

Ministry of Health of Ukraine
Serving People Improving Health Project

Environmental Management Framework

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Acronyms

CMU	Cabinet of Ministers of Ukraine
EA	Environmental Assessment
EMP	Environmental Management Plan
EIA	Environmental Impact Assessment
EMF	Environmental Management Framework
MENR	Ministry of Ecology and Natural Resources
MOH	Ministry of Health
MRDC	Ministry of Regional Development and Construction

OVNS	In Ukrainian: <i>Otsinka Vplyvu na Navkolyshnie Seredovysche</i> - process and document of environmental impact assessment
PIU	Project Implementation Unit
SPIH	Serving People Improving Health
SSES	State Sanitary Epidemiological Service

EXECUTIVE SUMMARY

1. **Project objective.** The proposed “Serving People, Improving Health” Project seeks to improve the quality of health services in selected oblasts, with special focus in primary and secondary prevention of non-communicable diseases, and enhance efficiency and governance of the health care system.

2. **Project description.** Within “Serving People, Improving Health” Project's Component 1: "Improving service delivery at the oblast level" there are four “Type A” subprojects which envisage reconstruction of primary level health care facilities (Dnipropetrovsk, Rivne, and Volyn) and construction of a new clinic (Vinnytsa). The Borrower and implementing agency for the whole project is the Government of Ukraine (represented by the Ministry of Health), and in each oblast, the implementing agency is oblast State Administration and its Department of Health Care. Technical aspects of construction works in oblasts will be managed by Departments of Capital Construction of oblast State Administrations.

3. **Location and project activities.** Three sub-projects in three oblasts (Dnipropetrovska, Volynska and Rivnenska) plan small-scale reconstruction/renovation works of existing buildings on a number of sites, in many rayons, cities, towns and villages. By these reconstruction works the existing buildings/premises will be converted into ambulatories of primary health care, or (as one case in the city of Dnipropetrovsk) one floor of existing clinic will be renovated. Existing facilities are being used as health care facilities, or (on some sites in villages) were used in the past as offices or kindergartens or for other public purposes.

Reconstruction usually will involve various works inside the building, windows/doors replacement, roofing (if needed), facade works and necessary improvement of existing infrastructure on the site. There will be no infrastructure works outside the facility site (power, water, sewerage lines) carried out in the framework of this project.

One subproject (Vinnytsa) envisages construction of a new cardiological center (hospital) on the land plot that has been allocated for this purpose by city authorities. It is expected that the total floor area of this facility will be between 10,000-20,000 sq.m. The land plot is situated within the existing "medical town" in the city of Vinnytsa, where there are already a number of hospitals, clinics and other medical facilities. Currently this land is not used; most of it is covered with shrubs and trees growing wild.

4. **Project category.** The World Bank has established its social and environmental safeguard policies in order to prevent and mitigate potential adverse impacts associated with the Bank's lending operations to people and their environment. These policies are triggered if a project is likely to have potential adverse environmental risks and impacts on the natural environment (air, water and land); human health and safety; physical cultural resources.

In accordance with the Bank's safeguard policies and procedures, including OP/BP/GP 4.01 *Environmental Assessment*, the project is assigned category B. According to this category, subprojects described above require environmental assessment procedure which should be in

compliance with Ukrainian legislation and World Bank policies. The scope of environmental assessment may vary from subproject to subproject. The Borrower is responsible for carrying on environmental assessment and providing information to the public through public consultation.

5. *Potential environmental and social impacts.* The subprojects to be supported under the project (construction and reconstruction activities) might cause some environmental impacts that can be summarized as follows:

- soil and air pollution; acoustic, aesthetics impacts, etc. Overall, all these impacts will be site-specific and mostly temporary, and can be easily mitigated through good project design and implementation practices.

During operation phase:

- primary health care facilities will generate household waste and syringes waste, which will be disposed of through existing practices (collection and processing by licensed waste collection companies).
- Vinnytsya cardiological center will generate not only household and syringes waste, but also medical waste, and this issue will be addressed in an EIA (OVNS) and EMP which will be prepared for this project at a later stage. If environmental policies of the World Bank are more stringent than the requirements of Ukrainian regulations, the World Bank requirements should be applied.

Social impacts can be summarized as follows:

- Positive: better access to primary health care facilities; higher level of satisfaction with the provided services due to better ventilation, sanitary and heating conditions; higher level of services provided with modern equipment.
- Negative: change of intended purpose of building may be opposed by some groups of local people; inhabitants who live nearby new ambulatories may feel discomfort due to additional traffic, permanent movement of people and potential contacts with ill people; during potentially long period of reconstruction people will have no access to locally provided health care.

6. *Environmental screening.* All subprojects to be supported under SPIH project will be subject to environmental screening, which will be conducted by implementing agencies (MOH and oblast State Administrations). Most of the sub-projects will fall under Category C and low-B projects, which will require a simple Environmental Assessment and/or preparation of a simple EMP Checklist. For Vinnytsya sub-project (Category B) the EIA/OVNS and EMP will be prepared.

7. *Environmental Management Framework.* In order to address safeguard issues, the Borrower (Ministry of Health) has developed the EMF. In accordance with this EMF, three participating oblasts (Dnipropetrovska, Volynska, and Rivnenska) will develop site-specific EMP-checklists for every microproject to be implemented in each oblast. For Vinnytsya subproject, an Environmental Management Plan (EMP) will be developed during EIA/OVNS process at a later stage. These EMP and EMP-checklists will specify potential adverse environmental and social impacts and mitigation measures. Within the EMP and EMP-checklists, the Environmental Monitoring Plans will be prepared for each subproject, where monitoring indicators, timing, methods, and institutional responsibilities will be specified.

