

Integrated Pollution Prevention and Control Act

Passed 17 October 2001

(RT¹ I 2001, 85, 512),

entered into force 1 May 2002.

amended by the following Acts:

05.11.2003 entered into force 01.12.2003 - RT I 2003, 73, 486;

19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375.

Chapter 1

General Provisions

§ 1. Scope of application of Act

(1) This Act determines the environmentally hazardous activities and lays down the bases for the integrated prevention and control of pollution arising from such activities, in order to prevent or reduce the harmful effect of human activity to the environment.

(19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375)

(2) The provisions of the Administrative Procedure Act (RT I 2001, 58, 354; 2002, 53, 336; 61, 375; 2003, 20, 117) apply to the administrative proceedings prescribed in this Act, taking account of the specifications provided for in this Act. The provisions concerning open proceedings apply to proceedings concerning the grant of integrated environmental permits, taking into account the specifications arising from this Act.

(19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375)

§ 2. Pollution and emission

(1) "Pollution" means the direct or indirect introduction as a result of human activity, of substances, vibrations, heat or noise into the air, water or soil which may be harmful to human health or the quality of the environment, result in damage to material property, or impair or interfere with amenities and other legitimate uses of the environment.

(2) "Emission" means the direct or indirect release of substances, vibrations, heat or noise from pollution sources in the installation into the air, water or soil.

§ 3. Installation and operator

(1) For the purpose of this Act, "installation" means a stationary technical unit where production is organised in a category of activity for which an integrated environmental permit is required, or any other associated activities which have a technical connection with the activities carried out on that site and which could have an effect on emissions and pollution.

(2) For the purposes of this Act, "operator" means a person who operates or possesses an installation.

§ 4. Best available techniques

(1) Best available techniques shall comply with the most effective and advanced stage in the development of activities and their methods of operation. Best available techniques shall provide in principle the basis for emission limit values designed to prevent and, where that is not possible, to reduce emissions and the impact on the environment as a whole.

(2) Within the meaning of "best available techniques":

1) "techniques" includes both the technology used and the way in which the installation is designed, built, maintained, operated, terminated and closed;

2) "available techniques" means up-to-date techniques (whether or not used or produced in Estonia) reasonably accessible to the operator and the implementation of which is economically and technically viable, taking into consideration the costs and advantages, and which ensures the best compliance with the environmental requirements;

3) "best" means most effective in achieving a high general level of protection of the environment as a whole.

§ 5. Emission limit values

"Emission limit values" means the mass, expressed in terms of certain specific parameters, concentration or level of an emission, which may not be exceeded during one or more periods of time.

Chapter 2

Integrated Environmental Permit

§ 6. Integrated environmental permit

(1) "Integrated environmental permit" (hereinafter permit) means a document granting authorisation to operate all or part of an installation in a manner which guarantees that the activities carried out in the installation which are included in any of the categories of activities or subcategories thereof specified in this Act have minimum possible harmful effect to the environment. The requirements laid down by a permit shall guarantee the protection of water, air and soil and the management of waste generated by an installation in a way which prevents the transfer of pollution from one medium to another (water, air and soil).

(2) A permit may cover one or more installations or parts of installations on the same site operated by the same operator.

§ 7. Obligatoriness of permit

(1) An operator shall not operate in a category of activity for which, pursuant to this Act, a permit is required without holding such permit.

(2) A permit must be obtained for the operation of an installation as a whole if the activities of the installation in at least one category of activities for which a permit is required exceed the threshold capacity established on the basis of subsection (4) of this section. In such event, permits required by the Water Act (RT I 1994, 40, 655; 1996, 13, 241; 240; 1998, 2, 47; 61, 987; 1999, 10, 155; 54, 583; 95, 843; 2001, 7, 19; 24, 133; 42, 234; 50, 283; 94, 577; 2002, 1, 1; 61, 375; 63, 387; 2003, 13, 64; 26, 156; 51, 352), the Waste Act (RT I 1998, 57, 861; 1999, 10, 155; 23, 353; 95, 843; 2001, 16, 72; 24, 133; 43, 239; 50, 283; 56, 340; 93, 565; 2002, 61, 375; 63, 387) and the Ambient Air Protection Act (RT I 1998, 41/42, 624; 1999, 10, 155; 95, 843; 2001, 24, 133; 50, 283; 2002, 61, 375; 63, 387) are substituted by the integrated environmental permit.

