

# Pollution Control Act

Act of 13 March 1981 No.6 concerning protection against pollution and concerning waste (the Pollution Control Act), most recently amended by Act of 20 June 2003 No.45

## Chapter 1. Introductory provisions

### § 1. Purpose of the Act

The purpose of this Act is to protect the outdoor environment against pollution and to reduce existing pollution, to reduce the quantity of waste and to promote better waste management.

The Act shall ensure that the quality of the environment is satisfactory, so that pollution and waste do not result in damage to human health or adversely affect welfare, or damage the productivity of the natural environment and its capacity for self-renewal.

### § 2. Guidelines

The Act shall be implemented in accordance with the following guidelines:

1. Efforts shall be made to prevent any occurrence or increase of pollution, and to limit any pollution that does occur. Similarly, efforts shall be made to avoid waste problems. The Act shall be used to achieve a level of environmental quality that is satisfactory on the basis of an overall evaluation of human health and welfare, the natural environment, the costs associated with any measures implemented and economic considerations.
2. The pollution control authorities shall coordinate their activities with the planning authorities in such a way that land-use planning legislation together with this Act is used to avoid and limit pollution and waste problems.
3. Efforts to avoid and limit pollution and waste problems shall be based on the technology that will give the best results in the light of an overall evaluation of current and future use of the environment and economic considerations.
4. Waste shall be managed in such a way as to minimize damage and nuisance. Waste shall be recovered when this is appropriate on the basis of an evaluation of environmental and natural resource considerations and economic factors.
5. The costs of preventing or limiting pollution and waste problems shall be met by the person responsible for the pollution or waste.
6. Pollution and waste problems resulting from activity in Norwegian territory shall be counteracted to the same extent irrespective of whether the damage or nuisance arises within or outside Norway.

### § 3. General provisions relating to the scope of the Act

The Act applies to pollution and waste in the outdoor environment. The Gene Technology Act applies to the release of genetically modified organisms and the disposal of such organisms as waste.

Subject to any restrictions deriving from international law, this Act applies:

1. to sources of pollution and waste and sources of waste within the realm,
2. to any threat of pollution within the realm,
3. to sources of pollution or any threat of pollution within the Economic Zone of Norway if the source of pollution is a Norwegian vessel or installation, or otherwise to the extent decided by the King. The application of the Act to exploration for and production and utilization of natural subsea resources on the Norwegian part of the continental shelf, including decommissioning of facilities, is governed by section 4.

The Act applies to Svalbard, Jan Mayen and the Norwegian dependencies to the extent decided by the King. For these areas, the pollution control authority may lay down any amendments to the Act required by local circumstances.

Special rules apply to liability for pollution damage, cf. section 53.

#### **§ 4. Application of the Act to activity on the continental shelf**

The provisions of this Act also apply, subject to any restrictions deriving from international law and from the Act itself (cf. Chapter 8), to exploration for and production and utilization of natural subsea resources on the Norwegian part of the continental shelf, including decommissioning of facilities. The provisions of section 7, first paragraph, cf. Chapter 3, on the duty to obtain a permit and of section 9 on regulations nevertheless apply only to those aspects of such activity that regularly result in pollution. Nor do the provisions of section 7, second paragraph, cf. fourth paragraph, apply to measures to prevent or stop acute pollution.

The pollution control authority may issue further regulations relating to waste from such activity on the continental shelf as is mentioned in the first paragraph. As regards measures to clean up waste, the provisions of section 74, cf. section 7, apply correspondingly instead of section 37.

The pollution control authority may by regulations or individual decisions determine in cases of doubt what is to be regarded as aspects of an activity that regularly result in pollution, and may grant exemptions from the first paragraph.

#### **§ 5. Pollution from transport**

For pollution from roads, railways, etc., harbours and airports, this Act applies to the extent decided by the pollution control authority.

For pollution from individual means of transport, the provisions made in or pursuant to the Product Control Act, the Road Traffic Act, the Seaworthiness Act, the Harbour Act, the Aviation Act and the Railways Act apply instead of the provisions of this Act.

Regardless of the provision of the second paragraph, the second and fourth paragraphs of section 7, Chapter 6 and sections 74, 75, 76 and 77 of this Act apply correspondingly unless such pollution must be regarded as permitted pursuant to other legislation. The provisions of Chapter 7, section 74 and Chapter 10 apply to the implementation of these provisions and any contravention of them.

Restrictions on the application of the Act pursuant to this section apply only insofar as it is not otherwise provided in Chapter 8.

### **Chapter 2. General provisions relating to pollution**

#### **§ 6. What is meant by pollution**

For the purpose of this Act, pollution means:

1. the introduction of solids, liquids or gases to air, water or ground,
2. noise and vibrations,
3. light and other radiation to the extent decided by the pollution control authority,
4. effects on temperature

which cause or may cause damage or nuisance to the environment.

The term pollution also means anything that may aggravate the damage or nuisance caused by earlier pollution, or that together with environmental impacts such as are mentioned in items 1 to 4 causes or may cause damage or nuisance to the environment.

#### **§ 7. Duty to avoid pollution**

No person may possess, do, or initiate anything that may entail a risk of pollution unless this is lawful pursuant to section 8 or 9 or permitted by a decision made pursuant to section 11.

If there is a danger of pollution contrary to this Act or decisions made pursuant thereto, the person responsible for the pollution shall ensure that measures are taken to prevent such pollution from occurring. If pollution has already occurred, the said person shall ensure that measures are taken to stop or remove the pollution or limit its effects. The person responsible also has a duty to take steps to mitigate any damage or nuisance resulting from the pollution or from measures to counteract it. The duty laid down in this paragraph applies to measures that are in reasonable proportion to the damage and nuisance to be avoided.

The provisions of the second paragraph also apply to pollution that is permitted pursuant to section 11 if it is clear that the decision may be reversed pursuant to section 18, first paragraph, item 1 or 2. The same applies if it is clear for the same reasons that pursuant to section 9, third paragraph, exemptions may be granted from regulations permitting pollution.

The pollution control authority may order the person responsible to implement measures pursuant to the second paragraph, first to third sentences, within a specified time limit.

## **§ 8. Limitations on the duty to avoid pollution**

Ordinary pollution from

1. fisheries, agriculture and forestry, etc.,
2. housing, holiday homes, offices, business premises or assembly rooms, schools, hotels and warehouses, and the like,
3. temporary construction activity

is permitted pursuant to this Act insofar as no special regulations have been issued pursuant to section 9. Applications must nevertheless be submitted for permits for discharges of sanitary waste water unless otherwise provided by regulations.

The provisions of the first paragraph apply correspondingly to the activities of the armed forces. The Act applies in full to pollution from permanent installations belonging to the armed forces that are not primarily used for combat purposes.

Pollution that does not involve significant damage or nuisance may take place without a permit pursuant to section 11.

