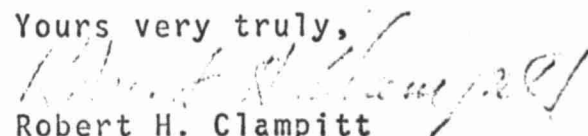
The Devco System contains a number of proprietary and other subsystems which result in the profitable separation and resale of corrugated, mixed paper fibers, ferrous and non-ferrous metals and carbon. Steam can be produced and sold as an additional by-product. The final inert residue of the Devco System can be made into a high quality "TekBrik," a patented process owned by one of Devco's principal shareholders -- Certain-teed Products Corporation of Valley Forge, Pennsylvania.

Devco would be pleased to review its System with any representatives of the Baltimore City Government, The State of Maryland, citizens' groups or other interested parties. We regret that we were not informed at an earlier date of the proceeding in the Maryland Courts. However, any detailed inquiry would quickly result in the development of information about those few companies that have been working on the development of pyrolytic systems.

Other cities have not found it necessary to avoid competitive bids. The City of Washington, D. C. recently opened the doors to bids limited to companies that actually had developed and constructed pilot systems. We understand that they received ten bids covering various systems, yet companies were given only about thirty days within which to submit proposals.

Thank you for your consideration.

Yours very truly,

  
Robert H. Clampitt  
President

RHC:ch

cc: The Honorable Marvin  
Mandel, Governor of Maryland  
The Honorable William Donald Schaefer  
Mayor of Baltimore  
Mr. Samuel Hale, Jr.  
The Honorable David Ross  
Mr. Herbert G. Bailey, Jr.

Encl.



## City waste plant at issue

BALTIMORE SUN, January 2, 1973

# Court backs awarding contract without bids

Annapolis Bureau of The Sun

Annapolis—The Maryland Court of Appeals has cleared the way for Baltimore city to award a \$14.7 million contract to Monsanto Enviro-Chem Systems for construction of a pyrolysis waste disposal plant.

At issue in the case was whether the city could award the contract to Monsanto without having to go through competitive bidding.

The action by the state's highest court upheld a decision last week by Judge David Ross, of the Baltimore Circuit Court. Judge Ross held that competitive bidding was not necessary under the circumstances.

### Order affirms decision

The Court of Appeals did not give any explanation of its ruling. It simply issued an order affirming Judge Ross's decision and said that an explanation would be given in a legal opinion to be released later.

Because of the city's urgency in wanting to get the work started, the Court of Appeals agreed to hold a special session and decide the case only nine days after Judge Ross's decision.

The case evolved from a taxpayer's suit that was actually paid for by the city. Monsanto refused to begin the work until the Court of Appeals decided whether the contract could be awarded without competitive bidding.

### No oxygen used

Monsanto Enviro-Chem Systems is the only company that has developed the pyrolysis process, which bakes trash without using oxygen.

The city is receiving a \$6 million grant from the federal government toward the cost of building the plant, with the stipulation that Monsanto's system be used.

Judge Ross said the pyrolysis process developed by

Monsanto is the only one likely to solve the city's waste disposal problem.

### Causes no pollution

He said competitive bidding requirements "should not be stretched to the point where this prevents the municipal government from accomplishing an object . . . which could not be accomplished if competitive bidding requirements were applied to them."

One of the main benefits of the pyrolysis system is that it causes no pollution.

The plant is to be located near the Russell street entrance to the city. Steam power produced by the plant will be sold to the Baltimore Gas and Electric Company.



DEVCO MANAGEMENT INC.  
410 PARK AVENUE,  
NEW YORK, NEW YORK 10022  
(212) 371-9105

January 3, 1972

The Honorable Robert Murphy  
Chief Justice  
Maryland Court of Appeals  
Court of Appeals Building  
Annapolis, Maryland 21404

Re: Baltimore Solid Waste Disposal  
-- Enviro-Chemical Systems

Dear Justice Murphy:

According to the January 2nd Baltimore Sun, the Maryland Court of Appeals has upheld a decision by Judge David Ross of the Baltimore Circuit Court ruling that the City of Baltimore could award a sole source contract to Monsanto Enviro-Chemical Systems without competitive bidding because Monsanto "is the only company that has developed the pyrolysis process, which bakes trash without using oxygen." The assumption is inaccurate. We would like to call on the Court and upon public officials of the City of Baltimore, the State of Maryland and upon Federal officials to take judicial notice of the fact that Monsanto does not have the only system using pyrolysis. Devco Management Inc., for example, owns and operates the largest system using pyrolysis that has been developed anywhere to date. It has a capacity of 120 tons per day.

The Devco System, formerly owned by Waste Reclamation Corporation, has been developed over a period of five years, first with a cooperating city government in California and later with the assistance and support of the Environmental Protection Agency of New York City. Devco has been aware for some time that Monsanto has been marketing a competitive system, the principles of which are very similar to those used by Devco. U. S. Patent claims have issued on the critical aspects of the Devco System, as related to pyrolysis.

The Honorable Robert Murphy

January 3, 1972

Devco Management Inc. is very much interested in bidding on the Baltimore system. We feel that the Devco System offers economic and practical advantages over those offered by any of its competitors.

Although some temporary delay may be experienced by opening this matter to competitive bidding, the potential benefit to the people of Baltimore is a better system for less money. That, in our view, is what the legislation requiring competitive bidding was designed to produce.

The Devco System contains a number of proprietary and other subsystems which result in the profitable separation and resale of corrugated, mixed paper fibers, ferrous and non-ferrous metals and carbon. Steam can be produced and sold as an additional by-product. The final inert residue of the Devco System can be made into a high quality "TekBrik," a patented process owned by one of Devco's principal shareholders -- Certain-teed Products Corporation of Valley Forge, Pennsylvania.

Devco would be pleased to review its System with any representatives of the Baltimore City Government, The State of Maryland, citizens' groups or other interested parties. We regret that we were not informed at an earlier date of the proceeding in the Maryland Courts. However, any detailed inquiry would quickly result in the development of information about those few companies that have been working on the development of pyrolytic systems.

Other cities have not found it necessary to avoid competitive bids. The City of Washington, D. C. recently opened the doors to bids limited to companies that actually had developed and constructed pilot systems. We understand that they received ten bids covering various systems, yet companies were given only about thirty days within which to submit proposals.

Thank you for your consideration.

Yours very truly,

  
Robert H. Clampitt  
President

RHC:ch

cc: The Honorable Marvin  
Mandel, Governor of Maryland  
The Honorable William Donald Schaefer  
Mayor of Baltimore  
Mr. Samuel Hale, Jr.  
The Honorable David Ross  
Mr. Herbert G. Bailey, Jr.

Encl.

February 27, 1973

Mr. Deighton O. Edwards, Jr.  
Chairman  
DEVCO MANAGEMENT INC.  
410 Park Avenue  
New York, New York 10022

Dear Mr. Edwards:

Enclosed herewith is a copy of the opinion of the Court of Appeals of Maryland in the case of William A. Hylton, Jr. et ux. v. Mayor and City Council of Baltimore et al.

I did not answer your letters of January 3 and February 7, 1973 prior to today because the case was not finally adjudicated until yesterday when the Court's opinion was filed.

Neither in the briefs of the parties nor in oral argument was the position ever taken by the City of Baltimore that Monsanto was the only company with a pyrolysis process for disposing of solid wastes, a fact noted in the Court's opinion.

Sincerely,

Robert C. Murphy

RCM/h  
Encl.

cc

*See Miller's brief*



DEVCO MANAGEMENT INC.  
410 PARK AVENUE,  
NEW YORK, NEW YORK 10022  
(212) 371-9105

*2/7  
Murphy CN  
has been letter  
in his files  
me*

February 7, 1973

The Honorable Robert Murphy  
Chief Justice  
Maryland Court of Appeals  
Court of Appeals Building  
Annapolis, Maryland 21404

RE: Devco letter 1/3/73

Dear Justice Murphy:

In view of the fact that we have had no response to our original letter, and in consideration of several inquiries, we take this opportunity to establish our reason for objecting to the discussion of an article pertaining to the Enviro-Chemical System. (Baltimore)

First, it is fair to state, that we have no intention of attempting to prohibit federal funds from being allocated for Baltimore's solid waste disposal problem.

Second, we will not oppose the construction of the Monsanto System (Enviro-Chemical). That is an issue to be resolved between Devco and Monsanto. In addition, the problem of solid waste disposal is astronomical. Therefore, it needs the assistance of the entire corporate structure of this country. We do feel that Baltimore and other cities are possibly prepared to spend too much money for solid waste systems, due to the urgency to find a solution.


In essence, there are six companies with pyrolysis systems, or are developing a similar type of system. Devco, in actuality was probably the first developer of a solid waste system that uses pyrolysis as a method of reduction.

We unequivocally request that there be a public statement issued to rescind the undue public harm, currently adhering to Devco and other firms.

"Monsanto is the only company possessing technology in pyrolysis."

We urgently await your response to this request.

Very truly yours,



Deighton O. Edwards, Jr.  
Chairman

Enc.

