

Annex II

LAW OF THE REPUBLIC OF KAZAKHSTAN

On Amendments and Addenda to the Law of the Republic of Kazakhstan “On Environment Protection” on Industrial and Consumption Waste

Article 1. The following amendments and addenda shall be introduced to the Law of the Republic of Kazakhstan “On Environment Protection” as of 15 July, 1997 (Gazette of the Parliament of the Republic of Kazakhstan, 1997, No. 17-18, art.213; 1998, No. 24, art.443; 1999, No. 11, art.357; No. 23, art.931; 2001, No. 13-14, art.171; No. 24, art.338; 2002, No. 17, art.155; 2004, No. 10, art. 57):

1) in the whole text, words “of Central executive body of the Republic of Kazakhstan in the field of environment protection”, “Central executive body of the Republic of Kazakhstan in the field of environment protection”, “by Central executive body in the field of environment protection”, “to Central executive body in the field of environment protection”, “to Central executive body of the Republic of Kazakhstan in the field of environment protection”, “of Central executive body in the field of environment protection”, shall be replaced correspondingly with words “of Authorized body in the field of environment protection”, “Authorized body in the field of environment protection”, “by Authorized body in the field of environment protection”, “to Authorized body in the field of environment protection”;

2) in the headings of chapters, figures “I - XIX” shall be replaced correspondingly with figures “1 - 19”;

3) article 1:

paragraph twenty one to set forth as follows:

“*industrial waste* - the remnants of raw materials, materials, chemical compounds which were generated during the production, carrying out other technological works and which have completely or partially lost initial consuming qualities, necessary for their application in the corresponding production, including man-caused mineral compounds and agricultural waste”;

to insert paragraphs twenty two - thirty two as follows:

“*municipal-household waste* - the waste generated as the result of the life activity of a human being;

waste type - the aggregate of the wastes having common features;

waste hazard class - the indicator of the waste hazard, determined based on the degree of the possible hazardous impact on the health of people and environment;

low-waste technology - the process of a product manufacturing when less waste is generated per one unit of a product manufactured, in comparison with the existing methods of manufacturing this product;

normatives of waste treatment - quantitative and qualitative limitations related to generation, collection, storage, usage, utilization, transportation and disposal of the waste taking into consideration their impact on the environment;

waste treatment - all the activities related to generation, collection, storage, usage, utilization, transportation and disposal of waste;

waste disposal facility - landfills, sludge storages, tailing dumps, dump pits and other specially equipped places for the waste storage and disposal;

hazardous waste - waste containing hazardous substances and having hazardous properties (toxicity, explosion risk, fire risk and high reactivity), or the waste that can represent hazard to the health of a human being and the environment separately or in contact with other substances;

consumption waste - goods, materials and substances that have completely or partially lost their consuming qualities due to depreciation and obsolescence;

waste certificate - a document that certifies quantitative and qualitative characteristics of waste;

authorized body in the sphere of environment protection - the central executive body of the Republic of Kazakhstan that implements the state policy in the sphere of environment protection, and its territorial agencies”;

4) article 7:

to insert paragraph four as follows:

“develops basic directions of the state policy in the field of waste treatment”;

to eliminate paragraph seven;

5) the part two of article 8:

to eliminate paragraph four;

to insert paragraphs ten and eleven as follows:

“establishes and approves the normatives of waste treatment and types of waste;

together with the authorized bodies in the field of sanitary-epidemiological wealth of population and industrial safety, determines the criteria of the waste reference to the hazard class”;

6) to eliminate paragraph eight of article 26;

7) to eliminate third paragraph of paragraph 2 of article 27;

8) to insert ninth paragraph to part one of article 36 as follows:

“normatives of waste treatment”;

9) to insert articles 60-1, 60-2, 60-3 и 60-4 as follows:

“Article 60-1. Waste certificate

Natural and juridical persons in the course of whose activities waste is generated should fill in a waste certificate, the standard form of which is determined by the authorized body in the field of environment protection.

