



EIA PROCEDURE AND REPORT REVIEW

MODULE 1: General Introduction to EIA , Legal and Procedural Requirements



Module Objectives

- ◆ After completing this module, you will be able to:
 - Explain the basic principles and framework for the general EIA Process
 - Explain the legislative and procedural requirements for EIA
 - Understand your own formal powers and responsibilities as EIA officers
 - Have an understanding of the major new developments and approaches in the field of EIA



EIA IN MALAYSIA

- ◆ EIA procedure in Malaysia has been in place since 1988.
- ◆ Developed primarily as **an aid to the environmental planning** of new development projects or to the expansion of existing development projects.
- ◆ It is a **preventive process**
- ◆ Seeks to avoid costly mistakes in project planning and development due to environmental losses or modifications that might be required subsequently to make the project environmentally acceptable to the government and to the community.



DEFINITION OF EIA

EIA is a study to **identify, predict, evaluate** and **communicate** information about the **impacts on the environment** of a proposed project and to detail out the **mitigating measures** prior to project approval and implementation.



OBJECTIVES OF EIA

Main aim of undertaking an EIA for a project is to ensure that the project is **planned adequately** therefore environmental impacts are minimized. This is achieved by :

- ◆ evaluating various projects options
- ◆ identifying all possible environmental impacts
- ◆ formulating appropriate mitigation measures
- ◆ developing monitoring program

EIA is a process rather than a one-off assessment event.



OBJECTIVES OF EIA (cont')

EIA is primarily a **project planning tool**. It is not meant for policy or programme planning.

Main aim of the **EIA Report** is to document the EIA and the project planning process in a form that will **enable the Approving Authority to make appropriate decisions**.



The EIA Process

- Project Screening
- Project Scoping
- Project Description and consideration of alternatives
- Description of baseline cond.
- Evaluation of impacts
- Mitigation Measures
- Stakeholder involvement / public participation
- The EIA Report
- EIA Review
- Decision Making process
- EMP and monitoring / Auditing



Legal Requirements for EIA

- ◆ Section 34A – Environmental Quality Act, 1974
- ◆ 8 sub sections



Procedural Requirements for EIA

- ◆ DOE – Environmental Impact Assessment (EIA) Procedure and Requirements in Malaysia
- ◆ Preliminary assessment and review
- ◆ Detailed assessment and Review



Preliminary Assessment

- ◆ Related to the initial assessment of the impact
- ◆ Initiated at the pre-feasibility stage
- ◆ Project options and residual impacts identified
- ◆ Technical committee in DOE reviews
- ◆ OSA
- ◆ Chaired by State Director / P(N)



Detailed Assessment

- ◆ List of DEIA activities (17)
- ◆ For projects with significant residual environmental impacts
- ◆ During the project feasibility
- ◆ Based on TOR agreed upon by the ad hoc Review Panel
- ◆ Chaired by DG of DOE



ROLES AND RESPONSIBILITIES

- (a) Department of Environment
- (b) Project Initiator
- (c) EIA Consultant / Assessor
- (d) Review Panel
- (e) The Environment Related Agencies
- (f) The Public
- (g) The Approving Authority



ROLES AND RESPONSIBILITIES

(a) Department of Environment

DOE administers the EIA process by virtue of powers granted under the Environmental Quality Act 1974.

DOE has the final say whether an EIA report is approved or not.

DOE also responsible for the administrative procedures such as formulating EIA guidelines and guidance documents and regulating EIA consultants.



ROLES AND RESPONSIBILITIES

(b) Project Initiator

- ◆ The individual or organisation proposing and implementing the proposed Project
- ◆ Could be from public or the private sector
- ◆ **May be represented by a consultant.**
- ◆ **Responsible for the environmental planning of his project and must bear the cost.**
- ◆ Responsible to carry out the project and the mitigation measures.
- ◆ Must comply with EIA Conditions of Approval.



ROLES AND RESPONSIBILITIES

(c) EIA Consultant / Assessor

- ◆ Individual who conducts the environmental impact assessment.
- ◆ Employed by and **is responsible to the Project Initiator**.
- ◆ Must be registered with the DOE and has to maintain his professionalism in conducting the EIA and producing the EIA Report.
- ◆ Does **not necessarily have to be a third-party**. The assessor could also be an employee of the Project Initiator but has to be registered with the DOE and shall remain independent throughout the study.



ROLES AND RESPONSIBILITIES

(d) Review Panel

- ◆ An *ad hoc* body, consisting of experts and representatives of stakeholders
- ◆ appointed to assist the DOE in reviewing EIA reports (mostly DEIA) .
- ◆ A **different** Review Panel is formed for each DEIA. The Review Panel **is not permanent**



ROLES AND RESPONSIBILITIES

(e) The Environment Related Agencies

- ◆ Related agencies are also called to assist in reviewing EIA report or provide inputs on environmental effects and impacts.
- ◆ Agencies includes: Local Authority, Town & Country Planning, Dept. of Irrigation and Drainage, Forestry Department, Marine Department, Department of Minerals and Geosciences, etc.



