

GKP KOKTEM

# **Aktau Waste Management Project**

Stakeholders Engagement Plan

October 2011

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## List of abbreviations

CHP	Combined heat-power plant
GKP	State municipal enterprise
ESAP	Environmental and social action plan
ESMP	Environmental and social monitoring plan
EBRD	European Bank for Reconstruction and Development
EC	European Commission
EHS	Environmental and occupational health and safety
EIA	environmental impact assessment
EU	European Union
FS	Feasibility Study
GHG	Greenhouse gases
MBT	Mechanical – biological treatment plant
MSW	municipal solid wastes
OHS	occupational health and safety
OVOS	National environmental impact assessment
PE	Project Engineer
PIU	project implementation unit
PMC	Project management consultant
PR	Project requirement
RK	Republic of Kazakhstan
SanPiN	Sanitary norms
SEP	Stakeholders engagement plan
SNiP	Construction codes
SWM	Solid waste management
ToR	Terms of Reference
WWTP	wastewater treatment plant

## **Stakeholders Engagement Plan**

### **1. Introduction and scope of the document**

The European Bank for Reconstruction and Development (the “EBRD” or the “Bank”) is considering entering into a loan agreement to finance the modernization of the waste management system in the City of Aktau (the “City”).

Proceeds from the loan will be used primarily for introduction of a waste sorting and recycling systems as well as safe disposal of municipal waste (the “Project”). Since the current management team of GKP “Koktem” (the Company) does not have a required level of competence to take an informed based decision, the Bank has decided to assist the Company through involvement of international consultants with adequate competence and expertise to prepare a Feasibility Study on the Project. The Feasibility Study will enable the Company to select the best available technology for waste management system modernization.

The overall objective of the assignment is to identify, justify and define actions and investments, which would improve the waste management quality in Aktau.

This Stakeholders Engagement Plan (SEP) is a part of Environmental and Social Due Diligence. Though the SWM system in Aktau was already described while pre-feasibility study, a SEP is developed for the first time. The purpose of the SEP is to clearly communicate to all interested parties the stakeholders’ engagement program which is to be implemented by the Enterprise throughout the entire project cycle. In addition to providing clear and understandable information to all parties interested in the Project, project activities and its potential impacts, the objective of the SEP is to provide an opportunity to all stakeholders to express their opinions or concerns, and accordingly enable the Enterprise to take into account and timely respond to such requests. The SEP also defines a grievance mechanism which will be used throughout the entire project cycle.

This SEP was developed in compliance with the PRs for A level projects, providing information on identified key stakeholders, how communication with the identified stakeholders will be handled throughout project preparation and implementation, including the type of grievance procedure. The SEP covers both the FS development stage and the project implementation stage after the loan agreement is signed.

The report also includes a grievance mechanism for public to raise any concerns or request environmental/social data relevant to the project.

This Plan can have extended application and can be used by wide public as a guideline for access to environmental and social information on the current project as well as in general in this region if properly distributed and explained.

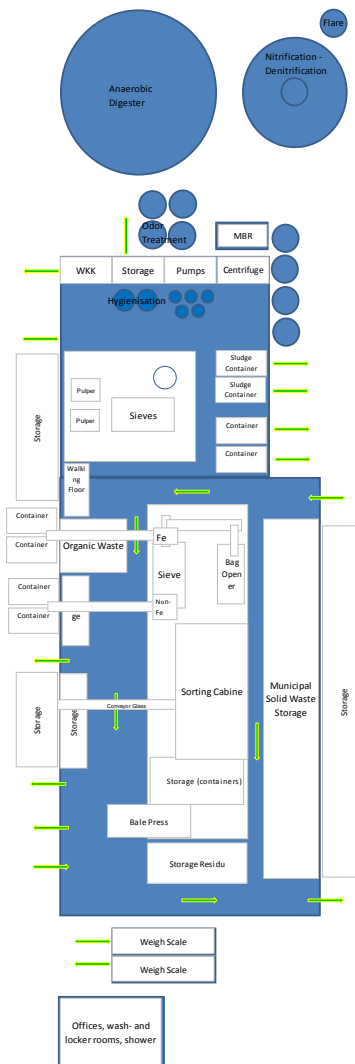
### **2. Summary of the Project**

The proposed project aims at improvement of environmental situation and living conditions in the city of Aktau. The priority investment programme (“PIP”) includes the following components:

- Waste management system improvement
- Institutional development
- Construction of a waste sorting facility
- Construction of energy recovery facilities (anaerobic digestion and CHP facility)
- Construction of a new landfill

Waste sorting facility and anaerobic digestion facility together are addressed as mechanical-biological treatment (MBT) facility.

The layout of the MBT facilities is presented at the figure below.



**Figure 1. MBT facilities layout**

### *Waste sorting facility*

It is planned to establish a waste sorting facility with manual and automatic sorting and facilities to prepare the organic fraction for further anaerobic digestion. Considering compositions of the waste stream in Aktau, the following technology is proposed:

- Initial visual control of the incoming waste, removal of bulky wastes, unloading of the wastes to the conveyor belt with the loading grapple;
- Bag opener
- Separation of the waste stream to the three fractions (below 80 mm, 80 to 300 mm and more than 300 mm)
- Transportation of the “lower” fraction to the digester
- Transportation of the “medium” fraction to the manual sorting through air classifiers or suction devices for removal of film plastics and non-ferrous metals removal
- Transportation of the “medium” fraction to the manual sorting
- Magnetic removal of ferrous metals
- Manual sorting and recuperation of recoverable materials (plastics, glass bottles, cardboard, Wood, ...) from the mid and large sized fractions at the finger screen
- Baling of products like plastic film, paper & cardboard, plastic bottles
- Transportation of “tails” to the landfill for disposal

### ***Anaerobic Digestion and Biogas CHP Plant***

The project includes organic waste handling, anaerobic digestion process, mechanical treatment, odour treatment, wastewater treatment and, automation and instrumentation, etc.

The key features of the wet anaerobic organic waste treatment technology are:

- High gas yield
- High loading capacity
- Low sludge production
- Simple and stable operation
- High performance stone & dirt removal
- Fully automatic process control program to keep track of all important process data.

### ***Composting***

The digestate, after dehydration, is to be composted in a windrow composting system. Since we introduced an elaborate pre-treatment of the organic fraction to remove the bulk of contaminants, we expect an excellent quality of the digestate.

The composting area is designed to compost 15.000 TPY of Solid Digestate. The digestate is mixed with organic material with a certain structure to allow oxygen into the compost. This can be garden waste (shredded branches), wood chips, bark.

### ***Landfill***

As described in the chapter on existing SWM facilities, the land for new landfill is allocated in the Munailinski district not far from the Bayandy settlement. However after the review of the existing FS on this landfill, the conclusion on use of

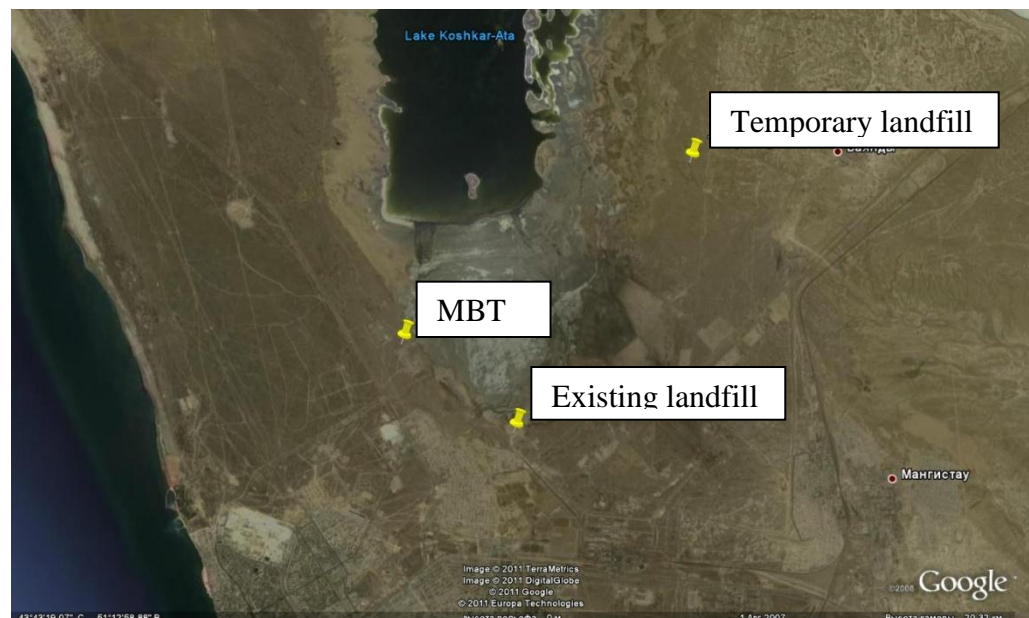
outdated technologies was made. It is therefore proposed to apply the “industrial symbiosis” approach and locate the MBT facility, the WWTP-2 and the new modern landfill at the same production site to achieve most efficient use of land, biogas, and to improve logistics.

To comply with the EU Landfill Directive 1999/31/EC the new landfill shall be equipped with:

- Insulation layer
- Conditions for daily cover of wastes
- Landfill gas collection system
- Landfill gas registration system
- Early provisions for closure and after-use life
- Options for compaction of waste onsite or for bailed waste acceptance
- Leachate monitoring, collection and treatment system
- Proper guarding of the territory

Besides economic benefits and meeting needs of the growing city in high quality municipal services, the recommended projects have notable potential for improvement of environmental situation in the city and the surrounding as well as mitigation of existing occupational and public safety risks.

Location of the described facilities is presented on the figure below.



**Figure 2. Location of the main waste treatment and disposal facilities**

### **3. Environmental and Social effects of the project**

The Project is expected to have significant social effect due to improved sanitary situation in the city in general and to create additional work places for specialists of different qualification level. In particular this includes:

### ***Increased efficiency of resources use***

Introduction of waste sorting facility into the solid waste management system will allow extensive recovery of valuable fractions from the municipal solid waste stream which was previously sent to landfill. This measure provides the basic step towards enhanced waste management system in the city and can be elaborated further.

### ***Reduction of waste volume sent to the landfill***

Volume of waste sent for final disposal will decrease by 50-55%. This is in line with the national legislation (Environmental code) and the EU waste management framework directive.

### ***Steeply decreased volumes of biodegradable waste disposal at landfill***

Most of the biodegradable waste fraction will now be sent to the anaerobic digestion. This benefit will, in its turn, result in a number of secondary benefits including:

- Decreased risks of leachate formation at the landfill meaning significantly lower risks for soil and underground water pollution
- Better sanitary situation at the landfill and improved working conditions
- Elimination of odour at the landfill
- Significantly lower risk of fires at the landfill which means improved safety for workers, mitigation of nuisance for population and mitigation of excessive air emissions risks;
- In general the waste disposed at the landfill will be of a more inert nature than previously

### ***Energy consumption and Green energy production***

Further, one of the essential environmental benefits is energy recovery from the organic waste stream and generation of green electricity and heat energy from biogas. This energy will be used for technological processes at the waste management complex; it is therefore close to self-supporting system with minimum consumption of resources from the outside. Collection and utilization of biogas will also result in reduction of uncontrolled air emissions of the so called “landfill gas” (mixture of carbon dioxide and methane) by 90-95%.

### ***Environmentally friendly handling of WWTP sludge***

Integration of the Waste management facility with the WWTP-2 allows elimination of environmental impact and risks associated with the WWTP sludge which is one of the main impact sources in the wastewater treatment process. Those impacts and risks involve pollution of soil, odour, bacterial contamination, non-productive use of land. 40 000 TPY of sludge will be isolated from environment through transfer to the bioreactor. Energy potential containing in this sludge will be utilised for green electricity.



### ***GHG emissions reduction***

GHG emissions reduction is achieved through separation of biodegradable waste separation and processing in the anaerobic digestion process with collection and further use of all volume of recoverable biogas. If the landfill will be situated on the same production site, biogas produced by the waste disposed will be also collected and used in CHP for energy production. This means that all emissions of the landfill gas (consisting of CO<sub>2</sub> and methane which are both GHG gases) will be diverted from the atmosphere to the energy production cycle. GHG emissions for the WWTP sludge will be also avoided. Calculation of the GHG emission reduction indicated that annual GHG emissions avoided as a result of the PIP implementation will be around 60 000 t CO<sub>2</sub>-eq per year after the facility starts to operate at full capacity.

### ***Improvement of working conditions of staff involved in waste management***

While design of the new facilities (MBT facility, new landfill) the best practice for workplaces arrangement and OHS measures will be considered.

### ***Options for closed cycle of water use at the Waste processing Complex***

Close location of the waste and wastewater treatment facilities allows that discharges of waste water from MBT and landfill will be avoided since it can be directed to the nearby WWTP (after pre-treatment or directly).

### ***Improved monitoring system***

Monitoring is one of the core functions within environmental and social management. The extensive monitoring of waste management activities and related environmental and social impacts as recommended in the Environmental and Social Monitoring Plan will be the necessary part of the project implementation and future facilities operation. Results of the monitoring will be open to public.

