Text consolidated by Valsts valodas centrs (State Language Centre) with amending regulations of:

22 December 2009 [shall come into force on 1 January 2010];

28 September 2010 [shall come into force on 2 October 2010];

27 November 2018 [shall come into force on 1 December 2018].

If a whole or part of a paragraph has been amended, the date of the amending regulation appears in square brackets at the end of the paragraph. If a whole paragraph or sub-paragraph has been deleted, the date of the deletion appears in square brackets beside the deleted paragraph or sub-paragraph.

Republic of Latvia

Cabinet

Regulation No. 475

Adopted 13 June 2006

**Procedures Regarding the Cleaning and Deepening of Surface Water Bodies and Port Aquatoria**

*Issued pursuant to*

*Section 5, Paragraph ten, Clause 5 of the Water Management Law*

**I. General Provisions**

1. This Regulation prescribes the procedures for the cleaning and deepening of surface water bodies and port aquatoria.

2. This Regulation shall not apply to:

2.1. surface water bodies which are located within the boundaries of a single property – streams, rivulets and ponds;

2.2. elimination of the historic military pollution in the Channel *Karostas Kanāls* in Liepāja;

2.3. operation of amelioration systems.

[*28 September 2010*]

3. The following terms are used in the Regulation:

3.1. major deepening of a surface water body or port aquatorium – removal or relocation of soil from the bed for the purpose of enlarging the designed depth or other parameters or to install, insert or remove underwater structures;

3.2. repair deepening of a surface water body or port aquatorium – removal or relocation of soil or alluvial material (mixed material accumulated as a result of water activity) for the purpose of renewing the initially designed depth after the flood, storm or other natural processes as a result of which the parameters of the surface water body or port aquatorium have been changed;

3.3. cleaning of surface water bodies or port aquatoria – collection of floating litter, elimination of grass and overgrowth, removal of stones and trees, lifting out of sunken objects and other works, including the cleaning of bed to prevent the reduction of water permeability.

[*28 September 2010*]

4. The State Environmental Service shall issue technical regulations regarding the cleaning or deepening of surface water bodies or port aquatoria if an environmental impact assessment is not necessary for these activities in accordance with the law On Environmental Impact Assessment.

[*28 September 2010*]

5. If it is intended to extract mineral resources in the amount of more than 1000 cubic metres during the course of deepening works, then, in accordance with the procedures laid down in the laws and regulations regarding the use of natural resources, it is necessary to additionally obtain a permit (licence) for the use of natural resources issued by the State Environmental Service, except for the case when the excavated soil or alluvial material is placed in the soil placement area in the sea.

[*28 September 2010*]

6. If the soil extracted during the works of major deepening of surface water bodies or port aquatoria has been intended to be placed in the soil placement area in the sea, the initiator of an activity of major deepening of a surface water body or port aquatoria (hereinafter – the initiator of activity) shall ensure the performance of chemical and ecotoxicological analysis of soil in conformity with the guidelines of the commission of the Convention on the Protection of the Marine Environment of the Baltic Sea Area of 1992 (hereinafter – the Helsinki Convention).

[*28 September 2010*]

7. In order to receive a work programme for performing chemical and ecotoxicological analyses, the initiator of activity shall submit to the State Environmental Service the information on the location and boundaries of the object intended for deepening or cleaning, the depth up to which it is planned to deepen the object, the volume and characterisation of the soil to be extracted, and also shall append a hydrographic chart of the region of the intended activities in a scale not greater than 1:2000 where the object boundaries are marked and a map of the port in a scale equal to or greater than 1:10 000 where the object boundaries are marked.

8. The chemical and ecotoxicological analyses of soil need not be performed if there are no point or diffusion sources of pollution or accumulated pollution in the territory intended for cleaning or deepening and its surroundings, and accidental leakages of pollution have not taken place, or if the volume of soil to be extracted within the scope of one deepening project of the repair deepening works of port aquatorium does not exceed 20 000 cubic metres per year.

[*28 September 2010*]

9. The quality of soil obtained during the cleaning or deepening works shall be evaluated according to the requirements of the laws and regulations regarding the quality of ground and soil if it is intended to place it in temporary or permanent placement areas on land or in the areas occupied by underwater hydrotechnical structures.

[*28 September 2010*]

10. When evaluating the possibility of placing the soil in a soil placement area in the sea, the State Environmental Service shall take into account the quality limit values of the soil in conformity with Paragraphs 19 and 20 of this Regulation and Annex thereto.

