

Traducator autorizat,



**The body that disposes the expert:** Bucharest Court

**Section:** Section II Administrative and Fiscal

**Folderno.** 8089/3/2017

**Trial date:** 04/02/2018

**Party:**

**applicant:** ROMANIA ASSOCIATION Bankwatch

**Defendant:** EPA GORJ

SC COMPLEX ENERGETIC OLTENIA SA

**Object Type:** Administrative act until agreement No.2 / 2016

## **Ratio of technical expertise Judicial specialization Ecology and the Environment**

I, Șchiopu Emil Catalin, technical expert of the Bureau of Forensic Gorj, no authorization expert. 7625112011, specializing in Ecology and the Environment, according to the provisions given by the Bucharest Court Meeting dated 05.02.2018, in case no. 8089/3/2017, I was nodded as an expert advisor to the applicant Bankwatch ROMANIA ASSOCIATION.

Given the provisions of Art. 330 par. (5) of the Code of Civil Procedure - ,, The expertise as provided in par. (1) and (2) may participate experts chosen by the parties and approved by the court, having the capacity of advisor to the parties, unless the law provides otherwise. In this

case, they can give relationships, formulate questions and comments and, if necessary, prepare a separate report on the objectives expertise. " I wrote this co-rapporteur.

#### **order the correlation**

- To create the premises for better understanding of technical aspects of the dispute,
- Technical expertise to meet the objectives approved by the court.

#### **objectives expertise**

4. If the report on environmental impact assessment has been scientifically demonstrated that extending this career, when aggregated with all other neighboring projects (9 other careers and power plant) has no negative impact on the environment and on protected areas in the vicinity.
5. If it was considered measures of protection of the environment under real negative impact of the project
6. If protection and monitoring measures proposed are sufficient to ensure protection of the environment and protected species

#### **Bibliography which has been developed on the basis of correlation**

- MAPPM Order no. 863/2002 on the approval of methodological guidelines for assessing environmental impact.
- GD. 445/2009 on the assessment of certain public and private projects on the environment.
- Order 184/1997 of MAPPM Procedure for achieving environmental audit.
- Vladimir Rojanschi Florian Grigore Vasile Ciomos, valuator, auditor Guide Environmental, Economic Publishing House, Bucharest, 2008.
- Lazare M., I. Dumitrescu, human impact on the environment, Universitas Publishing, Petrosani, 2006.
- Cornel Florea Gabrian, the average user, the Official Publisher, Bucharest, 2008.
- Documents filed in the case file,
- Report Assessment Study Environmental Impact project deforestation surface 43.3745 ha Rosia career woods ", prepared by SC ACER SRL ,, 2007
- Environmental Balance Level II for career Rosia

#### **Reply objectives expertise**

##### **Objective. 1**

**If the report on environmental impact assessment has been scientifically demonstrated that extending this career, when aggregated with all other neighboring projects (9 other careers**

**and power plant) has no negative impact on the environment and on protected areas in the vicinity.**

**Response Thesis 1 „ If the report on environmental impact assessment has been scientifically demonstrated that extending this career, when aggregated with all other neighboring projects (9 other careers and power plant) has no negative impact on the environment "**

In the EIA report has described the real impact of enlargement for Rosia career might generate on the environment, so that between 11 to 17 March 2018 have made numerous trips to area to be cleared and in villages affected the extraction, transport and storage of the coal. Based on the findings described below actual impact that the project will generate on the environment and protected areas in the vicinity.

