

**NB: Unofficial translation; legally binding texts are those
in Finnish and Swedish**

Ministry of the Environment, Finland

ENVIRONMENTAL PROTECTION ACT

(86/2000; amendments up to 728/2011 included)

February 4, 2000

By decision of Parliament the following is enacted:

Chapter 1 - General provisions

Section 1

Objective of the Act

- (1) The objective of this Act is:
- 1) to prevent the pollution of the environment and to repair and reduce damage caused by pollution;
 - 2) to safeguard a healthy, pleasant and ecologically diverse and sustainable environment;
 - 3) to prevent the generation and the harmful effects of waste;
 - 4) to improve and integrate assessment of the impact of activities that pollute the environment;
 - 5) to improve citizens' opportunities to influence decisions concerning the environment;
 - 6) to promote sustainable use of natural resources; and
 - 7) to combat climate change and otherwise support sustainable development.

Section 2

Scope of application

(1) This Act applies to all activities that lead or may lead to environmental pollution as laid down below. This Act also applies to activities that generate waste and to waste disposal. (647/2011)

(2) The Act herein does not apply to activities for which provisions are laid down in the Act on Environmental Protection in Maritime Transport (1672/2009), unless otherwise provided in that Act, nor to activities referred to in the Act on the Protection of the Sea (1415/1994). Nor does this Act apply to prevention of the harmful effects of radiation in so far as it is prescribed upon in the Nuclear Energy Act (990/1987) or the Radiation Act (592/1991), nor to prevention of pollution of bodies of water as laid down in the Agreement on Frontier Rivers (Sops 54/1971) between Finland and Sweden. (1676/2009)

(3) Exceptions to the application of this Act may be laid down by decree if so required by national security, emergency supply or the special nature of the Defence Forces' activities.

(4) The provisions of international agreements on the protection of the seas that are binding on Finland shall be observed when this Act is applied. In addition, what is laid down elsewhere in the law shall be observed pertaining to prevention of environmental pollution.

(5) This Act also applies to the Finnish exclusive economic zone referred to in

the Act on the Finnish Exclusive Economic Zone (1058/2004). (1061/2004)

Section 3 Definitions

(1) In this Act:

- 1) *environmental pollution* refers to such emission or deposit of a substance, energy, noise, vibration, radiation, light, heat or odour caused by human activity in the environment that either alone or together with other emissions:
 - a) causes harm to health;
 - b) causes harm to nature and its functioning;
 - c) prevents or materially hinders the use of natural resources;
 - d) decreases the general amenity of the environment or degenerates special cultural values;
 - e) reduces the environment's suitability for general recreation purposes;
 - f) damages or harms property or its use; or
 - g) constitutes a comparable violation of the public or private good.
- 2) *activity that poses a threat of environmental pollution* refers to the founding or use of an installation and an activity that is technically and operationally an integral part of it or the use of an area or the arrangement of activities in such a way as may result in environmental pollution (252/2005);
- 3) *harm to health* refers to illnesses diagnosed in people, other disturbances of health or the presence of a factor or circumstance that may impair the health of the population or the healthiness of an individual's living environment;
- 4) *best available technique* refers to methods of production and treatment that are as efficient and advanced as possible and technologically and economically feasible, and to methods of designing, constructing, maintenance and operation with which the pollution caused by activities can be prevented or most efficiently reduced;
- 5) *operator* refers to natural and legal persons who are engaged in activities that pose a risk of pollution or who are de facto responsible for such activities;
- 6) *water body* means a water area as defined in Chapter 1, section 3(1)(3), and to territorial waters and the exclusive economic zone as defined in section 4 of the Water Act (587/2011); (588/2011)
- 7) *groundwater* refers to water in the ground or in bedrock; (506/2002)
- 8) *emission limit value* means the value of undiluted emissions released into the environment directly or indirectly, referred to in paragraph 1, which may not be exceeded during one or more periods of time and which is expressed as a total amount, concentration, percentage or in another, similar manner; (588/2011)
- 9) *waste water* means such water which may cause environmental pollution and which is discharged after use, conducted from a contaminated area or conducted from an area used for an activity posing a threat of environmental pollution. (588/2011)

(2) A technique is technologically and economically feasible when it is generally available and may be applied in the relevant field at a reasonable cost. More detailed provisions concerning the factors to be taken into account when defining the best available technique shall be laid down by decree.

Section 4 General principles

(1) The following principles apply to activities that pose a risk of pollution:

- 1) harmful environmental impact shall be prevented or, when it cannot be prevented completely, reduced to a minimum (*principle of pollution prevention and minimizing harmful impact*);
- 2) the proper care and caution shall be taken to prevent pollution as entailed by the nature of the activity, and the probability of pollution, risk of accident and opportunities to prevent accidents and limit their effects shall be taken into account (*principle of caution and care*);
- 3) the best available technique shall be used (*principle of best available technique*);
- 4) combinations of various methods, such as work methods, shall be used and such raw materials and fuels shall be selected as provide appropriate and cost-efficient means to prevent pollution (*principle of best environmental practice*).

(2) It is the duty of parties engaged in activities that pose a risk of pollution to prevent impact and eliminate or minimize harmful environmental effects (*principle of 'polluter pays'*).

Section 5 General duties

(1) Operators must have sufficient knowledge of their activities' environmental impact and risks and of ways to reduce harmful effects (*knowledge requirement*).

(2) If the activities cause or may directly result in environmental pollution, the operator must take the appropriate action without delay in order to prevent pollution, or, if pollution has already resulted, to reduce it to a minimum (*obligation to prevent pollution*). (385/2009)

(3) In addition, the general duties and principles laid down in chapter 2 of the Waste Act (646/2011) must be observed in activities posing a risk of pollution. (647/2011)

Section 6 Selection of location

(1) Activities posing a risk of pollution must be located so that they will not cause pollution or pose a risk thereof and so that pollution can be prevented, whenever feasible.

(2) The following shall be taken into account when the suitability of a location is being assessed:

- 1) the nature of the activity, the probability of pollution occurring and the accident risk;
- 2) the present and future land use indicated in a legally binding land-use plan for the area and its surroundings and the plan regulations that concern the area; and
- 3) other possible locations in the area.

Section 7 (385/2009) Soil contamination prohibition

(1) Waste or other substances, or organisms or micro-organisms shall not be dumped or discharged on the ground or in the soil so as to result in such deterioration of soil quality as may endanger or cause harm to health or the environment, substantially impair the amenity of the site or cause comparable violation of the public or private good (*soil contamination prohibition*).

Section 8
Groundwater pollution prohibition

- (1) A substance shall not be deposited in or energy conducted to a place or handled in a way that:
- 1) groundwater may become hazardous to health or its quality otherwise materially deteriorate in areas important to water supply or otherwise suitable for such use;
 - 2) groundwater on the property of another may become hazardous to health or otherwise unsuitable for usage; or
 - 3) the said action may otherwise violate the public or private good by affecting the quality of groundwater (*groundwater pollution prohibition*).
- (2) The action referred to above in subsection 1 is also deemed to include action separately prescribed upon by decree and the discharge into groundwater of substances hazardous to the environment and health as prohibited by decree. A decree may only pertain to action referred to in the relevant directive of the European Community.

Section 9
Special prohibitions pertaining to the sea

- (1) No action may be taken on Finnish territory, inland waters, territorial waters or the Finnish exclusive economic zone that may cause marine pollution outside the Finnish exclusive economic zone referred to in the Act on the Protection of the Sea. (1061/2004)
- (2) Waste or other substances may not be discharged into Finnish territorial waters or the Finnish exclusive economic zone to be sunk or otherwise deposited from a Finnish or foreign vessel, a vehicle travelling on ice, aircraft or a sea-going unit referred to in section 4(2) of the Act on the Protection of the Sea, nor may a vessel, sea-going unit or aircraft be sunk or abandoned, taking into account the provisions of section 7(3) of the Act on the Protection of the Sea on corresponding action outside the exclusive economic zone. The same applies to dumping substances into the sea from the shore with the intention of sinking or abandoning them. (1061/2004)
- (3) The prohibition referred to above in subsection 2 does not apply to the dumping of snow into the sea. Discharging dredged spoils in a water area is prescribed upon in the Water Act.

Chapter 2 - Decrees and regulations

Section 10
General principles

- (1) The Government may, as laid down below in this chapter, issue necessary provisions by decree for the purpose of preventing and reducing environmental pollution.
- (2) The provisions of sections 4-6 shall be taken into account when the decrees referred to in this chapter are issued.
- (3) When decrees are drawn up, the authorities and parties whose activities or interests the relevant issue specially concerns shall be provided with an opportunity to state their opinion.

Section 11
Quality of the environment and emissions

- (1) The Government may stipulate by decree:
- 1) on the quality, monitoring and observation of the environment;

- 2) on emissions into the environment, public sewer, restriction of emissions and enforcement of emission limits;
- 3) on limiting or prohibiting discharge into the environment or public sewer of substances that are hazardous to health or the environment;
- 4) on limiting or prohibiting specially disturbing noise or vibration during certain times;
- 5) on limiting the discharge or deposit of sludge in the environment or prohibiting the discharge into the environment of sludge that contains substances hazardous to health or the environment; and
- 6) on the passing of agricultural nitrates into bodies of water, and on other water protection requirements to be observed in agriculture.

Section 12 (253/2010)
Certain activities

(1) Further provisions concerning the following industries and operations may be given by government decree to prevent the risk of pollution:

- 1) a plant or boiler plant generating electricity or heat, with a rated thermal input of 20 megawatts at a maximum and a plant or boiler plant with a rated thermal input of at least 50 megawatts, which uses gas or oil as fuel;
- 2) an asphalt plant;
- 3) liquid fuel distribution station;
- 4) operations utilising volatile organic compounds;
- 5) other than a plant or boiler plant generating electricity or heat with a rated thermal input of over 20 but less than 50 megawatts, referred to in paragraph 1;
- 6) waste treatment;
- 7) agriculture, livestock farming, fur farming and forestry;
- 8) peat production;
- 9) fish farming;
- 10) rock-crushing plant, stone quarry and other quarry operations.

(647/2011)

(2) The provisions referred to above in subsection 1 may, in addition to the provisions given in section 11, apply to:

- 1) emissions into the environment, their restriction and that of the harmful impacts they cause;
- 2) environmental protection requirements related to the placement of operations, prerequisites for the placement of operations in different areas, and minimum distances to exposed subjects;
- 3) methods, equipment, buildings and structures used to prevent emissions and the spread thereof, accidents or the risk thereof, and to ensure energy efficiency;
- 4) the extent of operations and operating times;
- 5) waste management;
- 6) supervision and the operator's duty to provide information to the authorities;
- 7) measures after the termination of operations;
- 8) other measures to fulfil the requirements provided in sections 41-43, 45 and 46.

(647/2011)

(3) The Government decree referred to in subsection 1 above also lays down provisions on the time deemed sufficient, upon the entry into force of the decree, for an operator who holds an environmental permit for the activity listed in the decree to ensure that the activity complies with the requirements laid down in the decree.

Section 13

Motor-driven vehicles, mobile machinery and equipment (1100/2002)

- (1) The Government may issue decrees laying down provisions:
- 1) on limiting the idling of motor-driven vehicles in areas other than roads referred to in road traffic legislation; (1100/2002)
 - 2) on emissions from machinery and equipment and on prohibiting or restricting their use or placement on the market and on their marking requirements.
- (2) It may be laid down in the decree referred to above in subsection 1(2), that a party placing machinery or equipment on the market must acquire type approval or indicate by means laid down in more detail by decree that the machinery or equipment meets the requirements of the decree.
- (3) The decree referred to above in subsection 1(2), and in subsection 2 may be issued only if so required in the acts of the European Community.

Section 14 (588/2011)

Soil, dredging and dredged material

- (1) Further provisions may be given by Government decree:
- 1) on the maximum permitted content of harmful substances in the soil for different uses of soil, and on the maximum concentrations of harmful substances for the purpose of assessing level of contamination and need for remediation;
 - 2) on handling and containing contaminated surface deposits, on technical standards for remediation and remediation methods, and on monitoring and supervision;
 - 3) on aspects referred to in paragraphs 1 and 2, concerning bottom sediments in waterways and dredged material referred to in Chapter 1, section 3(1)(17) of the Water Act, and on the disposal, and prerequisites for the disposal, of dredged material.

Section 15

Substances, preparations and products

- (1) If the use of a fuel, a product containing organic solvents, or of a substance, preparation or product with an adverse impact on the atmosphere gives rise to emissions which may be justifiably deemed to cause harm to health or to pollute the environment, the Government may issue decrees laying down provisions: (252/2005)
- 1) on limiting or prohibiting the manufacture, import, placing on the market, export, transfer or use of a substance, preparation or product;
 - 2) on the composition and marking of a substance, preparation or product that is manufactured, placed on the market, imported, exported, transferred or used.
- (2) In addition, the Chemicals Act (744/1989) contains restrictions and prohibitions pertaining to chemicals, and the Act on the safety of consumer products and services (75/2004) contains provisions on the safety of products. (681/2008)

Section 16 (252/2005)

Other decrees

- (1) In addition, the Government may, for the purpose of enforcing relevant acts of the European Community and Finland's international obligations, issue decrees laying down provisions:
- 1) on the validity and review of an environmental permit and the regulations contained in the permit;

- 2) on obligation of an operator to give information to authorities provisions on which are contained in a decree, on chemicals used in an activity posing a threat of environmental pollution, emissions and waste resulting from the activity and the waste received during the activity;
- 3) other requirements necessary for the prevention of environmental pollution that are comparable with the requirements laid down in sections 11-15.

Section 17 (252/2005)
Granting an exemption

(1) The Ministry of the Environment may grant an exemption to a Government decree issued under sections 11-16, on the basis of the grounds laid down in the decree.

(2) Exemptions are granted on application. Before an exemption is granted, the Ministry of the Environment must provide the Centre for Economic Development, Transport and the Environment, the relevant municipality and a registered organization referred to in section 92 with an opportunity to be heard concerning the application. The decision must be publicized as laid down in the Administrative Procedure Act (434/2003). (1590/2009)

(3) Provisions on exemptions concerning joint implementation are laid down in section 111.

Section 17a (814/2005)
Granting exceptions in certain cases

(1) The Finnish Safety and Chemicals Agency may, on application, grant an exception concerning the purchase or sale of certain amount of a product in which the content of volatile organic compounds is not in agreement with the Government decree on implementing Directive 2004/42/EC of the European Parliament and of the Council on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain paints and varnishes and vehicle refinishing products and amending Directive 1999/13/EC. The exception may be granted for products that are used for the restoration and maintenance of such buildings and vintage vehicles that are of particular historical and cultural value. Further provisions on the items with particular historical and cultural value involving the use of products that may be granted exceptions shall be issued by Government decree. (1264/2010)

(2) Notification about the pendency of an application concerning an exception must be provided, the parties heard and the decision served as laid down in the Administrative Procedure Act. Further provisions on the application shall be issued by Government decree.