## **§ 9. Regulations relating to pollution**

The pollution control authority may issue regulations laying down:

1. emission limit values for types of pollution that shall be permitted or laying down that pollution shall be prohibited completely or at certain times,
2. threshold limit values for the occurrence of certain substances, noise, vibrations, light and other radiation in the environment, and the measures that shall be taken if these values are exceeded,
3. how permanent and temporary installations shall be set up and how an enterprise shall be managed to prevent pollution,
4. quality requirements for pollution control equipment and a requirement that such equipment must not be sold without being approved by the pollution control authority,
5. that personnel operating an enterprise that may involve pollution shall have specific qualifications.

Regulations issued pursuant to items 1-3 may lay down that the said regulations shall apply wholly or partly and on further conditions instead of permits granted pursuant to section 11. If it is necessary to apply for a permit pursuant to the regulations, the provisions of Chapter 3 apply. The conditions that may be laid down in individual permits, cf. section 16, may instead be laid down in regulations pursuant to this section.

The pollution control authority may in individual cases grant exemptions from regulations that permit pollution if the conditions mentioned in section 18, first paragraph, are fulfilled or if the regulations provide the authority for this.

The scope of regulations issued pursuant to this section may be restricted to specific geographical areas.

### **§ 10. Relationship to the Neighbouring Properties Act, etc**

The provisions of sections 6, 7 and 8 of the Neighbouring Properties Act relating to notification and judicial assessment do not apply to pollution that requires a permit pursuant to section 11. The same condition may be laid down in regulations issued pursuant to section 9, second paragraph.

If pollution is permitted pursuant to section 11 or pursuant to regulations that lay down that sections 6, 7 and 8 of the Neighbouring Properties Act do not apply, no remedy for such pollution may be claimed pursuant to section 10 of the Neighbouring Properties Act. Even if damage or nuisance is permitted pursuant to this Act, such permission does not entail exemption from the duty to pay compensation or the duty to make payments pursuant to the Neighbouring Properties Act.

The Neighbouring Properties Act applies in full to damage or nuisance other than that caused by pollution.

## **Chapter 3. Permits for any activity that may cause pollution. Environmental impact assessment**

### **§ 11 Special permit for any activity that may cause pollution**

The pollution control authority may on application issue a permit for any activity that may lead to pollution. In special cases, the pollution control authority may issue such a permit without the submission of an application, and may in such a permit make orders that replace conditions pursuant to section 16.

The pollution control authority may issue regulations requiring that any person wishing to engage in certain types of activities that by their nature may lead to pollution shall apply for a permit pursuant to this section.

If possible, pollution problems shall be solved for larger areas as a whole on the basis of general plans and local development plans. If an activity will conflict with final plans drawn up pursuant to the Planning and Building Act, the pollution control authority shall only grant a permit pursuant to the Planning and Building Act with the consent of the planning authorities.

When the pollution control authority decides whether a permit is to be granted and lays down conditions pursuant to section 16, it shall pay particular attention to any pollution-related nuisance arising from the project as compared with any other advantages and disadvantages so arising.

### **§ 12. Content of the application**

An application for a permit pursuant to section 11 shall contain any information necessary to evaluate whether a permit should be granted and which conditions should be laid down. The pollution control authority may by regulations or in individual cases lay down which information or investigations must be provided by the applicant.

### **§ 13. Duty to send notification and carry out environmental impact assessment for any activity that may involve major pollution problems**

Any person that is planning any activity which may involve serious pollution at a new site or significant developments of a new character at a site where there is existing activity shall at an early stage of the planning process send notification to the pollution control authority. The pollution control authority will issue further regulations relating to the duty to send notification.

The pollution control authority may decide that any person planning any activity for which notification is mandatory shall carry out an environmental impact assessment to reveal any effects the pollution will have. The environmental impact assessment shall normally include a study of:

1. which types of pollution the activity will generate during normal operations and in the event of all conceivable types of accidents, and the likelihood of such accidents,
2. what short- and long-term effects the pollution may have. If necessary, studies shall be made of natural conditions in the areas that may be affected by pollution. In particular, it shall be ascertained how pollution will affect people's use of the environment and who will suffer particular nuisance as a result of pollution,
3. alternative locations, production processes, purification measures and ways of recovering waste that have been evaluated, and reasons for the solutions chosen by the applicant,
4. how the activity will be integrated into the general and local development plans for the area, and if relevant, how it will restrict future planning.

The pollution control authority may decide when the environmental impact statement shall be available and what it shall include.

#### **§ 14. The environmental impact statement is public**

When an environmental impact statement pursuant to section 13 is available, any person is entitled to examine it at the premises of the person who has a duty to provide notification or the competent pollution control authority. The pollution control authority may decide that parts of the statement shall be made public before the whole statement is available.

If the pollution control authority has a duty of secrecy pursuant to section 13 ff of the Public Administration Act concerning certain information, such information may also be withheld by the person who has a duty to provide notification. The same applies to information that comes within the scope of section 6, item 1 of the Freedom of Information Act.

The provisions of section 8 of the Freedom of Information Act on how a document is to be made known and of section 9 on appeals against decisions not to make a document available apply both when an application for an environmental impact statement to be made public is made to the pollution control authority and when it is made to the person who has a duty to provide notification. Appeals against decisions made by the person who has a duty to provide notification should be addressed to the pollution control authority.

#### **§ 15. Public hearing on an activity that may result in major pollution problems**

When an environmental impact statement pursuant to section 13 is available, the pollution control authority, in cooperation with the applicant, shall hold a public hearing to discuss the possible impact of the activity as regards pollution. The hearing shall be held well before a decision is made regarding the application, and shall be announced locally. At the hearing, the applicant and the pollution control authority shall give an account of the project and its possible impact as regards pollution.

The pollution control authority may dispense with a hearing as mentioned in the first paragraph if the project as planned will not result in serious pollution. The same applies if the matter has been adequately reviewed by means of a public hearing held in connection with the evaluation of the project pursuant to other legislation, or if a public hearing is considered to be unnecessary for other reasons.

#### **§ 16. Conditions laid down in a permit**

Further conditions may be laid down in a permit issued in accordance with this Act or regulations pursuant thereto, to prevent pollution from resulting in damage or nuisance, and to promote efficient use of energy used in or generated by an installation. This includes conditions relating to protection and clean-up measures, waste recovery and the period of validity of the permit.

If pollution from an activity will constantly preclude or impede use of the environment for a particular purpose, a condition may be imposed that measures shall be taken to promote this purpose, or that financial support shall be provided towards such measures. A condition may also be imposed requiring the polluter, by agreement or expropriation, to acquire areas that become heavily polluted or reserve them for special purposes.

#### **§ 17. Purchase of real property, etc.**

If the owner so requires, the pollution control authority may determine that the person responsible for the pollution shall, in return for compensation payable in accordance with an official assessment, purchase real property if the pollution will make the property unsuitable for the purpose for which it is used.

The provision of the first paragraph applies correspondingly in the case of leases, agricultural leases or other special rights of use relating to real property. Purchase orders may apply to part of a property or rights to real property.

