Environment Protection Rules, 2054 (1997)

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Amendment

Environment Protection (First Amendment) Rules,

2055(1998) 2055.12.22 (April l5, 1999)

In Exercise of the power conferred by Section 24 of the Environment Protection Act, 1996 Government of Nepal has framed the following Rules: -

Chapter – 1

Preliminary

1. **Short title and commencement:** (1) These Rules may be called the "Environment Protection Rules, 1997."

(2) These Rules shall come into force immediately.

2. **Definitions:** Unless the Subject or context otherwise requires, in these Rules: -

(a) "Act" means the environment Act, 1996.

(b) "Concerned Body" means any Ministry of Government of Nepal connected with the functions set forth in the Act or these Rules.

(c) "Scope" means the scope determined under Rule 4 for undertaking ✂…….the environmental impact assessment.

(d) "Report" means a report relating to initial environmental examination or an environmental impact assessment.

✂ Deleted by first amendment

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(e) " Work Schedule" means a work schedule approved under Rule 5 for the purpose of preparing a report.

(f) " Industry" means an industry as prescribed in Schedule 7.

(g) ✂……

(h) " Inspector: means an Environment Inspector appointment or designated under Sub- section (1) of Section 8 of the Act.

(i) "Inventory" means an inventory prepared by the concerned by under Sub-section (2) of Section 9 of the Act.

(j) " Laboratory" means a laboratory established or prescribed under Section 11 of the Act.

(k) " Fund" means the environmental protection Fund established under Section 13 of the Act.

(l) " Managing Committee" means the Fund Management Committee constituted under Rule 39.

(m) " Compensation" means the compensation determined in pursuance of Rule 45.

Chapter -2

Initial environment Examination or Environmental Impact Assessment to

***3. Initial environment Examination or Environmental Impact Assessment to be Made:** A proponent shall be required to carry out the initial environmental examination of the proposals mentioned in Schedule (1) and environmental impact assessment of the proposals mentioned in Schedule 2.

✂ Deleted by first amendment
* Amended by first amendment

[*]4. Determination of Scope for the environmental impact assessment to be made:

(1) In regard to any proposal requiring environmental impact assessment, the proponent shall publish a notice in any national level news paper, requesting the Village Development Committee or Municipality where the proposal is to be implemented , as well as the schools , hospitals , health posts and concerned individuals or institutions of the area to offer in writing their suggestions concerning to the possible impact of the implementation of he proposal of the environment with giving Fifteen days of time period .

(2) After the publication of a notice pursuant to Sub-Rule (1), anyone who wishes to offer his/her opinion and suggestion regarding notice objection may offer his/her opinion and suggestion to the concerned proponent within Fifteen days from the date of publication of such notice . One who has given such opinion and suggestion, many furnish information thereof to the concerned body .

(3) The proponent, along with the received opinions and suggestion pursuant to Sub-Rule(2) ,shall Submit an application for determining causes in the environment of scope to the concerned body stating what impact does it in that area while implementing the proposal.

(4) On receipt of an application pursuant to Sub-Rule (3) , the concerned body shall carry out investigation into the documents attached to the application and shall forward the application to the Ministry along with its opinions and suggestions in connection with determination of the scope.

(5) In cases where an application for the determination of scope is received pursuant to Sub-Rule (4) , the Ministry shall carry out investigation into the documents attached to the application and shall have to determine the scope as proposed or in the revise form.

[*] Amended by first amendment

5. **Approval of Work Schedule or initial environmental examination or environmental impact assessment to be made :** (1) In cases where the proposal requires initial environmental examination, the proponent shall prepare a work schedule in the format as mentioned in Schedule 3 for a report relating to such proposal , and shall have it approved by the concerned body.

(2) In cases where the proposal requires environmental impact assessment, the proponent shall prepare a work schedule in the format as mentioned in schedule 4 on the basis of determination of scope made by the Ministry pursuant to Rule 4, and shall have cause to approve the work schedule by the Ministry.

Provided that in case where any proponent sends the matters by preparing the scoping and work schedule pursuant to Rule 4 along with the suggestion of concerned body to the Ministry stimulatingly for the preparation of report of the proposal for the environmental impact assessment, the Ministry ma give approval to the determination of scope and schedule at the same time

(3) While approving the work schedule pursuant to Sub Rule (1) and (2) the concerned body or Ministry may make minor changes or revision in such work schedule as required citing the nature of the proposal.

*6. **Re-proceeding to be made:** In cases where the proponent has prepared the report of initial environmental examination pursuant to these Rules and upon investigation into the report received along with the proposal pursuant to Sub section (2) of Section 6 of the Act, the concerned by has decided to conduct environmental impact assessment of the proposal, the proponent shall fulfill all the formalities as laid down by these Rules for the preparation of the report of environmental impact assessment.

* Amended by first amendment

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*7. **Repost of the Initial environmental examination and environmental impact assessment to be prepared: (**1) The proponent shall, on the basis of the approved work schedule pursuant to Rule 5 , prepare the report of initial environmental examination in the format as mentioned in Schedule 5 and the report of environmental impact assessment in the format as indicated in Schedule 6.

(2) Whilst preparing the report, the proponent shall, in the cases of initial environmental examination affix a notice in the concerned Village Development Committee or Municipality , Office of the District Development committee school, hospital , and health post requesting the Village Development committee or Municipality and District Development Committee or concerned individuals or institution to offer their written opinion and suggestions within Fifteen days with regard to the possible impact of the implementation of the proposal on the environment where the proposal is to be implemented and prepare a deed . The said Fifteen days notice shall also be published in a national level daily newspaper. After the publication of such notice the opinions and suggestions so received in relation to the same shall also be included in the report.

Provided that, while preparing the report of environmental impact assessment, the proponent shall organize a public hearing about the proposal at the area of Village Development Committee or Municipality where the proposal is to be implemented and collect opinions and suggestions.

♣8. ……

♣9. ……

*10. **Submission of proposal for Approval** : The proponent, who wishes to implement a proposal pursuant to Section 5 of the Act , shall Submit Fifteen copies of the

* Amended by first amendment
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report prepared under Rules 7 along with the recommendation of the concerned Village Development Committee or Municipality to the concerned body for the approval of proposal.

11. **Power to Grant Approval to Implement Proposals:** (1) In cases where any proposal is received pursuant to Rule 10, the concerned body shall conduct investigations into the report attached to the proposal, and , in cases where the investigations show that the implementation of that proposal will have no Substantial negative impact on the environment , grant approval within •Twenty One days from the date of its receipt in the case of a proposal which requires an initial environmental examination only , and forward to the proposal the Ministry along with its opinion as well as ten copies of the report within •Twenty One days from the date of its receipt in the case of a proposal which requires and environmental impact assessment as well.

(2) In cases where a proposal is received pursuant to Sub-Rule (1), Ministry shall publish a public notice ♥ in any one of the daily newspaper, granting a time limit of Thirty days, to the general public to make a copy of the report themselves received along with the proposal on their own or to study it for offering their opinions and suggestions on it.

(3) In cases where any individual or institution wishes to offer his/her its opinion and suggestion on the report as mentioned in Sub-rule (2) he/she it shall send his/her its opinion or suggestion to the Ministry within thirty days *from the first date of publication.

(4) In cases where any opinion and suggestion is received under Sub-Rule (3), the report shall be examined in the light of such opinion and suggestion as well as the opinion and suggestion offered by the Committee formed, if any, under Sub- section (4) of Section 6 of the Act, and in cases where such examination

♥ Inserted by first amendment
* Amended by first amendment

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shows that the implementation of such proposal shall have no Substantial * adverse impact on the environment the Ministry shall grant approval for its implementation.

(5) The Ministry shall grant its approval, under Sub-Rule (4) within *Sixty days from the date of receipt of the proposal.

♥ (6) In case of inability to grant the approval within the period pursuant to Sub-Rule (5) due to the special reason the Ministry shall grant the approval for the implementation of proposal within Thirty days from the date of lapse of said period.

12. **Report to be complied with:** The proponent shall mandatorily comply with the matters mentioned in the report, as well as the conditions prescribed by the concerned body or the Ministry, while implementing the proposal.

13. **Monitoring and Evaluation:** (1) The concerned body shall monitor and evaluate the impact of the implementation of the proposal on the environment.

