

Appendix 4b

[image of the crowned eagle]

Wrocław, 11 March 2019.

**DIRECTOR OF
REGIONAL WATER MANAGEMENT
AUTHORITY IN WROCLAW
STATE WATER HOLDING
POLISH WATERS**

WR.RUZ.421.169.2018.RR.UL

DECISION

Pursuant to Article 389 Item 1, 6 and 9, in connection with Article 35 Clause 3 Item 7, Article 396 Clause 1, Article 397 Clause 3 Item 1 Letter a, Article 400 Clause 1, 4, 6 and 8, Article 403 Clause 1, 2 and 6 Item 6, Article 407 Clause 1 and 2 of the Act dated 20 July 2017 - the Water Law (Journal of Laws of 2018, item 2268), and Article 104 of the Act dated 14 June 1960 - the Code of Administrative Procedure (Journal of Laws of 2018, item 2096), having considered the application of the Road and City Maintenance Authority in Wrocław regarding the issuance of a water permit for the construction of water facilities, water services covering discharge of rain and snowmelt waters into the Ługowina river and running pipelines and pipes through flowing surface waters, as part of the implementation of the investment entitled "Extension of Ślężoujście Street from Rędzińska Street to Potokowa Street in Wrocław"

I declare

- I. To issue - to the Road and City Maintenance Authority in Wrocław, 49 Długa Street, 53-633 Wrocław - a water-law permit for the construction of water facilities, i.e.:
1. A water-law permit for the construction of a W1 outlet for rainwater drainage facilities to be used to drain rain and snowmelt waters into the Ługowina River at km 0+386, with the following parameters:
 - diameter of the outlet of drainage facilities ϕ 300mm,
 - ordinate of the outlet bottom of a drainage pipe 109.90 m above sea level,
 - geodetic coordinates of the outlet X=5669835.17 Y=6426012.16
 - the outlet with a backwater flap, reinforcement of land slopes and bottom within the outlet made of concrete and granite blocks, in the river bed, on land slopes and at the ends of such reinforcement with granite blocks, extra protection with pole-made palisade.
 2. A water permit for the reconstruction of the right flood embankment of the Odra river - Maślice II at Ślężoujście Street, with its length of 31 m, at the connection with a new road embankment, together with the construction of an exit to the embankment crest, in line with the following parameters:
 - length of the reconstruction 31.0 m
 - width of the embankment crest 10.0 m
 - width of the road at the embankment crest 4.0 m
 - inclination of land slopes 1:3
 - geodetic coordinates
 - start X=5669782.11 Y=6426147.21
 - end X=5669758.48 Y=6426129.53

- protection of land slopes with geogrids, with top-soiling and grassing up to the level of 112.20 m above sea level.
3. A water permit for the elimination of a two-pipe culvert on the Ługowina river at km 0+376 under Ślężoujście Street, with the following parameters;
- length 24.0 m
 - geodetic coordinates of the culvert
 - start X=5669842.70 Y=6426015.74
 - end X=5669862.55 Y=6426028.08
4. A water permit for the construction of a water facility, i.e. a 2x2 m frame-based culvert on the Ługowina river at km 0+352 - 0+379 in line with the following parameters:
- length 27.0 m
 - ordinate of the inlet 109.22 m above sea level
 - ordinate of the outlet 109.08 m above sea level
 - decline $i = 0.5\%$
 - geodetic coordinates of the culvert
 - start X=5669840.19 Y=6426012.62
 - end X=5669862.81 Y=6426027.36
 - construction of a flood closure at the culvert in the form of a spindle gate (latch) sized 2x2m with its spindle drawn out to the level of about 1 m above the operational platform located at the ordinate of 113.57 m above sea level. (above the water level in the Odra river for $Q_{1\%}$),
 - protection of the river bed and banks within 6 m below and above the culvert with granite blocks and concrete,
 - at the end of the paved structures - protection of the river bottom, slopes and banks with a pole-made palisade,

II. The water permit specified in Part I of this Decision is issued subject to the following conditions:

1. To construct the water facilities in line with the construction design and the hydro-legal survey report being the grounds for this decision.
2. To remove any damage which may arise in the course of works.
3. To clean up the work area within 14 days upon the completion of works.
4. To keep the completed water facility in proper technical condition and operation.

