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International POPs Elimination Project

*Fostering Active and Efficient Civil Society Participation in
Preparation for Implementation of the Stockholm Convention*

Public Participation in the IPPC Procedure – Epitetra, Spolek pro chemickou a hutni výrobu, a.s. Usti nad Labem

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About the International POPs Elimination Project

On May 1, 2004, the International POPs Elimination Network (IPEN <http://www.ipen.org>) began a global NGO project called the International POPs Elimination Project (IPEP) in partnership with the United Nations Industrial Development Organization (UNIDO) and the United Nations Environment Program (UNEP). The Global Environment Facility (GEF) provided core funding for the project.

IPEP has three principal objectives:

- Encourage and enable NGOs in 40 developing and transitional countries to engage in activities that provide concrete and immediate contributions to country efforts in preparing for the implementation of the Stockholm Convention;
- Enhance the skills and knowledge of NGOs to help build their capacity as effective stakeholders in the Convention implementation process;
- Help establish regional and national NGO coordination and capacity in all regions of the world in support of longer term efforts to achieve chemical safety.

IPEP will support preparation of reports on country situation, hotspots, policy briefs, and regional activities. Three principal types of activities will be supported by IPEP: participation in the National Implementation Plan, training and awareness workshops, and public information and awareness campaigns.

For more information, please see <http://www.ipen.org>

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CONTENTS

- 1. Introduction to the project activity on IPPC**
- 2. Procedure of integrated prevention and reduction of pollution (IPPC) – basic characteristics**
 - 2.1 Act No. 76/2002 Coll. (Law on integrated prevention)
 - 2.2 Scheme of IPPC procedure
- 3. Time schedule of the IPPC procedure**
- 4. Content of an application for integrated license for operation of Epitetra plant „Operation Epitetra“ of the stock company Association for Chemical and Metallurgical Production (Spolek pro chemickou a hutni výrobu a.s.) based in Usti nad Labem**
- 5. Statement concerning the request for IPPC**
- 6. Content of statement of the „Civic league Usti nad Labem“ concerning the request for IPPC**
- 7. Course of verbal negotiation**
- 8. Situation by 20th December 2004**
 - 8.1 Decision about the application for the IPPC
 - 8.2 Conclusion 1
- 9. Situation by 20 January 2006**
 - 9.1 Decision about the application for IPPC
 - 9.2 Following procedures concerning the issued IPPC
 - 9.2.1 Recall
 - 9.2.2 Decision of the Czech Ministry of Environment
 - 8.3. Conclusion 2
- 10. Initiating a new procedure of application for IPPC for Epitetra plant**

Summary

References

Abbreviations

1. Introduction to the project activity on IPPC

The main goal of the integrated pollution prevention and control (IPPC) is to reach the highest extent of protection of the environment and humans. The protective activities are based on the elimination or at least on the minimization of the emissions from industrial sources (Appendix 1) to the air, water and land, including the precautions regarding waste minimization and prevention. Since IPPC includes citizen participation, we decided to participate in the process for a facility involved in the release of POPs.

The IPPC procedure so far does not enable stopping operation of an already running company. This is given by fact that, 1) all functioning plants in the Czech Republic must have settled conditions of operation according to Czech laws and they must get necessary permissions – for instance for releases of waste water containing hazardous chemicals etc. 2) The difficulty of stopping the operating plants in the course of IPPC procedure is also explained by the fact that operators try to apply for the integrated license early, in advance of the year when their operation would not be allowed without the license.

State and local authorities nowadays have a competency to stop or quit the operation of plants if they do not observe the conditions for work (i.e. breaking of emission limits, not observing duty of announcement to the state and local authorities etc.) but despite this fact problematic plants are not closed too often in the Czech Republic.

On the other hand, the essence and contribution of the IPPC procedure lies in the fact that the public can influence the conditions of operation in the plants – not only those newly built but mainly those already operating for some time.

