

Short title and commencement

- (1) These regulations may be called the Balochistan Environmental Protection Agency Review of Initial Environmental Examination and Environmental Impact Assessment Regulations, 2020.
- (2) They shall come into force at once.

Definitions

- (1) In these regulations, unless there is anything repugnant in the subject or context:
 - a. "Act" means the Balochistan Environmental Protection Act, 2012;
 - b. "Agency" means Environmental Protection Agency Balochistan;
 - c. "Committee" means the Environmental Assessment Advisory Committee constituted under regulation 25;
 - d. "Director-General" means the Director-General of the Agency;
 - e. "EIA" means an environmental impact assessment as defined in section 2(q) of the Act;
 - f. "Environmental consultant" means an expert registered with EPA Balochistan who can conduct environmental studies in accordance with EPA Balochistan guidelines;
 - g. "Environmental Consulting Firm" means an EPA registered firm which can provide technical and regulatory support to the proponents for environment friendly execution of projects;
 - h. "Environmentally Sensitive Area" means an area which falls under sensitive sites like protected areas, or the sites which may have crucial and growing importance;
 - i. "Firm" means an Environmental Consulting Firm registered with EPA Balochistan;
 - j. "IEE" means an initial environmental examination as defined in section 2(ff) of the Act;
 - k. "Protected area" means an area which safeguards the earths precious bio-diversity, an area of outstanding natural beauty, and of cultural significance;
 - l. "Regulation" means a regulation of the Balochistan Environmental Protection Agency Review of Initial Environmental Examination and Environmental Impact Assessment Regulations, 2020;
 - m. "Schedule" means a schedule to these regulations;
 - n. "Section" means a section of the Act;
 - o. "Urban area" means an area within the limits of a town, municipality, or city and includes any area declared as such by Government by notification in the official gazette;
- (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 of the categories listed in Schedule I shall file an IEE with the 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 of the categories listed in Schedule II shall file an EIA with the Agency, and the provisions of Section 12 shall apply to such project.

5. Projects requiring IEE proforma

A proponent of a project falling in any category listed in Schedule-III shall file an IEE proforma with the Agency and the provisions of section 12 shall apply to such projects.

6. Other Projects requiring an IEE or EIA

(1) In addition to any category specified in Schedules I and II, a proponent of any of the following projects shall file

- (a) an EIA if the project is likely to cause an adverse environmental effect; or
- (b) an application for approval for projects not listed in Schedules I and II but in respect of which the Agency has issued guidelines for construction and operation accompanied by an undertaking and an affidavit that the relevant guidelines shall be fully complied with.

(2) Notwithstanding anything contained in Sub-Regulation (1), the 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.

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

7. Preparation of IEE, EIA, and IEE proforma

(1) The 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 a 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, as the case may be, EIA and departure there from.

8. Review Fees

The proponent shall pay, at the time of submission of an IEE or EIA, a nonrefundable Review Fee and annual Renewal Fee to the Agency, as per fee structure given in Schedule IV.

9. Filing of IEE, EIA, and IEE proforma

(1) An electronic copy of an IEE or EIA shall be filed with the Agency.

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

- (a) an application, in the form set out in Schedule V; and
- (b) copy of receipt showing payment of the review fee.
- (c) no objection certificates from the relevant departments in case of EIA shall be a part of report;

10. Preliminary scrutiny

(1) Within 07 working days of filing of an IEE or EIA, the 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 recording the reason(s) requiring further study and discussion.

