

REGIONAL DIRECTOR FOR
ENVIRONMENTAL
PROTECTION IN KIELCE

RDOŚ-26-WOO.I-6613/3-010/08/ml
ŚR.V.6613/3-41/07

Kielce, 31 March 2009

DECISION
on environmental considerations for consent to carry out the project

According to Articles 104 and 108 § 1 of the Act of 14 June 1960 Administrative Procedure Code (complete text, Journal of Laws of 2000 No. 98, item 1071 as amended), Article 46a section 7 item 1a indent 1 of the Environmental Protection Law Act of 27 April 2001 (complete text, Journal of Laws of 2008 No. 25, item 150, as amended), and Article 153 of the Act of 3 October 2008 on Providing Access to Information concerning the Environment and Environmental Protection, Participation of the Public in Environmental Protection and on Environmental Impact Assessments (Journal of Laws No. 199, item 1227, as amended),

after examining

the request from the General Directorate for National Roads and Motorways, Branch in Kielce, 43/45 Paderewskiego Street, 25-950 Kielce, acting through the attorney Mr. Krzysztof Michta (WBP Zabrze Sp. z o.o. 25 Pawliczka Street, 41-800 Zabrze), regarding the issuing of a decision on environmental considerations for the consent to implement the project **“Expansion of the S7 expressway on the section Jędrzejów – border of the Świętokrzyskie Voivodeship and the Małopolskie Voivodeship”**,

I hereby determine

the following environmental considerations for the consent to implement the project according to the basic variant, which involves bypassing Wodzisław according to Variant II, and with the Mierzawa and Wodzisław interchanges designed according to Variant II.

I. The type and place of project implementation:

The planned road will be an expressway with two roadways and four traffic lanes. In the future, each roadway will be expanded by a third lane. The S7 road will be accessible only through the interchanges located at junctions with other roads. The construction of four interchanges is planned. Jędrzejów interchange (ensuring connection to national road DK 78 running through the centre of Jędrzejów), Łączyn interchange (ensuring connection between the centre of Jędrzejów and the road in the direction of Cracow, it will be constructed at the junction with Partyzantów Street), Mierzawa interchange (ensuring connection to Poviats road 0178 T by connecting adjacent locations, such as Mierzawa, Klemencice and Potok Wielki), Wodzisław interchange (ensuring connection for the residents of Wodzisław and adjacent locations with the S7 road to the north and to the south, it will be located at the junction with Poviats road 0188 T).

To serve the areas in the vicinity of the S7 expressway, the construction of access roads connecting to residential areas and arable land is planned. In addition, the construction of Poviats and Commune roads is planned to create a coherent local transport system as part of the planned investment.

On the analysed road section, the construction of service areas at km approx. 588+350 (left side of the road), at km approx. 590+300 (left side of the road), at km 595+450 (left side of the road) and at km approx. 595+450 (right side of the road) is planned. The analysed investment is located in the Świętokrzyskie Voivodeship and it will run through Jędrzejów and Wodzisław Communes, which are a part of Jędrzejowski Powiat.

The planned road section is a part of the transport route that is intended to streamline traffic between Cracow and Kielce. At present, the main transport route on this section is the existing national road DK-7, which is unsuitable to handle the present and forecast traffic intensity.

Basic parameters of the designed route:

- road class - S (expressway),
- planned road cross-section 2×3 (two roadways, each with three lanes),
- road cross-section in stage I: 2×2 (two roadways, each with two lanes),
- designed speed $V_p = 100$ km/h,
- operating speed $V_p = 110$ km/h,
- traffic category KR5,
- main route roadway:
 - planned width 13.50 m, including:
 - three lanes 3×3.50 m,
 - emergency lane 2.50 m,
 - inner shoulder 0.50 m,
 - width in stage I: 10.00 m,
 - including:
 - two lanes 2×3.50 m,
 - emergency lane 2.50 m,
 - inner shoulder 0.50 m,
- planned separating strip 5.00 m (with shoulders on straight route),
- separating strip in stage I: 12.00 m (with shoulders on straight route),
- access roads for areas neighbouring on the expressway located behind a protective strip of greenery,
- deceleration/acceleration strip 3.50 m,
- vertical clearance of the main road 4.70 m,
- limited accessibility of the route (only through interchanges),
- fenced road,
- ecological passages for animals.

II. Conditions for the use of land at the implementation and operation stages, taking particular account of the need to protect precious environmental, natural resources and historic monuments and to reduce the impact on the neighbouring areas

Requirements at the project implementation stage:

1. The construction site facilities are to be organised and technical roads outlined in a manner ensuring economical use of the land and minimal transformation of its surface and, upon completion of work, the land is to be restored to its original condition. The works are to be organised so as to minimise the amount of the generated construction waste.
2. The works shall not lead to changes in the condition of water that may negatively affect neighbouring areas.
3. The construction site facilities, construction works and further operation (renovations) must be organised in such a way so that they do not cause pollution of the environment with materials, waste or other substances.
4. Where possible, access roads to the construction site must be guided based on the existing

transport routes.

5. Construction site facilities, as well as material and equipment storage sites, must be located outside the following areas:
 - direct proximity of residential structures,
 - valleys of rivers and watercourses,
 - direct proximity of the nature monument at km approx. 588,
 - vicinity of indirect protection areas for groundwater intakes in Skroniów near Jędrzejów and Klemencice, and considering the protection of the Main Groundwater Reservoir no. 409 Niecka Miechowska SE,
6. The construction site facilities (including storage sites for materials and transport) must be secured.
7. The produced waste must be segregated and stored at a designated location and collected regularly by authorised contractors. Hazardous waste produced during construction works must be segregated and separated from neutral waste and transported to specialised waste management companies to be neutralised.
8. The construction site facilities must have tight toilets, whose contents must be regularly removed by authorised contractors and transported to the nearest sewage treatment plant.
9. During the construction works in the vicinity of rivers and watercourses, they must be secured against filling and pollution by chemicals.
10. Tree and shrub clearance should be limited to the necessary minimum. Trees located on the construction site that are not intended for clearance must be protected against mechanical damage.
11. Lost greenery must be replenished with new plants, considering habitat-specific and technical conditions, requirements related to the landscape structure, monument protection and safety requirements. When selecting species of trees and shrubs, priority should be given to species resistant to air pollution, drought and slight salinity of the soil. The designed greenery must have a compact and multi-level structure.
12. Construction work in the vicinity of areas protected from noise must be carried out only during daytime (i.e. 6 a.m. to 10 p.m.). If possible, equipment emitting high-intensity noise should not be operated simultaneously and on idle.
13. The soil layer removed from the work strip must be properly deposited and re-used for land rehabilitation, reinforcement of escarpments and shaping of roadside greenery after the completion of work.

The following should be taken into account in the construction design:

1. Construction of acoustic screens with a height of up to 6 m in areas subject to protection from noise:
 - from approx. km 599+930 to approx. km 600+220, right side of the road,
 - from approx. km 596+740 to approx. km 596+860, right side of the road,
 - from approx. km 593+600 to approx. km 593+740, right side of the road,
 - from approx. km 587+090 to approx. km 587+200, right side of the road,
 - from approx. km 584+630 to approx. km 584+850, right side of the road,
 - from approx. km 583+700 to approx. km 583+990, right side of the road,
 - from approx. km 593+580 to approx. km 593+740, left side of the road,
 - from approx. km 596+840 to approx. km 596+960, left side of the road,
 - from approx. km 597+200 to approx. km 597+440, left side of the road,
 - from approx. km 600+100 to approx. km 600+230, left side of the road.
2. Where transparent screens are used, printed stripes must be placed on the screens or other solutions must be used to minimise the risk of birds colliding with the screens,
3. Dismantling of the screen at km 583+845 - 583+983 on the left side of the road due to the