DOE/cdy

cc: Hon. William D. Schaefer, Mayor of Baltimore  
Mr. Samuel Hale, Jr., Federal EPA  
Mr. Herbert G. Bailey, Jr.  
The Baltimore Sun, City Desk  
Hon. David Ross  
Hon. Marvin Mandel, Governor of Maryland

RIGNAL W. BALDWIN  
AMBLER H. MOSS  
LAWRENCE PERIN  
DAVID R. OWEN  
NORMAN P. RAMSEY  
WILLIAM A. FISHER, JR.  
JOHN H. MUDD  
THOMAS E. CINNAMOND  
GEORGE D. HUBBARD  
JAMES P. GARLAND  
JAMES D. PEACOCK  
DAVID M. BUFFINGTON  
DAVID F. ALBRIGHT  
WILLIAM R. DORSEY, III  
THOMAS J. S. WAXTER, JR.  
ALBIN M. PLANT  
CLEAVELAND D. MILLER  
BENJAMIN R. GOERTEMILLER  
H. THOMAS HOWELL

PARTNERS EMERITUS  
HAROLD TSCHUDI  
WILLIAM D. MACMILLAN  
RICHARD F. CLEVELAND

JOHN E. SEMMES (1881-1967)

**SEMME, BOWEN & SEMMES**

ATTORNEYS AT LAW

10 LIGHT STREET (17<sup>TH</sup> FLOOR)

BALTIMORE, MARYLAND 21202

TELEPHONE 539-5040 AREA CODE 301

CABLE ADDRESS: TREV LAC

January 15, 1973

CHARLES O. MOUNT  
DAVID E. BELCHER  
WILLIAM R. LEVASSEUR  
THOMAS W. W. HAINES  
ALAN N. GAMSE  
SIDNEY G. LEECH  
GEOFFREY S. MITCHELL  
CHARLES E. ILIFF, JR.  
PARKER B. SMITH  
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J. SNOWDEN STANLEY, JR.  
ROBERT E. SCOTT, JR.  
STEPHEN D. LANGHOFF  
CHARLES R. MORAN  
ALDRICH B. DAVIS  
RICHARD T. SAMPSON  
J. THOMAS CASKEY, JR.  
WILLIAM F. GATELY

TOWSON OFFICE:  
106 JEFFERSON BLDG.  
TOWSON, MD. 21204  
TELEPHONE (301) 296-2832

Honorable James H. Norris, Jr.  
Clerk  
Court of Appeals of Maryland  
Annapolis, Maryland 21404

Re: William A. Hylton, Jr., et ux, v. Mayor and  
City Council of Baltimore, et al.  
No. 298 - September Term, 1972

**FILED**  
JAN 17 1973  
**James H. Norris Jr., Clerk**  
**Court of Appeals**  
**of Maryland**

Dear Mr. Norris:

We have received your letter of January 9, 1973 which enclosed a copy of the letter from Robert H. Clampitt, President of Devco Management, Inc., addressed to the Honorable Robert Murphy, Chief Judge of the Court of Appeals. We appreciate the opportunity afforded us to file remarks with your office by January 16, 1973.

The record in the captioned case will, we are confident, make it clear to the Court that we raised the issue of the possibility that competitors could reasonably be expected to bid on the proposed plant if the competitive bidding requirements of the Charter were enforced with respect to the proposed pyrolysis plant. Appellant's briefs in the trial court and before the Court of Appeals cited potential competitors such as Garrett Research and Development Company, Torrax Systems, Inc. and Union Carbide, Inc. Dr. Linaweaver's affidavit also identified these as competitive pyrolysis systems. We did not concede, and the record does not reflect, any claim that Monsanto "is the only company that has developed the pyrolysis process, which bakes trash without using oxygen."

We believe that the letter of Devco Management, Inc. is supportive of the argument we advanced that solicitation of competitive bids would search the market for responsible bidders and

SEMMES, BOWEN & SEMMES

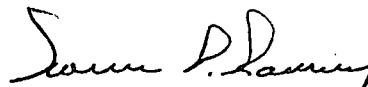
Hon. James H. Norris, Jr.  
January 15, 1973  
Page Two

permit the technological and economic capacities of such bidders to establish the price to the public.

We are aware that the Court has entered an Order affirming the decision of Judge Ross and that the Mandate of the Court has issued. Since the opinion of the Court has not been filed, however, we are unable to satisfactorily ascertain the extent to which the contention which we made with respect to the existence of possible competition was deemed to be relevant. The Devco letter reinforces our argument by the possibility of an additional competitor, but we cannot determine whether the Court might deem this of sufficient importance to request re-argument by counsel. Under our interpretation of Rule 850 of the Maryland Rules of Procedure, the time for the filing of a motion for re-argument commences with the filing of the opinion. Obviously, if the Court deems this development to have a material impact on the case, we will promptly submit such further memoranda or oral argument as may be requested.

We would appreciate your advice as to the Court's wishes in this regard.

Very sincerely yours,



Norman P. Ramsey  
Attorney for Hylton, et ux,  
Appellants

NPR/dcj

cc: Hon. George L. Russell  
Franklin G. Allen, Esq.



LAW OFFICES OF

# PIPER & MARBURY

2000 FIRST MARYLAND BUILDING  
25 SOUTH CHARLES STREET  
BALTIMORE 21201

TELEPHONE 301-539-2530

January 12, 1973

WILLIAM L. MARBURY  
JOHN W. AVIRETT, 2d  
MCKENNY W. EGERTON  
JESSE SLINGLUFF  
G. VAN VELSOR WOLF  
J. MARTIN McDONOUGH  
FRANKLIN G. ALLEN  
MICHAEL P. CROCKER  
EDWARD S. SMITH  
FRANK T. GRAY  
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CHARLES T. ALBERT  
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DECATUR H. MILLER  
ROGER D. REDDEN  
RICHARD D. FERBER  
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LARRY P. SCRIGGINS  
ROBERT B. BARNHOUSE  
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DONALD E. SHARPE  
JOSEPH G. FINNERTY, JR.  
ALBERT S. BARR, III  
PARTNER EMERITUS  
GEORGE S. NEWCOMER

PHILIP T. MCCUSKER  
CHRISTOPHER A. HANSEN  
VALENTINE A. KOGLER, JR.  
BROWNE L. KOOKEN  
PAUL V. NIEMEYER  
DONALD P. MCPHERSON, III  
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FRANK R. GOLDSTEIN  
LAWRENCE M. KATZ  
ROBERT E. YOUNG  
ROBERT M. BELL  
JAMES P. GILLECE, JR.  
JUDITH K. SYKES  
WALTER G. LOHR, JR.  
JAMES J. WINN, JR.  
CHARLES A. REES  
RAYMOND J. COUGHLAN, JR.  
JOHN E. KRATZ, JR.  
JUSTIN E. BEALS  
W. MINOR CARTER  
EDWARD S. DIGGES, JR.  
JEFFREY J. RADOWICH  
MICHAEL ESHER YAGGY  
STEVEN D. SHATTUCK  
WM. GAR RICHLIN  
EDWARD M. NORTON, JR.

FILED

JAN 17 1973

James H. Norris Jr., Clerk  
Court of Appeals  
of Maryland

Honorable Robert C. Murphy  
Chief Judge  
Court of Appeals of Maryland  
Court of Appeals Building  
Annapolis, Maryland 21404

Hylton v. Mayor and City Council  
of Baltimore - No. 298

Dear Judge Murphy:

Mr. Norris has advised counsel that we may comment on a letter written to the Court by Mr. Robert H. Clampitt, President of Devco Management Inc.

The letter begins by stating that it is the understanding of the writer, based on a newspaper report, that Judge Ross has found that Monsanto Enviro-Chem Systems, Inc. "is the only company that has developed the pyrolysis process, which bakes trash without using oxygen." That is not what Judge Ross decided, and in our brief in the Court of Appeals we stated:

"Enviro-Chem has no monopoly on pyrolysis as a technology for disposal of solid waste; a number of other companies have such processes in various states of development. The processes differ materially, however, in the extent to which they have been proven, in the equipment that they use, in the

Honorable Robert C. Murphy  
January 12, 1973  
Page Two

order in which the equipment is arrayed, and in the manner in which they operate and the results which they achieve. The affidavit of Dr. Linaweaver, Director of the City's Department of Public Works, attached to the Stipulation as Exhibit 6, and the testimony of the witness Chapman, Vice President of Enviro-Chem, show that four companies, including Enviro-Chem, have pyrolytic processes that have been demonstrated beyond the laboratory stage. Dr. Linaweaver considered that the Enviro-Chem process was the one that had been most reliably demonstrated."

The brief further stated:

"It is not necessary to say that such different characteristics make other systems inferior; they are important differences that require a choice, and Dr. Linaweaver and other city officials reached the decision that the characteristics of the Enviro-Chem process, including the particular by-products that it will produce, make it the most suitable to the conditions of the City of Baltimore, including the market here for the steam and ferrous metal."

Our witness, Mr. Chapman of Enviro-Chem, testified below to the existence of competing processes that have been demonstrated to one degree or another and pointed out that they are each proprietary to a particular company and have different characteristics. He did not mention the Devco system. I understand from Mr. Chapman that he had heard of the Devco system and a number of others that he did not mention whose proprietors make various claims for them, as to what they accomplish and as to the degree to which they have been proved, and that he confined his list of examples to

Honorable Robert C. Murphy  
January 12, 1973  
Page Three

those of which he thought he could speak confidently on the basis of his personal knowledge or on the basis of facts that he considered to have been reliably publicized. It would have made no difference in the point of his testimony to have expanded the list of rival processes.

The Court will observe, on the face of Mr. Clampitt's letter, his assertion that the Devco system is proprietary to Devco, that he claims to have patents on the critical aspects of it, and that the system offers "practical advantages over those offered by any of its competitors." Taking these claims at face value, they assert that the Devco system is different from others. Mr. Clampitt's statements therefore tend to confirm our position that the various proprietary systems available to the City were different from one another and that once a particular proprietary system was selected it would be available only from its proprietor.

Respectfully,

  
Franklin G. Allen

FGA:bt

cc: Honorable George L. Russell, Jr.  
Norman P. Ramsey, Esq.



DEPARTMENT OF LAW

508 TOWER BUILDING  
222 E. BALTIMORE STREET  
BALTIMORE, MD. 21202  
TEL. 752-2000

GEORGE L. RUSSELL, JR.  
CITY SOLICITOR

AMBROSE T. HARTMAN  
DEPUTY CITY SOLICITOR

January 16, 1973

Honorable James H. Norris, Jr.  
Clerk  
Court of Appeals of Maryland  
Annapolis, Maryland 21401

Dear Mr. Norris:

Re: William A. Hylton, Jr., et ux, v.  
Mayor and City Council of Baltimore,  
et al. No. 298 - September Term, 1972

This is in reply to your letter of January 9, 1973, in which you advise that the Court had granted counsel in the case until January 16, 1973, to make any remarks they may wish regarding the letter of January 3, 1973, received from Devco Management, Inc.

We simply wish to affirm on behalf of F. Pierce Linaweaver, Director of Public Works, the statements made in his affidavit to the effect that his Department made a diligent effort "to keep abreast of all advances in the technology by the various private companies in this field." (page 6 of the affidavit). According to the records of the Department of Public Works, at no time during the period of this effort was the name of Devco Management, Inc. or its predecessor, Waste Reclamation Corporation made known to the Department. (See copy of letter of January 15, 1973, from Dr. Linaweaver.) We will attempt herein to outline some of this effort.

