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# Industrial Emissions Act<sup>1</sup>

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Amended by the following acts

Passed	Published	Entry into force
19.02.2014	RT I, 13.03.2014, 4	01.07.2014, partially 23.03.2014
19.06.2014	RT I, 12.07.2014, 1	01.01.2015
19.06.2014	RT I, 29.06.2014, 109	01.07.2014, the titles of ministers replaced on the basis of subsection 107 <sup>3</sup> (4) of the Government of the Republic Act.
18.02.2015	RT I, 23.03.2015, 3	01.07.2015
29.10.2015	RT I, 10.11.2015, 2	01.12.2015
19.11.2015	RT I, 03.12.2015, 1	01.01.2016
15.06.2016	RT I, 05.07.2016, 1	01.01.2017; in the entire text, the words "source of pollution" have been replaced by the words "emission source", the words "ambient air pollution permit" by the words "air pollution permit" and the word "released" by the word "emitted" in the appropriate case form and the word "release" by the word "emit" in the respective form.

## Chapter 1 General Provisions

### Division 1 Scope of Application of Act

#### § 1. Purpose and scope of application of Act

(1) The purpose of this Act is to achieve a high level of protection of the environment taken as a whole by minimizing emissions into air, water and soil and the generation of waste in order to prevent adverse environmental impacts.

(2) This Act determines the industrial activities of high environmental hazard, provides the requirements for operation therein and liability for failure to comply with the requirements, and the organisation of state supervision.

#### § 2. Scope of application of Act

(1) This Act applies to:

- 1) industrial activities listed in § 19 of this Act;
- 2) large combustion plants in accordance with the provisions of § 64 of this Act;

- 3) waste incineration plants and waste co-incineration plants in accordance with § 85 of this Act;
- 4) installations using organic solvents and activities defined in § 113 of this Act;
- 5) installations producing titanium dioxide.

(2) This Act shall not apply to research activities, development activities or the testing of new products and processes if the scale of such activities is so small as to not impact the environment to a significant extent.

### **§ 3. Application of administrative procedure act**

The provisions of the Administrative Procedure Act with the specifications provided for in this Act apply to the administrative procedure prescribed in this Act.

## **Division 2 Terms and Definitions**

### **§ 4. Substances and mixtures**

(1) Substances mean any chemical elements or compounds of chemical elements, with the exception of radioactive substances, genetically modified micro-organisms and genetically modified organisms.

(2) The term mixtures is considered within the meaning of Article 3(2) of Regulation (EC) No 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/1993 and Commission Regulation (EC) No 1488/1994 as well as Council Directive 1976/769/EEC and Commission Directives 1991/155/EEC, 1993/67/EEC, 1993/105/EC and 2000/21/EC, (OJ L 396, 30.12.2006, pp. 1-850).

(3) The terms hazardous substances and mixtures are considered within the meaning of Article 3 of Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 1967/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (OJ L 353, 31.12.2008, pp. 1-1355).

### **§ 5. Pollution, contamination, emissions and emission limit values**

(1) Pollution means the direct or indirect introduction, as a result of human activity, of substances, vibrations, heat or noise into the ambient air, water or soil which may result in the need to reduce the impact on the environment, human health and well-being, property and cultural heritage.

(2) For the purposes of this Act, contamination means a substantial adverse change in the quality of ambient air, water or soil caused by contamination.

(3) For the purposes of this Act, emissions mean the direct or indirect release of substances, vibration, heat or noise into the ambient air, water or soil.

(4) For the purposes of this Act, emission limit values mean the mass, expressed in terms of certain specific parameters, concentration or level of an emission which may not be exceeded during one or more periods of time.

### **§ 6. Installation and operator**

(1) For the purposes of this Act, an installation means a stationary technical unit which activities are carried out in one or more areas of activity and to the extent for which an integrated environmental permit is required or where organic solvents are used to the extent for which an integrated environmental permit is not required.

(2) The operation of an installation includes, in addition to the activities specified in subsection (1) of this section, any other directly associated activities on the same site which have a technical connection with the activities and which can have an impact on emissions and contamination or the rate of pollution.

(3) For the purposes of this Act, an operator means a person who possesses or operates all or any part of an installation, combustion plant, waste incineration plant or waste co-incineration plant, or to whom decisive power over the technical functioning of the installation, plant or equipment has been delegated.

### **§ 7. Permit**

(1) For the purposes of this Act, a permit means such a written document which authorizes the operation of all or any part of an installation, combustion plant, waste incineration plant or waste co-incineration plant.

(2) An integrated environmental permit (hereinafter *integrated permit*) authorises the operation of all or any part of an installation in a manner which guarantees that the activities carried out in the installation and included in any of the categories of activities or subcategories thereof specified in this Act have minimum possible

impact on the environment, human health and well-being, property and cultural heritage. The requirements provided for in a permit shall guarantee the protection of water, air and soil and the management of waste generated by an installation in a way which prevents the transfer of contamination from one medium to another, such as water, air and soil.

(3) In the following Chapters of this Act a permit shall denote:

- 1) an integrated permit in Chapter 2 and 6;
- 2) an integrated permit in Chapter 3 and 5 or an air pollution permit in the case an integrated permit is not mandatory;
- 3) an integrated permit in Chapter 4 or, in the case an integrated permit is not mandatory, a waste permit for waste incineration in accordance with the provisions of Division 5 of Chapter 6 of the Waste Act together with an air pollution permit in accordance with the provisions of Division 1 of Chapter 4 of the Atmospheric Air Protection Act and a permit for special use of water in accordance with the provision of Chapter 2 of the Water Act.

[RT I, 05.07.2016, 1 - entry into force 01.01.2017]

## **§ 8. Best available techniques**

(1) Best available techniques mean the most effective and advanced level in the development of activities and their methods of operation. Best available techniques are practically suitable for determination of emission limit values and other permit requirements in order to prevent and, where that is not practicable, to reduce emissions and the impact thereof on the environment as a whole.

(2) In the term best available techniques:

- 1) techniques mean the technology used in an installation and the way in which the installation is designed, built, maintained, operated and decommissioned;
- 2) available techniques mean advanced techniques reasonably accessible to the operator and the implementation of which in the area of activity is economically and technically viable, taking into consideration the costs and advantages, and which ensures the best compliance with the environmental requirements;
- 3) best means the most effective in achieving a high level of protection of the environment as a whole.

(3) A best available techniques reference document (hereinafter *BAT reference document*) means a document drawn up for defined activities and describing, in particular, applied techniques, present emissions and consumption levels, techniques considered for the determination of best available techniques as well as best available techniques conclusions and any emerging techniques, giving special consideration to the criteria listed in § 43 of this Act.

(4) The best available techniques conclusions (hereinafter *BAT conclusions*) mean a document containing the parts of a BAT reference document laying down the conclusions on best available techniques, their description, information to assess their applicability, the emission levels associated with the best available techniques, associated monitoring, associated resources consumption levels and, where appropriate, relevant site aftercare measures.

## **§ 9. Groundwater and soil**

(1) For the purpose of this Act, the term groundwater has the meaning provided for in clause 2 6) of the Water Act.

(2) For the purposes of this Act, soil means the top layer of the Earth's crust situated between the bedrock and the surface. The soil is composed of mineral particles, organic matter, water, air and living organisms.

## **§ 10. Biomass**

For the purposes of this Act, biomass means products consisting of any vegetable matter from agriculture or forestry which can be used as a fuel for the purpose of recovering its energy content and the following waste:

- 1) vegetable waste from agriculture and forestry;
- 2) vegetable waste from the food processing industry if the heat generated is recovered;
- 3) fibrous vegetable waste from pulp production and from production of paper from pulp, if it is co-incinerated at the place of production and the generated heat is recovered;
- 4) cork waste;
- 5) wood waste with the exception of wood waste which may contain halogenated organic compounds or heavy metals as a result of treatment with wood preservatives or coating and which includes, in particular, such wood waste originating from construction and demolition waste.

### **§ 11. Organic compound, volatile organic compound and organic solvent**

(1) Organic compound means any compound containing at least the element carbon and one or more atoms of hydrogen, oxygen, sulphur, phosphorus, silicon, nitrogen or halogens, with the exception of carbon oxides and inorganic carbonates and bicarbonates.

(2) Volatile organic compound means any organic compound as well as the fraction of creosote, having at 293,15 kelvins (K) a vapour pressure of 0,01 kilopascals (kPa) or more, or having a corresponding volatility under the particular conditions of use.

(3) Organic solvent means any volatile organic compound which is used for:

- 1) alone or in combination with other agents, and without undergoing a chemical change, to dissolve raw materials, products or waste materials;
- 2) as a cleaning agent to dissolve contaminants;
- 3) as a dissolver;
- 4) as a dispersion medium;
- 5) as a viscosity adjuster;
- 6) as a surface tension adjuster;
- 7) as a plasticiser;
- 8) as a preservative.

(4) Halogenated organic solvent means any organic solvent containing one or more atoms of bromine, chlorine, fluorine or iodine.

### **§ 12. Fuel**

For the purposes of this Act, fuel means any solid, liquid or gaseous combustible material.

### **§ 13. Combustion plants and large combustion plants**

(1) For the purposes of this Act, a combustion plant means any technical apparatus in which fuels are oxidised in order to use the heat thus generated.

(2) A large combustion plant means a combustion plant which installed total rated thermal input corresponding to heat input is at least 50 megawatts.

### **§ 14. Stack**

For the purposes of this Act, a stack means a structure containing one or more flues providing a passage for waste gases in order to discharge them into the ambient air.

### **§ 15. Start-up and shut-down operations**

For the purposes of this Act, start-up and shut-down operations mean activities for starting up or shutting down any activity, bringing an installation, equipment or tank into or out of operation, into or out of an idling state. Start-up and shut-down operations do not include start-up and shut-down phases of periodic technological processes.

## **Division 3 General Duties**

### **§ 16. Authorisation obligation**

(1) No installation or combustion plant, waste incineration plant or waste co-incineration plant shall be operated without a permit, except in the case of the operators subject to registration provided for in Chapter 5 of this Act.

(2) A permit may cover one or more installations or parts of installations in the same place of business operated by the same operator.

(3) If a permit covers two or more installations, the permit shall set out requirements to ensure compliance of the activities of all the installations with the requirements of this Act and other applicable legislation.

(4) If a permit covers several parts of an installation operated by different operators, the obligations of each operator shall be provided for in the permit in a clearly distinguishable manner.

### **§ 17. Obligations of operators in case of accidents and incidents**

(1) An operator shall promptly inform the Environmental Inspectorate of any accidents and incidents which have a significant impact on the environment.

(2) In the case of an accident or incident, which is likely to bring about significant adverse impact on the environment, human health, well-being, property and cultural heritage, an operator shall:

- 1) take immediate measures to limit the consequences of accidents and incidents to the environment and prevent possible further accidents and incidents;
- 2) to immediately inform the Environmental Board of the measures taken.

(3) The Environmental Board shall require the operator to take other appropriate complimentary measures in addition to the measures specified in clause (2) 1) of this section which are required in the opinion of the Environmental Board to reduce potential consequences to the environment and to prevent possible further accidents and incidents.

#### **§ 18. Obligations of operator in case of non-compliance**

(1) In the case of the requirements set out in the permit, an operator shall:

- 1) immediately inform the Environmental Inspectorate and the Environmental Board thereof;
- 2) immediately take measures to ensure compliance of the activities of the operator with the permit requirements as soon as possible;
- 3) immediately inform the Environmental Inspectorate and the Environmental Board of the measures taken according to clause 2) of this section after the implementation thereof.

(2) The Environmental Board shall require that an operator implement other appropriate complementary measures in addition to the measures specified in clause (1) 2) of this section which are required in the opinion of the Environmental Board to terminate the breach of permit requirements.

(3) Where the breach of permit requirements may pose an immediate and significant adverse impact on the environment and human health, the Environmental Inspectorate shall suspend the operation of the installation, combustion plant, waste incineration plant or waste co-incineration plant or any part thereof until the activities of the operator comply with the permit requirements. If necessary, the activities may be suspended by the Environmental Board.

(4) [Repealed - RT I, 13.03.2014, 4 - entry into force 01.07.2014]

## **Chapter 2 Installations Required to Hold Integrated Environmental Permit**

### **Division 1 General Provisions**

#### **§ 19. Scope**

(1) This Chapter shall apply to installations for the operation of which an integrated permit is required.

(2) Taking into consideration the threshold capacities established on the basis of subsection (3) of this section, an integrated permit is required in the below areas of activity:

- 1) energy industries;
- 2) production and processing of metals;
- 3) processing of mineral materials;
- 4) chemical industry;
- 5) waste management;
- 6) cellulose, paper or textile industry, and tanning of skins and hides;
- 7) food industry, including feedingstuffs;
- 8) pig, bovine animals and poultry farming;
- 9) surface treatment or finishing by using organic solvents;
- 10) production of plywood and fibreboard;
- 11) production of graphite or electrographite by way of incineration or graphitisation;
- 12) disposal and recycling of animal carcasses and animal waste;
- 13) preservation of wood and wood products with chemicals;
- 14) capture for geological storage of carbon dioxide emitted by installations operating in the areas of activity specified in clauses 1) to 13) of this subsection;
- 15) independently operated treatment of waste water discharged from installations operating in the areas of activity specified in clauses 1) to 14) of this subsection, with the exception of treatment of waste water in the water treatment plants of a public sewerage system.

(3) The list of subcategories within the categories of activities specified in subsection (2) of this section and the threshold capacities in the case of which an integrated permit is required for the operation of an installation shall be established by a regulation of the Government of the Republic.

#### **§ 20. Emission levels associated with best available techniques**

The emission levels associated with the best available techniques mean emission levels obtained under normal operating conditions using the best available techniques or a combination of the best available techniques as described in the BAT conclusions, expressed as an average over a certain period of time under specified reference conditions.

#### **§ 21. Environmental quality standards**

Environmental quality standards mean a requirement arising from the legislation with which the environment or any part thereof shall comply.

#### **§ 22. Emerging technique**

Emerging technique means a novel technique which, as a result of development, could provide either an even higher level of environment protection or at least the same level of environment protection and higher costs savings in comparison with the existing best available techniques.

#### **§ 23. Raw materials, auxiliary materials and semi-finished products**

(1) Raw materials mean materials, substances or mixtures which are used for manufacturing of products and which are contained in products, such as metal, wood, plastic, minerals, oils, tars, organic and inorganic chemicals, animal and vegetable raw materials and other types of materials, substances or mixtures.

(2) Auxiliary materials mean materials, substances or mixtures which are not contained in the products but are used in the production process, such as lubricants, oils, cleaning agents, washing and other maintenance products and other types of materials, substances or mixtures.

(3) Semi-finished products mean the materials, substances or mixtures obtained from the production and processed further.

#### **§ 24. Self-monitoring**

Self-monitoring is a part of the management system used in an installation for monitoring the operation of the installation, use of natural resources, emissions, groundwater and soil contamination and the generation of waste, for purification of emissions and handling of waste and for avoiding accidents.

## **Division 2 Integrated Environmental Permit**

### **Subdivision 1 Obligations of Operators**

#### **§ 25. Mandatory integrated permit**

(1) An operator shall not operate without an integrated permit in an area of activity for which an integrated permit is required in accordance with § 19 of this Act.

(2) An integrated permit is required for the operation of an installation as a whole if the activities exceed in at least one area of activity of the installation, for which an integrated permit is required, the threshold capacity for the subcategory of activities established on the basis of subsection 19 (3) of this Act. In such case the integrated permit shall replace the permits in accordance with the Water Act, Waste Act and Atmospheric Air Protection Act.

[RT I, 05.07.2016, 1 - entry into force 01.01.2017]

(3) If an operator operates within the same installation or at the same site in more than one area of activity specified in subsection 19 (2) of this Act, the production capacities of the operations of the installation falling under the same subcategory of activities shall be added together upon deciding whether an integrated permit is mandatory.

(4) At the request of an operator, an integrated permit may also be issued to an installation or any part thereof for which the integrated permit is not required pursuant to this Act.

