

REGIONAL DIRECTOR FOR ENVIRONMENTAL PROTECTION in Kielce

Kielce, 2014.12.12

WOO-I.4233.5.2014.KT.10

DECISION on the project's environmental conditions

On the basis of Article 75 passage 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 (consolidated text Journal of Laws of 2013. item 1235 with amendments) in connection with Article 104 of the Act of 14 June 1960 Code of Administrative Procedure (consolidated text Journal of Laws of 2013. item 2672 with amendments) after examining the application of the Świętokrzyskie Administration of Land Improvement and Water Structures in Kielce (operating through an authorized representative - Mr. Stanisław Staniszewski - Zakład Usług Wodnych i Robót Wodnych Sp. z o.o, ul. Morcinka 43, 45-317 Opole)

I hereby ascertain the lack of the need to conduct assessment of environmental impact

for the project entitled: "**Expansion of the surrounding dyke protecting Glassworks and a Housing Estate against the flood waters in mth. Sandomierz along with the concept of the protection of Port**" whose Investor is Świętokrzyskie Administration of Land Improvement and Water Structures in Kielce.

Substantiation

At the application of the Świętokrzyskie Administration of Land Improvement and Water Structures in Kielce - operating through an authorized representative - Mr. Stanisław Staniszewski - Zakład Usług Wodnych i Robót Wodnych Sp. z o.o, ul. Morcinka 43, 45-317 Opole), formally completed on 09.09.2014 and 26.09.2014, proceedings have been initiated concerning issuance of the decision on environmental conditions for the project entitled: "Expansion of the surrounding dyke protecting Glassworks and a Housing Estate against the flood waters in mth. Sandomierz along with the concept of the protection of Port".

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 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 extracts from the land register.

The parties have been notified of initiation of the proceedings, the possibility of submission of applications and comments with regard to 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 and the Regional Directorate for Environmental Protection in Kielce.

By way of the Announcement of 02.10.2014, ref. no.: WOO-I.4233.5.2014.KT.3, 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:

- The Municipal Office in Sandomierz, at the place of the planned project (min. at the streets: Baczyński, Bosmańska, Boczna, Flisaków, Hutnicza, Lwowska, Mostowa, Portowa, Powiśle, Zarzekowice) from 07.10.2014 to 22.10.2014,
- in the seat of the Regional Directorate for Environmental Protection in Kielce, on 3 October 2014 to 17.10.2014

In the course of the conducted procedure one has applied to the Investor - letter ref. no. : WOO-1.4233.5.2014.KT.6 of 10.10.2014 for filling in the information card of the investment project for instance in the scope concerning solutions protecting the environment.

In connection with the call of the local body for filling in the information card of the investment project on 31.10.2014 and 06.11.2014 The Investor submitted a supplement to the documentation.

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 (consolidated text Journal of Laws of 2013. item 1235 with amendments) obtaining the opinion of a sanitary inspection authority for the planned project is not required.

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, it issued the decision ref. no. : WOO-I.4233.5.2014.KT.7 of 13.11.2014 in which he has not imposed the obligation to conduct assessment of the impact of the investment project on the environment.

The data about the submitted application and issued decision have been set forth in a *publicly available register of data about the documents containing information about the environment and its protection* kept by Regional Administration for Environmental Protection in Kielce.

With the announcement, ref. no. : WOO-I.4233.5.2014.KT.8 of 13.11.2014, the parties of the procedure have been notified about the issued decision on the lack of environmental impact assessment

and pursuant to Article 10 of § 1 of the Code of Administrative Proceedings about collecting the evidence and opportunities to review the gathered materials and evidence in the concerned case before issuing the decision as well as the possibility of the submission of comments and applications within 5 days from the date of notice.