8. *Environmental Management Framework disclosure and consultation.* On October 17th the Project Implementation Unit (PIU) will post information on draft Environmental Management

Framework on a MOH web-site (www.moz.gov.ua) for broad public access. Also this document will be disclosed at the World Bank Infoshop. Later, the PIU will organize public consultations on SPIH project and draft Environmental Management Framework. After the consultation, the draft Environmental Management Framework document will be reviewed to consider inputs from consulted parties. The final version of the Environmental Management Framework document will be re-disclosed on the website of the Ministry of Health and in the World Bank InfoShop upon completion of public consultations.

1. DESCRIPTION OF PROJECT ACTIVITIES WHICH REQUIRE ENVIRONMENTAL ASSESSMENT

Within SPIH Project's Component 1: "Improving service delivery at the oblast level" there are five "Type A" subprojects (in Dnipropetrovsk, Rivne, Poltava, Vinnitsa, and Volyn), of five years of duration and a budget of up to USD 41 million funded by the World Bank, plus at least 10 percent of oblast co-financing. Four of these "Type A" subprojects envisage reconstruction of health care facilities (Dnipropetrovsk, Rivne, and Volyn) and construction of a new clinic (Vinnitsa).

Three sub-projects in 3 oblasts (Dnipropetrovska, Volynska, and Rivnenska) plan small-scale reconstruction/renovation works of existing buildings on a number of sites, in many rayons, cities, towns and villages. By these reconstruction works the existing buildings/premises will be converted into ambulatories of primary health care, or (as one case in the city of Dnipropetrovsk) one floor of existing clinic will be renovated. Existing facilities are being used as health care facilities, or (on some sites in villages) were used in the past as offices or kindergartens or for other public purposes. No acquisition of new land plots for these sub-projects is envisaged.

Reconstruction usually will involve various works inside the building, windows/doors replacement, roofing (if needed), facade works and necessary improvement of existing infrastructure on the site. Sub-project implementers (oblasts) clearly indicated that there will be no infrastructure works outside the facility site (power, water, sewerage lines), because all this infrastructure objects are owned and managed by municipalities, and oblasts will not invest project money into such works.

One subproject (Vinnitsa) envisages construction of a new cardiological center (hospital) on the land plot that has been allocated for this purpose by city authorities. It is expected the total floor area of this facility will be between 10,000-20,000 sq.m. The land plot is situated within the existing "medical town" in the city of Vinnitsa, where there are already a number of hospitals, clinics and other medical facilities. Currently this land is not used, most of it is covered with shrubs and trees growing wild.

Technical aspects of construction works in oblasts will be managed by Departments of Capital Construction (*Upravlinnia kapitalinogo budivnytstva*) of oblast State Administrations. These departments organize construction of all public buildings in oblast (school, hospitals, government offices etc.) They have sufficient staff to manage several large and many small construction projects at one time.

2. UKRAINIAN AND THE WORLD BANK ENVIRONMENTAL ASSESSMENT POLICIES, RULES AND PROCEDURES

2.1. Ukrainian Legislation regulating environmental assessment.

A general overview of Ukrainian environmental legislative and regulatory base is presented in ANNEX 1. Here we will describe in detail only environmental impact assessment.

There is a special law "On Ecological *Expertyza* (Environmental Review)" of 1995, which specifies several types of "Ecological *Expertyza*", of which the State ecological *expertyza* is mandatory and most important. Actually, the Law stipulates that design documentation should be reviewed and approved by the panel of environmental experts. These experts could work under the authority of MENR or its oblast branch (if a full-scale OVNS has been prepared, see below), or they could be part of a team conducting all required *expertyzas* (these include sanitary-epidemiological, energy efficiency, fire protection, labor safety and other as needed).

Expert organizations could be state and private, but if the funding for the projects of IV and V categories of complexity is provided from the state budget, or funds of the state and communal enterprises and organizations, or with loans obtained with the state guarantees, expert review should be conducted by the state expert organization.

Procedure of preparing environmental impact assessment documentation is prescribed by the State Construction Norms DBN A.2.2-1-2003 "On Conducting Assessment of Environmental Impact" (Ukrainian acronym OVNS). Annex "Be" to DBN A.2.2-3-2012 lists those laws which should be taken into account during environmental assessment (see this list in Annex 2 to this document, in Ukrainian). Annex E to this DBN (updated in 2013, see Annex 3) lists types of activities and objects of high environmental hazard, for which a full-scale OVNS is mandatory. One sub-project (in Vinnytsa) of the SPIH project falls under this requirement due to the required clearance of shrubs and trees on the land plot (p.29 of the List of high environmental hazard activities and objects).

The key law which regulates all types of construction activities is the law "On Regulation of City Planning Activity" of 12 March 2011. This law prescribes what kind of documentation should be prepared for construction projects of different types, and how this documentation should be reviewed. Provisions of this law are specified in State Construction Norms, which also take into account requirements of other legislative acts.

Engineering survey, design and construction are regulated by the Ministry of Regional Development and Construction (MRDC). There exists a whole set of design and construction norms and standards, of these we will mention here DBN A.2.2-3-2012 "Composition and Content of the Design Documentation for Construction", which defines terminology, types of construction activities and objects etc. Another key document is DBN A.2.2-1-2003 "State Construction Norms on Conducting Assessment of Environmental Impact" (Ukrainian acronym OVNS). Annex "Be", as it was mentioned above, lists those laws which should be taken into account during environmental assessment, and Annex "Ve" provides detailed overview of the design and construction stages and respective stages of environmental assessment (OVNS).

A full-scale OVNS (as stipulated by DBN A.2.2-1-2003, with materials of public consultations) is mandatory only for projects of high environmental hazard (article 31 of the Law On Regulation of City Planning Activity). To find out whether the project should be considered as such, developer with the design organization should use criteria defined by the law "On the Objects of Increased Hazard" of 2001. The main criterion is a planned use of hazardous substances, but the possibility of emergency situations is also mentioned. Activities of the SPIH project do not fall under this category.

