

THE GAZETTE OF PAKISTAN

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PART II

Statutory Notifications (S. R. O.)

GOVERNMENT OF PAKISTAN

MINISTRY OF ENVIRONMENT
LOCAL GOVERNMENT AND RURAL DEVELOPMENT

NOTIFICATION

Islamabad, the 13th June, 2000

S.R.O. 339 (I)/2000. - In exercise of the powers referred by section 33 of the Pakistan Environmental Protection Act, 1997 (XXXIV of 1997), the Pakistan Environmental Protection Agency, with the approval of the Federal Government, is pleased to make the following regulations, namely : -

1. Short title and commencement.-

- (1) These regulations may be called the Pakistan Environmental Protection Agency Review of Initial Environmental Examination and Environmental Impact Assessment Regulations, 2000.
- (2) They shall come into force at once.

2. Definitions.-

- (1) In these regulations, unless there is anything repugnant in the subject or context ,—
 - (a) "Act" means the Pakistan Environmental Protection Act, 1997 (XXXIV of 1997);
 - (b) "Director-General" means the Director-General of the Federal Agency;
 - (c) "EIA" means an environmental impact assessment as defined in clause (xi) section 2 of the Act, 1997;
 - (d) "IEE" means an initial environmental examination as defined in clause (xxiv) section 2 of the Act, 1997;

- (e) "Schedule" means a schedule to these regulations; and
 - (f) "section" means a section of the Act, 1997.
- (2) All other words and expressions used in these regulations but not defined herein shall have the same meanings as are assigned to them in the Act.

3. Projects requiring an IEE

A proponent of a project falling in any category specified in Schedule I shall file an IEE with the Federal Agency, and the provisions of section 12 shall apply to such project.

4. Projects requiring an EIA

A proponent of a project falling in any category specified in Schedule II shall file an EIA with the Federal Agency, and the provisions of section 12 of the Act shall apply to such project.

5. Other projects requiring an IEE or EIA

- (1) In addition to any category specified in Schedules I and II, a proponent of any of the following projects shall file,-
 - (a) an EIA, if the project is likely to cause an adverse environmental effect;
 - (b) for projects not listed in Schedules I and II but in respect of which the Federal Agency has issued guidelines for construction and operation, an application for approval accompanied by an undertaking and an affidavit that the aforesaid guidelines shall be fully complied with.
- (2) Subject to regulation 3, the Federal Agency may direct the proponent of a project, whether or not listed in Schedule I or II, to file an IEE or EIA, for reasons to be recorded in such direction:
- (3) No direction under sub-regulation (2) shall be issued without the recommendation, in writing, of the Environmental Assessment Advisory Committee constituted under Regulation 23.
- (4) The provisions of section 12 shall apply to a project in respect of which an IEE or EIA is filed under sub-regulation (1) or (2).

6. Preparation of IEE and EIA.-

- (1) The Federal Agency may issue guidelines for preparation of an IEE or an EIA, including guidelines of general applicability and sectoral guidelines indicating specific assessment requirements for planning, construction and operation of projects relating to a particular sector.
- (2) Where guidelines have been issued under sub-regulation (1), an IEE or EIA shall be prepared, to the extent practicable, in accordance therewith and the proponent shall justify in the IEE or, as the case may be, EIA any departure therefrom.

7. Review of fees.-

The proponent shall pay, at the time of submission of an IEE or EIA, a nonrefundable Review Fee to the Federal Agency, in accordance with rates specified in Schedule III.

8. Filing of IEE and EIA.-

- (1) Ten paper copies and two electronic copies of an IEE or EIA shall be filed with the Federal Agency.
- (2) Every IEE and EIA shall be accompanied by –
 - (a) an application, in the form set out in Schedule IV; and
 - (b) copy of receipt showing payment of the Review Fee.

9. Preliminary scrutiny.-

- (1) Within ten working days of filing of the IEE or EIA, the Federal Agency shall, -
 - (a) confirm that the IEE or EIA is complete for purposes of initiation of the review process;
 - (b) require the proponent to submit such additional information as may be specified; or
 - (c) return the IEE or EIA to the proponent for revision, clearly listing the points requiring further study and discussion.
- (2) Notwithstanding anything contained in sub-regulation (1) the Federal Agency may require the proponent to submit additional information at any stage during the review process.