11. It is not necessary to determine the presence of polychlorinated biphenyl (PCB), polyaromatic hydrocarbons (PAHs) and tributyltin (TBT) compounds and their products of disintegration content in the soil if one of the following conditions is in effect:

11.1. analyses performed so far indicate that the abovementioned substances are not present in the territory intended for deepening or cleaning;

11.2. in the territory intended for deepening or cleaning and in its surroundings there are no significant point or diffusion sources of pollution or accumulated pollution which may cause the presence of the abovementioned substances in the soil;

11.3. soil to be extracted is composed of rough size particles (greater than 2 mm);

11.4. the content of organic substances in the soil does not exceed 5 %.

12. It is not necessary to establish the presence of dichloro-diphenyl-trichloroethane (DDT), dichloro-diphenyl-dichloroethylene (DDE) dichloro-diphenyl-dichloroethane (DDD), as well as the content of dioxins and furans (PCDD and PCDF) in the soil if the State Environmental Service has at its disposal the information that in the territory intended for deepening or cleaning and its surroundings there are no sources of pollution or accumulated pollution which may cause the presence of the abovementioned substances in the soil.

13. Chemical analyses of soil for the repair deepening works of the port aquatorium shall be performed once every five years if the soil to be extracted does not conform to the volume indicated in Paragraph 8 of this Regulation, and if the results of previously performed analyses confirm that the concentration of polluting substances in the relevant territory does not exceed the first limit value of soil quality indicated in the Annex, and also if no activities or accidents causing pollution have taken place in the relevant territory or its nearest surroundings during these five years.

[*28 September 2010*]

14. Chemical analyses of soil are not necessary for the repair deepening works which are performed in accordance with Paragraph 37 of this Regulation.

15. The chemical and ecotoxicological analyses of soil shall be performed by a laboratory which is accredited by the national accreditation body in accordance with the laws and regulations regarding assessment, accreditation and supervision of conformity assessment bodies, or by the laboratory accredited in another European Union Member State.

[*27 November 2018*]

16. The soil extracted from the surface water body or port aquatorium whose quality conforms to the requirements laid down in laws and regulations regarding environmental or health protection may be used for economic needs, including for the construction of hydrotechnical structures and for the filling of areas occupied by underwater hydrotechnical structures, or placed in permanent or temporary placement areas (up to one year) determined by local governments or in a soil placement area in the sea.

[*28 September 2010*]

17. Polluted soil which is extracted during the cleaning works shall be placed in sites specially intended for purification or in landfill sites which have a category A or B permit for the disposal of such waste.

18. If it is intended to place the extracted soil in a soil placement area in the sea, the State Environmental Service shall, in addition to technical regulations, issue a permit for the placement of soil in the soil placement area in the sea in conformity with the requirements of the Helsinki Convention on the basis of a submission of the initiator of activity for receipt of the technical regulations.

[*28 September 2010*]

19. It is prohibited to place soil which has been extracted during the course of cleaning or deepening in the soil placement area in the sea if the concentration of one of the polluting substances in the soil is greater than the second limit value indicated in the Annex of this Regulation.

20. If in conformity with the chemical analyses of the soil the concentration of one or more polluting substances in the soil to be extracted exceeds the first limit value indicated in the Annex, but is smaller than the second limit value, the State Environmental Service may request the initiator of activity to perform ecotoxicological analyses of the soil. If the results of the ecotoxicological analyses confirm that such soil has no harmful effect on living organisms, it may be disposed of in the soil placement area in the sea.

21. Placement of the soil in the soil placement area in the sea shall be permitted only in accordance with the soil placement boundaries approved by the Maritime Administration of Latvia.

22. The relevant port authority shall perform monitoring of the soil placement area in the sea in which the soil extracted during the course of cleaning or deepening is placed. The port authority shall perform the monitoring in conformity with the programme which is coordinated with the State Environmental Service.

**II. Procedures for the Performance of Cleaning and Deepening of Surface Water Bodies**

23. Technical regulations of the State Environmental Service for the cleaning or deepening of surface water bodies are not necessary for the following activities:

23.1. cleaning or deepening of the surface water bodies in a specially protected nature territory which has a nature protection plan developed and approved according to laid down procedures if the works are carried out in accordance with such plan;

23.2. deepening and cleaning of artificial water bodies if the water body conforms to the laws and regulations regarding amelioration systems and the hydrotechnical structures thereof;

23.3. cleaning or deepening of fish ponds (for the purpose of renewing the initially designed depth) if such object is not located on a natural watercourse;

23.4. aquatic plant cutting in private watercourses or bodies of water if the cutting is performed within the time period from July 1 to March 31.