(2) In case where it is found in the course of carrying out monitoring and evaluation under Sub-Rule (1) that the actual impact is higher than the one specified in the conditions prescribed at the time of approving the proposal, the concerned body shall issue necessary directives to the proponent to adopt measures to reduce or control such impact and it shall be the duty of the concerned proponent to comply with such directives.

(3) The concerned body shall also inform the Ministry about the directives issued to the proponent under Sub-Rule (2).

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14. **Environmental examination and Maintenance Updated:** Two years after the commencement of *Service, distribution and production relating to the implementation of a proposal requiring an environmental impact assessment , the Ministry, shall carry out an environmental examination of the environmental impact of the implementation of the proposal and the measures adopted for reducing such impact etc. and maintain updated records thereof.

Chapter – 3

Prevention and control of pollutions

15. **Prohibition to emit waste in contravention of the prescribed standards:** No one shall emit or cause to emit the noise, heat and waste from any mechanical means, industrial establishment or any other place in contravention of the standards prescribed by the Ministry by a Notification published in the Gazette.

*16. **provisions relating to provisional or permanent pollution control certificate** : (1) All industries as referred to in Schedule-7 which are currently in operation, shall apply within 90 days from the date of commencement of these Rules and the industries which were registered prior to the commencement of these Rule but are not in operation or the industries which shall be registered after the commencement of these Rules shall apply within the 60 days from the date of beginning of production to the concerned body mentioning their detailed particular to obtain the provisional pollution control certificate. Upon receipt of such application the concerned body shall conduct inquiry into it , and so seek , as required the opinions and suggestion of the Village envelopment committee or Municipality , where the industry is to be operated and if it is found thereafter that the operation of such industry shall cause no Substantial adverse impact on environment or there is possibility of reducing or controlling such effect, then

* Amended by first amendment

concerned body shall issue a provisional pollution control certificate valid for one year to the applicant within Ninety days from the date of receipt of the application.

(2) Notwithstanding anything contained in Sub-Rule (1), If the industry , which is to be registered after the commencement of these Rules , had already obtained the opinions and suggestions from the concerned Village Development committee or Municipality in course of preparation of the report pursuant to Rule 7 for the determination of scope (scoping) pursuant to Rule 4 , the concerned body shall not require to obtain the opinions and suggestions from the Village Development Committee or Municipality again regarding impact on environment while operating industry pursuant to Sub- Rule (1).

(3) In cases where the standard of sound, heat, nuclear radiation and waste disposal for any industry has been determined by publishing a notice in Nepal Gazette pursuant to Rule 15, the concerned body shall require to issue a permanent pollution control certificate valid for three years to those industries after having their examination from the designated laboratory or established pursuant to Section 11 of the Act within Six months from the date of determination of such standards.

(4) On failing to issue the provisional or permanent pollution control certificate within the stated time period pursuant to Sub-Rule (1s) and(3) , the concerned body may issue such certificate within additional three months from the date of lapse of such time period.

(5) While issuing the provisional or permanent pollution control certificates pursuant to Sub- Rule (1) and (3) , the concerned body may , as required, prescribe all or any of the following conditions to be complied by such industry: -

(a) To install within the stated time the equipments required to reduce or control pollution,

(b) To properly use the installed equipments of pollution control,

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(c) To operate the industry only at stated time,

(d) To take specific measures to control such activities carried out in the premises of any industry which generate pollution,

(e) To take specific measures to control the activities of any industry which generate pollution outside the premise of the industry,

(f) To make available the equipments necessary for the monitoring activities at the fixed time,

(g) To work as per other conditions prescribed and defended necessary by the concerned body in view of the nature of industry.

(6) The provisional pollution control certificate pursuant to Sub-rule (1) shall be renewed every years and the permanent pollution control certificate pursuant to Sub-Rule (3) shall be renewed every three year.

(7) The terms and conditions mentioned in the provisional or permanent pollution control certificate obtained pursuant to this Rule shall be put in the places of operation of industry as may be seen by all.

(8) The concerned body shall maintain the updated list of the industries who obtained the certificates pursuant to this Rule and the list shall be made available to the Ministry.

17. **Complaints may be Lodged in case anyone causes pollution or emits waste:** In cases where any individual, institution or industry does not control pollution or emits waste in contravention of the conditions or standards prescribed under the Act or these Rules; the individual, institution Village Development Committee or Municipality affected by such action may lodge a complaint with the concerned body.

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18. **Notice to be issued control pollution or not to emit waste:** (1) In cases where the concerned body finds in the course of an investigation conducted on its own or following a complaint lodged under Rule 17 that any individual, institution or industry has not controlled pollution or has emitted waste in contravention of the condition or standards prescribed under the Act and these Rules , it shall immediately issue a notice to the concerned individual, institution or industry to control pollution or immediately not to emit waste according to the prescribed conditions or standards.

(2) While issuing a notice to the concerned individual, institution or industry under Sub- Rules (1) , the concerned body may order him/her it to take all or any of the following actions immediately by prescribing a time limit in that behalf: -

(a) Measures to be adopted immediately for controlling or reducing pollution, or for not emitting waste,

(b) To use, operate, or improve any device or equipment,

(c) Not to use all or any of the equipment currently being used or operated,

(d) To adopt the specified monitoring programs and submit a report to it,

(e) To adopt various alternative measures for controlling pollution and avoiding emission of waste,

(f) To develop environment management system and furnish information thereof,

(g) To perform other functions which are deemed appropriate for controlling pollution and prohibiting waste emission activities.

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19. **Power to Change Conditions:** (1) In cases where it is deemed appropriate to effect some changes in the conditions prescribed under * Sub-Rule (5) of Rule 16 for reducing or controlling pollution and adopt other measures for that purpose, the concerned industry may submit an application to the concerned body mentioning the same.

(2) In cases where investigation conducted into the application received under Sub-Rule (1) shows that other measures may be adopted for reducing or controlling pollution, the concerned body may grant its approval to change some conditions and adopt other measures as requested by the applicant.

20. **Power of the Concerned body to carry out sanitation and cleanliness activities itself:** (1) In case any individual institution or industry emits waste in contravention of the conditions or standards prescribed in the Act or theses Rules even after being issued a notice prohibiting such action, and such action causes an adverse impact on the public, the concerned body may remove such waste at its own cost.

(2) The concerned body shall realize the cost incurred by it for removing waste from any place under Sub- Rule (1); as well as an additional charge amounting to Twenty Five percent of that cost in consideration of having done so, from the individual, institution or industry which has emitted those wastes, as government dues under the existing laws.

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Chapter -4

Qualifications of inspectors and their functions, Duties and Powers

*21. **Qualification of Inspectors:** The required minimum academic qualification for the appointment in the post of Inspector shall be as prescribed in the Rules applicable to the concerned Service and Group of the Civil service.

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22. **Power to stop Activities:** (1) In cases where the inspector finds it necessary in the course of investigations under Section 8 of the Act to stoop any activity which is in contravention of the Act or these Rule he shall do so with the permission of the Ministry as far as possible, and in cases where it is not possible to obtain such permission. He may stop such activity and inform the Ministry accordingly as soon as possible.

(2) In cases where information about any activity required to be stopped or stopped by the inspector under Sub-Rule (1) is received, the Ministry shall immediately cause an investigation to be conducted into the matter and issue an appropriate order.

23. **Inspectors to Submit reports of their inspection:** (1) After completing an inspection under Section 8 of the Act, the inspector shall be required to Submit to the Ministry a report of his inspection along with the details of his findings.

(2) On receipt of a report under Sub-Rule (1), the Ministry may take all or any of the following actions in that connection: -

(a) To summon the individual, institution or proponent who has caused pollution or emitted waste in contravention of this Act or these Rule and record his/her its statement,

(b) To have any plants, tools, machinery, Goods etc. examined,

(c) To impose a ban on the use of any tools equipment, machinery goods etc. if so deemed necessary following such examination,

(d) To issue any order which is deemed appropriate to control pollution or prevent the emission of waste.

24. **Local administration to extend co-operation:** In cases where the inspector requests for the help of the police because of the obstruction caused to him/her by anyone in the course of inspection or the need for using force at the time of

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conducting such inspection, the local administration shall make necessary police personnel available to the inspector .

