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INTEGRATED POLLUTION PREVENTION AND CONTROL ACT

Adopted Oct.10, 2001

Chapter 1 GENERAL PROVISIONS

§ 1. Scope of Application of Act

This Act shall define activities having environmental risk and provide the basis for integrated pollution prevention and control to prevent or to reduce harmful impact on the environment resulting from the human activity.

§ 2. Pollution and emission

(1) Pollution shall mean the direct or indirect introduction as a result of human activity, of substances, vibrations, heat or noise into the air, water or land 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 shall mean the direct or indirect release of substances, vibrations, heat or noise from a pollution source in the installation into the air, water or land.

§ 3. Installation and Operator

(1) Installation shall mean a stationary technical unit, where production is carried out in activities requiring an integrated permit or which have a technical connection with the activities carried out on that site and which could have an effect on emissions and pollution.

(2) Operator shall mean any natural or legal person who operates the installation or to whom the decisive power over the functioning of the installation has been delegated.

§ 4. Best available technique

(1) Best available technique shall mean the most effective and advanced stage in the development of activities and their methods of operation. It indicates the practical suitability of particular techniques for providing in principle the basis for emission limit values designed to prevent and, where that is not practicable, generally to reduce emissions and the impact on the environment as a whole.

(2) In the context of the best available technique:

1) *technique* - shall mean both the technology used and the way in which the installation is designed, built, maintained, operated and decommissioned;

2) *available techniques* - shall mean modern techniques that are reasonably accessible to the operator (regardless of the country they are used or produced) which allows the best implementation of environmental requirements in the relevant industrial sector under economically and technically viable conditions, taking into account the costs and advantages;

3) *best* - shall mean most effective in achieving a high general level of protection of the environment as a whole.

§ 5. Emission limit values

Emission limit values shall mean the mass, concentration or level of an emission, expressed in terms of certain specific parameters, 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 *integrated permit*) is a document giving the right to use an installation or part of it in a way that ensures that the activities or sub-activities listed in this act have the least possible harmful effect to the environment. The conditions provided by the integrated permit shall ensure protection of water, air and soil and treatment of waste generated in the installation, in the way to prevent pollution transfer from one environmental element (water, air, soil) to another.

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

§ 7. Obligation to obtain an integrated permit

(1) An operator shall not operate without an integrated permit in activities where an integrated permit is required pursuant to this Act.

(2) If at least one of the activities in the installation that requires an integrated permit exceed the threshold capacity established in paragraph 4 of this section, an integrated permit is necessary to operate the installation as a whole. In this case an integrated permit shall replace the permits provided by the Water Act (RT I 1994, 40, 655; 1996, 13, 241; 1998, 2, 47; 61, 987; 1999, 10, 155; 54, 583; 95, 843; 2001, 7, 19; 42, 234; 50, 283), the Waste Act (RT I 1998, 57, 861; 88, correction notice; 1999, 10, 155; 23, 353; 95, 843; 2001, 16, 72; 43, 239; 50, 283; 56, 340) and the Ambient Air Protection Act (RT I 1998, 41/42, 624; 1999, 10, 155; 95, 843; 2001, 50, 283).

(3) An integrated permit is required for the below-listed activities:

- 1) production of electricity, heat, fuel and coke;
- 2) refining of liquid and gaseous fuel and carbonisation of solid fuel;
- 3) production and processing of metals;
- 4) processing of mineral materials;
- 5) chemical industry;
- 6) waste management;
- 7) pulp, paper, textile industry, and tanning;
- 8) food industry;
- 9) animal rearing;
- 10) surface treatment and finishing using organic solvents;
- 11) production of plywood and fibre board;
- 12) production of carbon (hard-burnt coal) and electrographite by means of incineration or graphifization;
- 13) disposal or recycling of animal carcasses and animal waste.

(4) The Government of the Republic shall establish sub-activities and threshold capacities in the frames of activities mentioned in paragraph 3 of this section by a regulation. An

integrated permit is not required from operators if the activity is not subject to an integrated permit or the capacities do not exceed a threshold capacity.

