

**REGIONAL DIRECTOR FOR  
ENVIRONMENTAL PROTECTION  
IN CRACOW**

OO.420.4.2.2019.BM

Cracow, March 24, 2020

**DECISION  
ON ENVIRONMENTAL CONDITIONS**

Based upon Article 71 (2) item 2, Article 75 (1) item 1 letter i), Article 84 (1) and (2), and Article 85 (1) and (2) item 1 of the Law of October 3, 2008 on the access to information on the environment and its protection, public participation in environment protection and environmental impact assessments (OJ of 2020, item 283, consolidated text), Article 4 (1) and (2) of the Act of July 19, 2019 on changing the Act on the access to information on the environment and its protection, public participation in environment protection and environmental impact assessments and some other acts (OJ of 2019, item 1712), Article 104 of the Act of June 14, 1960 Code of Administrative Procedure (OJ of 2020, item 256, as amended), as well as Article 3 (1) item 65 of the regulation of the Council of Ministers of November 9, 2010 on the investments which may significantly affect the environment (OJ of 2016, item 71, consolidated text) in the meaning of Article 4 of the regulation of the Council of Ministers of September 10, 2019 on the investments which may significantly affect the environment (OJ of 2019, item 1839),

**a f t e r   c o n s i d e r i n g**

the application dated 07/10/2019 (reception date: 07/11/2019), ref. no.: POPDOW/KR/60549311/19/0623, as provided by Mrs. Barbara Chammas, representative of AECOM Polska Sp. z o.o. Odra-Vistula Flood Management Project Office (1. Pokoju Alley, Building K1, 31-548 Cracow), acting in the name of the State Water Holding Polish Waters Regional Water Management Authority in Cracow (22. Marszałka J. Piłsudskiego Street, 31-109 Cracow), on the issuance of a decision on environmental conditions for the contract titled: **“Development of a flood gate at the left flood embankment in the area of water intakes for the Sędzimir Steel Mill in Cracow”**,

**I d e c i d e   a s   f o l l o w s :**

- I. I state that there is no obligation to provide an environmental impact assessment for the contract in question.**
- II. I determine the following significant conditions for using the environment on stages of designing, implementation, and use:**
  1. In order to minimize the acoustic nuisance generated during the performance the construction works in vicinity of acoustically protected sites and buildings, done using machines generating excessive noise, shall be done during the day, from 6.00 am to 10.00 pm.
  2. Unorganized emission of dusty pollution during performance of the earthworks and of the construction works shall be limited through: transportation of loose materials with adapted vehicles protected against dusting, storage of loose materials in places protected against wind (in manufacturer’s packaging, if possible) or covering them with e.g. tarpaulin, and – in case of high temperature occurrence – sprinkling the surface, which may cause dusting, with water.

3. Performance sites, places of fueling and maintenance of machines and equipment, as well as storage sites for fuels and hazardous waste shall be provided with technical and chemical measures to remove or neutralize hazardous substances, including diesel derivatives. In case of a failure, potential pollution shall be neutralized immediately.
4. Surfaces of zones, where vehicle fueling sites, places of hazardous material storage (e.g. fuel, grease, solvent, paint), hazardous waste storage sites would be located – shall be sealed (laid with e.g. insulating materials) to protect against potential leakage of those substances to the ground and water environment.
5. Implementation of the contract cannot disturb continuity of operations for the existing intake of water from the Kujawy Port's basin, owned by Arcelor Mittal Poland S.A. Branch in Cracow.
6. Water taken from drainage of excavations shall – prior to the discharge to surface water, and especially to the Kujawy Port's basin – be cleaned off of the excess of general suspension.
7. Materials applied for extension of the embankments and for filling the excavations in shall be free of substances particularly harmful to the water environment and generating risk of pollution to the surface of earth.
8. Excavation for the flood gate shall be done under cover of sheet piling.
9. Construction works associated with the development of flood gate and with the construction and redevelopment / extension of flood embankments shall not be done at flood risk.
10. During accommodation of a flood wave, vehicles, machines, construction materials, and other objects and mobile elements applied at the construction site shall be located beyond the riverside part of the embankments.
11. Works associated with logging of trees and with shrub stumping shall be done beyond the hatching period of birds, i.e. beyond the period from March 1 to August 31.
12. Trees and/or shrubs located in a direct vicinity of the planned works (which are not intended for removal) shall be protected against damaging, e.g.:
  - a) through separation of a tree / shrub, including tight fencing of the area, where trees grow, along with areas taken by roots, within the crown projection,
  - b) through protection of a tree trunk to secure bark against scaring or damage – boarding for the trunk or covering it with mats, e.g. made of straw; at application of boards one shall draw attention to tightness of planks at the entire trunk surface up to the height of about 2 m (if possible), the bottom part of the board shall be dug into the ground, and – if not possible – covered with soil or additionally protected with a wire,
  - c) through protection of the root system in excavation. The excavation within the tree crown projection shall be done manually.
  - d) through protection of tree branches, e.g. tying the lowest branches and boughs or ones at low heights to the ones located above or supporting them to avoid damaging their bark.
13. One shall avoid forming of temporary water pits, which may be potential breeding sites for amphibians (from the beginning of March until the end of May) during the construction works, and in case of forming them, one shall remove them immediately.
14. Within the excavations one shall apply a relevant drainage system for construction excavations to assure keeping them without stagnant water. In case of identifying suspension in water pumped out from the excavations, they shall be cleaned in sedimentation/settling tank intercepting suspension prior to the discharge to the river.

### III. Specificity of the assignment is determined in Appendix no. 1, which forms an integral part of this decision.

#### Justification

Mrs. Barbara Chammas, representative of AECOM Polska Sp. z o.o. Odra-Vistula Flood Management Project Office (1. Pokoju Alley, Building K1, 31-548 Cracow), acting in the name of the State Water Holding Polish Waters Regional Water Management Authority in Cracow (22. Marszałka J. Piłsudskiego Street, 31-109 Cracow), applied to the Regional Director for Environmental Protection in Cracow for the issuance of a decision on environmental conditions for the contract titled **“Development of a flood gate at the left flood embankment in the area of water intakes for the Sędzimir Steel Mill in Cracow”** in the motion dated 07/10/2019 (reception date: 07/11/2019), ref. no.: POPDOW/KR/60549311/19/0623. Name of the planned investment has been modified during the proceeding based upon the Investor’s request. The previous name of the investment was as follows: *“Construction of a flood gate for the Kujawy Port, including necessary facilities”*. The need to modify the investment’s name resulted from emphasizing the basic function of the flood gate mainly, which is to provide flood protection. A reason for changing the name of the contract was also its adaptation to the catalogue of flood protection objects listed in the Special Flood Act and in the Water Law, for the purpose of meeting formal requirements allowing for the performance based upon the IPIP decision issued in the mode under the special act.

The application has been updated due to formal issues with e-mails dated 09/09/2019 and 09/25/2019, and the investment data sheet has substantially been supplemented with a note dated 10/30/2019, ref. no.: POPDOW/KR/60549311/19/11021.

In the course of the proceeding, the documents required under Article 74 (1) 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 were attached to the application. A fiscal charge for the issuance of the decision on environmental conditions and for the power of attorney provided was paid.

In conformity with provisions of Article 75 (1) item 1 letter i) 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*, hereinafter referred to as the EIA Act, as well as due to Article 4 (1) of the Act of July 19, 2019 on changing the Act on the access to information on the environment and its protection, public participation in environment protection and environmental impact assessments and some other acts, the Regional Director for Environmental Protection in Cracow is responsible for the issuance of a decision on environmental conditions for the contract in question.

In conformity with provisions of Article 80 (2) of the *EIA Act*, stating the contract location’s compliance with establishments under a local spatial development plan does not refer to flood defenses to be developed based upon the Act of July 8, 2010 on the special preparation rules for flood protection investment (OJ of 2019, item 933, consolidated text).

