

Ambient Air Protection Act¹

Passed 5 May 2004

(RT² I 2004, 43, 298),

entered into force 30 September 2004,

amended by the following Act:

22.02.2005 entered into force 03.04.2005 - RT I 2005, 15, 87.

Chapter 1

General Provisions

Division 1

Scope of Application and General Provisions

§ 1. Purpose and scope of application of Act

(1) The principal objective of this Act is to maintain the quality of the ambient air in areas where the quality of the air is good and to improve the quality of the ambient air in areas where the quality of the air does not conform to the requirements provided by this Act.

(2) This Act regulates activities which involve the affecting of the ambient air by chemical or physical means, damage to the ozone layer or appearance of factors which cause climate change.

(3) The provisions of the Administrative Procedure Act (RT I 2001, 58, 354; 2002, 53, 336; 61, 375; 2003, 20, 117; 78, 527) apply to administrative proceedings prescribed in this Act, taking account of the specifications provided for in this Act.

§ 2. Ambient air

Ambient air is outdoor air in the troposphere, excluding work places.

§ 3. Affecting of ambient air by chemical means

Affecting of the ambient air by chemical is the alteration of the composition of pure ambient air by way of emission of pollutants.

§ 4. Pollutant

Pollutant is a chemical substance or a mixture of substances which is emitted into the ambient air as a direct or indirect result of any activity and which may have harmful effects on human health or the environment, damage property or cause long-term harmful consequences.

§ 5. Affecting of ambient air by physical means

Affecting of the ambient air by physical means is affecting of the air by noise, ionising radiation, non-ionising radiation, ultrasound or infrasound.

§ 6. Unfavourable meteorological conditions

For the purposes of this Act, unfavourable meteorological conditions shall mean conditions which favour the accumulation of pollutants in the air layer near the surface.

§ 7. Source of pollution

- (1) For the purposes of this Act, a source of pollution shall mean a source which directs or emits pollutants, noise, ionising or non-ionising radiation, infrasound or ultrasound into the ambient air. Sources of pollution are divided into stationary and mobile sources of pollution.
- (2) A stationary source of pollution is a single source of pollution with a permanent location, including sources of pollution whose location is changed at regular intervals, or a group of several sources of pollution located within a single production area.
- (3) A mobile source of pollution is a source of pollution without a permanent location which, simultaneously with emitting pollutants into the ambient air, may change its location.

§ 8. Levels of pollution of ambient air

The level of pollution is the content of a pollutant per unit of volume of ambient air at 293 Kelvins or the deposition of a pollutant on one square meter of the ground during a specific period of time.

§ 9. Limit value of level of pollution

The limit value of pollution is the permissible volume of a pollutant per unit of volume of ambient air.

§ 10. Margin of tolerance

Margin of tolerance is the percentage of the limit value of pollution by which the established limit value may temporarily be exceeded.

§ 11. Alert threshold

Alert threshold is a volume of a pollutant per unit of volume of ambient air beyond which there is a risk to human health from brief exposure and at which immediate steps shall be taken to protect human health.

§ 12. Notification threshold

Notification threshold is a level of pollution beyond which the authority competent to continuously monitor the pollution levels is required to notify the population or the sensitive groups of the population of the necessity to apply safeguard measures. The sensitive groups of the population are the children, the sick and the elderly.

§ 13. Target value

Target value is a volume of a pollutant per unit of volume of ambient air to be attained over a given period or as quickly as possible, fixed with the aim of improving the quality of ambient air and avoiding harmful effects on human health.

Division 2

Quality of Ambient Air

§ 14. Assessment of ambient air quality

- (1) Ambient air quality is described by the characteristics of the composition of ambient air which are assessed based on the level of pollution of the ambient air.
- (2) Assessment of ambient air quality is the determination of the level of pollution of the ambient air.
- (3) The following factors shall be taken into account upon assessment of ambient air quality:
 - 1) possibility of harmful effects of the pollutants, harmfulness of the pollutants within the meaning of the Chemicals Act (RT I 1998, 47, 697; 1999, 45, 512; 2002, 53, 336; 61, 375; 63,

387; 2003, 23, 144; 51, 352; 75, 499; 88, 591), incidence of the pollutants and in particular, the action of the pollutants which cause irreversible effects to the health of human beings and to the environment as a whole;

- 2) content of pollutants in the ambient air;
- 3) environmental transformations related to the pollutant content of the ambient air which may lead to the production of chemicals with greater toxicity;
- 4) persistence of pollutants in the environment, particularly if the pollutant is not biodegradable and can accumulate in human body or in the environment.

§ 15. Primary pollutants

The primary pollutants to be considered upon assessment and management of ambient air quality are the following:

- 1) sulphur dioxide;
- 2) nitrogen oxides, calculated as nitrogen dioxide;
- 3) fine particulate matter such as soot with an aerodynamic diameter (i.e. diameter, for the measurement of which the geometric form and density of the particle is taken into consideration) ranging from 2.5 to 10 micrometers (μm);
- 4) other sizes of fractions of particulate matter;
- 5) lead;
- 6) ozone;
- 7) benzene;
- 8) carbon monoxide;
- 9) poly-aromatic hydrocarbons including benzo(*a*)pyrene;
- 10) cadmium;
- 11) arsenic;
- 12) nickel;
- 13) mercury.

§ 16. Methods for determination of ambient air pollution levels

In areas where regular measurement of the pollution levels of the ambient air is not mandatory, direct measurement may be supplemented by objective estimation techniques or modelling.

§ 17. Measurements taken at fixed sites

Measurements of ambient air pollution levels at the state, local government or enterprise level shall be taken at fixed sites either continuously or by regular sampling in compliance with the Environmental Monitoring Act (RT I 1999, 10, 154; 54, 583; 2000, 92, 597; 2002, 63, 387) or with the frequency and at the sites determined by an ambient air pollution permit, integrated environmental permit or waste incineration permit.

§ 18. Combination of measurements and modelling techniques

The results of random measurements may be combined with modelling results to assess ambient air quality if measurement results concerning ambient air pollution levels are available for a period shorter than five years prior to the assessment.

§ 19. Obligation to carry out continuous measurements in agglomerations

Continuous measurement of the ambient air pollution levels at the state or local government level is mandatory in agglomerations where the results of random measurements or modelling collected during a period of five years prior to the assessment confirm a content of primary pollutants in the ambient air which exceeds the levels provided by § 24 of this Act.

§ 20. Procedure for determination of ambient air pollution levels

The procedure for determination of ambient air pollution levels shall be established by a regulation of the Minister of the Environment.

§ 21. Division of territory of state into zones according to ambient air quality

- (1) The territory of the state is divided into zones according to the quality of ambient air.
- (2) For the purposes of this Act, agglomeration shall mean a city with a population content of at least 250 000 inhabitants or an industrial area of a lower population content located within the territory of not more than one local government where the results of measurements taken at fixed sites during a period of five years prior to the assessment confirm a significant deterioration of the ambient air quality. Agglomerations with a justified need for ambient air quality to be assessed and managed shall be approved by a regulation of the Minister of the Environment.

(3) The division of the territory of the state into zones according to the content of various pollutants in the ambient air shall be approved by a regulation of the Minister of the Environment. The Minister of the Environment shall review and if necessary, amend the division into zones at least once every five years or more frequently if significant changes take place in an activity affecting, in the ambient air, the content of the primary pollutants specified in § 15 of this Act.

(4) In areas where the measurements provided by fixed sampling points are supplemented by data submitted by other persons in possession of environmental information, a number of fixed sampling points shall be established and a spatial resolution for modelling methods sufficient for assessment of the pollution levels shall be guaranteed at the state or local government level.

§ 22. Area affected by pollution source

An area affected by a pollution source is an area in which the emissions of pollutants released by a pollution source result in a pollutant content of the air layer near the surface equal to at least 10 per cent of the average hourly limit value of pollution of the ambient air.

§ 23. Objective assessment of ambient air quality

Ambient air quality is determined by objective assessment methods and modelling on the basis of information characterising the pollution sources present in the area, the raw materials and technology which are used, the gases which are released into the ambient air, the pollutants present in the gases and their emission values.

§ 24. Combined use of direct measurements and modelling

Direct measurements and modelling may be used in combination for assessment of the pollution levels in the ambient in an area where, during a period of five years prior to assessment

- 1) the average content of sulphur dioxide in the ambient air during a twenty-four hour period has not exceeded, on more than three occasions during a calendar year, 60 per cent of the limit value of pollution established for the protection of human health, or has not exceeded 60 per cent of the winter limit value of pollution established for the protection ecosystems;
- 2) the average content of nitrogen dioxide in the ambient air during one hour has not exceeded, on more than eighteen occasions during a calendar year, 70 per cent of the limit value

of pollution established for the protection of human health, or the average annual content has not exceeded 80 per cent of the limit value of pollution established for the protection of human health;

- 3) the average content of fine particulate matter with an aerodynamic diameter of up to 10 μm in the ambient air during a twenty-four hour period has not exceeded, on more than seven occasions during a calendar year, 60 per cent of the limit value of pollution established for the protection of human health, or the average annual content has not exceeded 70 per cent of the limit value of pollution established for the protection of human health;
- 4) the annual average content of lead in the ambient air has not exceeded 70 per cent of the limit value of pollution;
- 5) the annual average content of benzene in the ambient air has not exceeded 70 per cent of the limit value of pollution;
- 6) the average content of carbon monoxide in the ambient air during a period of eight hours has not exceeded 70 per cent of the limit value of pollution;
- 7) the average annual content of arsenic in the fraction of fine particulate matter with an aerodynamic diameter of up to 10 μm in the ambient air has not exceeded 60 per cent of the target value of pollution;
- 8) the average annual content of cadmium in the fraction of fine particulate matter with an aerodynamic diameter of up to 10 μm in the ambient air has not exceeded 60 per cent of the target value of pollution;
- 9) the average annual content of nickel in the fraction of fine particulate matter with an aerodynamic diameter of up to 10 μm in the ambient air has not exceeded 70 per cent of the target value of pollution;
- 10) the average annual content of benzo(*a*)pyrene in the fraction of fine particulate matter with an aerodynamic diameter of up to 10 μm in the ambient air has not exceeded 60 per cent of the target value of pollution.

§ 25. Use of modelling and objective estimation

Direct measurements and modelling may be used in combination, or modelling or objective estimation may be used separately for assessment of the pollution levels in the ambient in an area where, during a period of five years prior to assessment:

- 1) the average content of sulphur dioxide in the ambient air during a twenty-four hour period has not exceeded, on more than three occasions during a calendar year, 40 per cent of the limit value of pollution established for the protection of human health, or has not exceeded 40 per cent of the winter limit value of pollution established for the protection ecosystems;
- 2) the average content of nitrogen dioxide in the ambient air during one hour has not exceeded, on more than eighteen occasions during a calendar year, 40 per cent of the limit value of pollution established for the protection of human health, or the average annual content has not exceeded 55 per cent of the limit value of pollution;
- 3) the average content of fine particulate matter with an aerodynamic diameter of up to 10 μm in the ambient air during a twenty-four hour period has not exceeded, on more than seven occasions during a calendar year, 60 per cent of the limit value of pollution established for the protection of human health, or the average annual content has not exceeded 70 per cent of the limit value of pollution established for the protection of human health;
- 4) the annual average content of lead in the ambient air has not exceeded 50 per cent of the limit value of pollution;
- 5) the annual average content of benzene in the ambient air has not exceeded 40 per cent of the limit value of pollution;
- 6) the average content of carbon monoxide in the ambient air during a period of eight hours has not exceeded 50 per cent of the limit value of pollution;
- 7) the average annual content of arsenic in the fraction of fine particulate matter with an aerodynamic diameter of up to 10 μm in the ambient air has not exceeded 40 per cent of the target value of pollution;
- 8) the average annual content of cadmium in the fraction of fine particulate matter with an aerodynamic diameter of up to 10 μm in the ambient air has not exceeded 40 per cent of the target value of pollution;
- 9) the average annual content of nickel in the fraction of fine particulate matter with an aerodynamic diameter of up to 10 μm in the ambient air has not exceeded 50 per cent of the target value of pollution;
- 10) the average annual content of benzo(a)pyrene in the fraction of fine particulate matter with an aerodynamic diameter of up to 10 μm in the ambient air has not exceeded 40 per cent of the target value of pollution.

