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Industrial Emissions Act [1]

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Amended by the following acts

Reception	Publication	Enforcement
19.02.2014	RT I, 13.03.2014, 4	01.07.2014, partially 23.03.2014
19.06.2014	RT I, 12.07.2014, 1	01.01.2015
19.06.2014	RT I, 29.06.2014, 109	01.07.2014, titles of ministers replaced on the basis of § 107³ subsection 4 of the Government of the Republic Act.
18.02.2015	RT I, 23.03.2015, 3	01.07.2015
29.10.2015	RT I, 10.11.2015, 2	01.12.2015
19.11.2015	RT I, 03.12.2015, 1	01.01.2016
15.06.2016	RT I, 05.07.2016, 1	01.01.2017; in the entire text, the word "pollution source" is replaced by the word "emission source", the words "outdoor air pollution permit" by the word "air pollution permit" and the word "emitted" by the word "emitted" in the corresponding case, and the word "emitted" by the word "exit" in the corresponding modified form.
10.05.2017	RT I, 25.05.2017, 1	04.06.2017, partially 01.07.2017
14.06.2017	RT I, 04.07.2017, 1	01.01.2018
21.11.2018	RT I, 12.12.2018, 3	01.01.2019
30.01.2019	RT I, 22.02.2019, 1	01.10.2019, partially 04.03.2019
20.02.2019	RT I, 15.03.2019, 5	25.03.2019
04.12.2019	RT I, 21.12.2019, 1	01.01.2020
17.06.2020	RT I, 10.07.2020, 2	01.01.2021, the law replaced the word "Environmental Inspection" with the word "Environmental Board" in the corresponding case.
11.05.2022	RT I, 27.05.2022, 1	06.06.2022
12/10/2022	RT I, 25.10.2022, 1	04.11.2022
22.02.2023	RT I, 17.03.2023, 3	01.04.2023
20.06.2023	RT I, 30.06.2023, 1	01.07.2023; On the basis of § 105.19 subsection 6 of the Government of the Republic Act, the word "Environment Ministry" has been replaced throughout the text with the word "Climate Ministry" in the corresponding case
06.12.2023	RT I, 05.01.2024, 1	15.01.2024

Chapter 1
General settings

Section 1
Scope and application of the law

§ 1. Purpose and scope of the Act

(1) The purpose of this Act is to achieve a high level of protection of the environment as a whole by minimizing the emission of pollutants into the air, water and soil and the generation of waste in order to prevent adverse effects on the environment.

(2) This Act determines the industrial areas of activity with a high environmental risk, stipulates the requirements for operating in them and the responsibility for non-fulfilment of the requirements, as well as the organization of state supervision.

§ 2. Scope of the Act

(1) This Act applies to:
1) industrial fields of activity listed in § 19 of this Act;
2) large incinerators in accordance with the provisions of § 64 of this Act;
3) waste incineration and co-incineration plants in accordance with the provisions of § 85 of this Act;
4) for installations and activities using organic solvents, which are defined in § 113 of this Act;
5) for installations producing titanium dioxide.

(2) This Act does not apply to research, development or testing of new products and processes, if the scope of these activities is so small that they do not significantly affect the environment.

§ 3. Application of the Administrative Procedure Act and the Act on the General Part of the Environmental Code
[RT I, 21.12.2019, 1 - entered into force. 01.01.2020]

(1) The Administrative Procedure Act applies to the administrative procedure provided for in this Act, taking into account the differences provided for in this Act.

(2) Chapter 5 of the Act on the General Part of the Environmental Code shall apply to the procedure for a complex environmental permit (hereinafter complex permit) provided for in this Act , taking into account the specifics provided for in this Act.
[RT I, 21.12.2019, 1 - enters into force. 01.01.2020]

Section 2
Terms

§ 4. Substance and mixture

(1) A substance is any chemical element or compound of chemical elements, with the exception of a radioactive substance within the meaning of § 6 (1) of the Radiation Act, a genetically modified microorganism within the meaning of § 2 point 2 of the Act on the Use of Genetically Modified Microorganisms in a Closed Environment and a genetically modified organism within the meaning of the Act on the Release of Genetically Modified Organisms into the Environment in the sense of § 2 subsection 2.
[RT I, 15.03.2019, 5 - enters into force. 25/03/2019]

(2) The term "mixture" is defined in Regulation (EC) No. 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorization and Restriction of Chemicals (REACH) and which establishes the European Chemicals Agency and amends and repeals Directive 1999/45/EC Regulation (EEC) No. 793/1993, Commission Regulation (EC) No. 1488/1994 and Council Directive 1976/769/EEC and Commission Directives 1991/155/EEC, 1993/67/EEC, 1993/105/EC and 2000/21 /EC (OJ L 396, 30.12.2006, pp. 1–850), within the meaning of Article 3(2).

(3) The terms dangerous substance and mixture are considered in Regulation (EC) No. 1272/2008 of the European Parliament and of the Council, which deals with the classification, labeling and packaging of substances and mixtures and which amends and recognizes Directives 1967/548/EEC and 1999/45/EC repealed and amended Regulation (EC) No. 1907/2006 (OJ L 353, 31.12.2008, pp. 1–1355), within the meaning of Article 3.

§ 5. Pollution, pollution, emission and emission limit value

(1) Pollution is the direct or indirect discharge of substances, vibration, heat or noise into the outside air, water or soil resulting from human activity, which may lead to an impact that needs to be reduced on the environment, human health, well-being, property and cultural heritage.

(2) Pollution within the meaning of this Act is a significant adverse change in the quality of ambient air, water or soil caused by pollution.

(3) For the purposes of this Act, emissions are substances, vibrations, heat or noise directly or indirectly emitted into the outside air, water or soil.

(4) In the sense of this Act, the emission limit value is the mass, concentration or level of the emission expressed in relation to the indicator characterizing the emission, which must not be exceeded in the specified time period or time periods.

§ 6. Facility and operator

(1) A facility within the meaning of this Act is a local technical unit whose activities take place in one or more fields of activity subject to the obligation of an environmental comprehensive permit and in the scope of which organic solvents are used within the scope of the field of activity without the obligation of an environmental complex permit.

(2) In addition to the activities specified in subsection 1 of this section, the activities of the facility that are directly connected to it at the same place of operation and technically related to it, which may affect the amount of emissions and pollution or the degree of pollution, are included in the activity of the facility.

(3) For the purposes of this Act, an operator is a person who owns or operates a facility, incineration device, waste incineration or co-incineration plant or a part thereof, or who has been given decision-making rights regarding the technical operation of the facility, plant or device.

§ 7. Permission

(1) For the purposes of this Act, a written document that grants the right to operate a facility, incineration device, waste incineration or co-incineration plant or part thereof is understood as a permit.

(2) A complex permit grants the right to use the facility or its part in a way that ensures the smallest possible impact of the activities in the field of activity or sub-field of activity determined on the basis of this Act on the environment, human health, well-being, property and cultural heritage. The requirements stipulated by the complex permit must ensure the protection of water, air and soil and the handling of waste generated in the installation in a way that prevents the transfer of pollution from one environmental element, such as water, air and soil, to another.
[RT I, 21.12.2019, 1 - enters into force. 01.01.2020]

(3) In the following chapters of this Act, permit is defined as:
1) complex permit in Chapters 2 and 6;
2) In Chapters 3, 4 and 5, a complex permit or, in the absence of an obligation for a complex permit, an environmental permit.
[RT I, 21.12.2019, 1 - enters into force. 01.01.2020]

§ 8. The best possible technique

(1) The best possible technique is the most efficient and best developed level of technical development activity and the work methods applied in it. BAT is practicable to set emission limits and other permit requirements to avoid, or if not practicable, to reduce emissions

and their impact on the environment as a whole.

(2) The term best possible technique means:
1) technique – the technology used in the facility and the way of planning, construction, maintenance, operation and termination of the facility;
2) possible technology - modern technology available to the operator in a reasonable way, the use of which in the field of activity is economically and technically acceptable, taking into account the costs and advantages, and ensures the best fulfillment of environmental requirements;
3) the best - the most effective for protecting the environment as a whole at a high level.

(3) The reference document concerning the best possible technique (hereinafter referred to as *the BAT reference document*) is a document drawn up for a specified field of activity, which describes in particular the technologies used, the current emission and consumption levels, the techniques considered when determining the best possible technique and the conclusions of the best possible technique and all techniques in the developing stage, special attention to the criteria listed in § 43 of this Act.

(4) Conclusions on the best possible technique (hereinafter *BAT conclusions*) is a document consisting of parts of the BAT reference document, in which the conclusions on the best possible technique are presented, its description and information for assessing its applicability, emission levels achievable with the best possible technique, related monitoring , resource consumption levels and, where appropriate, follow-up measures for the site.

§ 9. Groundwater and soil

(1) In this Act, the term groundwater is understood within the meaning of § 7 of the Water Act.
[RT I, 22.02.2019, 1 - enters into force. 01.10.2019]

(2) For the purposes of this Act, soil is the surface layer of the earth's crust, which is located between the bedrock and the ground. Soil consists of mineral particles, organic matter, water, air and living organisms.

§ 10. Biomass

Biomass within the meaning of this Act is a product consisting of plant matter originating from agriculture or forestry, which can be used as fuel for energy production, and the following waste:
1) plant waste from agriculture and forestry;
2) vegetable residues from the food industry, when the generated heat is reused;
3) fibrous vegetable residues from pulp production and pulp paper production, if they are burned at the place of their generation and the generated heat is reused;
4) cork waste;
5) wood waste, with the exception of those that may contain halogenated organic compounds or heavy metals as a result of treatment with wood preservatives or covering the wood surface, including especially wood waste generated during construction and demolition.

§ 11. Organic compound, volatile organic compound and organic solvent

(1) An organic compound is a compound consisting of at least carbon and one or more hydrogen, oxygen, sulfur, phosphorus, silicon, nitrogen or halogen atoms, excluding carbon oxides, inorganic carbonates and hydrogen carbonates.

(2) A volatile organic compound is an organic compound and a fraction of creosote that has a vapor pressure of at least 0.01 kilopascals (kPa) at a temperature of 293.15 Kelvin (K) or has a volatility corresponding to the specified vapor pressure under specific conditions of use.

(3) An organic solvent is a volatile organic compound that is used:
1) separately or together with other substances to dissolve raw materials, products or waste without chemical changes occurring;
2) as a cleaning agent for dissolving pollutants;
3) as a solvent;
4) as a dispersant;
5) as a viscosity regulator;
6) as a surface tension regulator;
7) as a plasticizer;
8) as a preservative.

(4) Halogen-organic solvent is an organic solvent that contains at least one bromine, chlorine, fluorine or iodine atom per molecule.

§ 12. Fuel

Fuel within the meaning of this Act is a solid, liquid or gaseous combustible material.

§ 13. Combustion device and large combustion device

(1) Combustion device within the meaning of this Act is a technical device in which fuel is oxidized in order to use the resulting heat.

(2) A large combustion plant is a combustion plant with an installed total rated heat output corresponding to the heat input of at least 50 megawatts.

§ 14. Chimney

For the purposes of this law, a chimney is a structure that contains one or more flues for exhausting gases into the outside air.

§ 15. Starting and stopping

Starting and stopping, in the sense of this law, are actions to start or stop an activity, to start or interrupt the operation of a facility, device or container, to bring it to a standstill mode or to end a standstill mode. The stage of starting and ending a periodic technological process is not considered to be started or stopped.

Section 3
General obligations

§ 16. Licensing obligation

(1) No facility, incineration device, waste incineration plant or co-incineration plant may be operated without a permit, except for operators with a registration obligation as provided for in Chapter 5 of this Act.

(2) A permit may be granted for one or more facilities or parts of facilities of the same operator located at the same place of business.

(3) If the permit covers two or more facilities, the permit must contain requirements to ensure that the operations of all facilities comply with the requirements of this Act and other applicable legislation.

(4) [Repealed - RT I, 21.12.2019, 1 - entry into force. 01.01.2020]

§ 17. Obligations of the operator in the event of an accident and incident

(1) The operator must immediately inform the Environmental Board of an accident or incident that significantly affects the environment.

(2) In the event of an accident or incident, which is likely to lead to a significant adverse impact on the environment, human health, well-being, property and cultural heritage, the operator must:
1) take immediate measures to limit the consequences of the accident and incident on the environment and prevent possible further accidents and incidents ;
2) notify the Environmental Board immediately of the implemented measures.

(3) The Environmental Board requires the operator, in addition to the measures specified in Clause 2, Clause 1 of this section, to implement other relevant additional measures which, in the opinion of the Environmental Board, are necessary to reduce the consequences that may occur on the environment and to prevent possible further accidents and incidents.

§ 18. Obligations of the operator in case of non-compliance

(1) In case of violation of the requirements stipulated in the permit, the operator must:
1) inform the Environmental Board immediately;
[RT I, 10.07.2020, 2 - enters into force. 01.01.2021]
2) take immediate measures to achieve the compliance of their activities with the permit requirements in the shortest possible time;
3) notify the Environmental Board of the measures taken in accordance with point 2 of this subsection immediately after their implementation.
[RT I, 10.07.2020, 2 - enters into force. 01.01.2021]

(2) The Environmental Board requires the operator to implement other relevant measures in addition to the measures specified in Clause 1, Clause 2 of this section, which are, in the opinion of the Environmental Board, necessary to end the violation of the permit requirements.

(3) If the violation of the requirements of the permit may lead to an immediate and significant adverse effect on the environment and human health, the Environmental Board shall suspend the operation of the installation, incineration device, waste incineration or co-incineration plant or part of it until the operator's activities comply with the permit requirements.
[RT I, 10.07.2020, 2 - enters into force. 01.01.2021]

(4) [Repealed - RT I, 13.03.2014, 4 - entered into force. 01.07.2014]

Chapter 2
Installations with complex permit obligation

Section 1
General settings

§ 19. Scope

(1) This chapter applies to installations for which a complex permit is required for operation.

(2) A complex permit, taking into account the threshold capacities established on the basis of subsection 3 of this section, is required in the following fields of activity:
1) energy industry;
2) production and processing of metals;
3) processing of mineral materials;
4) chemical industry;
5) waste management;
6) pulp, paper and textile industry and leather tanning;
7) food industry, including feed production;
8) pig, cattle and poultry farming;
9) surface treatment or finishing using organic solvents;
10) production of plywood and fiberboard;
11) production of graphite and electrographite by burning or graphitizing;
12) disposal or recycling of animal carcasses and animal waste;
13) chemical processing of wood and wood products;
14) collection of carbon dioxide stored in the ground from facilities operating in the fields of activity specified in points 1–13 of this paragraph;
15) independently operated treatment of waste water from facilities operating in the fields of activity specified in items 1–14 of this subsection, except for waste water treatment in public sewage treatment plants.

(3) The list of sub-fields of activity within the field of activity specified in subsection 2 of this section and the threshold capacities for which a complex permit is required for the operation of the facility shall be established by a regulation of the Government of the Republic .

§ 20. Emission level achievable with the best possible technique

The emission level achievable by the best available technique is the emission level that can be achieved under normal operating conditions using the best available technique or a combination of the best available techniques described in the BAT conclusions, expressed as an average value over a certain period of time under specified reference conditions.

§ 21. Environmental quality standard

The environmental quality standard is a legal requirement that the environment or part of it must meet.

§ 22. Technology in development

An emerging technique is a novel technique that, as a result of development activities, could ensure either an even higher level of environmental protection or at least the same level of environmental protection and greater cost savings compared to the existing best possible technique.

