

ENVIRONMENTAL ASSESSMENT REGULATIONS 1999

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ENVIRONMENTAL ASSESSMENT REGULATIONS, 1999

IN exercise of the powers conferred on the Minister responsible for the Environment under section 28 of the Environmental Protection Agency Act, 1994 (Act 490) and on the advice of the Environmental Protection Agency Board these Regulations are made this 18th day of February, 1999.

PART I - ENVIRONMENTAL PERMIT

Undertakings requiring registration and issue of environmental permit.

1. (1) No person shall commence any of the undertakings specified in Schedule 1 to these Regulations or any undertaking to which a matter in the Schedule relates, unless prior to the commencement, the undertaking has been registered by the Agency and an environmental permit has been issued by the Agency in respect of the undertaking.
2. No person shall commence activities in respect of any undertaking which in the opinion of the Agency has or is likely to have adverse effect on the environment or public health unless, prior to the commencement, the undertaking has been registered by the Agency in respect of the undertaking.

Existing undertakings

2. Where the Agency considers that any undertaking in existence on the date of the coming into force of the Regulations has or is likely to have adverse effect on the environment or public health, the Agency shall issue a written notice to the person responsible to seek registration and obtain an environmental permit in respect of the undertaking within such time as shall be specified in the notice.

Environmental impact assessment

3. No environmental permit shall be issued by the Agency for any of the undertakings mentioned in Schedule 2 to these Regulations unless there is submitted by the responsible person to the Agency, an environmental impact assessment in accordance with these Regulations in respect of the undertaking.

Application for environmental permit

4. (1) A person required under regulation 1 or 2 to register an undertaking and obtain an environmental permit shall submit to the Agency an application in such form as the Agency shall determine.
 2. There shall be paid for the application such fee, as the Agency shall determine.
 1. In addition to any information that an applicant is required to provide on application, the Agency may require an applicant to submit such other information on the undertaking as the Agency considers necessary for the initial assessment of the environmental impact of the undertaking.

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Initial assessment by screening of application

5. (1) The Agency shall on receipt of an application and any other relevant information required, as an initial assessment, screen the application taking into consideration

- a. the location, size and likely output of the undertaking;
 - b. the technology intended to be used;
 - c. the concerns of the general public, if any, and in particular concerns of immediate residents if any;
 - d. land use; and
 - e. any other factors of relevance to the particular undertaking to which the application relates.
1. An applicant shall for the purpose of enabling the Agency determine the level of environmental assessment of his undertaking, prepare and submit to the Agency a report on the undertaking indicating in the report
- a. the environmental, health and safety impact of the undertaking;
 - b. a clear commitment to avoid any adverse environmental effects which can be avoided on the implementation of the undertaking;
 - c. a clear commitment to address unavoidable environmental and health impacts and steps where necessary for their reduction; and
 - d. alternatives to the establishment of the undertaking.

Screening report

6. After the screening under regulation 5 the Agency shall issue a screening report on the application and shall state in the screening report whether the application
- a. is approved; or
 - b. is objected to; or
 - c. requires submission of a preliminary environment report; or
 - d. requires the submission of an environmental impact statement.

Registration and issue of environment permit

7. (1) Where the Agency approves an application at the initial assessment, it shall register the undertaking, the subject of the application, and issue in respect of the undertaking an environmental permit.
- 1. Where the Agency on the initial assessment reports that it objects to the application the report shall constitute a non-acceptance of the application and the undertaking shall not be commenced or where it is in existence, be discontinued.
 - 1. A determination by the Agency that, an application at the initial assessment, is approved, objected to, requires the submission of a preliminary environmental report or the submission of an environmental impact statement, shall be communicated to the applicant within 25 days from the date of the receipt of the application for an environmental permit.

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Fees for and publication of grant of environmental permit

8. (1) There shall be paid in respect of each environmental permit such fee as the Agency shall determine except that where for the purposes of granting the permit an environmental impact statement is required, the fee for the permit shall be 1 % of the development cost of the proposed undertaking.

2. The Agency shall publish in the *Gazette* and the mass media and in such form as the Agency shall determine notice of every environmental permit issued by it within 3 months of the date of issue of the permit.

