



**MINISTER'S CABINET**

No. DGEICPSC/10258//9 .04.2024

**To: Ministry of Environmental Protection of the Republic of Serbia**

**In att.: Ms. Irena Vujović, Minister**

**Dear Minister Irena Vujović,**

The Ministry of Environment, Waters and Forests of Romania sends cordial greetings to the Ministry of Environmental Protection of the Republic of Serbia and particularly appreciates the bilateral cooperation in the field of environmental protection.

We hereby acknowledge the receipt of your letter no. 000886163 2024 dated 6 March 2024 and we would like to express our gratitude for being notified according to Article 3 of the Convention on environmental impact assessment in a transboundary context (the Espoo Convention) regarding the transboundary procedure for the construction of a waste-to-energy facility on cadastral plots number 1420/1, 1420/4, 1491/1, 1541/1, 1541/2, 1552, 5824/1, 6513/1, 6513/2 Prahovo cadastral municipality and phased construction of a non-hazardous waste landfill within the Elixir PRAHOVO chemical industry complex on cadastral plots number 2300/1, 1491/1, 1541/1 Prahovo cadastral municipality.

After careful consideration of the information provided in the notification, I would like to inform you that, in accordance to the provisions of the Espoo Convention, we wish to take part in the environmental impact assessment procedure in a transboundary context for the project for the construction of a waste-to-energy facility on cadastral plots number 1420/1, 1420/4, 1491/1, 1541/1, 1541/2, 1552, 5824/1, 6513/1, 6513/2 Prahovo cadastral municipality and phased construction of a non-hazardous waste landfill within the Elixir PRAHOVO chemical industry complex on cadastral plots number 2300/1, 1491/1, 1541/1 Prahovo cadastral municipality.

I have the pleasure to forward several comments and proposals from our side related to the contents of the submitted notification.

From the analysis of the technological process described in the notification form, it follows that the "Energy Utilization Facility/Factory of Waste" is in fact an incineration facility intended for the thermal treatment of hazardous and non-hazardous waste with energy recovery, the construction of a non-hazardous waste depository on an area of 6.42 ha and a liquid waste treatment facility.

Comments regarding the risks for human health:

After consulting the documentation, it was concluded that the proposed project is situated at approximative 750m from the Romanian border and approximative 4km from Izvoarele commune (with a population of 951 people) and 7km from Gruia commune (with a population of 1890 people). It was also noted that Calafat Municipality and two of its neighboring towns are supplied with drinking water from the Danube river.

The execution of the objective may cause emissions of pollutants with an effect on environmental factors, including from the territory of Romania, with a possible impact on the health of the population.

The activities that will take place on the site (taking into account the purpose of the project, namely the storage, the energy use of waste - incineration - and the discharge of the waste water into the Danube river) may constitute a potential risk factor for the environment and subsequently for the health of the population living in the vicinity.

It is estimated that following the construction/activity of the project, the potentially affected population, approximately 30000 inhabitants, is Serbian, but it can be taken into account that the population with potential risk in Romania is approximately 2800 inhabitants in the case of air pollution and approximately 16884 inhabitants in the case of water pollution of the Danube. We note that in the submitted notification, the need to prepare a human health impact assessment report is not envisaged.

We consider it necessary to make available to the Romanian authorities an environmental impact study and a human health impact assessment report detailing the cross-border impact of the project on the environment and on the health of the Romanian population.

## Comments regarding waste management

Within the framework of the ‘Waste-to-Energy in the Danube Strategy Region: Challenges and Prospects’ study, co-financed by the European Union (2018), there are outlined concerns regarding emissions, greenhouse gases (GHG) and dioxins at the WtE facilities. In a certain sense, this is rather a technical problem, as WtE is considered a more ecological alternative to landfilling, facilitating the reduction of GHG emissions from landfills and, under particular circumstances, may even be considered a renewable energy source (i.e. in case of organic and biodegradable waste fractions). In addition, due to technological advances and strict emission limits, WtE is no longer considered a significant source of dioxin emissions.

