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Permits and Regulation Linked to Terminal Development

There are several permits and legislation that should be taken into consideration when planning a terminal. EU waste directive and different regional and municipal planning schemes must be followed both in Finland and Sweden. In Finland, the most important permits and laws regulating terminal operations are environmental permits, nature conservation law, law on forest damages and the law on measurements. The environmental code and the law on measurement are the most important laws to be taken into consideration in Sweden. At the end of this infosheet you can find links to these laws and other useful resources.

PERMITS AND REGULATION LINKED TO TERMINAL DEVELOPMENT

There are several permits and legislation that should be taken into consideration when planning a terminal. These are described shortly below. For a more thorough description of the permit processes and legislation linked to terminal development in Finland, please follow this link (www.luke.fi/puuterminaaliopas) to a terminal developer's guide provided by the Finnish Forest Centre and Luke.

LAND USE AND REGIONAL AND MUNICIPAL PLANNING SCHEMES

Regional and municipal planning schemes limit the possibilities for land use. When choosing a site for the terminal, current terminal operators brought up the need to be aware of possible limitations set by the schemes.

ROAD AND RAIL ROAD CONSTRUCTION AND PERMITS FOR JUNCTIONS

On the Finnish side permits required for *road construction* were of importance if e.g. the terminal required a junction to public road network. The junction permit can be applied from the road maintenance authority. Traffic safety, traffic flow, impact on road maintenance, and the potential effects of the junction on future land use are considered during the permit process.

On the Swedish side permits linked to *railroad development* (e.g. triangular junction) were of interest. For a building and planning permission, the terminal entrepreneur should contact the municipality.

The Swedish Transport Agency (Transportstyrelsen) may grant permits to companies that wish to operate traffic on the Swedish railway infrastructure. There are three types of permits for railway undertakings:

- Licence
- Safety certificate part A and part B
- Special permits

For further information, please see: https://www.transportstyrelsen.se/sv/jarnvag/Tillstand/Tillstandformer-jarnvagsinfrastruktur/

Several contracts are required for the permits, for example the safety certificate from the Swedish Transport Agency is broad and includes a maintenance agreement (underhållsavtal), an adherence agreement (anslutningsavtal) and a contract for the use of railway infrastructure (trafikeringsavtal) with the Swedish Transport

Administration (trafikverket). The preconditions for applying for the use of railway infrastructure and capacity are explained in detail on the Transport Administration's webpage: https://www.trafikverket.se/for-dig-i-branschen/jarnvag/jarnvagsnatsbeskrivningen-jnb/

The environmental permits (miljötillstånd) linked to railroad development are acquired from the municipality and regional council (länsstyrelsen).

A landscape work permit (marklov) is required if the storage height of any assortment is higher than 80 cm. The permit can be acquired from the municipality.

ENVIRONMENTAL PERMITS AND NATURE CONSERVATION LAW

It is common to require an environmental permit for example due to vicinity to water areas and ground water areas, possible noise disturbance and dust related problems from chipping and crushing. Here a terminal developer has to think about the disturbance not only on humans but also animals, e.g. fur farms (noise disturbs the animals during whelping and limits the possibilities for chipping / crushing).

An environmental permit might also be required for the treatment of waste wood, but this depends on the type of waste wood handled. It is the nature conservation law (Ympäristönsuojelulaki) in Finland and the Swedish environmental code (Miljöbalken) in Sweden which applies to terminal development.

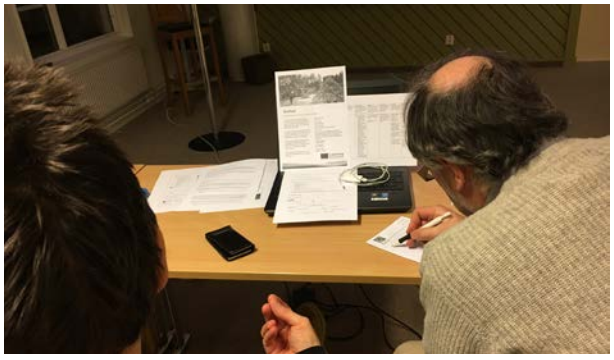
INSECT PROBLEMS AND LAW ON FOREST DAMAGES

In Finland, the measures to prevent insect problems have been defined in the law on forest damages. If located close to forest, insect damages in surrounding trees were avoided most commonly by covering the storage piles (either with covers and/or a layer of birch).

In Sweden, it is the environmental code (Miljöbalken) that lays the rules for terminal establishment.