The announcement was posted in the announcement bulletins:

- The Municipal Office in Sandomierz, at the place of the planned project (min. at the streets: Baczyńskiego, Bosmańska, Boczna, Flisaków, Hutnicza, Lwowska, Mostowa, Portowa, Powiśle, Zarzekowice) from 17.11.2014 to 02.12.2014,
- in the seat of the Regional Directorate for Environmental Protection in Kielce, on 14 November 2014 to 28.11.2014

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 purpose of the project is the flood protection of the Pilkington and adjacent areas (housing estate) against negative effects of the occurrence of a flood wave caused by a high level of water of the Vistula and Trześciówka rivers by:

- expansion of scarps of the existing dyke on the section of ca 1.73km from the crossing at ul. Mostowa and Lwowska to ul. Zarzekowice and anti-filtration protection of the bank in the form of retaining walls and injections;
- expansion of the existing earth embankment on the section of ca 1.1 km from ul. Zarzekowice to the right bank of the Vistula River by increasing by ca 1.5-2m, expanding the crown to ca 4m, sealing along with the construction of service road;
- the expansion of the dyke from the entrance to Commercial Port with ul. Mostowa for connection with the Koćmierzów embankment on the section of ca. 3.3km, constructing the anti-flooding gates on the canal.

Under the investment project the reconstruction/expansion or construction of a dyke facilities are also planned (among others, culverts, levees, locks, levees passages) as well as colliding with the bank of ground utilities networks.

The environment of the planned investment project is constituted by industrial premises, residential buildings and agricultural areas. In the direct neighbourhood of the investment there is the Natura 2000 area of the Tarnobrzeg Vistula river valley PLH180049.

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 area of Natura 2000 and beyond the waterlogged areas, in a manner that protects ground-water environment against contamination. 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. The construction back-up facilities will be equipped with sorbents in case of the leakage of petrol derivatives. Access to the facilities and the construction site will be organized with the use of the existing public roads.

Investment realization is related to 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 dykes' height, meeting the requirements of the Regulation on soil quality standards and earth quality standards. Ground masses for the expansion of the banks will be acquired from chartered purchases. 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.

The implementation of the project will be related to earthworks and interference in the ground - water environment, effects on the natural environment and with local and periodical nuisances related to the transportation, emission of flue gas, noise, waste.

The area of the investment project partially is located on the built-up area subject to acoustic protection - the closest residential buildings are placed in the distance of several meters (ca. 5-6m) from the dyke along ul. Mostowa and Zarzekowice, therefore, the inhabitants and users of this land can feel inconveniences related to the investment project implementation. In connection with this, the construction works will be executed during the day, i.e. from 06.00 am to 10.00 pm.

The emission of dust-gas pollutants into the air will be short-term and reversible, and the associated inconveniences shall end along with the end of the construction works.

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). Ground masses will be stored outside naturally valuable areas and waterlogged areas. The method of the management of ground masses must not cause changes in the state of water with damage to the neighboring grounds. In connection with the execution of the project no excavation drainage is planned. The planned investment is located outside the areas with shallow level of underground waters.

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

The project is located beyond the areas of Protective Zones of Water Intakes and beyond the area of the Main Reservoir of Underground Waters. The closest public intake of water is in Romanówka at a distance of ca.15km towards the north from the planned investment,

and the nearest GZWP no. 422 area of the retention tank Romanówka is located at a distance of ca. 9.3km north of the area of investment.

In hydrographic terms the region of the concerned investment is located in the river basin of the Upper Vistula river.

The investment is in the area of the uniform parts of surface waters indicated in the "Plan of water management within the basin river area of the Vistula river" (M. P. [Official Journal] of 21 June 201. No. 49 item 549) as:

- JCWP PLRW20002621952 - the flow from Sielec - has been qualified as a natural part of waters endangered with the failure to achieve environmental objectives, for which one has introduced the derogations in Art. 4 (4) - 3 of the Water Framework Directive owing to the salinity and the impact of mining waters. The condition of waters has been assessed as bad.
- JCWP PLRW200019219699 - Trześniówka from Karolówka to its mouth - has been qualified as strongly changed part of waters endangered with the failure to achieve environmental objectives.

For the above JCWP derogation has not been appointed. The condition of waters has been assessed as bad.

