



# GENERAL DIRECTOR FOR ENVIRONMENTAL PROTECTION

DOOS-tos.440.8.2015.JA.dts.1

## DECISION

Pursuant to Article 108(1)(1) and (3) and (4) of the Act of 3 October 2008 *on the provision of information on the environment and its protection, public participation in environmental protection and environmental impact assessments* (Journal of Laws of 2013, item 1235, as amended) – hereinafter referred to as the EIA Act, and § 2(1)(4) of the *Regulation of the Council of Ministers of 9 November 2010 on projects that may have a significant impact on the environment* (Journal of Laws of 2010 No. 213, item 1397, as amended), in conjunction with Article 123 of the Act of 14 June 1960 *Code of Administrative Procedure* (Journal of Laws of 2013, item 26, consolidated text), having analysed the application of 5 August 2015 submitted by Mrs. Bogumiła Ożarska-Karbowiak and Mr. Maciej Stryjecki, acting pursuant to a power of attorney of **PGE EJ 1 Sp. z o.o. with its registered office in Warsaw**, on issuing a decision on environmental conditions and determining the scope of the environmental impact assessment report for the project consisting in the **Construction and operation of the first Nuclear Power Plant in Poland, with an electrical capacity of up to 3,750 MWe, in the area of the communes: Choczewo or Gniewino and Krokowa in the Pomorskie Voivodeship**

## I decide to

- I. conduct the procedure on the transboundary environmental impact assessment of the project consisting in the Construction and operation of the first Nuclear Power Plant in Poland, with an electrical capacity of up to 3,750 MWe, in the area of the communes: Choczewo or Gniewino and Krokowa in the Pomorskie Voivodeship;
- II. impose on the applicant an obligation to prepare the following, in English (15 copies), German (4 copies) and Lithuanian (2 copies):
  - Project Information Sheet – containing up-to-date, basic information about the planned project in paper and electronic form,
  - an application for issuing a decision on environmental conditions and determining the scope of the environmental impact assessment report,
  - those parts of the environmental impact assessment report which allow the states on whose territory the project is likely to have an impact to assess the possible significant transboundary environmental impact, in paper and electronic form.

## Justification

On 6 August 2015, the General Director for Environmental Protection in Warsaw received an application of 5 August 2015 submitted by Mrs. Bogumiła Ożarska-Karbowiak and Mr. Maciej Stryjecki, acting on the basis of a power of attorney of PGE EJ 1 Sp. z o.o. with its registered office in Warsaw, on issuing a decision on environmental conditions and determining the scope of the environmental impact report assessment for the project consisting in the **Construction and**

**operation of the first Nuclear Power Plant in Poland, with an electrical capacity of up to 3,750 MWe, in the area of the communes: Choczewo or Gniewino and Krokowa in the Pomorskie Voivodeship.**

The project is included among the projects listed in § 2(1)(4) of the *Regulation of the Council of Ministers of 9 November 2010 on projects that may have a significant impact on the environment* (Journal of Laws of 2010 No. 213, item 1397, as amended), for which it is required to carry out an environmental impact assessment.

The authority competent to issue a decision on environmental conditions for the project is, pursuant to Article 75(1)(1a) of the EIA Act, the General Director for Environmental Protection.

The planned project consists in the construction and operation of a nuclear power plant with an electrical capacity of up to 3,750 MWe in one of the three indicated locations in the following communes: Choczewo or Gniewino and Krokowa in the Pomorskie Voivodeship, in the coastal belt of the Baltic Sea. The implementation of the project is dictated by a need to reduce CO<sub>2</sub> emissions in production of electricity while ensuring the energy security of the country.

The construction of the power plant includes the following elements: the nuclear part of the power unit, which consists of the building of the reactor with a safety containment, the building of auxiliary equipment of the reactor, the building of nuclear fuel, the building of radioactive waste management, buildings of security systems and other auxiliary facilities of the nuclear part, the conventional part of the power unit – engine room, other elements of the power plant, such as cooling water systems, turbine condensers, service water systems, fire water systems, raw water systems, water treatment plants and other water and wastewater management facilities, backup electrical supply systems, periodic storage facility of spent nuclear fuel, facility's physical security system, workshops and warehouses, training centre, public information centre, staff rooms, environmental monitoring centre and other auxiliary facilities; another element of the structure are cooling water intake and discharge facilities which include all systems related to the intake and discharge of cooling water. The planned project is located at a distance of about 102 km from the border with Russia, 175 km from the border with Sweden, 177 km from the border with Denmark, 188 km from the border with Lithuania, 233 km from the border with Latvia and 248 km from the border with Germany.