Orders pursuant to the first and second paragraphs may also be made after a permit has been granted in respect of pollution. When the amount of the compensation is determined, the provisions of the Compensation for Expropriation of Real Property Act of 6 April 1984 No. 17 apply correspondingly. In assessing the amount, deductions shall be made for damage and nuisance that the owner or other holder of rights must accept without compensation pursuant to section 2 of the Neighbouring Properties Act. The costs of the official assessment shall be borne by the person responsible for the pollution. The same applies in the event of re-assessment unless the court on special grounds decides otherwise.

### **§ 18. Alteration and withdrawal of a permit**

The pollution control authority may rescind or alter the conditions attached to a permit issued in accordance with this Act or regulations pursuant thereto, or impose new conditions, and if necessary withdraw the permit, if

1. the damage or nuisance caused by the pollution proves to be significantly greater than or different from that anticipated when the permit was issued,
2. the damage or nuisance can be reduced without unreasonable cost to the polluter,
3. new technology makes substantial reduction of the pollution possible,
4. the conditions laid down in the permit are not necessary for the purpose of counteracting pollution,
5. the advantages to the polluter or others of relaxing or rescinding conditions will be substantially greater than the damage or nuisance to the environment that will result, or
6. this otherwise follows from the rules for reversing decisions that are currently in force.

A permit may in any case be withdrawn or altered if it is more than 10 years since it was issued.

In making decisions pursuant to this section, the costs that alteration or reversal will involve for the polluter, and any other advantages and disadvantages the alteration or reversal will involve, shall be taken into account.

### **§ 19. Duty to provide notification when equipment is replaced or pollution increases**

Any person that holds a permit pursuant to section 11 and plans major replacement of equipment that will make it technically possible to prevent pollution in a significantly better manner than when the permit was issued shall give advance notification to the pollution control authority.

The pollution control authority may issue further regulations relating to the duty to provide notification pursuant to the first paragraph.

### **§ 20. Closure and stoppage of operations**

If a facility is closed or an operations are stopped, the owner or user shall take the action necessary at any given time to prevent pollution. If the facility or operations may result in pollution after closure or stoppage, the pollution control authority shall be given reasonable prior notice of this.

The pollution control authority may further determine which measures are necessary to prevent pollution. The authority may order the owner or user to provide a guarantee for payment of future expenses and any liability for damages that may arise.

Any person that wishes to start up an enterprise which has a permit pursuant to section 11 after a closure or stoppage of more than two years must give the pollution control authority notification of this. The authority

will decide if whether an application for a new permit must be submitted before the enterprise is started up again.

The pollution control authority may issue further regulations relating to the duty to provide notification pursuant to the first and third paragraphs.

## **Chapter 4. Special provisions relating to waste water treatment installations, etc.**

### **§ 21. Definitions**

For the purpose of this Act, the term waste water treatment installation means an installation for the transport and treatment of waste water.

The term waste water means both sanitary and industrial waste water and storm water runoff.

### **§ 22. Requirements for the design of waste water treatment installations**

The pollution control authority may by regulations or in individual cases lay down further requirements for sewers, including whether they shall be closed and watertight. The pollution control authority may decide whether all waste water shall be transported in a common sewer or whether separate sewers shall be required for different types of waste water.

When sewers are relaid or renovated, the pollution control authority may require the owners of connected service pipes to undertake corresponding relaying or renovation. The pollution control authority may also require the relaying or renovation of service pipes in other cases if special reasons so indicate.

A discharge permit for a waste water treatment installation may include the condition that the installation shall be constructed so that it can receive waste water from another municipality or another property. The extra costs this involves shall be paid by those who have the opportunity to be connected to the installation. If no agreement exists, the extra costs and their apportionment shall be determined by official assessment. The costs of the initial assessment shall be divided proportionally between the parties to the assessment who have the opportunity to be connected to the installation.

### **§ 23. Right and duty to be connected to existing waste water treatment installations**

The pollution control authority may decide that waste water may be conducted through a waste water treatment installation belonging to another person.

The provisions of the Planning and Building Act apply to the duty to be connected up to existing sewers. However, decisions pursuant to the Planning and Building Act may be made by the pollution control authority.

If the connection is to a municipal sewer, a connection fee is payable pursuant to the Act of 31 May 1974 No. 17 relating to municipal water and sewage fees. If the connection is to a private waste water treatment installation, the owner of the installation may require the person in question to undertake or pay for any extensions of or alterations to the installation made necessary by the connection, or that security be provided for this purpose. The owner may also require the reimbursement of construction costs in accordance with the Planning and Building Act. The costs of the initial assessment shall be borne by the person that is connected to the installation.

### **§ 24. Operation and maintenance of waste water treatment installations**

The municipality is responsible for the operation and maintenance of waste water treatment installations that are wholly or partly owned by the municipality. In the case of private waste water treatment installations, the owner of the property for which the installation was originally built is responsible for operation and maintenance.

The pollution control authority may decide that persons other than those mentioned in the first paragraph shall be responsible for operation and maintenance, for instance that the municipality shall be responsible for private installations.

The pollution control authority may issue further regulations on the construction, operation and maintenance of waste water treatment facilities, including requirements relating to personnel.

### **§ 25. Costs relating to the construction, operation and maintenance of waste water treatment installations**

Costs relating to the construction, operation and maintenance of waste water treatment installations operated by the municipality shall be borne by the municipality. The municipality may require its costs to be met in full or in part by collecting a fee in accordance with the Act of 31 May 1974 No. 17 relating to municipal water and sewage fees. The municipality may notwithstanding the second sentence claim refunds pursuant to Chapter VI of the Planning and Building Act.

### **§ 26. Municipal emptying of sludge from sludge separators (septic tanks), privies, etc.**

The municipality shall arrange for the emptying of small waste water treatment plants such as sludge separators and sedimentation tanks for removal of sludge from sanitary waste water and storm water runoff. The same applies to collecting tanks for untreated sanitary waste water.

The municipality shall also provide the necessary facilities for emptying waste water from campers, leisure craft, etc.

The municipality shall arrange for the emptying of privies in built-up areas, and outside built-up areas to the extent decided by the municipality.

The provisions of section 30 on municipal waste collection and section 34 on waste management fees apply correspondingly to the emptying of sludge separators, privies, etc. The duties of the municipality pursuant to the first paragraph shall nevertheless apply both within and outside built-up areas.

If sanitary waste water is led through a sludge separator to a waste water treatment plant, the pollution control authority may require the sludge separator to be disconnected.

## **Chapter 5. On waste**

### **§ 27. Definitions**

For the purpose of this Act, the term waste means discarded objects of personal property or substances. Surplus objects and substances from service industries, manufacturing industries and treatment plants, etc., are also considered to be waste. Waste water and exhaust gases are not considered to be waste.

Household waste means waste from private households, including large objects such as furniture, etc.

Industrial waste means waste from public and private enterprises and institutions.

Special waste means waste that cannot appropriately be treated together with other household waste or industrial waste because of its size, and hazardous waste, i.e. waste that may cause serious pollution or involve a risk of injury to people and animals.

### **§ 28. Prohibition against littering**

No person may empty, leave, store or transport waste in such a way that it is unsightly or may cause damage or nuisance to the environment. The provision of the first sentence also applies to wrecked ships and aircraft and other similar large objects.



