



REPUBLIC OF BULGARIA
MINISTRY OF ENVIRONMENT AND WATER
BASIN DIRECTORATE FOR MANAGEMENT OF
WATER IN THE DANUBE REGION WITH CENTER
PLEVEN

Outgoing № 378
Pleven, 07. 04. 2014

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

Regarding: *Standpoint on investment proposal (IP): “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 the Basin Directorate for Management of Water in the Danube Region with center Pleven (BDMWDR) a letter has been received with our entry № 378/24.03.2014, requesting standpoint regarding the IP: *“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”*

According to the information from the notification about the IP:

● Sand and Gravel Excavation from Alluvium Deposits in the Bed of River Danube, shall be carried out by dredging in section with the following geographic coordinates:

№	Latitude, B	Longitude, L
1	44° 00' 13,1"	26° 16' 28,8"
2	44° 00' 23,5"	26° 16' 22,5"
3	44° 00' 34,5"	26° 16' 48,8"
4	44° 00' 52,0"	26° 17' 07,2"
5	44° 01' 14,1"	26° 17' 40,7"
6	44° 01' 11,8"	26° 17' 43,1"
7	44° 01' 05,8"	26° 17' 31,9"
8	44° 00' 56,4"	26° 17' 18,8"
9	44° 00' 17,4"	26° 16' 43,2"

- The pier discharge site is located in Eastern Industrial Zone, town Ruse
- Water for drinking and domestic use:
 - On the dredge – shall be provided according to the contractual agreements of the company,

realizing the mining.

- On the pier site – shall be provided by the water supply system of the settlement.
 - Treatment of household – sewerage wastewater:
- From the dredge – shall be provided according to the contractual agreements of the company, realizing the mining.
- On the pier site – shall be realized by small treatment station.

● To the information about the IP is attached a Decision of the Minister of Environment and Water № 3 - IIP/2014 on assessment of the necessity of EIA, according to which **EIA of IP has to be performed.**

Considering the above, **the standpoint of BDMWDR regarding the scope and the contents of the Environment Impact Assessment Report (EIAR) is the following:**

I. Information which has to be considered in the preparation of EIAR:

- I.1.** The description and analysis of the components of the environment where IP shall be realized, should be prepared according to the **information about the water bodies in the River Basins Management Plan (RBMP) 2010 - 2015 in the Danube region**, endorsed with Order № ПД-293/22.03.2010 of the Minister of Environment and Water.

According to the submitted information the IP falls within the following surface water bodies, as well zones for their protection:

1.1. Surface water bodies - Surface water body, being strongly modified, category river valley Danube with name Danube RWB01 and code BG1DU000R001. The ecological status of the water body is moderate, the chemical status is poor. The specific ecological target for the surface water body with code BG1DU000R001 is "Prevention of aggravation of the ecological potential and achievement of a better one by 2021. Prevention of aggravation of the chemical status and achievement of a better one by 2027". For the water body an exception has been introduced from the achievement of the ecological purposes, due to the significant anthropogenic impact.

1.2. Ground water bodies – the pier site falls within the region of outspread of the ground water body – Pore water in the Quaternary – Brashlyan Plane with code BG1G0000QAL010. The ground water body is in good quantity and poor chemical status. For the ground water body with code BG1G0000QAL010 the ecological target is achievement of a better status of the water body";

1.3. Zones for protection of water, pursuant to 119a of the WA, where it falls and concern the IP

- Zones for protection drinking water from ground water bodies, pursuant to Article 119a, paragraph 1, item 1 of WA – zone with code BGIDGW0000Qal010, involving ground water body BG1G0000QAL010. The status of the zone is poor. For the zones for protection of drinking water the ecological target is: "Minimization of the necessity in water treatment before its use and ensuring the project quantity in the water intake equipment by 2015".

- Zones for protection of drinking water and sanitary-protection zones, pursuant to Article 119a, paragraph 1, item 1 of WA (water bodies and sanitary-protection zones subject to Article 119, paragraph 4). The IP does not fall within sanitary-protection zones, determined pursuant to Ordinance № 3 of 16 October 2000 on the terms and conditions for exploration, planning, endorsement and use of the sanitary-protection zones around the water sources and equipment for domestic-drinking water supply and around the water mineral water sources, used for curative, prophylactic, drinking and hygienic purposes.

