

# Act

No. 409/2011

of 21 October 2011,

on certain measures in relation to environmental burdens and on the amendment of certain acts

The National Council of the Slovak Republic has passed the following Act

## Article I

### § 1

#### Object of the Act

This Act establishes

- a) the rights and duties of persons in the identification of an environmental burden,<sup>1)</sup>
- b) the method for determining the obliged person in relation to an environmental burden (hereinafter only “the obliged person”)
- c) the rights and duties of an originator of an environmental burden (hereinafter only “the originator”), an obliged person and the ministry whose area of competence<sup>2)</sup> covers the activities that resulted in the creation of the environmental burden (hereinafter only “the competent ministry”),
- d) the competences of state administration authorities in relation to an environmental burden,
- e) penalties for breaches of obligations laid down by this Act.

### § 2

#### Identification of an environmental burden

(1) Identification of an environmental burden is a set of activities whose outcome is the recognition of an environmental burden. The identification of an environmental burden includes its classification and the completion of a record card for the environmental burden. The content of the record card for an environmental burden is specified in Schedule No. 1.

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<sup>1)</sup> Section 3(s) of Act No. 569/2007 Z. z. on geological work (the Geological Act) as amended by Act No. 384/2009 Z. z.

<sup>2)</sup> Sections 6 to 18 of Act No. 575/2001 Z.z. on the organisation of activities of the government and central state administration bodies, as amended.

(2) The classification of an environmental burden is an evaluation of the risk represented by the environmental burden, a definition of the ranking of environmental burdens in terms of the anticipated risk that they represent and the consequent urgency of geological work.

(3) Everyone who suspects the existence of an environmental burden may submit notice of this to the Ministry of Environment of the Slovak Republic (hereinafter only “the Ministry”) or a regional environment office. If a notice concerns an environmental burden that is already entered in the environmental burdens information system,<sup>3)</sup> the Ministry or the regional environment office shall inform the person who reported the burden of this; the Ministry shall not take the steps set out in subsections (5) to (8) in relation to such environmental burdens. The regional environment office shall send a notice to the Ministry without delay.

(4) A notice of the existence of an environmental burden (hereinafter only “a notice”) can be submitted in written or electronic form or may be transcribed from an oral statement. A sample notice is given in Schedule No. 2.

(5) The Ministry shall check that the notice includes all the set particulars. If the notice is incomplete, the Ministry shall instruct the person who submitted to notice to provide any missing particulars within 30 days of delivery of the instruction.

(6) The Ministry shall carry out, within 30 days of receiving a complete notice or the complete information pursuant to subsection (5), its own investigation of the matters specified in the notice and available information to determine whether an environmental burden exists, in particular a study of documentation and a local inspection.

(7) If the Ministry finds that there is environmental burden, it shall complete a record card for the environmental burden and classify the environmental burden according to the criteria set out in Schedule No. 3 as an environmental burden with a low priority for solution, an environmental burden with a medium priority for solution or an environmental burden with a high priority for solution.

(8) After completing identification of an environmental burden, the Ministry shall ensure its entry without delay in the environmental burdens information system, send information on the completion of identification of the environmental burden for entry in the real estate register<sup>4)</sup> and deliver notification of the completion of identification of the environmental burden to the owner of the real estate, to the user of the real estate if the owner of the real estate is not also the user, or to the administrator of the real estate where the environmental burden is situated, and to the municipality in whose territory the environmental burden is situated within 15 days of the environmental burden’s entry in the real estate register.

(9) The Ministry may provide for the performance of the activities referred to in subsections (5) to (8) through an authorised organisation of which the Ministry is the founder.

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<sup>3)</sup> 6) Section 20a(1) of Act No. 569/2007, as amended by Act No. 384/2009 Z.z.

<sup>4)</sup> Section 39 of Act of the National Council of the Slovak Republic No. 162/1995 Z.z. on the real estate register and on the registration of ownership and other rights over real estate (the Cadastral Act), as amended.

### § 3 Originator

(1) An originator is any person whose activities cause an environmental burden except in cases where

- a) the state has undertaken to remedy an environmental burden under an agreement concluded before the coming into effect of this Act or under a decision of the government of the Slovak Republic or
- b) the environmental burden was created as a result of waste disposal in accordance with a valid permit.

(2) The originator is obliged to ensure the preparation and implementation of a plan for the removal of the environmental burden (hereinafter only “a work plan”).

(3) The originator is obliged to pay all costs connected with the preparation and implementation of the work plan.

(4) If the originator does not ensure the preparation and implementation of a work plan, the competent ministry shall provide for this activity using public funds where there is an immediate threat to human life and health or to the environment; this shall not free the originator from liability. The originator is obliged to reimburse expenditure to the competent ministry within a period of at most one year from the date when a decision on the completion of the work plan issued under Section 9(3) becomes final.

### § 4 Determination of an obliged person

(1) If an originator has been wound up or died, the regional environment office shall issue a decision determining the legal successor of the originator to be an obliged person.

(2) For the purposes of this Act, an heir or a person referred to in separate legislation shall not be deemed the legal successor of an originator.<sup>5)</sup>

(3) If the originator is not known or it is not possible to determine an obliged person according to subsection (1), the regional environment office shall determine the owner of the real estate on which the environmental burden is situated to be the obliged person.

(4) It is not possible to declare a person an obliged person if they meet at least one of the following criteria:

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<sup>5)</sup> Section 4 of Act No. 229/1991 Zb on the regulation of ownership of land and other agricultural property, as amended.

Section 2 of Act of the National Council of the Slovak Republic No. 282/1993 Z.z. on restitution for certain injustices done to churches and religious communities as amended by Act No. 97/2002 Z.z.

Section 2 of Act No. 503/2003 Z.z. on the return of ownership of land and on the amendment of Act of the National Council of the Slovak Republic No. 180/1995 Z.z. on certain measures to settle the ownership of land, as amended.

Section 2(2) of Act No. 161/2005 Z.z. on the return of ownership of real estate to churches and religious communities and the transfer of ownership to certain real estate.

- a) expenditure in accordance with an agreement concluded under other legislation<sup>6)</sup> has been made in relation to the environmental burden, to improve the condition of environmental features; such expenditure must be supported by documentation<sup>7)</sup> of improvement in environmental features,
- b) all undertakings<sup>8)</sup> for the improvement of the condition of environmental features as relate to the environmental burden have been fulfilled; the fulfilment of obligations shall be supported by documentation of the improvement in environmental features,
- c) the state has undertaken to remedy an environmental burden under an agreement concluded before the coming into effect of this Act or under a decision of the government of the Slovak Republic or
- d) the environmental burden was created as a result of waste disposal in accordance with a valid permit.

(5) It is not possible to determine as an obliged person the person who owns the real estate on which an environmental burden is situated if it is proven that

- a) the owner acquired the real estate through inheritance and did not continue in activities that lead to the creation of the environmental burden,
- b) after acquiring the real estate they did not continue the activity that lead to the creation of the environmental burden and they could not have been aware of the environmental burden at the time when they acquired the real estate or
- c) after acquiring the real estate they continued the activity that lead to the creation of the environmental burden but did not damage the mineral environment, groundwater and soil<sup>9)</sup> or human health.

(6) Obligated persons and competent ministries shall be subject to the duties and procedures laid down in Section 3(2) to (4).

