

SWaM 2019

Pulau Pinang, 2-3 Oktober 2019

Stormwater Enforcement

• Past, Present and Future

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Department of Irrigation and Drainage
Stormwater Division

Outline Presentation

➤ 01. INTRODUCTION

➤ 02. INSTITUTIONAL ASPECT

➤ 03. LEGAL ASPECT

➤ 04. PAST SW ENFORCEMENT

➤ 05. PRESENT SW ENFORCEMENT

➤ 06. FUTURE SW ENFORCEMENT

➤ 07. CONCLUSION



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1

INTRODUCTION



Stormwater Enforcement

To ensure the developers, contractors and consultants comply with law, regulations, rules, standards and social norms in stormwater management, To achieve better quantity and quality control of stormwater runoff, it is imperative that BMPs, runoff quality, and erosion and sediment control be put into practice by developers, contractors and consultants.

Enforcement

is the process of ensuring compliance with laws, regulations, rules, standards, and social norms.



mid-term review of the

ELEVENTH MALAYSIA PLAN

2016-2020

new priorities and emphases



Pillar No. 4

EMPOWERING HUMAN CAPITAL



Pillar No. 5

ENHANCING ENVIRONMENTAL SUSTAINABILITY THROUGH GREEN GROWTH

PRIORITY AREA A STRENGTHENING GOVERNANCE

Strategy A1

Strengthening Policy, Legislation and Institutional framework

Strategy A2

Improving capacity and capability enforcement and monitoring



2

INSTITUTIONAL ASPECT

ON STORMWATER MANAGEMENT

Institutional Aspects

On Stormwater Management



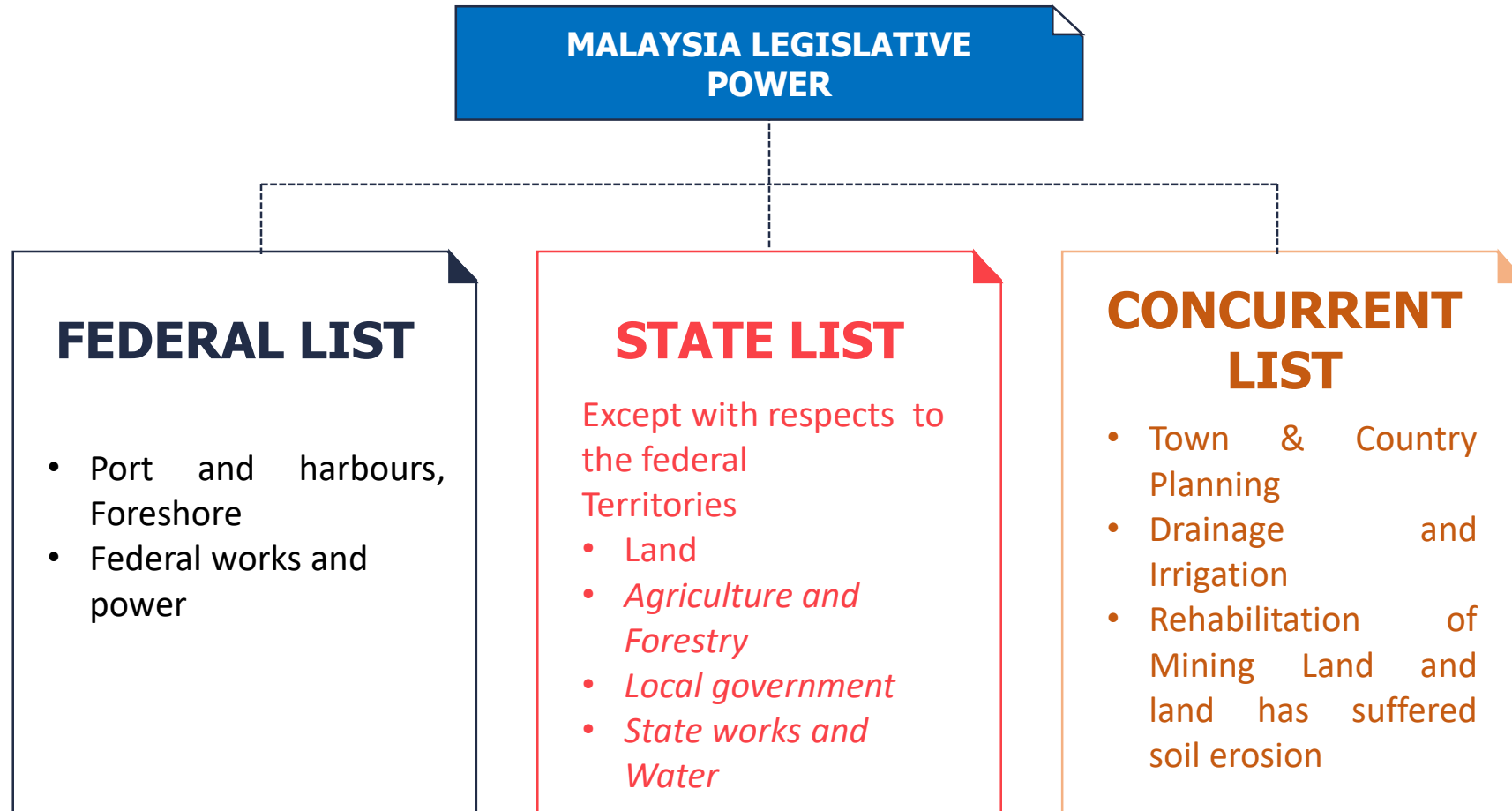
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LEGAL ASPECT

