

Decision of the Regional State Administrative Agency for Southern Finland No 62/2014/1 (Doc. No ESAVI/716/04.08/2010), issued 28 March 2014
 Decision 16/0021/2 of Vaasa Administrative Court, issued 5 February 2016
 Decision of the Regional State Administrative Agency for Southern Finland No 208/2017/1, issued 31 October 2017

Summary of the review decision for the permit decrees of the environmental permit concerning the activities at the West Harbour (Environmental Protection Act 86/2000, Section 55)

OPERATIONS

The application currently concerns the West Harbour operations located in the eastern part of Jätkäsaari, and to a lesser degree on the western shore of Hernesaari. To the north of the area is the apartment-block dominated district of Ruoholahti, and to the west is the previous Jätkäsaari goods harbour area, which is currently under planning to become a residential area. Goods harbour operations moved from the western part of Jätkäsaari to Vuosaari Harbour in 2008. The West Harbour currently operates primarily as a passenger harbour.

According to Section 28(1) of the Environmental Protection Act and Section 1(1)(12)(a) of the Environmental Protection Decree, the operations of a loading or unloading dock of a harbour that is suitable for ships with a tonnage of over 1,350 and is intended mainly for merchant shipping, require a permit.

PERMIT SOLUTION

The Regional State Administrative Agency for Southern Finland has reviewed the application regarding the review of the permit decrees necessary under Section 55 of the Environmental Protection Act in environmental permit No 38/2006/2 (30 November 2006) regarding the activities of the Port of Helsinki's West Harbour. The permit decrees set out in the permit application and issued later must be adhered to in operations.

The Regional State Administrative Agency changes the permit decrees to read as follows (below). Vaasa Administrative Court, with decision 16/0021/2 amended the first paragraph of permit decree 4, as set out by the Regional State Administrative Agency. The decree is shown below, with the Administrative Court's amendment.

The permit decrees that have been amended are indicated in *italics*.

Permit decrees for the prevention of contamination

Emissions into water, the sewage system, and soil

1. *The condition of the surface structures in quay areas and fields must be taken care of, and any damage discovered must be rectified as soon as possible. Details of any repair works must be noted afterwards in the records indicated in permit decree 17.*
2. *Sand that has accumulated in surface water sewers and the grease sumps of the restaurant in the terminal must be emptied when necessary.*
3. *Fuel containers must be double-cased containers equipped with overfilling preventers. The fuel distribution equipment must be equipped with lockable shut-off valves. Industrial machine refuelling points must be impermeable to liquids and equipped with absorbent material in case of accidents.*

Noise

4. The noise caused by harbour operations may not exceed 55 dB during the day (7am–10pm) or 50 dB at night (10pm–7am), expressed as an A-weighted equivalent level (L_{Aeq}), as measured from the internal courtyards of residential buildings or other outdoor seating areas (including balconies). If the noise is percussive or narrow-band in nature, the measurement or calculation results must be increased by 5 dB before being compared to the set limit value.
5. *Once the residential areas closest to berth LJ3 and the Valtamerilaituri quay have been completed, the vessels allocated to these locations at night (10pm–7am) should be of low-noise types as far as is possible. Vessels with a known sound power level (L_{WA}) of over 109 dB should not be placed at berth LJ3.*

Air emissions

6. When receiving and directing waste water from vessels into the area's sewer network, care must be taken to ensure that odours are not allowed to spread outside the harbour.

Waste Management

7. Harbours must be equipped with permanent reception equipment to receive waste originating from ships, or the harbour must order a waste reception service for such waste. More detailed decrees on waste management arrangements for waste originating from vessels are provided in the harbour waste management plan approval solution (Doc. No UUDELY/930/07.00/2010 (20 November 2012)) indicated in Chapter 9 of the Uusimaa Centre for Economic Development, Transport and the Environment's Environmental Protection Act for Maritime Transport (1672/2009).
8. *The harbour's operations must be organised in a way that ensures minimal waste generation. Any waste generated through operations must be utilised to as high a degree as possible. Waste must be utilised primarily as a material, and secondarily in energy production. Any waste generated must be sorted, taking into account the utilisation potential of different types. Waste that can be utilised (such as metal, cardboard, paper and construction waste) must be collected separately and sent to be processed appropriately for utilisation. If the waste cannot be utilised at a reasonable cost, it must be sent to a reception site that is permitted to receive and process such waste.*
9. *Hazardous waste and any other materials that may be hazardous or harmful to the environment must be stored appropriately. Different kinds of hazardous waste must be kept separate from each other. Hazardous waste in liquid form must be stored in sealed and high-sided containers, to prevent leakage into the*

soil. Hazardous waste of different natures must be sent regularly, at least once a year, to a site with permission to receive the waste types in question. Hazardous waste, such as waste oils, accumulators, batteries and fluorescent tubes must be sent to be processed at a facility approved to receive such waste with a permit in accordance with the Environmental Protection Act or an equivalent decision.

When handing over hazardous waste, it must be packaged in sealed containers equipped with labels indicating the hazardous nature of the waste. When handing over hazardous waste, a movement document must be drawn up for the transfer of the waste, setting out the details specified in Section 121 of the Waste Act (646/2011). The holder of the waste must ensure that the movement document is kept with the waste when it is being transported, and that it is handed over to the recipient after transportation. The movement document, or a copy of it, must be kept for at least three years.

