

THE GOVERNMENT

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SOCIALIST REPUBLIC OF VIETNAM

Independence - Freedom - Happiness

Hanoi, August 06th, 2014

DECREE

ON THE DRAINAGE AND TREATMENT OF WASTEWATER

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

Pursuant to the Law on Construction dated June 18, 2014;

Pursuant to the Law on Urban Planning dated June 17, 2009;

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

Pursuant to the Law on Water Resources dated June 21, 2012;

At the proposal of the Minister of Construction,

The Government promulgates the Decree with regard to the drainage and treatment of wastewater.

Chapter I

GENERAL PROVISIONS

Article 1. Scope and regulated entities

1. This Decree regulates the drainage and treatment of wastewater in the urban areas, industrial zones, economic zones, processing and exporting zones, hi-tech zones (hereinafter referred to as industrial zones) and rural residential areas; rights and obligations of organizations, individuals and households having activities related to the drainage and treatment of wastewater within Vietnam's territory.
2. This Decree applies to organizations, individuals and households in Vietnam; foreign organizations and individuals having activities involved to the drainage and treatment of wastewater within Vietnam's territory.

Article 2. Interpretation of terms

1. The drainage and treatment of wastewater is the activities of planning, designing and investing in construction, management and operation of drainage systems.
2. The wastewater treatment and drainage services (hereinafter referred to as drainage service) are the activities of management and operation of drainage systems in order to meet the demands for rainwater, wastewater drainage and wastewater treatment according to the regulations of the Law.
3. The cost of the drainage service is the costs for collecting, draining rainwater and wastewater in the covered area.
4. The price of drainage service is the price for drainage service on 1m³ of wastewater after considering all the costs and a reasonable profit.

5. A drainage unit is an organization that is paid to manage and operate the drainage system under a management and operation contract.
6. Discharging entities are the Vietnamese or foreign organizations, individuals and households within Vietnam's territory who discharge wastewater into drainage systems.
7. Wastewater is water of which characteristics changed after use and discharged into drainage systems or the environment.
8. Domestic wastewater is the wastewater discharged during human daily life activities i.e. dining, bathing, washing etc.
9. Other wastewater is water after use other than domestic wastewater.
10. Drainage system includes drainage networks (pipelines, canals, channels, culverts, controlling wells etc.), pump stations for rainwater and/or wastewater, wastewater treatment structures and other auxiliary structures supporting collecting, carrying and draining rainwater and/or wastewater, avoiding flooding and treating wastewater. Types of drainage systems:
 - A combined drainage system is a drainage system in which rainwater and wastewater are collected and carried in the same network.
 - A separate drainage system is a drainage system in which rainwater and wastewater are collected and carried separately.
 - A semi-separate drainage system is a combined drainage system with a combined sewer overflow and sewer to carry wastewater to the treatment facility.
11. A rainwater drainage system includes network of sewer and channels for collecting and carrying rainwater, detention basins, pump stations, catch basins, rainwater inlets and outlets and other auxiliary structures for collecting and draining rainwater.
12. A wastewater drainage system includes network of sewer, combined sewer overflows, sewers for collecting and carrying wastewater, pump stations, wastewater treatment plants, discharge outlets etc. and other auxiliary structures for collecting, draining and treating wastewater.
13. A separate sewer is the sewer carrying wastewater or a part of combined wastewater (in wet weather) from combined sewer overflows to pump station or wastewater treatment plant.
14. A detention basin is a natural or excavated basin used for storing rainwater and managing water quantity for a drainage system.
15. Connection points are the locations through where the discharging entities discharge wastewater into drainage systems.
16. Discharge points are the locations where wastewater from drainage systems is discharged into receiving waters.
17. A drainage area is a specific area that rainwater or wastewater is collected into a drainage system and carried to wastewater treatment plants or discharged into receiving waters.
18. Receiving waters are the permanent or seasonal water sources i.e. rivers, streams, canals, channels, lakes, ponds, lagoons, sea or groundwaters.
19. Specialized planning for the drainage and treatment of wastewater(hereinafter referred to as drainage planning) is planning for drainage areas (rainwater and/or wastewater), wastewater

divisions; estimating a total volume of rainwater and/or wastewater; proposing receiving waters; locating and sizing sewer networks, sewer junctions and wastewater treatment (i.e. pump stations, wastewater treatment plants, discharge outlets).

20. COD (standing for Chemical Oxygen Demand) is the volume of oxygen needed for oxidation of inorganic and organic chemical compounds in the wastewater.

21. Waste sludge are inorganic or organic sludge collected from septic tanks, collecting and carrying networks, detention basins, canals, channels, catch basins, rainwater inlets, rainwater pump stations, wastewater, discharge outlet and wastewater treatment plants.

Article 3. Rules of the drainage and treatment of wastewater

1. Water drainage for urban and rural residential areas is a public service which is encouraged and given priority by the Government in order to meet the demand for the drainage and treatment of wastewater for ensuring sustainable development.

2. Polluters must pay for pollution treatment; the income from drainage service must step by step cover the cost of drainage service.

3. The collection of rainwater and wastewater and the treatment of wastewater must comply with technical regulations.

4. Hazardous wastewater must be managed in accordance with regulations on hazardous wastes and other relevant regulations of the Law.

