

Gliwiczanie dla Gliwic Association

European Investment Bank
98-100, Boulevard Konrad Adenauer
L-2950 Luxembourg

Re: Complaint SG/E/2010/1 (11 January 2011)

This is to inform and draw the attention of the management of the European Investment Bank to the fact that the project of the Central Motorway (Drogowa Trasa Średnicowa, DTŚ) in Gliwice is performed according to the Directive 2007/60/EC of the European Parliament and of the Council of 23 October 2007 on the assessment and management of flood risks commonly known as the Floods Directive.[...]

Until December 2013 Member States are obliged to prepare **flood hazard and flood risk maps** for areas where high flood risk is observed, determined on the basis of an initial flood risk assessment. Whereas, according to the information obtained by our Association in Gliwice there is no legally applicable study of flood protection prepared by the Regional Director of the Water Management Authority, and in this case, according to the Floods Directive of the EP, the relevant basis is a flood risk map.

Based on the maps of flood risk published on the Internet by the National Water Management Authority and the flooding map made available by the National Geological Institute, it may be concluded that the designed Central Motorway (DTŚ) in Gliwice along with exits and interchanges has been located on land at risk of floods and local flooding.

<http://www.kzgw.gov.pl/pl/Wstepna-ocena-rzyzka-powodziowego.html>

<http://maps.geoportal.gov.pl/webclient/Default.aspx?rmapId=H252a1e4d-6f7c-4164-a59f-814e8b59cbde>

The maps show that the investment is planned in areas of unquestionable flood and local flooding risk, which means, depending on the water level in the Kłodnica River and its tributaries, a permanent or seasonal location of the groundwater table near the ground surface resulting in wetness, infiltration etc. The borderlines of local flooding areas marked on the PIG map correspond with the borderlines of possible floods - in such case all land in the area within the borderlines is flooded.

After receiving the above information from the RWMA (Regional Water Management Authority) in Gliwice and reviewing on 23 May 2012 the investment-related documents in possession of the RWMA (copies enclosed), the following has been concluded:

1. The investment is performed in areas of flood risk (the map of flood risk areas enclosed).
2. Moreover, an approval for the performance of the road investment was issued in violation of Polish law, as the Regional Water Management Authority (RWMA) in Gliwice did not issue an opinion as understood by Article 11d of the above Act, but only issued a decision on the performance of works on the section of the Central Motorway in Gliwice (letter ref. no.: OKI-12/322/12/TJ/8303 of 14 May 2012). In the issued **decision**, the RWMA in Gliwice merely accepted the presented location, imposing numerous conditions, and reserved the right to express an opinion on the investment on further stages of its performance in issues related with the water management in its region (letter ref. no.: ZU-5191-K/23/1586/11/7332 of 21 April 2011).
3. An application for an opinion has not been submitted by a **relevant road administrator**, in this case,

the president of Gliwice, and the proxy for the Board of the Silesian Voivodeship (letter ref. no.: PZI/HK/0581/2011 of 16 April 2011). Moreover, only "documents for the opinion on the application for a decision on a permit for road investment" were enclosed with the application, which lacked the legally required construction design of the Central Motorway. Pursuant to Art. 11d, section 3 of the Act of 10 April 2003 on the special rules for the preparation and the implementation of public road projects: The opinions referred to in section 1, Item 8 substitute arrangements, permits or opinions of the competent authorities, as required by separate regulations.

The most significant reservations concern omitting the issue of floodplains within the planned construction of the Central Motorway. The investor was aware of the flood problem on the investment area from the beginning of the administrative proceedings as proved by the RWMA Decision of 2 August 2006 to withdraw from the ban on performing works in the area directly at a risk of flood.

We have not received a response on whether the aquatic legal survey for the Central Motorway investment in Gliwice was prepared on the basis of current data, including the range of floods that happened in Gliwice in 1997 and 2010, with information on the depth of water, level of the water table, speed and intensity of water flow.

There are no reliable analyses of the investment's impact in the case of a flood on the safety of people as well as existing and performed facilities, including its impact on adjacent plots.

The investor did not perform simulations or other similar studies on the influence of the investment on the environment (natural - environmental and constructed) in the case of a flood of varied water levels, based on real data noted during floods that recently happened in Gliwice within more than a hundred years.

Item 14 of the Directive 2007/60/EC of the European Parliament says:

"Flood risk management plans should focus on prevention, protection and preparedness. With a view to giving rivers more space, they should consider where possible the maintenance and/or restoration of floodplains, as well as measures to prevent and reduce damage to human health, the environment, cultural heritage and economic activity".