§ 23. Raw materials, auxiliary materials and semi-finished products

(1) Raw materials are materials, substances or mixtures that are used to manufacture a product and which are contained in the product, for example metal, wood, plastics, minerals, oils, tars, organic and inorganic chemicals, plant and animal raw materials and other types of materials, substances or mixtures .

(2) Auxiliary materials are materials, substances or mixtures that are not included in the product, but are used in the production process, for example greases, oils, cleaning agents, detergents and other care agents and other types of materials, substances or mixtures.

(3) A semi-finished product is a material, substance or mixture that arises during production and is further processed.

§ 24. Self-monitoring

Self-monitoring is part of the management system used in the installation to monitor the operation of the installation, the use of natural resources, emissions, groundwater and soil pollution, and the generation of waste, to clean up emissions and waste management, and to prevent accidents.

Section 2
Environmental complex permit

Section 1
Obligations of the operator

§ 25. Mandatory complex permit

(1) The operator may not operate without a complex permit in the field of activity in which a complex permit is required in accordance with § 19 of this Act.

(2) If the activity in at least one activity area of a facility requiring a complex permit exceeds the threshold capacity of the sub-activity area established on the basis of § 19 (3) of this Act, a complex permit is required for the operation of the facility as a whole.
[RT I, 21.12.2019, 1 - enters into force. 01.01.2020]

(3) If the operator operates in the same facility or in the same place of business in several areas of activity specified in § 19 subsection 2 of this Act, the production capacities of the activities belonging to the same sub-area of activity of the facility must be combined when deciding on the obligation of a complex permit.

(4) On the basis of the operator's request, a complex permit may also be granted to a facility or its part for which a complex permit is not required in accordance with this Act.

§ 26. General principles of facility use

(1) The operator shall follow the following principles when using a facility subject to a complex permit:
1) implements appropriate preventive measures to avoid contamination;
2) in the event of contamination, taking into account its technical and economic capabilities, it will eliminate the contamination without delay, regardless of whether the contamination was caused intentionally or through carelessness;
3) uses the best possible technique in the facility;
4) avoids the generation of waste if possible;
5) in the case of generation of waste, its handling is based on the waste hierarchy provided for in § 22[1] of the Waste Act ;
6) uses energy in the facility as efficiently as possible;
7) ensures the existence of the necessary measures to prevent accidents and to limit the consequences of an accident;
8) upon the termination of the operation of the facility, take measures necessary to prevent the risk of contamination and to restore the satisfactory environmental condition of the place of operation of the facility in accordance with the requirements of § 58 of this Act.

(2) If the operator does not fulfill the obligation set forth in Clause 1, Clause 2 of this section, the Environmental Board shall organize the liquidation in accordance with the procedure provided in the Substitute Enforcement and Extortion Act.

Section 2
Complex permit procedure

§ 27. Issuer of complex permit

The complex permit is issued by the Environmental Board (hereinafter *the permit issuer*).

§ 28. Application for complex permit

(1) [Repealed - RT I, 21.12.2019, 1 - entry into force. 01.01.2020]

(1 1) The application for a complex permit contains the data and appendices provided for in § 42 subsections 1 and 3 of the General Part of the Environmental Code Act, § 91 subsection 2 of the Atmospheric Air Protection Act, § 78 subsection 1 of the Waste Act and § 190 subsection 1 of the Water Act.
[RT I, 21.12.2019, 1 - enters into force. 01.01.2020]

(2) [Repealed - RT I, 21.12.2019, 1 - entry into force. 01.01.2020]

(3) Appendices to the application must contain the information listed in § 41 (2) clauses 1–16 of this Act.

(4) If it is not necessary to submit all the data referred to in subsection 3 of this section, considering the operation of the planned facility, the applicant shall add a brief written explanation of the failure to submit the missing data.

(5) The applicant for a complex permit must pay a state fee before submitting the application.

(6) The specified requirements and data composition of the complex permit application and the procedure for submitting the application shall be established by a regulation of the minister responsible for the field .
[RT I, 21.12.2019, 1 - enters into force. 01.01.2020]

§ 29. Documents to be attached to the complex permit application

The following shall be added to the application for a complex permit:
1) an environmental impact assessment report, if the operation of the facility has been previously assessed in the cases and according to the procedure provided for in the Environmental Impact Assessment and Environmental Management System Act;
2) documents required in accordance with the Chemicals Act in the case of a hazardous company and a company with a risk of a major accident;
[RT I, 10.11.2015, 2 - enters into force. 01.12.2015]
3) a brief description of alternatives to the proposed technology, methods and measures, if these alternatives have been studied;
4) [invalid - RT I, 21.12.2019, 1 - entry into force. 01.01.2020] 5) non-technical summary of the data specified in point 3 of this section.
6) [invalid - RT I, 21.12.2019, 1 - entry into force. 01.01.2020]

§ 30. Processing of a complex permit application
[Repealed - RT I, 21.12.2019, 1 - entered into force. 01.01.2020]

§ 31. Opinion of a local self-government unit
[Repealed - RT I, 21.12.2019, 1 - entered into force. 01.01.2020]

§ 32. Open procedure
[Repealed - RT I, 21.12.2019, 1 - entry into force. 01.01.2020]

§ 33. Public notice on the processing of an application for a complex permit
[Repealed - RT I, 21.12.2019, 1 - entered into force. 01.01.2020]

§ 34. Public notice on the completion of the draft complex permit
[Repealed - RT I, 21.12.2019, 1 - entry into force. 01.01.2020]

§ 35. Views of the public
[Repealed - RT I, 21.12.2019, 1 - entry into force. 01.01.2020]

§ 36. Public discussion
[Repealed - RT I, 21.12.2019, 1 - entered into force. 01.01.2020]

§ 37. Processing of complex permit application

(1) The permit grantor decides to issue a complex permit within 180 days after the application is processed.

(2) If it takes more time to make a decision due to the technical complexity of the facility, the permit grantor may extend the deadline for the procedure, but not more than one year from the time the application was processed. The extension of the deadline, the reason for it and the planned deadline for making the decision will be notified in writing to the complex permit applicant and other participants in the procedure.

(3) [Repealed - RT I, 21.12.2019, 1 - entry into force. 01.01.2020]

(4) [Repealed - RT I, 21.12.2019, 1 - entry into force. 01.01.2020]

(5) [Repealed - RT I, 21.12.2019, 1 - entry into force. 01.01.2020]

(6) [Repealed - RT I, 21.12.2019, 1 - entry into force. 01.01.2020]

(7) If the permit applicant submits a proposal to change the application during the processing of the application for a complex permit, the permit grantor evaluates the significance of the change and decides within 21 days from the receipt of the proposal to change the application, whether it is possible to further process the amended complex permit application. If the proposal to change the submitted

application significantly changes the original application, the permit grantor sets a deadline for submitting a new application and terminates the processing of the existing application.

(8) [Repealed - RT I, 21.12.2019, 1 - entry into force. 01.01.2020]

(9) [Repealed - RT I, 21.12.2019, 1 - entry into force. 01.01.2020]

§ 38. Deciding to issue a complex permit
[Repealed - RT I, 21.12.2019, 1 - entry into force. 01.01.2020]

§ 39. Grounds for refusal to grant a complex permit
[Repealed - RT I, 21.12.2019, 1 - entered into force. 01.01.2020]

§ 40. Public notice on granting and refusing to grant a complex permit
[Repealed - RT I, 21.12.2019, 1 - entry into force. 01.01.2020]

Section 3
Complex permit requirements

§ 41. Composition of complex permit

(1) Taking into account the peculiarities of the field of activity and the location of the facility, the permit grantor decides on the composition of the complex permit.

(1^{1}) The complex permit contains the data stipulated in § 53 subsection 1 of the General Part of the Environmental Code Act, § 98 subsection 1 of the Atmospheric Air Protection Act, § 81 subsection 2 of the Waste Act and § 193 subsections 1 and 2 of the Water Act. [RT I, 21.12.2019, 1 - enters into force. 01.01.2020]

(2) The composition of the complex permit includes the following data:
1) [invalid - RT I, 21.12.2019, 1 - entry into force. 01.01.2020] 2) [repealed - RT I, 21.12.2019, 1 - entry into force. 01.01.2020] 3) the name of the facility's field of activity and the basic subfield of activity established on the basis of § 19 (3) of this Act, the facility's operating hours, annual production volume and installed production capacity; [RT I, 25.05.2017, 1 - enters into force. 04.06.2017] 4) description of the facility location, location map and location plan of the facility; 5) compliance of the equipment and technology used in the facility with the best possible technique and a reference to the applicable BAT conclusions or measures and technique to prevent or reduce emissions; 6) the volume of use and production of raw materials, auxiliary materials, semi-finished products and chemicals, as well as energy, fuels, water and cleaning agents and storage conditions and measures for economical use or recycling; 7) emission sources of the installation, planned measures and technology to prevent or reduce emissions, emission limit values or equivalent parameters or technical measures determined instead of emission limit values without setting the requirement for the use of a specific technique or technology; 8) sources, level and impact of odor, noise and vibration in the outdoor air and measures to prevent or reduce them in case of possible significant or adverse impact on the environment that needs to be reduced; 9) surface and ground water and soil protection measures and self-monitoring requirements; 10) generation of waste in the facility, types and quantities of waste and planned measures to prevent waste generation, preparation for reuse, recycling, other reuse or disposal of waste, and monitoring measures; 11) description of the installation's own monitoring, which contains data on the installation's environmental management system, emission and pollution self-monitoring, including monitoring of soil and groundwater contamination, equipment maintenance and control, and measures to improve the installation's own monitoring; 12) a description of the system for preventing accidents and limiting their consequences, if the operator is not obliged to include such information on the basis of § 29 point 2 of this Act; 13) measures to be applied in case of cleaning works, leaks, temporary stoppages, failures of production or cleaning equipment, starting and stopping the work of technological equipment and other operating conditions different from usual; 14) measures to prevent or reduce the adverse impact on the environment in the event of a complete shutdown of the facility or its part, and measures for aftercare; 15) baseline situation report, if its preparation is required on the basis of subsection 57 (1) of this Act; 16)

measures to minimize remote and transboundary pollution;
17) temporary exceptions to complex permit requirements;
18) the manner, frequency and extent of submitting facility data to the permit grantor;
18^{1}) the requirement to provide the permit grantor regularly and at least once a year with information based on the results of emission monitoring and other required data or, in the case provided for in subsection 5 of § 44 of this Act, a summary of the results of emission monitoring, which enables a comparison with the emission level achievable with the best possible technique;
[RT I, 15.03.2019, 5 - enters into force. 25.03.2019]
19) additional measures to implement the principles set forth in § 26 of this Act.

(3) If equivalent parameters or technical measures are specified in the complex permit in accordance with paragraph 2, point 7 of this section instead of emission limit values, without setting the requirement for a specific device or technology, these parameters or technical measures must ensure a level of environmental protection at least equivalent to the emission limit values.

(4) If the environmental quality standards stipulated in this Act or other legal acts prescribe stricter requirements than those that can be met using the best possible technique, the operator with a complex permit is obliged to implement additional measures that ensure compliance with the standards.

(5) The data composition and the procedure for issuing a complex permit shall be established by a regulation of the minister responsible for the field .
[RT I, 21.12.2019, 1 - enters into force. 01.01.2020]

§ 42. Application of the requirement to use the best possible technique

(1) When determining the requirements for a complex permit, the permit grantor is based on BAT conclusions applicable to the activity taking place in the facility or the type of production process.

(2) If the permit grantor determines the requirements of a complex permit on the basis of the best possible technique, which is not described in any applicable BAT conclusion or BAT reference document, such best possible technique must be determined based on the basis for determining the best possible technique provided in § 43 of this Act . When determining such best possible technique, the requirements set forth in § 44 of this Act must also be followed.

(3) If the BAT conclusions or BAT reference documents specified in subsection 2 of this section do not specify the emission level that can be achieved with the best possible technique, the permit grantor applies the best possible technique specified in subsection 2 of this section only if it is used to achieve the level of the environmental quality standard at least an equal level of environmental protection.

(4) If no BAT conclusion or BAT reference document covers the type of activity or production process taking place at the facility, or if these conclusions do not address all the possible effects of the activity or process on the environment, the permit issuer, after consultation with the operator, determines the permit requirements on the basis of the best available technique, which is relevant determined for the activity or process, paying particular attention to the basis for determining the best possible technique provided in § 43 of this Act.

(5) In addition to the provisions of subsection 4 of this section, the minister responsible for the field may establish the conclusions of the best possible technique by means of a directive.
[RT I, 17.03.2023, 3 - enters into force. 01.04.2023]

§ 43. Basis for determining the best possible technique

When determining the requirements of a complex permit based on a best available technique that is not described in any applicable BAT conclusion or that has been determined for the relevant activity or process, the permit grantor is based on the following criteria:
1) use of low-waste technology;
2) use of less dangerous substances;
3) reuse and recycling of substances and waste used and generated in production;
4) use of technology, equipment and work methods that have proven to be effective in industrial production;
5) technological innovations and the results of scientific development;
6) the nature, impact and quantity of emissions;
7) time of commencement of operation of the facility;
8) time required to avoid the best possible technique;
9) the amount and type of raw materials used, including water, and the efficiency of energy use;
10) avoiding the environmental impact of emissions and the resulting danger or reducing them to the greatest extent possible;
11) preventing accidents and minimizing their consequences;
12) relevant information on best available techniques published by international organizations.

§ 44. Determination of emission limit values, equivalent parameters and technical measures

(1) The emission limit values, equivalent parameters or technical measures determined in the complex permit are based on the best possible technique.

(2) When determining emission limit values, equivalent parameters or technical measures, the permit grantor takes into account the nature of the substances released into the environment from the facility's emission source and the possible transfer of pollution caused by them from one environmental element to another.

(3) If a decision regarding BAT conclusions has been published in relation to the type of activity or production process taking place at the facility, the permit grantor shall set the emission limit values in the complex permit, if they are followed, it is ensured that under normal operating conditions the emission of the facility does not exceed what can be achieved with the best possible technique described in the BAT conclusions applicable to this facility emission level.

(4) In the application of paragraph 3 of this section, emission limit values for the same or a shorter time period and on the basis of the same reference conditions as are used for the technique described in the BAT conclusions are determined in the permit requirements.

(5) The permit grantor may set emission limit values that differ from the requirements set forth in subsection 3 of this section in terms of values, time periods or reference conditions. In this case, the permit grantor evaluates the results of emission monitoring at least once a year and checks whether, under normal operating conditions, the emission of pollutants has remained within the emission level achievable with the best possible technique.

(6) As an exception to the provisions of subsections 3 and 5 of this section, the permit grantor may set milder emission limit values in the complex permit. Lighter emission limit values are set only if, in the opinion of the permit grantor, the application of the emission level achieved by the best possible technique would cause disproportionately large costs compared to the environmental benefits, and such costs are related to the particularity of the facility, which results from its:

1) geographical location;
2) local environmental conditions or
3) technical indicators.

(7) When applying subsection 6 of this section, the permit grantor:
1) submits the reasons for the application of the exception and the specified requirements in the permit granting decision;
2) determines the emission limit values in the permit, which do not exceed the emission limit values provided for in this Act and in the legislation established on the basis of it or in other legislation;
3) ensures that no pollution is caused and a high level of protection of the environment as a whole is achieved;
4) assesses, when reviewing the complex permit requirements, whether the application of the exception provided for in subsection 6 of this section is still justified.