25. **Punishment to inspectors:** In case where the inspector cusses any loss or damage to anyone by doing anything willfully or with *mala fide* intention in the course of discharging his/her duty under the Act or these Rules, he/she shall be punished according to the existing laws.

Chapter -5

Conservation of National heritages and environment conservation zones

26. **Procedure to be followed while preparing inventories:** (1) The concerned body shall issue a notice for the information of the general public mentioning the objects sites' plants, animals, etc. to be incorporated in the inventory.

(2) In cases anyone has any reaction in respect to the objects, sites, plants, animal etc. mentioned in the notice published under Sub-Rule (1), he/she may file a complaint with the concerned body within Thirty days from the date of publication of the notice.

(3) In case any complaint is filed under Sub-Rule (2), upon conducting the investigation into such complaint, and in case such complaint is not filed after expire the of Thirty days the body shall prepare the inventory.

27. **Marks Bounders to be maintained:** (1) For the purpose of identifying the objects or sites incorporated in the inventory the concerned body shall maintain marks or boundaries as required, on such objects or sites.

(2) The concerned body shall maintain updated particulars of the marks and boundaries maintained under Sub-Rule (1) as, well as the maps related thereto, and inform the scure to also the Ministry.

28. **Prohibition to cause any loss or damage:** Except with the approval of the concerned body no one shall take or cause to be taken any of the following act in

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respect to the objects sites, plants, animals etc. incorporated in the inventory or coming under national heritages:-

(a) To remove, alter or take any action which may cause any damage to any object, site, plant, animal etc.

(b) To gift away, sell or transfer ownership through relinquishment of title any object site, plant animal etc.

(c) To take into the national heritage conservation zone to any animal of the type which could harm any animal incorporated in the inventory,

(d) To take any other action in such a manner so as to cause any damage or destroy any object site plant animal, etc.

29. **Complaints may be filed**: (1) Any person may file a complaint with the concerned body in cases where anyone causes loss or damage, in contravention of Rule 28, to any object, site, plant, animal etc. incorporated in the inventory or coming under national heritages.

(2) In case it is found, that any loss or damage has been caused to any object, site, plant, animal etc. incorporated in the inventory in the course of an investigation into the complaint file under Sub-Rule (1), or in the case of an investigation conducted by the concerned body on its own, the concerned body shall stop such activity immediately.

30. **Actions prohibited inside environment conservation Zones:** (1) No person shall take or cause to be taken any of the following actions inside an environment conservation Zone:

(a) To damage, destroy, demolish, remove, block or cause harm or loss in any other manner to the natural heritages or **secenary** beauty,

(b) To buy or sell, trade-in, hunt, or cause any harm to the wild life,

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(c) To take any Acton in such manner which may cause adverse effect into the bio-diversity,

(d) To cut, fall, remove, block, uproot or cause any loss or harm to any plant,

(e) To damage, replace, destroy, remove or demolish any site of historic and cultural signification, or affix any poster or similar other document or picture in such site, or take otherwise any action which any case harm to such site,

(f) To use electric current or botanical or any other types of harmful chemicals into any river stream, rivulet, fountain, pond, lake or any other sources of water,

(g) To transform the genetic make-up through the any types of domestic animals,

(h) To excavate mines or remove minerals, boulders, soil, concrete or other materials,

(i) To operate hotels, lodges, public transport, health posts, schools, huts or similar other services,

(j) To enter into the environment conservation Zone without the permission of the authority empowered by the Ministry,

(k) To cause any loss or damage to any wire-fences, marks or signs or any other objects installed inside the environment conservation Zone.

(2) Notwithstanding anything contained in Sub-Rule (1), nothing contained there shall be deemed to prevent the execution of any function permitted by the Ministry for the Management and development of the environment conservation zone.

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31. **Prohibitions to conduct research without permission:** No foreign organization or association, or any person or institution affiliated to it, may collect sample of any living being, bacteria and plant, and take any activity relating to research in bio- diversity without taking prior approval of the concerned body.

32. **Application to be filed for permission :** (1) In cases where any foreign organization or association or any person or institution affiliated to it desires to collect any sample relating to research in bio-diversity at any place within Nepal , it he/she shall submit an application to the concerned body for permission, mentioning the objectives thereof.

(2) In case an application is received pursuant to Sub-Rule (1), the concerned body shall conduct necessary investigations in that connection, and, in case it deems appropriate following such investigation, to grant permission to collect sample of any living being, bacteria or plant, and take any action relating to research in bio- diversity , grant such permission by prescribing necessary conditions.

(3) The concerned body shall inform the Ministry about any permission granted under Sub-Rule (2).

33. **Prohibition to take actions in violation of conditions:** (1) No person or institute which has secured permission under Rule 32 shall take any action while collecting samples of any living being bacteria or plant, and take any action relating to research in bio- diversity in any manner as to be in violation of the conditions prescribed by the concerned body.

(2) In case anyone is found to have taken any action in contravention of Sub-Rule (1) the concerned body shall stop such activity immediately.

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Chapter 6

Provisions relating to laboratories

34. **Only standard laboratories to be prescribed** : While fixing any laboratories operated in the not – governmental Sector under Sub- section (10 of Section 11 of the Act, only those which have received the certificates of standard shall be prescribed.

35. **Fuctions, duties and powers of Laboratories;** (1) In addition to those mentioned in the Act, the functions, duties and powers of the laboratory shall be as follows: -

    (a) To test goods or objects whose has been requested by the Minister or the concerned body concerned with the conservation of the environment and control of pollution, on a priority basis,

    (b) In cases, it is found that the environment has suffered a serious impact as a result of the spread of a special type of pollution to conduct a test on such pollution, within the time- limit prescribed by the Ministry and submit a report thereof to the Ministry.

    (2) Any laboratory, which is not equipped with the technology needed for conducting a test on pollution under Clause (b) of Sub Rule (1), shall conduct such test by a foreign laboratory on the request of the concerned body or the Ministry.

36. **Test may be conducted by any other laboratory:** The concerned body or the Ministry may test the pollution tested by one laboratory by any other laboratory as per necessity.

37. **Power to publish the findings of tests conducted by a Laboratory:** The concerned body or Ministry may publish, for the information of the general public, the level of pollution tested in a laboratory under these Rules.

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38. **List of laboratories to be maintained up dated:** The Ministry shall prepare a list of Standard laboratories established in the Governmental and non- governmental sectors and maintain it up dated.

Chapter 7

39 **Provisions Relating to formation of Managing committee:** (1) There shall be a managing committee consisting of the following members, for the purpose of managing, operating, and monitoring the fund: -

(a) Ministry of population of environmental Chairperson Joint Secretary

(b) Joint-Secretary, National Paying commission -member

(c) Joint-Secretary, Ministry of finance - member

(d) Deputy Governor, Nepal Rastra Bank - Member

(e) President Federation of Nepalese chambers of Commerce and Industries - Member

(f) One person from among environmentalists or Chiefs of Environment related non- governmental Organization -Member

(g) Joint- Secretary (Environment Division) Ministry of Population and environment -Member -Secretary

(2) The member under Clause (f) of Sub Rule (1) shall be nominated by the Ministry and he/she shall have a tenure of two years.

(3) The Procedure relating to meetings of the Managing committee shall be a determined by the committee itself.

40. **Provisions relating to secretarial and Administrative expense:** (1) The Ministry shall function as the Secretarial of the Managing Committee.

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(2) The administrative expenses required for the Secretariat of the Managing committee shall be borne from the budget of the Ministry.

41. **Managing and operation of he fund:** (1) The fund shall be operated as a revolving fund.

(2) Amounts credited to the fund shall be deposited in an account opened in a bank the Managing Committee.

(3) The account opened under Sub-Rule (2) shall be operated in the manner prescribed by the Managing Committee.

42. **Use of the fund :** Amounts deposited in the fund shall be spent to activities connected with conservation of environment, prevention and control of pollution and conservation of the national heritages as well as the following activities in the manner as decided by the Managing committee.

(a) To provide necessary financial physical and technical assistance to the Institution playing an effective role in the conservation of the environment, prevention and control of pollution and protection of national heritage and promotion of public awareness activities.

(b) To provide necessary financial assistance in the activities related to environmental education training and research.