The investment assignment in question, as discussed under **Article 4** of the regulation of the Council of Ministers of September 10, 2019 on the investments which may significantly affect the environment (OJ of 2019, item 1839), is qualified to contracts, which may potentially affect the environment significantly, for which it may be required to provide an environmental impact assessment according to **Article 3 (1) item 65** – *“flood defenses, except for redevelopment of flood embankments including sealing of the embankment body and its subbase, to limit the possibility of*

*washing-out and failure during accommodation of flood water, as well as regulation of water or its channeling understood as water management allowing for its use for navigation purposes”* – of the regulation of the Council of Ministers of November 9, 2010 on the investments which may significantly affect the environment (consolidated text: OJ of 2016, item 71).

The Regional Director for Environmental Protection informed the parties in the notification dated 08/20/2019, ref. no.: OO.420.4.1.2019.BM, about commencement of the proceeding and about the possibility of acknowledging the case documentation. The notification has efficiently been put on a noticeboard of the RDOŚ in Cracow and on a noticeboard of the City Office of Cracow. The notification informed that on the following proceeding stages, in accordance with Article 49 (1), the parties shall be notified through publication of notes (announcements, notifications) in the Public Information Bulletin of the RDOŚ in Cracow. Furthermore, information on the commencement of proceeding has been published in the Public Information Bulletin, at websites of the Regional Directorate for Environmental Protection in Cracow, and in a publicly accessible data list at the website of the Center of Information on the Environment.

A list of the parties has been adopted according to the boundaries of the implementation area and of the contract impact range. Owners of plots / units having rights to the properties directly adjacent to plots, where the contract shall be implemented, have also been considered as the parties. Based upon provided maps and extracts from the land register it was established that the number of parties exceeds 20. Therefore, in accordance with delegation included in Article 74 (3) of the Law of October 3, 2008 on the access to information on the environment and its protection, public participation in environment protection and environmental impact assessments, Article 49 of the Administrative Procedure Code was applied for the proceeding, stating notifications of the parties through public announcements.

In the note dated 11/21/2019, ref. no.: OO.420.4.2.2019.BM, the Regional Director for Environmental Protection in Cracow applied for an opinion on an obligation to provide environmental impact assessment for the contract in question and to establish a potential range of a report to the State District Sanitary Inspector in Cracow and to the Minister of Maritime Management and In-land Navigation. The proceeding parties have been informed about that action in a notification dated 11/21/2019, ref. no.: OO.420.4.2.2019.BM, which has been placed on a noticeboard of the RDOŚ in Cracow and in the Public Information Bulletin, at websites of the Regional Directorate for Environmental Protection in Cracow.

The State District Sanitary Inspector in Cracow issued an opinion on 12/05/2019 (reception date: 12/11/2019), ref. no.: NZ-PG-420-293/19 ZL/2019/11/793, in which it stated that the contract in question does not require provision of an environmental impact assessment.

The Minister of Maritime Management and In-land Navigation issued an opinion in the note dated 12/04/2019 (reception date: 12/04/2019), ref. no.: DOK.DOK2.9750.40.2019.SL PW.106345, in which it stated that the contract in question does not require provision of an environmental impact assessment.

Due to Article 63 (1) of the Act on the access to information on the environment and its protection, public participation in environment protection and environmental impact assessments, at consideration of the performance specificity and the use of the contract in question, the following conditions have been taken into account:

## 1. Type and specificity of the contract, including the following:

### a) *Scale of the contract and size of the acquired site and their mutual proportions, as well as significant solutions specifying the contract*

The planned contract comprises development of a flood gate (hereinafter referred to as “the flood gate”) at the Kujawy Port’s channel, including necessary facilities, development of joining section linking the designed object with the existing embankment at the Kujawy Port and with the left embankment at the Vistula River, and redevelopment / extension of the embankments in the neighbourhood of those connections.

The contract in question is located within Małopolskie Province, entirely in the City of Cracow. The Kujawy Port is located on the left bank of Vistula, in a distance of 1200 m downstream of the estuary of Dłubnia River, and 1200 m upstream of the Przewóz Barrage. The mouth of the Kujawy Port is located at chainage km 90+600 of the Vistula River. It is a river port constructed to provide services to the smelter of ArcelorMittal Poland Branch in Cracow, hereinafter referred to as the ArcelorMittal Smelter (formerly Metallurgic Combine of Lenin Smelter, T. Sendzimira Smelter), within backwater of the Przewóz Barrage. The Kujawy Port is a basin type port with a vertical pier. On both opposite sides of the port basin there are two active pumping stations of technological water for the ArcelorMittal Smelter. The port basin is located in the area limited with the following streets: Jeżynowa and Dymarek, in the precinct of Nowa Huta within the Municipality of Cracow. The embankments around the port basin protect the adjacent areas with dense industrial and business development.

During implementation of the contract there shall also be temporary acquisition of land for the site facilities and for technological roads. After completing the investment, the site facilities and the technological roads shall be removed, and land occupied by them shall be restored to its original condition and method of use.

Land utilities given in the catalogue of assignments that may significantly affect the environment shall not be redeveloped under the planned contract. If necessary, it is planned to remove an inactive technical infrastructure from the embankment body and to redevelop or protect the existing land utilities colliding with the embankment.

The Investor-provided documentation analyses implementation of the contract at two variants, and so-called “0” variant if implementation of the contract in question would be withdrawn.

The variant selected by the Investor (Variant II) expects redevelopment including extension of a part of the existing flood embankments and development of joining sections between the embankments and the flood gate at the Kujawy Port, along with development of an anti-seepage element placed within the embankment body as a vertical shutter made of e.g. sheet-piling and bentomat or foil. Depth of anti-seepage shutter shall be determined depending on the arrangement of geological layers.

The sealing shutter shall be developed after the prior removal of about 0.5 m thick layer of soil from the existing embankment body. That layer shall be stockpiled within the embanked area, and subsequently re-embedded at the embankment. The anti-seepage shutter for the joining sections shall be made of e.g. steel sheet piling and bentomat or foil linking with the constructional cofferdam for the flood gate and with the shutter developed at Vistula embankments according to separate documentation. It is planned to develop joining section of the embankment up to designed elevation of 200.28 m n.Kr, and subsequently redevelop / extend the left Vistula embankment in the neighborhood of the connection, including a paved road on the embankment crest, at keeping designed slope inclination (1:2.0 for the landside slope, and 1:2.5 for the riverside slope). Service yards shall be developed on the crest of joining sections, at the right abutment and at the left abutment of the flood gate and within the area beyond the embankment on the Przewóz Barrage’s side, on both transitional sections.

If it would be necessary to seal the shutter, a different technology shall be applied for the shutter locally.

That variant has been recommended by the Investor due to the fact that the access to the riverside slope is partially limited. Furthermore, a proposed solution in a form of anti-seepage shutter made of sheet-piling shall allow for developing a continuous anti-seepage shutter.

The planned contract shall mainly comprise the following:

- Development of a flood gate with a steel closure;
- Development of a service footbridge with a length adapted to the width of the flood gate and adopted constructional solution, and with a width of about 1.5 m;
- Development of lead-in-piers made of steel sheet piles at the inlet to and the outlet from the flood gate;
- Slope revetments for the inflow channel and for the discharge channel, and for the bottom joining them;
- Development of joining sections of embankments linking the designed flood gate with the existing embankments of the Kujawy Port, including stabilization of their slopes through the development of steel sheet piles with a reinforced-concrete top-plate over a length of;
- Development of an anti-seepage shutter;
- Construction / redevelopment of service roads, extension and development of descend roads from the embankments, and development of paved service yards.

The planned works shall be done in stages. The first stage shall comprise development of a temporary sheet piling protecting the construction pit for the flood gate. On that stage the flood gate shall be developed, and a transitional section of the embankment joining the designed object with the existing embankment on the right side of the channel (from the Przewóz Water Barrage) shall be developed. On the following stage a transitional section of the embankment joining the designed object with the embankment existing on the other side of the flood gate (on the Dłubnia estuary's side) shall be developed. It is also expected on that stage to develop a service footbridge with accompanying facilities. In case of investments implemented in stages it shall be possible to secure exchange of water between the River Vistula and the Kujawy port basin. In the performance stage for the designed investment temporary acquisition of land shall occur for the purpose of site facilities. After completing the investment the site facilities shall be removed, and the acquired site shall be reinstated to its original condition of use. The planned objects shall be indirectly or directly linked with public roads through service roads.