(8) In case of testing and use of technology in the development stage, the permit grantor may make a temporary exception from the application of the requirement to implement the best possible technology and the emission limit values, equivalent parameters, technical measures and other relevant preventive measures to avoid pollution determined on the basis thereof for up to nine months, if the use of the technology in the development stage is terminated after that or an activity related to this technique achieves at least an emission level that corresponds to the emission level achievable with the best possible technique.
[RT I, 15.03.2019, 5 - enters into force. 25/03/2019]

(9) The emission limit value applies at the place where the emission leaves the facility. When determining the emission limit value, dispersion or dilution of emissions with other substances or environmental components before release into the environment is not taken into account.

(10) If the discharge is discharged indirectly into the water, the effect of the waste water treatment plant may be taken into account when setting the discharge limit value for the facility, provided that an equivalent level of protection of the environment as a whole is ensured, pollution does not increase and the operator complies with the established requirements for hazardous substances discharged into the public sewer.

§ 45. Emission of greenhouse gases

(1) If the activity of the facility is included in the list of areas of activity established on the basis of § 155 (1) of the Atmospheric Air Protection Act, the limit value for greenhouse gas emissions shall not be set in the permit, unless it is necessary to prevent pollution at the local level.
[RT I, 05.07.2016, 1 - enters into force. 01.01.2017]

(2) In the case of the areas of activity referred to in subsection 1 of this section, energy efficiency requirements are not applied to combustion equipment or other parts of the facility emitting carbon dioxide at the place of operation of the facility.

(3) In order to apply the distinctions provided in subsections 1 and 2 of this section, the conditions of the permit shall be amended if necessary.

(4) The provisions of subsections 1–3 of this section do not apply to facilities temporarily excluded from the greenhouse gas emissions trading system.

§ 46. Substances taken into account when determining emission limit values

(1) In the composition of the emission directed to the outside air, the emission limit values of the following substances are determined in particular:
1) sulfur dioxide and other sulfur compounds;
2) nitrogen oxides and other nitrogen compounds;
3) carbon monoxide;
4) volatile organic compounds;
5) metals and their compounds;
6) dust, including fine solid particles;
7) asbestos;
8) chlorine and its compounds;
9) fluorine and its compounds;
10) arsenic and its compounds;
11) cyanides;
12) airborne carcinogenic, mutagenic or reproductively toxic substances or mixtures;
13) polychlorinated dibenzodioxins and polychlorinated dibenzofurans.

(2) In the composition of the water discharge, the emission limit values of the following substances are determined in particular:
1) halogen-organic compounds and substances that can form these compounds in the aquatic environment;
2) organophosphorus compounds;
3) organotin compounds;
4) carcinogenic, mutagenic or reproductive function-damaging substances or mixtures acting through water;
5) persistent hydrocarbons and persistent and bioaccumulating organic toxic substances;
6) cyanides;
7) metals and their compounds;
8) arsenic and its compounds;
9) biocides and plant protection products;
10) suspension;
11) substances promoting eutrophication, including primarily nitrates and phosphates;
12) substances that have a bad effect on the oxygen balance and which can be measured through biological oxygen demand (BOD), chemical oxygen demand (COD) or other similar indicators;

13) priority substances and priority hazardous substances established on the basis of § 76 (1) of the Water Act.
[RT I, 22.02.2019, 1 - enters into force. 01.10.2019]

(3) The permit grantor shall also determine the emission limit value for other pollutants that the facility in question is likely to emit into the environment in large quantities.
[RT I, 15.03.2019, 5 - enters into force. 25/03/2019]

§ 47. Requirements for self-monitoring of facilities

(1) The emission monitoring requirements specified in clause 41 (2) point 11 of this Act are determined on the basis of the self-monitoring conditions contained in the applicable BAT conclusions, ensuring the availability of emission monitoring results for the same periods and under the same reference conditions as for the emission levels achievable with the best possible technique.
[RT I, 15.03.2019, 5 - enters into force. 25/03/2019]

(2) The minister responsible for the field may, by regulation, establish the specified requirements for the monitoring of soil and groundwater contamination specified in Clause 11 of § 41 (2) of this Act.

(3) Regular self-monitoring of groundwater contamination is carried out at least once every five years.

(4) Regular self-monitoring of soil contamination takes place at least once every ten years.

(5) Subsections 3 and 4 of this section do not apply if the monitoring is based on a systematic assessment of the risk of contamination.

§ 48. Validity of complex permit

(1) A complex permit is granted for an indefinite period.

(2) A complex permit may be granted for a fixed period if there are circumstances justified from the point of view of environmental protection.
[RT I, 05.01.2024, 1 - enters into force. 15.01.2024]

Section 4
Review, change, suspension and revocation of a complex permit

§ 49. Revision of complex permit requirements

(1) .
2) after publication of the decision on BAT conclusions concerning the main field of activity of the installation;
3) if none of the BAT conclusions apply to the installation, in the event that the development of the best possible technique allows for a significant reduction in the amount of emissions or the danger;
4) if the pollution caused by the facility is so great that the emission limit values must be reduced or additional emission limit values must be set;
5) if measures other than those specified in the complex permit must be used to ensure the safety of the facility's operations;
6) if the environmental quality standards are changed or a new environmental quality standard is established;
7) if the legal norms stipulated in legislation and which were the basis of complex permit requirements have changed;
8) if the nature or mode of operation of the facility has been significantly changed or is planned to be significantly changed.

(2) In the cases listed in subsection 1 of this section, when reviewing the complex permit requirements, the permit grantor shall, if necessary, initiate the procedure for amending the complex permit.

(3) In the case specified in Clause 1, Clause 2 of this section, the permit grantor obliges the operator, in the event of a change to the permit requirements, to bring the operation of the facility into compliance with the changed requirements within four years after the publication of the decision on BAT conclusions.

(4) When reviewing the complex permit requirements, the permit grantor compares the operation of the facility with the best possible technique described in the BAT conclusions and the emission levels that can be achieved based on all available monitoring and control data and other necessary data.

(5) If, as a result of reviewing the requirements of the complex permit, the permit grantor finds that it is not necessary to change the complex permit, he shall make a decision on this. The decision must include the reasons for making it, including the results of the consultations held before the decision was made and an explanation of how these results were taken into account.

(6) The operator is obliged to provide comprehensive assistance to the permit grantor's representative reviewing the permit requirements at the facility, to provide him with access to the facility's place of business and to enable him to take samples and collect information about the fulfillment of the obligations provided for in this Act.

(7) [Repealed - RT I, 21.12.2019, 1 - entry into force. 01.01.2020]

§ 50. Amendment of complex permit
[RT I, 21.12.2019, 1 - enters into force. 01.01.2020]

The requirements of the complex permit are changed in addition to the provisions of § 59 subsection 1 of the Act on the General Part of the Environmental Code, if:
1) changes in the best possible technique make it possible to significantly reduce the amount of emissions or the danger without incurring excessive costs;
2) to avoid accidents, other measures must be used than those specified in the complex permit.
[RT I, 21.12.2019, 1 - enters into force. 01.01.2020]

§ 51. Procedure for amending a complex permit
[Repealed - RT I, 21.12.2019, 1 - entered into force. 01.01.2020]

§ 52. Changing the complex permit in a simplified manner
[Repealed - RT I, 21.12.2019, 1 - entered into force. 01.01.2020]

§ 53. Suspension of validity of complex permit

(1) Based on the grounds provided in § 50 of this Act, the permit grantor may suspend the validity of a complex permit in whole or in part for up to one year.
[RT I, 21.12.2019, 1 - enters into force. 01.01.2020]

(2) The suspension of the validity of a complex permit is decided without an open procedure.

§ 54. Revocation of complex permit

A complex permit is declared invalid in addition to the provisions of § 62 subsection 1 of the General Part of the Environmental Code Act, if:
1) it turns out that false information or falsified documents have been provided to the grantor of the permit during the verification of compliance with the requirements stipulated in the complex permit;
[RT I, 10.07.2020, 2 - enters into force. 01.01.2021]
2) the pollution resulting from the facility is so great that it is not possible to avoid the significant adverse impact on the environment, human health, well-being, property and cultural heritage caused by it without thorough technical reorganizations requiring the application of a new complex permit;
3) the operator has repeatedly or significantly violated safety requirements in a dangerous company or a company with a risk of a major accident and has thereby caused a risk of an accident or an accident, and the Consumer Protection and Technical Supervision Board or the Rescue Board has proposed to the permit issuer to invalidate the complex permit;
4) it turns out that the technology used in the facility does not allow to achieve the emission level that can be achieved with the best possible technology or that is stipulated in the BAT conclusions.
[RT I, 21.12.2019, 1 - enters into force. 01.01.2020]

§ 55. Procedure for revoking a complex permit
[Repealed - RT I, 21.12.2019, 1 - entered into force. 01.01.2020]

Section 5
Change of facility, preparation of baseline report and termination of operations

§ 56. Change in the nature and mode of operation of the facility

(1) The operator shall notify the permit grantor of any change in the nature of the facility or the way it operates, including the expansion of the facility, which may have an impact on the environment or human health.

(2) If the operator has notified the permit grantor of planned changes in the nature or operation of the facility, including expansion of the facility, or the permit grantor has learned about it in another way, the permit grantor must explain the significance of the changes within 21 days and, if necessary, initiate the procedure for issuing or amending a complex permit.

(3) The permit grantor considers it important to change or expand the operation of a facility, incinerator, waste incineration and co-incineration plant, the volume of which exceeds the threshold capacity of the sub-activity area established on the basis of § 19 (3) of this Act, or if the associated significant risk has a significant adverse effect on the environment or human health.

(4) A change in the nature of the facility or the way it operates, including the expansion of the facility, may be implemented only after the permit grantor has informed the operator in writing that it is not necessary to change the requirements of the complex permit, or if the requirements of the complex permit have been changed.

§ 57. Compilation of the initial situation report

(1) If the operation of the facility is related to the use, production or release of hazardous substances into the environment, the operator is obliged to prepare a baseline report before starting the operation of the facility and submit it to the permit grantor.

(1^{1}) Subsection 1 of this section does not apply to cattle breeding facilities specified in clause 19 (2) point 8 of this Act.
[RT I, 21.12.2019, 1 - enters into force. 01.01.2020]

(2) For the purposes of this Act, the baseline report is a document drawn up by the operator, which provides data on the contamination of soil and groundwater with relevant hazardous substances at the place of operation of the facility.

(3) The baseline report contains data on soil and groundwater, which make it possible to determine their contamination and to quantitatively compare the situation at the time of the preparation of the report with the situation at the complete termination of the activity.

(4) The baseline report contains at least the following data:
1) information about the activities that took place at the time of the preparation of the report and, if possible, about previous activities;
2) if possible, available information on measurements of soil and groundwater contamination that reflect the situation at the time of the preparation of the report;
3) if the information specified in point 2 of this paragraph is missing, data on new soil and groundwater contamination measurements.

(5) When applying point 3 of subsection 4 of this section, the possibility that the soil and groundwater are contaminated with hazardous substances used, produced or released into the environment at the facility is taken into account when planning and making measurements.

(6) If the data required in the initial situation report are contained in a document drawn up in accordance with another legislation, it may be added to the initial situation report.

§ 58. Termination of operation of the facility

(1) In case of complete cessation of the operation of the facility, the operator shall assess the contamination of the soil and groundwater with hazardous substances used, produced, or released into the environment at the facility. If the activity has caused soil or groundwater contamination compared to the condition described in the baseline report, the operator shall take the necessary follow-up care measures to restore the environmental condition described in the baseline report. The selection of measures must take into account their technical feasibility.

(2) If, as a result of activities carried out on the basis of a complex permit, and taking into account the future way of use determined or approved at the time of the termination of the activity, the place of business may have a significant adverse effect on the environment, human health, well-being, property and cultural heritage, the operator is obliged to implement the necessary follow-up care measures for hazardous substances to remove, to control, limit or reduce their content in the soil:

1) if the operator is obliged to prepare a baseline report in accordance with § 165 (3) of this Act, but soil or groundwater contamination has been caused by activities permitted under a complex permit before the installation's complex permit was changed for the first time after the entry into force of this Act, or

[RT I, 15.03.2019, 5 - enters into force. 25.03.2019]

2) if the operator is not obliged to prepare a report on the initial situation, but soil and groundwater contamination has been caused by activities permitted on the basis of a complex permit.

(3) The measures specified in subsections 1 and 2 of this section must ensure that the place of activity does not have a significant adverse effect on the environment, human health, well-being, property and cultural heritage, taking into account the future use determined or approved at the time of its termination. When choosing measures, the operator also takes into account the description of the facility's location contained in the complex permit.

(4) The operator shall immediately inform the permit grantor of the results of the assessment carried out in accordance with subsections 1–3 of this section and of the follow-up measures to be implemented.

(5) The permit grantor has the right to demand the implementation of additional follow-up care measures if the measures taken by the operator do not ensure compliance with the requirements of paragraphs 1-3 of this section.

Section 6
Retention, Submission and Disclosure of Information

§ 59. Obligation to preserve documents and provide information

(1) During the validity of the complex permit and at least five years after the invalidation of the complex permit, the operator must preserve all documents and data related to the application for the complex permit, the granting of the complex permit, the monitoring specified in the complex permit, and the verification of compliance with the requirements.

(2) The documents specified in subsection 1 of this section must be available at the request of the permit grantor.

[RT I, 10.07.2020, 2 - enters into force. 01.01.2021]

(3) The operator shall notify the permit grantor:

1) the monitoring data specified in the complex permit in accordance with the requirements stipulated in the complex permit;

2) about the planned change of operator.

(4) The operator is obliged to submit to the Environmental Board, at its request, the necessary data for issuing, changing and revoking a complex permit, for reviewing the requirements of a complex permit, and for carrying out an environmental inspection.

[RT I, 10.07.2020, 2 - enters into force. 01.01.2021]

§ 60. Disclosure of information

(1) The application for a complex permit, the draft of a complex permit and its amendment, the decision to grant or refuse to grant a complex permit, as well as the decision to amend a complex permit, the complex permit, the results of environmental monitoring in the possession of the authorities assigned with the complex permit, the decision made during the review of the complex permit on not changing the requirements of the complex permit, and the results of environmental inspections of facilities are public .

(2) The decision to issue and amend a complex permit and the decision made during the review of a complex permit on not changing the requirements of a complex permit shall be made available in the environmental decision information system.

[RT I, 21.12.2019, 1 - enters into force. 01.01.2020]

(3) Information on the measures taken in accordance with § 58 of this Act and the emission and other monitoring data carried out in accordance with the requirements of the complex permit in the possession of the permit grantor shall also be made available in the environmental decision information system.

[RT I, 17.03.2023, 3 - enters into force. 01.04.2023]

(4) Information about the design of the facility, activities or the composition and use of a certain raw material, chemical or other material or product may be treated as information with limited access if it is submitted as a separate part of the application for a complex permit and is clearly marked "Trade secret". The decision to treat the information as restricted access information is made by the licensor, taking into account, among other things, the public interest in the disclosure of the information. Licensor discloses information that is not a trade secret if it is reasonable and the information can be understood.

(5) All BAT conclusions are made available on the website of the Ministry of Climate.

