Enforcement Guidelines

Department of Environment

Ministry of Environment, Forest and Climate Change

Adviser:

Dr. Abdul Hamid

Director General

Department of Environment

Editing:

Mohammad Masud Hasan Patwari, Director (Monitoring and Enforcement), Department of Environment, and Convener

Siddharth Shankar Kundu, Deputy Secretary, Ministry of Environment, Forest and Climate Change, and Member

Syed Ahmad Kabir, Deputy Director (Enforcement), Department of Environment and Member

Salman Chowdhury Shaon, Assistant Director, Department of Environment, Dhaka Metropolitan Office, and Member

Md. Mirza Asadul Kibriya, Assistant Director, Department of Environment and Member

Dr. Saiful Islam, Assistant Director, Department of Environment and Member

Md. Masud Rana, Senior Chemist, Department of Environment, Dhaka Laboratory, and Member

Saiful Ashrab, Assistant Director, Department of Environment, and Member Secretary

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Acronyms

APCR	Air Pollution Control Rules, 2022
ATP	Adenosine triphosphate
BECA	Bangladesh Environment Conservation Act, 1995
BMBKEA	Brick Manufacturing and Brick Kilns Establishment Act
CEGIS	Center for Environmental and Geographic Information Services
CrPC	Criminal Procedure Code, 1898
Director General	Director General
DoE	Department of Environment
EC	Executive Committee
ECC	Environmental Clearance Certificate
ECR	Environment Conservation Rules
ECt	Environment court
ECtA	Environment Court Act, 2010
EM	Executive magistrate
EPC	Environment planning committee
EPSR	Environment Protection Surcharge Rules, 2017
ETP	Effluent-treatment plant
GPS	Global positioning system
HCD	High Court Division
IP	Internet protocol
MC	Mobile court
MCA	Mobile Court Act, 2009
MEW	Monitoring and Evaluation Wing
MoEFCC	Ministry of Environment, Forest and Climate Change
NBR	National Board of Revenue
NID	National Identification Document
PPP	Polluter pays principle
SMC	Special magistrate's court
STP	Sewage-treatment plant

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Enforcement Guidelines

1. Introduction

Environmental pollution control, environmental conservation, and improvement of ecological quality are the main functions of the Department of Environment (DoE). The activities are carried out in compliance with environment-related laws and regulations. One of the DoE's most important activities is enforcement, which needs to be carried out in a fair, consistent, and transparent manner. Enforcement activities are considered one of the main methods of enforcing environment-related laws and regulations (acts and rules). The enforcement process suffers from poor capacity and coordination, with resulting sanctions unable to deter polluting activities. Therefore, environmental monitoring and enforcement activities need to be modernized, made accurate and transparent, with rule-based sanctions implemented consistently across the country. To this end, guidelines should be prepared to streamline the enforcement process, so that (a) all applicable rules and regulations are followed in the same manner across the country, and (b) the guidelines serve to provide a forward-looking view of enforcement activities.

These Guidelines consistently present the enforcement activities to be conducted to achieve compliance with relevant sections, acts, and rules (laws and regulations). These Guidelines present the provisions of the laws and regulations relating to enforcement activities. Specific information has been inserted in the accompanying checklists so that information is available on any industrial establishment, project, or individual violating acts/rules (laws/rules) regarding environmental pollution/ecological damage.

As per Section 4 of the Bangladesh Environment Conservation Act (BECA), 1995 (Amended 2010), the Director General of the Department of Environment (DoE) may take the necessary actions for the conservation of the environment, for improvement of environmental standards, and for control and mitigation of environmental pollution. Additionally, according to Section 7 of BECA, if any person's activities damage the environment/ecology, there is a provision to determine the amount of the damage and recover it from the involved person and organization. This is based on the popularly known polluter pays principle (PPP).[1]

Globally, the PPP has become a key part of governments' strategies for environmental management. Through the PPP, the individual or entity producing pollution—and not those suffering the effects of contamination—must bear the costs of managing it. Although the PPP also involves market-based mechanisms (such as pollution charges and offset schemes, among others), the guidelines presented in this document focus on command-and-control instruments by which the DoE enforces—through pecuniary sanctions and compensation fees—regulations on pollution discharges and pollution-control technologies, among others. However, the results of enforcement activities envisioned in the guidelines will be essential to inform the application of market-based policies, such as the Environmental Protection Surcharge Rules (EPSR) 2017.

[1] The PPP is stated in Principle 16 of the Rio Declaration of the United Nations Conference on Environment and Development 1992.

To prevent environmental degradation, the DoE started enforcement activities against the polluters under the said section of the Act on July 13, 2010. The preemptive principle (or the Precautionary Principle) and the PPP have been declared as part of the law by the Honorable High Court. The DoE's Monitoring and Enforcement Wing (MEW), located at DoE's headquarters and functioning through subordinate offices throughout the country, carries out regular industrial monitoring activities, including imposing demands for compensation and other legal measures against the persons/organizations/projects involved in polluting activities. In addition, the Directors of Chittagong Metropolitan, Chittagong Region, and Sylhet Divisional Offices of the DoE have been empowered to conduct enforcement activities in their respective jurisdictions.

The DoE will disseminate these Enforcement Guidelines and provide specific training to its staff at headquarters and district, divisional, and regional offices so that the Guidelines are applied accurately and consistently throughout the country. This approach provides an opportunity to clarify to stakeholders the integrated and effective enforcement program based on the existing laws and regulations in environmental protection. Furthermore, this approach will play a positive role in ensuring the transparency of this program. The targets of enforcement activities designed through the Annual Enforcement Plan (AEP) will be embedded in the DoE's Annual Performance Agreement; these targets work as yardsticks to measure the entire process's efficacy.

The implementation of these Guidelines will be assessed annually as part of the enforcement planning activities (Chapter 4). The annual assessment of enforcement activities will also inform the MoEFCC's and the DoE's decision-making on policy formulation, budget, and staff allocation with their organizations, among other related activities.

1.1. Objectives

The objectives of the Enforcement Guidelines are as follows:

(a) To enhance planning and execution of environmental enforcement activities across the country, harmonizing procedures, and standards for DoE staff at all levels to implement the PPP with rule-based and progressive sanctions.

(b) To ensure meaningful and effective implementation of environmental monitoring activities by all district offices, divisional/regional offices, laboratories, and the headquarters monitoring teams of the DoE.

(c) To improve coordination across the DoE's units and with other relevant ministries and agencies to plan and execute enforcement activities.

(d) To enhance overall enforcement quality and effectiveness by using advanced technologies, such as remote sensing, artificial intelligence (AI), the Internet of Things (IoT), and automated monitoring systems.

(e) To increase transparency and efficiency in the DoE's monitoring and enforcement activities across the country, promoting citizen-driven accountability, and making the need of enforcement activities acceptable to people of all strata of society.

(f) To clarify the position of the DoE in the legal process of enforcement activities and post-enforcement activities—that is, appeals to the Appellate Tribunal at the MoEFCC, writ petitions in the Honorable High Court, regular cases in the learned Special Magistrate and

Environmental Courts, and filing compensation recovery cases, among other related activities.

1.2. Applicability and Opposability

These Enforcement Guidelines will support the DoE and other agencies as coordinated by the Director General in ensuring uniform implementation of DOE's monitoring and enforcement function at all levels of DoE offices across different regions, divisions, and districts. These Guidelines will be read in conjunction with BECA, 1995; the ECR, 2023; and other legal instruments that regulate environmental protection and conservation and related activities in Bangladesh. These Guidelines will complement BECA and ECR regulations on the procedural and implementation fronts, with provisions of acts and rules enacted under BECA and ECR taking precedence. The DoE will propose adjustments to update the Guidelines at regular intervals (a) to meet the DoE's novel and growing responsibilities; (b) to maintain consistency with new regulations that may be approved; (c) and to reflect changes in the DoE's organogram, new infrastructure, and technology acquired.

2. Laws and Rules Relating to Enforcement Operations

2.1 Relevant Sections of BECA, 1995

These Enforcement Guidelines seek to detail the requirements and procedures for implementing BECA's Section 4 and Sections 6 to 11 that relate to (a) clarifying the Director General's power, functions, and delegatory authority; (b) coordination across different regulatory agencies and mechanisms to report issues of environmental concern to the Director General; (c) remedial measures for injury to the ecosystem and the discharge of excessive environmental pollutants; and (d) the power of entry and sample collection. Appendix 1 compiles the relevant excerpts of those sections.

2.2 Laws and rules related to BECA, 1995

The following acts and rules under BECA, 1995, are particularly helpful in enforcement activities. Appendix 1 summarizes the specific provisions that are subject to the DoE's enforcement.

(a) Brick Manufacturing and Brick Kilns Establishment (Control) Act (BMBKEA), 2013 (amended 2019)
(b) Environment Court Act, 2010
(c) Mobile Court Act, 2009
(d) Environment Conservation Rules, 2023
(e) Air Pollution (Control) Rules, 2022
(f) Hazardous Waste (E-Waste) Management Rules, 2021
(g) Solid Waste Management Rules, 2021
(h) Environment Protection Surcharge Rules, 2017
(i) Hazardous Waste and Shipwreck Waste Management Rules, 2011Ecologically Critical Areas Management Rules, 2016, and so forth
(j) Balumohal Filling and Land Management Rules, 2011
(k) Noise Pollution (Control) Rules, 2006

3. Roles and Responsibilities

3.1 Director General

Section 4 of BECA, 1995, clarifies the powers and functions of the Director General (DG). The Director General's enforcement powers include, among others (a) searching any place, examining any equipment, manufacturing, or other processes, ingredients, or substance for the purpose of improving the environment, and control and mitigation of pollution; (b) taking samples of air, water, soil, or other substance for analysis; (c) collecting, publicizing, and disseminating information regarding pollution; (d) ordering the closure, prohibition, or regulation of any industry, undertakings, or processes; and (e) seizing any equipment, industrial plant, record, register, document, or other material that may be used as evidence of the commission of any offense punishable under BECA or associated rules. The Director General may also order the cut off water supply, electricity, and other services from the offenders' facilities. These duties and powers can be delegated by the Director General to any other DoE officer, as per Section 19 of BECA (chapters 5.2, 5.3, and 6 of these Guidelines).

The Director General is also responsible for (a) receiving complaints from affected individuals who wish to file a legal demand before an Environment Court; and (b) assigning DoE officers to inspect such claims, who will prepare a written report for the Director General's review and decision on whether to take judicial action (chapter 5 of these Guidelines).

Finally, the Director General will review and approve the annual enforcement plan proposed by the Enforcement Planning Committee (chapter 4 of these Guidelines).

3.2 Monitoring and Enforcement Wing (MEW)

The DoE performs enforcement inspections primarily through its MEW—alone or in coordination with other divisional/regional/district offices and mobile courts (chapter 3.4 below). The wing has a mandate over the entire country and all matters under BECA, 1995, including effluent treatment and emissions limits from industries. The DoE's operations include the enforcement and implementation of other acts relevant to environmental management, protection, and conservation as well as rules formulated under BECA, 1995.

In addition to regular inspections, the MEW acts when (a) district offices and laboratory offices find irregularities in the environmental quality standards or in emissions and effluents limits in certain areas or specific industries or projects, and (b) citizens complain to the DoE about environmental noncompliance and damages. To conduct activities outside Dhaka, the MEW requires support from officials and inspectors at district or divisional offices (chapter 3.3 below).

To drive its enforcement functions, the MEW Wing Director will review the Inspection Report (prepared by the inspector after receipt of a complaint), and decide whether to conduct a hearing, reinspect, or conduct enforcement operations, within 17 days from the receipt of the complaint. The Director MEW or any other officer authorized by the Director General, shall preside over the Enforcement Hearing, and at the end of the hearing shall promulgate in writing the enforcement order.

With inputs from district and divisional offices, the MEW prepares and updates the list of enterprises that have been found noncompliant with environmental regulations through the DoE's enforcement activities and/or mobile court operations. Based on this list, the Director

General shall disclose information on enforcement activities (chapter 9 and appendix 1 of these Guidelines) and will inform the MoEFCC. Following a HCD verdict, the DoE publishes a monthly enforcement bulletin disclosing enforcement data, including the names of entities that have been fined for contravention of the environmental standards, the amount of fine imposed[2]. These Enforcement Guidelines present a tabulated format (Appendix 16) for reporting and disclosure of the enforcement data, which shall subsequently facilitate the National Bureau of Revenue (NBR) in imposing the annual environmental protection surcharge in line with the Finance Act, 2014, Development Levy and Surcharge Act, 2015.

3.3 Subordinate Offices and Laboratories

The DoE has decentralized, subordinate offices across all eight divisions of the country, with district offices under them. The Director General has delegated the Directors of the Divisional/Regional/Metropolitan Offices in Chittagong Region, Chittagong Metropolitan, and Sylhet Divisional offices to enforce Section 7 of BECA, 1995. The rest of the divisional offices are empowered to conduct inspection and prepare inspection reports to be sent to the Director General. The Director General then directs the MEW, or other empowered officer, to review the inspection reports and take appropriate action within the stipulated timeframe. Rule 3(2) of the ECR, 2023 directs the disposal of all complaints, including conduction of public hearings, within 30 working days of receipt of the complaint. However, the rule provides that the Director General is empowered to extend the process by additional 15 working days by stating in writing the rationale for such extension[3].

Additionally, the subordinate offices shall follow the reporting framework and timeline set forth under chapter 9 of these Guidelines to furnish quarterly reports on the summary of the inspection activities and/or mobile courts to help create an updated list of polluting entities. The DoE shall introduce an online reporting and data management and disclosure system to facilitate transparency, accountability, and ease of data access; whenever inspection reports are filled manually, such system will provide a link to an uploaded scanned version. The subordinate offices will build their capacity to access and utilize the online data management system, which shall be operational by end of Fiscal Year 2025. The Bangladesh Environment Sustainability and Transformation (BEST) project, undertaken by the DoE with support of International Development Agency (IDA) credit, will support the creation of this management information system (MIS). The subordinate offices, and officers therein, shall strive to achieve disaggregated enforcement targets as per annual enforcement plan, which shall complement the targets of the APA (chapter 4).

3.4 Mobile Courts and Environment Courts

Sections 4 and 5 of the Mobile Courts Act, 2009 (MCA, 2009) enable expedited judicial processes by administrative officers, Executive Magistrates (EM). The jurisdiction of the EMs, therefore the Mobile Courts (MC), are limited within the territorial area for which they have been

[2] Department of Environment. Enforcement Bulletins. https://doe.portal.gov.bd/site/page/b3b32a80-635c-4e20-a11b-105bbe192bf4

[3] Bangladesh Environment Conservation Rules, 2023, Rule 3(2).

appointed. MCs can impose a maximum imprisonment of two (2) years, and the maximum pecuniary sanction guided by the legislation that the polluter is infringing. MCs are mandated to inspect industries, projects, and individuals for compliance with environmental regulations on (a) polythene ban, (b) vehicle emissions standards, (c) brick kilns, (d) construction materials, among other (figure 3). The MC may refer cases to Special Magistrate's Court (SMC) when the penalty shall exceed the EM's pecuniary or carceral jurisdiction. At MCs, the magistrate may acknowledge an offense directly upon complaint by the DoE inspector or authorized officer without following further formalities. If the applicable penalty exceeds 5 years of imprisonment or 5 lac BDT in fines, the case will be referred to the Environment Court.

Per the Environment Court Act (ECtA), 2010, specialized environmental courts receive and decide on judicial cases involving violations of statutory environmental laws. These courts can intervene to protect people's constitutional right to a safe environment and balance the interests of multiple stakeholders, including future generations. The ECtA contemplates three types of environmental courts: (a) the SMC at district-level, (b) the (Divisional) Environment Courts for major violations, and (c) the Environment Appellate Court to hear appeals and review petitions in relation to decisions of the other two courts. The environmental courts' jurisdiction covers issues regulated by BECA, 1995, other laws published in the government's gazette with explicit reference to such jurisdiction, and the rules made under these laws. Thus far, in addition to BECA, 1995 and ECR, 2023, environmental courts have considered the BMBKEA as "other law published in the official gazette. The SMC may only take cognizance of offenses if a complaint is accompanied by a written inspection report. In absence of a written inspection report, the SMC may take cognizance of an offense if the court is satisfied of the following conditions: (a) the complainant presented a written complaint to the inspector, and there has been no inspection carried out after 60 working days[4]; (b) the court is satisfied that the complaint deserves to be heard, and (c) the inspector or the Director General has been given reasonable opportunity to be heard. The SMC may also direct the inspector to conduct inspection activities to inspect the complaint.

3.5 Coordination with Other Agencies by the Director General

Based on Section 19(2) of BECA, 1995, the Director General can coordinate with other agencies to conduct enforcement by DoE officers, including those listed below:

Legal Basis	Agency	Mandates
BECA, Section 6	Bangladesh Road Transport Authority (BRTA)	Test any vehicle at any place, stop a vehicle in motion for testing, and instantly test it or detain it for the necessary period. If any vehicle violates emissions standards, seize it and other related documents, or provide necessary instructions for testing the vehicle. The BRTA is also empowered to be proactive in mitigating noise pollution.

[4] Bangladesh Environment Court Act, 2010, Section 3.

Motor Vehicle Ordinance, 1983; Noise Pollution Control Rules, 2006	Bangladesh Police	Activities to control vehicular emission and noise pollution can be conducted by the Bangladesh Police.
BECA, 1995, S4A	Bangladesh Coast Guard	As a law-enforcement agency, the BCG can play an active role protecting Ecologically Critical Areas.
BECA, 1995, S4A	Bangladesh Ansar and Village	As a law-enforcement agency, the Bangladesh Ansar and Village Defense Party can support conduct of enforcement activities

4. Planning of Enforcement Activities

Annual Enforcement Plan The DoE will prepare annual enforcement plans (AEPs) that will include disaggregated enforcement targets to feed into and support the process of the Annual Performance Agreement (APA) preparation activities and goals. By May 30 of each year, the DoE will approve and communicate the AEP for the upcoming fiscal year, starting July 1, to all DoE offices to ensure effective implementation. The plan aims to (a) identify the overall targets of inspections and other related enforcement activities for the APA and propose budget and staff allocations; (b) set specific targets for mobile court; disclose enforcement reports and files of legal cases, among other disclosures) in aggregate and per unit/office, including at a minimum the MEW, Law Wing, divisional and district offices, and laboratories; (c) prioritize and plan specific enforcement activities; and (d) promote transparency and accountability.

The DoE will assess the outputs, results, and challenges of implementing its APA on a regular basis. A specific chapter will be included in the DoE's annual report on the monitoring and enforcement activities. Supervisors, both the initiating and countersigning officers, may on their discretion, grade, and comment on the performance of individual DoE staff in the Annual Confidential Report (ACR). On the same basis, the Director General may propose a list of officials for formal recognition by the Minister of the MoEFCC for their achievements in the enforcement goals. In an annual ceremony, the Minister of the MoEFCC will recognize the units and offices that achieved or surpassed those targets.

4.1 Enforcement Planning Working Group

The DoE Director General will coordinate an enforcement planning working group to perform the following responsibilities:

(a) Prepare the annual enforcement plan for the Director General's approval

(b) Monitor and assess the implementation of the annual enforcement plan

(c) Supervise the development and further operation of the DoE's information-management system for enforcement activities

(d) Agree on standardized requirements for industries and projects for installing self-monitoring devices at highly polluting facilities as a condition for the issuance/renewal of ECCs, such as for stacks and ETPs; and procedures for using the generated data for monitoring and enforcement by the DoE

This working group shall comprise the following:

(a) Director MEW (Secretary)

(b) Representative, Law Wing

(c) Representative, Environmental Clearance Wing

(d) Representative, Air Quality Wing

(e) Representative, Natural Resources Wing

(f) Representative, Waste and Chemicals Wing

(g) Representative, Central Lab

4.2 Prioritization Criteria for Inspections and Other Enforcement Activities

4.2.1 Environmental Clearance Wing

As a part of its regular functioning, the Environment Clearance Wing (ECW) is expected to practice due diligence before issuing an environmental clearance certificate (ECC) to industries and projects. The ECW and the MEW, through coordinated efforts, shall keep a comprehensive data repository, especially for Red and Orange category entities. The repository will enable more efficient monitoring, enforcement, and disclosure processes when complaints arise, and routinely as part of the more stringent compliance monitoring of ECC introduced in the ECR 2023. Further to its emphasis on heavy polluters, the ECW will prioritize and expedite the inspection and inspection of entities that have not renewed their ECC within the deadline, and the enterprises that have not complied with their monitoring plan as per their agreement for issuance of the ECC.

4.2.2 Monitoring and Enforcement Wing

The Monitoring and Enforcement Wing (MEW) shall coordinate with the ECW to gather data and analyze trends regarding the geographical hotspots of Red and Orange category entities. Within its data monitoring function, the MEW shall keep comprehensive records of enforcement activities and mobile courts, using uniform reporting tools and formats (appendixes 15 and 16). The MEW shall prioritize its enforcement actions based on previous years' information from MEW, mobile courts, district/divisional (a) geographical hotspots (by district); (b) highly polluting industry/sector, (c) specific type of noncompliance/nuisance (for example: air pollution, water pollution, water pollution), (d) repeated offenses, and (e) complaints.

5. Enforcement Procedure

Enforcement proceedings are quasi-legal procedures that require specific steps before and after the enforcement process. These activities may be divided into three phases. The figures in this chapter detail the steps under each phase:

1. Pre-Enforcement Phase (Appendix 17A and 17B)
2. Enforcement Phase (Appendix 17A and 17B)
3. Post-Enforcement Phase (Figure 1)

In addition to the enforcement actions taken by the DoE, mobile courts also conduct enforcement operations as a part of routine activities of the Executive Magistrate (EM) as well as on the request of the DoE Director General and the MEW Director after an enforcement order is issued. The process is detailed in figure 3. If an individual wants to challenge the enforcement order, the individual can file an appeal with the MoEFCC's Appellate Authority. The appeal proceedings will take place following Rules 27 to 30 of the Environment Conservation Rules, 2023. (See figure 1 for Pre-Enforcement and Enforcement Phases, figure 2 for Post-Enforcement Phases, and figure 3 for Enforcement Activities by Mobile Courts immediately below.)