10. Public participation. -

- (1) In the case of an EIA, the Federal Agency shall, simultaneously with issue of confirmation of completeness under clause (a) of sub-regulation (1) of Regulation 9, cause to be published, in any English or Urdu national newspaper, a public notice mentioning therein the type of project, its exact location, the name and address of the proponent and the places at which the EIA of the project can, subject to the restrictions in sub-section (3) of section 12, be accessed.
- (2) The notice issued under sub-regulation (1) shall fix a date, time and place for public hearing of any comments on the project or its EIA.
- (3) The date fixed under sub-regulation (2) shall not be earlier than thirty days from the date of publication of the notice.
- (4) The Federal Agency shall also ensure the circulation of the EIA to the concerned Government Agencies and solicit their comments thereon.
- (5) All comments received by the Federal Agency from the public or any concerned Government Agency shall be collated, tabulated and duly considered by it before its decision on the EIA.

- (6) The Federal Agency may issue guidelines indicating the basic techniques and measures to be adopted to ensure effective public consultation, involvement and participation in EIA assessment.

11. Review.-

- (1) The Federal Agency shall make every effort to carry out its review of the IEE within forty five days, and of the EIA within ninety days, of issue of confirmation of completeness under clause (a) of sub-regulation (1) of regulation 9.
- (2) In reviewing the IEE or EIA, the Federal Agency shall consult such Committee of Experts as may be constituted for the purpose by the Director-General, and may also solicit views of the concerned Advisory Committee, if any, constituted by the Federal Government under subsection (6) of section 5.
- (3) The Director-General may, where he considers it necessary, constitute a committee to inspect the site of the project and submit its report on such matters as may be specified by him.
- (4) The review of the IEE or EIA by the Federal Agency shall be based on quantitative and qualitative assessment of the documents and data furnished by the proponent, comments from the public and concerned Government Agencies received under regulation 10, and views of the committees mentioned in sub-regulations (2) and (3).

12. Decision. -

On completion of the review, the decision of the Federal Agency shall be communicated to the proponent in the form set out in Schedule V in the case of an IEE, and in the form set out in Schedule VI in the case of an EIA.

13. Conditions of approval. -

- (1) Every approval of an IEE or EIA shall, in addition to such conditions as may be imposed by the Federal Agency, be subject to the condition that the project shall be designed and constructed, and mitigatory and other measures adopted, strictly in accordance with the IEE or, as the case may be, EIA, unless any variation thereto have been specified in the approval by the Federal Agency.
- (2) Where the Federal Agency accords its approval subject to certain conditions, the proponent shall –
 - (a) before commencing construction of the project, acknowledge acceptance of the stipulated conditions by executing an undertaking in the form set out in Schedule VII; and
 - (b) before commencing operation of the project, obtain from the Federal Agency a written confirmation of compliance that the conditions of the approval, and the requirements given in the IEE or EIA relating to design and construction, adoption of mitigatory and other measures and other relevant matters, have been duly complied with.

14. Confirmation of compliance. -

- (1) The request for obtaining a written confirmation of compliance under clause (b) of sub-regulation (2) of Regulation 13 shall be accompanied by an Environmental Management Plan indicating the measures and procedures proposed to be taken to manage or mitigate the environmental impacts for the life of the project, including provisions for monitoring, reporting and auditing.
- (2) Where a request for confirmation of compliance is received from a proponent, the Federal Agency may carry out such inspection of the site and plant and machinery and seek such additional information from the proponent as it may deem fit.
- (3) The Federal Agency shall issue the written confirmation of compliance or otherwise within fifteen days of receipt of the request and such additional information, from the proponent as may be required under sub-regulation (2).
- (4) The Federal Agency may, while issuing the written confirmation of compliance, impose such other conditions as to the Environmental Management Plan, and the operation, maintenance and monitoring of the project as it may deem fit, and such conditions shall be deemed to be included in the conditions to which approval of the project is subject.

15. Extension in review period

Where the Federal Government in any particular case extends the period of four months for communication of its approval under sub-section (5) of section 12, it shall, in consultation with the Federal Agency, indicate the various steps of the review process to be taken during the extended period, and the estimated time required for each step.

