



THE
SABAH GOVERNMENT GAZETTE

Published by Authority

Vol. x

xst xxx, 2002

No. x

CONSERVATION OF ENVIRONMENT ENACTMENT, 1996

CONSERVATION OF ENVIRONMENT
(CONTROL OF PIG FARMING POLLUTION) RULES, 2002

[Made under section 22 (a)]

ARRANGEMENT OF RULES

PART I	GENERAL
PART II	LOCATION OF PIG FARMING ACTIVITIES
PART III	PIG PREMISES, PIGSTIES, DRAINAGEWAYS
PART IV	PIG WASTE STORING FACILITIES
PART V	OPERATION AND MAINTENANCE
PART VI	DISPOSAL OF PIG WASTE
PART VII	INSPECTION AND ENFORCEMENT
PART VIII	DECISIONS, APPEALS, PENALTIES
PART IX	ENACTMENT AND INTERIM PROVISIONS

CONSERVATION OF ENVIRONMENT ENACTMENT, 1996

CONSERVATION OF ENVIRONMENT (CONTROL OF PIG FARMING POLLUTION) RULES, 2002

(Made Under Section 22(a))

In exercise of powers conferred by section 22(a) of the Conservation of Environment Enactment, 1996, the Yang di-Pertua Negeri has made the following Rules;

PART I

GENERAL

1. These Rules may be cited as the Conservation of Environment (control of pig farming pollution) Rules, 200x, and shall come into force on xx xx 2002.

2. The objectives for the Rules are to prevent and minimize pollution and nuisances from pig farming operations, in particular production, storage, disposal and use of pig waste.

3. (1) The Rules shall be used in relation to pig farm premises, pigsties and similar buildings used for the breeding, keeping, rearing, maintenance or treatment of pigs for commercial purposes, including location, and all forms of storing, use and disposal of pig waste from pig farms.

(2) All pig farms with a standing pig population of more than 50 pigs are covered by the Rules.

(3) The licence approving authority can determine conditions that extend the conditions set forth in the present Rules.

(4) The Rules will not be enforced to the extent that they contradict Rules made by the licence approving authority regarding prevention of livestock diseases.

4. In these Rules -

“alter” means any alteration in a bearing wall or partition or column, beam girder or other supporting member of a building or structure or any increase in the area, volume or capacity of a building or structure, but shall not include a building repair required solely to repair damage due to an accidental cause. The words altered and alteration shall have a corresponding meaning;

“building” includes any structure whether temporary or permanent, used or built for any purpose other than a lawful boundary, wall or fence. Any enclosure, awning, bin, bunk, or other container, or platform, used upon any land or in conjunction with or connected to any structure for any purpose shall be deemed a building;

“existing” means existing on the date of passing of these Rules;

“licence” means a licence issued by the licence approving authority;

“licence approving authority” means the Department of Veterinary Services and Animal Industry;

“number of pigs” means number of standing pig population;

“operator” is a person who owns the pig farm, or is responsible for the care, control and management of the pig farm;

“owner” means (i) in relation to land, the registered proprietor thereof and any person in occupation of land by virtue of any licence issued or rights recognized under the Land Ordinance, Sabah Cap 68; and (ii) in relation to pig farming, any person who owns the pig farm or is responsible for the management, care, breeding or keeping of pigs;

“permitted” shall mean permitted by this Rules;

“pig” includes a wild pig;

“pig farm” means any place, premises or establishment used for the breeding, keeping, rearing, maintenance or treatment of pigs;

“pig farming” means the breeding, rearing, caring and treatment of pigs as a commercial undertaking or for sale, other than for personal consumption and the standing pigs population exceeds 50;

“pig sties” means any structure, house, etc. used for keeping pigs for commercial use

“pig waste” is principally composed of pig feces and urine, and may include some bedding material and some dilution water;

“pig waste storage facility” means an earthen, steel or concrete containment system, with or without a roof or covering enclosing the surface area of the container, used for the storage of liquid or solid pig waste;

“Rules” means the Conservation of Environment (Control of pig farming pollution) Rules, 200x

“solid pig waste” means pig waste with an average dry matter content ranging from 20 to 100 percent by weight;

“standing pig population” means the total number of pigs kept in a pig farm at any time;

“watercourse” includes any river, stream, canal, drain, well, spring, pond, pool, waterfall, reservoir, lake and any part of the sea abutting the foreshore, and any other body of water, including water on wetlands.