### ***Better living conditions in the city***

Overall improvement of the living conditions in the city of Aktau will be mainly the result of the waste collection system improvement. This includes elimination of the city area littering, lower emissions from the waste picking vehicles, timely collection of waste, better awareness of people in waste disposal rules.

### ***Improved public awareness***

As it was already mentioned, consumers' awareness is among the main factors needed for the source separation system introduction as well as for due use of any waste collection facilities. This project involves wide-scale public consultations starting from early stage of works. NGOs, small and medium business representatives, authorities involved into the SWM, numerous mass media are informed on the main ideas and technical solutions best fitting Aktau. The awareness programme allows to achieve common understanding of the new waste management system setup and rules of its use, prepare consumers and authorities to the nearest changes, explain the ways and milestones in services improvement, explain future tariffs and importance of payments for sanitary situation and living conditions in Aktau, avoid risks for collection system staff and population.

### ***New workplaces for different social groups***

The new SWM system after the project completion will provide about 40 new work places at the MBT facility for workers of different educational level, for both men and women. This includes employment opportunities for marginal population groups including those of the Baskudyk settlement who already has gained some experience in waste sorting at the landfill which is under closure now. But these new workplaces will be safe, regularly paid and will provide all guarantees in accordance with all national labour norms.

### ***Learning effect of the pilot project***

This is the pilot project in waste sorting and green energy recovery from waste for Kazakhstan. At the same time the national environmental legislation requires wide introduction of waste minimisation and recycling activities, biogas recovery and green energy. It is therefore expected to have significant learning effect for future modernisation of waste management practices all over Kazakhstan. Due monitoring and registration of milestones is therefore a vitally important part of the project.

It is therefore obvious, that the priority investment programme will have a positive environmental impact from the viewpoint of optimal use of resources, energy, higher efficiency solid wastes collection, occupational health and safety. However due implementation of the project needs careful planning, environmental assessment and precautionary measures as well as extensive dialog with the stakeholders. This includes elaborated permitting procedures which are a necessary part of the environmentally and socially important projects which may imply potential risks if not properly managed.

Still during design and implementation of the project physical components special attention should be paid to foreseeing/assessment and mitigation of certain negative impacts and risks which may arise from the construction works.

### ***Summary of environmental impacts and risks resulting from PIP***

***At the operation stage*** only minor impacts are expected: the new facilities will need electricity (less than the CHP will generate), will produce some air emissions and wastewater. If compared to the baseline scenario, those impacts will be well offset by the environmental benefits.

The mitigating measures will be proposed taking into account the relevant local laws and regulations, as well as the best national and international expertise. Participation of international consultants during the design, tendering and construction supervision will facilitate for successful implementation of the project in line with the best international practice.

Some specific impacts are associated with the ***construction stage***. The construction works will be located at the new facility production site which is well remote from the residential areas and places of public presence. Most of those impacts will be similar to the short-term negative impacts typical for any kind of civil construction and earthmoving works. These impacts could include minor traffic disturbances, pollution of air with dust and emissions from vehicles, soil run-off and sedimentation, noise, odour and light nuisance, additional waste

generation. However due precautions to ensure safety of workers as well as measures to prevent accidental entering of the construction site by dwellers will be foreseen; the construction sites which are fenced and guarded.

## 4. Regulatory framework

### *International legislation*

The issues of public access to environmental information have been reflected in a number of international ecological conventions that the Republic of Kazakhstan has ratified. The most important one is the **Convention of the UN European Commission on the Access to Environmental Information and Public Participation in Environmental Decision Making** (hereinafter referred to as the **Aarhus Convention**). Kazakhstan ratified this international legal document in 2000. The Convention sets strict requirements to the public authorities' and officials' handling of public requests relating to environmental information; those requirements must be complied with in Kazakhstan. Not all of the regulations and provisions of the Aarhus Convention have been directly reflected in the national legislation of the Republic of Kazakhstan. However, it is important to remember that, according to Article 4.3 of the Constitution of the Republic of Kazakhstan, the provisions of international agreements that have been ratified by the Republic of Kazakhstan have a priority force over the provisions of national legislation.

They apply directly except for cases when an international agreement states that, in order for its provisions to apply, a law must be enacted.

It should be remembered that compared to the Environmental Code of RK, the EBRD information disclosure policy sets more precise requirements with respect to the openness of the information, and primarily the information that relates to the decision making in administrative, management and business activities, and to the economic analysis and calculations that are used for substantiating such decisions. In particular, this relates to feasibility studies of projects of construction and re-construction of industrial facilities undergoing the state environmental expert examination and environmental impact assessment.

It is highly recommended to communicate the general information on rights and opportunities concerning access to the environmental information under supervision of local and regional authorities. This requirement is met by the current SEP.

### *EBRD requirements*

The EBRD sets its requirements on information disclosure and stakeholder engagement in the following documents:

- EBRD Environmental and Social Policy (2008); and
- EBRD Public Information Policy (2008).

The EBRD Board of Directors approved Environmental and Social Policy and Performance Requirements on 12 May 2008. This policy entered into force six months after its adoption and supersedes the EBRD's 2003 Environmental Policy for the projects receiving initial approval after the entry into force of the Environmental and Social Policy.

The EBRD expects clients to identify and interact with their stakeholders on an ongoing basis, and to engage with potentially affected communities through disclosure of information, consultation, and informed participation in a manner deemed by the Bank to be commensurate to the impacts associated with the project. Such stakeholder interaction should be consistent with the spirit, purpose and ultimate goals of the United Nations Economic Commission for Europe (UNECE) Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (*Aarhus Convention*), the EU Environmental Impact Assessment Directive and, for projects with the potential to have significant environmental impact across international boundaries, the UNECE Convention on Environmental Impact Assessment in a Transboundary Context (*Espoo Convention*), regardless of the status of ratification.

The EBRD Environmental and Social Policy covers the environmental and social dimensions of sustainable development. EBRD considers stakeholder engagement as an essential part of good business practices and corporate citizenship, and a way of improving the quality of projects. In particular, effective community engagement is central to the successful management of risks and impacts on communities affected by projects, as well as central to achieving enhanced community benefits.

According to the Policy, stakeholder engagement is an ongoing process involving:

- (i) The client's public disclosure of appropriate information so as to enable meaningful consultation with stakeholders
  - (ii) Meaningful consultation with potentially affected parties
  - (iii) A procedure or policy by which people can make comments or complaints.
- This process should begin at the earliest stage of project planning and continue throughout the life of the project.

The above described process should begin at the earliest stage of project planning and continue throughout the life of the project.

Development of the current Plan is the essential part of the Feasibility study process ensuring compliance with the PR1 and 10. In order to achieve compliance, the following measures were implemented:

1. Measures to achieve compliance with the Aarhus convention requirements and the national legislation (as required by para.1 of PR10) are described in the current chapter below. The chapter also provides comments on how these two requirements are interconnected and how the Aarhus convention is internalized into the national legislation. It is also highlighted, that proper implementation of the national legislation on social and environmental information access and specific measures developed specifically for this FS is enough to completely meet the EBRD requirements on transparency and stakeholders' engagement.
2. Identification of people or communities that are or could be affected by the project, (para.7 of PR10) – carried out within the E&S due diligence (see E&S Report) and the current Plan – Table 1 and 2.
3. Identification of people or communities that are or could become interested parties and have any kind of involvement into the project implementation process, including local authorities, supervisory

authorities, general public etc (para.7 of PR10) - carried out within the current Plan – Table 1 and 2.

4. Arrangement of the meaningful consultation process with all stakeholders identified starting from early stages for Category A projects (para.3, 7, 15-16 of PR10) – communication and consultation methods are listed in Table 1 and 2 of the current Plan, schedule for information disclosure is presented in the Annex 1 to the current Plan.
5. Grievance procedure (including procedure for information requests) – para.11 of PR10 – is described in Chapter 6 of the present SEP; additional contacts for requests and grievances on specific issues are provided in Table 1 with guidance on types of information which can be obtained from the corresponding source as well as all available methods to access this information.

EBRD Public Information was published in September 2008. The Public Information Policy (PIP) sets out how the EBRD discloses information and consults with its stakeholders so as to promote better awareness and understanding of its strategies, policies and operations. Hence, this policy mainly defines the EBRD's responsibilities regarding information disclosure.

Article 3.4.1 of the PIP states that the Bank will make available Environmental and Social Impact Assessments on "Category A" projects in its Business Information Centre in London and in the relevant EBRD Resident Office at least 60 days prior to consideration of the project by the Board of Directors for private sector projects. Notification of the documents' availability will be posted on the EBRD web site.

### *National legislation*

The basis of the rules for access to environmental and social information on the Republic of Kazakhstan are defined by the following legislative acts:

- In the **Concept for Ecological Security** for 2004-2015 approved by a Presidential Decree No. 1241 of December 3, 2004, the public access to environmental information and public participation in the resolution of ecological problems is determined as one of the basic principles of ecological security. This strategic document states that the public authorities must ensure the public has necessary access to environmental information, and should carry out measures to improve the quality, timeliness and relevancy of such information.
- The **Environmental Code of RK** (Article 21) defines what is included into the "environmental information" and rules for its disclosure, while Article 15 defines rights of general public in access to information on operation of state supervisory authorities responsible for environmental safety.

The Law of the Republic of Kazakhstan 12 January 2007 "On the Procedure for Handling Inquiries from the Citizens" defining main procedures on how the organization which has received information request from public shall respond  
*National Rules for environmental and social information disclosure*

These rules are specifically designed to bridge the gap between the national legislation (or practice of its implementation) and the EBRD requirements. Therefore the first part of each sub-chapter describes national rules and how they are normally implemented; the second part proposes improvements, if needed.

Article 163 of the Environmental Code determines that environmental information must be open and transparent, and be published in the mass media. However, in real life only a minor part of such information becomes publicly available. Most of environmental information is still available only through placing a request with public authorities and other organizations.

The national legislation states that any legal entity or person has the right of access to the environmental and social information. It does not contain any limitations to persons or legal entities submitting such requests. In other words, any information request on the project will be processed by the responsible party.

The Environmental Code of Kazakhstan sets forth the obligation of for public authorities, officials and companies providing services to population as per public agreements to provide the public with access to environmental information. Moreover, commercial enterprises are also obliged to provide the public with access to information related to environmental, social, health and safety impacts.

General statutory requirements that apply when filing a request for environmental information are defined in Article 6 of the Law of the Republic of Kazakhstan 12 January 2007 “On the Procedure for Handling Inquiries from the Citizens.”

Under national legislation the applicant is not obliged to state his interest in the requested information. In this case, the principle of “issuing the information to any interested person rather than the interested group of persons” applies, and the applicant does not need to state the reasons for requesting environmental information.

As a general rule, under national legislation the environmental and social information is provided to the public in the form specified by the applicant in the request. In the cases where the request does not specify the form of the answer, according to Article 16.4 of the Law “On Administrative Procedure” the public authorities and officials must give the answer in writing.

At the applicant’s request, he/she should be provided not only the answer to the questions posed but also the copies of relevant documents.

This is highly relevant to the current project.

According to the national legislation, persons and legal entities shall provide environmental information not later than:

- 15 days if the answer does not need involvement of other parties or site visits
- 30 days if involvement of other parties or site visits are required

Access to the environmental information which is part of the state environmental expertise process is provided by the ministry of Environmental protection of RK (designated authority) according to the separate procedure. Public access to these documents is ensured by the Article 57 of the Environmental code of RK.

As a general rule, public authorities, if they do not have the requested information, must inform the public not later than 15 days after receiving the request, because this is the maximum time allowed for handling requests not requiring additional review and check (Article 6 of Decree of the President of the Republic of Kazakhstan having the force of a law “On the Procedure for Handling Inquiries from the Citizens”). If the requested information goes beyond the scope of authority of a public authority the answer must be provided not later than 5 days after receipt.

Rejection of the environmental information access shall be sent to the applicant not later than 1 month upon the request is received. The rejection shall be provided in a written form with substantiation of the reasons for rejection and description of the appealing procedure.

Environmental information may not be categorized as a state secret – this requirements is envisaged by Article 17.1.2 of Law N 349-1 of the Republic of Kazakhstan dated March 15, 1999 “On State Secrets.” Certain types of information held by public authorities and organizations that are related to environmental information may be closed for publication in the mass media and for public access due to the fact that such information is deemed as “For Special Service Use Only.”

Information and data that are not state secrets but that, if disclosed, may cause damage to the economic interests of enterprises and organizations, may be closed for public access by being categorized as a commercial secret.

The requested information may concern the data related to the private lives of the individuals, for example it may concern personal details of the employees of the public authority. In this case, the information is acknowledged as confidential unless the concerned person gives his/her consent for public access to the same.

Under the Environmental Code of RK,

1. access to the environmental information may be charged with sums not exceeding costs of copying, search and preparation of the information;
2. access to the electronic documents included into publicly available rosters compiled by the state authorities is to be provided free of charge.

