

SUBSIDIARY LEGISLATION

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THE ENVIRONMENTAL MANAGEMENT ACT
(CAP. 191)

REGULATIONS

(Made under section 82(1), 230 (2)(h) and (q))

THE ENVIRONMENTAL MANAGEMENT (ENVIRONMENTAL IMPACT ASSESSMENT
AND AUDIT) (AMENDMENT) REGULATIONS, 2018

Citation
GN. No.
349 of 2005

1. These Regulations may be cited as The Environmental Management (Environmental Impact Assessment and Audit)(Amendment) Regulations, 2018 and shall be read as one with the Environment Impact Assessment and Audit Regulations, 2005 hereinafter referred to as the “principal Regulations.

Amendment of
regulation 4

3. The principal Regulations are amended in regulation 4 by adding immediately after subregulation (3) the following new subregulations:

“(4) Without prejudice to the provisions of this regulation, the Environmental Impact Assessment Certificate shall be issued upon proof of land ownership and proper location of the proposed project.

(5) The Minister may issue a Provisional Environmental Clearance” in accordance with these Regulations.

Amendment of
Part III

4. The principal Regulations are amended by deleting the whole Part III and substituting for it the following:

“PART III

PROJECT REGISTRATION AND SCREENING

Applicat 4A.-(1) The projects under these
ion for Regulations shall, in consideration of
EIA magnitude of impacts on the environment, be
classified into the following categories,
namely:

- (a) “A” category for Mandatory Projects;
- (b) “B1” category for Borderline Project;
- (c) “B2” category for Non-Mandatory; and
- (d) “Special Category.

(2) Any person who intend to obtain an EIA Certificate for Type A, B1, B2 projects shall make an application in the manner prescribed in the Third Schedule to these Regulations.

Application and classification of projects

5.-(1) The projects shall, for the purpose of application and issuance of Environmental Impact Assessment Certificate, be classified into four categories as set out in the First Schedule to these Regulations.

(2) Upon making application for a certificate in subregulation (1), the proponent or developer shall pay particular attention to the screening criteria as set out in the Second Schedule to these Regulations.

(3) The applicant under regulation 4A shall submit to the Council:

- (a) the application form;
- (b) a prescribed fee; and
- (c) any relevant information.

Application for EIA Certificate for Type B2 Projects

6.-(1) An application for Category B2 projects Certificate shall be made in the prescribed format, stating the following:

- (a) the nature of the project;
- (b) the location of the project including the physical area that may be affected by the project's activities;
- (c) the activities that shall be undertaken during the project construction, operation and decommissioning phases;
- (d) the design and technology of the project;

- (e) the site layout plan;
- (f) the materials to be used and source, products and by-products, including waste to be generated by the project and the methods of their management;
- (g) the potential environmental impacts of the project and the mitigation measures to be taken during and after implementation of the project;
- (h) the economic and socio-cultural impacts to the local community and the nation in general;
- (i) emergence preparedness and response plan to ensure the health and safety of the workers and neighbouring communities during the project life cycle;
- (j) Environmental and Social Management Plan (ESMP) and Monitoring Plan;
- (k) the project budget; and
- (l) any other relevant information which the Council may require.

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2005

(2) A project brief shall be prepared by an Environmental Expert registered as such under the Environmental (Registration of Environmental Experts) Regulations.

(3) The Council shall scrutinize the application form and a Project Brief in accordance with the provisions of regulation 5 and may approve or disapprove the application.

Examination of a Project Brief for Type B2

7.-(1)The Council shall, within fourteen days, examine the Project Brief guided by screening criteria set out in the Second Schedule to these Regulations and communicate its decision to the proponent or developer.

(2)The examination process shall be undertaken to determine whether the Environmental Management Plan (EMP) has sufficient information for recommendation of issuance of Environmental Impact Assessment Certificate or not.

(3) Where the Council determines that the Environmental Management Plan does not disclose sufficient mitigation measures shall, within seven days, require the developer or proponent to resubmit the Plan.

(4) Where the Council is satisfied that the project shall not have significant negative impact on the environment and the project brief discloses sufficient mitigation measures, the Council may recommend to the Minister to approve the project.

(5) The Minister shall, within fourteen days, approve or disapprove the project and issue a certificate or otherwise communicate his decision.

(6) Upon approval of the project, the Minister shall issue an Environmental Impact Assessment Certificate in the form set out in the Third Schedule to these Regulations.

(7) For purposes of inspection or verification of the project, the Council may visit project site at the proponent's or developer's cost.

Application for EIA Certificate for Type B1 Projects

8.-(1) An application for a category B1 projects certificate shall be made by submitting to the Council, a Scoping Reports set out in the Third Schedule to these Regulations, stating the following:

- (a) the nature of the project;
- (b) the proof of land ownership including location of the project and the physical area that may be affected by the project's activities;
- (c) the activities that shall be undertaken during the project construction, operation and decommissioning phases;
- (d) the design of the project;
- (e) a site layout plan;
- (f) the materials to be used and source, products and by-products, types and source of waste to be generated by the project and its management;
- (g) the potential environmental impacts of the project and the mitigation measures to be taken during and after implementation of the project;
- (h) an action plan to ensure the health and safety of the workers and neighbouring communities during the project's life cycle;
- (i) a declaration that the proposed project is not within or near sensitive ecosystem;
- (j) Environmental and Social Management Plan (ESMP) and Monitoring Plan;
- (k) the economic and socio-cultural

impacts to the local community
and the nation at large;

- (l) the project budget;
- (m) how the scoping was undertaken;
- (n) identification of issues and problem;
- (o) synthesis of results of the scoping including details of potential negative and positive impacts;
- (p) stakeholder groups identified and how they were involved in the scoping;
- (q) spatial, temporal and institutional boundaries of the project;
- (r) project alternatives; and
- (s) any other relevant information which the Council may require.

(2) A proponent or developer shall submit copies of the scoping report to the relevant authorities and evidence of service to the Council.