Figure 1 Pre-Enforcement and Enforcement Phases

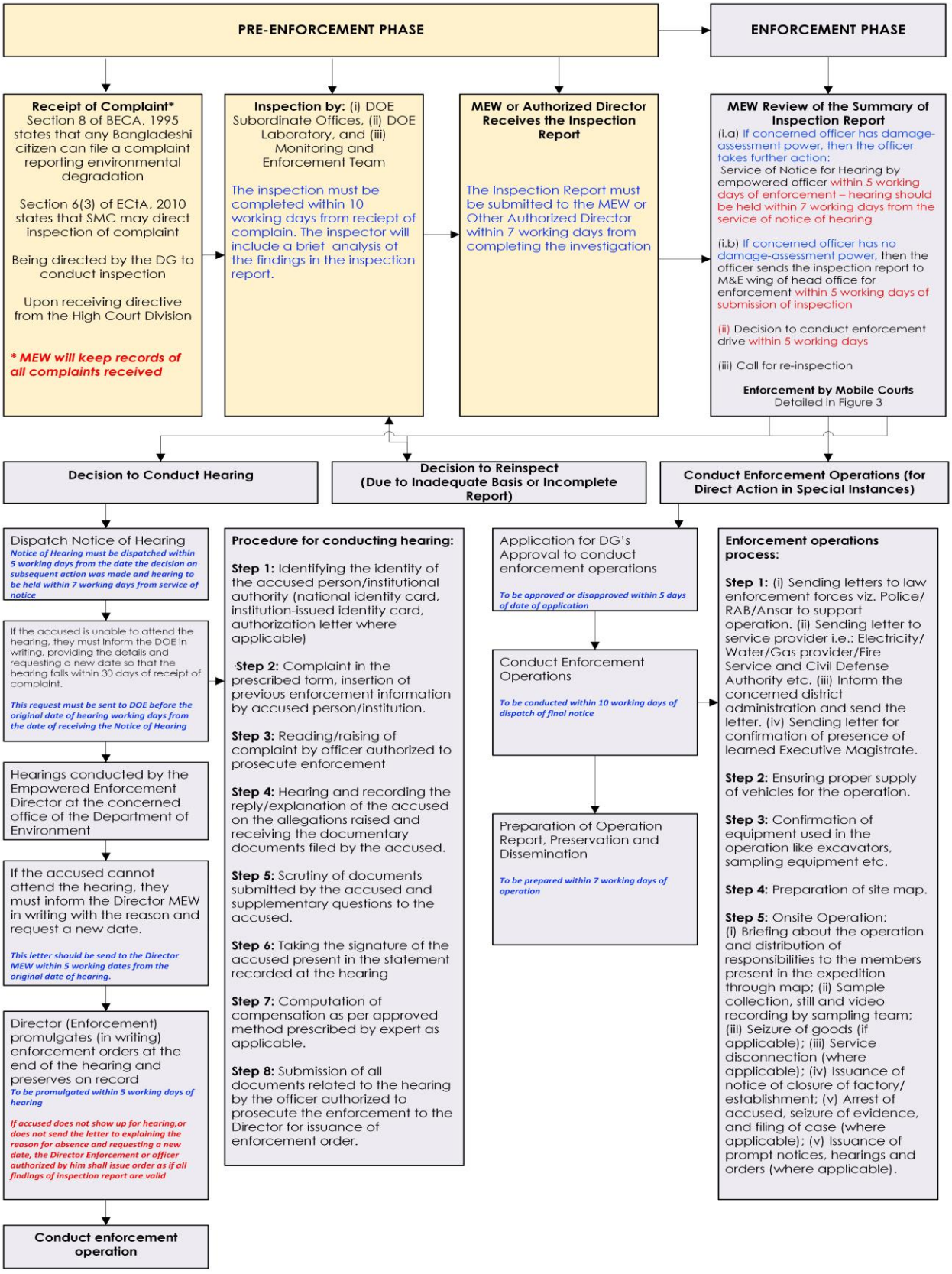


Figure 2 Post-Enforcement Phase

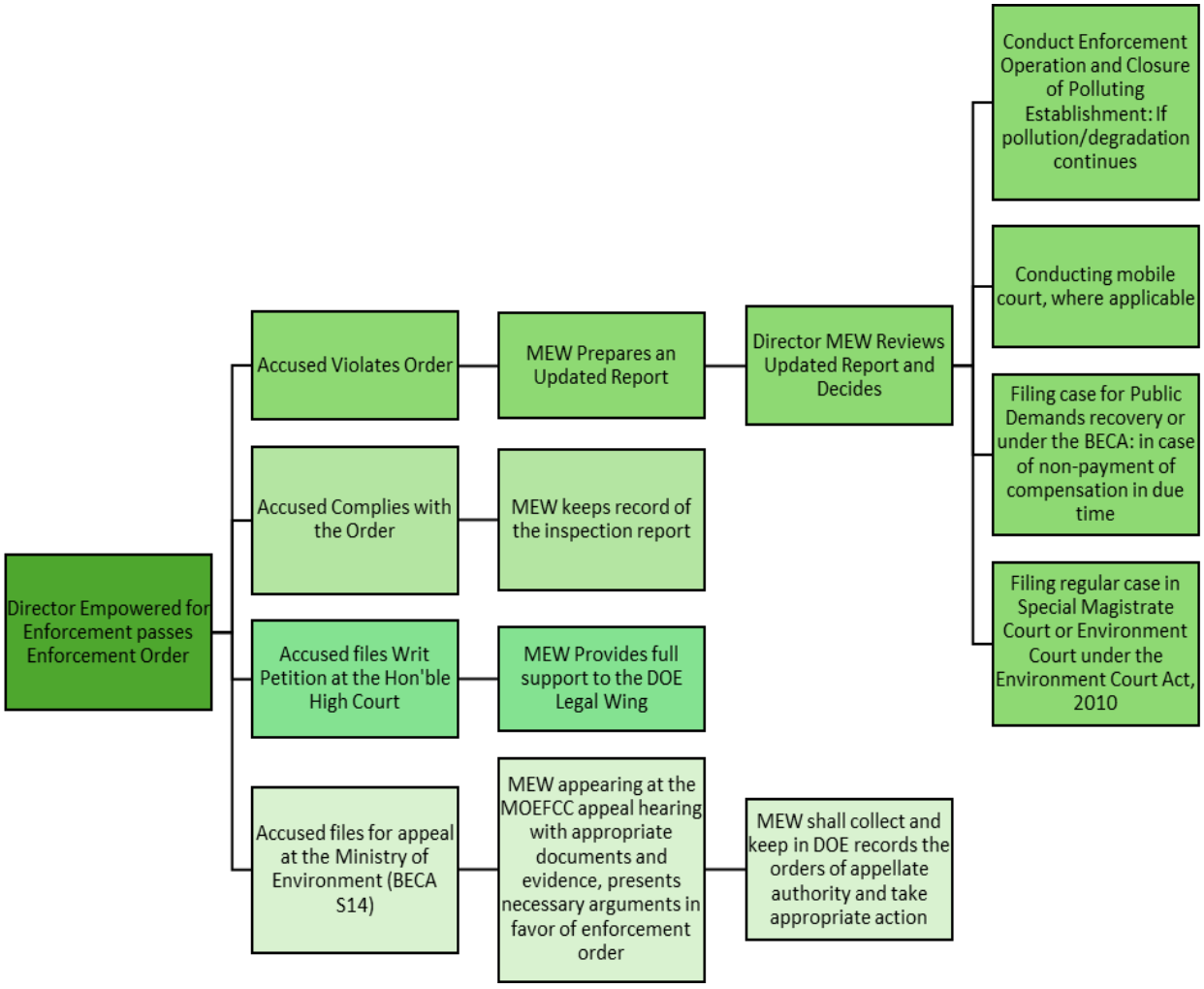
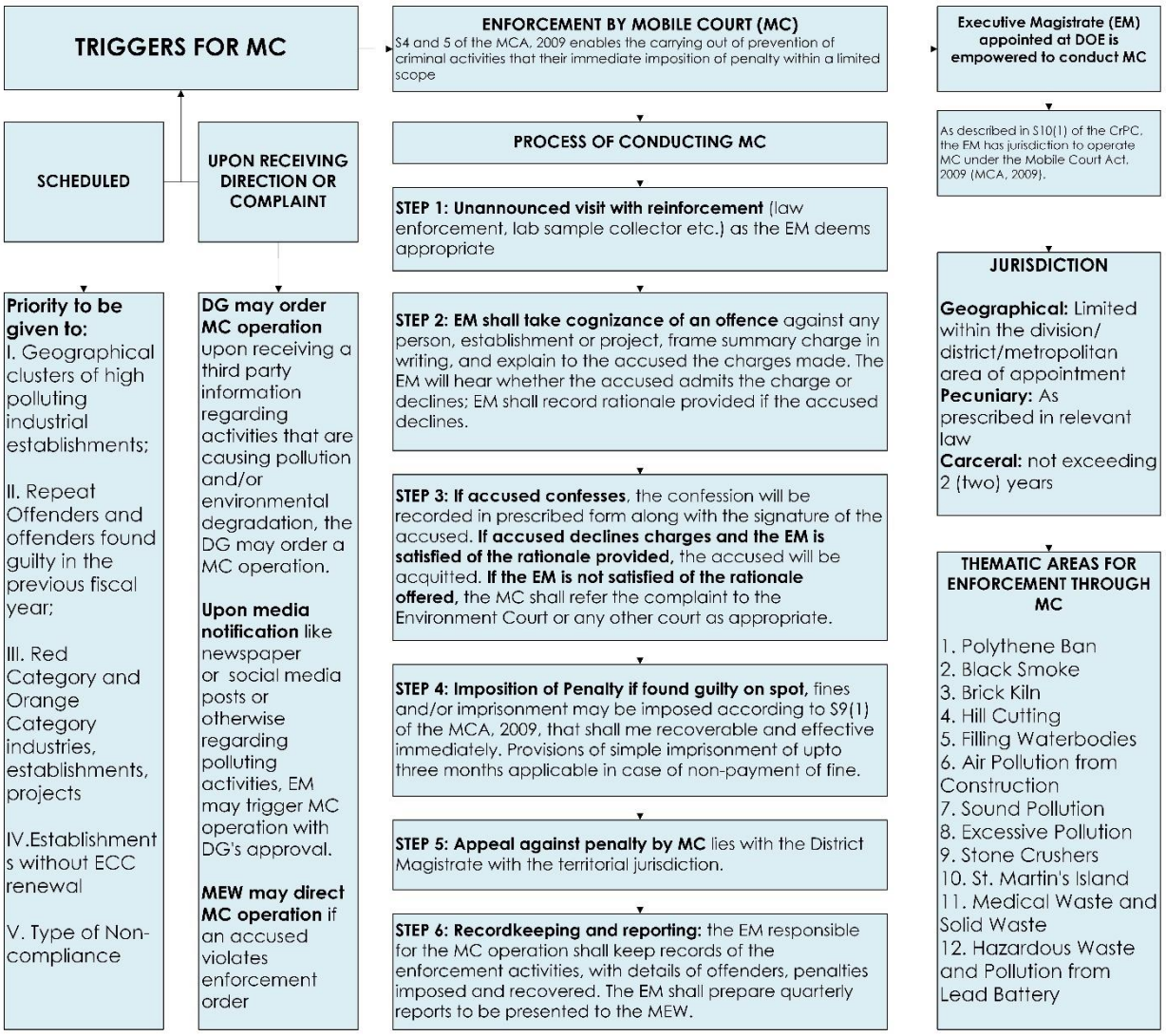


Figure 3 Enforcement Activities by Mobile Courts



5.1 Pre-Enforcement Phase

Inspection of project activities, industrial establishments, and sites of industrial interest is the building block for all enforcement activities. The inspection team can be constituted of one or more of the following DoE staff:

(a) Member of the Monitoring and Enforcement Team

(b) Empowered officers/teams of Headquarters/District/Metropolitan/Divisional/Regional Offices for inspection

(c) Laboratory sample collection team of the DoE

The DoE initiates inspection for the following instances:

(a) Scheduled regular and random inspection activities by the MEW

(b) While processing applications for environmental or site clearance certificate of their renewal

(c) Upon receipt of a citizen's complaint

(d) Upon direction of Director General or MEW when they receive tip-offs from third party informants or from stories or media coverage regarding polluting activities

(e) Upon directive from the High Court Division

Before taking any enforcement action against an industrial establishment, project or incident that causes pollution, the DoE must conduct an inspection and prepare a report for the review of the DoE Director General and/or the Environment Court. When inspection has been initiated for the issuance of an environmental and/or site clearance certificate, and the inspection finds the establishment violating legal provisions, including setting up establishment without receiving ECC, or bypassing the legal provisions, the inspector shall prepare an inspection report for the MEW Director to review and initiate enforcement.

Setting Regular and Random Visits: Each district and divisional office shall plan unannounced regular inspection visits within their territorial jurisdiction, which will be reflective of the targets set in the AEP. The inspection visits will prioritize (a) Red and Orange category industries, establishments, and projects, (b) establishments that do not have ECC or have not renewed their ECC in the previous year, (c) recurring polluters, (d) geographical clusters of high polluting industries. The schedule should also be such that all priority facilities are visited for inspection at least once a year.

5.1.1 Inspection and Inspection Report

Section 10 of BECA, 1995 (Amended 2010), Sections 11, and 12(1) of the ECtA, 2010 and Rules 9(4), 9(5), 10(3), 10(4), 10(6), 11(2), 12(3), 13(2), 14(4) of the ECR, 2023, determine that any person, generally or specially empowered for this purpose by the Director General, shall have the right to enter any building or place at all reasonable times, with the reinforcement or assistance (like police or lab personnel) that the empowered person deems necessary.

Inspections must not be previously announced or based on a coordinated date with the facility under inspection. This ensures the integrity and effectiveness of the inspection process. By knowing the inspection date (or period) in advance, the entity being inspected can potentially tamper with or conceal violations. Keeping inspections unannounced enables more accurate assessments of compliance and facilitating the enforcement of environmental regulations.

During the inspection, the inspecting officer or the inspecting team shall pay attention to the following points:

(a) The objective of the inspection shall be to collect information impartially about any incident/scene; the inspector shall not judge any crime or innocence of any person or organization at the scene–that is, fact-finding shall be the main objective of the inspector/inspecting officer/inspecting team.

(b) The inspector will enter the industrial establishment/project/venue by showing the identity card kept with the inspection team.

(c) The GPS location of industrial establishments/projects/scenes shall be recorded in the diary, containing the drawing sketch map of the site where applicable; monitoring of factory production methods/processes, raw materials, and so forth; identification of sources of pollution; monitoring of pollution control process; monitoring of waste discharge sites and discharge routes, and so forth; and their still and video recording and

the level of pollution shall be monitored by collecting samples in due process/rules as per provisions of law.

(d) The sample collector shall collect the sample as per the rules at the spot in the presence of a representative of the industrial establishment/project authority/impartial witness (complainant where applicable). Immediately before collecting the samples, the sample collector shall issue the sampling notice and obtain the signature of the present representative/witness (complainant where applicable) of industrial establishment/project authority before sealing the sample container.

(e) At the time of sample collection, the place from which the sample is being collected must be written before sealing and as far as possible, photographs and video of the sample collection must be taken.

(f) Samples should be collected according to the type of pollution as stipulated in the ECR 2023 and related acts/rules/policies. For example, in case of air pollution, determine the direction of air flow outside the factory compound and in case of noise pollution measure the spread of sound outside the factory/source of noise pollution/compound around the source.

(g) During the inspection, the registers, and so forth related to production and waste management of the factory shall be checked and in applicable cases the original copy or certified copy of these may be seized as per the provisions of law.

(h) During the inspection, equipment used in pollution—such as hose pipe; equipment used in production of prohibited polythene, and so forth; equipment used in hill/dune cutting or equipment used in reservoir filling or illegal sand; or stone quarrying/other evidence—may be seized in due process as per provisions of law.

(i) Modern technology can be used in the inspection report where it is necessary to insert information regarding distance/height/volume, and so forth, along with the inspection. For example, satellite image data (future advanced technology data using AT and/or IOT) can be used when inserting information about the volume of reservoir filling and hill cutting and the distance from various institutions (such as distance from an educational institution to a brick kiln, and so forth). In this case, specialized institutes and universities can assist.

The Cabinet Division of the Government of Bangladesh provided guidelines stating that in the ETP area of every industrial plant, IP cameras must be installed to monitor whether wastewater treatment process is being properly carried out using ETPs constructed within various establishment. In the inspection report, the details of the IP cameras installed in the ETP of the organization can be included. The report should include details of the status of the ETP and IP camera in terms of their functionality, technology, workability, whether they were operational, whether the size and specification are appropriate and proportional to the establishment. In case the ETP or IP camera were not functional or in operation at the time of the visit, the inspector should seek an explanation from the representative of the establishment and record that for the report. The inspector will request the functioning log of the ETP/IP camera for further inspection at the office. In addition, if better technology is developed in future, environmental monitoring activities should be conducted using it. In this case, the relevant Acts and Rules must be followed.

Upon completion of the inspection activities, the inspection team shall furnish a report containing information, samples, evidence, and other proof obtained during the inspection is one of the prerequisites for enforcement activities. The inspection report should clearly mention the following:

(a) Date and time of inspection
(b) Name and full address of the industrial establishment/factory/project/accused
(c) Full address of location/place of occurrence
(d) Name, designation, and full address of the representative of the DoE inspection team
(e) Name and full address of neutral witness obtained (copy of NID card where applicable) and mobile number
(f) Name and full address of factory representative (copy of NID card where applicable)
(g) Amount of daily production of goods
(h) Nature, extent, and amount of pollution
(i) Extent and duration of hill/dune cutting including land schedule/reservoir filling
(j) Amount of stone or sand extraction
(k) Extent of pollution by noise and odor
(l) Site/environmental clearance / Information regarding renewal of exemption
(m) Details of surrounding conditions of the industrial establishment/scene (ECA area, protected area, reserve forest, archaeological site, other sensitive structures/areas, and so forth, if applicable).

In the report, if any section of BECA, 1995, is violated, the sections should be clearly mentioned, and the necessary legal action should be recommended accordingly.

The inspector/inspecting team will submit the inspection report to the Director (MEW) within 10 working days (chapter 2.3). Within the same deadline, the inspector/inspecting team will provide the basic information of such report to the MEW for disclosing the enforcement activity as per chapter 9 of these Guidelines.

An adequate inspection report is essential to carry out legal enforcement against any person or organization, it is necessary to know the scope/extent and parameters of the violation, pollution, or damage to the environment. For that, the inspection report should mention these issues properly, fulfilling the requirements for a potential case at the Environment Court or the SMC (Section 6(3) of the ECtA, 2010). Exceptionally, the Special Magistrate may receive the complaint without an inspection report if the SMC is (a) satisfied that the complainant had made a written request to the inspector and no action had been taken within 60 (sixty) days after such request[5]; (b) the complaint deserves to be taken into cognizance for trial; and (c) the inspector or the Director General has been given reasonable opportunity of being heard. If the SMC deems it appropriate, it may direct the inspector to inspect the complaint.

[5] Bangladesh Environment Court Act, 2010, Section 3.

(See appendix 3 for sample container-sealing form, appendix 4 for sound-level test format, and appendix 5 for sample format of inspection reports of various sites, factories, establishments, and projects).

5.2 Enforcement Activities

Upon receiving and reviewing the inspection report in accordance with Section 7 of BECA, 1995, the officer authorized by the Director General will determine which sections of the Act and Rules have been violated and decide to commence enforcement operations accordingly. As such, the officer authorized by the Director General may make any one of the following three decisions:

(a) Decision to conduct a hearing

(b) Decision for re-inspection or inspection

(c) Decision to conduct enforcement operation

Guiding principles for such decision-making shall be (a) to limit bottlenecks at environmental courts and delays in judicial cases, (b) to increase effectiveness of enforcement activities. Therefore, decision to either conduct a hearing or to re-inspect should be clearly substantiated against the impossibility to proceed with conducting enforcement operation.

Key information regarding the inspection reporting, the decision on the type of enforcement activity chose, and enforcement operations (as the case may be) against accused industrial entities shall be recorded in accordance with the formats provided in Appendices 16 and 17 to ensure uniformity of data collection and enforcement monitoring.

5.2.1 Process for Enforcement Hearing

The MEW Director, or any other director empowered for enforcement, is responsible for enforcing Section 7 of BECA, 1995, in line with statutory decisions. An officer authorized by the Director General will review the inspection report or sample analysis report received. Based on this review and relevant rules under the act, the authorized officer will hear the accused in the matter. The hearing process can be divided into the following three main steps:

1. Dispatch of notice of hearing
2. Hearing of the accused by the officer authorized by the Director General
3. Issuing orders, and so forth, at the end of the hearing

5.2.1.1 Notice of Enforcement Hearing

For taking an enforcement hearing by the authorized officer, a notice shall be sent to the accused. The authorized officer will prepare a notice specifying the subject of the complaint, place, date, and time (if applicable) and the resulting violation of BECA, 1995, provisions or the relevant rules issued under the environment-related laws. The notice shall be signed by the authorized officer conducting the hearing, and the notice shall direct the accused and, when applicable, the complainant to appear in person/through their authorized representative (where applicable) along with the date, time, place of the hearing and other relevant documents. All hearings will be conducted at the DoE headquarters. However, the notice will give the option to the accused and, when applicable, the complainant to attend the hearing through videoconference from the premises of a DoE district office.

In addition, the notice shall state the name, designation, and office/contact address of the accused/accused industrial establishment or project and the director shall send the notice signed by the authorized officer shall be sent by registered post or by the DoE's own manpower to the recipient and preserve the received copy on file. Further, the notice can be sent to the email address of the accused from the prescribed e-mail address of the authorized officer. In case of nonappearance of the accused in the first notice, a second (and final) notice specifying the date of next hearing shall be sent. The second notice must state that this is the final notice and that an ex parte/unilateral enforcement order will be issued if the accused does not appear.

If the accused cannot attend the first hearing or needs more time to assess the complaint, then the accused may request the DoE to schedule a new hearing. The adjournment request must be in writing and submitted to the DoE in advance of the date of original hearing. If the DoE accepts the reasoning of the accused's request, then the authorized officer will issue a second notice and set a new date of hearing within 7 working days of the date of service of the notice. When setting the new hearing, the authorized officer must comply with the maximum 30 days (and 15 days of extension) as per Rule 3(2), ECR 2023.

If the hearing is adjourned/cancelled on any date for any unavoidable reason, the Director shall inform the accused person/establishment before the scheduled date of hearing through notification. In this case, the concerned authorized officer can mention the date of the rescheduled hearing, which shall not take place more than 7 working days from the initially contemplated date. Hearings so adjourned shall not cumulatively exceed the timeline envisaged in Rule 3(2), ECR 2023 (see appendix 17 for a detailed timeline).

After the issuance of all hearing notices, the accused as well as the complainant (where applicable) and the concerned District/Metropolitan and Divisional/Regional Offices of the DoE shall compulsorily be sent the notice by official e-mail. (See appendix 6 for Notice of Admission of Hearing, appendix 7 for sample format of Notice of Adjournment of Hearing, and appendix 17 for timeline for enforcement activities after complaint.)

5.2.1.2 Hearing of Accused by Authorized Officer

5.2.1.2.1 Considerations in Conducting a Hearing

The main purpose of the enforcement hearing is to decide based on the prima facie evidence/proof of the complaint. On the date and time fixed in terms of the notice of hearing, the accused shall appear at the appointed place and sign their name in the appointed attendance registrar and submit copies of the notice along with other necessary documents for example, copy of national identity card, copy of ID card issued by the institution, power of attorney if appropriate representative on behalf of the accused, attested copy of site/environmental permit/permit renewal if permit/renewal application, attested copy of permit/renewal application, attested copy of applications for sample testing at the DoE's laboratory. Copy (if applicable), attested copy of test report of samples given by the DoE laboratory (if applicable), certificate/deed of ownership (if applicable), attested copy/information regarding appeal pending in Appellate Authority at the MoEFCC or case pending in any competent court (as applicable), and so forth.

5.2.1.2.2 Prosecution Procedures in Enforcement Hearings

The officer assigned/empowered by the Director General to prosecute will the documents submitted by the accused and the information obtained from the relevant documents of the DoE

in the prescribed form and will be present in the hearing room with the relevant documents. In the hearing room, if the officer authorized by the Director General gives permission to commence the hearing, the hearing of the accused shall commence in the order of attendance received on the day fixed in the attendance registrar. At the commencement of the enforcement hearing, in the presence of the accused, the officer authorized to implement enforcement prosecution shall read the charge against the accused. The officer authorized by the Director General shall inquire whether the accused has any reply/statement or explanation/argument regarding the complaint.

If the accused gives a reply/explanation/argument in self-defense or admits the charge brought, the assisting officer of the officer authorized to prosecute the enforcement will record the same, and the prosecution team will ask supplementary questions to the accused in view of the reply/explanation/argument of the accused. At the time of conducting the hearing, record the statement and answer and take the signature of the accused present. The document, along with the reply signed by the accused present, the documents filed, and the filled hearing form should be produced before the officer authorized by the Director General. The officer authorized by the Director General will review the documents submitted and take a decision following Section 7(1) of BECA, 1995 if the issue of environmental/environmental damage is proved after reviewing the documents submitted.

The statement of the authorized representative of the aggrieved person/entity is taken in the enforcement hearing following a complaint by any person/entity.

5.2.1.2.3 Compensation Calculation Process at Enforcement Hearings

As directed by the officer authorized by the Director General empowered to do enforcement during the hearing, the prosecution team shall calculate the environmental compensation sanctioned by the Director General for the pollution committed as per the circulars/office orders issued by the Director General from time to time and submit the table for determination of compensation to the Director immediately for decision.

Demands for compensation can be levied for the following activities/incidents: illegal establishment or operation of industrial establishments/projects or conduct of any activities that damage the environment as described in the circulars/office orders issued by the Director General of the Department from time to time. Following are examples of such activities/incidents:

(a) Construction and operation of brick kilns
(b) Illegal sand mining
(c) Illegal construction of multistory buildings
(d) Damage to the island of Saint Martin
(e) Reservoir filling
(f) Hill/dune cutting
(g) Battery-manufacturing activities
(h) Paper/board-mill operations
(i) Tannery activities
(j) Edible-oil factory
(k) Washing-plant operations

(l) Rerolling activities
(m) Steel-mill operations
(n) Cement-factory operations
(o) Ready-mix factory activities
(p) Noise and vibration
(q) Gas-factory operations
(r) Printing activities
(s) Solid-waste activities
(t) Health-care activities
(u) Dockyard (ship/shipbuilding/repair) activities
(v) Discharge of oil/oily substances into sea/river
(w) Salt-factory operations
(x) Activities damaging Bhawal National Park's environment or ecology
(y) Production/stocking/sale of prohibited polythene products
(z) Factory production activities using hazardous raw materials/waste materials
(aa) Illegal extraction of stones from a riverbed
(bb) Pest-infestation activities of public transport, hotel, restaurants, boarding, hospital, residential, or commercial buildings
(cc) Sugar mill and sugar refinery mill operations
(dd) Odor-producing activities
(ee) Lifesaving drug formulation/Drug raw material manufacturing activities
(ff) Porcelain utensils and tiles activities
(gg) Dairy factories and soft drinks and beverage operations
(hh) Textile-dyeing factory operations
(ii) Operation of factories/projects without environmental clearance
(jj) Operation of factories/projects without renewal of environmental clearance
(kk) Violation of conditions of environmental clearance/renewal
(ll) Establishment of factories/projects, and so forth, without obtaining site clearance
(mm) Damage to ECA area
(nn) Stone breaking/crushing
(oo) Power-plant operation
(pp) Environmental pollution/damage to environment by any kind of activity
(qq) Other activities related thereto in the light of the Environment Act and any rules issued under this act, and so forth.

As per Section 7 of BECA, compensation shall be determined considering the polluter pays principle for any activity/incident as per the rate of compensation prescribed in the circular/office order issued by assessing environmental and environmental damage. For this reason, compensation should be determined by the magnitude of the environmental/ecological damage, considering the types of pollution such as solid waste, gaseous waste, liquid waste, medical

waste, e-waste, noise, hazardous waste, odor, adverse impact on the environment and surroundings caused by a particular activity/event and the extent of this adverse impact, and so forth.

Additionally, as per Section 15 of BECA, when determining the penalties for the environmental violation, the courts should apply the polluter pays principle, considering the risks or actual damaged caused to the environment as well as the violator's ability to pay and any history of repeated offenses. Higher fines for repeat offenders emphasize the consequence of noncompliance, encouraging better environmental practices. The DoE's enforcement reports and files sent to the SMC or the ECt should emphasize these aspects to inform the court's decision. To ensure fairness, the DoE will include the information in a circular/office order for the SMs and EMs to reference when setting penalties, which will enable informed decision-making.

To address challenges and minimize errors in the collection of fines and compensation, an automated system for issuing warnings, fines, and other sanctions will be adopted and shall be implemented by end of Fiscal Year 2025. Such a system can streamline enforcement procedures, enhance accuracy, and ensure consistency in enforcement actions across different cases (chapter 9 of these Guidelines).

(See appendixes 10 and 11 for information regarding the compensation rates for various activities/incidents causing damage to the environment and surroundings, as per Section 7 of BECA.)

5.2.1.3 Issuing an Order at the End of the Hearing

5.2.1.3.1 Considerations in Issuing an Order

At the end of the hearing, the officer authorized by the Director General will pass the order in the light of sections of relevant laws, various rules, notifications/circulars/office orders, various judgments, and orders of the higher court regarding environmental protection, taking into consideration the nature, scope/extent of the violation done by the accused, damage to the environment and surroundings, and so forth. Aggrieved by the order issued by the officer authorized by the Director General during the enforcement hearing, the accused may file an appeal under Section 14 of the Bangladesh Environment Conservation Act, 1995 (Amended 2010). It is noted here that a copy of the order in case of hearing of complaint received under Section 8 of Bangladesh Environment Conservation Act, 1995 (Amended 2010) will be sent to the complainant/remedy seeker during hearing. At the same time, information regarding hearing orders will be published on the official website of the DoE to ensure citizen-driven accountability.

5.2.1.3.2 Example of Enforcement Order

If the officer authorized by the Director General issues an order under Section 7 of the Bangladesh Environment Conservation Act, 1995 (Amended 2010), the DoE has no legal authority to review/amend/change/extend/modify this order in any way. A copy of the order signed by the officer authorized by the Director General shall be given to the accused instantly, and the accused's receipt copy shall be preserved on record, and a copy be sent to the complainant by e-mail or by registered post or by special carrier. In addition, a copy of the order can be confirmed and sent to the concerned DoE office by official e-mail or registered post. According to the nature of the offense committed by the accused for violation of BECA, 1995, in the light of Section 7 of the same Act, the order at the end of the hearing of the enforcement

proceedings may mention one or more of the following matters. Examples of different types of orders follow:

(a) In the event of a proven violation of the Bangladesh Environment Conservation Act, 1995 (Amended 2010), necessitating compensation for damage to the environment and ecological systems, the specified compensation amount, initially determined by environmental damage management and approved by the appropriate authority pursuant to Section 07 of the same act, shall be remitted within the designated timeframe, with funds directed to be deposited via demand draft/pay order to the DoE Director General, Dhaka, or through the treasury challan code prescribed for the DoE.

(b) Issuing pollution control orders to establish, operate, modify, adjust, or overhaul ETP/STP/ATP systems within a specified period (typically 1 to 3 months). During this period, under the "polluter pays" principle, monthly payments for environmental compensation will be required. These payments are to be made to the Director General, DoE, Dhaka, either through demand draft/pay order or via the designated DoE treasury code.

Note: Such orders apply only if the location's pollution control system (ETP/STP/ATP) is under construction or currently inoperative.

(c) In the absence of renewal of site/environmental clearances/concessions, to pay the environmental compensation imposed and direct the establishment/project to take renewal of site/environmental clearances/concessions within 60 working days.

N.B.: Such orders shall be applicable to existing establishments if (a) the location-acceptable establishment has an effective pollution-control system (ETP/STP/ATP) or proper waste-management, and (b) the site/environmental clearance/concession is not renewed.

(d) Take note of the previous liquid waste sample/gaseous waste sample/noise quality test report and direct the pollution control to submit the updated report of the establishment's liquid waste/gaseous waste/noise quality test within the prescribed date.

N.B.: This order applies if the establishment or project’s license is up to date. It also applies if the previous year’s test results for liquid waste, gaseous waste, or sound quality are within acceptable levels and if tests were conducted at the prescribed times, as required by the license conditions. Additionally, the order is valid if there is no bypass of the effluent discharge.

(e) Grievance settlement order for acceptance of environmental clearance.

(f) Discharge from the complaint by considering the closure of factory operations.

N.B.: For establishments that have not previously been involved in pollution.

(g) Grievance disposal order due to removal of factory/establishment.

(h) Order regarding grant of discharge for non-pollution.

N. B.: Due to non-substantiation of allegations of pollution.

(i) Instructions for the management of the establishment by complying with the conditions of the environmental clearance.

(j) Order to remove all the equipment/installations of the establishment within the stipulated time as the presence is not acceptable as per Environment Conservation Rules, 2023.

(k) Order to deposit the compensation levied on account of damage to the environment and ecological system to the Director General, DoE, Dhaka, on-demand draft/pay order of due date or order to deposit through the treasury challan code prescribed for the DoE and to stop the activities of the establishment until the environmental clearance is received by controlling the pollution.

N.B.: This position is acceptable in case of the first offense of establishment without a pollution control system and unlicensed establishment.

(l) Order to deposit the compensation levied on account of damage to the environment and ecological system to the Director General, DoE, Dhaka, on the basis of demand draft/pay order of the specified date or through the treasury challan code prescribed for the DoE and give instructions to return the filled area to its previous condition within the stipulated time.

N.B: In the case of reservoir filling.

(m) Order to submit compensation levied on account of damage to the environment and environmental system to the Director General, Department of Environment, Dhaka, on-demand draft/pay order of due date or deposit through Treasury Invoice Code prescribed for the DoE and giving orders to restore the cut parts of hills/dunes to their original condition within the specified date and to restore the reservoir to its original condition in case of filling of reservoirs

N.B.: In the case of dune/hill cutting and reservoir filling.

(n) Within the prescribed period, the establishment is instructed to seek the renewal of the environmental clearance.

N.B.: In the case of establishments not polluting the environment and that are applying for timely renewal.

(o) Directing the management of the establishment in accordance with the order dated the specified writ petition before the Honorable High Court.

N.B. In respect of orders passed by the Honorable High Court Division in respect of writs filed by the writ petitioner or any other body.

