



**HELLENIC REPUBLIC MINISTRY OF ENVIRONMENT
AND ENERGY DIRECTORATE-GENERAL FOR
ENVIRONMENTAL POLICY
Directorate of Environmental Licensing**

Section A

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No.: YPEN/DIPA/26436/1366

Date: 05/04/2020

Inclusion in Directive 2010/75/EU

**TO: MYTILINEOS S.A.
Electricity Business Unit
8 Artemidos str.
15125 MAROUSI**

**CC: 1. YPEN (Ministry of Environment and Energy)
1.1 Minister's Office
1.2 Office of the Secretary General for
Natural Environment & Water**

DECISION

**THE GENERAL DIRECTOR OF ENVIRONMENTAL POLICY OF THE MINISTRY OF
ENVIRONMENT AND ENERGY**

SUBJECT: Amendment of No. YPEN/DIPA/82557/5356/17.09.2019 Decision of Environmental Terms Approval as amended by YPEN/DIPA/114847/6959/09.12.2019 Decision, of the project "Construction and Operation of a New Power Generation Plant of the company MYTILINEOS S.A. / Electricity Business Unit (former PROTERGIA S.A.) with a nominal capacity of 826 MW at the Existing Energy Center of Agios Nikolaos in Viotia" due to construction sites that will operate temporarily during the construction phase of the project.

PREFACE

Considering:

1. Law no 998/1979 (Government Gazette 289/A/1979) "On the protection of forests and forest areas in general of the country", as amended by Law 2040/92 (Government Gazette 70/A/ 23.4.1992), Law no. 3208/03 (Government Gazette 303/A/24.12.2003) and Law 4280/2014 (Government Gazette 159/A/8.8.2014).
2. Law no. 1650/86 (Government Gazette 160/A/86) "For the protection of the environment", as amended and in force.
3. Law no. 2244/1994 (Government Gazette 168/A/07-10-1994) "Regulation of electricity generation issues from renewable energy sources and from conventional fuels and other provisions".

4. Law no. 2939/2001 (Government Gazette 179/A/2001) "Packaging and alternative management of packaging and other products - Establishment of a National Organization for Alternative Management of Packaging and Other Products (EOEDSAP) and other provisions", as amended and in force.
5. Law no. 3010/02 (Government Gazette 91/A/02) "Harmonization of Law 1650/86 with Directives 97/11/EU and 96/61/EU, delimitation procedure and regulation of issues for watercourses and other provision".
6. Law no. 3028/2002 (Government Gazette 153/A/2002) "For the protection of antiquities and Cultural Heritage in general".
7. Law no. 3199/2003 (Government Gazette 280/A/2003) "Protection and Water Management – Compliance with Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000", as amended and in force.
8. Law no. 3325/05 (Government Gazette 68/A/2005) "Establishment and operation of industrial - craft facilities in the context of sustainable development and other provisions", as supplemented by Law 4072/12 (Government Gazette 86A) "Improvement of business Environment-New Corporate Form-Signals-Real Estate Brokers-Regulation of shipping, port and fisheries issues and other provisions".
9. Law no. 3378/2005 (Government Gazette 203/A/2005) "Ratification of the European Convention for the Protection of the Archaeological Heritage (revised)".
10. Law no. 3852/10 (Government Gazette 87/A/2010) "New Architecture of Local Government Administration and Decentralized Administration - Kallikratis Program".
11. Law 3 no. 937/2011 (Government Gazette 60/A/2011) "Conservation of biodiversity and other provisions".
12. Law no. 3982/11 (Government Gazette 143/A/17-6-2011) "Simplification of the licensing of technical professional and process activities and business parks and other provisions", as amended by Law 4072/12 (Government Gazette 86A) "Improvement of business Environment-New corporate Form-Signals-Real Estate Brokers-Regulation of shipping, ports and fisheries issues and other provisions" and Law 4155/13 (Government Gazette 120A) "National System of Electronic Public Procurement and other provisions".
13. Law no. 4014/11 (Government Gazette 209/A/2011) "Environmental licensing of projects and activities, regulation of arbitrary in relation to the creation of an environmental balance and other provisions of the Ministry of Environment", as in force.
14. Law no. 4042/12 (Government Gazette 24/A/20 12) "Criminal protection of the environment - Harmonization with Directive 2008/99/EC-Framework for Production and Management of waste-Harmonization with Directive 2008/98/EC- Regulation of issues of the Ministry of Environment, Energy and Climate Change".
15. Law no. 4622/2019 (Government Gazette 133A) "Executive State: organization, operation and transparency of the Government, government bodies and central public administration".
16. Law no. 4635/2019 (Government Gazette 167A) "I invest in Greece and other provisions".
17. P.D. 51/2007 (Government Gazette 54/A/2007) "Definition of measures and procedures for the integrated protection and management of waters in accordance with the provisions of Directive 2000/60/EC".
18. P.D. 132/2017 (Government Gazette 160/A/ 30-10-17) "Organization of the Ministry of Environment and Energy".
19. P.D. 81/2019 (Government Gazette 119A/08.07.2019) "Establishment, merger, renaming and

