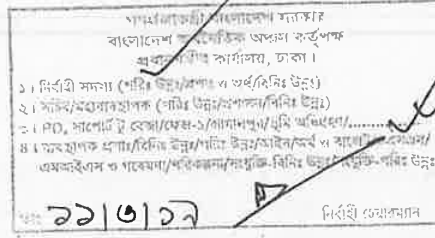


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শেখ হাসিনার নির্দেশ
জলবায়ুসহিষ্ণু বাংলাদেশ



শেখ হাসিনার বাংলাদেশ
পরিচ্ছন্ন পরিবেশ

Government of the People's Republic of Bangladesh
Ministry of Environment, Forest and Climate Change
Environment Section-3

www.moef.gov.bd

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Date: 19.02.2019

Circular

Subject: Standard Operational Procedure for issuing Environmental Clearance Certificate by the Department of Environment with a view to providing One Stop Service(OSS)of Bangladesh Economic Zone Authority (BEZA).

1. The Government proclaimed The Bangladesh Environment Conservation Act, in 1995 to save the environment, environmental quality improvement and control & mitigation of environmental pollution. This law is termed as The Bangladesh Environment Conservation Act, 1995 which was reformed later in 2010.

2. For fulfilling the objectives of the Bangladesh Environment Conservation Act, 1995, the Government proclaimed Environment Conservation Rules, 1997 in 1997 being empowered by Section 20 of this Act.

3. According to Section 12(1) of Bangladesh Environment Conservation Act, 1995 (Reformed 2010), as per the system of rule from the Director General, no Industrial Organization will be allowed to establish or no project will be allowed to take in any area without environmental clearance certificate.

4. In order to provide environmental clearance in Rule 7 of the Environment Protection Rules 1997, according to the impact on the environment and the location, industrial companies and projects have been divided into the following 04 (four) categories-

1. Green
2. Orange-A
3. Orange-B
4. Red

List of the industrial organizations and projects under the above-mentioned categories has been provided in schedule-1 of Environment Conservation Rules, 1997.

5. There is the rule of providing environmental clearance certificate in case of all types of existing industrial organizations and projects and Green Classes recommended industries and projects.

6. Through the SRO, published in the gazette on 20.05.2008 by the Ministry of Environment and Forests, notification was issued that no Site Clearance will be required in case of proposed industries and projects in the Export Processing Zone (Government/Private) and BSCIC industrial area. So industries/projects of category Green, Orange-A and Orange-B situated within Economic Zone, issuance of only Environmental Clearance Certificate (ECC) will be applicable.

In this matter for the establishment of Projects/Industries within EZ's of Green, Orange-A and Orange-B categories- the investors have to apply first with all necessary papers to DoE without going into any kind of construction works. After completion of the required procedures, the DoE will issue the ECC within the stipulated time. After expiration of the ECC, the investor has to apply for renewal to DoE.

7. In case of Red Category proposed industries and projects within Economic Zone, without the site clearance proposed Environmental Impact Assessment-EIA, ToR has been approved outright. Thereafter, EIA report has been approved if the report has been prepared following the approved ToR. After that on the basis of the stages of implementation of mitigation measures as mentioned in the EIA report Environmental Clearance Certificate (ECC) will be issued.

8. Power has been given to all district offices by the Director General to issue site/environmental clearance certificate outright in case of Green and Orange-A categories of industries and projects. Besides, in case of Orange-B cases industries and projects, power has been given to all Divisional/Regional/Metropolitan offices to issue site/environmental clearance certificate outright.

9. For the approval of clearance certificate for the Orange-B Category industries and projects, Environmental Clearance Committee has been formed in each Divisional/Regional/Metropolitan office according to the power given in Section 12(4) of Bangladesh Environment Conservation Act, 1995 (Revised 2010). As per TOR of the committee, in each meeting of Environmental Clearance Committee formed for Orange-B category, after reviewing the opinions from the district offices, application received for Site/Environmental clearance certificate of Orange-B Category of industries/projects with, approval has been given in applicable cases or if there are any lacks of information that will be highlighted in the minutes of the meeting.

10. Red Category Projects/Industries

10.1. In case of Red Category of industries and projects, the ToR of the proposed EIA has been approved directly by outright by the Director General. After submitting the EIA report prepared as per the approved ToR to the respective office, that has been sent to Head Office. After that the submitted EIA report is reviewed in the meeting of Environmental Clearance committee of Head Office and in applicable cases approval is given or comments has been added to the minutes of the meeting. According to the decision of the meeting the district/divisional/regional/metropolitan office in case of red category of industries/projects has issued Letter of Approval of EIA/issue environmental clearance or issue letter if there is any lack of information. But in case of Nationally Important priority Project (e.g. Natural Gas Extraction, Gas transmission Pipeline installation, Big Power Plant etc.) after approval from Director General, EIA approval/Issuing Environmental Clearance Certificate has been done directly from the Head Office.