[*28 September 2010*]

24. In order to receive the technical regulations for the cleaning or deepening of surface water bodies, the initiator of activity shall submit an application to the State Environmental Service. The following information shall be indicated in the application:

24.1. date and place of submission;

24.2. the given name and surname or firm name of the submitter, personal identity number of the submitter or registration number of the firm name or institution in the Commercial Register, address and telephone number;

24.3. the name and location of the surface water body intended for cleaning or deepening;

24.4. area of the territory intended to be cleaned or deepened, the technology to be used, and the time periods for the performance of the works;

24.5. the intended type of soil to be extracted and volume, and methods of volume calculation;

24.6. the intended activity that will be performed with the extracted soil, aquatic plants and waste which will be produced during the cleaning or deepening works, and the intended temporary or permanent placement area thereof and its area (on land or in soil placement area in the sea);

24.7. maps of the territory (in scale 1:10 000 or greater) or plans with representation of the place of deepening or cleaning the surface water body and the placement area of the extracted soil;

24.8. a plan of the surface water body in which the borders of cleaning or deepening activities are indicated.

[*28 September 2010*]

25. If the catchment basin of a watercourse is larger than 25 square kilometres or the water surface area of the body of water is at least 10 hectares, the initiator of activity shall submit the following in addition to that referred to in Paragraph 24 of this Regulation:

25.1. an opinion of a certified expert on the possible impact of cleaning or deepening of surface water bodies on the fish resources. If necessary, the State Environmental Service shall request *valsts zinātniskais institūts “Pārtikas drošības, dzīvnieku veselības un vides zinātniskais institūts”* [the State scientific institute Institute of Food Safety, Animal Health and Environment “BIOR”] to evaluate the received opinion. Expenses related to the preparation of the evaluation of the abovementioned authority shall be covered by the initiator of activity;

25.2. an opinion of a certified expert on the possible impact of cleaning or deepening of surface water bodies on specially protected nature territories, specially protected species, and specially protected biotopes, and also the possible impact on the water body to be cleaned or deepened. If necessary, the State Environmental Service shall request the Nature Conservation Agency to evaluate the received opinion. Expenses related to the preparation of the evaluation of the abovementioned authority shall be covered by the initiator of activity;

25.3. an opinion of a certified expert on the possible impact of cleaning or deepening of surface water bodies on the surrounding water bodies. If necessary, the State Environmental Service shall request *valsts sabiedrība ar ierobežotu atbildību “Latvijas Vides, ģeoloģijas un meteoroloģijas centrs”* [State limited liability company Latvian Environment, Geology and Meteorology Centre] to evaluate the received opinion. Expenses related to the preparation of the evaluation of the abovementioned authority shall be covered by the initiator of activity.

[*28 September 2010*]

26. If it is intended to clean or to deepen a public watercourse or body of water, as well as a watercourse or body of water the fishing rights of which belong to the State, prior to receiving the technical regulations the initiator of activity shall receive the written consent of the local government.

27. If it is intended to clean or to deepen a private watercourse or body of water, as well as a watercourse or body of water the fishing rights of which do not belong to the State and it is not a public watercourse or body of water, the initiator of activity shall receive the written consent of the owner of the water body.

28. If it is intended to clean or to deepen a surface water body near objects of national defence significance, it is necessary to receive the written approval of the Ministry of Defence.

29. The technical regulations for the cleaning and deepening of the surface water bodies shall include the following conditions in addition to the requirements laid down in the laws and regulations regarding environmental protection:

29.1. the implementation time and place of the planned activity;

29.2. the volume, territory and borders of the cleaning and deepening;

29.3. the sequence of the activities to be performed;

29.4. the temporary or permanent placement area, storage and utilisation of the soil extracted from the surface water body;

29.5. the measures which are related to change of the water hydrological regime of a water body during the performance of the activities;

29.6. the landscape arrangement of banks after the end of the activities;

29.7. the measures for the prevention of harm to biological aquatic resources and environmental pollution;

29.8. [28 September 2010].

30. In the cleaning and deepening of a surface water body, the following requirements shall be observed:

30.1. cleaning or deepening shall be performed without causing harm to fish resources;

30.2. the cleaning of a river shall commence and shall be performed in an upstream direction;

30.3. aquatic plants shall be cut first in areas where the sludge layer forms intensively, and also in sandy shallow water areas which are characterised by intensive overgrowth;

30.4. the cutting of aquatic plants in lakes shall be performed by making passageways in order to ensure water exchange between shallow water and deep water zones;

30.5. the aquatic plants which are cut shall be removed in order to prevent a repeated pollution of the water body with organic substances of easy degradation and the accumulation of sediment.

