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Residents with breathing difficulties due to the toxic waste dumped in a river getting treatment in Pasir Gudang, Johor, on Monday. NSTP/ HAIRUL ANUAR RAHIM

March 19, 2019 @ 10:52pm

MANY should be held responsible and accountable for the toxic waste incident at Sungai Kim Kim.

Those who understand land matters will know this is true. The blame does not rest squarely on the polluters but also authorities, like the local council, land office and the Department of Environment (DoE).

Anyone from the authorities could have investigated after receiving complaints, but no one did; as reported in the *New Straits Times* (March 15), residents had alerted the authorities to the matter but to no avail. The principal department is the district land office.

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Every application for land, such as plantation, estate, factory, mills, house, commercial building, power station, road access and others, must have approval from the land office. And for every approval, there would be conditions which the applicants should observe.

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For example, for a factory — to prevent contaminated water from entering the stream or river, the land office would require the owner to construct several concrete pools.

Firstly, wastewater would be collected in a pool. Then, in the second pool, the water would be treated and purification would start. From the treated water would flow into the last pool to “mend itself”. After that the water will be released to pass through a long sandy canal, before being sent to the river.

It is how it was done in the early days. Today, there are several other approving authorities, such as the local council, town planner and DoE.

The duties overlap and often one is not aware of what the other does. Improve the process/system to prevent a recurrence.

ABDULLAH SANI ISMAIL, Tanah Merah, Kelantan

(Letters)

ABDULLAH SANI ISMAIL, Tanah Merah, Kelantan

How to prevent a recurrence

MANY concerns have been raised, mainly enforcement, the law and penalties on the offender. Due to its hazardous nature, the disposal of toxic waste is strictly regulated by the Environmental Quality (Scheduled Wastes) Regulations 2005 based on the concept of “cradle-to-grave”, that is from the manufacturer to the final disposal.

Despite having this law which regulates 77 types of hazardous wastes, illegal dumping is still widespread. Most of the time, dumping is done to evade disposal fees and waste levy.

The authorities must now bear high costs in terms of ecosystem restoration and related economic expenditure while the victims must endure health problems and medical expenses. Under environmental law, penalties in the form of fine or imprisonment can be imposed not only on the person who disposed the waste, but also on the employer or company director who consented to the act.

The law also empowers the authority to seize and forfeit vehicles used to transport and dispose waste, and to recover the cost incurred to eliminate such waste.

Residents and victims can apply for civil claims for compensation against the polluter. Despite the existence of such a law, this disaster is an indication that the law has not been successful in protecting the environment and public health.

Illegal dumping of toxic waste should be regarded a serious crime and a zero-tolerance approach must be taken. All those involved, from the manufacturers, those who transport the waste and dispose the waste, are to be held accountable.

Weaknesses in the operating procedures must also be rectified and enforcement must be intensified. It is crucial that the public's health and welfare are given priority.

ASSOCIATE PROF DR MAIZATUN MUSTAFA, Lecturer in Environmental Law, Ahmad Ibrahim Kulliyah of Laws, International Islamic University Malaysia

Whither the Environmental Quality Act, 1974?

THE DoE comes under the Energy, Science, Technology, Environment and Climate Change Ministry, and its establishment is based on the Environmental Quality Act 1974.

The main function is to prevent, eliminate, control pollution and improve the environment, consistent with the purposes of the Environmental Quality Act 1974 and its regulations.

Hence, units such as the enforcement, hazardous substances, air, water and marine divisions have been formed under DoE. Each division has a specific responsibility.

It was reported that the culprit was an illegal tyre recycling factory. How long has it been operating without knowledge of the authorities?

It makes one wonder what DoE has been doing all this while. The department is supposed to be the authority specifically in charge of the environment. Isn't it only right then that it is also held responsible for this?

S.T., Kuala Lumpur

Heavier punishment

THIS incident shows a serious lack of consciousness. We continue to wantonly use our rivers and waterways as dumping grounds failing to realise that some of these waterways and water bodies are the same ones that supply water to the reservoirs and treatment plants and which then goes to our homes and factories.

This *tidak apa* attitude permeates across the lines, right to enforcement agencies and government departments that are meant to prevent such occurrences.

Therefore, implement greater penalties, such as mandatory jail, to restore the state of the river. We should band together to demand this.

Far too often we have read of our forest being ravaged and our waters contaminated.

Make a new pact with the natural world to preserve the environment that we need to survive in.

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It is baffling that the dumping of toxic waste at Sungai Kim Kim has been going on for years. We cannot afford to take this lightly.

Lives are at stake. Clean rivers are needed for the stability of the ecosystem and for future generations.

This is not an isolated case. Just last week (March 14), a portion of Sungai Klang was also found to be polluted. Earlier on March 9,

residents near Sungai Chohong, Jasin, Negri Sembilan were alarmed when the river, which is their source of water and fish, turned black and

stinky. Reportedly, 25 rivers — Johor (16), Klang Valley (5), Penang (3) and Melaka (1) — are dead rivers.

Authorities must enhance their cooperation to stop the toxic dumping into our rivers. Implement preventive measures. Conduct joint inspections of business premises and factories regularly to check on their drainage and disposal system. Impose a stern deterrent on polluters.

TAN SRI LEE LAM THYE, Kuala Lumpur

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