

**REGIONAL DIRECTOR
FOR ENVIRONMENTAL
PROTECTION IN
OLSZTYN**

RDOŚ-28-WOOS'-6613-014/09/am

**DECISION
on Environmental Conditions for the Consent to Carry Out the Planned Investment**

Pursuant to Article 71 par. 2 point 1, Article 75 par. 1 point 1a, Article 82 and Article 85 par. 1 of the Act of 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) § 2 par. 1 point 29 of the Regulation of the Council of Ministers of 9 November 2004 on determining the types of project that may have a considerable impact on the environment and detailed conditions related to classifying an undertaking as requiring an environmental impact report (Journal of Laws No. 257, item 2573, as amended), in connection with Article 104 of the Act of 14 June 1960 Administrative Procedure Code (Journal of Laws of 2000, No. 98, item 1071, as amended), after examining the decision of the Investor – the General Directorate for National Roads and Motorways, Branch in Olsztyn, of 16 January 2009, ref. no. GDDKiA O/OL-P4/DM/41/51-Olsz-Ol-nek/1/2009 and after conducting the procedure on the environmental impact assessment

**I hereby determine
the environmental conditions for the project involving expansion of national road no. 51 to the parameters of expressway on the section Olsztyn – Olsztynek, from approx. km 96+000 to approx. km 111+000 in Variant I (red) and I also specify the following:**

I. Project type and location

The planned investment project involves expansion of national road no. 51 on the section Olsztyn – Olsztynek in Stawiguda Commune and Olsztynek Commune in the Warmińsko-Mazurskie Voivodeship to the parameters of expressway. The planned section with a length of approx. 13.5 km begins in the village of Tomaszkowo (behind the intersection with powiat road no. 1370N) at approx. km 96+470 of the existing national road no. 51, and ends in the area of the village of Ameryka (at the junction with the planned Olsztynek ring road) at approx. km 109+815.

It will be a class S national road (expressway) with a design speed of 100 km/h. The project includes construction of a four-lane (ultimately extended to six-lane) dual carriageway.

II. Conditions for the use of land at the implementation and operational stages, taking

particular account of the need to protect precious environmental values, natural resources and historical sites, and to reduce impact on the neighbouring areas:

1. Organise the construction sites and their back-up facilities, and mark out technical roads so as to ensure optimal use of land and minimal transformation of its surface and to restore the land to its previous condition upon completion of works. Works are to be organized so as to minimise the amount of generated construction waste;
2. As far as possible, the access roads to the construction site should be marked out on the basis of the existing network of transport routes.
3. Back-up facilities and material and equipment bases should be located outside:
 - areas under legal protection, i.e.: “Beaver Refuge on the Pasłęka River” nature reserve, the Special Protection Area for Birds Natura 2000 – Pasłęka Valley (PLB280002) and the Special Area of Conservation Natura 2000 Pasłęka River (PLH280006),
 - areas with geological cross-section which do not provide sufficient insulation of groundwater,
 - areas in the vicinity of the Pasłęka River Valley, watercourses, lakes and wetlands,
 - forest complexes or areas adjacent to forest complexes,
 - in the immediate proximity of residential buildings;
4. The area of back-up facilities should be sealed (including material storages and transport bases);
5. Waste generated, including hazardous waste, should be sorted and stored in a designated location and its regular collection by authorised entities should be ensured;
6. The back-up facilities should be equipped with toilets, and the sanitary waste should be discharged to sealed holding tanks, the contents of which will be removed by authorised entities;
7. Natural river beds should be maintained and protected against backfilling and contamination with chemical substances in the course of construction works in the vicinity of rivers, watercourses, rivers and other bodies of water;
8. Natural vegetation should be preserved to the maximum extent possible in the regions where the road will run on overpasses, i.e. in the Pasłęka River valleys and marshy areas;
9. Clearance of trees and shrubs should be limited to the necessary minimum; Trees located within the construction site and not designated for clearance should be protected against mechanical damage;
10. Losses in greenery should be replenished by the introduction of new plantings, and the designed greenery should have a compact and multi-level structure, which will contribute to its protective and insulating function;
11. Construction works in the vicinity of areas under noise protection should be carried out in the daytime (from 6.00 a.m. to 10.00 p.m.) If possible, equipment emitting high-intensity noise should not work simultaneously;
12. Clearance of trees and shrubs should be carried out from 1 August to 15 March, i.e. outside the

bird nesting season;

13. Earthworks in the area of reservoirs, watercourses and wetlands should be carried out outside the period of mass migrations of amphibians, i.e. the period from March to May and from mid-September to mid-October.
14. The upper soil layer removed from the work strip must be properly deposited and re-used for land reclamation, strengthening of embankments and arrangement of roadside greenery areas after the completion of work.

