

- මේ ආකාර සියළුම උපායමාර්ග හා ක්‍රියාමාර්ග එක් තනි ලේඛනයකට සකස් කරන්න. මෙය දළ (draft) ක්‍රියාකාරී සැලැස්ම වේ. හැකි තාක් දුරට මෙය සරලව හා සංකීර්ණව තබා ගැනීමට උත්සාහ කරන්න. මෙය මුලික වශයෙන් සාකාච්ඡාවන් ආරම්භ කිරීම සඳහා මූලාරම්භයක් වේ. අමතර සවිස්තරාත්මක තොරතුරු සටහන් ලෙස හෝ උපග්‍රන්ථයේ ඇතුළත් කළ හැක. ඔබ අපද්‍රව්‍ය කළමනාකරණය ඉලක්ක කරගනිමින් මේ හා සම්බන්ධ පරිසර අධ්‍යාපන සැලැස්මක් සකස් කිරීමට අදාළ නිලධාරීන් හා සියළුම පාර්ශවයන් සම්බන්ධ කර ගනිමින් පවත්වන විශේෂ රැස්වීම් අවශ්‍ය විය හැක.
- අවසන් දළ සැලැස්ම සකස් කිරීම පිණිස ක්‍රියාකාරී සැලැස්ම වරක් හෝ කිහිප වරක් සංශෝධනය කරන්න. සභාවේ (කාර්ය මණ්ඩලය හා මහජන නියෝජිතයන්) හා අදාළ සියළු පාර්ශවයන් සම්බන්ධ කර බාහිරව සිදු කරන ඉදිරිපත් කිරීම්, වැඩිමුළු හා සාකච්ඡා මගින් මෙය සිදු කළ හැක. මෙම අවස්ථාවේදී තාක්ෂණික හා වෙනත් විශේෂඥයින්ගේ උපදේශකත්වය විශේෂයෙන්ම වැදගත්වේ¹. මේ 'ක්‍රියාදාමය දළ සැලැස්ම සකස් කිරීමට සහභාගි නොවූ අය හටද සැලැස්ම පිළිබඳ අවබෝධයක් ඇති කිරීමට උපකාරී වනු ඇත. එමෙන්ම තමන්ගේ යන හැඟීම ඇති වෙන අතර පුළුල් පරාසයක දෘෂ්ටි කෝණයන් ක්‍රියාකාරී සැලැස්මට ඇතුළත් වීමද සහතික කරයි.
- එමෙන්ම ලැබෙන උපදේශකත්වය වැඩිවත්ම තව තවත් ගැටළු හා දියුණු කළ හැකි විභව අන්තර්ගතවීම නිසා ක්‍රියාකාරී සැලැස්මද පුළුල් වීමේ නැඹුරුවක් ඇත. හොඳින් මතක තබා ගත යුතු කරුණක් ඇත. එනම් තමන් සතු සීමිත සම්පත් එනම් මානව, උපකරණ හා මුදල් යොදවා මෙම සැලැස්ම පළාත් පාලන ආයතනය මගින් ක්‍රියාත්මක කළ යුතුව ඇත. පළාත් පාලන ආයතනය සතු වත්මන් ධාරිතාවය අනුව ඉදිරි අවුරුදු 5-10 තුළදී ළඟා වීමට බලාපොරොත්තු වන අරමුණු කරා යාමට හා ක්‍රියාකාරී සැලැස්මේ සඳහන් සියළු දේ ක්‍රියාත්මක කිරීමේ හැකියාවක් තිබේද? යන්න මනාව අවබෝධ කර ගත යුතු වේ. එසේ කළ නොහැකි වේ යැයි හැඟේ නම් ක්‍රියාකාරී සැලැස්මේ ප්‍රමාණය අඩු කිරීමට හෝ ඉතා ඉක්මනින් ක්‍රියාත්මක කිරීම අවශ්‍ය නොවන අයිතමයන් වැඩි අඩු වසරවලට මාරු කිරීමෙන් අවශ්‍ය පරිදි ක්‍රියාකාරී සැලැස්ම සංස්කරණය කළ යුතුයි. සංස්කරණය පහසුවෙන් කිරීම සඳහා, විභව සම්පත් උත්සාහ කරන විවිධ ගැටළුවල බරපතලකම හා එක් එක් ක්‍රියාමාර්ගය ක්‍රියාත්මක කිරීමේදී යෙදිය යුතු පරිශ්‍රමය හා එහි විය හැකි සාර්ථකත්වය පිළිබඳව යොදිය යුතු අවධාරණය කර ගනිමින් පහත සඳහන් පරිදි ක්‍රියාත්මක වීමට සලකා බලන්න.

* C-2 වගුව : පරිශ්‍රමය හමුවේ ඇති වටිනාකම

පරිශ්‍රමය	වටිනාකම	විස්තරය
අඩුයි	වැඩිය	මෙවැනි ක්‍රියාමාර්ග ඉතාම සරල මෙන්ම සිදු කිරීම වඩා ප්‍රයෝජනවත් වේ. මේවාට ඉහළ ප්‍රමුඛත්වයක් ලබාදිය යුතු වේ.
අඩුයි	අඩුයි	මෙම ක්‍රියාමාර්ගද සරල නමුත් ලැබිය හැකි ප්‍රතිලාභය සුළු එකකි. මෙය සිදු කිරීමේ වැදගත්කමක් තිබේද යන ප්‍රශ්නය ඔබ විසින් නැඟිය යුතු වේ.
වැඩිය	අඩුයි	මෙම ක්‍රියාමාර්ග සඳහා වැඩි පරිශ්‍රමයක් යෙදවිය යුතු නමුත් ලැබිය හැකි ප්‍රතිලාභය සුළු එකකි. මෙය සිදු කිරීමේ වැදගත්කමක් ඇත්තටම තිබේද යන ප්‍රශ්නය නගන්න
වැඩිය	වැඩිය	මෙම ක්‍රියාමාර්ග සඳහා වැඩි පරිශ්‍රමයක් යෙදවිය යුතු නමුත් ලැබිය හැකි ඵල ප්‍රයෝජනය අධික වේ. මෙය සිදු කිරීමේ වැදගත්කමක් ඇත්තටම තිබේද යන ප්‍රශ්නය නගන්න

¹ මුළු හා පසුව ලබාදෙන උපදේශකත්වයද ප්‍රයෝජනවත් විය හැක.

මෙම සංස්කරණ ක්‍රියාවලිය කළ හැකිකේ කෙසේද යන්න පිළිබඳව උදාහරණ කිහිපයක් පහත දැක්වේ.

* C-3 වගුව : ක්‍රියාකාරී සැලැස්ම සංස්කරණය

අයිතමය	පරිශ්‍රමය	වටිනාකම	කිරීම ?	විස්තරය
නව ස.අ.ක. එකතුව සුදුසු ශක්‍ය භාණ්ඩ හා උපකරණ සැපයීම.	අඩුයි	වැඩියි	✓ ✓ ✓	නව එකතය හිහි පරිදි ස්ථාපිත වීමට මෙම අංශයන් අවශ්‍ය වේ.
කම්කරු, පාලනය හා විනය ක්‍රියාමාර්ග ඉහළ නැංවීම	ඉතාමත් වැඩියි	වැඩියි	✓ ✓	පොදුවේ හත් කළ ඉතා ධරපතල ගැටළුවක් වන අතර පුළුල් සහයෝගයකින් තොරව සහ ප.පා. අ. වූයේ ශක්තිමත් පාලනයකින් තොරව පිළිතුරු සෙවීම අපහසුයි
වැඩ කරන විටදී හිඳ ඇදුම් ඇදීම අවශ්‍ය වීම	අඩුයි	අඩුයි	✓	කදිම අදහසකි. කම්කරුවන්ගේ වැඩ කටයුතු ඉහළ නැංවීමට උපකාරීවේ. නමුත් ප්‍රතිලාභය සුළු හෝ කිසිවක්ම නැති විය හැකියි.
ස.අ.ක. කටයුතුවල යෙදෙන සියළු කාර්ය මණ්ඩලය සහභාගිවන ක්‍රමවත් අභ්‍යන්තර රැස්වීම්	අඩුයි	වැඩියි	✓ ✓ ✓	ඉතා වැදගත්. කණ්ඩායම් ගැඹිලි හොඳ නගයි, තොරතුරු බෙදා ගැනේ, ප්‍රයෝජන හා විභවය ගැනේ.
ප.පා. ආ. අයවැය ලේඛනය වෙනම හිරිසක ලෙස ස.අ.ක. ඇතුළත් කිරීම.	මධ්‍යස්ථයි-වැඩියි	මධ්‍යස්ථයි-වැඩියි	✓ ✓ ✓	ස.අ.ක. සඳහා කොපමණ මුදලක් වෙන් කර තිබේද යන්න දැන ගැනීම ප්‍රයෝජනවත් වේ. නමුත් මේ සමඟම වැය වන සත්‍ය වියදම් වෙනම වාර්තා කිරීම කළ යුතුයි. මෙය ඉතාමත් ප්‍රයෝජනවත් වේ.
අධ්‍යාපනය හා දැනුවත් කිරීමේ වැඩිකරගත් භූමි 3R සඳහා දිරිගැන්වීම	අඩුයි-මධ්‍යස්ථයි	මධ්‍යස්ථයි-වැඩියි	✓ ✓ ✓	අධ්‍යාපනය හා දැනුවත් කිරීම ඉහළ නැංවීම ඉතා වැදගත් නමුත් මේ සඳහා වසර ගණනාවක් දිගු කාලීන ප්‍රවේශයක් අවශ්‍ය වේ.
පරිසර හිතකාමී පණිවිඩයක් සහිතව සියළු පාසල පොත් මුද්‍රණය සඳහා උනන්දු කරවීමේ ව්‍යාපාරයක් දිගත් කිරීම	අඩුයි	අඩුයි	X	ආර්ථික මට්ටමේ ගැටළුවකි. පළාත් පාලන ආයතන මේ සඳහා කරදර විය යුතු නැත.
තෝරාගත් ප්‍රදේශවල නිවාස සඳහා කොමිටාස්ථි ධාරිතාව බෙදා දීම.	අඩුයි	වැඩියි	✓ ✓ ✓	ක්‍රියාකාරී සැලැස්මේ මුල් කාල සීමාව තුළදී කර එහි සාර්ථකත්වය මත පුළුල් කළ හැක.
ස.අ.ක. ගැටළු ගැන සාකච්ඡා කිරීමට හතරගස් විවිධ ප්‍රදේශවල ක්‍රමවත්ව පුරා රැස්වීම් පැවැත්වීම	අඩුයි	මධ්‍යස්ථයි-වැඩියි	✓ ✓	මහජන සහභාගිත්වය දිරි ගැන්වීම සඳහා ඉතා වැදගත් ක්‍රමයකි. කෙසේ වෙතත් මෙවන් රැස්වීම්වලදී හඳුනාගත් ගැටළු පිළිබඳ සොයා බැලිය යුතු වේ.
හිඟමත් කාලසටහනට අනුව කසළ එකතු කිරීම	වැඩියි	වැඩියි	✓ ✓	මහජන විශ්වාසය දිනාගැනීම සඳහා ඉතා වැදගත් වේ. නමුත් ප.පා.ආ. වෙනත් ක්‍රමයන් ගණනාවක් මේ සමඟම කර ගෙන යාම අවශ්‍යවේ (උදා: වාහන අළුත්වැඩියා ක්‍රමය, අමතර කොටස් මිලදී ගැනීමේ ක්‍රමය ආදිය).
ශාඛාලීනව නිපදවෙන අත්තරායකර අපද්‍රව්‍ය වෙන්ම එකතු කිරීමේ ක්‍රමය	මධ්‍යස්ථයි	අඩුයි	✓	මෙය දිරිස කාලීන ගැටළුවක් වීමට පුළුවන. මේ හිඟ ඇතුළත් කරන්නේ නම් ක්‍රියාකාරී සැලැස්මේ අවශ්‍ය කාලයට පමණක් යොදා ගන්න
ට්‍රැක්ටර් වෙනුවට කුඩා කොමිටාස්ථි රථ හඳුන්වාදීම	වැඩියි	අඩුයි	✓	විද්‍යුත් අධික සහ වර්තමානයේ ට්‍රැක්ටර් සඳහා කුඩා කොමිටාස්ථි රථ හා සමාන ධාරිතාවයක් ඇත-වැඩිවශයෙන් දිරිස කාලීන පෙරීමකි
සතිපාරක්ෂක බිම් පිරවුමක් ඉදිකිරීම හා පවත්වාගෙන යාම	ඉතා වැඩියි	වැඩියි	✓ ✓	ස.අ.ක. යේ ඇති බැරැරුම් ප්‍රශ්නය වන නමුත් විසඳුම් සෙවිය යුතු වේ.

සටහන: හිරිස- සියළු ✓ ✓ ✓ හඟ ✓ ✓ ඇතුළත් කරන්න. ✓ ඇති අංශයන් ඊළඟ ඇගයීමේදී සලකා බැලීම පිණිස වෙනම කොටසක් තබන්න. X සලකුණ ඇති අංශයන් අත්හැරීම.