(3) A permit is required for operating in the following categories of activities:

1) production of electricity, heat, fuel and coke;

2) refining liquid fuel and gaseous fuel, and pyrolysis of solid fuel;

3) production and processing of metals;

4) processing of mineral materials;

- 5) chemical industry;
- 6) waste management;
- 7) cellulose, paper or textile industry, and tanning of skins and hides;
- 8) food industry;
- 9) animal farming;
- 10) surface treatment and finishing by using organic solvents;
- 11) production of plywood and fibreboard;
- 12) production of graphite (hard-burnt coal) and electrographite by way of incineration or graphitisation;
- 13) disposal and recovery of animal carcasses and animal waste.

(4) The Government of the Republic shall, by a regulation, establish the threshold capacities and subcategories within the categories of activities specified in subsection (3) of this section. A permit is not mandatory for operators whose activities are not included within such subcategories of activities or whose operation does not exceed the threshold capacities.

(5) If one operator operates, within the same installation or at the same site, in more than one category of activities listed in subsection (3) of this section, then upon deciding whether or not a permit is mandatory for such operator, the volumes, capacities and quantities related to operation shall be added together.

(6) At the request of an operator, a permit may be granted to an installation for which the permit is not required pursuant to this Act.

(7) Operators who engage in research or the development and testing of new products or technological procedures and whose scale of operation is so small as to not affect the environment to a material extent, are not required to obtain a permit.

§ 8. Issuer of permits

A permit shall be issued by the county environmental authority of the Ministry of the Environment of the location of a given installation (hereinafter issuer of permits).

§ 9. Application for permit

(1) An application bearing the date and the signature of the applicant shall be submitted to the issuer of permits. An application shall set out the request being made and indicate the requested manner of delivery of the decision to the applicant (by ordinary or registered mail). The following information shall be annexed to an application:

(19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375)

- 1) the business name or name, registry code, seat and details, or the name, personal identification code, address and details of the applicant;
- 2) the location and geographical co-ordinates of the installation;
- 3) a description of the installation and its activities;
- 4) the proposed term for construction or reconstruction work of the installation;

- 5) the proposed time for commencement of operation of a new or reconstructed installation;
- 6) a description of the control system created for the operation of the installation, use of natural resources, waste handling and prevention of accidents in the installation;
- 7) the technical capability of the installation compared to the best available techniques, including an explanation concerning the measures to be applied for the economical use of raw materials, water and energy, for the prevention of waste generation and for the recovery of waste. If the best available techniques are not applied immediately, the action plan shall set out how and when such techniques will be applied;
- 8) the use of raw materials, water, chemicals, and auxiliary materials, including cleansing agents;
- 9) the type and quantity of energy to be used or produced in the installation;
- 10) waste and emission sources in the installation;
- 11) the types, quantities and hazardousness of waste, and the measures proposed for reducing waste generation to a minimum and for recovery or disposal of waste;
- 12) the techniques proposed for the prevention or minimising of emissions;
- 13) the measures proposed for the monitoring of production, and generation of waste and emissions;
- 14) the area affected by pollution;
- 15) the measures proposed for the monitoring of the environmental impact of emissions;
- 16) the measures proposed for the prevention of accidents which may damage human health or property or the environment, and for the remedy of the effects of such accidents, unless pursuant to subsection (3) of this section, the applicant is required to submit such information as an annex to the application;
- 17) the measures to be applied upon the cleaning or breakdown of production equipment or treatment facilities, upon commencing and termination of operation, and upon termination of operation in a given category of activity;
- 18) the measures for the prevention or minimising of environmental impact to be applied in the case of the closing of the installation, and measures for rendering harmless pollution sources and for their aftercare.

(2) An applicant for an integrated environmental permit shall pay a state fee before submission of the application.

(19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375)

(3) The following shall be annexed to an application for permit:

- 1) an environmental memorandum and environmental impact assessment statement, in the cases and pursuant to the procedure provided for in the Environmental Impact Assessment and Environmental Auditing Act (RT I 2000, 54, 348; 2002, 61, 375; 63, 387; 90, 521; 99, 579);
 - 2) in the case of an enterprise liable to be affected by a major accident, information pursuant to clauses 11 (4) 1) and 2) of the Chemicals Act (RT I 1998, 47, 697; 1999, 45, 512; 2002, 53, 336; 61, 375; 63, 387; 2003, 23, 144; 51, 352).
- (4) The standard formats of annexes to a permit and the procedure for completion thereof shall be established by a regulation of the Minister of the Environment.

