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Water Act[1]

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20.04.2020	RT I, 06.05.2020, 1	07.05.2020
10.06.2020	RT I, 01.07.2020, 1	01.01.2021
17.06.2020	RT I, 10.07.2020, 2	01.01.2021, words "Environmental Inspectorate" replaced with words "Environmental Board" throughout the Act.
25.11.2020	RT I, 10.12.2020, 1	01.01.2021
13.09.2021	RT I, 21.09.2021, 3	01.10.2021, in part 01.01.2023
13.04.2022	RT I, 27.04.2022, 1	07.05.2022
11.05.2022	RT I, 27.05.2022, 1	06.06.2022
08.06.2022	RT I, 29.06.2022, 1	09.07.2022
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22.02.2023	RT I, 17.03.2023, 3	01.04.2023
20.06.2023	RT I, 30.06.2023, 1	01.07.2023; words "Ministry of the Environment" replaced with words "Ministry of Climate" throughout the Act on the basis of subsection 6 of § 105.19 and words "Ministry of Rural Affairs" replaced with words "Ministry of Regional Affairs and Agriculture" throughout the Act on the basis of subsection 7 of § 105.19 of the Government of the Republic Act.

Chapter 1
GENERAL PROVISIONS

§ 1. Scope of regulation and scope of application of Act

(1) This Act provides for:
1) grounds for planning and organising the use and protection of water, the implementation of which will promote sustainable water use;
2) water protection requirements which will ensure protection of water resources in the long term;
3) rights, obligations and liability of persons in water use;
4) state supervision over compliance with the requirements for the use and protection of water;
5) liability for an infringement of the requirements provided for in this Act.

(2) The provisions regarding protection of water and construction activity in public water bodies as provided for in Chapter 8 of this Act extend also to the exclusive economic zone, and the provisions regarding protection of the marine environment extend also to the ships and aircraft which have been registered in Estonia outside the marine area of Estonia.

§ 2. Application of Administrative Procedure Act and General Part of the Environmental Code Act

(1) The Administrative Procedure Act applies to administrative procedures provided for in this Act, taking account of the specifications provided for in this Act.

(2) The procedure for the issue of the environmental permit for special use of water (hereinafter *water permit*) provided for in this Act is subject to Chapter 5 of the General Part of the Environmental Code Act, taking account of the specifications provided for in this Act.

§ 3. Water body

(1) A water body means a permanent or temporary surface form that is filled with flowing or slowly moving or standing water, such as a river, stream, main ditch, including a reservoir in them, canal, small canal for holding boats, spring, lake, including an artificial lake, or the sea.
[RT I, 21.09.2021, 3 – entry into force 01.10.2021]

(2) [Repealed – RT I, 21.09.2021, 3 – entry into force 01.10.2021]

(3) [Repealed – RT I, 21.09.2021, 3 – entry into force 01.10.2021]

(4) The following are not deemed water bodies:
1) lagoon of a wastewater treatment plant;
2) water conduit and ditch, constructed for discharging treated effluent, storm water, mining water, quarry water and water from peat production sites into a water body, as well as a drainage ditch which is used for discharging water into an artificial recipient of a land improvement system;

3) constructed wetland;
4) pond and pool made for aquaculture, and water conduits servicing them;
5) storm water collection system;
6) sedimentation basin for mining and quarry water and water from peat production sites;
7) artificial lake with the water mirror area of less than one hectare without any outflow;
8) other construction works constructed for a specific purpose which are permanently or temporarily filled with water.
[RT I, 21.09.2021, 3 – entry into force 01.10.2021]

§ 4. Internal water body

An internal water body means a water body through which the state border does not pass.

§ 5. Surface water

Surface water means inland waters, except groundwater; transitional waters and coastal waters, except in respect of assessment of chemical status for which it shall also include territorial waters

§ 6. Inland water

Inland water means all standing or flowing water on the surface of the land, and all groundwater on the landward side of the baseline from which the breadth of the territorial sea is measured.

§ 7. Groundwater

Groundwater means all water which is below the surface of the ground in the saturation zone and in direct contact with the soil or subsoil.

§ 8. Transitional water

Transitional water means surface water in the vicinity of river mouths that is partly saline in character as a result of its proximity to the sea but is substantially influenced by inflowing freshwater.

§ 9. Coastal water

Coastal water means coastal seawater on the landward side of a line, every point of which is at a distance of one nautical mile on the seaward side from the nearest point of the baseline from which the breadth of territorial sea is measured, extending, where appropriate, up to the outer limit of transitional waters.

§ 10. Artificial water body

Artificial water body means a water body created by human activity.

§ 11. Body of surface water

A body of surface water means a distinct and significant element of surface water such as a lake, river, stream, reservoir, main ditch, canal, ditch or a part thereof, transitional water or a stretch of coastal water.

§ 12. Body of groundwater

A body of groundwater means a clearly distinguishable mass of water within an aquifer or aquifers.

§ 13. Artificial body of water

An artificial body of water means a body of surface water that has been designated as an artificial body of water in accordance with the procedure provided for in this Act.

§ 14. Heavily modified body of water

A heavily modified body of water means a body of surface water that has been designated as a heavily modified body of water in accordance with the procedure provided for in this Act.

§ 15. Aquifer

An aquifer means a subsurface layer or layers of rock or other geological strata of sufficient porosity and permeability to allow either a significant flow of groundwater or the abstraction of significant quantities of water.

§ 16. Water intake

A water intake means construction works for the abstraction of water from a water body or aquifer.

§ 17. Drinking water

(1) Drinking water for the purposes of this Act means all water either in its original state or after treatment, including spring water, which is intended for drinking, cooking, food preparation or other domestic purposes, regardless of its origin and of whether it is supplied to consumers from a distribution network, from a tanker, in bottles or containers.

(2) Drinking water also means all water used in any food-production undertaking within the meaning of Article 3(3) of Regulation (EC) No 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ L 31, 01.02.2002, p. 1–24) for the manufacture, processing, preservation or marketing of products or substances intended for human consumption.
[RT I, 07.02.2023 – entry into force 17.02.2023]

§ 18. Treated effluent

(1) Treated effluent means used water that is discharged into the recipient.

(2) Storm water, mining water, quarry water, cooling water, water flowing in a land improvement system or water used in aquaculture or hydroelectric power production shall not be deemed treated effluent.

§ 19. Recipient

Recipient for the purposes of this Act means a water body, or a part of a water body or earth's crust into which treated effluent or pollutants are discharged.

§ 20. Wastewater

Wastewater means water resulting from households, industry or other production that exceeds the applicable emission limit values and that requires purification before being discharged into the recipient. Storm water discharged into a combined sewerage system is also deemed wastewater.

§ 21. Contamination

For the purposes of this Act contamination means, in addition to as provided for in subsection 5 of § 7 of the General Part of the Environmental Code Act, a significant adverse change in aquatic biota or water associated terrestrial ecosystems.

§ 22. Pollutant

A pollutant for the purposes of this Act means a substance liable to cause contamination or the presence of which in water may entail an environmental nuisance within the meaning of subsection 1 of § 3 of the General Part of the Environmental Code Act.

§ 23. Public water bodies

(1) Public water bodies are:
1) the internal sea;
2) the territorial sea;
3) Lake Peipus;
4) Lake Võrtsjärv;
5) Mullutu Bay;
6) the Gulf of Suurlaht;
7) Narva Reservoir;
8) the Narva River;
9) the Emajõgi River;
10) the Nasva River;
11) the Väike-Emajõgi River from Jõgeveste Bridge to Lake Võrtsjärv;
11) the Kasari River from the mouth of the Vigala River to where this river enters the sea.

(2) Public water bodies belong to the state and are not in commercial use.

§ 24. Publicly used water bodies

(1) The list of publicly used water bodies shall be established by an order of the Government of the Republic.

(2) The list of publicly used water bodies shall not include:
1) standing water bodies without any outflow that belong to a person in private law and are located within the boundaries of a single immovable property;
2) standing water bodies without any outflow and with an area of less than five hectares that belong to a person in private law and are located within the boundaries of several immovable properties;
3) watercourses with a catchment area of less than 25 square kilometres and reservoirs located thereon;
4) standing water bodies or parts of standing water bodies that are located in the training area of the Defence Forces and the National Defence League;
5) water bodies or parts thereof used for abstraction of drinking water;
6) water bodies or parts thereof that are located in a mining claim or a mine service plot granted for the extraction of mineral resources;
7) parts of water bodies where aquaculture is conducted.

(3) In the event of a natural disaster, the public use of water bodies shall be permitted in the disaster area.

(4) A local authority may temporarily restrict the public use of a publicly used water body or a part of such water body in its administrative territory in order to ensure human health and security with the prior written approval of the Environmental Board, and also of the Transport Administration if the restriction concerns water sports or moving on water.
[RT I, 10.12.2020, 1 – entry into force 01.01.2021]

(5) A local authority shall publish a notice concerning the temporary restriction of use of a publicly used water body in a local or county newspaper and, if possible, in other local media at least one week before establishment of the temporary restriction.

(6) The notice shall set out at least the name and location of the publicly used water body the public use of which is to be restricted, the period during which the restriction will be in force and the reason for establishing the restriction and, where necessary, the terms thereof. If the public use of a part of a water body is subject to the restriction then in addition to the information mentioned above the notice shall set out the size of the restricted area and, where possible, the exact boundaries of this area or at least the size of the restricted area, and indicate the place where the map that sets out the boundaries of the restricted area or a specification of the boundaries is available for examination.

(7) The Ministry of Defence or a structural unit of the Defence Forces or the National Defence League authorised by the Ministry may restrict the use of a publicly used watercourse or a part thereof that is in the training area of the Defence Forces and the National Defence League during tactical trainings, exercises, firings and blasting and testing of weapons, munitions, battle equipment and other

equipment by the units of the Defence Forces and the National Defence League. The provisions of subsections 5 and 6 of this section apply to the publication of a relevant notice and to the requirements set for the content of the notice.

§ 25. Exclusion of water body from public use

The Government of the Republic may exclude a standing water body with an outflow or a part of a watercourse that belongs to a person in private law and is located within the boundaries of a single immovable property from the list of publicly used water bodies at the reasoned request of the owner of the immovable property with the written consent of the local authority.

Chapter 2
PLANNING AND ORGANISING WATER USE AND PROTECTION

Subchapter 1
General Provisions

§ 26. Grounds for planning and organising water use and protection on the basis of catchment areas

(1) The use and protection of surface water and groundwater shall be planned and organised on the basis of catchment areas in terms of river basin districts, taking into account the hydrological boundaries of catchment areas of water bodies.

(2) A catchment area for the purposes of this Act means an area of land from which all surface run-off flows through a sequence of rivers, streams, reservoirs, main ditches, canals or lakes into the sea at a single river mouth.

(3) A river basin district means the area of land and sea, made up of one or more neighbouring catchment areas together with their associated groundwaters and coastal waters, as the main unit for the organisation of water use and protection.

§ 27. River basin districts

Estonia has the following river basin districts:
1) Western Estonia river basin district;
2) Eastern Estonia river basin district;
3) Koiva river basin district.

§ 28. Combined approach in controlling point and diffuse source pressures

(1) The discharge of pollutants into surface water shall be controlled in accordance with the combined approach pursuant to which the discharge of pollutants into surface water is avoided or restricted at source through the implementation of environmental requirements, including best environmental practices, best available techniques and best available methods, establishment and application of environmental quality standards (hereinafter *quality standard* and *quality standards*) and emission limit values. If it is not possible to achieve the environmental objectives provided for in this Act despite compliance with the environmental requirements, supplementary measures provided by legislation, including, where appropriate, more stringent environmental requirements, emission limit values and quality standards, must be applied.

(2) The combined approach shall apply to controlling the point as well as diffuse source pressure.

§ 29. Principle of recovery of costs for water services

(1) It shall be taken into account in pricing of water services and planning of water use that the consumers of water services and other water users, in particular the industry, households and agriculture, shall cover the costs related to the provision of water services to an extent which induces sustainable water use, based on the results of the economic analysis of water use specified in subsection 1 of § 44 of this Act, the social impact related to the covering of costs, impact on the environment and economy, as well as the geographical and weather-related properties of the relevant area.

(2) Water use for the purposes of subsection 1 of this section includes water services, including the activities specified in § 187 of this Act, which have significant impact on the status of water.

(3) Water services for the purposes of this Act means all services provided to households, state and local government authorities, legal persons in public and private law and natural persons, such as abstraction, damming, storage, treatment and distribution of surface water or groundwater, wastewater collection into sewerage and treatment, and discharge of treated effluent into a recipient.

(4) To apply the principle of recovery of the costs of water services, records shall be kept for the environmental and resource costs in the field of industry, households and agriculture.

§ 30. Cooperation in transboundary river basin districts

(1) In respect of transboundary river basin districts located in the territory of the Republic of Estonia and the Russian Federation the parties shall cooperate in accordance with this Act and an international agreement in order to achieve the water protection objectives as regards the transboundary river basin district located in Estonia.

(2) A river basin district consisting of a catchment area that crosses the state border is a transboundary river basin district.

(3) Water protection in transboundary river basin districts shall be organised in accordance with the international agreements of the Republic of Estonia.

(4) The Ministry of Climate shall forward the relevant information and documents to a competent authority of the foreign state in exchange of information relating to a transboundary river basin district and approval of documents in the cases provided for in this Act.

Subchapter 2
Water Protection Objectives and Exceptions to Achievement thereof

Division 1
Water Protection Objectives

§ 31. General water protection objectives

(1) The general water protection objectives are:
1) reduce the impact of human activities on the aquatic environment;
2) prevent deterioration of the status of aquatic ecosystems, and of terrestrial ecosystems and wetlands dependent on aquatic ecosystems, and improve their status;
3) promote sustainable water use and ensure long-term protection of surface water and groundwater resources and adequate water supply;
4) terminate the discharge of priority hazardous substances into water and restrict discharge of pollutants, including other hazardous substances, into the aquatic environment;
5) contribute to the mitigation of the effects of floods and droughts;
6) achieve good environmental status of the marine area.

(2) Where more than one of the water protection objectives relate to a body of water at the same time, the most stringent objective shall apply.

§ 32. Objective of surface water protection

(1) The objective of surface water protection is at least good status of bodies of surface water, including artificial bodies of water, heavily modified bodies of water and water bodies not included in bodies of surface water, including the territorial sea.

(2) The status of a body of surface water is good if its ecological status and chemical status are at least good according to the values of quality indicators established pursuant to subsection 2 of § 61 and the quality standards established pursuant to subsection 1 of § 76 of this Act.

(3) The status of an artificial body of water or a heavily modified body of water is good if its ecological potential and chemical status are at least good according to the values of quality indicators established pursuant to subsection 2 of § 61 and the quality standards established pursuant to subsection 1 of § 76 of this Act.

(4) The surface water in the areas in need of protection within the meaning of clauses 2 and 5 of subsection 1 of § 36 of this Act shall comply with the requirements established pursuant to subsection 6 of § 36 of this Act and pursuant to the Nature Conservation Act.

(5) The status of the water bodies not included in bodies of surface water, including the territorial sea, is good if the quality standards established pursuant to subsection 1 of § 76 of this Act are not exceeded in water, and if the body of water, except the territorial sea, complies with the values of quality indicators established pursuant to subsection 4 of § 61 of this Act.

§ 33. Achievement of objective of surface water protection

(1) The deterioration of the ecological status and chemical status of bodies of surface water shall be prevented.

(2) The deterioration of the ecological potential and chemical status of artificial bodies of water and heavily modified bodies of water shall be prevented.

(3) The exceeding of the limit values of priority substances, priority hazardous substances, certain other pollutants and river basin specific pollutants and deterioration of the quality indicators necessary for water use and protection of biota shall be prevented in water bodies not included in bodies of surface water.

§ 34. Objective of groundwater protection

(1) The objective of groundwater protection is the good status of the bodies of groundwater.

(2) The status of a body of groundwater is good if its chemical status and quantitative status are good according to the values of quality indicators and indicators used to determine the quantitative status established pursuant to subsection 6 of § 66 and the threshold values established pursuant to subsection 4 of § 77 of this Act.

(3) The objective of the protection of groundwater not included in bodies of groundwater is to ensure the compliance of the quality indicators of groundwater with the values of quality indicators, threshold values and quality standards established pursuant to subsection 6 of § 66, subsection 4 of § 77 and subsection 3 of § 79 of this Act, considering the requirements for the most similar body of groundwater and the background level of naturally occurring substances in groundwater.

§ 35. Achievement of objective of groundwater protection

(1) The deterioration of the chemical status and quantitative status of bodies of groundwater shall be prevented.

(2) The concentration of pollutants in bodies of groundwater shall be reduced and the significant and sustained upward trend in the concentration of pollutants shall be prevented.

(3) The planning of the use and protection of groundwater shall take into account the available groundwater resource, ensure the balance between abstraction and recharge of groundwater, and prevent groundwater depletion.

(4) The available groundwater resource means the long-term annual average rate of overall recharge of the body of groundwater less the long-term annual rate of flow required to achieve the good ecological status for associated surface water, to prevent any significant deterioration in the ecological status of surface water and any significant damage to terrestrial ecosystems dependent on groundwater.

(5) The planning of the measures to prevent groundwater depletion shall take into account the data on water monitoring and data on available groundwater resource, as well as the groundwater resources established pursuant to subsection 1 of § 205 of this Act.
[RT I, 27.05.2022, 1 – entry into force 06.06.2022]

§ 36. Area in need of protection

(1) An area in need of protection refers to:
1) nitrate vulnerable zones, including a limestone and karst area that has unprotected groundwater and a soil depth of less than two metres and important spring and karst areas in need of protection (hereinafter *important spring and karst areas*);

[RT I, 21.09.2021, 3 – entry into force 01.10.2021]
2) areas designated for the protection of economically significant aquatic species;
3) the sanitary protection zones of the water intakes and the catchment areas or feeding zones of the drinking water intakes that are used for abstraction of drinking water and the productivity of which per day as set out in the design is over 10 cubic metres, or which service more than 50 people;
[RT I, 07.02.2023 – entry into force 17.02.2023]
4) the sanitary protection zones of the water intakes and the catchment areas or feeding zones of the drinking water intakes planned to be used for the purpose specified in clause 3 of this subsection;
[RT I, 07.02.2023 – entry into force 17.02.2023]
5) areas designated for the protection of habitats or species pursuant to the Nature Conservation Act where the maintenance or improvement of the status of water is important to protect these habitats or species, including water bodies that are habitats for salmonidae and cyprinidae;
6) bathing waters and bathing areas;
[RT I, 27.05.2022, 1 – entry into force 06.06.2022]
7) treated effluent sensitive recipients.

(2) The quality requirements that apply to areas in need of protection are more stringent than the objectives provided for in §§ 32 and 34 of this Act, or activities are restricted in areas in need of protection pursuant to this Act.

(3) The territorial sea, coastal waters and internal water bodies of Estonia and the parts of transboundary water bodies belonging to Estonia are treated effluent sensitive recipients.

(4) A transboundary water body for the purposes of this Act means a water body along which the state border runs.

(5) It must be prevented that the quality of surface water and groundwater in the sanitary protection zones of the water intakes and in the catchment areas and feeding zones of the drinking water intakes specified in clauses 3 and 4 of subsection 1 of this section would deteriorate to an extent which might lead to a significant increase in the costs of water treatment in production of drinking water.
[RT I, 07.02.2023 – entry into force 17.02.2023]

(6) The areas designated for the protection of economically significant aquatic species shall be determined and the values of water quality indicators and quality standards in these areas shall be established by a regulation of the minister in charge of the policy sector, as necessary.

(7) [Repealed – RT I, 27.05.2022, 1 – entry into force 06.06.2022]

§ 37. Nitrate vulnerable zone

(1) An area where agricultural activities have caused or may cause the concentration of nitrate ions in groundwater to be greater than 50 mg/l or where agricultural activities have caused a water body to be eutrophic or in danger of becoming eutrophic is a nitrate vulnerable zone.

(2) Nitrate vulnerable zones and limestone and karst areas that are located therein and that have unprotected groundwater and a soil depth of up to 2 m shall be designated and the list of important spring and karst areas shall be established by a regulation of the minister in charge of the policy sector.
[RT I, 21.09.2021, 3 – entry into force 01.10.2021]

Division 2
Exceptions to Achievement of Water Protection Objectives

§ 38. Application of exceptions to achievement of water protection objectives

(1) Exceptions may be applied to achievement of good status of a body of water pursuant to §§ 39–42 of this Act. The reasons for application of exceptions shall be set out in terms of bodies of water in a river basin management plan, and where appropriate, in a water permit or integrated environmental permit (hereinafter *integrated permit*).

(2) The following shall be taken into account while applying the exceptions referred to in subsection 1 of this section:
1) they shall not preclude the achievement of good status in other bodies of water in the river basin district;
2) all the other quality and environmental requirements provided for in this Act or established on the basis hereof shall apply to these bodies of water;
3) these bodies of water shall be protected at least at the level provided for in other legislation of Estonia and the European Union.

(3) The application of the exceptions referred to in subsection 1 of this section shall be reviewed while updating a river basin management plan at least once in every six years.

(4) [Repealed – RT I, 27.05.2022, 1 – entry into force 06.06.2022]

§ 39. Extension of time limit for achievement of water protection objective

(1) A time limit for the achievement of a water protection objective provided for in this Act may be extended and the achievement of an objective may be planned progressively if it is ensured that the status of a body of water will not deteriorate and if one or more of the following reasons exist:
1) the application of measures is technically feasible only in stages and will last longer than the time limit for the achievement of an objective;
2) the application of measures within the time limit entails disproportionately high costs;
3) the achievement of the objective within the time limit is not possible due to natural conditions.

(2) A time limit for the achievement of a water protection objective may be extended again while updating a river basin management plan until the end of the period for which the river basin management plan is prepared, unless the objective related to the body of water cannot be achieved by that time due to natural conditions.

(3) The extension of a time limit for the achievement of a water protection objective and the reasons therefor, the measures implemented for the progressive achievement of an objective, the time schedule for the application of measures and the reasons for a significant delay in making these measures operational shall be set out in the river basin management plan.

§ 40. Setting less stringent water protection objective

(1) Less stringent water protection objectives than those provided for in this Act may be set in respect of a body of water only if the status of the body of water is so bad due to natural conditions or due to the impact of human activity identified in accordance with § 44 of this Act that the achievement of the objective would be infeasible or would entail disproportionately high costs, and if:
1) the environmental and socioeconomic benefits from human activity cannot be achieved by other means, which are environmentally more sustainable and cost effective;
2) for a body of surface water, the achievement of the best possible ecological and chemical status is ensured, given the impacts of human activity that cannot reasonably have been avoided;
3) for a body of groundwater, the possible changes to its good status are minimal, given the impacts that cannot reasonably have been avoided due to the nature of the human activity or contamination;
4) it is ensured that no further deterioration occurs in the status of the body of water.

(2) Less stringent environmental objectives and the reasons therefor shall be mentioned in a river basin management plan and shall be reviewed when updating the river basin management plan.

§ 41. Temporary deterioration in status of body of water

(1) Temporary deterioration in the status of a body of water that is caused by exceptional or unforeseeable circumstances, such as natural conditions, force majeure or accidents, shall not be taken into account in the achievement of a water protection objective if all the following conditions are met:
1) steps have been taken to prevent further deterioration in the status of the body of water, and despite the exceptional or unforeseeable circumstances, work is continued for the achievement of the objective of protecting the body of water;
2) the conditions under which circumstances are determined to be exceptional or unforeseeable, and the applied quality indicators are set out in the river basin management plan;
3) the measures that will be and have been taken under such exceptional or unforeseeable circumstances are set out in the programme of measures of the river basin management plan and will not compromise the recovery of the status of the body of water once the circumstances are over.

(2) The effects of the circumstances referred to in subsection 1 of this section are re-evaluated annually and, subject to the reasons set out in subsection 1 of § 39 of this Act, measures are planned and taken with the aim of restoring the body of water to its status prior to the occurrence of those circumstances as soon as possible.

(3) A summary of the circumstances specified in subsection 1 of this section and of the measures planned and taken so far shall be included in an update of the river basin management plan.

§ 42. Failure to achieve water protection objective due to water level of bodies of groundwater or new physical modifications of bodies of surface water or new sustainable development activities

(1) If a failure to achieve good status of a body of groundwater, good ecological status of a body of surface water or good ecological potential of a heavily modified body of water or artificial body of water or a failure to prevent deterioration in the status or potential is the result of modification of the water level of a body of groundwater or new physical modifications of a body of surface water, or if deterioration from high status to good status of a body of surface water is the result of new sustainable development activities, the water protection objective shall be deemed achieved if all the following conditions are met:
1) all appropriate measures have been taken to mitigate the adverse impact on the status of the body of water;
2) the reasons for said modifications are described in the river basin management plan and the water protection objective is reviewed every six years;
3) the reasons for said modifications are of overriding public interest, or the general benefits to the environment or the public interest in achieving the environmental objective are outweighed by the benefits of the modifications to human health, to the maintenance of safety or to sustainable development;
4) the benefits of the modifications cannot, for reasons of technical feasibility or disproportionately high costs, be achieved by other means which are a significantly better environmental option.

(2) If the application of the exception provided for in subsection 1 of this section is not provided for in the river basin management plan, the information specified clause 3 of subsection 1 of this section shall be presented in the water permit or integrated permit whereby the application of the exception is decided, and in the river basin management plan next time it is updated.

Subchapter 3
River basin management plans

Division 1
River basin management plan and Supplementary Plan

§ 43. River basin management plan

(1) In order to achieve the water protection objectives specified in Division 1 of Subchapter 2 of this Chapter, a river basin management plan shall be prepared for each river basin district or for each part of a transboundary river basin district located in Estonia, in which water use and protection of the river basin district or the part of a transboundary river basin district located in Estonia shall be planned.

(2) A water management committee shall be formed by a directive of the minister in charge of the policy sector in order to organise water use and protection and integrate it with other areas.

(3) The statutes of the water management committee shall be established by a directive of the minister in charge of the policy sector.

(4) The requirements for the contents of a river basin management plan shall be established by a directive of the minister in charge of the policy sector.

(5) A river basin management plan shall be established by a directive of the minister in charge of the policy sector.
[RT I, 21.09.2021, 3 – entry into force 01.10.2021]

§ 44. Overview of properties of river basin district and human activity affecting river basin district, and economic analysis of water use

(1) The properties of each river basin district and each part of a transboundary river basin district located in Estonia shall be analysed in accordance with Annex II to Directive 2000/60/EC of the European Parliament and of the Council establishing a framework for Community action in the field of water policy (OJ L 327, 22.12.2000, p. 1–73), and an overview of pressures which human activity applies to the surface water and groundwater of the respective river basin district shall be prepared, and an economic analysis of water use shall be conducted in accordance with Annex III.

(2) The results of the analyses and the overview specified in subsection 1 of this section shall be reviewed and updated at least two years before the end of the period covered by the river basin management plan.

(3) The conduct of the analyses and preparation and updating of overviews specified in subsection 1 of this section shall be organised by the Ministry of Climate.

§ 45. Supplementary plan to river basin management plan

(1) A supplementary plan may be prepared in order to supplement or specify a river basin management plan regarding a river basin district or a part thereof, surface water, groundwater, coastal waters, sea water, different water uses, other activities affecting the water status, source of pollution, emission source, or a type thereof, and to organise a specific water management issue.

(2) An action plan for a nitrate vulnerable zone shall be prepared to reduce the environmental risk arising from agricultural production to surface water and groundwater.

(3) A supplementary plan to a river basin management plan, including an action plan for a nitrate vulnerable zone, shall be established by a directive of the minister in charge of the policy sector.

(4) The requirements for the contents of a supplementary plan to a river basin management plan, including an action plan for a nitrate vulnerable zone, may be established by a directive of the minister in charge of the policy sector.

Division 2
Programme of measures

§ 46. Programme of measures

(1) Measures to implement the water protection principles provided for in this Act and to achieve the water protection objectives provided for in Division 1 of Subchapter 2 of this Chapter in a river basin district or a part of a transboundary river basin district located in Estonia shall be planned in a programme of measures.

(2) The measures planned in a programme of measures shall be taken into account while preparing, updating and amending the state development plan, county development strategy and local authority development plan, including public water supply and sewerage development plan of a local authority, spatial plans governed by the Planning Act, and other plans related to water use and protection.

(3) The preparation of a programme of measures shall be organised by the Ministry of Climate, taking account of the provisions of §§ 48 and 49 of this Act

(4) The requirements for the contents of a programme of measures shall be established by a regulation of the minister in charge of the policy sector.

(5) A programme of measures shall be established by a directive of the minister in charge of the policy sector.
[RT I, 21.09.2021, 3 – entry into force 01.10.2021]

§ 47. Implementation of supplementary measures

(1) In case it appears that the measures set out in a programme of measures are not sufficient to achieve the water protection objectives, a competent administrative authority shall implement supplementary measures, including:
1) establish more stringent quality standards and values of quality indicators;
2) establish more stringent emission limit values.

(2) More stringent quality standards and values of quality indicators shall be established by a regulation of the minister in charge of the policy sector.

(3) More stringent emission limit values shall be determined in a water permit or integrated permit.

(4) The supplementary measures specified in subsection 1 of this section need not be implemented in case the conditions provided for in clauses 1 and 2 of subsection 1 of § 42 of this Act are met and the likely failure to achieve a water protection objective is the result of natural conditions or *force majeure* that are exceptional and could not have been foreseen.

Division 3
Procedure for Preparation, Coordination and Organisation of Implementation of River basin management plan and Supplementary Plans, Procedure for Preparation of Programme of Measures and Water Monitoring Programme of River Basin District

§ 48. Procedure for preparation of river basin management plan

(1) The provisions of the Administrative Procedure Act concerning open proceedings apply to the procedure for preparation of a river basin management plan, taking account of the specifications provided for in this Act.

(2) The preparation of a river basin management plan shall be initiated by the minister in charge of the policy sector. The Ministry of Climate shall publish the notice concerning the initiation of the preparation of a river basin management plan in the official publication *Ametlikud Teadaanded* and in a national daily newspaper within one month of making the respective decision.

(3) The Ministry of Climate shall present the objectives of a river basin management plan in a national daily newspaper within two months of making the decision to initiate the preparation of the river basin management plan.

(4) The local authorities, residents and stakeholders from the territory of the relevant river basin district shall be involved in the preparation of a river basin management plan. The involvement shall be organised by the Environmental Board.

(5) For the purpose of public involvement, the Ministry of Climate shall prepare and make available to the public:
1) a timetable and work programme for the preparation of the river basin management plan, including measures for public involvement, at least three years before the beginning of the period covered by the river basin management plan;
2) an overview of the significant water management issues, including a summary of the results of the economic analysis of water use and of the results of the water monitoring programme of the river basin district, at least two years before the beginning of the period covered by the river basin management plan;
3) a flood risk assessment report and flood hazard maps and flood risk maps, at least two years before the beginning of the period covered by the river basin management plan;
4) a draft river basin management plan, at least one year before the beginning of the period covered by the river basin management plan.

(6) The Ministry of Climate shall organise the public display of the documents specified in subsection 5 of this section and the documents and information used for preparing these documents in the territory of the relevant river basin district, and shall publish them on the website of the Ministry of Climate. The duration of the public display of these documents shall be six months. Public consultations shall be organised during the public display. The time and place of the public display and the term for submission of proposals shall be communicated in the official publication *Ametlikud Teadaanded* and in a national daily newspaper.

(7) The draft river basin management plan shall be referred for approval to the ministries whose area of government the plan concerns and to the local authorities situated in the territory of the relevant river basin district, within 20 working days before the public display.

(8) During the public display everybody has the right to make proposals for and objections to the documents specified in subsection 5 of this section. The Ministry of Climate shall respond in writing to the submitted written proposals and objections within two months after the public display has ended.

(9) Based on the results of the public display and public consultation, the Ministry of Climate shall make alterations and amendments to the documents specified in subsection 5 of this section, as necessary.

(10) River basin management plans shall be published on the website of the Ministry of Climate.

§ 49. Updating of river basin management plan

(1) A river basin management plan shall be reviewed and updated as necessary, but not less often than every six years after its preparation or updating.

