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Republic of Latvia

Cabinet

Regulation No. 475

Adopted 13 June 2006

Procedures regarding the Cleaning and Deepening of Surface Water Bodies and Port Basins

*Issued pursuant to
Section 5, Paragraph ten, Clause 5
of the Water Management Law*

I. General Provisions

1. These Regulations prescribe the procedures for the cleaning and deepening of surface water bodies and port basins.
2. These Regulations do not apply to:
 - 2.1. surface water bodies, which are located within the boundaries of a single property – streams, rivulets and ponds; and
 - 2.2. elimination of the historic military pollution in the Channel *Karaostas Kanāls*, Liepāja.
3. The following terms have been used in these Regulations:
 - 3.1. **major deepening of port basin** – removal or relocation of soil from the bed (hereinafter – soil) for the purpose of enlarging the designed depth of the port basin or other parameters or to install, insert or remove underwater structures or installations; and
 - 3.2. **repair deepening of port basin** – removal or relocation of soil for the purpose of renewal of the initially designed depth.
4. The State Environmental Service, having performed an initial evaluation, shall issue technical regulations regarding the cleaning or deepening of surface water bodies or port basins if for these activities in accordance with the Law On Environmental Impact Assessment an environmental impact assessment is not necessary.
5. If it is intended to extract an amount of more than 1000 m³ of mineral resources during the course of cleaning or deepening, then according to the procedures specified in regulatory enactments regarding use of natural resources, it is necessary to obtain a permit (licence) for utilisation of natural resources issued by a relevant regional environmental board (hereinafter – board) of the State Environmental Service and in accordance with the Law On Environmental Impact Assessment to perform an initial environmental impact assessment.

6. The initiator of an activity of cleaning or deepening of surface water bodies or port basins (hereinafter – initiator of activity) shall insure the performance of chemical and ecotoxicological analyses of soil in conformity with the Helsinki Commission revised guidelines for the placement of soil extracted during the course of deepening (they are accessible on the Ministry of the Environment Internet home page).

7. In order to receive a work programme for performing chemical and ecotoxicological analyses, the initiator of action shall submit to the State Environment Service information regarding the location and boundaries of the intended object of deepening or cleaning, the planned depth of deepening of the object, and the volume and characterisation of the soil to be extracted, as well as shall append a hydrographic chart of the region of intended activities in a scale not greater than 1:2000 where the object boundaries are marked and a map of the port in a scale equal to or greater than 1:10 000 where the object boundaries are marked.

8. The performance of chemical and ecotoxicological analyses of soil may be omitted if the soil to be extracted is composed only of sand, sand-gravel, gravel or stones in the territory intended for deepening or cleaning, and in its surroundings there are no point or diffusion sources of pollution or accumulated pollution and the volume of soil to be extracted within the scope of one project does not exceed 10 000 m³ per year.

9. Soil obtained in the process of deepening or cleaning, which is intended for placement on land, in conformity with ground and soil quality standards, shall be evaluated by a laboratory, which has been accredited by Latvian National Accreditation Bureau or another Member State of the European Union.

10. When evaluating the possibility of placing the soil in a soil placement area in the sea, the State Environmental Service shall take into account the quality limit values of the soil in conformity with Paragraphs 19 and 20 of these Regulations and the Annex.

11. It is not necessary to determine the presence of polychlorinated biphenyl (PCB), polyaspartic acid (PASP) and tributyltin (TBT) compounds and their products of disintegration content in the soil if one of the following conditions is in effect:

11.1. analyses performed so far indicate that the referred to substances are not present in the territory intended for deepening or cleaning;

11.2. in the territory intended for deepening or cleaning and in its surroundings there are no significant point or diffusion sources of pollution or accumulated pollution, which may cause the presence of the referred to substances in the soil;

11.3. soil to be extracted is composed of rough size particles (greater than 2 mm); and

11.4. the content of organic substances in the soil does not exceed 5%.

12. It is not necessary to determine the presence of dichloro-diphenyl-trichloroethane (DDT), dichloro-diphenyl-dichloroethylene (DDE) dichloro-diphenyl-dichloroethane (DDD), as well as the content of dioxins and furans (PCDD and PCDF) in the soil if the State Environmental Service has at its disposal information that in the territory intended for deepening or cleaning and its surroundings there are no sources of pollution or accumulated pollution, which may cause the presence of the referred to substances in the soil.

