



**KUASAI, LAKSANA, UNGGULI**



# **SESI DIALOG AWAM BERSAMA JABATAN ALAM SEKITAR MENGENAI PROSEDUR EIA**

## **PENILAIAN KESAN ALAM SEKITAR DI MALAYSIA**

***ROHIMAH BT AYUB  
PENGARAH BAHAGIAN PENILAIAN  
JABATAN ALAM SEKTAR***

**Kementerian Tenaga, Sains, Teknologi, Alam Sekitar & Perubahan Iklim  
(MESTECC)**

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# Introduction

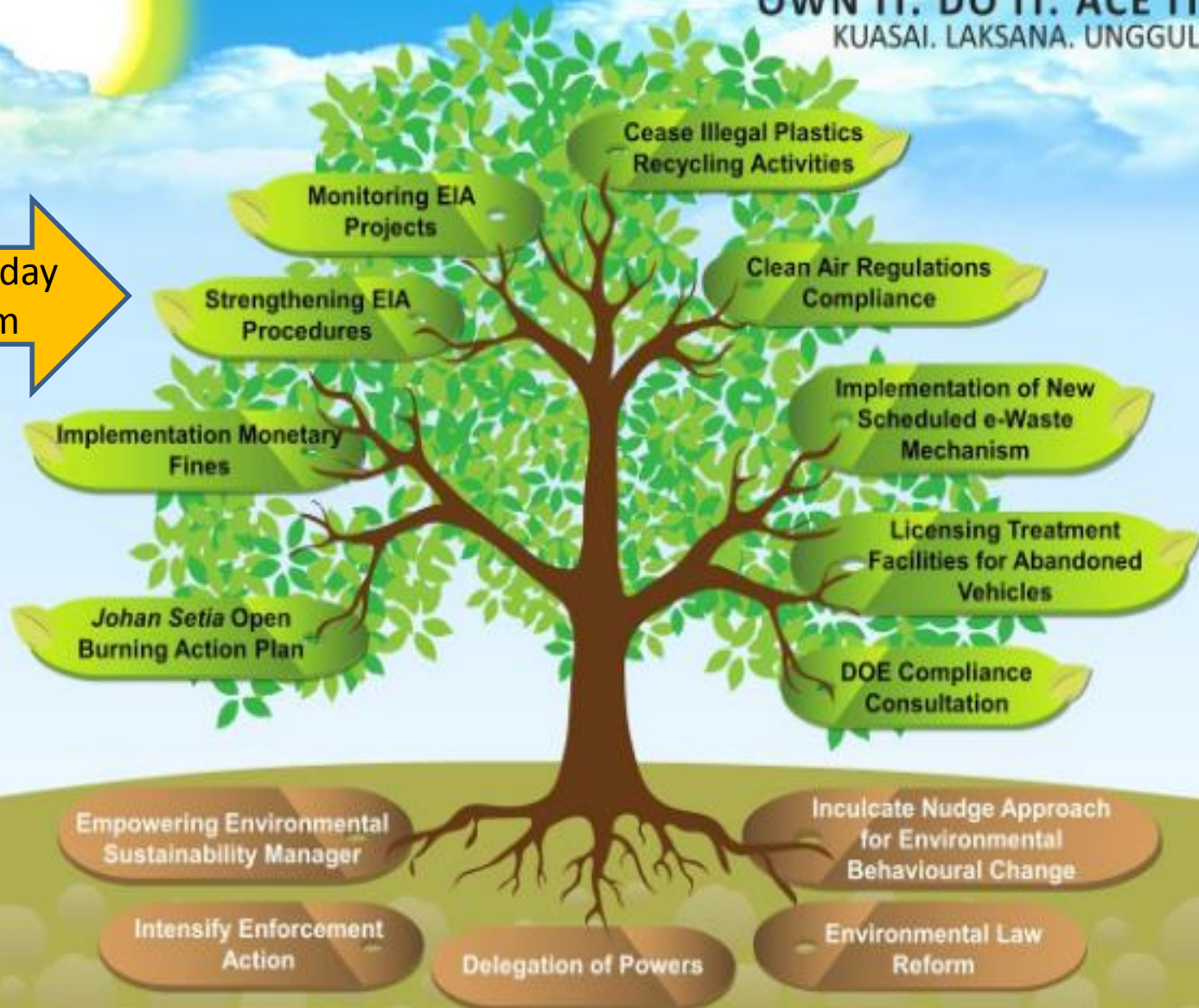


# DOE INITIATIVES 2019

## INTEGRITY, EXCELLENCE & FUTURE FOCUS



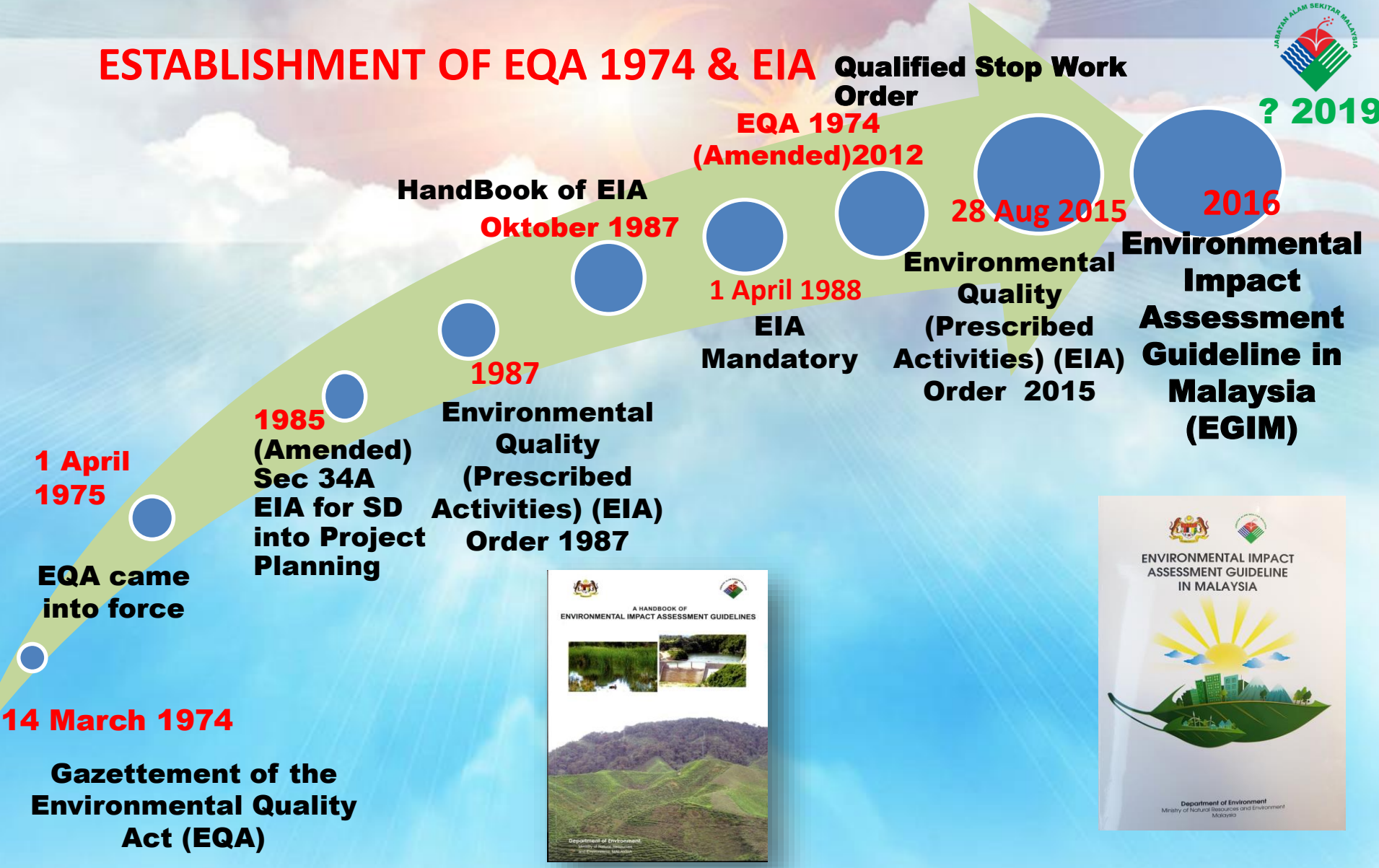
