



REPUBLIC OF BULGARIA
MINISTRY OF ENVIRONMENT AND WATER

99-00-101
01 July 2024, Sofia

Subject: *Response provided by the Ministry of Environment, Water and Forestry of Romania to the comments and observations on the transboundary procedure for the project "Construction of a hall building, drainable concrete pool, concrete platforms, fencing, lighting system, execution of drilling and internal network for water supply and sewerage, location of wastewater pretreatment station, location of medical waste incinerator with ancillary facilities" with the contracting authority SC FRIENDLY WASTE ROMANIA SRL in Romania*

DEAR MINISTER FECHET,

This letter is to acknowledge receipt of Reg. No. DGEICPSC/18988 dated 23.05.2024, which provides a response to the comments and remarks made in letter Reg. No. 99-00-101 dated 15.03.2024 from the Ministry of Environment and Water of the Republic of Bulgaria for the project "Construction of a hall building, drainable concrete pool, concrete platforms, fencing, lighting system, execution of drilling and internal network for water supply and sewerage, location of wastewater pretreatment station, location of medical waste incinerator with ancillary facilities" on the territory of Romania

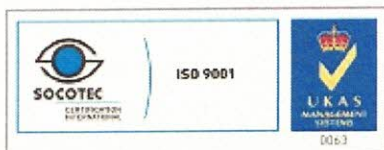
After the consideration of the responses, and on the basis of the opinions submitted by the interested authorities, I hereby express the following opinion:

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I. General comments on the last submitted responses:

1. The submitted information does not provide responses to the comments and observations reflected in letter No. 99-00-101/15.03.2024 on the relevant components and factors, as well as those on human health and health risk. A complete revised report is missing. Most of the responses contain reference and quotations from the Environmental Impact Assessment Report, without substantial additions to substantiate the safe operation of the installation, without further clarification and without clarity on the type, quantity of emissions and extent of environmental impact. The approach adopted for not completing the EIA report and including additional information, results and assessments in it, if any, in practice does not allow to get a full picture of the completeness and objectivity of the conclusions and deductions drawn. With a view to ensure a proven ecological and healthy living environment for the population, both in the Giurgiu and Ruse area, the contracting authority should take a precise and thorough approach to the development of the plant operation technology. The answers given contain mainly extracts from the EIA Report, but do not provide further information to support the studies that have been made.

II. Remarks on components and environmental factors

Remarks on the "waste" factor:

No information was found under the Waste factor regarding the process of waste reception and temporary storage. In Table 4 "Waste Acceptance Monitoring Items", under the "Monitoring of Waste Deliveries" column, under the "Sampling" criterion, it is stated that this technique of determining which waste is suitable for incineration, as well as implementing waste characterization procedures prior to waste acceptance and procedures upon waste acceptance, will be implemented as necessary or appropriate. In this case, there is no comment on how the identification of the types of waste that can be incinerated will be carried out. How will sufficient data be collected on their composition and properties (acceptable ranges of calorific value, moisture, ash content and size)? How will it be demonstrated that, for all waste accepted, the technical suitability of the operations for



treating a particular type of waste will be ensured before the waste arrives at the plant? How will process safety, safe working conditions and environmental impact be ensured?

Due to the lack of data on the demarcation of the pre-storage areas for the different types of waste accepted on the site, it remains doubtful how the requirements of Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives will be met, given the provision in Article 13 that Member States take the necessary measures to ensure that waste management is carried out without endangering human health, without harming the environment, and without compromising the environment.

A) without risk to water, air, soil, plants or animals;

B) without causing a nuisance through noise and odours;

C) without adversely affecting the natural environment or places of special interest.