To begin with, we are enclosing a copy of an advertisement for the waste disposal plant on which bids were received in 1970, reference to which is made in Dr. Linaweaver's affidavit. This advertisement appeared in the July, 1970 issue of the magazine, "Public Works", which has a nationwide distribution. The same advertisement was placed in several other national engineering publications. In response to the advertisement, and as a result of other inquiries made by the Department of

Hon. James H. Norris, Jr.  
January 16, 1973  
Page Two

Public Works, the City compiled a list containing in excess of sixty names of entities interested in the City's need for a waste disposal process. You will see that neither Devco Management, Inc. nor Waste Reclamation Corporation appears on this list.

In addition, as stated in Dr. Linaweaver's affidavit, the Federal Environmental Protection Agency on March 24, 1972, advertised in the "Commerce Business Daily" for cities interested in competing for federal grants in this area.

Dr. Linaweaver made the following statement at page 1 of his affidavit:

"From the spring of 1970 through to about December, 1970, our engineers and other officials spent a lot of time traveling around the country looking at the various facilities that other cities were building and that private companies were testing."

In elaboration of this statement, Dr. Linaweaver advises that the activity involved field trips by various ranking personnel of the Department of Public Works to numerous cities, both in this country and Canada (such as St. Louis, New York, Chicago, Rochester, Harrisburg, Hamilton, Montreal and Boston) for the purpose of evaluating the latest methods of waste disposal. These trips were also intended to determine the names of entrepreneurs who were engaged in solid waste management.

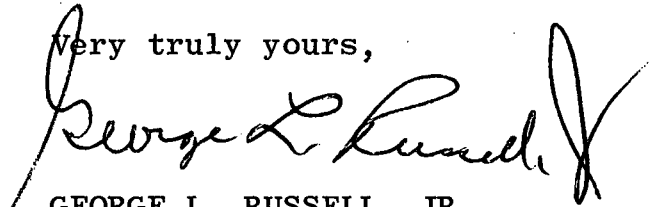
Devco, in its letter, gives the impression that it first learned of the City's activity in the area in question by way of an article which appeared in the Baltimore Sun of January 2, 1973. In fact, this project had received a great deal of publicity in numerous newspaper articles beginning as early as June, 1970; copies of some of these articles are attached hereto.

In light of the above, we believe the project in question received sufficient notoriety to draw the

Hon. James H. Norris, Jr.  
January 16, 1973  
Page Three

attention of anyone interested in and capable of meeting  
the City's needs.

Very truly yours,

A handwritten signature in cursive script, appearing to read "George L. Russell, Jr.", with a large, stylized flourish at the end.

GEORGE L. RUSSELL, JR.  
City Solicitor

A handwritten signature in cursive script, appearing to read "Ambrose T. Hartman", with a large, stylized flourish at the end.

AMBROSE T. HARTMAN  
Deputy City Solicitor

Enclosures

cc: Franklin G. Allen, Esq.  
Norman P. Ramsey, Esq.



William Donald Schaefer  
Mayor

F. Pierce Linaweaver  
Director

Department Of Public Works  
600 Municipal Office Building  
Baltimore, Maryland 21202  
752-2000

Francis W. Kuchta  
Deputy Director

January 15, 1973

Mr. Ambrose T. Hartman  
Deputy City Solicitor  
5th Floor  
Tower Building  
Baltimore, Maryland 21202

Dear Mr. Hartman:

We have researched our records concerning people with whom we have discussed solid waste disposal and neither Devco Incorporated nor Waste Reclamation Corporation are shown. We can find no record of having been contacted by either Devco Incorporated or Waste Reclamation Incorporated.

Sincerely,

  
Director

FPL:RGD:ca

# NEWS OF ENGINEERS

The Miami consulting firm of D. F. Ludovici has merged with Ferendino/Grafton/Pancoast with A. J. FERENDINO as senior partner. An operational division, Ludovici & Orange, civil and structural engineers has been formed with E. NEIL ORANGE as a partner. He was previously director of the civil engineering division of the Dade Co. Public Works Dept.

A. C. WINKELHOFF has been appointed Chief Mechanical Engineer for Engineers, Inc., consultants of Newark, N. J.

Acquisition of the airport division of Briggs Engineering and Testing Co. of Norwell, Mass., is announced by Edwards & Kelcey. Mr. Briggs joins Edwards & Kelcey as chief of the airport division.

CLARENCE H. LINDER has been elected president of the National Academy of Engineering, succeeding ERIC A. WALKER. CHAUNCEY STARR has been elected vice president of the Academy.

SPA/REDCO, consulting engineers of Chicago, has been formed through the merger of Social Planning Associates and Real Estate Data Co. E. H. PALMER is chairman of the new firm; JULIUS Y. YACKER is president.

JOACHIM NACHBAR, chief mechanical engineer of Albert Kahn Associates, Inc., has been elected a vice president of the firm.

ARNOLD F. MEYER, vice president Heil Co., Milwaukee, was one of eight Wisconsin alumni cited for excellence at the 22nd annual Wisconsin Engineers' day.

JOHN C. STEVENS, a founding partner of Leupold & Stevens, Inc., consulting engineers of Portland, Ore., died March 29 at the age of 94.

Brender-Hamill Associates, Inc., is a new consulting engineering firm formed by uniting the former Brender & Brender and Hamill Engineering.

DAVID C. BOLTON has joined the staff of Desalting Systems & Services, Inc., of Fort Lauderdale, Fla.

JOHN WARD BERETTA, consulting engineer of San Antonio, has been named to receive the 1970 award of the National Society of Professional Engineers.

GEORGE C. BORNSCHEUER has been elected a vice president of Burns and Roe Western Hemisphere Corp., and will continue as director of Washington operations.

DAN J. SAUNDERS of Westhampton Beach, N. Y., died May 27. He was widely and favorably known in the water supply field.

ALEX PIASECKI has joined Engineers Incorporated, consultants of Newark, N. J.

NORMAN RUSSIN has been appointed director of design of Koebig & Koebig, Los Angeles consultants.

N. L. BUCK is now associate dean for Engineering Technology, University of Pittsburgh.

DR. BIRGER SCHMIDT has joined James P. Collins & Associates, Inc., Cambridge, Mass., as manager of operations.

CARL L. SPATARO is now associate—highways—at Capitol Engineering Co., DILLSBURG, Pa., consultants.

KENNETH M. CHILDS, JR., has opened an office for the practice of structural and water front engineering at Medfield, Mass.

HARRY C. SEMRALL, dean of the College of Engineering, Mississippi State University, has been elected president of the National Society of Professional Engineers. J. C. WILSON of Albuquerque is president elect.

R. P. WESTERHOFF of Ford, Bacon & Davis, New York consultants, has received the 1970 Engineer Award, New Jersey Society of Professional Engineers.

JOHN F. MCMANUS has been appointed associate dean of engineering at Cornell University. Since 1956 he has been assistant dean.

DAVID CHEYFITZ has been named electrical engineer of the Cleveland Division of Water, a new post created to handle increasing electrification of filtration and pumping operations.

WILLIAM R. BUTLER, JR., has been made an associate of Rummel, Klepper & Kahl, consulting engineers of Baltimore.

## CLASSIFIED

### Solid Wastes Disposal Notice

On or about October 1, 1970, the City of Baltimore will invite proposals from private contractors to accept domestic solid wastes from the City and to dispose of them in accordance with the applicable rules of the State of Maryland and any affected subdivisions thereof. General areas in several portions of the City in which the sites where the solid wastes are to be received by the contractor will be designated. The contractor shall acquire the rights to use these sites for the reception of solid wastes. The method of disposal (landfill, incineration, etc.) shall be selected by the contractor. Solid waste from sources other than the City may be processed at the same time as that from the City.

Further information may be secured from:

F. Pierce Linaweaver  
Director of Public Works  
600 Municipal Building  
Baltimore, Maryland 21202

### Assistant Manager

Assistant manager for privately owned sewage, water and gas utility plant in Florida. Must be licensed and have a minimum of 5 years experience in operational procedures of utility plant. Excellent opportunity for advancement. Attractive salary and fringe benefits. Send resume, in confidence, to:

Mrs. S. Blum  
Royal Palm Beach Colony, Inc.  
8101 Biscayne Boulevard  
Miami, Florida 33138

### Chief Engineer

A degree in Civil Engineering from an accredited four year college or university and extensive professional Civil Engineering experience. Applicant selected for this position must be eligible for a state of Texas registration as a professional engineer.

Salary range \$1162-\$1494. Education and experience will be considered in determining salary within grade. Applications will be received until August 1, 1970, at the:

Personnel Department  
City of Fort Worth  
1018 Jennings  
Fort Worth, Texas 76102

### Public Works Supt.

City of Grosse Pointe Farms, Michigan. Population 12,000. Assign, coordinate and supervise a variety of activities involving street and sewer maintenance, rubbish collection and equipment repair and maintenance. 25 man department. Previous municipal experience desired. Salary range \$10,000 to \$12,000.

Send resume to:

City Manager  
City of Grosse Pointe Farms  
90 Kerby Road  
Grosse Pointe Farms, Mich. 48236

PUBLIC WORKS for July, 1970



IMPORTANT: If corrections are not received by date specified, we will assume ad is okay as shown.

EDUCATIONS,  
First Office Box 488  
Richmond, Va. 23251  
202-365-5119

"The Magazine Where Your Advertisement Reaches the Largest Audited Circulation in Cities and Counties"

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*July 1970 Issue  
Public Works*

**Solid Wastes  
Disposal Notice**

On or about October 1, 1970, the City of Baltimore will invite proposals from private contractors to accept domestic solid wastes from the City and to dispose of them in accordance with the applicable rules of the State of Maryland and any affected subdivisions thereof. General areas in several portions of the City in which the sites where the solid wastes are to be received by the contractor will be designated. The contractor shall acquire the rights to use these sites for the reception of solid wastes. The method of disposal (landfill, incineration, etc.) shall be selected by the contractor. Solid waste from sources other than the City may be processed at the same time as that from the City.