16. Validity period of approval, -

- (1) The approval accorded by the Federal Agency under section 12 read with regulation 12 shall be valid for commencement of construction for a period of three years from the date of issue.
- (2) If construction is commenced during the initial three years validity period, the validity of the approval shall stand extended for a further period of three years from the expiry of period specified in sub-regulation (1).
- (3) After issue of confirmation of compliance, the approval shall be valid for a period of three years from the date thereof.
- (4) Subject to sub-regulation (5), the proponent may apply to the Federal Agency for extension in the validity periods mentioned in sub-regulations (1), (2) and (3), which may be granted by the Federal Agency in its discretion for such period not exceeding three years at a time, if the conditions of the approval do not require significant change.
- (5) For the purposes of sub-regulation (4), the Federal Agency may require the proponent to submit a fresh IEE or, as the case may be, EIA, if in its opinion changes in location, design, construction and operation of the project so warrant.

17. Entry and inspection, -

- (1) For purposes of verification of any matter relating to the review or to the conditions of approval of an IEE or EIA prior to, during or after the commencement of construction or operation of a project, duly authorized staff of the Federal Agency may enter and inspect the project site, factory building and plant and equipment installed therein.
- (2) The proponent shall take steps to ensure full cooperation of the project staff at site to facilitate the inspection, and shall provide such information as may be required by the Federal Agency for the purpose of such inspection and pursuant thereto.

18. Monitoring, -

- (1) After issue of an approval, the proponent shall submit a report to the Federal Agency after completion of construction of the project.
- (2) After issue of confirmation of compliance, the proponent shall submit an annual report summarizing operational performance of the project, with reference to the conditions of the approval and maintenance and mitigatory measures adopted for the project.

19. Cancellation of approval, -

- (1) In case, at any time, on the basis of information or report received or inspection carried out, the Federal Agency is of the opinion that the conditions of an approval have not been complied with, or that the information supplied by a proponent in the approved IEE or EIA is incorrect, it shall issue notice to the proponent to show cause, within two weeks of receipt thereof as to why the approval should not be cancelled.
- (2) If no reply is received, or the reply is considered unsatisfactory, the Federal Agency may, after giving the proponent an opportunity of being heard, -
 - (a) require the proponent to take such measures and to comply with such conditions within such period as it may specify, failing which the approval shall stand cancelled; or
 - (b) cancel the approval.
- (3) On cancellation of the approval, the proponent shall cease construction or operation of the project forthwith.
- (4) Action taken under this regulation shall be without prejudice to any other action that may be taken against the proponent under the Act, rules, regulations or any other law for the time being in force.

20. Registers of IEE and EIA projects, -

Separate Registers shall be maintained by the Federal Agency for IEE and EIA projects under sub-section (7) of section 12 in the form set out in Schedule VIII.

21. Environmentally sensitive areas, -

- (1) The Federal Agency may, by notification in the official Gazette, designate an area to be an environmentally sensitive area.

- (2) Notwithstanding anything contained in regulations 3 and 4, the proponent of a project situated in an environmentally sensitive area shall be required to file an EIA with the Federal Agency.
- (3) The Federal Agency may, from time to time, issue guidelines to assist proponents and other persons involved in the environmental assessment process to plan and prepare projects located in environmentally sensitive areas.
- (4) Where guidelines have been issued under sub-regulation (3), the projects shall be planned and prepared, to the extent practicable, in accordance therewith and any departure therefrom justified in the EIA pertaining to the project.

22. Environmental Assessment Advisory Committee, -

For the purposes of rendering advice on all aspects of environmental assessment, including guidelines, procedures and categorization of projects, the Director-General shall constitute an Environmental Assessment Advisory Committee consisting of the following persons namely:-

- (a) Director EIA, Federal Agency ... *Chairman*
- (b) One representative each of the Provincial Agencies ... *Members*
- (c) One representative each of the Federal Planning Commission and the Provincial Planning and Development Departments ... *Members*
- (d) Four Representatives one each of industry, non-Governmental organizations, legal and other experts ... *Members*

23. Other approvals

Issue of an approval under section 12 read with regulation 12 shall not absolve the proponent of the duty to obtain any other approval or consent that may be required under any law for the time being in force.

SCHEDULE I
(See Regulation 3)

List of projects requiring an IEE

A. Agriculture, Livestock and Fisheries, etc.

1. Poultry, livestock, stud and fish farms with total cost of more than ten million rupees.
2. Projects involving repacking, formulation or warehousing of agricultural produce.

B. Energy

1. Hydroelectric power generation less than 50 MW.
2. Thermal power generation less than 200 MW.
3. Transmission lines less than 11 KV, and large distribution projects.
4. Oil and gas transmission systems.
5. Oil and gas extraction projects including exploration, production, gathering systems, separation and storage
6. Waste-to-energy generation projects.