(5) If an Operator operates in the same installation or on the same site in several activities listed in paragraph 3 of this section, volumes, capacities or amounts shall be summarised when deciding whether an integrated permit is compulsory or not.

(6) An integrated permit can also be issued, based on an application from an Operator, to an installation, which pursuant to this Act is not subject to an integrated permit.

(7) An integrated permit is not required from operators doing research or working out or experimenting new products or technological processes, if their scope of activities is so small that it has no significant impact on the environment.

§ 8. Issuer of an integrated permit

An integrated permit shall be issued by the County Environmental Department of Ministry of Environment of the Operator's location (hereinafter *The Issuer of the Permit*).

§ 9. Application for a permit

(1) A dated and signed permit application shall be submitted to the Issuer of the Permit. The application sheet defines the scope of the application and the way the applicant wants to receive the decision (ordinary or registered mail). The following data shall be in the annex of the application:

- 1) business name or name of the applicant, register code and location and contact data or name, personal identification code and address and contact data;
- 2) installation location and its grid reference;
- 3) description of the installation and its activities;
- 4) expected commencement and completion of building or reconstruction work;
- 5) expected commencement of the operation in a new or reconstructed installation;
- 6) description of a management system worked out to control the activities in the installation, use of raw materials, emissions, and prevention of accidents;
- 7) technical possibilities in the installation compared with best available technique, including an overview of measures to minimise the use of raw materials, water and energy, to prevent waste generation and to recycle waste. If BAT is not applied at once, a compliance schedule explaining how and when this will be done, shall be included (in the application);
- 8) use of raw materials, water, chemicals and auxiliary materials, including cleaning agents;
- 9) the type and amount of energy used or produced by the installation;
- 10) sources of waste and emissions at the installation;
- 11) waste types, amounts and hazardousness and foreseeable measures to minimise waste generation, recycle or dispose waste;
- 12) the proposed techniques to prevent or reduce emissions;
- 13) measures planned to monitor production, waste and emission generation;
- 14) the area affected by the pollution;
- 15) measures planned to monitor the environmental impact of emissions;
- 16) measures to prevent accidents resulting in damage to man, property or the environment and measures planned to minimise the consequences of accidents, if an

applicant has no obligation to enclose this information in the application pursuant to paragraph 3 of this section;

17) measures taken in cleaning, in cases of malfunctions of production or abatement equipment, in commencing and finishing an operation and in decommissioning the installation;

18) measures to prevent or minimise the environmental impact after closing the installation and remedial and aftercare activities.

(2) A document asserting the payment of state fee shall be enclosed to the application of an integrated permit.

(3) The following shall be added to the permit application:

1) environmental memorandum and environmental impact assessment statement as required by and in cases described in the Environmental Impact Assessment and Environmental Auditing Act (RT I 2000, 54, 348);

2) in cases of major-accident hazard enterprises an information established in § 11 paragraph 4 subparagraphs 1 and 2 of the Chemicals Act (RT I 1998, 47, 697; 1999, 45, 512).

(4) The annex forms for permit application and guidelines to fill them in shall be established by a regulation of the Minister of Environment.

(5) The Minister of Environment can establish additional requirements for permit applications in some spheres.

§ 10. Submitting the application for an integrated permit

The permit application shall be submitted to the Issuer of the Permit in three copies. After processing the permit application, the Issuer of the Permit will have one copy of the application, the second copy will be returned to the applicant. The Issuer of the Permit shall submit the third copy of the integrated permit application to the city or rural municipal government of the applicant's location after the application has been confirmed.

§ 11. Accepting the permit application

(1) The Issuer of the Permit shall register the permit application immediately after receiving it.

(2) The Issuer of the Permit shall within 21 days check the compliance of the permit application with the legal requirements.

(3) If the application does not contain all data required by this Act or other legal acts based on this Act, the Issuer of the Permit shall return the application, indicating in written form the shortcomings and establishing a deadline for eliminating these shortcomings. When setting the deadline the Issuer of the Permit shall take into account the nature of the shortcomings and availability of the information.