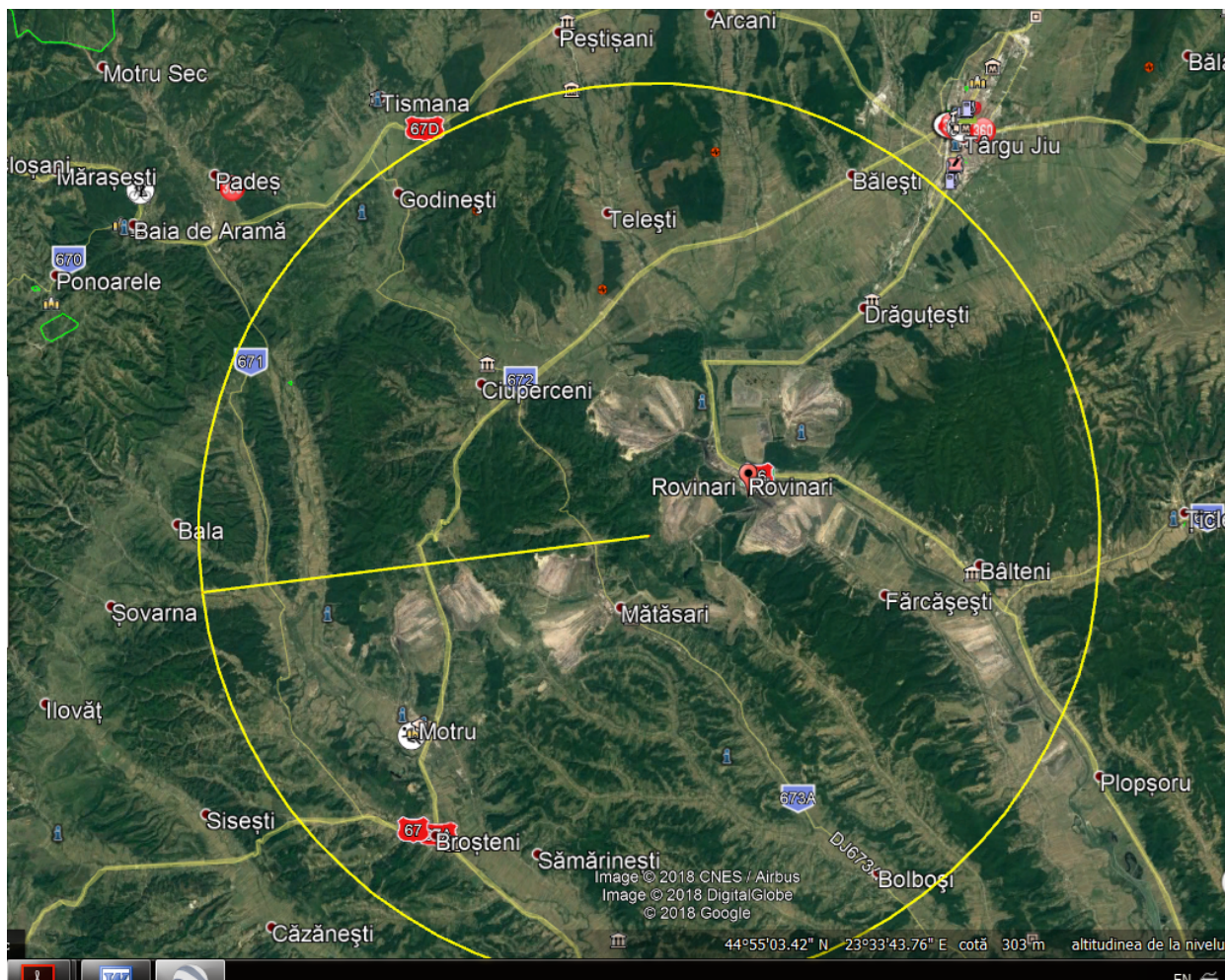
### **1). Real impact on water**

to **Section 4.1.**Report Assessment Study of Environmental Impact (abbreviation RIM), p. 109 specifies that „ In these circumstances dewatering simultaneous multiple mining areas, the main share is on careers, technogenic regime occurs in regional scale. This notice is justified by the fact that the village wells dried up (practically all year) within a radius of about **10 km around the basin Rovinari**".

On page 112 is the following statement „ As discussed previously led dewatering works and will create around careers of large areas of lowering groundwater levels and water so deep. The area of this zone widens and more quarries Rosia de Jiu Pesteana where quarries in operation are close to each other and increase the effect of interference leads to disturbed areas around. "

**The statement above demonstrates that not taken into account the cumulative real impact that we generate on groundwater all careers Oltenia Energy Complex in Gorj county and only the cumulative impact that can have red and Career career Pesteana.**

Based on the report said Study Environmental Impact Assessment, such as the impact on the groundwater level can be felt up to 10 km away from the mines, and the image below, it can be concluded that following the expansion of coal mines in Gorj county, the water level will drop greatly slot.



The affected communities will be:

- Dragutesti
- Balti,
- Farcasesti,
- Matasari,
- Bolbos,
- Ciuperceni,
- Telesti,
- Balesti,
- Godinesti,
- Samarinesti,
- Brosteni.