(5) The Minister of the Environment may establish additional requirements to permits in some categories of activities by a regulation.

§ 10. Submission of application for permit

An application for a permit shall be submitted to the issuer of permits in three original copies, one of which is retained by the issuer of permits and the second is returned to the applicant. The issuer of permits shall submit the third original copy of the application to the city or rural municipality government of the location of the applicant after the compliance of the application with the requirements has been verified.

§ 11. Acceptance of application for permit for processing

- (1) The issuer of permits shall register an application immediately after the receipt thereof.
- (2) The issuer of permits shall verify the compliance of an application for permit with the requirements within twenty one calendar days after the receipt thereof.
- (3) If an application for a permit does not contain all the information required by this Act and the legislation established on the basis thereof, the issuer of permits shall return the application and indicate, in writing, the deficiencies contained in the application and establish a term for the elimination thereof. Upon establishing a term, the issuer of permits shall take into consideration the nature of the deficiencies and the availability of the information.
- (4) If an application for a permit contains no deficiencies, the issuer of permits shall accept it for processing and inform the applicant thereof. The application is deemed to be submitted according to the requirements if the applicant has not received, within twenty one calendar days, a notice concerning compliance of application with the requirements or a notice concerning the return of the application.

§ 12. Duties of local governments in processing of applications for permits

Within one month after the receipt of an application for a permit, the city or rural municipality government of the location of the installation shall present its opinion to the issuer of permits in writing.

(19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375)

§ 13. Application for permit for production with transboundary effects

Where the operation of an installation is likely to have significant negative effects on the environment of another state, or where the existence of a permit is requested by a state who finds that such production is likely to significantly affect its environment, the issuer of permits shall ensure the forwarding of the application for a permit, pursuant to the procedure provided for in the international agreements in force in Estonia, to the competent authorities and the public of the relevant state in order to involve them in the process of the grant of the permit.

§ 14. Review of application for permit

- (1) The issuer of permits shall decide on the grant of a permit within 120 calendar days after the application is accepted for processing.
- (2) Where the permit applied for concerns a large or technically complex installation or an extensive or technically complex category of activity and therefore, reaching a decision takes more time, the issuer of permits has the right to extend the term specified in subsection (1) of this section but not for a longer period than one year after the acceptance of the application for processing. The applicant for a permit shall be notified of the extension of the term, its reasons and the proposed term for the making of the decision.

(3) When upon the processing of an application for a permit, it becomes evident that additional information is necessary, the issuer of permits shall inform the applicant of such need and propose that such information be submitted. The applicant shall bear the costs of submission of additional information.

(4) The period for the processing of the application shall be extended by the time needed for submission of additional information.

(5) An applicant for a permit shall be presented a draft permit, or the draft for the decision concerning the refusal to grant a permit, in order to allow the applicant to formulate a position concerning the draft. An applicant may present its position within 14 calendar days as of the receipt of a draft.

§ 15. Grant of permit

(1) Upon deciding the grant of a permit, the nature of the activities for which the application for a permit is submitted, the geographical location of the installation and the principles of pollution prevention shall be taken into consideration. The decision shall be based on:

- 1) the information presented in the application;
- 2) the information gathered in the course of processing the permit;
- 3) the information received in the course of assessment of the environmental impact;
- 4) the information and positions received in the course of making the information available to the public;
- 5) the requirements provided for in legislation;
- 6) the best available techniques.

(2) A permit shall be prepared in two original copies, one of which shall remain with the issuer of permits and the other shall be given to the operator.

§ 16. Grounds for refusal of grant of permit

(1) The issuer of permits shall refuse to grant a permit, if:

- 1) operation in a specific category of activity or subcategory thereof for which the permit is applied for does not comply with the requirements provided by legislation;
- 2) it may be concluded on the basis of the information presented in the application for a permit that the activities for which the permit is applied for, does not allow compliance with the environmental norms;
- 3) incorrect information has been submitted in the application for a permit.

(2) (Repealed - 19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375)

§ 17. Contents and requirements of permit

(1) A permit shall contain the following information:

- 1) name of the installation, and the category of activity or subcategory thereof for which the permit is granted;
- 2) business name and registry code, or the name and personal identification code of the applicant;
- 3) the precise location of the installation, and geographical co-ordinates thereof, as necessary;

4) the area affected by pollution.

