

**THE GOVERNMENT**

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**SOCIALIST REPUBLIC OF VIETNAM**

**Independence - Freedom - Happiness**

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*Hanoi, April 24, 2015*

## **DECREE**

### **ON MANAGEMENT OF WASTE AND DISCARDED MATERIALS**

*Pursuant to the Law on Government organization dated December 25, 2001;*

*Pursuant to the Law on Environment protection dated June 23, 2014;*

*At the request of the Minister of Natural Resources and Environment*

*The government promulgates the Decree on management of waste and discarded materials.*

#### **Chapter I**

### **GENERAL PROVISIONS**

#### **Article 1. Scope of regulation**

1. This Decree stipulates for: Waste management including hazardous wastes, daily-life solid waste, ordinary industrial solid waste, liquid waste products, wastewater, industrial emissions and other particular wastes; environmental protection in discarded material imports.
2. This Decree shall not stipulate for management of radioactive waste, noise, vibration, light, radiation .
3. The collection and transportation of waste from free trade zones, processing and exporting zones, exporting and processing enterprises to inland shall be carried out uniformly as for wastes outside free trade zone, processing and exporting zones, exporting and processing under the provisions of this Decree; the provisions of Chapter VIII of this Decree shall not be applied to discarded materials from free trade zone, processing and exporting zones and exporting and processing enterprises.

#### **Article 2. Regulated entities**

This Decree shall be applied to domestic agencies, organizations, households and individuals, foreign organizations and individuals (hereinafter referred to as organizations and individuals) with activities related to waste and imported discarded materials on the Socialist Republic of Vietnam's territory, including the mainland and islands, territorial waters and airspace.

### **Article 3. Interpretation of terms**

In this Decree, the following terms shall be construed as follows:

1. Solid waste means waste in solid or paste form (also called waste sludge) discharged from production, business, service, daily life or other activities.
2. Ordinary waste means waste that is in the list of hazardous waste or in the list of hazardous waste of which risk factors are below hazardous waste level.
3. Daily-life solid waste (called also daily-life garbage) means solid waste in the daily life of people.
4. Industrial solid waste means waste generated from production, trading and services.
5. Wastewater means water altered characteristics and nature discharged from production, business, services, daily-life activities or other activities.
6. Liquid waste product means product, solution, materials in a liquid state expired or discharged from the use, production, business, services, daily-life activities, or other activities. In case the liquid waste product is discharged along with wastewater, it shall be called waste water.
7. Receiving water is the place the waste water is discharged into, including: Sewer, rivers, streams, ditches, canals, lakes, ponds, marshes, coastal waters, territorial waters and other receiving waters.
8. Industrial emission means waste existing in a gas or steam state generated from industrial production and services.
9. Waste delimitation is a process of distinguishing a material that is a waste or not a waste, a hazardous waste or an ordinary waste and determining such waste belonging to a type or a certain group of waste in order to classify and manage in reality.
10. Waste classification is waste separation (delimited) in reality in order to divide into categories or groups of waste to have different waste management procedures.
11. Waste transportation means transporting waste from generation place to treatment place, which may include the collection, temporary retention (or gathering), waste transfer and pre-processing of waste at collecting points or waste transfer stations.
12. Waste reuse means reuse of waste directly or after pre-processing which does not alter the nature of the waste.
13. Waste pre-processing is the use of merely mechanical-physical technical measures to change physical properties such as size, humidity and temperature to facilitate the classification, storage, transport, reuse, recycling, and co-treatment, treatment to blend or to separate the components of the waste in accordance with the different management processes.

14. Waste recycling is a process of using technological solutions and techniques to recover valuable components from waste.
15. Recovery of energy from waste is a process of recovery of energy from waste transformation.
16. Waste treatment is a process of using technological and technical solutions, (as opposed to pre-processing) to reduce, eliminate, isolate, burn, destroy, and bury waste and harmful components in waste.
17. Waste co-treatment is a combination of an existing manufacturing process for recycling, treatment and recovery of energy from waste in which the waste is used as raw materials, alternative fuels or is treated.
18. Waste generating facility is establishment of production, business and service of which waste is generated.
19. Waste generator is organizations and individuals owning or operating establishments generating waste.
20. Industrial zone is a common name for industrial zones, processing and exporting zones, hi-tech zones, industrial complexes.
21. Waste treatment facility is facility of service of waste disposal (including recycling, co-treatment, recovery of energy from waste).
22. Daily-life solid waste collectors, transporters are organizations, individuals doing services of collection and transport of daily-life solid waste as prescribed.
23. Waste treaters are organizations and individuals owning or operating establishments treating waste.
24. Hazardous waste treatment license is a license issued to the hazardous waste treaters to do services of treatment, recycling, co-treatment, recovery of energy from hazardous wastes (which may include transportation, transit, storage and pre-processing).
25. Load capacity of the water environment is ability to receive more pollutants while ensuring the concentration of pollutants not to exceed the limited values specified in environmental standards for the use purpose of receiving sources.
26. Wastewater discharge quotas is load limit of each pollutant or parameter in wastewater issued by State management agencies for each receiving waters to ensure the discharge of wastewater not to exceed the load capacity of the water environment.
27. Industrial emission inventory is determination of flow, nature and characteristics of the emission sources of industrial emissions under determined space and time.

28. Imported discarded material deposit means organizations and individuals importing discarded materials pay a sum of money to a prescribed place to ensure reduction and remedy environmental risks caused by discarded material import.

29. Imported discarded material shipment is amount of imported discarded materials that has the same HS code (classification code of import and export goods) or HS code group registered for one-time inspection by organizations or individuals to import into Vietnam.

#### **Article 4. General principles of waste management**

1. Organizations and individuals have the responsibility to enhance the application of measures of resources and energy save; use of natural resources, renewable energy and products, raw materials, clean energy that are environmental friendly; cleaner production; environmental audit for waste and other measures to prevent and minimize waste generation.

2. Organizations and individuals shall be responsible for classification of waste at its source in order to enhance the reuse, recycling, co-treatment, treatment and recovery of energy.

3. Investment in construction of waste treatment facilities must comply with relevant legal provisions on construction and environmental protection.

4. Waste water must be collected, processed, reused or transferred to units with suitable functions to reuse or treat to meet environmental standards before being discharged into the environment.

5. Emissions must be treated to meet environmental standards at the generating facilities before being released to the environment.

6. The State encourages socialization of collection, transportation, reuse, recycling, treatment of waste and energy recovery from waste.

7. Organizations and individuals that discharge waste shall be responsible for payment of charges and prices of services for the collection, transportation, management of waste as prescribed by law.

8. The application of waste treatment technologies that are environmentally friendly is encouraged. The use of bio-products in waste treatment must comply with the law.

## **Chapter II**

### **HAZARDOUS WASTE MANAGEMENT**

#### **Article 5. Delimitation, encoding, classification and storage of hazardous waste**

1. The delimitation of hazardous waste must be carried out under codes, categories and levels of hazardous waste.

2. Hazardous waste must be classified according to the code of hazardous waste to be stored in packaging or appropriate storage instruments. It is permitted to use the same packaging or storage instruments for hazardous waste code of the same nature, being not likely to cause reactions, interact with each other and having the ability to be treated in the same method.

3. Hazardous waste water treated meeting environmental standards in sewage treatment system at the generating facility shall be managed under the provisions of wastewater management in Chapter V of this Decree.

4. Hazardous wastes must be classified starting from the time of being stored or transferred for treatment.

#### **Article 6. Registration of hazardous waste generators**

1. Waste generator of hazardous waste shall be responsible for registration with the Service of Natural Resources and Environment under one of the following forms:

Make an application for granting register of hazardous wastes generators (hereinafter referred to as registration procedures for hazardous wastes generator);

b) Integrate in report on hazardous waste management and do not carry out registration procedures for hazardous wastes generators for some special cases (in case of waste generator is limited on the generated amount, type and operation time);

c) Register online through the information system with complete information similar to making application as defined in Point a Paragraph 1 of this Article.

2. The registration procedure for hazardous waste generators as defined in Point a Paragraph 1 of this Article shall be carried out once (no renewal or adjustment) when hazardous waste is generated. The register is only re-granted in case there is a change in generator's name or address, quantity of hazardous waste generating facilities; change or supplementation of the plan for reuse, recycling, co-treatment, treatment and recovery of energy from hazardous waste at the facility. After being granted the Register of waste generators, waste information shall be updated with reports on hazardous waste periodical management.

3. Registration procedures for hazardous waste generators shall be integrated with the registration of the plans: self-reuse or pre-processing, recycling, co-treatment, treatment, recovery of energy from hazardous wastes meeting environmental standards in waste generating facility campus.

#### **Article 7. Responsibilities of hazardous waste generators**

1. Register with the Service of Natural Resources and Environment at the place of the hazardous waste generating facility as defined in Paragraph 1, Article 6 of this Decree.

2. Take measures to minimize hazardous waste generation; Be self-responsible for the delimitation, classification, quantification of hazardous waste reported and managed.