(c) To make provisions for rewards to the individuals or institutions for rendering significant contribution in the fields of environmental conservation prevention and control of pollution and conservation of the study national heritages.

(d) To formulate planes and implement programme not included in the regular programs relating to the conservation of the environment prevention and control of pollution and conservation of the national heritages.

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43. **Provisions relating to Accounts:** The accounts of income and expenditure of the fund shall be kept according the prevailing laws.

44. **Annual report to be published:** The Managing Committee shall make public the annual report of its activities carried out all over the year for the information of the general public.

Chapter 8

Compensation and other provisions

45. **May file an application for realizing Compensation :** -In case anyone wishes to realize compensation from any individual, institution or proponent under section 17 of the Act, he/she may Submit an application to the concerned Chief District Officer mentioning the type of loss suffered by him/her as a result thereof, and the amount of compensation sought by him/her.

(2) In case an application is received under Sub Rule (1), the Chief District Officer shall conduct investigation into it, as well as, into the actual situation prevailing at the concerned place, as required, and also seek the opinion and suggestion the concerned officer in the district of the inspector, if any, deputed to district, and then evaluate the actual loss suffered by the applicant.

(3) If, for any reasons the loss cannot be evaluated under Sub- Rule (2) the Chief district Officer shall forward the application to the concerned body for its suggestion on the Matter within 30 days from the rate of receipt to the application.

(4) In case an application is received under Sub Rule (3) the concerned body shall conduct necessary investigation and study the actual prevailing situation as required, and send back the application to the concerned Chief District officer along with its opinion and suggestion.

(5) In case the loss has been evaluated under Sub-Rule (2) the Chief District officer shall determine the amount of compensation accordingly and in

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case the suggestion to the concerned body has been sought, the Chief District Officer shall do so after receiving the suggestion under Sub-Rule (4)

(6) In case an application for compensation has been forwarded to the concerned body under Sub Rule (3), the chief District Officer shall take a decision in respect to payment of compensation within 15 days from the date of receipt of suggestion from the concerned body and in case the application for compensation has not been forwarded to the concerned body by the Chief District officer shall take decision regarding the compensation within Six days of application.

(7) In connection with the determination of the amount of compensation, the Chief district Officer shall have the powers to summon the concerned individual, institution or proponent, record his/its statement, order for the Submission of any document equipment machinery etc, and enter into and investigate from where pollution, noise, heat or gases has been created or emitted.

(8) The amount of the compensation determined by the Chief District Officer under this Rule shall be appropriate and reasonable.

46. **Amount of Compensation to be paid within the prescribed time limit:** (1) The concerned individual, institution or proponent shall to pay the amount to the concerned individual or intuition within Thirty days from the date of determination of the amount compensation under Rule 45.

(2) In case the concern individual, institution or proponent Submits an application for extension time limit of prescribed in Sub-rule (1) explaining appropriate reasons for his/her it's failure to pay the amount of compensation within the prescribed time limit and in case the reasons mentioned in the application are found to be appropriate, the Chief District Officer may extend the time limit no exceeding Thirty days for one time.

47. **Compensation to be Realized from the property :** (1) In case the concerned individual, institution or Proponent flails to pay the amount of compensation

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within the time limit prescribed in Rule 46 , the individual or institution which is to receive compensation, may Submit an application to the chief District Officer within three months from the date of expiry of the said time limit, with a request to have the amount of compensation be realized, identifying the property belonging to such individual, institution or proponent.

(2) In case an application is received pursuant to Sub- Rule (1), the Chief District Officer shall action the property of the individual, institution or proponent who is to pay the amount of compensation in accordance with the existing laws, cause to pay the amount of compensation and hand over the remaining balance to the concerned individual, institution or proponent if he /it approaches him/her for the same by fulfilling the formalities laid down by the existing laws.

48. **Designation of Authority empowered to inflict punishment :** (1) In case any individual or institution take any action without having a proposal relating to **initial** environmental examination approved under Section 4 of the Ac, the concerned body shall be the authority empowered to punish him/her it under Sub-Section (1) of Section 18 of the Act.

(2) In case any individual or institution takes any action without having a proposal relating to environmental impact assessment under Section 4 of the Act, the ministry shall be the authority empowered to punish him/her it under Sub-Section (1) of Section 18 of the Act.

(3) In case, any industry commences its operation without obtaining a certificate pursuant to Rule 16 or in case any individual, institution or industry does not control pollution, or emits wastes even after being notified not to do so under Rule 18, the concerned body shall be the authority empowered to punish him/her it under Sub-Section (2) of Section 18 of the Act.

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(4) In case anyone does follow the order issued pursuant to Sub-rule (2) of Rule 23, the Ministry shall be the authority embowered to punish him/her under Sub-Section (2) of Section 18 of the Act.

(5) In case anyone pursuant to Rule 28 who causes any loss or damage to the object , site, plant, animal etc. incorporated in the inventory or coming under national heritages, the concerned body shall be the authority empowered to punish him /it under Sub- Section (2) of Section 18 of the Act.

(6) In case anyone does anything without obtaining permission under Rule 32, or in contravention of the prescribed conditions, the concerned body shall be the authority empowered to punish him/it under Sub-Section (2) of Section 18 of the Act.

(7) In case, anyone **commits** any Act, except provided in this Rule here above, in contravention of the Act or any other Rules, the Ministry shall be the authority empowered to punish him/her it pursuant to Section 18 of the Act.

49. **Power to Grant rewards, commendation, letters or Logo :** (1) The ministry may grant a cash reward or a commendation letter to any individual or institution for rendering significant contributions in matters concerning environmental conservation control and conservation, prevention, pollution and protection of the heritages as a token of respect.

(2) Any industry which renders significant contribution as mentioned in Sub-Rule (1) the Ministry may grant an environment-friendly logo to such industry, which may use it in its specific products.

(3) In case, any industry does not control and prevent pollution upon violating of the Act or these Rules; the Ministry may impose a ban on the use of the environment – friendly logo granted to it.

(4) The Ministry shall publish a public notice of the ban imposed under Sub- Rule (3).

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50. **List of Environmental experts:** The Ministry shall maintain an updated list of the persons possessing special knowledge and experience in the field of environment.

51 **.Designating the Authority:** The Ministry shall be the authority designated for the purpose of Sub-Section (6) of Section 8 of the Act.

*** 52** **Delegation of powers:** (1) The Ministry may delegate some of the powers conferred to it under these Rules to the concerned body or Subordinate body or any officer level employee as required.

(2) The concerned body may delegate some of the powers conferred to it under these Rules to the Subordinate body or any other officer level employee as required.

Provided that the concerned body shall not delegate the power of providing opinion to the Ministry.

53. **Applicability of these Rules:** In matters provided for in these Rules, action shall be taken accordingly and in other matters, action shall be taken pursuant to the existing laws.

54. **Power to make changes or alterations in the Schedule:** The Ministry may change or alter the Schedules as may be required, by notification in the Nepal Gazette.

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Schedule -1

(Pertaining to Rule 3)

Proposals Requiring Initial environmental examination

A. Forest Sector

(1) Plantation of indigenous plants of a single species in a single block of 50 to 100 hectares in the Terai and 25 to 50 hectares in the Hills.

2) Plantation of such imported species of plants as are deemed suit for the purpose, following their test in the concerned place, on a single block of 10 to 50 hectares in the Terai and 5 to25 hectares in the Hills.

(3) Handover of forests with an area ranging between 25 to 100 hectares in the Terai and 5 to 25 hectares in the Hills as leasehold forests.

(4) **Clear feeling** or rehabilitation of national forests with an area of not more than 5 hectares.

(5) Establishment of saw-mills which could to process 5000 to 50,000 cubic feet of timber per year.

(6) Collection of 5 to 50 tons of forest products other than timer per year.

(7) Establishment or expansion of national parks, wildlife sanctuaries and conservation areas or environmental conservation Zones.

(8) **…….of the foots of trees which have been failed** removal of leaves (in such a manner as to turn trees into stumps), extraction of seeds of lichens or orchids from trees and collection of Salk (shores robust) seeds.

(9) Formulation of watershed management plans.

(10) Construction of new botanical gardens or zoos outside the forest areas by the public or private Sector.

(11) **Recruitment** of import who …… of different species.