(2) The provisions of § 48 of this Act shall apply also to the updating of a river basin management plan.

(3) The implementation of the measures of an updated river basin management plan shall start within three years after the updating of the plan.

§ 50. Procedure for preparation of action plan for nitrate vulnerable zone and other supplementary plan to river basin management plan

(1) The provisions of the Administrative Procedure Act concerning open proceedings apply to the procedure for preparation of an action plan for a nitrate vulnerable zone or other supplementary plan to a river basin management plan, taking account of the specifications provided for in this Act.

(2) The preparation of an action plan for a nitrate vulnerable zone or other supplementary plan to a river basin management plan shall be initiated by the minister in charge of the policy sector. The Ministry of Climate shall publish the notice concerning the initiation of the preparation of an action plan in the official publication *Ametlikud Teadaanded* and in a national daily newspaper within one month of making a relevant decision.

(3) Local authorities, representative organisations of agricultural producers and other stakeholders from the territory of the nitrate vulnerable zone shall be involved in the preparation of an action plan for the nitrate vulnerable zone.

(4) Local authorities, appropriate representative organisations and other stakeholders from the territory of the area covered by the plan shall be involved in the preparation of a draft of any other supplementary plan to a river basin management plan.

(5) Before the public display, a draft action plan for a nitrate vulnerable zone and another supplementary plan to a river basin management plan shall be referred for approval to the ministries whose area of government the action plan concerns.

(6) A draft action plan for a nitrate vulnerable zone shall be sent to the local authorities, representative organisations of agricultural producers and stakeholders from the territory of the nitrate vulnerable zone for expressing their opinion thereon.

(7) A draft of another supplementary plan to a river basin management plan shall be sent to the respective representative organisations and stakeholders for expressing their opinion thereon.

(8) The time provided for referral for approval and expressing of opinions shall be at least 15 working days.

(9) After the referral for approval of a draft action plan for a nitrate vulnerable zone or a draft of another supplementary plan to a river basin management plan and expressing of opinions thereon in accordance with subsections 5–8 of this section, it shall be displayed on the website of the Ministry of Climate. The duration of the public display shall be at least 30 days. Information on the time and place of the public display and term for submission of proposals shall be published in the official publication *Ametlikud Teadaanded* and in a national daily newspaper.

(10) During the public display, everyone has the right to submit proposals and objections in respect of the draft action plan for a nitrate vulnerable zone and draft of another supplementary plan to a river basin management plan. The authority arranging the preparation of the action plan shall respond to the submitted proposals and objections in writing within two months after the expiry of the term for submission of proposals.

(11) The decision on the establishment of an action plan for a nitrate vulnerable zone or another supplementary plan to a river basin management plan, together with the action plan or another supplementary plan shall be published on the website of the Ministry of Climate.

§ 51. Updating of action plan for nitrate vulnerable zone and other supplementary plan to river basin management plan

(1) An action plan for a nitrate vulnerable zone shall be reviewed every four years and, as necessary, updated based *inter alia* on environmental monitoring results and efficiency of the measures taken.

(2) Another supplementary plan to a river basin management plan shall be reviewed and, as necessary, updated based *inter alia* on the results of environmental monitoring and efficiency of the measures taken.

§ 52. Organisation and coordination of implementation of programme of measures and supplementary plans to river basin management plan

(1) The implementation of a programme of measures shall be organised by the water management committee and the implementation of measures shall be coordinated by the Environmental Board.

(2) Local authorities within the limits of their competence shall organise and ensure the implementation of the measures planned in a programme of measures in their administrative jurisdiction.

(3) To implement a programme of measures, the Environmental Board shall prepare an action plan for implementation of the programme of measures for each river basin district.

(4) The local authorities and stakeholders from the territory of the relevant river basin district shall be involved in the preparation of the action plan for implementation of the programme of measures.

(5) The action plan for implementation of the programme of measures shall be established by a directive of the minister in charge of the policy sector.

(6) The Environmental Board shall prepare an overview of implementation of the programme of measures and submit it for approval to the water management committee by 1 May each year.

(7) The action plan for implementation of the programme of measures and the overview of implementation of the programme of measures approved by the water management committee shall be published on the websites of the Ministry of Climate and the Environmental Board.

(8) The implementation of a supplementary plan to a river basin management plan shall be coordinated by the Ministry of Climate.

(9) The implementation of an action plan of a nitrate vulnerable zone shall be coordinated by the Ministry of Climate in liaison with the Ministry of Regional Affairs and Agriculture.

§ 53. Water monitoring programme of river basin district

(1) The Ministry of Climate shall organise the preparation of a water monitoring programme of a river basin district for each river basin district and each part of a transboundary river basin district located in Estonia.

(2) The water monitoring programme of a river basin district shall include:
1) monitoring of the level and volume of surface water or volumetric flow rate to an extent which is necessary for assessment of the ecological status or ecological potential and chemical status of a body of surface water;
2) monitoring of the ecological status or ecological potential and chemical status of bodies of surface water;
3) monitoring of the chemical status of territorial waters;
4) monitoring of the quantitative and chemical status of bodies of groundwater;
5) additional monitoring of those indicators of the areas in need of protection which characterise the compliance of these areas with the objectives for which the areas were placed under protection.

(3) The provisions of §§ 236 and 237 of this Act shall apply to water investigation carried out during implementation of a water monitoring programme of a river basin district.

(4) The water monitoring programme of a river basin district shall be reviewed and updated as necessary.

(5) The contents of the water monitoring programme of a river basin district, including the principles, methods and methodology of preparation of the water monitoring programme, and the requirements for implementation thereof shall be established by a regulation of the minister in charge of the policy sector.

Subchapter 4
Status of Surface Water

§ 54. Determination of body of surface water

(1) In a watercourse, standing water body, coastal waters and transitional waters, a body of surface water is determined based on the area of the water body or catchment area, taking into account the type of the water body, circumstances of use of the water body and water protection objectives, as well as the specifics of the origin, development and hydrological regime of the water body or a part thereof.

(2) A body of surface water shall not be determined for the purpose of assessing the chemical status of the territorial sea.

(3) A body of surface water may be the entire watercourse which has a catchment area of 10 square kilometres or more, or a standing water body or a reservoir with an area of 50 hectares or more, and a section of coastal waters or transitional waters irrespective of their

area.
[RT I, 27.05.2022, 1 – entry into force 06.06.2022]

(4) A reservoir which is located in the main streambed of a watercourse and which has an area of less than 50 hectares, belongs to the body of surface water of the watercourse passing through such reservoir.

(5) Generally, the following can be determined as a single body of surface water:
1) a part of a water body if its origin, development, hydrological regime or natural conditions make it different from other parts of the water body, or if it has a different water body type or water protection objective, or if it is used differently than other parts of the water body;
2) several water bodies with interconnected water systems and similar natural properties;
3) a watercourse with a catchment area of less than 10 square kilometres, and a standing water body or reservoir with an area of less than 50 hectares if located in an area in need of protection as specified in clauses 2 and 5 of subsection 1 of § 36 of this Act.

(6) A separate body of surface water is not determined for a watercourse with a catchment area of 10–25 square kilometres which enters into the watercourse but which does not have enough water to determine its type-specific properties.

(7) The list of bodies of surface water shall be established by a regulation of the minister in charge of the policy sector.

(8) The list established pursuant to subsection 7 of this section may distinguish between the bodies of surface water where the areas in need of protection as specified in clauses 2 and 5 of subsection 1 of § 36 of this Act are located.

(9) The list of bodies of surface water established pursuant to subsection 7 of this section shall be reviewed every six years and updated as necessary.

§ 55. Designation of body of surface water as artificial body of water or heavily modified body of water

(1) A water body or a part thereof may be designated as an artificial body of water or a heavily modified body of water if:
1) changes in the hydromorphological properties resulting from the impact of human activity do not allow the achievement of good ecological status of the body of water and restoration of the hydromorphological properties of the water body would have significant adverse effects on the wider environment, significantly interfere with navigation, including use of port facilities, use of the water body for recreational purposes, storage of water for irrigation or production of drinking water or power generation, regulation of hydrological regime, flood defence, functioning of land drainage systems or other important activities supporting sustainable development;
2) the beneficial objectives served by the modified properties of the water body cannot, for technical reasons or disproportionately high costs, be achieved by other, environmentally more sustainable means.

(2) A water body or a part thereof shall be designated as an artificial body of water or a heavily modified body of water in accordance with subsection 1 of this section in the river basin management plan where also the reasons for such designation shall be given.

(3) Designation of a water body or a part thereof as an artificial body of water or a heavily modified body of water and the reasons for such designation shall be reviewed and updated as appropriate every six years.

§ 56. Assessment of status of surface water

(1) The status of surface water shall be assessed on the basis of the status of bodies of surface water and territorial waters.

(2) For the purpose of assessment of the status of surface water, its compliance with the quality standards or other values of quality indicators established with regard to a water body not included in bodies of surface water in accordance with the specifics of water use or for the protection of biota shall be taken into account.

§ 57. Status of body of surface water

(1) The status of a body of surface water shall be determined by the poorer of its ecological status and its chemical status.

(2) The ecological status of a body of surface water characterises the quality of the structure and functioning of aquatic ecosystems, and the physical, chemical and hydromorphological quality indicators which are important for the functioning of aquatic ecosystems.

(3) The chemical status of a body of surface water indicates the concentration of priority substances, priority hazardous substances and certain other pollutants in the aquatic environment.

§ 58. Status of artificial body of water and heavily modified body of water

(1) The status of an artificial body of water and a heavily modified body of water shall be determined by the poorer of its ecological potential and its chemical status, relying on the water body type that most closely resembles the artificial or heavily modified water body.

(2) The ecological potential of an artificial body of water and a heavily modified body of water characterises how much the structure and functioning of ecosystem of the body of water correspond to the ones of the most similar natural body of surface water.

(3) The chemical status of an artificial body of water and a heavily modified body of water indicates the concentration of priority substances, priority hazardous substances and certain other pollutants in the aquatic environment.

§ 59. Status classes of bodies of surface water

(1) The ecological status of a body of surface water shall be characterised by five status classes:
1) high;
2) good;
3) moderate;
4) poor;
5) bad.

(2) The chemical status of a body of surface water shall be characterised by two status classes:
1) good;

2) poor.

(3) If the ecological status class of a body of surface water is high and the chemical status class is good, the status of the body of water is deemed to be high.

§ 60. Status classes of artificial bodies of water and heavily modified bodies of water

(1) The ecological potential of an artificial body of water and a heavily modified body of water shall be characterised by four status classes:
1) high;
2) good;
3) moderate;
4) poor.

(2) The chemical status of an artificial body of water and a heavily modified body of water shall be characterised by two status classes:
1) good;
2) poor.

(3) If the ecological potential status class of an artificial body of water or a heavily modified body of water is high and the chemical status class is good, the status of the body of water is deemed to be high.

§ 61. Determination of status class of body of surface water and territorial sea and values of quality indicators of water bodies not included in bodies of surface water

(1) The quality standards established pursuant to subsection 1 of § 76 of this Act and the methods for the application of these quality standards shall be used for determination of the chemical status class of a body of surface water and territorial sea.

(2) The values of the quality indicators used for determination of the ecological status or ecological potential of a body of surface water corresponding to the status classes of bodies of surface water and the procedure for determination of status classes shall be established by a regulation of the minister in charge of the policy sector.

(3) The determination of the status classes of bodies of surface water and the chemical status class of the territorial sea shall be organised by the Ministry of Climate.

(4) The values of quality indicators needed for the use of the water in water bodies not included in bodies of surface water and for the protection of biota may be established by a regulation of the minister in charge of the policy sector.

§ 62. Data regarding bodies of surface water, territorial sea, water bodies not included in bodies of surface water and surface water resources

[Repealed – RT I, 27.05.2022, 1 – entry into force 06.06.2022]

Subchapter 5
Status of Groundwater

§ 63. Determination of body of groundwater

(1) A body of groundwater is determined from an aquifer if at least one of the following conditions is met:
1) the aquifer has the groundwater resources established pursuant to subsection 1 of § 205 of this Act;
2) at least 50 persons consume water from the aquifer on an ongoing basis;
3) at least 10 m^3 of water per day can be abstracted from the aquifer at present or are planned to be abstracted in the future;
4) the natural chemical composition of the body of groundwater enables to use the groundwater for the production of drinking water.

(2) The extent of a body of groundwater shall be determined taking into account the hydrogeological conditions of the body of groundwater, including the natural chemical composition of groundwater, the physical-chemical and aquatic properties of stones, rate of exchange of water, sensitivity of groundwater to hydrochemical impact, potential impact of human activity and social-economic aspects.

(3) The list of bodies of groundwater shall be established by a regulation of the minister in charge of the policy sector.

(4) The list of bodies of groundwater established pursuant to subsection 3 of this section shall be updated every six years as necessary.

§ 64. Assessment of status of groundwater

The status of groundwater shall be assessed on the basis of the status of bodies of groundwater.

§ 65. Status of body of groundwater

(1) The status of a body of groundwater shall be determined by the poorer of its chemical status and quantitative status.

(2) The chemical status of a body of groundwater characterises the changes in the chemical composition of groundwater caused by human activity.

(3) The quantitative status of a body of groundwater characterises how much impact abstraction of water has on the body of groundwater.

(4) The status of a body of groundwater shall be determined taking into account the impact of human activity and hydrogeological conditions of the body of groundwater, including the protection status of the aquifer and the natural chemical composition of groundwater, as well as the status of groundwater-dependent aquatic and terrestrial ecosystems.

§ 66. Status classes of bodies of groundwater

(1) The chemical status of a body of groundwater shall be characterised by two status classes:
1) good;

2) poor.

(2) The chemical status class of a body of groundwater is good if the concentration of pollutants in the water of the body of groundwater does not exceed the threshold value, the groundwater quality standard or other quality indicator used for determining the chemical status of groundwater.

(3) The quantitative status of a body of groundwater shall be characterised by two status classes:
1) good;
2) poor.

(4) The quantitative status class of a body of groundwater is good if the conditions of the indicators of the quantitative status of groundwater are met.

(5) The status class of a body of groundwater is good if both its chemical status class and its quantitative status class are good. In other cases, the status class of a body of groundwater is poor.

(6) The values of quality indicators used for determining the chemical status corresponding to the status classes of bodies of groundwater and the conditions of the indicators used for determining the quantitative status of a body of groundwater and the procedure for determination of status classes shall be established by a regulation of the minister in charge of the policy sector.

(7) The determination of the status classes of bodies of groundwater shall be organised by the Ministry of Climate.

(8) If the concentration of pollutants in groundwater in one or more sites exceeds the threshold value for pollutants or the groundwater quality standard, the chemical status of the body of groundwater at risk is still deemed good if:
1) the concentration of pollutants in the body of groundwater does not pose a threat to the maintenance or achievement of good chemical status of the body of groundwater, does not present an environmental threat, and does not significantly deteriorate the use of groundwater for human activity;
2) the values of other quality indicators used for determining the chemical status of the body of groundwater are in compliance with the limit values of good chemical status;
3) in order to reduce the level of purification treatment required for the production of drinking water from groundwater that is or will be used for abstraction of drinking water, it has been ensured that the chemical status of groundwater will not deteriorate;
4) a change in the flow direction of groundwater does not cause the intrusion of saline or other water into the aquifer.

(9) For the purpose of applying subsection 8 of this section, the results of the analysis of the properties of a river basin district in accordance with § 44 of this Act and the results set out in the overview of pressure caused by human activity, including abstraction of water and emissions into water, the geological and hydrogeological conditions of the body of groundwater, the impact of human activity on the chemical status of groundwater, impact of surface water and other ecosystems associated with the body of groundwater on the body of groundwater and the groundwater monitoring data shall be taken into account.

(10) For the purpose of applying subsection 8 of this section, a river basin management plan shall set out reasons for why the chemical status of a body of groundwater at risk is still deemed good.

§ 67. Evaluation of status of bodies of groundwater at risk and bodies of groundwater in poor status

(1) The Ministry of Climate shall prepare an additional description for each body of groundwater at risk and each body of groundwater in poor status to evaluate the risks to or the reasons for the poor status of such body of groundwater, as well as a programme of measures to achieve the water protection objectives of the body of groundwater in accordance with § 46 of this Act.

(2) A body of groundwater is at risk if it is probably not possible to achieve its good status due to human activity or if its status may deteriorate as a result of human activity.

(3) An additional description of a body of groundwater at risk or a body of groundwater in poor status shall contain detailed information on the following indicators:
1) extent of the body of groundwater;
2) in case of naturally occurring substances, their background levels;
3) information on exceeding the threshold values for every pollutant;
4) environmental objectives in the areas causing risk to the body of groundwater;
5) current or future objectives and importance of use of the body of groundwater;
6) the geological and hydrogeological conditions of the body of groundwater;
7) the chemical composition of groundwater;
8) soil;
9) long-term annual average rate of recharge of groundwater;
10) impact of human activity and ecosystems on the status of the body of groundwater;
11) interactions between the body of groundwater and the aquatic and terrestrial ecosystems associated with the body of groundwater, including direction and rate of exchange of water;
12) data of the water monitoring programme of the river basin district.

(4) The pollutants causing the risk or poor status or constituting indicative parameters shall be ascertained for each body of groundwater at risk or in poor status, and the threshold values for such pollutants shall be determined.

§ 68. Aquifer protection status

(1) The aquifer protection status means the coverage of an aquifer with a soil layer that has poor drainage or with an aquitard.

(2) The aquifer protection status shall be assessed taking into account the composition of soil and all the aquitards resting above the aquifer.

(3) In accordance with the natural aquifer protection status, areas of the territory of Estonia shall be divided as follows:
1) unprotected groundwater areas are karst areas, alvars and areas where the aquifer is covered by a moraine layer up to 2 metres thick or a sand or gravel layer up to 20 metres thick;
2) weakly protected groundwater areas where the aquifer is covered by a moraine layer 2–10 metres thick or a clay or loam layer up to

2 metres thick or a sand or gravel layer 20–40 metres thick;
3) groundwater areas of medium protection where the aquifer is covered by a moraine layer 10–20 metres thick or a clay or loam layer 2–5 metres thick;
4) relatively protected groundwater areas where the aquifer is covered by a moraine layer more than 20 metres thick or a clay or loam layer more than 5 metres thick;
5) protected groundwater areas where the aquifer is covered by a regional aquitard.

§ 69. Data regarding bodies of groundwater and groundwater resources

[Repealed – RT I, 27.05.2022, 1 – entry into force 06.06.2022]

Subchapter 6
Status of Marine Area

§ 70. Marine area

(1) For the purposes of this Act, the marine area covers the internal sea, the territorial sea and the exclusive economic zone altogether, including the seabed and earth's crust thereunder to the extent established by the Maritime Boundaries Act and by international agreements of the Republic of Estonia.

(2) A marine sub-region means a part of the marine area that differs from the remaining marine area by virtue of its biota, hydrological, marine and biogeographical features and pollution load.

§ 71. Environmental status and good environmental status of marine area

(1) The environmental status of marine area means the overall state of the environment in the marine area which is determined taking into account the structure, function and processes of the constituent marine ecosystems together with natural physiographic, geographic, biological, geological and climatic factors as well as physical, acoustic and chemical conditions, including those resulting from human activities inside or outside the marine area.

(2) The good environmental status of marine area means the status where it preserves ecologically diverse and dynamic marine area that is clean, healthy and productive within its intrinsic conditions and the use of the marine area is sustainable, thus safeguarding the potential for uses and activities by current and future generations, particularly if:
1) the structure, functions and processes of the marine ecosystems and the associated physiographic, geographic, geological and climatic factors allow those ecosystems to function fully and to maintain their resilience to human-induced environmental change, marine species and habitats are protected, human-induced decline of biodiversity is prevented and biological components function in balance;
2) hydro-morphological, physical and chemical properties of the marine ecosystems, including those properties that result from human activities in the area concerned, support the ecosystems as described in clause 1 of this subsection and anthropogenic inputs or disposals of substances and energy, including noise, into the marine environment cause neither marine pollution nor impacts from contamination.

(3) For the purposes of this Act, marine pollution means direct or indirect introduction or presence of substances, energy, radiation, electric and magnetic field, noise, infrasound and ultrasound into the air or marine environment as a result of human activity to such an extent that it has or may have an adverse impact, for example risk to human health or property, harm to biota, marine activities and use of marine services, quality of marine ecosystems or aquatic and terrestrial ecosystems that are directly dependent on them, including biodiversity loss, reduction of amenities and deterioration of the quality of water, due to which the lawful sustainable use of the marine environment is compromised.

§ 72. Marine strategy

(1) A marine strategy shall be prepared for the whole marine area of Estonia in order to protect the marine area and to achieve and maintain its good environmental status, and it shall consist of the following parts:
1) assessment of the marine area;
2) determination of good environmental status of the marine area;
3) environmental targets for the marine area and associated indicators;
4) monitoring programme for the marine area;
5) programme of measures for the marine area.

(2) The marine strategy shall be prepared, taking account of the relevant existing national, European Union and international assessments, environmental targets, monitoring programmes and programmes of measures, as well as transboundary environmental impacts and specific features, and co-operation shall be undertaken with other Member States of the European Union in order to ensure coherence and comparability of different parts of the marine strategy.

(3) The provisions of the Administrative Procedure Act concerning open proceedings apply to the preparation, amendment and revocation of the marine strategy.

(4) Parts of the marine strategy shall be updated every six years after their approval or updating.

(5) The preparation and updating of the marine strategy shall be organised by the Ministry of Climate.

(6) The requirements for the contents and preparation of the marine strategy shall be established by a regulation of the minister in charge of the policy sector.

(7) An assessment of the marine area, determination of good environmental status and the associated indicators shall be established by a regulation of the minister in charge of the policy sector.
[RT I, 21.09.2021, 3 – entry into force 01.10.2021]

(8) A monitoring programme for on-going assessment of the environmental status of the marine area shall be approved by a directive of the minister in charge of the policy sector.

(9) A programme of measures for the marine area to achieve or maintain its good environmental status shall be approved by a directive of the minister in charge of the policy sector.

(10) The environmental targets for achieving good environmental status of a marine area and the associated indicators shall be established by a directive of the minister in charge of the policy sector.
[RT I, 21.09.2021, 3 – entry into force 01.10.2021]

§ 73. Application of exceptions to achievement of environmental targets

(1) The good environmental status of the marine area or the environmental targets may remain unachieved by planned measures if it is caused by:
1) action or inaction to achieve or maintain the good environmental status of the marine area, or to achieve the environmental targets, for which it is not possible to impose liability in the territory of Estonia or in the marine area under the jurisdiction of Estonia;
2) natural causes;
3) *force majeure*;
4) modifications or alterations to the physical properties of the marine area brought about by actions taken for reasons of overriding public interest which outweigh the negative impact on the environment, including any transboundary impact.

(2) Achievement of the good environmental status of the marine area or its environmental targets may be postponed if it is caused by natural conditions which do not allow timely improvement in the status of the marine area.

(3) Application of the exception set out in clause 4 of subsection 1 of this section is permitted only in case it is ensured that the modifications or alterations to the physical properties of marine area do not permanently preclude or compromise the achievement of the good environmental status of the marine area, in the respective sub-region of the marine area or in the marine area of other Member States of the European Union.

(4) In case of the exceptions set out in subsections 1 and 2 of this section, *ad hoc* measures shall be taken to contribute to the achievement of good environmental status, and in case of the reasons set out in clauses 2–4 of subsection 1, to prevent further deterioration of the status of the marine area and mitigate the adverse impact. Such measures shall contribute to the highest possible extent to the achievement of the good environmental status of the marine area.

(5) The exceptions in respect of achieving the good environmental status of the marine area or its environmental targets, as set out in this section, can be specified, as necessary, in the programme of measures established pursuant to subsection 9 of § 72 of this Act.

(6) Taking of *ad hoc* measures shall not be required if there is no significant environmental nuisance of the marine environment or if the measures entail disproportionately high costs while compared to the risk, provided that the situation will not deteriorate any further and the achievement of the good environmental status will not become permanently precluded. The respective decision shall be substantiated by evidence.

§ 74. Obligation to notify of activities compromising environmental status of marine area

Any person who suspects acts or omissions compromising the environmental status of the marine area or consequences thereof shall notify the Environmental Board, the Police and Border Guard Board or an Estonian port, if it can be reasonably expected from such person considering their special role or knowledge.

Subchapter 7
Hazardous Substances, Groundwater Pollutants and Quality Standards of Water and Soil

§ 75. Hazardous substances

(1) For the purposes of this Act, a hazardous substance means an element or a compound that due to toxicity, stability or bioaccumulation causes or may cause hazard to human health or harms or may harm other living organisms or ecosystems.

(2) Hazardous substances are divided into the following subcategories:
1) priority substances and certain other pollutants;
2) river basin specific pollutants;
3) priority hazardous substances.

(3) Priority substances and certain other pollutants mean hazardous substances that present a significant danger to the aquatic environment or via the aquatic environment to human health or harm or may harm other living organisms or ecosystems and the discharge of which into the aquatic environment is restricted in accordance with this Act for the purpose of reducing the discharge of these substances into the aquatic environment.

(4) River basin specific pollutants mean pollutants used in the river basin district which are likely to be present in surface water or in the bottom sediment of a water body to an extent that is harmful to the aquatic biota and which are therefore taken into account in assessment of the ecological status of a body of surface water and the discharge of which into the aquatic environment is restricted in accordance with this Act for the purpose of reducing the discharge of these substances into the aquatic environment.

(5) Priority hazardous substances mean hazardous substances which present a significant risk to the aquatic environment or via the aquatic environment to human health or harm or may harm other living organisms or ecosystems and the discharge of which into the aquatic environment is prohibited or restricted in accordance with this Act for the purpose of terminating or progressively removing the discharge of the substances into the aquatic environment.

§ 76. List of hazardous substances and environmental quality standards of hazardous substances

(1) The list of priority substances and priority hazardous substances, the environmental quality standards of priority substances, priority hazardous substances and certain other pollutants, and methods for application of quality standards, the quality standards of river basin specific pollutants and the activities associated with the watch list of substances shall be established by a regulation of the minister in charge of the policy sector.

(2) The watch list of substances means a list of substances for which Unionwide monitoring data shall be gathered for the purpose of supporting future prioritisation exercises in order to supplement the existing data on these substances which derive from other sources, including an analysis of the properties of a river basin district, overview of environmental impact of human activity, economic analysis of water use, and water monitoring programmes.

(3) The environmental quality standards for the river basin specific pollutants specified in subsection 1 of this section shall be established in accordance with the principles provided for in Annex V 1.2.6 of Directive 2000/60/EC of the European Parliament and of the Council.

§ 77. Groundwater pollutants and their threshold values

(1) The threshold value for a groundwater pollutant indicates such concentration of the pollutant in a body of groundwater, the exceeding of which entails a risk of failing to meet the requirements for good chemical status class of groundwater.

(2) The groundwater pollutants and their threshold values shall be determined for each body of groundwater, considering:
1) the background levels of naturally occurring substances or ions or physical-chemical parameters of water;
2) the hydrogeological conditions of the body of groundwater;
3) the status of water bodies, terrestrial ecosystems and wetlands dependent on the body of groundwater and their mutual connection and extent of interactions;
4) possible impact of current or future legitimate interference in the use or functions of groundwater;
5) human activity, including pollutants from diffuse sources;
6) the origin of pollutants, their possible natural occurrence, toxicity and their tendency to spread, stability and potential for bioaccumulation.

(3) For the purposes of this Act, background level means the concentration or indicator value of a pollutant in a body of groundwater with no, or only very minor, anthropogenic alterations to undisturbed conditions that would alter the chemical composition of the body of groundwater.

(4) A list of groundwater pollutants, the threshold values of such pollutants broken down by bodies of groundwater, and the principles for determining the background levels shall be established by a regulation of the minister in charge of the policy sector.

(5) The threshold values for groundwater pollutants of a transboundary body of groundwater shall be referred for approval to a competent authority of a foreign state in accordance with subsection 4 of § 30 of this Act before being established.

§ 78. Amending list of groundwater pollutants and their threshold values

(1) The list of groundwater pollutants and their threshold values shall be amended and supplemented in the interests of human health and protection of the environment in accordance with new information received on pollutants.

(2) A pollutant may be removed from the list of groundwater pollutants if the pollutant no longer affects the good chemical status of a body of groundwater.

(3) An overview of amendments to the list of groundwater pollutants and their threshold values shall be set out in the river basin management plan.

§ 79. Groundwater quality standards

(1) The groundwater quality standard indicates the concentration of a pollutant in groundwater, which may not be exceeded in the interests of human health and protection of the environment.

(2) If the application of groundwater quality standards does not ensure achievement of the water protection objectives of a body of surface water dependent on the body of groundwater, or causes a substantial deterioration in the ecological or chemical status of the body of surface water or harm to the terrestrial ecosystem dependent on the body of groundwater, threshold values that are stricter than the groundwater quality standards shall be established.

(3) The groundwater quality standards for hazardous substances and the environmental quality standards for groundwater pollutants which are taken into account while determining the chemical status of a body of groundwater, including concentration of nitrates and active substances of pesticides, shall be established by a regulation of the minister in charge of the policy sector.

(4) In the case provided for in subsection 2 of this section, the minister in charge of the policy sector shall establish by a regulation the threshold values that are stricter than the groundwater quality standards.

§ 80. Significant and sustained upward trend in concentration of pollutants in groundwater

(1) Significant or sustained upward trend in the concentration of pollutants in groundwater indicates any statistically and environmentally significant increase of concentration of pollutants in a body of groundwater at risk.

(2) Significant upward trend in the concentration of pollutants in groundwater means an increase by more than 20 percent of the baseline level in the annual average concentration of pollutants in a body of groundwater at risk during two consecutive years.

(3) Sustained upward trend in the concentration of pollutants in groundwater means an increase compared to the baseline level in the annual average concentration of pollutants in a body of groundwater at risk during six consecutive years.

(4) The baseline level means the average concentration of pollutants in a body of groundwater measured from 2007 to 2009 during groundwater monitoring.

(5) In case of upward trend in the concentration of pollutants specified in subsections 2 and 3 of this section, a starting point for the reversal of upward trend in the concentration of pollutants in groundwater shall be established, the upward trend in the concentration of pollutants shall be halted or the concentration of pollutants shall be reduced.

§ 81. Assessment of significant and sustained upward trend in concentration of pollutants in groundwater

(1) Significant upward trend in the concentration of pollutants in bodies of groundwater at risk and in bodies of groundwater in poor status shall be identified every two years and sustained upward trend every six years and these data shall be published in the river basin management plan.

(2) If the maintenance or achievement of good chemical status of a body of groundwater is hampered due to a point or diffuse source or contaminated soil, further assessment of a significant and sustained upward trend in the concentration of pollutants shall be carried out.

(3) The further assessment referred to in subsection 2 of this section shall include determination of the reasons for the significant and sustained upward trend in the concentration of pollutants, extent of environmental nuisance from an emission source or contaminated soil which has an impact on groundwater, and the environmental threats and environmental risks deriving therefrom in order to take measures to avoid the extension of contamination to a larger area, avoid danger to human health and the environment, significant negative developments in the chemical status of groundwater and any delay in achievement of water protection objectives.

(4) The assessment and further assessment of significant and sustained upward trend in the concentration of pollutants in groundwater as specified in this section shall be organised by the Ministry of Climate.

(5) An overview of the results of further assessment of significant and sustained upward trend in the concentration of pollutants shall be published in a river basin management plan.

§ 82. Starting point for the reversal of upward trend for reduction of concentration of pollutants in groundwater

(1) The starting point for the reversal of upward trend in the concentration of pollutants (hereinafter also the starting point for the reversal of upward trend) indicates that the concentration of a pollutant in a body of groundwater at risk has increased to 75 percent of the threshold value for the concentration of pollutants in groundwater or of the quality standard.

(2) If the concentration of pollutants in a body of groundwater reaches the starting point for the reversal of upward trend, a competent administrative authority shall take appropriate measures to halt the significant or sustained upward trend in the concentration of pollutants or to reduce the concentration of pollutants.

