



Strengthening inspection, investigation, and supervision of hotspots to control environmental pollution in the Southern provinces

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In the past, the state management of the environment in the South has been strengthened with many positive measures and solutions and achieved some results such as: Effective organization the implementation of policy, legislation on environmental protection; Proactive and strict control of large waste sources; Monitoring, supervision, and timely grasp of developments of environmental issues, environmental protection work of objects of the type of production with high risk of polluting the environment; stepping up measures to prevent the risk of environmental incidents; maintaining the mode of coordination between the Central and local authorities in controlling, supervising and solving environmental polluting establishments and arising environmental hotspots; strict handling of violations of the legislation on environment; improved environmental quality; strengthened environmental and biodiversity monitoring, improved the capacity to warn and forecast on environmental quality, provided information on the environment; carried out solutions to protect and restore important natural ecosystems... However, there are still environmental pollution risks in this area that need to be addressed in the coming time.

INSPECTION AND INVESTIGATION OF COMPLIANCE WITH ENVIRONMENTAL PROTECTION LEGISLATION

In fact, the environmental inspection and investigation is considered as one of the effective tools of the state management of environmental protection. It has become a regular activity of the environmental management agencies at all levels, helping to detect, prevent, and promptly handle violations of environmental protection.

Every year, state management agencies on environmental protection at all levels conduct inspection of production, business, and service organizations. In particular, in the South, the Southern Sub-Department of Environmental Pollution Control, the Department of Environmental Pollution Control (DEPC), have inspected a total of 480 industrial parks and production, business and service establishments since 2016. The results of these inspections have led to administrative sanctions against 156 establishments, with fines totaling more than 45,854 million VNĐ. The DEPC has also investigated the implementation of inspection conclusions for 49 industrial parks and production, business, and service

establishments, resulting in administrative sanctions against 12 establishments with fines totaling 2,628 million VNĐ.

Currently, Decree No. 08/2022/NĐ-CP stipulates two new inspection and investigation activities: (1) Specialized inspection activities on environmental protection (Article 162); (2) Investigation of the compliance of the legislation on environmental protection (Article 163). Subjects of regular environmental protection inspection are organizations and individuals engaged in production, business and service activities of the type of production, business or service that pose a risk of polluting the environment at level I, Column 3 of the Appendix II promulgated together with Decree No. 08/2022/NĐ-CP, at the same time falling into the case of recidivism or repeated violations in accordance with the legislation on handling of administrative violations; period of regular inspection of an organization or individual is for 3 consecutive years in order to prevent, detect and handle violations; help organizations and individuals comply with the legislation on environmental protection.

Article 162 of Decree No. 08/2022/NĐ-CP also specifies the contents of responsibilities, investigation forms, competence to approve periodical investigation plans, investigation competence, investigation order and procedures and process of investigation results; the time limit for investigation at an establishment is regulated to be no more than 7 days from the date of commencement of conducting investigation at the investigated place; in the complicated case, the investigation scope is wide, the investigation time limit is 15 days; therefore, care should be taken during implementation to ensure compliance with regulations. In 2023, the Minister of Ministry of Natural Resources and Environment (MONRE) has approved a plan to investigate compliance with the legislation on environmental protection for production, business and service

establishments, especially in the South, it is expected to investigate 65 establishments in 5 provinces including An Giang, Ben Tre, Binh Phuoc, Soc Trang and Vinh Long. At the same time, the Southern Sub-DEPC has coordinated with the Department of Natural Resources and Environment (DONRE) of provinces to review and propose subjects when developing the annual inspection and investigation plan to ensure that there are no overlaps or duplications when conducting inspection, also closely cooperated with local departments and agencies (DONREs, Economic Zone/Industrial Park Management Units, Divisions of Environmental Police...).

CONTROL, SUPERVISE HOTSPOTS AND RESPOND TO ENVIRONMENTAL INCIDENTS

From 2018 to present, the prevention and proactive control of environmental pollution hotspots has been a key task for regular and periodic implementation in the South. The Southern Sub-DEPC closely coordinated with the DONREs of the provinces/cities in the process of reviewing and making statistics to determine the list of point sources/area sources. The list is reviewed, updated, and compiled annually. For point sources, priority is given to establishments/projects with environmental records/licenses approved by the MONRE for control and supervision activities.

Accordingly, the DEPC has conducted surveys, worked, collected information and data of more than 215 establishments belonging to the type of production with high risk of polluting the environment (environmental records approved by the MONRE). The DEPC is continuing to complete the update and addition of information to the waste source control database software.

Based on the survey, working results, the DEPC (through the Southern Sub-DEPC) issued 101 notices (from 2020 to 2022) of the working results and requested the units to overcome the shortcomings in the implementation of environmental protection content; 24 written notices of working results to the DONREs, requested coordination in supervising the remedial work of establishments; proposed handling of administrative violations on environmental protection for 2 units. To date, most establishments have fixed the indicated deficiencies and reported the results of the remediation.

In addition, the DEPC has carried out special supervision for establishments and projects with high risk of polluting the environment in the South from 2018 to now, including: Lee and Man Paper Factory; Vinh Tan Power Center, Duyen Hai Power Center, Song Hau Power Center and Toc Tien Centralized Waste Treatment Area. A supervision model with “4-party” coordination has been established (DEPC, local DONREs, local community supervision groups and projects/production establishments with high risk of polluting the environment). Accordingly, the DEPC has shifted from being passive and reactive to being proactive in preventing and responding to arising environmental problems. The DEPC has also supervised project complexes, large-scale industrial production, and business estab-



▲ Conference on environmental pollution control in the Southern provinces was held in Ho Chi Minh City on April 21st, 2023



lishments with high risk of polluting the environment to ensure that they meet the conditions to go into official operation and make important contributions to socio-economic development. Up to now, many big projects, including Lee and Man Company in Hau Giang Province, several thermal power plants... have been strictly controlled on environmental protection to put into official operation. The Department also actively cooperates with the DONREs of the provinces/cities to solve arising problems; assumes the prime responsibility for, and closely coordinates with the provinces/cities in the South in timely settlement of hot environmental cases under the authority of MONRE; periodically at the beginning of each year, the Vietnam Environment Administration (now is the DEPC) sends warning documents to DONREs of the provinces/cities to request production establishments in the area to implement measures to prevent environmental incidents when the South is to enter into the rainy season...; strengthens the organization and implementation of environmental protection activities in inter-provincial river basins in the South; promotes professional exchange activities, coordinates with provinces and cities in improving the management capacity of environmental protection; provides professional support to provincial DONREs in solving major environmental problems that are being faced by local authorities but have not yet found suitable solutions such as protecting intensive and super-intensive shrimp farming in the Mekong Delta provinces including Soc Trang, Ca Mau...

However, the results of handling violations have shown that that some inspected enterprises have not comply with the provisions of the Law on Environmental Protection and the contents of the approved environmental impact assessment (EIA) report. They have not built waste treatment works. The inspection, investigation and supervision of environmental protection activities after the appraisal of the EIA report has been paid attention, but the implementation resources are still lacking, so it has not achieved high efficiency; the implementation of environmental protection of many establishments is still formal, coping, and does not show effectiveness of environmental protection measures proposed by state management agencies.

Since then, it is necessary to have more strict supervision and management, and more severe sanctions to be enough to deter establishments that intentionally violate or violate many times.

Also, the system of legal documents is numerous both in number and in specialized fields, going through many stages and periods, some regulations are still general or lack of sanctions, leading to the capture of legal documents timely as well as thorough and comprehensive understanding of the regulations to be applied in the process of handling work for civil servants in this area facing many difficulties and limitations. The inspection force is not enough in both quantity and quality, not commensurate with the requirements of state management as well as the tasks arising in practice; funding and equipment for inspection and investigation are lacking and have not been allocated regularly according to regulations...

SUGGESTIONS AND RECOMMENDATIONS

Firstly, to publicize conclusions on environmental protection, it is necessary to publicly update the inspection conclusions on the portal of inspection agencies or agencies assigned to perform the specialized inspection function, state management agencies at the same level in accordance with the legislation on inspection.

Secondly, for units that are inactive, delay the payment of administrative violations or fail to report on the results of remedial measures following the inspection conclusions, it is necessary to continue to include them in the inspection list for the compliance of the legislation on environmental protection. At the same time, it is necessary to propose to the competent authorities detailed guidance on the implementation of coercion for establishments that do not comply with the sanctioning decisions as prescribed.

In addition, the development of annual inspection and investigation plan for a number of units under MONRE and DONREs is still slow or the content of the plan is not close to the approved inspection orientation; the rate of unscheduled inspections and investigations is still low compared to requirements; the database system on inspection and complaint letters is incomplete, lacks of updates and the connection to share data between the Central and local authorities is not comprehensive, leading to processing complaint letters duplicate, over-level, out-of-authority, expired, and time consuming. Therefore, it is necessary to strengthen the exchange and sharing of information, to solve problems arising in practice with local authorities; be ready to support local authorities in the process of implementing mechanisms, policies, and legislation and to solve and remove difficulties as well as problems arising in the process of inspection and investigation. Establish information exchange mechanism; develop and share a database on objects of inspection, investigation, complaints, and denunciations between the Department and DONREs.



Thirdly, the DEPC and DONREs will strengthen close coordination to implement the Plan to strengthen prevention, supervision, and control of establishments with risk of polluting the environment, promulgated by Decision No. 750/QĐ-BTNMT dated 28th March 2023 of the Ministry of Natural Resources and Environment (MONRE). In the Southern region, the Plan will prioritize the following contents: (1) Continue to carry out environmental supervision for large-capacity establishments, operating areas with high risk of polluting the environment, polluting the environment; (2) Strictly control the environment for establishments, centralized production, business and service areas, industrial clusters, craft villages (especially 54 industrial parks and clusters without centralized wastewater treatment system and 47 industrial parks with large wastewater sources); (3) Continue to review, classify and strengthen the prevention, control and supervision of establishments at risk of polluting the environment.

Fourthly, step up coordination in receiving, handling and responding to complaints and petitions of organizations, individuals and communities on environmental protection according to the provisions of Clause 5, Article 159 of the Law on Environmental Protection; especially, further improve coordination in receiving, verifying and processing information of complaints and petitions of organizations and individuals on environmental pollution through the hotline according to the Regulation on receiving and processing information through the hotline on environmental pollution, issued by the Minister of the MONRE in Decision No. 174/QĐ-BTNMT dated 24th January 2022; further promote the role of the people and the community in supervising and protecting the environment; help better supervise the existing environmental hotspots as well as reduce the arising environmental hotspots through supervision of the people and the residential community.

Fifthly, continue to maintain and promote effective control activities for projects with high risk of polluting the environment in the coming time, in which the following activities are promoted:

Strengthen close coordination with local DONREs in the management and control of waste sources (review, statistic and make a list of point sources/area sources in the local area to avoid omitting objects that need to be controlled; operation status of establishments/projects to develop control plans suitable to reality; strengthen thematic control activities by sectors with high risk of polluting the environment such as livestock and poultry raising, aquaculture, seafood processing, steel production... to ensure the initiative in pollution prevention; strengthen control activities and measures for some area sources).

Step up the application and exploitation of information technology in waste source management and supervision through building and upgrading database to quickly exploit waste source information, automatic monitoring data, and provide incident warnings; develop waste source distribution maps and quick interactive software for users to better serve environmental management.

Sixthly, coordinate to solve inter-regional environmental issues, specifically: Continue to exchange and study relevant and practical mechanisms and policies for effective environmental management of large river basins in the South; Step up the implementation of Directive No. 03/CT-TTg dated 18th January 2021 of the Prime Minister on strengthening air pollution control and Decision No. 1973/QĐ-TTg of 23rd November 2021 of the Prime Minister on approval of the National Plan on Air Quality Management for the period 2021 - 2025.

Seventhly, strengthen the efficiency of environmental pollution monitoring and warning; Improve the quality of environmental monitoring and supervision, especially strengthening the mechanism for coordination, data sharing and provision between the central and local authorities; closely coordinate in handling complaints through the hotline receiving complaints and petitions on environmental pollution from Central to local levels.

Eighthly, continue to replicate and draw lessons from the model of environmental protection supervision, waste incident response with the participation of the community, establishment owners and state management agencies (4-party model including: DEPC, DONREs of the provinces/cities directly under the Central Government, local community supervision groups and production establishments) to apply establishments that are at risk of polluting the environment or occur environmental incidents, establishments that are reported by the people and the press about the environmental pollution status ■