



Module 1.3

EIA CONDITIONS OF APPROVAL





- To explain on EIA Conditions
- To explain legal basis for the EIA Conditions
- To brief on the application of EIA Conditions & other related matters



Outline

- i. What are meant by EIA Conditions?
- ii. Legal Basis
- iii. Objectives
- iv. Content of EIA Approval
- v. Application
- vi. Administrative Matters
- vi. Letter of Approval
- ix. Conclusion





EIA Approval Conditions

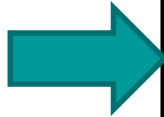
- Conditions that have been imposed on developer
- Has to be complied with; before, during and after the project has been conducted
- Attached together with Approval Letter
- Imposing the conditions is optional, but based on real practice, all projects are approved with conditions



Legal Requirements

Understanding of Conditions of Approval (COA)

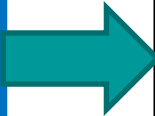
Terms and
conditions of
project approval
issued under
Section 34A(3)
EQA



If the Director General on examining the report and after making such inquiries as he considers necessary, is of the opinion that the report satisfies the requirements of subsection (2c) and that the measures to be undertaken to prevent, reduce or control the adverse impact on the environment are adequate, he shall **approve the report, with or without conditions** attached thereto, and shall inform the person intending to carry out the prescribed activity and the relevant approving authorities accordingly.

Understanding of Conditions of Approval (COA)

- COA is a regulatory requirements and applicable standards or criteria under Section 34A(7) EQA.
- The project should be carried out in accordance with COA and the commitments made in the EIA report/EMP, since both of it were stipulated in the issued COA. (For EMP it is advisable to stipulate separately for submission / endorsement and compliance).
- Apparently, non-compliant of any explicit proposed measures to be taken cited in the EIA report/EMP are liable to be taken for legal action.



(7) If the Director General approves the report, the person carrying out the prescribed activity, in the course of carrying out such activity, shall provide sufficient proof that **the conditions attached to the report (if any) are being complied with** and

that the **proposed measures to be taken** to prevent, reduce or control the adverse impact on the environment **are being incorporated into the design, construction and operation** of the prescribed activity.



Objectives of EIA Conditions

- To ensure compliance to Environmental Quality Act 1974, policies, administrative requirements and other related law and regulations
- To ensure environmental mainstreaming on self regulations being carried out
- To ensure project components are carried out as approved
- To ensure Project Developers are responsible and committed in executing the mitigating measures outlined in EIA reports or as required by authorities
- Assists in enforcement and auditing





Content of EIA Conditions:

- Project brief (name, location, developer)
- Compliance with mitigation measures
- Project concept
- Mitigation measures – Air Quality, Water Quality, Noise etc
- Waste management – Solid Waste & Scheduled Wastes
- Monitoring & Reporting
- Administrative matters



Understanding of Conditions of Approval (COA)

Enforceable
substance of EIA
Report/EMP in
COA.

Task:
Substantiate or
prove the
evidence to
support.

PEMATUHAN →(Laporan)

■ 1. Semua langkah pencegahan dan kawalan yang digariskan di dalam Laporan Penilaian Kesan Kepada Alam Sekeliling (EIA) Terperinci bertajuk ... serta maklumat-maklumat tambahan berkaitan dengan laporan EIA Terperinci tersebut, hendaklah dilaksanakan dan dipatuhi sepenuhnya.

PELAN PENGURUSAN ALAM SEKITAR (ENVIRONMENTAL MANAGEMENT PLAN, EMP)

2. *Environmental Management Plan* (EMP) yang menggariskan semua tindakan yang diambil bagi mematuhi syarat-syarat kelulusan Laporan EIA Terperinci dan langkah-langkah kawalan yang dicadangkan di dalam Laporan EIA Terperinci hendaklah disediakan dan diluluskan sebelum projek tebusguna, pembangunan di atas tanah tebusguna (*topside development*) dan operasi dimulakan.

3. *Environmental Management Plan* (EMP) hendaklah disediakan mengikut format dalam *Guidance Document for Preparation dan Submission of Environmental Management Plan* dan dikemukakan kepada Jabatan Alam Sekitar Negeri... untuk kelulusan dan hendaklah dikaji semula, diubahsuai dan dikemaskini dari semasa ke semasa.