The environmental objective for the mentioned JCWP is to achieve at least a good condition of waters.

The concerned investment is also located in the area of homogenous underground water bodies designated as HUWB 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.

The pressures related to the effects of the planned project on the condition of water will apply to:

- the stage of construction and will refer primarily to the fragmentary destroying of vegetation within the dykes (direct and reversible impact as a result of natural succession) as well as the interference in the bottom of the port canal. As it results from the documentation before making the port gate one will mount the construction bulkhead separating the canal from the Vistula river. The above solution will contribute to the limitation of water contamination with suspension. Due to the fish species that may occur in the duct (min. Kessler Gudgeon) the works in the bed will be conducted outside the period of mating season (outside the months of May-June) which will minimize the negative impact on the ichtyofauna;
- the stage of operation - due to the construction of an anti-filtration screen in the bank crown the hydraulic contact of groundwaters with surface waters and power supply with rainfall waters will be locally limited.

Considering that the planned project consists in expansion of the existing flood dykes it is stated that the implementation of the investment will not affect deterioration in the status of waters and will not create a hazard of a failure to reach environmental goals.

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 of Świętokrzyskie province of 2000. No. 13, item 104).

Within the range of interaction of the project the areas of coasts, spa protection, areas adjacent to lakes and such on which environmental quality standards have been exceeded do not occur.

In the area of the planned investment project and in the direct neighbourhood there are no archaeological sites, or other facilities included in the commune and province register of monuments. As it results from the opinions of the Provincial Conservation Officer of Monuments Protection in Kielce - Representation in Sandomierz, the execution of the investment will not affect the state architectonic-urban-landscape complex of Sandomierz.

The project is situated partially within the boundaries of the Nature 2000 site of the Tarnobrzeg Vistula river valley PLH180049. As it results from the documentation within the area of Nature 2000 a natural habitat with the code 91E0 -willow, poplar, alder and ash (*Salicetum albae*, *Populetum albae*, *Alnenion glutinoso-incanae*, *spring alder fen forests*). In reality in the area of the planned investment project in the area of the inter-dyke, the riverine communities have been dominated by synanthropic vegetation. As it results from KIP in the area of the planned investment project species of protected animals (including amphibians) and fungi have not been found. In case of observing the presence of amphibians in the neighborhood of the investment they will be transferred off site to a place with similar

conditions. Works involving the removal of the top layer of soil, due to animals, shall be conducted in the period from 15 August to 15 October. In this period the animals will be after the period of reproduction, and, at the same time, they shall not reside for good in the winter hideaways. The making of the above mentioned works within the time stated above will enable them to find safe places offsite. Taking the above into account one does not plan any significant impact on the areas of Nature 2000 including the condition of habitats, integrity of the areas and linking with other areas. Under the implementation of the project no logging of trees and shrubs in Nature 2000 area is predicted, back-up facilities of the construction site and place of storage ground masses have been planned outside the aforementioned area. On the remaining investment area due to its industrial character the presence of species of protected animals and fungi is not expected.

The planned investment is located beyond other forms of nature protection listed in the Act of 16 April 2004. on Environment protection (consolidated text of 2013 Journal of Laws item 627 with amendments). The nearest area of protected landscape - Jeleniowski - Staszowski OChK - is located at a distance of ca. 20 km southwest, Jeleniów Landscape Park is in the distance of ca. 36 km northwest, the Pieprzowe Mountains Nature Reserve is at a distance of ca. 3.3 km north-east of the investment project. The project does not interfere with the environmental corridor - South Central Ecological Corridor KPdC - 8A Świętokrzyskie Mountains - the Vistula River Valley is located southwards at a distance of ca. 7.5 km from the investment.

In connection with the performance of the investment new elements which could affect the local landscape will not be introduced. The implementation of the investment will involve the reconstruction of the existing banks. It should thus be stated that the planned project does not cause changes in the landscape.