Further information may be secured from:

Dr. F. Pierce Linaweaver  
Director of Public Works  
600 Municipal Building  
Baltimore, Maryland 21202

REQUESTS FOR DATA ON PROPOSAL FOR SOLID WASTE DISPOSAL

<u>Date Letter Sent</u>	<u>Name &amp; Address of Inquirer</u>
7/15/70	Mr. Charles N. Herbert Utilities Leasing Company 551 W. Lancaster Avenue Haverford, Pa. 19401
	Mr. Theodor F. Buss Monsanto Enviro-Chem Systems 800 N. Lindberg Bldg. St. Louis, Missouri 63166
	Mr. Roy Peterson Western Maryland R.R. 201 N. Charles Street Baltimore, Maryland 21201
	Mr. Donald F. Duffy Curtis Bay Towing Company Mercantile Trust Bldg. Baltimore, Maryland 21202
	Mr. Wilfred H. Shields, Jr. Chief, Div. of Solid Waste Department of Health 2305 N. Charles Street Baltimore, Maryland 21218
	Mr. M. Bender Knoerle, Bender, Stone & Assoc., Inc. 341 N. Calvert Street Baltimore, Maryland 21202
	Mr. H. M. McCoy, P.E. Systems Consultant P.O. Box 777, Severna Park, Maryland 21146
	Mr. Sam A. Egigian, Vice President Solid Waste Control Co. Division of Maxon Industries, Inc. 2640 East Washington Blvd., Los Angeles, California 90023
	Mr. Miles B. Potter, P.E. President Harris, Henry & Potter, Inc. Consulting Engineers Buckingham, Pa. 18912
	G. R. Bacus, P.E. Fargo Engineering Company Consulting Engineers 120 W. Michigan Jackson, Michigan 49201
	Mr. Hugh L. Morrow Evans Products Company 2200 East Devon Avenue Des Plaines, Illinois 60018
	Mr. Georg Stabenow, President Ovitron Corporation IBW-Martin Incinerator Group East Stroudsburg, Pa. 18301

REQUESTS FOR DATA ON PROPOSAL FOR SOLID WASTE DISPOSAL

<u>Date Letter Sent</u>	<u>Name &amp; Address of Inquirer</u>
7/16/70	<p>Complete Disposal Corp. of New Jersey 744 Broad Street Newark, New Jersey</p> <p>Mr. Charles C. Weidelein Pollution Solutions, Inc. 201 Southwest Arthur Room 210 Portland, Oregon</p> <p>Mr. Welborn E. Alexander, Jr. Assistant Manager Consumer Products &amp; Waste Materials Penn Central Transportation Company Room 408 6 Penn Center Plaza Philadelphia, Pa. 19104</p> <p>Mr. Marcus S. Kostolich, President Environmental Resources Corporation Suite 1602 First National Tower Akron, Ohio 44308</p>
7/17/70	<p>Mr. H. B. Christianson, Director of Industrial Engineering The Chesapeake &amp; Ohio Railway Company Planning Department Baltimore, Maryland 21201</p> <p>Mr. James W. Hallinan, President Urban Incinerators Corporation P.O. Box 48 Port Washington, New York 11050</p>
7/20/70	<p>Mr. John F. Gallagher Assistant Director Bureau of Solid Waste Disposal The Commonwealth of Massachusetts Department of Public Works 100 Mashua Street Boston, Massachusetts 02114</p> <p>Mr. Harlan L. Moore, Manager Solid Waste Division Department of Public Works 2442 City-County Building Indianapolis, Indiana 46204</p> <p>Mr. Phillip B. Rooney, Vice President Waste Management, Inc. 15 Spinning Wheel Road Hinsdale, Illinois 60521</p> <p>Mr. Robert J. Schatz, P.E. Manager - New Business Development Environmental Engineering Division Gilbert Associates, Inc. P.O. Box 1498 525 Lancaster Avenue Reading, Pa. 19603</p>

REQUESTS FOR DATA ON PROPOSAL FOR SOLID WASTE DISPOSAL

<u>Date Letter Sent</u>	<u>Name &amp; Address of Inquirer</u>
7/20/70	Mr. Marvin H. Mahan Scientific Chemical Treatment Co., Inc. P.O. Box 31 1703 E. Second Street Scotch Plains, New Jersey 07076
7/21/70	Curtis Refuse Company 1415 Cherry Street Baltimore, Maryland 21226  Dillingham Environmental Company Box 1560 La Jolla, California 92037  Nollett Enterprises 5 Faulkner Hill Acton, Massachusetts 01720  All American Industries Mr. Cecil Godfrey P.O. Box 1247 Wilmington, Delaware 19899  Mr. Robert H. Gross Municipal Services, Incorporated P.O. Box 403 Hartford, Connecticut 06101  Mr. Jack Kennedy 901 Baltic Avenue Modern Trashmoval Sanitas Service Corp.  Mr. Orville R. Bevel, Jr., President Environmental Services, Inc. 2460 Reynolds Road Toledo, Ohio 43615
7/22/70	Victor Brown P.O. Box 5535 Houston, Texas 77012
7/23/70	Mr. Ambrose Hamm Hamm Sanitation Service Box 26 Branchville, New Jersey 07826  Mr. Harry Kletter, President Industrial Services of American, Inc. Suite 210 Atkinson Square 3901 Atkinson Drive Louisville, Kentucky 40218
7/27/70	Mr. Gordon P. Larson, Vice President Reclamation & Environmental Controls - Systems Warner Company 1721 Arch Street Philadelphia, Pa., 19103

<u>Date Letter Sent</u>	<u>Name &amp; Address of Inquirer</u>
7/29/70	Sanitation Specialist Co. 207 Chinquapin Road Annapolis, Maryland 21401
	P.G.S. Rubbish Removal Co., Inc. 467 Oak Street Copiague, New York 11726 (Mr. Joseph Spada, Vice President)
7/31/70	Utilities Leasing Co. 651 Allendale Road King of Prussia Pennsylvania 19406
	American Environmental Corporation Suite 1602 First National Tower Akron, Ohio 44308 (Marcus S. Kostolich, President)
	Mr. John A. McJoynt, Jr. Vice President-General Manager The Terminal Service Company 600 Provident Bank Building Seventh & Vine Streets Cincinnati, Ohio 45202
	Pyro Industries, Inc. 38 Windsor Avenue Mineola, N.Y. 11501 Mr. Dan Schwartz
8/3/70	D. Schwartz, Vice President Pyro Industries, Inc. (Duplicate Request) 38 Windsor Avenue Mineola, N.Y. 11501
	M. S. Kostolich (Duplicate Request) Environmental Resources Corp. 1602 1st National Tower Akron, Ohio 44308
	E. T. Kelly, President Globe Disposal Box 141 Morristown, Pa. 19401
	E. Kennedy, President Truck A Way 2188 E. Huntington Philadelphia, Pa. 19124
	T. Rumpke, Vice President Rumpke Container 9359 Westbury Cincinnati, Ohio 45231
8/4/70	Raymond Cline Roy F. Weston Company Lewis Lane Westchester, Pa. 19380
	Mr. Herman Van Hille, President American Engineering & Manufacturing Corp. 6101 North Sheridan Road East 42-B Chicago, Illinois 60626

Date Letter  
Sent

Name & Address  
of Inquirer

8/6/70

Mr. Herbert T. Cobey, President  
Roto-Shredder Co.  
Division of IMCO Inc.  
Crestline, Ohio 44827

8/11/70

Mr. Stanley A. Leitner  
General Manager  
Suburban Haulers, Inc.  
1829 North Broadway  
St. Louis, Missouri

8/12/70

Mr. Michael L. Torre  
General Disposal Corporation  
1415 Northwest Ballard Way  
Seattle, Washington 98107

8/13/70

M. J. Verrochi  
1164 Main Street  
Hingham, Ma.

T. R. Stevenson  
President  
Pollution Solutions (duplicate)  
14225 Ventura Blvd  
Sherman Oaks, California 91403

J. L. Miller  
Owner  
R 1  
Burr Oak, Missouri 49030

J. L. Winther, President  
J. L. Winther Company  
263 Calle La Mesa  
Moraga, California 94556

8/18/70

Mr. Edward A. Vitunac  
Manager of Special Projects  
Swindell-Dressler Company  
441 Smithfield Street  
Pittsburgh, Pa. 15222

P. J. Gentile, President  
Trans World Ind.  
8519 Willis Avenue  
Los Angeles, California

8/19/70

Mr. Richard S. Segrien  
Vice President  
Eastern Urban Services  
2900 Prudential Tower  
Boston, Mass. 02199

8/24/70

James C. Curry, Legal Assistant  
Planning Section, SMB. DTO  
Bureau of Solid Waste Management  
5555 Ridge Road  
Cincinnati, Ohio 45213

<u>Date Letter Sent</u>	<u>Name and Address of Inquirer</u>
8/21/70	L. Abrams, President Commonwealth Metal' 9405 S. Alameda Los Angeles, California 90002
8/25/70	Mr. Edmond V. Tyne Ford, Bacon & Davis, Inc. 2 Broadway New York, New York 10004 (cover letter)
8/28/70	Mr. J. P. Hensel Wm. Patent Crusher & Pulverizer Co. 2701-2723 North Broadway St. Louis, Missouri 63102 (cover letter)
8/31/70	Mr. M. Kirshner, Manager Solid Waste Sustersms The Rust Engineering Company 930 Fort Duquesne Blvd. Pittsburgh, Pennsylvania 15222 (cover letter)
	Mr. Gordon F. Davis Secretary-Treasurer American Menmax Corporation Port Jefferson, New York 11777 (cover letter)
9/2	Mr. Orville R. Bevel, Jr. President, Environmental Services, Inc. 2460 North REynolds Road Toledo, Ohio 43615 (cover letter)
	Mr. Jay L. Taft President Eastern Stainless Steel Company P.O. Box 1975 Baltimore, Maryland 21203 (cover letter)
9/8/70	Mr. Henry C. Soto, President Disposal Gardens, Inc Park Plaza Bldg. Suite 201, 916 N. Western San Pedro, California 90732 (cover letter)
	Mr. A. Verdonck, P.E., President Verdonck Sanitary Engineering & Construction Ltd. 500 Exmouth Street Sarnia, Ontario (cover letter)
9/21/70	F. P. R. Bohager & Sons, Inc. 515 S. Eden Street Baltimore, Maryland 21231
	Mr. Charles Macalusa, President Mantain Corporation Environmental Industries 550 W. 37th Street New York, New York 10018
9/22/70	Mr. J. V. Tripoli, President Powertroi, inc. 1622 Fillmore Avenue Buffalo, New York 14211

# Tight Money Delays Incinerator Project

By Wayne Hardin

Construction of a \$25 million city-county incinerator on Patapsco Flats which will replace the air-polluting, rat-infested city incinerator in Cherry Hill has been "deferred" indefinitely due to the tight money market.

