



REPUBLIC OF BULGARIA

Ministry of Environment and Water

BASIN DIRECTORATE FOR WATER MANAGEMENT DANUBE REGION WITH CENTER PLEVEN

Outgoing No. 378
Pleven, 07.04.2014

TO

MR. ALEXANDER NAKOV CHAKMAKOV
GRAVEL AND SAND PITS - BULGARIA EAD
ISKAR DISTRICT, 6 PORUCHIK NEDELCHO BONCHEV STR.
1528 SOFIA CITY

Re: *Expert opinion on the investment proposal (IP) for Extraction of Sand and Gravel from Alluvial Deposits in the Bed of the Danube River, Mishka Section (from km 462.0 to km 459.4) in the area of Babovo Village, Slivo Pole Municipality, Rousse County*

DEAR MISTER CHAKMAKOV,

A letter has been filed with our incoming number 378/24.03.2014 at the Basin Directorate for Water Management for the Danube Region (BDWMDR) with center Pleven requesting an expert opinion on IP: Extraction of Sand and Gravel from Alluvial Deposits in the Bed of the Danube River, Mishka Section (from km 462.0 to km 459.4) in the area of Babovo Village, Slivo Pole Municipality, Rousse:

According to the notification of IP:

- The excavation of gravel and sand from alluvial deposits in the bed of the Danube River will be performed by dredging in a section with the following geographical coordinates:

N	B	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 unloading pier is located in the Eastern Industrial Zone of the city of Rousse.

- Drinking water:
 - on the dredge – will be provided in line with the contractual obligations of the excavating company;
 - on the pier – will be provided by the city water supply system ;
- treatment of household and fecal waters:
 - on the dredge – will be provided in line with the contractual obligations of the excavating company;
 - on the pier – will be provided by a small water treatment facility ;
- The information for the IP is accompanied by a Resolution of the Minister of Environment and Water N 3 – PR/2014 for evaluating the necessity of conducting an environmental impact assessment (EIA) according to which **an EIA of the IP must be conducted.**

In view of the foregoing the expert opinion of the BDWMDR concerning the scope and content of the Environmental Impact Assessment Report (EIAR) is:

I. Information that must be considered in the preparation of the EIAR:

- 1.1 The description and analysis of the components of the environment in which the IP will be realized must be prepared in concordance **with the information on the water basins contained in the River Basin Management Plan (RBMP) 2010 – 2015 for the Danube Region** as approved by Resolution N RD-293/22.03.2010 of the Minister of Environment and Water.

According to the submitted information the IP falls within the following surface water basins and the zones for their preservation:

1.1 Surface water basins – Surface water basin that is excessively modified and categorized as river along the Danube river valley with the name Danube RWB01 and code BG1DU000R001. The ecological condition of the water basin is moderate, the chemical condition is deteriorated. The specific ecological objective for the surface water basin code BG1DU000R001 is *Avoiding the deterioration of the ecological potential and achieving a good potential by 2021. Avoiding the deterioration of the chemical condition and achieving a good chemical condition by 2027.* There is an exemption from achieving the ecological objectives for this water basin due to its significant anthropogenic impact.

1.2 Underground water basins – the pier falls within the dispersion area of underground water basin – Pore Waters in the Quaternary – Brashlyan Lowland code BG1G0000QAL010. The underground basin is in a good quantitative and in a bad chemical condition. The ecological objective for the underground water basin code BG1G0000QAL010 is *Achieving a good condition of the water basin.*

1.3 Water protection zones according to Art. 119a of the Water Act, which concern the IP

- Zone for the protection of potable water from underground water basins according to Art. 119a, par. 1, item 1 of the Water Act – zone with code BG1DGW0000Qa1010 that includes underground basin BG1G0000QAL010. The condition of the zone is deteriorated. The ecological objective for the zones for protecting potable water is

Reducing the need of purifying the waters before their utilization and ensuring the designed quantities for the intake facilities by 2015.

- Zones for protecting potable waters and sanitary protection zones according to Art. 119a, par. 1, item 1 of the Water Act (water basins and sanitary protection zones according to Art. 119, par. 4) the IP does not fall within sanitary protection zones as defined in Ordinance N 3 dated October 16th 2000 on the requirements and procedure for studying, designing, approving and operating sanitary protection zones around water sources and equipment for supply of potable water and around sources of mineral waters used for recreational, prophylactic, drinking and hygienic purposes.

