

Chapter 2

Legislation for Solid Waste Management

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ABSTRACT

The legal and institutional framework, as well as the international trends in solid waste management, serves as the basis for the formulation of a policy framework that seeks to improve solid waste management (SWM) practices in the future. Recently, SWM has become a global concern, especially for urban environments such as Malaysia, whose economy could potentially be adversely affected. To address these issues, the authors have reviewed several laws, including the Federal Constitution 1957; Local Government Act (Act 171) 1976; Town and Country Planning Act (Act 127) 1976; Environmental Quality Act (Act 127) 1974; Street, Drainage, and Building Act (Act 133) 1974; and Solid Waste and Public Cleansing Management Act 2007. Relevant international norms and principles at the federal, state, and local levels have also been reviewed. Exploring this topic generates an overview of SWM implementation in the context of Malaysia and the rest of the world.

INTRODUCTION TO SOLID WASTE MANAGEMENT

Scope and Focus of the Chapter

This chapter outlines the legislation for solid waste management (SWM) in Malaysia and the world. The background of SWM legislation, including the types of solid waste and SWM controls are provided. The development of waste management control is discussed with a focus on the waste hierarchy principles, such as reduction, reuse, recycling and composting, energy recovery, and treatment and disposal. The solid waste legislation under the review of SWM for the past and currently applied in Malaysia is then discussed.

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Legislation for Solid Waste Management

The SWM Act of Malaysia, which covers the period from 1950 to the present, is described in this chapter as well. The establishment, governance, jurisdiction, and operational issues are addressed. An overview of the Malaysian Legal Framework in Integrated Solid Waste Management is also highlighted. The roles of federal and states agencies as well as international trends in SWM, including those in the U.S, Europe, and Sweden, are discussed. The chapter ends with a brief conclusions regarding the Malaysian legislation on SWM.

Types of Solid Waste

The US Environmental Protection Agency (2013) stated that Municipal Solid Waste (MSW) consists of everyday items that are used and then thrown away; MSW includes product packaging, grass clippings, furniture, clothing, bottles, food scraps, newspapers, appliances, paint, and batteries. The sources of such waste are homes, schools, hospitals, and businesses. MSW is a term usually applied to a heterogeneous collection of wastes produced in urban areas, the nature of which varies from region to region (UNEP, 2005).

The Malaysia Solid Waste and Public Cleansing Management Act (2007) defines solid waste as controlled solid wastes that include commercial solid waste, household solid waste, institutional solid waste, and public solid waste. “Solid waste” includes the following:

1. Any scrap material or other unwanted surplus substance or rejected products arising from the application of any process.
2. Any substance required to be disposed of as being broken, worn out, contaminated, or otherwise spoiled.
3. Any other material that according to this Act or any other written law is required by the authority to be disposed.

The Act also categorizes controlled solid waste as follows:

1. **Commercial Solid Waste:** Any solid waste generated from any commercial activity such as shoplots supermarkets etc. (e.g. plastic packaging, food residues etc.)
2. **Construction Solid Waste:** Any solid waste generated from any construction or demolition activity, including improvement, preparatory, repair or alteration works.(e.g. wood, bricks, concretes, gypsum board, tiles etc.)
3. **Household Solid Waste:** Any solid waste generated by a household, and of a kind that is ordinarily generated or produced by any premises when occupied as a dwelling house, and includes garden waste (e.g. HDPE bottles, food residues, broken plates etc.)
4. **Industrial Solid Waste:**
 - a. Processed Solid Wastes
 - Wastes generated from manufacturing process (product rejects, trimmings, surplus etc.)
 - Wastes generated from packaging of products, raw materials (wood pallets, carton boxes, plastic sheets etc.)
 - Could be very specific type and homogenous.
 - b. Non-Process Solid Wastes
 - Wastes generated from canteens / food courts (food wastes, plastic bottles, tin cans etc.)

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