

LAW ON HOUSEHOLD AND INDUSTRIAL WASTE

November 28, 2003
Ulaanbaatar city

CHAPTER ONE GENERAL PROVISIONS

Article 1. Purpose of the Law

1.1 The purpose of this Law shall be to govern relationships related to collection, transportation, storage, and landfill of household and industrial waste and reusing of waste as source of raw materials to prevent from and eliminate hazardous impact of household and industrial wastes on public health and environment.

Article 2. Legislation on Household and Industrial Waste

- 2.1. Legislation on household and industrial waste shall consist of the Constitution of Mongolia, Environmental Protection Law, Law on Environmental Impact Assessment, Subsoil Law, Sanitation Law, this Law and other acts of legislation enacted in conformity therewith.
- 2.2. If an international agreement to which Mongolia is a party provides otherwise than this Law, then the former shall prevail.

Article 3. Definitions

3.1. For the purposes of this Law:

3.1.1. "Household and industrial waste" (hereinafter referred to as "waste") shall mean any objects and substances that are created through and from consumption and industrial and service activities and that are not further re-usable for the same purposes;

3.1.2. "Hazardous waste" shall mean waste containing explosive, toxic, flammable, infectious, or actively reactive substances infectious or harmful to humans, livestock, animals or plants, and having potential adverse impact on progeny of humans, livestock, animals or plants and disrupting environmental balance;

3.1.3. "Waste land-filling" shall mean land-filling of non-reclaimable waste under the ground in a secure locality in order to prevent its adverse impact on environment;

3.1.4. "Waste storage" shall mean temporarily storing of waste in designated waste storage sites for land-filling, detoxifying and processing;

3.1.5. "Using of waste" shall mean re-using of waste, inter alia, for manufacturing of goods and products, to perform works or services or as a source of energy;

3.1.6. "Making waste hazardless" shall mean processing of waste by way of incineration, refining, disinfecting and detoxifying in a special facility with the purpose to eliminate hazardous impact of waste on human health and environment;

3.1.7. "Waste normative" shall mean identified level (amount) of a certain type of waste to be produced by manufacturing a unit product;

3.1.8. "Waste land-filling facility" shall mean a technological facility that meets the conditions of prescribed standards to store waste in secure and hazardless conditions;

3.1.9. "Waste storage site" shall mean special container or facility established for collecting waste;

3.1.10. "Waste land-filling capacity" shall mean the maximum permissible level of certain types of waste that can be land filled in waste land-filling facility in accordance with the prescribed methods and set period by taking into account the ecological conditions of the territory where the land-filling process will take place;

3.1.11. "Passport of hazardous waste" shall mean a document issued by a competent authority which contains information on the content and category of danger of the waste and describing the methods of its transportation, storage and destroying.

Article 4. Scope of the Law

4.1 This law shall govern relationships related to all types of wastes except for the atmospheric, aquatic environmental and radioactive wastes.

Article 5. Right of Ownership to Waste

5.1. Any person who produces waste shall have the right to own it.

5.2. Right of ownership to waste may be transferred to others under agreement.

5.3. A person's right of ownership of waste shall terminate at the moment the person disposes the waste through the means specified in this Law and the right of ownership to waste of an individual or a legal entity engaged in waste land filling shall accrue.

5.4. If an owner of hazardous waste transfers its right of ownership, it shall report such transfer to the state administrative central body in charge of environmental matters and shall ensure that the transfer of ownership is recorded at the state registry of hazardous waste.

CHAPTER TWO

POWERS OF THE STATE AND LOCAL ADMINISTRATIVE BODIES AND COMMON RIGHTS AND DUTIES OF INDIVIDUALS, ECONOMIC ENTITIES AND ORGANIZATIONS

Article 6. Powers of the State Great Khural

6.1. The State Great Khural shall exercise the following powers:

6.1.1. Define state policies on waste management, and

6.1.2. Such other powers as conferred by law.

Article 7. Powers of the Government

7.1 The Government shall exercise the following powers:

7.1.1. Co-ordinate and organize the implementation of state policy on waste management;

7.1.2. Approve the methodologies of charging of fees from producers of waste and for establishing waste normative; and

7.1.3. Such other powers as conferred by law.

Article 8. Powers of State Administrative Central Body in Charge of Environment

8.1 The state administrative central body in charge of environment shall exercise the following powers:

- 8.1.1. Enforce the implementation of the state policies on waste management and the national program on waste;
- 8.1.2. Keep national statistics of hazardous waste;
- 8.1.3. Approve procedures for recording and reporting national statistics of hazardous waste;
- 8.1.4. Approve the types of and requirements for waste land-filling facilities and centralized waste landfill sites, and procedure for operations of individuals, economic entities and organizations engaged in waste land filling activities, and
- 8.1.5. Such other powers as conferred by law.