- construction of a slip road.
4. Alteration of existing acoustic screens at km:
 - approx. 583+700- 583+990 on the right side of the road, elevation of the screen by approx. 1 m,
 - approx. 584+630 - 584+850 on the right side of the road, elevation of the screen by approx. 1 m.
 5. A water drainage system for the whole road section with safe drainage into reservoirs must be designed.
 6. Precipitation water must be drained into tight open ditches or into a rainwater sewage system.
 7. Before water is drained into reservoirs, it must be pre-treated, e.g. in settling tanks, sand traps.
 8. Installation of separators of oil-derived products integrated with a sand trap upstream of absorption and evaporation reservoirs.
 9. Construction of passages for medium-sized animals at km approx.:
 - 591+100, upper passage with a min. width of approx. 25 m,
 - 593+321, lower passage with a min. width of approx. 18 m and a min. height of approx. 2.25 m,
 - 593+470, lower passage with a min. width of approx. 17.5 m and a min. height of approx. 2.00 m,
 - 598+ 100, upper passage with a min. width of approx. 25 m,
 - 599+950, lower passage with a min. width of approx. 18 m and a min. height of approx. 2.25 m,
 - 600+305, lower passage with a min. width of approx. 18 m and a min. height of approx. 2.25 m.
 10. Greenery must be planted in and around the passages for animals so that the passages do not differ from the habitat on either side of the road.
 11. Construction of passages for small animals in the form of a dry culvert, approx. 2 m wide and at least 1.6 m high, at km approx.: 584+200, 585+000, 587+220, 588+800, 589+480, 591+304, 592+130, 593+020, 594+400, 595+100, 595+650, 596+560, 599+000, 601+300, 602+460, 603+300;
 12. Construction of passages for small animals in the form of a culvert connected to a watercourse at approx. km: 590+500, 597+725; the culverts must have shelves for animals with a width of at least 0.5 m, elevated above the water level in the culvert.
 13. At the passages for small animals, fences guiding animals towards the passages must be used.
 14. On the whole length, the road must be enclosed with a mesh fence on both sides. The fence must be at least 220 cm high, with mesh size decreasing towards the bottom, and must have a thick mesh protection from the bottom to a height of 40–60 cm.
 15. Strips of insulating greenery with a width of at least 10 m must be used, comprising indigenous species with varying height (mainly medium-rise and high-rise species, e.g. linden, maple, hornbeam, willow, dog rose, common hazel), located, where possible, in the strip between the main road and distributor roads, in particular on the following sections:

Right side of the road (approximate location)

km 584+010- km 584+740
km 584+760- km 585+222
km 585+260- km 585+935
km 587+100- km 587+618
km 587+760- km 588+115
km 588+120- km 588+640
km 588+700- km 588+920
km 589+805- km 590+360
km 590+610- km 590+760
km 590+780- km 591 +060
km 591 +298- km 591+420
km 591+440- km 591+985
km 592+000- km 592+620
km 592+640- km 592+890
km 592+920- km 593+270
km 593+960- km 594+440
km 594+460- km 594+610
km 594+620- km 594+980
km 595+620- km 596+240
km 596+260- km 596+820
km 597+525- km 598+080
km 598+130- km 598+300

km 598+330- km 599+120
km 599+160- km 599+670
km 599+700- km 599+860
km 599+910- km 600+120
km 600+460- km 600+580
km 600+600- km 600+905
km 600+925- km 601+540
km 601+660- km 601+960
km 601+970- km 602+320
km 602+370- km 602+455
km 602+620- km 602+870
km 602+880- km 603+460

Left side of the road (approximate location)

km 584+020- km 584+760
km 584+800- km 585+980
km 586+010- km 586+300
km 587+120- km 587+700
km 587+735- km 588+170
km 588+660- km 588+920
km 588+940- km 589+230
km 589+270- km 589+690
km 590+755- km 591 +080

km 591+125- km 591+390
km 591+420- km 591 +980
km 592+320- km 592+760
km 592+780- km 593+130
km 594+220- km 594+615
km 594+640- km 594+980
km 595+460- km 596+190
km 596+260- km 596+580
km 597+760- km 598+060
km 598+190- km 598+475
km 598+490- km 599+130
km 599+150- km 599+700
km 600+415- km 600+880
km 600+940- km 601+830
km 601+845- km 601+945
km 601+955- km 602+120
km 602+140- km 602+280
km 602+290- km 602+480
km 602+590- km 602+840
km 603+200- km 603+330

In addition, at the junction of Pińczowska Street and Wiejska Street **in Jędrzejów, an insulating strip of greenery** must be designed, with a width of approx. 10 m and a length of approx. 50 m.

III. This project requires a post-implementation review to be carried out as regards the assessment of the effectiveness of solutions used to ensure the protection of residential housing areas against noise, the fulfilment of sanitary air quality requirements and the quality of sewage drained into water or soil. The review must be carried out after 1 year from the commissioning date and submitted within 18 months from the commissioning date.

In the event that exceeded noise levels, reference values for certain types of substances in the air and conditions for draining sewage into water and soil are identified, suitable protection must be used, including organisational measures. If environmental quality standards outside the area to which the Investor holds a legal title cannot be met, measures aimed at establishing a restricted use area must be taken. The following locations of measurement points for constant daily noise monitoring at the following kilometerage are designated: 583+840- right + left (PH1 + PH2), 584+710 - right (PH3), 586+500 - right (PH4), 587+040 - right (PH5), 587+130 – right + left (PH6 + PH7), 588+640 - right (PH8), 592+600 - right (PH9), 592+720 - left (PH10), 593+680 - right + left (PH11 + PH12), 594+220 - left (PH13), 596+780 - right (PH14), 597+060 - right (PH15), in addition at km approx. 597 + 030 on the left and km approx. 597+115 on the left, 599+090 - right (PH16), 600+180 - left (PH17), 600+040 - (PH18) (Wodzisław bypass) and, in addition at km approx. 600+200 on the right.

It is recommended that the measurements of air pollution concentration in the vicinity of the S7 road are conducted in the area of residential structures, farmland and the planted shrubs and trees. It is necessary to measure, among other things, the concentration of nitrogen dioxide. Location of measurement points: 584+380 - right + left (PPI+PP2), 587+700 - right (PP3), 590+920 - left (PP4), 591+540 - right (PP5), 592+980 - left + right (PP6+PP7), 594+200 - right (PP8), 597+900 - left (PP9), 599+800 - right (PP10), 601+950 - left (PP11), 602+280 - right (PP12), 604+000 - right (PP13) and, in addition at km approx.

583+840 on the right and km approx. 593+650 on the left, km approx. 597 + 030 on the left and km approx. 600+020 on the right.

It is recommended that the tests of precipitation and meltwater are conducted at the outlets of canals draining into reservoirs as well as upstream and downstream of pre-treatment equipment to evaluate their effectiveness.

IV. I hereby make this decision immediately enforceable. The description

of the undertaking is attached as Annex 1 to the Decision.

Justification

At the request of the General Directorate for National Roads and Motorways, Branch in Kielce, 43/45 Paderewskiego Street, 25-950 Kielce, acting through the attorney, Mr Krzysztof Michta (WBP Zabrze Sp. z o.o. 25 Pawliczka Street, 41-800 Zabrze), of 20 November 2007 (received on 26 November 2007), a procedure was initiated according to the Environmental Protection Law Act of 27 April 2001 (complete text of 2008, Journal of Laws No. 25, item 150, as amended), regarding the issuing of a decision on environmental considerations for the consent to implement the project “**Expansion of the S7 expressway on the section Jędrzejów – border of the Świętokrzyskie Voivodeship and the Małopolskie Voivodeship**”.

According to § 2 section 1 item 29 of the Ordinance of the Council of Ministers of 9 November 2004 on the determination of the types of project that may have a considerable environmental Impact and on the detailed conditions relating to the project qualification for the drawing up of the environmental impact report (Journal of Laws No. 257, item 2573, as amended), the investment in question has been classified as a project for which the said report is obligatory.

Pursuant to Article 46a section 7 item 1a of the Environmental Protection Law Act, the authority competent for issuing the environmental decision for the whole project was the Voivode. As of 15 November 2008, the Regional Director for Environmental Protection became the competent authority for the case in question, pursuant to Article 153 of the Act 3 October 2008 on Providing Access to Information concerning the Environment and Environmental Protection, Participation of the Public in Environmental Protection and on Environmental Impact Assessments (Journal of Laws No. 199, item 1227, as amended).