Thus, we are requesting for the road investment of the Central Motorway in Gliwice performed in violation of the Directive of the European Parliament and standards applicable in Member States, as well as provisions applicable in Poland, not to be financed.

Yours faithfully

/signature/

Gliwiczanie dla Gliwic Association

Attachments

1. a reference map of the floodplain with the flood water p=1%, the Kłodnica River;

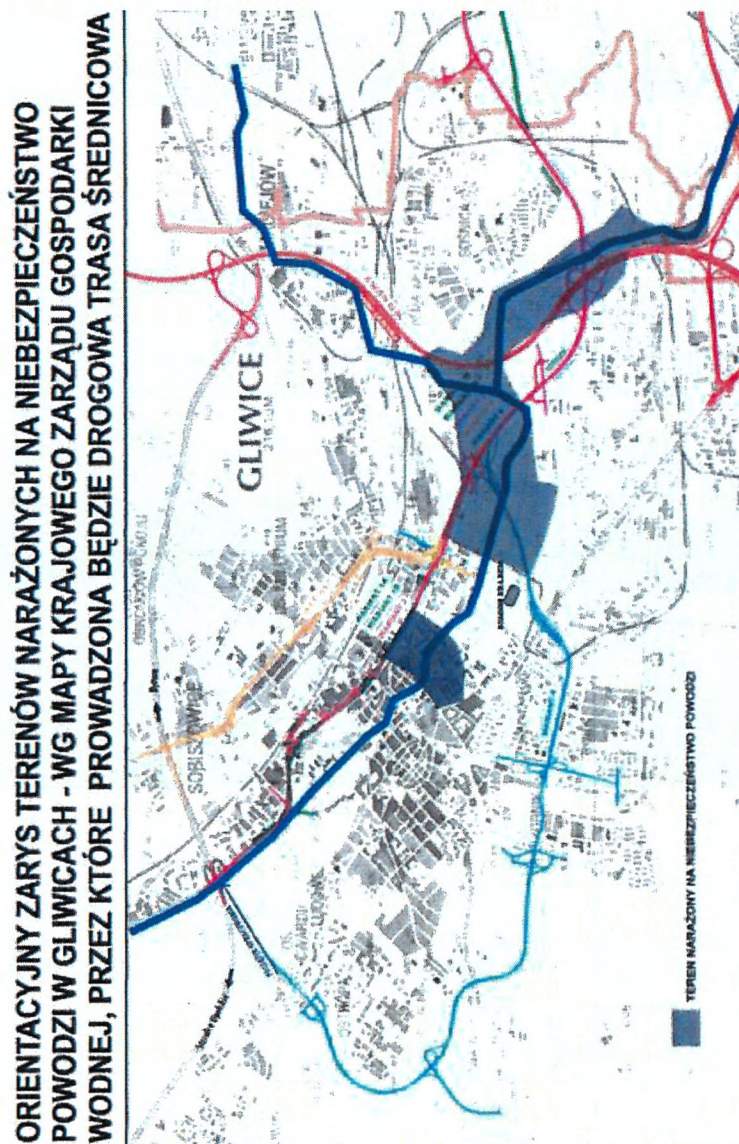
2. map: General location of the A1 Motorway and the Central Motorway (DTŚ) - section G1 (city centre) on flood areas in Gliwice;
3. letter ref. no.: OKI-12/322/12/TJ/8303 of 14 May 2012;
4. letter ref. no.: ZU-5191-KI/23/1586/11/7332 of 21 April 2011;
5. letter ref. no.: PZI/HK/0581/2011 of 16 April 2011;
6. Decision of the RWMA of 2 August 2006

Cc:

The Ministry of Finance of the Republic of Poland,
Minister Jan Vincent-Rostowski
Świętokrzyska Street 12
00-916 Warsaw

PERFORMANCE OF THE CENTRAL MOTORWAY (DTŚ) IN GLIWICE WITH REGARD TO FLOOD HAZARD

Based on the maps of flood risk published on the Internet by the National Water Management Authority and the local flooding map made available by the National Geological Institute, it may be concluded that the Central Motorway (DTŚ) in Gliwice along with exits and interchanges has been located on land at risk of floods and local flooding. (see drawings below)



According to the WORP map

<http://www.kzgw.gov.pl/pl/Wstepna-ocena-ryzyka-powodziwego.html>.