Thus, the key-challenge in this respect is to use technology as efficiently as possible and to ensure compliance with existing standards and best practices, along with a rigorous monitoring of emissions. Although WtE is considered an alternative for the landfills, whereby “the process of discharging, landfilling and pre-treatment of waste is a fully automated process in a closed system, i.e. under normal operating conditions, and has no significant environmental impacts”, the implementation of these techniques can lead to a low degree of recycling. The use of such technologies can play a role in waste management, energy transition, energy security and the circular economy (source:[https://energy.danube-region.eu/wp-content/uploads/sites/6/sites/6/2019/09/Waste-to\\_Energy\\_Policy\\_Paper\\_2.pdf](https://energy.danube-region.eu/wp-content/uploads/sites/6/sites/6/2019/09/Waste-to_Energy_Policy_Paper_2.pdf)).

In addition, the complex in question is a “high level” Seveso facility and, as a result, the project owner is responsible for the management of accident risks and is obliged to draw up a Safety Report and an Accident Protection Plan and to obtain the consent of the competent authorities.

The submitted documentation provides a brief description of the investment proposal, both the stages of the production process and the technical infrastructure necessary to implement the investment proposal at and on the production site, which causes uncertainty about the details of the production process and units technology of the installation.

In the notification form for the project “Construction of a waste-to-energy facility on cadastral plots number 1420/1, 1420/4, 1491/1, 1541/1, 1541/2, 1552, 5824/1, 6513/1, 6513/2 Prahovo cadastral municipality and phased construction of a non-hazardous waste landfill within the Elixir PRAHOVO chemical industry complex on cadastral plots number 2300/1, 1491/1, 1541/1 Prahovo cadastral municipality” it is specified that part of the hazardous and non-hazardous waste will be disposed of at the landfill of non-hazardous waste if it meets all the disposal requirements according to the provisions of the Regulation regarding waste categories, testing, examination and classification (“Official Gazette of the RS”, No 56/2010, 93/2019 and 39/2021), Ordinance on waste disposal at landfills (“Official Gazette of RS”, No 92/2010).

The incineration plant has only one waste heat treatment line and the documentation states that both non-hazardous waste and hazardous waste will be treated, without clearly specifying the codes of the waste that will be treated.

Please provide a copy of the documents which condition what kind of waste can be assigned to the combustion process and what kind of solidified waste must be directed for disposal to another authorized operator of landfills and/or hazardous waste dump, in accordance with the provisions of the regulations provided on pages 3 and 5 respectively.

There is no clear description of the separate storage areas provided for the different types of waste. The waste sorting / acceptance / mixing stage is not clearly described to ensure that such waste won't end up in the incinerator: waste with a content of halogenated organic substances, expressed in chlorine, greater than 1%, nor waste with a POP's content, such as it follows from the documentation.

A comparative assessment of the proposed activities with the currently available BAT implementation requirements was carried out. The holder's proposal generally complies with the BAT criteria regarding the types of pollutants, their emission limits and the treatment facilities required to comply with BAT, but clarifications are needed regarding, for example, if POP's will be accepted for incineration and under which conditions.

The liquid waste treatment process is not clear and no details are given regarding the location of this technological line.

Although a brief description of the gas treatment system is presented, the emission limits for each pollutant are not clearly provided, but the BAT-AEL intervals are specified. Through this project, a new facility is created, therefore the beneficiary/investor must consider the application of those techniques that ensure that the emissions are equivalent to the minimum level in the BAT-AEL interval.

Please provide alternative options that have been explored. A number of aspects should be taken into account. These aspects include, but are not limited to:

- the environmental objectives established in the strategic environmental assessments carried out in terms of spatial and urban development plans, as well as waste management plans;
- requirements set out in land use plans and development plans, for example, those related to proximity to other existing and future developments, utilities, etc.
- the constraints induced by the locations in the protected areas;
- the existing waste management infrastructure in the area and in the region;

- proximity to cities, towns and villages, which could present development constraints;
- the population density;
- proximity/interference with transport infrastructure (roads, railways);
- proximity/interference with water and waste water infrastructure;
- proximity to/interference with important utility networks (eg. power, gas);
- development constraints (for example, a specific land use, restricted areas);
- contaminated sites, etc.

The documentation does not show whether the cumulative impact with other nearby installations, for example the IHP ELIXIR PRAHOVO Complex/Chemical Plant, was taken into account when studying the dispersion of pollutants in the atmosphere.

The conclusions of the preliminary dispersion study do not present the maps with the pollutant concentration curves and do not present the prevailing wind direction either. More information is needed on this dispersion study and in particular on the input data of this study. It is also necessary for the Dispersion Study to evaluate the dispersion of pollutant emissions in the atmosphere, in water and on the ground beyond the border of Serbia with Romania at a long distance from the border of Serbia. The results should also be presented in the form of dispersion maps.