## § 5

### Proceedings for the determination of an obliged person

(1) The regional environment office shall commence proceedings for the determination of an obliged person

- a) at its own instigation,
- b) at the request of the owner, user or administrator of the real estate on which the environmental burden is situated, at the proposal of the Ministry or in response to a notice under Section 7.

(2) The request of the owner, user or administrator of real estate shall include

- a) identification data on the owner, user or administrator of the real estate,
- b) the name of the environmental burden according to the record card for the environmental burden.
- c) the name and code of the cadastral territory according to information from the real estate register, the name and number code of the municipality, district and region in which the environmental burden is situated.

(3) A decision on the determination of an obliged person shall include, in addition to general particulars, the following:

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<sup>6)</sup> Section 14(1) of Act No. 92/1991 Zb on conditions for the transfer of state assets to other persons, as amended.

<sup>7)</sup> For example Section 16 of Act No. 569/2007 Z.z., as amended and Section 76 of Act No 50/1976 Zb. on land use planning and the code of building procedure (the Building Act), as amended.

<sup>8)</sup> Sections 6a and 15 of Act No. 92/1991 Zb. as amended.

- a) the name of the environmental burden according to the record card for the environmental burden.
- b) the name and code of the cadastral territory, the name and number code of the municipality, district and region in which the environmental burden is situated,
- c) the period for submission of a draft work plan pursuant to Section 8(1).

(4) The regional environment office shall send the final decision on the determination of the obliged person to the Ministry for the purposes of updating the information in the environmental burdens information system.<sup>9)</sup>

(5) The regional environment office shall terminate proceedings for the determination of the obliged person if the obliged person cannot be determined and send the decision on the termination of proceedings to the Ministry for the purposes of updating the information in the environmental burdens information system.<sup>10)</sup>

(6) The regional environment office shall cancel a decision on the determination of an obliged person in response to notification under Section 7 and issue a new decision on the determination of the obliged person or terminate proceedings within 20 days of the date of delivery of notification under Section 7.

(7) If it was not possible to determine the obliged person, the government of the Slovak Republic shall decide, at the proposal of the Ministry, that the competent ministry shall provide for the performance of the obligations of an obliged person under Section 3(2) and (3).

(8) The government of the Slovak Republic shall decide at the proposal of the Ministry which is the competent ministry under Section 3(4).

## § 6

### Extent of liability of originators and obliged persons

(1) If there are multiple originators for a single environmental burden, they shall each be liable under Section 3(2) and (3) in the same proportion as they contributed to the creation of the environmental burden. If it is not possible to determine the extent to which they contributed to the creation of the environmental burden, they shall be jointly and severally liable for performance.<sup>10)</sup>

(2) If there are determined to be multiple obliged persons for one environmental burden who are not the owners of the real estate on which the environmental burden is situated, they shall be jointly and severally liable for the performance of obligations under Section 3(2) and (3).

(3) If there are determined to be multiple obliged persons for one environmental burden who are the owners of the real estate on which the environmental burden is situated, their liability for the performance of obligations under Section 3(2) and (3) shall be in proportion to their share of ownership of the real estate on which the environmental burden is situated.

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<sup>9)</sup> Section 20a of Act No. 569/2007 Z.z., as amended by Act No. 384/2009 Z.z.

<sup>10)</sup> Sections 438 and 439 of the Civil Code.

(4) If multiple obliged persons are determined under Section 4(1) and at least one of the obliged persons is the owner or co-owner of the real estate on which the environmental burden is situated, and at the same time at least one of the obliged persons is not the owner or co-owner of the real estate, they shall be jointly and severally liable for performance of the obligations under Section 3(2) and (3).

(5) The decision on the determination of the obliged person shall specify the share of liability borne by each of the obliged persons pursuant to subsections (2) to (4).

## § 7

### Restrictions on the transfer of real estate and ownership rights

If an originator or obliged person is also the owner of the real estate on which an environmental burden is situated, they can transfer the real estate to another person only after ensuring performance of an environmental geological survey for the real estate; the agreement on the transfer of the real estate shall include the final report of a geological activity which is an environmental geological survey<sup>11)</sup>. The originator or obliged person is obliged to notify the regional environment office in writing of every such transfer, enclosing the agreement on the transfer of the real estate.

## § 8

### Work plan

(1) The originator, obliged person or the competent ministry is obliged to submit a work plan to the regional environment office for approval within a period as defined below:

- a) where there is a high priority for solution,
  1. an originator shall submit a work plan no later than one year after the act comes into force
  2. an obliged person shall submit a work plan within one year of a final decision determining the obliged person,
  3. the competent ministry shall submit a work plan within one year from the date of a decision of the government of the Slovak Republic under Section 5(7) or (8),
- b) where there is a medium or low priority for solution,
  1. an originator shall submit a work plan no later than five years after the act comes into force
  2. an obliged person shall submit a work plan within five years of a final decision determining the obliged person,
  3. the competent ministry shall submit a work plan within five years from the date of a decision of the government of the Slovak Republic under Section 5(7) or (8),

(2) In justified cases, in particular in a case where the environmental burden is situated on an extensive territory, the period pursuant to subsection (1) can be extended proportionately with the consent of the Ministry.

(3) The draft work plan must be developed in accordance with the State programme for the restoration of environmental burdens<sup>12)</sup> and the Water plan for Slovakia.<sup>13)</sup>

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<sup>11)</sup> Section 16(5) of Act No. 569/2007 Z.z. as amended.

<sup>12)</sup> Section 20a(4) and (5) of Act No. 569/2007, as amended by Act No. 384/2009 Z.z.

<sup>13)</sup> Section 14 of Act No 364/2004 Z.z. on water and on the amendment of Act of the Slovak National Council No 372/1990 Zb. on offences (the Water Act), as amended by Act No. 384/2009 Z.z.

(4) The draft work plan shall include schedules for the following activities in terms of time and substance: environmental geological survey<sup>14)</sup>, remedying of the environmental burden<sup>15)</sup>, and monitoring of environmental geological factors<sup>16)</sup>, expenses necessary for the implementation of the work plan and particulars required under other legislation<sup>17)</sup>.

(5) The regional environment office shall take into consideration the timetable resulting from applicable legislation when approving the draft work plan.<sup>18)</sup> The regional environment office shall issue a decision on approval of the work plan if it includes the set particulars; otherwise it shall return the draft work plan for additional work. 30 days shall be given for completion of the additional work and resubmission of the draft work plan for approval.

(6) The originator, obliged person or competent ministry is obliged to ensure implementation of the work plan after it is approved. If during implementation of the work plan it is found that it is necessary to adopt a different procedure from that set out in the approved work plan, or the implementation of the work plan requires unreasonable costs, the originator, obliged person or competent ministry shall ask the regional environment office to approve a change in the work plan. The provisions of subsections (4) and (5) shall be applied *mutatis mutandis*.

(7) The originator, obliged person or competent ministry shall be obliged to update the work plan every six years until the end of the period for implementation of the work plan and to incorporate geological work already performed in the updated plan. after updating the plan they shall ask the regional environment office to issue a decision approving the updated work plan.

(8) The regional environment office shall send the final decision on the approval of a work plan, a final decision on the approval of an updated work plan and a final decision on the approval of a change in the work plan to the Ministry without delay for the purposes of updating the information in the environmental burdens information system.

