

**Name of Exercise:** PEPS (Plasma Energy Pyrolysis systems) Hazardous Waste Incinerator Environmental Impact Assessment

**Location:** Kengyel, Hungary

**Participation Exercise under which Article?** Article 6

**Purpose of Participation Exercise:**

*To oppose the proposed siting of the PEPS Hazardous Waste Incinerator in the village of Kengyel. This is an example of an NGO led campaign against a proposal. The details of the EIA procedure are not set out.*

**Participation techniques used:**

On 3 August 1997, the public in Kengyel was informed about a proposal to locate a Plasma Energy Pyrolysis systems (PEPS) hazardous waste incinerator near the village. On 8 October 1997, an NGO called KGYE was formed with the mission to oppose the planned siting. KGYE applied for non-profit status and in 1999 they were so classified by the court. On November 21, 1997 the Regional Environmental Inspectorate acknowledged the standing of KGYE in the EIA process of the PEPS Incinerator upon request. On 24 April 1998, KGYE won a grant from Environmental Partnership Hungary for running the case in the interest of the local community. Further the Ministry of Environment also subsidised the NGO from the Central Environmental Fund.

On 18 June 1998, the Environmental Impact Statement of the proposed installation was posted in the villages of the region and in Kengyel. On 9 December 1998 the Regional Environmental Inspectorate made the Detailed Environmental Impact Statement available for examination to KGYE. On 18 January 1999, a public hearing was held as part of the permitting process.

On 16 February 1999, the Regional Environmental Inspectorate refused the application for the environmental permit and gave a detailed reasoning why it is not viable to locate the PEPS Incinerator near Kengyel, basing the determination on soil protection and other agricultural considerations. On 26 March 1999, KGYE appealed the decision because the refusal was based only on agricultural reasons (soil protection) and not on environmental protection grounds.

Techniques used by NGO KGYE

Media coverage	Non-legal	Institutionalised	Legal
<ul style="list-style-type: none"> <li>• issuing of NGO newsletter</li> <li>• informing the public about the case.</li> </ul>	<ul style="list-style-type: none"> <li>• campaigns at Village Council Assembly and in Parliament through supportive MPs' questions to the Minister of Environment</li> </ul>	<ul style="list-style-type: none"> <li>• seeking funds for actions against the Incinerator</li> <li>• forming an NGO opposing the siting</li> </ul>	<ul style="list-style-type: none"> <li>• claiming standing in the permitting process (EIA) and active participation in the EIA process</li> <li>• referendum</li> </ul>

**Who participated:**

- Public (approximately 200 persons attended the public hearing)
- Local NGO
- Municipalities – in the EIA process (neighbouring villages)
- Politicians – advocating the opponents via parliamentary questions and political influence both at the public hearing and in the background
- Project managing company – in the media and in the EIA process

**What information was made available:**

All available information was published either by the KGYE or by the project developer. The Regional Environmental Inspectorate made public those data that were officially part of the EIA permitting process; however, the Chief Inspector continuously denied the right of KGYE to make copies of the documents and not only make notes of them. No real information on foreign references of the PEPS technology was made available.

KGYE used the local media and complaints/appeals to make their case while the developer disseminated supportive documents. The Regional Environmental Inspectorate and the Kengyel Municipality issued official announcements to the public and the clients of the case.

No charges were made, although KGYE offered payment for copying.

**What was the outcome of the public participation exercise:**

KGYE prevented the siting of the PEPS Incinerator. A strong and environmentally aware community was formed in this case, that has started four other environmental cases since then. Based on irregularities pointed out by KGYE, the Municipality amended the contract while the Prosecutor's Office was investigating the Mayor for unlawful practices.

**Comments of participants in process:**

The participation was very successful for the NGO; other participants did not express views.

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**REC view on participation exercise:**

It appears from the case description that sufficient information was made available to the public, and that the documentation was complete. Furthermore, it appears that the EIA procedure allowed for early and effective public participation.

What is perhaps most interesting about the case is the fact that the NGO was supported through a grant from the Ministry of Environment's Central Environmental Fund. Often, authorities have difficulties understanding why public money should go to support "opposition". But such subsidies actually help to make the discussion more equal so that all points of view are represented equally in the decision-making.

**Significant omissions from requirements of Article 6:**

The basic requirements of Article 6 appear to have been met in this case, with one possible exception relating to the NGO's request to copy the EIA documentation (in addition to inspection).