- අවම වශයෙන් මිලහ මුද්‍රා වර්ෂය සඳහා වත් ක්‍රියාකාරී සැලැස්ම ක්‍රියාත්මක කිරීමට අවශ්‍ය අයවැය විභාග ඇස්තමේන්තු කරන්න. ඉදිරි වසර තුන සඳහා කළ හැකි හම් වඩාත් සුදුසු වේ. එමෙන්ම ප්‍රධාන විභාග අංශයන් සඳහා පිරිවැය ඇස්තමේන්තු කරන්න (උදා: කොමිෂන්ස්ථ පහසුකමක් හෝ වීම් පිරවුමක් ඉදිකිරීම).
- අවසාන දළ සැලැස්ම සකස් කර අවසන් කළ පසු හා අයවැය විභාග ඇස්තමේන්තු කළ පසු, මෙම වාර්තා දෙක සඳහා නියමිත ක්‍රමයට අනුව සභාවේ අනුමැතිය ලබා ගත යුතුය:
 - පළාත් පාලන ආයතනයේ සෞඛ්‍ය හෝ පරිසර කමිටුවේදී සාකච්ඡා කිරීම හා අනුමැතිය ලබා ගැනීම.
 - පළාත් පාලන ආයතනයේ මුද්‍රා කමිටුවේදී සාකච්ඡා කිරීම හා අනුමැතිය ලබා ගැනීම, විශේෂයෙන්ම ක්‍රියාකාරී සැලැස්මේ අඩංගු මුද්‍රාමය කරුණු සම්බන්ධව.
 - මහ සභා රැස්වීමේදී සාකච්ඡා කිරීම හා අනුමැතිය ලබා ගැනීම.
- ක්‍රියාකාරී සැලැස්ම සඳහා අනුමැතිය ලබා ගත් පසු
 - එක් එක් පළාත් පාලන ආයතනයට අවශ්‍ය පරිදි දෙමළ භාෂාවට සහ/හෝ ඉංග්‍රීසි භාෂාවට පරිවර්තනය.
 - ක්‍රියාකාරී සැලැස්මේ අදාළ භාෂාවේ පිටපත් ඉල්ලීම් අනුව මහජනතාව දැකගත හැකි ක්‍රමයක් සැලැස්විය යුතුය (ප්‍රස්තකාලයේ ප්‍රදර්ශනය, පළාත් පාලන ආයතන කාර්යාලයේ, පරිසර අධ්‍යාපන මධ්‍යස්ථානයේ ආදී).
 - ක්‍රියාකාරී සැලැස්ම අනුමත වූ බව ගැසට් කිරීමෙන් හෝ අඩුම වශයෙන් එක් සිංහල, ඉංග්‍රීසි හා දෙමළ පුවත්පතක පළ කිරීමෙන් මහජනතාව වෙත දැන්වීම කළ යුතු වේ. තවද මෙම සැලැස්ම ප්‍රදර්ශනය සඳහා තබා ඇති තැන්වල ලැයිස්තුවද ඇතුළත් කළ යුතු වේ.
 - මෙම අවස්ථාවේදී හෝ ක්‍රියාකාරී සැලැස්මේ අවසන් කෙටුම්පත සකස් කිරීමට පෙර හෝ අදාළ සියළු පාර්ශවයන් සම්බන්ධ කරගනිමින් වැඩිමුළුමක් පැවැත්වීමද ප්‍රයෝජනවත් විය හැක.

C.7 ක්‍රියාවේ යෙදවීම

ක්‍රියාකාරී සැලැස්ම අනුමත වූ පසුව, වඩාත් දුෂ්කර කාර්යය නිමා වුවැයි සිතා කාර්ය මණ්ඩලය නිශ්කලංකව සිටීමේ අවධානයක් ඇත. සැබවින්ම ක්‍රියාකාරී සැලැස්ම සකස් කිරීම පහසුම කාර්යය වේ. සාධාරණ අභියෝගය නම් මෙය ක්‍රියාවේ යෙදවීමයි.

සියළුම ක්‍රියාමාර්ගයන් ක්‍රියාකාරී සැලැස්මේ සඳහන් කාලසටහනේ ආකාරයට ක්‍රියාත්මක කළ යුතුවේ. කෙසේ වෙතත් බොහෝ අවස්ථාවන්හිදී සාර්ථකව ක්‍රියාත්මක කිරීම සඳහා ඔහු අපද්‍රව්‍ය කළමනාකරණයට අදාළ ආයතනික හා සංවිධානමය ප්‍රතිවිද්‍යාගතකරණය හා ශක්තිමත් කිරීම අවශ්‍ය විය හැක. මෙය ක්‍රියාකාරී සැලැස්මේ අඩංගු අනෙකුත් ක්‍රියාමාර්ග සාර්ථකව ක්‍රියාත්මක කිරීමට බලපාන ප්‍රධාන කරුණක් වේ. මේනිසා මෙම හැටළු හැකි තාක් දුරට මුල් අවධියේදීම නිරාකරණය කිරීම වැදගත් වන අතර ඉහළ ප්‍රමුඛත්වයක් ලබා දිය යුතු කරුණකි.

C.8 ඇගයීම

ක්‍රියාකාරී සැලැස්මක් නිවැරදිව පළාත් පාලන ආයතනයේ කාර්ය මණ්ඩලයේ කුමක් කරමින් සිටිය යුතු දැන ගැනීම වඩා පහසු කරවයි. තවද එමගින් සැලසුම් කළ ක්‍රියාමාර්ග හා ඉලක්කවල සැබෑ ප්‍රගතිය පරීක්ෂා කිරීමද පහසු කරවයි. කලින් කලට කරන ඇගයීම්, අවම වශයෙන් අවුරුදු 3-4කට වරක් හෝ ක්‍රියාකාරී සැලැස්මේ එක් එක් කාලසටහනේ අවසාන භාගයට වන්නට ආයතනයේ තත්ත්වයට අනුව සිදු කිරීම නිර්දේශ කරනු ලැබේ. සමහර අංශයන් (උදා: පරිසර අධ්‍යයනය) වාර්ෂිකව ඇගයීම වඩා සුදුසු වේ.

ඇගයීම්වලින් පසුව, ක්‍රියාකාරී සැලැස්මේ සැලසුම් කළ ක්‍රියාකාරීත්වයන්, වෙනස් වාතාවරණයන්, ප්‍රමුඛත්වයන්, හෝ සැබෑ තත්වය පරාවර්තනය වන පරිදි සකස්කර ගැනීම කළ හැක. කෙසේ වෙතත් යම් ප්‍රධාන වෙනස්කම් වේ නම් ඒ සඳහා නියමිත ආකාරයට අනුමැතිය ලබා ගත යුතු වේ.

C.9 ඔහු අපද්‍රව්‍ය කළමනාකරණ ක්‍රියාකාරී සැලැස්මක් සාම්පලයක්

D කොටස බලන්න

Part D

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D.1.3	Governmental notifications regarding an Environmental Protection License, 21st Nov. 2000	D.1-30
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D.1.9	Model By-Laws relating Solid Waste Management (English)....	D.1-154
D.1.10	Sample of Terms of Reference for the Initial Environmental Examination Report for the Landfill Site	D.1-182

D.1 නීති හා රෙගුලාසි

D.1.1	ජාතික පාරිසරික ආඥා පනත, අංක 47 - 1980	D.1-1
D.1.2	ව්‍යාපෘති සඳහා අවශ්‍ය වන මූලික පාරිසරික පරීක්ෂණය හා පාරිසරික බලපෑම ඇගයීම සම්බන්ධ රජයේ නිවේදනය 18 ජූනි 1993	D.1-23
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NATIONAL ENVIRONMENTAL ACT

No. 47 of 1980

(INCORPORATING AMENDMENT ACT NO. 56 OF 1988)

D.1.1 National environmental act, No.47 of 1980

NOTE : CONSOLIDATED BY THE CEA FOR EASY REFERENCE

NATIONAL ENVIRONMENTAL ACT

AN ACT TO ESTABLISH A CENTRAL ENVIRONMENTAL AUTHORITY; TO MAKE PROVISION WITH RESPECT TO THE POWERS, FUNCTIONS AND DUTIES OF THE AUTHORITY; AND TO MAKE PROVISION FOR THE PROTECTION, MANAGEMENT AND ENHANCEMENT OF THE ENVIRONMENT; FOR THE REGULATION, MAINTENANCE AND CONTROL OF THE QUALITY OF THE ENVIRONMENT; FOR THE PREVENTION, ABATEMENT AND CONTROL OF POLLUTION; AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

BE It enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows :

- 1 This Act may be cited as the National Environmental Act No. 47 of 1980 and shall come into operation on such date as the Minister may appoint by Order published in the Gazette.

PART I

ESTABLISHMENT OF THE CENTRAL ENVIRONMENTAL AUTHORITY
AND AN ENVIRONMENTAL COUNCIL

- 2 (1) For the purposes of this Act there shall be established an Authority called the Central Environmental Authority.
(2) The Central Environmental Authority established under subsection (1) (hereinafter referred to as "the Authority") shall consist of the persons who are for the time being members of the Authority under subsection (1) of Section 3.
(3) The Authority shall, by the name assigned to it by subsection (1), be a body corporate and shall have perpetual succession and a common seal and may sue or be sued in such name.
- 3 (1) The Authority shall consist of three members appointed by the President in consultation with the Minister:
 - (a) two of whom shall have adequate expertise and qualifications in the subject of the environment; and

- (b) One of whom shall have suitable administrative skill and experience in environmental management.
- (2) The President shall appoint one of such members to be the Chairman of the Authority.
- 4 (1) The seal of the Authority shall be in the custody of the Authority.
- (2) The seal of the Authority may be altered in such manner as may be determined by the Authority.
- (3) The seal of the Authority shall not be affixed to any instrument or document except in the presence of two members of the Authority both of whom shall sign the instrument or document in token of their presence.
- 5 (1) The Authority shall have its own Fund. There shall be credited to the Fund of the Authority :
- a) all such sums of money as may be voted from time to time by Parliament for the use of the Authority;
- b) all such sums of money as may be received by the Authority in the exercise, discharge and performance of its powers, functions and duties;
- c) all such sums of money as may be received by the Authority by way of loans, donations, gifts, or grants from any sources whatsoever, whether in or outside Sri Lanka; and
- d) all such sums of money as may be received by the Authority as licence fee.
- (2) There shall be paid out of the Fund of the Authority all such sums of money required to defray any expenditure incurred by the Authority in the exercise, discharge and performance of its powers, functions and duties.
- (3) The initial capital of the Authority shall be twenty million rupees. The amount of the initial capital shall be paid out of the Consolidated Fund

- in such instalments as the Minister in charge of the subject of Finance may in consultation with the Minister determine and such sums shall be credited to the Fund established under subsection (1).
- 6 (1) The financial year of the Authority shall be the calendar year.
- (2) The Authority shall cause proper books of accounts to be kept of the income and expenditure, assets and liabilities and all other transactions of the Authority.
- (3) The Auditor General shall audit the accounts of the Authority every year in accordance with Article 154 of the Constitution.
- (4) The Authority shall annually prepare a report of the work of the Authority and forward such report to the Auditor General who shall, together with his report, table such reports in Parliament and such reports shall be published in the Gazette for general information before the lapse of the year succeeding the year to which such report of the finances relate.
- 7 (1) There shall be established the Environmental Council (hereinafter referred to as "the Council") which shall consist of the following members appointed by the Minister :
- a) a senior officer of the Ministry of the Minister in charge of the subject of Local Government nominated by such Minister;
- b) a senior officer of the Ministry of the Minister in charge of the subject of Finance nominated by such Minister;
- c) a senior officer of the Ministry of the Minister in charge of the subject of Plan Implementation nominated by such Minister;
- d) a senior officer of the Ministry of the Minister in charge of the subject of Lands nominated by such Minister;
- e) a senior officer of the Ministry of the Minister in charge of the subject of Health nominated by such Minister;

- f) a senior officer of the Ministry of the Minister in charge of the subject of Industries nominated by such Minister;
- g) a senior officer of the Ministry of the Minister in charge of the subject of Transport nominated by such Minister;
- h) a senior officer of the Ministry of the Minister in charge of the subject of Power and Energy nominated by such Minister;
- i) a senior officer of the Ministry of the Minister in charge of the subject of Highways nominated by such Minister;
- j) a senior officer of the Ministry of the Minister in charge of the subject of Agriculture nominated by such Minister;
- k) a senior officer of the Ministry of the Minister in charge of the subject of Fisheries nominated by such Minister;
- l) a senior officer of the Ministry of the Minister in charge of the subject of Tourism nominated by such Minister;
- m) a senior officer of the Ministry of the Minister in charge of the subject of Labour nominated by such Minister;
- n) a senior officer of the Ministry of the Minister in charge of the subject of Textile Industry nominated by such Minister;
- o) a senior officer of the Ministry of the Minister in charge of the subject of Plantation Industry nominated by such Minister;
- p) a senior officer of the Ministry of the Minister in charge of the subject of Foreign Affairs nominated by such Minister;
- q) a senior officer of the Ministry of the Minister in charge of the subject of Education nominated by such Minister;
- r) a senior officer of the Ministry of the Minister in charge of the subject of Trade & Shipping nominated by such Minister;

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- s) a senior officer of the Ministry of the Minister in charge of the subject of Defence nominated by such Minister;
 - t) a senior officer of the Ministry of the Minister in charge of the Greater Colombo Economic Commission established under the Greater Colombo Economic Commission Law, No. 4 of 1978;
 - u) the person holding office for the time being as the Director General of the Authority;
 - v) seven members to represent the interests of voluntary agencies in the field of environment; and
 - w) two members from among persons with adequate expertise or experience in environmental protection and management.
- (2) The Minister shall appoint one of the Members appointed under subsection (1) to be the Chairman of the Council.
- (3) The functions of the Council shall be :
- a) generally to advise the Authority on matters pertaining to its responsibilities, powers, duties and functions and
 - b) to advise the Authority on any matters referred to the Council by the Authority.
- 8 (1) A person shall be disqualified from being appointed or from continuing as a member of the Authority or Council :
- a) if he is, or becomes, a Member of Parliament; or
 - b) if he is not, or ceases to be, a citizen of Sri Lanka.
- (2) The persons appointed under sections 3(1) and 7(1) shall, subject to the provisions of sub-sections (4) and (5) of this section, as the case may be, hold office for a term of three years and shall be eligible for reappointment.