**OWN IT. DO IT. ACE IT.**  
**KUASAI. LAKSANA. UNGGULI.**



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# ESTABLISHMENT OF EQA 1974 & EIA **Qualified Stop Work Order**

? 2019



**1 April 1975**  
EQA came into force

**1985**  
(Amended) Sec 34A EIA for SD into Project Planning

**1987**  
Environmental Quality (Prescribed Activities) (EIA) Order 1987

HandBook of EIA  
**Oktober 1987**

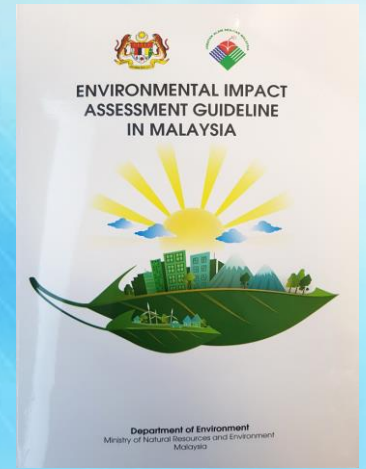
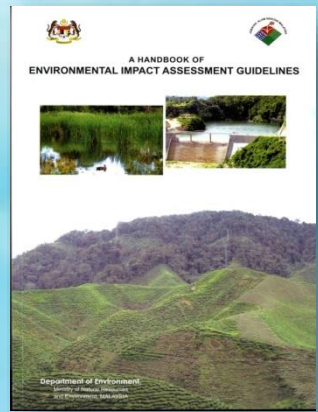
**1 April 1988**  
EIA Mandatory