(3) The starting point for the reversal of upward trend may be less or more than 75 percent of the threshold value for the concentration of pollutants in groundwater or of the quality standard if:
1) at such a starting point for the reversal of upward trend it is possible to prevent most cost-effectively or reduce most efficiently the changes causing the deterioration of the chemical status of groundwater;
2) the detection limit of the concentration of pollutants does not allow for applying the starting point for the reversal of upward trend at 75 percent of the threshold value for the concentration of pollutants in groundwater or of the quality standard.

(4) In the case specified in clause 1 of subsection 3 of this section, the starting point for the reversal of upward trend may be more than 75 percent of the groundwater quality standard if this does not lead to any delay in achieving the water protection objectives.

(5) The starting point for the reversal of upward trend in the concentration in nitrates in groundwater in a nitrate vulnerable zone shall be 40 mg/l.

(6) The starting points for the reversal of upward trend specified in subsections 1 and 3–5 of this section shall not be changed during the six-year period of a river basin management plan.

(7) The designation of the starting points for the reversal of upward trend specified in subsections 1, 3 and 4 of this section and in subsection 5 of § 80 of this Act for bodies of groundwater at risk or for bodies of groundwater in poor status shall be organised by the Ministry of Climate.

(8) Information on the starting point for the reversal of upward trend in the concentration of pollutants in groundwater shall be published every six years in a river basin management plan.

§ 83. Soil quality standards

The limit values for concentrations of hazardous substances in the soil shall be established by a regulation of the minister in charge of the policy sector.

§ 84. Transboundary contamination

(1) For the purposes of this Act, transboundary contamination means contamination caused by an emission source outside the territory of the Republic of Estonia.

(2) In case of transboundary contamination a competent authority of the foreign state shall be notified of the contamination immediately in accordance with the procedure provided for in subsection 4 of § 30 of this Act and implementation of efficient measures for the reduction or removal of the impact of the contamination shall be planned in order to ensure compliance with the quality standards in the part of the transboundary river basin district in Estonia.

(3) If despite implementation of the measures specified in subsection 2 of this section, the quality standards have been exceeded, the exceptions provided for in §§ 39–42 of this Act shall apply to respective bodies of water in the transboundary river basin district.

(4) An overview of measures undertaken in case of transboundary contamination shall be presented in a river basin management plan.

Chapter 3
REQUIREMENTS FOR DRINKING WATER, NATURAL MINERAL WATER AND BATHING AREAS

§ 85. Quality standards for drinking water

(1) Drinking water must meet the quality standards established pursuant to subsection 2 of this section. The quality of drinking water is inspected against the standards established pursuant to said subsection and analysed using the methods established pursuant to the same subsection.

(1[1]) The objective of establishment of the quality standards and inspection requirements, including the requirements for risk assessment and risk management, is to protect human health from the adverse effects of any contamination of drinking water and to improve access to drinking water.

(1[2]) The measures taken to implement the quality standards for drinking waterprovided in this section and in §§ 85[1]–85[5], 87 and 92 of this Act must be based on the precautionary principle and in no circumstances have the effect of allowing, directly or indirectly, any deterioration of the quality of drinking water or any increase in the pollution of the water used for the production of drinking water.

(1[3]) Only the requirements provided in this section and in §§ 87, 92 and 195 of this Act are applied to the treatment of drinking water put into bottles or containers.

(2) The quality standards and inspection requirements and the methods for analysis, as well as the requirements for informing the consumers are established by a regulation of the minister in charge of the policy sector.

(3) Once a year the Health Board prepares a summary of compliance with the requirements established on the basis of subsection 2 of this section.

(4) For the purposes of this Chapter, 'risk' means a combination of the likelihood of a hazardous event and the severity of the consequences if the hazard and hazardous event occur in the supply system of drinking water.

(5) For the purposes of this Chapter, 'hazard' means a biological, chemical, physical or radiological agent in water, or another aspect of the condition of water, with the potential to cause harm to human health.

(6) For the purposes of this Chapter, 'hazardous event' means an event that introduces hazards into or fails to remove them from the supply system of drinking water.
[RT I, 07.02.2023 – entry into force 17.02.2023]

§ 85[1]. Risk-based approach to water safety

(1) The supply, treatment and distribution of drinking water is subject to a risk-based approach that covers the whole supply chain, including the catchment areas or feeding zones of drinking water intakes, the abstraction, treatment, storage and distribution of water, and the point of compliance specified in subsection 2 of § 87 of this Act.

(2) The risk-based approach entails the following elements:
1) risk assessment and risk management of the catchment areas or feeding zones of drinking water intakes, taking into consideration the provisions of § 85[2] of this Act;
2) risk assessment and risk management of water supply systems that include the abstraction, treatment, storage and distribution of drinking water to the point of supply, taking into consideration the provisions of § 85[3] of this Act;
3) risk assessment of the domestic distribution systems in accordance with the provisions of § 85[4] of this Act.

(3) The risk-based approach provided in subsection 2 of this section is reviewed every six years, and updated where necessary.

(4) The risk-based approach need not be implemented when there are constraints due to geographical circumstances such as remoteness or limited accessibility of the water supply. The non-implementation of the risk-based approach must not compromise the objective specified in subsection 1[1] of § 85 of this Act.
[RT I, 07.02.2023 – entry into force 17.02.2023]

§ 85[2]. Risk assessment and risk management of catchment areas and feeding zones of drinking water intakes

(1) The treatment operators of drinking water carry out the risk assessment and risk management of the catchment areas and feeding zones of drinking water intakes in cooperation with the Ministry of Climate, the Environmental Board, the Health Board and other relevant authorities.

(2) The requirements for the risk assessment and risk management of the catchment areas and feeding zones of drinking water intakes, including risk management measures, are established by a regulation of the minister in charge of the policy sector.

(3) Where a risk is ascertained on the basis of the results of the risk assessment, the Ministry of Climate, the Environmental Board, the treatment operator of drinking water or another person implements the risk management measures established on the basis of subsection 2 of this section to prevent and control the risk, starting with the preventive measures.

(4) Every six years, the Health Board in cooperation with the Ministry of Climate prepares a summary of compliance with the requirements established on the basis of subsection 2 of this section.
[RT I, 07.02.2023 – entry into force 17.02.2023]

§ 85[3]. Risk assessment and risk management of water supply systems

(1) The treatment operators of drinking water carry out the risk assessment and risk management of water supply systems.

(2) The requirements for the risk assessment and risk management of water supply systems are established by a regulation of the minister in charge of the policy sector.

(3) A treatment operator of drinking water supplying consumers with 10 to 100 m^3 of water per day as an average or serving 50 to 500 people is not required to carry out the risk assessment and risk management of the water supply system, unless not carrying it out would compromise the quality of drinking water.

(4) Upon application of the specification provided in subsection 3 of this section, the treatment operator of drinking water inspects the drinking water on the basis of the plan for drinking water inspection provided in clause 1 of subsection 4 of § 87 in accordance with the requirements and methods established on the basis of subsection 2 of § 85 of this Act.
[RT I, 07.02.2023 – entry into force 17.02.2023]

§ 85[4]. Risk assessment of domestic distribution systems

(1) The Health Board organises the preparation of a summary analysis of the potential risks associated with domestic distribution systems and with products and materials that come into contact with drinking water, and assesses whether those potential risks affect the quality of water at the point where it emerges from the taps used for drinking water (hereinafter *risk assessment of domestic distribution systems*). The risk assessment of domestic distribution systems does not entail households.

(2) For the purposes of this Act, 'domestic distribution system' means the pipework, fittings and other appliances which are installed between the taps of drinking water, and the distribution network, but only if they are not the responsibility of the treatment operator of drinking water in its capacity as a treatment operator of drinking water.

(3) Where any risks to water quality and human health associated with *Legionella* or lead are ascertained in the course of the risk assessment of a domestic distribution system, monitoring of the parameters of the domestic distribution system must be carried out in compliance with the requirements established on the basis of subsection 6, targeting the priority premises selected in the analysis specified in subsection 1 of this section. The monitoring of the parameters of a domestic distribution system is organised by the owner of the priority premises.

(4) For the purposes of this Act, 'priority premises' means non-household premises open for public use with its users potentially exposed to water-related risks.

(5) Where it turns out on the basis of the risk assessment or the monitoring of the domestic distribution system that there is a risk to human health stemming from the domestic distribution system or from the related products and materials, the owner of the priority premises organises that appropriate measures, established on the basis of subsection 6 of this section are taken to eliminate or reduce the risk.

(6) The requirements for the measures related to the risk assessment of domestic distribution systems, summary of the risk assessment and monitoring of the parameters of domestic distribution systems are established by a regulation of the minister in charge of the policy sector.

(7) Every six years, the Health Board prepares a summary of compliance with the requirements established on the basis of subsection 6 of this section.
[RT I, 07.02.2023 – entry into force 17.02.2023]

§ 85[5]. Materials, treatment chemicals and filter media that come into contact with drinking water

(1) The materials that come into contact with drinking water in installations related with the abstraction, treatment, storage or distribution of drinking water must not:
1) directly or indirectly compromise human health;
2) adversely affect the colour, odour or taste of the water;
3) enhance microbial growth;
4) leach contaminants into the water at levels that are higher than inevitable in view of the intended purpose of the material.

(2) The treatment chemicals and filter media that come into contact with drinking water must be clear and of good quality and meet the requirements provided in the Biocidal Products Act, Chemicals Act and Product Conformity Act and the requirements established on the basis of these Acts, and must not:
1) directly or indirectly compromise human health;
2) adversely affect the colour, odour or taste of the water;
3) enhance microbial growth;
4) contaminate the water at levels that are higher than inevitable in view of the intended purpose.
[RT I, 07.02.2023 – entry into force 17.02.2023]

§ 85[6]. Watch list of substances and compounds present in drinking water supply chain

(1) The watch list of substances and compounds present in the drinking water supply chain means the watch list addressing substances or compounds of concern to the public or the scientific community on health grounds which must be monitored where they are likely to be present in drinking water and could pose a potential risk to human health (hereinafter *watch list*), as provided in the implementing act of the European Commission, adopted on the basis of Article 13(8) of Directive (EU) 2020/2184 of the European Parliament and of the Council on the quality of water intended for human consumption (OJ L 435, 23.12.2020, p. 1–62).

(2) The substances included in the watch list are monitored in accordance with the requirements established on the basis of subsection 2 of § 85[2] and subsection 2 of § 85[3] of this Act, taking into consideration the results of environmental monitoring and environmental research.

(3) The results of the monitoring and research specified in subsection 2 of this section are added to the summary specified in subsection 4 of § 85[2] of this Act.

(4) Where in the course of the monitoring provided in subsection 2 of this section a substance or compound included in the watch list is detected in concentrations exceeding the guidance values set out in the watch list, then where necessary:

1) the Ministry of Climate implements the risk management measures established on the basis of subsection 2 of § 85[2] of this Act, or carries out appropriate monitoring in the catchment areas and feeding zones of drinking water intakes or in raw water;
2) the treatment operator of drinking water implements preventive measures and mitigation measures and carries our appropriate monitoring in accordance with the requirements established on the basis of subsection 2 of § 85[2] of this Act;
3) the treatment operator of drinking water checks whether water treatment is adequate to reach the guidance value and, where necessary, optimises the treatment;
4) the treatment operator of drinking water, the Ministry of Climate, the Environmental Board or another person implements remedial actions in cooperation with the Health Board.
[RT I, 07.02.2023 – entry into force 17.02.2023]

§ 85^{7}. Derogation from quality standards for drinking water

(1) At the request of a treatment operator of drinking water, the Health Board may grant a derogation from the requirements for adhering to the parametric values of drinking water, provided that such derogation does not constitute a potential hazard to human health and provided that the supply of drinking water in the area concerned cannot be maintained by any other reasonable means.

(2) A derogation may be applied only where at least one of the following circumstances occurs:
1) drinking water is abstracted from a new catchment area or feeding zone of the drinking water intake;
2) a new source of pollution is detected in the catchment area or feeding zone;
3) new parameters have newly been searched for or found in the catchment area or feeding zone; or
4) an unforeseen and exceptional situation has arisen in the catchment area or feeding zone that could lead to temporary limited exceedances of the parametric values.

(3) In exceptional circumstances, the Health Board may grant an additional derogation at the request of the treatment operator of drinking water in the cases specified in clauses 1 and 2 of subsection 2 of this section.

(4) The terms of and procedure for granting a derogation from the requirements for adhering to the parametric values of drinking water are established by a regulation of the minister in charge of the policy sector.
[RT I, 07.02.2023 – entry into force 17.02.2023]

§ 86. Requirements for choice of location of drinking water intakes

(1) The location of a drinking water intake is chosen based on the possibility to form a sanitary protection zone, the data in the appropriate register regarding the quality and volume of surface water and groundwater and the approved groundwater resources, and the possibilities of protecting the catchment area and feeding zone of a drinking water intake.
[RT I, 07.02.2023 – entry into force 17.02.2023]

(2) A drinking water intake shall not be constructed to abstract water from a water body or aquifer where the original quality of water does not enable to ensure, at reasonable cost, the compliance of water with the quality standards for drinking water established pursuant to subsection 2 of § 85 of this Act.

(3) A drinking water intake shall not be constructed at a place where it is not possible to form a proper sanitary protection zone to protect the drinking water intake.

(4) The list of water bodies included in a drinking water intake shall be approved in terms of water intakes by a directive of the minister in charge of the policy sector.

§ 87. Duties of treatment operators of drinking water

(1) A treatment operator of drinking water is an undertaking, whose activity involves the production, collection, processing or packaging of drinking water or other operations as a result of which drinking water is available to consumers or other persons that have to use drinking water in their activities either for a charge or free of charge. A treatment operator of drinking water is not deemed to be a person who abstracts water from an individual water abstraction point in an average quantity of less than 10 m^3 per day or for the use of less than 50 people, unless the supply with drinking water forms a part of economic activities or public law functions.

(1^{1}) A food business operator within the meaning of Article 3(2) of Regulation (EC) No. 178/2002 of the European Parliament and of the Council who abstracts water from their own water source solely for using it in food business is not deemed to be a treatment operator of drinking water, provided that the quality of the water used does not affect the safety of the foodstuff in its finished form, and the food business operator complies with the self-checking requirements provided in § 34 of the Food Act.
[RT I, 07.02.2023 – entry into force 17.02.2023]

(1^{2}) Sections 85^{1}–85^{5} and 88 of this Act and clauses 2^{1} and 5^{1} of subsection 4 of this section do not apply to a treatment operator of drinking water that supplies water to consumers in an average quantity of less than 10 m^3 per day or for the use of less than 50 people in the course of economic activities or public law functions.
[RT I, 07.02.2023 – entry into force 17.02.2023]

1^{3}) Sections 85^{1}, 85^{2}, 85^{5}, 85^{7} and 88 of this Act and clause 5^{1} of subsection 4 of this section do not apply to maritime vessels that desalinate water, carry passengers and act as treatment operators of drinking water.
[RT I, 07.02.2023 – entry into force 17.02.2023]

(2) A treatment operator of drinking water shall guarantee the compliance of drinking water supplied through a distribution network to the requirements established pursuant to subsection 2 of § 85 of this Act up to a point where drinking water becomes available to another treatment operator or consumer, unless the treatment operator of drinking water and the owner of registered immovable agree otherwise.

(3) A treatment operator of drinking water supplying a domestic distribution system with drinking water through a distribution network has performed its duty to ensure quality standards for drinking water if they prove that any non-compliance of drinking water is caused by the water supply of the domestic distribution system.
[RT I, 07.02.2023 – entry into force 17.02.2023]

(4) A treatment operator of drinking water:

1) prepares a plan for drinking water inspection, taking into consideration the results of the risk assessment provided in §§ 85^{2} and 85^{3} of this Act, and refers it for approval to the Health Board;
[RT I, 07.02.2023 – entry into force 17.02.2023]
2) submits to the Health Board data about the execution of the plan for drinking water inspection and, at the request of a supervisory official, copies of test protocols or, as an extract from the database, investigation data on a quarterly basis either in writing or digitally;

2^{1}) where necessary, submits to the Health Board the information concerning the summary specified in subsection 3 of § 85 and the summary specified in subsection 4 of § 85^{2} of this Act;

[RT I, 07.02.2023 – entry into force 17.02.2023]
3) at the request of a supervisory official, performs additional investigations in case of contamination or a suspicion of contamination of drinking water;
4) investigates reasons for non-compliance of drinking water with quality standards, apply required measures to remove the shortcomings and immediately notify consumers and the structural unit of the Health Board in the treatment location, of the shortcomings;
5) gives information to consumers and supervisory officials about the compliance of the drinking water being treated in accordance with the procedure provided for in the Public Information Act;
5^1) publishes regularly and at least once a year, in easily accessible form electronically, and in case of a reasonable request, also in other manner, the information to be given to consumers on the basis of subsection 2 of § 85 of this Act;
[RT I, 07.02.2023 – entry into force 17.02.2023]
6) notifies the Health Board of each case of contamination of drinking water or of interruption in water supply exceeding 24 hours;
7) organises studies of microbiological, chemical and indicator parameters in an accredited laboratory;
8) implements other measures to comply with the requirements provided in §§ 85 and 85^1–85^6 and in the present section of this Act, involving the Health Board where necessary.
[RT I, 07.02.2023 – entry into force 17.02.2023]

(5) The plan for drinking water inspection specified in clause 1 of subsection 4 of this section is to be updated at least every six years and referred for approval to the Health Board.
[RT I, 07.02.2023 – entry into force 17.02.2023]

(6) The activities provided for in subsection 4 of this section shall be performed by the treatment operator of drinking water at its own expense.

§ 88. Rights and obligations of local authorities in organising access to drinking water

[RT I, 07.02.2023 – entry into force 17.02.2023]

(1) Local authorities organise access to clean drinking water in their territories. For this purpose, local authorities:
1) identify persons without access and with limited access to drinking water, and reasons for such lack of access and for failures;
2) assess possibilities for improving access to drinking water for the persons specified in clause 1 of this subsection;
3) inform the persons specified in clause 1 of this subsection about possibilities for connecting to the distribution network or about alternative means of having access to drinking water;
4) where necessary, take appropriate and proportional measures to improve the access to drinking water for vulnerable and marginalised groups.

(2) For the purposes of this Act, ‘vulnerable and marginalised groups’ are the groups of people who have limited possibilities to access drinking water. They include homeless people, disabled people, refugees, nomadic communities and minority cultures, whether sedentary or not, and other disadvantaged or marginalised groups. The provisions regarding the vulnerable and marginalised groups apply also to the persons in need of social welfare assistance and other similar groups.

(3) Local authorities organise the setting up of publicly usable indoor and outdoor drinking water abstraction points in public spaces where this is required by the justified needs of the community and where it is technically feasible. Local authorities publish the locations of publicly usable drinking water abstraction points on their websites.

(4) Local authorities may delegate the setting up of publicly usable outdoor drinking water abstraction points to water undertakings by administrative contracts regulating, among other things, the costs of setting up the drinking water abstraction points and of the use of the water.

(5) Where there is insufficient supply of drinking water to satisfy the needs of drinking and preparing food, a local authority has the right to limit the use for any other purpose of drinking water.

(6) Every six years, local authorities prepare an overview of the performance of the obligations provided in subsections 1 and 3 of this section and submit it to the Health Board.
[RT I, 07.02.2023 – entry into force 17.02.2023]

§ 89. Natural mineral water

Natural mineral water (hereinafter also mineral water) means water that is used for drinking and is microbiologically wholesome water originating in an aquifer and emerging from a spring which is protected against contamination and from which water is extracted through one or more water intakes which are natural or have been made usable artificially.

§ 90. Duties of persons marketing mineral water and spring water and exploiting springs

(1) Legal persons in public and private law and natural persons that are manufacturers of natural mineral water or spring water within the meaning of the Product Conformity Act, as well as the persons marketing natural mineral water or spring water, including importers, shall be liable for placing natural mineral water or spring water on market and for the compliance thereof.

(2) The manufacturer of natural mineral water specified in subsection 1 of this section:
1) may start exploiting a mineral spring and bottling water only after it has been ascertained by investigations of competent authorities that the water meets the requirements for mineral water established pursuant to subsection 6 of this section and a water permit has been issued for exploitation of the spring pursuant to this Act, or for the mineral water of another country, a permit of a responsible authority of the country of abstraction has been issued;
2) shall bottle mineral water at source;
3) shall submit a written application to the Health Board for recognition of mineral water extracted and manufactured in Estonia or water from a country outside the European Economic Area (hereinafter *non-EU country*) which is placed on the market in Estonia, data of investigations of competent authorities and detailed information in accordance with the requirements of this Act and legislation established pursuant to this Act;

4) may place mineral water on the market within the meaning of the Product Conformity Act in Estonia if it has been recognised by the Health Board or a responsible authority of another country and has been entered in the list of natural mineral waters in the Official Journal of the European Union;
5) may place mineral water extracted from the ground of a non-EU country on the market in Estonia only if a responsible authority of the country of abstraction of the water has certified that they inspect the compliance of such water on regular basis and that the water meets the requirements for mineral water established in the European Union, and the Health Board has recognised the compliance of the mineral water;
6) shall not add any other substances than carbon dioxide to mineral water;
7) shall not market mineral water extracted from one and the same spring under several sales descriptions or describe packaged drinking water, table water, spring water or other water as natural mineral water or mineral water.

(3) The manufacturer of natural mineral water specified in subsection 1 of this section shall pay accommodation expenses and travel expenses to the mineral water intake and back for two representatives of the Health Board who engage in the assessment of the compliance of the source of mineral water, the spring, the water abstraction equipment and processing of water. Said obligation shall be valid only in case the Health Board has to incur expenses that are not covered by the state fee in the procedure for recognition of mineral water extracted from the ground of a non-EU country.

(4) State fee shall be paid for the procedure for recognition of natural mineral water, assessment of the compliance of the water abstraction equipment and processing of natural mineral water, issue of a decision on recognition and renewal thereof, and notification of the European Commission and Member States, in the amount provided for in the State Fees Act.

(5) The period of validity of a decision on recognition of mineral water extracted from the ground of a non-EU country and imported to the European Economic Area shall be five years. The recognition procedure need not be repeated if the responsible authority of the country of abstraction has certified the compliance of mineral water anew before the lapse of five years.

(6) The requirements for natural mineral water and spring water shall be established by a regulation of the minister in charge of the policy sector.

§ 91. Duties of owner and possessor of bathing area

(1) The owner or possessor of a bathing area shall:
1) ensure safe conditions of use, compliance of the water used and inspection and investigation of water at an accredited laboratory in accordance with the requirements established pursuant to this Act;
2) publish information regarding the quality indicators of bathing water pursuant to the requirements of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters in accordance with the procedure provided for in the Public Information Act.

(2) The requirements for bathing water and bathing areas shall be established by a regulation of the minister in charge of the policy sector.

§ 92. Duties of Health Board in the field of drinking water, bathing water and mineral water

(1) The competent authority in the field of drinking water and bathing water shall be the Health Board who shall:
1) organise the monitoring of drinking water and bathing water;
2) participate in the development and implementation of monitoring and warning systems for responding to emergency phases related to drinking water and bathing water;
3) collect and process data on the compliance of drinking water and bathing water with quality requirements;
4) publish data on the quality indicators of drinking water and bathing water;
5) advise consumers, property owners and treatment operators and make recommendations to them for implementation of remedial actions and elimination of health threats;
[RT I, 07.02.2023 – entry into force 17.02.2023]
6) decide on the use of drinking water and bathing water which is not in compliance with the quality standards, bearing in mind, among other things, the hazards to human health which would be caused by an interruption of the supply or a restriction in the use of drinking water;
[RT I, 07.02.2023 – entry into force 17.02.2023]
7) prepare a report on the compliance of bathing water with the quality requirements annually, and a report on the compliance of drinking water with the quality requirements every three years;
8) refer the report specified in clause 7 of this subsection to the Ministry of Social Affairs and Ministry of Climate for approval;
9) cooperate internationally for elimination of health threats caused by drinking water and bathing water;
10) organise the assessment of health risk and development of a programme of measures in cooperation with experts if the limit values of substances and microorganisms is exceeded in drinking water;
11) carry out additional investigations to determine these substances and microorganisms in drinking water, the concentration of which is not regulated by legislation if there are grounds for believing that the presence or excessive concentration of those substances and microorganisms presents a potential risk for human health;

11^1) inform the population affected by the derogation immediately and in an appropriate manner about the granting of the derogation provided in subsection 1 of § 85^7 of this Act, and advise particular population groups for which the derogation could present a special hazard;
[RT I, 07.02.2023 – entry into force 17.02.2023]

11^2) implement other measures within their competence to comply with the requirements provided in §§ 85–85^6 of this Act;
[RT I, 07.02.2023 – entry into force 17.02.2023]
12) provide reference services for drinking water investigations.

(2) The costs of the activities specified in clause 10 of subsection 1 of this section shall be covered by the treatment operator of drinking water if the deterioration of the quality of drinking water has been caused by the activities of the treatment operator of drinking water.

(3) The responsible authority in the field of natural mineral water shall be the Health Board who shall:
1) recognise water extracted and manufactured in Estonia or water from a non-EU country which is placed on the market in Estonia as natural mineral water;
2) not later than on the 180th day after submission of all the required data, make a decision on recognition or refusal to recognise natural mineral water and state its reasons for recognition or refusal of recognition;
3) verify the compliance of the investigation and analysis data submitted by the person placing the natural mineral water on the market, and where necessary, also the compliance of the water abstraction equipment and processing of natural mineral water with the established requirements;
4) revoke a decision on recognition if the composition or other properties of natural mineral water have changed due to permanent circumstances;
5) notify the European Commission of all recognitions of natural mineral water and revocation of a decision on recognition, publish the recognition data and forward the entire relevant information on the recognition of water and the results of regular inspections at the request of the European Commission or a Member State;
6) have the right to temporarily suspend or restrict trading with natural mineral water in the territory of Estonia if the water does not comply with the established requirements or endangers human health, and immediately notify the European Commission and the responsible authorities of other Member States of the respective decision together with its reasons.

Chapter 4
ORGANISATION OF WASTEWATER COLLECTION AND TREATMENT

Subchapter 1
Definitions

§ 93. Agglomeration

An agglomeration means an area with enough residents and economic activity for wastewater to be collected through a sewerage system and to be discharged into a wastewater treatment plant or for treated effluent to be discharged into a recipient.

§ 94. Load of agglomeration

The load of agglomeration means the largest generated load in population equivalents caused by wastewater and arising in the agglomeration, depending on the season and calculated taking into account the wastewater created by the permanent residents, tourists, industrial and other undertakings irrespective of whether it is discharged into a public sewerage system or not. The load of agglomeration does not include industrial wastewater which is treated in an industrial wastewater treatment plant.

§ 95. Population equivalent

Population equivalent means the unit of average potential water pollution load caused by one person per day. The value of the population equivalent expressed through the biological oxygen demand (BOD_7) is 60 grams of oxygen per day.

§ 96. On-site sewage treatment plant

An on-site sewage treatment plant is a wastewater treatment plant with a designed load of up to 50 population equivalents.

§ 97. Pretreatment facility

A pretreatment facility is a desilting, desanding or degreasing system or oil separator and a combination thereof and any other technological device for partial treatment of wastewater, after passing of which wastewater is discharged into the public sewerage system or industrial wastewater treatment plant.

§ 98. Industrial wastewater treatment plant

An industrial wastewater treatment plant is a wastewater treatment plant which treats wastewater created in industry or in any other production process and from which treated water is discharged into a recipient.

Subchapter 2
Formation of agglomeration

§ 99. Formation and modification of agglomeration

(1) A local authority shall file a free-format application with the Ministry of Climate for formation or modification of an agglomeration.

(2) The minister in charge of the policy sector shall establish an agglomeration by a directive in accordance with the criteria for formation of agglomerations provided for in § 100 of this Act, and having referred the formation and extent of the agglomeration for approval to the relevant local authority.

(3) A local authority shall enter the boundaries of agglomerations in the comprehensive plan along with the area to be covered with a public sewerage system in the future and not designated as or included in an agglomeration.

(4) The minister in charge of the policy sector shall modify an established agglomeration on its own initiative or at the proposal of the relevant local authority or at the proposal of the Environmental Board which has been referred for approval to a local authority, in accordance with the criteria for formation of agglomerations.

§ 100. Criteria for formation of agglomerations

(1) Agglomerations shall be formed taking into account the aquifer protection status and load of the agglomeration, considering also the socioeconomic criterion, status of surface water and water protection objectives.

(2) The area of an agglomeration shall be at least five hectares.

(3) The capacity of a household to pay for the public water supply and sewerage system service shall be taken into account in the formation of an agglomeration. The expenses of a member of a household on the public water supply and sewerage system service shall not exceed four percent of their annual average net income in the local county according to the data of Statistics Estonia.

§ 101. Formation of agglomeration based on aquifer protection status and load of agglomeration

(1) An agglomeration shall be formed in weakly protected or unprotected groundwater areas if the load per one hectare equals 10 or more population equivalents.

(2) An agglomeration shall be formed in groundwater areas of medium protection if the load per one hectare equals 15 or more population equivalents.

(3) An agglomeration shall be formed in relatively protected or protected groundwater areas if the load per one hectare equals 20 or more population equivalents.

(4) At the proposal of the Environmental Board an agglomeration may be formed in case of smaller loads than the ones specified in subsections 1–3 of this section if it is necessary for the achievement of water protection objectives and is socioeconomically justified.

Subchapter 3
Requirements for Wastewater Treatment Plant

§ 102. Choice of location of wastewater treatment plant

(1) The choice of the location of a wastewater treatment plant shall serve the purpose of reducing environmental nuisances to the maximum extent possible, while giving preference to the following areas:
1) where in case of an accident of the wastewater treatment plant, the wastewater will not pose a threat to the groundwater or surface water;
2) where the wastewater treatment plant, except in case of closed systems, remains downwind of the settlement following the main winds;
3) which are not endangered by floods.

(2) In addition to the provisions of subsection 1 of this section, the following shall be taken into account in the choice of the location of a wastewater treatment plant:
1) the existing sewerage and the condition thereof;
2) the geotechnical and hydrogeological conditions of the site.

§ 103. Choice of wastewater treatment plant

The following shall be taken into account in the choice of a wastewater treatment plant:
1) limit values for pollutant concentration in treated effluent established pursuant to subsection 7 of § 128 of this Act;
2) physical and chemical properties of wastewater;
3) dynamics of the creation of wastewater and changes in its properties over time;
4) future changes in the load of wastewater discharged to the wastewater treatment plant, including hydraulic load;
5) cost of the wastewater treatment plant during its operation;
6) economic expedience of the construction and use of the wastewater treatment plant;
7) aquifer protection status in case of discharging treated effluent into the soil;
8) ecological indicators of the water body into which treated effluent is discharged, and the physical and chemical indicators of water.

Subchapter 4
Collection, Treatment, On-site Treatment and Transport of Urban Wastewater

§ 104. Obligation to organise collection, treatment, on-site treatment and transport of urban wastewater

(1) A local authority shall organise the collection of urban wastewater and its treatment before its discharge into a recipient as treated effluent up to the limit values for pollutant concentration in treated effluent established pursuant to subsection 7 of § 128 of this Act, or up to the percentage of reduction of wastewater specified in subsection 6 of § 128.

(2) The percentage of reduction of wastewater is the level of elimination of pollutants, expressed as a percentage.

(3) Urban wastewater does not include industrial wastewater or wastewater of any other production which is treated in an industrial wastewater treatment plant.

(4) In order to achieve the compliance of wastewater which is discharged into a recipient, a local authority shall ensure the existence of public sewerage system in the agglomeration for discharging wastewater into the wastewater treatment plant, except in an agglomeration with a load of less than 2000 population equivalents and in the case specified in subsection 5 of this section.

(5) If the construction of a public sewerage system in an agglomeration involves unreasonably high costs or does not have environmental benefits, it is permitted to use leak-tight collection tanks for the collection of wastewater in agglomerations with a load of 2 000 population equivalents or more.
[RT I, 21.09.2021, 3 – entry into force 01.10.2021]

(6) In an agglomeration with a load of less than 2 000 population equivalents the construction of a public sewerage system is not obligatory, but in case of an existing public sewerage system and wastewater treatment plant they must be maintained in a good technical condition to ensure proper wastewater collection and treatment.