[RT I, 30.06.2023, 1 - enters into force. 01.07.2023]

Section 3
Complex permit procedure for a facility with cross-border impact

§ 61. Involvement of the public in the complex permit procedure of a facility with cross-border impact

(1) If the operation of a planned or significantly modified installation within the meaning of § 56 of this Act may have a significant adverse effect on the environment of another European Union member state, or if it is requested by another European Union member state, which finds that the operation of the installation may have a significant adverse effect on its environment, the permit shall be

issued the provider of the information specified in § 47 subsection 1 of the Act on the General Part of the Environmental Code to the Ministry of Climate.
[RT I, 30.06.2023, 1 - enters into force. 01.07.2023]

(2) In the case specified in subsection 1 of this section, the Ministry of Climate shall forward the information received from the permit grantor to the competent authority of another member state at the same time as the permit grantor makes it available to the public.
[RT I, 30.06.2023, 1 - enters into force. 01.07.2023]

(3) When applying subsection 1 of this section, the permit grantor shall take into account the need to involve the public of another European Union member state when determining procedural deadlines.

(4) If a facility planned or substantially modified in another member state of the European Union may have a significant adverse effect on the Estonian environment, the Ministry of Climate requires the competent authority of that member state to transmit the information specified in § 47 subsection 1 of the Act on the General Part of the Environmental Code.
[RT I, 30.06.2023, 1 - enters into force. 01.07.2023]

(5) Upon receiving the information specified in subsection 4 of this section, the Ministry of Climate informs and involves the public in accordance with the procedure provided for in §§ 33–36 of this Act. The announcements are made public at the expense of the Ministry of Climate.
[RT I, 30.06.2023, 1 - enters into force. 01.07.2023]

(6) The Ministry of Climate shall forward the submitted written proposals and objections and the views presented at the public hearing to the competent authority of another European Union member state.
[RT I, 30.06.2023, 1 - enters into force. 01.07.2023]

§ 62. Cross-border consultations

(1) In the case specified in § 61 subsection 1 of this Act, the Ministry of Climate shall consult with the competent authority of another European Union member state about the application for a complex permit and forward the results of the consultations to the grantor of the permit.
[RT I, 30.06.2023, 1 - enters into force. 01.07.2023]

(2) In the case specified in § 61 subsection 1 of this Act, when granting a complex permit, the grantor shall take into account, among other things, the results of consultations held with another member state of the European Union and disclosures made in another member state.

§ 63. Notice on granting and changing a complex permit for a facility with cross-border effects

(1) In the case specified in § 61 subsection 1 of this Act, the permit grantor informs the Ministry of Climate of the decision made on the application and forwards the following information:
[RT I, 30.06.2023, 1 - effective. 01.07.2023]
1) the reasons for making a decision to grant a complex permit, including the results of the consultations held before the decision and the disclosure of the application for a complex permit and the draft of a complex permit and an explanation of how these results were taken into account when determining the permit requirements;
2) the titles of BAT conclusions or BAT reference documents applicable to the facility or, in the case provided for in § 42 subsection 4 of this Act, an explanation of the determination of the best possible technique;
3) when applying the exception provided for in § 44 subsection 6 of this Act, the reason for it and the established requirements;
4) a brief description of the alternatives of the technology, methods and measures planned by the operator, if the operator has studied these alternatives.
[RT I, 21.12.2019, 1 - enters into force. 01.01.2020]

(2) The Ministry of Climate informs the competent authority of another European Union member state about the decision made and forwards the information received from the permit grantor.
[RT I, 30.06.2023, 1 - enters into force. 01.07.2023]

(3) In the case specified in § 61 subsection 4 of this Act, upon receiving the relevant information, the Ministry of Climate shall disclose the information specified in subsection 1 of this section in the manner provided for in §§ 40 and 60 of this Act.
[RT I, 30.06.2023, 1 - enters into force. 01.07.2023]

Chapter 3
Large incinerators

Section 1
General settings

Section 1
Scope

§ 64. Scope

(1) The provisions of this chapter apply to all large combustion devices, regardless of the type of fuel burned in them.

(2) This chapter does not apply to:
1) equipment whose combustion products are used for direct heating, drying or other handling, for example, superheating furnaces and thermal treatment furnaces;
2) for an afterburner, which is designed to clean the exiting gases by burning and which is not used as an independent burning device;
3) for the regeneration device of catalytic cracking catalysts;
4) to a device for converting hydrogen sulfide into sulfur;
5) for a reactor used in the chemical industry;

6) to the coke oven;
7) for blast furnace air preheater;
8) for the engine of a vehicle, ship or aircraft;
9) for gas turbine and gas engine used in floating casting;
10) for a combustion device that uses solid or liquid waste, with the exception of waste that is part of biomass.

Section 2
Terms

§ 65. Existing and new large incinerator

(1) An existing large incinerator is an incinerator for which a permit has been issued before June 1, 2013, or for which a proper permit application has been submitted before June 1, 2013, provided that the incinerator has been commissioned no later than January 7, 2014 .

(2) A new large incinerator is a large incinerator that is not considered an existing large incinerator in accordance with subsection 1 of this section.

§ 66. Number of working hours of the incinerator

The number of operating hours of the incinerator is the time, expressed in hours, during which the incinerator operates fully or partially and emits emissions to the outside air, excluding the period of start-up and shutdown of the unit.

§ 67. Degree of desulfurization

The degree of sulfur removal is the ratio of the sulfur that did not escape from the combustion device to the outside air during a certain period of time and the sulfur contained in the solid fuel placed in the combustion device and used in the combustion device during the same period.

§ 68. Local solid fuel

Local solid fuel is a locally mined solid fuel that occurs in nature and is burned in a combustion device specially designed for that fuel.

§ 69. Gas engine and gas turbine

(1) A gas engine is an internal combustion engine operating on the principle of an internal combustion engine, which uses spark ignition or, in the case of a dual-fuel engine, compression ignition.

(2) A gas turbine is a machine with rotating parts that converts thermal energy into mechanical work and mainly consists of a compressor, a thermal device in which fuel is oxidized to heat the working fluid, and a turbine.

Section 3
General requirements

§ 70. Preference for co-production of electricity and heat

Owners of large combustion plants granted planning permission after 27 November 2002 must investigate the possibilities of co-generation of electricity and heat, if technically and economically feasible, and locate the plants in areas where there is demand for both electricity and heat.

§ 71. Treatment of combustion devices as one device

(1) If the gases coming out of two or more separately located combustion devices are directed to the outside air through a common chimney, the combination of such devices is considered as a whole and their capacities are added when calculating the total nominal heat output.

(2) If two or more separately located existing incinerators, for which a permit was granted on or after July 1, 1987, or for which the operator thereof has submitted a proper permit application on or after July 1, 1987, are installed in such a way that the gases leaving them if, in the opinion of the permit grantor, it is possible, taking into account technical and economic factors, to direct the outside air through a common chimney, the combination of such devices is considered as one combustion device and their capacities are added when calculating the total nominal heat output.

(3) When calculating the total nominal heat output of the combination of combustion devices specified in subsections 1 and 2 of this section, individual combustion devices with a nominal heat output of less than 15 megawatts are not taken into account.

§ 72. Requirements for the combustion device chimney

The gases coming out of the combustion device must be discharged into the outside air through a chimney, the height of which is calculated so that the emission of the pollutant contained in the gases coming out through it does not cause the limit value of the ambient air pollution level established for the protection of human health or the critical level established for the protection of ecosystems to be exceeded on the basis of the Atmospheric Air Protection Act.
[RT I, 05.07.2016, 1 - enters into force. 01.01.2017]

Section 2
Pollutant emission limit values

Section 1
General requirements for the application of pollutant emission limit values

§ 73. Pollutant emission limit values

The limit values for pollutant emissions of large incinerators are established by regulation of the minister responsible for the field .

§ 74. Application of emission limit values and degrees of desulfurization of large combustion equipment to emissions from a common chimney

(1) When discharging pollutants from several combustion devices through a common chimney, the pollutant emission limit values of a large combustion device established on the basis of § 73 of this Act and the requirements for the level of sulfur removal provided for in subsection 79 of this Act apply to the emissions of each common chimney, based on the total nominal heat output of the entire combustion device.

(2) If the pollutants of several incinerators are discharged through a common chimney, and some part of the incinerator is subject to the pollutant emission limit values established on the basis of § 73 of this Act during a limited operating time, these limit values apply only to the emissions of that part of the incinerator.

(3) The limit values specified in subsection 2 of this section are determined based on the total nominal heat output of the entire combustion device.

§ 75. Application of emission limit values in case of expansion of a large combustion plant

(1) In case of expansion of a large incinerator, the pollutant emission limit values established for new large incinerators on the basis of § 73 of this Act apply to the part of the equipment changed by the expansion, and these limit values are determined based on the total nominal heat output of the entire large incinerator.

(2) In the event of such modification of a large combustion plant, which may cause consequences for the environment and which affects the part of the plant with a nominal heat capacity of more than 50 megawatts, the pollutant emission limit values established for new large combustion plants on the basis of § 73 of this Act shall apply to the changed part of the plant, based on the total of the entire large combustion plant of the rated heat capacity.

§ 76. Requirements for the application of pollutant emission limit values in the case of multiple fuel combustion devices

The requirements for the application of pollutant emission limit values in the case of multiple fuel burning devices shall be established by a regulation of the minister responsible for the field .

Section 2
Exceptions to the application of pollutant emission limit values

§ 77. Non-application of emission limit values to diesel engines and utilization boilers

The emission limit values established on the basis of § 73 of this Act do not apply to the following large combustion devices:
1) internal combustion engines operating on the diesel engine principle and with compression ignition;
2) for utilization boilers in pulp production.

§ 78. Time limit for non-observance of pollutant emission limit values

(1) The permit grantor may allow in writing that the operator of a large combustion plant does not have to comply with the pollutant emission limit values for a period of ten days, if the plant, which normally uses only gas fuel and which should be fitted with exhaust gas capture devices when other fuels are used, has to be used exceptionally due to a sudden interruption of the gas supply fuels other than gas.
[RT I, 15.03.2019, 5 - enters into force. 25/03/2019]

(2) The ten-day time limit specified in subsection 1 of this section does not apply if maintaining the energy supply is essential. In such cases, the operator must immediately inform the licenser. The licensee shall immediately decide on the necessity of maintaining the energy supply and inform the operator thereof.
[RT I, 10.07.2020, 2 - enters into force. 01.01.2021]

(3) The permit grantor may suspend the obligation to comply with the limit value of sulfur dioxide emissions for a period of up to six months in writing in the case of a large combustion device that normally uses low-sulfur fuel, if the operator of the device is unable to meet the requirement of the limit value of sulfur dioxide within the meaning of the Emergency Law due to the interruption of supplies of low-sulfur fuel as a result of an emergency.

§ 79. Sulfur removal requirements in the case of a large incinerator burning local solid fuel

(1) In the case of a large combustion plant burning local solid fuel, the pollutant emissions of which do not meet the limit value of sulfur dioxide emissions established for large combustion plants on the basis of § 73 of this Act due to the properties of the said fuel, the permit grantor may apply the requirements of the degree of sulfur removal instead of the limit value of sulfur dioxide emissions.

(2) The requirements for the degree of sulfur removal shall be applied if the operator submits to the permit grantor a technical justification as to why it is not possible to comply with the limit value of sulfur dioxide emissions established for large incinerators on the basis of § 73 of this Act.

(3) The requirements for the degree of desulfurization shall be established by a regulation of the minister responsible for the field .

(4) The requirements for levels of sulfur removal established on the basis of subsection 3 of this section shall be applied as an average of one month.

(5) If, instead of the limit value of sulfur dioxide emissions, the requirements for the degree of desulfurization are applied, the operator must submit to the licenser in the annual report data on the sulfur content of the local solid fuel used and the actual degree of desulfurization as a monthly average.

Section 3
Pollutant emission monitoring requirements and compliance with limit values

§ 80. Pollutant emission monitoring requirements in the case of a large combustion plant with a nominal heat output of 100 megawatts or more

(1) In the case of a large combustion plant with a total nominal heat output of 100 megawatts or more, the content of the following pollutants in the outgoing gases of the emission source is continuously measured:
1) sulfur dioxide;
2) nitrogen oxides;
3) all fractions of solid particles in total;
4) carbon monoxide in the case of gas fuel burning.

(2) The content of carbon oxide specified in point 4 of subsection 1 of this section is measured in each individual combustion device.

(3) The operator of a large combustion plant shall submit data on the results of continuous measurements in accordance with the conditions stipulated in the permit.

(4) The permit grantor may waive:
1) the requirement for continuous measurement of the content of pollutants specified in subsection 1 of this section, if the lifetime of the large combustion device is shorter than 10,000 operating hours;
2) the requirement to measure the content of discharged sulfur dioxide and solid particles in the case of a large incinerator powered by natural gas;
3) the requirement to measure the content of discharged sulfur dioxide in the case of a large combustion device operating on liquid fuel with a certain sulfur content, which does not have a desulphurization device;
4) the requirement to measure the content of sulfur dioxide in the exiting gases of a large combustion plant using biomass, if the operator proves to the licensee that the content of sulfur dioxide in the exiting gases cannot in any case exceed the emission limit value established on the basis of § 73 of this Act.

(5) In the cases provided for in subsection 4 of this section, measurements of the pollutants specified in subsection 1 of this section are made at least every three months, or determination methods checked and approved by the permit grantor are used to assess the content of sulfur dioxide and nitrogen oxides in the outgoing gases.

(6) In the case of combustion devices using coal or lignite, the total emission of mercury is measured at least once a year.

(7) In accordance with subsection 1 of this section, when making continuous measurements, the operating parameters of the emission source, such as the oxygen content of the exiting gas, temperature, pressure and water vapor content, are measured. Continuous measurement of the water vapor content of the off-gas is not necessary if the off-gas sample is dried before it is analyzed.

(8) Devices used for automatic measurements are checked according to a standardized internationally or nationally recognized measurement method with parallel measurements at least once a year. The operator informs the licenser about the results of checking the equipment used for automated measurement.

(9) In the case of a large combustion plant, to which the requirements for the degree of sulfur removal are applied in accordance with § 79 of this Act, the operator also regularly checks the sulfur content of the fuel used.

§ 81. Review of requirements for monitoring large incinerators

The operator of the incinerator informs the permit grantor about a significant change in the type of fuel or the operation of the incinerator, who decides whether the monitoring requirements stipulated in the permit are sufficient or need to be adjusted.

§ 82. Observance of emission limit values of large incinerators

(1) In the case of continuous measurement of the pollutant content in the gases leaving a large incinerator, the limit value requirements for pollutant emissions are deemed to be fulfilled if the results of the measurements made during the working hours of the calendar year show that:
1) the average measurement result of the emissions recognized as acceptable for large incinerators in any calendar month does not exceed § 73 of this Act established emission limit value;
[RT I, 15.03.2019, 5 - enters into force. 25.03.2019]
2) none of the 24-hour average measurement results of emissions recognized as acceptable exceed the limit value of emissions by 110 percent;
3) 95 percent of all one-hour average emissions recognized as acceptable do not exceed the emission limit value by 200 percent during the year.

(2) The monthly, daily and hourly average emission measurement results specified in subsection 1 of this section are determined during the effective operation of the large incinerator, except for the start-up and shutdown time of the device, based on the hourly averages that have been determined to be acceptable, from which the reliable value of the interval has been previously subtracted. The 95 percent reliable value of the interval for sulfur dioxide and nitrogen oxides determined at the emission limit values must not exceed 20 percent, and for solid particles 30 percent of the emission limit value, and for carbon oxide 10 percent of the emission limit value.

(3) Indicators measured during the periods specified in §§ 78 and 83 of this Act shall not be taken into account when determining the average emission measurement results recognized as acceptable.