**EQA 1974 (Amended) 2012**

**28 Aug 2015**  
Environmental Quality (Prescribed Activities) (EIA) Order 2015

**2016**  
Environmental Impact Assessment Guideline in Malaysia (EGIM)

**14 March 1974**  
Gazettement of the Environmental Quality Act (EQA)

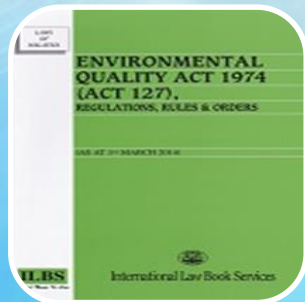


**Note : 1 April 1988-EIA Administrative because of International Loan (World Bank & ADB )example Project Pergau Dam**

# ENVIRONMENTAL IMPACT ASSESSMENT(EIA)



Study **to identify, predict, evaluate and communicate information** about the impacts (both beneficial and adverse) on the environment of the proposed development activity and to detail out the mitigating measures prior to project approval and implementation



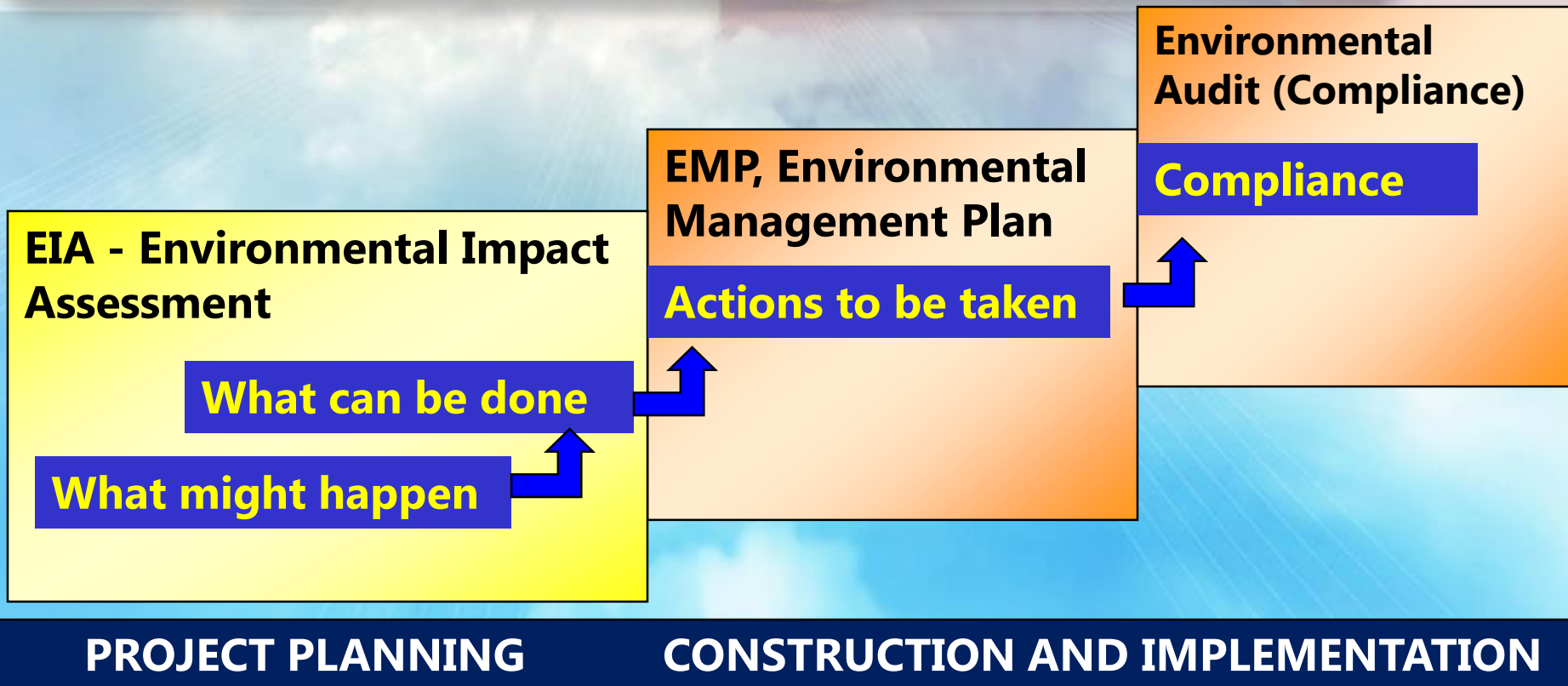
Subject to Section 34A (2) Environmental Quality Act 1974  
Any person intending to carry out any prescribed activity shall appoint a qualified person to conduct an environmental assessment and submit a report to Director General