- Zones for protection of water, pursuant to Article 119a, paragraph 1, item 5 of WA – protected territories and zones, declared for conservation of habitats and biological species, where the maintenance or improvement of water status is an important factor for its protection (protected zones from the ecological network NATURA 2000): section Mishka (km 462.0 to km 459.4), designated for sand and gravel extraction from alluvial deposits in the bed of river Danube falls within the following zones: protected zone for protection of natural habitats of wild flora and fauna with the name **Kalimok-Brashlen** and code **BG0000377**; protected zone for conservation of wild fowl with the name **Complex Kalimok** and code **BG0002030**.

I.2. For the achievement of the ecological targets in RBMP 2010-2015 there are **programs of measures for prevention and minimization of the anthropogenic pressure (spot and diffuse sources of pollution) and impact on water**, measures for monitoring and control, including measures for the zones for protection of water.

Measures, envisaged in RBMP 2010 – 2015 in the Danube region, necessary to be observed, and whereby the realization of the IP has to be complied with:

Program 7.1.9 Measures for the protected territories and zones, declared for conservation of habitats and biological species, where maintenance or improvement of the status of water is an important factor for their conservation:

- **Measure BG1MB162** - The realization of investment intentions, plans, programs and projects, falling within protected territories to be complied with the regimes of the specific protected territories, regulated with the Protected Territories Act, the orders for their announcement and the plans for their management;
- **Measure BG1MB163** - Ban on clearance of trees in cleaning riparian bank natural vegetation, which appears to be natural habitat under Annex №1 of the Biodiversity Act;
- **Measure BG1MB166** - Ban on clearance of riparian bank vegetation, damming and correction of river beds beyond the boundaries of settlements and easements of the linear infrastructure, except corrections, directed to recovery of natural habitats and meandering of the river, aimed at conservation and recovery of the favourable nature protection status of the riparian habitats and species 3260, 3270, 6420, 6430, 91E0*, 91F0, 92A0, 92C0, 92D0 and otter (*Lutra lutra*), bullhead (*Cottus gobio*), *stone crayfish (*Austropotamobius torrentium*) in protected zones approved subject to Article 10 of the Biodiversity Act (BA);
- **Measure BG1MB169** - Ban on construction of new ballast plants or expansion of existing ones, in water bodies falling within protected zones, pursuant to Annex 7.1.3 of RBMP;
- **Measure BG1MB170** - **Non-admission of new negative changes in the hydrological regime (WEPP, aggregate plants, hydro-ameliorations, related to new water intake, drainage and etc.)**

of the natural habitats and their maintenance in favorable nature protective status (NPS), for the water bodies, falling within protected zones pursuant to Annex 7.1.3 of RBMP;

- **Measure BG1MB137** – Permissive regime for a water body, according to the EIA/ecological assessment and/or the compatibility assessment;

- **Measure BG1MB153** – On admissible extraction of construction materials, investors shall perform upfront monitoring on the quantity and quality of water, on hydrobionts and natural habitats in the water bodies, falling within protected zones, of length about 1 km above and below the site for extraction of construction materials, which is to be used within the procedures under EIA and EP.

Integral part of RBMP 2010 - 2015 in the Danube region are the measures for monitoring and control, regulated in a standpoint on the environmental assessment (EA) № 6-2/2009 of the plan. In the motives for endorsement of the plan is the implementation of specific measures for prevention, minimization, and possibly elimination of unfavourable impacts, for guarantying of the functional wholeness of the zones for protection from the ecological network NATURA 2000. In this connection for protected zones (PZ) for conservation of natural habitats of wild flora and fauna with name **Kalimok-Brashlen** and code **BG0000377** the following measures are envisaged (Annex 7.1.3 of RBMP 2010 - 2015 in the Danube region):

- *Mitigating measures for minimization of impact on natural habitats, subject to protection of the zones, which are associated with specific water bodies:*

- For natural habitats 1530*, 3130, 3150, 3140, 3270, 6440, 6430, 91E0*, 91F0 the mitigating measures are non-admission of new negative changes in the **hydrological peculiarities of the water bodies** (WEPP, aggregate plants, hydro-ameliorations, related to new water intakes, discharges and etc.) and measures on the maintenance of the habitat in NPS. The activities in the zone are also determined by the regimes of the protected locality Kalimok-Brashlen.