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

11. Public participation

- (1) In the case of an EIA, the Agency shall, simultaneously with confirmation of completeness under clause (a) of sub-regulation (1) of Regulation 9, cause to be published through proponent in at least one English Daily and one Urdu National Daily 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 place 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 Agency shall, if deemed necessary, circulate the EIA to the concerned Government Agencies and solicit their comments thereon.
- (5) All comments received by the Agency from the public or any Government Agency shall be duly considered by it, responded, and recorded in the final decision on the EIA.
- (6) The 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 Agency shall carry out its review of the IEE within 30 days, and of the EIA within 45 days of confirmation of completeness under Regulation 9.
- (2) In reviewing the IEE or EIA, the Agency may consult such Committee of Experts as may be constituted for the purpose by the Director-General where expert opinion is required.
- (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 by him
- (4) The review of the IEE or EIA by the Agency shall be based on 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).
- (5) During the review process, the proponent and /or the consultant may be asked to make a presentation of the project at such place and time as may be specified.
- (6) The review of the IEE or EIA by the Agency shall be based on quantitative and qualitative assessment of the documents and the data furnished by the proponent and/or his consultant/firm, comments from the public and Government Agencies received under regulation 10, and, where available, views of the committees mentioned in sub-regulations (2) and (3) above.
- (7) The IEE proforma shall be reviewed as per guidelines issued by the Agency.
- (8) Subject to regulation 9 and 11, the documentary evidence in the form of videos (softcopies) of public hearing shall be submitted by the proponent to the Agency at the time of environmental approval or at any stage of the review process.

13. Decision

(1) On completion of the review, the decision of the Agency shall be communicated to the proponent in the form prescribed in Schedule VI in the case of an IEE, and in the form prescribed in Schedule VII 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 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 Agency.

(2) Where the 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 set out in Schedule VIII; and

(b) before commencing operation of the project, obtain from the Agency Environmental Approval for Operational Phase by ensuring the Agency 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. Environmental Approval for Operational Phase

(1) The request for obtaining Environmental Approval for Operational Phase under clause (b) of sub-regulation (2) of Regulation 14 shall be accompanied by an environmental audit of the construction phase and the constructed project clearly indicating compliance with the conditions, if any, of the environmental approval and an Environmental Management Plan indicating the measures and procedures proposed to be taken to manage or mitigate the environmental impacts for the entire life of the project, including provisions for monitoring, reporting, and auditing.

(2) Where a request for issuance of Environmental Approval for operational phase is received from a proponent, the Agency may carry out such inspection of the project 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 Agency to provide the requisite Environmental Approval for operational phase or otherwise within 45 days of receipt of the request complete in all aspects, from the proponent.

(3) The Agency may, while issuing the Environmental Approval for operational phase, impose such other conditions for ensuring implementation of the Environmental Management Plan, and environmental friendly 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.

16. Validity period of approval

(1) The approval accorded by the Agency under Section 12 of the Act read with Regulation 13 shall be valid for commencement of construction for a period of three years from the date of its issuance.

(2) If construction is commenced during the initial three years validity period, the validity of the approval shall stand extended for a further period of three years from the expiry of period specified in sub-regulation (1).

(3) After issuance of environmental approval for operational phase, the approval shall be valid for a period of one year from the date thereof and shall, inter alia, be subject to depositing of annual renewal fee as prescribed under these regulations.

(4) The proponent may apply to the Agency for an extension in the validity period mentioned in sub-regulations (1) and (2), which may be granted by the Agency in its discretion for such period not exceeding three years at a time, if the conditions of the requested extension in approval do not constitute any change in the project.

(5) For the purposes of sub-regulation (4) the Agency may require the proponent to submit a fresh IEE, or as the case may be, an EIA, if in its opinion, changes in location, design, construction and operation of the project so warrant.

17. Entry and inspection

(1) For the 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 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 Agency for this purpose and pursuant thereto.

18. Monitoring

(1) After issuance of environmental approval for operational phase, the proponent shall submit a report to the Agency on operational compliance of the project before commencement of operations.

(2) After issue of commencing operations of the project, the proponent shall submit an environmental audit of the operation of the project summarizing operational performance of the project, with reference to the conditions of approval and maintenance and mitigatory measures adopted by the project, as required in the Environmental Approval of the operational phase of the project.

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

19. 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 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 its receipt thereof, as to why the approval should not be cancelled.

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

(a) require the proponent to take such measures and to comply with such conditions within such period of time as it may be specified, failing which the approval shall stand cancelled; or

(b) cancel the approval.