§ 26. Establishment of limit value and target value of level of pollution, margin of tolerance, alert threshold of pollutant, long-term targets for pollutant content and notification threshold
In consideration of the effect of pollutants on the population, the following shall be established by a regulation of the Minister of the Environment:

- 1) limit values of the level of pollution;
- 2) target values;
- 3) margins of tolerance;
- 4) alert threshold of pollutants;
- 5) long-term targets for pollutant content;
- 6) notification threshold.

§ 27. Limit values and target values of level of pollution in areas affected by pollution sources
The limit value and target value of the level of pollution in an area affected by a pollution source shall also apply to the air layer extending two metres above the ceiling of the dwelling situated at the highest point and to the air layer extending one meter from the outer wall of the dwelling.

§ 28. More stringent limit values of levels of pollution established for protection of health of sensitive groups of population

In consideration of the different adaptation capabilities of the human organism, the Minister of the Environment may establish, at the proposal of the Health Protection Inspectorate, more stringent limit values for the levels of pollution than the limit values provided in § 26 of this Act for the protection of the health of sensitive groups of population, and such limit values shall apply in the territories of the following institutions:

- 1) health care institutions;
- 2) social welfare institutions;
- 3) nursery schools;
- 4) schools.

§ 29. More stringent limit values of levels of pollution established for protection of ecosystems

In consideration of the specific sensibility of the ecosystems to the harmful effects of pollution of the ambient air by sulphur dioxide, nitrogen oxides or ozone, the Minister of the Environment shall establish, as necessary, limit values for such pollutants which are more stringent than the limit values provided by § 26 of this Act.

§ 30. Consideration of specific formation mechanism of tropospheric ozone

In consideration of the specific formation mechanism of tropospheric ozone, the Minister of the Environment may establish, in addition to the alert threshold of ozone content, also a target value of ozone levels, a notification threshold of ozone content and long-term targets for the content of ozone in the troposphere.

§ 31. Assessment of nitrogen oxides and volatile organic compound content

(1) Upon assessment of the pollutants which cause the formation of ozone, at least the content of nitrogen oxides and the volatile organic compounds promoting the formation of ozone must be assessed.

(2) For the purposes of this Act, volatile organic compounds shall mean all organic compounds of an anthropogenic nature with the vapour pressure of at least 0.01 kilopascals at 293.15 Kelvin that are capable of producing photochemical oxidants by reaction with nitrogen oxides in the presence of sunlight.

§ 32. Content of volatile organic compounds in paints, varnishes and finishing products for vehicles

The limit values for the content of volatile organic compounds in paints, varnishes and finishing products for vehicles shall be established by a regulation of the Minister of the Environment.

§ 33. Measures by possessors of sources of pollution for reduction of emission levels of pollutants in event of exceeding limit or target values of pollution levels

If the limit value or target value of the pollution levels in the air layer near the surface of the area around a source of pollution is exceeded, the possessor of the source of pollution shall apply the measures for reduction of the emission levels of pollutants in order to bring the level of pollution in conformity with the limit or target values of pollution levels.

§ 34. Substances with annoying or irritant odour

- (1) For the purposes of this Act, a substance of annoying or irritant odour (hereinafter odorous substances) shall mean a substance or mixture of substances created as a result of human activity and released into the ambient air which may cause the population to experience undesirable sensations of odour.
- (2) The presence of odorous substances in the ambient air shall be established by a group of experts formed for the determination of presence of odorous substances.
- (3) The procedure for formation of a group of experts for the determination of presence of odorous substances and the requirements for the members thereof shall be established by a regulation of the Minister of the Environment.
- (4) Internationally recognised methods for determination of the presence of odours are used for assessment of the presence of odorous substances in the ambient air.
- (5) The procedure for determination of presence of odorous substances and a list of methods to be used for such purposes shall be established by a regulation of the Minister of the Environment.
- (6) The group of experts for determination of presence of odorous substances shall assess the presence of odorous substances in the ambient air and if odorous substances are found to be present, shall demand that the possessor of the source of pollutant emitting the odorous substance prepare a plan of action for reducing the odour.
- (7) Compliance with the plan of action specified in subsection (6) of this section shall be monitored by the Environmental Inspectorate.
- (8) Based on the presence of odorous substances in the ambient air, the possessors of sources of pollution whose activity in the industrial, agricultural or other area causes or is likely to cause the creation or spread of odours, or annoying sensations of odour to the population, shall apply additional measures for reduction of the emission levels of odorous substances.

§ 35. Approximate safe levels of pollutant content

- (1) The approximate safe level of pollutant content is the permissible volume of a pollutant per unit of volume of ambient air established, taking account of the effect of the pollutant to the population and the environment, for a limited period of time.

(2) If a new source of pollution is being planned and the Minister of the Environment has not established an average hourly limit value of pollution of the ambient air with regard to the pollutant to be emitted and the Minister of Social Affairs has not established a limit value for the content of the pollutant in the air of the working environment, the possessor of the planned source of pollution is required to submit data necessary for estimation of the approximate safe levels of the pollutant to the Ministry of the Environment. It is prohibited to release a pollutant into the ambient air unless the possessor of the source of pollution has submitted the requisite data and a safe level of pollutant content has been determined.

(3) A list of data necessary for determining approximate safe levels of pollutant content in the ambient air shall be established by a regulation of the Minister of the Environment.

(4) The Ministry of the Environment assesses the data submitted in compliance with subsection (2) of this section and grants written consent to use, instead of the average hourly limit value of pollution, the approximate safe level of the pollutant content in the diffusion equation for a pollutant in the air layer near the surface.

§ 36. Severely polluted ambient air

Ambient air is deemed to be severely polluted and the limit value of pollution is deemed to be exceeded if:

- 1) the level of pollution by sulphur dioxide has exceeded the average hourly limit value of pollution established for the protection of human health on more than twenty-four occasions during a calendar year, or has exceeded the average twenty-four hour limit value of pollution established for the protection of ecosystems on more than three occasions during a calendar year;
- 2) the level of pollution by nitrogen oxides exceeded the hourly limit value of pollution established for the protection of human health on more than eighteen occasions during a calendar year;
- 3) the level of pollutants which are not of primary importance to ambient air assessment exceeds the average twenty-four hour limit value during eighteen twenty-four hour periods in a calendar year or during two twenty-four hour periods in a calendar month, or if the content of a pollutant in 5 per cent of the samples collected during one twenty-four hour period exceeds the average hourly limit value to an extent of more than 30 per cent.

Division 3

Notification of Public of Ambient Air Pollution

§ 37. Consolidation of results of continuous monitoring and communication thereof to public

The authority competent to continuously monitor ambient air pollution levels at the state, local government or enterprise level shall consolidate the monitoring results pursuant to the procedure provided by the Environmental Monitoring Act and notify the public of the presence of pollutants in the ambient air by means of radio, television, newspapers, electronic information board or the Internet.

§ 38. Frequency of updating of information

In the event of essential changes to the pollutant content of the ambient air, the information concerning the pollutant content shall be updated at least once a day, the information concerning the content of nitrogen dioxide or ozone in the ambient air shall be updated at intervals of one hour and information concerning the content of lead in the ambient air shall be updated at intervals of three months.

§ 39. Content of information subject to communication

- (1) Information which is to be communicated shall contain, where possible, the following:
 - 1) information concerning the pollution levels and alert thresholds of pollutants exceeding the limit values or target values;
 - 2) information concerning the content of ozone exceeding the long-term targets or target values for ozone;
 - 3) information concerning the content of ozone exceeding the notification threshold or alert threshold;
 - 4) a short estimation of the reasons for pollution levels exceeding the limit values or target values, and the impact thereof on human health.
- (2) The information communicated pursuant to subsection (1) of this section shall contain information on a recording period with regard to which the limit values of the pollution levels, target values of the pollution levels, long-term targets for the content of ozone or target values for ozone are applied.

§ 40. Information communicated in event of content of pollutants exceeding alert thresholds

In the event of the content of a pollutant exceeding the alert threshold, the county environmental authority of the Ministry of the Environment (hereinafter environmental authority) shall notify the public thereof by way of radio, television or newspaper. The information communicated to the public shall include information on the recorded levels of pollutants in the ambient air and the reasons and duration of the pollution.

§ 41. Content of information communicated in event of sulphur dioxide and nitrogen dioxide exceeding alert thresholds

If the event of the content of sulphur dioxide or nitrogen dioxide exceeding the alert threshold, the following shall be communicated to the public:

- 1) the date, time and place of exceeding the alert threshold, and the reason for excess pollution, if known;
- 2) a forecast on change in the pollutant content and in particular, concerning the improvement, stabilising or deterioration of the situation in the area together with information concerning the reasons for the change and the duration of the pollutant content exceeding the alert threshold;
- 3) the groups of population with a sensibility to pollutant concentrations which exceed the alert threshold;
- 4) safety measures to be taken by the sensitive groups of population.

§ 42. Information submitted in event of ozone content exceeding notification threshold or alert threshold

In the event of ozone content exceeding the notification threshold or alert threshold, the environmental authority shall immediately inform the public of the following:

- 1) the place of exceeding the threshold or the areas where the notification threshold or alert threshold is exceeded, the time and approximate duration of excess pollution, and the highest hourly content and the average eight hour content of ozone in the ambient air;

- 2) a forecast for the following days and in particular, concerning the expected improvement, stabilising or deterioration of the situation in the area where the notification threshold or alert threshold is exceeded;
- 3) the possible impact of ozone to human health, a description of the symptoms, recommended action and precautions to take;
- 4) groups of population at risk;
- 5) sources of more specific information;
- 6) main sources of pollution, measures to be taken for preventing or decreasing pollution and recommendations to the possessor of the source of pollution for application of measures to decrease emission levels of pollutants.

Division 4

Emission Limit Value of Pollutants and Methods for Assessment of Emission Limit Value

§ 43. Emission limit value of pollutant

- (1) The emission limit value of a pollutant is a calculated standard per a definite unit of time at which the amount of pollutants emitted or released into the ambient air from a specific stationary source of pollution or from all sources of pollution located within a single production area does not cause the pollution level of the ambient air in the area affected by the pollution source to exceed the average hourly limit value of pollution.
- (2) Prior to application for an ambient air pollution permit, integrated environmental permit or waste incineration permit, the possessor of a stationary source of pollution shall assess the possible emission levels of pollutants emitted or released by the source of pollution.