III. Requirements for environmental protection to be considered in the building permit design:

1. Construction of the following acoustic barriers in locations protected against noise on the following sections:
 - acoustic barrier on the west side of the road to protect compact development in Dorotowo, with a length of 900 m (km 97+400 to km 98+300) and a height of 4.0 m;
 - acoustic barrier for the protection of residential buildings and the school in Stawiguda, located on the east side of the road, with a length of 1,200 m (km 101+500 to km 102+700) and a height of 3.5 m;
 - acoustic barrier for the protection of residential buildings in Miodówko on the south-east side of the road, with a length of 400 m (km 104+100 to km 104+500) and a height of 4.0 m;
 - acoustic barrier for the protection of residential buildings in Gryżliny located on the south-east side of the road, with a length of 900 m (km 107+500 to km 108+400) and a height of 4.0 m;
2. Acoustic barriers made of transparent materials should include a printed design in the form of strips, images of silhouettes of birds of prey or use other solutions to effectively minimise the risk of bird collisions with screens;
3. Road drainage systems based on a sealed stormwater drainage system and a system of open grass ditches should be used;
4. Before discharge of stormwater to the receiving bodies it should be pre-treated in devices such as sand traps, sediment traps or retention and infiltration tanks;
5. Before stormwater enters the Pasłęka River located at the following km of the road: 104+975; 104+985; 105+400; 109+150; 109+155, rainwater and snowmelt should be collected in a sealed drainage network and pre-treatment devices should be used (oil interceptors and suspension separators);
6. Construction of outlets of treated stormwater to drainage ditches at the following km of the road: 97+275, 98+330, 98+334, 101+000, 101+585, 104+550, 109+550
7. Construction of retention tanks at the following km of the road: 98+823, 99+426, 102+328, 103+750, 107+810 and the outlets of treated stormwater to those tanks;
8. In the areas with a geological cross-section which does not provide sufficient insulation of groundwater of the Main Groundwater Reservoir GZWP NO. 212 "OLSZTYNEK" (on the section from km 103+320 to km 109+812 of the road), in order to prevent infiltration of stormwater from the road into the ground, it should be contained in sealed stormwater discharge systems and

stormwater treatment devices should be applied, for example: suspension separators, oil interceptors, roadside ditches covered with a clay layer;

9. The procedure of dealing with the earth masses generated during implementation of the investment project (storage and use) should be determined;

10. The following passages for animals should be constructed:

- at km 98+333 of the planned road – lower passage for medium- and small-sized animals and amphibians along the watercourse, with a width of 14.5 m and a height of 5.3 m, made of corrugated steel pipes, opened at the bottom on the foundation;
- at km 99+665 of the planned road (main route and service roads) – upper passage for medium and large-sized animals in the form of a “green bridge” with a width of at least 50 m, the passage width to length ratio – higher than 0.8; access path to the structure with a grade of up to 8%;
- at km 103+770 of the planned road – lower passage for small- and medium-sized animals combined with a passage in the form of a tunnel with a natural surface under the road, covered with shrubs, properly lit, the animal passage zone with a square or arched cross-section, a width of at least 8 m and a height of at least 3.5 m, insulated from the area used by people;
- at km 104+975 of the planned road (main route and service road) – lower passage under the bridge in the vicinity of the Pasłęka River for large-, medium- and small-sized animals, amphibians and reptiles, bridge with dry spans on both sides;
- at km from 105+225 to 105+647 of the planned road – lower passage for large-, medium- and small-sized animals, amphibians and reptiles under the overpass, with the clearance width depending on the number and spacing of spans (46 m + 5 × 66 m + 46 m) and a height of at least 5 m, the area under the overpass should be sufficiently sunlit;
- in order to maintain the continuity of the migratory corridor, an extended bridge with lower passage for large-, medium- and small-sized animals with a width of at least 10 m and a height of at least 5 m (for each bank) should be constructed on the service road at km 105+470 of the existing road, once the existing bridge is demolished; it is necessary to maintain the natural river bed, without permanent fascines, strengthening or deepening;
- at km 109+143 of the planned road – lower passage for medium- and small-sized animals, amphibians and reptiles made under the expanded bridge over the source section of the Pasłęka River, a width of at least 10 m and a height of at least 5 m on each side of the river; in order to maintain the continuity of the migratory corridor the existing culvert, which prevents migration, should also be reconstructed at km 109+470 of the existing road;

11. Passages for animals should be filled with vegetation and properly arranged, so that the surface of passages for animals does not differ from the habitat conditions on both sides of the road;

12. Passages for small animals, amphibians and reptiles should be made in the form of rectangular culverts, a width of more than 2 m and a height of 1.5 m;

- at km 97+265 of the planned road – water culvert at the intersection of the new road and the watercourse; water trough filled with stones or breakstones; in order to maintain the continuity of the migratory corridor the current culvert should be modified under the designed service road (current road DK 51 at km 97 +310);
- at km 104+533 of the planned road – reconstruction of the existing water culvert to clear the migratory corridor; a culvert under the designed service road should be constructed in order to maintain the continuity of migration;
- at km 104+635 of the planned road (main route and service road) – modification of the existing water culvert at the intersection of the new road and the watercourse, water trough

filled with stones or breakstones, a culvert in the service road should also be constructed to maintain the migratory continuity;