ROLES AND RESPONSIBILITIES

(f) The Public

- ◆ Public can play a role in the DEIA review process
- ◆ Inputs and comments to be given on TOR & DEIA
- ◆ Participate in the public briefings or dialogues organized by the Project Initiator



ROLES AND RESPONSIBILITIES

(g) The Approving Authority

- ◆ Is the Government Authority that has the task of deciding whether a project should proceed or not;
- ◆ Factors considered:
 - environmental issues/impacts
 - development costs and the benefits to the community etc



ROLES AND RESPONSIBILITIES

The project approving authorities include (but not limited to):

- ◆ The National Development Planning Committee for Federal Government sponsored projects;
- ◆ The State Executive Council;
- ◆ The various Local Authorities or Regional Development Authorities with respect to planning approval within their respective areas; and
- ◆ The Ministry of International Trade and Industry for industrial projects.

Note : The DOE is not a project approving authority.



PROJECT CENTERED ASSESSMENT

- ◆ EIA is conducted in response to a project proposal
- ◆ the assessment procedure should be **project centered**.



INTEGRATED PROJECT PLANNING

- ◆ EIA should follow the Integrated Project Planning concept where decision shall consider technical, economic and environmental factors
- ◆ EIA **should be a continuous process** with an aim of making the project as environment-friendly as possible.



BENEFITS OF INTEGRATED PROJECT PLANNING CONCEPT

The benefits to the Project Initiator include:

- (i) Investment Security
- (ii) Social Acceptability
- (iii) Quality Planning



Environmental screening, site selection, project options, scoping of significant issues.

Assessment of significant impacts, identification of mitigation needs, input to cost/ benefit analysis.

Detailed design of mitigation measures, preparation of environmental management plan.

