

PUNJAB ENVIRONMENTAL PROTECTION AGENCY (REVIEW OF IEE EIA)
REGULATIONS, 2020

xxxxxxxxxxxx In exercise of the powers referred by section 33 of the Punjab Environmental Protection Act, 1997 (XXXIV of 1997), **Punjab** Environmental Protection Agency, with the approval of the Punjab Government is pleased to make the following Rules, namely: -

1. Short title and commencement

(1) These regulations may be called the Punjab Environmental Protection Agency Review of Initial Environmental Examination and Environmental Impact Assessment Regulations, **2020**.

(2) They shall come into force at once.

2. Definitions

(1) In these regulations, unless there is anything repugnant in the subject or context –

(a) “Act” means the Punjab Environmental Protection Act, 1997 (amended 2017) (XXXIV of 1997);

(b) “Director-General” means the Director-General of the Provincial Agency;

(c) “EIA” means an environmental impact assessment as defined in section 2(xi);

(d) “IEE” means an initial environmental examination as defined in section 2(xxiv);
and

(e) “section” means a section of the Act.

(2) All other words and expressions used in these regulations but not defined shall have the same meanings as are assigned to them in the Act.

3. Projects requiring an IEE

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

4. Projects requiring an EIA

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

5. Projects not requiring an IEE or EIA

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

Provided that the proponent shall file –

(a) an EIA, if the project is likely to cause an adverse environmental effect;

(b) for projects not listed in Schedules I and II in respect of which the Provincial Agency has issued guidelines for construction and operation, an application for approval accompanied by an undertaking, an affidavit **and checklist** that the aforesaid guidelines shall be fully complied with.

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

Provided that no such direction shall be issued without the recommendation in writing of the **Environmental Assessment Advisory Committee constituted under Regulation 23.**

(3) The provisions of section 12 shall apply to a project in respect of which an IEE or EIA is filed under sub-regulation (1) or (2).

6. **Preparation of IEE and EIA**

(1) The Provincial Agency may issue guidelines for preparation of an IEE or an EIA, including guidelines of general applicability, and sectoral guidelines indicating specific assessment requirements for planning, construction and operation of projects relating to particular sector.

(2) Where guidelines have been issued under sub-regulation (1), an IEE or EIA shall be prepared, to the extent practicable, in accordance therewith and the proponent shall justify in the IEE or EIA any departure therefrom.

7. **Review Fees**

The proponent shall pay, at the time of submission of an IEE or EIA, a nonrefundable Review Fee to the Provincial Agency, as per rates shown in **Schedule III (A),(B).**

8. **Filing of IEE and EIA**

(1) **Five paper copies and two electronic copies** of an IEE or EIA shall be filed with the Provincial Agency.

(2) Every IEE and EIA shall be accompanied by –

(a) **an application, in the form prescribed in Schedule IV; and**

(b) **copy of receipt showing payment of the Review Fee**

(c) **estimated cost of project (including land cost and infrastructure)**

(d) **Authority letter for consultant**

(e) **copy of proponent CNIC**

(f) **copy of land ownership/lease document**

(g) Layout plan and A2/A3 size colored Google map clearly showing the distance of project site from population, water bodies and

9. Preliminary scrutiny

(1) **Within 10** working days of filing of the IEE or EIA, the Provincial Agency shall –

(a) confirm that the IEE or EIA is complete for purposes of initiation of the review process; or

(b) require the proponent to submit such additional information as may be specified; or

(c) return the IEE or EIA to the proponent for revision, clearly listing the points requiring further study and discussion.

(2) Nothing in sub-regulation (1) shall prohibit the Provincial Agency from requiring the proponent to submit additional information at any stage during the review process.

10. Site Inspection Report

1. Site Inspection Report will be attained directly from the relevant district Field office of the agency.

2. Site Inspection Report must contain clear recommendations of field office.

11. Public participation

(1) In the case of an EIA, the Provincial Agency shall, simultaneously with issue of confirmation of completeness under clause (a) of sub-regulation (1) of Regulation 9, cause to be published in any English or Urdu national newspaper and in a local newspaper of general circulation in the area affected by the project, a public notice mentioning the type of project, its exact location, the name and address of the proponent and the places at which the EIA of the project can, subject to the restrictions in sub-section (3) of section 12, be accessed.

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

(3) The date fixed under sub-regulation (2) shall not be earlier than 30 days from the date of publication of the notice.

(4) The Provincial Agency shall also ensure the circulation of the EIA to the concerned Government Agencies and solicit their comments thereon.

(5) All comments received by the Provincial Agency from the public or any Government Agency shall be collated, tabulated and duly considered by it before decision on the EIA.