(3) Three copies of Scoping Report, Terms of Reference and evidence of service together with the prescribed fee shall be submitted to the Council for registration of the project and approval of Terms of Reference.

(4) A proponent or developer may use applicable electronic media to submit Scoping Report to the relevant authority and to the Council.

(5) Relevant authorities shall, within seven days from the date of receipt of Scoping Report, submit their comments to the Council.

(6) The Council shall, within

fourteen days after receiving Scoping Report and whether comments have been received or not, scrutinise the Scoping Report and Terms of Reference and may approve or disapprove the Terms of Reference and communicate its decision to the proponent or developer.

(7) Where the Terms of Reference have been disapproved, the Council shall give reasons for disapproval and the proponent may be required to resubmit.

Screening
Procedure
for Project
Brief for
Type B1
Projects

9.-(1) The Council shall screen the Scoping Report guided by screening criteria set out in the Second Schedule to these Regulations.

(2) The screening process shall be undertaken with the objective of determining whether an Environmental Impact Assessment should be undertaken or not.

(3) Upon determination of the Project Brief, the decision of the Council, together with the reasons thereof, shall, within twenty one days from the date of submission of the Project Brief, be communicated to the developer or proponent.

(4) Where the Council is satisfied that the project shall not have significant negative impacts on the environment or that, the Project Brief discloses sufficient mitigation measures, the Council may recommend to the Minister to approve the project.

(5) Upon approval of the project by the Minister, he shall issue an Environmental Impact Assessment Certificate in the prescribed form set out in

the Third Schedule to these Regulations.

(6) Where the Council finds that the project shall have significant impacts on the environment and the project brief discloses no sufficient mitigation measures, require the developer or proponent to undertake environmental impact assessment in accordance with these Regulations.

(7) For purposes of inspection or verification of the project, the Council may visit a project site at the proponent's or developer's cost.

Application for EIA Certificate for Type A and "A" Special (Mandatory) Projects

10.-(1) An application for a Category A projects Certificate shall be made in the prescribed form and a project Scoping Report set out in the Third Schedule to these Regulations, stating the following:

- (a) the nature of the project;
- (b) the proof of land ownership, including location of the project and the physical area that may be affected by the project's activities;
- (c) the activities that shall be undertaken during the project construction, operation and decommissioning phases;
- (d) the design of the project;
- (e) A site layout plan;
- (f) the materials to be used and source, products and by-products, including waste to be generated by the project and the

- methods of their management;
 - (g) the potential environmental impacts of the project and the mitigation measures to be taken during and after implementation of the project;
 - (h) an action plan to ensure the health and safety of the workers and neighbouring communities during the project;
 - (i) a declaration that the proposed project is not within or near sensitive ecosystem;
 - (j) Environmental and Social Management Plan (ESMP) and Monitoring Plan;
 - (k) the economic and socio-cultural impacts to the local community and the nation in general;
 - (l) the project budget;
 - (m) how the scoping exercise was undertaken;
 - (n) identification of issues and problem;
 - (o) synthesis of results of the scoping exercise including details of potential negative and positive impacts;
 - (p) stakeholder groups identified and how they were involved in the scoping exercise;
 - (q) spatial, temporal and institutional boundaries of the project;
 - (r) project alternatives; and
 - (s) any other relevant information which the Council may require.
- (2) A proponent or developer shall submit copies of the Scoping Report to the

relevant authorities and evidence of service to the Council.

(3) Three copies of Scoping Report, Terms of Reference, and evidence of service together with the prescribed fee shall be submitted to the Council for registration of the Project and approval of Terms of Reference.

(4) A proponent or developer may use applicable electronic media to submit Scoping Report to the relevant authority and the Council or an agent of the Council.

(5) Relevant authorities shall, within seven days from the date of receipt of Scoping Report, submit their comments to the Council.

(6) The Council shall, within fourteen days of receipt of Scoping Report, whether comments have been received or not, scrutinise the Scoping Report and Terms of Reference and may approve or disapprove the Terms of Reference and communicate its decision to the proponent or developer.

(7) Where the Scoping Report has been disapproved, the Council shall give reasons for disapproval and the proponent may be required to resubmit the Report.

Preparation
of Sector
Specific
Guidelines
for Terms
of
Reference

11. The Council may prepare guidelines for Sector Specific Terms of References to guide the developer or the proponent in preparation of Terms of Reference for conducting EIA study”.

Amendment
of regulation
13

5. The principal Regulations are amended by deleting regulation 13 and substituting for it the following-

“Provisiona
1

13.-(1) The Minister may, upon

Environmental
Clearance

advice by the Council, issue a four months non-renewable Provisional Environmental Clearance set out in the Third Schedule to these Regulations, to the proponent or developer of -

- (a) an industrial project;
- (b) an agro-processing project; or
- (c) any project of strategic national or public interests as may be determined by the Minister.

(2) The Minister shall issue the Provisional Environmental Clearance if he is satisfied that –

- (a) the developer or proponent –
 - (i) has registered the project with the Council;
 - (ii) has attached proof of land ownership from relevant authorities;
 - (iii) has attached a proof that the project site is not within or near the sensitive ecosystem areas; and
 - (iv) has attached a proof that the project shall comply with appropriate land use plan as provided for by the relevant authorities;
- (b) the Council has conducted site verification of the proposed project.

(3) The developer or proponent shall comply with the conditions attached to the Provisional Environmental Clearance.

(4) The proponent or a developer to whom a Provisional Environmental Clearance is issued shall, within a period

of four months, complete the Environmental Impact Assessment study.

(5) Notwithstanding the provision of sub-regulations (1), (2), (3) and (4), the Minister may issue a Provisional Environmental Clearance to the proponent or developer who has complied with all requirements for Environmental Impact Assessment process, however, the period prescribed under these Regulations for issuance of the Environmental Impact Assessment Certificate has lapsed without his fault.

