PODKARPACKIE VOIVODSHIP MARSHAL

OS.II.7322.29.2015.RC Rzeszów, 07/07/2015

DECISION

Acting based upon Article 122 (1) item 3 and due to Article 9 (1) item 19 (a), Article 9 (2) item 2, Article 123 (2), Article 127, Article 128, Article 140 (2) of the Act of 18 July 2001 Water Law (OJ of 2015, item 469), and upon Article 104 of the Act of 14 June 1960 Administrative Procedure Code (OJ of 2013, item 267, as amended), after consideration of an application of Mr. Sławomir Szymański, CERMET-BUD Sp. z o.o. Przedsiębiorstwo Inżynierskie, 4. Otwinowskiego Street, 31-432 Cracow – Proxy of the Lesser Poland Board of Amelioration and Water Structures in Cracow, 73. Szlak Street, 31-153 Cracow, on the provision of water-law permit for the development of water facilities – extension of flood embankments for the task titled "Extension of Flood Embankments for the Vistula River in Cracow: Section 4 – Right embankment of the Vistula from the Skawinka estuary to the Kościuszko barrage", which comprises the Right embankment of the River Vistula in Cracow and in Piekary and Kryspinów, Community of Liszki, District of Cracow, Lesser Poland,

I hereby decide to

I. Provide the Lesser Poland Board of Amelioration and Water Structures in Cracow, 73. Szlak Street, 31-153 Cracow with a water-law permit for the development of water facilities – extension of flood embankments for the task titled "Extension of Flood Embankments for the Vistula River in Cracow: Section 4 –Right embankment of the Vistula from the Skawinka estuary to the Kościuszko barrage", in Cracow and in Piekary and Kryspinów, Community of Liszki, District of Cracow, Lesser Poland, comprising the following:

1. TASK NO. 1 – right embankment of the Vistula River (km 60+325 to km 61+662 of the embankment, km 59+735 to km 62+000 of the river, geographical co-ordinates: beginning of the embankment N 49°59'42.533" E 19°47'52.742", end of the embankment N 50°00'25.171", E 19°47'49.654", embankment crest elevation at chainage km 60+325 – 211.44 m a.s.l., at chainage km 61+662 – 211.31 m a.s.l.):
   - Extension of the right embankment of the Vistula River from km 60+325 to km 61+662 over a length of 1 337 m (embankment crest width: 4.0 m, riverside slope grade – 1:n = 1:2.5; landside slope grade over the shelf – 1:n = 1:2.0; landside slope grade below the shelf – 1:n = 1:2.25; cross grade of the embankment crest – i = 2%);
   - Construction of an embankment shelf on the embanked area's side at chainage from km 60+335 to km 60+395 over a length of 68.0 m (shelf width: 3,0 m, cross grade of the embankment shelf – i = 5%, unpassable embankment shelf);
   - Construction of an entry road to the embankment from the embankment shelf on the side beyond the embankment at chainage km 60+355 (entry width: 3.5 m, entry length: 40.0 m, grade of entry to the embankment – 1:n = 1:10);
   - Construction of an embankment shelf in the area beyond the embankment at chainage from km 60+385 to km 61+538 over a length of 1157 m (shelf width: 3.5 m, cross grade of the embankment shelf – i = 2%, passable embankment shelf);
   - Extension of the embankment crossing at chainage km 60+512 (crossing width: 4.0 m, crossing length: 138.0 m, grade of entry – 1:n = 1:13, grade of descend – 1:n = 1:12);
   - Extension of the existing embankment culvert (500 x 750 mm, 31.50 m long) at chainage km 60+535 through extension of the culvert tube on the embanked area's side, and demolition of the existing inlet abutment and construction of a new inlet abutment with correction of the ditch discharging water from the culvert;
   - Extension of the existing embankment culvert (Φ600 mm, 38.53 m long) at chainage km 60+566 through extension of the culvert tube in the area beyond the embankment and on the embanked area's side, along with the demolition of existing abutments at the inlet and at the outlet of the culvert, and construction of new abutments at the inlet and at the outlet with correction of discharge and feeding ditches;
   - Construction of an entry road to the embankment shelf on the side beyond the embankment at chainage km 60+547 (entry width: 3.0 m, entry length: 54.0 m, grade of entry to the shelf – 1:n = 1:10);
   - Construction of an entry road to the embankment shelf on the side beyond the embankment at chainage km 60+771 (entry width: 3.5 m, entry length: 48.0 m, grade of entry to the shelf – 1:n = 1:10);
   - Extension of the embankment crossing at chainage km 61+192 (crossing width: 4.0 m, crossing length: 115.0 m, grade of entry – 1:n = 1:12, grade of descend – 1:n = 1:12);
   - Construction of a road within the embanked area at chainage km 61+214 to km 61+255 over a length of 49.0 m (road width: 3.0 m, cross grade of the embankment road – i = 2%);
   - Construction of a road within the embanked area at chainage km 61+250 to km 61+295 over a length of 47.0 m (road width: 4.0 m, cross grade of the embankment road – i = 2%);
   - Construction of a road within the embanked area at chainage km 61+281 to km 61+562 over a length

