

SUB DECREE ON SOLID WASTE MANAGEMENT

Submitted by admin on 5 October 2009 - 10:58am.

KINGDOM OF CAMBODIA
Nation Religion King

Royal Government of Cambodia
Council of Ministers
No : 36 ANRK.BK

SUB DECREE ON SOLID WASTE MANAGEMENT

The Royal Government of Cambodia (RGC)

- has seen the Constitution of the Kingdom of Cambodia (1993);
 - has seen the Royal Decree No. NS.RKT 1198.72 dated 30 November, 1993 on the Formation of the Royal Government of Cambodia of the Kingdom of Cambodia;
 - has seen Preah Reach Kram No NS.RKM 02 NS.94 dated 20 July 1994, to allow using the Law on the Establishment and Implementation of the Council of Ministers;
 - has seen Preah Reach Kram No NS.RKM 0196.2 dated 24 January 1996, announcing to use the Law on the Establishment of the Ministry of Environment;
 - has seen Preah Reach Kram No NS.RKM 1296.36 dated 24 December 1996, announcing to use the Law on the Environmental Protection and Natural Resources Management;
 - Has received an approval from meeting of the council ministers on April 02, 1999.
- Decision

CHAPTER 1 ***General provisions***

Article 1: The purpose of this sub-decree is to regulate the solid waste management with proper technical manner and safe way in order to ensure the protection of human health and the conservation of bio-diversity.

Article 2: This sub-decree applies to all activities related to disposal, storage, collection, transport, recycling, dumping of garbage and hazardous waste.

Article 3: Technical terms used in this sub-decree shall have the meaning ascribed there to:

- a. Solid waste refers to hard objects, hard substances, products or refuse which are useless, disposed of, are intended to be disposed of, or required to be disposed of;
- b. Household waste is the part of solid waste which does not contain toxin or hazardous

substance, and is discarded from dwellings, public buildings, factory, market, hotel, business building, restaurant, transport facilities, recreation site,...etc;

c. Hazardous waste refers to radioactivity substances, explosive substances, toxic substances, inflammable substances, pathogenic substances, irritating substances, corrosive substances, oxidizing substances, or other chemical substances which may cause the danger to human (health) and animal or damage plants, public property and the environment. The hazardous waste may be generated from dwelling houses, industries, agricultural activities, business and service activities, mining, etc. The type of hazardous waste is listed in the Annex of this sub-decree.

CHAPTER 2

Household waste management

Article 4: The Ministry of Environment shall establish guidelines on disposal, collection, transport, storage, recycling, minimizing, and dumping of household waste in province and cities in order to ensure the management of household waste with safe way.

The authorities of the provinces and cities shall establish the waste management plan in their province and city for short, medium and long-term.

Article 5: The collection, transport, storage, recycling, minimizing and dumping of waste in the provinces and cities is the responsibility of the authorities of provinces and city. The implementation as mentioned in the first paragraph of the article 5 shall comply with the guideline on the sound management of waste specified by the Prakas (declaration) of the Ministry of Environment.

Article 6: The Ministry of Environment shall monitor the implementation in disposal, collection, transport, storage, recycling, minimizing and dumping of the household waste in the provinces and cities.

Article 7: The disposal of waste in public sites or anywhere that is not allowed by the authorities shall be strictly prohibited.

Article 8: The domestic investment in construction of landfill, incinerator, storage sites or recycling plant for household waste shall be subject to prior approval from the Ministry of Environment.

Article 9: The exportation of the household waste from the Kingdom of Cambodia to abroad could not be conducted unless there are approval from the Ministry of Environment, and export license from the Ministry of Trade, and permit from the import country

Article 10: The importation of the household waste from abroad to the Kingdom of Cambodia shall be strictly prohibited.

CHAPTER 3

Hazardous waste management

Article 11: The Ministry of Environment shall establish guidelines on the management of hazardous waste to ensure the safe management.

Article 12: The Ministry of Environment shall issue Prakas on the standard of quantity of toxin or hazardous substances contained in the hazardous waste which could be allowed to be disposed in order to ensure the human health and environmental quality protection,

and bio-diversity conservation.

Article 13: The owner of the hazardous waste shall be responsible for temporary storage of his/her waste in proper technique and in safe manner.

Article 14: The owner of the hazardous waste shall make quarterly report on his/her waste and forward it to the Ministry of Environment. The report includes:

- Type and amount of the waste,
- Temporary storage method, and
- Treatment or elimination method.

Article 15: The storage, transportation and disposal of the hazardous waste shall be performed separately from the household waste which will be stipulated by the Prakas of the Ministry of Environment.

The disposal of hazardous waste into public site, public drainage systems, public water area, rural area and forest area shall be strictly prohibited.

Article 16: The collection, transportation, storage and disposal of the hazardous waste from dwelling houses, markets, clinics, hospitals, hotel, restaurants and public building are competence of the local authorities.

The implementation of the first paragraph of the article 16 shall be in accordance with the Prakas of the Ministry of Environment on the guidelines on the environmentally sound management of hazardous waste.

Article 17: The transportation or construction of storage place or landfill of hazardous waste from factories and manufacturing site shall be subject to permit from the Ministry of Environment.

Article 18: The owner or responsible person of storage place or landfill of the hazardous waste shall make quarterly report on the hazardous waste which is transported for disposal of or for storage and forward this report to the Ministry of Environment. The report shall include as follows:

- Type and amount of the waste,
- Sources of the waste,
- Packing and transport facility , and
- Process and management of the waste inside his/her location and forward this report to the Ministry of Environment.