- (3) a) No member of the Authority shall be a member of the Council; and
 b) No member of the Council shall be a member of the Authority.
- (4) The President in consultation with the Minister shall remove from office any member of the Authority
- a) if he becomes subject to any of the disqualifications set out in subsection (1); or
 b) if he becomes permanently incapable of performing his duties owing to any physical disability or unsoundness of mind; or
 c) if he does any act which, in the opinion of the President, is likely to bring the Authority into disrepute.
- (5) The Minister shall remove from office any member of the Council
- a) if he becomes subject to any of the disqualifications set out in subsection (1); or
 b) if he becomes permanently incapable of performing his duties owing to any physical disability or unsoundness of mind; or
 c) if he does any act which in the opinion of the Minister is likely to bring the Council into disrepute.
- Provided, however, that no member of the Council shall be removed from office, without the concurrence of the Minister who nominated such member.
- (6) In the event of the vacation of office of the Chairman or any other member of the Authority from office under the provisions of this section the President in consultation with the Minister may appoint another person to hold such office during the unexpired part of the term of office of the member whom he succeeds.

- (7) In the event of the vacation of office of the Chairman or any other member of the Council from office under the provisions of this section, the Minister may appoint another person to hold such office during the unexpired part of the term of office of the member whom he succeeds:

Provided, however, that no appointment shall be made under this subsection, without the concurrence of the Minister who nominated such member.

- (8) If the Chairman or any member of the Authority is temporarily unable to discharge the duties of his office due to ill health or absence from Sri Lanka or for any other cause, the President in consultation with the Minister may appoint some other person to act in his place as Chairman or as member.
- (9) If the Chairman or any member of the Council is temporarily unable to discharge the duties of his office due to ill health or absence from Sri Lanka or for any other cause the Minister may appoint some other person to act in his place as Chairman or as member;
- Provided however, that no such appointment shall be made without the concurrence of the Minister who nominated such member.
- (10) The Chairman or any member of the Authority may at any time resign his office by letter in that behalf addressed to the President.
- (11) The Chairman or any member of the Council may at any time resign his office by letter in that behalf addressed to the Minister.
- (12) The Chairman or any member of the Authority, or the Chairman or any member of the Council may be paid such remuneration out of the Fund of the Authority as may be determined by the Minister.

- (13) The Chairman of the Authority or Council shall, if present, preside at all meetings of the Authority, or Council, as the case may be. In the absence of the Chairman of the Authority or Council at any such meeting, the members present shall elect one of the members to preside at the meeting.
- (14) a) The quorum for any meeting of the Authority shall be two members.
- b) The quorum for any meeting of the Council shall be seven members.
- (15) a) The Authority or Council, as the case may be, may regulate the procedure in regard to the meetings of such Authority or Council and the transaction of business at such meetings.
- b) Meetings of the Authority shall be held at such times and places as the Authority determines.
- c) The Council shall meet at least four times each year at such times and places as are fixed by the Authority.
- (16) The Authority shall, in the exercise, discharge and performance of its powers, functions and duties under this Act, be subject to such general or special directions as may, from time to time, be issued by the Minister.
- (17) A member of the Authority shall not, except in special circumstances and with the consent in writing of the President in consultation with the Minister during his continuance in office, directly or indirectly engage in any paid employment outside the duties of his office.
- (18) No act or proceeding of the Authority or Council shall be invalid by reason of the existence of a vacancy among their respective members or any defect in the appointment of a member.

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- 9 (1) The Authority shall appoint a District Environmental Agency for each administrative district consisting of such members as the Authority may determine.
- (2) The Government Agent of each administrative district shall be the Chairman of each District Environmental Agency.
- (3) A District Environmental Agency shall exercise, discharge or perform any such powers, functions or duties of the Authority as may be delegated to such agency by the Authority.
- (4) The member of a District Environmental Agency may be paid such remuneration as the Minister may in consultation with the Minister in charge of the subject of Finance, determine.

PART II

POWERS, FUNCTIONS AND DUTIES OF THE AUTHORITY

- 10 The powers, functions and duties of the Authority, shall be -
- a) to administer the provisions of this Act and the regulations made thereunder;
- b) to recommend to the Minister, national environmental policy and criteria for the protection of any portion of the environment with respect to the uses and values, whether tangible or intangible, to be protected, the quality to be maintained, the extent to which the discharge of wastes may be permitted without detriment to the quality of the environment and long range development uses and planning and any other factors relating to the protection and management of the environment;

- c) to undertake surveys and investigations as to the causes, nature, extent and prevention of pollution and to assist and co-operate with other persons or bodies carrying out similar surveys or investigations;
- d) to conduct, promote and co-ordinate research in relation to any aspect of the environmental degradation or the prevention thereof, and to develop criteria for the protection and improvement of the environment;
- e) to specify standards, norms and criteria for the protection of beneficial uses and for maintaining the quality of the environment;
- f) to be responsible for the co-ordination of all regulatory activities relating to the discharge of wastes and pollutants into the environment and the protection and the improvement of the quality of the environment;
- g) to regulate, maintain and control the volume, types, constituents and effects of waste, discharge, emissions, deposits or other sources and subsources of pollution which are of danger or potential danger to the quality of environment of any segment of the environment;
- h) to require the submission of proposals, for new projects and changes in or abandonment of existing projects, for the purpose of evaluation of the beneficial and adverse impacts of such proposals on the environment;
- i) to require any local authority to comply with and give effect to any recommendations relating to environmental protection within the limits of the jurisdiction of such local authority and in particular any recommendations relating to all or any of the following aspects of environmental pollution
 - i) the prohibition of the unauthorized discharge, emission or deposit of litter, waste, garbage and sewage,

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- ii) the prevention of the discharge of untreated sewage or substandard industrial effluents or toxic chemicals into soil, canals or water ways;
- iii) the prohibition of the display of posters or bills on walls or buildings or any other unauthorized places and regulations of the erection of advertising hoardings,
- iv) the prevention of the defacement of the scenic places and public property,
- v) the control of the pollution of the atmosphere,
- vi) the control of noise pollution, and
- vii) the storage, transport and disposal of any material which is hazardous to health and environment;
- j) to appoint special committee to assist it in the performance of its functions;
- k) to publish reports and information with respect to any aspects of environmental protection and management;
- l) to undertake investigations and inspections to ensure compliance with this Act and to investigate complaints relating to non-compliance with any of its provisions;
- m) to specify methods to be adopted in taking samples and making tests for the purposes of this Act;
- n) to provide information and education to the public regarding the protection and improvement of the environment;
- o) to establish and maintain liaison with other countries and international organizations with respect to environmental protection and management;
- p) to report to the Minister upon matters concerning the protection and management of the environment and upon any amendments it thinks desirable in existing legislation concerning any portion of the environment and upon any matters referred to it by the Minister;

- q) to promote, encourage, coordinate and carry out long range planning in environmental protection and management;
- r) to encourage, promote and give effect to methods of converting and utilizing residues.

- 11 The Authority may, with the consent of the Minister, or in accordance with the terms of any general authority given by him, borrow temporarily, by way of overdraft of otherwise, such sum as the Authority may require for meeting the obligations of the Authority in discharging its duties under this Act.

Provided that the aggregate of the amounts outstanding in respect of any temporary loans raised by the Authority under this subsection shall not at any time exceed such sum as may be determined by the Minister in consultation with the Minister in charge of the subject of Finance.

- 12 1) The Authority may with the concurrence of the Minister from time to time, give to any local authority in writing such directions whether special or general to do or cause to be done any act or thing which the Authority deems necessary for safeguarding and protecting the environment within the local limits of such local authority.
- 2) Every local authority to which a direction has been given under subsection (1) shall comply with such direction.

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PART III

STAFF OF THE AUTHORITY

- 13 1) There shall be a Director General of the Authority appointed by the Minister, who shall be the Chief Executive Officer of the Authority.
- 2) The Director General shall, subject to the general direction and control of the Chairman, be charged with the direction of the business of the Authority, the organization and execution of the powers, functions and duties of the Authority and the administration and control of the employees of the Authority.
- 3) The Director General shall also function as Secretary to the Authority.
- 4) The Secretary shall be entitled to be present and to speak at meetings, but shall not be entitled to vote at such meetings.
- 14 1) The Authority may appoint such officers and servants as it considers necessary for the efficient exercise, discharge and performance of its powers, functions and duties.
- 2) The officers and servants of the Authority shall be remunerated in such manner and at such rates, and shall be subject to such conditions of service, as may be determined by such regulations as may be prescribed.
- 3) At the request of the Authority any officer in the public service may, with the consent of that officer and the Secretary to the Ministry of the Minister in charge of the subject of Public Administration, be temporarily appointed to the staff of the Authority for such period as may be determined by the Authority with like consent, or be permanently appointed to such staff.

- 4) Where any officer in the public service is temporarily appointed to the staff of the Authority, the provisions of subsection (2) of Section 13 of the Transport Board Law No. 19 of 1978, shall mutatis mutandis, apply to and in relation to him.
- 5) Where any officer in the public service is permanently appointed to the staff of the Authority, the provisions of subsection (3) of Section 13 of the Transport Board Law No. 19 of 1978, shall mutatis mutandis, apply to and in relation to him.
- 6) Where the Authority employs any person who has entered into a contract with the Government by which he has agreed to serve the Government for a specified period, any period of service with the Authority by that person shall be regarded as service to the Government for the purpose of discharging the obligations of such contract.
- 7) At the request of the Authority any member of the Local Government Service or any other officer or servant of any local authority may with the consent of such member, officer or servant and the Local Government Service Advisory Board or that local authority, as the case may be, be temporarily appointed to the staff of the Authority for such period as may be determined by the Authority with like consent or be permanently appointed to such staff on such terms and conditions including those relating to pension or provident fund rights as may be agreed upon by the Authority and the Local Government Service Advisory Board or that local authority.
- 8) Where any person is temporarily appointed to the staff of the Authority in pursuance of the provisions of subsection (7), such person shall be subject to the same disciplinary control as any other member of such staff.

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PART IVENVIRONMENTAL MANAGEMENT

- 15 The Authority in consultation with the Council shall, with the assistance of the Ministry of the Minister in charge of the subject of Lands, formulate and recommend to the Minister a land use scheme consistent with the following objects:
- a) to provide a rational, orderly and efficient system of the acquisition, utilization and disposition of land and its resources in order to derive therefrom maximum benefits; and
 - b) to encourage the prudent use and conservation of land resources in order to prevent an imbalance between the needs of the nation and such resources.
- 16 The Land Use Scheme formulated under Section 15 may include :
- a) a scientifically adequate land inventory and classification system;
 - b) a determination of present land uses, the extent to which such land is utilized, underutilized or rendered idle or abandoned;
 - c) a comprehensive and accurate determination of the adaptability of land for community development, agriculture, industry or commerce;
 - d) identification of areas having important historic, cultural or aesthetic value where uncontrolled development could result in irreparable damage;
 - e) a method for exercising control by the Government over the use of land in areas where environment control is deemed necessary; and
 - f) a policy for influencing the location of new areas for the resettlement of persons and the methods for assuring appropriate controls over the use of land in and around such areas.

NATURAL RESOURCES

- 17 The Authority in consultation with the Council shall recommend to the Minister the basic policy on the management and conservation of the country's natural resources in order to obtain the optimum benefits therefrom and to preserve the same for future generations and the general measures through which such policy may be carried out effectively.

FISHERIES

- 18 The Authority in consultation with the Council shall, with the assistance of the Ministry of the Minister in charge of the subject of Fisheries, recommend to the Minister a system of rational exploitation of fisheries and aquatic resources within the territorial waters of Sri Lanka, or within its exclusive economic zone, or within its inland waters and shall encourage citizen participation therein to maintain and enhance the optimum and continuous productivity of such waters.
- 19 Measures for the rational exploitation of fisheries and other aquatic resources may include the regulation of the marketing of the threatened species of fish or other aquatic life.

WILDLIFE

- 20 The Authority in consultation with the Council shall, with the assistance of the Ministry of the Minister in charge of the subject of wildlife conservation recommend to the Minister a system of rational exploitation and conservation of wildlife resources and shall encourage citizen participation in such activities.