According to Article 46a section 4 of the Environmental Protection Law Act, the Investor enclosed the following to the request for the issuing of a decision on environmental considerations for the consent to implement the project:

- 1) Environmental impact report prepared by Biuro Konsultingowo-Doradcze Euroekspert in November 2007,
- 2) Environmental impact report prepared by Biuro Konsultingowo-Doradcze Euroekspert in June 2008 along with annexes of July 2008,
- 3) Copy of the registration map showing the area where the project is to be implemented and neighbouring plots of land.

The investment consists in the expansion of the S7 expressway on the section from Jędrzejów to the border of the Świętokrzyskie Voivodeship and the Małopolskie Voivodeship from km 583+632 (initial section covered by the study: km 583+540) to km 603+460. On the section in question, no changes of the route are planned, except for the variants of the Wodzisław bypass.

In the environmental impact report concerning the investment in question, the basic variant of the main route has been examined. It uses the existing road with an additional second roadway to the east of Jędrzejów to Klemencice and from Wodzisław to the border covered by the study, and the construction of an additional roadway to the west, from Klemencice to Wodzisław. There are different variants of the Wodzisław bypass (basic variant, Variants II and III). Different variants for the Wodzisław interchange (Variants I and II) and the Mierzawa interchange (Variants I and II) have also been presented. In addition, the zero variant (absence of investment) has been analysed and rejected. If the investment was to be abandoned, national road no. 7 would continue to degrade, leading to more serious traffic and safety problems. If the status quo was allowed to continue, the number of traffic accidents would increase. Assuming an increase in traffic intensity, the present roadway system will not allow for problem-free traffic in this region.

The investment is intended to improve the conditions and safety of vehicle traffic (grade-separated junctions, full equipment of the road related to its operation and environmental protection) and to streamline road connections between Kielce and Cracow. The designed road will be a modern road constructed using state-of-the-art technology and environmental protection standards, which could not be ensured if the investment was abandoned.

Following an analysis of the impact of the proposed variants for the bypass of Wodzisław on individual components of the environment, it was decided that the different variants, in terms of environmental aspects, do not play an important role. Variant II is preferred due to minimal interference with developed areas, while preserving convenient geometrical conditions.

The Mierzawa interchange has been presented in two variants using different geometrical parameters, which affect the traffic conditions. Considering the close proximity of a junction, Variant II is the recommended variant because it will ensure better visibility and identification of the interchange system.

The Wodzisław interchange has been presented in two variants: Variant I with a diamond shape (not recommended due to the length of slip roads and inconvenient location of junctions in close proximity of the overpass, leading to poor visibility and traffic organisation) and Variant II with a semi-conical shape (recommended due to minimal interference with developed areas – convenient geometrical conditions).

Finally, the route according to the basic variant has been recommended for implementation,

with the Wodzisław bypass according to Variant II, and with the Mierzawa and Wodzisław interchanges designed according to Variant II.

The initiation of the procedure, the possibility to submit comments and reservations with regard to evidence collected in the case in question and the request, based on Article 48 section 2 item 2, to the Minister of the Environment and to the National Voivodeship Sanitary Inspector in Kielce to approve the planned project was communicated to the parties to the procedure according to the requirements of Article 46a section 5 of the Environmental Protection Law Act in the announcement of 20 February 2008, ref. no. ŚR.V.6613/3-41107, posted on the notice boards of the following authorities:

- City Hall of Jędrzejów, between 26 February 2008 and 11 March 2008,
- Commune Office of Wodzisław, between 26 February 2008 and 12 March 2008,
- Office of the Świętokrzyskie Voivodeship, between 21 February 2008 and 6 March 2008.

In this case, as part of the procedure, according to Article 32 section 1 item 1 and Article 53 of the Environmental Protection Law Act, the authority conducting the procedure announced to the public that the request for the issuing of a decision and the environmental impact report were included in a publicly available data record, and set out a 21-day term for submitting comments and requests. The announcement regarding the procedure for the participation of the public was posted on the notice boards in the following authorities:

- City Hall of Jędrzejów, between 21 March 2008 and 14 April 2008,
- Commune Office of Wodzisław, between 20 March 2008 and 10 April 2008,
- Office of the Świętokrzyskie Voivodeship, between 18 March 2008 and 8 April 2008.

The announcement was also available on the website of the Office of Świętokrzyskie Voivodeship as of 17 March 2008. In addition, it was published in the press (Gazeta Wyborcza of 19 March 2008).

The National Voivodeship Sanitary Inspector in Kielce, in the decision of 17 April 2008, ref. no. SE.V.-4431/6/08, approved the planned investment in terms of protection of human health and life, and determined the terms and conditions for implementing the investment. The parties had the opportunity to view the decision in the commune offices of Jędrzejów and Wodzisław, and the announcement regarding the approval was posted on the notice boards of the Office of the Świętokrzyskie Voivodeship between 6 May 2008 and 21 May 2008.

The parties filed complaints against the decision.

Considering the requirements of the Environmental Protection Law Act and the provisions of the Administrative Procedure Code, in order to clarify the case with regard to the environmental impact of the investment, a decision was made to conduct administrative proceedings open to the public; the proceedings were held on 13 May 2008, according to Article 32 section 1 item 2 of the Environmental Protection Law Act. The place, date and subject of the proceedings were announced 7 days in advance. The announcement regarding the procedure for the participation of the public and regarding the proceedings was posted on the notice boards in the following authorities:

- City Hall of Jędrzejów, between 22 April 2008 and 13 May 2008,
- Commune Office of Wodzisław, between 21 April 2008 and 6 May 2008,
- Office of the Świętokrzyskie Voivodeship, between 21 April 2008 and 5 May 2008.

In addition, it was published in the press (Gazeta Wyborcza of 23 April 2008).

In the course of the administrative procedure, 6 persons viewed the documentation at the Office of the Świętokrzyskie Voivodeship by the set date of the proceedings. 3 persons requested: to be recognised as a party to the procedure because they hold ownership title to plot of land no. 234 in Jędrzejów (this request was accepted), for the inclusion of a residential building on plot no. 192/2 in Jędrzejów (the Investor's attorney was requested to supplement the documentation), for the purchase of property no. 142/1 in Klemencice (which is beyond the scope of the procedure).

In addition, 4 letters related to the planned investment were received:

- The residents of Jędrzejów submitted a request of 11 April 2008 for conducting the administrative proceedings closer to where the project is to be implemented (in the room of the Powiat Starosty Office in Jędrzejów), saying that this would allow more people to participate. The authority conducting the procedure informed the requesting parties about the rejection of the request, saying that the previously applied practice of the Office is to ensure equal treatment of all parties to this type of procedure by the Voivode of the Świętokrzyskie Voivodeship, and that it has sound amplification equipment and can make a recording to enclose it to the case files.

- Mrs Leokadia Szewczyk and Mr Waldemar Szewczyk, in the letter received on 11 April 2008, requested measures to protect their building located at the junction of Wiejska Street and Pińczowska Street against noise, vibration and exhaust gas emission, e.g. by obliging the Investor to install sound-absorbing windows and, for the duration of construction works, to install acoustic screens. They also requested around-the-clock monitoring of noise intensity, which would validate their claims as reasonable and serve as a basis for possible decisions on whether the area is suitable for occupancy in the future.

- The owners of the plots in the region of Jasionka Street and Głowackiego Street, in the letter of 21 April 2008, requested the extension of the acoustic screens from the current screens on the right side of the ring road at km 584+960 to the excavation at km 585+500 in order to protect the buildings located in Jasionka Street and Głowackiego Street on the right side, and requested the installation of strips of insulating greenery along the road on both sides on the whole section from Głowackiego Street to Łączyna. They also requested that the obligation to install the strips of greenery be imposed before the alteration of the existing roadway section of the ring road is commenced so that the greenery can achieve a suitable height and parameters before the planned investment is finally commissioned for use.

