

REGIONAL DIRECTOR FOR ENVIRONMENTAL PROTECTION IN Kielce

WOO-I.4233.2.2013.AM.11

Kielce, 2013.07.19

DECISION on the project's environmental conditions

On the basis of Article 75 passage 1 point 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 (Journal of Laws No. 199 item 1227 with later amendments) in connection with Article 104 of the Act of 14 June 1960 Code of Administrative Procedure (consolidated text Journal of Laws of 2000 no. 98, item 1071 with amendments*) after examining the application of the Świętokrzyskie Administration of Land Improvement and Water Structures in Kielce (operating through an authorized representative - Mr. Zbigniew Gabryś, MGGP S.A., ul. Lea 112, 30-133 Cracow)

I hereby decide

on no need to conduct proceedings on the environmental impact assessment for the project entitled: **“Flood control of the right-bank part of Sandomierz - land drainage in the bifurcation of the Vistula river and the Trześniówka river.**

Task 1: Flood protection within the mouth section of the Atramentówka river, construction of a new intermediate pumping station "Koćmierzów" and of a gravitational lock in Koćmierzowie (in the right embankment of the Vistula river), and of a channel draining water from the Artamentówka river to the pumping station”, implemented by the Świętokrzyskie Board for Land Improvement and Water Devices in Kielce.

Substantiation

At the application of the Świętokrzyskie Administration of Land Improvement and Water Structures in Kielce operating through an authorized representative - Mr. Zbigniew Gabryś, MGGP S.A., ul. Lea 112, 30-133 Cracow¹ (formally completed on 15.04.2013) proceedings were initiated on the issue of the decision on environmental conditions for the project entitled: “Flood control of the right-bank part of Sandomierz - land drainage in the bifurcation of the Vistula river and the Trześniówka river. Task 1: Flood protection within the mouth section of the Artamentówka river, construction of a new intermediate pumping station "Koćmierzów" and of a gravitational lock in Koćmierzowie (in the right embankment of the Vistula river), and of a channel draining water from the Artamentówka river to the pumping station”.

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 passage 1 point 65 of the Regulation of the Council of Ministers of 9 November

2010 on on projects that may always significantly affect the environment (Journal of Laws of 2010. no. 213, item 1397).

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 terms of preparation and implementation of investments with regard to flood-control 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 impact area marked out.

According to Article 74, passage 1, letter Ib of 10 July 2013. The Investor submitted extracts from the land and building register, including the expected area, on which the investment project will be implemented, as well as the area, which will be affected by the project.

The parties have been notified of initiation of the proceedings, the possibility of submission of applications and comments with regard to any collected evidence in the concerned case, as well as the subsequent activities performed in the proceedings, according to Article 10 of the Act - Code of Administrative Proceedings, in connection with Article 74 passage 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 18.04.2013, ref. no.: WOO-I.4233.2.2013.AM.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:

- Of the Municipal Office in Sandomierz and near the place of the planned project from 23.04.2013. to 07.05.2013.,
- in the seat of the Regional Directorate for Environmental Protection in Kielce, on 18 April 2013. to 02.05.2013.,

Furthermore, with the letter, ref. no.: WOO-I-4233.2.2013.AM.5 of 02.05.2013. the Investor was asked to supplement the project information card, for example, within the scope concerning the parameters of the planned aim, the impact of the investment project on surface waters and natural environment.

The parties to the proceedings have been notified of the above by way of the announcement, ref. no.: WOO-1.4233.2.2013.AM.6 of 02.05.2013, which was posted up in the announcement bulletins:

- Of the Municipal Office in Sandomierz and near the place of the planned project from 07.05.2013. to 22.05.2013.,
- in the seat of the Regional Directorate for Environmental Protection in Kielce, on 2 June 2013. to 16.05.2013.

On the basis of Article 64 (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 (Journal of Laws of 2008. No. 199, item 1227 with amendments) obtaining the opinion of a sanitary inspection authority for the planned project is not required.

On 22.05.2013. (letter ref. no.: K/BOŚ/53/05/2013/EN of 20.05.2013) and 03.06.2013 supplements of the project information card were received by this Authority.

After analysis of all the collected material, the Regional Director for Environmental Protection in Kielce, on the basis of Article 63 passage 2 of the Act of 3 October 2008, on making available information on the environment and its protection, on the participation of the society in the environmental protection as well as on the environmental impact assessments, issued the decision, ref. No.: WOO-I.4233.2.2013.AM.8, of 14.06.2013 where it abandoned to impose an obligation to conduct the assessment of the impact of the investment project on the environment.