13. Shelves of natural soil with a width of 0.5–1 m, elevated above the maximum free surface of water to enable movement of animals should be installed in the case of culverts combined with watercourses;
14. Mesh fences should be installed at passages for small animals and amphibians to lead them to the passage, which will form barriers preventing animals against entering the road:
 - at km 97+100 – 97+350 and at km 104+500 – 104+700 – on both sides – fences for amphibians, reptiles and small rodents, a height of 0.5 m;
 - at km 98+600 – 101+000 and at km 102+800 – 103+900 – on both sides, excluding flyovers – fences with a height of at least 2.5 m;
 - at km 104+700 – 106+600 – fences with a height of at least 2.5 m, on both sides, excluding overpasses and flyovers, without fencing the service road;
 - at km 108+700 – 109+300 – on both sides, excluding flyovers – fences for amphibians, reptiles and small rodents, a height of 0.5 m;
15. Inventory of greenery should be carried out in the belt designated for reconstruction of the road;

IV. Requirements for the prevention of industrial breakdowns in relation to projects classified as plants creating a danger of severe malfunctions.

The project is not classified in the above group of plants.

V. Requirements for limiting the cross-border environmental impact for projects for which an investigation was carried out as regards the cross-border environmental impact.

Implementation of the project will not cause any cross-border environmental impact.

VI. Requirements for declaring the need to establish a limited use area.

The validity of establishing a limited use area is dependent on the results of the after-mentioned post-implementation review.

VII. I impose an obligation to conduct a post-implementation review as regards evaluation of the effectiveness of the solutions that are to protect residential building areas against noise. Measurements are to be made at the following km of the road: 96+550, 96+850, 99+100, 101+080, 101+080-101+400, 102+730, 105+630, 106+250, 106+500, 107+700 and 109+150 within 1 year of the facility commissioning date and submitted within 18 months of the facility commissioning date. In the case that acceptable values of the noise level have been exceeded, adequate acoustic protection measures must be implemented. If environmental quality standards cannot be met, measures aimed at creating a limited use area must be taken.

VIII. I impose the obligation to reassess the environmental impact within proceedings regarding a permit for a road investment project.

The data on the project, and in particular: organisation of back-up facilities and methods of temporary storage of waste, detailed scope and method of treatment of stormwater prior to its discharge to reservoirs, trees clearance, analysis of the proposed location of acoustic barriers

in terms of local conditions, including possible conflicts between barriers and utility networks, held at the stage of issuing of a decision on environmental considerations are not sufficient to evaluate the project impact on the environment.

IX. The description of the project is enclosed as the Attachment to this Decision.

JUSTIFICATION

According to § 2 par. 1 point 29 of the Ordinance of the Council of Ministers of 9 November 2004 on determining the types of project that may have a significant impact on the environment and on the detailed conditions for classifying the project for drawing up an environmental impact report (Journal of Laws No. 257, item 2573, as amended), the planned investment project involving expansion of national road no. 51 to the parameters of expressway on the section Olsztyn – Olsztynek, from approx. km 96+000 to approx. km 111+000 is classified in the group of projects that may have a significant impact on the environment, for which it is required to prepare an environmental impact report.

According to Article 75 par. 1 point 1 of the Act of 3 October 2008 on Providing 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 Regional Director for Environmental Protection is the authority competent to issue a decision on environmental considerations in the case of roads which are projects that may always have a significant impact on the environment.

Pursuant to Article 71 par. 2 point 1 of the Act on Providing Information concerning the Environment..., in the case of the planned road project, which may have a significant impact on the environment, it is required to obtain a decision on environmental conditions for the consent to carry out the planned investment prior to permission for implementation of a road investment project (Article 72 par. 1 point 10 of the aforementioned Act).

In view of the above, the Investor – the General Directorate for National Roads and Motorways, Branch in Olsztyn (GDNRM) – submitted the request of 16 January 2009, ref. no. GDDKiA-O/OL-P4/DM/41/51-Olsz-Ol-nek/1/2009 for issuing a decision on environmental conditions for the consent to carry out the planned project involving “expansion of national road no. 51 to the parameters of expressway on the section Olsztyn – Olsztynek, from approx. km 96+000 to approx. km 111+000” to the Regional Director for Environmental Protection in Olsztyn.

According to Article 61 § 4 and Article 49 of the Act of 14 June 1960 Administrative Procedure Code (Journal of Laws of 2000, No. 98 item 1071, as amended), by notice of 2 February 2009, ref. no. RDOŚ-28-WOOS-6613-014/09/am, the General Director for Environmental Protection in Olsztyn notified the parties to the proceedings of initiation of administrative proceedings aimed at issuing a decision on environmental conditions for the consent to carry out the above-mentioned road project.

Because the number of parties to the proceedings exceeds 20, the authority, in accordance with Article 74 par. 3 of the Act on Providing Information concerning the Environment..., applied the provision of Article 49 of the Administrative Procedure Code, i.e. notified the parties to the proceedings in a standard way, by placing information on the bulletin board and the website of the Public Information Bulletin of the Regional Directorate for Environmental Protection in Olsztyn and on notice boards in the Commune Office of Stawiguda and Town Hall in Olsztynek. In addition, notices of the proceedings initiated were distributed to the Heads of the villages through which the road investment project in question will run, i.e.: Tomaszkowo, Dorotowo, Miodówko, Stawiguda, Gryźlin and Ameryka.