From the details in the notification, it is understood that the thermal energy obtained is used for the production of steam (35 t/h, p=13 barg and T=207°C), which will later be delivered and used for the existing industrial operation of the ELIXIR PRAHOVO plant on the site of the complex. In this situation, a cumulative impact assessment should be carried out.

We bring to your attention that a number of legislative instruments referred to in the notification are no longer in force:

- on page 2, reference is made to Council Directive 89/369/EEC of June 8, 1989 on the prevention of air pollution from new municipal waste incineration facilities;
- Directive 91/689/EEC on hazardous waste, Directive 75/442/EEC on waste, Directive 75/439/EEC on the disposal of used oils.

We ask that the data and information presented is obtained according to the applicable legislation in force.

A number of aspects regarding the project should also be clarified, such as:

- the maximum capacity of temporary storage spaces, before sorting waste and the criteria used for accepting waste for recovery;
- how non-hazardous and hazardous waste is sorted;
- the estimated amount of waste, by category, respectively quantities of hazardous and non-hazardous waste considered for processing;
- the efficiency of the boiler according to BATC2.

Finally, please let us bring to your attention some punctual questions and remarks:

1. In addition to the slag resulting from the incineration of hazardous and non-hazardous waste, what other types of waste will be deposited at the non-hazardous waste landfill?
2. Will the landfill of non-hazardous waste comply with the best available techniques and the provisions of Directive 1999/31/EC on landfills of waste?
3. Is the non-hazardous waste landfill different from the non-recyclable waste landfill? Both phrases appear in notification.
4. Please provide information on how hearth ash is treated (BATC6).
5. Will the loss due to calcination and Total Organic Carbon be monitored according to the Standards indicated in BAT7?
6. Please provide a list of waste that cannot be accepted in the installation (BAT 9).
7. How has it been demonstrated that the energy recovery operation produces the best overall result in terms of the environment and the health of the population? In other words, how does waste hierarchy apply?
8. Elixir Prahovo is "an existing chemical complex for the production of basic chemicals, known for the production and processing of phosphorus components and the production of mineral fertilizers". In the situation where the chemical plant does not operate for various reasons, where will the thermal energy be delivered?

Comments regarding the water factor:

The notification submitted by the beneficiary of the investment does not contain information on the monitoring of the quality of the groundwater bodies located upstream and downstream of the WtE plant and the landfill.

A decision on the appropriateness of promoting this investment may be taken only after the preparation of the Environmental Impact Study (EIA report). The EIA report is expected to detail the state of the potential impact on environmental components, including water resources, risk situations and description of difficulties. We would also point out that the information on surface waters must include aspects on the status of the water body and the possible impact on it.

Please consider using technically appropriate terminology - e.g. (pg.27 of the Notification Form):  
- "verification of the quality of the water prior to discharge into the receptor" to be replaced by "verification of water quality prior to discharge into the receiver".

In the case of accompanying/auxiliary activities foreseen for the operation of the installation in question, we suggest you to modify the "Collecting and treatment of waste water" item with: „Collecting and purifying of wastewater“ (it is possible that the translator may have omitted it), and to correct the terminology (example: checking the quality of water before discharge into the receptor - the term is receiver).

Comments on the biodiversity factor:

The proposed project can have an influence on Natura 2000 sites ROSPA0011 Blahnița and ROSAC0306 Jiana, as well as on the wetland of international importance, Ramsar site ROSMS0013 Blahnița. Also, the ecological connectivity or ecological continuity of ROSPA0011 Blahnița, ROSPA0046 Gruia-Gârla Mare, ROSAC0299 Danube at Gârla Mare - Maglavit Natura 2000 sites can be affected by the implementation of the project. As such, we find it necessary that the potential impacts generated by the operation of the waste-to-energy plant on protected species and habitats of community interest are assessed.

After careful consultation of the EIA report, we will inform you on the need to organize a public debate, in particular in the territorial administrative units located in the landfill's area of impact of the (border area), where all the stakeholders (particularly identified as such), the population of the localities likely to be affected and the local public administrations within the landfill's area of impact should be present.

Please accept, Ms. Vujović, the assurance of my highest consideration.

**Mircea FECHET**  
Minister of Environment, Waters and Forests