PART II - PRELIMINARY ENVIRONMENTAL REPORT AND ENVIRONMENTAL IMPACT STATEMENT

Preliminary environment report

9. (1) Where the Agency upon consideration of an application decides that there is the need for a preliminary environmental assessment to be submitted in respect of the application, the Agency shall request the applicant to submit a preliminary environmental report on the proposed undertaking.
1. A preliminary environmental report submitted under subregulation (1) shall contain details other than information submitted with the original application for the environmental permit and shall state specifically the detailed effects of the proposed undertaking on the environment.
1. Where the Agency after consideration of a preliminary environmental report approves the report, it shall register the undertaking and issue in respect of the undertaking an environmental permit.
2. Where the Agency, upon receipt of a preliminary environmental report, is satisfied that a significant adverse environmental impact is likely to result from the activities of the undertaking the applicant shall be asked to submit an environmental impact statement on the undertaking in order that the environmental impact of the proposed undertaking can be assessed.

Environmental impact statement

10. (1) For the purpose of regulation 9(4) the applicant shall submit an environmental impact statement in respect of the proposed undertaking which shall be outlined in a scoping report to the Agency.

Scoping report

11. A scoping report shall set out the scope or extent of the environmental impact assessment to be carried out by the applicant, and shall include a draft terms of reference, which shall indicate the essential the essential issues to be addressed in the environmental impact statement.

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Draft terms of reference

12. The draft terms of reference shall stipulate that the environmental impact statement on the proposed undertaking will deal with matters including the following -

- a. a description of the undertaking;
- b. an analysis of the need for the undertaking;
- c. alternatives to the undertaking including alternative situations where the undertaking is not proceeded with;
- d. matters on site selection including a statement of the reasons for the choice of the proposed site and whether any other alternative site was considered;
- e. an identification of existing environmental conditions including social, economic and other aspects of major environmental concern;
- f. information on potential, positive and negative impacts of the proposed undertaking from the environmental, social, economic and cultural aspect in relation to the different phases of development of the undertaking;
- g. the potential impact on the health of people;
- h. proposals to mitigate any potential negative socio-economic, cultural and public health impacts on the environment;
- i. proposals to be developed to monitor predictable environmental impact and proposed mitigating measures;
- j. contingency plans existing or to be evolved to address any unpredicted negative environmental impact and proposed mitigating measures;
- k. consultation with members of the public likely to be affected by the operations of the undertaking;
- l. maps, plans, tables, graphs, diagrams and other illustrative material that will assist with comprehension of the contents of the environmental impact statement;
- m. a provisional environmental management plan;
- n. proposals for payment of compensation for possible damage to land or property arising from the operation of the undertaking; and
- o. an indication whether any area outside Ghana is likely to be affected by the activities of the undertaking.

Action on scoping report

- 13. (1) The Agency shall upon receipt of a scoping report examine it and inform the applicant within 25 days of the receipt of the report whether it is acceptable or not acceptable.
- 2. Where a scoping report is accepted by the Agency, it shall inform the applicant to submit an environmental impact statement based on the scoping report.
- 1. Where a scoping report is not acceptable by the Agency, the applicant shall be advised by the Agency to revise the report as appropriate and re-submit it if he so desires.

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Matters to be addressed in environmental statement

- 14. (1) In submitting an environmental impact statement pursuant to regulation 13(2), the applicant shall indicate in the document a clear assessment of the proposed undertaking on the environment based on the contents of the scoping report.
- 1. The environmental impact statement shall also address possible direct and indirect impact of

the undertaking on the environment at the pre-construction, construction, operation, decommissioning and post-decommissioning phases including

- a. concentrations of pollutants in environmental media including air water and land from mobile or fixed sources;
- b. any direct ecological changes resulting from such pollutant concentrations as they relate to communities, habitats, flora and fauna;
- c. alteration in ecological processes such as transfer of energy through food chains, decomposition and bio-accumulation which could affect any community, habitat or specie of flora or fauna;
- d. ecological consequences of direct destruction of existing habitats from activities such as dumping of waste and vegetation clearance and fillings;
- e. noise and vibration levels;
- f odour;
- g. vehicle traffic generation and potential for increase in road accidents;
- h. changes in social, cultural and economic patterns relating to
- i. decline in existing or potential use of valued resources arising from matters referred to in paragraphs (a) to (d) of this sub-regulation.

