

Geothermal Waters in Kazakhstan: Subsoil or Special Water?

Kazakhstan is rich in different types of renewable energy, and geothermal resources are not an exception. In order to extract heat or electricity from geothermal resources, the hot water is pumped out of the deep subsoil and the heat is extracted using a heat exchanger. However, the legislation of Kazakhstan does not properly regulate issues related to geothermal resources. The question may arise in relation to the law regulating the extraction and utilisation of geothermal waters: where to look at? Whether it is in the Subsoil Use Code or Water Code?

Prior to the extraction of geothermal waters, it is necessary to obtain a license for geological studies. Due to the actual absence of the term “geothermal waters” in the legislation, the concept of “groundwater” comes closer in meaning to geothermal waters because the Water Code states that the groundwater is the concentration of water in soil while thermal water is groundwater with a temperature of over 20°C. Meanwhile, Article 84 of the Subsoil Use Code provides that a license for geological exploration of subsoil gives its holder the right to use subsoil for three years for the purpose of conducting a geological survey and (or) geophysical work, as well as prospecting and appraisal work on groundwater.

Furthermore, in terms of extraction of the groundwater, article 89.5 of the Subsoil Use Code refers to the Water Code and it describes that extraction of groundwater is being led in compliance with the water legislation of Kazakhstan.

Pursuant to the Water Code, the extraction and (or) use of groundwater for energy production requires obtaining a permit for special water use. In addition, the Water Code, clearly states, that the use of water facilities and water constructions for the needs of industry and thermal power is carried out as special water use.

Permits for special water use are issued to individuals or legal entities who have:

1. on the balance sheet corresponding structures or technical devices that help to carry out a special water use;
2. water metering devices;
3. a list of secondary water users with applications for the supply or reception of wastewater;
4. sanitary and epidemiological conclusion on compliance with sanitary and epidemiological requirements for the use groundwater for domestic drinking water supply;
5. an approval of the terms of water use with the territorial divisions of the authorised body.

It is worth mentioning that no approval is required for the intake and (or) use of groundwater in a volume of up to fifty cubic meters per day, with the exception of mineral groundwater.

Obtaining a permit for special water use requires the applicant to submit the following documents to the basin inspectorates:

1. an application for the issue of a permit for special water use in the form established by the authorised body;
2. a certificate of state registration (re-registration) of a legal entity;
3. a passport of a water utility, irrigation, and drainage systems or devices;

4. calculations of specific norms of water consumption and wastewater disposal;
5. sanitary and epidemiological conclusion on compliance with sanitary and epidemiological requirements for the use groundwater for domestic drinking water supply;
6. a list of secondary water users with applications for the supply or reception of wastewater;
7. information on the availability of metering devices for water intake.

For the purposes of obtaining a permit for special water use related to the use of water facilities for hydropower purposes, the applicant shall additionally submit the following documents:

1. data on the installed capacity of the hydroelectric power plant;
2. information on the carrying capacity of power, waste, and other structures;
3. information about fish protection and fish pass structures;
4. data on the indicators of the declared use of water resources for the needs of hydropower.

However, there is no detailed list of documents for geothermal energy facilities neither in the Water Code nor in the Subsoil Use Code. We assume in light of the increase of the use of geothermal water in Kazakhstan, there will be established clear norms concerning the extraction of geothermal waters for the utilisation for heat or electricity production. This will bring a beneficial impact on Kazakhstan's RES market and its investment climate.

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