(4) If the application has no shortcomings, the Issuer of the Permit shall start processing it and informs the applicant about it. If the applicant, within 21 days, has not been informed about the compliance of the application or the application has not been returned, the application shall be considered complete.

§ 12. Obligations of a local municipality in processing the application

The rural municipality or city government of the Installation's location of operation shall within a month from receiving a copy of the application send the Issuer of the Permit a written statement. If the rural municipality or city government has not given a written statement to the Issuer of the Permit within a month from receiving the application its inactivity is considered as approval.

§ 13. Applying for a permit for production with transboundary effect

If the activity of an installation can significantly harm the environment of another country or an integrated permit is demanded by a country that claims that the production can substantially harm its environment, the Issuer of the Permit shall forward the application to the competent authority and the public of the relevant country to involve them in the permit issuing process. When doing so, he shall follow the procedure in accordance with international agreements adopted by Estonia.

§ 14. Procedure of permitting

- (1) The Issuer of the Permit shall make a decision on issuing a permit within 120 days from the date of taking the application into procedure..
- (2) If more time is needed due to the fact that the activity or installation is large or technically complicated, the Issuer of the Permit can extend the deadline set in paragraph 1 of this section, but not more than one year from the date of taking the application into procedure. The Applicant shall be notified about the extension of the deadline, its reasons and a new deadline for making the decision.
- (3) If processing the application reveals that more information is needed, the Issuer of the Permit shall inform the applicant and make a suggestion to submit the information. The applicant bears the costs of submitting additional information.
- (4) The time spent on processing the application shall be extended by the time period used for submitting additional information.
- (5) The draft permit or draft decision on refusal to issue a permit shall be submitted to the applicant for his opinion. The applicant can submit his opinion within 14 days after receiving the draft.

§ 15. Issue of integrated permits

- (1) The decision to issue an integrated permit shall take into account the nature of activity and geographical location of the installation the integrated permit application is based on and principles of pollution prevention. The decision shall be based on:
 - 1) the information given in the application;
 - 2) the data collected during processing the application;
 - 3) the information obtained during assessing the environmental impact of the activity;
 - 4) the information and opinions given in the process of making the application available to the public;
 - 5) requirements established in legal acts;
 - 6) the best available technique.
- (2) An integrated permit is drawn up in two copies, one copy shall be retained by the Issuer of the Permit and the second copy by the Operator.

§ 16. Basis for refusal to issue an integrated permit

- (1) The Issuer of the Permit shall refuse to issue an integrated permit if:
 - 1) the operation in the specific activity or sub-activity that is applied for is not in compliance with the requirements in legal acts;

- 2) it can be concluded, based on the data given in the application, that the activity the integrated permit is applied for does not allow to meet environmental standards;
 - 3) false data was provided in the integrated permit application.
- (2) The decision to refuse to issue an integrated permit shall contain an explanation for refusal and a reference should be given to a relevant legal norm the decision is based on.

