



Cracow, July 21, 2020

Our ref.:

POPDOW/KR/60549311/20/1449

XXXXXX

XXXXXXXXXX

33-100 Tarnów

Contract no. 5.2 Design and Construction Supervision for works, Project Management, Technical Assistance and Training, Technical Support for the Project and Strengthening of PIU's Institutional Capacity

RE: publication of the Draft Land Acquisition and Resettlement Action Plan for the Works Contract 3D.2/2 – Expansion of the left and right embankment of the Biala River in the Tarnow Municipality and the City of Tarnow, and the note dated 06/22/2020.

We appreciate your interest in public consultations for the Draft Land Acquisition and Resettlement Action Plan (hereinafter referred to as the LA&RAP) for the Works Contract 3D.2/2 – *Expansion of the left and right embankment of the Biala River in the Tarnow Municipality and the City of Tarnow*. We also inform that within the framework of the Works Contract in question your property, i.e. plots no. XXX and no. XXXXX, area of the City of Tarnów, shall not be expropriated or undergo other restrictions in the use of properties.

In reference to the issues mentioned in your note dated 06/22/2020 (reception date: 06/29/2020) we inform as follows:

Ad. 1 – request for accepting as “a party of proceeding”

Due to public consultations referring to the LA&RAP for an investment task titled *Works Contract 3D.2/2 – Expansion of the left and right embankment of the Biala River in the Tarnow Municipality and the City of Tarnow*, in the light of provisions under the Operational Policy OP 4.12 “*Involuntary Resettlement*” of the World Bank (institution co-funding implementation of the investment in question) you are considered by the Investor, i.e. State Water Holding Polish Waters Regional Water Management Authority in Cracow, as so-called PAP (*Project Affected*

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Person), it is a Person affected by effects of Project implementation, because your properties shall neighbor the construction site during the performance. As a consequence, in accordance with planned mitigation measures given under item 25 of Chapter 6.2 of the Draft LA&RAP, which have been described in details in the Environmental Management Plan (you may review the document in question at:

http://odrapcu2019.odrapcu.pl/wp-content/uploads/2020/02/3D2_2_PZS-Rozbudowa-lewego-i-prawego-walu-rz.-Biala-gm.-Tarnow-m.-Tarnow.pdf),

during the performance the Contractor shall undertake measures to cause the smallest amount of nuisance for neighboring properties. If you would like to inform any motions or reservations, or eventually obtain information on the works to be performed, you may use contact data given in the Draft LA&RAP and apply the form given in Appendix no 6.

Ad. 2 – request for development of drainage at the embankment on the side of your property

The construction design does not foresee development of such a drainage, as the slope at plots no. XXXX and no. XXXX, area XXXX, register unit: City of Tarnów, shall be raised by about 0.5 m, and the slope developed as an earth-fill embankment shall be top-soiled and sown with grass (permeable surface); a technological road with a course made of compacted breakstone – with counter-slope running towards the embanked area – shall be developed on the embankment crest (also partially permeable). As a consequence, rainfall water shall discharge toward the embanked area without posing a risk of flooding to your plots.

Ad. 3 – request for redevelopment of the existing land utilities, i.e. sewerage and water-supply system

In the range of requested redevelopment of the water intake (well) and tight tank for household sewage we inform that the indicated elements of facilities remain your property and are located within the properties owned by you, and they shall not be comprised by the Works Contract 3D.2/2. Additionally, as indicated in your correspondence with Małopolski Board of Amelioration and Water Structures dated 03/30/2015, the facilities existed even before developing the flood embankments for the River Biała.

In conformity with Article 5 (1) of the Act of July 7, 1994 Construction Law (consolidated text: OJ of 2019, item 1186, as amended), “An engineering object – as a whole – and its individual parts, along with related facilities, shall be designed and constructed – while considering their expected

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time of use – in a way determined in the regulations, including technical-engineering ones, and in accordance with technical know-how, while assuring proper location on an engineering plot (...) as indicated under item 8.”

The legislator indicated in Article 7 (1) of the Construction Law that the technical-engineering regulations comprise, in accordance with item 1), the technical conditions for engineering objects and their location, as determined by the minister competent for civil engineering issues, spatial planning and management, and housing industry in a regulation.

A legal act discussed above is the Regulation of the Minister of Infrastructure dated April 12, 2002 on the technical conditions for buildings and their location (consolidated text, OJ of 2019, item 1065). In Article 31 (1) item 1 of that regulation it was indicated that a distance of a well providing potable water to people, not requiring – according to the regulations on protection of water intakes and sources – establishment of a protective zone, shall amount to – while counting from the well’s axis – at least 5 m from the plot boundaries; however (2) of that Article states that it is allowed to locate a well in a distance smaller than 5 m from the plot boundaries, as well as a common well within the boundaries between two plots, provided that distances stated in (1) items 2-5 would be kept at both of the plots. Those requirements are associated with the use of land, which may result in contamination of ground water and pose risk of polluting to water in the well. Existence of the embankment and its periodical mowing do not remain such elements; thus, location of the well on your property is compliant with the binding law. That condition shall also not be modified after implementing the planned investment.

Furthermore, in conformity with Article 36 (2) item 2 of the aforementioned regulation, a distance from tight tanks for solid waste shall in that situation amount to at least 2 m from the plot boundaries.

Considering the provisions quoted above, as well as the fact that we face the existing facilities, developed prior to the construction of the existing embankment, it shall be stated that you are not obliged – as the property owner – to redevelop the existing facilities, but it is not against the construction law; thus, it is not necessary and it is not possible for the Investor to redevelop it on the cost of the State Treasury.

AECOM

Sincerely yours,

.....

Barbara Chammas

Project Manager

AECOM Polska Sp. z o.o.

Recipients:

- a. Addressee
- b. File
- c. PGW WP RZGW in Cracow

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