According to Article 33 par. 1 in connection with Article 79 par. 1 of the Act on Providing Information concerning the Environment..., the Regional Director for Environmental Protection in Olsztyn also enabled participation of the public in ongoing proceedings aimed at issuing of this decision by providing the information referred to in the aforementioned Article to the public – the notice of 3 February 2009. Interested parties could read the submitted request and the project environmental impact report in the Regional Directorate for Environmental Protection in Olsztyn and in the Commune Office in Stawiguda, as well as submit comments and requests within a period of 21 days from the date of announcing the information to the public. The aforementioned notice also notified the public of the administrative hearing scheduled for 27 February 2009 in the Community Centre in Stawiguda, which was open to the public, who could read the case documentation and submit comments.

By letter of 20 February 2009, pursuant to Article 77 par. 1 point 2 of the Act on Providing Information concerning the Environment..., the authority conducting the proceedings submitted a request for opinion on the conditions for carrying out the planned project to the National Voivodeship Sanitary Inspector in Olsztyn. By letter of 23 March 2009, ref. no. ZNS-4316-6/Z/2009, the national sanitary inspection authority approved sanitary, hygiene and health requirements for the project.

By analysing in detail the case files of the project in question, i.e.:

- 1) request for issuing a decision on environmental conditions for the consent to carry out the planned project,
- 2) environmental impact report for the planned road project, prepared by the consortium of the companies Usługi dot. ochrony powietrza – Andrzej Jamiołkowski and ACER – Jerzy Łaźniewski,
- 3) reference maps,
- 4) certified copy of the entry in the Land Register,

the authority conducting the proceedings aimed at issuing this decision has decided as follows.

The planned investment project involves expansion of national road no. 51 on the section Olsztyn – Olsztynek in Stawiguda Commune and Olsztynek Commune in the Warmińsko-Mazurskie Voivodeship to the parameters of expressway. The project involves construction of a four-lane (ultimately six-lane) dual carriageway with a length of 13.5 km. The project involves reconstruction of the existing fragment of national road no. 51, partial construction of a new section of the route and construction of intersections with the existing traffic routes and a number of access roads. The planned section begins in the village of Tomaszkowo (behind the intersection with powiat road no. 1370N) at approx. km 96+470 of the existing national road no. 51, and ends in the area of the village of Ameryka (at the junction with the planned Olsztynek ring road) at approx. km 109+815. The designed national road no. 51 connects national road no. 7 (and the S7 expressway in the near future) to the border and the border crossing in Bezledy through Olsztyn. It will be a class S road (expressway) with a design speed of 100 km/h.

Various variants of the course of the expanded road were analysed within the planned project, including reconstruction of the existing road corridor to adapt to the required geometrical parameters and a completely new course of the road, away from the existing, currently used road corridor. Each of the analysed variants will partially run through areas under formal nature protection, including within the Natura 2000 network. It should be noted that the course of the modernised road also interferes with the aforementioned areas. Implementation of the investment project involving reconstruction of the existing traffic route Olsztyn – Ameryka is not possible without interference with the following Natura 2000 areas: Pasłęka River (PLH280006) and Pasłęka Valley (PLB280002). In this situation, the final choice of variant of the road in question is the red variant, which uses the existing road corridor, and will be adapted to the required parameters.

Two investment variants have been analysed in the environmental impact report: Variant I, Variant II and Variant “zero”, which is not to undertake the project.

Lack of implementation of the project would cause a gradual deterioration of the current road system, further decrease in capacity, destruction of pavement and an increase in excessive noise. Currently, the buildings adjacent to the road located in the villages situated along the traffic route

(Dorotowo, Stawiguda, Miodówko and Gryżliny) do not have any acoustic barriers. If the transport system was left unaltered, it could increase negative impact on buildings, affect deterioration in living conditions of residents and have an adverse effect on the environment. Due to lack of proper stormwater discharge and pre-treatment system, contaminants from the road penetrate into groundwater and surface water; also, culverts and bridges currently make any migration of animals along watercourses difficult or even impossible.

In view of the above, Variant “zero”, which is not to undertake the projects, has been rejected. A multi-criteria analysis was carried out for two investment variants (I and II) presented in the environmental impact report for the planned road project.

The planned section of the S51 road will run largely through the area of Stawiguda Commune and, at the final section, approx. 650 m in the area of Olsztynek Commune. The route runs in a southern direction, in the vicinity of the following: Dorotowo, Stawiguda, Miodówko and Gryżliny. Two investment variants shown in the report run on the same path at the initial distance of approx. 1,600 m.