Data on the submitted application and the decision on withdrawing from conducting environmental impact assessment have been included in the publicly available list of data about the documents containing information about the environment and its protection, kept by the Regional Administration for Environmental Protection in Kielce.

Pursuant to Article 10 (1) of the Code of Administrative Proceedings, a notice was sent out, in the form of an announcement on collection of evidence and the possibility for the parties to familiarize with the materials and evidence in the concerned case before issuing the decision, as well as the possibility of submission of comments and applications within 7 days from the date of delivery of the notice.

The above announcement ref. No.: WOO-1.4233.2.2013.AM.9 of 14.06.2013. was posted in the announcement bulletins:

- Of the Municipal Office in Sandomierz and near the place of the planned project 20.06.2013. to 05.07.2013
- in the seat of the Regional Directorate for Environmental Protection in Kielce, on 17.06.2013. to 01.07.2013.

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 project is located in of the city of Sandomierz (Sandomierz District), includes, for example:

- construction of the intermediate pumping station "Koćmierzów" with the storage reservoir of the total surface area of approx. 0.4 ha, together with the embankment lock, pumping pipelines and the electrical supply line powering 'the intermediate pumping station,
- construction of a ditch supplying water to the pumping station from the Artamentówka river (the relief channel) approx. 1250 m in length,
- construction of an outlet ditch approx. 270 m in length draining to the Vistula river,
- an alteration of the existing embankment lock in the band embankment of Huta Szkła Piklington,
- tidying up the revier-bed of the Artamentówka river in the section of approx. 500 m as part of current maintenance).

Additionally, in the region of the pumping station being designed, in the right embankment of the Vistula river, it is planned to make an embankment culvert which outside the periods when the Vistula river is swollen will drain the water of the drainage area of the Atramentówka watercourse by gravitation to the terrace of the Vistula river.

The purpose of the devices being designed is to drain the drainage area directly to the Vistula river \v periods of an increased level in the Atramentówka river or of no possibility to drain the water to the area of Huta.

Due to a poor technical condition of the present drainage system (the lock in the band embankment and the intermediate pumping station) and to the hazard of flood in the town of Koćmierzów, there is a pressing need to build a new drainage system.

The project being analysed is planned to be implemented as part of the "Concept of protection against flood of the Vistula river and its tributaries in the area of Sandomierz and Tarnobrzeg".

The pumping station along with the storage reservoir will be located in the right bank area of the Vistula river, in the area where the band embankment of Huta Szkła (glassworks) is connected with the veil of the Vistula river, in the area marked in the records as PsV and PsIV- permanent pastures. Plots on which the relief channel is planned are agricultural lands- arable lands, meadows and orchards. The outlet ditch is located on the plots marked in the records as PsV. Expected permanent occupancy of the land is approx. 2 ha.

At the stage of implementation of the investment project, the occupancy of lands for the construction site will be limited to a minimum. Construction back-up facilities will be located in a hardened area outside the area of: the terrace (at the same time outside the Natura 2000 site - Tarnobrzaska Dolina Wisły PLH180049) and outside the boggy areas in a method which protects the ground and water environment against contamination. Construction back-up facilities should be equipped with sorbing agents in case of failure and leakage of petroleum-derived substances. In the case of contamination leakage, it should be gathered using the sorbing agent and managed in accordance with the applicable regulations with regard to handling waste. Access to the facilities and the construction site will be organized with the use of the existing public roads, and in the case of lack of public roads, temporary roads will be made on

reinforced concrete slabs. After completion of the works, the temporary roads will be demolished, and the area will be cleaned and restored to the original state. 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.

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 should be stored outside the naturally valuable areas and outside the boggy areas. The method the ground masses are managed must not cause change to the water state at with damage to the neighbouring areas.

Works related to construction of the planned project will be associated with an increased level of noise the source of which will be operation of the construction equipment. The area of the investment project is located at a distance of approx. 80 m from the acoustically protected areas, therefore the inhabitants and users of the nearest building development can suffer inconveniences related to the implementation of the investment project during the day. In connection with this, the construction works will be executed during the day, i.e. from 06.00 am to 10.00 pm.

During the implementation of the project also inconveniences related to emission of contaminants into the air arising from the earth and construction works being executed will occur. Emission of the contaminants during the implementation of the project will be short-term and reversible in character, and the inconveniences associated with it will cease as the construction works are finished.