(p) Since the liquid waste/gaseous waste/noise quality test result is for the first time, warning and directing to submit the updated report of the liquid waste/gaseous waste/noise quality test of the establishment within the prescribed time frame for pollution control.

N.B.: This type of order will be applicable if the first result of the liquid waste/gaseous waste/noise level test of the establishment that has a permit, and a pollution-control system exceeds the acceptable level.

(q) Order of re-inspection or re-inspection, and so forth. See appendix 12 for sample format of order at the end of hearing.

5.2.2 Decision of Re-Inspection/Inspection

The on-site inspection report/sample analysis report obtained must include proper data for the application of Section 7 of the Bangladesh Environment Conservation Act, 1995 (Amended 2010), evidence of pollution or damage to the environment/ecosystem, the sections of the relevant law that have been violated, or the rules that have been breached. If these details are not provided, the Director-General or an officer empowered by the Director-General may instruct the Monitoring and Enforcement Team, the previous inspector, or form a new investigation team (comprising skilled, experienced, and honest officers) to conduct a re-investigation.

5.2.3 Conduct of Enforcement Operations

With permission from the Director General, the officer authorized by the Director General may conduct enforcement operation in the instances when (a) it is found from reviewing the inspection report that pollution or damage to the ecology by the industrial establishment/project/incident/activity is not controlled, and may cause environmental or public health risk to the area; or (b) industrial entities or projects ha continued their polluting activities despite directives from the authority for compliance under the Bangladesh Environment Conservation Act, 1995 (Amended 2010), provisions of any other law regulating the environment or relevant of Rules under the law; (c) learned special magistrate or learned environment court or honorable high court has ordered the closure or eviction of an industry or project.

5.2.3.2 Preparing to Conduct Enforcement Operations

Planning should be undertaken to conduct enforcement operations. All the equipment, papers, letters, and so forth, should be prepared as per the checklist for conducting the enforcement operation. Prepare a map of the possible location of the incident site and form different groups of the members of the operation team (Sampling Team, Evidence/Consignment Seizure Officer, Power Disconnection Team, Gas Disconnection Team, Water Disconnection Team, Excavator Operating Team, Transportation and other Logistics Provider/Coordinating Team, Fire Service Team, Video Recording and Photographer Team, Coordinating with Law Enforcement Agency (Police, Ansar, RAB and Coast Guard), Assisting the learned Executive Magistrate, and so forth, and assign each member their respective responsibilities during the operation. It should be noted here that the name, title, and mobile number of each faction's leader should be prepared, and a copy should be handed over to all the factions. The officer authorized by the Director General will oversee the overall implementation of enforcement operations. In this case, Section 4A(1)(2)(3) of the Bangladesh Environment Conservation Act, 1995 (Amended 2010), should be followed.

5.2.3.2 Examples of Procedures To Be Followed in Enforcement Operations

The enforcement operation will be conducted under the leadership of the officer authorized by the Director General. All members of the operation team will be present on the day of the operation at the pre-arranged time and place.

Prior to the operation the leading officer will brief everyone on the tactical aspects of the enforcement operation. On reaching the spot, the leading officer will instruct all team members to start individual activities as per predefined duties. Following the leading officer' instructions, the law enforcement forces will ensure the safety of the entire team; the sample collection team will collect the samples as per the rules, and the video recording and photography team will

record and photograph the entire operation, including the collection of samples, the service disconnection team shall disconnect the service, the officer/officers seizing the signs/goods shall prepare and sign the seizure list as per the provisions of law after seizing the signs/goods, the learned Executive Magistrate shall issue necessary legal directions to maintain law and order and conduct Mobile Courts as per applicable law, transport and other logistics providers/coordinating team shall load the seized tokens/goods (if any) of workers' aid in vehicles transporting them with caution and coordinate all vehicles/transportation of the expedition as applicable.

In enforcement operations, the officer authorized by the Director General shall conduct an immediate hearing and issue any other lawful orders/directions, including compensation orders. Enforcement operations must be carried out as expeditiously as possible for strategic reasons. All the team members will leave the scene together when it is confirmed that the work of all the factions of the expedition has been completed. It must be ensured that all team members have left the scene. In this case, each team coordinator will confirm this by counting the team members. If the operation is conducted on the order of the learned Special Magistrate / learned Environment Court or Honorable High Court, then the Director (Enforcement) / Director empowered to do enforcement shall prepare a compliance report in this regard and ensure that it is sent to the concerned court in a timely manner through proper channels.

5.3 Steps to Follow in Post-Enforcement Activities

After the MEW passes the enforcement order, four possible scenarios may arise:

1. The accused accepts the order and complies accordingly. In this case, the MEW shall preserve the inspection report and keep records of the enforcement proceedings and outcomes for future reference and data management.
2. The accused does not accept the enforcement decision or violates it. The MEW shall direct the inspector to re-inspect the complaint and prepare an updated report for the review of the MEW Director or other authorized officer. The Director Enforcement shall base their decision on the findings of the updated report and inform the accused of the decision. After final enforcement decision has been made, if the accused continues the activities that causes pollution or environmental or ecological degradation, then the DoE may conduct an enforcement operation for the closure of the polluting establishment or direct a MC operation. In case of nonpayment of fine imposed, the DoE inspector may institute a case of public demands recovery or under BECA against the accused. Contrarily, the inspector may constitute a case against the accused at the SCM or the ECt.
3. The accused may not accept the enforcement order and file a writ petition at the HCD, in which case the MEW shall provide full support to the DoE Legal Wing to present arguments in favor of the enforcement order.
4. If the accused appeals against the enforcement order to the Appellate Tribunal of the MoEFCC, then the MEW representative shall appear at the appeal hearing with appropriate documentation and evidence and provide necessary arguments in favor of the enforcement order. After the appeal order has been issued, the MEW shall collect and preserve the orders of the appellate authority.

6. MoEFCC Appellate Authority: Procedure for Filing a Case at the End of Enforcement Activities

The ECtA, 2010, enables the government to establish a Special Magistrate's Court (Section 5) in every and an Environment Court (Section 4) in each district for the purpose of adjudicating litigation under BECA, 1995. Cases against the violation of Section 7 of BECA, 1995 may be constituted in these courts. According to Section 7 of the Bangladesh Environment Conservation Act, 1995 (Amended 2010), individuals or institutions violating environmental laws can be legally pursued with a case for environmental compensation and potential criminal charges under the same act, as well as for offenses under relevant sections of any other environmental act or Rules issued under the Environment Act.

There are the procedural steps for filing regular cases in light of the Environment Court Act, 2010, for violation of any of the following: relevant sections of BECA, 1995; related sections of any other law related to the environment; or the relevant provisions of any rules issued under the environment-related acts under the order of enforcement activities. Following are those procedural steps:

(a) At the end of the enforcement activities, the Director MEW/Director empowered to conduct enforcement will refer the enforcement case to the concerned subordinate DoE office.

(b) List of seizure verified by the Director, affidavits (where applicable), lab reports (where applicable), DoE notices, reply to notices, violation of permit/permit renewal conditions (where applicable) shall be attached with the case referral.

(c) Review of environmental pollution complaint register, enforcement register, case register, and writ case register (where applicable) of the concerned office of the DoE prepared by the subordinate office.

(d) Prepared FIR for recovery of compensation/criminal offense with details of the incident by the concerned officer of the concerned office of the DoE.

(e) Approval of the FIR by the head of the concerned office of the DoE.

(f) Filing of FIR, and so forth, in the concerned police station and learned court.

7. Environmental/Ecological Compensation Assessment and Compensation Procedures

Three issues can be initially identified to solve issues relating to the above topic:

(a) Determining the nature of pollution or violation of various regulations under the act, including the provisions of the Bangladesh Environment Conservation Act, 1995 (Amended 2010).

(b) fixing/determining the rate of compensation according to pollution.

(c) Determining the extent/level of contamination.

A. Determining the nature of pollution or violation of various regulations under the law including the provisions of Bangladesh Environment Conservation Act, 1995 (Amended 2010). It can be seen from the review, in the discussed example, all types of crimes have been committed, such as the following:

(a) Compensation for water pollution

(b) Compensation for hill-cutting/razing

(c) Compensation for air pollution

(d) Compensation for noise pollution

(e) Compensation for operating factories/projects without site/environmental clearance or clearance renewal

(f) Compensation for wetland filling

(g) Compensation for disobeying orders of the DoE

(h) Compensation for inappropriate management of solid waste/e-waste/medical waste

(i) Compensation, and so forth, for other applicable reasons

B. Compensation Calculations

For industries discharging wastewater:

Wastewater flow in m^3/hour * Factory's working hours/day * Days of noncompliance * Compensation rate per m^3 of wastewater

(a) Criteria for measuring wastewater flow

- Reading, during inspection, of the factory's built-in flow meter/factory recording/portable flow meter; the reading will be based on wastewater flow.
- If the above is not possible, then the approved design and the calculation of the ETP will be the basis for determining wastewater flow.
- Where there is an ETP, the inspector shall check that the entire effluent is going through the ETP. If a discrepancy is suspected between the ETP's capacity and the factory's unit production, then the inspector shall track any upstream bypass.
- If the factory is running without an ETP, then the maximum water discharge (or volume) per unit production (as per national and international practices as well as water consumption per day) will be considered (as indicated by the factory's water

meter or water bill if any, or as per national and international practice, such as the water required for washing or dying 1 ton of fabrics).

(b) Duration (in days) of noncompliance will be measured from the following

- If the ETP is connected to an online system that monitors wastewater quality in real time, use that system for compliance checks. If the system only tracks flow rate or operating hours, follow the earlier procedure. To determine noncompliance days in these cases, see the next bullet point.
- If the ETP is offline, the duration is calculated from the date of noncompliance to the last previous date of compliance. In the absence of a prior compliance date, the duration will be counted from the date when the facility started operating.
- For industrial units without an ETP, the duration is calculated from when the facility started operating to the inspection/sample collection date.

For industries emitting gaseous pollutants (point source or stack):

Gaseous flow in Nm^3/hour * Factory's working hours/day * Days of noncompliance * Compensation rate per Nm^3 gaseous waste

(a) Criteria for measuring gaseous flow

- Quantification of the flow will be based on data from the measurement of stack emissions.

(b) Duration (in days) will be measured from

- If the stack is part of an online monitoring system, then the duration time of noncompliance will be collected from that online system.
- If the stack is offline, then the duration is calculated from the date of noncompliance to the last previous date of compliance. In the absence of a prior compliance date, the duration will be counted from the date when the facility started operating.

C. Different types of pollution have occurred at different times in the example discussed. Therefore, a separate assessment must be made for each type of pollution or natural resource degradation/depletion. For instance, water and air pollution need to be timed. The extent of pollution from hill cutting must be accurately determined, and the Khatian and Mauza maps must be collected to verify if the land is classified as a hill or dune. For noise pollution, the area affected by excessive noise must be identified. Additionally, the extent of any factory or project expansion without site/environmental clearance must be determined. It is also necessary to accurately measure the duration and extent of reservoir filling and to collect the Khatian and Mauza maps to verify if the land is classified as a reservoir.

Example:

A. Specimen for determination of amount of compensation for water pollution (this shall be considered as specimen only):

Compensation **=**
Period of pollution (in days)
x Rate of compensation fixed by DG for water (in BDT)
x Amount of effluent released into the environment (in $m^{3)}$

B.	Specimen for determining the amount of compensation for air pollution (this shall be considered as specimen only):	***Compensation* =** Period of pollution (in days) **x** Rate of compensation fixed by DG for Air Pollution (in BDT)
C.	Specimen for determination of amount of compensation for environmental damage caused by hill/dune cutting (this shall be considered as specimen only):	***Compensation* =** Amount of hill/dune cut (in $ft^{3/}ft^2$) **x** Rate of compensation fixed by DG for each (in $ft^{3/}ft^2$) of hill/dune cut
D.	Specimen for determination of the amount of compensation for noise pollution (this shall be considered as specimen only):	***Compensation* =** Extent of area in which noise pollution is spread (in ft^2) **x** Rate of compensation for noise pollution fixed by DG (in BDT)
E.	Specimen for determination of the amount of compensation for operation of factories/projects without site/environmental clearance or renewal of clearance (this shall be considered as sample only):	***Compensation* =** The Director General fixes this rate of compensation according to the extent to which the factory or project is established and operated.
F.	Specimen for determination of the amount of compensation for damage to environment/environment through filling of reservoirs/reservoirs/wetlands (this shall be considered as a specimen only)	***Compensation* =** Amount of reservoir/reservoir/wetland filled in ft^3 **x** Extent or duration of filling of reservoir/reservoir/wetland–that is, in number of days during which the reservoir/reservoir/wetland is filled **x** Rate of compensation fixed by the DG for filling of reservoir/reservoir/wetland (in BDT)
G.	Specimen for determination of the amount of compensation for noncompliance of orders of the DoE (this shall be considered as a specimen only):	***Compensation* =** Rate of compensation determined by the DG according to the amount or number of violations of the conditions of the spatial/environmental permit, the renewal of the permit, or the conditions given by the DoE

Example:

Knitting, washing, dyeing, and printing activities are carried out in a factory called "A'" From the results published by the DoE laboratory on July 27, 2023, it can be seen that the analyzed BOD result of the sample collected by the DoE laboratory of the DoE on June 25, 2023, is outside the standard set by the Environment Conservation Rules, 2023, since the BOD was found to be 67 mg/L. In addition, the factory has a diesel-powered generator, which generates electricity through diesel. Its SPM is determined and found to be outside the standard (for example, SPM 728 µg/L is found). The noise level of generators operating in the factory is also

checked. It can be seen from the test that the noise level is 77 dB and 82 dB on the north and west sides of the factory.

The factory has not had a license renewal for the last 2 years. Furthermore, the factory is illegally carrying out printing activities, and for this purpose, outside the 3-acre area for which the environmental clearance of the factory has been obtained, the building has been constructed along with land development for setting up a new factory building on about 1 acre. The factory has illegally cut down about 30 per cent of the area to set up this new building. At the same time, the factory has illegally filled up a mountain ridge or reservoir located on 10 per cent of the site for building construction. The factory has carried out factory expansion activities in defiance of the orders of the DoE.

Special Note (Disclaimer):

The DoE conducts enforcement activities considering the Environment Conservation Act, 1995 (Amended 2010) and related rules. It is a shadow-judicial (quasi-judicial) system where the judicial wisdom (judicial mind) of the Director MEW/Director empowered to do enforcement is impartially applied in addition to circumstantial evidence. No question shall be raised, or administrative action taken, in this regard without appeal to the Appellate Authority at the MoEFCC against the judicial discretion of the Director MEW/Director empowered to do enforcement. Conventional rules are followed in the continuation of the proceedings in the application of appealable proceedings. Considering the circumstantial situation at the field level in settling any proceedings, even if the successive steps described in these Guidelines are not properly followed, if the prevailing laws and rules are ensured, it cannot be considered as any deviation of the proceedings.

8. Duties of the Representative of the DoE at the Appeal Hearing of the Ministry's Appellate Authority

8.1 Preparation for the Appeal Hearing

Before attending the appeal hearing, the DoE representative will thoroughly be prepared by (a) reviewing all necessary evidence, (b) collecting the latest progress and updated reports on the case, and (c) examining all relevant regulations, such as BECA and other rules. Information on any pending cases against the establishment involved in the appeal should be collected and its relevance to the ongoing appeal hearing, if any, should be included in the written statement and the oral presentation.

8.2 Presentation at the Appeal Hearing

At the appeal hearing, the DoE representative shall submit a written statement alongside the oral presentation. The written statement will include all relevant information and evidence such as Google maps, documentary images, and videos. The presentation should include specific numbers or amounts avoiding approximations. Additionally, updated information on any pending cases against the establishment involved in the appeal should be highlighted during the hearing.

9. Data Management and Disclosure of Enforcement Information

9.1 Reporting

Subordinate offices on shall report on noncompliant projects or industrial units, which the MEW will disclose on DoE's website. Deadlines for subordinate offices to submit report are (a) November 15 (for the reporting period: July 1 to October 31), (b) March 15 (for the reporting period November 1 to February 28/29), and (c) July 15 (for the reporting period March 1 to June 30) of each year. The MEW will publish the quarterly report on the DoE website on the 30th day of November, March, and July, respectively. Additionally, based on the quarterly reports, DoE/MEW will consolidate and publish through gazette notification by July 31, the list of noncompliant projects or industrial units of the previous fiscal year. The same list will be shared with NBR for imposing the environmental protection surcharge.

Information for Disclosure: As detailed in appendix 16, the following information on the polluters must be disclosed on the DoE's website:

(a) Name of business/unit
(b) Location
(c) Details of noncompliance—date, act(s), rule(s) with sections
(d) Mechanism to ensure compliance
(e) Deadline to report compliance
(f) Authority to report compliance: Respective DoE office
(g) Whether the entity has been on the polluters list in the previous fiscal year
(h) Whether the entity has been on the polluters list for two or more preceding fiscal years

The gazette notification will include only the name and location of the project or industrial unit with reference to the DoE's website.

9.2 Environment Protection Surcharge

Through the MoEFCC, the DoE will share the list of polluters with the NBR to impose the Environment Protection Surcharge (ESP). The Government of Bangladesh, through chapter 6, Section 67 of the Finance Act, 2014, introduced an ad valorem EPS on all products and commodities produced by identified polluting establishments in Bangladesh. The polluting establishments will incur a 1 percent ESP on the value of all commodities they produce in Bangladesh. The Environment Protection Surcharge (Collection and Payment) Rules, 2017 (EPSR) in S2 clarifies that the surcharge will be imposed on industrial entities that cause changes in temperature, taste, smell, density and other physiochemical characteristics of air, water, soil, or any other component of environment. The DoE's annual preparation of the updated list of the polluters will enable the NBR to impose this surcharge effectively. Furthermore, the DoE must flag in the list the polluters that are repeat offenders in two prior fiscal years or more, so that the NBR can impose the incrementally increasing rates of surcharge for repeat offenders.

9.3 Mitigation Measures (Air Pollution)

As per Section 6 of the APCR, 2022, the facilities included in the list of major air polluters must prepare and submit a mitigation plan to the DoE within 30 working days of the issuance of the enforcement order or the MC order. Within 10 working days of receiving the mitigation plan, the

DoE either approves or declines the mitigation plan. If the DoE declines, clarification on further requirements should be provided and another deadline for proposal resubmission should be set. If the DoE approves the plan, the MEW shall set deadlines for implementing the mitigation plan and communicate it to the polluting establishment. After the deadline to implement the mitigation efforts, the DoE will conduct unannounced visits to the polluting entities to check the status of their mitigation measures. If the polluting establishment's mitigation measures are not aligned with the approved proposal, the inspector may initiate enforcement or operate MC. However, under the provisions of the APCR, 2022, and BECA, 1995, the penalty for violations cannot exceed two years imprisonment and/or BDT 10 lakh.

Appendices

Appendix 1. Excerpts of Laws and Regulations Pertinent to the Guidelines

1. Bangladesh Environment Conversation Act, 1995

Section 4: Power and functions of the Director General

(1) Subject to the provisions of this Act, the Director General may take such measures as the Director General considers necessary and expedient for the conservation of the environment and improvement of environmental standards, and for the control and mitigation of environmental pollution, and the Director General may issue necessary directions in writing to any person for the discharge of the DG's duties under this Act.

(2) And without prejudice to the generality of the foregoing power, such measures may include any or all of the following

(a) Co-ordination with the activities of any authority or agency having relevance to the objectives of this Act.

(b) Prevention of probable accidents that may cause environmental degradation and pollution, undertaking safety measures and determination of remedial measures for such accidents and issuance of directions relating thereto.

[…]

(e) searching any place, examining any equipment, manufacturing or other processes, ingredients, or substance for the purpose of improvement of the environment, and control and mitigation of pollution; and issuance of direction or order to the appropriate authority or person for the prevention, control, and mitigation of environmental pollution.

(f) collection and publication of information about environmental pollution.

[…]

h) carrying out programs for observation of the quality of drinking water and preparation of reports thereon and rendering advice or issuing direction to the concerned persons to follow standards for drinking water.

(3) A direction issued under this section may include matters relating to closure, prohibition or regulation of any industry, undertakings or processes, and the concerned person shall be bound to comply with such direction:

[Provided that

(a) The Director General, before issuing a direction of closure or prohibition of an industry, undertaking, or process, shall send to the owner or occupier thereof a written notice so that the owner or occupier gets reasonable opportunity to make that industry, undertaking, or process environmentally sound; and

(b) Where the Director General considers it appropriate, the Director General may also specify in the notice that actions under Subsection (2) of Section 4A may be taken if,

pursuant to the notice, measures are not taken to make the relevant activities environmentally sound:]

Provided further that, if the Director General considers that, due to a particular environmental pollution, public life is likely to be in danger and that urgent action is necessary, the Director General may immediately issue necessary directions.

(4) A time limit may be specified by the Director General for carrying out a direction issued under this section.

[4A Assistance from law enforcing agencies and other authorities: (1) The Director General or a person authorized by the Director General may, for the purpose of exercising any power or performing any function under this Act, request any law enforcing agency, or any other government or statutory authority to render necessary assistance, and upon such request that agency or authority shall render the assistance. (2) Where the Director General issues a direction for closure, prohibition or regulation of an industry, undertaking or process under Section 4(3) and the owner or occupier thereof does not comply with the direction, the Director General may direct the provider of electricity, gas, telephone or water or all such services or any other service provided to the industry, undertaking or process to disconnect the service. (3) Where a direction is issued under Subsection (2), the concerned person or institution shall be bound to take necessary action as specified in the direction.]

Section 7: Remedial measures for injury to ecosystem

(1) If it appears to the Director General that any act or omission of a person is causing or has caused, directly or indirectly, injury to the ecosystem or to a person or group of persons, the Director General may determine the compensation and direct the first-mentioned person to pay it and, in an appropriate case, also direct the first-mentioned person to take corrective measures, or may direct the person to take both the measures; and that person shall be bound to comply with the direction.

(2) If a person to whom a direction under Subsection (1) has been issued fails to comply with the direction, the Director General may file a suit for compensation in the competent court or file a criminal case for failure to comply with the direction or file both kinds of cases.

(3) For the purposes of determination of compensation or corrective measures under Subsection (1), the Director General may engage any specialist and other persons.

(4) The government may direct the Director General to take any action under this section and to submit a report thereon.

[…]

Section 9: Discharge of excessive environmental pollutants, and so forth

(1) Where, due to an accident or other unforeseen incident, the discharge of any environmental pollutant occurs or is likely to occur more than the limit prescribed by the rules, the person responsible and the person in charge of the place of occurrence shall take measures to control or mitigate the environmental pollution.

(2) The persons referred to in Subsection (1) shall immediately inform the Director General of the occurrence, or the likelihood of such occurrence, as mentioned in that subsection.

(3) On receipt of information under this section with respect to the accident or other incident, the Director General shall take necessary remedial measures to control or mitigate the environmental pollution, and the said person shall be bound to render assistance and co-operation as required by the Director General.

(4) The expenses incurred with respect to remedial measures to control and mitigate the environmental pollution under this section shall be payable to the Director General and may be realized from the persons referred to in Subsection (1) as public demand[6].

(5) If it is proved that the waste or pollutant emitted as a result of any activity under Subsection (1) has exceeded the prescribed standard in the immediate examination by the Director General or a person authorized by the Director General, the report of the said examination shall be admissible as evidence in court.

Section 10. Power of entry, and so forth

(1) Subject to the provisions of this section, any person generally or specially authorized by the Director General to do so shall have the right to enter any building or other place at all reasonable times, with such assistance as the Director General considers necessary for the following purposes, namely:

(a) To perform the Director General's duties under this Act or rules;

(b) To inspect any activity carried out at such place or building under this Act or rules or a notice, order or direction issued thereunder;

(c) To test or verify any equipment, industrial plant, record, register, document, or any other significant material;

(d) To conduct a search of a building or place if such person has reason to believe that an offense has been committed in that building or place in contravention of this Act or rule or any notice, order or direction issued thereunder;

(e) To seize any equipment, industrial plant, record, register, document, or other material that may be used as evidence of the commission of any offense punishable under this Act or rules.

(2) The person operating any industry, activity, or process, or the person handling any hazardous substance shall be bound to render all assistance to the said authorized person in discharging duties under this Act.

(3) The provisions of the Code of Criminal Procedure, 1898 (Act V of 1898) shall be followed in conducting any search and seizure under this section.

11. Power to collect samples, and so forth

[6] As per the Public Demands Recovery Act, 1913 (Act No. III of 1913)

(1) A person authorized in this behalf by the Director General may, in the manner prescribed by rules, collect from any factory, premises or other place any sample of air, water, soil or other substance for analysis."

(2) Subject to the provisions of Subsection (3) or (4), as the case may be, the report of a sample collector or the report of a laboratory or both the reports shall, in relation to a sample collected under this section, be admissible as evidence in the concerned proceedings.

14. Appeal

(1) Any person aggrieved by a notice, order or direction issued under this Act or rules may, within 30 days from the date of issuance of the notice, order or direction, appeal to the 3 Appellate Authority constituted by the government and the decision of such Authority on the appeal shall be final and shall not be called in question in any court:

Provided that the Appellate Authority may, if it is satisfied that for some unavoidable reason the aggrieved person could not file the appeal within that time, extend the period for filing the appeal by a period not exceeding thirty days.

(2) The Appellate Authority constituted under Subsection (1) may consist of one or more members:

Provided that where the Appellate Authority consists of more than one member, the government shall appoint one of the members to be the Chairperson of the Authority.

(3) An appeal filed under this section shall be disposed of within 3 months from the date of its filing.

15. Penalties

(1) For violation of a provision or for noncompliance with a direction, or for the activities specified in the following table, the penalty mentioned against them may be imposed:

Sl No.	Description of offense	Penalty that may be imposed
1	Noncompliance of a direction issued under Subsection (2) or (3) of Section 4	Imprisonment not exceeding 10 years or fine not exceeding 10 lac taka or both
2	Violation of Subsection (2) by continuing activities or processes or by initiating activities or processes, prohibited under Subsection 1 of Section 5 in an area declared as an ecologically critical area	Imprisonment not exceeding 10 years or fine not exceeding 10 lac taka or both
3	Violation of Subsection (1) of Section 6	In case of first offense, a fine not exceeding taka 5 thousand; in case of second offense, a fine not exceeding taka 10 thousand; in case of each subsequent offense, an imprisonment not exceeding 1 year or a fine not exceeding taka 10 thousand or both
4	If, in violation of a direction issued under Section 6A, any article specified in the direction is (a) manufactured, imported, marketed;	(a) Imprisonment not exceeding 10 years or fine not exceeding 10 lac taka or both (b) Imprisonment not exceeding 6 months or fine not exceeding 10 thousand taka or both

	(b) sold, exhibited for sale, stocked, distributed, commercially transported, or commercially used	
5	Noncompliance of a direction issued under Subsection (1) of Section 7	Imprisonment not exceeding 10 years or fine not exceeding 10 lac taka or both
6	Violation of Subsection (1) or (2), or failure to take remedial measures in accordance with Subsection (3) of Section 9	Imprisonment not exceeding 10 years or fine not exceeding 10 lac taka or both: Provided that where a lower penalty is fixed by rules for violation of Section 9(1), that penalty shall be applicable.
7	Failure to render, without reasonable excuse, assistance, or cooperation to the Director General or a person authorized by the Director General as required by Subsection (2) of Section 10	Imprisonment not exceeding 3 years or fine not exceeding 3 lac taka or both
8	Violation of Section 12	Imprisonment not exceeding 3 years or fine not exceeding 3 lac taka or both
9	Violation of any other provision of this Act or a direction issued under the rules or obstructing the Director General or a person authorized by the Director General in discharging their duties or intentionally delaying the discharge of such duty	Imprisonment not exceeding 3 years or fine not exceeding 3 lac taka or both

(2) Subject to the other provisions of this section, certain offenses and penalties for such offenses may be specified in the rules, but the penalty so specified shall not exceed imprisonment for 2 years or a fine of Tk 10 thousand or both.

19. Delegation of Power

(1) The government may delegate to the Director General or any other officer any of its powers under this Act or rules.

(2) The Director General may delegate to any other officer of the Department any of his powers under this Act or rules.

Brick Manufacturing and Brick Kilns Establishment (Control) Act, 2013 (Amendment 2019)[7]

Section 8. Prohibition and control of brick kiln establishment in several places

[7] Paraphrasing from original text in Bangla.