(7) Local authorities shall establish rules for on-site treatment and transport of wastewater in their administrative jurisdiction.

§ 105. Obligation to construct discharging circuit

(1) In an agglomeration with a load of 1000 or more population equivalents, a local authority shall construct a discharging circuit for discharging created and collected wastewater into a wastewater treatment plant.

(2) In an agglomeration with a load of less than 1000 population equivalents, a local authority shall construct a discharging circuit if the nearest discharging circuit is more than 30 kilometres away.

Chapter 5
ASSESSMENT AND MANAGEMENT OF FLOOD RISKS

Subchapter 1
General Provisions

§ 106. Flood risk

(1) Flood risk means the probability of a flood event which may have potential adverse consequences for human health and property, the environment, cultural heritage and economic activity.

(2) For the purposes of this Act, a flood means the temporary covering by water of land not normally covered by water, including floods caused by rising water levels of watercourses and rising water levels of the sea in coastal areas.

(3) Flood does not include floods caused by sewerage systems.

§ 107. Preparation of flood risk management plan

(1) A flood risk management plan shall be prepared for each river basin district or transboundary river basin district.

(2) A flood risk management plan (hereinafter also management plan) shall be prepared on the basis of the results of risk assessment and flood hazard maps and flood risk maps.

(3) A flood risk management plan shall be established by a directive of the minister in charge of the policy sector.
[RT I, 21.09.2021, 3 – entry into force 01.10.2021]

Subchapter 2
Assessment of Flood Risks

§ 108. Basis for assessment of flood risks

(1) A flood risk assessment report shall be prepared, significant risk areas shall be identified and flood hazard maps and flood risk maps shall be prepared on the basis of available information for each river basin district or transboundary river basin district.

(2) The potential impact of climate change on the occurrence of floods and the data obtained from the exchange of information referred to in subsection 3 of this section shall be taken into account in risk assessment.

(3) When assessing flood risks in a transboundary river basin, information regarding common flood risks shall be exchanged with a competent authority of the foreign state in accordance with subsection 4 of § 30 of this Act.

(4) Flood risk assessment shall be organised by the Ministry of Climate in liaison with the Ministry of Regional Affairs and Agriculture, Ministry of the Interior and other ministries concerned. The Ministry of Climate shall involve local authorities in the work.

§ 109. Flood risk assessment report

(1) Flood risk assessment reports shall be prepared by the Ministry of Climate.

(2) A flood risk assessment report shall be published on the website of the Ministry of Climate and a summary of the report shall be given in the river basin management plan.

(3) A flood risk assessment report shall be reviewed and updated, as necessary, every six years after its preparation or updating.

(4) The requirements for the contents of a flood risk assessment report shall be established by a regulation of the minister in charge of the policy sector.

§ 110. Identification of significant risk areas

(1) Significant risk areas shall be identified on the basis of a flood risk assessment report by a directive of the minister in charge of the policy sector.

(2) A significant risk area means an area where significant flood risks occur or may occur.

(3) Before identification of significant risk areas in a transboundary river basin district, information shall be exchanged with a competent authority of the foreign state in accordance with subsection 4 of § 30 of this Act.

§ 111. Flood hazard maps and flood risk maps

(1) Flood hazard maps and flood risk maps shall be prepared for each significant risk area on a scale that is appropriate for management of flood risks of the river basin district.

(2) A list of data to be specified in the flood hazard maps and flood risk maps shall be established by a regulation of the minister in charge of the policy sector.

(3) In order to prepare common flood hazard maps and flood risk maps in a transboundary river basin district, information shall be exchanged with a competent authority of the foreign state in accordance with subsection 4 of § 30 of this Act.

(4) Flood hazard maps and flood risk maps shall be published in a river basin management plan and on the website of the Ministry of Climate.

(5) Flood hazard maps and flood risk maps shall be reviewed and updated, as necessary, every six years after their preparation or updating.

Subchapter 3

§ 112. Flood risk management plan

(1) The purpose of preparation of a risk management plan for significant risk areas identified in a river basin district is to reduce the potential adverse effects of flooding for human health, property, the environment, cultural heritage and economic activity, and reduce the likelihood of flooding with similar adverse effects.

(2) The risk management plan shall cover all risk management aspects, including risk prevention, protection against flood and potential consequences thereof, preparedness for floods, flood forecasts and early warning systems.

(3) The requirements for the contents of a risk management plan and updated risk management plan shall be established by a regulation of the minister in charge of the policy sector.

(4) A risk management plan shall be prepared taking into account, inter alia, potential flood extent and flood conveyance routes, potentially flooded areas, the water protection objectives provided for in this Act, soil and water use and protection requirements, spatial plans, land use, nature conservation requirements and restrictions, navigation and port infrastructure, other infrastructure significant for the functioning of the region, and the costs and benefits relating to the plan.

(5) The need to implement the appropriate measures planned in the risk management plan shall be taken into account in preparing a river basin management plan, a management plan for land improvement systems, spatial plans, and emergency risk assessments and plans.

(6) The preparation of the risk management plan shall be organised by the Ministry of Climate in liaison with the Ministry of Regional Affairs and Agriculture, Ministry of the Interior and other ministries concerned. The Ministry of Climate shall involve local authorities in the work.
[RT I, 30.06.2023, 1 – entry into force 01.07.2023]

(7) The preparation, updating and publication of risk management plans shall be subject to the provisions relating to river basin management plans in Division 3 of Subchapter 3 of Chapter 2 of this Act, taking account of the specifications provided for in this Subchapter.

(8) A risk management plan shall be prepared simultaneously with a river basin management plan prepared pursuant to § 48 of this Act.

§ 113. Risk management plan for transboundary river basin district

(1) A risk management plan for a transboundary river basin district shall be prepared for the part of the transboundary river basin district located in Estonia or for the entire transboundary river basin district. Where necessary, a detailed risk management plan shall be prepared for a sub-basin of a transboundary river basin district.

(2) When preparing a risk management plan, information prescribed pursuant to subsection 3 of § 112 of this Act and information specified in subsection 4 of § 112 shall be exchanged with a competent authority of the foreign state in accordance with subsection 4 of § 30 of this Act.

(3) When preparing a risk management plan which covers the entire transboundary river basin district, cooperation shall be carried out with a competent authority of the foreign state pursuant to an international agreement, and the data received from the competent authority of the foreign state by exchange of information shall be taken into account.

(4) Measures planned in a risk management plan shall not, by their extent and impact, significantly increase flood risks upstream or downstream of a territory of a foreign state in a transboundary river basin district, unless these measures have been referred for approval to a competent authority of the respective state in accordance with subsection 4 of § 30 of this Act and an agreement has been reached regarding the implementation of appropriate measures.

§ 114. Implementation of flood risk management plan

(1) The implementation of a risk management plan shall be organised by the Ministry of Climate and Ministry of the Interior in liaison with other ministries and local authorities.

(2) Preparedness for floods shall be ensured in accordance with the procedure provided for in the Rescue Act and the Emergency Act pursuant to emergency plans and risk management plans.

§ 115. Updating of flood risk management plan and risk management plan for transboundary river basin district

(1) A risk management plan and a risk management plan for a transboundary river basin district shall be reviewed and updated every six years after the preparation or updating thereof.

(2) A risk management plan and a risk management plan for a transboundary river basin district shall be updated taking into account the flood risk assessment report, the results of updating the flood hazard maps and flood risk maps, and the potential impact of climate change on the occurrence of floods.

Chapter 6
REQUIREMENTS FOR WATER USE AND PROTECTION

Subchapter 1
General Provisions

§ 116. Prevention of pollution and depletion of water

(1) It is prohibited to cause contamination of a water body or groundwater, to discharge treated effluent onto frozen or snow-covered soil and pollute ice cover.

(2) Discharge of pollutants into a recipient is permitted only in the cases and in accordance with the conditions provided for in this Act if no environmental threat is caused thereby.

(3) A local authority shall organise liquidation of the consequences of a sudden discharge of any substances polluting water into surface water or groundwater, on or into the soil in its administrative jurisdiction.

(4) Depletion of water is prohibited.

(5) Depletion of water means an activity resulting in:
1) permanent and substantial decrease in the volumetric flow rate, water level or volume of water in a water body;
2) change in the flow direction of groundwater which causes or may cause the intrusion of saline water or other water into the aquifer or deterioration of the quality of groundwater;
3) permanent decrease in the level or pressure of groundwater, or a decrease in the volumetric flow rate of a spring.

§ 117. Obligations to prevent harmful effect of water

(1) Persons may not cause by their acts or omissions the following:
1) flood;
2) destruction of embankment protection, embankment, dam or other engineering works;
3) substantial erosion of soil or landslide;
4) waterlogging which prevents purposeful use of land.

(2) Landowners, possessors of land or water users shall take measures to decrease or prevent the effect of their activities on bodies of surface water, bodies of groundwater or property of persons.

(3) To prevent damage and other adverse consequences of flood, any unauthorised redirecting and barring of floodwaters in a significant risk area are prohibited.

(4) A local authority shall organise liquidation of the consequences of a flood that causes substantial damage, or of the destruction of a dam or other defences in its administrative jurisdiction.

§ 118. Water protection zone of banks or shores of water bodies

(1) In order to prevent the erosion of the banks or shores of water bodies, and diffuse emissions into water, the banks or shores of water bodies shall have water protection zones.

(2) The extent of water protection zones from the baseline for calculating of a water protection zone shall be:
1) 20 m on the Baltic Sea, Lake Peipus, Lake Lämmijärv, Lake Pskov and Lake Võrtsjärv;
2) 10 m on other lakes, rivers, brooks, springs, canals, main ditches and watercourses used as open artificial recipients of land improvement systems, except in the cases specified in clause 3 of this subsection;
[RT I, 21.09.2021, 3 – entry into force 01.10.2021]
3) 1 m in main ditches and ditches used as open artificial recipients of land improvement systems with a catchment area of less than 10 km^2.
[RT I, 21.09.2021, 3 – entry into force 01.10.2021]

(3) The baseline for calculating the extent of a water protection zone means the boundary of a water body set out in the base map of the Estonian Topographic Database in accordance with the Spatial Data Act.

(4) If the main ditch, canal or a ditch serving as an artificial recipient of a land improvement system has been set out as a line object in the base map of the Estonian Topographic Database, the edge of the recess shall be the baseline for calculating the extent of a water protection zone.

(5) The following areas of banks or shores of water bodies shall have no water protection zone:
1) port areas, embankments or shore protection areas established on legal grounds;
2) bathing areas and bathing waters.

§ 119. Restriction of activities in water protection zone

The following activities are prohibited within a water protection zone:
1) extraction and geological exploration of mineral resources and earth substances in preparation of extraction of earth substances on the banks or shores of the water bodies specified in clauses 1 and 2 of subsection 2 of § 118 of this Act, except in the cases specified in § 120 of this Act;
2) cutting layers of trees and shrubs on the banks or shores of the water bodies specified in clauses 1 and 2 of subsection 2 of § 118 of this Act without the consent of the Environmental Board, except cutting carried out for the construction or maintenance of land improvement systems;
3) cultivation of land, use of fertilizers and sewage sludge and setting up manure storage facilities or manure stacks;
4) use of chemical plant protection products without the registration specified in subsection 1 of § 196 of this Act;
5) construction activities, unless they conform to the objective specified in subsection 1 of § 118 of this Act and the shore and bank protection objectives provided for in the Nature Conservation Act;
6) degrading the soil and other activities causing the erosion of shores or banks, or diffuse emissions into water.

§ 120. Specification for extraction and geological exploration of mineral resources and earth substances in water protection zone

(1) The restrictions provided for in clause 1 of § 119 of this Act do not extend to the shore of an artificial water body that has arisen as a result of extraction of mineral resources or earth substances and is located in a deposit, mining claim or mine service plot until the obligation of restoration of mined land is declared to be performed in accordance with the procedure provided for in the Earth Crust's Act.

(2) After the obligation of restoration of mined land is declared to be performed, the extraction and geological exploration of mineral resources and earth substances are permitted in the water protection zone of an artificial water body that has arisen as a result of

extraction of mineral resources or earth substances, if consent has been obtained therefor as a part of the permit in the course of processing a permit for the extraction or geological exploration of mineral resources.

(3) [Repealed – RT I, 21.12.2019, 1 – entry into force 01.01.2020]

§ 121. Specifications for cutting layers of trees and shrubs in water protection zone

(1) Layers of trees and shrubs may be cut in the water protection zone of the water bodies specified in clauses 1 and 2 of subsection 2 of § 118 of this Act with the consent of the Environmental Board.
[RT I, 21.12.2019, 1 – entry into force 01.01.2020]

(2) If consent for cutting layers of trees and shrubs is applied for in the water protection zone of the water bodies specified in clauses 1 and 2 of subsection 2 of § 118 of this Act and forest notification is required for cutting pursuant to the Forest Act, the consent for cutting shall be granted as a part of the forest notification in the course of processing the forest notification pursuant to the Forest Act.

(3) [Repealed – RT I, 21.12.2019, 1 – entry into force 01.01.2020]

§ 122. Restriction for locating burial site on shores or banks of water bodies

(1) It is prohibited to locate a burial site closer than 200 metres from the baseline for calculating a water protection zone on the shores of the water bodies specified in clause 1 of subsection 2 of § 118 of this Act.

(2) It is prohibited to locate a burial site closer than 50 metres from the baseline for calculating a water protection zone on the shores of the water bodies specified in clauses 2 and 3 of subsection 2 of § 118 of this Act.

§ 123. Application of most stringent restriction

If two or more restrictions on activities have been established for water protection, the most stringent restriction shall apply.

Subchapter 2
Wastewater Treatment and Discharge of Wastewater and Pollutants into Recipient

§ 124. Conditions for wastewater treatment

(1) Wastewater shall be treated on the spot, discharged into a wastewater treatment plant or collected into a collection tank and transported into a discharging circuit, unless otherwise provided for in this Subchapter.

(2) In an agglomeration and outside an agglomeration in a region with no public sewerage system, the wastewater producer shall collect wastewater into a leak-tight collection tank and organise its transport to a discharging circuit designated in the plan of the local government for the development of public water supply and sewerage system.

(3) In an agglomeration with a load of less than 2 000 population equivalents with no public sewerage system, an on-site sewage treatment plant may be constructed for wastewater treatment and biologically treated or more stringently treated wastewater may be discharged into a recipient in addition to what is provided for in subsection 2 of this section.

(4) In an agglomeration with a load of 2 000 population equivalents or more, the use of on-site sewage treatment plants is prohibited. This prohibition shall not apply to pretreatment facilities and industrial wastewater treatment plants.

(5) In an agglomeration with a load of 2 000 population equivalents or more, the construction of several wastewater treatment plants is permitted if the designed pollution load of each wastewater treatment plant to be constructed is at least 50 population equivalents.

(6) An on-site sewage treatment plant may be constructed or leak-tight collection tanks can be used outside an agglomeration with no public sewerage system.

§ 125. Prohibition and restriction of discharge of hazardous substances into recipient, groundwater, karst and turlough

(1) Direct discharge of hazardous substances into groundwater, karst and turlough is prohibited.

(2) For the purposes of this Act, direct discharge of hazardous substances into groundwater means the discharge of hazardous substances into groundwater without percolation throughout the soil or subsoil.

(3) Discharge of priority hazardous substances into a recipient is prohibited, unless it is done in exceptional cases pursuant to a water permit or integrated permit. The Environmental Board (hereinafter also the *issuer of permit*) shall set out in the water permit or integrated permit for priority hazardous substances if the results of monitoring indicate the presence of a priority hazardous substance in treated effluent.

(4) The Environmental Board may set out a priority substance, certain other pollutant and river basin specific pollutant, and determine the emission limit value for these substances taking into account the hazardousness of the substance, its concentration in treated effluent, status of the recipient, concentration of the substance in groundwater, field of activities of the undertaking and the impact of the activity on the recipient in a water permit or integrated permit. The Environmental Board shall determine the emission limit value of said hazardous substance in the water permit or integrated permit if the results of monitoring indicate that the emission limit value for the hazardous substance has been exceeded.

§ 126. Prohibition and restriction of direct discharge of treated effluent and pollutants into groundwater, karst and turlough

(1) Direct discharge of treated effluent and pollutants into groundwater, karst and turlough is prohibited.

(2) Based on the registration specified in subsection 1 of § 196 of this Act, groundwater that has passed though the heat exchanger in the geothermal system may be discharged directly into groundwater, karst or turlough, if groundwater is redischarged into the same aquifer outside the sanitary protection zone or maintenance zone of a groundwater intake which is used for the abstraction of drinking water.

(3) Provided that it does not compromise achievement of a water protection objective in respect of a body of groundwater, it is permitted to discharge the following directly into groundwater, karst or turlough under the conditions provided for in a water permit or integrated permit:

1) treated effluent if it is socioeconomically justified;
2) treated effluent which does not contain any other pollutants except the pollutants that have arisen during exploration and extraction of combustible mineral resources, into the layers of geological deposits from which the combustible mineral resources or other substances were extracted or into other layers of geological deposits that cannot be used permanently for other purposes due to natural factors;
2) water pumped out from mines and quarries or water pumped out in connection with construction or maintenance work provided that the water is redischarged into the same aquifer from which it was pumped out.

(4) Provided that it does not compromise achievement of a water protection objective of a body of groundwater, and based on the registration specified in subsection 1 of § 196 of this Act and in accordance with the stipulated conditions, it is permitted to discharge substances directly into groundwater, karst or turlough for scientific purposes in order to describe or protect surface water and groundwater or improve the status of a body of groundwater, in a volume that is indispensable for the purpose set out above.

(5) The issuer of the permit may allow the following, while determining appropriate conditions to protect groundwater and provided that it does not compromise achievement of a water protection objective of a body of groundwater:
1) discharge of natural gas or liquefied petroleum gas (LPG) for storage purposes into the layers of geological deposits that cannot be used permanently for other purposes due to natural factors;
2) discharge of natural gas or liquefied petroleum gas for storage purposes into the layers of geological deposits if this is indispensable in order to ensure natural gas supply and if, during storage, any further deterioration in the status of the receiving groundwater or a threat thereof in the future is prevented.

§ 127. Prevention of discharge of treated effluent and pollutants into soil and water bodies in the sanitary protection zone and maintenance zone of water intake

(1) Discharge of treated effluent and pollutants into the soil is not permitted in the sanitary protection zone and maintenance zone of a water intake, and closer than 50 metres from the external boundary of a sanitary protection zone or maintenance zone. In case of an on-site sewage treatment plant and a dug well which is not used for the purpose of drinking water, the discharge of treated effluent and pollutants into the soil is regulated under § 137 of this Act.
[RT I, 21.09.2021, 3 – entry into force 01.10.2021]

(2) Discharge of treated effluent into a water body is not permitted in the sanitary protection zone and maintenance zone of a water intake.
[RT I, 21.09.2021, 3 – entry into force 01.10.2021]

(3) Discharge of treated effluent and pollutants that have arisen during maintenance of the filters of a water intake facility is not permitted in the sanitary protection zone or maintenance zone of a water intake.

§ 128. Requirements for discharging treated effluent into recipient and limit values for pollutant concentration and percentage of reduction of wastewater

(1) Treated effluent which is discharged into a recipient shall conform to the limit values for pollutant concentration in treated effluent established pursuant to subsection 7 of this section and determined in a water permit or integrated permit, or the emissions of pollutants determined in the integrated permit, unless the discharge of treated effluent into the recipient is prohibited pursuant to this Subchapter.

(2) If treated effluent is discharged into a water body which includes a bathing area or bathing waters, the discharge of treated effluent shall be at least 200 metres from the bathing area or bathing waters.

(3) The limit values for pollutant concentration in treated effluent and the percentage of reduction of wastewater shall depend on the type of wastewater, load of agglomeration and environmental status.

(4) If there is no agglomeration within the meaning of this Act, the limit values for pollutant concentration in treated effluent and the percentage of reduction of wastewater shall be determined in accordance with the load of the wastewater treatment plant instead of the load of agglomeration, and in case there is no load of the wastewater treatment plant, then in accordance with the load of the source of pollution.

(5) The load of a wastewater treatment plant means the twenty-four hour concentration of pollutants in population equivalents calculated on the basis of the highest weekly average concentration of pollutants arriving at the wastewater treatment plant during a year.

(6) The percentage of reduction of wastewater shall be determined by a water permit or integrated permit only in case the limit values for pollutant concentration in treated effluent cannot be achieved by normal biochemical treatment and the use of additional technologies would entail excessive costs.

(7) The requirements for treatment of wastewater and discharging treated effluent into a recipient and monitoring thereof, the limit values for pollution parameters and pollutant concentration in treated effluent and the methods for assessment of the compliance of treated effluent shall be established by a regulation of the minister in charge of the policy sector.
[RT I, 21.09.2021, 3 – entry into force 01.10.2021]

(8) Discharge of treated effluent into the soil is prohibited in an agglomeration with a load of 2000 population equivalents or more.

§ 129. Requirements for discharge of storm water into recipient

(1) While handling storm water, preference shall be given to solutions which enable to release storm water at source, thus preventing contamination of storm water.

(2) For the purposes of this Act, storm water means water that has fallen as precipitation and that is collected and discharged through construction works, including ditches.

(3) Environmentally-friendly solutions used for releasing storm water, such as green areas, retention ponds, rain gardens, infiltration trenches and other solutions enabling to release storm water primarily by landscape gardening, thus preventing contamination of storm water, shall not be deemed to constitute discharge of storm water into a recipient for the purpose of this Act.

(4) Storm water which is discharged into a recipient shall comply with the limit values for pollutant concentration of storm water established pursuant to subsection 5 of this section, and the emissions determined in a water permit or integrated permit.

(5) The limit values for pollutant concentration of storm water and the requirements for discharge of storm water into a recipient and monitoring thereof shall be established by a regulation of the minister in charge of the policy sector.

(6) Storm water outlet shall not cause the non-compliance of bathing water with the quality standards.

(7) The discharge of storm water into the soil in the water protection zone and maintenance zone of a water intake is prohibited.

§ 130. Requirements for discharge of mining water, quarry water and cooling water into recipient

(1) Mining water and quarry water discharged into a recipient shall comply with the limit values for pollutant concentration of mining water and quarry water established pursuant to subsection 2 of this section, and the emissions determined in a water permit.

(2) The limit values for pollutant concentration of mining water and quarry water and the requirements for discharge of mining water and quarry water into a recipient and monitoring thereof shall be established by a regulation of the minister in charge of the policy sector.

(3) Cooling water discharged into a recipient shall comply with the limit values for pollutant concentration of cooling water established pursuant to subsection 4 of this section, and the emissions determined in a water permit.

(4) The limit values for pollutant concentration of cooling water and the requirements for discharge of cooling water into a recipient and monitoring thereof shall be established by a regulation of the minister in charge of the policy sector.

§ 131. Requirements for discharge of effluent water from aquaculture into recipient

(1) Effluent water from aquaculture which is discharged into a recipient shall comply with the limit values for pollutant concentration established pursuant to subsection 2 of this section, and the emissions determined in a water permit.

(2) The water protection requirements for aquaculture as well as the limit values for pollutant concentration of effluent water from aquaculture and the requirements for discharge of such water into a recipient and monitoring thereof shall be established by a regulation of the minister in charge of the policy sector.

§ 132. Restriction of discharge of treated effluent and pollutants into water bodies pursuant to water permit and integrated permit

(1) While discharging treated effluent and pollutants into a water body where the status class of its body of surface body is moderate, poor or bad, or where there is a risk of deterioration of the status class of the body of surface water, the issuer of the permit may reduce the emissions allowed for treated effluent and pollutants in the water permit or integrated permit, or establish more stringent limit values for pollutant concentrations than the limit values established pursuant to subsection 7 of § 128 of this Act.

(2) If the emissions of treated effluent and pollutants planned or determined by the water permit or integrated permit exceed the allowed annual combined emissions of pollutants established by the programme of measures of a river basin management plan for a water body or body of water, the issuer of the permit may reduce the emissions allowed for treated effluent and pollutants in all the water permits or integrated permits granted for the discharge of treated effluent or pollutants into that water body pro rata to the amount exceeding such emissions.

Subchapter 3
Water Protection Requirements for Sewerage Facilities

§ 133. Sewerage facility

(1) A sewerage facility is a sewerage pipeline, wastewater treatment plant or wastewater pump room constructed for wastewater collection or treatment or discharge of treated effluent into a recipient, or any other building or facility related to wastewater collection and treatment and discharge of treated effluent into a recipient.

(2) The requirements of this Subchapter do not apply to storm water sewerage facilities or pretreatment facilities of wastewater which is discharged into the public sewerage system, except discharging circuits.

§ 134. Clearance of sewerage facility

(1) The clearance of a sewerage facility is the smallest permitted distance of a sewerage facility, except pipeline, from a residential building, accommodation, medical treatment, sports, educational, commercial and service building as well as from a transport building that regularly services people, and from a dug well and drilled well.

(2) The clearance of a sewerage facility shall be at least 5 meters, but not more than 500 meters, depending on the designed load of the wastewater treatment plant, manner of treatment of wastewater and sewage sludge, and volumetric flow rate of wastewater directed to the wastewater pump room.

(3) The distance between the infiltration system constituting the on-site sewage treatment plant and the a dug well which is not used for the purpose of drinking water shall depend also on the soil and the properties thereof as well as on the slope of the ground, in addition to what is provided for in subsection 2 of this section.
[RT I, 21.09.2021, 3 – entry into force 01.10.2021]

(4) The extent of the clearance of a sewerage facility shall be calculated from the exterior wall of the sewerage facility building or from the exterior limit of the facility or device. The pipelines of the sewerage facility shall not be taken into account for the purpose of determining the extent of the clearance.

(5) The clearance of a sewerage facility shall be determined separately for each technological part of the process of treatment of wastewater and sewage sludge.

(6) In case the clearance of a sewerage facility overlaps with the sanitary protection zone of a drinking water abstraction point, the most stringent requirement shall apply.

(7) Buildings necessary for servicing a sewerage facility, industrial and storage buildings and transport buildings not specified in subsection 1 of this section may be situated within the boundaries of the clearance of a sewerage facility.

§ 135. Reduction of clearance of sewerage facility located in territory of production or industrial undertakings

If a sewerage facility has been constructed or will be constructed in the territory of a production or industrial undertaking with the purpose of treatment of the wastewater of such undertaking, but due to the configuration or size of the territory it is not possible to ensure the smallest extent of the clearance provided for in subsection 2 of § 134 of this Act, the Environmental Board may by its decision reduce the clearance provided that measures for ensuring the safety for human health, preventing environmental threats and reducing environmental risks shall be implemented in wastewater treatment.

§ 136. Prevention of environmental threat and reduction of environmental risk deriving from sewerage facility

(1) The environmental threat deriving from a sewerage facility shall not extend beyond the clearance.

(2) If the environmental threat or environmental risk deriving from a planned sewerage facility may extend beyond the clearance, then a local authority shall implement necessary measures in spatial planning to prevent such threat or reduce such risk, including:
1) increase the extent of the clearance unless it involves unreasonable restrictions to landowners in use of land;
2) change the location of the sewerage facility.

(3) If the significant environmental nuisance deriving from the sewerage facility extends beyond the clearance, the owner or possessor thereof shall implement necessary measures to prevent environmental threat and reduce environmental risk, including change the technological solution for treatment of wastewater or sewerage sludge.

§ 137. Requirements for planning, construction and use of sewerage facility and specified extent of clearance

The requirements for the planning, construction and use of a sewerage facility and the specified extent of the clearance of the sewerage facility shall be established by the regulation of the minister in charge of the policy sector.

Subchapter 4
Water Protection Requirements for Storage Facilities for Oil Products, Shale Oil, Shale Oil Products or Biofuel

§ 138. Storage facility for oil products, shale oil, shale oil products or biofuel

(1) For the purposes of this Subchapter, a storage facility for oil products, shale oil, shale oil products or biofuel means a storage tank for oil products, shale oil, shale oil products or biofuel with the capacity of:
1) more than 3 m3;
2) more than 3 m3 including the pipeline and equipment;
3) more than 3 m3 including the pipeline and equipment and loading or fuelling area.

(2) The storage facility shall ensure the storage of oil products, shale oil, shale oil products or biofuel in a manner which shall not harm human health or property or the environment.

(3) The storage facilities and equipment shall be leak-tight.

§ 139. Requirements for choice of location of storage facility for oil products, shale oil, shale oil products or biofuel

(1) An area which meets all the following requirements shall be preferred while choosing a location for the storage facility:
1) groundwater is medium protected, relatively protected or protected against contamination;
2) the storage facility will be downstream of nearby groundwater intakes considering the groundwater flow direction, and as far away from these groundwater intakes as possible;
3) the storage facility will be downwind of the settlement following the main winds;
4) the area is not at risk from flooding;
5) the area is used as production land.

(2) If there is no area which meets the requirements specified in subsection 1 of this section within the boundaries of the rural municipality or city, the storage facility shall be located in an area which meets as many requirements specified in subsection 1 as possible.

§ 140. Clearance of storage facility for oil products, shale oil, shale oil products or biofuel

(1) The clearance of a storage facility is the smallest permitted distance of the exterior surface or the fill pipe or outlet of a storage tank for oil products, shale oil, shale oil products or biofuel from an enterprise liable to be affected by a major accident, a residential building, accommodation, medical treatment, sports, educational, commercial and service building as well as from a transport building that regularly services people.

(2) A clearance of a storage facility shall be at least 25 meters but not more than 150 meters depending on the capacity of the storage facility.

(3) If a storage facility services an enterprise liable to be affected by a major accident, the buildings of the enterprise liable to be affected by a major accident can be situated within the boundaries of the clearance of a storage facility and the clearance may extend to the sanitary protection zone of a water intake.

§ 141. Restrictions for clearance of storage facility for oil products, shale oil, shale oil products or biofuel

(1) Any activities not related to the use of the storage facility are prohibited within the boundaries of the clearance of the storage facility.

(2) Buildings necessary for servicing the storage facility, industrial, storage and agricultural buildings and transport buildings not specified in subsection 1 of § 140 of this Act may be situated within the boundaries of the clearance of the storage facility.

(3) A storage facility may be situated in the territory of an enterprise liable to be affected by a major accident if the storage facility services only the same enterprise.

§ 142. Requirements for planning, construction and use of storage facility for oil products, shale oil, shale oil products or biofuel and specified extent of clearance

The requirements for the planning, construction and use of a storage facility for oil products, shale oil, shale oil products or biofuel and the specified extent of the clearance of the storage facility shall be established by a regulation of the minister in charge of the policy sector.

Subchapter 5
Prevention of Discharge of Pollutants from Ships into Sea and Requirements for Ballast Water

§ 143. Discharge of pollutants from ships into sea

(1) Discharge of pollutants from ships into the sea means the discharge from ships into the sea of the hazardous and noxious substances specified in Article 1 (5) of the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea, 1996, for any reason, including the leakage and pumping out of such substances, and the discharge into the sea specified in Annexes IV, V and VI to the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (hereinafter MARPOL).

(2) The discharge of pollutants from ships into the sea is prohibited.

(3) In a marine area, straits used for international navigation and in high seas the discharge of pollutants into the sea is not deemed to be violation of the prohibition specified in subsection 2 of this section if:
1) the discharge of pollutants into the sea is necessary for the purpose of securing the safety of a ship or saving human lives at sea;
2) pollutants are discharged from ships into the sea to control contamination for the purpose of minimising the damage caused by pollution and there is a registration as defined in subsection 1 of § 196 of this Act for the activities specified in clause 1 of subsection 2 of the same section, and in any other cases there is the permission or consent of a competent authority of the country of location where the discharge from ships into the sea will occur;
3) the discharge of pollutants from ships into the sea is in compliance with the provisions of Regulations 15 or 34 of Annex I or Regulation 13 of Annex II to MARPOL;
4) the discharge of pollutants from ships into the sea is in compliance with the provisions of Regulations 3 and 9–11 of Annex IV, Regulations 3–6 and 9 of Annex V and Regulations 3, 4 and 12–16 of Annex VI to MARPOL.