Amendment
of regulation
17

6. The principal Regulations are amended in regulation 17 as follows:

- (a) in subregulation (2)(a)(iii), by deleting the word “radio” and substituting for it the word “media”; and
- (b) in subregulation (4), by deleting the word “hearing” and substituting for it the word “participation”.

Amendment
of regulation
18

7. The principal Regulations are amended in regulation 18 as follows:

- (a) in subregulation (2)(a), by-
 - (i) inserting immediately after item (iii) the following-
“(iv) abbreviations”;
 - (ii) renaming items (iv) to (xvi) as items (v) to (xvii).
- (b) in subregulation (2)(b), by-
 - (i) inserting immediately after item (iv) the following item:
“(v) physical address;”
 - (ii) renumbering items (v) and (vi) as items (vii) and (viii).
- (c) in subregulation (3)(d)(iv), by deleting the

words “developer”, and “consultant”.

Amendment
of regulation
23

8. The principal Regulation are amended in regulation 23 by deleting the words “thirty days” appearing in subregulations (2) and (3) and substituting for them the words “fourteen days”.

Amendment
of regulation
24

9. The principal Regulations are amended in regulation 24:

(a) in paragraph (a), by-

(i) deleting the phrase “Description of Development Local Environment and Baseline conditions:” appearing under the title “Review Area 1” and substituting for it the following:

“Description of Development Local Environment, Policy, Administrative and Legal Framework and Baseline conditions:”

(ii) inserting immediately after item (ii), the following items:

“(iii) Policy; and

(iv) Administrative and Legal Framework.”

(b) in paragraph (c), by-

(i) deleting the phrase “Alternatives, mitigations, EMP and commitment:” appearing below the title “Review Area 3” and substituting for it the following item:

“Alternatives, mitigations, Environmental Management Plan, Monitoring Plan” and commitment:”

(ii) inserting immediately after item (iii), the following item:

“(iv) Monitoring Plan;”

(iii) renaming item (iv) as item (v).

(c) sub-title should add “Monitoring Plan”.

Amendment
of regulation
28

10. The principal Regulations are amended in regulation 28 (2) by deleting the word “raw” and substituting for it the word “law”.

Amendment
of regulation
31

11. The principal Regulations are amended in regulation 31(1) by deleting the words “thirty days” and substituting for it the words “fourteen days”.

Amendment
of regulation
32

12. The principal Regulations are amended in regulation 32(1)(a) by deleting the word “assessment” appearing in that paragraph.

Addition of
regulation
34A

13. The principal Regulations are amended by adding the following new regulation:

“Loss or
destructio
n of
certificate,
etc.

34A.-(1) Where any certificate or authorisation has been lost, destroyed or defaced, the holder shall notify the Council and after satisfying itself, the Council shall, upon payment of the prescribed fee, issue a duplicate copy to the holder.

(2) In the case of a certificate or authorisation which has been defaced, the Council shall, before issuing or causing to be issued a duplicate, obtain the defaced certificate.

(3) Where a certificate or authorisation lost is recovered after a duplicate being issued, the original shall be returned to the licensing authority by the holder and no refund of any amount paid for the duplicate shall be made.”

Addition of
regulation
41A

14. The principal Regulations are amended by adding immediately after regulation 41 the following:

“Validity
period for

41A. Pending the issuance of EIA

*The Environmental Management (Environmental Impact Assessment and Audit)
(Amendment) Regulations*

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pending
EIA
process Certificate, the validity of any document submitted to the Council shall be two years and after expiration of the time, the Council may deregister the application."

Amendment
of regulation
42

15. The principal Regulations are amended in regulation 42, by-

- (a) deleting the word "inform" appearing in subregulation (1) and substituting for it the word "inform";
- (b) deleting the word "assessment" appearing in subregulations (2)(a) and subregulation (3), respectively.

Addition of a
regulation
42A

16. The principal Regulations are amended by adding immediately after regulation 42, the following:

"Disclosure of a formerly Disapproved Project **42A.**-(1) Without prejudice to section 95 of the Act, the proponent shall disclose to the Council if the project was once disapproved.

(2) Any person who contravene subregulation (1), commits an offence.

(3) A disapproved project may be registered after necessary corrections have been made to the satisfaction of the Council."

Steps for EIA

17. Steps for conducting Environmental Impact Assessment shall be set out in the Fourth Schedule to these Regulations.

FIRST SCHEDULE

(Made under regulation 5(1))

Categories of projects

Type A Projects

The essence of categorising projects in different levels shall be to check its adverse environmental impacts and make an in-depth study to determine the scale, extent and significance of the impacts and to identify appropriate mitigation measures. In so doing, all projects shall be categorized as follows:

1. AGRICULTURE

- (a) large scale cultivation (≥ 100 Ha);
- (b) water resources development projects;
 - (i) Dams ; command area ≥ 300 Ha;
 - (ii) Water supply; command area ≥ 500 Ha;
 - (iii) Flood control; command area ≥ 500 Ha;
- (c) irrigation, drainage; command area ≥ 500 Ha;
- (d) large scale mono-culture (cash and food crops) ≥ 100 Ha;
- (e) Floriculture; ≥ 5 Ha; and
- (f) in case of any project necessitating the resettlement of communities, please attach the Resettlement Plan.

2. LIVESTOCK AND RANGE MANAGEMENT

- (a) large Scale Livestock movement; ≥ 5000 cattle; and
- (b) intensive livestock rearing units; $\geq 1,000$ herd.

3. FORESTRY

- (a) timber logging; ≥ 5 Ha;
- (b) processing/ treatment of timber *with chemicals*;
- (c) construction of road inside the forest reserve (*All projects (irrespective of road size in kilometer)*);
- (d) conversion of forest land for other uses.

4. FISHERIES

- (a) large scale fish farming including prawn farming;
- (b) industrial fish processing and storage ≥ 50 tonnes per day; and

5. WILDLIFE PROJECTS

- (a) reintroduction or translocation of new species;
- (b) wildlife ranching and farming; and
- (c) creation of new sanctuaries or zoos or orphanages.

