

PETITION TO THE EUROPEAN PARLIAMENT
CONCERNING FAILURE TO MEET THE EU LEGISLATION REQUIREMENTS IN PUBLIC
CONSULTATIONS AND WASTE MANAGEMENT PLANNING IN KRAKOW, POLAND

25 February 2008

1. Brief description of the problem:

Due to the plans of the Krakow Local Authorities¹ to construct a municipal solid waste incineration plant (MSW incineration plant) and locate it in one of the following locations:

- nearby Krakowskie Zakłady Garbarskie (Krakow Tannery Plant) – XIII Quarter
- nearby Tele-Fonika Company, Nad Drwiną Str., XII Quarter

inhabitants of the housing estates: Rybitwy, Przewóz, Złocień and Bieżanów express their protest against placing the investment in the aforementioned two locations, confirmed by their signatures (see Annex 1 – Protest to the Mayor of Krakow, signed by 2187 people).

Given the fact that:

- the MSW incineration plant will be financed from the Cohesion Fund under the Operational Programme Infrastructure and Environment and that the Cohesion Fund co-financing has already been earmarked for this investment by the Polish Ministry of Regional Development,
- the project does not comply with the EU Waste Hierarchy, enshrined in the EU Waste Framework Directive (2006/12/EC),
- public consultations that have been conducted so far do not comply with the requirements the Aarhus Convention,

the inhabitants undersigned believe that the matter falls within the scope of interest of the European Parliament and therefore are filing a petition to the Petition Committee of the European Parliament.

We base our protest on the following arguments:

Small distance from residential buildings

The MSW incineration plant would be situated as close as 300 m from the first row of residential buildings in Rybitwy and Przewóz and 400 m from Złocień. The latter is a home to 4000 inhabitants and there are plans for further expansion². As the distance between the two locations is only 800 m, possible burdens should be analyzed jointly.

Concentration of burdensome investments

Such a large investment will contribute to further degradation of the local ecosystem, which is already overloaded by the existing burdensome plants and facilities (See Annex 2). Krakow Local authorities implement a long-term policy of concentrating burdensome investments in the vicinity of our homes.

The following facilities have already been located in our neighbourhood:

- a tannery plant,
- a sewage treatment plant Płaszów II,
- a sludge lagoon (in the near future a sludge incinerator)
- wholesale food and farm produce market
- car exchange,
- 3 waste recycling plants,
- industrial waste reception facility at the the sludge lagoon,
- composting facility,

¹ By Krakow Local Authorities we mean the Mayor of Krakow and its Office (Urząd Miasta), which act as the project's promoter and will be responsible for submitting an application for co-financing from the Cohesion Fund

² Last year a construction permit was issued for construction of next residential multifamily buildings for more than ten thousand of inhabitants.

- printing house R.R. Donnelly,
- asphalt production plant.

Lack of access roads to the plots

The MSW incineration plant will have the capacity of 250 000 ton per year. It has been calculated that traffic intensity related directly with waste transport will amount to one truck per 3 minutes on average. Presently, the streets in the neighbourhood are constantly jammed and joining of hundreds of waste trucks to this traffic will result in a complete road traffic paralysis of the XII and XIII Quarters. Trucks with slag and hazardous ash will be also included among the users of these roads.

Geographical and climate conditions

The geographical and climate conditions of the area result in a special microclimate that is characteristic for valleys: weak ventilation, frost heaving, the largest number of foggy days in the autumn-winter period and early spring periods. All this, together with dust, gas and smoke exhausts from the existing plants and exhausts from the MSW incineration plant would generate "smog", which enhanced by the inversion effect (that is typical for this area) would be highly detrimental for the dwellers (See Annex 3). Moreover, the locations in questions lie in the flooding area of the Vistula, Drwina and Serafa rivers and according to neighbourhood authorities no such facilities should be constructed at these areas (Annex 4 and 5). Finally, it is worth noting that between the sludge incinerator that will be constructed in the area and the planned MSW incinerator there is the largest in Krakow vegetable market, which supplies almost 80% of shops in Krakow with vegetables and fruit.