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

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

20. Registers of IEE and EIA projects

Separate Registers shall be maintained by the Agency for IEE and EIA projects under sub-section (7) of section 12 of the Act in the form set out in Schedule IX.

21. Registration of Consultants for preparation of IEE & EIA Reports

(1) The Agency shall register consultants having prescribed qualification and experience for conducting IEE/EIA against non-refundable registration fee and refundable security as mentioned in schedule-III. A license renewable annually shall be issued by the Agency to the consultant. The Agency shall issue necessary instructions in shape of guidelines for environmental consultants from time to time. The license holder under this regulation shall abide by the terms and conditions of license as well as the guidelines. In case of any violation either reported to Agency or comes into the notice of Agency by any mean, after affording an opportunity of hearing to the concerned license holder, the Agency shall

- i. Cancel the registration and license and ban such person from practicing as such for the period of 3-5 years, and
- ii. Forfeit of the security.

(2) Any aggrieved person may file an appeal in this regard to the Government within 30 days of the communication of the order passed under this regulation.

22. Environmentally sensitive areas

(1) The 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 Agency.

(3) The Agency may from time to time issue guidelines to assist proponents and other persons involved in the environmental assessment process for planning and preparing 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 there from justified in the EIA pertaining to the project.

23. Environmental Assessment Advisory Committee

For purposes of rendering advice on the processes of environmental assessment, including guidelines, procedures and categorization of projects, the Director-General may constitute certain Environmental Assessment Advisory Committees as deemed required.

24. Other approvals

(1) Issue of an approval under section 12 of the Act read with Regulation 13 shall not absolve the proponent of the responsibility of obtaining any other approval or consent that may be required under any law of the land for the time being in force.

25. Repeal and Savings

(1) The provisions of the Pakistan Environmental Protection Agency Review of Initial Environmental Examination and Environmental Assessment Impact Regulations 2000, to the extent of the Province of Balochistan are hereby repealed.

(2) All orders made, notification issued, actions taken under the repealed Regulations shall remain in force until amended, altered or repealed by the provisions of these Regulations.

SCHEDULE I
(See Regulation 3)
List of projects requiring an IEE

- A. Agriculture, Livestock and Fisheries
 - 1. Poultry, livestock, dairy, stud and fish farms with total cost more than Rs. 20 million
 - 2. Projects involving repacking, formulation or warehousing of agricultural products
 - 3. Fruit & vegetable processing units
- B. Energy
 - 1. Hydroelectric power generation less than 100 MW
 - 2. Thermal, biomass, solar and wind power generation less than 200 MW
 - 3. Coal power generation less than 100 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. BTS, telecom & other wireless communication towers
- C. Manufacturing and Processing
 - 1. Ceramics and glass units with total cost less than Rs. 100 million
 - 2. Food processing industries including ice mills, rice units, flour mills, poultry feed mills using wheat, maize etc. as raw material, ghee and oil mills, beverages, milk & dairy products and all edible processing/producing, with total cost less than Rs.100 million
 - 3. Man-made fibers and resin projects with total cost less than Rs.100 million
 - 4. Manufacturing of apparel, spinning mills, woolen mills, weaving mills including dyeing and printing, garments and leather stitching units, cotton ginning mills, plastic materials & products, glue manufacturing, detergent, rubber products, printing with total cost less than Rs. 100 million
 - 5. Wood & Cork products with total cost less than Rs.100 million
 - 6. Marble cutting units, stone crushers, stone grinding mills, floor tiles manufacturing mills, pipes manufacturing mills, fan manufacturing, sanitary fitting & other electrical appliances manufacturing units, plaster of Paris units with total cost less than Rs.100 million
 - 7. Steel mills, furnaces with total cost less than Rs. 50 million
 - 8. Petroleum refining units, oil reclamation units cost less than Rs. 100 million
 - 9. Biogas Plants, Boilers
 - 10. Pharmaceutical industries.
- 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.100million
 - 2. Crushing, grinding and separation processes
 - 3. Smelting plants with total cost less than Rs.50 million
- E. Transport

