

The Sindh Environmental Protection Agency (Review of Initial Environmental Examination and Environmental Impact Assessment) Regulations, 2014

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GOVERNMENT OF SINDH
SINDH ENVIRONMENT PROTECTION
AGENCY

Karachi dated the 16th December, 2014.

NOTIFICATION

No. EPA/TECH/739/2014 :- In exercise of the powers conferred by section 37 of the Sindh Environmental Protection Act, 2014, the Sindh Environmental Protection Agency, with the approval of Government, is pleased to make the following regulations, namely:-

1. Short title and commencement

- (1) These regulations may be called the Sindh Environmental Protection Agency (Review of Initial Environmental Examination and Environmental Impact Assessment) Regulations, 2014.
- (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 Sindh Environmental Protection Act, 2014 (VIII of 2014);
 - (b) “Agency” means the Sindh Environmental Protection Agency as defined under section 2(ii);
 - (c) “Committee” means the Environmental Assessment Advisory Committee constituted under regulation 23;
 - (d) “Director General” means the Director General of the Agency;
 - (e) “EIA” means an environmental impact assessment as defined in section 2(xv);
 - (f) “IEE” means an initial environmental examination as defined in section 2(xxx);
 - (g) “section” means a section of the Act.
 - (h) "Firm" means the Environmental Consulting Firm certified by the Agency;

- (i) “Environmental Sensitive areas” means the area which falls under sensitive sites like protected areas, or the sites which may have crucial and growing importance;
 - (j) “protected area” means any area which safeguards the earths precious bio-diversity protect outstanding areas of natural beauty and conservation of cultural significance;
 - (k) “Schedule” means the Schedule to these regulations;
 - (l) “urban area” means an area within the limits of a town, municipality or city and includes any area declared as such by Government by notification in the official gazette;
- (2) All other words and expressions used but not defined in these regulations shall have the same meaning as are assigned to them in the Act.

3. Projects requiring an IEE

A proponent of a project falling in any category listed in Schedule-I shall file an IEE with the Agency, and the provisions of section 17 shall apply to such projects.

4. Projects requiring an EIA

A proponent of a project falling in any category listed in Schedule-II shall file an EIA with the Agency, and the provisions of section 17 shall apply to such projects.

5. Projects requiring checklist

A proponent of a project falling in any category listed in Schedule-III shall file environmental checklist with the Agency and the provisions of section 17 shall apply to such projects.

6. Projects not requiring an IEE or EIA

- (1) A proponent of a project not falling in any category listed in Schedules-I, II and III shall not be required to file an IEE or EIA:

Provided that the proponent shall file -

- (a) an EIA, if the project is likely to cause an adverse environmental effects;
- (b) an application for projects not listed in Schedules-I, II and III in respect of which the Agency has issued guidelines for construction and operation for approval accompanied by an undertaking and an affidavit that the aforesaid guidelines shall be fully complied with.

- (2) Notwithstanding anything contained in sub-regulation (1), the Agency may direct the proponent of a project, whether or not listed in Schedule I or II or III, to file an IEE or EIA or environmental check list, for reasons to be recorded in such direction:

Provided that no such direction shall be issued without the recommendations in writing of the Committee.

- (3) The provisions of section 17 shall apply to a project in respect of which an IEE or EIA or environmental checklist is filed under sub-regulation (1) or (2).

7. Preparation of IEE/EIA and environmental checklist

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

8. Review Fees

The proponent shall pay, at the time of submission of an IEE or EIA or environmental checklist, a non-refundable review fee to the Agency as per rates shown in Schedule-IV

9. Filing of IEE, EIA and environmental check list.

- (1) Ten hard copies and two electronic copies for an IEE and EIA reports shall be filed with the Agency prepared by Firm.
- (2) Every IEE and EIA shall be accompanied by -
 - (a) an application, in the form prescribed in Schedule-V;
 - (b) copy of receipt showing payment of the Review Fee.
 - (c) no objection certificates from the relevant departments in case of EIA shall be the part of reports;
 - (d) the environmental check list as per its guidelines.

10. Preliminary scrutiny

- (1) Within fifteen working days of filing of the IEE or EIA or environmental check

list, the Agency shall –

- (a) confirm that the IEE or EIA or environmental check list is complete for purposes of initiation of the review process; or
- (b) require the proponent to submit such additional information as may be specified; or
- (c) return the IEE or EIA or environmental checklist to the proponent for revision, clearly listing the points requiring further study and discussion.