C. Manufacturing and processing

1. Ceramics and glass units with total cost of more than fifty million rupees.
2. Food processing industries including sugar mills, beverages, milk and dairy products, with total cost less than one hundred million rupees.
3. Man-made fibers and resin projects with total cost of less than one hundred million rupees.
4. Manufacturing of apparel, including dyeing and printing, with total cost of more than twenty five million rupees.
5. Wood products with total cost of more than twenty five million rupees.

D. Mining and mineral processing

1. Commercial extraction of sand, gravel, limestone, clay, sulphur and other minerals not included in Schedule II with total cost of less than one hundred million rupees.
2. Crushing, grinding and separation processes.
3. Smelting plants with total cost of less than fifty million rupees.

E. Transport

1. Federal or Provincial highways (except maintenance, rebuilding or reconstruction of existing metalled roads) with total cost of less than fifty million rupees.

2. Ports and harbor development for ships less than five hundred gross tons.

F. Water management, dams, irrigation and flood protection

1. Dams and reservoirs with storage volume less than fifty million cubic meters or surface area less than eight square kilometers.
2. Irrigation and drainage projects serving less than fifteen thousand hectares.
3. Small-scale irrigation systems with total cost less than fifty million rupees.

G. Water supply and treatment

Water supply schemes and treatment plants with total cost less than twenty-five million rupees.

H. Waste disposal

Waste disposal facility for domestic or industrial wastes, with annual capacity less than ten thousand cubic meters

I. Urban development and tourism

1. Housing schemes.
2. Public facilities with significant off-site impacts e.g. hospital wastes.
3. Urban development projects

J. Other Projects

Any other project for which filing of an IEE is required by the Federal Agency under sub-regulation (2) of regulation 5.

SCHEDULE II
(See Regulation 4)

List of projects requiring an EIA

A. Energy

1. Hydroelectric power generation over fifty megawatts.
2. Thermal power generation over two hundred megawatts.
3. Transmission lines (eleven kilovots and above) and grid stations.
4. Nuclear power plants.
5. Petroleum refineries.

B. Manufacturing and processing

1. Cement plants.
2. Chemicals projects.
3. Fertilizer plants.
4. Food processing industries including sugar mills, beverages, milk and dairy products, with total cost of one hundred million rupees and above.
5. Industrial estates (including export processing zones).
6. Man-made fibers and resin projects with total cost of one hundred million rupees and above.
7. Pesticides (manufacture or formulations).
8. Petrochemicals complex.
9. Synthetic resins, plastics and man-made fibers, paper and paperboard, paper pulping, plastic products, textiles (except apparel), printing and publishing, paints and dyes, oils and fats and vegetable ghee projects, with total cost more than ten million rupees.
10. Tanning and leather finishing projects

C. Mining and mineral processing

1. Mining and processing of coal, gold, copper, sulphur and precious stones.
2. Mining and processing of major non-ferrous metals, iron and steel rolling.
3. Smelting plants with total cost of fifty million rupees and above

D. Transport

1. Airports
2. Federal or Provincial highways or major roads (except maintenance, rebuilding or reconstruction of existing roads) with total cost of fifty million rupees and above.
3. Ports and harbor development for ships of five hundred gross tons and above.
4. Railway works.

E. Water management, dams, irrigation and flood protection

1. Dams and reservoirs with storage volume of fifty million cubic meters and above or surface area of eight square kilometers and above.
2. Irrigation and drainage projects serving fifteen thousand hectares and above.

F. Water supply and treatment

Water supply schemes and treatment plants with total cost of twenty-five million rupees and above.

G. Waste Disposal

1. Waste disposal and storage of hazardous or toxic wastes including landfill sites and incineration of hospital toxic waste.
2. Waste disposal facilities for domestic or industrial wastes, with annual capacity more than ten thousand cubic meters.

H. Urban development and tourism

1. Land use studies and urban plans in large cities.
2. Large-scale tourism development projects with total cost more than fifty million rupees.

I. Environmentally Sensitive Areas

All projects situated in environmentally sensitive areas

J. Other projects

1. Any other project for which filing of an EIA is required by the Federal Agency under sub-regulation (2) of regulation 5.
2. Any other project likely to cause an adverse environmental effect.