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If a whole or part of a section has been amended, the date of the amending law appears in square brackets at the end of the section. If a whole section, paragraph or clause has been deleted, the date of the deletion appears in square brackets beside the deleted section, paragraph or clause.

Republic of Latvia

Cabinet

Regulation No. 158

Adopted 17 February 2009

## **Regulations Regarding the Requirements with Respect to Environmental Monitoring and the Procedures for Performance Thereof, the Creation of the Register of Polluting Substances and Public Availability of Information**

*Issued pursuant to  
Section 17, Paragraph two of  
the Environmental Protection Law and  
Section 45, Paragraph one and Section 46, Paragraph two  
of the Law On Pollution*

### **I. General Provision**

1. This Regulation prescribes:

1.1. the requirements with respect to the environmental monitoring and the procedures for the performance thereof;

1.2. the procedures by which an operator shall control the amount of emissions and perform monitoring;

1.3. the procedures by which an operator shall provide information regarding the results of the monitoring; and

1.4. the procedures, by which the State limited liability company "Latvian Environment, Geology and Meteorology Centre" (hereinafter – Centre) shall create the register of polluting substances and ensure public access to information regarding the substances polluting the environment and the results of the monitoring performed by operators.

[5 January 2010]

### **II. Performance of the Environmental Monitoring**

2. The environmental monitoring shall be organised:

2.1. by the institutions subordinate to the Ministry of Environment, the Ministry of Health and the Ministry of Agriculture and by scientific institutions;

2.2. by local government institutions in cases laid down in laws and regulations, as well as in cases when a local government needs to evaluate the changes in the environmental quality – for the funds from the local government budget;

2.3. by merchants if it is laid down in the environmental laws and regulations – for their own resources.

3. The environmental monitoring shall be performed:

3.1. regularly in order to obtain information regarding the state of the environment and the changes therein, as well as regarding the impact of the environmental pollution on health;

3.2. in special cases in order to:

3.2.1. ascertain the reasons, which hinder the achievement of the environmental quality objectives in accordance with environmental quality norms;

3.2.2. evaluate the environmental condition if environmental damage has been caused;

3.2.3. evaluate the changes in the state of the environment after implementation of the programme of environmental protection measures;

3.2.4. obtain information regarding the environmental impact of the particular object.

4. The institutions referred to in Sub-paragraph 2.1 of this Regulation, according to their competence, shall organise or perform:

4.1. air monitoring in accordance with the laws and regulations regarding air quality, the performance of forest monitoring and protection against ionising radiation, as well as in accordance with legal acts of the European Union and international conventions;

4.2. water monitoring in accordance with the laws and regulations regarding water protection (in surface water, groundwater and marine water, swimming areas and water intended for human consumption), protection from the pollution caused by agricultural activities, ameliorative hydrometry and protection against ionising radiation, as well as in accordance with legal acts of the European Union and international conventions;

4.3. land monitoring in accordance with the laws and regulations regarding the fertility level of land used for agriculture and changes therein, protection from the pollution with nitrates caused by agricultural activities, protection against ionising radiation and in accordance with legal acts of the European Union, as well as observations of geological processes coastal areas of the sea and rivers in accordance with international conventions;

4.4. monitoring of biological diversity in accordance with the laws and regulations regarding the protection of species and biotopes and special areas of conservation, as well as in accordance with legal acts of the European Union and international conventions in order to obtain information regarding:

4.4.1. the condition of specially protected species and biotopes (including presence and number) in protected territories of European significance (Natura 2000);

4.4.2. the condition of species and biotopes (including diversity, number and area) outside protected territories of European significance (Natura 2000).

5. The institutions referred to in Sub-paragraph 2.1 of this Regulation shall prepare and insert the annual report on the results of the performed monitoring on the website of the institution.

6. The results of the environmental monitoring shall be used in order to:

6.1. evaluate the tendencies of changes in the state of the environment;

6.2. evaluate the impact of different sources of pollution and transboundary transfer of pollution;

6.3. evaluate the efficiency of the environmental protection measures;

6.4. determine the impact of natural and anthropogenic factors;

6.5. determine the changes in different environmental factors and physical, chemical and biological parameters of components of the ecosystem in a specific period of time.

7. The organiser of the environmental monitoring shall be responsible for the veracity and accuracy of the environmental monitoring data and the information provided.

8. Sample analysis for obtaining the results of the environmental monitoring shall be performed only in accredited laboratories.

### **III. Procedures by which Operator shall Control the Amount of Emissions and Perform Monitoring**

9. Operators shall perform monitoring in accordance with the environmental laws and regulations and conditions, which are included in the permit for performance of polluting activity of Category A or B (hereinafter – permit) of the regional environmental board of the State Environmental Service (hereinafter – Board).

10. An operator, in controlling emission and performing environmental monitoring, shall use the method of direct measurements, the method of emission factors, the method of mass balance or other internationally recognised indirect determination methods indicated in the permit.