Under the Kazakhstan legislation, failure to provide, untimely provision, or provision of incomplete or unauthentic environmental information is subject to material, administrative and criminal liability.

The legislation of the Republic of Kazakhstan also provides that the citizens and legal entities have the right to demand compensation of damage and moral damage caused by certain acts (failure to act) of the public authorities with respect to such persons’ and legal entities’ requests for environmental information.

Failure to provide environmental information, provision of incomplete or unauthentic information, or untimely provision of environmental information may be protested at the higher public authority (superior official) or court.

In the event of failure to provide access to environmental information, for the citizens and legal entities of the Republic of Kazakhstan there is a procedure for handling the relevant case at an international channel, the Aarhus Convention Compliance Committee.

This is in compliance with EBRD PR 10.

*Requirements to the design documentation and information disclosure on the planned activities*

As required by the national norms, including the Environmental Code of the RK and the State law on Environmental Expertise, environmental considerations are subject for approval at both pre-design (feasibility study) and design stages. The consultant develops preliminary EIA in the framework of this contract which is to be approved by the national supervisory authorities. This is done with involvement of local experts to be sure that all local environmental features and legislative requirements are duly accounted for.

As stated in Chapter 9 of the national Law #85-1 “On environmental expertise” of 18.03.1997,

1. Initiators of the environmental expertise shall inform on it through mass media. If necessary, the same is done by the authority undertaking the expertise;
2. Supervising authorities performing the expertise shall inform the public on the results of the expertise through mass media or by other means upon request not later than 1 month after completion of the expertise procedure

More information can be found in Annex

***Gaps between National requirements and the EBRD PR10***

As can be seen from the provided information on legal requirements of RK, in most cases due implementation of the national legislation is enough to achieve EBRD PR 10 compliance. Moreover, in some cases, the national legislation is even stricter than the Aarhus convention. This e. g. the obligation of national legislation for some public companies and commercial enterprises to provide the public with access to information related to environmental, social, health and safety impacts. National legislation also provides the basis to meet the EBRD requirement that “*The Information will be disclosed in the local language(s) and in a manner that is accessible and culturally appropriate, taking into account any vulnerable people (for example ethnic groups or displaced persons)*”. While in Kazakhstan the applicant is not obliged to state his interest in the requested information and the principle of “issuing the information to any interested person rather than the interested group of persons” applies, the applicant does not need to state the reasons for requesting environmental information. It is also important to note, that the national legislation provides for acceptance of information requests and grievances in any form, disregarding the format, in this case also the local language.

## **5. Identification of Stakeholders and Communication Programme**

### *Approach*

Consultant together with the Company has identified a list of the project parties which are involved in the project preparation and implementation process and possess environmental and social information. Project stakeholders have been



identified in order to address the consultation requirements. They include persons or groups that are:

- Have certain interests in the project and its activities;
- Have the ability to affect the Project itself and its final outcome.
- Directly and/or indirectly affected by the Project;

Further, all stakeholders were divided into two groups:

- 1) the first group includes mainly the stakeholders of the second type (those who have the ability to affect the Project itself and its final outcome directly<sup>1</sup> or possess some important environmental or social information). Decision making power and possession of information require responsibilities on information disclosure and stakeholders engagement in order to best account for all opinions and needs. These stakeholders are further addressed as Project parties. Their responsibilities are described in the Table 1. For each stakeholder, a role in the project and the list of information availed are defined, contacts are provided. The table provides extended list of data which can be requested from the parties and authorities listed. Therefore it can be used beyond the scope of the project. Responsibility of each party is stated.
- 2) The second group involves stakeholders which might be affected by the project or have some interest in it. Ways for engagement of those groups are described in Table 2. Summary of past engagement activities is represented in Table 3. These involve measures for engagement of vulnerable stakeholder groups are further elaborated in Table 2.

Past stakeholders engagement activities, which were already realised based on the concept developed, are reflected in table 3. It is placed after the Communication Programme to show the first steps of the programme implementation. They were designed and implemented in close collaboration between the Client (PIU), the Consultant and the City administration as a knowledge transfer process in order to ensure that the future stakeholders engagement will meet the international standards, including those developed by EBRD, IFC and EC / UNECE.

#### *Information available*

The following documents were developed while the current feasibility study or will be developed in the further process of the project implementation and shall be open to stakeholders through the Client:

- Announcements on every new stage of the Project
- Non-technical Summary of the Project
- 1 page leaflets on the Project
- Environmental and Social due Diligence and Analysis
- Non-technical Summary of the Environmental and Social DD and Analysis
- Environmental and Social Action Plan (ESAP);
- Environmental and Social Monitoring Plan (ESMP)
- Environmental and Social Impact assessment as per national rules (OVOS)

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<sup>1</sup> The main part of this definition is the word “directly”. This means that these stakeholders possess a decision-making power on the project. The project preparation and implementation process is designed so that All other stakeholders also may affect the project but through meaningful consultations.

- Decision of the State Expertise on the proposed project
- Implementation plan
- Stakeholder Engagement Plan (SEP);
- Summary of conclusions from the consultative meetings and public discussions held;
- Grievance form
- Announcements on tenders associated with the Project
- Project Implementation Monitoring Reports;

These materials are to be disclosed by the Client upon their compilation and remain available for the life of EBRD's loan. The Client will carry out stakeholders consultations and public hearings that will reflect upon the ESIA as well as other issues of relevance to the Project. All interested stakeholders will be timely informed about the exact time and place of venue by using the foreseen means of communications specified in the SEP.

The Client will also provide printed copies of the above mentioned documents which will be available in the building of the Client and the local administration offices covered by the Project, in accordance with the planned schedule for the implementation of the Program.

Information on the availability of information concerning the Project, including the type of provided information and the location where printed copies can be obtained, will be submitted to the local media.

The identified vulnerable groups will be informed about the information about the project made available for the stakeholders, and their access to information will be facilitated by the Client as appropriate for each person/family according to their specific needs and/or situation.

The Client will appoint a liaison officer for communication with the community, in charge of consultations. All interested groups will be informed about the Project's scope and contact information to which they can address for further information. They will be informed about the availability of the publicly available information on the website of the Client (<http://www.caspiy.kz>) operating in Kazakh, Russian, and English languages for best coverage of the audience.

Details on the information distribution and stakeholders communication methods are presented in the Tables 1 and 2. Additional information on overall state of the local environment is available from the state and local authorities. Guidance on access to these data (in and beyond the scope of the project) is presented in Annex 1.

*Communication programme*

*1) Project parties (Internal stakeholders)*

<b>Table 1. Project Parties – Responsibilities and Project Engagement</b>			
<b>Organization / Project Party</b>	<b>Information available and role in the project</b>	<b>Communication method</b>	<b>Contact details</b>
<b>Akimat of the Aktau city – The city department of Municipal services, public transportation and automobile roads, Akimat of the Mangistau oblast, Akimat of the Munailinsky district</b>	Population Data, development forecasts, solid Waste Management System data, including design documents, Controls operation of the SWM companies, approves all projects related to municipal infrastructure, responsible for quality of life in the city	<i>Project engagement:</i> Participation in meetings, Presentation, comments and recommendations on Consultant's work , monitoring of Project Realization and intended expenditure of funds, control of solid Waste management system operation functioning  <i>Information disclosure activities:</i> Reporting meetings of Akim with the citizens, receives grievances and requests from citizens on all issues – see contacts	<a href="http://aktauakimat.kz/">http://aktauakimat.kz/</a> Address: r.Aktau, 14 micro-district, building 1 Reception: Musaeve Shynyr Kuashinovna 8 (7292) 336500 Scheduling an appointment with the city Akim and his Deputies in reception days from 09:30 till 10:30 in room 310 in “Service center” of the city Akimat (window №2) State Enterprise "Aktau City Department of Communal Services, Public Transport and Automobile Roads – contacting person Tuyakov Bolat Ersayunovich Tel: 8 (7292) 336712
<b>EBRD</b>	Possible lender, project Deliverables (Reports, plans)	<i>Project engagement:</i> Participates in meetings, Presentation, develops recommendations on Consultant's work , monitoring of Project Realization and intended expenditure of funds, analyses yearly accounting of Beneficiary and work progress, including technical, financial , ecological and social matters.  <i>Information disclosure activities:</i> Summary information about the Project at the official website of EBRD according to European Council Directive and 2008	Office in Almaty 41, Kazybek By str, 41, 050010 Almaty 3 <sup>rd</sup> floor Tel.: +7 727 2 581 423 Fax: +7 727 2 581 422 Representation office in Astana Micro-district “Samal” 12, Business center “Astana Tower” 010000 Astana Tel: +7 7172 580 204 Fax: +7 7172 580 201 External Contacts: Eugeniya Evstigneeva, evstegne@ebrd.com

		Policy.	
<b>NK SPK Kaspiy JSC</b>	All materials concerning Feasibility Study, initial data, collected during project implementation, minutes of the meetings with other stakeholders Acts as an Employer in Feasibility Study and has the right to dispose documentation, prepared by the Consultant.	<p><i>Project engagement:</i> Participates in meetings, Presentation, develops recommendations on Consultant's work, coordinates Project activities, including work with local authorities.</p> <p><i>Information disclosure activities:</i> Posts information about the Project progress on the web-site, including information about the Tenders. Initiates publications on the project in mass media, provides information on the project upon request, arranges timely notices to the stakeholders on the future consultations, arranges consultations with the stakeholders, prepare and keep minutes of meetings.</p>	<p>4 micro-district, building 19("Caspiy") 130000 Aktau, Mangistau Oblast, Kazakhstan</p> <p>Tel. : 8 (7292) 57-99-00 (reception) Fax: 8(7292) 57-99-05</p>
<b>GKP "Koktem"</b>	Operational data on solid Waste management, tariff information, contract rules, investment activities, environmental impact, fees for negative effect, working conditions of the employees.	<p><i>Project engagement:</i> Participates in meetings, Presentation, develops recommendations on Consultant's work,</p> <p><i>Information disclosure activities:</i> Data is disclosed upon official requests, Publishes articles in local papers and participates in TV shows in order to increase citizen's responsibility, answers the questions of the citizens (oral and written) in his competence</p>	<p>27 micro-district, khos block 130000 Aktau, Mangistau Oblast, г.Ақрай, Tel 87292414240 Tel. 413011, 413844 Fax 412866</p>

## 2) *Interested / potentially affected stakeholders*

Further, a list of potential stakeholders was identified, including such groups as temporary workers while construction, permanent workers, consumers, local residents, and local organisations that may be interested in the project activities and have the right to request environmental and social information. It shall be noted, that the study did not reveal any vulnerable population groups of population in the project area.

Specific attention shall be however given to communication and consultations with:

- 1) Consumers, both with women and men of the waste collection services. They specifically need to be informed and consulted on the following issues:
  - Enhancement of the waste collection system (new containers and rules for their proper use, data on new trucks and associated environmental and social benefits);
  - Any change of waste collection tariffs – procedure similar to ESIA
  - Explanations on overall changes in the waste management system (including disposal), environmental and social effects, general information on financing of the project
  - Available environmental and social information and ways to access it
- 2) Employees at construction works. They specifically need to be informed and consulted on the following issues:
  - Safety and occupational health rules
  - Grievance mechanism and mechanism to propose improvements
- 3) Permanent employees at new facilities and staff of waste collection system operators. They specifically need to be informed and consulted on the following issues:
  - Safety and occupational health rules
  - Grievance mechanism and mechanism to propose improvements
- 4) Marginal communities which were previously involved in illegal waste picking. They specifically need to be informed and consulted on the following issues:
  - Environmental improvements associated with the existing landfill closure, closure works schedule<sup>4</sup>
  - Safety rules while closure works;
  - Workplaces available at the new facility.
- 5) Local small enterprises providing waste collection and transportation services in order to provide room for their services and incorporate their experience in future waste management system.

The following table presents proposed ways of communication with the different public groups as described in this chapter above. For the different

groups of public proposed communication methods are listed, including addresses and contact details for more information, as well as specific media that will be used to notify stakeholders of information, such as opportunities for public consultation or significant changes.