However, DBN A.2.2-3-2012 "Composition and Content of the Design Documentation for Construction" (Annexes B.1.2 and D) requires mandatory section on "environmental impacts,

measures for their minimization, mitigation and compensation" in all types of design documentation (feasibility study, detailed design etc.) When design documentation is reviewed by the State Civil Engineering *Expertyza (Derzhbudexpertyza)*, this section is also analyzed and approved by the experts.

In the State Construction Norms DBN A.2.2-3-2012, mentioned above, there are also requirements to justify decision on the necessity to construct (reconstruct) particular object, as well as provision "to ensure accessibility for handicapped persons".

General guidance on how the public consultations must be organized in case of full-scale EIA are listed in Section 1 of the State Construction Norms DBN A.2.2-1-2003: para 1.6, part 4 and para 1.9. Para 1.10 of DBN A.2.2-1-2003 contains requirements to the documentation on public consultations that must be included in the final EIA report.

The project proponent and EIA developer are responsible for organizing public consultations.

2.2. World Bank Safeguards Policies

The World Bank has established its social and environmental safeguard policies in order to prevent and mitigate potential adverse impacts associated with the Bank's lending operations to people and their environment. Taking into account the nature of the proposed sub-projects, of ten Operational Policies eight (OP-BP 4.04 - Natural Habitats; 4.09 - Pest Management; 4.10 - Indigenous People, 7.50 - International Waterways, 4.37 - Safety of Dams 4.12 - Involuntary Resettlement; OP-BP 4.36 - Forests and 7.60 Disputed Areas OP-BP) are not triggered. OP 4.01: Environmental Assessment - is triggered for all sub-projects and 1 policy (OP-BP 4.11 - Physical Cultural Resources) apparently is not triggered also (this will be clarified during preparation of the location of microprojects in Dnipropetrovsk, Volyn and Rivne oblasts). These two policies are described below, OP 4.01 in more detail and OP-BP 4.11 in a general way.

OP/BP 4.01: Environmental Assessment

This policy is triggered if a project is likely to have potential (adverse) environmental risks and impacts in its area of influence, which is the case with our sub-projects. OP 4.01 covers impacts on the natural environment (air, water and land); human health and safety; physical cultural resources; transboundary and global environment concerns.

When OP 4.01 is triggered, the Bank classifies the project as category A, B, C, or FI according to the nature and magnitude of potential environmental impacts. For category B projects (Vinnytsa sub-project falls under this category), the scope of the EA may vary and it is narrower than category A. Activities of four other sub-projects (Volyn, Rivne oblasts and Dnipropetrovsk) fall under the category Low-B.

Depending on the project and the nature of impacts, a range of instruments can be used: Environmental Impact Assessment (EIA), environmental audit, Environmental Management Framework (EMF) and environmental management plan (EMP).

The Borrower is responsible for carrying out the EIA.

For Environmental Category B sub-projects the Borrower consults project-affected groups and local non-governmental organizations (NGOs) about the project's environmental aspects and takes their views into account. The Borrower initiates such consultations as early as possible.

The Borrower provides relevant information in a timely manner prior to consultation and in a form and language accessible to the groups being consulted.

The Borrower makes the EMF available in the country in the local language and at a public place accessible to project-affected groups and local NGOs prior to appraisal.

OP 4.11 – Physical Cultural Resources

It is not known yet whether any micro-project will affect physical cultural resources (e.g. if a building which will be reconstructed is listed as historic building). In case physical cultural resources are affected, the Action Plan for Physical Cultural Resources will be prepared.

2.3. Comparative review of the World Bank Safeguard Policies and Ukrainian Environmental Norms

The analysis of Ukrainian and the World Bank requirements on the Project's Environmental Assessment and Environmental Management Plan indicates that they are largely similar.

Environmental Assessment

The World Bank's EA policy and procedure is generally compatible with the EIA system and practice established in Ukraine, both terminologically and methodologically.

A key common requirement, articulated in both systems, relates to the mandatory character of the environmental impact assessment as an integral part of project preparation, design and development for any project activity that involves a new construction and/or upgrade of an existing facility. Full-scale EIA (as prescribed by Section 2 of the State Construction Norms DBN A.2.2-1-2003) is mandatory for all objects of "high hazard". According to Ukrainian legislation and regulations, subprojects do not fall into this category of "high hazard" objects. For "non-high-hazard" objects a shorter version of EIA can be prepared. The scope of this "shorter" version is agreed by the local environmental protection authorities and sanitary-epidemiological service.

In case of a full-scale EIA, the requirements to the scope of environmental and social assessment, as well as requirements to the disclosure of EA information according to Ukrainian legislation are similar to the requirements of the World Bank policies. Key Ukrainian document which regulates EIA process and stipulates requirement to EIA documentation is State Construction Norms DBN A.2.2-1-2003.

If environmental safeguard policies of the World Bank are more stringent than the requirements of Ukrainian regulations, the World Bank requirements should be applied.

Management of Cultural Heritage

There is close similarity in requirements and approaches adopted by the World Bank and Ukraine with regard to the management of cultural heritage.

A key common requirement, set out in the Bank's policy and Ukrainian legislation, is to ensure the preservation of cultural assets and historical heritage (p.2.36 of DBN A.2.2-1-2003).

3. POTENTIAL ENVIRONMENTAL AND SOCIAL IMPACTS OF SPIH PROJECT ACTIVITIES

3.1. Screening/Identification of Potential Environmental Impacts

The project proposals from the participating oblasts as developed by appraisal do not envisage any land acquisition (in Vinnytsa the land plot for the new cardiological center has been already reserved for construction of medical facility). Planned renovations and extensions (microprojects) will be made within the existing boundaries of the institutions. Any activities that may cause any permanent or temporary physical or economic displacement will be excluded from the project. Therefore the Involuntary Resettlement Policy OP4.12 is not triggered.