Variant I (marked in red on the maps) with a length of approx. 13.342 km runs mainly along the path of the existing national road with the correction of curves and widening of the corridor; on a part of the route the road will run on a totally new path, which is a result of the need to adjust the current parameters to the standards that should be met by an expressway. The variant includes demolition of 13 buildings and demolition of a bus shelter. Connection with the existing road network will be implemented by channelized intersections at km 101+620 – link to the village of Stawiguda – an interchange with a “small roundabout” type intersection – and link to Gryżliny – an interchange at km 107+306.2.

In Variant II (marked in blue on the maps) with a length of approx. 14.046 km the designed road runs through a totally new corridor, sections in the area of occurring ecosystems undistorted by any transport routes, including through a fragment of habitat of subcontinental oak-hornbeam forest on a section of approx. 100 m. Implementation of the investment project in this variant includes demolition of 67 residential, utility and industrial buildings, often newly-built ones.

The routes of the planned road project in the variants proposed by the Investor were discussed during the administrative hearing open to the public, which took place on 27 February 2009 in the Community Centre in Stawiguda. No written comments on the investment variants were submitted during the hearing. However, a letter of the Village Council in Gryżliny and the residents of Gryżliny was submitted within the 21-day deadline for submission of comments, i.e. on 12 March 2009; it contained strong opposition against implementation of the investment project in Variant II (blue) in view of the demolition of houses associated with the location of the Gryżliny interchange. In addition, it was pointed out that implementation of the investment project may lead to an increase in the number of pedestrian accidents because of its location in a built-up area (including the Home for Children in Gryżliny). According to the authors of the letter, the aforementioned aspects as well as environmental and economic considerations are serious arguments for adopting an alternative variant, i.e. Variant I (red) as more favourable for local residents.

On the basis of the environmental impact of the reconstructed road section analysed in the report and taking into account the standpoint of the public, it has been decided that Variant I (red) is a better variant for the course of national road no. 51. A similar assumption, as most favourable to human health, was adopted in the sanitary opinion of the National Voivodeship Sanitary Inspector in Olsztyn of 23 March 2009, ref. no.: ZNS-4316-6/Z/2009. The main criterion for the selection of Variant I for implementation of the road project by the sanitary authority was the maximum distance of the route from residential buildings, due to minimised sanitary and hygiene risks.

Construction works for implementation of the project will be carried out so as to ensure efficient use of land and minimal transformation of its surface. As far as possible, access roads to the construction site will be marked out on the basis of the existing network of transport routes. Back-up facilities will be located outside the area under legal protection (outside the “Beaver Refuge on the Pasłęka River” nature reserve, the Special Protection Area for Birds Natura 2000 – Pasłęka Valley and

the Special Area of Conservation Natura 2000 Pasłęka River), outside the immediate vicinity of residential buildings, as well as areas near rivers, watercourses and lakes, wetlands and forest complexes. The area for storage of construction materials and the location for temporary parking of construction machinery should be sealed. Once the works are complete, the area will be rehabilitated and restored to a condition as similar to the original condition as possible.

Waste associated with reconstruction and demolition of bituminous pavement, sidewalks, buildings, earth mass, cut trees and shrubs, as well as small quantities of sanitary waste (e.g. packaging of food consumed by workers) will be generated as a result of implementation of the planned road investment project. During reconstruction of the road it will be necessary to remove the soil layer from the strip for the road structure. The upper soil layer will be properly deposited and re-used for land reclamation, strengthening of embankments and arrangement of roadside greenery areas after the completion of construction. Rubble from the reconstructed road section, including concrete elements (after crushing) and bituminous pavement rubble (after processing) will be used to construct foundation on reconstructed sections of the road or to construct service roads and slip roads.

Construction waste will be sorted and stored in a designated location and regularly collected by authorised entities. Hazardous waste that may be generated as a result of construction works will be sorted, separated from neutral waste and transported to specialised waste management companies. The back-up facilities will be equipped with toilets, and the sanitary waste should be discharged to sealed holding tanks, the contents of which will be regularly removed by authorised entities. Hazardous waste containing asbestos will be generated during the planned reconstruction of the road due to the necessary demolition of the bus shelter covered with eternit in Miodówek. Duties of the contractor in this regard are governed by the Regulation of the Minister of Economy, Labour and Social Policy of 2 April 2004 on the methods and conditions for safe use and disposal of products containing asbestos (Journal of Laws No. 71, item 649).

Construction of the road will be associated with an increased noise level, the source of which will be the operation of construction equipment and other devices (e.g. during clearance of trees). The noise will be of local coverage, but it may be characterised by high intensity. In the light of the above, construction works in the region of the nearest areas under acoustic protection will be carried out only during daytime hours (6.00 a.m. – 10.00 p.m.). As far as possible, simultaneous operation of devices emitting high intensity noise should be avoided. In addition, efficient, well-maintained devices with valid certificates should be used to minimise emissions of noise caused by work of machinery. Nuisance associated with construction of the road will have a medium-term impact and will cease once the construction works are completed.