(12) Preparation of management plans of national parks, wild life sanctuaries, conservation Ares and their buffer zones or launching of development and construction activities specified in such plans.

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(13) Establishment of medicinal herbs centers for the commercial production of medicinal herbs and aromatic plants in public scrublands.

(14) Commercial collection or industrial processing of non-polluting medicinal herbs and aromatic plants.

(15) Construction of forest paths up to Five Kilometer long and of fire protection lines up to Ten Kilometers long.

(16) Collection of boulders, gravel and sand and extraction of coal and other minerals from forest areas.

*** B . <u>Industrial Sector:</u>**

1. Production of alcohol by the process of blending and establishment of distilleries equipped with boiling and fermentation facilities with a production capacity of 5,00,000 liters per day.
2. Establishment of acid, alkali and primary chemical industries with a production capacity of 5, 00,000/- liters per day.
3. Establishment of acid, alkali and primary chemical industries with a production capacity of 100 metric ton per day.
4. Processing of leather not more than5000 sq. ft. per day.
5. Establishment of electroplating and galvanizing industries.
6. Establishment of cooking natural gas refilling, filling, production and distribution industries.
7. Establishment of boulder crushing industries.
8. Establishment of paints industries.
9. Establishment of dairy processing industries.
10. Establishment of industries producing lubricant by the process of blending, reprocessing or reclamation.
11. Establishment of industries manufacturing foam.
12. Establishment of industries manufacturing dry or wet cell (battery).
13. Establishment of crude sugar or sugar industries with a production capacity of 3000 metric tons per day.

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14. Establishment of thread and clothes dyeing, printing and laundry industries (including carpets) except traditional cottage industries.
15. Establishment of pulp and paper industries, except traditional cottage industries, with a production capacity of 100 metric tons per day.
16. Establishment of bricks and tiles industries with a production capacity of 10 million units per year.
17. Establishment of cement industries with a production capacity of 30 metric ton per hour based on lime-stone and with a production capacity of 50 metric tons per hour based on clinker.
18. Establishment of quick/slaked lime industry producing 50 metric tons per day.
19. Establishment of pharmaceutical industries.
20. Establishment of industries manufacturing chemical fertilizers (blending) and pesticides (blending).
21. Establishment of plastic industries (based on waste plastic as raw materials)
. 22. Establishment of matches industries.
23. Establishment of industries relating to auto workshop (except 2 Wheelers).
24. Establishment of industries producing and processing coke and briquette from coal."

(b) Establishment of the following industries having investment of total fixed capital exceeding Rs. One million.

1. Plastic processing (except processing waste materials).
2. Processing and production of tires, tubes and rubber.
3. Soap (including detergents and cleaning shampoos).
4. Photo processing.
5. Foundry.
6. Production of cigarettes, bidi (tobacco rolled in leaf) tobacco , betel Rules.
7. Slaughter house.
8. Glass (plane glass)

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9. Food processing.
10. Relating to metal (including **remelting**, reenrolling and fabrication).
11. Bitumen and bitumen emulsion.
12. Cold storage.
13. Threading
14. Vegetable ghee, oil.
15. Herbal processing.
16 Productions of different items from bone, horn and foot root .
17. Rosin turpentine, veneer and catechu.
18. Fish and meat processing.
19. Production of packaging materials.
20. Plotter feeds.
21. Machine soap.

•**C. <u>Mining Sector:</u>**

(a) Excavation of mines through relocation and resettlement of permuted residence up to more than 100 people.

(b) <u>Relating to Open Mine and Under Ground Mined:</u> -

(1) Excavation of metallic minerals in small scale.

(2) Excavation of the other industrial minerals in small scale except precious stones semiprecious stones and abrasive minerals from among the classified industrial minerals for the industrial purpose.

(3) Excavation of non-moralistic metalic in small scale.

(4) Excavation of industrial precious and semiprecious stones and abrasive minerals with a production capacity of 50 to 100 grams per day.

(5) Establishment of coal mines in small scale.

(6) Excavation of construction oriented minerals in small scale,

•Amended by first amendment.

(7) Excavation of highly precious valuable stone and semi-valuable stone minerals with a production capacity of 50 to100 grams per day.

(8) Production of naturals gases in very small and small scale.

(c) Relating to other Mines

(1) Extraction of 10 to 50 cubic meters of sand, gravel and soil from river beds per day.

(2) Extraction of 50 to 100 grams of precious value and semi-value stone minerals per day through placer or dredging techniques.

D. <u>Road Sector:</u>

1. Construction of the following roads:
   - (a) District roads
   - (b) Urban roads
   - (c) Rural roads
   - (d) Small feeder roads
2. Construction of One to Five Kilometer long ropeway.
3. Construction of One to Five kilometers long cable car routes
4. Construction of major bridges
5. Constructions of tunnels
6. Improvement, up grading and reconstruction of national highways and feeder roads.

E. <u>water resources and energy sector:</u>

1. Supply of electricity though the constructions of transmission lines of from 33 to 66 KV capacity.
2. Operation of rural electrification projects of One to Six MW.
3. Operation of electricity generation projects from 5MW capacity.
4. Under the new systems of irrigation :
   - (a) Irrigating Twenty Five to Two Thousand hectares in the Terai,
   - (b) Irrigating Fifteen to Five Hundred hectares in the Hill Valley,

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(c) Irrigating Ten to Two Hundred hectares in the Hilly and mountainous areas a steep gradient.

5. Under the rehabilitated systems of irrigation:

(a) Irrigating more than Five Hundred hectares in the Terai

(b) Irrigating more than Two Hundred hectares in the hill valleys.

(c) Irrigating more than Hundred hectares in the hilly a steep gradient and mountainous.

6. Any water resources development activity which displaces *from Twenty Five to Hundred persons from permanent residence.

7. Control of floods through dams in the Terai.

8. Control of river of more than one Kilometer length.

Note: - Any rehabilitation project which includes additional irrigated areas, new sources of water, watershed management or changed channel lines shall be considered to be a new system.

F. Tourism Sector:

1. Establishment and operation of hotel with Fifty to Hundred beds.
2. Extension of the areas of the existing airports.
3. Opening of new areas for the promotion of tourism.
4. Operation of rafting activities on any river having fish or other aquatic life.
5. Operation of new golf courses and organized form of water sports.
6. Promotion of tourism in a number exceeding Ten Thousand per year at an altitude above Five Thousand meters.
7. Disposal and management of waste emitted from trekking points.

G. Drinking Water:

1. Collection of rain-water in an area of not more than 200 hectares, and use of water sources (spring and wet-lands) located within the same area.
2. Surface water source with not more than 4 cubic ft. safe yield and supply of not more than Fifty present of the water during the dry season.

* inserted by First Amendment

3 Processing of water at the rate of Ten to Twenty Five liters per second.

4. Recharging upto Fifty present of the total **aquifer** for the development of underground water sources.

5. Construction of not more than one kilometer long tunnels for carrying water.

6. Displacement of not more than One Hundred persons for operating a water supply scheme.

7. Settlement of no more than Five Hundred persons on the upper reaches of water sources.

8. Supply of drinking water to a population ranging between Two Thousand to Twenty Thousand.

9. Supply of drinking water to a population ranging between Ten Thousand and Hundred Thousand upon connecting new sources.

10. Installation of more than 20 Km. long electricity transmission lines for pumping or processing water and consumption of more than one mw of electricity.

11. River training and diversion activities over an area of more than one Kilometer.

H. Waste Management:

1. Waste Management activities to be undertaken with the objective of providing services to a population ranging between Two Thousand and Ten Thousand.

2. Following activities relating to waste emitted from houses and residential areas:

   (a) Filling of land with One Hundred to One Thousand tons of waste a year.

   (b) Activities relating to transfer stations and resource recovery areas spread over upto Three hectares.

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(c) Selecting, picking, disposing, and recycling waste through chemical, mechanical or biological techniques in an area upto Two hectors.

(d) Activities relating to compost plants in an area ranging between One to Five hectares.

(e) Operations of sewerage schemes.

I. <u>Agricultural Sector:</u>

1. Clearing of national forests covering upto One hectare in the Hills and Five hectares in the Terai, and using then for agricultural purposes.

2. Following Construction activities.

(a) ✂……..

(b) Construction of 1 to 5 Kilometers long agricultural road.

