

L. D.-B. 4/81.



THE NATIONAL ENVIRONMENTAL ACT, No. 47 OF 1980

REGULATIONS made by the Minister of Environment and Parliamentary Affairs under Section 23CC of the National Environmental Act, No. 47 of 1980 read with Section 32 of that Act.

Dr. WIMAL WICKRAMASINGHE,
Minister of Environment and
Parliamentary Affairs.

Colombo, 18th June, 1993.

Regulations

1. These Regulations may be cited as the National Environmental (Procedure for approval of projects) Regulations, No. 1 of 1993.
2. (i) A project proponent shall not perform the functions and duties of a Project Approving Agency. In the event of a Project Approving Agency becoming a project proponent, the Authority shall designate an appropriate Project Approving Agency.
(ii) The Authority shall determine the appropriate Project Approving Agency in case where more than one Project Approving Agency is involved.
3. In respect of any prescribed project for which an Environmental Impact Assessment Report is required the Project Approving Agency shall grant its approval only with the concurrence of the Authority.
4. Any devolution of the functions of a Project Approving Agency to a Provincial Council, relating to the approval of projects shall be done only with the written concurrence of the Minister.
5. A project proponent of any proposed prescribed project shall as early as possible submit to the Project Approving Agency preliminary information on the project requested by the appropriate Project Approving Agency.
6. (i) The Project Approving Agency shall acknowledge in writing receipt of such preliminary information within six days.
(ii) The Project Approving Agency shall in consultation with the Authority subject such preliminary information to environmental scoping, in order to set the Terms of Reference for the Initial Environmental Examination Report or Environmental Impact Assessment Report, as the case may be, and in doing so the Project Approving Agency may take into consideration the views of state agencies and the public.
(iii) The Project Approving Agency shall convey in writing to the project proponent the Terms of Reference referred to in paragraph (ii) above within fourteen days in the case of an Initial Environmental Examination Report and thirty days in the case of an Environmental Impact Assessment Report from the date of acknowledging receipt of the preliminary information.
(iv) Where, if on environmental scoping the Project Approving Agency considers that the preliminary information submitted by the project proponent as required in regulation 5 above, is adequate to be an Initial Environmental Examination Report, the Project Approving Agency shall proceed as specified hereinafter.
7. (i) Every project proponent shall submit to the Project Approving Agency such number of copies of the Initial Environmental Examination Report as required by the Project Approving Agency.
(ii) Upon receipt of an Initial Environmental Examination Report the Project Approving Agency shall submit a copy thereof to the Authority and by prompt notice published in the *Gazette* and in one national newspaper published daily in the Sinhala, Tamil and English languages, invite the public to make written comments, if any, thereon, to the Project Approving Agency, within thirty days from the date of first appearance of the notice, either in the *Gazette* or in the newspaper.
(iii) The Notice referred to in paragraph (ii) above shall specify the times and places at which the report shall be made available for public inspection.
(iv) The Project Approving Agency shall make available copies of the report to any person interested to enable him to make copies thereof.
8. (i) It shall be the duty of the Project Approving Agency, upon completion of the period of public inspection, to forward to the project proponent the comments received from the public, for review and response, within six days from the date of completion of the period of public inspection.
(ii) The project propopent shall in writing respond to such comments to the Project Approving Agency.
9. Upon receipt of such responses referred to in regulation 8 (ii) above, the Project Approving Agency shall within a period of six days either
(i) grant approval for the implementation of the proposed project subject to specified conditions; or
(ii) refuse approval for the implementation of the proposed project with reasons for doing so.

10. Upon receipt of an Environmental Impact Assessment Report the Project Approving Agency shall, within fourteen days, determine whether the matters referred to by the Terms of Reference as set out in regulation 6 (ii) above are addressed, and if the Report is determined to be inadequate the Project Approving Agency shall require the project proponent to make necessary amendments and re-submit the report, together with the required number of copies.
11. (i) Upon receipt of the Report, as specified in regulation 10 above, the Project Approving Agency shall submit a copy thereof to the Authority and by prompt notice published in the *Gazette* and in one national newspaper published daily in the Sinhala, Tamil and English languages invite the public to make written comments, if any, thereon to the Project Approving Agency within thirty days from the date of the first appearance of the notice, either in the *Gazette* or in the newspaper.
(ii) The notification shall specify the times and places at which the Report shall be made available for public inspection.
(iii) The project Approving Agency shall make available copies of the Report to any person interested to enable him to make copies thereof.
12. It shall be the duty of a Project Approving Agency, upon completion of the period of public inspection or public hearing, if held, to forward to the project proponent comments received for review and response, within six days. The Project Proponent shall respond to such comments in writing to the Project Approving Agency.
13. Upon receipt of such responses as referred to in regulation 12 above, the Project Approving Agency shall with the concurrence of the Authority, within thirty days either-
(i) grant approval for the implementation of the proposed project subject to specified conditions; or
(ii) refuse approval for the implementation of the proposed project, with reasons for doing so.
14. It shall be the duty of all Project Approving Agencies to forward to the Authority a report which contains a plan to monitor the implementation of every approved project, within thirty days from granting of approval under regulations 9 (i) and 13 (i) by such agencies.
15. The Project Approving Agency shall publish in the *Gazette* and in one national newspaper published daily in the Sinhala, Tamil and English languages the approval of any project as determined under regulations 9 (i) and 13 (i) hereto.
16. (i) The Project Approving Agency shall specify a period within which the approved project shall be completed.
(ii) A project proponent may, within thirty days prior to the expiry of such period, make an application in writing to the Project Approving Agency for an extension of time for the completion of the proposed prescribed project.
17. (i) A project proponent shall inform the appropriate Project Approving Agency of-
(a) any alteration to a prescribed project approved under regulations 9 (i), and 13 (i); and/or
(b) the abandonment of such approved project.
(ii) The project proponent shall where necessary obtain fresh approval in respect of any such alterations that are intended to be made to such project. The Project Approving Agency shall in consultation with the Authority determine the scope and format of the supplemental report required to be submitted for such alterations.
(iii) The project proponent shall, where a project is abandoned, restore the project site to a condition as specified by the Project Approving Agency.
18. The Project Approving Agency shall communicate to the Project Proponent the administrative charges to be levied by the Project Approving Agency for the purposes of the approval of projects. The Project Approving Agency shall follow the procedure set out in guidelines prepared by the Authority.
19. In these regulations-
"Authority" means the Central Environmental Authority;
"Project Proponent" means any Government Department, Corporation, Statutory Board, Local Authority, Company, Firm or Individual who submits any prescribed project for approval;
"Project" means any undertaking, scheme or plan where commitment of resources, time and funds are envisaged and which comes into existence at the stage where the project proponent has a goal and is actively preparing to make a decision in achieving that goal.
"Preliminary information" shall include a description of the nature, scope and location of the proposed project accompanied by location maps and any other details as may be requested for by the Project Approving Agency;
"environmental scoping" means determining the range and scope of proposed actions, alternatives, and impacts to be discussed in an Initial Environmental Examination Report or Environmental Impact Assessment Report;
"Report" means an Initial Environmental Examination Report or an Environmental Impact Assessment Report as the case may be; and
"days" means any day other than a public holiday as defined by the Holidays Act, No. 29 of 1971.