of 282.0 m (road width: 3.0 m, cross grade of the embankment road – i = 2%);
- Demolition of the existing descend road to the embanked area at chainage km 61+222;
- Extension of the existing embankment culvert (2 x 900 x 1100 mm, 27.2 m long) at chainage km 61+239 through extension of the culvert tube in the area beyond the embankment and on the embanked area's side, along with the demolition of existing abutments at the inlet and at the outlet of the culvert, and construction of new abutments at the inlet and at the outlet with correction of discharge and feeding ditches;
- Construction of a road culvert at a discharge ditch from the embankment culvert at chainage km 61+239;
- Construction of an entry road to the embankment shelf on the side beyond the embankment at chainage km 61+538 (entry width: 3.5 m, entry length: 33.0 m, grade of entry to the shelf – 1:n = 1:10);
- Extension of the embankment crossing at chainage km 61+626 (crossing width: 4.0 m, crossing length: 163.0 m, grade of entry – 1:n = 1:12, grade of descend – 1:n = 1:12);
- Construction of a descend road from the embankment to the embanked area at chainage km 61+645 (width of descend: 3.5 m, length of descend: 15.0 m, grade of descend – 1:n = 1:10);
- Earthworks to grade the area on the landside at chainage from km 60+331 to km 60+366 of the embankment, while keeping 2% drop of land toward the area beyond the embankment to the elevation of about 206.75 m a.s.l. (grading area of about 0.019 ha);
- Earthworks to grade the embanked area at chainage from km 60+375 to km 60+462 of the embankment, while keeping the drop of land toward the embanked area (grading area of about 0.045 ha);
- Earthworks comprising filling (grading) of the part of existing ditch on the embanked area's side at chainage from km 61+270 to km 61+288 of the embankment, while keeping the drop of land toward the embanked area (grading area of about 0.011 ha);
- Filtration protection for the embankment body using bentomat at chainage km 60+325 to km 61+662;
- Hardening of the road on the embankment crest, on embankment crossings and exits, and on embankment shelves and roads at the embankment;
- Development of technological lanes in the area beyond the embankment and in the embanked area with a width of 3.0 m;
- Top-soiling and sowing with a mix of grass for the embankment body;
- Redevelopment of control network spots and hectometer posts.