Section 18

Section 18 has been struck down by law 196/2011

Section 19
Municipal environmental protection regulations

(1) For the purpose of implementing this Act, municipal councils may issue general regulations on the basis of local circumstances, pertaining to the entire municipality or part thereof (*municipal environmental protection regulations*). The regulations may not apply to an activity subject to a permit under this Act, or to an activity referred to in section 30(3), section 62 or section 78(2), or to operations of the Defence Forces. Moreover, municipal environmental protection regulations may not apply to an activity whose

environmental protection requirements are provided for in a Government decree, and which is registered in an information system in the manner provided for in section 65(1) or (2). (253/2010)

(2) The regulations may apply to:

- 1) activities, restrictions and structures that prevent emissions or the harmful effects thereof;
- 2) abatement of especially disturbing noise or vibration;
- 3) environmental protection requirements regarding the location of activities outside local detailed plan areas;
- 4) areas where conducting wastewater into the ground, a water body or a ditch, spring, artificial pond or streamlet referred to in Chapter 1, section 3(1)(6) of the Water Act, is prohibited due to a special pollution risk; (588/2011)
- 5) zones and areas where the use of manure and fertilizer and other environmentally harmful substances used in agriculture is restricted;
- 6) providing information required for supervision; and (1300/2004)
- 7) measures concerning the improvement of the state of waters and that of the marine environment and considered necessary under a water resources management plan or a marine environment management plan drawn up in accordance with the Act on the Management of Water Resources and the Marine Environment (1299/2004). (273/2011)

(3) The municipal environmental protection committee may grant an exception to an environmental protection regulation as referred to therein.

(4) Before an environmental protection regulation is issued, a relevant Centre for Economic Development, Transport and the Environment shall be provided with an opportunity to state their opinion. Decisions to approve environmental protection regulations shall be publicized in the manner municipal notices are customarily made public in the municipality. A decision is deemed to have been publicized when it has been made available to the public. The same applies to publicizing an environmental protection regulation's entry into force. The Centre for Economic Development, Transport and the Environment must be provided with the regulations. (1590/2009)

Chapter 3 **Authorities and their duties**

Section 20 **State authorities**

(1) The Ministry of the Environment is in charge of general steering, surveillance and development referred to in this Act.

(2) Within its territory, the Centre for Economic Development, Transport and the Environment steers and promotes the execution of duties referred to in provisions issued in this Act and under it, enforces these provisions and exercises its right to defend public environmental interests in decision-making based on this Act. (1590/2009)

(3) The Finnish Environment Institute shall act as the competent authority in accordance with Regulation (EC) No 1005/2009 of the European Parliament and of the Council on substances that deplete the ozone layer and Regulation (EC) No 842/2006 of the European Parliament and of the Council on certain fluorinated greenhouse gases. (1075/2010)

Section 21 **Municipal environmental protection committee**

(1) The permit and enforcement duties of a municipality laid down in this Act are the responsibility of the municipal environmental protection committee referred to in the Act on Municipal Environmental Administration (64/1986)

which exercises its right to defend public environmental interests in decision-making based on this Act.

(2) The municipal environmental protection committee may delegate the authority referred to in this Act to an official as is laid down in the Act on Municipal Environmental Administration. Authority may not, however, be delegated to an official in matters involving the use of administrative compulsion.

Section 22 (1590/2009)
Supervisory authorities

(1) The supervisory authorities referred to in this Act are the Centre for Economic Development, Transport and the Environment and the municipal environmental protection authority.

(2) Health protection authorities, and the supervisory authorities referred to in the Act on the Safety of Consumer Goods and Consumer Services, shall enforce the provisions of the Government decree referred to in section 13(1)(2) and section 108d. Occupational safety authorities, too, shall enforce the provisions of the Government decree referred to in section 13(1)(2), and food control authorities shall enforce the provisions of the Government decree referred to in section 108d. The Finnish Safety and Chemicals Agency shall enforce the provisions of the Government decree on products containing organic solvents referred to in section 15. (1264/2010)

(3) Within their sphere of duties, the Customs and the Frontier Guard shall enforce the provisions laid down in this Act and under it.

(4) The Centre for Economic Development, Transport and the Environment shall enforce this Act and the provisions issued thereunder insofar as they concern the supervision of compliance with statutory management requirements referred to in Council Regulation (EC) No 1782/2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers and amending Regulations (EEC) No 2019/93, (EC) No 1452/2001, (EC) No 1453/2001, (EC) No 1454/2001, (EC) 1868/94, (EC) No 1251/1999, (EC) No 1254/1999, (EC) No 1673/2000, (EEC) No 2358/71 and (EC) No 2529/2001. The Centre for Economic Development, Transport and the Environment shall report any defects, observed during supervision, to the municipal environmental protection authority for the purpose of undertaking any measures falling within these authorities' jurisdiction under this Act. Otherwise, further provisions on the supervision and cooperation of supervisory authorities will be given by Government decree, if necessary.

Section 23 (1590/2009)
Environmental permit authorities

(1) The State permit authorities referred to in this Act are the regional State administrative agencies as provided in the Act on Regional State Administrative Agencies (896/2009).

(2) In the municipalities, the municipal environmental protection committee is the primary environmental permit authority.

(3) The regional State administrative agency supports the operations of the municipal environmental protection authority in matters falling within its remit.

Section 24
Other authorities and institutions

(1) State authorities and research institutions may function as expert authorities or institutions referred to in this Act as laid down, as needed, in

more detail by decree. The Ministry of the Environment may appoint an expert institution to function as an accredited national environmental laboratory.

(2) The Finnish Transport Safety Agency, the Agrifood Research Finland or other authorities provisions of which shall be issued by Government decree are in charge of the type approval referred to in section 13(2), as laid down in a Government decree. (1342/2009)

(3) An institution referred to in subsection 1 that has been appointed by the Ministry of the Environment, or another institution that meets the requirements, may, under section 13(2) function as the accredited inspection authority for type approval or as a similar institution. Further provisions on the requirements laid down for such institutions and the supervision of the compliance with the requirements shall be issued by Government decree. The Ministry may revoke the appointment if the institution fails to meet the requirements laid down in the decree. When carrying out public administration duties referred to in this Act, the institution must observe the provisions of the Act on the Openness of Government Activities (621/1999), the Act on Electronic Services and Communication in the Public Sector (13/2003), the Administrative Procedure Act and the Language Act (423/2003). (252/2005)

Section 25 (13/2011)

Monitoring the state of the environment

(1) Within its territory, the municipality shall see to the necessary monitoring of the state of the environment according to local conditions. In the metropolitan area, Espoo, Helsinki, Kauniainen and Vantaa shall together see to the monitoring of air quality. Within its area, each Centre for Economic Development, Transport and the Environment shall see to the monitoring of the state of the environment. Separate provisions will be given on the obligations of the Finnish Environment Institute in monitoring the state of the environment.

(2) In the metropolitan area, air concentrations of fine particulates of less than 2.5 micrometres shall be continuously monitored by one background station permanently located in the city, said concentrations representing the quality of ambient air in the city.

(3) Monitoring data shall be published and information on the data provided to the extent deemed necessary. Further provisions on the publication and the providing of information on monitoring data may be given by Government decree.

Section 25a (459/2004)

Noise mapping and noise abatement action plans

(1) A noise map and a noise abatement action plan must be drawn up:

- 1) for agglomerations of more than 100,000 which on account of their population density can be considered as urbanised areas;
- 2) for public roads with more than three million vehicles passages a year;
- 3) for railways with more than 30,000 trains passages a year; and
- 4) for civil airports in which the combined total of take-offs and landings of aircraft, excluding the take-offs and landings of light aircraft for training purposes, numbers more than 50,000 a year.

(2) The noise mapping must, using noise indicators, describe the existing and predicted noise situation in the area in overall terms, including the quiet areas and present the number of persons exposed to the noise and the number of dwellings in the area.

(3) The purpose of the noise abatement action plan is to reduce noise and its impacts and prevent noise from increasing in quiet areas.

Section 25b (459/2004)***Drawing up noise mapping and noise abatement action plans***

(1) Noise maps and noise abatement action plans for roads and railways will be prepared by the Finnish Transport Agency, for airports by the airport operator, for other traffic areas by those maintaining them, and for agglomerations, other than those referred to above, by the municipalities concerned. Any such noise maps and action plans drawn up by the Finnish Transport Agency or by the airport operator shall be provided by these parties to the municipalities concerned, which must take them into account when drawing up the noise reports and action plans for the agglomerations in question. (1342/2009)

(2) The noise maps and the action plans must be reviewed at least every five years, and in this connection the action plans and, if necessary, the noise maps must also be updated. If necessary, the action plans must also be changed and updated at other times if there are major developments affecting the existing noise situation in the area.

(3) When a noise abatement action plan is drawn up, persons whose living, working and other conditions may be affected by the action plan must be given an opportunity to express their views thereon. Opinions must be requested from the municipalities in the areas affected, from relevant Centres for Economic Development, Transport and the Environment, the Finnish Transport Agency, the airport operator, and from other parties who may be indicated under further provisions given by Government decree. Furthermore, registered associations or foundations referred to in section 92 must be given an opportunity to be heard during the drawing up of the action plan. (1342/2009)

(4) The noise maps and noise abatement action plans must be published, and information distributed, as necessary. The maps and plans must be submitted to authorities, provisions on which shall be issued by Government decree, pursuant to the entry of the maps and plans into the environmental protection database referred to in section 27. Furthermore, the maps and plans must be delivered to the relevant municipality and Centre for Economic Development, Transport and the Environment for information, and, as appropriate, to the Finnish Transport Agency and the airport operator. (1342/2009)

(5) Provisions on indicators used in noise maps, on matters that must be evident from noise maps and noise abatement action plans, and on the dates by which the noise maps and noise abatement action plans must be drawn up and, if necessary, provisions containing further details on the designation of areas referred to in section 25a shall be issued by Government decree.

Section 26***National plans and programmes***

(1) National plans and programmes on environmental protection referred to in the acts of the European Community are approved by the Government. When plans and programmes are drawn up, the authorities and parties whose interests and rights the issue concerns and the national associations and foundations referred to in section 92 below must be provided with an opportunity to give their opinions about the draft plans and programmes. The draft must be published in electronic form and the members of the public must be given an opportunity to give their views at a sufficiently early stage. Information on the approved plan or programme and its justification and on how consideration has been given to the views expressed must be provided in electronic form. (814/2005)

(2) National and regional waste plans are prescribed upon in the Waste Act.

Section 27 (253/2010)
Environmental protection database

(1) The centres for economic development, transport and the environment and the Finnish Environment Institute maintain an environmental protection database containing the necessary data on

- 1) decisions made by environmental permit authorities and supervisory authorities under this Act;
- 2) operations subject to registration under this Act;
- 3) reports and monitoring concerning permits and notifications under this Act;
- 4) aspects to be entered into registers referred to in section 142 of the Waste Act, under the Act;
- 5) monitoring and reporting on the state of the environment related to the enforcement of this Act;
- 6) chemicals used in activities posing a threat of environmental pollution, and the emissions and waste generated and the waste received;
- 7) other factors necessary to the enforcement of this Act. (647/2011)

(2) The Centre for Economic Development, Transport and the Environment and the municipal environmental protection authority shall ensure that any information to be submitted to them for registration purposes under section 65 is entered in an information system.

(3) Notwithstanding the secrecy obligation set out in the Act on the Openness of Government Activities (621/1999), the municipality shall submit information in its possession to the environmental protection database, in accordance with subsection 1. Secrecy provisions notwithstanding, municipal environmental protection authorities are entitled, free of charge, to access information in the database necessary for the purposes of supervision and monitoring.

(4) Provisions on the secrecy of and access to personal data recorded in the register are laid down in the Act on the Openness of Government Activities, and provisions on other processing of personal data, in the Personal Data Act (523/1999). Personal data entered in the register shall be stored for five years after the activities in question have ceased.

(5) Provisions on decisions taken under the Water Act and to be entered in the environmental protection database, are given in Chapter 18, section 1 of the Water Act. (588/2011)

Chapter 3a - Treatment of domestic wastewater in areas outside sewer networks
(196/2011)

Section 27a (196/2011)
Definitions related to the use of domestic wastewater

- (1) In this Chapter,
- 1) *domestic wastewater* refers to wastewater originating from water closets of dwellings, offices, business premises and other facilities, and from kitchens, washing facilities and similar facilities and equipment, as well as wastewater with a similar composition and properties originating from milk stores at dairy farms or resulting from other business operations;
 - 2) *wastewater treatment system* refers to all equipment and structures needed for the purification or other treatment of domestic wastewater, which can comprise a septic tank, a soil infiltration system, a sand filter system, a cesspool, a package plant or other equipment, or a combination of such equipment and methods;
 - 3) *wastewater system* refers to all domestic wastewater sewers and wastewater treatment systems located inside and outside buildings, which are needed for the conduction and treatment of the property's domestic wastewater;
 - 4) *person-equivalent load for dispersed settlements* means the average load of untreated wastewater generated by one resident measured in grams per

- day in organic matter, phosphorus and nitrogen;
- 5) *the load in untreated wastewater* refers to the load contained in domestic wastewater destined for wastewater treatment, that is being defined as the product of the average number of residents using the wastewater system and the person-equivalent load for dispersed settlements or, if the domestic wastewater originates in other than residential activities, as the average daily load based on research;
 - 6) *sludge* refers to settling or floating matter originating from wastewater in septic tanks, small-scale treatment facilities or other treatment processes that can be separated from wastewater as individual fractions.

Section 27b (196/2011)

The general obligation to treat wastewater

(1) If a property is not connected to a sewer network and the activity is not subject to a permit pursuant to this Act, wastewater shall be conducted and treated so as not to pose a risk of environmental pollution.

(2) Domestic wastewater must be treated before it is conducted into the ground, water body or ditch, artificial pond or streamlet referred to in Chapter 1, section 3(1)(6) of the Water Act. Wastewater other than that issuing from a water closet may be conducted into the ground without treatment, if the amount of wastewater is negligible and no threat of environmental pollution is posed. (588/2011)

Section 27c (196/2011)

Wastewater treatment system

(1) For the treatment of domestic wastewater, a property shall be equipped with a wastewater treatment system that must be suitable for its intended purpose, considering the load of untreated wastewater resulting from using the property, properties of other parts of the wastewater system, the risk of environmental pollution and environmental conditions such as the location of the property in a coastal area, or an important or other groundwater area suitable for water supply.

(2) The wastewater treatment system shall be planned, constructed and maintained so that, in normal use, it can be reasonably assumed to achieve a sufficient standard of treatment as regards organic matter, phosphorus and nitrogen, specified in more detail by a Government decree on the treatment of domestic wastewater based on the load of such chemicals in untreated wastewater. A sufficient standard of treatment shall be specified in such a way as to facilitate the attainment of an acceptable level of load, viewed as a whole in terms of environmental protection, with particular attention to national objectives of water protection. More detailed provisions on the standard of treatment required, and the load of domestic wastewater on the environment, as well as on the planning, use and servicing of a wastewater system, and on sludge removal, are given by Government decree.

(3) Stricter treatment requirements will be applied instead of the standard of treatment referred to above in subsection 2, if there are provisions on them elsewhere under law, in accordance with or under which more stringent requirements are laid down. Furthermore, the aforementioned standard of treatment shall not apply in an area subject to municipal environmental protection regulations regarding standards of treatment, issued under section 19 due to environmental conditions. Further provisions may be given by Government decree on the normative standard of treatment that should be attained through the treatment of domestic wastewater, if the municipal environmental protection regulations specify requirements that are more stringent than those referred to in subsection 2.

(4) Moreover, the provisions of the Land Use and Building Act (132/1999) shall apply to the construction and amendment of on-site wastewater treatment

systems, and the permit and use and maintenance instructions they require.

Section 27d (196/2011)

Derogation from the requirements for treatment of domestic wastewater

(1) An exception may be granted with respect to requirements for the treatment of domestic wastewater provided above under section 27c if the environmental load can be considered negligible considering the use of the property, in comparison with the load from untreated domestic wastewater, and the measures required for upgrading the treatments system, when assessed in aggregate, are deemed unreasonable for the property holder due to high costs or excessive technical requirements. When assessing the unreasonableness of measures for the property holder, the following shall be taken into account:

- 1) the property being located in an area intended for coverage by a sewer network;
- 2) the property holder and those living permanently on the property being of an advanced age, as well as other, corresponding special factors related to the current circumstances of the occupants;
- 3) the property holder being affected by long-term unemployment or illness, or some other comparable social hindrance to the performance of the provisions under the Act.