PART II

LOCATION OF PIG FARMING ACTIVITIES

5. (1) Pig farming is only allowed in areas zoned as rural/countryside areas. Pig farming is not allowed in other areas zoned for example as residential, commercial, industrial, government, open space, protected or water catchment areas.

(2) The licence approving authority can approve establishment, extensions and alteration of pig farms, including buildings and storage facilities, within the location conditions provided under Section 6. Farm extensions and alterations outside Section 6 location requirements that do not result in increased pollution or nuisance can be permitted without approval from the Environmental Conservation Department.

(3) An approval shall be followed by conditions that minimize the risk for pollution or non-serious nuisance for the surroundings.

6. (1) Pig farms with more than 50 pigs shall be located at least 200 m from neighboring houses, other existing or draft planning zones and areas in the rural/countryside zone that in the local plan has been planned for housing, institutions, etc.

(2) Pig farms with more than 100 pigs shall be located at least 500 m from neighboring houses, other existing or draft planning zones and areas in the rural/countryside zone that in the local plan has been planned for housing, institutions, etc.

(3) Pig premises, pigsties and pig waste storing facilities shall be located at least:

- (i) 200 m from potable water supply intake point
- (ii) 100 m from streams, rivers, lakes
- (iii) 20 m from public road, private shared roads and neighboring land titles
- (iv) 20 m from houses on the same land title.

7. (1) If a pig farm cannot comply with the location conditions under Section 6, the licence approving authority can give exemption. This might especially be the case for existing pig farms. Specific condition for number of pigs, premises, pig waste storing facilities, operation and maintenance can be made in order to minimize adverse environmental impacts and nuisance for the surroundings. Specific conditions shall be made if exemptions are given under Section 6 (2) and Section 6 (3) (i-ii).

(2) If compliance with location conditions not sufficiently secures reduction in pollution or nuisance, the licence approving authority can decide, that the pig farming activities shall be moved to more appropriate locations. This decision can be appealed, cf. Section 22.

(3) Existing pig farms, fulfilling the location conditions set in this Rule, can continue to be located at the same location.

PART III

PIG PREMISES, PIGSTIES AND DRAINAGEWAYS

8. (1) Pigsties shall be constructed in such a way, that pollution of surface water and groundwater do not take place.

(2) Pigsties shall have impermeable floors and a durance making them able to withstand impacts from pigs and operational equipment.

(3) Closed drainage systems shall be constructed of non-leaking materials to collect all liquid and solid wastes and shall lead to storage facilities for pig waste.

(4) Drainage of wastewater from operation, maintenance of machines, etc. can lead to the pig waste storage facilities or to other storing or discharge facilities.

PART IV

PIG WASTE STORING FACILITIES

Storage capacity

9. Premises, that keep pigs or has pig waste storage facilities, shall at least have a storage capacity corresponding to 3 months of pig waste supply. Pig waste supply is calculated as the amount of pig waste produced in the said period plus other liquids, for example wastewater. A calculation of the necessary pig waste storage capacity shall be forwarded to the licence approving authority latest January 31 each year, cf. Section 18 (4).

10. Application for construction or alteration of pig waste storage facilities shall be forwarded to the licence approving authority for approval. Existing facilities shall make an application latest 6 months after entry into force of the Rules.

11. Written agreements with external storage and disposal sites, for example other storing facilities, other agricultural farms, oil palm plantations, forest owners, shall be made, cf. Section 17. The storage capacity has to correspond to the disposal capacity as defined in the written agreements. A copy of the written agreements shall be forwarded to the licence approving authority.

Storage of liquid pig waste, wastewater, etc.

12. (1) Storage facilities for liquid pig waste and wastewater shall be constructed with durable and impervious materials. The storage facilities shall be constructed in such a way so that breaks or leakages cannot occur.

(2) Storage facilities for liquid pig waste shall be impervious covered. Other storage facilities used for non-pig waste, for example wastewater, however, do not have to be covered.

