

Application of Section 36 of the Waste Act in Issuing a Waste Permit

Regulation No. 34 of 17 March 1999 of the Ministry of the Environment

This Regulation is adopted pursuant to section 36 of the Waste Act (RT I 1998, 57, 861; 88, rectification; 1999, 10, 155; 23, 353).

I. GENERAL PROVISIONS

1. Waste permit (hereinafter: permit) is a document that gives the holder the right to exercise one or more activities referred to in sections 3 and 7 of the Waste Act and determines the conditions of realisation of the right.
2. In operating in the fields of activity referred to in section 30(7) of the Waste Act, a waste permit for generation of waste is required from a person whose specific field of activity is listed in the list approved by Regulation No. 236 of 22 October 1998 of the Government of Estonia (RT I 1998, 96, 1517) and whose production volume indicators and waste volumes exceed the limit values established by the above mentioned regulation.
3. Permits for each waste management facility and, in cases provided in section 30(7) of the Waste Act, for each waste generating facility, must be applied for separately.

II. LIST OF DOCUMENTS REQUIRED WHEN APPLYING FOR

A WASTE PERMIT

4. An application for a waste permit shall contain the following documents:
 - 1) a permit application written in free form and addressed to the issuer of the permit, verified with the signature and stamp of the applicant;
 - 2) information on the applicant, location of operations and main field of activity (Annex 1);
3. data on the planned movement (Annex 2), collection and transport (Annex 3), and depositing and immediate disposal into the environment (Annex 4) of waste during a calendar year;
4. copy of a valid permit, in its absence a copy of the permit that was last valid. If an applicant holds separate waste permits due to the existence of several waste generation or management facilities, copies of all permits;
5. if a permit for providing the service of treating hazardous waste is applied for, copy of a valid hazardous waste treatment licence;

6. in case a permit for an activity referred to in section 30(3) of the Waste Act is applied for, explanation of arrangements made by the applicant for waste management, description of technical equipment along with the necessary charts and drawings;
7. in case a permit for an activity referred to in section 30(7) of the Waste Act is applied for, explanation of production activities of the applicant along with description of raw materials and technological processes connected with waste generation, technologically and environmentally substantiated calculations for estimating the volume of waste generated and disposed into the environment, description of technical equipment along with the necessary charts and drawings;
8. description of composition of waste and of waste management operations and technologies;
9. description of waste management facilities;
10. information on persons to whom waste will be transferred, including information on persons depositing the waste;
11. assessment of the possible environmental impact of the exercising of the right applied for (waste treatment, generation of waste) and explanation of measures to be taken to avoid air, water and surface pollution (environmental memorandum);
12. description of safety measures planned to be applied in the operations;
13. proposals for self-monitoring of the waste management facility or waste generating facility;
14. plan of measures to be taken to minimise the volume of waste generated.

III. ISSUING OF A WASTE PERMIT

4. The permit shall be issued by the county governor of the operation site of the applicant (hereinafter: the issuer of permit). If the applicant does not have a permanent operation site, the permit shall be issued by the county governor of the location of the applicant (hereinafter: the issuer of permit).
5. The applicant shall submit the application to the municipal government of his/her operation site for their position. In case no permanent operation site exists, the application shall be submitted to the municipal government of the applicant's location.
6. The municipal government referred to in section 6 of this Procedure shall take its position in regard to the application and shall forward the application along with its position to the issuer of the permit within 21 days.
7. The issuer of permit shall register the forwarded application immediately after its arrival and shall check the conformity of the application with the effective requirements. If the activity for the performance of which a right was applied for requires a waste permit and the application does not contain deficiencies, the issuer shall open the processing of the permit.
8. If the activity for the performance of which a right was applied for does not require a waste permit, the issuer of permit shall notify the applicant thereof within seven days from the registration of the application.
9. If an application has not been made out in conformity with the requirements of section 4 of this Procedure or if the submitted data are not sufficient for processing the application,

the issuer of permit shall fix a term for eliminating the deficiencies or for submission of additional data, and shall return the application to the applicant. If deficiencies have not been eliminated, or specifying data submitted, within the term, the issuer of permit shall establish an additional term for eliminating the deficiencies, or shall take a decision to refuse to open the processing of the application, and shall forward a copy of the relevant decision to the applicant within seven days from the expiry of the term.