(2) Upon submission of an application for the exception referred to in this section 3, authority to grant the exception is vested in the competent local authority. An exception may be granted to an applicant for a maximum period of five years at a time.

Chapter 4 - Environmental permit requirement

Section 28

General permit requirement

(1) A permit is required for activities that pose a threat of environmental pollution (*environmental permit*). Activities subject to a permit are prescribed in more detail by decree.

(2) An environmental permit is also required for:

- 1) activities that may cause pollution of a water body, and the project in question is not one subject to a permit under the Water Act; (647/2011)
- 2) conducting wastewater that may lead to the pollution of a ditch or spring, or of a streamlet referred to in Chapter 1, section 3 (1) (6), of the Water Act; (647/2011)
- 3) activities that may place an unreasonable burden on the surroundings, referred to in section 17(1) of the Adjoining Properties Act (26/1920);
- 4) treatment of waste on a professional basis or at an installation, within the scope of application of the Waste Act;
- 5) test drilling for oil or gas, the exploitation of a deposit and other related activities in Finnish territorial waters and in Finland's exclusive economic zone.

(647/2011)

(3) A permit is required for any alteration of an activity that increases emissions or the effects thereof or any other material alteration of an activity for which a permit has already been granted. No permit is required, however, if the alteration does not increase environmental impact or risks and the alteration does not require revision of the permit.

Section 29

Decree on permit requirement

(1) Emission into waters or a public sewer may be subjected to permit by decree irrespective of whether or not the emissions cause pollution referred to in

this Act. The decree may pertain only to emissions referred to in relevant directives of the European Community.

(2) In addition, it may be laid down by decree that the emission of a particular harmful substance into the sea, whether directly or indirectly, requires an environmental permit, irrespective of consequences, if this is necessary to implement an international treaty on the protection of the seas that is binding on Finland. The decree may concern the entire country even when the international treaty concerns only a part of Finnish territory.

Section 30 (253/2010)

Derogation from the permit requirement

(1) An environmental permit is not required for activities referred to in section 12(1) (1-4), the environmental protection requirements of which are provided for by Government decree pursuant to section 12. Activities may not be located in conflict with a detailed local plan. Provisions on the registration of activities in the environmental protection database are given in section 65.

(2) If, upon the entry into force of a Government decree, an environmental permit is valid for an activity referred to in subsection 1 herein, the environmental permit shall expire, unless the activity is subject to an environmental permit under subsection 4.

(3) A permit is not required for short-term activities undertaken on an experimental basis when the purpose is to test a raw material or fuel, manufacturing or incineration method or treatment equipment, or to investigate the impact, usefulness or other corresponding feature of such activities by means of institutional or commercial processing of waste.

(4) However, an environmental permit is nonetheless required for any activity which

- 1) is one of those referred to in section 28(2) (1-3) or (5), or section 29, herein;
- 2) is located in an important or other groundwater area suitable for water supply;
- 3) is likely to have consequences referred to in section 65 of the Nature Conservation Act (1096/1996);
- 4) forms part of an activity posing a threat of environmental pollution and thereby subject to a permit.

Section 30 a (253/2010)

Derogation from the permit requirement for certain waste treatment operations
(647/2011)

(1) No environmental permit is required for activities referred to in section 28(2) (4), on the basis of this provision in the case of (647/2011)

- 1) the use in agriculture and forestry of waste generated therein and consisting of natural material harmless to human health;
- 2) the recovery and use of wastewater sludge, septage, or dry closet waste, treated so as to render the waste harmless, or harmless ash or slag, in accordance with the Fertiliser Product Act (539/2006);
- 3) the recovery of green waste comprising natural material harmless to human health, generated in agriculture and forestry, in energy production; or
- 4) the treatment of waste from extractive operations, generated in peat production, or inert waste generated in some other activity referred to in section 103 a, or uncontaminated earth material in accordance with a waste management plan for waste from extractive operations, in connection with the activity in question, in ways other than by placing the waste in an area for waste from extractive operations and posing a danger of a major accident referred to in section 103 b.

(2) An environmental permit is not required for other waste recovery referred

to in section 28(2)(4), or the disposal of waste other than hazardous waste on the site where it is produced, if provisions concerning the environmental protection requirements for these activities are given in a government decree under section 14 of the Waste Act, or section 12(1) of this Act. (647/2011)

(3) If, upon the entry into force of a Government decree given under section 12(1), an environmental permit is valid for an activity referred to in subsection 2 of this section, this environmental permit shall expire.

Chapter 5 - Competence of permit authorities

Section 31 (1590/2009) Competent permit authority

(1) The regional State administrative agency shall decide on any environmental permit application whereby:

- 1) the activity may have significant environmental impacts, or resolving the issue within the regional State administrative agency is otherwise warranted by the type or nature of the activity;
- 2) the environmental impacts of an activity other than that referred to in paragraph 1 may affect an area considerably larger than the municipality in which the activity is located;
- 3) in addition to an environmental permit, the activity is subject to a permit under Chapter 3 of the Water Act, or the establishment of a right-of-use permit referred to in section 48 and 49 of this Act, and permit applications must be handled through joint processing in accordance with section 39; (588/2011)
- 4) a permit is required under section 28(2)(1);
- 5) a permit is required solely under section 29; or
- 6) a permit is required for the treatment of contaminated soil.

(2) Permit applications other than those referred to in subsection 1 must be processed by the municipal environmental protection committee.

(3) If an application for a permit must be made for the activities in accordance with section 35(4) the Regional State Administrative Agencies must decide on the permit matter for different activities if deciding on the permit matter for any of the activities come under its competence.

(4) Further provisions on the activities referred to in subsection 1(1) and (2) shall be issued by Government decree. (13/2011)

Section 32 Permit authority when activity is altered

(1) Permit applications concerning the alteration of an activity are decided by the authority within whose competence the processing of applications for corresponding new activities would fall.

Section 33 (1590/2009) Referral of a permit decision

(1) When a permit application has been made to the municipal environmental protection committee and it becomes evident during the processing of the matter that the activity in question may cause pollution of a water body, the matter must be referred to the Regional State Administrative Agencies. In individual cases where a matter within local jurisdiction requires such special investigation that the required expertise is not available locally, the municipal environmental protection committee may refer the matter to the Regional State Administrative Agencies. A permit decision may also be referred to the Regional State Administrative Agencies for some other special reason.

Section 34 (1590/2009)
Permit authorities' territorial competence

(1) Permit applications are decided by the permit authority competent under section 31 within whose territory the activity concerned is to be sited. When the activity involves the use of an area comprising the territories of several permit authorities, the permit application is decided by the authority within whose territory the main part of the polluting activities is to be located.

(2) If fisheries regulations included in the permits for several activities that burden the same body of water arrive for review simultaneously and it is expedient to decide on them together, the matter is resolved by the environmental permit authority that is competent under subsection 1.

(3) The Regional State Administrative Agencies must decide on a permit matter that otherwise would come within the competence of the municipal environmental protection committee if the activity is located or the activities are located in the territory of more than one environmental protection committee.

Chapter 6 - Permit procedure

Section 35
Permit application

(1) Permit applications shall be submitted to the competent permit authority. (1590/2009)

(2) Applications shall include a report on the activity, its impact, parties concerned and other relevant matters that are needed in the permit consideration as is laid down in more detail by decree.

(3) If the application concerns activity referred to in the Act on Environmental Impact Assessment Procedure (468/1994), an assessment report in accordance with the said Act must be enclosed in the application before the decision is made. In addition, the assessment referred to in section 65 of the Nature Conservation Act (1096/1996) shall also be enclosed in the application, as necessary.

(4) If several activities requiring an environmental permit located in the same site are technically and operationally connected in such a manner that their environmental impacts or waste management must be considered together, a permit for the activities must be simultaneously applied for on separate application permits or on a joint permit application. The permit may, however, be applied for separately if the application does not require the changing of a valid permit covering other activities. (252/2005)

Section 36 (1590/2009)
Opinions

(1) The regional State administrative agency shall request an opinion on the permit application from the municipality in which the activity referred to in the application is located and the Centre for Economic Development, Transport and the Environment in whose area of operation the environmental impacts of the activity may arise, and, if necessary, municipalities within the area of impact.

(2) In addition to the provisions of subsection 1 above, the permit authority must request an opinion on the application from:

- 1) municipal environmental protection authorities in municipalities where the environmental impacts of the activities referred to in the application may arise;
- 2) authorities protecting the public interest in the matter; and

3) other parties as necessary for due consideration of the permit.

(3) The permit authority may also seek other necessary opinions and statements relating to the matter.

Section 37
Complaints

(1) Before passing a decision on a permit, the permit authority shall provide those whose rights or interests might be concerned (*party concerned*) with an opportunity to lodge a complaint regarding the matter.

(2) Persons other than parties concerned shall be provided with an opportunity to state their opinion.

Section 38
Publicizing a permit application

(1) The permit authority shall publicize permit applications by posting them for 30 days on the notice boards of the relevant municipalities as is laid down in the Act on Public Announcements (34/1925). Likewise, the regional environment centre and the environmental permit authority shall post permit applications on their own notice boards. The content of the notice is laid down in greater detail by decree. The posting of the notice must be announced in at least one newspaper in general circulation in the area affected by the activities, unless the matter is of minor importance or the announcement is otherwise manifestly unnecessary.

(2) parties concerned especially concerned by the matter shall be notified separately.

(3) Otherwise, the provisions of the Administrative Procedure Act apply to the hearing. The provisions of chapter 11, section 11(2) of the Water Act apply to the notification of unorganized jointly owned landed property association. (588/2011)

Section 39
Joint processing of permits

(1) A permit application concerning the pollution of water and an application referred to in the Water Act pertaining to the same activity and a right-of-use application referred to in section 31(1)(3), shall be processed together and included in one decision, unless this is deemed unnecessary for a special reason. Joint processing is not necessary if the activity requires only an environmental permit and a permit referred to in chapter 9 of the Water Act for the purpose of conducting water for use in liquid form and the conduction of water and its discharge back into a water body has no direct impact on water supply. (647/2011)

(2) If it becomes evident during the course of processing a permit that the activity also requires a permit under the Water Act, the applicant must lodge a permit application in accordance with the Water Act within a reasonable period set by the permit authority. Otherwise, the pending permit application will not be processed.

(3) Matters referred to above in subsection 1 are processed in accordance with the Water Act, taking into account the provisions laid down in this Act or under it on the content of permit applications and decisions.

(4) Required derogations from the provisions on buffer zones referred to in chapter 4, sections 12, of the Water Act are laid down under the same decision as a pending environmental permit matter. (588/2011)

Section 40
Simultaneous processing of permits for different activities

(1) If the joint impact of separate activities posing a risk of environmental pollution is significant in terms of permit consideration and environmental permit matters for these activities are pending with the same permit authority, the matters shall be processed and decided together unless this must be deemed unnecessary for a special reason.

(2) If proceedings on a permit matter covering activities referred to in section 35(4) have been instituted on separate permit applications, the applications must be considered and resolved simultaneously, taking into account the activities as a whole. (252/2005)

Chapter 7 - Permit consideration

Section 41
Principles of permit consideration

(1) An environmental permit is granted for activities that meet the requirements of this Act and the Waste Act and those of the decrees issued under them.

(2) The permit authority must inspect the opinions issued and complaints made in the matter and the preconditions for granting the permit. The permit authority shall also take into account legislative provisions on the protection of the public and private good.

(3) Provisions laid down in and under the Nature Conservation Act must be observed when resolving a permit matter. Separate provisions on the waste management plans for ports are set out in the Act on Environmental Protection in Maritime Transport. (1676/2009)

Section 42 (647/2011)
Preconditions for granting a permit

(1) Granting a permit requires that the activity, severally or together with other activities, does not, taking permit regulations and the location of the activity into account, result in:

- 1) adverse effects on human health;
- 2) other significant environmental pollution or risk thereof;
- 3) a consequence prohibited in sections 7-9;
- 4) deterioration of special natural conditions or risk to water supply or other potential use important to the public interest in the area of impact of the activity;
- 5) an unreasonable burden referred to in section 17(1) of the Adjoining Properties Act.

(2) Activities may not be located in conflict with a detailed local plan. In addition, the provisions of section 6 apply to location.

(3) Operators engaged in the recovery or disposal of waste shall possess expertise that is sufficient considering the type and extent of the activities.

Section 43
Permit regulations for the purpose of preventing pollution

(1) Permits shall contain necessary regulations on:

- 1) emissions, emission limit values, the prevention and limitation of emissions and the location of the site of emission;
- 2) wastes and reduction of their quantity and harmfulness;
- 3) action to be taken in case of a disturbance or in other exceptional situations;
- 4) measures to be taken after cessation of operations, such as remediation of the area and prevention of emissions;
- 5) other measures to prevent, reduce or assess pollution, the risk thereof and adverse effects caused by it.

(647/2011)

(2) If, with regard to activities other than industrial production or the generation of energy, regulations based on subsection 1 do not, due to the nature of the activity, provide the means for sufficient prevention or reduction of harmful environmental effects, necessary regulations concerning production volume, feed content or energy may be issued in the permit.

(3) When permit regulations are issued, the nature of the activity, the properties of the area where the impact of the activity appears, the impact of the activity on the environment as a whole, the significance of measures intended to prevent pollution of the environment as a whole and the technical and financial feasibility of this action shall be taken into account. Permit regulations concerning emission limit values and the prevention and limitation of emissions must be based on the best available technology. The permit regulations may not, however, require the operator to apply any specific technology. In addition, energy efficiency and efficiency in the use of materials, and precautions for preventing accidents and limiting their consequences, must be taken into account as needed. (647/2011)

(4) When permit regulations are issued for combustion plants and gas turbines with a rated thermal input of 50 megawatts or more, the opportunity for co-generation of heat and electricity shall be taken into account if feasible technically and economically. In assessing this, the starting point shall be the situation on the energy market and in energy distribution. (944/2002)

(5) If the activity belongs to the scope of application of the Emissions Trading Act (683/2004), the permit may not lay down emission limit values for the greenhouse gas emissions referred to in section 2 of the Emissions Trading Act unless they are necessary for ensuring the prevention of significant pollution at local level. (684/2004)

Section 43 a (647/2011)

Financial guarantee required from waste treatment operations

(1) Operators engaged in waste treatment shall provide a financial guarantee in order to secure the appropriate waste management, supervision, and measures required for terminating operations or thereafter. Operators other than those engaged in landfill activities may be exempt from the requirement for a financial guarantee, if the costs to be covered by the guarantee upon the termination of operations are minor in scale, considering the amount and quality of waste and other aspects. Further provisions may be given by government decree concerning the situations in which, and the aspects on the basis of which, a financial guarantee may not be required.

Section 43 b (647/2011)

Amount of the financial guarantee

(1) The financial guarantee must be sufficient to facilitate the management of the measures provided in section 43 a, considering the extent and nature of, and regulations issued regarding the activity in question. The financial guarantee for a landfill shall also cover the costs incurred from monitoring,

supervision and other aftercare following the closure of the landfill, for a minimum period of 30 years, unless the operator demonstrates that other measures are sufficient. The financial guarantee for a waste area for extractive waste shall also cover the costs of restoring a land area, located within the area of impact of the waste area, to a satisfactory state, these restoration measures being defined in more detail in the waste management plan.