(c) Construction activities for farming Two Thousand to Five Thousand domestic fowls.

(d) Construction activities for farming big cattle numbering between One Hundred and Five Hundred.

(e) Construction activities for farming small cattle (sheep and goats) numbering between One Thousand and Five Thousand.

(f) Establishment of agricultural wholesale markets in urban areas.

3. Following activities relating to toxic Substances (only those which are listed) :

(a) Import of One to Ten tons of toxic Substances.

(b) Sale, supply storage and disposal of 100 kg. to One ton of toxic Substances.

(c) Uses of One Hundred kg. to One ton of toxic Substances in a single area.

4. Establishment of the following agro based industries to dispose of polluted Substances mixed with dangerous toxins:

(a) Milk-processing industries with a capacity upto Twenty Six Thousand liters a day.

(b) Such, agro based industries as those producing jam, jelly, squash and juice.

(c) Cheese industries.

✂ Deleted by first Amendment

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(d) Bady food indstries.

(e) ✂ ……

(f) ✂ ……

5. ✂ ……

6.Commercial fish-farming in an area of more than One hectare.

*J. Operation of any plan, project or programme of any development work physical activity or land use • Except the proposals mentioned in Clause (A) to Clause (I) and those below the standard of such proposals as well as the proposals below the standards of those mentioned in Schedule -2 with a cost of Rs. Ten millions to hundred millions.

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✂

* Inserted by First Amendment.

• Inserted by the notification published in Nepal Gazette on Aug .23 ,1999

Schedule -2

(Relating to Rule 3)

Proposals requiring environmental Impact Assessment

A. Forest Sector:

1. Plantation of indigenous plants of a single species in a single block covering an Ares of more than One Hundred hectares in the Terai and Fifty hectors in the Tarai.
2. Plantation of such imported species of plants as are deemed suitable for the purposes, following their test, in the concerned place, in an area of more than Fifty hectares in the Tarai and Twenty Five hectares in the Hills
3. Handover of forests with as area of more than One Hundred hectares in the Terai and Twenty Five hectares in the hill ass leasehold forests.
4. **Clear felling or rehabilitation** of forests with an area of more than Five hectares.
5. Establishment of saw-mills processing more than Fifty cft. of timber per year.
6. Collection of forest related products except more than Fifty ton of woods.
7. Formulation and implementation of forest management plans.
8. Clearing of publics' forests and establishment of new medical herbs centre for commercial production.
9. Rosin and turpentine, rubber, plywood and veneer, catechu, and timber-based matches , pulp and paper industries to be established within one Km. inside the forest area which depend on forests for their raw material and use processing techniques and cardamom and medium and large tea industries which use large quantities of firewood.
10. Commercial and industrial processing of medicinal herbs and aromatic plants which emit garbage and pollution.
11. Establishment of saw-mills, bricks and tiles factories and tobacco processing industries within Five Km. from the forest boundaries.

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12. Establishment of hotels, resorts, safaris, educational institution ,hospital and industries of other construction activities inside forest areas, national parks, sanctuaries, conservation areas, buffer zones and environment conservation Zones.

[*]B. <u>Industrial Sector:</u>

1. Establishment of distilleries equipped with **boiling** and fermentation facilities with a production capacity of more than Fifty Hundred Thousand liters per day.
2. Establishment of breweries and wineries equipped with fermentation facilities with a production capacity of more than Fifty Hundred Thousand liter per day.
3. Production of primary chemicals such as corrosive, acid and alkali etc. (except citric **Tartaric**, acetic, acid.) with a production capacity of more than One Hundred metric tons per day.
4. Processing of **hides** more than Five Hundred sq. ft. Per day.
5. Production of chemical fertilizers and pesticides except produced through welding process.
6. Establishment of mineral based industries with a investment of more than Rs. Fifty millions fixed capital.
7. Production of petro chemical and processing (diesel, kerosene, lubricant plastics, **Synthetic** rubbers etc.)
8. Production of ferrous and non ferries metals (except resoling, remelting and fabrication) by the process of primary smelting.
9. Establishment of industry producing more than Three Thousand metric ton of rude sugar and sugar per day
10. Establishment of cement industries with a production capacity of more than Thirty metric tons per hour based on line stone and with a production capacity of more than Fifty metric tons per hour based on clinker.

[*] Amended by first Emendation

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11. Establishment of lime industries having production capacity of more than Fifty metric tons per day.
12. Production of asbestos.
13. Establishment of radio active emission (nuclear and automatic processing) industries.
14. Production of primary compound (Bulk drugs) for medicine.
15. Production of extremely hazardous Substances such as Isocyanine, mercury compound etc.
♦16. Production of ammunitions and explosives including gunpowder except than the production made by Nepal Army or Nepal police forever or to be established by them.
17. Establishment of industries of pulp or paper with a production capacity of more than One Hundred metric tons per day.
18. Establishment of brick and tiles industries with a production capacity of more than Ten million pieces per year.
19. Chemical processing of bones.

*C. **Mining Sector:**

(a) Relocation or resettlement of permanent residence of more than 100 people for the purpose of mine excavation.

(b) Operation of all underground mining activities located at the main boundary throst and central boundary thrust Zone.

(c) In case of relating to Open Mines or Underground Mines:

1. Excavation of metallic mineral Substance in medium and large scale.
2. Excavation of non metallic mineral Substances in medium and large scale.
3. Excavation of other medium and large scale industrial minerals except precious stone, semi-precious stone, abrasive minerals from among the industrial minerals classified for the purposes of industrial use.

♦ changed by a notification published in Nepal Gazette on Nov. 9,2001
* Amended by First Amendment

4. Excavation of medium and large scale coal mines.
5. Excavation of construction-oriented minerals of medium and large scale.
6. Excavation of highly valuable semi precious minerals with a production capacity of more than 100 grams per day.
7. Production of natural gas in medium and large scale.
8. Excavation of radioactive minerals in any scale.
9. Excavation if minerals in any scale.
10. Excavation of crude oil in an scale.
11. Excavation of industrial, precious, semi-precious stones and abrasive mineral with production capacity of more than One Hundred grams per day.

(d) Relating to other Mines:

1. Extraction of sand, gravel and soil at the rate of more than Fifty cubic meters per day from the surface of river and revolute.
2. Extraction of highly precious and semi-precious minerals at the rate of more than One Hundred gms. per day through player and dredging technique.

D. <u>Road Sector:</u>

1. Construction of the following roads:
   (a) National highways.
   (b) Main feeder roads.

2. Construction of more than Five Km. long ropeway.
3. Construction of more than Five Km. long cable car routes.

E. <u>Water resources and Energy sector:</u>

1. Supply of electricity through installation of transmission lines of more than 66kv.capacity.
2. Operation of more than 6 mva. Rural Electrification Projects.
3. Operation of electricity generation projects with a capacity of more than 5 mw.
4. Generation of more than 1mw. Diesel or the heat electricity.
5. Under the new systems of irrigation:

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(a) Irrigating more than 2000 hectares in the Tarai.

(b) Irrigating more thn500 hectares in the hill valleys.

(c) Irrigating more than 200 hectares in the hill areas with a steep gradient and Mountain areas.

6. Any water resources development activity which displaces more than One Hundred people with permanent residence.
7. Construction of multipurpose reservoirs.
8. Inter-basin water transfer and use.

F. <u>Tourism Sector:</u>

1. Establishment and operation of hotels with more than One Hundred beds.
2. Establishment and development of new airports.
3. Rafting arrangement for more than Two Thousand persons per year on a single river.
4. Dispatch of more than Two Thousand tourists and their assistants per year for trekking in a single area.
5. Development and construction of any infrastructure for the promotion of adventure tourism in high mountainous areas.
6. Operation of house boats on lakes.

G. <u>Drinking water:</u>

1. Collection of rain-water in an area of more than Two Thousand hectares and use of water sources (springs/wetlands) located within the same area.
2. Surface water sources with more than 1 cft. safe yield, and the use of its entire part during the dry season.
3. Water processing at the rate of more than Twenty Five liters per second.
4. Recharging of more than Fifty percent of the total aquifer for the development of underground water sources.
5. Construction of more than 1 km. long water tunnels.

