

REGULATION OF POLLUTANT EMISSIONS INTO WATER BODIES IN THE CONTEXT OF THE INTEGRATED PERMIT

Uberman V. I.¹, Vaskovets L. A.²

¹ NRE "Ukrainian Scientific and Research Institute of Environmental Problems",
Kharkiv, ² NTU "Kharkiv Polytechnic Institute", *Kharkiv*

This paper compares and investigates the legislative, regulatory and methodic requirements for the system of regulation of pollutants discharged into water bodies of Ukraine in connection with the "Concept of implementation of state policy in the field of industrial pollution" (approved by the Cabinet of Ministers' of Ukraine of May 22, 2019 No. 402-p), in particular, of its stage 1 in the part of the integrated permit for economic entities. On the way of harmonization of the national legislation of Ukraine on environmental protection with the legislation of the EU in the field of industrial pollution and implementation of the requirements of Directive 2010/75 / EC on industrial pollution (Integrated prevention and control of pollution), was proposed a draft Law of Ukraine «On prevention, reduction and control of industrial pollution »(PCCCP), considered by the Government on 02/19/2020. Two important environmental and legal instruments of this draft law are the "integrated permit" (IP) and the "conclusions of the best available management technologies and methods" (CBATM). This law is envisaged that the IP on water protection and its use for most industries and major pollutants replaces (through meaningful inclusion) the Permit for Special Water Use (SWUP), by which is now regulates pollutant discharges (PD). Therefore, normative regulation of the emission reductions within frames of the IP will be regulated by setting "emission limits" (EL), and there simultaneously may exist of two specified permits for different enterprises at the same time: i.e. IP and SWUP. In the latter, the regulation is carried out by the Maximum Permissible Discharges (MPD). The preliminary discrepancies between the Water Code of Ukraine (WCU) and the PRCIP, and the problems of the latter, are revealed when comparing the environmental and legal similarity (or difference) of the EL and MPD standards. Some of these are as followings.

1. Discrepancy between the main legal concepts such as: MPD and EL; pollution / pollutant (in WCU) and pollution (in PRCIP); environmental norms (in the WCU and PRCIP).
2. Difference between engineering and environmental principles, laid down in the definitions of MPDs according to WCU and GVD according to the PRCIP, as conditions in the permit for the discharge / emission of PD.
3. Optionality (indentation) allowed by the PRCIP for normative values of the ELV based on the information given in the CBATM, and uncertainty in the indentation.
4. The evaluative nature of such terms in the PRCIP text: "significant volumes" of the PDs, which are released from the installations and for which the EL standards are set; "disproportionate cost compared to environmental benefits" and the like; the ambiguity of the concepts of "other standards" and "additional standards" for the EL.
5. Particular attention it is needs to the lack of clarity and the incomplete definition in the PRCIP of the concept of "best available techniques and methods".