The designed flood gate shall be provided with a closure made of steel. In case of standard levels the gate shall remain open, and the flow between the port channel and the River Vistula shall be unconstrained. At flood hazard in the River Vistula in Cracow the flood gate shall be closed. The flood gate shall be provided with electro-mechanical or hydraulic drive to control the closure, and an emergency manual drive with possibility of local control from the control room located at the gate.

The control rooms are to be developed on both sides of the flood gate, and each of them shall be provided with electro-mechanical or hydraulic drive and an emergency manual drive. Control and measurement apparatus – for the purpose of assessing the technical condition and controlling proper functioning of the gate – shall also be available at the flood gate.

The flood gate shall be designed as a monolithic reinforced-concrete structure. Shape and size shall result from functional and constructional conditions, at simultaneous assurance of stability and safety of the structure.

Development of both of the joining flood embankment sections shall be associated with connection to the existing embankments. The works shall relate to the removal of top-soil and stair-shaping for the existing structures, embedding into the embankment body, development of an anti-seepage

shutter, development of a paved road on the embankment crest, including service yards, development of slope revetments on the Vistula River's side, development of slope stairs, and top-soiling and sowing with a mix of grass.

It is additionally expected to protect the bottom and slopes of the port channel upstream and downstream of the designed structure. The revetments shall be made of gabion structures, rip-rap, concrete / reinforced-concrete slabs, and a buttress made of steel sheets.

Fixed hydraulic objects to be developed shall – in accordance with the Regulation of the Minister of Environment of April 20, 2007 on the technical conditions for hydraulic structures and their location (OJ 2007 no. 86, item 579) – belong to the Class I of significance with a departure for determination of design flow and control flow as Q1% and Q0.2%, respectively (without estimation error). Departure from the technical and engineering regulations for that section of the embankments is a result of continuing vertical alignment of the existing embankments and the embankments to be extended, as established based upon the same rules as in case of the entire length within Cracow.

Remaining parameters of the planned contract have been presented in the specificity of the planned contract, which forms Appendix no. 1 to this decision on environmental conditions.

***b) Connection with other contracts, especially accumulation of impacts of contract in progress and of completed contracts, for which a decision on environmental conditions has been issued, located in the area, where it is planned to implement the contract and in the contract impact range or where impacts are contained within the impact range of the planned contract in the scope, in which their impacts may lead to accumulation of impacts with the planned contract***

In case of the direct flood protection for the City of Cracow the following investment tasks are planned under the OVFMP (“Odra-Vistula Flood Management Project”):

- Construction of Vistula embankments in Cracow: Section 1 - the left embankment of the River Vistula from the Wandy Bridge to the Przewóz Barrage, together with backwater embankments of the River Dłubnia, Section 2 - the left embankment of the River Vistula from Przewóz Barrage to Suchy Jar, Section 3 - the right embankment of the River Vistula from the Dąbie Barrage to the Przewóz Barrage;
- Section 4 – The right embankment of the Vistula River from the estuary of Skawinka to the Kościuszko barrage;
- Redevelopment of the right embankment between the Dąbie Barrage and the Płaszów Port, construction of the flood gate with necessary facilities borders upon and shall be connected with the extension of the left embankment of Vistula from the Wandy Bridge to the Przewóz Barrage, together with backwater embankments at the Dłubnia River (Section 1);
- Construction of a pumping station for mobile pumps to drain the Lesisko complex.

Section 1 borders upon the planned construction of the flood gate at the Kujawy Port's channel directly and it shall be linked with it. It is expected that the works to be performed in section 1 of the embankments – neighboring the planned development of the flood gate directly – shall be done in other time. The potential simultaneous performance of the works planned in section 1 of the embankments in greater distances in reference to the investment in question would not generate accumulation of impacts with this contract.

***c) Biological diversity, use of natural resources, including soil, water, and land surface***

Adverse impact on biotic elements of the natural environment mainly relates to acquisition of new sites for development and for damaging biotopes, fragmentation of habitats, and termination of contacts between species and populations. The area of planned works shall not affect modification of ecosystems and the existing biosphere.

For the purpose of the planned contract it is expected to apply standard values for the use of water, materials, fuel, and power. In the contract implementation phase such typical materials for that type

of construction works shall be applied as: embedded soil, concrete/reinforced-concrete, bentonite, plastics, steel, and cast iron.

Quantities of materials applied for implementation of the planned assignment shall result from the bill of quantities, and shall not in any case exceed the quantities expected for performance of that type of works. They shall not tap the condition of regional natural resources, including water and construction aggregate. It shall be possible to confirm the actual quantity of materials applied for revetments and structures after developing design documentation – first: the construction design.

Basic material applied during the contract implementation is the material collected during earthworks for the flood gate. In case of material shortage it shall be purchased and delivered from any plant.

Fuel for machines of the contractor shall be delivered with tank trucks having fueling fittings. Vehicles shall be fueled at petrol stations. Concrete shall be delivered by truck concrete-mixers and poured with a self-propelled pump. The need for water shall be mainly associated with utility purposes of the staff participating in the construction works. It is not expected to provide sanitary rooms for facilities related to the flood gate for the time of flood gate's use. The supervising staff and temporarily present teams providing technical inspection to the flood gate shall use a sanitary unit located at the Przewóz Barrage. Water shall be transferred to the site facilities using a local water-supply system placed in port structures or delivered with water carts. Water shall also be used for production and curing of concrete. The need for electric power on the implementation stage and the use stage shall be covered using the existing power line through a connection.

Excavation for the flood gate's unit shall be done using hydraulic excavators, while storing the soil from the excavation at the edge of the works (after physical-chemical tests for the purpose of further use) or loading the soil directly onto trucks to remove it away from the contract area. During development of the flood gate relevant construction machines shall be applied.

The following scope of main works associated with interference in the earth surface and its transformation is expected for individual objects:

- *Construction of a flood gate with a service footbridge:*
  - Development of a construction pit under cover of sheet piling playing a role of an anti-seepage shutter,
  - Replacement of soil (about 2000 m<sup>3</sup>) for foundation, if necessary,
  - Performance of micro-piling reinforcing the subbase for the foundation of the flood gate's structure, if necessary,
  - Development of a reinforced-concrete structure of the flood gate (about 5500 m<sup>3</sup>),
  - Placement and assembly of a steel closure of the flood gate,
  - Construction of a power line (MV or LV) supplying power to devices of the flood gate, along with lighting,
  - Development of a teletechnical network with control and measurement apparatus,
  - Development of a monitoring system using CCTV inspection system,
  - Development of a service footbridge with lighting.
- *Development of joining sections for the flood embankments on both sides of the flood gate, along with connection with the existing embankments:*
  - Removal of top-soil and stair-shaping for the existing embankments;
  - Embedding into the embankment body;
  - Development of an anti-seepage shutter;
  - Development of a paved road on the embankment crest, with service yards;
  - Development of slope revetments on the Vistula River's side;
  - Development of slope stairs;
  - Top-soiling and sowing with a mix of grass.



- *Modernization of the flood embankments:*
  - Removal of top-soil and stair-shaping for the existing embankments;
  - Sectional raising and widening of the embankment crest;
  - Development of paved service roads on the embankment crest;
  - Extension of the existing and development of a new paved descend road from the embankment;
  - Development of a paved service yard with a storage site for maintenance gates;
  - Top-soiling and sowing with a mix of grass;
  - Development of slope stairs.