§ 44. Instantaneous emission level

- (1) For determining the maximum instantaneous emission level of pollutants, the total load of technological abatement equipment and the rated load of an combustion plant shall be considered.
- (2) The instantaneous emission limit value is deemed to be exceeded, if during the operation of a source of pollution or a part thereof, the average reading of maximum emission levels in

three samples with the duration of one hour collected over two twenty-four hour periods exceeds the emission limit value indicated in the permit.

§ 45. Diffusion equation for pollutants in air layer near surface

(1) The instantaneous emission limit value per second for a pollutant released by a pollution source is calculated by the diffusion equation for pollutants in the air layer near the surface on the basis of the parameters of the gases emitted by the source of pollution and the average hourly limit value of pollution of the ambient air.

(2) If no average hourly limit of pollution of the ambient air has been established for the pollutant directed into the ambient air by the source of pollution, the approximate safe level of the content of the pollutant used in the diffusion equation shall be 10 per cent of the limit value for the content of the pollutant in the air of the working environment.

(3) For making the pollutant diffusion equation, computer software may be used which enable readings to be received concerning the summated concentrations of each pollutant present in the ambient air at different locations of the monitored area within a radius of at least two kilometres from the source of pollution.

§ 46. Methods for determination of emission levels of pollutants

(1) The procedure for determination of emission levels of pollutants and the methods for assessment shall be established by a regulation of the Minister of the Environment.

(2) Where no assessment methods for determining the emission levels of pollutants have been established pursuant to subsection (1) of this section, internationally acknowledged methodology or methods approved by the issuer of a pollution permit, integrated environmental permit or waste incineration permit may be used with the written consent of the Ministry of the Environment.

Division 5

Limit Values of Emissions of Pollutants Released by Stationary Sources of Pollution and Adherence to Such Values

§ 47. Limit values of emissions of pollutants released by stationary sources of pollution

- (1) The limit value of emissions of pollutants of a stationary source of pollution is the maximum amount of pollutants in the gases released from a stationary source of pollution related to any area of economic activities permitted per unit of volume, production, capacity, energy or time, expressed as the concentration, percentage or emission level of the pollutant in the gases. The emissions of a pollutant must not exceed the limit value.
- (2) The limit values of emissions of pollutants released by stationary sources of pollution shall be established by the Minister of the Environment.

§ 48. Adherence to limit values of emissions of pollutants

In order to monitor the adherence to the limit values of emissions of pollutants established on the basis of subsection 47 (2) of this Act, the following may be established by a regulation of the Minister of the Environment:

- 1) requirements for monitoring emission levels of pollutants released by sources of pollution;
- 2) criteria for evaluation of the results of monitoring the limit values of emissions of pollutants.

§ 49. Monitoring of limit values of emissions of volatile organic compounds due to use of solvents

- (1) The issuer of ambient air pollution permits or integrated environmental permits (hereinafter issuer of permits) may, at the request of the owner of a source of pollution, substitute the obligation to adhere to the limit values of emissions of volatile organic compounds released upon the use of solvents by the obligation to prepare and comply with a plan of action for reducing the emissions of volatile organic compounds released upon the use of solvents.
- (2) The objective of a plan of action for reducing the emissions of volatile organic compounds released upon the use of solvents is to allow the possessor of the source of pollution to reduce the emission levels by measures whose application gives a result equal to the result achieved by application of limit values of emissions.
- (3) The requirements for the content of the plan of action and the term for application of the plan shall be determined by the issuer of permits as a special condition included in the permit.

(4) If a substitute with a lower solvent content or a substitute which does not contain solvents is not yet available at the time the possessor of a source of pollution submits the application for substitution, the issuer of permits shall grant the possessor postponement of the implementation of the plan of action for reducing the emissions of volatile organic compounds released upon the use of existing installations.

(5) If the possessor of a source of pollution is able to prove to the issuer of permits that application of the limit values of emissions of volatile organic compounds with regard to certain installation is technically impossible or economically inexpedient, the issuer of permits may grant an exception for the obligation to adhere, with respect to the installation, to the limit values of emissions unless the population could be put at serious risk as a result of making the exception. In order to request an exception, the possessor of the source of pollution must prove to the issuer of permits that the best technology possible is being used.

(6) The issuer of permits shall deny the request for substitution of the obligation to adhere to the limit values by the obligation to prepare a plan of action for reducing the emissions of volatile organic compounds if the possessor of the source of pollution fails to prove to the issuer of permits that the best technology possible is being used.

Chapter 2

Measures for Reduction of Ambient Air Pollution

Division 1

Measures for Reduction of Ambient Air Pollution

§ 50. Plan of action for reducing emission levels of pollutants of area

(1) In order to ensure the requisite quality of the ambient air, the environmental authority shall prepare a plan for reducing the emission levels of pollutants in areas where the pollution level of the ambient air depends on the combined effect of several sources of pollution, if the level of ambient air pollution exceeds or is likely to exceed the average hourly limit value of pollution established for one or several pollutants and the summated margin of tolerance.

(2) The requirements set for the plan of action and the procedure for preparation thereof shall be established by a regulation of the Minister of the Environment.

(3) A plan of action for an area shall be prepared by the environmental authority based on the plans of action for reducing the emission levels of pollutants submitted by the possessors of sources of pollution.

(4) The environmental authority shall publish a plan of action for reducing the emission levels of pollutants in an area at its website.

(5) The requirements set for the area specified in subsection (1) of this section apply to areas where the content of a pollutant in the ambient air exceeds the average hourly limit value unless a margin of tolerance has been established with regard to the pollutant.

§ 51. Plan of action of possessor of source of pollution

(1) The possessor of a source of pollution shall submit, under the conditions set forth in the pollution permit, integrated environmental permit or waste incineration permit, a plan for reducing the emission levels of pollutants to the environmental authority of the location of the source of pollution.

(2) Liquidation of a sanitary protection zone of a stationary source of pollution formed prior to the entry into force of this Act may constitute one part of the plan. In such sanitary protection zones, the limit values of pollution by pollutants which are not of primary importance enter into force on 1 January 2010.

(3) The possessor of a source of pollution shall submit the plan for reducing the emission levels of pollutants to the local government body of the location of the source of pollution.

(4) At least once a year, the possessor of a source of pollution shall submit a report on implementation of the plan of action to the environmental authority and the local government body of the location of the source of pollution.

§ 52. Summated emission limit values of sulphur dioxide, nitrogen oxides, volatile organic compounds and ammonia

(1) The summated emission limit values of sulphur dioxide, nitrogen oxides, volatile organic compounds and ammonia released by stationary and mobile sources of pollution and terms for reaching such values shall be established by a regulation of the Government of the Republic.

(2) If the total rated thermal input of the combustion plants used for the production of electricity or heat within a single production territory at the maximum planned amount of fuel is

equal to or greater than 50 MWth, the possessor of the source of pollution shall prepare and submit a plan for reducing the emission levels of sulphur dioxide, nitrogen oxides, volatile organic compounds and ammonia to the issuer of the ambient air pollution permit, integrated environmental permit or waste incineration permit and the local government body.

§ 53. Restriction of movement of motor vehicles and non-road mobile machinery in order to facilitate dissipation of pollutants under unfavourable weather conditions

In the interests of protection of human health and the environment, local government bodies may restrict the movement of motor vehicles and non-road mobile machinery, except for emergency and road service vehicles, in order to facilitate the dissipation of pollutants under unfavourable weather conditions in areas where the content of certain pollutants in the ambient air is likely to exceed the alert threshold or the average hourly limit values of ambient air pollution, and the summated margin of tolerance.

§ 54. List of pollutants assessed by state air surveillance in agglomerations

In order to organise state air surveillance in agglomerations, the Minister of the Environment shall establish by a regulation a list of pollutants, the content of which in the ambient air is subject to mandatory assessment.

Division 2

Requirements for Mobile Sources of Pollution

§ 55. Content of pollutants and smoke in exhaust gases of mobile sources of pollution and noise levels emitted thereby

(1) The content of pollutants and smoke in exhaust gases of motor vehicles, air craft, water craft, rail vehicles, mopeds, non-road mobile machinery, tractors and other mobile sources of pollution, and noise levels emitted thereby must not exceed the established standards.

(2) For the purposes of this Act, non-road mobile machinery shall mean a mobile machine, transportable industrial machines or a vehicle with or without bodywork which is not intended for the transport of passengers or goods on the road and which includes an internal combustion engine with the net capacity of 18 to 560 kilowatts.

(3) The standards for the pollutant and smoke content of exhaust gases, and the noise levels emitted by the mobile sources of pollution specified in subsection (1) of this section, including limit values of emissions of pollutants released into the ambient air per unit of run or energy of a motor vehicle, and the limit values for noise shall be established by a regulation of the Minister of the Environment.

(4) If the pollutant or smoke content in the exhaust gases, or the noise levels emitted by the mobile sources of pollution specified in subsection (1) of this section does not meet the established requirements, it is prohibited to produce and import such vehicles into the Republic of Estonia, to pass through the territory of the Republic of Estonia with the engine of such vehicles running and to use such vehicles in the Republic of Estonia.

§ 56. Notification of new users of motor vehicles

The producers, importers into the Republic of Estonia and sellers of new motor vehicles shall notify the user of the vehicles of the fuel economy and emission values of sulphur dioxide. The list of data to be provided to the user and the procedure for notification of users shall be established by a regulation of the Minister of the Environment.

§ 57. Submission of consolidated data concerning mobile sources of pollution

(1) The persons who keep record of the mobile sources of pollution specified in subsection 55 (1) of this Act and of other mobile sources of pollution, shall submit to the Ministry of the Environment, the following consolidated data by county for making a calculation of the emission levels of the pollutants released into the ambient air by the mobile sources of pollution moving within the territory of the state:

- 1) types and number of motor vehicles and the run of each vehicle;
- 2) the number of flight operations by type of aircraft and the division of flight types thereof (international and domestic flights) separately for each airport;
- 3) the types and number of water craft by shipping companies;
- 4) types and number of non-road mobile machinery;
- 5) types and number of railway engines.

(2) The list of persons required to submit such information, the term for submission of the information, and the format in which the information must be submitted shall be established by a regulation of the Government of the Republic.

Division 3

Requirements for Fuel

§ 58. Environmental requirements set for fuel

(1) For the purposes of this Act, fuel shall mean combustible material or substance which is used in combustion plants for the purposes of obtaining energy. Unsorted waste, whether or not it contains combustible substances, is not deemed to be fuel.

(2) For the purposes of limiting the emission levels of pollutants, the Minister of the Environment shall establish, by a regulation, the environmental requirements for liquid fuel.

§ 59. Requirements for transport of petrol and storage thereof in terminals and service stations
For the purposes of limiting the emission levels of volatile organic compounds, the Minister of the Environment shall establish, by a regulation, the requirements for transport of petrol and storage thereof in terminals and service stations.

§ 60. Monitoring quality and quantity of motor fuels

The Ministry of the Environment shall organise the monitoring of the quality and quantity of the motor fuels sold in Estonia and compile the corresponding data.

Division 4

Additional Measures for Reduction of Emissions of Pollutants into Ambient Air

§ 61. Obligations of possessors of pollution sources upon extraction of mineral resources, blasting operations, erection of manure storage facilities and loading of bulk

The possessor of a source of pollution is required to apply additional measures for reducing the emissions of pollutants into the ambient air upon extraction of mineral resources, blasting operations, erection of manure storage facilities, loading of bulk and other such activities which

is likely to result in the level of pollution in the air layer near the surface to exceed the limit values.