(4) A discharge of pollutants from ships into the sea shall not be regarded as a violation of law committed by the operator, the master or the crew acting under the responsibility of the master, if the discharge of pollutants which has occurred in the marine area, in straits used for international navigation and in high seas results from damage to the ship or her equipment and if all reasonable precautions have been taken after the occurrence of the damage or discovery of the discharge for the purpose of preventing or minimising the discharge.

(5) The exception provided for in subsection 4 of this section shall not apply if the discharge of pollutants from ships into the sea resulted from an intentional or negligent act of the operator or the master.

(6) The prohibition provided for in subsection 2 of this section shall not apply to any warship, naval auxiliary or other ships owned or operated by state and used only on non-commercial service.

(7) The procedure for handling of hazardous and noxious substances at sea, on the Narva River and Lake Peipus shall be established by a regulation of the Government of the Republic.

§ 144. Environmental damage caused by discharge of pollutants from ships into sea or by another prohibited activity at sea

(1) Damage caused to water or to specimens of animal or plant species by discharge of pollutants from ships into the sea or by another prohibited activity at sea (hereinafter *environmental damage*) means a directly or indirectly measurable adverse change in indicators characterising the quality of water or the communities of animal or plant species, including in the specimen habitat quality or in the behaviour or status of specimens.

(2) Damage caused to coastal waters is deemed to be such an adverse change in the quality of water that deteriorates the status of coastal waters in such manner that the status class of coastal waters changes.

§ 145. Determination of environmental damage and original status

(1) The original status and the provisions of subsections 3 and 4 of this section shall be taken into account upon determination of environmental damage caused by discharge of pollutants from ships into the sea or by any other prohibited activity at sea.

(2) The original status means the condition of natural resources and the benefits brought by natural resources that would exist if no environmental damage had been caused.

(3) The environmental damage shall be determined taking into account the hazardousness of the pollutant to the environment, the quantity of pollutants discharged into the sea and their concentration in seawater, the size of the population of species and distribution area, changes in the habitat quality, migration, reproductive behaviour and physiological status of specimens of the species, the duration and geographical scope of the change caused by pollutants discharged from ships into the sea or by another prohibited activity at sea, the quantity of the communities and populations affected by the change, the irreversibility of the change and the regeneration ability and regeneration period of elements of the affected ecosystem.

(4) Environmental damage may be deemed not to include an adverse change that is smaller than a natural change, that is considered normal in the case of a specific habitat, species or protected area and that has occurred due to natural factors or in the course of ordinary management, or if the habitat, species or protected area reaches the original status or a status enabling to achieve an equivalent or better status as compared to the original one within a short period of time and without intervention.

(5) If the status class of coastal waters has not been assessed previously, the damage caused to water shall be determined on the basis of the provisions of subsection 3 of this section and, where appropriate, an expert opinion, taking account of the reference conditions that are type-specific to the relevant body of coastal waters, the existence of pressures and their likely impact, the overall impression of the body of coastal waters and the general description of the ecological status.

(6) The extent of damage shall be determined on the basis of the following:
1) the damage is significant if the changes are extensive and cover a larger area or a greater quantity of communities and populations, but the damaged environment recovers within one to five years, or if it is estimated that 1000 tons of pollutants or more have been discharged from ships into the sea;
2) the damage is major if the changes are irreversible or the recovery of the status prior to the damage takes more than five years, or if it is estimated that 2000 tons of pollutants or more have been discharged from ships into the sea.

(7) Environmental damage caused by discharge of pollutants from ships into the sea or by any other prohibited activity at sea shall be identified by the Environmental Board. The Environmental Board will be entitled to request that the person who caused damage submit information related to the environmental damage or threat of environmental damage and other information required for determining the damage.

(8) A list of those species and groups of species affected by the adverse change which is deemed to be damage caused to water or to specimens of animal or plant species or parts thereof for the purposes of subsection 1 of § 144 of this Act shall be established by a regulation of the minister in charge of the policy sector.

§ 146. Involvement of experts

(1) The Environmental Board may involve experts in assessment of damage.

(2) An expert may be a natural person who has long-term experience in investigation of natural resources and their benefits and who has provided reliable assessments on matters pertaining to the protection or sustainable use of the relevant natural resource, or a legal person through the natural person described above.

(3) If environmental damage may affect human health, the Environmental Board shall select an expert on the basis of the opinion of the Ministry of Social Affairs concerning the criteria that an expert shall meet in the given case.

§ 147. Conditions for discharge of ballast water into the environment

(1) Ballast water that is safe for human health and the environment may be discharged into the environment.

(2) For the purposes of this Act, ballast water is used within the meaning of the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004.

(3) Ballast water that is safe for human health means ballast water which meets the requirements of Regulation D-2.2 of the Annex to the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004.

(4) Ballast water that is safe for the environment means ballast water which meets the requirements of Regulation D-2.1 of the Annex to the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004.

Subchapter 6
Restriction of Activities in Sanitary Protection Zone of Water Intake, Catchment area, Feeding Zone and Maintenance Area of Drinking Water Intake

[RT I, 07.02.2023, 1 - entry into force 17.02.2023]

§ 148. Sanitary protection zone of water intake

(1) The sanitary protection zone of a water intake means an area of land and water surrounding a water intake used for the abstraction or production of drinking water, where activities are restricted pursuant to § 151 of this Act to prevent the deterioration of water quality and protect the construction works of the water intake.

(2) A sanitary protection zone shall not be formed around a groundwater intake if less than 10 m^3 of water for the use or production of drinking water, or production water is abstracted. A maintenance area shall be formed around such groundwater intake pursuant to § 154 of this Act.

§ 149. Extent of sanitary protection zone of groundwater intake

(1) If the designed abstraction of water from a groundwater intake is 10–500 m^3 per day, the extent of the sanitary protection zone shall be:
1) 10 metres if the aquifer opened by the water intake is protected;
2) 30 metres if the aquifer opened by the water intake is medium protected or relatively protected;
3) 50 metres if the aquifer opened by the water intake is unprotected or weakly protected.

(2) If the designed abstraction of water from a groundwater intake is more than 500 m^3 per day, the extent of the sanitary protection zone shall be:
1) 30 metres if the aquifer opened by the water intake is relatively protected or protected;
3) 50 metres if the aquifer opened by the water intake is unprotected, weakly protected or medium protected.

(3) If the actual abstraction of water differs from the designed abstraction of water, the Environmental Board may designate the extent of the sanitary protection zone or transform the sanitary protection zone into a maintenance zone based on the actual abstraction of water.

(4) In case the sanitary protection zone of a groundwater intake overlaps with the sanitary protection zone of a public water supply and sewerage system established pursuant to the Building Code, the most stringent requirement shall apply.

§ 150. Extent of sanitary protection zone of surface water intake

(1) The extent of the sanitary protection zone of a surface water intake shall be:
1) 200 m upstream from the water abstraction point, 50 m downstream, and 50 m to either side of the water abstraction point along a line drawn across the banks of the water body and passing through the water abstraction point, if water is abstracted from a watercourse;

2) the water area of a water body with at least a 90 m wide landward zone from the baseline for calculating a water protection zone, if water is abstracted from an inland standing water body.

(2) The extent of the sanitary protection zone of a surface water intake may be less than 90 metres from the baseline for calculating a water protection zone if the historical boundary of the sanitary protection zone has been closer than 90 meters to the baseline for calculating the water protection zone.

(3) In case the sanitary protection zone of a surface water intake overlaps with the sanitary protection zone of a public water supply and sewerage system established pursuant to the Building Code, the most stringent requirement shall apply.

(4) In the cases provided for in this section, the exact boundaries of the sanitary protection zone of a water intake shall be determined by the Environmental Board based on the design documentation of the sanitary protection zone.

§ 151. Restriction of activities in sanitary protection zone of water intake

(1) It shall be prevented in the sanitary protection zone of a water intake that the quality of groundwater, water body or a part thereof would deteriorate to an extent which may cause a substantial increase in the costs of water treatment.

(2) Economic activities are prohibited in the sanitary protection zone of a water intake, except:
1) construction, servicing and use of the water intake;
2) maintenance of the sanitary protection zone;
3) forest maintenance;
4) mowing grasses and cleaning up or removal of grass after mowing;
5) use of lawfully constructed construction works and other activities related to the construction works in the planned manner unless the construction works cause deterioration of the quality of water;
6) carrying out research.

(3) The following activities are permitted in the sanitary protection zone of a water intake:
1) environmental monitoring;
2) environmental supervision;
3) state supervision of health protection.

(4) Only the persons who perform duties related to the activities specified in subsections 2 and 3 of this section may be present in the sanitary protection zone of a surface water intake.

(5) The owner or possessor of the sanitary protection zone of a surface water intake may allow persons to enter the sanitary protection zone of the water intake for the purposes of recreation and environmental education on a temporary and restricted basis if the protection of the water intake and water is ensured. Said activities are not permitted without the consent of the water undertaking administering the sanitary protection zone of surface water.

(4) The Environmental Board may demand the owner or possessor of a water intake to mark, as necessary, the boundaries of the sanitary protection area in nature or to fence the sanitary protection zone. The respective requirements shall be set out in the design specifications of the sanitary protection zone of the water intake.

§ 152. Increasing the extent of sanitary protection zone of water intake

(1) If the designed water abstraction from a groundwater intake is over 500 m^3 per day, the sanitary protection zone may reach up to 200 metres from the water intake.

(2) If the designed water abstraction from a surface water intake is over 500 m^3 per day, the sanitary protection zone may cover the entire riparian zone of the water body, up to the width of 1000 metres.

(3) In the cases specified in subsections 1 and 2 of this section, the exact boundaries of the sanitary protection zone of a water intake shall be determined by the Environmental Board based on the design documentation of the sanitary protection zone.

(4) The requirements for increasing the extent of the sanitary protection zone of a water intake specified in subsections 1 and 2 of this section and the requirements for the design documentation of the sanitary protection zone of a water intake shall be established by a regulation of the minister in charge of the policy sector.

§ 153. Catchment area and feeding zone of drinking water intake and restriction of activities in these areas and zones

[RT I, 07.02.2023, 1 – entry into force 17.02.2023]

(1) For the purposes of this Act, a catchment area of a drinking water intake means an area from which groundwater moves into the water intake and the extent of which is specified in the risk assessment in accordance with § 85^2 of this Act.

(2) For the purposes of this Act, the feeding zone of a drinking water intake is an area from which surface water moves into the water intake and the extent of which is specified in the risk assessment in accordance with § 85^2 of this Act.

(3) Based on the results of the risk assessment provided in § 85^2 of this Act, the Environmental Board may prohibit or limit the following activities in the catchment area or feeding zone of a drinking water intake to protect the drinking water intake as necessary:
1) construction of such construction works which involve an environmental threat;
2) use of fertilisers and plant protection products;
3) discharge of hazardous substances into the soil and groundwater;
4) use of sewage sludge and formation of manure stacks;
5) extraction of mineral resources;
6) waste management;
7) establishment of a cemetery.

(4) The procedure for determination of the catchment area and feeding zones of drinking water intakes is established by a regulation of the minister in charge of the policy sector.

[RT I, 07.02.2023, 1 – entry into force 17.02.2023]

§ 154. Maintenance area and prohibition of activities in maintenance area

(1) The following civil engineering works shall have a maintenance area:
1) drilled well of an open heat system;
2) dug well, drilled well or borehole for groundwater monitoring which is included in the list of national environmental monitoring stations and which is used only for groundwater monitoring;
3) drilled well from which less than ten cubic metres of water is abstracted per day, or from which production water is abstracted;
[RT I, 27.05.2022, 1 – entry into force 06.06.2022]
4) dug well.

(2) For the purposes of this Act, a maintenance area is an area of land or water surrounding a dug well, drilled well or borehole where activities are restricted pursuant to subsection 5 of this section to prevent contamination of groundwater.

(3) The extent of a maintenance area is 10 metres.

(4) The maintenance area of a dug well, drilled well or borehole for groundwater monitoring which is included in the list of national environmental monitoring stations is 5 metres if the dug well, drilled well or borehole is used only for monitoring purposes.

(4^1) The maintenance area of a drilled well or borehole for groundwater self-monitoring required under a water permit is 5 metres if the drilled well or borehole is used only for monitoring purposes and no abstraction of water therefrom for other purposes is planned.
[RT I, 21.09.2021, 3 – entry into force 01.10.2021]

(5) Activities which may become a threat to the properties of the aquifer are prohibited in the maintenance area to prevent contamination of groundwater, including:
1) use of fertilisers and plant protection products;
2) grazing;
3) discharge of hazardous substances into the soil and groundwater;
4) establishment of land improvement systems;
5) construction of such construction works which involve an environmental threat;
6) use of sewage sludge, spreading of manure and whey and formation of manure stacks;
7) construction of a sewerage or wastewater collecting system and discharge of treated effluent or pollutants into the soil;
8) establishment of a cemetery;
9) waste management;
10) extraction of mineral resources;

Subchapter 7
Environmental Requirements for Agricultural Activities

§ 155. Field record

(1) A person engaged in agriculture shall keep a field record in which information regarding agricultural activities shall be entered.

(2) For the purposes of this Act, agricultural activities mean the production, rearing or growing of agricultural products including harvesting, milking, breeding animals and keeping animals for farming purposes, and maintaining the land in good agricultural and environmental condition.

(3) The data entered in a field record shall be stored for ten years after the entry of the data in the field record.

(4) Upon transfer of an agricultural parcel or a part thereof to a new possessor, the part of a field record containing data on the agricultural parcel or part thereof shall be delivered to the new possessor who shall continue maintaining the respective part of the field record.

(5) The list of data to be entered in a field record and the procedure for keeping a field record shall be established by a regulation of the minister in charge of the policy sector.

§ 156. Good agricultural practice

(1) For the purposes of this Act, good agricultural practice means commonly accepted production techniques and methods which correspond to the natural and climatic conditions of Estonia and take into account general environmental conditions, and the adherence to which enables to reduce the environmental risks caused by agricultural activities to water.

(2) The measures of good environmental practice are provided for in clause 3 of § 119, §§ 158–161, subsections 1–7 of § 164, subsection 1 of § 167 of this Act, in the legislation established pursuant to subsection 2 of § 167 of this Act, and in subsection 5 of § 168 of this Act.

§ 157. Fertiliser

(1) For the purposes of this Act, a fertiliser means a substance or preparation the purpose of use of which is to provide growing plants with nutrients. For the purposes of this Act, manure, liquid manure, silage, compost and other organic substances of vegetable or animal origin that are incorporated directly or in their processed form into the soil for fertilising purposes are also deemed to be fertilisers.

(2) For the purposes of this Act, manure means animal faeces and mixture of animal faeces and litter, including in their processed form.

(3) The type of manure shall be determined according to the percentage of solids in the manure:
1) liquid manure which contains up to 7.9% of solids by weight;
2) semi-liquid manure which contains 8.0–19.9% of solids by weight;
3) solid manure which contains 20.0–24.9% of solids by weight;
4) deep litter manure which contains at least 25% of solids by weight.

§ 158. Requirements for use and storage of fertilisers and use of plant protection products

(1) Spreading of fertiliser from an airplane is prohibited.

(2) Use of fertilisers and plant protection products and other activities which may deteriorate the quality of water are prohibited at springs, karst features and karst lakes and in the vicinity thereof in a range of up to 10 m from the waterline of a spring, from the edge of a karst feature or from the line of the highest water level of a karst lake.
[RT I, 21.09.2021, 3 – entry into force 01.10.2021]

(3) Mineral fertilisers shall not be spread when the ground is frozen, covered with snow, periodically flooded or saturated with water.

(4) Mineral fertilisers containing nitrogen shall not be spread from 15 October to 20 March.

(5) The requirements for the use and storage of fertilisers, in order to protect groundwater and surface water and prevent and limit contamination arising from agricultural production, and the methods for evaluating the compliance with these requirements shall be established by a regulation of the minister in charge of the policy sector.

§ 159. Requirements for use of manure

(1) Liquid manure shall not be spread from 1 November to 20 March and at any times when the ground is frozen, covered with snow, periodically flooded or saturated with water.

(2) The Environmental Board may prohibit the spreading of liquid manure based on the weather conditions from 15 October.

(3) The spreading of liquid manure by a broadcast spreader is prohibited from 20 September to 20 March and at any other time when the ground is frozen, covered with snow, periodically flooded or saturated with water.

(4) Semi-liquid, solid and deep litter manure and other organic fertilisers shall not be spread from 1 December to 20 March or at any times, when the ground is frozen, covered with snow, periodically flooded or saturated with water.

(5) Manure on a field where currently no crops grow must be incorporated into the soil as quickly as possible but not later than within 24 hours after the spreading is completed.
[RT I, 22.02.2019, 1 – entry into force 01.01.2021]

(6) Manure can be spread on the area under cultivation covered with growing crops from 1 November to 30 November provided that it is incorporated into the soil within 24 hours.
[RT I, 22.02.2019, 1 – entry into force 01.01.2021]

(7) For the purposes of this Act, area under cultivation means:
1) arable land
2) horticultural land – fruit and berry gardens, nursery and temporary greenhouses.

§ 160. Fertilising in areas with inclination

(1) If the ground has an inclination of 5–10 percent, spreading fertilisers on the surface is prohibited from 1 October to 20 March.

(2) It is prohibited to spread fertilisers on an area under cultivation if the inclination of the ground is more than 10 percent. As an exception, spreading fertilisers on the ground in an area with the inclination of ground of more than 10 percent is permitted in the cases established pursuant to subsection 4 of this section.

(3) The inclination of ground shall be determined primarily on the basis of the elevation data entered in the Estonian Topographic Database. If it is not possible to use the data entered in the Estonian Topographic Database to determine the inclination of ground, the inclination shall be determined on the basis of on-site surveying.

(4) The grounds for determining the inclination of ground within an agricultural parcel, and the exceptions for fertilising areas with inclination shall be established by a regulation of the minister in charge of the policy sector.

§ 161. Maximum levels of nitrogen and phosphorus provided by fertilisers

(1) It is permitted to spread up to 170 kg of nitrogen with manure, including the nitrogen in manure left on the land by livestock upon grazing, per each hectare of land under cultivation per annum.

(2) Outside a nitrate vulnerable zone, it is permitted to spread the amounts of nitrogen established pursuant to subsection 11 of this section with manure nitrogen to maize, herbaceous grasses and grasslands with up to 25 percent of leguminous plants. The manure shall be spread before 15 August and in several parts. This exception shall not apply to peat soil.

(3) [Repealed – RT I, 21.09.2021, 3 – entry into force 01.10.2021]

(4) The requirements and procedure for keeping records of incorporation of nitrogen and phosphorus into the soil and removal from the soil shall be established by a regulation of the minister in charge of the policy sector.

(5) It is prohibited to use fertilisers on natural grassland, except the nitrogen and phosphorus in manure left on the land by livestock upon grazing, the amount of which shall not exceed the maximum levels of nitrogen and phosphorus specified in subsections 1 and 8 of this section.

(6) For the purposes of this Act, a natural grassland means a grassland that has not been affected by people by fertilising, cultivation, insemination or other means. Natural grasslands include rough grazing lands and natural meadows, including grasslands on mineral soil, wooded meadows, coastal meadows, alvars, flooded meadows, wet meadows and wooded pastures.

(7) It is permitted to spread such an annual amount of nitrogen with fertilisers to crops per each hectare of area under cultivation as established on the basis of subsection 11 of this section.

(8) It is permitted to spread up to 25 kg of phosphorus with manure, including the phosphorus in manure left on the land by livestock upon grazing, per hectare of area under cultivation per annum. It is permitted to increase or decrease the amount of phosphorus in manure spread on the area under cultivation with the consideration that the amount of phosphorus spread as an average over the period of five years shall not exceed 25 kg per hectare.

(9) The provisions of subsection 8 of this section shall not apply if the phosphorus demand in the soil is high or highest and the person engaged in agriculture has organised the sampling of soil per each 5 hectares for the last 5 years and analysing the samples by an accredited laboratory analysing method to prove it.

(10) The classes of phosphorus demand shall be established by a regulation of the minister in charge of the policy sector.

(11) The maximum levels of nitrogen annually spread per one hectare of area under cultivation in terms of agricultural crops depending on the demand for fertiliser necessary for growing the crop shall be established by a regulation of the minister in charge of the policy sector.

(12) The calculated values of nutrient amounts of different types of manure shall be established by a regulation of the minister in charge of the policy sector.

(13) The nutrient status of manure shall be determined on the basis of the values calculated pursuant to subsection 12 of this section or the results of a manure sample analysed by the methods of an accredited laboratory.

§ 162. Fertilisation plan

[RT I, 21.09.2021, 3 – entry into force 01.10.2021]

(1) [Repealed – RT I, 21.09.2021, 3 – entry into force 01.10.2021]

(2) [Repealed – RT I, 21.09.2021, 3 – entry into force 01.10.2021]

(3) A person engaged in agriculture who uses 50 hectares or more of area under cultivation and uses fertilisers containing nitrogen shall prepare a fertilisation plan every year before sowing, or in case of perennial crops, before the beginning of a vegetation period.

(4) A fertilisation plan may be kept in a field record. The data in a fertilisation plan shall be stored for ten years.

(5) The list of the data to be set out in a fertilisation plan and the procedure for keeping the fertilisation plan shall be established by a regulation of the minister in charge of the policy sector.

§ 163. Restrictions for keeping livestock

(1) The area of land used by an agricultural undertaking for keeping livestock shall enable the spreading of manure in accordance with the maximum levels of nitrogen and phosphorus provided by manure as established under subsections 1 and 8 of § 161 of this Act.

(2) If the quantity of manure produced by the undertaking exceeds the maximum levels of nitrogen and phosphorus provided by manure per one hectare of an area under cultivation, as established under subsections 1 and 8 of § 161 of this Act, more livestock may be kept provided only that the remaining manure shall be transferred under an agreement with the receiver of manure.

(3) If the removal service provided by a third party is used for manure removal, the person ordering the service shall preserve the documents relating to the provision of the service as an annex to the spreading or sale agreement.

§ 164. Requirements for storage of manure

(1) All livestock buildings where more than five livestock units of livestock are kept shall have storage facilities for manure or for manure and liquid manure, depending on the type of manure.

(2) The storage facilities for manure or for manure and liquid manure shall enable the storage of manure and liquid manure excreted by the livestock during a period of at least eight months, and if necessary, depending on the technology used in the livestock building, also the storage of wastewater from the building. The quantities of manure left by the livestock on the grazing land during the grazing period may be excluded for the purpose of calculating the capacity of a manure storage facility.

(3) A livestock building where livestock is kept on deep litter and which enables the storage of the quantity of manure set out in subsection 2 of this section, need not have a manure storage facility.

(4) If a livestock building where livestock is kept on deep litter does not enable the storage of the quantity of manure set out in subsection 2 of this section, it is necessary to have a storage facility enabling the storage of the remaining quantity.

(5) Storage facilities for manure or for manure and liquid manure and livestock buildings shall be leak-tight and their structure shall ensure safety and prevention of leaks upon operation of the storage facility, including upon filling and discharging the facility.

(6) If there are five or less livestock units of livestock kept in a livestock building and solid manure or deep litter manure is created there, such manure may be stored, temporarily before spreading or before taking it to a manure stack, in an area with a water-proof bottom and protected against storm water, next to the building.

(7) If the keeper of livestock transfers, on the basis of a contract, manure for storage or processing to a storage or processing facility of another person, a leak-tight storage facility holding a manure quantity of at least one month must be ensured when using the livestock building.

(8) The coefficients needed for the calculation enabling the number of farm animals to be expressed in the form of livestock units and the methods for calculating the capacity of a manure storage facility shall be established by a regulation of the minister in charge of the policy sector.

§ 165. Keeping manure in manure stacks

(1) On land under cultivation, it is permitted to keep only solid manure and deep litter manure in stacks for up to two months before spreading, if it does not exceed the quantity of use of one vegetation period.

(2) A manure stack is a stack of manure which is kept on the field in accordance with the requirements established pursuant to subsection 5 of § 158 of this Act.

(3) It is permitted to keep deep litter manure in stacks for up to eight months, if its quantity does not exceed the quantity of use of one vegetation period, and the Environmental Board shall be notified about the location of the stack by submitting a notice via the information system at least 14 days before starting to set up a stack.

(4) The storage of solid and deep litter manure in stacks is prohibited from 1 November to 31 December.

(5) A manure stack shall be situated on flat land, at a distance of at least 50 meters further from a water body, a well, a karst feature and a karst lake. A manure stack shall not be set up above a drainage pipe of a land improvement system, or in an area with unprotected groundwater, in a waterlogged area or an inundated area.
[RT I, 21.09.2021, 3 – entry into force 01.10.2021]

(6) The data to be set out in the notice specified in subsection 3 of this section and the procedure for submission of the notice shall be established by a regulation of the minister in charge of the policy sector.

§ 166. Composting of manure

(1) For the purposes of this Act, composting of manure means aerobic decomposition of manure, during which organic substances are decomposed by the effect of micro- and macroorganisms. For the purposes of this Act, composting of manure does not mean composting by composting equipment.

(2) Manure may be composted primarily in a manure storage facility or in a stack on an area under cultivation. The quantity of manure to be composted outside a manure storage facility of an enterprise shall not be taken into account as a part of the capacity of the manure storage facility.

(3) Deep litter manure can be composted in a stack only if the solids content of the manure is at least 25 percent when setting up the stack. The solids content of manure to be composted shall be determined from manure produced by similar technology at the expense of the producer before starting to set up the stacks at least once in every two years from one sample by the methods of analysis of an accredited laboratory.

(4) The Environmental Board shall be notified of the formation and location of a composting manure stack by submitting a notice via the information system at least 14 days before starting to set up a stack.

(5) Composting in a stack on the field is permitted in a volume not exceeding the limits for nutrients that are permitted to be spread on the same field pursuant to subsections 1 and 8 of § 161 of this Act. The height of a composting manure stack at the time of setting up the stack may be two meters in maximum, and the form of the stack shall preclude accumulation of storm water on the stack.

(6) The manure to be composted shall be spread from a stack onto the field not later than within 24 months after starting to set up a stack.

(7) After removal of compost from a stack, vegetation shall be planted on the ground of the stack located on grassland not later than by the beginning of the next vegetation period. A new composting manure stack shall not be set up in the same spot for a period of five years after the spreading.

(8) The data to be set out in the notice specified in subsection 4 of this section and the procedure for submission of the notice shall be established by a regulation of the minister in charge of the policy sector.

§ 167. Requirements for storage and transport of fertilisers and silage

(1) Fertilisers and silage shall be transported and stored in such a manner as to prevent their release into the environment.

(2) The requirements for the transport and storage of fertilisers and silage shall be established by a regulation of the minister in charge of the policy sector.

§ 168. Restrictions for agricultural activities in nitrate vulnerable zone

(1) In nitrate vulnerable zones of unprotected groundwater and a soil depth of up to two metres, and in karst areas, it is permitted to restrict the following:
1) nitrogen spread with mineral fertilisers annually to an average of 100 kg per hectare of the area under cultivation;
2) keeping livestock to 1.5 livestock unit per hectare of the area under cultivation;
3) the use of sewage sludge.

(2) For the purposes of this Act, agricultural land means areas under cultivation and natural grasslands.

(3) At springs, karst features and karst lakes located in important spring and karst areas within nitrate vulnerable zones, and in the vicinity thereof in a range of up to 50 m from the waterline of a spring, from the edge of a karst feature or from the line of the highest water level of a karst lake, it is prohibited:
1) to use fertilisers;
2) to use plant protection products;
3) to keep manure in a manure stack;
4) to change the intended purpose of land use;
5) to cultivate a natural grassland, forest or mire;
6) to construct construction works compromising the quality of water;
7) to extract mineral resources or earth substances;
8) to discharge treated effluent into the soil;
9) to spread sewage sludge;
10) to clear cut forest;
11) to construct a drainage system;
12) to establish a cemetery or a burial site.
[RT I, 21.09.2021, 3 – entry into force 01.10.2021]

(4) The extent of the restrictions provided for in subsection 1 of this section shall be established by a regulation of the minister in charge of the policy sector.
[RT I, 21.09.2021, 3 – entry into force 01.10.2021]

(5) From 1 November until 31 March, at least 30 percent of the area under cultivation situated in a nitrate vulnerable zone and used by a person engaged in agriculture shall be under plant cover. One-third of the above percentage may be covered by stubble.

(6) For the purposes of this Act, plant cover means winter crops such as winter cereals, winter oil rapeseed, winter turnip rapeseed, herbaceous grasses, leguminous crops, and culinary and medicinal plants.

(7) [Repealed – RT I, 27.05.2022, 1 – entry into force 06.06.2022]

§ 169. General requirements for grazing in water protection zones

(1) Grazing in a water protection zone shall not cause:
1) erosion of the banks or littering of a water body;
2) damage to the aquatic biota or spawning grounds;
3) negative impact on the public use of a water body or use of a shore path;
4) damage to a water object subject to nature conservation or cultural heritage;
5) other significant environmental nuisance in a water body;
6) harm to the proper functioning of a land improvement system.

(2) No supplementary feed, except mineral feed, shall be given to the livestock grazed on a grazing land in a water protection zone.

(3) As an exception to subsection 2 of this section, supplementary feeding is permitted during transition to pasture in the springtime, and in case of pasture grass shortage deriving from disadvantageous conditions.

(4) The livestock feeding areas shall be located outside a water protection zone.

(5) A strip of shore of at least five meters per one livestock unit shall be ensured along the banks of a water body, except at the sea.

(5^1) The requirements specified in subsections 3–5 of this section shall be applied to a limited-conservation area or other protected natural objects, unless otherwise provided by a management plan or protection rules.
[RT I, 21.09.2021, 3 – entry into force 01.10.2021]

(6) [Repealed – RT I, 21.09.2021, 3 – entry into force 01.10.2021]

(7) [Repealed – RT I, 21.09.2021, 3 – entry into force 01.10.2021]

(8) [Repealed – RT I, 21.09.2021, 3 – entry into force 01.10.2021]

(9) [Repealed – RT I, 21.09.2021, 3 – entry into force 01.10.2021]

(10) [Repealed – RT I, 21.09.2021, 3 – entry into force 01.10.2021]

§ 170. Supplementary requirements for grazing in water protection zone of water body, except the sea

(1) Grazing in the water protection zone of a water body, except the sea, is prohibited from 1 November to 30 April.

(2) Grazing is not permitted:
1) at the springs and in the water protection zone thereof, as well as at karst features and karst lakes located in important spring and karst areas established under subsection 2 of § 37 of this Act;
[RT I, 21.09.2021, 3 – entry into force 01.10.2021]
2) in the sections of water bodies constituting the habitat for the freshwater pearl mussel (*Margaritifera margaritifera*);
3) on forest land in a water protection zone within the meaning of clause 2 of subsection 2 of § 3 of the Forest Act.

(3) Livestock is permitted to have an access to water on forest land in a water protection zone, if there is a strip of forest in the water protection zone to the extent of the whole grazing area between the grazing land and water body.

(4) The requirements specified in this section shall be applied to a limited-conservation area or other protected natural objects, unless otherwise provided by a management plan or protection rules.
[RT I, 21.09.2021, 3 – entry into force 01.10.2021]

§ 171. Outdoor grazing of farm animals

(1) Contamination of surface water and groundwater shall be prevented in outdoor grazing of farm animals.

(2) The requirements for minimising the environmental risk and preventing environmental threat deriving from outdoor grazing of farm animals shall be established by a regulation of the minister in charge of the policy sector.

Subchapter 8
Use of Sewage Sludge

§ 172. Use of sewage sludge in green area creation, recultivation and agriculture

(1) Only stabilised, or stabilised and hygienisated sewage sludge may be used in the creation of green areas, recultivation and agriculture in tending of short rotation coppice.

(2) For the purposes of this Subchapter, sewage sludge means a mixture of water and solid substance separated from wastewater by using physical, biological or chemical methods.

(3) Only stabilised and hygienisated sewage sludge may be used in agriculture, except in tending of short rotation coppice.

(4) The sewage sludge used in the creation of green areas, recultivation and agriculture shall meet the quality standards established pursuant to subsection 5 of this section, as well as other requirements.

(5) The quality standards and requirements for the use of sewage sludge in the creation of green areas, recultivation and agriculture shall be established by a regulation of the minister in charge of the policy sector.