Practical enforcement of the idea of IPPC is still at the beginning in the Czech Republic and that is why participation of citizens and civic associations is very important for the following reasons:

1. Applicants for the IPPC for some plants, mainly for those which are and/or will represent a source of hazardous emissions, often do not include important information and suggestions in the application. For instance:
 - Applicant did not submit a monitoring of all or of at least important hazardous substances that may be released to the environment from the plant. Such substances are first of all POPs, chemicals and products that are proven carcinogens or mutagens during their air transmission or they harm reproduction.
 - Applicant asks for the license for the plant even though parts of it are not in accordance with the BAT – e.g. emissions, noise, energy consumption etc.
2. Some participants in the IPPC procedure can require conditions which can threaten the environment and human health as they represent the fastest solution to a particular problem the plant has.
3. Regional offices show an unwillingness to set stricter conditions for the plants and stricter limits for hazardous waste, or they do not set them at all, although the Law on IPPC gives them legal support for such steps like strict conditions and limits ensuring a radical check of the plants. As a material for their work, the offices can use Appendix 2 of the Law on IPPC

which lists the main pollutants for the settlement of the emission limits (Appendix 1). The offices do not do this though the plants they decide about:

- Are often located close to rivers, town/cities and villages or they lay directly inside the residential areas, in their center etc.
- Release hazardous chemicals such as POPs (mostly PCDD/F, HCB and PCB) to the air, water, and soil) and other chemicals which also have carcinogenic or mutagenic effects or harm reproductive, or nervous or endocrine systems etc.
- Have or might have problems with the security of their operation (lack of radical evaluation of all possible risks – accidents, floods etc.)
- Produce waste contaminated by hazardous waste such as POPs, heavy metals etc.

4. Citizens, civic associations etc. can point on serious insufficiencies (e.g. not proposing the limits for some hazardous waste used in the operation produced either intentionally or as byproducts, and their monitoring etc.), and they can also prevent settlement of conditions of IPPC which would loosen strict work conditions or reduce checking and emission monitoring.

2. IPPC procedure – basic characteristics

2.1 Law No. 76 on the IPPC

The European Council Directive 96/61/EC of 24 September 1996 concerning integrated pollution prevention and control (IPPC) – was embodied into Czech legislation by adoption of the Law No. 76 on the IPPC, integrated pollution inventory and with a change of some related laws (law on the integrated pollution prevention). The statutory text of the Law No. 76 on the IPPC, including particular notices and amendments are accessible for public viewing on the web pages of the Czech Ministry of Environment. (1)

The English version of the Council Directive 96/61/EC of 24 September 1996 concerning integrated pollution prevention and control (including amendments) is available on the EU's web pages (2).

Another related regulation is directive is 2003/35/ES of 26 May 2003 about public participation on the elaboration of some environmental plans and programmes and about a change of directives 85/337/EEC and 96/61/EC about public participation and access to legal protection. This directive (2003/35/ES) implemented the Aarhus Convention, which is proclaimed in a Czech legal order by a notice No. 124/2004 of the Collection of International Agreements.

The purpose of Law No. 76/2002 on integrated pollution prevention is, in accordance with the EU legislation, to reach a high level of environmental protection as a whole, to ensure integrated output of public administration in licensing operation of plants, and to establish and run the integrated inventory of environmental pollution.

Informative web pages (3) run by the Czech Ministry of Trade and Industry (4) together with Ministry of Environment (5), Ministry of Agriculture (6), Czech Environmental Information Agency – CENIA (7), and Czech Environmental Inspection (8) include necessary information about the IPPC procedure. A special web page of the Ministry of Environment (9) publishes all requests for the integrated license, a brief non-technical summary of data

from the applications, decisions about licenses made by particular local authority, and statements of agencies. There is also information on which phase a particular request is in – either initiation of the procedure, negotiation, decision-making, recall etc.

2.2 IPPC procedure

The application procedure for the integrated license is complicated and long-lasting – in extreme cases it can take more than a year.

The Ministry of Environment appealed to operators of IPPC plants to co-submit the applications to the local authorities as soon as possible. The deadline is 30.10.2007 for all plants under the law on IPPC. Table 1 gives information on when a plant must have the integrated license according to the law.