## **§ 26. General principles governing use of installations**

(1) An operator shall adhere to the following principles when using an installation required to hold an integrated permit:

- 1) take appropriate preventive measures to prevent contamination;
- 2) in the event of contamination, immediately liquidate the contamination within the limits of its technical or economic possibilities, regardless of whether the contamination was intentional or was caused by negligence;
- 3) use the best available techniques in an installation;
- 4) avoid generation of waste, if possible;
- 5) in the event of waste generation, be guided by the waste hierarchy provided for in § 22<sup>1</sup> of the Waste Act upon handling thereof;
- 6) use energy as efficiently as possible in an installation;
- 7) ensure that necessary measures are taken to prevent accidents and limit the consequences of accidents;
- 8) take measures upon cessation of the operation of an installation which are required for avoiding any risk of contamination and return the site of the installation to a satisfactory environmental state in accordance with the requirements of § 58 of this Act.

(2) If an operator fails to comply with the obligation provided for in clause (1) 2) of this section to liquidate contamination, the Environmental Inspectorate shall organise the liquidation pursuant to the procedure provided for in the Substitutive Enforcement and Penalty Payment Act.

## **Subdivision 2 Procedure for Integrated Permits**

### **§ 27. Issuer of integrated permits**

Integrated permits are issued by the Environmental Board (hereinafter *issuer of permits*).

### **§ 28. Applications for integrated permits**

(1) An application for an integrated permit shall be submitted to the issuer of permits. If possible, the application shall be submitted in digital format and it shall be digitally signed.

(2) An application shall set out whether the applicant wishes the delivery of the decision on issue or refusal to issue an integrated permit by electronic means, by sending an unregistered letter or a registered letter, and the contact details necessary for delivery.

(3) The information listed in clauses 41 (2) 1) to 16) of this Act shall be annexed to an application.

(4) If all the information referred to in subsection (3) of this section need not be submitted taking into consideration the operation of a proposed installation, an applicant shall append a short written explanation concerning failure to submit the information.

(5) An applicant for an integrated permit shall pay a state fee before submission of an application.

(6) The forms of applications for integrated permits and any annexes thereto shall be established by a regulation of the minister responsible for the area.

### **§ 29. Documents appended to applications for integrated permits**

The following documents shall be appended to an application for an integrated permit:

- 1) an environmental impact assessment statement, if the operation of the installation has been previously assessed in the cases and pursuant to the procedure provided for in the Environmental Impact Assessment and Environmental Management System Act;
- 2) in the case of a dangerous enterprise or an enterprise liable to be affected by a major accident, the documents required in accordance with the Chemicals Act;  
[RT I, 10.11.2015, 2 - entry into force 01.12.2015]
- 3) a short description of the main alternatives to the proposed technology, techniques and measures, if such alternatives have been studied;
- 4) documents which certify legal possession of the plot of the site or other legal bases for the operation on the installation site based on a permit;
- 5) non-technical summary of the information specified in clause 3) of this section;
- 6) in the case of a landfill, the documents required in accordance with clause 91 (1) 5) of the Waste Act.

### **§ 30. Acceptance of applications for integrated permits for processing**

(1) The issuer of permits shall verify the conformity of an application for an integrated permit within 21 days as of the receipt thereof.

(2) If an application for an integrated permit complies with the requirements of this Act and legislation established on the basis thereof, the issuer of permits shall accept the application for processing and notify the applicant thereof in writing within 21 days as of the receipt of the application. The application is deemed to be submitted according to the requirements if the applicant has not received a notice within 21 days concerning the conformity of the application with the requirements or the deficiencies thereof.

(3) If an application for an integrated permit does not contain the information required by this Act and the legislation established on the basis thereof, the issuer of permits shall refer in writing to the deficiencies contained in the application and establish a term for the elimination thereof. When establishing a term, the issuer of permits shall take into consideration the nature of the deficiencies and the availability of the additional information necessary for making a decision.

### **§ 31. Opinion of local government**

(1) The issuer of permits shall immediately forward an application for an integrated permit after the acceptance of the application into processing to the local government of the installation site for an opinion.

(2) A local government shall submit a written opinion on the application for an integrated permit within 30 days as of the receipt of the application. Submission of an opinion shall not limit the right of the local government to submit additional positions in the course of further procedure.

(3) If proceedings are conducted regarding the assessment of the environmental impact of the proposed activities for deciding on the issue of an integrated permit, a local government shall submit an opinion on the application for an integrated permit within 21 days as of the receipt of the approved environmental impact assessment report on the proposed activities.

(4) The issuer of permits shall immediately forward the draft integrated permit after the completion thereof to the local government of the installation site.

### **§ 32. Open procedure**

The provisions of the Administrative Procedure Act concerning open procedures apply to the procedure concerning the issue of integrated permits, taking into consideration the specifications arising from this section.

### **§ 33. Public notice concerning acceptance of application for integrated permit for processing**

(1) The issuer of permits shall publish a notice concerning acceptance of an application for an integrated permit for processing in the official publication *Ametlikud Teadaanded* within seven days as of the acceptance of the application for the integrated permit for processing.

(2) Where environmental impact is assessed upon processing of an application for an integrated permit, the issuer of permits may publish a notice of acceptance of an application for an integrated permit for processing together with a notice regarding initiation of an environmental impact assessment in accordance with clause 12 (1) 1) of the Environmental Impact Assessment and Environmental Management Systems Act.

(3) The notice specified in subsection (1) of this section shall set out at least the following:

- 1) the business name, registry code and seat, or the name, personal identification code and residence of the applicant for an integrated permit;
- 2) the contact details of the issuer of permits;
- 3) the installation site;
- 4) a short description of the activities of the installation;
- 5) information about where the integrated permit and associated materials are accessible for examination, including a reference to the website where the application for the integrated permit is accessible;
- 6) information about how the public is involved and informed in the course of the processing;
- 7) information about whether consultations are held with other Member States in accordance with § 62 of this Act.

(4) In addition to the publication specified in subsection (1) of this section, the issuer of permits shall also notify the public of the acceptance of an application for an integrated permit for processing in a local or county newspaper of the site of the installation at the expense of the applicant. If the activities permitted by an integrated permit may result in significant negative impacts on the environment, human health and well-being, property and cultural heritage at a regional or national level, the notice shall be published in at least one national newspaper.

(5) Not later than on the fifth day after the receipt of a notice concerning the acceptance of an application for an integrated permit for processing, the operator shall display a notice concerning the acceptance of an application



for an integrated permit for processing by the issuer of permits at the proposed installation site or next to the main entrance into a functioning installation and it stay there until the end of the processing.

(6) The issuer of permits shall display a notice within five working days as of the acceptance of an application for an integrated permit for processing at its seat in a place accessible to the public concerning the acceptance of an application for an integrated permit for processing and disclose the notice and the application for the integrated permit on its website.

(7) A rural municipality government or city government shall publish an easily accessible notice on the website of the rural municipality government or city government within seven days as of the receipt of an application for an integrated permit concerning the acceptance of the application for the integrated permit for processing by the issuer of permits which sets out at least the information specified in subsection (3) of this section. The notice and the opinion of the local government shall be accessible on the website until the end of the processing of the application for the integrated permit.

#### **§ 34. Public notice concerning completion of draft integrated permit**

(1) The issuer of permits shall notify of the decision to issue or refusal to issue an integrated permit and completion of the draft integrated permit in the official publication *Ametlikud Teadaanded* and on its website. The aforementioned notice shall be accessible on the website until the end of the processing of the application for the integrated permit.

(2) The notice specified in subsection (1) of this section shall set out at least the following:

- 1) the business name, registry code and seat, or the name, personal identification code and residence of the applicant for an integrated permit;
- 2) the contact details of the issuer of permits;
- 3) the installation site;
- 4) a short description of the activities of the installation;
- 5) information about where the application for the integrated permit, the draft permit and associated materials are accessible for examination, including a reference to the website where the application for the integrated permit is accessible;
- 6) the time and place of public display of the draft integrated permit and the application;
- 7) the term and addressee for the submission of proposals and objections (hereinafter in this subdivision *position*) and questions.

(3) The issuer of permits shall also notify, at the expense of the person applying for an integrated permit, of the completion of the draft integrated permit in the newspaper which published the notice concerning the acceptance of the application for the integrated permit for processing.

(4) A rural municipality government or city government shall publish an easily accessible notice on the website of the rural municipality government or city government within seven days as of the receipt of a draft integrated permit concerning the completion of the draft integrated permit which sets out at least the information specified in subsection (2) of this section. The notice shall be accessible on the website until the end of the processing of the application for the integrated permit.

#### **§ 35. Positions of public**

(1) Everyone has the right to submit positions and questions to the issuer of permits concerning an application for an integrated permit and a draft permit.

(2) An application for an integrated permit and a draft permit can be examined and positions and questions on them can be submitted within at least 21 days as of the beginning of the public display.

(3) A written position shall set out the name and contact details of the person who submitted it and the reasons for the position.

#### **§ 36. Public consultation**

(1) The issuer of permits shall organise a public consultation at the request of the person applying for a permit or an interested person or on its own initiative, if this is necessary for the just adjudication of the matter.

(2) In the case the environmental impact is assessed, organisation of a public consultation is mandatory in the processing of an integrated permit.

#### **§ 37. Processing of applications for integrated permits**

(1) The issuer of permits shall decide on issue of an integrated permit within 180 days as of the acceptance of an application for processing.

(2) If the making of a decision takes more time due to technical complexity of an installation, the issuer of permits may extend the term for the processing but not for a longer period than one year as of the acceptance of the application for processing. The applicant for an integrated permit and other parties to the processing shall be notified in writing of the extension of the term, the reasons thereof and the proposed term for the making of the decision.

(3) If it becomes evident during the processing of an application for an integrated permit that additional information is necessary, the applicant shall bear the costs of submission of additional information.

(4) The term for processing of an application is suspended until the submission of additional information.

(5) If the applicant for an integrated permit fails to submit the information necessary for review of the application for an integrated permit or the additional information specified in subsection (3) of this section within the specified term, the issuer of permits has the right to dismiss the application.

(6) The draft of the decision on issue of an integrated permit or refusal to issue a permit shall be submitted to the parties to the processing in order to allow formulating of a position. The parties to the processing may submit their positions within 14 days as of the receipt of the draft. If the parties to the processing fail to submit their positions, they are deemed to have agreed to the draft by default.

(7) If an applicant submits, during the time the application for an integrated permit is processed, a proposal for amendment of the application, the issuer of permits shall assess the significance of the amendment and decide within 21 days as of the receipt of the proposal for amendment of the application whether the amended application for the integrated permit can be processed further. If the proposal for the amendment of the application submitted changes the initial application substantially, the issuer of permits shall determine a term for submission of a new application and terminate the processing of the existing application.

(8) If the term of any of the permits referred to in subsection 25 (2) of this Act expires during the processing of the application for the integrated permit of an installation, the issuer of permits shall extend the term of such permit by the time which is presumably necessary to complete the processing of the issue of the integrated permit.

(9) An integrated permit shall not be deemed issued by default upon failure to review the application for the integrated permit during the term thereof.

### **§ 38. Decisions on issue of integrated permits**

(1) When deciding on the issue of an integrated permit, the nature of the activities for which the application for the integrated permit is submitted, the geographical location of the installation and the principles of contamination prevention shall be taken into consideration. The decision shall be based on:

- 1) the information presented in the application;
- 2) the information gathered in the course of processing the application;
- 3) the information received in the course of assessment of the environmental impact, if environmental impact is assessed upon processing of the application;
- 4) the information and positions received in the course of disclosure of the application and the draft integrated permit;
- 5) the requirements provided for in legislation;
- 6) the requirement to use the best available techniques in accordance with § 42 of this Act;
- 7) the principles of use of installations listed in § 26 of this Act.

(2) If a detailed plan has to be adopted for an activity authorized by an integrated permit or for the erection of such construction works for which a building permit cannot be issued prior to the issue of an integrated permit, no integrated permit shall be issued prior to the adoption of such detailed plan.

(3) A decision on issue of an integrated permit shall contain:

- 1) the reasons for making the decision, including the results of the consultations held prior to making the decision and disclosure of the application for the integrated permit and the draft integrated permit, and an explanation how these results were taken into consideration upon determining the permit requirements;
- 2) the BAT conclusions or titles of the BAT reference documents applicable to the installation or in the case specified in subsection 42 (4) of this Act an explanation on the determination of the best available techniques;
- 3) upon application of the derogation provided for in subsection 44 (6) of this Act, the reasons therefor and the requirements established;
- 4) a short description of the alternatives to the technology, techniques and measures proposed by the operator, if the operator has studied such alternatives.

(4) An integrated permit and the decision on the issue thereof shall be prepared by electronic means and signed digitally, or on paper.

### **§ 39. Grounds for refusal to issue integrated permit**

The issuer of permits shall refuse to issue an integrated permit, if:

- 1) the operation in a specific category of activity or subcategory thereof for which the integrated permit is applied for does not comply with the requirements provided by legislation;
- 2) the proposed activities of the installation do not comply with the best available techniques determined in accordance with § 42 of this Act;
- 3) it may be concluded on the basis of the information presented in the application for an integrated permit that the activities for which the integrated permit is applied for do not allow compliance with the environmental quality standards;
- 4) false information has been submitted in the application for an integrated permit or during the processing thereof.

#### **§ 40. Public notice concerning issue of or refusal to issue integrated permit**

(1) The issuer of permits shall disclose the issue of an integrated permit or refusal to issue it in the official publication *Ametlikud Teadaanded* within seven days as of the issue of the permit or refusal to issue it. The notice shall set out at least the following:

- 1) the business name, registry code and seat, or the name, personal identification code and residence of the recipient of an integrated permit;
- 2) the contact details of the issuer of integrated permits;
- 3) the installation site;
- 4) a short description of the activities of the installation;
- 5) information about where the integrated permit and the decision on issue of an integrated permit or refusal to issue the permit is available for examination.

(2) A notice concerning the issue of an integrated permit, the integrated permit and the decision on the issue of the integrated permit shall be immediately forwarded to the rural municipality or city government of the location of the installation and disclosed on the website of the Environmental Board within seven days as of the issue of the integrated permit.

(3) A notice concerning the refusal to issue an integrated permit and the decision on the refusal to issue an integrated permit shall be immediately forwarded to the rural municipality or city government of the location of the installation and disclosed on the website of the Environmental Board within seven days as of the refusal to issue the integrated permit.

(4) A rural municipality government or city government shall disclose an easily accessible notice concerning the issue of an integrated permit or refusal to issue such permit on the website of the rural municipality government or city government within seven days and it shall set out at least the information specified in subsection (1) of this section. The notice shall be accessible on the website at least until the expiry of the term of contestation of the decision on issue of an integrated permit or refusal to issue an integrated permit.

## **Subdivision 3 Requirements of Integrated Permits**

#### **§ 41. Composition of integrated permits**

(1) The issuer of permits shall decide on the composition of an integrated permit taking into consideration the special characteristics of the area of activity and the site of the installation.

(2) An integrated permit shall be composed of the following information:

- 1) in the case of a legal person the business name, registry code, seat and contact details of the operator, in the case of a natural person his or her name, personal identification code, residence and contact details;
- 2) the name, address, contact details, L-EST geographical coordinates of the installation and the date of start of operations;
- 3) the purpose of the activities, the principal activity of the installation and the name of the subcategory of the activity established on the basis of subsection 19 (3) of this Act, including the working time, annual output and installed production capacities of the installation;
- 4) a description of the site of the installation, its location map and the layout of the installation;
- 5) compliance of the equipment and technology used in the installation with the best available techniques, and a reference to applicable BAT conclusions or measures and techniques used for prevention or reduction of emissions;
- 6) the use and production volume and storage conditions of raw materials, auxiliary materials, semi-finished products and chemicals, and energy, fuels, water and cleaning agents and measures applied for the economical use or recovery thereof;
- 7) emission sources of the installation, the measures and equipment proposed for the prevention or reduction of emissions, emission limit values or equivalent parameters determined instead of emission limit values, or technical measures, without setting the requirement for use of specific equipment or technology;

- 8) sources, level and impact of environmental odour, noise and vibration, and measures used for prevention or reduction thereof in the case of potential significant or adverse environmental impact which needs to be reduced;
- 9) surface water and groundwater and soil protective measures and self-monitoring requirements;
- 10) waste generation in the installation, types and quantities of waste and the measures proposed for prevention of waste generation, preparation for recovery, recycling, other recovery or disposal of waste and monitoring measures;
- 11) a description of self-monitoring in the installation which contains information about the environment management system of the installation, self-monitoring of emissions and contamination, including monitoring of soil and groundwater contamination, maintenance and inspection of equipment and measures for enhancing self-monitoring of the installation;
- 12) a description of the system for the prevention of accidents and limiting the consequences thereof unless the operator is obliged to include such information about the basis of clause 29 2) of this Act;
- 13) the measures to be applied upon cleaning, leaks, momentary stoppages, breakdown of production equipment or treatment facilities, start-up and shut-down of technological equipment and other operating conditions differing from normal conditions;
- 14) measures for prevention or reduction of adverse environmental impact upon definitive cessation of activities of the installation or any part thereof and aftercare measures;
- 15) a baseline report, if preparation of this report is required on the basis of subsection 57 (1) of this Act;
- 16) methods for minimising long-distance or transboundary contamination;
- 17) temporary derogations from the requirements of the integrated permit;
- 18) the manner, frequency and extent of submission of installation information to the issuer of permits;
- 19) additional measures for implementation of the principles provided for in section 26 of this Act.