Source:	Translation:
ORIENTACYJNY ZARYS TERENÓW NARAŻONYCH NA NIEBEZPIECZEŃSTWO POWODZI W GLIWICACH - WG MAPY KRAJOWEGO ZARZĄDU GOSPODARKI WODNEJ, PRZEZ KTÓRE PROWADZONA BĘDZIE DROGOWA TRASA ŚREDNICOWA	GENERAL OUTLINE OF AREAS AT RISK OF FLOOD IN GLIWICE (ACCORDING TO THE MAP OF THE NATIONAL WATER MANAGEMENT AUTHORITY) THAT THE CENTRAL MOTORWAY (DTŚ) WILL PASS THROUGH
TEREN NARAŻONY NA NIEBEZPIECZEŃSTWO POWODZI	AREA AT RISK OF FLOOD



**PRZYBLIŻONY PRZEBIEG DROGOWEJ TRASY ŚREDNICOWEJ W GLIWICACH
NANIESIONY NA MAPĘ OBSZARÓW ZAGROŻONYCH PODTOPIENIEM**

The map of local flooding prepared in 2003-2006.

<http://maps.geoportal.gov.pl/webclient/Default.aspx?mapId=952a1e4d-6f7c-4164-a59f-814e8b59cbde>

Source:	Translation:
PRZYBLIŻONY PRZEBIEG DROGOWEJ TRASY ŚREDNICOWEJ W GLIWICACH NANIESIONY NA MAPĘ OBSZARÓW ZAGROŻONYCH PODTOPIENIEM	GENERAL COURSE OF THE CENTRAL MOTORWAY (DTS) RISK OF LOCAL FLOODING

They clearly show that these are areas of unquestionable flood and local flooding risk, which means, depending on the water level in the Kłodnica River and its tributaries, permanent or seasonal location of the groundwater table near the ground surface, resulting in wetness, infiltration etc. Even for a non-specialist it is clear that the borderlines of flooding areas marked on the PIG map correspond with the borderlines of possible floods as only then all land in the area within the borderlines are flooded.

Below is a scene from a video recorded by the Gliwice Police from a helicopter flying over area flooded in May 2010. These are areas and facilities belonging to the Silesian University of Technology located in the area of Konarskiego Street under which the Central Motorway (DTŚ) is supposed to have its course in an excavation.



A significant part of areas where the Central Motorway in Gliwice will run has been recorded in the video: *Flood in Gliwice. Helicopter footage.*

<http://www.youtube.com/watch?v=4cWhCaw9gTQ>

Source:	Translation:
policja gliwice	Gliwice Police
Politechnika Śląska ul. Konarskiego	The Silesian University of Technology, Konarskiego Street

The following photographs of the flood in the area of the Silesian University of Technology made in May 2010 published on the Internet show the degree of flood risk in the area intended for a very large and technically complicated facility, that is, the Central Motorway.

The construction of facilities such as the Central Motorway, a road fulfilling the standards of a motorway, on such wet, often marshy lands constantly at risk of local flooding and flooding is not only very difficult from the technical point of view, but also much more expensive than building in another location on dry and stable ground.

An additional very unfavourable factor impacting an investment such as the Central Motorway is the fact that in Gliwice there is also mining damage enhancing other negative conditions related with the performance of the road.

The operation of such facility as well as normally accompanying devices and facilities (overpasses, culverts, access roads, access paths, car parks, squares, bridges, flyovers etc.) will be more expensive due to the floods and local flooding than it would be if located in a place without the risk of such destructive factors.



Flood in Gliwice in 2010 - the Silesian University of Technology - area of Konarskiego Street under which the Central Motorway will run in an excavation



Flood in 2010 in Gliwice, area of Zimnej Wody and Konarskiego Streets - adjacent to the planned route of the Central Motorway



Floods similar to those of 1997 and 2010 are frequent in Gliwice and on average happen approximately every decade.

