



STRENGTHENING CAPACITY FOR ENVIRONMENTAL LAW IN MALAYSIA'S JUDICIARY: TRAIN-THE-JUDGES PROGRAM (TTJ)

- **DOE Enforcement Approaches : CC vs SR**
- **Environmental Impact Assessment (EIA)**

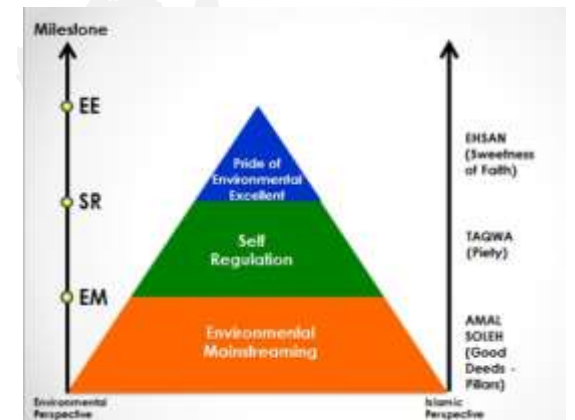
July 12, 2017

By:

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Director General,
of Environment Malaysia

GSR INITIATIVE PROGRAM 2017



DEPARTMENT OF ENVIRONMENT

Vision

Environmental conservation (not preservation) for the well-being of the people-sustainable.

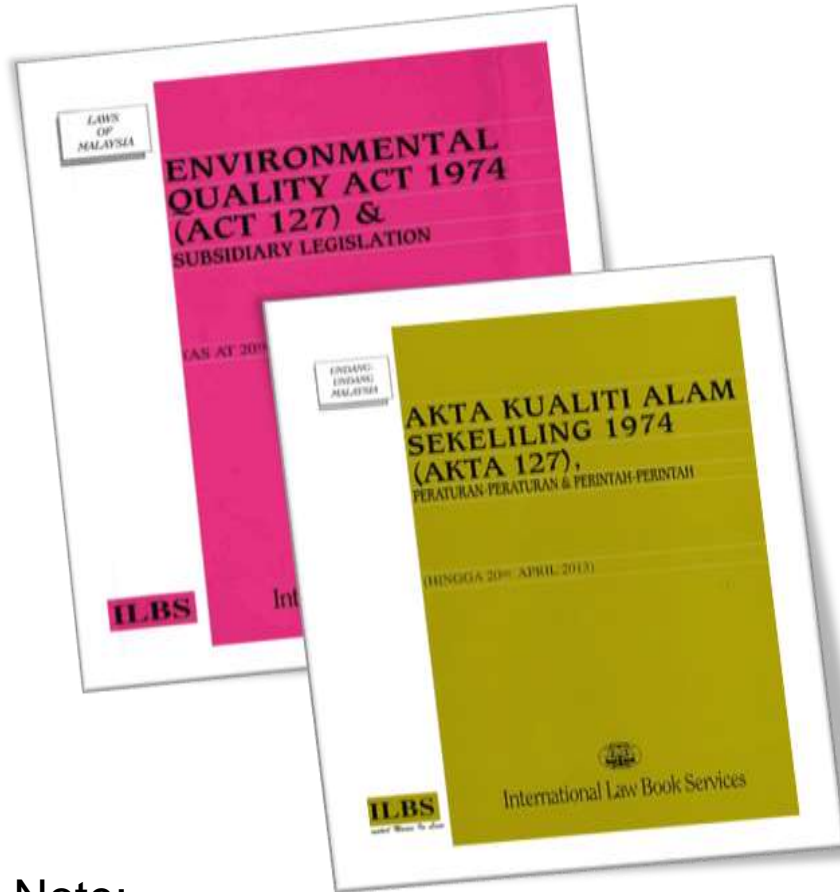
Mission

To ensure sustainable development in the process of nation building.

D=E (Target - Balance)

D>E (Preservation – Nature Lover)

D<E (Economic View)



Note:

D - Development

E - Environment



ENVIRONMENTAL QUALITY ACT 1974

REGULATIONS

- Environmental Quality (Control Of Emission From Diesel Engines) (Amendment) Regulations 2000 - P.U.(A) 488/2000
- Environmental Quality (Clean Air) (Amendment) Regulations 2000 - P.U.(A) 309/2000
- Environmental Quality (Scheduled Wastes) Regulations 2005 - P.U.(A) 294/2005
- Environmental Quality (Prescribed Premises) (Crude Palm Oil) Regulations 1977 - P.U.(A) 342/77
- Environmental Quality (Prescribed Premises Scheduled Wastes Treatment And Disposal Facilities) (Amendment) Regulations 2006 - P.U.(A) 253/2006
- Environmental Quality (Prescribed Premises) (Raw Natural Rubber) (Amendment) Regulations 1980 - P.U.(A) 74/80
- Environmental Quality (Refrigerant Management) (Amendment) Regulations 2004 - P.U.(A) 395/2004
- Environmental Quality (Halon Management) Regulations 1999 - P.U.(A) 452/99
- Environmental Quality (Motor Vehicle Noise) Regulations 1987 - P.U.(A) 244/87
- Environmental Quality (Dioxin And Furan) Regulations 2004 - P.U.(A) 104/2004
- Environmental Quality (Industrial Effluent) Regulations 2009 - P.U.(A) 434/2009
- Environmental Quality (Control Of Petrol And Diesel Properties) Regulations 2007 - P.U.(A) 145/2007
- Environmental Quality (Control of Lead Concentration In Motor Gasoline) Regulations 1985 - P.U.(A) 269/85
- Environmental Quality (Control Of Emission From Petrol Engines) Regulations 1996 - P.U.(A) 543/96
- Environmental Quality (Control Of Emission From Motorcycles) Regulations 2003 - P.U.(A) 464/2003
- Environmental Quality (Control of Pollution From Solid Waste Transfer Station And Landfill) Regulations 2009 - P.U.(A) 433/2009
- Environmental Quality (Sewage) Regulations 2009 - P.U.(A) 432/2009
- Environmental Quality (Appeal Board) Regulations 2003 - P.U.(A) 115/2003
- Environmental Quality (Licensing) Regulations 1977 - P.U.(A) 198/77

RULES

- Environmental Quality (Compounding Of Offences) (Open Burning) Rules 2000 - P.U.(A) 310/2000
- Environmental Quality (Compounding Of Offences) (Amendment) Rules 1999 - P.U.(A) 12/99
- Environmental Quality (Compounding Of Offences) Rules 1978 - P.U.(A) 281/78

ENVIRONMENTAL QUALITY ACT 1974

ORDERS

- Environmental Quality (Prescribed Activities) (Environmental Impact Assessment) Order 2015 - P.U.(A) 195/2015
- Environmental Quality (Prescribed Activities) (Environmental Impact Assessment) Order 1987 - P.U.(A) 362/87
- Environmental Quality (Prohibition On The Use Of Chlorofluorocarbons And Other Gases As Propellants And Blowing Agents) Order 1993 - P.U.(A) 434/93
- Environmental Quality (Prescribed Premises) (Scheduled Wastes Treatment And Disposal Facilities Order) 1989 - P.U.(A) 140/89
- Environmental Quality (Prescribed Conveyance) (Scheduled Wastes) Order 2005 - P.U.(A) 293/2005
- Environmental Quality (Delegation Of Powers On Marine Pollution Control) Order 1994 - P.U.(A) 537/94
- Environmental Quality (Delegation Of Powers Halon Management) Order 2000 - P.U.(A) 490/2000
- Environmental Quality (Delegation Of Powers) (Investigation Of Open Burning) Order 2000 - P.U.(A) 311/2000
- Environmental Quality (Delegation Of Powers) (Perbadanan Putrajaya) Order 2002 - P.U.(A) 233/2002
- Environmental Quality (Delegation Of Powers) Order 2005 - P.U.(A) 365/2005
- Environmental Quality (Prescribed Premises) (Raw Natural Rubber) (Amendment) Order 1978 - P.U.(A) 337/78
- Environmental Quality (Prescribed Premises) (Raw Natural Rubber) Order 1978 - P.U.(A) 250/78
- Environmental Quality (Prescribed Premises) (Scheduled Wastes Treatment And Disposal Facilities) (Amendment) Order 2006 - P.U.(A) 252/2006
- Environmental Quality (Prescribed Premises) (Crude Palm Oil) Order 1977 - P.U.(A)199/77

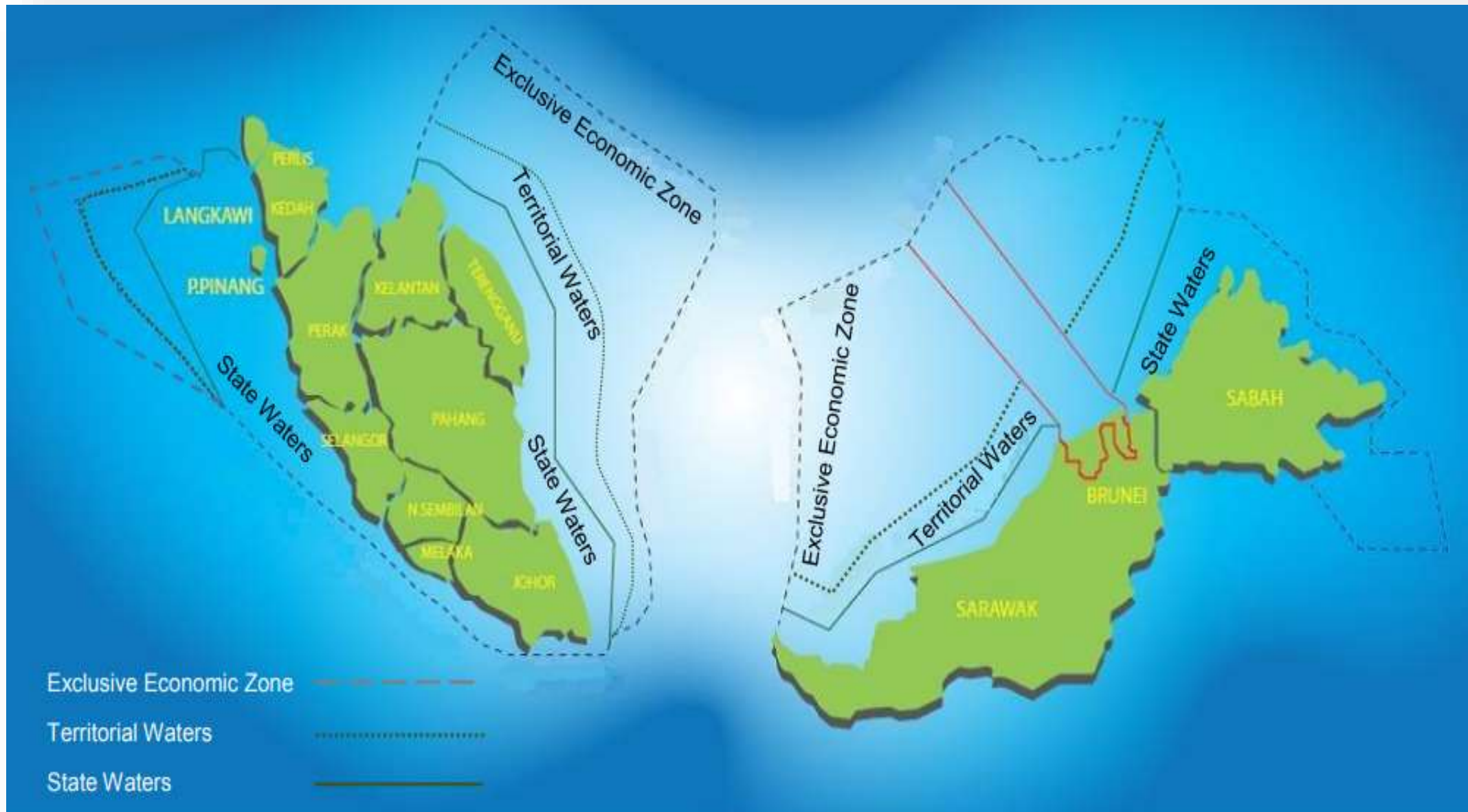
ENVIRONMENTAL QUALITY ACT 1974

ARRANGEMENT OF SECTIONS



- PRELIMINARY
- ADMINISTRATION
- LICENCES
- PROHIBITION AND CONTROL OF POLLUTION
- CONTROL OF SCHEDULED WASTES
- APPEAL AND APPEAL BOARD
- PAYMENT OF CESS AND ENVIRONMENTAL FUND
- MISCELLANEOUS

APPLICABILITY OF EQA 1974



ENFORCEMENT APPROACHES

CONVENTIONAL ENFORCEMENT APPROACH

Command & Control

Compliance Monitoring
(at end of pipes)



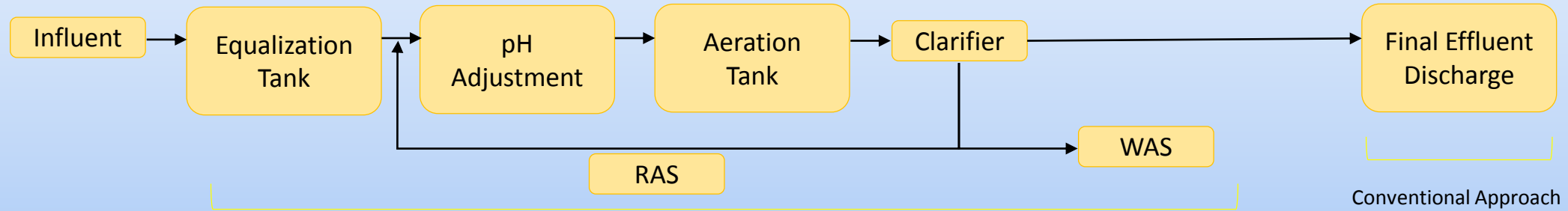
NEW INITIATIVE ENFORCEMENT APPROACH

Self Regulation

Performance Monitoring
(at every Unit Process & Operation)

Industrial Effluent Treatment Plant

EXAMPLE :

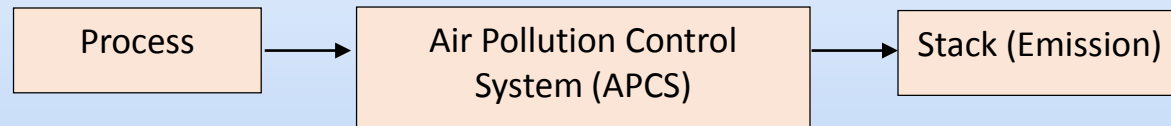


Innovative Approach : Sampling & Performance Monitoring Upstream Final Discharge

(Performance Monitoring) – New Initiatives Enforcement Approach

Conventional Approach
Sampling & Monitoring
at Final Discharge
(Compliance
Monitoring) –
Conventional
Enforcement Approach

Air Pollution Control Equipment



Performance Monitoring (PM) Parameter

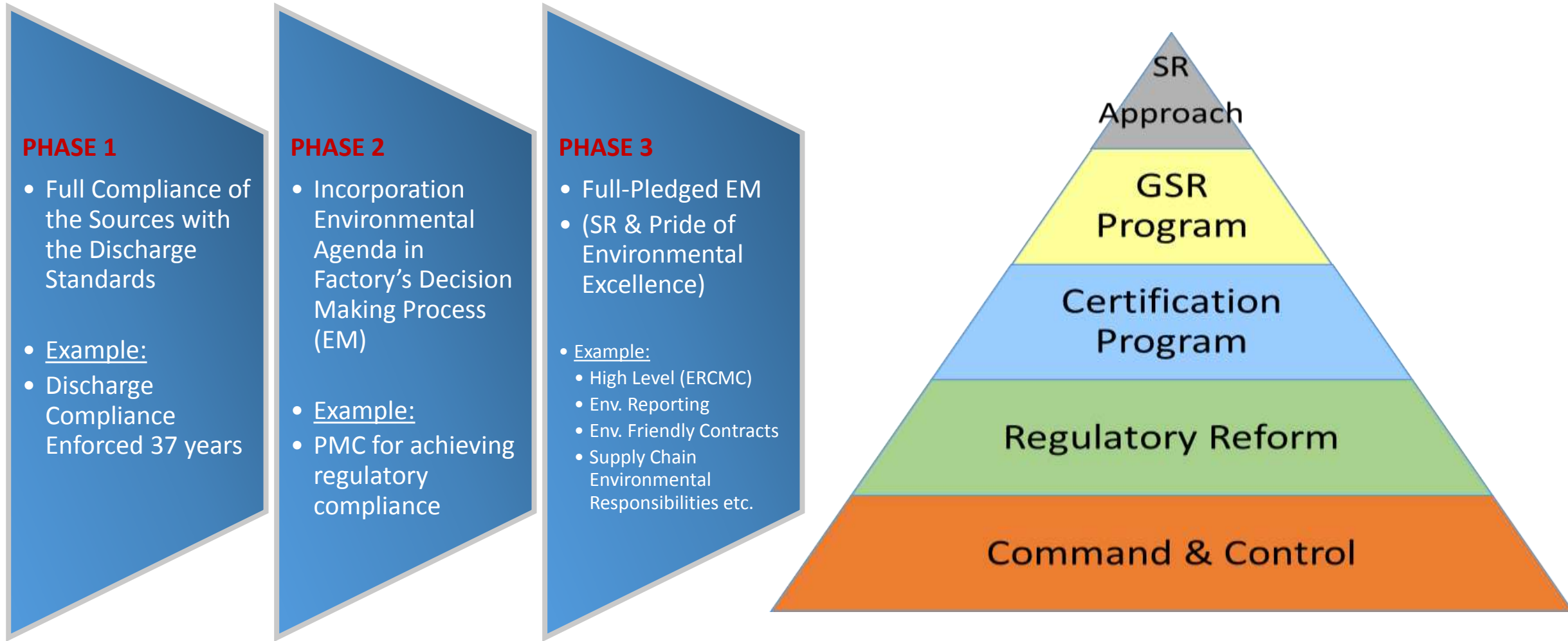
Bag Filter:

Pressure Drop, Air Flowrate,
Temperature, Air Pressure

Scrubber:

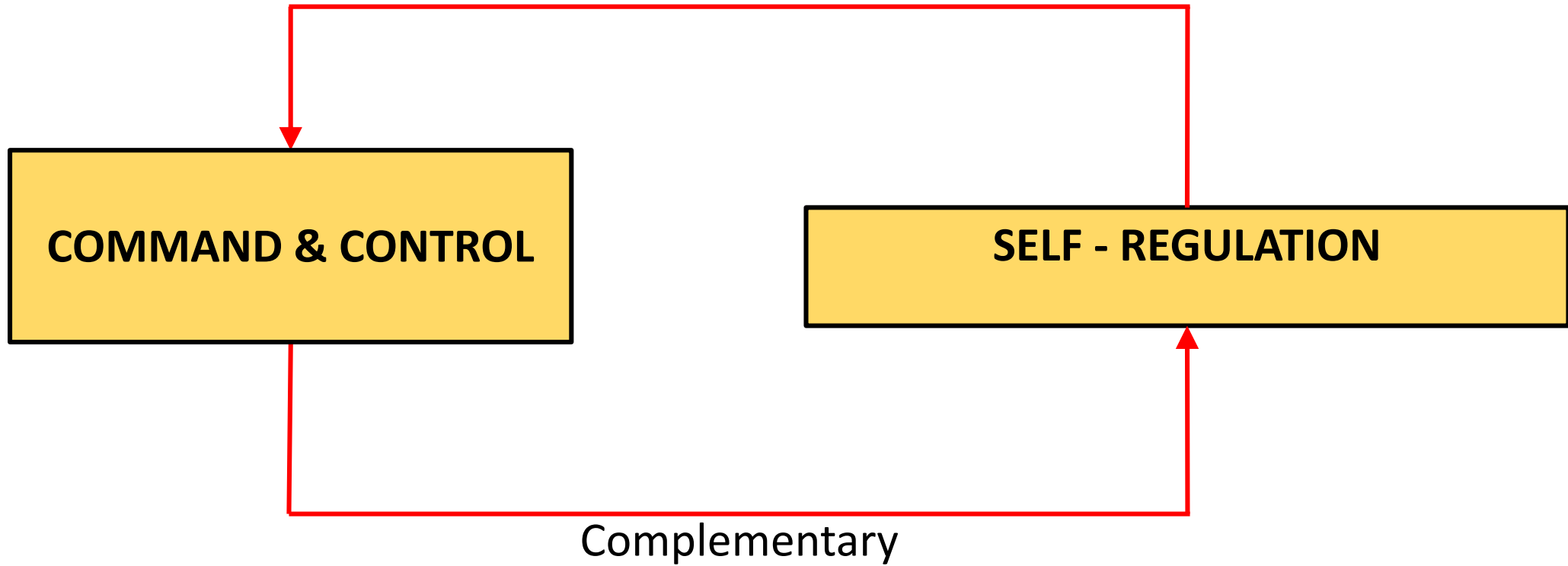
Air flowrate, scrubbing liquid flowrate,
pH of scrubbing liquid, temperature

DEVELOPMENT PROCESS OF SELF-REGULATION (SR)



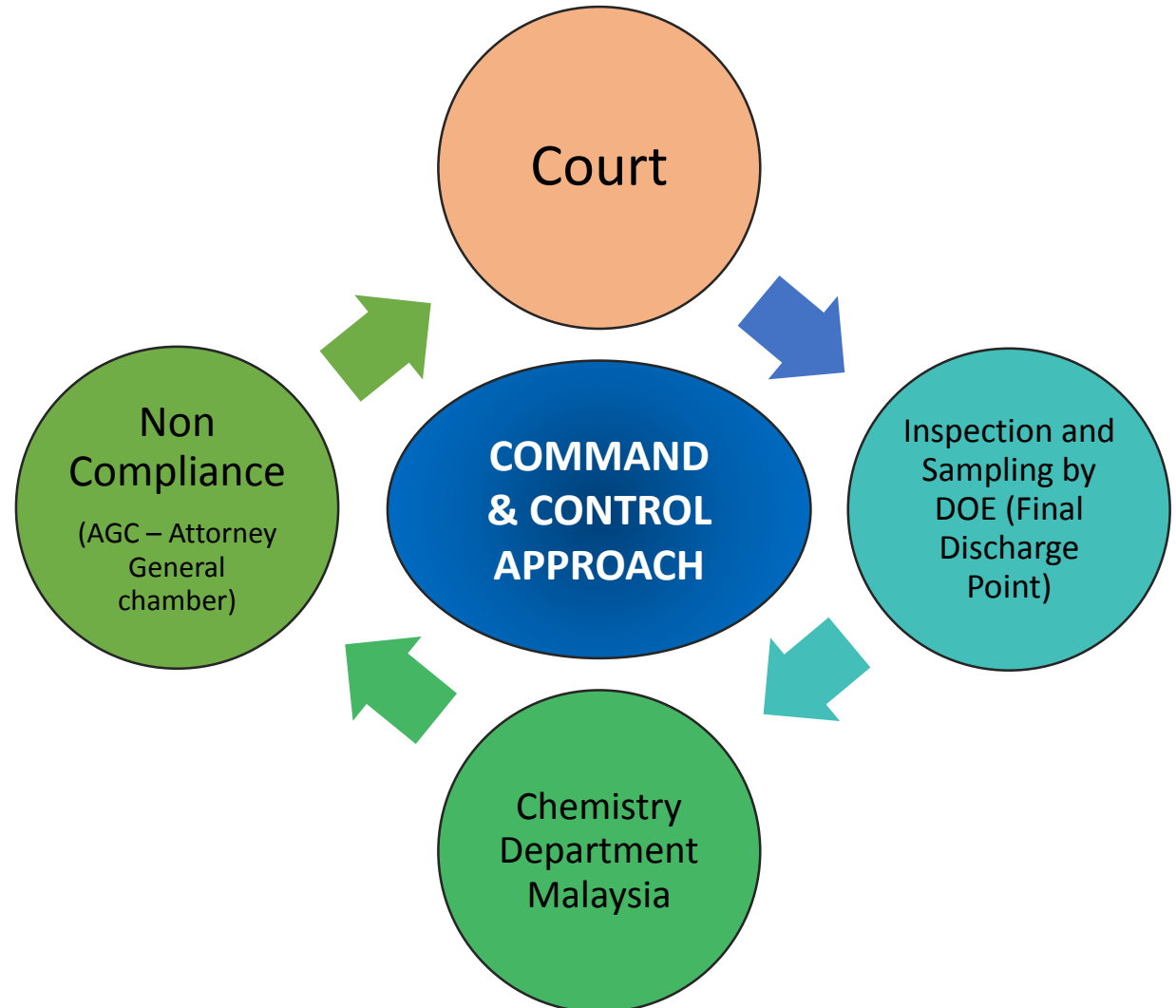
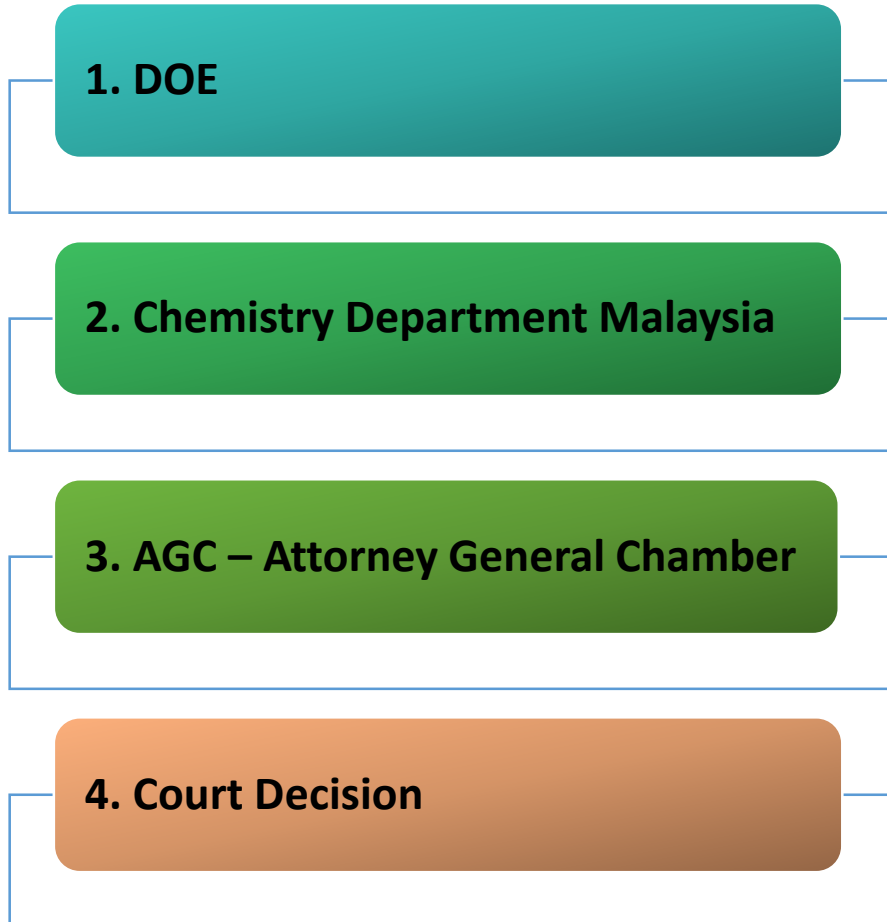
Phases In Reaching Final Destination Of Guided Self Regulation Implementation

ENFORCEMENT APPROACHES : COMMAND AND CONTROL VS SELF REGULATION



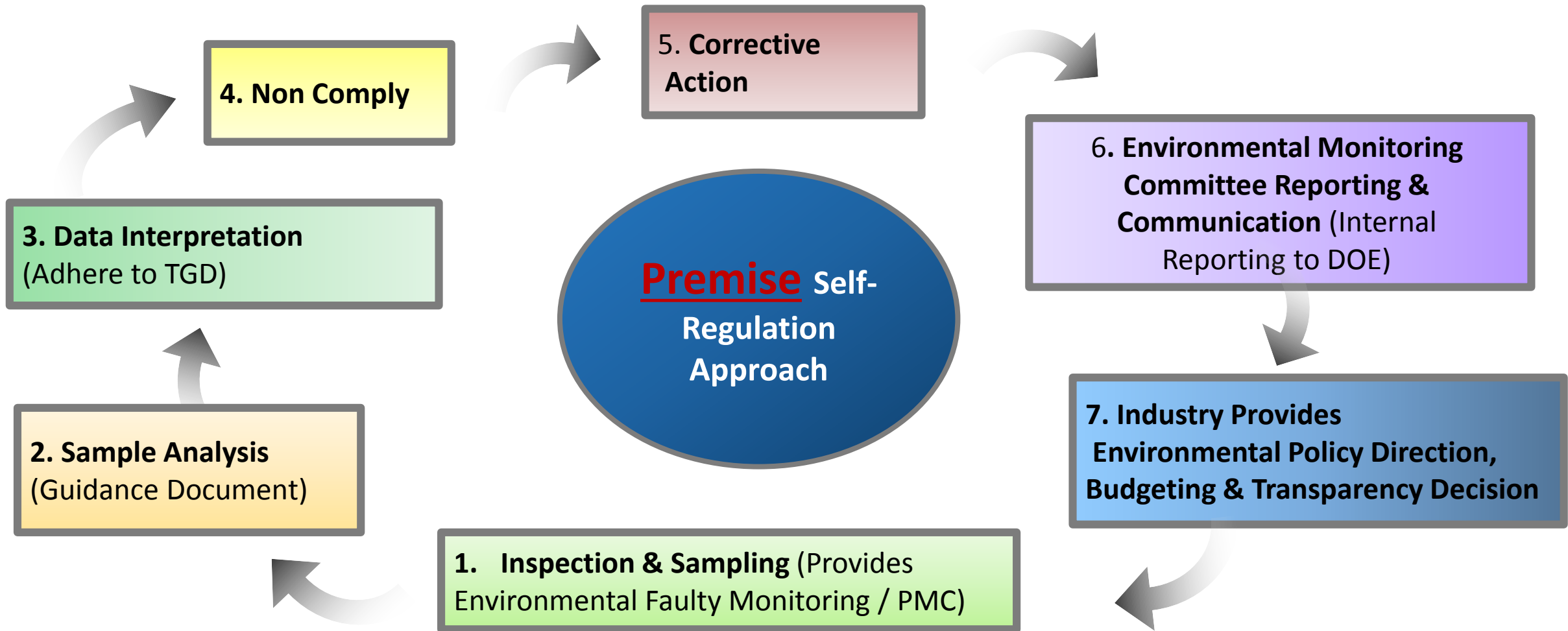
COMMAND & CONTROL APPROACH

Players In Decision Making for Non-Compliance



GUIDED SELF-REGULATION APPROACH

Key Players : 1. Industry Management CEO 2. Industry Competent Person/CP 3. DOE



Note : TGD : DOE Technical Guidance Document for Performance Monitoring
CEO : Chief Executive Officer
CP : Competent Person

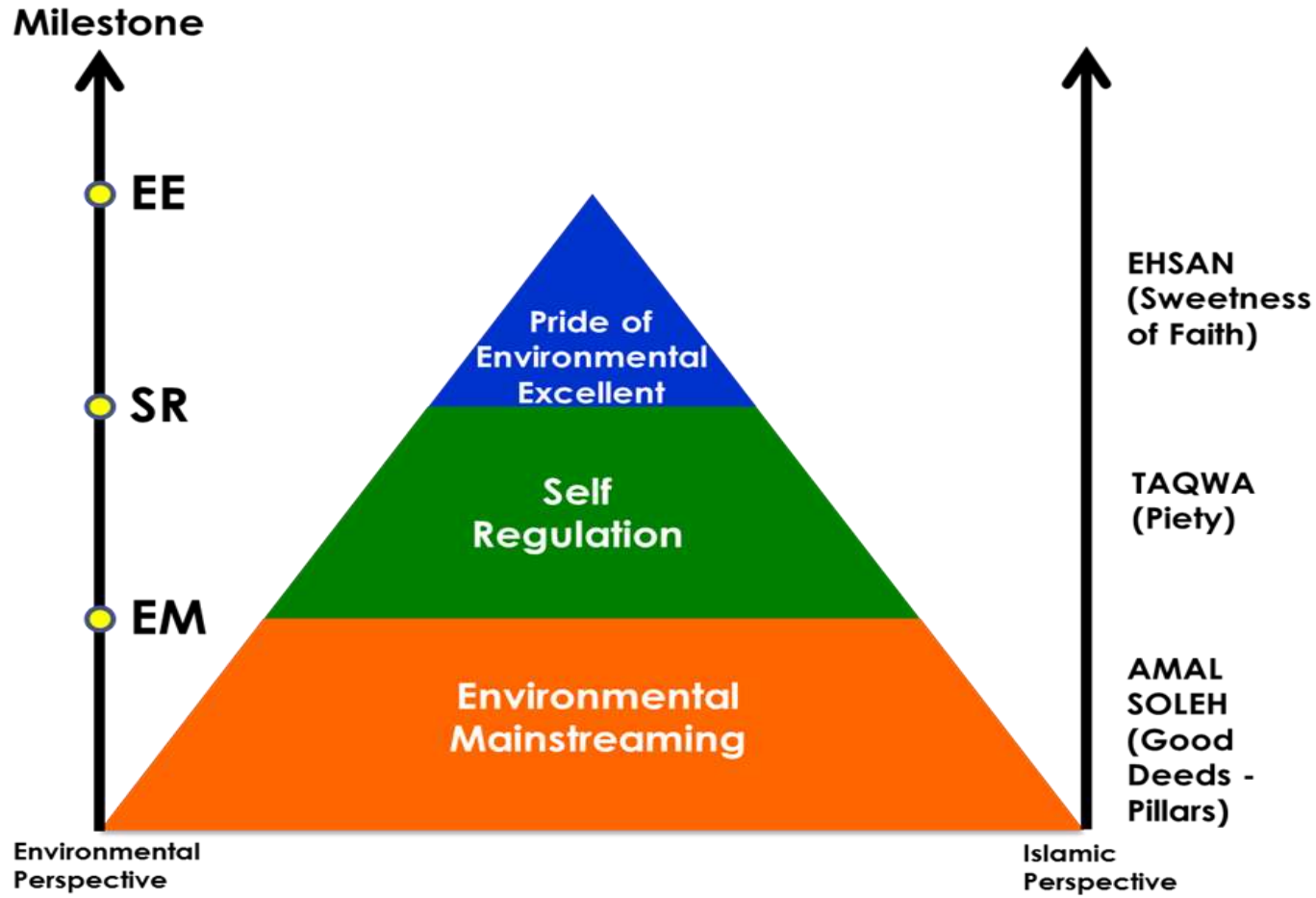
HOW TO ENSURE REGULATED COMMUNITY IMPLEMENT GUIDED SELF REGULATION

1. Ask Industry to report

2. Inspection officers (DOE) check on it during inspection

3. DOE Review the Field Training Report (FTR) for Competency Certification

OUR GOAL - Self-regulation



GSR Initiative: Pathway Towards Achieving Sense of Pride of Environmental Excellence

INTENTION OF INTRODUCING ENVIRONMENTAL MAINSTREAMING GUIDED SELF-REGULATION

- Facilitate Industries to achieve environmental sustainability

- Portray high degree of environmental transparency, accountability and strong commitment among industries

Environmental Mainstreaming Tools for Guided Self Regulation

Environmental Policy (EP)

Environmental Budgeting (EB)

Environmental Monitoring Committee (EMC)

Environmental Facility (EF) – *(which includes pollution control systems and laboratory requirements)*

Environmental Competency (EC) – *(which includes personnel and competent person requirement)*

Environmental Reporting and Communication (ERC)

Environmental Transparency (ET)



HOW DOE ENSURE INDUSTRY IMPLEMENT SELF REGULATION

Environmental Mainstreaming Tool (EMT) Compliance Report

EMT			Date of Implementation
ENVIRONMENTAL POLICY (EP)			
ENVIRONMENTAL BUDGETING (EB)			
ENVIRONMENTAL MONITORING COMMITTEE (EMC)	<ul style="list-style-type: none"> EPMC 	<ul style="list-style-type: none"> ERCMC 	
ENVIRONMENTAL FACILITY (EF)	<ul style="list-style-type: none"> Best Management Practices (BMPs) 	<ul style="list-style-type: none"> Laboratory Facilities (LABF) 	
	<ul style="list-style-type: none"> Industrial Effluent Treatment System (IETS) 	<ul style="list-style-type: none"> Performance Monitoring (PMI) 	
	<ul style="list-style-type: none"> Air Pollution Control System (APCS) 	<ul style="list-style-type: none"> Others 	
	<ul style="list-style-type: none"> Scheduled Waste Management Infrastructure (SWMI) 		
ENVIRONMENTAL COMPETENCY (EC)	<ul style="list-style-type: none"> Certified Sediment & Erosion Control (CSEC) 	<ul style="list-style-type: none"> Certified Environmental Professional in Scrubber Operation (CePSO) 	
	<ul style="list-style-type: none"> Certified Environmental Professional in IETS operation (CePIETSO) 	<ul style="list-style-type: none"> Certified Environmental Professional in Bag Filter Operation (CeBFO) 	
	<ul style="list-style-type: none"> Certified Environmental Professional in Scheduled Waste Management (CePSWAM) 	<ul style="list-style-type: none"> Others 	
ENVIRONMENTAL REPORTING AND COMMUNICATION (ERC)	<ul style="list-style-type: none"> Communication Channel (CC) 	<ul style="list-style-type: none"> Internal Reporting (IR) 	
	<ul style="list-style-type: none"> Data Analysis (DA) 	<ul style="list-style-type: none"> Others 	
ENVIRONMENTAL TRANSPARENCY (ET)	<ul style="list-style-type: none"> Environmental Sustainability Report (ESR) 	<ul style="list-style-type: none"> Billboard (BB) 	
	<ul style="list-style-type: none"> Website (WS) 	<ul style="list-style-type: none"> Fliers (FL) 	

Competency Person (CP) – Approved by DG of Environment

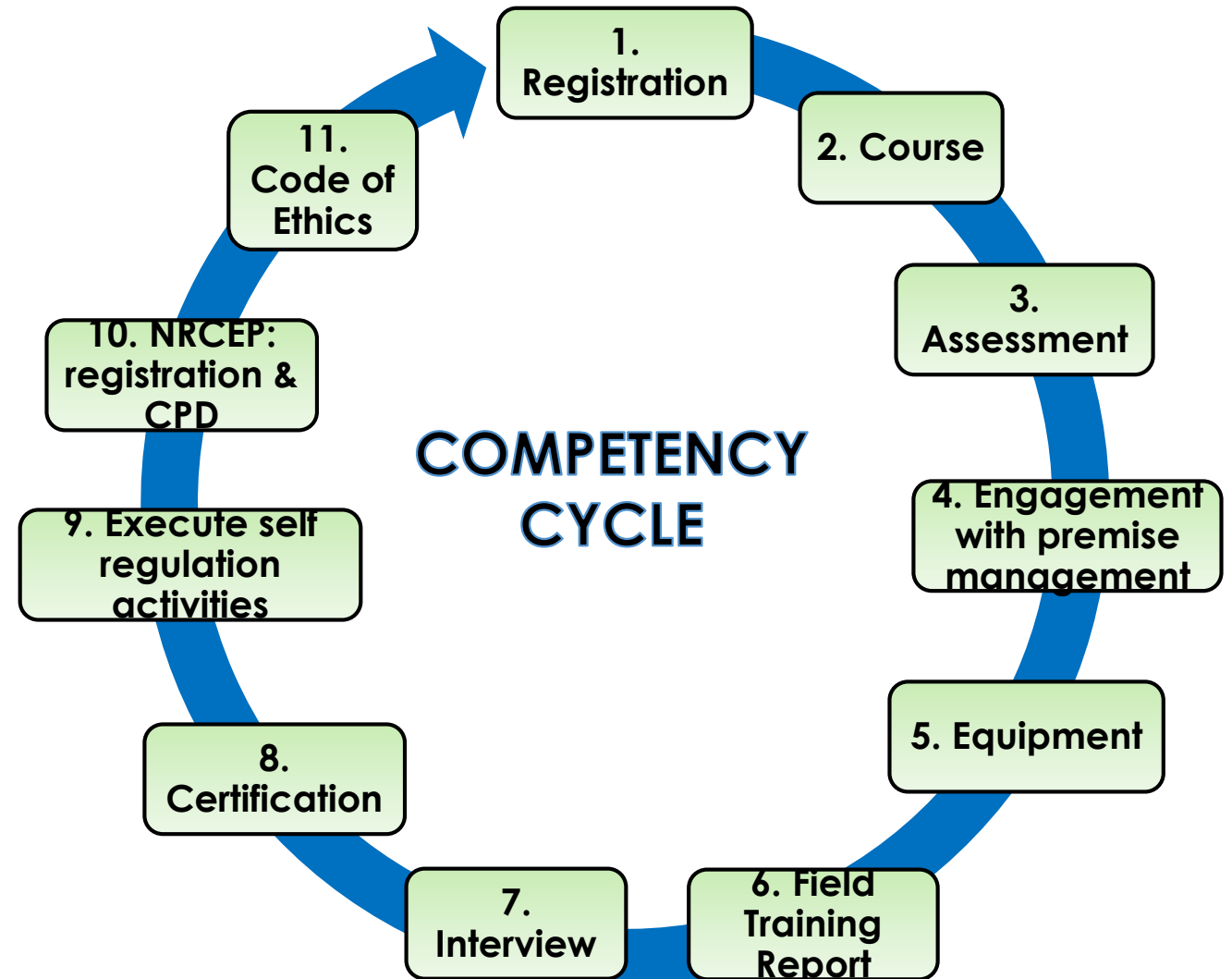
(a) Types of Certification Person

Competent Person (CP)
• Pollution Control System

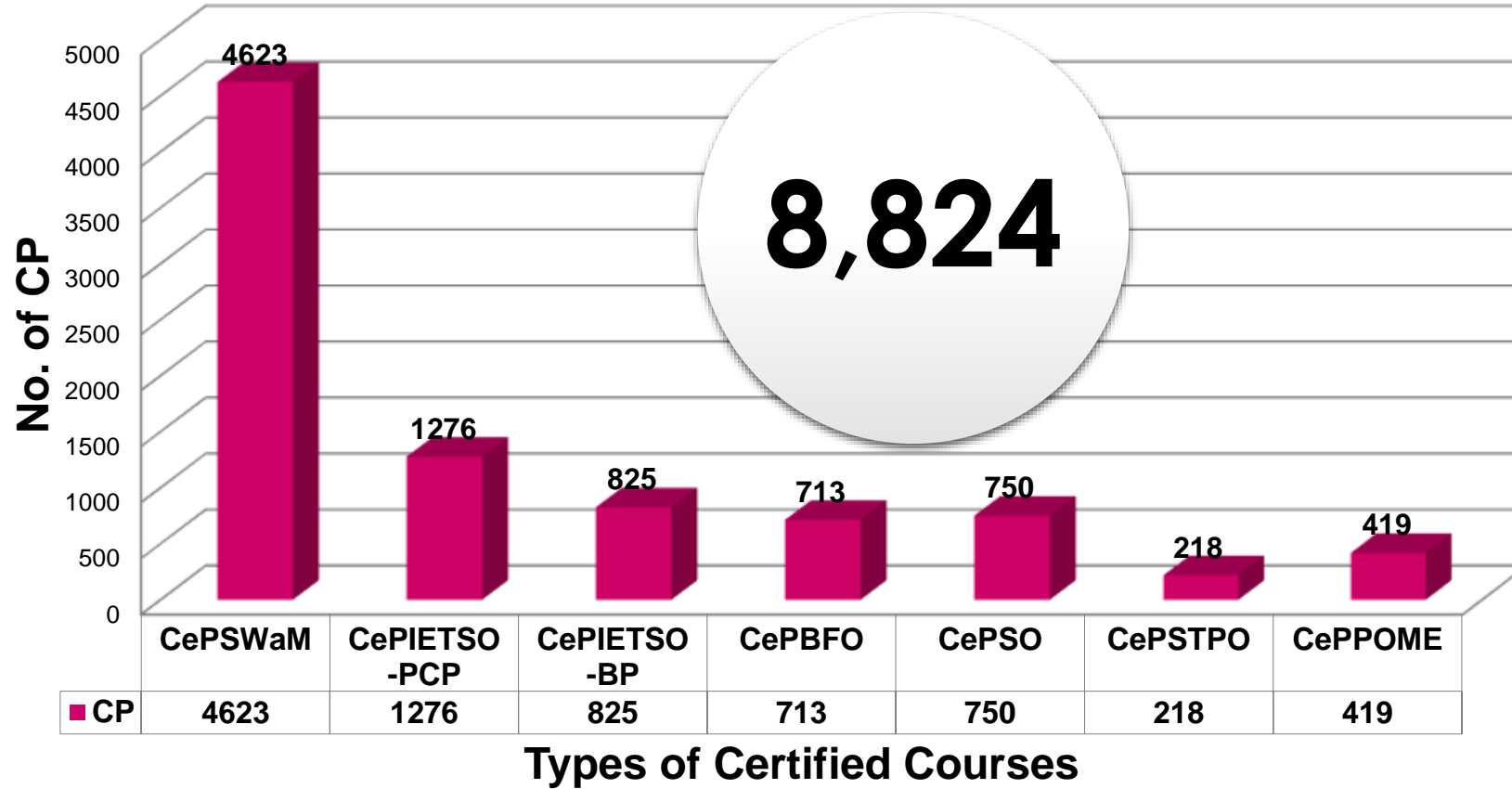
Qualified Person (QP)
• EIA Consultant

Environmental Officer (EO)
• EIA Project

(b) Certification Process for CP



NUMBER OF COMPETENT PERSON CERTIFIED VS TYPES OF COURSES



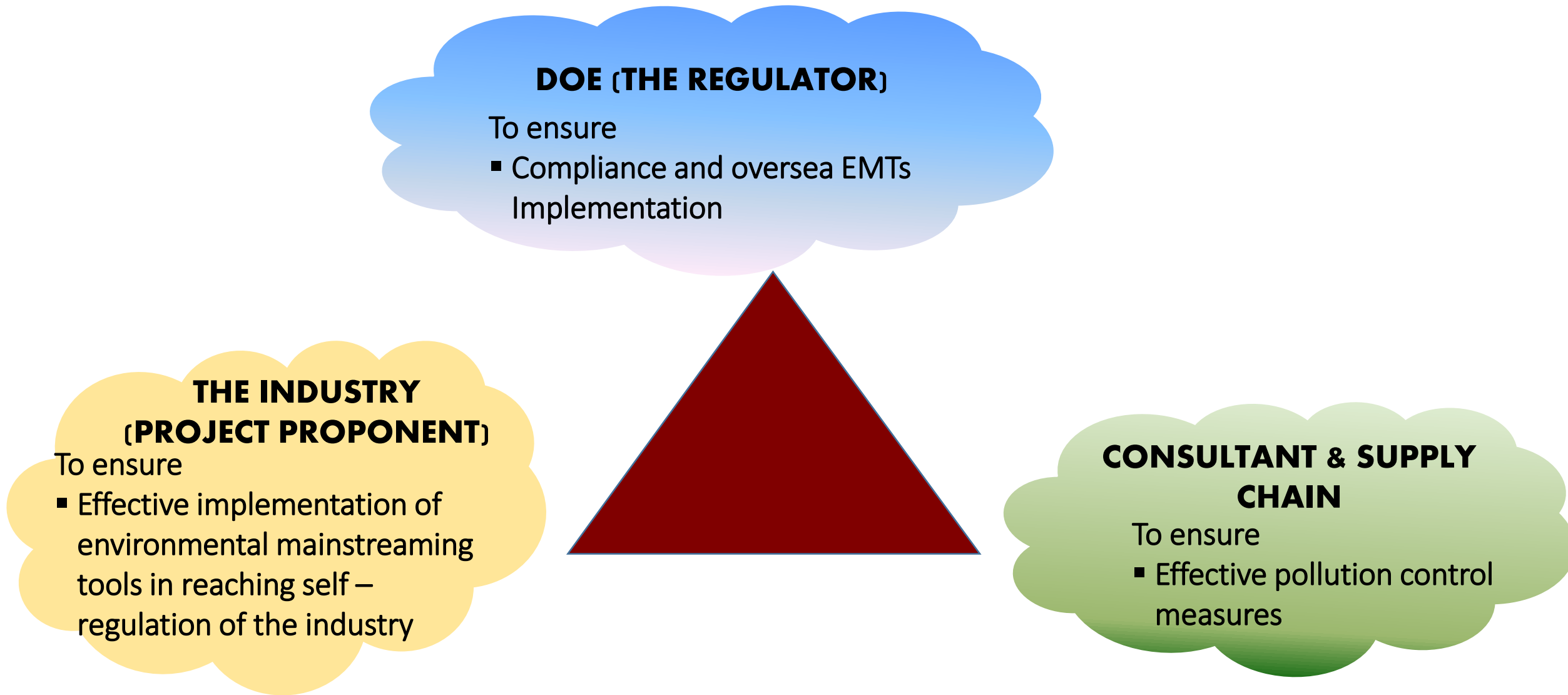


FIGURE 1: ROLES OF DIFFERENT PLAYERS IN GSR/ EM IMPLEMENTATION IN INDUSTRIAL SECTOR

What if the regulated (Industrial) sectors still flout after all the facilitation??



After all the teaching and training, industries still flout the law, what excuse do they have? What actions would DOE take?



Just compound them, or take them to court, or issue a prohibition order!



Don't Get It Wrong

- "Bad Guys Must be Punished"



Application of "Punishment (Penalty)" are same for both C&C and SR under EQA 1974



CONCLUSION

My Message

1. DOE enforce EQA 1974 (19 Regulations, 15 Orders & 2 Rules).
2. Enforcement approaches through conventional & compliment by Self Regulation.
3. Element of competency requirement is emphasize in the enforcement of EQA 1974.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

WHAT IS EIA?

- EIA IS A DECISION-MAKING PROCESS
- **ALTERNATIVE WAYS** OF CARRYING OUT A PROJECT, ARRIVING AT THE SELECTION OF PREFERRED ALTERNATIVE.
- A FRAMEWORK FOR GATHERING AND DOCUMENTING **PUBLIC AND EXTERNAL KNOWLEDGE OPINION**.
- EMPOWERS DECISION-MAKERS TO **MAKE INFORMED AND ENVIRONMENTALLY SOUND CHOICES**.

EIA

- Identify
- Predict
- Evaluate
- Communicate
- Mitigate

LEGAL REQUIREMENT
**ENVIRONMENTAL
QUALITY ACT (EQA)
1974 (AMENDMENT)
2012**

Section 34A

**Environmental Quality
(Prescribed Activities)
(Environmental Impact
Assessment) Order 2015**

EIA ORDER 2015

**FIRST SCHEDULE: 21
ACTIVITIES
(45 SUB ACTIVITIES)**

**SECOND SCHEDULE: 17
ACTIVITIES
(42 SUB ACTIVITIES)**

EXAMPLES OF PRESCRIBED ACTIVITIES IN EIA ORDER 2015

- **AGRICULTURE**
- **DRAINAGE AND IRRIGATION**
- **LAND RECLAMATION**
- **FISHERIES**
- **FORESTRY**
- **INDUSTRY**
- **PORTS**
- **MINING**

- **PETROLEUM**
- **POWER GENERATION AND TRANSMISSION**
- **QUARRIES**
- **TRANSPORTATION**
- **RESORT, RECREATIONAL AND
INSTITUTIONAL DEVELOPMENT**
- **WASTE TREATMENT AND DISPOSAL**
- **AERODROME**

Thank You

<https://www.doe.gov.my/>

Director General
Department of Environment
12 July 2017