(9) The regional environment office shall check implementation of the work plan at least once a year; for inspection purposes the office is entitled to require the checked subject to provide all documents, information and explanations relevant to the implementation of the work plan.

## § 9

### Completion of implementation of the work plan

(1) The regional environment office shall decide on completion of the implementation of a work plan in response to a request submitted by the originator, the obliged person or the competent ministry.

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<sup>14)</sup> Section 2(3)(d) of Act No. 569/2007 Z. z.

<sup>15)</sup> Section 2(5)(c) of Act No. 569/2007, as amended by Act No. 384/2009 Z.z.

<sup>16)</sup> Section 2(5)(a) of Act No. 569/2007 Z. z.

<sup>17)</sup> Sections 12, 14 and 16 of Act No. 569/2007 Z.z. as amended.

<sup>18)</sup> Section 16 of Act No. 364/2004 Z.z., as amended by Act No. 384/2009 Z.z.

(2) The originator, obliged person or the competent ministry shall submit the following documents to the regional environment office together with the request for a decision on completion of implementation of a work plan:

- a) the final report on the remedying of the environmental burden,<sup>19)</sup>
- b) the final report on the monitoring of environmental geological factors,<sup>20)</sup>
- c) the report on the achievement of the objectives of the geological task<sup>20)</sup> produced by the professional geological supervision.<sup>21)</sup>

(3) The regional environment office shall issue a decision on the completion of implementation of the work plan if the request includes all the particulars required under subsection (2). A decision on the completion of implementation of a work plan shall also include specification of conditions for the monitoring of environmental geological factors<sup>22)</sup> and conditions for the subsequent use of real estate affected by the environmental burden.

(4) The regional environment office shall send the final decision on the completion of implementation of a work plan to the Ministry for the purposes of updating the information in the environmental burdens information system<sup>10)</sup> and for the purposes of updating the entry in the real estate register.

## § 10

### State administration authorities in the area of environmental burdens

The state administration authorities in the area of environmental burdens are

- a) the Ministry,
- b) the regional environment office,
- c) the Slovak Environmental Inspectorate (hereinafter only “the Inspectorate”).

## § 11

### The Ministry

(1) The Ministry is the central state administration authority responsible for environmental burdens.

(2) The Ministry

- a) directs and controls the performance of state administration tasks relating to environmental burdens,
- b) decides in second instance administrative proceedings on matters decided in the first instance by a regional environment office,
- c) decides where proceedings under this Act shall be conducted if an environmental burden affects the territory of multiple regions,
- d) checks the particulars of notifications in accordance with Section 2(5),
- e) carries out investigation of the claims made in notification in accordance with Section 2(6),
- f) classifies an environmental burden in accordance with Section 2(7),
- g) ensures the entry of an environmental burden in the environmental burdens information system in accordance with Section 2(8),

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<sup>19)</sup> Section Section 16 of Act No. 569/2007 Z.z. as amended.

<sup>20)</sup> Section 16(7) of Act No. 569/2007, as amended by Act No. .../2011 Z.z.

<sup>21)</sup> Section 3(u) of Act No. 569/2007, as amended by Act No. .../2011 Z.z.

<sup>22)</sup> Section 3(i) of Act No. 569/2007 Z.z.



- h) submits a proposal for the making of an entry in the real estate register in accordance with Section 2(8),
- i) ensures the performance of the obligations of an originator under Section 3(4),
- j) ensures the performance of the obligations of an obliged person under Section 5(7) and (8), if the government of the Slovak Republic so decides in accordance with Section 5(8),
- k) submits a proposal to the regional environment office for the start of proceedings to determine an obliged person under Section 5(1)(b),
- l) submits a proposal under Section 5(7) and (8) to the government of the Slovak Republic,
- m) grants consent for the extension of a period in accordance with Section 8(2),
- n) carries out state supervision in matters relating to environmental burdens (hereinafter only “state supervision”) and imposes corrective measures in accordance with Section 15,
- o) imposes fines for administrative offences under Section 17,
- p) gives notification of the start of proceedings on the imposition of a fine under Section 17(8),
- q) issues confirmations under Section 19(3).

## § 12

### The regional environmental office

The regional environmental office

- a) sends a notice under Section 2(3) to the Ministry,
- b) decides on the cancellation of a decision on the determination of an obliged person in accordance with Section 5(6),
- c) decides on the determination of an obliged person under Section 4(1) and (3) and Section 5(6) and sends a final decision to the Ministry in accordance with Section 5(4),
- d) approves a draft work plan under Section 8(5), a change in the work plan under Section 8(6), an updated work plan under Section 8(7) and checks its implementation in accordance with Section 8(9),
- e) sends the Ministry a final decision on the approval of a work plan, a final decision on the approval of an updated work plan and a final decision on the approval a change in a work plan under Section 8(8),
- f) decides on the completion of implementation of a work plan in accordance with Section 9(1),
- g) sends the Ministry a decision on the completion of implementation of a work plan in accordance with Section 9(4),
- h) carries out state supervision and imposes corrective measures under Section 15,
- i) conducts proceedings on minor offenses and imposes fines for minor offenses under Section 16.

## § 13

### The inspectorate

The inspectorate

- a) carries out state supervision and imposes corrective measures under Section 15,
- b) imposes penalties for administrative offences under Section 17,

c) gives notification of the start of proceedings on the imposition of a fine under Section 17(8),

## § 14 Proceedings

(1) Proceedings under this Act shall be regulated by the general legislation on administrative proceedings,<sup>23)</sup> except where this Act provides otherwise.

(2) The participants in proceedings on the determination of an obliged person under Section 5, proceedings on the approval of a work plan under Section 8 and proceedings on completion of the implementation of a work plan under Section 9 shall be as follows:

- a) the municipality in whose cadastral territory the environmental burden is situated,
- b) the owner of the real estate on which the environmental burden is situated, the user of this real estate if the owner of the real estate is not also its user or the administrator of this real estate,
- c) the owners of real estate that may be affected by the environmental burden, the work plan or implementation of the work plan,
- d) an association having legal personality<sup>24)</sup> performing activities in connection with the protection of the environment or environmental features for at least one year before the date of submission of the written notification under subsection (5), if it asks to participate.

(3) Associations having legal personality under subsection (2)(d) have the right to be participants in proceedings based on a written application submitted after publication of the call referred to in subsection (4).

(4) In proceedings under Sections 5, 8 and 9 the administrative body shall publish a notice of the start of proceedings on its website and its official noticeboard for at least 15 days; the notice shall include an invitation for associations with legal personality to register as participants in proceedings. The administrative body shall also request a municipality that is a participant in the proceedings to display the information on its official noticeboard and if applicable also on its website or in another place using customary means; the municipality is obliged to publish the information.

(5) In proceedings under Section 8(1) the administrative body shall request the standpoint of other affected bodies.<sup>25)</sup>

(6) The administrative body shall set a period for the submission of statements by parties to proceedings which cannot be less than 30 days from the date of delivery of the application.

(7) The administrative body may extend the period for the statement at the participant's request if it is impossible, through no fault of the participant, for them to appropriately study and respond to the request within the set period. The extension of the period for one

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<sup>23)</sup> Act No. 71/1967 Zb. on administrative proceedings (the Code of Administrative Procedure), as amended.