abolition of Ministries and determination of their responsibilities Transfer of services and responsibilities between Ministries”..

20. P.D. 83/2019 (Government Gazette 121A/2019) "Appointment of Deputy Prime Minister, Ministers, Deputy Ministers and Undersecretaries".
21. P.D. 84/2019 (Government Gazette 84/A/17-7-19) "Establishment and abolition of General Secretariats and Special Secretariats / Unified Administrative Sectors of Ministries”.
22. No. YPEN/67409/8288/2-8-19 (Government Gazette 3107 B) Decision of the Prime Minister and the Minister of Environment and Energy "Assignment of responsibilities to the Deputy Minister of Environment and Energy, Gerasimos Thomas”.
23. M.D. Δ6/Φ1/oik. 8295/19.04.1995 (Government Gazette 385/B/10.05.1995) "A. Procedures and supporting documents required for the issuance of licenses for the installation and operation of power plants, the fees to be paid as well as any other necessary details. B. Determination of general technical and financial terms of the contracts between producers and PPC, details of the formation of the invoices as well as terms of interconnection”.
24. J.M.D. oik. 3137/191/Φ.15/12 (Government Gazette 1048B) "Matching of the categories of industrial and craft activities and activities of electricity production with the degrees of nuisance mentioned in the planning decrees", as supplemented and amended by the J.M.D. 13234/800/Φ.15/12 (Government Gazette 3251B), Φ15/48/5/14 (Government Gazette 27B), oik. 10432/1115/Φ.15/14 (Government Gazette 2604B) and 132894/1751/ Φ15/2017 (Government Gazette 4421B).
25. J.M.D. 21398/2012 (Government Gazette 1470/B/2012) "Establishment and operation of a special website for the posting of decisions approving environmental terms approval (ETA), decisions on renewal or amendment of ETA, in accordance with article 19a of Law 4014/2011 (Government Gazette A/209/2011) “.
26. J.M.D. 36060/1155/E.103/13 (Government Gazette 1450B) "Defining a framework of rules, measures and procedures for the integrated prevention and control of environmental pollution by industrial activities, in compliance with the provisions of Directive 2010/75/EU "On industrial emissions (integrated pollution prevention and control)" of the European Parliament and of the Council of 24 November 2010" as amended and in force.
27. JMD 1915/2018 (Government Gazette 304B/2018) "Amendment of no. 48963/2012 (B' 2703) joint ministerial decision, no. 167563/2013 (B' 964) of a joint ministerial decision and no. 170225/2014 (B' 135) ministerial decision, which have been issued by authorization of Law 4014/2011 (A' 209), in compliance with Directive 2014/52/EU "amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment" of the European Parliament and of the Council of 16 April 2014”.
28. J.M.D. 1649/45/14 (Government Gazette 45B) "Specialization of the opinion procedures and the way of informing the public and the participation of the interested public in the public consultation during the environmental licensing of projects and activities of Category A of the decision of the Minister of Environment, Energy and Climate Change with no. 1958/2012 (Government Gazette A 21) according to article 19 paragraph 9 of Law 4014/11 (A 209), as well as any relevant detail”.
29. M.D. 167563/13 (Government Gazette 964B/2013) "Specification of the procedures and the specific criteria for environmental permitting of projects and activities of articles 3, 4, 5, 6 and 7 of Law 4014/2011, in accordance with the provisions of article 2, paragraph 13 thereof, of the special forms of the above procedures, as well as any other relevant to these procedures of the issue».
30. M.D. 170225/14 (Government Gazette 135B) "Specification of the contents of the environmental permitting files of projects and activities of Category A of the decision of the Minister of