(2) Notwithstanding anything contained in sub-regulation (1), the Agency may require the proponent to submit an additional information at any stage during the review process.

11. Public participation

(1) In the case of an EIA, the 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 and in a local newspaper of general circulation in the area affected by the project, a public notice mentioning 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 17, be accessed.

(2) The notice issued under sub-regulation (1) shall fix a date, time and place of public hearing for any comments on the project or its EIA.

(3) The date fixed under sub-regulation (2) shall not be earlier than fifteen days from the date of publication of the notice.

(4) The 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 Agency from the public or any Government Agency shall be collated, tabulated and duly considered by it before decision on the EIA.

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

12. Review

(1) The Agency shall make every effort to carry out its review of the environmental checklist within thirty days, IEE within sixty days, and of the EIA within four months of issue of confirmation of completeness under regulation 9.

- (2) In reviewing the EIA, the Agency shall consult such Committee of Experts be constituted for the purpose by the Director General, and may also solicit views of concerned Advisory Committee, if any, constituted by the Agency.
- (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.
- (4) In reviewing the IEE, the Director General may constitute a committee of the officers from within the Agency on case to case basis in view of the jurisdiction and location of the project for the purpose to extend final recommendation about the approval or rejection of the IEE.
- (5) In reviewing of the IEE, the Director General may direct the proponent and Firm to present the report before the committee as given under sub-regulation (4) and the Director General may also invite environmental experts from outside the Agency for the purpose of assistance.
- (6) The review of the IEE or EIA by the Agency shall be based on quantitative and qualitative assessment of the documents and data furnished by the proponent, comments from the public and Government Agencies received under regulation 10, and views of the committees mentioned in sub-regulations (2) and (3) above.
- (7) The environmental check list shall be reviewed as per guidelines issued by the Agency.

13. Decision

- (1) Subject to sub-regulation (2), the documentary evidence in the form of videos (soft copies) of public hearing shall be submitted by the proponent at the time of environmental approval or at any stage of review process, to the Agency.
- (2) On completion of the review, the decision of the Agency shall be communicated to the proponent in the form prescribed in Schedule-VI in the case of an IEE and environmental check list, and in the form prescribed in Schedule-VII in the case of an EIA and for environmental checklist.

14. Conditions of approval

- (1) Every approval of an IEE or EIA or check list shall, in addition to such conditions as may be imposed by the 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 EIA or environmental check list, unless any variations thereto have been specified in

the approval by the Agency.

- (2) Where the 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 prescribed in Schedule-VIII;
 - (b) before commencing operation of the project, obtain from the Agency written confirmation that the conditions of approval, and the requirements in the IEE or EIA or environmental check list relating to design and construction, adoption of mitigatory and other measures and other relevant matters, have been duly complied with.

15. Confirmation of compliance

(1) The request for 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 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:

Provided that every effort shall be made by the Agency to provide the requisite confirmation or otherwise within twenty days of receipt of the request, with complete information, from the proponent.

(3) The Agency may, while issuing the requisite confirmation of compliance, impose such other conditions as 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.

16. Deemed approval

The period for communication of decision stipulated in sub-section (4) of section 17 shall commence from the date of filing of an IEE or EIA or environmental check list in respect of which confirmation of completeness is issued by the Agency under clause (a) of sub-regulation (1) of regulation 9.

17. Extension in review period

Where the Agency in a particular case extends the period of four months under the provisions of sub-section (4) of section 17, it may extend the further period as it may

deem fit, for the reasons to be recorded in writing thereof.

18. Validity period of approval

- (1) The approval accorded by the Agency under section 17 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 date of issue.
- (3) After issue of confirmation of compliance, the approval shall be valid for a period of three years from the date thereof.
- (4) The proponent may apply to the Agency for extension in the validity periods mentioned in sub-regulations (1), (2) and (3), which may be granted by the 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:

Provided that the Agency may require the proponent to submit a fresh IEE or EIA, if in its opinion changes in location, design, construction and operation of the project so warrant.

19. Entry and inspection

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

20. Monitoring

- (1) After issue of approval, the proponent shall submit a report to the Agency on 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 approval and maintenance and mitigatory measures adopted by the project.