1. direct or indirect employment generation;
- i. immigration and resultant demographic changes;
- ii. provision of infrastructure such as roads, schools and health facilities;
- iii. local economy;
- iv. cultural changes including possible conflict arising from immigration and tourism; and
- v. potential land use in the area of the proposed undertaking.

1. An environmental impact statement shall also include information on the possible health effect of the undertaking on persons within and around the vicinity of the proposed undertaking.
1. An environmental impact statement for mining and other extractive industry shall include reclamation plans.

Advertisement of scoping notice

15. (1) Where an applicant has been asked to submit an environmental impact statement it shall be the responsibility of the applicant to -

- a give notice of the proposed undertaking to the relevant Ministries, government departments and organisations and the relevant Metropolitan, Municipal or District Assembly;
- b. advertise in at least one national newspaper and a newspaper, of any circulating in the locality where the proposed undertaking is to be situated; and
- c. make available for inspection by the general public in the locality of the proposed undertaking copies of the scoping report.

1. The Form in Schedule 3 of these Regulations shall be used for purpose of the advertisement required under sub regulation (1).

Considerations and review of environmental impact statement and publication of notices of environmental impact statement.

16. (1) The applicant shall submit 12 copies of the environmental impact statement to the Agency which shall review the environmental impact statement to the Agency which shall review the environmental impact statement.
1. The applicant shall also submit such copies of the environmental impact statement as the Agency shall direct to sector Ministries, government departments and organisations of relevance to the undertaking.
 1. The Agency shall where it receives an environmental impact statement, publish for 21 days a notice which shall be in accordance with the form specified in Schedule 4, of the environmental impact statement in the mass media and also post at appropriate places such parts of the environmental impact statement as it considers necessary.
 2. The cost of any notices of publication made under subregulation (3) shall be borne by the applicant.
 3. The general public, relevant public agencies, organisations, NGOs, Metropolitan, Municipal and District Assemblies and local communities may make any comments, and suggestions on any matter on which notices are issued under this regulation.

Public hearing

17. (1) The Agency shall hold a public hearing in respect of an application where
- a. upon a notice issued under regulation 16 there appears to be great adverse public reaction to the commencement of the proposed undertaking;
 - b. the undertaking will involve the dislocation, relocation or resettlement of communities; or
 - c. the Agency considers that the undertaking could have extensive and far reaching effect on the environment.
1. For the purpose of conducting a public hearing the Agency shall appoint a panel composed of not less than three persons and not more than five persons.
 1. At least a third of the panel members shall be residents of the geographical area of the proposed undertaking and shall reflect representation of varying opinions, if any, on the subject of the hearing.
 2. The chairman of the panel shall be appointed by the Agency from among the members but shall not be a resident of the locality of the proposed undertaking.

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- (5) The panel shall hear such persons and bodies that will make submissions to it; shall consider all submissions made to it and make its recommendations in writing to the Agency within a period of not less than 15 days from the date it starts hearing representations.

Review of environmental impact statement after public hearing

18. (1) A draft environmental impact statement shall be further reviewed by the Agency after receipt of recommendations following a public hearing.
1. Where after review, the draft environmental impact statement is found unacceptable by the Agency, the applicant shall be notified of this in writing and shall be required

- a. to submit a revised environmental impact statement at a later date; or b. to conduct such further studies as the Agency considers necessary.

Finalisation of environmental impact statement and grant of environmental permit

19. Where an environmental impact statement is acceptable to the Agency this shall be communicated in writing to the applicant and the requisite environmental permits shall be issued to the applicant upon the submission of 8 hard cover copies of the approved environmental impact statement and a copy on floppy diskette.

Period for determination of an application

20. (1) Subject to the provisions of these Regulations an application for an environmental permit under these Regulations shall be finalized and communicated to the applicant by the Agency within a period of not more than 90 days from the date of receipt of the completed application form.

(2) Sub-regulation (1) does not apply -

- a. to an application where public hearing is required to be held;
- b. where only a preliminary environmental report is required by the Agency;
- c. to the period taken to prepare and submit an environmental impact statement.

Validity of environmental permit

21. (1) Where an environmental permit is granted to an applicant, the permit shall be valid for a period of 18 months effective from the date of the issue of the permit.

(2) Failure to commence operation of the undertaking within the 18 months as provided under sub-regulation (1) shall render the permit invalid after the period.