At this stage of project preparation only a limited number of project sites were visited. At a later stage EMP checklists will have to be developed for each subproject.

The following table highlights identified potential issues.

Table 3.1.

Screening / Identification of issues		
Activity and examples of potential issues and/or impacts	Microprojects	New construction
A. Building rehabilitation – Increase of dust and noise during reconstruction works – Construction waste	+ +	n.a.
B. New Construction – Cutting trees and plants – Excavation impacts, soil pollution and soil erosion – Site specific vehicular traffic – Increase of dust and noise during construction works – Construction waste – Pollution of ground and surface water by effluents		+ + + + + +
C. Wastewater treatment system – Individual wastewater treatment system	+ or -	n.a.
D. Impact on natural ecosystems and important habitats	-	-
F. Traffic and pedestrian safety – Site specific vehicular traffic – Pedestrian movement	- -	+ +
G. Handling/management of household waste and medical waste (operation phase) – Household waste – Clinical waste – Syringes – Off-site disposal of medical waste	+ - + -	+ + + +

3.2. Potential Social Issues

Implementation of sub-projects will have various social implications. In general, successful implementation of the SRIH Project will have social benefits to the people, but there could be some negative impacts, real or perceived.

Potential Benefits

- Better access to primary health care facilities;
- Higher level of satisfaction with the provided services due to better ventilation, sanitary and heating conditions;
- Higher level of services provided with modern equipment and possibly better chances of hiring qualified medical personnel.

Potential Negative Impacts of Microprojects

- Change of intended purpose of building (e.g. former kindergarten being reconstructed into ambulatory) may meet with opposition from some groups of local people;

- If an ambulatory will be located in an apartment block, inhabitants may protest against additional traffic, permanent movement of people and potential contacts with ill people;
- If the building of the existing health care facility is reconstructed, people may fear that during long period they will have no access to locally provided health care;
- Since the project will be funded eventually by the budget money, people may question the necessity of just this investment (there could be, in their opinion, more pressing issues);

Potential Negative Impacts of a New Construction Project

- Dust, noise and traffic related to construction works;
- Since the project will be funded eventually by the budget money, people may question the necessity of just this investment (there could be, in their opinion, more pressing issues).

4. SPIH PROJECT ENVIRONMENTAL FRAMEWORK

4.1. Environmental Framework Overview

The purpose of the project Environmental Framework is to assist the PIU staff and sub-project implementing agencies (oblast state administrations) in determining the potential environmental impacts of subprojects, in preparing environmental management plans that will summarize necessary mitigation measures to minimize or prevent them and later in environmental monitoring and reporting.

There are two types of project activities proposed by 4 oblasts, which differ in the type of works and potential environmental and social impacts:

- (i) Sub-projects in 3 oblasts (Dnipropetrovska, Volynska and Rivnenska) plan small-scale building rehabilitation works on a number of sites (hereafter referred to as microprojects) - these microprojects fall under World Bank low B category;
- (ii) Sub-project in Vinnytsa oblast - building a new large health care facility on a new land plot in the city of Vinnytsa falls under World Bank B category.

The difference between type (i) subprojects and type (ii) subproject is that a full-scale EIA/OVNS shall be prepared only for Vinnytsa new construction subproject. Thus, the following is the environmental assessment scheme that will be used:

- EMP-checklist approach for type (i) sub-projects, where environmental issues for each of microprojects will be known and limited to small scale construction/rehabilitation works; area of impact clearly defined and limited. Each of sub-project implementing agencies (Health Care Departments with Departments of Capital Construction) in Dnipropetrovska, Volynska and Rivnenska oblasts) will have to prepare and use EMP-checklist for each of microprojects. These EMP-checklists shall be developed on annual basis for microprojects to be implemented the following year.
- EIA /OVNS and EMP approach for the Vinnytsa sub-project.

4.2. EMP and EMP Checklists

In order to address safeguard issues, oblasts will develop EMP-checklists for each microproject (Dnipropetrovska, Volynska and Rivnenska) or EMP for construction project (Vinnytsa). These EMP/EMP-checklists will provide guidance on potential site-specific impacts and mitigation measures to be undertaken for activities through the design to implementation phase, to the monitoring and evaluation of results. EMP/EMP-checklists shall also provide a monitoring plan

format that includes monitoring indicators, timing, monitoring methods, and institutional responsibilities.

For type (i) subprojects, 3 oblasts will prepare EMP-checklists for every microproject to be implemented, which will consist of 4 parts:

- **Part 1:** description of microproject (for use by screener/approver)
- **Part 2:** identification of potential impacts (for use by screener/approver)
- **Part 3:** identifies issues and associated mitigation measures (becomes part of construction contract)
- **Part 4:** monitoring/supervision plan to verify effective mitigation (for use by construction site supervisor and PIU).

Templates for these parts of EMP-checklist could be found in Annexes 4-7. These EMP-checklists will be a streamlined, practical instrument, which would be standardized, easy to prepare, implement and monitor, specifically tailored to small scale construction/rehabilitation projects.

For type (ii) subproject (Vinnytsa) the EMP will be prepared after the completion of environmental impact assessment (in the form of OVNS). Template for this EMP, as well as template for Mitigation Plan (which is an integral part of EMP) could be found in Annexes 8-9.

4.3. Environmental Monitoring and Reporting

According to the proposed institutional arrangements at oblast level, two departments of oblast State Administrations will be involved in project implementation: Department of Health Care and Department of Capital Construction (*Upravlinna kapitalnoho budivnytstva, UKB*). Of these two, *UKB* will be responsible for all technical issues, including supervision of contractors' works. There is a division of technical supervision within *UKB*, properly staffed with qualified engineers. These engineers will be responsible for environmental monitoring of subproject construction activities in accordance with the EMP/EMP-checklists.