Table 1: Information for operators of IPPC plants which are required to get an integrated license according to the Law on integrated prevention
(Source: Ministry of Environment – <http://www.env.cz/ippc>)

Type of plant/equipment	Type of plant/equipment	Duty for operator
Type I (accord. §42)	Plants which did not apply for building license till 30 October 1999 and which at the same time started working by 30 Oct. 2000	To have integrated license by 30 Oct. 2007 in case they want to run the plant after 2007
Type II (accord. §43)	Plants which started operation before 1.1. 2003 which at the same time do not belong to the type I or plants with building licenses issued by 1.1. 2003 which did not start operation by this date	To apply for the integrated license by 31.3.2003 and operate it further in accordance with §16 of the Law
Type III (amendment §45)	Plants with the application for building license submitted by 31.12.2002 with building license not issued before 1.1. 2003	To have the integrated license for the proposal for initiating the final building decision
Type IV (accord. §45)	Plants with application for building license submitted after 1.1.2003 (including this date)	To have integrated license before the building license

3. Time course of the IPPC procedure

21 June 2004 – Local Authority in Usti nad Labem received the application of the Association for Chemical and Metallurgical Production for issuing the integrated license according to Act No. 76/2002 for the operating its plant, Operation Epiteira. The request included all prescribed proprieties and the Local Authority initiated by the day of the posting the procedure for issuing the integrated license.

24 June 2004 – A letter from the Local Authority in Usti nad Labem addressed to the Municipal Authority Usti nad Labem announced the initiation of the procedure to obtain the integrated license; the letter is dated according to date of its receipt by the registry of the Municipal Authority.

24 June 2004 – An announcement was made by the Local Authority about the initiation of the procedure to obtain the integrated license and it was placed on its official notice board and marked with the date 27 April 2004 as the date to be removed. The announcement was not published on the board in a legal manner and it lacked a brief summary of data according to regulation of §4 section 1 d) of the Law No. 76/2002.

01 July 2004 - The Municipal Authority in Usti nad Labem announced the time period (until 01.-30 July 2004) when the request would be open for the public and citizens to read through it and send their written statements about the proposed license.

02 July 2004 – Hana Kuncova from Arnika Association sends a letter to the Local Authority Usti nad Labem in which she proclaimed herself as a person participating in the procedure to obtain the integrated license concerning Operation Epiteira (run by the Association for Chemical and Metallurgical Production).

27 July 2004 – A representative of the Civic League of Usti nad Labem visited the Local Authority and requested to see the application for the integrated license. This request was rejected. The Civic League applied on the same day as a participant in the procedure and submitted a general statement concerning the application for the license „Operation Epiteira of the Association for Chemical and Metallurgical Production, Usti nad Labem, stock company“. The Civic League worked on the basis of official materials and knowledge gained in previous administrative procedures (first of all procedure based on the Act No. 353/1999 about prevention of serious accidents. Procedure regarding Safety Report). The Civic League in their statement expressed its disagreement with issuing the integrated license mainly because of a problem with the safety of the assessed operation and with other operations tightly connected with it. The Civic League recalled its previous statements on the matter (see below).

30 July 2004 – After having visited the Municipal Authority and read through the request for the integrated license (by the date set by the Municipal Authority), the Civic League completed its statement by an adding three points to its previous statement (see also below).

03 August 2004 – This is the date of the letter sent by the Local Authority to the Civic League about the acceptance of the Civic League among the participants in the IPPC procedure to obtain the integrated license.

10 September 2004 – This is the date of the summarized statement made by the Agency of Integrated Prevention.

14 October 2004 – On this day a verbal negotiation about the license occurred in the Local Authority office (ordered by the letter of 17 September 2004).

10 May 2005 – The plant Association for Chemical and Metallurgical Production, Usti nad Labem received the integrated license for the Operation Epiteira.

30 May 2005 – The Civic League asked for a recall of the issued license. The recall was passed via the Local Authority in Usti nad Labem to the Ministry of Environment.

31 May 2005 – Another recall against the license was made by Arnika Association – Toxic and Waste Programme. The recall was passed via the Local Authority in Usti nad Labem to the Ministry of Environment.

06 June 2005 - The Local Authority in Usti nad Labem distributed an appeal to the participants of the procedure and particular state authorities to make their statements concerning the recalls within 10 days after receiving the appeal.

17 October 2005 - The Local Authority in Usti nad Labem made a decision about the recall requested by the Civic League and Arnika – Toxic and Waste Programme. The decision cancelled the integrated license for the plant Association for Chemical and Metallurgical Production, Usti nad Labem – Operation Epiteira. The entire matter (i.e. request for the integrated license) was passed back to the administrative body (Local Authority) which originally gave the license, for a new negotiation and decision.