(2) Considering the nature of the operation and the environmental impact created by the operation, the following shall be determined in a permit:

1) emission limit values or equal parameters or technical measures, without setting the requirement for use of some specific equipment or technology;

2) the extent of use of raw materials, chemicals, energy and water, and the measures which, considering the protection of the environment as a whole, ensure the effective use of such resources and, where technical and economic resources permit, the recovery thereof;

3) the maximum allowed quantities for waste generated, including the maximum allowed quantities for waste released into the environment;

4) the measures for prevention or minimising of noise and vibrations;

5) the measures for protection of surface and ground-water, and soil;

6) the measures for prevention of waste generation;

7) the measures for recovery of waste or if this is not economically or technically viable, the measures to be applied for the release of waste into the environment;

8) the requirements for the period of operation of the installation;

9) the measures for prevention of accidents and for mitigating the consequences thereof;

10) organisation of waste and emission monitoring, including the extent of control exercised by an accredited or recognised independent laboratory;

11) organisation of monitoring of environmental impact;

12) the measures to be applied upon the cleaning or breakdown of production equipment or treatment facilities, upon commencing and termination of operation, and upon termination of operation in a given category of activity;

13) the manner and frequency of submission of information to the issuer of permits, and the extent of submitted information;

14) the measures for reducing long-distance or transboundary pollution to a minimum;

15) the results of annual review of the requirements of the permit.

(3) If the environmental quality standards prescribe more stringent requirements than the requirements which can be complied with by using the best available techniques, the permit shall impose an obligation on the operator to apply additional measures which guarantee compliance with the standards.

(4) The requirements established in other legislation for the prevention and minimising of pollution shall also be taken into account upon determination of the requirements specified in subsections (2) and (3) of this section.

(5) Temporary exceptions to the requirements may be made if the measures applied by an operator guarantee compliance with the requirements within six months and if as a result, pollution is reduced.

(6) A permit shall contain information on compliance of the equipment and technology used by an operator with the best available techniques, and on the written propositions and positions of relevant

administrative agencies, and consideration thereof upon making of the decision on the grant of the permit.

(7) The requirements which specify the contents of a permit and standard formats for permits shall be established by a regulation of the Minister of the Environment.

§ 18. Bases for determination of best available techniques

The issuer of permits shall consider the benefits of and expenditure forecast for transition to the use of the best available techniques, the principles of pollution prevention and the following circumstances:

- 1) the use of low-waste technology;
- 2) the use of less hazardous substances;
- 3) the reuse and recovery of substances generated in production, and of waste;
- 4) the use of comparable processes, facilities or methods of operation which have been tried with success in the sector of industry;
- 5) technological advances, scientific achievements and level and potential for development of operator's knowledge and understanding;
- 6) the nature, effects and volume of the emissions concerned;
- 7) the commissioning dates for installation;
- 8) the length of time needed to introduce the best available techniques;
- 9) the consumption and nature of water and raw materials used in the process and their energy efficiency;
- 10) the need to prevent or reduce to a minimum the overall impact of the emissions on the environment and the risks to it;
- 11) the need to prevent accidents and to minimise the related environmental hazard;
- 12) the relevant information published by administrative agencies or by international organisations concerning the best available techniques.

§ 19. Bases for determination of emission limit values

(1) Operators shall, based on emission limit values, comply with environmental norms, reduce to a minimum transboundary pollution and ensure a high level of protection for the environment as a whole by using the best available techniques and taking into consideration the technical characteristics of the installation concerned, its geographical location and local environmental conditions.

(2) Emission limit values shall be determined based on the limit values prescribed by legislation. If an Act provides the minimum and maximum values for an emission limit value, the issuer of permits has the right to select the limit value for specific emissions emitted by a given installation or part thereof from the range between the minimum and maximum values taking into consideration the result which can be achieved by using the best available techniques.

(3) The emission limit values shall apply at the point where the emissions leave the installation. Any dispersion or dilution of emission by other substances or environmental media before discharge into the environment shall be disregarded when determining emission limit values.

(4) With regard to indirect releases into water, the effect of a water treatment plant may be taken into account when determining the emission limit values of the installation involved, provided that

environmental pollution is not increased and the operator complies with the requirements established concerning hazardous substances discharged into the public sewerage system.

§ 20. Substances to be taken into account upon determining emission limit values

(1) Upon determining emission limit values, the issuer of permits shall take into consideration the nature of the substances being discharged into the environment from the pollution source of an installation and the ability of such substances to transfer pollution between the various environmental media.