10.2. The primary of data generated for the preparation of EIA's of EZ's which are already got an EIA Approval and ECC, can be used by the Red categories of proposed projects/industries which will be set up later on within the same EZ's. But the 'Validity Period for the use of Primary Data generation and used for the preparation of the EIA of EZs, for the use in the preparation of EIA of the Individual Projects/Industries will 5 (Five) years'. Also, the regular monitoring data of the other industries can be used as primary data for the preparation of the EIA's of other proposed red category of industries within the same EZ's.

10.3. For the 'Red Category' of Projects/Industries after approval of the ToR and before approval of the EIA – the investor can go for some temporary work like – construction of temporary office shed, labor shed, preliminary construction of storage depot for the construction materials, temporary roads etc. But investor cannot build any permanent structure of the project.

10.4 The ECR, 1997 rules and necessary steps for the RED CATEGORIES of projects/industries should be followed for the Issuance of the Environmental Clearance Certificate for the construction and establishment of a) Central Effluent Treatment Plant (CETP); b) Water Treatment Plant (WTP) and c) Sewerage Treatment Plant (STP) within the Economic Zones (EZ's).

11. Time Line for Issuing ECC: To provide OSS investors has given the following time line to complete the processing and issuance of ECC:

CATEGORY	TYPE OF CLEARANCE CERTIFICATE	TIME LINE (WORK DAYS)	COMMENTS
GREEN	ENVIRONMENTAL	07	
ORAGNE-A	SITE	15	N/A
ORANGE-A	ENVIRONMENTAL	07	
ORANGE-B	SITE	21	N/A
ORANGE-B	ENVIRONMENTAL	20	
RED	APPROVAL OF TOR	15	
RED	EIA APPROVAL	30	
RED	ENVIRONMENTAL	30	

12. Application for Clearance Certificate submitting office: - If the SITE of the industries or projects in favor of which the application for Clearance Certificate is to be submitted is-

- (1) In any district where there is district office of the Department of Environment, in that case the application will have to be submitted in the said district office;
- (2) In such a district where there is no district office of the Department of Environment, in that case application will have to be submitted in the district/divisional office under related jurisdiction of that office;
- (3) Any Metropolitan City, in that case application will have to be submitted to the related Metropolitan City office. If there is no separate office for the Metropolitan City, application will have to be submitted to the related district office;
- (4) If the site of the industry/project falls under more than one district under the same division, in that case the application will have to be submitted to the related Regional/Divisional offices;
- (5) If the site of the industry/project falls under more than one division, in that case the application will have to be submitted in the Head Quarter.

13. Procedures for Issuing Clearance Certificate for Green Category:

(1) In case of all existing and proposed Green Categories of industries and projects, there is the rule to issue the Environmental Clearance Certificate. In this case to obtain the environmental clearance certificate the investor/entrepreneur of every Green Classes industry and Project will have to apply to the related office of Department of Environment attaching necessary papers mentioned in Appendix-1.

(2) After receipt of the application from the investor/entrepreneur with all necessary papers/documents mentioned in the Appendix-1, the related DoE office will issue Environmental Clearance Certificate within 07 (Seven) working days. For any reason, if the application is not approved, the applicant will have to be informed in writing about the reasons of non-approval within 07 working days. That is the appeal will be disposed within 07 working days of receipt of full application. As per ECR, 1997, application for renewal of the ECC will have to be submitted in due time.

14. Procedures for Issuing Clearance Certificate for Orange-A Category:

(1) Entrepreneur of every Orange-B category of industry or project will have to apply to the related office of the Department of Environment for the environmental clearance certificate attaching all necessary papers/documents mentioned in Appendix-2.

(2) After receiving the application of the investor/entrepreneur, the site of industry or the project will be visited physically by the personnel of related office. If the overall environmental activities of the industry or the project and the submitted papers, mentioned in the visit report, are considered satisfactory, environmental certificate will be issued directly from the related office within 07 (Seven) working days. For any reason, if the application is not approved, the applicant will have to be informed in writing about the reasons of non-approval within 07 (Seven) working days. That is the appeal will be disposed within 07 (Seven) working days of receipt of full application. As per ECR,1997, application for renewal of the ECC will have to be submitted in due time.

15. Procedures for Issuing Clearance Certificate for Orange-B Category:

(1) Entrepreneur of every Orange-B category industry or project will have to apply to the related office of the department of environment for the environmental clearance certificate after filling the prescribed form for application (Form-3) attaching necessary papers mentioned in Appendix-3

(2) After receiving the application of the entrepreneur, the industry or the project will be visited physically by the personnel of related office. If the overall environmental activities of the industry or the project and the submitted papers, mentioned in the visit report, are considered satisfactory, environmental certificate will be provided directly from the related office within 20 (Twenty) working days. For any reason, if the application is not approved, the applicant will have to be informed in writing about the reasons of non-approval within 20 (Twenty) working days. That is the appeal will be disposed within 20 (Twenty) working days of receipt of full application.