The phase of exploitation of the project will be related to functioning of the intermediate pumping station which is located at a distance of approx. 200 m from the nearest single-family building development. Taking into consideration the fact that the pumps will be operating periodically (in the periods of increased states of the water level in the Atramentówka river) and will be installed inside the pumping station building with reinforced concrete structure, it is not expected that the acceptable level of noise will be exceeded in the nearest acoustically protected areas.

Freshet waters will be drained through the intermediate pumping station to the Vistula river which is indicated in the *"Water management plan in the area of the river basin of the Vistula river"* approved by the Prime Minister on 22 February 2011. (M.P. of 21 June 2011, No. 49, item 549) as JCWP PLRW20002121999- Wisła od Wisłoka do Sanu. Water category: heavily modified water body. The state of waters: endangered with the hazard of failure to achieve environmental objectives. Time derogations- due to salinity and impact of after-mine waters.

The ratio of the volume of the pumped water to the volume of the flood flow in the Vistula river (the flow with the probability of 1% the water-level indicator Sandomierz 6580 m³/s) is 0.00024. Due to a small amount of drained waters (1.6 m³/s) related to extraordinary situations, i.e. \y periods of increased states of the water levels, no considerable impact on the uniform is anticipated

In the region of the planned aim, i.e. on the western side of the Artamentówka river- in the section from the band embankment to the planned relief channel and on the northern side of the relief channel being designed protected natural habitat was located, i.e.: alder groups, represented by the piece of Salicetum pentandro- cinereae. In order to protect found protected species, it is planned to make a clearing of the north section of the Atramentówka watercourse from its eastern bank, and to build the relief channel from the southern side.

In the case new positions of protected species are found in the concerned area before the consent to cut them down is issued, it is necessary to obtain a decision which allows to deviate from the bans referred to in Article 56 of the Act of 16 April 2004. on Environment protection (consolidated text Journal of Laws of 2013, item 627 with amendments).

Execution of the earthworks will be preceded with stripping of topsoil. The humus layer of the soil will be collected, put back and stored separately from other layers* of the ground. Planned investment project, the protected species of amphibians have been inventoried, therefore the term provided for removal of the near surface soil layer is planned for the time of the highest migration activity of the observed species of animals, as well as outside their reproductive season, namely from 15 August to 31 October. Executing this action within the set time is a factor that will force the animal specimens, which may be present in range of the works, to leave and find shelters on the trees left in the area or beyond the impact range of the works.

Use of the humus layer for levelling will speed up biological regeneration of areas where the vegetation will be destroyed. Areas deprived of plant cover will be sown with native species of grass which will speed up laying turf of the exposed soil and will prevent it from potential erosion. Seeds gathered in the soil will enrich diversity of the plant cover being regenerated and also will speed up the process of natural restoration.

Regardless of the above, at the stage of implementation of the building design for the aim concerned, due to the species of amphibians found in the area (and also to the possibility of occurrence of other animals than the above-mentioned), their migrations should be enabled. Therefore, the ditch in the terrace, the relief channel and banks of the Atramentówka river and of the equalizing tank should be designed in a manner which allows migration of animals, e.g. appropriate inclination of the banks and materials covering them must be taken into consideration.

According to the information included in the submitted documentation, the proposed conditions should minimize the impact of investment expansion on the natural qualities of the area, and, where possible, properly protect them against damage.

The investment project is located outside the areas with landscape of historical, cultural or archaeological significance.

Within the range of impact of the project, there are no coasts, areas adjacent to lakes or areas of health resort protection.

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 9 April 2002. 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 No. 58, item 535 with amendments). This decision does not define the conditions in this respect.

Taking account of the location of the investment in central Poland, it should be stated that cross-border environmental impact will not occur. Therefore, proceedings in this respect have not been conducted.

Flood protection devices do not belong to projects listed in Article 135 (1) of the Environmental Protection Law (consolidated text Journal of Laws of 2008. No. 25, item 150, as amended), for which part of the waters, and therefore the hazard of failure to achieve environmental objectives as a result of functioning of the planned project.

In the investment project, the clearing is anticipated, in a small section of 500 m of the river-bed of the Atramentówka watercourse, as part of current maintenance of the river. These works will involve an increase in the suspended matter in water, such impact will be temporary and reversible.

The planned project is located outside protective zones of the water intakes, whereas it is in the area of the Main Reservoir of Underground Waters (pol. GZWP) No. 425 - Dębica - Stalowa Wola - Rzeszów. Due to the nature of the project and the introduced securities related to the implementation phase, no adverse impact on the quality of underground water is envisaged. Furthermore, the project is located outside the water intake protective zones.