- Water protection zones according to Art. 119a, par. 1, item 5 of the Water Act – the protected territories and zones identified for preserving the habitat and biological species in which the maintenance or improvement of the water condition is an important fact or for their preservation (protected territories from the NATURA 2000 Ecological Network): Mishka Section (km 462.0 to km 459.4) set for the excavation of sand and gravel from alluvial deposits in the bed of the Danube River falls within the following zone s: protected zone for preserving the natural habitats of the wild flora and fauna named **Kalimok-Brashlen** code **BG0000377**; protected zone for preserving wild bird species named **Complex Kalimok** code **BG0002030**.

I.2 In order to achieve the ecological objectives the RBMP 2010-2015 contains **programs with measures for avoiding and reducing the anthropogenic pressure (point and diffusion sources of contamination) and impact on waters**, measures for monitoring and control, including measures for the water protection zones.

Measures included in the RBMP 2010 – 2015 for the Danube Region that must be observed and considered in the realization of the IP:

Program 7.1.9 Measures for the protected territories and zones identified for protecting the habitats and biological species in which the maintenance or improvement of the water condition is an important factor for their preservation:

- Measure **BG1MB162** – The realization of investment projects, plans, programs and proposals that fall within the protected territories must comply with the regimes of the respective protected territories regulated by the Law on the Protected Territories, the regulations for their enforcement and their management plans;
- Measure **BG1MB163** – Prohibition to cut the natural vegetation along river banks during their cleaning, which is a natural habitat according to Supplement 1 of the Law on Biological Diversity;
- Measure **BG1MB166** – Prohibition to cut the natural vegetation along river banks, dredging and correction of river beds outside the borders of the populated areas and the servitudes of the linear infrastructure with the exception of the corrections aimed at restoring the natural habitats and meandering of the river for preserving and restoring the favorable nature protected status of the river habitats and species 3260, 3270, 6420, 6430, 91E0*, 91F0, 92A0, 92C0, 92D0 and the European otter (*Lutra lutra*), the European bullhead (*Cottus gobio*), the stone crayfish (*Austroptamobius torrentium*) in protected zones approved in line with Art. 10 of the Law on Biological Diversity (LBD);

- Measure **BG1MB169** – Prohibition to construct new ponds or expand existing ponds in water basins located in protected zones according to Annex 7.1.3. of the RBMP;
- Measure **BG1MB170** – **Avoiding new negative changes in the hydrological regime (hydro power stations, ponds, hydromeliorations for new intakes, drainage, et c.) of natural habitats and in the favorable nature protected status (FNPS) for the water basins situated in protected zones according to Annex 7.1.3 of the RBMP;**
- Measure **BG1MB137** – Expansion of water basins according to the environmental impact assessment and/or compatibility assessment;
- Measure **BG1MB153** – In a permitted extraction of building materials the investors must conduct a preliminary monitoring of the quantity and quality of the waters, on the hydrobionts and natural habitats in the water basins situated in protected zones with a length of around 1 km above and below the excavation site for building materials that must be operated within the procedures defined in the environmental impact assessment and the compatibility assessment.

An inseparable part of the RBMP 2010 – 2015 for the Danube Region are the measures for monitoring and control defined in the expert opinion to Environmental Assessment (EA) N 6-2/2009 of the Plan. The motives for approving the plan involve the implementation of specific measures for avoiding, reducing and possibly eliminating the adverse effects, for ensuring the functional integrity of the protected zones from the NATURA 2000 Ecological Network. For this purpose the following measures (Annex 7.3.1 of the RBMP 2010 – 2015 for the Danube Region) are envisaged for the protected zone (PZ) for preserving the natural habitats of the wild flora and fauna named **Kalimok – Brashlen** code **BG0000377**:

- Reducing measures for limiting the impact on natural habitats subject to the protection of the zones that are related to specific water basins:

- For natural habitats 1530*, 3130, 3150, 3140, 3270, 6440, 6430, 91E0*, 91F0 the reducing measures are **avoiding new adverse changes in the hydrological characteristics of the water basins** (hydro power stations, ponds, hydromelioration for new intakes, drainage, etc.) and measures for preserving the FNPS of the habitat. The activities in the zone are determined also by the regimes of the protected area Kalimok – Brashlen.

