

BRAZILIAN INSTITUTE OF THE ENVIRONMENT AND
RENEWABLE NATURAL RESOURCES

Regulation No. 1 of 4 JANUARY 1990

The President of the Brazilian Institute of the Environment and Renewable Natural Resources -- IBAMA, in exercise of the powers vested in him by Law No. 7.735 1 , of 22 February 1989, published in the "Official Journal" of the Federation of 23 February 1989, and taking into account the provisions of Law No. 6.938 2 , of 31 August 1981, on National Environmental Policy and amendments thereto, hereby resolves to:

Art. 1. Institute the collection of fees for the issuance of the Environmental License, an instrument of National Environmental Policy, and for the operating costs relating to project analysis and inspection.

Sole paragraph. The licenses referred to in this Regulation are those listed below:

I -- Prior Licence -- PL, must be requested in the preliminary stage of planning the activity corresponding to the stage in which studies are conducted for the location of the undertaking, and may be renewed at the request of the interested party and in accordance with the standards laid down by IBAMA.

II -- Installation Licence -- IL, must be requested in order to begin the installation of the undertaking, or upon conclusion of the preparation of the basic project of the activity;

III -- Operating Licence -- OL, must be requested when the operations actually begin, the licensing agency being responsible to verify compatibility with the approved project and the effectiveness of measures intended to mitigate adverse environmental impacts, and must be renewed within the time period laid down by IBAMA.

Art. 2. The framing of the activities shall be carried out, with the respect to capacity, in accordance with the criteria laid down in Annex I.

Art. 3. The amount collected for the issuance of licenses shall be calculated on the basis of the classification contained in Annex II.

1. In the case of license renewal, provided for in Article 1, paragraphs I and III, the amount corresponding to its classification shall be collected when it is granted.

2. In the case of expansion, the fees for the Prior License, Installation License and Operating Licence shall be collected in accordance with the same procedures provided for in Article 1 of this Regulation.

Art. 4. In the case of activities listed in Annex I, it is the responsibility of IBAMA to determine the potential pollution within 30 (thirty) days of the date of the

request.

Sole paragraph. The project analysis shall only be established after collection from the interested party of the amount corresponding to its classification.

Art. 5. Noncompliance with the requirements and time limits stipulated in the licence will result in a fine being imposed on the violator in accordance with Article 14 of Law No. 6.938, of 31 August 1981.

Art. 6. The licensing of activities that affect the environment shall be contingent upon the preparation of an Environmental Impact Study, in order to obtain the Prior, Installation and Operating Licenses and shall be carried out in accordance with the provisions of Annex III.

Art. 7. The collection amount indicated for the Environmental Licence and for the Analysis of the Environmental Impact Study shall be collected in any branch of an authorized bank chain, by filling out the Sole Duty Collection Form -- SDCF, indicating in the blank the appropriate receipt code pursuant to that identified below:

- Environmental Licence Code: 1004
- Environmental Project Analysis Code: 1005

Art. 8. This Regulation shall enter into force the day of its publication; all provisions to the contrary are hereby repealed.

Fernando César de Moreira Mesquita, President.

ANNEXES TO REGULATION No. 1 OF 4 JANUARY 1990

ANNEX I

Classification of the Undertaking by Capacity

Assessment Parameters			
Capacity of Undertaking	Total Surface Area of Structures (m ²)	Total Investment (NTB)	Number of Jobs
Small	up to 2,000	50,000 to 200,000	up to 50
Medium	2,000 to 10,000	200,000 to 2,000,000	50 to 100
Large	10,000 to 40,000	2,000,000 to 20,000,000	100 to 1,000
Very Large	above 40,000	above 20,000,000	above 1,000

1. The pollutant activity shall be included within the parameter that provides the greatest dimension between the

parameters available at the time of the request.

2. Account shall be taken of the total investment or total amount of the updated value of the fixed investment and the working capital of the activity, converted into NTB.

ANNEX II

Licenses

Reimbursement Amounts (in NTB)

Capacity	Small			Medium			Large			Very Large
	Degree of Pollution	Low	Med.	High	Low	Med.	High	Low	Med.	High
Prior Lic.	50	60	80	70	85	120	100	160	250	400
Instal. Lic.	140	170	220	200	240	290	280	350	450	800
Operating Lic.	70	120	190	150	180	220	200	250	320	600

ANNEX III

Project Analysis and EIA/RIMA

$$[200 + [A \times B \times C] + [D \times A \times E]] = \text{Value expressed in NTB}$$

A = Number of technicians involved in the analysis

B = Number of hours/person required for the analysis

C = Value in NTB of the hour/person of the technicians commissioned to do the analysis, expressed as 110 NTB

D = Travel expenses, expressed as 1,000 NTB

E = Number of trips necessary

[OJ 24 January 1990, pages 1,743 and 1,744]