STORAGE RECORDS AND THE FEED-IN TARIFF FOR ELECTRICITY PRODUCED FROM FOREST CHIPS IN FINLAND

The new feed-in tariff in Finland sets stricter requirements for storage bookkeeping due to the separation of feedstock into two subsidy classes (60 % for industrial roundwood / saw logs and pulpwood, and 100 % for energy wood assortments).



A separate bookkeeping of raw material belonging to the different subsidy classes is required. For example, variations in moisture content and other losses during storage may lead to a situation where the energy content delivered to the terminal does not match that of delivered to the end-user (power plant).

If the storage values are corrected at the terminal either according to measurements done at the terminal or at the power plant, the corrections should be done equally to fuel (feedstock) belonging to both subsidy classes (60 % and 100 %). An exception to this rule can be made if the assortments eligible for different subsidy are stored physically separate, which enables separate storage bookkeeping.

Even though the actor responsible for the documentation is the receiver of the subsidy (power plant), the requirements may also affect terminals through which the raw material is supplied to the end-user (e.g. via contracts signed between the parties).

EU WASTE DIRECTIVE

According to the EU waste directives package (4.7.2018), at least 55 % of all municipal waste should be recycled by the year 2025, 60 % by 2030 and 65 % by 2035.

Today, Finland recycles around 41 % of municipal wastes. The directive on packaging materials (wastes) states that 65 % of these should be recycled by 2025 and 70 % by 2030. Separate goals have been set for different packaging materials.

The Ministry of Environment in Finland finds the targets set for recycling of plastics and wooden packaging materials (wastes) especially challenging, as the set targets (30 % of wood packaging wastes and 55 % of plastic packaging wastes by 2030) require more than doubling the recycling of these materials by 2030.

The share of recycled packaging wastes is calculated based on weight (the total weight of packaging wastes that have been recycled in to same or other purposes in a given calendar year from the total weight of packaging materials that have been released to market during that year).

The materials should be treated so that new products, materials and substances are made out of them either for original or other uses. Energy and fuel use are not included as recycling under the directive. In future, this can affect (limit) the possibilities of using waste wood assortment in energy production.

The Ministry of Environment has started to renew the national waste legislation based on the directive. The directives need to be implemented nationally by 5.7.2020.

Links:

Ministry's info package on the issue (in Finnish):

http://www.ym.fi/jatesaadospaketti

https://www.ymparisto.fi/fi-FI/Kulutus_ja_tuotanto/Jatteiden_kierratys_kuntoon_ja_vauhtia_k(49284)

The directive on recycling of packaging materials:

https://eur-lex.europa.eu/legal-content/FI/TXT/PDF/?uri=CELEX:32018L0852&from=FI

THE LAW ON MEASUREMENT IN SWEDEN

The new law on measurement in Sweden has to be taken in consideration when a biomass producer (supplier) receives forest biomass from individual forest owners (small holders), that is, at the first point when the material is sold from the stand of the owner to someone else.

The law on measurement doesn't require a specific measurement method or equipment to be used but requires the measurer to be able to show a high level of accuracy of the measurements.

Companies providing measurement services need to have set sufficient routines and own control for the measurements. The forest owners should always receive a measurement receipt with certain information on it regardless of the company who has done the measurement.

Today, the measurement unit used is m³ loose which can make it convenient to chip at forest roadside and measure the biomass there. The forest service has to control and accept the used measurement procedure.

THE LAW ON MEASUREMENT IN FINLAND

The aim of the new (2013) law on measurement in Finland (laki puutavaran mittauksesta) is to guarantee the reliability of the measurement methods and results, and functionality of measurement equipment. Measurement of energy wood has been adopted into the measurement law from the beginning of 2014. The measurements at site of end-use (power plant) are subject to control by public authority (Luke) and the end-user is obligated to fill in a measurement form.

The measurements are required when they form the basis for payment. The measurements focus on volume, weight (including dry weight) or pieces (number of logs) while measurement of energy content or heating value are not included in the law.

Previously deals (payment) with private forest owners were based on solid m³ with various conversion factors (for kg) depending on how fresh / dry the wood was.

Links:

The law on measurement:

http://finlex.fi/fi/laki/alkup/2013/20130414

https://www.finlex.fi/fi/laki/alkup/2014/20140566

https://www.finlex.fi/fi/laki/alkup/2016/20160725

Instructions and information in layman's terms provided by Luke:

https://www.luke.fi/avoin-tieto/metsa/puutavaranmittaus/

https://www.luke.fi/avoin-tieto/metsa/puutavaranmittaus/energiapuun-mittauslaskuri/

https://www.luke.fi/wp-content/uploads/2018/03/Infokirje_Tarkennuksia_puutavaran_mittauslain_soveltamisesta_energiapuuhun_26102015.pdf

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