The port channel shall be sectionally protected (slopes, slope bases) with concrete/reinforced-concrete hollow-core slabs on subbase, e.g. made of sand and geo-textile, or with rip-rap, and the bottom at the inlet to and at the outlet from the flood gate shall be protected with concrete/reinforced-concrete slabs on a subbase or with gabion mattresses. Revetments in the form of gabion mattresses and gabions or concrete/reinforced-concrete slabs shall be designed in locations vulnerable to erosion. In order to stabilize the revetments at the bottom on the side of the inflow channel and of the discharge channel it is planned to develop a buttress made of steel sheets. Protection of the bottom and bank revetments is planned to be developed in the area of the inlet to and the outlet from the flood gate.

Excavation for the flood gate's unit shall be done using generally available mechanical equipment, while storing the soil from the excavation at the edge of the works (after physical-chemical tests for the purpose of further use) or loading the soil directly onto trucks to remove it away from the contract area.

The site facilities shall be located within the environmental impact range of the planned contract. Its precise location shall be established by the contractor.

It is estimated that in the contract use phase only the works associated with repairs and maintenance shall be done, and minor volume of materials and fuel shall be applied then.

***d) Emission and occurrence of other nuisance***

Emission of pollution to the air and emission of noise shall not occur during the use. Functioning of flood protection (the gate and the embankments) remaining the subject of the works is not related to the regular emission of pollutions and emission of noise. Periodically there may be a temporary impact in the form of pollution emission to the air and emission of noise during mowing of plants growing on the crest and on slopes of the embankment, and during potential workshop works associated with gate maintenance.

Minor nuisance caused by the contract may only occur at the performance stage due to the construction works done with application of heavy equipment, vehicles, and machines with diesel engines. Those nuisances shall be temporary and concealing, and shall be limited to the construction site, its closest vicinity, and roads applied for deliveries associated with the engineering process.

During the performance there may be minor exceedance of acceptable noise emission values and emission of pollutions to the air, the source of which would be operation of construction equipment and traffic of vehicles. For the purpose of minimizing adverse impact on the environment, the works in developed areas shall be done during the day only.

In order to limit the emission of pollutions to the air on the performance stage, it is recommended to limit operation of diesel engines of machines and vehicles at idle to the minimum. Roads applied for deliveries related to the engineering process, shall be sprinkled with water on dry and windy days, and – if necessary – cleaned off of mud. Loose materials applied for construction, waste generated during the works, and spoil associated with the excavations shall be protected with impermeable

materials (e.g. foil) at places of their storage. Deliveries of loose materials shall be done in packaging or by vehicles adapted to that purpose, provided with tarpaulin.

The works shall be done in a way preventing generation of waste or limiting its volume. The waste generated due to implementation of the contract shall be collected selectively in designated places, and subsequently handed over to companies having relevant certification.

***e) Assessment basing upon scientific knowledge on the risk of occurrence of serious failures of natural disasters and construction disasters, at inclusion of used substances and applied technologies, including a risk associated with climate change***

A risk of serious failure is not anticipated in case of the planned contract, as neither technologies nor substances posing risk to the environment shall be applied, in accordance with particular regulations.

Provided that the construction works would be performed in accordance with technical know-how, valid regulations, standards and H&S provisions, the occurrence of construction disaster and natural disaster in case of the discussed contract is unlikely.

Regardless of the local character of the planned contract, all types of impact – direct and indirect – will have no meaning for the global impact on the climate.

The planned development of the flood gate at the Kujawy Port's channel, along with necessary accompanying facilities, development of joining sections connecting the object with the existing embankment of the Kujawy Port and the left embankment of Vistula, and redevelopment / extension of the embankments in the neighborhood of the joining section would not contribute to the risk associated with the climate change.

The contract in question corresponds with the recommended directions of measures adapting to climate changes for Małopolskie Province. Among those directions there are the following, e.g.: flood protection for sites located within flood plains, and implementation of Flood Protection Programme for the Upper Vistula. The planned assignment remains a direct flood protection for the City of Cracow, and is therefore a recommended adaptation measure; thus, it has a positive impact on adaptation of Małopolska to climate changes.

***f) Expected volume and type of produced waste and its impact on the environment, in case it is planned to produce it***

Implementation of the contract shall result in production of waste due to: preparation of a construction pit, earthworks associated with the designed contract, use of construction equipment, and operations at the utility facilities for the staff.

Quantity of waste to be produced cannot be determined unequivocally and in detail on the present stage of proceeding. It is expected that the following types of waste shall be produced in the construction phase: mixed packaging waste (code 17 01 06) in the forecasted amount of about 0.45 Mg/year; mixed concrete waste, waste ceramic materials and elements of equipment other than listed under 17 01 06 (code 17 01 07) in the forecasted amount of about 3.5 Mg/year; other unlisted waste (stone) (code 17 12 09) in the forecasted amount of about 1.0 Mg/year; absorbent, filtration materials, textile for cleaning (e.g. rag, cloths) and protective clothes, other than listed under 15 02 02 (code 15 02 03) in the forecasted amount of about 0.04 Mg/year; wood (code 17 02 01) in the forecasted amount of about 3.0 Mg/year; cables – other than listed under 17 04 10 (code 17 04 11) in the forecasted amount of about 1.2 Mg/year; insulating materials – other than listed under from 17 06 01 to 17 06 03 (mineral wool, styrofoam) (code 17 06 04) in the forecasted amount of about 0.7 Mg/year; plastics (code 17 02 03) in the forecasted amount of about 0.7 Mg/year; iron and steel (code 17 04 05) in the forecasted amount of about 1.2 Mg/year; brick debris (code 17 01 02) in the forecasted amount of about 0.1 Mg/year; and waste roofing paper (code 17 03 80) in the forecasted amount of about 0.5 Mg/year.

Ground – in the form of gravel, sand gravel, loam – collected during the construction process shall be applied as material for development of the embankment body. It is not expected to identify soil as waste due to its management within the contract area. Potential excess of the ground extracted from the excavations shall be removed from the investment site and treated in accordance with provisions under the waste act.

All waste produced during the works shall be segregated and stored selectively in designated places protected against polluting the ground and water environment, and taken over by certified enterprises for recovery or treatment.

Waste produced on the objects' use stage shall be associated with their maintenance. The analysis of design solution done proved that during the use of objects hazardous waste or waste other than hazardous shall be produced in small volume. All waste produced within the contract area shall be taken over by specialized companies.

Rational waste management – implemented in accordance with valid regulations – during the implementation and during the use shall not affect the environment adversely.

***g) Threat to the life of people, including the one resulting from emission***

It is not expected to identify hazards to the life of people during the implementation and the functioning of the contract.

**2. Location of the contract, including the potential hazard to the environment, especially at the existing and planned land use, ability of self-purification by the environment and restoration of natural resources, natural and landscape values, and conditions under local spatial development plans.**

The planned development of the flood gate at the Kujawy Port's channel, along with the necessary facilities, development of joining sections connected the designed object with the existing embankment at the Kujawy Port and the left embankment of Vistula, and redevelopment / extension of the embankments neighboring the joining section are entirely located within the City of Cracow.

The Kujawy Port is located on the left bank of Vistula, in a distance of 1200 m downstream of the estuary of Dłubnia River, and 1200 m upstream of the Przewóz Barrage. The mouth of the Kujawy Port is located at chainage km 90+600 of the Vistula River. On both opposite sides of the port basin there are two active pumping stations of technological water for objects of the smelter owned by ArcelorMittal Poland S.A. Branch in Cracow. The port basin is located in the area limited with the following streets: Jeżynowa and Dymarek, in the precinct of Nowa Huta within the Municipality of Cracow. The embankments around the port basin protect the adjacent areas with dense industrial and business development.

The contract shall not contribute to modification of the management method and the way of use in case of sites located in the direct vicinity, and it shall not significantly affect the change of landscape and natural values for the discussed area.

The contract in question shall be implemented based upon the Act of July 8, 2010 on the special preparation rules for flood protection investment, so – considering provisions of the Act on the access to information on the environment and its protection, public participation in environment protection and environmental impact assessments (Article 80 (2)) – compliance of the contract location with a local spatial development plan does not need to be stated for flood defenses.

