Governmental support of environmental protection and reducing of the negative consequences of adverse effects on the environment of the Krasnoyarsk region

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Abstract. The relevance of the research on the issues of governmental protection of the environment and reducing the adverse impact on the environmental situation of the agglomeration is due, first of all, to important problems in developing a favorable environment and protecting it in the regions with a large number of urban settlements.

According to the All-Russian public organization “Green Patrol”, which has systematically formed “The National Ecological Rating of the Regions of the Russian Federation” since 2008, published on the website of the Newspaper “The Volokolamsk Region”, ten regions with the most unfavorable environmental situation were marked at the end of the winter of 2018-2019. Among these regions, there is the Krasnoyarsk region, which ranked 79 out of 85 regions of the Russian Federation.

| №  | Rating Dynamics | Region of the Russian Federation | Environmental Index | Industrial and Environmental Index | Socio-Environmental Index | Integrated Environmental Index |
|----|-----------------|----------------------------------|----------------------|-----------------------------------|---------------------------|-------------------------------|
| 79 | -2              | the Krasnoyarsk Region            | 34/66                | 37/63                             | 57/43                     | 43/57                         |

At the same time, the right to a favorable environment is one of the fundamental human rights that affects the foundations of his life in society related to the maintenance of normal environmental, economic and social conditions of his life. This right is interpreted as a complex right, realized both individually and (mainly) collectively [1]. In most cases it is considered as a passive (a continuous right to use natural and social good) favorable state of the environment, which does not provide any special legal properties and qualities for a subject.

Of course, the government is obliged to create conditions for its implementation, namely, to note specific legal means, as well as mechanisms for implementing this right, which take place, otherwise its practical application is complicated.

According to the order of the Government of the Russian Federation of July 30, 2004 No. 400 “On the statement of Regulations on Federal Service for Supervision in Environmental Management and alteration of the order of the Government of the Russian Federation of July 22, 2004 No. 370”, the order of the Government of the Russian Federation of July 28, 2005 No. 452 "On standard regulations of the internal organization of federal executive authorities”, the order of the Ministry of natural resources and
ecology of the Russian Federation of March 28, 2016 No. 98 “On approval of model regulations on territorial bodies of the Federal service for supervision of natural resources”, order of the Ministry of natural resources of the environment of the Russian Federation of September, 22 2017 No. 513 “On approval of the Scheme of placement of territorial bodies of the Federal service for supervision of natural resources” and order of the Federal service for supervision of natural resources of October, 13 2017 No. 496 “On reorganization of territorial bodies” the Federal service for supervision of Natural Resources Management (Rosprirodnadzor) is a federal executive body for the control and supervision in environmental management, as well as within its competence in environmental protection, concerning the limitation of the negative anthropogenic impact, waste management (except radioactive waste) and governmental environmental impact assessment [2].

The Federal Service for Supervision of Natural Resources carries out its activities directly and through its territorial bodies. In accordance with the order of the Federal Service for Supervision in Environmental Management from 16.01.2018 № 19 “On approval of the Regulations on the Management of the Federal Service for Supervision in Environmental Management in the Krasnoyarsk Region” such body in the Krasnoyarsk territory is the Interregional Department of the Federal Service for Supervision in Environmental Management in the Krasnoyarsk Region and the Republic of Tyva (hereinafter Interregional Office). The Interregional Office is empowered with the appropriate authority to administer federal budget revenues in the relevant territory charging for negative environmental impact and is empowered to appeal to court with a claim to charge for negative environmental impact.

The Interregional Office annually makes the plan for inspections of legal entities and the individual entrepreneurs engaged in business or activity connected with negative impact on environment.

We have analyzed the results of planned, unscheduled inspections and raid inspections of legal entities conducted by the Interregional Office for March 2018 and the same period of 2019.

Table 2. Results of inspection in March 2018.

| Number of legal entities to be checked | Number of unscheduled inspections | Number of planned inspections | Number of raid inspections | Number of violations found | Number of instructions issued | Number of undetected violations |
|--------------------------------------|----------------------------------|------------------------------|---------------------------|--------------------------|-----------------------------|-------------------------------|
| 46                                   | 43                               | 3                            | 22                        | 46                       | 6                           | 37                            |

From the information presented in the table, we observe that the number of unscheduled inspections is more than 90%. All unscheduled inspections were carried out in fulfillment of item 4 of the list of instructions of the President of the Russian Federation of 15.11. 2017 № PR-2319, as well as at the request of citizens, legal entities, and other persons. Among the applicants, the Yenisei basin administration regarding the discharge of wastewater into the Yenisei River, Chulym is allocated. The main violations in addition to wastewater discharge were:

- unauthorized use of the water;
- land pollution by industrial sawmill waste at the water area of the Kan river;
- landfill MSW;
- unauthorized connection to centralized wastewater systems;
- activities without a license;
- unauthorized dumping;
- oil pollution of the Angara river;
- negative impact on atmospheric air.