16. The Procedure for proposed RED Categories of Industries/Projects for the Approval of the Proposed (Draft) Terms of Reference-ToR for conducting an EIA, Approval of EIA Report and Issuance of Environmental Clearance Certificate:

(1) Approval of Draft ToR of EIA:

(a) Entrepreneur of every Red Category of industry or project will have to apply to the Head Office of the Department with the DPP/Project profile of the proposed project and proposed ToR of EIA.

(b) The ToR of EIA will be approved within 15 (Fifteen) working days directly from the Head Office of Environment Department. If for any reason, if the submitted draft TOR of EIA is not approved, the applicant will be informed in writing mentioning reason within 30 (Thirty) working days.

(2) Approval of EIA:

(a) Investor/Entrepreneur of every industry or project will have to apply through ONLINE to the related field office of the Department after filling up the prescribed Form (Form3) attaching necessary papers mentioned in Appendix-4. After receiving the application, related papers and documents the field office will review by the field office and later send the full report for approval to the Environment Clearance Committee of the DoE Head Office within 10 (Ten) working days, mentioning the logics and proper /comments and opinions in favor of the approval of the EIA Report.

(b) After reviewing the submitted papers and EIA report, if the EIA report of the industry or the project is considered appropriate, the Clearance Certificate Committee of Head Office will send the recommendation to the Director General in writing within 20 (Twenty) working days. Thereafter, taking the approval of the Director General, EIA approval letter will be provided from the concerned office. If the Clearance Certificate Committee has any objection regarding approval of EIA, that will be informed to the applicant. If the applicant fails to take corrective measures for resolving the objection, he will be informed in writing regarding non-approval of the application. That is the appeal will have to dispose within 30 (Thirty) working days of receipt of full application

(3) Environmental Clearance Certificate:

(a) After approval of EIA, the entrepreneur will be able to start the work of Land Development, Construction of infrastructure/installation, L.C. opening etc. After approval of EIA and before starting the commercial operation of the industry/project completing all required activities (completing the installation of required pollution control activities) the entrepreneur will submit application to the respective office for obtaining Environmental Clearance Certificate (ECC) for starting the industry/project. After receiving the application, related papers and related matters will be reviewed/assessed by the field office and within 15 (Fifteen) working days send the full report for approval to the Environment Clearance Committee of the DoE Head Office mentioning the logics and proper comments and opinions in favor of the approval and issuing of Environmental Clearance Certificate (ECC).

(b) The Environmental Clearance Committee of the Head Office will submit the recommendation to the Director General within 15 (Fifteen) working days from the date of receipt of the application. After getting approval from the Director General, the environmental certificate will be issued from the concerned office. If the Environmental Clearance Committee has any point of observation/recommendation regarding approval of EIA, that will be informed to the applicant. If the applicant fails to take corrective measures for resolving the observation/recommendations of DoE, he will be informed in writing regarding non-approval of the application. That is the appeal will have to resolve within 30 (Thirty) working days of receipt of full application.

17. Period of Environmental Clearance Certificate:

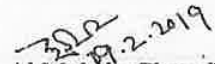
(1) The Validity period of Environmental Clearance Certificate of the Green Category industry and project is 3 (Three) years and the validity period of Orange-A, Orange-B and Red Classes industry and the project is 1 year.

(2) Application will have to submit for renewal minimum 30 (Thirty) days before the expiry for each category Environmental Clearance Certificate.

18. Renewal of Environmental Clearance Certificate:

(1) Application will have to submit in the concerned office of the Department for renewal of Environmental Clearance Certificate.

(2) After receipt of the application Environmental Clearance Certificate will renewed after visiting by the concerned officer and if the standard and other activities related to the activities described in the Monitoring Report in compliance with the terms and conditions presented in the said certificate are acceptable.


(Abdullah Al Mohsin Chowdhury)
Secretary

Necessary papers for Green Category of Industry or Project

- 1) Pollution Control Management (PCM);
- 2) General information;
- 3) BEZA's License/Registration Certificate;
- 4) Location map and Layout plan;
- 5) Detail List and Description of raw materials, Production process-flow diagram and list of Products;
- 6) Ownership deed /Lease deed/Rent agreement of the place;
- 7) License/Opinion/No-objection certificate (In applicable case) by the related Government authority.
- 8) Scheduled Clearance Certificate fees as per capital of the project (Copy of treasury chalan) and the scheduled VAT on the fees of Clearance Certificate by National Board of Revenue(Copy of treasury chalan).

