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Approved with Regulation No 63 of the Minister of Environment (24 December 1996)

Procedure for issue and revocation of special water use permits

1. GENERAL REQUIREMENTS AND APPLICATION FOR A WATER PERMIT FOR WATER INTAKE AND DISCHARGE OF WASTE WATER INTO RECIPIENT WATER BODY

1. A special water use permit (hereinafter water permit) grants the right for the special use of water and determines the allowed volume, conditions and procedure for water use and the rights and obligations of the water user.

2. A water permit is issued by the county government of the location of the water body, water intake or recipient water body, or an agency appointed by the Minister of Environment, on the basis of a written application by the water user. The issuer of a water permit is specified by Regulation No 47 of the Minister of Environment (9 October 1996) (RTL 1996, 125, 640).

3. A water permit shall be applied for an held pursuant to Subsection 8 (2) of the Water Act:

1) for water and intake from a surface water body in a volume of more than 30 m³ per 24 hours;

2) for ground water intake in a volume of more than 5 m³ per 24 hours;

3) for mineral water intake in any volume;

4) for discharging waste water and water polluters into a recipient water body;

5) for blocking, damming or unblocking a water body;

6) for mining solid substances from a surface water body in a manner that influences the condition or flow of the water body;

7) for sinking solid substances in a water body;

8) for adding to, unblocking or re-routing ground water;

9) for using water in a manner that alters the physical or chemical properties of water or the biological properties of the water body (erection of buildings, servicing and loading of ships, deepening or cleaning surface water bodies, mining natural resources and other activities which alter the natural condition of the water body or the ground and surface water regime).

4. An applicant for a water permit shall submit the following data to the issuer of the water permit:

1) the name, address, company registration number or personal identification code of the applicant;

2) the position, name, and phone number of the person responsible for the use and protection of water;

3) the purpose of water use, description of activity (all processes of technology applied), and the time period for which the permit is applied for;

4) information on the environmentally hazardous and toxic substances used in production;

5) information on water intake:

water consumption by water intake facility and layer (m³ per year, quarter, 24 h);

name of water body, exact location of water intake point, name of ground water layer in case of ground water intake, name of land plot and description of its location;

description of water intake facility and equipment, borehole passport or copy thereof (depth of borehole, pump output);

method and means of determining the quantity of water used;

a comparative assessment of the qualities of water used and water needed, description of treatment of water;

6) information on water discharge:

legally or technologically justified quantity of waste water formation, including drainage and rain water quantity;

actual waste water quantity;

variations of waste water quantity in time, waste water description and pollutants content, information on waste water and hazardous substances produced by the plant which are directed to sewerage prior to treatment and which are resistant to general treatment;

description of waste water treatment (type of treatment, scheme, type of equipment, capacity, follow-up treatment, planned and actual effectiveness of treatment process);

description of cesspools and ponds;

name, description and location of receiving water body. Ground water protection in that location if recipient is the ground;

quantity of waste water discharged to the recipient (m³ per year, quarter, 24 h), pollutant content and quantities;

method of determining pollution level, measurement tools, pollutants checked in waste water, sampling points, place of analysis and communication of analysis results to the water permit issuer;

7) information on sludge and its handling;

8) the existing environmental condition and the potential environmental effect of special water use;

9) graphic materials:

location plan (scale at least 1:10,000);

area maps containing water intake facilities with sanitary protection areas, waste water discharge points and places of using the water bodies that the planned activity may have an effect on);

scheme of the technological distribution of water and the formation and discharge of waste water, and aqueduct location schemes.

5. Prior to submission of the application, the applicant shall consult with the issuer of the license on the necessary information. At the consultation, a decision is made on the need for environmental expertise or audit. Acceptable application materials need not be submitted repeatedly.

6. An application for a water permit shall be submitted to the local government for an opinion. After disclosure of the water permit application, the local government shall grant to the issuer its written consent to the special use of water.

7. If special use of water concerns another person's land or water body, the applicant shall submit the consent of or an agreement made with the owner of the land or the water body. An applicant need not submit same if:

1) the applicant is an establishment which organises water supply and sewerage for a rural municipality or city, and owned or possessed an operating domestic water intake facility from a water course or stagnant water body on 29 February 1996 when the Water Act Amendment and Addition Act entered into force;

2) the special use of water is applied for in a state-owned water body or plot of land.