Requirement for prescribed activity stated in Environmental Quality ( Prescribed Activities) Environmental Impact Assessment) Order 2015

Section subject to 34A 4 (a)- inline with National physical plan, Development Plan under Act 172

# ENVIRONMENTAL ASPECTS TO BE CONSIDER AT ALL STAGES OF DEVELOPMENT ACTIVITIES



# Policy & Legal Requirement

# Policy

## Relevant National Policies and Plans

- National Policy on the Environment 2002
- National Physical Plan
- Development Plan (Act 172)
- others include state policies

# Legislation

- Federal Legislation

- Environmental Quality Act, 1974

## States Legislation

- Environmental Protection Enactment, 2002 (Sabah) – by EPD
- Natural Resources and Environment Ordinance, 1993 (Sarawak) – by NREB

Adherence to DOE Guidelines

# Legislation

## Federal Legislation

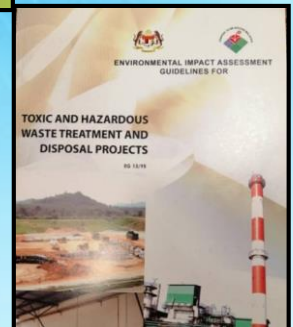
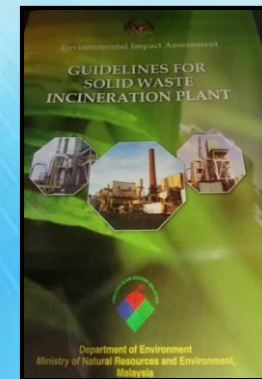
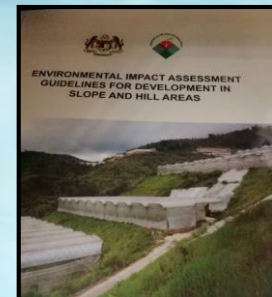
Environmental Quality Act, 1974 - Section 34A, Section 34AA & EIA Order 2015.

- The main highlights of EIA provisions in the EQA 1974 include:
  - **Section 34A (1)** – The Minister may prescribe any activity which have significant environmental impacts as prescribed activity
  - **Section 34A (2)** – Appointment of qualified person to conduct EIA
  - **Section 34A (2) (A)**– Director General shall maintain a list of qualified persons
  - **Section 34A (2) (B)** – Qualified person shall be responsible for the EIA
  - **Section 34A (2)(C)** – EIA report shall be in accordance with the guidelines
  - **Section 34A (3)** – Director General can approve the EIA report with conditions and inform relevant approving authority
  - **Section 34A (4)** – Director General may not approve the EIA report if not consistent with physical plan or fulfil the guidelines
  - **Section 34A (5)** – Director General can require the submission of additional reports other than the EIA report
  - **Section 34A (6)** – Activity is not to be carried out until EIA report is approved
  - **Section 34A (7)** – Responsibility of the proponent to provide proof of compliance with conditions of approval
  - **Section 34A (8)** – Fine not exceeding five hundred thousand or imprisonment for contravening section 34A
  - **Section 34AA** – Director General may issue prohibition or stop work order

# Legislation: Adherence to DOE Guidelines

- At the stage of EIA Report preparation and all stages of project implementation, the requirements and specifications stipulated in the following Guidelines issued by the DOE shall be adhered to:












- Guidance Document for addressing soil erosion and sediment control aspect in EIA Reports;
- Guidance Document for the preparation and submission of Environmental Management Plan (EMP) as per Chapter 6 of this EIA Guideline;
- Guidance Document for the preparation of the document on land disturbing pollution prevention and mitigation measures;
- Other relevant guidelines issued by the DOE pertaining to environmental-related system and management;
- Other documents issued by the DOE from time to time related to EIA process and procedure.



# PRECRIBED ACTIVITIES IN EIA ORDER 2015

## FIRST SCHEDULE



-  1. Agriculture
-  2. Aerodrome
-  3. Drainage and Irrigation
-  4. Fisheries
-  5. Forestry
-  6. Industry
-  7. Land Reclamation
-  8. Mining
-  9. Petroleum
-  10. Ports
-  11. Power Generation and Transmission

-  12. Development in Coastal and Hill Area
-  13. Development in slope Area
-  14. Waste Treatment and Disposal
-  15. Dredging
-  16. Housing
-  17. Industrial Estate
-  18. New Township
-  19. Quarry
-  20. Road
-  21. Water Supply

