

# Explanatory Note to Chapter 4.10 – Potential Impact, Transport

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## Detailed Contents:

### 1. Assessment of the Impact of Changes in the Relevant Legal Framework on the Project and/or the EIA Report

This chapter is dedicated to a review of materials, equipment and staff transport to and from the industrial project site, in the light of potential environmental impacts. The chapter does not contain indications about the applicable legal framework. However, considering that (i) the specifics of the activity (i.e., among others, transport of reagents, compressed gases, reagents, explosives, municipal and hazardous waste, heavy equipment, sodium cyanide, mercury waste, doré ingots), as well as (ii) the main concern which is reflected in the analysis of this chapter, i.e. minimisation or, as necessary, mitigation of the expected impact of transporting certain hazardous substances/heavy equipment/waste, we have investigated the main legislative changes of the legal framework that are relevant in for this chapter.

- Law No. 31/1994, on Romania's joining the European Agreement on international road transport of dangerous goods (ADR), adopted in Geneva, on 30.September. 1957,
- EGO No. 109/2005 , on road transport,
- GD No. 1374/2000, repealed by GD No. 1175/2007 approving Norms for transporting dangerous goods by road in Romania,
- Order No. 610/2005 approving the Regulation on type approval of packaging for the road transport of dangerous chemicals and preparations,
- Order No. 2258/2005 (repealed by Order No. 1523/2008 on the classification of road vehicles used in the international freight transport, by category of pollution and traffic safety,
- GD No. 1175/2007 approving the Norms for transporting dangerous goods by road in Romania,
- EGO No. 200/2000 (repealed by EGO No. 145/2008 ),
- GD No. 92/2003 Approving the Norms on the classification, labelling and packaging of hazardous chemical preparations,
- Order No. 2/2004 (repealed by Order No. 1061/2008 on the transportation of hazardous and non-hazardous waste on the territory of Romania),
- GD No. 95/2003 (repealed by GD 804/2007 on the control of major accident hazards involving dangerous substances,
- Order No. 1084/2003 on approving the notification procedures for activities posing major accident hazards involving dangerous substances and the respective major accidents,
- Order No. 1406/2003 approving the Methodology for quick environmental and human health risk assessment,
- Order No. 142/2004 on approving Safety Report Assessment Procedure for activities posing major accident hazards involving dangerous substances,

Some of the above regulations regulate the transporters' obligations. Considering that one of the proposed measures to mitigate the potential risks associated to transport is that of contracting with permitted transport operators, that meet the safety level required by RMGC, it is appreciated that such contractors will have to bring proof of meeting the incident legal requirements. However, in consideration of the fact that the legal framework provisions may also have incidence over the Project Titleholder, a few amendments of the incident regulations are listed below.

- As regards the road transport of hazardous substances, GD No. 1374/2000, was repealed by GD No. 1175/2007 approving the Norms for transporting dangerous goods by road in Romania. The main amendments include: the scope of the concept of enterprise is extended to include any natural or legal entity packaging or delivering hazardous goods, without prejudice to the Community legislation, Romania reserves the right to regulate or ban the transport of certain hazardous goods on its territory, strictly for any reasons than those of safety during transport, such as, inter alia, environmental protection reasons; the scope of responsibilities of the relevant competent authorities is extended, the offences and penalties chapter is regulated in detail.
- The transport of waste is regulated separately under Order No. 2/211/118/2004, repealed by GD No. 1061/2008 on the transportation of hazardous and non-hazardous waste on the territory of Romania). The main amendments include: the transport of waste must be provided only by business operators holding an environmental permit under the legislation in force for the collection/temporary storage/treatment/recycling/disposal of waste; a new rule is established according to which, in selecting the destination and transport route, the proximity principle must be observed (the waste should be recycled and disposed of as close as possible o the place of origin); the transport route for hazardous waste must be established

by the shipper and transporter, to consider, as far as possible, the avoidance of towns, and must be authorised by the emergency inspectorate of the county of jurisdiction over the shipper, as reflected by the transport documentation for the hazardous waste.