Summary of the consultations and other activities carried out so far according to this programme are represented in Table 3 further in the section “Past stakeholders engagement activities”

**Table 2. Interested and potentially affected stakeholders communication programme**

<b>Groups</b>	<b>Potential effect of the Project</b>	<b>Communication methods</b>	<b>Comments</b>
<b>Consumers</b>	SWM services consumers , Pay for waste collection, use waste collection infrastructure, the quality of their life depends on the SWM service level, waste trucks are passing by their houses	<ul style="list-style-type: none"> <li>- representatives of household associations were invited to the consultations on the Project</li> <li>- representatives of household associations will be invited to the public hearings on the Project; Leaflets describing the project in Russian and Kazakh will be available in multiple number in hard and soft copy to be taken and further shared with those who did not attend the hearings</li> <li>- information on rules and new services for updated SWM collection system use will be communicated, including leaflets distributed to customers and posted on notice boards at house entrances</li> <li>- proposal on new tariff level will be discussed during public hearings (including economic justification of the tariff size with calculations, explanations on how to pay and why it is important for favourable living conditions) at least 1 month before tariffs enactment; further information will be distributed through mass media and/or households' associations</li> <li>- satisfaction level will be monitored through opinion surveys – see annex 4 for sample customers satisfaction monitoring form; it is proposed that those forms will be distributed together with bills for waste collection services;</li> <li>- every consumer (as member of public) can submit questions and proposals to the Client to the contacts stated</li> </ul>	
<b>City population</b>	SWM services consumers, the quality of life in the city depends on the SWM service level	<ul style="list-style-type: none"> <li>- Public notifications on the planned activities and state expertise process and results as prescribed by the national legislation – at least 3 weeks before the public hearings / works start.</li> <li>- Representatives of the public groups will be invited to the public hearings on the results of the FS. Additional meetings with public groups for the discussions will be arranged if requested. Leaflets describing the project in Russian and Kazakh will be available in multiple number in hard and soft copy to be taken and further shared with those who did not attend the hearings</li> <li>- Additional information (including due details in case of changes in the waste collection rules, tariffs, construction works execution in the vicinity of</li> </ul>	Information disclosure schedule on the project is provided as Annex I.

		<p>residential areas) distributed through mass media and/or households' associations,</p> <ul style="list-style-type: none"> <li>- Possibility to submit complaints or information requests to the City Administration, the Company (see forms and procedures in this Table and Attachment), road authorities, police etc. – see contact information in the table above.</li> <li>- Possibility to submit information requests on the project and other social and environmental issues to the state and local authorities which collect such information – see guidance on the types of information available and contact in the table presented as Annex 1.</li> </ul>	
<b>Baskuduk dwellers</b>	<p>Baskuduk dwellers have some experience in waste picking / sorting at the existing landfill; they were subject to economic displacement as baseline situation developed</p>	<ul style="list-style-type: none"> <li>- Public notifications on the planned activities and state expertise process and results as prescribed by the national legislation – at least 3 weeks before the public hearings / works start. Notifications will be published in newspapers, mainly free newspapers which are accessible to poor; notifications will be also distributed specifically in the settlement – on notice boards, pillars, at shops' entrances</li> <li>- Members of the group will be invited to the public hearings on the results of the FS.</li> <li>- announcements on the jobs available at the newly established MBT facility will be distributed well in advance in the settlement. Notifications will be published in newspapers, mainly free newspapers which are accessible to poor; notifications will be also distributed specifically in the settlement – on notice boards, pillars, at shops' entrances.</li> <li>- Possibility to submit complaints or information requests to the City Administration, the Company (see forms and procedures in this Table and Attachment), road authorities, police etc. – see contact in the table above.</li> <li>- Possibility to submit information requests on the project and other social and environmental issues to the state and local authorities which collect such information – see guidance on the types of information available and contact in the table presented as Annex 1.</li> </ul>	
<b>Small enterprises involved into SWM: IP Averchenko</b>	<p>Provide services on collection and disposal of waste; can be potentially involved into the SWM system in future through participation in tenders for new</p>	<ul style="list-style-type: none"> <li>- Representatives of all companies were invited to participate in the meetings and consultations at the early stage of the Project (starting from the very first visit of the Consultant to Aktau) and submit comments / opinions,</li> <li>- will be invited to the public hearings on the results of the FS.</li> <li>- are welcome to participate in tenders for waste collection operator services;</li> </ul>	<p>Obligated to provide environmental and social information on their activities to the state authorities and to the public on request.</p>



<b>IP Musychenko</b> <b>IP Sokolovsky</b> <b>IP Trautveyn</b> <b>TOO</b> <b>“Ekobioservis”</b> <b>TOO “Landfill”</b> <b>GKP “Aktau</b> <b>Turgynuy”,</b> <b>GKP “Kala</b> <b>Zholdary”</b>	<p>services evolving from the SWM system modernization or transfer of the existing SWM functions from the state enterprise GKP “Koktem” to the competitive environment; risk of financial displacement if single large operator comes to the waste collection market</p>	<p>multi-operator structure will be specifically considered in order to avoid displacement- -information about changes in the services and or changes in tariffs will be disseminated</p>	
<b>Mass media</b>	<p>Distribution of official and non-official information to wide public, transmittance of public concerns</p>	<ul style="list-style-type: none"> <li>- Mass media are invited to most multilateral meetings and consultations, they are welcome to make audio and video records</li> <li>- Special sessions for communication of mass media with representatives of the Consultant were arranged after the presentations, so that they can ask questions not raised during the session or clarify some issues;</li> <li>- Mass media are invited to the public hearings on the results of the FS. Leaflets describing the project in Russian and Kazakh will be available in multiple number in hard and soft copy to be taken and further distributed as they consider necessary, e.g published on their resources</li> </ul>	<p><b>JSC RTRK “Kazakhstan”, Mangistau Region Branch office</b>  Micro-district 24, Aktau, Mangistau Oblast  Head Office: 8 (7292) 605214, 605209</p> <p><b>LLC «31 Channel Aktau»</b>  Address: city of Aktau, 8-4-52  Tel: 508270, 600006  Fax: 526050  e-mail: <a href="mailto:aktiv-studio@mail.ru">aktiv-studio@mail.ru</a></p> <p><b>Newspaer “Lada”</b>  Address: 39A, micro-district 8, Aktau  Tel - 50-50-85, 60-13-04,  <a href="http://www.lada.kz">www.lada.kz</a></p> <p><b>Newspaer «Lights of Mangistau»</b>  Address: city of Aktau, 14-1  Tel: 314782  e-mail: om67@bk.ru</p> <p><b>Regional newspaper</b></p>

			<p><b>“Mangistau”</b> Address: city of Aktau, 14-1 (Akimat) Tel.: Reception: 314598 e-mail: <a href="mailto:xat@mangystau-gazeti.kz">xat@mangystau-gazeti.kz</a> Web-site: <a href="http://www.mangystau-gazeti.kz">www.mangystau-gazeti.kz</a></p> <p><b>Informational Newspaper "Tumba"</b> E-mail: <a href="mailto:tumba@nursat.kz">tumba@nursat.kz</a> - for information Address: 8 micro-district., 23a. For letters: box 521 Tel/fax: 8 (7292) 533453, 533454, 530003, 530005.</p>
<b>NGOs</b>	Represent right and interests of the public on acute issues in the organized way	<ul style="list-style-type: none"> <li>- Direct contact between the NGO “EcoMangistau” and the environmental experts of the Consultant is established, before the semi-final presentation on 06 June 2011 phone and e-mail bi-lateral consultations were held – see Table 3 for details;</li> <li>- Representatives of NGOs were invited to participate in the meetings and consultations at the early stage of the Project (starting from the second visit of the Consultant to Aktau) and submit comments / opinions,</li> <li>- Representatives of NGOs will be invited to the public hearings on the results of the FS. Leaflets describing the project in Russian and Kazakh will be available in multiple number in hard and soft copy to be taken and further distributed as they consider necessary</li> <li>- NGOs will have access to all documents (see above) at the Client’s website (available in hard copy upon request), comments are welcome, NGOs are welcome to initiate bilateral or multilateral consultations or interviews with the PIU, the Consultant etc.</li> </ul>	<p><b>Mangistau Tabigaty</b> 207 Office, 68, micro-district 3, Aktau Tel:8-7292-605122; ф. 532020; <a href="mailto:OOMT.04@mail.ru">OOMT.04@mail.ru</a>.</p> <p><b>Mangistau Initiative</b> 8-7292-427226, 501811 LLC «Mangistau Ecological Expertise», micro-district 14, house 19 – 27 Tel. 8-7292-42 09 74 <a href="mailto:mei_aktau@nursat.kz">mei_aktau@nursat.kz</a></p> <p><b>SPE « EcoMangistau»,</b> Address: 11 micro-district, trade center"Yunost". Tel:8-7292- 42-83-88 <a href="http://ecomangystau.kz/">http://ecomangystau.kz/</a> e-mail: <a href="mailto:info@ecomangystau.kz">info@ecomangystau.kz</a></p>

## 6. Summary of Previous Stakeholder Engagement Activities

### *The City Administration (Akimat)*

The Project finds active support from the City. In order to maintain common understanding, representatives of the stakeholders identified were invited to participate in presentations of the project's progress arranged at different stages in Aktau by the Consultant.

The main function related to solid waste management in the city as well as the current project (including information collection / distribution and decision making) is within the responsibility of the Department of Municipal services of the city Akimat.

Since there is no single company responsible for solid waste management system functioning on the city, it seems logical for this department to accommodate the function of unbiased information distribution and education of citizens on the issues of proper waste management, waste minimisation and due collection of payments for SWM services. This would include periodic information and educational campaigns with involvement of mass media covering the wide range of local population. At the Oblast level an EU funded programme was initiated in December 2009 to enhance institutional capacity in municipalities and public engagement. The project was coordinated by the TOO "Coordination Centre of the housing and public utilities development of the Mangistau Oblast". The result of this programme implementation was the creation of the Public Forum for the housing and public utilities of the Mangistau Oblast with 6 Subforums for different issues, including public utilities subforum.

The Programme included several meetings with residents of the settlements (including Aktau city) to increase public engagement in the preparation of the Conception of the Housing Utilities Development. The first meeting was held on 30<sup>th</sup> April 2010, then during the summer several meetings were held in different regions of the Mangistau Oblast with participation of the local population and NGOs.

The Conception elaborated during the Programme implementation was approved at the final session of the Public Forum for the housing and public utilities of the Mangistau Oblast on 3 June 2011.

In 2010 a separate EU founded programme was initiated in 2010 aimed at the Capacity building of Local Authority through implementing waste management strategy and actions to increase population awareness into environmental problem of the region. This programme is closely related to the Project and was actually started in 2011.

The following results are expected from the project:

- Give population systematic knowledge on the ecological sector and its sustainable development,
- Promote the active involving of population into solving eco-problem and co-operation with waste recycling plant
- Unification of local enterprises in a network for joint actions , through signing special memorandum
- Adjust on a permanent basis the mechanism of interaction of NGOs, Enterprises, Medical centers, Educational centers, Remote population, Socio-cultural groups with local government
- Adopt ecological education from the childhood years
- Implementing special media laboratory
- Acting promotion through local mass media
- Implementing different social activity events

### *Mass media*

The relationships of the project Company with mass-media are established to reach consumers and educate them in proper handling of waste collection system and tariffs payment. including water saving methods. The Company does not develop a mass media communication plan. The responsibility for mass media communication rests with the Department of Solid waste of the Company.

Small enterprises providing SWM services do not communicate with the mass media on constant basis.

### *Customers and general public*

The Company does not monitor the customers satisfaction level. There is still lack of understanding of main rules for waste collection system facilities use by general public and commercial enterprises. This results in disposal of hazardous, bulky and construction wastes into the household waste containers, into the sewerage system or littering of the city territory. Those challenges are described in detail in the Environmental and Social Due Dilligence Report.

The Company has not created a web-site. However the basic information and contact details are available at the web-site of the city Akimat at [http://aktauakimat.kz/index.php?option=com\\_content&view=article&id=70&Itemid=58&lang=en](http://aktauakimat.kz/index.php?option=com_content&view=article&id=70&Itemid=58&lang=en).

Further, when the SWM functions will be transferred to the competitive environment, it is recommended that the operator(-s) maintains their own web sites containing information on:

- General information on the services, activities, objectives;
- Performance indicators
- Information for Customers including technical issues
- Relevant norms and standards
- Data on tariffs, contracting procedure and payment procedure;

- Contact information
- Grievance procedure including responsible structural units, terms for answers, phone numbers, addresses and opening hours;

Before this is done, the website of Akimat and of SPK Kaspiy JSC will be used for placement of information on the project.

Summary of the stakeholders engagement activities carried out so far are presented in the Annex 5.

## 7. Disclosure of Information on the Project Implementation Stage

### *The Company in general*

The Company is in constant liaison with environmental authorities on all kinds of impacts it produces on environment and population/employees which remains the main type of information disclosure.

This liaison involves monitoring, reporting, environmental charges, social taxes. The Company submits information on those issues in the ***form of standardised reports*** – forms are available from state authorities, including reporting on waste formation and utilisation, air emissions, discharges to natural and artificial water bodies, working conditions and compensations. These data is submitted on the periodic basis in the form of standard reports including numbers and some performance indicators. Those data can be obtained from the relevant authority upon request, including data on air emissions, discharges, waste generation, working conditions etc.

The company does not compile any type of a complex yearly report on its activities for public disclosure in electronic and paper format. After the loan agreement is signed, the Company will be obliged to compile ***the yearly environmental and social report*** in compliance with the EBRD standards on the routine operation as well as on the activities related to the Project, including ***data on the ESAP implementation.***

This information will be placed on the Client's website.

Interests of general public are also observed through the dwellers' representatives (the so called associations of households' owners). Information on maintenance and planned works is distributed through these associations and mass media. Further, the Company, the City Administration, the authorities mentioned, and the Client operate phone lines to duly receive and respond to complaints and suggestions from individual consumers. This system is already established and it is advised to use it for dissemination of information on the works associated with the Project (see Table above for phone numbers).