- Environment, Energy and Climate Change with no. 1958/2012 (21 B) as in force, according to article 11 of Law 4014/11 (A 209), as well as any relevant detail".
31. M.D. DIPA/37674/2016 (Government Gazette 2471/B/2016) which amended and codified the M.D. 1958/2012 (Government Gazette 21/B/13.1.2012) "Classification of public and private projects and activities into categories and subcategories according to Article 1, paragraph 4 of Law 4014/21.9.11 (Government Gazette 209/A/2011)" as amended by No. oik. 2307/18 (Government Gazette 439/B/2018) and is in force.
 32. The no. EGY oik. 902/21.12.2017 (Government Gazette 4673/B/29.12.17) Decision of the National Water Committee on "Approval of the 1st Revision of the River Basin Management Plan of the Water District of Eastern Central Greece and the corresponding Strategic Environmental Impact Study».
 33. The no. YPEN/41375/328/6.7.2018 (B' 2682) Decision of the National Water Commission on the subject: "Approval of the Flood Risk Management Plan of river basins of the Water District of Eastern Central Greece (EL07) and the corresponding Strategic Environmental Impact Study».
 34. The Best Available Techniques mentioned in Guides and Reference Texts and in particular the Implementing Decision (EU) 2017/1442, of 31 July 2017 setting out the conclusions on Best Available Techniques (BAT) under Directive 2010/75/EU of the European Parliament and of the Council, as regards large combustion plants, the Reference Manuals (BREFs) for the determination of best available techniques for refrigeration systems (Reference Document on the application of Best Available Techniques to Industrial Cooling Systems, December 2001), the Reference Report on Monitoring of Emissions to Air and Water from IED installations, July 2018).
 35. Regulation 166/2006 (L 033/04.02.2006) of the European Parliament and of the Council of 18 January 2006, E-PRTR Regulation, "establishing a European pollutant release and transfer register and amending Council Directives 91/689/EEC and 96/61/EC».
 36. No. 2012/249/EU Commission Implementing Decision of 7 May 2012 on the determination of start-up and downtime periods for the purposes of Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions.
 37. The Commission Implementing Decision of 23 September 2019 "laying down the format and frequency of provision of the data to be made available by Member States for reporting purposes under Regulation (EC) No 166/2006 of the European Parliament and of the Council establishing a European pollutant release and transfer register and amending Council Directives 91/689/EEC and 96/61/EC.
 38. No. 59/07.02.20 Circular of the Minister of State "Instructions for the implementation of article 109 of the Law 4622/2019 (Government Gazette 138 A') on the competence of the Heads of the General Directorates of Ministries for the final signing of individual administrative acts».
 39. The fact that the unit under consideration falls under the provisions of 54409/2632/04 JMD (Government Gazette 1931B as amended by JMD 181478/965/2017 (Government Gazette 3763B) "Amendment and codification of no. 54409/2632/2004 joint ministerial decision "Scheme for greenhouse gas emission allowance trading in compliance with the provisions of Directive 2003/87/EC "establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC" of 13 October 2003 and other provisions", (B' 1931) as amended" and in force, on a scheme for greenhouse gas emission allowance trading pursuant to Article 21 of which no carbon dioxide emission limits are imposed on the plant in question, nor are the energy efficiency requirements of combustion plants emitting carbon dioxide emissions imposed on the plant in question.
 40. The Royal Decree of 24.10.1962 (Government Gazette 138 D'/ 1.11.1962 which expropriated the wider area to which the disputed area belongs, for and at the expense of the company then "S.A.