8. The application materials shall be submitted to the issuer in due time in three copies, including the copy submitted to the local government with the local government's approval. The issuer checks the conformity of the application with requirements and registers the applications accepted for processing by entering an appropriate note in the application.

9. An application which is not accepted shall be returned within two weeks together with a written reference to the shortcomings and reasons for rejection. Where no water permit is required, the issuer shall maintain the application material for information.

10. Where an application is submitted for the special use of water from a surface water body or a verified ground water reserve which is divided between several counties, the application shall be sent to the issuers of water permits in these counties.

11. An application for mineral water intake shall be submitted together with the opinions of the county government and local government to the Ministry of Environment.

12. All persons may submit their written opinions to the local government and the issuer of water permit, or to demand to be heard within two weeks from disclosure of the application for a water permit or from receipt of a written notice.

II. ISSUE OF WATER PERMIT

13. A written decision on the issue or refusal to issue a water permit shall be provided for the applicant within two months of the date of acceptance of the application for processing.

14. The issuer of a water permit may require additional information and explanations to specify issues which have arisen during processing of the application. The issuer of the permit or the Minister of Environment may demand the performance of environmental expertise or audit at the applicant's expense prior to the issue of a permit.

15. If the procedure for issue of a water permit lasts more than two months and the existing water permit expires before that, the existing water permit shall be renewed, on the basis of a justified request, until the issue of a new permit.

16. The issuer of a water permit shall decide on the issue of a water permit on the basis of:

- 1) the information submitted together with the application;
- 2) the legal acts regulating the use and protection of water;
- 3) the environmental effects of the activity;
- 4) government information concerning the environment;
- 5) opinions submitted on the application;
- 6) the results of environmental expertise or audit;
- 7) the planned water use and protection measures.

17. The issuer of a water permit shall assess the existing environmental condition and the potential environmental effect of the planned activity.

18. The verified ground water resource shall be taken into account when issuing a permit for ground water intake. Where no verified ground water reserve exists, the issuer of the water permit shall acquire an opinion on the Cambrian-Vendian, Ordovician-Cambrian, Silurian and Devonian-Silurian ground water complex, and where necessary, other water complexes, from the Estonian Geology Centre.

19. When issuing permits for discharging water from cities, settlements and single objects, it must be taken into account that such waste water must be subjected to at least biological treatment or other treatment of equivalent effectiveness with regard to the main pollution indicators (BHT7, suspension, total phosphorus, total nitrogen), and that measures must be taken to significantly reduce the nutrient content of waste water (phosphorus and nitrogen compounds). Requirements for discharging waste water into water bodies and into the ground have been established by the Government of the Republic.

20. Where a settlement or single object lacks a water treatment plant and the quantities of pollutants discharged into the recipient therefore exceed the rates ensuring environmental protection, an applicant for a permit must also submit a timed action plan of environmental protection measures, indicating the stages of gradual reduction of the content of pollutants in waste water to the established norm.

21. A water permit shall not be issued in cases prescribed in Subsection 9 (7).

22. Where the usable water resource is limited, the possibility is considered of using water via the common waterworks and sewerage, while ensuring, in the first order, water supply for inhabitants, health care, care and educational establishments and the food industry.

23. A water permit is usually issued for a term of five years. The term of a water permit shall be less than five years:

- 1) if this is requested by the water user;
- 2) if changes are foreseen in the activity of the water user or in the water supply and sewerage system;
- 3) in other cases justified with a view to water protection.

24. The following information shall be entered in a water permit:

- 1) name of the issuing establishment and the title, name and signature of the issuer;
- 2) the number, date of issue and term of the permit;
- 3) the name of the person for whom the permit is issued;

- 4) the date and registration number of application;
- 5) the exact location of water intake;
- 6) the exact location of waste water recipient;
- 7) the method and degree of waste water treatment.

