

**REGIONAL DIRECTOR FOR
ENVIRONMENTAL PROTECTION
IN CRACOW**

OO.4220.5.27.2020.BM

Cracow, August 17, 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 06/30/2020, ref. no.: POPDOW/KR/60549311/20/1367, as supplemented on 08/03/2020, 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 HV power lines.

The decision on environmental conditions refers in implemented conditions generally to measures related to redevelopment of colliding facilities, i.e.: power network, as a peripheral action to be necessarily included due to collision between GPZ and the planned reservoir (Malinówka – 1). 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 on the construction stage e.g. HV power lines shall be cabled.

The Regional Director for Environmental Protection in Cracow issued a resolution (dated 09/16/2019, ref. no.: OO.4220.5.29.2019.BM) for the aforementioned investment in the range of HV line’s course, and clarified that the environmental decision does not exclude a possibility of applying overhead lines instead of a cable line and of applying new supporting posts on a body of side dams within the framework of environmental decision.

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" it is required to:

- Redevelop a high voltage 110 kV overhead power line Biezanów – Wieliczka from post no. 3 to post no. 6, running over the designed Malinówka 1 Reservoir between posts 4 and 5.
- Redevelop a high voltage 110 kV overhead power line Piaski Wielkie – Biezanów from post no. 68 to post no. 72, running over the designed Malinówka 1 Reservoir between posts 69 and 70.

Those modifications do not affect the main assumption under the decision, adopted solutions, and conditions guaranteeing minimization of adverse investment impact on the environment, and – due to the fact that the course of 110 kV line beyond the area covered by the environmental decision shall not be changed – that action shall not be considered as an investment.

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 06/30/2020 (reception date: 07/02/2020), ref. no.: POPDOW/KR/60549311/20/1367, as supplemented with a note dated 07/31/2020 (reception date: 08/03/2020), ref. no.: POPDOW/KR/60549311/20/1462, 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 power lines.

In case of the Malinówka – 1 Reservoir the decision on environmental conditions dated 10/29/2012, ref. no.: OO.4233.13.2012.BM, provides the following information related to HV power lines 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, redevelopment of sanitary canalization with a diameter of 600 mm, HV power line's cabling, redevelopment of outlets for the motorway's drainage. (...)

The planned redevelopment of Biezanów – Wieliczka line requires demolition of the existing post no. 5 (D1 K type) located in the reservoir's bowl, and development of new post no. 5 (in the course of the existing lines) as a narrow-core one EDW24 K in a barrel-type arrangement. The aforementioned works shall be done within the boundaries of the environmental decision in question.

Within the framework of assembly works it shall be necessary to perform installation works on the existing posts no. 3, 4, and 6, beyond the impact boundaries of the environmental decision in question. Those works shall comprise the following:

- Replacement of phase conductors with new ones in pull-off section 3-6, due to their insufficient existing length,
- Replacement of pull-off holders on posts,
- Regulation of sags for assembled phase conductors.

The assembly works shall be done on the existing posts 3, 4, and 6, and on new post no. 5 only, at deactivated line, without necessary access to the area between the posts. Specific parameter of a linear object – length – shall not be changed as a result of the works. Voltage – 110 kV – and the line's route shall also not be modified.

However, the designed redevelopment of Piaski Wielkie – Bieżanów line shall require demolition of the existing posts no. 69 and 70 located in the reservoir's bowl, and construction of new posts no. 69 and 70. The aforementioned works shall be done within the boundaries of the environmental decision in question.

Within the framework of assembly works it shall be necessary to perform installation works on the existing posts no. 68, 71, and 72, beyond the impact boundaries of the environmental decision in question. Those works shall comprise the following:

- Replacement of phase conductors with new ones in pull-off section 68-72, due to their insufficient existing length,
- Replacement of pull-off holders on posts,
- Regulation of sags for assembled phase conductors.

The assembly works shall be done on the existing posts 68, 71, and 72, and on new posts no. 69 and 70 only, at deactivated line, without necessary access to the area between the posts. Specific parameter of a linear object – length – shall not be changed as a result of the works. Voltage – 110 kV – and the line's route shall also not be modified.

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 be slightly modified. A detailed analysis of solutions given in the concept for the Malinówka 1 Reservoir resulted in assuming finally that it is necessary to modify the solutions in the range of redeveloping the colliding power lines.

Those works shall not result in changing the area of investment impact on the environment, as determined in the application on the issuance of a decision on environmental conditions for the contract in question.

The Regional Director for Environmental Protection in Cracow clarifies that the assembly works described above in reference to HV power lines Bieżanów – Wieliczka and Piaski Wielkie – Bieżanów, covered by the subject environmental decision, resulting from development of the Malinówka – 1 Reservoir, shall not affect the main scope of the investment and its implementation objective significantly – in relation to provisions of the quoted decision on environmental conditions and its specificity – and therefore they shall not affect the investment impact on the environment.

As a consequence it shall be deemed that the works in question – referring to the Malinówka – 1 Reservoir – do not require amendments to the decision in question.

However, the necessary assembly works planned on the existing and on designed posts of the aforementioned HV power lines Bieżanów – Wieliczka and Piaski Wielkie – Bieżanów, due to development of the Malinówka 1 Reservoir, remain beyond the impact boundaries of the environmental decision in question, and they do not modify the specific parameter of a linear object – length – and of the course for the aforementioned lines to be developed, and they also shall not

result in modification of the line's voltage – 110 kV. As a consequence they do not require obtainment of a new decision on environmental conditions.

Therefore, in accordance with Article 113 (2) of the Act of June 14, 1960 – Code of Administration Procedure, the Regional Director for Environmental Protection in Cracow clarified in this note doubts referring to contents of the aforementioned decision.

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 (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.