5. Drainage system must be consistently constructed, maintained and repaired Wastewater treatment technology which is environmentally friendly and suitable for the local socio-economic conditions shall be preferred. The drainage and treatment of wastewater must ensure the safety according to current technical regulations and standards.

6. Investment projects for drainage system constructions that may cause impact on road traffic infrastructure must ensure safety for traffic and the infrastructure, and repairing any road traffic works that are damaged.

7. Investment projects for technical infrastructural constructions that may cause impact on drainage systems must ensure the normal operation of the drainage systems.

8. It is necessary to encourage the community involvement in investing, managing and operating the drainage systems.

Article 4. Regulations on wastewater technical standards

1. Wastewater discharged from drainage systems of urban areas, industrial zones and rural residential areas into receiving waters must reach the environmental technical standards issued by the Ministry of Natural Resources and Environment.

2. The discharge of wastewater from factories in an industrial zone into the combined drainage system of the industrial zone must comply with current provisions on environmental management for industrial zones and drainage system management office of the industrial zones.

3. The discharge of wastewater from rural residential areas into drainage system in the areas must comply with current provisions on environmental protection for rural residential areas and local regulations on drainage system management.

4. Wastewater discharged from discharging entities and industrial zones into urban drainage system must reach the technical standards applied to wastewater discharged into drainage system regulated by competent State agencies. The Ministry of Construction shall issue technical standards applied to wastewater discharged into urban drainage system.

5. In case the wastewater is treated separately, depending on the receiving capacity and purpose of the receiving waters, the Ministry of Natural Resources and Environment shall issue technical standards applied to separate wastewater discharged into the receiving waters which is suitable for treating wastewater in small scale with simple technology that ensures the treatment quality, supports the management, operation and maintenance of drainage systems.

6. Wastewater discharged from urban drainage system, industrial zones, rural residential areas into irrigation system must reach the technical standards applied to wastewater discharged into irrigation system regulated by competent State agencies. The Ministry of Construction shall issue technical standards applied to wastewater discharged into urban drainage system.

Article 5. Drainage planning

1. Urban drainage planning is part of the overall urban planning, detailed urban planning and urban zoning. With regard to centrally-affiliated cities, drainage planning is a separate project, which elaborates the drainage system of an overall urban planning approved by a competent authority. With regard to provincially-affiliated cities (class 3 and over), if the drainage planning in the approved urban planning is ineligible for setting up a construction project to be called for investment, the provincial People's Committees shall consider making a specialized drainage planning. The specialized drainage planning must contain: scope and divisions; indexes of economy – technology, applied technical standards; drainage areas and divisions; selected receiving waters, estimating total volume of wastewater; network, location and size of drainage works.

2. Drainage planning for industrial zones is part of the overall planning for industrial zone construction. Drainage planning for industrial zones must contain: assessments of rainwater drainage and wastewater collection in the zone; estimating total volume of rainwater and wastewater; selected receiving waters, the environmental solution, location and size of wastewater treatment plant, wastewater treatment technology that suitable for the zone condition.

3. Drainage planning for rural residential areas is part of the rural development planning. Drainage planning for rural residential areas must contain: estimating total volume of rainwater and wastewater; sewer networks; location and size of pump stations and wastewater treatment stations; priority projects and investment distribution stages.

4. The formulation, assessment and approval of drainage planning must comply with the regulation of the Law on Urban Planning, Law on Construction and other relevant regulations.

Article 6. Management of altitudes pertaining to drainage

1. Managing the urban ground altitude

a) The urban ground level in compared to the National Coordination System in a construction planning scheme must ensure the drainage of rainwater and wastewater and be approved by a competent authority.

b) The decentralized management offices of construction planning are responsible for providing the information on urban ground level upon requests of entities.

- c) The entities who invest in construction must apply the provided altitude of urban ground.
- d) The offices appointed to assess fundamental designs and issue construction permits are responsible for checking the conformity between the altitudes of the designs and the urban ground.

2. Drainage altitude management

A drainage unit is responsible for:

- a) Determining and managing the water levels in the detention basins and sewers in order to optimize the drainage of rainwater, avoid flood and protect the environment.
- b) Managing the altitudes of the main sewers and collecting sewers of rainwater and wastewater;
- c) Providing altitudes of drainage systems for entities upon request.

3. The agencies which are appointed to manage rivers, lakes, canals and/or channels related to urban drainage are responsible for cooperating with drainage units in ensuring the requirements for urban drainage.

Article 7. Regulations on local drainage management

1. Regulations on local drainage management must be conformable with current provisions on the drainage and treatment of wastewater and suitable for the local conditions.

2. Regulations on local drainage management must contain the followings:

- a) Scope and regulated entities;
- b) The local drainage system
- c) Determination of owners;
- d) Standards on drainage service, connection and disconnection; tasks and powers of investors, discharging entity; financial obligations with regard to connection, local support policy for investment in construction, management and operation of the drainage system;
- dd) Technical conditions and standards applied to wastewater discharge;
- e) The management of waste sludge in drainage system and septic tanks;
- g) The treatment of combined or separate wastewater;
- h) The investment, construction, management and operation of drainage system;
- i) The contracts of management and operation of drainage systems (hereinafter referred to as operation contracts);
- k) The responsibility for formulation, management and use of the database of the local drainage system.
- l) Responsibility of making report on the drainage and investment projects of the drainage and treatment of wastewater
- m) Rights and obligations of relevant parties.

