



**REGIONAL CAPACITY DEVELOPMENT TECHNICAL ASSISTANCE
STRENGTHENING CAPACITY FOR ENVIRONMENTAL LAW IN THE
ASIA-PACIFIC: DEVELOPING ENVIRONMENTAL LAW
CHAMPIONS**

TRAIN-THE-TEACHERS PROGRAM

19 - 23 June 2017

Chiang Mai, Thailand



SESSION 5: ENVIRONMENTAL PROTECTION LAW

Tutorial Problem (Water Pollution Control and Management in Phasi Chareon Canal)

FACT SITUATION

The Phasi Charoen Canal (Klong Phasi Charoen) is situated in the western part of central Thailand. It is 30 kilometres long and was constructed for shipping navigation between 1866 and 1872, during the reign of King Rama IV. At present, Phasi Charoen Canal is also part of a major canal system for transportation that connects Thon Buri to Bangkok, and Bangkok to Samut Sakhon.

Water pollution in the Phasi Charoen Canal has been caused by several types of sources. There are 6,294 industrial plants and over 35,000 households located along the canal and its branch canals. In particular, cleaning and dyeing factories are the main sources of chemically contaminated, untreated wastewater that is discharged into the canal. These discharges are composed of heavy metals and bacteria that exceed the relevant national water quality standards. Drainage of sewerage and greywater from communities and houses along the Canal also have worsened the quality of the water in the Phasi Chareon canal.

The water in the Phasi Charoen Canal, especially in the area behind its floodgates, turns to black, is very smelly and has a large amount of foam covering its surface. These conditions are believed by health authorities to have been causing significant medical problems (both physical and psychological) for those living alongside the canal for a considerable time and there is evidence that these problems are now becoming quite severe.

As a result of these problems, the people in Amphoe Krathumbaen, which is the community that is most severely affected by this pollution, in cooperation with the Krathumbaen Community Development Society, have organized a public meeting to demand action by the government to deal with the pollution. They have invited to this meeting representatives from afflicted communities, community leaders, government agencies and the local administrative organization in an attempt to find solutions for the Phasi Charoen Canal problem.

CONSIDER THE FOLLOWING QUESTIONS:

Suppose that you have been asked to provide legal advice to the relevant environmental authority in Thailand, before its representatives attend this public meeting, as to the legal options available to the authority to address these wastewater problems in the Phasi Chareon canal. Please consider the following questions:

1. What is the main legislation administered by the environmental authority for controlling the discharge of industrial and household wastewater? What water quality standards apply to the various discharges under this legislation?
2. What administrative mechanisms are available to the agency to control the wastewater discharges by various industries into the canal?
3. What legal action could be taken by the agency against any of the industries that fail to respond to administrative sanctions imposed by it?
4. What action can be taken by the agency with respect to the discharges from communities and residents living next to the canal?