(3) Where an applicant whose permit becomes invalid under sub-regulation (2) requires a valid permit he shall resubmit an application to the Agency for approval to which the invalidated permit relates and provide reasons for the new application.

1. Upon consideration of an application under sub-regulation (3) the Agency may decide

- a. that the assessment report already approved be used in respect of the re

submitted application; or

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- a. that the assessment report be revised in such areas as the Agency shall direct.

Requirement for an environmental certificate

22. (1) Where an undertaking in respect of which a preliminary environmental report or an

environmental impact statement is approved commences activities of the undertaking upon the issue of an environmental permit, the person responsible shall within 24 months of the date of the commencement of operations obtain an environmental certificate from the Agency.

1. An environmental certificate may be issued subject to such conditions as the Agency shall determine except that no such certificate shall be issued unless the person responsible has submitted to the agency evidence or confirmation of

- (a) actual commencement of operations;

- (b) acquisition of other permits and approvals where applicable;
 - (c) compliance with mitigation commitments indicated in the environmental impact statement or preliminary environmental report;

and has submitted to the Agency its first annual environmental report as required under regulation 25.

- (3) There shall be paid in respect of an environmental certificate such fee as the Agency shall determine.

Funds for reclamation

23. An undertaking in respect of which a reclamation plan is required shall be required to post reclamation bond based on approved work plan for reclamation.

Environmental management plan

24. (1) The person responsible for an undertaking in respect of which a preliminary environmental report or an environmental impact statement has been approved shall submit to the Agency an environmental management plan in respect of his operations within 18 months of commencement of operations and thereafter every 3 years.

(2) A person engaged in any of the undertakings mentioned in Schedule 1 which was in existence before the coming into force of these Regulations shall also submit an environmental management plan within 18 months from the coming into force of these Regulations and thereafter every 3 years.

(3) The environmental management plan shall be a document in such form as shall be determined by the Agency.

(4) The environmental management plan shall set out steps that are intended to be taken to manage any significant environmental impact that may result from the operation of the undertaking.

Submission of annual environmental report

25. (1) A person granted an environmental permit under these Regulations shall submit an annual environmental report in respect of his undertaking after 12 months from the date of commencement of operations and after every 12 months thereafter to the Agency.

(2) The annual environmental report shall be in such form and contain such particulars as the Agency ~ shall direct.

Suspension, cancellation or revocation of permit and certificates

26. (1) The Agency may suspend, cancel or revoke an environmental permit or certificate issued under these Regulations where the holder of the permit or certificate

- a. fails to obtain any other authorisation required by law in relation to his undertaking before commencement of operations;
- b. is in breach of any provision of these Regulations or any other enactment relating to environmental assessment;
- c. fails to make any payments required under these Regulations on the due date
- d. acts in breach of any of the conditions to which his permit or certificate is subject; or
- e. fails to comply with mitigation commitments in his assessment report or environmental management plan.

(2) The Agency may also suspend an environmental permit or certificate in the event of occurrence of fundamental change~ in the environment due to natural causes before or during the implementation of the undertaking; and upon such change the environmental assessment report and the environmental management plan shall be revised on the basis of the new environmental condition.

Complaints by aggrieved persons.

27. (1) A person aggrieved by a decision or action of the Agency may submit a complaint in writing to the Minister.

(2) The complaint shall be submitted to the Minister within 30 days of the complainant becoming aware the decision or action to which the complaint relates.

1. The complaint shall

- a. state the issues objected to;
- b. have attached a copy of the decision objected to; and
- c. have attached all documents relevant for considering and determining the complaint.

1. The Minister shall within 14 days of receipt of a complaint appoint a panel composed of

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- a. representative each of the following
 - i.the Ministry of the Environment not below the rank of a Director;

- 11. the Attorney-General's Department not below the rank of a Senior State Attorney;
 - iii. the Ministry with responsibility for the undertaking; and
- a. two persons with specialization in the relevant field of the undertaking concerned.
- 1. The Minister shall refer the complaint to the panel, which shall give a fair hearing to all parties and determine the issue as it considers appropriate.
 - 2. The panel after hearing all parties may
 - a. alter the decision of the Agency;
 - b. request the Agency to determine the application where applicable within a specified period;
 - c. give any other directives as it considers just.
 - 1. A panel appointed under this regulation shall determine the matter and report to the Minister within 60 days from the date of reference of any matter by the Minister to it.
 - 1. The proceedings of the panel shall be fully documented together with reasons for the panel's decision.
 - 2. The panel shall cause copies of the decision and proceedings to be sent to
 - a. the Agency; and
 - b. the relevant Ministry.