APPENDIX

Floods in Gliwice (citations):

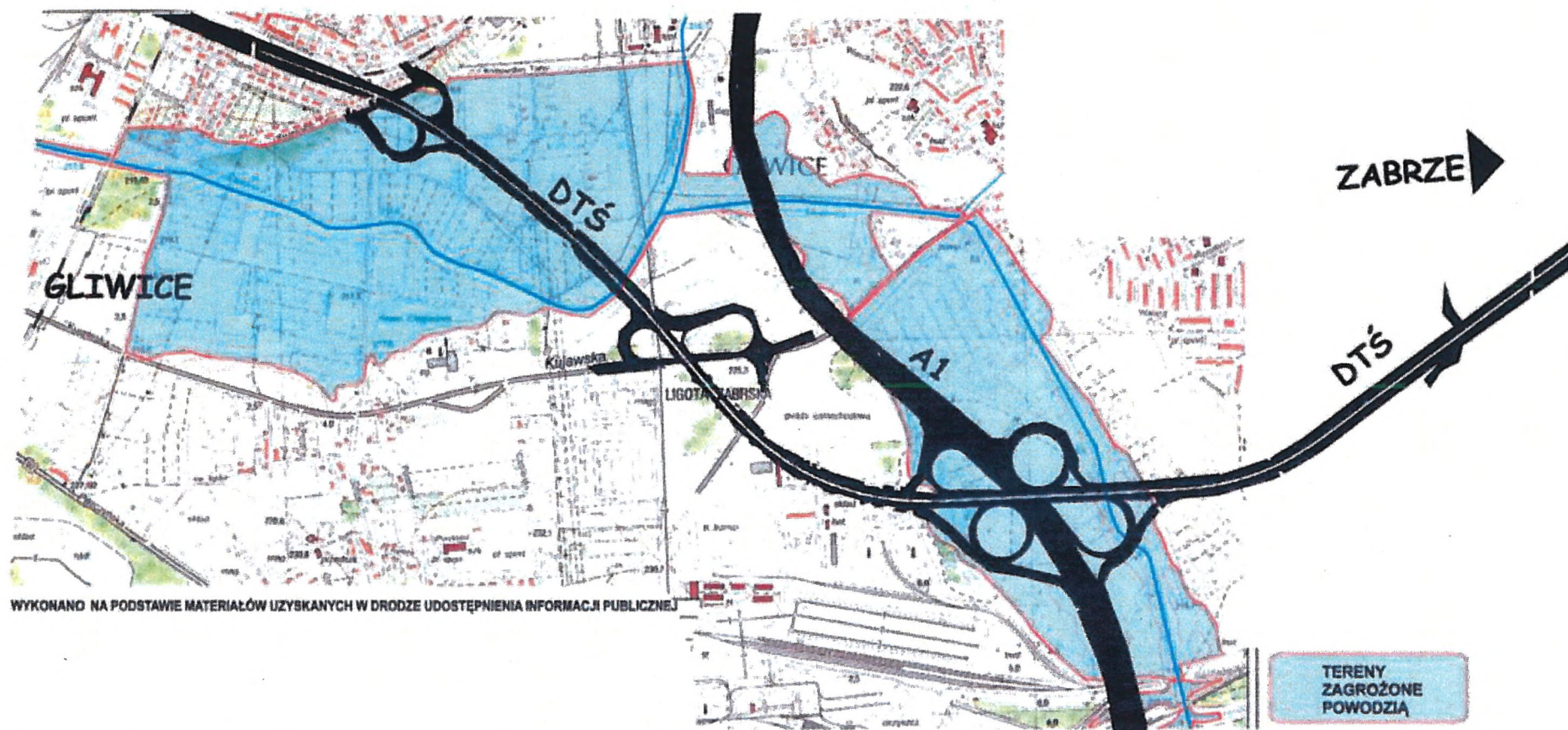
http://www.gliwiczanie.pl/Reportaz/powodz/powodz_01.html

Water in the river rose to 2 m, and in 1913, 1926 and 1930 it also reached 3.32 m. Most streets were covered with ca. 0.45 m of water. All basements were flooded. A flood in 1903 looked dangerous when high water stood in the depressed area of Krakowski Square where a large circus erected its tents. In 1913 the police closed both wooden bridges linking Wrocławska Street with the current Częstochowska Street and those threatened by rushing water of the river. Luckily the foundations of a newly built school on the current Zimna Woda Street (High School No. 1) were saved thanks to sand bags placed in time.

In the summer of 1928 another great overflow of the Kłodnica River put a large part of the city under water. The fire service in Gliwice was busy non-stop for many days from the beginning of the flood.

In 1901 the risen water level of the Kłodnica River pushed the smelly water of the Ostropka stream back to its bed making it hard to breathe in the entire city. Floods such as the one in 1940 when almost the entire city was under water are a thing of the past.

Unfortunately as it turns out, they are not a thing of the past and the city is constantly, approximately every decade, at risk of floods such as those in 1997 and 2010.