(3) If an integrated permit specifies, in accordance with clause (2) 7) of this section, equivalent parameters instead of emission limit values or technical measures without setting the requirement for use of specific equipment or technology, such parameters or technical measures shall ensure at least a level of environmental protection equivalent to the emission limit values.

(4) If the environmental quality standards provided for in this Act or other legislation prescribe more stringent requirements than the requirements which can be complied with by using the best available techniques, the integrated permit shall impose an obligation on the operator to apply additional measures which guarantee compliance with the standards.

(5) The requirements which specify the contents of an integrated permit and forms for such permits shall be established by a regulation of the minister responsible for the area.

#### **§ 42. Application of requirement for use of best available techniques**

(1) The issuer of permits shall be guided upon determining the requirements of an integrated permit by the BAT conclusions applicable on the activities or the type of production process carried out within an installation.

(2) Where the issuer of permits sets integrated permit requirements on the basis of the best available techniques not described in any applicable BAT conclusions or BAT reference document, such best available techniques shall be determined on the bases for determining the best available techniques provided for in § 43 of this Act. The requirements provided for in § 44 of this Act shall also be adhered to upon determination of the best available techniques.

(3) If no such emission level is provided for in the BAT conclusions or BAT reference documents specified in subsection (2) of this section which is associated with the use of the best available techniques, the issuer of permits shall apply the best available techniques specified in subsection (2) of this section only in the case such level of environment protection is associated with the use thereof which is at least equal to the level of the environmental quality standards.

(4) Where an activity or a type of production process carried out in an installation is not covered by any of the BAT conclusions or BAT reference documents or where those conclusions do not address all the potential environmental impacts of the activity or process, the issuer of permits shall, after prior consultations with the operator, set the permit requirements on the basis of the best available techniques that it has determined for the activities or processes concerned, by giving special consideration to the bases for determining the best available techniques provided for in § 43 of this Act.

#### **§ 43. Bases for determination of best available techniques**

Upon determination of the integrated permit requirements on the basis of such best available techniques which are not described in any applicable BAT conclusions or which are determined for the activities or processes concerned, the issuer of permits shall be guided by the following criteria:

- 1) the use of low-waste technology;
- 2) the use of less hazardous substances;
- 3) the recovery and recycling of substances generated in production, and of waste;
- 4) the use of comparable processes, facilities or methods of operations which have been tried with success in manufacture on an industrial scale;
- 5) technological advances and the results of scientific development;
- 6) the nature, impacts and volume of the emissions concerned;

- 7) the commencement date of the activity of the installation;
- 8) the length of time needed to introduce the best available techniques;
- 9) the consumption and nature of raw materials used, including water, and their energy efficiency;
- 10) the impact of the emissions on the environment and prevention of the risks resulting therefrom or reduction thereof to the maximum extent possible;
- 11) prevention of accidents and minimization of the consequences thereof;
- 12) relevant information published by international organisations concerning the best available techniques.

#### **§ 44. Determination of emission limit values, equivalent parameters and technical measures**

(1) The emission limit values, equivalent parameters or technical measures provided for in integrated permits are based on best available techniques.

(2) When determining the emission limit values, equivalent parameters or technical measures, the issuer of permits shall take into consideration the nature of the substances being discharged into the environment from the emission source of an installation and potential transfer of the contamination caused thereby from one environmental media to another.

(3) If a decision on BAT conclusions has been published on an activity or a type of production process carried out within an installation, the issuer of permits shall determine such emission limit values in an integrated permit which, when followed, ensure that, under normal operating conditions, emissions of the installation do not exceed the emission level achievable with the best available techniques described in the BAT conclusions applicable to this installation.

(4) For the purposes of application of subsection (3) of this section, the emission limit values shall be determined in the permit requirements for the same or shorter periods and under the same reference conditions as those used in the case of the techniques described in the BAT conclusions.

(5) The issuer of permits may determine such emission limit values that differ from the requirements provided for in subsection (3) of this section in terms of the values, periods of time or reference conditions. In such case, the issuer of permits shall assess at least once per year the results of emission monitoring and check whether the emissions of polluting substances under normal operating conditions remain in the limits of the emission levels associated with the best available techniques.

(6) By way of derogation from the provisions of subsections (3) and (5) of this section, the issuer of permits may determine less strict emission limit values in the integrated permits. Less strict emission limit values are set only in the case where, in the opinion of the issuer of permits, application of the emission levels associated with the best available techniques would lead to disproportionately higher costs compared to the environmental benefits and such costs relate to the specific character of the installation arising from its:

- 1) geographical location;
- 2) local environmental conditions; or
- 3) technical characteristics.

(7) For the purposes of application of subsection (6) of this section, the issuer of permits shall:

- 1) state in its report on the issue of a permit the reasons for the application of the derogation and the requirements set;
- 2) determine in the permit the emission limit values which do not exceed the emission limit values established by this Act and legislation established on the basis thereof or other legislation;
- 3) ensure that no contamination is caused and that a high level of protection of the environment as a whole is achieved;
- 4) assess when reviewing the requirements of an integrated permit whether the application of the derogation specified in subsection (6) of this section is still justified.

(8) For testing and using emerging techniques, the issuer of permits may grant temporary derogations from the application of the best available techniques and the emission limit values, equivalent parameters or technical measures determined on the basis thereof for the term of up to nine months if the use of the emerging technique is stopped thereafter or at least the emission level associated with the best available techniques is achieved in the activities related to such technique.

(9) The emission limit values shall apply at the point where the emissions leave the installation. Any dispersion or dilution of emissions by other substances or environmental media before discharge into the environment shall be disregarded when determining emission limit values.

(10) With regard to indirect releases into water, the impact of a water treatment plant may be taken into consideration when determining the emission limit values of the installation involved, provided that an equivalent level of protection of the environment as a whole is guaranteed, contamination is not increased and the operator complies with the requirements established concerning hazardous substances discharged into the public sewerage system.

#### **§ 45. Emission of greenhouse gases**

(1) If the activity of the installation is included in the list of the areas of activities established on the basis of subsection 155 (1) of the Atmospheric Air Protection Act, the permit shall not include an emission limit value for emissions of greenhouse gases, unless this is necessary in order to ensure that no contamination is caused at local level.

[RT I, 05.07.2016, 1 - entry into force 01.01.2017]

(2) In the case of the areas of activity referred to in subsection (1) of this section, the requirements relating to energy efficiency shall not apply to combustion plants or other units of an installation emitting carbon dioxide on the site of the installation.

(3) The requirements for a permit are amended, if necessary, for the application of the specifications provided for in subsections (1) and (2) of this section.

(4) The provisions of subsections (1) to (3) of this section do not apply to installations which are temporarily excluded from the scheme for greenhouse gas emission allowance trading.

#### **§ 46. Substances to be taken into account upon determining emission limit values**

(1) In the composition of emissions into the ambient air, emission limit values for the following substances shall be determined in particular:

- 1) sulphur dioxide and other sulphur compounds;
- 2) oxides of nitrogen and other nitrogen compounds;
- 3) carbon monoxide;
- 4) volatile organic compounds;
- 5) metals and their compounds;
- 6) dust including fine particulate matter;
- 7) asbestos;
- 8) chlorine and its compounds;
- 9) fluorine and its compounds;
- 10) arsenic and its compounds;
- 11) cyanides;
- 12) substances and mixtures with carcinogenic or mutagenic properties or properties which may affect reproduction via the air;
- 13) polychlorinated dibenzodioxins and polychlorinated dibenzofurans.

(2) In the composition of emissions into water, emission limit values for the following substances shall be determined in particular:

- 1) organohalogen compounds and substances which may form such compounds in the aquatic environment;
- 2) organophosphorus compounds;
- 3) organotin compounds;
- 4) substances and mixtures with carcinogenic or mutagenic properties or properties which may affect reproduction in or via the aquatic environment;
- 5) persistent hydrocarbons and persistent and bioaccumulable organic toxic substances;
- 6) cyanides;
- 7) metals and their compounds;
- 8) arsenic and its compounds;
- 9) biocides and plant protection products;
- 10) materials in suspension;
- 11) substances which contribute to eutrophication, including in particular, nitrates and phosphates;
- 12) substances which have an adverse impact on the oxygen balance and can be measured using parameters such as biological oxygen demand (BOD), chemical oxygen demand (COD) or other similar parameters;
- 13) priority substances and priority hazardous substances established on the basis of subsection 26<sup>5</sup>(7) of the Water Act.

#### **§ 47. Requirements for self-monitoring of installations**

(1) The emissions monitoring requirements specified in clause 41 (2) 11) of this Act shall be determined on the basis of the requirements for self-monitoring contained in the applicable BAT conclusions.

(2) The minister responsible for the area may establish by a regulation detailed requirements for the monitoring of soil and groundwater contamination specified in clause 41 (2) 11) of this Act.

(3) Regular self-monitoring of groundwater contamination shall be carried out at least once every five years.

(4) Regular self-monitoring of soil contamination shall be carried out at least once every ten years.

(5) The provisions of subsections (3) and (4) of this section do not apply in the case the monitoring is based on a systematic appraisal of the risk of pollution.

#### **§ 48. Term of validity of integrated permits**

Integrated permits shall be issued without a time limit.

### **Subdivision 4 Review, Conversion, Suspension and Revocation of Integrated Permits**

#### **§ 49. Review of requirements of integrated permits**

(1) The issuer of permits shall review the requirements of integrated permits in the following cases:

- 1) if this is caused by the results of the regular inspection of an installation required to hold an integrated permit provided for in section 158 of this Act;
- 2) after the publication of a decision on the BAT conclusions relating to the main activity of an installation;
- 3) where an installation is not covered by any of the BAT conclusions, in the case the developments in the best available techniques allow for the significant reduction of the amount or hazard of emissions;
- 4) where the contamination caused by the installation is of such significance that the emission limit values need to be reduced or additional emission limit values have to be set;
- 5) where other measures besides the ones determined in the integrated permit have to be used for ensuring safety of the operation of the installation;
- 6) where the environmental quality standards are amended or new environmental quality standards are established;
- 7) where the legal provisions provided by legislation on which the requirements of the permit are based are changed;
- 8) where substantial changes in the nature or functioning of an installation have been imposed or are proposed.

(2) Upon review of the requirements of an integrated permit in the case specified in subsection (1) of this section, the issuer of permits shall initiate a procedure for amendment of the integrated permit, if necessary.

(3) In the case specified in clause (1) 2) of this section and upon amendment of the requirements of the permit, the issuer of permits shall require the operator to make the operation of the installation comply with the amended requirements within four years after the publication of the decision on the BAT conclusions.

(4) The issuer of permits shall compare the operation of an installation upon review of the requirements of an integrated permit on the basis of all the available monitoring and inspection information and other necessary information with the best available techniques described in the BAT conclusions and the emission levels associated therewith.

(5) If the issuer of permits finds as a result of reviewing the requirements of an integrated permit that the conversion of the integrated permit is unnecessary, it shall make a decision on it. The decision shall contain the reasons for making the decision, including the results of the consultations held before the decision was made and an explanation of how they were taken into consideration.

(6) An operator is obliged to render all possible assistance to the representatives of the issuer of permits reviewing the requirements of the permit in the installation, to provide access for them to the site of the installation and enable them to take samples and gather information concerning the performance of the duties provided for in this Act.

(7) An operator shall pay a state fee for the review of the requirements of an integrated permit.

#### **§ 50. Grounds for conversion of requirements for integrated permits**

The requirements of an integrated permit shall be converted if:

- 1) the provisions provided by legislation on which the requirements of the permit are based are changed;
- 2) the contamination is of such significance that adverse changes are caused to the site of the installation, wherefore the existing emission limit values need to be reduced or additional limit values need to be determined;
- 3) changes in the best available techniques make it possible to substantially reduce emissions or the hazard created thereby without imposing excessive costs;
- 4) in order to prevent accidents, techniques different from those determined by the integrated permit are required;
- 5) substantial changes in the nature or functioning of the installation have been imposed or are proposed.

#### **§ 51. Procedure for amendment of integrated permits**

(1) If amendment of an integrated permit is initiated by an operator in connection with the amendment or extension of the operation of an installation which volume exceeds the threshold capacity for the subcategory of

activities established on the basis of subsection 19 (3) of this Act or if the significant risk involved in this causes a significant negative impact on the environment or human health, the procedure shall be conducted pursuant to §§ 28 to 40 of this Act.

(2) In the cases where amendment of an integrated permit is initiated by the issuer of permits, the issuer of permits shall inform the operator by post or electronic means of the grounds for conversion of the requirements of the permit, request submission of the information necessary for the conversion of the integrated permit, and set a term for submission of the information. When determining the term, the issuer of permits shall take into consideration the extent and availability of the information.

(3) If the extent of conversions made to an integrated permit might interfere with effective monitoring of the production of the installation, the issuer of permits may require the operator to apply for an integrated permit where such conversions would be taken into consideration.

(4) Clause 67 (4) 2) of the Administrative Procedure Act does not apply to amendments of integrated permits.

(5) The provisions of the Administrative Procedure Act concerning open proceedings or the provisions of §§ 34 to 36 of this Act do not apply to amendments of integrated permits by the issuer of permits, except where the permit is converted:

- 1) because the contamination caused by the installation is of such significance that more strict emission limit values or additional emission limit values need to be set in the integrated permit in accordance with clause 49 (1) 4) of this Act;
- 2) in such a way that the integrated permit determines less strict emission limit values in accordance with subsection 44 (6) of this Act;
- 3) upon substantial changes of the installation or any part thereof for the purposes of § 56 of this Act.

(6) The issuer of integrated permits shall make a decision in compliance with the requirements of § 38 of this Act when amending the requirements of integrated permits.

(7) The decision of conversion of an integrated permit shall be notified publicly in accordance with the provisions of § 40 of this Act.

## **§ 52. Change of integrated permits under simplified procedure**

(1) The issuer of permits has the right to change an integrated permit without conducting a procedure after receipt of a relevant notice from an operator, if:

- 1) the operator is changed;
- 2) the contact details of the operator have changed;
- 3) the code numbers or names of chemicals used in the installation have changed, but not the composition thereof;
- 4) the units of measurement used for calculation of the consumption of resources have changed;
- 5) the names of auxiliary equipment or the number thereof have changed but such change does not cause any change in the requirements of the integrated permit;
- 6) the method of presentation of information to the issuer of permits has been changed.

(2) The issuer of permits shall send a notice about the changes made in subsection (1) of this section by electronic means within seven days as of the receipt of the notice to an operator and the city government or rural municipality government of the location of the installation and the Environmental Inspectorate[??].

## **§ 53. Suspension of integrated permits**

(1) The issuer of permits may suspend an integrated permit in part or in full for up to one year on the bases provided for in clauses 50 2) to 5) of this Act.

(2) Suspension of an integrated permit shall be decided without conducting an open procedure.