Article 60-2. Requirements for the waste disposal facilities

1. Location for the construction of the waste disposal facilities is identified on the basis of special (geological, hydrological and other) studies with the approval of the state ecological and sanitary-epidemiological expertise.

2. In the areas of the waste disposal facilities and within the limits of their impact on the environment, natural and juridical persons obliged to conduct monitoring of the environment condition in accordance with the procedures established by the authorized bodies in the field of environment protection and sanitary-epidemiological wealth of the population.

3. After finishing the operation of the waste disposal facilities, natural and juridical persons must carry out control over their condition and the impact on the environment, as well as the rehabilitation of the disturbed land.

4. It is prohibited to dispose the waste in the territory of settlements, forestry, resort, medical, recreational and water protection zones, as well as in water-collecting areas of the underground water facilities used for potable and domestic water supply. It is prohibited to dispose the waste in the areas of natural resource deposits and mining zones in case of the existing threat of the pollution of the natural resource deposits and threat to the safety of the mining works.

Article 60-3. Requirements for the treatment of hazardous waste

1. Natural and juridical persons, in the course of whose activities the hazardous waste is generated, must confirm reference of this waste to the specific hazard class in accordance with the procedures established by the authorized body in the field of environment protection.

2. The activity of natural and juridical persons, in the course of which hazardous waste is generated, may be:

1) limited if safe treatment of the waste is not secured;

2) prohibited in case of repeated (more than twice) violations of the ecological requirements when treating the waste, which have led to the harmful impact on health of people and environment.

Article 60-4. International transportation of waste

International transportation of waste is carried out in accordance with the procedure established by the Government of the Republic of Kazakhstan.

Control over import (export) of waste in the Republic of Kazakhstan is provided by state bodies carrying out trans-border, vehicle and customs control, as well as the authorized body in the field of environment protection and the state sanitary-epidemiological services in accordance with the legislation of the Republic of Kazakhstan and international treaties ratified by the Republic of Kazakhstan.”;

10) to insert chapter 10-1 as follows:

“Chapter 10-1. Ecological requirements in waste treatment.

Article 62-1. Requirements for the design, construction, rehabilitation, conservation and elimination of buildings, constructions, installations and other objects.

1. Upon design, construction, rehabilitation, conservation and elimination of the buildings, constructions, installations and other objects, in the course of which operation waste is generated, natural and juridical persons must:

comply with ecological, sanitary-epidemiological and other requirements established by the legislation of the Republic of Kazakhstan in the sphere of environment protection and sanitary-epidemiological wealth of the population;

have regulatory and technical documentation about the use, neutralization and the utilization of the generated waste.

2. Construction, rehabilitation, conservation and liquidation of buildings, constructions, installations and other objects, the operation of which is related to the waste treatment, are allowed if there is positive decision of the state ecological, sanitary-epidemiological expertise and the expertise in the field of natural and man-caused emergencies.

3. Upon design of buildings, constructions, installations and other objects, the operation of which generates waste, it is necessary to provide for the places (sites) for waste collection.

Article 62-2. Requirements for the operation of buildings, constructions, installations and other objects.

1. Natural and juridical persons, during the operation of buildings, constructions, installations and other objects, connected with waste treatment, obliged:

to comply with ecological, sanitary-epidemiological and other requirements established by the legislation of the Republic of Kazakhstan in the field of environment protection and sanitary-epidemiological wealth of the population;

in accordance with the procedures established by the authorized body in the field of environment protection, to develop and submit for its approval the draft normatives of waste treatment;

to introduce low-waste technologies based on the latest scientific-technical achievements;

to carry out inventory of waste and its disposal facilities;

to carry out monitoring of the environment condition in the territories of waste disposal;
to comply with the requirements for prevention of the emergencies related to waste treatment and take urgent measures for their elimination;

in case of emergency or emergency threat when treating waste, which cause or can cause damage to the environment, health or property of natural and (or) juridical persons, to immediately inform the authorized body in the field of environment protection and sanitary-epidemiological wealth of the population, as well as local executive agencies about it.

