

REGIONAL DIRECTOR FOR ENVIRONMENTAL PROTECTION IN Kielce

WOO-I.4233.1.2013.AM.20

Kielce, 2013.10.25

DECISION on the project's environmental conditions

On the basis of Article 75 (1) point 1 letter i and art 84 and art. 85 passage 2 item 2 of Act of 3 October 2008. on making available information on the environment and its protection, participation of the society in environmental protection, as well as on environmental impact assessments (Journal of Laws No. 199 item 1227 with later amendments) in conjunction with Article 104 of the Act of 14 June 1960 - Code of Administrative Procedure (consolidated text Journal of Laws of 2000 no. 98 item 1071 as amended), after examining the application of the Świętokrzyskie Board of Land Reclamation and Waters in Kielce (operating through an authorized representative - Mr. Zbigniew Gabryś, MGGP S.A., ul. Lea 112, 30-133 Cracow)

I hereby decide

on the lack of the need to carry out the proceedings in the case of the environmental impact assessment for the project entitled:

"Protection of Koprzywianka river embankments - left embankment in km 0+000 - 12+900, right embankment

in km 0+ 000 - 14+400",

where the project investor is Świętokrzyski Board of Land Reclamation and Waters in Kielce.

Substantiation

At the request of the Świętokrzyskie Board of Land Reclamation and Waters in Kielce (operating through an authorized representative - Mr. Zbigniew Gabryś, MGGP S.A., ul. Lea 112, 30-133 Cracow), which was formally supplemented on 31.05.2013, proceedings have been initiated concerning issuance of the decision on environmental conditions for the project entitled: "Protection the embankments of the Koprzywianka river - left embankment at km 0+000 - 12+900, right embankment at km 0+000 - 14+400".

The investment under consideration belongs to the category of projects that may potentially significantly affect the environment, for which conducting assessment of the impact of the investment project on the environment may be required, namely projects referred to in Article 59 (1) point 2 of the Act on making available information on the environment and its protection, participation of the society in environmental protection, as well as environmental impact assessments, mentioned in Article 3 (2) point 2, in connection with Article 3 (1) point 65 of the Regulation of the Council of Ministers of 9 November 2010. on projects that may always significantly affect the environment (Journal of Laws of 2010. No. 213 item 1397 with amendments).

The information provided in the application suggests that the Investor will apply for a permit for flood protection investment implementation, issued on the basis of the provisions of the Act of 8 July 2010. on particular principles of preparation for implementation of investment with regard to flood protection structures. Therefore, the competent authority for issuance of the decision on environmental conditions for the concerned investment project, on the basis of Article 75 passage 1 point 1 letter i of the Act of 3 October 2008. on making available information on the environment and its protection, participation of the society in environmental protection, as well as environmental impact assessments, is Regional Director of Environmental Protection.

The Investor attached to the application for issuing the decision on environmental conditions the project information sheet, a copy of the site and elevation map, with the route of the investment and the impact area marked out.

According to Art. 74 of the passage Ib on 11.10.2013. The Investor submitted extracts from the land and building register, including the expected area, on which the investment project will be implemented, as well as the area, which will be affected by the project,

The parties have been notified of initiation of the proceedings, the possibility of submission of applications and comments with regard to any collected evidence in the concerned case, as well as the subsequent activities performed in the proceedings, according to Article 10 and Article 49 of the Act - Code of Administrative Proceedings, in connection with Article 74 (3) of the Act of 3 October 2008, by means of announcements posted in the announcement bulletins: Of the Town Hall in Sandomierz, Samborzec Commune Office, Koprzywnica Commune Town and Commune Office, the Regional Directorate for Environmental Protection in Kielce.

By way of the Announcement of 4.06.2013, ref. no. : WOO-I.4233.1.2013.AM.8, the parties to the proceedings have been notified of initiation of the proceedings, about the possibility of becoming familiar with the files on the concerned case. The announcement was posted in the announcement bulletins:

- of the Town Hall in Sandomierz, on 10.06.2013, to 25.06.2013.,
- of the Samborzec Commune Office, on 14.06.2013, to 28.06.2013.,
- of the Koprzywnica Town and Commune Office, on 12.06.2013, to 26.06.2013.,
- in the seat of the Regional Directorate for Environmental Protection in Kielce, on 5.06.2013. to 19.06.2013.