GENERAL LOCATION OF THE A1 MOTORWAY AND THE CENTRAL MOTORWAY (DTŚ) - SECTION G1 (CITY CENTRE) ON FLOOD AREAS IN GLIWICE

Source:	Translation:
TERENY ZAGROŻONE POWODZIĄ	AREAS AT RISK OF FLOOD
WYKONANO NA PODSTAWIE MATERIAŁÓW UZYSKANYCH NA DRODZE UDOSTĘPNIENIA INFORMACJI PUBLICZNEJ	PERFORMED BASED ON MATERIALS OBTAINED BY PUBLIC INFORMATION MADE AVAILABLE



REGIONAL WATER MANAGEMENT AUTHORITY IN GLIWICE

Sienkiewicza Street 2, 44-100 GLIWICE

switchboard and secretariat (32) 777 49 50, fax (32) 777 49 99
Regon: 276711017 NIP: 631-22-56-385,
e-mail: dyrekcja@gliwice.rzgw.gov.pl Internet: www.gliwice.rzgw.gov.pl

OKI-12/322/12/TJ/8303,

Gliwice, 14 May 2012

Field units:

The Catchment Area
Management of Mała
Wiśła in Pszczyna
Piotra Skargi Street 30
43-200 Pszczyna
tel/fax (32) 210 43 24

The Catchment Area
Management of Przemsza
in Przeczyce
21 Stycznia Street 127a
42-460 Mierzęcice
tel/fax (32) 380 65 87

The Catchment Area
Management of the Upper
Odra River in Racibórz
Towarzystwa Gimn. Street
"SOKÓŁ" 18
47-400 Racibórz
tel/fax (32) 415 46 71

The Catchment Area
Management of the
Kłodnica River and
Gliwicki Channel in
Kędzierzyn-Koźle
Chelmońskiego Street 1
47-220 Kędzierzyn-Koźle
tel/fax (77) 482 04 05-06

Bank Account:

- in NBP O/O Katowice,
income:

76 1010 1212 0052 1022
3100 0000

expenses:

29 1010 1212 0052 1022
3000 0000

deposit:

65 1010 1212 0052 1013
9120 0000

Stowarzyszenie Gliwiczanie dla Gliwic

In response to your letter of 30 April 2012 (received on 30 April 2012) on the Flood Protection Study for the Kłodnica River and issued decisions for the Central Motorway on the section from the borderline of Zabrze to Kujawska Street in Gliwice, the Regional Water Management Authority in Gliwice informs that of RWMA Gliwice is not in possession of the flood protection study performed according to Article 79 of the Act (applicable before the amendment enforced on 18 March 2011) on Water Law (Journal of Laws of 2005, No. 239, Item 2019, as amended). At the same time it is communicated that the Director of RWMA Gliwice has one of the elements of the study, that is, the borderlines of floodplains engulfed by flood water of specific probability of rising. The borderlines were made available for the works performed by the National Water Management Authority.

RWMA Gliwice issued decision on the performance of works on the Central Motorway section in Gliwice according to the Act of 10 April 2003 on the special rules of preparing and implementing national public road projects (Journal of Laws No 193, Item 1194 of 2008 as amended). The decision concerned the following sections: from DK 88 to Baildona Street in Gliwice (letter ref. no.: ZU-5191-KI/22/3327/11/15938 of 22 September 2011) and from Baildona Street in Gliwice to the borderlines of Zabrze (letter ref. no.: ZU-5191-KI/22/1585/11/7321 of 21 April 2011 and ZU-5191-KI/23/1586/11/7332 of 21 April 2011). Additionally RWMA Gliwice issued a decision and responses concerning this and other sections of the Central Motorway with regard to water, outlets to surface water and flood plains.

acting as
RWMA in Gliwice

/stamp and signature/

Cc:

1. ZK - w/m
2. ZU - w/m
3. OKI - a/a



**REGIONAL WATER MANAGEMENT AUTHORITY IN
GLIWICE
Sienkiewicza Street 2, 44-100 GLIWICE**

switchboard and secretariat (32) 777 49 50, fax (32) 777 49 99
Regon: 276711017 NIP: 631-22-56-385,
e-mail: dyrekcja@gliwice.rzgw.gov.pl Internet: www.gliwice.rzgw.gov.pl

ZU-5191-K/23/1586/11/7332

Gliwice, 21 April 2011

Field units:

The Catchment Area
Management of Mała
Wiśła in Pszczyna
Piotra Skargi Street 30
43-200 Pszczyna
tel/fax (32) 210 43 24

Drogowa Trasa Średnicowa S.A.