III. To issue - to the Road and City Maintenance Authority in Wrocław, 49 Długa Street, 53-633 Wrocław - a water permit for running pipelines and pipes through flowing surface waters, i.e. the Ługowina river over the culvert planned to be constructed, including:

km of the river	type of network	ordinate [m above sea level]	geodetic coordinates
0+372	road lighting - a low-voltage cable line	114.67	X=5669846.04 Y=6426017.31
0+371	urban technological channels (pol. MKT) <ul style="list-style-type: none"> ▪ 2x protective pipes (DVK110/2xRHDPE 110/6.3) ▪ in 1 protective pipe: optical fibre pipe (HDPE40/3.7) and prefabricated foiled microtube bundle (7x10/1.0) 	114.47	X=5669846.73 Y=6426017.72
0+368	rain water drainage DN300	112.00	X=5669849.51 Y=6426018.69

IV. The water permit specified in Part II of this Decision is issued subject to the following conditions:

Director

State Water Holding Polish Waters
Regional Water Management Authority in Wrocław
34 Norwida Street, 50-950 Wrocław
tel.: +48 (71) 337 88 00 | fax: +48 (71) 328 50 48 | e-mail: wroclawglwody.gov.pl

1. To construct the water facilities in line with the construction design and the hydro-legal survey report being the grounds for this decision.
 2. To remove any damage which may arise in the course of works.
 3. To clean up the work area within 14 days upon the completion of works.
 4. To keep the completed water facility in proper technical condition and operation.
- V. Issue - to the Road and City Maintenance Authority in Wrocław, 49 Długa Street, 53-633 Wrocław - a water permit for a water service which covers the discharge - through the W1 outlet - of rain and snowmelt waters captured under the rainwater drainage system from within urban areas into the Ługowina river in the amount of:

$$Q_{\max [\text{maximal}]} = 0.0469 \text{ m}^3/\text{s}$$

$$Q_{\text{sr} [\text{average}]} = 2166 \text{ m}^3/\text{year}$$

off the drained surface:

actual	0.415 ha,
reduced	0.361 ha,
with the following composition of pollutants:	
suspended solids	< 100 mg/l,
petroleum hydrocarbons	<15 mg/l.

- VI. The water permit specified in Part V of this Decision is issued subject to the following conditions:
1. To run management over rain and snowmelt waters pursuant to the legal and environmental requirements.
 2. To keep the W1 outlet and facilities used to collect and drain rain and snowmelt waters in full technical operation.
- VII. To issue the water permit for water services in the range of discharge of rain and snowmelt waters captured under rainwater drainage systems used to discharge precipitation, referred to in Section V of this decision for a period of 30 years from the date at which this decision has become final.

JUSTIFICATION

The Road and City Maintenance Authority in Wrocław, 49 Długa Street, 53-633 Wrocław - acting by Ms. Dorota Wolińska-Janosz, its proxy in the letter dated 18.12.2018 - applied to the Director of the State Water Holding Polish Waters / the Regional Water Management Authority in Wrocław for the issuance of appropriate water-law permits related to the implementation of the investment entitled: "Extension of Ślężoujście Street from Rędzińska Street to Potokowa Street in Wrocław" in the following scope:

1. Construction of the following water devices:
 - construction of the W1 outlet from the rainwater drainage system to the Ługowina river at km 0+386 of the river,
 - reconstruction of the Maślice II embankment,
 - removal of the so-called "Gates of the Ługowina river" culvert on the Ługowina river under Ślężoujście Street,
 - construction of a 2x2 m frame-based culvert on the Ługowina river.
2. Routing pipelines and pipes through flowing surface waters, i.e. the Ługowina river, including: DN300 rainwater duct, street lighting and telecommunication lines.
3. Water service for the discharge of rain and snowmelt waters into the Ługowina river.
4. Location of construction structures within flood hazard areas.