The planned road runs both outside built-up areas and in the vicinity of the following villages: Dorotowo, Stawiguda, Miodówko and Gryźliny. Moreover, scattered, single farms are located in the vicinity of the course of the road in question. However, on large sections the road runs through forest and agricultural areas, which are not subject to acoustic protection. The calculations show that construction of the road in Variant I is the option best for the environment in terms of sound impact. Construction of the road in this variant will improve the sound environment among part of compact development in the villages of Dorotowo and Gryźliny. Noise standards will still be exceeded in Stawiguda and Miodówko. The permitted noise level emitted by vehicle traffic will be exceeded in the region of the nearest areas under acoustic protection. In order to reduce the aforementioned nuisance it is planned to construct 4 acoustic barriers with a length of 1,200 m and a height of 3.5 m, as well as a length of 2,200 m and a height of 4 m. Once they are applied, the noise level will not exceed the limit values. Nevertheless, the locations for the foundation of barriers and their technical parameters specified in the decision may be verified at the building permit design stage of the project, which justifies imposing of the obligation to reassess the environmental impact of the project on the Investor.

Nuisance associated with the emission of pollutants from the combustion of fuels in the combustion engines of lorries and other vehicles used in construction works (e.g. excavators, loaders and bulldozers) can be expected during implementation of the project. In addition, dusting may occur during earthworks (embankments, excavations). Its range, however, will be reduced to the immediate

environment. The emission of pollutants during implementation of the investment project will have a medium-term impact and the associated nuisance will cease once the construction works are completed.

The calculations carried out in the report, taking into account an increase in traffic expected to the year 2022, show that the use of the road will not result in air pollution from vehicles at levels higher than the permitted levels, either now or in the future. Their excessive impact will not extend beyond the roadway area. In addition, in the case of the road routed in Variant I the air pollution from vehicles will be negligible in omitted towns and villages. Moreover, the use of acoustic barriers and planting of greenery will reduce the spread of pollutants to the areas adjacent to the road.

The planned investment project will run in the area of the Main Groundwater Reservoir (GZWP) no. 212 "OLSZTYNEK". In the areas with a geological cross-section which does not provide sufficient insulation of groundwater, i.e. on the section from km 103+320 to km 109+812 of the road, in order to prevent infiltration of stormwater from the road into the ground, it should be contained in sealed stormwater discharge systems and stormwater treatment devices should be applied, for example: suspension separators, oil interceptors, roadside ditches covered with a clay layer.

In the case of the planned upgrade to expressway, a stormwater drainage system with devices for treatment of stormwater and meltwater will be designed. Stormwater will be discharged from the road mainly to roadside drainage ditches, in three locations to the Pasłęka River and, in several cases, discharge of stormwater will require the construction of reservoirs for storing water and slowing down its flow to the receiving body, or the use of other solutions such as: filter beds. Stormwater from road sections running in the catchment area with an outlet to the Pasłęka River must be collected in a sealed stormwater drainage system, and run-offs should be pre-treated in pre-treatment devices (suspension separators and oil interceptors). In terms of sewage management, the construction of the road with simultaneous construction of the stormwater drainage system and stormwater treatment devices, as well as their proper operation, will allow maintaining appropriate conditions for discharge of stormwater and meltwater to the receiving bodies, thus avoiding any negative impact on surface water and soil and water environment.

Part of the planned investment project will run through valuable natural areas, namely: the "Beaver Refuge on the Pasłęka River" nature reserve, the area of the European Ecological Network Natura 2000 and the Protected Landscape Areas of Pasłęka Valley and Napiwodzko-Ramucka Forest. The designed road will cross the Special Protection Area for birds "Pasłęka Valley" from km 104+900 to km 105+800, and will run at the edge of the Special Area of Conservation "Pasłęka River" from km 104+500 to km 105+720, and will then cross that area at km 109+020 to 109+320 of the road. Established breeding and feeding sites of protected birds are located outside the area included in the road investment project. As a result of carrying out the road investment project mostly in the path of the existing national road, the new route of the road will run similarly to the current road at a distance of 1,100 to 2,200 m from the borders of the Special Protection Area for birds Napiwodzko-Ramucka Forest – PLB280007. Such a location of the route will neither interrupt the continuity nor disrupt the functioning of Napiwodzko-Ramucka Forest Natura 2000 area. Construction of the road in the variant accepted for implementation, whose route is almost the same as that of the existing national road no. 51, will not interrupt the continuity of functioning of the PLB280002 area. Even though the planned investment project crosses the Pasłęka River, it will not interfere directly with the fauna or flora habitats in the Pasłęka River Natura 2000 area. In addition, by applying the technical solutions imposed in this decision (including reconstruction of the existing culverts and bridges, dismantling of the embankments of the existing road), the new road in the variant accepted for implementation will have less impact on groups of animals than the existing road. As a result of the actions undertaken to protect the environment against the impact of the designed road, no negative impact of the investment project on the aforementioned protected areas is expected.

A significant part of the planned investment project is located in undeveloped areas and will run in the immediate area of forest areas, fallow land, wetlands, the Pasłęka River Valley and the direct catchment area of lakes. Forest complexes and Pasłęka Valley existing in the area of the investment

project are fragments of the migratory corridor of animals of international importance.