- In regard to the risk of major accidents involving dangerous substances, there have been a number of amendments. GD No. 95/2003, was repealed by GD No. 804/2007 on the control of major accident hazards involving dangerous substances, the latter amended by GD No. 79/2009. We appreciate that none of the legal provisions after the date the EIA Report was prepared may require updating the EIA Report of its conclusions, under this chapter.

- A further category of regulations identified as part of the applicable legal framework in Chapter 4.10 deals with the classification, labelling and packaging of dangerous chemical preparations. EGO No. 200/2000 on the classification, packaging and labelling of hazardous substances, approved by Law No. 451/2001, was repealed and replaced by GD No. 1408/2008, and GD No. 92/2003 Approving the Norms on the classification, labelling and packaging of hazardous chemical preparations was amended by GD No., 597/2007. As in the case of the above regulations, these amendments are not conducive to a change or amendment of the findings of the EIA Report included in Chapter 4.10.-Transport.

In the context of the regulatory framework of the transport activities associated to the Project, it is very important to mention the International Cyanide Management Code For The Manufacture, Transport and Use of Cyanide in The Production of Gold. In this regard, it is worth mentioning that Gabriel Resources – the majority shareholder of RMGC – is a signatory party to this Code, which means that RMGC is committed to follow the Code’s Principles and to implement its Good Practice Standards.

## **2. Updates to Chapter 4.10 – „Transport”**

### **2.1. Introduction**

The information contained in the EIA Report under this chapter do not require amendments or updates, as a consequence of time or amendments in the legal framework.

### **2.2. Baseline Transportation Conditions**

Based on the study titled „Rosia Montana Route Survey - 2007”, which dealt with the definition of transport routes and modes in relation to the necessary equipment, raw materials, materials and goods required for the construction and operation of the Project, as prepared by Panalpina (Canada) in cooperation with IPTANA (Romania) (Annex *NE\_Cap 4.10\_01*), a study undertaken in order to reassess the feasibility of the de transport routes defined by previous studies, it was shown that, after Romania’s accession to the European Union, road traffic registered a steep increase, resulting in the need to improve the infrastructure, especially by repairing and increasing the transport capacity of the existent roads, corroborated with a replacement of bridges and culverts along them. Even with this change in the profile of Romanian traffic, the study confirmed that the transportation routes initially studied during 2002 are still considered the best alternative solution in meeting the needs of the Project.

Considering the dynamic development of the traffic values, the recommendation is maintained to reconfirm the conclusions of all previous studies and of the one done in 2007 by conducting a traffic survey before the inception of construction works associated to the Project, and also to conduct a similar study prior to commissioning operations under the Project.

It is worth mentioning that the above study, although subsequent to the submission of the EIA Report, is not conducive to changes in the contents of the EIA Report and it only confirms its initial conclusions.

### **2.3. Anticipated Quantities of Transported Materials and Substances**

The information contained in the EIA Report does not require amendments or updates, as a consequence of time or amendments in the legal framework.

### **2.4. Anticipated Project Transportation Impacts and Mitigation/Minimisation Measures**

Based on the contents of the „Rosia Montana Route Survey - 2007”, developed by Panalpina (Canada) in cooperation with cu IPTANA (Romania) (Annex *NE\_Cap4.10\_01*), we may state that the only relevant amendment of the current contents of this section is that, now, after Romania’s access to the European Union, the customs procedures have been replaced both in the sense of changes in the fee system (which excludes duties for goods originating from the EU), and the digitalization of the entire custom statement and record management system. It is noteworthy, in this respect, that the customs procedures have been streamlined, with notable positive impacts both in general terms and in regard to the operations relevant to the Project, in particular. The two

changes (fee system and automation of customs statements and record management), are not, however, conducive to a amend the Project or the conclusions of the EIA Report.

The remaining chapters and sections do not require updates, as a consequence of time or amendments in the legal framework.