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PART 1 : SECTION (i) – GENERAL

Government Notification

The National Environmental Act, No. 47 OF 1980

Order under Section 23 Y

BY virtue of the powers vested in me by Section 23 Y of the National Environmental Act, No. 47 of 1980, as amended by Act, No. 56 of 1988, I, Wimal Wickramasinghe, Minister of Environment and Parliamentary Affairs, do by this Order, specify the state agencies set out in the Schedule hereto as the project approving agencies.

DR. WIMAL WICKRAMASINGHE,
Minister of Environment and Parliamentary Affairs

Colombo,
18th June, 1993.

SCHEDULE

Ministry of Policy Planning and Implementation
Ministry of Lands, Irrigation and Mahaweli Development
Ministry of Power and Energy
Ministry of Industries, Science and Technology
Ministry of Housing and Construction
Ministry of Fisheries and Aquatic Resources
Ministry of Agricultural Development and Research
Coast Conservation Department
Central Environmental Authority established by the national Environmental Act, No 47 of 1980
Urban Development Authority established by the Urban Development Authority Law, No 41 of 1978
Board of Investment of Sri Lanka established by the Greater Colombo Economic Commission Law, No of 1978 as amended *inter alia* by Act No 49 of 1992.
Geological Survey and Mines Bureau established by the Mines and Minerals Act. No 33 of 1992
Ceylon Tourist Board established by the Ceylon Tourist Board Act. No. 10 of 1996.

THE NATIONAL ENVIRONMENTAL ACT. NO. 47 OF 1980

Order Under Section 23Z

BY virtue of the powers vested in me by Section 23Z of the National Environmental Act, No. 47 of 1980, as amended by Act, No. 56 of 1988, I, Wimal Wickramasinghe, Minister of Environment and Parliamentary Affairs, do by this Order, determine the projects and undertakings set out in the Schedule hereto as projects and undertakings for which approval shall be necessary under the provisions of Part IVC of the Act.

DR WIMAL WICKRAMASINGHE
Minister of Environment and Parliamentary Affairs

Colombo
18th June. 1993

SCHEDULE

PART I

**PROJECTS AND UNDERTAKINGS IF LOCATED WHOLLY OR PARTLY OUTSIDE THE
COASTAL ZONE AS DEFINED BY COAST CONSERVATION ACT. NO 57 OF 1981**

**All river basin development and irrigation projects excluding minor irrigation
works (as defined by Irrigation Ordinance chapter 453).**

Reclamation of Land, wetland area exceeding 4 hectares.

Extraction of timber covering land area exceeding 5 hectares

Conversion of forests covering an area exceeding 1 hectare into non-forest uses.

Clearing of land areas exceeding 50 hectares.

Mining and Mineral Extraction

Inland deep mining and mineral extraction involving a depth exceeding 25 meters

Inland surface mining of cumulative areas exceeding 10 hectares

All off shore mining and mineral extractions

Mechanized mining and quarrying operations of aggregate, marble, limestone, silica, quartz, and decorative stone within 1 kilometer of any residential or commercial areas.

Transportation Systems

Construction of national and provincial highways involving a length exceeding 10 kilometers

Construction of railway lines

Construction of airports

Construction of airstrips

Expansion of airports or airstrips that increase capacity by 50 percent or more.

Port and Harbour Development

Construction of ports

Construction of harbours

Port expansion involving an annual increase of 50% or more in handling capacity per annum.

Power Generation and Transmission

Construction of hydroelectric power stations exceeding 50 Megawatts.

Construction of thermal power plants having generation capacity exceeding 25 Megawatts at a single location or capacity addition exceeding 25 Megawatts to existing plants.

Construction of nuclear power plants.

All renewable energy based electricity generating stations exceeding 50 Megawatts.

Transmission Lines

Installation of overhead transmission lines of length exceeding 10 kilometers and voltage above 50 Kilovolts.

Housing and Building

~~Construction of dwelling housing units exceeding 1000 units
Construction of all commercial buildings as defined by Urban Development Authority established by the Urban Development Authority law, No. 41 of 1978 having built up area exceeding 10,000 square meters.~~

Integrated multi-development activities consisting of housing, industry, commercial infrastructure covering a land area exceeding 10 hectares.

Resettlement

Involuntary resettlement exceeding 100 families other than resettlement effected under emergency situations.

Water Supply

All ground water extraction projects of capacity exceeding $\frac{1}{2}$ million cubic meters per day

Construction of water treatment plants of capacity exceeding $\frac{1}{2}$ million cubic meters

Pipelines

Laying of gas and liquid (excluding water) transfer pipelines of length exceeding 1 kilometer

Hotels

Construction of Hotels or holiday resorts or projects which provide recreational facilities exceeding 99 rooms or 40 Hectares, as the case may be.

Fisheries

Aquaculture development projects of extent exceeding 4 hectares

Construction of fisheries harbours

Fisheries harbour expansion projects involving an increase of 50% or more in fish handling capacity per annum.

All Tunnelling Projects**Disposal of Waste**

Construction of any solid waste disposal facility having a capacity exceeding 100 tons per day.

Construction of waste treatment plants treating toxic or hazardous waste.

Development of all Industrial Estates and Parks exceeding an area of 10 hectares.**Iron and Steel Industries**

Manufacture of iron and steel products of production capacity exceeding 100 tons per day using iron ore as raw material

Manufacture of iron and steel products of production capacity exceeding 100 tons per day using scrap iron as raw material

Non-Ferrous Basic Metal Industries

Smelting of aluminium or copper or lead of production capacity exceeding 25 tons per day.