(2) In the composition of emissions into air, emission limit values for the following substances shall be determined in particular:

- 1) sulphur dioxide and other sulphur compounds;
- 2) oxides of nitrogen and other nitrogen compounds;
- 3) carbon monoxide;
- 4) volatile organic compounds;
- 5) metals and their compounds;
- 6) dust;
- 7) asbestos (suspended particulates, fibres);
- 8) chlorine and its compounds;
- 9) fluorine and its compounds;
- 10) arsenic and its compounds;
- 11) cyanides;
- 12) carcinogenic or mutagenic substances and preparations or substances and preparations which may affect reproduction via the air;
- 13) polychlorinated dibenzodioxins and polychlorinated dibenzofurans.

(3) In the composition of emissions into water, emission limit values for the following substances shall be determined in particular:

- 1) organohalogen compounds and substances which may form such compounds in the aquatic environment;
- 2) organophosphorous compounds;
- 3) organotin compounds;
- 4) carcinogenic or mutagenic substances and preparations or substances and preparations which may affect reproduction in or via the aquatic environment;
- 5) persistent hydrocarbons and persistent and bioaccumulable organic toxic substances;
- 6) cyanides;
- 7) metals and their compounds;
- 8) arsenic and its compounds;

9) biocides and plant health products;

10) materials in suspension;

11) substances which contribute to eutrophication, including in particular, nitrates and phosphates;

12) substances which have an unfavourable influence on the oxygen balance and can be measured using parameters such as biological oxygen demand (BOD), chemical oxygen demand (COD) or other similar parameters.

§ 21. Term of validity of permit

The permit shall be granted for an unspecified term.

§ 22. Review of permit conditions

The issuer of permits shall review the requirements of the permit and perform an on-site inspection of the installation at least once a year. The annual inspection of an installation may be combined with the inspection of the installation by way of environmental supervision.

§ 23. Change in nature or functioning of installation

(1) If an operator has notified the issuer of permits of any implemented or proposed changes in the nature or functioning of an installation which might affect the environment, or the issuer of permits has become aware of such changes in any other manner, the issuer of permits shall immediately determine the nature of the changes.

(2) A change in the nature or functioning of an installation is deemed to be substantial if, in the opinion of the issuer of permits, it may have significant negative effect on human health or the environment.

(3) The issuer of permits shall decide whether or not a change is substantial within twenty one calendar days after the receipt of the information, and shall inform the operator immediately of its decision.

§ 24. Grounds for updating requirements of permit

The requirements of the permit shall be updated if:

1) the norms provided by legislation on which the requirements of the permit are based are changed;

2) the pollution caused by the installation is of such significance that negative effects are caused to the environment of the site of the installation, and the existing emission limit values of the permit need to be revised, or new such values need to be determined;

3) changes in the best available techniques make it possible to significantly reduce emissions or the hazard created thereby without imposing excessive costs;

4) in order to prevent accidents, techniques different from those determined by the permit are required;

5) significant changes in the nature or functioning of an installation have been imposed or are proposed.

§ 25. Procedure for amendment of permit

(1) In the cases where the amendment of a permit is initiated by an operator, the procedure shall be conducted pursuant to §§ 10-14 of this Act.

(2) In the cases where amendment of a permit is initiated by the issuer of permits, the issuer of permits shall inform the operator by post or electronic means of the grounds for updating the conditions of the permit, request submission of the information listed in § 9 of this Act which is necessary for the amendment of the permit, and set a term for submission of the information. Upon determining the term, the issuer of permits shall take into consideration the extent and availability of the information.

(19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375)

(3) If the extent of amendments made to a permit might interfere with effective monitoring of the production of the installation, the issuer of permits may require the operator to apply for a permit where such amendments would be taken into consideration.

(4) In the case of change of operator, the issuer of permits shall make amendments to the information concerning the operator without using the procedure. The issuer of permits shall, within five working days after the receipt of the notice concerning the change of operator, send the corresponding amendment to the permit to the operator, one copy thereof to the city or rural municipality government of the location of the installation and another copy to the Environmental Inspectorate by post or electronic means.