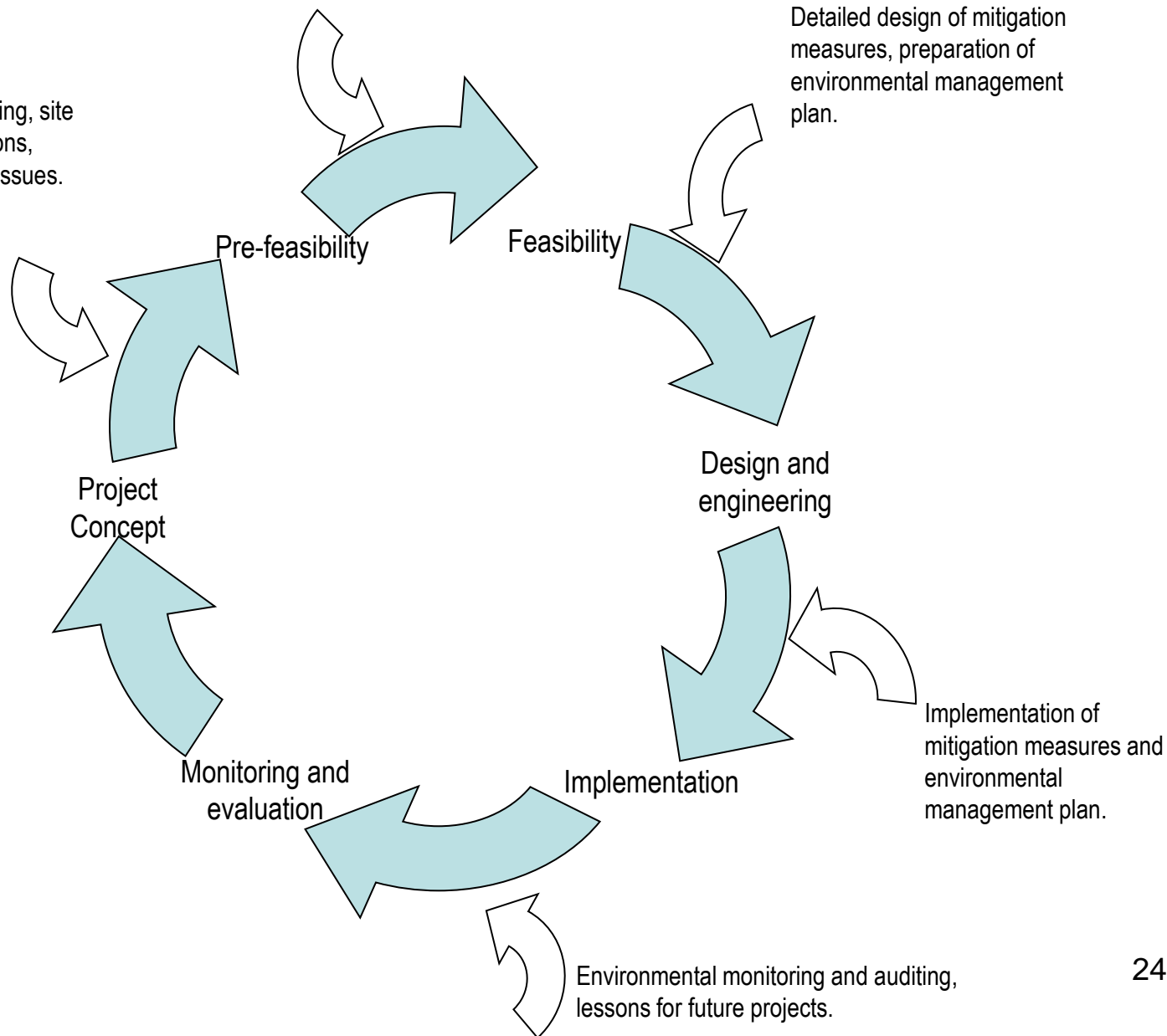


Figure 1-1



INTEGRATED PROJECT PLANNING

- ◆ **EIA is an** iterative process.
- ◆ Findings from the EIA study shall be used to improve the project design to minimize the environmental impacts
- ◆ To obtain maximum benefit from the EIA, the procedure **should be initiated early** in project planning e.g : at the commencement of the pre-feasibility or feasibility study.



INTEGRATED PROJECT PLANNING

- ◆ It is not uncommon for EIA Consultant to be engaged by the Project Initiator when the layout or project design has been finalized. In this case, much of the benefits of an EIA will not be realized.



GUIDELINES & GUIDANCE DOCUMENTS

- ◆ DOE has produced various types of guidelines and guidance documents related to EIA.
- ◆ EIA must be conducted according to these guidelines. Failure in adhering to the guidelines could results in delays in processing the EIA or even outright rejection.



GUIDELINES & GUIDANCE DOCUMENTS

Guidelines produced to date are :

- i. A Handbook of EIA Guidelines
- ii. EIA Guidelines For Coastal Resort Development Projects
- iii. EIA Guidelines For Petrochemical Industries
- iv. EIA Guidelines For Industrial Estate Development
- v. Garispanduan Penilaian Kesan Kepada Alam Sekeliling Bagi Pembangunan Padang Golf
- vi. EIA Guidelines For Groundwater and/or Surface Water Supply Projects
- vii. EIA Guidelines For Thermal Power Generation And/Or Transmission Projects
- viii. EIA Guidelines For Drainage and/or Irrigation Projects
- ix. EIA Guidelines For Fishing Harbours and/or Land Based Aquaculture Projects
- x. EIA Guidelines For Dam and/or Reservoir Projects
- xi. EIA Guidelines For Mines and Quarries
- xii. EIA Guidelines For Development of Resort And Hotel Facilities In Hill Station
- xiii. EIA Guidelines For Development of Tourist And Recreational Facilities In National Parks



GUIDELINES & GUIDANCE DOCUMENTS

- xi. EIA Guidelines For Development of Tourist And Recreational On Island In Marine Parks
- xii. EIA Guidelines For Industrial Projects
- xiii. EIA Guidelines For Municipal Solid Waste and Sewage Treatment and Disposal Projects
- xiv. EIA Guidelines For Toxic and Hazardous Waste Treatment and Disposal Projects
- xviii. EIA Guidelines For Petroleum Industries
- xix. EIA Guidelines For Forestry
- xx. EIA Guidelines For Coastal and Land Reclamation
- xxi. EIA Guidelines For Housing and Township Development Project
- xxii. EIA Guidelines For Agriculture
- xxiii. Guidelines for Prevention and Control of Soil Erosion and Siltation in Malaysia
- xxiv. EIA Guidelines For Risk Assessment
- xxv. Guidelines on the Economic Valuation of the Environmental Impacts for EIA Projects
- xxvi. Guidelines for the Preparation of TOR
- xxvii. Guidelines for Siting and Zoning of Industries



GUIDELINES & GUIDANCE DOCUMENTS

Guidance documents that can be downloaded from DOE's website (www.doe.gov.my) :

- ◆ Sand Mining / Dredging
- ◆ Housing Development
- ◆ Coastal Reclamation
- ◆ Construction of Scheduled Wastes Recovery Plant (Off-Site)
- ◆ Establishment of Industries Located Within Gazetted and EIA Approved Industrial Sites



GUIDELINES & GUIDANCE DOCUMENTS

Other guidelines produced by other agencies to help in the conduct of EIAs are :

- ◆ National Physical Plan (Ministry of Housing & Local Government)
- ◆ EIA Guidelines for Harvesting of Natural Forests (Forest Research Institute of Malaysia)
- ◆ Guidelines for the Environmental Impact Assessment of Highway/ Road Projects (Public Works Department, Malaysia)
- ◆ Urban Drainage Standards and Procedures for Peninsular Malaysia (Department of Irrigation and Drainage)
- ◆ Urban Stormwater Management Manual For Malaysia (MASMA) (Department of Irrigation and Drainage)



GUIDELINES & GUIDANCE DOCUMENTS

(cont'd)

- ◆ Planning Guidelines for the Preservation of Natural Topography in Physical Planning and Development in accordance with the Town and Country Planning Act, 1976 (Act 1972) (Federal Department of Town and Country Planning)
- ◆ Guidelines for Highland Development (Ministry of Housing & Local Government)
- ◆ Guidelines on Erosion Control for Development Projects in the Coastal Zones 1/97 (Department of Drainage and Irrigation).
- ◆ Guidelines for Preparation of Coastal Engineering Hydraulic Study and Impact Evaluation



End of Module 1