§ 173. Maintaining records of use of sewage sludge

(1) Persons using sewage sludge shall keep a journal on the use of sewage sludge or enter the data in the field record.

(2) The obligation to keep the journal and field record shall not extend to natural persons if they use sewage sludge for own use.

(3) Sewage sludge handlers who are waste handlers within the meaning of the Waste Act, shall keep a journal on sewage sludge treatment and transfer of sewage sludge for use.

(4) The sewage sludge users and handlers shall preserve the data on the use or handling of sewage sludge for five years.

Subchapter 9
Damming of Water Bodies, Lowering of Water Level and Liquidation of Damming

§ 174. Damming of water bodies

(1) Damming of a water body means an activity whereby the natural water level of a watercourse is raised by more than 0.3 metres by the construction works built in the watercourse (hereinafter the dam).

(2) A local authority shall refer a draft for design specifications and building permit for a dam for approval to the Environmental Board. The Environmental Board shall give its approval or refuse to give the approval within 10 days after receipt of the referral for approval. If it is necessary to carry out an additional analysis, the Environmental Board shall extend the term for approval by 20 days. The time-limits for the processing of design specifications and building permit provided for in the Building Code shall be extended by the time limit provided for the issue of the approval.

(3) The passage of fish both up- as well as downstream shall be ensured by the owner or possessor of a dam on the dam built on a water body that has been approved as a spawning area or habitat of salmon, brown trout, salmon trout or grayling or on a stretch thereof on the basis of subsection 2 of § 51 of the Nature Conservation Act.

(4) The Environmental Board may alleviate the obligation to ensure passage of fish as set out in subsection 3 of this section by a water permit or exempt the owner of the dam from performance of such obligation, considering that there is a good reason.

(5) The owner or possessor of the dam is required to:
1) ensure a good technical condition of the dam and its maintenance when necessary;
2) ensure protection of aquatic biota on the dam, including to ensure, on the demand of the Environmental Board, the passage of fish both up- as well as downstream in water bodies not referred to in subsection 3 of this section;
3) ensure environmental flow or natural outflow, if the natural outflow is smaller than the environmental flow, in the natural streambed below the hydraulic structure;
4) immediately inform the Environmental Board and Alarm Centre, and in case the civil engineering works form a part of a land improvement system, then also the Agriculture and Food Board about an accident or accident hazard at the dam;
[RT I, 01.07.2020, 1 – entry into force 01.01.2021]
5) eliminate the accident or accident hazard at the dam.

(6) A hydraulic structure means civil engineering works that enable use of water from a river or lake, sea water or groundwater, or prevent the destructive effect of water.

(7) Environmental flow is the volumetric flow rate of a watercourse that ensures the functioning of the ecosystem.

(8) The Environmental Board has the right to demand that the passage of fish be ensured in water bodies not referred to in subsection 3 of this section, taking into account the expert opinion or results of environmental impact assessment.

(9) The specified requirements for damming a water body, environmental monitoring related to damming, protection of aquatic biota, and dams, as well as the methods for determining the environmental flow shall be established by a regulation of the minister in charge of the policy sector.

§ 175. Lowering of water level and liquidation of damming

(1) Lowering of the water level of a water body means lowering the existing water level of a watercourse by more than 0.3 metres.

(2) The conditions for lowering of the water level of a water body shall be determined in a water permit.

(3) If a water permit is not required for damming pursuant to clause 3 of subsection 1 of § 188 of this Act, the requirements established on the basis of subsection 7 of this section shall be observed in the lowering of water level of a water body and liquidation of damming.

(4) If the owner or possessor of a dam has not applied for a water permit as required by legislation or if the issuing authority of water permits refuses to issue the permit, the owner or possessor of the dam shall liquidate damming.

(5) In lowering of water level of a water body or liquidation of damming, the owner or possessor of a dam shall:
1) prevent harming the streambed below the dam and aquatic biota by changing the volumetric flow rate;
2) prevent releasing sludges and litter into a streambed below the dam;
3) clear up the damming area.

(6) In case of lowering of water level or liquidation of damming, the Environmental Board may establish conditions for environmental protection related to lowering of water level, or to avoid direction of sludges and litter into a streambed below the dam, and to clear up the damming area.

(7) The specified requirements for lowering the water level of a water body and liquidation of damming shall be established by a regulation of the minister in charge of the policy sector.

Subchapter 10
Dredging of Water Bodies and Dumping

§ 176. Dredging of water bodies

(1) For the purposes of this Act, dredging of water bodies means removal of bottom deposits from the water body, unless it is carried out in the course of management work or reconstruction at civil engineering works of land improvement systems up to the depth of the water body determined by the preliminary building design documentation. Removal of bottom sludge from a water body is not deemed to constitute dredging of the water body, except the sea, for the purpose of maintenance.
[RT I, 21.09.2021, 3 – entry into force 01.10.2021]

(2) The necessary dredging volume shall be determined taking into account, where possible, the need for and volume of dredging at the time of registration or issue of water permit and in the future in such manner as to affect the water body as minimally as possible.

§ 177. Dumping

(1) Dumping is prohibited, except in the cases specified in subsections 4 and 5 of this section.

(2) For the purposes of this Act, dumping means:
1) any intentional discharge into the sea or sea-bed insertion of waste or other substances or objects from a ship or aircraft, platform or any other maritime installation;
2) intentional discharge of ships, aircraft, platforms or other maritime installations into the sea;
3) abandoning or toppling of platforms or other maritime installations in the sea, at their site of use for the purpose of disposal.

(3) For the purposes of this Act, the following is not deemed to be dumping:
1) discharge of waste or other substances or objects into the sea if it is accidental or incidental to normal use of ships, aircraft, platforms or other maritime installations and equipment thereof, unless it is waste or other substances or objects that are carried by ships or aircraft for the purpose of sinking them into the sea or for the purpose of processing, or that are created on such ships, aircraft, platforms or other maritime installations in the course of processing of such waste, substances or objects, or that are transported to platforms or other maritime installations for dumping;
2) discharge of waste or other substances or objects into the sea for any other purpose than their intentional disposal;
3) disposal into the sea or sea-bed insertion of waste or other substances or objects directly deriving from or related to the exploration or use of mineral resources and related processing carried out in the high seas.

(4) Only dredging spoils may be dumped in the Baltic Sea provided that it shall not endanger vessel traffic.

(5) Outside the Baltic Sea, also other substances and objects may be dumped in the sea based on a permit.

(6) If a permit for dumping specified in subsection 5 of this section is not prescribed pursuant to the legislation of a Coastal State, the Ministry of Climate shall issue a water permit to this end. Said permit shall be issued on the basis of the requirements deriving from international agreements, particularly the 1996 Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972. The conditions of the location of dumping, inter alia, shall be taken into account upon the issue of a water permit.

(7) While determining a dumping site, the physical, biological and chemical properties of the potential dumping site in the water column and on the sea bed, the mineral deposits located at the dumping site, other methods of use of the dumping site and the activities carried out at the dumping site, the potential use of the dumping site for other economic activities, and the potential impact of dumping on protected marine areas and protected species or related ecosystems shall be taken into account.

§ 178. Incineration

(1) Incineration of waste and other substances and objects is prohibited at sea.

(2) For the purposes of this Act, incineration means combustion of waste or other substances or objects for the purpose of intentional disposal thereof onboard a ship, a platform or any other maritime installation at sea.

(3) For the purposes of this Act, incineration at sea outside the Baltic Sea is not deemed to be combustion of waste or other substances or objects onboard a ship, a platform or any other maritime installation if such waste or other substances or objects have resulted from normal use of the ship, platform or any other maritime installation.

§ 179. Dumping and incineration in exceptional circumstances

(1) The prohibition of dumping provided for in subsection 1 of § 177 and the prohibition of incineration provided for in subsection 1 of § 178 of this Act shall not apply, if due to *force majeure* caused by severe weather conditions there is an imminent threat to human life, to a ship, aircraft, platform or any other maritime installation, and:
1) it is necessary to ensure their safety and dumping or incineration is the only measure to avoid such threat, and the damage caused by dumping or incineration is likely to be smaller than the damage arising in case of avoiding dumping or incineration;
2) it is a matter of overriding public interest.

(2) In the case set out in subsection 1 of this section, measures shall be taken upon dumping or incineration in order to minimise any environmental risks.

(3) The prohibition of dumping and incineration shall not apply in a situation of an environmental threat with no other reasonable solution to solve the problem. In such case, any damage caused to the environment by dumping and incineration shall be prevented as far as possible, considering the time during which measures shall be taken for eliminating the respective hazard.

(4) A person shall immediately, and if possible, beforehand inform the Environmental Board about a necessity for applying the exceptions set out in subsection 3 of this section.

(5) While applying the exceptions set out in subsections 1 and 3 of this section, a person shall immediately communicate information about the circumstances that caused the application of the exceptions, and the detailed data on dumping and incineration to the Environmental Board.

(6) The Environmental Board shall immediately inform the Ministry of Climate about the cases of application of the exceptions set out in subsections 1 and 3 of this section. The Ministry of Climate shall organise, where possible, prior coordination of dumping or incineration with the competent authorities of the states that are affected or may be affected by the dumping or incineration, or immediate notification of them and the International Maritime Organisation about dumping or incineration that has already taken place.

§ 180. Sinking or discharging waste into internal water bodies or disposal of waste in groundwater

(1) Waste may be sunk or discharged into an internal water body or disposed of in groundwater only if the effect of the waste in water does not create an environmental threat.

(2) A permission to sink or discharge waste into an internal water body or dispose of waste in groundwater is granted by the Environmental Board with the agreement of the relevant local authority and, if the water body is private property, also with the agreement of the owner of the water body.

§ 181. Installation of submerged cable lines and pipelines in sea

(1) Submerged cable lines and pipelines can be installed in the sea, if they do not hinder normal use of the water body and will not depreciate in an inexpediently short period of time, the principle being that the water body shall be affected as little as possible.

(2) Submerged cable lines and pipelines shall be operated in such manner as to prevent any environmental threat and to cause as little environmental nuisance as possible.

§ 182. Prohibition to store carbon dioxide in marine areas

(1) The storage of carbon dioxide in marine areas is prohibited.

(2) For the purposes of this Act, storage of carbon dioxide in marine areas means placing carbon dioxide into a water column in a marine area or onto the seabed or storage of carbon dioxide in geological formations under the seabed.

Subchapter 11
Water Traffic

§ 183. Requirements for water traffic

(1) The use of a public or publicly used water body for navigation is permitted unless it is limited by an Act or other legislation.

(2) If a water body owned by a person in private law is not designated for public use, navigation on the water body is subject to the permission of the owner.

(3) A navigator on a water body shall not violate the rights of the landowners and other users of the water body and users of water or cause damage to aquatic biota, the bed or banks of the water body, hydraulic structures and utility networks.

(4) No one shall endanger water traffic. Up to one-third of the width of a watercourse that is used for navigation may be barred by boat landings and marked fishing gear.

(5) Navigation with watercraft is prohibited on water bodies or parts of water bodies included in the list of public bathing areas prepared by the Health Board, except for watercraft being used to perform service duties.

(6) Use of vehicles with an internal combustion engine is prohibited on a reservoir or artificial lake included in a drinking water intake established pursuant to subsection 4 of § 86 of this Act.

(6^1) The prohibition provided in subsection 6 of this section does not apply:
1) in case of an emergency and a risk thereof, resolution of a rescue event, performance of a search and rescue operation and performance of maintenance of a water body;
2) on a reservoir or artificial lake included in a drinking water intake established pursuant to subsection 4 of § 86 of this Act, where use of vehicles with an internal combustion engine is permitted only with the consent of the owner or possessor of the water body for ensuring the security of water sports and recreation.
[RT I, 17.03.2023, 3 – entry into force 01.04.2023]

(7) The requirements for the keep and use of watercraft in public and publicly used internal water bodies, except navigable water bodies, shall be established by a regulation of the minister in charge of the policy sector.

(8) The requirements for the measuring procedure and the processing of the measuring results of a speedometer and speed measuring system in checking the speed of watercraft in public and publicly used internal water bodies, except navigable water bodies, shall be established by a regulation of the minister in charge of the policy sector.

(9) The use of water bodies for aviation purposes is regulated by the Aviation Act.

§ 184. Right of local authority to prohibit and restrict water traffic

(1) A local authority within its administrative jurisdiction has the right to prohibit by an order navigation with watercraft on public and publicly used water bodies, establish a speed limit and prohibit traffic on the ice if the navigation, the high speed of the watercraft or the traffic on the ice:
1) endangers water traffic;
2) damages or may damage the status and banks of the water body;
3) damages or may damage fish resources or the condition of spawning area;
4) disturbs other users of the water body;
5) endangers persons on the ice.

(2) [Repealed – RT I, 27.05.2022, 1 – entry into force 06.06.2022]

(3) The signals regulating the traffic of watercraft required for implementing the orders deriving from subsection 1 of this section shall be installed by the authority issuing the order. The installation of signals shall be referred for approval to the Transport Administration.
[RT I, 10.12.2020, 1 – entry into force 01.01.2021]

§ 185. Water traffic on ship canals and use of ship canals

(1) Water traffic on a ship canal constructed on a legal basis by dredging the bottom of a publicly used water body and located outside the boundaries of a port basin shall be managed by the master of the ship canal.

(2) For the purposes of this Act, the master of a ship canal is the owner of the water body or the person to whom the right to manage the ship canal has been granted in a contract pursuant to the procedure prescribed by legislation.

(3) The use of a ship canal means navigation along the ship canal by a ship that due to its draught is unable to navigate on the water body without using the ship canal.

Subchapter 12
Water Permit

§ 186. Special use of water

(1) The right to the special use of water is based on a water permit which provides the right for an activity or several activities specified in § 187 of this Act, and an integrated permit.

(2) For the special use of water on a land of another person, the user shall have also the consent of the landowner. The consent of the landowner is not required for the use of such land that is located under a water body in state ownership or that is deemed to be in state ownership in accordance with subsection 2 of § 31 of the Land Reform Act.

§ 187. Obligation to hold water permit

(1) Unless provided otherwise in § 188 of this Act, holding a water permit is obligatory if:

1) surface water, including ice, is abstracted in a volume of more than 30 m^3 per day;

2) groundwater is abstracted in a volume of more than 150 m^3 per month or more than 10 m3 per day;
3) mineral water is extracted;
4) pollutants or treated effluent and cooling water are discharged into a recipient;
5) discharge is made directly into groundwater pursuant to subsections 3 and 5 of § 126 of this Act;
6) storm water is discharged into a recipient from waste treatment land, industrial territory, land of port structures, land of peat industry and other places involving contamination risk or hazard to the status of the water body;
7) a water body is dammed or hydro-electric energy is used;
8) a water body is dredged or dredging spoils in the volume of 100 m3 or more are placed onto the bottom of a water body;
9) water removed in extraction of mineral resources is discharged into a recipient;

10) solid substances with the volume of 100 m^3 or more are discharged into a water body;

11) substances or objects with the volume of 100 m^3 or more are dumped;
12) groundwater is amended, redirected or discharged back;
13) regular service or repair of ships relating to hazardous substances, or regular loading or unloading of ships with volatile solid bulk cargo takes place, unless it is carried out using a closed system;
14) chemicals are used for the purification of a water body, unless it does not substantially modify the physical or chemical properties of water or biological properties of the water body;
15) aquaculture is developed with the production growth of over 1 ton per annum;
16) a standing water body or wetland with an area of over 1 hectare is created or a standing water body or wetland with an area of 0.1 hectare is liquidated, unless the water body is created in the extraction of mineral resources;
17) the shoreline of a water body included in a body of surface water, a natural lake not included in a body of surface water or an artificial lake with the mirror area of over 1 hectare is modified, unless it is a water body created or modified in the extraction of mineral resources;
18) the physical or chemical properties of water or biological properties of the water body or hydrological regime is modified.

§ 188. Activities not requiring water permit

(1) A water permit is not required for:
1) abstraction of water in an emergency, resolving a rescue event or simulation of these events during drills;
2) discharge of groundwater from an area with a high level of groundwater or with waterlogged soil for the functioning and protection of lawfully built construction works;
3) damming if the natural level of a watercourse is raised by up to one meter, unless the damming takes place in a water body that needs protection as a spawning area or habitat of salmon, brown trout, salmon trout or grayling, or a section of such water body, which is included in the list established under subsection 2 of § 51 of the Nature Conservation Act;
4) construction of a land improvement system and performance of work to manage land improvement systems;
5) modification of the shoreline of an artificial lake not included in a body of surface water, where the artificial lake has been created due to extraction of mineral resources, is located in a deposit, a mining claim or a mine service plot, and the land disturbed by extraction of mineral resources has not been declared as reclaimed by the issuer of the extraction permit in accordance with §§ 48 and 50 of the Earth's Crust Act;
6) discharge of up to one cubic metre of treated effluent per day into a water body or up to five cubic metres of treated effluent per day into soil if such activity meets the requirements for discharging treated effluent into a recipient established pursuant to subsection 7 of § 128 of this Act;
7) removal of bottom sludge from a water body, except the sea, for the purpose of maintenance;
[RT I, 21.09.2021, 3 – entry into force 01.10.2021]
8) the activities specified in clauses 7, 8, 10, 17 and 18 of § 187 of this Act which accompany construction activities in water bodies, except the sea, where the Government of the Republic has decided that the respective construction works have the sole purpose of guaranteeing the national security or resolving an emergency.
[RT I, 29.06.2022, 1 – entry into force 09.07.2022]

(2) If the planning or renovation of the land improvement system specified in clause 4 of subsection 1 of this section is related to a water body which is included in the list of spawning areas or habitats of salmon, brown trout, salmon trout or grayling established under subsection 2 of § 51 of the Nature Conservation Act, the building permit of a land improvement system shall be referred for approval to the Environmental Board.

§ 189. Term of validity of water permit

(1) A water permit is with an unspecified term, unless:
1) [Repealed – RT I, 21.12.2019, 1 – entry into force 01.01.2020]
2) the special use of water is one-off;
3) groundwater is abstracted from approved groundwater resources.
4) [Repealed – RT I, 21.12.2019, 1 – entry into force 01.01.2020]
5) [Repealed – RT I, 21.12.2019, 1 – entry into force 01.01.2020]

(2) In the case set out in clause 2 of subsection 1 of this section, the water permit shall be issued for the duration of the activity.

(3) In the case set out in clause 3 of subsection 1 of this section, the water permit shall not be issued for a longer period than the duration of the approved groundwater resources.

(4) [Repealed – RT I, 21.12.2019, 1 – entry into force 01.01.2020]

(5) [Repealed – RT I, 21.12.2019, 1 – entry into force 01.01.2020]

§ 190. Applying for water permit

(1) In addition to what is provided for in subsection 1 of § 42 of the General Part of the Environmental Code Act, an applicant for a water permit shall submit:
1) at the request of the Environmental Board, a design of the work related to the special use of water;
2) at the request of the Environmental Board, data on the environment to be affected by the planned activity.

(2) The data specified in clause 2 of subsection 1 of this section shall be collected in accordance with the principles, methods and methodology established pursuant to subsection 5 of § 53 of this Act, considering the nature of the planned activity.

(3) If it is necessary to carry out water investigation while applying for a water permit, the applicant for the water permit shall ensure that the water investigation meets the requirements for water investigations provided for in §§ 236, 237 and 243 of this Act. The expenses of the water investigation shall be covered by the applicant for the water permit.

(4) The person who applies for a water permit for damming, must first obtain written consent for such activity from the landowner, the humidity regime of whose land will be affected by damming.

§ 191. Procedure of issue of water permit

(1) Water permits are issued by the Environmental Board, except in the case specified in subsection 6 of § 177 of this Act.

(2) The issuing authority of a water permit shall refer the dumping site to be set out in the water permit for approval to the Transport Administration before issuing the permit.
[RT I, 10.12.2020, 1 – entry into force 01.01.2021]

(3) The procedure for the issue of a water permit shall be extended by the time of assessment and approval of groundwater resources, but not by more than 24 months.

(4) The issue of a water permit is decided without open proceedings where faster procedure is necessary to prevent an environmental threat or where it involves activities with a negligible impact as listed in § 191^{1} of this Act.
[RT I, 17.03.2023, 3 – entry into force 01.04.2023]

(5) A decision on the issue of a water permit shall be made after assessment of the sufficiency of the approved groundwater resources and surface water quantity, and guaranteeing first and foremost the demands of residents and health care, social welfare, educational and childcare institutions and food industry for drinking water.

§ 191^{1}. Activities with negligible impact

For the purposes of this Act, the following small-scale activities are considered to have a negligible impact, provided that they do not have the effect of deteriorating the status of the body of water, the quality of the water or the status or habitat of protected species, and do not affect or obstruct other uses of the water:

1) dredging of the sea or placing dredging spoils onto the seabed in the volume of 100–499 m^3;

2) sinking or dumping of solid substances into the sea in the volume of 100–499 m^3.
[RT I, 17.03.2023, 3 – entry into force 01.04.2023]

§ 192. Refusal to issue water permit

(1) The Environmental Board shall refuse to issue a water permit in the cases provided for in clauses 1 and 3–10 of subsection 1 of § 52 of the General Part of the Environmental Code Act or in case the applicant for the water permit does not have the consent of the landowner of the location of activities for using the immovable owned by the landowner, or in case there is no consent specified in subsection 4 of § 190 of this Act.

(2) The Environmental Board may issue a water permit for damming a water body without the consent specified in subsection 4 of § 190 of this Act if the damming of the water body is a matter of overriding public interest.

(3) The issue of a water permit may be refused also in case there is at least one of the following grounds:
1) it is planned to discharge treated effluent to the sanitary protection zone or maintenance zone of a water intake;
2) the Health Board does not approve an application for a use and occupancy permit in respect of a drilled well for public water supply pursuant to the Building Code;
3) it is planned to discharge hazardous substances to the sanitary protection zone or maintenance zone of a water intake or the catchment area or feeding zone of a drinking water intake;
[RT I, 07.02.2023, 1 – entry into force 17.02.2023]
4) it is planned to discharge hazardous substances to an area designated for the protection of economically significant aquatic species or area designated for the protection of habitats or species on the basis of the Nature Conservation Act where the quality of water is an important protective factor;

5) the demands of residents and health care, social welfare, educational and childcare institutions and food industry for drinking water are not guaranteed in the abstraction of water;
6) the abstraction of groundwater may exceed the approved groundwater resources;
7) groundwater resources have not been approved;
8) the planned activity compromises the achievement of the water protection objectives specified in § 31, 32 and 34 of this Act, or does not enable the achievement thereof, and the achievement of water protection objectives is not subject to an exception pursuant to §§ 39–42 of this Act;
9) there are alternatives for dumping by using the dredging spoils or for depositing dredging spoils onto land in a manner that does not pose a threat to human health or the environment and does not entail disproportionate costs;
10) the environmental threat resulting from dumping to human health or the environment cannot be determined with an acceptable level of accuracy.

§ 193. Contents of water permit

(1) In addition to what is provided for in § 53 of the General Part of the Environmental Code Act, the following information shall be set out in a water permit depending on the type of special use of water:
1) the permitted volumes and time for abstraction of water by water intakes and aquifers;
2) the requirements for keeping records of determination of the volume of water abstracted from a body of water, quality control of water, including monitoring, and the abstracted water;
3) the requirements for the quality control of groundwater and measurement of the level of groundwater, and requirements for keeping records of determination of the volume of water abstracted from an aquifer, and the abstracted groundwater;
4) the maximum permitted concentration of pollutants, including hazardous substances in treated effluent, and the emissions of pollutants in terms of substances and outlets;
5) monitoring requirements, including the requirements for the monitoring of affected recipients;
6) measures for preventing environmental threats and reducing environmental risks and time limits for implementation thereof;
7) measures for reducing the impact of pollutants, including hazardous substances on a recipient;
8) as necessary, measures for reducing or preventing the impact of activities on a body of surface water, body of groundwater or property of a person, and requirements for monitoring the efficiency of these measures;
9) the best available techniques for the use of water and the treatment of wastewater, taking into consideration how up-to-date and efficient they are, the availability of water to special users and the financial and technical acceptability;
10) the requirements for the submission of information to the issuer of water permits;
11) the requirements for damming of a water body and use of hydro-electric energy;
12) the requirements for dredging of the sea and sinking or dumping of solid substances into the sea;
13) the requirements for aquaculture;
14) as necessary, other requirements for activities subject to the obligation to hold a water permit as provided for in § 187 of this Act, depending on the type and extent of the activity;
15) information that must be entered in the environmental permit in accordance with the list of data established pursuant to subsection 3 of § 53 of the General Part of the Environmental Code Act.

(2) Appropriate measures provided for in clauses 7 and 8 of subsection 1 of § 53 of the General Part of the Environmental Code Act shall be determined in a water permit depending on the type of special use of water.

§ 194. Suspension and revocation of water permit

(1) In addition to the grounds provided for in subsection 1 of § 61 of the General Part of the Environmental Code Act, the Environmental Board shall suspend the validity of a permit for abstraction of water for the production of drinking water as necessary, if the surface water or groundwater used as drinking water contains hazardous substances in excess of the quality standard. In such case the Environmental Board shall refer the suspension of the validity of the water permit for approval to the Health Board.

(2) In addition to the grounds provided for in subsection 2 of § 62 of the General Part of the Environmental Code Act, the Environmental Board may revoke a water permit if:
1) treated effluent is discharged to the sanitary protection zone of a water intake;
2) hazardous substances are discharged to an area designated for the protection of economically significant aquatic species or to the sanitary protection zone of a water intake;
3) the approved groundwater resources are exceeded or depletion of groundwater is caused by abstraction of groundwater;
4) the activity has deteriorated the status of water and the deterioration is not in compliance with the requirements provided for in §§ 39–42 of this Act concerning the exceptions to achievement of water protection objectives;
5) the surface water or groundwater used as drinking water contains hazardous substances in excess of the quality standard.

(3) The Environmental Board shall refer the revocation of a water permit for approval to the Health Board in the case provided for in clause 5 of subsection 2 of this section.

(4) If the approved groundwater resources are exceeded in the abstraction of groundwater in an emergency or for resolving a rescue event, the Environmental Board shall not revoke the water permit.

(5) If a water permit is issued for the use of unapproved groundwater resources, the issuer of the permit may amend the water permit or revoke it after the approval of groundwater resources.

(6) If the permitted volume of disposal of groundwater is exceeded in the extraction of mineral resources in order to prevent flooding of workings, the Environmental Board shall not revoke the water permit or impose sanctions for exceeding the permitted volume of groundwater.

§ 195. Report on water use

(1) Once a year, the holder of a water permit or integrated permit submits a report on the activities specified in clauses 1–6, 9, 11, 15 and 18 of § 187 of this Act to the authority specified in the regulation established pursuant to subsection 3 of this section via the environmental decisions information system. The holder of a water permit or integrated permit submits a report if the activities specified

in clauses 8 and 10 of § 187 of this Act take place on the sea.
[RT I, 17.03.2023, 3 – entry into force 01.04.2023]

(2) The report on the activities specified in subsection 1 of this section shall contain, depending on the permitted activity:
1) data on the used water, volume of treated effluent and quantity of pollutants discharged into a recipient;
2) data on the mining water, storm water and cooling water;
3) economic indicators of the public water supply and sewerage service, and of water use;
4) data on the wastewater treatment plant and sewage sludge;
5) composition and volume of the substance removed in dredging of the sea and dumping, and of the dumped substance;
6) data on the water used in aquaculture and data on the aquaculture;
7) other relevant data as necessary.

(3) A specified list of data to be set out in the report specified in subsection 1 of this section, and the procedure for submission of the report shall be established by a regulation of the minister in charge of the policy sector.

§ 195[1]. Temporary mitigation of environmental permits and integrated permits regulating special use of water due to emergency situation

(1) The Environmental Board may, due to an emergency situation, temporarily mitigate the requirements of an environmental permit or integrated permit regulating the special use of water without complying with the requirements for the proceedings for the amendment of a permit specified in the General Part of the Environmental Code Act, this Act and the Industrial Emissions Act, if compliance with the requirements of the permit and requirements for the proceedings is not possible due to an objective impediment which has arisen due to the emergency situation.

(2) Upon temporary mitigation of the requirements of a permit as specified in subsection 1 of this section it must be considered that:
1) the mitigation shall not endanger the life or health of people;
2) the mitigation is proportionate considering the objective sought by the temporary mitigation of the requirements of the permit and the situation requiring the urgent application thereof, and shall not restrict anyone's fundamental rights and freedoms or other rights protected by law any more than is indispensable for achieving the objective of the temporary mitigation of the requirements of the permit.

(3) The temporary mitigation of the requirements of a permit specified in subsection 1 of this section may be applied up until the objective impediment ceases to exist, but no longer than for 90 days after the end of the emergency situation.
[RT I, 06.05.2020, 1 – entry into force 07.05.2020]

Subchapter 13
Activities Involving Risk to Aquatic Environment

§ 196. Registration of activities involving risk to aquatic environment

(1) Registration of an activity involving a risk to the aquatic environment (hereinafter also *registration*) grants the right to carry out one or more of the activities specified in subsection 2 of this section.

(2) An activity involving a risk to the aquatic environment shall be registered for the following activities:
1) [repealed – RT I, 17.03.2023, 3 – entry into force 01.04.2023]
2) dredging of a water body, except the sea, in the volume of 5–100 m3, or placing dredging spoils in the same volume onto the bottom of such water body;
[RT I, 21.09.2021, 3 – entry into force 01.10.2021]
3) dredging of the sea in the volume of 50–100 m^3, or placing dredging spoils in the same volume onto the seabed;
[RT I, 21.09.2021, 3 – entry into force 01.10.2021]
3[1]) removal of bottom sludge in the volume of more than 5 m^3 from a water body, except the sea, for the purpose of maintenance;
[RT I, 21.09.2021, 3 – entry into force 01.10.2021]
4) construction of a bridge or culvert included in a road or railway infrastructure in a publicly used water body or public water body;
5) placement of solid substances in the volume of 5–100 m^3 in a water body;
6) aquaculture with the production growth of over 1 ton per annum if the water system of the aquaculture facilities is connected with a surface water body;
7) placement of a geothermal system in a water body;
8) discharging of groundwater that has passed through an open geothermal system directly into groundwater;
9) liquidation of damming or lowering the water level of a water body to the level for which water permit is no longer needed;
10) discharging substances directly into groundwater for scientific purposes in order to describe or protect surface water and groundwater or improve the status of a body of groundwater, in a quantity that is indispensable for the purpose set out above;
11) sinking of an underwater object of cultural value in an area defined in a spatial plan;
12) use of a chemical plant protection product in a water protection zone;
13) activities accompanying construction activities in water bodies for which a water permit is not required pursuant to clause 8 of subsection 1 of § 188 of this Act.
[RT I, 29.06.2022, 1 – entry into force 09.07.2022]

(2[1]) Registration is not needed for the construction of a land improvement system and for performance of work to manage land improvement systems.
[RT I, 17.03.2023, 3 – entry into force 01.04.2023]

(3) [Repealed – RT I, 17.03.2023, 3 – entry into force 01.04.2023]

(4) The Environmental Board shall register the activities involving a risk to the aquatic environment.
[RT I, 10.07.2020, 2 – entry into force 01.01.2021]

(5) The Environmental Board may demand applying for a water permit for an activity involving a risk to the aquatic environment specified in clause 12 of subsection 2 of this section, if the activity may have an adverse impact on the properties of surface water and groundwater.

§ 196[1]. Use of dispersants

(1) Use of dispersants to control contamination for the purpose of minimising the damage caused by discharge of pollutants into a water body is not special use of water.

(2) For the purposes of this Act, a dispersant means a mixture of surface-active agents that is used in case of release of oil products into the environment in the composition of an organic solvent to improve dissolution of oil products in water in order to reduce the interfacial tension between oil products and water.