- Measures for reducing the negative impact on the species included in Annex 2 to Directive 92/43/EEC on habitats:

- For the species subject to preservation in the PZ – the fire-bellied toad (*Bombina orientalis*) and the European pond turtle (*Emys orbicularis*); the Danube crested newt (*Triturus cristatus*); *Alopius immaculatus*; the asp (*Aspius aspius*); the Balkan loach (*Cobitis elongata*); the spined loach (*Cobitis taenia*); the Ukrainian brook lamprey (*Eudontomyzon maia*); the white-finned gudgeon (*Gobio albipinnatus*); the Danube ruffe (*Gymnocephalus baloni*); the striped ruffe (*Gymnocephalus schraetzeri*); the European weather loach (*Misgurnus fossilis*); the sichel (*Pelecus cultratus*); the European bitterling (*Rhodeus sericus amarus*); the zingel; the common zingel (*Zingel zingel*); the fire-bellied toad (*Bombina orientalis*) and the European pond turtle (*Emys orbicularis*); the Danube crested newt; the thick shelled river mussel – to avoid

activities that have an adverse effect on the hydrological regime of the water basins and that may affect their FNPS.

The measures of the following programs need to be included in the exploitation of the pier unloading site and the adjacent administrative residential premises:

Program 7.1.5.1 Measures for regulating the emissions by identifying restrictions for introducing contaminants from point sources of contamination or requirements for issuing underground water permits and their periodic review and updating, in particular:

- Measure **BG1MS016** – Prohibition to deposit priority substances and other activities on the surface and in the underground water basin that may lead to indirect drainage of the priority substances into the underground waters;
- Measure **BG1MS017** – Prohibition to use materials containing priority substances in constructing structures, engineering and construction facilities and others in which there is or there is a possibility of contact with the underground waters and which may contaminate the underground waters.

Program 7.1.5.2 Measures for regulating the emissions by identifying restrictions for introducing contaminants from point sources of contamination:

- Measure **BG1MB054** – Regulation of emission norms for the permissible content of hazardous and harmful substances in waste waters discharged into water basins;

Program 7.1.7 Measures for avoiding the contamination of waters with priority substances.

- Measure **BG1MB084** – Those entities whose operations form waste waters must construct the required treatment facilities in line with the discharge requirements for the respective water basin when there is no existing sewerage system in the given territory.

The RBMP for the Danube Region is published on the website of the BDWMDR – www.bd-dunav.org (Water Management Department, River Basin Management Plan Subsection).

I. 3 Other information related to the scope, content and form of the EIAR:

1. Requirements and restrictions pursuant to the Water Act and its bylaws in realizing the activities contained in the IP Extraction of Sand and Gravel from Alluvial Deposits in the Bed of the Danube River, Mishka Section (from km 462.0 to km 459.4) in the area of Babovo Village, Slivo Pole Municipality, Rousse County.

The following restrictions and prohibitions apply for the IP:

- Art. 118g, par. 2 and par. 3 of the Water Act;
- Art. 118h, item 3 and item 4 of the Water Act: *The location for extracting alluvial deposits cannot be in a section*

- *where there are restrictions and prohibitions in the River Basin Management Plan for achieving the objectives of Art. 156a of the Water Act (item 3).*
- *Where this part of the river falls within protection zones according to Art. 119a, par. 1, item 5 identified for preserving the habitat and biological species with the exception of the activities for maintaining the existing corrections of rivers (item 4).*
- The prohibitions defined in Art. 118a, par. 1, items 2, 3 and 4 of the Water Act must be observed for the purposes of protecting the underground waters from contamination during the unloading, storage and transportation of the alluvial deposits and the possibility of potential contamination of the underground waters as a result of incidental spillages of fuels and lubricants from the equipment and transportation vehicles.

2. Issuing permits in compliance with the Water Act (WA) in performing the activities included in the IP Extraction of Sand and Gravel from Alluvial Deposits in the Bed of the Danube River, Mishka Section (from km 462.0 to km 459.4) in the area of Babovo Village, Slivo Pole Municipality, Rousse County

- The IP is subjected to a licensing regime in compliance with Art. 46, par. 1, item 4 in observing Art. 57, par. 3 and the restrictions of Art. 118h, items 3 and 4 of the WA. The permits for exploiting the surface water basin are issued in observance of the requirements of: Chapter Four *Licensing Regime* and Chapter Eight *Preserving the Waters and Water Basins* of the WA and the Regulation on the use of surface waters adopted by Ordinance of the Council of Ministers N 200 dated July 13th 2011.
- The supply of water from the water supply system must be realized through a contract with a water supply and sewerage operator.
- The exploitation of a surface water basin for the purposes of discharging treated waste waters is subjected to a licensing regime in line with Art. 46, par. 1, item 3 of the WA with the exception of the circumstances of Art. 46, par. 4, items 1 and 2 of the WA in observance of the requirements of Regulation N 2/08.06.2011 on issuing permits for discharging waste waters into water basins and for determining the individual emission restrictions of point sources of contamination and Regulation N 6/06.11.2000 on the emission norms for the permissible content of hazardous and harmful substances in the waste waters discharged into water basins.