2. TASK NO. 2 – right embankment of the Vistula River (km 62+017 to km 63+183 of the embankment, km 63+080 to km 63+865 of the river, geographical co-ordinates: beginning of the embankment N 50°00'32.062" E 19°47'45.445", end of the embankment N 50°01'5.686", E 19°48'5.965", embankment crest elevation at chainage km 62+017 – 211.22 m a.s.l., at chainage km 63+183 – 210.71 m a.s.l.):
   - Extension of the right embankment of the Vistula River from km 62+017 to km 63+183 over a length of 1 166 m (embankment crest width at chainage km 62+017 ÷ 63+163: 4.0 m, embankment crest width at chainage km 63+163 ÷ 63+169: 3.0 ÷ 4.0 m, embankment crest width at chainage km 63+169 ÷ 63+183: 3.0 m, riverside slope grade – 1:n = 1:2.5; landside slope grade over the shelf – 1:n = 1:2.0; landside slope grade below the shelf – 1:n = 1:2.25; cross grade of the embankment crest – i = 2%);
   - Extension of the embankment crossing at chainage km 62+024 (crossing width: 5.0 m, crossing length: 135.0 m, grade of entry – 1:n = 1:12, grade of descend – 1:n = 1:12);
   - Construction of a road within the embanked area at chainage km 62+061 to km 62+327 over a length of 283.0 m (road width: 3.0 m, cross grade of the embankment road – i = 2%);
   - Construction of an entry road to the embankment shelf on the side beyond the embankment at chainage km 62+119 (entry width: 3.5 m, entry length: 33.0 m, grade of entry to the shelf – 1:n = 1:10);
   - Construction of an embankment shelf in the area beyond the embankment at chainage from km 62+119 to km 62+878 over a length of 757.0 m (shelf width: 3.5 m, cross grade of the embankment shelf – i = 2%, passable embankment shelf);
   - Construction of a road within the embanked area at chainage km 62+313 to km 62+963 over a length of 645.0 m (road width: 3.0 m, cross grade of the embankment road – i = 2%);
   - Extension of the embankment crossing at chainage km 62+917 (crossing width: 5.0 m, crossing length: 130.0 m, grade of entry – 1:n = 1:12, grade of descend – 1:n = 1:12);
   - Construction of an entry road to the embankment from the embankment shelf on the side beyond the embankment at chainage km 62+920 (entry width: 3.5 m, entry length: 43.0 m, grade of entry to the embankment – 1:n = 1:10);
   - Construction of a road within the embanked area at chainage km 62+958 to km 63+160 over a length of 208.0 m (road width: 3.0 m, cross grade of the embankment road – i = 2%);
   - Construction of a road beyond the embankment at chainage km 62+957 to km 62+976 over a length of 22.0 m (road width: 3.0 m, cross grade of the embankment road – i = 2%);
   - Construction of an embankment shelf in the area beyond the embankment at chainage from km 63+023

to km 63+117 over a length of 94.0 m (shelf width: 3.5 m, cross grade of the embankment shelf – i = 2%, passable embankment shelf);
- Construction of an entry road to the embankment shelf on the side beyond the embankment at chainage km 63+023 (entry width: 3.5 m, entry length: 19.0 m, grade of entry to the shelf – 1:n = 1:10);
- Construction of an entry road to the embankment from the embankment shelf on the side beyond the embankment at chainage w km 63+139 (entry width: 3.5 m, entry length: 23.0 m, grade of entry to the embankment – 1:n = 1:10);
- Construction of maneuvering yard on the embankment crest at chainage km 63+153 (dimensions of the maneuvering yard: ~7.5 m x 15.0 m);
- Demolition of the existing embankment culvert (1000 x 900 mm, 29.7 m long) at chainage km 63+115, and construction of a new embankment culvert with a diameter of Φ1200 mm instead, along with demolition to the existing abutments at the inlet and at the outlet, construction of new abutments at the inlet and at the outlet, and correction of grading for the ditch at the outlet from the culvert;
- Redevelopment of a feeding ditch to the embankment culvert at chainage km 63+115, including correction of grading for the ditch bottom and for slopes, along with redevelopment of revetments in a reach of about 44 m;
- Development of a reinforced-concrete wall on the embankment crest at chainage km 63+153÷63+183 over a length of 30.0 m (wall width: 0.30 m, wall height: ~1.60 m);
- Earthworks to grade the area on the riverside at chainage from km 61+996 to km 62+060 of the embankment, while keeping 1% drop of land toward the embanked area to the elevation of about 206.40 m a.s.l. (grading area of about 0.117 ha);
- Earthworks comprising filling (grading) of the part of existing ditch on the embanked area's side at chainage from km 62+574 to km 62+616 of the embankment, while keeping the drop of land toward the embanked area (grading area of about 0.023 ha);
- Development of a filtration protection for the embankment in a form of anti-filtration membrane in the subbase, and sealing of the embankment body using bentomat at chainage km 62+017 to km 63+163, including injection sealing the embankment body over a length of the wall, i.e. at chainage km 63+153 to km 63+183;
- Hardening of the road on the embankment crest, at embankment crossings and descend roads, and on embankment shelves and roads at the embankment;
- Development of 3.0 m wide technological lanes in the area beyond the embankment and within the embanked area;
- Top-soiling and sowing with a mix of grass for the embankment body;
- Redevelopment of control network spots and hectometer posts.