4. Content of the request for integrated license for the plant „Operation Epiteira“ of the Association for Chemical and Metallurgical Production, stock company, Usti nad Labem

Applicant: the Association for Chemical and Metallurgical Production, Address: Revoluční 1930/86, 400 32 – Usti nad Labem

Name of plant: OPERATION EPITETRA (Production of epichlorohydrin, Tetraep (chlorinated solvents) and plant for the incineration of chlorinated hydrocarbons residues)

- Name or description of separated part of the plant – **Production of Epichlorohydrin, PS-11**

Category according to appendix 1 of the law – 4.1. Chemical plants for production of basic organic chemicals such as f) halogen derivatives of hydrocarbons

Projected capacity – 8 000 tonnes of epichlorohydrin/year

Brief description of the plant – basic product – epichlorohydrin - is produced in PS-11 by two-grade synthesis from propylene and chlorine. Epichlorohydrin is the main raw material for production of epoxide resins. Another product is a salt acid and, to a lesser extent, also allylchloride.

Month and year when the plant started operating– March 1984

Year of expected closure of the operation/lifetime – the operation is expected to last at least until 2035

- Name or description of separated part of the plant – **Production of Tetraep, PS-12**

Category according to appendix 1 of the law – 4.1. Chemical plants for production of basic organic chemicals such as f) halogen derivatives of hydrocarbons

Projected capacity – 16,000 tonnes of perchloroethylene/year, 4000 tonnes of tetrachloromethane/year

Brief description of the plant – in PS-12 as a basic product produces perchloroethylene from propylene, chlorine and waste chlorinated hydrocarbons from PS-11 and, as a byproduct, technical salt, acid, eventually tetrachloromethane.

Month and year when the plant started operating – June 1987

Year of expected closure of the operation/lifetime – the operation is expected to last at least until 2035.

- Name or description of separated part of the plant – **Incineration plant for burning of chlorinated hydrocarbons, PS-13**

Category according to appendix 1 of the law – 5.1 Plant for elimination or utilization of hazardous waste and plant for waste oils treatment, always with a capacity over 10 tonnes per day.

Projected capacity – 625 kg/h, i.e. 5000 tonnes/year (before: 500 kg OCKW/h, i.e. 4000 tonnes/year)

Brief description of the plant – The incinerator in Epitetra serves to thermally remove liquid and gas waste; primarily it is the waste with a content of large amounts of chlorinated organic chemicals from the plants PS-11 and PS-12. This unit was reconstructed in 2002 when a number of technical adjustments were made – first of all extending the time when the waste stays in the burning chamber, and modernizing the cleaning technology for combustion gases. The construction of the furnace ensures the minimum 2 seconds as a time for keeping combustion gases, within a burning temperature of 1100°C as the minimum with a reserve. The burning process is checked by a continuous monitoring (automatic controlling system). The temperature from the combustion of gases is utilized in a low-temperature steam boiler for a production of saturated steam.

The cleaning of combustion gases is tightly connected with the operation. The cleaning means: indirect refrigerating of the combustion gases by water connected with uniflow (concurrent) absorption of HCl; washing gas HCl out by water and diluted hydrochloric acid from a stream of combustion gases coming out from refrigerator; removal of remaining HCl and Cl₂ in a filling column; alkali washing with a water solution of soda hydroxide with addition of hydrogen peroxide; removal of drops from the wash out solution; and preheating and removal of pollutants – dioxins, metals, dust, organic chemicals etc., by adsorption on active coke.

The content of pollutants in combustion gases is continually measured by the end of the coke filter. Analyzers are completed by a computer for displaying and evaluation of emission measurement. All supplementary (helping) chemicals used in the burning process and in cleaning are stocked in reservoirs or in original packages in special places. They get to a place of use by pipes with the assistance of a pump.

Month and year of starting operation: March 1984, after reconstruction: December 2003

Year of expected closure of the operation/lifetime – the operation is expected to last at least until 2035.