Furthermore, with the letter, ref. no.: WOO-I.4233.1.2013.AM.11 of 03.07.2013. the Investor was requested to supplement the information card of the investment project at least in the scope concerning solutions protecting the natural environment.

The parties to the proceedings have been notified of the above by way of the announcement, ref. no. : WOO-1.4233.1.2013.AM.12 of 03.07.2013, which was posted up in the announcement bulletins:

- of the Town Hall in Sandomierz, on 08.07.2013, to 24.07.2013,
- of the Samborzec Commune Office, on 09 July 2013. to 24.07.2013,
- of the Koprzywnica Town and Commune Office, on 09 July 2013. to 26.07.2013.,
- in the seat of the Regional Directorate for Environmental Protection in Kielce, from 3.07.2013 to 17.07.2013.

On the basis of Article 64 passage 1 point 2 of the Act of 3 October 2008 on making available information on the environment and its protection, participation of the society in environmental protection, as well as on environmental impact assessments (Journal of Laws of 2008. No. 199, item 1227 with amendments) obtaining the opinion of a sanitary inspection authority for the planned project is not required.

In connection with the call of the local authority to supplement the information card of the investment project, on 08.08.2013. The Investor submitted supplementation to the documentation - the letter, ref. no. : K/BOS/12/08/2013/EN of 06 August 2013.

After analysis of the collected material, the Regional Director for Environmental Protection in Kielce, on the basis of Article 63 passage of the Act of 3 October 2008, on making available information on the environment and its protection, participation of the society in environmental protection, as well as environmental impact assessments, issued a decision, ref: W00-1.4233.1.2013.AM.14 of 22.08.2013, in which refrained from imposing the obligation to conduct assessment of the impact of the investment project on the environment.

Data on the submitted application and the decision on withdrawing from conducting environmental impact assessment have been included in the publicly available list of data about the documents containing information about the environment and its protection, kept by the Regional Administration for Environmental Protection in Kielce.

The announcement, ref. no. : WOO-I.4233.1.2013.AM. 15 of 22.08.2013, notified on the supplementation to the information card of the investment project submitted by an authorized representative, as well as on the issued decision on the lack of environmental impact assessment, which was posted up in the announcement bulletins:

- Of the Town Hall in Sandomierz, on 10 June 2013, to 11.09.2013.,
- Of the Samborzec Commune Office, on 02 September 2013, to 16.09.2013.,
- Of the Koprzywnica Town and Commune Office, on 27 August 2013, to 11.09.2013.,
- in the seat of the Regional Directorate for Environmental Protection in Kielce, on 22.08.2013. to 05.09.2013.

Before issuing the decision on environmental conditions, pursuant to Article 10 (1) of the Code of Administrative Proceedings, a notice was sent out, in the form of an announcement on collection of evidence and the possibility for the parties to familiarize with the materials and evidence in the concerned case before issuing the decision, as well as the possibility of submission of comments and applications within 7 days from the date of delivery of the notice.

Announcement of 18.09.2013, ref. no. : WOO-1.4233.1.2013.AM.18, was put up in the notice boards:

- of the Town Hall in Sandomierz, on 23 June 2013, to 09.10.2013.,
- of the Samborzec Commune Office, on 24 September 2013. do 8.10.2013r.,
- of the Koprzywnica Town and Commune Office, from 23 September 2013 to 07 October 2013.
- in the seat of the Regional Directorate for Environmental Protection in Kielce, on 5 June 2013. to 02.10.2013,

In the course of the proceedings, the parties did not submit any comments in the concerned case.

The information included in the information chart of the project suggest that the planned investment, both at the stage of implementation, as well as operation, would not have a substantial negative effect on the environment.

The project is administratively situated within the town borders of Sandomierz, Samborzec and Koprzywnica (Sandomierski District), and covers, among others, the expansion of the left and right flood embankment of the Koprzywnianka river within the section with total length of 27.3 km, namely from the mouth of the Koprzywnianka river to the Vistula river to the road leading from Sośniczany to Skorników (left embankment) and to the town of Koprzywnica (right embankment).

0 The expansion will also cover backflow embankments of the Koprzywnianka river on its left-side tributaries: Polanówka and Gorzyczanka, on the length of ca. 0.5 km each.