- (3) The proponent shall, in order to enable the Agency to effectively monitor compliance with the conditions of approval, furnish such additional information as the Agency may require.

21. Cancellation of approval

- (1) Notwithstanding anything contained in these regulations, if, at any time, on the basis of information or report received or inspection carried out, the 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 or environmental check list is incorrect, it shall issue notice to the proponent for show cause within two weeks of receipt thereof as to why the approval should not be cancelled.
- (2) In case no reply is received or if the reply is considered unsatisfactory, the Agency may, after giving the proponent an opportunity of being heard -
 - (i) 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
 - (ii) cancel the approval.
- (3) On cancellation of the approval, the proponent shall cease construction or operation of the project forthwith.
- (4) Any action taken under this regulation shall be without prejudice to any other action that may be taken against the proponent under the Act or rules or regulations or any other law for the time being in force.

22. Registers of IEE,EIA and Check list projects

Separate Registers to be maintained by the Agency for IEE, EIA and environmental check list projects under sub-section (6) of section 17 shall be in the form prescribed in Schedule-IX.

23. Environmentally sensitive areas

- (1) The Agency may, by notification in the official Gazette, designate an area to be an environmentally sensitive area.
- (2) Notwithstanding anything contained in regulations 3, 4 and 5, the proponent of a project situated in an environmentally sensitive area shall be required to file an EIA with the Agency.
- (3) The 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.

24. **Environmental Assessment Advisory Committee.-** For the purpose of rendering advice on all aspects of the environmental assessment including guidelines procedure and categorization of projects, the following Advisory Committee shall be constituted:-

- | | |
|---|-----------------|
| (i) Director Technical, Sindh Environmental Protection Agency
(EIA/IEE) | Chairman |
| (ii) Chief Environment, Planning and Development Department | Member |
| (iii) Four representative on each of industry, non-Governmental organization, legal and other experts | Members |

25. **Repeal and Savings.** (1) The provisions of the Pakistan Environmental Protection Agency Review of Initial Environmental Examination and Environmental Assessment Impact Regulations 2000, to the extent of the Province of Sindh are hereby repealed.

(2) All orders made, notification issued, actions taken under the repealed Regulations shall remain in force until amended, altered or repealed by the provisions of these Rules.

**DIRECTOR GENERAL
SINDH ENVIRONMENTAL PROTECTION
AGENCY**

SCHEDULE I
(See Regulation 3)

A. Agriculture, Livestock and Fisheries

1. Poultry, livestock, stud and fish farms
2. Projects involving packaging, formulation, cold storage and warehouse of agricultural products.

B. Energy

1. Hydroelectric power generation less than 50 MW
2. Thermal power generation less than 100MW
3. Coal fired power plants with capacity less than 50 MW
4. Transmission lines less than 11 KV, and grid station
5. Waste-to-energy generation projects including bio-mass less than 25 MW
6. Solar project
7. Wind project

C. Oil and Gas projects:

1. Oil and gas 2D/3D Seismic survey and drilling activities
2. Oil and gas extraction projects including exploration and production located outside the environmentally sensitive areas
3. Construction of LPG storage facilities
4. Construction of LPG,CNG filling station and petrol pumps

D. Manufacturing and processing

1. Ceramics and glass units less than 500 million
2. Food processing industries with total cost less than Rs. 200 millions

3. Pharmaceutical units.
4. Marble units
5. Carpet manufacturing units
6. Rice mills, ghee/oil mills ,
7. Brick kilns
8. Stone crushing units
9. Man-made fibers and resin projects with total cost less than Rs. 200 millions
10. Manufacturing of apparel, textile garments unit , including dyeing, bleaching and printing, with total cost less than Rs.50 million
11. Wood products with total cost more than Rs.100 million
12. Steel re-rolling mills
13. Recycling plants

E. Mining and mineral processing

Commercial extraction of sand, gravel, limestone, clay, sulphur and other minerals not included in Schedule II with total cost less than Rs.100 million

1. Crushing, grinding and separation processes
2. Smelting plants with total cost less than Rs100 millions

F. Transport

1. Flyovers, underpasses and bridges having total length less than 500 meters

G. Water management, dams, irrigation and flood protection

1. Dams and reservoirs with storage volume less than 25 million cubic meters of surface area less than 4 square kilometers
2. Small-scale irrigation systems and drainage system with total cost less than Rs. 100 million

H. Water supply and filtration

Water supply schemes and **filtration** plants with total cost less than 100 million

(Including projects of maintenance, up gradation, reconstruction of existing projects.)

