



**REGIONAL DIRECTOR FOR
ENVIRONMENTAL
PROTECTION
IN CRACOW**

OO.420.4.4.2021.BM

Cracow, March 8, 2022

**DECISION AMENDING THE DECISION ON ENVIRONMENTAL CONDITIONS
REF. NO.: OO.420.4.2.2019.BM DATED MARCH 24, 2020**

In accordance with Article 87 in conjunction with Article 71 (2) item 2, Article 75 (1) item 1 letter i) and letter p), Article 84 (1a), Article 84 (1), (2), Article 85 (1) and (2) item 2 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 2021, item 2373, as amended) - hereinafter the Law, Article 104 and Article 155 of the Act of June 14, 1960 Code of Administrative Procedure (OJ of 2021, item 735, as amended) - hereinafter the APC, as well as § 3 (1) item 67 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),

after considering

the application ref. no.: POPDOW/KR/60549311/21/0342 dated 04/13/2021 (reception date: 04/14/2021), submitted by the Proxy, Ms. Barbara Chammas, a 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 the **amendment of the decision on environmental conditions** issued by the Regional Director for Environmental Protection in Cracow on March 24, 2020, ref. no.: OO.420.4.2.2019.BM for the project entitled: "**Development of a flood gate at the left flood embankment in the area of water intakes for the Sendzimira Steel Mill in Cracow**", during the proceeding conducted, with assured participation of the parties,

I decide as follows:

- I. I amend the decision of the Regional Director for Environmental Protection in Cracow dated March 24, 2020, ref. no.: OO.420.4.2.2019.BM for the project entitled: "*Development of a flood gate at the left flood embankment in the area of water intakes for the Sendzimira Steel Mill in Cracow*", **the condition specified in item II, sub-item 11** concerning the significant conditions for using the environment on stages of designing, implementation, and use and **I amend it to read:**

11. "Works associated with logging of trees and with shrub stumping may be conducted for the whole year, provided that ongoing nature supervision is ensured, in particular with the participation of expert naturalists in the field of ornithology and chiropterology, who shall inspect the construction area and the front of works once a week for the presence

of protected species and their shelters. If breeding sites are found, logging can be conducted only after the young individuals have left the nests and other shelters.”

- II. **Other conditions specified in the decision of the Regional Director for Environmental Protection in Cracow dated March 24, 2020, ref. no.: OO.420.4.2.2019.BM, in item II titled: “I determine the following significant conditions for using the environment on stages of designing, implementation, and use” shall remain valid.**
- III. **In the justification of the decision of the Regional Director for Environmental Protection in Cracow dated March 24, 2020, ref. no.: OO.420.4.2.2019.BM I amend, in item 2, letter e), the last sentence of the third paragraph of page 14, reading as follows:**

“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).”

To read as follows:

“Works associated with logging of trees and with shrub stumping may be conducted for the whole year, provided that ongoing nature supervision is ensured, in particular with the participation of expert naturalists in the field of ornithology and chiropterology, who shall inspect the construction area and the front of works once a week for the presence of protected species and their shelters. If breeding sites are found, logging can be conducted only after the young individuals have left the nests and other shelters.”

- IV. **I state that other conditions of the decision of the Regional Director for Environmental Protection in Cracow dated March 24, 2020, ref. no.: OO.420.4.2.2019.BM and the characteristics of the project provided as appendix no. 1 of March 24, 2020, ref. no.: OO.420.4.2.2019.BM to the decision shall remain valid.**
- V. **I state that there is no obligation to conduct an environmental impact assessment for the requested amendment of the decision on environmental conditions consisting of amending the condition (of non-investment character) contained in the content of the above-mentioned decision of the Regional Director for Environmental Protection in Cracow dated March 24, 2020, ref. no.: OO.420.4.2.2019.BM concerning the date of logging of trees and shrubs.**
- VI. **The project does not belong to the investments for which there is a need to verify compliance with the local spatial development plan, pursuant to Article 80 (2) of the Law.**

Justification

Ms. Barbara Chammas, a 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 Environmental Protection in Cracow with the motion ref. no. POPDOW/KR/60549311/21/0342 dated 04/13/2021 (reception date: 04/14/2021) for the issuance of the amendment of the decision on environmental conditions for the project titled: **“Development of a flood gate at the left flood embankment in the area of water intakes for the Sendzimira Steel Mill in Cracow”**.