3. Provincial People's Committees shall formulate and approve regulations on local drainage management.

Article 8. The community involvement

1. Supervise the construction, management and operation of drainage systems according to the regulations of the Law.
2. Establish connections to drainage systems according to the regulations.
3. Detect, prevent and report violations against regulations on drainage to competent agencies.

Article 9. Propagation of regulations on drainage

1. The Ministry, ministerial-level agencies, Governmental agencies, People's Committees, drainage units shall cooperate with mass media agencies, organizations and schools to propagate and give guidance on the protection of drainage works and compliance with the regulations on drainage.
2. Political organizations, socio-political organizations, socio-political-professional organizations shall cooperate with drainage authorities to run propagation and encourage people to comply the regulations on drainage.

Chapter II

DRAINAGE SYSTEM DEVELOPMENT

Article 10. Drainage system owners

1. Provincial People's Committees are the owners or shall appoint People's Committees of districts and communes as owners of the drainage systems that are:
 - a) Funded by the State budget;
 - b) Transferred by investors in new urban areas;
 - c) Transferred by entities that invest in drainage systems and operate them for a limited period of time.
2. The investors in new urban areas or industrial zones are the owners of the drainage systems therein until they are transferred according to the regulations.
3. The entities investing in drainage systems are their owners until they are transferred provincial People's Committees.

Article 11. Investors in drainage system

1. A competent People's Committee or a drainage unit shall be designated as an investor to construct drainage system with support from the State budget of the administrative division.
2. The investor in a drainage system of a rural residential area funded by the State budget is the rural development board/council of a commune appointed by the ward People's Committee. If the project requires high technologies or professional expertise beyond the capability of the management board of rural development of the commune, the district People's Committee shall appoint a capable unit together with the People's Committee of the commune as the investor.
3. The unit appointed as an investor in infrastructure of an industrial zone or new urban area shall be the investor in the drainage system in the same administrative division.
4. Investors in drainage systems are their owners.

5. The investor of a drainage system invested by a community shall be a representative designated by the community.

Article 12. Plan for drainage development

1. The plan for drainage development shall include investment plans and specific tasks for ensuring the drainage of rainwater, the collection and treatment of wastewater, widening the range and improving the quality of the drainage service.

2. Plan for drainage development must be in conformity with the approve construction planning and drainage planning, and supported by related administrative divisions.

3. Procedure for making, assessing and approving the plan for drainage development:

a) The Department of Construction shall take charge and cooperate with relevant agencies to make the plan for local drainage development;

b) The Department of Planning and Investment shall take charge and cooperate with the Department of Finance to assess the plan for local drainage development and request the provincial People's Committee to consider approving the plan.

Article 13. Investment fund

The drainage systems of urban areas, industrial zones and rural residential areas shall be invested by the State budget and other legal fund. The Government encourages and facilitates the investment of economic sectors in a part or the whole drainage system in accordance with the construction planning and drainage planning approved by competent authorities.

Article 14. investment projects of drainage construction

1. The formulation, assessment, approval and commencement of drainage projects must comply with the regulations of this Decree and other regulations of the Law on construction investment.

2. Depending on characteristics of the project, advisory organizations when making investment project of drainage construction for fundamentally settling the drainage issues must:

a) Make sociological surveys to assess the living standards, financial capability and readiness of connecting to drainage system and paying the drainage service price; Disseminate the information on the project and service quality when the project finishes, participate in the decision consideration and supervise the operation;

b) The selection of technology and capacity, the determination of total investment fund the project must be considered the conformity with the expenses of management and operation in order to ensure the economic efficiency of the project.

c) Investment project of drainage construction must be carried out in conformity between wastewater treatment plants, sewer network for collecting and carrying wastewater and junction boxes in the whole service range of the drainage system.

Article 15. Incentive policy for investment

The drainage projects of urban areas and rural residential areas invested by entities shall be supported as follows:

1. Have incentives to land levy and land rents according to the regulations of the Law.

2. Receive support from local state budget for investing in infrastructural constructions outside of the premises.
3. Receive other incentives according to the regulations.

Article 16. The criteria for technology selection

1. Efficiency of the technology: ensure the quality of wastewater treatment, with due account taken of the self-purification of the receiving waters.
2. Land saving.
3. The conformity of the management, operation and maintenance to the capability of the local users.
4. Reasonable expenditures, with due account taken of the dependence on imported technology.
5. The suitability for the local natural characteristics i.e. climate, topography, hydrogeology and the receiving capacity of the receiving waters.
6. Safety and environmental friendliness.
7. Capability of improvement in capacity or efficiency of treatment in future.
8. Sustainable operation when there are irregular changes of the input wastewater, weather and climate.
9. The amount and treatment of waste sludge.
10. Capability of energy saving and recycling wastewater and waste sludge.

Depending on specific cases, provincial People's Committees shall decide which criteria to be applied.