FORESTRY

- 21 The Authority in consultation with the Council shall with the assistance of the Ministry of the Minister in charge of the subject of Forestry, recommend to the Minister a system of :
- a)
 - i rational exploitation of forest resources;
 - ii regulation of the marketing of threatened forest resources;
 - iii conservation of threatened species of flora, and shall encourage citizen participation therewith to keep the country's forest resources at maximum productivity at all times;
 - b) promoting a continuing effort on reforestation, timber stand improvement, forest protection, land classification, forest occupancy management, industrial tree plantation, parks and wildlife management, multiple use forest, timber management and forest research.

SOIL CONSERVATION

- 22 The Authority in consultation with the Council shall, with the assistance of the Ministry of the Minister in charge of the subject of Soil Conservation, recommend soil conservation programmes including therein the identification and protection of critical watershed areas, encouragement of scientific farming technique, physical and biological means of soil conservation, and short term, and long term research and technology for effective soil conservation.
- 23 The Authority may undertake and promote continuing studies and research programmes on environmental management and shall from time to time, determine priority areas of environmental research.

PART IVA
ENVIRONMENTAL PROTECTION

- 23 A With effect from such date as may be appointed by the Minister by Order published in the Gazette. (hereinafter referred to as the "relevant date") no person shall discharge, deposit, or emit waste into the environment which will cause pollution except :
- a) under the authority of a licence issued by the Authority; and
 - b) in accordance with such standards and other criteria as may be prescribed under this Act.
- 23 B 1) The Authority may, on application being made therefore to the Authority in such form as may be prescribed, and on payment of the prescribed fee, issue a licence to any person authorizing such person to discharge, deposit or emit, waste into the environment, in accordance with such standards and criteria as may be prescribed under this Act.
- 2) Every licence issued under this Part shall -
- a) be in such form as may be prescribed,
 - b) be subject to such terms, conditions and such standards as may be prescribed,
 - c) be valid for such period as shall be specified in the licence, provided, it shall not be for more than a period of twelve months, and
 - d) be renewable.

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- 23 C 1) On receipt of an application under Section 23B, the Authority may, where it considers necessary, refer such application to an appropriate Government department or public corporation requesting that a report be submitted on such application.
- 2) Where an application is referred to a Government department or public corporation under subsection (1), the Authority shall not take any decision on such application until it receives the report relating to the same from such department or corporation.
- 23 D Where a licence has been issued to any person under this Part and such person acts in violation of any of terms, standards and conditions of the licence, or where since the issue of the licence, the receiving environment has been altered or changed due to natural factors or otherwise, or where the continued discharge, deposit or emission of waste into the environment under the authority of the licence will or could affect any beneficial use adversely, the Authority may by order suspend for any period specified in such order, or cancel such licence.
- 23 E 1) Any applicant for a licence under this Part who is aggrieved by the refusal of the Authority to grant a licence, or, any holder of a licence issued under this Part and who is aggrieved by the suspension or cancellation, or refusal to renew a licence so issued may, within thirty days after the date of the notification of such decision appeal in writing against such refusal, suspension, cancellation or refusal to renew, as the case may be to the Secretary to the Ministry, of the Minister.
- 2) The decision of the Secretary to the Ministry of the Minister on any such appeal shall be final.

PART IVB
ENVIRONMENTAL QUALITY

- 23 G Subject to Section 23A of this Act with effect from the relevant date, no person shall deposit or emit waste into the inland waters of Sri Lanka, except in accordance with such standards or criteria as may be prescribed under this Act.
- 23 H 1) No person shall pollute any inland waters of Sri Lanka or cause or permit to cause pollution in the inland waters of Sri Lanka so that the physical, chemical or biological condition of the waters is so changed as to make or reasonably expected to make those waters or any part of those waters unclean, noxious, poisonous, impure, detrimental to the health, welfare, safety or property of human beings, poisonous or harmful to animals, birds, wildlife, fish, plants or other forms of life or detrimental to any beneficial use made of those waters.
- 2) Without limitation to the generality of subsection (1) a person shall be deemed to contravene the provisions of that sub section, if -
- a) he places in or on any waters or in a place where it may gain access to any waters any matter, whether solid, liquid or gaseous, that is prohibited by or under this Act or by any regulations made thereunder;
- b) he places any waste, whether solid, liquid or gaseous, in a position where it falls, descends, drains, evaporates, is washed, is blown or percolates, is likely to fall, descend, drain, evaporate, be washed, be blown, percolate, into any waters or on the bed of any river, stream or other waterway when dry, or knowingly or through his negligence, whether directly or indirectly, causes or permits such matter to be placed in such a position,

- c) he places waste on the bed, when dry, of any river, stream or other waterway or knowingly or through his negligence causes or permits any wastes to be placed on such a bed, or
- d) he causes the temperature of inland, coastal or off-shore waters of Sri Lanka to be raised or lowered by more than the prescribed limits.

- 3) Every person who contravenes the provisions of subsection (1) shall be guilty of an offence, and on conviction shall be -
- a) liable to a fine not less than rupees ten thousand and not exceeding rupees one hundred thousand, and thereafter in the event of the offence being continued to be committed, to a fine of rupees five hundred for each day on which the offence is so continued to be committed, and
- b) required to take within such period as may be determined by court, such corrective measures as may be deemed necessary to prevent further damage being caused to the inland, coastal and off-shore waters of Sri Lanka and furnish at the end of such period sufficient and acceptable proof of the incorporation of such corrective measures. The court shall also order such person convicted, to bear the expenses that may have been incurred by the Authority in the correction of damage already caused as a consequence of the commission of such offence, and where such person fails to bear the expenses so incurred be recovered in like manner as a fine imposed by the court.
- 4) Where any person convicted of an offence under subsection (3) continues to commit such offence after a period of six weeks from the date of his conviction, the court may upon an application for closure being made by the Director General or any officer authorized in that behalf by the Director General order the

closure of such factory or trade, or business being carried at such premises, which caused the pollution of inland, coastal or off-shore waters of Sri Lanka, until such time such person takes adequate corrective measures to prevent further damage being caused.

- 5) In any case where such person fails to comply with the closure order issued under subsection (4), the Magistrate shall forthwith order the fiscal of the court requiring and authorizing such fiscal before a date specified in such order not being a date earlier than three or later than seven clear days from the date of issue of such order to close such factory or trade or business being carried at such premises. Such order shall be sufficient authority for the said fiscal or any police officer authorized by him in that behalf to enter the premises with such assistants as the fiscal or such police officer shall deem necessary to close such factory or trade or business being carried at such premises.

D.1-13

- 23 J 1) Subject to Section 23A of this Act with effect from the relevant date, no person shall discharge or emit waste into the atmosphere except in accordance with such standards or criteria as may be prescribed under this Act.
- 23 K 1) No person shall pollute the atmosphere or cause or permit the atmosphere to be polluted so that the physical, chemical or biological condition of the atmosphere is so changed as to make or reasonably be expected to make the atmosphere or any part thereof unclean, noxious, poisonous, impure, detrimental to the health, welfare, safety, or property of human beings, poisonous or harmful to animals, birds, wildlife, plants or all other forms of life or detrimental to any beneficial use of the atmosphere.

- 2) Without limitation to the generality of subsection (1) a person shall be deemed to contravene that subsection if -
- a) he places in or in such manner that it may be released into the atmosphere, any matter, whether liquid, solid or gaseous, that is prohibited by or under this Act or by any regulation made thereunder to be placed in the atmosphere or does not comply with any regulations prescribed therefore under this Act,
 - b) he causes or permits the discharge of odours which by virtue of their nature, concentration, volume or extent are obnoxious or unduly offensive to the senses of human beings,
 - c) he burns wastes otherwise than at times or in the manner or place prescribed,
 - d) he uses an internal combustion engine or fuel burning equipment not equipped with any device required by the regulations to be fitted to such engine for the prevention or reduction of pollution, or
 - e) he uses or burns any fuel which is prohibited by regulations made under this Act.
- 3) Every person who contravenes the provisions of subsection (1) shall be guilty of an offence, and on conviction shall be -
- a) liable to a fine not less than rupees ten thousand and not exceeding rupees one hundred thousand and thereafter in the event of the offence being continued to be committed, to a fine of rupees five hundred for each day on which the offence is so continued to be committed,
 - b) required to take within such period as may be determined by court, such corrective measures as may be deemed necessary, to prevent further damage being caused by the pollution of

atmosphere, and furnish at the end of such period sufficient and acceptable proof of the incorporation of such corrective measures. The court shall also require such person convicted to bear the expenses incurred by the Authority in the correction of damage already caused as a result of the commission of such offence.

- 4) Where any person convicted of an offence under sub-section (3) continues to commit such offence after a period of six weeks from the date of his conviction, the court may upon an application for closure being made by the Director General or any officer authorized in that behalf by the Director General order the closure of such factory, trade or business being carried at such premises which caused the pollution of atmosphere until such time, such person takes adequate corrective measures to prevent further damage being caused.
- 5) In any case where such person fails to comply with the closure order issued under subsection (4) the Magistrate shall forthwith order the fiscal of the court requiring and authorizing such fiscal, before a date specified in such order not being a date earlier than three or later than seven clear days from the date of issue of such order to close such factory or trade or business being carried at such premises. Such order shall be sufficient authority for the said fiscal or any police officer authorized by him in that behalf to enter the premises with such assistants as the fiscal or such police officer shall deem necessary to close such factory or trade or business being carried at such premises.

- 23 L Any person who owns, uses, operates, constructs, sells, installs or offers to sell or install any machinery, vehicle or boat required by or under this Act, or any regulation made thereunder to be built, fitted or equipped with any device for preventing or limiting pollution of the atmosphere without such machinery, vehicle or boat being so built, fitted or equipped shall be guilty of an offence. All devices built, fitted or equipped under this section shall be maintained and operated at the cost of the owner.

- 23 M Subject to Section 23A of this Act, with effect from the relevant date, no person shall discharge or deposit waste into the soil, except in accordance with such standards or criteria as may be prescribed under this Act.
- 23 N
- 1) No person shall pollute or cause or permit to be polluted any soil or the surface of any land so that the physical, chemical or biological condition of the soil or surface is so changed as to make or be reasonably expected to make the soil or the produce of the soil poisonous or impure, harmful or potentially harmful to the health or welfare of human beings, poisonous or harmful to animals, birds, wildlife, plants or all other forms of life or obnoxious or, unduly offensive to the senses of human beings or so as to be detrimental to any beneficial use of the land.
 - 2) Without limitation to the generality of subsection (1) a person shall be deemed to contravene that subsection if
 - a) he places in or on any soil or in any place where it may gain access to any soil, any matter, whether liquid, solid or gaseous, that is prohibited by or under this Act or any regulation made thereunder or does not comply with such regulations as may be prescribed, and
 - b) he establishes on any land a refuse dump, garbage tip, soil and rock disposal site, sludge deposit site, waste injection well, or otherwise uses land for the disposal of or repository for solid or liquid wastes so as to be obnoxious or unduly offensive to the senses of human beings or will pollute or adversely affect underground water or be detrimental to any beneficial use of the soil or the surface of the land.

- 3) Prior exemptions may, however, be granted for valid reasons such as the application of an approved preparation in a prescribed manner for the control of a given pest, provided that such treatment does not damage the soil seriously.
- 4) Any person who contravenes any of the provisions of this section shall be guilty of an offence and on conviction be liable to a fine not less than rupees ten thousand and not exceeding rupees one hundred thousand and in the case of a continuing offence to a fine of rupees five hundred for every day on which the offence continues after conviction.

23 P Subject to Section 23A of this Act, with effect from the relevant date no person shall permit the emission of excessive noise, unless he complies with such standards or limitations as may be prescribed under this Act in regard to the volume, intensity or quality of such noise.

- 23 Q (1) No person shall make or emit or cause or permit to be made or emitted noise greater in volume, intensity or quality than the levels prescribed for tolerable noise except under the authority of a licence issued by the Authority under this Act.
- (2) The provisions of Section 23B, 23C, 23D and 23E shall, mutatis mutandis, apply to and in relation to the issue of a licence under subsection (1).
- (3) Any Authority, or institution empowered by any other written law to issue licenses relating to any of the matters referred to in this Act, shall, conform to the standards specified under this Act.

23 R (1) Any person who without a licence or contrary to any condition, limitation or restriction to which a licence under this Act or any other written law is subject, makes or causes or permits to be made or emitted noise that is greater in volume, intensity or quality than the standard as may prescribed for the

emission of noise which is tolerable noise in the circumstances shall be guilty of an offence under this Act.

- (2) Any person who is guilty of an offence under subsections (1) shall on conviction be liable to a fine not less than rupees ten thousand and not exceeding rupees one hundred thousand and in the case of a continuing offence to a fine of rupees five hundred for every day in which continues after conviction.

23 S

Where the Authority is of opinion that the circumstances are such that any litter deposited in any place, whether public or private, is or is likely to become detrimental to the health, safety or welfare of members of the public, unduly offensive to the senses of human beings or a hazard to the environment, the Authority may by notice in writing direct the person who is responsible for depositing such litter or any public authority whose function is to dispose of such litter or to take such action in relation to such litter as may be specified in the notice.

For the purposes of this Section "litter" means unwanted waste material whether a by-product which has arisen during a manufacturing process or a product which has passed its useful working life and has been discarded.