On page 114 of RIM (Research Report on Environmental Impact Assessment) is the following statement: „ Note that the main form factor environmental impact water that will involve stripping activities fertile soil and deforestation, is the water rain, but they will not continue charging to consider significant impact on the environmental factor analyzed. "

Following the site visit held on 03/11/2018 found that water channels Rosia guard career was very polluted with particulate matter, pollution that adversely affects water quality of the river Jiu in which it flows. (Note images~~lower~~).



***Images that shows the total water pollution with suspended materials from the dump Career Rosia***

## **CONCLUSIONS**

- **In the** environmental impact assessment report has not been scientifically demonstrated that extending this career, when aggregated with all other neighboring projects (9 other careers and power plant) has no negative impact on the environment and on protected areas in the vicinity.
- There has been considered real cumulative impact that we generate on groundwater all careers Oltenia Energy Complex in Gorj county and only the cumulative impact that can have red and Career career Pesteana.
- Impact on groundwater level can be felt up to 10 km distance mines and following the expansion of coal mines in Gorj county, the water level will drop greatly slot. The affected communities will be:
  - Dragutesti
  - Balti,
  - Farcasesti,
  - Matasari,
  - Bolbos,
  - Ciuperceni,
  - Telesti,
  - Balesti,
  - Godinesti,
  - Samarinesti,
  - Brosteni.
- Water from the emergency channels of Rosia career is polluted with particulate matter, pollution that adversely affects water quality of the river Jiu in which they flowed.
- Data on air pollution wording used in RIM are current and monitoring the results reported to the maximum permitted, subject to a legal norm which was not in force at the time of preparation RIM or OM 592/2002. OM 592/2002 has been repealed since 2011 Law 104/2011 on air.
- Particle concentrations shown in Table sediment. 41 on page 151 (Fig. 9) of RIM does not comply reality on the ground, because there may be credible a concentration of 1.61 g

/ m<sup>2</sup> / month in the driest month of the year, when a simple touch of selling picks up the coal deposit in his career and the access ways, large amounts of powders 2-4 times result in exceeding the maximum limit of 17 g / m<sup>2</sup> / month, regulated by STAS 12574/1987 concentration.

- In any career lignite Gorj not descoperiteaza / stored topsoil, which is why it is destroyed, with the excavation of waste rock.
- Although they were stabilized dumps, fields were planted and played in agricultural / forestry or up to date.
- In the absence of forest plantations, dump Rosia career began to deform and thus can be triggered anytime a landslide, as happened with dump Bujorascu in 2006.
- After stockpiling excavated land, defendant CEO Oltenia, will plant the dumps only one tree species namely Acacia and so the impact on biodiversity dendricole will be a major one, as 90% of floristic diversity is destroyed permanently.
- Wildlife species identification was not carried out in a professional manner.
- some species mentioned on pages 2016 and 2017 of RIM, which have been identified on the surface to be deforested, are part of protected species of OUG 57/2007 regarding natural protected areas, conservation of natural habitats, flora and fauna, approved with amendments by Law no. 49/2011.
- Species of insects, amphibians and reptiles can not move in the cold season, because hibernating and so will be decimated.
- In its report on the environmental impact statement is untrue in scientific terms such as „ In the closing phase, with the annealing zone, the birds will be among the first bodies-and restore their populations in the project area "because it is not you mind that replanatarea forest will be done with a single tree species (acacia) which is not a habitat preferably 90% of species of birds and mammals, compared with a mixed forest, where they find their place bending and food sufficient.
- Landscape impacts will be negative, because they introduce new elements, change the landscape, biodiversity and hydrography area.
- RIM is not in the content of any one observation regarding the fact that many residents of localities Motru and Rovinari Matasari have left due to excessive dust and noise pollution.