3. TASK NO. 3 – right embankment of the Vistula River (km 63+779 to km 65+160 of the embankment, km 64+211 to km 66+300 of the river, geographical co-ordinates: beginning of the embankment N 50°01'18.102" E 19°48'16.992", end of the embankment N 50°01'45.116", E 19°49'10.196", embankment crest elevation at chainage km 63+779 – 210.48 m a.s.l., at chainage km 65+145 – 210.00 m a.s.l., and at chainage km 65+160 – 210.25 m a.s.l. – junction with the land embankment):
   - Extension of the right embankment of the Vistula River from km 63+779 to km 65+160 over a length of 1 381 m (embankment crest width: 4.0 m, riverside slope grade – 1:n = 1:2.5; landside slope grade over the shelf – 1:n = 1:2.0; landside slope grade below the shelf – 1:n = 1:2.25; cross grade of the embankment crest – i = 2%);
   - Extension of the embankment crossing at chainage km 63+842 (crossing width: 6.5 m, width of crossing's strengthening: 3.5 m, crossing length: 99.0 m, grade of entry – 1:n = ~1:20, grade of descend – 1:n = ~1:25);
   - Construction of an entry road to the embankment from the embankment shelf on the side beyond the embankment at chainage km 63+871 (entry width: 3.5 m, entry length: 44.0 m, grade of entry to the embankment – 1:n = 1:10);
   - Construction of an embankment shelf on the embanked area's side at chainage from km 63+913 to km 65+066 over a length of 1153.0 m (shelf width: 3.5 m, cross grade of the embankment shelf – i = 2%, passable embankment shelf);
   - Extension of the embankment crossing at chainage km 64+144 (crossing width: 3.5 m, crossing length: 131.0 m, grade of entry – 1:n = 1:10, grade of descend – 1:n = 1:10);
   - Construction of an entry road to the embankment on the side beyond the embankment at chainage km 65+037 (entry width: 3.5 m, entry length: 77.0 m, grade of entry to the embankment – 1:n = 1:12);
   - Extension of the embankment crossing at chainage km 65+158 (crossing width: 3.5 m, crossing length: 108.0 m, grade of entry – 1:n = 1:10, grade of descend – 1:n = ~1:10);
   - Earthworks to grade the embanked area at chainage from km 63+987 to km 64+006 of the embankment, while keeping the drop of land toward the embanked area (grading area of about 0.013 ha);