Gazette publication

28. The Agency shall cause to be published in the *Gazette* notification of any codes of practice, standards, guidelines in connection
- a. with matters provided for under these Regulations for the purpose of giving guidance; and
 - b. with matters relating to the protection, development and rehabilitation of the environment.

Offence and penalty

29. Any person who
- a. commences an undertaking without an environmental permit issued in respect of the undertaking contrary to regulation (1);
 - b. fails to comply with directives of the Agency to register an undertaking and obtain an environmental permit contrary to regulations (2) or 2;
 - c. fails to conduct an environmental impact assessment in respect of an undertaking specified in Schedule 2 to these Regulations before commencement of the undertaking or as may be directed by the Agency contrary to regulation 3;
 - d. submits or provides the Agency with information required under any provision of these Regulations which he knows to be false;
 - e. fails to submit an annual environmental report as required under regulation 25; or
 - f. contravenes any provision of these Regulations.

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commits an offence ENVIRONMENTAL ASSESSMENT REGULATIONS 1999
e and is liable on summary conviction to a fine not exceeding 1/-2 million or imprisonment for a term not exceeding one year or to both and in the case of a continuing offence to a further fine not exceeding 1/-200,000 for each day the offence is continued.

Interpretation

30. (1) In these Regulations unless the context otherwise requires

"**the Act**" means the Environmental Protection Agency Act, 1994 (Act 490);

"**adverse effect on the environment or public health**" means any change that an undertaking may cause to the environment and includes the effect of any change on health, socio-economic and cultural conditions;

"**Agency**" means the Environmental Protection Agency established by the Environmental Protection Agency Act, 1994 (Act 490).

"**environmental assessment**" means the process for the orderly and systematic identification, prediction and evaluation of

(a) the likely environmental, socio-economic, cultural and health effects of an undertaking; and

(b) the mitigation and management of those effects;

"**environmental impact assessment**" means the process for the orderly and systematic evaluation of a proposal including its alternatives and objectives and its effect on the environment including the mitigation and management of those effects; the process extends from the initial concept of the proposal through implementation to completion, and where appropriate, decommissioning;

"**environmental impact**" includes any direct or indirect, positive or negative change in the environment caused by man-made works or activity when such change affects life

- in general, biodiversity, the quality or a significant quantity of natural or environmental resources and their use, well being, health, personal safety, habits and customs, the cultural heritage or legitimate means of livelihood;

"**environmental impact statement**" means a document prepared by an applicant to present the case for the assessment of his proposal as part of the environmental impact assessment process;

"**environmental permit**" means an environmental authorisation to commence a proposed undertaking or continue with the undertaking, issued after registration of the undertaking or upon submission of a preliminary environmental report or environmental impact statement;

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"**Minister**" means the Minister responsible for the environment;

"**Mitigation**" means, in respect of a proposed or existing undertaking the elimination, reduction or control of the adverse environmental effects of the undertaking, and includes restitution for any damage to the environment caused by such effects through replacement, restoration, compensation or any other means;

"**NGOs**" means non-governmental organisations;

"**occurrence of fundamental change in the environment**" means the alteration of the environmental profile which was used as the basis of the environmental impact statement;

"**person responsible**" has the same meaning as provided for under the Act;

"preliminary environmental report" means a document containing detailed information other than information contained in the registration form especially detailing the effects which the undertaking would have on the environment as defined in the screening report;

"reclamation bond" means performance bond, mining bond or rehabilitation bond or funds set aside in a reputable bank agreed upon by the Agency and the person responsible as a security deposit against default on reclamation or rehabilitation of disturbed land arising out of the undertaking.

"scoping" means an assessment that is carried out pursuant regulation **11** of these Regulations.

"scoping report" means a report that summarizes the results of a scoping;

"screen" means the initial assessment of an application for an environmental permit, including a consideration of the factors set out in regulation 5 of these Regulations;

"Screening report" means a report that summarizes the results of a screening;

"undertaking" means any enterprise, activity scheme of development, construction, project, structure, building, work, investment, plan, programme and any modification, extension, abandonment, demolition, rehabilitation or decommissioning of such undertaking, the implementation of which may have a significant impact.