(19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375)

§ 26. Bases for revoking of permit

(1) The issuer of permits shall revoke a permit, if:

1) the operator requests it;

2) the operator has not commenced the activities allowed by the permit within twelve months after the date for commencement of operation specified in the permit and has not submitted an application for the amendment of the date for commencement of operation of the installation;

3) it has become evident that upon application for the permit, the operator has intentionally submitted false information which was of material importance in the decision to grant the permit, or has submitted falsified documentation, or in other cases where upon inspection of compliance with the requirements prescribed by the permit, the issuer of permits or the Environmental Inspectorate has received false information or falsified documentation, or if the term for submission of information has been repeatedly violated;

4) the operator has failed to comply with the requirements of the permit and the operator has been previously punished for the same act;

5) the pollution caused by the installation is of such significance that the threat arising therefrom to the environment, human health or property cannot be prevented without fundamental technological restructuring which requires application for a new permit;

6) the operator is bankrupt or is liquidated as a legal person, and the operation is not continued by another operator.

(2) If a permit has been revoked, the issuer of permits may impose conditions for the aftercare of the installation or its site to the operator in order to prevent any hazards to the environment, human health or property after the termination of the operator's operation.

§ 27. Procedure for revocation of permit

(1) The revocation of a permit is initiated by the operator, the issuer of permits or the Environmental Inspectorate.

(2) In the case where the operator initiates the revocation of a permit, the operator shall submit a corresponding application to the issuer of permits and the issuer of permits shall lay down the conditions for aftercare, and inform the operator thereof within five working days after the making of the decision.

(3) In the case where the issuer of permits or the Environmental Inspectorate initiates the procedure for revocation of a permit, the issuer of permits or the Environmental Inspectorate shall inform the operator thereof within three working days by post or electronic means, and indicate the reasons for initiating the procedure for the revocation of the permit.

(19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375)

(4) The operator has the right to submit objections, explanations or additional documentation to the issuer of permits and require to be heard by the issuer of permits within fourteen calendar days after the receipt of the notice pursuant to subsection (3) of this section.

(5) The issuer of permits shall make the decision to revoke a permit or to terminate the procedure not later than within seven calendar days after the receipt of the explanations and additional information or after the hearing of the operator as specified in subsection (4) of this section.

(6) The issuer of permits shall inform an operator of a decision on revocation of the permit or on termination of the procedure by post or electronic means within three working days as of the date on which the decision is made. The issuer of permits shall send copies of the decision to the city or rural municipality government of the location of the installation, and to the Environmental Inspectorate.

(19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375)

(7) If a permit is revoked, the operator shall return the original copy of the permit to the issuer of permits within fourteen calendar days after the receipt of the relevant decision.

§ 28. Commencement of construction work in installation

(1) In the cases where construction work is necessary for the commencement of an activity for which a permit is required, or for fundamental technological restructuring, the issuer of permits shall take into consideration:

1) the means at the operator's disposal to use the best available techniques;

2) compliance of the proposed activities with the environmental norms;

3) the measures, and evaluation results concerning the environmental impact presented in the environmental memorandum.

(2) The issuer of permits may grant consent to the commencement of construction work in the installation before the grant of a permit. The issuer of permits shall inform the operator and the issuer of a construction licence of its decision by post or electronic means within 21 calendar days as of the receipt of the application for the permit.

(19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375)

(3) Grant of consent to the commencement of construction work does not deprive the issuer of permits of the right to refuse, in the cases prescribed by this Act, to grant a permit.

Chapter 3

Access to information on permits

§ 29. Public notice concerning submission of application for permit

(1) The issuer of permits shall notify the public of the receipt of an application for permit in the official publication *Ametlikud Teadaanded*² at the expense of the applicant within twenty one calendar days after the compliance of the application with the requirements has been verified. Such notice shall contain at least the following information:

- 1) the business name, registry code and seat, or the name, personal identification code and address of the applicant;
- 2) the site of the installation;
- 3) a short description of the activities;
- 4) information on where the application and draft permit may be examined by the public.

(2) In addition to the publication specified in subsection (1) of this section, the issuer of permits may also notify the public of the receipt of an application for a permit in the local newspaper of the location of the installation at the expense of the applicant.

(3) Not later than on the date of receipt of a notice concerning the acceptance of an application for a permit for processing, the operator shall display a notice concerning the submission of the application for a permit at the seat of the planned installation or by the main entrance of an existing installation, and shall guarantee the display of the notice during the time of review of the permit.

(4) Within five working days after the compliance of an application for a permit with the requirements has been verified, the issuer of permits shall display a notice concerning the receipt of the application for a permit at its seat in a place accessible to the public.

