

Explanatory note on Chapter 4.3 - Potential impact, Noise and vibrations

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Date

Prepared by

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Detailed Contents:

1. Review of impact of the change in the relevant legal framework on the Project and/or EIA Report

According to the requests of the Technical Review Commission we undertook the review of the legislative changes in all laws relevant for Chapter 4.3 of the EIA Report. The purpose of this task is to highlight the changes in the legal framework that occurred after the submission of the EIA Report in order to be able to review to what extent the legislative developments impact on the Project.

Thus, as we will detail herein below, the legal framework in force upon the submission of the EIA Report has suffered no relevant changes from the Project's perspective that would entail amending or updating the EIA Report.

Following the review of the relevant legal framework (including all statutory requirements regarding noise and vibrations) we identified legislative developments on the following laws:

- Order of the Minister of Health No. 536/1997 - the amendments to this law do not cover the provisions of Chapter I Hygiene standards regarding residential areas of this Order, which sets forth the regime for noise and vibration in vicinity of inhabited areas. Consequently, these legislative developments do not require the revision or updating of the EIA Report.
- Government Decision No. 321/2005 - this law sets out in detail the procedures to be followed by the public authorities in adopting efficient strategies to avoid, mitigate and prevent the harmful impact caused by exposing people to ambient noise. Thus, GD No. 321/2005 provides a number of obligations to be met by the public authorities, for which reason this law has no bearing on the Project. Also, the amendments to this law brought by GD No. 674/2007 are also not relevant from the Project's perspective. The main purpose of the revised law is to detail the procedures to be followed by the Romanian authorities in order to complete the mapping of the ambient noise in due time and prepare action plans.

Order No. 831/1461/2008 and Order No. 152/558/119/532/2008 – these two Orders ensure the secondary legislation (guidelines, organizational structures, etc.) required to apply GD No. 321/2005 and therefore they are also not relevant for the Project and do not require changing or updating the EIA Report.

In conclusion, the legislative developments regarding noise and vibrations do not require revising or updating the EIA Report.

2. Updates on Chapter 4.3 - “Noise and Vibrations” - Noise and vibrations baseline report

Sections 2.1 – 3.5 do not require updating due to time or changes in the legal framework.

2.4. Noise

In relation to the information in the EIA Report we note that due to the fact that the ore mining and processing activities by C.N.C.A.F. MINVEST S.A. Deva – Rosiamin Branch have ceased, the noise and vibration sources related to these activities have disappeared. Consequently, the situations of exceedance of the maximum allowable levels for noise generated by some of the mining activities and which had been identified by investigations conducted in the area have been eliminated. At the moment, the main noise source is the road traffic.

2.5. Vibration

In relation to the information in the EIA Report, we note that given that the ore open pit mining, transport and processing activities by C.N.C.A.F. MINVEST S.A. Deva – Rosiamin Branch have ceased, the noise and vibration sources related to these activities have disappeared.

2.6. Conclusions

The situations whereby there was exceedance of the maximum allowable limits for noise generated by some of the mining activities have been eliminated and, as a result, at present the noise levels meet the limit values for the protection of the people.

3. Updates on Chapter 4.3 – “Noise and Vibrations”

Sections 3.1 – 3.5 do not require updating due to time or changes in the legal framework.

3.6. Noise and vibrations, sources and categories of impact associated with the Project - General considerations - blasting sources

In relation to the information in the EIA Report, it should be noted that in 2006, after the submission of the EIA Report, as a result of the public consultation on the Project and as part of the procedure, S.C. Ipromin S.A. prepared a “Geomechanics study aiming to determine the effects of the blasting operations on the structures in the protected zone” which reviews the effects of the excavation technologies to be employed within the Rosia Montana mining site and identifies the technological options to ensure the protection of the structures located in the protected zone or of other heritage structures. This study was included as Appendix 7 (Vol. 56) - answers to the questions asked in relation to the Project in the public consultation phase that were submitted to the MEWM in 2007.

In 2010, S.C. Ipromin S.A. updated the study “Technical report on the blasting technology to be employed in proximity of the protected zones within the Rosia Montana Mining Project, Alba county” extending it to cover all the protected zones and structures in the Rosia Montana region. In addition, Ipromin also prepared an “Assessment of the seismic effect of blasting on protected structures and methods to mitigate the seismic effect of blasting / control and monitoring procedures. **Both reports were attached to this documentation (Appendixes NE_Cap 4.3_01 și NE_Cap 4.3_02).**

The reports prepared by Ipromin SA confirm that there are specific blasting technologies which when employed for the Project in areas from open pits that are close to protected structures, monuments or zones may lead to low seismic waves or vibrations but which have no impact on these protected items. All that the reports in question do is describe the existing specific conditions, identify and describe certain technical solutions that could be employed by the Project, thus confirming the analysis done in the EIA Report. The information in these reports do not change in any way the contents and conclusions of Chapter 4.2 of the EIA Report.

3.7. Measures to mitigate the impact generated by noise and vibrations

Does not require updating due to time or changes in the legal framework.

4. Updates on Chapter 4.3 “Noise and Vibrations”, Noise and vibrations management plan”

The sections in this Plan do not require updating due to time or changes in the legal framework.