Within the investment project, it is planned to: increase the height of the embankments by ca. 0.7 - 1 m, strengthen the embankment body (e.g. with bentonite mat, foil) combined with a vertical anti-filtration screen in the embankment base (e.g. sheet piling of whetstone, DSM-type screen), as well as widen the embankment footing on the inter-embankment side.

The designed parameters of embankments:

- embankment crown width 3.0 - 4.0 m
- water-side slope inclination: 1:2 - 1:2.5,
- outer scarp inclination 1:2.0 - 1:2.25,
- average height ca. 4 - 5 m.

Under the investment project, it is also planned to construct new service roads, construct temporary roads.

The expected permanent occupancy of the area under the planned project will amount to ca. 30 ha.

Under implementation of the project, it is not planned to conduct any works in the river bed.

The surroundings of the Koprzywnianka river valley consists, first of all, in agricultural areas (arable land and orchards). The investment area cuts through district roads: 0801T Andruszkowice-Koćmierzów, 0800T Samhorzec-Skotniki, 0803T Złota-Szewce, as well as local roads Sośniczany-Skotniki, Złota-Zawierbie, Polanów-Doły Michałowskie.

The crown and scarp of the embankment are covered with grassy vegetation, which is mowed periodically. The remaining area is covered with shrubs and trees.

At the stage of the investment project implementation, the occupancy of areas under the construction site will be limited to a minimum. Construction site back-up facilities will be located on a hardened area outside the inter-embankment and beyond the waterlogged areas, in a manner that protects ground-water environment against contamination. In addition, the facilities should be located beyond the area of Natura 2000 - the Tamobrzeg Vistula river valley. The construction site back-up facilities will be equipped with sorbents in case of failure and spillage of hazardous substances. In the case of leakage of contaminations, they should be collected using the sorbent and transferred to a unit authorized to neutralize them. Transportable sanitary devices will be placed at the building site, and will be periodically emptied by a specialized company having an appropriate permit, and delivered to sewage storage points of a sewage treatment plant.

Access to the facilities and the construction site will be organized with the use of the existing public roads, and in the case of lack of public roads, temporary roads will be made on the embankment's crown. In the case of lack of a service road, it will be made on embankments' crown or on the embankment footing. After completion of the works, the temporary roads will be demolished, and the area will be cleaned and restored to the original state.

The landscape in the surroundings of the Koprzywnianka river will not change significantly, the existing

embankments are parts of the local landscape, since the works will be conducted on the existing embankments.

Ground works related to expansion of the flood embankments will be preceded by removal of the near surface soil layer, which will be stored separate from other soil layers and distributed over the surface intended for grassing within the area covered by the investment project. The construction works will use only those materials, which will not constitute threats and nuisances for the environment. Non-contaminated soil will be used for increasing the embankments' height, meeting the requirements of the Regulation on soil quality standards and earth quality standards. Ground masses will be stored in a strip beyond the Natura 2000 areas and beyond the waterlogged areas. The closest distance of the embankment's body to the bank line of the river is ca. 25 m. It is planned to fill in the holes caused by the potential hydraulic conditions, in the strip located directly by the embankment, with the width of at least 10 m, with macro levelling to the ordinates of the adjacent land. After the end of implementation of the investment project, the area should be cleaned and left in a condition as close to the natural as possible.

In the course of the project implementation, inconveniences will occur, related to emission of pollutants into the air, as well as noise related to operation of construction equipment. These inconveniences will be temporary and will cease upon termination of construction of the flood embankments. Their limitation is possible by the application of efficient machines and equipment with low sound intensity and good technical condition.

At the stage of the construction works, waste will be produced mostly from the group 17 - waste from construction, repairs and demolition of building structures (including soil and ground from contaminated areas). Handling of the generated waste will be consistent with the principles of management specified in the provisions of the Act on Waste of 14 December 2012. (Journal of Laws of 2013. item 21). Their selective storage will be ensured, in separated and specially adapted places, under conditions preventing release of contamination into the environment, as well as its reuse or successive collection by entities having an appropriate permit with regard to waste management.

The project's operation will not cause emission of pollutants to the environment.

In hydrographic terms, the area of the concerned investment is located in the river basin of the Vistula river, the estuary section of the Koprzywianka river. The valley of the Koprzywianka river is an overflow, waterlogged area, with a high level of ground waters, which results in a considerable flood hazard.