Lack of planning in Krakow's waste management – violation of the EU Waste Hierarchy

The protesters are convinced that implementation of this investment will violate the EU Hierarchy enshrined in the Waste Framework Directive (2006/12/EC). The hierarchy states that preference should be given to waste reduction, reuse and recycling before incineration. However, the local authorities have decided to build an incinerator of the capacity of 250 000 ton per year. This is more waste suitable for incineration than Krakow is able to produce – according to the current estimates Krakow produces around 180 000 ton of burnable waste annually. Construction of the incinerator will eliminate all the incentives for increasing recycling levels – the current recycling level for Krakow is less than 7%, which is way below the EU average of 37%. The current separate waste collection system in Krakow is one of the most inefficient ways of waste segregation (into dry and wet fractions). We believe that, in line with the Waste Hierarchy, our authorities should first undertake wide activities for reduction of waste produced, separate waste collection and recycling and only when this is done think about a possible investment in waste incineration. Otherwise, construction of such a large MSW incinerator will impede development of recycling, a more sustainable and cost-efficient option, for the years to come.

Lack of proper public consultations at the planning stage – infringement of the Aarhus Convention

Article 6 (2) of the Aarhus Convention states that the public concerned should be informed, either by public notice or individually as appropriate, *early* in an environmental decision-making procedure, and in an adequate, timely and effective manner about the issues pertaining to the planned investment. Moreover Point 5 of the same Article states that prospective applicants should identify the public concerned, to enter into discussions, and to provide information regarding the objectives of their application *before applying for a permit*.

Unfortunately, local authorities show utmost disregard to the concerns of the local community to be directly affected by the project. The protests addressed by the inhabitants to the Mayor of the City (e.g. protest enclosed in Annex 1) remain unanswered or answers to them are unreliable. The authorities have not conducted so far any proper public consultations regarding the planned investment and its possible locations. Although the proper Environmental Impact Assessment procedure has not been initiated yet, the Mayor of Krakow has commissioned a private company

Przedsiębiorstwo Usługowe Spółka Południe II to conduct 'public consultations' on possible locations of the plant. Within that consultations as few as 38 people were consulted (See Annex 6, p. 41, 42) and the meetings that were organized so far were of a too narrow scope to be called proper public consultations. They included a very limited number of people concerned, without any wider information addressed directly to the community concerned. To this day, the level of awareness among Krakow inhabitants about the investment is very low (see Annex 8). The inhabitants of the aforementioned neighbourhoods got to know about the planned investment and its location in their vicinity not from the authorities, as a part of the public consultations procedure, but from the press. As a result, the inhabitants organized a meeting with the representatives of the local authorities, where they clearly expressed their position on the planned investment. They have also submitted to the authorities a set of questions on the MSW incineration plant. However, these questions remained unanswered despite the fact that they were submitted seven days before the meeting. They remain without answer until now. The inhabitants have several times asked the local authorities to meet with them. Nevertheless, their requests received negative responses. This shows that the local authorities violate our constitutional right, disregard us and ignoring the arguments presented by us want to locate the incinerator in our neighbourhood. The document Report from Public Consultations on Locations of the MSW Incineration Plant (Annex 6, p. 44 - 46, 54, 57 – 59, 64, 65, 68, 70) describes the arrogant approach of the local authorities towards the community concerned. The report recommends for example that the authorities should not accept any invitations to the meetings with the protesting community concerned (p. 65). Main activities of the protesters and their attempts to initiate contact with local authorities are described in Annex (7).

2. Request to the Petition Committee of the European Parliament

This is why, the inhabitants undersigned would like to ask the Petition Committee of the European Parliament to take every possible action addressed to the Polish authorities and the Krakow local authorities to ensure that:

- the waste management system to be implemented in Krakow with the help of the EU funds abides the EU Waste Hierarchy, as enshrined in the EU Waste Framework Directive (2006/12/EC), giving priority to recycling over incineration;
- proper public consultations, in line with the requirements of the Aarhus Convention and relevant EU legislation, are conducted within the preparation process of the project.

On behalf of the protesters,

Marcin Szymański

Annex 1: Protest of inhabitants from the Przewóz, Rybitwy, Złocień and Biezanów neighbourhoods to the Mayor of Krakow against the planned location of the MSW Incineration Plant

Annex 2: Map of burdensome investments in the neighbourhoods of Przewóz, Rybitwy, Złocień and Biezanów

Annex 3: Map of climatic conditions in the areas concerned

Annex 4: Map of possible flood areas in Krakow

Annex 5: Decisions of neighbourhood authorities refusing location of different facilities within areas concerned due to flood threats

Annex 6: Report from Public Consultations on Locations of the MSW Incineration Plant – Przedsiębiorstwo Usługowe Spółka Południe II

Annex 7: Calendar of activities undertaken by protesters and their attempts to contact local authorities

Annex 8: Independent quantitative research on the awareness of Krakow inhabitants on the waste management system to be implemented in Krakow and their support for these activities