(4) 24-hour data whose average indicators for a period of more than three hours cannot be used due to the automatic measuring device being out of operation or due to maintenance are considered invalid. If more than ten days of data are therefore not available within one year, the permit grantor requires the operator of a large combustion plant to implement sufficient measures to improve the reliability of the automatic measurement system.

(5) In the case of periodic measurement, the limit value requirements for pollutant emissions are deemed to be fulfilled if the average values of any measurement series do not exceed the emission limit value established on the basis of § 73 of this Act.

(6) In the case of use of determination methods checked and approved by the permit grantor instead of periodic measurements, the requirements for limit values for pollutant emissions are deemed to be met if the average indicators determined during the evaluation of any outgoing gases do not exceed the emission limit value established on the basis of § 73 of this Act.

Section 4
Requirements in the event of a pollutant capture device failure

§ 83. Requirements in the event of an accident of the pollutant capture device of a large incinerator

(1) The operator of a large incinerator is obliged to inform the permit grantor and the local government unit of the emergency situation of the pollutant capture device within 48 hours.
[RT I, 10.07.2020, 2 - enters into force. 01.01.2021]

(2) If the pollutant capture device is in an emergency situation, the Environmental Board requires the operator of a large combustion device to reduce the load of the device, suspend or terminate the operation, if the normal operating mode cannot be restored within 24 hours, or operate the device with low-polluting fuel.

§ 84. Duration of operation of a large incinerator without a pollutant capture device

The duration of operation of a large incinerator without a pollutant capture device may not exceed a total of 120 hours within a 12-month period, unless, in the opinion of the permit grantor, there is a justified need to maintain energy supply or the incinerator should be replaced by another device and this would lead to an overall increase in pollutant emissions.

Chapter 4
Waste incineration and co-incineration plants

Section 1
General settings

§ 85. Scope

(1) This chapter applies to a waste incineration and co-incineration plant (hereinafter *the plant*) in which solid or liquid waste is burned or co-incinerated.

(2) This chapter does not apply to gasification or pyrolysis installations, if the gases generated during the thermal treatment of waste in them have been purified to such an extent that they are no longer waste before incineration and cannot cause emissions that are greater than the emissions generated by burning natural gas.

(3) This chapter does not apply to factories that only process:
1) radioactive waste within the meaning of the Radiation Act;
2) animal carcasses, if they are handled in accordance with Regulation (EC) No. 1069/2009 of the European Parliament and Council, which lays down the health regulations for animal by-products and products derived from them intended for purposes other than human consumption and repeals Regulation (EC) No. 1774/2002 (animal by-products regulation) (OJ L 300, 14.11.2009, pp. 1–33);
3) waste included in biomass;
4) waste that is generated during oil and gas exploration and use in offshore facilities and which is burned on top of these facilities.

(4) This chapter does not apply to the burning of distillation or processing residues from the refining of petroleum and shale oil for personal use.

(5) This chapter does not apply to a pilot plant that is used for research, development and testing in order to improve a thermal process, and where less than 50 tons of waste is processed per year.

§ 86. Waste incineration and co-incineration plant

(1) A waste incineration plant is a waste treatment facility, the main element of which is a fixed or mobile technical complex or device intended for the thermal processing of solid or liquid waste, regardless of whether the heat generated during combustion is used or not.

(2) A co-incineration plant is a waste treatment facility, the main element of which is a fixed or mobile technical complex or device, the main purpose of operation of which is the production of energy or the manufacture of products, and where solid or liquid waste is used as the main or additional fuel or thermally processed for the purpose of its disposal.

(3) The processes taking place in the waste incineration and co-incineration plant include the direct burning of waste by oxidation as well as other thermal processes, such as pyrolysis, incineration, gasification or plasma processes, in case the substances produced in the thermal processes are subsequently burned.

(4) If co-incineration takes place in such a way that the main purpose of the plant is not the production of energy or material products, but only the thermal treatment of waste, then this plant is considered a waste incineration plant.

(5) The terms defined in subsections 1 and 2 of this section include the entire technical complex and its location, including all incineration or co-incineration lines, waste reception, storage and on-site pretreatment equipment, waste, fuel and air supply systems, combustion boilers, exhaust gas cleaning equipment, on-site equipment for the treatment and storage of residues and waste water, chimneys, combustion process control devices and systems, and combustion conditions monitoring and recording systems.
[RT I, 15.03.2019, 5 - enters into force. 25/03/2019]

§ 87. Remainders

Waste within the meaning of this chapter is liquid or solid waste generated in a waste incineration or co-incineration plant.

§ 88. Nominal capacity

Nominal capacity, for the purposes of this chapter, is the capacity determined by the manufacturer of the factory hearths and approved by the operator, which is expressed as the amount of waste burned per hour, taking into account the lower calorific value of the waste.

Section 2
Requirements for the establishment and operation of a waste incineration and co-incineration plant

§ 88 [1]. Application for a permit for a waste incineration or co-incineration plant

(1) In addition to the data and appendices required in §§ 28 and 29 of this Act, the operator of a waste incineration or co-incineration plant must submit to the permit grantor in the application for a complex permit:
1) data on the technology and equipment used, which prove that the design, construction and operation of the plant comply with the requirements of this chapter, taking into account the types of waste to be incinerated or co-incinerated;
2) data on the use of heat generated during waste incineration or co-incineration;
3) data on the amount of waste generated during incineration, recyclable, including recycled, and disposed of, as well as measures to prevent and reduce the generation of waste.

(2) In the absence of an obligation for a complex permit, the operator of a waste incineration or co-incineration plant must, in the application for an environmental permit, submit to the permit grantor, in addition, § 42 subsections 1 and 3 of the General Part of the Environmental Code Act, § 91 subsections 1 and 2 of the Atmospheric Air Protection Act, § 193 subsection 1 of the Water Act and § 78 subsection 1 of the Waste Act the data required in points 1–3 of subsection 1 of this section to the data and appendices set forth.
[RT I, 21.12.2019, 1 - enters into force. 01.01.2020]

§ 88 [2]. Contents of the waste incineration or co-incineration plant permit

(1) In addition to the data specified and referred to in § 41 of this Act, the complex permit of a waste incineration or co-incineration plant shall state:
1) the total capacity of the waste incineration or co-incineration plant in case of waste incineration or co-incineration;
2) the longest duration of technically unavoidable shutdowns, disruptions or failures of cleaning or measuring equipment, during which the emission limit values are not considered to be exceeded.

(2) In addition to the data specified in subsection 1 of this section, the complex permit of a waste incineration or co-incineration plant burning hazardous waste shall include:
1) minimum and maximum mass flows of hazardous waste to be burned per time unit and calorific value;
2) the maximum permitted content of polychlorinated biphenyls, polychlorinated terphenyls, chlorine, fluorine, sulfur, heavy metals and other pollutants.

(3) In the absence of a complex permit obligation, the environmental permit of the waste incineration or co-incineration plant shall be indicated in addition to the provisions of § 53 subsection 1 of the General Part of the Environmental Code Act, § 98 subsection 1 of the Atmospheric Air Protection Act, § 193 subsection 1 of the Water Act and § 81 subsection 2 of the Waste Act in clauses 1 and 2 of subsection 1 of this section and in case of incineration of hazardous waste, the data required in points 1 and 2 of paragraph 2.
[RT I, 21.12.2019, 1 - enters into force. 01.01.2020]

§ 89. Establishment of a factory

(1) Establishing a plant is determining the location of the plant, determining the type of waste to be burned, and designing and building the plant.

(2) A factory is considered to be established if the operator has been granted a use permit in accordance with § 50 of the Construction Code.
[RT I, 23.03.2015, 3 - enters into force. 01.07.2015]

§ 90. Criteria for choosing a factory location

(1) When choosing the location of the factory, the operator takes into account that:
1) the unfavorable impact of the factory on the environment, human health, well-being, property and cultural heritage, and the possibility of such an impact being manifested, would be as small as possible;
2) the plant fits into the surrounding infrastructure;
3) the factory is located near the place of generation of combustible waste;
4) the plant is located in the vicinity of a heat consumer or a heat pipe that needs the supply of heat generated by the burning of waste.

(2) If the plant is established as a co-incineration plant or waste is to be burned as an additional fuel in an operating plant along with the main fuel, then the criteria set forth in subsection 1 of this section must be taken into account in addition to the needs of the plant's main production when determining the location of the plant or granting a permit for the burning of waste.

§ 91. Requirements for factory operation

(1) The factory shall be designed, built and equipped, and the factory shall be operated in such a way as to avoid air emissions that may cause pollution of the ambient air in the air layer close to the ground. In particular, the gases are released into the air in a controlled manner and the requirements set forth in § 72 of this Act apply.

(2) The heat generated during waste incineration or co-incineration is used to the greatest extent possible.

(3) More detailed requirements for the operation of a waste incineration and co-incineration plant shall be established by a regulation of the minister responsible for the field .

§ 92. Exceptions to the application of operating requirements

(1) The permit may specify requirements different from the requirements set forth in subsections 1 and 2 of § 91 of this Act and the requirements established on the basis of subsection 3 of the same section, if a certain type of waste is burned in the factory or a certain heat treatment is used and if the operator proves to the permit grantor that the environmental impact of waste incineration compared to the aforementioned it does not increase by burning in accordance with the requirements, and other requirements set forth in this chapter are met.

(2) Subsection 1 of this section does not apply to the requirements established for automatic systems that exclude the feeding of factory waste, except in the part that concerns the temperatures related to the operation of the automatic system.

(3) The minister responsible for the field may, by regulation, establish specified requirements for the application of exceptions regarding the operating requirements of waste incineration and co-incineration plants.

(4) The operator of a waste incineration plant shall ensure that when incinerating waste in accordance with the requirements determined on the basis of subsection 1 of this section, the amount of residues or the content of organic pollutants in the residues does not increase, compared to the incineration of waste in compliance with the requirements set forth in subsections 1 and 2 of § 91 of this Act and the operating requirements established on the basis of subsection 3 of the same section .

(5) The operator of the co-incineration plant shall ensure that, in the event of co-incineration of waste with the requirements determined on the basis of subsection 1 of this section, the emission of all organic carbon and carbon oxide meets the emission limit values established for these pollutants on the basis of subsection 1 of § 100 of this Act.

(6) The operator of a bark incinerator in the pulp and paper industry shall ensure that, upon co-incineration of waste, subject to the requirements determined on the basis of subsection 1 of this section, the total organic carbon emission meets the emission limit values established for it on the basis of subsection 100 (1) of this Act, if:
1) waste is co-incinerated at the place of origin;
2) the facility was operating and licensed before June 24, 2004.

§ 93. Requirements for the place of operation of the factory

(1) The place of operation of the factory, including the waste storage areas belonging to the factory, shall be built and used in such a way as to prevent pollutants from entering the soil, surface and groundwater.

(2) The territory of the factory must be equipped with collection tanks for runoff contaminated rainwater, as well as contaminated water resulting from leaks and fire fighting.

(3) The volume of the collection tank must be sufficient. The operator takes samples of the collected contaminated water and, according to the analysis results, cleans the water, if necessary, before discharging it into the mouth.

§ 94. Operation in a special situation

(1) In the event of an emergency, the operator reduces the load on the combustion equipment or stops the operation of the equipment as soon as possible until normal operating conditions are restored.

(2) If the emission limit values have been exceeded, the operator may not continue the uninterrupted burning of waste in the factory or incinerator for longer than four hours after the limit value has been exceeded.

(3) The cumulative duration of waste handling under the conditions stipulated in subsection 2 of this section may not exceed 60 hours within one year. The 60-hour limit applies to all incinerators in a plant connected to the same off-gas scrubber.

§ 95. Transfer of waste to the factory and reception there

(1) Only combustible waste is accepted at the factory.

(2) The operator of the factory shall take all necessary precautions when transferring and receiving waste in order to avoid or reduce adverse effects on the environment, in particular pollution of the outside air, soil and surface and ground water, as well as unpleasant or irritating odors and noise and direct danger to human health.

(3) When accepting waste, the operator checks the documents accompanying the waste shipment, including:
1) accompanying documents of the waste shipment;
2) when transferring hazardous waste, a hazardous waste consignment note;
3) in the case of waste imported from a foreign country, waste import, export and transit documents, the forms of which are contained in Regulation (EC) No. 1013/2006 of the European Parliament and of the Council on waste shipments (OJ L 190, 12.07.2006, pp. 1–98) IA, Annex IB and VII.

(4) Before receiving the waste at the factory, the operator checks the compliance of each type of waste to be transferred with the list established by the permit and determines the weight of the waste by type of waste.

(5) The transferor of hazardous waste must provide the operator with written information on:
1) generation of waste;
2) on the physical properties and chemical composition of the waste and other data that make it possible to assess the suitability of the waste for the incineration process used in the factory;
3) about the dangers associated with waste and substances with which this waste must not be mixed;
4) on the precautions to be taken when handling waste.

(6) The information specified in subsection 5 of this section shall be kept by the operator for three years.

(7) Before hazardous waste is admitted to the factory, the operator shall take representative samples when receiving the waste in order to determine, if necessary, the compliance of the waste with the requirements set forth in subsection 5, point 2 of this section and with the information contained in the documents specified in subsection 3 of this section. Samples are stored for at least one month after the incineration of these wastes. The analysis results are kept by the operator for three years after the incineration of this waste.

(8) In special cases, for example in the case of infectious health care waste, the samples specified in subsection 7 of this section are not taken and the waste is sent directly to the hearth, without first mixing it with other types of waste and without directly handling it.

(9) If the operator is convinced that the waste is suitable for incineration, he accepts the waste and gives the person who handed over the waste a written certificate of acceptance of each load of waste, which states:
1) the time of receiving the waste;
2) the number of the waste shipment shipping document or hazardous waste shipping document;
3) waste type and code number established on the basis of § 2 (5) of the Waste Act;
[RT I, 03.12.2015, 1 - enters into force. 01.01.2016]
4) amount of received waste;

5) name, type of means of transport and registration number of the transport company that handed over the waste or the natural person who handed over the waste;
6) information about the operator: business name, registry code and contact information;
7) name, position and signature of the person who issued the certificate.

§ 96. Refusal to accept waste

(1) If the operator is not convinced that the waste is suitable for incineration, he refuses to accept the waste and immediately forwards a notification about the refusal to accept the waste and the reason for this to the Environmental Board.

(2) The notice of refusal to accept waste must contain the following information:
1) name and position of the operator;
2) name and location of the factory;
3) the name, location and registry code of the legal entity that wished to hand over the waste, or the registry code of the sole proprietor or the name and place of residence of the natural person;
4) registration number of the means of transport transporting waste;
5) date and time when the person wanted to hand over the waste;
6) waste characterization;
7) amount of waste in kilograms or tons;
8) if possible, data on the origin of the waste;
9) the number of the waste transport consignment note.

§ 97. Making exceptions to the requirements for accepting waste

The permit grantor may make exceptions to the waste acceptance requirements in the case of waste incineration or co-incineration plants that form one part of a complex permit-obligated facility and that burn or co-incinerate waste generated in the same facility.

§ 98. Residues generated during factory operation

(1) The quantity and danger of residues generated during the operation of the factory shall be reduced as much as possible. If possible, scraps must be recycled.

(2) The transport and intermediate storage of dry dusty residues, such as boiler ash and dry residues generated during the cleaning of exhaust gases, must be carried out in such a way as to prevent them from entering the environment.

(3) Before disposal or recycling of residues, the operator shall perform tests to determine the physical and chemical properties of the residues, contamination and whether they belong to hazardous or ordinary waste. The total soluble part of the residues and the soluble part of the heavy metals contained in the residues must be analyzed.