**III. Procedures for the Cleaning and Deepening of Port Aquatoria**

31. In order to receive the technical regulations for the cleaning or deepening of a port aquatorium, the initiator of activity shall submit a written application to the State Environmental Service. The following information shall be included in the application:

31.1. date and place of submission;

31.2. the given name and surname or firm name of the submitter, personal identity number of the submitter or registration number of the firm name or institution in the Commercial Register, address and telephone number;

31.3. the name, registration number and address of the performer of the work of cleaning or deepening if the work is not performed by the initiator of activity and the given name, surname and telephone number of the person responsible for the performance of the work;

31.4. the name and location in the port aquatorium of the object intended for cleaning or deepening (hereinafter – the object);

31.5. if major deepening is intended – the area of the intended territory, the type and volume of the soil to be extracted, and also the calculation of volume; if repair deepening is intended – the area of the intended territory, the type and maximum volume (if the exact volume is not known) of the soil to be extracted;

31.6. the planned time periods for the performance of cleaning or deepening works;

31.7. the intended method of cleaning or deepening and the technology to be used (name of the equipment or vessel, type, capacity, type of pump, type of dredge or other kind of technology if known);

31.8. characterisation of soil – granulometric composition, soil density, organic substance content (shall not be required if the information has been already submitted in accordance with Paragraph 7 of this Regulation);

31.9. the intended temporary or permanent placement area of the soil to be extracted (on land or in the soil placement area in the sea).

[*28 September 2010*]

32. In order to obtain the technical regulations, the following shall be appended to the application:

32.1. a hydrographic chart of the region intended for the deepening or cleaning in a scale not greater than 1:2000 in which the object boundaries are marked (shall not be required if the information has been already submitted in accordance with Paragraph 7 of this Regulation);

32.2. a map of the port in a scale equal to or greater than 1:10 000 in which the object boundaries are marked (shall not be required if the information has been already submitted in accordance with Paragraph 7 of this Regulation);

32.3. a certified copy of the architectural and planning task of port hydrotechnical structure or a copy thereof by presenting the original (only for the performance of major deepening works);

32.4. the plan of the placement area of the extracted soil (only for the placement on land or an artificially created water territory) in which the placement area of the soil is indicated;

32.5. the results of the analyses of soil performed in accordance with Paragraph 6 of this Regulation;

32.6. if major deepening is intended – an opinion of a certified expert on the possible impact of deepening of the port aquatorium on the fish resources. If necessary, the State Environmental Service shall request the State scientific institute Institute of Food Safety, Animal Health and Environment “BIOR” to evaluate the received opinion. Expenses related to the preparation of the evaluation of the abovementioned authority shall be covered by the initiator of activity;

32.7. if major deepening is intended – an opinion of a certified expert on the possible impact of deepening of the port aquatorium on the surrounding water bodies. If necessary, the State Environmental Service shall request the State limited liability company Latvian Environment, Geology and Meteorology Centre to evaluate the received opinion. Expenses related to the preparation of the evaluation of the abovementioned authority shall be covered by the initiator of activity.

[*28 September 2010*]

33. If the soil is intended to be placed on land or used for the construction of hydrotechnical structures or raising the ground level, the following shall be indicated:

33.1. the placement area and further utilisation of the soil;

33.2. the permitted type of use of the territory at the placement area of soil that is laid down in the local government spatial plan.

[*28 September 2010*]

33.1 If major deepening is intended, the initiator of activity shall, in the case referred to in Paragraph 33 of this Regulation, submit an opinion of a certified expert on the possible impact of the placement of soil on specially protected nature territories, specially protected species, and specially protected biotopes, and also the possible impact on the water body to be deepened. If necessary, the State Environmental Service shall request the Nature Conservation Agency to evaluate the received opinion. Expenses related to the preparation of the evaluation of the abovementioned authority shall be covered by the initiator of activity.

[*28 September 2010*]

34. For performing the deepening or cleaning works of a port aquatorium, the consent of the relevant port authority shall be obtained if the port authority is not the contracting authority.

35. For the performance of major deepening of the port aquatorium, the consent of the Maritime Administration of Latvia shall be obtained.