<sup>24)</sup> For example Section 18(2)(a), (b) and (d) of the Civil Code, Act No. 83/1990 Zb on the association of citizens, as amended.

<sup>25)</sup> For example, section 16 (2) of Act No. 223/2001 Z.z. on waste and on the amendment of certain acts, as amended, Section 9(2) of Act No. 543/2002 Z.z. on the protection of nature and landscapes, as amended, Section 73(19) of Act No. 364/2004 Z. z. as amended by Act No. 359/2007 Z.z.

participant shall automatically extend the period for all participants in proceedings. The administrative body shall inform the other participants in proceedings of the extension of the period without delay.

(8) In proceedings under Sections 8 and 9 the administrative body shall arrange oral hearings at the end of the period for the submission of the opinions of participants and the participating persons.

(9) The persons invited to the oral hearing may submit comments in writing up to the time of the oral hearings; comments submitted later shall not be taken into consideration. The administrative authority must inform invited persons of this in advance.

(10) Proceedings for the determination of an obliged person under Section 5 shall include a local inspection and oral hearings.

## § 15 State supervision

(1) State supervision is the verification of compliance with the provisions of this Act and the obligations arising from decisions issued under this Act on the part of legal entities, sole traders and natural persons.

(2) If a state supervision authority finds a breach of an obligation or another deficiency in the activity of a supervised subject, the authority shall notify the subject and if it is possible and relevant, require the subject to take corrective measures and set a deadline for their performance. If the supervised subject does not carry out the corrective measure within the set period, or if a corrective measure cannot be imposed or is not relevant, the state supervision authority shall impose a fine on the supervised subject.

(3) A person performing state supervision shall be entitled to do the following in performing this activity:

- a) enter the real estate of the supervised subject on which the environmental burden is situated,
- b) look into the operation records and documents of the supervised subject relating to the environmental burden,
- c) carry out necessary investigations including taking checking samples,
- d) take photographs and make video recordings in connection with the environmental burden,
- e) request necessary information and explanations on the performance of the duties of the supervised subject under this Act.

(4) When carrying out state supervision, the supervising person shall present his/her identity card and authorisation from the state supervision authority, if authorisation is required under applicable legislation.<sup>26)</sup>

(5) The supervised subject is obliged to allow persons performing state supervision and assisting persons to carry out the activities referred to in subsection (3) and to provide

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<sup>26)</sup> Section 9(2) of Act No. 281/1997 Z.z. on military districts and on the amendment of Act of the National Council of the Slovak Republic No. 222/1996 Z.z. on the organisation of the local state administration and on the amendment of certain acts, as amended.

necessary documents, explanations and truthful and complete information on the environmental burden.

(6) State supervision procedures shall be carried out and completed by the state supervision authority that carries out the first action in the state supervision procedure; the authority shall also notify other state supervision authorities of the start of the state supervision procedure.

(7) State supervision procedures shall follow the basic rules for control activity.<sup>27)</sup>

(8) The state supervision shall notify the municipality in whose territory the environmental burden is situated at least seven days before state supervision takes place

## § 16 Minor offences

(1) A person commits a minor offence if they

- a) do not permit the performance of activities under Section 2(6) or access to real estate under Section 18,
- b) as a party to proceedings to determine an obliged person under Section 5 deliberately provide false information that could affect the determination of an obliged person under Section 4,
- c) as an originator or obliged person transfer real estate to another person in contravention of Section 7 or fail to notify the regional environment office of the transfer of real estate in accordance with Section 7,
- d) as an originator or obliged person do not ensure performance of an obligation under Section 3(2),
- e) as an originator or obliged person do not pay all costs under Section 3(3),
- f) as an originator or obliged person do not submit a work plan within the period laid down in Section 8(1),
- g) as an originator or obliged person do not ensure implementation of the work plan in accordance with Section 8(6),
- h) as an originator or obliged person do not apply for approval of a change in the work plan within the period in accordance with Section 8(6),
- i) as an originator or obliged person do not ensure updating of the work plan in accordance with Section 8(7),
- j) do not comply with the corrective measures laid down in Section 15(2).

(2) For offences under subsection (1)(a) and (j), the state supervision authority shall impose a fine of EUR 100 to EUR 1500.

(3) For offences under subsection (1)(d), (f), (h) and (i), the state supervision authority shall impose a fine of EUR 500 to EUR 10 000.

(4) For offences under subsection (1)(b), (c), (e) and (g), the state supervision authority shall impose a fine of EUR 700 to EUR 20 000.

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<sup>27)</sup> Act of the National Council of the Slovak Republic No. 10/1996 Z.z. on control in state administration, as amended.

(5) In setting the level of a fine, the state supervision authority shall take account of the seriousness, the duration and the effects of illegal activity, the extent of the risk of harm to human health, the environment and the extent of any damage.

(6) Proceedings on minor offences under subsection (1) shall be conducted by the regional environment office.

(7) Minor offences and proceedings in connection with them shall be regulated by the general legislation on minor offences.<sup>28)</sup>

(8) The proceeds of fines shall be income of the Environmental Fund.<sup>29)</sup>

## § 17

### Administrative offences

(1) The state supervision authority shall impose a fine of EUR 500 to EUR 6 600 on a legal entity or sole trader if they

- a) as the owner, user or administrator of real estate do not permit the performance of a local inspection under Section 2(6),
- b) as a supervised subject do not permit the performance of state supervision or do not provide the state supervision authorities with necessary documents, explanations and truthful and complete information on an environmental burden in accordance with Section 15(5).

(2) The state supervision authority shall impose a fine of EUR 1 000 to EUR 15 000 on a legal entity or sole trader if they

- a) as an originator or obliged person do not ensure the preparation and implementation of a work plan in accordance with Section 3(2),
- b) as an originator or obliged person do not pay all costs under Section 3(3) and (4),
- c) as an originator or obliged person do not submit a work plan within the period laid down in Section 8(1),
- d) as an originator or obliged person do not apply for approval of a change in the work plan within the period specified in Section 8(6),
- e) as an originator or obliged person do not ensure updating of the work plan in accordance with Section 8(7),
- f) do not carry out corrective measures imposed pursuant to Section 15(2).

(3) The state supervision authority shall impose a fine of EUR 5 000 to EUR 33 000 on a legal entity or sole trader if they

- a) as an originator or obliged person do not ensure implementation of the work plan in accordance with Section 8(6),
- b) as a party to proceedings to determine an obliged person under Section 5 deliberately provide false information that could affect the determination of an obliged person,
- c) as an originator or obliged person transfer real estate to another person in contravention of Section 7 or fail to notify the regional environment office of the transfer of real estate in accordance with Section 7,

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<sup>28)</sup> Act of the Slovak National Council No 372/1990 Zb. on offences, as amended.

<sup>29)</sup> Act No. 587/2004 Z.z on the Environmental Fund and on the amendment of certain acts, as amended.

(4) Proceedings on the imposition of a fine on a legal entity or sole trader may be begun up to one year from the date when the state supervision authority becomes aware of a breach of obligations but no later than ten years from the date when the breach of obligations took place.

(5) In setting the level of a fine, the state supervision authority shall take account of the seriousness, the duration and the effects of illegal activity, the extent of the risk of harm to human health, the environment and the extent of any damage.