10. Snow to be removed from the quay and harbour areas must be delivered to Helsinki City's snow dumping sites. Unclean snow must be delivered to on-land dumping sites. If required, clean snow can be removed from the harbour area directly to the sea.

Disturbance situations

11. *Advance preparations must be made for exceptional situations. There must always be sufficient amounts of appropriate materials and draining bases available at the harbour in case of an accident or damages. In disturbance situations and other exceptional situations which result in or threaten to result in emissions into the air, waterways or soil, which are exceptional in terms of amount or nature, appropriate measures must be taken without delay to prevent and limit the emissions and any damages they may cause, and to prevent another such incident from reoccurring. The Uusimaa Centre for Economic Development, Transport and the Environment and the City of Helsinki's environmental authorities must be informed immediately of any damages, accidents and other disturbance situations which result in or threaten to result in emissions into the air, sea, wastewater drains or soil.*
12. *The harbour's safety and rescue plan must be kept up-to-date and those working at the harbour must be informed of the location of fire extinguishing equipment.*

Monitoring of emissions and impacts

13. *The recipient of the permit must, at three year intervals, draw up a sound report for harbour operations, containing noise modelling, noise emission source measurements and monitoring measurements from the gardens/balconies of the closest residential buildings in Jätkäsaari and Hernesaari. Noise measurements must be carried out in accordance with the Ministry of the Environment's guide 'Ympäristömelun mittaaminen' (1/1995) [Measuring Environmental Noise]. The percussiveness and narrow-bandedness of any noise must be established and taken into account in the results.*
14. The party receiving the permit must partake in joint Helsinki Metropolitan Area (HSY) air quality surveillance at a cost share in accordance with the 'polluter pays' principle.

15. *Measurements, sampling and analysis must be carried out by an external expert in accordance with the relevant standards (CEN, ISO, SFS or other standards in use nationally or internationally and of an equivalent level), or other appropriate and officially-approved methods in general use. Measurement reports must state the measurement methods used and their measurement uncertainties, as well as an estimation of the representativeness of the results. The measurement reports must be attached to the annual summary report for that year.*

Monitoring and surveillance plan for waste processing

16. *Those operating in the harbour must monitor and carry out surveillance of the realisation of the harbour's waste management regularly and systematically. Operators must submit a waste management monitoring and surveillance plan to be reviewed by the Uusimaa Centre for Economic Development, Transport and the Environment by 1 May 2014 at the latest. The monitoring and surveillance plan must set out the monitoring and surveillance of waste processing, as a minimum. The plan must take into account the regulations set out in Sections 118–120 of the Waste Act (646/2011) and Sections 20, 22 and 25 of the Government Decree on Waste (179/2012) regarding the operator's responsibilities for recording, monitoring and carrying out surveillance of the waste management it has organised.*

Record keeping and annual reporting

17. Records of the harbour's operations must be kept, detailing at minimum the following:
- vessel calls and berth occupation times
 - passenger numbers
 - goods amounts
 - waste generated by operations (type, amount and delivery place and date)
 - waste waters and other waste received from vessels (type, amount and delivery place and date)
 - energy and water consumption
 - the results of any inspections carried out
 - any complaints regarding noise, and the source of the noise
 - exceptional situations, their causes and corrective measures.
- The records must be kept for three years (or six years for waste) and must be made available to the surveillance authorities if requested. The annual report on the harbour's operations must be submitted annually, by the end of February the following year, to the Uusimaa Centre for Economic Development, Transport and the Environment and the City of Helsinki's environmental protection authorities. The annual report must contain a summary of the records and a calculation of the emissions into the air produced by vessel traffic, vehicle traffic and industrial machinery (nitrogen oxides, sulfur dioxide, particulates, carbon monoxide and carbon dioxide).

Other measures to prevent, reduce or investigate contamination, the dangers it poses, or any harm caused by contamination

18. The party receiving the permit must be informed as to the operations of the companies operating in the harbour area. The party receiving the permit must ensure that companies operating in the harbour area are aware of the permit decrees of this decision, for example with the help of agreements or harbour arrangement regulations, and that companies carrying out harbour operations

or their support operations act in accordance with this decision in the harbour area.

Cessation of operations

19. If harbour operations in Jätkäsaari or Hernesaari cease, the Regional State Administrative Agency of Southern Finland must be informed of this at the latest six months before operations cease. The notification must set out a plan regarding the closing down of the operation's administration, including a timetable (restoration measures for the area, regarding water protection, air protection, soil protection and waste management, as well as follow-up monitoring of the state of the environment).

PERMIT VALIDITY AND REVIEW OF PERMIT DECREES

Permit validity

The permit is valid until further notice. Significantly expanding or changing operations requires permission. (Section 28 of the Environmental Act)

Decisions to be repealed

When it comes into force, this decision shall repeal environmental permit decision No 38/2006/2, issued by the Environmental Permit Authority of Western Finland on 30 November 2006, and supplementary decision No 43/2009/2, where appropriate.

Adhering to a decree which is more stringent than the permit

If a decree sets out regulations which are more stringent than the permit decrees of this decision, or regulations which deviate from the permit in terms of its validity or revision, notwithstanding the permit, the decree must be adhered to. (Section 56 of the Environmental Act)