(2) For the purpose of these Regulations the areas specified in Schedule 5 are environmentally sensitive

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SCHEDULE 1 (Regulation 1(1)) UNDERTAKINGS
REQUIRING REGISTRATION AND ENVIRONMENT
PERMIT AGRICULTURAL AND RELATED SERVICES

I. AGRICULTURE

Community pastures

- a. involving the clearing of land of greater than 40 hectares in area; or
- b. involving the clearing of land located in an environmentally sensitive area.

Fruit and other vegetable farms

Management areas

- (a) involving the clearing of land of greater than 40 hectares in area; or
- (b) involving the clearing of land located in an environmentally sensitive area.

FISHING AND TRAPPING

Fishing

- a. fish or shell fish farming in salt water, brackish water or fresh water, where the proposal includes the construction of shore-based facilities other than wharves;
- b. permanent traps or weir fisheries, salt water.

Services incidental to fishing -

Fish or shellfish breeding and propagating services, or fish or shellfish hatchery services, where the proposal includes the construction of shore based facilities other than wharves.

3. LOGGING AND FORESTRY

Logging -

Management of forested land for the primary purpose of harvesting timber in a contract area.

4. FORESTRY SERVICES

Forestry services

- a. application of pesticides;
- b. introduction of exotic species of animals, plants or microbial agents.

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(INCLUDING MILLING), QUARRYING AND OIL WELLS***

5. MINING

- a. metal mines;
- b. non-metal mines.

6. CRUDE OIL AND NATURAL GAS

- a. crude oil or petroleum production facilities;
- b. natural gas production facilities.

7. QUARRIES AND SAND PITS

Stone quarries

- a. where the total area is greater than 10 hectares,
or

- b. where any portion is to be located within an environmentally portioned area

Sand and gravel pits

- a. where the total area is greater than 10 hectares, or
- b. where any portion is to be located within an environmentally sensitive area.

MANUFACTURING

8. FOOD

Meat and poultry products

- a. abattoirs;
- b. meat, fat or oil processing facilities
- c. poultry processing facilities.

Fish products

Flours, prepared cereal foods and feeds
Feed mills

9. BEVERAGES

- a. distillery products;
- b. brewery products;
- c. wines

10. RUBBER PRODUCTS

- a. tyres and tubes;
- b. rubber hoses and beltings;
- c. other rubber products

11. PLASTIC PRODUCTS

- a. foamed and expanded plastic products;
- b. plastic pipes and pipe fittings;
- c. plastic films and sheetings;
- d. other plastic products

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12. LEATHER AND ALLIED PRODUCTS

13. PRIMARY TEXT

- a. man-made fibres and filament yarns;
- b. spun yarns and woven cloths;
- c. broad knitted fabrics

14. TEXTILE PRODUCTS

- a. natural fibres processing and felt products;
- b. carpets, mats and rugs;
- c. canvas and related products
- d. other textile products.

15. WOOD

- a. sawmill, planning mill and shingle mill products industries;
- b. veneers and ply woods;
- c. other wood products;
- d. wood preservation facilities which use hazardous chemicals or similar chemical processes;
- e. particle board or wafer board production.

16. PAPER AND ALLIED PRODUCTS

- a. pulp and paper;
- b. asphalt roofing;
- c. other converted paper products.

17. PRIMARY METALS

18. FABRICATED METAL PRODUCTS

19. TRANSPORTATION EQUIPMENT

Leather and allied products

Leather
tanneries

Shipbuilding and repair Facilities engaged in building and repairing all types of ships above 4,000 tonnes displacement including marine production platforms for petroleum, natural gas or mineral resource extraction.

NON-METALLIC MINERAL PRODUCTS

20. REFINED PETROLEUM PRODUCTS

- b. agricultural chemicals;
- c. plastics and synthetic resins; d. paints and varnishes.
- e. Soaps and cleaning compounds;
- f. Other chemical products.

22. OTHER MANUFACTURING

Scientific and Professional Equipment

- a. photographic films and plates manufacturing;
- b. floor tiles, linoleums and coated fabrics manufacturing; c. other manufactured products.

