

**REGIONAL DIRECTOR FOR
ENVIRONMENTAL PROTECTION
IN CRACOW**

OO.4220.5.44.2019.BM

Cracow, December 5, 2019

RESOLUTION

Based upon Article 113 (1) of the Act of June 14, 1960 Code of Administrative Procedure (OJ of 2018, item 2096, as amended),

I decide to

correct an obvious mistake upon the party's request in the decision and in Appendix no. 1 to the decision of the Regional Director for Environmental Protection in Cracow dated October 29, 2012, ref. no.: OO.4233.13.2012.BM, establishing environmental conditions for the contract titled:

1. *"Construction of a flood storage reservoir "Biezanów" 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",*

which resulted from ambiguous provisions given in the environmental impact report referring to **the Malinówka 1 Reservoir and the Malinówka 2 Reservoir**, as follows:

- a) In contents of the decision on page 2, sub-item 1.1 referring to the type and to the location of investment implementation it was stated that:

The planned contract includes construction of a group of five flood storage reservoirs at the River Serafa (two reservoirs) and at the Malinówka Stream (three reservoirs), within the City of Cracow and the City of Wieliczka – with a total flood storage capacity of 430 000 m³. The total flood plain area for all of the reservoirs is 22.2 ha. Those reservoirs are to provide flood storage during floods (they would remain empty in the remaining time – dry polders) only.

However, that provision shall have the following contents:

*The planned contract includes construction of a group of five flood storage reservoirs at the River Serafa (two reservoirs) and at the Malinówka Stream (three reservoirs), within the City of Cracow and the City of Wieliczka – with a total flood storage capacity of **423 000 m³**. The total flood plain area for all of the reservoirs is **21.7 ha**. Those reservoirs are to provide flood storage during floods (they would remain empty in the remaining time – dry polders) only.*

Furthermore, the total flood storage capacity of all of the reservoir was mistaken on pages 9, 10, and 11 of the justification to the decision, and on page 1 of appendix no. 1 to the decision on environmental conditions – specificity of the investment.

As a consequence, the value of 430 000 m³ referring to the total capacity of the reservoirs, as given on pages 9, 10, and 11 of the justification to the decision, and on page 1 of appendix no. 1 to the decision on environmental conditions – specificity of the investment, shall be replaced with the value of: **423 000 m³**.

b) In justification to this decision on page 10, in the table containing detailed parameters of the reservoirs, the following parameters were mistaken:

- *Malinówka 1 Reservoir:*
 - *Reservoir capacity [K m³] – 115;*
 - *Reservoir area [ha] – 6.5;*
 - *Damming level [m] – 4.85;*
 - *From dam length [m] – 100;*
 - *Side dam length [m] – about 850;*
 - *Channel's relocation length [m] – about 140.*
- *Malinówka 2 Reservoir:*
 - *Reservoir capacity [K m³] – 50;*
 - *Reservoir area [ha] – 2.5;*
 - *Damming level [m] – 4.9;*
 - *From dam length [m] – 125.0;*
 - *Channel's relocation length [m] – about 226.*
- *Total characteristic parameters:*
 - *Reservoirs capacity [K m³] – 430;*
 - *Reservoirs area [ha] – 22.2;*
 - *From dam length [m] – 735;*
 - *Side dam length [m] – 1300;*
 - *Channel's relocation length [m] – 546.*

However, the aforementioned specific parameters of the planned reservoirs – Malinówka 1 and 2 – shall be as follows:

- *Malinówka 1 Reservoir:*
 - *Reservoir capacity [K m³] – **114**;*
 - *Reservoir area [ha] – **6.2**;*
 - *Damming level [m] – **4.8**;*
 - *From dam length [m] – **about 80**;*
 - *Side dam length [m] – **about 774**;*
 - *Channel's relocation length [m] – **about 140 with discharge facilities**.*

- *Malinówka 2 Reservoir:*
 - *Reservoir capacity [K m³] – **49**;*
 - *Reservoir area [ha] – **2.3**;*
 - *Damming level [m] – **3.8**;*
 - *From dam length [m] – **about 105**;*
 - *Channel's relocation length [m] – **about 224 with discharge facilities**.*
- *Total characteristic parameters:*
 - *Reservoirs capacity [K m³] – **423**;*
 - *Reservoirs area [ha] – **21.7**;*
 - *From dam length [m] – **695**;*
 - *Side dam length [m] – **1224**;*
 - *Channel's relocation length [m] – **544**.*

c) In justification of that decision on page 11 it was mistakenly stated that:

The achieved flood storage capacity amounts from 50 K m³ to 130 K m³ for particular reservoirs, what in total – as mentioned above – amounts to 430 K m³.