11. An application of the operator for receipt of a permit and the permit shall include the following conditions:

11.1. the environmental monitoring performed by the operator controls the fulfilment of the requirements laid down for the relevant polluting activity in laws and regulations;

11.2. polluting substances (any substances, which may cause pollution) and parameters, for which the operator performs monitoring, as well as the accuracy and frequency of the intended measurements are determined;

11.3. requirements for sample-taking and sites for sample measurements are specified;

11.4. standards or methods, which are used for sample taking, measurements and performance of laboratory analysis, are indicated;

11.5. the data obtained by monitoring are interpreted and compared with the limits of emission laid down in the laws and regulations regarding environmental quality and in the permit and with other conditions of the permit, as well as with analogic data regarding other equipment, using which the relevant polluting activities are being performed;

11.6. the data obtained by monitoring conform to the requirements laid down in the environmental laws and regulations and in statistical reports with respect to the provision of information;

11.7. the equipment and facilities used in monitoring ensure the commencement, suspension and operation of their activity in untypical mode (for example, improper usage of production equipment, accident or unforeseeable natural conditions);

11.8. the requirements for the maintenance of the monitoring system, the calibration of equipment and facilities, the validity of methods and, if necessary, the verification of facilities or the certification of the staff involved in the performance of the environmental monitoring are specified;

11.9. the best available technical methods of monitoring for polluting activity of Category A are indicated.

12. Upon choosing and including the methods referred to in Paragraph 10 of this Regulation, as well as the parameters to be controlled and the frequency of monitoring in the application for the receipt of permit, the operator shall take into account the accuracy and costs of the relevant method, the changeability of emission in specific period of time and the risk created by polluting substances to the environment.

13. The Board after revision of the conditions specified in the permit shall make amendments to the conditions of the monitoring if:

13.1. the limits of emission or other conditions of the permit have been changed;  
13.2. other methods of monitoring have become available, using which better control of the processes of the polluting activity may be ensured for provision of normative limit values of the environmental quality, taking into account the proportionality of the costs of methods with the hazard level of the pollution caused by the polluting activity in the environment.

14. In comparing the results of the monitoring performed by the operator with the limit values of emission or the emission limits specified in the permit, the operator and the Board shall take into account the uncertainty of statistically selected measurements. The results of measurements shall:

14.1. conform to the limit value of emission or the limit, if the number obtained upon adding the uncertainty of measurements to the monitoring result does not exceed the limit value of emission or the limit;

14.2. be in the intermediate position between the conformity and the non-conformity to the limit value of emission or the limit, if the difference between the monitoring result and the limit value of emission or the limit is less than the uncertainty of measurements;

14.3. not conform to the limit value of emission or the limit, if the number obtained upon subtracting the uncertainty of measurements from the monitoring result exceeds the limit value of emission or the limit.

15. If the results of the monitoring performed by the operator repeatedly show intermediate condition, the Board, upon revising the conditions included in the permit, shall determine additional measurements or other measurement methods.

16. The operator shall submit information regarding the monitoring results to the Board or the Centre in accordance with the procedures, in the amount and in the deadlines laid down in the environmental laws and regulations, permit and statistical reports.

*[5 January 2010]*

17. The operator, which has received the permit, shall once a year, within the time period laid down in environmental laws and regulations submit:

17.1 to the Centre statistical reports on air protection and use of water resources;

17.2. to the Board statistical reports on waste.

*[5 January 2010]*

18. The operator, which performs polluting activity that does not require permit, shall submit to the Centre the statistical reports referred to in Paragraph 17 of this Regulation, if it is laid down in the environmental laws and regulations.

*[5 January 2010]*

#### **IV. Creation of the Register of Polluting Substances**

19. The Centre shall be the competent State authority in accordance with Regulation (EC) No 166/2006 of the European Parliament of the Council of 18 January 2006 concerning the establishment of a European Pollutant Release and Transfer Register and amending Council Directives 91/689/EEC and 96/61/EC (hereinafter – Council Regulation No 166/2006). The Centre shall be the manager of the register of polluting substances.

*[5 January 2010]*

20. The Centre shall, according to Council Regulation No 166/2006, create the register of polluting substances in the form of electronic data base and shall store the data and

information obtained from statistical reports regarding environmental pollution caused by the operators, which perform polluting activities of Category A and B.  
*[5 January 2010]*

21. Data and information shall be structured in the register of polluting substances according to Council Regulation No 166/2006.

22. Data and information shall be kept in the register of polluting substances for 10 years. After the end of the storage period of time the data and information in the register shall be destroyed.

23. The Centre shall:

23.1. ensure public availability of data and information of the register of polluting substances on the Internet;

23.2. include information compiled regarding the monitoring performed by operators in the reports on the environmental condition in State;

23.3. observing the requirements of Council Regulation No 166/2006, prepare and provide data regarding the amounts of emission of polluting substances to the European Commission.

*[5 January 2010]*

## **V. Closing Provision**

24. Until 1 January 2010 the operator shall submit statistical reports on waste in the deadline indicated in the permit to the Board.

## **Informative Reference to European Union Directives**

This Regulation contains legal norms arising from:

1) Council Directive 96/61/EC of 24 September 1996 concerning integrated pollution prevention and control;

2) Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste;

3) Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC; and

4) Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy.

Prime Minister

I. Godmanis

Minister for Environment

R. Vējonis