Sample Monitoring plan, populated with examples (to be updated as needed) is contained in Annex 10.

5. DISCLOSURE AND CONSULTATIONS

SPIH project Draft Environmental Management Framework (EMF) will be disclosed prior to appraisal by the MOH. EMF will be posted at the MOH web-site, and public consultations will be organized by the MOH. After the consultation, the draft Environmental Management Framework document will be reviewed to consider inputs from consulted parties, and the final version of the Environmental Management Framework document will be re-disclosed on the website of the Ministry of Health and in the World Bank InfoShop. The minutes of the consultations with the list of considered issues will be attached to the final EMP as Annex 11.

At a later stage, EMP-checklists will be prepared by three recipient oblasts (Dnipropetrovska, Volynska and Rivnenska). Information on subprojects will be posted on respective oblast State Administration's web-sites and public consultations organized. Then the draft EMP-checklists prepared by local implementation agencies will be disclosed and consulted upon.

In Vinnytsa, a disclosure to the public and public consultations will be organized in accordance with the requirements of the state construction norms DBN A.2.2-1-2003 when the full-scale EIA/OVNS will be carried on, i.e. the Statement of Intent will be published in local media, Executive Summary and draft EIA/OVNS and draft EMP will be made available to the public

and public consultation will be organized by the oblast implementing agencies. Then the draft EIA/OVNS and EMP will be reviewed to take comments into account, and the final version of EIA/OVNS and EMP for the project will be disclosed.

6. ANNEXES

ANNEX 1. General Overview Of Ukrainian Environmental Legislation

1. Key legislative acts

Ukrainian legislative and regulatory base which governs environmental issues is quite comprehensive and sophisticated. It consists (in order of hierarchy) of: international conventions, treaties, protocols and agreements ratified by the Parliament (Verkhovna Rada); laws; resolutions (*Postanova*) and decrees (*Rozporiadzhennia*) of the Cabinet of Ministers of Ukraine (CMU); orders (*Nakaz*) of the Ministers. Various **norms, rules, standards and guidances**, often jointly referred to as regulations (*normatyvno-pravovi akty*) are approved by resolutions of the CMU and orders of the Ministers. To become legal, every piece of legislation has to be registered with the Ministry of Justice.

Of major importance are also by-laws (*Polozhennia*) of numerous government bodies (Ministries, State Agencies, State Inspectorates, State Services and other central government organs) which define authority of the respective government organ and its branches on regional (oblast and rayon) level. This section of legislation underwent very significant changes after the administrative reform of 2010, when the whole system of central government organs was changed.

The environmental aspects are also regulated by relevant legal provisions contained in other parts of the country's law (civil law, water code, land code, administrative legislation, criminal law, etc.). More specifically, these provisions specify the grounds and details of punitive actions/penalties of disciplinary, administrative, material and/or criminal nature, imposed on an environmental offender and related to the harm done by the offence, environmental risk, and severity of adverse impact produced.

Below is a list of key laws, which regulate environmental aspects of the SPIH project components that are under consideration:

- **On Environmental Protection (1992)**. The Law contains a general provision on the protection of the environment, ensuring the safety of human health and the environment.
- **On the Principles of Town Planning (1992)** "*Про основи містобудування*" - this Law defines various legal, economic, social and organizational provisions for urban building activities with the aim "to ensure provision of environmental protection, rational nature resource use and conservation of cultural heritage".
- **On sanitary and epidemiological well being of population (1994)**. Comprehensive Law, accompanied by numerous regulatory acts, e.g. "State sanitary norms and rules for maintenance of territories of settlements", rules for urban planning etc. The State Sanitary Epidemiological Service within the Ministry of Health operates on the basis of this law.
- **On Ecological Expertiza (1995)** - specifies general provisions for environmental assessment, including the main one - State Ecological *Expertiza*.
- **On local self-government (1997)**. This Law defines responsibilities of local self-government, including elected (councils) and executive (administrations) organs.
- **On wastes (1998)**. A law that covers the sphere of responsibility of MENR, MRDC, several other ministries and local authorities. It underwent serious amendments, especially when Ukraine joined the Basel Convention.

- **On provision of urban amenities (2005)** (*Про благоустрій населених пунктів*). The Law establishes authority of various levels of government (CMU, MRDC, Council of Ministers of Crimea, local state administrations, organs of local self-government).
- **On Regulation of City Planning Activity (2011)** (*Про регулювання містобудівної діяльності*) - the Law amended numerous regulations defining requirements for the civil engineering sector. The aim of this Law is "to establish legal and organizational principles of city planning activities which should be aimed at achieving sustainable development of territories taking into account state, public and private interests".

Of course there are many media-specific and other environment-related laws (Land Code, Water Code, Laws like "On Air Protection", "On Protected Territories", "On Ecological Network" etc.), but they are not so relevant to the SPIH project activities. Annex "Be" (Ukrainian Be!) to DBN A.2.2-3-2012 lists those laws which should be taken into account during environmental assessment (see this list in Annex 2 to this document).

Due to the fact that expected environmental impacts of the proposed SPIH project component are very limited, we will give here only brief outline of environmental assessment regulations that are of major importance for the project activities.

2. Ukrainian Environmental Enforcement Institutional System

Technical and some business aspects in the area of civil engineering are regulated mainly by the Ministry of Regional Development and Construction (MRDC), while the compliance control and enforcement of environmental legislation are exercised by other executive authorities (Ministry of Ecology and Natural Resources (MENR), State Ecological Inspectorate, State Geological Service, State Water Resources Agency, State Sanitary Epidemiological Service (SSES) etc.)