Charles E. Heintz, executive director of the Baltimore county Revenue Authority, which would build the facility, said yesterday

he learned of the action in a June 9 letter from Dale Anderson, Baltimore county executive.

### Worst Time

"Construction of the incinerator has been deferred because county financial people have been advised by experts in New York that this would be the worst time in the world to float

a bond sale because of the general market conditions," Mr. Heintz said.

The shaky bond market also has resulted the lack of action on the final approval of an agreement between the city and county on use of the incinerator. The agreement is now in the county council and will go to the city council when it is approved in the county.

"We have to have agreement between both councils before we could sell the bonds," Mr. Heintz said. "But there's no point in going ahead with the approval procedure until we know the market because we won't know what per ton rate to charge."

### Based On Interest

The tonnage charge to city, county and private haulers will be based on the interest rate for the bonds, he said.

He said "at this time" it was not known how long the sale of the bonds might be postponed.

The letter from the county executive came after a group of county officials traveled to New York to talk with bond market representatives and came away with the opinion "that the situation is pretty bad," Mr. Heintz said.

The decision is yet another delay in the project which a city officials said recently already has faced "innumerable delays."

### Problem To Residents

It also means that the residents of the Cherry Hill section will have to prepare to live even longer with the problems of the city's obsolete Reedbird incinerator which was to be scrapped on completion of the new one at Patapsco Flats.

Persons in the area have complained for years about the smells and the air pollution from the facility, which handles only 500 tons of garbage a day. Because of the unburned garbage backlog, rats also are a problem, they say.

Reedbird and the city's 700-ton capacity incinerator on Pulaski highway were included in a list of top 44 air polluters in the metropolitan area in a study released this year by the state Department of Health and Mental Hygiene.

### Most Modern

Patapsco Flats has been hailed as the answer to the city's incinerator difficulties.

But even when the bonds are  
[Continued, Page C2, Col. 5]

\* article continued on other side →



# Tight Money Delays Incinerator Project

[Continued From Page C28]

sold, it will take 2½ to 3 years to get the incinerator into operation, Mr. Heintz said. When completed, the incinerator which the director calls "the most modern in the country," will have a capacity of 1,400 tons a day and will be equipped with "the most advanced air pollution" and water pollution controls.

## Opposition From 2 Sides

The pollution controls are a major factor in the rapidly increasing cost of building the incinerator which was to cost between \$8 and \$10 million dollars when approved by the city and county in April, 1967.

By August, 1968, the cost estimate had risen to \$17 million. The latest figure is \$25,250,000. Along the way, the joint-plan

has encountered opposition from individuals of both subdivisions.

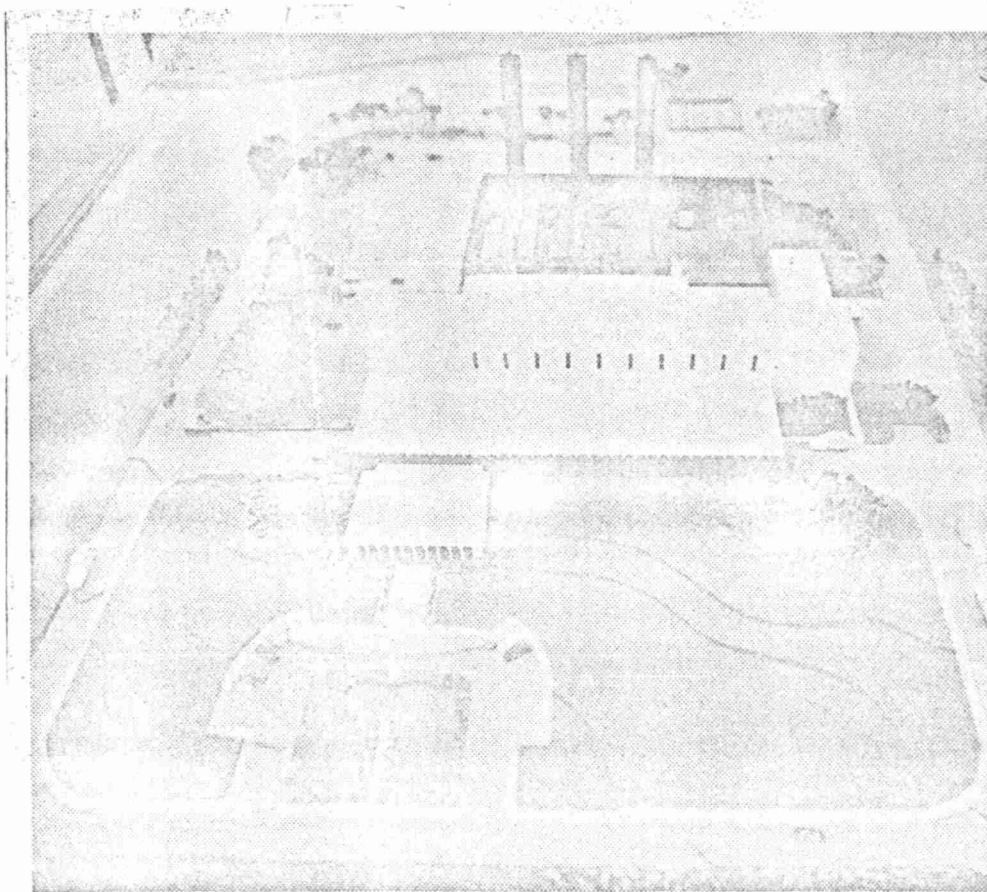
City finance director Charles L. Benton vehemently objected to the fact that the site for the incinerator is mostly in Baltimore county.

When construction finally begins, the incinerator will be built on a 37-acre site on the flats west of the Patapsco River on the south Baltimore city line.

About one-tenth of the site, which is now being used as a landfill, is in the city. The authority will lease the land at a nominal cost from the city and county, Mr. Heintz said.

However, as for now, the project is in limbo.

"The engineering studies are complete," he said. "But nothing else can be done until we can get in a position to sell the bonds."



Sunpapers photo—Richard Childress

**INCINERATOR MODEL**—The long hoped-for city-county incinerator at Patapsco Flats someday will look like this but due to troubles in bond market, that day is still far away.

DEPARTMENT OF PUBLIC WORKS  
BUREAU OF ENGINEERING  
HIGHWAY ENGINEERING DIVISION  
BALTIMORE, MARYLAND

Plans were prepared for the site, shown on the map of Baltimore and marked as "to-be-heater Place Highways" under the Bureau of Engineering Contract No. 1005—Heater Planning Highways" will be received at the office of the Comptroller, Room 204, City Hall, Baltimore, Md., until Wednesday, July 8, 1969.

# Garbage Disposal Becoming Critical Problem For City

By Wayne Hardin

The continuing delay of construction of the joint city-county incinerator at Patapsco Flats is fast making garbage disposal in Baltimore a critical situation, the head of the city's sanitation division says.

Edward T. Moore, chief of the division, was responding to the

disclosure this week by Charles E. Heintz, executive director of the Baltimore county Revenue Authority, that construction of the \$25 million facility had been "Deferred" indefinitely due to poor bond market conditions.

"As time goes on, the situation will get worse," Mr. Moore said. "Refuse is picking up all the time and we're really getting pinched for land."

## 3-Year Delay

But Baltimore city would be faced with problems even if the bonds for the incinerator could be sold right now because it would still be 2½ to 3 years before the plant could be in operation.

Mr. Moore said the main reason was that the city's two major landfills, at Moravia road and Bowley's lane and in the Cherry Hill section, each have "only about a year of life left."

"We're looking around and turning ever which way for an answer," he said. "Land is our most critical problem but no land at all in the city close to the incinerators is available."

The city's landfills are located near the Pulaski incinerator in Northeast Baltimore and the 33-year-old Reedbird incinerator in Cherry Hill. After garbage is burned in the incinerators, ashes are dumped into the fills.

## Park Land

Forty acres of Herring Run Park and the land on which the produce market on Pulaski highway now stands were created by landfills, Mr. Moore said.

The city still has hopes that part of its problem with refuse

[Continued on Page C 6, Col. 1]

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Continued

on other side →

# Trash Disposal Becomes Critical Problem

[Continued from Page C 24]

disposal can be solved by a plan to haul compacted garbage by rail to Allegheny county where it would be used as landfill in strip mines.

However, Allegheny county, which must approve the idea, has not been particularly receptive to taking Baltimore's garbage.

Meanwhile, the city will have to get by with what it has.

What it has are the two incinerators which together equal the capacity of the planned 1,400-ton facility at Patapsco Flats.

## Other Criticism

Reedbird, which is to close when the new one is built, has been the object of criticism for many years for its air pollution and smells. Mr. Moore said Reedbird had been kept "going" by "good maintenance work and good supervisors."

"We'll keep it running as long as we have to," he said.

In Baltimore county, Charles E. Farley, chief of the Bureau of Sanitation, said the delay in construction of the new incinerator "won't affect us for several years."

## New Flats Site

"We still have landfills available," he said, "and at first, we weren't planning to use the in-

cinerator to full capacity anyway."

One of the county's landfills is in the area around the Patapsco Flats site. Thirty-seven acres of "virgin ground," one-tenth of it city land, has been reserved for the incinerator but landfilling is being done on parts of the rest which will eventually become park land, Mr. Farley said.

The county purchased 259 acres in the flats several years ago, Mr. Farley said.

He said the county had about 1½ to 2 years of use at its Texas landfill, about 4 years at the fill at Granite and several years at Patapsco Flats.

## Faster Consumption

"The problem the delays create for us is that the more regular refuse we put in the faster the land is used up," he said. "By using an incinerator, the volume of refuse that goes in the fill is reduced by 85 to 90 per cent."