6. TOURISM AND RECREATIONAL DEVELOPMENT

- (a) construction of resort facilities or hotels along the shorelines of lakes, river, islands and Ocean;
- (b) hill top resort or hotel development; and
- (c) development of tourism or recreational facilities in protected and adjacent areas (national parks, marine parks, forestry reserves etc.) on islands and in surrounding waters.

7. ENERGY

- (a) transmission of Electricity;
- (b) production of Natural Gas;
- (c) thermal Power development; *capacity ≥ 50 MW*;
- (d) hydro-electric power development; *capacity ≥ 50 MW*;
- (e) nuclear power development; and
- (f) development of other large scale renewable sources of energy
 - (i) Off-shore Wind projects; and
 - (ii) Geothermal projects.

8. PETROLEUM

- (a) oil & gas field exploration and development;
- (b) construction of offshore and onshore pipelines;
- (c) construction of oil and gas separation, processing, handling and storage facilities;
- (d) construction of oil refineries; and
- (e) Transportation of petroleum products through pipelines.

9. TRANSPORT AND INFRASTRUCTURE

- (a) construction and/or expansion of trunk roads;
- (b) construction and/or expansion of airports and airstrips and their ancillary facilities;
- (c) construction and/or expansion of existing railway lines; and
- (d) construction and/or expansion of ports and harbors.

10. FOOD & BEVERAGE INDUSTRIES

- (a) breweries and Distilleries (*Molasses based distilleries*);
- (b) tobacco processing; and
- (c) sugar factories.

11. TEXTILE INDUSTRY

Cotton and Synthetic fibers; *integrated textile mills (knitting, weaving, dying and fabric production)*.

12. LEATHER INDUSTRY

Tanneries; *All integrated plants*.

13. WOOD, PULP & PAPER INDUSTRY

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Pulp and paper manufacturing (*except waste paper*).

14. BUILDING & CIVIL ENGINEERING INDUSTRY

- (a) industrial parks and housing estate; and
- (b) developments on beach fronts.

15. CHEMICAL INDUSTRIES

- (a) manufacture and storage of pesticide or other hazardous and / or toxic chemicals;
- (b) manufacture of pharmaceutical products (*Technical*);
- (c) production of paints vanishes;
- (d) soap and detergent plants; and
- (e) manufacture of fertilizers.

16. EXTRACTIVE INDUSTRY

- (a) Extraction and purification of natural gas (*if this is being done within the refinery along with primary and secondary products*); and
- (b) Mining (*Large and medium scale mines*).

17. NON-METALLIC INDUSTRY (PRODUCTS)

Cement Manufacturing

18. METAL AND ENGINEERING INDUSTRY

- (a) Manufacture of non - ferrous products
- (b) *Manufacturing of iron and steel*

19. ELECTRICAL AND ELECTRONICS INDUSTRIES

Battery manufacturing and recycling

20. WASTE TREATMENT AND DISPOSAL

- (a) Toxic and Hazardous waste:
 - (i) Construction of Incineration plants;
 - (ii) Construction of recovery plant;
 - (iii) Construction of waste water treatment plant;
 - (iv) Construction of secure landfills facility; and
 - (v) Construction of storage (*temporary*) facility.
- (b) municipal solid waste:
 - (i) construction of Municipal Solid Waste landfill facility
- (c) municipal sewage:
 - (i) construction of sewage sewer system

21. WATER SUPPLY

- (a) Canalization of water courses;
- (b) Diversion of normal flow of water;
- (c) Water transfers scheme;
- (d) Abstraction and/or utilization of ground and surface water for bulk

- supply; and
- (e) Water treatment plants.

**22. LAND DEVELOPMENT PLANNING, LAND RECLAMATION,
HOUSING AND HUMAN SETTLEMENTS**

- (a) land acquired for resettlement;
- (b) establishment of refugee camps;
- (c) land reclamation including land under water bodies; and
- (d) dredging of bars, groynes, promenades, dykes and estuaries.

Type B1 Projects

Medium to high impact, process of Screening shall be used to categorize either Type “A” or “B2” project.

1. AGRICULTURE

- (a) large scale cultivation (<100 to 50 Ha;
- (b) water resources development projects;
 - (i) dams (command area <300 Ha);
 - (ii) water supply (command area ≤500 to 200 Ha;
 - (iii) flood control (command area ≤500 to 200 Ha);
 - (iv) irrigation, drainage (command area ≤500 to 200 Ha).
- (c) large scale mono-culture (cash and food crops) (<100 to 50 Ha); Floriculture (<5 to 2 Ha); and
- (d) in case of any project necessitating the resettlement of communities, please attach the Resettlement Plan.

2. LIVESTOCK AND RANGE MANAGEMENT

- (a) large Scale Livestock movement (<5000 to 1000 cattle); and
- (b) intensive livestock rearing units (< 1000 to 500 herd).

3. FISHERIES

- (a) medium to large scale fisheries;
- (b) artificial fisheries (Aqua-culture for fish, algae, crustaceans shrimps, lobster or crabs);
- (c) industrial fish processing and storage (<50 to 10 tonnes per day).

4. FORESTRY

- (a) timber logging (<5 hectares);
- (b) processing/ treatment of timber;
- (c) introduction of alien tree species and development of forest plantation;
- (d) selective removal of single tree species (<1000 to 100 tree species;
- (e) a forestation and reforestation for the purpose of carbon sequestration;
and
- (f) construction of road inside the forest reserve.

5. TOURISM AND RECREATIONAL DEVELOPMENT

- (a) any other construction for tourism and recreational activities; and
- (b) major construction works for sporting purposes.

6. ENERGY

- (a) distribution of Electricity projects;
- (b) storage of natural gas facilities;
- (c) thermal Power development(*Capacity < 50 MW*);
- (d) hydro-electric power development (*Capacity <50 MW*;
- (e) development of other large scale renewable sources of energy:
 - (i) solar projects;
 - (ii) on – shore Wind projects;
- (f) biomass projects.