Due to the *Directive of the European Parliament and the European Council 2014/52/EU 16 April 2014 amending Council Directive 2011/62/EU on safety assessment of the impact by some public and private projects on the environment* and the commencement of the implementation into the Polish law, analyzing the adaptation and the project's impact on climate change, including the elements affecting value of the mitigation of these changes it should be stated that:

- the project is in the area of flood hazard (<http://map.isok.gov.pl/itnap/>),
- it is neutral in respect of extreme climatic situation.

The project's impact on climate change should be considered as negligible.

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 10 October 2013 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 of 2013 item 1479).

Considering the scope of the project, its character does not envisage a transborder impact of the investment project on the environment or establishing the area of the limited use.

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 (i.e. Journal of Laws Dz. U. 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.

Appendix:

1. Characteristics of the investment project

Received by:

1. Świętokrzyski Land Improvement and Water Facilities Management in Kielce through an authorized representative - Mr. Stanisław Staniszewski - Zakład Usług Wodnych i Robót Wodnych Sp. z o.o, ul. Morcinka 43, 45-317 Opole,
2. The remaining parties, by announcement posted up in the announcement bulletins:
 - City Hall in Sandomierz and in the neighborhood of the planned investment (at ul. Mostowa, ul. Portowa, ul. Zarzecze, ul. Zarzekowice)
 - in the seat of the Regional Directorate for Environmental Protection in Kielce, in
3. ad acta

CC:

1. Świętokrzyski Land Improvement and Water Facilities Management in Kielce, ul. Witosza 86, 25-561 Kielce

Appendix:

to decision, ref: WOO-I.4m53.2014.KT.10 of 12.12.2014 on environmental conditions for the project consisting in: **"Expansion of the surrounding dyke protecting the Glassworks and a Housing Estate against the flood waters in mth. Sandomierz along with the concept of the protection of the Port"**

Characteristics of the investment project

The project is administratively situated in the area of Sandomierz in the Świętokrzyskie province. The scope of the planned project includes, among others,:

- expansion of scarps of the surrounding banks from the crossing at ul. Mostowa and Lwowska to ul. Zarzekowice (long section about 1.73 km),
- anti-filtration protection of the bank in the form of retaining walls and injections,
- expansion of the existing earth embankment (i.e. increasing and enlargement to ca. 4m) on the section from ul. Zarzekowice to the right dyke of the Vistula river with the length of about 1.1 km along with the construction of the service road and the sealing and construction of the dyke passage ,
- the expansion of the dyke from the entrance to Commercial Port with ul. Mostowa for connection with Koćmierzów embankment, executing the anti-flooding gates on the canal along with the reconstruction of the entry to the port.

The designed parameters of dykes:

- the length of the expanded bank (from km ca. 2 + 520 to km ca. 5 + 300) -ca. 2780m,
- total length of the expanded earth embankment (from km ca. 4 + 250 to km ca. 5 + 300 and the left bank of the Vistula River from km ca. 0 + 000 to km ca. 0 + 600) -ca. 1700m,
- total length of the reinforced concrete structures - ca. 1557m,
- the length of a tight wall with girt (from km ca. 4 + 077 to km ca. 4 + 250) -ca 173m, width - ca. 0.55m,
- crown width of the earth bank - ca.4m,
- the width of the service road in the bank body - ca 4m,
- water-side slope inclination - 1:2,
- outer scarp inclination - 1:2.5.

In addition, it is planned to equip the existing culverts in return flaps and gates permitting the safe drainage of flood waters. In the case of high water levels on the Vistula river return flaps and gates prevent the flow of water towards the land side of the levee, and in the case of high water level conditions in the river Trześniówka they enable faster drainage of the flooded meadow areas.

The investment shall be led along the route of the existing embankments so that the interference in the existing development is as insignificant as possible. In the places of collisions with the existing drives and installations the design envisages the sealing of the base and body by means of pressure injections. The expected permanent occupancy of the area under the planned project will

amount to ca. 10.75 ha.

Under the implementation of the project it is planned to conduct works in the bed of the port canal and the logging of trees and shrubs.