(6) In its decision on the imposition of a fine under subsections (1) to (3), the state supervision authority may also require that corrective measures should be taken to eliminate the effects of the illegal actions for which a fine has been imposed. If the obliged person does not implement these measures within the set period, the state supervision authority may impose a further fine up to twice the amount specified in subsections (1) to (3).

(7) If a legal entity or sole trader commits a repeated violation of a duty for which a fine was imposed under this Act within one year of the final decision on the imposition of the fine, the state supervision authority shall impose a further fine up to twice the amount specified in subsections (1) to (3).

(8) Proceedings on the imposition of a fine shall be conducted by the state supervision authority that first identified a breach of duties, which shall inform the other state supervision authorities of the start of proceedings on the imposition of a fine without delay.

(9) A fine shall be paid within 30 days of the final decision on its imposition, unless the decision sets a longer period for payment.

(10) The proceeds of fines shall be income of the Environmental Fund.<sup>30)</sup>

## § 18

### Entry to private property or premises

(1) State administration authorities in the area of environmental burdens shall be entitled to enter private property or premises in order to perform the activities specified in Section 2(6) to (8) and Section 8(9); they may have access to such properties only in the necessary extent and for the time necessary according to previous notice delivered to the owner of the land by the state administration authority at least ten days before entering the land

(2) A state administration authority in the area of environmental burdens performing the activities referred to in subsection 2(6) to (8) and Section 8(9) is obliged to agree the extent, method and duration of such activities with the owner, user or administrator of the real estate in advance.

(3) The owner, user or administrator of the real estate and other natural persons on the property where the activities in the public interest laid down in Section 2(6) and Section 8(9) are performed are obliged to tolerate the performance of such activities in the extent necessary and for the necessary period. If the owner or user of the real estate is restricted in the usual use of the real estate as a result of the performance of the activities referred to in subsection (1); they shall have the right to a single payment of compensation proportionate to the necessary restriction on use of the real estate; this right shall expire if no application is made to the state

administration body in the area of environmental burdens responsible for the performance of the restricting activities within one year of the performance of the restricting activities.

(4) Access to premises and buildings used to prepare for the defence and security of the state and in areas where a land-use decision and a building permit can be issued only with the consent of competent authorities<sup>30)</sup> shall be regulated by separate legislation.<sup>31)</sup>

## § 19 Transitional provisions

(1) Legal relations and proceedings for the identification of an environmental burden, the preparation and implementation of a work plan begun before 1 January 2012 shall be completed according to the previous legislation.<sup>32)</sup>

(2) An environmental burden identified, classified and registered in the environmental burdens information system by the authorised organisation of the Ministry before 1 January 2012 shall be deemed to be an identified environmental burden under this Act.

(3) The Ministry shall issue confirmation of the remedying of an environmental burden<sup>16)</sup> completed under previous legislation<sup>32)</sup> in response to a request submitted by an originator or obliged person or the owner of the real estate on which the environmental burden is situated or the competent ministry; after the issuing of confirmation the Ministry shall ensure that entries in the environmental burdens information system and the real estate register are updated.

(4) The owner of real estate on which an environmental burden is situated shall not be entitled to compensation from an originator, obliged person or competent ministry for costs incurred for activities connected with the implementation of a work plan under Section 3(2) resulting from the presence of an environmental burden before 1 January 2012.

## Article II

Act of the National Council of the Slovak Republic No. 145/1995 Z.z. on administrative fees, as amended by Act of the National Council of the Slovak Republic No. 123/1996 Z.z., Act of the National Council of the Slovak Republic No. 224/1996 Z. z., Act No. 70/1997 Z. z., Act No. 1/1998 Z. z., Act No. 232/1999 Z. z., Act No. 3/2000 Z. z., Act No. 142/2000 Z. z., Act No. 211/2000 Z. z., Act No. 468/2000 Z. z. Act No. 553/2001 Z. z., Act No. 96/2002 Z. z., Act No. 118/2002 Z. z., Act No. 215/2002 Z. z., Act No. 237/2002 Z. z., Act No. 418/2002 Z. z., Act No. 457/2002 Z. z., Act No. 465/2002 Z. z., Act No. 477/2002 Z. z., Act No.480/2002 Z. z., Act No. 190/2003 Z. z., Act No. 217/2003 Z. z., Act No. 245/2003 Z. z., Act No. 450/2003 Z. z., Act No. 469/2003 Z. z., Act No. 583/2003 Z. z., Act No. 5/2004 Z. z., Act No. 199/2004 Z. z., Act No. 204/2004 Z. z., Act No. 347/2004 Z. z., Act No. 382/2004 Z. z., Act No. 434/2004 Z. z., Act No. 533/2004 Z. z., Act No. 541/2004 Z. z., Act No. 572/2004 Z. z., Act No. 578/2004 Z. z., Act No. 581/2004 Z. z., Act No. 633/2004 Z. z., Act No. 653/2004 Z. z., Act No. 656/2004 Z., Act No. 725/2004 Z. z., z., Act No. 5/2005 Z. z., Act No. 8/2005 Z.

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<sup>30)</sup> Sections 120, 121, 125 and 139b(9) of Act No. 50/1976 Zb. as amended.

<sup>31)</sup> For example Act No. 281/1997 Z.z., Act No. 319/2002 Z.z. on the defence of the Slovak Republic, as amended, Act No. 215/2004 Z.z. on the protection of secrets and on the amendment of certain acts, as amended.

<sup>32)</sup> Act No. 569/2007 Z.z., as amended.

z., Act No. 15/2005 Z. z., Act No. 93/2005 Z. z., Act No. 171/2005 Z. z., Act No. 308/2005 Z. z., Act No. 331/2005 Z. z., Act No. 341/2005 Z. z., Act No. 342/2005 Z. z., Act No. 473/2005 Z. z., Act No. 491/2005 Z. z., Act No. 538/2005 Z. z., Act No. 558/2005 Z. z., Act No. 572/2005 Z. z., Act No. 573/2005 Z. z., Act No. 610/2005 Z. z., Act No. 14/2006 Z. z., Act No. 15/2006 Z. z., Act No. 24/2006 Z. z., Act No. 117/2006 Z. z., Act No. 124/2006 Z. z., Act No. 126/2006 Z. z., Act No. 224/2006 Z. z., Act No. 342/2006 Z. z., Act No. 672/2006 Z. z., Act No. 693/2006 Z. z., Act No. 21/2007 Z. z., Act No. 43/2007 Z. z., Act No. 95/2007 Z. z., Act No. 193/2007 Z. z., Act No. 220/2007 Z. z., Act No. 279/2007 Z. z., Act No. 295/2007 Z. z., Act No. 309/2007 Z. z., Act No. 342/2007 Z. z., Act No. 343/2007 Z. z., Act No. 344/2007 Z. z., Act No. 355/2007 Z. z., Act No. 358/2007 Z. z., Act No. 359/2007 Z. z., Act No. 460/2007 Z. z., Act No. 517/2007 Z. z., Act No. 537/2007 Z. z., Act No. 548/2007 Z. z., Act No. 571/2007 Z. z., Act No. 577/2007 Z. z., Act No. 647/2007 Z. z., Act No. 661/2007 Z. z., Act No. 92/2008 Z. z., Act No. 112/2008 Z. z., Act No. 167/2008 Z. z., Act No. 214/2008 Z. z., Act No. 264/2008 Z. z., Act No. 405/2008 Z. z., Act No. 408/2008 Z. z., Act No. 451/2008 Z. z., Act No. 465/2008 Z. z., Act No. 495/2008 Z. z., Act No. 514/2008 Z. z., 8/2009 Z. z., Act No. 45/2009 Z. z., Act No. 188/2009 Z. z., Act No. 191/2009 Z. z., Act No. 274/2009 Z. z., Act No. 292/2009 Z. z., Act No. 304/2009 Z. z., Act No. 305/2009 Z. z., Act No. 307/2009 Z. z., Act No. 465/2009 Z. z., Act No. 478/2009 Z. z., Act No. 513/2009 Z. z., Act No. 568/2009 Z. z., Act No. 570/2009 Z. z., Act No. 594/2009 Z. z., Act No. 67/2010 Z. z., Act No. 92/2010 Z. z., Act No. 136/2010 Z. z., Act No. 144/2010 Z. z., Act No. 514/2010, Act No. 556/2010 Z. z., Act No. 119/2011 Z. z., Act No. 200/2011 Z. z. and Act No. 258/2011 Z. z.