Article 9. Powers of Khurals of Citizens' Representatives and the Capital city, aimag, soum and district Governors

9.1. Capital city, aimag, soum and district Khurals of Citizens' Representatives shall exercise the following powers:

- 9.1.1. Monitor the implementation of legislation on waste;
- 9.1.2. Establish waste normative to be observed in their respective territories in accordance with the methodologies approved by the Government;
- 9.1.3. Approve local program of reducing waste and assess its implementation;
- 9.1.4. Such other powers as conferred by law.

9.2. Capital city and aimag Governors shall exercise the following common powers:

- 9.2.1. Organize and ensure the implementation of the state policies on waste management in their respective territories;
- 9.2.2. Develop, have approved by the Khurals of Citizens' Representatives local programs of reducing waste and ensure implementation thereof;
- 9.2.3. Keep local statistics of waste in accordance with approved procedure;
- 9.2.4. Approve procedures for assessing and financing the operations of individuals, economic entities and organizations engaged in collection, transportation and land-fill of waste and approve the sample of agreement to be entered between such individuals, economic entities and organization and governors of soums and district;
- 9.2.5. Organize monitoring and inspection of the implementation of legislation on waste in their respective territory;
- 9.2.6. Define the locations of centralized waste disposal sites in accordance with General Land Management Plan of their respective aimag centers and soums
- 9.2.7. Such other powers as conferred by law.

9.3. The Capital City Governor shall exercise the following powers:

- 9.3.1. Define locations of centralized waste disposal sites in accordance with the General Land Management Plan of the Capital City;
- 9.3.2. Select economic entities and organizations to engage in the waste land filling activity in accordance with the regulation approved by the State administrative central body in charge of environmental matters, and
- 9.3.3. Such other powers as conferred by law.

9.4. Soum Governors shall exercise the following powers:

- 9.4.1. Define locations of centralized waste disposal sites and temporary waste storage sites in the soum centre in accordance with General Land Management Plan of the soum;
- 9.4.2. Select through bidding the economic entities and organizations to carry out waste land-filling activities in accordance with the regulation approved by the State administrative central body in charge of environmental matters, and
- 9.4.3. Select individuals, economic entities and organizations to engage in waste collection and transportation, enter into agreements in accordance with the approved form and finance their activities conducted and services rendered under agreement by taking into account performance of their contractual obligations;
- 9.4.4. Approve the methods of land-filling of waste produced by individuals residing in the areas other than cities, towns, villages or other non-urban areas;
- 9.4.5. Organize cleansing of land designated for public use;
- 9.4.6. Monitor the implementation of legislation on waste;
- 9.4.7. Such other powers as conferred by law.

9.5. District Governors shall exercise the following powers:

- 9.5.1. Define the locations of temporary waste storage sites;
- 9.5.2. Select economic entities and organizations to engage in waste collection and transportation, enter into agreements with them in accordance with the approved form and finance such economic entities and organizations by taking into account the performance of their contractual obligations;
- 9.5.3. Organize cleansing of land designated for public use;
- 9.5.4. Monitor the implementation of legislation on waste, and
- 9.5.5. Such other powers as conferred by law

9.6. Bag and khoroo Governors shall exercise the following powers:

- 9.6.1. Involve individuals in public waste cleansing activities in their respective territory;
- 9.6.2. Ensure the proper payment of waste fees;
- 9.6.3. Ensure that individuals and legal entities dispose their waste at designated waste disposal sites, and
- 9.6.4. Define the location of temporary waste storage sites to be used by group of households and economic entities and organizations that reside or are located in remote areas.

Article 10. Common Rights and Responsibilities of Individuals, Economic Entities and Organizations

10.1 Individuals shall have following rights and responsibilities;

- 10.1.1 Report to the state and local administrative bodies the produced hazardous waste and its sources;
- 10.1.2 Timely pay waste fees in the amount as set forth in law;
- 10.1.3 Not to dispose waste in places other than designated waste disposal sites;
- 10.1.4 Sort and dispose the produced waste at temporary waste storage sites;
- 10.1.5 Exercise public control pursuant to the procedure prescribed by this law and demand relevant authorities to impose liability on persons who breach legislation on waste; and
- 10.1.6 Other rights and responsibilities as provided in law.