(1) Notwithstanding anything contained in any other law for the time being in force, whether there is any clearance or not, after the enforcement of this Act, no person shall establish a brick kiln within the boundaries of the following areas, namely:

(a) Residential, preserved, or commercial area;

(b) City Corporation, Municipality, or Upazilas headquarters;

(c) Public or privately owned forests, sanctuary, gardens, or wetlands;

(d) Agricultural land;

(e) Ecologically Critical Area;

(f) Degraded Air Shed.

(2) After the enforcement of this Act, the Department of Environment (DoE), or any other authority under any law, shall not give permit or clearance or license, by whatever name called, for establish of brick kilns within the boundaries of prohibited area.

(3) Any person who has received clearance from the Department of Environment shall not establish brick kilns in the following distance or places, namely:

(a) Within a minimum of 1 kilometer distance, from the boundaries of prohibited area;

(b) Without the permission of the Divisional Forest officer, within 2 (two) kilometer distance from boundaries of public forest;

(c) In the case of a brick kiln establishment on the top or slope or the surrounding ground surface of any hill or hillock, within a minimum of a 1/2 kilometer distance from the foot of the said hill or hillock;

(d) In case of brick kiln establishment in Hill Districts, in any other place except the place determined by the Hill Districts Environment Development Committee;

(e) Within a minimum of a 1 kilometer distance, from any special structure, railways, educational institutions hospitals and clinics, research institution, or any other similar place or institution;

(f) Within minimum of 1/2 kilometer distance, from Upazilas, or union or rural roads made by the Local Government Engineering Department (LGED).

(4) Before the enforcement of this section, if any clearance receiver person has already established a brick kiln within the boundaries of a prohibited area or within a distance mentioned in Subsection (3), that person will transfer within 2 years' timeframes, the said brick kiln, to a proper place according to the provisions of this Act, after the enforcement of this Act, otherwise that person's license shall be canceled. Explanation: In this section:

(a) "Residential area" means any area where at least 50 (fifty) families reside;

(b) "Wetland" means any land that is submerged under the water 6 months or more in a year, and that is declared as Ecologically Critical Area;

(c) "Ecologically Critical Area" means any area declared under Section 5 of the Environment Conservation Act;

(d) "Garden" means any place where there are 100 fruit trees, forest-grown trees, or both kinds of trees in each hectare and includes tree gardens; and

(e) "Privately owned forest" means any forest that is recognized as privately owned forest by the Forest Department and whose crown cover is expanding at least 30 percent area of forest and includes social forest or village forest.

Section 9. Issuance of license, expiration, and renewal thereof

(1) Conditions and forms and after submitting prescribed application fees, documents, and information, may file an application to the Deputy Commissioner of the District in which the brick kiln is located or any person authorized by the Deputy Commissioner, for license to manufacture bricks:

Provided that, any person cannot file such an application without environmental clearance issued under Environment Conservation Act.

(2) After receiving the application under Subsection (1), the Deputy Commissioner shall personally review the authenticity of submitted documents and information given in the application or after sending the application to the Search Committee, the Deputy Commissioner can give an order to send recommendation after searching about the truth of application, within the time mentioned in the order.

(3) If the Deputy Commissioner is satisfied regarding authenticity of submitted documents and information given in the application of license, by the Deputy Commissioner's own review or by the recommendation of Search Committee, the Deputy Commissioner can issue a license in favor of applicant, after granting the application with realization of prescribed application fees, subject to the provisions of this Act, in a prescribed procedure, forms, and conditions, for brick manufacturing.

(4) If the Deputy Commissioner is not satisfied regarding authenticity of submitted documents information given in the application of license, by the Deputy Commissioner's own review or by the recommendation of Search Committee, the Deputy Commissioner may disallow such application:

Provided that, the Deputy Commissioner shall not disallow the application of license, without giving the applicant reasonable opportunity of being heard in a prescribed procedure, time and place.

(5) Validity of license will exist till 3 (three) years from the date of issuing it.

(6) No later than 30 days before the expiration of the license mentioned in Subsection (5), the license holder shall file an application to the Deputy Commissioner or any person authorized by the Deputy Commissioner, in a prescribed procedure, condition, and form, and with the prescribed application fees, documents, and information, for renewal of the license.

(7) After receiving the application of renewal under Subsection (6), the Deputy Commissioner himself may review about the authenticity of submitted documents and information given in the application or after sending the application to the Search Committee, the Deputy Commissioner can give order to send a recommendation after searching about the truth of application, within time mentioned in the order.

(8) If the Deputy Commissioner is satisfied regarding authenticity of submitted documents and information given in the application of renewal, by the Deputy Commissioner's own review or by the recommendation of Search Committee, the Deputy Commissioner can renew the

license of applicant, after granting the application with realization of prescribed application fees subject to the provisions of this Act, in a prescribed procedure and conditions.

(9) If the Deputy Commissioner is not satisfied regarding authenticity of submitted documents and information given in the application of renewal, by the Deputy Commissioner's own review or by the recommendation of Search Committee, the Deputy Commissioner may disallow such application:

Provided that, the Deputy Commissioner shall not disallow the application for renewal of license, without giving the applicant reasonable opportunity of being.

Section 13. Inspection

(1) The Deputy Commissioner personally, any officer empowered by the Deputy Commissioner or Upazila Nirbahi Officer, any officer from the cognizant/concerned district office of Department of Environment on concerned Divisional Forest Officer, or any officer nominated by Divisional Forest Officer (not less than the office of Forester), hereinafter mentioned as "inspector", may, enter into any brick kiln and inspect thereof without any notice at any time, interrogate any person or summon any document for inspection of violation or observance of conditions for license, or commission of any offense punishable under this Act.

(2) If it appears to the inspector during inspection under Subsection (1) that any offense punishable under this Act has been committed or is being committing, the inspector may seize the goods relating to the offense—namely, bricks, soil, fuel wood, coal, machinery, equipment, materials, papers, and so forth, in a manner mentioned in the Criminal Procedure Code.

(3) If any goods are seized under Subsection (2), the inspector shall submit a written report on it to the Deputy Commissioner or any officer empowered by the Deputy Commissioner, in the prescribed manner and time.

(4) After receiving the report under Subsection (3), the Deputy Commissioner or any officer empowered by the Deputy Commissioner may examine the accuracy and authenticity of such report or after sending the report to the Search Committee, the Deputy Commissioner can give the order to send a recommendation after searching about the accuracy and authenticity of report, within the prescribed time.

(5) The Search Committee on such matter shall submit a report containing recommendations to the said Deputy Commissioner, after searching, in the prescribed manner

(6) If the Deputy Commissioner is satisfied that, by the Deputy Commissioner's own observation or by the report mentioned under Subsection (5),

a. There is no obligation to file a case, on the basis of allegations raised in the submitted report by the inspector, then the Deputy Commissioner can release the seized goods in favor of the licensee; and

b. There is an obligation to file a case, on the basis of allegations raised in the submitted report then the Deputy Commissioner shall order the inspector to file a case in the court of competent jurisdiction, without releasing the seized goods.

Section 19. Trial court, cognizance of offense, trial, and so forth

(1) Notwithstanding anything contained in Subsection (2), subject to the provisions of the Mobile Court Act, the Mobile Court, after cognizance of an offense punishable under this Act, may convict by immediate trial.

(2) Subject to the provisions of Subsection (1), any court, other than the Environment Court or Special Magistrates' Court established under the Environment Court Act, shall not take cognizance of any offense punishable under this Act and shall not try it.

(3) All the offenses punishable under this Act shall be non-cognizable and bailable.

Explanation: In this section, "Mobile Court" refers to a Mobile Court constituted under Section (4) of the Mobile Court Act.

Section 20. Confiscation

When offense is proved in trial, the court after confiscating concerned goods namely: bricks, soil, fuel wood, coal, machinery, equipment, materials, and so forth, may give order

Section 21. Application of Mobile Court Act, Environment Court Act, and Criminal Procedure Code

Subject to the provisions of this Act, the provisions of Mobile Court Act, Environment Court Act, or in proper case, Criminal Procedure Code shall be applicable for filing complaint regarding any offense punishable under this Act, cognizance, issuance of summon or warrant, bail, investigation, trial, conviction, confiscation, appeal, and so forth.

Bangladesh Environment Conservation Rules, 2023[8]

Rule 3. Application for remedy for environmental pollution or erosion damage and remedy

(1) In accordance with the provisions of the Subsection 1 of Section 8, any person or any other aggrieved person who is in danger of loss or potential harm may apply to the Director General as per Form 1 for redressal of such loss or possible loss.

(2) Within 30 working days of receipt of the application referred to in the Sub-rule 1, the Director General shall dispose of it by taking any other measures including public hearing;

However, there remains a condition that, if the application cannot be disposed of within the said period, the Director General may extend the said period by not more than 15 working days by mentioning the reason.

Rule 4. Notice for Sample Collection

When collecting any elemental sample of air, water, soil, or other from any establishment, the DoE inspector must fill out and issue a form under Section 11 of the Act regarding the collection of the sample.

[8] Paraphrasing from the original text in Bangla.

Rule 5. Classification of industrial establishments and projects for the purpose of granting site and environmental clearances

(1) For the purpose of granting site and environmental clearances by the Department, considering the extent of activities of the industrial establishments or projects and the scope, extent, and possible harmful effects on the environment and human health caused by the same, industrial establishments and projects shall be divided into the following categories, such as (a) Green, (b) Yellow, (c) Orange, and (d) Red.

Explanation: |

(a) Green-class industrial enterprises or projects have relatively little impact on the environment, including on project-affected people However, yet there is scope for mitigation measures in this category of industrial establishments or projects.

(b) Yellow-class industrial establishments or projects have a moderate impact on the environment, including on project-affected people. This type of industrial establishment or project needs to take mitigation measures to avoid environmental and social impact.

(c) Orange-class industrial establishments or projects have considerable impact on the environment, including on project-affected people, which needs to be avoided to preserve the environment. Appropriate mitigation measures can reduce the environmental and social impact of this category of industrial establishments or projects; andt

(d) Red-class industrial establishments or projects have a severe impact on the environment, including on project-affected people, which needs to be avoided to a reasonable extent to preserve the environment. Significant mitigation measures are required to reduce the environmental and social impact of this category of industrial establishments or projects.

Rule 23. Actions to be taken in the case of industrial establishment or project management without site clearance or environmental clearance

(1) In the applicable cases mentioned in Rule 6, if any information is received that any industrial establishment or project is being operated without obtaining the site clearance or environmental clearance, in that case, the Director General shall issue a notice to the concerned entrepreneur of the said industrial establishment or the project giving not more than 10 working days' time to show cause.

(2) The Director General shall arrange a hearing in the presence of all concerned within not more than 7 working days of receipt of the reply to show cause as per Sub-rule 1.

(3) If the Director General is not satisfied after taking the hearing as per Sub-rule 2, the Director General shall request the concerned authority to stop the operation of the said industrial establishment or project and disconnect the service of electricity, water, gas, and so forth, with the issuance of necessary instructions or may take any other necessary measures.

(4) In case of re-opening of the concerned industrial establishment or project after taking any action as per Sub-rule 3, the concerned entrepreneur of the said industrial establishment the project shall fill up the Form 3 for site clearance or environmental clearance along with relevant documents and details, environmental management plan and has to put on an application to the concerned office as per Rule 7 after paying the fee mentioned in Schedule 7.

(5) If any industrial establishment or project is operated without a site clearance or an environmental clearance, in that case, the Director General shall assess the damage to the environment and take measures to recover it within the prescribed period.

(6) If any compensation is determined by the Director General as per Sub-rule (5), in that case, the concerned entrepreneur of the said industrial establishment or project shall be bound to pay the same.

(7) If the industrial establishment or the owner or managing authority of the project fails to pay the fixed compensation or fails to take the prescribed remedial measures within the prescribed period, in that case, the Director General shall take action under Section 7 of the Act.

Rule 27. Appeal

(1) If any person or entrepreneur of any industrial establishment or project is aggrieved by any notice, order, or direction issued under the Act or these rules, in that case, he or she may file an appeal with the Appellate Authority within 30 days of receipt of the said notice, order, or direction.

However, no appeal can be filed by the entrepreneur of any industrial establishment or project who has not applied for environmental clearance.

(2) The following documents has to be submitted with the appeal mentioned in the Sub-rule 1, such as:

(a) Certified copy of the notice, order, or direction appealed against;

(b) Copy of updated environmental clearance, where applicable;

(c) Proof of payment of Tk 5 thousand towards appeal fee by treasury challan;

(d) Twenty-five percent of the amount assessed has to be deposited by way of treasury challan if an appeal is filed against an order for compensation imposed under Section 7 of the Act; and

(e) Written undertaking that the pollution related activities have been stopped as per notice, order, or direction.

Rule 28. Appellate Authority

(1) For the purposes of the Act and Rules, an Appellate Authority shall be constituted consisting of the following members, such as

(a) Secretary, Ministry of Environment, Forest and Climate Change, who shall also be its Chairperson ;

(b) Additional Secretary (Environmental Pollution Control), Ministry of Environment, Forests and Climate Change;

(c) Joint Secretary (Environment - II), Ministry of Environment, Forest and Climate Change;

(d) Representative of the rank of Joint Secretary or above, nominated by the Department of Legislative and Parliamentary Affairs; and

(e) Deputy Secretary (Environmental Pollution Control Division), Ministry of Environment, Forest and Climate Change, who shall also be the Member - Secretary of the Appellate Authority.

(2) The Chairperson shall preside over all meetings of the Appellate Authority and in the Chairperson's absence, the Additional Secretary (Environmental Pollution Control) shall preside over the meetings of the Appellate Authority.

(3) The presence of at least two members including the Chairman shall be required for the quorum of the meeting of the Appellate Authority, but no quorum shall be required in the case of an adjourned meeting.

(4) The members of the Appellate Authority shall, in accordance with the Government Rules, be entitled to an honorarium.

Rule 29. Procedure to be followed by the Appellate Authority

(1) The Appellate Authority shall fix a date for hearing the appeal and give notice to all concerned.

(2) The Appellate Authority can give orders to both parties to submit a report on the matter for the purpose of facilitating the hearing of the appeal.

(3) After receiving an application for appeal, the appellate authority may take a decision on the application after collecting the relevant documents, written details and, if necessary, receiving oral testimony.

(4) The Appellate Authority may cancel, modify, or amend the decision taken by the relevant notice, order, or instruction within 90 working days of the filing of the appeal and issue an appropriate decision upon consideration.

Rule 30. Procedure for hearing appeals

(1) The Appellate Authority may dismiss the appeal if the appellant does not appear on the date fixed for hearing:

However, the Appellate Authority may extend the time for appearing for hearing on the application of the appellant.

(2) If any application for appeal is rejected in accordance with Sub-rule 1, an application can be made to the Appellate Authority for reconsideration within 21 working days from the date of issuance of the said order of rejection.

(3) The Appellate Authority shall issue an order in writing signed by the majority of the members and shall send a copy thereof to the concerned office of the Department and to the Director General.

(4) The site clearance or environmental clearance granted in favor of the concerned industrial establishment or project cannot be granted or renewed until the appeal is disposed of.

Rule 31. Determining environmental standards

The standards of water shall be determined as per Schedule 2 and the standards of other elements of the environment shall be determined as per the provisions of the relevant rules.

Rule 32. Liquid waste emission standards

Sewage emission standards of any industrial establishment or project shall be determined as per Schedule 3, liquid waste emission standards as per Schedule 4 and industrial category based liquid waste emission standards as per Schedule 5.

Rule 33. Liquid waste treatment of industrial establishments or projects

Construction, approval and operation of liquid waste treatment plant or sewage treatment plant of any industrial establishment or project, monitoring of discharge of liquid waste, emission standards of liquid waste, method of analysis of liquid waste, point of discharge of liquid waste, disposal of sludge, and so forth, will be determined as per Schedule 12.

Rule 36. Assessment of environmental damage and recovery of compensation

(1) In addition to taking action under Section 7 of the Act, the activities of the responsible person, industrial establishment or project can be suspended until the pollution is controlled;

(2) Failure to pay compensation cannot result in suspension, cancellation or nonrenewal of the site clearance or environmental clearance issued in favor of the concerned person, industrial organization, or project.

Air Pollution (Control) Rules, 2022

Rule 6. List of Activities That Cause Air Pollution

Rule 7. Actions to Prevent Air Pollution

Rule 8. Controlling the Air Pollution by Industrial Establishments

Rule 9. Controlling Air Pollution by Vehicles

Rule 11. Activities by Establishments, Project, or Person Involved in Construction, Upgradation, or Repair

Rule 12. Air Pollution from Waste

Rule 13. Air Quality Monitoring and Warning

Hazardous Waste (E-Waste) Management Rules, 2021

Rule 10. Registration for the Management of E-Waste

Rule 11. Power to Pause or Rescind Registration

Rule 12. Receiving an Environmental Clearance Certificate

Rule 13. Process of Storing E-Waste

Rule 14. Standards for Production of Electrical and Electronic Waste

Rule 15. Ban on Import of Old or Used Electrical and Electronic Products

Rule 17. Annual Reporting to the Department of Environment

Solid Waste Management Rules, 2021

Hazardous Waste and Shipwreck Waste Management Rules, 2011

Noise Pollution (Control) Rules, 2006

Environmentally Threatened Areas Management Rules, 2016, and so forth

Balumohal Filling Rules, 2010

Rule 4. Restriction on extraction of sand or soil in certain cases

Rule 5. Special rule on mining sand or soil from underground or riverbed

Rule 9. Announcement and Extinction of Balumohal

Environment Court Act, 2010

Section 4. Establishment of Environmental Courts

Section 5. Jurisdiction of Environmental Courts

Section 6. Power of Entry and Search, and so forth

Section 7. Procedure of Investigation

Section 11. Appeal

Mobile Court Act, 2009

Section 4. On Mobile Court

Section 5. Delegation on Power to Operate Mobile Court

Section 6. Powers and Jurisdiction of Mobile Court

Section 7. Process of Conducting Mobile Court

Section 8. Restrictions on Levying Pecuniary Penalty

Section 12. Obligation of Police, Law Enforcement Agencies, or other Government Agency in Assisting Operation of Mobile Court

Section 13. Appeal

Environmental Protection Surcharge Rules, 2017

Rule 3. Payment of Surcharge, and so forth

(1) Environmental Protection Surcharge shall be paid at the rate specified in the First Schedule of the Development Surcharge and Levy (Imposition and Collection) Act, 2015, on all types of goods manufactured in Bangladesh by the specified establishment.

(2) The environmental protection surcharge mentioned in Sub-rule 1 shall be deposited by the specified establishment in the economic code specified by the Finance Division through treasury challan or electronic transfer.

Rule 4. Submission of report

Every specified establishment shall submit separately in the form annexed to these rules the statement of surcharge paid under Rule 3 along with the monthly revenue statement no later than the 15th day of the following month to the officer or authority empowered for this purpose by the government or the National Board of Revenue.

Appendix 2. Notice for Collection of Sample

[N.B.: Sub-rule (1) of Rule 4]

THIS FORM SHALL NOT BE SENT TO THE ESTABLISHMENT PRIOR TO THE INSPECTION VISIT

..... No.: ..... Date: .....

To:

.....

.....

.....

Since it is necessary to collect samples of air, water, soil, or other substances from the factory premises or place of your industrial establishment or project [name] on [date], for analysis of samples of the respective materials of solid waste/liquid wastes/gaseous emissions/soil/soil Pollutants, this notice is hereby given to you/your appropriate representative who is present at the industrial establishment or project at the time of collection of samples to assist in the collection of samples and to sign the letter of collection of samples.

Signature of Sample Collection Officer:

Name:

Designation:

Note: Details of waste stream, stack, and so forth, source from which sample is to be collected.

Appendix 3. Sample Container-Sealing Form

Name of industrial establishment/project:

Address of establishment/project:

Source of sample collection:

Date of sample collection:

Time of sample collection:

Name of representative of the industrial establishment/project:

Designation of the representative:

Seal and signature of collector	**Seal and signature of the representative of the industrial establishment/project**

Appendix 4. Form for Testing Sound Level

Date and Time:

Name of the Establishment:

Address of the Establishment:

Sources of Noise Pollution:

Direction	**Noise level at first measurement location** (adjacent location outside the boundary in case of project, installation, source, factory, establishment)	**Noise level at second measurement point** (where the noise level has touched the acceptable level)	**Distance from first measurement point to second measurement point**	**Description of surrounding conditions** (houses, other factories, structures, open spaces, roads, shops, educational institutions, hospitals, etc.) within a 100-meter radius along the area between the first and second measurement points.
North				
South				
East				
West				
Special place (if applicable)				

Note: The noise-generating equipment of the project/plant shall be calibrated while it is in operation. Noise levels cannot be measured inside the project/plant. Measurement of the noise level on roads adjacent to the project/factory must take vehicular traffic conditions into account. Only if the noise level at the first measurement point is outside the acceptable level should the level be measured at the second measurement point. However, if there are other noise sources near the first measurement location (which may affect the noise level), such as other factories, roads with huge motor vehicles, and so forth, then measurement at the second location may not be necessary. The first to second measurement space should be as straight a line as possible.

Comment: As per the Noise Pollution (Control) Rules, 2006 ……..
Side noise level is / is not at an acceptable level.

Name:

Designation:

Signature: of establishment's representative present at time of noise-level measurement

Name:

Signature:

Mobile number:

of other person(s) present:

Name:

Designation:

Signature: of establishment's representative present at time of sound-level meter measure

Appendix 5. Format Enforcement Inspection Report

A. Enforcement Inspection Report Format for Industrial Establishments/Projects

1. Name of establishment:
2. Address of establishment:
3. Date and time of inspection:
4. Owner's name, address, and mobile number (e-mail address if possible):
5. Type of business and description of its activities:

   Note: What is done, when it is done, number of people working there
6. Total area of establishment:

   N.B.: Total area of land as per rent agreement/ownership deed and no objection letter from the local authority (if any), but in case of expansion without approval, the amount of expanded area should be mentioned along with proof.)
7. Positional details of establishment:

   NB: Type and amount of entities and activities around the establishment—namely, the east-west direction up to approximately 250 meters; whether the area is residential, mixed, commercial, industrial, or rural; and whether the location of the establishment in question is acceptable as per Environment Conservation Rules, 2023, should be mentioned.
8. GPS location of the establishment:
9. Environmental management and environmental pollution of the establishment:

   N.B.: If applicable, the inspector will check compliance with the Environmental Management Plan and approved Environmental Clearance Certificate. The production process of the establishment and at which stage of the production process is the pollutant created, in what quantity, and for how long. Moreover, whether there is any pollution caused by any activities of the factory other than the production process, if there are any effective/ineffective measures to control the pollution along with the details like test reports, pictures, videos, and so forth How long has the pollution been going on–that is, the nature, extent and extent of the pollution? In this case, in case of liquid waste, how many cubic meters or liters are being emitted in an untreated state per day? In case of noise pollution, how much is its level and how far (feet or meters) the extent of noise pollution outside the boundary of the establishment, in case of solid waste, how many kilograms or tons per day, and so forth.
10. Evidence of residents (if applicable): NID card (if applicable), occupation, age with parents' names, and full name with address:

    N.B.: Special mention should be made in the area of complaint inspection.
11. Site/Environmental Clearance of establishment:

N.B.: Whether there is clearance or not or any condition of clearance is being violated or not, if the renewal/exemption application is not disposed of, the reason should be mentioned with proof.)

12. Establishment/project records:

    NB: Whether any complaint or punishment has been given before or not, whether there is any writ or any other case, if any, the latest status should be mentioned with proof.)

13. Specific recommendations for enforcement:

    N.B.: There should be a clear recommendation that due to the violation of the relevant provisions of the Bangladesh Environment Conservation Act, 1995 and any other law related to the environment or the relevant provisions of any Rules by any activities of the project/establishment authorities, enforcement may be done against the project/establishment as per Section 7 of the same Act. The recommendation must include specific actions to address the violation and next steps.

14. Name, designation, and signature of inspecting officer:

15. Attachments:

    N.B.: Attach site-inspection map, photos, and videos of the incident site; copies of any notices, clearances, trade licenses, lawsuits, writ orders, and any other relevant information/evidence, and so forth,

B. Format for Enforcement Inspection and Field Report of Poultry, Cattle, Dairy, Crocodile, Horse, or Other Farms

1. Name of the establishment/project:
2. Address of establishment/project:
3. Date and time of inspection:
4. Owner's name, address, and mobile number (e-mail address if possible):
5. Type of farm and description of establishment/project activities:

   N.B.: What is done, when it is done, how many chickens/cows, animals, number of people working there.

6. Total area of establishment/project:
7. Location details of the establishment/project:

   N.B.: Type and amount of entities and activities around the establishment up to a distance of approximately 250 meters on all sides, (that i north, south, east, west). Note whether the area is residential, mixed, commercial, industrial, or rural; and whether or not the position of the firm in the said location is acceptable as per Environment Conservation Rules, 2023.

8. GPS location of establishment/project:
9. Environmental management and environmental pollution of establishment/project:

N.B.: If applicable, the inspector will check compliance with the Environmental Management Plan and approved Environmental Clearance Certificate. Manure management of the farm, management of dead animals/poultry and spoiled eggs, management of semi-liquid slurry, whether there is a biogas plant or not, whether the waste is discharged outside the farm or not, how much waste is being generated or not, if odor is being generated, how far outside the establishment/project it is polluting (especially odor), how many families/people are affected, how long it has been going on–that is, the nature, extent and extent of pollution, and so forth, should be mentioned in detail.)

10. Evidence of residents (if applicable): NID card (if applicable), occupation, age with parents' names, full name with address (to be mentioned in case of written or oral complaint.
11. Environmental clearance of the establishment/project:

    N.B.: Mention whether there is a license, whether the license is renewed or not, and whether any condition of the license is being violated.

12. Establishment/project records:

    N.B.: Mention whether there is a previous complaint or no previous compliant, whether punishment has been given or not, whether there is any writ or any other case or not, and the latest status of any such writ or other case.

13. Specific recommendations/opinions for enforcement:

    N.B.: There should be a clear recommendation that due to the violation of the relevant provisions of the Bangladesh Environment Conservation Act, 1995 and any other law related to the environment or the relevant provisions of any Rules by any activities of the establishment/project authorities, enforcement may be done against the establishment/project as per Section 7 of the same Act. The recommendation must include specific actions to address the violation and next steps.

14. Name and signature of the inspecting officer:
15. Attachments:

    N.B.: Attach site inspection map, photos and videos of the incident site, copies of any notice, clearance, trade license, case or writ order, or any other relevant evidence,, and so forth,

C. Enforcement Inspection and Field Report Format for Reservoir Filling/Hill/Dune Cutting, and So Forth.

1. Name and address of the accused person/establishment/project:
2. Details of the place of occurrence (including the schedule of land):
3. Date and time of inspection:
4. Full name, address, and mobile number (email address if applicable) of reservoir filler/hill/dune cutter:

5. Ownership of reservoir filled/hill cut/removed area (on original record) with schedule of land:

   (Formerly government/privately owned/any other organization to be mentioned)

6. Category of Reservoir Filled/Hill Cut/Molded Areas:

   N.B.: Class of place as per official document/record should be mentioned with proof (latest certificate)

7. Total Area of Reservoir Filled/Hill Cut/Removal:

   N.B.: Total area including filled/cut/removed area—that is, the length and width or cubic feet, and so forth.

8. Reservoir filling/hill cutting/removal period and in what manner/how filling or cutting:

   N.B.: For how long accused have been filling/keeping filling or encroaching (in this case, the date of commencement should be mentioned).

9. Description of the current condition of the filled/cut/removed area:

10. GPS location of filled/cut/removed area:

    N.B.: If possible, provide a time series Google map of the place.

11. Evidence of local residents (if applicable): NID card (if applicable), occupation, age with parents' names, full name with address (to be mentioned in case of written or oral complaint)

    N.B.: Especially in case of a complaint inspection.

12. Any permission/deeds/copy of land certificate/mauza map for change of class of filled/cut/removed land:

    N.B.: Mention whether there is government permission or not, along with proof.

13. Previous record of filler/hill cutter/ remover person/organization:

    N.B.: Mention whether there is a previous complaint or no previous compliant, whether punishment has been given or not, whether there is any writ or any other case or not, and the latest status of any such writ or other case.

14. Specific recommendations/opinions for enforcement:

    N.B.: There should be a clear recommendation/opinion that due to the violation of any section of the Bangladesh Environmental Conservation Act, 1995, by any conduct of the person/establishment/project, enforcement can be done against the concerned person or establishment as per Section 7 of the same Act. The recommendation must include specific actions to address the violation and next steps.