Necessary papers for Orange-A Category of Industry or Project

- 1) Pollution Control Management (PCM);
- 2) General information;
- 3) BEZA's License/Registration Certificate;
- 4) Location map and Layout plan;
- 5) Detail List and Description of raw materials, Production process-flow diagram and list of Products;
- 6) Waste management Plan;
- 7) Ownership deed /Lease deed/Rent agreement of the place;
- 8) License/Opinion/No-objection certificate (In applicable case) by the Government relate authority;
- 9) Scheduled Clearance Certificate fees as per capital of the project (Copy of treasury chalan) and the scheduled VAT on the fees of Clearance Certificate by National Board of Revenue(Copy of treasury chalan).
10. Based on the industry/project required papers and documents on the Site, Technology, Type and Nature.

Appendix-3

Necessary papers for Orange-B Category of Industry or Project

- 1) Application through online filling up the prescribed form (Form-3) correctly;
- 2) General information;
- 3) Environmental Management Plan (EMP) Report;
- 4) BEZA's License/Registration Certificate;
- 5) Location map and Layout plan;
- 6) Detail List and Description of raw materials, Production process-flow diagram and list of Products;
- 7) Ownership deed /Lease deed/Rent agreement of the place;
- 8) License/Opinion/No-objection certificate (In applicable case) by the Government relate authority;
- 9) Scheduled Clearance Certificate fees as per capital of the project (Copy of treasury chalan) and the scheduled VAT on the fees of Clearance Certificate by National Board of Revenue (Copy of treasury chalan).
10. Based on the industry/project required papers and documents on the Site, Technology, Type and Nature.

Necessary papers for Red Category of Industry or Project

- 1) Application through online filling up the prescribed form (Form-3) correctly;
- 2) General information/project profile/DPP/feasibility study report;
- 3) EIA report made as per approved TOR;
- 4) BEZA's License/Registration Certificate;
- 5) Location map and Layout plan;
- 6) Description of produced goods with raw materials and process-flow diagram;
- 7) Ownership deed /Lease deed/Rent agreement of the place;
- 8) License/Opinion/No-objection certificate (In applicable case) by the Government relate authority;
- 9) Scheduled Clearance Certificate fees as per capital of the project (Copy of treasury chalan) and and the scheduled VAT on the fees of Clearance Certificate by National Board of Revenue(Copy of treasury chalan).
10. Based on the industry/project required papers and documents on the Site, Technology, Type and Nature.

No.22.00.0000.074.18.001.17.45

Date: 27.02.2019

Copy for information and necessary action to:
(Not according to seniority)

01. Cabinet Secretary, Cabinet Division, Bangladesh Secretariat, Dhaka.
02. Prime Minister's Principal Secretary, Prime Minister's Office, Tejgaon, Dhaka.
03. Senior Secretary, Internal Resources Division, Bangladesh Secretariat, Dhaka.
04. Senior Secretary, Ministry of Foreign Affairs, Segunbagicha, Dhaka-1000.
05. Senior Secretary, Local Government Division, Bangladesh Secretariat, Dhaka.
06. Senior Secretary, Legislative and Parliamentary Affairs Division, Bangladesh Secretariat, Dhaka.
07. Secretary, Ministry of Housing and Public Works, Bangladesh Secretariat, Dhaka.
08. Secretary, ICT Division, Agargaon, Dhaka.
09. Secretary, Power Division, Bangladesh Secretariat, Dhaka.
10. Secretary, Energy and Mineral Resources Division, Bangladesh Secretariat, Dhaka.
11. Secretary, Financial Institution Division, Bangladesh Secretariat, Dhaka.
12. Secretary, Ministry of Commerce, Bangladesh Secretariat, Dhaka.
13. Secretary, Secretary, Ministry of Labour and Employment, Bangladesh Secretariat, Dhaka.
14. Secretary, Ministry of Environment, Forest and Climate Change, Bangladesh Secretariat, Dhaka.
15. Secretary, Ministry of Industries, 91, Motijheel, C/A, Dhaka-1000.
16. Secretary, Ministry of Land, Bangladesh Secretariat, Dhaka.
17. Executive Chairman, BEZA, Monem Business District, 111, Bir Uttom C.R Dotto Road, Dhaka.
18. Director General, Department of Environment, Agargaon, Dhaka.



(Signature)
27.02.2019
(Monish Chakma)
Deputy Secretary
Phone: 9577223

Copy for information to:

01. Private Secretary to the Hon'ble Minister, Ministry of Environment, Forest and Climate Change.
02. Private Secretary to the Hon'ble Deputy Minister, Ministry of Environment, Forest and Climate Change.
03. Private Secretary to the Secretary, Ministry of Environment, Forest and Climate Change.
04. Personal Officer to the Additional Secretary (Environment), Ministry of Environment, Forest and Climate Change.
05. Personal Officer to the Joint Secretary (Environment-2), Ministry of Environment, Forest and Climate Change.