Based on the information contained in the Project Information Sheet (PIS), the General Director for Environmental Protection determined that for the project it is necessary to conduct a procedure on the transboundary environmental impact assessment coming from the territory of the Republic of Poland. The information presented in the PIS shows that at the stage of construction, operation and decommissioning of a power plant, the range of impacts will be limited to the territory of Poland. However, in the case of a nuclear power plant, the occurrence of harmful transboundary impacts as a result of a major accident cannot be excluded. Pursuant to the practice implemented by the European countries and recommended by the *Convention on Environmental Impact Assessment in a Transboundary Context drawn up in Espoo on 25 February 1991* (Journal of Laws of 1999, No. 96, item 1110), hereinafter referred to as the *Espoo Convention*, with regard to informing the states in the case of planned nuclear installations, and to the indications contained in the PIS, the information on initiating the procedure for issuing a decision on environmental conditions for a nuclear power plant will be sent electronically to all states located within 1,000 km from the potential locations of a nuclear power plant.

During the procedure on the strategic environmental impact assessment in the transboundary context of the Polish Nuclear Power Programme (PNPP) project implemented in the years 2011-2014, the participation as the affected Party was declared by: Austria, Sweden, Finland, the Czech Republic, Slovakia, Germany and Denmark. Estonia, Latvia and Lithuania withdrew from this procedure, but indicated that at the stage of conducting the procedure on the environmental impact of the project consisting in the construction of a nuclear power plant, they want to be notified as

potentially Affected Parties. In view of the above, an official notification of a possible significant transboundary environmental impact of the project will be sent to the states directly bordering on Poland (Germany, Czech Republic, Slovakia, Ukraine, Belarus, Lithuania, Russia) and, due to the location of the project in the coastal belt of the Baltic Sea, to the countries of the Baltic Sea basin (Latvia, Estonia, Finland, Sweden, Denmark). In addition, based on the results of the transboundary procedure for the PNPP, the General Director for Environmental Protection considers it necessary to officially notify Austria of the possibility of participation in the procedure as the Affected Party. Belarus, Ukraine and Russia did not participate in the transboundary procedure for the PNPP, as there were no legal grounds for notifying the states not being the members of the European Union and not being the parties to the *Protocol on Strategic Environmental Assessment to the Convention on Environmental Impact Assessment in a Transboundary Context* (Journal of Laws of 2007, No. 232, item 1709). On the other hand, Ukraine and Belarus are parties to the *Espoo Convention*, under which Affected Parties will be notified of a possible transboundary impact of the planned project. In the case of Russia, an official notification results from the fact that the planned project is located in relatively close proximity to the border with Russia.

Pursuant to Article 108(4) of the EIA Act, it is the applicant who needs to translate the documentation referred to in Article 108(1)(3) into the language of a state on whose territory the project may have an impact. Bearing in mind the number of states potentially affected as a result of the transboundary impact of the project, as well as the extensive material requiring translation, the General Director for Environmental Protection imposes an obligation to translate the documentation to the extent resulting from the provisions of applicable international agreements, i.e. into German (Article 11 of the *Agreement between the Government of the Republic of Poland and the Government of the Federal Republic of Germany on implementation of the Convention on environmental impact assessment in a transboundary context of 25 February 1991, done at Neuhausen am Rheinfall on 11 April 2006*) and into Lithuanian (Article 9 of the *Agreement between the Government of the Republic of Poland and the Government of the Republic of Lithuania on implementation of the Convention on environmental impact assessment in a transboundary context, signed in Warsaw on 27 May 2004*). For other affected states, it is required to translate the documentation referred to in Article 108(4) of the EIA Act into English as the official language of the UN Economic Commission for Europe, in which the terminology in the field of environmental protection and radiological impact is widely used.

