

## DECISION

Acting pursuant to Article 113 § 2 of the Act of 14 June 1960 – The Code of Administrative Procedure (*Journal of Laws 2018, item 2096, as amended*),

### I hereby resolve

at the request of Ms. Barbara Chammas – representative of AECOM Sp. z o.o. (1. Pokoju Alley, 31-548 Cracow) dated 08/05/2019, ref. no.: POPDOW/KR/60549311/19/0744, acting on behalf of the Investor, that is State Water Holding Polish Waters – Regional Water Management Authority (22. M. J. Piłsudskiego Street, 31-109 Cracow), **to clarify doubts as to the contents of the decision** issued by the Regional Director of Environmental Protection in Cracow (ref. no.: OO.4233.13.2012.BM dated 10/29/2012) on environmental conditions for the following Works Contracts:

1. **“Construction of a flood storage reservoir “Bieżanów” on the River Serafa at chainage km 7+284 in the City of Cracow”**,
2. **“Construction of a flood storage reservoir “Serafa - 2” on the River Serafa at chainage km 9+223 in the City of Cracow”**,
3. **“Construction of a flood storage reservoir “Malinówka - 1” on the Malinówka Stream at chainage km 0+220 in the City of Cracow”**,
4. **“Construction of a flood storage reservoir “Malinówka - 2” on the Malinówka Stream at chainage km 2+320 in the City of Cracow”**,
5. **“Construction of a flood storage reservoir “Malinówka - 3” on the Malinówka Stream at chainage km 3+017 in the City of Cracow and in the City of Wieliczka”**, contained in the information on the Malinówka – 1 Reservoir in terms of high voltage power lines, included in the above-mentioned environmental decision.

The decision on environmental conditions includes a very general description of activities related to the reconstruction of colliding infrastructure, i.e. the power network, as a peripheral activity that needs to be taken into account due to the collision of the substation with the planned reservoir (Malinówka – 1). The Regional Director for Environmental Protection in Cracow, in accordance with the attached documentation, included this issue in the justification and specification of the decision. It was indicated for the Malinówka – 1 Reservoir that during the construction phase, among others, the high voltage power lines will be moved underground. Currently, a detailed analysis has shown that the following overhead power lines run above the basin of the Malinówka – 1 Reservoir:

1. Dual overhead line Skawina Power Plant Substation – Bieżanów Substation, Bieżanów Substation – Płaszów Substation runs above the reservoir with support poles outside of the bowl of the reservoir.
2. The overhead line from the Bieżanów Substation to the Wieliczka Substation runs above the reservoir with a single support pole within the bowl of the reservoir.
3. The overhead line from the Piaski Wielkie Substation to the Bieżanów Substation runs above the reservoir with two support poles within the bowl of the reservoir.

Currently, for line 1 it is recommended to leave the high voltage overhead line in accordance with the conditions obtained from the owner of the power lines.

However, in the case of lines 2 and 3 it is necessary to move the poles outside the basin of the Malinówka – 1 Reservoir and to place the support poles within the body of the side embankments by adjusting their cross-sections to local conditions using supporting structures such as sheet piling. The poles will remain within the environmental impact area of the Contract.

The above changes do not affect the main premises of the decision, the adopted solutions and conditions that guarantee minimising the adverse impact of the Contract on the environment.

### **Justification**

Ms. Barbara Chammas of AECOM Sp. z o.o. (1. Pokoju Alley, 31-548 Cracow), acting on behalf of the Investor, that is State Water Holding Polish Waters – Regional Water Management Authority (22. M. J. Piłsudskiego Street, 31-109 Cracow), has requested in a letter dated 08/05/2019 (received on: 08/12/2019), ref. no.: POPDOW/KR/60549311/19/0744, clarification of the content of the environmental decision issued by the Regional Director of Environmental Protection in Cracow (ref. no.: OO.4233.13.2012.BM dated 10/29/2012) regarding provisions on overhead power lines.

The environmental decision for the Malinówka – 1 Reservoir (ref. no.: OO.4233.13.2012.BM, dated 10/29/2012) contains the following information about overhead high voltage power lines on p. 12: *“During the construction phase the facilities located within the bowls of the reservoirs, which need to be relocated to the area beyond the flooding zone, shall also be redeveloped : (...)”*

- ***Malinówka – 1 Reservoir:*** *relocation of the Malinówka stream bed over a length of about 140 m, redevelopment of sanitary canalization with a diameter of 600 mm, HV power line’s cabling, redevelopment of outlets for the motorway’s drainage. (...)”.*

However, in accordance with technical requirements obtained from the owner of the overhead high voltage power lines, that is Tauron Dystrybucja S.A. (ref. no. TD/OKR/OME/2019-08-02/0000015, dated 08/02/2019), it is not possible to move the overhead high voltage power lines underground in this area due to dense development and inability to meet requirements of standards for minimum distance of underground high voltage power lines from existing buildings, structures and other networks.