- **Technical and technological units out of the frame of appendix 1 of the law:**

Water management of plant Epitetra, PS-32

Cleaning plant for waste water from Epitetra, PS-34 (Biological Waste Water Treatment Plant)

Central system of pumping and distribution of utility water

Central production and distribution of pressure air

- **Directly related activities:**

Collecting/accumulating in operational reservoirs: operational reservoirs PS-11, PC-600

Burning gases of propylene: burning flare (cresset), PC-1500

Sanitation of gases from Epitetra: Adsorption station, PC-1500
 Adjustment of salt acid, PC-1500
 Storage of nitrogen: nitrogen management, PC-1500
 Storage of NaOH and H₂SO₄: Storage of corrosives, PS-21
 Storage of suspension Ca(OH)₂ – Calcium management, PS-22
 Storage of perchloroethylene and waste hydrocarbons – Storehouse for perchloroethylene and waste hydrocarbons, PS-23
 Storage of combustibles – Storehouse in Epitetra plant, PS-24
 Storage of technical HCl – Storehouse for salt acid, PS-25
 Racking of propylene and expedition of products, PS-26 (PS-26 A, B, C)
 Racking of products to barrels, PS-27
 Maintenance: fitter workshops, PS-29
 Transport in pipe bridges, PS-21
 Control and checking of processes: Operation building, PS-33
 Segregation of waste water, PS-35
 Supplying of electricity from a central steam distribution system
 Supplying of heat from a central steam distribution system
 Supplying of a natural gas from a central distribution system
 Supplying of nitrogen from distribution system
 Supplying of drinking water from a central distribution system
 Automatic monitoring of waste water
 Draining off the waste water into a sewage system belonging to the plant

Objects and plants within Epitetra belong to especially large sources of air pollution according to the Act No. 86/2002 about atmosphere protection

Source of air pollution	Category of source	Emitted, eventually monitored chemicals
Adsorption of gases at the end of central exit of gases	Especially large source of air pollution	Tetrachloromethane, allylchloride, monochloropropane, epichlorohydrin
Absorption column of chlorine in the production of epichlorohydrin	Especially large source of air pollution	Chlorine
Incineration plant for burning of waste chlorinated hydrocarbons	Especially large source of air pollution	Oxides: carbon and sulphur dioxide nitrogen dioxide, solid pollutants, organic chemicals, inorganic compounds of chlorine and fluorine, heavy metals, dioxins and dibenzofurans
Burning cresset (flare) in Epitetra	Large source of air pollution	Oxides: carbon, sulphur and nitrogen dioxide, solid pollutants, organic chemicals
Propylene compressor	Large source of air pollution	Propylene

5. Statement concerning the application for IPPC

A statement was sent to the Local Authority by the Czech Environmental Inspection, Regional Public Health Institution and Municipal Authority Usti nad Labem, Elbe Water Management, Local Authority of the Usti Region, and Civil League Usti nad Labem.

6. Content of statement made by the Civic League Ústí nad Labem concerning the request for IPPC

In its first statement, the Civic League disagreed with issuing the integrated license, because the existing operation was (and still is) inappropriately risky and dangerous for local citizens in Usti nad Labem. The Civic League demanded assessment of safety risks in a wider context, i.e. mainly in relation to concurring production. It has also pointed the risk of synergistic effects of eventual accidents, mainly in relation to the propylene reservoirs and storage of hazardous chemicals such as chlorine. The Civic League enclosed this standpoint regarding the Safety Report of the Association for Chemical and Metallurgical Production from 21 April 2003 to its statement regarding the integrated license.

In the second statement, the Civic League demanded 1) keeping levels of the best available techniques within settlement of emission limits (not like sufficient limits according to special legal regulations); 2) the Civic League disagreed with a possibility of burning chlorinated substances in burning flares in PC-1500 without any eventual monitoring when incineration plant PS-13 is put aside; and 3) the Civic League specified its first statement as follows:

“In the opinion of Civic League, the office is not able to settle obligatory conditions of operation according to provision of §13 section 4g) and h) of the Law No. 76 because operator has not submitted sufficient information in the application and its appendices. The operator also has not submitted an evaluation of the eventual risks connected with synergistic effects (domino effects)

Risks arising from the mutual position of buildings with explosive, toxic and carcinogenic chemicals stored in large, or even inadequate amounts in the area of the EPITETRA plant, are in the opinion of the Civic League absolutely unacceptable for an urban, densely inhabited locality such as Usti nad Labem. It is wrong to believe and insist on the fact that the area of the chemical plant Association for Chemical and Metallurgical Production or in this case plant EPITETRA is a single industrial object which can be evaluated in this simplified way. This contradicts corresponding provisions of the Law No. 353/1999. The Civic League literally emphasizes statutory text of §3 section 5 and §9 section 3 of the law No. 353/1999 which talks about evaluation of “creating cumulative and synergistic effects ensuing from a position of surrounding objects or equipment and from a kind and quantity of hazardous chemicals placed inside them”. Serious accidents can quickly reach catastrophic dimensions by the so called “domino effect.” Even the author of the Safety Report on Association for Chemical and Metallurgical Production admits the possibility of cumulative and synergistic effects. But these effects are not quantified in the entire safety report! The Civic League further points out the material of the Ministry of Environment “Methodology for identification and evaluation of cumulative and synergistic effects” which defines procedures leading to finding and evaluating the possibility of creating the cumulative and synergistic effects inside the object or among the plants.