Chapter III

MANAGEMENT AND OPERATION OF DRAINAGE SYSTEM

Article 17. Selection of drainage unit

1. With regard to the drainage systems of urban areas and rural residential areas which are invested by the State budget, the selection of drainage unit must comply with the regulations on public service provision.
2. An organization constructing a new urban area or an industrial zone shall manage and operate the drainage system in which it is invested until it is transferred to the provincial People's Committee according to the regulation.
3. A drainage unit must have adequate personnel, equipment and means for managing and operating the rainwater and wastewater drainage system.
4. The owner of a drainage system shall select a drainage unit in the same administrative division.

Article 18. Rights and Obligations of drainage units

1. A drainage unit has the following rights:

- a) Run business in accordance with the regulations, collect payment for drainage service price in compliance with the clauses of the signed operation contract;
- b) Request competent State agencies to consider amending legislative documents, technical standards and/or economic and technical norms related to the drainage and treatment of wastewater;
- c) Offer opinions with regard to making drainage planning for the administrative division.
- d) Receive compensation from causers according to the regulations of the Law;
- e) Have other rights in accordance with the regulations of the Law.

2. A drainage unit has the following obligations:

- a) Manage the assets invested by the owner of the drainage system in compliance with the clauses of the signed operation contract.
- b) Make and follow a procedure for managing and operating the drainage system;
- c) Solve problems and recover the drainage and treatment of wastewater;
- d) Create a database for managing discharging entities connected to the drainage system under its management; collect payment for drainage service according to the regulations directly or in cooperation with a water supplier;
- dd) Comply the regulations on environmental protection;
- e) Provide information on connection agreements on request;
- g) Ensure the safety and efficiency of the management and operation the system according to the regulations.
- h) Ensure the stable operation of the drainage service provision according to the regulations;
- i) Periodically report the drainage in the administrative division to the owner and State management agencies;
- k) Pay compensation for any damage caused by the unit to users according to the regulations of the Law;
- l) Discharge other obligations in accordance with the regulations of the Law.

Article 19. An operation contract

1. An operation contract is a legal agreement signed by the owner and the unit appointed to manage and operate the system.

2. Contents of an operation contract:

- a) The subjects of the contract;
- b) The objects of the contract;
- c) List of assets (and value thereof) to be transferred to the unit by the owner;
- d) Scope and Works;
- dd) Documents of the network of works of the drainage system, the procedure for management and operation of the drainage system and technical requirements;

- e) Service standards;
- g) Contract value; contract value adjustment;
- h) Payments and payment method;
- i) Rights and obligations of the parties.

3. Validity period of an operation contract:

An operation contract is valid for 05 years at least and 10 years at most. If the parties want to extend the contract, at least 01 years prior to the expiry date of the contract, the parties shall negotiate and sign the extension operation contract.

4. The operation contract shall be terminated in the following cases:

- a) Either party breaches the contract;
- b) The contract expires and neither party wishes to extend it;
- c) Force majeure events or other events prescribed in the contract occur;
- d) Other cases in which the contract is terminated prescribed by applicable regulations of law.

5. Inspection and payment under an operation contract:

- a) The operation contract shall be paid for periodically in compliance with the clauses in the contract;
- b) The payment method shall comply with the clauses in the contract
- c) If the payment is made after 15 days from the contractual deadline, the drainage unit shall receive an interest on the overdue payment at the highest rate announced by the bank at which the demand account is opened.
- d) The owner of the system is responsible for inspecting and paying the drainage unit in accordance with the clauses in the operation contract;
- dd) The payment for the operation contract shall be collected from the drainage service charges, annual budget of the owner of the system, and other sources;

6. Transfer of the operation contract:

The drainage unit may transfer part of or all of its rights and obligations in the operation contract to a third party with the approval of the owner of the system.

7. The Ministry of Construction shall issue a sample operation contract.

Article 20. Management of rainwater drainage systems and use of rainwater

1. The management of rainwater drainage system:

- a) The management of drainage of rainwater is managing the works i.e. catch basins, sewers, main drainage channels, detention basins, pump stations, control gates, tidal dam (if any) and discharge outlet;
- b) The networks of sewers, channels, manholes must be dredged, repaired and maintained periodically for ensuring the design flow. Manhole covers and rainwater inlet & outlet must be

regularly maintained. The sewers and other works in the drainage network must be periodically checked and timely planned for reparation;

c) A procedure for managing the rainwater drainage system must be made in order to satisfy the technical requirements for management and operation according to the regulations.

d) Plans for the development of the drainage network at various drainage areas should be made.

2. Regulations on the use of rainwater:

a) The use of rainwater is encouraged in order to contribute to flooding reduction, save water resources and minimize the extraction of groundwater and surface waters.

b) The entities investing in equipment and technology of treatment and use of rainwater shall be granted preferential loans and other incentives prescribed by Law;

c) The rainwater used for various purposes must comply with technical regulations and standards applied to water quality.

Article 21. The management of detention basins

1. The management of detention basins in drainage system is in order to store rainwater in cooperation with creating ecological landscape for activities of leisure, aquaculture and/or tourism.