In view of the above, it has been decided as stated hereinabove.

### **Instruction**

Pursuant to Article 108(3) of the EIA Act, in conjunction with Articles 127§3 and 144 of the Code of Administrative Procedure, a party may submit an application to the General Director for Environmental Protection for reconsideration of the case within 7 days from the date of delivery of the decision.

CC:

- 1) PGE EJ1 Sp. z o.o., represented by Maciej Stryjecki, ul. Mokotowska 49, 00-542 Warsaw,
- 2) Other parties to the procedure – pursuant to Article 49 of the Code of Administrative Procedure, by way of a notice or in any other statutory manner of public announcement in the following offices:
  - Communal Office of Wejherowo, Os. Przyjaźni 6, 84-200 Wejherowo,
  - Communal Office of Władysławowo, ul. Gen. J. Hallera 19, 84-120 Władysławowo,
  - Communal Office of Krokowa, ul. Szkolna 2, 84-110 Krokowa,
  - Communal Office of Puck, ul. 10 Lutego 29, 84 - 100 Puck,
  - Communal Office of Gniewino, ul. Pomorska 8, 84-250 Gniewino,
  - Communal Office of Choczewo, ul. Pierwszych Osadników 17, 84-210 Choczewo,
  - Communal Office of Wicko, Wicko 60, 84-352 Wicko,
  - City Office of Łeba, ul. Kościuszki 90, 84-360 Łeba,
  - Marshal's Office of the Pomorskie Voivodeship, ul. Okopowa 21/27, 80-810 Gdańsk,
  - Pomorski Voivodeship Office in Gdańsk, ul. Okopowa 21/27, 80-810 Gdańsk,
  - Maritime Office in Gdynia, ul. Chrzanowskiego 10, 81-338 Gdynia,
  - General Directorate for Environmental Protection.

For the attention of:

- 1) President of the National Atomic Energy Agency, ul. Krucza 36, 00-522 Warsaw,
- 2) Pomorski State Voivodeship Sanitary Inspector, ul. Dębinki 4, 80-211 Gdańsk,
- 3) Regional Directorate for Environmental Protection in Białystok, ul. Dojlidy Fabryczne 23, 15-155 Białystok,
- 4) Regional Directorate for Environmental Protection in Bydgoszcz, ul. Dworcowa 63, 85-950 Bydgoszcz,
- 5) Regional Directorate for Environmental Protection in Gdańsk, ul. Chmielna 54/57, 80-748 Gdańsk,
- 6) Regional Directorate for Environmental Protection in Gorzów Wielkopolski, ul. Jagiellończyka 8, 66-400 Gorzów Wlkp.,
- 7) Regional Directorate for Environmental Protection in Katowice, ul. Dąbrowskiego 22, 40-032 Katowice,
- 8) Regional Directorate for Environmental Protection in Kielce, ul. Szymanowskiego 6, 25-361 Kielce,
- 9) Regional Directorate for Environmental Protection in Kraków, Plac na Stawach 3, 30-107 Kraków,
- 10) Regional Directorate for Environmental Protection in Lublin, ul. Bazylianówka 46, 20-144 Lublin,
- 11) Regional Directorate for Environmental Protection in Łódź, ul. Traugutta 25, 90-113 Łódź,
- 12) Regional Directorate for Environmental Protection in Olsztyn, ul. Dworcowa 60, 10-437 Olsztyn,
- 13) Regional Directorate for Environmental Protection in Opole, ul. Obrońców Stalingradu 66, 45-512 Opole,
- 14) Regional Directorate for Environmental Protection in Poznań, ul. Dąbrowskiego 79, 60-529 Poznań,
- 15) Regional Directorate for Environmental Protection in Rzeszów, Al. Józefa Piłsudskiego 38, 35-001 Rzeszów,
- 16) Regional Directorate for Environmental Protection in Szczecin, ul. Teofila Firlika 20, 71-637 Szczecin,
- 17) Regional Directorate for Environmental Protection in Warsaw, ul. H. Sienkiewicza 3, 00-015 Warsaw,
- 18) Regional Directorate for Environmental Protection in Wrocław, Pl. Powstańców Warszawy 1, 50-951 Wrocław.