7. PETROLEUM

- (a) construction or expansion of product depots for the storage of petrol, gas, diesel, tar and other products within commercial, industrial or residential areas; and
- (b) construction of filling stations or service stations.

8. TRANSPORT AND INFRASTRUCTURE

- (a) rehabilitation of trunk roads and airports / airport strips and their ancillary facilities;
- (b) jetty, dockyard and fish landing sites; and
- (c) construction of inland container depots and cargo handling facilities.

9. FOOD AND BEVERAGE INDUSTRIES

- (a) manufacture of vegetable and animal oils and fats;
- (b) oil refinery and ginneries;
- (c) manufacture of dairy products;
- (d) breweries and Distilleries (*grain based distilleries and breweries*);
- (e) fish meal factories;
- (f) slaughter houses / abattoirs (*when number of animals slaughtered are >10 per day*;
- (g) tobacco curing; and
- (i) other agro-processing industries.

10.TEXTILE INDUSTRY

- (a) cotton & Synthetic fibers (*dying production units*); and
- (b) ginneries.

11.LEATHER INDUSTRY

- (a) tanneries (*tanning and other activities*);
- (b) bark for tanning purposes (*commercial*); and
- (c) dressing and cloth factories.

12. WOOD, PULP & PAPER INDUSTRY

Manufacture of veneer, plywood, fiber board, particle-board, sand board cellulose and waste paper.

13. BUILDING & CIVIL ENGINEERING INDUSTRY

- (a) major urban projects (*multi-storey building, motor terminals, markets etc.*);
- (b) construction of residential / commercial buildings, hospitals and institutions including religious complexes* and community centers*-religious complexes refer to buildings with facilities other than worshipping use; and
- (c) schools, dispensaries, health-centers(*Schools with boarding facilities for >360 students*).

14. EXTRACTIVE INDUSTRY

- (a) other deep drilling - bore-holes and wells; and
- (b) mining (*small scale mines*).

15. NON-METALLIC INDUSTRY (PRODUCTS)

Manufacturing of:

- (a) glass, Glass-fiber, Glass-wool;
- (b) plastics materials;
- (c) tiles and ceramics; and
- (d) lime manufacturing.

16. METAL AND ENGINEERING INDUSTRY

- (a) manufacture and assembly of motorized and non-motorized transport facilities such as body building;
- (b) boiler - making and manufacture of reservoirs, tanks and other sheet containers;
- (c) foundry and Forging;
- (d) manufacture of non - ferrous products (*All secondary processing industry*); and
- (e) electroplating.

17. ELECTRICAL AND ELECTRONICS INDUSTRIES

Electrical and electronic equipment manufacturing and assembly.

18. WASTE TREATMENT AND DISPOSAL

- (a) municipal solid waste
 - (i) construction of incineration plant; and
 - (ii) construction of recovery/re-cycling plant.
- (b) municipal sewage

Construction of waste water treatment plant.

19. WATER SUPPLY

Water treatment plants

Type B2 Projects

List of small-scale activities and enterprises that require registration but shall not require Environmental Impact Assessment. Further, the projects shall not require screening and scoping, rather, the Project Brief shall be examined and issued with an Environmental Impact Assessment Certificate.

1. AGRICULTURE

- (a) large Scale cultivation (<50 to 10 Ha);
- (b) water resources development projects:
 - (i) water supply (command area (<200 to <50 Ha);
 - (ii) flood control (command area (<200 to <50 Ha);
 - (iii) irrigation, drainage (command area (<200 to <50 Ha); and
- (c) large scale mono-culture (cash and food crops) (<50 Ha).
 - (i) floriculture (<2 Ha).

2. LIVESTOCK AND RANGE MANAGEMENT

- (a) large Scale Livestock movement (< 1000 to <500 cattle);
and
- (b) intensive livestock rearing units (< 500 to < 100 herd.

3. FORESTRY

Selective removal of single tree species *Ministry of Natural Resources* (<100 tree species).

4. FISHERIES

Industrial fish processing and storage (*<10 tonnes per day*)

5. TOURISM AND RECREATIONAL DEVELOPMENT

Camping activities

6. FOOD & BEVERAGE INDUSTRIES

- (a) slaughter houses / abattoirs (*All projects when number of animals slaughtered are <10 per day*);
- (b) tobacco processing; and
- (c) canned fruits and sauces.

7. TEXTILE INDUSTRY

Cotton & Synthetic fibers (*All stand-alone knitting and weaving units*).

8. BUILDING & CIVIL ENGINEERING INDUSTRY

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Schools, dispensaries, health-centers:

- (a) dispensaries and health-centers; and
- (b) all School projects (l <360 students).

9. METAL AND ENGINEERING INDUSTRY

Garages

10. ELECTRICAL AND ELECTRONICS INDUSTRIES

Installation and expansion of communication towers.

11. WASTE TREATMENT AND DISPOSAL

- (a) municipal Solid Waste;
- (b) construction of composting plant;
- (c) municipal Sewage; and
- (d) night soil collection and treatment.

Special Projects

These shall be projects where potential risks are uncertain and requires detail specialized study prior to EIA. They shall be treated as Type "A" projects.

FORESTRY

- (a) introduction of alien tree species and development of forest plantation (*All projects fall under the Special Category (EIA mandatory)*); and
- (b) selective removal of single tree species.