13. Chemical analyses of soil for the activities of repair deepening shall be performed once every three years if the soil to be extracted does not conform to the type and volume of soil indicated in Paragraph 8 of these Regulations, and if the results of previously performed

analyses verify that the concentration of polluting substances in the relevant territory does not exceed the first limit value of soil quality indicated in the Annex, and if no activities or accidents causing pollution have taken place in the relevant territory or its nearest surroundings during these three years.

14. Chemical analyses of soil are not necessary for the activities of repair deepening, which are performed in accordance with Paragraph 37 of these Regulations.

15. Chemical and ecotoxicological analysis of soil shall be performed in a laboratory, which has been accredited by the State agency Latvian National Accreditation Bureau in conformity with the requirements specified in LVS EN ISO/IEC 17025:2005 “General Requirements for the Competence of Testing and Calibration Laboratories” and the Ministry of Economics has published an accreditation notice in the newspaper *Latvijas Vēstnesis* [the official Gazette of the Government of Latvia].

16. Soil that has been extracted, which conforms to the environmental protection criteria may be used for economic needs or placed in a temporary or permanent placement area, which is indicated in the local government spatial plan or in a soil placement area in the sea.

17. Polluted soil, which is extracted during the cleaning activities shall be placed in sites specially intended for purification or in landfill sites, which have a category A or B permit for the disposal of such waste.

18. If it is intended to place the extracted soil in a soil placement area in the sea, the State Environmental Service, in addition to technical regulations, shall issue a permit for the placement of soil in the soil placement area in the sea in conformity with the requirements of the 1992 Convention on the Protection of the Marine Environment of the Baltic Sea Area (Helsinki Convention), on the basis of a submission of the initiator of activity submitted for receipt of the technical regulations.

19. It is prohibited to place soil, which has been extracted during the course of cleaning or deepening, in the soil placement area in the sea if the concentration of one of the polluting substances in the soil is greater than the second limit value indicated in the Annex of these Regulations.

20. If in conformity with the chemical analyses of the soil, the concentration of one or more polluting substances in the soil to be extracted exceeds the first limit value indicated in the Annex, but is smaller than the second limit value, the State Environmental Service may request the initiator of activity to perform ecotoxicological analyses of the soil. If the results of the ecotoxicological analyses confirm that such soil has no harmful effect on living organisms, it may be disposed of in the soil placement area in the sea.

21. Placement of the soil in the soil placement area in the sea shall be permitted only in accordance with the soil placement boundaries approved by the Maritime Administration of Latvia.

22. The relevant port authority shall perform monitoring of the soil placement area in the sea, in which the soil extracted during the course of cleaning or deepening is placed. The port authority shall perform the monitoring in conformity with the programme, which is co-ordinated with the State Environmental Service.

II. Procedures for the Performance of Cleaning and Deepening of Surface Water Bodies

23. Technical regulations by the board for the cleaning or deepening of surface water bodies are not necessary for the following activities:

23.1. cleaning or deepening of the surface water bodies in a specially protected nature territory, which has a nature protection plan developed and approved according to specified procedures if the activities are performed in accordance with such plan.

23.2. deepening and cleaning of artificial water bodies if the water body conforms to the regulatory enactments regarding land amelioration systems and the hydrotechnical structures thereof;

23.3. cleaning or deepening of fish ponds (for the purpose of renewing the initially designed depth) if such object is not located on a natural watercourse; and

23.4. aquatic plant cutting in private watercourses or water bodies if cutting is performed within the time period from August 1 to March 31.

24. In order to receive technical regulations for the cleaning or deepening of surface water bodies, an initiator of activity shall submit a submission to the board. The following information shall be specified in the submission:

24.1. date and place of submission;

24.2. the given name and surname or firm name of the submitter, personal identity number of the submitter or registration number of the firm name or institution in the Commercial Register, address and telephone number;

24.3. the name and location of the surface water body intended for cleaning or deepening;

24.4. the technology to be utilised for cleaning or deepening and the time periods of performance of the works;

24.5. the intended type of soil to be extracted and volume, and methods of volume calculation;

24.6. the impact upon specially protected nature territories, specially protected species and specially protected biotopes;

24.7. the impact upon the surrounding water bodies and water courses;

24.8. the intended activity that will be performed with the extracted soil, aquatic plants and waste, which will be produced during the work of cleaning or deepening, and the intended temporary or permanent placement area (on land or in soil placement area in the sea);

24.9. a map of the territory (in scale 1:10 000 or greater) with representation of the place of activity; and

24.10. a plan of the surface water body in which the borders of cleaning or deepening activities are indicated.