4. *Mematuhi langkah-langkah kawalan yang dicadangkan...*

Understanding of Conditions of Approval (COA)

Basically
the
substance
of COA is
enforceable
:



- AKTA KUALITI ALAM SEKELILING, 1974
 - PERINTAH EIA 2015
 - **SYARAT-SYARAT KELULUSAN
LAPORAN EIA BAGI PROJEK A UNTUK
DILAKSANAKAN OLEH PEMAJU
PROJEK AA**

Understanding of Conditions of Approval (COA)

Other elements of COA:

- ❖ Stipulate substantively other significance elements so as to have a separate and independence existence.
- ❖ Applicable standards or criteria (Quantitative or Qualitative).
- ❖ Other specific requirement ensuing the finding or informed concern and recommendation.
- ❖ Emphasize the existing legislated requirement.
- ❖ Etc,
 - ❖ [COA1](#) [COA2](#)

1. Sebarang pelepasan air larian permukaan dari tapak projek ke luar sempadan tapak projek atau dari mana-mana alat kawalan hakisan dan kelodakan semasa kerja-kerja tanah dan pembinaan hendaklah tidak boleh mengandungi parameter:
 1. Kekeruhan melebihi 250 Nephelometric Turbidity Unit (NTU); atau
 2. Jumlah pepejal terampai (TSS) melebihi 50 mg/L.
2. Kadar aliran air di *diversion channel* yang dibina untuk melencongkan aliran Sg A dan Sg B semasa pembinaan empangan hendaklah dikawal supaya **sama** dengan kadar aliran sedia ada mengikut musim.
3. Kadar aliran air minimum (*minimum flow*) pada kadar $2 \text{ m}^3\text{s}^{-1}$ hendaklah dilepaskan dari empangan Susu ke Sg. A semasa musim kering.
4. Percontohan kualiti air Sg A, Sg B dan Sg C bagi parameter-parameter kadar alir (*flow rate*), DO, O&G, E. Coli dan SS hendaklah dijalankan bermula dari peringkat kerja tanah, pembinaan dan sepanjang tempoh operasi. Lokasi dan kekerapan percontohan hendaklah mendapat kelulusan JAS Negeri terlebih dahulu.
5. Bagi memelihara hidupan akuatik di Sg A yang mewujudkan kepelbagaian spesies akuatik di hilir sungai, satu kajian populasi hidupan akuatik perlu dijalankan setiap tahun. Pelan kajian populasi tersebut hendaklah disediakan dan dimaklumkan kepada JAS Negeri. Lokasi kajian hendaklah di hulu dan di hilir empangan. Hasil kajian hidupan akuatik tersebut hendaklah direkod dan dibuat perbandingan kepelbagaian spesies akuatik sebelum projek (*data garisdasar/ baseline*), semasa pembinaan dan sepanjang operasi (setiap tahun).
6. Sebarang pelepasan gas dan bendasing dari cerobong bagi parameter PM, TSP, SO_x , NO_x , CO dan VOC hendaklah dilaksanakan dan mematuhi had-had pelepasan Peraturan-Peraturan Kualiti Alam Sekeliling (Udara Bersih) 2014, P.U (A) 151/2014.



Application

- Must be complied at all times
- At some stage, some conditions may be irrelevant , Project Proponent may ask for revision – e.g : road projects
- Conditions can be amended – must be done officially
- Changes on ownership must be notified and DOE will amend or prepare a new set of conditions





Administrative Matters

- EIA Approval is valid for 2 years
- If no physical activities after 2 years – approval will be void
- Developer may apply for extension
- Extension may be considered if these criteria are fulfilled:
 - *Statement of need* for project remains valid
 - No significant changes in land use that may lead to incompatibility
 - *Project concept remains the same*





Letter of Approval

- Issued by DOE to Project Proponent
- Copied to Project Approving Authority (PAA) and other relevant agencies
- Another letter will also be issued to the PAA to highlight the residual impacts & suggest inclusion of EIA conditions as part of Project Approval Conditions



CONCLUSION

**EIA Conditions must be complied at
at all times**





End of module

Understanding of Conditions of Approval (COA)