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6. Displacement of more than One Hundred persons for the operation of water supply scheme.
7. Settlement of more than Fifty persons on the upper reaches of water sources.
8. Supply of drinking water to a population of more than Twenty Thousand.
9. Supply of drinking water to a population of more than One Hundred Thousand upon connecting of new sources.
10 Over mining of biologically or chemically polluted point and non-point sources or underground water sources that may be affected by them.
11. Operation of multi-purpose projects relating to sources of drinking waste water which consumes the sources at the rate of more than 25 liters per second.

H. <u>Waste Management:</u>

1. Waste management activities to the undertaken with the objective of providing services to a population of more than Ten Thousand.
2. Following activities relating to waste emitted from houses and residential areas: -
   (a) Filling of land with more than One Thousand tons of waste per year.
   (b) Activities relating of transfer station and resources recovery areas spread over an area of more than Three hectares.
   (c) Selecting, picking, disposing and recycling wastes through chemical, mechanical or biological techniques' in an area spread over more than Two hectares.
   (d) Activity relating to compost plans spread over an area of more than Five hectors.
   (e) Burying of waste emitted from an urban area with a population of at least Ten Thousand.

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3. Following construction activities relating to hazardous waste of the following nature in any scale:-
   (a) Construction of waste plant.
   (b) Construction of waste recovery plant.
   (c) Constructing of a site for filling accumulating or burying waste.
   (d) Construction of a site to store the waste.
   (e) Construction of a waste treatment facility.
4. Following activities relating to lethal waste:-
   (a) Emission and management of any radio active Substance with a half age exceeding Twenty Five years.
   (b) Emission and management of any lethal chemical with Thirty lethal dose.
   (c) Final disposal management of biological lethal Substances emitted from Health Center, Hospital, or Nursing Home with at least Twenty Five beds.
   (d) Any activating relating to One hectors or more of land and energy for the purpose of incinerating or recycling any lethal Substance

I. <u>Agriculture Sector</u>:

1. Clearing of forest covering more than One hector in the Hills and Five hector in the Terai and using it for agricultural proposes.
2. Following activities relating to construction.:-
   (a)✂ ……
   (b) Construction of more than Five km. long agricultural roads.
   (c) Construction activities for farming more than Five Thousand domestic fowls.
   (d) Construction activity for farming more than Five Hundred big cattle.
   (e) Construction activity for farming more than Five Thousand small cattle (sheep and goats)

✂ Deleted by first Amendment

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(f) Urbanization plan in cultivable lands.

3. Following activities relating to toxic Substance (only those which are listed):

(a) Import of more than Ten tons of a toxic Substance.

(b) Sale, supply, storage and disposal of more than One ton of a toxic Substance.

(c) Use of more than One ton of a toxic Substance in a single area.

(d) Activities relating to insecticide plants or toxic Substances.

J. <u>Health:</u>

1. Operation of hospitals or nursing homes with more than Twenty Five beds, or medical profession (study and teaching also).

K. <u>If any proposal is to be implemented in the following Ares:</u>

1. Historical, cultural and archeological sites.
2. Environmentally weak and wet Areas.
3. National parks, wild life sanctuaries and conservation areas.
4. Semi-arid, mountainous and Himalayan regions.
5. Flood prone and other dangerous areas.
6. Residential, school and hospital areas.
7. Areas with main sources of public water supply.
8. ✂……

♦L. Operation of any plan, project or programme relating to any developmental work ,physical activity or change in land use * <u>except the proposals mentioned in Clause (a) to Clause (K) and those below the standards of such proposals as well as the proposals below the standards of those mentioned in schedule -1</u> with a cost of more than One Hundred millions.

✂ Deleted by first Amendment
♦ Inserted by first Amendment
* Inserted by the notification in Nepal Gazette on aug.23.1999

Schedule -3

(Relating to Rule 5)

Work schedule of Initial environmental examinations

1. Name and address of the individual or institution preparing the report,

2. Proposal's:

   (a) General introduction

   (b) Relevancy of the proposal

3. Procedure to be adopted while preparing the report:

4. Policies, laws, Rules and manuals to be taken into account while preparing the report:

5. Preparing of the reports:
   (a) Time:
   (b) Estimated budget:

6. ✂…….

7. Specific impact of the implementation of the proposal on the environment:
   (a) Social and economic:
   (b) Cultural and physical:
   (c) Chemical:
   (d) Biological:

8. Alternatives for the implementation of the proposal:
   (a) Design
   (b) Project site
   (c) Technology, procedure of operation, time schedule, raw material to be used.
   (d) Other matters.

9 Matters concerning the prevention of the impact of the implementation of the proposal on the environment.

10 Matters to be monitored while implementing the proposal.

11. Other necessary matters.

✂ Deleted by first Amendment

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Schedule -4
(Relating to Rule 5)

Work Schedule Relating to Environmental Impact Assessment

1. **Name and address of the individual or institution preparing the report:**
2. **General introduction of the proposal:**
3. **Data needed for the preparation of the report and procedure of collecting them:**
4. **Policies, laws, Rules and manuals to be taken into account while preparing the report:**
5. **Preparation of the Report:**
   (a) Time
   (b) Estimated budget
   (c) Necessary
6. **Scope determined for the preparation of the report.**
7. **Impact on the environment on the implementation of the report:**
   (a) Social and economic
   (b) Cultural and physical
   (c) Chemical
   (d) Biological
8. **Other alternatives for the implementation of the proposal:**
   (a) Design
   (b) Project site
   (c) Technology, procedure of operation, time-schedule and raw materials to be used.
   (d) Environment management system.
   (e) Whether or not the risks resulting from the implementation of the proposal can be accepted.
   (f) Other matters.

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9. **Measures to remove any negative impact that may be noticed while implementing the proposal.**
10. **Particulars of the cost and returns of the proposal.**
11. **Matters to be monitored while implementing the proposal.**
12. **Relevant information, reference lists, bibliography, annexes, maps, photographs, table and shirts, graphs and questionnaires to be mentioned at the time of preparing the report.**

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Schedule-5

(Relating to Rule 7)

Matter to be mentioned while preparing reports relating to

Initial environmental examinations:

1. **Name and address of individual or institution preparing the report:**

2 **Summery of the proposal:** (To briefly mention the following matters in regard to the possibly impact of the implementation of the proposal on the environment):

(a) Objectives of the proposal,

(b) Impact on land-use.

(c) Adverse impact on the environment impact on human life, and population pressure,

(d) Damage to be suffered by local goods or objects,

(e) Other necessary matters.

3. **The following matters must be explicitly mentioned in respect to the proposal:**

(a) Type of proposal,

(i) Processing,

(ii) Manufacturing,

(iii) Installation,

(iv) Service delivery,

(v) Others.

(b) If related to delivery, the nature and type of goods to be delivered.

(c) Proposal's

(i) Installed capacity

(ii) Number of hours to be operated per day or year.

(d) Materials to be used (quantity and year to be mentioned).

(e) Emission resulting from the implementation of the proposal (the time of operation and the consequent volume of emission to be specified)

(i) Solid

(ii) Liquid

(iii) Air,

(iv) Gas,

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(v) Noise

(vi) Dust,

(vii) Others

(f) Energy to be used:

(i) Type,

(ii) Sources

(iii) Volume of consumption (per day and year)

(g) Human Resource requirements:

(h) Resources required for the implementation of the proposal:

(i) Total (Gross) capital

(ii) Working capital

(iii) Land area,

(iv) Building and their types,

(v) Machinery and tools

(vi) Others.

(i) Detailed particulars of the area where the project is to be implemented:

(i) Maps,

(ii) Population and condition relating to settlements in the area as well as in the nearby areas,

(iii) Particulars of any sensitive things or objects, if any, located close to the area where the proposal is to be implemented

(iv) Current situation

(v) Sources of water

(vi) Arrangement made for disposing or processing the waste

(vii) Paths for movement in the area where the proposal is to be implemented

(j) Manufacturing processes

(k) Details of the technology

(l) Other necessary matters.

4. **Impact of the implementation of the proposal on the environment:**

(a) Impact on the social, economic cultural spheres:

(i) Impact on human health,

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(ii) Degradation of cultivable land,

(iii) Destruction of forests,

(iv) Changes in social, cultural and religious norms and value,

(v) Others.

(b) Biological Impact:

(i) Population,

(ii) Flora and fauna.