3. Have a temporary storage area for hazardous waste; store hazardous waste in packaging or storage instruments meeting the technical requirements and management process as prescribed.
4. Conclude a contract to transfer hazardous waste with organizations and individuals having appropriate license in case of failure of self-reuse, recycling, co-treatment, treatment and recovery of energy from hazardous waste at the facility.
5. Report every 06 (six) months on the storage of hazardous waste at the generating facility with the Service of Natural Resources and Environment in separate documents or in combination in the report on periodical hazardous waste management upon failure to transfer in the following cases:

Plans for feasible transport, treatment have not been made;

b) Suitable hazardous waste treaters have not been found.

6. Prepare, use, store and manage records for hazardous waste, hazardous waste management report (periodical and extraordinary) and dossiers, documents and diaries relating to the hazardous waste management as prescribed.
7. Notify in writing to the Service of Natural Resources and Environment at the place of the hazardous waste generating facilities within 06 (six) months upon termination of generation of hazardous waste.

#### **Article 8. Collection and transportation of hazardous waste**

1. The collection and transportation of hazardous waste shall be only allowed by organizations and individuals with Licenses for hazardous waste treatment.
2. The means and equipment for collection and transportation of hazardous waste must meet technical requirements and management procedures as prescribed. Transport means of hazardous waste must be stated in the License for hazardous waste treatment.
3. The use of special means of transport such as container, railway vehicles, inland waterways, seaway or means of transport not included in the License for hazardous waste treatment must meet the technical requirements, management process as prescribed by the Ministry of Natural Resources and Environment and must be approved by the Ministry of Natural Resources and Environment.
4. Transportation of hazardous waste must follow the optimal route in the route line, distance, time, traffic safety and emergency prevention and response in accordance with the provisions of the competent agencies on traffic separation.

#### **Article 9. Conditions for licensing hazardous waste treatment**

1. There is a report on environmental impact assessment approved by the Ministry of Natural Resources and Environment for investment projects in hazardous waste treatment facilities or replaced records, papers as follows:

a) A valid document on environment issued by competent State management agencies for hazardous waste treatment facilities come into operation before July 1, 2006 including: Certificate of environmental standard registration; verification document of declarations of production, business impacting on the environment; verification paper of environmental impact assessment; or documents equivalent to these documents;

b) A project for environmental protection approved by competent State management agencies as prescribed for hazardous waste treatment facilities put into operation.

2. Locations of hazardous waste treatment facilities (except where production facilities have hazardous waste co-treatment activities) shall be under the planning having contents on management, treatment of waste approved by competent agencies in provincial or higher level as prescribed by law.

3. Treatment systems and device (including pre-processing, recycling, co-treatment, recovery of energy), packaging, storage equipment, temporary storage or transit areas, transport means (if any) must meet technical requirements and management procedures as prescribed.

4. There are environmental protection works in hazardous waste treatment facilities meeting the technical requirements and management procedures as prescribed.

5. There is staff meeting the following requirements:

a) A hazardous waste treatment facility must have at least 02 (two) people responsible for management, executive, professional and technical guidance whose professional knowledge is in majors related to the environment or chemistry certified hazardous waste management as prescribed;

b) A hazardous waste transfer station must have at least 01 (one) person responsible for management, executive, professional and technical guidance whose professional knowledge is in majors related to the environment or chemistry;

c) Staff referred to in Point a, Point b of this Clause must be paid for social insurance, health care as prescribed by law; have long-term labor contracts in case of not being included in the Certificate of Business registration (or equivalent document) or not being in the leading board or not being staff of organizations and individuals registering for licensing of hazardous waste treatment;

d) There is a team of operators and drivers trained to ensure safe operation of means, systems and equipment.

6. There is a safe operation process of means, systems and equipment for collection, transport (if any) and treatment (including re-processing, recycling, co-treatment, recovery of energy) of waste hazardous.

7. There are environmental protection plans which include contents about: pollution control and environmental protection plan; labor safety and health protection plan; emergency response and prevention plan; periodical training plan; environmental observation programs, treatment operational monitoring and assessment of hazardous waste treatment effect.

8. There is a plan for pollution control and environmental remediation upon termination of operation.

9. The conditions stipulated in Paragraph 1 of this Article shall not be applied to the following cases:

a) Production establishments put into operation in accordance with the law wish to add the waste co-treatment based on available production technologies without making reports on environmental impact assessment;

b) Waste treatment facilities put into operation in accordance with law wishing to renovate and upgrade to more advanced technology to decrease or not to increase bad impact to environment, improving treatment efficiency, saving resources and energy without making reports on environmental impact assessment must have plans to request hazardous wastes treatment licensing agency for consideration and approval before commencement of the renovation and upgrade.

10. The following cases shall not be considered hazardous waste treatment facilities and shall not be subject to licensing hazardous waste:

a) Waste generators reuse, pre-process, recycle, have co-treatment, treat or recover energy from hazardous waste generated internally in the campus of hazardous waste generating facilities themselves;

b) Organizations and individuals research and develop technology for hazardous waste treatment in laboratory environment;

c) Medical facilities have hazardous medical waste treatment works in the campus to carry out self-treatment and collection and hazardous biomedical waste treatment for medical facilities in vicinity (group modal).

11. The Ministry of Natural Resources and Environment stipulates technical requirements and management procedures for the cases mentioned in Paragraph 10 of this Article.

#### **Article 10. Licensing hazardous waste treatment**

1. Organizations and individuals that meet the conditions stipulated in Article 9 of this Decree shall make an application for licensing hazardous waste treatment and request competent agencies.



2. The Ministry of Natural Resources and Environment shall be competent agencies in licensing hazardous wastes treatment on a national scale.

3. A License for hazardous waste treatment shall specify operation areas, number and types of hazardous waste permitted to treat, the vehicles, system, equipment for the transport and treatment of hazardous waste (including pre-processing, recycling, co-treatment, recovery of energy), other requirements for hazardous waste treaters.

4. The time-limit for licensing hazardous waste treatment shall be 03 (three) years from the date of issuance.

5. Procedures for licensing hazardous waste treatment shall replace procedures for: inspection and certification of completion of the environmental protection works according to reports on environmental impact assessment, environmental protection projects (or equivalent records and document); confirmation of meeting environmental protection requirements for treatment facilities of daily-life solid waste and ordinary industrial solid waste (in case hazardous waste treatment facilities combine treatment of daily-life solid waste with ordinary industrial solid waste treatment); Other procedures for environment relevant to the operational stage of hazardous waste treatment facilities as prescribed by law.

6. During the consideration, granting the License for hazardous waste treatment, the Ministry of Natural Resources and Environment shall approve in writing the trial operation of hazardous waste treatment as a temporary base for organizations and individuals to conclude contracts of collection, transportation and treatment of hazardous waste serving the trial operation within 06 (six) months.

7. The Ministry of Natural Resources and Environment shall specify the procedures for licensing hazardous waste treatment.

#### **Article 11. Re-issuance and adjustment of License for hazardous waste treatment**

1. The License for hazardous waste treatment shall be reissued in the following cases:

a) The License for hazardous waste treatment expires;

b) It is changed from the license for hazardous waste management that has been granted under the provisions before this Decree takes affect;

c) The License is lost or damaged.

2. The License for hazardous waste treatment shall be adjusted when there are changes in: The operating areas; the amount and types of hazardous waste that are allowed treatment; means, systems and equipment for the transport and waste treatment (including pre-processing, recycling, co-treatment, recovery of energy); number of transfer stations; number of hazardous waste treatment facilities.

3. The provisions of Paragraph 2 of Article 9 of this Decree shall not be applied to the reissuance, adjustment as provided for in Paragraphs 1 and 2 of this Article.
4. The License for hazardous waste treatment shall be reissued or adjusted within 03 (three) years from the date of reissuance or adjustment; except where the hazardous waste treaters request to adjust only part of the License and maintain the term of the issued License.
5. The Ministry of Natural Resources and Environment shall specify the procedures for reissuance or adjustment of the License for hazardous waste treatment.

## **Article 12. Responsibilities of hazardous waste treaters**

1. Conclude contracts of collection, transportation and treatment of hazardous waste with hazardous waste generators in operation areas indicated in the License for hazardous waste treatment; receive, transport, treat the volume, types of hazardous waste by means, systems, equipment permitted under the contents of the contracts, hazardous waste documents and Licenses for hazardous waste treatment.
2. Fulfill responsibilities of hazardous waste generators for hazardous waste arising from the operation without treatment capabilities. In case hazardous waste is treated totally, the hazardous waste treaters shall not fulfill responsibilities of hazardous waste generators.
3. Implement fully the contents of the application for licensing hazardous waste treatment certified by the Ministry of Natural Resources and Environment enclosed with the License. This application shall be specific bases for environmental management and supervision for hazardous waste treaters.
4. Notify in writing to hazardous waste generators and report to the Ministry of Natural Resources and Environment (written separately do or integrated in periodic reports on hazardous waste management) in case there is reason for temporary storage of hazardous waste without treatment after 06 (six) months from the date of transfer written in hazardous waste records.
5. Register with the Ministry of Natural Resources and Environment as needed for association for the transportation of hazardous waste that is not in their License for other hazardous waste treaters who have appropriate functions to treat.
6. Apply National Standards for Environmental Management Systems (ISO 14001) within 24 (twenty four) months from the date of issuance of the License for hazardous waste treatment; or 24 (twenty four) months since this Decree takes effect to hazardous waste treatment facilities which are operating.
7. Prepare, use, store and manage records for hazardous waste, hazardous waste management report (periodical and extraordinary) and dossiers, documents and diaries relating to the hazardous waste management as prescribed. In case hazardous waste treaters are also ordinary industrial solid waste treaters or daily-life solid waste treaters, they are entitled to integrate reports, records,

documents and diaries for both management of hazardous waste and daily-life solid waste or ordinary industrial solid waste.

