

NEW REGULATORY FRAMEWORK FOR WASTEWATER TREATMENT FACILITIES IN CAMBODIA

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LEGAL UPDATE

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Cambodia’s liquid waste management, especially in Phnom Penh, has been overlooked and neglected for decades. Such mismanagement resulted in serious negative impacts on the country. The most pressing challenge is related to the country’s drainage systems, wastewater treatment, and overall waste management.

In order to address this critical issue, on 25 December 2017 the government of Cambodia issued the Sub-Decree on Management of Drainage and Wastewater Treatment System (the “Sub-Decree”) with the aim to improve the management of drainage and wastewater treatment systems in an efficient, transparent, and accountable manner to ensure safety, public health, and biodiversity conservation. However, the Sub-Decree does not apply to the management of industrial liquid waste.

Realizing the limited scope of the Sub-Decree, on 22 November 2024 Cambodia promulgated the Law on Wastewater Treatment Facilities (the “Law”) that seeks to ensure effectiveness, quality, safety and sustainability of wastewater treatment facilities. The Law stipulates a new regulatory framework for the development, construction, management, operation, repair, maintenance, and use of wastewater treatment facilities, and it applies to all wastewater treatment facilities in Cambodia.

The Law defines “*wastewater*” as the water including rainwater which has changed its basic elements as a result of human activities and is released from a location into the sewerage systems or public water sources, and “*wastewater treatment facilities*” refers to water reservoirs or ponds, wastewater treatment stations or wastewater filter reservoirs, wastewater pumping stations, open canals, main drainage networks, sub-drainage networks, and other wastewater treatment structures that have been built using technology or that occur naturally.

The Law is based upon the following principles:

- Management of wastewater shall comply with the standards required by the Environment and Natural Resource Code, laws and regulations in force, and shall be consistent with the provisions of this Law.
- The development, construction, operation, maintenance and repair of the wastewater treatment facilities shall comply with the regulations and technical requirements for such wastewater treatment facilities in accordance with the biological factors of the area and national economic conditions.
- Investment in wastewater treatment facilities shall be encouraged and incentivized.
- The administration and use of wastewater treatment facilities shall be done with accountability, effectiveness and sustainability.

Competent Authorities and Cooperation

The development of wastewater treatment facilities is under the jurisdiction of the Ministry of Public Works and Transport (“MPWT”). The MPWT may grant the private sector the right to develop and manage the operation of the wastewater treatment facilities in accordance with the laws and regulations in force.

The MPWT has the authority over the development of the wastewater treatment facilities in Cambodia. The roles and responsibilities of the MPWT shall be stipulated in a Sub-Decree. The sub-national administrations have the authority over the management of the sewerage systems and wastewater treatment facilities under their respective jurisdictions and other wastewater-related duties in accordance with the delegation of power from the MPWT following the approval from the government.

The MPWT shall cooperate with the relevant ministries/institutions and sub-national administrations to prepare the master plan for the development of wastewater treatment facilities throughout Cambodia. This master plan shall be reviewed and re-evaluated at least every ten years.

Requirements for Wastewater Treatment Facilities

The establishment of new development areas such as cities, satellite cities, ports, airports, railway stations, special economic zones, industrial parks, innovation parks, commercial districts, industrial zones, tourism sites and other similar areas is required to have sufficient wastewater treatment facilities in accordance with the technical standards and requirements for wastewater treatment facilities stipulated in this Law. The technical requirements for the construction of wastewater treatment facilities in new development areas shall be determined by a Sub-Decree.

The construction of business and production buildings/centers or any other similar construction is required to have sufficient wastewater treatment facilities, sewerage systems, and other wastewater works in accordance with the technical provisions stipulated in this Law.

Use of Wastewater Treatment Facilities

The owner of a site (i.e., business owner) located in an area where there is an existing sewerage system and/or newly replaced sewerage system, and newly built or administered sewerage system shall apply for the connection of its sewers to the area's sewerage system.

The connection of the sewers from special economic zones, industrial parks or innovation parks to the sewerage system shall be done following a permit from the authority in charge of the sewerage system and with an agreement between the authority in charge of the sewerage system and the site owner, which specifies the location of connection, technical requirements, thresholds of toxic substances and the flow of the wastewater into the connection point, and shall comply with the laws and regulations in force. The technical requirements for the connection to the sewerage system shall be stipulated in a Prakas of MPWT.

The release of wastewater or liquid waste after the initial treatment from any location into the wastewater treatment facility station shall be done via the sewerage system. For any area or location without a sewerage system, the site owner shall build or construct a septic reservoir as stipulated in this Law.

The release of wastewater or liquid waste after the initial treatment from any location through the sewerage system shall pay a fee for the use of the sewerage system in accordance with the conditions stipulated in this Law.

The site owner shall build the septic reservoir for storing and refining wastewater in any of the following conditions:

1. The area or location does not have much space or sufficient space for the sewerage system.
2. The area or location has an existing old sewerage system with excessive wastewater.
3. The area or location is highly susceptible to wastewater permeation in which the treatment plant may not be effective enough to prevent such permeation into the underground soil.
4. The area or rock layer shall be protected from water permeation.
5. The area or location has a thin layer of soil not suitable for wastewater discharge.
6. The area or location has a sensitive environment in which the wastewater treatment facilities cannot be constructed.

Agreement to Use Wastewater Treatment Facilities

The authority in charge of the wastewater treatment facilities or the wastewater treatment facility operator shall have an agreement with the site owner for the use of the sewerage system. The form and procedures of entering into an agreement for the use of the sewerage system shall be determined by a Prakas of the MPWT.

Standards and Requirements for Wastewater Treatment Facilities

The MPWT shall prepare regulations on technical standards for the wastewater treatment facilities in accordance with the new technology and other international technical requirements for the functioning and operation of the wastewater treatment facilities.

Wastewater Treatment Facility Businesses

Any person operating the wastewater facility business shall obtain a permit or license from the MPWT and/or the sub-national administrations. The conditions and procedures for granting permits or licenses for wastewater facility businesses shall be determined in a Sub-Decree.

Fee

The operation of a wastewater facility business shall pay a fee. The fee shall be stipulated in an inter-ministerial Prakas of the Minister of Economy and Finance, the Minister of Interior and the Minister of Public Works and Transport.

Inspection

The MPWT shall appoint its officials in charge of wastewater treatment facilities to monitor, inspect, and assess the construction, assembling, adjustment, repair, maintenance, connection, and operation of the wastewater treatment facilities and other activities related to the wastewater treatment facilities in accordance with this Law. The rights and obligations of the inspection officials in charge of wastewater treatment facilities shall be stipulated in a Prakas of the MPWT.

New and Existing Regulations

New regulations will be developed to support the implementation of the Law. While such development is in progress, the existing regulations related to wastewater treatment facilities remain in force and effect until replaced by new regulations in accordance with the Law.

Disclaimer: *The information provided herein is for information purposes only and shall not be treated as legal advice.*

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