Article 19: The investment of the treatment or incineration of the hazardous waste shall have prior approval from the Ministry of Environment.

Article 20: The exportation of the hazardous waste from the Kingdom of Cambodia to abroad could be conducted if there are an agreement from the Ministry of Environment, export license from the Ministry of Trade, and permit from the import country.

The exportation of the hazardous waste shall be consistent with the provisions and principles of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal in 1989 which come into force on May 05, 1992.

Article 21: The importation of the hazardous waste from abroad into the Kingdom of Cambodia is strictly prohibited.

CHAPTER 4

Monitoring and inspection of Hazardous waste management

Article 22: The monitoring on packing, storage, transport, recycling, incinerating, treatment and disposal of the hazardous waste is the responsibility of the Ministry of Environment.

Article 23: The Ministry of Environment shall take sample of the hazardous waste at every point enumerated in the article 22 of this sub-decree.

The owner or person responsible for the site mentioned in the paragraph one of article 23 of this sub-decree shall collaborate and facilitate the environmental official who comes to take the waste sample so that they can carry out their technical task.

Article 24: The sample of the hazardous wastes which were taken during the monitoring or inspection shall be analyzed in the Laboratory of the Ministry of Environment.

The owner or person who responsible for the site stipulated in the paragraph 1 of the article 23 of this sub-decree can request to test his/her waste sample at other public or private laboratories which are recognized formally and those laboratories must use the same testing method as used in the laboratory of the Ministry of Environment.

The owner or person responsible for the point or site stipulated in the paragraph 1 of the article 23 of this sub-decree shall pay analysis fee of his/her own waste sample following the list of testing cost determined by the Ministry of Environment and the Ministry of Economy and Finance.

These incomes shall be incorporated into the national budget for allocating the Environmental Endowment Fund.

Article 25: In the case of finding out that there are illegal disposals or dumping of the hazardous waste without a permit from the competent institution, the Ministry of Environment in collaboration with concerned ministries, shall conduct the inspection at the places in complying with procedures as follows:

a. To present his / her identity card and mission letter while entering into the premise or any site of point source of pollution for conducting inspection and taking sample;

b. To make, at the site of inspection, the primary record and report of the inspection or sample taking with the presence of witness if necessary;

c. To inquire and require the owner or responsible person of the place to provide them with information and other relevant documents for taking statement or report and for evidence;

d. To collect and detain evidence of the offence.

Article 26: In case if there are complaints or report that there is storage or disposal of the hazardous waste which causes danger to animal or human health or public property or contaminate the environment, the Ministry of Environment shall make urgent inspection and inform concerned ministries and local authority.

CHAPTER 5

Penalty

Article 27: Violations of this Sub-Degree shall be fined and punished according to article 20, 21, 22, 23 and article 25 of the chapter 9 of the Law on Environmental Protection and Natural Resource Management.

Article 28: Any environmental inspection official or agent who is negligent, fails to pay attention to, or fails to comply with the Ministry's regulations, or conspires with a violator or facilitates the commission of a violation, shall be subject to administrative

sanction or face prosecution before the court.

Article 29: The report making and the prosecution for any person who violates or fails to abide by any article of this sub-decree should be the responsibility of the Ministry of Environment's official.

CHAPTER 6

Final provisions

Article 30: Any provision contrary to this sub-decree shall be considered null.

Article 31: The minister in charge of the cabinet of the council of Ministers, concerned ministries and institutions shall collaborate with the Ministry of Environment/and implement this Sub-decree according to their duty.

Article 32: This sub-decree shall be in force from the date of its signature.

Phnom Penh, April 27, 1999
Prime Minister
(Signed with Seal of RGC stamp)
HUN SEN

Annex

Type of the hazardous waste

1. Fibrous and clothing wastes from textile and garment industry;
2. Paper waste from paper-mill industry;
3. Sludge waste from factory waste water treatment and product manufacturing processes;
4. Combustion residues from coal-fired power plants;
5. Plastics waste from production or use of plasticizers;
6. PCB waste from use of PCB contained in discarded air conditioners, TVs and microwaves;
7. Rubber waste from production or use of resins and latex;
8. Oil waste from oil refinery, use of lubrication oils, washing oils;
9. Acid waste;
10. Alkalis waste;
11. Metal waste and their compounds

Zinc (Zn)	Selenium (Se)	Tin (Sn)	Vanadium (V)
Copper (Cu)	Arsenic (As)	Barium (Ba)	Cobalt (Co)
Nickel (Ni)	Antimony (Sb)	Beryllium (Be)	Tellurium (Te)
Lead (Pb)	Titanium (Ti)	Uranium (U)	Silver (Ag)

1. Soot and dust waste from incineration facilities, treating exhaust gas;
2. wastes from used or discarded electricity lamp;
3. Wastes from production or use of battery;

4. Wastes from production and use of paints, lacquers and pigments;
5. Wastes from production and use of inks and dyes;
6. Explosive wastes;
7. Infectious diseases wastes;
8. Agriculture drugs wastes;
9. Ask wastes from incinerators;
10. Wastes from expired products;
11. Wastes from production and use of film;
12. Waste from treatment of polluted soil;
13. Waste from production of drugs and medicines, and expired drugs;
14. Inorganic fluorine wastes;
15. Cyanide wastes;
16. Asbestos wastes;
17. Phenols wastes;
18. Ethers wastes;
19. Wastes from production and use of solvents;
20. Wastes from production and use of dioxin and furan;
21. Radioactive wastes;
22. Wastes produced as a result of treating above item 1-32.