§ 99. Change in the nature and mode of operation of a factory subject to a complex permit obligation

In the case of a plant subject to a complex permit obligation, the conversion of a plant burning normal waste to a plant burning hazardous waste is also considered a significant change within the meaning of § 56 of this Act.

Section 3
Emission control

§ 100. Emission limit values of pollutants contained in exhaust gases

(1) The limit values for the emission of pollutants contained in gases leaving waste incineration and co-incineration plants shall be established by regulation of the minister responsible for the field .

(2) Equivalence coefficients for dioxins and furans contained in gases leaving waste incineration and co-incineration plants shall be established by regulation of the minister responsible for the field .

(3) A waste incineration and co-incineration plant shall be designed, built and equipped, and the plant shall be operated in such a way that the content of pollutants in the discharged gases does not exceed the emission limit values established on the basis of subsection 1 of this section.

(4) If more than 40 percent of the heat produced in a co-incineration plant is generated by burning hazardous waste, the emission limit values established for waste incineration plants on the basis of subsection 1 of this section shall apply to the plant.

(5) The emission limit values established for waste incineration plants on the basis of paragraph 1 of this section apply to co-incineration of mixed household waste.

§ 101. Criteria for evaluating compliance with limit values of emissions emitted into the outside air

The criteria for assessing the compliance of the emission emitted from waste incineration and co-incineration plants into the outside air with the limit values shall be established by a regulation of the minister responsible for the field .

§ 102. Conveying waste water generated during the cleaning of outgoing gases to the inlet

(1) Limit values for the emission of pollutants are applied at the place where the waste water generated during the cleaning of the outgoing gases is treated on site and the waste water generated as a result exits into the inlet of the waste incineration or co-incineration plant.

(2) If the waste water generated during the cleaning of the outgoing gases is handled outside the waste incineration or co-incineration plant in waste water treatment facilities intended only for handling waste water of this type, the emission limit values established on the basis of subsection 3 of this section shall apply at the point where the waste water exits the waste water treatment facilities into the mouth.

(3) The limit values for the discharge of waste water pollutants resulting from the treatment of waste water generated during the purification of gases leaving waste incineration and co-incineration plants shall be established by a regulation of the minister responsible for the field .

(4) Equivalence coefficients of dioxins and furans contained in the waste water generated as a result of the treatment of waste water generated during the purification of gases leaving waste incineration and co-incineration plants shall be established by a regulation of the minister responsible for the field .

(5) Wastewater may not be diluted in order to comply with the limit values of pollutants contained in waste water established on the basis of subsection 3 of this section.

§ 103. Criteria for assessing compliance with limit values of emissions discharged into the mouth

The criteria for assessing compliance with limit values of the discharge discharged into Suubla shall be established by a regulation of the minister responsible for the field .

Section 4
Emission monitoring

§ 104. Measurement of pollutants contained in outgoing gases and waste water generated during their cleaning

(1) The operator ensures the installation of measuring devices and the use of such measurement methods that allow monitoring the parameters and conditions of combustion or co-incineration, as well as the mass content of substances in outgoing gases and waste water.

(2) The operator takes and analyzes samples of pollutants, including dioxins and furans, and organizes the quality control of automatic measuring systems in accordance with the standards of the European Committee for Standardization, or if the standard of the European Committee for Standardization is not available, in accordance with the standard of the International Organization for Standardization, national or another international standard, which ensures the equivalent of measurement data scientific quality. The operator organizes the checking and calibration of automatic measuring systems at least once a year, making parallel measurements with reference methods.
[RT I, 15.03.2019, 5 - enters into force. 25/03/2019]

(3) The requirements for regular measurement of the content of pollutants in the gases leaving waste incineration and co-incineration plants and in waste water shall be established by a regulation of the minister responsible for the field .

§ 105. Treatment of measurement results

The operator ensures that all measurement results are recorded, processed and formatted in such a way that it is possible to check their compliance with the permit requirements. Measurement results are stored for at least three years.

Section 5
Requirements for closing waste incineration and co-incineration plants and aftercare

§ 106. Closure of the factory

(1) The closure of a waste incineration plant is the complete cessation of its activities, the implementation of measures necessary to ensure environmental safety and, if necessary, the aftercare of the location of the closed plant in plants whose operation has not been issued a complex permit in accordance with Chapter 2 of this Act.

(2) The closure of a co-incineration plant means the termination of activities related to the burning of waste at the plant.

§ 107. Notice of initiation of factory closure proceedings

Of the need to close the plant specified in § 106, subsection 1 of this Act, or of the request for closure submitted by the operator, the permit grantor shall immediately inform the municipal and city governments of the plant's service area, as well as other persons who are significantly affected by the closure, and shall publish a notice of the initiation of the plant closure procedure in the local and county newspaper, in the official publication Ametlikud Announcements and on the website of the Environmental Board.
[RT I, 04.07.2017, 1 - enters into force. 01.01.2018]

§ 108. Closure plan

(1) Upon initiation of the factory closure procedure, the operator submits the factory closure plan to the permit grantor.

(2) The closure plan includes, among other things:
1) the closure project, which contains a description of the technical operations necessary to close the plant and ensure environmental safety in accordance with the requirements of this Act and other relevant legislation;
2) schedule of closing works;
3) the calculated cost of closing works;
4) description of follow-up care measures.

(3) The closure plan is an appendix to the closure decision.

§ 109. Closure decision

(1) The decision to close the plant is made by the permit grantor after the final inspection of the plant, evaluation of all reports submitted by the operator and hearing the views of the relevant persons.

(2) The closing decision determines:
1) the time of closing the factory;
2) deadline for completing the closure plan;
3) conditions and duration of aftercare.

(3) The factory is considered closed if the permit issuer has made a decision to close the factory and invalidated the permit in the part that allows waste to be burned in the factory.

§ 110. Notification of closure decision

The permit issuer shall notify the persons and institutions specified in § 107 of this Act in writing about the closure decision and publish the notice in a local and county newspaper, in the official publication Ametlikud Teadaanded and on the website of the Environmental Board.

§ 111. Aftercare

The operator performs monitoring in accordance with the conditions of aftercare and takes measures to prevent the manifestation of a significant environmental impact, and reports on its activities to the permit grantor at the frequency specified in the closure plan.

Section 6
Informing the public

§ 112. Informing the public

(1) If the nominal capacity of the plant is the burning of at least two tons of waste per hour, the operator shall submit to the permit grantor and make available to the public an annual report on the operation of the plant and environmental monitoring. In this report, the course of the factory's work and the emissions discharged to the outside air and water must be compared with the requirements of this chapter and the legislation issued on its basis.

(2) The Environmental Board prepares a list of waste incineration and co-incineration plants with a nominal capacity of less than two tons per hour, and updates it once a year.

(3) The data specified in subsections 1 and 2 of this section shall be made available on the website of the Environmental Board.

Chapter 5
Installations using organic solvents

Section 1
General settings

Section 1
Scope

§ 113. Scope

(1) The provisions of this chapter apply to the following areas of activity, where the use of solvents, including the solvent in the composition of the mixture, in one production territory per year is:
1) coating with glue - 5 tons or more;
2) covering the surfaces of new vehicles - 0.5-15 tons;
3) refinishing of vehicles - 0.5 tons or more;
4) coating of roll material - 25 tons or more;
5) metal, plastic, textile, fabric, film and paper surface coating - 5 tons or more;
6) wooden surface covering – 15 tons or more;
7) covering the leather surface - 10 tons or more;
8) winding wire covering - 5 tons or more;
9) production of surface coating agent, varnish, printing ink and glue - 100 tons or more;
10) production of footwear - 5 tons or more;
11) production of pharmaceutical products - 50 tons or more;
12) roller offset printing with a dryer, other rotary gravure printing, flexography, rotary silk printing, lamination or varnishing - 15 tons or more;
13) rotogravure used for printing publications - 25 tons or more;
14) rotary screen printing on fabric or cardboard - 30 tons or more;
15) rubber processing - 15 tons or more;
16) extraction of vegetable oil and animal fat and refining of vegetable oil - 10 tons or more;
17) impregnation of wooden material - 25 tons or more;
18) lamination of wood and plastic material - 5 tons or more;
19) industrial coating of the surfaces of new vehicles - 15 tons and more;
20) surface cleaning in the production process using the substances specified in § 140 or 141 of this Act - 1 ton or more;
21) other surface cleaning - 2 tons or more;
22) dry cleaning.

(2) The areas of activity listed in subsection 1 of this section also include the cleaning of equipment and tools used in the production process, unless otherwise provided for in section 3 of this section for a specific area of activity.

Section 2
Terms

§ 114. Glue, printing ink, surface coating agent and varnish

(1) Adhesive is a mixture used for gluing together separate parts of a product, including all organic solvents or mixtures containing organic solvents necessary for its proper application.

(2) Printing ink is a mixture used in printing to apply a text or image to the surface, including organic solvents or mixtures containing organic solvents necessary for the correct application of printing ink.

(3) A surface coating agent is a mixture used to decorate, protect or otherwise affect the surface, including all organic solvents and mixtures containing organic solvents necessary for their proper use.

(4) Varnish is a transparent coating.

§ 115. Outgoing gas, uncontrolled emission and total emission

(1) In the sense of this chapter, exhaust gas is gas containing volatile organic compounds or other pollutants that escapes to the outside air through the installation's chimney or capture device.

(2) Uncontrolled discharge is the discharge of volatile organic compounds into the air, soil and water in a way other than through the installation's chimney or capture device, including the discharge into the air, soil and water of solvents contained in any products, unless otherwise provided on the basis of § 137 (1) of this Act .
[RT I, 15.03.2019, 5 - enters into force. 25/03/2019]

(3) The total emission is the sum of the uncontrolled emission and the amount of volatile organic compounds contained in the outgoing gas.

§ 115 1 . Reuse

Reuse within the meaning of this chapter is the reuse of organic solvents collected from facilities for technical or commercial purposes, including use as fuel, with the exception of the disposal of reusable organic solvent as waste.
[RT I, 15.03.2019, 5 - enters into force. 25/03/2019]

§ 116. Checkable conditions

Controllable conditions are operating conditions under which the VOCs produced by the process are captured and removed from the facility in a controlled manner, that is, through the facility's stack, as well as a VOC incinerator or capture device, so that the total VOC emissions are not uncontrolled.

§ 117. Solvent input

Solvent input is the amount of organic solvents and their amount in the mixtures used, including solvents recycled inside and outside the facility, which is considered each time the operation is performed.

§ 118. Use of solvent

Solvent use is the total amount of organic solvents used as input in a facility during one calendar year or other 12-month period, excluding VOCs regenerated for reuse.

Section 3
Areas of activity

§ 119. Covering with glue

Adhesive coating is the application of adhesive to the surface of an object or product, excluding lamination and adhesive coating related to printing.

§ 120. Surface covering

(1) Surface coating within the meaning of this Act is the application of a single or multiple layer of continuous surface coating agent:
1) for new cars of category M1, as well as vehicles of category N1, if the surface coating agent is applied in the same facility as for vehicles of category M1;
2) for truck cabs, which are the driver's accommodation;
3) to the cover that is an integral part of the technical equipment of N2 and N3 category vehicles;
4) for N1, N2 and N3 category vans and trucks, excluding truck cabs;
5) for M2 and M3 category buses, O1, O2, O3 and O4 category trailers;
[RT I, 15.03.2019, 5 - enters into force. 25.03.2019]
5 1) on metal and plastic surfaces, including planes, ships, trains and other such surfaces;
[RT I, 15.03.2019, 5 - enters into force. 25.03.2019]
6) on wooden, textile, fabric, film, paper and leather surfaces.

(2) Surface coating does not include metal coating of the substrate by electrophoresis and chemical spraying methods. If, for the same product article, one of the stages of surface coating is the use of a printing method, printing is considered one part of surface coating. Printing within the meaning of § 126 of this Act is not considered to cover the surface.

§ 121. Covering of roll material

Coil coating is the coating of coiled steel, stainless steel, coated steel, copper alloys or aluminum wire with a film-like or laminate coating in a continuous process.

§ 122. Covering of winding wire

Winding wire coating is the coating of metal conductors used in the winding of transformers, motors and other inductors.

§ 123. Refinishing of the vehicle

Vehicle refinishing is covering the vehicle with a surface coating agent and related degreasing, which includes:
1) covering the vehicle or its part with a surface coating agent, if it takes place outside the production facility or production line;
2) Covering an O-category trailer or semi-trailer with a surface coating agent.

§ 124. Footwear production

Footwear production is an activity intended for the production of shoes as a final product and their parts.

§ 125. Production of pharmaceutical products

The production of pharmaceutical products is the chemical synthesis, fermentation, extraction, mixing and final processing of pharmaceutical products and the production of intermediate products in the same production territory.

§ 126. Printing

(1) Printing is the reproduction of a text or an image, during which printing ink is applied to any surface with an image carrier.

(2) Printing has the following sub-processes:
1) flexography, or printing technique, in which liquid printing inks that dry by evaporation and an elastic photopolymer printing form are used, where the printing surfaces are higher than the non-printing surfaces;
[RT I, 15.03.2019, 5 - enters into force. 25.03.2019]
2) web offset printing with dryer;
[RT I, 15.03.2019, 5 - enters into force. 25.03.2019]
3) rotogravure printing used for printing publications, i.e. the rotogravure printing technique of magazines, brochures, catalogs and other similar products, where the material to be printed is fed into the machine from a roll, not as separate sheets, and toluene-based printing inks are used;
[RT I, 15.03.2019, 5 - enters into force. 25.03.2019]
4) rotogravure printing;
[RT I, 15.03.2019, 5 - enters into force. 25.03.2019]
5) rotary screen printing, i.e. rotary printing technique, in which liquid ink that dries by evaporation is pushed onto the printed surface through a porous printing form, where the printing surface is open and the non-printing surface is covered;
[RT I, 15.03.2019, 5 - enters into force. 25.03.2019]
6) lamination related to printing, i.e. gluing two or more elastic layers together to make a laminate;
7) varnishing related to printing, i.e. covering elastic material with varnish or glue in order to later attach the covering material to it.

(3) Roll-offset printing with a dryer in the sense of clause 2, point 2 of this section is a rotary printing technique, in which a printing form is used where the printing and non-printing surfaces are on the same plane, whereas rotation means that the material to be printed is fed into the machine from a roll, not as separate sheets. The non-printing surface is made water absorbent to reject the printing ink. The printing surface is treated in such a way that it takes up the printing ink and transfers it to the printed surface. Printing inks are dried by evaporation of the solvent in an oven where the printed material is heated with air.
[RT I, 15.03.2019, 5 - enters into force. 25/03/2019]

(4) Rotogravure printing within the meaning of subsection 2, point 4 of this section is a printing technique that uses liquid printing inks that dry by evaporation and a cylindrical printing form where the printing surface is lower than the non-printing surface. The wells are filled with ink and the excess ink is wiped off the non-printing surface before the surface to be printed comes into contact with the cylinder and lifts the ink out of the wells.
[RT I, 15.03.2019, 5 - enters into force. 25/03/2019]

§ 127. Processing of rubber

Rubber processing is the mixing, grinding, preparation of rubber compounds, calendering, pressing and vulcanization of natural or synthetic rubber and an auxiliary operation used in the manufacture of finished products from natural or synthetic rubber.

