



**ADB Regional Capacity Development Technical Assistance
Strengthening Capacity for Environmental Law in the Asia-Pacific:
Developing Environmental Law Champions
Train-the-Trainers Program
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Siem Reap, Cambodia**

SESSION 5: ENVIRONMENTAL PROTECTION LAW

Tutorial Problem (Solid Waste Management)

FACT SITUATION

The city of Yulong has one open landfill site (or rubbish dump) which is used for the disposal of municipal solid waste collected by Waste Away, a company founded in 2007. It is the main waste collection company in Yulong and has a contract with the provincial government to collect household and commercial waste for 50 years.

Waste Away established its landfill site next to Long Pi village, 25km from Yulong, in 2009. It has dug three large holes, each up to 20 meters deep, into which the waste it collects is deposited. The waste is not separated in any way before being put in the holes. In addition to commercial and household waste, there is some medical and small scale industrial waste.



The dump site has attracted a community of approximately 200 people who live by collecting from the rubbish anything that can be sold - such as plastic containers, cans and food waste for pigs. Their activities expose them to a large number of potentially hazardous health impacts from rotting food, toxic fumes and dangerous materials – including typhoid fever, cholera, enteritis and dysentery. They also place themselves at risk of physical injury from heavy machinery operating in close proximity



In 2014, the residents in the village of Long Pi complained to the Ministry of Environment (MoE) about the environmental impacts of the landfill site. In particular, they expressed concern about the pumping of leachate from the site by Waste Away into neighbouring rice-fields and the contamination of surrounding irrigation canals. They also complained that rubbish from the site was escaping onto their fields due to a failure to properly contain them within the site. They also suggested that birds and other animals such as cows and buffalo, were being harmed by eating scraps from the site and drinking contaminated surface water. As a result, Waste Away was ordered by the Ministry of Environment to stop pumping leachate from the site and to construct a fence around the dump to limit the escape of waste.

Although Waste Away implemented these measures during 2015, the landfill site still lacks a proper system for the collection and treatment of leachate. It simply relies on the clay content of the local soil to prevent the pollution of groundwater and soil contamination. There is no barrier lining the waste cells. The surrounding ponds are often black and smelly and some wells near the site have been contaminated. There is also a growing problem with the escape of methane gas generated by the waste, which poses a potential risk of an explosion occurring at the site.



Following further complaints from the village residents, Waste Away was ordered by the Ministry of Environment) in 2016 to submit to it an environmental audit of the site. The purpose of this audit was to identify ongoing environmental impacts and to propose remedial measures. Following this audit, the Ministry of Environment ordered Waste Away to take steps to: (1) treat the leachate on-site; (2) install a methane collection system; (3) minimise soil contamination; (4) reduce the escape of waste onto surrounding fields; and (5) limit access to the waste piles by cows, pigs and other fauna.



Later In 2016, Waste Away developed a plan to establish waste water and leachate treatment ponds, to cover the waste cells with clay once they have been filled, and to install a methane collection system. To undertake these projects, the company needs to close the site to the waste scavengers. However, when the company tried to prevent access to the site by the waste pickers in March 2017, this resulted in strong protests. Subsequently, the company was urged by provincial authorities to continue to allow access to the site for the waste pickers, despite the potential health hazards, so as to enable them to continue to earn an income from their activities.

As a result, Waste Away has now said that because it has been urged by the provincial government to allow the waste scavengers to continue access the site, it will abandon its plans for the

environmental improvements to the site and will continue to operate the landfill site as it has done in the past.



CONSIDER THE FOLLOWING QUESTIONS:

Suppose that you have been asked to provide legal advice to the Ministry of Environment (MoE) as to the legal options available to address the continuing environmental problems at the dump site and the conflict with the waste scavengers. Please consider the following questions:

1. What is the main legislation administered by the MoE for controlling the environmental pollution issues at the waste site? What environmental standards related to water and soil quality apply to the discharges from the site under this legislation?
2. What administrative or legal actions can be taken by the MoE against Waste Away in relation to its failure to undertake the actions ordered by the Ministry in 2016 (and reflected in the remedial plan developed by the company later in 2016)?
3. What action can be taken by the Ministry to prevent the disposal of medical and industrial waste at the site?
4. What action can be taken, and by whom, with respect to the demands of the waste scavengers to be allowed continued access to the dump site?