Recently the institutional system underwent significant changes: since 18.05.2013, responsibility for executing government environmental policy in oblasts was passed from MENR to oblast State administrations. Regional branches of MENR were liquidated and respective departments in administrations created (the Law of 16.10.2012).

Responsibility for enforcement of environmental legislation stays with the State Ecological Inspectorate, a central government organ under the MENR. State Inspectorate and its oblast branches have the authority to conduct inspections, to issue mandatory warrants, to impose fines etc. Regional branches of Inspectorate have inspectors in rayons.

Within the boundaries of the cities, the city administrations control the state of environment (waste removal, street cleaning, green zones etc.) through their departments of "urban amenities and nature protection" (*Departament miskogo blagoustroyu ta zberezhennia pryrodniogo seredovyscha*" - names of the departments could differ from city to city, but their functions are very similar).

Within the structure of the Prosecutor General's Office of Ukraine, in each oblast branch there are prosecutors who supervise fulfillment of environmental legislation (*mizhrayonnyi prokyror z nahliadu za doderzhanniam pryrodohoronnogo zakonodavstva*). They can investigate violation and, if there are sufficient grounds for it, took violators to the court.

Within the system of MOH, the State Sanitary-Epidemiological Service (reorganized in 2011) is responsible for enforcement of sanitary-epidemiological legislation. SSES oblast branches have rayon departments (one department serving one or several rayons), and in each oblast there exist Oblast Laboratory Centers of SES with their branches in rayons.

3. Access to Information and Public Participation

In Ukraine, access to environmental information was ensured when the Parliament ratified the Aarhus "Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters" in 1999. Several regulatory acts were developed by the MENR which specify provisions of this Convention.

Detailed requirements to organization of public consultations on environmental matters exist only for two activities: objects of radiation hazard (Resolution of CMU of 1998 with amendments of 2006) and development of master plans of cities and territories (Resolution of CMU of 2011). These are not applicable in our case.

General guidance on how the public consultations must be organized in all other cases of full-scale EIA are listed in Section 1 of the State Construction Norms DBN A.2.2-1-2003: para 1.6, part 4 and para 1.9. Para 1.10 of DBN A.2.2-1-2003 contains requirements to the documentation on public consultations that must be included in the final EIA report.

The project proponent and EIA developer are responsible for organizing public consultations.

In 2011, a law "On Access to Public Information" was adopted by the Parliament. This law covers much broader area, but it specifies also issues of environmental information (article 13, p.2). According to this article, not only organs of government, but also economic subjects must provide information (if they possess it) on the state of environment; quality of food and consumer goods; disasters, hazardous natural events and other events which can pose threat to the health and well-being of citizens.

Organization of public consultations (public hearings) fall under the responsibility of local-self government, and different procedures have been approved in different territorial communities (cities, towns, villages). As a rule, public hearings could be convened by organ of local self-government either upon its own initiative or upon request from community members. Such meetings could be on either level: village (*sil'skyi shid*), town, city. Decisions of such hearings are considered as recommendations.

Another mechanism of public consultations was approved by the Resolution of CMU N 996 of 3 November 2010 p. This Resolution orders that Public Councils (*Hromadski rady*) should be created at all ministries, other central organs of government, oblast and rayon administrations.

The Resolution also orders that mandatory public consultations should be organized by the government organ on certain topics (proposed legislative acts; state and regional programs; budget reports), and other consultations - upon request from civil society organizations working in the region. Public Council may also initiate public consultation, and it plays an important role in its preparation. Public Consultations are organized "to involve citizens in government activities, to provide them with access to information on activities of government organs, to ensure publicity, openness and transparency of abovementioned organs". Decisions of such consultations are considered as recommendations.

ANNEX 2. List of legislative acts relevant for OVNS (in Ukrainian)

Додаток Б (довідковий) до ДБН А.2.2-1-2003

ЗАКОНИ ТА КОДЕКСИ УКРАЇНИ, МІЖНАРОДНІ КОНВЕНЦІЇ ТА УГОДИ, ЯКІ РАТИФІКОВАНІ УКРАЇНОЮ, ЩОДО ОХОРОНИ НАВКОЛИШНЬОГО СЕРЕДОВИЩА ПРИРОДНЕ СЕРЕДОВИЩЕ

Закони України

Про охорону навколишнього середовища
Про охорону атмосферного повітря
Про охорону земель
Про природно-заповідний фонд України
Про рослинний світ
Про тваринний світ
Про екологічну експертизу
Про захист рослин
Про зону надзвичайної екологічної ситуації
Про Загальнодержавну програму формування національної екологічної мережі України на 2000-2015 роки

Кодекси України:

Господарський кодекс України
Земельний кодекс України
Водний кодекс України
Повітряний кодекс України
Кодекс України про надра
Лісовий кодекс України

Міжнародні конвенції та угоди:

Конвенція про охорону дикої флори та фауни і природних середовищ існування в Європі
Конвенція про біологічне різноманіття
Конвенція про водно-болотні угіддя, що мають міжнародне значення, головним чином як середовища існування водоплавних птахів
Конвенція про приєднання озер
Рамкова конвенція Організації Об'єднаних Націй про зміну клімату
Картахенський протокол про біобезпеку до Конвенції про біологічне різноманіття

СОЦІАЛЬНЕ СЕРЕДОВИЩЕ

Закони України:

Основи законодавства України про охорону здоров'я
Про забезпечення санітарного та епідемічного благополуччя населення
Про місцеве самоврядування в Україні
Про об'єднання громадян
Про власність
Про підприємництво
Про звернення громадян
Про інформацію
Про державну таємницю

Міжнародні конвенції та угоди:

Конвенція про доступ до інформації, участь громадськості в процесі прийняття рішень та доступ до правосуддя з питань, що стосуються довкілля

ТЕХНОГЕННЕ СЕРЕДОВИЩЕ

Закони України:

Про основи містобудування

Про землеустрій

Про використання земель оборони

Про меліорацію земель

Про пестициди і агрохімікати

Про відходи

Про металобрухт

Про об'єкти підвищеної небезпеки

Про пожежну безпеку

Про захист населення і територій від надзвичайних ситуацій техногенного та природного характеру

Про використання ядерної енергії та радіаційну безпеку

Про поводження з радіоактивними відходами

Про Загальнодержавну програму поводження з токсичними відходами

Про вилучення з обігу, переробку, утилізацію, знищення або подальше використання неякісної та небезпечної продукції

Про внесення змін до деяких законодавчих актів України щодо відходів

Міжнародні конвенції та угоди:

Конвенція про заборону розробки, виробництва, накопичення, застосування хімічної зброї та про її знищення

Угода про співробітництво в галузі вивчення, розвідки і використання мінерально-сировинних ресурсів

Конвенція про оцінку впливу на навколишнє середовище у транскордонному контексті

Конвенція про ядерну безпеку

Об'єднана конвенція про безпеку поводження з відпрацьованим паливом та про безпеку поводження з радіоактивними відходами

ANNEX 3. List of types of activities and objects of high environmental hazard (excerpt, in Ukrainian)

ЗАТВЕРДЖЕНО
постановою Кабінету Міністрів України
від 28 серпня 2013 р. № 808

ПЕРЕЛІК

видів діяльності та об'єктів, що становлять підвищену екологічну небезпеку

1. У сфері теплової енергетики:
 - теплові електростанції (ТЕС, ТЕЦ);
 - устаткування для виробництва електроенергії, пари і гарячої води тепловою потужністю 200 кВт і більше з використанням органічного палива.
-
-
24. Виробництво у сфері легкої промисловості, що передбачає фарбування та оброблення хімічними засобами.
25. Виробництво технічного вуглецю та електрографіту.
26. Радіотехнічні об'єкти (радіопередавальні, радіотелевізійні, радіолокаційні станції, цифрові радіорелейні станції, базові станції систем стільникового зв'язку).
27. Електричні лінії (повітряні, кабельні) та підстанції напругою 330 кВт і більше.
28. Установки для поверхневого оброблення металів, деревини, полімерних матеріалів з використанням органічних розчинників, зокрема для оздоблення, друку, покривання, знежирення, гідроізолювання, калібрування, фарбування, очищення або насичення.
29. Вирубка дерево-чагарникової рослинності (за винятком вирубки, пов'язаної з веденням лісового господарства) на території площею більше 0,12 гектара.
30. Нове будівництво об'єктів, господарська діяльність (за винятком лісгосподарської) в охоронних зонах територій та об'єктів природно-заповідного фонду, на територіях, прилеглих до водоохоронних зон, прибережних захисних смуг водних об'єктів, зон санітарної охорони.
31. Генетично-інженерна діяльність, введення в обіг генетично модифікованих організмів та продукції, виробленої з їх використанням (у відкритій та закритій системах).
32. Інтродукція чужорідних видів фауни та флори.
33. Виробництво мікробіологічної продукції.

ANNEX 4. EMP-Checklist for Small Scale Civil Works - Part 1, description

PART 1. DESCRIPTION OF ACTIVITIES		
INSTITUTIONAL ARRANGEMENTS		
Subproject title		
Scope of subproject and activity		
Institutional arrangements (names and contacts)	World Bank	
	PIU	
	Local project proponent	
Implementation arrangements (names and contacts)	Safeguards supervision	
	Local safeguards supervision	
	Contractor	
SITE DESCRIPTION		
Name of site	Town/village...	
Describe site location	Address, description of nationhood	
Who owns the land?		
Who owns the building?		
Describe the object		
Describe geographic, physical, biological, geological, hydrographic and socio-economic context		
LEGISLATION		
Identify legislation and permits that apply to project activity		
PUBLIC CONSULTATION		

Identify when and where the public consultation process took place, how it was prepared and where the minutes are available

INSTITUTIONAL CAPACITY BUILDING

Will there be any capacity building?

ANNEX 5. EMP-Checklist for Small Scale Civil Works - Part 2, potential issues

PART 2. ACTIVITY AND EXAMPLES OF POTENTIAL ISSUES AND/OR IMPACTS	Yes/No
<p>A. Building rehabilitation</p> <ul style="list-style-type: none"> - Increase of dust and noise during reconstruction works - Construction waste 	
<p>B. New Construction</p> <ul style="list-style-type: none"> - Cutting trees and plants - Excavation impacts, soil pollution and soil erosion - Site specific vehicular traffic - Increase of dust and noise during construction works - Construction waste - Pollution of ground and surface water by effluents 	
<p>C. Wastewater treatment system</p> <ul style="list-style-type: none"> - Individual wastewater treatment system 	
<p>D. Impact on natural ecosystems and important habitats</p>	
<p>F. Traffic and pedestrian safety</p> <ul style="list-style-type: none"> - Site specific vehicular traffic - Pedestrian movement 	
<p>G. Handling/management of household waste and medical waste (operation phase)</p> <ul style="list-style-type: none"> - Household waste - Clinical waste - Syringes - Off-site disposal of medical waste 	