# PRECRIBED ACTIVITIES IN EIA ORDER 2015 SECOND SCHEDULE



**1. Agriculture**



**2. Aerodrome**



**3. Drainage and Irrigation**



**4. Fisheries**



**5. Forestry**



**6. Industry**



**7. Land Reclamation**



**8. Mining**



**9. Petroleum**



**10. Ports**



**11. Power Generation and Transmission**



**12. Development in coastal area, national and state park**



**13. Development in slope area**



**14. Waste Treatment and Disposal**



**15. Construction of Dam**



**16. Transportation**

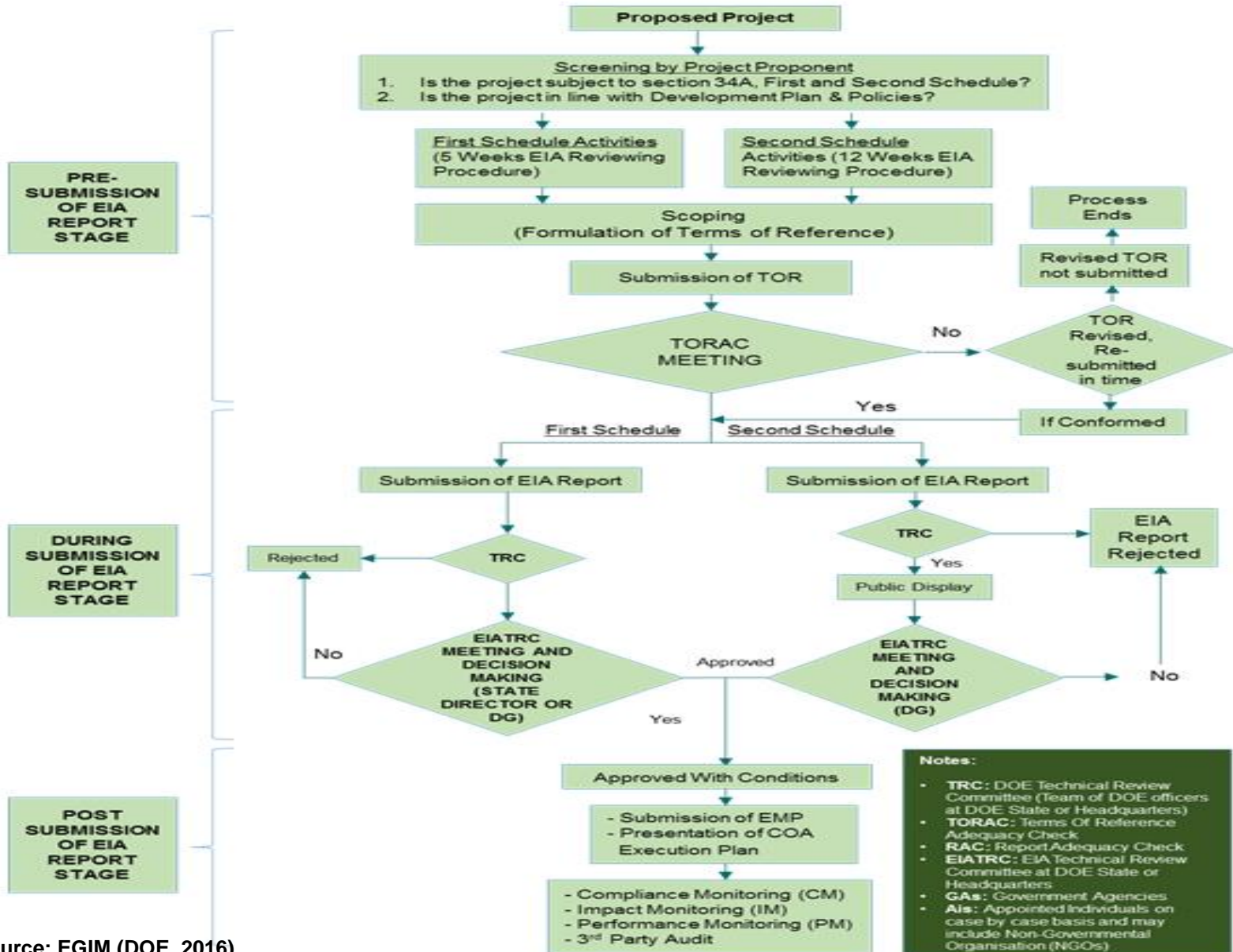


**17. Radioactive materials and radioactive waste**

# ENVIRONMENTAL IMPACT ASSESSMENT GUIDELINE IN MALAYSIA (EGIM)



# EIA PROCESS FLOW



Source: EGIM (DOE, 2016)

# PHASES OF AN EIA IN PROJECT PLANNING

In line with DOE's streamlining, policy and legal issues are to be resolved before the submission of the EIA report

## Project Planning Stage

- Project planning/ feasibility review.
- Policy and legal compliance. (screening)
- Initial data collection (secondary/primary).
- Stakeholder engagements.

