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Proposal for a Government Decree amending the Government Decree on the Environmental Protection Requirements of Fixed Concrete Plants and Concrete Product Factories

1 Main content

The proposed Government Decree would amend the Government Decree on Environmental Protection Requirements for Fixed Concrete Plants and Concrete Product Factories (858/2018, hereinafter referred to as the *'Concrete Plant Decree'*). The decree proposes to clarify the regulation concerning the crushing of surplus concrete generated in the operations of concrete plants and product factories in such a way that crushing can be carried out as part of the facility's registration process, provided that the amount crushed does not exceed 20,000 tonnes per year. At the same time, the requirements of the decree concerning, among other things, the limitation of dust and noise in the case of crushing operations would be specified and the provisions on the submission of information regarding the storage and crushing of surplus concrete would be added to Section 3 on registration declarations and to Section 17 on annual reporting. In addition, the obligation to treat oily storm water in an oil separator would be removed from the decree if such water is discharged into a sealed tank.

2 Justification

2.1. Background

According to section 27 of the Environmental Protection Act (527/2014), activities causing pollution or the risk of pollution of the environment must have an environmental permit. Activities requiring an environmental permit are listed in Annex 1 to the Act. Section 116 of the Environmental Protection Act lays down provisions on the registration of activities in the environmental protection database. Activities to be registered are listed in Annex 2 to the Act. A registration notification for such activity must be submitted to the municipal environmental protection authority for registration in the environmental protection database.

Fixed concrete plants and concrete product factories were transferred from the environmental permit requirement to a registration procedure by amendment 437/2017 to the Environmental Protection Act, which entered into force on 1 September 2017 (Annex 2, item 8). However, according to the transitional provision relating to the amendment to the Act, fixed concrete plants and concrete product factories remain subject to authorisation until the related Government Decree issued pursuant to section 10 of the Act becomes applicable. The Concrete Plant Decree entered into force on 1 January 2019. The Decree has been applicable to all concrete plants and concrete product factories since 1 January 2025. According to the transitional provision of Act 437/2017, an environmental permit for an activity expires when the Decree becomes applicable,

and the competent environmental protection authority must then register the activity in the environmental protection database and notify the operator thereof. More detailed provisions on the content of the registration notification are laid down in Section 3 of the Concrete Plant Decree.

A fixed concrete plant and concrete products plant may continue to be subject to an environmental permit after that date pursuant to Section 30 of the Environmental Protection Act. Subsection 1(1) of the section provides that an environmental permit is required if the activity is part of the operation of an installation covered by the directive. According to subsection 1(2) of the section, an environmental permit is required if the activity may result in a consequence referred to in section 27(2). Section 27(2) of the Act contains the permit requirements relating to the pollution of water bodies and small waters (such as ditch, spring or brook) and the unreasonable neighbourhood damage referred to in Section 17(1) of the Neighbour Relations Act (26/1920). Subsection 1(3) of the section provides for the permit requirements for activities subject to registration on the basis of section 28 when the activities are located in a significant groundwater area or other groundwater areas suitable for water supply.

Waste treatment on a professional basis or at an installation, in turn, requires an environmental permit pursuant to the Environmental Protection Act (Annex 1 to the Environmental Protection Act, Table 2, point 13(f)). Article 24 of the Waste Directive (2008/98/EC) provides Member States with the option to grant establishments or undertakings an exemption from the permit requirement laid down in Article 23(1) for the following operations: (a) disposal of their own non-hazardous waste at the place of production; or (b) recovery of waste. Article 25 of the Directive lays down more detailed conditions for the exemptions. The Member State must establish general rules for each type of activity, specifying the categories and quantities of waste covered by the exemption, as well as the treatment method to be used. These rules must be such as to ensure that waste is treated in accordance with Article 13. The possibility of an exemption is regulated nationally in Section 32, subsection 2, of the Environmental Protection Act, which states that an environmental permit is not required for waste recovery referred to in item 13 of Table 2 in Annex 1, mentioned in subsection 1 of the same section, or for the disposal of non-hazardous waste at the place of production, provided that the environmental protection requirements for these activities have been laid down by a Government Decree issued under Section 10 of the Environmental Protection Act or Section 14 of the Waste Act. The provision refers to the registration of activities under Section 116 of the Environmental Protection Act and states that if an environmental permit is required for an activity when the Government Decree becomes applicable, the environmental permit expires.

As stated above, the environmental protection requirements for the treatment of waste on a professional basis and at an installation are laid down, for example, in the Government Decree on the Recovery of Certain Waste (843/2017). This decree shall apply to the professional or industrial recovery of waste referred to in Annex 1 at earth construction objects as referred to in § 3(2), and to temporary storage related to this, when the construction and temporary storage is based on a statutory plan, permit, notification procedure or municipal building ordinance. The wastes referred to in Annex 1 include, among others, crushed concrete, lightweight concrete and expanded clay aggregate waste (waste designations 10 13 14, 17 01 01, 17 01 07 and 19 12 12). Crushed concrete means waste produced from demolished concrete structures or from concrete waste from new construction or the concrete industry by crushing. Light concrete and expanded clay aggregate waste refer to crushed aggregate created in similar ways. The use of crushed

concrete and light concrete and expanded clay aggregate waste is permitted in roadway and field structures and in the floor structures of industrial and storage buildings. If the recovery of waste is organised in accordance with the Decree in question, an environmental permit is not required for activities subject to an environmental permit pursuant to Section 32(2) of the Environmental Protection Act. The proprietor of the recovery site must submit a notification of the activity referred to in Section 116(2) of the Environmental Protection Act to the State Supervisory Authority for registration in the environmental protection database (registration notification).