§ 128. Extraction of vegetable oil and animal fat and refining of vegetable oil

Extraction of vegetable oil and animal fat and refining of vegetable oil is the extraction of oil from seeds and other vegetable products, the processing of the dry residue into animal feed and the purification of the resulting fat and vegetable oil.

§ 129. Impregnation of wooden material

Impregnation of wood is an activity by which a substance is added to the wood to improve its preservation.

§ 130. Lamination of wood and plastic material

Lamination of wood and plastic material is gluing these materials together to make laminated products.

§ 131. Surface cleaning

(1) Product surface cleaning is the removal of dirt from the surface of the product or material using an organic solvent.
[RT I, 15.03.2019, 5 - enters into force. 25/03/2019]

(2) Removing dirt from equipment and work surfaces using an organic solvent is not considered surface cleaning.
[RT I, 15.03.2019, 5 - enters into force. 25/03/2019]

(3) Surface cleaning includes degreasing, but not dry cleaning. Multi-step cleaning before or after other processing is also considered cleaning.

§ 132. Dry cleaning

Dry cleaning is the use of volatile organic compounds to clean clothing, furnishings and other similar consumables, except for manual stain removal in the textile and clothing industry.

§ 133. Production of surface coating agent, varnish, printing ink and glue

The production of surface coating agent, varnish, printing ink and glue includes making intermediate products in the same production territory and mixing color pigment, resin and glue with an organic solvent or other substance, controlling dispersion and pre-dispersion, viscosity and shades, and packaging the final products.

Section 2
Obligations of the operator

Section 1
Registration procedure for an operator without a license obligation

§ 134. Registration of a facility in the absence of a permit obligation

(1) An operator who does not have the obligation to have a complex permit in accordance with § 19 (2) of this Act or the obligation to have an air pollution permit in accordance with § 79 (3) of the Atmospheric Air Protection Act in order to operate in the areas of activity provided for in § 113 of this Act, must register his activities with the Environmental Board if his activities exceed this the threshold capacities specified in § 113 of the Act and if the emission of volatile organic compounds in one of the production territories of the facility is less than 0.5 tons per year (hereinafter *the operator with the obligation to register*).
[RT I, 05.07.2016, 1 - enters into force. 01.01.2017]

(2) The operator with the obligation to register is obliged to inform the Environmental Board of the planned activity at least two weeks before the start of the activity provided for in § 113 of this Act, by submitting a request to the Environmental Board through the information system for environmental decisions, which contains at least the following information:
[RT I, 27.05.2022, 1 - entry into force. 06.06.2022]
1) name and personal identification number or registry code of the applicant;
[RT I, 27.05.2022, 1 - enters into force. 06.06.2022]
2) the address and contact details of the applicant and the name and contact details of the contact person;
[RT I, 27.05.2022, 1 - enters into force. 06.06.2022]
3) place of business and contact details;
4) field of activity;
5) annual use of organic solvent or material containing solvents by species;
6) maximum consumption of organic solvent or material containing solvents (kg/h) by species;
7) other data provided in this chapter.

(3) The Environmental Board checks the requirement of a permit for the planned activity based on the data received within 14 days. In the absence of a permit obligation, the operator's activities are registered within 14 days after the inspection in the environmental decision information system, and a registration certificate is issued to the applicant for registration through the environmental decision information system.
[RT I, 27.05.2022, 1 - enters into force. 06.06.2022]

(3^{1}) The registration specified in subsection 3 of this section may be made and the relevant certificate issued automatically through the environmental decision information system, if automatic verification of the prerequisites for making the registration is ensured.
[RT I, 27.05.2022, 1 - enters into force. 06.06.2022]

(4) The data composition of the application for registration of a facility using organic solvents and the registration certificate shall be established by a regulation of the minister responsible for the field .
[RT I, 27.05.2022, 1 - enters into force. 06.06.2022]

§ 135. Application of provisions in the case of an operator with a registration obligation

§ 137 subsections 2 and 3, § 139, § 143 subsection 2, § 145 subsection 2, § 146 subsection 3 and § 150 of this Act do not apply to an operator with a registration obligation.

Section 2
Emission limit values and emission reduction plan

§ 136. Obligations of the operator

The operator implements measures to ensure compliance with the emission limit values of volatile organic compounds established on the basis of § 137 (1) of this Act or the requirements arising from the emission reduction plan of volatile organic compounds drawn up on the basis of § 139 of this Act.

§ 137. Emission limit values

(1) The emission limit values of volatile organic compounds released into the outside air when solvents are used shall be established by a regulation of the minister responsible for the field .

(2) If the operator proves to the permit grantor that the application of the uncontrolled emission limit values to the installation is not technically or economically feasible, the permit grantor may make an exception for this installation from the obligation to comply with the emission limit values, if the exception is not accompanied by a significant adverse effect on the environment, human health, well-being, property and cultural heritage, and if the operator proves to the permit grantor that he uses the best possible technique.
[RT I, 15.03.2019, 5 - enters into force. 25/03/2019]

(3) In the case provided for in subsection 2 of this section, the permit grantor may replace the operator's obligation to comply with emission limit values with the implementation of an emission reduction plan in accordance with the conditions provided for in § 139 of this Act.

(4) If it is not possible to apply controllable conditions for the coating of metal, plastic, textile, fabric, film and paper surfaces in order to achieve the emission limit values established on the basis of subsection 1 of this section, for example in shipbuilding or aircraft painting, the emission limit values may not be applied in accordance with this to the conditions stipulated in paragraph 2 of the section.

§ 138. Criteria for assessing compliance with emission limit values

The criteria for assessing compliance with emission limit values for volatile organic compounds shall be established by a regulation of the minister responsible for the field .

§ 139. Volatile organic compounds emissions reduction plan

(1) At the operator's request, the permit grantor may replace the obligation to comply with emission limit values for volatile organic compounds discharged when using solvents with the obligation to prepare and comply with a plan for reducing emissions of volatile organic compounds.

(2) The purpose of the implementation of the emission reduction plan for volatile organic compounds is to reduce the facility's emissions to such an extent that the same result as the application of the emission limit value is achieved.

(3) The requirements arising from the plan for reducing emissions of volatile organic compounds and the deadline for implementation shall be determined by the permit grantor as a special condition of the permit for the operator.

(4) The requirements for drawing up a plan for the reduction of emissions of volatile organic compounds for an operator operating in the field of coating with a surface coating agent, varnish, glue or printing ink shall be established by a regulation of the minister responsible for the field .

(5) The minister responsible for the field may, by regulation, establish the requirements for the preparation of a plan for reducing emissions of volatile organic compounds also for operators operating in the field of activity not mentioned in subsection 4 of this section.

§ 140. Substitution of dangerous substances

Substances or mixtures that are classified as carcinogenic, mutagenic or toxic to reproduction in accordance with Regulation (EC) No. 1272/2008 of the European Parliament and of the Council due to their content of volatile organic compounds and which carry or must carry the hazard statement H340, H350, H350i, H360D or H360F, shall be replaced by the operator as soon as possible and in the largest possible volume with less harmful substances or mixtures to the extent technically and practically possible, which is defined in the chemical safety report of the product in accordance with the procedure set forth in Regulation (EC) No. 1907/2006 of the European Parliament and of the Council.
[RT I, 15.03.2019, 5 - enters into force. 25/03/2019]

Section 3
Emission control

§ 141. Control of emissions under controllable conditions

(1) In order to protect human health and the environment, controlled conditions are implemented in operating facilities to prevent the release of halogen-organic volatile compounds designated by the hazard phrase H341 or H351 into the environment, as far as this is technically and economically possible.

(2) The content of volatile organic compounds specified in subsection 1 of this section must correspond to the emission limit values established on the basis of § 137 subsection 1 of this Act.
[RT I, 15.03.2019, 5 - enters into force. 25/03/2019]

§ 142. Requirements for installations with at least two areas of activity in case of exceeding the threshold capacities for the use of solvents

In a facility with at least two areas of activity specified in § 113 of this Act, where the use of solvents exceeds the threshold capacity specified in subsection 1 of § 113 for each area of activity, must:
1) halogenated volatile organic compounds specified with the hazard statement H341 or H351 and volatile organic compounds specified with the hazard statement specified in § 140 of this Act the content must correspond to the emission limit value established for each field of activity on the basis of § 137 (1) of this Act;
[RT I, 15.03.2019, 5 - enters into force. 25.03.2019]
2) the content of other substances must meet the requirements set out in § 136 of this Act for each field of activity, or the total emissions generated in all fields of activity must not exceed the emissions generated when § 139 is applied.

§ 143. Minimum emission during start-up and shutdown of the facility

(1) The operator implements measures to minimize the emission of volatile organic compounds during the startup and shutdown of the facility.

(2) When applying for a permit, the operator submits to the permit grantor a description of the implementation of the necessary precautions to fulfill the requirement set forth in subsection 1 of this section.

(3) The operator with the obligation to register shall submit a description of the implementation of the precautionary measures necessary to fulfill the requirement set forth in subsection 1 of this section to the Environmental Board together with the notification provided for in subsection 134 of this Act.

Section 4
Emission monitoring

§ 144. Emission monitoring requirements

(1) In order to monitor the emissions emitted from the facility into the outside air, continuous or periodic measurements are made at the outlets. In the case of periodic monitoring, at least three measurements are taken during one measurement series.

(2) Emissions must be measured continuously in gas passages, which are connected to combustion or capture devices for volatile organic compounds and whose carbon emissions exceed 10 kilograms per hour on average from the end point of emissions to the outside air.

(3) Measurements are not mandatory if the installation of a combustion or capture device at the end point of emission to the outside air is not necessary to meet the requirements of this Act.

Section 5
Verification of conformity

§ 145. Obligation to prove compliance with requirements

(1) When applying for a permit or at the request of the permit grantor, the operator shall certify to the permit grantor that the content of pollutants corresponds to:
1) the emission limit value of volatile organic compounds in the outgoing gas and the limit value of uncontrolled emission or total emission;
2) the requirements of the emission reduction plan for volatile organic compounds;
3) exceptions to the emission limit values provided for in subsections 2 and 4 of § 137 of this Act.
[RT I, 15.03.2019, 5 - enters into force. 25/03/2019]

(2) In order to assess compliance with the conditions set forth in subsection 1 of this section, the operator is also obliged to provide data upon each request of the permit grantor.

(3) The operator with the obligation to register has the obligation to submit the data provided for in point 1 of subsection 1 of this section at the request of the Environmental Board each time.

§ 146. Solvent use plan

(1) In order to prove compliance with the parameters set forth in § 145 subsection 1 of this Act, the operator prepares a solvent use plan and updates it periodically.

(2) The purpose of implementing the solvent use plan is:
1) checking compliance with the requirements set forth in § 136 of this Act;
2) determination of further reduction options for emissions of volatile organic compounds;
3) disclosure of information on solvent consumption, emission limit values of volatile organic compounds and compliance with the requirements of this chapter.

(3) The operator submits the solvent use plan to the permit grantor together with the permit application. The frequency of updating the solvent use plan is determined by the permit grantor as a special condition of the permit for the operator.

(4) Requirements for preparation and implementation of the solvent use plan shall be established by a regulation of the minister responsible for the field .

Section 6
Substantial change to the facility

§ 147. Significant modification of the installation

(1) A significant modification of a facility within the meaning of this chapter is the result of a change in the nominal capacity of the facility, which causes an increase in the emission of volatile organic compounds by more than 25 percent in the case of a small facility and by more than 10 percent in the case of all other facilities, or any other change that is likely to have a significant adverse effect on the environment, human health, well-being, property and cultural heritage.

(2) The nominal capacity of the facility for the purposes of this section is the maximum average amount of organic solvents used in one working day at the facility's designed capacity and normal operation.

(3) A small facility within the meaning of this section is a facility that operates in the following fields of activity and where the use of solvent, including the solvent in the composition of the mixture, in one production territory per year is:
1) offset printing on the material fed from a roll with heat-fixing printing ink - 15-25 tons;
2) other rotary gravure printing, flexography, rotary silk-screen printing, lamination or varnishing, with the exception of rotary gravure printing used for printing publications - 15-25 tons;
3) surface cleaning using the substances specified in § 140 of this Act - 1-5 tons;
4) surface cleaning using substances other than those specified in § 140 of this Act - 2–10 tons;
5) coating of metal, plastic, textile, film, fabric and paper surfaces, except for rotary screen printing on textiles - 5-15 tons;
6) wooden surface covering - 15-25 tons;
7) covering the leather surface - 10-25 tons;
8) covering with glue - 5-15 tons;
9) production of surface coating agent, varnish, printing ink and glue - 100-1000 tons;
10) other field of activity specified in § 113 of this Act, if its solvent consumption is less than 10 tons per year.

§ 148. Obligations of the operator in case of significant changes to the facility

(1) In the case of a significant modification of the facility, the operator shall certify to the licenser that the facility complies with the requirements set forth in this chapter.

(2) In the case of a facility subject to a complex permit, the operator shall notify the permit grantor of a significant change to the facility in accordance with § 56 of this Act, providing the permit grantor with data proving the facility's continued compliance with the requirements set forth in this chapter, or submit a request to change the complex permit.

(3) An operator with a registration obligation shall notify the Environmental Board of the proposed change in the case of significant changes to the facility. The Environmental Board checks the requirement of a permit for the notified activity based on the data received within 14 days. In the absence of a permit obligation, the Environmental Board sends the operator a written certificate of the registration of a significant change in activity.

Section 3
Access to information

§ 149. Disclosure of information about installations using organic solvents and public access to information

(1) The valid air pollution permits and their amendments of facilities falling within the scope of application of this chapter, as well as data on operators with a registration obligation, are made available to the public on the website of the environmental permits information system.

(2) The results of emission monitoring of installations falling within the scope of this chapter shall be made available to the public on the website of the Environmental Board.

(3) In addition to the provisions of this section, the requirements set forth in the Atmospheric Air Protection Act also apply to the disclosure of information about facilities using organic solvents.
[RT I, 05.07.2016, 1 - enters into force. 01.01.2017]

§ 150. Obligation to preserve documents and provide information

The operator shall keep the documents and data related to the application and granting of the permit belonging to him, as well as the monitoring specified in the permit and the verification of compliance with the requirements, and shall ensure their availability to the grantor of the permit in accordance with subsections 1 and 2 of § 59 of this Act.
[RT I, 10.07.2020, 2 - enters into force. 01.01.2021]

Chapter 6
Installations producing titanium dioxide

§ 151. Scope

This Chapter applies to installations in which titanium dioxide is produced.

§ 152. Prohibition of discharge of waste into the water body

It is prohibited to discharge the following into surface and groundwater bodies from titanium dioxide-producing facilities:
1) solid waste;
2) mother liquors that are formed in the filtration step following the hydrolysis of titanyl sulfate in installations using the sulfate process, including acid residues associated with such solutions in which the total content of free sulfuric acid is more than 0.5 percent and which contain various heavy metals, and such mother liquors that have been diluted to a content of free sulfuric acid of 0.5 percent or less;
3) in the case of installations using the chloride process, wastes in which the total content of free hydrochloric acid is more than 0.5 percent and which contain various heavy metals, including such wastes that have been diluted to a content of free hydrochloric acid of 0.5 percent or less;
4) filter salts, sediments and liquid waste, which are produced during the treatment of the waste specified in points 1 and 2 of this section in the concentration or neutralization process and contain various heavy metals, but do not contain neutralized and filtered or decanted waste, in which there are only traces of heavy metals and whose hydrogen exponent (pH) before dilution is more than 5.5.

§ 153. Emission control

(1) Operators of facilities producing titanium dioxide are obliged to prevent acid particles from being released into the outside air.