ON STORMWATER MANAGEMENT

LEGISLATIVE POWER : FEDERAL & STATE

ON STORMWATER MANAGEMENT



LEGAL ASPECTS

ON STORMWATER MANAGEMENT

Environmental Quality Act, EQA 1974
Department Of Environment

Land Conservation Act, 1960
Forestry Department Malaysia

National Forest Act, 1984
Forestry Department Malaysia

The Mineral Development Act, 1994
Department of Mineral and
Geoscience

The Street, Drainage and Building Act, 1974
Local Authority

The Local Government Act, 1976
Local Authority

The Town and Country Planning Act, 1976
Local Authority

Environment Quality Act 1974

The legislation that is related to the prevention, abatement, control of pollution and enhancement of the environment in Malaysia. The Act restricts the discharge of wastes into the environment in contravention of the acceptable conditions

Restrictions on pollution of inland waters 25. (1) No person shall, unless licensed, emit, discharge or deposit any environmentally hazardous substances, pollutants or wastes into any inland waters in contravention of the acceptable conditions specified under section

21



Report on impact on environment resulting from prescribed activities 34A. (1) The Minister, after consultation with the Council, may by order prescribe any activity which may have significant environmental impact as prescribed activity.



Attempts and abetments 42. Whoever attempts to commit any offence punishable under this Act or any regulations made thereunder or abets the commission of such offence, shall be punished with the punishment provided for such offence.

Street, Drainage and Building Act Act 133, 1974

The Street Drainage and Building Act (SDBA) regulate all matters pertaining to construction and maintenance of streets, drainage, water courses and buildings in Peninsular Malaysia.

50

Local authority to construct and maintain drains and watercourses

The local authority may cause to be made and constructed and maintained surface and storm water drains, culverts, gutters and water-courses

54

Cleansing and emptying surface and storm water drains, etc.

Where the local authority has made such main or has made such surface or storm water drains, culverts, gutters and watercourses.

70

Notice of new buildings

No person shall erect any building without the prior written permission of the local authority.

70A

Earthworks

No person shall commence or carry out or permit to be commenced or carried out any earthworks without having first submitted to the local authority plans and specifications in respect of the earthworks and obtained the approval of the local authority thereto.

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PAST- SW ENFORCEMENT

STORMWATER MANAGEMENT

DEALING WITH CONSTRUCTION PERMITS

1

Records all procedures required for a business in the construction industry to build a warehouse and the time and cost to complete each procedure as well as measures the building quality control, evaluating the quality of building regulations, the strength of quality control and safety mechanisms, liability and insurance regimes, and professional certification requirements.

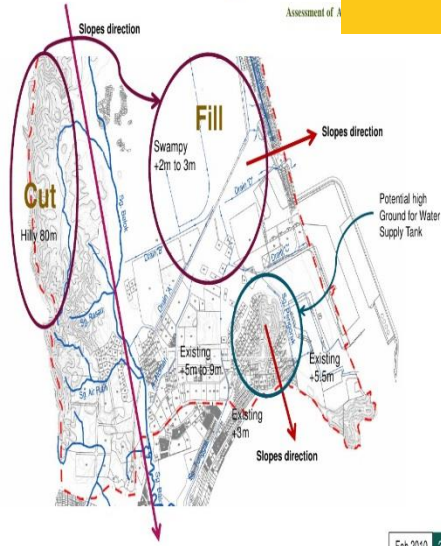


DRAINAGE PLAN

- Submission on Drainage plan with design report.
- Conveyance
- Localised
- Mono-functions basis