### *The Project*

***Call for tender*** and tender documents together with ***preliminary works schedule*** will be posted at the websites of the Client in designated sections.

Specific project related information on relevant *permits* as well as *emissions*, *discharges* arising from the construction activities and other EHS data are available from the Regional office of environmental/labour/health authorities on request. Detailed data on emissions, waste, discharges, noise and other impacts at construction stage will be available from the design documentation. After completion of works and handing the facilities over to the project company, the company emissions limits are to be corrected and approved by the supervisory authorities.

**ESAP and ESIA report, SEP, ESMP and non-technical summary of PIP** will be available from the client's office and website throughout the project implementation period.

Moreover, the **Quarterly and Annual Reports** on the Project will include information on implementation of the Environmental Action Plan and other environmental, health and safety issue related to the project implementation. Environmental performance is also to be monitored by the Project Engineer and any outstanding issues are to be discussed and resolved at planned stakeholders meetings (schedule to be set as a part of the PIU/persons responsible work plan, normally once in 1-2 weeks). The environmental and social chapter of those are to be disclosed on request.

The project is widely discussed with mass media including internet news portals including sources of financing, project summary and purpose. A **grievance mechanism** for general public and for the Company employees is described below.

## 8. Grievance mechanism

Any comments or concerns on the Project can be brought to the attention of the Company or to the City Administration verbally or in writing (by phone, post, virtual reception at the website, or e-mail – see Stakeholders Identification table above) in a free form or by filling the form provided at the website. The Company acknowledges these requests based on the same procedures which are applied to the routine activities and communication to consumers.

Claims of persons and companies are to be submitted at:

**State Enterprise "Aktau City Department of Communal Services, Public Transport and Automobile Roads" (subsidiary of SPK "Kaspj" JSC)**  
Contact person Tuyakov Bolat Ersayunovich

Address: Aktau city, micro-district 14, building 1

Tel: +7 (7292) 336712

**The City Akimat of Aktau**

Address: Aktau city, micro-district 14, building 1

Reception: Musaeva Shynar Kuashinovna, tel.: +7 (7292) 336500

Scheduling an appointment with the city Akim and his Deputies is possible in

reception days from 09:30 till 10:30 in room 310 in “Service center” of the city Akimat (window №2)

Processing of the requests on the project will be executed in accordance with the rules established for other requests by the national legislation, including the Presidential Decree “On procedure for public requests processing” (see chapter 2).

All grievances will be put in a register and assigned a number, and acknowledged within the abovementioned number of days:

- 15 days if the answer does not need involvement of other parties or site visits
- 30 days if involvement of other parties or site visits are required

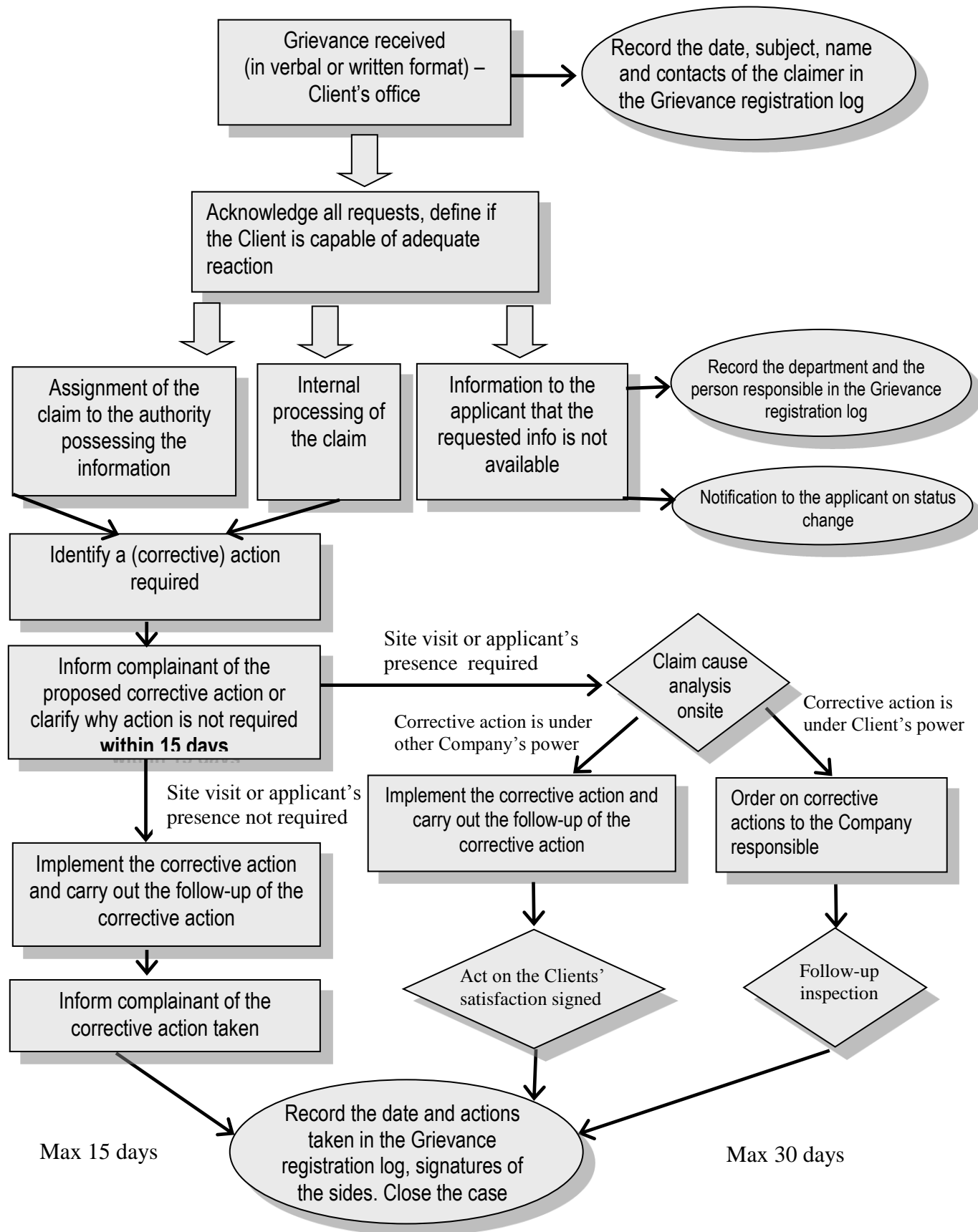
Sample grievance form is attached as Annex 2.

To give the feedback to the SWM system operator on the level of services and therefore to improve the system customers are welcome to participate in the satisfaction level survey – see form in Annex 4. This form will be placed on the website of the operator and from time to time will be distributed with the bills in printed form.

In case of legislative non-compliance identification (such as construction works noise after 21.00 etc.) residents have the right to direct their complaints to the local police offices (common phone number 02 or local phone numbers depending on the location in the city).

To better understand the process see also the grievance processing chart below.

## Flowchart for Processing of public Grievances and Information requests

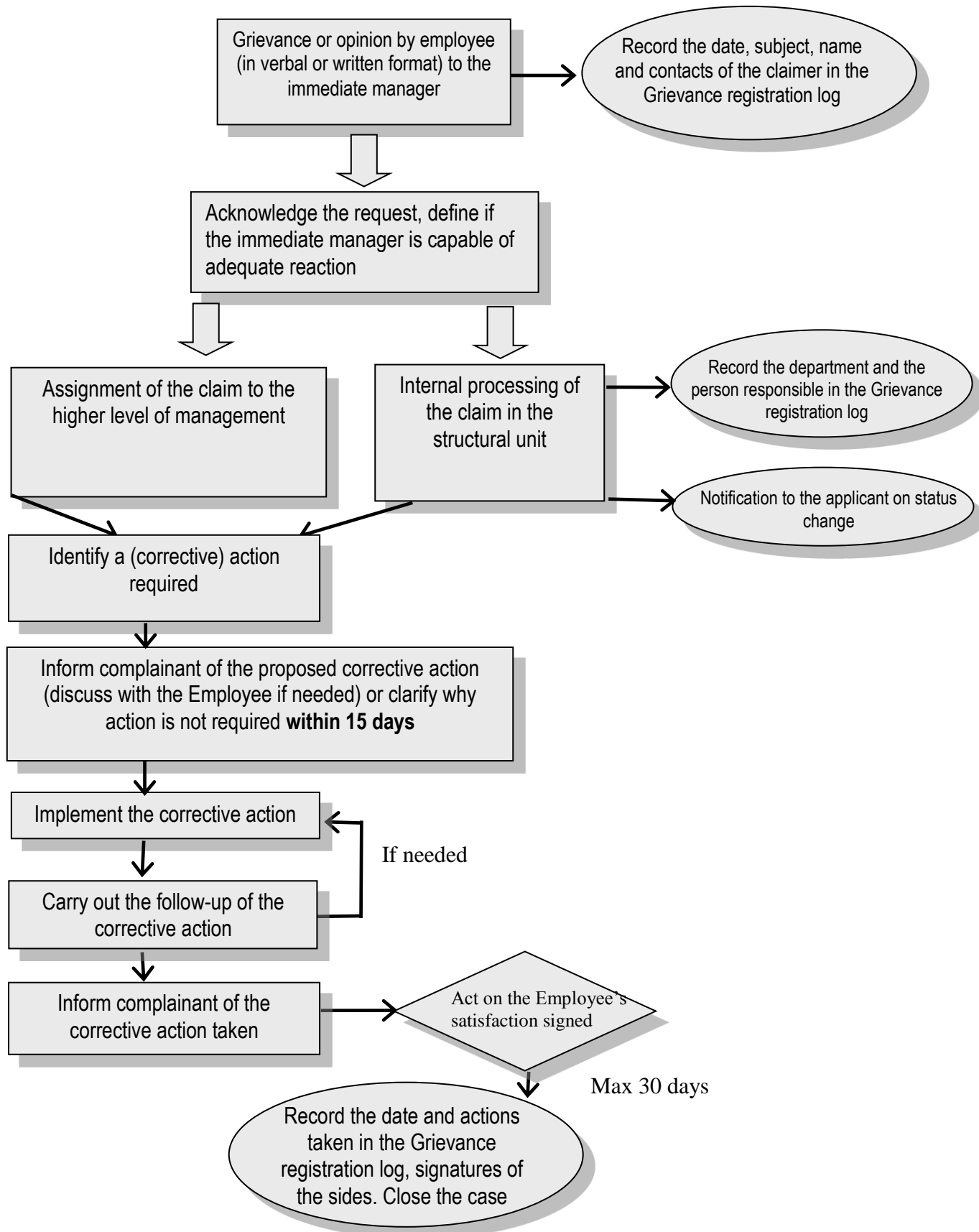




A separate grievance mechanism is available for workers. In case of any complaints/requests the employee of the Company should first approach his/her department head who is further responsible for resolving the issue or bringing this request to notice of the person in power to resolve it. An employee has an option to address the grievance to the Labour Union. These procedures are described in details in the labour agreement based on the current legislation.

To better understand the process see also the grievance processing chart below.

## Flowchart for Processing of public Grievances and Information requests



## Annex 1. Guideline for interested parties on information available from the state and local authorities with contacts

Supervisory authorities			
<b>State sanitary and epidemiologic control committee</b>	<p>A. Status of the environment:</p> <ul style="list-style-type: none"> <li>- Atmospheric air (within the working area);</li> <li>- Potable water;</li> <li>- Surface water at the places of water use.</li> </ul> <p>B. Factors and measures impacting the environment:</p> <ul style="list-style-type: none"> <li>- Content of pesticides and nitrates in the soil, water, and agro produce;</li> <li>- Radiation;</li> <li>- Noise within the building territory;</li> <li>- Vibration;</li> <li>- Electromagnetic fields;</li> <li>- Regulatory documents and drafts of regulatory documents that regulate the matters of sanitary-epidemiological well-being of the population; primarily, those are sanitary and epidemiological norms and standards (SanPiNs).</li> </ul> <p>C. Environment impact on the human health</p> <ul style="list-style-type: none"> <li>- Infections and professional ailment.</li> </ul>	<p><i>Project engagement:</i> Receives notifications on the project progress and solutions proposed, submits comments and recommendations at all stages of the project implementation starting from FS preparation, receives notifications on upcoming meetings and consultations in order to participate in them.</p> <p><i>Information disclosure activities:</i> Data is disclosed upon official requests</p>	<p><a href="http://www.mz.gov.kz/index.php?wakka=Rus/SanitarnoJepidemiologicheskijNadzor/InformacijaOKGSJeN/Regulirovanie">http://www.mz.gov.kz/index.php?wakka=Rus/SanitarnoJepidemiologicheskijNadzor/InformacijaOKGSJeN/Regulirovanie</a></p> <p><b>Ministry of Health of Kazakhstan</b> Address: 010000, Astana, Left Bank, House of Ministries, 5 entrance E-mail: <a href="mailto:zdrav@mz.gov.kz">zdrav@mz.gov.kz</a> Tel: _8 (7172) 74–32–40 – contact person–Rakhipbekova Galia Kosyabekovna – chief expert for citizen’s applications</p> <p><b>Sanitary Supervision Department for Mangistau Oblast</b> Address: micro-district 3b, app 46, Aktau, Mangistau Oblast 8 (7292) 52 46 77 Contact person Zhumazhanova A.</p>
<b>Land resources management agency</b>	<ul style="list-style-type: none"> <li>• information on the status of the land fund, and on the use of land.</li> <li>• data on the control and monitoring over the compliance of legislative requirements relating to the protection of land.</li> </ul>	<p><i>Project engagement:</i> Participates in the process of land plot allocation for new construction</p> <p><i>Information disclosure activities:</i> The land use information is requested and provided on-site, i.e. at the district divisions, while the information on the matters of land management, organizations of farms, and legal matters, is requested and provided at oblast</p>	<p><a href="http://www.auzr.kz">www.auzr.kz</a> Address: House of Ministries, str 35, 12 entrance, 5<sup>th</sup> floor, 010000 Astana, Kazakhstan Reception of the Chair: tel/fax +7 (7172) 741652 Reception of the Secretary: +7 (7172) 741583 Reception of the Deputies: +7 (7172) 741724, 741738, 741603 Office: +7 (7172) 742440 Geodesy Department: Tel. +7 (7172) 742574</p>