Crushed concrete made from concrete waste may also cease to be waste, as provided for in the Government Decree on end-of-waste criteria for crushed concrete (466/2022). The Decree entered into force on 1 September 2022. The Decree applies to a manufacturer who holds an environmental permit referred to in Section 27 of the Environmental Protection Act for the crushing of concrete waste or whose operations concern the crushing of concrete waste under the present Concrete Plant Decree. The decree includes provisions on the requirements relating to the treatment of concrete waste and on the approved uses and quality requirements according to the use of the crushed concrete.

The storage of waste, such as surplus concrete, must also take into account obligations arising from waste legislation, such as the regulation of the Government Decree on Landfills (331/2013), according to which waste may be stored for no more than one year before its disposal and for no more than three years before its recovery or pre-processing before the storage site would be considered a landfill.

2.2. Current situation and its assessment

Surplus concrete is defined in Section 2(7) of the Concrete Plant Decree. It means “waste concrete and concrete sludge generated in the production of a concrete plant and a concrete products plant (waste code 10 13 14)”. The explanatory memorandum to the decree states as follows regarding surplus concrete: “Concrete plants produce surplus concrete in the emptying of the hopper of concrete pumps and sometimes in situations where the entire ordered quantity could not be used on the construction site. In the washing of concrete mills and transport tanks for concrete trucks, surplus concrete is created from the settling tanks as a base slurry that is removed from time to time. In concrete product factories, surplus concrete is mainly produced as defective products, for example in the event of casting failure, as well as concrete sludge in the sawing and grinding of products”. In practice, the crushing of surplus concrete is typically carried out by mobile crushing equipment transported to a concrete plant or concrete products plant, for example, by an external contractor. The aim is to schedule the crushing for a specific period of the year, during which the surplus concrete accumulated at the facility can be crushed all at once.

Section 5 of the Concrete Plant Decree provides for the storage and handling of surplus concrete. According to subsection 1 of the section, surplus concrete may be temporarily stored and handled as laid down in and pursuant to the Environmental Protection Act and the Waste Act (646/2011). In addition, subsection 2 of the section provides for the storage of the heap sludge that is to be removed from the settling tanks.

Section 6 of the Concrete Plant Decree provides for the temporary crushing of surplus concrete. It refers to a noise notification for crushing under section 118 of the Environmental Protection Act and, in addition, as stated in the municipal environmental protection regulations (section 202 of the Environmental Protection Act), the municipality may replace the noise notification procedure under section 118 for certain activities causing temporary noise. The environmental protection regulations of the municipality cannot apply to the activities subject to registration. The explanatory memorandum to the Decree also refers to the requirement for a permit in accordance with point 7e of Table 2 of Annex 1 to the Environmental Protection Act if the surplus concrete is repeatedly crushed and the total duration of the crushing operation is at least 50 days. An environmental permit may also be required to crush surplus concrete on the basis of waste treatment on a professional basis or at an installation (Annex 1 to the Environmental Protection Act, table 2, point 13(f)).

The municipal environmental protection authority is the competent licensing authority under section 34 of the Environmental Protection Act in respect of the above-mentioned permit criteria used in some cases to permit the crushing of surplus concrete: the treatment (other than landfilling) of uncontaminated soil waste, concrete, brick or asphalt waste or inert waste, where the quantity treated is less than 50,000 tonnes a year (Section 12(1)(12)(b) of the Environmental Protection Decree) as well as a fixed crushing plant or limestone grinding or a mobile crushing plant or limestone grinding on a given area, with a total operating time of at least 50 days (Section 12(1)(6)(b) of the Environmental Protection Decree). In addition, the municipal environmental protection authority is competent to grant an environmental permit under Section 27(2)(2) and (3) of the Environmental Protection Act. The state environmental permit authority, on the other hand, is competent in environmental permit matters if the activity requires an environmental permit pursuant to section 27(2)(1) of the Environmental Protection Act. The basic provision concerning the competence of the state environmental permit authority is also included in section 34 of the Environmental Protection Act.

The current decree and its explanatory memorandum are thus based on the assumption that crushing surplus concrete would not be considered part of the operations of a registered concrete plant or products plant, but should be carried out either by means of a noise notification or, if the crushing would last for at least 50 days, by means of an environmental permit. However, these procedures can be considered partly problematic. First, this requirement for authorisation applies to rock crushing, which is not equivalent in effect to the crushing of surplus concrete. Moreover, the fulfilment of the 50-day period referred to in that authorisation criterion would, in any event, make it necessary to apply for an environmental permit for the activity during the course of the operation, which could be the case in the long run for most concrete plants and product factories where surplus concrete is crushed.

The submission of a noise notification for crushing associated with a permanent registration activity has also been criticised due to the administrative burden it entails. According to section 118(1) of the Environmental Protection Act concerning the noise notification, the operator shall submit an electronic notification to the municipal environmental protection authority of construction, a public event or any other measure or event causing temporary noise or vibration if there is reason to assume that the noise or vibration will be particularly disturbing. Although the application of this provision is not excluded for activities to be registered in the environmental protection database, it

seems more appropriate to prevent noise from regular (albeit infrequent) activities by applying the noise requirements otherwise laid down in the Decree to activities registered for crushing surplus concrete. In addition, it should be noted that the noise effects caused by crushing may mean that an environmental permit is required for a concrete plant or products plant under section 27(2)(3) of the Act if the activity may cause an unreasonable burden in the environment within the meaning of section 17(1) of the Neighbour Relations Act (26/1920).