23 T

The cost of removing or otherwise disposing of or reducing litter pursuant to a notice given under Section 23S may be recovered in any court of competent jurisdiction against any person proved to have deposited the litter, as a debt due to the Authority and when recovered shall be paid to the fund of the Authority.

23 U

Any person to whom a notice in writing under Section 23S is directed and who fails without reasonable cause to comply with the requirements of the notice shall, if proved be guilty of an offence.

- 23 V (1) No person shall discharge or spill any oil or mixture containing oil into the inland waters of Sri Lanka.
- (2) Any person who contravenes the provisions of subsection (1) shall be liable on conviction to a fine not less than rupees one hundred thousand or to imprisonment for a term not exceeding two years.
- 23 W (1) The Minister may by Order published in the Gazette -
- (a) prohibit the use of any materials for any process, trade or industry,
- (b) prohibit whether by description or by brand name the use of any equipment or industrial plant,
- which will endanger the quality of the environment, within the areas specified in the Order.
- (2) The Minister may by Order published in the Gazette require the installation, repair, maintenance or operation of any equipment or industrial plant within the areas specified in the Order.
- (3) Any person who contravenes any prohibition or fails to comply with any requirement in any Order made under subsections (1) and (2), shall be guilty of an offence.
- 23 X In any prosecution for an offence under this Part of this Act, a certificate issued under the hand of the Director General to the effect that the pollution specified in the certificate has been caused to the environment, shall be admissible in evidence, and shall be prima facie proof of the matters contained therein.

PART IVC

APPROVAL OF PROJECTS

- 23 Y For the purposes of this Part of this Act, the Minister may by Order published in the Gazette specify the state agencies (hereinafter in this Part referred to as "project approving agencies") which shall be the project approving agencies.
- 23 Z The Minister shall by Order published in the Gazette determine the projects and undertakings (hereinafter referred to as "prescribed projects") in respect of which approval would be necessary under the provisions of this Part of this Act.
- 23 AA (1) Notwithstanding the provisions of any other written law, from and after the coming into operation of this Act, all prescribed projects that are being undertaken in Sri Lanka by any Government department, corporation, statutory board, local authority, company, firm or an individual will be required to obtain approval under this Act for the implementation of such prescribed projects.
- (2) The approval referred to in subsection (1) shall have to be obtained from the appropriate project approving agencies concerned or connected with such prescribed project;
- Provided however, in respect of certain prescribed projects to be determined by the Minister, the project approving agency will grant its approval only with the concurrence of the Authority.
- 23 BB (1) It shall be the duty of all project approving agencies to require from any Government department, corporation, statutory board, local authority, company, firm or individual who submit any prescribed project for its approval to submit within a specified time an initial environmental examination report or an environmental impact assessment report as required by the project approving agency relative to such project and containing such information and particulars as may be

prescribed by the Minister for the purpose.

(2) A project approving agency shall on receipt of an initial environmental examination report or an environmental impact assessment report, as the case may be, submitted to such project approving agency in compliance with the requirement imposed under subsection (1), by notice published in the Gazette and in one newspaper each in the Sinhala, Tamil and English language, notify the place and times at which such report shall be available for inspection by the public, and invite the public to make its comments, if any, thereon.

(3) Any member of the public may within thirty days of the date on which a notice under subsection (2) is published make his or its comments, if any, thereon to the project approving agency which published such notice, and such project approving agency may, where it considers appropriate in the public interest afford an opportunity to any such person of being heard in support of his comments, and shall have regard to such comments and any other materials if any, elicited at any such hearing, in determining whether to grant its approval for the implementation of such prescribed project.

(4) Where approval is granted for the implementation of any prescribed project, such approval shall be published in the Gazette and in one newspaper each in Sinhala, Tamil and English languages.

23 CC The Project approving agencies shall determine the procedure it shall adopt in approving any prescribed projects submitted to it for approval. Such procedure shall be based on the guidelines prescribed by the Minister for such purpose.

23 DD (1) Where a project approving agency refuses to grant approval for any prescribed project submitted for its approval the person or body of persons aggrieved shall have a right to appeal against such decision to the Secretary to the Ministry of the Minister.

(2) The decision of the Secretary to the Ministry on such appeal of the Minister shall be final.

23 EE Where any alterations are being made to any prescribed project for which approval had been granted or where any prescribed project already approved is being abandoned, the Government department, corporation, statutory board, local authority, company, firm or individual who obtained such approval, shall inform the appropriate project approving agency of such alterations or the abandonment as the case may be, and where necessary obtain fresh approval in respect of any alterations that are intended to be made to such prescribed project for which approval had already been granted.

Provided however, where such prescribed project that is being abandoned or altered is a project approved with the concurrence of the Authority, the Authority should also be informed of it and any fresh approval that need to be obtained should be given only with the concurrence of the Authority.

23 FF It shall be the duty of all project approving agencies to forward to the Authority a report on each prescribed project for which approval is granted by such agency.

PART V

GENERAL

24 (1) For the purpose of giving effect to the principles and objects of this Act, the Authority may, by notice in writing served on the occupier of any premises, require that occupier to furnish to the Authority within fourteen days or such longer period as is specified in the notice such information as to any manufacturing, industrial, or trade process carried on in such premises or as to any wastes discharged or likely to be discharged from the said premises as is specified in the notice.

- (2) The Authority shall treat all information furnished to it pursuant to any requirement made under subsection (1) with the strictest secrecy and shall not divulge such information to any person other than to a court, subject to sub-section (3) for the purpose of any prosecution for an offence under this Act.
- (3) Any information furnished or statement made to the Authority pursuant to any requirement made under subsection (1) shall not if the person furnishing the information or making the statement, objects, at the time of furnishing the information or statement, to doing so on the ground that it might tend to incriminate him, be admissible in evidence upon any proceedings against that person for an offence under this Act.
- 24 A (1) The Director General or any other officer duly authorized in writing by him may at any time enter any land or premises and may-
- a) examine and inspect any equipment or industrial plant;
 - b) take samples of any pollutants that are emitted, discharged or deposited or are likely to be of a class or kind that are usually emitted, discharged or deposited from such equipment or industrial plant;
 - c) examine any books, records or documents relating to the performance or use of such equipment, or industrial plant or relating to the emission, discharge or deposit from such equipment or industrial plant,
 - d) take photographs of such equipment or industrial plant as he considers necessary or make copies of any books, records or documents seen in the course of such examination, or
 - e) take sample of any fuel, substance or material used, likely to be used or usually used in such trade, industry or process carried on in or on such premises.

(2) The Director General or the officer authorized by him may, where he has reasonable cause to apprehend any serious obstructions in the execution of his duties under subsection (1), enter any land or premises accompanied by a police officer.

(3) Any person who prevents or obstructs the Director General or an authorized officer in carrying out such inspection or investigation, recording of data or the taking of samples under subsection (1) shall be guilty of an offence under this Act.

24 B (1) The Authority shall have the power to issue directives to any person engaged in or about to engage in any development project or scheme which is causing or is likely to cause, damage or detriment to the environment, regarding the measures to be taken in order to prevent or abate such damage or detriment, and it shall be the duty of such person to comply with such directive.

(2) Where a person fails to comply with any directives issued under subsection (1), the Magistrate may, on application made by the Authority, order the temporary suspension of such project or scheme until such person takes the measures specified in such directive.

24 C (1) The Minister may by Order published in the Gazette declare any area to be an environmental protection area (hereinafter referred to as a "protection area")

(2) An Order under subsection (1) declaring an area as a protection area, shall define that area by setting out the metes and bounds of such area.

24 D (1) Where any area has been declared to be a protection area, the Minister may by Order published in the Gazette declare that any planning scheme or project in a protection area under the provisions of any law which is in conflict with any provisions of this Act, shall cease to operate in that area.

- (2) So long as an Order under subsection (1) is in force, the Authority shall be responsible for physical planning of such area in accordance with the provisions of this Act.
- (3) Notwithstanding the provisions of subsection (1) the Minister may, at the request of the Authority responsible for the planning in such protection area.
- (4) So long as an Order under Section 24C is being in force in relation to a protection area no person other than the Authority shall exercise, perform and discharge any powers, duties and functions relating to planning and development within such protection area.

25 The Authority may appoint

- a) analysts for making analysis of samples taken for the purposes of that Act; and
- b) pollution control officers for inspection and evaluating the records of monitoring prescribed equipment and installations for detecting the presence, quantity and nature of waste and their effects on the receiving portions of the environment.

26 (1) Subject to subsection (5), the Authority may by Order, delegate any of its powers, duties and functions under this Act to any Government department, corporation, statutory board, local authority or any public officer.

- (2) Where the Authority has delegated any power under subsection (1) to any Government department, corporation, statutory board, local authority or any public officer, any officer of such Government department, corporation, statutory board or local authority as the case may be, or such public officer, may exercise any of the powers which the Director General would be able to exercise had he been exercising the powers himself.
- (3) Nothing in this Section shall preclude the Authority from any responsibility to protect the environment and from administering the provisions of this Act.

(4) An Order made under subsection (1) may be revoked or varied at any time by the Authority.

(5) An Order under subsection (1) shall not be made by the Authority -

- a) in respect of any local authority except with the concurrence of the Minister, and
- b) in respect of any Government department, corporation, statutory board or public officer, except with the concurrence of the Minister in charge of such Government department or corporation or statutory board or the department in which such public officer is employed.

27 All members, officers and servants of the Authority shall be deemed to be public servants within the meaning of and for the purposes of the Penal Code.

28 The Authority shall be deemed to be a scheduled institution within the meaning of the Bribery Act and the provisions of that Act shall be construed accordingly.

29 The provisions of this Act shall have effect notwithstanding anything to the contrary in the provisions of any other written law, and accordingly in the event of any conflict or inconsistency between the provisions of this Act and the provisions of such other written law, the provisions of this Act shall prevail over the provisions of such other written law.

30 (1) No suit or prosecution shall lie :

- a) against the Authority, for any act which in good faith is done or purported to be done by the Authority under this Act;
- b) against the members of the Authority, Council or District Environmental Agency or any officer or servant of the Authority for any act which in good faith is done or purported to be done under this Act, or on the direction of the Authority.

- (2) Any expense incurred by the Authority in any suit or prosecution brought by or against the Authority before any court shall be paid out of the Fund of the Authority and any costs paid to, or recovered by, the Authority in such suit or prosecution shall be credited to the Fund of the Authority.
- (3) Any expense incurred by any such person as is referred to or in paragraph (b) of subsection (1) in any suit or prosecution brought against him before any court in respect of any act which is done or is purported to be done by him under this Act or on the direction of the Authority shall, if the court holds that such act was done in good faith, be paid out of the Fund of the Authority, unless such expense is recovered by him in such suit or prosecution.

31 Every person who contravenes or fails to comply with any provisions of this Act or of any regulations made thereunder for which no punishment is expressly provided for shall be guilty of an offence and on conviction before a Magistrate shall be liable to imprisonment of either description for a term not exceeding two years or to a fine not exceeding ten thousand rupees or to both such imprisonment of either description for a term not exceeding two years or to a fine not exceeding ten thousand rupees or to both such imprisonment and fine.

32 (1) The Minister may make regulations in respect of all matters which are stated or are required by this Act to be prescribed or for which regulations are required by this Act to be made.

(2) In particular and without prejudice to the generality of the powers conferred by subsection (1) the Minister may make regulations in respect of all or any of the following matters:

(a) Levy of fees for :

- i examining plans, specifications and information relating to installations or proposed installations,
- ii the issue of licences under this Act, and

- iii carrying out necessary monitoring duties;
- (b) specification of standards or criteria for the implementation of any national environmental policy or classification for the protection of the environment and for protecting beneficial uses;
- (c) specification of standards or criteria for determining whether any matter, action or thing is poisonous, objectionable, detrimental to health or within any other description or referred to in this Act;
- (d) prohibition of the discharge, emission or deposit into the environment of any matter, whether liquid, solid or gaseous, or of radio activity and prohibition or regulating the use of any specified fuel;
- (e) specification of ambient air quality standards, emission standards and specifying the maximum permissible concentrations of any matter that may be present in or discharged into the atmosphere;
- (f) prohibition of the use of any equipment, facility, vehicle or boat capable of causing pollution or regulating the construction, installation or operation thereof so as to prevent or minimize pollution;
- (g) requirement of issuing pollution warnings or alerts;
- (h) prohibition or regulation of the open burning of refuse or other combustible matter;
- (i) regulation of the establishment of sites for the disposal of solid or liquid waste on or in land;
- (j) determination of objectionable noise and specification of standards for tolerable noise;
- (k) prohibition of or regulation of bathing, swimming, boating or other activity in or around any waters that may be detrimental to health or welfare or having adverse cultural effects or for preventing pollution;

- (l) requirement that the oil refineries and installations operating in Sri Lanka store such substance or material and equipment necessary to deal with any oil pollution of the inland waters of Sri Lanka that may arise in the course of their business;
- (m) requirement that the oil refineries carrying on business install such equipment as may be prescribed for the purpose of reducing or preventing any trade effluent from containing oil;
- (n) prescribing the procedure relating to appeals against the decision of the Authority;
- (o) relating to visual amenities in urban and rural areas;
- (p) storage and transportation of harmonious materials;
- (q) disposal of wastes and hazardous materials whether to the atmosphere, waters or soil; and
- (r) requirement of specific environmental monitoring duties by the developer or a specified third party delegated for this purpose.
- (3) Every regulation made by the Minister shall be published in the Gazette and shall come into operation on the date of such application or upon such later date as may be specified in the regulation.
- (4) Every regulation made by the Minister shall, as soon as convenient after its publication in the Gazette, be brought before Parliament for approval. Every regulation which is not so approved shall be deemed to be rescinded as from the date of such disapproval but without prejudice to anything previously done thereunder. Notification of the date on which any regulation is deemed to be rescinded shall be published in the Gazette.