10.2 Economic entities and organizations shall have the following rights and responsibilities:

- 10.2.1 Classify waste depending on the type of own production or services and discharge the sorted waste at designated temporary waste storage sites; correctly report to the state and local administrative bodies the industrial waste generated from their activities;
 - 10.2.2 Observe relevant rules, procedures and standards on waste;
 - 10.2.3 Timely pay waste fees in the due amount;
 - 10.2.4 Receive technical assistance and advice on waste management from specialized institutions;
 - 10.2.5 Provide relevant knowledge to their staff on waste sorting and comply with safety standards in their operation;
 - 10.2.6 Enter into contracts with individuals, economic entities and organizations holding permit for collection and transportation of waste and ensure the performance of contractual obligations, and
 - 10.2.7 Such other rights and responsibilities as provided in law.
- 10.3 Individuals, economic entities and organizations shall be obliged to participate in the public waste cleansing activities.
- 10.4 Individuals, economic entities and organizations when constructing, dismantling or repairing buildings in their ownership or possession, shall in advance enter into agreements for collection and transportation of waste and pay relevant fees transfer the waste to be produced to individuals, economic entities or organizations holding permit for collection, transportation and land-filling of waste.
- 10.5 Individuals, economic entities or organizations shall be prohibited from engaging in waste collection, transportation and land filling business without a proper permit.

CHAPTER THREE

WASTE DISPOSAL, COLLECTION, TRANSPORTATION, LAND FILLING AND RE-UTILIZATION

Article 11. Waste Disposal and Land filling

- 11.1 Individuals, economic entities and organizations residing in cities, villages and other urban areas shall dispose their waste in the following procedures:
- 11.1.1 Residents living in apartments with special waste disposal facility shall dispose their waste in such facility;
 - 11.1.2 Individuals living in ger Representatives and housing without special waste disposal facility and economic entities and organizations other than those specified in 11.3 of this law shall dispose their waste in temporary waste disposal sites defined by soum or district governors at specified times.
- 11.2 Individuals residing in rural areas or areas other than urban areas shall landfill their household waste in methods approved by soum governor.
- 11.3 Economic entities and organizations engaged in industrial activities that produce significant amount of special category waste shall landfill the industrial waste in special waste land-filling facility that meets the prescribed standards and requirements.
- 11.4 The Government shall approve the list of industrial activities referred to in 11.3 of this Law.
- 11.5 Individuals, economic entities and organizations holding over-sized and/or heavy waste that is not possible to be disposed in temporary waste disposal sites may transfer the waste under agreements to individuals, economic entities and organizations holding waste land-filling permit.

Article 12. Waste Collection and Transportation

- 12.1 Capital city and soum Governors shall ensure that waste collection and/ or transportation activities are handled by individuals, economic entities or organizations selected through bidding procedure and who have entered into agreement for waste collection and/or transportation. The following requirements shall apply to waste collection and transportation

12.2.1 Waste shall be collected through established routes and transported to centralized waste disposal sites;

12.2.2 Waste shall be transported in specially equipped vehicles which meet the technical conditions and safety requirements; and

12.2.3 Other requirements provided in the legislation and agreement.

12.3 Capital city and soum Governors shall define the routes for waste transportation.

12.4 Individuals, economic entities and organizations engaged in waste collection and transportation shall cooperate with individuals, economic entities and organizations holding permit for waste landfill under agreements. Soum and district Governors shall monitor the performance of such agreements.

Article 13. Waste Land-fill

13.1 Specialized organizations, businesses entities and individuals with relevant permit shall carry out waste landfill at centralized waste disposal sites.

13.2 Individual, economic entities or organizations to be engaged in waste landfill shall enter into agreement with soum or district Governors.

13.3 Economic entities and organizations specified in 11.3 of this Law shall landfill their waste at specified places under the supervision of specialized organizations. Member of the government in charge of environment shall determine technological requirements for waste land filling.

13.4 The state administrative central body in charge of environment shall determine the maximum capacity of centralized waste disposal sites, temporary waste storage sites, and designated waste landfill facilities of the economic entities and organizations specified in 11.3 of this Law.

Article 14. Re-Using of Waste

14.1 Individuals, economic entities and organizations engaged in waste landfill shall be entitled to use the waste disposed at temporary and centralized waste disposal sites.

14.2 Government shall decide the matters of granting permit for using hazardous waste.

Article 15. Prohibited Areas for Establishing Centralized Waste Disposal Sites

15.1 It shall be prohibited to establish centralized waste disposal sites in urban settlement areas, water sanitary and protection zones, mining areas, areas where mineral reserves are defined and areas which are prohibited by other legislation.

Article 16. Additional Requirements for Collection, Transportation and Landfill of Hazardous Waste

16.1 Members of Government in charge of the health, science and environment matters shall jointly approve the classification and levels of hazardous waste by taking into account the level of hazardous impact of the waste on environment and human health.

16.2 The Government shall approve the procedure on issuing passport for hazardous waste.

16.3 The Government shall define the requirements for collection, transportation and landfill of hazardous waste.

16.4 Relationships related to cross-boundary transportation, importation and exportation of hazardous waste shall be governed by a separate law.