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

12. Review

(1) The Provincial Agency shall make every effort to carry out its review of the IEE within **45 days**, and of the EIA within **90 days**, of issue of confirmation of completeness under Regulation 9.

(2) In reviewing the IEE or EIA, the Provincial Agency shall consult such Committee of Experts as may be constituted for the purpose by the Director-General, and may also solicit views of the sectoral Advisory Committee, if any, constituted by the Provincial Government under subsection (6) of section 5.

(3) The Director-General may, where he considers it necessary, constitute a committee to inspect the site of the project and submit its report on such matters as may be specified.

(4) The review of the IEE or EIA by the Provincial Agency shall be based on quantitative and qualitative assessment of the documents and data furnished by the proponent, comments from the public and Government Agencies received under Regulation 10, and views of the committees mentioned in sub-regulations (2) and (3) above.

13. Decision

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

14. Conditions of approval

(1) Every approval of an IEE or EIA shall, in addition to such conditions as may be imposed by the Provincial Agency, be subject to the condition that the project shall be designed and constructed, and mitigatory and other measures adopted, strictly in accordance with the IEE/EIA, unless any variation thereto have been specified in the approval by the Provincial Agency.

(2) Where the Provincial Agency accords its approval subject to certain conditions, the proponent shall –

(a) before commencing construction of the project, acknowledge acceptance of the stipulated conditions by executing an undertaking in the form prescribed in Schedule VII;

(b) before commencing operation of the project, obtain from the Provincial Agency written confirmation that the conditions of approval, and the requirements in the IEE/EIA relating to design and construction, adoption of mitigatory and other measures and other relevant matters, have been duly complied with.

15. Case Closure due to non-responding

- 1. Agency may close/file the case if proponent does not submit reply within one month of issuance of letter after one prior notice**
- 2. In case of closure proponent has to resubmit fresh case under Regulation 8.**

16. Confirmation of compliance

(1) The request for confirmation of compliance under clause (b) of sub-regulation (2) of Regulation 13 shall be accompanied by an Environmental Management Plan indicating the measures and procedures proposed to be taken to manage or mitigate the environmental impacts for the life of the project, including provisions for monitoring, reporting and auditing.

(2) Where a request for confirmation of compliance is received from a proponent, the Provincial Agency may carry out such inspection of the site and plant and machinery and seek such additional information from the proponent as it may deem fit: Provided that every effort shall be made by the Provincial Agency to provide the requisite confirmation or otherwise within **30 days** of receipt of the request, with complete information, from the proponent.

(3) The Provincial Agency may, while issuing the requisite confirmation of compliance, impose such other conditions as the Environmental Management Plan, and the operation, maintenance and monitoring of the project as it may deem fit, and such conditions shall be deemed to be included in the conditions to which approval of the project is subject.

17. Deemed approval

The four-month period for communication of decision stipulated in sub-section (4) of section 12 shall commence from the date of confirmation of completeness is issued by the Provincial Agency under clause (a) of sub-regulation (1) of Regulation 9.

18. Extension in review period

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

19. Validity period of approval

(1) The approval accorded by a Provincial Agency under section 12 read with Regulation 12 shall be valid, for commencement of construction, for a period of three years from the date of issue.

(2) If construction is commenced during the initial three-year validity period, the validity of the approval shall stand extended for a further period of three years from the date of issue.

(3) After issue of confirmation of compliance, the approval shall be valid for a period of three years from the date thereof.

(4) The proponent may apply to the Provincial Agency for extension in the validity periods mentioned in sub-regulations (1), (2) and (3), which may be granted by the Provincial Agency in its discretion for such period not exceeding three years at a time, if the conditions of the approval do not require significant change:

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

20. Entry and inspection

(1) For purposes of verification of any matter relating to the review or to the conditions of approval of an IEE or EIA prior to, during or after commencement of construction or operation of a project, duly authorized staff of the Provincial

Agency shall be entitled to enter and inspect the project site, factory building and plant and equipment installed therein.

(2) The proponent shall ensure full cooperation of the project staff at site to facilitate the inspection, and shall provide such information as may be required by the Provincial

Agency for this purpose and pursuant thereto.

21. Monitoring

(1) After issuance of approval, the proponent shall submit a report to the Provincial Agency on completion of construction of the project.

(2) After issuance of confirmation of compliance, the proponent shall submit an annual report summarizing operational performance of the project, with reference to the conditions of approval and maintenance and mitigatory measures adopted by the project.