- 33 In this Act unless the context otherwise requires :

"air pollution" means an undesirable change in the physical, chemical and biological characteristics of air which will adversely affect plants, animals, human beings and inanimate objects;

"beneficial use" means a use of the environment or any portion of the environment that is conducive to public benefit, welfare, safety or health and which requires protection from the effects of waste, discharge, emissions and deposits;

"environment" means the physical factors of the surroundings of human beings including the land, oil, water, atmosphere, climate, sound, odours, tastes and the biological factors of animals and plants of every description;

"environmental impact assessment report" means a written analysis of the predicted environmental consequences of a proposed prescribed project and containing an environmental cost benefit analysis, if such an analysis has been prepared, including a description of the project, and includes a description of the avoidable and unavoidable adverse environmental effects of the proposed prescribed project; a description of alternatives to the activity which might be less harmful to the environment together with the reasons why such alternatives were rejected, and a description of any irreversible or irretrievable commitments or resources required by the proposed prescribed projects;

"initial environmental examination report" means a written report wherein possible impacts of the prescribed project on the environment shall be assessed with a view to determining whether such impacts are significant, and as such requires the preparation of an environmental impact assessment report and such report shall contain such further details, descriptions, data maps, designs and other information and details as may be prescribed by the Minister;

"exclusive economic zone" means the zone declared to be the exclusive economic zone, by proclamation made under Section 5, of the Maritime Zones Law No. 22 of 1976;

"land" includes messages, buildings and any easements relating thereto;

"local authority" means any Municipal Council, Urban Council or Development Council, and includes any Authority created and established by or under any law to exercise, perform and discharge powers, duties and functions corresponding to or similar to powers, duties and functions exercised, performed and discharged by any such Council;

"noise pollution" means the presence of sound at a level which causes irritation, fatigue, hearing loss or interferes with the perception of other sounds and with creative activity through distraction;

"pollutant" means any substance whether liquid, solid, or gaseous which directly or indirectly -

- a) alters the quality of any segment or element of the receiving environment so as to effect any beneficial use adversely; or
- b) is hazardous or potentially hazardous to health;

"pollution" means any direct or indirect alternation of the physical, thermal, chemical, biological or radioactive properties of any part of the environment by the discharge, emission, or the deposit of wastes so as to effect any beneficial use adversely or to cause a condition which is hazardous or potentially hazardous to public health, safety or welfare, or to animals, birds, wildlife, aquatic life, or to plants of every description;

"prescribed" means prescribed by regulations;

"territorial waters" including the territorial sea and the historic waters of Sri Lanka;

"toxic chemical" means a substance characterized by definite molecular composition which has harmful effects on living materials or which can create hazardous changes in the environment;

"waste" includes any matter prescribed to be waste and any matter, whether liquid, solid, gaseous, or radioactive, which is discharged, emitted, or deposited in the environment in such volume, constituency or manner as to cause an alternation of the environment.

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PART I : SECTION (I) - GENERAL

Government Notifications

L.D.-B. 4/81

THE NATIONAL ENVIRONMENTAL ACT, No. 47 OF 1980
Order under Section 23Y

BY virtue of the powers vested in me by Section 23Y 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.

Colombo,
18th June, 1993

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

SCHEDULE

- Ministry of Policy Planning and Implementation
- Ministry of Lands, Irrigation and Mahaweli Development
- Ministry of Power and Energy
- Ministry of Transport and Highways
- 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. 40 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 1966

07-273/1

L. D.-B. 4/81.

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

- (1) All river basin development and irrigation projects excluding minor irrigation works (as defined by Irrigation Ordinance chapter 453).
- (2) Reclamation of Land, wetland area exceeding 4 hectares.
- (3) Extraction of timber covering land area exceeding 5 hectares.
- (4) Conversion of forests covering an area exceeding 1 hectare into non-forest uses.
- (5) Clearing of land areas exceeding 50 hectares.
- (6) *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.

(18) *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.

(19) *Development of all Industrial Estates and Parks exceeding an area of 10 hectares.*

(20) *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.

(21) *Non-Ferrous Basic Metal Industries*

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

(22) *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.

(23) *Pesticides and Fertilizer*

Formulation of pesticides of combined production capacity exceeding 50 tons per day.
Manufacture of pesticides of combined production capacity exceeding 25 tons per day.

(24) *Petroleum and Petrochemicals*

Petroleum refineries producing gasoline, fuel oils, illuminating oils, lubricating oils and grease, aviation and marine fuel and liquified 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.

(25) *Tyre and Tube Industries:*

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

(26) *Sugar Factories*

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

(27) *Cement and Lime.*

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

(28) *Paper and Pulp*

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

(29) *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 tons per day.

(30) *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 undertakings 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 IVC of the Act.

(31) 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

(32) All projects and undertakings 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:

- (33) Iron and Steel.
- (34) Non-Ferrous Basic Metal.
- (35) Basic Industrial Chemicals.
- (36) Pesticides and Fertilizers.
- (37) Synthetic Resins, Plastic materials and Man-made Fibres.
- (38) Other Chemical Products.
- (39) Petroleum and Petro-chemical Products.
- (40) Tyres and Tubes.
- (41) Manufacturing and Refining of Sugar.
- (42) Alcoholic Spirits.
- (43) Malt Liquors and Malt.
- (44) Cement and Lime.
- (45) Non-metallic Mineral Products.
- (46) Paper, Pulp and Paperboard.
- (47) Spinning, Weaving and Finishing of Textiles.
- (48) Tanneries and Leather Finishing.
- (49) Shipbuilding and Repairs.
- (50) Railroad Equipment.
- (51) Motor Vehicles.
- (52) Air Craft.

PART III

1. Within 100m 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.
2. Within the following areas whether or not the areas are wholly or partly within the Coastal Zone:
 any erodible 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 level of the reservoir inclusive of all islands falling within the reservoir.

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 proponent 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.

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The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

අංක 1159/22 - 2000 හෙට්‍රිමිස් 22 වැනි දාදා - 2000.11.22
No. 1159/22 - WEDNESDAY, NOVEMBER 22, 2000

(Published by Authority)

PART I: SECTION (I) — GENERAL

Government Notifications

LD.B/481

THE NATIONAL ENVIRONMENTAL ACT, No. 47 OF 1980

Order under Section 23A

BY virtue of the powers vested in me by Section 23A of the National Environmental Act, No. 47 of 1980 as amended by Acts Nos. 56 of 1988 and 53 of 2000, I Mahinda Wijesekera Minister of Forestry and Environment, do by this Order, determine the activities set out in the Schedule hereto as activities for which Environmental Protection License is required.

MAHINDA WIJESEKERA,
Minister Forestry and Environment.

Colombo,
21st November, 2000.

SCHEDULE

THE ACTIVITIES FOR WHICH AN ENVIRONMENTAL PROTECTION LICENCE IS REQUIRED

PART A

1. Caustic soda manufacturing industries.
2. Soaps, detergents or any other cleansing preparations manufacturing industries where 25 or more workers are employed.
3. Acid (Inorganic or organic) manufacturing or repacking industries.
4. Chemical fertilizer manufacturing, formulating, processing or repacking industries.
5. Insecticides, fungicides, herbicides, pesticides manufacturing, formulating, or repacking industries.
6. Oil (mineral oil or petroleum) refineries.
7. Bulk petroleum Liquid storage facilities having a total capacity of 150 or more metric tons.
8. Dye and dye intermediate manufacturing or formulating industries
9. Paints (emulsion or enamel), inks, pigments, varnish, polish manufacturing or formulating industries.
10. Petrochemical (basic or intermediates) manufacturing or formulating industries.
11. Explosives manufacturing or formulating industries

1A

2 A

12. Match sticks manufacturing industries.
13. Industrial gas manufacturing, processing or refilling industries excluding auto gas filling stations.
14. Asphalt processing plants.
15. Industries involved in the manufacture of polymers or polymer based products (i.e. polyethylene, polyvinyl chloride (PVC), polyurethane, polypropylene, polyester, nylon, polystyrene, resins, fiberglass or other man made fibers etc.)
16. Industries involved in the use of fiberglass as a raw material where 10 or more workers are employed.
17. Synthetic rubber, natural rubber manufacturing or processing or rubber based industries excluding industries which manufacture 100Kg or less per day of ribbed smoke rubber sheets.
18. All types of tyres, tubes manufacturing or tyre retreading industries.
19. Activated carbon, carbon black manufacturing or coconut shell burning industries having the total input capacity of 10,000 or more coconut shells per batch within a single production cycle.
20. Battery manufacturing or reconditioning industries.
21. Any industry involved in the use of asbestos fibres as a raw material.
22. Industries involved in manufacturing, extracting or formulating pharmaceuticals or cosmetic products including intermediates.
23. Industries involved in manufacturing or extracting or formulating Ayurvedic, Indigenous medicinal products where 25 or more workers are employed.
24. Printing presses with lead smelting.
25. Batik industries where 10 or more workers are employed.
26. Textile processing (i.e. bleaching, dyeing, printing) industries or garment washing industries.
27. Commercial laundries with dry cleaning operations using organic solvents where 10 or more workers are employed.
28. Tanneries.
29. Leather finishing industries having effluent generating wet operations.
30. Jute processing industries.
31. Industries involved in bleaching or dyeing of natural fiber.
32. Power looms having 25 or more machines or power looms with sizing activities.
33. Sugar factories or sugar refineries.
34. Fermentation industries (Distilleries, Breweries) or alcoholic beverages bottling plants.
35. Vegetable, fruit, meat, seafood, milk-processing industries where 25 or more workers are employed.
36. Abattoirs.
37. Plants (other than coconut) or animal oils/fats extracting industries.
38. Coconut oil extraction industries where 25 or more workers are employed.
39. Bakery products, biscuits, confectionery manufacturing industries where 25 or more workers are employed.
40. Instant tea or coffee processing industries.
41. Non-alcoholic beverages manufacturing industries where 25 or more workers are employed.
42. Bottling plants having bottle washing operations using caustic soda.
43. Desiccated coconut mills.
44. Rice mills having wet process and having a production capacity of 5000 kilograms or more per day.
45. Poultry farms having 2500 or more birds.
46. Hatcheries.
47. Piggery, cattle, goat farms having 50 or more animals.
48. Animal feed manufacturing industries having a capacity of 25 or more metric tons per day.
49. Cigarettes or other tobacco products manufacturing industries where 50 or more workers are employed.
50. Zoological gardens.
51. Electrical power generating utilities having a cumulative capacity of 300 KW or more excluding hydro or solar or wind power generation.
52. Surface treatment of metal or plastic industries including electroplating, galvanizing industries.
53. Iron and steel mills.
54. Foundries with cupola, arc furnaces or induction furnaces.
55. Non-ferrous metal processing industries such as lead, zinc, copper, aluminium smelting, secondary Lead processing or recovery of metals including silver recovery from photographic chemical solutions.

56. Cement industries (clinker grinding, manufacturing or repacking)
57. Concrete batching plants having a capacity of 50 or more cubic meters per day
58. Glass or glass product manufacturing industries
59. Lime kilns having a production capacity of 20 or more metric tons per day
60. Ceramic industries where more than 25 or more workers are employed
61. Processing of non-metallic minerals (i.e. limestone, shell, dolomite, apatite, rock phosphate, sand stone, feldspar, quartz, ilmenite, rutile, zircon, mica, graphite, kaolin etc.)
62. Granite crushing or processing industries having a total production capacity of 25 or more cubic meters per day.
63. Paper and Pulp Industries excluding hand made papers.
64. Any chemical manufacturing industry not elsewhere specified in this list.
65. Any common wastewater (industrial or sewage) treatment plants.
66. Incinerators having an input capacity of 5 or more metric tons per day and crematoriums.
67. All hazardous waste disposal sites.
68. Water treatment plants having 10,000 or more cubic meters per day.
69. Industries involved in chemical treatment and preservation of wood (excluding Boron treatment).
70. Saw mills having a milling capacity of 50 or more cubic meters per day.
71. Hotels, Guest Houses, Rest Houses with 20 or more rooms.
72. Hostels having a boarding capacity of 200 or more boarders.
73. Any industry where 200 or more workers per shift are employed.
74. Mechanized mining activities with multi bore hole blasting with delay detonators.
75. Single bore hole blasting activities with production capacity having 600 or more cubic meters per month.
76. Granite boulders, making or processing industries.
77. Metal fabricating industries, machinery, machine tools, equipments manufacturing or assembling industries where 25 or more workers are employed.
78. Automobile assembly industries.
79. Vehicle service stations or container yards having vehicle service activities.
80. Any industry not indicated above which discharges 3 or more cubic meters of wastewater per day or using toxic chemical in its process.