Remarks on the "noise" factor:

An estimate of the expected total sound power as well as an assessment of the construction and operational noise is not provided. According to the information provided, mathematical modelling has been used, as well as the Sound Propagation Level Calculator software, which has been calculated that noise at the 'Impact Location' will be below the established standards and practically non-existent to the Republic of Bulgaria. Despite the "favourable" noise performance presented, it is not clear how this baseline data is reached at, since the software calculation requires correct input data for all potential noise sources (such data is not available). In this respect, it should be noted that for the calculation of total sound power, noise at the "Impact Location", for the noise assessment, as well as for noise control and management, information, methodologies and formulas from relevant European legislation (including generally accepted European Directives and Regulations) should be used, whereby the information provided by the contracting authority is supported by measurable, real and demonstrable data.

Remarks under "Hazardous chemicals and mixtures":

With regard to the specific comments made under the "Hazardous Chemical Substances and Mixtures (HCSM)" factor, the responses are very general, circuitous, again without specificity. As an EU country, Romania should comply with Directive 2012/18/EU of the European Parliament and of the Council of 4 July 2012 on the control of major-accident hazards involving dangerous substances. Annexes 1 and 2 list the HCSMs that fall within the



scope of the Directive. The propane-butane to be used and stored by the contracting company in its production activities is listed by name in point 18 of Annex 1 of the Directive, as is the diesel fuel covered by point 34(c). In view of this, the contractor has incorrectly and erroneously stated that the on-site HCSMCs are not covered by the Directive.

Remarks on the „air” component:

1. There is no explanation of the mathematical modelling results. For modelling purposes, a mass flux calculated on the basis of concentrations other than the emission limit values (ELVs) set for each pollutant was used as input data. In order to account for the installation's most significant contribution to ambient air quality in Bulgaria, and in particular in the nearest locality to the installation, namely the city of Ruse, the mathematical modelling has to be carried out with a mass flow calculated as the product of the ELVs for pollutants set for the installation and the maximum permitted flue gas flow rate (without and with additional air supply) emitted to the atmosphere when the incinerator is operating.
2. The results of the modelling (concentrations of the regulated harmful substances in the near-surface atmosphere layer subject to standardization) should ensure that, at these maximum permissible levels of stack emissions, the emissions of pollutants will not exceed the standards for the protection of human health set out in European and national legislation.
3. We would like to draw attention to the fact that, given the nature of the operation of the installation, it is very likely that it will give rise to complaints from the population of the city of Ruse, including for the presence of intensely odorous substances.

Remarks on the „water” component:

1. Not all substances and pollutants defined by Directive 2008/105/EC and Directive 2013/39/EU, as well as other specific pollutants defined under Directive 2000/60/EC, polluting water both directly and by air transfer have been analysed in the presented information. It is necessary to submit an analysis of all substances and pollutants identified by Directive 2008/105/EC and Directive 2013/39/EU as well as other specific pollutants.
2. The information that they are not detected in the wastewater generated on site, as analysed in the RIM (page 43 of the response), is not sufficient to prove that there are




no such substances, given that it has been stated that monitoring of substances prior to incineration cannot be carried out, namely:

"...Hospital waste arrives in sealed containers and is incinerated with them, therefore monitoring for the content of priority and priority hazardous substances cannot be carried out before incineration".

Given that hospital waste can also be expired medicines, pharmaceutical waste, etc., it is necessary to ensure that such substances will not enter the incinerator and therefore will not be emitted. This lack of information should be addressed.

