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### Opinion on Environmental Impact Statement Report for the investment project "Multifunctional Sports and Exhibition Hall on the boundary between Gdansk and Sopot

Investment "Multifunctional Sports and Exhibition Hall" implemented on the boundary of Sopot and Gdansk is an a severe breach of:

1. Building Law in force in Poland due to conditions for obtaining and issuing decisions for commencing the investment, laid down in the Law. The irregularities were described thoroughly in several tens of letters sent to the Voivodship authorities, Presidents of the towns of Sopot and Gdansk, by management boards of housing cooperatives (primarily *Osiedle Młodych* district, next Wejhera and »Zabianka«); many remarks and reservations were presented, but no actions were taken when residents voiced their opinions on taking decisions incompatible with the interests of the local community. The basic plea consists in the omission of the management boards of the two housing co-operatives as parties to the investment process and dividing the project into building construction and transport subprojects, which is a gross breach of the provisions of Article 33 and 34 of the Building Law ( the version of 2006, (Journal of Laws, No 56, item 1118 as later amended)
2. Provisions of Article 6 indent 2, paragraph 2 of the Planning and Land Use Act of 2003 (Journal of Laws, no 56, item 717 as later amended)
3. Provisions of Article 52 of the Environmental Protection Law applicable to producing a report on the impact of a project that can have significant environmental effects (version of 2006), (Journal of. Laws, no 56, item 902)
4. EU Directive No 337/85/EEC applicable mainly to the widely defined assessment of environmental impact of the investment on natural environment and adjacent property (next to the project site).
5. International law, i.e. the Convention on Access to Information, Public Participation in Decision Making and Access to Justice in Environmental Matters (Aarhus) signed by the Polish government on 25 June 1998 and ratified on 31 December 2001, incorporating the content of EU directive 96/61/EC of 1996, entitled: IPPC (Integrated Pollution Prevention Control), with the following overriding statement: citation: *"When taking any plans on construction, expansion, development or modernization in any areas, especially in urbanized areas, each investor shall comply with the principle of sustainable (harmonious) development and this principle shall be obligatorily complied with.* It applies not only to the obligation for public consultation on the construction of the sports hall, but also access road designing, various route options, etc. According to the provisions of the above cited Convention, it is worth underlining that the final word on the form and plan of the investment always rests with the local community living nearby and their acceptance on the basis of reliable, comprehensive (not partial or fragmentary) assessment of hazards to human health and life, and wildlife affected directly or indirectly by effects occurring after the completion of the planned investment.

The above presented facts showing gross negligence of decision makers in taking decisions on siting the investment and implementation of the project, cause that the need for performing various simulations to determine the effects of the project i.e. its environmental impact is of special importance. It should be stressed that there is special software for such studies and relevant calculations are based on input data. Interpretation of results of such simulations is possible only when the investigator uses reliable parameters (figures) related, for example, to the increase of noise level due to increased percentage of vehicles per hour and determined driving speed. They also should include changes in air pollution concerning exhaust gases containing hydrocarbons, carbon oxides, particulate matter, suspended solids, chlorides, heavy metals and other toxic NOx-related compounds.

Four reports were elaborated for the assessment of the environmental impact of the project; out of this number, three were incompatible with the Public Procurement Act, i.e. report produced by PROEKO from Gdansk in September 2002 July 2004, July 2006, and the fourth one was made by a company from Myslowice, selected in a tender procedure, in 2007. Unfortunately, the comparison of these reports shows - to say the least - discrepancies in the assessment of the effects of many elements significant for environmental protection, related directly to the construction of the hall and planned changes in the infrastructure of access roads not only in existing housing districts, but also additional connections, e.g. with Green Road or with the by-pass road.

The cited discrepancies in all reports provide grounds for two conclusions:

- The first one is that this could be an attempt to forge deliberately the environmental impacts of the investment by carrying out partial analyses instead of comprehensive approach. Among others things, it is testified by the separate assessment for a section of Gospody Street section, without consideration of the impact of traffic in a section of planned Green Road or increased traffic intensity in Rybacka Street.
- The second conclusion: fully justified suspicion related to the value and reliability input data entered into the program and carrying out computer simulations.
- There is also high probability that the results of the reports were to provide confirmation expected by the Principal and state *"correctly taken decision in the area of planned investment projects"*.

Example: It is difficult to agree to the opinion on page 16 (third report) "the project site is outside the impacts of significant noise sources" while the sentence on page 42 of this report concludes that *"noise level within one hour when there is an event in the hall is 100 dB, with the average wall insulating power at 40dB, and 25dB for the ceiling. Remaining noise is emitted outside"*.

Unfortunately, except for the third report, summed values of noise levels emitted by the machines on the hall roof: 56 ventilation units, 14 ventilation units (from 4 machine rooms), 2 ventilation chillers, 26 roof fans (chimney air intakes and air outlets), 2 chimneys of gas combined heat and power plants, where the combined noise level will exceed considerably 100 dB, while the standards provide 55dB at daytime and 45dB at night, were not given. The impact of the garage was completely omitted: it is a construction designed for 4,000 vehicles).

The deliberate distortion of results in all reports: results of the simulation of increased noise level at projected traffic intensity increased by ca 300% (above 5000/h). According to the first report the noise level will be higher by 2dB, 4dB or 6dB(!).

Identical distortions are found in presented amounts of rainwater discharge (page 19, the second report: 1000 l/sec; compared to the first report, page 11/12: 1600 l/sec.).

The reasoning on discharging rainwater from the hall and parking lots (the so-called "green lots") is incomprehensible (in the first report: 3900 + 300 parking spaces behind the hall, in the direct protective zone for artesian wells; in the third report 500

parking spaces are given) directly by pipework at the distance of ca 280 metres away into the Gdanska Bay. The environmental pollution of this water area was classified as an economic benefit to Sopot due to elimination of repair expenses for cleaning outlets of existing streams (page 39 of the second report). The assessment of the impact of amount of wastewater discharged to the bay (1600 l/sec.) on hazards caused by sea currents and winds to the Pucka Bay (Natura 2000 area), and other recreational coastal places was ignored.

The impact of vibrations on nearby residential buildings was completely omitted and this value was assumed safe, although vibrations were included in the design of the hall building.

Vegetation (35-year trees and multiannual shrubs) existing in the two districts reserves special attention. Due to planned changes related to the expansion of streets: Gospody, Rybacka and a section of connection with Green Road, cutting a hundred of trees, hundreds of square meters of shrubs and self-sown trees is planned. According to the authors, all these examples: [citation:] *"will not cause excessive threat to the environment"* (the third report, page 19). What is more, the fourth report states that *"the expansion of existing system will reduce existing threats"* (page 104).

In the same report, on page 81, it is additionally underlined that *"the construction of a road route in an excavation/.../ will be a new element of the landscape by introducing the route as a linear element, and accompanying equipment, acoustic shields, drainers, etc. will create a local landscape."*

There are many more such examples that were described many times and forwarded to relevant authorities of Gdansk and Sopot, similarly to verified construction errors, unfortunately without any reaction which can be necessary due to liability for decisions, held positions and the requirement of compliance with Polish legislation and EU directives, because European grants were received for the implementation of the project.

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This opinion was elaborated to the order of »Zabianka« Housing Cooperative, using necessary materials made available for this purpose