

**ORDINANCE NO. 1 OF 29 OCTOBER 2008 ON THE TYPE OF PREVENTIVE AND REMEDIATIONAL MEASURES IN THE CASES ENVISAGED IN THE ON THE LIABILITY FOR PREVENTION AND REMEDIATION OF ENVIRONMENTAL DAMAGES ACT AND ON THE MINIMUM AMOUNT OF THE COSTS FOR THEIR IMPLEMENTATION**

*Effective as of 7 November 2008*

*Issued by the Minister of Environment and Water*

*Prom. SG, issue 96 of 7 November 2008*

**Chapter One. GENERAL PROVISIONS**

Art. 1. This Ordinance regulates the conditions and procedure for determination, the type of preventive and remedial measures in cases of imminent threat of environmental damage or of caused environmental damage and the minimum amount of the costs for their implementation.

Art. 2. (1) The measures in cases of imminent threat of environmental damage shall be determined in accordance with the procedure of Chapter Two.

(2) The measures in cases of caused environmental damage shall be determined in accordance with the procedure of Chapter Three.

Art. 3. (1) For determination of the preventive measures under Art. 20 and the remedial measures under Art. 26, para. 1, item 2 of the on the Liabilities for Prevention and Remediation of Environmental Damages Act (LPREDA) and on the Costs of their Implementation, operators performing activities under Annex 1 of LPREDA shall prepare their own assessment for possible cases of imminent threat of environmental damage and cases of caused environmental damage with contents as specified in Annex 1.

(2) The assessment under para. 1 shall be carried out before the commencement of the activity and/or before the commissioning of the new facilities and installations.

(3) The assessment under para. 1 shall be updated in the case of changes in the activities under Annex 1 of LPREDA or as a result of cases of imminent threat of environmental damage or cases of caused environmental damage.

Art. 4. The measures determined under Art. 2 shall be valued at the recommended prices in accordance with the adopted practices in construction pricing.

**Chapter Two. MEASURES FOR PREVENTION OF AN IMMINENT THREAT OF ENVIRONMENTAL DAMAGES**

Art. 5. (1) The measures for prevention of an imminent threat of environmental damage shall be determined on the basis of:

1. changes of quantitative and/or qualitative parameters of the facilities and installations authorised by an act of the competent authority;

2. changes of the physical parameters of facilities and installations;
3. other deviations from the normal mode of operation.

(2) The operator shall use the indicators under para. 1 in preparing the assessment under Art. 3, para. 1.

Art. 6. (1) The operator shall plan measures for elimination of the reasons and the imminent threat in accordance with the identified possible cases of their occurrence on the basis of the assessment under Art. 3, para. 1.

(2) The measures under para. 1 shall be worked out for all activities performed by the operator, sites, machinery, equipment, installations.

(3) The measures under para. 1 shall be updated after the update of the assessment under Art. 3 or after the implementation of measures to prevent an imminent threat of environmental damage.

### **Chapter Three. MEASURES FOR REMEDIATION OF CAUSED ENVIRONMENTAL DAMAGES**

Art. 7. The measures for remediation of caused environmental damage shall be determined in cases of significant negative impact on:

1. attaining or maintaining the favourable conservation status of protected species and natural habitats;
2. current state of surfacewater and groundwater, except in cases under Art. 156e of the Water Act;
3. soil condition;
4. benefits and services of natural resources.

Art. 8. The operator shall determine measures for elimination of the reasons and the environmental damage in accordance with the identified possible cases of their causing on the basis of the assessment under Art. 3 and the indicative list of remedial measures under Annex 2.

Art. 9. (1) The competent authority under Art. 6 of LPREDA shall determine measures for remediation of environmental damage on the basis of the measures proposed by the operator, an assessment of the specific situation after the occurrence of the damage, the received recommendations and opinions from the public and/or the included in the indicative list of remedial measures under Annex No. 2.

(2) In the cases of factual complexity and/or, if necessary, of additional analyses, the determination of the measures under para. 1 shall also be based on the report under Art. 30, para. 2 and Art. 34, para. 3 of LPREDA

### **Chapter Four. MAINTENANCE OF INFORMATION ON CASES OF IMMINENT THREAT OF ENVIRONMENTAL DAMAGES AND CASES OF CAUSED ENVIRONMENTAL DAMAGE|S**

Art. 10. (1) The operators and authorities under Art. 6 of LPREDA shall maintain information on cases of imminent threat of environmental damages and caused environmental damages using a model according to Annex No. 3.

(2) The authorities under Art. 6 and 12 of LPREDA shall maintain information on cases of

imminent threat of environmental damages and caused environmental damages, where the operator is unknown, using a model according to Annex No. 3.

(3) The information under para. 1 and 2 shall be kept for a period of 5 years.

