

CONSERVATION OF ENVIRONMENT ENACTMENT 1996
CONSERVATION OF ENVIRONMENT
(PRESCRIBED ACTIVITIES) ORDER 1999

In exercise of the powers conferred by section 5 of the Conservation of Environment Enactment 1996, the Director of State Department of Environmental Conservation after Consulting the Council makes the following order:

1. This order may be cited as the Conservation of Environment (Prescribed activities) Order 1999 and shall come into force on 1 September 1999.

2. In this Order-

“Council” means the Environmental Conservation Council established under section 2B of the Enactment;

“Director” means the Director of State Department of Environmental Conservation;

“Enactment” means the Conservation of Environment Enactment 1996;

‘prescribed activities’ means any of the activities specified in the First Schedule.

(2) Any reference in the Schedules to units of measurement of are shall be construed to mean the minimum area prescribed therein for any person to undertake any of the prescribed activities, regardless of whether such activities are carried out in phases or simultaneously within a prescribed period.

3. Any person who intends to undertake any of the prescribed activities shall submit to the director a report, which is to be prepared by such expert or authority as may be approved by the Director-

(a) on the impact of such activities on the environment and on the sustainable utilization, preservation and management of the natural resources of the State; and

(b) on the measures being preventive, mitigating or abatement to be taken for the protection and enhancement of the environment.

4. Such report shall be submitted to the Director and shall be in the approved Form as specified in the Second Schedule hereto, which may be used with such

modifications as may be required, depending upon the circumstances of each particular case.

5. The Director may, with the approval of the Minister, from time to time-
 - (a) issue such guidelines as he may consider necessary concerning the preparation of the report required under paragraph 4; and
 - (b) amend, vary, alter or make any addition to and deletion as may be appropriate to the guidelines.
6. No prescribed activities shall be carried out or commenced until-
 - (a) a report required to be submitted under paragraph 3 has been considered by the Director, and the Director, subject to such orders or directions as the Director is empowered to make under the Enactment, has given permission in writing for such activities to be undertaken or commenced; and
 - (b) the person carrying out such activities has undertaken in writing to comply with all such orders or directions as may be made by the director and to allow the director to carry out such works as the Director may deem necessary under section 4 of the Enactment.
7. In the event that there has been a breach of the undertaking given under paragraph 6, the Director may by notice in writing direct that any of the prescribed activities shall cease forthwith.

FIRST SCHEDULE

PRESCRIBED ACTIVITIES

(Paragraph 2)

1. AGRICULTURAL DEVELOPMENT:
 - (i) development of agricultural estates or plantation covering an area of 500 hectares or more-
 - (a) from land under secondary or primary forests;
 - (b) which would involve the resettlement of 100 families or more; or

- (c) which would involve modification in the use of the land;
 - (ii) conversion of mangrove swamps and other wetland areas into agricultural estates having an area of 50 hectares or more; or
 - (iii) development of agricultural are adjacent to any conservation are, park or sanctuary declared under any written law.
2. FORESTRY:
- (i) extraction or felling of timber covering an area of 500 hectare or more;
 - (ii) extraction or felling of any timber within or adjacent to any water catchment are whether it has or has not been declared under any written law; or
 - (iii) development of forest plantation having an area of 500 hectares or more.
3. DEVELOPMENT OF COMMERCIAL, INDUSTRIAL AND HOUSING ESTATES:
- (i) development of commercial, housing or industrial estates covering an area of 50 hectares or more;
 - (ii) development of industrial estates with factories to accommodate medium or heavy industries;
 - (iii) conversion of mangrove swamps or other wetland areas into industrial, commercial or housing estates covering an area of 30 hectares or more;
 - (iv) reclamation of land, whether by the sea or along river banks, for housing, commercial or industrial estates;
 - (v) development of industrial, commercial or housing estates within 1000 metres from the high-water mark of the coastal area and within the foreshores of the State; or
 - (vi) construction of buildings for commercial purposes or buildings exceeding 4 storeys high for residential purposes on hills with slopes having gradient of 20 degrees or more.

4. ACTIVITIES WHICH MAY POLLUTE INLAND WATER OR AFFECT SOURCES OF WATER SUPPLY:

- (i) development of groundwater with a supply capacity of 4500 cubic metres or more per day;
- (ii) construction of dams, artificial lakes or reservoirs with a surface area of 50 hectares or more for impounding of water;
- (iii) irrigation schemes covering an area of 1000 hectares or more;
- (iv) creation of lakes or ponds for the rearing of fish or prawns, covering an area of 50 hectares or more;
- (v) mining pursuant to any Mining Lease issued under any written law covering an area of 50 hectares or more or where mining involves the use of chemicals (including explosives) of any nature; or
- (vi) diversion of watercourses, streams or the excavation of sand and other rock materials therefrom.

5. FISHERIES AND ACTIVITIES WHICH MAY ENDANGER MARINE OR AQUATIC LIFE, PLANTS IN INLAND WATERS OR EROSION OF RIVER BANKS:

Fish culture and other forms of fishing on a commercial scale which involve the setting up of fishing appliances and equipment in the river, watercourses or coastal sea.

6. EXTRACTION AND REMOVAL OF EARTH, ROCK MATERIALS AND MINING:

- (i) quarrying of aggregates, limestone, silica, quartzite, sandstone, sand, marble or stones within 3 kilometres of any existing residential, commercial or industrial areas, or which may cause damage or have an adverse impact on fragile ecosystem;
- (ii) open cast mining for minerals or any form of mining for minerals which is likely to affect the landscape of the mining area so as to require rehabilitation thereof upon the cessation of mining activities; or
- (iii) extraction or removal of earth with a volume of 50,000 cubic metres or more from any area on State land, Forest Reserve or alienated land for any purpose.