15. Name, designation, and signature of the inspecting officer:

16. Attachments:

    N.B.: Attach site inspection map, reservoir/land category related documents such as land survey, Mauza map, photos, and videos of the incident site, copies of any

notices, clearances, trade licenses, cases, or writ orders, and any other relevant documents, and so forth.

D. Format of Enforcement Inspection and Field Report for Brick Kiln

1. Name of brick kiln:
2. Full address of brick kiln:
3. Date and time of field inspection:
4. Name, full address, and mobile number (e-mail address if applicable) of owner of the brick kiln:
5. Type of brick kiln and description of brick kiln activities:

   When launched, what technology the brick kiln uses, whether currently operational or not, and so forth.
6. Total area and category of brick kiln:

   Category of land as per the opinion of the Upazila agriculture officer and amount and class of land as per rent agreement/ownership deed and no-objection letter from local authority.
7. Location details of brick kiln:

   How many structures/houses are there around the brickyard—that is, north, south, east, west up to a distance of 1 kilometer; educational institutions/special establishments/hospitals/declared forests/ECA areas, if any, along with their GPS location and their straight-line distance from the brick kiln on Google maps, and number of residential houses/trees/households within a one-kilometer radius.
8. GPS Location of Brick Kiln:

   Mention whether the brick kiln's location is acceptable or not in light of the Brick Manufacturing and Kiln Installation Control Act, 2013 (Amended 2019) and as per Environment Conservation Rules, 2023.
9. Environmental management and environmental pollution of brick kiln:

   N.B.: If applicable, check compliance with the Environmental Management Plan and approved Environmental Clearance Certificate. Check coal, soil, and water management, and air pollution control management. In case of pollution, check the nature and extent of the pollution: how far outside the establishment the pollution extends, how many families/people are affected, how long it has been going on, and so forth.
10. Evidence of local residents (if applicable): NID card (if applicable), occupation, age with parents' names, full name with address:

    Mention whether there has been a written or verbal complaint against the kiln.
11. Environmental clearance of the kiln:

    Whether or not there is a permit or whether the permit has been renewed or not or whether any condition of the permit is being violated or not or whether the permit has

been applied for or not, if applicable, with proof of the reason for not disposing of the permit.

12. Previous records of brick kilns:

    Mention whether there is a previous complaint or no previous compliant, whether punishment has been given or not, whether there is any writ or any other case or not, and the latest status of any such writ or other case.

13. Specific recommendations/opinions for enforcement:

    According to Section 7 of the Bangladesh Environment Conservation Act, 1995 (Amended 2010), an enforcement operation may be conducted against a brick kiln that violates a section of the Bangladesh Environment Conservation Act, 1995, or a section of the Brick Manufacturing and Kiln Installation (Control) Act, 2013 (Amended 2019), by the activities of the brick kiln authorities. The recommendation must include specific actions to address the violation and next steps.

14. Name, designation, and signature of the inspecting officer:

15. Attachments:

    Attach surrounding distance on GPS map (coordinates) site visit map with distance indicated, photos and videos of the incident site, copy of any notice, clearance, trade license, case or writ order, or any other relevant evidence, and so forth.

Appendix 6. Format for Notice to Appear for Hearing for Violation of BECA, 1995

Government of the People's Republic of Bangladesh

Department of Environment

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www.doe.gov.bd

/ /143- B.Y

No.: …… Date: ……..

MM/DD/YYYY A.D.

Subject: Notice to appear for hearing for violation of Bangladesh Environment Conservation Act, 1995.

In view of the above, you are hereby notified that the factory/industrial establishment/project under your management named ……... (name of industrial establishment/project) situated at (place of occurrence/address) ……. was inspected by the Department of Environment…… (name of inspecting office or team) …… on (date)……. AD. During the inspection, it was found that you/your organization has committed an offense.

a) The factory/industrial establishment/project under your management has polluted the environment by keeping the ETP inoperative / not installing the ETP / discharging untreated liquid waste from the establishment/project into the environment.

 The results analyzed by the Department of Environment of the liquid waste sample collected on ……. from the outlet of the ETP/ liquid waste outside the outlet line of the establishment found …… values of ……. parameters, which are beyond the acceptable values prescribed in the Environment Conservation Rules, 2023.

and/or

b) The liquid waste generated from this establishment has polluted the environment by discharging untreated liquid waste into the environment through the bypass line/drain.

 The results analyzed by the Department of Environment of the liquid waste sample collected on …… from the bypass line/drain of the establishment showed ……. parameter-…… values, which are beyond the acceptable values prescribed in the Environment Conservation Rules, 2023.

and/or

c) The factory/industrial establishment/project under your management has polluted the environment by keeping the STP inoperative/not installing the STP/discharge untreated sewage liquid waste generated from the establishment into the environment.

 Results analyzed by the Department of Environment of liquid waste samples collected on ……. (date) from the outlet of STP/from the Suez effluent discharge line of the establishment found …… parameter ……. values, which are beyond the acceptable values prescribed in the Environment Conservation Rules, 2023)

and/or

d) The factory/industrial establishment/project under your management has harmed the environment/ecology by releasing/discharging the gaseous waste generated from the establishment into the environment by keeping/adopting the atmospheric pollution control system ineffective/not taking effective action.

 The results analyzed by the Department of Environment for the test of gaseous effluents in the downwind direction of the establishment/project on …… (date) found …….. parameter ……. values, which are beyond the acceptable values prescribed in the Environment Conservation Rules, 2023.

and/or

e) The factory/industrial establishment/project under your management has caused damage to the environment and ecology by noise generated from the establishment/generator by keeping the noise pollution control measures inoperative/not taking effective measures.

 The results analyzed by the Department of Environment during the noise-level test of the establishment/generator on ……(date)…… place …… standard decibel, which is beyond the acceptable level prescribed in the Noise Pollution (Control) Rules, 2006.

and/or

f) The factory/industrial establishment/project under your management has undertaken land-development activities, has started construction activities, or has set up factories/projects without obtaining site clearance.

g) The factory/industrial establishment/project under your management has started/launched the production activities of the establishment/building/factory/project without obtaining environmental clearance.

and/or

h) The factory/industrial establishment/project under your management has continued the operation of the establishment/building/factory/project without obtaining renewal of environmental clearance.

and/or

j) The factory/industrial establishment/project under your management has continued the production activities of the establishment/building/factory/project in violation of the conditions of the environmental clearance.

and/or

j) The factory/industrial establishment/project under your management has initiated/expanded project/plant expansion activities without taking approval of Department of Environment.

and/or

k) The factory/industrial establishment/project under your management has changed the product/production process of the factory without obtaining the approval of the Department of Environment.

and/or

l) Other violations (if applicable):

By your activities identified above, you have caused serious damage to the environment/ecology, which is a violation of Section 5 of BECA, 1995, and an offense punishable under the same Act.

You/your competent representative are hereby directed to appear at the office of the undersigned on…….. A.D. at …….. (time) to provide a satisfactory explanation on why environmental compensation shall not be levied against you/your establishment/project as per Bangladesh Environment Conservation Act, 1995 (Amended 2010) and why a case should not be filed in the concerned police station/learned court along with disconnection of all services, including electricity, gas, and water to your project/factory, and to attend the hearing along with giving a written reply.

You are directed to bring the following documents to the hearing;

(a) Copy of your national identity card;
(b) In case you are sending a representative, a written power of attorney/letter of authorization from you specifying the identity of the representative and a copy of your representative's national identity card;
(c) Copy of trade license;
(d) Copy of environmental/site clearance, if any;
(e) Updated copy of environmental clearance;
(f) Receipt copy of the application for environmental clearance/site clearance/renewal if submitted;
(g) Report from the Department of Environment laboratory on noise levels, air quality, and liquid waste sample analysis for the preceeding year;
(h) Receipt copy of the application submitted in the past year for noise level, air quality, or liquid waste sample analysis by the Department of Environment laboratory;
(i) Copy of approved layout plan of factory/project;
(j) Copy of Land Ownership Deed/Paper/Khatian (Record of Rights)/Namzari/mutation Khatian/Rental Deed;
(k) Copy of partnership deed/joint stock company registration in case of joint ownership;
(l) Copy of no objection letter issued by the local authority;
(m) All related necessary documents; and
(n) Other applicable documents.

Your failure to comply with the above requirements will result in necessary legal action against you/your establishment/project.

/signed/

_____

Director (Enforcement)/Empowered Director

Department of Environment

To: Proprietor/Managing Director

…….

…….

Copies for information to:

1. Director, …….., Department of Environment, Dhaka.
2. Deputy Director/Assistant Director, Department of Environment, ……. District Office, Dhaka (the Deputy Director/Assistant Director is requested to inform this office before the date fixed by issuing the notice to the addressee).
3. Assistant Director, Office of the Director General, Department of Environment, Dhaka.
4. Additional recipient(s):

Appendix 7. Format for Notice of Adjournment of Enforcement Hearing

Notice of Adjournment of Enforcement Hearing

Government of the People's Republic of Bangladesh

Department of Environment

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www.doe.gov.bd

/ /143- BY

No.: …… Date: ……..

MM/DD/YYYY A.D.

Notice of Adjournment of Enforcement Hearing

Concerned parties are hereby informed that the hearing regarding the violation of the Bangladesh Environment Conservation Act, 1995, to be held at the Department of Environment ……. office on …… AD has been postponed due to unavoidable reasons. The rescheduled hearing of the said date will be held on ……. at …… o'clock. All the concerned are requested to appear on time at the correct location with the necessary documents as directed.

/signed/

_____

Director (Enforcement)/Empowered Director

Department of Environment

Distribution**:**

1. ----------

2. ----------

3. ----------

4. ----------

Copies:

1. Director, ----------, Department of Environment.

2. Deputy Director/Assistant Director, Department of Environment, ---------- District Office, Dhaka

3. Senior Systems Analyst, Department of Environment, Headquarters, Dhaka**.**

Appendix 8: Sample Format for Information Form to Be Presented at Hearing

Information about the accused establishment/project/individual

Name of person/establishment/project:	
Complete address of the establishment/project:	
Subject matter of complaint:	
Name and designation of inspecting officer:	Date of inspection:
Name and designation of establishment/project owner:	
Complete address of head office of the establishment/project:	
Owner's phone/mobile #	E-mail:
Activities of establishment/project:	
Date of obtaining Site/Environmental Clearance:	Date of start of establishment/ project activities:
Date and expiry of most recent Environmental/Site Clearance renewal:	
Extent of project/factory area:	Date of start of establishment's/project's production activities:

Latest received Waste/Air/Noise Quality Test Report:
Latest liquid waste/air/noise quality test report obtained outside the standard:

Before the out-of-standard report, latest within-standard liquid waste/air/noise test report:
Dates of application and collection of samples in the last 2/1 year at Department of Environment Laboratory for Liquid Waste/Air/Noise Quality Testing: **Application Date** **Received Result Review**
Capacity of ETP/STP: Type of ETP/STP: Amount of daily discharge:
Establishment's production capacity: Daily production is:
Final place of discharge of liquid waste: (rivers/canals/wetlands/bills/environment)
<u>In the case of noise pollution, description of the area surrounding the source</u> North South: East: West:
Extent of noise pollution (amount of land area affected)
<u>Review of records if compensation has been previously imposed</u> Date of determination of compensation:

Reason for determination of compensation:

Amount of compensation:

Information on payment of compensation:

Comments:

1. The factory has/has not received regular renewal as per the conditions of environmental clearance.
2. The factory has/has not applied regularly for liquid waste/noise/air quality testing as per condition of environmental clearance.
3. Previously, compensation of …….was levied…….times on …….for …… offenses, which the owner paid/did not pay.

Appendix 9. Form for Taking Statement of Accused at Enforcement Hearing

Statement of the Accused						
Date of enforcement hearing:						
Name of accused person/establishment/project:						
Address of establishment/project:						
Subject of complaint:						
1) Signature of Participant in Enforcement Hearing:				2) Signature of Participant in Enforcement Hearing:		
Name:				Name:		
Designation:				Designation:		
Full Address:				Full Address:		
Phone:				Phone:		
Sulfur dioxide (SO_2)	(a) New (commenced after 2020)	mg/Nm^3	200	50/- if 200 < SO_2 ≤ 300	100/- if 300 < SO_2 ≤ 500	150/- if SO_2 > 500
	(b) Existing (commenced before 2020)	mg/Nm^3	400	50/- if 400 < SO_2 ≤ 500	100/- if 500 < SO_2 ≤ 800	150/- if SO_2 > 800
Nitrogen oxides (NOx)	(a) New (commenced after 2020)	mg/Nm^3	200	50/- if 200 < NOx ≤ 300	100/- if 300 < NOx ≤ 500	150/- if NOx > 500

	(b) Existing (commenced before 2020)	mg/Nm^3	400	50/- if 400 < NOx ≤ 500	100/- if 500 < NOx ≤ 800	150/- if NOx > 800
Power plants based on natural gas						
Nitrogen oxides (NOx)	(a) New (commenced after 2020)	mg/Nm^3	200	50/- if 200 < NOx ≤ 300	100/- if 300 < NOx ≤ 500	150/- if NOx > 500
	(b) Existing (commenced before 2020)	mg/Nm^3	400	50/- if 400 < NOx ≤ 500	100/- if 500 < NOx ≤ 800	150/- if NOx > 800
Other gas-based (LPG, LNG, etc.) power plants						
Particulate matter (PM)		mg/Nm^3	50	50/- if 50 < PM ≤ 100	100/- if 100 < PM ≤ 200	150/- if PM > 200
Sulfur dioxide (SO_2)		mg/Nm^3	400	50/- if 400 < SO_2 ≤ 500	100/- if 500 < SO_2 ≥ 800	150/- if SO_2 > 800
Nitrogen oxides (NOx)		mg/Nm^3	200	50/- if 200 < NOx ≤ 300	100/- if 300 < NOx ≤ 500	150/- if NOx > 500

(2) Cement Industry: Stack Emission Area

Parameters	Unit	Maximum permissible limit	Compensation rate in taka per normal cubic meter (Nm^3)		
Particulate matter (PM) (with cement kiln processing)	mg/Nm^3	50	50/- if 50 < PM ≤ 100	100/- if 100 < PM ≤ 200	150/- if PM > 200
Particulate matter (PM) (without cement kiln processing)	mg/Nm^3	100	50/- if 100 < PM ≤ 200	100/- if 200 < PM ≤ 400	150/- if PM > 400
Particulate matter (PM) (other sources such as clinker grinding)	mg/Nm^3	50	50/- if 50 < PM ≤ 100	100/- if 100 < PM ≤ 200	150/- if PM > 200
Sulfur dioxide (SO_2)	mg/Nm^3	400	50/- if 400 < SO_2 ≤ 500	100/- if 500 < SO_2 ≥ 800	150/- if SO_2 > 800
Nitrogen oxides (NOx)	mg/Nm^3	600	50/- if 600 < NOx ≤ 800	100/- if 800 < NOx ≤ 1000	150/- if NOx > 1000
Mercury (Hg)	mg/Nm^3	0.05	100/- if 0.05 < Hg ≤ 0.2	150/- if 0.2 < Hg ≤ 0.5	200/- if Hg > 0.5

Fugitive Emissions

Parameters	Unit	Maximum permissible limit	Compensation rate in taka		
Cement plant/clinker grinding plant					
Suspended particulate matter (SPM)	$\mu g/m^3$	600	2,00,000/- if 600 < SPM ≤ 800	4,00,000/- if 800 < SPM ≤ 1000	6,00,000/- if SPM > 1000

Steel Mills: In the Case of Stack Emissions

Parameters	Unit	Maximum permissible limit	Compensation rate in taka per normal cubic meter (Nm^3)		
Particulate matter (PM) (coke oven and blast furnace)	mg/Nm^3	50	50/- if 50 < PM ≤ 100	100/- if 100 < PM ≤ 200	150/- if PM > 200
Particulate matter (PM) (other sources such as sintering plant, basic oxygen furnace, re-rolling mill)	mg/Nm^3	150	50/- if 150 < PM ≤ 300	100/- if 300 < PM ≤ 500	150/- if PM > 500
Sulfur dioxide (SO_2)	mg/Nm^3	200	50/- if 200 < SO_2 ≤ 300	100/- if 300 < SO_2 ≤ 500	150/- if SO_2 > 500
Nitrogen oxides (NOx)	mg/Nm^3	150	50/- if 150 < NOx ≤ 300	100/- if 300 < NOx ≤ 500	150/- if NOx > 500
Lead (Pb)	mg/Nm^3	2.0	100/- if 2.0 < Pb ≤ 4.0	200/- if 4.0 < Pb ≤ 6.0	300/- if Pb > 6.0

Fugitive Emissions

Parameters	Unit	Maximum limit of presence	Compensation rate in taka		
Suspended particulate matter (SPM)	$\mu g/m^3$	600	2,00,000/- if 600 < SPM ≤ 800	4,00,000/- if 800 < SPM ≤ 1000	6,00,000/- if SPM > 1000

(4) Textile Spinning Mill: Fugitive Emission

Parameters	Unit	Maximum Limit of presence	Compensation rate in taka		
Suspended particulate matter (SPM) (mixed area)	$\mu g/m^3$	250	50,000/- if 250 < SPM ≤ 500	1,00,000/- if 500 < SPM ≤ 1000	2,00,000/- if SPM > 1000
Suspended particulate matter (SPM)	$\mu g/m^3$	300	50,000/- if 300 <	1,00,000/- if 600 < SPM ≤ 1000	2,00,000/- if SPM >

Parameters	Unit	Maximum Limit of presence	Compensation rate in taka		
(industrial area)			SPM ≤ 600		1000

(5) Stone Crushing: Fugitive Emissions

Parameters	Unit	Maximum permissible limit	Compensation rate in taka		
All processing machinery in the crushing unit					
Suspended particulate matter (SPM)	µg/m³	600	2,00,000/- if 600 < SPM ≤ 800	4,00,000/- if 800 < SPM ≤ 1000	6,00,000/- if SPM > 1000

(6) Fertilizer Factory: (a) Nitrogen-based Fertilizer Factory / Gaseous Emissions

Source	Parameters	Unit	Maximum permissible limit	Compensation rate in taka		
Urea prilling tower	Particulate matter (PM) (dust removal through dry process)	mg/Nm³	150	50/- if 150 < PM ≤ 300	100/- if 300 < PM ≤ 500	150/- if PM > 500
	Ammonia (NH_3) (urea prilling tower)	mg/Nm³	100	50/- if 100 < NH_3 ≤ 200	100/- if 200 < NH_3 ≤ 400	150/- if NH_3 > 400

(b) Phosphate-based Fertilizer Factory: Gaseous Emissions

Source	Parameters	Unit	Maximum permissible limit	Compensation rate in taka per normal cubic meter (Nm^3)		
Granulation, mixing, and grinding sections	Particulate matter (PM)	mg/Nm^3	150	50/- if 150 < PM ≤ 300	100/- if 300 < PM ≤ 500	150/- if PM > 500
Phosphoric acid process	Total fluoride (as elemental F)	mg/Nm^3	25	100/- 25 < F ≤ 100	150/- 100 < F ≤ 300	200/- if F > 300
Sulfuric acid plant	Sulfur dioxide (SO_2)			Compensation rate in taka per kg/ton		
	DCDA	kg/ton of sulfuric acid 100%	4	500/- if 4.0 < SO_2 ≤ 10	1000/- if 10 < SO_2 ≤ 20	1,500/- if SO_2 > 20
	SCSA	kg/ton of sulfuric acid 100%	10	500/- if 10.0 < SO_2 ≤ 20	1000/- if 20 < SO_2 ≤ 40	1,500/- if SO_2 > 40
	Sulfuric acid vapor			Compensation rate in taka per normal cubic meter (Nm^3)		
		mg/Nm^3	50	50/- if 50 < H_2SO_4 ≤ 100	100/- if 100 < H_2SO_4 ≤ 200	150/- if H_2SO_4 > 200

(7) Industrial Boilers: Gaseous Emissions

Parameters	Unit	Maximum permissible limit	Compensation rate in taka per normal cubic meter		
Soot and particulate matter (PM) (based on fuel type)	mg/Nm^3				
(a) Coal		250	50/-if 250 PM < 400	100/-if 400 < PM ≤ 600	200/-if PM > 600
(b) Gas					
(c) Oil		200	50/- if 200 < PM ≤ 400	100/- if 400 < PM ≤ 600	150/- if PM > 600
(d) Husk/charcoal		250	50/- if 250 < PM ≤ 400	100/- if 400 < PM ≤ 600	150/- if PM > 600
Nitrogen oxides (NOx) (based on fuel type)	mg/Nm^3				
(a) Coal		400	50/- if 400 < NOx ≥ 500	100/- if 500 < NOx ≥ 800	150/- if NOx > 800
(b) Gas		150	50/- if 150 < NOx ≤ 300	100/- if 300 < NOx ≤ 500	150/- if NOx > 500
(c) Oil		300	50/- if 300 < NOx ≤ 500	100/- if 500 < NOx ≤ 800	150/- if NOx > 800
(d) Husk/charcoal/other pellets		400	50/- if 400 < NOx ≤ 500	100/- if 500 < NOx ≤ 800	150/- if NOx > 800
Mercury and mercury compounds (applicable only for coal-fired boilers)	mg/Nm^3	0.03	100/- if 0.03 < Hg ≤ 0.1	150/- if 0.1 < Hg ≤ 0.2	200/- if Hg > 0.2
Sulfur oxides (SO_2)	mg/Nm^3	250	50/- if 250 < SO_2 ≤ 500	100/- if 500 < SO_2 ≤ 800	150/- if SO_2 > 800

(8) Nitric Acid Plants: Gaseous Emissions

Parameters	Unit	Maximum permissible limit	Compensation Rate in taka per kg/ton		
Nitrogen oxides (NOx)	kg/ton acid	3	50/- if $3 < NOx \leq 5$	100/- if $5 < NOx \leq 10$	150/- if $NOx > 10$

(9) Sugar Industry: Gaseous Emissions

Emissions from boilers using bagasse as fuel	Parameters	Unit	Maximum permissible limit	Compensation rate in taka per normal cubic meter (Nm^3)		
	Step-grate particulate matter (PM)	mg/Nm^3	250	50/- if $250 < PM \leq 00$	100/- if $400 < PM \leq 600$	150/- if $PM > 600$
	Pulsating/horseshoe particulate matter (PM)	mg/Nm^3	500	50/- if $500 < PM \leq 700$	100/- if $700 < PM \leq 1000$	150/- if $PM > 1000$
	Spreader stoker particulate matter (PM)	mg/Nm^3	800	50/- if $800 < PM \leq 1000$	100/- if $1000 < PM \leq 1500$	150/- if $PM > 1500$

(10) Pesticides (Manufacturing and Formulation): Gaseous Emissions

Parameters	Unit	Maximum permissible limit	Compensation rate in taka per normal cubic meter (Nm^3)		
Hydrogen chloride (HCl)	mg/Nm^3	20	100/- if $20 < HCl \leq 35$	200/- if $35 < HCl \leq 50$	300/- if $HCl > 50$
Chlorine (Cl_2)	mg/Nm^3	5	100/- if $5 < Cl_2 \leq 10$	200/- if $10 < Cl_2 \leq 20$	300/- if $Cl_2 > 20$
Hydrogen sulfide (H_2S)	mg/Nm^3	5	100/- if $5 < H_2S \leq 10$	200/- if $10 < H_2S \leq 20$	300/- if $H_2S > 20$
Phosphorus pentoxide (as phosphoric acid)	mg/Nm^3	10	50/- if $10 < P_2O_5 \leq 20$	100/- if $20 < P_2O_5 \leq 40$	200/- if $P_2O_5 > 40$
Ammonia (NH_3)	mg/Nm^3	30	50/- if $30 < NH_3 \leq 50$	100/- if $50 < NH_3 \leq 100$	150/- if $NH_3 > 100$
Pesticide-laden particulate matter (PM)	mg/Nm^3	20	100/- if $20 < PM \leq 35$	200/- if $35 < PM \leq 50$	300/- if $PM > 50$
Methyl Chloride (CH_3Cl)	mg/Nm^3	20	100/- if $20 < CH_3Cl \leq 40$	200/- if $40 < CH_3Cl \leq 50$	300/- if $CH_3Cl > 50$
Hydrogen bromide (HBr)	mg/Nm^3	5	100/- if $5 < HBr \leq 10$	200/- if $10 < HBr \leq 20$	300/- if $HBr > 20$

(11) Battery-Manufacturing Industry: (a) Lead-Acid Battery-Manufacturing Industry / Gaseous Emissions

Source	Parameters	Unit	Maximum permissible limit	Compensation rate in taka per normal cubic meter (Nm^3)		
Grid casting	Lead (Pb)	mg/Nm^3	10	100/- if $10 < Pb \leq 20$	200/- if $20 < Pb \leq 30$	300/- if $Pb > 30$
	Particulate matter (PM)		25	100/- if $25 < PM \leq 100$	200/- if $100 < PM \leq 200$	300/- if $PM > 200$
Oxide manufacturing	Lead (Pb)	mg/Nm^3	10	100/- if $10 < Pb \leq 20$	200/- if $20 < Pb \leq 30$	300/- if $Pb > 30$
	Particulate matter (PM)		25	100/- if $25 < PM \leq 100$	200/- if $100 < PM \leq 200$	300/- if $PM > 200$
Paste mixing	Lead (Pb)	mg/Nm^3	10	100/- if $10 < Pb \leq 20$	200/- if $20 < Pb \leq 30$	300/- if $Pb > 30$
	Particulate Matter (PM)		25	100/- if $25 < PM \leq 100$	200/- if $100 < PM \leq 200$	300/- if $PM > 200$
Assembly	Lead (Pb)	mg/Nm^3	10	100/- if $10 < Pb \leq 20$	200/- if $20 < Pb \leq 30$	300/- if $Pb > 30$
	Particulate matter (PM)		25	100/- if $25 < PM \leq 100$	200/- if $100 < PM \leq 200$	300/- if $PM > 200$
PVC section	Particulate matter (PM)		150	50/- if $150 < PM \leq 300$	100/- if $300 < PM \leq 500$	150/- if $PM > 500$

Secondary Lead Smelters (Furnaces): Gaseous Emissions

Parameters	Unit	Maximum permissible limit	Compensation rate in taka per normal cubic meter (Nm^3)		
Lead (Pb)	mg/Nm³	5	100/- if 5 < Pb ≤ 10	200/- if 10 < Pb ≤ 20	300/- if Pb > 20
Particulate matter (PM)	mg/Nm³	50	100/- if 50 < PM ≤ 100	200/- if 100 < PM ≤ 200	300/- if PM > 200

(b) Dry Cell Battery-Manufacturing Industry: Gaseous Emissions

Parameters	Unit	Maximum permissible limit	Compensation rate in taka per normal cubic meter (Nm^3)		
Particulate matter (PM)	mg/Nm³	50	100/- if 50 < PM ≤ 100	200/- if 100 < PM ≤ 200	300/- if PM > 200
Manganese (Mn)	mg/Nm³	5	100/- if 5 < Mn ≤ 20	200/- if 10 < Mn ≤ 20	300/- if Mn > 20

(12) Ceramic Tile and Sanitary Ware Manufacturing Factories: Gaseous Emissions

Source	Parameters	Unit	Maximum permissible limit	Compensation rate in taka per normal cubic meter (Nm^3)		
Kiln stack	Particulate matter (PM)	mg/Nm^3	150	50/- if 150 < PM ≤ 300	100/- if 300 < PM ≤ 500	150/- if PM > 500
	Sulfur dioxide (SO_2)	mg/Nm^3	400	50/- if 400 < SO_2 ≤ 500	100/- if 500 < SO_2 ≤ 800	150/- if SO_2 > 800
	Nitrogen oxides (NOx)	mg/Nm^3	600	50/- if 600 < NOx ≤ 800	100/- if 800 < NOx ≤ 1000	150/- if NOx > 1000
	Hydrogen chloride (HCl)	mg/Nm^3	30	50/- if 30 < HCl ≤ 60	100/- if 60 < HCl ≤ 100	150/- if HCl > 100
	Hydrogen fluoride (HF)	mg/Nm^3	5	100/- if 5 < HF ≤ 10	200/- if 10 < HF ≤ 20	300/- if HF > 20
	Lead (Pb)	mg/Nm^3	0.5	100/- if 0.5 < Pb ≤ 1.0	200/- if 1.0 < Pb ≤ 2.0	300/- if Pb > 2.0
	Cadmium (Cd)	mg/Nm^3	02	100/- if 2 < Cd ≤ 4	200/- if 4 < Cd ≤ 6	300/- if Cd > 6
Raw material processing section	Particulate matter (PM)	mg/Nm^3	150	50/- if 150 < PM ≤ 300	100/- if 300 < PM ≤ 500	150/- if PM > 500
Dryer	Particulate matter (PM)	mg/Nm^3	150	50/- if 150 < PM ≤ 300	100/- if 300 < PM ≤ 500	150/- if PM > 500