§ 62. Restrictions upon application of measures intended for reduction emissions of pollutants into ambient air

Application of measures intended to reduce the emissions of pollutants into ambient air must not result in pollution of the soil or water.

§ 63. Restrictions upon planning of settlements, transport terminals, industrial production sites and service sites

Upon the planning of settlements, transport terminals, industrial production sites and service sites, territories shall be excluded where, under unfavourable weather conditions, the dispersion of pollutants released into the ambient air is limited due to natural reasons or as a result of human activity.

§ 64. Obligations of possessors of sites upon prevention of spread of dust and rubbish

The possessor of a site is required to take measures to prevent dust and rubbish from spreading from the storage facilities, streets and roads administered thereby.

§ 65. Obligations of drivers of motor vehicles upon transport of bulk and restrictions on running of engines of stationary motor vehicles

The driver of a motor vehicle shall avoid:

- 1) spreading dust and rubbish from the vehicle;
- 2) polluting the ambient air by letting the engine of a stationary motor vehicle to run unless it is necessary for reasons related to the organisation of work.

§ 66. Height of emission of pollutants

(1) Taking into consideration long-range air pollution with the capacity to cross state boundaries and the requirements of the Geneva Convention on Long-Range Transboundary Air Pollution (RT II 2000, 4, 25), it is prohibited to build chimneys with a height of emission of pollutants greater than 250 metres above ground level.

(2) Upon designing of plants, it shall be taken into consideration that chimneys, vents and shafts must be located at the height of at least five meters above the source of pollution and at the distance of at least fifty meters from residential buildings, and must conform to the requirements provided in § 27 of this Act.

(3) The height of the emission of pollutants must ensure the requisite dispersion of the pollutants in the air layer near the surface in order to avoid the pollution level of the ambient air exceeding the limit value.

(4) In order to improve the dispersion of pollutants emitted from a source of pollution in the air layer near the surface, the height of emission may be increased.

(5) Any change to the height of emission or diameter of the exits for pollutants shall be reported to the issuer of the ambient air pollution permit, integrated environmental permit or waste incineration permit together with an application for a new permit.

Chapter 3

Ambient Air Pollution Permit and Special Pollution Permit

Division 1

Ambient Air Pollution Permit, Special Pollution Permit and Issuer Thereof

§ 67. Ambient air pollution permit, special pollution permit and application of open proceedings

(1) An ambient air pollution permit and special pollution permit are documents which grant, in the cases provided by this Act, the right to release pollutants originating from a stationary source of pollution into the ambient air, and set the conditions for using such right.

(2) The possessor of a source of pollution who is required to hold an integrated environmental permit or a waste incineration permit is not required to hold a pollution permit or special pollution permit in the part of plants covered by the integrated environmental permit or waste incineration permit.

(3) The provisions of the Administrative Procedure Act concerning open proceedings apply to the application for pollution permits and special pollution permits, and to the procedure for the grant and amendment of such permits.

(4) The Ministry of the Environment or the county environmental department of the location of the source of pollution has, as the person exercising supervision over environmental impact assessment, the right to determine environmental requirements to avoid or reduce emissions of pollutants into the ambient air and, arising therefrom, prevent damage to the state of the environment.

(22.02.2005 entered into force 03.04.2005 - RT I 2005, 15, 87)

§ 68. Emission levels of pollutants and capacities of plants

(1) Taking into consideration of the characteristics of economic activities and specific sectors, the Minister of the Environment shall establish, by a regulation, the emission levels of pollutants and capacities of plants used beyond which an ambient air pollution permit and a special pollution permit is required.

(2) If a pollution permit is required due to the presence of at least one pollutant, all pollutants emitted by the source of pollutant with emission levels of one kilogram or higher per year shall be set out in the application for a pollution permit and in the pollution permit.

(3) Unless the emission levels of pollutants established on the basis of subsection (1) of this section are exceeded by the possessor of the source of pollution, the data set out in the pollution permit pursuant to subsection (2) of this section are informative.

§ 69. Format of application for pollution permits and special pollution permits and content of application for permits

The format of an application for pollution permits and special pollution permits, the format of the permits and the requirements for the content of an application for permit shall be established by a regulation of the Minister of the Environment.

§ 70. Issuer of pollution permits and special pollution permits

The possessor of a stationary source of pollution shall be issued a pollution permit and a special pollution permit by the environmental authority of the location of the source of pollution.

Division 2

General Requirements for Issue of Pollution Permits and Special Pollution Permits

§ 71. Calculation of summated emission limit values of sulphur dioxide, nitrogen oxides, volatile organic compounds and ammonia for issue of pollution permit or special pollution permit
Grant of pollution permits and special pollution permits by the issuer of permits shall be based on the summated emission limit values of sulphur dioxide, nitrogen oxides, volatile organic compounds and ammonia established on the basis of subsection 52 (1) of this Act.

§ 72. Preferential right to emit pollutants into ambient air

(1) If the assessed level of pollution or the summated emission limit values of pollution of the ambient air of an area does not permit all applications for a pollution permit to be satisfied, the following have a preferential right to obtain a pollution permit:

- 1) persons who generate energy for domestic or community use;
 - 2) persons with the lowest lower emission levels of pollutants per unit of similar production.
- (2) The decision to grant a preferential right shall be made by the environmental authority with the approval of the local government body of the location of the source of pollution.

§ 73. Unit of measurement of emission limit value of pollutant

(1) The ambient air pollution permit and the special pollution permit shall set out, for each source of pollution, the instantaneous emission limit value in grams per second and the maximum annual emission limit value in tons for each pollutant or mixture of pollutants released into the ambient air.

(2) If the limit value of emissions of pollutants in the gases released by a stationary source of pollution belonging to any sector pursuant to subsection 47 (2) of this Act has been established per unit of volume, production, capacity, energy or time, then in addition to the provisions of subsection (1) of this section, the limit value of emissions permitted by the pollution permit or special pollution permit may be expressed as the concentration, percentage or emission level of the pollutant in the gases.

§ 74. Determination of number of sampling points for measuring ambient air pollution levels at fixed sites

In determining the number of sampling points for taking measurements of the ambient air pollution levels at fixed sites, the issuer of pollution permits and special pollution permits shall take into consideration the probable transport models and possible impact on the population and the environment of the pollutants emitted into the ambient air.

Division 3

Application for and Processing of Pollution Permits and Special Pollution Permits

§ 75. Application for permit concerning sources of pollution located within single production area

The possessor of a source of pollution shall submit separate applications for a pollution permit or special pollution permit with regard to stationary sources of pollution located within different productions areas and a single application for a pollution permit or special pollution permit with regard to stationary sources of pollution located within a single productions area.

§ 76. Basis for application for special pollution permit

(1) The possessor of a stationary source of pollution is required to apply for a special pollution permit:

- 1) if the technology of the production process or the plant leads to the emission limit value of a pollutant permitted by a pollution permit being exceeded for a short period of time and the possible emission levels and other conditions are not covered by the current pollution permit;
- 2) in the case of activities which cause the hourly average limit value of the level of pollution of the ambient air to be exceeded for a short period of time which shall not exceed two or three hours and which is not covered by the pollution permit;
- 3) in the case of incineration of waste during a short period not exceeding six months.

(2) The activities and levels of the emission of pollutants permitted by a special pollution permit shall be safe to humans and to the environment.

§ 77. Procedure for application for pollution permit and special pollution permit

- (1) The issuer of a pollution permit or special pollution permit (hereinafter permit) shall register a submitted application immediately after receipt thereof and shall verify the conformity of the content of the submitted materials to the established requirements.
- (2) The following information shall be entered in the register of application for permits:
 - 1) the registration number and date of application for permit;
 - 2) the name and commercial register code of the possessor of the source of pollution;
 - 3) the address of the possessor of the source of pollution, and the address and geographical coordinates of the source of pollution;
 - 4) the name, and commercial register code or personal identification code of the person who prepared the draft for the emission limit values.
- (3) The issuer of permits shall verify the correctness of the data submitted by the draft for the emission limit values.
- (4) If no pollution permit is required for the activity for which permission was applied for, the issuer of permits shall inform the applicant thereof within seven days after the registration of the application.
- (5) The issuer of permits may combine the processing of two or more applications submitted by the same undertaking and issue a single permit by the same procedure.

§ 78. Making application for pollution permit public

- (1) The issuer of the pollution permit shall publish a notice on commencement of the processing of an application in the official publication *Ametlikud Teadaanded*³ within two weeks after receipt of the application from the possessor of a source of pollution for a pollution permit for the release of pollutants into the ambient air from a new source of pollution or an existing source of pollution which is to undergo significant modification. The issuer of permits shall publish the same notice in the local newspaper or at least in one national newspaper, as necessary.
- (2) For the purpose of this Act, significant modification shall mean changing the rated power of installation which brings on an increase of at least 10 per cent in the emission level of pollutants. Any modification which may cause a significant negative impact on human health or the environment is also deemed to be a significant modification.

(3) The notice on commencement of the processing of an application shall at least contain the following information:

- 1) the business name, registry code and seat, or the name, personal identification code and address of the applicant;
- 2) a description of the location of the activities of the undertaking which shall, among other, set out the distance between the location and any residential buildings, protected natural objects or other sensitive areas and objects;
- 3) a short description of the planned activities which includes information on the substances and technology to be used in the activity;
- 4) (Repealed - 22.02.2005 entered into force 03.04.2005 - RT I 2005, 15, 87)
- 5) the contact details of the issuer of permits and information on where the application and related documents may be examined by the public;
- 6) information concerning the processing of the application;
- 7) other information necessary for determination and inclusion of the persons involved.

(4) Within two weeks after commencement of the processing of an application, the issuer of a pollution permit shall send a copy of the application together with the materials submitted in the application for a permit to the local government body of the location of the source of pollution. The local government body shall provide an opinion concerning the application within at least two weeks after the application is delivered.

Division 4

Refusal to Issue Pollution Permit or Special Pollution Permit

§ 79. Bases for refusal to issue pollution permit or special pollution permit

- (1) The issue of a pollution permit or special pollution permit shall be refused if:
- 1) the information submitted by an applicant is inaccurate;
 - 2) the emission levels of pollutants released into the ambient air by a new or reconstructed source of pollution causes the average hourly limit value of pollution to be exceeded;
 - 3) adherence of a new source of pollution to the limit values of ambient air pollution and the limit values of emissions of pollutants established on the basis of this Act is not guaranteed;

4) the best available techniques are not applied upon designing of a new stationary source of pollution or the reconstruction of an existing source of pollution.

(2) If an operating source of pollution has the deficiencies specified in clauses (1) 3) or 4) of this section which however are correctable through reasonable efforts of the holder of the permit, a deadline may be granted for elimination of such deficiencies by the pollution permit and a condition added to the pollution permit pursuant to which the rights arising from the pollution permit are created only after the deficiencies specified in clauses (1) 3) or 4) of this section have been eliminated.

Division 5

General Requirements for Content and Term of Validity of Pollution Permit and Special Pollution Permit

§ 80. Content of pollution permit

(1) The following shall be determined by a pollution permit:

- 1) the place and method of emission of pollutants into the ambient air;
- 2) the names and emission levels of the pollutants being released;
- 3) requirements for the monitoring of the volume of pollutants emitted and for determination of the efficiency of treatment plants;
- 4) the need to clean pollutants and the method thereof;
- 5) need to constantly or regularly monitor the ambient air in the vicinity of the source of pollution, a list of pollutants to be monitored, and the sites and frequency of sampling;
- 6) where necessary, the conditions for preparation and application of a plan of action for reducing the emission levels of pollutants.

