

Violations of the legislation of the Russian Federation in the field of waste management: problems of applying administrative responsibility

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Abstract. The article is devoted to the problem of applying the administrative responsibility for violations of the legislation of the Russian Federation in the field of waste management, the search for optimal ways to solve them, as well as issues of legal regulation in this area.

Keywords: violation, waste management, administrative responsibility, consumption, production and consumption waste

1. Introduction

In the contemporary world, the regulation of the handling of production and consumption waste is one of the most important activities of any state, because it affects not only the interests of the country and society as a whole, but also every person. Today, the current situation in this area in the Russian Federation poses a serious risk of environmental pollution. As a consequence, significant harm to public health is caused. Every year, the amount of production and consumption waste in Russia increases, which leads to a deterioration of the overall environmental situation and requires the earliest practical resolution. Since first of all, in this area, the inalienable human right is violated – the right to life. At the same time, the state of human health, which largely depends on the quality of life, as well as on ensuring the right to a favorable environment, is crucial for its implementation [1].

The urgency of the problem of regulating the treatment of production and consumption waste over time increases due to objectively existing aspects.

The first such aspect is that the volume of municipal solid waste (hereinafter, MSW) continuously increases per capita, and the composition of these wastes becomes more complex, including environmentally hazardous substances.

It is also worth noting that the attitude of the population to the traditional, inconsistent with the modern international standards of other countries, the methods of disposal of garbage in a landfill becomes sharply negative. And the laws are increasingly tightening the rules for handling waste, are adopted.

And, finally, modern incineration and recycling plants and sanitary landfills are increasingly being introduced into life [2].

2. Materials and Methods

The activities on the treatment of production and consumption wastes are regulated by a large number of regulatory acts of both international and national level, which formed the basis of our research.

So, at the international level, the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal [3] and The Resolution of the Inter-Parliamentary Assembly of the CIS Member States of July 15, 1998 No. 11-9 on the Model Law On Production and Consumption Wastes [4] are among them. They are international standards in the field of waste management.

At the federal level, issues relating to these issues are governed by the Code of Administrative Offenses of the Russian Federation (hereinafter, the Code of Administrative Offenses) [5], the Federal Laws On Environmental Protection of January 10, 2002 No. 7-FZ [6], on Production and Consumption Wastes of June 24, 1998 No. 89-FZ [7], on the Sanitary-Epidemiological Well-being of the Population of March 30, 1999 No. 52-FZ [8]. Also, documents establishing sanitary and epidemiological requirements for waste management exist. For example, the standards SanPiN 2.1.7.1322-03 "Hygienic Requirements for the Disposal of Production and Consumption Waste [9] and SanPiN 42-128-4690-88 [10].

The Water Code of the Russian Federation and the Federal Law on the Inland Marine Waters, Territorial Sea, and the Adjacent Zone of the Russian Federation regulate relations during the disposal and burial of wastes in water bodies.

By-laws and regulations in the field of waste management include: the Decree of the President of the Russian Federation of February 22, 1992 No. 179 on the Types of Products (Works, Services) and Production Wastes, Free Sailing of Which is Prohibited [11], the Resolution of the Government of the Russian Federation of June 29, 2018 No. 758 on the Rates of Payment for the Negative Impact on the Environment When Placing Solid Municipal Waste of Class IV Hazard (Low Hazard) and Amending Some Acts of the Government of the Russian Federation [12].

The methodological basis of the research is represented by modern methods of cognition, in particular, general scientific methods (system, structural-functional, historical), general logical (the method of ascent from the abstract to the concrete, from the general to the particular), and other scientific (for example, formal legal, comparative law, etc.).

3. Results

Based on the analysis of the above materials, we have identified the following problems of applying administrative responsibility in the field of waste management. The first is the current edition of the Code of Administrative Offenses. It establishes the overall composition of the violation for non-compliance with environmental and sanitary-epidemiological requirements when dealing with any of their species, as well as the same amount of fine, regardless of the significance of the offense. However, since January 1, 2019, in connection with the introduction of a new system for handling municipal solid waste, the need has arisen to differentiate the types of offenses in this area and the responsibility for them.

In the Code on Administrative Offenses of the Russian Federation, administrative responsibility must be established for unjustified evasion from concluding an agreement on the provision of municipal solid waste management services for legal entities, individual entrepreneurs and regional operators. Also, administrative responsibility must be established for violation by the regional operator of the scheme of movement of municipal waste, stipulated by the territorial scheme of the subject of the Russian Federation [13]. In our opinion, such changes can positively affect the quality and timely collection, transportation, treatment, and disposal of municipal solid waste.