In autumn 2022, the Ministry of the Environment received an enquiry from the Centre for Economic Development, Transport and the Environment (ELY Centre) about whether surplus concrete generated in the operation of a concrete plant and concrete products plant can be crushed with a registration notification. The issue was also raised in early 2023 by an association representing operators in the sector, which expressed the view that, contrary to what is stated in the explanatory memorandum to the Decree, the 50-day rule for aggregate crushing should not apply to crushed concrete due to significantly lower adverse environmental impacts. It also expressed the view that, contrary to what is provided for in article 11 of the Decree, it would not make sense to require oily storm water to be discharged into the oil separator before the sealed tank, provided that the water in question is nevertheless taken directly from the sealed tank for proper treatment.

In spring 2023, the Ministry of the Environment asked the Centres for Economic Development, Transport and the Environment (ELY Centres) and the municipalities in their regions for information on the crushing of surplus concrete generated by concrete plants and concrete product factories in their own operations, on the application of the Concrete Plant Decree to the crushing of surplus concrete, in particular with regard to registered concrete plants and product factories, and on the views on the possible development needs of the Decree to prevent the environmental impacts of crushing surplus concrete. Responses to the questionnaire were received from just over 90 municipalities, and responses were also received from seven ELY Centres. Of the concrete plants and product factories reported in the responses, approximately 40 were registered and approximately 90 were licensed, of which at least 20 were expected to be transferred to the scope of registration by 1 January 2025 at the latest. Surplus concrete from the own operations of a concrete plant and products plant was reported to be crushed at 18 licensed and five registered plants. Some of the responses reported that surplus concrete generated at the site of the plant was also transported to be crushed elsewhere. The reported annual crushing volumes varied widely in the responses, ranging from 30 tonnes to 40,000 tonnes, with the time spent on crushing typically amounting to a few days per year.

Based on the responses to the questionnaire, the municipal environmental protection authorities' interpretations of the procedure applicable to the crushing of surplus concrete generated in the own operations of a concrete plant or concrete products plant vary widely: some considered that the activity was already possible as part of the registration of the plant, some required a noise notification for crushing, and some considered it to be professional or institutional waste treatment subject to a permit or considered it to require a permit under the so-called 50-day rule for rock crushing. The majority of the responses were in favour of the idea that surplus concrete from own operations could be crushed as part of registered activities. However, the responses emphasised the importance of setting environmental protection requirements in the Decree, for example, concerning the operating time, noise and dust emissions of the crushing.

2.3. Proposal and its impact

It is proposed that the Decree is clarified so that crushing of surplus concrete generated in the own operations of a fixed concrete plant or concrete products plant could be carried out as part of the registration of the plant or concrete products plant if the amount to be crushed does not exceed 20,000 tonnes per year. Since the crushing of surplus concrete is intrinsically linked to the operation of concrete plants and product factories and involves the treatment of waste generated by the operation of those installations, which does not in itself cause particular harm, it would be appropriate to include crushing as part of the registration procedure for those installations, even if that crushing activity were, in principle, to be interpreted as the professional and institutional treatment of waste. Once the Concrete Plant Decree has become applicable to all concrete plants and product factories on 1 January 2025, when the environmental permits for the plants and product factories have expired and had to be transferred to the registration procedure, it would be important to clarify the Decree so that the crushing of surplus concrete could also be transferred to the registration.

Section 1(2) of the Decree would be supplemented with a provision on the crushing of surplus concrete. It would set an annual maximum tonnage limit (20,000) for the crushing of surplus concrete at a registered concrete plant or concrete products plant. Under the regulation, crushing operations within this maximum limit could be carried out as part of the registration of a concrete plant and concrete products plant. If the crushing volume were to exceed the above-mentioned tonnage limit, the activity would be subject to authorisation. The regulation would be based on the possibility of a derogation referred to in Articles 24 and 25 of the Waste Directive and similarly in Section 32(2) of the Environmental Protection Act, according to which, if the more specific conditions laid down in the Decree are met, professional or institutional waste treatment may be exempted from the environmental permit obligation and carried out within the scope of registration.

At the same time, the definition of surplus concrete would be specified in section 2(7) of the Decree. The definition would describe in more detail at the legislative level the processes and activities that make up surplus concrete. The clarification of the regulation is not intended to change the status quo, i.e., the interpretation of the definition of surplus concrete referred to in the regulation currently in force. An environmental permit would be required if surplus concrete crushed at concrete plants and concrete product factories did not meet the definition in the Decree. If the operation of a concrete plant or concrete products plant is not subject to a permit pursuant to section 30 of the Environmental Protection Act, the surplus concrete crushing activity would then require a separate environmental permit for the treatment of waste on a professional basis or at an installation (Annex 1 to the Environmental Protection Act, table 2, point 13(f)), as it would not be carried out as the crushing of surplus concrete determined as part of the operation of a concrete plant or concrete products plant under the regulation. The crushing of surplus concrete brought in from other sources (e.g. demolition concrete) could be considered as such an activity.

Contrary to what was stated in the explanatory memorandum to the current Concrete Plant Decree, the crushing activity of surplus concrete would not require an environmental permit on the grounds that the total duration of the crushing activity would be at least 50 days (point 7e of table

2 of Annex 1 to Environmental Protection Act: Mining of ores or minerals or excavation of soil: Fixed crushing plant or limestone grinding mill or a mobile crushing plant or limestone grinding mill located in a specific area and in operation for at least 50 days in total). As mentioned above, this permit requirement would not apply to the crushing of surplus concrete, as the noise caused would not be fully equivalent to the more significant noise caused by rock crushing referred to in the permit requirement criterion. When crushing that is considered temporary under the current regulations has been allowed to be carried out on the basis of a noise notification, and crushing operations lasting at least 50 days have been deemed to require an environmental permit, the interpretation of the temporary nature of the operations would no longer determine the need for a permit. Furthermore, the crushing of surplus concrete generated in the operation of the plant cannot in itself even be considered a temporary operation, since crushing is typically carried out on a regular basis, for example, annually after a certain amount of surplus concrete has accumulated in the area.