However, that provision shall have the following contents:

*The achieved flood storage capacity amounts from **49 K m³** to 130 K m³ for particular reservoirs, what in total – as mentioned above – amounts to **423 K m³**.*

d) In justification of that decision on page 12 it was mistakenly stated that:

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

However, those provisions shall have the following contents:

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

e) In appendix no. 1 to the decision on environmental conditions – specificity of the investment, on page 2, technical parameters for the Malinówka 1 Reservoir were mistaken:

- *Malinówka 1 Reservoir:*

- *Area of the reservoir $F = 6.5$ ha,*
- *Capacity of the reservoir $V = 115\,000\text{ m}^3$,*
- *Damming height $H = 4.85$ m.*

The front dam with a length of 100 m and a width of 4.0 m at the crest, riverside slope inclination of 1:3 and landside one of 1:2.5. (...)

The side dam with a length of 850 m, (...).

Within the framework of the contract it shall be necessary to relocate the Malinówka Stream over a length of about 140 m, develop a drainage ditch in the area beyond the embankment over a length of about 900 m, (...).

However, the aforementioned specific parameters for the Malinówka 1 Reservoir shall be as follows:

- *Malinówka 1 Reservoir:*

- *Area of the reservoir **$F = 6.2$ ha,***
- *Capacity of the reservoir **$V = 114\,000\text{ m}^3$,***
- *Damming height **$H = 4.80$ m.***

*The front dam with a length of **about 80 m** and a width of 4.0 m at the crest, riverside slope inclination of 1:3 and landside one of 1:2.5. (...)*

*The side dam with a length of **about 774 m**, (...).*

*Within the framework of the contract it shall be necessary to relocate the Malinówka Stream over a length of about 140 m **with discharge facilities**, develop a drainage ditch in the area beyond the embankment over a length of **not more than 900 m**, (...).*

f) In appendix no. 1 to the decision on environmental conditions – specificity of the investment, on page 3, technical parameters for the Malinówka 2 Reservoir were mistaken:

- *Malinówka 2 Reservoir:*

- *Area of the reservoir $F = 2.5$ ha,*
- *Capacity of the reservoir $V = 55\,000\text{ m}^3$ (...).*

The front dam with a length of 130 m and a width of 4.0 m at the crest, riverside slope inclination of 1:3 and landside one of 1:2.5. (...)

For the purpose of reducing the hydraulic jump it is planned to develop a stilling basin with a length of 16 m, a width of about 9.0 m, and a depth of about 1.0 m. (...)

Within the framework of the contract it shall be necessary to relocate the Malinówka Stream over a length of about 230 m, (...).

However, the aforementioned specific parameters for the Malinówka 2 Reservoir shall be as follows:

- *Malinówka 2 Reservoir:*

- *Area of the reservoir **F = 2.3 ha**,*
- *Capacity of the reservoir **V = 49 000 m³** (...).*

*The front dam with a length of **105 m** and a width of 4.0 m at the crest, riverside slope inclination of 1:3 and landside one of 1:2.5. (...)*

*For the purpose of reducing the hydraulic jump it is planned to develop a stilling basin with a length of **not more than 16 m**, a width of about **5.0 m**, and a depth of about 1.0 m. (...)*

*Within the framework of the contract it shall be necessary to relocate the Malinówka Stream over a length of **about 224 m with discharge facilities**, (...).*

- g) In appendix no. 1 to the decision on environmental conditions – specificity of the investment, on page 5, it was mistakenly stated for all of the reservoir at the Malinówka Stream that:

Regulatory water shall be transferred via a bottom discharge pipe with a diameter of 1.0 m, length of 4.5 m and drop of 0.005; whereas design water and control water shall be discharged using a spillway with an opening of 6 m at the crest and a filling depth of 1.0 m. For the purpose of reducing the hydraulic jump it is planned to develop a stilling basin with a length of 16 m, a width of about 9.0 m, and a depth of about 1.0 m.

However, those provisions shall have the following contents:

*Regulatory water shall be transferred via **two bottom discharge facilities with a square section having dimensions of 2 x 0.5 m x 0.5 m**, a length of **not more than 4.5 m**, and drop of 0.005; whereas design water and control water shall be discharged using a spillway with an opening of **5.0 m** at the crest and a filling depth of 1.0 m. For the purpose of reducing the hydraulic jump it is planned to develop a stilling basin with a length of **not more than 16 m**, a width of **5.0 m**, and a depth of about 1.0 m.*

The aforementioned correction of editorial mistakes referring to technical parameters does not modify sizes and spaces for parameters of the aforementioned reservoirs, and remains provision of detail in reference to their parameters and adaptation to the currently binding legal requirements and an additional estimation through recognition of the lay of land in detail. Provisions given in the decision on environmental conditions dated October 29, 2012, ref. no.: OO.4233.13.2012.BM, and in appendix no 1 to that decision contained divergent and underestimated parameters; thus, it is necessary to correct them, what does not modify boundaries of the investment and limits of its environmental impact.