8. Make plans for pollution control and environmental remediation upon termination of operation, return the License for hazardous waste treatment to the Ministry of Natural Resources and Environment within 06 (six) months from the termination of operation.

**Article 13. Responsibilities of the Minister of Natural Resources and Environment in hazardous waste management.**

1. Consent for state management of hazardous wastes on a national scale and promulgate regulations on:

a) List, code and level of hazardous waste; technical requirements, management process on the delimitation, classification, storage, transit, transportation, pre-processing, reuse, recycling, co-treatment, treatment and recovery of energy from hazardous wastes; technical requirements, management process related to the conditions to be licensed for hazardous waste treatment and the fulfilling responsibilities in operation stage of hazardous waste generators and treaters;

b) The procedures for: Registration for hazardous waste generators; issuance and revocation of Licenses for hazardous waste treatment; integration and replacement of procedures related to registration for waste generators, licensing for hazardous waste treatment; issuance of certification of hazardous waste management;

c) Registration for cross-border transport of hazardous waste under the Basel Convention on the Control of cross-border transport of hazardous wastes and destruction; implementation of functional authorities and focal points of the Basel Convention in Vietnam;

d) Particular cases: Failure of collection, transportation, storage and transfer by vehicles and equipment recorded in the License for hazardous waste treatment for waste generators with low waste generation quantity or generators in remote areas and areas that are not eligible for the hazardous waste treaters to transport directly by the means listed in the license for hazardous wastes treatment, hazardous wastes that are not capable of domestic treatment or specified in the international agreements to which the Socialist Republic of Vietnam is a signatory; reuse of hazardous waste; transportation of hazardous waste from the offshore oil and gas projects and other cases arising in practice.

2. Manage, inspect the conditions, operations and records, contracts, reports, documents related to hazardous waste treaters.

3. Formulate and operate information systems, national database on hazardous waste; organize and guide the implementation of the waste generator registration, declaration of hazardous waste documents and reports on online management of hazardous waste; increase the use of information systems or electronic mail to notify, guide and exchange with organizations and individuals in the process of issuing the License for hazardous waste treatment.

4. Implement the contents of hazardous waste management serving the formulation and implementation of environmental protection planning as provided for in Article 94 of the Law on Environmental Protection.

**Article 14. Responsibilities of the Service of Natural Resources and Environment in hazardous waste management.**

1. Manage the operation and records, reports, contracts, documents of the hazardous waste generators within their local scope (including the case where waste generators are exempt from the registration procedures of hazardous waste generators).

2. Update the database of hazardous waste and commence the waste generator registration, declaration of hazardous waste documents, reports on hazardous waste online management at locality; increase the use of information systems or electronic mail in the registration process for hazardous waste generators.

3. Report to provincial People's Committees and the Ministry of Natural Resources and Environment on hazardous waste management, waste generator registration of hazardous waste, the deadline of reports is before March 31 of the following year.

**Chapter III**

**DAILY-LIFE SOLID WASTE MANAGEMENT**

**Article 15. Classification, storage of daily-life solid waste**

1. Daily-life solid wastes are classified at their source in accordance with the purpose of management and treatment into the following groups:

a) Biodegradable organic group (leftovers, leaves, vegetable, fruit, animal carcasses);

b) Reusable and recycled group (paper, plastic, metal, rubber, plastic, glass);

c) The other group.

2. Daily-life solid waste after being classified shall be stored in the appropriate packaging or storage device.

3. The classification of daily-life solid waste must be managed, monitored, propagated and advocated organizations, individuals, households to comply with provisions, ensuring favorable requirements for collection, transport and treatment.

4. Provincial People's Committees shall guide and organize the classification of daily-life solid waste in consistence with specific natural and socio-economic conditions of each locality.

**Article 16. Responsibilities of organizations and individuals generating daily-life solid waste**

1. Daily-life solid waste must be classified and stored as defined in Article 15 of this Decree.
2. Households and individuals must pay a sanitary fee for collection and transportation of daily-life solid waste as prescribed.
3. Daily-life solid waste generators shall be responsible for contracting the service of collecting, transporting and treatment; full payment of cost under the service contract.

#### **Article 17. Collection and transportation of daily-life solid waste**

1. Daily-life solid waste must be collected according to routes to be transported to the collecting points, transfer stations and daily-life solid waste treatment facilities under the planning approved by competent authorities.
2. On main streets, shopping malls, parks, squares, residential centralized location, transportation focus points and other public areas the appropriate storage device and daily-life solid waste collecting point must be arranged.
3. The storage devices of daily-life solid waste must have sizes suitable for the storage period. Storage devices in public areas must ensure aesthetics
4. In the process of transporting daily-life solid waste, it must ensure not to drop waste, causing emission of dust, odors, water leaks.

#### **Article 18. Responsibilities of collectors and transporters of daily-life solid waste**

1. Ensure sufficient manpower, means and equipment dedicated to the collection and transportation of daily-life solid waste in specified locations.
2. Notify publicly of the time, location, frequency and route of daily-life solid waste collection in residential areas.
3. Collect and transport daily-life solid waste to collecting points, transfer stations or treatment facilities by means of equipment meeting the technical requirements and management procedures as prescribed.
4. Manage under the provisions on hazardous waste management in Chapter II of this Decree for the classification of hazardous waste from daily-life solid waste at the collecting points, transfer stations.
5. Be responsible for the spillage state of daily-life solid waste, causing emission of dust, odor or water leaks causing negative environmental impact in the process of collection and transportation.
6. Train technically and provide personal protective equipment for workers collecting and transporting daily-life solid waste.

7. Organize periodical medical examination and ensure the policies for workers collecting and transporting daily-life solid waste as prescribed.

8. Report annually on the collection and transportation of daily-life solid waste as prescribed.

### **Article 19. Technology selection in daily-life solid waste treatment**

1. Technology of daily-life solid waste treatment shall include:

a) Organic fertilizer processing technology ;

b) Combustion technology;

c) Sanitary landfill technology;

d) Technology for recycling, energy recovery, producing products from the useful composition of daily-life solid waste;

dd) Other environmentally friendly technologies.

2. Selection of the processing technology of daily life solid waste under the following criteria:

a) For technology:

- The ability of receipt of daily-life solid waste, flexibility, consistence in size, expansion of treatment capacity;

- The degree of automation, localization of equipment line; rate of treatment, reuse, recycling, landfill of daily-life solid waste ;

- Priority of technology assessed and verified by competent agencies meeting environmentally technical regulations and standards and be in accordance with conditions of Vietnam;

- Manage, operate and maintain in accordance with degree, capacity of local human resources

b) For environment and society:

- Guarantee of environmental technical regulations and standards;

- Save of use land;

- Save of energy, recovery capability in the treatment process;

- Training and using of local manpower.

c) For economy:

- Cost of treatment consistent with the affordability of locality or not exceeding the treatment cost declared by competent agencies;

- The ability to consume products from technologies of treatment, recycling of daily-life solid waste.

3. Based on the provisions of Paragraph 2 of this Article, the provincial People's Committees or the investors shall choose the treatment technology of daily-life solid waste in accordance with their local conditions.

#### **Article 20. Selection of investors, daily-life solid waste treaters.**

1. The selection of investors of daily-life solid waste treatment facilities shall comply with law provisions on investment, construction and bidding.

2. The selection of daily-life solid waste treaters to manage and operate the daily-life solid waste treatment facilities invested by the State budget must comply with the provisions of the law on public service product supply.

3. In case daily-life solid waste treatment facilities are not invested by the budget, the investor shall directly manage and operate the daily-life solid waste treatment facilities invested by him/her or hire other organizations and individuals to work as daily-life solid waste treaters as stipulated by law.

#### **Article 21. Environmental protection requirements for daily-life solid waste treatment facilities**

1. There are reports on environmental impact assessment approved by competent agencies for investment project of waste treatment facility.

2. There are treatment systems and device (including pre-processing, recycling, co-treatment, recovery of energy), temporary storage meeting technical requirements and management procedures as prescribed.

3. There are the environmental protection projects in waste treatment facilities meeting technical requirements and management procedures as prescribed.

4. There are programs of environmental management and supervision.

5. Daily-life solid waste treaters must be certified by competent agencies meeting environmental protection requirements prior to official operation of daily-life solid waste treatment.

6. Prior to trial operation, daily-life solid waste treaters must report to competent agencies for certification of meeting environmental protection requirements for daily-life solid waste treatment facilities on the trial operation plan. Time for trial operation of daily-life solid waste treatment shall be within 06 (six) months.

7. The Ministry of Natural Resources and Environment shall certify or adjust the certification of meeting environmental protection requirements for:

a) Daily-life solid waste treatment facilities of which reports on environmental impact assessment are approved by the Ministry of Natural Resources and Environment;

b) Daily-life solid waste treatment facilities receiving daily-life solid waste treatment in inter-provincial areas;

c) Daily-life solid waste treatment facilities associated with hazardous waste treatment (replaced by the License for hazardous waste treatment).