The first paragraph does not preclude waste from being dealt with at waste storage sites or at waste treatment and disposal plants with permits pursuant to section 29, nor does it preclude waste from being delivered to such facilities.

Any person that has contravened the prohibition of the first paragraph shall arrange for the necessary clean-up measures.

### **§ 29. Requirements for waste treatment and disposal plants**

Any person that operates a waste storage site or waste treatment and disposal plant that may result in pollution or be unsightly must have a permit pursuant to the provisions of Chapter 3. Conditions may be imposed in the permit, for instance as regards transport, treatment, recovery and storage of waste and measures to prevent the facility from becoming unsightly.

Section 10 of this Act applies correspondingly to waste storage sites and waste treatment and disposal plants that require a permit pursuant to the first paragraph above.

The municipality shall have waste storage sites or waste treatment and disposal plants for household waste and sewage sludge and has a duty to receive such waste and sludge. The pollution control authority may by regulations or in individual cases determine that the municipality shall also have facilities for special waste and industrial waste, and a duty to receive such waste. The pollution control authority may also lay down further conditions for such facilities.

### **§ 30. Municipal collection of household waste, etc.**

The municipality shall make arrangements for the collection of household waste. The pollution control authority may by regulations or in individual cases order the municipality to introduce schemes for sorting waste. Such an order must be based on an overall evaluation of the costs that will be incurred and the environmental benefits that will be gained.

The municipality may issue regulations requiring that municipal waste collection shall apply only in built-up areas, that certain types of household waste shall be excluded from municipal waste collection, and that certain types of waste shall be kept separate. The municipality may on application exempt certain properties from the requirement for municipal waste collection.

The municipality may issue the regulations necessary to ensure appropriate and hygienic storage, collection and transport of household waste. No person may collect household waste without the consent of the municipality. In special cases, the pollution control authority may by regulations or in individual cases decide that the consent of the municipality is not necessary.

### **§ 31. Management of special waste**

The pollution control authority may by regulations or in individual cases order a municipality to collect special waste, and may determine that each person has a duty to deliver special waste to the municipality or another waste recipient.

The pollution control authority may in individual cases or by regulations make decisions in order to ensure appropriate and proper storage, collection, transport and treatment of special waste, including a decision that no person may collect such waste without the consent of the pollution control authority.

### **§ 32. Management of industrial waste**

Industrial waste shall be delivered to a lawful waste treatment and disposal plant unless it can be recovered or used in another way. The pollution control authority may consent to other forms of waste disposal on further conditions.

The pollution control authority may by regulations or in individual cases order the manufacturer to deliver industrial waste to a municipal waste treatment facility. The provision of section 31, second paragraph, applies correspondingly.

### **§ 33. Waste recovery and other treatment of waste**

To solve or avoid waste and pollution problems, the pollution control authority may by regulations or in individual cases lay down that waste shall be recovered or treated in another way.

The pollution control authority may for example make decisions concerning:

- a. re-use,
- b. material recovery (recycling),
- c. energy recovery,
- d. destruction,
- e. collection, storage, sorting, etc.,
- f. binding goals for re-use, recovery, etc.

In making such decisions, due consideration shall be given to whether the overall environmental benefits are in reasonable proportion to the costs incurred, and to the costs of other methods of dealing with the waste.

Decisions such as are mentioned in the first paragraph may apply to any person that manufactures, imports, markets or uses products that generate waste and to any person that collects or possesses waste.

If no voluntary agreement is reached between the parties, a decision such as is mentioned in the first paragraph may also apply to any person that can use or treat waste from others if:

1. this is necessary to ensure satisfactory treatment of waste that may result in serious pollution or injury to health, or
2. such a decision is necessary to achieve satisfactory implementation of an organized system for the collection and treatment of waste.

Any person that delivers waste to another who pursuant to the fourth paragraph has a duty to receive it, shall indemnify the recipient and deliver the waste on terms that ensure the recipient reasonable remuneration for his work. If the value of the waste exceeds this amount, the recipient shall pay a reasonable sum for the waste. The parties may require the question of payment to be settled by arbitration pursuant to the Act of 13 August 1915 relating to judicial procedure in civil cases.

### **§ 34. Waste management fee**

The municipality shall determine a fee to cover the costs associated with the waste sector, including collection, transport, reception, storage, treatment, control, etc. The costs shall be fully covered by the fee. The term costs includes both capital and operating costs. For waste which the municipality has a duty to collect, receive and/or treat pursuant to section 29, 30 or 31, the fee must not exceed the costs incurred by the municipality.

The municipalities should differentiate waste management fees in cases where this may contribute to waste reduction and promote recovery. The pollution control authority may issue regulations concerning the calculation of fees.

This provision does not apply to waste management pursuant to section 35.

The fee shall be paid by the owner of a property to which a waste collection scheme or scheme for emptying sludge separators, privies, etc. pursuant to this Act applies. However, if a property is leased for 30 years or more, the lessee shall pay the fee unless otherwise agreed. The same applies if the lessee is entitled to an extension of the lease, so that the total period of the lease exceeds 30 years.

Waste management fees with accrued interest and costs are secured by a statutory charge pursuant to section 6-1 of the Mortgages and Pledges Act. As regards the duty to pay interest on late payments, and the repayment and recovery of waste management fees, the provisions of sections 26 and 27 of the Act of 6 June 1975 No. 29 relating to municipal property tax apply correspondingly.

### **§ 35. Waste generated in connection with sales outlets, tourist facilities, excursion spots, etc.**

Any person that runs a general store, petrol station, kiosk or similar sales outlet shall ensure that waste receptacles are provided near the sales outlet and that they are emptied. Any person that runs a camp site or other tourist facility also has a duty to provide waste receptacles. Any person that runs a facility such as is mentioned in the first and second sentences shall also undertake any necessary clearing up in the area.

The municipality shall provide waste receptacles at excursion spots and other heavily visited areas where waste is likely to be discarded, and shall arrange for them to be emptied. The area shall be cleared up to a reasonable extent in connection with emptying of the receptacles. The duty of the municipality pursuant to this paragraph does not apply if another person has duties pursuant to the first paragraph or to section 36.

The organizer of a meeting or other arrangement shall arrange for the area to be cleared up as necessary afterwards insofar as this is not the duty of a person that runs facilities such as are mentioned in the first paragraph.

The municipality may in individual cases issue the orders necessary for implementation of the provisions of the first and third paragraphs.

### **§ 36. Waste along public roads, etc**

The public roads authorities shall provide waste receptacles along public roads outside built-up areas where road users are known to discard waste, and shall arrange for them to be emptied. The receptacles shall be placed in a way that is consistent with road safety. In connection with emptying of the receptacles, the public roads authorities shall undertake the necessary clearing up within the road boundaries insofar as this is not the duty of any person pursuant to the first and third paragraphs of section 35.

The pollution control authority may by regulations or in individual cases lay down that the owner of the road shall provide public toilets for road users if unsatisfactory conditions are otherwise liable to arise.