		divisions, in the cities of Almaty and Astana.	Land Planning Department Tel. +7 (7172) 742568 Department of State Control over Land Use Tel. +7 (7172) 742538, 742565
- <i>Centre for soil resources and landscaping of the Land resources management agency</i>	<p>On the status of:</p> <ul style="list-style-type: none"> <li>lands, fields and land plots;</li> <li>land within the territory of inhabited areas, industrial facilities, toxic waste and radioactive waste burial sites;</li> <li>the biodiversity (natural plantation);</li> <li>the soil.</li> </ul> <p>On the processes of:</p> <ul style="list-style-type: none"> <li>changes of soil fertility, including desertification, salinization, paludification,</li> <li>contamination of soil with pesticides, heavy metals, radio nuclides and other toxic</li> <li>substances, industrial, household and other waste;</li> </ul>	<p><i>Information disclosure activities:</i> The Centre distributes information on a commercial basis in the form of various maps and publications, e.g. “Natural Forage Resources,” “Geobotanical Works in the Land Management System.”</p>	<p><b>Regional Land Inspection for Arytau and Mangistau Oblast</b> 96B Azattyk, Atyrau, Atyrau Oblast Contact Person: Head of Department Suleimenov Gibrat Terkinovich</p>
<b>Environmental protection ministry</b> <i>Department of Ecology</i>	<p>Materials and documents on the:</p> <ul style="list-style-type: none"> <li>- state policy in the field of environment protection and sustainable development;</li> <li>- international ecological law, national legislation in the field of environment protection, and ecological regulations;</li> <li>- state ecological expertise and environment impact assessment;</li> <li>- permits for emissions (discharge) of pollutants into the environment, burial and storage of industrial and consumer waste, licensing of environmental activities;</li> <li>- controlling and monitoring activities in the field of environment protection;</li> <li>- implementation of plans and measures aimed at protecting and improving the environment; reproduction and rational use of natural resources;</li> <li>- ecological education and enlightenment, and research in</li> </ul>	<p><i>Project engagement:</i> Receives invitations to participate in all multilateral meetings, presentations and consultations as well as decisions made throughout the FS process, receives FS materials, responsible for state expertise of the FS as regards the environmental impacts assessment</p> <p><i>Information disclosure activities:</i> Data is disclosed upon official requests</p>	<p>Ministry web-site <a href="http://www.eco.gov.kz/ministerstvo/min.php">http://www.eco.gov.kz/ministerstvo/min.php</a> +7(7172) 74-08-09, 74-08-55, e-mail: moos@eco.gov.kz</p> <p><b>Mangistau Branch Office of State Enterprise “Zhayk Caspian Ecology Derpartment”</b> Address: Micro-district 1, building 1, aktau, mangistau Oblast State Ecological Inspection inspekssia.mof@mail.ru</p> <p><b>Department of Ecological Regulation:</b> aktau_monitor@mail.ru Telephones of information offices: 8-7292-009, 8-7292-169, 8-7292-500500 Branch office: Head of the Department 8-7292-507591 Reception 8-7292-504479, 505471 Fax 8-7292-507058</p>

<p><i>State enterprise “Information and analytical centre”</i></p>	<p>the field of ecology; - cooperation with international organizations and foreign states in the field of environment protection.</p> <p>This Center is responsible for the implementation in Kazakhstan of a number of international ecological convention, including the Aarhus Convention.</p>		<p>Head of State Ecological Inspection Department 8-7292-505456 Head of Administrative Department 8-7292-505988 Inspection 8-7292-504479, 505471 (115, 116, 119,126, 130, 133) Laboratory-analytical Control Department 8-7292-504479, 505471(105, 108)</p>
<p><i>State enterprise “KazHydroMet”</i></p>	<p>Kazhydromet collects the following environmental data: <i>Surface water</i> (sampling at rivers, lakes, water reservoirs, canals, and the Caspian Sea). <i>Soil</i> – sampling on agricultural lands (pollution with pesticides) and in industrial towns (heavy metals). <i>Atmospheric air</i> – sampling at stationary sites and at 20 inhabited areas <i>Atmospheric rainfall</i> – sampling at meteostations <i>Radiation monitoring</i> – sampling of atmospheric rainfall (aggregate beta-activity) and gamma-background at meteostations.</p>	<p><i>Project engagement:</i> Receives notification on the planned activities at the stage of the FS development as per PK norms, provides data on background concentrations of pollutants</p> <p><i>Information disclosure activities:</i> Data is disclosed upon official requests The enterprise also publishes topical periodicals: the Surface Water Quality Annuary; the Annuary on the Pollution of the Atmospheric Air in Cities and Industrial Centers of the Republic of Kazakhstan; the Monthly Bulletin of the State of the Environment in the Republic of Kazakhstan; the Annuary on the Regime and Resources of Surface Water; the Multi-Year Data on the Regime and Resources of Surface Water</p>	<p><a href="http://www.eco.gov.kz/ministerstvo/dep_eco/zhaik_mangist.php">http://www.eco.gov.kz/ministerstvo/dep_eco/zhaik_mangist.php</a> Web-site: <a href="http://www.iacoos.kz">www.iacoos.kz</a> Syzydykov Olzhas Alkenovich-Deputy General Director Tel. (7172) 79-83-96, 79-83-90, e-mail: <a href="mailto:jumataev_rm@iacoos.kz">jumataev_rm@iacoos.kz</a></p> <p><b>Kazhydromet</b> Веб-сайт: <a href="http://www.kazhydromet.kz/">http://www.kazhydromet.kz/</a> Генеральный директор – Зейнуллин Талг Talgat Maratovich тел. (7172) 79-83-93, 79-83-80 Deputy General Director – Bygozhyn Talgat Zhanbolatovich Tel. (7172) 79-83-84 Deputy General Director – Kalelova Anargyl Baikalovna Tel. (7172) 79-83-84 Deputy General Director– Bektemirov Kuanysh Abdylgalievich Tel. (7172) 79-83-84</p>

<b>Statistics Agency</b>	<p>Status of the environment:</p> <p><i>Water:</i> data on water take from natural resources and from underground — based on the data from the Committee for Water Resources, consumption of fresh water, use of water for industrial purposes, use of water for agricultural purposes, saving fresh water through recycling water supply and recurring-consecutive water supply, consecutive water supply, discharge of sewage water into the surface reservoirs and subsoil.</p> <p><i>Atmospheric air:</i> quantitative characteristics of stationary sources of emissions into the atmospheric air, emissions of specific pollutants, disposal of hazardous substances after they have been caught in the waste treatment facilities.</p> <p><i>Flora and fauna:</i> status of the hunting, biological, and technical and hunting measures aimed at protection of the animals; location and principal characteristics of the special protected natural territories.</p> <p>Factors and measures impacting the environment:</p> <p><i>Waste:</i> presence, formation and disposal of toxic waste.</p> <p><i>Environment protection measures:</i> putting into functioning environment protection facilities, investment into the environment protection activities, current expenses for the environment protection, ecological payments, and fees for the use of natural resources.</p>	<p><i>Information disclosure activities:</i></p> <p>On a periodical basis, the Agency publishes statistical bulletins, including those in the series “Environment Protection,” “Agriculture, Forestry and Fishery.” The environment protection series includes semi-annual statistical bulletins:</p> <ul style="list-style-type: none"> <li>- on the protection of the environment;</li> <li>- on ecological accidents, suspended facilities, and violations of the environment legislation;</li> <li>- on current expenses being spent on the environment protection, ecological payments, and fees for the use of natural resources;</li> <li>- on the formation and disposal of toxic waste.</li> </ul> <p>The Agency also provides access to statistical data stored in electronic format, on a commercial basis.</p>	<p><a href="http://www.stat.kz">www.stat.kz</a>  <a href="http://www.mangystau.stat.kz/">http://www.mangystau.stat.kz/</a>  13000, Mangystaru region, Aktau.  23 micro-district, build. 10, 4<sup>th</sup> floor, office 412;  Tel.: 43-39-85  obl_mang@statbase.kz</p>
<b>Ministry of Emergencies</b>	<p>Data resulting from intersectoral coordination and special executive and approval functions in the field of prevention and liquidation of emergency situations, either naturally-caused or industrial, civil defense; fire safety, control of safe operations in the industry and mining.</p>	<p><i>Information disclosure activities:</i></p> <p>Data is disclosed upon official requests within the area of responsibility</p>	<p><a href="http://www.emer.kz">www.emer.kz</a>  22 , Beibitlyshik, 010000 Astana  e-mail: mchs@emer.kz  Tel: +7(7172) 60-21-28  Hot Line (8-7292)  Fax:42-68-00 Reception:42-68-68</p>
<b>Water resources Committee</b>	<p>- plans, programs, short-term and prospective water-management balance sheets;  schemes of complex use, and drafts of relevant</p>	<p><i>Information disclosure activities:</i></p> <p>Data is disclosed upon official</p>	<p><a href="http://www.minagri.kz">www.minagri.kz</a>  Address: 36 Kenesary str, 010000, Astana  Office: 8 (7172) 555995;</p>

	<p>documents relating to the management and protection of the water resources;</p> <ul style="list-style-type: none"> <li>- regulatory documents and regulatory drafts in the field of protection and use of the water resources;</li> <li>- permits and licenses for special use of surface and ground waters;</li> <li>- documents relating to the construction of facilities and premises impacting the waters;</li> <li>- materials of control and inspection checks of the compliance with requirements in the field of use and protection of the water fund; primarily in the field of compliance with the regime of water-protection zones and stripes, license requirements and permits for water use.</li> </ul> <p>The initial information from water users comes to the Committee in the course of the procedure of issuance of permits and licenses for special water use; this procedure is carried out by the basin water-management administrations and, for certain large facilities, directly by the Committee for Water Resources. The materials gathered in the course of such procedure are stored at the agency that has issued permits for the relevant object of water use. The summarized information on special water use gets entered into an automated data bank.</p>	requests within the area of responsibility	<p>Fax: 8 (7172) 555995 Tel: +7 (717 2) 555-755</p>
<b>Nuclear Energy Committee</b>	<p>The Committee for Atomic Energy is a very important source of information on the:</p> <ul style="list-style-type: none"> <li>- activities in the use of nuclear energy (sale and purchase, export and import, production, use, processing, transportation (domestic and transit), placement, scientific research, control of the radiation situation);</li> <li>- sources of ionizing radiation;</li> </ul>	<p><i>Information disclosure activities:</i></p> <p>The public, on basis of requests, is provided with the information on the status of nuclear or radiation safety of the atomic energy facilities, status of records and</p>	<p><a href="http://www.kaec.kz/">http://www.kaec.kz/</a> House of Ministries, 13 entrance, room 565, 10 Orynbor str, 010000, Astana</p> <p>Reception: (7172) 502953 Fax: (7172) 503073</p>

	<ul style="list-style-type: none"><li>- regulatory documents and drafts of regulatory documents that regulate the activities associated with the use of atomic energy.</li><li>- Data on the Koskar-ata depository</li></ul>	control of the nuclear and radioactive materials, and other information relating to the security in the field of the use of atomic energy.	E-mail: <a href="mailto:info@kaec.kz">info@kaec.kz</a>
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## Annex 2. Sample public grievance form

### Application

<b>№:</b>	
<b>Name of applicant</b>	
<b>Contact info</b>  Please select preferred method of communication (mail, phone, e-mail).	<input type="checkbox"/> <b>Address:</b> _____ _____ <input type="checkbox"/> <b>Phone number:</b> _____ <input type="checkbox"/> <b>E-mail</b> _____
<b>Description of the subject of the application:</b>	
<b>Date of incident / application</b>	
	<input type="checkbox"/> <b>Single case</b> (date _____) <input type="checkbox"/> <b>Repetitive case</b> (number of cases, dates _____) <input type="checkbox"/> <b>Still taking place</b>
<b>Expected result from the resolution of the issues identified in the application:</b>	

Date: \_\_\_\_\_

Signature \_\_\_\_\_

Please send the completed form to:

**State Enterprise "Aktau City Department of Communal Services, Public Transport and Automobile Roads"  
(subsidiary of SPK "Kaspij" JSC)**

Attention: Tuyakov Bolat Ersayunovich

Address: Aktau city, micro-district 14, building 1

Or call the following number:

Tel: +7 (7292) 336712

### **Annex 3. Sample Act on the customer's (Employee's) satisfaction with the claim processing results**

**Act №**\_\_\_\_\_

**Aktau city** \_\_\_\_\_**201**\_\_.

Hereby affirm \_\_\_\_\_

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The consumer is satisfied with the answer and does not have claims to the [Company name].