The delay also is making long-range planning for garbage disposal more difficult, he said.

"We can go one of three ways," he said. "We're studying rail haul, future incinerators and extended landfills. You have to plan in advance or you'll be overcome."



**LOUIS AZRAEL SAYS:**

# Have You Any Empty Bottles?

**GOT SOME** empty bottles? Or can you get any? If so, you will be able to accomplish two things next Saturday. Also on some later days that are as yet undecided.

One: You will be able to get money for them.

Two: You will be able to help relieve the litter problem; the problem of solid waste disposal.

Here's why and how . . .

A **NATIONAL** association of bottle makers — the Glass Containers Manufacturers Institute — is starting a nationwide campaign, partly for its own benefit and partly for the benefit of the nation. This campaign will be carried on at 92 places in 25 states.

Three of those places are in Baltimore. They are:


Carr-Lowry Glass Co. at 2201 Kroman St.

Glass Containers Corporation at Fort Ave. & Lawrence St.

Maryland Glass Corporation at 2147 Wicomico St.

Next Saturday, between 8.30 a.m. and 2.30 p.m., these firms will pay a cent a pound for all empty bottles, of any kind, that are brought to them. There are only two conditions. Bottles of different colors must be separated. Nothing — especially aluminum rings from twistoff caps — should remain on them.

**TWO BEER BOTTLES**, or two bottles which contained 16 ounces of soft drink, weigh just about a pound. Not many householders, therefore, are likely to make the trip to the glass factories to deliver empties that happen to be around. But the Manufac-

The News  American  
BALTIMORE MARYLAND

**THE PAGE OPPOSITE**

Sunday, July 5, 1970 ★ 5E

turers Institute experience leads to expectation of big loads.

The project was tested at Los Angeles in April. The cent-a-pound rate, which seems small to individuals, seemed large to many organizations — to Boy Scout and Girl Scout units, youth clubs of various kinds, church groups, etc. Ten thousand Los Angeles Girl Scouts, for instance, brought 100,000 bottles on one afternoon.

Many thousands were brought by conservation groups, anti-litter activists, Keep America Beautiful groups and others who were obviously less interested in the cash than in the environment.

**THE PROJECT**, as explained by glass industry people, is interesting from several viewpoints.

For many years, manufacturers mixed about five per cent of crushed glass into the batches — the sand, limestone and soda ash — from which glass for new bottles was made. They merely crushed the waste materials that was at the factory.

Recently, glass container plants have tried putting

larger proportions of "cullet" into batches. Some plants now put in ten per cent. Research indicates it is possible to use as much as thirty, or perhaps even 50 per cent.

**FURTHER MORE**, general outcries against the pollution problem caused by discarded bottles — even suggestions that glass bottles be outlawed — have driven the industry to find new ways to use such bottles. At an experimental institution in Missouri, for instance, 600 feet of road has been paved with "glasphalt," a combination of crushed glass and asphalt. Researchers are working to develop bricks,

tiles, mineral wool and other products from glass.

Consequently, old bottles are now not troublesome litter; they are desirable material for the industry.

**THE INDUSTRY'S** campaign, therefore, seeks to kill two birds with one stone.

It seeks to fill the new demand and, at the same time, to make a valuable contribution to the litter-and-pollution problem.

Glass bottles make up six per cent — six very troublesome per cent — of the solid waste material collected in Baltimore.

**THE PROJECT** that starts next Saturday can go far to eliminate the costly nuisance of that six per cent. It can provide money for good causes; it can benefit the glass industry.

That makes a neat and happy package for everybody — except makers of containers that compete with glass bottles.

*The News American - Sunday, July 5, 1970*

# City Moves For Disposal Offers

By Wayne Hardin

Baltimore county's indefinite deferral in the construction of a new city-county incinerator has led the city to advertise nationwide for help, the city public works director said today.

"We've already taken steps to advertise in national public works and technical magazines placing interested persons on notice that in the fall we will advertise for formal proposals from private enterprise to take Baltimore's waste and dispose of it," Dr. F. Pierce Linaweaver said.

The action has been prompted by the disclosure last week that construction of the \$25 million incinerator at Patapsco had been delayed because of the poor bond market.

### Financial Advice

Charles E. Heintz, executive director of the Baltimore County Revenue Authority, said that, at the time, financial experts in New York had advised the county that this would be "the worst time in the world" to float a bond issue.

The city, which has the most urgent problem with refuse disposal due to shrinking landfills and overloaded and obsolete incinerators, is now trying to find other answers.

"We've simply got to get additional steps under way," Dr. Linaweaver said.

One move, a meeting of city officials including Dr. Linaweaver, this week to consider alternatives available, was announced Friday by William Donald Schaefer, City Council president.

### Ideas Solicited

Dr. Linaweaver said the city hoped the advertising would bring a number of different ideas for consideration.

"We're asking for proposals"

[Continued, Page C 3, Col. 2]

# City Moves For Waste Disposal Bids

[Continued From Page C 20]

and costs to pick up and dispose of 500 tons of refuse a day," he said. "The plans would be considered on a competitive basis."

He said the only limitation on plans would be that they conform with zoning and health laws.

"Examples of what I'm talking about are such things as a rail haul, truck haul to distant landfills, building an incinerator with private funds," Dr. Linaweaver said.

Another possible method of partially dealing with the refuse problem would be for the city to build an incinerator on its own with public funds.

### Time Element

But the normal procedure for a bond issue would take time the city doesn't feel it has now.

It would be early 1971 before

legislative approval could be obtained. Then the City Council would have to approve placing the issue on the ballot and a vote couldn't be until the 1971 municipal elections.

"It would take \$15 million to build an 800-ton capacity incinerator to replace Reedbird," Mr. Linaweaver said. "I'd like to phase Reedbird out now because it's old and inefficient but I can't until we have something to replace it."

The public works director said he was trying to arrange a meeting of the Metropolitan Refuse Collection and Disposal committee, which was organized several years ago in connection with the Patapsco Flats project, to consider Baltimore's refuse disposal problems.

Both Dr. Linaweaver and Mr. Schaefer are members.

### Other Members

Others on the committee include Dr. Abel Wolman, professor-emeritus at the Johns Hopkins University, chairman; Baltimore county council chairman Harry Bartenfelder (D., 5th); and William E. Fornoff, Baltimore county administrative officer.

Also, Albert B. Kaltenbach, Baltimore county public works director; Joseph Jacobs, assistant to Joseph W. Alton, Jr., Anne Arundel county executive; and Charles L. Benton, city finance director.

*News-American*  
*10/12/70*  
*Monday*

6B ★ Monday, October 12, 1970

## Baltimore's Waste

THE DEBATE within City Hall on the most suitable method for disposing of the city's trash has brought to public attention one of government's chronic headaches.

The waste material discarded in an affluent society is staggering to contemplate. In Baltimore, 1,800 tons of solid waste are collected each day, ranging from street sweepings to abandoned refrigerators.

City incinerators can handle up to 1,400 tons daily. The rest is buried in one of the city's sanitary landfills.

The debate has been brought on by the limitations of the existing incinerators. They can handle no more. City Public Works Director F. Pierce Linaweaver favors letting private firms handle the excess. City Council President William Donald Schaefer wants the city to continue having facilities to collect and dispose of all solid wastes.

A plan that has elements of both private and public participation was floated last year, and is worth another look.

We refer to the proposal to ship solid wastes by railroad car to western Maryland where the material could be dumped, among other places, in old strip coal mining areas to repair the gouges in the earth left by miners.

While buying a railroad ticket for a can of garbage may appear far-fetched on the surface there is some merit in the scheme, assuming costs are within reason. It is appealing to an environmentalist since it provides a useful way of healing strip mining scars. City Hall, please note.

# City May Award Contracts For Disposal of Trash

City officials next week expect to okay steps giving private firms the job of disposing of more than half the trash collected by the Sanitation Department.

F. Pierce Linaweaver, director of Public Works, said he will seek bids from firms wanting to dispose of 300,000 tons of waste a year for 15 years.

This is more than 50 per cent of the total 540,000 tons collected annually by the city.

In a joint press conference with top city leaders today, Linaweaver

said his plan might cost about \$500,000 a year more than the current \$2 million municipal method of disposal.

**THESE METHODS** are fast approaching the point where they will be unable to handle the enormous 1,800 tons daily waste load of the government.

Four city landfills will reach capacity in a year, Mayor D'Alesandro said, and the two incinerators are running beyond capacity now.

Linaweaver wants private firms to step in and process some of this disposal load.

A long-concealed controversy on this point came into the open today. Unlike Linaweaver, Council President William Donald Schaefer wants the city to dispose of its own waste.

**D'ALESSANDRO SAT** between the two officials at the press conference.

Schaefer says he does not disagree entirely with Linaweaver's plan to deal with the "current crisis," but wants the city to develop means of disposing of its own waste in the long run.

Linaweaver said even if voters okayed a bond issue for construction of a new city incinerator, it would not be built until 1974—and "we need positive action starting now."

A Baltimore County bonding agency recently turned down a proposal for financing construc-

tion of a planned city-county incinerator near the southwest city-county line.

**HE SAID HE HAS** received inquiries from about 80 private firms interested in bidding for the waste disposal job. Their proposals are expected to involve such methods as shipping waste by rail to Western Maryland or other areas, burning it and selling the heat generated by the process to industry, recycling glass and metals and other schemes . . .

To study these proposals, the mayor today named a Solid Waste Committee, headed by Schaefer. Members are Linaweaver, Health Commissioner Robert E. Farber, Housing Commissioner Robert C. Embry Jr., Planning Director Larry Reich and an unnamed representative of the mayor's office.

*News American  
10 Star Edition  
October 27, 1970*

*Sunday Sun*  
*12/13/70*  
*Sunday*

## Trash Bids

The city appears to have an answer to its looming crisis over trash and garbage, which is fast outrunning the city's capacity to burn and bury it. Five serious bids have been received from private companies willing to enter into long-term contracts to take 1,000 tons of refuse a day off the city's hands. Three of the five bidders have come up with per-ton costs to the city which are lower than the city would have had to pay if the plans had gone through to build a joint city-county incinerator on the Patapsco Flats.