The requested amendment in respect of the condition (of non-investment character) determined in the content of the aforementioned decision on environmental conditions concerns the date and conditions for tree logging and shrub grubbing in the investment area. However, the scope and description of the project for which the decision on environmental conditions dated March 24, 2020, ref. no. OO.420.4.2.2019.BM was issued, does not change.

The investment assignment in question, in accordance with § 3 (1) item 67 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 conduct an environmental impact assessment.

In accordance with Article 87 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, the provisions of section V of the act apply accordingly in the case of amending the decision on environmental conditions. In accordance with the provisions of Article 155 of the APC, in conjunction with Article 75 (1) item 1 letter i) and letter p) of the Law, the authority competent to issue the amendment to the decision on environmental conditions, for which the Regional Director for Environmental Protection was competent to issue the decision on environmental conditions, will also be the Regional Director for Environmental Protection.

A stamp duty was paid for the issuance of an amendment to the decision on environmental conditions and for the powers of attorney granted.

In accordance with Article 71 (2) item 2 of the Law, the implementation of the planned project, which may potentially significantly affect the environment, is allowed only after obtaining the decision on environmental conditions.

In the course of the conducted proceeding to amend the decision on environmental conditions dated March 24, 2020, ref. no. OO.420.4.2.2019.BM, the applicant was requested to supplement the application in terms of formalities, by the letter dated 05/19/2021.

After the relevant supplement, submitted by the applicant by the letter ref. no.: POPDOW/KR/60549311/21/0512 dated 06/07/2021 (receipt date: 06/09/2021) and the clarification submitted under letter ref. no.: POPDOW/KR/60549311/21/0761 of 09/15/2021, the application and the project information sheet have fulfilled the requirements specified in the law.

It was established in the course of the proceeding that the number of parties to the proceeding exceeds 10 parties; in consideration of the foregoing, in accordance with Article 74 (3) of the Law, Article 49 of the APC was applied for the proceeding, according to which parties may be notified of the decisions and other activities of the public administration authority in the form of a public announcement, in another form of a public notice customarily accepted in a given locality or by making the letter available in the Public Information Bulletin on the website of the competent public administration body. A notification is deemed to have been served after the lapse of fourteen days from the day of public announcement, other public announcement or making the letter available in the Public Information Bulletin.

With the letter dated 07/15/2021, ref. no.: OO.420.4.4.2021.BM, the parties to the proceeding were effectively notified of the initiation of the said proceeding.

In conformity with Article 80 (2) of the *EIA Act*, stating the project 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 2021, item 1812, consolidated text).

Pursuant to Article 63 (1) and Article 64 (1) item 2 and 4 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 2021, item 2373, as amended - hereinafter referred to as "Law"), the authority competent to issue the decision states by way of a decision the obligation to conduct the environmental impact assessment for the planned project which may potentially significantly affect the environment, after consultation with the state district sanitary inspector and the authority competent to issue a legal water assessment, as referred to in provisions of the Act of July 20, 2017 Water Law.

Considering the above, in the course of the administrative proceeding aimed at issuing an amendment to the decision on environmental conditions of March 24, 2020, ref. no. OO.420.4.2.2019.BM, the Regional Director for Environmental Protection in Cracow applied with the letter ref. no.: OO.420.4.4.2021.BM dated 08/12/2021 to: the State District Sanitary Inspector in Cracow and to the Minister of Infrastructure for opinions on an obligation to conduct an environmental impact assessment for the project in question and to establish a potential scope of the report. The notice dated 08/12/2021, ref. no. OO.420.4.4.2021.BM, about the conducted proceeding and the above-mentioned applications to the bodies issuing the opinions, was posted on the noticeboard of the Regional Directorate for Environmental Protection in Cracow and in the Public Information Bulletin on the website of the Regional Directorate for Environmental Protection in Cracow.