- Earthworks comprising filling (grading) of the part of existing ditch in the area beyond the embankment at chainage from km 63+925 to km 64+003 of the embankment, while keeping the drop of land toward the area beyond the embankment (grading area of about 0.076 ha);
- Construction of filtration protection for the embankment in a form of anti-filtration membrane in the subbase within the entire section at chainage km 63+842 to km 65+082, except for the reach from km 64+610 to km 64+880, and sealing of the embankment body using bentomat at chainage km 63+842 to km 65+082, along with sealing injection at a collision with tD teletechnical cable;
- Construction of a central anti-filtration membrane at chainage km 63+779 to km 63+869, along with sealing injection at a collision with teletechnical cable and at chainage km 65+067 to km 65+160;
- Demolition of the existing slope stairs and construction of new slope stairs instead at chainage km 64+635 of the embankment;
- Construction of slope stairs in the area beyond the embankment at chainage km 65+115;
- Construction a descend road from the embankment crest to the embanked area at chainage km 65+113 (descend width: 3.0 m, descend length: 49.0 m, grade of descend – 1:n = ~1:12);
- Hardening of the road on the embankment crest, at embankment crossings and descend roads, and on embankment shelves and roads at the embankment;
- Development of 3.0 m wide technological lanes in the area beyond the embankment and within the embanked area;
- Top-soiling and sowing with a mix of grass for the embankment body;
- Redevelopment of control network spots and hectometer posts.

II. The water-law permit is issued under the following conditions:
1. Any works shall be done in a way compliant with the documentation provided for water-law proceedings, except for the time of flood risk, in accordance with conditions of the decision and of establishments issued for implementation of the subject investment, including establishments made with the technical infrastructure administrator, i.e. telecommunication (teletechnical), water-supply, and power networks.
2. During the performance one shall secure such an organization for them to avoid the occurrence of obstacles for water discharge, including flood water, and assure safety for areas and objects located upstream and downstream of the performed works.
3. During the performance one shall undertake such technical and organizational measures to avoid polluting of water and ground with substances applied, and with wastewater and waste produced due to the works performed.
4. The constructed embankment, including all related facilities covered by this decision, shall be kept in a proper technical condition.
5. One shall restore the area adjacent to the works performed to its original condition – prior to notifying the works for final commissioning.
6. Prior to notifying the works for final commissioning the investor is obliged to clear the investment site.

III. The water-law permit does not result in rights to properties and water structures, which are necessary for its implementation, and does not violate ownership rights and entitlements of third parties related to those properties and facilities.

IV. The decision is immediately enforceable.

Justification

Based upon Article 127 (7b) and (7c) of the aforementioned Water Law Act the Chairman of National Water Management Authority in Warsaw assigned – through a resolution dated 02/24/2015, ref. no.: BAP-po.026.125.2018/ar – the Podkarpackie Voivodship Marshal for proceeding – upon the application of Lesser Poland Board of Amelioration and Water Structures in Cracow, 73. Szlak Street, 31-153 Cracow, represented by Mr. Sławomir Szymański of CERMET-BUD Sp. z o.o. – of the issuance of water-law permit for the task titled: "Extension of Flood Embankments for the Vistula River in Cracow: Section 4 – Right embankment of the Vistula from the Skawinka estuary to the Kościuszko barrage".

After analyzing the application, in reference to Article 140 (2) of the Water Law Act it was identified that the voivodship marshal remains a proper unit to address the aforementioned application.

In accordance with valid regulations, information on the commencement of administrative proceeding was published, the interested parties were notified, and the subject application was addressed in the scope determined above. This information is given in a publicly-available data summary under no. 130/2015.

The application and the attached documentation were made available for the parties. Based upon the documentation and the completed administrative proceeding the following was established:

The aim of this investment is to develop water structures – extension of flood embankments for the task titled "Extension of Flood Embankments for the Vistula River in Cracow: Section 4 – Right embankment of the Vistula from the Skawinka estuary to the Kościuszko barrage", in Cracow and in Piekary and Kryspinów, Community of Liszki, District of Cracow, Lesser Poland, comprising the following:

- TASK NO. 1 – right embankment of the Vistula River at chainage km 60+325 to km 61+662, over a length of 1337 m;
- TASK NO. 2 – right embankment of the Vistula River at chainage km 62+017 to km 63+183, over a length of 1166 m;
- TASK NO. 3 – right embankment of the Vistula River at chainage km 63+779 to km 65+160, over a length of 1381 m.