I. Waste disposal and treatment

1. Solid and non-hazardous waste with annual capacity less than 10,000 tons
2. Waste water treatment for sewage treatment facility with total cost less than 200M
3. Industry specific Waste water treatment facility for Industrial effluent (small scale plant)

J. Urban development

1. Housing schemes less than 10 acres
2. Mutli-story buildings having residential and commercial setup on the total plot size is less than 2000 sq.yards
3. Hospitals with capacity of 50 beds, health care unit/laboratories with 500 OPD/day.
4. Construction of Educational, Academic institutions on land less than 10 acres.

K. Other projects

Any other project for which filing of an IEE is required by the Agency under sub-regulation (2) of Regulation 6.

SCHEDULE II

(See Regulation 4)

List of projects requiring an EIA

A. Energy

1. Hydroelectric power generation over 50 MW
2. Thermal power generation over 100MW
3. Coal power projects above 50 MW
4. Transmission lines (11 KV and above) and distribution projects.
5. Nuclear power plants
6. Wind energy projects if falls under any sensitive, protected area.

B. Oil and Gas projects

1. Petroleum refineries.
2. LPG and LNG Projects(including LNG Terminals, re-gasification units) except LPG filling stations
3. Oil and gas transmission systems
4. Oil and gas gathering system, separation and storage.

C. Manufacturing and processing

1. Cement plants
2. Chemical manufacturing industries
3. Fertilizer plants
4. Steel Mills
5. Sugar Mills and Distilleries
6. Food processing industries including beverages, dairy milk and products, slaughter houses and related activities with total cost more than Rs. 200 Million
7. Industrial estates (including export processing zones)
8. Man-made fibers and resin projects with total cost of Rs 200M and above
9. Pesticides (manufacture or formulation)

10. Petrochemicals complex
11. 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 Rs. 10 million
12. Tanning and leather finishing projects
13. Battery manufacturing plant

D. 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 Rs. 100 million and above

E. Transport

1. Airports
2. Federal or Provincial highways or major roads (including rehabilitation or rebuilding or reconstruction of existing roads)
3. Ports and harbor development
4. Railway works
5. Flyovers, underpasses and bridges having total length of more than 500m

F. Water management, dams, irrigation and flood protection

1. Dams and reservoirs with storage volume of 25 million cubic meters and above having surface area of 4 square kilometers and above
2. Irrigation and drainage projects serving 15,000 hectares and above
3. Flood Protection

G. Water supply and filtration

Large Water supply schemes and **filtration** plants.

H. Waste Disposal and treatment

1. Handling, storage or disposal of hazardous or toxic wastes or radioactive waste (including landfill sites, incineration of hospital toxic waste)
2. Waste disposal facilities for municipal or industrial wastes, with total annual

capacity of 10,000 tons and above.

3. Waste water treatment facility for industrial or municipal effluents.

I. Urban development and tourism

1. Housing schemes above 10 acres
2. Residential/commercial high rise buildings/apartments from 15 stories and above.
3. Land use studies and urban plans (large cities)
4. Large scale public facilities.
5. Large-scale tourism development projects

J. Environmentally Sensitive Areas

All projects situated in environmentally sensitive areas

K. Other projects

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

SCHEDULE-III

List of projects requiring environmental screening (through check list)

- a. Construction of, offices and small commercial buildings (1-6 story),home industrial units, ware houses, marriage / banquet facilities, large scale motor vehicles workshops, restaurants / food outlets ,large baking unit subject to the compliance with existing zoning laws.
- b. Reconstruction / rehabilitation of roads (small roads in urban area and farm to market roads more than 2 km.
- c. On-farm dams and fish farms.
- d. Pulses mills.
- e. Flour Mills
- f. Projects promoting energy efficiency (small scale).
- g. Lining of existing minor canals and /or water courses.
- h. Canal cleaning
- i. Forest harvesting operations
- j. Rain harvesting projects
- k. Rural schools (Secondary and Higher Secondary) and rural and basic health units having atleast ten beds capacity.
- l. BTS Towers
- m. Lime Kilns
- n. Ice factories and cold storage.
- o. Cotton oil mill
- p. Warehouses for pesticides and pharmaceuticals