8. The provincial People's Committees shall certify or adjust the certification of meeting environmental protection requirements for daily-life solid waste treatment facilities under the approval competence of reports on environmental impact assessment and the facilities only receiving daily-life solid waste treatment facilities in the provincial areas.

9. The time for submission of registration application for certification of meeting environmental protection requirements for daily-life solid waste treatment facilities shall be as follows:

a) It shall be within 06 (six) months from the date of commencement of trial operation;

b) For projects of daily-life solid waste treatment that have many stages, registration application for certification of meeting environmental protection requirements shall be submitted for daily-life solid waste treatment facilities for each stage of the projects .

10. In case daily-life solid waste treatment facilities have changes in size, capacity, technology, they must submit an application for adjustment, certification of meeting environmental protection requirements for daily-life solid waste treatment facilities and request competent agencies for consideration and adjustment of certification as prescribed.

11. In case daily-life solid waste treatment facilities associate with ordinary industrial solid waste, the certification of meeting environmental protection requirements for daily-life solid waste treatment facilities and the certification of meeting environmental protection requirements for ordinary industrial waste treatment facilities shall be typically integrated together.

12. The certification of meeting environmental protection requirements as defined in this Article shall not be applied to the following cases:

a) Daily-life solid waste treatment facilities that are not subject to reporting on environmental impact assessment as prescribed; Daily-life solid waste treatment facilities that have been put into operation and have been certified completion of environmental protection works as prescribed before this Decree takes effect;

b) The landfill of daily-life solid waste operating before this Decree takes effect;



c) Self-preprocessing, reuse, recycling, co-treatment, treatment or recover of energy from daily-life solid waste generated internally in the campus of facilities;

d) Research and development of technology for daily-life solid waste treatment in laboratory environment;

13. The conditions stipulated in Paragraph 1 of this Article shall not be applied to the following cases:

a) Production establishments that have been put into operation in accordance with the law wish to add the daily-life solid waste co-treatment based on available production technologies without making reports on environmental impact assessment;

b) Daily-life solid waste treatment facilities put into operation in accordance with law wish to renovate and upgrade to more advanced technology to decrease or not to increase bad impact to environment, improve treatment efficiency, save resources and energy without making reports on environmental impact assessment.

## **Article 22. Responsibilities and powers of daily-life solid waste treaters**

1. Responsibilities of daily-life solid waste treaters:

a) Fully fulfill the requirements of environmental protection under the provisions of Article 21 of this Decree;

b) Fully implement contents of certification of meeting environmental protection requirements for daily-life solid waste treatment facilities and application for certification of meeting environmental protection requirements for daily-life solid waste treatment facilities enclosed with the certification content. This application shall be specific bases for environmental management and supervision for the daily-life solid waste treaters;

c) Must have a plan requested competent agencies as defined in Paragraph 7, 8, Article 21 of this Decree for consideration and approval before the operation for cases specified in Paragraph 13 of Article 21;

d) Notify in writing to State management agencies, parties involved in case of suspension of services to repair, renovate and upgrade the processing services. Contents of the notice must specify the reasons, suspension of the service and must have handling plans;

dd) Take emergency measures to ensure the safety of persons and property; rescue persons, property and promptly notify to investors, local governments or specialized agencies in environmental protection where the pollution or environmental incidents occur for cooperation in handling upon detection of environmental incidents;

e) Formulate, use, store, and manage reports, records, documents and diaries related to daily-life solid waste management as prescribed;

g) Manage under the provisions on hazardous waste management and fulfill responsibilities of hazardous waste generators as defined in Chapter II of this Decree for classification of hazardous waste generators from daily-life solid waste or generation of hazardous waste at daily-life solid waste treatment facilities.

2. Rights of daily-life solid waste treaters:

a) Be paid properly and sufficiently the service charges of solid waste treatment under the signed contracts;

b) Request competent State agencies for consideration, amendment and supplementation of regulations, technical standards and the technical and economic norms related to solid waste treatment ;

c) Exercise other rights as stipulated by law.

### **Article 23. Environmental renovation and remediation upon close of daily-life solid waste landfills**

1. The remediation, reuse of areas after closing landfills must meet the following requirements:

a) Conduct survey and evaluation of relevant environmental factors prior to reuse the area;

b) Continue the treatment of waste water leaks, gas normally while waiting for the reuse of the area of daily-life solid waste landfill;

c) Monitor the environmental changes in monitoring stations after the termination of operation of daily-life solid waste landfills.

2. Responsibilities of investors, daily-life solid waste treaters:

a) Develop plans for environmental renovation and remediation when closing the daily-life solid waste landfills to request competent agencies provided for in Paragraphs 7, 8, Article 21 of this Decree for approval before closing the landfills. The plans for environmental renovation and remediation of the daily-life solid waste landfills using Central supportive budget must be submitted to the Ministry of Natural Resources and Environment for consideration and summary;

b) Carry out the renovation and remediation of the environment and landscape of the area and take measures to prevent environmental pollution in accordance with the approved plans immediately after the closure of daily-life solid waste landfills;

c) Supervise the environment periodically, monitor the environmental changes in daily-life solid waste landfills that have been closed at least 05 (five) years from the date of closing the landfills. Periodical environmental monitoring results must be reported to State management agencies on the local environment;

d) Establish a topography map of the area after the closure of landfills, termination of operation of the daily-life solid waste landfills;

dd) Propose measures for pollution control in the following years;

e) Compile dossiers of area transfer to competent State agencies for management.

3. The Ministry of Natural Resources and Environment shall take charge and cooperate with the Ministry of Construction to provide guidance on procedures and contents of environmental renovation and remediation of daily-life solid waste landfills and processes of closing the daily-life solid waste landfills after the termination of operation.

#### **Article 24. Contracts of collection, transportation and treatment of daily-life solid waste**

1. Types of contract:

Contracts of collection, transportation and treatment of daily-life solid waste

b) Contracts of collection and transportation of daily-life solid waste

c) Contracts of treatment of daily-life solid waste.

2. The Ministry of Construction shall provide guidance on the contract forms of collection, transportation and treatment of daily-life solid waste

#### **Article 25. Expenses of collection, transportation and treatment of daily-life solid waste**

1. The expenses of collection, transport and storage of daily-life solid wastes generated from the individuals, households and public places shall be covered through local budget.

2. The expenses of daily-life solid waste treatment shall be a basis for valuation of the services and a basis for contracting the services of daily-life solid waste treatment. The expenses of daily-life solid waste treatment shall be calculated properly and adequately for a unit volume of daily-life solid waste for treatment, including:

a) Expenses of operating and maintenance;

b) Expenses of depreciation, machinery, factories, projects invested for daily-life solid waste treatment (including leachate and emissions if any) meeting technical regulations and standards as prescribed;

c) Expenses, taxes and other fees as prescribed by law.

3. The revenues to pay for the collection, transportation and treatment of daily-life solid waste shall include cleaning fee and other revenues as prescribed by law.

## **Article 26. Service charge of daily-life solid waste treatment.**

### 1. The principles and methods of valuation:

- a) The valuation must be associated with service quality, treatment technology; must ensure that the volume of daily-life solid waste shall be treated in consistence with the technical process, meeting the environmental standards, contributing to improving environmental quality, public health protection;
- b) The valuation of the service of daily-life solid waste treatment must be based on infrastructure conditions, socio-economic conditions and affordability of local budgets.

### 2. Responsibilities for the formulation, verification and approval of service charges of daily-life solid waste treatment:

- a) For daily-life solid waste treatment facilities invested from the state budget in a province, the provincial People's Committee shall assign specialized departments to make price plans and submit to the Service of Finance for taking charge of verification and requesting provincial People's Committees for approval;
- b) For daily-life solid waste treatment facilities invested from capital outside the state budget capital, investors shall establish and submit the price plans, the Service of Finance shall take charge and cooperate with relevant agencies to verify and request provincial People's Committees for approval;
- c) For interregional and interprovincial projects of daily-life solid waste treatment, investors shall make price plans submitted to the Ministry of Finance for taking charge and cooperating with related Ministries and branches to verify. Verification results of the Ministry of Finance shall be a basis for the provincial People's Committees under the project scope to approve the treatment charge of daily-life solid waste.

## **Article 27. Responsibilities of Ministers in daily-life solid waste management**

### 1. Responsibilities of the Minister of Natural Resources and Environment

- a) Guide the procedures and application for certification and adjustment of certification of meeting environmental protection requirements for daily-life solid waste treatment facilities;
- b) Guide techniques, management process in the classification, storage, gathering, transit, transportation, pre-processing, reuse, recycling, co-treatment, treatment and energy recovery from daily-life solid waste; technical requirements and management processes for cases not requesting the certification of meeting environmental protection requirements as defined in Paragraph 12 of Article 21 of this Decree and other cases arising in practice;

c) Implement the contents of daily-life solid waste management serving the formulation and implementation of environmental protection planning as provided for in Article 98 of the Law on Environmental Protection.

d) Manage and inspect environmental protection activities on daily-life solid waste management;

dd) Take charge and cooperate with the Minister of Construction to formulate the database on daily-life solid waste, management, development and exchange, providing information related to daily-life solid waste management.