- Mr Andrzej Zimoch (attorney of a party), in the letter of 22 April 2008, pointed out that the report does not take account of changes in the provisions regarding the air concentrations of certain substances and that one of the access roads accompanying the investment in question was already subject to an environmental impact assessment and the Mayor of Jędrzejów issued an environmental decision for this road. The author of the letter also indicated discrepancies between the results of noise measurements in 2006 conducted by Biuro Ekspertyz i Projektów Budownictwa Komunalnego EKKOM Sp. z o.o. and the results included in the report regarding the project, which revealed exceeded levels at the measurement points. Therefore, the requesting party sees the need for another post-implementation review for the Jędrzejów ring road and supplementation of the report with new measurement results. The requesting party says that the effect of the construction of discharge ditches of tanks on the water regime has not been assessed. The author of the letter sees the need to supplement the report with the above-mentioned information.

In response to the requests, the Authority requested the Investor's attorney, in letter no. ŚR.V.6613/3-41/07, to supplement the report with such information.

During the administrative proceedings, the parties had the opportunity to submit explanations, requests, proposals and reservations as well as their argumentation, and to express their view on the results of the evidence procedure.

During the proceedings, the participants familiarised themselves with the relevant correspondence and the evidence gathered for this case.

The Director of the Department for the Environment and Agriculture of the Office of the Świętokrzyskie Voivodeship presented the course of the procedure leading to the issuing of an environmental decision, read the decision of the National Voivodeship Sanitary Inspector, provided information about the complaints against the decision of the National Voivodeship Sanitary Inspector, about the absence of approval of the Minister of the Environment, about the persons who familiarised themselves with the case files and about the letters submitted to the Office of the Świętokrzyskie Voivodeship in Kielce, which were communicated to the designers, and then the Director opened the discussion.

In the course of the proceedings, remarks, comments and requests were submitted, among

other things, by the authors of the above-mentioned letters. Answers and explanations to all parties concerned were provided by representatives of the Investor and persons participating in preparing the request for the issuing of the decision and the environmental impact report. The following issues were raised for the first time:

- Mr Michał Koniecznyński asked whether there are plans to drain pre-treated water to ponds. In a response, he learned that this issue would be subject to water law procedure.

- Mrs Barbara Drabiszewska inquired about the demolition of buildings in Pińczowska Street to the west in connection with the construction of an exit road, and about the demolition of a building. She requested explanation to all matters at this stage and questioned the results of noise measurement at the analysis stage. In response, Mr Krzysztof Strzelczyk, Deputy Director of the Branch in Kielce, said that the report does not discuss buildings that are at a considerable distance from the ring road. Mrs Sokalla (representative of WBP Zabrze – designer) explained that the building would be demolished because it was located in the area of the interchange.

As part of their answers, the authors of the report and the Investor's representatives explained that the graphical annexes were supplemented with residential buildings in the following streets: Pińczowska, Krzywa and Wiejska, and the existing acoustic screens were included. It was explained that the properties of Mr Mróz, Mr Gembosz, Mr Dąbrowa and Mr and Mrs Szewczyk were protected by the existing acoustic screens used in connection with the construction of the Jędrzejów ring road. The effectiveness of the screens was confirmed based on the post-implementation review in May 2006. Thus, the screens were not verified in the course of preparation of the report for the project in question. The screens were not intended for demolition or alteration. It is assumed that they will remain at their present location and continue to effectively protect the said properties. A verification of the effectiveness of the said screens is proposed as part of the post-implementation review for the project in question, e.g. by verifying measurement points. It was explained that the previous documentation did not take account of the existing screens, which would continue to ensure protection. Additional measurement points were added behind the existing screens to verify their effectiveness. It was pointed out that if the property at the junction of Wiejska Street and Pińczowska Street cannot be protected adequately, the plot may be purchased. It was hinted that the purchase may take place at the stage of the location decision.

In connection with the discrepancies in noise measurement results in the analysis and in the report, it was explained that the cited measurements from an earlier post-implementation review were not conducted by the authors of the report. The present report is not based on the post-implementation review in 2006 for the Jędrzejów ring road. The present report recommends that the review is conducted after the completion of the investment. It was stressed that the post-implementation review presents the intensity of noise generated by road traffic after the application of protective equipment and the report forecasts noise impact, among other things, before the installation of the screens.

In the course of the administrative proceedings, the report's author and the Investors expressed their opinion on air pollution with nitrogen oxides and discussed measures to minimise the propagation of air pollution by using 10 m wide strips of greenery.

No detailed explanations were provided to inquiries about water and sewage management, and it was announced that such additional information would be provided in writing.

The Director of the Department for the Environment and Agriculture of the Office of the Świętokrzyskie Voivodeship in Kielce stressed that the purpose of the proceedings was to explain any doubts and inconsistencies related to the procedure. He said that a supplemented report would be provided to the approving authorities. All justified requests would be included in the decision.

Minutes of the administrative proceedings were prepared, which were later read out loud and signed by the participants.

The Office of Świętokrzyskie Voivodeship in Kielce, in the letter of 21 May 2008, ref. no.

ŚR.V.6613/3-41/07, submitted another request to the Investor's attorney to supplement the report with regard to the following:

- Forecast noise levels (during day and night) at all PH points on the individual sections of the road and specification of additional measurement points where exceeded noise impact on residential buildings can occur due to close proximity to the noise isoline and where no acoustic screens are planned;
- Number of buildings affected by exceeded noise levels after the installation of screens, locations and parameters of existing screens and explanation regarding the leaving of the existing screens unchanged during the expansion of the Jędrzejów ring road by the second roadway to the east, considering the propagation of noise for the interchanges and exit roads as part of the planned investment;
- Verification of acoustically protected areas affected by exceeded noise levels;
- Limits of protection areas for the water intake in Klemencice and the applicable prohibitions;
- Effectiveness of the proposed strips of greenery to ensure protection from air pollution, forecast NOx emissions at the measurement points and additional measurement points;
- Inconsistencies in the provided materials.

The issues raised were partially explained in the letters of 9 May 2008, ref. no.: BKD/07/05/08, of 19 May 2008, ref. no.: DPI/Ze-3951/1022/2008, of 2 June 2008, ref. no.: DPI/Ze-3952/2669/1047/2008, and in the supplemented report (letters of 4 June 2008, ref. no.: DPI/Ze-3951/2669/1047A/2008, of 30 June 2008, ref. no.: DPI/Ze-3951/1326/2008, of 3 July 2008, ref. no.: DPI/Ze-3951/1368/2008), reviewed in June 2008, which the Office of the Świętokrzyskie Voivodeship in Kielce provided to the approving authorities for further use.

The National Voivodeship Sanitary Inspector in Kielce returned the documents because they could not be used at the stage of the appeal procedure before the Chief Sanitary Inspector.

WBP Zabrze Sp. z o.o., in the letter of 16 July 2008, ref. no. DP11Ze-395111445/2008, provided the Department for the Environment and Agriculture of the Office of the Świętokrzyskie Voivodeship in Kielce with a complete set of verified site plans from the environmental impact report for the investment in question.

The announcement regarding the supplementation of the evidence material was posted on the notice boards in the following authorities:

- City Hall of Jędrzejów, between 8 August 2008 and 22 August 2008,
- Commune Office of Wodzisław, between 8 August 2008 and 21 August 2008,
- Office of the Świętokrzyskie Voivodeship, between 5 August 2008 and 19 August 2008.

Considering the supplementations made, according to Article 32 section 1 item 2 of the Environmental Protection Law Act, the authority conducting the procedure repeated the procedure regarding the participation of the public, publicly announced the information about the supplemented environmental impact report (reviewed in June 2008) and about the possibility to submit comments and requests within a term of 21 days. The above-mentioned announcement was posted on the notice boards in the following authorities:

- City Hall of Jędrzejów, between 8 August 2008 and 29 August 2008,
- Commune Office of Wodzisław, between 8 August 2008 and 28 August 2008,
- Office of the Świętokrzyskie Voivodeship, between 5 August 2008 and 26 August 2008.

The announcement was also available on the website of the Office of Świętokrzyskie Voivodeship between 6 August 2008 and 27 August 2008. In addition, it was published in the press (Gazeta Wyborcza of 8 August 2008).

The authority conducting the procedure did not receive any additional comments and requests from the public regarding the planned project, except for the above-mentioned letters from the parties.