Storage of solid pig waste, sludge, etc.

13. (1) Solid pig waste shall be stored in dunghills. Dunghills shall be marked by a wall of at least 2 m or by an at least 2 m wide brink. Dunghill floor and brink shall be constructed with impervious materials and have at least three percent gradient against drainage. Dunghill liquid shall be drained through special constructed drainage ways leading to the liquid pig waste storage facilities. The licence approving authority can allow other forms of dunghill marking resulting in the same collection of the dunghill liquid. Dunghills shall be constructed in such a way that surface water from the surroundings will not enter the dunghill area.

(2) Sludge excavated or pumped from the liquid storage facilities shall be stored in sludge drying beds. Sludge drying beds shall be covered and the floor shall be constructed with sand/gravel. Sludge drying beds shall be constructed in such a way that surface water from the surroundings will not enter the sludge drying bed area.

(3) The licence approving authority can allow solid pig waste or dung to be stored on open land, if it can be justified that the storage will not lead to environmental pollution or other nuisance for the surroundings. A permission shall be followed by specific conditions for location, construction and maintenance of the dunghill, so no risk for pollution of surface water or groundwater exist, and that drainage will not happen to waterways, lakes or the sea. For location of open land dunghills the conditions under Section 6(3) applies.

The licence approving authority can allow solid pig waste or dung to be stored on open land, if it can be justified that the storage will not lead to environmental pollution or other nuisance for the surroundings. A permission shall be followed by specific conditions for location, construction and maintenance of the dunghill, so no risk for pollution of surface water or groundwater exist, and that drainage will not happen to waterways, lakes or the sea. For location of open land dunghills, the conditions under Section 6(3) applies.

PART V

OPERATION AND MAINTENENCE

14. (1) Storage facilities for liquid pig waste shall be emptied regularly in order to prevent overflowing.

(2) Pig waste storage facilities shall be cleaned and maintained so they at all times will fulfill the conditions set forth in these Rules.

(3) Dung shall not be located outside the marked dunghill area.

PART VI

DISPOSAL OF PIG WASTE

15. (1) Pig waste shall be disposed to open land, agricultural or forest areas for the purpose of fertilizing.

(2) Solid pig waste and sludge may be disposed off to landfill upon dispensation of the licence approving authority.

16. (1) Liquid pig waste shall not be disposed of to open land on Fridays, Saturdays or Sundays on areas with a distance of less than 200 m to residential zones or residential houses in the rural/countryside zones. Disposal of liquid pig waste shall not result in unnecessary nuisances. Pig waste shall not be disposed of in such a way that it will drain to waterways during rain.

(2) Setbacks for areas receiving pig waste are 200 m from the boundary of property where an occupied residence is located, and 10 m from streams, rivers, and other waterways.

17. (1) Areas available for disposal of pig waste shall correspond to one ha per ten pigs within a 12-month period.

(2) If a pig farm produces more pig waste than the pig farm has land available for disposal, the pig farm shall make an agreement with any other landowners that secures that the surplus pig waste can be disposed of. Such agreements shall be signed by supplier and receiver, and a copy shall be forwarded to the licence approving authority.

18. (1) Discharge of liquid pig waste to waterways are allowed, upon dispensation by the licence approving authority,

- (i) until 31 December 2004 for pig farms with more than 100 pigs
- (ii) until 31 December 2005 for pig farms with more than 50 pigs.

(2) The dispensation under Section 18 (1) shall be followed by conditions to reduce environmental pollution. The conditions shall contain provisions for sedimentation ponds, maximum standards for discharge, pig waste separation, cf. Section 18 (3-6).

(3) Farms holding 100 pigs or more are required to install a device to separate solid pig waste from liquid pig waste before the liquid pig waste enters the lagoon/pond/waste treatment system.

(4) Farms holding more than 50 pigs are required to have anaerobic sedimentation ponds of a size corresponding to: No. of pigs x 40 (litre liquid pig waste per day) x 50 (days of hydraulic retention time) divided by 1000. The hydraulic retention time factor is only 30 days if separator is used.

(5) Sludge shall be removed from the ponds at least twice a year. Solid pig waste and sludge from the ponds shall be disposed of at designated areas approved by the licence approving authority.