Aluminum of Greece" for public benefit and specifically for industrial use with the establishment of an Aluminum Industry in it.

41. No. YPEN/DIPA/82557/5356/17.09.2019 Decision of Environmental Terms Approval, concerning the subject's New Power Generation Plant.
42. No. YPEN/DIPA/114847/6959/09.12.2019 Decision amending the subject's New Power Generation Plant as to its nominal validity.
43. No. YPEN/DIPA/8191/434/24.01.2020 application of the company "MYTILINEOS S.A. Electricity Business Unit" with an attached Technical Report pursuant to clause 4.12.8 of no. YPEN/DIPA/114847/6959/09.12.2019 decision amending the approval of environmental terms
44. No. YPEN/DIPA/13767/688/07.02.2020 application of the company "MYTILINEOS S.A. Electricity Business Unit" with an attached file for the modification of the aforementioned Decision of ETA of the activity due to construction sites that will operate temporarily during the construction phase of the project, the new power plant at the existing energy center of Agios Nikolaos, Viotia, of the company MYTILINEOS S.A., as submitted to the Hellenic Republic with environmental identity 1902042017.
45. No. YPEN/DIPA/13767/688/19.02.2020 document of the DIPA/YPEN for the submission of copies of the Environmental Impact Study file after the completeness check.
46. No. YPEN/DIPA/19879/988/21.02.20 application of the company "MYTILINEOS S.A. Electricity Business Unit" with attached copies, in printed and digital form, of the submitted amendment file.
47. No. YPEN/DIPA/19879/988/07.02.2020 document of the DIPA/YPEN by which the file for the modification of the examined activity was forwarded to the Committee on the Environment and Development of the Region of Central Greece for publication without the requirement of consultation with the interested public.
48. No. 53097/86/ 09.03.2020 document of the Committee on the Environment and Development of the Region of Central Greece on "Sending an announcement for the publication of a file amending ETA" (no. YPEN/DIPA/26436/1366/10.03.20).
49. The fact that the proposed amendment does not require the submission of a new environmental impact assessment (EIA), since according to the submitted file there is no substantial change in the environmental impact of the operation of the activity (Law 4014/11, article 5, par. 2b), as these had been assessed and evaluated during its previous environmental permit.

WE DECIDE

The amendment of no. YPEN/DIPA/82557/5356/17.09.2019 Decision of Environmental Terms Approval as amended by no. YPEN/DIPA/114847/6959/09.12.2019 Decision of the project "Construction and Operation of a New Power Generation Plant of MYTILINEOS S.A. / Electric Energy Business Unit (former PROTERGIA S.A.) of nominal power of 826 MW at the Existing Energy Center of Agios Nikolaos, Viotia" due to construction sites that will operate temporarily during the construction phase of the project.

In paragraph 4.2 "Construction Phase" of Section 4 "CONDITIONS, MEASURES AND RESTRICTIONS TO BE TAKEN TO MINIMIZE AND TREAT POTENTIAL ENVIRONMENTAL IMPACTS" of Chapter B "Environmental Terms" of the above Decision, subsection 4.2.7 "Installation and operation of construction site facilities" is added, as follows:

4.2.7 Installation and operation of construction site facilities

A. Brief Description of Construction Site Facilities

In the context of the construction of the project, the installation and operation of construction sites that will serve only the construction works of the station under consideration is foreseen. The construction site facilities for servicing the construction costs of the project in question include:

- i. concrete production unit with an average concrete production capacity of 85m³/day
- ii. Waste from Excavations, Construction and Demolition (AEKK) processing installation (and mainly excavation materials of the project), which includes a crusher, sieve and self-propelled equipment (transport trucks, loaders, etc.)

The total kinetic power of the mechanical equipment is 5000 kW.

The operating time of the construction site facilities will be determined by the construction needs of the project.

- Location of Construction Sites

The construction site facilities will be developed within the environmentally licensed area of intervention and implementation of the project (as defined by data E1, E2, E3, E25, E1 depicted in the Drawing "TOPOGRAPHICAL PLAN – 111915-UDK-CDA-MET-007" accompanying this).