For nine business entities, one or more violations were identified. Among the worst violators is the LLC "Tuva Mining Company" (11 violations).

However, out of 46 inspected economic entities subjects, 37 entities were not found to have any violations.
### Table 3. Results of inspection in March 2019.

| Number of legal entities to be inspected | Number of unscheduled inspections | Number of scheduled inspections | Number of raid inspections | Number of violations issued instructions | Number of issued warnings | Number of materials sent to the magistrate's court | Number of undetected violations |
|-----------------------------------------|-----------------------------------|---------------------------------|---------------------------|------------------------------------------|---------------------------|-----------------------------------------------|-------------------------------|
| 38                                      | 25                                | 2                               | 38                        | 53                                       | 41                        | 3                                             | 6                             |
|                                         |                                   |                                 |                           |                                          |                           |                                               |                               |

From the information presented in the table, we observe that the number of unscheduled inspections decreased by 18 compared with the same period in 2018.

The reasons for unscheduled inspections in March 2019 were the Instructions of the Federal Service for Supervision of Environmental Management on the implementation of measures ensuring environmental safety at the Universiade facilities (in Krasnoyarsk 2019), as well as appeals from citizens, governmental bodies and information in the media. The main violations were:

- illegal discharge of waste sewage trucks into the city sewage system;
- exceeding the maximum permissible concentrations for oil products in wastewater;
- waste disposal in the lake district of the Krasnoyarsk Meat Processing Plant;
- exceeding of hydrochloride (5 cases);
- land cluttering with MSW.

One or more violations were detected in 15 economic entities. Among the worst offenders LLC "Kraslesinvest" (13 violations).

Thus, after analyzing the above-mentioned inspections, the following situation is observed that of the main indicators characterizing the environmental impact of economic activity on the example of the Krasnoyarsk region, the issue of pollutant emissions from stationary and mobile sources (automobile, railway transport), the discharge of polluted wastewater into surface water, as well as production and consumption waste.

It should also be noted that in 2018 in the Krasnoyarsk region, a mode of adverse weather conditions was announced in eight cases.

Such emissions and discharges, of course, adversely affect the environment and the health of citizens. According to article 3 of the Federal law of January 10, 2002 No. 7-FZ "On Environmental protection" (hereinafter - Law No. 7-FZ), economic and other activities of legal entities that have an impact on the environment should be carried out on the basis of the principle of paid use of natural resources and of compensation harm to the environment. According to point 2 of article 16 of the Law No. 7-FZ the payment for negative impact on environment shall be transferred to budget system of the Russian Federation according to the budget legislation of the Russian Federation. The fee for a negative impact on the environment are required to make legal entities and individual entrepreneurs engaged in business and (or) other activities that have a negative impact on the environment (hereinafter referred to as an entity or individuals required to pay a fee), except to legal entities and individual entrepreneurs engaged in business and (or) other activities only on the objects of the IV category (article 16.1 of the law No. 7-FZ).

The rules for calculating and charging fees for negative environmental impact are established by the Government of the Russian Federation (paragraph 13 of article 16.3 of Law No. 7-FZ). Resolution of the Government of the Russian Federation of 28.08.1992 No. 632 approved the procedure for determining the fee and its limits for environmental pollution, waste disposal, other types of harmful effects (hereinafter referred to as the procedure), the standards of which are specified in the Guidelines for charging the environmental pollution. Payment standards for emissions of pollutants into the air by stationary and mobile sources, discharges of pollutants into surface and underground water, disposal of production and consumption wastes are established by the decree of the Government of the Russian Federation.
Federation of 12.06.2003 № 344. The form of payment for the negative impact on the environment approved by the Order of the Federal service for environmental, technological and nuclear supervision of 05.04.2007 № 204. According to the order of Rostekhnadzor dated 08.06.2006 № 557 “On setting the deadlines for making payments for negative environmental impact” the payment for negative environmental impact shall be made no later than the 20th day of the month following the reporting period.

Thus, the legal norms stipulate a mandatory requirement to pay for a negative impact on the environment in order to provide the economic basis for measures to restore the environment.