Basic Industrial Chemicals

Formulation of toxic chemicals of production capacity exceeding 50 tons per day.

Manufacture of toxic chemicals of production capacity exceeding 25 tons per day.

Pesticides and Fertilizers

Formulation of pesticides of combined production capacity exceeding 50 tons per day.

Manufacture of pesticides of combined production capacity exceeding 25 tons per day.

Petroleum and Petrochemicals

Petroleum refineries producing gasoline, fuel oils, illuminating oils, lubricating oils and grease, aviation and marine fuel and liquefied petroleum gas from crude petroleum.

Manufacture of petro-chemicals of combined production capacity exceeding 100 tons per day from raw materials obtained from production processes of oil refinery or natural gas separation.

Tyre and Tube Industries

Manufacture of tyre and tubes of combined production capacity exceeding 100 tons per day from natural or synthetic rubber.

Sugar Factories

Manufacture of refined sugar of combined production capacity exceeding 50 tons per day.

Cement and Lime

Manufactures of Cement.

Manufacture of lime employing kiln capacity exceeding 50 tons per day.

Paper & Pulp

Manufacture of paper or pulp of combined production capacity exceeding 50 tons per day

Spinning, Weaving and Finishing of Textiles

Integrated cotton or synthetic textile mills employing spinning, weaving, dyeing and printing operations together, of combined production capacity exceeding 50 tones per day.

Tanneries and Leather Finishing

Chrome tanneries of combined production capacity exceeding 25 tons per day.

Vegetable (bark) of combined production capacity exceeding 50 tons per day.

Provided however, where the projects and undertaking set out in items 20 to 30 are located within Industrial Estates and parks as described at (19) above, the approval shall not be necessary under the provisions of Part IV C of the Act.

Industries which involve the manufacture, storage or use of Radio Active Materials as defined in the Atomic Energy Authority Act No. 19 of 1969 or Explosives as defined in the Explosives Act, No. 21 of 1956, excluding for national security reasons.

PART II

All projects and undertaking listed in Part I irrespective of their magnitudes and irrespective of whether they are located in the coastal zone or not, if located wholly or partly within the areas specified in Part III of the Schedule.

The following industries if located wholly or partly within the areas specified in part III of the Schedule:

Iron and Steel.

Non-Ferrous Basic Metal.

Basic Industrial Chemicals.

Pesticides and Fertilizer.

Synthetic Resins, Plastic materials and Man-made Fibres

Other Chemical Products.

Petroleum and Petro-chemical products.

Tyres and Tubes.

Manufacturing and Refining of Sugar.

Alcoholic Spirits.

Malt Liquors and Malt.

Cement and lime.

Non-metallic Mineral Products.

Paper, Pulp and Paperboard.

Spinning, Weaving and Finishing of Textiles.

Tanneries and Leather Finishing.

Shipbuilding and Repairs.

Railroad Equipment.

Motor Vehicles.

Air Craft.

PART III

Within 100 m from the boundaries of or within any area declared under -

the National Heritage Wilderness Act No. 3 of 1988,
the Forest Ordinance (Chapter 451].

whether or not such areas are wholly or partly within the Coastal Zone as
defined in the Coast Conservation Act, No. 57 of 1981.

Within the following areas whether or not the areas are wholly or partly within the
Coastal Zone:

any erodable area declared under the Soil Conservation Act (Chapter 450).

any Flood Area declared under the Flood Protection Ordinance (Chapter 449)
and any flood protection area declared under the Sri Lanka Land
Reclamation and Development Corporation Act, No.15 of 1968 as amended
by Act, No. 52 of 1982.

60 meters from the bank of a public stream as defined in the Crown Lands Ordinance (Chapter 454) and having a width of more than 25 meters at any point of its course.

any reservation beyond the full supply level of a reservoir.

any archaeological reserve, ancient or protected monument as defined or declared under the Antiquities Ordinance (Chapter 188).

any area declared under the Botanic Gardens Ordinance (Chapter 446).

In these regulations unless the context otherwise requires-

“hazardous waste” means any waste which has toxic, corrosive, flammable, reactive, radio active or infectious characteristics.

“reservoir” means an expanse of water resulting from man made constructions across a river or a stream to store or regulate water. Its “environs” will include that area extending up to a distance of 100 meters from full supply of the reservoir inclusive of all islands falling within the reservoir.

THE NATIONAL ENVIRONMENTAL ACT, NO 47 OF 1980

REGULATIONS made by the Minister of Environment & 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

These Regulations may be cited as the National Environmental (Procedure for approval of projects) Regulations, No.1 of 1993.

- (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.

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.

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.

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.

- (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 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 an 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.

- (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 paragraphs (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.
- (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 proponent shall in writing respond to such comments to the Project Approving Agency.

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 implementation of the proposed project subject to specified conditions: or
- (ii) refuse approval for the implementation of the proposed of the proposed project reasons for doing so.

Upon receipt of an Environmental Impact Assessment Report the Project Approving Agency shall, within fourteen days, determine whether the matters 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.

- (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.

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.

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.

(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.

(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 proponents shall, where a project is abandoned, restore the project site to a condition as specified by the Project Approving Agency.

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.

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 Reports:

“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 public holiday as defined by the Holidays Act, No. 29 of 1971.