PART B

1. Soaps, detergents or any other cleansing preparations manufacturing industries where less than 25 workers are employed.
2. Bulk petroleum liquid storage facilities having a total capacity less than 150 metric tons.
3. Ribbed smoke rubber sheets manufacturing industries having a production capacity of more than 50 kilograms per day and less than 100 kilograms per day.
4. Coconut shell burning industries having a total input capacity of more than 1,000 coconut shells and less than 10,000 coconut shells per batch within a single production cycle.
5. Industries involved in manufacturing, extracting or formulating Ayurvedic, Indigenous medicinal products where more than 10 workers and less than 25 workers are employed.
6. Printing presses excluding lead smelting.
7. Batik industries where less than 10 workers are employed.
8. Industries involved in the use of fibre glass as a raw material where less than 10 workers are employed.
9. Commercial laundries with dry cleaning operations using organic solvents where less than 10 workers are employed.
10. Leather finishing industries other than having effluent generating wet operations.
11. Coconut fibre mills excluding bleaching or dyeing processes of natural fibre are carried out.
12. Power looms having less than 25 weaving machines.
13. Hand looms having more than 10 looms.
14. Sugar cane industries excluding sugar factories or sugar refineries.
15. Vegetable, fruit, meat, seafood, milk-processing industries where more than 5 workers and less than 25 workers are employed.

16. Coconut oil extraction industries where more than 10 workers and less than 25 workers are employed.
17. Bakery products, biscuits, confectionery manufacturing industries where more than 5 workers and less than 25 workers are employed.
18. Non-alcoholic beverages manufacturing industries where more than 10 workers and less than 25 workers are employed.
19. Bottling plants other than plants having bottle washing operations using caustic soda.
20. Rice mills having wet process and having a production capacity of less than 5000 kilograms per day.
21. Rice mills having dry operation process (other than having wet process)
22. Grinding mills.
23. Poultry farms having more than 50 birds and less than 2500 birds.
24. Piggeries having more than 5 animals and less than 50 animals.
25. Cattle, goat farms having more than 10 animals and less than 50 animals.
26. Animal feed manufacturing industries, having a capacity of less than 25 metric tons per day.
27. Electrical power generating industries having a total capacity of more than 100 KW and less than 300 KW excluding hydro or solar or wind power generation.
28. Concrete batching plants having a capacity of less than 50 cubic meters per day.
29. Concrete pre-cast industries.
30. Mechanized cement block manufacturing industries.
31. Lime kilns having a production capacity of less than 20 metric tons.
32. Ceramic industries where less than 25 workers are employed.
33. Tiles and bricks kilns.
34. Granite crushing or processing industries having a total production capacity of less than 25 cubic meters per day excluding manual crushing operations using hand tools.
35. Incinerators having an input capacity of less than 5 metric tons per day.
36. Industries involved in Boron treatment of wood.
37. Saw mills having a milling capacity of less than 50 cubic meters per day.
38. Carpentry workshops which use electricity power more than 3 HP.
39. Residential hotels, guest houses, rest houses with less than 20 rooms.
40. Non-Residential Hotels, restaurants, eating houses with cooking facilities where more than 5 workers are employed.
41. Hostels having a boarding capacity of more than 25 and less than 200 boarders.
42. Garment industries where more than 10 workers and less than 200 workers per shift are employed.
43. Single bore hole blasting activities having a production capacity of less than 600 cubic meters per month or other single bore hole blasting activities using explosives.
44. Metal fabricating industries, machinery, machine tools, equipment manufacturing or assembling industries (including lathe workshops and welding shops) where less than 25 workers are employed.
45. Garages where vehicle repairing activities or maintenance activities are carried out (including the facilities of carrying out, repairing, maintenance and installation of auto air conditions.)

12-263/1

LD.B 4/81

THE NATIONAL ENVIRONMENTAL ACT, No. 47 OF 1980

REGULATIONS made by the Minister of Forestry and Environment under Section 32 of the National Environmental Act, No. 47 of 1980 as amended by Acts, Nos. 56 of 1988 and 53 of 2000.

MAHINDA WUJESKERA,
Minister of Forestry and Environment.

Colombo.
21st November, 2000.

Regulations

National Environmental (Protection and Quality) Regulation No. 1 of 1990 published in *Gazette Extraordinary* No. 595/16 of February 2, 1990 as amended by *Gazette Extraordinary* No. 924/13 of May, 23, 1996 is hereby further amended as follows :—

(1) by the substitution for Regulation 2 thereof of the following :—

"2. No person shall carry on any activity which discharges, deposits or emits waste or noise into the environment causing pollution or noise pollution except—

(a) under the authority of a license issued by the Central Environmental Authority (hereinafter referred to as the "Authority"); and

(b) in accordance with the standards and criteria specified in Schedule I hereto and in any regulation made under this Act."

(2) by the substitution for paragraph (b) of regulation 7 thereof of the following :—

"(b) valid for such period as shall be specified in the license provided, it shall be not for more than a period of three years subject to any suspension or cancellation of the license under Section 23 D of the Act."

(3) by the substitution for paragraph (a) of paragraph (1) of Regulation 9 thereof of the following :—

"(a) at least three months before the date of expiry of the license or one month before effecting any changes, alterations or extensions to the premises at which the acts authorized by the license are carried out as the case may be,"

(4) by the substitution for paragraph (1) of regulation 11 thereof of the following :-

"(1) An applicant for a license who is aggrieved by the refusal of the Authority to grant a license or any holder of a license who is aggrieved by the suspension or cancellation of a license or the refusal to renew a license may, within thirty days after the date of notification of such decision to him, appeal in writing against such refusal, suspension, cancellation or refusal to renew, to the Secretary of the Ministry in charge of the subject of Environment."

(5) by the substitution for Regulation 14 thereof of the following :—

"14. Every person who contravenes the provisions of any regulation, commits an offence punishable under Sub Section (3) of Section 23A of the Act."

(6) by the substitution for item I of the General Terms and Conditions of Form B of Schedule II thereof, of the following item :—

"1. The license shall be valid for such period as may be specified in the license, provided it shall be not for more than a period of three years from the date of issue. An application for renewal of the license shall be made at least three months prior to the date expiry of the license."

(7) by the substitution for Schedule III thereof of the following Schedule :—

"SCHEDULE III

LICENSING FEE AND RENEWAL FEE

PART A

1. (a) a fee of Rs. 15,000 shall be levied in respect of each application for the issue ; and
2. (b) a fee of Rs. 15,000 shall be levied in respect of each application for the renewal

of the Environmental Protection License for the following activities :-

1. Caustic soda manufacturing industries
2. Soaps, detergents or any other cleansing preparations manufacturing industries where 25 or more workers are employed
3. Acid (Inorganic or organic) manufacturing or repacking industries
4. Chemical fertilizer manufacturing, formulating, processing or repacking Industries
5. Insecticides, fungicides, herbicides, pesticides manufacturing, formulating or repacking industries.
6. Oil (mineral oil or petroleum) refineries
7. Bulk petroleum liquid storage facilities having a total capacity of 150 or more metric tons.
8. Dye and dye intermediate manufacturing or formulating industries
9. Paints (emulsion or enamel), inks, pigments, varnish, polish manufacturing or formulating industries
10. Petrochemical (basic or intermediates) manufacturing or formulating industries
11. Explosives manufacturing or formulating industries
12. Match sticks manufacturing industries
13. Industrial gas manufacturing, processing or refilling industries excluding auto gas filling stations
14. Asphalt processing plants
15. Industries involved in the manufacture of polymers or polymer based products (i.e. polyethylene, polyvinyl chloride (PVC), polyurethane, polypropylene, polyester, nylon, polystyrene, resins, fiberglass or other man made fibers etc.)
16. Industries involved in the use of fiberglass as a raw material where 10 or more workers are employed
17. Synthetic rubber, natural rubber manufacturing or processing or rubber based industries excluding industries which manufacture 100 kilograms or less per day of ribbed smoke rubber sheets.
18. All types of tyres, tubes manufacturing or tyre retreading industries
19. Activated carbon, carbon black manufacturing or coconut shell burning industries exceeding the total input capacity of 10,000 or more coconut shells per batch within a single production cycle.
20. Battery manufacturing or reconditioning industries
21. Any industry involved in the use of asbestos fibre as a raw material
22. Industries involved in manufacturing, extracting or formulating pharmaceuticals or cosmetic products including intermediates
23. Industries involved in manufacturing or extracting or formulating Ayurvedic, Indigenous medicinal products where 25 or more workers are employed.
24. Printing presses with lead smelting
25. Batik industries where 10 or more workers are employed
26. Textile processing (i.e. bleaching, dyeing, printing) industries or garment washing industries
27. Commercial laundries with dry cleaning operations using organic solvents where 10 or more workers are employed
28. Tanneries
29. Leather finishing industries having effluent generating wet operations.
30. Jute processing industries
31. Industries involved in bleaching or dyeing of natural fiber
32. Power looms having 25 or more machines or power looms with sizing activities
33. Sugar factories or sugar refineries
34. Fermentation industries (Distilleries, Breweries) or alcoholic beverages bottling plants
35. Vegetable, fruit, meat, seafood, milk-processing industries where 25 or more workers are employed
36. Abattoirs
37. Plants (other than coconut) or animal oils/fats extracting industries.
38. Coconut oil extraction industries where 25 or more workers are employed
39. Bakery products, biscuits, confectionery manufacturing industries where 25 or more workers are employed
40. Instant tea or coffee processing industries.

41. Non-alcoholic beverages manufacturing industries where 25 or more workers are employed.
42. Bottling plants having bottle washing operations using caustic soda
43. Desiccated coconut mills
44. Rice mills having wet process and having a production capacity of 5000 kilograms or more per day
45. Poultry farms having 2500 or more birds
46. Hatcheries
47. Piggery, cattle, goat farms having 50 or more animals
48. Animal feed manufacturing industries having a capacity of 25 or more metric tons per day
49. Cigarettes or other tobacco products manufacturing industries where 50 or more workers are employed
50. Zoological gardens
51. Electrical power generating utilities having a cumulative capacity of 300 Kilowatt (KW) or more excluding hydro or solar or wind power generation
52. Surface treatment or metal or plastic industries including electroplating, galvanizing industries
53. Iron and steel mills
54. Foundries with cupola, arc furnaces or induction furnaces
55. Non-ferrous metal processing industries such as Lead, Zinc, Copper, Aluminium smelting, secondary Lead processing or recovery of metals including silver recovery from photographic chemical solutions
56. Cement industries (clinker grinding, manufacturing or repacking)
57. Concrete batching plants exceeding a capacity of 50 or more cubic meters per day
58. Glass or glass product manufacturing industries
59. Lime kilns having a production capacity of 20 or more metric tons per day
60. Ceramic industries where more than 25 or more workers are employed
61. Processing of non-metallic minerals (i.e. limestone, shell, dolomite, apatite, rock phosphate, sand stone, feldspar, quartz, ilmenite, rutile, zircon, mica, graphite, kaolin etc.)
62. Granite crushing or processing industries having a total production capacity of 25 or more cubic meters per day
63. Paper and Pulp Industries excluding hand made papers
64. Any chemical manufacturing industry not elsewhere specified in this list
65. Any common wastewater (industrial or sewage) treatment plants
66. Incinerators having an input capacity of 5 or more metric tons per day and crematoriums
67. All hazardous waste disposal sites
68. Water treatment plants with treatment capacity of 10,000 or more cubic meters per day
69. Industries involved in chemical treatment and preservation of wood (Excluding Boron treatment)
70. Saw mills having a milling capacity of 50 or more cubic meters per day
71. Hotels, Guest Houses, Rest Houses with 20 or more rooms
72. Hostels having a boarding capacity of 200 or more boarders
73. Any industry where 200 or more workers per shift are employed
74. Mechanized mining activities with multi bore hole blasting with delay detonators.
75. Single bore hole blasting activities with production capacity exceeding 600 or more cubic meters per month.
76. Granite boulders making or processing industries.
77. Metal fabricating industries, machinery, machine tools, equipments manufacturing or assembling industries where 25 or more workers are employed.
78. Automobile assembly industries.
79. Vehicle service stations or container yards having vehicle service activities.
80. Any industry not indicated above which discharges 3 or more cubic meters of wastewater per day or using toxic chemical in its process.