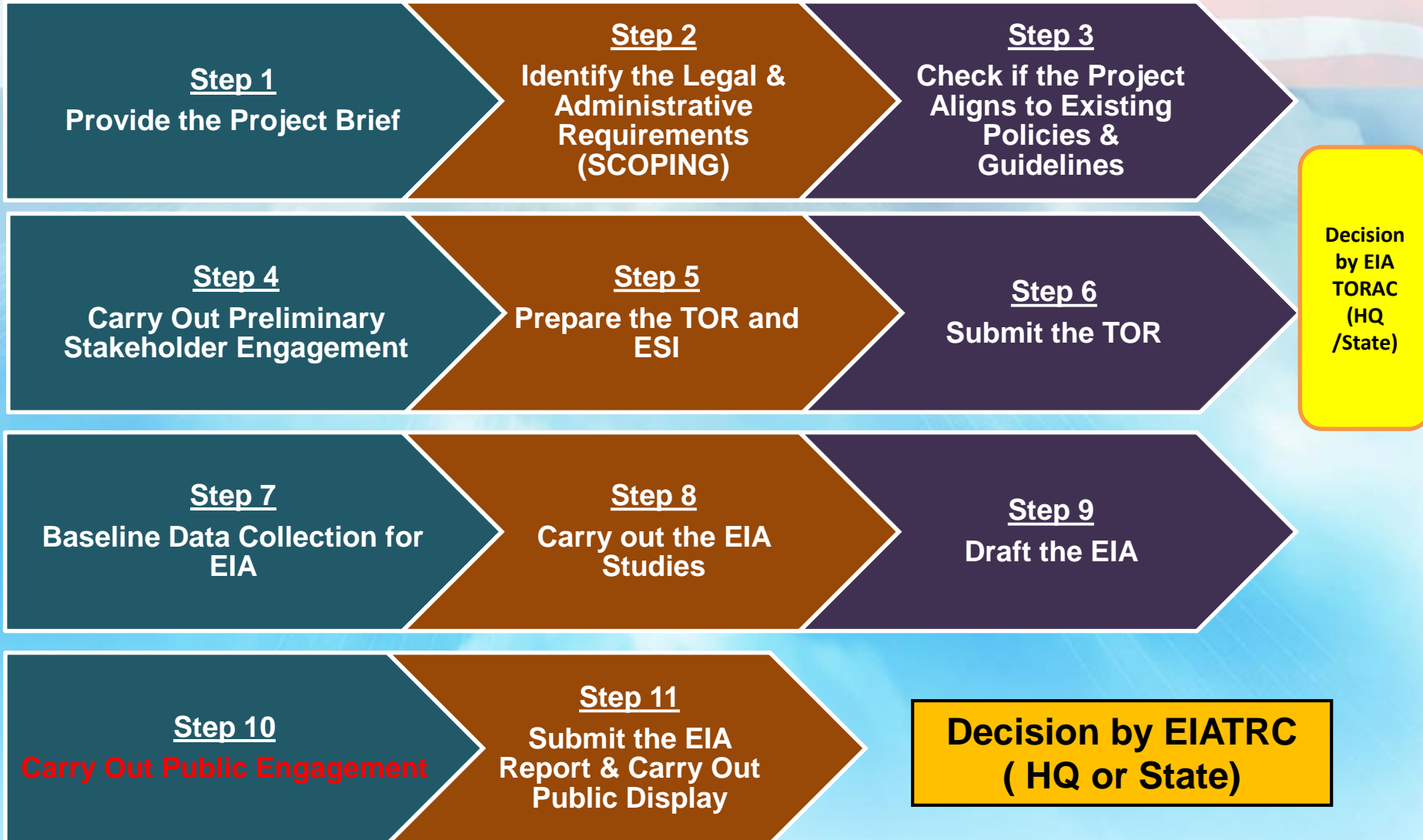
## Terms of Reference (TOR)/ Environmental Scoping Information (ESI)

- Project scoping.
- Establish Study requirements and methodologies.
- TOR/ESI submission and review.

