

Name of Exercise: Establishment of a permanent hazardous waste storage facility in Dunaujvaros

Location: Dunaujvaros, Hungary

Participation Exercise under which Article? *Article 6*

Purpose of Participation Exercise:

To invite public comments on the proposal to establish a permanent hazardous waste storage facility.

Participation Techniques Used:

A provisional hazardous waste storage facility has been in operation for the past 10 years in the city of Dunaujváros. The permitting procedure was needed because the legislation had changed. The company would also like to have the existing facility certified as a final hazardous waste depository facility and expand its activities.

According to the Hungarian legislation, the environmental permit can be given after an environmental assessment by the environmental authority or if the company voluntarily prepares an environmental performance evaluation. In this case, the company, Dunafer Ferromark, prepared the environmental performance evaluation and sent it to the relevant environmental authorities for comment. The relevant environmental authorities adopted the environmental performance evaluation and agreed to give a permit for environmental operation. After this, the environmental authority requested the Mayor's office to notify the public, make the document accessible and organise a public hearing. All these happened according to the legal requirements.

The environmental authority sent the proposal to the Mayor's office for public notification. The document was put on public notice for 30 days and the public was informed. The notification set out the availability of the environmental documents and the date and site of the public hearing. In addition, announcements and advertisements were published in the local newspaper, Dunaujvárosi Hirlap and the regional advertising paper called Fejer Megyei Extra which is sent to every home in Dunaujvaros and Fejer County free of charge. The notification was published as a public interest information twice in these papers. The paper 'Dunaujvárosi Hirlap' also published an article informing the public about the proposed activity in simple language.

There was a local TV broadcast on the environmental program called 'Environmental Magazine' and other programs also announced it. The media provided information to the public on the merit of the proposal discussing the plans and the environmental risks associated with it but did not go into the detail very much. The notice was also put on the text service on the television ('Teletext') for 1 month. The local assembly and the environmental committee were also informed. The general assembly of the municipality announced the proposed activity during its session and mentioned it in its information bulletin.

The environmental study was available in the Mayor's office for 30 days. The public could make comments in a book placed beside the documents. During the 30 days while the study was accessible in the Mayor's office, no comments were submitted, although several people looked at the study. After the 30 days, a public hearing was organised.

Who participated?

The inhabitants, the environmental civic groups, other authorities and the investors participated.

A public hearing was held on 17 November 1999. At the hearing, the public authorities were represented by the experts of the Central Trans-Danubian Environmental Protection Agency, the experts of the Dunaujváros Office of the Public Hygiene Service (ANTSZ), and the environmental chief consultant (official) of the Dunaujváros City Mayor's Office.

The proponent, the company Dunafer Ferromark, was represented by the Director for Environmental Protection of the company and the head of the local affiliate of the company. The public was represented by 4 local inhabitants.

What information was made available?

The full documentation of the proposed activity was available during the 30 days of public notice, and following that, remained on file in the Mayor's office and in the offices of the environmental agency. The information was available free of charge. During the public hearing, the relevant experts, authorities and the representatives of the company responded to questions and comments. The comments made during the public hearing were recorded and were accessible in the Mayor's office and in the office of the environmental protection agency.

What was the outcome of the public participation exercise?

During the public hearing the representative of the environmental protection agency described the procedure, the legislative background for the application for permit and the proposed activity. The public had an opportunity to give comments.

During the public hearing the following comments were made by the public:

- A question was put whether there was an environmental impact study (EIS) prepared before the permitting procedure. The representative of the environmental authority explained that there was no need to prepare such a study because the present legislation in Hungary does not require EIS unless a new facility is to be established. In this case, the requirement is only to have an environmental supervision or to prepare an environmental performance evaluation.
- Another person wanted to make sure that the 500 m protection distance from the inhabited area or the public road is secured as required by the regulation. The protection distance is now more than 500 m. Also, there was a question whether the 30 m protecting forest zone required by the regulation is secured or is it being planned to be established. At the moment, the protecting forest zone is 15 m which it is planned to be increased to 50 m.
- Questions were put whether the direction of the groundwater streams and soil filtration had been examined. It was suggested establishing a bridge balance measuring the hazardous waste in cubic meters and tons.
- Concerns were expressed that there could be plans to dispose batteries which are qualified as first class hazardous waste. The authorities explained that the batteries are only collected, the company has no permit to deposit them. They only store them and transfer them for disposal. The groundwater is being monitored regularly by monitoring wells.
- Whether the authorities had taken account of the expected technology change in the local Metallurgical Factory when considering the new qualification and modernisation of the hazardous waste depository. There was concern expressed that hazardous waste will be transferred to the facility from all over Hungary. Another person was worried about the air pollution and its impact on the health of the children and the inhabitants. The representative of the authority explained that the depository is to store first of all the locally generated hazardous waste, but in case of remaining capacity there is a plan to receive similar hazardous waste from other places. According to the authorities, there is no reason to be worried because the facility will operate according to the regulations and safe technical requirements. According to the experts of the environmental authority, they will use dust free technology, this guarantee that will be no air pollution.
- There was also criticism that the notification was not satisfactory. The authority informed those present that the notification followed and considerably exceeded the legal requirements. The regulation prescribes notification in just one newspaper, the municipality published the notification in two papers, twice, put it on the television text service for one month, announced it in the general assembly of the city, and put on the notice board of the Mayor's office.
- It was difficult to understand and read the thick documents, the authorities should have prepared a short summary. According to the authority, it would not be lawful to prepare a summary of a study prepared by consultancy firm.

The public participation to date can be considered successful. The procedure finished early in 2000. Members of the public made comments and consulted with the representatives of the authorities and investors during the public hearing. Within 15 days of the public hearing, the records were prepared and were accessible in the Mayor's office and the environmental agency. The environmental agency issued the decision giving the permit to the company but it set several conditions to avoid future environmental damages. The comments were considered and those which are worthwhile were included in the decision.

The decision entered into force at the end of January. According to the information received, there was no appeal (15 days after the decision is the period for appeals). The decision included the reasons on which the decision was based. The text of the decision explicitly mentioned which of the comments were reflected and referred to the records. Two of the comments made at the public hearing were accepted among the conditions to avoid future environmental damages and several other conditions reflected taking care of the concerns raised in the public hearing.

Comments of participants in process:

According to the municipal officials, the public involvement was correctly managed.

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REC view on participation exercise:

This case study offers a stark contrast to the case study of Eger city, in which a proposal to site a communal (i.e. municipal and non-hazardous) waste facility was abandoned due to the opposition of the public, even though expert studies had come down in favour of the proposal. In Eger, the municipal authority felt that the public participation exercise had been unsuccessful since a minority of residents had managed to founder a good proposal, exhibiting the "NIMBY" syndrome ["Not In My Back Yard!"].

Here, the municipal authority felt that the public participation had been successful already before the project was fully approved and was confident that the comments which are relevant. It is clear after the decision was made that the authority took into account a few requests to make sure that there is no environmental damage. From the text of the decision and the record of the public hearing it seems clear how the authority decided which of the comments are on the merit of the case. The environmental authority found the facility to be safe. It did not accept the concerns about the installation receiving hazardous waste from other parts of Hungary.

The decision issued by the authority reflected clearly which of the comments were taken into consideration with a reference to the records, to make it clear how they were taken into account and how the authority decided which of the comments are on the merit of the case. The readiness of the authorities to listen to the public comments and accept those on the merit as well as the transparent procedure could be the main reasons why the process in Dunaujváros was successful and has resulted in a consensus on the merit would be considered in the decision-making. This opinion probably was based on the previous local practice and confidence that the environmental authority will consider the

Significant omissions from requirements of Article 6:

While the main components of Article 6 were complied with (notification, commenting period, availability of information/documentation, public hearing, taking comments into account), it is difficult to evaluate the effectiveness of the public participation without more information.