The Civic League notes that the subject of the application for the integrated license is currently in a certain technical and moral state after 30 years of intensive operation. Eventual considerations about eventual building adjustments and investments are undocumented, without timetables, and technically and legally without concrete steps. This concerns mainly high-volume reservoirs of propylene and plans for their substitution by horizontal underground reservoirs. Other undocumented and technically not ensured variants concern the idea of reducing the quantity of propylene now stored in ball-shaped reservoirs to 90-100

tonnes. Such a step would reportedly reduce the number of victims in an accident in the most unfavourable case from initially 1575 to only 1404 persons.”

The Civic League explicitly pointed out the chemicals and their quantities: Propylene 2x 180 tonnes, alternatively 90-100 tonnes, allylchloride 150 tonnes, epichlorohydrin 3x 235 tonnes (210 tonnes), polychlorinated hydrocarbons 2x 240 tonnes.

7. Course of negotiation

Comments and standpoints submitted by authorities and participants of the procedure have been discussed during the verbal negotiation.

Further discussion was about which way and when the integrated license would be issued for waste water treatment (automatic monitoring and draining away the waste water). The Association for Chemical and Metallurgical Production demanded solving the issue of the waste water in the frame of an integrated license for the Epiteira plant (the first operation submitted by Association for Chemical and Metallurgical Production within the integrated permission procedure). The Agency of Integrated Prevention (AIP) disagreed with including these activities in the first licensed operation because of mixing waste water from Epiteira with waste water from other plants about which neither the authority nor AIP had sufficient information. AIP demanded to include them to the last licensed operation.

Response of the Agency of Integrated Prevention to comments of the Civic League:

Civic League's main comments were:

- Achieving levels of Best Available Techniques. They demanded setting emission limits; first of all for allylchloride.

Reply of Agency of Integrated Prevention:

- Not to use the burning flare for the treatment of the halogenated (chlorinated) hydrocarbons without any possibility to monitor the emissions

- The problems of the accidents and safety: the synergistic and cumulative effects

The Civic League also pointed out that the statutory text of the Decision about final building approval of 14. 11 1983 does not allow usage of ball-shaped reservoirs for storage of propylene (unfortunately without term of realization). This means that part of the Epiteira operation runs in contradiction to the Decision about the final building approval.

The Local Authority did not take into account the requirement of the Civic League to evaluate safety risks in a broader context, i. e. first of all in relation to consequent operations; evaluation of the risk of synergistic effects of eventual accidents; and the relation of propylene reservoirs to storage of hazardous chemicals such as for instance chlorine – see page 4. Representatives of the Civic League finally disagreed with issuing the integrated license for the Operation Epiteira.

Arnika Association

The representative of Arnika Association, Mgr. Hana Kuncova, raised verbal comments on the documentation.

Arnika's main comments were:

- Capacity of the incineration plant for chlorinated hydrocarbon wastes (PS-13) should not be increased. The Arnika representative suggested using non-incineration technologies for liquidation of the chlorinated remains.
- Hazardous chemicals should be stored in reservoirs/tanks of smaller volume.
- The Arnika representative submitted comments raised by the Civic League - one of the most essential comments was the one that the health burden of the inhabitants of Usti nad Labem shall be evaluated in terms of all existing operating plants together with an assessment of all existing safety risks (so called domino effect) that can be expected in relation to the plant.

During the negotiation, Arnika supported Civic League's opinion that this plant should not get the integrated license.

9. Decision about the application for the integrated license and consequent procedures related to the issued integrated license

The Local Authority decided about the application for the integrated license on 10 May 2005 when it issued the license.

9.1

Recall

The Civic League and Arnika opposed the issued license for Epitetra and made a recall submission against the decision in a legal term, i.e. in 15 days after having received the decision of the Local Authority. The Civic League sent the recall in a letter on 30 May 2005. Arnika – Programme Toxics and Waste did the same on 31 May 2005.