2. The use of detention basins for activities of leisure, aquaculture, tourism and/or other services must be approved by competent authorities; the construction and use of detention basins must be supervised according to the regulations of the Law;

3. The discharge of wastewater generated from manufacture, commerce, domestic activities or other activities into detention basins must be strictly controlled according to the regulations.

4. A stable level of the water in detention basins shall be maintained in order to ensure the rainwater control.

5. The basins must be periodically dredged, cleaned the water and the sides

6. A procedure for management and regulations on using detention basins must be made.

Article 22. Management and operation of a wastewater drainage system

1. The management and operation of a wastewater drainage system which includes wastewater treatment plants, pump stations, pressure sewer system, junctions, connection points, sewer networks for collecting and carrying wastewater to wastewater treatment plants, discharge points etc. must comply with the approved procedure for management and operation of the system

2. The management and operation of a wastewater drainage system:

a) Periodically check the quality of the junctions and other works on the sewer network; the tightness and sludge at the connection points, manholes and sewer network in order to ensure the stable operation of the system. Propose plans for reparation, replacement, dredge, maintenance and development of the drainage system;

e) Periodically check the quality of the wastewater in the drainage system in compliance with the regulations on environmental protection;

- c) Make a procedure for management and operation of the drainage system in order to meet technical requirements according to the regulations;
 - d) Propose plans for the development of the drainage network at various drainage areas.
3. If the drainage system is a combined drainage system, the management and operation of the system shall comply with Article 20 and Clause 1 of this Article.

Article 23. Regulations on the separate wastewater treatment;

- 1. The solution of separate wastewater treatment is applied for residential areas, new urban areas, households, handicraft enterprises, villages, markets, schools, resorts or the areas restricted by land and/or topography etc. which cannot connect to the drainage system.
- 2. The appliance of separate wastewater treatment must ensure the economic efficiency, environmental protection, limitation of pollution sources and minimization of direct impacts of wastewater on the environment.
- 3. When deciding on the separate wastewater treatment, the possibility of connecting to the drainage system in future and the conformity with the planning approved by competent authorities must be taken into consideration.
- 4. The Ministry of Construction shall provide guidance on the separated wastewater treatment;

Article 24. Management and use of treated wastewater

- 1. The use of treated wastewater:
 - a) The quality of treated wastewater must comply with technical regulations and standards that are suitable for each purpose and environmental hygiene, safe for human health.
 - b) The treated wastewater for use must be distributed to consumption points of a separate system, must enter or affect the clean water supply in the administrative division and/or the area.
- 2. The Ministry of Natural Resources and Environment shall take charge and cooperate with relevant Ministries and agencies to promulgate technical regulations and standards on using treated wastewater.

Article 25. Management of waste sludge

- 1. Waste sludge must be classified in order to manage and select suitable technologies that reduce the costs of transportation and treatment, facilitate the management and operation of the burial sites.
- 2. Waste sludge is classified as follows:
 - a) According to origin: waste sludge generated from drainage systems (sewer network and wastewater treatment plants) and waste sludge generated in septic tanks;
 - b) According to pollution standard of each waste sludge;
 - c) According to hazardous standard of waste sludge generated in wastewater treatment process and according to other relevant regulations.
- 3. Criteria for the selection of technology of waste sludge treatment:
 - a) Centralized, decentralized or on-site treatment;

- b) The volume of waste sludge generated;
- c) The characteristics of waste sludge;
- d) The stability of the technology;
- dd) The requirements for environmental protection; economic and technical efficiency;
- e) The requirements for operation and maintenance;
- g) Preference of technologies which is environmentally friendly, energy saving and used for recycling waste sludge and heat recovery.

4. Collection, carry and treatment of waste sludge in drainage systems:

a) Waste sludge shall be collected, stored and carried to the planned treatment points or the locations approved by competent agencies for treatment in order to ensure the environmental hygiene; untreated waste sludge are prohibited to discharge into the environment. If a waste sludge contains hazardous elements, it must be managed according to the regulations on managing hazardous wastes;

b) The treatment and reuse of waste sludge must comply with the regulations on management and use of waste sludge promulgated by competent State agencies and other regulations on environmental protection;

c) When investing in constructing wastewater treatment plant, a suitable solution for collecting and treating waste sludge must be decided.

5. Pump, carry and treatment of waste sludge in septic tanks:

a) Waste sludge generated from households, offices, manufacture factories must be pumped out periodically;

b) The pump and carry waste sludge in septic tanks must be carried out by specialized equipment in order to meet the requirements for technique and environmental protection;

a) Waste sludge in septic tanks shall be collected, stored and carried to the locations approved by competent agencies for treatment. Waste sludge in septic tank is prohibited to directly discharge into drainage system and the environment;

d) Treating and recycling waste sludge must comply with the regulations on environmental protection;

dd) The cost of pump, carry and treatment of waste sludge in septic tanks shall be paid by households, offices and manufacture factories in compliance with the clauses in the contracts signed with the service providers.

6. The Ministry of Construction shall provide guidance on calculating and managing the costs of collection, carry and treatment of waste sludge in drainage systems and septic tanks:

Article 26. Management of discharge points

1. The discharge of wastewater into receiving waters must comply with the regulations of the Law on environmental protection, water resource protection, exploit and protection of irrigation structures and other relevant Law provisions.