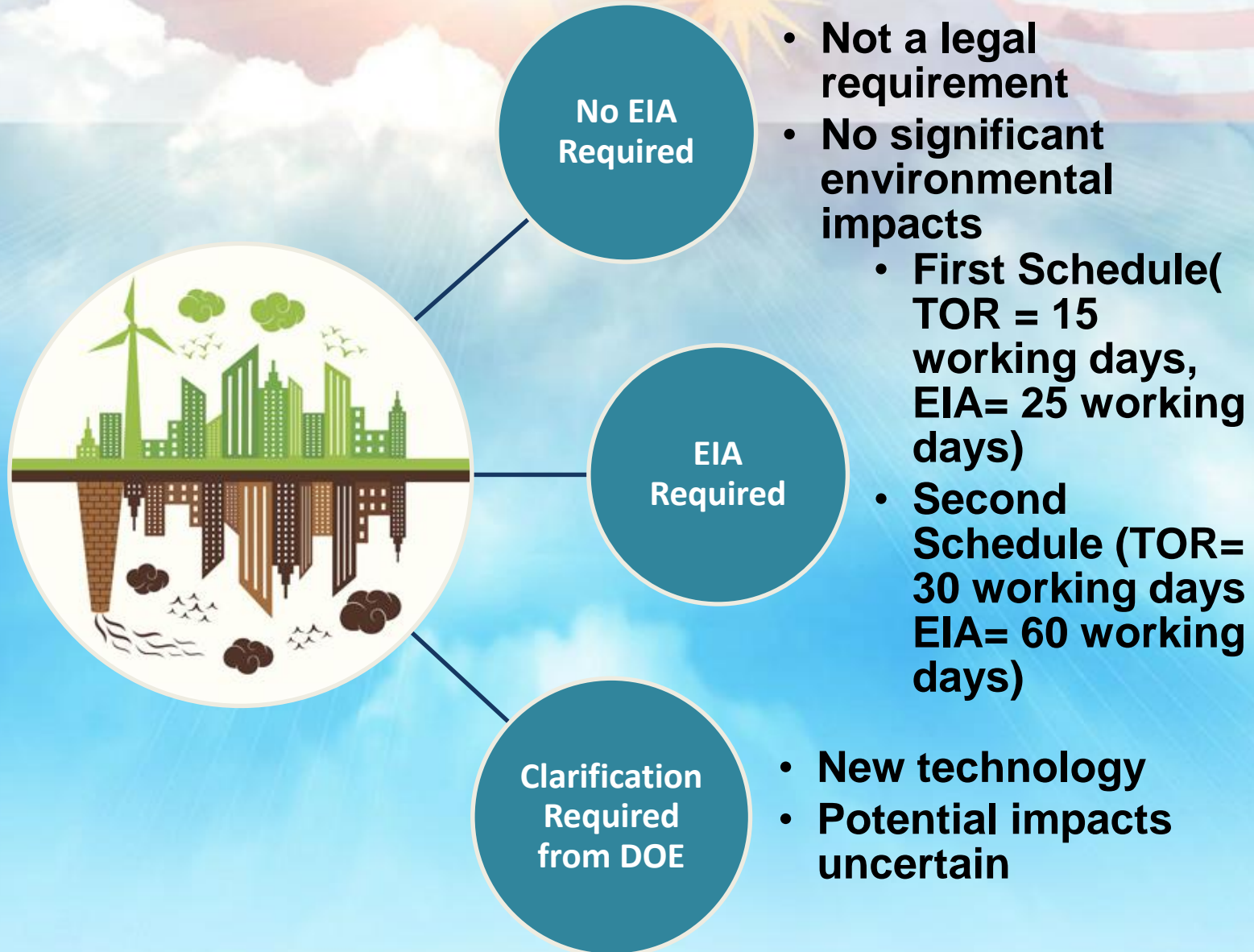
## Environmental Impact Assessment (EIA)

- Baseline data.
- Prediction and evaluation of impacts.
- Mitigation measures.
- Environmental Management Plan (EMP) framework.
- EIA submission and review.

# FLOWPATH FOR THE ENVIRONMENTAL IMPACT ASSESSMENT METHODOLOGIES



# ENVIRONMENTAL SCREENING OUTCOMES



# DETERMINATION OF PROJECT ACTIVITIES

- Identify significant project activities and issues of concerns for the various phases of the project – Pre-construction, Construction, Operational and Closure/Exit.



Site Access



Technical Studies



Base Camp & Site Facilities



Worker Recruitment



Structural Works



Site Survey



Logistic Road/  
Stream Crossing



Biomass Clearing



Earthworks &  
Drainage



Final Finishing &  
Landscaping

# CRITERIA FOR ASSESSING ENVIRONMENTAL IMPACTS

- **Magnitude**: Degree and scale of an impact (detrimental or beneficial) towards sensitive receptors due to a proposed activity.
- **Permanence**: Whether the effects are temporary in nature (e.g. only during certain work activities/ construction stage), or may result in permanent effects (e.g. landform alteration due to cut and fill).
- **Reversibility**: Whether mitigation measures can be implemented in rehabilitating the site back to its original state or better.
- **Cumulative Effects**: Whether the effects will be accumulative singly or in combination with other effects from nearby sites/activities (that may be detrimental or beneficial) over a time period.



## AIMS OF STAKEHOLDER ENGAGEMENT

1. To understand the Government Agencies (GA's) key requirements, especially approvals process, policies and guidelines to be cleared for the project.
2. To convey the aims and scope of the development to the affected stakeholders, inform of potential impacts from the development and mitigation measures put in place to address them. This builds public trust and confidence towards the project.
3. To obtain feedbacks from the stakeholders on their concerns so that adjustments can be made for incorporation into the project designs and EIA for project implementation.
4. To allow early resolution of any conflicts and impasses, avoiding costly delays.

# STAKEHOLDER ENGAGEMENT – PHASES AND REQUIREMENTS

**Two main phases:**

- a) Initial engagement during TOR stage.**
- b) Public display and review of EIA (Second Schedule).**



**Guidelines highlights:**

- Stakeholder identification
- Methods of engagement.
- Documentation of findings.
- Examples of good practices.

