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Immission control - applying for the construction and operation of a plant requiring authorisation in accordance with the BImSchG

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<https://fimportal.de/xzufi-services/6016849-99063009006000/L100022>

Modul	Sachverhalt
Leistungsschlüssel	99063009006000
Leistungsbezeichnung I	Immission control - applying for the construction and operation of a plant requiring authorisation in accordance with the BImSchG
Leistungsbezeichnung II	Immission control - applying for the construction and operation of a plant requiring authorisation in accordance with the BImSchG
Typisierung	3 - Bundesaufsichtsverwaltung: Regelung
Quellredaktion	Baden-Württemberg
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	

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Leistungsgruppierung	
Verrichtungskennung	
SDG-Informationsbereich	
Lagen Portalverbund	
Einheitlicher Ansprechpartner	
Fachlich freigegeben am	
Fachlich freigegeben durch	
Handlungsgrundlage	<p>Gesetz zum Schutz vor schädlichen Umwelteinwirkungen durch Luftverunreinigungen, Geräusche, Erschütterungen und ähnliche Vorgänge - Bundesimmissionsschutzgesetz (BImSchG)</p> <ul style="list-style-type: none"> • § 3 Begriffsbestimmungen • § 4 Genehmigung • § 5 Pflichten der Betreiber genehmigungsbedürftiger Anlagen • § 6 Genehmigungsvoraussetzungen • § 10 Genehmigungsverfahren <p>Neunte Verordnung zur Durchführung des Bundes-Immissionsschutzgesetzes - Verordnung über das Genehmigungsverfahren (9. BImSchV)</p> <p>Gesetz zur Ordnung des Wasserhaushalts (WHG)</p> <ul style="list-style-type: none"> • § 60 Abwasseranlagen
Teaser	<p>The construction and operation of an installation listed in Annex 1 of the Fourth Ordinance on the Implementation of the Federal Immission Control Act (4th BImSchV) requires an immission control licence from the competent authority. All environmental impacts of the plant must be considered and assessed in the authorisation procedure.</p>
Volltext	<p>The construction and operation of an installation listed in Annex 1 of the Fourth Ordinance on the Implementation of the Federal Immission Control Act</p>

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	<p>(4th BImSchV) requires an immission control licence from the competent authority. All environmental impacts of the plant must be considered and assessed in the authorisation procedure.</p>
Erforderliche Unterlagen	<p>The application must be accompanied by the documents required for an assessment. These are, for example</p> <ul style="list-style-type: none"> • Descriptions of the project, including information on plant components, process steps, material and product data, • schematic diagrams and flow charts, • Information on possible disruptions to normal operation, • Information on emissions and immissions, • Information on waste and waste water, • Construction documents: site plan, construction drawings, construction description. <p>The competent authority may request further documents if necessary. Coordinate in advance with the responsible immission control authority regarding the documents required for an assessment.</p> <p>If official decisions concerning the installation are communicated as part of the authorisation procedure (e.g. building permit), the documents required for this must also be submitted.</p> <p>If no online procedure is available, please use forms 1 to 11 of "Annex 1" of the Guidelines for Authorisation and Notification Procedures under the Federal Immission Control Act of the Baden-Württemberg Ministry of the Environment for the application.</p>
Voraussetzungen	<p>The licence must be granted if it is ensured that the obligations arising from the Federal Immission Control Act (BImSchG) and its legal ordinances are fulfilled and that other public law regulations and occupational health and safety concerns do not conflict with the construction and operation of the plant.</p>
Kosten	<p>The fees are based on the investment costs for the system.</p>

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Verfahrensablauf

The authorisation procedure requires a written application, which must be accompanied by the drawings, explanations and other documents required to check the authorisation requirements. If further documents are required by the responsible immission control authority or the respective specialised authorities for an assessment, these must be submitted subsequently. If the application is complete, it must be publicised with the documents in the case of formal procedures and then displayed for one month. In simplified authorisation procedures or if public participation is waived, there is no public display of the application documents. At the latest at the same time as the public announcement of the project, the approval authority requests the authorities to be involved to submit their comments on the approval requirements. If there are any objections, these will be discussed with you and those who have raised the objections at a public meeting. Once the licensing authority has determined all the circumstances that are relevant to the granting of a licence, a decision must be made on the application. The authorisation decision must be substantiated in writing and will be sent to you and the persons who have raised objections. The notification of the authorisation notice to objectors can be replaced by a public announcement.

Pursuant to Section 13 BImSchG, the immission control permit includes other official decisions relating to the plant, in particular permits, approvals, concessions, authorisations and licences under public law. Excluded from this are planning approvals, approval of operating plans under mining law, official decisions based on nuclear regulations and water law permits and authorisations.

As part of the application, the approval of an early start in accordance with Section 8a BImSchG or the granting of a preliminary decision in accordance with Section 9 BImSchG as well as the division into several partial authorisations in accordance with Section 8 BImSchG can be applied for.

Bearbeitungsdauer

As a rule, the licensing authority must check whether

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the documents are complete within one month of receiving the application. If the application documents are not sufficient for an assessment, they must be completed by the applicant. Once the application documents are complete, the statutory deadlines begin for the authorisation procedure under immission control law, which is 7 months for new installations in a formal procedure and 3 months in a simplified procedure. The deadlines can be extended by 3 months if this is necessary due to the difficulty of the examination or for reasons attributable to the applicant.

Frist

The operator must obtain authorisation from the competent authority before installing and operating the system.

weiterführende Informationen
Hinweise

Coordinate in advance with the responsible immission control authority regarding the documents required for an assessment.

The significant modification of an installation requiring authorisation under immission control law also requires a permit. The same forms or the same online procedure (if offered by the responsible immission control authority) are used here.

Rechtsbehelf

If the responsible immission control authority refuses to authorise the project, an appeal can be lodged against this or, in the case of decisions by the regional councils, an action can be brought.

Kurztext
Ansprechpunkt
Zuständige Stelle
Formulare
Ursprungsportal