§ 17. Contents and conditions of an integrated permit

- (1) An integrated permit shall include the following data:
- 1) name of installation and activity or sub-activity for that a permit is issued;
 - 2) business name of the operator and register code or name and personal identification code;
 - 3) exact location of the installation, if relevant with geographical co-ordinates;
 - 4) area affected by the pollution.
- (2) The integrated permit shall, taking into account the nature of activity and its environmental impact, define:
- 1) emission limit values or equivalent parameters or technical measures without prescribing the use of specific equipment or technology;
 - 2) volumes for the use of raw materials, chemicals, energy and water and measures that considering the protection of the environment as a whole shall ensure efficient use of these resources and where it is technically and economically feasible, also recycling;
 - 3) amount of permitted waste generation, including the permitted amount of disposed waste;
 - 4) measures to avoid or reduce noise and vibration;
 - 5) measures to protect surface and ground water and soil;
 - 6) measures to avoid waste generation;
 - 7) measures for waste recycling and where it is technically and economically not feasible, measures implemented for waste disposal;
 - 8) requirements concerning operation time;
 - 9) measures to prevent accidents and alleviating its consequences;
 - 10) organisation of waste and emission monitoring, including the extent of control from an independent accredited or acknowledged laboratory;
 - 11) organisation of environmental impact monitoring;
 - 12) measures to be taken during cleaning or in case of malfunctions of production or abatement equipment, commencing and finishing the activity;
 - 13) way, frequency and extent of reporting data on the installation to the Issuer of the Permit;
 - 14) measures to minimise long distance and transboundary pollution;
 - 15) results of annual review of permit conditions.
- (3) If environmental quality standards set stricter conditions that can be achieved by using the best available technique, the integrated permit establishes Operator's responsibility to implement additional measures guaranteeing the fulfilment of these standards.
- (4) While setting conditions in the integrated permit, mentioned in paragraphs 2 and 3 of this section, also requirements in other legal acts on pollution prevention and reduction shall be taken into account.
- (5) An integrated permit may contain temporary derogation from the permit conditions, if the measures taken by the Operator guarantee the compliance with the requirements in six months and the measures leads to a reduction of pollution.

(6) An integrated permit shall have data on the compliance of the equipment and technology used by the Operator with the best available technique and written suggestions and opinions of concerned authorities and how they were taken into account in decision making.

(7) The Minister of Environment by a regulation shall establish specified requirements for the contents of an integrated permit and the template for an integrated permit.

§ 18. Basis for determining the best available technique

The Issuer of the Permit shall take into account advantages of BAT and likely costs to implement it, principles of pollution prevention and the following circumstances:

- 1) the use of low-waste technology;
- 2) the use of less hazardous substances;
- 3) the furthering of recovery and recycling of substances and waste used and generated in the production process;
- 4) comparable processes, facilities and methods of operation which have been tried with success on an industrial scale;
- 5) technological advances and changes in scientific knowledge and development capacity of the Operator;
- 6) the nature, effects and volume of emissions;
- 7) the commissioning date for installations;
- 8) the length of time needed to introduce the best available technique;
- 9) the consumption and nature of water and raw materials used 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) need to prevent accidents and to minimise the consequences for the environment;
- 12) information published by state authorities or international organisations on the best available technique.

§ 19. Basis for determining emission limit values

(1) An Operator shall, based on emission limit values, meet environmental standards, minimise transboundary pollution and protect efficiently the environment as a whole, by using the best available technique and taking into account the technical characteristics of the installation, its geographical location and local environmental conditions.

(2) The emission limit values are assigned on the basis of limit values provided by legal acts. If a legal act provides minimum and maximum limit values, the Issuer of the Permit can set a specific emission limit values for an installation or part of it in the range of these values, taking into account the result that can be achieved with the application of the best available technique.

(3) Emission limit values shall apply at the point where emissions leave the installation. Any dilution with other substances or environmental components before emission into the environment is not taken into account when defining the emission limit values.

(4) With regard to indirect release into water, the effect of a waste water treatment plant may be taken into account when setting emission limit values, provided that this does not lead to higher level of environmental pollution and the Operator follows the requirements set for hazardous substances discharged into the common sewage system.

§ 20. Substances that shall be taken into account when fixing emission limit values

(1) When fixing emission limit values the Issuer of the Permit shall take into account the nature of substances emitted into the environment from the pollution source in the installation and their ability to transfer from one environmental element to another.

