

Pakistan Environmental Protection Act PEPA 1997

1) Short Title, Extent and Commencement

- (1) This Act may be called the Environmental Protection Act 1997.
- (2) It extends to the whole of Pakistan.
- (3) It shall come into force at once.

2) Definitions

Adverse environmental effect, Air pollutant, Agricultural waste, Environment, Environmental impact assessment, Hazardous substance etc.

3) Established the Pakistan Environmental Protection Council

4) Defined Function and Powers of the Council

5) Established the Pakistan Environmental Protection Agency

6) Defined Functions of the Agency

7) Defined Powers of the Agency

8) Established and defined Powers and Functions of the Provincial Environmental Protection Agencies

9) Established the Provincial Sustainable Development Funds

10) Management of the Provincial Sustainable Development Fund: The Provincial Sustainable Development Fund shall be managed by a Board known as the Provincial Sustainable Development Fund Board.

11) Prohibition of Certain Discharges or Emissions

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12) Initial Environmental Examination (IEE) and Environmental Impact Assessment (EIA)

The Environmental Protection Agency shall;

(a) Review the initial environmental examination and accord its approval, or require submission of an environmental impact assessment by the proponent; or

(b) Review the environmental impact assessment and accord its approval subject to such conditions as it may deem fit to impose, or require that the environmental impact assessment be re-submitted after such modifications as may be stipulated, or reject the project as being contrary to environmental objectives.

(4) The Federal Agency shall communicate its approval or otherwise within a period of four months from the date the initial environmental examination or environmental impact assessment is filed complete in all respects in accordance with the prescribed procedure, failing which the initial environmental examination or, as the case may be, the environmental impact assessment shall be deemed to have been approved, to the extent to which it does not contravene the provisions of this Act and the rules and regulations made there under.

(5) Federal Government may in a particular case extend the aforementioned period of four months if the nature of the project so warrants.

13) Prohibition of Import of Hazardous Waste

14) Handling of Hazardous Substances

15) Regulation of Motor Vehicles

16) Environmental Protection Order

17) Penalties Fines (and monetary benefits additionally), imprisonment, closure of factories, confiscation of assets (factory, equipment, vehicles etc), restore environment on his cost, payment for compensation of loss

18) Offences by Bodies Corporate

19) Offences by Government Agencies, Local Authorities or Local Councils

20) Environmental Tribunals: giving federal government powers to establish as many environmental tribunals as it consider necessary

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21) Defined Jurisdiction and Powers of Environmental Tribunals

22) Appeals to the Environmental Tribunal

(1) Any person aggrieved by any order or direction of the Federal Agency or any Provincial Agency under any provision of this Act and rules or regulations made there under may prefer an appeal with the Environmental Tribunal within thirty days of the date of communication of the impugned order or direction to such person.

23) Appeals from Orders of the Environmental Tribunal

(1) Any person aggrieved by any final order or by any sentence of the Environmental Tribunal passed under this Act may, within thirty days of communication of such order or sentence, prefer an appeal to the High Court.

24) Jurisdiction of Environmental Magistrates

25) Appeals from Orders of Environmental Magistrates

Any person convicted of any contravention of this Act or the rules or regulations by an Environmental Magistrate may, within thirty days from the date of his conviction, appeal to the Court of Sessions, whose decision thereon shall be final.

26) Power to Delegate

(1) The Federal Government, any of its or of the EPA's powers and functions to any Provincial Government, any Government Agency, local council or local authority.

(2) The Provincial Government, any of its or of the Provincial Agency's powers or functions to any Government Agency of such Provincial Government or any local council or local authority in the Province.

27) Power to give Directions

(a) The Federal Agency and Provincial Agencies shall be bound by the directions give to them in writing by the Federal Government; and

(b) A Provincial Agency shall be bound by the directions give to it in writing by the Provincial Government.