- The statement „ the potential increase in property values "is untrue, because the owner of a 3 bedroom apartment located in a block of flats in the town of Rovinari and that is about 250 m The coal deposit, had a market value of 100,000 lei in 2007, and in 2017 we managed to sell any amount of 50,000 lei.
- In RIM specifies that due to changing microclimatului and the level of groundwater, agricultural land which is of interest to mining exploitation Rosia no longer productive and so people are squeezed by the high cost of cultivation to abandon them.
- As for building a fence panels soundproofing between the city limits Rovinari and storage of coal does not reduce the noise and the dust of coal, because both machines loading / unloading coal in the warehouse and apartment blocks of flats stands at a height greater than that of fence panels soundproofing.
- The issues presented from page 250 to page 266 of RIM violates content of a report on environmental impact assessment under the provisions of Order no. 863/2002.
- Method Impact Assessment presented on pages 282-284 of RIM namely matrix method is truncated because it is not found in many compulsory elements, namely:
  - figures are given the extent of the impact from 1 to 3, and they are given the correct 1-10,
  - not provided figures on the surface on which the impact is felt,
  - not mentioned fully environmental components that will be affected and all project activities.
- The evaluation method described on pages 285-287 of RIM (global impact index method) is not suitable for such a study as to determine the actual surface of the method must take samples and conduct laboratory analyzes. Index impact method is used for level II environment reviews.
- Analyzing how areas prosthetic positioning vis-a-vis to the mining, there is a possibility that water flows on the surface of the protected area ROSCI0045 Jiu Corridor and is situated at a distance less than 10 km to the mining dramatically decreased and so many protected species of fish and amphibians will feel a negative impact.
- Regarding the impact on avifauna protected area ROSCI0045 Corridor Jiu it can be concluded that many species of birds will feel a negative impact due to reduction of



surface feeding and because their density will increase with depopulation operation by species birds on them and thus risk that food resource to not be enough.

- I believe that the most appropriate measure to reduce the impact that we felt Jiu river because water pollution from Rosia career would be to implement a cleaning station equipped with mechanical stage, namely: barbecue, desander and primary clarifier.
- Proposed measures to protect air quality, although they were proposed in all reconcile environmental assessment studies, CEO Oltenia defendant has not implemented, or have been implemented, they have not brought the expected result.
- The most appropriate measure to reduce the impact it can have air pollution on human health would be moving the deposit and circuits strip coal at a distance from dwellings so that particulate coal that forms to households do not reach residents.
- The only measure to reduce the impact of mining activity on the ground that stripping, transporting and storing it in a warehouse specially designed for this purpose and who would later be deposited on dumps infertile.
- To restore biodiversity arboreal most important measure is to plant on surface dumps species of trees to be cut (beech, oak, hornbeam, maple, and oak wood) and giving the plant a single tree species (acacia).
- To determine soil quality it was necessary to introduce in RIM, titleholder obligation to conduct studies before clearing agrochemical and after will stabilize dumps. Monitoring only pH indicator is not relevant in determining the suitability of the type of culture agricolo in case they decide to play aside land or tree species, in case it is decided to play in the forest cycle waste dumps.
- On page 272 of RIM refers to noise monitoring and comparing the results with Order 536/1997 the Ministry of Health. I want to mention that this order was repealed since 2014 the Ministry of Health Order 119/2014 for the approval of the hygiene and public health on the life of the population. Unlike the provisions of Order 536/1997 which was repealed Order 119/2014 establishes a monitoring different time during the day and night, and other values for the maximum permissible noise level.
- Although he submitted in the RIM can self-ignition of coal layer and in storage, in terms of monitoring not specify any method of monitoring gas concentrations (CO, CO<sub>2</sub>, SO<sub>2</sub>, NO<sub>x</sub>) would result from lignite self-ignition.

- Sepcifica not any method for monitoring particulate matter, dust that is released in large amounts during transportation and storage of coal and will generate a negative impact on human health.
- Given that water drawn from the reservoir and the rain, train large quantities of total material in suspension in Chapter Monitoring RIM (p. 272) is only required mandatory chemical indicators of water and not the physical ones, such as total suspended matter.
- On biological monitoring, there is no reference to the fauna that would leave the site perimeter exploited and one that may determine land will be rehabilitated after.
- There is no reference to mandatory tracking how mining works will degrade residents homes and lands situated near the perimeter of exploitation. Noted that before the District Court and District Court Targu Jiu Motru were / are tried numerous disputes concern the assessment and payment of damages that mines have caused residents near the mining perimeters.
- There is no reference to compulsory monitoring water levels in wells and quality of its inhabitants, although RIM referred to that possibility that the groundwater has affected a radius of about 10 km around the perimeter of exploitation.