**Furthermore, at analyzing the contract location in terms of hazard to the environment the following were considered:**

***a) Occurrence of water-mud sites, other areas with shallowly located groundwater, including riparian habitats and river tributaries***

The contract site is located in the direct neighborhood of the Vistula river-bed, and partially covers riparian habitats of the riverside zone. The Vistula has a draining character, and the first level (Quaternary level) – being the main usable water-bearing level – has a direct hydraulic contact with waters of Vistula. According to the Hydrogeological Map of Poland, the contract area is located in a zone, for which a depth of the first water-bearing level's water-table is in the range of 1-2 m b.g.l. Elevation of the unconstrained water-table in the contract area is about 194 m a.s.l.

***b) Occurrence of shore areas and maritime environment***

The contract is located beyond shore areas.

***c) Possible occurrence of mountainous or forest areas***

The contract site is not a mountainous area. The contract is partially located within an afforested area (forests and riparian forests of a Vistula riverside; application type according to the land register: Ls, Lz). The contract site does neither form a part of any huge forest complex nor cover separated land administered by the State Forests (data: Forest Data Bank).

***d) Areas under protection, including protective zones of water-intakes and protected areas of inland water reservoirs***

The Contract is located beyond the protection areas established based upon the Act of July 20, 2017 Water Law (consolidated text: OJ 2020, item 310, as amended), i.e. beyond protective zones for water-intakes and protected areas of inland water reservoirs. The closest Main Underground Water Reservoirs (GZWP) are: GZWP no. 450 Dolina rzeki Wisła [Vistula River Valley] – in a distance of about 1.2 km due north and north-west; and GZWP no. 451 Subzbiornik Bogucice [Bogucice Sub-reservoir] – in a distance of about 0.9-0.6 km due south. The sub-protection zone for the intake of surface water at the River Dłubnia is located in a distance of about 0.8 km due west from the planned contract site.

***e) areas requiring special protection due to the occurrence of species of plants, fungi, and animals or their habitats or environmental habitats under protection, including Natura 2000 sites and other forms of environmental protection***

Implementation and functioning of the contract would not have an adverse impact on legally protected sites established based upon the Act of April 16, 2004 on the conservation of nature. The analyzed contract is located beyond the boundaries of European Ecological Network Natura 2000 sites. The closest area, i.e. Łąki Nowohuckie PLH120069, is located north-west in a distance of about 3.0 km from the boundaries of the contract area. That area is located in the Vistula Valley (former flood terrace). On the south it borders the Vistula oxbow-lake, on the north – center of Nowa Huta, a district of Cracow. Łąki Nowohuckie remain the last well-kept part of Vistula meadows at Nowa Huta. There are over 10 diversified plant habitats within a small area. The main objective of protection for the aforementioned area is securing meadow habitats (Molinia meadows and hay meadows) as butterfly habitats remaining the main subject of protection.

At analyzing environment data given in the IDS [Investment Data Sheet], including hazards for the Natura 2000 site, in reference to implementation of the contract comprising construction of the flood gate at the Kujawy Port's channel, with necessary facilities, development of joining sections linking the designed object with the existing embankment of the Kujawy Port and with the left embankment of Vistula, and redevelopment / extension of the embankments in vicinity of the connection, it was

stated that the contract shall not significantly affect the subject of protection at Natura 2000 site Łąki Nowohuckie PLH120069 adversely, as it is not expected that the measures implemented under the contract would significantly affect the species and the habitats, for protection of which the aforementioned Natura 2000 site was established, as well as the integrity of that area.

The contract implementation area is a soft landscaped area. The designed flood gate shall be located between the banks of the Kujawy Port's channel, in its initial section, where it joins the Vistula River. No plants were identified, both at the water-table, as well as in the water. No plants with roots placed at the bottom were also identified. The area adjacent to the bank is covered with plants.

The planned contract area and its neighborhood are mainly grown with high plants – trees and shrubs, grass plants occur locally. The western part of the area is covered with a riparian forest, while the eastern one – with low plants mainly: grass, herbaceous plants, and reed. The riparian forest located in the western part comprises many species, and it includes such species as: crack willow, common sallow, hybrid poplar, common aspen, common ash, field elm, small-leaved lime, European crab apple, common hawthorn, common oak, and bird cherry.

An environmental survey was done within the discussed area on 06/07/2019, and its subject were trees and shrubs, which are likely to be logged due to implementation of the contract. The planned logging of trees and shrubs shall be limited to the necessary minimum. It is estimated that the total expected number of trees to be logged is about 450. The planned logging of trees and shrubs shall be done beyond the birds' hatching period (i.e. beyond the period from March 1 to August 31).

A one-off site visit was held within the planned contract area and its closest vicinity on 05/14/2019. Subject of the survey were protected species of plants and fungi, as well as environmental habitats listed under Appendix I to the Habitats Directive.

Based upon the site visit done it was identified that in a distance of 85 m north from the contract area there is a site of partially protected garden angelica. It occurred in phytocenosis of shrubs in forest edge, Ass. Calystegio-Angelicetum archangelicae litoralis group.

Furthermore, presence of Natura 2000 natural habitats was identified within the survey area, i.e.: \*91E0 – Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior*. In the neighborhood, north from the contract site, more patches of \*91E0 habitat were identified – it is common along the Kujawy Port's reservoir. A part of the riparian forest located inside the contract range has an area of about 2900 m<sup>2</sup>. That part of the patch shall be logged within the framework of works associated with development of the flood gate. The entire riparian patch has an area of about 19525 m<sup>2</sup>; thus, only about 14.8% of the \*91E0 habitat's patch shall be damaged.

Protected species of plants have not been identified within the surveyed site. The closest stand of that species is located about 85 m north from the contract area. As a consequence, impact on the protected species has not been identified. It is however stated that there is adverse impact on a patch of \*91E0 habitat, about 14.8% of which shall be damaged. Nonetheless, that impact shall be determined as insignificant, considering the scale of damage only at a direct collision with the investment site, and the fact that the patch is located beyond the Natura 2000 site. Neither indirect nor direct impact on other patches of that habitat – located in the neighborhood – is anticipated.

An environmental inventory was done in the area of the Kujawy Port in the vegetation / hatching season from 05/14 to 05/17/2018. Results of that inventory were presented in details in the *Report on Environmental Inventory in the Area of the Kujawy Port*, which remains an appendix to the IDS. The inspected area was the contract area with a buffer of about 50 m. Furthermore, the inventory includes rare species identified within a wider buffer (up to 200 m).

That inventory proved that the impact exerted on the implementation stage would relate to temporary (probably lasting for one season) acquisition of the embankments – hatching and feeding sites for

birds – and to deteriorated (in case of developing the flood gate) access to the Kujawy Port for fish. The logging to be done under the contract would result in damaging potential and actual nesting sites of protected birds.

Trees and shrubs, which would not be logged, but present within the reach of earthworks to be performed, shall be properly protected, e.g. through boarding (application of covers for tree trunks); fencing of the site without logging; manual performance of the earthworks within the projection of tree crowns.

The inventory done proves that the surveyed site does not comprise protected species of plants and fungi.

However, entomofauna of the surveyed site is rich. Occurrence of protected and unprotected species of insects was confirmed for the area to be acquired for the investment. Occurrence of buff-tailed bumblebee *Bombus terrestris* and red-tailed bumblebee *Bombus lapidarius*, as well as Roman snail *Helix pomatia* was identified within the buffer.

Presence of frogs of the green frogs group – in the type of pool frog and edible frog – was confirmed within the surveyed area. That determination was made based upon vocalization and direct observations. Occurrence of common toad and common frog was confirmed. Presence of sand lizard was confirmed within the contract area and the buffer. Occurrence of other three species of reptiles was considered as highly probable.

