



## On approval of the Rules for liquidation of historical pollution

### *Unofficial translation*

Order of the Minister of Ecology, Geology and Natural Resources of the Republic of Kazakhstan dated August 27, 2021 № 345. Registered in the Ministry of Justice of the Republic of Kazakhstan on August 31, 2021 № 24178.

### *Unofficial translation*

In accordance with paragraph 2 of Article 144 of the Environmental Code of the Republic of Kazakhstan dated January 2, 2021, **I HEREBY ORDER:**

1. To approve the attached Rules for liquidation of historical pollution.
2. The Department of state policy in waste management of the Ministry of Ecology, Geology and Natural Resources of the Republic of Kazakhstan in the manner prescribed by the legislation of the Republic of Kazakhstan to ensure:
  - 1) state registration of this order in the Ministry of Justice of the Republic of Kazakhstan;
  - 2) placement of this order on the Internet resource of the Ministry of Ecology, Geology and Natural Resources of the Republic of Kazakhstan after its official publication;
  - 3) within ten working days after the state registration of this order in the Ministry of Justice of the Republic of Kazakhstan, submission of information to the Legal Service Department of the Ministry of Ecology, Geology and Natural Resources of the Republic of Kazakhstan on the execution of the measures provided for in subparagraphs 1) and 2) of this paragraph.
3. To impose control over the execution of this order on the supervising vice minister of ecology, geology and natural resources of the Republic of Kazakhstan.
4. This order comes into force ten calendar days after the day of its first official publication.

*Minister of ecology,  
geology and natural resources of the  
Republic of Kazakhstan*

*M. Mirzagaliyev*

"AGREED"

Ministry of healthcare of the  
Republic of Kazakhstan

"AGREED"

Ministry of industry and  
infrastructural development of the  
Republic of Kazakhstan

"AGREED"

Ministry of finance of the  
Republic of Kazakhstan

"AGREED"

Ministry of emergency situations of the  
Republic of Kazakhstan

"AGREED"

Ministry of national economy of the  
Republic of Kazakhstan

Approved by the  
order of the Minister of ecology,  
geology and natural resources  
of the Republic of Kazakhstan  
dated August 27, 2021 № 345

## **The Rules for liquidation of historical pollution**

### **Chapter 1. General provisions**

1. These Rules for liquidation of historical pollution (hereinafter referred to as the Rules) are developed in accordance with paragraph 2 of Article 144 of the Environmental Code of the Republic of Kazakhstan (hereinafter referred to as the Code) and determine the procedure for liquidation of historical pollution.

2. The following concepts are used in the Rules:

1) historical pollution is the accumulated environmental damage caused to waters and (or) lands, which arose as a result of previous activities, including the totality of the impacts of various types of anthropogenic activities, the obligation to eliminate which was not fulfilled or was not fulfilled in full;

2) objects of historical pollution are recognized as territories and water areas or their separate sections where historical pollution has been identified, as well as ownerless facilities for capital construction and storage or disposal of waste, which are a source of historical pollution.

3) monitoring of the state of the environment is an activity that includes observations, collection, storage, accounting, systematization, generalization, processing and analysis of data, assessment of the state of environmental pollution, production of information on the state of environmental pollution, including forecasting information, and provision of the specified information to state bodies, other individuals and legal entities.

Other concepts and definitions used in these Rules are applied in accordance with the Code.

### **Chapter 2. Project of liquidation of historical pollution**

3. Works on the liquidation of historical pollution include the conduct of the necessary surveys, including engineering surveys (geodesic, geological, hydrometeorological, hydrogeological, environmental), development of a project for the liquidation of historical pollution, its coordination and approval, works on the liquidation of historical pollution, control and acceptance of work performed, and further monitoring of the state of the environment.

4. To carry out the development of a project to liquidate historical pollution, local executive bodies of districts, cities, in relation to individual objects, the authorized body in the field of environmental protection involves organizations licensed to perform work and provide services in the field of environmental protection, in accordance with paragraph 2 of article 13 of the Law of the Republic of Kazakhstan "On Public Procurement".

5. The project for liquidation of historical pollution consists of:

1) an explanatory note that reflects the activities, including reclamation, carried out to bring production facilities and land plots into a condition that ensures the safety of the environment, life and health of the population in any form signed by the first head;

2) engineering survey and graphic documentation that fully reflects the actual state of surface and underground (with the results of analyzes) water and land resources signed by the responsible person;

3) copies of topographic plans of the earth's surface, geological map;

4) schemes of location of the being liquidated historical pollutions signed by the first head

;

5) a detailed description of the measures for the liquidation of historical pollution, signed by the first head;

6) used equipment for liquidation works;

7) assessment of the impact of the liquidation of historical pollution on the environment, signed by the first head;

8) an act on the procedure for conducting surveys and engineering surveys.