Main points of Civic League's recall:

1. Conditions of final building decision for operation of the Epichlorohydrin – Tetraep plant of 14 November 1983 were not fulfilled.
2. Risks of synergic effects – domino effects were not taken into account
3. Course of the administrative procedure – legal rules were not observed

Main points of Arnika's recall:

1. The integrated license was issued although some plants requiring the integrated license do not fulfill parameters of BAT (Best Available Techniques)
2. Not fulfillment of the Stockholm Convention
3. Insufficient monitoring of particular plants/operations and insufficient emission limits for each of them.
4. Lack of interest, and unwillingness of the Local Authority to evaluate present (up to now) and future burden of local inhabitants by the hazardous chemicals (such as for instance POPs – PCDD/Fs, HCB, PCB etc., heavy metals etc.)

The listed points were substantiated, and studies, materials and official documents cited as appendices in the recalls were enclosed.

9.2. Decision made by the Czech Ministry of Environment

The Czech Ministry of Environment made a decision on 17 October 2005 on the recall submission of the Civic League and Arnika – Toxics and Waste. The Ministry cancelled the integrated license issued for the plant Epitetra. The whole matter (i.e. the application for the license) was returned to an administrative body (i.e. to the Local Authority) which had issued the license, for a new negotiation and a new decision.

The Ministry of Environment confirmed some points of both recalls and it also found a couple of insufficiencies related to the procedure itself and also to the issued license.

9.3 Conclusion

Arnika and the Civic League welcomed the decision made by the Ministry of Environment which found some of the points in their recalls substantiated and returned the application to be negotiated again.

10. Initiation of a new procedure of application for integrated license for Epitetra

A new procedure of application for an integrated license for Operation Epitetra of the Association for Chemical and Metallurgical Production began on 6 March 2006. The Local Authority in Usti nad Labem informed all applied participants about the start of the procedure on 9 March 2006 and sent them a new revised application. The Office also appealed to them to make statements within 30 days after receiving it. It further asked the Agency of Integrated Prevention to send its statement to the Department of Environment and Agriculture of the Local Authority in electronic and written form within 75 days after receiving the application.

A new brief summary was published on 13 March on the web pages of the Ministry of Environment.

Summary

The IPPC procedure is very complicated but an important licensing procedure. As we said in the beginning, its aim is to achieve a high level of environmental protection and protection of human health. It can be achieved first of all by setting the strictest conditions for operation and stricter checkups of the plants. Settlement of the best operational conditions for any plant can be achieved only by introduction of the Best Available Techniques and Best Environmental Practices, by settlement of strict limits for hazardous waste and emissions and their monitoring that would concern mainly the chemicals which can have a negative impact on human health and environment. The best solution would be if the hazardous chemicals will not be used in production at all, but this is difficult to implement immediately even though the impact of many chemicals on human health and environment is not known.

The EU tries to protect its citizens and environment. Now it has developed several various but targeted activities:

1) POPs – the issue related to the Stockholm and Basel Conventions – for instance limits for the content of POPs in waste. More information about POPs and EU's activities in on

http://europa.eu.int/comm/environment/pops/index_en.htm or
<http://europa.eu.int/comm/environment/dioxin/index.htm>

Legal steps on the EU level, seminars for member states etc.

2) Chemical policy REACH – www.arnika.org/reach or EU:
http://europa.eu.int/comm/environment/index_en.htm

3) EU Mercury Strategy – mining and sources of mercury (natural or anthropogenic), usage and consumption (where and in which quantities), substitution of mercury, emissions to environment, monitoring etc. 4. - <http://europa.eu.int/comm/environment/chemicals/mercury/>

4) Prevention of chemical accidents -
<http://europa.eu.int/comm/environment/seveso/index.htm>

5) Climate changes - http://europa.eu.int/comm/environment/climat/home_en.htm

6) More information at European Commission website -
http://europa.eu.int/comm/environment/index_en.htm

The EU has developed these ideas and activities on the European level but it tries to support similar ideas globally. For example, it has tried to support the idea of IPPC, i.e. usage of BAT and Best Environmental Practices via the international conventions such as the Stockholm Convention in which a “BAT/BEP Expert Group” was established to work out BAT/BEP guidelines.

