

High-Speed rail impact on PFAS issue

Speech in Montagnana

This speech focuses primarily on the repercussions of the construction of the Verona-Padua High-Speed (HS) rail line, a large infrastructure that crosses from west to east this territory contaminated by PFAS.

The thesis is that it was decided to underestimate or ignore the problem of this huge project's effects on the territory regarding PFAS. And the corollary of this thesis is that the health of hundreds of thousands of citizens was put aside by the same authorities that were supposed to safeguard it.

The level of expansion into the ground of these substances has been known since 2013, due to the publication "Contamination status of perfluoroalkyl substances (PFAS) in the provinces of Vicenza, Padua, and Verona" by the Regional Environmental Protection Agency (ARPA) of Veneto.

And this expansion continues today with a speed of approximately 1 km per year.

Additionally, one should bear in mind two facts:

- The construction site will take maybe thousands of gallons of water every day, and a significant part of it, e.g. the water used to wash the vehicles and wet the dust, will flow back into the territory.
- Between San Bonifacio and Montecchio, more than a thousand foundation piles, long 34 to 50 meters and with a diameter of 1,5 meters, will be placed in the ground.

This will strain the water resources of the territory.

In light of all the above, some steps of the approval process of the final draft of the HSR are summarized as follows:

1. The Regional Council expressed "... *favourable judgment of environmental compatibility with requirements and recommendations...*" "...*on the final draft of the HSR Verona-Padua – Verona-Vicenza subsection - 1st operational lot Verona-Junction Vicenza...*" with the deliberation no. 1595 dated 10/10/2016, but this **contains no requirement or recommendation regarding PFAS**.
2. The Committee for Environmental Impact Assessment (EIA) and Strategic Environmental Assessment (SEA) of the Ministry of Environment **didn't give any specific requirement or recommendation on the subject of precautionary measures to implement to limit the effects of PFAS** in the opinion no. 2233 dated 25/11/2016.
On the contrary, it stated: "...*This location (Mitenni di Trissino) is situated ca. 5 km north of the town of Altavilla Vicentina and ca. 7 km from the planned rail line.... The small hydraulic conductivity makes it virtually impossible that the polluted aquifer in Trissino can reach the future construction site area situated between 5 and 15-20 km away...*".
3. The Government approved the project, through the Inter-ministerial Committee for Economic Planning (CIPE) with resolution no. 84 dated 22/12/2017 published in the

Official Journal (OJ) of the Italian Republic no. 165 dated 18/07/2018, in annex I, titled “**Requirement and Recommendation**”, but **gave no requirement or recommendation regarding PFAS**.

It is worth remembering that the only institution admitted to the CIPE meetings is the Region through its President or delegate, but on the record there is no solicitation of the Region to address the issue of PFAS.

4. After the publication in OJ (which closed the administrative procedure), the Committee for EIA of the Ministry of Environment held a meeting, with a procedure that was questionable to say the least, for a supplementary opinion specifically on the PFAS issue.

Opinion no. 2923 dated 18/01/2019 “Request of technical considerations in regards to the warning acquired to protocol Directorate Environmental Assessment no. 1501 dated 25/01/2017”.

But this opinion does not point out any specific precautions to implement regarding PFAS contamination.

The Committee “...*Considers that the opinion (opinion no. 2233, ed.) has assessed the problems connected with contamination of perfluoroalkyl substances, in lights of the observations received during the procedure for EIA.*”

Here is an excerpt from opinion no. 2923, which has disruptive value:

“...Taking into account the counterclaims to the observations received following the investigation, with which the proposer clarified that ...”.

That is to say, the counterclaims to the observations made by the public (citizens, associations, institutions, etc.) during the approval process of the project were not made by the Committee for EIA, as a third-party institution and competent body, but by the General Contractor IRICAV2 (Institute for Industrial Reconstruction Consortium for High-Speed 2), the person contracted to design and construct the rail line.

5. Meanwhile, the Government had declared a state of environmental emergency by resolution of the Council of Ministers (CdM) dated 21/02/2018 (OJ of the Italian Republic no. 79 dated 05/04/2018) titled “*Declaration of state of emergency concerning the contamination by perfluoroalkyl substances (PFAS) of the groundwater in the territories of the provinces of Vicenza, Verona, and Padua*” with a validity of twelve months, and extended by resolution of the CdM dated 04/04/2019 (OJ no. 87 dated 12/04/2019) for further twelve months.
6. On June 2, 2021, a document was sent to 48 mayors, who administer collectively a population of over 700.000, that urged them to take an active part towards the Veneto Region so that, through the ARPA, it would take on the problem of monitoring and controlling PFAS.
This meant all the mayors of the red zone, the orange zone, and the mayors whose territories were affected by the HS rail line planned route.
Other than a few noteworthy exceptions this request fell on deaf ears.

At this point, the emphasis is placed on two matters, not related to the PFAS issue but still important, to highlight how the rights of the citizens, in the present case regarding property rights, are sometimes violated.

The first matter is that all expropriations related to the HS/HC are potentially illegitimate.

On the subject, art. 42, subsection 3 of the Italian Constitution stipulates that private property may be expropriated solely and exclusively in case of public interest: “*Private property may be, in the cases provided for by law, and subject to compensation, expropriated on grounds of general interest*”.

The Prime Ministerial Decree (DPCM) “*In terms of guidelines for the investment assessment of public works and the Multi-annual Planning Document of investment in public works*” dated August 3, 2012, introduced a fundamental reform to make the best use of the resources: only the projects carefully assessed through cost-benefit analysis and that prove by this analysis their benefit for the community and their social and environmental sustainability may be funded through State resources.

Subsection 7, annex I of the DPCM stipulates that “*...The Ministries guarantee that solely the projects assessed and approved will be selected to be funded with budgetary resources*”.

On pages 22 and 23 of the Cost-Benefit Analysis prepared by the Italian Railway Network (RFI) and submitted for this project is written: “*...The results of the assessment of economic feasibility are summarized in the two traditional profitability indicators (ENPV - Economic Net Present Value and IRR - Internal Rate of Return)*”.

Both indicators until 2060, the year used for the valuation, highlight the non-profitability of the investment, with an IRR estimated at 3.8% and an ENPV (discounted at a 5% rate) estimated at EUR -504 million...”.

The negative value resulting from the Cost-Benefit Analysis shows that the public investment will generate a regression of the social welfare and additional debt, and therefore there isn't any public interest in the construction of the construction project in question.

But if there is no clear public interest what is the basis for the expropriation?

The second matter is the resolution of CIPE no. 94/2006 approving the preliminary draft, which prescribed that the final draft should have “*...specified the localization, the type and the methods of implementation of the compensation works...*”.

The compensation works are those works of compensatory nature for those municipalities that see their territory crossed by the HS rail line.

In the final draft submitted at the institution on November 13, 2015, such considerations regarding compensation works are missing: there is no list of compensation works, their localization, and their cost.

This implies that the expropriations plan of the final draft was not complete, and therefore some citizens, who did not receive any communication of what will happen to their property, were deprived of their right to object because they learned they would have been expropriated only after the project under consideration had already been approved and published in the OJ: too late for any attempt at defence.

But the right of defence is constitutionally guaranteed.

And here too there has been a violation of citizens' rights.

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