## **§ 54. Revocation of integrated permits**

(1) The issuer of the permit shall revoke an integrated permit, if:

- 1) the operator requests it;
- 2) the operator has not commenced the activities authorized by the integrated permit within 12 months after the date for commencement of the operation specified in the integrated permit and has not submitted an application for the amendment of the date for commencement of the operation of the installation;
- 3) it has become evident that, upon application for the integrated permit, the operator submitted false information which was of material importance in the decision to issue the integrated permit, or submitted falsified documents;
- 4) it has become evident that the issuer of permits or the Environmental Inspectorate has been submitted false information or falsified documentation;
- 5) the contamination caused by the installation is of such significance that the significant adverse impact caused thereby on the environment, human health, well-being, property and cultural heritage cannot be prevented without fundamental technological restructuring which requires application for a new integrated permit;



6) the operator has repeatedly or significantly violated the safety requirements in a dangerous enterprise or an enterprise liable to be affected by a major accident and thereby caused a risk of accidents or an accident and the Technical Surveillance Authority or the Rescue Board has proposed to the issuer of permits to revoke the integrated permit;

7) the operator is bankrupt or liquidated as a legal person, and the operation is not continued prior to the date prescribed for the next regular environmental inspection based on the same integrated permit by another operator or the operation of the installation is not continued under the control of a trustee in bankruptcy;

8) it has become evident that the techniques used in the installation do not allow to achieve the emission level associated with the best available techniques or the emission level provided for in the BAT conclusions.

(2) The issuer of the permit may revoke the integrated permit:

1) if the grounds provided for in clauses 50 2) to 5) of this Act exist and the interests of a person in public law or a third person cannot be protected efficiently by means of converting the integrated permit;

2) if the operator fails to comply with the requirements provided for in the integrated permit or the legislation and revocation of the integrated permit is required by predominant public interest or the operator has been previously punished for such violation or suspension of the validity of the integrated permit has not expired based on compliance with the requirements of the permit;

3) if the operator has failed to submit the documents required for converting the integrated permit at the request of the issuer of permits.

(3) Clause 67 (4) 2) of the Administrative Procedure Act does not apply to revocation of an integrated permit.

### **§ 55. Procedure for revocation of integrated permits**

(1) Revocation of an integrated permit may be applied for by parties to the procedure and the Environmental Inspectorate.

(2) An integrated permit revocation procedure is initiated by the issuer of permits.

(3) If an integrated permit revocation procedure is initiated by the issuer of permits on its own initiative or the Environmental Inspectorate or based on the request of other parties to the procedure, it shall notify the operator thereof by post or by electronic means within three days as of the initiation of the procedure and indicate the reasons for initiation of the integrated permit revocation procedure.

(4) The operator has the right to submit objections, explanations or additional documentation to the issuer of permits and require to be heard by the issuer of permits within 14 days as of the receipt of the notice pursuant to subsection (3) of this section.

(5) The issuer of permits shall make the decision to revoke an integrated permit or to terminate the procedure within 30 days after the receipt of the explanations and additional information or after the hearing of the operator as specified in subsection (4) of this section.

(6) The issuer of permits shall inform an operator of a decision on revocation of an integrated permit or on termination of the procedure by post or electronic means within seven days as of the day on which the decision is made. The issuer of permits shall send transcripts of the decision to the city or rural municipality government of the location of the installation and the Environmental Inspectorate and in the case of a dangerous enterprise or an enterprise liable to be affected by a major accident to the Technical Surveillance Authority and to the rescue centre of the location of the enterprise.

(7) The provisions of the Administrative Procedure Act concerning open proceedings do not apply to any integrated permit revocation procedure.

## **Subdivision 5 Changes to Installations, Preparation of Baseline Reports and Site Closures**

### **§ 56. Change in nature and functioning of installation**

(1) An operator shall notify the issuer of permits of every change in the nature or functioning of an installation, including an extension of the installation, which might affect the environment or human health.

(2) If an operator has notified the issuer of permits of proposed changes in the nature or functioning of an installation, including an extension of the installation, or the issuer of permits has become aware of such changes in any other manner, the issuer of permits shall determine the significance of the changes within 21 days and, if necessary, initiate the procedure for issue or conversion of an integrated permit.

(3) The issuer of permits deems substantial any change in the operation or extension of an installation, combustion plant, waste incineration plant or waste co-incineration plant, which volume exceeds the threshold capacity for the subcategory of activities established on the basis of subsection 19 (3) of this Act or if the significant risk involved in this causes a significant adverse impact on the environment or human health.

(4) Any change in the nature or functioning of an installation, including an extension of the installation may be implemented only after the issuer of permits has informed the operator in writing that amendment of the requirements of the integrated permit is not required for implementation thereof or if the requirements of the integrated permit have already been converted.

#### **§ 57. Preparation of baseline reports**

(1) If the operation of an installation involves the use, production or release of hazardous substances into the environment, the operator is required to prepare a baseline report and submit it to the issuer of permits prior to the commencement of the activities of the installation.

(2) For the purposes of this Act, a baseline report is a document prepared by an operator which sets out the information concerning soil and groundwater contamination with relevant hazardous substances at the site of an installation.

(3) The baseline report shall contain information concerning soil and groundwater which allows to determine the pollution thereof and to make a quantified comparison of the state at the time of preparation of the report with the state upon definitive cessation of the activities.

(4) The baseline report shall contain at least the following information:

- 1) information about the activities conducted at the time of preparation of the report and, where available, on past activities of the site;
- 2) where available, existing information about soil and groundwater contamination measurements that reflect the state at the time of preparation of the report;
- 3) if the information specified in clause 2) of this section is unavailable, information about new soil and groundwater contamination measurements.

(5) For the purposes of clause (4) 3) of this section, the measurements shall be planned and performed having regard to the possibility of soil and groundwater contamination by the hazardous substances used, produced or released from the installation.

(6) Where the information required in the baseline reports are contained in a document prepared pursuant to any other legislation, that information may be attached to the baseline report.

#### **§ 58. Installation site closure**

(1) Upon definitive cessation of the activities of an installation, the operator shall assess the state of soil and groundwater contamination by the hazardous substances used, produced by or released from the installation. Where the activity has caused contamination of soil or groundwater compared to the state described in the baseline report, the operator shall take the necessary aftercare measures to restore the status of the environment described in the baseline report. The technical feasibility of such measures shall be taken into consideration upon selection of the measures.

(2) Where a site may have a significant adverse impact on the environment, human health, well-being, property and cultural heritage as a result of the activities conducted based on an integrated permit and taking into consideration the future use thereof determined or approved upon definitive cessation of the activities thereof, the operator is required to implement necessary aftercare measures upon definitive cessation of the activities for removal of hazardous substances, control, containment or reduction thereof in the soil:

- 1) if the operator is required to prepare a baseline report in accordance with subsection 57 (1) of this Act but the soil or groundwater contamination has been caused by an activity permitted by an integrated permit prior to the first reviewing of the integrated permit of the installation and after the entry into force of this Act; or
- 2) if the operator is not required to prepare a baseline report but soil and groundwater contamination has been caused by the activities permitted by an integrated permit.

(3) The measures specified in subsections (1) and (2) of this section shall ensure that the site would not have a significant adverse impact on the environment, human health, well-being, property and cultural heritage taking into consideration the future use thereof determined or approved upon definitive cessation of the activities thereof. Upon selection of the measures, the operator shall also take into consideration the description of the site of the installation included in the integrated permit.

(4) The operator shall immediately notify the issuer of permits of the results of the assessment conducted in accordance with subsections (1) to (3) of this section and the aftercare measures implemented.

(5) The issuer of permits has the right to require the implementation of additional aftercare measures if the measures taken by the operator fail to ensure compliance with the requirements of subsections (1) to (3) of this section.

## **Subdivision 6**

### **Presentation, Submission and Disclosure of Information**

#### **§ 59. Duty to preserve documentation and submit information**

(1) An operator shall preserve all the documentation and information belonging to the operator concerning the application for an integrated permit, issue of the integrated permit, monitoring prescribed by the integrated permit and inspection of compliance with the requirements during the term of validity and at least five years after the revocation of the integrated permit.

(2) The documents specified in subsection (1) of this section shall be accessible at the request of the issuer of permits and the Environmental Inspectorate.

(3) An operator shall provide the issuer of permits with:

- 1) information obtained in the process of monitoring prescribed by the integrated permit, in compliance with the requirements of the integrated permit;
- 2) information concerning the proposed change of operator.

(4) An operator is required to submit, at the request thereof, to the issuer of permits the information required for issue, amendment, revocation of integrated permits and review of the requirements of integrated permits, or to the Environmental Inspectorate the information required for performance of environmental inspections.

#### **§ 60. Disclosure of information**

(1) Applications for integrated permits, draft integrated permits and draft conversions thereof, decisions on issue and refusal to issue integrated permits, and decisions on conversion of integrated permits, integrated permits, results of environmental monitoring in the possession of administrative agencies assigned by integrated permits, decisions made upon review of integrated permits on refusal to convert the requirements of integrated permits and the results of environmental inspections of installations are public.

(2) Decisions made on issue of integrated permits and amendments thereof and decisions made upon review of integrated permits on refusal to amend the requirements of integrated permits shall be made accessible on the website of the Ministry of the Environment and the Environmental Board and in the information system of environmental permits.

(3) The information concerning the measures taken upon definitive cessation of an installation in accordance with § 58 of this Act and the information in the possession of the issuer of permits concerning emissions and other monitoring performed in compliance with the requirements of the integrated permit shall also be made accessible on the website of the Environmental Board.

(4) Information concerning the building design or activities or of an installation, composition or use of certain raw materials, chemicals or other materials or products may be treated as information with limited access if such information is submitted as a separate part of the application for an integrated permit and is clearly marked with the word "*Ärisaladus*" (business secret). Treating of information as information with limited access shall be decided by the issuer of permits taking into consideration *inter alia* public interest in disclosure of the information. The issuer of permits shall disclose the information to the extent which does not contain any business secrets, provided this is reasonable and the information is understandable.

(5) All BAT conclusions shall be made accessible on the website of the Ministry of the Environment.

## **Division 3**

### **Procedure for Integrated Permits of Installations with Transboundary Effects**

#### **§ 61. Involvement of public in procedures for integrated permits of installations with transboundary effects**

(1) If the activities of a proposed installation or an installation which activities are substantially changed for the purposes of § 56 of this Act may have a significant adverse impact on the environment of another Member State of the European Union or if this is required by another Member State of the European Union which finds that the activities of the installation may have a significant adverse impact on its environment, the issuer of permits shall submit the information specified in subsection 33 (3) of this Act to the Ministry of the Environment.

(2) In the case specified in subsection (1) of this section, the Ministry of the Environment shall forward the information obtained from the issuer of permits to a competent authority of another Member State at the same time when the issuer of permits makes it accessible to the public.

(3) Upon application of subsection (1) of this section, the issuer of permits shall take the need of involvement of the public of another Member State of the European Union into consideration upon determining the time-limits of proceedings.

(4) If an installation proposed or substantially changed in another Member State of the European Union may have a significant adverse impact on the Estonian environment, the Ministry of the Environment shall require the submission of the information specified in subsection 33 (3) of this Act by the competent authorities of such Member State.

(5) Upon receipt of the information specified in subsection (4) of this section, the Ministry of the Environment shall notify and involve the public pursuant to the procedure specified in §§ 33 to 36 of this Act. The notices shall be disclosed at the expense of the Ministry of the Environment.

(6) The Ministry of the Environment shall forward the submitted written proposals and objections and the positions submitted at public sessions to the competent authorities of another Member State of the European Union.

#### **§ 62. Transboundary consultations**

(1) In the case specified in subsection 61 (1) of this Act, the Ministry of the Environment shall consult about an application for an integrated permit with the competent authorities of another Member State of the European Union and forward the results of the consultations to the issuer of permits.

(2) In the case specified in subsection 61 (1) of this Act, the issuer of permits shall *inter alia* take into consideration upon issue of integrated permits the results of the consultations held with another Member State of the European Union and of the results of public disclosure in the other Member State of the European Union.

#### **§ 63. Notice on issue and amendment of integrated permits to installations with transboundary effects**

(1) In the case specified in subsection 61 (1) of this Act, the issuer of permits shall notify the Ministry of the Environment of the decision made on the application and forward the information specified in subsection 38 (3) of this Act.

(2) The Ministry of the Environment shall notify the competent authorities of another Member State of the European Union of the decision made and forward the information received from the issuer of permits to it.

(3) In the case specified in subsection 61 (4) of this Act, the Ministry of the Environment shall disclose the respective information specified in subsection 38 (3) of this Act upon receipt of such information in the manner provided for in §§ 40 and 60 of this Act.

## **Chapter 3 Large Combustion Plants**

### **Division 1 General Provisions**

#### **Subdivision 1 Scope**

#### **§ 64. Scope**

(1) The provisions of this Chapter apply to all large combustion plants regardless of the type of fuel fired there.

(2) This Chapter does not apply to:

- 1) plants in which the products of combustion are used for the direct heating, drying, or any other treatment of objects or materials, such as superheat furnaces and heat treatment furnaces;
- 2) post-combustion plants designed to purify the emitted gases by combustion which are not operated as independent combustion plants;
- 3) facilities for the regeneration of catalytic cracking catalysts;
- 4) facilities for the conversion of hydrogen sulphide into sulphur;
- 5) reactors used in the chemical industry;
- 6) coke battery furnaces;
- 7) cowpers;

- 8) engines of a vehicle, ship or aircraft;
- 9) gas turbines and gas engines used on offshore platforms;
- 10) plants which use any solid or liquid waste as a fuel other than biomass waste.

## **Subdivision 2 Terms and Definitions**

### **§ 65. Existing and new large combustion plants**

(1) An existing large combustion plant is a combustion plant for the operation of which a permit was issued before 1 June 2013 or for which a conforming application for a permit was submitted before 1 June 2013, provided that the combustion plant commenced its operation not later than on 7 January 2014.

(2) A new large combustion plant is a large combustion plant which is not deemed to be an existing large combustion plant pursuant to subsection (1) of this section.

### **§ 66. Number of operating hours of combustion plants**

The number of operating hours of a combustion plant is the time, expressed in hours, during which a combustion plant, in whole or in part, is operating and discharging emissions into the ambient air, excluding start-up and shut-down periods of the plant.

### **§ 67. Desulphurization rate**

The rate of desulphurization is the ratio over a given period of time of the quantity of sulphur which is not emitted into the ambient air from a combustion plant to the quantity of sulphur contained in the solid fuel which is introduced into the combustion plant facilities and which is used in the plant over the same period of time.

### **§ 68. Indigenous solid fuel**

Indigenous solid fuel is a naturally occurring solid fuel fired in a combustion plant specifically designed for that fuel and extracted locally.

### **§ 69. Gas engines and gas turbines**

(1) A gas engine is an internal combustion engine which operates according to the Otto cycle and uses spark ignition or, in case of dual fuel engines, compression ignition to burn fuel.

(2) A gas turbine is any rotating machine which converts thermal energy into mechanical work, consisting mainly of a compressor, a thermal device in which fuel is oxidised in order to heat the working fluid, and a turbine.

## **Subdivision 3 General Requirements**

### **§ 70. Promoting combined heat and power production**

The possessors of large combustion plants which received a building permit after 27 November 2002 shall investigate whether combined production of heat and power is possible and technically and economically justified and construct the plants in areas where a demand exists for both power as well as heat.

### **§ 71. One installation**

(1) Where the gases of two or more separate combustion units are discharged into the ambient air through a common stack, the combination formed by such units shall be considered as a single combustion unit and their capacities are added for the purpose of calculating the total rated thermal input.

(2) Where two or more separate existing combustion units which have been issued a permit on or after 1 July 1987, or the operators of which have submitted a conforming application for a permit on or after 1 July 1987, are installed in such a way that, taking technical and economic factors into consideration, their flue gases could, in the judgement of the issuer of permits, be released through a common stack into the ambient air, the combination formed by such units shall be considered as a single combustion unit and their capacities are added for the purpose of calculating the total rated thermal input.

(3) For the purpose of calculating the total rated thermal input of a combination of combustion units specified in subsections (1) and (2) of this section, individual combustion units with a rated thermal input below 15 megawatts shall not be considered.

#### **§ 72. Requirements for stacks of combustion plants**

The gases from a combustion plant shall be discharged into the ambient air through a stack, the height of which is calculated in such a way that the emissions of polluting substances in the gases discharged through it shall not cause exceeding of the limit values of the ambient air contamination levels established for the protection of human health or the critical levels established for the protection of ecosystems on the basis of the Atmospheric Air Protection Act.

[RT I, 05.07.2016, 1 - entry into force 01.01.2017]

## **Division 2 Emission Limit Values for Polluting Substances**

### **Subdivision 1 General Requirements for Application of Emission Limit Values for Polluting Substances**

#### **§ 73. Emission Limit Values for Polluting Substances**

The emission limit values for polluting substances of large combustion plants shall be established by a regulation of the minister responsible for the area.