(2) The environmental permit shall contain conditions to ensure that the operator's financial guarantee for a landfill and other long-term operations accrues over time to correspond, as well as possible, to the cost of terminating the operations at the time of assessment.

(3) The Government may issue further provisions on calculating the amount of the financial guarantee and its accrual. For small-scale operations, the amount of the financial guarantee may be specified as a fixed sum, and no more than EUR 10,000.

Section 43 c (647/2011)

Obtaining a financial guarantee, and validity

(1) Necessary provisions on the financial guarantee provided in section 43 a, and the obtaining of the guarantee, shall be issued in an environmental permit. Acceptable financial guarantees are a guarantee, insurance or pledged deposit. The party issuing the financial guarantee shall be a credit or insurance institution, or another commercial financial institution, domiciled in a European Economic Area member state.

(2) The financial guarantee shall be assigned to a competent supervisory authority indicated in the environmental permit, before operations commence. A financial guarantee concerning a waste area for extractive waste must be obtained before the depositing of extractive waste begins in the waste area.

(3) The financial guarantee shall remain valid, continuously or repeatedly renewed at regular intervals, for a minimum of three months after the measures covered by the guarantee have been carried out, and notification of the supervisory authorities thereof. If the validity of the financial guarantee is extended, renewal shall take place before the previous period of guarantee comes to an end. The financial guarantee for a landfill shall remain valid until monitoring and other aftercare following the closure of the landfill come to an end.

(4) The permit authority shall release the financial guarantee upon application once the operator has fulfilled the obligations provided for or that have been imposed. The financial guarantee may also be partly released.

Section 44 (588/2011)

Regulations pertaining to fisheries

(1) If discharging wastewater or some other substance may have such impact as is referred to in chapter 3, section 14, of the Water Act, the necessary regulations pertaining to fishery duties or a fishery fee shall be issued in the environmental permit. Chapter 3, sections 14, 15 and 22, of the Water Act apply to the regulations. The rectification of a decision on a plan on performing fishery duties or a plan on using a fishery fee may be requested from the Regional State Administrative Agency as provided in Chapter 15, section 1(3) of the Water Act.

Section 45 (647/2011)

Waste and waste management regulations

(1) In addition, the necessary regulations on waste and waste management concerning the observance of the Waste Act and provisions laid down thereunder

shall be issued under the permit. If appropriate, a regulation may be issued on delivering mixed municipal waste, either recoverable or intended for disposal and for which the municipality is responsible under section 32 of the Waste Act, or other waste intended for disposal, to a treatment facility referred to in section 19(2) of the Waste Act. This Act shall apply to the enforcement of the related regulations.

(2) A permit for waste treatment may be limited to apply to treatment of a certain type of waste only. A permit concerning the recovery or disposal of mixed municipal waste, for which the municipality is responsible under section 32 of the Waste Act, or concerning the disposal of other waste, may, if necessary, stipulate that only waste originating in a certain area may be treated.

(3) The permit authority may stipulate a condition in the environmental permit that derogates from the requirement in a government decree given under section 14 of the Waste Act, on the grounds provided in the decree. A condition may also be set upon separate application in compliance with, as applicable, the provisions given on the handling of permit applications.

Section 45 a (346/2008)

Conditions concerning extractive waste

(1) An environmental permit for mining or any comparable activity, for a concentration plant, for a stone quarry and other quarry operations, or for rock-crushing or peat production must also contain the necessary conditions on waste resulting from the excavation of a natural organic or inorganic material occurring in the bedrock or soil, or from its storage, beneficiation or other processing (*extractive waste*). The permit must also include a waste management plan for extractive waste concerning the activity, and conditions governing compliance with the plan.

(2) In addition, a permit for a site used for the disposal of extractive waste (*waste site for extractive waste*) must contain the necessary conditions on the establishment of the waste site, its management, decommissioning and after-care, and conditions for an internal emergency plan for the extractive waste site, if the waste site may pose a significant hazard to human health, property or the environment because of defective operations or the structural instability of the site, or because of the disposal at the site of hazardous waste or a chemical hazardous to the environment or health (*waste site for extractive waste posing the risk of a major accident*). In determining the location of a waste site for extractive waste, account must be taken of the risks posed by the waste site and the origin, quality and duration of the disposal of the extractive waste therein. Further provisions on determining a waste site for extractive waste, and assessing the risk of a major accident caused by the waste site, will be given by Government decree.

Section 46 (647/2011)

Monitoring and supervision regulations

(1) The necessary regulations on the operative monitoring of the activity, and on the monitoring of emissions, the impact of the activity and the monitoring of the state of the environment following the cessation of the activity must be issued as part of the permit. In addition, the necessary regulations on monitoring and supervision of waste management, provided in section 120 of the Waste Act, and a plan for the monitoring and supervision of waste treatment, and compliance therewith, must be issued as part of the permit. To facilitate monitoring, the permit must include provisions on measurement methods and frequency of measurements. It must also contain provisions on how the results of monitoring and supervision are assessed and submitted to the supervisory authority. The operator may also be ordered to provide other information necessary for monitoring.

(2) When a regulation on monitoring the impacts of an activity on waters or seas is issued, consideration must be given to what is deemed necessary in a water resources management plan or a marine environment management plan, referred to in the Act on the Management of Water Resources and the Marine Environment, in order to organise the monitoring. The information gathered during the monitoring of an activity may be used in monitoring carried out in accordance with the aforementioned Act, and in the drawing up of a water resources monitoring plan or a marine environment management plan.

(3) When needed, the permit authority, or another authority delegated by it, may order several permit holders to jointly supervise the impact of their activities (*joint supervision*) or may approve participation in monitoring performed in the region in order to supervise activities. Joint supervision may relate to supervision based on this Act and the Water Act.

(4) Under the permit, the operator may be required to present a plan to the permit authority, or an authority delegated by it, for arranging the more detailed organisation of the monitoring and supervision referred to in subsection 1 or 3, for approval in sufficient time for monitoring and supervision to be initiated when the activity begins, or at some other appropriate time with regard to the impacts of the activity. Notwithstanding the validity of the permit, the monitoring and supervision regulations and the approved monitoring and supervision plan may be amended as necessary. The authority that has approved joint supervision must amend the decision if a new operator has been ordered to participate in joint supervision.

(5) Decisions in the cases referred to in subsections 3 and 4 must be made in accordance with the provisions on environmental permits, unless the decision is made when the permit is granted or amended. A decision may be amended *ex officio* or on demand by the permit holder, supervisory authority, an authority protecting the public interest, a municipality or a party suffering harm. After publication of the decision, it is issued and information thereon must be provided in accordance with the provisions laid down in sections 53 and 54, on the issuance and publicising of an environmental permit decision. A decision on a demand for rectification will be issued in the manner referred to in section 53(1), after publication, and information thereon must be provided in accordance with sections 53 and 54.

(6) A demand for rectification of a decision referred to in subsection 4 that was made by an authority delegated by the permit authority may be submitted to the permit authority in writing, within 30 days of the decision being published. The demand for rectification shall be submitted to the Regional State Administrative Agency, if the obligation to supervise a certain activity within the sphere of joint supervision was based on a decision by the Agency. A dispute concerning the sharing of joint supervision costs may also be handled as a demand for rectification. A decision on a demand for rectification will be issued in the manner referred to in section 53(1), after publication, and information thereon must be provided in accordance with sections 53 and 54. A decision taken on a demand for rectification is subject to appeal in accordance with the provisions laid down in section 96.

Section 47

Regulations concerning emissions into a sewer

(1) If industrial wastewater is conducted to a community wastewater treatment plant, necessary regulations on the preprocessing of the wastewater shall be issued in the environmental permit as laid down in more detail by decree.

Section 48 (588/2011)

Right to conduct wastewater on another's property

(1) An environmental permit may grant the right to conduct wastewater into a ditch or streamlet on another's property, if this does not pose unreasonable harm to others and is technically and economically justified. No right to conduct wastewater into an open ditch or streamlet may be granted if the ditch or streamlet is located in the immediate vicinity of a plot, building site, beach or other corresponding area in specific use. Provisions on the obligation of a party that conducts wastewater to maintain the channel, and responsibility for costs incurred from conducting wastewater, are given in section 103 c.

(2) If conducting wastewater requires the placement of a sewer pipe or the digging of a ditch on another's property, and the owner declines to give his or her consent thereto, right of use for the part needed shall be set forth in the permit under the preconditions provided in subsection 1. Chapter 13 of the Water Act shall apply to compensation for any damage, harm or other loss of beneficial effects. Chapter 2, section 12 and 13, and Chapter 17 of the Water Act apply to the right of use.

(3) If, for purposes of conducting wastewater as described in this section, it is necessary to dig a ditch or lay a pipeline under a public road, street, railway, other tracks, cable or gas pipeline, the permit shall set forth the necessary conditions concerning the matter. The provisions of Chapter 5, section 13 of the Water Act shall apply to the construction and maintenance of a ditch or pipeline. If the matter cannot be resolved based on an environmental permit, due to the scope thereof or for any other reason, the matter shall be referred for resolution ex officio under drainage plan proceedings, or to the municipal environmental protection authority as provided in Chapter 5, section 4 and 5 of the Water Act.

Section 49 (588/2011)
Conditions on outlet pipes

(1) When necessary, the permit shall include conditions on the construction of an outlet pipe and on the required right of use, as laid down in the Water Act. Provisions laid down in Chapter 3 of the Water Act shall apply to the issuance of the conditions. Chapter 13 of the Water Act shall apply to compensation for any damage, harm or other loss of beneficial effects. Chapter 2, section 12 and 13, and Chapter 17 of the Water Act apply to right of use.

Section 50
Impact of certain plans and programmes

(1) An activity may not be in conflict with obligations included in national plans and programmes, referred to in section 26(1), that are binding on the operator. Regional waste plans referred to in section 88 of the Waste Act must be taken into account in any permit for a waste treatment facility or site requiring a permit. In addition, permits must take into account other plans, approved under section 26(1), as required in permits. (647/2011)

(2) When assessing the significance of environmental pollution referred to in section 42(1)(2), the permit shall take account of what is set forth in a water resources management plan or a marine environment management plan, in accordance with the provisions of the Act on the Management of Water Resources and the Marine Environment on aspects related to the state and use of waters and the marine environment in the area of impact of activities. When assessing the suitability of a location in accordance with section 6(2), and when issuing permit conditions necessary to preventing accidents in accordance with section 43(3), the permit shall take account of that which is presented in a flood risk management plan pursuant to the Flood Risk Management Act (620/2010), concerning the location and area of impact of activities. (273/2011)

Section 51 (252/2005)

A permit regulation's relationship to the minimum requirements of a decree

- (1) A permit regulation may be stricter than a specific minimum environmental protection requirement contained in a Government decree issued under this Act or the Waste Act:
- 1) for the purpose of meeting the preconditions for granting a permit;
 - 2) to ensure that environmental quality requirements issued by decree are met;
 - 3) to protect waters; or
 - 4) for the use of the best available technology should this be provided under a Government decree issued for the purpose of enforcing acts of the European Community.

Chapter 8- Permit decisions

Section 52

Contents of a permit decision

- (1) Depending on the matter concerned, environmental permits are issued either until further notice or for a fixed period.
- (2) The grounds and justification of the ruling shall be indicated in the permit decision. The decision must respond to separate demands made in opinions and complaints.
- (3) When the Act on Environmental Impact Assessment Procedure is applied to a project, the permit decision must indicate how the assessment has been taken into account in the permit decision. The permit decision must also indicate how the water management plans prepared in accordance with a a water resources management plan and a marine environment management plan, in accordance with the provisions of the Act on the Management of Water Resources and the Marine Environment have been taken into account. (273/2011)
- (4) More detailed provisions concerning the content of permit decisions are issued by decree.

Section 53 (252/2005)

Issuing a permit decision

- (1) A permit decision must be issued after the publication and those entitled to lodge an appeal are deemed to have knowledge of it when it is issued.
- (2) Notification of the issuing of the decision in accordance with subsection 1 must be shown on the notice board of the authority making the decision before the issue date. The publication notification must give the name of the authority, the nature of the matter, date the decision is issued, and the appeal period. The notification must be kept on the notice board of the authority making the decision at least for the duration of the time during which the decision may be appealed. The decision must be available on the issue date given on the notification.

Section 54

Publicizing a permit decision

- (1) Decisions must be delivered to applicants and to those who have separately so requested, and to supervisory authorities and authorities protecting the public good in the case. In addition, those who have made a complaint in the case or who have separately requested to be notified and those who under section 38(2), have been separately informed of the permit application, shall be notified of the decision. When a letter of complaint has been signed by

several complainants, the decision or a notice of the decision need only be sent to the first signatory of the complaint.

(2) A notice on the decision must be published immediately in the municipality where the activity is located, and in other municipalities where the impact of the activity may show. Also, a notice on the decision must be published in at least one newspaper in general circulation in the area affected by the activity, unless the matter is of minor importance or its publication is otherwise manifestly unnecessary.

Chapter 9 - Validity of permits

Section 55

Validity and review of permits

(1) A permit granted for a fixed period expires when the period ends, unless otherwise stipulated in the permit decision.

(2) Permits granted until further notice must set the date by which an application for the review of permit regulations must be made and specify any reports that must be submitted in that connection unless such an order is deemed manifestly unnecessary. Permit regulations must, however, be reviewed from time to time if the permit covers activities subject to permit under Council directive (96/61/EC) concerning integrated pollution prevention and control. Consideration of a regulation concerning the review or the fixed-period nature of the permit must take into account a water resources management plan and a marine environment management plan, in accordance with the provisions of the Act on the Management of Water Resources and the Marine Environment and their action programmes prepared in accordance. For a special reason, an order concerning the review of permit regulations may also be issued in a permit for a fixed period. The authority that granted the permit must process the matter in the same way as the permit application was processed, as appropriate. (273/2011)

(3) For a special reason it may be stipulated in the permit that the permit authority may issue more detailed permit regulations or supplement them on basis of the report referred to in section 43(1) (5).

Section 56

Observing a decree

(1) If provisions that are stricter than the regulations of a permit already granted under this Act or the Waste Act or provisions that differ from the permit's regulations on validity or review are issued by decree, the decree shall be observed, the permit notwithstanding.

Section 57

Lapsing of a permit

(1) The authority granting a permit may decide that the permit lapses if:

- 1) the activity has been suspended for at least five consecutive years, or the operator reports that the activity will not be started or that it has been discontinued permanently;
- 2) the activity or measures essential to its initiation have not been started or taken within five years of the permit becoming legally valid, or within a longer period stipulated in the permit; or
- 3) the application to review permit regulations has not been made in accordance with section 55(2).

(2) The case must be processed similarly to a permit application, as appropriate. The case may be initiated by the permit authority on its own

initiative, a supervisory authority, operator, municipality or party suffering harm.

Section 58
Amending a permit

(1) On application by the permit holder, supervisory authority, the relevant authority protecting the public good or a party suffering harm, the authority that granted the permit shall amend it if:

- 1) the pollution or risk thereof caused by the activity is substantially different than was expected;
- 2) the activity has a consequence prohibited in this Act;
- 3) emissions may be reduced considerably without undue cost due to advances in best available technology;
- 3a) the grounds for a permit condition are found to be incorrect and amending the condition does not create the need to reconsider the preconditions for granting the permit; (588/2011)
- 4) circumstances have changed substantially since the granting of the permit; or
- 5) it is necessary for the observation of provisions issued for the purpose of fulfilling an international obligation binding on Finland.