None of the proposed private solutions is particularly exciting. That is, there is no dramatic plan to convert trash into building blocks, build a ski mountain or recycle glass into new bottles or

garbage into fertilizer. But the proposals do vary from conventional landfill to transportation by rail to abandoned strip mines, with the most expensive offer being a plan for a privately built and operated incinerator. City officials now must examine each offer with fine-point care to make certain the bidders are fully capable of carrying out a 17-year contract in the light of all the controversies that may arise over the disposal of waste.

The ultimate answers to the mounting accumulations of household waste and street debris depend on at least metropolitan, if not state and national, co-operation and action. But in the meantime, if one of the current bids pans out, Baltimore will have some means at hand to get rid of its daily trash collections as it faces up to the need to close down its antiquated Reedbird incinerator and make extensive improvements to the Pulaski incinerator.

*Copies: Mr. Neatrick*  
*Jan 7 71*



The Sun  
12/23/70

Wednesday

# GARBAGE BIDS MAY BE KILLED

## City Urged To Drop All 5 Disposal Proposals

The city director of public works recommended yesterday that the D'Alesandro administration reject all bids on its proposal to have private industry dispose of 300,000 tons of garbage and trash annually.

The Board of Estimates is expected to accept the recommendation of Dr. F. Pierce Linaweaver, the public works director, at its meeting this morning and vote to reject all five bids.

In a letter to the board yesterday, Doctor Linaweaver said that each of the bids contained clear variations from the city's specifications.

### Procedure Proposed

Once the bids are rejected, Doctor Linaweaver said in an interview, his department will immediately re-evaluate the specifications and, in three or four weeks, ask that the board advertise for new bids.

"We can't dilly dally," Doctor Linaweaver said. "We've got to move. The need is clear."

In response to what Mayor D'Alesandro has called "almost a crisis situation," the city in late October announced that it was seeking bids on having private industry dispose of some 300,000 tons of garbage and trash annually over a 17-year period.

The private disposal plan was to be part of a two-pronged effort aimed at getting rid of some 540,000 tons of garbage and trash collected annually. The other part of the plan involved finding additional city-operated landfill space and continuing experiments in recycling of re-

fuse and other new disposal means.

The formal advertising for bids had been preceded by several months of informal advertising and conversations with private industry during which about 100 firms expressed interest in the city's proposals.

Aside from the deviation from city specifications, the five bids which were submitted December 9 disappointed city officials because none offered to use any new or innovative methods of disposal.

One large chemical company which reportedly was considering some type of new method that appealed to city officials decided at the last minute not to submit a bid, but officials are hoping the firm will make an offer on the next round of bidding.

Three of the bidders said they would use landfill sites for disposal, while a fourth said it would build an incinerator in south Baltimore near the present Reedbird incinerator, and a fifth firm refused to disclose its method, but city officials feel that the firm would use some type of landfill operation.

### Apparent Low Bidder

The apparent low bidder on the project was the International Disposal Corporation, of Houston, which owns Robb Tyler, Inc., a local refuse hauling firm. The firm proposed to charge the city \$3.30 a ton.

International and two other firms who submitted bids provided only one-year performance bonds although the specifications called for a bond covering the 17-year-period of the proposed contract.

A fourth firm, the Arundel Corporation of Baltimore, offered to dispose of only 150,000 tons a year, while a fifth firm, the Aloe Coal Company, of Imperial, Pa., which offered a price of \$8.95 a ton, said its rate would increase or decrease dur-

ing the life of the contract as rail freight rates fluctuated.

Aloe said that it would haul the refuse by rail to Big Savage Mountain, in Allegany county, where it would be dumped into abandoned strip mines.

### Bid Ruled Out

The specifications contain provisions for adjusting labor and material costs on the basis of changes in the consumer price index, but mentioned nothing about changes in rail freight rates.

City officials were concerned about whether the Aloe bid had met specifications until last Friday, when George L. Russell, Jr., the city solicitor, advised Doctor Linaweaver that the Aloe bid "was not responsive" because of the provision regarding rail rates.

The near crisis described by Mayor D'Alesandro was precipitated last summer by the decision of Baltimore county to abandon plans for construction of a new city-county incinerator because of the unfavorable municipal bond market.

At the time plans for seeking bids from private industry were announced in late October, city officials said that the 37-year-old Reedbird incinerator in Cherry Hill was overtaxed and outmoded, that the Pulaski highway incinerator did not meet new air pollution regulations, and that four existing city landfills would be filled to capacity within a year.

Once a private firm took over disposal of 300,000 tons of refuse annually, the Reedbird incinerator would be phased out, and the overloaded Pulaski incinerator could be cut back, making it possible to convert it to meet air pollution regulations, they said.

The rejection of bids is expected to delay the eventual phase-out of the Reedbird incinerator and the work on the Pulaski highway facility.

TH Francis Kuchta  
TH Robert Dietrich  
TH Gene Hett

Evening Sun  
12/23/70  
Wednesday

## Bids On Trash Disposal Hit

The Director of Public Works has recommended that the D'Alesandro administration reject all bids on its proposal to have private industry dispose of 300,000 tons of garbage and trash annually.

The recommendation, which is expected to be accepted by the Board of Estimates at its meeting today, was made by Dr. F. Pierce Linaweaver in a letter to the board yesterday.

Dr. Linaweaver said each bid contained clear variations from the city's specifications.

### new Bids To Be Sought

The Public Works director said his department would review the specifications and advertise for new bids within a month.

The proposed private project would involve the disposal of more than half of the city's garbage and trash, which totals about 540,000 tons annually.

It is to be part of a two-pronged effort by the administration, the other part of which calls for a search for new land-fill sites and experiments with recycling of refuse.

Copies: Mr Robert Dietrich  
Mr ...

*Evening Sun*  
2/10/71  
Wednesday

## Solid Waste Disposal: What Is Being Done

By Francis Rackemann

William Donald Schaefer, president of the City Council, announced today that individuals, clubs, organizations and industry interested in the solid waste disposal problem are expected to attend a meeting February 16 in City Council chambers.

The meeting is being called in an attempt to coordinate the many efforts, ideas and plans brought to his attention concerning the problem of recycling glass, paper and metal and other ecological matters.

Mr. Schaefer said his office has been swamped with ideas and suggestions for alleviating the solid waste disposal problem and hopes that efforts like the Ecology Action, Inc.'s weekend reclamation center and the Govans project, can become coordinated.

Last weekend's collection of glass, paper and metal by the Ecology Action at the Poly-Western High School, Falls road and Cold Spring lane was again successful with plans to keep it going into spring.

Mr. Schaefer is awaiting a full report from the Department of Public Works on the Govans experimental trash route project, October 15 to January 7, which was conducted by the Bureau of Sanitation. If economically feasible a similar project will be conducted for Parkside residents.

With reference to Howard county's plans for nonreturnable bottles, Mr. Schaefer said "one or two counties doing this doesn't solve the problem."

"Raising the price of returnable bottles has not proved successful because the public is not returning them.

"Besides," Mr. Schaefer said, "supermarkets and stores don't want them back because they take up space, come back dirty and sometimes have cockroaches."

"I'm not convinced that banning is the answer because next will come cans," he said.

and other waste products in their own firms and are experimenting with new types of plastic bottles for incineration without contaminating the environment. Both companies are co-operating in reclamation centers.

The Junior League of Baltimore is asking its 600 members to buy returnable soft drink bottles only so they can be recycled. Backing the league are 19 other organizations.

The Coca-Cola and Allegheny Pepsi-Cola bottling companies of Baltimore claim that despite an increase to 5 cents on each returnable bottle these containers are not being brought back to the stores although it is more economical for the consumer.

Both companies said they are deeply concerned about the environmental problem, are recycling all glass, motor oil, paper

cc: Jeff  
Couch



**LOUIS AZRAEL SAYS:**

# Garbage May Become an Asset

IT COULD BE — it just could be — that the garbage and other solid wastes collected from Baltimore homes will soon be doing tricks like these:

Providing electric power which will be bought by the Gas and Electric Co. and distributed in its system.

Providing waste metal the the Bethlehem Steel Co. will buy for use in making steel.

Providing carbon which is used in maintaining the city's sewage system.

Separating glass and paper so that they can be used, in some form, again.

**SOLID WASTE** disposal burdens, Baltimore, and every other big city, with three huge headaches.

First, getting rid of the material.

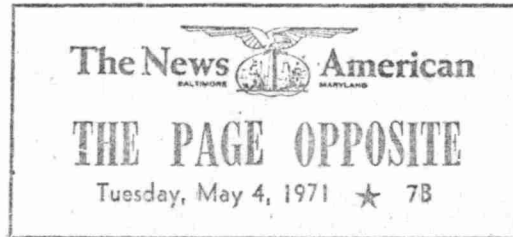
Second, getting rid of it in a way that minimizes pollution.

Third, somehow saving the valuable contents — glass, metal, paper, etc., and the gases created when waste is burned.

Baltimore is in serious, almost critical, position as to the first two of these problems. And, like every other city, it is making only faint progress in the third.

It now has a plan which officials believe will go far to solve all three. And it could cost the city surprisingly little.

About 1,400 tons of solid wastes are collected every day in this city. Most of it is burned up in two incinerators. One of these is 40 years old, is inefficient, causes pollution and should be abandoned. The se-



cond, built in the 1950's, requires expensive improvements to make it meet government anti-pollution standards.

Waste material that isn't burned, and residues of what is burned, are spread on vacant land and covered with soil. Available landfill area is practically full. Furthermore, landfilling means that valuable contents of waste material are not reclaimed for other uses.

City officials, particularly Dr. Pierce Linaweaver, head of the Public Works Department, have scoured the country for ways to meet the combined problems. The most hopeful solution, they feel, lies in a small experimental plant (it handles only 35 tons of waste material a day) which is operated in St. Louis by a corporation named Monsanto Enviro-Chem Systems, a branch of the huge Monsanto Chemical Company.

This plant disposes of waste material by a process called Landgard Pyrolysis. Pyrolysis is a chemical

change brought about by the action of heat in atmosphere which has insufficient oxygen.

It changes combustible material into gases and carbon. Ferrous metal can be magnetically removed and the Bethlehem Steel Co. has given city officials a "letter of intent" to buy it if Baltimore gets such a plant. The Gas and Electric Co. has agreed, in writing, to buy electric power (from six to twelve megawatts a day) that would be produced by the heating process.