25. A board shall request the opinion of an expert-examination regarding the impact upon fish resources from competent authorities (for example, the State agency Latvian Fish Resources Agency), if the basin area of the surface water body is greater than 25 km². Expenses, which are related to the referred to expert-examination and the preparation of documents shall be covered by the initiator of activity.

26. If it is intended to clean or to deepen a public watercourse or water body, as well as a watercourse or water body the fishing rights of which belong to the State, prior to receiving the technical regulations the initiator of activity shall receive the written consent of the local government.

27. If it is intended to clean or to deepen a private watercourse or water body, as well as a watercourse or water body the fishing rights of which do not belong to the State and it is not a public watercourse or water body, the initiator of activity shall receive the written consent of the owner of the water body.

28. If it is intended to clean or to deepen a surface water body near objects of national defence significance, it is necessary to receive the written approval of the Ministry of Defence.

29. The technical regulations for the cleaning and deepening of the surface water bodies shall include, in addition to the requirements specified by environment protection regulatory enactments, the following requirements:

- 29.1. the implementation time and place of the planned activity;
- 29.2. the volume, territory and borders of the cleaning and deepening;
- 29.3. the sequence of the activities to be performed;
- 29.4. the temporary or permanent placement area, storage and utilisation of the soil extracted from the surface water body;
- 29.5. the measures which are related to change of the water hydrological regime of a water body during the performance of the activities;
- 29.6. the landscape arrangement of banks after the end of the activities;
- 29.7. the measures for the prevention of harm to biological aquatic resources and environmental pollution; and
- 29.8. in the technical regulations for the deepening of surface water bodies the requirements referred to in Sub-clauses 24.8 and 29.4 of these Regulations shall not be applied.

30. In the cleaning and deepening of a surface water body, the following requirements shall be observed:

- 30.1. cleaning or deepening shall be performed without causing harm to fish resources;
- 30.2. the cleaning of a river shall commence and shall be performed in an upstream direction;
- 30.3. aquatic plants shall be cut first in areas, where the sludge layer forms intensively, as well as in sandy shallow water areas, which are characterised by intensive overgrowth;
- 30.4. the cutting of aquatic plants in lakes shall be performed by making passageways in order to ensure water exchange between shallow water and deep water zones; and
- 30.5. the aquatic plants, which are cut, shall be removed, in order to prevent a repeated pollution of the water body with organic substances of easy degradation and the accumulation of sediment.

III. Procedures regarding Cleaning and Deepening of Port Basins

31. In order to receive the technical regulations for cleaning or deepening of a port basin, an initiator of activity shall submit a written submission to the State Environmental Service. The following information shall be included in the submission:

- 31.1. date and place of submission;
- 31.2. the given name and surname or firm name of the submitter, personal identity number of the submitter or registration number of the firm name or institution in the Commercial Register, address and telephone number;

31.3. the name, registration number and address of the performer of the work of cleaning or deepening if the work is not performed by the initiator of activity and the given name, surname and telephone number of the person responsible for the performance of the work;

31.4. the name and location in the port basin of the object intended for cleaning or deepening (hereinafter – object);

31.5. if major deepening or cleaning is intended – the intended type and volume of the soil to be extracted, as well as the methods of volume calculation if repair deepening is intended – the intended type and maximum volume (if the exact volume is not known) of the soil to be extracted, and the methods of volume calculation;

31.6. the planned time periods for the performance of cleaning or deepening works;

31.7. the intended method of cleaning or deepening and the technology to be used (name of the equipment or vessel, type, capacity, type of pump, type of dredge or other kind of technology if known);

31.8. characterization of soil – gradation, soil density, organic substance content (shall not be required if the information has been already submitted in accordance with Paragraph 7 of these Regulations); and

31.9. the intended temporary or permanent placement area of the soil to be extracted (on land or in the soil placement area in the sea).

32. In order to receive the technical regulations, the following shall be appended to the submission:

32.1. a hydrographic chart of the region intended for the deepening or cleaning in a scale not greater than 1:2000 in which the object boundaries are marked (shall not be required if the information has been already submitted in accordance with Paragraph 7 of these Regulations);

32.2. a map of the port in a scale equal to or greater than 1:10 000 in which the object boundaries are marked (shall not be required if the information has been already submitted in accordance with Paragraph 7 of these Regulations);

32.3. a certified copy of the architectural and planning task of port hydrotechnical structure or a copy, the originals shall be presented (only for the performance of major deepening works);

32.4. the findings of the fisheries expert-examination regarding the impact of deepening or cleaning activities upon aquatic biological resources; and

32.5. the results of the chemical analysis of soil performed in accordance with Paragraph 6 of these Regulations.