4 DETAIL DESIGN

2



EARTHWORK PLAN

- The plan consist on the cut and fill area to achieve the development level

UNDANG-UNDANG KECIL BANGUNAN SERAGAM SELANGOR

3

BORANG F
PERAKUAN SIAP DAN PEMATIHAN
(Undang-undang Kecil 25)

No. Siri: LJM 2002
Tarikh: 28 NOV 2014

Kepada: ARDENT ENTITY SDN BHD
No.4, Jalan Sri Petaling 5,
Taman Sri Petaling,
57000 Kuala Lumpur

Saya dengan ini mengeluarkan Perakuan Siap dan Pematihan untuk bangunan-bangunan-bangunan atas Lot/Lot-Lot Pelan Pindaan Kepada Keluasan Pelan No.Fal MPKJ 2/P/41/2011 Bertarikh 18/03/2012 Untuk Tambahan Pejabat Di Tingkat 1 Bagi Cadangan Mendirikan Sebuah Setor Terbakas 1 Tingkat Di Atas Lot 3279 (PT 8417), Jalan Perindustrian Mahkota 11, Kawasan Perindustrian Mahkota, Mukim Beranang, Daerah Hulu Langat, Selangor Darul Ehsan setelah berpuas hati bahawa bangunan-bangunan-bangunan itu telah siap menurut pelan yang ditandakan No. MPKJ 2/P/41/2011 bertarikh 19hb Disember 2012

Saya telah mengawasi pembuatan dan penyiapan bangunan-bangunan-bangunan itu dan sepanjang pengetahuan dan kepercayaan saya kerja-kerja itu adalah mengikut Akta, Undang-undang Kecil Bangunan Seragam Selangor 1986 dan pelan-pelan yang ditunjukkan. Saya dengan ini mempercayai bahawa bangunan-bangunan-bangunan itu adalah selamat dan layak untuk diduduki.

1. Butir-butir orang utama yang mengemukakan:
Nama: IR. LEONG SEONG SENG
Alamat: PERUNDING PSSL SDN BHD
No.22-B, Jalan BK 5A/2A, Bandar Kiarara
47100 Puchong, Selangor Darul Ehsan
No. Pendaftaran LJM: 9058

2. Salinan kepada:
(a) Pihak Berkuasa Tempatan: Majlis Perbandaran Kajang
(Nama Pihak Berkuasa Tempatan)
(b) Lembaga Jurutera Malaysia (LJM)

* Penerima, jika ia adalah untuk pembangunan selain rumah, bangunan yang dibina secara tempatan atau, penerima jika ia adalah untuk rumah perumahan yang dibina secara tempatan.

SALINAN ASAL

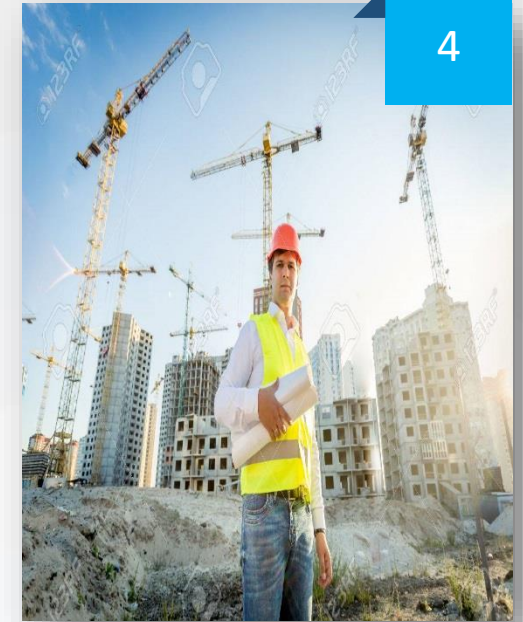
CERTIFICATE FITNESS of BUILDING

- CFO – Local Authority will issuing building certificate

ENFORCEMENT

- Local authority to all the development activities include construction stage
- DOE – for development > 50 ha

4





PRESENT-ENFORCEMENT
ON STORMWATER MANAGEMENT

5

PRESENT - ENFORCEMENT

ON STORMWATER MANAGEMENT



DRAINAGE PLAN

- Control at Sources strategy with Quantity and Quality Control for Stormwater
- Conveyance + Storage
- ISWM – Integrated Stormwater Management
- Multi-Function basis (quantity, quality & Eco-friendly)

EARTHWORKS PLAN

- Submission ESCP
- Under EIA - ESCP must be prepared by PEPC & CPESC holder
- Earthwork + ESC BMPs
- ESC must be implemented at site

CERTIFICATE OF FITNESS

CCC - the architect or engineer of a project who submits building plan is defined as the “principal submitting person” who will have to issue the CCC

ENFORCEMENT

- OPS-LUMPUR – Local Authorities + DID
- DOE – DID Enforcement Devolution of Power

OPS-LUMPUR

What is Ops-Lumpur?