(5) The standard format of the notices specified in subsections (3) and (4) of this section shall be established by a regulation of the Minister of the Environment. The Minister of the Environment may establish the obligation that notices concerning applications for permits be made accessible to the public through the Internet.

§ 30. Public notice concerning grant of permit

(1) The issuer of permits shall notify the public of the grant of a permit in the official publication *Ametlikud Teadaanded* within seven calendar days after the grant of the permit. A notice concerning the grant of a permit shall contain at least the information specified in subsection 29 (1) of this Act.

(19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375)

(2) If the issuer of permits has published a notice concerning the submission of an application for a permit in the local newspaper of the seat of the installation, a notice concerning the grant of the permit shall also be published in the same newspaper at the expense of the applicant.

(3) The Minister of the Environment may establish the obligation that notices concerning the grant of permits be made accessible to the public through the Internet.

§ 31. Accessibility of information

(1) Applications for permits, draft permits, permits, environmental monitoring results in the possession of administrative agencies assigned by permits and inspection results concerning compliance with the requirements of permits are public.

(2) Information concerning the building design or activities of an installation, composition or use of certain raw materials, chemicals or other materials or products may be made confidential if such information is submitted as a separate part of the application and is clearly marked with the word "*Ärisaladus*" [business secret]. Information bearing such notice may be made public by the issuer of permits with the consent of the applicant unless otherwise provided by law.

§ 32. Positions of public

(1) Everyone has the right to make written propositions to the issuer of permits concerning an application for a permit before a draft permit is forwarded to the operator for an opinion.

(2) In order to enable persons who have an interest in the grant of a permit to examine the draft permit and submit any relevant propositions during the period specified in subsection 14 (5) of this Act, the issuer of permits shall inform such persons, at their request, of the handing over of the draft permit to the applicant for the permit.

(3) A written opinion or proposition shall contain, at least, the name and address of the person who submitted it, and the reasoning for such opinion or proposition.

§ 32¹. Public session

The issuer of permits shall hold a public session at the request of an applicant for the permit or of an interested person or at its own initiative if this is necessary for the just adjudication of the matter.

(19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375)

§ 33. (Repealed - 05.11.2003 entered into force 01.12.2003 - RT I 2003, 73, 486)

Chapter 4

Duties of Operator

§ 34. Duty to preserve documentation and submit information

(1) An operator shall preserve all documents and information belonging to the operator concerning the application for a permit, grant of the permit, monitoring prescribed by the permit and inspection of compliance with the requirements within the term of validity and at least five years after the revocation of the permit. The documents shall be made accessible at the request of the issuer of permits or the Environmental Inspectorate.

(2) An operator shall provide the issuer of permits with information:

1) obtained in the process of monitoring prescribed by the permit, in compliance with the requirements of the permit;

2) concerning each accident which has a significant impact on the environment or human health, which shall be forwarded immediately;

3) concerning every change in the nature or functioning of an installation which might affect the environment;

4) concerning the proposed change of operator.

(3) Any technological restructuring may be implemented only after the issuer of permits has informed the operator in writing that amendment of the requirements of the permit is not required for implementation thereof or if the requirements have already been amended.

(4) An operator is required, at the request of the issuer of permits or the environmental inspector, to:

1) provide all assistance to state environmental inspectors inspecting the installation, provide access to the points where the taking of samples and monitoring prescribed by the permit is carried out, and enable them to collect information concerning the performance of the duties provided for in this Act;

2) submit the information necessary for the grant, amendment or revocation of a permit to the issuer of permits, and upon inspection of the installation for verification of compliance with the requirements of the permit, provide the issuer of permits with all assistance.

§ 35. Duty to liquidate generated pollution

(1) If pollution has been emitted by an installation for the use of which a permit has been granted or for the operation of which a permit is required pursuant to this Act or legislation established on the basis thereof, the operator shall, within the limits of its technical or economic possibilities, immediately liquidate the pollution, regardless of whether or not pollution was intentional or was caused by negligence.

(2) If an operator fails to perform its duty to liquidate pollution, the Environmental Inspectorate shall organise the liquidation pursuant to the procedure provided for in the Substitutive Enforcement and Penalty Payment Act (RT I 2001, 50, 283; 94, 580).

Chapter 5

Supervision and Liability

§ 36. Supervision

(1) The Environmental Inspectorate shall inspect the compliance of installations and their activities with the requirements established by permits at least once a year.