It should be noted that at present in the Russian Federation, about four percent of the total amount of waste is recycled, while more than 60 billion tons of garbage are found at landfills, the quantity of which increases every year. About 60 million tons of household waste is made annually. Currently, more than a thousand landfills and about 15 thousand of authorized landfills are in the state [14].

At the same time, an important fact affecting the general understanding and attitude to such methods of waste storage is that the technology for processing household waste in landfills is based on the

spontaneous decomposition of the organic part of the waste in the body of the landfill. At the same time, on landfills according to various data, from 90 to 95% of the total MSW stream contains. Thus, as a result of the constant flow of various chemical reactions, the temperature in certain places of the landfill can reach 25-30 degrees Celsius, thereby causing spontaneous ignition. This spontaneous fire entails the release into the environment of polyaromatic hydrocarbons, which occupy a leading place in the occurrence of cancer. Their maximum permissible concentrations in atmospheric air are often exceeded thousands of times. In addition, the ever-increasing number of waste requires regular removal of new land, which should be located as far as possible from the borders of cities. This situation is clearly not in line with the *Principles of State Policy in the Field of Environmental Development of the Russian Federation for the Period Until 2030* [17], which are designed to help ensure environmental safety during the modernization of the economy and in the process of innovative development.

4. Discussion

In our opinion, it is necessary to introduce the modern waste incineration plants (hereinafter, WIPs) that meet international standards, and, accordingly, to tighten the administrative responsibility for improper performance of waste management duties, particularly for implementing activities that are significantly detrimental to the environment, as well as for disposing of waste by transporting them to existing landfills with a significant amount of fines imposed for such an offense. Currently, in the world, more than 2,500 WIPs are operational. They utilize more than 200 million tons of MSW per year and, in addition, produce 130 TWh of electricity. According to experts, the total profit from such thermal processing of waste in the world should grow rapidly [18]. In Europe at the moment, more than 400 waste incineration plants are operating, the number of which is increasing. For example, in Germany, 66 incinerators were in 2006, their number reached 72 in 2010 [15]. The European Union constantly raises quotas for recycling, and on average all countries have to recycle 55% of the waste generated in 2025 and 65% by 2035. Already, Germany surpassed 2035. Great danger and great damage to the air, soil and groundwater, as well as a significant greenhouse effect was the starting situation for such decisions [16].

Such a positive experience of foreign countries will not only create a more favorable environment for environmental protection, but also be able to enhance the overall economic and political potential of the Russian Federation. However, to date, the development of measures to implement the state policy in the field of waste management has not been completed, it requires the early planning and implementation of new regulations that meet international standards in the field of waste management.

The introduction of modern technologies is economically justified, but it requires additional financial investments and effective state control. In this regard, special importance should be given not only to the introduction of innovative developments in the national economy of the country, but also to the improvement of legal acts affecting this field of activity, to a more detailed regulation of administrative responsibility, which is a tool to ensure a more sustainable work of legal entities, individual entrepreneurs and regional operators for waste management.

Based on the analysis of scientific literature and law enforcement practice, the fact becomes obvious that a large number of legislative requirements in the field of waste management, as well as the growing number of legal acts in this area makes it difficult to apply the Code on Administrative Offenses of the Russian Federation. In particular, the works of scientists actively criticize article 8.2 of the Administrative Code of the Russian Federation because of the blanket nature of this norm. It turns out that the procedure for proving this article is overly complicated. State supervisory authorities must establish and prove: Which of the norms of law does an enterprise violate by its action (inaction)? and Does this standard address environmental or sanitary-epidemiological requirements established in the field of waste management? And then: Does the action (inaction) relate to the waste in general and waste management?

Also, Article 8.2 of the Code on Administrative Offenses of the Russian Federation requires further improvement in terms of non-compliance with the requirements for waste management, as well as differentiation of responsibility for violations specified in this article.

5. Conclusion

According to the results of the study, we can state that today, it is necessary: a clearer regulation of administrative responsibility in the field of waste management, introduction of responsibility for unjustified evasion of a contract for the provision of municipal solid waste management services for legal entities, individual entrepreneurs and regional operators, as well as for the regional operator violating the scheme for the movement of municipal waste provided for by the territorial scheme of the subject of the Russian Federation. The problem of introducing a new system for the treatment of municipal solid waste, effective from January 1, 2019, requires solving. Since today, not all regions have switched to a new system in order to prevent unreasonable growth of tariffs for garbage collection, as well as other violations. In addition, the idea of mass construction of waste incineration plants that meet modern requirements for waste management and meet international standards, deserves attention. This area of law enforcement is still not fully structured, containing a large number of gaps. But modern realities require more attention in relation to waste management activities, a serious analysis of the experience of foreign countries, the creation of an effective system for regulating production and consumption wastes, as well as a rethinking of accumulated experience in the Russian Federation.

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