Furthermore, listening done proved numerous flights of common noctule, single flights of common pipistrelle, feeding of Daubenton's bat, and a flight of mouse-eared bat, but it was not possible to determine species of the latter precisely. The biggest observed group of bats was common noctule. In vicinity of the planned investment there surely is a breeding colony or a daily shelter. It is likely that a habitat of bats are old poplars at the north-eastern bank of the port. According to initial analyses, those trees are located beyond the surveyed area.

Numerous traces of beaver have been identified within the planned contract site. Adult specimens have also been observed in vicinity of the bank. In the middle part of the analyzed section active and damaged beaver lairs were identified. Numerous fresh bites were identified. As a consequence it was assumed that at least few families are present within the analyzed reach.

During the observation numerous game mammals were notified. Based upon an analysis of habitats it may be suspected that American mink may be present in vicinity of the Kujawy Port.

Furthermore, in the Kujawy Port and within Vistula at least 31 species of fish may occur, including 5 protected species.

***f) Areas, where environmental quality standards have been exceeded or it is probable that they would be exceeded***

Air quality monitoring within Małopolskie Province is done by the Provincial Environmental Protection Inspectorate in Cracow. The current quality of air in the area of the planned contract states that permissible values for particulate matters are exceeded. It refers to large-scale low emission. In case of the City of Cracow an air quality programme has been developed, and its priorities assume reduction of that emission.

The contract in question does not generate pollutions, which may result in deterioration of the environmental quality. During the construction the emission of pollutions to the air would be short-term and shall cease after completing development of network, and during the use of the contract the impact shall be minor and would not result in deterioration of permissible values.

**g) *Areas with landscape of historic, cultural, or archaeological value***

The contract site partially overlaps the established landscape protection and shaping zone and landscape routes and axes (according to the spatial development study for the City of Cracow dated 2014). In conformity with the aforementioned source, there are no fixed monuments and archaeological sites with protective zones under conservatory protection in the neighborhood.

**h) *Population density***

According to the Public Information Bulletin for the City of Cracow, the mean population rate for District XVIII – Nowa Huta, where the investment is to be implemented, amounts to 827 people/km<sup>2</sup> (<https://www.bip.krakow.pl/zalaczniki/dokumenty/n/215088/karta>).

**i) *Areas adjacent to lakes***

The contract shall be located beyond the areas adjacent to lakes.

**j) *Health resorts and areas of health protection***

The Contract shall not be located within a health resort and in an area of health protection. The closest health resort with a protective zone – Cracow-Swoszowice – is located in a distance of about 10 km south-west from the planned contract.

**k) *Waters and environmental objectives for them***

The planned contract shall be implemented within the Vistula river-basin. The task has not been included in the regulation of the Council of Ministers of October 18, 2016 on the update of the Water Management Plan for the Vistula River Basin (OJ of 2016, item 1911), hereinafter referred to as the “uWMP”, as one that may pose risk of not achieving environmental objectives. It has also not been included in the MasterPlan for the Vistula River-Basin and in the Flood Risk Management Plan for the Vistula River-Basin (OJ of 2016, item no. 1841).

The contract in question forms supplementation for the task implemented under the OVFMP, i.e.: “*Construction of Vistula embankments in Cracow: Section 1 - the left embankment of the River Vistula from the Wandy Bridge to the Przewóz Barrage, together with backwater embankments of the River Dłubnia, Section 2 - the left embankment of the River Vistula from Przewóz Barrage to Suchy Jar*”, which has been included in the Flood Risk Management Plan for the Vistula river-basin, enacted with the Regulation of the Council of Ministers of October 18, 2016 on the enactment of the Water Management Plan for the Vistula River Basin (OJ 2016, item 1841), as a strategic investment for the water region of Upper Vistula.

The planned contract is located within the body of surface water BSW Wisła od Skawinki do Podłężanki with European code: PLRW2000192137759. In accordance with the valid uWMP it is a heavily modified body of water with bad status, monitored, under risk of not achieving the environmental objectives, for which derogation under Article 4 (5) of the Water Framework Directive (2000/60/EC) was established. Environmental objectives in case of that BSW are good ecological potential and possible migration of water organisms within a significant water-course – Wisła od Podłężanki do Skawinki, as well as good chemical status, due to eutrophication caused by pollutions from communal sources. The body of water remains an area designated for protection of habitats or species discussed under provisions of the Act of April 16, 2004 on the conservation of nature (OJ 2018, item 1614), for which the maintenance or the improvement of water status is an important feature of its protection.

The contract is located within the body of groundwater with a code PLGW2000148. It is BGW having good quantitative status and good chemical status, it is monitored and not under risk of not achieving environmental objectives. In case of that BGW derogation under Article 4 of the Water Framework Directive was not established, and the objective is to keep good chemical status and good

quantitative status. It is furthermore designated for the intake of water for provision of potable water to people.

The contract shall not adversely affect the possibility of reaching the environmental objectives established in the uWMP for the Vistula river-basin in case of the aforementioned bodies of water.

Considering specificity of the planned works, their scale – in reference to catchments of bodies of water – and location of the assignment it was assessed that it shall not affect the possibility of reaching environmental objectives determined for the uWMP adversely in case of the aforementioned body of water. Implementation of the investment shall not result in significant adverse and permanent impact deteriorating biological, hydromorphological and physical-chemical elements of surface water, as well as the condition of groundwater.

The planned investment shall be implemented within the port channel of the Kujawy Port. The works shall therefore not be associated with direct interference in the Vistula river-bed. During the earthworks under cover of a constructional cofferdam there may be local decrease of the surface water-table. It shall however not affect the ground-water conditions permanently and significantly within the adjacent areas. After completing the works the level of surface water shall get back to its original value. A potential impact in the form of increased suspension volume may occur on the stage of earthworks and it shall cease at the completion of works. It would limit the temporary condensation of suspension in water within the work area. It shall however be indicated that the investment shall neither be associated with limitation of morphological continuity nor of conditions and dynamics of water flow. It shall also not cause deterioration of biological elements.

On the contract use stage the circulation of groundwater and surface water shall not be modified in relation to the current one. Operations and ongoing maintenance of the flood embankment and the flood gate shall not cause emission of pollutions to the ground and to surface water and groundwater, and shall not result in modification of their quality. The area around the flood gate shall be shaped in a way allowing for self-discharge of rainwater. In case of standard levels the Flood Gate shall remain open, and the flow between the port channel and the River Vistula shall be unconstrained. The gate shall be closed and shall seal off the port basin from the raised water level in the Vistula channel at accommodation of flood water in the River Vistula in Cracow.

**3. Type, features, and scale of the potential impact considered in reference to criteria listed under items 1 and 2, and in Article 62 (1) item 1, resulting from the following:**

***a) Range of impact – geographical area and quantity of people that may be affected by the contract***

The planned contract may cause temporary deterioration of the environmental status in the direct vicinity of the planned works. Nuisance and unfavorable impact occurring during the construction process shall be local and temporary – they shall occur in vicinity of the earthworks.

***b) Transboundary specificity of the contract on particular environmental elements***

The contract location excludes the possibility of transboundary impact, because nuisance and unfavorable impact occurring during the construction process shall be local and temporary – they shall occur in vicinity of the earthworks.

***c) Specificity, size, intensity, and complexity of the impact, including load for the existing technical infrastructure and the expected moment of starting the impact***

The planned contract shall not have a significant impact on the load for the existing technical facilities.



**d) *Impact probability***

During implementation of the contract minor impacts associated with the performance shall occur, however those shall be temporary. For the purpose of minimizing the adverse impact on the environment it is recommended to perform the work during the day.

**e) *Duration, frequency, and reversibility of the impact***

Due to specificity of the task, its implementation time shall be relatively short. After completing the construction works the time of its impact shall end, and potential nuisance caused by the traffic of vehicles and machines applied at the works shall cease. During the use the contract shall not be a source of excessive solid, liquid, or gas pollutions.

**f) *Connection with other contracts, especially accumulation of impact with contracts in progress and completed ones, for which a decision on environmental conditions was issued, placed in the area, where it is planned to implement the contract, and in the area of contract impact, or impacts of which are placed in the area of the planned contract's impact – in the scope, in which their impacts may lead to accumulation of impacts with the planned contract***

In vicinity of the designed works other contracts, impacts of which would be considered as causing accumulation of impacts with the designed contract, are not anticipated.

