

**REGIONAL DIRECTOR FOR
ENVIRONMENTAL PROTECTION
IN CRACOW**

OO.4220.5.39.2020.BM

Cracow, November 18, 2020

RESOLUTION

Based upon Article 113 (2) of the Act of June 14, 1960 Code of Administrative Procedure (consolidated text: OJ of 2020, item 256, as amended),

I decide

upon a request of Mrs. Barbara Chammas – representative of AECOM Sp. z o.o. (1. Pokoju Alley, 31-548 Cracow) – dated 09/14/2020 (reception date: 09/16/2020), ref. no.: POPDOW/KR/60549311/20/2556, acting in the name of the Investor, i.e. State Water Holding Polish Waters – Regional Water Management Authority in Cracow (22. M. J. Piłsudskiego Street, 31-109 Cracow), **to clarify doubts referring to contents of the decision** of the Regional Director for Environmental Protection in Cracow dated 10/29/2012, ref. no.: OO.4233.13.2012.BM, on the environmental conditions for the contract titled:

1. **“Construction of a flood storage reservoir “Bieżanów” on the River Serafa at chainage km 7+284 in the City of Cracow”,**
2. **“Construction of a flood storage reservoir “Serafa - 2” on the River Serafa at chainage km 9+223 in the City of Cracow”,**
3. **“Construction of a flood storage reservoir “Malinówka - 1” on the Malinówka Stream at chainage km 0+220 in the City of Cracow”,**
4. **“Construction of a flood storage reservoir “Malinówka - 2” on the Malinówka Stream at chainage km 2+320 in the City of Cracow”,**
5. **“Construction of a flood storage reservoir “Malinówka - 3” on the Malinówka Stream at chainage km 3+017 in the City of Cracow and in the City of Wieliczka”,** in the scope of redeveloping sanitary sewerage (Malinówka – 1 reservoir and Malinówka – 2 reservoir and lighting lamps (Malinówka 1 reservoir).

The decision on environmental conditions very generally refers in implemented conditions to measures related to redevelopment of colliding technical facilities, i.e.: sewerage – as a peripheral action to be included due to the collision with the planned reservoirs (Malinówka – 1 and Malinówka 2). The Regional Director for Environmental Protection in Cracow referred to that issue in the justification and in specificity of the aforementioned decision, according to the attached documentation. In case of the Malinówka – 1 Reservoir it was indicated that it is planned to redevelop the sanitary sewerage with a diameter of 600 mm, whereas in case of the Malinówka – 2 Reservoir it was indicated that it is planned to redevelop the sanitary sewerage with a diameter of 400 mm.

Currently, within the framework of works associated with implementation of the investment titled: *“Construction of a flood storage reservoir “Malinówka - 1” on the Malinówka Stream at chainage km 0+220 in the City of Cracow”* and *“Construction of a flood storage reservoir “Malinówka - 2” on the Malinówka Stream at chainage km 2+320 in the City of Cracow”*, it is required to:

- Redevelop sanitary sewerage ks600 (Malinówka – 1 reservoir) and ks400 (Malinówka – 2 reservoir);
- Remove one lamp and develop two new lamps at A4 motorway (Malinówka – 1 reservoir).

Those modifications do not affect the main assumption under the decision, adopted solutions, and conditions guaranteeing minimization of adverse investment impact on the environment.

Justification

Mrs. Barbara Chammas of AECOM Sp. z o.o. (1. Pokoju Alley, 31-548 Cracow), acting in the name of the Investor, i.e. State Water Holding Polish Waters – Regional Water Management Authority in Cracow (22. M. J. Piłsudskiego Street, 31-109 Cracow), applied in a note dated 09/16/2020 (reception date: 09/16//2020), ref. no.: POPDOW/KR/60549311/20/2556, for clarifying contents of the decision on environmental conditions of the Regional Director for Environmental Protection in Cracow dated 10/29/2012, ref. no.: OO.4233.13.2012.BM, in the range of provisions referring to redeveloping the sanitary sewerage (Malinówka – 1 reservoir and Malinówka – 2 reservoir and lamps (Malinówka 1 reservoir).

In case of the Malinówka – 1 Reservoir and of the Malinówka – 2 Reservoir the decision on environmental conditions dated 10/29/2012, ref. no.: OO.4233.13.2012.BM, provides the following information related to sanitary sewerage ks600 and ks400 on page 12, i.e.: *“During the construction phase the facilities located within the bowls of the reservoirs, which need to be relocated to the area beyond the flooding zone, shall also be redeveloped (...)*

- *Malinówka – 1 Reservoir: relocation of the Malinówka stream bed over a length of about 140 m, redevelopement of sanitary canalization with a diameter of 600 mm, HV power line’s cabling, redevelopement of outlets for the motorway’s drainage.*
- *Malinówka – 2 Reservoir: relocation of the Malinówka stream bed over a length of about 230 m, redevelopement of sanitary canalization with a diameter of 400 mm, LV power line’s cabling, assembly of non-return valves at the water discharge from Raba I piping and from Raba II piping. (...)*