(3) To enable the Provincial Agency to effectively monitor compliance with the conditions of approval, after starting operation, the proponent shall submit quarterly or biannual or annual Punjab Environmental Quality Standards (PEQS) monitoring report.

(4) To enable the Provincial Agency to effectively monitor compliance with the conditions of approval, the proponent shall furnish such additional information as the Provincial Agency may require.

22. Cancellation of approval

(1) Notwithstanding anything contained in these Regulations, if, at any time, on the basis of information or report received or inspection carried out, the Provincial Agency is of the opinion that the conditions of an approval have not been complied with, or that the information supplied by a proponent in the approved IEE or EIA is incorrect, it shall issue notice to the proponent to show cause, within two weeks of receipt thereof, why the approval should not be cancelled.

(2) If no reply is received or if the reply is considered unsatisfactory, the Provincial Agency may, after giving the proponent an opportunity of being heard:

(i) require the proponent to take such measures and to comply with such conditions within such period as it may specify, failing which the approval shall stand cancelled; or

(ii) cancel the approval.

(3) On cancellation of the approval, the proponent shall cease construction or operation of the project forthwith.

(4) Action taken under this Regulation shall be without prejudice to any other action that may be taken against the proponent under the Act or rules or regulations or any other law for the time being in force.

23. Registers of IEE and EIA projects

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

24. Environmentally sensitive areas

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

(2) Notwithstanding anything contained in Regulations 3, 4 and 5, the proponent of a project situated in an environmentally sensitive area shall be required to file an EIA with the Provincial Agency.

(3) The Provincial Agency may from time to time issue guidelines to assist proponents and other persons involved in the environmental assessment process to plan and prepare projects located in environmentally sensitive areas.

(4) Where guidelines have been issued under sub-regulation (3), the projects shall be planned and prepared, to the extent practicable, in accordance therewith and any departure therefrom justified in the EIA pertaining to the project.

25. Environmental Assessment Advisory Committee

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

(a) ----- Chairman

(b) ----- Members

(c) -----Members

(d) -----Members

26. Procedure for cases in violation

1. At the time of filing application, if the project is in violation of section 12 of PEPA 1997 (Amended 2012);

- a) The proponent must compound penalty under section 16 of PEPA 1997 (Amended 2012)**
- b) After payment of penalty, the agency will issue Environmental approval following all codal formalities**

27. Other approvals

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

SCHEDULE I

(See Regulation 3)

List of projects requiring an IEE

A. Agriculture, Livestock and Fisheries

1. Poultry, Control Shed, Layer Farm, Hatchery, Feed Mills, Livestock, Stud and Fish Farms

2. Projects involving repacking, formulation or warehousing of agricultural products (**Produced from agriculture only**)

3. Fruit and Vegetable Processing

B. Energy

1. Hydroelectric power generation less than 50 MW

2. Thermal power generation less than 200 MW

3. Coal power generation less than 50 MW

4. Transmission lines less than 11 KV, and large distribution projects

5. Oil and gas transmission systems

6. Oil and gas extraction projects including exploration, production, gathering systems, separation and storage

7. Waste-to-energy generation projects

8. Renewable Energy projects (including solar, wind, biogas plants)

C. Manufacturing and processing

1. Ceramics and glass units with total cost **less** than Rs.50 million

2. Food processing industries including sugar mills, beverages, milk and dairy products, **Flour mill, Rice mills, oils, fats and vegetable ghee projects, Ice mills** with total cost less than Rs.100 million

3. Man-made fibers and resin projects with total cost less than Rs.**10** million

4. Manufacturing of Apparel, **cotton, spinning mills, woolen mills, weaving mills including dyeing and printing, Garments and Leather stitching units, Rubber products and printing with cost less than 50 million**

5. Synthetic resins, plastics and man-made fibers, paper and paperboard, paper pulping, plastic products, textiles (except apparel), printing and publishing, paints and dyes with total cost up to Rs.10 million

6. Wood products with total **cost less than Rs.50 million**

D. Mining and mineral processing

1. Commercial extraction of sand, gravel, limestone, clay, Sulphur and other minerals not included in Schedule II with total cost less than Rs.100 million
2. Crushing, grinding and separation processes **including stone crushers, marble cutting**
3. Smelting plants with total cost less than Rs.50 million

E. Transport

1. **Construction of roads (except highway, motorway and expressways)**
2. Ports and harbor development for ships less than 500 gross tons

F. Water management, dams, irrigation and flood protection

1. Dams and reservoirs with storage volume less than 50 million cubic meters of surface area less than 8 square kilometers
2. **Irrigation and drainage projects including Canal cleaning and desilting serving less than 15,000 hectares**
3. Small-scale irrigation systems with total cost less than Rs.50 million
4. **Construction and lining of water courses**