10. If this is expedient from the point of supervision, the issuer of permit shall combine the processing of two or more applications from one undertaker and shall issue a single combined permit.
11. The issuer of permit has the right to require that the applicant:
 1. provides explanations specifying the circumstances revealed during the processing of the application;
 2. carries out an environmental impact assessment in accordance with the provisions of section 33(3) of the Waste Act.
13. The issuer of permit shall take a decision on issuing or refusal of a licence within a 63-day term of processing. The term of processing shall commence with the decision to open processing and shall be suspended when the issuer of permit has required an environmental impact assessment of the planned activity until the environmental impact assessment report is submitted. If more than 63 days is required for taking a decision due to suspension of the term of processing, the issuer of permit shall inform the applicant thereof and shall extend the existing permit or issue a temporary permit for a period of up to three months as appropriate.
14. A permit may be refused under the circumstances listed in section 34(1) of the Waste Act. A decision on refusal of a permit must be motivated and must contain reference to the legal norms that the refusal was based on.
15. A decision on issuing or refusal of a permit must contain explanations how the written opinions received during the processing were, or reasons why they were not, taken into account.
16. The issuer of permit shall forward to the applicant a copy of the decision on the issuing or refusal of the permit within three working days from the date of the decision.
17. The issuer of permit shall make out a permit in accordance with the format provided in section 29 of this Procedure, taking into account section 31 of the Waste Act. Requirements established in subdivisions 3) and 4) of the permit shall be formulated by the issuer of permit in sufficient detail in each individual case, taking into account the activity of the holder of the permit and the nature of the right awarded with the permit. Depending on operational and technological development planned to be undertaken by the applicant during the validity time of the permit, a permit may, on the request of the applicant, be phased, based on the presumed changes in the volume, composition and treatment of waste.
18. The issuer of permit shall make out the permit in two copies, register and number them and shall issue one copy to the applicant not later than within seven days from the date of decision. If the applicant operates in one or several permanent site(s) within one county, the issuer of permit shall send a copy of the permit to the municipal governments of the operation site(s) within seven days from the date of the decision. If the applicant does not

have a permanent operation site, a copy of the permit shall be sent to the municipal government of the location of the applicant.

19. A permit shall be issued for the term of five years. The term of validity shall commence on the day following the issuing date of the permit. When transferring a waste management facility or a waste generating facility that is not a waste management facility to a new owner, the previous owner has the right to transfer the waste permit to the new owner. In such case the waste permit shall apply to the new owner for three months from the moment of transfer. The new owner shall notify the issuer of the transfer of ownership and transfer of the permit within seven days from the moment of transfer.

IV. AMENDMENT OF WASTE PERMIT

20. For expanding the operations specified by a waste permit, or for extension of the validity time of the permit, the permit holder must submit an application for amending the permit. The application shall be processed in accordance with the general procedure of issuing permits.
21. The holder of a waste permit is obliged to notify the issuer of permit in writing of any substantial changes in the operations performed on the basis of the permit or in data presented in the application within 14 days from the date when the change took place. The written notification shall be accompanied with documents verifying the data.
22. The issuer of permit shall register a received notification immediately after its receipt and shall decide on the ground of the nature of the revealed changes, based on documents referred to in section 21 of this Procedure, whether amendment of the existing permit or issuing of a new permit is required due to the revealed circumstances and shall inform the holder of the licence of the decision in writing within 14 days of the registration of the notification. Issuing of a new permit and amendment of an existing permit shall be carried out in accordance with a general procedure of issuing permits. When amending a permit due to substantial changes in operations performed on the basis of the permit or in data presented in an application, the issuer of permit shall issue a new permit for the same term of validity.

V. SUSPENSION AND CANCELLATION OF WASTE PERMIT

23. If circumstances referred to in section 35(1) of the Waste Act become evident, the issuer of permit may suspend or cancel a permit with prior notification of the holder thereof.
24. When circumstances that constitute ground for suspension or cancellation of a waste permit become evident, the issuer of the permit shall:
 1. cancel the permit and establish a term for the undertaker to terminate operations regulated with the cancelled waste permit, or
 2. suspend the permit and establish a term for the undertaker to eliminate the circumstances that constitute ground for suspension of the permit.

25. Prior to taking a decision to suspend or cancel a waste permit, the holder of the permit or his/her authorised representative shall be given a hearing. The holder of the permit shall be notified of the time and place of the hearing in writing at least seven days in advance. In case the permit holder or his/her authorised representative fails to attend the hearing, the issuer of permit has the right to take a decision by default.
26. Copies of the decision to suspend or cancel a permit shall be forwarded to the undertaker holding the permit and to the relevant municipal government referred to in section 18 of this Procedure within three working days from the date of the decision.
27. If the circumstances that constituted ground for suspending a permit have not been eliminated or have not fallen off within the established term, the issuer of the permit shall cancel the permit or shall establish a new term for eliminating the circumstances.
28. A permit holder shall notify the issuer of the permit of elimination or falling off of the circumstances that caused suspension of the permit and shall submit the relevant verification documents. Based on these documents, the issuer of the permit shall, within seven days, take a decision on termination of the suspension of the permit. If it becomes evident that the above mentioned circumstances have not been eliminated or have not fallen off in reality, the issuer of the permit shall apply measures referred to in section 27 of this Procedure. The issuer of permit shall inform the permit holder and the municipal governments referred to in section 18 of this Procedure of his/her decision within three working days from the date of the decision. The permit holder may continue the operations regulated by the permit only after receipt of the decision referred to in this section.