We can also summarize a couple of important general points and knowledge concerning the IPPC procedure:

1. Checking webpages about IPPC of the Ministry of Environment, official notice boards of particular municipalities
2. Applying in time to the procedure
3. Reading the application and its appendices, working out comments
4. Sending the comment in time to the regional office (and making a copy of it for your own records)
5. Reading through the statement of the expert published on the web pages of the Ministry of Environment
6. Taking part in the negotiation (if it is possible), and in case your comments are not properly discussed, insist on that
7. Decision of the regional office offers two possible types of responses:
 - 1) Not to make a recall against the decision made by the office in case you think that the office settled sufficiently strict conditions and emission limits for the plant's operation.
 - 2) Making a recall against the decision if you believe that the office did not set strict enough conditions for the operation and emission limits. In the recall you must substantiate (explain) all your remarks on the basis of legislation (Czech or European, or according to corresponding international conventions).

References

- 1) Law No. 76/2002 Coll. on the integrated prevention
http://www.env.cz/_c1256e7000424ac6.nsf/Categories?OpenView&Start=1&Count=30&Collapse=13#13
- 2) Webpages of the EU – IPPC - <http://europa.eu.int/comm/environment/ippc>
- 3) Websites run by the Ministry of Trade and Industry together with the ministries of environment and agriculture, CENIA – Czech Environmental Information Agency and Czech Environmental Inspection - <http://www.ippc.cz/>
- 4) Websites of the Ministry of Trade and Industry - <http://www.mpo.cz/>
- 5) Webpages of the Ministry of Environment - <http://www.env.cz/>
- 6) Webpages of the Ministry of Agriculture - <http://www.mze.cz>
- 7) Webpages of CENIA - <http://www.cenia.cz/www/webapp.nsf/startpage>
- 8) Webpages of the Czech Environmental Inspection
[http://www.cizp.cz/\(knvz5q45fzoxcmjrlbo2ye45\)/Default.aspx](http://www.cizp.cz/(knvz5q45fzoxcmjrlbo2ye45)/Default.aspx)
- 9) Webpages of the Ministry of Environment dedicated to IPPC - <http://www.env.cz/ippc>

Abbreviations

accor. - according

AIP - Agency of Integrated Prevention

BAT – best available techniques

BEP - Best Environmental Practices

Ca(OH)₂ – calcium hydroxide

Cl₂ – chlorine

NaOH – sodium hydroxide

No. – number

H₂SO₄ – sulfuric acid

HCB – hexachlorobenzene

HCl – hydrochloric acid

i.e. – in other words

IPPC – Integrated Pollution Prevention and Control

OCKW – waste chlorinated hydrocarbons

PC – operational part

PCB – polychlorinated biphenyls

PCDD/Fs - polychlorinated dibenzo-*p*-dioxin / polychlorinated dibenzofuran

POPs – persistent organic pollutants

PS – operational complex

kg – kilogram

t – tonne (= 1,000 kg)

h – hour

°C – degree of Celsius

Appendices

Appendix 1 - Appendix 2 to the Law No. 76/2002 - List of the main pollutants for settlement of emission limits

Atmosphere

1. Sulphur dioxide and other sulphur compounds
2. Nitrogen dioxide and other nitrogen compounds
3. Carbon dioxide
4. Metals and their compounds
5. Volatile organic compounds
6. Dust
7. Asbestos (suspended particles, fibre)
8. Chlorine and its compounds
9. Fluorine and its compounds
10. Arsenic and its compounds
11. Cyanides
12. Chemicals and products which are proved to have carcinogenic or mutagenic effects or that might affect reproduction
13. Polychlorinated dibenzodioxins and polychlorinated dibenzofurans

Water

1. Organic compounds of halogens and chemicals which may create these compounds in a suitable atmosphere
2. Organic compounds of phosphorous
3. Organic compounds of tin
4. Chemical and products which are proved to have carcinogenic or mutagenic effects or that might affect reproduction.
5. Persistent hydrocarbons and persistent and bioaccumulative toxic organic chemicals
6. Cyanides
7. Metals and their compounds
8. Arsenic and its compounds
9. Biocides and products for plant protection
10. Materials in suspension
11. Chemicals contributing to eutrophication (mainly nitrates and phosphates)
12. Chemicals having negative impact on oxygen balance (and can be measured by Biological consumption of oxygen, Chemical consumption of oxygen etc.)

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