(iii) 'Natural habitat and communities

(c) Physical Impact:

(i) Land,

(ii) Atmosphere,

(iii) Water,

(iv) Noise,

(v) Man-made objects,

(vi) Others

5. **Alternatives for the implementation of the proposal:**

(a) Design

(b) Project site

(c) Processes, time-schedule,

(d) Raw materials to be used,

(e) Others

6. **Alternatives to reduce or control the impact of the implementation of the proposal on the environment.**

7. **Matters to be monitored while implementing the proposal.**

8. **Other necessary matters.**

Note: - Data, maps, Photographs, tables, charts graphs etc. shall be enclosed, as required, while preparing the report.

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Schedule – 6

(Relating to Rule 7)

Matters to be mentioned while preparing Reports Relating to Environmental Impact Assessment

1. **Name and Address of the individual or intuition preparing the report:**
2. **Summary of the proposal:** (to mention the following matters in regard to the possible impact of the implementation of the proposal on the environment.):
   (a) Objectives of the proposal ,
   (b) Impact on land-use,
   (c) Adverse impact on the environment, impact on human life, and population pressure,
   (d) Damage to be suffered by local goods or objects
   (e) Other necessary matters.
3. **Summary of the Report:** Brief particulars of the matters mentioned in the report relating to the environmental impact assessment.
4. **Particulars of the proposal:**
   (a) To specify the technical, geographical, environmental, economic, social, cultural and physical aspects of the proposal.
   (b) To specify the objectives, working policies and work-schedule of the activities to be undertaken during each phase of the implementation of the proposal.
5. **Basic information relating to the proposal:** To mention basic information about the geo-physical, cultural, biological, and social and economic conditions of the area to be assessed, as well any possible change that may occur there before the implementation of the proposal. In case there are any data which may not be available or any Subject which may not be covered by the study, they too should be mentioned.
6. **Identification of environmental Impact:** To mention the possible positive and negative impact on the following spheres of the environment while implementing

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the proposal, and estimate and specify the volume of possible impart according to time and work schedules as far as possible.

(a) Geographical area likely to have positive or negative impact of the implementation of the proposal and thereof time-schedule.

(b) Impact of waste and pollution to be emitted through the implementation of the proposal.

(c) Direct or indirect and cumulative impact of the implementation of the proposal on the environment.

7. **Analysis of the alternatives for the proposal:** The following matters are to be analyzed:

(a) Matters concerning the design of the proposal, project site, technology, operation procedure, time –schedule and raw materials to be used.

(b) Comparison is to be made on the basis of the fixed and working capital, local suitability , institutional training and supervision needed for the implementation of the proposal, and the environmental cost and returns and economic significance of each alternative measures are to be analyzed as far as possible.

(c) Short, medium and long – term adverse impact of the implementation of the proposal.

(d) Sources of energy to be used for the implementation of the proposal and measures to be adopted for saving such energy.

(e) Analysis of the consequences of the non- implementation of the proposal.

8. **Measure to reduce environmental impact:**

(a) To mention practical preventive measures to be adopted for all activities which could have a negative impact on the environment.

(b) In case the environmental impact cannot be fully avoided through preventive measures, arrangements made for payments of compensation shall be mentioned. The effectiveness of the preventive measures shall be

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analyzed from the view point of their cost on the basis of the comparison with other possible alternatives.

(c) The effectiveness of the preventive measures shall be analyzed from the viewpoint of their cost on the basis of a comparison with other possible alternatives.

9. **To mentioned matters concerning environmental management plans.**

10. **Review of policy and Legal Provisions:** To review the related policies, laws, and Rules on the basis of the nature and scale of the proposal. If any policy or legal provision, needs to e reformed, to specify the same.

11. **Monitoring of the Proposal:** To mention the procedure of monitoring the impact of the implementation of the proposal on the environment, as well as the monitoring agency, time-schedule, monitoring and evaluation Indicators etc.

12. **To mention the format and relevancy of environmental examinations**.

13. **Reference materials:** To make at list of publications quoted as references while preparing the report in the following manner:

(a) Author,

(b) Date of Publication,

(c) Title of the material quoted,

(d) Year volume, number, etc. (if any)

(e) Page number

14. **To include the following particulars in the Annexes:**

(a) Maps relating to the land structure, geographical location, land-use and land-capacity and other maps related to the study.

(b) Aerial photographs as far as possible of the proposal implementation site and the surrounding areas,

(c) Questionnaires or lists of Subject matters used for field research.

(d) Matters connected with the evaluation of the environmental impact such as charts and photographs.

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(e) Hydrological and climatic data (by arranging them serially and chronologically)

(f) Data relating to flora and fauna of the proposal implementation site,

(g) Geological and risk evaluation data (if available),

(h) Information relating to the quality of air and water and the noise level before and after the operation of the project it available.

(i) Matrix or serial graphs relevant to the environmental impact assessment.

(j) Maps, slides records, video films and visual support equipments.

(k) Cropping techniques and data relating to livestock farming, soil features, and quantity of chemical fertilizers used.

(l) List of written reference materials used at the time of preparing the study report.

(m) List of invitees and participants and records of discussions, meetings and gathering among the concerned agencies, and brief particular of monitoring operations.

(n) List of names of individuals and institutions comprising of the study team involved in the preparation of the environmental impact assessment report.

(o) Name, address and telephone number of the individuals and institutions contacted in the course of the study.

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* Schedule-7

(Relating to Sub-Rule (1) of Rule 16)

Industries requiring Certificate of pollution control

1. Relating to production of liquor through blending process and distilleries with facilities of boiling and fermentation.
2. Relating to brewery and winery with facilities of fermentation.
3. Relating to production of primary chemicals such as corrosive, acid, and alkali (except citric, tartaric, acetic, acid etc.)
4. Hide processing
5. Relating to electro plating and galvanizing,
6. Refilling, filling production and distribution of cooking natural gas.
7. Relating to boulder crushing
8. Relating to paints
9. Relating to milk processing.
10. Production of lubricants through the process of blending reprocessing or reclamation.
11. Relating to production of foam.
12. Production of dry or wet cell (battery).
13. Production of crude sugar or sugar.
14. Relating to thread, textile painting dyeing or washing (including carpets except traditional cottage industries.
15. Relating to pulp or paper except traditional cottage industries,
16. Relating to bricks, tiles etc.
17. Relating to cement based on lime stone or clinker,
18. Relating to lime production,
19. Relating to pharmaceuticals.
20. Production of chemical fertilizer (blending) and pesticides (blending),
21. Relating to plastic (based on waste plastic)

* Amended by first Amendment

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22. Relating to matches,
23. Relating to auto workshop (except two wheelers)
24. Relating to production and processing of coke and Briquette from coal.
25. Relating to plastic processing (except scraps processing)
26. Production and processing of tires (except scraps processing),
27. Relating to soap (including detergent and cleaning shampoo),
28. Relating to photo processing.
29. Relating to laundry.
30. Production of cigarette, bidi, tobacco, betel nuts.
31. Relating to slaughter house.
32. Relating to glass (palm dares)
33. Relating to food processing.
34. Relating to metallic (including remolding, rerolling, and fabrication),
35. Relating to bitumen and bitumen emulsion,
36. Relating to cold storage.
37. Relating to threading.
38. Relating to vegetable ghee and oil.
39. Relating to herbal processing.
40. Relating to production of different items from bone, horn and foot root.
41. Relating to rosin tormenting, veneer and catechu.
42 Relating to fish processing.
43. Relating to production of packaging materials.
44 Relating to poultry feed.
45. Relating to machine shop.
46. Relating to production of chemical fertilizers and pesticides except produced through welding techniques.
47. Relating to mineral based industries having with the investment of more than Rs. Fifty millions fixed capital.

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48. Production and processing of petro chemical (production of diesel, kerosene lubricants, plastic, synthetic rubber etc.)
49. Production of ferrous and non ferrous (except rerolling, **remolding**, and fabrication metal though smelting process.
50. Production of assets
51. Relating to emission of radio actives (nuclear and atomic processing).
51. Relating to primary chemical (bulk drugs) for mediations.
53. Relating to extremely hazardous Substance such as isocyanine, mercury compound etc.
54. Production of ammunitions and explosive including gunpowder.
55. Relating to chemical processing of bones.

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