### **§ 37. Orders to clear up waste, etc., or to pay for it to be cleared up**

The municipality may order any person that has discarded, emptied or stored waste in contravention of section 28 to remove it, clear it up within a specified time limit, or pay reasonable costs incurred by others in removing or clearing up the waste. Such an order may also be issued to any person that has contravened the first or third paragraphs of section 35 if this has resulted in the spread of waste.

The pollution control authority may also issue an order to any person that was the owner of a motor vehicle, ship, aircraft or other similar large object when it was discarded in contravention of section 28, or to any person that is the owner when the order is issued, to clear up and remove the said object.

If any person has asked the municipality to issue an order to clear up or pay costs pursuant to the first or second paragraph, the municipality's decision is considered to be an individual decision even if no such order is issued.

## **Chapter 6. Acute pollution**

### **§ 38. Acute pollution**

For the purpose of this Act, acute pollution means significant pollution that occurs suddenly and that is not permitted in accordance with provisions set out in or issued pursuant to this Act.

### **§ 39. Duty to provide notification**

In the event of acute pollution or a danger of acute pollution, the nearest police authority shall be notified immediately.

The duty to provide notification pursuant to the first paragraph rests with the person responsible for the pollution. Other persons also have a duty to provide notification unless this is clearly unnecessary.

The pollution control authority may lay down further provisions relating to the notification of acute pollution by regulations or by approval of a contingency plan pursuant to section 41. These may for example lay down that other authorities than the police shall be notified, and that the notification rules shall apply to Norwegian vessels regardless of where they are.

#### **§ 40. Duty to have an emergency response system**

Any person engaged in any activity which may result in acute pollution shall provide the necessary emergency response system to prevent, detect, stop, remove and limit the impact of the pollution. The emergency response system shall be in reasonable proportion to the probability of acute pollution and the extent of the damage and nuisance that may arise.

The pollution control authority may by regulations or individual decision lay down further requirements relating to emergency response systems pursuant to the first paragraph. The emergency response system shall to the extent decided by the pollution control authority be adapted to the municipal and state emergency response systems for acute pollution.

#### **§ 41. Contingency plans**

The pollution control authority may by regulations or individual decision lay down that contingency plans shall be submitted for approval for any activity that may result in acute pollution. The plan shall provide guidelines for the action to be taken in the event of acute pollution and shall be updated as necessary.

The pollution control authority may lay down further conditions for approval of contingency plans. These may include a requirement for a contingency plan to be coordinated with plans for the response to emergencies other than acute pollution. The pollution control authority may issue orders concerning changes to approved contingency plans and if necessary withdraw its approval.

#### **§ 42. Cooperation with regard to private emergency response systems**

The pollution control authority may order any person engaged in any activity that may result in acute pollution to cooperate in the provision of an emergency response system. Such orders may include a requirement to draw up a joint contingency plan pursuant to section 41 and to maintain emergency equipment jointly.

The pollution control authority may require agreements on the establishment of separate emergency response organizations and other agreements on emergency response systems to be submitted for approval. If there is no agreement, the pollution control authority may make decisions concerning the organization of cooperation on emergency response systems and the distribution of the costs associated with such cooperation.

#### **§ 43. Municipal and state emergency response systems**

Municipalities shall provide for the necessary emergency response system to deal with minor incidents of acute pollution that may occur or cause damage within the municipality, and that are not covered by private emergency response systems pursuant to sections 40, 41 and 42.

The state shall provide for the necessary emergency response system to deal with major incidents of acute pollution that are not covered by municipal emergency response systems pursuant to the first paragraph above or by private emergency response systems pursuant to sections 40, 41 and 42.

The pollution control authority shall as far as possible ensure that private, municipal and state emergency response systems are coordinated in a national emergency response system.

#### **§ 44. Municipal and intermunicipal contingency plans**

The pollution control authority may require the submission of municipal contingency plans for approval and may by regulations or individual decision lay down further requirements for municipal emergency response systems.

The pollution control authority may by regulations or individual decision order municipalities to cooperate in the provision of emergency response systems for acute pollution, and may make decisions concerning intermunicipal contingency plans and on how the costs shall be split between municipalities.

#### **§ 45. Governmental action control group to deal with major accidents**

The King may appoint an action control group to deal with major accidents that may result in acute pollution. The group consists of representatives of the authorities involved and other persons appointed, and its task is to coordinate the efforts of the various authorities to deal with accidents. The group shall evaluate the measures taken by those responsible for dealing with an accident and if necessary wholly or partly assume command of the operation.

The King will lay down provisions relating to the composition of the governmental action control group, how it is to be convened, its authority and its activities.

#### **§ 46. Operations to deal with acute pollution**

In the event of acute pollution or a risk of acute pollution, the person responsible shall in accordance with section 7 initiate measures to avoid or limit damage and nuisance.

If the person responsible does not take adequate measures, the municipality concerned shall take steps to deal with the accident. The municipality shall notify the state pollution control authority, which will provide the necessary assistance.

In the event of major incidents involving acute pollution or a risk of acute pollution, the state pollution control authority may wholly or partly assume command of efforts to deal with the accident.

If there is extensive acute pollution or a risk of such pollution, the pollution control authority shall convene the governmental action control group pursuant to section 45.

#### **§ 47. Duty to provide assistance**

During municipal operations pursuant to this chapter, any person that pursuant to section 40 has a duty to provide an emergency response system shall, if so ordered by the municipality, place at the disposal of the municipality equipment and personnel belonging to the private emergency response system pursuant to sections 40, 41 and 42. On request, other municipalities shall provide assistance to the extent possible.

During state-run operations, any person that pursuant to section 40 has a duty to provide an emergency response system and any municipality shall, if so ordered by the pollution control authority, place at its disposal equipment and personnel belonging to emergency response systems pursuant to sections 40, 41, 42, 43 and 44. If there is a risk of very serious pollution damage, any person may be ordered to provide materiel or personnel for the purpose of dealing with the accident.

The provision of the second paragraph also applies to operations outside the borders of the realm. In such cases, the pollution control authority may also determine that equipment and personnel shall be placed at the disposal of the authorities of any other state to the extent otherwise provided by the second paragraph.

Any public authority shall to the extent that it is compatible with its other tasks provide assistance in the event of extensive incidents involving acute pollution.

Any person that has provided assistance pursuant to this section is entitled to remuneration in accordance with the provisions of the second paragraph of section 75.

### **Chapter 7. Inspection and control measures relating to pollution and waste**

#### **§ 48. The responsibilities of the pollution control authority**

The pollution control authority shall be responsible for monitoring the general pollution situation and pollution from individual sources. The pollution control authority shall also be responsible for monitoring waste management.

The pollution control authority shall by means of advice, guidance and information seek to counteract pollution and waste problems and shall ensure compliance with the provisions of this Act and of decisions made pursuant thereto.