# STAKEHOLDERS ROLES AND RESPONSIBILITIES



## Department of Environment

- Administer the EIA process
- Issuance of COA for EIA
- Monitor project implementation



## Public/ Community

- May potentially be affected by project.
- Review information and provide feedback to safeguard interests



## Project Proponent

- Responsible to obtain all approvals for project.
- Management of project.
- Implement mitigation measures



## Non-governmental Organisations

- Provide input and feedback on issues of public concerns.



## Government Agencies

- Carry out technical review and approve reports
- Provide specific requirements especially policy matters

# METHODS OF STAKEHOLDER ENGAGEMENT



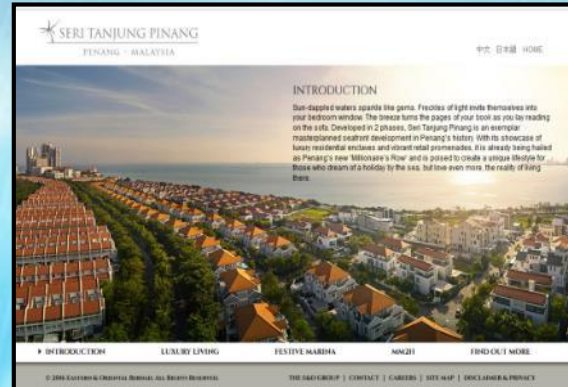
Meetings/ Pre-discussions



Town Hall Meetings/ FGDs



Questionnaire/ Interviews



Briefs/ Website

## Sample Size

- Sample size must reflect the stakeholders that are potentially affected by the project.

## Outputs

- Obtain information related to the project.
- Review policy or legal compliance requirements from GAs.
- Identify concerns and issues related to the project.
- Adequacy of mitigation measures to address issues.
- Identify conflict resolution mechanisms.

# PUBLIC BRIEFING AND DISPLAY (SECOND SCHEDULE EIA)

## Legal Requirements:

- **Second Schedule EIA:** Mandatory.
- **First Schedule EIA:** public engagement is encouraged.



## Public Briefing:

- Involve stakeholders within the **Zone of Impact (ZOI)**.
- Project Proponent and EIA Team shall present the project brief followed by a **questions and answers (Q&A) session**.
- All discussions to be **recorded and reported** in the EIA.



## PUBLIC BRIEFING AND DISPLAY (SECOND SCHEDULE EIA)



### Public Display and Review:

- After submission of the EIA, a **one month review period** is provided for the public to submit their responses and comments in writing to DOE.
- Notification of the public display is to be published through the mass media and homepage of the DOE
- The **EIA will be displayed** at selected locations (DOE office, public libraries and local authority offices) where the public can view the documents easily.
- The Project Proponent and Qualified Person can hold discussions with DOE to propose **suitable locations** for display.
- For both Schedules, the EIA will be **uploaded into the DOE website** for the duration of the review period.

# EIA EVALUATION OF IMPACTS

## KEY POINTS IN IMPACT ASSESSMENT

- Established and proven methods and models.
- Adequate, accurate and up-to-date data for assessment.
- Results can be replicated and is reproducible by independent evaluators.
- Cost-effective and for any software, can be purchased (propriety software and tools can also be used). Widely accepted freeware is acceptable.

# CONSIDERATIONS IN IMPACT ASSESSMENT

1. **Scale of the project (land area, total disturbed areas, etc.).**
2. **Intensity of development (total land clearing, phasing of land clearing).**
3. **Potential pollution sources from the project.**
4. **Magnitude and complexity of impacts.**
5. **Area of impacts (localised versus transboundary).**
6. **Probability of cumulative impacts (effects of project on adjacent land areas and vice versa).**
7. **Sensitivity of nearby receptors [e.g. Environmentally Sensitive Areas (ESAs)].**



## OUTCOMES FROM EIATRC REVIEW



### EIA Approval

- Meets all requirements under Section 34A (3) of the EQA 1974.
- Conditions of Approval (COA) issued.

### EIA Not Approved

- Does not meet the requirements under Section 34A (3) of the EQA 1974.
- Resubmit new EIA after amendments.

# 7 ENVIRONMENTAL MAINSTREAMING TOOLS FOR GUIDED-SELF REGULATION REQUIREMENTS DURING IMPLEMENTATION OF PROJECT



Milestone



EE



SR



EM

Pride of  
Environmental  
Excellent

Self Regulation

Environmental  
Mainstreaming

EHSAN  
(Sweetness  
of Faith)

TAQWA  
(Piety)

AMAL  
SOLEH  
(Good  
Deeds -  
Pillars)



Environmental  
Perspective

Islamic  
Perspective

GSR Initiative: Pathway Towards Achieving Sense of Pride of Environmental Excellent

# CONCLUSION: A WAY FORWARD



**Strengthen  
best Available  
Techniques  
(BAT), Best  
Management  
Practical  
(BMP's)**

**Integrated  
Communication  
in decision  
making through  
agency**

**Environmental  
Mainstreaming**

**Enhancement  
of EIA  
Procedure**



**THANK YOU**