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 No. 13, item 104).

The planned project is partially situated in the boundaries of the Natura 2000 site Tarnobrzaska Dolina Wisły- PLH180049 (in the terrace). In the boundaries of the above-mentioned area, it is planned to build a ditch draining water from the intermediate pumping station to the Vistula river approx. 220 m in length. In accordance with the data prepared by Province Specialist Teams in 2008. the ditch concerned runs in the

acreage of catalogued natural habitats with the code 91 TO- willow, alder, and ash breeding areas and with the code 3270 - flooded muddy banks of the rivers. As it results from the project information card, the area of the terrace of the Vistula river where the concerned section of the ditch is to be located was naturally considerably changed compared with the condition of 2008i as a result of flood of 2010 and breaking the floodbank in Koćmierzowic. The flood waters destroyed the stand density of this part of the terrace and covered the area with a thick layer of river outwash (mainly sand). As a result of the above, boundaries of the natural habitats catalogued before were moved. It was determined on the basis of the Investor's field inspection (in May 2013) that the area in the terrace is overgrown with ruderal vegetation and Phalaridetum arundinaceae.

Occurrence of protected species of animals was found in the terrace at a distance of approx. 200m from the planned outlet ditch. In connection with which its construction should not pose a hazard for the found protected species. It results from the data analysis that the planned construction of the ditch in the Natura 2000 site draining water from the intermediate pumping station "Koćmierzów" will not cause damage to the natural habitats which are the object of protection of the Natura 2000 site Tarnobrzaska Dolina Wisły PLH180049. Neither the character, nor the scale of interference in the area should also violate the integrity of the area and its connections with other areas.

As part of implementation of the project, it is planned to log trees and shrubs outside the Natura 2000 site, only in connection with the construction of the relief channel (in the region of the Atramentówka river). It will be limited to a necessary minimum, and its date is planned for the time when found species of birds have ended their breeding period and start the period of migrating to winter hideouts (16 October - 28 February).

Occurrence of the following species of protected birds were found within the scope of impact of the aim behind the dikes on skylark, northern lapwing, whinchat, common whitethroat, marsh warbler, yellow wagtail, grey wagtail, yellowhammer, tree sparrow, cuckoo, thrush nightingale, fieldfare, oriole, great reed warbler and of protected species of amphibians: European fire-bellied toad, common toad, European green toad, common frog, marsh frog. No presence of species of protected fish was found in the Atramentówka watercourse.

may be created in the event of default in meeting the environmental quality standards.

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 (Journal of Laws No. 225, item 1635) 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

Mr Zbigniew Gabryś
MGGP S.A.
ul. Lea 112
30-133 Cracow

2. The remaining parties, by announcement posted up in the announcement bulletins:
 - Town Hall of Sandomierz
 - In the seat of the Regional Directorate for Environmental Protection in Kielce, in

CC:

1. Świętokrzyski Land Improvement and Water Facilities Management in Kielce
ul. Witosa 86
25-561 Kielce
2. ad acta

MGGP - BOS

DATE: 24.01.2013
 Project no.: 12121-00
 PERSON ACCEPTING: Mores
 NUMBER OF PAGES: 7
 APPENDICES: B.1
 No. according to the law: 260/1805
 Stating: 2/12

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Appendix:
to the decision ref. No.: WOO-I.4233-
2.2013.AM.11
of 19.07.2013 on environmental conditions

Characteristics of the investment project.

The investment project is located in the city of Sandomierz (Świętokrzyskie Province)

As part of the investment project, it is planned for example to:

- build the intermediate pumping station "Koćmierzów" with the storage reservoir with the total surface area of approx. 0.4 ha, on the plot with the registered No. 1982, together with the embankment lock, pumping pipelines and the electrical supply line powering the intermediate pumping station,
- build the ditch approx. 1250 m in length (the relief channel), from the Atramentówka river in km approx. 1 +300 to the pumping station,
- build the outlet ditch approx. 270 m in length with draining to the Vistula river in km approx. 259+950,
- convert the existing embankment lock in the band embankment of Huta Szkła Piklington,
- tidy up the river-bed of the Atramentówka river in the section of approx. 500m (as part of current maintenance).

Additionally, in the region of the pumping station being designed, in the right embankment of the Vistula river, it is planned to make an embankment culvert which outside the periods when the Vistula river is swollen will drain the water of the drainage area of the Atramentówka watercourse by gravitation to the terrace of the Vistula river.

As part of implementation of the project, it is planned to log trees and shrubs (in the region of the Atramentówka river).