## 2. Responsibilities of the Minister of Construction

a) Guide the management of construction investment of daily-life solid waste treatment facilities under the approved plan; method of preparation, cost management and service evaluation methods of daily-life solid waste treatment ;

b) Declare technical and economic norms on collection, transportation and treatment of daily-life solid waste; construction investment capital rate of daily-life solid waste treatment facilities;

c) Cooperate with the Minister of Construction to formulate the database on daily-life solid waste, management, development and exchange, providing information related to daily-life solid waste management.

3. Responsibilities of the Minister of Science and Technology: Take charge and cooperate with the Minister of Construction and the Minister of Natural Resources and Environment to verify daily-life solid waste treatment technologies that are newly researched and applied research for the first time in Vietnam.

## **Article 28. Responsibilities of provincial People's Committees in daily-life solid waste management**

1. Manage daily-life solid waste in the provincial administrative division, assign responsibilities for the professional bodies and decentralize to the People's Committees at all levels on daily-life solid waste management under provisions.

2. Issue specific provisions on daily-life solid waste management; mechanisms of incentive and supportive policies to encourage the collection, transportation and investment of daily-life solid waste treatment facilities suitable for the conditions of socio-economic development of the locality.

3. Direct the formulation, verification, approval and organize the commencement of solid waste treatment planning, environmental protection planning within their competence; make annual plans for the collection, transportation and treatment of daily-life solid waste and arrange funding in accordance with the program, development plans of the economy and society in the locality.

4. Formulate the hygiene charge levels for household objects, individuals, establishments of production, business, services, organizations and request the provincial People's Councils for decision.
5. Report annually to the Ministry of Natural Resources and Environment, the Ministry of Construction on the daily-life solid waste management in the administrative division, the time of the report shall be before March 31 of following year.
6. Propagate and educate legislation on daily-life solid waste management; direct the inspection and handling of violations of the law on solid waste management in the administrative division.

## **Chapter IV**

### **ORDINARY INDUSTRIAL SOLID WASTE MANAGEMENT**

#### **Article 29. Delimitation, classification and storage of ordinary industrial solid wastes**

1. Ordinary industrial solid wastes must be delimited, classified separately for hazardous waste, in case of failure to classify, they must be managed under the provisions on hazardous waste.
2. The delimitation, classification and storage of ordinary industrial solid wastes must meet technical requirements and management procedures as prescribed.

#### **Article 30. Responsibilities of ordinary industrial solid waste generators**

1. Fulfill responsibility of delimitation, classification, storage of ordinary industrial solid wastes as prescribed in Article 29 of this Decree.
2. Re-use, pre-process, recycle, treat, co-treat, recover energy by themselves or conclude the transfer contracts for functional units to transport, treat ordinary industrial solid waste.
3. Report periodically on the generation, management of ordinary industrial solid waste in periodically environmental monitoring reports.

#### **Article 31. Collection and transportation of ordinary industrial solid wastes**

1. The collection, transport and transfer of ordinary industrial solid wastes must not be dropped, caused emission of dust, odor or leakage of water and must meet the technical requirements, process management according to provisions.
2. The hazardous waste treaters that have been licensed hazardous waste treatment shall be allowed to collect and transport ordinary industrial solid wastes.
3. Organizations and individuals collecting and transporting ordinary industrial solid waste shall transfer the waste to ordinary industrial solid waste treatment facilities allowed to operate as prescribed by law.

## **Article 32. Environmental protection requirements for ordinary industrial solid waste treatment facilities**

1. There are reports on environmental impact assessment approved by competent agencies for investment project of waste treatment facility.
2. There are treatment systems and device (including pre-processing, recycling, co-treatment, recovery of energy), packaging, storage equipment, temporary storage or transit areas, transport means (if any) meeting technical requirements and management procedures as prescribed.
3. There are the environmental protection projects in waste treatment facilities meeting technical requirements and management procedures as prescribed.
4. There are programs of environmental management and monitoring.
5. Ordinary industrial solid waste treatment facilities must be certified by competent agencies meeting environmental protection requirements prior to official operation of ordinary industrial solid waste treatment.
6. Prior to test operation, the daily-life solid waste treaters must report to competent agencies for confirmation of meeting environmental protection requirements for daily-life solid waste treatment facilities on the test operation plan. Time for test operation of ordinary industrial solid waste treatment shall be within 06 (six) months.
7. The Ministry of Natural Resources and Environment shall certify or adjust the certification of meeting environmental protection requirements for:
  - a) Ordinary industrial solid waste treatment facilities of which reports on environmental impact assessment are approved by the Ministry of Natural Resources and Environment;
  - b) Ordinary industrial solid waste treatment facilities receiving the treatment from the waste generation sources in the inter-provincial areas;
  - c) Ordinary industrial solid waste treatment facilities associated with hazardous waste treatment (replaced by the License for hazardous waste treatment).
8. The provincial People's Committees shall certify or adjust the certification of meeting environmental protection requirements for ordinary industrial solid waste treatment facilities under the approval competence of reports on environmental impact assessment and the facilities only receiving treatment from the generators in the provincial areas.
9. The time for submission of registration application for certification of meeting environmental protection requirements for ordinary industrial solid waste treatment shall be as follows:
  - a) Projects approved environmental impact reports shall be within 06 (six) months from the date of commencement of trial operation;

b) For projects that have many stages, registration application for certification of meeting environmental protection requirements shall be submitted for ordinary industrial solid waste treatment facilities for each stage of the projects .

10. In case ordinary industrial solid waste treatment facilities have changes in size, capacity, technology, they must submit an application for adjustment of the certification of meeting environmental protection requirements for ordinary industrial solid waste treatment facilities and request competent agencies for consideration and adjustment of the certification as prescribed.

11. The certification of meeting environmental protection requirements as defined in this Article shall not be applied to the following cases:

a) Ordinary industrial solid waste treatment facilities that have been put into normal operation and certified completion of environmental protection works as prescribed before this Decree takes effect;

b) Re-use of ordinary industrial solid wastes;

c) Self-preprocessing, reuse, recycling, co-treatment, treatment or recover of energy from ordinary industrial solid waste generated internally in the campus of facilities;

d) Research and development of technology for ordinary industrial solid waste treatment in laboratory environment;

12. The conditions stipulated in Paragraph 1 of this Article shall not be applied to the following cases:

a) Production establishments that have been put into operation in accordance with the law wish to add ordinary industrial solid waste co-treatment based on available production technologies without making reports on environmental impact assessment;

b) Waste treatment facilities put into operation in accordance with law wish to renovate and upgrade to more advanced technology to decrease or not to increase bad impact to environment, improve treatment efficiency, save resources and energy without making reports on environmental impact assessment.

### **Article 33. Responsibilities of ordinary industrial solid waste treaters**

1. Make an application for certification of meeting environmental protection requirements for ordinary industrial solid waste treatment facilities.

2. Have a plan requested competent agencies as defined in Paragraph 7, 8, Article 32 of this Decree for consideration and approval before the operation for cases specified in Paragraph 12 of Article 32;



3. Treat ordinary industrial solid waste in accordance with the area of operation, capacity, type of waste, waste treatment systems and equipment constructed, installed and certified.
4. Fulfill responsibility of hazardous waste generators as prescribed in case hazardous waste is generated from ordinary industrial solid waste treatment facilities.
5. Fully implement contents of certification of meeting environmental protection requirements for ordinary industrial solid waste treatment facilities and application for certification of meeting environmental protection requirements for ordinary industrial solid waste treatment facilities enclosed with the Certification content. This application shall be specific bases for environmental management and supervision for the ordinary industrial solid waste treaters;
6. Prepare, use, store and manage reports, records, documents and diaries related to the management of ordinary industrial solid wastes as prescribed, In case ordinary industrial solid waste treaters are also hazardous waste treaters or daily-life solid waste treaters, reports, records, documents and diaries shall be integrated for the management of hazardous wastes or daily-life solid waste and ordinary industrial solid waste.
7. Apply National Standards for Environmental Management Systems (ISO 14001) within 24 (twenty four) months from the date of certification of meeting environmental protection requirements for ordinary industrial waste treatment facilities; or 24 (twenty four) months since this Decree takes effect for facilities which are operating.
8. Make plans for pollution control and environmental remediation, and notify in writing to competent agencies for certification of meeting environmental protection requirements for ordinary industrial solid waste treatment facilities within 06 (six) months after the termination of operation.

**Article 34. Responsibilities of Minister of Natural Resources and Environment in ordinary industrial solid waste management.**

1. Accord in state management of ordinary industrial solid waste and issue provisions on:
  - a) Technical requirements, management process in the classification, storage, transit, transportation, pre-processing, reuse, recycling, co-treatment, treatment and energy recovery from ordinary industrial solid waste; technical requirements, management process related to the environmental protection requirements for ordinary industrial solid waste treatment facilities and fulfilling of responsibility in the operational stage of the ordinary industrial solid waste generators and treaters;
  - b) Procedures for certification and adjustment of certification of meeting environmental protection requirements for ordinary industrial solid waste treatment facilities;
  - c) Technical requirements and management process for cases not requesting certification of meeting environmental protection requirements as defined in Paragraph 11 of Article 32 of this Decree and other cases arising in practice.