(2) The provisions of chapter 3, section 22 and section 22b of the Water Act, apply to amending a fishery obligation or fishery fee. If new information has been obtained on the grounds of a fishery obligation or fishery fee in a compensation procedure referred to in this Act section 68, the environmental permit authority may consider a case concerning the amending of the obligation or the fee in conjunction with amending the permit, notwithstanding other provisions on amending and reviewing regulations. (588/2011)

(3) The case shall be processed similarly to a permit application, as appropriate.

Section 59
Revoking a permit

(1) On the initiative of the supervisory authority the authority granting the permit may revoke it if:

- 1) the applicant has provided erroneous information that is material to the preconditions for granting the permit;
- 2) permit regulations have been violated repeatedly despite a written reminder from the supervisory authority so that the activity poses a risk of environmental pollution; or
- 3) preconditions for continuing the activity cannot be met by amending the permit in accordance with section 58.

(2) The case shall be processed similarly to a permit application, as appropriate.

Chapter 10
Notifications in certain situations and registration of activities

Section 60
Temporary activities causing noise and vibration (253/2010)

(1) Operators must notify the municipal environmental protection committees in writing of measures or events causing temporary noise or vibration, such as construction work or public events if there is reason to expect that such noise or vibration will be especially disturbing. If such projects involve the territories of several municipalities, the notification must be submitted to the Centre for Economic Development, Transport and the Environment whose territory the noise or vibration will mainly occur. (1590/2009)

(2) However, a notification is not required on activities that require an environmental permit or concern the household of a private person, the Defence Forces' activities or on such temporary activities pertaining to which the municipality has issued environmental protection regulations under section 19 and, at the same time, has stipulated that no notification duty exists.

(3) The notification shall be made in good time before taking the measure or starting the activity, but not less than 30 days in advance, however, unless the local environmental protection regulations stipulate a shorter period.

Section 61 (647/2011)
Experimental activities

(1) A written notification on experimental activities, referred to above in section 30(3), shall be made to the competent environmental permit authority at the latest 30 days before starting the activity.

Section 62 (252/2005)
Exceptional situations

(1) If an accident, production disturbance, demolition of a structure or equipment or some other corresponding factor causes emissions or generates waste that may pose an immediate and manifest risk of environmental pollution, or if special waste management measures are required because of the amount or properties of the waste, the operator responsible for the activity or the holder of the waste must notify a supervisory authority of the incident without delay.

(2) If for a reason other than that referred to in subsection 1 which is unforeseen and not connected with the activity an unexpected situation arises as a result of which observance of the permit regulation is impossible for a limited period, the operator must notify the supervisory authority of the matter.

Section 63 (252/2005)
Hearing

(1) If the reported activity may have a substantial impact on the public or private good, notification must be given of the pendency of the notification made in accordance with sections 60 and 61 above and the parties concerned heard as laid down in the Administrative Procedure Act. Similarly, notification of the pendency of the notification referred to in section 62 above must be given and the parties concerned must be heard if there are special reasons for doing so.

Section 64 (252/2005)
Processing notices

(1) Upon the issuance of any notification referred to in section 60-62, the authority must decide whether, issuing necessary regulations on the prevention of environmental pollution resulting from the activity, on monitoring of the activity, on providing residents with information and on meeting obligations concerning the organization of the activity as laid down in the Waste Act. An authority may prohibit or suspend activities other than those carried out under the permit if the considerable harm caused to the public or private good cannot be sufficiently reduced by regulations. The decision must be issued after publication and information on it must be provided in accordance with sections 53 and 54 on issuing and publicizing an environmental permit decision.
(253/2010)

(2) The regulations may be issued or the activity prohibited even if the notification obligation had been neglected.

(3) In situations referred to in section 62 above, the supervisory authority may, applying its own terms and conditions, allow a necessary short-term exception to an obligation based on this Act or the Waste Act. The exception must not cause any health hazard or significant environmental pollution or pose a threat of significant environmental pollution. A decision on the exception is made by the Centre for Economic Development, Transport and the Environment if considering the permit matter covering the activity comes within the competence of Regional State Administrative Agencies or the environmental permit authority. After the exception, the supervisory authority must, if necessary, institute proceedings on the matter at the permit authority as laid down in section 58 on amending a permit regulation. (1590/2009)

(4) A decision made in light of a notification must include the necessary orders on a waste management plan for extractive waste, and compliance therewith. (346/2008)

Section 64a (1590/2009)

Exceptional situations in certain combustion plants

(1) Operators of combustion plants or gas turbines with a rated thermal input of 50 megawatts or more shall immediately notify the Centre for Economic Development, Transport and the Environment and the municipal environmental protection authority of any malfunction or breakdown in waste gas treatment equipment and of any disturbance in the availability of fuel. Further provisions on notification will be issued by Government decree.

(2) The Centre for Economic Development, Transport and the Environment may, on account of a notification, issue a decision containing regulations on the activity of the operator who submitted the notice or prohibit or suspend the activity, if this is necessary for implementing the obligations laid down in Directive 2001/80/EC of the European Parliament and of the Council on the limitation of emissions of certain pollutants into the air from large combustion plants. The decision must be issued after publication and information on it must be provided in accordance with sections 53 and 54 of the issuing and publicizing of an environmental permit decision. Further provisions on the application of jurisdiction of the Centre for Economic Development, Transport and the Environment as referred to above shall be issued by Government decree.

Section 65 (253/2010)

Registration of activities

(1) A notification must be made, to municipal environmental protection authorities for registration in the environmental protection database referred to in section 27, with respect to any activities referred to hereinabove in section 30(1) that do not require an environmental permit under section 30(4). The notification must be made no later than 90 days before operations commence.

(2) A notification must be submitted to the Centre for Economic Development, Transport and the Environment on activities other than those referred to in subsection 1, well in advance of the commencement of these activities, and where they are not subject to an environmental permit, for registration in the environmental protection database referred to in section 27, if

- 1) the activities are of the type referred to in section 30a(2);
- 2) a hazardous substance, provisions on which are laid down by Government decree, is used in the activities;
- 3) the activities may pose a threat of environmental pollution, and provisions on minimum standards for preventing emissions resulting from

the activities, or other minimum standards affecting environmental protection requirements, have been issued by Government decree.

(3) The notification must contain information on the operator, activities, the location and the impacts of the foregoing, as necessary for registration. Further provisions concerning the contents of the notification may be given by Government decree. The authorities will notify the party submitting the notification of the registration of activities.

(4) Ports must be entered in the environmental protection database in the manner laid down in the Act on Environmental Protection in Maritime Transport (1672/2009). Such a notification must contain a waste management plan, which must be observed upon entry of the port into the environmental protection database and thereafter. The municipal environmental protection authority must be notified of the registration and waste management plan.

(5) Registered activities shall fulfil the requirements laid down in the Government decree or the plan referred to in section 26. The supervisory authority shall be provided with any information on the activities necessary for their monitoring. Further provisions on the monitoring of activities may be given by Government decree.

(6) If an environmental permit expires under section 30(2) or 30a(3), the authority will register the activities in the database referred to in section 27, and notify the operator thereof.

Chapter 11 - Compensation

Section 66 Applicable provisions

(1) The Act on Compensation for Environmental Damage (737/1994) applies to compensating environmental damage caused by activities referred to in this Act. However, the provisions of this chapter also apply to compensation questions concerning the pollution of a water body.

(2) The provisions of this chapter on bodies of water also apply to ditches, springs, artificial water bodies and streamlets referred to in Chapter 1, section 3(1)(6) of the Water Act, as appropriate. (588/2011)

Section 67 Deciding on compensation in connection to permit procedure

(1) When a permit authority grants an environmental permit, it shall at the same time, unless otherwise is laid down in section 68, order ex officio that damage from water pollution caused by the activity be compensated. In such cases section 9 of the Act on Compensation for Environmental Damage does not apply. When deciding on a compensation, due consideration shall be given to the provisions of section 55 on the fixed-term nature of the permit and the possibility of reviewing the regulations of a permit granted until further notice.

Section 68 (1590/2009) Separate compensation decisions

(1) If the detailed investigation of damage caused by activities would unreasonably delay the processing of a permit question, the Regional State Administrative Agency may resolve the question, in so far as it concerns granting a permit, and postpone the processing of matters related to compensating damage referred to in section 67. However, compensation on

granting right of use as referred to in section 49 must be decided in connection with the permit.

(2) In addition, the Regional State Administrative Agency may stipulate a postponement of the decision on certain aspects of compensation for damage caused by activities, if special reasons exist because of insufficient information or otherwise. In such a case the recipient of the permit must be required to obtain the required information and to apply the environmental permit authority for supplementation of the compensation decision.

Section 69 (588/2011)

Posting collateral in compensation questions

(1) In permit decisions referred to above in section 68, applicants other than the State, a municipality or joint municipal board shall be required to post acceptable collateral before the activity is started or, if it has already been started, within the time stipulated by the permit authority, to compensate damage caused by the activity. The provisions of Chapter 11, section 20, of the Water Act apply to posting collateral, reviewing its amount and releasing the collateral.

Section 70

Decisions of the appellate court on the processing of a compensation question

(1) If the appellate court amends an environmental permit decision so that a decision concerning compensation needs to be amended, the court shall refer the compensation question to be processed either entirely or in part by the permit authority, unless it can amend the compensation decision by itself.

Section 71 (1590/2009)

Compensating damage occurring before a permit question has been resolved

(1) In connection with a permit question concerning the pollution of a water body, the Regional State Administrative Agency may also process a demand pertaining to the compensation of damage caused by the activity before resolution of the permit question, unless this causes substantial delay. If the demand is not processed in connection with the permit question, the Regional State Administrative Agency handles it as a separate question.

Section 72 (1590/2009)

Compensating unforeseeable damage

(1) Notwithstanding earlier decisions, compensation may be demanded for damage not foreseen when the permit was granted by application made to the Regional State Administrative Agency. Demands concerning compensation for damage caused by the same activity carried out in contradiction to the permit may be processed at the same time.

Section 73 (1590/2009)

Processing a compensation question in the district court

(1) A district court shall not investigate a compensation claim brought to it if a related compensation question has been brought to a permit authority.

(2) Notwithstanding sections 71 and 72, compensation demands pertaining to a crime relating to pollution of waters shall be resolved in the general courts. The Regional State Administrative Agency shall not investigate a compensation question if a criminal matter is pending at a district court on which the demand being processed is based.

(3) The district court shall notify the Regional State Administrative Agency of compensation claims brought to it concerning pollution of water bodies.

(4) The district court and the appellate court may request an opinion from the The Centre for Economic Development, Transport and the Environment or Regional State Administrative Agency if resolving the question requires special expertise in questions concerning environmental or water protection.

Section 74

Processing compensation questions at a permit authority

(1) The provisions of sections 35-38, 53 and 54 on processing permit applications apply to compensation applications and their processing, and to decisions made in compensation questions, as appropriate.

(2) To resolve questions of compensation due to pollution of waters, an order may be issued requiring the submission of special clarification in accordance with Chapter 11, section 16 of the Water Act. (588/2011)

(3) Chapter 13, sections 16-18 of the Water Act also apply to questions of compensation. (588/2011)

Chapter 12 - Treatment of contaminated soil and groundwater

Section 75

Duty to treat soil and groundwater

(1) Any party whose activities have caused the contamination of soil or groundwater is required to restore said soil or groundwater to a condition that will not cause harm to health or the environment or represent a hazard to the environment.

(2) If the party that has caused the contamination of soil cannot be established or reached, or cannot be prevailed upon to fulfil its remediation duty, and if the contamination has occurred with the consent of the holder of the area or said holder has known, or should have known, the state of the area when it was acquired, said holder of the area shall restore the soil in so far as this is not clearly unreasonable. The holder of the area is also responsible, on the same preconditions, for restoring groundwater if the pollution has arisen from contamination of the soil in the area.

(3) In so far as the holder of the polluted area cannot be required to treat contaminated soil, the municipality shall establish the need for and carry out soil remediation.

Section 76

Duty to notify

(1) If a substance which may cause contamination has entered the soil or groundwater, the polluter shall notify the supervisory authority immediately.

Section 77 (1590/2009)

Duty to investigate and remediation-need assessment

(1) If the soil or groundwater is manifestly contaminated, the Centre for Economic Development, Transport and the Environment may order the party responsible for remediation under section 75 to establish the size of the contaminated area and the need for remediation. The order is issued in compliance with the provisions of chapter 13, as applicable.

(2) An assessment of the need for the remediation of contaminated soil and groundwater must take into account the present and future use of the contaminated area, its surroundings and the groundwater, and any danger or harm to the environment and health that would be caused by the contamination.

Section 78 (1590/2009)
Remediation of soil

(1) An environmental permit is required for the remediation of contaminated extractable land resources.

(2) Action may, however, be initiated to restore soil in a contaminated area or to remove contaminated soil material for remediation elsewhere in accordance with subsection 1 by making the relevant notification to the Centre for Economic Development, Transport and the Environment if

- 1) the extent of the contaminated soil and the degree of contamination have been adequately established;
- 2) remediation observes an approved method in general use; and
- 3) the activity does not result in any other pollution of the environment.

(3) A Centre for Economic Development, Transport and the Environment scrutinizes the notification and makes a decision concerning it. The decision may include the necessary regulations on how the activity must be organized and supervised. The decision must be issued after publication and information on it must be provided in accordance with sections 53 and 54 on the issuing and publicizing of an environmental permit decision.

(4) More detailed provisions on the notification and subsequent decision may be given in a Government decree.

Section 79 (1590/2009)
Ordering remediation

(1) The Centre for Economic Development, Transport and the Environment shall order remediation of contaminated soil or groundwater if the party responsible for treatment under section 75 does not take action. The order is issued in compliance with the provisions of chapter 13, as applicable.

(2) An authority may, in the decision referred to in subsection 1, also issue an order on other necessary measures that must be taken to restore the condition of the environment to what it was before or to reduce or eliminate the harm that has arisen. If the restoration requires the treatment of surface deposits in the contaminated area, the order must be issued in accordance with the provisions on environmental permits and those laid down in chapter 13, as applicable.

Section 80 (1590/2009)
Transfer of powers to a municipality

(1) Following application by a municipality and having consulted the Centre for Economic Development, Transport and the Environment and, the Ministry of the Environment may decide that, in matters concerning contaminated soil as referred to in this chapter, with the exception of section 75(3), the competent authority will be the municipal environmental protection authority. The decision may be issued for a fixed period and may be amended if special cause exists. Such decisions cannot be appealed.

(2) Before making a decision on the transfer of powers, any matters referred to in subsection 1 currently pending at the Centre for Economic Development, Transport and the Environment will be fully dealt with by the Centre for Economic Development, Transport and the Environment. Matters pending at the

regional State administrative agency shall be similarly handled by the regional State administrative agency.

Chapter 13 - Supervision and administrative compulsion

Section 81

Notification of changes in operations and change of permit-holder

(1) Holders of environmental permits shall without delay notify the supervisory authority of any permanent or long-term interruption in operations, and of any changes in operations significant in terms of supervision.

(2) If the permit-holder changes, the new holder of the permit shall report this.

Section 82 (1590/2009)

Monitoring on another party's land

(1) The Centre for Economic Development, Transport and the Environment may grant an operator the right to monitor the environmental effects of its activities and the quality of the environment on another party's land if the owner or holder of the area has not given consent for this.

(2) The right may be granted as long as said monitoring does not cause any major inconvenience. The owner or holder of the area shall be given an opportunity to be heard on the matter.