36. In addition to the environmental protection requirements laid down in the laws and regulations, the following requirements shall be included in the technical regulations for deepening or cleaning:

36.1. the permitted methods of cleaning or deepening and the technical equipment;

36.2. the sequence of works if cleaning or deepening is performed in several stages;

36.3. the placement area of the extracted soil;

36.4. the requirements for soil placement on land;

36.5. the measures to be taken to prevent or diminish environmental pollution, and also harm to biological aquatic resources;

36.6. the procedures by which, in accordance with the opinion of a fisheries expert-examination, determine and compensate losses caused to the fish resources.

37. If due to natural disasters threats to the safety of navigation have occurred and previously unplanned urgent renewal of the designed fairway depth is necessary, the State Environmental Service, on the basis of a submission of a harbour-master or a maritime safety service shall, within three working days after the receipt thereof, issue technical regulations for the repair deepening works. If the threats to the safety of navigation or the environment are caused by a ship accident or similar emergency situation, the port authority in such case shall immediately inform the State Environmental Service regarding the performance of works of depth maintenance.

37.1 If, in accordance with the opinion of a fisheries expert-examination, the restrictions for the port aquatorium deepening works are necessary during fish spawning and migration, those are determined only during the dark hours of the day.

[*28 September 2010*]

**IV. Closing Provision**

38. Cabinet Regulation No. 80 of 17 February 2004, Regulations Regarding Surface Water Body Cleaning and Deepening (*Latvijas Vēstnesis*, 2004, No. 27, 76, 136), is repealed.

Acting for the Prime Minister – the Minister for Economics A. Štokenbergs

Minister for Environment R. Vējonis

**Annex**

Cabinet Regulation No. 475

13 June 2006

**Soil Quality Limit Values**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| No. | Substance | Unit of measurement | First Limit Value | Second Limit Value |
| 1. | Metals |  |  |  |
| 1.1. | arsenic (As) | mg/kg | 20 | 30 |
| 1.2. | zinc (Zn) | mg/kg | 200 | 400 |
| 1.3. | mercury (Hg) | mg/kg | 0.5 | 1.5 |
| 1.4. | chromium (Cr) | mg/kg | 100 | 300 |
| 1.5. | nickel (Ni) | mg/kg | 20 | 50 |
| 1.6. | cadmium (Cd) | mg/kg | 1 | 3 |
| 1.7. | lead (Pb) | mg/kg | 100 | 200 |
| 1.8. | copper (Cu) | mg/kg | 100 | 200 |
| 2. | Petroleum hydrocarbons | mg/kg | 100 | 400 |
| 3. | Polyaromatic hydrocarbons (PAH) |  |  |  |
| 3.1. | naphtalene | mg/kg | 0.01 | 0.1 |
| 3.2. | anthracene | mg/kg | 0.01 | 0.1 |
| 3.3. | phenanthrene | mg/kg | 0.05 | 0.5 |
| 3.4. | fluoranthene | mg/kg | 0.3 | 3 |
| 3.5. | benz(a)anthracene | mg/kg | 0.03 | 0.4 |
| 3.6. | chrysene | mg/kg | 1.1 | 11 |
| 3.7. | Benzo(k)fluoranthene | mg/kg | 0.2 | 2 |
| 3.8. | benzo(a)pyrene | mg/kg | 0.3 | 3 |
| 3.9. | Benzo(ghi)perylene | mg/kg | 0.8 | 8 |
| 3.10. | Indeno(1,2,3-cd)pyrene | mg/kg | 0.6 | 6 |
| 4. | polychlorinated biphenyl (PCB) in accordance with International Union of Pure and Applied Chemistry (IUPAC) numbering |  |  |  |
| 4.1. | 28 | µg/kg | 1 | 30 |
| 4.2. | 52 | µg/kg | 1 | 30 |
| 4.3. | 101 | µg/kg | 4 | 30 |
| 4.4. | 118 | µg/kg | 4 | 30 |
| 4.5. | 138 | µg/kg | 4 | 30 |
| 4.6. | 153 | µg/kg | 4 | 30 |
| 4.7. | 180 | µg/kg | 4 | 30 |
| 5. | tributyltin (TBT) | µg/kg | 3 | 30 |
| 6. | dichloro-diphenyl-trichloroethane (DDT), dichloro-diphenyl-dichloroethylene (DDE)dichloro-diphenyl-dichloroethane (DDD) | mg/kg | 0.01 | 0.03 |
| 7. | dioxins and furans (PCDD and PCDF) | ng WHO-EWQ/kg | 20 | 500 |

Minister for Environment R. Vējonis