#### **§ 49. Duty to provide information**

On orders from the pollution control authority, any person that possesses, does, or initiates anything that may generate pollution or result in waste problems has a duty, notwithstanding any duty of secrecy, to provide the pollution control authority or other public bodies with any information necessary to enable them to carry out their tasks pursuant to this Act. If special reasons so indicate, the pollution control authority may require that information shall be provided by any person who works for the person that is subject to the duty to provide information pursuant to the first sentence.

Information as mentioned in the first paragraph may also be required from other public authorities, notwithstanding any duty of secrecy that otherwise applies.

Decisions made pursuant to the first or second paragraphs may be made by regulations or by individual decision.

#### **§ 50. Right of inspection**

The pollution control authority shall be given unimpeded access to property where pollution may occur or has occurred, or which is or may be exposed to pollution, if this is necessary for the exercise of its duties pursuant to this Act. The same applies to any enterprise that has resulted or may result in waste problems.

The pollution control authority may require documents and other material that may be of importance for the exercise of its duties pursuant to the Act to be submitted for its inspection.

Before inspection of an enterprise, the pollution control authority shall contact representatives of the management.

#### **§ 51. Orders to carry out investigations**

The pollution control authority may order any person that possesses, does, or initiates anything that results in or that there is reason to believe may result in pollution to arrange or pay for any investigations or similar measures that may reasonably be required in order to:

- a. determine whether and to what extent the activity results in or may result in pollution,
- b. ascertain the cause of or impact of pollution that has occurred,
- c. ascertain how the pollution is to be combated.

The provision of the first paragraph applies correspondingly to any activity that result in or may result in waste problems.

Orders pursuant to the first and second paragraphs may be laid down by regulations or in individual cases.

#### **§ 52. Approval of laboratories and analytical methods**

The pollution control authority may by regulations or individual decision lay down that investigations and analyses carried out in accordance with decisions made pursuant to this Act shall be carried out in the way decided by the pollution control authority or must be carried out by a person approved by the pollution control authority.

## **§ 52a. Fees**

The pollution control authority may issue regulations relating to fees for dealing with applications for permits pursuant to this Act or regulations issued pursuant thereto, and for control measures that are carried out to ensure compliance with this Act or decisions pursuant thereto. The amount of the fees shall be such that the total fees do not exceed the costs incurred by the pollution control authority in connection with administrative proceedings or control measures.

Payment of such fees is enforceable by execution.

## **§ 52b. Internal control**

The pollution control authority may issue regulations relating to internal control and internal control systems to ensure compliance with requirements laid down in or pursuant to this Act.

## **§ 52c. The EMAS scheme**

The pollution control authority or the instance thereby authorised may issue regulations implementing the provisions of the EEA Agreement relating to voluntary participation by companies in the industrial sector in a Community eco-management and audit scheme (the EMAS scheme).

Decisions by the Brønnøysund Register Centre as to whether an organisation shall be registered or deleted from the register pursuant to Article 6 of the Council Regulation, and decisions by the Norwegian Metrology Service to grant accreditation of environmental verifiers, extend the scope of accreditation, or withhold, suspend or terminate accreditation pursuant to Article 4, paragraphs 4 and 5, may be appealed to the pollution control authority.

The appeals board shall have three members. The members and their personal deputies shall be appointed by the Ministry.

The pollution control authority may by regulations issue further provisions relating to the implementation of this section. As regards the handling of appeals against decisions made pursuant to the second paragraph, exemptions from section 33, second to fourth paragraphs, of the Public Administration Act may be laid down by regulations.

# **Chapter 8. Compensation for pollution damage**

## **§ 53. Substantive scope**

This chapter applies to the duty to pay compensation for pollution damage insofar as the question of liability is not separately regulated by other legislation or a contract.

The term pollution damage means damage, nuisance or loss caused by pollution (cf. section 6). Irrespective of what is decided pursuant to section 6, light or other radiation that causes or may cause damage, loss or nuisance to the environment is also regarded as pollution for the purpose of this chapter.

The provisions of this chapter apply correspondingly to damage, nuisance or loss caused by waste (cf. section 27).

Regardless of the provisions of or laid down pursuant to section 5, this chapter also applies to pollution and waste from permanent transport installations and from individual means of transport, cf. section 5, fourth paragraph.

## **§ 54. Geographical scope and choice of law**

The provisions of this chapter apply to pollution damage that:

1. occurs in Norway or the Economic Zone of Norway,
2. occurs outside the areas mentioned in litra (a), if the damage is caused by an incident or activity within Norwegian sea or land territory.

Damage that does not come within the geographical scope set out in the first paragraph nevertheless comes within the scope of this chapter to the extent that the Norwegian law of damages shall be applied pursuant to the choice-of-law rules otherwise applicable.

In the case of measures to prevent or limit pollution damage, it is sufficient that damage may occur in an area to which this chapter applies.

The injured party may require the issue of compensation for pollution damage to be decided pursuant to the provisions applicable in the state where the polluting incident or activity took place.

Section 3, third paragraph, applies correspondingly.

### **§ 55. Person liable and basis of liability to pay compensation**

The owner of real property, an object, an installation or an enterprise that causes pollution damage is liable to pay compensation pursuant to this chapter regardless of any fault on his part if the owner also operates, uses or occupies the property, etc. Otherwise, such liability rests solely with the person that actually operates, uses or occupies the property, etc, insofar as the damage is not due to matters for which the owner is also liable pursuant to compensation rules otherwise applicable.

Any person that by supplying goods and services, carrying out control or supervisory measures or similar means has indirectly contributed to pollution damage is liable only if he has done so intentionally or negligently. In evaluating fault, it shall be taken into account whether the claims the injured party may reasonably make in regard to the activity or service have been disregarded. However, this provision does not in any way restrict the liability that follows from the compensation rules otherwise applicable.

### **§ 56. Tolerance limits**

Compensation for pollution that is permitted may only be claimed to the extent that the pollution is unreasonable or unnecessary pursuant to the provisions of section 2, second to fourth paragraphs, of the Act of 16 June 1961 No. 15 relating to the legal relationship between neighbouring properties.

Even if pollution damage in itself does not provide grounds for compensation pursuant to this chapter, it may be taken into consideration in the event of a claim for compensation pursuant to the Neighbouring Properties Act.

### **§ 57. Extent of liability**

Liability pursuant to this chapter includes

1. compensation for financial losses resulting from pollution damage such as is mentioned in section 53,
2. compensation for damage, losses, nuisance or expenses incurred as a result of taking reasonable measures to prevent, limit, remove or mitigate pollution damage. Compensation may nevertheless not be claimed for expenses connected with measures against pollution that was permitted insofar as such compensation would clearly exceed the compensation that could have been claimed if the measures had not been implemented,
3. compensation for damage, loss or nuisance resulting from the fact that the pollution prevents or impedes the exercising of rights of common for commercial purposes,
4. compensation for damage, nuisance or losses in regard to other exercising of rights of common pursuant to the provisions of section 58,
5. compensation for loss suffered by an employee because the pollution results in work stoppages or curtailment of operations in an enterprise in which he is employed. Nevertheless, this does not apply if the enterprise as such cannot claim compensation for its loss because the loss is too remote and unforeseeable a consequence of the pollution.