Schedule-IV

(See Regulation 7)

Description	IEE	EIA	Environmental Check list
Projects	Rs.100,000	Rs.200,000	Rs.30,000 except BTS Towers which is Rs.15,000

SCHEDULE V
[See Regulation 8(2)(a)]
Application Form

1.	Name and address of Proponent		Phone: Fax: Telex:	
2.	CNIC No. of proponent			
3.	Description of project			
4.	Location of project			
6.	Objectives of project			
7.	IEE/EIA attached?	IEE/EIA	:	Yes/No
8.	Have alternative sites been considered and reported in IEE/EIA?	Yes/No		
9.	No Objection Certificate of relevant stakeholders	Name(s)		
10.	Existing land use		Land requirement	
11.	Is basic site data available, or has it been measured?	(only tick yes if the data is reported in the IEE/EIA) Meterology (including rainfall) Ambient air quality Ambient water quality Ground water quality		
			Available	Measured
			Yes/No	Yes/No
			Yes/No	Yes/No
			Yes/No	Yes/No
12.	Have estimates of the following been reported, especially Quantitative Analysis?	Water balance Solid waste disposal Liquid waste treatment	Estimated	Reported
			Yes/No	Yes/No
			Yes/No	Yes/No
			Yes/No	Yes/No
13.	Source of power		Power requirement	
14.	Labour force (number)	Construction: Operation:		
15.	Environmental Consulting Firm			

Verification. I do solemnly affirm and declare that the information given above and contained in the attached IEE/EIA is true and correct to the best of my knowledge and belief.

Date

Signature, name and _____
designation of proponent
(with official stamp/seal)

SCHEDULE VI
[See Regulation 12]

Decision on IEE/Environmental Check List

1. Name and address of proponent _____

2. Description of project

3. Location of project

4. Date of filing of IEE

5. After careful review of the IEE, the Agency has decided –

(a) to accord its approval, subject to the following conditions:

or (b) that the proponent should submit an EIA of the project, for the following reasons –

[Delete (a) or (b), whichever is inapplicable]

Dated

Tracking no.____

Director-General
Sindh Environmental Protection Agency
(with official stamp/seal)

SCHEDULE VII

[See Regulation 12]

Decision on EIA

1. Name and address of proponent _____

2. Description of project _____
3. Location of project _____
4. Date of filing of EIA _____
5. After careful review of the EIA, and all comments thereon, the Federation Agency has decided –
 - (a) to accord its approval, subject to the following conditions:

 - or (b) that the proponent should submit an EIA with the following modifications-

 - or (c) to reject the project, being contrary to environmental objectives, for the following reasons:

[Delete (a)/(b)/(c), whichever is inapplicable]

Dated

Tracking no.____

Director-General
Sindh Environmental Protection Agency
(with official stamp/seal)

SCHEDULE VIII
[See Regulation 13(2)]

Undertaking

I, (full name and address) as proponent for (name, description and location of project) do hereby solemnly affirm and declare that I fully understand and accept the conditions dated , and undertake to design, construct and operate the project strictly in accordance with the said conditions and the IEE/EIA/Environmental Check List.

Signature, name and
designation of proponent
(with official stamp/seal)

Witnesses
(full names and addresses)

SCHEDULE IX
(See Regulation 21)
Form of Registers for IEE and EIA and Environmental Check List projects

<u>S. No.</u>	<u>Description</u>	<u>Relevant Provisions</u>
1	2	3
1.	Tracking number	
2.	Category type (as per Schedules I, II & III)	
3.	Name of proponent	
4.	Name and designation of contact person	
5.	Name of consultant	
6.	Description of project	
7.	Location of project	
8.	Project capital cost	
9.	Date of receipt of IEE/EIA/Environmental Check List	
10.	Date of confirmation of completeness	
11.	Approval granted (Yes/No)	
12.	Date of approval granted or refused	
13.	Conditions of approval/reasons for refusal	
14.	Date of Undertaking	
15.	Date of extension of approval validity	
16.	Period of extension	
17.	Date of commencement of construction	
18.	Date of issue of confirmation of compliance	
19.	Date of commencement of operations	
20.	Dates of filing of monitoring reports	
21.	Date of cancellation, if applicable	