shall be amended as follows:

In the list of administrative fees, Part X, Environment, item 171p shall be added as follows:

“Item 171p

- a) submission of an application to approve a draft work plan for the elimination of an environmental burden, approval of a change in the work plan for elimination of an environmental burden or approval of an updated work plan for the elimination of an environmental burden<sup>39oa)</sup> .....EUR 33,
- b) submission of an application for the completion of implementation of a work plan for the elimination of an environmental burden<sup>39ob)</sup> ..... EUR 33,

The footnotes to reference 39oa) and 39ob) shall read:

“39oa) Section 8(1), (6) and (7) of Act No. .../2011 Z. z. on certain measures in the area of environmental burdens and on the amendment of certain acts.”

“39ob) Section 9(1) of Act No. .../2011 Z. z. on certain measures in the area of environmental burdens and on the amendment of certain acts.”

### Article III

Act no. 587/2004 Z. z. on the Environmental Fund and on the amendment of certain acts, as amended by Act No. 277/2005 Z. z., Act No. 276/2007 Z. z., Act No. 661/2007 Z. z., Act



No. 514/2008 Z. z., Act No. 160/2009 Z. z. and Act No. 286/2009 Z. z. shall be amended as follows:

1. In Section 4(1)(d) the following words shall be added to the end: “or a solution for the elimination of environmental burdens,<sup>9a)</sup>”.

The footnote to reference 9a) shall read:

“9a) Section 3(2) and (3) of Act No. .../2011 Z. z. on certain measures in the area of environmental burdens and on the amendment of certain acts.”“.

2. The following paragraph 7 shall be added to Section 4:

“(7) Resources of the Fund for purposes falling under subsection (4)(d) relating to environmental burdens shall amount each year to at least 10% of the Fund’s income, excluding income under separate regulations.<sup>12a)</sup>”

The footnote to reference 12a) shall read:

“12a) Section 9(5) and (10) and Section10(6) of Act No. 572/2004 Z. z. on emission quota trading and on the amendment of certain acts, as amended.“.

#### Article IV

Act no. 569/2007 Z. z. on geological works (the Geological Act) as amended by Act No. 515/2008 Z. z., Act No. 384/2009 Z. z., Act No. 110/2010 Z. z., Act No. 136/2010 Z. z., Act No. 145/2010 Z. z. and Act No. 268/2010 Z. z. shall be amended as follows:

1. In Section 2(5) a point (d) shall be added as follows:

“d) professional geological supervision.”.

2. Section 2(7) shall read

“(7) The performance of geological work specified in subsection 5(b), (c) and (d) shall require at least one of the professional competences recognised for geological work under Section 9(2)(c), (d) or (e).”.

3. In Section 3 a point (u) shall be added as follows:

“u) professional geological supervision is inspection of the performance of the geological work specified in Section 2(5)(b) and (c) by an independent sole trader or legal entity with a geological licence covering the geological work under Section 2(5)(b) and (c).“.

4. In Section 11 a subsection (3) shall be added as follows:

“(3) The customer for a geological task for the performance of geological work under Section 2(5)(b) and (c) shall ensure professional geological supervision.”.

5. In Section 16 a subsection (7) shall be added as follows:

“(7) A person performing professional geological supervision shall prepare a report on the performance of the geological task and after completion of the geological task shall prepare a report on the achievement of the objectives of the geological task for submission to the customer.”.

6. In Section 18(2) after the word “system” shall be inserted a comma and the words “final report with an analysis of the risk of pollution of the territory”.

Article V

This act shall come into effect on 1 January 2012.

the president of the Slovak Republic

the chairman of the National Council of the Slovak Republic

the prime minister of the government of the Slovak Republic

## **CONTENTS OF THE RECORD CARD FOR AN ENVIRONMENTAL BURDEN**

### **PART I: General information**

Compulsory information for the record card (the identification of the territory by means of codes for regions, districts and municipalities, territories, the name of the burden, the identification number of the burden)

Information on the person in whose possession the environmental burden is, changes in ownership relations and parcels

The urban classification of the location

Information on the activity that caused the creation of the environmental burden

### **PART II: Characteristics of the natural environment**

Basic information on the relief and height above sea-level of the territory

Basic information on the geological structure of the territory, its hydro-geological characteristics and the engineering-geology zoning of the territory

Inclusion of the territory in protected natural heritage areas

Hydrological classification

### **PART III: Classification of the environmental burden**

According to Schedule No. 3

### **PART IV: Information on geological surveys of the location and graphical attachments**

Information on the geological survey of the local area

Information on monitoring of the quality of underground and surface water in the local area

Information on the risk analysis for pollution of the territory

Information on restoration work in the vicinity

### **PART V: Information on attached documents and the administration of the register**

Identification data for the annotator

References to attached documents in digital form

### **PART VI: Attached documents**

<b>Notice of the existence of an environmental burden</b>	
Addressee:	The Ministry registered office: address:
Municipality in whose territory the environmental burden is situated:	
Location of the effects of the environmental burden:	
Indicators of pollution (brief description of findings):	
Observed effects of pollution (brief description of findings):	
Supposed source/focus of pollution:*	
Contact information for reporter (telephone number, fax number, e-mail address):	Name and surname of the reporter – natural person / name of legal entity or sole trader:
	postal address of the reporter:
Date of submission of notice:	

\* Optional information

(page two of the document “Notice of the existence of an environmental burden”)

Notes:

- 1) The source of pollution is the place or space in which pollutants penetrated or are penetrating specific environmental features.
- 2) The following in particular shall be deemed sources of pollution
  - a) sub-standard landfills,
  - b) sub-standard chemical disposal sites,
  - c) industrial plant and works,
  - d) agricultural sites,
  - e) military sites,
  - f) components of railway infrastructure – rolling stock depots, railway stations, traction power supply stations,
  - g) fuel filling stations and product pipelines,
  - h) mining and processing sites,
  - i) other plant and works.
- 3) A focus of pollution is a space in which there is a primary or secondary accumulation of pollutants in the mineral environment.
- 4) Indicators of pollution are
  - a) the presence of a source of pollution listed in paragraph (2),
  - b) reports of state administration bodies or local government bodies on pollution of environmental features and/or sub-standard management of pollutants,
  - c) archival information on pollution obtained through geological work,
  - d) information from selected environmental databases.
- 5) Observed effects are damage to the landscape such as changes in vegetation, dead organisms, smell, the presence of foreign substances, the presence of oil stains in wells and the like.

