

RULING

On the basis of Article 138 §2, Article 144 of the Code of Administrative Proceedings, Article 12 indent 2 item 1 of the Act of 14 March 1985 on the State Sanitary Inspectorate (Journal of Laws of 2006 No 122, item 851 as later amended.), the State Voivodship Inspector in Gdansk, having considered the complaint of 25 October 2006 Ref. DT/6283/2006 (delivered on 30 October 2006), submitted by the „Zabianka» Housing Cooperative on the ruling of the Poviats Sanitary Inspector in Gdansk issued on 16 October 2006 Ref. SE.ZNS 80/491/97/KB/06 which defines the conditions for implementation of the project incorporating the construction of the Green Road, reconstruction and construction of the second roadway of Gospody Street in Gdansk.

decides

to repeal the whole ruling in question
and to forward the case for consideration by the first instance body

GROUNDNS

By the appealed ruling, submitted in application No WS-I.-7639/II/104U/2005-2006/AN of 24 August 2006 submitted by the Town Office in Gdansk, the Environmental Department, the Poviats Sanitary Inspector in Gdansk defined the conditions for implementation if this project. The application submitted by the Environmental Department of the Town Office was accompanied by

1. Application by the Gdansk Development Directorate for issuing the decision on environmental conditions for acceptance of the project of 22 November 2005 and information on the planned project incorporating the construction of the Green Road, reconstruction and construction of the second roadway of the Gospody Street in Gdansk.
2. Chart for area No 019 in the local land use plan (reg. no 0119) Oliwa Dolna Gospody street - resolution No XIII/417/2003 by the Council of the City of Gdansk of 25 September 2003
3. Chart for area No 005 in the local land use plan for "Nowa Spacerowa" (reg. no 0213) Oliwa Dolna, the area of Gospody street - resolution No XXXIX/1214/2001 by the Council of the City of Gdansk of 27 September 2001
4. Environmental Impact Statement for Gospody Street in Gdansk. produced by the authoring team headed by Małgorzata Kisielewska (M.Sc., Eng.), Jan Kosiedowski (M.Sc.), Tomasz Andrzejewski (Ph.D., Eng.), August 2006

„Zabianka» HOUSING COOPERATIVE in the complaint of 25 October 2006, Ref. DT/6283/2006 submits for repealing the ruling containing conditions for project implementation. The Cooperative considers that the Environmental Impact Statement does not meet all the requirements laid down by regulations, the full environmental impact of the Green Road is not covered, and its scope is limited to the expansion of Gospody Street. For the sake of the residents the Cooperative proposes to divert traffic through the tunnel, in Gospody Street section; submits for suspending the proceedings on the decision on environmental considerations of the approval of the implementation due to assumed objectives and design solutions.

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In adjudicating the complaint the State Voivodship Sanitary Inspector in Gdansk allowed for the explanations of the State Poviat Sanitary Inspector in Gdansk. The Investor delivered on 7 December 2006 the Environmental Impact Statement for Gospody Street in Gdansk, produced in August 2006 by the authoring team headed by M. Kisielewska (M.Sc., Eng.), J. Kosiedowski (Ph.D., Eng.), T. Andrzejewski. The Department of Developmental Programs of the Town Office in Gdansk held a meeting on 7 December 2006, where activities related with the construction of the roadway in Gospody Street section, subsequent stage of the construction of Green Road in terms of protests and complaints against the implementation of the investment (the minutes of the minutes was delivered on 13 December 2006) were discussed. In addition, a letter from the Gdansk Development Directorate of 4 December 2006 was delivered. (received on 11 December 2006).

Having adjudicated the case in the appeal procedure, the State Voivodship Sanitary Inspector in Gdansk after an in-depth analysis of documents and reasoning of the parties states that the Poviat Sanitary Inspector in Gdansk should review its position on the scope of the conditions for project implementation. The matter requires explanatory proceedings and its scope should be wider than that Environmental Impact Statement Report.

The Report should cover impacts of the whole transport system of the city of Gdansk, the transport arrangement of Sopot (Red Road?) and Sports and Exhibition Hall situated on the boundary of Gdansk and Sopot. The Environmental Impact applies not only to the construction of the second roadway of Gospody Street, but it will be a result of the operation of the whole planned road system.

The Report does not present conditions of dispersion of pollutants from combustion of fuels by vehicles travelling via planned road system. The absence analysis of short- and long- term impacts as well as cumulated effects of the communication system surrounded by the built-up area of housing districts, air quality in Sopot, municipal water intakes (Czarny Dwór, Zaspka, Bitwy pod Płowcami) and other environmental elements, including the determination of the range of impact of air pollutants covered by reference values laid down in the ordinance of the Minister of Environment on reference values for some air-borne substance (Journal of Laws, 2003, No 1, item 12)

The analysis conducted in the Report (Attachment "Assessment of the impact of noise emissions to the environment and analysis of application feasibility for noise protection measures in relation to the reconstruction of Gospody Street in Gdansk) show that both current and projected noise levels in Gospody Street exceed permitted levels set forth by the ordinance of the Minister of Environment on permitted noise levels in the environment (Journal of Laws of 2004 No 178, item 1841) at the level $L_{Aeq} = 60$ dB between 6.00 hours to 22.00 hours, $L_{Aeq} = 50$ dB between 22.00 to 6.00 hours. The exceedance of the permitted noise levels considered for the design stage can be 5-11 dB during the day and 15-21 dB at night time, when events will be held in Sports and Exhibition Hall.

Under such circumstances, the noise level in residential buildings of the district should be reduced to the value determined in the Report, in accordance with the ordinance of the Minister of Environment of 29 July 2004. (Journal of Laws No 178, item 1841). Protection of residents' health should be ensured based on the guidelines provided for in Article 112 of the Act Environmental Protection Law (Journal of Laws 2006 No 129, item 902, as later amended) Citation: "Protection against noise consists in the provision of the best acoustic condition of the environment, in particular by:

- Keeping the noise level below permitted one or at least on the same level
- Reducing the noise level to at least permitted level if the limit value is not kept".

The Report should define the most environmentally beneficial option of the planned project due to existing and projected environmental and spatial collisions (noise, air pollution - residential buildings, protection of spa conditions - space quality, the parking and garaging structure, green areas (urban parks, etc.) and seaside areas, recreation.

Taking the above into consideration, the State Voivodship Sanitary Inspector states that the matter requires additional explanatory proceedings and should be supplemented, and the conclusion of the decision is as stated above.

This ruling is final.



Państwowy Wojewódzki
Inspektor Sanitarny

w Gdańsku

Elżbieta Charytomiuk
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Distribution:

I. As parties to the proceedings:

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3. Osiedle Młodych HOUSING COOPERATIVE, 80-340 Gdansk, ul. Gospody 17
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5. Ms and Mr. Hancewicz Krystyna and Zbigniew
6. Ms and Mr. Ziminsey Dorota and Maciej
7. Ms and Mr. Ziminsey Jadwiga and Józef
8. Ms Tomaszewska Hanna
9. Ms and Mr. Szydłowscy Halina and Marek
10. Ms and Mr. Jagodzińscy Urszula and Janusz

II Cc:

1. President of the City of Gdansk, the Town Office in Gdansk, Environmental Department,
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2. State Poviast Sanitary Inspector in Gdansk, 80-858 Gdansk, ul. Wałowa 27