Section 83

Right to information and inspection

(1) The authority referred to in this Act, or a civil servant or officeholder appointed by said authority, is entitled, for the purposes of supervision and enforcement of the Act:

- 1) to obtain necessary information from authorities and operators, notwithstanding the confidentiality duty laid down in the Act on the Openness of Government Activities;
- 2) to move around on another party's land;
- 3) to make inspections and tests, carry out measurements and take samples;
- 4) to gain access to places where activities are engaged in;
- 5) to monitor the environmental effects of activities.

(2) Any other person appointed by an authority also has the right referred to in subsection 1 above, which does not involve any exercise of official authority.

(3) The measures referred to in subsection 1 above may not be carried out in facilities covered by domiciliary peace unless they are necessary to protect life, health, property or the environment. The Health Protection Act contains provisions on the inspection of housing.

Section 84 (1590/2009)

Rectification of a violation or negligence

(1) A supervisory authority may

- 1) prohibit a party that violates this Act or a decree or regulation based on it from continuing or repeating a procedure contrary to a provision or regulation;
- 2) order a party that violates this Act or a decree or regulation based on it to fulfil its duty in some other way;

- 3) order a party as referred to in paragraphs 1 and 2 to restore the environment to what it was before or to eliminate the harm to the environment caused by the violation;
- 4) order an operator to conduct an investigation on a scale sufficient to establish the environmental impact of operations if there is justified cause to suspect that they are causing pollution contrary to this Act.

(2) For an activity subject to a permit, an order will be issued by the Centre for Economic Development, Transport and the Environment, if the competent permit authority is the regional State administrative agency or the agency has granted the environmental permit under section 33. In other cases, the order shall be granted by the municipal environmental protection authority.

(3) If the order concerns operations subject to permit in which the permit matter must be dealt with in joint processing in accordance with section 39, the order is issued as provided concerning administrative compulsion matters in chapter 21 of the Water Act. If the order concerns only compliance with an obligation laid down in or under this Act, however, it is issued in accordance with this Act. (588/2011)

(4) An order cannot be issued immediately to enforce sections 4 or 6.

Section 84a (1590/2009)

Regulation for remedying substantial pollution of a water body and damage to protected species and natural habitats

(1) If, as a consequence of a violation or negligence, referred to in section 84(1) or (2), substantial pollution of a water body results, or damage occurs to protected species and natural habitats, referred to in section 5a of the Nature Conservation Act, the Centre for Economic Development, Transport and the Environment shall, in addition to the provisions laid down in section 84(1) of this Act, order the operator to undertake remedial measures against the environmental damage, referred to in the Act on the Remediation of Certain Environmental Damages (Act on the Remediation of Certain Environmental Damages (383/2009)).

(2) If substantial pollution of the water body or damage to protected species and natural habitats was due to an accident or any other unpredictable cause, the Centre for Economic Development, Transport and the Environment shall order the operator which caused the damage to undertake remedial measures, referred to in the Act on the Remediation of Certain Environmental Damages.

Section 84b (385/2009)

Assessment of the significance of pollution of the water body

(1) When assessing the significance of pollution of the water body, referred to in section 84a above, consideration shall be taken of the provisions laid down in section 50(2) alongside other aspects. Further provisions on assessing the significance of pollution and aspects to be taken into consideration in the assessment are given by Government decree.

Section 84c (1590/2009)

Notification of substantial pollution of the water body, and damage to protected species and natural habitats

(1) The operator shall notify the Centre for Economic Development, Transport and the Environment without delay of any substantial pollution of the water body and damage to protected species and natural habitats, referred to in section 84a, and the imminent threat thereof.

Section 85 (253/2010)
Orders to prevent pollution

(1) After conducting an inspection, a municipal environmental protection authority may issue a single order, concerning activities posing a threat of environmental pollution and necessary to preventing the pollution. Such an order does not apply to an activity subject to a permit, or to a registered activity referred to in section 65. The order must be reasonable, considering the nature of the activities in question and the severity of the environmental pollution concerned.

Section 86
Suspending operations

(1) If a direct harm to health or some other immediate major pollution of the environment is caused by an activity that poses a threat of environmental pollution, the supervisory authority can suspend the activities if the harm cannot be eliminated or sufficiently reduced otherwise. As far as possible, the operator must be heard before such suspension.

(2) Minutes shall be kept of the suspension measure and a decision on the suspension shall be made without delay. In addition, the authority shall provide information on later procedures to resume activities.

Section 87 (586/2001)
Decision to prohibit or require action on substances, preparations, products, equipment and machines

(1) If a Government decree issued under section 13(1)(2) or under section 15 has been violated, the Ministry of the Environment may:

- 1) prohibit the manufacturer, importer, other market supplier or those maintaining the equipment or handling the substance from continuing operations;
- 2) prohibit the use, manufacture, trading, sale or other supply of substances, preparations, products, equipment or machines that are in violation of the law;
- 3) require the offender to bring the substance, preparation, product, equipment or machine into compliance with the law or otherwise meet its obligations;
- 4) require the offender to deliver the substance, preparation, product, equipment or machine or part of it for proper waste treatment.

(2) If a substance, preparation, product, equipment or machine referred to in subsection 1 has been placed on the market, the Ministry may require the party acting contrary to the Decree to remove the product from the market and to act in accordance with subsection 1.

(3) The Finnish Safety and Chemicals Agency shall decide on the prohibition or requirement referred to in subsections 1 and 2 when the violation concerns compliance with the Government decree on the products containing organic solvents given under section 15 and compliance with the special permit referred to in section 17a. The Finnish Environment Institute shall decide on the prohibition and requirement when the violation concerns compliance with the Regulation of the European Parliament and of the Council on substances that deplete the ozone layer, the Government decree on protecting the ozone layer issued under section 15, and the Government decree issued under section 108d, and otherwise compliance with the obligations under section 108a(1-3), 108b and 108c(1)(2). The prohibition on using equipment violating the provisions or the obligation to meet the maintenance requirement shall, however, be issued by the supervisory authority referred to in section 22(1). (1264/2010)

Section 88

Threat of a conditional fine, of having action taken and of suspension

(1) Unless it is obviously unnecessary, an authority may intensify the effect of a prohibition or order that it has issued by conditional imposition of a fine, of having an omission corrected at the expense of the defaulting party, or of suspending operations.

(2) Unless this Act requires otherwise, what is provided in the Conditional Fine Act (1113/1990) applies to matters related to conditional imposition of a fine, of having action taken, and of suspension.

Section 89

Temporary order by an officeholder

(1) In urgent cases, an order as referred to in section 84 can be issued, or a decision as referred to in section 86 made, by an officeholder appointed by a municipal environmental protection authority. However, the matter shall be placed before the municipal environmental authority without delay.

Section 90

Obligations after discontinuing activities

(1) When activities subject to a permit or activities referred to in section 30(1) are discontinued, the operator is still under an obligation to take any action required to prevent pollution and to establish and monitor the effects of the activities, in accordance with the permit conditions or a Government decree. (253/2010)

(2) If the operator no longer exists, or cannot be reached, and monitoring of the environment is necessary to supervise the environmental effects of the discontinued activities, the holder of the operating area is responsible for said monitoring.

(3) If the permit does not include sufficient regulations on the action needed to terminate activities, the permit authority shall issue orders for this purpose. The matter shall be processed like a permit application, as applicable. Orders concerning monitoring are issued according to the provisions of section 46, as applicable.

(4) Before an activity registered in the environmental protection database under section 65(1) ends, the municipal environmental protection authority must be provided with a plan detailing the measures required to terminate the activities. (253/2010)

Section 91 (1590/2009)

Hearings

(1) Before issuing an order referred to in this chapter, an authority shall give the affected party an opportunity to be heard on the matter, as provided in the Administrative Procedures Act. If necessary, other parties concerned, other supervisory authorities, the permit authority and authorities acting in the public interest must also be heard.

Section 92 (1590/2009)

Right to take legal action

(1) If legal action on a matter referred to in section 77, 79, 84, 84a, 85 or 86 is not taken on the initiative of the supervisory authority, action may be initiated in writing by:

- 1) whoever may have a right or interest in the matter;
- 2) a registered association or foundation, whose purpose is to promote the protection of the environment or health, or nature conservation or the pleasantness of the living environment, and in whose operating area the environmental impacts in question arise;
- 3) the municipality in which the activity is located, or another municipality in the area in which the adverse impacts appear;
- 4) the Centre for Economic Development, Transport and the Environment and the environmental protection authority of the municipality in which the activity is located or which is located in the area of impact;
- 5) another authority protecting the public interest in the matter.

(2) The Centre for Economic Development, Transport and the Environment may bring a claim in a matter concerning the issuing of environmental protection regulations pursuant to section 19(2) (7), if the municipality has not issued regulations relating to the matter and the regulations have been regarded as important measures concerning the state of waters and the state of sea environment in a water management plan and in a sea management plan, in accordance with the Act on Water Resources Management or sea Resources Management. (273/2011)

Section 93
Executive assistance

(1) The police are required to provide executive assistance to ensure compliance with provisions and regulations issued in and under this Act. The same applies to customs and frontier guard authorities within their own purviews.

Section 94 (1590/2009)
Action in criminal cases

(1) The supervisory authority shall report any act or regulation referred to in section 116 to the police for preliminary investigation. However, no notification need be made if the act can be considered minor in view of the circumstances and the public interest does not require charges to be brought.

(2) If the public interest is infringed, the Centre for Economic Development, Transport and the Environment is the injured party in criminal cases.

Section 95 (252/2005)
Organizing supervision

(1) The Centre for Economic Development, Transport and the Environment must, in order to organize supervision in accordance with this Act, draw up a supervision plan on the content of which provisions shall be issued by Ministry of the Environment decree, as necessary. (1590/2009)

(2) If necessary, the Ministry of the Environment may issue further provisions by decree concerning the conducting of inspections and the organizing of supervision required under this Act. A Government decree otherwise issued under this Act may also contain provisions on measures connected with supervision so that the efficiency of supervision can be ensured.

(3) The Ministry of the Environment may provide the supervisory authorities with more detailed general instructions on the supervision of the compliance with this Act.

Chapter 14 - Appeal and enforcement of decisions

Section 96

Appeal

(1) Decisions of authorities issued under this Act may be appealed to the Vaasa Administrative Court as laid down in the Administrative Judicial Procedure Act. The petition of appeal on an environmental permit decision and any appendices must be submitted to the authority which issued the decision. The authority must notify the Vaasa Administrative Court of the environmental permit decision and the appeals lodged immediately after the expiry of the appeal period. (252/2005)

(2) Decisions of the Government and the Ministry of the Environment may be appealed to the Supreme Administrative Court, as laid down in the Administrative Judicial Procedure Act. Decisions made by the Finnish Environment Institute under section 17a may be appealed to the Vaasa Administrative Court, as laid down in the Administrative Judicial Procedure Act. (814/2005)

(3) Orders or decisions of municipal office-holders issued under section 89 cannot be appealed. Decisions pursuant to sections 33, 68 and 70 concerning referral to another authority for decision and rulings concerning separate processing of a claim for compensation as referred to in section 71 cannot be appealed separately. Rulings on processing fees to be charged under section 105 are appealed in the same order as the principal claim.

(4) Decisions concerning approval of municipal environment protection regulations and tariffs for environmental permit processing fees are subject to appeal as laid down in the Local Government Act (365/1995). A Centre for Economic Development, Transport and the Environment also has a right of appeal in decisions concerning municipal environmental protection regulations. (1590/2009)

(5) Vaasa Administrative Court decisions are appealed to the Supreme Administrative Court under the Administrative Judicial Procedure Act.

Section 97 (1590/2009)

Right of Appeal

- (1) Right of appeal pertains to:
- 1) persons whose rights or interests may be affected by the matter;
 - 2) registered associations or foundations whose purpose is to promote environmental, health or nature protection or the general amenity of the environment and whose area of activity is subjected to the environmental impact in question;
 - 3) the municipality where the activity takes place and other municipalities subjected to its environmental impact;
 - 4) the Centre for Economic Development, Transport and the Environment and the environmental protection committees where the activity takes place or located in the area of impact;
 - 5) other authorities supervising the public interest in the matter.

(2) For the purpose of safeguarding the public environmental protection interest, Centre for Economic Development, Transport and the Environment and municipal environmental authorities are also entitled to appeal Vaasa Administrative Court decisions amending or reversing decisions issued by them.

Section 97a (252/2005)

Appeal in certain cases

(1) Decisions by authorities on type approval, and a decision taken by the Finnish Safety and Chemicals Agency under section 108c to issue or cancel a

certificate of qualification, are open to appeal as provided in the Administrative Judicial Procedure Act (586/1996). (1264/2010)

(2) The party whose rights or interests the issue may concern may seek rectification of the decision issued by the inspection authority or other similar institution referred to in section 24(3) from the body that issued the decision within 14 days of the service of the decision. The instructions for a rectification request must be appended to the decision. A decision used as a basis for rejecting the rectification request may be appealed to an administrative court, as laid down in the appeal provisions of the Administrative Judicial Procedure Act.

(3) A student dissatisfied with a qualification assessment set down under a competence-based qualification pursuant to section 108a may appeal for a change in the assessment as provided in the Vocational Adult Education Act (631/1998). (681/2008)

(4) A student dissatisfied with a qualification assessment set down under a vocational upper secondary qualification pursuant to section 108a may appeal for a change in the assessment as provided in the Vocational Education and Training Act (630/1998). (681/2008)

(5) With respect to a decision to grant a certificate made by an expert party approved by the Finnish Safety and Chemicals Agency or the Finnish Environment Institute under section 108a, the person subject to a qualification assessment may apply in writing for the rectification of the assessment by the party making the decision within 14 days of being informed of the decision. The decision must be accompanied by instructions on how to request rectification. A decision rejecting a claim for rectification is subject to appeal before the administrative court as provided in the Administrative Judicial Procedure Act. An appeal against the ruling issued by the administrative court may be lodged with the Supreme Administrative Court, if the Supreme Administrative Court grants leave so to appeal. (1264/2010)

Section 98 (252/2005)

Hearing of parties regarding appeal

(1) The authority that issued the environmental permit decision must provide information on the appeals concerning the decision by posting information about them on its notice board and on the notice boards of the municipalities concerned for at least 14 days. The appeal documents must be kept available in the municipalities concerned for the duration of the public notice period. The authority must also provide the permit applicant, the parties that the matter particularly concerns, and authorities supervising public interest with an opportunity to submit a response concerning the appeal, unless this is manifestly unnecessary. The information on the appeal for the purpose of submitting a response to the appeal is given as laid down in the Administrative Procedure Act. At the same time, the authority must also notify where the appeal documents are available for inspection and where written responses can be submitted within the period set for submitting the response.

(2) The authority that issued the decision must submit the appeal documents, responses, other documents concerning the decision and, if necessary, its opinion, to the Vaasa Administrative Court without delay but nevertheless within 30 days of the end of the period set for submitting the response.

Section 99
Procedure in the appellate court

(1) In addition to what is provided in the Administrative Judicial Procedure Act concerning inspections, the appellate court or by its order the chairman, a member or presenting official of the court can conduct an inspection on site.

(2) Vaasa Administrative Court decisions concerning environmental permits shall be issued after they have been posted for publication, in which case the parties concerned are considered to have been informed of the decision as of the time it is issued. A notice of the decision shall also be posted immediately for publication on the bulletin board of the municipality where the activity takes place and in other municipalities in the area of impact.