The above-mentioned passages for large- and medium-sized animals, passages in the form of culverts for small animals and amphibians, as well as overpasses and new bridge structures with dry spans will be constructed without the use of embankments crossing the river valleys in order to allow free migration of animals and to reduce natural conflicts. Passages will be filled with vegetation and arranged so that the surface of passages for animals does not differ from the habitat conditions on both sides of the road. On some sections, where the route of the road runs through forest areas, mesh fences with a height of 2.5 m will be constructed along the road verges; they will protect against intrusion of animals onto the road in locations outside the designated passages. In addition, concrete fences with a height of 0.5 m will be used at passages for amphibians to protect amphibians from moving onto the road, at the same time guiding animals to the designated migration passages.

Implementation of the planned investment project requires clearance of vegetation interfering with the designed road. It will be limited to the necessary minimum, whereas trees located within the construction site and not assigned for clearance will be protected against mechanical damage. Losses in greenery are to be replenished by introducing new plantings near wasteland. The designed greenery should have a compact and multi-level structure, which will contribute to its protective and insulating function. Before clearance of trees it is necessary to carry out a "detailed inventory of greenery" in the belt designated for reconstruction of the road. Both inventory and details regarding the clearance and new tree enclaves should be submitted at reassessment of the environmental impact of the planned investment project. Clearance of ligneous and shrubby vegetation in Natura 2000 areas should be carried out on the basis of a detailed study in respect of the inventory of the existing greenery.

Interference with five objects listed in the monument records of the Voivodeship Monument Conservation Officer, which are to be demolished, and with one object in the register of monuments – a wayside shrine in Miodówko in the area of km 104+360 of the road – which will be relocated in accordance with the recommendation of the Voivodeship Monument Conservation Officer have been found in the road strip of the planned investment project. The above arrangements regarding demolitions have been approved by the Warmińsko-Mazurskie Voivodeship Monument Conservation Officer, subject to prior preparation of registration sheets for architectural and building monuments, and a conservatory inventory of buildings in the case of the old school in Miodówko (letter of 25 April 2008, reg. no.: IZNR9gs0418/6-10/1/08).

Two archaeological sites are located in the immediate vicinity of the section of the national road to be reconstructed. In view of the above, it is necessary to carry out archaeological research prior to implementation of the investment project. In addition, any earthworks should be carried out under constant archaeological supervision.

The project requires presentation of a post-implementation review as regards evaluation of the effectiveness of the solutions applied to protect residential housing areas against noise. The Investor is obliged to carry out post-implementation measurements in the locations indicated in the conclusion of this decision. The analysis must be carried out within 1 year of the facility commissioning date and submitted within 18 months of the facility commissioning date. Appropriate protection measures are applied in the case of exceeded limit values of noise. If environmental quality standards cannot be observed, measures aimed at creating a restricted use area must be taken.

Moreover, it should be noted that the data on the project at the stage of issuing a decision on environmental considerations does not allow for the sufficient assessment of its environmental impact. Solutions in the field of environmental protection adopted in the decision, necessary to be taken into account in the building permit design of the project, after detailed during preparation of the design, can be verified and corrected, which will be taken into account in impact reassessment carried out as part of proceedings on issuing permission for implementation of road investment project.

Due to the distance of the planned investment project to the nearest Polish border with the Russian Federation – 75 km in a straight line – implementation of the project will not cause any cross-border environmental impact.

Taking into account the conditions indicated above it should be noted that the planned project

will not result in adverse effects on the environment when properly made protective equipment is applied and the relevant conditions listed in the conclusion of this decision are met.

As the documents annexed to the case files, including the environmental impact report for the planned project show that implementation of the project, taking into account the conditions of this decision, will not result in adverse effects on the environment, it has been decided as in the conclusion.

Instruction

The parties may appeal against the decision to the General Director for Environmental Protection in Warsaw through the Regional Director for Environmental Protection in Szczecin within 14 days from the delivery date of the decision.

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cc:

1. General Directorate for National Roads and Motorways, Branch in Olsztyn, 89 Warszawska Avenue, 10-083 Olsztyn
2. Stawiguda Commune
3. Olsztynek Commune
4. other parties to the proceedings – notice pursuant to Article 49 of the Act Administrative Procedure Code
5. file

**REGIONAL DIRECTOR FOR
ENVIRONMENTAL
PROTECTION
IN OLSZTYN**

Olsztyn, 29 June 2009

RDOŚ-28-WOOS-6613-014/09/am

Appendix 1

to the decision of the General Director for Environmental Protection in Warsaw of 29 June 2009, ref. no.: RDOŚ-28-WOOS-6613-014/09/am on environmental conditions for the consent to carry out the project involving expansion of national road no. 51 to the parameters of expressway on the section Olsztyn – Olsztynek, from approx. km 96+000 to approx. km 111+000.