(4) The operators shall provide the information under para. 1 to the competent authorities upon request.

### **Transitional and Final Provisions**

§ 1. This Ordinance is issued on the grounds of Art. 4, para. 3 of LPREDA (SG, issue 43 of 2008).

§ 2. The Ordinance enters into force on the day of its promulgation in the State Gazette.

§ 3. The operators of operating installations and facilities performing activities under Annex No. 1 of LPREDA shall prepare the assessment under Art. 3, para. 1 within 6 months from the entry into force of this Ordinance.

§ 4. (1) Within one year from the entry into force of this Ordinance, the Minister of Environment and Water shall approve and publish on the website of the MoEW minimum recommended prices for the implementation of remedial measures under Annex No 2 for which information is available and practical experience in their implementation has been accumulated.

(2) The price list under para. 1 shall be updated annually by the end of March of the following year.

§ 5. The implementation of this Ordinance is assigned to the Minister of Environment and Water.

Annex No. 1 to Art. 3, para. 1

#### Contents

The assessment of cases of imminent threat of environmental damages and caused environmental damages shall include:

1. Brief description of the activity/activities under Annex No 1 of the LPREDA, performed by the operator.

2. Description of the location of the site(s) where the activity under item 1 is carried out.

3. Description of stationary and non-stationary machines, equipment, installations, etc., incl. on-site chemicals and preparations available.

4. Established cases of:

· imminent threat of environmental damage;

· environmental damage caused by activities under item 1 and/or operation of machines, equipment, installations and others under item 3.

5. Analysis and assessment of the information under items 1 - 3 and the cases under item 4 (if any).

## Annex No 2 to Art. 8

### Indicative list of remedial measures

#### I. Component measures Measures by components:

##### 1. water

###### 1.1. mechanical treatment:

(a) limitation pollution through the use of facilities;

b) decantation;

c) dredging, draining, pumping;

###### 1.2. chemical treatment;

###### 1.3. physical and chemical treatment;

###### 1.4. biological treatment.

##### 2. soil

###### 2.1. mechanical treatment:

(a) pollution limitation;

(b) disposal of the pollutant;

(c) extraction of contaminated soil with subsequent purification to risk free levels/concentrations of harmful substances in the soil;

d) disposal of contaminated soil, not subject to treatment;

###### 2.2. chemical treatment of contaminated soil;

###### 2.3. physical and chemical treatment;

###### 2.4. biological treatment of contaminated soil;

###### 2.5. mixed treatment of contaminated soil;

###### 2.6. natural restoration (in accordance with Annex 4, item 2 of LRPRED).

##### 3. biodiversity and its elements

###### 3.1. natural restoration of natural habitats (elimination of agent only);

###### 3.2. controlled restoration of natural habitats:

(this includes for example: removal of invasive introducers, ruderal species, non-native habitat species; biological re-cultivation of the affected terrain with native species (grassing, weeding, planting, etc.);

3.3. conservation or restoration of the same type of natural habitat, of the same plant and animal species in a protected area:

- elsewhere within the affected protected area;

- in an extension of the same area or an extension of another protected area;

- in a new protected area;

###### 3.4. re-introduction of protected species;

3.5. artificial settlement of the affected plant and/or animal species in the affected area to improve the status of the affected populations. II. Measures by treatment site:

1. at the site of contamination (in situ);

2. outside the site of contamination (ex situ).

## Annex No 3 to Art. 10

### Model

#### Information

##### I. In cases of imminent threat of environmental damages:

The information contains:

1. date/time of the occurrence of the imminent threat, causes, type of environmental damage that

is likely to occur, etc.;

2. protocols (of the operator and/or the competent authority) establishing deviations from the normal mode of operation;

3. list of preventive measures taken to prevent the imminent threat according to the plan under Art. 6, para. 1;

4. date of completion of the implementation of the measures under item 3;

5. protocols of control measurements and analyses after the completion of the measures under item 3;

6. conclusion of the operator on the results from the preventive measures;

7. costs for implementation of the measures.

II. In cases of caused environmental damages:

The information contains:

1. date/time of establishment of an environmental damage, causes, type of environmental damage, territorial scope, activity/facilities, installations, etc., as a result of which the damage has occurred, etc.;

2. protocols on caused environmental damage accompanied by test reports and protocols for control measurements of harmful substances released into the atmosphere;

3. list of measures taken to limit/prevent and/or remedial measures to remedy environmental damage;

4. report on remedial measures (in cases of factual complexity);

5. date of commencement of implementation of the measures under item 3 and/or item 4;

6. schedule for implementation of the measures.

7. protocols of control measurements and analyses after the completion of the measures under item 3;

8. conclusion of the operator on the results from the measures;

9. costs for implementation of the measures.