3. *Consider all pollutants, their cumulative effect when entering surface water and associated groundwater that may also be impacted, and thus the water use in the river terrace of Danube, and if necessary to prevent the discharge of waste water from the site into the Danube river.*
 - *No assessment of the cumulative effect has been provided, on the contrary it is stated that there is no information on what pollutant substances end up in the hospital waste containers (page 43 of the response).*
 - *In case of discharges into the river, it relies to a great extent on dilution in the water catchment of the Danube river (pp. 45-46) which is unacceptable. It should be ensured that for relevant activities discharging pollutants the wastewater is treated at source before being discharged into water, taking into account the requirement to stop emissions and losses of priority hazardous substances and to reduce such of priority substances (Directive 2008/105/EC and Directive 2013/39/EU, Directive 2000/60/EC).*
4. *Consider the substances and elements that will be deposited on the incinerator walls that will subsequently enter the water when the facility is washed and their impacts accordingly. The response states that the incinerator walls will never be washed. This should be ensured by providing adequate conditions.*
5. *According to the response, the envisaged treatment plant has the necessary capacity to absorb the volume, its operation even at low temperatures and without emitting unpleasant odors. The indicators that it is intended to treat are not specified:*
 - *"The treatment plant with a capacity of 417 l/h, type CN 2C, was designed by the Japanese company DAIKI and installed by S.C. ASTEC ROMANIA S.R.L. The plant operates buried next to the manholes, close to the sewage network, able to absorb the*



flow of treated water, being designed to protect against very low temperatures, but also against the emission of unpleasant odors." (Page 46).

It is necessary to include the technological scheme of the station and the treatment effect of its operation.

- 6. The risk to the environment and human health in case of emergency or unregulated situations for these substances has not been sufficiently considered. The above actions need to be implemented and measures need to be foreseen to prevent impacts.*
- 7. The response does not contain specific information, which does not justify the assessment. It is stated on page 86-87 that an emergency shutdown is "unlikely", gas quantities are "very small", failure and sudden shutdown of the incinerator is "unlikely", releases to the atmosphere during operation of the generating unit will be "very low and without significant" negative impact. Figures and statistics need to be provided to support these estimates.*
- 8. It is necessary to ensure a sufficiently large distance from the border with Bulgaria to limit the impact to the territory of Romania, given the possible transboundary impact of the international river basin. Danube, waters, soils and the health of Bulgarian citizens. When discharging into the r. Danube relies on the high degree of dilution in the catchment area of the river. Danube and comparisons with the flow of the Danube are presented. Danube (pp. 45-46), which is unacceptable (also described above in section 3 of the Notes on the water component of this opinion). The terracing of the river. The Danube is used for drinking water abstraction and in this respect there will be contamination as a result of the incineration of hospital waste, e.g. expired medicines, pharmaceutical waste, etc., which is also not known at the time of its reception at the site.*

III. Regarding the impact of the investment proposal on humans and the possible health risk of the implementation of the investment proposal:

- 1. The proposed BAT for gas treatment is correct but for the specified types of waste . In case of receiving waste with a code different from those mentioned in the investment proposal, a new incineration scheme needs to be developed. In cases of extension of the scope of waste to be incinerated in the incinerator, the contractor should revise the gas cleaning technology or the incineration mode adapting the co-incineration plant to the new waste codes. These issues have not been addressed, nor has it been stated in a clear and explicit manner that no extension of the scope of waste will take place. It is not*

specified who will monitor compliance with the incineration permit by waste code and how control authorities will be notified.

- 2. The "Odour Management Plan" envisaged to be developed must contain and control the implementation of measures to prevent odours from the emitted gases from being present outside the incinerator site. As a reminder, the "Odour Management Plan" should be attached to the EIA report at the next submission of the documentation.*
- 3. Conclusions such as that the emissions resulting from the investment proposal "...are so low that they will not be able to cause a cumulative effect with any other source of emissions if it operates within the legal parameters" are declarative and not convincing. There is a possibility of mixing of pollutants in the atmosphere and, together with the high humidity (typical for the Danube area), there is a risk of new pollutants forming, their retention in the atmospheric layer close to the ground and a risk of exposure of the population of the town of Ruse.*
- 4. Again, the active stationary emission sources in the nearby industrial areas - Romanian and Bulgarian enterprises - are not identified and not presented. The emissions of air pollutants generated by them and their distribution are not presented. Their cumulative emission potential and emission contribution to air pollution in the towns of Ruse and Giurgiu are not calculated, including the projected emissions from the present investment proposal.*
- 5. The information does not consider in detail the potential emergency situations that may occur, including the potential environmental consequences, and no specific measures are proposed.*
- 6. Measures to avoid, prevent and reduce negative impacts in case of potential accidents that are set out in the EIA report have not been supplemented and the proposed ones are derived from regulatory requirements for all projects and are of a general and declarative nature.*
- 7. In many places in the letter the absence of risk or the existence of minimal risk is objectified only through references to Romanian national legislation, which does not fulfill the objectives that should be achieved by the EIA reports. Very often the answer to the questions is reduced to the fact that the issues will be addressed in the environmental permit that will be issued subsequently. An example of this can be given in relation to the need to propose measures in emergency situations, stating that 'At the same time, we*