2. Manage and inspect operation and records, contracts, reports relating to ordinary industrial solid waste treaters within their competence.
3. Formulate and operate the national database of ordinary industrial solid wastes; increase the use of information systems or electronic mail to inform, guide and exchange with organizations and individuals during certification of environmental protection requirements for ordinary industrial solid waste treatment facilities.
4. Implement the contents of ordinary industrial solid waste management serving the formulation and implementation of environmental protection planning as provided for in Article 98 of the Law on Environmental Protection.

**Article 35. Responsibilities of provincial People's Committees in ordinary industrial solid waste management**

1. Manage and inspect operation and records, contracts, reports relating to ordinary industrial solid waste treaters certified meeting environmental protection requirements by provincial People's Committees.
2. Update national database of ordinary industrial solid wastes; increase the use of information systems or electronic mail to inform, guide and exchange with organizations and individuals during certification of environmental protection requirements for ordinary industrial solid waste treatment facilities.
3. Annually prepare statistics, update on the generation and management of ordinary industrial solid waste in the locality and report to the Ministry of Natural Resources and Environment for summary and monitoring; The deadline of reporting is March 31 of following year.

**Chapter V**

**WASTEWATER MANAGEMENT**

**Article 36. General principles of wastewater management**

1. Wastewater must be managed through minimization, re-use, collection and treatment meeting environmental standards.
2. The discharge of wastewater must be managed according to both administrative boundaries and basin.
3. Organizations and individuals discharging wastewater must pay fees, service charges for wastewater treatment as prescribed by law.
4. Activities aimed at reducing and reusing wastewater are encouraged.

**Article 37. Collection and treatment of wastewater**

1. Industrial zones must have their own separate collection systems of rain water and concentrated wastewater collection and treatment system meeting environmental standards. Wastewater treatment systems must ensure enough capacity to treat the entire volume of the wastewater discharged of facilities in industrial zones put into operation. Industrial zones close to each other may combine general use of concentrated wastewater treatment system.

2. Urban areas, concentrated residential areas, buildings, building complexes of services and business must have rainwater collection system and collection, treatment of wastewater under the planning and comply with technical standards in the construction of technical infrastructural constructions.

3. Establishments of production, business, services must have rainwater collection system and collection and treatment of wastewater according to the following forms:

a) Self-treatment in wastewater treatment system of facilities meeting environmental standards before discharge into the environment;

b) Meeting the requirements for input wastewater before being put into concentrated wastewater treatment system of industrial zones or trade villages as stipulated by the owner of technical infrastructure system for industrial parks or trade villages;

c) Transferring to functional units for treatment outside generation facilities as prescribed: Hazardous wastewater shall be managed in accordance with regulations on hazardous waste management in Chapter II of this Decree; non-hazardous wastewater shall be transferred to appropriate functional units for treatment.

### **Article 38. Discharge of wastewater into receiving water**

1. The discharge of wastewater of establishments of production, business and services into the receiving water must ensure uniformity in accordance with national technical standards on environment issued by the Ministry of Natural Resources and Environment issued or under environmental standards of locality.

2. The source of wastewater discharged into the receiving water must be investigated, evaluated regularly.

3. The discharge of wastewater into the receiving water must be managed in accordance with loading capacity of water environment and wastewater discharge quotas as prescribed.

### **Article 39. Monitoring of wastewater discharge**

1. The wastewater discharge of establishments of production, business, services and industrial parks must be regularly monitored according to the approved reports on environmental impact assessment and the certified plans for environmental protection or equivalent records, document in accordance with the law.

2. Industrial zones must be installed continuous automatic wastewater monitoring system, and transmit directly data to the Service of Natural Resources and Environment.

3. Establishments of production, business, services outside industrial zones having discharge scale of 1,000 m<sup>3</sup> / day or more (not including cooling water) must be installed the continuous automatic wastewater monitoring system and transmit data directly to the Service of Natural Resources and Environment in locality.

4. Establishments of production, business, services outside industrial zones having discharge scale of 1,000 m<sup>3</sup> / day and night (not including cooling water) and being in danger of damage of environment are encouraged to install the continuous automatic wastewater monitoring equipment.

#### **Article 40. Management wastewater and waste sludge after wastewater treatment**

1. Wastewater after treatment must be collected for the purpose of reuse or discharge into receiving waters.

2. The re-use of treated wastewater must comply with specific provisions for each use purpose.

3. Waste sludge from wastewater treatment system shall be managed as follows:

Waste sludge with risk factors exceeding the hazardous waste level must be managed according to the provisions on hazardous waste management in Chapter II of this Decree;

b) Waste sludge without risk factors exceeding the hazardous waste level must be managed according to the provisions on ordinary industrial solid waste management in Chapter II of this Decree;

#### **Article 41. Water environmental load capacity and wastewater discharge quotas**

1. Load capacity of the water environment must be assessed by each pollution parameter, as a basis to control the load of such pollution parameter in all discharge sources of wastewater in the basin, according to the negative impact at the highest level.

2. Load capacity shall be considered based on the use purpose characteristics and self-cleaning ability of the receiving environment; the scale and nature of the current wastewater discharge sources and socio-economic development planning.

3. Wastewater discharge quota shall be determined and allocated based on water environmental load capacity corresponding to the period of socio-economic development planning.

4. Load capacity of water environmental and wastewater discharge quotas shall be bases for making or adjusting the socio-economic development planning and sector development planning; considering and approval of investment policies, investment certificate for the project.

#### **Article 42. Resource for wastewater management**

1. The State encourages all forms of investment in the field of wastewater management in accordance with legislation on investment.
2. Revenues from daily-life wastewater treatment must gradually offset the cost of concentrated daily-life wastewater treatment .
3. Revenues for wastewater (daily-life and industrial) must be used for purposes of prevention, restriction and control and remedy of pollution caused by wastewater.

#### **Article 43. Responsibilities of Ministers in wastewater management**

##### 1. Responsibilities of the Minister of Natural Resources and Environment

a) Stipulate technical requirements and management process on : Reuse of wastewater; cooling water management; collection and treatment of runoff rainwater in first stage capable contaminated in the campus of establishment of production, business and services; transfer wastewater for treatment outside the establishments; objects must have wastewater treatment systems; continuously automatic wastewater monitoring for establishments potentially causing major environmental pollution; material conditions, technical infrastructure of agencies receiving continuously automatic wastewater monitoring data and report information regulations;

b) Formulate and promulgate guidelines for assessing the load capacity of the receiving water, zone use and determine wastewater discharge quotas into the receiving water; formulate and promulgate and allocate quotas for wastewater discharge interprovincial river basins; manage the wastewater discharge quota exchange.

c) Guide wastewater management and treatment and accord the promulgation of environmental standards on wastewater discharge into the receiving water;

d) Monitor and control water quality in the receiving water of interprovincial and international river basins;

dd) Develop the process of investigation, evaluation, formulation of database on wastewater in river basins; manage database of wastewater in the interprovincial river basin and operate the mechanism to share information on the wastewater sources in interprovincial and international river basins.

2. Responsibilities of the Ministers related to wastewater management of some specific waste sources shall be fulfilled under the provisions of Chapter VII of this Decree.

#### **Article 44. Responsibilities of provincial People's Committees in wastewater management**

1. Direct and organize the collection and treatment of daily-life wastewater in the province.

2. Monitor and control of water quality in the receiving water in the province; invest facilities, technical infrastructure to receive and manage the results of continuously automatic wastewater monitoring.
3. Evaluate the load capacity, promulgate and allocate quotas for wastewater discharge for provincial river basins; disclose information of receiving waters that are no longer capable of receiving wastewater in the administrative division.
4. Invest, evaluate, formulate wastewater source database, manage, inspect and monitor wastewater into the receiving water in the province; cooperate with the Ministry of Natural Resources and Environment and the relevant localities to manage, inspect and monitor wastewater into receiving in interprovincial scope as prescribed.
5. Report annually on the wastewater management and treatment for the Ministry of Natural Resources and Environment for summary and monitoring.

## **Chapter VI**

### **INDUSTRIAL EMISSION MANAGEMENT**

#### **Article 45. Registration, inventory and formulation of database on industrial emissions**

1. Project owners, facility owner under the list of emission sources of great discharge specified in the Appendix of this Decree must register for industrial emission generators, unless the generators have co-treatment operation licensed hazardous waste treatment, or certified meeting environmental protection requirements for daily-life solid waste treatment facilities or ordinary industrial solid waste.
2. The registration of industrial emission generators shall be made when production establishments are put under officially operation or the establishments have plans for changes in industrial emission generating sources (increase in generation quantity, quantity of emission sources).
3. The Ministry of Natural Resources and Environment shall receive applications for waste generators; inventory industrial emission and formulate database on industrial emissions.

#### **Article 46. Licensing of industrial emission discharge**

1. The Ministry of Natural Resources and Environment shall consider the applications for industrial emission generators and grant the License for industrial emission discharge for establishments that are operating under the list of emission sources of great discharge specified in the Appendix of this Decree, unless the generators have co-treatment operation licensed hazardous waste treatment, or certified meeting environmental protection requirements for daily-life solid waste treatment facilities or ordinary industrial solid waste.
2. Duration of the License for industrial emission shall be 05 (five) years. Where there is a change in emission sources (increase in emission quantity, quantity of emission source), the

establishments must make applications for consideration and reissuance of License for industrial emissions.