Characteristics of the planned project in accordance with Article 82 par. 3 of the Act on Providing 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 planned investment project involves expansion of national road no. 51 on the section Olsztyn – Olsztynek in Stawiguda Commune and Olsztynek Commune in the Warmińsko-Mazurskie Voivodeship to the parameters of expressway. The project involves construction of a four-lane (ultimately six-lane) dual carriageway with a length of 13.5 km. The project involves reconstruction of the existing fragment of national road no. 51, partial construction of a new section of the route and construction of intersections with the existing traffic routes and a number of access roads. The planned section begins in the village of Tomaszkowo (behind the intersection with powiat road no. 1370N) at approx. km 96+470 of the existing national road no. 51, and ends in the area of the village of Ameryka (at the junction with the planned Olsztynek ring road) at approx. km 109+815. The designed national road no. 51 connects national road no. 7 (and the S7 expressway in the near future) to the border and the border crossing in Bezledy through Olsztyn. It will be a class S road (expressway) with a design speed of 100 km/h.

The planned section of the S51 road will run largely through the area of Stawiguda Commune and, at the final section, approx. 650 m in the area of Olsztynek Commune. Connection with the existing road network will be implemented by channelized intersections at km 101+620 – link to the village of Stawiguda – an interchange with a “small roundabout” type intersection – and link to Gryźliny – an interchange at km 107+306.2.

Variant I – selected for implementation – (marked in red on the maps) with a length of approx. 13.342 km runs mainly along the path of the existing national road with the correction of curves and widening of the corridor; on a part of the route the road will run on a totally new path, which is a result of the need to adjust the current parameters to the standards that should be met by an expressway. The variant includes demolition of 13 buildings and demolition of a bus shelter.

Construction works for implementation of the project will be carried out so as to ensure efficient use of land and minimal transformation of its surface. Back-up facilities will be located outside the area under legal protection, outside the immediate vicinity of residential buildings, as well as areas near rivers, watercourses and lakes, wetlands and forest complexes.

Waste associated with reconstruction and demolition of bituminous pavement, sidewalks, buildings, earth mass, cut trees and shrubs, as well as small quantities of sanitary waste (e.g. packaging of food consumed by workers) will be generated as a result of implementation of the planned road investment project. Rubble from the reconstructed road section will be used to construct foundation on reconstructed sections of the road or to construct service roads and slip roads.

Construction waste, including hazardous waste, will be sorted and stored in a designated location and regularly collected by authorised entities. The back-up facilities will be equipped with toilets, and the sanitary waste should be discharged to sealed holding tanks, the contents of which will be regularly removed by authorised entities.

Construction of the road will be associated with an increased noise level, the source of which will be the operation of construction equipment and other devices (e.g. during the clearance of trees). In the light of the above, construction works in the region of the nearest areas under acoustic protection will be carried out only during daytime hours (6.00 a.m. – 10.00 p.m.).

The planned road runs both outside built-up areas and in the vicinity of the following villages: Dorotowo, Stawiguda, Miodówko and Gryźliny. Moreover, scattered, single farms are located in the vicinity of the course of the road in question. However, on large sections the road runs through forest and agricultural areas, which are not subject to acoustic protection. The permitted noise level emitted by vehicle traffic will be exceeded in the region of the nearest areas under acoustic protection. In order to reduce the aforementioned nuisance it is planned to construct 4 acoustic barriers with a length of 1,200 m and a height of 3.5 m, as well as a length of 2,200 m and a height of 4 m. Once they are applied, the noise level will not exceed the limit values.

Implementation of the project will be associated with the emission of pollutants from the combustion of fuels in the combustion engines of lorries and other vehicles used in construction works (e.g. excavators, loaders and bulldozers) can be expected during implementation of the project. In addition, dusting may occur during earthworks (embankments, excavations). Its range, however, will be reduced to the immediate environment. The emission of pollutants will have a medium-term impact and the associated nuisance will cease once the construction works are completed.

In view of the course of the investment project in the area of indirect risk to groundwater, where the existing insulating layer shows lack of continuity, the Investor is obliged to apply solutions preventing infiltration of stormwater from the road into the soil in the areas with a geological cross-section which does not provide sufficient insulation of groundwater.

New technical infrastructure equipment associated with operation of the road is planned as part of the project, i.e. a rainwater sewage system, grass-covered drainage ditches, retention reservoirs and pre-treatment devices at outlets and road interchanges. In addition, the following are planned to minimise the environmental impact of the investment project: reconstruction of the existing culverts and bridges, demolition of embankments, construction of new bridges and passages for large-, medium- and small-sized animals, amphibians and reptiles.

Implementation of the planned investment project requires clearance of vegetation interfering with the designed road. Clearance will be limited to the necessary minimum, whereas trees located within the construction site and not assigned for clearance will be protected against mechanical damage, and losses in greenery will be replenished.

The analysis of environmental impact of the planned construction of the road in respect of the emission of pollutants into the air, noise, water, sewage and waste management shows that implementation of the project will not breach the applicable requirements for environmental protection. In addition, the project requires preparation of a post-implementation review as regards evaluation of the effectiveness of the solutions to protect residential housing areas against noise.

Taking into account the conditions indicated above, it should be noted that the planned project is not likely to result in adverse effects on the environment when properly made protective equipment is applied and the relevant conditions listed in the decision on environmental considerations for the project are met.

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