It should also be noted that an environmental permit may continue to be required from a concrete plant or concrete products plant under section 30 of the Environmental Protection Act on the grounds, inter alia, that the crushing of surplus concrete at the plant may result in a consequence referred to in section 27(2), such as an unreasonable burden within the meaning of section 17(1) of the Neighbour Relations Act (26/1920), for example due to noise or dust emissions.

Under section 5, the crushing of surplus concrete would be subject to the environmental protection requirements contained in the Decree, such as noise and dust control. The intention would be that, in the case of crushing, it would no longer be necessary to use the noise notification referred to in section 118 of the Environmental Protection Act in the future. Instead, a noise notification could continue to be necessary, for example, for temporary crushing activities in connection with demolition worksites. For this reason, it is proposed that section 6 of the Decree be repealed as unnecessary.

The Decree would also specify certain environmental protection requirements for the crushing of surplus concrete. These include, in particular, sections 8 and 9 on dust and noise abatement as well as section 16 regarding noise effects caused by operations. The necessary information on the storage and crushing of surplus concrete would be added to section 3 (content of the registration notification) and to section 17 (provision of information and record-keeping).

In addition to the legislative amendments concerning the crushing of surplus concrete, it is also proposed to amend section 11 of the Decree in so far as oily storm water is discharged into a sealed tank. Among other things, the obligation to discharge oily storm water into a sealed tank via an oil separator would be removed. Similarly, the possibility of discharging storm water into a closed container would be added to section 12(3)(4).

2.3.1. Economic impact

The proposal is not expected to have any significant economic impact, as its main purpose is to clarify the current legal situation as regards the procedure applicable to the crushing of surplus concrete resulting from the own operations of a concrete plant or concrete products plant. The amendment would clarify and harmonise the interpretation of the Decree so that the crushing

operation in question would not require a permit, for example, due to professional or institutional waste treatment.

With the proposal, it is estimated that the crushing operations of surplus concrete generated by tens of plants' own operations would be transferred from the environmental permit to the registration procedure if they would not need a permit under section 30 of the Environmental Protection Act. In addition, crushing activities have been carried out on the basis of a noise notification in accordance with section 118 of the Environmental Protection Act, and these activities should also be transferred to the scope of registration. It is estimated that there are approximately 20 such cases nationwide. The proposal would slightly reduce the amount of fees payable to municipalities for processing an environmental permit, but it should be noted that the registration of an activity must also be subject to a fee in accordance with the rate approved by the municipality.

The administrative burden and thus costs for operators could slightly increase with the proposal, as the registration notification would in future include information on the production and storage of surplus concrete and its crushing, as well as on the treatment and recovery of manufactured crushed concrete. However, this would be a one-off reporting. At the same time, the administrative burden can also be alleviated by clarifying in the Decree that crushing may be carried out as part of an activity that is otherwise subject to registration and would not, in principle, require an environmental permit. In addition, a separate noise notification for each crushing operation would no longer be necessary, as it would be possible to carry out crushing as part of the other registration of the activity and would be subject, among other things, to the Decree's regulation on noise levels.

In some respects, the environmental protection obligations applicable to crushing would also be specified, for example, in terms of water treatment and noise and dust control, which may require operators to take additional measures to improve the structures or equipment of a concrete plant or concrete products plant. However, it can be considered that these types of measures are already required from operators under the general obligation to prevent and limit environmental pollution laid down in the Environmental Protection Act (section 7) and the precautionary principle, the diligence principle and the best environmental practice principle (section 20), in addition to which the absolute prohibitions on soil and groundwater pollution of the Act (sections 16 and 17) apply to all activities.

For operators, the financial burden would be alleviated by the proposed amendment to section 11 of the Decree, according to which oily storm water would no longer need to be discharged through an oil separator when discharged into a sealed tank. In these situations, the installation of an oil separator, the cost of which is estimated at tens of thousands of euros, would therefore be avoided. According to information received from the operator's representative, the use of sealed tanks is increasing in installations.

2.3.2. Impact on the activities of public authorities

The tasks of the municipal environmental protection authority acting as the competent authority in the registration procedure would be slightly modified by the proposal, in particular with regard to

existing concrete plants and concrete products plants that are crushing surplus concrete generated in their own operations, if the crushing operation in question is currently subject to an environmental permit, for example, on the basis of waste treatment on a professional basis or at an installation or on the basis of a rock crushing permit (the so-called 50-day rule). In the future, these operations would be transferred as part of the registration of a concrete plant and products plant, which would result in some one-off administrative burden for the authorities when the information on crushing must be entered in the environmental protection database. It is estimated that the maximum number of authorisations for crushing surplus concrete generated in own operations to be transferred to the scope of registration would be approximately 50 in the whole of Finland. On the other hand, it should be noted that similar new activities would no longer be authorised separately from the concrete plant or concrete products plant in the future, and existing authorisations for existing activities would not need to be amended once they have been subject to registration, which would lighten the tasks of the authority. In the registration procedure, the emphasis on ex-ante control would be transferred to ex-post control of crushing activities.

It can be considered that clarifying the procedure for crushing surplus concrete generated in the plant's own operations will also facilitate the work of the authorities, as there would be no need to assess, for example, the temporary nature of the operations and, on the other hand, the fulfilment of the 50 crushing days. In addition, the activity would no longer require the submission of a separate noise notification. This would also ease the administrative burden for the municipal environmental protection authorities, as the notifications have led the authorities to adopt a decision pursuant to section 122 of the Environmental Protection Act, which lays down the necessary provisions to prevent environmental pollution caused by the activity and to fulfil the obligations related to the organisation of the activity under the Waste Act.