G. Water supply and treatment

Water supply schemes and treatment plants with total cost less than Rs.25 million

H. Waste disposal

Non-hazardous solid waste management (excluding waste disposal facilities)

I. Warehouses

1. **Scrape yards (non-hazardous waste)**
2. **Storage of Non-Hazardous substance (Chemicals of any sort not included)**
3. **Cold storage**

J. Urban development and tourism

1. Housing schemes, Land subdivisions
2. **Commercial buildings, apartments, Plazas, Shopping Malls, Markets, Marriage Halls and event centers cost up to 500 Million.**
3. Public facilities with significant off-site impacts (e.g. hospital wastes)

4. Urban development projects

5. Hospitals up to 50 beds (Hospitals as defined in Punjab Hospital Waste Management Rules, 2014)

6. Restaurants and Hotels (up to 2 star)

7. Brick kiln (zigzag or more advanced technologies)

J. Other projects

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

(Proponent cannot submit case under this category other than those notified by Provincial Agency)

SCHEDULE II

(See Regulation 4)

List of projects requiring an EIA

A. Energy

1. Hydroelectric power generation over 50 MW
2. Thermal power generation over 200 MW
3. Transmission lines (11 KV and above) and grid stations
4. Nuclear power plans
5. Petroleum refineries
6. **Coal power generation over 50 MW**

B. Manufacturing and processing

1. Cement plants
2. Chemicals projects (**including processing, storage and handling**)
3. **Pharmaceutical companies**
4. **Cosmetic companies**
5. Fertilizer plants
6. Food processing industries including sugar mills, beverages, milk and dairy products, with total cost of Rs.100 million and above
7. Industrial estates (including export processing zones)
8. Man-made fibers and resin projects with total cost of **Rs.10 M** and above
9. Pesticides (manufacture or formulation and storage)
10. Petrochemicals complex
11. Synthetic resins, plastics and man-made fibers, paper and paperboard, paper pulping, plastic products, textiles (except apparel), printing and publishing, paints and dyes, oils and fats and vegetable ghee projects, with total cost more than Rs.10 million
12. Tanning and leather finishing projects

C. Mining and mineral processing

1. Mining and processing of coal, gold, copper, Sulphur and precious stones

2. Mining and processing of major non-ferrous metals, iron and steel rolling & **re-rolling**
3. Smelting plants with total cost of Rs.50 million and above

D. Transport

1. Airports
2. Highways, Motorways, Expressways or major roads
3. Ports and harbor development for ships of 500 gross tons and above
4. Railway works

E. Water management, dams, irrigation and flood protection

1. Dams and reservoirs with storage volume of 50 million cubic meters and above or surface area of 8 square kilometers and above
2. Irrigation and drainage projects serving 15,000 hectares and above

F. Water supply, Sewerage System and treatment

1. Water supply schemes and treatment plants with total cost of Rs.25 million and above
2. **Sewerage System Schemes**
3. **Waste water Treatment Plants**

G. Chemical and Hazardous substances

1. **Chemical handling, Packaging, storage, transportation**
2. **Hazardous substances handling, Packaging, storage, transportation**

H. Waste Storage and Disposal

1. Wastes storage, disposal and or storage, disposal of hazardous or toxic waste (including landfill sites, incineration of hazardous, toxic waste)
2. Waste disposal facilities for domestic or industrial wastes, with annual capacity more than 10,000 cubic meters

I. Urban development and tourism

1. Land use studies and urban plans (large cities)
2. Large-scale tourism development projects with total cost more than Rs.50 million
3. **Commercial buildings, apartments, Plazas, Shopping Malls, Markets, Marriage Halls cost More than 500 Million**
4. **Hospitals more than 50 beds (Hospitals as defined in Punjab Hospital Waste Management Rules, 2014)**

- 5. Medical college, university, research institute**
- 6. Restaurants and Hotels above 2 stars**

J. Environmentally Sensitive Areas

All projects situated in environmentally sensitive areas

K. Other projects

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

SCHEDULE III
(A)
(See Regulation 7)

IEE/EIA Review Fees

Total Project Cost	IEE	EIA	Project requiring IEE Checklist
Upto Rs.10,000,000	Rs. 100,000	Rs. 200,000	Rs. 50,000
Greater than Rs. 10,000,000	Rs. 200,000	Rs. 300,000	Rs. 50,000

SCHEDULE III
(B)
(See Regulation 7)

IEE/EIA Renewal Fees

Total Project Cost	IEE	EIA
-	Rs. 25,000	Rs. 50,000