2. It is prohibited to operate buildings, constructions, installations and other objects where the waste treatment causes harmful impact on the health of people and environment.

Article 62-3. Requirements for waste treatment in the territory of settlements

1. Territories of settlements are subject to regular cleaning of wastes.

2. Control over the settlements maintenance is provided by local executive bodies together with state sanitary-epidemiological services and the authorized agency in the sphere of environment protection.

Article 62-4. Requirements for waste transportation

1. Transportation of waste is allowed, if the following is available:

1) waste certificate;

2) vehicles specially equipped and provided with special signs when complying with the requirements for the transportation of hazardous waste;

3) transportation documents and documents for the transfer of hazardous waste with the indication of the quantity of transported hazardous wastes, purpose and destination of the transportation.

2. The procedure of transportation of hazardous waste including handling loading-and-unloading operations, is determined by the authorized body carrying out the implementation of the state policy in the field of transport, coordination and regulation of the activity of the transport complex of the Republic of Kazakhstan, with the agreement of the authorized agencies in the field of environment protection and sanitary-epidemiological wealth of the population”;

11) to insert chapter 16-1 as follows:

“Chapter 16-1. Control over the waste treatment

Article 80-1. State control over the waste treatment

1. State control over the waste treatment is carried out by the authorized body in the field of environment protection, state sanitary-epidemiological services and other state bodies within their competence.

2. State control over the waste treatment includes:

control over the implementation of ecological, sanitary-epidemiological and other requirements in the field of waste treatment;

control over the compliance with the requirements for international transportation of waste;

control over the compliance with the terms of conducting activity on hazardous waste treatment;

control over the compliance with the requirements for prevention and elimination of emergencies arising in the course of waste treatment;

control over the compliance with the requirements and rules of waste transportation;

control over the implementation of measures for waste quantity reduction and involvement of waste into economy as additional raw material sources;

control over the reliability of the submitted information in the sphere of waste treatment and reports on wastes;

control over taking measures for elimination of violations of the legislation of the Republic of Kazakhstan in the sphere of waste treatment.

3. Decisions of the bodies carrying out state control over the activities in the field of waste treatment may be claimed in accordance with the procedure established by the legislation of the Republic of Kazakhstan.

Article 80-2. Industrial control over waste treatment

1. Persons carrying out the activities related to waste treatment arrange and implement in the course of their activity industrial control over the compliance with the requirements of the legislation of the Republic of Kazakhstan.

2. The procedure of industrial control is independently developed and approved by the persons carrying out the activities in the field of waste treatment and agreed with the authorized body in the sphere of environment protection and state sanitary-epidemiological services.

Article 80-3. Record-keeping and accountability in the field of waste treatment

1. Natural and juridical persons carrying out the activities in the field of waste treatment are obliged to keep records of the waste generated, used, neutralized, transferred to other persons or received from other persons, as well as the waste disposed in accordance with the procedure established in the legislation of the Republic of Kazakhstan.

2. Order of the record-keeping in the field of waste treatment is determined by the authorized body in the field of environment protection with the coordination with the authorized body in the sphere of sanitary-epidemiological wealth of the population.

3. Natural and juridical persons carrying out the activities in the field of waste treatment are obliged to submit reports in accordance with the procedures and time determined by the

authorized body in the field of environment protection with the coordination with the authorized agency in the sphere of sanitary-epidemiological wealth of the population and statistics.

4. Natural and juridical persons carrying out the activities in the field of waste treatment provide for the storage of the accountable materials during the period of time set by the authorized state agency of the archive and documentation control of the Republic of Kazakhstan.

Article 80-4. State inventory of the waste

1. For the purposes of the data system control when treating the waste, the State inventory of waste is kept.

2. The State inventory of waste is kept by the authorized body in the field of environment protection in accordance with the procedure established by the Government of the Republic of Kazakhstan”;

12) in part three of paragraph 1 of article 86, to change words “environment protection funds” with word “budget”.

Article 2. This Law comes into force from 1 January 2005.

**President
of the Republic of Kazakhstan**

N. NAZARBAYEV

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