2.3.3. Environmental effects

The crushing of surplus concrete outside on the plant's yard area differs significantly in its environmental impact from the other operations organised indoors at the concrete plant and concrete products plant. The environmental effects relate in particular to noise and dust generated by the operation. The storage of crushed waste produces potentially polluting storm water and wastewater from the irrigation carried out to prevent dusting associated with crushing.

Crushing ready-mixed concrete and concrete products (e.g. hollow-core slabs or wall elements) differ in their processing stages and noise effects. The crushing of tiles and elements requires, as pre-treatment steps, that they are broken into a size suitable for the crushing and the use of metal separators. The noise caused by crushing is intrinsically different from that caused by concrete plants. Crushing noise is often hammer-like and, thus, much more disturbing than the smoother noise of the concrete plant. In particular, the breaking generates strong hammer-like noise, which is generally perceived as highly disturbing. Noise from installations may also in some cases be interpreted as impulsive.

Dust control measures for other plant activities are already well established and manageable. Filters and other dust extractors are used in raw material storage silos. The crushing of surplus concrete outdoors also causes dusting, and crushing plants often use water to control it. This results in a certain amount of waste water requiring treatment and management. In addition,

outdoor storage of surplus concrete causes storm water, which also requires treatment before discharge into the environment.

As with noise, the significance and reasonableness of dust emissions and impacts are assessed in particular in relation to the sites surrounding the activity experiencing the disturbance. The prevention of dust emissions is emphasised if the nearest targets experiencing the disturbance are nearby or the environment is otherwise sensitive to dusty activities.

The provisions relating to noise and dust control have been specified in the proposal in order to prevent the environmental impact of crushing surplus concrete. It should also be noted that the effects of crushing surplus concrete generated by the plant's own operations are limited to a relatively short period of time each year (for example, a few days or weeks) and some plants do not even need crushing every year. The amendment to the Decree is not expected to have an impact on the crushing quantities of surplus concrete, as the activity is already being carried out and the production of surplus concrete is not the objective of the activity. It is therefore estimated that only limited quantities will continue to be generated and stored at the installations. As a result, the environmental impact of the activity is also relatively small. If the activities are deemed to impose an unreasonable burden on nearby disturbed sites and, therefore, the entire operation of the concrete plant or concrete products plant would be deemed to require an environmental permit under section 27(2)(3) of the Environmental Protection Act, the environmental impacts resulting from the crushing of surplus concrete could also be managed with more detailed provisions in the environmental permit and, if necessary, with stricter provisions than those laid down in the Decree.

2.4. Preparation and consultation feedback

The proposal has been prepared as official work by the Ministry of the Environment in cooperation with the Finnish Environment Institute. During the preparation, representatives of the Finnish concrete industry association Betoniteollisuus ry and INFRA ry, the Association of Finnish Cities and Municipalities, as well as officials from municipal environmental protection authorities and ELY Centres have been consulted.

Consultations on the proposal took place between 14 February and 28 March 2025. A total of nine statements were received from: The Kainuu ELY Centre, the North Ostrobothnia ELY Centre, the Ministry of Economic Affairs and Employment, the Pirkanmaa ELY Centre, the Finnish Environment Institute, the Häme ELY Centre, the Confederation of Finnish Construction Industries CFCI, the Uusimaa ELY Centre and the Association of Finnish Cities and Municipalities. The Ministry of Justice, the Ministry of Finance and the Supreme Administrative Court indicated that they had no opinion on the matter.

The statements were broadly in favour of clarifying the procedure for crushing surplus concrete resulting from the plant's own operations and making it clearly subject to the registration procedure for a concrete plant and concrete products plant. In their statements, the Association of Finnish Cities and Municipalities and the Finnish Environment Institute took the view that the crushing of surplus concrete could constitute waste treatment on a professional basis or at an installation, contrary to what was stated in the draft decree submitted for consultation. These

contributors stated that this approach would not in itself change the premise of the draft decree to include the crushing of surplus concrete in the registration procedure, but could require an annual limitation of the amount of waste treatment on the basis of articles 24 and 25 of the Waste Directive. In the further preparation of the decree, the draft was supplemented with regard to section 1(2) so that the crushing of surplus concrete generated in the plant's own operations as part of a registered activity was limited by an annual tonnage threshold. The Finnish Environment Institute's statement also proposed clarifying the definition provision for surplus concrete, which was implemented in the draft decree.

In its statement, the Association of Finnish Cities and Municipalities considered that the notification obligation included in the new subsection of section 8 would impose an unnecessary administrative burden. It was decided to remove this provision from the draft decree. Based on the comments raised in the statement by the Uusimaa ELY Centre, it was decided to clarify the provision proposed as section 9(3) to specify that various dust suppression measures may be implemented concurrently and are not mutually exclusive alternatives. In addition, on the basis of the statement, section 16(8) was clarified regarding the consideration of the crushing of surplus concrete in the measurement of noise levels.

Several ELY Centres' statements drew attention to the proposed amendments to section 11 concerning the discharge of oily storm water. The Uusimaa ELY Centre (UUDELY), the Pirkanmaa ELY Centre (PIRELY), the North Ostrobothnia ELY Centre (POPELY) and the Häme ELY Centre (HÄMELY) drew attention to the omission in the proposal for section 11(1) of the provision in the current regulation requiring oil separators to be equipped with an alarm system indicating when the oil compartment is full, as well as the provision preventing storm water from other areas from entering the oil separator. Those sentences had been omitted inadvertently from the proposal submitted for consultation and were added to section 11(1). At the same time, the provision was supplemented so that the sealed tank must also be equipped with an alarm system indicating that the tank has been fulfilled. This issue was raised in statements by the HÄMELY, POPELY and PIRELY. In its statement, the North Ostrobothnia ELY Centre (POPELY) also pointed out, regarding section 11(4), that the reference to the sealed tank could be removed at the same time as the requirement in subsection 2 for storm water to be directed to the sealed tank via the oil separator is removed. This amendment was made to the subsection. On the other hand, the proposals of the Pirkanmaa ELY Centre for the addition of a sand separator and the storage of filling and refuelling sites for liquid fuel tanks were not considered necessary.

