# New Regulation of Sanitary Protection Zones

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Regulation of sanitary protection zones (SPZ) in Russia has always been imperfect and obscure. Definition of SPZ, its regime, classifications and regulatory limits are settled in sanitary and epidemiological rules[1] (SanPiN).

More technical than regulative act by its nature, SanPiN did not provide adequate regulation of a number of important issues. Procedure for approval of SPZ was not clear: some objects required approval, for the others the SPZ existed just by nature of law ("indicative SPZ"). Further example of flawed regulation is that SPZ decrease was possible only upon consent of the hazardous object's owner.

On March 15, 2018, a new Government Regulation No. 222 "On Approval of Rules of Allocation of Sanitary Protection Zones and Use of Land Plots within the Boundaries of Sanitary Protection Zones"[2] came into force. It covered several issues that were disputable in the past.

## 1. WHAT IS SANITARY PROTECTION ZONE?

Sanitary protection zones are set forth for operating (existing) and planned (future) capital construction facilities, which have chemical, physical, biological influence on human and natural environment (**"hazardous objects"**). SPZ is approved by Federal Service for Consumer Rights Protection and Human Welfare (*Rospotrebnadzor*).

**Approval of the SPZ implies restrictions** on certain use of land. It is forbidden to use the land plot (or parts of it) situated within the borders of sanitary protection zone for the following purposes:

- Construction of residential real estate, educational and health facilities, open-air sports facilities, children recreation organizations, gardening and recreation zones;
- Manufacturing and storage of pharmaceuticals, food, drinking water, agricultural production etc., if the quality of such products is threatened by chemical, physical, biological influence of the hazardous object.

## 2. CHANGE OF SPZ: NO PRIOR CONSENT OF THE OWNER

Previously, any changes to the SPZ on the initiative of third parties (neighbors, state bodies, individuals etc.) could not be introduced without the owner's consent. New Regulation provides that any persons or state authorities have right to make measurements of the air around the perimeter

of hazardous object and **file an application on approval of withdrawal of SPZ or change (decrease) of its borders**. No consent of the owner of the hazardous object is required.

> **Any person can initiate changes (decrease or withdrawal of SPZ) behind the owner's back.**

The new Regulation also provides that the owners of neighboring land plots or immovable property that falls within the borders of SPZ have right for **compensation** of damages arising from allocation of SPZ on their property.

## 3. APPROVAL OF SANITARY PROTECTION ZONE

Developers of any planned industrial facility should get an approval of the SPZ **30 days prior to application for construction permit**. New Regulation provides permanent cooperation between the *Rospotrebnazor* and authorities responsible for construction permits.

Application for allocation, change or withdrawal of SPZ shall be processed within **15 working days**. Application forms are to be announced by the *Rospotrebnadzor*.

> **Sanitary protection zones will be registered in the State Real Estate Register.**

The same authority should send a copy of SPZ approval to the State Real Estate Register. According to new Regulation, SPZ shall start to exist and **from the date of record** in the State Real Estate Register (*EGRN*): only after this moment shall the SPZ be mandatory for third parties. This provision significantly changes previous regulation: SPZ has never been recorded in *EGRN*.

## 4. TRANSITIONAL PROVISIONS

Owners of **existing industrial facilities**, for which SPZ has not been approved, and developers, who have **already received the construction permit** also must approve the sanitary protection zone.

The deadline for such applications is 1 (one) year: SPZ should be recorded in EGRN before **15 March, 2019**. Existing hazardous objects additionally have to **make measurements of the air** around the perimeter of hazardous object.

## 5. LAND TAX

It is important to note that before its cancellation on 01 January 2006 land tax was levied on SPZ. Amendments in 2018 on SPZs could be a first step towards reviving the tax on SPZs. It should be

easier for the government to collect such tax, because according to new provisions all SPZs must be registered in the State Real Estate Register. The factories should consider this risk when they decide on the size of the SPZ.

However, these are only speculative assumptions: no official plans have been announced so far.

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[1] Resolution of the Chief State Sanitary Inspector of the Russian Federation dated 25.09.2007 No. 74 «On the Implementation of the New Edition of Health and Hygiene Rules and Standards of the SanPiN 2.2.1/2.1.1.1200-03 "Sanitary protection zones and sanitary classification of the industrial facilities, constructions and other objects"» (Registered in the Ministry of Justice of the Russian Federation 1/25/2008 No. 10995).

[2] Regulation of Government of the Russian Federation dated 03.03.2018 No. 222 «On Approval of Rules of Allocation of Sanitary Protection Zones and Use of Land Plots within the Boundaries of Sanitary Protection Zones».