By the notification dated 10.18.2019, file no. WR.RUZ.421.169.2018.RR, the local authority informed the applicant that pursuant to Article 397 Clause 3 Item 1 Letter a Bullet 2 of the Act - the Water Law, the Director of the State Water Holding Polish Waters Regional Water Management Authority is the competent authority for water-law permits for the construction of flood control structures. Moreover, pursuant to Article 397 Clause 3 Item 1 Letter c of the act, the Director of the State Water Holding Polish Waters Regional Water Management Authority is the competent authority is competent for water permits referred to in Article 389 required for the project, if it is the competent authority for one of the permits. The Director of the Regional Water Management Authority explained that the above Article does not cover law-water permits derived from Article 390 of the Water Law, i.e. regarding the location - at areas at high flood risk - of new projects likely to have a significant impact on the environment, as well as new construction structures, for which, in line with Article 397 Clause 3 Item 2, the Director of the water basin management for Polish Waters is the exclusive competent authority for their consideration (Article 397 Clause 3 Item 2 of the Water Law - the Director of the water basin management for Polish Waters is competent for water permits referred to in Article 388 Clause 1 Item 1, not specified in Item 1 Letters a, c and d). Therefore, taking into account the above, the Director of the Regional Water Management Authority considered the submitted application with regard to the construction of water facilities, special use of waters and routing pipelines and pipes through flowing surface waters, i.e. the Ługowina river. At the same time, the local authority informed the applicant to submit the application for location of building structures in flood hazard areas to the Director of the water basin management for Polish Waters.

On the grounds of the documents attached to the application, i.e.:

- the hydro-legal survey report entitled: "Extension of Ślężoujście Street from Rędzińska Street to Potokowa Street in Wrocław", prepared by BBKS-PROJEKT Ltd. Co. seated in Wrocław, in December 2018,
- the description on the intended activity with no specialised terms,
- the original power of attorney to represent the applicant,
- the confirmation of payment for the issuance of water permits,
- the confirmation of payment for the power of attorney,

it can be concluded that - for the purposes of obtaining the requested water-law permits - the formal and legal requirements set out in the provisions of the Act of 20 July 2017 - the Water Law, in particular Article 407 Clause 2 were fulfilled, and the documentation forming the technical grounds for the requested permit fulfils the requirements of Articles 408 and 409 of this Act.

Since the planned reconstruction of Ślężoujście Street will be conducted in line with the Act dated 10 April 2003 on the special principles of preparation and implementation of investments in the field of public roads (Journal of Laws of 2018, item 1474 as amended), it is not required to attach the documents referred to in Article 407 Clause 2 Item 3 of the Water Law to the application.

By the notification dated 24.01.2019, the Director of the Regional Water Management Authority in Wrocław notified the parties of the initiation of administrative proceedings. Pursuant to Article 400 Clause 7 of the Water Law, information about the initiation of such proceedings was made public by publishing it on the public website of the Regional Water Management Authority in Wrocław and posting it on notice boards at the seat of the above-mentioned office and in the Wrocław City Hall.

In the absence of any comments, the authority issued a decision on the grounds of the formal and substantive provisions of law cited in the introduction, specifying the detailed terms and conditions of the permit in order to secure the legitimate interests of the parties.

The construction of the water facilities covered in this decision is related to the investment called "Extension of Ślężoujście Street from Rędzińska Street to Potokowa Street in Wrocław". The works include, among others, the reconstruction of the Maślice II flood protection embankment, about 31 m in length and the demolition of the road embankment together with the construction of an exit to the embankment crest from Ślężoujście Street. The project will also involve the construction of a new street surface, pavement, street lighting and urban

technological and tele-technical ducts, as well as a rainwater drainage system (DN 300, 540 m long) with street inlets and the W1 outlet to the Ługowina river. Rain and snowmelt waters discharged to the river will be pre-treated in a settling tank for suspended solids located upstream of this outlet.