3. The issuance of License for industrial emission shall be from January 01, 2018.

#### **Article 47. Continuously automatic industrial emission monitoring**

1. Generators of industrial emission in the list of emission sources of great discharge prescribed in the Appendix of this Decree must install continuously automatic emission monitoring equipment, transmit direct data to the local Service of Natural Resources and Environment.

2. The local Service of Natural Resources and Environment shall transmit the data of continuously automatic emission data to the Ministry of Natural Resources and Environment.

#### **Article 48. Responsibilities of the Minister of Natural Resources and Environment in industrial emission management.**

The Minister of Natural Resources and Environment shall stipulate the procedures for industrial emission registration and inventory, issue the License of industrial emissions; formulate database of industrial emissions, technical requirements, data connection standards of automatically and continuously industrial emissions monitoring.

### **Chapter VII**

#### **MANAGEMENT OF SOME PARTICULAR WASTES**

#### **Article 49. Management of waste from medical activities**

1. Waste from medical activities (except wastewater put into the wastewater treatment system of medical facility) must be classified at source as follows:

a) Hazardous medical wastes shall include: infectious wastes; hazardous waste not infectious (classified separately according to the list and provisions on hazardous waste management in Chapter II of this Decree); radioactive waste (managed under the provisions on radioactivity);

b) Ordinary medical waste shall include: conventional solid wastes (including daily-life solid waste); non-hazardous liquid waste.

2. Infection waste must be strictly managed with the highest level in medical facilities, ensuring no spread of pathogens affecting the environment and human health.

3. Where infectious wastes are put together with daily-life solid waste, ordinary solid waste, that waste mixture must be managed in accordance with regulations on hazardous waste.

4. Medical facilities shall base on the planning, geographic factors, economic conditions and environments to choose to apply one of the treatment plans for hazardous medical wastes as follows:

a) Concentrated medical waste treatment facilities or concentrated waste treatment facilities have items of medical waste treatment;

b) Hazardous medical wastes are treated under the model of medical facility cluster (medical waste of a cluster of medical facilities shall be collected and treated together in systems, process equipment of a facility in the cluster);

c) Hazardous medical wastes are treated in the system, processing equipment in the campus of medical facilities.

5. Treatment of hazardous medical waste shall be as follows:

a) The selection of non-combustion technologies which are environmental friendly shall be taken priority and the treatment meeting environmental standards must be ensured;

b) Infectious waste after disinfection shall be treated like ordinary waste by suitable methods.

6. The Minister of Natural Resources and Environment shall specify the transportation and treatment of medical wastes.

7. The Minister of Health shall take charge and cooperate with the Minister of Natural Resources and Environment to specify the classification, storage, medical waste management within campus of medical facilities and waste generated from burial, cremation.

#### **Article 50. Management of solid waste from construction activities**

1. Solid waste from construction activities (including renovation and demolition of works, called as construction solid waste) must be classified and managed as follows:

Soil, sludge from excavation, dredging topsoil, digging the foundation piles shall be used to cultivate the crop land or suitable land areas;

b) gravelly soil, solid waste from construction materials (brick, tile, grout, concrete, adhesives materials overdue) shall be recycled as construction materials or reused as backfill materials for the buildings or buried in construction solid waste landfill;

c) Recyclable solid waste such as glass, steel, wood, paper, plastics shall be recycled and reused.

2. Households in urban areas while carrying out renovation or demolition of buildings must take measures to collect and transport and treat construction solid waste as prescribed.



3. Households in rural and remote areas that have no waste collection system when renovating or demolishing buildings must manage construction waste under the guidance of the local authorities, must not pour wastes into roads, rivers, streams, canals and surface water sources.

4. The Minister of Construction shall take charge and cooperate with the Minister of Natural Resources and Environment to specify the classification, collection, reuse and recycling and treatment of construction waste.

#### **Article 51. Management of waste from agricultural activities**

1. Hazardous wastes being packages containing harmful chemicals or harmful chemical products used in agricultural and forestry production must be collected, stored, transported and treated in accordance with provisions on hazardous waste management.

2. Packages containing plant protection chemicals after use that have been cleaned of hazardous components shall be managed as for ordinary waste.

3. The breeding wastewater reused for watering plants or used in other agricultural production activities as prescribed by the Ministry of Agriculture and Rural Development and Ministry of Natural Resources and Environment.

4. The Minister of Agriculture and Rural development shall take charge and cooperate with the Minister of Natural Resources and Environment to provide detailed instructions on collection and storage of waste generated in agricultural activities.

5. The Minister of Natural Resources and Environment shall specify the treatment of the packaging, plant protection chemicals, fertilizers, veterinary medicines waste generated in agricultural activities.

#### **Article 52. Management of waste from transportation activities**

1. Waste generated within Vietnam's territory from international means of transport shall be managed under the provisions of this Decree, shall not be applied the provisions of legislation on import and trade.

2. The Minister of Transport shall take charge and cooperate with the Minister of Natural Resources and Environment to specify technical requirements and management procedures for hazardous waste, ordinary solid waste, wastewater, emissions generated from transport activities in road, airway, seaway, inland waterway, railway, ensuring conformity with the international agreements to which the Socialist Republic of Vietnam is a signatory.

#### **Article 53. Management of dredged sludge**

1. Dredged sludge (from sea, rivers, lakes, canals, drainage systems and other waters) must be collected, transported, discharged, reused, recycled and treated as prescribed by law.

2. The Minister of Construction shall stipulate the management of sludge from septic tanks (also known as cesspool), sludge from urban drainage systems.
3. The Minister of Agriculture and Rural development shall stipulate the management of sludge dredged from canals and irrigation works.
4. The Minister of Natural Resources and Environment shall stipulate the management of mud dredged from the sea, rivers, lakes and other waters.
5. Provincial People's Committees shall stipulate the dredged sludge discharge and treatment sites.

#### **Article 54. Management of un Hazardous liquid waste products**

1. The generators shall be responsible for reuse, recycling, treatment, co-treatment, energy recovery from un Hazardous liquid waste products meeting environmental standards.
2. Un Hazardous liquid waste products treated in sewage treatment system on spot of the generating facility or industrial zones shall be managed under the provisions of wastewater management in Chapter V of this Decree.
3. Un Hazardous liquid waste products are not treated at the generating facilities shall only be transferred to the functional facilities for treatment upon written approval of the approving agency of reports on environmental impact assessment, environmental protection projects, environmental protection plan (or equivalent records, papers) for treatment receiving facilities.
4. The Minister of Natural Resources and Environment shall stipulate technical requirements, management process on the delimitation, classification, storage, collection, transportation, reuse, recycling and treatment of un Hazardous liquid waste products.

### **Chapter VIII**

#### **ENVIRONMENTAL PROTECTION IN DISCARDED MATERIAL IMPORT**

##### **Article 55. Entities permitted to import discarded materials from abroad to Vietnam**

1. Organizations and individuals directly using discarded materials as raw materials for production.
2. Organizations and individuals entrusted to import by organizations and individuals using imported discarded materials as raw materials for production.

##### **Article 56. Conditions on environmental protection in discarded material import**

1. Organizations and individuals directly importing discarded materials as raw material for production must meet the following conditions:
  - a) Storage warehouse of imported discarded materials shall be as follows

- Have rainwater collection system; collection systems and treatment measures of wastewater generated in the process of storage of discarded materials meeting national technical regulation on environment.

- Have a foundation high level that is not flooded; the floor in storage area of discarded materials designed to prevent rainwater runoff from the outside; ensure tight floors with no cracks made from waterproofing materials which are durable enough to withstand the load of the highest volumes of waste as calculated.

- Have walls and partitions of incombustible materials. Be covered from rain and shine for the entire region storing incombustible discarded materials; Have measures or designs to restrict the direct inward wind.

- Have fire protection equipment (at least one foam and sand fire-extinguisher to put out the fire), exit diagrams, exit guidance signs in consistence with instructions of the competent agencies on fire protection under provisions of the legislation on fire protection.

b) Storage area of imported discarded materials shall be as follows

- Have rainwater collection system; treatment measures of first phase rainwater flowed over the imported discarded material area and wastewater generated in the process of storage of discarded materials meeting national technical regulation on environment.

- Have a foundation high level that is not flooded; the floors ensuring tightness with no cracks made from waterproofing materials which are durable enough to withstand the load of the highest volumes of waste as calculated.

- Have measures to minimize dust generating from storing areas of discarded materials.

- Have fire protection equipment (at least one foam and sand fire-extinguisher to put out the fire), in consistence with instructions of the competent agencies on fire protection under provisions of the legislation on fire protection.

c) Technology, equipment of recycling, reuse of discarded materials must meet technical requirements and management process as prescribed;

d) There are technologies and equipment for treatment of impurity accompanying the discarded materials meeting environmental standards. Where there is no technology and equipment for treatment of impurity, they must be transferred to the unit with appropriate functions to treat;

dd) Imported discarded materials must be deposited under the provisions of this Decree must be paid;

e) There is a written commitment on the re-export or treatment of discarded materials in case the imported discarded materials do not meet the requirements of environmental protection.

2. Organizations and individuals entrusted import must meet the following conditions:

- a) Have an import entrustment contract concluded with organizations and individuals that use imported discarded materials as raw material for production meeting the provisions of Paragraph 1 of this Article;
- b) Deposit discarded materials imported under the provisions of this Decree;
- c) Have a written commitment on the re-export or treatment of discarded materials in case the imported discarded materials do not meet the requirements of environmental protection.
- d) Must not store the imported discarded materials in case there is no warehouse meeting the conditions specified in Paragraph 1 of this Article.

