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Govt. of the People's Republic of Bangladesh
Ministry of Environment and Forest
Notification
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By the power delegated by SRO no 197 Law/97 Law of Conservation of Environment of Bangladesh 1 1995 (No. 1 Law of 1995) under clause 20 the Govt. framed the following rules -

1. **Title in brief:** This rule would be known as Rule for Conservation of Environment 1997.
2. **Definition:** If there is nothing against the subject or context according to this rule -
 - a. "Directorate" would mean Directorate of Environment under clause (3) sub - clause (1).
 - b. "Law" would mean Law of Conservation of Environment of Bangladesh, 1995 No. 1 Law of 1995).
 - c. "Schedule" would mean any Schedule relating to this rule.
 - d. "Clause" would mean any clause relating to law.
 - e. "Form" would mean any form relating to this rule.
 - f. "Local Authority" would mean City Corporation in case of Metropolitan Areas Municipal Corporation in case of Municipal Areas, and Union Council in case of Rural Areas.
3. **Ecologically Critical Area Declaration**
 - (1) According to the provision made by Clause (5) sub-clause (1) if any area is to be declared "Ecologically Critical Area" the Govt. would take into consideration the following aspects -
 - a) Human inhabitation
 - b) Ancient Memorial
 - c) Archeological Venues
 - d) Sanctuary
 - e) National park
 - f) Game Reserve
 - g) Marsh
 - h) Mangrove
 - i) Forest Area
 - j) Area - based Varieties in animals and
 - k) Other aspects related to this.
 - (2) The Govt. would determine which of the activities or processes could not be continued or started in the Ecologically Critical Area - according to the standard mentioned under rules 12 & 13.
4. **Vehicles harmful for health:** Vehicles exceeding the standard mentioned in schedules 6 and 7 would be regarded as vehicles exhausting gas harmful for the environment or for health.

5. Application related to Environmental Pollution or decadence:

- (1) According to clause-8 sub-clause (1) any, person who is affected or frightened to be affected, will apply to the Director General in form-I asking for redressing the loss mentioned above or probable loss.
- 2) According, to sub - clause 1, with in three months after receiving the application, the Director General would settle the case on the basis of clause (8) sub - clause (2).

6. Notification for Collecting Samples:

According to clause II sub - clause (3) item (a) the sample collecting officer, on the basis of Form-2, will serve a notice to the Occupant or the agent of the attached area - regarding his intention.

7. Procedures for issuing a licence on Environment:

- (1) With a view to issuing a licence on Environment, the industrial organisations and the projects - according to their effects on the environment and their location - will be divided into four categories -

- a) Green
- b) Orange - a
- c) Orange - b
- d) Red

- (2) The description of the industrial organisations and projects include under four categories mentioned (above) in sub - clause (1) has been given in schedule-I.

- (3) The licence on Environment will be issued to the existing industrial organisations and project of all categories and in case of proposed industrial organisations and projects under "Green" category.

- (4) The proposed industrial organisations and projects under "Orange - a" "Orange - b" and "Red" categories licence will be issued first on Location and then on their Environment.

But there is a condition that on the basis of application for any of the industrial or projects, if the Director General thinks it suitable then he can directly issue a licence on Environment without issuing a licence on location of the organisation or projects.

- (5) The person who takes the initiative for starting an industry or a project, will apply to the relevant officer of the Directorate in form-3 with appropriate amount of fees as mentioned in schedule 13 - for getting a licence on Environment.

- (6) With the application mentioned in sub-clause (5) the following documents should be attached -

(a) For "Green" category

- i) General information regarding the industrial organisation or project.
- ii) Actual statement of the products - which will be produced - along with their raw materials.
- iii) No objection certificate from the local authority.

(b) For "Orange - a" category:

- i) General information of the industrial organisation or project.
- ii) Actual description of the products to be produced along with their raw materials.
- iii) No objection Certificate from the local authority.
- iv) Flow diagram of the processes.
- v) Lay-out plan (Location of the effluent Treatment Plant - marked).

- vi) Arrangements for outflow of effluent.
- vii) Outline of the plan for reinstalment and rehabilitation (where applicable).
- viii) Other necessary information (where applicable).