The investment project is located in the area, which in *"the Plan of water management within the basin river area of the Vistula river"* (M. P. [Official Journal] of 21 June 2011 No 49 item, 549) has been identified as a homogenous surface water body PLRW200019219499 Koprzywianka, from Modlibórka to the estuary. Water category: heavily modified water body. Condition assessment: good. Risk assessment: risk of failure to achieve environmental objectives. For the indicated homogenous surface water body, derogations has been introduced from Article 4 (4) of the WFD, due to: the way of using water resources and the need for ensuring flood security, which makes it impossible to demolish watercourse structures and restore their connectivity.

The letter of the Regional Director of the Water Management Administration in Kraków - ref. no. : ZG-410-12-22/13 of 05.09.2013, suggests that the main decisive factor for the classification of the indicated homogenous surface water body as a Heavily Modified Water Body constitutes the transverse structures located on the Koprzywianka river, and therefore exceeding the "m₃" indicator, related to the length of the watercourse cut off by the transverse structures. This structure is related to the use of water present in the catchment area of the homogenous surface water body (among others, water intakes for industrial purposes, for the needs of fish ponds, as well as for small water power plants).

It was determined that the embankment level of the Koprzywianka river is 26.25 %. According to the study "Verification of indicators for conducting evaluation of the quantitative and morphological status of homogenous water bodies" for rivers with catchment areas of up to 1000 km², it was assumed that the significant impacts have embankments located not further away than 20m. In the case of the concerned investment, the average distance of the edge of the embankment crown (after expansion) to the edge of the river bed will amount to ca. 30 m. After taking account of a correction coefficient of 0.95, the value of the "m" embankment indicator, expressed as the total length of the significant watercourse embankments in the homogenous surface water body catchment as compared to the total length of the significant watercourse edges, amounts to 24.54 % (critical value is 60 %).

Considering the fact that the planned project involves increasing the height and extending the flood embankments, and will not result in interference in the riverbeds and the riverside area, the works related to embankment will not have any significant effect on the classification components of the ecological condition of JCWP. Nor will they be the basis for changing the "m₁"

The concerned investment is also located in the area of homogenous ground water bodies designated as JCWPd PLGW2200125. The environmental objective for waters of this area, the quantitative and chemical condition of which was assessed as good and non-endangered, involves maintaining the good condition of water.

Furthermore, the project is partially located in the area of the Main Reservoir of Ground Waters (GZWP) No. 425 -Dębica Stalowa Wola - Rzeszów. Due to the nature of the project and the introduced securities related to the implementation phase, no adverse impact on the quality of ground water is envisaged. Furthermore, the project is located outside the water intake protective zones.

The area of the project is not classified as a submontane and mountain area, mentioned in Regulation no. 18/2000 of the Governor of the Świętokrzyskie Province of 2 March 2000 on determination of the list of towns included in a submontane and mountain areas of the Świętokrzyskie Province (Official Journal Świętokrzyskie voivodship No. 13, item 104).

At the estuary of the Koprzywnianka river to the Vistula river, the investment project is located at a distance of ca. 15 m from the Natura 2000 area Tarnobrzeg Vistula river valley - PLH 180049, as well as its natural habitats (covered by protection), i.e.: willow, poplar and ash gallery forests with the code 91E0, as well as old river beds and natural eutrophic water reservoirs with communities of *Nymphenios*, *Potamians*, with the code 3150.

The documentation states that, within the planned investment project, the protected species of amphibians have been inventoried, therefore the term provided for removal of the near surface soil layer is planned for the time of the highest migration activity of the observed species of animals, as well as outside their reproductive season, namely from 15 August to 31 October. Executing this action within the set time is a factor that will force the animal specimens, which may be present in range of the works, to leave and find shelters on the trees left in the area or beyond the impact range of the works.

Due to the possible presence of the European beaver *Castor fiber* in the area of the planned project, the Investor assumes application of nets in order to protect the embankments against their possible destruction by the abovementioned species.

Presence of no plants and fungi protected by law was observed in the area of the planned investment project.

During implementation of the investment, it is planned to cut down trees and shrubs. The cutting will be conducted outside the breeding season of birds, namely from 16 October until the end of February.

Due to the lack of interference in natural habitats located in the area of Natura 2000, as well as the lack of interference in the river bed, no impact on the aforementioned habitats and species associated with water ecosystem is envisaged.

According to the information included in the submitted documentation, the proposed conditions should minimize the impact of embankment expansion on the natural qualities of the area, and, where possible, properly protect them against damage.