(13) Brick Kiln: (a) Chimney or Stack Emission

Parameters	Unit	Maximum permissible limit	Compensation rate in taka per normal cubic meter (Nm^3)		
Particulate matter (PM)	mg/Nm^3	250	100/- if $250 < PM \leq 400$	200/- if $400 < PM \leq 600$	300/- if $PM > 600$
Sulfur dioxide (SO_2)	mg/Nm^3	250	100/- if $250 < SO_2 \leq 400$	200/- if $400 < SO_2 \leq 600$	300/- if $SO_2 > 600$

(b) Fugitive Emissions

Parameters	Unit	Maximum permissible limit	Compensation rate in taka per Suspended Particulate Matter		
Suspended particulate matter (SPM)	$\mu g/m^3$	500	2,00,000/- if $500 < SPM \leq 750$	3,00,000/- if $750 < SPM \leq 1000$	4,00,000/- if $SPM > 1000$

(14) Municipal Solid Waste Incinerator Stack Emissions

Parameters	Average time	Maximum permissible limit (mg/Nm^3)	Compensation rate in taka per normal cubic meter (Nm^3)		
Particulate matter (PM)	1 hour	30	50/- if $30 < PM \leq 40$	100/- if $40 < PM \leq 50$	150/- if $PM > 50$
	24 hours	20	50/- if $20 < PM \leq 40$	100/- if $40 < PM \leq 50$	150/- if $PM > 50$
Carbon Monoxide (CO)	1 hour	100	50/- if $100 < CO \leq 200$	100/- if $200 < CO \leq 300$	150/- if $CO > 300$
	24 hours	80	50/- if $80 < CO \leq 200$	100/- if $200 < CO \leq 400$	150/- if $CO > 400$
Nitrogen oxides (NOx)	1 hour	300	50/- if $300 < NOx \leq 500$	100/- if $500 < NOx \leq 800$	150/- if $NOx > 800$
	24 hours	250	50/- if $250 < NOx \leq 500$	100/- if $500 < NOx \leq 800$	150/- if $NOx > 800$
Sulfur dioxide (SO_2)	1 hour	100	50/- if $100 < SO_2 \leq 200$	100/- if $200 < SO_2 \leq 300$	150/- if $SO_2 > 300$
	24 hours	80	50/- if $80 < SO_2 \leq 200$	100/- if $200 < SO_2 \leq 300$	150/- if $SO_2 > 300$
Hydrogen chloride (HCl)	1 hour	60	50/- if $60 < HCl \leq 100$	100/- if $100 < HCL \leq 200$	150/- if $HCl > 200$
	24 hours	50	50/- if $50 < HCl \leq 100$	100/- if $100 < HCL \leq 200$	150/- if $HCl > 200$
Mercury (Hg)	0.5–8 hours	0.05	100/- if $0.05 < Hg \leq 0.2$	200/- if $0.2 < Hg \leq 1.0$	300/- if $Hg > 1.0$
Cadmium and thallium (Cd and Tl)	0.5–8 hours	0.1	100/- if	200/- if 0.5 < Cd and Ti	300/- if

Parameters	Average time	Maximum permissible limit (mg/Nm³)	Compensation rate in taka per normal cubic meter (Nm^3)		
			0.1 < Cd and Ti ≤ 0.5	≤ 2.0	Hg > 1.0
Hydrogen fluoride (HF)	1 hour	1.0	100/- if 1 < HF ≤ 5.0	200/- if 5.0 < HF ≤ 10	300/- if HF > 10
Dioxins and furans	6–8 hours	0.1 ng/m³	100/- if 0.1 < Dioxins and Furans ≤ 0.5	200/- if 0.5 < Dioxins and Furans ≤ 2.0	300/- if Dioxins and Furans > 2.0

The rates of compensation that can be imposed annually for environmental and ecological damage caused by various types of industries/projects/commercial establishments/residential structures/initiatives and events due to the absence of environmental clearance/absence of the renewal of environmental clearance or the violation of conditions of environmental clearance are as follows:

Serial No.	Type of factory	Type of offense	Indicators of offenses	Area (in square feet)	Compensation rate (in taka) per year	Remarks
1.	Green	Without Environmental Clearance	Area/level of pollution	Up to 1 acre	3,00,000/- (3 lakhs)	
				From 1 to 3 acres	4,00,000/- (4 lakhs)	
				From 3 to 6 acres	7,00,000/- (7 lakhs)	
				From 6 to 10 acres	12,00,000/- (12 lakhs)	
				More than 10 acres	25,00,000/- (25 lakhs)	
		Without renewal of Environmental Clearance	Considering the area	Up to 1 (one) acre	Maximum 1,00,000/- (1 lakh)	
				From 1 acre to 3 acres	Maximum 2,00,000/- (2 lakhs)	
				From to 6 acres	Maximum 4,00,000/- (4 lakhs)	
				From 6 to 10 acres	Maximum 10,00,000/- (10 lakhs)	

Serial No.	Type of factory	Type of offense	Indicators of offenses	Area (in square feet)	Compensation rate (in taka) per year	Remarks
				More than 10 acres	Maximum 20,00,000/- (20 lakhs)	
		Violation of conditions of Environmental Clearance / Renewal	Violations of maximum 5 conditions	Maximum 1,00,000/- (1 lakh)		
			Violations of more than 5 conditions	Maximum 2,00,000/- (2 lakhs)		
2.	Yellow	Without Environmental Clearance	Area/level of pollution	Up to 1 acre	4,00,000/- (4 lakhs)	
				From 1 to 3 acres	10,00,000/- (10 lakhs)	
				From 3 to 6 acres	15,00,000/- (15 lakhs)	
				From 6 to 10 acres	30,00,000/- (30 lakhs)	
				More than 10 acres	50,00,000/- (50 lakhs)	
		Without renewal of Environmental Clearance	Considering the area	Up to 1 acre	Maximum 3,00,000/- (3 lakhs)	
				From 1 to 3 acres	Maximum 7,00,000/- (7 lakhs)	
				From 3 to 6 acres	Maximum 12,00,000/- (12	

Serial No.	Type of factory	Type of offense	Indicators of offenses	Area (in square feet)	Compensation rate (in taka) per year	Remarks
					lakhs)	
				From 6 to 10 acres	Maximum 25,00,000/- (25 lakhs)	
				More than 10 acres	Maximum 50,00,000/- (50 lakhs)	
		Violation of conditions of Environmental Clearance / Renewal	Violations of maximum 5 conditions	Maximum 2,00,000/- (2 lakhs)		
			Violations of more than 5 conditions	Maximum 4,00,000/- (4 lakhs)		
3.	Orange	Without Environmental Clearance	Considering the area	Up to 1 acre	8,00,000/- (8 lakhs)	
				From 1 to 3 acres	12,00,000/- (12 lakhs)	
				From 3 to 6 acres	20,00,000/- (20 lakhs)	
				From 6 to 10 acres	40,00,000/- (40 lakhs)	
				More than 10 acres	70,00,000/- (70 lakhs)	
		Without renewal of Environmental Clearance	Considering the area	Up to 1 acre	Maximum 5,00,000/- (5 lakhs)	
				From 1 to 3 acres	Maximum	

Serial No.	Type of factory	Type of offense	Indicators of offenses	Area (in square feet)	Compensation rate (in taka) per year	Remarks
					10,00,000/- (10 lakhs)	
				From 3 to 6 acres	Maximum 15,00,000/- (15 lakhs)	
				From 6 to 10 acres	Maximum 30,00,000/- (30 lakhs)	
				More than 10 acres	Maximum 70,00,000/- (70 lakhs)	
		Violation of conditions of Environmental Clearance / Renewal	Violations of maximum 5 conditions	Maximum 5,00,000/- (5 lakhs)		
			Violations of more than 5 conditions	Maximum 10,00,000/- (10 lakhs)		
4.	Red	Without Environmental Clearance	Considering the area	Up to 1 acre	10,00,000/- (10 lakhs)	
				From 1 to 3 acres	30,00,000/- (30 lakhs)	
				From 3 to 6 acres	50,00,000/- (50 lakhs)	
				From 6 to 10 acres	1,00,00,000/- (1 crore)	
				More than 10 acres	2,50,00,000/- (2 crore and 50 lakhs)	

Serial No.	Type of factory	Type of offense	Indicators of offenses	Area (in square feet)	Compensation rate (in taka) per year	Remarks
		Without renewal of Environmental Clearance	Considering the area	Up to 1 acre	Maximum 8,00,000/- (8 lakhs)	
				From 1 to 3 acres	Maximum 12,00,000/- (12 lakhs)	
				From 3 to 6 acres	Maximum 20,00,000/- (20 lakhs)	
				From 6 to 10 acres	Maximum 30,00,000/- (30 lakhs)	
				More than 10 acres	Maximum 50,00,000/- (50 lakhs)	
		Violation of conditions of Environmental Clearance / Renewal	Violations of maximum 5 conditions	Maximum 15,00,000/- (15 lakhs)		
			Violations of more than 5 conditions	Maximum 30,00,000/- (30 lakhs)		

The compensation rates for establishing any project/industrial factory or carrying out land filling/land development activities without obtaining the location clearance certificate can be set as follows:

Serial no.	Unit (land)	Compensation rates (taka)	Remarks

Serial no.	Unit (land)	Compensation rates (taka)	Remarks
1.	Up to 1 acre	Maximum 10,00,000/- (10 lakhs)	
	From 1 to 3 acres	Maximum 12,00,000/- (12 lakhs)	
	From 3 to 6 acres	Maximum 20,00,000/- (T20 lakhs)	
	From 6 to 10 acres	Maximum 50,00,000/- (50 lakhs)	
	More than acres	Maximum 1,00,00,000/- (1 crore)	

For the illegal production, storage, or sale of banned plastic products in any industrial establishment, the compensation rates can be established as follows:

Serial no.	Unit	Proposed compensation rates (taka)	Existing compensation rates (taka)	Remarks
1.	1 ton	Maximum 1,00,000/- (1 lakh)	Maximum 1,00,000/- (1 lakh)	
	From 1 to 3 tons	Maximum 3,00,000/- (e lakhs)	Maximum 3,00,000/- (3 lakhs)	
	From 3 to 5 tons	Maximum 5,00,000/- (5 lakhs)	Maximum 5,00,000/- (5 lakhs)	
	From 5 to 7 tons	Maximum 10,00,000/- (10 lakhs)	Maximum 10,00,000/- (10 lakhs)	
	From 7 to 10 tons	Maximum 15,00,000/- (15 lakhs)	Maximum 15,00,000/- (15 lakhs)	
	More than 10 tons	Maximum 20,00,000/- (20 lakhs)	Maximum 20,00,000/- (20 lakhs)	

For the illegal mechanical extraction of stones from riverbeds using high-capacity dredgers and other powerful machinery, the compensation rates can be described as follows:

Serial no.	Unit	Proposed compensation rates (taka)	Existing compensation rates (taka)	Remarks
1.	1 ton	Maximum 1,00,000/- (1 lakh)	Maximum 1,00,000/- (1 lakh)	
	From 1 to 3 tons	Maximum 3,00,000/- (3 lakhs)	Maximum 3,00,000/- (3	

Serial no.	Unit	Proposed compensation rates (taka)	Existing compensation rates (taka)	Remarks
			lakhs)	
	From 3 to 5 tons	Maximum 5,00,000/- (5 lakhs)	Maximum 5,00,000/- (5 lakhs)	
	From 5 to 7 tons	Maximum 10,00,000/- (10 lakhs)	Maximum 10,00,000/- (10 lakhs)	
	From 7 tons to 10 tons	Maximum 15,00,000/- (15 lakhs)	Maximum 15,00,000/- (15 Lakhs)	
	More than 10 tons	Maximum 50,00,000/- (50 lakhs)	Maximum 50,00,000/- (50 lakhs)	

For environmental and ecological damage caused by various industrial, project, commercial, residential, or event activities (excluding liquid and gaseous waste), compensation can be determined as follows:

Serial no.	Topic	Unit	Compensation rates (taka)	Remarks
1.	Brick kiln construction/operation	Per decimal (1/100th of an acre) of land	2,500/- (2,500 taka only)	
2.	Illegal sand extraction	Per cubic foot	30/- (30 only)	
3.	Multistory buildings	Per square meter	500/- (500 taka only) for residential buildings; 1000/- (1,000 taka only) for commercial buildings; 3000/- (3,000 taka only) for industrial establishments and others	

Serial no.	Topic	Unit	Compensation rates (taka)	Remarks
4.	Damage to Saint Martin's Island	Per decimal of land	50,000/- to 1,00,000/- (50,000 taka to one lac taka only)	
5.	Filling of water bodies	Per square foot (per day)	2/- (2 taka only)	
6.	Cutting of hills/mounds	Per square foot (where applicable) up to 1 acre	100/- to 1,000/- (100 to 1,000 taka only)	
		Per square foot (where applicable) above 1 acre	1001/- to 3500/- (101 to 3,500 taka only)	
		Per cubic foot (where applicable) up to 100,000 cubic feet	100/- to 1,000/- (100 to 1,000 taka only)	
		Per cubic foot (where applicable) above 100,000 cubic feet	1001/- to 3500/- (101 to 3,500 taka only)	
7.	Noise pollution/vibration	Per square meter	200/- to 2500/- (200 to 2,500 taka only)	
8.	Solid waste	Per square foot (solid waste)	200/- to 1,000/- (200 to 1,000 taka only);	
9.	Medical/hospital waste	Per kilogram (solid waste)	50,000/- to 1,00,000/- (50,000 taka to 1 lakh	

Serial no.	Topic	Unit	Compensation rates (taka)	Remarks
			taka only)	
10.	Dockyard (ship/vessel construction/repair)	Per square foot (soil, air, water pollution)	5,000/- to 10,000/- (5,000 to 10,000 taka only)	
11.	Oil/oily substances (in sea/rivers)	Per square meter	30/- (30 taka only)	
12.	Pollution caused by odoriferous substances creating foul smells	Per square meter	Maximum 10,000/- (10,000 taka)	
13.	Environmental damage in ecologically critical areas/restricted zones due to various types of industries/projects/commercial establishments/residential structures/initiatives and events	Per decimal of land	Maximum 20,000/- (20,000 taka)	

Md. Abdul Hamid
Director General
Department of Environment
Ministry of Environment, Forest and Climate Change

Appendix 11. Compensation for Environmental Damage Caused by Liquid Waste

DoE Office Order - Memo No. 22.02.0000.111.58.001.2019-11(1) – January 14, 2024

The compensation rates for industries/projects emitting liquid waste have been redefined as follows (in accordance with the Environment Conservation Rules, 2023):

(1) The Case of Sewage Discharge

Parameters	Maximum allowable limits (excluding pH)	Monetary value in Tk/m^3 wastewater	Monetary value in Tk/m^3 wastewater	Monetary value in Tk/m^3 wastewater
(1)	(2)	(3)	(4)	(5)
Temperature (temp)	30°C	10 if 30°C < temp ≤ 40°C	15 if 40°C < temp ≤ 50°C	20 if temp > 50°C
pH	6–9	10 if 5 ≤ pH < 6 or 9 < pH ≤ 10	15 if 3 ≤ pH < 5 or 10 < pH ≤ 12	25 if pH < 3 or > 12
BOD_5 at 20°C	30 mg/L	15 if 30 < BOD ≤ 100	20 if 100 < BOD ≤ 150	30 if BOD > 150
COD	125 mg/L	20 if 125 < COD ≤ 300	25 if 300 < COD ≤ 400	30 if COD > 400
Suspended solids (SS)	100 mg/L	10 if 100 < SS ≤ 200	15 if 200 < SS ≤ 250	20 if SS > 250
Oil and grease	10 mg/L	30 if 10 < oil and grease ≤ 15	50 if 15 < oil and grease ≤ 20	70 if oil and grease > 20
Nitrate (NO_3)	50 mg/L	10 if 50 < NO_3 ≤ 100	15 if 50 < NO_3 ≤ 150	20 if NO_3 > 150
Phosphate (PO_4)	15 mg/L	10 if 15 < PO_4 ≤ 50	15 if 50 < PO_4 ≤ 100	20 if PO_4 > 100
Total coliform	1,000 CFU/100 ml	15 if 1,000 < total coliform ≤ 2,000	20 if 2,000 < total coliform ≤ 3,000	30 if total coliform > 3,000

In the Case of Liquid Waste Discharge from Industrial Establishments or Projects

(a) General Industrial Establishments or Projects (in the Case of Discharging Liquid Waste into Inland Surface Water)

Parameters	Unit	Maximum allowable limits at discharge point (excluding pH)			
		Inland surface water	Monetary value in Tk/m^3 wastewater	Monetary value in Tk/m^3 wastewater	Monetary value in Tk/m^3 wastewater
(1)	(2)	(3)	(4)	(5)	(6)
Ammoniacal nitrogen (as elemental N)	mg/L	50	10 if 50 < (NH_4 as N) ≤ 100	15 if 100 < (NH_4 as N) ≤ 150	20 if (NH_4 as N) > 150
Ammonia (as free NH_3)	mg/L	5	10 if 5 < NH_3 ≤ 10	15 if 10 < NH_3 ≤ 20	20 if NH_3 > 20
Arsenic (As)	mg/L	0.2	50 if 0.2 < As ≤ 1.0	65 if 1.0 < As ≤ 2.0	75 if As > 2.0
BOD_5 at 20°C	mg/L	30	15 if 30 < BOD ≤ 100	20 if 100 < BOD ≤ 150	30 if BOD > 150
Boron (B)	mg/L	2	10 if 2.0 < B ≤ 4.0	15 if 4.0 < B ≤ 6.0	20 if B > 6.0
Cadmium (Cd)	mg/L	2	50 if 2 < Cd ≤ 4.0	65 if 4.0 < Cd ≤ 6.0	75 if Cd > 6.0
Chloride (Cl)	mg/L	600	10 if 600 < Cl ≤ 1,000	15 if 1,000 < Cl ≤ 2,000	20 if Cl > 2,000
Total chromium (T. Cr)	mg/L	0.5	50 if 0.5 < T. Cr ≤ 1.0	65 if 1.0 < T. Cr ≤ 2.0	75 if T. Cr > 2.0
COD	mg/L	200	20 if 200 < COD ≤ 300	25 if 300 < COD ≤ 400	30 if COD > 400
hexavalent chromium	mg/L	0.1	50 if 0.1 < hexa. Cr ≤ 0.5	65 if 0.5 < hexa. Cr ≤ 1.0	75 if hexa. Cr > 1.0

Parameters	Unit	Maximum allowable limits at discharge point (excluding pH)			
		Inland surface water	Monetary value in Tk/m³ wastewater	Monetary value in Tk/m³ wastewater	Monetary value in Tk/m³ wastewater
(hexavalent Cr)					
Copper (Cu)	mg/L	3.0	20 if 3.0 < Cu ≤ 6.0	25 if 6.0 < Cu ≤ 10.0	30 if Cu > 10.0
Fluoride (F)	mg/L	2	50 if 2.0 < F ≤ 4.0	65 if 4.0 < F ≤ 6.0	75 if F > 6.0
Sulfide (as S)	mg/L	1	10 if 1.0 < S < 2.0	15 if 2.0 < S ≤ 3.0	20 if S > 3.0
Iron (Fe)	mg/L	3.0	20 if 3.0 < Fe ≤ 6.0	25 if 6.0 < Fe ≤ 10.0	30 if Fe > 10.0
Total Kjeldahl Nitrogen	mg/L	100	10 if 100 < Kjeldahl N ≤ 200	15 if 200 < Kjeldahl N ≤ 300	20 if Kjeldahl N > 300
Lead (as Pb)	mg/L	0.1	50 if 0.1 < Pb ≤ 0.5	65 if 0.5 < Pb ≤ 1.0	75 of Pb > 1.0
Manganese (as Mn)	mg/L	2	50 if 2.0 < Mn ≤ 4.0	65 if 4.0 < Mn ≤ 6.0	75 if Mn > 6.0
Mercury (as Hg)	mg/L	0.01	50 if 0.01 < Hg ≤ 0.05	65 if 0.05 < Hg ≤ 0.1	75 if Hg > 0.1
Nickel (as Ni)	mg/L	1.0	50 if 1.0 < Ni ≤ 2.0	65 if 2.0 < Ni ≤ 5.0	75 if Ni > 5.0
Nitrate (as elemental N)	mg/L	10	10 if 10 < NO_3 as N ≤ 20	15 if 20 < NO_3 as N ≤ 30	20 if NO_3 as N > 30
Oil and grease	mg/L	10	30 if 10 < oil and grease ≤ 15	50 if 15 < oil and grease ≤ 20	70 if oil and grease > 20
Phenolic	mg/L	1.0	50 if 1.0 <	65 if 2.0 < Phenols	75 if Phenols

Parameters	Unit	Maximum allowable limits at discharge point (excluding pH)			
		Inland surface water	Monetary value in Tk/m³ wastewater	Monetary value in Tk/m³ wastewater	Monetary value in Tk/m³ wastewater
compounds (as C_6H_5OH)			Phenols ≤ 2.0	≤ 3.0	> 3.0
Dissolved phosphorus (as P)	mg/L	5.0	10 if 5 < P ≤ 10	15 if 10 < P ≤ 20	20 if P > 20
pH	pH	6–9	10 Tk if 5 ≤ pH < 6 or 9 < pH ≤ 10	15 if 3 ≤ pH < 5 or 10 < pH ≤ 12	25 if pH < 3 or > 12
Selenium (as Se)	mg/L	0.05	50 if 0.05 < Se ≤ 0.2	65 if 0.2 < Se ≤ 1.0	75 if Se > 1.0
Zinc (Zn)	mg/L	5	20 if 5.0 < Zn ≤ 10.0	25 if 10.0 < Fe ≤ 20.0	30 if Zn > 20
Temperature	Degree Celsius (°C)	Not to exceed 5°C above the temperature of the reservoir	10 if 5 < temp difference ≤ 10	15 if 10 < temp difference ≤ 20	20 if temp difference > 20
Suspended solids (SS)	mg/L	100	10 if 100 < SS ≤ 200	15 if 200 < SS ≤ 250	20 if SS > 250
Cyanide (as CN)	mg/L	0.1	50 if 0.1 < CN ≤ 0.5	65 if 0.5 < CN ≤ 1.0	75 if CN > 1.0
Total residual chlorine (Cl_2)	mg/L	1.0	20 if 1.0 < Cl_2 ≤ 10.0	25 if 10.0 < Cl_2 ≤ 20.0	30 if Cl_2 > 20
Bioassay test (applicable only to pesticide and pharmaceutical	Tk/m^3	90% of fish should survive after 96 hours in	20 if 90% < fish alive ≥70%	25 if 70% < fish alive ≥50%	30 if fish alive < 50%

Parameters	Unit	Maximum allowable limits at discharge point (excluding pH)			
		Inland surface water	Monetary value in Tk/m³ wastewater	Monetary value in Tk/m³ wastewater	Monetary value in Tk/m³ wastewater
factories)		treated liquid waste			

(b) General Industrial Establishments or Projects (in the Case of Discharging Liquid Waste into Public Sewage Systems for Secondary Treatment)

Parameters	Unit	Maximum allowable limits at discharge point (excluding pH)			
		Public sewage system secondary treatment	Monetary value in Tk/m³ wastewater	Monetary value in Tk/m³ wastewater	Monetary value in Tk/m³ wastewater
(1)	(2)	(3)	(4)	(5)	(6)
Ammoniacal nitrogen (as elemental N)	mg/L	50	10 if 50 < (NH_4 as N) ≤ 100	15 if 100 < (NH_4 as N) ≤ 150	20 if (NH_4 as N) > 150
Ammonia (as free NH_3)	mg/L	5	10 if 5 < NH_3 ≤ 10	15 if 10 < NH_3 ≤ 20	20 if NH_3 > 20
Arsenic (As)	mg/L	0.2	50 if 0.2 < As ≤ 1.0	65 if 1.0 < As ≤ 2.0	75 if As > 2.0
BOD_5 at 20°C	mg/L	250	15 if 250 < BOD ≤ 400	20 if 400 < BOD ≤ 500	30 if BOD > 500
Boron (B)	mg/L	2	10 if 2.0 < B ≤ 4.0	15 if 4.0 < B ≤ 6.0	20 if B > 6.0
Cadmium (Cd)	mg/L	1	50 if 1.0 < Cd ≤ 2.0	65 if 2.0 < Cd ≤ 4.0	75 if Cd > 4.0
Chloride (Cl)	mg/L	600	10 if 600 < Cl ≤ 1,000	15 if 1,000 < Cl ≤ 2,000	20 if Cl > 2,000
Total chromium (T. Cr)	mg/L	1.0	50 if 1.0 < T. Cr ≤ 2.0	65 if 2.0 < T. Cr ≤ 4.0	75 if T. Cr > 4.0
COD	mg/L	400	20 if 400 < COD ≤ 600	25 if 600 < COD ≤ 800	30 if COD > 800
Hexavalent chromium	mg/L	2.0	50 if 2.0 < hexa.	65 if 4.0 < hexa. Cr	75 if hexa. Cr

Parameters	Unit	Maximum allowable limits at discharge point (excluding pH)			
		Public sewage system secondary treatment	Monetary value in Tk/m³ wastewater	Monetary value in Tk/m³ wastewater	Monetary value in Tk/m³ wastewater
(hexavalent Cr)			Cr ≤ 4.0	≤ 6.0	> 6.0
Copper (Cu)	mg/L	3.0	20 if 3.0 < Cu ≤ 6.0	25 if 6.0 < Cu ≤ 10.0	30 if Cu > 10.0
Fluoride (F)	mg/L	15	50 if 15 < F ≤ 20	65 if 20 < F ≤ 30	75 if F > 30
Iron (Fe)	mg/L	3.0	20 if 3.0 < Fe ≤ 6.0	25 if 6.0 < Fe ≤ 10.0	30 if Fe > 10.0
Lead (as Pb)	mg/L	1.0	50 if 1.0 < Pb ≤ 2.0	65 if 2.0 < Pb ≤ 4.0	75 of Pb > 4.0
Manganese (as Mn)	mg/L	2	20 if 2.0 < Mn ≤ 4.0	25 if 4.0 < Mn ≤ 6.0	30 if Mn > 6.0
Mercury (as Hg)	mg/L	0.01	50 if 0.01 < Hg ≤ 0.05	65 if 0.05 < Hg ≤ 0.1	75 if Hg > 0.1
Nickel (as Ni)	mg/L	2.0	50 if 2.0 < Ni ≤ 4.0	65 if 4.0 < Ni ≤ 6.0	75 if Ni > 6.0
Oil and grease	mg/L	20	30 if 20 < oil and grease ≤ 40	50 if 40 < oil and grease ≤ 60	70 if oil and grease > 60
Phenolic compounds (as C_6H_5OH)	mg/L	5	50 if 5.0 < Phenols ≤ 10	65 if 10 < Phenols ≤ 15	75 if Phenols > 15
Dissolved phosphorus (as P)	mg/L	5.0	10 if 5 < P ≤ 10	15 if 10 < P ≤ 20	20 if P > 20
pH	mg/L	6–9	10 Tk if 5 ≤ pH < 6 or 9 < pH ≤ 10	15 if 3 ≤ pH < 5 or 10 < pH ≤ 12	25 if pH < 3 or > 12

Parameters	Unit	Maximum allowable limits at discharge point (excluding pH)			
		Public sewage system secondary treatment	Monetary value in Tk/m³ wastewater	Monetary value in Tk/m³ wastewater	Monetary value in Tk/m³ wastewater
Selenium (as Se)	mg/L	0.05	50 if 0.05 < Se ≤ 0.2	65 if 0.2 < Se ≤1.0	75 if Se > 1.0
Zinc (Zn)	mg/L	15	20 if 15 < Zn ≤ 20	25 if 20.0 < Fe ≤ 30.0	30 if Zn > 30
Suspended solids (SS)	mg/L	500	10 if 500 < SS ≤ 700	15 if 700 < SS ≤ 1,000	20 if SS > 1,000
Cyanide (as CN)	mg/L	2.0	50 if2. 0 < CN ≤ 4.0	65 if 4.0 < CN ≤ 6.0	75 if CN > 6.0
Bioassay test (applicable only to pesticide and pharmaceutical factories)		90% of fish should survive after 96 hours in treated liquid waste			