Operation of ESCP Compliance at Site Construction



Committee

- Chairman YDP
- DID as Secretariats
- Other members – Local authorities & Others relevant government agencies



Operations

- Schedule
- Surprise checking
(esp. after rain)



Penalties

- Stop works order
- Fines



DOE – DID ENFORCEMENT



DEVOLUTION POWER
Devolution power of
Enforcement to the DID
Officers."



EIA Project
Enforcement ESCP for
Project Under EIA



Environmental Quality Act
DID doesn't have law for
enforcement of ESCP



TRAINING
Training for DID staff to
do enforcement works





6

FUTURE - ENFORCEMENT

ON STORMWATER MANAGEMENT

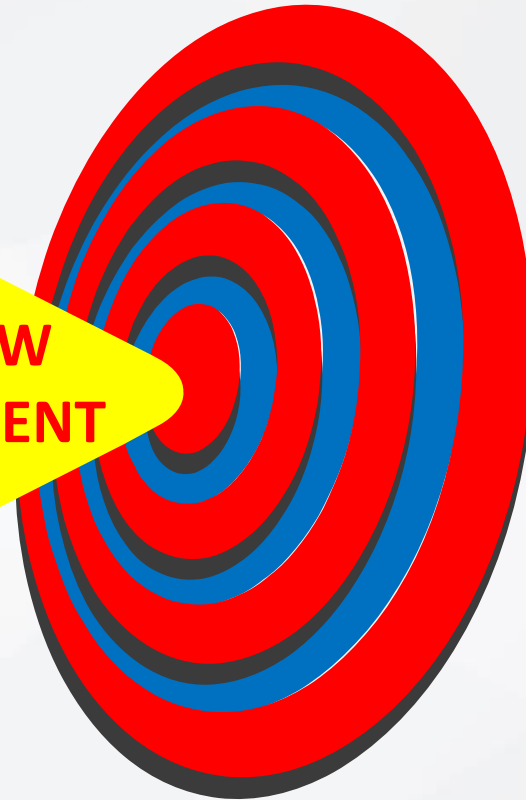
STRENGTHEN REGULATOR AND ENFORCEMENT

AMENDMENTS EXISTING ACT.

STRENGTHEN OPS LUMPUR

FORMULATIONS WATER RESOURCES ACT

BETTER SW ENFORCEMENT



Strategy no. 1

IMPROVE COORDINATION

Improve coordination on Overlapping responsibilities and establish framework for data exchange for enforcement purposes

EMPOWERING ENFORCER

Increase enforcement manpower and competency on stormwater management

INCREASE PENALTIES

Increase penalties for non-compliance SW such as increase the low fines presently, introduce community service or terminate the development permit

Strengthen Regulatory and Enforcement

CITIZEN ENFORCEMENT

Intensity Stakeholder participation and involve the citizen or public in reporting offences

MEDIA

Increase Media participation in highlighting SW enforcement issues

KPI

Set enforcement target and monitor outcome to check program effectiveness

FORMULATIONS WATER RESOURCES ACT.

RANG UNDANG-UNDANG SUMBER AIR (RUUSA)

The formulation of specific legislation aimed at implementation of SWM nationwide. In conjunction with the placement of DID under Ministry of Water, Land and Natural Resources has recognized the DID for national water resource management functions. This is for long term solutions for more comprehensive water resources management including stormwater management

Strategy no. 3

AMENDMENTS EXISTING ACT.

Amend existing legislation
to support the
establishment of MSMA
and ESCP

SDBA , Act 133



STRENGTHEN OPS LUMPUR

INTER-AGENCY COLLABORATION

- The SWM enforcement be better through a collaboration inter-agency
- Local government + DID + other agencies related
- OPS-Lumpur would ensure uniformity in SOP and enhance the efficiency of the enforcement of SWM



Local Authorities



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CONCLUSION

ENFORCEMENT ON STORMWATER MANAGEMENT



CONCLUSION

- ❖ Enhanced Governance Structure will facilitate the shift towards green growth and enable stormwater Management
- ❖ Empowering Local Authorities will step up enforcement to ensure public and private projects comply with the Environmental Impact Assessment and MSMA on Stormwater Management
- ❖ Enforcement through greater collaboration with relevant agencies will be continued to ensure compliance with regulations especially on stormwater management.



THANK YOU

TERIMA KASIH