In the area of implementation of the investment project, there are no territorial forms of nature protection, indicated in Article 6 of the Act of 16 April 2004. on Environment protection (consolidated text of 2013. Journal of Laws item 627 with amendments).

Within the section of ca. 600 m, the right embankment of the Koprzywnianka river is located in the area of a historic architectural complex in the town of Koprzywnica. Consequently, implementation of the planned project needs to be agreed with the Province Office for the Preservation of Historic Monuments, Representative Office in Sandomierz. The closest historical structures are located outside the impact zone of the planned investment project, i.e. at a distance of ca. 500m.

Within the range of impact of the project, there are no coasts, areas adjacent to lakes or areas of health resort protection.

The project is not regarded as a structure creating hazard of occurrence of serious industrial failures - according to the Regulation of the Minister of Economy of 9 April 2002. on and quantities of hazardous substances whose presence in the plant determines its classification as a plant of increased risk or high risk of occurrence of a major industrial failure (Journal of Laws No. 58, item 535 with amendments). This decision does not define the conditions in this respect.

Taking account of the location of the investment in central Poland, it should be stated that cross-border environmental impact will not occur. Therefore, proceedings in this respect have not been conducted.

Flood protection structures do not belong to projects listed in Article 135 (1) of the Environmental Protection Law (i.e. Journal of Laws of 2008. No. 25, item 150, as amended), for which the area of limited use may be created in the event of default in meeting the environmental quality standards.

Due to the scope and nature of the project, its location, type and scale of impact while using solutions protecting the environment, environmental impact assessment was not conducted.

As a result of the Investor fulfilling the formal requirements for obtaining the decision on environmental conditions for the project, after a detailed analysis of the collected materials, taking into consideration the unique nature of the planned project and the range of its impact on all environmental aspects, it has been adjudged as in the essentials of the decision.

On the basis of Art. 7, passage 3 of the Act of 16 November 2006 on stamp duty (consolidated text: Journal of Laws of 2012. item 1282 with amendments) the applicant is exempted from stamp duty.

Information

The parties will be entitled to appeal against this decision to the General Director of Environmental Protection, via the Regional Director of Environmental Protection in Kielce, within 14 days from receipt thereof.

To the attention of:

Appendix:

1. Characteristics of the investment project

Received by:

1. Świętokrzyski Land Improvement and Water Facilities Management in Kielce, through Mr Zbigniew Gabryś
MGGP S.A. ul.
Lea 112 30-133
Cracow
2. The remaining parties, by announcement posted up in the announcement bulletins:
 - Town Hall of Sandomierz
 - The Commune Office Samborzec

CC:

1. Świętokrzyski Board of Land Reclamation and Waters in Kielce,
ul. Witosa 86
25-561 Kielce
2. ad acta

Appendix:

to decision, ref: WOO-I.4233.1.2013.AM.20 of
25.10.2013 on environmental conditions

Characteristics of the investment project.

The project is administratively situated within the town borders of Sandomierz, Samborzec and Koprzywnica (Sandomierski District), and covers, among others, the expansion of the left and right flood embankment of the Koprzywnica river within the section with total length of 27.3 km, namely from the mouth of the Koprzywnica river to the Vistula river to the road leading from Sośniczany to Skomików (left embankment) and to the town of Koprzywnica (right embankment). The expansion will also cover backflow embankments of the Koprzywnica river on its left-side tributaries: Połanówka and Gorzyczanka, on the length of ca. 0.5 km each.

Within the investment project, it is planned to: increase the height of the embankments by ca. 0.7 - 1 m, strengthen the embankment body (e.g. with bentonite mat, foil) combined with a vertical anti-filtration screen in the embankment base (e.g. sheet piling of whetstone, DSM-type screen), as well as widen the embankment footing on the inter-embankment side.

The designed parameters of embankments:

- embankment crown width 3.0 - 4.0 m
- water-side slope inclination: 1:2 - 1:2.5,
- outer scarp inclination 1:2.0 - 1:2.25,
- average height ca. 4 - 5 m.

Under the investment project, it is also planned to construct new service roads, construct temporary roads.

The expected permanent occupancy of the area under the planned project will amount to ca. 30 ha.

The concerned project does not cover conducting any works in the riverbed. During implementation of the investment, it is planned to fell trees and shrubs.