(c) General Industrial Establishments or Projects (in the case of Discharging Liquid Waste into Coastal Areas)

Parameters	Unit	Maximum allowable limits at discharge point (excluding pH)			
		Coastal areas	Monetary value in Tk/m^3 wastewater	Monetary value in Tk/m^3 wastewater	Monetary value in Tk/m^3 wastewater
(1)	(2)	(3)	(4)	(5)	(6)
Ammoniacal nitrogen (as elemental N)	mg/L	50	10 if 50 < (NH_4 as N) ≤ 100	15 if 100 < (NH_4 as N) ≤ 150	20 if (NH_4 as N) > 150
Ammonia (as free NH_3)	mg/L	5	10 if 5 < NH_3 ≤ 10	15 if 10 < NH_3 ≤ 20	20 if NH_3 > 20
Arsenic (As)	mg/L	0.2	50 if 0.2 < As ≤1.0	65 if 1.0 < As ≤ 2.0	75 if As > 2.0
BOD_5 at 20°C	mg/L	100	15 if 100 < BOD ≤ 150	20 if 150 < BOD ≤ 200	30 if BOD > 200
Boron (B)	mg/L	4.0	10 if 4.0 < B ≤ 6.0	15 if 6.0 < B ≤ 8.0	20 if B > 8.0
Cadmium (Cd)	mg/L	2	50 if 2 < Cd ≤ 4.0	65 if 4.0 < Cd ≤ 6.0	75 if Cd > 6.0
Total chromium (T. Cr)	mg/L	1	50 if 1.0 < T. Cr ≤ 2.0	65 if 2.0 < T. Cr ≤ 4.0	75 if T. Cr > 4.0
COD	mg/L	250	20 if 250 < COD ≤ 400	25 if 400 < COD ≤ 600	30 if COD > 600
Hexavalent chromium (hexavalent Cr)	mg/L	1	50 if 1.0 < hexa. Cr ≤ 2.0	65 if 2.0 < hexa. Cr ≤ 4.0	75 if hexa. Cr > 4.0
Copper (Cu)	mg/L	3.0	20 if 3.0 < Cu ≤ 6.0	25 if 6.0 < Cu ≤ 10.0	30 if Cu > 10.0
Fluoride (F)	mg/L	15	50 if 15 < F ≤ 20	65 if 20 < F ≤ 30	75 if F > 30

Parameters	Unit	Maximum allowable limits at discharge point (excluding pH)			
		Coastal areas	Monetary value in Tk/m³ wastewater	Monetary value in Tk/m³ wastewater	Monetary value in Tk/m³ wastewater
Sulfide (as S)	mg/L	5	10 if 5.0 < S < 10.0	15 if10.0 < S ≤ 20.0	20 if S > 20.0
Iron (Fe)	mg/L	3.0	20 if 3.0 < Fe ≤ 6.0	25 if 6.0 < Fe ≤ 10.0	30 if Fe > 10.0
Total Kjeldahl nitrogen	mg/L	100	10 if 100 < Kjeldahl N ≤ 200	15 if 200 < Kjeldahl N ≤ 300	20 if Kjeldahl N > 300
Lead (as Pb)	mg/L	2	50 if 2.0 < Pb ≤ 4.0	65 if 4.0 < Pb ≤ 6.0	75 of Pb > 6.0
Manganese (as Mn)	mg/L	2	20 if 2.0 < Mn ≤ 4.0	25 if 4.0 < Mn ≤ 6.0	30 if Mn > 6.0
Mercury (as Hg)	mg/L	0.01	50 if 0.01 < Hg ≤ 0.05	65 if 0.05 < Hg ≤ 0.1	75 if Hg > 0.1
Nickel (as Ni)	mg/L	5.0	20 if 5.0 < Ni ≤ 10.0	25 if 10.0 < Ni ≤ 20.0	30 if Ni > 20.0
Nitrate (as elemental N)	mg/L	20	10 if 20 < NO_3 as N ≤ 40	15 if 40 <NO_3 as N ≤ 50	20 if NO_3 as N > 50
Oil and grease	mg/L	20	30 if 20 < oil and grease ≤ 25	50 if 25 < oil and grease ≤ 30	70 if oil and grease > 30
Phenolic compounds (as C_6H_5OH)	mg/L	5.0	50 if 5.0 < Phenols ≤ 10.0	65 if 10.0 <Phenols ≤ 15.0	75 if Phenols > 15.0
Dissolved phosphorus (as P)	mg/L	5.0	10 if 5 < P ≤ 10	15 if 10 < P ≤ 20	20 if P > 20
pH	mg/L	6–9	10 Tk if 5 ≤ pH <	15 if 3 ≤ pH < 5 or	25 if pH < 3 or

Parameters	Unit	Maximum allowable limits at discharge point (excluding pH)			
		Coastal areas	Monetary value in Tk/m³ wastewater	Monetary value in Tk/m³ wastewater	Monetary value in Tk/m³ wastewater
			6 or 9 < pH ≤ 10	10 < pH ≤ 12	> 12
Selenium (as Se)	mg/L	0.05	50 if 0.05 < Se ≤ 0.2	65 if 0.2 < Se ≤ 1.0	75 if Se > 1.0
Zinc (Zn)	mg/L	15	20 if 15.0 < Zn ≤ 20.0	25 if 20.0 < Fe ≤ 30.0	30 if Zn > 30
Temperature	Degree Celsius (°C)	Not to exceed 5°C above the temperature of the reservoir	10 if 5 < temp difference ≤ 10	15 if 10 < temp difference ≤ 20	20 if temp difference > 20
Suspended solids (SS)	mg/L	100	10 if 100 < SS ≤ 200	15 if 200 < SS ≤ 250	20 if SS > 250
Cyanide (as CN)	mg/L	0.2	50 if 0.2 < CN ≤ 0.5	65 if 0.5 < CN ≤ 1.0	75 if CN > 1.0
Total residual chlorine (Cl_2)	mg/L	1.2	20 if 1.2 < Cl_2 ≤ 10.0	25 if 10.0 < Cl_2 ≤ 20.0	30 if Cl_2 > 20
Bioassay test (applicable only to pesticide and pharmaceutical factories)		90% of fish should survive after 96 hours in treated liquid waste	20 if 90% < fish alive ≥70%	25 if 70% < fish alive ≥ 50%	30 if fish alive < 50%

Standards for Liquid Waste Discharge by Industrial Category

(1) Fertilizer Factory: (a) Nitrogen-based Fertilizer Factory

Parameters	Unit	Maximum allowable limits at discharge point (excluding pH)	Monetary value in Tk/m³ wastewater	Monetary value in Tk/m³ wastewater	Monetary value in Tk/m³ wastewater
(1)	(2)	(3)	(4)	(5)	(6)
Ammoniacal nitrogen (as elemental N)	mg/L	50	10 if 50 < (NH_4 as N) ≤ 100	15 if 100 < (NH_4 as N) ≤ 150	20 if (NH_4 as N) > 150
Total Kjeldahl nitrogen	mg/L	100	10 if 100 < Kjeldahl N ≤ 200	15 if 200 < Kjeldahl N ≤ 300	20 if Kjeldahl N > 300
Ammonia (as free NH_3)	mg/L	5	10 if 5 < NH_3 ≤ 10	15 if 10 < NH_3 ≤ 20	20 if NH_3 > 20
pH		6–9	10 if 5 ≤ pH < 6 or 9 < pH ≤ 10	15 if 3 ≤ pH < 5 or 10 < pH ≤ 12	25 if pH < 3 or > 12
Total chromium (total Cr)	mg/L	0.5	50 if 0.5 < T. Cr ≤ 1.0	65 if 1.0 < T. Cr ≤ 2.0	75 if T. Cr > 2.0
Hexavalent chromium (hexavalent Cr)	mg/L	0.1	50 if 0.1 < hexa. Cr ≤ 0.5	65 if 0.5 < hexa. Cr ≤ 2.0	75 if hexa. Cr > 2.0
Suspended solids (SS)	mg/L	100	10 if 100 < SS ≤ 200	15 if 200 < SS ≤ 250	20 if SS > 250
Oil and grease	mg/L	10	30 if 10 < oil and grease ≤	50 if 15 < oil	70 if oil and

	Parameters	Unit	Maximum allowable limits at discharge point (excluding pH)	Monetary value in Tk/m³ wastewater	Monetary value in Tk/m³ wastewater	Monetary value in Tk/m³ wastewater
				15	and grease ≤ 20	grease > 20
	Wastewater flow	Cubic meter/ton of urea	10	10 if 10 < wastewater flow ≤ 20	15 if 20 < wastewater flow ≤ 30	20 if wastewater flow > 30
Temperature	Degree Celsius (°C)	Not to exceed 5°C above the temperature of the reservoir	10 if 5°C < temp difference ≤ 10 °C	15 if 10°C < temp difference ≤ 20°C	20 if temp difference > 20°C	

(b) Phosphate-based Fertilizer Factory

Parameters	Unit	Maximum allowable limits at discharge point (excluding pH)	Monetary value in Tk/m³ wastewater	Monetary value in Tk/m³ wastewater	Monetary value in Tk/m³ wastewater
(1)	(2)	(3)	(4)	(5)	(6)
At the emission point of the fluoride removal plant, fluoride (as elemental F)	mg/L	10	50 if 10 < F ≤ 15	65 if 15 < F ≤ 20	75 if F > 20
Phosphorus (as P)	mg/L	5.0	10 if 5 < P ≤ 10	15 if 10 < P ≤ 20	20 if P > 20
Suspended solids (SS) at the emission point of the chromate removal plant	mg/L	100	10 if 100 < SS ≤ 200	15 if 200 < SS ≤ 250	20 if SS > 250
Total chromium (T. Cr)	mg/L	0.5	50 if 0.5 < T. Cr ≤ 2.0	65 if 2.0 < T. Cr ≤ 4.0	75 if T. Cr > 4.0
Hexavalent chromium (hexavalent Cr)	mg/L	0.1	50 if 0.1 < hexa. Cr ≤ 0.5	65 if 0.5 < hexa. Cr 1.0	75 if hexa. Cr > 1.0
Oil and grease	mg/L	10	30 if 10 < oil and grease ≤ 15	50 if 15 < oil and grease ≤ 20	70 if oil and grease > 20

(2) Textile Factories (Washing, Dyeing, and Printing)

Parameters	Unit	Maximum allowable limits at discharge point (excluding pH)	Monetary value in Tk/m³ wastewater	Monetary value in Tk/m³ wastewater	Monetary value in Tk/m³ wastewater
(1)	(2)	(3)	(4)	(5)	(6)
pH		6–9	10 if 5 ≤ pH < 6 or 9 < pH ≤ 10	15 if 3 ≤ pH < 5 or 10 < pH ≤ 12	25 if pH < 3 or > 12
Color	Hazen Unit (Pt-Co)	150	10 if 150 < Color ≤ 200	15 if 200 < Color ≤ 250	20 if Color > 250
Temperature	Degree Celsius (°C)	Not to exceed 5°C above the temperature of the reservoir	10 if 5°C < temp difference ≤ 10 °C	15 if 10°C < temp difference ≤ 20°C	20 if temp difference > 20°C
Suspended solids (SS)	mg/L	100	10 if 100 < SS ≤ 200	15 if 200 < SS ≤ 250	20 if SS > 250
BOD_5 at 20°C	mg/L	30	15 if 30 < BOD ≤ 100	20 if 100 < BOD ≤ 150	30 if BOD > 150
COD	mg/L	200	20 if 200 < COD ≤ 300	25 if 300 < COD ≤ 400	30 if COD > 400
Total dissolved solids (TDS)	mg/L	2,100*	10 if 2,100 < SS ≤ 2,500	15 if 2,500 < SS ≤ 3,000	20 if SS > 3,000
Oil and grease	mg/L	10	30 if 10 < oil and grease ≤ 15	50 if 15 < oil and grease ≤ 20	70 if oil and grease > 20
Total chromium (T.	mg/L	0.5	50 if 0.5 < T. Cr ≤	65 if 2.0 < T. Cr	75 if T. Cr > 4.0

Parameters	Unit	Maximum allowable limits at discharge point (excluding pH)	Monetary value in Tk/m³ wastewater	Monetary value in Tk/m³ wastewater	Monetary value in Tk/m³ wastewater
Cr)			2.0	≤ 4.0	
Sulfide (as S)	mg/L	2	10 if 2.0 < S < 4.0	15 if 4.0 < S ≤ 6.0	20 if S > 6.0
Phenolic compounds (as C_6H_5OH)	mg/L	1.0	50 if 1.0 < Phenols ≤ 2.0	65 if 2.0 < Phenols ≤ 3.0	75 if Phenols > 3.0
Lead (as Pb)	mg/L	0.1	50 if 0.1 < Pb ≤ 0.5	65 if 0.5 < Pb ≤ 1.0	75 of Pb > 1.0
Cadmium (Cd)	mg/L	0.2	50 if 0.2 < Cd ≤ 0.1	65 if 0.1 < Cd ≤ 0.5	75 if Cd > 0.5
Cobalt (Co)	mg/L	0.5	50 if 0.5 < Co ≤ 2.0	65 if 2.0 < Co ≤ 4.0	75 if Co > 4.0
Nickel (as Ni)	mg/L	1.0	50 if 1.0 < Ni ≤ 2.0	65 if 2.0 < Ni ≤ 4.0	75 if Ni > 4.0

(3) Pulp and Paper Industry

Parameters	Unit	Maximum allowable limits at discharge point (excluding pH)	Monetary value in Tk/m³ wastewater	Monetary value in Tk/m³ wastewater	Monetary value in Tk/m³ wastewater
(1)	(2)	(3)	(4)	(5)	(6)

Parameters	Unit	Maximum allowable limits at discharge point (excluding pH)	Monetary value in Tk/m³ wastewater	Monetary value in Tk/m³ wastewater	Monetary value in Tk/m³ wastewater
pH		6–9	10 if 5 ≤ pH < 6 or 9 < pH ≤ 10	15 if 3 ≤ pH < 5 or 10 < pH ≤ 12	25 if pH < 3 or > 12
Suspended solids (SS)	mg/L	100	10 if 100 < SS ≤ 200	15 if 200 < SS ≤ 250	20 if SS > 250
BOD_5 at 20°C	mg/L	30	15 if 30 < BOD ≤ 100	20 if 100 < BOD ≤ 150	30 if BOD > 150
COD	mg/L	200	20 if 200 < COD ≤ 300	25 if 300 < COD ≤ 400	30 if COD > 400
Wastewater flow	Cubic Meters	50 cubic meters per ton of paper for agricultural raw material-based production	10 if 50 < wastewater flow ≤ 100	15 if 100 < wastewater flow ≤ 200	20 if wastewater flow > 250
		25 $m^{3/}$ton of paper for waste paper-based production	10 if 25 < wastewater flow ≤ 50	15 if 50 < wastewater flow ≤ 100	20 if wastewater flow > 100
Temperature	Degree Celsius (°C)	Not to exceed 5°C above the temperature of the reservoir	10 if 5°C < temp difference ≤ 10 °C	15 if 10°C < temp difference ≤ 20°C	20 if temp difference > 20°C

(4) Distillery Industry

Parameters	Unit	Maximum allowable limits at discharge point (excluding pH)	Monetary value in Tk/m³ wastewater	Monetary value in Tk/m³ wastewater	Monetary value in Tk/m³ wastewater
(1)	(2)	(3)	(4)	(5)	(6)
pH		6–9	10 if 5 ≤ pH < 6 or 9 < pH ≤ 10	15 if 3 ≤ pH < 5 or 10 < pH ≤ 12	25 if pH < 3 or > 12
Suspended solids (SS)	mg/L	100	10 if 100 < SS ≤ 200	15 if 200 < SS ≤ 250	20 if SS >250
BOD_5 at 20°C	mg/L	50	15 if 50 < BOD ≤ 100	20 if 100 < BOD ≤ 150	30 if BOD > 150
COD	mg/L	200	20 if 200 < COD ≤ 300	25 if 300 < COD ≤ 400	30 if COD > 400
Oil and grease	mg/L	10	30 if 10 < oil and grease ≤ 15	50 if 15 < oil and grease ≤ 20	70 if oil and grease > 20
Temperature	Degree Celsius (°C)	Not to exceed 5°C above the temperature of the reservoir	10 if 5°C < temp difference ≤ 10 °C	15 if 10°C < temp difference ≤ 20°C	20 if temp difference > 20°C

(5) Sugar Industry

Parameters	Unit	Maximum allowable limits at discharge point (excluding pH)	Monetary value in Tk/m³ wastewater	Monetary value in Tk/m³ wastewater	Monetary value in Tk/m³ wastewater
(1)	(2)	(3)	(4)	(5)	(6)
pH		6–9	10 if 5 ≤ pH < 6 or 9 < pH ≤ 10	15 if 3 ≤ pH < 5 or 10 < pH ≤ 12	25 if pH < 3 or > 12
Suspended solids (SS)	mg/L	100	10 if 100 < SS ≤ 200	15 if 200 < SS ≤ 250	20 if SS > 250
BOD_5 at 20°C		50	15 if 50 < BOD ≤ 100	20 if 100 < BOD ≤ 150	30 if BOD > 150
Oil and grease	mg/L	10	30 if 10 < oil and grease ≤ 15	50 if 15 < oil and grease ≤ 20	70 if oil and grease > 20
Wastewater flow (per ton of crushed sugarcane)	Cubic meters/ton	0.5	10 if 0.5 < wastewater flow ≤ 1.0	15 if 1.0 < wastewater flow ≤ 2.0	20 if wastewater flow > 2.0
Temperature	Degree Celsius (°C)	Not to exceed 5°C above the temperature of the reservoir	10 if 5°C < temp difference ≤ 10 °C	15 if 10°C < temp difference ≤ 20°C	20 if temp difference > 20°C

(6) Tannery Industry

Parameters	Unit	Maximum allowable limits at discharge point (excluding pH)	Monetary value in Tk/m³ wastewater	Monetary value in Tk/m³ wastewater	Monetary value in Tk/m³ wastewater
(1)	(2)	(3)	(4)	(5)	(6)
pH		6–9	10 if 5 ≤ pH < 6 or 9 < pH ≤ 10	15 if 3 ≤ pH < 5 or 10 < pH ≤ 12	25 if pH < 3 or > 12
Suspended solids (SS)	mg/L	100	10 if 100 < SS ≤ 200	15 if 200 < SS ≤ 250	20 if SS > 250
BOD_5 at 20°C	mg/L	30	15 if 30 < BOD ≤ 100	20 if 100 < BOD ≤ 150	30 if BOD > 150
Sulfide (as S)	mg/L	1	10 if 1.0 < S < 2.0	15 if 2.0 < S ≤ 3.0	20 if S > 3.0
Total chromium (total Cr)	mg/L	2	50 if 2.0 < T. Cr ≤ 4.0	65 if 4.0 < T. Cr ≤ 6.0	75 if T. Cr > 6.0
Oil and grease	mg/L	10	30 if 10 < oil and grease ≤ 15	50 if 15 < oil and grease ≤ 20	70 if oil and grease > 20
Wastewater flow (per ton of processed leather)	m^3/ton	30	10 if 30 < wastewater flow ≤ 50	15 if 50 < wastewater flow ≤ 100	20 if wastewater flow > 100
Chloride (Cl)	mg/L	2,000	10 if 2,000 < Cl ≤ 3,000	15 if 3,000 < Cl ≤ 5,000	20 if Cl > 25,000
Phenols	mg/L	1.0	50 if 1.0 < Phenols ≤ 2.0	65 if 2.0 < Phenols ≤ 3.0	75 if Phenols > 3.0

(7) Food Processing, Fish Processing, Dairy, and Starch

Parameters	Unit	Maximum allowable limits at discharge point (excluding pH)	Monetary value in Tk/m³ wastewater	Monetary value in Tk/m³ wastewater	Monetary value in Tk/m³ wastewater
(1)	(2)	(3)	(4)	(5)	(6)
Temperature	Degree Celsius (°C)	Not to exceed 5°C above the temperature of the reservoir	10 if 5°C < temp difference ≤ 10 °C	15 if 10°C < temp difference ≤ 20°C	20 if temp difference > 20°C
pH		6–9	10 if 5 ≤ pH < 6 or 9 < pH ≤ 10	15 if 3 ≤ pH < 5 or 10 < pH ≤ 12	25 if pH < 3 or > 12
Suspended solids (SS)	mg/L	100	10 if 100 < SS ≤ 200	15 if 200 < SS ≤ 250	20 if SS > 250
BOD_5 at 20°C	mg/L	30	15 if 30 < BOD ≤ 100	20 if 100 < BOD ≤ 150	30 if BOD > 150
Wastewater flow					
Starch	Tk/m³	8 m^3/ton of raw material	10 if 8 < wastewater flow ≤ 12	15 if 12 < wastewater flow ≤ 20	20 if wastewater flow > 20
Dairy products	Tk/m³	3 m^3/ton of milk	10 if 3 < wastewater flow ≤ 6	15 if 6 < wastewater flow ≤ 10	20 if wastewater flow > 10

(8) Crude Oil Refinery

Parameters	Unit	Maximum allowable limits at discharge point (excluding pH)	Monetary value in Tk/m³ wastewater	Monetary value in Tk/m³ wastewater	Monetary value in Tk/m³ wastewater
(1)	(2)	(3)	(4)	(5)	(6)
pH	pH	6-9	10 if 5 ≤ pH < 6 or 9 < pH ≤ 10	15 if 3 ≤ pH < 5 or 10 < pH ≤ 12	25 if pH < 3 or > 12
Oil and grease	mg/L	10	30 if 10 < oil and grease ≤ 15	50 if 15 < oil and grease ≤ 20	70 if oil and grease > 20
BOD_5 at 20°C	mg/L	30	15 if 30 < BOD ≤ 100	20 if 100 < BOD ≤ 150	30 if BOD > 150
Phenolic compounds	mg/L	0.5	50 if 0.5 < Phenols ≤ 2.0	65 if 2.0 < Phenols ≤ 3.0	75 if Phenols > 3.0
Sulfide (as S)	mg/L	1	10 if 1.0 < S < 2.0	15 if 2.0 < S ≤ 3.0	20 if S > 3.0
Suspended solids (SS)	mg/L	50	10 if 50 < SS ≤ 100	15 if 100 < SS ≤ 200	20 if SS > 200
COD	mg/L	150	20 if 150 < COD ≤ 300	25 if 300 < COD ≤ 400	30 if COD > 400
Benzene (C_6H_6)	mg/L	0.1	50 if 0.1 < C_6H_6 ≤ 0.5	65 if 0.5 < C_6H_6 ≤ 1.0	75 if C_6H_6 > 1.0
Benzo(a)pyrene	mg/L	0.2	50 if 0.2 < Benzo(a)pyrene ≤ 0.5	65 if 0.5 < Benzo(a)pyrene ≤ 1.0	75 if Benzo(a)pyrene > 1.0
Lead (as Pb)	mg/L	0.1	50 if 0.1 < Pb ≤ 0.5	65 if 0.5 < Pb ≤ 1.0	75 of Pb > 1.0

Parameters	Unit	Maximum allowable limits at discharge point (excluding pH)	Monetary value in Tk/m³ wastewater	Monetary value in Tk/m³ wastewater	Monetary value in Tk/m³ wastewater
Nickel (as Ni)	mg/L	1.0	50 if 1.0 < Ni ≤ 2.0	65 if 2.0 < Ni ≤ 4.0	75 if Ni > 4.0
Mercury (as Hg)	mg/L	0.01	50 if 0.01 < Hg ≤ 0.1	65 if 0.1 < Hg ≤ 1.0	75 if Hg > 1.0
Copper (Cu)	mg/L	1.0	20 if 1.0 < Cu ≤ 2.0	25 if 2.0 < Cu ≤ 4.0	30 if Cu > 4.0
Cyanide (as CN)	mg/L	0.1	50 if 0.1 < CN ≤ 0.5	65 if 0.5 < CN ≤ 1.0	75 if CN >1.0
Temperature	Degree Celsius (°C)	Not to exceed 5°C above the temperature of the reservoir	10 if 5°C < temp difference ≤ 10 °C	15 if 10°C < temp difference ≤ 20°C	20 if temp difference > 20°C

(9) Pesticides (Manufacturing and Formulation)

Parameters	Unit	Maximum allowable limits at discharge point (excluding pH)	Monetary value in Tk/m³ wastewater	Monetary value in Tk/m³ wastewater	Monetary value in Tk/m³ wastewater
(1)	(2)	(3)	(4)	(5)	(6)
pH	pH	6-9	10 if 5 ≤ pH < 6 or 9 < pH ≤ 10	15 if 3 ≤ pH < 5 or 10 < pH ≤ 12	25 if pH < 3 or > 12
Temperature	Degree Celsius (°C)	Not to exceed 5°C above the temperature of the reservoir	10 if 5°C < temp difference ≤ 10 °C	15 if 10°C < temp difference ≤ 20°C	20 if temp difference > 20°C
BOD_5 at 20°C	mg/L	30	15 if 30 < BOD ≤ 100	20 if 100 < BOD ≤ 150	30 if BOD > 150
COD	mg/L	200	20 if 200 < COD ≤ 300	25 if 300 < COD ≤ 400	30 if COD > 400
Oil and grease	mg/L	10	30 if 10 < oil and grease ≤ 15	50 if 15 < oil and grease ≤ 20	70 if oil and grease > 20
Suspended solids (SS)	mg/L	100	10 if 100 < SS ≤ 200	15 if 200 < SS ≤ 250	20 if SS > 250
Bioassay test	Tk/m³	90% of fish should survive after 96 hours in treated liquid waste	20 if 90% < fish alive ≥ 70%	25 if 70% < fish alive ≥ 50%	30 if fish alive < 50%
Arsenic (As)	mg/L	0.2	50 if 0.2 < As ≤ 0.5	65 if 0.5 < As ≤ 1.0	75 if As > 1.0

Parameters	Unit	Maximum allowable limits at discharge point (excluding pH)	Monetary value in Tk/m³ wastewater	Monetary value in Tk/m³ wastewater	Monetary value in Tk/m³ wastewater
Copper (Cu)	mg/L	1.0	20 if 1.0 < Cu ≤ 2.0	25 if 2.0 < Cu ≤ 3.0	30 if Cu > 3.0
Manganese (as Mn)	mg/L	1	20 if 1.0 < Mn ≤ 2.0	25 if 2.0 < Mn ≤ 3.0	30 if Mn >3.0
Mercury (as Hg)	mg/L	0.01	50 if 0.01 < Hg ≤ 0.1	65 if 0.1 < Hg ≤ 1.0	75 if Hg >1.0
Antimony (Sb)	mg/L	0.1	50 if 0.1 < Sb ≤ 0.5	65 if 0.5 < Sb ≤ 1.0	75 if Sb > 1.0
Zinc (Zn)	mg/L	1	20 if 1.0 < Zn ≤ 2.0	25 if 2.0 < Zn ≤ 3.0	30 if Zn > 3.0
Tin (Sn)	mg/L	0.01	50 if 0.01 < Sn ≤ 0.1	65 if 0.1 < Sn ≤ 1.0	75 if Sn > 1.0
Cyanide (as CN)	mg/L	0.2	50 if 0.2 < CN ≤ 1.0	65 if 1.0 < CN ≤ 2.0	75 if CN > 2.0
Nitrate (as elemental N)	mg/L	45	10 if 45 < NO_3 ≤ 100	15 if 100 < NO_3 ≤ 150	20 if NO_3 > 150
Phosphate (as P)	mg/L	5.0	10 if 5 < P ≤ 10	15 if 10 < P ≤ 20	20 if P > 20
Phenols and phenolic compounds	mg/L	1.0	50 if 1.0 < Phenols ≤ 2.0	65 if 2.0 < Phenols ≤ 3.0	75 if Phenols > 3.0
Sulphur (as S)	mg/L	0.03	10 if 0.03 < S < 0.3	15 if 0.3 < S ≤ 1.0	20 if S > 1.0