1. Federal or Provincial highways, bridges, overheads, underpasses (except maintenance, rebuilding or reconstruction of existing metaled roads) with total cost less than Rs. 100 million
 2. Ports and harbor development for ships having less than 500 gross tons capacity per day.
- F. Water management, dams, irrigation and flood protection
1. Dams and reservoirs with storage volume less than 50 million cubic meters of surface area covering less than 8 square kilometers
 2. Irrigation and drainage projects serving less than 15,000 hectares
 - 3 Small-scale irrigation systems with total cost less than Rs.50 million
- G. Water supply and treatment
- Water supply schemes and treatment plants with total cost less than Rs.25 million
- H. Waste disposal
- Waste disposal processing facility unit for domestic or industrial wastes, with annual capacity less than 10,000 cubic meters
- I. Urban development and tourism
1. Housing schemes
 2. Public facilities with significant off-site impacts (e.g., Incinerators, autoclaves having capacity less than 100 kg per day for disposal of hospital wastes)
 3. Urban development projects
 4. Commercial buildings having area less than 02 acres and height less than 200 feet
 5. Marriage halls, ware houses for industrial goods and cold storage
 6. Hospitals less than 50 beds
 7. Hotels / guest houses less than 50 living rooms
 8. General bus & truck stands (Category D &above)
- 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

SCHEDULE II

(See Regulation 4)

List of projects requiring an EIA

- A. Energy
 - 1. Hydroelectric power generation more than 100 MW
 - 2. Thermal, Biomass, Solar and Wind power generation more than 200 MW
 - 3. Coal, power generation more than 100 MW
 - 4. Transmission lines more than 11 KV and large distribution projects
 - 5. Oil and gas transmission systems having cost more than 100 million
 - 6. Oil and gas extraction projects including exploration, production, gathering, generating systems, separation and storage having cost of more than 100 million.
 - 7. Waste-to-energy generation projects
- B. Manufacturing and processing
 - 1. Cement plants
 - 2. Chemical processing / production projects
 - 3. Fertilizer plants
 - 4. Food processing industries including ice mills, rice units, flour mills, poultry feed mills using wheat, maize etc. as raw material ghee and oil mills, beverages, milk and dairy products, with total cost more than Rs.100 million
 - 5. Industrial estates (including export processing zones / ports)
 - 6. Manufacturing of apparel, spinning mills, woolen mills, weaving mills including dyeing and printing, garments and leather stitching units, cotton ginning mills, plastic materials & products, glue manufacturing, detergent, rubber products, printing with total cost more than Rs. 100 million
 - 7. Pesticides (manufacture or formulation) units.
 - 8. Petrochemicals complex/production, processing units.
 - 9. Synthetic resins, plastics and man-made fibers, paper and paper board, 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.100 million
 - 10. Tanning and leather finishing projects having wet process
 - 11. Poultry rendering units, brick kilns and pyrolysis plants
 - 12. Ceramics and glass units with total cost more than Rs. 100 million
 - 13. Wood & Cork products with total cost more than Rs. 100 million
 - 14. Marble cutting units, stone crushers, stone grinding mills, floor tiles/ ceramic manufacturing mills, pipes manufacturing mills, fan manufacturing, sanitary fitting & other electrical appliances manufacturing mills, plaster of Paris, stone grinding units with total cost less than Rs. 100 million
 - 15. Steel mills, re-rolling mills and furnaces with total cost more than Rs. 50 million
 - 16. Petroleum refining units, oil reclamation units cost more than Rs. 100 million
- C. Mining and mineral processing