The State District Sanitary Inspector in Cracow issued an opinion of 08/26/2021 (receipt date: 08/27/2021), ref. no.: NZ-PG-90831-123/21 ZL/2021/08/389, in which it stated that the project in question does not require to conduct an environmental impact assessment and to prepare the project's impact report.

The Minister of Infrastructure issued a decision dated 09/29/2021 (receipt date: 10/05/2021), ref. no.: GM-DOK-2.7750.84.2021 Id: 574490, in which it stated that for the project in question it is not necessary to conduct an environmental impact assessment.

In the course of the proceeding, further activities were undertaken, as part of which the parties were informed, by the letter dated 11/16/2021, ref. no. OO.420.4.4.2021.BM, of the possibility to familiarize themselves with the case files and to express their opinion on the collected evidence and materials and submitted requests, pursuant to Article 10 § 1 of the APC. However, no comments or objections from the parties were received by the authority.

In accordance with Article 84 (1) and (1a) of the Law, in the case when the environmental impact assessment of a project was not conducted, in the decision on environmental conditions the competent authority states that there is no need to conduct the environmental impact assessment. Should such a need arise, it is possible, in the decision on environmental conditions, to lay down the conditions or requirements referred to in Article 82 (1) item 1 letter b) or c) or to impose the obligation of the measures referred to in Article 82 (1) item 2 letter b) or c). The above requirements were determined in the ruling of this amending decision.

In accordance with Article 85 (1) and (2) item 2 of the Law, when an environmental impact assessment for a project was not conducted, the competent authority should include in the justification of the decision on environmental conditions information on the criteria referred to in

Article 63 (1), which were taken into consideration when determining the lack of the need to conduct such an assessment.

For the project consisting in the development of a flood gate at the left flood embankment in the area of water intakes for the Sendzimira Steel Mill in Cracow, a decision on environmental conditions was issued by the Regional Director for Environmental Protection in Cracow, ref. no.: OO.420.4.2.2019.BM dated 03/24/2020. The investment comprised the construction of a flood gate in the port channel of the Kujawy Port together with the necessary infrastructure connecting with the reconstructed embankment of the Kujawy port and the left flood embankment of the Vistula River. The task in question is located within Małopolskie Province, wholly within the City of Cracow.

The detailed characteristics of the planned project are presented in appendix no. 1 dated 03/24/2020, ref. no.: OO.420.4.2.2019.BM to the decision of the Regional Director for Environmental Protection in Cracow on environmental conditions of 03/24/2020, ref. no.: OO.420.4.2.2019.BM.

The requested amendment of the decision in respect of the condition (of non-investment character) concerning the change of the date of tree logging and shrub grubbing is not connected with the change of the project location. Similarly, the description of the project for which the aforementioned decision on environmental conditions dated 03/24/2020, ref. no.: OO.420.4.2.2019.BM was issued, does not change and remains unaltered.

The primary objective of the above-mentioned investment is the improvement of flood protection of developed areas on the left bank of the Vistula River within the borders of the city of Cracow and the reduction of flood losses in the above-mentioned areas by improving flood protection on the left bank of the Vistula River in Cracow upstream and downstream of the Kujawy port (i.e. at the section between the eastern end of the flood embankment of the Vistula River from the estuary of the Dłubnia to the Kujawy Port and the western end of the flood embankment of the Vistula River from the Kujawy Port to the Przewóz Barrage. The project fills a gap in the flood protection system of the Vistula river valley in Cracow, complementing the project titled "Construction of Vistula embankments in Cracow", included in List no. 1 under item "ID 1_670_W" (ordinal number: 996) in Appendix no. 2 titled "Investments that do not affect reaching the good status of water adversely or that do not deteriorate the status of water" to the MasterPlan for the Vistula river-basin.

Currently, the subject of the current project is to obtain amendments to the decision on environmental conditions in question, ref. no.: OO.420.4.2.2019.BM of 03/24/2020, allowing to implement the planned project by adjusting (changing) the condition (of non-investment character) of its implementation concerning the date for logging of trees and shrubs, which was determined in the content of the above-mentioned decision on environmental conditions and reads as follows:

"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".