33. If it is intended to locate the soil on land the following shall be indicated:

33.1. the placement area and further utilisation of the soil;

33.2. the purpose of use of the land specified for the placement of the soil in the local government spatial plan;

33.3. the impact upon specially protected nature territories, specially protected species and specially protected biotopes; and

33.4. the impact upon the surrounding water bodies and water courses.

34. For performing the deepening or cleaning works of a port basin the consent of the relevant port authority shall be obtained if the port authority is not the contracting authority.

35. For the performance of major deepening of the port basin the consent of the Maritime Administration of Latvia shall be obtained.

36. In the technical regulations for deepening or cleaning, in addition to the requirements specified in the regulatory enactments, which regulate environmental protection, the following requirements shall be included:

- 36.1. the permitted methods of cleaning or deepening and the technical equipment;
- 36.2. the sequence of works if cleaning or deepening is performed in several stages;
- 36.3. the placement area of the extracted soil;
- 36.4. the requirements for soil placement on land;
- 36.5. the measures to be taken to avert or diminish environmental pollution, as well as harm to biological aquatic resources; and
- 36.6. the procedures by which in accordance with the findings of the fisheries expert-examination determine and compensate losses incurred to the fish resources.

37. If due to natural disasters threats to the safety of navigation have occurred and previously unplanned urgent renewal of the designed fairway depth is necessary, the State Environmental Service, on the basis of a submission of a harbour-master or a maritime safety service, within three working days after the receipt thereof, shall issue technical regulations for repair deepening works. If the threats to the safety of navigation or the environment are caused by a ship accident or similar emergency situation, the port authority in such case shall immediately inform the State Environmental Service regarding the performance of works of depth maintenance.

IV. Closing Provision

38. Cabinet Regulation No. 80 of 17 February 2004, Regulations Regarding Surface Water Body Cleaning and Deepening (*Latvijas Vēstnesis*, 2004, No. 27, 76, 136) is repealed.

Acting for the Prime Minister
Minister for Economics

A. Štokenbergs

Minister for the Environment

R. Vējonis

Soil Quality Limit Values

No.	Substance	Unit of measurement	First Limit Value	Second Limit Value
1.	Metals			
1.1.	arsenic (As)	mg/kg	20	30
1.2.	zinc (Zn)	mg/kg	200	400
1.3.	mercury (Hg)	mg/kg	0.5	1.5
1.4.	chromium (Cr)	mg/kg	100	300
1.5.	nickel (Ni)	mg/kg	20	50
1.6.	cadmium (Cd)	mg/kg	1	3
1.7.	lead (Pb)	mg/kg	100	200
1.8.	copper (Cu)	mg/kg	100	200
2.	naphtha hydrocarbons	mg/kg	100	400
3.	Polyaromatic hydrocarbons (PAH)			
3.1.	naphthalene	mg/kg	0.01	0.1
3.2.	anthracene	mg/kg	0.01	0.1
3.3.	phenanthrene	mg/kg	0.05	0.5
3.4.	fluoranthene	mg/kg	0.3	3
3.5.	benz(a)anthracene	mg/kg	0.03	0.4
3.6.	chrysene	mg/kg	1.1	11
3.7.	Benzo(k)fluoranthene	mg/kg	0.2	2
3.8.	benzo(a)pyrene	mg/kg	0.3	3
3.9.	Benzo(ghi)perylene	mg/kg	0.8	8
3.10.	Indeno(1,2,3-cd)pyrene	mg/kg	0.6	6
4.	polychlorinated biphenyl (PCB) in accordance with International Union of Pure and Applied Chemistry (IUPAC) numbering			
4.1.	28	µg/kg	1	30
4.2.	52	µg/kg	1	30
4.3.	101	µg/kg	4	30
4.4.	118	µg/kg	4	30
4.5.	138	µg/kg	4	30
4.6.	153	µg/kg	4	30
4.7.	180	µg/kg	4	30
5.	tributyltin (TBT)	µg/kg	3	30
6.	dichloro-diphenyl-trichloroethane (DDT), dichloro-diphenyl-dichloroethylene (DDE) dichloro-diphenyl-dichloroethane	mg/kg	0.01	0.03

	(DDD)			
7.	dioxins and furans (PCDD and PCDF)	ng WHO- EWQ/kg	20	500

Minister for the Environment

R. Vējonis