JUSTIFICATION

In contents of the decision of the Regional Director of Environmental Protection in Cracow dated October 29, 2012, ref. no.: OO.4233.13.2012.BM, and in appendix no. 1 to the decision establishing environmental conditions for the aforementioned investment, parameters for the Malinówka 1 Reservoir and for the Malinówka 2 Reservoir were mistaken, and they resulted from divergent provisions stated in reference to those parameters in the environmental impact report.

Mistakes listed above in reference to the technical parameters of the Malinówka 1 Reservoir and the Malinówka 2 Reservoir result from the fact that the developed environmental impact report dated 2012 was prepared based upon a concept of reservoirs developed using a map in a scale of 1:1000, purchased in geodetic documentation offices in Cracow and in Wieliczka, which has a limited number of elevations and details in the area of channels and steep afforested slopes. Thus the values describing even the basic parameters of reservoirs were mistaken due to inaccuracy of source materials, and they should be verified or informed as maximum values to present them precisely in the decision.

Currently, for the purpose of establishing the flooding range for the reservoir, the area and the capacity, a Digital Terrain Model is applied, in which there are 12 spots per 1 m² of represented land with elevations given with accuracy of up to 10 cm. Application of those more precise data referring to the lay of land allows for more precise determination of such parameters of the reservoirs as the: flooding range, capacity, elevations of water-courses' bottom, required length of water-courses' redevelopment, and length of front dams and side dams, due to precise determination of a crossing between designed structures and land.

In case of the reservoirs advanced hydrological and hydraulic models were also done, and they included binding guidelines and regulations on transformation of rainfall into discharge, as well as current and forecasted use of land. Accommodation of flood waves – with various probability rates and various duration – in the reservoirs was analyzed. It was also necessary to include current regulations, i.e.: regulation of the Minister of Environment of April 20, 2007 on the technical conditions for hydraulic structures, which required the discharge facilities (according to Article 76 (1)) to have at least two tubes with possible deactivation of one tube for the purpose of overhaul and inspection at keeping efficiency of other discharge facilities and their location. The solution adopted in the environmental decision is against the aforementioned regulations, as it expects development of a single-tube discharge structure. It is therefore required to adapt the number of discharge tubes to the regulations and to re-calculate efficiency of the reservoirs during accommodation of flood waves. Based upon the analysis results a set of parameters was obtained for the reservoirs, and their values are lower than the ones given in the environmental decision; thus, it is necessary to detail the data given in the decision dated 10/29/2012, ref. no.: OO.4233.13.2012.BM.

The aforementioned correction and provision of precise parameters do not modify the investment boundaries. Both: the location of the reservoirs, as well as the damming elevation are not modified. There also is no modification of the limits of environmental impact, which were determined in the decision on environmental conditions dated 10/29/2012, ref. no.: OO.4233.13.2012.BM. The listed parameters are lower than the ones mistaken within contents of the aforementioned decision.

Ordering specific data in the decision does not also result in modification of investment impact on particular components of the environment.

Remaining technical parameters given in the decision on environmental conditions of the Regional Director for Environmental Protection in Cracow dated October 29, 2012, ref. no.: OO.4233.13.2012.BM, and in appendix no. 1 to that decision, which were not listed under this resolution, are not modified.

In accordance with Article 113 (1) of the Act of June 14, 1960 – Code of Administration Procedure, unit of public administration may correct editorial mistakes and accounting mistakes and other obvious mistakes in decision issued by that unit *ex officio* or upon a party's request through a resolution.

As a result it was decided as given in the conclusion.

Instruction

One may appeal against this decision to the General Director for Environmental Protection in Warsaw through the Regional Director for Environmental Protection in Cracow within 7 days from its serving date.

One may relinquish the right to appeal to the public administration unit, which issued the decision, in case of this decision. On the day the public administration unit received statements relinquishing the right to appeal by the last of the proceeding parties, the decision becomes final and binding.

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

Recipients:

1. Mrs. Barbara Chammas, AECOM Polska Sp. z o.o., 1. Pokoju Alley, 31-548 Cracow – Investor's Proxy,
2. Remaining parties of the proceeding notified in the mode under Article 49 APC,
3. OO.BM file.

INFORMATION OF THE ADMINISTRATOR ON PERSONAL DATA PROCESSING

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.