The change, requested by the Investor, of the condition for the date of logging of trees and shrubs, imposed in the decision issued, will allow to implement the investment in the entire annual cycle of construction, which is necessary to meet the requirements ensuring the safety of hydrotechnical structures during construction and operation.

The planned development of a flood gate at the left flood embankment in the Vistula river in the area of water intakes for the Sendzimir Steel Mill in Cracow provides for, in the significant scope, the performance of earthworks, which in turn requires the prior logging of trees and shrubs. The requirements determining the quality of soil, optimum humidity, as well as weather conditions and seasons of the year, in which the earthworks and concrete works should be correctly performed, are of decisive importance for the fulfilment of safety and durability conditions of the hydrotechnical structure erected (e.g. the requirements for the execution of bentonite mat do not allow installation at temperatures below 0°C. On the other hand, for strength reasons, it is recommended to maintain the temperature of the concrete mixture after installation not lower than +5°C, which involves additional protective works of the concrete surface and an extended period of concrete care). For reasons of flood safety it is also not possible to log all trees and shrubs in advance along the entire length of the extended embankment (only outside the breeding season). Such execution of works, by disturbing the existing state, during the surge of the Vistula river, could expose the existing embankments to the danger of losing their tightness and cause numerous uncontrolled seepages in the embankment and the subsoil, as well as cause a loss of stability of the embankment. It should be remembered that the embankment being extended in this section is the only protection and flood prevention measure for the city Cracow. The above-mentioned works must therefore be carried out in a sectional technological regime. The conditions and restrictions of the decision on environmental conditions in question on the dates of implementing the logging of trees and shrubs are critical to the time and pace of the execution of works and completion dates. It is necessary to extend the period during which it will be possible to perform works connected with the logging of trees and shrubs in order to meet investment completion deadlines. It should be indicated here that the development of a flood gate at the left flood embankment in the area of water intakes for the Sendzimir Steel Mill remains a part of Subcomponent 3A implemented within the Odra-Vistula Flood Management Project (OVFMP), co-financed by the International Bank for Reconstruction and Development (World Bank), and by the Council of Europe Development Bank, European Union Cohesion Fund, and by the State Budget. In line with the timeframe of the agreement signed between the Polish Government and the World Bank, the completion of the investment is expected in the second half of 2022. The current schedule for the investment implementation assumes signing an agreement with the Contractor of the investment in question by June this year. Maintaining the conditions of the decision on environmental conditions for the time of performing works connected with the logging of trees and shrubs means that the Contractor will not be able to commence the works until the end of August 2021. The delay of the works carries the risk that the implementation of the investment will go beyond the timeframe of the OVFMP Project. In the presence of such a risk, the Investor, which is the State Water Holding Polish Waters Regional Water Management Authority in Cracow, may lose the financing of the investment.

According to the author of the PDS, the main objective of the OVFMP, under which the project is to be implemented, is to protect people in flood plains within selected parts of river-basins of two of the greatest Polish Rivers – Vistula and Odra – against hazards caused by extreme floods. Implementation of the most urgent flood protection assignments was forecast within the framework of the OVFMP. The project titled: development of a flood gate at the left flood embankment in the area of water intakes for the Sendzimir Steel Mill in Cracow, which forms supplementation to the project titled: “Construction of Vistula embankments in Cracow”, is on the list of strategic, technical measures planned for implementation in 2016 - 2021, according to the Regulation of the Council of Ministers dated 10/18/2016 on the enactment of

the Flood risk management plan for the Vistula River Basin. The planned investment is necessary to protect human health and life in areas at the risk of flooding, as well as to safeguard national assets (including bridges and roads) from serious losses. The currently operating facilities do not meet the technical requirements of the Regulation of the Minister of Environment of April 20, 2007 on the technical conditions for hydraulic structures and their location, which resulted in numerous leaks and damages to flood protection banks, observed during the flood in May 2010, posing a real threat of flooding large areas of the city of Cracow.