## **§ 58. Restitutionary compensation to the general public in the case of damage that affects the exercising of rights of common for non-commercial purposes, etc.**

Compensation may be claimed pursuant to this section for pollution that is not permitted and that hinders, impedes or limits the benefit of exercising rights of common for non-commercial purposes, provided that this applies to reasonable costs of restoring the environment so that rights of common can as far as possible be exercised as before.

Claims for compensation pursuant to the first paragraph shall be made by the municipal pollution control authority pursuant to section 81, first paragraph, litra c, if the pollution damage is restricted to the municipality. If compensation is claimed from the municipality, or damage has been caused in several municipalities, the claim shall be made by the county pollution control authority pursuant to section 81, first paragraph, litra b. If compensation is claimed from the county municipality, or damage has been caused in several counties, the claim shall be made by the state pollution control authority pursuant to section 81, first paragraph, litra a. The Ministry may lay down rules concerning which of the pollution control authorities mentioned in section 81, first paragraph, litra a and b, may put forward the claim for compensation.

A claim for compensation pursuant to the first paragraph may, irrespective of whether the claim is put forward by the pollution control authority, also be made by a private organization or an association with a legal interest in the matter.

If a party such as is mentioned in the third paragraph puts forward a claim pursuant to this section, the compensation awarded shall nevertheless accrue to the pollution control authority according to the provisions of the second paragraph.

The pollution control authority will make further decisions on how the compensation awarded is to be used. Claims may be submitted for necessary costs incurred by a private organization or the like to be covered from the amount awarded.

## **§ 59. Several possible causes of damage**

Any person that causes pollution that alone or in combination with other causes of damage may have caused the pollution damage is regarded as having caused such damage unless it is established that another cause is more likely.

Any persons that cause pollution incidents which individually or together are sufficient to cause the pollution damage are jointly and severally liable pursuant to section 5-3 of the Damages Act.

If it can be established that other causes of damage have predominantly contributed to the pollution damage, liability for a less significant cause of damage may cease or be proportionately reduced to the extent this is reasonable. In evaluating this, the contribution of the person causing such damage to the pollution damage, the type and extent of the said person's activities and other circumstances shall be taken into account.

## **§ 60. Lump sum payment or payment by instalments**

The provisions of section 16 of the Neighbouring Properties Act on lump sum payments or payment by instalments apply correspondingly to compensation payable pursuant to this chapter.

## **§ 61. Modification of liability**

If the question of modification of the liability to pay compensation for damage done to real property or objects arises, the evaluation pursuant to section 5-2 of the Damages Act may take into account the fact that the property or object is particularly vulnerable.

## **§ 62. Use of compensation awarded for housing rented out for residential purposes**

Compensation for pollution damage to an apartment rented out for residential purposes shall be used for protection against the pollution. To the extent that this is of little benefit to the tenants, the compensation may be used for other purposes that raise the standard of living or otherwise benefit the tenants.

The Ministry will issue further provisions relating to the implementation of the first paragraph, including the necessary rules of procedure.

### **§ 63. Duty to provide security, etc.**

A permit granted in accordance with this Act or regulations issued pursuant thereto may include the condition that security shall be provided in respect of possible liability to pay compensation pursuant to this chapter.

The pollution control authority will decide what security shall be required.

The pollution control authority may issue regulations relating to the duty to provide security for specified types of activities.

The King may issue provisions concerning the establishment of separate compensation arrangements to cover claims of the types to which this chapter applies, including financing, the duty to make financial contributions, the right to bring civil action and the settlement of claims.

### **§ 64. Venue in the case of consolidation of actions**

Actions for compensation or other claims as mentioned in section 22, third paragraph, of the Civil Procedure Act may be brought jointly in any judicial district that is a venue for one of the claims, provided that the basis for the claims is the same or essentially of a similar nature. On the same conditions, claims may be brought jointly by several injured parties or jointly against several persons who have caused damage.

## **Chapter 9. Implementation of the Act and decisions made pursuant thereto. Remuneration and payment of costs for measures against pollution**

### **§ 73. Pollution fine in the case of contravention of the Act**

To ensure compliance with the provisions of this Act or decisions made pursuant thereto, the pollution control authority may impose a pollution fine payable to the state.

A pollution fine may be imposed when contravention of the Act or decisions pursuant thereto are discovered. The pollution fine becomes effective if the person responsible fails to meet the deadline for remedying the matter set by the pollution control authority. A pollution fine may also be imposed in advance and in such cases becomes effective from the date when any contravention starts. It may be decided that the pollution fine shall continue to be effective for as long as the unlawful situation persists, or that it is payable each time contravention takes place.

The pollution fine is imposed on the person responsible for the contravention. If the contravention has occurred on behalf of a company or other association, a foundation, a municipality, a county municipality or another public body, the pollution fine shall normally be imposed on the enterprise as such. If the contravention has occurred on behalf of an emergency response organization established pursuant to section 42, the pollution fine may be imposed on the companies involved.

Payment of a fine is enforceable by execution. The pollution control authority may waive a fine that has been imposed.

### **§ 74. Immediate implementation by the pollution control authority**

If the pollution control authority has issued orders pursuant to section 7, fourth paragraph, or section 37, first or second paragraph, and these are not carried out by the person responsible, the pollution control authority may arrange for the measures to be implemented.

The pollution control authority may also arrange for the measures to be implemented if such orders may result in a delay in implementing the measures or if it is uncertain who is responsible.

When implementing measures pursuant to the first and second paragraphs, the pollution control authority may make use of and if necessary cause damage to the property of the person responsible.

The pollution control authority may issue further regulations on the implementation of measures pursuant to the first and second paragraphs.

Intervention against acute pollution or the risk of acute pollution on the open sea and in outer Norwegian territorial waters shall take place in accordance with international agreements to which Norway is a party. The pollution control authority may issue regulations on such intervention and on the implementation of such agreements in Norwegian law.

### **§ 75. Use of another person's property to deal with pollution and waste problems and remuneration for assistance**

When implementing measures pursuant to sections 7, 37, 46 and 74, the pollution control authority may decide that the use of or damage to another person's property is permissible in return for remuneration, provided that the benefit obtained is substantially greater than the damage or nuisance caused.

Any person that has provided assistance pursuant to section 47, first to third paragraphs, and who is not responsible for the pollution is also entitled to remuneration.

The pollution control authority is responsible for remuneration pursuant to the first and second paragraphs. The State will act as guarantor for the claim.

Municipalities that have incurred substantial costs in dealing with acute pollution may receive remuneration from the state according to further provisions laid down by the pollution control authority.

### **§ 76. Payment of the costs of measures to deal with pollution and waste problems**

The costs, damage or losses pursuant to section 74 incurred by the public authorities may be claimed from the person responsible for the pollution or waste problems. The same applies to the costs incurred by the public authorities for remuneration pursuant to section 75. If the person responsible cannot pay or it is not known who is responsible, the costs may also be claimed from the injured party or the person whose interests were served by the measures.

