

A blatant disregard for the law

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THESE things are not supposed to happen.

When Deputy Natural Resources and Environment Minister Datuk S. Sothinathan told Parliament on Thursday that the Bukit Tagar landfill did not have a leachate treatment facility, he not only answered the nagging question of why Klang Valley residents had had to put up with smelly water in February.

He also drew attention to more troubling behaviour in our midst: The way developers disregard the Environment Impact Assessment (EIA) of a project and the lacklustre manner in which local authorities enforce the law.

Let's use the Bukit Tagar landfill as a case study. From day one, this project had few friends.

The Selangor Government objected to it. Non-governmental groups objected to it. Still, the Local Government and Housing Ministry argued that there was a pressing need for another landfill as Klang Valley residents were generating an increasing amount of waste, enough to fill up 42 buildings the same size as the Petronas Twin Towers.

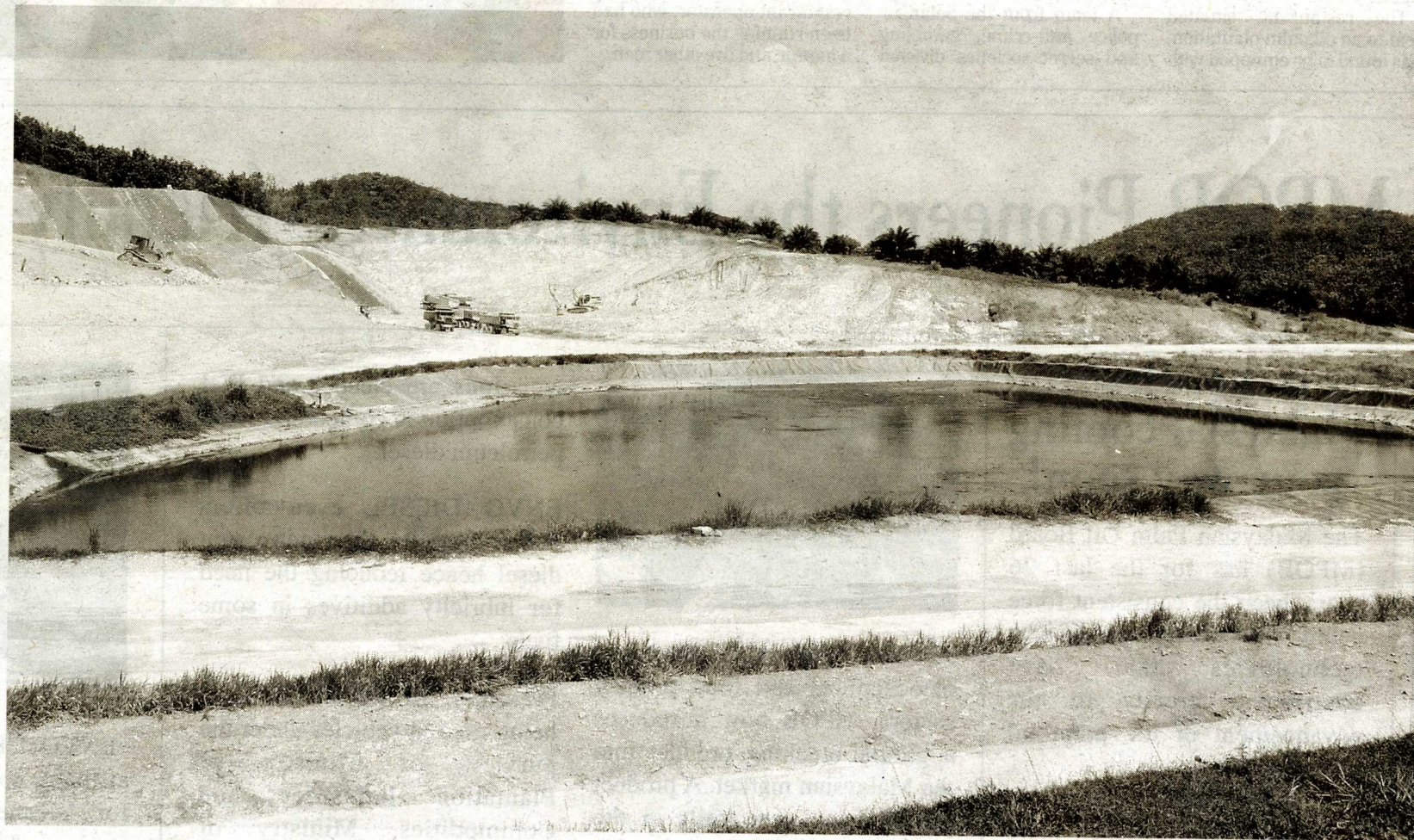
So an EIA was ordered. The Department of Environment (DOE) approved the EIA despite misgivings from some tree-huggers. Environmentalists noted that if the landfill project was approved, treated wastewater from the landfill would have been channelled into the Raja Musa peat swamp forest, which feeds some of Selangor's most important rivers.