The register of the SWH PW Regional Water Management Authority in Cracow provides that the Kujawy Port is located on the left bank of Vistula, in a distance of 1,200 m downstream of the estuary of Dłubnia River, and 1,200 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 quay. 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 an area limited by 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. The requested amendment in respect of the condition (of non-investment character) concerning the date of tree logging and shrub grubbing does not influence the investment area described and analyzed in the issued decision on environmental conditions.

The Kujawy Port is a river port, created by damming the river by the Przewóz Water Barrage. The Kujawy Port is a basin type port with a vertical quay. The port has not been endowed with road and rail infrastructure enabling the reloading of goods. 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 an area limited by the following streets: Jeżynowa Street and Dymarek Street, in the Cracow district of Nowa Huta. The investment site is currently exposed to the risk of flooding with one-thousand-year and one-hundred-year flood. In addition, it is an area equipped with technical infrastructure, including some related to the metallurgical combine (ArcelorMittal Smelter, formerly Tadeusz Sendzimir Smelter), which is outside the limits of the municipal heating system supply. Inventory-taking in field has shown a large number of technical facilities and installations within the existing embankments that need to be transferred or removed in the area of the planned works. There are multiple installations, probably being the property of ArcelorMittal smelter, in the Kujawy port quay area, and both pumping stations. A header for delivery of wastewater to the Kujawy wastewater treatment plant runs parallel to the port quay.

The change of the condition for the date of logging of trees and shrubs will be implemented in the entire planned investment area. A dendrological inventory was carried out in the area in question on 06/07/2019, the subject of which were trees and shrubs that are likely to be cut down as a result of the implementation of the investment, and due to their parameters require obtaining permission for logging. A total of 116 trees, most of them multi-stemmed, were found on a part of plot no. 38/19.

These trees had a circumference at a height of 130 cm ranging from 8 cm to 173 cm. Due to the similar nature of the vegetation cover in the whole area of the contract, it is estimated that the number of trees and shrubs to be logged will increase approx. 4 times. The set of species for the inventoried fragment is assumed to be representative of the entire contract area. Additionally, species such as European Spindle, Common Hazel, Black Elder and Black Locust may occur. According to estimates of trees for logging, there will be approx. 450 trees to be logged for the execution of the Contract. It is planned that *works associated with logging of trees and with shrub stumping could be conducted for the whole year, provided that ongoing nature supervision is ensured, in particular with the participation of expert naturalists in the field of ornithology and chiropterology, who shall inspect the construction area and the front of works once a week for the presence of protected species and their shelters. If breeding sites are found, logging can be conducted only after the young individuals have left the nests and other shelters.*”

The amendment of the decision on environmental conditions under consideration in the scope of the change of the condition for the date of the logging of trees and shrubs, does not influence the remaining activities and mitigation conditions defined at the stage of execution and operation, described and analyzed within the proceeding concerning the already issued environmental decision (ref. no.: OO.420.4.2.2019.BM dated 03/24/2020). The impacts on the individual environmental components analyzed at the stage of the decision on environmental conditions are up to date and unchanged.

The execution of the logging of trees and shrubs for the project implementation will not have an adverse impact on legally protected sites established based upon the Act of April 16, 2004 on the conservation of nature. The said project 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 investment 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. There is no threat of negative impact of the investment on the subjects of protection of Natura 2000 area.

The currently processed amendment to the decision on environmental conditions is not associated with a noticeable change in the impacts of the project in relation to areas requiring special protection due to the occurrence of plant and animal species and their habitats as well as protected natural habitats.

The requested amendment of the environmental decision will not cause any changes in the assumed emission of pollutants into the air of gaseous and dust substances, acoustic impacts, emission of pollutants into waters and emission of waste, and will not change the amount of water, raw materials, fuels and energy used. Changes to the environmental protection solutions used are also not envisaged. Apart from the amended condition concerning the date for the logging of trees and shrubs, all assumptions remain consistent with those adopted at the stage of obtaining the decision on environmental conditions, ref. no.: OO.420.4.2.2019.BM of 03/24/2020.

