



REPUBLIC OF BULGARIA
MINISTRY OF ENVIRONMENT AND WATER

Outgoing No: OBOC-74/05.08.2014

TO: MR. ALEXANDER CHAKMAKOV
EXECUTIVE DIRECTOR OF
“GRAVEL AND SAND PITS BULGARIA” EAD
BULGARIA, 1528 SOFIA,
at 6, PORUCHIK NEDELCHO BONCHEV STREET

COPY:

RIEW – RUSE

EXECUTIVE AGENCY “EXPLORATION AND MAINTENANCE OF RIVER DANUBE”
BASIN DIRECTORATE “DANUBE REGION”
MUNICIPALITY SLIVO POLE, RUSE REGION
VILLAGE HALL OF V. BABOVO
VILLAGE HALL OF V. RYAHOVO

Regarding: *Terms of Reference and scope and content of Environment Impact Assessment Report (EIAR) of investment proposal for “Sand and Gravel Excavation from Alluvium Deposits in the Bed of River Danube, Mishka Section (from km 462.0 to km 459.4) in the area of Babovo village, Municipality Slivo pole, Ruse Region”*

DEAR MR. CHAKMAKOV,

In connection with the submitted in MOEW Terms of Reference about scope and content of Environment Impact Assessment Report (EIAR) of the aforesaid investment proposal, we express the following Observation:

I. Regarding the requirements of Chapter six, section three of the Environment Protection Act (EPA):

The proposed Terms of Reference about scope and content of EIA is elaborated in compliance with the requirements of Article 95, paragraph 2 and paragraph 3 of the Environment Protection Act and Article 10, paragraph 1 of *Ordinance on the terms and conditions for execution of environment impact assessment* (the EIA Ordinance, promulgated in State Gazette, issue 25/2003, amended SG, issue 3 of 11.01.201). The envisaged structure of the EIA report is complied with Article 96, paragraph 1 of EPA.

Upon review of the submitted Terms of Reference, it has been stated as follows:

1. *Ordinance No 7 on the indicators and standards for determination of the quality of running surface water (SG, issue 96 of 1986)* has been repealed and in this context the meaning of page 8, where it has been quoted is not correct. In the process of assessment the Water Act shall be applied and the effective sub-legislative regulations.

2. In page 18 a technical mistake is omitted in the text “*In Article 9.06, item 1 it is indicated that the running waste water mixtures and industrial-domestic water of ships are not considered polluted from the point of view of the protection of river Danube water, if the indicators of pollution do not exceed: ...*” – **Article 9.06 , item 1 has to be replaced with Article 9.06 item 2**, which is in compliance with the quoted text in the Terms of Reference “*Code of Rules for navigation in the Bulgarian Section of river Danube and special recommendations of the Danube Commission to the competent authorities of the Danube states for implementation of the general provisions for navigation along the river Danube* (attachment to SG, issue 55/ 2005)”.

We would like to stress that the investment proposal has to be reviewed in its wholeness, as well as all objects and/or activities, related to its construction and exploitation.

The EIA Report also is necessary to contain detailed information about:

1. Location of the extraction section; stages of exploitation and direction of excavation of alluvial deposits; industrial pier site; supporting infrastructure and etc.
2. Quantity of extracted raw material, envisaged for transportation and processing at the pier site.
3. Transport routes and necessity of construction of new roads, also including passage through/in proximity of populated areas, with motivation of the made choice of the route.
4. Affecting sanitary-guarded and sensitive zones (sources of water supply for the region with clarification whether their sanitary – guarded zones have been identified.
5. The distances from the deposit field to the closest water objects, residential areas, road infrastructure, with attached map material in suitable scale.

6. Prognosis and assessment for the expected impact on air, surface and ground water, flora and fauna during exploitation of the deposit field, as well as the admissibility of the investment proposal, having in mind the conclusions and the results of the impact assessment.

