

Name of Exercise: Public Participation in a decision on establishing a hazardous waste disposal site

Location: Bajnok street, Kecskemet, Hungary

Participation Exercise under which Article? *Article 6*

Purpose of Participation Exercise:

To invite comments on the establishment of a hazardous waste disposal site.

Background:

In 1996, a company located in Kecskemet applied to the municipality of Kecskemet with a request for a permit to buy an plot of land from the city in order to establish a hazardous waste collection and disposal site in the city. The company had a pre-existing permit for collection and transfer of hazardous waste to the waste disposal site in Aszod, or to the hazardous waste incinerator of Dorog.

The city agreed to sell an estate in the industrial zone as proposed by the Chief Constructor (Engineer). The company bought the territory and according to the requirements of the legislation on EIA, prepared the preliminary environmental impact assessment study, to be submitted together with the application, in order to receive a permit.

Participation Techniques Used:

According to the requirements of the EIA legislation, a preliminary environmental impact assessment had to be prepared. The public was informed about the preliminary study by a public notice which contained a short summary of the assessment. The notice was publicised on the municipal notice board for 30 days, as well as in the local media, to notify the public living in the vicinity of the proposed facility, and in the area of the neighbouring community. The notification was published in a local and county daily newspapers. In addition, the local TV channel also announced it and dealt with the proposal extensively in its programs when the public protest started.

The notification contained the location of the proposed activity, a short summary (description) of the proposed activity, the description of the place where the full environmental impact study could be found and accessed, and an indication of the time frame during which comments could be submitted in writing. The notification specified that comments could be submitted concerning the content of the preliminary impact assessment study, reasons for excluding the location of the proposed activity, the necessity of a detailed environmental impact assessment, or suggestions concerning the approach/main aspects of the study.

Techniques of public participation:

The public participation (notification and commenting) occurred in the first phase of planning when the environmental permit was requested prior to the request for the building permit. The public was notified at an early stage and comments could be submitted. Later, public opposition became organised and signatures were collected against the proposed activity. Media as well as lobbying with members of parliament were used to influence the decision-making.

Who participated?

The public, including NGOs, various authorities and the local and national parliamentarians made comments. The protest actions were mainly organised by the NGO 'Association for Environmental and Nature Protection of Bács-Kiskun County'.

The general assembly, the elected body of the municipality, also had to give an opinion. In this opinion, the general assembly examined whether there were reasons which should refuse the permit for the activity or not. They did not find any such reasons based on the environmental impact study but they suggested to the public authority to take into consideration the opinion of the public when making the decision.

What information was made available?

The information included:

- the detailed description of the proposed activity

- its relationship with the territorial and urban plans
- the proposed time of starting the activity
- the description of the site
- the territorial demands of the proposed activity
- the present use of the territory
- the detailed description of the planned establishment, technology and activity.

Information included the description of environmental load, an estimation of environmental impacts, impact processes, impact area, and expected changes in and effects on the landscape and ecological processes. The public could access all the information free of charge. No one from the public requested to see the full impact assessment study.

What was the outcome of the public participation exercise?

After the notification, protest letters were sent to the notary of the municipality, signed by inhabitants of the city and surrounding villages. Altogether about 1,400 inhabitants signed the protest letters. There were also articles in the local media and members of parliament dealt with the proposed activity.

The authority, due to the comments and the protest of the public, requested a detailed environmental impact assessment. The representatives of the Mayor's office started negotiation with the company. Because of the protest of the inhabitants and their resistance, the municipality argued that it would be difficult to convince the public about the necessity of the proposed activity and suggested to the proponent a different option. As a result of these discussions, the public authority agreed with the company that they would buy a territory in another location which was farther from the residential zone, in a strictly industrial zone where higher standards were in effect. The company accepted the new suggestion and due to the protest from the inhabitants changed its plans. It bought territory in the proposed area and requested a permit to build the hazardous waste disposal site there.

Comments of participants in process:

The public participation resulted in changing the location of the investment. It was not possible to convince the public to support the original plan. It was a successful process because in the end, the interests of the company, the inhabitants and the city could be harmonised, due to the co-operation of all concerned.

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REC view on participation exercise:

According to Hungarian law, the public authority decides whether to order only a preliminary, limited environmental impact statement or a detailed environmental impact assessment. In the first case, there is an obligation for notification and public comments but no obligation to hold a public hearing. The authorities proceeded according to the existing legislation, and when seeing the concerns of the public, decided to require a detailed environmental assessment procedure. The detailed assessment has never taken place because the authorities, as a result of public opposition, negotiated with the company to change the location. The public authorities in this case took into account the public's concerns. In the end, the case was solved through compromise.

Since there was no full EIS made and since when a preliminary EIA is made there is no public hearing organized, the public found other ways of expressing their views. They understood the need for establishing the disposal site, and in principle they agreed with it, but they were worried that it could be located too close to the residential area. Both the authority and the company understood these concerns and agreed a new, secure location. There was no protest.

Significant omissions from requirements of Article 6:

The main requirements of Article 6 were followed in this case.