#### **Signatures:**

**Company representatives:**

**Applicant:**

\_\_\_\_\_  
**signature, name, position**

\_\_\_\_\_  
**signature, name, address**

\_\_\_\_\_  
**signature, name, position**

\_\_\_\_\_  
**signature, name, position**

#### Annex 4. Form for the customer's satisfaction investigation

Questionnaire №		<input type="text"/>	
<input type="text"/> / <input type="text"/> / <input type="text"/>	Company name <input type="text"/>		
Date of		Address of the respondent	Phone of the respondent
Name of the respondent	Sex	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/> M <input type="text"/> F	<input type="text"/>	<input type="text"/>
optional	optional	optional	optional

#### Questions:

1.	What is your attitude to the [Company name] Works on the waste collection and transportation?	<input type="checkbox"/> positive <input type="checkbox"/> negative
1.1	Negative attitude to the work of the [Company]	Case and possible improvements _____ _____ _____
2.	Does the frequency of the waste collection satisfy you?	<input type="checkbox"/> yes <input type="checkbox"/> no
2.1	The frequency of the waste collection does not satisfy you	What does not satisfy _____ _____ Desired frequency _____
3.	Is the system for waste collection convenient for you personally	<input type="checkbox"/> yes <input type="checkbox"/> No
3.1.	If no, then what are the problems? Which improvements are you wishing for?	Problems _____ _____ Possible improvements _____ _____
4.	Does the condition of the territory around waste containers and refuse chutes satisfy you?	<input type="checkbox"/> yes <input type="checkbox"/> no
4.1.	Condition of the territory around waste containers and refuse chutes does not satisfy	What does not satisfy you in the condition of the territory _____ _____ _____
5.	Can you afford the level of fees for the waste removal?	<input type="checkbox"/> yes <input type="checkbox"/> no
5.1.	If "no", then how much are you willing to pay for this service?	_____ _____ _____

6.	Is it convenient for you to pay your bills for waste removal?	yes <input type="checkbox"/>	no <input type="checkbox"/>	
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6.1.	If "no", then what is the problem?	rough treatment <input type="checkbox"/>	Works quality <input type="checkbox"/>
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6.2.	If "no", then what is the problem?	
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6.3.	If "no" which improvements would you like to propose	
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7.	Are you satisfied with the amount of information you get about [company name] work	yes <input type="checkbox"/>	no <input type="checkbox"/>
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7.1.	Lack of the information	What kind of information would you like to receive periodically <div style="border-bottom: 1px solid black; height: 15px; width: 100%;"></div> <div style="border-bottom: 1px solid black; height: 15px; width: 100%;"></div>
------	-------------------------	--

7.2.	In which print media (newspapers) would you like to see information about the activity of the [Company name]	Lada <input type="checkbox"/> Ogni mangistau	Tumba <input type="checkbox"/> Other	<input type="checkbox"/>	<input type="checkbox"/>
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7.3.	On which TV channels would you like to see information about the activity of the [Company name]	
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**Thank you for filling out the questionnaire!**

Name of employee who provided the questionnaire

(necessary to fill)

## Annex 5. Past stakeholders engagement activities and Schedule for future information disclosure activities on the FS stage

Activities	Dates, responsibilities, forms	Comments and questions received by the Client or Akimat	Response of the Client and the Consultant to the issue raised
Publication of notice on the upcoming project on the Client's website, opening of the questions / opinions acceptance from public and other groups / individuals by the Client; grievance / information sharing mechanism is already in operation	13 April 2011, Russian and Kazakh language, official website of "SPK Kaspiy" JSC,  <a href="http://www.caspiy.kz/ru/news/news_87.html">http://www.caspiy.kz/ru/news/news_87.html</a>	None	
Numerous multilateral meetings with representatives of the Client, the Company, the Bank, the small enterprises, Akimat, Department of Ecology of the Environmental protection ministry at the inception stage to share the project idea, collect opinions and questions, present the preliminary works schedule and inform the stakeholders on the ways of communication on the project issues in future	Inception meeting, Aktau, 5-7 April 2011, Russian language	From MSE: - Koktem infrastructure needs update, would be feasible to account for it in the PIP From Koktem: - the issue of the landfill closure is the most urgent and needs to be addressed in parallel with the Project	Need for new containers and trucks was assessed, included into ESDD report  Included into all parts of the reporting materials
Information notes and data requests to the Sanitary and Epidemiology Agency, Department of Ecology of the Environmental protection ministry, GKP "Koktem", "SPK Kaspiy" JSC	April 2011, Aktau, in written form, in Russian language	From Department of Ecology: - The project in general is acceptable to authorities. The national procedure for ESIA shall be duly observed.	Will be observed through development of a separate ESIA documents according to the national norms (OVOS) and obtaining the positive statement from the state expertise
Draft SEP – submission to the bank, the Client and the Company for approval	May 10 <sup>th</sup> , 2011, as electronic document, in English and Russian language	From EBRD: Comments on structure and communication programme From Client: The SEP is acceptable, implementation started	Negotiated with EBRD, improvements introduced

Submission of Draft of Baseline Report to the Bank, the Client, and the Company	May 10 <sup>th</sup> , 2011, as electronic document, in English and Russian language		
Presentation of the Baseline Study results in the city of Aktau with participation of the city Akimat, the Bank, the Client, and the Company, NGOs, local environmental authorities, distribution of MoM to the participants to be signed	Aktau, May 19, 2011, Presentation, Russian	<p>From Department of Ecology:</p> <ul style="list-style-type: none"> <li>- It is recommended that the Bayandy landfill will be re-designed (operational time to be changed from 15 years to 4-5 years)</li> </ul> <p>From “EcoMangistau” NGO:</p> <ul style="list-style-type: none"> <li>- The project is favourable for the local citizens and environment. The NGO would like to participate in all upcoming meetings</li> <li>- What will be the future tariff level?</li> </ul>	<p>This decision is communicated to Akimat (who is responsible for this decision), measure included into ESAP, the Client will facilitate the process</p> <p>“EcoMangistau” is already included into the announcement list for all consultations on the project. The tariff level is calculated through our financial model with due account to the affordability level. The results will be presented at final public hearings. The tariff level will be subject to separate public hearings as prescribed by the national legislation. This will be responsibility of the WSM system operator (-s)</p>
Publication upon the results of the presentation and consultations on the Client’s website, open for comments from any person or organization	<p>19 May 2011, Russian language, official website of “SPK Kaspiy” JSC,</p> <p><a href="http://www.caspiy.kz/ru/news/news_142.html">http://www.caspiy.kz/ru/news/news_142.html</a></p>	None	
Consultations with NGO “EcoMangistau” on	01-03 June 2011,	From the NGO:	

environmental and social issues of the project, including economic displacement	Russian language, e-mails and phone	There is no information on waste pickers, even very approximate. All measures shall be designed to cover maximum number of people.	All measures to mitigate economic displacement are designed to cover maximum number of people.
<p>Presentation of the Technological concept in the city of Aktau with participation of the Mangistau region Akimat, city Akimat, the Bank, the Client, the Company, NGOs and mass-media, distribution of MoM to the participants to be signed</p> <p>Interview session for mass media</p>	Aktau, June 07, 2011, Presentation, Russian language	<p>From Koktem:</p> <ul style="list-style-type: none"><li>- Budget for Bayandy landfill design and construction is needed.</li></ul> <p>From Akim of the Mangistau region:</p> <ul style="list-style-type: none"><li>- Budget for Bayandy landfill design will be allocated, budget for construction shall be substantiated and will be considered in the nearest future.</li><li>- The project is favorable for the Mangistau region and will receive support. However all local norms shall be observed.</li></ul>	All local norms are observed through development of a separate ESIA documents according to the national norms (OVOS) and obtaining the positive statement from the state expertise. Site visit to the operational MBTs is possible to demonstrate how they actually work.
Publication upon the results of the presentation and consultations on the Client's website	08 June 2011, Russian language, official website of "SPK Kaspiy" JSC,  <a href="http://www.caspiy.kz/ru/news/news_164.html">http://www.caspiy.kz/ru/news/news_164.html</a>	None	
Publications on the results of the presentation and consultations in the local mass media, including free newspaper "Lada" and "Tumba" (also available on the website),	07-09 June 2011, Russian language, online publication  		

online mass-media	<p>news.kz/?p=5864</p> <p><a href="http://www.aktau-business.com/2011/06/09/musor.html">http://www.aktau-business.com/2011/06/09/musor.html</a></p> <p><a href="http://lada.kz/aktau_news/biznes_i_vlast/v_aktau_proshla_oficialnaya_prezentaciya_koncepcii_realizacii_proekta_sozdaniye_sooruzhenij_po_pererabotke_musora/">http://lada.kz/aktau_news/biznes_i_vlast/v_aktau_proshla_oficialnaya_prezentaciya_koncepcii_realizacii_proekta_sozdaniye_sooruzhenij_po_pererabotke_musora/</a></p>	<p>- in order to achieve best results, educational programme for public on how to use the waste collection system shall be arranged</p> <p>- will the tariff level increase?</p>	<p>FIDIC and announced in mass media and on the Client's website.</p> <p>This recommendation is included into SEP; specially designated programme for stakeholders engagement and authorities capacity building funded by EC is now under consideration to be launched in Mangistau region</p> <p>The tariff level is calculated through the financial model with due account to the affordability level. The results will be presented at final public hearings. Some increase is possible after transfer of the waste collection services into the competitive environment. The tariff level will be subject to separate public hearings as prescribed by the national legislation. This will be responsibility of the WSM system operator (-s)</p>
Distribution of the corrected SEP to the Bank, The Client	17 June 2011, Russian and English, electronic version	From EBRD: Comments on structure and communication programme	Negotiated with EBRD, improvements introduced
Distribution of the corrected baseline Report to the Bank, The Client and the Company	22-24 June 2011, Russian and English, electronic version		
Distribution of the Draft Final Report to the	22-24 June 2011,		



Bank, The Client and the Company for possible comments	Russian and English, electronic version		
Publications on the project (short description), availability of OVOS (ESIA) materials in the client's office and contacts to receive any comments / question / opinions in free newspaper "Lada" and "Tumba"	14 July 2011, Russian, hard copy, distributed free of charge	None	
<b>Activities to be carried further within the FS process</b>			
Final ESAP and ESDD report, Monitoring plan, SEP, disclosure package	5 August 2011, as electronic document, approved by project Parties, Russian and English language		
The Client makes the approved documents available at its office and on the website	8 August 2011, as electronic document, approved by project Parties, Russian and English language		
Notification on the planned public hearings to the stakeholders: public representatives, NGOs, small enterprises, city and oblast authorities, environmental authorities and wide public	2 weeks prior to the date of hearings by announcement on the clients' website, in free newspapers, and personal invitations to the abovementioned groups		
Final public hearings, distribution of printed materials, including leaflets, for sharing with those who did not attend	August 15-18th, 2011, working language– Russian, English and Kazakh language with		

	simultaneous translation		
Draft EIA (OVOS), submission for state expertise as a part of the FS, taking into account all comments received through the public hearings	August 25-28th, hard copy, Russian language		
Posting of non-technical summary (report) on the EBRD website	August 2011, as electronic document, English language		
State expertise approval (preliminary date)	September 2011, official document		

## **Annex 6. Rules for environmental and social information disclosure**

### **Environmental information - definition**

Article 159 of the Environmental Code determines that environmental information as written, electronic, audio, visual and other information on:

- state of the environment, including certain components;
- factors impacting the environment, including pollution;
- activities or measures, including politics, legislation, programmes and plans, that may have an impact on the environment;
- ongoing and planned activities on environmental protection;
- activities which have or might have effects on the state of environment, related decisions and results of the inspections conducted in relevance to these activities, including sampling data, laboratory tests, calculations and other data on environment;
- status of the human health and security, as well as cultural sites and buildings that may be exposed to the actual or potential environmental impact.

Article 163 of the Environmental Code determines that environmental information must be open and transparent, and be published in the mass media. However, in real life only a minor part of such information becomes publicly

available through publication in various specialized printed matters and mass media, web sites, placing in the libraries and public centers. Most of environmental information is still available only through placing a request with public authorities and other organizations.

In the framework of the present study the definition of information to be disclosed will also cover social information at the same scale.