7. ANY OTHER ACTIVITIES WHICH MAY DAMAGE OR HAVE AN ADVERSE IMPACT ON QUALITY OF ENVIRONMENT OR NATURAL RESOURCES OF THE STATE:

- (i) construction of parks, resorts or other recreational facilities or major roads on hills with slopes having gradient of 20 degrees or more;
- (ii) construction of golf courses;
- (iii) construction of port facilities (including waterhouses, godowns, container yards and cargo storage facilities) or open jetties with a length of 100 metres or more or closed landing jetties for commercial use along any of the rivers or sea front;
- (iv) development of recreational or resort facilities within 1000 metres from the high-water mark of the coastal area and within the foreshores of the State;
- (v) creation of parks, resort or recreational facilities having an area of 30 hectares or more for commercial purposes;
- (vi) any development activity intended to be carried out within a water catchment area declared under any written law;
- (vii) development of tourism-related facilities having an area of 30 hectares or more; or
- (viii) construction of mills or factories within 1000 metres of any river, watercourse or coast.

SECOND SCHEDULE

(Paragraph 4)

FROM OF REPORT

Prepared by:

- (a) Name:
- (b) Qualification (details of education, training and experience):
- (c) Place of residence:

(d) Address for service:

(e) Age:

(f) Race:

1. TYPE OF PRESCRIBED ACTIVITY:

*(a) A detailed plan and description of the intended activity (supported by a thorough and scientific investigation).

*(b) Description of the area:

(i) Locality (description of production site);

(ii) Produce and production limit;

(iii) Category of land (classification);

(iv) Acreage.

(c) Financial provisions:

(i) Details of the estimated expenses to be incurred for undertaking such prescribed activity;

(ii) Viability (i.e. rate of economic returns) and benefits expected.

(d) Specify the various authorities consulted in preparing the plan and their views.

(e) Any other relevant details.

2. IMPACT ON ENVIRONMENT:

(a) WASTE DISPOSAL:

(i) Prepare a statement and plan of the arrangements made and proposed to be made for disposing of all wastes in the production site of any prescribed activity (consisting of solid or liquid waste from factory, mines, quarry, trade or sewage effluent or any dangerous substances (including radioactive substance) discharged into the aquatic environment and dumping sites).

- (ii) Specify the description of discharges from a building or from a plant into any land, lake, pond, loch or river which are liable to affect the environment or the quality of any waters (including underground water) and the methods employed to dispose such waste.

*(Relevant Plan, Map, diagram and photograph to be attached).

(b) WATER POLLUTION:

Is the waste in question poisonous, noxious or polluting or its presence or quantity on the land likely to give rise to an environmental hazard? What action has been taken to prevent the pollution of water and danger to public health?

(c) SOIL EROSION:

Will the implementation of the proposed scheme or project result in erosion of soil, damage to landscape, hillslopes, gazetted water catchment areas, agricultural farms or estates, or cause silting of rivers, streams or watercourses, accelerated damage to foreshores and riparian reserves, etc.?

(d) NOISE FROM PLANT OR MACHINERY:

Specify remedy taken or to be taken in minimising noise pollution. The method of dealing with noise abatement and the recording of any information relating to such noise.

(e) ATMOSPHERIC POLLUTION:

- (i) Specify the kind of emissions and the steps taken for the purpose of measuring and recording emissions from the prescribed activity.
- (ii) Has arrangement been taken to investigate emission in consultation with local authorities or experts conversant with problems of air pollution?
- (iii) The report should include the following information:
 - (aa) the total volume of gases, dust, smoke, fumes, solid or liquid waste, effluent, sludge, etc., discharge from the factory, mine, etc.,
 - (bb) the concentration of the pollutant;

(cc) the total of the pollutant discharged over any period;

(dd) the height at which discharges take place;

(ee) the hours during which discharges take place;

(ff) the concentration of pollutants at ground level.

(iv) What measures have been taken and proposed to be taken for the protection and enhancement of the atmosphere?

(f) FLORA AND FAUNA:

Specify the likely impact on plants, animals, marine or aquatic life in consequence of the implementation of proposed scheme or project.

(g) SOCIO-ECONOMIC IMPACT:

State generally what is the likely socio-economic impact resulting from the implementation of the scheme or project.

3. RESIDUAL IMPACTS AND MONITORING:

Specify what steps will be taken to monitor the residual impacts arising from the implementation of the proposed scheme or project.

4. PREVENTIVE, MITIGATING AND ABATEMENT MEASURES:

(a) Specify the plan and measures taken ensure that such activity will not cause any adverse impact on the environment.

(b) What facilities are being taken to replant, replace or protect the area from indiscriminate exploitation of its natural resources?

(c) What steps are being taken to control the destruction of vegetation for the prevention of erosion, damage or injury to the natural resources, rivers, landscapes and the protection of the inland waters of the State?

(d) What measures, if appropriate, are recommended for sustainable usage of natural resources?

5. SUCH OTHER INFORMATION AS MAY BE REQUIRED BY THE DIRECTOR:

6. CONCLUSION:

The Report should provide appropriate recommendations for carrying out any of the work, facility or transaction specified in paragraphs 1 to 4 above to secure the full benefit thereof.

Made this 26th day of August 1999.

ERIC USIP BIN JUI,
Director of State Department of
Environmental Conservation.