CHAPTER FOUR WASTE INFORMATION DATABASE

Article 17. Consolidated Waste Information Database

17.1 The Capital city, aimags, soums and district shall have waste information database.

- 17.2 Individuals, economic entities and organization possessing waste shall prepare and furnish report on the waste under their possession to the Governor of bagh or khoroo respectively within the specified periods.
- 17.3 Member of Government in charge of environmental matters shall approve procedure for establishing the database specified in 17.1 of this law and on providing information to public from the database.

CHAPTER FIVE ECONOMICAL MANAGEMENT OF WASTE

Article 18. Basic Principles of Economical Waste Management

- 18.1 The following basic principles shall be observed in economical waste management:
 - 18.1.1 Reducing and re-using of waste;
 - 18.1.2 Payment of fees in case of producing waste;
 - 18.1.3 Providing economic incentives to those who participate in the collection, transportation, storage and land-filling of waste.
 - 18.1.4 Payment of fees for non-reclaimable imported materials, goods and waste shall be regulated by separate law.

Article 19. Programs for Improving Economical Management of Waste

- 19.1 To plan waste reduction, re-using and land-fill activities in line with the perspectives of public health and environment and the level of social and economic development of the given territory, the state administrative and local self-governing bodies shall
 - develop the state, regional and local development programs for improving the collection, transportation, storage and land-filling of waste.

Article 20. Fees for Producing Waste

- 20.1 Economic entities, organizations and individuals shall pay fees for producing waste.
- 20.2 Aimag and Capital city Khurals of Citizens' Representatives shall approve the rates of waste fees to be applied in their respective territories in accordance with the methods approved by the Government.
- 20.3 Revenue from waste fees shall be accumulated in the waste service fund of the Capital city and soums.

Article 21. Waste Service Fund

- 21.1 Capital city and soum Governors shall establish and operate a waste service fund. The purpose of the fund shall be to finance waste collection, transportation and land-filling activities.
- 21.2 Revenue accumulated in the waste service fund shall form a part of the Capital city or soum budget and the budget management procedures shall equally apply to the planning, financing, controlling of and preparing expenditure report on the waste service fund.
- 21.3 Revenue of Waste Service Fund shall consist of the following sources:
 - 21.3.1 Waste fees;
 - 21.3.2 Loans, aid and donations;
 - 21.3.3 Local budget fund allocated for collection, transportation and landfill of waste from public use land;
 - 21.3.4 Other revenues.
- 21.4 The funds of the Waste Service Fund shall be spent for the following purposes:
 - 21.4.1 Collection, transportation and land filling of waste;
 - 21.4.2 Support of activities for reducing waste;

- 21.4.3 Rehabilitation of central waste disposal sites; and
- 21.4.4 Provision of information to and training of population and raising public awareness.

CHAPTER SIX

MONITORING IMPLEMENTATION OF LEGISLATION ON WASTE AND LIABILITY FOR THE BREACHES OF LEGISLATION

Article 22. Monitoring Implementation of the Legislation on Waste

- 22.1 Authorized specialized inspection agency and governors of all levels shall exercise monitoring of the implementation of the legislation on waste.
- 22.2 Soum, district, bagh and khoroo Governors may employ public inspectors in their respective territory to oversee the fulfillment of administrative duties as set forth in the legislation on waste. Matters concerning employment of and providing monetary incentives to public inspectors shall be governed by Articles 12 and 13 of the Crime Prevention Law.
- 22.3 The state administrative central body in charge of specialized inspection matters shall suspend the operation of any waste facility and have damages caused paid by any person responsible, if the location where the waste disposal facility is situated is not included in the city and land management plans, or if waste land filling technology or activity is hazardous to environment and/or human health or does not comply with law.
- 22.4 State inspectors or Governors of soums, district, baghs and khoros shall impose the following administrative sanctions for the breaches of the legislation on waste unless the person responsible is subject to criminal liability:
 - 22.4.1 For disposing waste in non-designated places a fine of 1,000-15,000 tugriks on an individual and 150,000-200,000 tugriks on a economic entity with compensation of the damage caused;
 - 22.4.2 For breach of 14.1 of this Law, a fine of 30,000-50,000 tugriks on an individual and 150,000-250,000 tugriks on a economic entity; and
 - 22.4.3 For disposal of plastic bags, chewing gum and cigarettes not in designated waste storage sites and/or public places a fine of 1,000-10,000 tugriks on an individual.

Article 23. Entry into Force

- 23.1 This Law shall come in force on the 1 July 2004.

J. Byambadorj

VICE CHAIRMAN OF THE PARLIAMENT