(2) The Environmental Inspectorate shall forward the inspection results to the issuer of permits and corresponding operator within fourteen calendar days after the inspection.

(05.11.2003 jõust. 01.12.2003 - RT I 2003, 73, 486)

§ 37. Violation of duties imposed or requirements established by permit

A legal person who operates without a permit in a category of activity for which a permit is required, or violates the requirements of a permit shall be punished by a fine of up to 50 000 kroons.

§ 38. Proceedings

(1) The provisions of the General Part of the Penal Code (RT I 2001, 61, 364; 2002, 86, 504; 105, 612; 2003, 4, 22) and of the Code of Misdemeanour Procedure apply to the misdemeanours provided for in § 37 of this Act.

(2) The Environmental Inspectorate shall conduct extra-judicial proceedings in the matters of the misdemeanours provided for in § 37 of this Act.

Chapter 6

Implementing Provisions

§ 39. Existing installations

(1) "Existing installation" means an installation in operation or an installation whose operator holds all relevant activity and environmental licences in compliance with the legislation existing before this Act enters into force, provided that such installation is put into operation not later than one year after the date on which this Act enters into force.

(2) The operator of an existing installation shall submit an application to the issuer of permits not later than by the term established by a regulation of the Government of the Republic. The period of time between the entry into force of this Act and the term for submission of the applications shall not be less than one year.

(3) An operator shall make inquiries to the issuer of permits to clarify whether or not the operator needs to submit an application, or in order to find out the term for submission of an application.

(4) Upon failure to perform the duty specified in subsection (2) of this section, the operation of an installation shall be suspended pursuant to the procedure provided for in the Environmental Supervision Act (RT I 2001, 56, 337; 2002, 61, 375; 99, 579; 110, 653).

(5) If the issuer of permits establishes that the best available techniques are not used in an installation at the time of submission of an application, the operator shall be required, in addition to the performance of the duties provided for in § 17 of this Act, to prepare a plan for technological restructuring for the implementation of the best available techniques. The plan shall also contain measures for compliance with the legislation specified in subsection 9 (3) of this Act. The issuer of permits shall either approve the plan and determine emission limit values on the basis thereof and terms for the application of measures for each calendar year, or shall return the plan for the making of corrections. As a result of application of the measures provided for in the action plan, an installation shall operate in compliance with the requirements of the best available techniques at the latest by 30 October 2007.

(6) An operator shall submit the plan for technological restructuring specified in subsection (5) of this section to the issuer of permits together with an application for a permit.

(7) If technological restructuring cannot be completed by the term specified in subsection (5) of this section due to economical or technical reasons, the operator shall submit an application for a permit to the Minister of the Environment who shall decide on the grant thereof pursuant to the procedure provided for in this Act. In such case, a permit shall contain a plan for technological restructuring. The issuer of permits shall monitor the activities of an operator in the implementation of the plan for technological restructuring.

§ 40. Implementation of Act

Sections 37 and 38 of this Act enter into force on 1 January 2003.

§ 41. Chapter 7 of the State Fees Act (RT I 1997, 80, 1344; 2001, 55, 331; 56, 332; 64, 367; 65, 377; 85, 512; 88, 531; 91, 543; 93, 565; 2002, 1, 1; 9, 45; 13, 78; 79; 81; 18, 97; 23, 131; 24, 135; 27, 151; 153; 30, 178; 35, 214; 44, 281; 47, 297; 51, 316; 57, 358; 58, 361; 61, 375; 62, 377; 82, 477; 90, 519; 102, 599; 105, 610; 2003, 4, 20; 13, 68; 15, 84; 85; 20, 118; 21, 128; 23, 146; 25, 153; 154; 26, 156; 160; 51, 352; 66, 449; 68, 461; 71, 471) is amended by adding Division 17¹ worded as follows:

“Division 17¹

Acts Performed on Basis of Integrated Pollution Prevention and Control Act

§ 183². Grant and review of integrated environmental permits

(1) A state fee of 50 000 kroons shall be paid for the verification of the compliance of a primary application for an integrated environmental permit with the requirements, and for the further processing of the application.

(2) A state fee of 5000 kroons shall be paid for the annual review of the requirements of an application for an integrated environmental permit.”

§ 42. Entry into force of Act

This Act enters into force on 1 May 2002.

¹ RT = *Riigi Teataja* = *State Gazette*

² *Ametlikud Teadaanded* = *Official Notices*