VI. FORMAT OF WASTE PERMIT

29. Waste permits shall be issued in accordance with the following format:

WASTE PERMIT

Registration No. of permit

Registration No. of application

1. Holder of permit, location of its operation and main field of activity

1.	Holder of permit	<ol style="list-style-type: none"> 1. Trade name (name) of undertaker 2. Registry code of undertaker 3. Address of undertaker
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				unit				operation ³		operation ³	
1	2	3	4	5	6	7	8	9	10	11	12

1. Depositing of waste and immediate disposal into the environment (disposal operations D1, D3, D4, D5, D6, D7, D12 and D15)

	Code of waste ¹	Name of waste	Hazardousness of waste ²	Limit volume of waste permitted to be disposed in the environment (t/y or T/quarter) ⁴	Waste management facility (landfill, waste depository, etc.)	
					Location, its distance from the border of a town, village or recreation area (km)	Description, conformity with sanitary and environmental requirements
1	2	3	4	5	6	7

2. ¹ Code of waste according to the list of waste types and hazardous waste based on the European Waste Catalogue, approved by Regulation No. 263 of 24 November 1998 of the Government of Estonia entitled "Approval of the List of Waste Categories, Types of Waste and Hazardous Waste" (RT I 1998. 103, 1705).
3. ² Hazardousness of waste (to be marked with: h – hazardous waste; n – non-hazardous waste) according to the list of waste types and hazardous waste based on the European Waste Catalogue, approved by Regulation No. 263 of 24 November 1998 of the Government of Estonia entitled "Approval of the List of Waste Categories, Types of Waste and Hazardous Waste" (RT I 1998. 103, 1705).
4. ³ Codes of recycling and disposal operations according to the lists established by Regulation No. 183 of 18 August 1998 of the Government of Estonia, "Approval of the Lists of Disposal and Recycling Operations of Waste" (RT I 1998, 75, 1239).
5. ⁴ For the purpose of calculating the pollution charge in accordance with section 11 of the Pollution Charges Act (RT I 1999, 24, 361), in the case of an uneven annual distribution of production activities that have effect on waste generation, limit volumes of waste permitted to be disposed in the environment shall be presented in the cells of column 5 by quarters, taking into account waste generated per production unit.
6. Description of waste generating facilities

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- 7.
8. Technical and environmental requirements

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- 9.
10. Requirements for environmental monitoring

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- 11.
- 12. Safety measures applied in the activity

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Issuer of waste permit

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Name, position signature, stamp date

Minister Villu Reiljan

Secretary General Rein Ratas

Annex 1

to Regulation No. 34 of 17 March 1999

of the Minister of the Environment

Applicant for permit, location of its operation and main field of activity

1.	Applicant for permit	1.1. Trade name (name) of undertaker
		1.2. Registry code of undertaker
		1.3. Address of undertaker
		Territorial code ¹
		Telephone/fax

Annex 3

to Regulation No. 34 of 17 March 1999

of the Minister of the Environment

COLLECTION AND TRANSPORTATION OF WASTE

	Code of waste ¹	Name of waste	Hazardous-ness of waste ²	Way of collection	Volume transported (t/y)	Means of transport	Transporter of waste (transport company of self-service)	Destination of transport	Recipient under-taker
1	2	3	4	5	6	7		9	10

Annex 4

to Regulation No. 34 of 17 March 1999

of the Minister of the Environment

DEPOSITING OF WASTE AND IMMEDIATE DISPOSAL INTO THE ENVIRONMENT (disposal operations D1, D3, D4, D5, D6, D7, D12 and D15)

	Code of waste ¹	Name of waste	Hazardous-ness of waste ²	Limit volume of waste permitted to be disposed in the environment (t/y or T/ quarter) ⁴	Waste management facility (landfill, waste depository, etc.)	
					Location, its distance from the border of a settlement (km)	Description, conformity with sanitary and environmental requirements
1	2	3	4	5	6	7

¹ Code of waste according to the list of waste types and hazardous waste based on the European Waste Catalogue, approved by Regulation No. 263 of 24 November 1998 of the Government of Estonia entitled “Approval of the List of Waste Categories, Types of Waste and Hazardous

Waste” (RT I 1998. 103, 1705).

² Hazardousness of waste (to be marked with: h – hazardous waste; n – non-hazardous waste) according to the list of waste types and hazardous waste based on the European Waste Catalogue, approved by Regulation No. 263 of 24 November 1998 of the Government of Estonia entitled “Approval of the List of Waste Categories, Types of Waste and Hazardous Waste” (RT I 1998. 103, 1705).

³ Codes of recycling and disposal operations according to the lists established by Regulation No. 183 of 18 August 1998 of the Government of Estonia, “Approval of the Lists of Disposal and Recycling Operations of Waste” (RT I 1998, 75, 1239).

⁴ For the purpose of calculating the pollution charge in accordance with section 11 of the Pollution Charges Act (RT I 1999, 24, 361), in the case of an uneven annual distribution of production activities that have effect on waste generation, limit volumes of waste permitted to be disposed in the environment shall be presented in the cells of column 5 by quarters, taking into account waste generated per production unit.