Currently, the following overhead power lines run above the bowl of the Malinówka – 1 Reservoir:

1. Dual overhead line Skawina Power Plant Substation – Biezanów Substation, Biezanów Substation – Płaszów Substation runs above the reservoir with a support poles outside of the bowl of the reservoir – in this case it is not necessary to move the line outside the bowl of the reservoir.
2. The overhead line from the Biezanów Substation to the Wieliczka Substation runs above the reservoir with a single support pole within the bowl of the reservoir.
3. The overhead line from the Piaski Wielkie Substation to the Biezanów Substation runs above the reservoir with two support poles within the bowl of the reservoir.

In relation to the above, for line 1 it is recommended to leave the high voltage overhead line in accordance with the conditions obtained from the owner of the power lines. However, in the case of lines 2 and 3 it is necessary to move the poles outside the bowl of the Malinówka – 1 Reservoir and to place the support poles within the body of the side embankments by adjusting their cross-sections to local conditions using such supporting structures as sheet piling. The poles will remain within the environmental impact area of the Contract.

Obtaining an environmental decision is an investment stage based mainly on a conceptual approach, reflecting initially adopted assumptions, which are specified in detail at subsequent stages of the investment process or sometimes may be subject to minor modifications. The detailed analysis of solutions included in the conceptual approach prepared for the Malinówka – 1 Reservoir has led to a situation where it is necessary to modify the solutions by reconstructing colliding power lines.

The works referred to above will not change the area of the environmental impact of the Contract specified in the application for the issuance of the environmental decision for the Contract in question. The Regional Director for Environmental Protection in Cracow clarifies that the works described above concerning power lines resulting from the construction of the Malinówka – 1 Reservoir in relation to the provisions of the above-mentioned environmental decision and its characteristics will not have a significant impact on the main scope of the Contract and the purpose of its implementation, and thus on the impact of the Contract on the environment.

In view of the above, it should be concluded that the work in question on the Malinówka – 1 Reservoir does not require an amendment of the Decision.

Therefore, in the present decision, in accordance with Article 113(2) of the Code of Administrative Procedure, the Regional Director for Environmental Protection in Cracow has clarified the doubts as to the content of the abovementioned decision.

In view of the above, it was decided as follows in the operative part of the decision.

### **Instruction**

The Parties are entitled to file a complaint 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 (25. Mogilska Street, 31-542 Cracow), within seven days of the date of delivery of the decision.

### **Regional Director for Environmental Protection in Cracow**

Rafał Rostecki MSc

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### **CC:**

1. Ms. Barbara Chammas – Investor's Proxy
2. OO.BM file.

In connection with coming into effect on May 25, 2018 of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (hereinafter referred to as “the GDPR”), we kindly inform you that:

1. The administrator of your personal data is the Regional Director for Environmental Protection with its registered office in Cracow, 25. Mogilska Street, 31-542 Cracow.
2. Your personal data will be processed by the Regional Directorate for Environmental Protection in Cracow in order to conduct administrative/legal administrative proceedings in accordance with Article 6(1)(c) of the GDPR.  
The provision of your personal data is voluntary, but is required to fulfil the legal obligation in the form of consideration of the case.
3. Your data may be made available by the Regional Director for Environmental Protection in Cracow to entities authorized to obtain information pursuant to generally applicable laws.
4. Personal data provided by you will be stored for the period required by law.
5. You have the right of access to your personal data and the right to rectify it, limit its processing, and the right to transfer the data.
6. In connection with the processing of your personal data you have the right to lodge a complaint with the President of the Office for the Protection of Personal Data.
7. Contact details of the Data Protection Inspector: e-mail address: [iod.krakow@rdos.gov.pl](mailto:iod.krakow@rdos.gov.pl) postal address: 25. Mogilska Street, 31-542 Cracow.
8. The legal grounds for processing your personal data are the provisions of the Act of October 3, 2008 on access to information on the environment and its protection, public participation in environment protection and environmental impact assessments , as well as the Code of Administrative Procedure.