(3) The Environmental Board must be notified about the intention to use dispersants via means of communication. The use of a dispersant is permitted only with the consent of the Environmental Board.
[RT I, 17.03.2023, 3 – entry into force 01.04.2023]

§ 197. Applying for registration of activities involving risk to aquatic environment

(1) The person who plans an activity involving a risk to the aquatic environment (in this Subchapter hereinafter *applicant*) shall submit an application for registration of the activity via the environmental decisions information system at least 30 days before the start of the activity.
[RT I, 27.05.2022, 1 – entry into force 06.06.2022]

(2) The application shall contain the data on the applicant and a characterisation and description of the activity involving a risk to the aquatic environment, and other necessary information specified in the regulation established pursuant to subsection 3 of this section.

(3) The list of data to be set out in the application for registration of an activity involving a risk to the aquatic environment and in the registration shall be established by a regulation of the minister in charge of the policy sector.

(4) Where several activities involving a risk to the aquatic environment are planned and these activities are interrelated in terms of space or technology, these activities shall be set out in a single application.

(5) [Repealed – RT I, 17.03.2023, 3 – entry into force 01.04.2023]

§ 198. Deciding on registration of activities involving risk to aquatic environment

(1) The Environmental Board shall check the necessity to hold a water permit or registration on the basis of a submitted application and the compliance of the submitted application with the requirements within ten working days after receipt of the application. If the activity involving a risk to the aquatic environment does not need registration or needs a water permit, the Environmental Board shall inform the applicant accordingly within 15 days after receipt of the application.

(2) The Environmental Board shall decide on registration of an applicant's activity involving a risk to the aquatic environment or refusal of registration within 30 days after receipt of an application which is in compliance with the requirements. If the application is not reviewed within the time limit, the applicant's activity involving a risk to the aquatic environment shall not be deemed registered by default after the time limit has passed.

(3) Registration of the activity involving a risk to the aquatic environment specified in clause 1 of subsection 2 of § 196 of this Act shall be decided immediately by the Environmental Board.

(4) The applicant's activity involving a risk to the aquatic environment shall be registered for a definite or indefinite term pursuant to the application. The Environmental Board may limit the term of registration in the case specified in subsection 5 of this section.

(5) The Environmental Board may establish secondary conditions in registration of an activity involving a risk to the environment, if it is necessary for reducing the adverse impact of the activity on the properties of surface water and groundwater, aquatic biota or water-related biota.

(6) The registration specified in subsection 1 of § 196 of this Act may be made and the respective certificate may be issued automatically via the environmental decisions information system, provided that the automatic verification of the prerequisites for making the registration is ensured.
[RT I, 27.05.2022, 1 – entry into force 06.06.2022]

§ 199. Refusal of registration of activity involving risk to aquatic environment

The Environmental Board shall refuse to register an activity involving a risk to the aquatic environment if:
1) the activity may have a significant adverse impact on the properties of surface water and groundwater, aquatic biota or water-related biota, which cannot be sufficiently lessened by establishment of secondary conditions;
2) the applicant has knowingly submitted false data which affected the decision on registration of the activity;
3) a water permit or integrated permit is necessary for the activity;
4) the adverse impact on the properties of surface water and groundwater, aquatic biota or water-related biota caused by the use of dispersants is not justified considering the nature or extent of contamination or spread of pollutants.
[RT I, 10.07.2020, 2 – entry into force 01.01.2021]

§ 200. Obligation to notify of change in circumstances

(1) In case the person engaged in an activity involving a risk to the aquatic environment changes, the new person implementing such activity shall immediately inform the Environmental Board about the change in the data specified in the registration.

(2) The Environmental Board shall be notified without delay of an intention to change the activity involving a risk to the aquatic environment and of other circumstances which may involve a significant adverse impact on the properties of surface water and groundwater, aquatic biota or water-related biota.

§ 201. Amendment of registration

(1) The Environmental Board shall amend a registration:
[RT I, 10.07.2020, 2 – entry into force 01.01.2021]
1) based on the request of the holder of registration;
2) if it appears that the registered data have changed;
3) if it is necessary to establish secondary conditions regarding the activity involving a risk to the aquatic environment or change such conditions in order to lessen the adverse impact of the activity on the properties of surface water and groundwater, aquatic biota or water-related biota and to prevent revocation of the registration.

(2) If the amendment of a registration is initiated by the Environmental Board, the latter shall inform the holder of the registration in writing about the reason for amending the registration and set a time limit for submission of the data and documents needed for the amendment, which shall not be less than ten working days after the communication of the respective notice.

(3) The Environmental Board shall decide on the amendment of a registration in accordance with the procedure provided for registration of an activity within ten days after receipt of an application which is in compliance with the requirements.

§ 202. Revocation of registration

(1) The Environmental Board shall revoke a registration if:
1) the holder of the registration submits a respective application;
2) it turns out that significant false information has been knowingly submitted in an application for registration which affected the registration of an activity involving a risk to the aquatic environment and in case of non-submission of these data the registration should have been refused.

(2) The Environmental Board may revoke a registration if a ground for refusal of registration provided for in § 199 of this Act appears.

(3) The procedure for revocation of registration shall be subject to the provisions of subsections 2 and 3 of § 201 of this Act.

Chapter 7
ASSESSMENT AND APPROVAL OF GROUNDWATER RESOURCES AND PERFORMANCE OF HYDROGEOLOGICAL WORK

Subchapter 1
Assessment and Approval of Groundwater Resources

§ 203. Groundwater resources

(1) Based on the level of detail of investigations, groundwater resources are classified into reconnaissance resources and proved resources.

(2) For the purposes of this Act, groundwater resources mean the predicted volume of groundwater extracted for the provision of water services or for own consumption, in case of using whereof it is ensured that there will be no depletion of groundwater in the area with the approved groundwater resources and that the status of groundwater will not deteriorate.

(3) [Repealed – RT I, 27.05.2022, 1 – entry into force 06.06.2022]

§ 204. Assessment of groundwater resources

(1) Groundwater resources shall be assessed in case the abstraction of water from a single aquifer of a groundwater intake or an area with an approved groundwater resources is more than 500 m^3 per day.

(2) Groundwater resources may be assessed also in case the abstraction of water from a single aquifer of a groundwater intake is less than 500 m3 per day and such abstraction of water causes or may cause depletion of water in the aquifer.

(3) The Environmental Board shall decide on the necessity of assessment of groundwater resources if more than 500 m^3 of groundwater is abstracted from an aquifer per day for the purpose of redirecting groundwater.

(4) Groundwater resources shall be assessed on the basis of the available groundwater resource. Groundwater resources shall be assessed taking into account the hydrogeological conditions of the aquifer, including the groundwater protection status, preservation of the ecosystems depending on groundwater, existing areas and water intakes with approved groundwater resources, impact of human activity, location of areas with contaminated soil and groundwater and potentially hazardous emission sources located in the area.

(5) A hydrogeological investigation shall be carried out in order to assess groundwater resources, and the conduct of such investigation shall be coordinated by the Ministry of Climate; and an investigation report shall be prepared and submitted to the groundwater commission.

(6) Expenses related to the assessment of groundwater resources shall be covered by the person who applies for the assessment of groundwater resources.

(7) The procedure for assessment of groundwater resources, requirements for the report on the assessment of groundwater resources and hydrogeological investigation of groundwater resources and the list of data on the basis whereof groundwater resources shall be approved, shall be established by a regulation of the minister in charge of the policy sector.

§ 205. Approval of groundwater resources

(1) Groundwater resources shall be approved by a directive of the minister in charge of the policy sector after assessment of groundwater resources.

(2) Groundwater resources shall be approved for 10–30 years.

(3) Groundwater resources shall be approved before the issue of a water permit for the abstraction of groundwater.

(4) The minister in charge of the policy sector shall not approve groundwater resources if:
1) the properties of the water of groundwater resources do not correspond to the planned purpose of use;
2) use of the groundwater resources in the requested quantity may deteriorate the groundwater status;
3) no design documentation of a sanitary protection zone has been prepared for the planned groundwater intake;
4) it is not possible to adhere to the restrictions on activities in the sanitary protection zone or maintenance zone of the groundwater intake or in the feeding zone of the drinking water intake;
5) there is no compelling reason to use the groundwater resources.

§ 206. Reassessment of groundwater resources

(1) Groundwater resources shall be reassessed before the approval of groundwater resources.

(2) Groundwater resources shall be reassessed if:
1) the time of using the groundwater resources has exceeded the predicted time of use of groundwater resources and the planned abstraction of groundwater continues to exceed 500 m^3 per day;
2) the hydrogeological conditions of the area of groundwater resources have changed;
3) the groundwater status of the area of groundwater resources has deteriorated and no longer corresponds to the purpose of use of groundwater resources;
4) the chemical status or quantitative status of groundwater has deteriorated to such an extent that the body of groundwater located in the area of approved groundwater resources is at risk or its status class has turned from good into poor;
5) the use of groundwater resources may cause deterioration of the status of surface water or adverse changes in the terrestrial ecosystem dependant on groundwater;
6) it is intended to abstract more water from an aquifer than the approved groundwater resources;
7) there is a necessity to change substantially the location of the groundwater intake or the groundwater intake has no sanitary protection zone.

(3) Groundwater resources may be reassessed also in case the groundwater resources are not used in the approved volume according to the water abstraction data.

(4) Groundwater resources shall be reassessed in accordance with the requirements for the assessment and investigation of groundwater resources and the procedure for the assessment of groundwater resources, and on the basis of the distribution of groundwater resources. Investigations of reassessment of groundwater resources shall be subject to the requirements established pursuant to subsection 7 of § 204 of this Act.

(5) The expenses related to the reassessment of groundwater resources shall be covered in accordance with subsection 6 of § 204 of this Act.

§ 207. Groundwater commission

(1) A groundwater commission shall be formed in order to determine groundwater resources, including mineral water resources, and to organise investigations and expert assessment.

(2) The groundwater commission has the following functions:
1) review of the results of investigations carried out for the assessment of groundwater resources and making proposals for approval of groundwater resources to the minister in charge of the policy sector;
2) assessment of the situation of the investigations, use and protection of groundwater, and determination of investigation needs and directions;
3) advising the Ministry of Climate and the authorities within its administrative jurisdiction on matters related to use and protection of groundwater;
4) evaluation of the need for and results of hydrogeological investigations, and of draft legislation concerning groundwater.

(3) The statutes of the groundwater commission shall be approved by the minister in charge of the policy sector.

(4) The composition of the groundwater commission shall be approved by the minister in charge of the policy sector.

Subchapter 2
Activity Licence for Hydrogeological Work

§ 208. Licence requirement for persons performing hydrogeological work

An undertaking shall have an activity licence for performing the following hydrogeological work:
1) hydrogeological investigation;
2) hydrogeological mapping;
3) designing drilled wells and boreholes;
4) designing drilled wells and boreholes for heat systems;
5) drilling, remodelling and demolition of drilled wells and boreholes;
6) drilling, remodelling and demolition of drilled wells and boreholes for heat systems.

§ 209. Subject of review of activity licence of persons performing hydrogeological work

(1) The activity licence for hydrogeological work is granted to an undertaking if the physical person acting for the undertaking under a contract:
1) has at least two years of experience in performing the hydrogeological work for which the licence is applied for;
2) got his or her latest practical work experience not more than five calendar years ago;
3) has knowledge and skills, including geological knowledge of hydrogeological work for which the licence is applied for;
4) is familiar with the requirements of legislation pertaining to hydrogeological work for the field in which he or she operates;
5) had his or her previous hydrogeological work in the field regarding which the activity licence is applied for, in compliance with the requirements deriving from legislation and the objective of work.

(2) In addition to the provisions of subsection 1 of this section, the activity licence is granted:
1) for hydrogeological investigations and hydrogeological mapping to an undertaking, if the physical person acting for the undertaking under a contract has completed higher education in the field of geology;
2) for designing drilled wells and boreholes, or drilled wells and boreholes for heat systems, to an undertaking, if the physical person acting for the undertaking under a contract has completed higher education in the field of geology or environmental technology;
3) for designing or remodelling drilled wells and boreholes, or drilled wells and boreholes for heat systems, to an undertaking that has in its possession a drilling machine or a bank guarantee for financing an investment for acquiring a drilling machine in order to construct drilled wells and boreholes.

(3) A person who has acquired foreign professional qualifications may act as a person performing hydrogeological work if his or her professional qualifications have been recognised in accordance with the Recognition of Foreign Professional Qualifications Act. The Ministry of Climate is the competent authority provided for in subsection 2 of § 7 of the Recognition of Foreign Professional Qualifications Act.

§ 210. Secondary conditions for activity licence for hydrogeological work

The following secondary conditions may be added to an activity licence for hydrogeological work:
1) specification of the authorised hydrogeological work, with the purpose of ensuring competent performance of hydrogeological work depending on the field of higher education completed by the applicant, and the experience, skills and knowledge of the applicant in the field of hydrogeological work;
2) upon construction or remodelling of bore wells and boreholes, an authorisation to drill only into a certain aquifer, or to drill only boreholes with certain marginal efficiency, with the purpose of ensuring compliance with the requirements for the protection of groundwater, depending on the drilling machine and the technology of drilling used by the applicant for the activity licence.

§ 211. Application for activity licence for hydrogeological work

In addition to the information set out in clauses 1–5 of subsection 2 of § 19 of the General Part of the Economic Activities Code Act, the following information shall be submitted in order to obtain an activity licence for hydrogeological work:
1) the name, personal identification code, official title, and contact details of the employee of the legal person who performs hydrogeological work, and the specification of the hydrogeological work;
2) the specification of the hydrogeological work regarding which the activity licence is applied for;
3) a written certificate regarding at least two years of experience in performing hydrogeological work, and at least three examples of work performed;
4) a diploma certifying higher education in the field of geology if the activity licence is applied for regarding hydrogeological investigations or hydrogeological mapping;
5) a diploma certifying higher education in the field of geology or environmental technology if the activity licence is applied for regarding designing of drilled wells and boreholes, or designing of drilled wells and bore holes for heat systems;
6) a copy of the technical passport of the drilling machine to be used and a description of the drilling technologies to be used if the activity licence is applied for regarding drilling or remodelling of drilled wells and boreholes, or drilling or remodelling of drilled wells and boreholes for heat systems.

§ 212. Deciding on application for activity licence for hydrogeological work

(1) The Ministry of Climate shall decide on an application for an activity licence for hydrogeological works.

(2) If the Ministry of Climate does not decide on an application within the time limit or within an extended time limit provided for in the General Part of the Economic Activities Code Act, the activity licence shall not be deemed to be granted to the undertaking by default upon expiry of the time limit.

§ 213. Specifications of revocation of activity licence for hydrogeological work

In addition to the cases provided for in § 37 of the General Part of the Economic Activities Code Act, the issuing authority of the activity licence shall revoke the licence in case the holder of the licence has violated the requirements for the protection of groundwater that has led to depletion or contamination of groundwater or an environmental threat, or has caused damage to a drilled well or borehole or a risk thereof by his or her activities.

Chapter 8
ENCUMBERING PUBLIC WATER BODIES WITH CONSTRUCTION WORKS

Subchapter 1
General Provisions

§ 214. General requirements for encumbering public water bodies with construction works

(1) Encumbering the bottom of a public water body with construction works that do not form a part of an immovable property on shore is permitted only in the cases, under the conditions and pursuant to the procedure provided by law.

(2) The owner of an immovable property on shore that is adjacent to a public water body has the right to encumber the public water body with construction works that cross-bordering the immovable property are permanently connected to the shore and rest on the bottom of the public water body under the conditions and pursuant to the procedure provided by law.

Subchapter 2
Fee for encumbering public water bodies with construction works that are permanently connected to shore

§ 215. Fee for encumbering public water bodies with construction works that are permanently connected to shore

(1) When encumbering a public water body with construction works that are permanently connected to the shore if the encumbrance leads to an alteration of the shoreline and an enlargement of the immovable property on shore, the owner of the immovable property on

shore shall pay a one-off fee to the state in the amount of 1/2 of the taxable value of the increased part of the land. The taxable value of the increased part of the land shall be calculated on the basis of the taxable value of the immovable property on shore.

(2) When encumbering a public water body with construction works or with a part thereof that is permanently connected to the shore if the encumbrance does not lead to an alteration of the shoreline or an enlargement of the immovable property on shore, the owner of the immovable property on shore shall pay an annual user fee for the ground projection area under the construction works or a part thereof, the size of which is 4% of the estimated taxable value of the part of the public water body encumbered with the construction works or a part thereof. The calculation of the estimated taxable value shall follow the conditions of and procedure for calculating the taxable value of immovable properties located on shore.

(3) The fee provided for in subsections 1 and 2 of this section shall not be charged for building the following construction works:
1) temporary construction works;

2) construction works occupying a ground projection area of up to 60 m^2;
3) landing stages in small-craft harbours for the purposes of the Ports Act.

(4) If a public water body is encumbered with construction works that are permanently connected to the shore and one part whereof leads to an alteration of the shoreline and enlargement of the immovable property on shore, and the other part does not, the owner of the immovable property on shore shall pay the fee indicated in subsection 1 of this section for the part of the construction works by which the immovable property on shore was enlarged, and the fee indicated in subsection 2 of this section for the remaining part of the construction works.

(5) The tax exemption referred to in clause 2 of subsection 3 of this section covers construction works permanently connected to the shore built in a public water body within the boundaries of a single immovable property on shore, occupying a ground projection area of up to 60 m^2.

§ 216. Procedure for payment of fee for encumbering public water bodies with construction works that are permanently connected to shore

(1) The fee specified in subsection 1 of § 215 of this Act shall be paid before a use and occupancy permit in respect of the construction works is issued. The fee shall be calculated and a relevant payment notice shall be issued by the Consumer Protection and Technical Regulatory Authority (hereinafter in this Chapter *competent authority*) after the alteration of the boundaries of the immovable property is registered in the land register. The time limit for payment of the fee shall be three months.

(2) The fee specified in subsection 2 of § 215 of this Act shall be paid on the basis of a payment notice issued by the competent authority not later than by 1 July of the current calendar year. The first payment of the fee shall be made not later than by 1 July of the year following the receipt of the use and occupancy permit.

(3) The fee specified in subsection 2 of § 215 of this Act shall be calculated as of the day following the date of issue of the use and occupancy permit in respect of the construction works.

(4) The payment notice issued in respect of the fees indicated in subsections 1 and 2 of § 215 of this Act shall specify:
1) the given name, surname and position of the official preparing the payment notice;
2) the date of preparing the payment notice;
3) the name and address of the payer;
4) the amount of the fee;
5) the legal and factual grounds for issuing the payment notice, including bases for calculation of the payable fee;
6) the due date for payment;
7) compulsory enforcement warning in the case of failure to pay the fee on time.

(5) The payment notice specified in subsection 4 of this section is an administrative act for the performance of a financial obligation in public law under clause 21 of subsection 1 of § 2 of the Code of Enforcement Procedure.

(6) The fees specified in subsections 1 and 2 of § 215 of this Act shall accrue to the state budget.

Subchapter 3
Encumbering Public Water Bodies with Construction Works that are Not Permanently Connected to Shore

[Repealed – RT I, 27.04.2022, 1 - entry into force 07.05.2022]

§ 217. Superficies licence

[Repealed – RT I, 27.04.2022, 1 – entry into force 07.05.2022]

§ 218. Applying for superficies licence

[Repealed – RT I, 27.04.2022, 1 – entry into force 07.05.2022]

§ 219. Commencement of procedure of superficies licence

[Repealed – RT I, 27.04.2022, 1 – entry into force 07.05.2022]

§ 220. Commencement of procedure for issue of superficies licence by way of competition

[Repealed – RT I, 27.04.2022, 1 – entry into force 07.05.2022]

§ 221. Refusal to commence procedure for issue of superficies licence

[Repealed – RT I, 27.04.2022, 1 – entry into force 07.05.2022]

§ 222. Issue of superficies licence

[Repealed – RT I, 27.04.2022, 1 – entry into force 07.05.2022]

§ 223. Refusal to issue superficies licence

[Repealed – RT I, 27.04.2022, 1 – entry into force 07.05.2022]

§ 224. Term of superficies licence

[Repealed – RT I, 27.04.2022, 1 – entry into force 07.05.2022]

§ 225. Amendment of conditions of superficies licence

[Repealed – RT I, 27.04.2022, 1 – entry into force 07.05.2022]

§ 226. Transfer of superficies licence to universal successor

[Repealed – RT I, 27.04.2022, 1 – entry into force 07.05.2022]

§ 227. Revocation of superficies licence

[Repealed – RT I, 27.04.2022, 1 – entry into force 07.05.2022]

§ 228. Replacing superficies licence with right of superficies

[Repealed – RT I, 27.04.2022, 1 – entry into force 07.05.2022]

§ 229. Removal of construction works from water body upon expiry of superficies licence

[Repealed – RT I, 27.04.2022, 1 – entry into force 07.05.2022]

Subchapter 4
Superficies Charge

[Repealed – RT I, 27.04.2022, 1 - entry into force 07.05.2022]

§ 230. Superficies charge

[Repealed – RT I, 27.04.2022, 1 – entry into force 07.05.2022]

§ 231. Procedure for payment of superficies charge

[Repealed – RT I, 27.04.2022, 1 – entry into force 07.05.2022]

Chapter 9
CONTRIBUTIONS TO INTERNATIONAL HAZARDOUS AND NOXIOUS SUBSTANCES FUND

§ 232. International Hazardous and Noxious Substances Fund

The International Hazardous and Noxious Substances Fund has been established under the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea, 1996, and the 2010 protocol to the Convention (hereinafter the *Hazardous and Noxious Substances by Sea Convention*).

§ 233. Submission of data on contributing cargo

(1) Contributing cargo means hazardous and noxious substances carried by sea within the meaning of Article 1 paragraph 10 of the Hazardous and Noxious Substances by Sea Convention.

(2) The receiver of contributing cargo means the person who has actually received contributing cargo after it has been carried by sea, as a terminal operator, operator of a storage tank located at the port or terminal, or the keeper of a warehouse located there.

(3) The receiver of contributing cargo shall submit the following data to the Environmental Board by 1 February each year:
1) name, registry code and address;
2) quantity of contributing cargo received during the previous calendar year.

(4) The data specified in subsection 3 of this section may be submitted via the Electronic Maritime Information System in accordance with the procedure established pursuant to subsection 6 of this section.

(5) The receiver of contributing cargo shall enable a supervisory official to inspect the accuracy of the data specified in subsection 3 of this section and provide full support to the supervisory official in such inspection.

(6) The procedure for submission of the data specified in subsection 3 of this section and the format for the report shall be established by a regulation of the minister in charge of the policy sector.

§ 234. Receipt of contributing cargo

(1) Contributing cargo shall be deemed received upon performance of the obligation specified in subsection 3 of § 233 of this Act if:
1) it has been received in a port or terminal installation immediately after it was carried by sea from another state, and by cabotage off the coast by a ship or from offshore terminals, floating storage units, boreholes in the high seas, or in any other such manner;
2) it has been received after it was shipped from a non-Contracting State to the Protocol of 2003 (hereinafter the *Supplementary Protocol*) to International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1992 (hereinafter the *1992 Fund Convention*), in whose port or terminal installation the contributing cargo was received after it had been carried by sea;
3) it was discharged into a floating storage unit in the marine area irrespective of whether the unit is or is not linked to shore-based facilities via a pipeline;
4) it was transferred from one ship to another that has carried such cargo to a shore-based facility.

(2) Transport of contributing cargo within the boundaries of the same port area is not deemed to be carriage by sea within the meaning of clause 1 of subsection 1 of this section.

(3) Contributing cargo shall not be deemed received upon performance of the obligation specified in subsection 3 of § 233 of this Act if it has been transferred from one ship to another and such transfer:
1) takes place in a port area or in the marine area, except in the case set out in clause 4 of subsection 1 of this section;
2) takes place only by using the equipment of the ships or via a land pipeline;
3) takes place between two seagoing vessels or between a seagoing vessel and a vessel used in inland waterways.

(4) A ship which is not suitable for marine navigation or which is permanently or semi-permanently anchored is also deemed to be a floating storage unit specified in clause 3 of subsection 1 of this section.

(5) In the case set out in clause 4 of subsection 1 of this section, if contributing cargo is transferred to a storage unit before loading onto another ship, such contributing cargo shall be deemed as received.

§ 235. Making contributions to International Hazardous and Noxious Substances Fund

The receiver of contributing cargo shall make contributions to the International Hazardous and Noxious Substances Fund by the date and in the amount set out in an invoice sent by the Fund, calculated on the basis of the units of contributing cargo received during the preceding calendar year, if the receiver has received during the calendar year:
1) over 150 000 tons of contributing oil as defined in Article 1 paragraph 3 of the 1992 Fund Convention and Article 1 paragraph 7 of the Supplementary Protocol, or over 20 000 tons of products specified in the list of oils set out in Appendix I to Annex I to MARPOL;
2) over 20 000 tons of gas generated by refining;
3) any amount of natural gas;
4) over 20 000 tons of any other contributing cargo.

Chapter 10
WATER INVESTIGATION AND DRINKING WATER INVESTIGATION

§ 236. Taking and analysing samples

(1) When taking samples for water investigation, the sampling methods established on the basis of subsection 7 of this section shall be used.

(2) For the purposes of this Act, water investigation means taking a sample from water, aquatic biota, bottom sediment of a water body, soil and sewage sludge and oil products and other pollutants and analysis of the sample for the purpose of assessing the water status, identifying contamination and checking an application for a water permit and appendices thereto for the purpose of exercising control monitoring over a holder of a water permit, calculating environmental charges and self-monitoring required under a water permit.

(3) Samples taken for water investigation and drinking water investigation shall be analysed by testing laboratories.

(4) Drinking water investigation means taking and analysing of water samples to ascertain the health safety of drinking water.

(5) The quality of the analyses made in the course of water investigations shall comply with the requirements established under subsection 7 of this section.

(6) If water investigations include observation of aquatic biota, exploratory catch for the assessment of the ecological status of a body of water or functioning of fish pass, or observation of the hydromorphological properties of a water body, the requirements concerning the taking of samples and analysing as provided for in this section and in § 237 of this Act shall not apply to these activities. In such cases standardised methods and methodologies, or in their absence, methods and methodologies which are generally recognised in the given field shall be used.

(7) The quality standards for the analyses made in the course of investigation of the physical-chemical and chemical parameters of water and the sampling methods and analysis reference methods for water investigations of groundwater, surface water, seawater, treated effluent, wastewater and sewage sludge (hereinafter also *field of water investigation*) shall be established by a regulation of the minister in charge of the policy sector.
[RT I, 21.09.2021, 3 – entry into force 01.10.2021]

§ 237. Requirements for testing laboratories

(1) Testing laboratories that take samples during water investigations, shall be accredited for taking samples and analysing indicators in the field of water investigation specified in subsection 7 of § 236 in accordance with Regulation (EC) No 765/2008 of the European Parliament and of the Council setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93 (OJ L 218, 13.08.2008, p. 30–47).

(2) Testing laboratories that take samples during water investigations and conduct physical-chemical and chemical analyses of water, must comply with the requirements for testing laboratories established on the basis of subsection 4 of this section and participate in the comparative tests of testing laboratories in the relevant field of water investigation at least once a year.

(3) A testing laboratory participating in the comparative tests shall:
1) adhere to the methods for taking samples established pursuant to subsection 7 of § 236 of this Act while transporting the samples;
2) handle comparative samples as if they were ordinary samples;
3) not transfer a sample for partial or full analysis to another testing laboratory by way of subcontracting during a comparative test.

(4) The requirements for testing laboratories conducting investigation of physical-chemical and chemical parameters of water and for ensuring the quality of their activities shall be established by a regulation of the minister in charge of the policy sector.

§ 238. Organisation of comparative tests

(1) A comparative test of testing laboratories is the conduct of comparative analyses of samples of groundwater, surface water, seawater, treated effluent, wastewater and sewage sludge and assessment of the analysis results with the participation of several

testing laboratories for the purpose of evaluating the competence of a testing laboratory and certifying the correctness of the results.

(2) Comparative tests of testing laboratories shall be organised by reference laboratories.

(3) A reference laboratory shall be selected in every field of water investigation by a tendering procedure in accordance with the Public Procurement Act.

(4) A reference laboratory shall plan comparative tests once or twice a year.

§ 239. Requirements for reference laboratory

(1) A testing laboratory applying for the right to operate as a reference laboratory shall comply with the requirements of the EVS-EN ISO/IEC 17043 standard or another similar internationally recognised methodology and be accredited in the field of water investigation in which the status of a reference laboratory is applied for.

(2) A reference laboratory shall, in the field of water investigation in which it has obtained the right to operate as a reference laboratory:
1) perform successfully international comparative tests of laboratories that have been organised in accordance with the requirements of the EVS-EN ISO/IEC 17043 standard or another similar internationally recognised methodology;
2) provide testing laboratories with methodological guidance;
3) assess the compliance of the analysis methods used by the testing laboratories with the analysis reference methods established pursuant to subsection 7 of § 236 of this Act;
[RT I, 21.09.2021, 3 – entry into force 01.10.2021]
4) perform comparative tests of testing laboratories and assess their results;
5) provide in-service training.

(3) A reference laboratory shall perform the functions specified in subsection 2 of this section on the basis of orders submitted by the Ministry of Climate.

§ 240. Assessment of results of comparative tests

(1) The results of a testing laboratory participating in a comparative test shall be assessed pursuant to the EVS-EN ISO/IEC 17043 standard or another similar internationally recognised methodology.

(2) Deviating results of the testing laboratories that participate in a comparative test shall be ascertained pursuant to the methods set out in the EVS-EN ISO/IEC 17043 standard or other similar internationally recognised methods.

(3) A reference laboratory shall send the results of a comparative test to the testing laboratories that participated in the comparative test in the form of a final report within one month after the lapse of the deadline for presentation of the results determined by the reference laboratory.

(4) If a testing laboratory that participated in a comparative test discovers an error in the final report, it may request rectification of the results within two weeks after receipt of the final report. If the request is justified, the results shall be rectified, and an amended final assessment shall be sent to all the testing laboratories that participated in the comparative test, within two weeks after the deadline for submission of the request for rectification.

(5) The reference laboratory shall maintain the documents related to the organisation of a comparative test for at least ten years.

§ 241. Costs of water investigation

A water investigation which is necessitated by the contamination of water or soil shall be financed by the polluter. Where it is not possible to identify the polluter, the investigation of the concentration of pollutants in water, soil or sewage sludge shall be financed from the state budget.

§ 242. Prohibition to hinder water investigation and environmental monitoring

(1) The owner or possessor of land, means of transport or construction works shall not hinder access to a sampling point for carrying out water investigation or environmental monitoring, or hinder taking of samples from a water body, soil, groundwater, means of transport or construction works, except in the case specified in subsection 2 of this section.

(2) Where it is necessary to construct a borehole to take water samples, it can be constructed only with the consent of the owner of land.

§ 243. Requirements for persons responsible for sampling

(1) If samples are taken during a water investigation or drinking water investigation, the person responsible for sampling must be evaluated in the relevant field of sampling in accordance with the procedure established pursuant to subsection 5 of this section, and use measuring and sampling equipment which is appropriate to the objective of the water investigation or drinking water investigation and adhere to relevant measurement methodology.

(2) While sampling in a field where persons responsible for sampling are not evaluated, the person responsible for sampling shall adhere to the method recognised in the relevant field of sampling, and ensure that the traceability of the obtained results is certified.

(3) The evaluation of a person responsible for sampling means the assessment of the technical knowledge and experience of that person in compliance with the evaluation procedure established pursuant to subsection 5 of this section.

(4) The evaluation of persons responsible for sampling shall be organised by the Ministry of Climate in liaison with the Health Board. Persons responsible for sampling shall be evaluated every seven years.

(5) The fields of sampling subject to evaluation shall be determined and the requirements for persons responsible for sampling, their study programme, the evaluation procedure, the format of evaluation certificates and the rules of procedure of the evaluation committee shall be established by a regulation of the minister in charge of the policy sector.

(6) A person who has acquired foreign professional qualifications may act as a person responsible for sampling if his or her professional qualifications have been recognised in accordance with the Recognition of Foreign Professional Qualifications Act. The

Ministry of Climate is the competent authority provided for in subsection 2 of § 7 of the Recognition of Foreign Professional Qualifications Act.