When analyzing the information presented in the current BDS in terms of conditions connected with qualifying the project for performing the environmental impact assessment,

mentioned in Article 63 (1) of the Law of October 3, 2008, it should be stated that the requested amendment of the condition for the execution of the planned project does not involve any changes in the location of the project in relation to marshy areas and wetlands or other areas with shallow groundwater table, coastal areas, mountainous and forest areas, areas under protection, areas requiring special protection due to the occurrence of plant and animal species and their habitats, as well as protected natural habitats, including Natura 2000 sites, areas where environmental quality standards were exceeded, areas of direct protection of water intakes, spa protection areas and areas with landscape of historical, cultural or archaeological significance.

In addition, it should be emphasized that due to the nature of the project, the impacts will be local in extent with no risk of transboundary impacts. Considering the scope of the planned changes for the project implementation there will be no possibility of cumulative impacts and the use of natural resources, the risk of emissions, the occurrence of other nuisances or the occurrence of a serious industrial accident will be negligible. The project analyzed within the framework of this application for the amendment of the decision on environmental conditions with respect to the time and conditions for performing works connected with the logging of trees and shrubs will also not result in failure to achieve the environmental objectives contained in the update of the water management plan for waters within the Vistula river basin. The planned project will not cause deterioration of surface water bodies or groundwater bodies. At the stage of processing the proceeding before the issuance of the decision of March 24, 2020, the impact of the planned investment (development of a flood gate at the left flood embankment in the area of water intakes for the Sendzimira Steel Mill in Cracow) on the environment was analyzed in detail and presented in the project information sheet. In accordance with the results of these analyses and the provisions contained in the decision, it was concluded that there would be no adverse impact on surface water and groundwater. It will be limited to the construction phase, and to the area of works being carried out. All these and other required environmental aspects laid down in 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 were analyzed in detail and presented in the environmental impact report at the stage of obtaining the decision on environmental conditions, ref. no.: OO.420.4.2.2019.BM dated 03/24/2020 and continue to remain valid.

The requested amendment to the environmental decision does not include additional new plots and does not consist in changing the project location. According to the information provided in the explanations to the application, the letter dated 09//15/2021, the new numbers of the registered plots, which are listed in the application for this amendment to the decision, are only a result of approving the divisions of the previous registered plots. In connection with the above, the scope of the investment remains unaltered in relation to that for which the decision on environmental conditions dated 03/24/2020, ref. no.: OO.420.4.2.2019.BM, was issued.

There is no need to designate a limited use area for this project.

It is not obligatory to conduct an environmental impact assessment for this project.

It was concluded unambiguously by analyzing the collected material that it is not necessary to conduct an environmental impact assessment for the said scope. The above-mentioned characteristics of the project analyzed in the context of the criteria referred to in Article 63 (1) of the Law confirm the accuracy of the ruling contained in the conclusion of the decision.

In view of the foregoing, it has been decided as in the conclusion.

INSTRUCTION

An appeal may be filed 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 (Article 127 § 1 and 2 of the APC and Article 129 § 1 and 2 of the APC).

During the time limit for filing an appeal, a party may waive the right to appeal by making a relevant statement to the authority which issued the decision, not later than within 14 days from the date of delivery of the decision (Article 127a § 1 of the APC).

The decision becomes final and binding on the day of delivering a statement waiving the right to appeal by the last of the parties to the proceeding to the public administration body (Article 127a § 2 of the APC). The consequence of a waiver of an appeal is that the decision cannot be challenged before the body of appeal and cannot be brought before an administrative court.

The decision shall be enforceable before the expiry of the time limit for bringing an appeal if it complies with all the parties' request or if all the parties waive their right to appeal (Article 130 § 3 of the APC).

Regional Director
for Environmental Protection
in Cracow

Rafał Rostecki, M.Sc.

Recipients:

1. Ms. Barbara Chammas – Investor's Proxy.
2. Other parties of the proceeding notified in the mode under Article 49 of the APC,
3. OO.BM to files

Cc:

1. State District Sanitary Inspector in Cracow (ePUAP),
2. Minister of Infrastructure (ePUAP).
3. Environmental protection authority in accordance with Article 86a of the Law.