#### **§ 74. Emission limit values for large combustion plants and application of rates of desulphurization to emissions from common stack**

(1) Where the polluting substances of several combustion units are discharged through a common stack, the emission limit values for polluting substances of large combustion plants established on the basis of § 73 of this Act and the requirements concerning the rates of desulphurization for the emissions of each common stack provided for in subsection 79 (3) of this Act shall apply based on total rated thermal input of the entire combustion plant.

(2) Where the polluting substances of several combustion units are discharged through a common stack and the emission limit values for polluting substances of large combustion plants established on the basis of § 73 of this Act apply to certain parts of the combustion plants during limited operating hours, such limit values only apply to the emissions of that part of the combustion plant.

(3) The limit values specified in subsection (2) of this section shall be determined on the basis of the total rated thermal input of the entire combustion plant.

#### **§ 75. Application of emission limit values upon extension of large combustion plants**

(1) Where a large combustion plant is extended, the emission limit values for polluting substances established for new large combustion plants on the basis of § 73 of this Act apply to the part of the plant changed by the extension and these limit values are determined on the basis of the total rated thermal input of the entire combustion plant.

(2) In the case of such change of a large combustion plant which may have consequences for the environment and which affects a part of the plant with a rated thermal input of 50 MW or more, the emission limit values for polluting substances established for new large combustion plants on the basis of § 73 of this Act shall apply to the changed part of the plant on the basis of the total rated thermal input of the entire combustion plant.

#### **§ 76. Requirements for application of emission limit values for polluting substances in case of combustion plants firing several fuels**

The requirements for application of emission limit values for polluting substances in the case of combustion plants firing several fuels shall be established by a regulation of the minister responsible for the area.

## **Subdivision 2**

# **Derogations from Application of Emission Limit Values for Polluting Substances**

## **§ 77. Non-application of emission limit values to diesel engines and recovery boilers**

The emission limit values established on the basis of § 73 of this Act do not apply to the following large combustion plants:

- 1) internal combustion engines which operate according to the diesel cycle and use compression ignition to burn fuel;
- 2) recovery boilers within installations for the production of pulp.

## **§ 78. Time limit for non-compliance with emission limit values for polluting substances**

(1) The issuer of permits may grant the operator of a large combustion plant a derogation in writing from the obligation to comply with the limit values of emissions of polluting substances during a period of ten days in the cases where a plant which normally uses only gaseous fuel and which would otherwise need to be equipped with waste gas abatement equipment has to exceptionally use other fuels.

(2) The time limit of ten days specified in subsection (1) of this section does not apply in the case where there is an overriding need to maintain energy supplies. The issuer of permits and the Environmental Inspectorate shall be immediately informed of such cases. The issuer of permits shall immediately decide on the existence of an overriding need to maintain energy supplies and notify the operator thereof.

(3) The issuer of permits may suspend the obligation to comply with the limit values for sulphur dioxide emissions for a period of up to six months in respect of a large combustion plant, which normally uses low-sulphur fuel, in the cases where the operator of the plant is unable to comply with the limit values for sulphur dioxide emissions because of an interruption in the supply of low-sulphur fuel resulting from an emergency for the purposes of the Emergency Act.

## **§ 79. Desulphurization requirements for large combustion plants firing indigenous solid fuel**

(1) In the case of a large combustion plant firing indigenous solid fuel where the emissions of polluting substances do not comply with the limit values for sulphur dioxide emissions established for large combustion plants on the basis of § 73 of this Act due to the characteristics of the specified fuel, the issuer of permits may implement the requirements concerning the rates of desulphurization instead of the emission limit values for sulphur dioxide emissions.

(2) The requirements concerning the rates of desulphurization are implemented in the case the operator submits to the issuer of permits a technical justification of the non-feasibility of complying with the sulphur dioxide emission limit values established for large combustion plants on the basis of § 73 of this Act.

(3) The requirements concerning the rates of desulphurization are established by a regulation of the minister responsible for the area.

(4) The requirements concerning the rates of desulphurization established on the basis of subsection (3) of this section apply as a monthly average.

(5) Where the requirements concerning the rates of desulphurization are implemented instead of the sulphur dioxide emission limit values, the operator shall submit to the issuer of permits in an annual report the information concerning the sulphur content of the indigenous solid fuel used and the rate of desulphurization achieved, averaged over each month.

## **Division 3 Requirements for Monitoring Emissions of Polluting Substances and Adherence to Limit Values**

### **§ 80. Requirements for monitoring emissions of polluting substances at combustion plants with rated thermal input equal to or greater than 100 megawatts**

(1) In the case of large combustion plants which total rated thermal input is 100 megawatts or more, the content of the following polluting substances shall be measured continuously in the gases emitted from the emission source:

- 1) sulphur dioxide;
- 2) nitrogen oxide;

- 3) all sizes of fractions of particulate matter;
- 4) carbon oxide in the case gaseous fuel is fired.

(2) The carbon oxide content specified in clause (1) 4) of this section is measured from each individual combustion plant.

(3) An operator of a large combustion plant shall submit information concerning the results of continuous measurements pursuant to the requirements provided for in the permit.

(4) The issuer of permits may waive:

- 1) the requirement for continuous measurement of the content of polluting substances specified in subsection (1) of this section if the life span of the large combustion plant is less than 10,000 operating hours;
- 2) the requirement to measure the emitted sulphur dioxide and particular matter content in the case of large combustion plants firing natural gas;
- 3) the requirement to measure the emitted sulphur dioxide content in the case of large combustion plants firing liquid fuels with certain sulphur content where there is no desulphurization equipment;
- 4) the requirement to measure sulphur dioxide content in the gases released from large combustion plants using biomass if the operator certifies to the issuer of permits that the sulphur dioxide content in the gases released can in no case exceed the emission limit value established on the basis of § 73 of this Act.

(5) In the cases provided for in subsection (4) of this section, the measurements of polluting substances specified in subsection (1) of this section are performed at least every three months or using the determination procedures for assessment of sulphur dioxide and nitrogen oxides content in the gases released which have been verified and approved by the issuer of permits.

(6) In the case of combustion plants firing coal or lignite, the emissions of total mercury shall be measured at least once per year.

(7) The continuous measurements performed in compliance with subsection (1) of this section shall include such parameters of the emission source as oxygen content, temperature, pressure and water vapour content of released gases. The continuous measurement of the water vapour content of gases released shall not be necessary if the sample of released gas is dried before the analysing thereof.

(8) Automatic measuring systems shall be subject to control by means of parallel measurements with the internationally or nationally approved reference methods at least once per year. The operator shall notify the issuer of permits of the results of inspections of the equipment used for automatic measuring.

(9) In the case of large combustion plants to which the requirements concerning the rates of desulphurization apply in accordance with § 79 of this Act, the operator shall regularly also measure the sulphur content of the fuel fired.

### **§ 81. Review of monitoring requirements of large combustion plants**

The operator of a combustion plant shall notify the issuer of permits of substantial changes in the type of fuel or the mode of operation of the combustion plant and the issuer of permits shall decide whether the monitoring requirements provided for in the permit are adequate or require adaptation.

### **§ 82. Compliance with limit values of emissions of polluting substances released from large combustion plants**

(1) In the case of continuous measuring of the content of polluting substances in the gases released from large combustion plants, the requirements set on the emission limit values of polluting substances shall be regarded as having been complied with if the results of the measurements performed during the operating hours of a calendar year show that:

- 1) the measured result of the average emissions of any calendar month does not exceed the emission limit values established for large combustion plants on the basis of § 73 of this Act;
- 2) no daily average emissions measured result declared admissible exceeds the emission limit value by 110 per cent;
- 3) 95 per cent of all the hourly average emissions declared admissible do not exceed the emission limit value by 200 per cent during the year.

(2) The monthly, daily and hourly average emissions measured results declared admissible and specified in subsection (1) of this section shall be determined during the efficient operation of a large combustion plant (start-up and shut-down periods shall be disregarded) based on the measured hourly average values declared admissible after having first subtracted the value of the confidence interval. The values of the 95 per cent confidence intervals determined at the emission limit values shall not exceed the following percentages of the limit values: sulphur dioxide and nitrogen oxides 20 per cent and particulate matter 30 per cent and carbon oxide 10 per cent.

(3) The indicators measured during the time periods specified in §§ 78 and 83 of this Act shall not be taken into consideration upon determining the average emissions measured results declared admissible.



(4) Information on a day in which more than three hourly average values are unusable due to situations falling outside the operating mode or maintenance of the automatic measurement system shall be declared invalid. If the data on more than ten days over a year are therefore unusable, the issuer of the permit shall require the operator of a large combustion plant to take adequate measures to improve the reliability of the automatic measurement system.

(5) In the case of periodic measurements, the limit values shall be regarded as having been complied with if the average results of each of the series of measurements do not exceed the limit values established on the basis of § 73 of this Act.

(6) In the case the measurement methods verified and approved by the issuer of permits are used instead of periodic measurements, the limit values of emissions of polluting substances shall be regarded as having been complied with if the average indicators determined in the course of any measurement of the released gases do not exceed the emission limit value established on the basis of § 73 of this Act.

## **Division 4**

### **Requirements in Case of Breakdown of Polluting Substances Abatement Equipment**

#### **§ 83. Requirements in case of breakdown of polluting substances abatement equipment of large combustion plants**

(1) Operators of large combustion plants are required to inform the issuer of the permit, the Environmental Inspectorate and the local government of breakdowns of the abatement equipment within 48 hours.

(2) In the case of a breakdown of the abatement equipment, the Environmental Inspectorate shall require the operator to reduce the operating load of the equipment, suspend the operations or close down the operations, if a return to normal operating mode is not achieved within 24 hours or if low polluting fuels are not used to operate the plant.

#### **§ 84. Duration of unabated operation of large combustion plants**

The duration of unabated operation of large combustion plants shall not exceed the total of 120 hours during a period of 12 months, except where in the opinion of the issuer of permits there is an overriding need to maintain energy supplies or the combustion plant should be replaced by another plant and this would cause general increase in the emissions of polluting substances.

## **Chapter 4**

### **Waste incineration plants or waste co-incineration plants**

#### **Division 1**

#### **General Provisions**

#### **§ 85. Scope**

(1) This Chapter applies to waste incineration plants and waste co-incineration plants (hereinafter *plants*) which incinerate or co-incinerate solid or liquid waste.

(2) This Chapter does not apply to gasification or pyrolysis plants, if the gases resulting from thermal treatment of waste are purified to such an extent that they are no longer a waste prior to their incineration and they can cause emissions no higher than those resulting from the firing of natural gas.

(3) This Chapter shall not apply to plants which only process:

- 1) radioactive waste for the purposes of the Radiation Act;
- 2) animal carcasses if they are handled in line with Regulation (EC) No 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No 1774/2002 (Animal by-products Regulation) (OJ L 300, 14.11.2009, pp. 1-33);
- 3) waste included in biomass;
- 4) waste resulting from the exploration for, and the exploitation of, oil and gas resources from off-shore installations and incinerated on board the installations.

(4) This Chapter shall not apply to use of distillation and conversion residues from the refining of crude oil and oil shale oil for own consumption.

(5) This Chapter does not apply to test plants which are used for research, development and testing in order to improve the incineration process and which treat less than 50 tonnes of waste per year.

#### **§ 86. Waste incineration plants and waste co-incineration plants**

(1) Incineration plant means a waste management facility the main component of which is a stationary or mobile technical unit or equipment dedicated to the thermal treatment of solid or liquid waste with or without recovery of the combustion heat generated.

(2) Co-incineration plant means a waste management facility the main component of which is a stationary or mobile technical unit or equipment which main purpose is the generation of energy or production of material products and which uses solid or liquid waste as a regular or additional fuel or in which waste is thermally treated for the purpose of disposal.

(3) The processes conducted in waste incineration plants and waste co-incineration plants comprise direct incineration by oxidation of waste as well as other thermal processes such as pyrolysis, gasification or plasma processes in so far as the substances resulting from the thermal processes are subsequently incinerated.

(4) If co-incineration takes place in such a way that the main purpose of the plant is not the generation of energy or production of material products but only the thermal treatment of waste, the plant is deemed to be a waste incineration plant.

(5) The terms defined in subsections (1) and (2) of this section cover the entire technical unit and the site thereof, including all incineration or co-incineration lines, waste reception, storage, on-site pretreatment facilities, waste, fuel and air supply systems, facilities for the treatment of exhaust gases, on-site facilities for treatment or storage of residues and waste water, stack devices and systems for controlling incineration operations or recording and monitoring incineration conditions.

#### **§ 87. Residues**

For the purposes of this Chapter, residues mean any liquid or solid waste which is generated by a waste incineration plant or waste co-incineration plant.

#### **§ 88. Nominal capacity**

Nominal capacity for the purposes of this Chapter means the capacity determined by the manufacturer of the furnaces of the plant and confirmed by the operator, taking into account the lower calorific value of the waste, expressed as the quantity of waste incinerated per hour.

## **Division 2 Requirements for Establishment and Operation of Waste Incineration Plants or Waste Co-Incineration Plants**

#### **§ 89. Establishment of plants**

(1) Establishment of a plant means the determining of the location of the plant, determining the type of waste fired and the designing and construction of the plant.

(2) A plant is regarded as established if an authorisation for use has been granted to its operator pursuant to § 50 of the Building Code.  
[RT I, 23.03.2015, 3 - entry into force 01.07.2015]

#### **§ 90. Criteria for selection of locations of plants**

(1) An operator shall take into consideration upon selection of a location of a plant that:

- 1) the adverse impact caused by the plant to the environment, human health, well-being, property and cultural heritage and the probability of such impact would be as low as possible;
- 2) the plant fits into the surrounding infrastructure;
- 3) the plant is near to a place of generation of combustible waste;
- 4) the plant is near to a heat consumer in need of supply of waste combustion heat or adjacent to heat pipelines.

(2) Where a plant is established as a co-incineration plant or the waste is incinerated in an existing plant as an additional fuel together with the main fuel, the criteria provided for in subsection (1) of this section shall also be taken into consideration upon determining the location of the plant or issue of a permit for waste incineration in addition to the needs of the main production of the plant.

### **§ 91. Requirements for plant operation**

(1) Plants are designed, built and equipped and plants are operated in a way to prevent air emissions which may cause ambient air contamination in the air layer near the ground. In particular, gases are discharged into the air in a controlled manner and the requirements provided for in § 72 of this Act shall apply.

(2) The heat generated during the waste incineration and co-incineration process is used as far as practicable.

(3) More specific requirements for the operation of waste incineration plants or waste co-incineration plants shall be established by a regulation of the minister responsible for the area.

### **§ 92. Derogations upon application of operational requirements**

(1) A permit may set out requirements different from the requirements provided for in subsections 91 (1) and (2) of this Act and the requirements established on the basis of subsection (3) of the same section, if certain types of fuels are incinerated at the plant or certain thermal treatment processes are used there and if the operator certifies to the issuer of permits that the impact of waste incineration on the environment does not increase compared to incineration in line with the above specified requirements and the other requirements provided for in this Chapter are complied with.

(2) Subsection (1) of this section shall not apply to the requirements established to the automatic systems of the plants which prevent waste feed, except in the part concerning the temperatures relating to the operation of the automatic systems.

(3) The minister responsible for the area may establish by a regulation more specific requirements for application of derogations from the operational requirements of waste incineration plants and waste co-incineration plants.

(4) An operator of a waste incineration plant shall ensure that upon incineration of waste pursuant to the requirements determined on the basis of subsection (1) of this section the quantity of waste and the content of organic pollutants in the residue shall not increase compared to incineration of waste in compliance with the requirements provided for in subsections 91 (1) and (2) of this Act and the operational requirements established on the basis of subsection (3) of the same section.

(5) An operator of a waste co-incineration plant shall ensure that upon waste co-incineration pursuant to the requirements determined on the basis of subsection (1) of this section the total organic carbon and carbon dioxide emissions comply with the emission limit values established for these polluting substances on the basis of subsection 100 (1) of this Act.

(6) An operator of bark boilers within the pulp and paper industry shall ensure that upon waste co-incineration pursuant to the requirements determined on the basis of subsection (1) of this section the total organic carbon emissions comply with the emission limit values established for these on the basis of subsection 100 (1) of this Act, if:

- 1) the waste is co-incinerated on the site where the waste is generated;
- 2) the installation operated and a permit was issued to it before 24 June 2004.