### Classification of the environmental burden

1. The classification of an environmental burden is based on three subordinate classifications as follows
  - K1. Classification of the risk of pollution spreading into groundwater and by means of groundwater,
  - K2. Classification of the risk from volatile and toxic substances to the population:
    - K2a. Classification of the risk for landfills from unknown substances in leachate and the potential for the creation of landfill gases,
    - K2b. Classification of the risk for industrial locations and waste sites where the composition of leachate is known,
  - K3. Classification of the risk of pollution of surface water:
    - K3a. Classification of the risk of pollution of surface water where pollution is evident,
    - K3b. Classification of the risk of pollution of surface water where pollution is not evident,
2. The resulting classification of the environmental burden “K” is the sum of the subordinate classifications
$$K = K1 + K2 + K3$$
3. After the completion of classification, the environmental burden shall be categorised in one of three groups according to the resulting value of “K”
  1. an environmental burden with a low priority for solution,
  2. an environmental burden with a medium priority for solution,
  3. an environmental burden with a high priority for solution,
4. The classification of the environmental burden is an auxiliary criterion for the recommendation of a site for the performance of geological work. The classification of an environmental burden shall not replace a risk analysis for polluted land, whose conclusions will guide further procedures.
5. The limits for the three classification groups are
  1. environmental burdens with a low priority for solution – less than 35 points,
  2. environmental burdens with a medium priority for solution – in the range 35–65 points,
  3. environmental burdens with a high priority for solution – over 65 points.

K1 Classification of the risk of pollution spreading into groundwater and by means of groundwater,
--

Importance of the territory in question for water management

a) territories of special importance for water management (protected water management areas – under Section 31 of Act No. 364/2004 Z. z., protective zones of drinking water sources – under Section 32 of Act No. 364/2004 Z. z.) – 12 points.

b) territories of importance for water management (sensitive areas - under § 33 of Act No. 364/2004 Z. z., protective zones of drinking water sources – under Section 32 of Act No. 364/2004 Z. z., territories above areas making use of groundwater, territories with important stocks of groundwater – the possibility to use  $>20 \text{ l}\cdot\text{s}^{-1}$ ) – 6 points.

c) territories not of importance for water management (territories that do not use and do not have the potential for significant use of groundwater) – 0 points.

Natural protection of the territory according to maps of suitability for landfills

---

- a) no natural protection - 6 points
- b) adequate natural protection - 3 points
- c) good natural protection - 0 points

Selection of pollutant (component)

---

1. If the pollution involves multiple pollutants, select the substance that will give the highest point score for this section.
2. If the identified pollutant is not in the database, choose another whose characteristics are most similar.
3. If no such substance is in the database, choose the “universal surrogate pollutant” which has all values for classification set as the least favourable.

Characteristics of the pollutant

---

Mobility ( $\log K_{ow}$ ), or ( $K_d$ )

- a) high ( $< 3$ ) - 6 points
- b) medium (3 - 4) - 3 points
- c) low ( $> 4$ ) - 0 points

Toxicity [ $\mu\text{g}\cdot\text{l}^{-1}$ ] (based on the admissible concentration in drinking water)

- a) high ( $< 1$ ) - 4 points
- b) medium (1 - 10) - 2 points
- c) low ( $> 10$ ) - 0 points

Decomposition speed (decay constant in anaerobic conditions)

- a) high ( $> 0.01$  per day) - 1 point
- b) medium (0.01 - 0.002 per day) - 2 points
- c) low ( $< 0.002$  per day) - 4 points

Solubility [ $\text{mg}\cdot\text{l}^{-1}$ ]

- a) high ( $> 30$ ) - 2 points
- b) medium (1 - 30) - 1 point
- c) low ( $< 1$ ) - 0 points

Quantity of pollutant in the zone of aeration and the zone of saturation

---

- a) large ( $> 10 \text{ t}$ ) - 6 points
- b) medium (1 - 10 t) - 3 points
- c) small ( $< 1 \text{ t}$ ) - 1 point

Classification of the combination of the multiple by which the pollution criterion (PC) is exceeded and the surface area of pollution in the zone of aeration (soil, the mineral environment)

---

- |    |                             |  |   |  |
|----|-----------------------------|--|---|--|
| a) | heavy pollution – 6 points  | $> 5 \times \text{PC}, > 50 \text{ m}^2$ | $2 - 5 \times \text{PC}, > 500 \text{ m}^2$ | $< 2 \times \text{PC}, > 5\,000 \text{ m}^2$ |
| b) | medium pollution – 3 points | $> 5 \times \text{PC}, < 50 \text{ m}^2$ | $2 - 5 \times \text{PC}, < 500 \text{ m}^2$ | $< 2 \times \text{PC}, < 5\,000 \text{ m}^2$ |
| c) | light pollution – 1 point   |  | $2 - 5 \times \text{PC}, < 50 \text{ m}^2$  | $< 2 \times \text{PC}, < 500 \text{ m}^2$    |

Classification of the combination of the multiple by which the pollution criterion (PC) is exceeded and the surface area of pollution in the zone of saturation (groundwater)

- |    |                             |  |  |   |
|----|-----------------------------|--|--|---|
| a) | heavy pollution – 6 points  | $> 5 \times \text{PC}, > 10 \text{ m}^2$ | $2 - 5 \times \text{PC}, > 50 \text{ m}^2$ | $< 2 \times \text{PC}, > 500 \text{ m}^2$ |
| b) | medium pollution – 3 points | $> 5 \times \text{PC}, < 10 \text{ m}^2$ | $2 - 5 \times \text{PC}, < 50 \text{ m}^2$ | $< 2 \times \text{PC}, < 500 \text{ m}^2$ |
| c) | light pollution – 1 point   |  | $2 - 5 \times \text{PC}, < 10 \text{ m}^2$ | $< 2 \times \text{PC}, < 50 \text{ m}^2$  |

Subtotal of points for part K1	
--------------------------------	--

K2 Classification of the risk from volatile and toxic substances to the population
--

K2a Classification of the risk for landfills from unknown substances in leachate and the potential for the creation of landfill gases,

Is the environmental burden in question a landfill where we do not know the substances in leachate?

If the answer to this question is “Yes”, only the interaction between the existence of the landfill and the presence of inhabited buildings in the vicinity and the land use in the vicinity. It can be assumed that such a landfill contains a quantity of organic waste and has the potential to create landfill gases (part K2a).

If the answer to the question is “No” (i.e. the environmental burden is not a landfill or is a landfill but it is possible to be adequately certain of the precise substances in the leachate to allow classification and also in the case of so-called industrial sites) a different method is used based on the definition of the pollutants and the classification of their effects on the population (part K2b).