3. The Minister of Natural Resources and Environment shall specify the procedures for certification of meeting environmental protection in discarded material import as raw material for production as defined in Paragraphs 1 and 2 of this Article; provide guidance on the technical requirements and environmental protection for technology, equipment of treatment of impurities accompanying imported discarded materials as prescribed in Point d, Clause 1 of this Article.

#### **Article 57. Purposes and methods of deposit of imported discarded materials**

1. The purpose of deposit of imported discarded materials is ensuring organizations and individuals importing discarded materials to be responsible for handling of risk, risk of environmental pollution that may arise from imported discarded material shipments.

2. Organizations and individuals importing discarded materials shall deposit in Vietnam environment protection funds or commercial banks where organizations and individuals open the main trading account.

3. Method of deposit:

- a) The deposit shall be paid, reimbursed in Vietnam dong;
- b) The deposit shall be entitled to demand interest rate from the date of deposit.

#### **Article 58. Deposits of imported discarded materials**

1. Organizations and individuals that import discarded iron and steel must deposit imported discarded materials with an amount as follows:

- a) If the import volume is less than 500 tonnes, the deposit shall be 10% of the total value of imported discarded material shipments;
- b) If the import volume is from 500 tonnes to less than 1.000 tonnes, the deposit shall be 15% of the total value of imported discarded material shipments;

c) If the import volume is 1.000 tonnes or more, the deposit shall be 20% of the total value of imported discarded material shipments;

2. Organizations and individuals that import discarded paper and plastic must deposit imported discarded materials with an amount as follows:

a) If the import volume is less than 100 tonnes, the deposit shall be 15% of the total value of imported discarded material shipments;

b) If the import volume is from 100 tonnes to less than 500 tonnes, the deposit shall be 18% of the total value of imported discarded material shipments;

c) If the import volume is 500 tonnes or more, the deposit shall be 20% of the total value of imported discarded material shipments;

3. Organizations and individuals importing discarded materials outside the provisions of Paragraph 1 and Paragraph 2 of this Article shall deposit for imported discarded materials with the defined amount of 10% of the total value of imported discarded material shipments.

#### **Article 59. Depositing process of imported discarded materials**

1. Organizations and individuals importing discarded materials must deposit prior to customs clearance procedures for imported discarded materials at least 15 working days.

2. After receiving the deposit, Vietnam environment protection Funds or commercial banks shall certify the depositing of organizations and individuals importing discarded materials. Authenticated copies of certificates of deposit must be submitted together with the customs clearance documents for imported discarded materials.

#### **Article 60. Management and use of deposits of imported discarded materials**

1. Vietnam environment protection funds or commercial banks where organizations and individual deposit imported discarded materials shall responsible for blockade of deposited amount.

2. Vietnam environment protection funds or commercial banks that have received deposits shall refund the deposit to the organizations and individuals importing discarded materials within 05 working days after receiving written requests of organizations and individuals importing discarded materials together with true certified copies of customs declarations stamped for customs clearance certification or true certified copy of the customs declarations stamped and certified re-exporting of discarded materials.

3. In case imported discarded materials are not granted customs clearance or cannot be re-exported, the deposited amount shall be used to pay the cost of violated discarded material treatment. If the deposited amount for discarded material import is insufficient to pay all of the costs for violated imported discarded material treatment, the organizations or individuals importing discarded materials shall have to pay these expenses.

4. If the deposited amount is left after payment for violated imported discarded material treatment, within 05 working days after receiving the written opinion of the provincial People's Committees where the handling of violations of the fulfillment of waste treatment is carried out, Vietnam environment protection funds or commercial banks shall repay the remaining deposited amount to organizations and individuals importing discarded materials.

5. The Minister of Natural Resources and Environment shall take charge and cooperate with the Minister of Finance to stipulate the procedures and use of the deposited amount for discarded material import for handling of imported discarded materials that cannot be re-exported.

#### **Article 61. Responsibilities of the Minister of Natural Resources and Environment**

1. Take charge and cooperate with relevant agencies to guide, inspect the importation of discarded materials as raw materials for production in accordance with the provisions of the Law on Environmental Protection.

2. Request the Prime Minister for consideration and decision on trial import of discarded materials and adjustment, supplement the list of discarded materials that are allowed to import from abroad as raw material for production.

#### **Article 62. Responsibilities of provincial People's Committees**

1. Provincial People's Committees where the production facilities of organizations or individuals are located shall provide guidelines on periodic inspection of environmental protection activities of organizations and individuals importing discarded materials and report to the Ministry of Natural Resources and Environment on the import and use of discarded materials and environmental issues related to imported discarded materials before March 31 of following year.

2. provincial People's Committees at the place of violation shall have following responsibilities:

Direct, guide, make plans, and handle imported discarded material shipments;

b) Take charge and cooperate with the provincial People's Committees where the production facilities of the organizations or individuals are located to handle violations for imported discarded material shipments.

#### **Article 63. Responsibilities of organizations and individuals importing, using discarded materials**

1. Comply with regulations on environmental protection in discarded materials imports.

2. Pay fully for costs of imported discarded material treatment in case the deposited amount is not enough to treat imported discarded material violating the regulations on environmental protection.

3. Report on the import and use of discarded materials in the year and submit to the Service of Natural Resources and Environment annually before January 15 of the following year.

## **Chapter IX**

### **IMPLEMENTING PROVISIONS**

#### **Article 64. Transitional provisions**

1. Organizations and individuals granted the Register of hazardous waste generators as prescribed before this Decree takes effect may continue to use it.
2. Organizations and individuals that have been licensed to manage hazardous waste as prescribed before this Decree takes effect may continue to use until the end of the validity period indicated on the license.
3. The applications received by competent State agencies for settlement under administrative procedures on waste and discarded material management before this Decree takes effect shall be settled according to the law at the receipt time.
4. Where daily-life solid waste treatment facilities (unless cases specified in Point b, Clause 12 of Article 21 of this Decree) have been approved the report on environmental impact assessment before this Decree takes effect but have not been inspected, certified completion of environmental protection works, it shall be replaced by the certification meeting environmental protection requirements. Where facilities have been inspected, certified completion of environmental protection works and demand for confirmation meeting environmental protection requirements for daily-life solid waste treatment facilities, the facilities shall submit an application as prescribed.
5. Where ordinary industrial solid waste treatment facilities have been approved the report on environmental impact assessment before this Decree takes effect but have not been inspected, certified completion of environmental protection works, it shall be replaced by the certification meeting environmental protection requirements. Where facilities have been inspected, certified completion of environmental protection works and demand for confirmation meeting environmental protection requirements for ordinary industrial solid waste treatment facilities, the facilities shall submit an application as prescribed.
6. Organizations and individuals granted Certificate for discarded material import before this Decree takes effect, shall be allowed to continue to import discarded material until the expiry of validity of the Certificate for discarded material import.

#### **Article 65. Responsibility for guidance and implementation**

1. The Ministry of Natural Resources and Environment within their functions, tasks, powers shall provide guidance and implement this Decree.
2. Ministers, Heads of ministerial-level agencies, Heads of Governmental agencies, the Presidents of People's Committees of central-affiliated cities and provinces shall be responsible for implementation of this Decree; annually reporting on the situation arises and waste management within their assigned competence (reporting period is from January 01 to December 31 each year)

to the Ministry of Natural Resources and Environment for summary and monitoring before March 31 of the following year.

### **Article 66. Effect**

1. This Decree shall take effect from June 15, 2015.

2. The articles (except Articles 7, 8, 9, 10, 11, 13, 15, 16, 17, 18) of the Government's Decree No. 59/2007 / ND-CP dated April 9, 2007 defining solid waste management; Paragraph 4 of Article 4, Paragraph 6 of Article 4, Paragraph 3 of Article 45 of the Government's Decree No. 80/2014 / ND-CP dated August 6, 2014 on drainage and wastewater treatment; Point 1.3, Section X, Part A, detailed list of charges and fees enclosed herewith with the Government's Decree No. 24/2006 / ND-CP dated March 6, 2006 amending and supplementing a number of articles of the Government's Decree No. 57/2002 / ND-CP dated June 3, 2002 detailing the implementation of the Ordinance on Fees and Charges; the Government's Decree No. 174/2007 / ND-CP dated November 29, 2007 on environmental protection charges for solid waste shall be invalid from the date this Decree takes effect /.

**FOR. THE GOVERNMENT  
PRIME MINISTER**

**Nguyen Tan Dung**

### **APPENDIX**

#### **LIST OF EMISSION SOURCES WITH GREAT FLOW**

(enclosed herewith *the Government's Decree No. 38/2015/ND-CP dated April 24, 2015*)

<b>No.</b>	<b>Types</b>	<b>Characteristics</b>
1	Steel Production	Output of more than 200,000 tonnes / year
2	Thermoelectric	All, except for thermo-electric plants using natural gas fuel
3	Cement	All
4	Chemicals and chemical fertilizers	Output of more than 10,000 tonnes / year
5	Petroleum production industry	Output of more than 10,000 tonnes / year



6	Industrial boiler	Output of more than 20 tonnes / hour
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