(2) In particular, the emission limit values for the following substances shall be

determined in air emissions:

- 1) sulphur oxides and other sulphur compounds;
 - 2) nitrogen oxides and other nitrogen compounds;
 - 3) carbon monoxide;
 - 4) volatile organic compounds;
 - 5) metals and their compounds;
 - 6) dust;
 - 7) asbestos (volatile particles and fibres);
 - 8) chlorine and its compounds;
 - 9) fluorine and its compounds;
 - 10) arsenic and its compounds;
 - 11) cyanides;
 - 12) substances or products which have proved to possess carcinogenic or mutagenic properties or properties which may affect reproduction via the air;
 - 13) polychlorinated dibenzodioxins and polychlorinated dibenzofurans.
- (3) In particular, the emission limit values for the following substances are fixed in water discharges:
- 1) organohalogen compounds and substances which may form such compounds in the aquatic environment;
 - 2) organophosphorus compounds;
 - 3) organotin compounds;
 - 4) substances or products which have proved to possess carcinogenic or mutagenic properties or properties which may affect reproduction in or via the aquatic environment;
 - 5) persistent hydrocarbons and persistent bioaccumulative organic toxic substances;
 - 6) cyanides;
 - 7) metals and their compounds;
 - 8) arsenic and its compounds;
 - 9) biocides and plant health products;
 - 10) suspended solids;
 - 11) substances which contribute to eutrophication, including primarily nitrates and phosphates;
 - 12) substances with harmful effect on oxygen balance and that can be measured using parameters such as BOD, COD, etc.

§ 21. Validity of an integrated permit

An integrated permit shall have no date of expiry.

§ 22. Procedure for revising the conditions in an integrated permit

The Issuer of the Permit shall at least once a year review permit conditions and the installation on site. The annual review of the installation can be combined with the inspection visit of the installation carried out in the framework of environmental supervision activities.

§ 23. Change of nature or functioning of installation

(1) If the Operator has notified the Issuer of the Permit about changes of nature or functioning of installation undertaken or planned which may have environmental impact,

or the Issuer of the Permit has become aware of it in some other way, the Issuer of the Permit shall immediately find out the nature of changes.

(2) The change of nature or functioning of installation is substantial if it, in the opinion of the Issuer of the Permit, may cause damage to human health or environment.

(3) The Issuer of the Permit shall make a decision within 21 days from the moment of recognising planned or made changes whether the change is substantial and shall inform the Operator about the decision immediately.

§ 24. Basis for changing an integrated permit

An integrated permit shall be changed, if:

- 1) conditions established in legal acts that serve as basis for permit conditions have changed;
- 2) the pollution is so substantial that it causes harmful changes in the environment at the operation site of an installation, therefore emission limit values shall be changed or additional limit values shall be determined;
- 3) changes in the best available technique make it possible to have a significant reduction in emissions or hazardousness without imposing excessive costs;
- 4) other measures shall be applied to avoid accidents than those specified in the integrated permit;
- 5) there is a substantial change or planned change in the installation or its operation.

§ 25. Procedure for revision of an integrated permit

(1) If the Operator initiates the revision, the procedure will take place as required in § 10-14 of this Act.

(2) If the Issuer of the Permit initiates the revision, the Issuer of the Permit will inform the Operator in written form about the reasons to change the permit conditions, shall ask the Operator to submit the data necessary to revise the permit as required in § 9 of this Act and will set a deadline for submitting the data. When setting a deadline, the Issuer of the Permit shall take into account the extent and availability of data.

(3) If a large number of changes do not allow an efficient control of the activities any more, the Issuer of the Permit can obligate the Operator to submit an application for a revised permit that takes into account the changes.

(4) In case of transfer of the Operator, the Issuer of the Permit, after receiving a notice to this effect, shall change information on the Operator in the permit without the revision procedure. The Issuer of the Permit shall send the notice with the relevant change to the Operator within 5 days after receiving a notice on the transfer of the Operator and a copy of it to the rural municipality or city government of the Operator's location and the Environmental Inspectorate.

§ 26. Basis for revoking an integrated permit

(1) The Issuer of the Permit shall revoke an integrated permit, if:

- 1) the Operator applies for it;
- 2) the Operator has not started operation permitted in the integrated permit in the installation within 12 months from the date given in the integrated permit for starting activities and has not applied for a change in this date;
- 3) it becomes evident that the Operator has deliberately submitted incorrect data in the application, that were of significant importance in issuing the integrated permit, has forged documents or in other cases when the Issuer of the Permit or Environmental Inspectorate has during the inspection, been given incorrect data or forged documents or

when the deadline for data submission has repeatedly been exceeded;

4) the Operator has not fulfilled the permit conditions and has been previously punished for the same act;

5) the pollution from the installation is of such significance that the risk it causes to the environment, human health and property cannot be avoided unless substantial technical changes, which require a new permit application, will be undertaken;

6) the Operator is in bankrupt or liquidated as a legal person and the activity is not continued by another operator.