PART B

2. (a) a fee of Rupees 3,000 shall be levied in respect of each application for the issue; and
- (b) a fee of Rupees 3,000 shall be levied in respect of each application for the renewal

of the Environmental Protection License for the following activities :—

1. Soaps, detergents or any other cleansing preparations manufacturing industries where less than 25 workers are employed.
2. Bulk petroleum liquid storage facilities having a total capacity less than 150 metric tons
3. Ribbed smoke rubber sheets manufacturing industries having a production capacity of more than 50 kilograms per day and less than 100 kilograms per day.
4. Coconut shell burning industries having a total input capacity of more than 1,000 coconut shells and less than 10,000 coconut shells per batch within a single production cycle.
5. Industries involved in manufacturing, extracting or formulating Ayurvedic, Indigenous medicinal products where more than 10 workers and less than 25 workers are employed.
6. Printing presses excluding lead smelting.
7. Batik industries where less than 10 workers are employed
8. Industries involved in the use of fibre glass as a raw material where less than 10 workers are employed
9. Commercial laundries with dry cleaning operations using organic solvents where less than 10 workers are employed.
10. Leather finishing industries other than having effluent generating wet operations.
11. Coconut fibre mills excluding bleaching or dyeing processes of natural fibre are carried out
12. Power looms having less than 25 weaving machines
13. Hand looms having more than 10 looms
14. Sugar cane industries excluding sugar factories or sugar refineries
15. Vegetable, fruit, meat, seafood, milk processing industries where more than 5 workers and less than 25 workers are employed.
16. Coconut oil extraction industries where more than 10 workers and less than 25 workers are employed.
17. Bakery products, biscuits, confectionery manufacturing industries where more than 5 workers and less than 25 workers are employed
18. Non-alcoholic beverages manufacturing industries where more than 10 workers and less than 25 workers are employed.
19. Bottling plants other than plants having bottle washing operations using caustic soda.
20. Rice mills having wet process and having a production capacity of less than 5000 kilograms per day
21. Rice mills having dry operation process (other than having wet process)
22. Grinding mills.
23. Poultry farms having more than 50 birds and less than 2500 birds
24. Piggeries having more than 5 animals and less than 50 animals
25. Cattle, goat farms having more than 10 animals and less than 50 animals
26. Animal feed manufacturing industries, having a capacity of less than 25 metric tons per day
27. Electrical power generating industries having a total capacity of more than 100 KW and less than 300 KW excluding hydro or solar or wind power generation
28. Concrete batching plants having a capacity of less than 50 cubic meters per day
29. Concrete pre-cast industries
30. Mechanized cement block manufacturing industries
31. Lime kilns having a production capacity of less than 20 metric tons
32. Ceramic industries where less than 25 workers are employed
33. Tiles and bricks kilns
34. Granite crushing or processing industries having a total production capacity of less than 25 cubic meters per day excluding manual crushing operations using hand tools
35. Incinerators having an input capacity of less than 5 metric tons per day
36. Industries involved in Boron treatment of wood
37. Saw mills having a milling capacity of less than 50 cubic meters per day
38. Carpentry workshops which use electricity power more than 3 HP
39. Residential hotels, Guest houses, Rest houses with less than 20 rooms

40. Non-residential hotels, restaurants, eating houses with cooking facilities where more than 5 workers are employed
41. Hostels having a boarding capacity of more than 25 and less than 200 boarders
42. Garment industries where more than 10 workers and less than 200 workers per shift are employed
43. Single bore hole blasting activities having a production capacity of less than 600 cubic meters per month or other single bore hole blasting activities using explosives
44. Metal fabricating industries, machinery, machine tools, equipment manufacturing or assembling industries (including lathe workshops and welding shops) where less than 25 workers are employed
45. Garages where vehicle repairing activities or maintenance activities are carried out (including the facilities of carrying out, repairing, maintenance and installation of auto air conditions)

12-263/2

LD.B 4/81

NATIONAL ENVIRONMENTAL ACT, NO. 47 OF 1980

REGULATIONS made by the Minister of Forestry and Environment under section 32 read with section 23CC of the National Environmental Act, No. 47 of 1980 as amended by Act, Nos. 56 of 1988 and 53 of 2000.

MAHINDA WUESERKERE,
Minister of Forestry and Environment.

Colombo,
21st November, 2000.

Regulations

National Environmental (Procedure for approval of projects) Regulation No. 1 of 1993 published in *Gazette Extraordinary* No. 772/22 of June 24, 1993 is hereby amended as follows :—

(1) In regulation 7 thereof -

- (a) by the substitution for paragraph (ii) thereof of the following :—
(ii) upon receipt of an Initial Environmental Examination Report, the Project Approving Agency shall submit a copy thereof to the Authority;
- (b) by the repeal of paragraphs (iii) and (iv) of that regulation ;

(2) by the repeal of paragraphs (i) and (ii) of regulation 8 thereof :

(3) by the substitution for regulation 9 thereof of the following :—

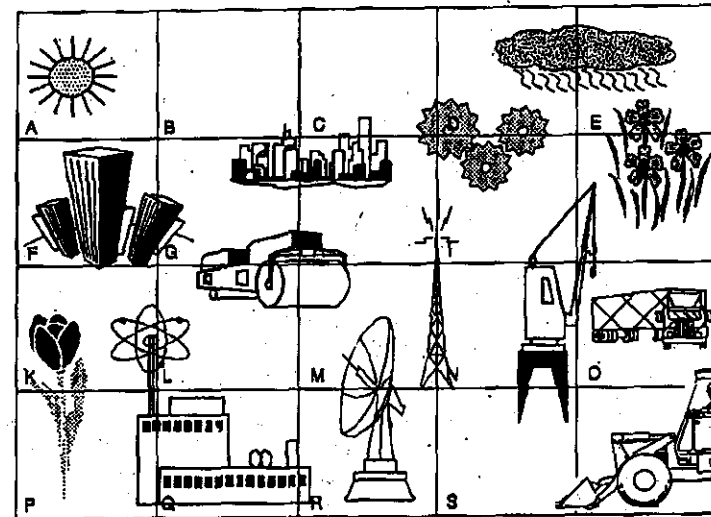
9. Upon receipt of the Initial Environmental Examination Report, the Project Approving Agency shall within a period of 21 days -

- (i) grant approval for the implementation of the proposed project subject to specified conditions ; or
- (ii) request the project proponent to submit an Environmental Impact Assessment Report ; or
- (iii) refuse approval for the implementation of the proposed project with reasons for doing so.

12-263/3

GUIDANCE FOR IMPLEMENTING THE ENVIRONMENTAL IMPACT ASSESSMENT (EIA) PROCESS

No 1 : A General Guide for Project Approving Agencies (PAA)



Central Environmental Authority
 Ministry of Forestry and Environment
 Third Edition 1998

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**A GUIDE FOR IMPLEMENTING THE EIA
PROCESS**

A Standard Agreed EIA Procedure Based on the Gazette (Extra-ordinary) No:
772/22 dated 24th June 1993 and No: 859/14 dated 23rd February 1995 of the
Democratic Socialist Republic of Sri Lanka

D.1-40



This document shall be referred to as :

**"A Guide for Implementing the EIA Process, No.1, 1998.
Central Environmental Authority, Sri Lanka".**

ACKNOWLEDGEMENT

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FOREWORD

Environmental Impact Assessment has gained wide recognition as a useful tool for promoting environmentally sound and sustainable development. In Sri Lanka, the EIA process was first introduced through the legislation of the Coast Conservation Act No 57 of 1981. This was confined to only a 300 meter strip of land along the coastal zone of the island. Subsequently an EIA system for the whole country was administratively introduced in January 1984, by a decision of the Cabinet of Ministers. It was made applicable to all development activities including public and private sector projects.

The statutory introduction was made by an amendment to the National Environmental Act (Act No 56 of 1988). As required by this amendment projects that should undergo the EIA process and the procedures and methods to be adopted were gazetted on 24th June 1993 and are contained in Gazette Extra-ordinary No 772/22. The process is managed and monitored by the Central Environmental Authority and implemented through 17 State Agencies. A unique feature of the EIA process is that it is an open process allowing for public participation in decision making.

Several guidelines on the implementation of the EIA process have been developed by countries in the region, donor agencies and banks such as the World Bank and the Asian Development Bank. Although these could be made use of to a certain extent in the implementation of the EIA process in Sri Lanka, it should be noted that these have to be adapted to reflect the unique environmental characteristics of the country. In view of this, the CEA in association with NAREPP/IRG have commenced the preparation of a series of guidance documents for implementing the EIA process in Sri Lanka.

The General Guide for Project Approving Agencies (PAA) was published in 1993, as the 1st publication under this series. We are happy to publish the 3rd edition of this document incorporating amendments to the previous publication. We hope this publication would assist in the proper implementation of the EIA process in Sri Lanka.

T. K. Dassanayake
CHAIRMAN
CEA

September 25, 1998

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Projects and undertakings prescribed by the Hon Minister in charge of the subject of Environment for which approval shall be necessary under the provisions of part iv C of the National Environmental Act (as contained in gazette extra-ordinary no 772/22 of 24th June 1993)

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1. INSTITUTIONAL RESPONSIBILITIES

1.1 Purpose of the EIA requirement:

The purposes of environmental impact assessment (EIA) are to ensure that development options under consideration are environmentally sound and sustainable and that environmental consequences are recognised and taken into account early in project design. EIAs are intended to foster sound decision making, not to generate paperwork. The EIA process should also help public officials make decisions that are based on understanding of environmental consequences, and take actions that protect, restore and enhance the environment.

The National Environmental Act No 47 of 1980 (NEA) is our basic national charter for protection and management of the environment. The NEA was amended by Act No 56 of 1988 to include a provision relating to environmental impact assessment contained in Part IV C of the statute entitled "Approval of Projects." Under the provisions of section 23 Z of the NEA the EIA process applies only to "Prescribed Projects" which have been specified by the Minister in charge of the subject of Environment in Gazette Extra-ordinary No 772/22 of 24th June 1993 and will be implemented through designated Project Approving Agencies (PAA) as prescribed by the Minister under Section 23 Y of the NEA. Under Section 23 CC of the NEA, regulations have been made by the Minister stating the procedures that should be followed in order to achieve the EIA requirements of the NEA.

The Central Environmental Authority as the agency charged with the responsibility of implementing the above provisions of the NEA, will promptly advise PAAs of any amendments to the NEA relevant to Part IV C and/or the orders and regulations included in Gazette Extra-ordinary No 772/22 of 24th June, 1993.

1.2 Goals of Project Approving Agencies (PAA):

At present, 17 state agencies have been specified as Project Approving Agencies (PAA) by the Minister under Section 23Y of the NEA as contained in Gazette Extra-Ordinary No. 259/14 of 23rd February 1995. (Appendix 6). The EIA practices and procedures of every PAA should ensure that high quality environmental information is available to public officials and citizens before decisions are made and before the government makes any significant commitment of environmental resources. To achieve this goal, Project.

Approving Agencies should to the fullest extent possible:

- ◆ Interpret and administer the applicable provisions of the NEA and the National Environmental (Procedure for approval of projects) Regulations as gazetted from time to time, to implement the EIA process.
- ◆ Subject all Prescribed Projects to the EIA Process
- ◆ Make the EIA process useful to decision makers and the public by emphasizing real environmental issues and alternatives resulting in concise, clear, well focussed assessments.
- ◆ Integrate EIA requirements with other planning and environmental review procedures required by law or by agency practice so that all such procedures run concurrently rather than consecutively.
- ◆ Facilitate public involvement in decisions which affect the quality of the environment.
- ◆ Use the EIA process to identify and assess reasonable alternatives to proposed actions that may avoid or minimize adverse effects on the quality of the environment.
- ◆ Use all practicable means, consistent with NEA requirements and other essential considerations of national policy to restore and enhance the quality of the environment and avoid or minimize any possible adverse environmental effects of their actions.

1.3 EIA/PAA Inter-Agency Committee

The CEA will help PAAs meet these objectives through an EIA/PAA Inter-Agency Committee, established under the chairmanship of the Secretary of the Ministry in charge of the subject of Environment. The Committee will be convened by the CEA. The Committee is intended to help the Ministry and the CEA to oversee and facilitate the EIA process. *The committee shall include representatives of all PAAs, and participation of NGOs will also be invited. The functions of this committee will be:*

- (a) to review the positional status of the implementation of the EIA process;
- (b) to advise and guide the PAAs;
- (c) to recommend approaches for integrating EIAs into national policy and planning frameworks.

This committee will meet once every 2 months, or as and when required.

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1.4 PAA responsibilities:

It is the responsibility of every Project Approving Agency (PAA) to carry out the requirements stated in section 1.2 effectively and practically. Primary responsibilities of the PAA are to:

- ◆ subject all prescribed projects to IEE/EIA requirements;
- ◆ ensure and guide proper scoping processes for EIAs/IEEs;
- ◆ draft Terms of Reference (ToR) for IEEs or EIAs;
- ◆ establish, conduct, and participate in technical evaluation and reviews during and after EIA preparation;
- ◆ ensure public notification of availability of IEE/EIA for public review;
- ◆ evaluate and respond to comments received from the public or other agencies;
- ◆ establish necessary mitigatory measures and ensure that they are incorporated in any permit or approval conditions;
- ◆ ensure implementation of the conditions through effective monitoring;
- ◆ help investors and EIA preparers to apply information to EIAs that is available within the PAA and its components;
- ◆ obtain concurrence of the CEA prior to making an EIA project decision.

1.5 PAA operating procedures:

To carry out these responsibilities each PAA should establish its own operating procedures that match its own organization and meet its own particular needs. PAAs are advised to establish the following procedures and management practices:

1.5.1 EIA Cell

- (a) Legal responsibility for all decisions of the PAA respecting the EIA process is:
 - for a PAA Ministry, the Secretary;
 - for a PAA Department, the Head;
 - for a PAA Authority/Bureau, the Chief Executive.
- (b) An EIA Cell should be established within each PAA for each subject area. The EIA cell will be responsible for administering the EIA process within the PAA. It may have a small permanent staff, or it may depend on staff from other components of the PAA. A member of the cell should be designated as the focal point to interact with CEA, other PAAs, and