In the further preparation of the draft decree, it was decided to abandon the proposed amendments to section 6 and to propose the repeal of the section as superfluous, taking into account the proposed addition to section 1(2) and the regulation to be included in section 5. In addition, an addition was made to section 12(3)(4), corresponding to the amendments made to section 11 regarding the use of the sealed tank. Transitional provisions for the application of the regulation on the crushing of surplus concrete were also added to the decree proposal.

2.5. Provision-specific rationale

Section 1 *Scope. Subsection 1* of the section regulates the applicability of the decree to both a concrete plant and a concrete products plant subject to registration and as a minimum requirement also to a concrete plant and concrete products plant subject to a licence.

It is proposed that a provision be added to *subsection 2* on the application of the Decree to the crushing of surplus concrete generated in the own operations of a registered concrete plant or concrete products plant, if the amount to be crushed does not exceed 20,000 tonnes per year. The provision would clarify the current legal situation with regard to the procedure applicable to the crushing activity in question. The basis for the regulation of the annual tonnage limit is the interpretation of the crushing of surplus concrete as waste treatment on a professional basis or at an installation, which may be exempted from the permit requirement by more detailed provisions in a government decree (articles 24–25 of the Waste Directive; section 32(2) of the Environmental Protection Act). This would require a quantitative limitation of the activity, which would be proposed to be implemented by setting an annual tonnage limit for crushing. At the same time, the regulation of the characteristics of the waste to be treated (types of waste and method of treatment used), as required by article 25(1) of the Waste Directive, would be clarified: it would be specifically surplus concrete generated by the installation's own operations, and it is also proposed that the definition of surplus concrete should be clarified in section 2(7).

The proposed annual tonnage limit can be considered reasonable. The aim is therefore to prevent the formation of crushing operations within the scope of registration as an excessively broad activity from the point of view of their environmental impacts. For the majority of installations that crush surplus concrete generated in own operations, the annual crushing volume can be estimated to be well below the 5,000 ton limit. On average, concrete plants generate between 1,000 and 2,000 tonnes of surplus concrete per year. In concrete products plants, the quantities may vary more, depending on the size of the plant and the products produced there. In hollow-core and shell panel plants, the production of surplus concrete may be between 10,000 to 50,000 tonnes per year.

If a registered installation were to crush more than 20,000 tonnes of surplus concrete resulting from its own operations annually, the operation would have to be assessed as permit-based waste treatment on a professional basis or at an installation. In this case, the environmental risks caused by the activity can be assessed in the permit procedure and the necessary permit regulations can be issued to prevent them.

Section 2 *Definitions.* It is proposed that the provision on the definition of surplus concrete contained in *paragraph 7* of the section be clarified. The content of the definition of surplus concrete would not be changed from the interpretation under the Decree currently in force as described in the explanatory memorandum to the Decree. The definition provision proposes to describe in more detail the processes and activities that make up surplus concrete. The definition in the current Decree refers to waste code 10 13 14 (concrete waste and concrete sludge) in the list of wastes in Annex 3 to the Waste Decree (978/2021). It is now proposed to add a reference to waste code 16 03 04 (inorganic waste other than that mentioned in 16 03 03) to the definition. For this part of the definition, the definitions provided in table 1 of Annex 1 to the so-called

Crushed Concrete EEJ Decree (466/2022) (specifically point 1, subpoints (a)–(c) and point 2, subpoint (a), excluding concrete products originating from construction) were utilised.

Section 3 *Content of the registration notification.* This section regulates the content of the registration notification referred to in section 116 of the Environmental Protection Act concerning the operations of a concrete plant and a concrete products plant.

It is proposed that information on surplus concrete and its crushing is added to *subsection 1* of the section. A new paragraph 9 would be added to the subsection, according to which the registration notification should include information on the amount of surplus concrete generated during the calendar year and its storage, the amount of surplus concrete to be crushed and the estimated duration of the crushing per year, as well as on the handling and utilisation of the produced crushed concrete. If surplus concrete is not crushed annually, this information should also be reported. At the same time, the current paragraphs 9 and 10 of the subsection will become paragraphs 10 and 11. In addition, a minor clarification would be made to paragraph 3 of the subsection, according to which the operating times would also be specifically referred to the ‘estimated’ operating times, as would also be the case with production. Minor technical corrections would also be made to the introductory part and to paragraphs 1 to 3 of the subsection, in which the use of the words ’and’ as well as ’or’ would be specified. The amendments are not substantive in nature, but the intention is only to streamline the provision (while also harmonising the Finnish and Swedish wording of the introductory paragraph in this respect).

Subsection 2 of the section provides for a map to be attached to the registration notification, showing, among other things, the boundaries of the property and the nearest sites sensitive or susceptible to disturbances, as well as a site plan in which the various activities of the plant are entered. These map and site plan data must also include information on the location of the crushing of surplus concrete in the area, which can be used to assess, for example, the distance of the operation to the nearest disturbed sites. It is not proposed to amend subsection 2 of this section, but the location of surplus concrete crushing can be considered to be already required information on the ‘different activities of the plant’.