(2) If the integrated permit has been revoked, the Issuer of the Permit can set the conditions for aftercare in the installation and its location for the Operator in order to avoid risks to the environment, human health and property after cessation of activities by the Operator.

§ 27. Procedure for revoking an integrated permit

(1) The Operator itself, the Issuer of the Permit or the Environmental Inspectorate shall initiate the procedure for revoking an integrated permit.

(2) If the Operator initiates the procedure for revoking an integrated permit, the Operator shall submit the relevant application to the Issuer of the Permit, the Issuer of the Permit sets the conditions for aftercare and notifies the Operator about the decision within five working days after making the decision.

(3) If the Issuer of the Permit or Environmental Inspectorate initiates the procedure for revoking an integrated permit, the Operator shall be notified within 3 working days showing the reasons to start the procedure for revoking an integrated permit.

(4) The Operator has the right to present objections, explanations or additional documents to the Issuer of the Permit within 14 days after receiving the decision mentioned in paragraph 3 of this section and require to be heard out by the Issuer of the Permit.

(5) The Issuer of the Permit shall make a decision on revoking an integrated permit or finishing the procedure within 7 days after receiving explanations and additional data or hearing out the Operator specified in paragraph 4 of this section.

(6) The Issuer of the Permit shall send the Operator a reasoned decision on revoking an integrated permit or finishing the procedure within 3 working days from making the decision. The Issuer of the Permit shall send copies of the decision to the rural municipality or city government of the Operator's location and the Environmental Inspectorate.

(7) In case of revoking an integrated permit, the Operator shall return the original copy of the integrated permit to the Issuer of the Permit within 14 days from receiving the decision concerned.

§ 28. Starting building activities in the installation

(1) If there is a need for building activities in the installation to start the activities that need an integrated permit or for major technical reorganisation, the Issuer of the Permit shall take into account:

- 1) Operator's possibilities to use the best available technique;
- 2) the compliance of planned activities with environmental standards;
- 3) measures presented in environmental memorandum and results of environmental impact assessment.

(2) The Issuer of the Permit may agree with commencing building activities before issuing an integrated permit. The Issuer of the Permit shall, in written form, notify the Operator and the issuer of a building permit about the decision within 21 days after

receiving the integrated permit application.

(3) Even if agreeing with the commencement of building activities, the Issuer of the Permit still has the right to refuse to issue an integrated permit in cases foreseen in this Act.

Chapter 2 PUBLIC ACCESS

§ 29. Public note on submitting an application for an integrated permit

(1) The Issuer of the Permit shall publish a note about the receipt of the application in the official publication *Ametlikud Teadaanded* within 21 days from accepting the application at the applicant's own expense. The note shall include as minimum:

- 1) business name of the applicant, register code and location or name, personal identification code and address;
- 2) location of the activity;
- 3) short description of the activity;
- 4) information about the place of access to application and draft integrated permit.

(2) The Issuer of the Permit can publish a note about the receipt of the application at the applicant's own expense, in addition to the publication mentioned in paragraph 1 of this section, also in a local newspaper of the installation's location of operation.

(3) The Operator shall, latest on the day the application is accepted by the Issuer of the Permit, set up a note in the location of the planned installation or next to the main entrance of the existing installation on submitting an integrated permit application and guarantee the existence of the note during the permit procedure.

(4) The Issuer of the Permit shall in its location, within 5 working days after accepting the application for an integrated permit, set up a note on receiving an application for an integrated permit in a place accessible to the public.

(5) The Minister of Environment shall by a regulation establish a template for the notice mentioned in paragraphs 3 and 4 of this section. The Minister of Environment can establish an obligation to submitting an application for an integrated permit available on the Internet.