3. Information about existing or permitted impacts on the water basin in the region that must be taken into account in subsequent procedures pursuant to Chapter Six of the Environment Protection Act.

In the area of the village of Ryahovo to the south of Mishka Island there are six well shafts (WS) type Ranney 1, 3, 4, 5, 6 and 7 – Danube Ryahovo – Water Supply Danube Water Supply and Sewerage Razgrad – Ryahovo according to Permit N 11510100/16.07.2007 whereas the closest is situated around 150 m from the planned excavation section.

The water wells have sanitary protection zones identified in compliance with Regulation N 3 with the respective orders – SOZ-206/15.12.2008, SOZ-207/15.12.2008, SOZ-208/15.12.2008, SOZ-209/15.12.2008, SOZ-210/15.12.2008, SOZ-211/15.12.2008.

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

The expert opinion pursuant to Art. 4a of the Regulation on the requirements and procedure for conducting environmental impact assessments (our outgoing N 378/30.08.2013) contains the following substantiated evaluation of the significant impact of the IP on the waters and water systems:

- *The IP is permissible in view of achieving the objectives of the environment and the measures for ensuring the good condition of the waters and the zones for their protection conveyed in the RBMP 2010 – 2015 for the Danube Region provided no new adverse changes originate for the natural habitats and species in the hydrological regime of the Danube River as well as provided their FNPS is not destructed and/or deteriorated according to the aforesaid measures of Program 7.1.9 and Annex 7.1.3.*
- *The realization of the IP Extraction of Sand and Gravel from Alluvial Deposits in the Bed of the Danube River, Mishka Section (from 462.0 to 459.4 km) in the area of Babovo Village, Slivo Pole Municipality, Rousse County has the risk of causing significant negative impact on the waters and water ecosystems because:*
 - *the IP falls within a water protection zone according to Art. 119a, par. 1, item 5 of the WA – the protected territories and zones identified for preserving the natural habitat and biological species in which the maintenance or improvement of the water condition is an important factor for their preservation (protected zones of the NATURA 2000 Ecological Network);*
 - *The RBMP 2010 – 2015 for the Danube Region has restrictions and prohibitions for the specific habitats and species subject to preservation in the PZ named Kalimok – Brashlen code BG0000377 according to which no new negative changes can be allowed in the hydrological regime of the Danube River and their FNPS must not be destructed and/or deteriorated;*
 - *In the WA there are restrictions to realize IP pursuant to Art. 118h, items 3 and 4.*

The BDWMDR sustains the conclusion to expert opinion with our outgoing number 378/30.08.2013 that the IP **has the risk of causing a significant adverse effect** on the waters and water ecosystems.

Therefore, the EIAR must include studies and assessments of the level of the impact that the IP will have on the waters and water ecosystems including an estimation **whether and to what extent the IP will create new negative changes in the hydrological regime of the Danube Region and respectively whether and to what extent the IP may lead to destruction and/or deterioration of the FNPS of the habitats and species subject to preservation in the PZ Kalimok – Brashlen code BG0000377.** Therefore, the EIAR must include restrictive measures for reducing the potential negative effect of the IP on the ecosystems and their FNPS.

Furthermore, the EIAR must include the following measures:

- measures for protecting the public interests and acquired rights as regulated in Art. 49 of the WA.

- measures for avoiding and eliminating contaminations and accidents in the surface and underground waters in line with the requirements of Art. 131 and Art. 132 of the WA.
- measures for achieving, preserving and improving the good condition of the waters in the Danube Region for basin management until 2015 in compliance with the RBMP 2010 – 2015.

This expert opinion does not waive your obligations to observe the requirements of the Water Act and other laws and bylaws in the Republic of Bulgaria and may not serve as grounds for exonerating you of your responsibility to comply with the active legislature.

Respectively yours,

/signed/

TOMA TERZIEV

**Director of the Basin Directorate for Water Management
for the Danube Region with center Pleven**

*SEALED BY THE BASIN DIRECTORATE FOR WATER MANAGEMENT FOR THE
DANUBE REGION WITH CENTER PLEVEN AT THE MINISTRY OF ENVIRONMENT AND
WATER.*