With the above-mentioned information, the municipal environmental protection authority supervising the operation would have a picture of the treatment of surplus concrete and crushing operations at the site, which would also enable the authority to assess the environmental impact of the operation and the possible need for a permit.

Section 5 *Storage and treatment of surplus concrete* The title of the section and the wording of *subsection 1* would be revised to use the more precise term ‘crushing’ instead of ‘treatment’ of surplus concrete. Subsection 1 of the current section lays down the regulations applicable to the storage and treatment of surplus concrete (the Environmental Protection Act and the Waste Act, as well as the regulations adopted pursuant to these). The reference would remain unchanged in such a way that it is proposed that only a minor legislative amendment be made to it. The reference can also be considered to cover the provisions contained in the Concrete Plant Decree. Consequently, the environmental protection requirements laid down in the Decree would also apply to the crushing of surplus concrete generated by the plant’s own operations: in particular,

the noise levels laid down in section 8 of the current Decree would apply as such to the crushing operations in question. The current proposal to amend the Decree also includes the addition of special provisions concerning the crushing of surplus concrete, notably to sections 8 and 9 of the Decree.

A new *subsection 2* would be added to this section, which would provide for the management and treatment of storm and waste water caused by the crushing of surplus concrete and the storage of crushed surplus concrete. According to this subsection, the activities in question must be organised in such a way that they do not pose a risk of pollution of surface water or domestic water wells. In addition, water resulting from the breaking and crushing of surplus concrete and from the storage of broken and crushed surplus concrete should be directed to the settling tank. As part of the breaking process, surplus concrete is pre-treated by reducing it into smaller pieces prior to crushing. The crushing and breaking of surplus concrete may result in water requiring treatment in connection with dust control or as storm water. The latter requirement to discharge into the settling tank would be in line with the provision in section 5(2) in force concerning the treatment of waters resulting from the treatment of sludge from the settling tanks.

With the addition of the new subsection 2, section 5(2) currently in force would become subsection 3 of the section.

Section 6 *Temporary crushing of surplus concrete*. The section would be repealed as unnecessary. According to the current Section 6, the submission of a noise notification related to temporary crushing of surplus concrete at a concrete plant and concrete products plant is provided for in section 118 of the Environmental Protection Act or in the municipal environmental protection regulations. In Section 1(2), it is proposed to provide that the crushing of surplus concrete resulting from the plant's own operations may be carried out as part of the operation of a registered concrete plant and concrete products plant if the maximum annual quantity of crushing is 20 000 tonnes. This would clarify the procedure applicable to crushing operations. When the operation could be carried out as part of the registration procedure and the operation would be subject to the environmental protection requirements laid down in the decree, including the provisions on the management of noise emissions, it would not, in principle, be necessary to submit a separate noise notification for the crushing of surplus concrete.

Section 8 *Noise levels and time limits for noisy work phases.* If the crushing of surplus concrete were to be regarded as part of the registered activity, the noise levels laid down in section 8 of the Decree would also be applicable to that crushing activity, pursuant to the proposed section 6(2). According to section 8(1) of the Decree, 'where noise is of a hammer-like or narrowband nature, 5 dB shall be added to the measurement or calculation result before it is compared with the limit value'. Crushing must also be taken into account in the noise modelling referred to in subsection 2.

A new *subsection 4* concerning the crushing of surplus concrete would be added to the section. If crushing operations are carried out less than 500 metres from the exposed site, they should be limited to the period between 7:00 and 18:00 on weekdays. This could effectively prevent the noise nuisance in the neighbourhood caused by the operations, as the operating time of the

crushing is limited to daytime only. The need for crushing at other times is not expected to arise, but it is possible to organise this activity in a sparse manner within the proposed operating time.

Section 9 *Limitation of dust emissions.* The section lays down provisions on the limitation of dust emissions during the handling of dusty substances, during dusty work phases as well as during transport, loading and unloading operations. Crushing surplus concrete can also be considered a dusty work phase.

A new *subsection 3* would be added to the section, which would specifically provide for the control of dust resulting from the crushing of surplus concrete. In order to prevent the spreading of dust resulting from the crushing of surplus concrete at the concrete plant and the concrete products plant, the crusher and conveyors must be enclosed, and the harmful spreading of dust must be prevented by irrigation or other similar means. The proposed new section 5(2) would regulate the management of irrigation water used to prevent dusting.

At the same time, the current subsection 3 of the section would become *subsection 4*.

Section 11 *Treatment and management of oily storm water.* According to *subsection 1* of the current section, storm water from liquid fuel handling areas and oil storage tanks must be handled in an oil separator. The subsection would be clarified by referring to the possibility to discharge oily storm water into a closed container. At the same time, a requirement would be added to the subsection that, as the oil separator must be equipped with an alarm system to indicate the filling of the oil space, the sealed tank should also be equipped with an alarm system that indicates the filling of the tank that can be continuously monitored. Also in the case of sealed tanks, an alarm system may be considered necessary, for example, if water is collected in the sealed tank from uncovered outdoor areas, in which case, for example, rainwater can fill the sealed tank quickly.

The obligation to discharge oily storm water through a class II oil separator in accordance with standard SFS-EN-858-1 would be removed from *subsection 2* if the water treated in the oil separator is discharged into a sealed tank. This obligation may be considered superfluous, since, after discharge into a sealed tank, the water must in any case be transported to an appropriate treatment plant which has been granted an environmental permit for the activity in question. At the same time, the word ‘at least’ would be added to the subsection, since it would also naturally be possible to manage oily storm water through a more efficient oil separator as referred to in the subsection.