- Waste from Excavations, Construction and Demolition (AEKK) processing plant

- Waste from Excavations, Construction and Demolition (AEKK) processing plant materials

The construction site of construction waste treatment plant will mainly treat excavation materials (Code EKA 17 05 06 Excavation debris other than those referred to in point 17 05 05) and not demolition materials which will be taken as a matter of priority to units contracted by an approved alternative management system and in rare cases if necessary they will be processed in the site under examination construction site.

- Management of processed excavating materials Waste from Excavations, Construction and Demolition (AEKK).

The processed excavation materials will be led either to the adjacent quarry of the Mytilineos S.A. factory/Metallurgy Business Unit or to the intervention site of the new station, in order to be promoted to appropriate use depending on their granulometry and composition (e.g. as raw material in the production of concrete, in foundation-sanitation works, etc.).

Concrete production unit

Accordingly, the necessary quantities of raw materials for the production of 1 m³ of concrete during the operation of the construction site plant for the production of concrete are:

- Cement (II/32,5 & I/42,5) : 280 - 400 kg
- Aggregates (sand - garbili - gravel) : 1,900 kg

- Water : 200 kg
- Improvement products : 0.5 – 6.0 kg

For the implementation of the new production station, the total required quantity of concrete produced amounts to 35,000 m³ (grades C30/37, C25/30, C16/20).

B. Environmental Terms of Operation of Construction Site Installations

During the installation and operation of the construction site, the following should be observed:

- 4.2.7.1 During the implementation and operation of the construction site facilities, the environmental terms of the ETA in force of the main project should be observed, (41) and (42) accordingly.
- 4.2.7.2 The construction site facilities will be used exclusively to meet the needs of the New Power Generation Plant with a nominal capacity of 826MW.
- 4.2.7.3 During the operation of the construction site facilities, the measures described in the amendment file should be observed to deal with the environmental impact related to the limitation of release and concentration of suspended particles - dust, in the area of the construction site.
- 4.2.7.4 During the operation of the construction site plant for the production of concrete, the measures described in the amendment file should be complied with to deal with the environmental impact on the proper management of the produced liquid and solid waste.
- 4.2.7.5 Aggregates recovered after processing should be used for construction site backfills, consolidations and paving, exclusively within the site of the construction site or in works of the adjacent activities of Mytilineos S.A. In case the aggregates are unsuitable for the above use, their management should be carried out in accordance with the provisions of 36259/1757/E103/2010 JMD on "Measures, terms and program for the alternative management of waste from excavations, constructions and demolitions (AEKK)".
- 4.2.7.6 The modification of the construction sites for the construction of the project in question or the environmental permitting of installations resulting from the technical planning of works at a stage following the Environmental Terms Approval is possible with the submission and approval of the Technical Environmental Study (TEPEM), in accordance with the provisions of paragraph 2 of article 7 of Law 4014/2011.
- 4.2.7.7 After the completion of the operation of the construction site works, the crusher and any other auxiliary installations should be removed and all necessary actions should be taken for the complete restoration of the site, which will then be incorporated into the premises of the new Power Generation Plant of the company MYTILINEOS S.A.
- 4.2.7.8 This Decision must be for every check at the site of the project and must be presented to each competent Authority in accordance with the applicable legislation.

4.2.7.9 Checks for the compliance with this Decision may be carried out by the Authorities that are responsible in the legislation in force for checking compliance with the environmental terms of the main project.

For the rest, applies the no. YPEN/DIPA/82557/5356/17.09.2019 Decision of Environmental Terms Approval of the project of the subject, as amended and in force.

The publication of this Decision required by law is carried out by posting it on the special website, at the aepo.ypeka.gr website (in accordance with the provisions of article 19a of Law 4014/2011, as well as on the Joint Ministerial Decision no. 21398/12 (Government Gazette 1470/B/2012).

THE GENERAL DIRECTOR-OF ENVIRONMENTAL POLICY

K. DIMOPOULOS

Attachments:

Amendment Folder