(2) A pollution permit may contain requirements that are not specified in this section but are established by this Act or legislation established on the basis thereof.

§ 81. Content of special pollution permit

(1) The following shall be determined by a special pollution permit:

- 1) the place and description of the handling process which causes the average hourly limit value of pollution of the ambient air to be exceeded for a short period of time;

- 2) the names of incinerated waste pursuant to the list of waste established pursuant to the Waste Act (RT I 2004, 9, 52; 30, 208), the quantity of waste and where the different types of waste are incinerated together, the weight of each type of waste;
 - 3) other substances being treated and the quantity thereof;
 - 4) the names and emission levels of the pollutants being released;
 - 5) weather conditions upon which the activity applied for is permitted;
 - 6) term of validity of the special pollution permit.
- (2) Activities performed on the basis of a special pollution permit must not cause the pollution levels of the ambient air to exceed the established alert threshold.

§ 82. Validity of pollution permit and special pollution permit

Depending on the special conditions of a pollution permit, the permit shall be issued without a term or for a specified term, and a special pollution permit is issued for a specified term for single or recurrent activities.

Division 6

Making Issue of Pollution Permits Public, Preparation of Pollution Permits and Special Pollution Permits and Storage of Materials Submitted in Application for Permits

§ 83. Making issue of pollution permit public

(1) The issuer of pollution permits shall publish a notice concerning the grant of or refusal to grant each permit in the official publication *Ametlikud Teadaanded* within seven days after the decision to issue or refuse to issue a permit is made and shall send a copy of the decision to issue or refuse to issue the permit to the local government body of the location of the source of pollution and to the Environmental Inspectorate. The issuer of permits shall publish the same notice in the local newspaper or at least in one national newspaper, as necessary.

(22.02.2005 entered into force 03.04.2005 - RT I 2005, 15, 87)

(2) The notice on issue of a pollution permit shall at least contain the following information:

- 1) the business name, registry code and seat, or the name, personal identification code and address of the recipient of the permit;

- 2) a description of the site which shall, among other, indicate the distance between the site and residential buildings, protected natural objects and other sensitive areas and objects;
- 3) a short description of the activities which includes information on the substances and technology to be used;
- 4) a short description of possible environmental impact of the proposed activity based on the information obtained in the process of issue of the permit;
- 5) the details of the issuer of the pollution permit and information on where the pollution permit or a decision to refuse issue of the permit and related documents may be examined by the public;
- 6) other information necessary for providing timely and relevant information to the persons involved.

(22.02.2005 entered into force 03.04.2005 - RT I 2005, 15, 87)

- (3) Valid pollution permits are available to the public at the website of the Ministry of the Environment.

§ 84. Preparation of pollution permits and special pollution permits and storage of materials submitted in application for permits

- (1) A pollution permit or a special pollution permit shall be prepared in two original copies, one of which shall be given to the possessor of the source of pollution, and the other shall remain with the issuer of permits.
- (2) The issuer of pollution permits and special pollution permits shall register a permit in the register of permits within three days after issue of the permit.
- (3) The following information shall be entered in the register of permits:
 - 1) the registration number and registration date of the application for a permit and the permit;
 - 2) business name and registry code, or the name and personal identification code of the possessor of the source of pollution;
 - 3) the address of the possessor of the source of pollution, and the address and geographical coordinates of the source of pollution;
 - 4) the name, and registry code or personal identification code of the person who prepared the draft for the emission limit values.

(4) The materials submitted in applications for pollution permits and special pollution permits shall be stored by the environmental authority of the location of the source of pollution.

Division 7

Amendment of Pollution Permits

§ 85. Bases for amendment of pollution permits

(1) A pollution permit shall be amended if:

- 1) the limit values of ambient air pollution and limit values of emissions of pollutants provided by legislation based on which the pollution permit was issued have changed;
- 2) the emission of pollutants into the ambient air has resulted in harmful consequences which could not have been foreseen upon issue of the permit;
- 3) changes in the best available techniques make it possible to significantly reduce emission levels of pollutants without imposing excessive costs;
- 4) the source of pollution has undergone significant modifications or such modifications are being planned.

(2) In the cases where the amendment of a pollution permit is initiated by the possessor of the source of pollution, the possessor shall submit the materials to be submitted together with an application pursuant to the procedure provided by this Act.

(3) In the cases where the amendment of a pollution permit is initiated by the issuer of permits, the issuer of permits shall inform the possessor of the source of pollution in writing of the grounds for updating the conditions of the permit, request the submission of the information necessary for amendment of the permit pursuant to the procedure provided by this Act and set a term for the submission of the information.

(4) The holder of a stationary source of pollution is required to inform the issuer of the pollution permit of transfer of possession within fourteen days after the formalising of the transfer of possession. The holder of a pollution permit shall amend the data concerning a possessor of a source of pollution in the pollution permit after receiving a notice to this effect. Within five days after receipt of a notice concerning a change of possessor of a source of pollution, the issuer of pollution permits shall send the corresponding amendments to the possessor of the source of pollution, and forward one copy of such document to the local

government body of the location of the source of pollution and another copy to the Environmental Inspectorate.

Division 8

Revocation of Pollution Permit

§ 86. Bases for revocation of pollution permit

- (1) The issuer of a pollution permit shall revoke the pollution permit if:
 - 1) revocation is requested by the possessor of the source of pollution;
 - 2) the owner of a new source of pollution has not commenced the activity permitted by the pollution permit as of the beginning of the term of operation specified in the pollution permit and has not submitted an application for amending the date of commencement of operation;
 - 3) the possessor of a source of pollution has knowingly submitted inaccurate information or falsified documents upon application for the pollution permit, or has repeatedly violated the term for submission of the information required in the permit;
 - 4) the possessor of the source of pollution has modified, without giving prior notice to the issuer of permits, the technological process which involve significant changes in the capacity, raw material, fuels or emission levels of pollutants related to the used plant;
 - 5) the possessor of a source of pollution has not eliminated the discovered deficiencies by the term granted by the issuer of permits, the Environmental Inspectorate or an inspector of the local government authorised to deal with environmental matters;
 - 6) the possessor of a source of pollution has failed to comply with the requirements of the pollution permit and the possessor has been previously punished for the same act;
 - 7) the health hazard caused by pollution emitted by the source of pollution cannot be prevented without significant modifications which constitute the basis for issue of a new pollution permit;
 - 8) the possessor of a source of pollution is bankrupt or is liquidated as a legal person.
- (2) The issuer of pollution permits and local government bodies have the right to verify, at least once a year, compliance with the conditions of pollution permits within relevant production areas and technological installation.

§ 87. Procedure for revocation of pollution permit

- (1) If a pollution permit is revoked at the request of the possessor of the source of pollution, the possessor shall submit a corresponding application to the issuer of the pollution permit. The issuer of the pollution permit shall impose conditions for the aftercare of the source of pollution, including the requirements for monitoring the quality of the ambient air in the vicinity of the source of pollution and the term for aftercare, and shall inform the possessor of the source of pollution thereof within five working days.
- (2) The issuer of pollution permits shall make a decision to revoke a pollution permit or shall terminate the corresponding proceeding within seven calendar days after receipt of an explanation and additional information from the possessor of the source of pollution or after hearing the possessor of the source of pollution.
- (3) The issuer of pollution permits shall send the possessor of the pollution permit a written decision concerning the revocation of the pollution permit or termination of the corresponding proceeding within three working days after making the decision. The issuer of pollution permits shall send copies of the decision to the local government body of the location of the source of pollution and to the Environmental Inspectorate.

Chapter 4

Duties of Possessor of Stationary Source of Pollution

§ 88. Best available techniques

- (1) A possessor of a stationary source of pollution shall use the best available techniques, technology which promotes energy conservation, environmental friendly sources of energy and abatement equipment to reduce emission levels of pollutants in so far as it is technically possible and economically viable, taking into consideration the expenses to be incurred and possible damage.
- (2) If abatement of pollutants is prescribed by the pollution permit, integrated environmental permit or waste incineration permit or if abatement is planned by the building design documentation, operation without abatement equipment or with defective abatement equipment is prohibited.

§ 89. Duties of possessor of stationary source of pollution

(1) The possessor of a stationary source of pollution who holds a pollution permit, integrated environmental permit or waste incineration permit shall:

- 1) guarantee that the quantities of pollutants released into the ambient air by the source of pollution in the possession thereof are not higher than the established environmental targets or cause the limit values of ambient air pollution in the area to be exceeded. If due to technical or economic reasons, the possessor of a source of pollution is unable to achieve the established standard limits within the determined term, the possessor shall immediately inform the environmental authority and the local government body of such fact, and prepare and submit a plan of action for reducing the emission levels of pollutants to such authorities and the Environmental Inspectorate, and shall prove to such authorities that best available techniques are being used;
- 2) plan measures for limitation of the quantities of pollutants released into the ambient air with the aim to reduce levels of pollution in the event of unfavourable weather conditions. The order to limit the release of pollutants shall be given by the local government body on the proposal of the environmental authority or the Environmental Inspectorate;
- 3) give prior notice to the issuer of the pollution permit, integrated environmental permit or waste incineration permit and to the local government body of all planned modifications to production or technology which cause the emission levels of pollutants to exceed the limits permitted by the pollution permit or the dispersion conditions of the pollutants to deteriorate significantly;
- 4) use equipment installed for the abatement of pollutants, regularly check their efficacy and keep documented records of the checks; The material which proves that the planned abatement efficacy planned for each abatement equipment has been achieved must be preserved. The frequency of checking the efficacy of abatement equipment shall be determined upon agreement with the issuer of permits; checks shall be carried out at least once a year;
- 5) carry out an inventory of the emission levels of pollutants released into the ambient air by the source of pollution at least on one occasion during a period of five years. The inventory within a production area shall consist of specification of the emission levels of pollutants and the parameters of sources of pollution by way of direct measurements and control calculations;
- 6) check the amounts and composition of the pollutant emissions;

7) assess at least once a quarter, unless otherwise provided by the pollution permit, integrated environmental permit or waste incineration permit, the quality of the ambient air in the vicinity of the source of pollution if the amount of pollutants released by the source of pollution exceed the average hourly limit value of ambient air pollution, or if the pollution levels are close to such limit value.

(2) The possessor of a new source of pollution shall organise, upon request of the environmental authority, the first inventory of emission levels of pollutants within three months after commencement of use of the source of pollution.

(3) The possessor of a new source of pollution shall provide an estimate of the possible presence of odorous substances in the materials submitted upon application for the pollution permit, integrated environmental permit or waste incineration permit.

§ 90. Reporting

(1) The possessor of a stationary source of pollution who has been issued a pollution permit, integrated environmental permit or waste incineration permit shall report on the activities related to pollution of the ambient air. A report shall contain the following information:

- 1) the use of raw materials, fuel consumption and energy use, and the quantity of production, by area of activity subject to reporting;
- 2) emission limit values of the pollutants released into the ambient air;
- 3) actual emission levels of pollutants released into the ambient air, by technological process;
- 4) results of measurements conducted to assess the emission levels of pollutants released into the ambient air and ambient air pollution levels;
- 5) measures taken to reduce the emission levels of pollutants.

(2) The procedure for reporting and format of reports shall be established by a regulation of the Minister of the Environment.