In the decision of 4 September 2008, ref. no. DOOŚ- 179D/1348/2008/ER, the Minister of the Environment approved the planned investment and determined the conditions for implementing

it. The announcement regarding the approval was posted on the notice boards in the following authorities:

- City Hall of Jędrzejów, between 17 September 2008 and 1 October 2008,
- Commune Office of Wodzisław, between 18 September 2008 and 01 October 2008,
- Office of the Świętokrzyskie Voivodeship, between 12 September 2008 and 26 September 2008.

In the letter of 14 October 2008, ref. no.: DOOŚ-078/6612/2008/ER, the Minister of the Environment announced that two requests were submitted: by Mr Andrzej Zimoch of 2 October 2008 and by Mrs Leokadia Szewczyk and Mr Waldemar Szewczyk of 6 October 2008 for re-examination of the case closed by the above-mentioned decision.

The Chief Sanitary Inspector, in the decision of 20 October 2008, ref. no. GIS-HŚ-NZ-0261-29-2/MP/08, after examining the complaint of 5 May 2008 submitted by Mr Czesław Zimoch, represented by Mr Andrzej Zimoch, and the complaint of 19 May 2008 submitted by Mrs Leokadia Szewczyk and Mr Waldemar Szewczyk, the National Voivodeship Sanitary Inspector in Kielce, in the decision of 17 April 2008, ref. no. SE.V.-443116/08, rejected the complaints and referred the case for re-examination to the first instance authority.

The announcement of the Chief Sanitary Inspector in the above-mentioned matter, along with the enclosed decision of 20 October 2008, ref. no. GIS-HŚ-NZ-0261-29-2/MP/08, was posted on the notice board of the Office of Świętokrzyskie Voivodeship in Kielce between 29 October and 12 November 2008 and then it was sent back.

The Office of the Świętokrzyskie Voivodeship in Kielce, in the letter of 5 November 2008, ref. no. ŚR.V.6613/3-41107, submitted to the National Voivodeship Sanitary Inspector in Kielce a supplemented report (reviewed in June 2008), graphical annexes to the report (reviewed in July 2008) and photocopies of letters regarding the said supplementations; the Inspector, in the decision of 14 January 2009, ref. no. SE.V.-4431/6/08-09, approved the planned investment in terms of protection of human health and life, and determined the terms and conditions for implementing the investment. The announcement regarding the approval and the enclosed decision were posted on the notice board of the Regional Directorate for Environmental Protection in Kielce between 23 January and 6 February 2009 and then it was sent back. The text of the above-mentioned approval was considered in the decision (items II and III).

The General Director for Environmental Protection, in the decision of 2 February 2009, ref. no. GDOŚ-DOOŚ/6430/2009/ER, discontinued the complaint procedure regarding the decision of the Minister of the Environment of 4 September 2008, ref. no. DOOŚ-179D/1348/2008/ER, in which the environmental conditions for the implementation of the project "Expansion of the S7 expressway on the section Jędrzejów – border of the Świętokrzyskie Voivodeship and the Małopolskie Voivodeship" were approved.

Pursuant to Article 153 section 2 item 1 of the Act of 3 October 2008 on Providing Access to Information concerning the Environment and Environmental Protection, Participation of the Public in Environmental Protection and on Environmental Impact Assessments, the decisions in cases which are initiated based on the provisions of the Environmental Protection Law Act and which are not closed by a final decision of the competent Minister of the Environment are not subject to re-examination. The competences of the Minister of the Environment were taken over by the General Director for Environmental Protection, under Article 153 section 1 item 1 of the said Act.

The announcement regarding the above-mentioned decision of the General Director for Environmental Protection and, according to Article 10 § 1 of the Administrative Procedure Code, the notification about the collection of evidence and the opportunity for the parties to the procedure to view the materials and evidence in the case in question before an environmental decision is issued as well as the possibility to submit comments and requests within 7 days from the delivery of the notification was posted on the notice boards of:

- City Hall of Jędrzejów, between 20 February 2009 and 6 March 2009,
- Commune Office of Wodzisław, between 19 February 2009 and 5 March 2009,
- Regional Directorate for Environmental Protection in Kielce, between 18 February 2009 and 4 March 2009.

As part of the conducted procedure, the authority competent for issuing the decision on environmental considerations received letters from the parties, including comments and requests following the administrative proceedings.

- of 26 August 2008 and 17 October 2008 regarding the recognition of Mr Janusz Michałkiewicz as a party to the procedure in question. The party concerned was notified in writing about the positive outcome of the letter.

- of 17 July 2008 regarding assistance in measuring the concentration of nitrogen dioxide and its permitted levels for the property of Mr and Mrs Szewczyk in connection with the planned investment.

In the letter of 25 August 2008, ref. no. DPI/Ze-39511512011587/2008, the attorney of the Investor announced that in 2022 pollution may partly cover the plot of Mr and Mrs Szewczyk but it will not cover the residential building, and enclosed an extract from the graphical part of the report. In addition, the attorney announced that the simulations do not take account of the barrier (acoustic screen) to the propagation of pollution located near the real property in question.

- of 23 February 2009, in which Mr Andrzej Zimoch requests the supplementation of the evidence procedure due to changes in the laws which have occurred since the original date of the report. The studies which form a basis for the conducted measurements have been prepared based on outdated legislation and, consequently, the measurements must be re-conducted and their results must be included in an updated report.

In addition, the report must include reference to the demands and requests submitted by the residents in their letters in the course of the procedure and included in the minutes of the proceedings.

The author of the letter raised objections regarding the solutions used to drain water from the designed road, although the Investor's attorney, in the letter of 19 May 2008, ref. no. DPI/Ze-395111 022/2008, explained that precipitation water from the designed holding tanks would be drained into the Jasionka River through the existing ditch built during the construction of the Jędrzejów ring road. The holding tanks were designed to hold precipitation water from both roadways (existing and designed roadway). At the tanks' inlet, separators of oil-derived substances and settling tanks will be installed to pre-treat precipitation water and protect the Jasionka River from additional pollution. In addition, the General Directorate for National Roads and Motorways, Branch in Kielce, took measures to alter the existing water drainage system of the road by channelising the existing ditches and building new ones.

Mr Andrzej Zimoch also provided information on closed and pending procedures before other authorities regarding the following: construction of ditches for tanks at km 584+800 and at km 585+250 discharging into the Jasionka River, construction of a drain from the existing evaporation and absorption tanks as part of the water drainage system of the Jędrzejów ring road along national road no. at km 558+660, intended for emergency drainage of precipitation water to the rainwater canal in Głowackiego Street and pointed out that it is necessary for the Regional Director for Environmental Protection in Kielce to supplement the evidence material regarding the issued decisions and the case files of open procedures. He also pointed out inconsistencies in the kilometerage used by different authorities for the location of the tanks for the Jędrzejów ring road. In the opinion of the letter's author, the construction of the ditches would surely change the water regime, which should be taken into consideration in the proceedings in the absence of such information in the report, and it would also affect the construction of large water reservoirs located at km 585+950 and 586+100. The Jasionka River is not channelised or polluted and, therefore, it is not suitable for draining large quantities of water from the area from Głowackiego Street to Łączyn. This solution would cause flooding of plots of land located along the watercourse. It would be reasonable to oblige the Investor to channelise the Jasionka before the commencement of the expansion of the S7 road and ensure active participation of the administrator of the watercourse.

- of 27 February 2009, in which Mr Andrzej Zimoch and Mr Andrzej Grzelec request that the

Investor be obliged to install insulating strips of greenery at the implementation stage of the planned investment in the direct vicinity of the altered road, and that the access road is outlined later. The installation of protection equipment at the access road would involve interruptions due to the presence of roads exiting into properties. Only a uniform strip of greenery would provide an effective barrier to the propagation of air pollution and noise, thus ensuring effective protection of the natural environment in this area. In addition, the requesting party sees the need to widen the strip of land occupied by the strips of greenery to ensure adequate distance between the trees and shrubs so that they can grow fast and have insulating properties.

- of 18 March 2009, in which Mr and Mrs Szewczyk indicate that their property is not and cannot be effectively protected by the existing screens and demand that the property is protected effectively or purchased. They cite the findings of the post-implementation review of 2006 for the project "Construction of the Jędrzejów ring road along national road no. 7" and question the reliability of the conducted measurements. They indicate that the report does not take account of air pollution by nitrogen oxide, which is extremely hazardous to health. The proposed protection measures have not been designed in the vicinity of the parties' property.