6. When liquidating the historical pollution, it is necessary to ensure:

1) safety of the population and personnel, protection of the subsoil and the environment, buildings and structures, including measures to prevent water and gas breakthroughs;

2) prevention of groundwater pollution;

3) radiation safety of personnel and the population;

4) assessing the impact of the liquidation of historical pollution on the environment;

5) measures that exclude unauthorized use and access to objects for the period of liquidation of historical pollution;

6) reclamation of disturbed lands during the liquidation of historical pollution;

7) measures to prevent economic activity at the facility being liquidated;

8) monitoring of the state of environmental components for further use in order to involve them in economic turnover, depending on the direction of the characteristics and mode of use of these land plots and local conditions.

7. The state ecological expertise of the project of liquidation of historical pollution is carried out as part of the procedure for issuing environmental impact permits, and a separate conclusion of the state ecological expertise is not issued.

8. The works on the liquidation of historical pollution are carried out in accordance with the project on liquidation of historical pollution.

### **Chapter 3. Procedure for acceptance of works on liquidation of historical pollution**

9. Acceptance of work on liquidation of historical pollution at their completion is carried out by a commission created by the local executive body of districts, cities and in relation to individual objects - by the authorized body in the field of environmental protection from representatives of the authorized bodies in the field of industrial safety, sanitary and epidemiological service, for the study and use of subsoil, for land management resources.

10. The composition of the commission is approved by the local executive body of districts, cities and in relation to individual objects - by the authorized body in the field of environmental protection for each individual object in accordance with paragraph 3 of Article 144 of the Code.

Decisions are made on the basis of a direct inspection and assessment of the completeness and quality of the work performed, provided for by the project for the liquidation of historical pollution, by each member of the commission of five people without the right to replace. Members of the acceptance commission, based on the results of a direct inspection and assessment of the completeness and quality of the work performed, make a dissenting opinion

Refusal to sign the act of acceptance of work on the liquidation of historical pollution is submitted to the chairman of the acceptance commission in the form of a dissenting opinion indicating the reasons for the refusal. Members of the acceptance commission within five days develop recommendations for the liquidation of identified violations, if any, with the resumption of acceptance of works to liquidate historical pollution.

The date of commencement of the work of the acceptance commission is determined by the customer, taking into account the time required to complete the work on technical equipment, and the time required for the members of the acceptance commission to travel to the place of acceptance of objects of historical pollution.

11. Within five working days from the date of direct inspection of the territory and / or water area where the liquidation of historical pollution took place and the provision of documents confirming the fact of liquidation of historical pollution (analysis protocols,

monitoring reports, topographic and hydrological maps, comparative analyzes and tables and etc.), an act of acceptance of liquidation works is drawn up (hereinafter referred to as the act of acceptance), in accordance with Appendix 1 to these Rules.

The following is attached to the act of acceptance:

- 1) plans for the placement of liquidated historical pollution and other production facilities;
- 2) the list and volume of the actually performed work, provided for by the project for the liquidation of historical pollution;
- 3) certificate of actually incurred costs for the liquidation of historical pollution;
- 4) environmental monitoring data;
- 5) a photo and video recording of the object of historical pollution before and after the liquidation works is attached to the act of work performed.

Decisions on the acceptance of works are taken collectively by the members of the Commission.

12. The Commission terminates its activities from the moment of signing the act of acceptance of work to liquidate historical pollution in full and making a collegial positive decision.

In case of acceptance of liquidation of historical pollution with violations, members of the commission for acceptance of liquidation are liable in accordance with Article 30 of the Code of the Republic of Kazakhstan "On Administrative Offenses".

13. The list of liquidated objects of historical pollution according to the form in accordance with Appendix 2 to these Rules is maintained by the authorized body in the field of environmental protection.

14. Monitoring of historical pollution after liquidated work is organized by local executive bodies of districts, cities. In relation to individual objects for which the liquidation of historical pollution was carried out by decision of the Government of the Republic of Kazakhstan – it is organized by the authorized body in the field of environmental protection. The monitoring results are published on the Internet resources of local executive bodies of districts, cities and the authorized body in the field of environmental protection.

15. A report on the work done to liquidate historical pollution is published on the Internet resource of the authorized body in the field of environmental protection. The report contains information on liquidation works: measures, volume of construction and installation works, implementation timeframes, actual financial costs, the state of the environment (atmospheric air, soil cover, water area) of liquidated historical pollution.

Appendix 1  
to the Rules for liquidation  
of historical pollution  
Form

**ACT**  
**of acceptance of works on liquidation of historical pollution**



| № | Name of liquidated historical pollution, location | Registration number of the state register of historical pollution | Date of liquidation of historical pollution | Acceptance date | Name of the organization that developed the liquidation project | Name of the organization that performed the liquidation work | Name of the state body that accepted the act on the liquidation of historical pollution | Note |
|---|---|---|---|-----------------|---|--|---|------|
| 1 | 2   | 3   | 4   | 5               | 6   | 7  | 8   | 9    |
|   |   |   |   |                 |   |  |   |      |
|   |   |   |   |                 |   |  |   |      |

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