SECOND SCHEDULE

(Made under regulation 9 (1))

PROJECT SCREENING CRITERIA

The following shall be screening criteria to be used for purposes of these Regulations:

*The Environmental Management (Environmental Impact Assessment and Audit)
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1. The project will not substantially use natural resources in a way that pre-empts the use or potential use of that resource for any other purpose.
2. Potential residual impacts on the environment are likely to be minor, of little significance and easily mitigated.
3. The type of project, its environmental impacts and measures for managing them are well understood in Tanzania.
4. Reliable means exist for ensuring that impact management measures can and will be adequately planned and implemented.
5. The project will not displace significant numbers of people, families or communities.
6. The project is not located in, and will not affect, any environmentally sensitive areas such as:
 - (a) national parks;
 - (b) wetlands;
 - (c) productive agricultural land;
 - (d) important archaeological, historical and cultural sites;
 - (e) areas protected under any law;
 - (f) areas containing rare or endangered flora or fauna;
 - (g) areas containing unique or outstanding scenery;
 - (h) mountains or developments on or near steep hill-slopes;
 - (i) dry tropical forests, for instance brachystegia woodlands;
 - (j) development near lakes or its beaches;
 - (k) development providing important resources for vulnerable groups such as fishing communities along the lake-shore;
 - (l) development near high population concentrations or industrial activities where further development could create significant environmental problems; and
 - (m) prime ground-water re-charge areas or areas of importance for surface run off of water.
7. The project type shall not result in:
 - (a) policy initiatives which may affect the environment such as changes in agricultural pricing subsidies or the tobacco liberation;
 - (b) major changes in land tenure; or
 - (c) changes in water use though irrigation, drainage promotion or dams, changes in fishing practices.
8. The project shall not cause:
 - (a) adverse socio economic impact;
 - (b) land degradation;
 - (c) water pollution;
 - (d) air pollution;
 - (e) damage to wildlife and habitat;
 - (f) adverse impact on climate and hydrological cycle; and

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- (g) creation of by-products, residual or waste materials which require handling and disposal in a manner that is not regulated by existing authorities.
9. The project shall not cause significant public concern because of potential environmental changes. The following are guiding principles:
- (a) is the impact positive, mainly begin or harmful;
 - (b) what is the scale of the impact in terms of area affected numbers of people or wildlife;
 - (c) what is the intensity of the impact;
 - (d) what will be the duration of the impact;
 - (e) will there be cumulative effects from the impact;
 - (f) are the effects politically controversial;
 - (g) have the main economic, ecological and social costs been quantified;
 - (h) will the impact vary by social group or gender; and
 - (i) is there any international impact due to the proposal projects.
10. The project shall not necessitate further development which is likely to have a significant impact on the environment.

THIRD SCHEDULE

(Made under regulation)

FORMS

Form No. 1

Regulation No. 5(3)

APPLICATION FORM

THE ENVIRONMENTAL MANAGEMENT ACT, CAP.191

DETAILS OF PROPONENT/DEVELOPER

Project name and location.....

Name (*Person or*

Firm).....

TIN

.....

...

Physical

Address.....

Name of contact

person.....

*The Environmental Management (Environmental Impact Assessment and Audit)
(Amendment) Regulations*

GN. No. 474 (contd.)

Telephone No.Fax No.

.....

E-mail address

.....

DETAILS OF ENVIROMENTAL IMPACT ASSESSMENT EXPERT

Name (*Person or Firm*).....

TIN

Physical

Address.....

Name of contact person.....

Telephone No. Fax No.

.....

E-mail address

.....

Type B2 Projects

Form No.2

Regulation 6(1)
PROJECT BRIEF

Application Reference No.....

THE ENVIRONMENTAL MANAGEMENT ACT, CAP.191
SUBMISSION OF PROJECT BRIEF

PART A

DETAILS OF PROPONENT/DEVELOPER

Name (*Person or Firm*).....

TIN

Physical

Address.....

Name of contact person.....

Telephone No. Fax No.

.....

E-mail address

.....

PART B

DETAILS OF THE PROJECT

1. PROPOSED UNDERTAKING/DEVELOPMENT

- (a) title of Proposal (general classification of undertaking);
- (b) description of Proposal (nature of undertaking, unit processes [flow diagram], raw materials, list of chemicals; {source, types and quantities}, storage facilities, wastes/by-products {solid, liquid and gaseous) and their management;
- (c) scope of Proposed Project (size of labor force and working hours, equipment and machinery, installed/production capacity, product type, area covered facility/proposal, market);
- (d) project cost; and
- (e) technology to be used.

2. PROPOSED SITE DESCRIPTION

- (a) proof of land ownership;
- (b) location : Administrative Location and Latitude and Longitude;
- (c) attach a site layout plan and location maps;
- (d) current zoning ;
- (e) distance to nearest residential and/or other facilities;

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GN. No. 474 (contd.)

- (f) adjacent land uses (existing & proposed) ;
- (g) a declaration that the project site is not within or near the sensitive ecosystem/areas (e.g. water bodies, protected areas, schools, public utilities and defense strategic areas); and
- (h) land Acquisition Process (Relocation or Compensation) attach Resettlement Action Plan.

3. INFRASTRUCTURE AND UTILITIES

- (a) Structures (buildings and other facilities);
- (b) Land required;
- (c) Water (source, quantity;
- (d) Power (type, source & quantity);
- (e) Road ;
- (f) Other major utilities (e.g. sewerage, etc.).

4. ENVIRONMENTAL IMPACTS

- (a) potential environmental effects of proposed undertaking (both construction, operation and decommission phases);
- (b) project alternatives (site, design and/or technology);

5. OTHER ENVIRONMENTAL ISSUES

- (a) potential significant risks and hazards associated with the proposed project (including occupational health and safety) and its Emergence Preparedness and Response Plan; and
- (b) state briefly relevant environmental studies already done and attach copies as appropriate.

6. ENVIRONMENTAL AND SOCIAL MANAGEMENT PLAN

7. MONITORING PLAN

8. DECOMMISSIONING PLAN

PART C

DECLARATION BY THE PROPONENT

I hereby certify that the particulars given above are correct and true to the best of my knowledge.

Name.....

Position.....

Signature.....

On behalf of.....

*The Environmental Management (Environmental Impact Assessment and Audit)
(Amendment) Regulations*

GN. No. 474 (contd.)