In connection with this environmental decision, the authority represents the following opinion:

Pursuant to Article 46a section 1 of the Environmental Protection Law Act, when determining the environmental considerations for the consent to implement the project "Expansion of the S7 expressway on the section from Jędrzejów to the border of the Świętokrzyskie Voivodeship and the Małopolskie Voivodeship", the authority was bound by the Investor's request. The obligation to issue the decision on environmental considerations arises before a road investment permit is obtained pursuant to the Act of 10 April 2003 on Detailed Rules for Preparing and Implementing Public Road Investments (Journal of Laws No. 80, item 721, as amended).

According to the conducted environmental impact assessment procedure, the planned project, at the implementation and operation stage, should not have a significantly negative environmental impact if the conditions presented in this decision are satisfied. These conditions have been determined by the Minister of the Environment, i.e. the competent environmental protection authority.

The changes in the legislation regarding the Environmental Protection Law Act (cited by Mr Zimoch) did not have a significant influence on the identification of the types and levels of emission included in the report and supplementations. Based on this material, the environmental protection authority considered the documentation to be sufficient and determined the environmental considerations for the implementation of the investment. The amendment to the nature protection act cited by the party did not lead to an amendment of the Environmental Protection Law Act based on which, according to Article 153 of the Act 3 October 2008 on Providing Access to Information concerning the Environment and Environmental Protection, Participation of the Public in Environmental Protection and on Environmental Impact Assessments (Journal of Laws No. 199, item 1227, as amended), this procedure is conducted.

Using the analyses presented in the report and in the supplementations made in connection with the reservations submitted by the parties to the procedure, the impact and potential environmental hazards related to the implementation and operation of the project were determined. The environmental impact analyses have revealed the need to employ specific measures preventing or minimising the potential impact.

At the implementation stage, in order to limit the negative environmental impact, the works shall be conducted in such a way so as to ensure economical use of land and minimal transformation of its surface. Where possible, access roads to the construction site must be guided based on the existing transport routes.

Suitable organisation of the facilities and of the construction site shall ensure protection of water from pollution caused by materials washed away from the construction site. The

construction site facilities shall be tight and located outside the direct vicinity of residential structures, valleys of rivers and watercourses, the nature monument and the protected area of groundwater intakes in Skroniów near Jędrzejów and in Klemencice. After completion of the construction works, the area shall be rehabilitated and restored to its original condition.

Construction waste shall be segregated and stored at designated locations and collected regularly by authorised contractors. Hazardous waste produced during construction works shall be segregated and separated from neutral waste and transported to specialised waste management companies to be neutralised. The construction sites shall have toilets, whose contents shall be regularly removed by authorised contractors.

In the course of the project's implementation, it will be necessary to remove soil from the strip designated for the road body. The top soil layer shall be properly stored and re-used for land rehabilitation, reinforcement of escarpments and shaping of roadside greenery after the completion of work.

The construction of the road will involve an increase in noise coming from construction and other equipment. The noise will have a local range but it may have a high intensity. Therefore, certain restrictions must be imposed on the Investor at the project's implementation and operation stage. Construction works in the vicinity of acoustically protected areas shall be conducted only during daytime (6 a.m. to 10 p.m.). As far as possible devices emitting high levels of noise will not be working concurrently. With regard to the demand of the owners of a property located at the junction of Wiejska Street and Pińczowska Street in Jędrzejów to install acoustic screens for the duration of construction works, it has been determined that the existing screens, which will be relocated by 1 m upon the commencement of construction works (also in the area of the junction with Głowackiego Street) and later replaced with new screens with a height of up to 6 m, will protect the property from excessive noise. Inconvenience related to the construction of the road will have a medium-term impact and will stop when the construction works are completed.

The designed road runs both outside and within developed areas at a small distance from residential structures (Jędrzejów, Łączyn, Diament, Potok Wielki, Potok Mały, Mierzawa, Klemencice and Wodzisław). Based on the analysed range of traffic noise emission, residential areas will be affected by the noise. In order to reduce the forecast exceeded traffic noise levels, the alteration of some of the existing screens in the area of the junction with road no. 78 and Głowackiego Street up to a height of 6 m has been designed in the area of the Jędrzejów ring road. On the remaining sections, i.e. in Wodzisław, Klemencice, Mierzawa and in the area of the junction with road 0172T, acoustic screens up to a height of 6 m are designed as well. Once they are installed, the forecast noise at acoustically protected structures should not exceed the permitted levels specified in the Ordinance of the Minister of the Environment of 14 June 2007 on permitted noise levels in the environment (Journal of Laws No. 120, item 826). The effectiveness of the adopted solutions shall be verified during the post-implementation review, which is discussed in the following part. A noise measurement point has been planned on the property of Mr and Mrs Szewczyk. Their request for constant daily measurement of noise (16 h during the day and 8 h during the night) was approved. The measurement results of the actual noise level shall form a basis for further actions if the permitted noise levels in the environment are exceeded. At the present stage, the demands of the owners of the property located at the junction of Wiejska Street and Pińczowska Street in Jędrzejów to replace window profiles or purchase the property, according to Article 135 of the Environmental Protection Law Act, cannot be satisfied. These issues will be examined at the stage of the post-implementation review, if a restricted use area is established.

During the implementation of the project, inconvenience in the form of exhaust fumes from combustion engines of lorries and other vehicles used for construction works (e.g. excavators, loaders, bulldozers) can be expected. In addition, dust formation may occur during earthworks (excavations, embankments). However, the range of this inconvenience will be limited

to the immediate vicinity.

The emission of air pollutants during the implementation of the project will be of a mid-term nature and the related inconvenience will cease once the construction works are completed.

Based on the calculations for 2007, 2012 and 2022, during the operation of the road, the permitted concentrations of nitrogen compounds emitted into the air will be exceeded (54 to 56 m from the axis of the road). Therefore, to mitigate the exceeded air pollution levels, strips of insulating greenery with a width of at least 10 m will be planted. In a positive response to the demands of Mr Zimoch and Mr Grzelec with regard to the location of the strips of greenery, their width and the date of planting greenery, an obligation was introduced to plant strips of greenery where possible between the main road and the distributor roads. At the investment's implementation stage, greenery shall be planted along the whole section, except for the interchanges, service areas and tree clusters. It is assumed that properly maintained strips of greenery with a width of at least 10 m, including multi-level greenery, shall protect areas adjacent to the investment from exceeded levels of pollution. Therefore, such strips are planned at the junction of Pińczowska Street and Wiejska Street in Jędrzejów with a length of approx. 50 m, in response to the demands of the party. As part of the verification of the effectiveness of the applied solutions and the actual impact of the investment on the areas, an additional measurement point has been designated for the post-implementation review at km approx. 583+840 in Jędrzejów, at km approx. 593+640 in Mierzawa on the left, at km approx. 597+030 in Klemencice on the left and at km 600+020 on the right in Wodzisław.

The planned road intersects with the following watercourses: the Brzeźnica River with its tributary Jasionka in the area of the Jędrzejów ring road, the Młynówka Watercourse, the Mierzawa River, the Mozgawa River and the Watercourse from Emilianów. During the construction works in the area of rivers and watercourses, they must be secured against filling and pollution by chemicals. In addition, to protect these bodies of water, it is forbidden to locate the construction site facilities or equipment and material storage sites in the valleys of such watercourses.

The designed section of the S7 road runs through a vast tectonic structure of Niecka Nidziańska, in which two Main Groundwater Reservoirs (GZWP) have been designated, through Niecka Miechowska NW (GZWP no. 408) and Niecka Miechowska SE (GZWP no. 409). The analysed S7 road section runs through the area of Niecka Miechowska SE (GZWP no. 409). The investment runs within a distance of approx. 200 m from an indirect groundwater protection area in Skroniów near Jędrzejów. It also intersects with an indirect water intake protection area in Klemencice. The construction of roads is not included in the prohibitions which apply to the indirect protection area of this intake.

A water drainage system for the road has been planned as part of the investment. The Investor has been obliged to present in the building design a water drainage system for the whole section of the road and a solution for draining water into reservoirs without causing damage in adjacent areas.