The extension of bodies for the subject embankments of the River Vistula results from the fact that current elevations of the embankment crest are too low and they do not meet the requirements determined in relevant technical regulations. The extension is to improve flood safety for the developed area beyond the embankment (population, properties, public areas, etc.). The works associated with the extension of embankment bodies shall include removal of the top layer of the existing bodies, and then extension of the embankments up to the designed embankment crest elevation. Designed 4.0 m wide embankment crests shall be reinforced with asphalt within determined sections. It was assumed that the grade of riverside slope is 1:2.5, whereas the grade of landside slope over the shelf is 1:n = 1:2.25. The entire embankment body extended shall be subsequently covered with a protective layer and with top-soil. It is expected to construct a 3.0 m wide passable shelf on the landside. The scope of sealing includes sealing of the embankment body and of the subbase. Development of embankment sections in questions also includes the extension of: crossings, and embankment descend roads and entry roads. Roads within the embanked area shall be additionally constructed.

The scope of rights described in the subject water-law permit was determined in accordance with applications of the plant. At establishing the conditions for this decision the application of the plant were considered. Additional conditions and liabilities described in this decision were imposed due to the necessary maintenance of environmental protection rules and due to the implementation of proper water management.

For implementation of the investment covered by the discussed application on the issuance of water-law permit, the Regional Director for Environmental Protection in Cracow issued a decision dated 05/20/2015, ref. no.: OO.4233.8.2014.BM, on environmental conditions for the investment, provisions of which the investor is obliged to observe. The scope of environmental decision for the investment covers the scope of works under this water-law permit.

In accordance with the disposal under Article 127 (5) of the aforementioned Water Law Act the validity period has not been established for this decision.

Considering the above it was decide as given in the decision frame.

Information on this decision shall be published in the data register on documents containing information on the environment and its protection.

Instruction

1. One may appeal against this decision to the Chairman of National Water Management Authority in Warsaw, 80/82. Grzybowska Street, 00-844 Warsaw through the Podkarpackie Voivodship Marshal in Rzeszów, 35-010 Rzeszów, 4. Łukasza Cieplińskiego Alley, within 14 days from the serving date. The appeal shall be provided in two copies.
2. The water-law permit does not release from liabilities resulting from other regulations and from the obtainment of decisions required by law prior to undertaking the performance of works in question.

upon authorization of
VOIVODSHIP MARSHAL

Andrzej Kulig
Director of
Environmental Protection
Department

Fiscal charge:
released – Article 7

of the Act of 16 November 2006
(OJ of 2012, item 1282, as amended)

Recipients:

1. Lesser Poland Board of Amelioration and Water Structures in Cracow, 73. Szlak Street, 31-153 Cracow;
2. Mr. Tomasz Sądag – KZGW Chairman's Proxy, 22. Piłsudskiego Street, 31-109 Cracow;
3. Regional Water Management Authority, 22. Piłsudskiego Street, 31-109 Cracow;
4. District of Cracow, 20. Słowackiego Street, 30-037 Cracow;
5. City and Community of Cracow, 3-4. Wszystkich Świętych Street, 31-004 Cracow;
6. Community of Liszki, Liszki 320, 32-060 Liszki;
7. PFA Branch in Cracow, 43. Bulwarowa Street, 31-751 Cracow;
8. Remaining parties in accordance with Article 49 APC;
9. File.

CC:

1. Mr. Sławomir Szymański, CERMET-BUD Sp. z o.o.
   Przedsiębiorstwo Inżynierskie, 4. Otwinowskiego Street, 31-432 Cracow.