1. Mining and processing of coal, gold, copper, sulphur, precious stones and other raw minerals.
 2. Mining and processing of major non-ferrous metals, iron and steel rolling etc.
 3. Smelting plants with total cost of Rs.50 million and above
- D. Transport
1. Airports
 2. Federal or Provincial highways or major roads, bridges, overheads, underpasses (except maintenance, rebuilding or reconstruction of existing roads) with total cost of Rs. 100 million and above
 3. Dry ports development
 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 having surface area of 8 square kilometers and above
 2. Irrigation and drainage projects serving 15,000 hectares and above
- F. Water supply and treatment
- Water supply schemes and treatment plants with total cost more than Rs.25 million
- G. Waste Disposal
1. Drainage schemes, Waste disposal and/or storage of hazardous or toxic wastes (including landfill sites, incineration of hospital toxic waste) with total cost more than Rs. 25 million
 2. Waste disposal processing facilities for domestic or industrial wastes, with annual capacity more than 10,000 cubic meters
- H. 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.50million
 3. Public facilities with significant off-site impacts (e.g., Incinerators, autoclaves having capacity more than 40 kg for disposal of hospital wastes)
 4. General bus & truck stands (Category A, B, & C)
- I. Environmentally Sensitive Areas
- All projects situated in environmentally sensitive areas
- J. 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

(See Regulation 5)

Projects requiring IEE Performa

- A. Construction and lining of water courses
- B. Rural schools and Basic Health Units
- C. Construction of roads in urban areas up to 10 Km Small to medium size water supply and sanitation schemes
- D. Canal cleaning and de-siltation in urban areas
- E. Establishment and operation of Petrol and CNG Stations
- F. Establishment and operation of Brick Kiln Units

SCHEDULE IV

(See Regulation 8)

Category	Fee	Surety	Annual
Consulting Firm	100,000/-	500,000/-	100,000/-
Individual Consultant	25,000/-	100,000/-	25,000/-
Subject Specialist	5,000/-	50,000/-	5,000/

SCHEDULE VI

[See Regulation 12]

Decision on IEE

1 . Name and address of proponent

2. Description of project

3. Location of project

4. Date of filing of IEE

5. After review of the IEE, the Provincial Agency has decided –

a) to accord its approval, subject to the following conditions:

or

(b) that the proponent may submit an EIA of the project, for the following reasons:

Dated _____

Tracking No.____

Director-General, EPA Balochistan

(with official stamp/seal)

SCHEDULE VII

[See Regulation 12]

Decision on EIA

- 1 . Name and address of proponent
2. Description of project
3. Location of project
4. Date of filing of EIA
5. After review of the EIA, and all comments thereon, the Provincial Agency has decided

(a) to accord its approval, subject to the following conditions:

Or

(b) that the proponent may submit an EIA with the following modifications:

or

(c) to reject the project, being contrary to environmental objectives, for the following reasons:

Dated _____

Tracking No. ____

Director-General, EPA Balochistan

(with official stamp/seal)

SCHEDULE VIII

[See Regulation 13(2)]

Undertaking

I, (full name and address) as proponent for (name, description and location of project) do hereby solemnly affirm and declare that I fully understand and accept the conditions contained in the approval accorded by the Provincial Agency bearing tracking No. _____ dated _____, and undertake to design, construct and operate the project strictly in accordance with the said conditions and the IEE/EIA.

Date _____

Signature, _____

name and designation of proponent

(with official stamp/seal)

Witnesses

(full names and addresses)

(1) _____

(2) _____

(3) _____

SCHEDULE IX

(See Regulation 21)

Register

1. Tracking number
2. Category type (as per Schedules I and II)
3. Name of proponent
4. Name and designation of contact person
5. Name of consultant
6. Description of project
7. Location of project
8. Project capital cost
9. Date of receipt of IEE/EIA
10. Date of confirmation of completeness
11. Approval granted (Yes/No)
12. Date of approval granted or refused
13. Conditions of approval/reasons for refusal
14. Date of Undertaking
15. Date of extension of approval validity
16. Period of extension
17. Date of commencement of construction
18. Date of issue of confirmation of compliance
19. Date of commencement of operations
20. Dates of filing of monitoring reports
21. Date of cancellation, if applicable