### **§ 93. Requirements for plant sites**

(1) A plant site, including waste storage areas belonging to the plant, shall be established and they shall be used in such a way that the release of polluting substances into soil, surface water and groundwater shall be prevented.

(2) The territory of a plant shall be equipped with accumulator tanks for contaminated rainwater run-off, and for contaminated water arising from spillage or fire-fighting operations.

(3) The volume of an accumulator tank shall be sufficient. The operator shall take samples of the collected contaminated rainwater and, if necessary, purify the water according to the analysis results before directing it into a receiving body of water.

### **§ 94. Operation in emergency situations**

(1) In the case of an accident, the operator shall reduce the load of the combustion plant or close down the operations of the plant as soon as practicable until normal operations can be restored.

(2) If emission limit values are exceeded, an operator shall not continue uninterrupted incineration of waste in the plant or combustion unit for more than four hours as of the exceeding of the limit values.

(3) Cumulative duration of waste management under the conditions provided for in subsection (2) of this section shall not exceed 60 hours during one year. The 60 hour limit shall apply to all combustion units of a plant which are connected to one and the same facility for the treatment of exhaust gases.

#### **§ 95. Delivery and reception of waste to or in plants**

(1) Plants receive only combustible waste.

(2) The operator of a plant shall take all necessary precautions upon the delivery and reception of waste in order to prevent or limit adverse impacts on the environment, in particular the pollution of ambient air, soil, surface water and groundwater as well as annoying or irritant odours and noise, and direct danger to human health.

(3) An operator shall check the documents accompanying waste upon receipt of waste, including:

- 1) waste carriage accompanying documents;
- 2) consignment note for hazardous waste upon delivery of hazardous waste;
- 3) in the case of waste imported from a foreign state the documents for the import, export or transit of waste which format is provided for in Annexes IA, IB and VII to Regulation (EC) No. 1013/2006 of the European Parliament and of the Council on shipments of waste (OJ L 190, 12.07.2006, pp. 1-98).

(4) Prior to accepting waste at the plant, an operator shall verify the compliance of the type of waste transferred with the list established by the permit and determine the mass of waste by types of waste.

(5) A transferor of hazardous waste shall submit written information to the operator concerning:

- 1) origin of the generated waste;
- 2) physical properties and chemical composition of the waste and other information which allows assessing of the suitability of the waste for the incineration process used at the plant;
- 3) risks associated with the waste and the substances with which the waste cannot be mixed;
- 4) the precautions to be taken in handling the waste.

(6) The information specified in subsection (5) of this section shall be preserved by operators for a period of three years.

(7) Prior to admitting hazardous waste, an operator shall take representative samples upon reception of the waste in order to determine, if necessary, the compliance of the waste with the requirements provided for in clause (5) 2) of this section and the information contained in the documents specified in subsection (3) of this section. The samples shall be kept for at least one month after the incineration of such waste. The operator shall preserve the analysis results for three years after the incineration of such waste.

(8) In specific cases, for example in the case of infection health care waste, the samples specified in subsection (7) of this section shall not be taken and the waste shall be placed straight in the furnace, without first being mixed with other categories of waste and without direct handling.

(9) Where an operator is convinced that the waste is combustible, the operator shall accept the waste and issue a written document to the person transferring the waste on acceptance of each load of waste which sets out:

- 1) the date of receipt of the waste;
- 2) the number of the waste accompanying documents or consignment note for hazardous waste;
- 3) the type of waste and code number established on the basis subsection 2 (5) of the Waste Act; [RT I, 03.12.2015, 1 - entry into force 01.01.2016]
- 4) the quantity of the waste received;
- 5) the name of the transport operator transferring the waste or the natural person transferring the waste, the type of transport and registration number;
- 6) the information on the operator: business name, registry code and contact details;
- 7) the name, position and signature of the person who issued the document.

#### **§ 96. Refusal to accept waste**

(1) If an operator is not convinced that the waste is combustible, the operator shall refuse to accept the waste and shall immediately send a notice to the Environmental Inspectorate concerning the refusal to accept the waste and the reasons therefor.

(2) A notice concerning refusal to accept waste shall include the following information:

- 1) the name and position of the operator;
- 2) the name and location of the plant;
- 3) the name, seat and registry code of the business operator who is a legal person or the registry code of the sole proprietor or name and residence of a natural person who wished to transfer the waste;
- 4) the registration number of the means of transport carrying the waste;
- 5) the date and time when the person wished to transfer the waste;
- 6) a description of the waste;
- 7) the quantity of the waste in kilograms or tonnes;
- 8) if possible, information about the origin of the waste;
- 9) the number of the consignment note for the load of waste.

#### **§ 97. Derogations from requirements for acceptance of waste**

The issuer of permits may derogate from the requirements for the acceptance of waste in the case of such waste incineration plants or waste co-incineration plants which are a part of an installation required to hold an integrated permit and only incinerate or co-incinerate the waste generated within the same installation.

#### **§ 98. Waste generated in plant operation**

(1) The quantity and the hazard of the residues generated in plant operation shall be reduced as much as possible. If possible, the waste shall be recycled.

(2) Transport and intermediate storage of dry residues in the form of dust such as boiler ashes and dry residues generated upon purification of emitted gases shall take place in such a way as to prevent dispersal of those residues in the environment.

(3) Prior to disposal or recycling of the residues, an operator shall carry out tests to establish the physical and chemical characteristics and the polluting potential of the residues and whether they are hazardous or non-hazardous waste. The analyses shall concern the entire soluble fraction of the residues and the heavy metals soluble fraction contained in the residues.

#### **§ 99. Changes in nature and operation of plants required to hold integrated permit**

In the case of a plant required to hold an integrated permit, changing of a plant incinerating non-hazardous waste into a plant incinerating hazardous waste shall also be deemed to be a substantial change for the purposes of § 56 of this Act.

## **Division 3 Control of Emissions**

#### **§ 100. Emission limit values for polluting substances in waste gases**

(1) The emission limit values for polluting substances contained in the waste gases released from waste incineration plants and waste co-incineration plants shall be determined by a regulation of the minister responsible for the area.

(2) The equivalence factors for dioxins and furans contained in the waste gases released from waste incineration plants and waste co-incineration plants shall be established by a regulation of the minister responsible for the area.

(3) Waste incineration plants and waste co-incineration plants are designed, built and equipped and plants are operated in such a way that the content of polluting substances in the gases released shall not exceed the emission limit values established on the basis of subsection (1) of this section.

(4) Where more than 40 per cent of the heat produced at a waste co-incineration plant comes from incineration of hazardous waste, the emission limit values established for waste incineration plants on the basis of subsection (1) of this section apply to the plant.

(5) The emission limit values established for waste incineration plants on the basis of subsection (1) of this section apply to co-incineration of mixed municipal waste.

#### **§ 101. Criteria for assessment of compliance with limit values of emissions released into ambient air**

The criteria for the assessment of compliance with the limit values of the emissions released into the ambient air from waste incineration plants and waste co-incineration plants shall be established by a regulation of the minister responsible for the area.

#### **§ 102. Discharge of waste water generated upon purification of waste gases into receiving bodies of water**

(1) The emission limit values for polluting substances apply to places where the waste water generated upon purification of waste gases is handled on the site and the waste water generated as a result thereof is discharged into the receiving bodies of water of a waste incineration plant or waste co-incineration plant.

(2) Where the waste water generated upon purification of waste gases is handled outside the waste incineration plant or waste co-incineration plant in a waste water treatment plant intended only for this type of waste water, the emission limit values established on the basis of subsection (3) of this section apply to the place where the waste water is discharged from the waste water treatment plant into the receiving body of water.

(3) The emission limit values for polluting substances in the waste water generated as a result of handling the effluent generated upon purification of the gases released from waste incineration plants and waste co-incineration plants shall be established by a regulation of the minister responsible for the area.

(4) The equivalence factors for dioxins and furans contained in the waste water generated as a result of handling the effluent generated upon purification of the gases released from waste incineration plants and waste co-incineration plants shall be established by a regulation of the minister responsible for the area.

(5) No dilution of effluent shall take place for the purpose of complying with the emission limit values of polluting substances in waste water set out on the basis on subsection (3) of this section.

#### **§ 103. Criteria for assessment of compliance with limit values of emissions discharged into receiving bodies of water**

The criteria for the assessment of compliance with the limit values of emissions discharged into receiving bodies of water shall be established by a regulation of the minister responsible for the area.

## **Division 4 Monitoring of Emissions**

#### **§ 104. Measurement of polluting substances contained in waste gases and waste water generated upon purification thereof**

(1) An operator shall ensure the installation of measurement devices and the use of such measurement methods which allow monitoring of the incineration or co-incineration parameters and conditions and mass concentration of substances in waste gases and waste water.

(2) An operator shall take and analyse the samples of polluting substances, including dioxins and furans and arrange the quality check of automatic measurement systems in compliance with the standards of the European Committee for Standardization or, where standards of the European Committee for Standardization are unavailable, in compliance with the standards of the International Organization for Standardization, national or another international standards which ensure equivalent scientific quality of the indications of measuring instruments. An operator shall arrange the control and calibration of automatic measurement systems at least once per year by means of parallel measurements with reference methods.

(3) Requirements for the measurement of the content of polluting substances in the waste gases and waste water released from waste incineration plants and waste co-incineration plants shall be established by a regulation of the minister responsible for the area.

#### **§ 105. Treatment of results of measurements**

An operator shall ensure that all the results of measurements are recorded, processed and documented in such a manner that the compliance thereof with the requirements of permits can be checked. The results of measurements shall be preserved for at least three years.

## **Division 5 Requirements for Closure and Aftercare of Waste Incineration Plants and Waste Co-Incineration Plants**

#### **§ 106. Closure of plants**

(1) Closure of a waste incineration plant means the definitive cessation of the activities thereof, implementation of the measures required for ensuring environmental safety and, if necessary, aftercare of the location of the plant closed at the plants for the operation of which no integrated permit has been issued in accordance with Chapter 2 of this Act.

(2) Closure of a co-incineration plant means the cessation of the activities relating to waste incineration at the plant.

#### **§ 107. Notice on initiation of procedure for closure of plants**

The issuer of permits shall immediately notify the county governors of the counties and rural municipality and city governments of the service area of a plant and other persons who are significantly concerned by the closure thereof of the need to close the plant specified in subsection 106 (1) of this Act or an application for closure submitted by the operator thereof, and shall publish the notice on initiation of the procedure for closure of the plant in a local or county newspaper, in the official publication *Ametlikud Teadaanded* and on the website of the Environmental Board.

### **§ 108. Closure plan**

(1) Upon initiation of the procedure for closure of a plant, an operator shall submit a closure plan to the issuer of permits.

(2) A closure plan shall *inter alia* include:

- 1) a closure project which includes a description of the technical operations required for the closure of the plant and for ensuring environmental safety in accordance with the requirements of this Act and other relevant legislation;
- 2) time schedule of closure works;
- 3) calculated cost of the closure works;
- 4) description of aftercare measures.

(3) A closure plan is an annex to a closure decision.

### **§ 109. Closure decision**

(1) A decision to close a plant shall be made by the issuer of permits after the final inspection of the plant, assessment of all the reports submitted by the operator and hearing the positions of relevant persons.

(2) The following shall be determined by a closure decision:

- 1) the time of closure of the plant;
- 2) the time-limit for compliance with the closure plan;
- 3) the aftercare requirements and the duration thereof.

(3) A plant shall be regarded as closed if the issuer of permits has made a decision to close the plant and revoked its permit in the part which allows the incineration of waste at the plant.

### **§ 110. Informing of closure decision**

The issuer of permits shall inform the persons and agencies specified in § 107 of this Act in writing of a closure decision and publish a notice in a local and county newspaper, in the official publication *Ametlikud Teadaanded* and on the website of the Environmental Board.

### **§ 111. Aftercare**

An operator shall conduct monitoring in compliance with the aftercare requirements and take measures to prevent significant environmental impact and report on its activities to the issuer of permits with the frequency determined by the closure plan.

## **Division 6 Information to the Public**

### **§ 112. Information to the public**

(1) In the case of plants with a nominal capacity of two tonnes or more of waste per hour, the operator shall submit a report to the issuer of permits on the functioning and environmental monitoring of the plant and make it available to the public. This report shall cover the running of the operation of the plant and the emissions into the ambient air and water in comparison with the requirements set on the basis of this Chapter and the legislation issued on the basis thereof.

(2) The Environmental Board shall prepare a list of the waste incineration plants and waste co-incineration plants which nominal capacity is less than two tonnes per hour and update this once per year.

(3) The information specified in subsections (1) and (2) of this section shall be made accessible on the website of the Environmental Board.

## **Chapter 5 Installations Using Organic Solvents**

### **Division 1**

# General Provisions

## Subdivision 1 Scope

### § 113. Scope

(1) The provisions of this Chapter apply to the following activities where the use of solvents, including solvents in the composition of mixtures, per year within the same production area includes:

- 1) adhesive coating – 5 tonnes or more;
- 2) coating of new vehicles – 0.5-15 tonnes;
- 3) vehicle refinishing activities – 0.5 tonnes or more;
- 4) coil coating – 25 tonnes or more;
- 5) coating of metal, plastic, textile, fabric, film and paper – 5 tonnes or more;
- 6) coating of wooden surfaces – 15 tonnes or more;
- 7) coating of leather – 10 tonnes or more;
- 8) winding wire coating – 5 tonnes or more;
- 9) manufacture of coating mixture, varnishes, inks and adhesives – 100 tonnes or more;
- 10) footwear manufacture – 5 tonnes or more;
- 11) manufacturing of pharmaceutical products – 50 tonnes or more;
- 12) heatset web offset, other rotary screen printing, flexography, rotary screen printing, laminating or varnishing – 15 tonnes or more;
- 13) publication rotogravure – 25 tonnes or more;
- 14) rotary screen printing on fabric or cardboard – 30 tonnes or more;
- 15) rubber conversion – 15 tonnes or more;
- 16) vegetable oil and animal fat extraction and vegetable oil refining activities – 10 tonnes or more;
- 17) wood impregnation – 25 tonnes or more;
- 18) wood and plastic lamination – 5 tonnes or more;
- 19) industrial coating of new vehicles – 15 tonnes and more;
- 20) surface cleaning in industrial processes by use of the substances specified in § 140 or 141 of this Act – 1 tonnes or more;
- 21) other surface cleaning – 2 tonnes or more;
- 22) dry cleaning.

(2) The areas of activity listed in subsection (1) of this section also include the cleaning of the equipment and tools used in the production process, unless otherwise provided for a specific area of activity in Subdivision 3 of this Division.

## Subdivision 2 Terms and Definitions

### § 114. Adhesives, inks, coating mixtures and varnishes

(1) Adhesive means a mixture, including all the organic solvents or mixtures containing organic solvents necessary for its proper application, which is used to adhere separate parts of a product.

(2) Ink means a mixture, including all the organic solvents or mixtures containing organic solvents necessary for its proper application, which is used in a printing activity to impress text or images onto a surface.

(3) Coating means any mixture, including all the organic solvents or mixtures containing organic solvents necessary for its conforming application, which is used to provide a film with decorative, protective or other functional effect on a surface.

(4) Varnish means a transparent coating.

### § 115. Waste gas, fugitive emissions and total emissions

(1) For the purposes of this Chapter, waste gas is the gaseous release containing volatile organic compounds or other pollutants emitted from a stack or abatement equipment into the ambient air.

(2) Fugitive emissions mean any emissions of volatile organic compounds into the ambient air, soil and groundwater as well as emissions released into the outdoor environment through windows, doors, exhaust openings and other similar openings.

(3) Total emissions mean the sum of fugitive emissions and the quantity of volatile organic compounds in waste gases.



#### **§ 116. Controlled conditions**

Controlled conditions mean operating conditions pursuant to which the volatile organic compounds generated in the course of a process are collected and discharged from an installation in a controlled way, that is to say via a stack of the installation, as well as via the volatile organic compounds incineration or abatement equipment as a result of which the emissions of volatile organic compounds are not entirely fugitive.

#### **§ 117. Solvent input**

Solvent input means the quantity of organic solvents and their quantity in mixtures used when carrying out an activity, including the solvents recycled inside and outside the installation, and which are counted every time they are used to carry out the activity.

#### **§ 118. Use of solvent**

Use of solvent means the total quantity of organic solvents used as input into an installation during one calendar year or any other 12-month period, less any volatile organic compounds that are recovered for re-use.