(2) The limit values for pollutant emissions in the outgoing gases of titanium dioxide-producing facilities shall be established by regulation of the minister responsible for the field .

(3) The limit values for the discharge of pollutants in the waste water of titanium dioxide-producing facilities shall be established by a regulation of the minister responsible for the field .

§ 154. Emission monitoring

(1) In the permit of a titanium dioxide-producing facility, the effluent monitoring requirements are specified, which enable the compliance of the facility's operations with the permit requirements and with the pollutant emission limit values established on the basis of § 153 (3) of this Act.

(2) In the permit of a titanium dioxide-producing facility, the requirements for the monitoring of outgoing gases are specified, which make it possible to check the compliance of the facility's activities with the permit requirements and with the pollutant emission limit values established on the basis of § 153 (2) of this Act.

(3) The minister responsible for the field shall establish detailed requirements for the monitoring of exhaust gases from titanium dioxide-producing facilities by regulation.

(4) The operator performs monitoring in accordance with the standards of the European Committee for Standardization, in the absence thereof, in accordance with the standard of the International Organization for Standardization, or, if this is not available, in accordance with a national or another international standard that ensures the equivalent scientific quality of the measurement data.
[RT I, 15.03.2019, 5 - enters into force. 25/03/2019]

Chapter 7
State supervision

§ 155. Environmental control

(1) Environmental inspection is the environmental inspection carried out by the Environmental Board on the basis of the program specified in § 157 of this Act and the emergency inspection carried out in accordance with the environmental inspection specified in § 159 of this Act.

(2) The Environmental Board checks compliance with the requirements of the complex permit in facilities subject to a complex permit and the compliance of the activities in the facility with the requirements established in this Act and the legislation issued on the basis of it.

(3) Environmental control includes:
1) analysis of reports and emission monitoring results submitted by the operator;
2) inspection visits to the facility;
3) verification of the internal reporting and follow-up documents of the facility;
4) control of the adequacy of the equipment used in the installation and the environmental management system of the installation, including the installation's own monitoring;
5) taking and measuring control samples, if necessary.

(4) [Repealed - RT I, 10.07.2020, 2 - entry into force. 01.01.2021]

(5) The results of the environmental inspection shall be formalized as an inspection report, in which the inspection results are presented, describing their compliance with the requirements of the permit granted to the facility, and conclusions on the need to take further measures. The report is forwarded to the operator for perusal within two months and is made public in the environmental decision information system within four months from the on-site inspection of the installation.
[RT I, 17.03.2023, 3 - enters into force. 01.04.2023]

§ 156. Nationwide plan for environmental control of installations subject to a complex permit

(1) The national plan for environmental control of facilities subject to a complex permit (hereinafter referred to *as the national plan for environmental control*) is the basis for systematic environmental control of the activities of facilities subject to a complex permit.

(2) The nationwide environmental control plan includes:
1) a general assessment of important environmental issues related to facilities subject to a complex permit obligation;
2) procedures for drawing up regular environmental control programs, including risk-based assessment and performing regular control;
3) procedures for carrying out extraordinary environmental control;
4) a reference to the website of the information system for environmental decisions, where you can find installations that have a complex permit;
[RT I, 17.03.2023, 3 - enters into force. 01.04.2023]
5) principles of cooperation in environmental control.

(3) The preparation of the nationwide environmental control plan is organized by the Environmental Board, and the plan is approved by the Director General of the Environmental Board. The plan is published on the website of the Environmental Board.
[RT I, 17.03.2023, 3 - enters into force. 01.04.2023]

(4) The nationwide environmental control plan is reviewed and, if necessary, updated at least every four years from the date of its preparation or review.

§ 157. Program of regular environmental control of facilities subject to a complex permit obligation

(1) On the basis of the national environmental control plan, the Environmental Board prepares a regular environmental control program for facilities subject to a complex permit (hereinafter, *the regular environmental control program*).
[RT I, 10.07.2020, 2 - enters into force. 01.01.2021]

(2) The regular environmental inspection program includes:
1) the schedule of regular inspection of installations by different types of installations, together with the frequency of their inspection;
2) a sample list of control measures to be implemented during regular control;
3) sample list of samples and measurements to be taken during regular inspection;
4) a sample list of other implemented measures.

(3) When determining the frequency of regular inspection of the installation, the possible impact of the installation on the environment is assessed based on risk. When assessing such an impact, attention is paid, among other things, to:
1) the potential and actual impact of the facility's activity on human health and the environment, taking into account in particular the levels and types of emissions, the environmental sensitivity of the place of operation and the risk of accidents;
2) prior fulfillment of permit requirements by the operator;
3) to the operator's participation in Regulation (EC) No. 1221/2009 of the European Parliament and the Council on the voluntary participation of organizations in the Community Environmental Management and Auditing System (EMAS) and which repeals Regulation (EC) No. 761/2001 and Commission Decisions 2001/681/EC and in the environmental management and auditing system established by 2006/193/EC (OJ L 342, 22.12.2009, p. 1–45).

(4) The regular environmental inspection program is reviewed and, if necessary, amended every three years from the date of its preparation or review.

§ 158. Regular environmental inspection of a facility subject to a complex permit obligation

(1) Regular inspection of facilities is carried out at least once every three years, but not more often than once a year.

(1 1) Regular inspection may be carried out less often than once in three years in the cattle breeding facilities specified in Clause 8 of § 19 (2) of this Act.
[RT I, 21.12.2019, 1 - enters into force. 01.01.2020]

(2) [Repealed - RT I, 15.03.2019, 5 - entry into force. 25/03/2019]

(3) If a significant violation of the requirements of the complex permit is detected during a regular inspection, a follow-up inspection of the facility will be carried out within six months from the issuance of the injunction.

§ 159. Extraordinary environmental inspection

An emergency environmental inspection is carried out as part of environmental supervision in order to investigate serious environmental complaints, accidents or incidents or non-fulfillment of permit requirements as soon as possible and, if necessary, before issuing, revising or updating the permit.

§ 160. Obligations of the operator when inspecting the facility

The operator is obliged to provide comprehensive assistance to the environmental protection inspector inspecting the facility, to ensure him access to the place of operation of the facility and to enable him to take samples and collect information about the fulfillment of the obligations stipulated in this law.

§ 161. Implementation of state supervision

(1) The Environmental Board supervises the fulfillment of the requirements set forth in this Act and the legislation established on its basis.
[RT I, 13.03.2014, 4 - enters into force. 01.07.2014]

(2) [Repealed - RT I, 13.03.2014, 4 - entered into force. 01.07.2014]

§ 161^{1}. Special measures of state supervision

The law enforcement body may apply the special measures of state supervision provided for in §§ 30, 31, 32, 45, 49, 50 and 51 of the Law Enforcement Act on the basis and in the procedure provided for in the Law Enforcement Act to carry out the state supervision provided for in this Act.
[RT I, 13.03.2014, 4 - enters into force. 01.07.2014]

§ 161^{2}. Use of immediate coercion

The Environmental Board is allowed to use physical force on the basis and according to the procedure provided in the Law on Law Enforcement.
[RT I, 13.03.2014, 4 - enters into force. 01.07.2014]

§ 161^{3}. Extortion rate

In the case of failure to comply with the injunction, the maximum amount of the fine to be applied in accordance with the procedure laid down in the Substitute Enforcement and Fines Act is 32,000 euros.
[RT I, 13.03.2014, 4 - enters into force. 01.07.2014]

Chapter 8
Responsibility

§ 162. Violation of complex permit obligation and complex permit requirements

(1) For activities without a complex permit in a field where a complex permit is required, or for violating the requirements of a complex permit -
a fine of up to 300 fine units is imposed.

(2) For the same activity, if it has been committed by a legal entity, -
shall be punished with a fine of up to 400,000 euros.
[RT I, 25.10.2022, 1 - enters into force. 04.11.2022]

§ 163. Failure to report an accident

(1) Failure to report an accident, which can significantly affect the environment, on time -
is punished with a fine of up to 200 fine units.

(2) For the same activity, if it has been committed by a legal entity, -
shall be punished with a fine of up to 200,000 euros.
[RT I, 25.10.2022, 1 - enters into force. 04.11.2022]

§ 164. Procedure

(1) [Repealed - RT I, 12.07.2014, 1 - entered into force. 01.01.2015]

(2) The Environmental Board is the non-judicial processor of misdemeanors provided for in this Act.

Chapter 9
Application settings

Section 1
Implementation of the law

§ 165. Application of the Act to facilities operating on the basis of a complex permit

(1) The requirements set forth in Chapter 2 of this Act shall be applied to installations operating on the basis of a complex permit from January 7, 2014, before the entry into force of this Act. Until January 7, 2014, the Act on Complex Prevention and Control of Pollution applies to these facilities.

(2) The requirements set forth in Chapter 2 of this Act shall apply from July 7, 2015, to installations commissioned before the entry into force of this Act, for the operation of which a complex permit was not required before the entry into force of this Act.

(3) If the operation of the facility is related to the use, production or release of hazardous substances into the environment, before the entry into force of this Act, the operator operating on the basis of a complex permit is required to prepare a baseline report in accordance with § 57 of this Act and before the first change of the facility's complex permit after the entry into force of this Act.

(4) The requirements set forth in § 79 subsections 2 and 5, § 80 subsection 1 point 4 and subsection 9 of this Act shall apply to the existing large incinerator as of January 1, 2016.

(5) The requirements set forth in § 134 of this Act shall be applied to the operator with the obligation to register as of May 1, 2014.

§ 166. Application of BAT reference documents as BAT conclusions

Until the decisions of the European Commission containing BAT conclusions enter into force, the BAT reference documents adopted by the European Commission before January 7, 2011 shall be applied as BAT conclusions for the purposes of this Act, except for the cases provided for in subsections 3-7 of § 44 of this Act.
[RT I, 15.03.2019, 5 - enters into force. 25/03/2019]

§ 167. Failure to comply with the requirements of the emission limit value and the degree of sulfur removal in case of a limited service life of a large incinerator

(1) In the period from January 1, 2016 to December 31, 2023, the pollutant emission limit values established for existing large combustion devices on the basis of § 73 of this Act and, if necessary, the requirements for the degree of sulfur removal established on the basis of § 79 (3) of this Act shall not be applied to large combustion equipment, if:
1) the operator of the incineration plant has confirmed in writing to the Ministry of the Environment and the permit grantor by January 1, 2014 at the latest, and the permit grantor has stipulated in the permit that the operator undertakes to operate the incineration plant in the period from January 1, 2016 to December 31, 2023 no more than 17,500 working hours;
2) every year starting from January 1, 2016, the operator submits to the Ministry of Climate and the permit grantor data on the number of working hours of the incinerator in a calendar year.
[RT I, 30.06.2023, 1 - enters into force. 01.07.2023]

(2) During the remaining service life of the incineration plant specified in subsection 1 of this section, the emission limit values of sulfur dioxide, nitrogen oxides and solid particles specified in the permit granted to the operator of the incineration plant, which must be applied as of December 31, 2015, shall be maintained.

(3) For the solid fuel combustion plant specified in subsection 1 of this section, the total nominal heat capacity of which is greater than 500 megawatts and for which a permit was granted after July 1, 1987, the nitrogen oxides established for existing large combustion plants on the basis of § 73 of this Act shall apply during the remaining working life of the combustion plant emission limit value.

(4) The exception specified in subsection 1 of this section does not apply if the operator of the combustion device had been granted permission not to comply with the emission limit value, on the condition that the operator of the device undertakes not to use the device for more than 20,000 operating hours in the period from January 1, 2008 to December 31, 2015, and annually submits to the licenser data on the number of working hours of the device in the calendar year.

(5) If on January 6, 2011, the incinerator was part of a small isolated network and on that day provided at least 35 percent of the electricity supply of the said network, and the emissions of the incinerator do not meet the emission limit values established for existing large incinerators on the basis of § 73 of this Act due to the technical characteristics of the device, during the period From January 1, 2020 to December 31, 2023, the number of working hours specified in point 1 of subsection 1 of this section is 18,000, and the deadline for submitting the data specified in point 2 of subsection 1 of this section is January 1, 2020.

(6) For a combustion plant put into operation before December 31, 1986, with a total rated thermal output greater than 1,500 megawatts and burning local solid fuel with a net calorific value of less than 5,800 kilojoules per kilogram, a moisture content greater than 45 percent by weight, a combined moisture and ash content more than 60 percent by mass and the calcium oxide content in the ash is more than 10 percent, the number of working hours specified in point 1 of subsection 1 of this section is 32,000.

§ 168. Failure to comply with the requirements of the emission limit value and the degree of sulfur removal in the case of a small isolated network

(1) Until December 31, 2019, the emission limit values established for existing large combustion plants on the basis of § 73 of this Act and, if necessary, the sulfur removal established on the basis of § 79 of this Act shall not be applied to the combustion plant that was part of a small isolated network on January 6, 2011 degree requirements.

(2) Until December 31, 2019, the emission limit values for sulfur dioxide, nitrogen oxides and solid particles, which must be applied as of December 31, 2015, specified in the permit granted to the operator of the combustion device specified in subsection 1 of this section, shall be maintained.

(3) In the case of a solid fuel burning device specified in subsection 1 of this section, the total nominal heat capacity of which is greater than 500 megawatts and for which a permit was granted after July 1, 1987, the emission limit value of nitrogen oxides established for existing large combustion devices on the basis of § 73 of this Act shall apply.

(4) A small isolated network is a network in which electricity consumption was less than 3,000 gigawatt-hours in 1996 and in which less than 5 percent of the annual consumption is covered by connections from other networks.

§ 169. Failure to comply with the requirements of the emission limit value and the degree of sulfur removal in the case of district heating installations

(1) At the operator's request, the permit grantor may allow that until December 31, 2022, the operator of a large combustion device that is part of a district heating installation does not have to comply with the emission limit values established for existing large combustion devices on the basis of § 73 of this Act and, if necessary, those established on the basis of § 79 (3) of this Act requirements for the degree of desulphurization, if:

1) the total nominal heat capacity of the combustion device does not exceed 200 megawatts;

2) the operator of the incineration plant has been granted a permit before November 27, 2002, or a proper permit application has been submitted for the incineration plant before November 27, 2002, provided that the incineration plant has been put into operation no later than November 27, 2003;

3) as a rolling average of five years, at least 50 percent of the useful heat produced in the combustion device has been delivered to the public district heating network in the form of steam or hot water.

(2) Until December 31, 2022, the emission limit values of sulfur dioxide, nitrogen oxides and solid particles specified in the permit granted to the operator of the combustion device specified in subsection 1 of this section, which must be applied as of December 31, 2015, shall be maintained.

(3) The operator of a combustion device, to whom the exception specified in subsection 1 of this section applies, submits to the licenser every year from January 1, 2016, data on the amount of energy supplied by the combustion device to the public district heating network in the form of steam or hot water and the total amount of useful heat energy produced.

§ 169[1] Application of the term of the complex permit

Subsection 2 of § 48 of this Act also applies to the procedure for a complex permit application submitted before the entry into force of this provision, with the exception of the procedure for amending a complex permit.
[RT I, 05.01.2024, 1 - enters into force. 15.01.2024]

Section 2
Changes in other legislation

§ 170. – § 176. [Omitted from this text.]

Section 3
Entry into force of the Act

§ 177. Entry into force of the law

This law enters into force on June 1, 2013.

[1] Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions (complex pollution prevention and control) (OJ L 334, 17.12.2010, pp. 17–119).