(7) If the validity of an evaluation certificate lapses during an emergency situation or within 90 days after the end of the emergency situation, the holder of the certificate will be entitled to continue taking samples for water and drinking water investigation in the areas specified in the evaluation certificate, considering the requirements established by this Act and on the basis of this Act, until obtaining a new evaluation certificate, but no longer than for 180 days after the end of the emergency situation.
[RT I, 06.05.2020, 1 – entry into force 07.05.2020]

Chapter 11
MARINE SCIENTIFIC RESEARCH PERMIT

§ 244. Marine scientific research and applying for marine scientific research permit

(1) For the purposes of this Act, marine scientific research (hereinafter in this Chapter *research*) means scientific research of living and non-living natural resources carried out in the territorial sea or exclusive economic zone of the Republic of Estonia in order to increase scientific knowledge of the marine environment within the meaning of Part XIII of the United Nations Convention on the Law of the Sea.

(2) A foreign state, a foreign national or legal person or an international organisation desiring to carry out scientific research or order conduct of scientific research in the marine area of Estonia, shall submit an application for a marine scientific research permit (hereinafter *research permit*) to the Ministry of Climate. If necessary, the application for a research permit may be submitted to the Ministry of Climate through the Ministry of Foreign Affairs.

(3) An application for a research permit shall be submitted six months before the expected start of the research activity, and it shall include the following data:
1) objective of the research;
2) research methods and tools to be used, including the names, total tonnage, types and classes of vessels, and description of the scientific equipment and technology;
3) precise geographical area where the research is to be carried out and the route with coordinates;
4) the expected date of the first entry and final departure of the research vessel, or dates of installation of the equipment and its removal, as appropriate;
5) the name and contact details of the applicant organisation, institution or person, and the responsible person of the project;
6) participation of the representatives of Estonia in the project.

§ 245. Procedure for issuing research permit

(1) Research permits will be issued by the Ministry of Climate (hereinafter the issuer of research permit) that shall refer an application for a research permit for approval to the appropriate administrative authority, as necessary.

(2) For the purpose of approval of a research permit, the appropriate administrative authority shall evaluate the application for the research permit within its area of competence and, as necessary, shall make proposals regarding the requirements for and conditions of the research permit.

(3) The issuer of the research permit shall evaluate the compliance of the research with the requirements provided for in subsection 3 of § 244 of this Act, and shall determine, as necessary, additional conditions to achieve compliance, and shall approve the participation of the representatives of Estonia in the project.

(4) A research permit may include a permission to use shore areas necessary for the maintenance and operation of research equipment, and determination of an up to 500 m wide safety zone necessary for the use of research equipment and installations, the extent whereof shall be proposed by the Estonian Transport Administration. Said research equipment and installations shall bear identification markings indicating the state of registry or the international organization to which they belong and shall have adequate internationally agreed warning signals to ensure safety at sea, taking into account the rules and standards established by competent international organizations.
[RT I, 10.12.2020, 1 – entry into force 01.01.2021]

(5) The issuer of the research permit shall make a decision on the issue of or refusal to issue a research permit within four months of receipt of a proper application.

§ 246. Refusal to issue research permit

(1) The issuer of the research permit shall refuse to issue a research permit if:
1) the research may affect the defence interests or security interests of the state;
2) the research may harm the cultural heritage;
3) the appropriate administrative authority does not approve the application for the research permit.

(2) The issuer of the research permit may refuse to issue a research permit if the research:
1) involves drilling into the continental shelf, use of explosives or introduction of pollutants into the marine environment;
2) may present a risk to the aquatic biota, or research or use of living and non-living natural resources;
3) may hinder marine traffic;
4) involves the construction, operation or use of artificial islands, installations and structures;
5) contains inaccurate information on the objective of the project or if the organiser of the scientific research has outstanding obligations to the Estonian state from previous times;
6) may harm an object of cultural value.

§ 247. Obligations of research permit holder

The research permit holder shall adhere to the conditions of the research permit, including:
1) use the best available technique and meet the requirements of the best environmental practice while carrying out the research;
2) ensure the right of the representatives of Estonia to participate or be represented in the scientific research cruise, primarily to be

present onboard a research vessel and other craft or scientific research installations, when practicable, and enable the representatives of Estonia to participate in the research free of charge;
3) provide the issuer of the research permit with preliminary reports, as soon as possible, and with the final results and conclusions after the completion of the research project;
4) provide access for the issuer of the research permit to all basic data and samples of the research, transmit processable data and samples which may be divided without detriment to their scientific value;
5) where necessary, provide explanations regarding the submitted data;
6) inform the issuer of the research permit immediately of any substantial changes in the research project;
7) unless otherwise agreed, remove the scientific research installations and equipment once the research project is completed.

§ 248. Amendment of research permit

(1) At the request of the research permit holder, the issuer of the research permit may amend the conditions of the research permit if the basic data of the research permit application have changed or if the research can be carried out in a more efficient way on other conditions than those set out in the research permit.

(2) The issuer of the research permit may refuse to amend the conditions or data of a research permit if grounds for refusal to issue the research permit exist.

(3) The issuer of the research permit may amend the conditions of a research permit at its own initiative if grounds for revocation of the research permit exist.

§ 249. Revocation of research permit

(1) The issuer of the research permit shall revoke a research permit if the research is not in compliance with the application under which the permit was issued.

(2) The issuer of the research permit may revoke a research permit if:
1) the holder of the research permit does not comply with the obligations specified in § 247 of this Act or the international obligations related to the research;
2) it is not possible to amend the research permit;
3) the holder of the research permit does not comply with environmental protection standards;
4) the holder of the research permit has consciously submitted false information which affected the decision on the issue of the research permit.

Chapter 12
STATE SUPERVISION

§ 250. Competence to exercise state supervision

(1) State supervision over compliance with the requirements of this Act and the legislation established pursuant to this Act shall be exercised by the Health Board, the Agriculture and Food Board, the Environmental Board and local authorities.
[RT I, 10.07.2020, 2 – entry into force 01.01.2021]

(2) The Environmental Board shall exercise state supervision over compliance with the environmental requirements provided for in this Act and established pursuant to this Act, and with the requirements for the maintenance and use of water craft established for public water bodies and publicly used internal water bodies, taking account of the specifications provided for in this Chapter.

(3) The Health Board exercises state supervision over compliance with the requirements for drinking water, natural mineral water and bathing water and bathing areas, established in and on the basis of Chapter 3 of this Act.
[RT I, 07.02.2023, 1 – entry into force 17.02.2023]

(4) The Agriculture and Food Board shall exercise state supervision over the health safety of water in accordance with the Food Act.
[RT I, 01.07.2020, 1 – entry into force 01.01.2021]

(5) In addition to the Environmental Board, also a local authority may exercise state supervision over compliance with the requirements established pursuant to subsection 7 of § 104 of this Act.

(6) [Repealed – RT I, 10.07.2020, 2 – entry into force 01.01.2021]

(7) [Repealed – RT I, 10.07.2020, 2 – entry into force 01.01.2021]

§ 251. Special measures of state supervision

A law enforcement authority may, for the purpose of exercising the state supervision provided for in this Act, take special measures of state supervision provided for in §§ 30, 31, 32, 45, 49, 50 and 51 of the Law Enforcement Act on the grounds and in accordance with the procedure provided for in the Law Enforcement Act.

§ 252. Specifications concerning state supervision

(1) The Environmental Board may enter into an immovable which is marked without the presence of the possessor or other entitled person if:
1) it is necessary for identification of or response to a significant hazard and the involvement of said persons would cause delay which would compromise the achievement of the objective of a measure;
2) entry into the immovable is the only possible way to reach another immovable or water body.

(2) The Environmental Board is not required to inform the possessor afterwards about the entry of the immovable on the grounds specified in clause 2 of subsection 1 of this section, if no acts related to supervision proceedings or offence proceedings were performed in the immovable after the entry.

(3) For the purpose of exercising supervision, a law enforcement authority may, using a vehicle, including an off-road vehicle or a water craft, enter and move around in a land or water area even if legislation prohibits or restricts entry into and movement in such area for environmental protection purposes.

§ 253. Use of direct coercion

The Environmental Board is authorised to use physical force on the basis of and pursuant to the procedure provided for in the Law Enforcement Act.

§ 254. Rate of non-compliance levy

Upon failure to comply with an enforcement order, the upper limit of non-compliance levy pursuant to the procedure provided for in the Substitutional Performance and Non-Compliance Levies Act is 32,000 euros.

Chapter 13
LIABILITY

§ 255. Water depletion, discharge of treated effluent onto frozen or snow-covered soil and pollution of ice cover

(1) The penalty for water depletion, discharge of treated effluent onto frozen or snow-covered soil and pollution of ice cover is a fine of up to 200 fine units.

(2) The penalty for the same act, if committed by a legal person, is a fine of up to 200,000 euros.

§ 256. Causing substantial erosion of soil, landslide or waterlogging

(1) The penalty for causing substantial erosion of soil, landslide or waterlogging which prevents purposeful use of land is a fine of up to 200 fine units.

(2) The penalty for the same act, if committed by a legal person, is a fine of up to 200,000 euros.

§ 257. Unauthorised use of water and water body and violation of requirements of water permit

(1) The penalty for unauthorised use of water or a water body, or violation of requirements of a water permit is a fine of up to 300 fine units.

(2) The penalty for the same act, if committed by a legal person, is a fine of up to 400,000 euros.

§ 258. Engaging in activities involving risk to aquatic environment without registration and violating requirements of registration
[RT I, 17.03.2023, 3 – entry into force 01.04.2023]

(1) The penalty for engaging in an activity involving a risk to the aquatic environment without registration or for violating the requirements of the registration is a fine of up to 100 fine units.
[RT I, 17.03.2023, 3 – entry into force 01.04.2023]

(2) The penalty for the same act, if committed by a legal person, is a fine of up to 100,000 euros.

§ 259. Violation of prohibition to pollute water bodies, groundwater and soil, and of requirements established to limit pollution

(1) The penalty for violation of the prohibition to pollute water bodies, groundwater and soil, and of requirements established to limit pollution is a fine of up to 300 fine units.

(2) The penalty for the same act, if committed by a legal person, is a fine of up to 400,000 euros.

§ 260. Violation of restrictions on activities in water protection zone, sanitary protection zone, catchment area and feeding zone of drinking water intake, maintenance area and nitrate vulnerable zone

[RT I, 07.02.2023, 1 – entry into force 17.02.2023]

(1) The penalty for violation of restrictions on activities in water protection zone, sanitary protection zone, catchment area and feeding zone of drinking water intake, maintenance area, or nitrate vulnerable zone is a fine of up to 300 fine units.

(2) The penalty for the same act, if committed by a legal person, is a fine of up to 300,000 euros.
[RT I, 07.02.2023, 1 – entry into force 17.02.2023]

§ 261. Violation of water protection requirements for sewerage facilities and storage facilities for oil products, shale oil, shale oil products or biofuel

(1) The penalty for violation of water protection requirements for sewerage facilities, or storage facilities for oil products, shale oil, shale oil products or biofuel is a fine of up to 300 fine units.

(2) The penalty for the same act, if committed by a legal person, is a fine of up to 300,000 euros.

§ 262. Violation of environmental requirements for agricultural activities

(1) The penalty for violation of environmental requirements for agricultural activities is a fine of up to 200 fine units.

(2) The penalty for the same act, if committed by a legal person, is a fine of up to 200,000 euros.

§ 263. Engaging in hydrogeological work without activity licence

(1) The penalty for engaging in hydrogeological work without an activity licence is a fine of up to 200 fine units.

(2) The penalty for the same act, if committed by a legal person, is a fine of up to 200,000 euros.

§ 264. Violation of requirements for water traffic

(1) The penalty for violation of the requirements for water traffic is a fine of up to 100 fine units.

(2) The penalty for the same act, if committed by a legal person, is a fine of up to 100,000 euros.

§ 265. Failure to notify of activities and situation compromising environmental status of marine area

(1) The penalty for violation of the obligation to notify of an activity or a situation compromising the environmental status of the marine area is a fine of up to 100 fine units.

(2) The penalty for the same act, if committed by a legal person, is a fine of up to 100,000 euros.

§ 266. Violation of requirements for dumping and dredging of water bodies

(1) The penalty for violation of the requirements for dumping or dredging of water bodies is a fine of up to 200 fine units.

(2) The penalty for the same act, if committed by a legal person, is a fine of up to 200,000 euros.

§ 267. Violation of prohibition to discharge pollutants from ships into sea and to store carbon dioxide in marine areas

(1) The penalty for violation of the prohibition to discharge pollutants from ships into sea or to store carbon dioxide in marine areas is a fine of up to 300 fine units.

(2) The penalty for the same act, if committed by a legal person, is a fine of up to 350,000 euros.

§ 268. Violation of requirements for discharge of ballast water into the environment

(1) The penalty for violation of the requirements for discharge of ballast water into the environment is a fine of up to 300 fine units.

(2) The penalty for the same act, if committed by a legal person, is a fine of up to 350,000 euros.

§ 269. Failure to submit data on contributing cargo

(1) The penalty for failure to submit the data specified in subsection 3 of § 233 of this Act to the Environmental Board is a fine of up to 300 fine units.

(2) The penalty for the same act, if committed by a legal person, is a fine of up to 350,000 euros.

§ 270. Failure to make contributions to International Hazardous and Noxious Substances Fund

(1) The penalty for failure to make contributions to the International Hazardous and Noxious Substances Fund is a fine of up to 300 fine units.

(2) The penalty for the same act, if committed by a legal person, is a fine of up to 350,000 euros.

§ 271. Discharge of treated effluent into soil in agglomeration with load of 2000 population equivalents or more

(1) The penalty for discharge of treated effluent into soil in an agglomeration with a load of 2000 population equivalents or more is a fine of up to 100 fine units.

(2) The penalty for the same act, if committed by a legal person, is a fine of up to 100,000 euros.

§ 272. Violation of requirements for collection, treatment, on-site treatment and transport of wastewater

(1) The penalty for violation of the requirements for the collection, treatment, on-site treatment and transport of wastewater is a fine of up to 100 fine units.

(2) The penalty for the same act, if committed by a legal person, is a fine of up to 100,000 euros.

§ 273. Violation of requirements for drinking water quality standards and inspection requirements, and requirements for mineral water and bathing water

(1) The penalty for violation of the requirements for drinking water quality standards and inspection requirements, or the requirements for mineral water or bathing water is a fine of up to 300 fine units.

(2) The penalty for the same act, if committed by a legal person, is a fine of up to 400,000 euros.

§ 274. Proceedings

(1) The body conducting extra-judicial proceedings of the misdemeanours specified in §§ 255–272 of this Act is the Environmental Board.

(2) The body conducting extra-judicial proceedings of the misdemeanours related to a sanitary protection zone and maintenance zone as specified in § 260 of this Act, and misdemeanours related to sewerage facilities as specified in § 261 of these Act as well as the misdemeanours specified in §§ 256, 264, 271 and 272 of this Act may, in addition to the Environmental Board, also be a rural municipal government or city government.

(3) The body conducting extra-judicial proceedings of the misdemeanours specified in § 273 of this Act is the Health Board.

Chapter 14
IMPLEMENTING PROVISIONS

Subchapter 1
Implementation and Ex-post Evaluation of Act

[RT I, 07.02.2023, 1 - entry into force 17.02.2023]

§ 275. Achievement of water protection objectives and updating of river basin management plan

(1) The objectives provided for in subsections 1 and 4 of § 32, and subsection 1 and 3 of § 34 of this Act shall be achieved by 22 December 2021, except in case of the exceptions provided for in this Act.

(2) The good environmental status of the marine area shall be maintained or achieved by 2020, except in case of the exceptions provided for in this Act.

(3) The river basin management plan shall be reviewed and updated by 22 December 2021.

§ 276. Updating of flood risk assessment report, flood hazard maps and flood risk maps and flood risk management plan

(1) Flood hazard maps and flood risk maps shall be reviewed and updated by 22 December 2019, as necessary.

(2) The flood risk management plan shall be reviewed and updated by 22 December 2021, as necessary.

§ 277. Determination of extent of sanitary protection zone and maintenance zone of drilled wells and boreholes

(1) As to the drilled wells and boreholes constructed before the entry into force of this Act, the extent of the sanitary protection zone and maintenance zone determined in legislation which was in force at the time of construction of drilled wells and boreholes shall continue to apply.

(2) If a groundwater intake is marked as a sanitary protection zone in the relevant register, but the groundwater intake corresponds to the provisions of clauses 1–3 of subsection 1 of § 154 of this Act, the Environment Agency makes a decision on turning the sanitary protection zone into a maintenance zone by taking a measure or by an administrative act.
[RT I, 17.03.2023, 3 – entry into force 01.04.2023]

(3) In order to reduce the extent of a sanitary protection zone, subject to the provisions of clauses 1 and 2 of subsection 1 and clause 1 of subsection 2 of § 149 of this Act, an application shall be submitted to the Environmental Board that shall make the decision on reduction of the extent of the sanitary protection zone.
[RT I, 27.05.2022, 1 – entry into force 06.06.2022]

(4) In order to turn the sanitary protection zone of a groundwater intake of public water supply into a maintenance zone, or to reduce the extent thereof, the consent of the owner of the water intake is needed.

§ 278. Agricultural activities

(1) Up until 31 December 2020, manure on a field where currently no crops grow must be incorporated into the soil not later than within 48 hours after the spreading is completed.

(2) Up until 31 December 2020, in the case specified in subsection 2 of § 161 of this Act, it is permitted to spread such amounts of nitrogen with manure as is necessary for obtaining six tons of yield per hectare.

(2^1) Up until 31 December 2022, in the case specified in subsection 2 of § 161 of this Act, it is permitted to spread such amounts of nitrogen with manure as is necessary for obtaining six tons of yield per hectare.
[RT I, 21.09.2021, 3 – entry into force 01.10.2021]

(3) Up until 31 December 2022, all livestock buildings where more than ten livestock units of livestock are kept shall have storage facilities for manure or for manure and liquid manure, depending on the type of manure.

(4) Up until 31 December 2022, the manure created can be stored, temporarily before spreading or before taking it to a manure stack, in an area with a water-proof bottom and protected against storm water, next to the building where livestock is kept, if there are ten or less livestock units of livestock kept in the livestock building and solid manure or deep litter manure is created there.

(5) Up until the completion of the information system specified in subsection 3 of § 165 and subsection 4 of § 166 of this Act, the Environmental Board shall be notified of formation of manure stacks in written form.

§ 279. Obligatory activities under permit for special use of water or water permit and activities involving risk to aquatic environment, and obligatory activities under activity licence for hydrogeological work

(1) Permits for the special use of water and activity licences for hydrogeological works issued under the Water Act before entry into force of this Act shall be valid until the expiry of the term, amendment or revocation thereof.

(2) In case of permits for the special use of water issued for a specific term under the wording of the Water Act which was in force up to 31 December 2013, the term shall not be changed, except on the basis of a justified application in case of renewal of the existing permit for special use of water, until the decision on the issue of a new water permit is made.

(3) If a person has a permit for the special use of water in respect of an activity which does not require a water permit after the entry into force of this Act, but which is subject to the registration obligation, the person may submit an application to the Environmental Board for revocation of the permit for the special use of water and for registration of the activity.

(4) If a person has a permit for the special use of water in respect of an activity which does not require a water permit after the entry into force of this Act and which is not subject to the registration obligation, the person may submit an application to the Environmental Board for revocation of the permit for the special use of water within three months. In such case the Environmental Board shall revoke the permit for the special use of water retroactively as of the entry into force of this Act.

(5) If before the entry into force of this Act a permit for the special use of water has been issued to a person for the activities specified in clauses 8 and 11 of § 187 of this Act, the person may submit applications for revocation of the permit for the special use of water and registration of the activity within one month after the entry into force of this Act. In such case, upon making of the registration, the Environmental Board shall revoke the permit for the special use of water retroactively as of the entry into force of this Act.

(6) An activity involving a risk to the aquatic environment shall be registered within six months after the entry into force of this Act.

(7) If a person has no permit for the special use of water before the entry into force of this Act, but the obligation to hold a water permit arises with the entry into force of this Act, the person shall apply for the water permit within six months after the entry into force of this

Act.

(8) The processing of applications for permits for the special use of water accepted for processing before the entry into force of this Act shall continue pursuant to the procedural provisions which were in force at the time when the applications were accepted for processing.

(9) Subsection 1 of § 17 of the Water Act which was in force before the entry into force of this Act shall not apply, and this Act shall apply to the processing of applications for permits for the special use of water accepted for processing before the entry into force of this Act.

(10) In order to bring a permit for the special use of water into compliance with subsection 4 of § 125 of this Act, a person shall submit an application to the issuer of the permit. An amendment to a permit for the special use of water or a new water permit shall enter into force when the decision of the issuer of the permit is made.

§ 280. Administrative acts and administrative contracts

(1) Administrative acts on approval of groundwater resources issued before the entry into force of this Act shall be valid up until the end of the term specified in the administrative act on approval of the resource or until the revocation of the administrative act.

(2) Administrative contracts entered into on the basis of the Water Act before the entry into force of this Act shall be valid up until the end of the term, performance of an obligation or termination of the contract.

§ 281. Making contributions to International Hazardous and Noxious Substances Fund

The contributions specified in § 235 of this Act shall be made until the foundation of the International Hazardous and Noxious Substances Fund in accordance with the procedure specified in § 35^4 of the Water Act which was in force before 1 October 2019.

§ 282. Fee for encumbering public water bodies with construction works that are permanently connected to shore

[Repealed – RT I, 27.04.2022, 1 – entry into force 07.05.2022]

(1) Subchapter 2 of Chapter 8 of this Act shall not apply to the following construction works that have been constructed in public water bodies and are permanently connected to shore:
1) construction works erected on legal basis within the meaning of the Law of Property Act Implementation Act;
2) construction works for which a building permit was obtained before 1 July 2009.

(2) [Repealed – RT I, 27.04.2022, 1 – entry into force 07.05.2022]

§ 283. Construction works constructed in public water bodies before 1 January 2010 that are not permanently connected to shore

(1) For construction works that were constructed in public water bodies before 1 January 2010 and are not permanently connected to shore, a superficies licence shall be applied for by 31 December 2019.

(2) An application for a superficies licence shall contain the data specified in clauses 1–4 and 6 of subsection 2 and subsection 3 of § 218 of this Act, and a location plan of the construction works shall be appended to the application. The application shall be submitted to the body processing the superficies licence. The processing of the application shall not be subject to the provisions of this Act in respect of the commencement of the procedure regarding a superficies licence, save subsection 2 of § 219 of this Act.

(3) The Consumer Protection and Technical Regulatory Authority shall inspect the compliance of the construction works with the established requirements and shall issue enforcement orders, as necessary, to the applicant for the superficies licence for elimination of deficiencies in respect of the construction works.

(4) The Consumer Protection and Technical Regulatory Authority shall refuse to issue a superficies licence on the grounds and in the case specified in § 221 of this Act and in case the applicant for the superficies licence fails to bring the construction works into compliance with the established requirements by the due date specified in the enforcement order. In case of refusal to issue a superficies licence, the provisions of clause 1 of subsection 3 of § 132 of the Building Code shall apply to the construction works.
[RT I, 21.09.2021, 3 – entry into force 01.10.2021]

§ 284. Consent for encumbering with submerged cable lines issued before 1 July 2015

(1) To replace a consent for encumbering with submerged cable lines issued before 1 July 2015 with a superficies licence, the superficies licence shall be applied for by 31 December 2019.

(2) The application for the superficies licence shall contain the data specified in clauses 1–4 and 6 of subsection 2 and subsection 3 of § 218 of this Act, and a location plan of the construction works shall be appended to the application. The processing of the application shall not be subject to the provisions of this Act in respect of the commencement of the procedure of a superficies licence.

(3) The Consumer Protection and Technical Regulatory Authority shall issue the superficies licence on the same conditions as the consent for encumbering with submerged cable lines, considering the conditions in respect of the contents of a superficies licence provided for in subsection 2 of § 222 of this Act. The superficies licence shall be issued for the term of 50 years, unless a different term is applied for by the applicant for the superficies licence.

(4) A consent for encumbering with submerged cable lines issued before 1 July 2015 with a superficies licence shall be valid until the issue of the superficies licence.

§ 284^1. Preparation of summary of compliance with quality standards for drinking water

The Health Board prepares the summary provided in subsection 3 of § 85 of this Act for the first time by 30 November 2023 at the latest.
[RT I, 07.02.2023, 1 – entry into force 17.02.2023]

§ 284[2]. Risk assessment and risk management of catchment areas and feeding zones of drinking water intakes and preparation of summary

(1) The treatment operators of drinking water carry out the risk assessment and risk management provided in subsection 1 of § 852 of this Act for the first time by 12 July 2026 at the latest.

(2) The Health Board in co-operation with the Ministry of Climate prepares the summary provided in subsection 4 of § 852 of this Act for the first time by 12 July 2027 at the latest.
[RT I, 07.02.2023, 1 – entry into force 17.02.2023]

§ 284[3]. Risk assessment and risk management of water supply systems

The treatment operators of drinking water carry out the risk assessment and risk management provided in subsection 1 of § 85[3] of this Act for the first time by 12 January 2028 at the latest.
[RT I, 07.02.2023, 1 – entry into force 17.02.2023]

§ 284[4]. Risk assessment of domestic distribution systems and preparation of summary

(1) The Health Board carries out the risk assessment provided in subsection 1 of § 85[4] of this Act for the first time by 12 January 2028 at the latest.

(2) The Health Board prepares the summary provided in subsection 7 of § 85[4] of this Act for the first time by 12 January 2029 at the latest.
[RT I, 07.02.2023, 1 – entry into force 17.02.2023]

§ 284[5]. Extent of application of requirements for materials that come into contact with drinking water

The requirements provided in subsection 1 of § 85[5] of this Act apply to the civil engineering works constructed before 12 January 2023 starting from the reconstruction of the civil engineering works.
[RT I, 07.02.2023, 1 – entry into force 17.02.2023]

§ 284[6]. Ensuring access to drinking water

(1) Local authorities prepare an overview of implementation of the provisions of subsections 1 and 3 of § 88 of this Act and submit it to the Health Board for the first time by 12 January 2028 at the latest.

(2) The Health Board prepares a consolidated version of the overviews provided in subsection 6 of § 88 of this Act for the first time by 12 January 2029 at the latest.
[RT I, 07.02.2023, 1 – entry into force 17.02.2023]

§ 284[7]. Making accessible the summaries of quality requirements for drinking water, risk assessment and risk management and ensuring of access to drinking water

The Health Board makes the summaries provided in subsection 3 of § 85, subsection 4 of § 85[2] and subsection 7 of § 85[4] and the consolidated version of the overviews provided in subsection 6 of § 88 accessible to the European Commission, the European Environment Agency and the European Centre for Disease Prevention and Control.
[RT I, 07.02.2023, 1 – entry into force 17.02.2023]

§ 284[8]. Assessment of water leakage levels and of the potential for improvements in water leakage reduction

The Health Board sends the results of the assessment specified in subsection 4 of § 195 of this Act to the European Commission by 12 January 2026 at the latest.
[RT I, 07.02.2023, 1 – entry into force 17.02.2023]

§ 284[9]. Ex-post evaluation of provisions of § 85[2]

The Ministry of Climate analyses the effect and efficiency of implementation of the measures for risk assessment and risk management of the catchment areas and feeding zones of drinking water intakes provided in § 85[2] of this Act not later than in the year 2032.
[RT I, 07.02.2023, 1 – entry into force 17.02.2023]

Subchapter 2
Amendments to Acts and Repeal of Act

§ 285. - § 303. Provisions on amendments to other Acts are omitted from the translation

§ 304. Repeal of Water Act

The Water Act (RT I 1994, 40, 655) is repealed.

Subchapter 3
Entry into Force of Act

§ 305. Entry into force of Act

(1) This Act shall enter into force on 1 October 2019.

(2) Clause 3 of § 301 and § 303 of this Act shall enter into force pursuant to the general procedure.

(3) Clauses 8, 9 and 11 of § 290 of this Act shall enter into force on 1 July 2019.

(4) Subsections 5 and 6 of § 159, subsection 3 of § 161 and clause 2 of § 294 of this Act shall enter into force on 1 January 2021.

(5) Subsections 1 and 6 of § 164 of this Act shall enter into force on 1 January 2023.

[1]Council Directive 86/278/EEC on the protection of the environment, and in particular of the soil, when sewage sludge is used in agriculture (OJ L 181, 4.7.1986, p. 6–12); Council Directive 91/271/EEC concerning urban wastewater treatment (OJ L 135, 30.5.1991, p. 40–52); Council Directive 91/676/EEC concerning the protection of waters against pollution caused by nitrates from agricultural sources (OJ L 375, 31.12.1991, p. 1–8); Council Directive 98/83/EEC on the quality of water intended for human consumption (OJ L 330, 5.12.1998, p. 32–54); Directive 2000/60/EC of the European Parliament and of the Council establishing a framework for Community action in the field of water policy (OJ L 327, 22.12.2000, p. 1–73), amended by Decision No 2455/2001/EC of the European Parliament and of the Council (OJ L 331, 15.12.2001, p. 1–5), Directive 2008/32/EC (OJ L 81, 20.3.2008, p. 60–61), Directive 2008/105/EC (OJ L 348, 24.12.2008, p. 84–97), Directive 2009/31/EC (OJ L 140, 5.6.2009, p. 114–135), Directive 2013/39/EU (OJ L 226, 24.8.2013, p. 1–17), Directive 2013/64/EU (OJ L 353, 28.12.2013, p. 8–12), and Directive 2014/101/EU (OJ L 311, 31.10.2014, p. 32–35); Directive 2003/35/EC of the European Parliament and of the Council providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending with regard to public participation and access to justice Council Directives 85/337/EEC and 96/61/EC (OJ L 156, 25.6.2003, p. 17–25); Directive 2005/35/EC of the European Parliament and of the Council on ship-source pollution and on the introduction of penalties for infringements (OJ L 255, 30.9.2005, p. 11–21), last amended by Directive 2009/123/EC (OJ L 280, 27.10.2009, p. 52–55); Directive 2006/7/EC of the European Parliament and of the Council concerning the management of bathing water quality and repealing Directive 76/160/EEC (OJ L 64, 4.3.2006, p. 37–51) Directive 2006/118/EC of the European Parliament and of the Council on the protection of groundwater against pollution and deterioration (OJ L 372, 27.12.2006, p. 19–31), amended by Directive 2014/80/EU (OJ L 182, 21.06.2014, p. 52–55); Directive 2007/60/EC of the European Parliament and of the Council on the assessment and management of flood risks (OJ L 288, 6.11.2007, p. 27–34); Directive 2008/105/EC of the European Parliament and of the Council on environmental quality standards in the field of water policy, amending and subsequently repealing Council Directives 82/176/EEC, 83/513/EEC, 84/156/EEC, 84/491/EEC, 86/280/EEC and amending Directive 2000/60/EC of the European Parliament and of the Council (OJ L 348, 24.12.2008, p. 84–97), amended by Directive 2013/39/EU (OJ L 226, 24.8.2013, p. 1–17); Directive 2008/56/EC of the European Parliament and of the Council establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive) (OJ L 164, 25.6.2008, p. 19–40), amended by Directive (EU) 2017/845 (OJ L 125, 18.5.2017, p. 27–33); Commission Directive 2009/90/EC laying down, pursuant to Directive 2000/60/EC of the European Parliament and of the Council, technical specifications for chemical analysis and monitoring water status (OJ L 201, 1.8.2009, p. 36–38); Directive 2009/31/EC of the European Parliament and of the Council on the geological storage of carbon dioxide and amending Council Directive 85/337/EEC, European Parliament and Council Directives 2000/60/EC, 2001/80/EC, 2004/35/EC, 2006/12/EC, 2008/1/EC and Regulation (EC) No 1013/2006 (OJ L 140, 5.6.2009, p. 114–135); Directive 2009/54/EC of the European Parliament and of the Council on the exploitation and marketing of natural mineral waters (OJ L 164, 26.6.2009, p. 45–58); Directive (EU) 2020/2184 of the European Parliament and of the Council on the quality of water intended for human consumption (OJ L 435, 23.12.2020, p. 1–62). [RT I, 07.02.2023, 1 – entry into force 17.02.2023]