In the near future it is planned – within the framework of direct flood protection for the City of Cracow – to complete modernization of the Vistula embankments in Cracow: Section 1 - the left embankment of the River Vistula from the Wandy Bridge to the Przewóz Barrage, together with backwater embankments of the River Dłubnia, Section 2 - the left embankment of the River Vistula from Przewóz Barrage to Suchy Jar, Section 3 - the right embankment of the River Vistula from the Dąbie Barrage to the Przewóz Barrage, and Section 4 – The right embankment of the Vistula River from the estuary of Skawinka to the Kościuszko barrage, as well as Construction of a pumping station for mobile pumps to drain the Lesisko complex.

On the use stage the planned contract shall not cause accumulation of impacts in reference to contracts in progress and completed ones in the area, where it is planned to implement the contract, and in the area of contract impact.

**g) *Possibilities to limit the impact***

Application of such solutions protecting the environment as: use of efficient mechanical equipment, shortening of the performance time to the necessary minimum, selective collection of waste and its removal from the construction site and handing over to entities having relevant certification for recovery or treatment, shall cause that the impact of the contract on the environment would be temporary, ceaseable, of local range; thus, it would limit the possibility of adverse impact of the contract on the environment.

In case of the contract in question there is no obligation to provide an environmental impact assessment.

Analysis done for materials attached to the application on the issuance of decision on environmental conditions for the contract in question proved that the most of conditions determined under Article 63 (1) of the Law of October 3, 2008 on the access to information on the environment and its protection, public participation in environment protection and environmental impact assessments, shall not occur for the discussed contract, and the remaining ones would have a minor effect. As a consequence, it was assumed that the planned contract shall not significantly affect the environment, and therefore it is not necessary to provide an environmental impact assessment.

Due to Article 4 (2) of the Act of July 19, 2019 on changing the Act on the access to information on the environment and its protection, public participation in environment protection and environmental impact assessments and some other acts, the Regional Director for Environmental Protection issued a notification on completion of the evidence hearing, while stating the lack of necessity to provide an environmental impact assessment.

Notification dated 12/13/2019, ref. no.: OO.420.4.2.2019.BM, on the completion of evidence hearing for the issuance of that decision and on the possibility of reviewing them and making statements on the collected evidence and materials, and claims filed, has efficiently been published on a noticeboard of the RDOŚ in Cracow and in the Public Information Bulletin at the website of the Regional Directorate for Environmental Protection in Cracow. None of the parties provided statements and submitted remarks in the case in question.

In the course of the proceeding in progress the Proxy applied with a note dated 01/22/2020 (reception date: 01/27/2020), ref. no.: POPDOW/KR/60549311/20/0150, for modification of the previous name of the investment, which was: "*Construction of a flood gate for the Kujawy Port, including necessary facilities*", to the following one: "***Development of a flood gate at the left flood embankment in the area of water intakes for the Sędzimir Steel Mill in Cracow***", and – due to the progress of designing – specified some of the technical parameters for designed objects presented in the Investment Data Sheet and in the update.

According to explanations provided by the Proxy, necessary modification of the investment's name was proposed to e.g. emphasize the basic function of the flood gate, which is to provide flood protection, and to adapt the required definitions to the names of flood defenses applied in the catalogue of flood protection objects under the *Special Flood Act* and the *Water Law Act*.

However, the requested minor corrections for technical parameters of designed objects result from their update mainly and from provision of details for design solution and branch establishments, which were done during the proceeding of the discussed application for the issuance of the decision on environmental conditions. That minor change of technical parameters for designed objects presented in the Investment Data Sheet and in the update shall not result in modifying the range of investment, type of the planned objects, and the area and scale of their impact.

The scope of changes implemented by the Proxy was so insignificant, that it was not necessary to re-apply to the authorities issuing opinions, as the changes do not modify impact on the environment and do not change functions and specificity of the investment.

Considering the above, the Regional Director for Environmental Protection in Cracow has again notified the parties in the notification dated 01/27/2020, ref. no.: OO.420.4.2.2019.BM, about completing the evidence hearing for the issuance of the decision in question and about a possibility of acknowledging and commenting the collected evidence and materials and notified claims. The notification has been efficiently published on the noticeboard in the RDOŚ in Cracow and in the Public Information Bulletin at websites of the Regional Directorate for Environmental Protection in Cracow. None of the parties commented the case and raised remarks.

As it was not stated obligatory to provide an environmental impact assessment, it was not necessary to assure the possibility of public participation in the proceeding, in conformity with provisions under Article 79 (1) of the Law of October 3, 2008 on the access to information on the environment and its protection, public participation in environment protection and environmental impact assessments.

Analysis of the provided application and of information on the planned contract indicated that the intended contract shall not result in excessive nuisance to the environment.

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, within 14 days of the date of delivery of the decision.

One has a right to resign from appealing against this decision to a public administration unit, which issued the decision. On the day of serving a statement of resigning from the right to appeal by the last of the proceeding parties to the public administration unit, the decision becomes final and legally binding.

Regional Director  
for Environmental Protection  
in Cracow

Rafał Rostecki, MSc

**Recipients:**

1. Ms. Barbara Chammas – Investor’s Proxy.
2. Remaining parties of the proceeding notified in the mode under Article 49 of the APC,
3. OO.BM file.

**CC:**

1. State District Sanitary Inspector in Cracow (ePUAP),
2. Minister of Maritime Management and In-land Navigation (ePUAP).

## INFORMATION OF THE ADMINISTRATOR ON PERSONAL DATA PROCESSING

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 Cracow 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](mailto:iod.krakow@rdos.gov.pl)  
postal address: 25. Mogilska Street, 31-542 Cracow.

**Appendix no. 1** to the decision  
ref. no.: OO.420.4.2.2019.BM  
dated: March 24, 2020

## SPECIFICITY OF THE CONTRACT

The contract titled **“Development of a flood gate at the left flood embankment in the area of water intakes for the Sędzimir Steel Mill in Cracow”** shall comprise development of the flood gate at the Kujawy Port’s channel, including accompanying facilities, development of joining sections linking the designed object with the existing embankments of the Kujawy Port and the left embankment of Vistula, and redevelopment / extension of the embankments in vicinity of the connection.

The contract in question is located within Małopolskie Province, entirely in the City of Cracow. The Kujawy Port is located on the left bank of Vistula, in a distance of 1200 m downstream of the estuary of Dłubnia River, and 1200 m upstream of the Przewóz Barrage. The mouth of the Kujawy Port is located at chainage km 90+600 of the Vistula River.

The planned contract shall comprise the following measures:

- Construction of the flood gate with steel closure, including necessary facilities under cover of steel sheet piling, playing the role of an anti-seepage shutter eliminating potential impact of the performance on flowing water;
- Development of power networks (voltage lower than 110 kV) supplying power to mechanisms of the flood gate, along with lighting, as well as teletechnical network for monitoring and control, and optic-fiber network for control;
- Development of a power connection in a form of a cable buried in the ground to connect with the existing power network, at location indicated by operator of that network;
- Development and redevelopment of service roads in a reach of embankments to be developed and (the roads shall be functionally linked with the contract, and they should be used for provision of services to the designed flood gate and to the redeveloped embankments). The roads shall be developed on a subbase of natural or breakstone aggregate stabilized mechanically and paved with stone or reinforced-concrete hollow-core road slabs placed on a stone subbase;
- Development of a service footbridge with a length adapted to the width of the flood gate and to the adopted constructional solution, and with a width of about 1.5 m, joining both banks, and including the lighting;
- Development of lead-in-piers made of steel sheet piles at the inlet to and the outlet from the flood gate in reference to the bank line of the port channel;
- Slope revetments for the inflow channel and for the discharge channel, and for the bottom joining them, using gabions, rip-rap, concrete/reinforced-concrete slabs, and a buttress made of steel sheets;
- Logging of trees and shrubs within the investment site limited to the necessary minimum;
- Land grading within the embanked area in a reach of the flood gate to be developed;
- Extension of the existing descend road from the embankment and of a service road on the landside, on the left side of the channel (on the Dłubnia estuary’s side), and development of a descend road from the embankment. Descend roads from the embankment shall be paved with reinforced-concrete hollow-core road slabs placed on a substructure made of stone or they shall be paved with a mix of aggregate;
- Development of an anti-seepage shutter, e.g. using steel sheet piles and bentomat or foil;
- Development of joining sections of embankments linking the designed flood gate with the existing embankments of the Kujawy Port, with possible slope revetments;