Plans for the extraction and recycling of glass and paper are less definite but officials are confident it can be done.

And the Monsanto Enviro-Chem Co. is ready to sign a guarantee that it can install a plant to handle 1,000 tons a day with no pollution to the atmosphere.

Such a plant would cost about \$14 million — which Baltimore can't afford. But the city may get a lucky break.

Congress last year appropriated money to help cities experiment in ways to cope with the solid waste problem. For approved projects, the government dangles 50 per cent of the cost (75 per cent if it is a regional, rather than merely a city project) and 75 per cent of the first year's operating cost.

Baltimore is bidding for this help. Last week, Dr. Linaweaver urged a Congressional committee to act. And now city officials are eagerly waiting.

Maybe — just maybe — Baltimore will take a long leap forward in one of its most troublesome areas.

*copy the copy the electric*

*Linaweaver  
5/4/71  
Linaweaver*

*News American*  
*11/9/71*  
*Tuesday*

## Sarbanes Urges Release Of Waste Disposal Funds

By LEE BELSER  
News American Bureau

WASHINGTON — Rep. Paul Sarbanes, D-4th, said today he has appealed to the Nixon administration to release \$11.5 million to prevent a waste disposal crisis in Baltimore.

"The day is fast approaching," he said, "when the city will face the impossible task of trying to dispose of 1,800 tons of solid waste a day with a 700-ton a day incinerator."

The congressman noted that waste disposal funds already have been appropriated but that dispensation of the money is being held up by the Office of Management and Budget.

In letters to Rep. Jamie L. Whitten, D, Miss., chairman of the House Appropriations Subcommittee, and George Shultz, head budget office, Sarbanes requested an investigation into the administration's failure to release the funds.

"Unless the funds are released this month," he said, "it will be

nearly impossible for Environmental Protection Agency officials to review applications and award contracts this fiscal year."

He emphasized that Baltimore is a leading city in the effort to develop new waste disposal technology, and so far is the only city to submit an application for federal funding.

The city's Department of Public Works has proposed a 1,000-ton-a-day "pyrolysis" solid-waste disposal system that would also generate electric power and recycle iron and glass at the same time.

Baltimore received no such funds last year because there was no federal waste disposal program, but Sarbanes said he hopes that at least a portion of the earmarked funds will soon be released to the city.

"Further delay," he warned, "will do immeasurable harm to Baltimore and every other city facing a solid waste disposal problem."

*Copied by Mr. Deutch*  
*11/11*

# Sarbanes Says City Facing Waste Disposal Crisis

The day is fast approaching when Baltimore will face the impossible task of emptying to dispose of 90 tons of solid waste per day with a 700 ton per day incinerator," according to Representative Paul S. Sarbanes (D., 4th). In order to head off a waste disposal crisis in Baltimore the

Congressman announced that he has launched a campaign to get the Nixon Administration to release funds appropriated by Congress for experimental solid waste disposal programs.

The Sarbanes' effort to free the monies took the form of two letters yesterday to the Office of Man-

agement and Budget Director George Shultz and Chairman of House Appropriations Subcommittee Jamie L. Whitten. In particular Representative Sarbanes called upon Whitten to investigate the Administration's failure to release the funds.

In August the President

signed a bill appropriating \$11.5 million, \$8 million more than the President had initially requested, to fund an experimental solid waste disposal system. Since then, however, the Office of Management and Budget has refused to release any of the funds.

Now, according to Sar-

banes, unless the funds are released this month, it will be nearly impossible for Environmental Protection Agency officials to review applications and award contracts this fiscal year.

"Baltimore," Sarbanes declared, "is the leading city in the effort to develop new waste disposal tech-

nology, and, thus far, it is the only city to submit an application for Federal funding of an experimental disposal system."

Baltimore's Department of Public Works has, in conjunction with the Monsanto Company, proposed a 1,000 ton per day "pyrolysis"

(Continued on Page 4)

## Baltimore City Faces Waste Disposal Crisis

(Continued from Page 1)  
solid waste disposal system. The system, Sarbanes said, would, in a non-polluting manner, dispose of solid wastes while generating electric power as well as iron and glass for recycling back through the economy.

"Though advanced waste disposal systems have been introduced in recent years, not a single unit has been built and demonstrated in a large metropolitan area," he said, "and no city will have the financial resources to build one of these units until the federal government fulfills its responsibility to provide funding."

In his letter to Shultz, the Congressman declared that "given the intent of Congress and the clearly dem-

onstrated need of areas like Baltimore for the solid waste demonstration program, I would hope that your Office would release as soon as possible the monies Congress appropriated for this program."

"Further delay," he warned, "will do immeasurable harm to Baltimore and every other city facing a solid waste disposal problem."

*Copy to Mr. Shultz  
11/18/71  
JFK.*

*For Baltimore Guide  
11/18/71  
Thursday*

# Schaefer Demands Speed On Problem Of Solid Waste

By Kelly Gilbert

William Donald Schaefer said he has put Public Works Department agency heads on notice that unless they make satisfactory progress in dealing with solid waste problems by December 7, his inauguration day as mayor, "they won't be around here any more."

The agency heads are C. Edward Walter, Bureau of Engineering chief and Gene L. Neff, Bureau of Utilities Operations chief.

He also said, in an interview this week, that "there will be some reshuffling" of top public works personnel. He would not identify those due to be reshuffled.

## Sites Eliminated

Mr. Schaefer also said he is unhappy with decisions made by various public works officials, including F. Pierce Linaweaver, the director, to eliminate some of the 20 possible landfill sites that the city is considering for purchase.

Mr. Schaefer generally feels city officials have spent too much time studying the problems with too few results, while the solid waste situation approaches all-out chaos.

## Filling Up

"We're continually running out of time," said the Mayor-elect, who campaigned in part as a pro-ecology candidate. "The present landfills will be at capacity soon and we must have alternatives."

City officials estimated the

landfills would be full "in 12 to 18 months, and that was 18 months ago," Mr. Schaefer said.

The city now is producing  
[Continued, Page D 7, Col. 1]

## Schaefer Warns Officials To Spur Waste Disposal

[Continued From Page D 28]

some 1,000 tons of solid waste per day, he said, not counting raw sewage.

As a first step in his administration, Mr. Schaefer said, he wants to "gather all the agencies together"—particularly in the public works and housing department—"to discuss land use conflicts" on possible landfill sites.

"They're not working together. There's too much confusion with everyone going his own direction."

## Outlines Goal

He is aiming, he said, for immediate land use recommendations that can be translated into definite plans through the public hearing and legislative process.

At present, the Public Works Department has narrowed its list of possible sites to five and is drafting engineering and feasibility data on them.

Mr. Schaefer said, however, that he wants to review data on some of the discarded sites. It is possible some of them will be included in the list again.

That could mean more delays, of his own making.

## Federal Grant Bid

He also wants a "final idea" of where the city stands with its

\$11 million federal grant request for construction of a pyrolysis plant and an alternative waste disposal idea waiting in case the grant is not approved.

Pyrolysis is a new system of smokeless burning that produces less residue than incinerators. The process also yields by-products, such as gas that can be converted to electric power.

While the grant request has been held up by the Environmental Protection Agency pending a federal feasibility study, Mr. Schaefer blamed local officials for not pursuing alternatives to it.

## Other Projects

Other areas of his mayoral concern will be the Pulaski incinerator and Patapsco sewage treatment plant.

Voters approved a \$6 million bond issue November 2 for incinerator improvements to bring it in line with state antipollution standards. Mr. Schaefer said he wants to "get moving on that immediately, now that we can get the money."

Reports on two small pilot treatment plants now running at Patapsco are due, with purchase recommendations, in January and Mr. Schaefer said he will press for city action in that program then.

The Sun  
11/17/71  
Wednesday

## Up to Our Ears

Mayor-elect Schaefer has not waited until his inauguration to insist on immediate solutions to Baltimore's disposal of solid waste. Solid waste? It sounds impersonal and maybe even industrial. But the term applies mostly to the 1,400 tons of refuse a day that householders put out for collection—cans, bottles, paper cartons, garbage, plastic containers, broken toys, newspapers, empty spray cans and all the rest.

City voters on November 2 approved a \$6 million city loan to modernize and eliminate pollution at the Pulaski highway incinerator, but the improved plant still will take only 725 tons a day or about half the refuse awaiting disposal. Baltimore's other incinerator, Reedbird, is older, smaller and facing extinction when the state gets tough about air-quality regulations. For the disposal of incinerator ashes and the overflow of unburned refuse, plus bulky items, old stoves, bedframes, etc.) the city has but three landfill sites, already piled close to capacity with waste.

More landfill sites are an immediate need, particularly for the crisis period when the Pulaski incinerator is closed down for repairs; but no less urgent is the need to devise new disposal methods, since the output of trash exceeds the city's incinerator capacity and landfills are only a temporary solution. Mr. Schaefer wants some definite signs of progress from city bureau chiefs between now and his inauguration or "they won't be around here any more." His impatience is understandable in view of years of talk and little action. But we must wait to see if his threatening approach actually disposes of any more trash or simply adds to the unemployment rate.

Ms. Kelly  
Copied  
Ms. J. H. K.



*The Evening Sun*  
5/15/72  
Monday

## City Application Gets Support

The Chamber of Commerce of Metropolitan Baltimore, in a letter to Mayor Schaefer, has supported the city's application for a federal demonstration grant to construct a new solid waste disposal and resource recovery plant.

The letter, which was signed by Curt H. G. Heinfeld, chamber president, also endorsed the Monsanto Landgard Pyrolysis System as the most desirable solid waste disposal system for Baltimore.

Baltimore has applied for federal financing to construct the \$13 million system under the Resource Recovery Act of 1972 which makes funds available to local governments for the construction of waste disposal systems.

Federal funds could provide up to 75 per cent of the total cost of an approved waste disposal system provided certain criteria are met. The requirements are that the system must provide energy, it must provide for resource recovery, a physical, biological, or chemical change must take place in order to make the residual material more amenable to recycling.

The chamber's letter was in recognition of the critical solid waste disposal problem which exists in Baltimore.