

Name of Exercise: Hazardous waste incinerator.

Location: Garé, South Hungary

Participation Exercise under which Article? *Article 6*

Purpose of Participation Exercise:

To seek the public's comments on the proposal to build an incinerator near Garé.

Background:

A large, hazardous waste deposit of halogenic materials (containing chloride) comprising 62,000 corroded barrels was located near Garé, a small village in South Hungary. The owner of the waste, proposed a plan to build a modern, high tech incinerator on the site to deal with the waste.

Originally, the plan was accepted by local residents and the leaders of Garé, but the municipalities of the surrounding villages (Szalánta, Bosta, Szava, Túrony) opposed the plan from the beginning.

Participation techniques used:

Notification

In conformity with Article 7, Par. (1) of the Hungarian EIA Governmental Decree, No. 152/1995. (XII. 12.) Korm., the environmental inspectorate notified the public about the plan immediately after the request for an environmental permit arrived and the authorities had given their opinions on it.

The inspectorate made a one page summary of the project and sent it to the municipal clerks in all the villages neighbouring Garé, together with a copy of the Environmental Impact Statement prepared by the company. Within 3 days of receiving the material from the inspectorate, the clerks put a notification letter onto the municipal notice board. The law allows municipalities to use other methods of publicising the EIS as well (in practice this includes local press and electronic media), but in this case only the municipal notice board was used for notification. The public had 30 days to comment which was used by the mayor of Szalánta and his constituents.

The content of the notification

- _ a short description of the location and the activity;
- where the Environmental Impact Statement can be studied; and
- advice about the opportunity to make comments.

Public hearing

Later in the process, using the comments given on the Environmental Impact Statement by the authority, co-authorities and the public, the investor prepared a Detailed Environmental Impact Statement, which was sent again to the municipal clerks. The residents of Szalánta copied and read the materials, and found professionals to help them to evaluate the report. At the public hearing, representatives of several Szalánta resident's professions expressed their views on the Detailed EIS.

Who participated?

The composition of the public which participated in the Garé case was unusual. An elected mayor was the key organiser of a large social coalition of local NGOs, community groups, economic groups (agricultural, tourism and other local and regional associations and chambers), professional NGOs (like a public interest environmental law firm, EMLA, which undertook the legal representation) and eventually, political parties as well.

The content of Environmental Impact Statement

The EIS consisted of three large volumes. Apart from the technical details, there were separate chapters on:

- the need for the incinerator (why the proponent selected the given alternative, what environmental considerations were taken into account);
- the previous history of the proposal (rejected alternatives, spatial planning considerations);
- basic technical information (capacity, timing, location, spatial needs, present use of the location, planned technology, reference materials, infrastructure, environmental considerations, connected operations);
- environmental effects (effects of the processes, previous use of the location);
- transboundary effects;
- changes in the landscape and in the ecological relationships (status and function, changes on the site).

The content of the Detailed EIS in addition to the EIS

The detailed EIS contained this additional information:

- replies to the comments;
- description of the process of the detailed examinations;
- extent, type, duration and locations of environmental effects;
- indirect environmental effects;
- evaluation of the environmental effects (concerned elements, strength, duration, reversibility, concerns of protected or rare species or objects, mitigation tools and options);
- public health consequences;
- social consequences (damages, expenses, changes in use of the land, changes in the quality of life and life style);
- a non technical summary.

The social consequences received special emphasis. The residents from Szalánta stated that even if the environmental effects would be kept far within the administrative legal standards, the reaction of their respective markets (spa, vineyards, agriculture) would be negative. People would not choose their products if they would realise that they were produced in the vicinity of a hazardous waste incinerator. In the first instance, the environmental inspectorate and the city court accepted this argument.

What was the outcome of the public participation exercise?

The Szalánta residents were satisfied in relation to the construction permitting process since the administrative bodies on the first and second levels both denied the permit and the court approved their decisions. Naturally, the company is entitled to submit an amended request for a permit, but negotiations have started with another, already existing incinerator to burn the Garé waste, and other alternative solutions are also being examined.

Comments of participants in process:

The residents of the small villages reached their goal: the prevention of the siting of an incinerator in the middle of an economically and environmentally sensitive area. In addition, the power of a well-organised broad coalition was demonstrated, as a several million dollar investment with international and state support was successfully opposed. Participating municipalities and the environmental authorities were offered an opportunity to comment on the case study, but did not do so.

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REC view on participation exercise:

This case provides many positive examples for good practices in Article 6 type procedures. The documentation appears to have been of a high quality and the authorities appear to have been able to adjust the documentation based on comments received. The speed of dissemination of the documentation is impressive, and the use of the one page summary is an interesting tool. From the perspective of the public, the procedure presented opportunities to organise and to achieve goals.

Significant omissions from requirements of Article 6:

None based on this description. The main requirements of Article 6 appear to have been followed in this case. The documentation was elaborated in accordance with the law, which is consistent with the Aarhus Convention. The only identifiably questionable practice involves the minimal notification, which was nonetheless in accordance with applicable law.