If the person responsible has not implemented the measures required within a reasonable time limit, or if measures are urgently required, any person that has implemented measures to protect his property or avoid damage to it may claim the costs incurred from the person responsible insofar as the measures were implemented with due care.

The competent administrative authority may partially or wholly waive its claim for costs pursuant to the first paragraph if this will otherwise impede the claims of other injured parties or it would be unreasonable to make the claim. Section 5-2 of the Damages Act applies correspondingly as regards modification of liability pursuant to the first and second paragraphs.

### **§ 77. Limited right to claim payment of costs before measures have been implemented**

Payment to which the public authorities are entitled pursuant to section 76, first paragraph, may be required irrespective of any agreement, judgment or settlement between the person responsible and other injured parties.

If parties other than the public authorities submit claims for the costs of measures to combat pollution of real property, and the measures have not been implemented, payment by the person responsible may only be required if

- a. it is obvious that the measures are not of importance for the general public, or
- b. the pollution control authority consents. Conditions may be attached to such consent to ensure that the compensation is used for the appropriate purpose.

In the case of sums paid in accordance with the second paragraph, litra a) or b), the person responsible is relieved of his responsibility to the public authorities pursuant to section 76, first paragraph.

## **Chapter 10. Penal measures**

### **§ 78. Criminal liability for pollution**

Fines or imprisonment for a term not exceeding three months or both will be imposed on any person that wilfully or through negligence

- a. possesses, does, or initiates anything that may cause pollution contrary to this Act or regulations issued pursuant thereto,
- b. fails to take measures he has a duty to take pursuant to sections 7 and 40, regulations issued pursuant to the Act, conditions laid down in individual permits pursuant to section 11, conditions laid down in contingency plans approved pursuant to section 41, or separate orders issued pursuant to this Act,
- c. fails to provide notification pursuant to section 19 or 20 or to submit a contingency plan pursuant to section 41,
- d. fails to comply with orders issued by the pollution control authority pursuant to sections 49, 50 and 51,
- e. is accessory to such contravention as is mentioned in litras a to d.

If the contravention has resulted in a risk of great damage or serious nuisance, or there are otherwise especially aggravating circumstances, imprisonment for a term not exceeding two years may be imposed, but for a term not exceeding five years if the contravention resulted in a risk to human life or health.

If the contravention only resulted in insignificant pollution or an insignificant risk of pollution, public prosecution will only take place if the pollution control authority applies for this.

### **§ 79. Criminal liability for unlawful waste management**

Fines or imprisonment for a term not exceeding three months or both will be imposed on any person that wilfully or through negligence

- a. discards or empties waste that has been collected, large discarded objects or special waste in such a way that that it may be unsightly or cause damage or nuisance to the environment,
- b. fails to comply with orders to implement measures against waste issued pursuant to section 37,
- c. is accessory to such contravention as is mentioned in litras a and b.

Regulations issued pursuant to sections 30, 31, 32 and 33 may lay down that any person that contravenes the regulations shall be liable to fines.

If the contravention of the first paragraph has only resulted in insignificant damage or nuisance, public prosecution will only take place if the pollution control authority applies for this.

### **§ 80. (repealed by Act of 20 July 1991 No. 66)**

## **Chapter 11. Administrative provisions. Relationship to the Public Administration Act**

### **§ 81. The pollution control authorities**

The pollution control authorities are as follows:

- a. at national level: the King, the Ministry and the Norwegian Pollution Control Authority,
- b. at county level: the county municipality and the county governor or the person thereby authorized by the Ministry,
- c. at municipal level: the municipality.

The King will determine which pollution control authority may make decisions pursuant to the Act. The Ministry may further determine that decisions pursuant to the Act may be made by persons other than the pollution control authorities, including private legal persons.

The King will order the other pollution control authorities to carry out tasks pursuant to this Act. Instructions may also be issued on the exercise of authority and on the delegation of authority pursuant to sections 83 and 84.

## **§ 82. (Repealed by Act of 14 June 1991 No. 30)**

## **§ 83. Delegation of the authority assigned to the municipality or county municipality**

The Local Government Act applies to the right of the municipality and county municipality to delegate authority.

If special reasons so indicate, the municipal council or county council may delegate the authority to make individual decisions to municipal/intermunicipal and county-municipal/intercounty-municipal companies respectively.

## **§ 84. (Repealed by Act of 21 June 1996 No. 36)**

## **§ 85. Relationship to the Public Administration Act**

The Public Administration Act applies to administrative procedure for handling cases pursuant to this Act.

The Ministry is the appeals instance for decisions made by the Norwegian Pollution Control Authority. The Norwegian Pollution Control Authority is the appeals instance for decisions made by the county governor. For decisions made by the municipality, section 28, second paragraph, of the Public Administration Act is applicable, except in the case of decisions made pursuant to section 47, where the county governor is the appeals instance. The Ministry may designate another appeals instance than that provided by this paragraph, and may designate an appeals instance for decisions made by a private legal person.

The pollution control authority may issue supplementary regulations concerning administrative procedure for applications pursuant to section 11, including the instances to which the application shall be submitted, the publication of applications and permits and payment for such publication.

## **Chapter 12. Final provisions**

### **§ 86. Relationship to previous activities**

This Act also applies to any activity that started before the Act entered into force. The provision of section 37 concerning the duty to clear up and remove waste, etc., also applies when the commission of the act described in section 28 took place before the Act entered into force.

It is nevertheless not necessary to apply for a new permit pursuant to section 11 for pollution for which permission has been granted pursuant to sections 48 and 49 of the Water Resources Act of 15 March 1940, section 19 of the Neighbouring Properties Act of 16 June 1961 No. 15 or section 6 or 10 of the Water Pollution Act<sup>1</sup> of 26 June 1970 No. 75.

Activity that had already begun when this Act entered into force and that did not require a permit pursuant to the provisions mentioned in the second paragraph may continue without a permit pursuant to section 11, cf. sections 7 and 29. The same applies to activity that is permitted by judicial assessment that was held pursuant to sections 7 and 8 of the Neighbouring Properties Act before this Act entered into force. The

pollution control authority may nevertheless by regulations or individual decision decide that such activity as is mentioned in the first and second sentences is unlawful after a specified time limit unless such activity has a permit pursuant to section 11.

### **§ 87. Relationship to decisions made pursuant to older legislation**

Regulations or individual decisions made pursuant to provisions that are repealed by section 90 remain in force until they are amended or repealed pursuant to this Act.

### **§ 88. Provisions on implementation**

The Ministry may lay down provisions to supplement and implement this Act, including provisions on cooperation between the pollution control authorities and other authorities.

### **§ 89. Entry into force**

This Act enters into force from the date decided by the King. Parts of the Act may be put into force at different times, and also in different counties and municipalities. In connection with the entry into force of the Act, or at a later date, the King may set a time limit for all or certain municipalities to implement the duties the Act imposes on municipalities. The same applies to the public road authorities with respect to section 36.

### **§ 90. Repeal and amendment to other Acts**

When this Act enters into force, the following amendments shall be made to other legislation:

<sup>1</sup> This Act has since been repealed.