Currently, on the stage of establishments with Miejskie Przedsiębiorstwo Wodociągów i Kanalizacji S.A. w Krakowie [Municipal Water-Piping and Sewerage Works Joint Stock Company in Cracow] it was identified that it is necessary to implement a change referring to the redevelopement of sanitary sewerage sections. That change comprises a greater range of redevelopement for the sanitary sewerage in order to implement the investment titled *“Construction of a flood storage reservoir “Malinówka - 1” on the Malinówka Stream at chainage km 0+220 in the City of Cracow”*, where the total length of sanitary sewerage section with a diameter of 600 mm to be developed is 740.3 m, and reduction of the range and modification of the route for sanitary sewerage for the investment titled: *“Construction of a flood storage reservoir “Malinówka - 2” on the Malinówka Stream at chainage km 2+320 in the City of Cracow”*, where the total length of sanitary sewerage section with a diameter of 400 mm to be developed is 377 m. Both of the changes are related to the sectional exceedance beyond the boundaries of the planned impact approved with the decision on environmental conditions dated 10/29/2012, ref. no.: OO.4233.13.2012.BM. In case of the Malinówka – 1 reservoir the sewerage ks600 to be redeveloped is 85 m beyond the boundaries set out under the environmental decision in question. In case of the Malinówka – 2 reservoir the sewerage ks400 to be

redeveloped is 63 m beyond the boundaries set out under the environmental decision in question. The raised scope of redevelopment for ks600 sanitary sewerage section covers precisely the same route as the existing route under the investment referring to the construction of the Malinówka – 1 reservoir. Change of the route for redevelopment of ks400 sanitary sewerage within the framework of construction for the Malinówka 2 reservoir shall minimize the logging of trees within the boundaries of habitat 9170.

Within the framework of developing the Malinówka – 1 Reservoir it is also necessary to remove a lamp and to develop two lamps at A4 motorway. That results from a height analysis done for redevelopment of the HV line located over the motorway, which states that the currently valid safety regulations associated with minimum permissible distance between engineering objects and power lines require relocation of one lamp from the zone underneath the HV line. As a consequence, for the purpose of keeping the required intensity for lighting it is necessary to develop two new lamps within the artery of A4 motorway, i.e. beyond the boundaries of the planned impact of the investment associated with the construction of the Malinówka – 1 reservoir.

Obtainment of a decision on environmental conditions remains an investment stage basing upon a concept mainly, which reflects initially adopted assumptions, which are updated with details on further stages of the investment process or that may sometimes be slightly modified. A detailed analysis of solutions for the Malinówka 1 Reservoir and for the Malinówka 2 Reservoir given in the concept resulted in assuming finally that it is necessary to modify the solutions in the range of redeveloping the colliding sanitary sewerage sections and lighting lamps.

The Regional Director for Environmental Protection in Cracow clarifies that the changes to the range of redeveloping the sanitary sewerage – as results from the construction of the Malinówka – 1 Reservoir and the Malinówka – 2 Reservoir – are of peripheral meaning for the entire investment, and they shall not affect the main assumptions of the quoted decision on environmental conditions and its specificity, as well as adopted solutions and conditions guaranteeing minimization of adverse impact of the investment on the environment; thus, modifications in that scope are permitted.

As a consequence it shall be deemed that the works in question – referring to redevelopment of the sanitary sewerage due to the construction of the Malinówka – 1 Reservoir and the Malinówka – 2 Reservoir , as well as to the assembly works related to the removal and development of lamps (Malinówka – 1 Reservoir) – do not require amendments to the decision in question.

Therefore, in accordance with Article 113 (2) of the Code of Administration Procedure, the Regional Director for Environmental Protection in Cracow clarified doubts referring to contents of the aforementioned decision.

Instruction

One may appeal against this decision to the General Director for Environmental Protection in Warsaw (52/52. Wawelska Street, 00-922 Warsaw) through the Regional Director for Environmental Protection in Cracow (25. Mogilska Street, 31-542 Cracow) within seven days from its serving date.

**Regional Director for
Environmental Protection in Cracow**
Rafał Rostecki MSc
/electronic signature/

Recipients:

1. Mrs. Barbara Chammas – Investor's Proxy,
2. OO.BM file.

Due to enactment of the Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 *on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC* (hereinafter referred to as GDPR) on 25 May 2018, we hereby inform that:

- 1) The Regional Director for Environmental Protection with its office in Cracow, 25. Mogilska Street, 31-542 Cracow, administers your personal data.
- 2) Your personal data shall be processed by the Regional Directorate for Environmental Protection for the purpose of administrative / court-administrative proceedings, in accordance with Article 6 (1) letter c) of the GDPR.
Provision of your personal data is voluntary, but necessary for fulfilling the legal obligation of addressing the case.
- 3) Your data may be provided by the Regional Director for Environmental Protection in Cracow to units authorized to obtain information based upon commonly valid provisions of the law.
- 4) Personal data provided by you shall be stored by the time required by provisions of the law.
- 5) You have a right to access your personal data and a right to adjust them, limit their processing, and a right to transfer the data.
- 6) Due to processing of your personal data you have a right to file a claim to the President of the Personal Data Protection Office.
- 7) Contact data to the Data Protection Inspector: e-mail address: iod.krakow@rdos.gov.pl, postal address: 25. Mogilska Street, 31-542 Cracow.
- 8) A legal basis for processing of your personal data is formed by provisions of the Act of October 3, 2008 on the access to information on the environment and its protection, public participation in environment protection and environmental impact assessments, as well as provisions of the Code of Administrative Procedure.