Date.....
(Firm name and Seal)

PART D
DETAILS OF ENVIRONMENTAL IMPACT ASSESSMENT EXPERT

Name (individual/firm).....
Certificate of registration No.....
Address.....
Tel.....Fax.....e-mail.....

PART E
FOR OFFICIAL USE

Decision of the Council.....
Comments
.....
.....
.....
.....

Officer.....Sign.....Date.....

Note that:

1. If the Project Brief does not contain sufficient information required under these Regulations the applicant may be required to provide further information concerning the project or be notified of any defects in the application and may be required to provide additional information.
2. Any fraudulently or false statement in a Project Brief will cause the Council to invoke relevant the provisions of these Regulations.

Important notices: Please submit the following:

- (a) three copies of the project brief;
- (b) the prescribed fee to the Director General, of the National Environment Management Council, Plot No.28,29 & 30 Regent Street,
P.O. Box,
11404 Dar es Salaam.
Tel Fax.....
e-mail.....

Type B1 Projects

Form No. 4

Regulation 10(1)

SCOPING REPORT

Application Reference No.....

THE ENVIRONMENT MANAGEMENT ACT, CAP.191
SUBMISSION OF SCOPING REPORT

PART A

DETAILS OF PROPONENT/DEVELOPER

Name (*Person or Firm*).....

TIN

Physical

Address.....

Name of contact person.....

Telephone No. Fax No.

.....

E-mail address

.....

PART B

DETAILS OF THE PROJECT

1. PROPOSED UNDERTAKING/DEVELOPMENT

- (a) Title of Proposal (general classification of undertaking);
- (b) Description of Proposal (nature of undertaking, unit processes [flow diagram], raw materials, list of chemicals {source, types and quantities}, storage facilities, wastes/by-products {solid, liquid and gaseous) and their management;
- (c) Scope of Proposed Project (size of labor force and working hours, equipment and machinery, installed/production capacity, product type, area covered facility/proposal, market);
- (d) Project cost; and
- (e) Technology to be used.

2. PROPOSED SITE DESCRIPTION

- (a) proof of land ownership;
- (b) location : Administrative Location and Latitude and Longitude;
- (c) attach a site layout plan and Location map;
- (d) current zoning;
- (e) distance to nearest residential and/or other facilities;
- (f) adjacent land uses (existing & proposed);
- (g) a declaration that the project site is not within or near the sensitive ecosystem/areas (e.g. water bodies, protected areas, schools, public utilities

GN. No. 474 (contd.)

and Defense strategic areas); and

- (h) land Acquisition Process (Relocation or Compensation) attach Resettlement Action Plan ;

3. INFRASTRUCTURE AND UTILITIES

- (a) structures (buildings and other facilities);
- (b) land required;
- (c) water (source, quantity;
- (d) power (type, source & quantity);
- (e) road ; and
- (f) other major utilities (e.g. sewerage, etc.) .

4. ENVIRONMENTAL IMPACTS

- (a) potential environmental effects of proposed undertaking (both construction, operation and decommission phases); and
- (b) project alternatives (site, design and/or technology).

5. OTHER ENVIRONMENTAL ISSUES

- (a) potential significant risks and hazards associated with the proposed project (including occupational health and safety) and its Emergence Preparedness and Response Plan; and
- (b) dtate briefly relevant environmental studies already done and attach copies as appropriate.

6. METHODOLOGIES OF CONDUCTING THE SCOPING EXERCISE

7. SYNTHESIS OF THE RESULTS OF THE SCOPING

8. STAKEHOLDERS INVOLVEMENT

9.PROJECT ALTERNATIVES

10. ENVIRONMENTAL MANAGEMENT PLAN

11. MONITORING PLAN

12.DECOMMISSIONINGPLAN

PART C

DECLARATION BY THE PROPONENT

I hereby certify that the particulars given above are correct and true to the best of my knowledge.

.....

*The Environmental Management (Environmental Impact Assessment and Audit)
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GN. No. 474 (contd.)

Name.....
Position.....

Signature.....
On behalf of.....
Date.....

(Firm name and Seal)

**PART D
DETAILS OF ENVIRONMENTAL IMPACT ASSESSMENT EXPERT**

Name (individual/firm).....
Certificate of registration No.....
Address.....
Tel.....Fax.....e-mail.....

**PART E
FOR OFFICIAL USE**

Decision of the Council.....
Comments
.....
.....
.....
Officer.....Sign.....Date.....

NB:

1. If the Project Brief does not contain sufficient information required under the Environmental Impact Assessment and Audit Regulations the applicant may be required to conduct an environmental impact assessment study .
2. Any person who fraudulently makes a false statement in a project report or alters the project report commits an offence.

Important notices: Please submit the following:

- (a) three copies of the project brief;
- (b) the prescribed fee to the Director General, of the National Environment Management Council, Plot No.28,29 & 30 Regent Street,
P.O. Box,
11404 Dar es Salaam.
Tel Fax.....
e-mail

Form No. 5
Serial No.....

PROVISIONAL ENVIRONMENTAL CLEARANCE
(Made under regulation 13(1))

Project Registration Number
Application Registration Number

This is to certify that
M/S.....of.....
.....having fulfilled the requirements and subject
to conditions stated overleaf, is hereby granted a Provisional Environmental Clearance
to facilitate project mobilization activities in respect of the proposed project
titled.....to be
implemented at
Issued atthisday of.....20.....
and expiring onday of20.....

Signature

MINISTER

GENERAL CONDITIONS OF A PROVISIONAL ENVIRONMENTAL
CLEARANCE

1. This Permit shall be valid only for a period of four months from the date of issuance
2. This Permit shall not be transferable
3. This Permit shall entitle the proponent or developer to undertake the following:
 - (a) mobilization of materials;
 - (b) mobilization of labor (excluding construction of permanent accommodation);
 - (c) mobilization of capital;
 - (d) mobilization of production facilities and contributory items and services;
 - (e) temporary storage facilities; and
 - (f) secure other necessary permits relevant to the project.
4. It is prohibited to commence implementation of the project activities prior to obtaining Environmental Impact. Certificate.
5. The Provisional Environmental Clearance shall not prejudice the Environmental Impact Assessment process.