§ 91. Monitoring of emission levels of pollutants and obligation to pay for measurements

(1) The monitoring of the emission levels of pollutants shall be organised by the possessor of a source of pollution at the expense thereof.

(2) If the results of a second audit measurement of emission levels of pollutants released by a source of pollution ordered by the Environmental Inspectorate or an environmental inspector of the local government body prove that the emission levels exceed the limit values of pollutants, the possessor of the source of pollution shall pay for the measurement.

(3) The Environmental Inspectorate shall forward the results of the audit measurements to the issuer of permits and the possessor of the source of pollution within fourteen days after the conduct of the measurements.

Chapter 5

Large Combustion Plants and Requirements for Monitoring Emission Levels of Pollutants Released Thereby

Division 1

Existing and New Large Combustion Plants

§ 92. Large combustion plants

For the purposes of this Act, a large combustion plant means a combustion plant whose total rated thermal input at the maximum planned amount of fuel is equal to or greater than 50 MWth.

§ 93. Existing large combustion plants

An existing large combustion plant is a combustion plant for the construction of which a building permit was issued before 1 July 1987.

§ 94. One installation or several installations

The issuer of the pollution permit or integrated environmental permit shall decide, based on the technical and economic characteristics of an existing large combustion plant whether such plant is deemed to be one installation or several installations.

§ 95. Promoting combined heat and power production in new large combustion plants

The possessors of large combustion plants which received a building permit for construction of the plants after 27 November 2002 shall investigate whether the combined production of heat

and power is possible and technically and economically justified, and shall construct the plants in areas where both a demand exists for power as well as heat.

Division 2

Requirements for Monitoring Emission Levels of Pollutants and Adherence to Emission Limit Values

§ 96. Requirements for monitoring emission limit values at combustion plants with rated thermal input equal to or greater than 100 MWth

(1) If the rated thermal input of a combustion plant is equal to or greater than 100 MWth, the concentrations of sulphur dioxide, particulate matter and nitrogen oxides must be measured at a continuous basis.

(2) Continuous measurements are not required in the following cases:

1) for the content of pollutants in gases exiting combustion plants with a life span of less than 10 000 operating hours;

2) for sulphur dioxide and particulate matter from natural gas firing boilers or from gas turbines firing natural gas;

3) for sulphur dioxide from gas turbines or boilers firing oil with known sulphur content in cases where there is no desulphurisation equipment;

4) for sulphur dioxide from biomass firing boilers if the operator can prove to the issuer of permits that the sulphur dioxide emissions can under no circumstances be higher than the prescribed emission limit values.

(3) In the cases provided by subsection (2) of this section, measurements shall be required at least every three months. As an alternative, appropriate determination procedures, which must be verified and approved by the issuer of permits, may be used to evaluate the quantity of the above-mentioned pollutants present in the emissions specified in subsection (2) of this section.

(4) The measurements carried out in compliance with subsection (3) of this section shall include the relevant process operation parameters of oxygen content, temperature, pressure and water vapour content of the emitted gases. The measurement of the water vapour content of the exhaust gases shall not be necessary, provided that the sampled exhaust gas is dried before the emissions are analysed.

(5) Continuous measuring systems shall be subject to control by means of parallel measurements with the internationally or nationally approved reference methods at least every year.

§ 97. Monitoring limit values of emissions of pollutants released by existing large combustion plants

(1) In the event of continuous measurements of gases emitted by existing large combustion plants which received a building permit not later than on 27 November 2002 or the use of which was commenced not later than on 27 November 2003 the emission limit values shall be regarded as having been complied with if the evaluation of the results indicates, for operating hours (start-up and shut-down periods shall be disregarded) within a calendar year that:

- 1) none of the calendar monthly mean values exceeds the emission limit values;
- 2) in the case of sulphur dioxide and particulate matter, 97 % of all the 48 hourly mean values do not exceed 110 % of the emission limit values;
- 3) in the case of nitrogen oxides, 95 % of all the 48 hourly mean values do not exceed 110 % of the emission limit values.

(2) In cases where only periodic measurements of the gases emitted by the combustion plants specified in subsection (1) of this section are required, the emission limit values shall be regarded as having been complied with if the average results of each of the series of measurements do not exceed the emission limit values.

§ 98. Monitoring limit values of emissions of pollutants released by new large combustion plants

(1) For new plants for which the permit was granted after 27 November 2002, the emission limit values shall be regarded, for operating hours within a calendar year, as complied with if

- 1) no validated daily average value exceeds the relevant limit values;
- 2) 95 % of all the validated hourly average values over the year do not exceed 200 % of the relevant limit values.

(2) The validated daily and hourly average values specified in subsection (1) of this section shall be determined during the operating hours of a large combustion plant (start-up and shut-down periods shall be disregarded) from the measured valid hourly average values after having subtracted the value of the confidence interval. The values of the 95 % confidence intervals of a

single measured result shall not exceed the following percentages of the emission limit values: sulphur dioxide and nitrogen oxides 20 % and particulate matter 30 %.

(3) Any day in which more than three hourly average values are invalid due to malfunction or maintenance of the continuous measurement system shall be invalidated. If more than ten days over a year are invalidated for such situations the issuer of permits shall require the possessor of the source of pollution to take adequate measures to improve the reliability of the continuous monitoring system.

Division 3

Requirements in Event of Breakdown of Abatement Equipment

§ 99. Requirements in event of breakdown of abatement equipment of large combustion plants

(1) Operators of large combustion plants are required to inform the issuer of permits, the Environmental Inspectorate and the local government body of the malfunction or breakdown of the abatement equipment.

(2) In case of a breakdown the Environmental Inspectorate shall in particular require the operator to reduce or close down operations if a return to normal operation is not achieved within twenty four hours, or to operate the plant using low polluting fuels.

§ 100. Maximum permitted duration of unabated operation of large combustion plants

In no circumstances shall the cumulative duration of unabated operation in any twelve-month period exceed 120 hours, except where in the judgement of the issuer of permits, there is an overriding need to maintain energy supplies.

Division 4

Exceptions in Application of Established Requirements

§ 101. Contract for gradual closing down of large combustion plant

Existing plants or plants which received a building permit not later than on 27 November 2002 or the use of which was commenced not later than on 27 November 2003 may be exempted from compliance with the emission limit values if the possessor of a combustion plant undertakes, in a

written declaration to the issuer of permits, not to operate the plant for more than 20 000 operational hours starting from 1 January 2008 and ending no later than 31 December 2015, and to submit each year to the issuer of permits a record of the actual operating time of the plant, or if the possessor of the combustion plant enters into a contract with the Minister of the Environment for the gradual closing down of the plant and terminating the operation thereof by the year 2015.

§ 102. Time limit for non-compliance with emission limit values

(1) The issuer of permits may allow, in writing, a derogation from the obligation to comply with the emission limit values in cases where a plant which normally uses only gaseous fuel, and which would otherwise need to be equipped with waste gas purification facility, has to resort exceptionally, and for a period not exceeding ten days, to the use of other fuels. The ten-days time limit does not apply in the cases where there is an overriding need to maintain energy supplies. The issuer of permits and the Environmental Inspectorate shall immediately be informed of each specific case as it arises.

(2) The issuer of permits may allow a suspension for a maximum of six months from the obligation to comply with the emission limit values for sulphur dioxide in respect of a large combustion plant which to this end normally uses low-sulphur fuel, in cases where the possessor of the plant is unable to comply with these limits because of an interruption in the supply of low-sulphur fuel resulting from an emergency within the meaning of the Emergency Preparedness Act (RT I 2000, 95, 613; 2002, 61, 375; 63, 387; 2003, 88, 594; 2004, 26, 173).

§ 103. Required desulphurisation rates for existing large combustion plants

Based on the characteristics of solid fuel and in particular to its sulphur and ash content, the issuer of permits may apply, to existing large combustion plants which received a building permit not later than on 27 November 2002 or the use of which was commenced not later than on 27 November 2003, a desulphurisation rate which shall be the following depending on the thermal input of the plant:

- 1) a rate of desulphurisation of at least 60 % shall be achieved in the case of plants with a rated thermal input of less than or equal to 100 MWth;
- 2) at least 75 % for plants with a rated thermal input of 101 MWth to 300 MWth;
- 3) at least 90 % for plants with a rated thermal input of 301 MWth to 500 MWth;

4) at least 94 % for plants with a rated thermal input of more than 500 MWth.

§ 104. Desulphurisation requirements for new large combustion plants

(1) With respect to large combustion plants which received a building permit for construction of the plants after 27 November 2002 and which operate on solid fuels with a rated thermal input of 101 MWth to 300 MWth, the issuer of permits may allow a maximum permissible limit value of sulphur dioxide emissions of up to 300 mg/Nm³ SO₂, or the application of a rate of desulphurisation of at least 92 % instead of the maximum permissible limit value.

(2) With respect to large combustion plants which received a building permit for construction of the plants after 27 November 2002 and which operate on solid fuels with a rated thermal input of over 300 MWth, the issuer of permits may allow a maximum permissible limit value of sulphur dioxide emissions of up to 400 mg/Nm³ SO₂, provided that or the rate of desulphurisation achieved by the plant is at least 95 per cent.

§ 105. Unit of measurement of gas discharged by source of pollution

For the purposes of this Act, normal cubic meter (Nm³) shall mean the volumetric unit of gas discharged by a source of pollution under normal or standard conditions that is, at standard temperature of 273 K and pressure of 101,3 kPa.

Chapter 6

Protection of Ozone Layer

§ 106. Substances that deplete ozone layer

For the purposes of this Act, substances that deplete the ozone layer are fully halogenated chlorofluorocarbons, halons, carbon tetrachloride, 1,1,1-trichloroethane, methyl bromide and hydrobromofluorocarbons and hydrochlorofluorocarbons, whether alone or in a mixture.

§ 107. Organisation of handling of substances

The Ministry of the Environment shall organise the protection of the ozone layer and the handling of substances that deplete the ozone layer pursuant to the provisions of the Vienna

Convention for the Protection of the Ozone Layer and the Montreal Protocol on Substances that Deplete the Ozone Layer (RT II 1996, 33/34, 119; 1999, 3, 15; 2002, 32, 149; 2003, 28, 138).

§ 108. Placing on market of substances that deplete ozone layer and products containing such substances

Placing on the market of substances that deplete ozone layer and products containing such substances means the supplying or making available to third persons, against payment or free of charge, of such controlled substances or products containing them.

§ 109. Restriction on and activity licence for production, use, placing on market, import and export of controlled substances

The production, use, placing on the market, import into the Republic of Estonia and export from the Republic of Estonia is restricted or prohibited. The European Commission is the authority competent to issue activity licences for importing or exporting such substances.

§ 110. List of controlled substances and requirements set for controlled substances

The list of substances that deplete the ozone layer and the requirements for such substances shall be established by a regulation of the Government of the Republic.

§ 111. Requirements for competence

(1) Persons engaged in the installation, operation, dismantling and leakage control of equipment containing substances that deplete the ozone layer or fluorated greenhouse gases shall have corresponding expertise and experience.

(2) The competence requirements of the persons specified in subsection (1) of this section shall be established by a regulation of the Minister of the Environment.

§ 112. Checking of equipment

The owner or possessor of fixed equipment which contains more than three kilograms of substances which deplete the ozone layer shall check the equipment for leakages of the substance at least once a year. The Environmental Inspectorate shall conduct random checks of the equipment.

§ 113. Maintenance record of equipment

(1) The operator of equipment containing substances that deplete the ozone layer or fluorated greenhouse gases shall keep record of the maintenance of the equipment.