(3) Vaasa Administrative Court decisions shall be delivered to the appellant and copies of the decision to parties concerned who have requested this, and, in cases concerning permits, to the operator concerned if he is not the appellant. A copy of the decision shall also be submitted to the Regional State Administrative Agencies, supervisory authority, authorities supervising the public interest in the matter and the Finnish Environment Institute.
(1590/2009)

(4) In the case of administrative court decisions on administrative compulsion issued under this Act, notice must be given by way of verifiable service as laid down in the Administrative Procedure Act. (252/2005)

Section 100
Enforceability of decisions

(1) Activities must not be started or changed before the permit decision conferring entitlement thereto has gained legal force. Appeals against compensation payments do not prevent the start of activities.

(2) The law governing enforcement of final judgements shall apply as appropriate to enforcement of final decisions by a permit authority insofar as the decisions are in respect of compensation awarded under chapter 11 of this Act or right of use and related compensation granted under section 49.

Section 101 (252/2005)
Enforcement of decisions regardless of appeal

(1) The permit authority may, for a justified cause and on condition that the enforcement does not defeat the purpose of the appeal and at the request of the permit applicant, order in the permit decision that, regardless of the appeal, the activity may be started in accordance with the permit decision provided that the applicant deposits acceptable security for restoration of the environment in case the permit decision is annulled or its terms changed. The security condition does not apply to the State, State agencies, municipalities or joint municipal boards. The permit authority may, if necessary, order the enforcement to be on a smaller scale than what is laid down in the permit decision and issue orders on the starting date of the enforcement.

(2) The right referred to in subsection 1 above may be granted on the same conditions on the basis of a separate application submitted within 14 days of the end of the appeal period. The supervisory authorities and those appealing the permit decision must be heard on the application. After this, the decision must be made without delay. The decision may be appealed to the Vaasa Administrative Court as laid down in the Administrative Judicial Procedure Act. The decision granting the right referred to in subsection 1 must be delivered immediately to the Vaasa Administrative Court and the appellants.

(3) An authority may order that a regulation referred to in sections 46, 64, 64a, 78, 79, 82, 84, 84a and 85-87 be complied with, regardless of any appeal filed. (385/2009)

Section 101a (252/2005)

Considering an enforcement matter at an appellate court

(1) An appellate court may, on appeal, annul an order referred to in section 101 or amend it or otherwise prohibit the enforcement of the permit decision. An administrative court decision on enforcement may only be appealed to the Supreme Administrative Court in connection with the main issue.

(2) The party that has appealed an environmental permit decision may in the administrative court request that the decision referred to in section 101(2) be annulled or amended without him/her having to submit a separate appeal concerning it. Otherwise, provisions in subsection 1 of this section apply to the appeals procedure.

(3) Provisions in chapter 6 of the Administrative Judicial Procedure Act on enforcing a decision before it has gained legal force do not apply to an appeal carried out in accordance with this Act in the manner that the activity could be started without a permit with legal force or an order referred to in section 101. If the permit matter is a question of the continuation of an existing activity, the Vaasa Administrative Court may in its decision order that the decision must, despite the appeal, be observed in full or in part, unless otherwise ordered by the Supreme Administrative Court.

Chapter 15 - Miscellaneous provisions

Section 102 (13/2011)

Protection of air quality

(1) Insofar as possible, municipalities shall ensure good air quality in their area of administration, paying attention to the provisions on air pollution under this Act and the provisions of section 102a and 102b on plans drawn up to secure air quality.

(2) In the implementation of plans drawn up to secure air quality pursuant to sections 102a and 103b, municipalities may issue regulations on restricting and suspending activities other than those subject to a permit. Separate provisions are issued on lowering the emissions caused by activities subject to a permit and preventing unpredictable, severe air pollution.

Section 102a (13/2011)

Air quality protection plan

(1) If a limit value specified for air pollution under this Act is exceeded, or there is a threat thereof, the municipality shall prepare a medium- and long-term air quality protection plan for holding pollution under the limit value and shortening the duration during which the limit value is exceeded. No air quality protection plan need to be drawn up in cases concerning the exceedance of limit values specified for particulate matter (PM₁₀) referred to in section 102d, if the particulate matter is clearly due to the particulate load caused by sand or salt used for road and street maintenance during the winter. Municipalities may, at their own discretion, also draw up an air quality protection plan for achieving the target values set for ozone.

(2) In order to improve air quality, the air quality protection plan must include information on deteriorating air quality and necessary ameliorative measures targeted at traffic and other emission-causing activities. If necessary, the plan must also include measures for the protection of population groups with special sensitivity to air pollution. Further provisions concerning

the contents of the air quality protection plan may be given by Government decree.

Section 102b (13/2011)

Short-term action plan

(1) If the alert threshold, specified under this Act for sulphur dioxide or nitrogen dioxide, is exceeded or there is a risk thereof, the municipality must prepare a short-term action plan to reduce the risk and duration of such an exceedance. When the alert threshold for ozone is exceeded or there is a risk thereof, the municipality is only obliged to prepare a short-term action plan if such a plan would be of use in reducing the risk, duration or severity of such an exceedance. The municipality may, at its own discretion, prepare a short-term action plan for holding pollution under the limit value and shortening the duration during which the limit value is exceeded, as well as for achieving the target values set for ozone.

(2) As appropriate, the short-term action plan shall include the information referred to in section 102a(2) and corresponding measures pursuant to section 102a(2) which facilitate the most rapid possible improvement in air quality.

(3) Further provisions concerning the contents of the short-term action plan may be given by Government decree.

Section 102c (13/2011)

Procedure for drawing up plans, and disclosure of information

(1) The air quality protection plan must be prepared within 18 months of the end of the calendar year in which the limit value was exceeded or a risk thereof was detected. A short-term action plan must be prepared without delay after the alert threshold has been exceeded, or a risk thereof has been detected.

(2) Within a reasonable time, municipalities must provide the public with the opportunity to express its views on draft plans. Such an opportunity shall be provided by posting a notice of the matter on a notice board of the municipality concerned or in a newspaper in general circulation within the locality affected, or provided in electronic format. A statement on the draft plans must be sought from the Centre for Economic Development, Transport and the Environment.

(3) As provided in subsection 2, the public shall be informed of approved plans and of how account has been taken of the views expressed and the statement of the Centre for Economic Development, Transport and the Environment. Approved plans shall be sent for information purposes to the Centre for Economic Development, Transport and the Environment and the Ministry of the Environment.

(4) Municipalities shall submit information on any measures implemented in accordance with the air quality protection plan, and any revision of the air quality protection plan or any separate preparation of a short-term action plan, to the Centre for Economic Development, Transport and the Environment and the Ministry of the Environment, by 15 May every year.

Section 102d (13/2011)

Exceedance of limit values due to sanding and salting

(1) Where, in an area, the limit values specified for particulate matter (PM10) under this Act are clearly exceeded due to a particulate load caused by sanding or salting for the winter maintenance of roads and streets, instead of an air quality protection plan, the municipality may prepare a report on the exceedance of the limit values, the reasons for which the limits were exceeded and the measures required to lower concentrations. Further provisions on the

contents of the report may be given by Government decree.

(2) The report must be prepared within seven months of the end of the calendar year in which the limit value was exceeded for the first time. When preparing the report, the provisions laid down in section 102c(2) and (3), on providing the public with an opportunity to participate and on the statement to be requested from the Centre for Economic Development, Transport and the Environment, must be complied with.

(3) If the limit value is again exceeded after the report is drawn up, the municipality must submit a report to the Centre for Economic Development, Transport and the Environment on measures already taken to lower concentrations, including an assessment of the impacts of the measures and any additional measures required. However, if the additional measures required are of such significance that they require the drawing up of an entirely new report, the procedure referred to in subsection 2 shall be complied with.

Section 102e (13/2011)

Postponement of the deadline related to limit values for nitrogen dioxide

(1) In an area where there is a risk that the limit values set for nitrogen dioxide under this Act will be exceeded after the deadline specified, the municipality may apply for the deadline to be extended for a maximum period of five years, under the preconditions provided in Article 22(1) of Directive 2008/50/EC of the European Parliament and of the Council on ambient air quality and cleaner air for Europe.

(2) The application to postpone the deadline must be delivered to the Ministry of the Environment by 30 May 2011 and sent to the Centre for Economic Development, Transport and the Environment for information purposes. If the preconditions for postponement of the deadline are met, the Ministry of the Environment must complete the application and submit it to the European Commission for assessment by 30 September 2011.

(3) The Ministry of the Environment will decide on the matter based on the position of the European Commission, referred to in Article 22, paragraph 4, second and third subparagraphs, of the directive mentioned above in subsection 1. The Ministry of the Environment must inform the public of the decision, either via a newspaper in general circulation or electronically.

(4) Further provisions on the preconditions for postponement of the deadline, and information to be included in the application, may be given by Government decree.

Section 103

Section 103 has been struck down by law 196/2011

Section 103a (346/2008)

Waste management plan for extractive waste

(1) A waste management plan for extractive waste must be drawn up for any mining activity subject to an environmental permit, or subject to notification pursuant to section 61, or for any activity in preparation for such mining or a comparable activity, or for a concentration plant, stone quarry, other quarry operations, rock-crushing or peat production that generates extractive waste. However, such a waste management plan is not required where a quarry operation or rock-crushing is related to earthworks and hydraulic construction.

(2) The waste management plan for extractive waste must be prepared so as to prevent the generation of extractive waste and to reduce its harmfulness, while promoting the recovery and safe treatment of such waste. The waste management

plan must include information on the environment within the region, extractive waste, the recovery of extractive waste, waste sites for extractive waste, environmental impacts, measures for preventing environmental pollution, the supervision of activity, and measures related to the closure of operations. Further provisions on the objectives and content of the waste management plan will be given by Government decree.

(3) The operator must assess, and, if necessary, revise the waste management plan for extractive waste at a minimum of five year intervals, and inform the supervisory authority thereof.

(4) The waste management plan for extractive waste must be amended if there is any significant change in the quantity or quality of extractive waste, or in arrangements for treatment or recovery of this waste. In such a case, the environmental permit must be amended as provided in section 58, or the decision concerning notification revised. However, should there be a substantial change in the activities, the provisions laid down in section 28(3) shall apply.

Section 103b (346/2008)

Waste sites for extractive waste posing the risk of a major accident

(1) The operator of a waste site for extractive waste must be aware of any risk of a major accident posed by the waste site and see to the planning, establishment, management, decommissioning and after-care of the waste site in such a manner as to prevent major accidents.

(2) A policy document must be drawn up for any waste site for extractive waste which poses a risk of a major accident, in addition to which a safety management system and internal emergency plan must be adopted. When drawing up the aforementioned, account must be taken of any risk of a major accident posed by the waste site. The internal emergency plan must present measures for preventing the impacts of potential accidents, for minimising the consequences of any accidents and for making preparations to restore the environment in the aftermath of such an accident, as well as measures to warn the public and notify the authorities. The emergency plan must include a report of the policy document and the safety management system. The plan must be assessed, and if necessary revised, at a minimum of three-year intervals, and the authorities must be notified of such an assessment or revision. Further provisions on the policy document and safety management system, as well as on the internal emergency plan and its submission to supervisory authorities, are given in a Government decree.

(3) The operator shall appoint an employee to be in charge of ensuring that all operations at the waste site for extractive waste comply with the policy document, safety management system and internal emergency plan.

(4) The operator must inform any persons and corporations who may be affected by a major accident occurring at a waste site for extractive waste of the safety measures intended to counter the risk of such an accident. Information on safety measures must be updated at a minimum of three-year intervals and details provided on any major changes made. Further provisions on the dissemination of information will be given by Government decree.

(5) The provisions laid down in subsections 1-4 shall not apply if the requirements of sections 30-32 of the Act on the Safe Handling and Storage of Dangerous Chemicals and Explosives (390/2005) are applied to a waste site for extractive waste posing a risk of a major accident.

Section 103c (588/2011)
Conducting wastewater on another's property

(1) Should wastewater be conducted into a ditch or streamlet on another's property, the party conducting wastewater is required to attend to the maintenance of the ditch or streamlet concerned. The party conducting wastewater must perform any work required to enlarge, restore and maintain the channel, should such work become necessary due to wastewater being conducted, and otherwise ensure that the conducting of wastewater does not cause any harm that is avoidable at a reasonable cost. Moreover, the party conducting wastewater must maintain any sewer pipe located on another's property, as well as other pipes and structures constructed for conducting wastewater.

(2) If several parties conduct wastewater into a ditch or streamlet, or the conducting of wastewater provides a landowner with a more than minor benefit in terms of ditch drainage, each party benefitting from the conducting of the wastewater must participate in the maintenance of the ditch, in the manner provided for in Chapter 5 of the Water Act on joint ditch drainage. No obligation to participate in measures necessary for conducting wastewater can be imposed on a party conducting water other than wastewater. If necessary, a ditch drainage corporation must be established in the manner provided in Chapter 5 of the Water Act.

(3) The environmental permit may include a decision to set more detailed terms for the obligations applying to the party conducting wastewater. If the permit does not include the required provisions, or wastewater is conducted based on an activity not subject to a permit, the municipal environmental protection authority will have the power to determine more detailed terms for the obligation, in compliance with the provisions of Chapter 5 of the Water Act on ditch drainage. Any disputes concerning maintenance of the channel will be resolved by the municipal environmental protection authority in compliance with the provisions of Chapter 5 of the Water Act on ditch drainage, as appropriate.

(4) If a permit has been granted under section 48 or 49 for conducting wastewater into a ditch or streamlet, or for placing a sewer pipe or digging a ditch, the conducting of wastewater may not be prevented or obstructed because of construction or related measures. Moreover, the provisions of Chapter 5, section 10 of the Water Act shall apply to any ditch or sewer pipe constructed for the purpose of conducting wastewater.

Section 104
Reporting duty concerning a polluted area

(1) Persons relinquishing or renting land shall provide the new owner or tenant with any information available on the activity carried out on the land and any wastes or substances that may cause pollution of the ground or ground-water.

Section 105 (1590/2009)
Processing fees

(1) A fee can be charged for processing a permit, notification or other matter under this Act by a State authority, the amount of which shall be specified in accordance with the Act on Bases for Charges Payable to the State (150/1992) and Ministry of the Environment decrees issued under it. The bases for fees payable to municipalities shall, as appropriate, comply with the Act on Bases for Charges Payable to the State. The bases for charges shall be specified in detail in a tariff approved by the municipality.

(2) A fee shall not be charged for processing of matters initiated by authorities or an injured party. A fee can be charged for processing of a matter initiated by another party, if initiation of the matter is deemed manifestly ungrounded.

Section 106 (1590/2009)

Hearing of witnesses

(1) Regional State Administrative Agencies can, if this is necessary for a special cause, hear witnesses under oath and parties under solemn declaration. All parties shall be given an opportunity to be present when witnesses or parties are heard, and they are entitled to put questions and present their view of the witnesses' and parties' testimonies. The provisions of the Administrative Judicial Procedure Act apply to remuneration paid to witnesses.

Section 107

Reimbursement of costs in matters concerning compensation

(1) In matters concerning compensation, the provisions of the Administrative Judicial Procedure Act concerning reimbursement of court costs apply to reimbursement of costs incurred by the parties.

(2) If a party has been granted public legal aid under the Act on Public Legal Aid (104/1998), the authority deciding on compensation shall also rule on any obligation of the parties to reimburse costs incurred by the State or the costs and the deductible paid by the recipient of public legal aid pursuant to section 24 of the said Act.

Section 108

Quality assurance of measurements and inspections

(1) Measurements, tests, reports and inspections required for the enforcement of this Act shall be conducted competently and reliably and by suitable means.

(2) The Ministry of the Environment can by decree issue provisions concerning:

- 1) measurement and test methods, standards and calculation models to be used in the application of this Act and provisions issued under it;
- 2) quality assurance concerning measurements, tests, reports and inspections and the supervision of research institutes.