FOURTH SCHEDULE

(Made under regulation 15)

STEPS FOR CONDUCTING ENVIRONMENTAL IMPACT ASSESSMENT

Steps 1: Project Registration and Screening

1. Developer or proponent submits a dully filled registration form and Project Brief or Scoping Report to the Council as per regulation 4A.
2. Council shall examine or screen of the Project Brief or Scoping Report in accordance with regulation 7, 9 and 10.
3. Council shall undertakes the screening of the proposed project in accordance with regulation 9 and any guidelines that the Minister may issue for this purpose.

Steps 2: Scoping

The developer, proponent, environmental experts or firm of experts shall undertake a scoping exercise in order to:

- (a) identify the main stakeholders that will be negatively or positively impacted by the proposed project;
- (b) identify stockholder's main concerns regarding the proposed project,
- (c) identify main project alternatives;
- (d) identify likely impacts, data requirements, tool and techniques for impact identification, prediction and evaluation;
- (e) identify project boundaries in terms of spatial, temporal and institutional aspects;
- (f) environmental experts or firm of experts shall ensure that there is adequate stakeholder participation in this and all the other stages of the Environmental Impact Assessment; and
- (g) the developer or the environmental experts or firm of experts shall prepare a Scoping Report and terms of reference for the Environmental Impact Assessment of a proposed project and submits to the Council for approval.

Steps 3: Baseline Study

- (a) the environmental experts or firm of experts shall undertake detailed survey of the existing social, economic, physical, ecological, social-cultural and institutional environment within the project boundary area; and
- (b) the consultant shall ensure that adequate stakeholder participation is engaged.

Steps 4: Impact Assessment

- (a) the consultant undertakes impact identification, impact prediction and evaluation of impact significance following a variety of appropriate techniques and approaches as specified in the guidelines issued under these Regulations;
- (b) the environmental experts or firm of experts shall ensure that concerns and views from stakeholders are fully taken into account during the assessment of impacts; and

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- (c) the environmental experts or firm of experts assesses all possible alternatives and their impacts and recommends most appropriate options.

Steps 5: Impact mitigation and enhancement measures

- (a) environmental experts or firm of experts shall prepare impact mitigation measures for all negative significant impacts, either by elimination, reduction or to remedy them;
- (b) environmental experts or firm of experts shall prepare enhancement measures for all significant positive effects arising from the project so as to increase the contribution from the project to social development and environmental conservation;
- (c) environmental experts or firm of experts shall prepare Mitigation and Enhancement Plan for all significant negative impacts and positive effects, with details about institutional responsibilities and costs were appropriate; and
- (d) environmental experts or firm of experts shall prepare a Monitoring Plan and Environmental and Social Management Plan with details about institutional responsibilities, monitoring framework, parameters, indicators for monitoring, and costs of monitoring were appropriate.

Steps 6: Preparation of Environmental Impact Statement

- (a) environmental expert (s) or firm of experts shall prepare an Environmental Impact Statement adhering to contents outlined in these Regulations;
- (b) Environmental impact statement shall be accompanied with a stand-alone non-technical summary in both Kiswahili and English languages; and
- (c) all technical details, including assessment methodologies, list of consulted stakeholders and their signatures, drawings and terms of references are put in the appendix.

Steps 7: Review of Environmental Impact Statement

- (a) the Council that conduct reviews of the Environmental Impact Statement shall adhere to the review criteria and any guidelines that may be issued under these Regulations;
- (b) the Council may call for a public hearing and public review of the Environmental Impact Statement in accordance with conditions and procedures stipulated under these Regulations; and
- (c) the Council shall submit review report to the Minister with its recommendations and all documents used in the review, for approval or disapproval.

Steps 8: Environmental Monitoring and Auditing

The Council shall conduct environmental monitoring in order to evaluate the performance of the mitigation measures following the prepared Environmental and Social Management Plan as well as Monitoring Plan, thus:

- (a) monitoring include the verification of impacts, adherence to approved plans, environmental standards and general compliance of terms and conditions set out in the Environmental Impact Assessment certificate;

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- (b) developer should also undertake monitoring of the implementation of the project to ensure if mitigation measures are effective;
- (c) both the developer and the Council shall collect data that may be used in future projects and for environmental management;
- (d) the Council and the developer undertake environmental audits for the project;
- (e) mechanisms for stakeholder participation during the monitoring and auditing process must be defined and followed through;
- (f) the auditing exercise may focus in the following areas:
 - (i) implementation/enforcement audit, which takes place when the Council verifies if the mitigation measures and levels of pollution are within limits;
 - (ii) performance/regulatory audit that entails identification of compliance to relevant legislation or safety standards;
 - (iii) impact prediction audits checks the accuracy and efficacy of the impact prediction by comparing them with monitored impacts;
 - (iv) the Council collects and compiles information arising from auditing for future use; and
 - (v) developer collects data from the auditing and compiles information for project management and also for submission to the Council.

Steps 9: Decommissioning

This shall be the end of the project life. The decommissioning report shall be prepared either as part of the Environmental Impact Statement or separately, indicating how impacts will be dealt with, including costs of mitigation measures:

- (a) developer undertakes the decommissioning of the project as per the proposals stipulated in the Environmental Impact Statement;
- (b) the Council shall continue to monitor implementation of the decommissioning plan, including rehabilitation of the land and other resources that were affected by the project; and
- (c) the decommissioning report shall ensure issues such as welfare of workers, resource users as well as their general livelihoods are not worse off as a result of the decommissioning.

Dodoma,
19 August ,2018

JANUARY Y. MAKAMBA
*Minister of State, Vice President's
Offices, Union Affairs and Environment*