2. The design and construction of discharge points must ensure no reverse penetration from the receiving waters and avoid impacts of urban flooding.

3. The discharge of wastewater into the receiving waters must be managed for each drainage area. Provincial People's Committees shall regulate the decentralization and management of discharge points; supervise the quality of the wastewater in the drainage system and from discharging entities who discharge directly into receiving waters within the administrative division; cooperate with the authorities of related divisions to manage the discharge points and the quality of the wastewater to be discharged into receiving waters within the discharge area according to the regulations of the Law on water resources, environmental protection and other relevant Law provisions.

Article 27. Contracts for drainage service provision

1. A contract for drainage service provision is a legal agreement signed by the drainage unit and the discharging entity (except households) discharging wastewater into the drainage system.

2. Contents of a contract for drainage service provision

a) The subjects of the contract;

b) Connection points;

c) Volume and quality of wastewater to be discharged into the system;

d) service quality

dd) Rights and obligations of the parties.

e) Price of drainage service and payment method;

g) Penalties for violating the contract;

h) Other contents agreed by the parties.

3. The Ministry of Construction shall issue a template of the contract for drainage service provision.

Article 28. Suspension of drainage service provision

1. If a domestic household violates the regulations on drainage management, it shall be punished according the regulations of the Law. The drainage unit must not stop the drainage service provision in any case, except the cases regulated in the clauses in the operation contract.

2. If one of the other discharging entities violates the regulations on drainage, the drainage unit shall send a written notification of the violation and request the discharging entity to rectify. If the discharging entity does not comply, the drainage unit shall suspend the drainage service provision according to the clauses in the contract for drainage service provision and other relevant law provisions.

3. The drainage service provision shall be recovered after the discharging entity rectify the violation, compensate for any damage caused from the violation and fulfill other obligations according to the regulations.

4. In case the drainage service provision need to be temporarily stopped for reparation and upgrade the drainage system, the drainage unit must notify the relevant discharging entities about the reason and time of the temporary stop; at the same time, the drainage unit must provide a

temporary drainage method in order not to cause impact on manufacture, business and domestic activities of the discharging entities and to minimize the environmental pollution.

Article 29. Rights and obligations of the entities using drainage service

1. The entities using drainage service have the following rights:
 - a) Receive drainage service according to regulations of the Law.
 - b) Request the drainage unit to repair any problem that arises;
 - c) Receive information on drainage activities;
 - d) Receive compensation for any damage caused by the drainage unit according to the clauses in the contract for drainage service provision;
 - dd) Report violations of the Law on drainage of the drainage unit or other relevant parties;
 - e) Have other rights in accordance with the regulations of the Law.
2. The entities using drainage service have the following obligations:
 - a) Pay sufficiently and punctually for the drainage service;
 - b) Discharge wastewater into the drainage in accordance with the technical regulations and standards of regulatory agencies.
 - c) Inform timely the drainage unit of any detected irregular phenomenon which may cause problem to the drainage system;
 - d) Connect the separate drainage systems of the entities to the common drainage system according to the connection agreement;
 - dd) Pay compensation for any caused damage to related parties according to the regulations of the Law;
 - e) Discharge other obligations in accordance with the regulations of the Law.

Chapter IV

CONNECTION TO DRAINAGE SYSTEMS

Article 30. Connection to a drainage system

1. The connection work must ensure the followings:
 - a) Wastewater is collected and treated in order to achieve technical regulations and standards before being discharged into the environment;
 - b) The infiltration of wastewater into ground or other receiving waters is minimized.
2. All the discharging entities in the range of the sewer network of collection of rainwater and wastewater must connect to the drainage system except the cases exempted from connecting according to Article 35 of this Decree.
3. A rural residential area or an industrial zone connecting its own drainage system to the urban drainage system is considered to be a discharging entity that is using the urban drainage service and responsible for complying with the regulations of the drainage system on connection.

Article 31. Requirements for connection to a drainage system

1. A connection box must be located on the collecting network of the drainage system, at the connection point and on the public land which close to the border between the public land and private land of each discharging entities.
2. All the discharging entities must invest in the drainage systems within their private lands and connect to the connection boxes.
3. The investment in drainage system within a private land of a factory or a house of a discharging entity must comply with the technical standards and requirements for connection and connection agreement.
4. Every owner of a drainage system is responsible for investing in development of the drainage system which includes the sewer network for collecting and carrying from the connection boxes to sewer grade 3, grade 2 and grade 1.

Article 32. Regulations on wastewater discharge at the connection points

1. Discharging entities are allowed to discharge domestic wastewater into the drainage system through connection points.
2. Other kinds of wastewater must be collected and treated with local treatment systems that meet technical standard before being discharged into the drainage system through the connection points in accordance with the regulations on connection and connection agreement.

Article 33. Regulations on connection

1. The regulations on connection is to ensure the conduct of connection when investing in a new drainage system or expanding the range of the existing drainage service.
2. Contents of the regulations on connection
 - a) Specifications of connection points;
 - b) Required altitudes of connection points;
 - c) Specifications of connection boxes;
 - d) Time of connection;
 - dd) Quality and volume of wastewater to be discharged through a connection point;
 - e) Cost of connection and policy for supporting and encouraging the connection;
 - g) Financial obligations of the owner of the drainage system and discharging entities.
 - h) Rights and obligations of relevant parties and their mechanism of cooperation.
3. The regulations on connection to a drainage system must be notified to the residential areas in the range of the system.
4. The regulations on connections are part of the local regulations on drainage issued by the provincial People's Committees.

Article 34. Support for connection to a drainage system

1. The support for connection is to encourage the discharging entities to connect their drainage system to the collecting network of the common drainage system; ensure the wastewater is

collected thoroughly and the wastewater treatment plants are operated at the design capacity; ensure the efficiency of the investment in drainage system.

2. The entities for the support: meritorious and poor households at the standard regulated by the Prime Minister; the households do the connection as soon as the connection is required. The determination of households entitled for the support shall be decided by the provincial People's Committees.

3. Forms of support:

a) Support a part or the whole cost of the installation from the connection box to the drainage pipe in the private land of the households.

b) The support fund is taken from the local state budget, investments or the capital of the drainage unit.

4. Depending on actual conditions of the administrative division, the owner shall decide the form of support for each entity.

Article 35. Connection agreement and exemption

1. Connection agreement is a written agreement between the drainage unit and the discharging entity about the connection location, specifications of the connection point, time of connection, quality and volume of wastewater to be discharged through the connection point.

2. The cases of exemption from connecting to the drainage system are as follows:

a) The discharging entity is close to receiving waters and the quality of wastewater reaches standards of environmental hygiene and the connection to the common drainage system may cause unreasonable expenditures for the discharging entity according to the regulations of the provincial People's Committee.

b) There is no drainage system in the administrative division.

Chapter V

DRAINAGE SERVICE PRICE

Article 36. The cost of drainage service

1. The cost of drainage service is the basis for deciding the drainage service price and the value of an operation contract between a drainage unit and an owner of the drainage system.

2. The cost of drainage service is the exact production costs of the provision of drainage service for each cube meter (1m³) of wastewater in the service range, which includes:

a) Costs of operating and maintaining the drainage system;

b) The depreciation costs of vehicles, machines, equipment, factories and structures which are invested for providing drainage service in accordance with current technical regulations and standards.

e) other costs, taxes and fees according to the regulations of the Law.

Article 37. Determination of the cost of drainage service

1. The cost of drainage service shall be determined according to the exact costs arising in the drainage process in order to meet the current technical regulations and standards.

2. The cost of drainage service is determined for each type of drainage system as follows:

- a) Combined drainage system
- a) Separate drainage system
- a) Semi-separate drainage system

Article 38. Pricing drainage service

1. The drainage service price must be associated with the quality of the provision of drainage service regardless of foreign or domestic entities and in accordance with the policies of the Government.

2. In case the drainage service price has been decided by the provincial People's Committee which is lower than the price with due account taken of the cost of drainage service and a reasonable profit, the provincial People's Committee must pay the compensation for the shortfall from the local state budget in order to ensure the lawful rights and interests of the drainage unit.

3. Pricing of drainage service must depending on the volume of the wastewater and the pollutant content in the wastewater.

4. The Ministry of Construction shall provide guidance on pricing the drainage service.

Article 39. Determination of volume of wastewater

1. Domestic wastewater:

a) In case the discharging entities use water from the common water supply system, the volume of wastewater shall be the volume of consumed water in the water bills;

b) In case the discharging entities do not use water from the common water supply system, the volume of wastewater shall be calculated depend on the average volume of water consumed per capita by the provincial People's Committee in the administrative division decided.

2. Other wastewater:

a) In case the discharging entities use water from the common water supply system, the volume of wastewater shall be counted 80% of the volume of consumed water in the water bills;

a) In case the discharging entities do not use water from the common water supply system, the volume of wastewater shall be determined according to the indicator on the water meters; If the water meter cannot be installed, the drainage unit and the discharging entity shall depend on the contract for drainage service provision prescribed in Article 27 of this Decree in order to reach an agreement on an appropriate volume of wastewater.

Article 40. Determination of pollutant content of wastewater

1. The pollutant content in other wastewater (not domestic wastewater) is determined according to the average COD indicator of each wastewater depending on the use of water or activities generating wastewater or according to each separate entity. The COD indicator is determined according to analysis results in a qualified laboratory.

2. The drainage unit must check the COD indicator in the wastewater (except domestic wastewater) in order to price the drainage service. The check should be taken every 06 months or irregularly as needed. In case the discharging entity disagree with the COD indicator in wastewater determined by the drainage unit, the discharging entity has right to contract with

another laboratory for acquiring another COD indicator and then compare with the one of the drainage unit; the costs of taking sample and analyzing shall be paid by the discharging entity.

Article 41. Formulating, assessing and approving the price of drainage service

1. With regard to drainage systems invested by the State budget, the Departments of Construction shall take charge and cooperate with relevant agencies to formulate plans for pricing the drainage service, the Services of Finance shall assess the plan and submit it to the provincial People's Committees for consideration.
2. With regard to drainage systems invested by other sources, the owners of the drainage system shall formulate plans for pricing the drainage service, the Services of Finance shall take charge and cooperate with the Departments of Construction to assess the plan and submit it to the provincial People's Committees for consideration.
3. With regard to the industrial zones: the price of drainage service shall be agreed among the investor constructing the industrial zones and the investors in the industrial zones. In order to be decided, the price must be agreed by State management agencies specialized in drainage and price management agencies in the administrative division.