- Stabilization of the slope for joining sections on the port channel's side through the development of steel sheet piles with a reinforced-concrete top-plate;
- Development of paved service yards on the crest of joining sections on the right abutment and on the left abutment of the flood gate and within the area beyond the embankment on the Przewóz Barrage's side, including lighting. The listed yards – with a subcrust and surface made of a mix aggregate or partially paved with reinforced-concrete road slabs placed on a stone subcrust – shall be functionally connected with the assignment, and they shall be used for maintenance of objects to be constructed and redeveloped, as well as for storing a set of maintenance gates;
- Development of protective barriers and fencing.

The works shall be done in stages. The initial stage comprises development of steel sheet piling for the construction pit for the flood gate. On that stage the flood gate shall be developed, and a joining section for the embankment – linking the designed object with the existing embankment on the right side of the channel (on the Przewóz Water Barrage's side) – shall be provided. On the further stage it is expected to develop a joining section for the embankment, linking the designed object with the existing embankment on the other side of the flood gate (on the Dłubnia estuary's side). Then it is expected to develop a service footbridge with necessary accompanying facilities. Implementation of the investment in stages shall assure the exchange of water between the River Vistula and the Kujawy Port's basin. On the performance stage of the planned assignment temporary acquisition of land shall occur – for the purpose of site facilities. After completing the investment the site facilities shall be removed, and the acquired land shall be reinstated to its original state of use.

The scope of works associated with the development of the flood gate at the Kujawy Port comprises the following:

- Development of a cofferdam for the purpose of constructing the flood gate;
- Construction of and provision of technological equipment for the flood gate;
- Joining the structure with adjacent sections of flood embankments;
- Land management at the flood gate.

- *Construction Cofferdam*

The flood gate shall be constructed under cover of a cofferdam made of steel sheet piling, expanded from the inside or anchored, if necessary. After completing the works the construction cofferdam shall be cut off and shall perform a function of a seepage-preventing element. Walls of the cofferdam shall be extended towards the left and the right bank of the channel to close the protection line, and they shall join the existing embankments. During implementation of the contract – for the purpose of protecting the bottom of the excavation against potential displacement of the ground – it shall be considered to replace the ground, provide additional load for the subbase, or perform cementation of the subbase within the designed excavation. Results of geotechnical tests shall remain a deciding factor in that case.

- *Inflow Channel*

For the time of developing the flood gate it shall not be necessary to provide access to the inflow channel to the port for the vessels. Discharge of water from facilities of the ArcelorMittal smelter to Vistula shall only be assured.

- *Flood Gate*

The flood gate shall be designed as a monolithic reinforced-concrete structure. Shape and size shall result from functional and constructional conditions, at simultaneous assurance of stability and safety of the structure. A parameter required is assurance of structure's opening equal to 12 m. The flood gate's sill shall be developed at elevation not exceeding 192.70 m n.Kr. Depending on the ground parameters and conditions it may be necessary to found the designed objects on foundation piles. The

flood gate shall be equipped with a closure made of steel construction providing flood protection up to elevation of about 200.28 m a.s.l., at the flood flow.

In case of standard levels the flood gate shall remain open, and the flow between the port channel and the River Vistula shall be unconstrained. At accommodation of flood water in the River Vistula the flood gate shall be closed and it shall seal off the port basin from the raised water level in the river channel. The gate shall remain closed until transferring flood water away.

The flood gate shall be also provided with a set of maintenance gates for the head-water side and for the tailwater side. It is planned to develop a control room at the gate for drives of the flood gate's closure. The flood gate shall be provided with electro-mechanical or hydraulic drive to control the closure, and an emergency manual drive with possibility of local control from the control room located at the gate. It is expected to develop a service footbridge joining both banks over the flood gate. Control and measurement apparatus – for the purpose of assessing the technical condition and controlling proper functioning of the gate – shall also be available at the flood gate.

- *Land Management*

Steel lead-in-piers allowing the vessels for safe passing through the flood gate shall be developed in the axis of the inflow channel to the port, on headwater side and tailwater side. Service yards, having surface hardened with aggregate mixture or – locally – with reinforced-concrete hollow-core road slabs placed on a stone subbase, shall be developed at the gate, on crest of joining sections and within the area beyond the embankment on the Przewóz Barrage's side. It is also expected to develop slope stairs, which would allow for descending to the port basin. The port channel's bottom and slopes within the flood gate shall be protected with e.g.: gabion structures, rip-rap, concrete / reinforced-concrete slabs, and a buttress made of steel sheets. Lighting for the inflow channel and for the area around the flood gate, as well as development of service roads located within sections of embankments to be modernized and within joining sections linking the designed objects with the existing port embankment shall be provided within the framework of the project. Those roads shall be developed on a substructure and hardened with stone material or – locally – with reinforced-concrete hollow-core road slabs placed on a stone subbase.

- *Modernization of the Flood Embankments*

After redeveloping/extending on the side of section 1.2 (left embankment of the River Vistula from the estuary of Dłubnia to the port channel) the embankment height shall amount to about 3.1 – 3.7 m on the embanked area's side, and to about 2.9-3.7 on the side of the area beyond the embankment. On the side of section 1.3 (left embankment of the River Vistula from the port channel to the Przewóz Barrage) the embankment height shall amount to about 2.0 m on the side of the area beyond the embankment, and to about 2.2-2.3 on the embanked area's side.

Length of the existing embankments to be extended and redeveloped – measured at the crest axis – shall total to about 122 m (about 58 m in section 1.2 and about 64 m in section 1.3).

Chainage of the flood embankments to be extended and redeveloped is as follows:

- In section 1.2 - left embankment of the River Vistula from the estuary of Dłubnia to the port channel: from working chainage W1 km 0+000 (register chainage of the embankment 90+525, working chainage of the embankment km 2+062, according to Contract 3A.1, section 1.2) to working chainage W1 km 0+058;
- In section 1.3 - left embankment of the River Vistula from the port channel to the Przewóz Barrage: from working chainage W2 km 0+000 to working chainage W2 km 0+064 (register chainage of the embankment 90+674, working chainage km 2+133, according to Contract 3A.1, section 1.3).

Furthermore, a part of construction works associated with implementation of the contract in question shall exceed the reach of flood embankment and the flood gate (beyond the indicated working chainage), e.g. development of a power cable supplying power to the flood gate, but it would remain within the boundaries of the entire contract impact.

- *Development of joining sections for the embankments linking the designed object with the existing port embankments*

A joining section for the embankment linking the designed object with the existing port embankment on the side of section 1.2 - left embankment of the River Vistula from the estuary of Dłubnia to the port channel – shall have a length of about 31 m, measured at the crest, a width of about 12 m at the crest, at a reinforced-concrete construction with a widening at the connection with section 1.2 and at embankment height of about 3.7 m within the embanked area.

A joining section for the embankment linking the designed object with the existing port embankment on the side of section 1.3 - left embankment of the River Vistula from the port channel to the Przewóz Barrage – shall have a length of about 28 m, measured at the crest, a width of about 12.0 m at the crest, at a reinforced-concrete construction with a widening at the connection with section 1.3 and at embankment height of about 2.7-3.3 m within the embanked area.

Regional Director  
for Environmental Protection  
in Cracow

Rafał Rostecki, MSc