### **Subdivision 3 Areas of Activities**

#### **§ 119. Adhesive coating**

Adhesive coating means applying of an adhesive to a surface of an object or a product, with the exception of laminating and adhesive coating associated with printing activities.

#### **§ 120. Coating activity**

(1) For the purposes of this Act, coating activity is an activity in which a single or multiple application of a continuous film of a coating is applied to:

- 1) new cars of category M1 as well as vehicles of category N1 in so far as they are coated at the same installation as category M1 vehicles;
- 2) truck cabins which are the housing for the driver;
- 3) integrated housing for the technical equipment of vehicles of categories N2 and N3;
- 4) vans and trucks of categories N1, N2 and N3, with the exception of truck cabins;
- 5) buses of categories M2 and M3, trailers of categories O1, O2, O3 and O4; metallic and plastic surfaces, including surfaces of aircraft, ships, trains and other such surfaces;
- 6) wooden, textile, fabric film, paper and leather surfaces.

(2) Coating activities do not include the coating of substrate with metals by electrophoretic and chemical spraying techniques. If the coating activity includes a step in which the same article is printed by whatever technique used, that printing step is considered a part of the coating activity. Printing for the purposes of § 126 of this Act is not included in printing activities.

#### **§ 121. Coil coating**

Coil coating means any activity where coiled steel, stainless steel, coated steel, copper alloys or aluminium strip is coated with either a film forming or laminate coating in a continuous process.

#### **§ 122. Winding wire coating**

Winding wire coating means any coating activity of metallic conductors used for winding the coils in transformers and motors and other inductors.

#### **§ 123. Vehicle refinishing**

Vehicle refinishing means any vehicle coating activity and degreasing activities associated with it which include:

- 1) the coating of a vehicle or a part thereof with surface coating materials, where this is carried out outside the production equipment or the manufacturing line;
- 2) coating of category O trailers or semi-trailers with surface coating materials.

#### **§ 124. Footwear manufacture**

Footwear manufacture means the activity intended for producing footwear as final products or parts thereof.

### **§ 125. Production of pharmaceutical products**

Production of pharmaceutical products means the chemical synthesis, fermentation, extraction, mixing and finishing of pharmaceutical products and the production of intermediate products on the same production territory.

### **§ 126. Printing**

(1) Printing means the reproduction of text or image in which, with the use of image carrier, ink is transferred onto whatever type of surface.

(2) Printing has the following sub-processes:

- 1) flexography or letterpress;
- 2) heatset web offset or surface printing;
- 3) publication rotogravure and paper printing for magazines, brochures, catalogues or other similar products where the material to be printed is fed into the machine from a reel as distinct from separate sheets;
- 4) rotogravure or printing technique using a cylindrical image carrier in which the printing area is below the non-printing area;
- 5) rotary screen printing;
- 6) laminating associated to a printing activity or the adhering together of two or more flexible materials to produce laminates;
- 7) vanishing associated to a printing activity or an activity by which a varnish or an adhesive coating for the purpose of later sealing the packaging material is applied to a flexible material.

### **§ 127. Rubber conversion**

Rubber conversion means the mixing, milling, blending, calendering, extrusion and vulcanisation of natural or synthetic rubber and ancillary operations for converting natural or synthetic rubber into a finished product.

### **§ 128. Vegetable oil and animal fat extraction and vegetable oil refining activities**

Vegetable oil and animal fat extraction and vegetable oil refining activities means any activity to extract vegetable oil from seeds and other vegetable matter, the processing of dry residues to produce animal feed and the purification of fats and vegetable matter derived.

### **§ 129. Wood impregnation**

Wood impregnation means any activity giving a loading of preservative in timber.

### **§ 130. Wood and plastic lamination**

Wood and plastic lamination means any activity to adhere together these materials to produce laminated products.

### **§ 131. Surface cleaning**

(1) Product surface cleaning means the removal of dirt using organic solvents from the surface of product material.

(2) Other surface cleaning means the removal of dirt using organic solvents from equipment and work surfaces.

(3) Surface cleaning includes degreasing but not dry cleaning. A cleaning activity consisting of more than one step before or after any other processing is also regarded as cleaning.

### **§ 132. Dry cleaning**

Dry cleaning means the use of volatile organic compounds to clean garments, furnishing and other similar consumer goods, with the exception of the manual removal of stains and spots in the textile and clothing industry.

### **§ 133. Manufacturing of coating mixtures, varnishes, inks and adhesives**

Manufacturing of coating mixtures, varnishes, inks and adhesives includes the manufacture of intermediates where carried out at the same production territory and mixing of pigments, resins and adhesive materials with organic solvent or other carrier, dispersion and predispersion activities, viscosity and tint adjustments and operations for filling the final product into its container.

## **Division 2**

# Obligations of Operators

## Subdivision 1 Procedure for Registration of Operations in Case of Operators Not Required to Hold Permits

### § 134. Registration of installations in absence of obligation to hold permit

(1) An operator who has no obligation to hold an integrated permit in accordance with subsection 19 (2) of this Act or an obligation to hold an air pollution permit in accordance with subsection 79 (3) of the Atmospheric Air Protection Act shall register its operation with the Environmental Board for operation in the areas of activity specified in § 113 of this Act, if the activities thereof exceed the threshold capacity specified in § 113 of this Act and if the emissions of volatile organic compounds within one production territory of the installation is less than 0.5 tonnes per year (hereinafter *operator subject to registration*).  
[RT I, 05.07.2016, 1 - entry into force 01.01.2017]

(2) An operator subject to registration is required to notify the Environmental Board of any intended activities at least two weeks before the commencement of the activities provided for in § 113 by sending a notice to the Environmental Board setting out at least the following information:

- 1) the business name and registry code, or the name and personal identification code;
- 2) the seat or residence and contact details;
- 3) the site and contact details;
- 4) the area of activity;
- 5) the use of organic solvents or materials which contain solvents per year by the types thereof;
- 6) the maximum consumption of organic solvents or materials which contain solvents (kg/h) by the types thereof;
- 7) other information provided for in this Chapter.

(3) The Environmental Board shall check the obligation to hold a permit for the intended activity within 14 days on the basis of the information received. If a permit is not mandatory, the Environmental Board shall register the activity of the operator within ten days as of the checking in the list of operators subject to registration and send a registration certificate to the operator concerning the registration of the activity of the operator.

(4) The form of a notice of registration of installations using organic solvents and the form of the registration certificate shall be established by a regulation of the minister responsible for the area.

### § 135. Application of provisions in case of operators subject to registration

Subsections 137 (2) and (3), § 139, subsection 143 (2), subsection 145 (2), subsection 146 (3) and § 150 do not apply to operators subject to registration.

## Subdivision 2 Emission Limit Values and Emissions Reduction Scheme

### § 136. Obligations of Operators

An operator shall take measures for ensuring compliance with the emission limit values of volatile organic compounds in waste gases established on the basis of subsection 137 (1) of this Act or with the requirements arising from a volatile organic compounds emissions reduction scheme prepared on the basis of § 139 of this Act.

### § 137. Emission limit values

(1) The emission limit values of volatile organic compounds emitted into the ambient air upon use of solvents shall be established by a regulation of the minister responsible for the area.

(2) Where an operator certifies to the issuer of permits that the application to the installation of the emission limit values of volatile organic compounds is technically and economically not feasible, the issuer of permits may grant a derogation to such installation from the obligation to comply with the emission limit values unless granting of the derogation would result in significant adverse impact on the environment, human health, well-being, property and cultural heritage, and if the operator certifies to the issuer of permits that the operator uses the best available techniques.

(3) In the case provided for in subsection (2) of this section, the issuer of permits may substitute the obligation of the operator to comply with the emission limit values by the implementation of an emissions reduction scheme in accordance with the requirements provided for in section 139 of this Act.

(4) If the controlled conditions cannot be implemented upon coating of metal, plastic, textile, fabric, film and paper for the achievement of the emission limit values established on the basis of subsection (1) of this section, for example in shipbuilding or aircraft painting, the emission limit values may be not applied in accordance with the requirements provided for in subsection (2) of this subsection.

#### **§ 138. Criteria for assessment of compliance with emission limit values**

The criteria for the assessment of compliance with the emission limit values of volatile organic compounds shall be established by a regulation of the minister responsible for the area.

#### **§ 139. Volatile organic compounds emissions reduction scheme**

(1) The issuer of permits may, at the request of an operator, substitute the obligation to comply with the emission limit values of volatile organic compounds emitted upon the use of solvents by the obligation to prepare and comply with a volatile organic compounds emissions reduction scheme.

(2) The objective of implementing a volatile organic compounds emissions reduction scheme is to reduce the emissions of installations to the extent that the result achieved is equal to the result achieved by the application of emission limit values.

(3) The requirements arising from a volatile organic compounds emissions reduction scheme and the term for the implementation thereof shall be determined by the issuer of permits for the operator as a special condition included in the permit.

(4) The requirements for the preparation of a volatile organic compounds emissions reduction scheme for an operator engaged in any coating activity by use of coating mixtures, varnishes, adhesives or inks shall be established by a regulation of the minister responsible for the area.

(5) The minister responsible for the area may also establish by a regulation the requirements for the preparation of a volatile organic compounds emissions reduction scheme for operators operating in any areas of activity not specified in subsection (4) of this section.

#### **§ 140. Substitution of hazardous substances**

An operator shall substitute the substances or mixtures which are classified as carcinogens, mutagens or toxic to reproduction due to their content of volatile organic compounds under Regulation (EC) No 1272/2008 of the European Parliament and of the Council and which are assigned or need to carry the hazard statements H340, H350, H350i, H360D or H360F or the risk phrases R45, R46, R49, R60 or R61 as soon as possible and to the maximum volume possible by less hazardous substances or mixtures to the extent technically and practically possible which is defined in the product chemical safety report in accordance with the procedure provided for in the Regulation (EC) No 1907/2006 of the European Parliament and of the Council.  
[RT I, 10.11.2015, 2 - entry into force 01.12.2015]

## **Subdivision 3 Control of Emissions**

#### **§ 141. Control of emissions under controlled conditions**

In order to protect human health, controlled conditions are implemented in operating installations to prevent the release into the environment of volatile organohalogen compounds carrying the risk phrases R40 or R68 or hazard statement H341 or H351 and the volatile organic compounds with the hazard statements and risk phrases specified in § 140 of this Act in so far this is technically and economically possible.

#### **§ 142. Requirements set for installations with at least two areas of activity in case of exceeding solvent use threshold capacities**

The following applies to installations with at least two of the areas of activities specified in § 113 of this Act where the use of solvents exceeds the threshold capacity specified in subsection 113 (1) of this Act in the case of each area of activity:

- 1) the content of volatile organohalogen compounds carrying the risk phrase R40 or R68 or the hazard statement H341 or H351 and the content of volatile organic compounds carrying the hazard statements or risk phrases specified in § 140 of this Act shall comply with the emission limit values established for each area of activity on the basis of subsection 137 (1) of this Act;
- 2) the content of other substances shall comply with the requirements provided for each area of activity in § 136 of this Act or the total emissions generated by all areas of activities shall not exceed the emissions generated upon application of § 139.

#### **§ 143. Minimum emissions during installation start-up and shut-down periods**

(1) An operator shall take measures in order to minimize the emissions of volatile organic compounds during an installation start-up and shut-down.

(2) An operator shall submit to the issuer of permits upon application for a permit a description of the implementation of the precautions required for compliance with the requirement provided for in subsection (1) of this section.

(3) An operator subject to registration shall submit a description of the implementation of the precautions required for compliance with the requirement provided for in subsection (1) of this section to the Environmental Board together with the notice provided for in subsection 134 (2) of this Act.

### **Subdivision 4 Monitoring of Emissions**

#### **§ 144. Requirements for monitoring of emissions**

(1) Continuous and regular measurements of emissions are made for monitoring the emissions from an installation into the ambient air. In the case of regular monitoring, at least three measurements are made during one series of measurements.

(2) Emissions from channels to which incineration or abatement equipment of volatile organic compounds are connected and which at the final point of release emit carbon more than an average of 10 kilograms per hour shall be monitored continuously.

(3) Measurements are not mandatory if the installation of incineration or abatement equipment is not necessary at the final point of release of emissions into the ambient air for compliance with the requirements of this Act.

### **Subdivision 5 Verification**

#### **§ 145. Obligation to certify compliance with requirements**

(1) Upon application for a permit or on the request of the issuer of permits, an operator shall certify to the issuer of permits that the content of polluting substances complies with:

- 1) the emission limit values of volatile organic compounds in waste gases and emission limit values of fugitive emissions or total emissions;
- 2) the requirements of the volatile organic compounds emissions reduction scheme;
- 3) the derogations granted from the emission limit values provided for in subsection 137 (2) of this Act.

(2) An operator is also required to submit information about the actual request of the issuer of permits in order to assess compliance with the requirements provided for in subsection (1) of this section.

(3) An operator subject to registration shall have the obligation to submit the information provided for in clause (1) 1) of this section on the actual request of the Environmental Board.

#### **§ 146. Solvent management plan**

(1) For assessment of conformity with the parameters provided for in subsection 145 (1) of this Act, an operator shall prepare a solvent management plan and renew it periodically.

(2) The objective of the implementation of a solvent management plan is:

- 1) to monitor compliance with the requirements provided for in § 136 of this Act;
- 2) to determine the options of further reduction of volatile organic compounds emissions;
- 3) to disclose information concerning the consumption of solvents, volatile organic compounds emission limit values and compliance with the requirements of this Chapter.

(3) An operator shall submit a solvent management plan to the issuer of permits together with an application for a permit. The frequency of renewal of the solvent management plan shall be determined by the issuer of permits for the operator as a special condition included in the permit.

(4) The requirements for the preparation and implementation of a solvent management plan shall be established by a regulation of the minister responsible for the area.

## **Subdivision 6**

### **Substantial Changes to Installations**

#### **§ 147. Substantial changes to installations**

(1) For the purposes of this Chapter, a substantial change to an installation means the result of a change in the nominal capacity of the installation which causes an increase of more than 25 per cent in the emissions of volatile organic compounds in the case of a small installation and of more than 10 per cent in the case of all other installations, or another change which is likely to have a significant adverse impact on the environment, human health, well-being, property and cultural heritage.

(2) For the purposes of this section, nominal capacity of an installation means the maximum average quantity of organic solvents used per one working day upon normal operation of an installation at the designed capacity thereof.

(3) For the purposes of this section, a small installation means an installation which operates in the following areas of activity and where the use of solvents, including solvents in the composition of mixtures, per year within the same production territory is:

- 1) heatset web offset printing where the material to be printed is fed into the machine from a reel – 15-25 tonnes;
- 2) other rotogravure, flexography, rotary screen printing, laminating or varnishing units, with the exception of publication rotogravure – 15-25 tonnes;
- 3) surface cleaning using the compounds specified in § 140 of this Act – 1-5 tonnes;
- 4) surface cleaning using other compounds besides those specified in § 140 of this Act – 2-10 tonnes;
- 5) metal, plastic, textile, film, fabric and paper coating, with the exception of rotary screen printing on textile – 5-15 tonnes;
- 6) wood coating – 15-25 tonnes;
- 7) coating of leather – 10-25 tonnes;
- 8) adhesive coating – 5-15 tonnes;
- 9) manufacture of coating mixture, varnishes, inks and adhesives – 100-1000 tonnes;
- 10) other activities specified in § 113 of this Act where the consumption of solvents remains under 10 tonnes per year.

#### **§ 148. Obligations of operators upon substantial changes to installations**

(1) In the case of substantial changes to an installation, the operator shall certify to the issuer of permits the compliance of the installation with the requirements provided for in this Chapter.

(2) In the case of an installation required to hold an integrated permit, the operator shall notify the issuer of permits of substantial changes to the installation in accordance with § 56 of this Act by submitting to the issuer of permits the information which certifies the continuing conformity of the installation with the requirements provided for in this Chapter or submit an application for changing of the integrated permit.

(3) An operator subject to registration shall notify the Environmental Board of the proposed changes upon substantial changes to an installation. The Environmental Board shall verify the obligation to hold a permit for the notified activity within 14 days on the basis of the information received. Where a permit is not mandatory, the Environmental Board shall send a written certificate to the operator concerning the registration of the substantial change in the activity.