- *Measures for minimization of the negative impact on the species, included in Annex 2 of Directive 92/43/EEC on habitats:*

- For the species, subject to protection in PZ – fire bellied toad (*Bombina orientalis*); and the common swamp turtle (*Emys orbicularis*); Danube crested newt (*Triturus cristatus*); Aloa immaculata; asp (*Aspius aspius*); Balkan loach (*Cobitis elongata*); common loach (*Cobitis taenia*); Ukrainian brook lamprey (*Eudontomyzon mariae*); wite-finned gudgeon (*Gobio albipinnatus*); Balon's ruffe (*Gymnocephalus baloni*); striped ruffe (*Gymnocephalus schraetzer*); European weather loach (*Misgurnus fossilis*); Sichel (*Telecus cultratus*¹); European bittlerling (*Rhodeus sericeus amarus*); Small zingel; Big Zingel (*Zingel zingel*), fire bellied toad (*Bombina orientalis*); and common swamp turtle (*Emys orbicularis*); Danube crested newt; *Unio crassus* - **activities, likely to have negative impact on the hydrological regime of the water bodies, and likely to aggravate their NPS shall not be allowed.**

In connection with the exploitation of the pier discharge site and its adjacent administrative – household campus, the measures from the following programs should also be included:

Program 7.1.5.1. Measures for regulation of emissions through identification of bans on emitting of pollutants from spot sources of pollution or requirements for issuance of permits and

their periodical review and updating for the ground water, in the case, specific measures:

- **Measure BG1MS016** – Prohibition on disposal of priority substances, as well as other activities on the surface and in the underground water body, which can lead to indirect discharge of priority substances into ground water;
- **Measure BG1MS017** - Prohibition on use of materials, containing priority substances in building structures, engineering-construction equipment and others, whereby there is or is likely to have contact with ground water and which can pollute ground water.

Program 7.1.5.2. Measures for regulation of emissions by imposing bans for introduction of polluting substances from source points of pollution:

- **Measure BG1MB0S4** – Regulation on emission standards for admissible content of hazardous substances in waste water, discharged in water bodies;

Program 7.1.7. Measures for prevention of pollution of water with priority substances.

- **Measure BG1MB084** – Entities, whose economic activities cause formation of waste water, are obliged to construct the necessary treatment facilities in compliance with the requirements for discharge into the water body, when on the respective territory there is no sewage system.

RBMP in the Danube region is published on the internet site of BDMWDR -www.bd-dunav.org (Section “Water Management”, sub-section “River Basin Management Plan”).

I.3. Other information, concerning the scope, content and the format of REIA:

1. Requirements and restrictions, pursuant to the Water Act and the sub-legislative regulation to I, on realization of the envisaged activities in IP “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”

As regards to IP the following restrictions and prohibitions shall be applicable:

- Article 118 g, paragraph 2 and paragraph 3 of the Water Act (WA);
- Article 118 h, item 3 **and item 4** of WA: *“The place of extraction of alluvial deposits shall not be determined in a section, where restrictions and bans are introduced in the plan for management of river basins, related to the achievement of the targets of Article 156a of WA (item 3), where this part of the river falls within protected zones under Article 119a, paragraph 1 item 5, declared for conservation of habitats and biological species, except for the activities of maintenance of existing corrections of rivers” (item 4).*
- In connection with discharge, keeping and transportation of alluvial deposits and the likelihood of potential pollution of ground water as a result of emergency spills of fuels and lubricants from the equipment and the transport machines, with the purpose of protection of ground water from pollution, observance of the bans in Article 118a, paragraph 1, item 2, 3 and 4 of WA shall be necessary.

2. Award of permits pursuant to the Water Act (WA) in realization of the envisaged activities

in IP “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”

- IP is subject to permissive regime pursuant to Article 46, paragraph 1, item 4, in observance of Article 57, paragraph 3 and the prohibitions of Article 118h, item 3 and item 4 of WA. Permits for use of surface water body shall be granted in observance of the requirements of: Chapter four “Permissive regime” and Chapter eight “Protection of water and water bodies” of WA and Ordinance on use of surface water, adopted with Decree of CM № 200 of 13 July 2011.

- Water supply from the water supply system has to be realized under contractual terms and conditions with W&S operator.