(2) The formats of the maintenance record specified in subsection (1) of this section and the procedure for the completion thereof shall be established by a regulation of the Minister of the Environment.

§ 114. Labelling of cylinders and equipment

Cylinders and equipment which contain substances that deplete the ozone layer or fluorated greenhouse gases shall be labelled pursuant to the procedure provided by the Chemicals Act.

§ 115. Prohibition on production of new controlled substances

It is prohibited to produce new chemical substances that deplete the ozone layer.

Chapter 7

Greenhouse Gases and Climate Change

Division 1

General Provisions and Summated Limit Values of Emissions of Greenhouse Gases

§ 116. Definitions

(1) Greenhouse gases are natural or anthropogenic gaseous components of the ambient air which absorb and emit infrared radiation.

(2) For the purposes of this Act, climate change shall mean the changing of the climate of the planet Earth which is caused by the changing of the composition of the ambient air as a direct or indirect result of human activity and which manifests itself during comparable periods of time in addition to the natural variations in the climate.

§ 117. Organisation of activities to reduce climate change

Activities for the reduction of climate change are organised by the Ministry of the Environment on the basis of the requirements for restriction the limit values of emissions of greenhouse gases provided by the United Nations framework Convention on Climate Change (RT II 1994, 14/15, 43) and the Kyoto Protocol to the United Nations Framework Convention on Climate Change (RT II 2002, 26, 111).

§ 118. Additional measures by possessors of source of pollution

The possessors of sources of pollution shall take additional measures to reduce the emission levels of carbon dioxide and other greenhouse gases such as methane, nitrogen dioxide, hydrofluorocarbons, perfluorocarbons and sulphur hexafluoride, accumulation of which in the ambient air may cause climate change.

§ 119. Summated limit values of emissions of greenhouse gases

- (1) The summated limit values of emissions of greenhouse gases released by stationary and mobile sources of pollution and a corresponding distribution plan shall be established by a regulation of the Government of the Republic.
- (2) The issuer of pollution permits, integrated environmental permits and waste incineration permits shall issue such permits based on the summated limit values established on the basis of subsection (1) of this section.

Division 2

Greenhouse Gas Emission Allowance Trading

§ 120. List of areas of activity and procedure for greenhouse gas emission allowance trading

- (1) The list of areas of activities for operators and the procedure for greenhouse gas emission allowance trading shall be established by a regulation of the Government of the Republic.
- (2) The Ministry of the Environment shall issue an operator a licence for greenhouse gas emission allowance trading (hereinafter trading licence).
- (3) The requirements for an application for trading licence, requirements for trading licences, the procedure for the issue of trading licences and for the submission of reports on trading of greenhouse gas emission allowances, and the procedure for supervision over and certification of

trading of greenhouse gas emission allowances shall be established by a regulation of the Minister of the Environment.

§ 121. Content of application for trading licence and content of trading licence

- (1) An application for the trading licence shall, at least, contain the following data:
 - 1) the name, commercial registry code and address of the operator;
 - 2) a description of the technology used in the area of activity, and of the raw materials and additives the use of which is likely to cause the formation of greenhouse gases;
 - 3) emission levels of different greenhouse gases, set out separately for each source of pollution;
 - 4) planned methodology for pollution monitoring, including the methods and frequency of monitoring;
 - 5) permitted limit values of emissions of greenhouse gases for the trading of which the licence is applied.
- (2) The trading licence shall contain the information set forth in subsection 819 of this section and in addition, the following data:
 - 1) the name of the issuer of the licence;
 - 2) the limit values of emissions of greenhouse gases which may be traded;
 - 3) requirement of monitoring;
 - 4) requirement of reporting;
 - 5) time of validity of the licence.

§ 122. Reporting

An operator is required to submit an annual report to the Ministry of the Environment concerning the trading of allowances of greenhouse gas emissions by which the operator declares that the emissions of greenhouse gases used for trading by the operator during the year conform to the limit values of emissions, expressed as carbon dioxide equivalent, permitted by the trading licence.

Chapter 8

Ambient Noise

Division 1

Level of Ambient Noise and Noise Indicators

§ 123. Ambient noise

For the purposes of this Act, ambient noise shall mean unwanted or harmful outdoor sound created by human activities created by stationary or mobile sources of pollution. Unjustified creation of noise is prohibited.

§ 124. Standard noise level

The standard level of ambient noise is the standard value of the level of noise expressed in figures to describe different noise situations.

§ 125. Limit values of noise

The limit value of noise is the maximum permitted level of noise the exceeding of which requires enforcement of mitigation measures.

§ 126. Critical level of noise

The critical level of noise is a level of noise the exceeding of which creates an unsatisfactory noise situation, causes a significant annoyance to persons and requires the application of measures for the protection of human health.

§ 127. Target level of noise and requirements for planning

- (1) The target level of noise is the standard noise level used for newly planned areas and with the aim of improving the existing noise situation.
- (2) The requirements for preparation of plans with the aim to limit ambient noise shall be established by a regulation of the Minister of the Environment.

§ 128. Noise indicators

Noise indicator shall mean the assessed noise level which has a relationship with the harmful effect of noise.

§ 129. Methods for determination and assessment of noise levels

(1) The standard level of ambient noise and the methods for determination and assessment of noise levels shall be established by a regulation of the Minister of Social Affairs.

(2) Local government bodies have the right to establish, with regard to their administrative territories or parts thereof, standard levels for ambient noise which are up to 50 per cent more stringent than the standard levels established on the basis of subsection (1) of this section.

Division 2

Mapping of Ambient Noise, Strategic Map of Ambient Air and Plan of Action for Reduction of Ambient Noise

§ 130. Noise mapping

(1) Mapping of ambient noise of an area shall mean the description of existing or predicted noise levels and compliance thereof with established standard noise levels in terms of a noise indicator, taking account of the number of people or dwellings exposed to noise which exceeds the standard levels.

(2) Where the standard levels of noise are exceeded, the possessor of the noise source shall carry out, on the proposal of the Health Protection Inspectorate, mapping of the ambient noise or assessment of the noise levels at the expense of the possessor of the noise source.

§ 131. Strategic ambient noise map

(1) In order to provide a general assessment or general forecast of the noise levels created by various noise sources, a strategic ambient noise map shall be prepared.

(2) A strategic ambient noise map shall include information on the noise sources causing the spreading of noise, the extent of the spread of existing or predicted noise, location of inhabitants and dwellings, data on the number of inhabitants and construction works, specific characteristics of the construction works and other necessary data.

§ 132. Plan of action for reducing ambient noise levels

- (1) A plan of action for reducing ambient noise levels deals with the measures for reducing noise levels and the impact of noise.
- (2) A plan of action for reducing ambient noise levels shall set out a list of planned measures, including the cost of such measures, the persons who are responsible for applying the measures and the term for application thereof.

§ 133. Content of strategic ambient noise map and action plan for reducing noise levels

Minimum requirements for the content of strategic ambient noise maps and action plans for reducing noise levels shall be established by a regulation of the Minister of Social Affairs.

§ 134. Preparation and approval of strategic ambient noise maps and plans of action for reducing noise levels and frequency of their review

- (1) Strategic ambient noise maps and plans of action for reducing noise levels shall be prepared and submitted to the Health Protection Inspectorate for approval by:
 - 1) possessors of sources of ambient noise such a port, airport, bus station or railway station if the source is unambiguously clear;
 - 2) owner of a road;
 - 3) owner of a railway;
 - 4) the local government body of an agglomeration.
- (2) The person who prepared an ambient noise map or a plan of action for reducing noise levels shall be review such document, amend them, as necessary and submit the map or plan for approval to the Health Protection Inspectorate at least once every five years.

Division 3

Supervision of Ambient Noise Levels

§ 135. Duties of supervisory authority

- (1) Supervision over ambient air noise levels shall be exercised by the Health Protection Inspectorate.
- (2) The Health Protection Inspectorate shall:
 - 1) collect the strategic ambient noise maps and plans for reducing noise levels;

- 2) verify the information set out by the strategic ambient noise maps and plans for reducing noise levels and evaluate their conformity to the requirements provided by this Act;
- 3) approve the strategic ambient noise maps and plans for reducing noise levels;
- 4) prepare consolidated data on the basis of information contained in the strategic ambient noise maps and plans for reducing noise levels, and enter the data together with ambient air mapping results in an electronic data base;
- 5) make the consolidated data known to the public through media.

§ 136. Rights of supervisory officials

- (1) Supervisory officials have the right:
 - 1) to demand information and documents from persons who cause the creation of ambient noise and, with the knowledge of the persons or their representatives, use results of measurements or technical equipment for recording noise levels;
 - 2) to receive, free of charge, excerpts from documents and up to two copies of each relevant document from persons who cause the creation of ambient noise.
- (2) An official of state supervision over health protection has the right to issue precepts:
 - 1) for restricting or terminating the operation of a stationary source of pollution if the noise levels emitted thereby exceed the standard or critical ambient noise levels;
 - 2) for preparation of a strategic ambient noise map or plan of action for reducing ambient noise and for bringing the map or plan into conformity with the requirements provided by this Act.
- (3) Upon failure to comply with a precept specified in subsection (2) of this section, a supervisory official may impose penalty payment pursuant to the procedure provided for in the Substitutive Enforcement and Penalty Payment Act (RT I 2001, 50, 283; 94, 580).
- (4) The upper limit of penalty payment specified in subsection (3) of this section is 10 000 kroons.

§ 137. Audit measurement tests of noise levels

If based on complaints from the public, the Health Protection Inspectorate conducts audit measurement tests for verifying noise levels and the results of the tests indicate that the standard

noise levels have been exceeded, the possessor of the relevant source of pollution is required to pay for the tests.

§ 138. Prevention of exceeding standard noise levels

In order to prevent the exceeding of the standard levels of ambient noise, the local government body has the right to restrict, through traffic management, the movement of motor vehicles within its territory.

Chapter 9

Liability

§ 139. Violation of requirements for protection of ambient air and greenhouse gas emission allowance trading

(1) Violation of the requirements for protection of the ambient air is punishable by a fine of up to 100 fine units.

(2) An act provided for in subsection (1) of this section, if committed by a legal person, is punishable by a fine of up to 30 000 kroons.

(3) Violation of the requirements for greenhouse gas emission allowance trading is punishable by a fine of up to 300 fine units.

(4) An act provided for in subsection (3) of this section, if committed by a legal person, is punishable by a fine of up to 50 000 kroons.

§ 140. Violation of restriction of import and export of products prohibited in order to protect ozone layer

(1) Import or export of products which are prohibited in order to protect the ozone layer, or a violation of a restriction of import or export of such products shall be punishable by a fine of up to 200 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 30 000 kroons.

§ 141. Production, placing on market and unlawful use of products prohibited in order to protect ozone layer

(1) The production, placing on the market or unlawful use of products which are prohibited in order to protect the ozone layer is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 50 000 kroons.

§ 142. Violation of requirements for ambient noise mapping, strategic ambient air maps and plans of action for reducing ambient noise

(1) Violation of the requirements for ambient noise mapping, for strategic ambient air maps or plans of action for reducing ambient noise is punishable by a fine of up to 100 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 30 000 kroons.