The Catchment Area
Management of Przemsza
in Przeczyce
21 Stycznia Street 127a
42-460 Mierzęcice
tel/fax (32) 380 65 87

**Re: the construction of the Central Motorway Katowice - Gliwice -
western part from Baildona Street in Gliwice to the area of Zabrze
(section no. G1).**

The Catchment Area
Management of the Upper
Odra River in Racibórz
Towarzystwa Gimn. Street
"SOKÓŁ" 18
47-400 Racibórz
tel/fax (32) 415 46 71

The Catchment Area
Management of the
Kłodnica River and
Gliwicki Channel in
Kędzierzyn-Koźle
Chelmońskiego Street 1
47-220 Kędzierzyn-Koźle
tel/fax (77) 482 04 05-06

In response to the letter, ref. no. PZI/HK/0581/2011 of 16 April 2011, concerning the construction of the Central Motorway Katowice - Gliwice - western part from Baildona Street in Gliwice to Zabrze (section G1) according to the act of 10 April 2003 on special rules of preparing and implementing national road-related projects (consolidated text, Journal of Laws No 193, Item 1194 of 2008 as amended), the Regional Water Management Authority in Gliwice accepts the presented location under the following conditions:

1. the performance of water devices as specified in Article 9, Section 1, Item 19 and 2 of the Water Law Act of 18 July 2001 (Journal of Laws No. 239 Item 2019 of 2005 as amended), it is required to obtain an appropriate permit according to Article 122 of the Water Law Act;
2. the conditions specified in the Regulation of the Minister of Transport and Maritime Economy of 30 May 2000 on technical conditions which road engineering facilities and their locations should meet (Journal of Laws No. 63, Item 735 of 2000, as amended) should be observed;
3. the discharge of rainwater from the drainage of the designed road should be performed first to the existing rainwater sewage system, and if this is impossible, it is permissible for the rainwater discharge to be performed into surface water courses, except surface water springs, but

Bank Account:

**- in NBP O/O Katowice,
income:**

76 1010 1212 0052 1022 3100 0000

expenses:

29 1010 1212 0052 1022 3000 0000

deposit:

65 1010 1212 0052 1013 9120 0000

the number of outlets should be limited to the necessary minimum. The parameters of rainwater should fulfil the conditions from the Regulation of the Minister of Environment of 24 July 2006 (Journal of Laws No. 137 Item 984 of 2006 as amended) on the conditions to be fulfilled when discharging sewage into water or soil and on the substances particularly hazardous to the water environment;

4. the balance of water relations in the area of the planned investment should be maintained. Most importantly, the natural direction of surface water flow should be enabled;
5. we reserve the right to express opinion on the investment at further stages of its performance in issues related with water management in our water region.

The materials sent for approval remain in the case file.

/stamp and signature/

Cc:



TUV Rheinland InterCert

„DROGOWA TRASA ŚREDNICOWA” SPÓŁKA AKCYJNA

**Regional Water
Management Authority in
Gliwice
Sienkiewicza Street 2
44-100 Gliwice
Fax 0322310028**

PZI/HK/0581/2011

The Board of the Silesian Voivodeship acting via the Proxy of the _____ for the
Preparation of the DTS S.A. Investment _____ requests an opinion to
the application for a decision on the approval of the road investment performance for the
investment

CONSTRUCTION OF PUBLIC ROAD CENTRAL MOTORWAY - WESTERN PART FROM BAILDONA STREET TO THE AREA OF ZABRZE

**FROM KM 5+320.00 TO KM 8+119.85
(SECTION G1)**

Pursuant to Article 11d, Section 2 of the Act of 10 April 2003 on the special rules of preparing
and implementing national public road projects (consolidated text, Journal of Laws of 2008,
No. 193, item 1194).

Pursuant to Article 11d, sec. 2 of the Act a failure to issue the opinion mentioned in
Section 1, Item 8 within 30 days from the day of application from a relevant road administrator
is considered as a lack of reservations to the application.

Submitting the application, an opinion is requested to be issued within the shortest
possible time, enabling the continuation of preparation works necessary to undertake the
investment.

Yours sincerely,

/stamp and signature/

The case conducted by:

Annexes:

1* Materials for the opinion on the application to issue a decision approving the performance
of road investment - 1 copy

Copy to: