

DOE SCHEDULED WASTES AND LICENSE APPLICATION

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Any waste listed in the First Schedule of the Environmental Quality (Scheduled Wastes) Regulations 2005 is defined as scheduled wastes. The management of scheduled wastes is different from other non-hazardous industrial wastes because it must comply with the Environmental Quality (Scheduled Wastes) Regulations 2005. There are 77 types of scheduled wastes listed and they can be divided into 5 categories as shown in the table below:

Code	Description
SW 1	Metal and metal-bearing wastes
SW 2	Wastes containing principally inorganic constituents which may contain metals and organic materials
SW 3	Wastes containing principally organic constituents which may contain metals and inorganic materials
SW 4	Wastes which may contain either inorganic or organic constituents
SW 5	Other wastes

Who Are Responsible to Manage Scheduled Wastes?

Waste generators, contractors, and occupiers of prescribed premises are responsible for managing scheduled wastes. A waste generator is any person that generates scheduled wastes, a contractor is any person who helps in transportation of scheduled waste, and an occupier of prescribed premise is any person who is responsible to handle, process, treat and dispose of the off-site scheduled wastes in his premise. According to the Environmental Quality (Scheduled Wastes) Regulations 2005, the roles of waste generators, contractors, and occupiers of prescribed premises in handling scheduled wastes have been outlined.

A. Waste generators

1. Waste generators should notify the Director General of the generation of scheduled wastes following the Second Schedule of the Environmental Quality (Scheduled Wastes) Regulations 2005.
2. Waste generators should label the scheduled wastes containers in accordance with the Third Schedule and mark them with the scheduled waste code as specified in the First Schedule.
3. Waste generators should ensure that scheduled wastes generated by them are properly stored, treated on-site, and recovered on-site for the material.
4. Waste generators should provide information following the Sixth and Seventh Schedules, and must give the Schedules to contractors upon delivery of wastes to them.

5. Waste generators should keep a signed copy of the Sixth Schedule for at least three years from the date the wastes are received by occupiers of prescribed premises.
6. Waste generators should keep an accurate and up-to-date inventory of scheduled wastes following the Fifth Schedule for three years from the date of waste generation.
7. Waste generators should ensure that all their employees attend training programs.

B. Contractors

1. Contractors will receive scheduled wastes from waste generators and deliver them to occupiers of prescribed premises.
2. Contractors should carry with them the Seventh Schedule for each category of scheduled wastes being transported and must comply with the instructions contained therein.
3. Contractors should avoid densely populated areas, water catchment areas, and other environmentally sensitive areas while transporting the wastes.
4. Contractors should also provide information following the Sixth Schedule and hand over the Schedule to occupiers of prescribed premises.
5. Contractors should keep a signed copy of the Sixth Schedule for at least three years from the date the wastes are received by occupiers of prescribed premises.
6. Contractors should ensure that all their employees attend training programs especially knowing the purpose and function of the Seventh Schedule.

C. Occupiers of prescribed premises

1. Occupiers of prescribed premises should ensure that the scheduled wastes received by them are properly stored, recovered for material, and treated at the prescribed premises before disposal.
2. Occupiers of prescribed premises should ensure that the residue of treated scheduled wastes is incinerated or disposed of properly in the secure landfills.
3. Occupiers of prescribed premises should also provide information following the Sixth Schedule and hand over the Schedules to waste generators, contractors, and the Director General of the Department of Environment (DOE).
4. Occupiers of prescribed premises should keep a signed copy of the Sixth Schedule for at least three years from the date the wastes are received by them.
5. Occupiers of prescribed premises should keep an accurate and up-to-date inventory of the scheduled wastes. They should submit the inventory of the scheduled wastes to the Director General every 3 months.

What Approval or License Should Waste Generators, Contractors, and Occupiers of Prescribed Premises Obtain to Manage Scheduled Wastes?

A. Waste generators

1. Notification of scheduled wastes generated

According to Regulation 3 of the Environmental Quality (Scheduled Wastes) Regulations 2005, waste generators should notify the Director General of the categories and quantities of scheduled wastes that are generated within 30 days from the date of generation of scheduled wastes in accordance with the Second Schedule.

2. Apply for the extension of storage of scheduled waste for more than 20 metric tonnes and 180 days

The scheduled wastes generated by waste generators could be stored for 180 days or less after the generation of waste, provided that the quantity of scheduled wastes accumulated on-site does not exceed 20 metric tonnes. Application for the extension of storage of scheduled waste could be submitted to the DOE by submitting the completed form of AS.STOR BT.2-2011.

B. Contractors

1. License of prescribed conveyance

By referring to the Environmental Quality (Prescribed Conveyance) (Scheduled Wastes) Order 2005, prescribed conveyance refers to any vehicle or ship used for the movement, transfer, placement, or deposit of scheduled wastes. According to Section 18 of the Environmental Quality Act 1974, owners of prescribed conveyance must apply for a license. An application for the license of prescribed conveyance should be made to the Director General in Form 1 in the Schedule of the Environmental Quality (Licensing) Regulations, 1977.

C. Occupiers of prescribed premises

1. License of prescribed premises

Prescribed premises are defined in the Environmental Quality (Prescribed Premises) (Scheduled Wastes Treatment and Disposal Facilities) Order 1989 as follows:

- a) **Off-site storage facilities.** Premises used for the storage, collection, or transfer of any scheduled waste which is not produced on those premises.
- b) **Off-site treatment facilities.** Premises used for the processing of any scheduled waste which is not produced on those premises.
- c) **Off-site recovery facilities.** Premises used for the retrieval of material or product from any scheduled waste which is not produced on those premises.
- d) **Scheduled waste incinerators.** Premises used for the thermal destruction of any scheduled waste.
- e) **Land treatment facilities.** Premises used for the land treatment of any scheduled waste, such as sludge farming.
- f) **Secure landfills.** Premises used for the disposal of any scheduled waste on land.

According to Section 18 of the Environmental Quality Act 1974, owners or occupiers of prescribed premises must apply for a license. An application for the license of prescribed premises should be made to the Director General in Form 1 in the Schedule of the Environmental Quality (Licensing) Regulations, 1977. No application would be granted unless the applicant has obtained planning approval from the competent planning authority. Documents needed for the application included:

- a) The plans and specifications of the proposed work or building together with details of the control equipment, if any, to be installed.
- b) A layout plan indicating the site of the proposed work or building which will take place concerning the surrounding areas.
- c) The details of the trade, industry, or process proposed to be carried on in such premises.
- d) Descriptions of waste constituents and characteristics.
- e) The approval of Environmental Impact Assessment (EIA).
- f) Processing fee.

Can A Waste Generator Apply for Special Management of Scheduled Wastes?

According to Regulation 7 of the Environmental Quality (Scheduled Wastes) Regulations 2005, waste generators may submit a written request to the Director General to have the scheduled wastes generated from them excluded from treatment, disposal, or recovery in prescribed premises. They can submit their applications to the Director General by providing the information requested in AS WM 1/2005 form, along with a processing fee of RM 300 which is not refundable. Applications must be accompanied by an original copy of the chemical analysis report to prove that the waste does not possess any hazardous characteristics.

Duration and Renewal of License of Prescribed Conveyance and Prescribed Premises

According to Section 13 of the Environmental Quality Act 1974, a license remains in force for one year from the date of its issue. Application for renewal of the license should be made to the Director General in Form 1 in the Schedule of the Environmental Quality (Licensing) Regulations, 1977, at any time being not less than three months nor more than four months before the date of the expiration of the license. Any person who fails to apply for renewal within the specified time should pay an additional fee or his application will be rejected by the Director General.

What If Waste Generators, Contractors, and Occupiers of Prescribed Premises Do Not Comply with the Regulations?

According to Section 34B of the Environmental Quality Act 1974, no person could place, deposit or dispose of any scheduled wastes on land or into Malaysian waters without any prior written approval of the Director General except at prescribed premises only. Any person who contravenes this section would be guilty of an offense and could be punished with imprisonment for a term not exceeding 5 years as well as a fine not exceeding RM 500,000.

Conclusion

In a nutshell, scheduled wastes are hazardous wastes that will greatly affect human health and the environment if not properly managed. Therefore, waste generators, contractors, and occupiers of prescribed premises should employ a person who has been certified by the Director General as a competent person to handle the management of scheduled wastes. If waste generators, contractors, or occupiers of prescribed premises have any problem in managing scheduled wastes, they can consult engineers or the Department of Environment.

References

1. Environmental Quality Act 1974. Retrieved from https://www.doe.gov.my/portalv1/wp-content/uploads/2015/01/Environmental_Quality_Act_1974_-_ACT_127.pdf
2. Environmental Quality (Scheduled Wastes) Regulations 2005. Retrieved from https://www.doe.gov.my/portalv1/wp-content/uploads/2015/01/Environmental_Quality_Scheduled_Wastes_Regulations_2005_-_P.U.A_294-2005.pdf
3. Environmental Quality (Prescribed Premises) (Scheduled Wastes Treatment and Disposal Facilities) Regulations 1989. Retrieved from https://www.doe.gov.my/portalv1/wp-content/uploads/2015/01/Environmental_Quality_Prescribed_Premises_Scheduled_Wastes_Treatment_And_Disposal_Facilities_Regulations_1989_-_P.U.A_141-89.pdf
4. Environmental Quality (Prescribed Premises) (Scheduled Wastes Treatment and Disposal Facilities) Order 1989. Retrieved from <https://www.doe.gov.my/portalv1/wp-content/uploads/2015/01/Environmental-Quality-Prescribed-Premises-Scheduled-Wastes-Treatment-And-Disposal-Facilities-Order-1989-P.U.A-140-89.pdf>
5. Environmental Quality (Prescribed Conveyance) (Scheduled Wastes) Order 2005. Retrieved from <https://www.doe.gov.my/portalv1/wp-content/uploads/2015/01/Environmental-Quality-Prescribed-Conveyance-Scheduled-Wastes-Order-2005-P.U.A-293-2005.pdf>
6. Environmental Quality (Licensing) Regulation, 1977. Retrieved from https://www.doe.gov.my/portalv1/wp-content/uploads/2015/01/Environmental_Quality_Licensing_Regulations_1977_-_P.U.A_198-77.pdf
7. Environmental Quality (Prescribed Activities) (Environmental Impact Assessment) Order 2015. Retrieved from https://eswis.doe.gov.my/helpDocs/No.4%20-%202015/Perintah-Kualiti-Alam-Sekeliling-Aktiviti-Yang-Ditetapkan-Eia-2015_EN.pdf