§ 30. Public note on issuing an integrated permit

(1) The Issuer of the Permit shall publish a note about issuing an integrated permit at the applicant's own expense in the official publication *Ametlikud Teadaanded* within seven days after issuing the permit. The notice about issuing an integrated permit shall include data mentioned in paragraph 1 of §29 of this Act.

(2) If the Issuer of the Permit has published a note on receipt of the application in local newspaper of the installation's location of operation, a note about issuing an integrated permit shall also be published at the applicant's own expense in the same newspaper.

(3) The Minister of Environment can establish an obligation to make the note on issuing an integrated permit available on the Internet.

§ 31. Public access to information

(1) An application for an integrated permit, draft integrated permit, integrated permit, results of environmental monitoring held by authorities defined in the integrated permit and results of inspection on the compliance with permit conditions are public.

(2) An information about the detailed design or operation of the installation or the contents and use of a specific raw material, chemical or other materials or products may be confidential, if it is submitted as a separate part of the permit application and is clearly marked as "Business secret" ("Ärisaladus"). The Issuer of the Permit will reveal the data with the mentioned note on approval of the applicant, if not provided differently by law.

§ 32. Opinions from the public

(1) Everybody has the right to present written opinions to the Issuer of the Permit on the integrated permit application before the draft integrated permit is forwarded to the Operator for their opinion.

(2) The Issuer of the Permit shall, upon a request from a person interested in issuing the permit, inform him about forwarding the draft integrated permit to the applicant, in order to enable the interested person to familiarise himself with the draft and submit his suggestions within the time period mentioned in §14, paragraph 5 of this Act.

(3) Written opinions and suggestions shall contain at least the name and address of the person submitting an opinion and suggestion and reasons for the opinion or suggestion.

§ 33. National Register for integrated permits

(1) The National Register for integrated permits is a public database, where data on issuing integrated permits and on inspection and monitoring of compliance with the integrated permit conditions is gathered.

(2) The Government of the Republic shall set up the National Register for integrated permits as provided by the Databases Act. (RT I 1997, 28, 423; 1998, 36/37, 552; 1999, 10, 155; 2000, 50, 317; 57, 373; 92, 597; 2001, 7, 17; 17, 77).

Chapter 3 OBLIGATIONS OF THE OPERATOR

§ 34. An obligation to keep documents and submit information

(1) The Operator shall, during the period of validity of the integrated permit and at least five years after revoking the permit, maintain all documents and data concerning integrated permit application, issuing an integrated permit, monitoring foreseen in the integrated permit and inspection. The documents shall be available upon request from the Issuer of the Permit and Environmental Inspectorate.

(2) The Operator shall inform the Issuer of the Permit:

1) about the results of monitoring carried out in compliance with the conditions in the integrated permit;

2) immediately about any accident, that has a significant impact on the environment or human health;

3) any change in the nature or operation of the installation that can have an impact on the environment;

4) planned transfer of an operator.

(3) Any technical reorganisation subject to an integrated permit can be undertaken only after the Issuer of the Permit has notified the operator in written form that these changes do not require a change in the integrated permit, or after the integrated permit conditions have been changed.

(4) The Operator shall upon a request from the Issuer of the Permit or Environmental

Inspector:

- 1) provide full assistance to the environmental inspector inspecting the installation, guarantee an access to sample collection and monitoring points designated in the integrated permit and enable them to collect information about the compliance with the obligations provided by this Act;
- 2) submit necessary data to the Issuer of the Permit for issuing, changing or revoking an integrated permit and provide full assistance to the Issuer of the Permit inspecting the compliance with the integrated permit conditions in the installation.

§ 35. Obligation to remedy the effects of pollution

- (1) If the pollution has originated from the installation that has an integrated permit or which pursuant to this Act and respective regulations is subject to an integrated permit, the Operator shall clean up the pollution immediately taking into account the technical and economic possibilities, irrespective of the fact whether the pollution was deliberate or unintentional.
- (2) If the Operator does not carry out the duty to clean up the pollution, the cleaning up is organised by the Environmental Inspectorate as provided by the Substitutive Enforcement and Penalty Payment Act (RT I 2001, 50, 283).