25. A water permit shall establish:

- 1) the authorised water intake quantities by water intake facility and water layer (m³ per year, quarter, 24 h, and maximum authorised flow ((m³ per second)) where necessary);
- 2) the conditions and procedure for determining water intake quantity and keeping water records, the frequency of quality checks of ground water, the frequency and methods for measuring ground water level, and the procedure for communicating the respective information to the issuer of the permit;
- 3) the maximum allowed pollutant content in discharged waste water (mg/ l);
- 4) the allowed quantities of pollutants introduced to the environment in each outlet and for each checked pollutant (tonnes per year, quarter, and kg per 24 h where necessary);
- 5) waste water monitoring obligation, i.e. the method and conditions for determining the quantities of pollutants introduced to the environment, and the procedure for keeping registers and communicating information to the issuer of the water permit;
- 6) the obligations of the person who receives the permit upon introduction to the environment of gas products, hazardous and harmful substances or waste water pollutants in quantities which exceed the ordinary levels, or if danger therefor arises;
- 7) measures designated to meet water protection requirements, the deadlines for their performance and long-term requirements.

26. Where waste water containing hazardous substances is discharged into the sewerage, the water permit shall specify the obligation of the water user or sewerage administrator to check the compliance with norms of industrial waste water or other waste water containing hazardous substances, and the obligation to treat such waste water prior to its mingling with industrial and domestic waste water which does not require treatment.

27. Where the activity of the water user effects the properties of surface or ground water, or damages the quality of water or the condition of ground water, the water permit shall provide a programme for the water user's surveillance of the water condition in the area where activities which are harmful to the water are carried out, and for communication of information.

28. When establishing water permit conditions for new and reconstructed objects, the state-of-the-art technology principles (RT II 1995, 11/12, 57) shall be taken into account and it shall be ensured that the quantities of water intake and pollutants discharged into the recipient are minimum.

29. When establishing the maximum allowed contents of pollutants, it must be taken into account that only negligible quantities of pollutants may be discharged, either directly or indirectly, into the Baltic Sea. When establishing the maximum allowed contents of pollutants, the recipient water body and the type of its use shall be taken into account.

30. When establishing the conditions and procedure for waste water monitoring and calculation of pollution level, the following principles shall be adhered to:

1) in waste water with uniform flow rate and pollutant content, average residual pollution is determined by single sample;

2) in waste water with uniform flow rate and varying pollutant content, average residual pollution is determined by time averaged sample;

3) in waste water with varying flow rate and varying pollutant content, average residual pollution is determined by flow-proportional or time averaged samples;

4) installation of a flow meter and automatic sampler is required where water flow rate exceeds 5000 m³ per 24 h;

5) the minimum sampling frequency is once a quarter. Where the waste water flow rate exceeds 1000 m³ per 24 h, analyses must be made at least once a month. If the discharger of pollutants continues to adhere to the requirements specified in the permit, sampling frequency may be lower;

6) a lower sampling frequency may be specified for waste water discharge places where the flow rate is less than 30 m³ per 24 h, or where biological ponds exist;

7) to determine the content of pollutants whose quantity is specified in the water permit, such analyses shall be made, pursuant to the established procedure, in an approved or accredited laboratory which has achieved positive results in comparison tests;

8) to check compliance with the norms established with the water permit, the analysis results serving as the basis for calculation of pollution level shall be made available to the issuer of the water permit;

9) the pollutant content of waste water taken out of cesspools may be assessed on the basis of expert opinion or waste water pollution indicators;

10) the conditions and procedure for monitoring, as established by the water permit, shall ensure the possibility of calculating pollution level and checking compliance with the requirements established for the water user.

31. The computer programme of the Ministry of Environment shall be used for preparation and printing of water permits. A water permit shall be prepared in three copies, one of which is given to the applicant, one to the local government, and one to the issuer of the permit. The receipt of a water permit is recorded by the date and signature of the receiver.

32. The information in the water permit issued shall be entered in the government database by using the computer programme of the Ministry of Environment.

33. A water permit shall be maintained together with the application materials and the documents collected during processing.

34. In case of disputes and issues not regulated by this procedure, the applicant and the issuer of the water permit may submit a complaint or application to the Ministry of Environment.

35. The receiver of the above complaint or application shall review same and reply to the submitter in writing within 15 calendar days after the date of receipt of the complaint or application.

36. Anybody may file a suit concerning the written decision on the issue or refusal to issue a water permit pursuant to procedure provided by the Code of Administrative Procedure. Where a written opinion of the Minister of Environment exists, it will be enclosed with the suit.