Distance of inhabited buildings from the landfill

- |  |             |
|--|-------------|
| a) buildings on the site                     | - 12 points |
| b) buildings close to the site (within 50 m) | - 8 points  |
| c) buildings far from the site (over 50 m)   | - 0 points  |

Risk of harm in the vicinity (with regard to the potential for the formation of landfill gases)

- |   |            |
|---|------------|
| a) high risk of harm in the vicinity (schools, children’s playgrounds, medical facilities, ...) | - 6 points |
| b) medium risk of harm in the vicinity (residential area, office buildings, gardens ...)        | - 4 points |
| c) low risk of harm in the vicinity (industrial area, uninhabited area, ...)                    | - 0 points |

K2b Classification of the risk for industrial sites and waste sites where the composition of leachate is known,

Selection of pollutant

Characteristics of the pollutant

Volatility (Henry constant) [ $\text{MPa}\cdot\text{m}^3\cdot\text{mol}^{-1}$ ]
---



- a) high ( $> n.E-04$ ) - 4 points
- b) medium ( $n.E-04$  to  $n.E-06$ ) - 2 points
- c) low ( $< n.E-06$ ) - 0 points

Inhalation toxicity (acceptable dose) [ $mg.m^{-3}$ ]

- a) high ( $< 1$ ) - 4 points
- b) medium (1 - 200) - 2 points
- c) low ( $> 200$ ) - 0 points

Classification of the interaction between inhalation toxicity and volatility of pollutants:

	High inhalation toxicity	Medium inhalation toxicity	Low inhalation toxicity
High volatility	8 points	6 points	4 points
Medium volatility	6 points	4 points	2 points
Low volatility	4 points	2 points	0 points

Pollution criterion (PC) for soil [ $mg/kg$ ] (the pollution criterion for soil is also used as a criterion for toxicity in the event of direct contact):

- a) high risk ( $> 1$ ) - 8 points
- b) medium risk (1 - 200) - 4 points
- c) low risk ( $> 200$ ) - 2 points

Carcinogenicity (for information purposes only, not used in classification)

Solubility [ $mg.l^{-1}$ ]

- a) high ( $> 30$ ) - 2 points
- b) medium (1 - 30) - 1 point
- c) low ( $< 1$ ) - 0 points

Risk of harm in the vicinity (with regard to the harmful effects of volatile and toxic substances)

- a) high risk of harm in the vicinity (schools, children's playgrounds, medical facilities, ...) - 8 points
- b) medium risk of harm in the vicinity (residential area, office buildings, gardens ...) - 5 points
- c) low risk of harm in the vicinity (industrial area, uninhabited area, ...) - 2 points

Classification of the interaction between the risk of harm in the vicinity and the depth at which the pollutants are situated

	less than 0.5 m	0.5 - 2.0 m	more than 2.0 m
High risk of harm	8 points	5 points	2 points
Medium risk of harm	5 points	2 points	2 points
Low risk of harm	2 points	2 points	2 points

For consolidated areas with a reinforced surface, the standard classification for any combination is 2 points.

Quantity of pollutant in the zone of aeration and the zone of saturation

- a) large ( $> 10 t$ ) - 6 points

- b) medium (1 - 10 t) - 3 points
- c) small (< 1 t) - 1 point

Classification of the combination of the multiple by which the pollution criterion (PC) is exceeded and the surface area of pollution in the zone of aeration (soil, the mineral environment)

a)	heavy pollution – 6 points	> 5 x PC, > 50 m <sup>2</sup>	2 - 5 x PC, > 500 m <sup>2</sup>	< 2 x PC, > 5 000 m <sup>2</sup>
b)	medium pollution – 3 points	> 5 x PC, < 50 m <sup>2</sup>	2 - 5 x PC, < 500 m <sup>2</sup>	< 2 x PC, < 5 000 m <sup>2</sup>
c)	light pollution – 1 point		2 - 5 x PC, < 50 m <sup>2</sup>	< 2 x PC, < 500 m <sup>2</sup>

Special attenuating or amplifying factors

Attenuating and amplifying factors can be chosen to influence the classification mechanism if the person completing the form concludes that the situation has been distorted as a result of the limited selection of classification parameters.

- a) allowance for amplifying factors - (+2 points)
- b) no amplifying or attenuating factors - 0 points
- c) allowance for attenuating factors - (-2 points)

Subtotal of points for part K2	
--------------------------------	--

K3 Classification of the risk of pollution of surface water

**K3a Classification of the risk of pollution of surface water where pollution is evident**  
 Evident pollution is shown by unnatural colouring, smell, reduced vegetation growth, the presence of the bodies of dead animals,... . After selecting “Yes” as the answer to the question “Is surface water evidently polluted by the environmental burden?” part K3a of the classification is accessed. If the answer is “No” part K3b of the classification is accessed.  
 Is the assessed surface watercourse of importance for water management or water supplies?  
 If the answer is “No”, quality class C (20 points) is applied automatically.

Qualitative objectives for a surface water course of importance for water management or water supplies

Quality categories are determined according to Schedule No. 2 Part A of Regulation of the government of the Slovak Republic No. 269/2010 establishing requirements for the achievement of good water conditions.

- a) category A1 - 25 points
- b) category A2 - 23 points
- c) category A3 - 20 points

**K3b Classification of the risk of pollution of surface water where pollution is not evident**

Selection of pollutant

Pollutant

Characteristics of the pollutant

Mobility (log K<sub>ow</sub>), or (K<sub>d</sub>)

- a) high (< 3) - 6 points
- b) medium (3 - 4) - 3 points

c) low (> 4) - 0 points

Toxicity [ $\mu\text{g.l}^{-1}$ ] (based on the admissible concentration in drinking water)

- a) high (< 1) - 4 points
- b) medium (1 - 10) - 2 points
- c) low (> 10) - 0 points

Decay constant in aerobic conditions (speed of decay)

- a) high (> 0.01 per day) - 1 point
- b) medium (0.01 - 0.002 per day) - 2 points
- c) low (< 0.002 per day) - 4 points

Solubility [ $\text{mg.l}^{-1}$ ]

- a) high (> 30) - 2 points
- b) medium (1 - 30) - 1 point
- c) low (< 1) - 0 points

Quantity of the pollutant in surface water

- a) large (> 10 t) - 6 points
- b) medium (1 - 10 t) - 3 points
- c) small (< 1 t) - 1 point

Multiple by which the limit value (LV) or recommended value (RV) is exceeded for the pollutant in a surface watercourse (pollutants in watercourses of importance for water management and water supplies are against the LV, other watercourses are measured against the RV)

- a) high (> 10) - 6 points
- b) medium (2 - 10 t) - 3 points
- c) low (1 - 2) - 1 point

Classification of the combination of the distance of the environmental burden from the recipient and the quality class of the surface watercourse

	less than 100 m	100 - 200 m	more than 200 m
Category A1	5	4	1
Category A2	5	3	1
Category A3	5	2	1

The quality category under Schedule No. 2 Part A of Government Regulation No. 269/2010 Z.z. Where there is insufficient information to determine the category of the watercourse, A1 is chosen for watercourses that are important for water management and water supply and A3 is chosen for others.

Subtotal of points for part K3	
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K1,2,3 Results of classification for parts K1, K2 and K3 and commentary on the classification	
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K1: Classification of the risk of pollution spreading into groundwater and	
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by means of groundwater	
K2: Classification of the risk from volatile and toxic substances to the population	
K3: Classification of the risk of pollution of surface water	
Total classification for parts K1, K2 and K3:	

*Source of data and their reliability*

- 1) conclusions drawn from indirect indications and analogies
- 2) conclusions drawn from direct indications or single samples
- 3) probable information based on random samples (1–3 samples) or samples from monitoring
- 4) information verified by geological work

Opinion of the annotator on the classified environmental burden.