The water-law permit specified in this decision does not violate the provisions of Article 396 Clause 1 of the Act dated 20 July 2017 - the Water Law, in particular:

1. the provisions of the Odra basin management plan annexed to the Regulation of the Council of Ministers dated 18 October 2016 on the Odra basin management plan (Journal of Laws 2016, item 1967),
2. The construction of the water facilities and the area of intended water use is located within the boundary of:
 - The surface water body named "Ługowina" coded RW6000231338, which is classified as a heavily modified water body in bad condition, but the achievement of the environmental objective is not threatened. The environmental objective is to achieve good ecological potential and good chemical characteristics.
 - The groundwater body coded PLGW6000109, the quantitative and chemical parameters of which is assessed to be good and the achievement of the environmental objective is not threatened.
3. The provisions of the flood risk management plan annexed to the Regulation of the Council of Ministers dated 18 October 2016 on the adoption of the flood risk management plan for the Odra basin area (Journal of Laws 2016, item 1938).

The validity period of the water permit for the water service was set to be 30 years starting from the date on which the decision became final with regard to the entry of rain and snowmelt waters into waters captured in rainwater drainage systems. The obligation to specify the period for which a water-law permit is issued does not apply to water-law permits for the construction of water facilities.

Upon the in-depth analysis of the case in substantive and legal terms, in the absence of any comments made by the parties to the proceedings, the local authority concluded that there are no obstacles to the granting of such water-law permits in the requested scope. The decision was issued on the grounds of the formal and substantive legal provisions referred to in the legal basis, as in force on the date of submitting the application and setting out the specific conditions of the permit, in order to protect the legitimate interests of the parties.

The competence of this authority to issue the water-law permit under consideration results from Article 397 Clause 3 Item 1 Letter a and c of the Act - the Water Law, according to which the Director of the Regional Water Management Authority State Water Holding Polish Waters issues all water permits in case of being competent to issue one of these permits.

In view of the foregoing, it has been decided as set forth in the settlement of this decision.

INSTRUCTION ON PARTIES' RIGHTS

1. The parties may appeal against the decision to the President of Polish Waters through the Director of the Regional Water Management Authority in Wrocław / State Water Holding Polish Waters, 34 Norwida Street, 50-950 Wrocław, within 14 days of its delivery (Article 14 Clause 3 of the Act - the Water Act).
2. By the time limit for lodging an appeal, either party may waive the right to appeal against the public administration body which issued the decision (Article 127a Paragraph 1 of the Act - the Code of Administrative Procedure).
3. As of the date of delivery - to the public administration body - of such a statement on waiving the right to appeal by the last party to the proceedings, the decision becomes final and legally binding (Article 127a Paragraph 2 of the Act - the Code of Administrative Procedure).
4. The water permit creates no rights to properties and water facilities required for its implementation and does not infringe the rights of property and entitlements of third parties entitled to such property and facilities (in line with Article 393, Clause 4 of the Water Law).

Note on fees and charges:

For issuing the water-law permits, an administrative charge of 1302.00 PLN was paid to the Regional Water Management Authority in Wrocław / State Water Holding Polish Waters.

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Authorised by

Director of the Regional Water Management Authority in Wrocław
State Water Holding Polish Waters

Vice Director

Bartłomiej Pietruszewski

[*illegible signature*]

Director

State Water Holding Polish Waters

Regional Water Management Authority in Wrocław

34 Norwida Street, 50-950 Wrocław

tel.: +48 (71) 337 88 00 | fax: +48 (71) 328 50 48 | e-mail: wroclawglwody.gov.pl

To be received by:

1. Road and City Maintenance Authority in Wrocław
49 Długa Street, 53-633 Wrocław
Proxy:
Ms. Dorota Wolińska-Janosz - Road and Bridge Design Office - BBKS-PROJEKT Ltd. Co., 10/1 Ojca
Beyzyna Street, 53-204 Wrocław
2. Regional Water Management Authority in Wrocław - PUW
34 C.K. Norwida Street, 50-950 Wrocław
3. Municipality of Wrocław
9 Sukiennice, 50-107 Wrocław
4. National Support Centre for Agriculture in Wrocław
60 Mińska Street, 54-610 Wrocław
5. Municipal Green Areas Management Authority
33 Trzebnicka Street, 50-231 Wrocław
- 6.
- 7.
- 8.
- 9.
- 10.
- 11.

For the attention of:

1. Provincial Inspectorate for Environmental Protection in Wrocław
14 Paprotna Street, 51-117 Wrocław
2. State Water Holding Polish Waters, Regional Water Management Authority in Wrocław
Water Management Information System Division - Unit WR.RZI