III. ISSUE OF WATER PERMITS IN SPECIAL CASES

37. Granting permission to block water bodies shall be based on Regulation No 169 of the Government of the Republic (7 April 1995) and this procedure.

38. A special water permit is required for fish breeding establishments with additional feeding, where the annual increase of fish in the sea (in corfs), water bodies or ponds is two tonnes or more. The necessity of a water permit in fish breeding establishments with no additional feeding shall be decided by the issuer of the water permit.

39. An application for a water permit for a fish breeding establishment shall contain the following information:

1) the feed used and its characteristics (dry matter, protein, fat, carbohydrate, total energy and metabolising energy content);

2) feeding quantities;

3) feed consumption per unit of growth (feed coefficient);

- 4) the quantities of chemicals (including corf dyes) and pharmaceuticals used;
- 5) where demanded by the issuer of the water permit, the quantities of water used (m³ per year, quarter, 24 h), and the maximum allowed flow (m³ per second) where required;
- 6) other information that the issuer of the water permit considers necessary.

40. A water permit for a fish breeding establishment shall establish:

- 1) the maximum feeding quantity;
- 2) the maximum phosphorus (not exceeding 1% dry weight) and nitrogen (not exceeding 8% dry weight) content of feed;
- 3) the maximum quantity of water used (required where ground water is used and where surface water is used in a quantity exceeding 30 m³ per 24 h);
- 4) the allowed environmental effect of fish breeding and requirements concerning environmental monitoring.

41. To assess the effect of fish breeding in water courses and ponds, the water permit shall contain the obligation to determine the total phosphorus, total nitrogen and oxygen content and BHT7 in the waste water outlet point and the mingled section of the water course. The frequency of analyses shall be established by the issuer of the permit, but analyses shall be performed at least four times a year.

A water permit for a fish breeding establishment using corfs shall contain the obligation of the permit holder to determine, at least once a year, the specie composition, numbers and biomass of the bottom fauna under the corfs.

42. In other fields of activity requiring a special water permit, the water permit shall be issued taking into account the peculiarity of the situation and this procedure. Special attention must be paid to the existing environmental condition and potential changes in it, by establishing with the water permit the maximum limits of change and their monitoring conditions and procedure.

43. In a construction or emergency situation, temporary exceeding of norms is allowed in order to prevent more extensive damage. The local government shall be immediately notified thereof and a temporary water permit shall be requested from the county government. The rescue service shall be notified of any environmental pollution hazards.

REVOCATION OF A WATER PERMIT

44. Where the Water Act or other legal acts regulating the use and protection of water have been ignored in the issue of a water permit, such water permit shall be declared invalid by the county governor.

45. Upon declaring invalid a water permit, the county governor shall grant to the issuer of the water permit a deadline of ten days to revoke the existing water permit and simultaneously issue a correct water permit, if this is possible.

46. Where the water user has not complied with the Water Act or other legal acts regulating the use and protection of water, the issuer of the water permit may revoke the water permit with its decision when incorrect or misleading data is identified to have been submitted upon application for the water permit or an order of a surveillance agency has not been complied with.

47. A decision revoking a water permit shall be made in writing and shall contain:

- 1) the name and address of the establishment which prepared the decision;
- 2) the name and position of the official who made the decision;
- 3) the date of the decision;
- 4) the number and date of issue of the water permit being revoked;
- 5) the name and address of the holder of the water permit being revoked;
- 6) the circumstances of revocation with reference to provisions of legal acts;
- 7) a decision to revoke a water permit or part thereof;
- 8) the signature of the officer who made the decision.

48. A water permit covering several water intakes use shall be revoked only concerning the part which conflicts legal provisions or where violations have occurred.

49. A copy of the decision to revoke a water permit shall be delivered to the water user against signature by recording the date of delivery.

50. A revoked water permit shall be withdrawn from the water user. Where a water permit is revoked in part and it is not reasonable to formalise a new permit, amendments shall be made simultaneously to all copies of the water permit and confirmed with a dated signature of the issuer of the water permit.

51. An appeal concerning a decision to revoke a water permit may be filed with a court pursuant to procedure provided in the Code of Administrative Procedure.