Precipitation and meltwater from the roadway shall be drained into tight open ditches or into a rainwater sewage system guided in the strip separating the roadways. Precipitation and meltwater shall be drained into existing rivers, watercourses and the designed absorption and evaporation tanks with a filtration layer in the bottom (for road sections where precipitation water cannot be drained into existing watercourses). Before water is drained into bodies of water, it shall be treated in settling tanks and sand traps. Separators of oil-derived products integrated with a sand trap shall be installed upstream of absorption and evaporation reservoirs.

The construction of the road accompanied by the construction of a precipitation water drainage and treatment system, as well as correct operation of such a system, will allow for observing proper conditions for draining precipitation and meltwater into reservoirs, which should

prevent any negative impact on surface water and on the soil and water environment.

In connection with Mr Zimoch's reservations regarding the drainage of precipitation and meltwater into the Jasionka River, the channelising of this river and the supplementation of documentation, it must be pointed out that he represented a property owner under the power of attorney and, after the owner's death, by way of inheritance, pursuant to the decision of the District Court in Jędrzejów, 1st Civil Department, of 6 February 2009, he became a co-owner of the properties which, to the south, are adjacent to and affected by the investment. The presented method for draining water from the road section to which the properties are adjacent is based on a tight rainwater sewage system which drains precipitation and meltwater from the road into the designed holding tanks on either side of the existing ditch at km approx. 585+991. The ditch is located approx. 300 m from the party's plots and is not adjacent to them. The existing ditch drains water into the Jasionka River, which is not adjacent to the above-mentioned properties. It is not expected that the water regime in the area of properties no. 45/2, 45/5 and 49/5, to which the party holds a legal title, will be disrupted. Similarly, the effect of the water drainage system at the initial section of the designed road from km approx. 583+857 to approx. 584+732 drained into the Jasionka River on the above-mentioned properties (located at a distance of approx. 1 km and not adjacent to the system) must be assessed. It must be noted that this decision obliges the Investor to design a safe method for draining precipitation and meltwater into bodies of water. Considering the above explanations, the demands of the party were not recognised.

From the junction of the roads in Brzezcie near Wodzisław to the Voivodeship border, the road runs through the Miechowsko-Działoszycki Landscape Conservation Area. The inventory taking did not reveal particularly precious natural habitats in the vicinity of the investment and, consequently, the planned investment will not have a negative impact on this area.

At km approx. 588, within a distance of approx. 50 m from the road, a nature monument (pedunculate oak) is located. The planned investment does not interfere with the monument.

The closest Natura 2000 areas include the special bird protection area Ostoja Nidziańska PLH260003 at a distance of approx. 11 km to the south-east of the investment and Wzgórza Chęcińsko-Kieleckie PLH 140019 ("Shadow List") at a distance of approx. 8.5 km to the north. Within a distance of approx. 0.5 km, there is an environmentally precious area, Ostoja Gaj, and within approx. 1 km – Dolina Mierzawy. Considering the distance and nature of the project and its impact, it will not have a significantly negative impact on these areas, it will not cause a degradation of the condition of natural habitats or the habitats of plant and animal species for which protection areas have been designated and nor will it negatively affect the species or deteriorate the integrity of the areas.

The planned investment does not interfere with the system of ecological corridors with national and international significance. However, the investment covers ecological corridors with local significance, including the rivers Mierzawa, Mozgawa and Mozgawka.

To allow for the free migration of animals, upper and lower passages for medium-sized and small animals as well as culverts for small animals shall be constructed. Greenery shall be planted in and around the passages for animals so that the passages do not differ from the habitat on either side of the road. On the whole route, the road shall be enclosed with a fence on both sides with a varying mesh size. In addition, fences guiding animals towards the passages shall be used.

The implementation of the planned investment requires that plants interfering with the designed road are cleared. The clearing will be limited to a minimum, and trees located in the construction site, other than trees for clearing, will be protected against mechanical damage.

Lost greenery shall be replenished by additional plants in consideration of habitat-specific and technical conditions, as well as requirements related to landscape architecture, monument protection and safety requirements. The designed greenery must have a compact and multi-level structure so that it can fulfil an insulating and protective function. The planted species should

mainly include trees and shrubs with compact, dense crowns and large leaves (which have a significant role in stopping air pollution), they should be resistant to drought and frost, should have low soil requirements and be suitable for the lighting conditions in the area where they are planted.

There are no architectural or civil engineering monuments subject to protection under the Act on the Preservation and Maintenance of Monuments on the Route or in the Vicinity of the Planned Investment. The road runs in the vicinity of archaeological sites.

For this reason, archaeological works must be conducted before the investment and all earthworks must be conducted under constant archaeological supervision. If new archaeological objects are identified, rescue excavation works must be conducted.

This project requires a post-implementation review to be carried out as regards the assessment of the effectiveness of solutions used to ensure the protection of residential housing areas against noise, the fulfilment of sanitary air quality requirements and the quality of sewage drained into water or soil. The analysis must be carried out after 1 year from the facility commissioning date and submitted within 18 months from the facility commissioning date. The analysis includes the locations of measurement points listed in the report as well as additional points at km approx. 597+030 and km approx. 597+115 on the left in Klemencice (existing structures in the area of the forecast exceeded level without the screen) and at km approx. 600+200 on the right in Wodzisław (house affected by the forecast exceeded level, near the end of the screen). Noise shall be measured constantly. Similarly, measurement points have been designated for the concentration of air pollution, i.e. according to the report, and, in addition at km approx. 583+840 on the right in Jędrzejów, at km approx. 593+650 on the left in Mierzawa (buildings affected by the forecast exceeded level), at km approx. 597+030 on the left in Klemencice (buildings located between the main road and the distributor road) and at km approx. 600+020 on the right (structures affected by the forecast exceeded level). It is recommended that the tests of precipitation and meltwater are conducted at the outlets of canals draining into reservoirs as well as upstream and downstream of pre-treatment equipment to evaluate their effectiveness.

If environmental quality standards cannot be observed despite the application of the available technical process and organisational solutions, measures aimed at establishing a restricted use area must be taken.

At the current stage, it is not necessary to establish a restricted use area.

The verification of the post-implementation review of 2006 cited by the parties may not be the subject of the conducted administrative procedure.

In the absence of a cross-border impact (location in the centre of the country) and given the fact that the project is not classified as a plant at the risk of a serious failure, this decision does not specify the related requirements.

The procedure is conducted according to the Environmental Protection Law Act of 27 April 2001. Given the fact that, at the present stage, the final designed solutions are not known, the authority represents the view that it would be reasonable to conduct another environmental impact assessment as part of the procedure for issuing a road investment permit, based on the provisions of Article 88 of the Act of 3 October 2008 on Providing Access to Information concerning the Environment and Environmental Protection, Participation of the Public in Environmental Protection and on Environmental Impact Assessments (Journal of Laws No. 199, item 1227, as amended). The assessment would compare the solutions adopted in the environmental decision, verify the designed environmental protection equipment specified in the building design and provide detailed data regarding the issues raised by the parties, such as water drainage from the analysed road section

The Investor requested the authority conducting the procedure to make the decision immediately enforceable. In the request, it has been pointed out that the analysed road section has one roadway with high intensity traffic and is located close to residential structures.

The Investor proved that the status of immediate enforceability is justified due to protection of human health and life. National road no. 7 Gdańsk – Warsaw – Kielce – Cracow – Chyżne is a very important route connecting the Świętokrzyskie region to the northern and southern parts of the country and it handles the highest traffic intensity in the Świętokrzyskie Voivodeship. On the existing route of national road no. 7, on the section from Jędrzejów to the Voivodeship border, the road handles transit and local traffic. The hazard to human life and health is demonstrated by the statistics from the Register of the Voivodeship Police Unit between 2001 and 2007, showing the number of traffic accidents and collisions, including fatalities and injuries involving pedestrians. In the Investor's opinion, the designed route of the S7 road prevents, to a great extent, the above hazards because the implementation of the project will undoubtedly improve traffic safety.