7. Expected cumulative impact, as a result of the simultaneous exploitation of similar objects in the region, which are exploited or are planned to be exploited.

8. The performed consultations with motives for the accepted and the non-accepted remarks and recommendations, according to Article 95, paragraph 3 of EPA and Article 9 of the *Ordinance on the terms and conditions for execution of environment impact assessment* (the EIA Ordinance, promulgated in State Gazette, issue 25/2003, amended SG, issue 3 of 11.01.201).

The EIA Report has to be assigned with experts, in compliance with the requirements of Article 83, paragraph 2 of EPA. Considering the provisions of Article 83, paragraph 3 of EPA, we recommend inclusion in the team of experts, with competence at least in the area of surface and ground water, quality of atmospheric air, biodiversity, wastes, health protection of residential area environment.

II. As regards to the requirements of the Biodiversity Act (BA):

Upon review of the submitted information in the Terms of Reference about scope and content of EIA for the investment proposal “*Sand and Gravel Excavation from Alluvium Deposits in the Bed of River Danube, Mishka Section (from km 462.0 to km 459.4) in the area of Babovo village, Municipality Slivo pole, Ruse Region*” we consider that its structure and content, referring the biodiversity are completely in compliance with the requirements of Article 10, paragraph 3, item 3 and 4 of the *EIA Ordinance*, as it has been to be prepared:

- characteristics of the environment, inclusive flora and fauna, where the investment proposal will be realized and prognosis for the impact;
- importance of impacts on environment, including components of the biodiversity, identification of the inevitable and lasting impacts on environment from the exploitation of the investment proposal, which can turn out to be substantial and which have to be reviewed in detail in the EIAR.

We recommend in EIAR, the extraction activities to be complied with the breeding period (from 15 May until the middle or the end of June) of the sturgeon fish. The studies of sturgeon fish, included in Annex 3 and 4 of BA, in river Danube show that the main breeding locations are concentrated namely around the islands, where there are suitable conditions for these species.

We remind you that in compliance with Decision No 3-IIP/2014 of the Minister of Environment and Water on assessment of the necessity of EIA, the assessment of the rate of impact on the protected zones, is necessary to be performed by experts, meeting the requirements of Article 31, paragraph 20 of BA and Article 9, paragraph 1 of the Ordinance on Environment, with competence in the following areas: phyto-cenology, hydrobiology and ornithology.

III. The follow-up steps, you have to undertake, as a Contracting Authority of the investment proposal, are to submit to MOEW for quality assessment:

1. One copy of the elaborated EIAR in paper and two copies in electronic medium, with all attachments to it, including the Report on the Rate of Impact of the IP on the Protected Zones; Terms of Reference (corrected) about the scope of the assessment; non-technical summary, having in mind the requirements of Article 13 of the *EIA Ordinance*, as well as a list of experts and declarations under Article 83, paragraph 4 of EPA.

2. A copy of document for paid fee to the amount of BGN 700. 00, pursuant to Article 1, paragraph 5, item 2 of the *Tariff about the fees, collected by the system of MEW (adopted with CMD No 136/13. 05. 2011, last amendment SG, issue 2 of 08.01.2013)*.

The fee payment has to be effected by bank way to the following account:

IBAN: BG35 BNBG 9661 3000 1387 01

BIC: BNBGBGSD

We inform you that MOEW has sent the prepared by you translated in English language, Terms of Reference to the Romanian Ministry of Environment and Climatic Changes in compliance with the requirements of Article 3, paragraph 5 of the *EIA Convention in transboundary aspect* for Observation from their side, within 14 days' term of its receipt. Upon receipt of the answer, the same will be duly sent to you, as to reflect the remarks and the recommendations in the corrected Terms of Reference and in the EIAR and the environment and water.

Respectfully,

/Signature illegible/

Stanislav Anastasov
Minister of Environment and Water

ROUND STAMP: *MINISTRY OF ENVIRONMENT AND WATER*