Besides, from January 1, 2019, came into force the provisions of the Federal law of 31.12.2017 № 503-FZ "On amendments to the Federal law "On production and consumption waste" and certain legislative acts of the Russian Federation", according to which local authorities should determine the placement of solid municipal waste (MSW) and keep their register in accordance with the rules approved by the Government of the Russian Federation [3-4].

However, the results of the audit of the Interregional Office of the Federal Service for the Supervision of Natural Resources in the Krasnoyarsk region and the Tyva Republic in 2018, nine regional operators of the Krasnoyarsk territory did not confirm their readiness to work on the treatment of MSW.

At the same time, it is necessary to pay special attention that at the legislative level not only external control is provided by the competent state authorities, but also internal production environmental control, whose role in ensuring safe environment, taking into account the legal trend of decreasing the administrative control designated in 2008 in connection with coming into force the Federal law No. 294-FZ dated December 26, 2008 (as amended on April 15, 201) “On the Protection of the Rights of Legal Entities and Individual Entrepreneurs state control (supervision) and municipal control, has increased significantly.

Analyzing industrial environmental control, it should be emphasized that at present it is represented by an extensive sphere of social relations, the subjects of which are not only legal entities responsible for safety and minimal impact on the ecological environment in the implementation of their activities, federal authorities, authorities of the subjects of the Russian Federation operating in environmental protection, but also analytical laboratories, public environmental associations, and the population of the region (in particular, the population of the Krasnoyarsk region), living near industrial enterprises.

It should be noted that the requirements for implementation of industrial environmental monitoring are contained in almost every environmental federal law of the Russian Federation. Moreover, in some cases it is necessary to monitor the state and environmental pollution.

So, paragraph 3 of Article 12 of the Federal Law No. 89-FZ of June 24, 1998 (as amended on December 25, 2017) “On Production and Consumption Wastes” stipulates that on the territories of waste disposal facilities and within their environmental impact the owners of waste disposal facilities as well as persons possessing or using waste disposal facilities are located, are obliged to monitor the state and pollution of the environment in the order established by the federal executive authorities according to their competence.

However, as of January 15, 2019, out of 127 objects registered in the State register of waste disposal facilities in the Krasnoyarsk region, the reports on monitoring results have not been submitted for 39 objects.

In accordance with the Order of the Ministry of Natural Resources of Russia No. 74 dated February 28, 2017 “On Approving Requirements for the Content of the Industrial Environmental Control Program, the procedure and deadlines for submitting a report on the organization and the results of the Industrial Environmental Control” (hereinafter referred to as Order No. 74), the industrial environmental control program must be developed and approved by legal entities and individual entrepreneurs performing economic and (or) other activities on objects of the I, II and III categories (further objects), for each object taking into account its category, the applied technologies and the features of production process, as well as the negative impact on the environment [5].
An important point of the order No. 74 was the establishment of the deadlines for submission of the report on the organization and the results of the implementation of industrial environmental monitoring, which must be submitted annually by March 25 of the year following the reporting year.

Legal entities and individual entrepreneurs operating on objects of the I category, as well as on objects of the II and III categories subject to federal state environmental supervision, submit a report to the territorial authority of the Federal Service for the Supervision of Natural Resources at the place of business activity.

Legal entities and individual entrepreneurs operating on the objects of II and III categories subject to regional state environmental supervision, submit a report to the executive authority of the Russian Federation, supervising the regional state environment, at the place of business activity.

The order of Ministry of Russia from 14.06.2018 No. 261 "About approval of the report form about the organization and about the results of the implementation of industrial environmental control" also sets forth the form of a report on the organization and on the implementation of industrial environmental control.

It should be kept in mind that information received during industrial environmental monitoring on the facts of emergency excess emissions and discharges of harmful substances into the environment should be immediately referred to the authorized state supervisor (Article 30 of Federal Law No. 96-FZ "On the Protection of Atmospheric Air", article 39 of the Water Code of the Russian Federation).

Thus, we believe that the following conclusions can be drawn from the results of the study:

1. The state regional policy in legislation is aimed at improving the legal norms of law governing the procedure for supervision and control in environmental protection.

2. Multilevel differentiated external and internal environmental control over the impact of economic entities on the environment within an effectively organized legal space will significantly improve the state of the environment of the Krasnoyarsk region, and particularly the city of Krasnoyarsk, which currently occupies a leading position in pollution among the cities of the Russian Federation.

References
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