23. CONSTRUCTION

Industrial construction (other than building)

- a. construction of pipelines for the transmission of oil, natural gas and other related products from the source to the point of distribution, where
 - 1. any portion of the pipeline is to be located at a distance greater than 500 meters from an existing right-of-way; or
 - ii. any portion of the pipeline is to be located in an environmentally sensitive area;
- b. diesel electric power generating plants having a capacity greater than 1 megawatt;
- a. gas turbine electric power generating plants having a capacity greater than 1 megawatt; b. nuclear electric power generating plants.

24. HIGHWAYS AND HEAVY CONSTRUCTION

- a. roads
- b. waterworks and sewage system
 - i. construction of trunk pipelines for transmission of water from the source to the point of distribution;
 - ii. construction of trunk sewer pipelines; Iii. construction of trunk sewer pipeline outfalls.
- c. hydroelectric power plants and related structures
 - i. construction of dams and associated reservoirs;
 - ii. inter-or intra-basin water transfers; Iii. construction of hydroelectric power developments.

25. UTILITIES

- a. establishment of waste disposal sites;
- b. establishment of facilities for the collection or disposal of hazardous waste materials.

WHOLESALE TRADE

26. PETROLEUM PRODUCTS

~~Petroleum products~~, wholesale Establishment of petroleum products storage facilities

27. OTHER PRODUCTS, WHOLESALE

Waste materials, wholesale

Establishment of facilities for the purpose of assembling, breaking up, sorting, construction of all airport or airstrips as well as the enlargement of existing airports or airstrips.
wholesale trading of scrap, junk or waste material of any type.

28. SERVICES

Economics services administration

- a. resource conservation and management programmes involving introductions of exotic species of animals or plants for any purpose;
- b. resource conservation and management programs involving introductions of native species of animals or plants into areas where those species do not occur at the time of the proposed introduction; .
- c. designation of land for cottage development or other recreational development.

ACCOMMODATION, FOOD AND BEVERAGE SERVICES

29. ACCOMMODATION SERVICES

Establishment of recreation and vacation camps.

30. AMUSEMENT AND RECREATIONAL SERVICES

Commercial spectator sports

- a. establishment of horse racetrack operations;
- b. establishment of racetrack operations for motorized vehicles sports and recreation clubs and services;
- c. establishment of facilities, including trails,
- d. establishment of outdoor firearm ranges;
- e. establishment of marina operations;
- f. establishment of facilities, including trails, for motorized recreational vehicles;
- g. other amusement and recreational services.

(Regulation 3) UNDERTAKINGS FOR WHICH
ENVIRONMENTAL IMPACT ASSESSMENT (EIA) IS
MANDATORY

- a. land development for agriculture purposes not less than 40 hectares;
- b. agricultural programmes necessitating the resettlement of 20 families or more.

2. AIRPORT

3. DRAINAGE AND IRRIGATION

- a. construction of dams and man-made lakes;
- b. drainage of wetland;
- c. irrigation schemes.

4. LAND RECLAMATION

- a. coastal land reclamation; b.
- dredging or bars, estuaries.

5. FISHERIES - -

- a. construction of fishing harbors;
- b. harbor expansion;
- c. land based aquaculture undertaking.

6. FORESTRY

- a. conversion of hill forest land to other land use;
- b. logging or conversion of forest land to other land use within the catchment area of reservoirs used for water supply, irrigation or hydro-power generation or in areas adjacent to forest, wildlife reserves;
- c. conversion of wetlands for industrial, housing or agricultural use.

7. HOUSING

- a. human settlement development undertaking;
- b. housing development.

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8. INDUSTRY

a. chemical - where production capacity of each product or combined products is greater than 100 tonns/day;

- c. petrochemicals - all sizes or raw materials requirements of 100 tonns/day or greater;
- d. c. non-ferrous-smelting

- i. aluminum - all sizes;
- ii. copper - all sizes;
- iii. others -producing 50 tonns/day and above product;

a. Non-metallic -cement

lime - 10 tonns/day and above burnt lime rotary kiln or 50 tonns/day and above vertical kiln.

- a. iron and steel;
- b. shipyards;
- c. pulp and paper.

9. INFRASTRUCTURE

- a. construction of hospitals;
- b. industrial estate development;
- c. construction of roads and highways;
- d. construction of new townships;
- e. construction of railways.