They wondered whether the wastewater could reach Sungai Selangor, which supplies 60 per cent of the water used in Selangor, Kuala Lumpur and Putrajaya. This concern was made public on July 24, 2004.

But this noise was hushed with a round of assurances. In September 2004, the Local Government and Housing Ministry said that leachate from the landfill would be treated so as not to pollute Sungai Selangor.

Last year, the Bukit Tagar landfill started operating.

Less than a year on, in late February this year, smelly water flowed from the taps of many households all over the Klang Valley. Checks revealed that water at some points of



There is no leachate treatment facility at the Bukit Tagar landfill.

Sungai Selangor contained abnormal levels of ammonia. Authorities blamed everything from effluent from pig farms to sewage from illegal settlements for the pollution.

But in Parliament, Sothinathan nailed the source of the problem.

He said investigations by the DOE revealed that there was no leachate treatment facility at the landfill. As a result, wastewater flowed into the rivers.

Not having a leachate treatment facility is akin to having no drainage system for a housing project. The DOE said this was a breach of the EIA.

"We have sent a letter to the Attorney-General's Chambers on the matter. Stern action will definitely be taken against those responsible," said Sothinathan.

Under the law, the operator of the landfill, KUB-Berjaya Enviro, can be fined for non-compliance with the EIA. But this is one case where a slap on the wrist would be an injustice.

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Why? Simply because the operators of the landfill knew the score from the start. They knew that they were allowed to go ahead with this project only after the Government had promised that strict conditions of the EIA would be followed. And what did they do? They didn't live up to their side of

the bargain by not building a leachate treatment facility.

How they were allowed to begin their project without complying with a critical requirement of the EIA is shocking. Sothinathan came under fire from MPs, who were in the mood to shovel blame at the DOE.

"If the DOE had approved the EIA, then why doesn't the landfill have a leachate treatment plant? It only has an oxidation pond, which is not enough. This is a crime, poisoning the people in the Klang Valley," said Dr James Dawas Mamait (BN-Mambong).

Sothinathan explained that the power to approve the project did not lie with the DOE but the State Government.

"DOE only has the power to approve the EIA," he said. He told the *New Straits Times* yesterday that it was up to the local council or authority to make sure a project operator complied with an EIA.

So here is a simple question for the local council: What's your excuse?

No substitute for integrity

THE Chief Justice was spot-on when he said seniority was not the most important criterion in selecting judges to the Federal Court. It cannot be.

Not when the composition of the judiciary affects public perception of this important institution.

Tun Ahmad Fairuz Sheikh Abdul Halim said ability, integrity and experience would have to be considered when appointing someone a judge. Cannot argue with this reasoning. Good judges are diligent, hardworking and decisive.

But the best judges have that something extra. Some call it guts. Some say it is the ability to weave compassion

into every judgment and look out for the small man.

That X factor is really INTEGRITY.

This quality keeps judges on the straight and narrow and makes them unafraid of reaching unpopular but correct decisions.

Also, it keeps them true to their main calling: Protecting the Federal Constitution.

Ultimately, people are more comfortable with an institution that reflects the rich diversity of the Malaysian population.

People are more trusting of a body of men and women who are selected purely on the basis of how good and upright they are.