(c) **For “Orange - b” category:**

- i) Survey Report regarding the possibility of industrial organisation or project (applicable only to the proposed industrial organisation or project).
- ii) Initial Environmental Examination Report will include the Process Flow Diagram Lay-out Plan (Location of the Effluent Treatment Plant - marked), design of the Effluent Treatment Plant of the relevant industrial organisation or project (applicable only to the proposed industrial organisation or project).
- iii) Report on Environmental Management Plan which will include the Process Flow Diagram Lay - out Plan (Location of the Effluent Treatment Plant - marked), design of the Effluent Treatment Plant and information regarding the utility/effectiveness of the Plant (applicable only to the existing industrial organisation or project).
- iv) No objection certification of the local authority and
- v) Urgent plan regarding adverse effect on the Environment as well as plan for decreasing acute pollution.
- vi) Outline of the plan for reinstalment and rehabilitation (where applicable).
- vii) Other necessary information.

(d) **For “Red” category**

- (i) Survey Report on the possibility of the industrial organisation or project (applicable only to the proposed industry or project).
- (ii) Initial Environmental Examination Report which will include the scope for Environmental Impact Assessment and Process Flow Diagram of the relevant industrial institution or the project on the Environmental Impact Assessment Report developed on the basis of its scope and which is already approved by the Directorate which will include the Lay - out Plan of the industrial institution on the project (Location of the Effluent Treatment Plant - marked), design of the Effluent Plant with timetable and Process Flow Diagram (applicable only to the proposed industrial institution or project).
- (iii) Report on Environmental Management Plan which will include Process Flow Diagram of the relevant industrial organisation or project, Lay - out Plan (Location of the Effluent Treatment Plant - marked) design of the Effluent Treatment Plant & information regarding its utility/effectiveness (applicable only to the existing industrial organisation or project).
- iv) No objection certificate from the local authority.
- v) Urgent Plan regarding adverse effects on the Environment and Plan for decreasing acute pollution.
- vi) Outline Plan for reinstalment and rehabilitation.
- (vii) Other necessary information (where applicable).
- (7) In case of industrial organisation or project under “Green” category the licence on Environment will be issued to the person who takes the initiative for stalling the industry or project within fifteen working days after receiving the application - under sub - clause (5) and the documents mentioned in sub - clause (6).
- (8) In case of proposed industrial organisations or projects under “Orange” - a category, within thirty working days after receiving the documents and application and within sixth working days after receiving, documents from “Orange” - b and “Red” categories, licences will be issued to the person who takes the initiative or the application will be rejected on appropriate grounds.
- (9) After receiving the licence on Location as mentioned in sub - clause (8), the organiser
- (i) Take steps for Land development as well as structural development.

- (ii) Initial instruments including Effluent Treatment Plant (ETP) (applicable only in cases of Orange - a and Orange - b category industrial organisations and projects).
- (iii) After completing the steps mentioned above (i & ii). The organiser will apply for having a licence on Environment information the steps already taken. It would not be possible to have gas connection without having licence on Environment In case of industrial organisation, production on trial basis and in case of others, projects could not be started (applicable only in cases of industrial organisations and projects under Orange - a and Orange - b).
- (10) On the basis of the scope for work as mentioned in Initial Environmental Examination (LEE) Report, a report will be developed on Environmental Impact Assessment (EIA) and with a design of Effluent Treatment Plant (ETP), the report along with the schedule will be submitted to the Directorate for approval (applicable only to Red category industrial organisations and other projects).
- (11) After receiving the application as mentioned in sub - clause (9) item (3), within fifteen working days in case of Orange - a category industrial organisations & projects and within thirty working days in case of Orange - b category industries and projects, licence on Environment would be issued to the Organisers or application would be rejected on appropriate grounds.
- (12) After receiving the application as mentioned in sub - clause (9) item (4) within sixty working days in case of Red category industries and projects, the Environmental Impact Assessment (EIA) Report along with the design of Effluent will be approved or rejected on appropriate grounds.
- (13) After getting approval of the Environmental Impact Assessment (EIA) as mentioned in sub - clause (ii), the Organiser will -
- (i) Open an L/C for importable instruments including Instruments needed for Effluent Treatment Plant (ETP) and
- (ii) Apply for licence on Environment after installing Effluent Treatment Plant (ETP) it would not be possible to get gas connection without getting the licence mentioned above and in case of industrial organisation production on trial basis and in case of others the project could not be started.
- (14) After receiving the application as mentioned in sub - clause (12) item (2) within thirty working days in case of Red category industrial organisation and project licence on Environment will be issued to the relevant Organiser or the application will be rejected on appropriate grounds.
- (15) In case of existing industrial organisation or project under Orange - a category, a licence on Environment will be issued to the Organiser of the relevant industry or project within 30 working days after receiving the documents and application and within 60 working days after receiving the same from Orange - b and Red category, licence on Environment will be issued to the Organisers or applications will be rejected on appropriate grounds.