- Use of surface water body with the purpose of discharge of treated waste water is liable to permissive regime, pursuant to Article 46, paragraph 1, item 3 of WA, except for the cases of Article 46, paragraph 4, item 1 and 2 of WA and in observance of the requirements of Ordinance №2/08.06.2011 on award of permits for discharge of waste water into water bodies and determining of the individual emission restrictions of spot sources of pollution and Ordinance №6/06.11.2000 on the emission standards for admissible content of harmful and hazardous substances into waste water, discharged in water bodies.

3. Information about existing or permitted impacts on the water body in the region, which have to be considered at the following procedure, under Chapter six of EPA.

In the common land of village Ryahovo, to the south of island Mishka, 6 chamber wells are located of type Raney 1,3,4,5,6 and 7 - Danube Ryahovo - at BC Danube W&S Razgrad - Ryahovo, pursuant to Permit № 11510100/16.7.2007, and the closest is at a distance of about 150 m of the section envisaged for extraction.

The water sources have sanitary-guarded zones, determined pursuant to Ordinance № 3, with Orders accordingly - CO3-206/15.12.2008, CO3-207/15.12.2008, CO3-208/15.12.2008, CO3-209/15.12.2008, CO3-210/15.12.2008, CO3-211/15.12.2008.

II. Additional requirements to the content and scope of EIAR:

In a standpoint under Article 4a of the Ordinance on the terms and conditions for execution of environment impact assessment (our outgoing № 378/30.08.2013) the following motivated assessment for significant impact of IP on water and aquatic ecosystems has been given:

- *“IP is admissible from point of view of achievement of the environmental targets and the measure for achievement of better status of water and zones for their protection, laid down in RBMP 2010 - 2015 of the Danube region, on condition that for the natural habitats and species new negative changes in the hydrological regime of river Danube are not allowed, as well as their NPS is not aggravated, pursuant to the above measures from Program 7.1.9 and Annex 7.1.3. ”.*

- *“The realization of IP “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” has the risk to have significant negative impact on water and aquatic ecosystems, for the fact that:*

- *IP falls within a water protection zone, pursuant to Article 119a, paragraph 1, item 5 of WA - protected territories and zones, declared for conservation of habitats and biological species, where water maintenance or status improvement is a very important factor for their protection (protected zones from the ecological network NATURA 2000);*

- *In RBMP 2010 - 2015 of the Danube region there are bans and restrictions introduced for specific habitats and species, subject to protection in PZ named Kalimok-Brashlen and code BG0000377, where new negative changes in the hydrological regime of river Danube shall not be allowed, as well as their NPS shall not be aggravated;*

- *In the Water Act there are prohibitions for realization of IP, pursuant to Article 118h, item 3 and item 4. "*

BDMWDR maintains the conclusion of standpoint with our outgoing № 378/30.08.2013, that the IP is risky for having significant negative impact on water and aquatic ecosystems.

In this connection, in EIAR studies and assessments have to be included about the rate of impact of IP on water and aquatic ecosystems, including, **if and to what extent IP shall impart new negative changes in the hydrological regime of river Danube and accordingly whether and to what extent the IP would lead to disturbance and/or aggravation of NPS of habitats and species, subject to protection in PZ Kalimok-Brashlen with code BG0000377.**

In this connection in EIAR mitigating measures for minimization of the potential negative impact of IP on ecosystems and their NPS have to be envisaged.

Besides, also in EIAR the following measures have to be envisaged:

Δ measures for non-infringement of public interests and acquired rights, provided in Article 49 of WA.

Δ Measures for non-admission and prevention of pollution and emergency incidents regarding surface and ground water, pursuant to the requirements of Article 131 and Article 132 of WA.

Δ measures for achievement, retaining and improvement of the good status of water in the Danube region for basin management by 2015, pursuant to RBMP 2010 - 2015.

The present standpoint does not call off your obligations for compliance with the requirements of the Water Act and the other laws and sub-legislative regulations in the Republic of Bulgaria and cannot serve as grounds for abandoning of your responsibility in compliance with the effective regulatory basis.

Respectfully,

/Signature – unreadable/

TOMA TERZIEV

Director of Basin Directorate for Management of Water in the Danube Region with center Pleven (BDMWDR)

Round stamp: BDMWDR WITH CENTER PLEVEN