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Jan Eklund

Vaasa Administrative Court, Finland

*Permanence of permits when operations or emissions change*

Permits issued under the Finnish Environmental Protection Act (EPA) regulate emissions into the environment that may cause pollution, health hazard, *etc.* A permit is required for activities listed in the Environment Protection Decree. In addition, any other activity that causes a risk of pollution as defined in the EPA also requires a permit. Also, any change in operations that materially increases emissions or the risk of pollution requires a new permit for the whole activity. On application by the permit holder, supervisory authorities or a suffering party, an environmental permit may at any time be amended on grounds of unexpected environmental impacts or some other change of circumstances.

Permits are issued either for a fixed period of time or for an unlimited period (until further notice). An unlimited permit decision must provide for a review of the permit conditions after a fixed time.

Normal practice is to have an unlimited permit obliging the permit holder to apply for a review of the permit after 5 – 10 years of operation. The old permit is in force until the review has been legally resolved. For special reasons – if, *e.g.*, the environmental impact is poorly known or BAT is in a state of rapid change – a permit can be issued for a fixed period, usually only a few years.

The obligation to apply for a new permit if there is a material change in emissions or risk of pollution gives rise to interpretations. How large is a material change in emissions? What is a material increase of risk? Legal practice is still evolving and supervisory authorities tend to take a stricter view than operators.

In the case of an oil-fired local power plant switching from oil to gas combustion, emissions of nitrogen oxides were expected to increase and emissions of sulphuric oxides to decrease as compared to oil. The Finnish Supreme Court (Judgment 06.05.2003/1110) resolved that this was a material change of emissions and that the permit for operation of the power plant therefore must be reviewed in its entirety.

In the case of a peat extracting permit, the operator applied for the permit to be amended. The operator wanted the obligation to monitor dust emissions (which the operator had objected to in the first case) to be removed and, in exchange, the permit for one of the peat stacks (peat depots) causing dust emissions to be recalled. The Vaasa Administrative Court (Judgment 22.10.2004 04/0349/2) ruled that this was not an amendment of the permit but a change of operations affecting emissions and environmental impact. Therefore, the permit was to be entirely reviewed.