## **Division 3**

### **Access to Information**

#### **§ 149. Disclosure of information concerning installations using organic substances and public access to information**

(1) The valid air pollution permits of installations falling within the scope of application of this Chapter and the amendments thereto and the information concerning the operators subject to registration shall be made accessible to the public on the website of the environmental permits information system.

(2) The results of emissions monitoring of an installations falling within the scope of application of this Chapter shall be made accessible to the public on the website of the Environmental Board.

(3) In addition to the provisions of this Division, the requirements provided for in the Atmospheric Air Protection Act also apply to disclosure of information concerning installations using organic solvents.

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#### **§ 150. Duty to preserve documentation and submit information**

An operator shall preserve the documentation and data associated with the application for and issue of the permits held by the operator and the monitoring and verification of the compliance with the requirements determined by the permit and ensure their accessibility to the issuer of permits and the Environmental Inspectorate in accordance with subsections 59 (1) and (2) of this Act.

## **Chapter 6 Installations Producing Titanium Dioxide**

#### **§ 151. Scope**

This Chapter applies to installations producing titanium dioxide.

#### **§ 152. Prohibition of disposal of waste in water bodies**

Installations producing titanium dioxide are prohibited to discharge the following into bodies of surface water and groundwater:

- 1) solid waste;
- 2) the mother liquors arising from the filtration phase following hydrolysis of the titanyl sulphate solution from installations applying the sulphate process; including the acid waste associated with such liquors, containing overall more than 0.5 % free sulphuric acid and various heavy metals and including such mother liquors which have been diluted until they contain 0.5 % or less free sulphuric acid;
- 3) waste from installations applying the chloride process containing more than 0,5 % free hydrochloric acid and various heavy metals, including such waste which has been diluted until it contains 0,5 % or less free hydrochloric acid;
- 4) filtration salts, sludges and liquid waste arising from the treatment upon concentration or neutralisation of the waste specified in clauses 1) and 2) of this section and containing various heavy metals, but not including neutralised and filtered or decanted waste containing only traces of heavy metals and which, before any dilution, has a pH value above 5.5.

#### **§ 153. Control of Emissions**

(1) Operators of installations producing titanium dioxide are obligated to prevent emission of acid droplets into the ambient air.

(2) The emission limit values for polluting substances in the waste gases of installations producing titanium dioxide shall be established by a regulation of the minister responsible for the area.

(3) The emission limit values for polluting substances in the waste water of installations producing titanium dioxide shall be established by a regulation of the minister responsible for the area.

#### **§ 154. Monitoring of Emissions**

(1) Waste water monitoring requirements shall be determined in a permit of an installation producing titanium dioxide and they enable the verification of the compliance of the activities of the installation with the requirements of the permit and the emission limit values for polluting substances established on the basis of subsection 153 (3) of this Act.

(2) The waste gases monitoring requirements shall be determined in a permit of an installation producing titanium dioxide and they enable the verification of the compliance of the activities of the installation with the requirements of the permit and the emission limit values for polluting substances established on the basis of subsection 153 (2) of this Act.

(3) More specific requirements for monitoring of waste gases from installations producing titanium dioxide shall be established by a regulation of the minister responsible for the area.

## **Chapter 7**

# State Supervision

## § 155. Environmental inspection

(1) Environmental inspection means the environmental supervision exercised by the Environmental Inspectorate on the basis of the programme specified in § 157 of this Act and the special inspections carried out under environmental supervision and specified in § 159 of this Act.

(2) The Environmental Inspectorate shall control by supervision the compliance of installations required to hold integrated permits with the requirements of the integrated permit and compliance of the activities of the installations with the requirements established in this Act and legislation established on the basis thereof.

(3) An environmental inspection includes:

- 1) analysis of the reports submitted by the operator and emissions monitoring;
- 2) site visits to the installations;
- 3) checks of internal reports and follow-up documents of the installation;
- 4) checking of the techniques used in the installation and adequacy of the environment management of the installation, including verification of adequacy of the self-monitoring of the installation;
- 5) if necessary, taking of control samples and conducting of control measurements.

(4) The Environmental Inspectorate shall involve in its control visits the issuer of permits who acts on the basis of § 49 of this Act.

## § 156. Nationwide environmental inspection plan for installations required to hold integrated permits

(1) The nationwide environmental inspection plan for installations required to hold integrated permits (hereinafter *nationwide environmental inspection plan*) is the basis for conducting systematic environmental inspection over the activities of the installations required to hold integrated permits.

(2) The nationwide environmental inspection plan includes:

- 1) general assessment of significant environmental issues associated with the installation required to hold an integrated permit;
- 2) procedures for the preparation of regular environmental inspection programmes, including for carrying out risk based assessment and regular inspections;
- 3) procedures for carrying out special environmental inspections;
- 4) reference to the website of the Ministry of the Environment where the list of installations required to hold an integrated permit is published;
- 5) principles of cooperation upon carrying out of environmental inspections.

(3) The Environmental Inspectorate organises the preparation of the nationwide environmental inspection plan and the plan is approved by the Director General of the Environmental Inspectorate. The plan is disclosed on the websites of the Ministry of the Environment and the Environmental Inspectorate.

(4) The nationwide environmental inspection plan is reviewed and, if necessary, updated at least every four years as of the preparation or review thereof.

## § 157. Regular environmental inspection programme for installations required to hold integrated permits

(1) Based on the nationwide environmental inspection plan, the Environmental Inspectorate shall prepare, by involving the Environmental Board, a regular environmental inspection programme for installations required to hold integrated permits (hereinafter *regular environmental inspection programme*).

(2) A regular environmental inspection programme includes:

- 1) the time schedule for regular inspection of installations by different types of installations together with the inspection frequency thereof;
- 2) an indicative list of control measures taken in the course of regular inspections;
- 3) an indicative list of samples taken and measurements carried out in the course of regular inspections;
- 4) an indicative list of other measures taken.

(3) When determining the frequency of regular inspections of an installation, a risk-based assessment of the potential impact of the installation on the environment shall be performed. Assessments of such impact shall *inter alia* pay attention to:

- 1) the potential and actual impact of the activities of the installation on human health and environment taking into consideration, in particular, the emission levels and types, the environmental sensitivity of the site and the risk of accidents;
- 2) earlier compliance with the requirements of the permit by the operator;
- 3) the participation of the operator in the eco-management and audit scheme established by Regulation (EC) No 1221/2009 of the European Parliament and of the Council on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS), repealing Regulation (EC) No 761/2001 and Commission Decisions 2001/681/EC and 2006/193/EC (OJ L 342, 22.12.2009, pp. 1-45).



(4) Regular environmental inspection programmes are reviewed and, if necessary, amended every three years as of the preparation and review thereof.

#### **§ 158. Regular environmental inspection of installations required to hold integrated permits**

(1) Regular inspections of installations are carried out at least once every three years but not more frequently than once every year.

(2) The results of regular inspections are documented in an inspection report which is sent to the operator and for public disclosure to the Ministry of Environment within 30 calendar days as of the inspection.  
[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

(3) If a substantial violation of the requirements of an integrated permit is identified in the course of a regular inspection, a subsequent inspection of the installation shall be carried out within six months as of the issue of a precept.

#### **§ 159. Special environmental inspection**

Special environmental inspections shall be carried out under environmental supervision to investigate serious environmental complaints, accidents, incidents or occurrences or failure to comply with the requirements of the permit as soon as possible and, where appropriate, before the issue, review or updating of a permit.

#### **§ 160. Obligations of operators upon inspection of installations**

An operator is required to render all necessary assistance to the environmental inspector who inspects an installation, to provide access to the inspector to the site of the installation and allow the inspector to take samples and gather information concerning the performance of the duties provided for in this Act.

#### **§ 161. Exercise of state supervision**

(1) State supervision over compliance with the requirements provided for in this Act and legislation established on the basis thereof shall be exercised by the Environmental Inspectorate.  
[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

(2) [Repealed - RT I, 13.03.2014, 4 - entry into force 01.07.2014]

#### **§ 161<sup>1</sup>. Special measures for state supervision**

Law enforcement authorities may apply the special measures for state supervision provided for in §§ 30, 31, 32, 45, 49, 50 and 51 of the Law Enforcement Act for exercise of the state supervision provided for in this Act on the bases and pursuant to the procedure provided for in the Law Enforcement Act.  
[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

#### **§ 161<sup>2</sup>. Use of direct coercion**

The Environmental Inspectorate is permitted to use physical force on the bases and pursuant to the procedure provided for in the Law Enforcement Act.  
[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

#### **§ 161<sup>3</sup>. Penalty payment rates**

Upon failure to comply with a precept, the maximum rate of substitutive enforcement and a penalty payment pursuant to the procedure provided for in the Substitutive Enforcement and Penalty Payment Act is 32,000 euros.  
[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

## **Chapter 8 Liability**

#### **§ 162. Violation of duties imposed or requirements established by integrated permit**

(1) Operation without an integrated permit in a category of activity for which a permit is required, or violates the requirements of a permit is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 32,000 euros.

#### **§ 163. Failure to notify of accident**

(1) Failure to notify in a timely manner of an accident which may have a significant impact on the environment is punishable by a fine of up to 200 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 20,000 euros.

#### **§ 164. Proceedings**

(1) [Repealed - RT I, 12.07.2014, 1 - entry into force 01.01.2015]

(2) Extra-judicial proceedings concerning the misdemeanours provided for in this Act shall be conducted by the Environmental Inspectorate.

## **Chapter 9 Implementing Provisions**

### **Division 1 Implementation of Act**

#### **§ 165. Application of Act to installations operating based on integrated permits**

(1) The requirements provided for in Chapter 2 of this Act are applied as of 7 January 2014 to installations operating based on integrated permits prior to entry into force of this Act. Until 7 January 2014, the Integrated Pollution Prevention and Control Act is applied to the specified installations.

(2) The requirements provided for in Chapter 2 of this Act apply as of 7 July 2015 to installations which commenced operation prior to entry into force of this Act and which operation did not require an integrated permit prior to entry into force of this Act.

(3) Where the operation of an installation involves the use, production or release of hazardous substances into the environment, an operator who acts on the basis of an integrated permit prior to the entry into force of this Act is required to prepare a baseline report in accordance with § 57 of this Act and prior to the first change of the integrated permit of the installation after the entry into force of this Act.

(4) The requirements for existing large combustion plants provided for in subsections 79 (2) and (5), clause 80 (1) 4) and subsection 80 (9) of this Act shall be implemented as of 1 January 2016.

(5) The requirements provided for operators subject to registration in § 134 of this Act shall be implemented as of 1 May 2014.

#### **§ 166. Application of BAT reference documents as BAT conclusions**

Until the decisions of the European Commission containing the BAT conclusions enter into force in accordance with the requirements of Article 13(5) of Directive 2010/75/EU of the European Parliament or of the Council on industrial emissions (integrated pollution prevention and control) (OJ L 334, 17.12.2010, pp. 17-119), the BAT reference documents adopted by the European Commission before 7 January 2011 shall apply as the BAT conclusions for the purposes of this Act.

#### **§ 167. Non-compliance with emission limit values and desulphurization rates requirements in case of large combustion plants with limited lifetime**

(1) During the period from 1 January 2016 to 31 December 2023, the emission limit values for polluting substances established for existing large combustion plants on the basis of § 73 of this Act and, if necessary, the requirements concerning the rates of desulphurization established on the basis of subsection 79 (3) of this Act do not apply if:

1) the operator of the combustion plant has confirmed in writing to the Minister of the Environment and the issuer of permits not later than by 1 January 2014 and the issuer of permits has set in the permit that the operator undertakes not to operate the combustion plant during the period from 1 January 2016 to 31 December 2023 for more than 17,500 operating hours;

2) the operator shall submit information annually as of 1 January 2016 to the Ministry of the Environment and the issuer of permits concerning the number of operating hours of the combustion plant during the calendar year.

(2) The emission limit values for sulphur dioxides, nitrogen oxides and particulate matter set out in a permit issued to the operator of a combustion plant applicable as at 31 December 2015 shall be maintained during the remaining operational lifetime of the combustion plant specified in subsection (1) of this section.

(3) The emission limit value of nitrogen oxides established for existing large combustion plants on the basis of § 73 of this Act apply, during the remaining operational lifetime of the combustion plant, to combustion plants with a total rated thermal input exceeding 500 MW which were issued a permit after 1 July 1987 and which use solid fuel and are specified in subsection (1) of this section.

(4) The derogation specified in subsection (1) of this section does not apply if the operator of a combustion plant was issued a permission for non-compliance with the emission limit values on the condition that the operator of the plant undertakes not to use the plant for more than 20,000 operating hours during the period from 1 January 2008 to 31 December 2015 and annually submits information to the issuer of permits concerning the number of operating hours during the calendar year.

(5) If a combustion plant was, on 6 January 2011, a part of a small isolated system and accounted at that date for at least 35 % of the electricity supply within the specified system and the emissions of the combustion plant do not comply, due to the technical characteristics of the plant, with the emission limit values established for existing large combustion plants on the basis of § 73 of this Act, the number of operating hours specified in clause (1) 1) of this section during the period from 1 January 2020 to 31 December 2023 is 18,000 and the due date for submission of the information specified in clause (1) 2) of this section is 1 January 2020.

(6) In the case of a combustion plant with a total rated thermal input of more than 1500 megawatts which operation was commenced before 31 December 1986 and which fires indigenous solid fuel with a net calorific value of less than 5800 kilojoules per kilogram, a moisture content greater than 45 per cent by weight, a combined moisture and ash content greater than 60 per cent by weight and a calcium oxide content in ash greater than 10 per cent, the number of operating hours specified in clause (1) 1) of this section is 32,000.

#### **§ 168. Non-compliance with emission limit values and desulphurization rates requirements in case of small isolated systems**

(1) Until 31 December 2019, emission limit values established for existing large combustion plants on the basis of § 73 of this Act and, if necessary, the requirements concerning the rates of desulphurization established on the basis of § 79 of this Act shall not apply to a combustion plant which was a part of a small isolated system on 6 January 2011.

(2) Until 31 December 2019, the emission limit values for sulphur dioxides, nitrogen oxides and particulate matter set out in a permit issued to the operator of a combustion plant specified in subsection (1) of this section applicable as at 31 December 2015 shall be maintained.

(3) The emission limit values of nitrogen oxides established for existing large combustion plants on the basis of § 73 of this Act apply in the case of combustion plants with a total rated thermal input exceeding 500 MW which were issued a permit after 1 July 1987 and which use solid fuel and are specified in subsection (1) of this section.

(4) A small isolated system is a system where power consumption in 1996 was less than 3000 gigawatt hours and where less than 5 per cent of the annual consumption is covered through a connection to other systems.

#### **§ 169. Non-compliance with emission limit values and desulphurization rates requirements in case of district heating plants**

(1) The issuer of permits may authorise at the request of an operator that until 31 December 2022 the operator of a large combustion plant, which is a part of a district heating plant, need not comply with the emission limit values for polluting substances established for existing large combustion plants on the basis of § 73 of this Act and, if necessary, the requirements concerning the rates of desulphurization established on the basis of subsection 79 (3) of this Act, if:

- 1) the total rated thermal input of the combustion plant does not exceed 200 megawatts;
- 2) the operator of the combustion plant was issued the permit before 27 November 2002 or a conforming application concerning the combustion plant was submitted before 27 November 2002 provided that the operation of the combustion plant was commenced at the latest on 27 November 2003;
- 3) at least 50 per cent of the useful heat production of the combustion plant, as a rolling average over a period of five years, is delivered in the form of steam or hot water to a public network for district heating.

(2) Until 31 December 2022, the emission limit values for sulphur dioxides, nitrogen oxides and particulate matter set out in a permit issued to the operator of a combustion plant specified in subsection (1) of this section applicable as at 31 December 2015 shall be maintained.

(3) The operator of a combustion plant to whom the derogation specified in subsection (1) of this section applies shall annually submit, as of 1 January 2016, information to the issuer of permits concerning the energy produced by the combustion plant and delivered in the form of steam or hot water to a public network for district heating and the total useful heat energy produced.

## **Division 2 Amendment of Other Legislation**

§ 170.–§ 176.[Omitted from this text]

## **Division 3 Entry into Force of Act**

### **§ 177. Entry into Force of Act**

This Act enters into force on 1 June 2013.

<sup>1</sup>Directive 2010/75/EU on industrial emissions (integrated pollution prevention and control) (OJ L 334, 17.12.2010, pp. 17-119).