8. The duration of the licence on Environment

- (i) The duration of this type of licence will be, in case of “Green” category, three years and in case of other categories, one year, starting from the date of issue of the licence.
- (ii) All kinds of licence on Environment should be renewed at last thirty days ahead of the completion of the duration.

9. Appeal

- (1) The appeal, filed/submitted against any notice/order or instruction under clause (14) will clearly mention the causes for objection, in short.
- (2) Each appeal will include the documents mentioned below:
- (i) An attested copy, of the notice, order or instruction against which the appeal is being filed.
- (ii) A copy of the licence on Environment (if available).
- (iii) A copy, of the treasury Chalan as a proof that Tk. One thousand has been deposited as appeal fee.
- (iv) Other documents related to the appeal.

10. **Procedures followed by tile appeal authority**

- (1) The appeal authority while fixing a date for hearing will take into consideration the time needed for official formalities and for serving a notice to the opponent.
- (2) The notice or order, or instruction the office against which the appeal has been filed, the appeal authority will serve a notice to that office of the Directorate mentioning the date - along with a copy of the appeal.
- (3) For settling the appeal, the authority can send a summons to the appellant or opponent at any time asking for all kinds of necessary documents and information.

11. **The Procedures for hearing appeal**

- (1) What the appellant wants to say in favour of his appeal will be listened to on the date fixed for hearing or if hearing is postponed - on the next date fixed.
- (2) On the date fixed for hearing or if hearing is postponed, on the next date if the appellant is not present then the appeal authority can issue an order for dismissing the appeal.
- (3) If the appellant is present but the opponent is absent, then there will be one - sided hearing.
- (4) If the appeal is dismissed according to sub - clause (2), the appellant will be able to apply again to the authority within thirty working days - starting from the date of issuing the order of dismissal.
- (5) The appeal authority, after hearing from the parties or anyone party can approve, change or cancel any of the controversial notices, orders or instructions.
- (6) The authority will give reasonable causes supporting their decision and they will also mention what remedy the appellant can get.
- (7) The copy of the order issued by the appeal authority will be sent as early as possible to the appellant, to the relevant office of the Directorate and to the Director General.

12. **Determination of Standard of the Environment**

To fulfill the objectives mentioned in clause (20) sub - clause (2) item (a) the standard of air, water, sound and smell including the standard of other components will be determined on the basis of the standard mentioned in schedules 2, 3, 4, 5, 6, 7 & 8.

13. **Determination of Standard regarding the outflow of effluent:**

To fulfill the objectives mentioned in clause (20) sub - clause (2) item (2) the standards for outflow of liquid effluent and that of gaseous particle will be determined on the basis of the standard mentioned of the outflow of effluent from industries will be determined on schedule 12.

14. **Fees for renewal of licence or licence on Environment:**

The fees for renewal of licence or licence on the Environment will be paid according to schedule 13.

15. **Different types of services and their fees:**

- i) Because of submission of application by any individual or organisation, information or data of the sample analysis of water, liquid effluent, air and sound will be supplied by the Directorate.
- ii) The appropriate amount of fees will be given for the services mentioned in sub - clause (1) schedule 14.

16. **Procedures for giving fees:**

Under this rule, the due fees should be deposited in favour of different Director Generals through Treasury Chalan under "Head - 65 - Miscellaneous income tax free revenue" in Bangladesh Bank or in the Govt. treasury and the copy of the Chalan should be attached with the application.

17. **Informing about the special incident:**

If there is any outflow in any place which can pollute the environment and which is beyond the limit fixed or because of any accident or any unseen event or activity, then the person or persons in charge of that area - (which is polluted or dangerous) - will immediately inform the Director General about the incident.