Chapter 4 SUPERVISION AND LIABILITY

§ 36. Supervision

- (1) The Environmental Inspectorate shall, at least once a year, inspect the installation and its activity for compliance with the integrated permit conditions.
- (2) The Environmental Inspectorate shall pass the results of the inspection on to the Issuer of the Permit, the Operator and the National Register for Integrated Permits within 14 days from the inspection.

§ 37. Violation of integrated permit responsibility or integrated permit conditions

A legal person carrying out an activity subject to an integrated permit or violating integrated permit conditions shall be fined with up to 50000.- kroons.

§ 38. Procedure

- (1) The General Provisions of the Penal Code (RT I 2001, 61, 364) and provisions in misdemeanour procedure legislation shall be applied to misdemeanours provided in § 37 of this Act.
- (2) The Environmental Inspectorate shall carry out extrajudicial procedure of the misdemeanours provided in § 37 of this Act is.

Chapter 5 IMPLEMENTING PROVISIONS

§ 39. Existing installation

- (1) Existing installation shall mean an installation in operation on the date this Act enters into force and an installation the Operator of which has obtained all necessary activity and environmental permits before this Act enters into force provided that the installation

is put into operation no later than one year after the date on which this Act enters into force.

(2) The operator of the existing installation shall submit an application for an integrated permit no later than the deadline laid down in the regulation of the Government of the Republic. The period between the date this Act is brought into effect and submitting date shall not be less than one year.

(3) The Operator shall approach to the Issuer of the Permit for an explanation about the necessity to submit an application for an integrated permit or submission deadline.

(4) If the obligation mentioned in paragraph 2 of this section is not fulfilled, the activity of the installation is stopped as provided by the Environmental Monitoring Act (RT I 2001, 56, 337).

(5) If the Issuer of the Permit establishes that the best available technique is not used in the installation at the time of submitting an application for an integrated permit, the Operator shall be obliged in addition to requirements in § 17 of this Act compile a compliance schedule for technical reorganisation to implement the best available technique. The schedule shall include measures to comply with the requirements of legal acts mentioned in § 9, paragraph 3 of this Act. The Issuer of the Permit shall approve the schedule and based on that fix emission limit values and deadlines for implementation of measures for each calendar year or return the schedule for changes. Implementation of all measures in the compliance schedule shall ensure that the installation operates in compliance with the best available technique requirements latest by October 30, 2007.

(6) The Applicant shall submit the compliance schedule mentioned in paragraph 5 of this section to the Issuer of the Permit together with the application for an integrated permit.

(7) If the technical reorganisation can't meet the deadline set in paragraph 5 of this section due to economic or technical reasons, the Operator shall submit the application for an integrated permit to the Minister of Environment, who decides upon issuing an integrated permit pursuant to this Act. The integrated permit shall in this case contain the compliance schedule. The Issuer of the Permit observes Operator's activity in implementing the compliance schedule.

§ 40. Implementation of Act

§ 37 and 38 of this Act shall enter into force on January 1, 2003.

§ 41. The State Fee Act (RT I 1997, 80, 1344; 2001, 55, 331; 56, 332; 64, 367; 65, 377) in chapter 7 the section 17¹. shall be added in the following wording:

«17¹. section

Procedures based on the Integrated Pollution Prevention and Control Act

§ 183². Issue of integrated permits and its procedure

(1) A state fee of 50.000.- kroons shall be paid for the control of the compliance with the requirements of the first application for an integrated environmental permit and its further procedure.

(2) A state fee of 5000.- kroons shall be paid for an annual review of integrated environmental permit conditions.»

Translation by the Danish IPPC project
January 2002

§ 42. Entry into force

This Act shall enter into force on May 1, 2002.

**President of the Riigikogu Toomas
SAVI**