Section 108a (681/2008)

Verifying the qualifications of those handling substances that deplete the ozone layer and certain fluorinated greenhouse gases

(1) Anyone handling substances referred to in the Regulation of the European Parliament and of the Council on substances that deplete the ozone layer and the Regulation of the European Parliament and of the Council on certain fluorinated greenhouse gases, or anyone performing the installation, maintenance, servicing or waste management of equipment or systems containing any of the substances mentioned, or anyone operating such equipment or systems, must be duly qualified with respect to preventing the emission of these substances.

(2) The persons referred to above in subsection 1 must provide evidence of their qualifications in accordance with the Regulation of the European Parliament and of the Council on substances that deplete the ozone layer and the Regulation of the European Parliament and of the Council on certain fluorinated greenhouse gases, or in accordance with the requirements set pursuant to these regulations. Should the person in question be employed within the cooling, air-conditioning and heat pump industries, he or she must provide evidence of having passed a competence-based qualification assessment as provided in the Vocational Adult Education Act and of having obtained a curriculum-based vocational upper secondary qualification, as provided in the Vocational Education and Training Act. With respect to competence-based qualifications, the qualification committee, and with respect to curriculum-

based vocational upper secondary qualifications, the organiser of education and training shall issue a certificate to a person who has duly demonstrated his or her qualified status. Persons employed in the fire-extinguishing equipment industry, high-voltage switchgear industry or an industry engaged in the production, supply or servicing of in-vehicle air-conditioning systems, must demonstrate their qualifications in a test arranged by a sufficiently competent party approved by the Finnish Safety and Chemicals Agency. Persons dealing with the recovery of gases from equipment containing solvents based on fluorinated greenhouse gases must demonstrate their qualifications in a test arranged by a sufficiently competent party approved by the Finnish Environment Institute. An educational institution engaged in the related fields of study, or a company managing the certification of qualified persons, or the importer of the related devices or equipment shall be regarded as a sufficiently competent party. Any person passing a test, and thereby demonstrating his or her qualifications for performing the abovementioned activities, shall be issued with the related certificate. (1264/2010)

(3) Provisions on penal liability as a public official apply to the employees of the competent parties referred to above in subsection 2, when said employees attend to public administrative duties referred to under this Act. In attending to such duties they shall observe the provisions laid down in the Act on the Openness of Government Activities, the Act on Electronic Services and Communication in the Public Sector, the Administrative Procedure Act and the Language Act. Provisions on tort liability are laid down in the Tort Liability Act (412/1974).

(4) The Finnish Safety and Chemicals Agency or Finnish Environment Institute may cancel approval granted to organise tests for assessing the qualifications of personnel, if the organiser of the tests is no longer active in the industry or, for some other reason, no longer meets the prerequisites for approval. (1264/2010)

Section 108b (681/2008)

Person in charge of operations and equipment

(1) An operator referred to above in section 108a(1), however not an operator in the high-voltage switchgear industry or one dealing with the recovery of gases from equipment containing solvents based on fluorinated greenhouse gases, must appoint a person in charge, who must be primarily employed by the operator in question and qualified in accordance with section 108a(1). In addition, the operator must possess the equipment and tools required for the appropriate performance of the maintenance duties in question.

108c (1264/2010)

Verification of qualification, and notification of having done so

(1) Any person verifying a qualification must submit a notification thereof to the Finnish Safety and Chemicals Agency. The notification must contain the necessary personal and contact information related to the person bearing the qualification, and proof that the qualification requirements under section 108a(2) have been met. Persons meeting the qualification requirements are provided with a qualification certificate by the Finnish Safety and Chemicals Agency.

(2) Operators must notify the Finnish Safety and Chemicals Agency of the qualifications held by their personnel, and the nature of any operations and tools used for the purpose of supervision and verification of qualifications required under the Regulation of the European Parliament and of the Council on substances that deplete the ozone layer and the Regulation of the European Parliament and of the Council on certain fluorinated greenhouse gases, or required by any decision taken under these regulations. The Finnish Safety and Chemicals Agency will issue a qualification certificate to any operator who meets the qualification requirements. The obligation to notify does not,

however, apply to operators in the high-voltage switchgear industry or those dealing with the recovery of gases from equipment containing solvents based on fluorinated greenhouse gases.

(3) The Finnish Safety and Chemicals Agency may decide to cancel the qualification certificate if the operator or person no longer meets the qualification requirements. Before cancelling the qualification certificate, the Finnish Safety and Chemicals Agency must provide the operator or person with an opportunity to amend the defect in qualification requirements, unless the defect is of a fundamental nature such that it cannot be rectified within a reasonable time.

(4) The Finnish Safety and Chemicals Agency is entitled to charge a fee for handling the notifications and issuing of certificates of qualification referred to in subsections 1 and 2. Further provisions on the fees will be given in a decree issued by the Ministry of Employment and the Economy, in compliance with the provisions laid down in the Act on Criteria for Charges Payable to the State.

108d (681/2008)

Government decrees

- (1) More detailed provisions are given by Government decree on:
- 1) the training and qualification requirements of a person and operator referred to in section 108a(2) and section 108b;
 - 2) the contents of notifications referred to in section 108c and the notification procedure;
 - 3) tools and equipment required in installation, maintenance and servicing activities for equipment and systems containing the substances referred to in section 108a(1) and in the waste management of these substances;
 - 4) tasks of supervisory authorities in the supervision of installation, maintenance and servicing activities for equipment and systems, and waste management referred to in section 108a(1).

108e (681/2008)

Register maintained by the authority

(1) For the purpose of managing the tasks vested in it under section 108c, the Finnish Safety and Chemicals Agency maintains a register of operators which have provided it with a notification under this Act. In addition, the Finnish Safety and Chemicals Agency maintains a register of qualification certificates issued under section 108c, and of persons in charge. (1264/2010)

(2) The name of the person, business or facility to be registered, with the necessary contact information, shall be entered in the register. As regards qualification certificates, the basis thereof, and the field of special expertise, shall also be entered in the register. An entry shall be deleted from the register upon the request of the registered person or operator, or when the operator's business ends, or the qualification certificate is cancelled.

(3) The Act on the Openness of Government Activities is applied to the secrecy of and access to data recorded in the register, and the Personal Data Act to other handling of personal data. Notwithstanding section 16(3), of the Act on the Openness of Government Activities, information from the register may be provided in the form of copies and via the public information network.

108f (681/2008)

Proof of qualification in another member state of the European Economic Area

(1) The qualification of a person or operator referred to above in section 108a may also be demonstrated with a qualification certificate issued in another

member state of the European Economic Area, if the requirements for issuing such a certificate comply with the provisions of the Regulation of the European Parliament and of the Council on substances that deplete the ozone layer and the Regulation of the European Parliament and of the Council on certain fluorinated greenhouse gases, or with further regulations issued under these regulations.

Section 108g (137/2006)

Special provisions on persistent organic compounds

(1) Consideration of a permit or notification matter referred to in this Act must be in compliance with article 6, subsection 3, and article 7 of the Regulation (EC) No 850/2004 of the European Parliament and of the Council on persistent organic pollutants and amending Directive 79/117/EEC.

(2) Environmental permit authorities as laid down in this Act, shall act as the competent authorities referred to in article 7 of the regulation mentioned in subsection 1 above. Provisions on the supervision of compliance with the provisions and regulations laid down in and under this Act apply to the supervision of article 7 of the Regulation.

Section 109

Confidentiality

(1) The provisions of the Act on Publicity of Actions undertaken by Authorities lay down stipulations on the confidentiality binding persons performing functions under this Act. Related information on emissions, monitoring data and environmental status data are not confidential, however.

(2) Notwithstanding the obligation of confidentiality laid down in the Act on Publicity of Actions undertaken by Authorities, information obtained when performing functions under this Act concerning the financial position of individuals or corporations, trade or professional secrets, or the personal conditions of an individual can be disclosed:

- 1) to State and municipal authorities for the purpose of performing functions of this Act;
- 2) to prosecution, police and customs authorities for the purpose of investigating a crime;
- 3) when required by an international agreement binding on Finland.

Section 110

Transboundary impact

(1) Should the environmental impact of activities referred to in this Act extend to other countries, they shall be interpreted under this Act as comparable to impact in Finland, unless otherwise dictated by an agreement made with the country concerned. Section 9 shall apply to pollution of territorial waters or economic zones.

(2) If a permit is required for the activity from the permit authority under the Agreement on Frontier Rivers referred to in section 2(2), the environmental permit is not necessary solely pursuant to section 28(2)(1) or (2). Decisions on environmental permits shall take into account the decisions issued by the permit authority under the Agreement on Frontier Rivers.

Section 110a (944/2002)

Government decisions on environmental protection requirements in certain sectors of operation and their relationship to environmental permits

(1) In order to implement the environmental protection requirements laid down

in Council Directive 1999/13/EC on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain activities and installations, and Directive 2001/80/EC of the European Parliament and of the Council on the limitation of emissions of certain pollutants into the air from large combustion plants, the Government may decide to place a joint obligation on certain operators regarding reduction of emissions, to target such obligation specifically at each operator in a specific operating sector, and to change such obligations as necessary.

(2) If the Government has not made a decision as laid down in subsection 1, the obligations of the operators to reduce emissions derive from the Government decree issued on implementation of the Directive.

(3) If a Government decision derogates from an environmental permit issued under this Act, the Government decision takes precedence. Permit regulations may be stricter than the Government decree if this is necessary for the purpose of meeting the preconditions for granting a permit or to ensure that environmental quality requirements issued by Government decree are met.

(4) A Government decision must be served in accordance with the Administrative Procedure Act. (252/2005)

Section 110b (944/2002)
Preparation of Government decisions

(1) A body or party representing operators may make a proposal for a Government decision referred to in section 110a or for amending such a decision. Such proposals shall be submitted in writing to the Ministry of the Environment.

(2) In preparing Government decisions, those whose right or interest the matter may concern must be given an opportunity to be heard. Statements shall be obtained from the municipality where the activities are located and from municipalities in the area affected by them, the Centre for Economic Development, Transport and the Environment concerned and such parties as are further provided by Government decree. Registered associations and foundations as referred to in section 92 shall also be given an opportunity to be heard when decisions are prepared. (1590/2009)

(3) Further provisions concerning the time limits to be observed in the preparation of Government decisions referred to in section 110a, matters to be included in them and enforcement of their implementation will be issued by Government decree.

Section 111
Decisions on joint implementation

(1) On the part of certain activities, the Ministry of the Environment can on application grant an exception to the provisions on emissions of Government decrees issued under section 11, if the operator implements such environmental protection measures elsewhere in Finland or in another country as cause substantial reduction of emissions or of their impact as a whole (*joint implementation*).

- (2) Joint implementation requires that
- 1) it does not breach international obligations binding on Finland;
 - 2) it is expedient, taking into account the technical and economic capacity to implement environmental protection measures; and
 - 3) emissions and environmental protection measures and their impact can be monitored reliably.

(3) If the activity causes detrimental regional impact, a decision on joint implementation also requires that the arrangement shall reduce emissions on Finnish territory.

(4) A Ministry decision can include necessary conditions. The decision shall not supplant any requirements concerning the activity prescribed in this Act or otherwise stipulated pursuant to it.

Section 112

Hearing and providing information concerning joint implementation

(1) Before a decision as referred to in section 111 is issued on an application, statements must be requested from the municipality where the activity takes place and municipalities located in the area of impact, the Centre for Economic Development, Transport and the Environment concerned and from parties further specified by Government decree. In addition, registered associations and foundations as referred to in section 92 must be given an opportunity to be heard concerning the application. (1590/2009)

(2) A public notice of the application shall be published in the Official Journal. In addition, information shall be disseminated about the application in the municipality where the activity takes place and municipalities in the area of impact in accordance with the Local Government Act.

(3) A Ministry decision must be served in accordance with the Administrative Procedure Act. (252/2005)

Section 113

Changing and revoking a decision on joint implementation

(1) Decisions on joint implementation can be changed or revoked if

- 1) after the decision was issued the circumstances have changed in such a way that the requirements for joint implementation are no longer met;
- 2) it is found that joint implementation does not reduce emissions substantially or that joint implementation otherwise causes environmental impairment substantially more than expected; or
- 3) changing or revoking the decision is required in order to comply with the legal provisions issued in order to implement Finland's international obligations.

(2) Before making the decision, the Ministry of the Environment shall provide the operator referred to in section 111 with an opportunity to be heard.

Section 114

Activities retroactively made subject to permit

(1) If, after this Act enters into force, provisions are issued making activities subject to a permit after they have been started or essential action preparing for their start has been undertaken, provisions must also be issued concerning the period stipulated for application for a permit. The period stipulated for application for a permit shall be at least one year. The activity can be continued, however, until the decision on a permit has gained legal force.

Section 115

Extension of time limits

(1) If complying with the terms of an environmental permit within the stipulated period causes undue difficulty for reasons beyond the control of the permit holder and delayed compliance with the terms does not pose a threat of

significant pollution, the permit authority can on application grant an extension not exceeding three years to the time limit. The matter shall be processed in the same way as an application for a permit, as appropriate.

(2) Time limits shall not be extended under this section if an extension would violate this Act or the Waste Act, decrees issued under them, or international obligations binding on Finland.

Section 116
Penal provisions

(1) Provisions concerning punishment for degradation of the environment in violation of this Act or provisions or regulations issued under it are laid down in chapter 48, sections 1-4, of the Penal Code (39/1889).

(2) Whosoever deliberately or through gross negligence, in a manner other than that referred to in subsection 1,

- 1) neglects submission of a notification as referred to in this Act,
- 2) neglects his/her duty under orders issued by an authority pursuant to this Act, or acts contrary to the notification he/she has submitted to an authority,
- 3) neglects his or her duty under the Regulation of the European Parliament and of the Council on substances that deplete the ozone layer or Regulation of the European Parliament and of the Council on certain fluorinated greenhouse gases, or acts in contravention of an obligation provided under Article 5 or 6, or Article 9(1) of Regulation (EC) No 166/2006 of the European Parliament and of the Council concerning the establishment of a European Pollutant Release and Transfer Register and amending Council Directives 91/689/EEC and 96/61/EC, or acts in contravention of section 108a(1) or a Government decree issued under section 108b or section 108d(1-3), (681/2008)
- 4) neglects his/her duty under article 7 of the Regulation (EC) No 850/2004 of the European Parliament and of the Council on persistent organic pollutants and amending Directive 79/117/EEC,
- 5) violates the prohibition referred to in sections 7-9, a decree issued under Chapter 2, neglects his or her duty under sections 75, 76, 90, 103, 103a, 103b or 104, or violates the terms contained in a Ministry of the Environment decision issued under section 111, (346/2008)

shall be fined for *violation of the Environmental Protection Act*, unless a more severe punishment is provided for elsewhere in the law. (137/2006)

(3) The punishment for violating confidentiality as laid down in section 109 shall be imposed in accordance with chapter 38, section 1 or 2, of the Penal Code, unless the act is punishable under chapter 40, section 5, of the Penal Code or a more severe punishment is provided for the act elsewhere in the law.

(4) A parking ticket may be issued for the violation of the prohibition on idling of motor-driven vehicles as set out in the Act on Parking Supervision (727/2011). (728/2011)

Section 117
Further provisions and instructions

(1) Further provisions on the implementation of this Act shall be issued by decree. The Ministry of the Environment can also issue general instructions for the implementation of this Act.

Chapter 16 - Entry into force

Section 118
Entry into force

Provisions on the entry into force of this Act shall be issued in a separate act of Parliament.