Article 42. Adjustment of the price of drainage service

1. The price of drainage service is adjusted when:
 - a) There is an investment in changing the technology of wastewater treatment and/or the service quality;
 - b) There is a change in policy of the Government and/or economic and technical norms;
 - c) There is a change in the socio-economic development of the country or the region and people's income.
2. The entities entitled to adjust drainage service prices are specified in Article 41 of this Decree.
3. With regard to the urban drainage system invested from ODA capital, the price of drainage service and the process of price adjustment must comply with the agreement signed between the supporter and Vietnamese Government.

Article 43. Payment method for drainage service

1. Discharging entities:
 - a) The entities providing the water supply service shall collect payment for drainage service according to the water bill from the discharging entities that use water from the common water supply system, and receive payment for collection service;
 - a) The drainage units shall directly collect payment for drainage service from the discharging entities that do not use water from the common water supply system;
 - c) The discharging entities that paid for drainage service are exempt from the fee for environmental protection according to current regulations on fee for environmental protection on wastewater.
2. Drainage units:
 - d) The owner of the drainage system is responsible for paying the drainage unit in accordance with the clauses in the operation contract;

Article 44. Management and use of income from provision of drainage service

1. The income from provision of drainage service shall be managed and used by the owner of the drainage system for the following purposes:

- a) Pay for collecting service, charge of sample taking and testing for determining COD indicator;
- b) Pay for the cost of drainage service;
- c) Invest in maintenance and development the drainage system;
- d) Pay for other valid expenditures according to the regulations.

2. The Ministry of Finance shall take charge and cooperate with the Ministry of Construction to provide guidance on management and use of income from provision of drainage service.

Chapter VI

STATE MANAGEMENT OF THE DRAINAGE AND TREATMENT OF WASTEWATER

Article 45. Rights and Obligations of Ministries and agencies

1. The Ministry of Construction is responsible for implementing State management of the drainage and treatment of wastewater in the urban areas, rural residential areas and industrial zones on the whole country.

2. The Ministry of Natural Resources and Environment is responsible for implementing State management of environmental protection, water resources, river basins, pollution control in drainage, wastewater discharge on the whole country; cooperate with Ministries and agencies to manage wastes according to the regulations of the Law.

3. the Ministry of Agriculture and Rural development is responsible for implementing State management of wastewater discharge into irrigation systems.

4. The Ministries, ministerial-level agencies within scope of duties and powers must cooperate with the Ministry of Construction, the Ministry of Agriculture and Rural development and the Ministry of Natural Resources and Environment to implement State management of the drainage and treatment of wastewater in the urban areas, industrial zones and rural residential areas.

Article 46. Obligations of provincial People's Committees

1. Within scope of duties and powers, implement State management of the drainage and treatment of wastewater in the administrative division under the management;

2. Appoint the specialized agencies and People's Committees at lower levels to manage the drainage and treatment of wastewater in the administrative division under the management;

3. Issue regulations on the management of local drainage systems; incentive policies for promoting investment in the drainage and treatment of wastewater which are suitable for the local socio-economic conditions.

4. Direct the formulation and approval of planning for investment in development of local drainage and distribute fund for carrying out the planning in accordance with programs and plans for socio-economic development.

5. Provide guidance on establish database of drainage and treatment of wastewater.

6. Direct the compilation of report on the local drainage including the construction conditions; status of making, assessing and carrying out planning's; investment and deployment of investment projects; price management of drainage service.
7. Direct the inspection and punishment of violations of regulations on the drainage and treatment of wastewater in the administrative division.

Chapter VII

IMPLEMENTATION PROVISIONS

Article 47. Transition

1. With regard to the drainage plannings approved for formulation which are being formulating before this Decree takes effect, the assessment and approval of such plannings shall be entitled to the Decree no. 88/2007/NĐ-CP dated May 28th 2007 of the Government on urban drainage and industrial zones. The drainage planning which are not approved shall be entitled to the regulations of this Decree.
2. If the provincial People's Committee is applying the procedure for price adjustment of drainage service according to the Decree no. 88/2007/NĐ-CP dated May 28th 2007 of the Government on urban drainage and industrial zones, it shall keep going until the next adjustment. The next adjustment of the price of drainage service shall comply with the regulations on the price of drainage service in this of this Decree.

Article 48. Effect

This Decree takes effect on January 01st 2015 and replaces the Decree no. 88/2007/NĐ-CP dated May 28th 2007 of the Government on urban drainage and industrial zones in Vietnam.

Article 49. Implementation

1. the Minister of Construction shall cooperate with the related Ministries and agencies to provide guidance on the implementation of this Decree.
2. The Ministers, Heads of ministerial-level agencies, Heads of Governmental agencies, the President of the People's Committee of central-affiliated cities and provinces and relevant entities are responsible for implementing this Decree.

**FOR THE GOVERNMENT
THE PRIME MINISTER**

Nguyen Tan Dung

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