In *subsection 4*, the reference to a sealed container would be deleted. Since the requirement for an oil separator would be removed from subsection 2 in the case of discharge of oily storm water into a sealed tank, the requirement for a sampling and shut-off valve well located immediately after the oil separator would also not apply in cases where the storm water is discharged into a sealed tank.

Section 12 *Storage and treatment of hazardous chemicals. Subsection 3* lays down the requirements to be observed in the storage and treatment of liquid fuels. According to subsection 4, filling and unloading points for liquid fuels shall be impermeable to liquids and raised or inclined along their edges so that storm waters are directed in a controlled manner to the oil separator. Since it is proposed to clarify in section 11 the possibility of discharge of oily storm water not only

into the oil separator but also into the sealed tank, the same option of directing the storm water not only into the oil separator but also into the sealed tank would be added accordingly in section 12(3)(4).

Section 16 *Monitoring of the operation and its emissions and impacts*. Subsections 6 to 8 lay down provisions on the measurement of noise levels at concrete plants and concrete products plants. According to *subsection 8,* measurements of noise levels caused by the operation of a concrete plant and a concrete products plant must be carried out under normal conditions of use. It is proposed to add a clarifying sentence according to which noise level measurements must also be carried out during crushing if surplus concrete is crushed at a concrete plant or concrete products plant.

Section 17 *Provision of information and record-keeping.* This section provides for the obligation for the operator to submit an annual report for the previous year to the supervisory authority by the end of February each year.

Subsection 2 of the section lays down provisions on the information to be provided on waste generated in operations. It is proposed to add to this information the necessary information on surplus concrete and its crushing: the quantity of surplus concrete stored in the area at the concrete plant or concrete products plant at the end of the year and the quantity of surplus concrete crushed in the area, as a new subsection 5. This information would support the possibility for the supervisory authority to monitor the development of the storage quantities of surplus concrete so that the surplus concrete cannot be counted as waste treatment on a professional basis or at an installation (for example, a landfill). The purpose is that the surplus concrete generated in the operation of the plant will be crushed or delivered to an appropriate treatment site within a reasonable time and not stored unnecessarily in the area. Information on the amount of crushed surplus concrete can also be used to assess the extent of the activity and the resulting environmental impact.

With the addition of a new paragraph 5, subsection 2(4) would also be technically amended to end with a semicolon (in Finnish) or a comma (in Swedish). At the same time, the Swedish wording at the end of paragraph 4 would be corrected to better reflect the Finnish wording “method of waste treatment” (proposed to be changed to “avfallets behandlingssätt”).

2.6. Entry into force

The entry into force of the provisions of the Decree would be staggered in such a way that the amendments to section 11, subsections 1, 2 and 4 and section 12, subsection 4 concerning the discharge of oily storm water into a sealed tank would apply immediately after the adoption of the Decree, while the other provisions of the Decree (concerning the crushing of surplus concrete) would only enter into force at the beginning of 2026. This would be justified, as the purpose is to have the regulation on sealed tanks enter into force as soon as possible in order to avoid any unnecessary costs for operators. On the other hand, it is appropriate to postpone the entry into force of the regulation on the crushing of surplus concrete a little further in order to allow operators sufficient time to adapt to the changes required by the new regulation. The crushing

activity planned for 2025 could therefore still be carried out in accordance with the regulations in force.

The crushing of surplus concrete may currently also be carried out at a concrete plant and concrete products plant registered in the environmental protection database, the registration of which does not include the crushing of surplus concrete (the crushing has been carried out, for example, on the basis of a noise report in accordance with section 118 of the Environmental Protection Act). This information should be completed as part of the registration of the installation before the start of the crushing operation. As it concerns the crushing of surplus concrete as part of the activities of the registered concrete plant and concrete products plant, the information is submitted to the authority responsible for the registration of the plant, i.e. the municipal environmental protection authority. In line with section 116(2) of the Environmental Protection Act, the information referred to in the proposed section 3(1)(9) on the crushing of surplus concrete should be reported to the municipal environmental protection authority no later than 60 days before the start of the crushing. The municipal environmental protection authority enters the data into the environmental protection database within 60 days. Once this information on the crushing operation is entered in the database, the crushing operation may start, and the operations shall comply with the provisions on the crushing and storage of surplus concrete proposed in this Decree.

In addition, *subsections 2 to 4* of the entry into force provision would provide for the application of the provisions on the crushing of surplus concrete resulting from the operation of a registered concrete plant and concrete products plant in cases where the crushing of surplus concrete in question has been separately granted an environmental permit, for example, for waste treatment on a professional basis or at an installation or for rock crushing lasting for at least 50 days. In practice, the crushing activity covered by the permit would be transferred to the registration of a concrete plant or concrete products plant.

According to *subsection 2* of the entry into force provisions, the regulation on the crushing of surplus concrete contained in the decree proposal would apply to the crushing of surplus concrete covered by an environmental permit at the stage when an environmental permit for the crushing operation would have to be applied for on the basis of a substantial amendment (section 29 of the Environmental Protection Act) or that permit would have to be amended on the basis of section 89. According to *subsection 3* of the entry into force provisions, those provisions should be applied and the activity transferred to the scope of registration no later than on 1 June 2026.

Provisions on the expiry of a permit due to the entry of an activity in the environmental protection database are laid down in the Environmental Protection Act. The environmental permit for the crushing of surplus concrete would expire when the proposed decree becomes applicable under subsections 2 or 3. In this case, the authority shall register the operation in the environmental protection database and notify the operator of this.

For its part, *subsection 4* of the entry into force provisions lays down the manner in which permit matters relating to the crushing of surplus concrete may be dealt with in cases in which the permit matter has not been announced at the time of entry into force of the Decree (1 January 2026). In

such a case, the environmental permit would lapse and the authority would register the operation in the environmental protection database and notify the operator of this.