would like to point out that the "necessary set of preventive measures to ensure compliance with safety requirements and reduce the risk of accidents" is further elaborated and analysed in the environmental permit procedure'. Such an approach is unacceptable, since it is in the EIA report that all risks should be considered and assessed and the best measures to avoid and/or mitigate negative impacts should be proposed during the implementation of the investment proposal.

8. In the assessment of the different air pollutants, the irritating effect they have on the human organism is used as a measure to reduce the impact, which in practice means a risk to the health of the affected population.
9. The response states that "only those pollutants that can be generated from the incinerator activity have been analysed in the Environmental Impact Report ", which once again proves that no cumulative effect assessment was carried out, which implies that the analyses and conclusions made do not prove conclusively the absence of health risk for the population of the town of Ruse from the implementation of the investment proposal. The refusal to carry out an analysis and assessment of the cumulative impact is justified by the following conclusion " Taking into account the fact that the immission concentrations values for all pollutants that will be generated in the atmosphere during the operation, both at the border between Romania and the Republic of Bulgaria and at the northern border of Ruse, are extremely low compared to the permissible limit values, the only situations in which the cumulative values could exceed the limit values laid down in European legislation would be those in which the cumulative values of industrial installations on the territory of the Republic of Bulgaria would exceed the permissible limit values, in which case it is necessary to intervene in the regulation of the operation of these installations.. If such situations were to arise, the negative cross-border impact would be generated by industrial installations on the territory of the Republic of Bulgaria towards the citizens of Romania!", which I consider to be unmotivated. Where reference is made to maximum permissible values regulated by the national legislation of Romania, these should be specifically stated.
10. With regard to the soils, it is stated that the investment proposal has no potential to have a negative impact, but given that it will be constructed on a site where a chemical industry plant has been located and operated, I do not consider that the risk has been fully assessed, including with regard to groundwater.



In conclusion, and taking into account all the above, the Republic of Bulgaria expresses another negative opinion on the submitted information for the project "Construction of a hall building, drainable concrete pool, concrete platforms, fencing, lighting system, execution of drilling and internal network for water supply and sewerage, location of wastewater pretreatment station, location of medical waste incinerator with ancillary facilities", Giurgiu, Romania. The information provided is incomplete and there are serious omissions, which does not allow for adequate assessment and measures to minimise potential risks to the environment and human health, and therefore the report needs to be completed and corrected.

The additional information that is presented in the form of responses should be included in the relevant sections of the EIA Report, including the specialised section on human health assessment, in order to give an objective view of the completeness of the report. For the sake of clarity, the information added under the sections should be presented in a comprehensible manner.

The EIA report should be revised and presented in English and Bulgarian, and should contain both the responses to the comments made in letter No 99-00-101/15.03.2024 of the Republic of Bulgaria and the questions and comments made in this letter.

Regarding public interest and public consultation, I would like to inform you that a public consultation should be carried out after the EIA Report has been positively assessed by the Bulgarian competent environmental authority. Once the comments on the report have been removed, a public consultation on the investment proposal can be organised on the territory of the Republic of Bulgaria.

Please accept, Honourable Minister, my highest regards and readiness for successful future cooperation.

Yours sincerely,

Petar Dimitrov
Minister of Environment and Water