Fast preparation and implementation of the investment according to the applicable laws and civil engineering rules should lead to a considerable improvement in the health conditions for the residents living in the properties located along the present road (i.e. without acoustic screens or insulating strips of greenery) as a result of the implemented solutions. The request of the General Director for National Roads and Motorways to make the decision immediately enforceable was approved by the authority.

The investment in question is to be co-financed from EU funds.

Considering that the Investor satisfied the formal requirements for the decision on environmental considerations for the consent to implement the project and, following an environmental impact assessment procedure and a detailed analysis of the specific nature of the project in all environmental aspects, it has been decided as specified herein.

Pursuant to Article 7 section 3 of the Stamp Duty Act of 16 November 2006 (Journal of Laws No. 225, item 1635, as amended), the requesting party is exempted from stamp duty.

Instruction

The parties can appeal against this decision to the General Director for Environmental Protection through the Regional Director for Environmental Protection in Kielce within 14 days from receiving the decision.

/round stamp/
/stamp and signature/

Annex

1. Project description

cc.:

1. General Directorate for National Roads and Motorways, Branch in Kielce
through the agency of
Mr Krzysztof Michta
WBP Zabrze Sp. z o.o.
25 Pawliczka Street, 41-800 Zabrze
2. Jędrzejowski Powiat
83 11 Listopada
Street
28-300 Jędrzejów
3. Other parties, through announcement in:
 - City Hall of Jędrzejów
 - Commune Office of Wodzisław
4. file

Copy to:

1. General Directorate for National Roads and Motorways, Branch in Kielce 43/45 Paderewskiego Street
25-950 Kielce
2. National Voivodeship Sanitary Inspector in Kielce
68 Jagiellońska Street, 25-734, Kielce
3. Voivodeship Inspectorate for Environmental Protection in Kielce, in situ

Annex

to decision no. RDOŚ-26-WOO.I-6613/3-010/08/ml
ŚR.V.6613/3-41/07 of 31 March 2009
on environmental considerations for consent to carry out the
project

Project description

1. Type, scale and location of the project

The analysed investment is located in the Świętokrzyskie Voivodeship and it will run through Jędrzejów and Wodzisław Communes, which are a part of Jędrzejowski Powiat.

The planned road will be an expressway with two roadways. Each roadway will have two lanes in either direction, with a reserve for a third lane in the form of a sufficiently wide separating strip. The S7 road will be accessible only through the interchanges located at junctions with other roads. To serve the areas in the vicinity of the S7 expressway, the construction of access roads connecting to residential areas and arable land is planned. In addition, the construction of Powiat and Commune roads is planned to create a coherent local transport system as part of the planned investment. The designed S7 road uses the existing road with an additional second roadway to the east of Jędrzejów to Klemencice and from Wodzisław to the border covered by the study, and the construction of an additional roadway to the west, from Klemencice to Wodzisław, with adjustments of bend radii and adjustment of the route on the section of the Wodzisław ring road.

The construction of the road involves the demolition of existing engineering structures.

The analysed S7 road section runs through the area of Niecka Miechowska SE (GZWP no. 409) and intersects with the rivers: Jasionka, Mierzawa and Mozgawa, with the Młynówka Watercourse in Mierzawa and the Watercourse from Emilianów in Wodzisław. The planned project also intersects with an indirect water intake protection area in Klemencice.

The planned investment runs through legally protected areas as stipulated by the Nature Protection Act of 16 April 2004 (Journal of Laws of 2004, No. 92, item 880, of 30 April 2004, as amended): Miechowsko-Działoszycki Landscape Conservation Area, from the junction of roads in Brzezie near Wodzisław to the border of the Świętokrzyskie Voivodeship with the Małopolskie Voivodeship.

Świętokrzyski Park Narodowy is located approx. 45 km to the north-east of the northern edge of the investment. The closest landscape parks are Chęcińsko-Kielecki Park Krajobrazowy and Nadnidziański Park Krajobrazowy (approx. 10 km). The closest Natura 2000 areas include the special bird protection area Ostoja Nidziańska PLH260003 to the south-east and Wzgórza Chęcińsko-Kieleckie PLH 140019 ("Shadow List") to the north of the investment. To the east of the road, there are environmentally precious areas Ostoja Gaj and Dolina Mierzawy.

2. Area covered by the project and the engineering structure, previous use and vegetation

The existing route runs mainly through agricultural land (farmland and meadows). Clusters of greenery are infrequent on the route. For the most part, greenery is located along the road. The analysed road section runs through developed areas at many points. The main structures are low-rise urban or suburban structures.

The most difficult conditions, due to the adjacent residential structures, are found in Jędrzejów, Mierzawa, Klemencice and Wodzisław.

3. Technology

Basic technical parameters of the designed road:

Basic parameters of the designed S7 route:

- road class S (expressway),
- planned road cross-section 2×3 (two roadways, each with three lanes),
- road cross-section in stage I: 2×2 (two roadways, each with two lanes),
- designed speed $V_p = 100$ km/h,
- operating speed $V_p = 110$ km/h,
- traffic category KR5,
- main route roadway:
planned width 13.50 m, including:
 - three lanes 3×3.50 m,
 - emergency lane 2.50 m,
 - inner shoulder 0.50 m,
 width in stage I: 10.00 m, including:
 - two lanes 2×3.50 m,
 - emergency lane 2.50 m,
 - inner shoulder 0.50 m,
- planned separating strip 5.00 m (with shoulders on straight route),
- separating strip in stage I: 12.00 m (with shoulders on straight route),
- deceleration/acceleration strip 3.50 m,
- vertical clearance of the main road 4.70 m,
- limited accessibility of the route (only through interchanges),
- fenced road,
- ecological passages for animals.

The construction of 4 interchanges is planned on the road section in question:

- Jędrzejów interchange, connecting the road to national road DK78, GP category, running through the centre of Jędrzejów; semi-cloverleaf interchange design, using the existing connection to the west with Pińczowska Street, and the planned construction of the second part of the interchange to the east,
- Łączyn interchange (trumpet interchange design), connecting the centre of Jędrzejów with the road in the direction of Cracow, designed at the junction with Partyzantów Street, running along the old route of road no. 7,
- Mierzawa interchange (cloverleaf interchange design), connecting the road to Poviát road 0178T, G/Z category, and connecting adjacent locations, such as Mierzawa, Klemencice and Potok Wielki,
- Wodzisław interchange (semi-cloverleaf interchange design), ensuring connection for the inhabitants of Wodzisław and neighbouring places with the S7 road in the northern and southern direction; located at the junction with Poviát road 0188T, category G, which is connected with road 0191T, category G.

36 bridge objects are planned on the designed S7 road section. These objects include 10 existing objects (4 of which are in a very good condition); 1 object will be expanded and the other 5 must be demolished due to insufficient load-bearing capacity and change of the planned road geometry.

Objects planned on the route:

- 6 overpasses over the S7 along **local and Poviát roads**
- 8 overpasses along the S7
- 13 bridges over rivers:
 - 2 bridges along the S7 over the Młynówka Watercourse
 - 2 bridges along the S7 over the Mierzawa River
 - 2 bridges along the S7 over the Mozgawa River
 - 2 bridges along the S7 over the Watercourse from Emilianów
 - 5 bridges along local roads
- 1 underground passage
- 2 pedestrian footbridges

- 3 utility underpasses
- 2 overpasses for animals
- overpass over narrow gauge railway line
- overpass of the LHS railway line over the S7 road.

Service areas for travellers planned on the route in question:

- km approx. 588+350 (left) – service area II based on the existing car park and restaurant. In addition, a vehicle weighing station has been located in the service area.
- km approx. 590+300 (left) – service area II based on the existing fuel station (BP).
- km approx. 595+450 (left) – designed service area III (planned in the local zoning plan),
- km approx. 595+450 (right) – designed service area III (planned in the local zoning plan).

For the road section, exit and access roads for the S7 road with deceleration and acceleration lanes for the designed service areas are planned.

Local traffic will be handled using the existing transport system and additional roads, including grade-separated travel opportunities from one side of the express road to the other and connection to the interchanges.

4. Equipment mitigating road nuisance for the environment

To minimise the negative effects of the operation of the analysed road system on humans and the environment, the concept involves using solutions to ensure acoustic, air, water, nature and soil protection.

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