

Regional Director  
for Environmental Protection  
in Gorzów Wielkopolski

WOOŚ-II.4233.10.2014.NC

## **DECISION**

The Regional Director for Environmental Protection in Gorzów Wielkopolski, acting on the basis of Article 72a Par. 1 and Article 75 Par. 1 Subpar. 1 letter i) of the Act of 3 October 2008 on providing information on the environment and its protection, public participation in environmental protection and environmental impact assessments (Journal of Laws of 2013, item 1235 as amended, hereinafter referred to as the EIA Act), in connection with Article 104 of the Act of 14 June 1960 – Administrative Procedure Code (Journal of Laws of 2013, item 267, as amended), after considering the application submitted on November 11<sup>th</sup>, 2014 (received by the present authority on November 12<sup>th</sup>, 2014) by Mr. Tadeusz Kowalewski, employed in Biuro Projektów Inżynierii Środowiska i Melioracji “EKOPROJEKT” Sp. z o.o., acting on the basis of granted power of attorneys,

### **transfers**

the decision of February 6<sup>th</sup>, 2011, on the environmental conditions ref.:  
WOOŚ-II.4233.2.2011.TK and the decision of June 29<sup>th</sup>, 2012, ref.: WOOŚ-II.4233.4.2012.AN  
for the undertaking entitled:

**Nowa Sól – Pleszówek – stage I – construction of the left-bank embankment for the Odra river at chainage km 429.85÷432.40 and embankments of the Czarna Struga river at chainage km 0+000÷3+330”**

### **issued for:**

the Lubuskie Province,  
ul. Podgórna 7,  
65-057 Zielona Góra.

### **In favour of:**

Marshal of the Lubuskie Province  
acting on behalf and in favour of the State Treasury  
and performing government administration tasks  
ul. Podgórna 7,  
65-057 Zielona Góra.

## GROUNDS

On the 7<sup>th</sup> of November 2014, Mr. Tadeusz Kowalewski, employed in Biuro Projektów Inżynierii Środowiska i Melioracji "EKOPROJEKT" Sp. z o.o., acting on the basis of the power of attorney granted by Mr. Zuzgumnt Muszyński – acting Director of the Lubuski Board of Amelioration and Hydraulic Structures in Zielona Góra, authorising him to act on behalf of the Lubuskie Province, and acting on the basis of the power of attorney granted by Mr. Augustyn Filipczak – Deputy Director of the Lubuski Board of Amelioration and Hydraulic Structures in Zielona Góra, authorising him to act on behalf of the Marshal of the Lubuskie Province acting on behalf and in favour of the State Treasury and performing government administration tasks, submitted to the Regional Director for Environmental Protection in Gorzów Wielkopolski an application for transferring the decision on the environmental conditions of February 6<sup>th</sup>, 2011 ref.: WOOŚ-II.4233.4.2011.AN and the decision of June 29<sup>th</sup>, 2012 ref.: WOOŚ-II.4233.4.2011.AN for the undertaking entitled: "Nowa Sól – Pleszówek – stage I – construction of the left-bank embankment for the Odra river at chainage km 429.85÷432.40 and embankments of the Czarna Struga river at chainage km 0+000÷3+330" from the Lubuskie Province to the Marshal of the Lubuskie Province acting on behalf and in favour of the State Treasury and performing government administration tasks.

The following documents were enclosed to the application:

- 1) Power of attorney granted by the Lubuskie Province;
  - Power of attorney of acting Director of the Lubuski Board of Amelioration and Hydraulic Structures in Zielona Góra No 355/2014 of November 7<sup>th</sup>, 2014;
  - Resolution No 259/3102/14 of the Lubuskie Province Management Board of May 30<sup>th</sup>, 2014;
- 2) Power of attorney granted by to the Marshal of the Lubuskie Province acting on behalf and in favour of the State Treasury;
  - Authorisation No 80/2014 of September 16<sup>th</sup>, 2014, ref.: DP.IV.087.122.2014
  - Power of attorney of Deputy Director of the Lubuski Board of Amelioration and Hydraulic Structures in Zielona Góra No 336/2014 of November 12<sup>th</sup>, 2014
- 3) Statement of November 6<sup>th</sup>, 2014 of the Lubuskie Province giving consent to transfer the decision on the environmental conditions of February 6<sup>th</sup>, 2011 ref.: WOOŚ-II.4233.2.2011.TK and the decision of June 29<sup>th</sup>, 2012 ref.: WOOŚ-II.4233.4.2011.AN to the Marshal of the Lubuskie Province acting on behalf and in favour of the State Treasury and performing government administration tasks;
- 4) Statement of November 6<sup>th</sup>, 2014 of the Marshal of the Lubuskie Province acting on behalf and in favour of the State Treasury and performing government administration tasks on accepting all conditions arising from the decision on the environmental conditions of February 6<sup>th</sup>, 2011 ref.: WOOŚ-II.4233.2.2011.TK and the decision of June 29<sup>th</sup>, 2012 ref.: WOOŚ-II.4233.4.2011.AN;

Pursuant to Article 72a Par. 1 of the EIA Act, the authority competent to issue decisions on environmental conditions is obliged, by consent of the party in favour of which the decision was issued, to transfer such a decision in favour of other authority, provided that it accepts all conditions included therein.

The application contains both the consent of present investor – the Lubuskie Province, to transfer the decision, and the consent to take over all conditions arising from the decision on the environmental conditions by the Marshal of the Lubuskie Province. Therefore, the prerequisites set out in the said regulation are met. With this respect there are no obstacles to transfer the decision on environmental conditions between those authorities.

In connection with the foregoing and acting on the basis of above-cited regulations, it was decided as stated hereinabove.

### **INSTRUCTION**

The parties may appeal against the decision to the General Director for Environmental Protection in Warsaw via the Regional Director for Environmental Protection in Gorzów Wielkopolski within 14 days from the date of delivery.

[stamp of the Regional Director for Environmental  
Protection in Gorzów Wielkopolski - Jan Rydzanicz]

Under Article 7 Subpar. 3 of the Act of November 16<sup>th</sup>, 2006 on stamp duty (Journal of Laws of 2012, item 1282), no stamp duty was collected for issuing of this decision.

#### Recipients:

1. Mr. Tadeusz Kowalewski  
BPIŚIM "EKOPROJEKT" Sp. z o.o.  
Batorego 126a, 65-735 Zielona Góra
2. File.