This correction provides complete compliance with the EBRD PR10 regarding the environmental information.

### **Who has the right to receive environmental information**

The national legislation states that any legal entity or person has the right of access to the environmental and social information. It does not contain any limitations to persons or legal entities submitting such requests.

This is in compliance with EBRD rules. Any information request on this project will be processed by the responsible party.

### **Who is obliged to provide environmental information**

The Environmental Code of Kazakhstan sets forth the obligation of for public authorities, officials and companies providing services to population as per public agreements to provide the public with access to environmental information.

Moreover, commercial enterprises are also obliged to provide the public with access to information related to environmental, social, health and safety impacts.

In this respect the national legislation is even stricter than the Aarhus convention and provides compliance with the EBRD rules.

The main parties of the project are public authorities, so they shall distribute information to public on regular basis and process requests duly – see below. Though part of functions on waste collection, transportation, and disposal in the city of Aktau is to be transferred to commercial organization on the competitive basis, the future operator of the SWM system will fall under the category of enterprises obliged to provide due access to environmental information since they are involved into environmental services provision and are subject to supervision of the designated state authorities. In order to ensure and emphasize this obligation the Consultant recommends to include the requirement on information disclosure into the draft service agreement.

### **Filing of environmental requests**

General statutory requirements that apply when filing a request for environmental information are defined in Article 6 of the Law of the Republic of Kazakhstan 12 January 2007 “On the Procedure for Handling Inquiries from the Citizens.” Those include the following requirements:

- the request must specify the authority or official to whom the request (requests) is (are) addressed:

- the request must contain the applicant’s details (full name of the person or title of organization, as well as the contact details);
- the request must specify the information being requested;
- the request must be signed by the applicant (in handwriting or with electronic signature).

Article 5 of the Decree of the President of the Republic of Kazakhstan having the force of a law “On the Procedure for Handling Inquiries from the Citizens” provides that a request may be made in writing as well as orally. Under the mentioned Decree the requests may be drafted in the state language, the language of inter-nation communication, applicant’s native language, or any other language the applicant speaks.

Under national legislation the applicant is not obliged to state his interest in the requested information. In this case, the principle of “issuing the information to any interested person rather than the interested group of persons” applies, and the applicant does not need to state the reasons for requesting environmental information.

This provide basis to meet (and even go beyond compliance) the EBRD requirement that “*The Information will be disclosed in the local language(s) and in a manner that is accessible and culturally appropriate, taking into account any vulnerable people (for example ethnic groups or displaced persons)*”.

It is also important to note, that the national legislation provides for acceptance of information requests and grievances in any form, disregarding the format. Analysis of local culture indicates that use of specific formats might be a barrier for public.

### **Form for environmental information provision**

As a general rule, under national legislation the environmental and social information is provided to the public in the form specified by the applicant in the request. In the cases where the request does not specify the form of the answer, according to Article 16.4 of the Law “On Administrative Procedure” the public authorities and officials must give the answer in writing.

At the discretion of the organization holding environmental information, the form requested by the applicant may be changed only in the following cases:

- a) there are grounds for providing the information in a different form, and the reasons for doing so have been provided in the answer to the request. For instance, if the technical means of converting the form into the requested form are not available, or if such conversion will result in excessive costs, efforts, and time;
- b) the information has already been provided in a different form. For instance, the requested computer file with the text of a draft legal act has been placed on a web site or is otherwise easily accessible for the applicant.

At the applicant’s request, he/she should be provided not only the answer to the questions posed but also the copies of relevant documents. An example is the requests relating to a construction within a residential area. In such cases the public would normally be interested not only in the fact of the builder having the required permits from the public authorities but also in the copies of relevant documents, such as land allocation deeds, decisions of the state ecological expert commission, opinions of various departments, acceptance deeds, etc.

This is highly relevant to the current project. Due implementation of the national legislation is enough to achieve EBRD PR 10 compliance.

### **Terms for environmental information provision**

According to the national legislation, persons and legal entities shall provide environmental information not later than:

- 15 days if the answer does not need involvement of other parties or site visits

- 30 days if involvement of other parties or site visits are required

The deadlines are calculated from the day the request has been filed with the public authority. When the request has been sent by a registered letter or by fax, the date of filing is the date of receipt by the addressee; in other cases the date of filing is the date when the request has been registered by the recipient.

Access to the environmental information which is part of the state environmental expertise process is provided by the ministry of Environmental protection of RK (designated authority) according to the separate procedure including stakeholders identification, distribution of information on where the environmental and social information can be obtained, notification to population through mass media and other means, public consultations, settling of disputes if needed. Public access to these documents is ensured by the Article 57 of the Environmental code of RK. This is in compliance with the EBRD PR10 and EU EIA Directive.

### **Notification on non-availability of the environmental information**

As a general rule, public authorities, if they do not have the requested information, must inform the public not later than 15 days after receiving the request, because this is the maximum time allowed for handling requests not requiring additional review and check (Article 6 of Decree of the President of the Republic of Kazakhstan having the force of a law “On the Procedure for Handling Inquiries from the Citizens”). If the requested information goes beyond the scope of authority of a public authority the answer must be provided not later than 5 days after receipt.

Having received a public request which goes beyond the scope of its authority, the public authority must not only inform the applicant that the information is not available, and do it within the established deadline, but it must also perform one of the two following actions:

- point the authority or organization which may have the requested information;
- forward the request to the relevant authority or organization.

As far as the organizations within one and the same department are concerned, the requests for environmental information that have been mistakenly addressed must be forwarded from one division to another.

This is in compliance with the EBRD PR10.

### **Rejection of the environmental information access**

The Environmental Code of RK lists the following possible reasons for rejection of the environmental information request:

1. The request’s wording is too general and it is therefore not possible to determine the data requested;
2. Absence of the information requested;
3. The requested information falls in the category of data with limited access under the effectual legislation of RK.

It shall be noted, that those reasons are very general which provides room for various interpretations. Rejection of the environmental information access shall be sent to the applicant not later than 1 month upon the request is received. The rejection shall be provided in a written form with substantiation of the reasons for rejection and description of the appealing procedure. In general, rejection of the environmental information access, provision of incomplete or biased environmental information, illegitimate attribution of the “limited access” status to the public environmental information can be appealed to the overhead organization, executive or to the court.

With regard to the current project the following enhancements are proposed:

- In case of situation #1 – the responsible authority will send the request for clarification to the applicant
- In case of situation #3 – the responsible authority will make a summary to avoid disclosure of commercial secrets (names of companies, financial proposals etc.) or restricted documents and materials should contain confidential and non-confidential parts. The persons handling requests for environmental information should use the criterion of public interest when

deciding on providing access to confidential information. If the public interest in the environmental information exceeds the necessity of keeping such information confidential, then such information may be made available for public access.

### **Limitation of access to environmental information**

Environmental information may not be categorized as a state secret – this requirements is envisaged by Article 17.1.2 of Law N 349-1 of the Republic of Kazakhstan dated March 15, 1999 “On State Secrets.” Certain types of information held by public authorities and organizations that are related to environmental information may be closed for publication in the mass media and for public access due to the fact that such information is deemed as “For Special Service Use Only.” Public access may be restricted on these grounds because of the damage that might be caused to the interests of the public authorities and organizations, or because the confidentiality of their activities might be violated.

Information related to the rights, freedoms and responsibilities of the citizens may not be categorized as “For Special Service Use Only” (see the Rules of Record- Keeping, Use and Storage of Restricted-Use Documents, Cases and Publications dated August 29, 2000).

Information and data that are not state secrets but that, if disclosed, may cause damage to the economic interests of enterprises and organizations, may be closed for public access by being categorized as a commercial secret.

For information to be categorized as a commercial secret, it must comply with all the mandatory requirements, as follows:

- it must have an actual or potential commercial value, i.e. it must bring a certain income or have a potential of bringing it;
- it must not be known to third parties, in particular it may not be part of the mandatory reports submitted to the public authorities or be open for third parties in any other form;
- it may not be legally accessible; which means that it may not infringe upon the rights of the citizens for a favorable and healthy living environment;
- with respect to the information a regime of commercial confidentiality has been established; for instance, a certain internal document has been adopted which contains the list of information categorized as a commercial secret and the employees are familiarized with such document, or the regime of confidentiality has been established by some other means.

The requested information may concern the data related to the private lives of the individuals, for example it may concern personal details of the employees of the public authority. In this case, the information is acknowledged as confidential unless the concerned person gives his/her consent for public access to the same.

A public request may concern information that has been given to the public authority by third parties on a voluntary basis, for example following a certain agreement or joint project. The example of such information is an state secret—information on technologies, production, financial or other activities of enterprises and organizations, the access to which has been obtained by public authorities and officials within the scope of their functions. The information of this kind may be categorized as confidential only when the following conditions are met:

- the third party is not obliged to provide such information to the state; in particular, such information may not be part of mandatory reports submitted to public authorities;
- the third party has not given its consent to disclosure and public access to such information.

This is in compliance with EBRD PR 10.

### **Charges and fees for the environmental information**

Under the Environmental Code of RK,

3. access to the environmental information may be charged with sums not exceeding costs of copying, search and preparation of the information;
4. access to the electronic documents included into publicly available rosters compiled by the state authorities is to be provided free of charge.

The prices for information services provided by state organizations and natural monopolies are regulated in accordance with the legislation on monopolistic activities and protection of the competition.

This is in compliance with EBRD PR 10.

### **Responsibility for failure to provide access to environmental information**

Under the Kazakhstan legislation, failure to provide, untimely provision, or provision of incomplete or unauthentic environmental information is subject to material, administrative and criminal liability.

Article 84 of the Administrative Code of the Republic of Kazakhstan envisages administrative liability for the following acts by the public authorities and officials hindering public access to the environmental information:

- ungrounded refusal to provide documents and materials directly concerning the rights and freedoms of the citizens;
- provision of incomplete or deliberately false information;
- unlawful referral of publicly-accessible information to the category of restricted information.

The legislation of the Republic of Kazakhstan also provides that the citizens and legal entities have the right to demand compensation of damage and moral damage caused by certain acts (failure to act) of the public authorities with respect to such persons' and legal entities' requests for environmental information.

This is in compliance with EBRD PR 10.

### **Procedure to protest the refusal to provide environmental information**

Failure to provide environmental information, provision of incomplete or unauthentic information, or untimely provision of environmental information may be protested at the higher public authority (superior official) or court. In doing so, applying to the higher authority should not prevent the citizens/legal entities from applying to the court at the same time.

In accordance with Article 17.2 of the Law of the Republic of Kazakhstan "On Administrative Procedure," this shall be done no later than three months after the applicant became aware of the unlawful acts or making the unlawful decision by the relevant public official or authority. If the applicant fails to file the protest within the prescribed deadline it does not prevent the public authority, official or court from accepting the protest.

Higher public authorities and officials must consider the complaints with respect to information requests within the same deadlines as apply to the handling of requests for environmental information 15 or 30 days depending on necessity of additional surveys or site visits.

Public authorities and official must not use the protest to cause damage to the applicant by whom or in the interest of whom the protest has been filed; they must not forward the protest to the officials whose acts have been protested. An administrative liability is envisage for failure to comply with these requirements.

In the event of failure to provide access to environmental information, for the citizens and legal entities of the Republic of Kazakhstan there is a procedure for handling the relevant case at an international channel, the Aarhus Convention Compliance Committee. As of October 23, 2003, any individual or legal entity of the Republic of Kazakhstan may apply to this body with a communication regarding the non-compliance with the Convention, including its provisions concerning the access to environmental information.

This is in compliance with EBRD PR 10.

*Requirements to the design documentation and information disclosure on the planned activities*

As required by the national norms, including the Environmental Code of the RK and the State law on Environmental Expertise, environmental considerations are subject for approval at both pre-design (feasibility study) and design stages. The consultant develops preliminary EIA in the framework of this contract which is to be approved by the national supervisory authorities. This is done with involvement of local experts to be sure that all local environmental features and legislative requirements are duly accounted for.

According to the Resolution of the Minister of Economy and Budget Planning of the Republic of Kazakhstan of 18 March 2009 # 5593 “On approval of requirements to development and expertise of feasibility studies for budget investment projects and concession projects involving co-financing from the state or municipal budget”, feasibility studies shall contain:

- Environmental Chapter assessing environmental impacts and risks, qualitative and quantitative evaluation of environmental damages, and describing environmental protection measures;
- Social assessment including description of social impacts and risks, evaluation of social improvements/damages, health and safety standards to be reached, training programmes, social protection measures description.

Further, design documentation shall contain a separate volume “Environmental protection” which describes technical and organizational solutions mitigating environmental impacts as well as overall environmental impact assessment of the projects.

As stated in Chapter 9 of the national Law #85-1 “On environmental expertise” of 18.03.1997,

3. Initiators of the environmental expertise shall inform on it through mass media. If necessary, the same is done by the authority undertaking the expertise;
4. Supervising authorities performing the expertise shall inform the public on the results of the expertise through mass media or by other means upon request not later than 1 month after completion of the expertise procedure.