

FEDERAL SUBSIDIARY LEGISLATION

ENVIRONMENTAL QUALITY ACT 1974 [ACT 127]

P.U.(A) 141/89

ENVIRONMENTAL QUALITY (PRESCRIBED PREMISES) (SCHEDULED WASTES TREATMENT AND DISPOSAL FACILITIES) REGULATIONS 1989

Incorporating latest amendments - P.U.(A) 253/2006

Publication : 27th April 1989

Date of coming into operation : 1st May 1989

ARRANGEMENT OF REGULATIONS

Preamble

Regulation 1. Citation and commencement.

Regulation 2. Interpretation.

Regulation 3. Prescribed periods for the purposes of paragraphs (b) and (c) of subsection (2) of section 18.

Regulation 4. Notifying change in information furnished.

Regulation 5. Continuance of existing conditions in case of change in occupancy.

Regulation 6. Inventory of scheduled wastes.

Regulation 7. Measures to be taken where occupier ceases to be the holder of a licence.

Regulation 8. Fee.

Regulation 9. Compounding of offences.

Preamble

IN exercise of the powers conferred by section 51 of the Environmental Quality Act 1974[Act 127], the Minister, after consultation with the Environmental Quality Council, makes the following regulations:

Regulation 1. Citation and commencement.

These Regulations may be cited as the **Environmental Quality (Prescribed Premises) (Scheduled Wastes Treatment and Disposal Facilities) Regulations 1989** and shall come into force on the 1st May 1989.

Regulation 2. Interpretation.

In these Regulations, unless the context otherwise requires-

"licence" means a licence in respect of any prescribed premises as required under section 18 of the Act;

"prescribed premises" means premises prescribed by the Environmental Quality (Prescribed Premises) (Scheduled Waste Treatment and Disposal Facilities) Order 1989 [P.U. (A) 140/89];

"scheduled wastes" means any waste falling within the categories of waste listed in the First Schedule to the Environmental Quality (Scheduled Wastes) Regulations 2005 [P.U. (A) 294/2005].

[Sub.P.U.(A) 253/2006]

Regulation 3. Prescribed periods for the purposes of paragraphs (b) and (c) of subsection (2) of section 18.

In connection with the making of application for a licence-

(a) the period ending on the 31st May 1989 is prescribed for the purposes of paragraph (b) of subsection (2) of section 18 of the Act;

(b) the period of fourteen days after a person became the occupier of any prescribed premises is prescribed for the purposes of paragraph (c) of subsection (2) of section 18 of the Act.

Regulation 4. Notifying change in information furnished.

Every applicant for a licence or for the renewal or transfer of a licence shall, within seven days of the occurrence of any material change in any information furnished in his application or furnished pursuant to a request by the Director General under subsection (2) of section 11 of the Act, inform the Director General in writing of the change.

Regulation 5. Continuance of existing conditions in case of change in occupancy.

Where a person becomes the occupier of any prescribed premises in succession to another person who holds a yet unexpired licence in respect of such prescribed premises, then-

(a) for a period of fourteen days after the change in occupancy; or

(b) where the new occupier makes application in writing within the period referred to in paragraph

(a) for the transfer to him of the licence, for the period from the change in occupancy until the final determination of his application,

the conditions subject to, or upon which, the licence was issued shall be binding on the new occupier and shall be observed by him notwithstanding that he is not yet the holder of the licence or that the licence may, during the period specified in paragraph (a) or (b), as the case may be, have expired.

Regulation 6. Inventory of scheduled wastes.

(1) Every occupier of prescribed premises shall keep in good condition an accurate and up-to-date inventory of the types and quantities of scheduled wastes received, stored, treated, recovered, destroyed, disposed of or otherwise handled at the prescribed premises.

(2) Every occupier of prescribed premises shall, within fourteen days after the end of every period of three months, submit to the Director General an inventory of scheduled wastes received, stored, treated, recovered, destroyed, disposed of or otherwise handled at the prescribed premises within such period of three months.

(3) The period of three months referred to in subregulation (2) shall begin on the day the occupier first occupies the prescribed premises.

(4) Where a person ceases to be the occupier of any prescribed premises and another person succeeds him as the occupier of such prescribed premises, the former occupier shall transfer the inventory kept by him to the new occupier.

(5) Notwithstanding the requirement in subregulation (4), the Director General may require any occupier or former occupier to transfer the inventory kept by such occupier or former occupier to him.

Regulation 7. Measures to be taken where occupier ceases to be the holder of a licence.

(1) Where the occupier of any prescribed premises ceases to be the holder of a licence in respect of such prescribed premises and there still remain on such prescribed premises scheduled wastes which have not been treated or disposed of, he shall cause such scheduled wastes to be transferred, within a period of thirty days from the day he ceases to be the holder of such licence, to any prescribed premises in respect of which there is a licence in force.

(2) Subregulation (1) shall apply to any occupier of prescribed premises whose application for a licence or for the transfer of a licence is refused, and in its application to such occupier, the period specified in subregulation (1) shall begin on the day he is notified of such refusal or, where he makes an appeal and the appeal is not successful, the day he is notified of the decision of the Appeal Board, whichever is the later.

(3) The occupier referred to in subregulations (1) and (2) shall comply with the requirements imposed on a waste generator under the Environmental Quality (Scheduled Wastes) Regulations 1989 [P.U. (A) 139/89] until such remaining scheduled wastes are delivered into the custody of the occupier of any prescribed premises in respect of which there is a licence in force.

Regulation 8. Fee.

(1) The fee for a written permission under section 19 of the Act is \$1,000.00 and shall not be refundable.

(2) The fee for a licence under section 18 of the Act or for the renewal of such licence is \$100.00 and shall not be refundable.

Regulation 9. Compounding of offences.

(1) Every offence which consists of any omission or neglect to comply with, or any act done or attempted to be done contrary to, these Regulations may be compounded under section 45 of the Act.

(2) The compounding of offences referred to in subregulation (1) shall be in accordance with the procedure prescribed in the Environmental Quality (Compounding of Offences) Rules 1978 [P.U. (A) 281/78].

Made the 31st March 1989.

[KST. & AS. (U) 902/JAS/2/2/Jld. II; PN. (PU₂) 280/III.]

DATUK AMAR STEPHEN K.T. Yong,

Minister of Science, Technology and the Environment