§ 143. Proceedings

(1) The provisions of the General Part of the Penal Code (RT I 2001, 61, 364; 2002, 86, 504; 82, 480; 105, 612; 2003, 4, 22; 83, 557; 90, 601; 2004, 7, 40) and of the Code of Misdemeanour Procedure (RT I 2002, 50, 313; 110, 654; 2003, 26, 156; 83, 557; 88, 590; 593) apply to the proceedings in matters of misdemeanours provided for in § 139–142 of this Act.

(2) The Environmental Inspectorate is the extra-judicial body which conducts proceedings in matters of misdemeanours provided for in §§ 139–41 of this Act.

(3) The Health Protection Inspectorate shall conduct extra-judicial proceedings in the matters of the misdemeanours provided for in § 142 of this Act.

§ 144. Compensation for loss

Loss caused as a result of directing pollutants into the ambient air or violation of the requirements of this Act shall be compensated pursuant to the Law of obligations Act (RT I 2001, 81, 487; 2002, 60, 374; 2003, 78, 523; 2004, 13, 86; 37, 255) by the person who causes the loss.

Supervision

§ 145. Failure to comply with requirements of environmental protection measures set by Environmental Inspectorate and Health Protection Inspectorate

(1) In the event of failure to comply with the requirements of environmental protection measures set by the Environmental Inspectorate or the Health Protection Inspectorate, the administrative authority shall impose a penalty payment pursuant to the procedure provided for in the Substitutive Enforcement and Penalty Payment Act (RT I 2001, 50, 283; 94, 580).

(2) The upper limit of penalty payment specified in subsection (1) of this section is 10 000 kroons.

Chapter 11

Implementing Provisions

§ 146. Plan of action for reducing emission levels of volatile organic compounds released upon use of solvents

(1) Pursuant to subsection 49 (1) of this Act, the possessor of a source of pollutant has the right to operate in compliance with the plan of action for reducing the emission levels of volatile organic compounds set for the installations used thereby provided that as a result of compliance with the plan, the emission levels of such substances will be reduced, by 31 October 2007, in an amount equal to the reductions which would be achieved as a result of adherence to established emission limit values.

(2) The possessor of a source of pollution intending to use a plan of action for reducing the emission levels of volatile organic compounds emitted by existing installations shall inform the issuer of permits of such intent not later than by 31 October 2005.

§ 147. Preparation of plan of action for reducing emission levels of sulphur dioxide, nitrogen oxides, volatile organic compounds and ammonia released by stationary sources of pollution
Possessors of sources of pollution whose stationary sources of pollution located within a single production area released, during the period from 1 January 2001 to 31 December 2002 over 1000 tons of sulphur dioxide, 100 tons of nitrogen oxides, 10 tons of volatile organic compounds or

500 kilograms of ammonia into the ambient air shall prepare a plan of action for reducing the emission levels of such pollutants and submit the plan to the issuer of permits and the local government body. The issuer of permits shall organise the preparation and implementation of the plans of action by setting additional conditions to pollution permits, integrated environmental permits or waste incineration permits.

§ 148. Application for building permit for new stationary source of pollution

Where a building permit for a new source of pollution is applied for after the entry into force of this Act, a pollution permit, integrated environmental permit or waste incineration permit shall be applied for before application for the building permit.

§ 149. Requirements for desulphurisation rates of combustion plants

Pursuant to § 103 of this Act, a rate of desulphurisation of at least 65 % shall be maintained until 31 December 2010 in the case of plants firing oil shale which have boilers with a rated thermal input of 50 to 100 MWth, and until 2015 in the case of plants which have boilers with a rated thermal input equal or higher than 100 MWth. Until such dates, adherence to the limit values of sulphur dioxide emissions is not required in the combustion plants firing oil shale.

§ 150. Greenhouse gas emission allowance trading

Handlers who obtain a trading licence pursuant to subsection 120 (2) of this Act may commence trading greenhouse gas emission allowances after 1 January 2005.

§ 151. Content of strategic ambient noise map and action plan for reducing ambient noise levels

(1) Pursuant to subsection 134 (1) of this Act, the following shall submit a strategic ambient noise map and not later than by 30 June 2007 and an action plan for reducing ambient noise levels not later than by 18 July 2008:

- 1) a local government body of an agglomeration containing at least 250 000 inhabitants;
- 2) the owner of a road used by more than six million vehicles a year;
- 3) the owner of a railway used by more than 60 000 rail vehicles a year;
- 4) the owner of an airport where over 50 000 take-offs and landings, except for those related to the use of light aircraft for training purposes, take place in a year.

(2) Pursuant to subsection 134 (1) of this Act, the following shall submit a strategic ambient noise map and not later than by 30 June 2012 and an action plan for reducing ambient noise levels not later than by 18 July 2013:

- 1) a local government body of an agglomeration containing at least 100 000 inhabitants;
- 2) the owner of a road used by more than three million vehicles a year;
- 3) the owner of a railway used by more than 30 000 rail vehicles a year.

§ 152. Amendment of Environmental Monitoring Act

The Environmental Monitoring Act (RT I 1999, 10, 154; 54, 583; 2000, 92, 597; 2002, 63, 387) is amended as follows:

1) section 6¹ is added to the Act worded as follows:

«§ 6¹. Measurement methods used for monitoring ambient air quality

Internationally recognised standard measurement methods shall be used for the monitoring of the quality of the ambient air.";

2) section 11¹ is added to the Act worded as follows:

«§ 11¹. Installation of ambient air monitoring stations

Installation of ambient air monitoring stations shall enable to collect comparable data concerning the pollution levels from the entire territory of the state."

§ 153. Amendment of Act Ratifying Kyoto Protocol to United Nations Framework Convention on Climate Change

The Act Ratifying the Kyoto Protocol to the United Nations Framework Convention on Climate Change (RT I 2002, 26, 111) is amended and worded as follows:

«§ 2. For the purpose of application of the provisions of Articles 6, 12 and 17 of the Kyoto protocol, the Government of the Republic authorises the Minister of the Environment to enter into international agreements transferring emission reduction units."

§ 154. Repeal of Act

The Ambient Air Protection Act (RT I 1998, 41/42, 624; 1999, 10, 155; 95, 843; 2001, 50, 283; 2002, 61, 375; 63, 387; 2003, 88, 594) is repealed.

§ 155. Entry into force of Act

- (1) This Act enters into force on 30 September 2004.
- (2) Subsection 96 (1) of this Act enters into force on 27 November 2004.
- (3) The written declarations specified in § 101 of this Act may be submitted and the contracts specified in § 101 of this Act may be entered into until 1 November 2004.

¹ Council Directive 96/62/EC on ambient air quality assessment and management (OJ L 296, 21.11.1996, pp. 55–63; L 319, 04.12.2001, pp. 45–64); Council Directive 1999/30/EC relating to limit values for sulphur dioxide, nitrogen dioxide and oxides of nitrogen, particulate matter and lead in ambient air (OJ L 163, 29.06.1999, pp. 41–60; L 278, 23.10.2001, pp. 35–36; L 12, 17.01.2003, pp. 31–33; L 319, 04.12.2001, pp. 45–64); Directive 2000/69/EC of the European Parliament and of the Council relating to limit values for benzene and carbon monoxide in ambient air (OJ L 313, 13.12.2000, pp. 12–21); Directive 2002/3/EC of the European Parliament and of the Council relating to ozone in ambient air (OJ L 067, 09.03.2002, pp. 14–30); Council Directive 84/360/EC on the combating of air pollution from industrial plants (OJ L 188, 16.07.1984, pp. 20–25; L 377, 31.12.1991, p 48); Council Directive 96/61/EC of concerning integrated pollution prevention and control (OJ L 257, 10.10.1996, pp. 26–40; L 275, 25.10.2003, pp. 32–46); Council Directive 1999/13/EC on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain activities and installations (OJ L 085, 29.03.1999, pp. 1–22; L 188, 21.07.1999, p. 54; L 240, 10.09.1999; L 230, 12.09.2000, pp. 16–19; L 172, 02.07.2002, pp. 57–60); Directive 2001/80/EC of the European Parliament and of the Council on the limitation of emissions of certain pollutants into the air from large combustion plants (OJ L 309, 27.11.2001, pp. 1–21; L 016, 22.01.2003, pp. 59–67); Directive 2001/81/EC of the European Parliament and of the Council on national emission ceilings for certain atmospheric pollutants (OJ L 309, 27.11.2001, pp. 22–30); Council Regulation (EEC) No 1210/90 on the establishment of the European Environment Agency and the European Environment Information and Observation Network (EÜT L 120, 11.05.1990, pp. 1–6); Council Directive 70/220/EEC on the approximation of the laws of the Member States relating to measures to be taken against air pollution by gases from positive-ignition engines of motor vehicles

(EÜT L 076, 06.04.1970, pp. 1–22; L 190, 20.08.1972, p. 1; L 36, 09.02.1988, pp. 33–61; L 186, 28.07.1993, p. 21; OJ L 100, 19.04.1994, p. 42; L 210, 20.08.1996, pp. 25–46; L 125, 16.05.1997, pp. 21–30; L 350, 28.12.1998, pp. 1–57; L 044, 16.02.2000, pp. 1–155; L 107, 18.04.2001, pp. 10–23); Council Directive 97/68/EC on the approximation of the laws of the Member States relating to measures against the emission of gaseous and particulate pollutants from internal combustion engines to be installed in non-road mobile machinery (OJ L 59, 27.02.1998, pp. 1–86; L 227, 23.08.2002, p. 41; L 035, 11.02.2003, pp. 28–81); Council Directive 74/150/EEC on the approximation of the laws of the Member States relating to the type-approval of wheeled agricultural or forestry tractors (EÜT L 84, 28.03.1974, pp. 10–24; OJ L 173, 12.07.2000, pp. 1–34); Council Directive 1999/94/EC relating to the availability of consumer information on fuel economy and CO₂ emissions in respect of the marketing of new passenger cars (OJ L 012, 18.01.2000, pp. 16–23; L 237, 06.09.2001, pp. 5–15); Council Directive 93/12/EC of relating to the sulphur content of certain liquid fuels (EÜT L 074, 27.03.1993, pp. 81–83; OJ L 350, 28.12.1998, pp. 58–68; L 121, 11.05.1999, pp. 13–18; L 287, 14.11.2000, p. 46; L 076, 22.03.2003, p. 10; L 284, 31.10.2003, pp. 1–53); Council Directive 94/63/EC of 20 December 1994 on the control of volatile organic compound (VOC) emissions resulting from the storage of petrol and its distribution from terminals to service stations (OJ L 365, 31.12.1994, pp. 24–33; L 284, 31.10.2003, pp. 1–53); Commission Decision 2002/159/EC on a common format for the submission of summaries of national fuel quality data (OJ L 053, 23.02.2002, pp. 30–36); Regulation (EC) No 2037/2000 of the European Parliament and of the Council on substances that deplete the ozone layer (OJ L 244, 29.09.2000, pp. 1–26; L 265, 16.10.2003, pp. 1–4); Decision 93/389/EEC for a monitoring mechanism of Community CO₂ and other greenhouse gas emissions (EÜT L 167, 09.07.1993, pp. 31–33; OJ L 117, 05.05.1999, pp. 35–38; L 284, 31.10.2003, pp. 1–53); Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community (OJ L 275, 25.10.2003, pp. 32–46); Directive 2002/49/EC of the European Parliament and of the Council of 25 June 2002 relating to the assessment and management of environmental noise (OJ L 189, 18.07.2002, pp. 12–26).

² RT = *Riigi Teataja* = State Gazette

³ *Ametlikud Teadaanded* = Official Publications

