

DECISION

Acting pursuant to Article 113 § 2 of the Act of 14 June 1960 – The Code of Administrative Procedure (Journal of Laws 2018, item 2096, as amended),

I hereby resolve

at the request of Ms. Barbara Chammas – representative of AECOM Sp. z o.o. (1. Pokoju Alley, 31-548 Cracow) dated 08/05/2019, ref. no.: POPDOW/KR/60549311/19/0743, acting on behalf of the Investor, that is State Water Holding Polish Waters – Regional Water Management Authority (22. M. J. Piłsudskiego Street, 31-109 Cracow), to clarify doubts as to the contents of the decision issued by the Regional Director of Environmental Protection in Cracow (ref. no.: OO.4233.13.2012.BM dated 10/29/2012), regarding environmental conditions for the following Works Contracts:

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”,** considering that changes for chainages for Malinówka – 1 and Malinówka – 2 reservoirs listed in the environmental decision referred to above and resulting from regulatory works in the Malinówka stream bed between the mouth of the stream at the Serafa River and the Malinówka – 2 Reservoir are not connected with the physical relocation of the planned reservoirs.

Therefore, the changes in question in the chainage of the Malinówka – 1 and Malinówka – 2 reservoirs include the location of the reservoirs included in the decision in question and do not require changes in the above-mentioned environmental decision.

Justification

Ms. Barbara Chammas of AECOM Sp. z o.o. (1. Pokoju Alley, 31-548 Cracow), acting on behalf of the Investor, that is State Water Holding Polish Waters – Regional Water Management Authority (22. M. J. Piłsudskiego Street, 31-109 Cracow), has requested in a letter dated 08/05/2019 (received on: 08/12/2019), ref. no.: POPDOW/KR/60549311/19/0743, clarification of the content of the environmental decision issued by the Regional Director of Environmental Protection in Cracow (ref. no.: OO.4233.13.2012.BM, dated 10/29/2012).

For the above-mentioned Malinówka – 1 and Malinówka – 2 reservoirs, pages 1, 2, 6, 9 and 10 of the environmental decision, ref. no. OO.4233.13.2012.BM, dated 10/29/2012 indicate the location with reference to the chainage of the Malinówka stream as follows:

- Construction of Malinówka – 1 flood storage reservoir on the Malinówka stream at km 0+220 in the city of Cracow,
- Construction of Malinówka – 2 flood storage reservoir on the Malinówka stream at km 2+320 in the city of Cracow.

However, the construction of the A4 motorway resulted in performing regulatory works in the Malinówka stream bed between the mouth of the stream at the Serafa river and the Malinówka 2 reservoir. These works were connected with relocation and straightening of the natural stream bed, which resulted in a significant shortening of the stream, affecting the chainage.

The physical location of the planned Malinówka – 1 and Malinówka – 2 reservoirs in the area (both geographically and in terms of registers) has not changed, but due to the new course of the Malinówka stream bed, a new chainage was introduced in accordance with its current course. The locations of the embankments of the reservoirs in question after performing new measurements for the chainage of the current course of the Malinówka stream are:

- Construction of Malinówka – 1 flood storage reservoir on the Malinówka stream at km 0+231 in the city of Cracow,
- Construction of Malinówka – 2 flood storage reservoir on the Malinówka stream at km 2+297 in the city of Cracow.

The above-mentioned changes in the chainages of the Malinówka – 1 and Malinówka – 2 reservoirs did not change the area of implementation and area of environmental impact of the contract as specified in the application to issue the environmental decision for the contract in question. Therefore, it must be stated that the changes in question do not require an amendment of the Decision.

Therefore, in the present decision, in accordance with Article 113(2) of the Administrative Proceedings Code, the Regional Director for Environmental Protection in Cracow has clarified the doubts as to the content of the above-mentioned decision.

In view of the above, it was decided as follows in the operative part of the decision.

Instruction

The Parties are entitled to file a complaint against this decision to the General Director for Environmental Protection (52/54. Wawelska Street, 00-922 Warsaw), through the Regional Director for Environmental Protection in Cracow (25. Mogilska Street, 31-542 Cracow), within seven days of the date of delivery of the decision.

Regional Director for Environmental Protection in Cracow

Rafał Rostecki MSc

CC:

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

In connection with coming into effect on May 25, 2018 of 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 “the GDPR”), we kindly inform you that:

1. The administrator of your personal data is the Regional Director for Environmental Protection with its registered office in Cracow, 25. Mogilska Street, 31-542 Cracow.
2. Your personal data will be processed by the Regional Directorate for Environmental Protection in Krakow in order to conduct administrative/legal administrative proceedings in accordance with Article 6(1)(c) of the GDPR.
The provision of your personal data is voluntary, but is required to fulfil the legal obligation in the form of consideration of the case.
3. Your data may be made available by the Regional Director for Environmental Protection in Cracow to entities authorized to obtain information pursuant to generally applicable laws.
4. Personal data provided by you will be stored for the period required by law.
5. You have the right of access to your personal data and the right to rectify it, limit its processing and the right to transfer the data.
6. In connection with the processing of your personal data you have the right to lodge a complaint with the President of the Office for the Protection of Personal Data.
7. Contact details of the Data Protection Inspector: e-mail address: iod.krakow@rdos.gov.pl postal address: 25. Mogilska Street, 31-542 Cracow.
8. The legal grounds for processing your personal data are the provisions of the Act of October 3, 2008 on access to information on the environment and its protection, public participation in environment protection and environmental impact assessments, as well as the Code of Administrative Procedure.