10. PORTS

- a. construction of ports;
- b. port expansion involving an increase of 25 per cent or more in handling capacity per annum.

11. MINING

- a. mining and processing of minerals in areas where the mining lease covers a total area in excess of 10 hectares;
- b. quarries
Proposed quarrying of aggregate, limestone, silica, quartzite, sandstone, marble and decorative building stone within 3 kilometers radius of any existing village, residential, commercial or industrial areas, or any area earmarked for residential, commercial or industrial development;
- c. sand dredging.

12. PETROLEUM

- a. oil and gas fields development;
- b. construction of off-shore and on-shore pipelines;
- c. construction of oil and gas separation, processing, handling and storage facilities.
- d. construction of oil refineries;

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- a. construction of product depots for the storage of petrol, gas or diesel which are located within 3 kilometers of any commercial, industrial or residential areas.

13. POWER GENERATION AND TRANSMISSION

- a. construction of steam generated power stations;
- b. dams and hydroelectric power schemes;
- c. construction of combined cycle facilities in national parks;
- d. construction of nuclear-fueled power stations;
- e. erection of power transmission lines.

14. RESORT AND RECREATIONAL DEVELOPMENT

- a. construction of coastal resort facilities of hotels with more than 40 rooms;
- b. hill top resort or hotel development;
- c. development of tourist or recreational facilities in national parks;
- d. development of tourist or recreational facilities on islands waters.

15. WASTE TREATMENT AND DISPOSAL

a. toxic and hazardous waste

- i. construction of incineration plant;
- ii. construction of recovery plant (off-site)
- iii. construction of wastewater treatment plant (off-site);
- iv. construction of secure landfills facility;
- v. construction of storage facility (off-site)

a. municipal solid waste

- i. construction of incineration plant;
- ii. construction of composing plant;
- iii. construction of recovery recycling plant;
- iv. construction of municipal solid waste landfill facility;
- v. construction of waste depots.

a. municipal sewage

- i. construction of wastewater treatment plant;
- ii. construction of marine outfall;
- iii. night soil treatment.

16. WATER SUPPLY

- a. construction of dams impounding reservoirs;
- b. groundwater development for industrial, agricultural or urban

17. ENVIRONMENTAL CONSERVATION AND MANAGEMENT

- a. activity to remove "designated" status from an area designated for wildlife conservation and management;

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- a. activities relating to
 - i. wildlife conservation and management;
 - ii. forest conservation and management;
 - iii. watershed conservation and management;
 - iv. commercial exploitation of fauna and flora.

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*SCHEDULE 3 (Regulation 15 (2» ENVIRONMENTAL
IMPACT ASSESSMENT (EIA) SCOPING NOTICE*

(Name of company/organisation)

... proposed to establish a

..... atin the

(Project Undertaking) (Location)

....., of the

(District(s) (Region)

Notice of the proposed is hereby served for
public

Date:

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SCHEDULE 5 (Regulation 30 (2)) ENVIRONMENTALLY
SENSITIVE AREAS

1. All areas declared by law as national parks, watershed reserves, wildlife reserves and sanctuaries including sacred groves.
2. Areas with potential tourist value.
3. Areas which constitute the habitat of any endangered or threatened species of indigenous wildlife (flora and fauna).
4. Areas of unique historic, archaeological or scientific interests.
5. Areas which are traditionally occupied by cultural communities.
6. Areas prone to natural disasters (geological hazards, floods, rainstorms, earthquakes, landslides, volcanic activity etc.)
7. Areas prone to bushfires.
8. Hilly areas with critical slopes.
9. Areas classified as prime agricultural lands.
10. Recharge areas of aquifers.
11. Water bodies characterized by one or any combination of the following conditions
 - a. water tapped for domestic purposes;
 - b. water within the controlled and/or protected areas;
 - c. water which support wildlife and fishery activities.
12. Mangrove area~ characterised by one or any combination of the following conditions
 - a. areas with primary pristine and dense growth;
 - b. areas adjoining mouth of major river system;
 - c. areas near or adjacent to traditional fishing grounds;
 - d. areas which act as natural buffers against shore erosion, strong winds or storm floods.

CLETUS AVOKA
Minister Responsible for the
Environment

Date of Gazette notification: 26th February 1999.

Entry into force: 24th June, 1999