ANNEX 6. EMP-Checklist for Small Scale Civil Works - Part 3, mitigation

PART 3. MITIGATION PLAN		
ACTIVITY	PARAMETER	GOOD PRACTICES MITIGATION MEASURES CHECKLIST
A. General Conditions	Notification and Worker Safety	<ol style="list-style-type: none"> 1. The local construction inspectorates and communities have been notified of upcoming activities 2. The public has been notified in the media and/or at publicly accessible sites (including the site of the works) 3. All legally required permits have been acquired for construction and/or rehabilitation 4. All work will be carried out in a safe and disciplined manner designed to minimize impacts on neighboring residents and environment. 5. Workers' personal protection equipment will comply with international good practice (always hardhats, as needed masks and safety-glasses, harnesses and safety boots) 6. Appropriate signposting of the sites will inform workers of key rules and regulations to follow.
B. General Rehabilitation and/or Construction Activities	Air Quality	<ol style="list-style-type: none"> 1. During interior demolition use debris-chutes above the first floor 2. Keep demolition debris in controlled area and spray with water mist to reduce debris dust 3. Suppress dust during pneumatic drilling wall destruction by ongoing water spraying and/or installing dust screen enclosures at site 4. Keep surrounding environment (side walks, roads) free of debris to minimize dust 5. There will be no open burning of construction waste material at the site 6. There will be no excessive idling of construction vehicles at sites
	Noise	<ol style="list-style-type: none"> 1. Construction noise will be limited to restricted times agreed to in the permit 2. During operations the engine covers of generators, air compressors and other powered mechanical equipment should be closed, and equipment placed as far away from residential areas as possible
	Water Quality	The site will establish appropriate erosion and sediment control measures

<p>Waste management</p>	<ol style="list-style-type: none"> 1. Waste collection and disposal pathways and sites will be identified for all major waste types expected from demolition and construction activities. 2. Mineral construction and demolition wastes will be separated from general refuse, organic, liquid and chemical wastes by on-site sorting and stored in appropriate containers. 3. Construction waste will be collected and disposed properly by licensed collectors 4. The records of waste disposal will be maintained as proof for proper management as designed
<p>Asbestos management</p>	<ol style="list-style-type: none"> 1. The asbestos prior to removal (if removal is necessary) will be treated with a wetting agent to minimize asbestos dust. 2. Asbestos will be handled and disposed by skilled and experienced professionals. 3. If asbestos material is being stored temporarily, the wastes should be securely enclosed inside closed containments and marked appropriately. Security measures will be taken against unauthorized removal from the site. 4. The removed asbestos will not be reused.
<p>Direct or indirect hazards to public traffic and pedestrians by construction activities</p>	<p>In compliance with national regulations the Contractor will ensure that the construction site is properly secured and construction related traffic regulated. This includes but is not limited to:</p> <ul style="list-style-type: none"> ▪ Signposting, warning signs, barriers and traffic diversions: site will be clearly visible and the public warned of all potential hazards. ▪ Traffic management system and staff training. Provision of safe passages and crossings for pedestrians where construction traffic interferes. ▪ Ensuring safe and continuous access to all adjacent office facilities, shops and residences during construction.
<p>Cultural Heritage</p>	<p>If construction works take place close to a designated historic structure, or are located in a designated historic district, notification shall be made and approvals/permits be obtained from local authorities and all construction activities planned and carried out in line with local and national legislation.</p>

ANNEX 7. EMP-Checklist for Small Scale Civil Works - Part 4, monitoring

PART 4. MONITORING PLAN							
Phase	What (Is the parameter to be monitored?)	Where (Is the parameter to be monitored?)	How (Is the parameter to be monitored?)	When (Define the frequency or continuous?)	Why (Is the parameter being monitored?)	Cost (if not included in project budget)	Who (Is responsible for monitoring?)
During activity preparation	All necessary permits obtained	Prior to beginning works	Check documentation	Once at start of project	Ensure compliance with National Laws and WB OP 4.01	N/A	PIU Supervising Engineer
During activity implementation	Start/stop times Proper disposal of Asbestos	Construction site Construction site	Observation Observation-documentation from certified landfill	Sporadically Weekly during "demolition" phase of rehabilitation			PIU Supervising Engineer PIU

ANNEX 8. Environmental Management Plan

1	Basis for the EIA/EMP
	Purpose and objective of the environmental and social impact assessment and EMP Assessment methodology
2	Environmental Legislation and Policies
3	Description of the Project
	Location of the project Existing land-use on and adjacent to the site and any future planned land use Description of the proposed project (main elements, processes, alternatives) Infrastructure, buildings, other structures (existing and new) Description of construction phase Resources used in construction and operation (materials, energy, etc.)
4	Environmental conditions of project area
	Climate characteristics Topography Surface water (surface water bodies, drainage systems, water quality etc.) Geological conditions (geological, landslides, seismic) Groundwater (hydrogeological condition) Air quality Noise Landscape Cultural heritage, public objects (buildings, sites) Habitats, nature protected areas, species Sensitive and risk territories
5	Potential impact assessment
	Water quality, groundwater Soil Land use Air quality Noise Waste, soil contamination Landscape Habitats, nature protected areas, species Sensitive and risk territories Emergency situations Impact on people, human health Impact on socioeconomic development Cultural heritage, public objects (buildings, sites) Cumulative impacts Evaluation of the importance, extent and nature of the impact (i.e. direct, indirect, secondary, cumulative, short, medium and long-term, residual, permanent, temporary, positive and negative, etc.)
6	Mitigation measures*
7	Environmental monitoring*
8	Comparative evaluation of alternatives
9	Results of public consultations
	A non-technical summary for the public

* Use templates for Mitigation Plan and Monitoring Plan

ANNEX 9. Mitigation Plan

Mitigation plan (integral part of EMP)

Phase	Impact	Mitigating measure	Institutional responsibility	Comments (e.g. nature of the impact)
Pre-construction phase	•			
Construction phase	•			
Operation phase	•			

ANNEX 10. Monitoring Plan

Monitoring plan (integral part of EMP)

Phase	What (parameter to be monitored?)	Where (Is the parameter to be monitored?)	How (Is the parameter to be monitored?)	When (Define the frequency or continuous?)	Cost (if not included in project budget)	Who (Is responsible for monitoring?)
Pre-construction phase						
Construction phase						
Operation phase						

ANNEX 11. Minutes of Public Consultation Meeting(s)