Parameters	Unit	Maximum allowable limits at discharge point (excluding pH)	Monetary value in Tk/m³ wastewater	Monetary value in Tk/m³ wastewater	Monetary value in Tk/m³ wastewater
Carbonyl	mg/L	0.01	50 if 0.01 < Carbonyl ≤ 0.1	65 if 0.1 < Carbonyl ≤ 1.0	75 if Carbonyl > 1.0
Copper sulfate ($CuSO_4$)	mg/L	0.05	50 if 0.05 < $CuSO_4$ ≤ 0.2	65 if 0.2 < $CuSO_4$ ≤ 1	75 if $CuSO_4$ > 1.0
Copper oxychloride	mg/L	9.6	50 if 9.6 < Copper oxychloride ≤ 20.0	65 if 20.0 < Copper oxychloride ≤ 30.0	75 if Copper oxychloride > 30.0
Dimethoate	mg/L	0.45	50 if 0.45 < Dimethoate ≤ 1.0	65 if 1.0 < Dimethoate ≤ 3.0	75 if Dimethoate > 3.0
Endosulfan	mg/L	0.01	50 if 0.01 < Endosulfan ≤ 0.1	65 if 0.1 < Endosulfan ≤ 1.0	75 if Endosulfan > 1.0
Fenitrothion	mg/L	0.01	50 if 0.01 < Fenitrothion ≤ 0.1	65 if 0.1 < Fenitrothion ≤ 1.0	75 if Fenitrothion > 1.0
Malathion	mg/L	0.01	50 if 0.01 < Malathion ≤ 0.1	65 if 0.1 < Malathion ≤ 1.0	75 if Malathion > 1.0
Methyl parathion	mg/L	0.01	50 if 0.01 < Methyl Parathion ≤ 0.1	65 if 0.1 < Methyl Parathion ≤ 1.0	75 if Methyl Parathion > 1.0
Paraquat	mg/L	2.3	50 if 2.3 < Paraquat ≤ 5.0	65 if 5.0 < Paraquat ≤ 8.0	75 if Paraquat > 8.0
Phenthoate	mg/L	0.01	50 if 0.01 <	65 if 0.1 <	75 if Phenthoate

Parameters	Unit	Maximum allowable limits at discharge point (excluding pH)	Monetary value in Tk/m³ wastewater	Monetary value in Tk/m³ wastewater	Monetary value in Tk/m³ wastewater
			Phenthoate ≤ 0.1	Phenthoate 1.0	> 1.0
Phorate	mg/L	0.01	50 if 0.01 < Phorate ≤ 0.1	65 if 1.0 < Phorate 2.0	75 if Phorate > 2.0
Proponil	mg/L	7.3	50 if 7.3 < Proponil ≤ 10.0	65 if 10.0 < Proponil ≤ 15	75 if Proponil > 15
Pyrethrums	mg/L	0.01	50 if 0.01 < Pyrethrums ≤ 0.1	65 if 0.1 < Pyrethrums ≤ 1.0	75 if Pyrethrums > 1.0
Ziram	mg/L	1.0	50 of 1.0 < Ziram ≤ 2.0	65 if 2.0 < Ziram ≤ 3.0	75 if Ziram >3.0
Other pesticides (separately)	mg/L	0.01	50 if 0.01 < pesticides ≤ 0.1	65 if 1.0 < pesticides 2.0	75 if pesticide > 2.0

(10) Battery-Manufacturing Industry: (a) Lead-Acid Battery-Manufacturing Industry

Parameters	Unit	Maximum allowable limits at discharge point (excluding pH)	Monetary value in Tk/m³ wastewater	Monetary value in Tk/m³ wastewater	Monetary value in Tk/m³ wastewater
(1)	(2)	(3)	(4)	(5)	(6)
pH	pH	6.5-8.5	10 if 5 ≤ pH < 6.5 or 8.5 < pH≤10	15 if 3 ≤ pH < 5 or 10 < pH≤ 12	25 if pH < 3 or > 12

Parameters	Unit	Maximum allowable limits at discharge point (excluding pH)	Monetary value in Tk/m³ wastewater	Monetary value in Tk/m³ wastewater	Monetary value in Tk/m³ wastewater
Suspended solids (SS)	mg/L	50	10 if 50 < SS ≤ 100	15 if 100 < SS ≤ 200	20 if SS > 200
Lead (as Pb)	mg/L	0.1	50 if 0.1 < Pb ≤ 0.5	65 if 0.5 < Pb ≤ 1.0	75 of Pb > 1.0

(b) Dry Cell Battery-Manufacturing Industry

Parameters	Unit	Maximum allowable limits at discharge point (excluding pH)	Monetary value in Tk/m³ wastewater	Monetary value in Tk/m³ wastewater	Monetary value in Tk/m³ wastewater
(1)	(2)	(3)	(4)	(5)	(6)
pH	pH	6.5-8.5	10 if 5 ≤ pH < 6.5 or 8.5 < pH ≤ 10	15 if 3 ≤ pH < 5 or 10 < pH ≤ 12	25 if pH < 3 or > 12
Suspended solids (SS)	mg/L	100	10 if 100 < SS ≤ 200	15 if 200 < SS ≤ 250	20 if SS > 250
Manganese (as Mn)	mg/L	2	50 if 2.0 < Mn ≤ 4.0	65 if 4.0 < Mn ≤ 6.0	75 if Mn > 6.0
Mercury (as Hg)	mg/L	0.02	50 if 0.02 < Hg ≤ 0.2	65 if 0.2 < Hg ≤ 0.5	75 if Hg > 0.5
Zinc (Zn)	mg/L	5	20 if 5.0 < Zn ≤ 10.0	25 if 10.0 < Zn ≤ 20.0	30 if Zn > 20

(11) Paint Factories

Parameters	Unit	Maximum allowable limits at discharge point (excluding pH)	Monetary value in Tk/m³ wastewater	Monetary value in Tk/m³ wastewater	Monetary value in Tk/m³ wastewater
(1)	(2)	(3)	(4)	(5)	(6)
pH	pH	6.5–8.5	10 if 5 ≤ pH < 6.5 or 8.5 < pH ≤ 10	15 if 3 ≤ pH < 5 or 10 < pH ≤ 12	25 if pH < 3 or > 12
Suspended solids (SS)	mg/L	100	10 if 100 < SS ≤ 200	15 if 200 < SS ≤ 250	20 if SS > 250
BOD_5 at 20°C	mg/L	30	15 if 30 < BOD ≤ 100	20 if 100 < BOD ≤ 150	30 if BOD > 150
Phenols	mg/L	1.0	50 if 1.0 < Phenols ≤ 2.0	65 if 2.0 < Phenols ≤ 3.0	75 if Phenols > 3.0
COD	mg/L	200	20 if 200 < COD ≤ 300	25 if 300 < COD ≤ 400	30 if COD > 400
Bioassay test	Tk/m³	90% of fish should survive after 96 hours in treated liquid waste	20 if 90% < fish alive ≥ 70%	25 if 70% < fish alive ≥ 50%	30 if fish alive < 50%
Lead (as Pb)	mg/L	0.1	50 if 0.1 < Pb ≤ 0.5	65 if 0.5 < Pb ≤ 1.0	75 of Pb > 1.0
hexavalent chromium (hexavalent Cr)	mg/L	0.1	50 if 0.1 < hexa. Cr ≤ 0.5	65 if 0.5 < hexa. Cr ≤ 1.0	75 if hexa. Cr > 1.0
Copper (Cu)	mg/L	2.0	20 if 2.0 < Cu ≤	25 if 4.0 < Cu ≤	30 if Cu > 6.0

Parameters	Unit	Maximum allowable limits at discharge point (excluding pH)	Monetary value in Tk/m³ wastewater	Monetary value in Tk/m³ wastewater	Monetary value in Tk/m³ wastewater
			4.0	6.0	
Nickel (as Ni)	mg/L	2.0	20 if 2.0 < Ni ≤ 4.0	25 if 4.0 < Ni ≤ 6.0	30 if Ni > 6.0
Zinc (Zn)	mg/L	5	20 if 5.0 < Zn ≤ 10.0	25 if 10.0 < Zn ≤ 20.0	30 if Zn > 20

(12) Ceramic Tile and Sanitary Ware Manufacturing Factories

Parameters	Unit	Maximum allowable limits at discharge point (excluding pH)	Monetary value in Tk/m³ wastewater	Monetary value in Tk/m³ wastewater	Monetary value in Tk/m³ wastewater
(1)	(2)	(3)	(4)	(5)	(6)
pH	pH	6-9	10 if 5 ≤ pH < 6 or 9 < pH ≤ 10	15 if 3 ≤ pH < 5 or 10 < pH ≤ 12	25 if pH < 3 or > 12
Suspended solids (SS)	mg/L	100	10 if 100 < SS ≤ 200	15 if 200 < SS ≤ 250	20 if SS > 250
BOD_5 at 20°C	mg/L	30	15 if 30 < BOD ≤ 100	20 if 100 < BOD ≤ 150	30 if BOD > 150
Oil and grease	mg/L	10	30 if 10 < oil and grease ≤ 15	50 if 15 < oil and grease ≤ 20	70 if oil and grease > 20

(13) Brick Kilns

Parameters	Unit	Maximum allowable limits at discharge point (excluding pH)	Monetary value in Tk/m³ wastewater	Monetary value in Tk/m³ wastewater	Monetary value in Tk/m³ wastewater
(1)	(2)	(3)	(4)	(5)	(6)
pH	-	6-9	10 if 5≤ pH < 6 or 9 < pH ≤ 10	15 if 3 ≤ pH < 5 or 10 < pH ≤ 12	25 if pH < 3 or > 12
Suspended solids (SS)	mg/L	100	10 if 100 < SS ≤ 200	15 if 200 < SS ≤ 250	20 if SS > 250

Note:

1. If both the COD (chemical oxygen demand) and BOD (Biochemical oxygen demand) of an organization are beyond acceptable limits, then compensation should be determined based solely on the COD.
2. Any industry, individual, or organization that directly releases hazardous waste into areas designated as ECAs (ecologically critical areas)—such as wetlands (rivers, lakes, haor, forests, and coastal areas)—through any means, including pipelines, will be subject to a compensation amount that is double in each case.
3. Excluding fertilizer factories, textile mills, molding and paper industries, distilleries, sugar industries, tanneries, food processing, fish processing, dairy and starch, crude oil refineries, pesticides, battery manufacturing, paint factories, ceramic tile factories, sanitary ware manufacturing factories, and brick kilns, a standard compensation rate must be set for limits on liquid waste discharge for other industrial establishments or projects.

Md. Abdul Hamid
Director General
Department of Environment
Ministry of Environment, Forest and Climate Change

Appendix 12. Format of the Order of Enforcement at the End of the Enforcement Hearing

Order of Enforcement

Government of the People's Republic of Bangladesh

Department of Environment

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www.doe.gov.bd

/ /143- BY

No.: …… Date: ……..
MM/DD/YYYY A.D.

Subject: Enforcement Order under Bangladesh Environment Conservation Act, 1995

We hereby inform you that the Department of Environment, ……..…… (Headquarters, Dhaka Monitoring and Enforcement Team), conducted an on-site inspection of the industry (industry/establishment/project/factory) under your management named ……., located at ……..……(place of occurrence), on ……..…. A.D. Upon review of the information obtained during the inspection and related documents, your organization is accused of committing an indictable offense for violating Section …….. of the Bangladesh Environment Conservation Act, 1995.

a) It has polluted the environment by keeping the ETP inoperative/not installing the ETP / discharging untreated liquid waste from the establishment into the environment.□ (Analyzed results of liquid waste samples collected on …….. from the outlet of ETP / liquid waste outside discharge line of the establishment by the Department of Environment found …… values of …….. parameters that are beyond the acceptable values prescribed in the Environment Conservation Rules, 2023)

and/or

b) The liquid waste generated from this establishment has polluted the environment by discharging it untreated into the environment through the bypass line/drain.

□ Analyzed results of the liquid waste sample collected on …….. from the bypass line/drain of the establishment by the Department of Environment found …….. parameters …… values, which are beyond the acceptable values prescribed in the Environment Conservation Rules, 2023.

and/or

c) It has polluted the environment by keeping the STP inoperative/ not installing the STP/ discharging the untreated sewage liquid waste generated from the establishment into the environment.

 (Analyzed results by the Department of Environment of liquid waste samples collected on …….. from the outlet of the STP / from the Sewage Waste discharge line of the establishment found …… values of …… parameters, which are beyond the acceptable values prescribed in the Environment Conservation Rules, 2023)

and/or

d) It has caused damage to the environment and ecology by discharging the gaseous waste generated from the establishment into the environment by keeping the atmospheric pollution control system inoperative/not taking effective measures.

 (The results analyzed by the Department of Environment for the test of gaseous effluents in the downwind direction of the establishment/project on ……... found …….. values of ……. parameters, which are beyond the acceptable values prescribed in the Environment Conservation Rules, 2023)

and/or

e) It has caused damage to the environment and ecology by noise generated from the establishment/generator, by keeping noise pollution control measures inoperative/ not taking effective measures.

 (Analyzed results of noise level test of the establishment/generator on 4th February by Department of Environment, ……. place is …… decibels, which is beyond the acceptable level prescribed in Noise Pollution (Control) Rules, 2006)

and/or

f) It has undertaken land development activities/starts construction activities/establishes establishment/buildings/factories/projects without taking site clearance.

and/or

g) It has conducted/started the production activities of the establishment/building/factory/project without obtaining environmental clearance.

and/or

h) It has continued the production/ project activities of the establishment/building/factory/project without obtaining the renewal of the environmental clearance.

and/or

j) It has continued the production activities of the establishment/building/factory/project in violation of the conditions of the environmental clearance.

and/or

j) It has started/expanded factory expansion activities without obtaining the approval of the Department of Environment.

and/or

k) It has changed the factory's product/production process without the approval of the Department of Environment.

and/or

l) Others (if applicable), and so forth.

As such, you/your establishment's activities are in violation of Section …….. of the Bangladesh Environment Conservation Act, 1995, and constitute an offense punishable under the same Act, you/your representative is hereby heard on ……. At the end of the hearing, based on the information and documents provided by you/your representative and the report/information received from the concerned office of the Department of Environment, pass the following order:

As a matter of violation of the Bangladesh Environment Conservation Act, 1995, and damage to the environment and ecological system has been proved, an environmental damage assessment has been done in the light of Section-07 of the same Act in the manner approved by the appropriate authority. The amount in Taka = …….. The amount charged for the compensation has been directed to be submitted to the Director General, Department of Environment, Dhaka, on demand draft/pay order by ……..

and/or

ETP/STP/ATP should be set up/made operational to control pollution by next …… (normally 1 to 03) month–that is, --/--/20—and till this time as per PPP (Polluter Pays Principle) Tk 5/- (in word five) Taka per month for damage to environment/ecology should be paid through demand draft/pay order/online chalan payable to Director General, Directorate of Environment, Dhaka.

and/or

Instructions have been given to obtain the permit by …….. (date)—that is, within …….. months period, operate the factory.

and/or

The previous liquid waste sample/gaseous waste sample/noise quality test report has been taken into consideration, and instructions have been given to submit the updated liquid/gaseous/noise quality test report of the establishment within …….. days after pollution control.

and/or

Grievance addressed by receiving environmental clearance.

and/or

Considering that production activities of the factory have been stopped, the complaint has been discharged.

and/or

Grievances dismissed due to closure of factory/establishment.

and/or

Due to non-pollution of the environment and no *prima facie* evidence in this regard, the complaint was dismissed.

and/or

Instructions are given to operate the establishment in compliance with the conditions of the environmental clearance.

and/or

If the situation is deemed acceptable by immediately controlling the pollution, the establishment must obtain environmental clearance by the …….. date.

and/or

Order to remove all equipment/installations of the establishment by …….. date as the location of the establishment is not acceptable as per Environment Conservation Rules, 2023.

and/or

If the situation can my mitigated and made acceptable under BECA, 1995, and the rules and guidelines thereunder, the establishment is required to halt production activities until environmental clearance is received.

and/or

This order is issued to restore the filled-up area to its previous condition by the date of ……...

and/or

This order is issued to restore the cut portion of the hill/hill to its original condition by …….. date.

and/or

This order is issued to operate the establishment by if environmental clearance is renewed by …….. date.

and/or

According to the writ petition No. …… of the Honorable High Court Division dated ……., an order has been issued for the management of the establishment.

and/or

This order is issued to carry out the activities of the organization by implementing the pollution control measures within the date…….

or /and

This order is given to submit the updated report of the establishment's liquid/air/noise level test to this office by the date……. of pollution control.

or /and

Taking into account the fact that the results of the liquid/air/noise quality test are for the first time, this order has been issued to control the pollution and submit the updated report of the liquid/air/noise quality test of the establishment to this office by ……..

and/or

Other:

Failure to comply with this order will result in legal action against you/your establishment/project including the filing of an order to disconnect electricity, gas, and water your establishment/project.

(----------)

Director (Enforcement)/Other Empowered Director

…….. Department of Environment, ……..

To: Managing Director/Proprietor

……..……..

……..……..

Copies for information to:

1. Director, ……..Office, Department of Environment, Dhaka.

2. Deputy Director/Assistant Director, Department of Environment,……..District Office,……..

Appendix 13. Documents/Materials Required for Conducting Enforcement Operations

(a) Sample collection notice
(b) Format for blank notice of hearing
(c) Format for order at the end of hearing
(d) Sample Sealing Form
(e) Form for measurement of noise pollution
(f) Adequate sample containers
(g) Necessary equipment (sound meter, multi meter, long sleeve mug, candle, seal, gala, match box, lock, bag, and so forth)
(h) PPE (mask, cap, earplugs, gloves, umbrella)
(i) Form for Inspection Report
(j) Sufficient water bottles and snacks.
(k) First aid kit (antiseptic liquid, bandage, gauze, gastric medicine, paracetamol, food saline, small stick, rope)
(l) Prosecution Form (in case of Mobile Court)
(m) Jail Parwana Form (in case of Mobile Court)
(n) Confession Form (in case of Mobile Court)
(o) Seizure list
(p) Sample collection form
(q) DCR book
(r) Carbon paper
(s) Clipboard and white paper
(t) Affidavit Form
(u) Press release form
(v) Prescribed dress
(w) Identification bands or ribbons
(x) Number of nearest police station OC, district SP, and DC or ADM
(y) Map of area of concerned
(z) Format of letter for assistance to various service providers

Appendix 14. Sample Letter Requesting Assistance from Law Enforcement Agencies and Other Authorities in Enforcement Operations

Request for Assistance from Law Enforcement Agencies and Other Authorities in Enforcement Operations

Government of the People's Republic of Bangladesh

Department of Environment

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www.doe.gov.bd

/ /143- BY

No.: …… Date: ……..

MM/DD/YYYY A.D.

Subject: Providing assistance in enforcement operation for implementation of Bangladesh Environment Conservation Act, 1995

Please be informed that an enforcement operation will be conducted by the Department of Environment at …… (name of operation site) today or on this specified day: …… A.D. at ……AM/PM in accordance with the Bangladesh Environment Conservation Act, 1995, for the purpose of environmental pollution control and environmental/ecological conservation in the public interest.

In accordance with Section 4(a) of the Bangladesh Environment Conservation Act, 1995, you are requested to provide assistance with the necessary number of trained staff and appropriate equipment for the successful completion of the enforcement operation.

(----------)

Director (Enforcement)/Other Empowered Director

---------- Department of Environment

Email:

Phone:

Mobile:

Distribution:

1. .....

2. .....

3. .....

4. .....

Copy for your information:

1. .....

2. .....

Appendix 15. Table to Provide Enforcement and Monitoring Information

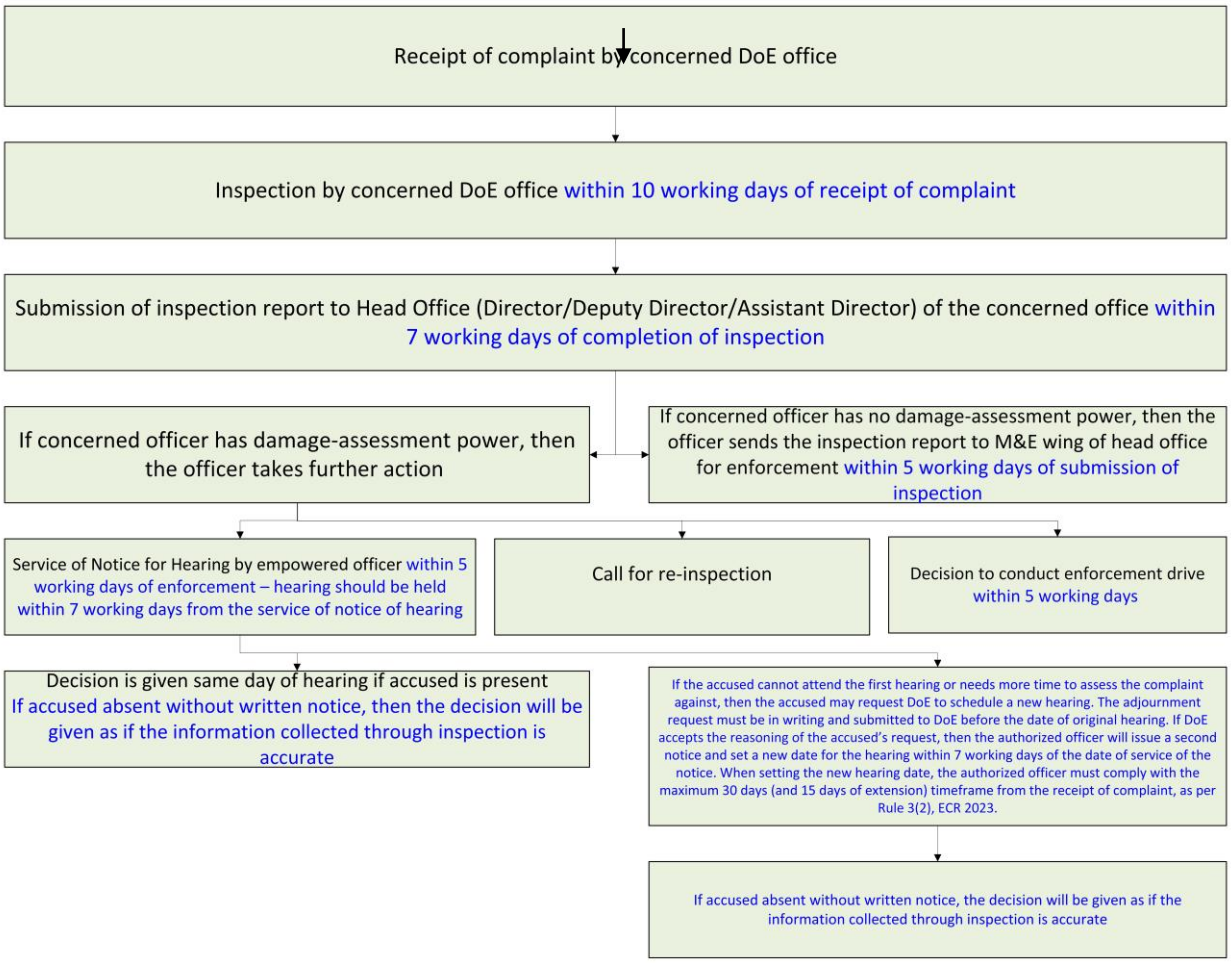
Name of Concerned Office of Department of Environment

Sl. No.	District, Division	Name and address of the accused person / industrial establishment / project	Date of issuance of enforcement order(s)	Summary of Enforcement Order(s)		Amount of recovery in case of compensation order(s)	Summary of measures taken by the District Office to ensure implementation of order(s)	If the order(s) is/are not implemented, the reason	Whether clearance / renewal is granted later on enforcement order(s)	Comments
				Amount of compensation levied in the compensation order(s)	Other order(s) excluding compensation					

Appendix 16. Information on Polluting Entities for Public Record

(Personal information will not be disclosed)												
SL#	Name of business/ unit	Business address and phone #	Type of industry	Category (Red / Orange / Yellow / Green)	Details of noncompliance (What legal provision has been infringed; include act(s)/rule(s) with section(s)	Inspection report available (Y/N)	Is the inspection report conclusive? (Y/N) If not, explain	Decision taken by authorized officer and reason (tick decision and explain reason)	Mechanism to ensure compliance	Deadline to report compliance (date)	Authority to report compliance: respective regional DoE	Has entity been on the polluters list for one, two, or more previous fiscal years (FY)
1						□ Yes □ No	□ Yes □ No	□ Conduct hearing □ Reinspect □ Conduct enforcement operation Reason:				□ Yes, in the previous FY □ Yes, in previous 2 or more FYs □ No
2						□ Yes □ No	□ Yes □ No	□ Conduct hearing □ Reinspect □ Conduct enforcement operation Reason:				□ Yes, in the previous FY □ Yes, in previous 2 or more FYs □ No

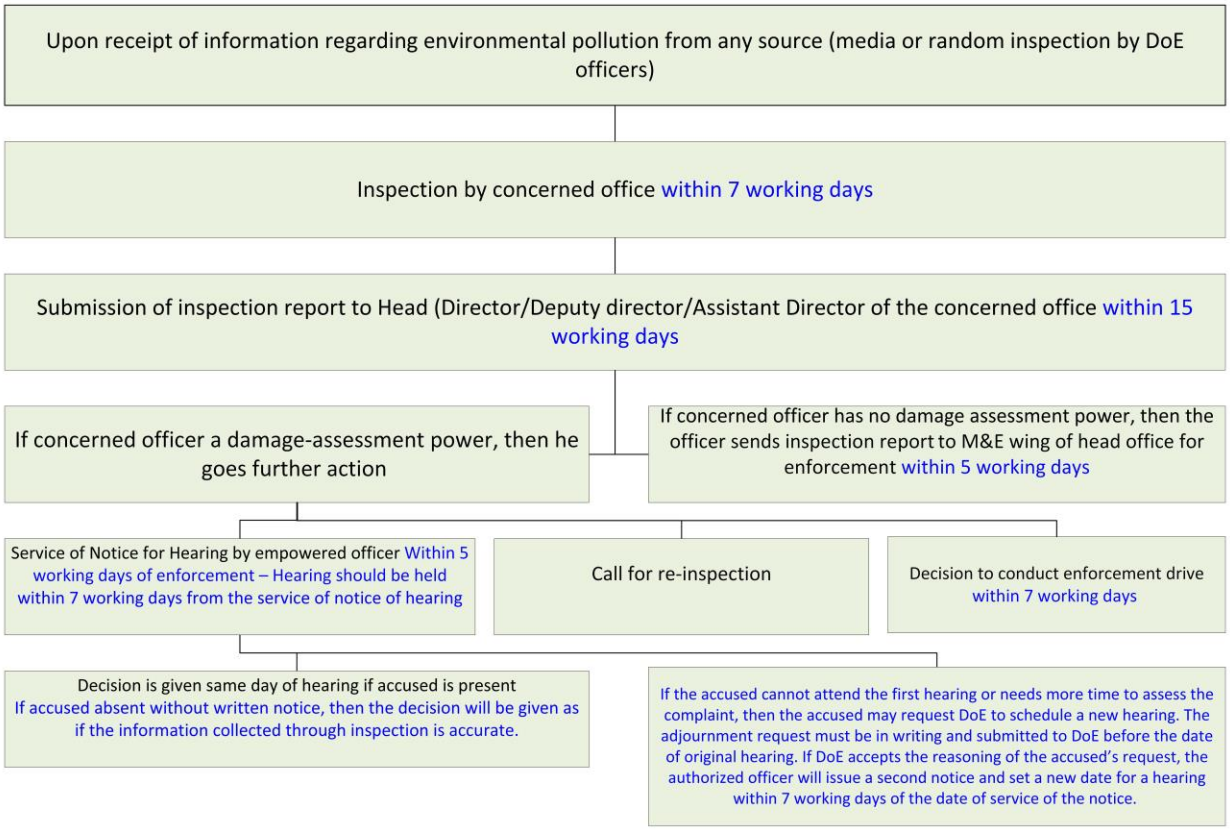
Appendix 17A. Timeline for Enforcement (After Receipt of Complaint



Comments:

(a) Accused individuals (or their representatives) and, where applicable, complainants can attend hearings virtually, from their local DoE office.
(b) This timeline aligns with Rule 3(2) of ECR, 2023, which sets a 30-day timeline for disposition of complaints including conduct of public hearing. The Director General may extend the timeline by a maximum of 15 days (only once) upon the accused furnishing the rationale in writing.

Appendix 17B. Enforcement Driven By Tip-Offs, Media Intel, or Random Inspections



Comments:

(a) Accused individuals (or their representatives) and, where applicable, complainants can attend hearings virtually from their local DoE office.
(b) There needs to be a set timeline for enforcement actions for hill-cutting and filling of water bodies.