(6) A pig farm is permitted to discharge of treated pig waste at the final point of discharge from the treatment system as follows: BOD 250 mg/L and TSS 300 mg/L.

PART VII

INSPECTION AND ENFORCEMENT

19. (1) The licence approving authority is responsible for inspection and enforcement of the present Rules.

(2) Notwithstanding subsection (1), the Environmental Conservation Department may conduct inspection and enforce the present Rules. In such cases the licence approving authority will immediately be notified on the action taken by the Environmental Conservation Department.

20. An annual operation review for all pig farms with more than 100 pigs, and a bi-annually for farms with 50-100 pigs, is required undertaken by the licence approving authority. Each pig farm has to be inspected for compliance with the licence agreement, other permits and the conditions laid out in the present Rules. The licence approving authority shall prepare a report to meet the needs of the Environmental Conservation Department, and submit the report to the Environmental Conservation Department latest 31 January each year.

21. (1) Mandatory reporting is required for the following violations:

- (i) any direct discharge of pig waste into waterways,
- (ii) any deterioration or leak in pig waste storage facilities that poses an threat to the environment,
- (iii) failure to maintain adequate pig waste storage capacity,
- (iv) disposal of pig waste in excess of the limits permitted or in areas without agreement,
- (v) disposal of pig waste where runoff enter waterways,
- (vi) any discharges that bypasses the storage facilities.

(2) Reports of the violations are to be made by the licence approving authority to the owner or operator of the pig farm and the Environmental Conservation Department.

(3) If the licence approving authority during inspection assesses a risk for leakage, failure or the like of pig waste storing facilities, an Order to implement mitigation

measures or a stop-operation Order shall immediately be issued by the licence approving authority.

(4) If the pig waste storage facilities are located in such a way, that operation failure or accidents can lead to serious damage to water intake point or waterways, the licence approving authority can require specific Conditions imposed.

PART VIII

DECISIONS, APPEALS AND PENALTIES

22. (1) The Animal Ordinance, 1962 and the Conservation of Environment Enactment, 1996, provides the legal authorities for decisions made under the present Rules.

(2) Appeals shall be made latest 4 weeks after the decisions to the licence approving authority. The licence approving authority passes on the appeal to the Environmental Conservation Department together with any remarks. The appeal will be settled by the Environmental Conservation Department, which decision will be final.

(3) The licence approving authority shall seek comments from the Environmental Conservation Department regarding all decisions and exemptions made under Section 6 (2-3), concerning location of pig farms with more than 100 pigs.

(4) The licence approving authority can initiate a public hearing or an Environmental Impact Assessment before a decision is made, cf. The Animal Ordinance (control of livestock activities) Rules, 200x.

23. (1) Penalties are given to those who:

- (i) violates any of the Rules laid down under Section 5-18,
- (ii) do not implement orders made under the Animal Ordinance, 1962, the Conservation of Environment Enactment, 1996 or the present Rules,
- (iii) do not have the required permits and licences under the Animal Ordinance, 1962,
- (iv) starts construction of facilities not following conditions laid out in the licence,
- (v) establishes, expands or alters pig rearing in violation of Section 5-7,
- (vi) do not forward information, cf. Section 11 and Section 17 (2),
- (vii) violates conditions made in permits, licences, approvals or dispensations.

(2) Any person, who shall be guilty of an offence against these Rules including the offence(s) stated under Section 23 shall, on conviction, be liable to imprisonment for a term not exceeding one year or to a fine not exceeding two thousand ringgit or to both such imprisonment and fine and in the event of a second or subsequent conviction be liable to imprisonment for a term not exceeding two years or to a fine for a term not exceeding fifteen thousand ringgit or to or to both such imprisonment and fine.

PART IX

ENTRY INTO FORCE AND INTERIM PROVISIONS

24. The Rules shall come into force xx xx 2002.
25. The licence approving authority is responsible for inspection and enforcement of existing pig farms securing environmental appropriate establishment, extensions, alterations, operation and maintenance until the entry into force of the Rules.

Made this 2002

By His Excellency's Command,

Datuk Chong Kah Kiat
Minister of Environment, Tourism
Development, Science and Technology