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28) Indemnity

29) Dues Recoverable as Arrears of Land Revenues

30) Act to Override Other Laws

31) Power to Make Rules

The Federal Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act

33) Power to Make Regulations

For carrying out the purposes of this Act, the Federal Agency may, by notification in the official Gazette and with the approval of the Federal Government, make regulations

34) Repeal, Savings and Succession

The Pakistan Environmental Protection Ordinance, 1983 (XXXVII of 1983) is hereby repealed

Function and Powers of the Pakistan Environmental Protection Council

- (1) The Council shall;
 - (a) Co-ordinate and supervise enforcement of the provisions of this Act;
 - (b) Approve comprehensive national environmental policies and ensure their implementation within the framework of a national conservation strategy as may be approved by the Federal Government from time to time;
 - (c) Approve the National Environmental Quality Standards;
 - (d) Provide guidelines for the protection and conservation of species, habitats, and Biodiversity in general, and for the conservation of renewable and non-renewable resources;
 - (e) Coordinate integration of the principles and concerns of sustainable development into national development plans and policies; and
 - (f) Consider the National Environment Report and give appropriate directions thereon.
- (2) The Council may, either itself or on the request of any person or organization, direct the Federal Agency or any Government Agency to prepare, submit, promote or implement projects for the protection, conservation, rehabilitation and improvement of the environment, the prevention and control of pollution, and the sustainable development of resources, or to undertake research in any specified aspect of environment.

Functions of the Provincial Environmental Protection Agencies

- (1) Every Provincial Government shall, by notification in the official Gazette, establish an Environmental Protection Agency, to exercise such powers and perform such functions as may be delegated to it by the Provincial Government under sub-section (2) of section 26.
- (2) The Provincial Agency shall be headed by a Director-General who shall be appointed by the Provincial Government on such terms and conditions as it may determine.
- (3) The Provincial Agency shall have such administrative, technical and legal staff as the Provincial Government may specify, to be appointed in accordance with such procedure as may be prescribed.
- (4) The powers and functions of the Provincial Agency shall be exercised and performed by the Director-General.
- (5) The Director-General may, by general or special order, delegate any of these powers and functions to staff appointed under sub-section (3).
- (6) For assistance of the Provincial Agency in the discharge of its functions, the Provincial Government shall establish sectoral Advisory Committees for various sectors and appoint members from amongst eminent representatives of the relevant sector, educational institutions, research institutes and non-governmental organizations.

Punjab provincial EPA has developed Punjab Environmental Protection Act, Environmental Protection Rules, Environmental Protection Regulations, Punjab Environmental Quality Standards etc.

National Environmental Quality Standards (NEQS)

National Environmental Quality Standards for:

- Ambient Air
- Drinking Water Quality
- Noise

- National Environmental Quality Standards for Municipal and Liquid Industrial Effluents
- National Environmental Quality Standards for Industrial Gaseous Emissions
- Sulphur Dioxide (AMBIENT AIR)
- Nitrogen Oxide (AMBIENT AIR)
- National Environmental Quality Standards for Motor Vehicle Exhaust and Noise

Refer to NEQS (2 files of 6 pages each)

Initial Environmental Examination (IEE) and Environmental Impact Assessment (EIA)

Environmental Impact Assessment means an environmental study comprising:

- Collection of data
- Prediction of qualitative and quantitative impacts
- Comparison of alternatives
- Evaluation of preventive, mitigatory and compensatory measures
- Formulation of environmental management and training plans and monitoring arrangements, and
- Framing of recommendations and such other components as may be prescribed

Initial Environmental Examination means a preliminary environmental review of the reasonably foreseeable qualitative and quantitative impacts on the environment of a proposed project to determine whether it is likely to cause an environmental effect for requiring preparation of an environmental impact assessment

Projects requiring an IEE A proponent of a project falling in any category specified in Schedule I of “**REVIEW OF IEE AND EIA REGULATIONS, 2000**” shall file an IEE with the Federal Agency

Projects requiring an EIA. A proponent of a project falling in any category specified in Schedule II of “**REVIEW OF IEE AND EIA REGULATIONS, 2000**” shall file an EIA with the Federal Agency

Other Projects requiring an IEE or EIA. In addition to any category specified in Schedules I and II, EIA, if the project is likely to cause an adverse environmental effect and those required by EPA.

SCHEDULE I
(See Regulation 3)

LIST OF PROJECTS REQUIRING AN IEE

A. Agriculture, Livestock and Fisheries etc.

1. Poultry, livestock, stud and fish farms with total cost of more than Rs.10 million
2. Projects involving repacking, formulation or warehousing of agricultural produce

B. Energy

1. Hydroelectric power generation less than 50 MW
2. Thermal power generation less than 200 MW
3. Transmission lines less than 11 KV, and large distribution projects
4. Oil and gas transmission systems
5. Oil and gas extraction projects including exploration, production, gathering systems, separation and storage
6. Waste-to-energy generation projects

C Manufacturing and processing

1. Ceramics and glass units with total cost of more than Rs.50 million
2. Food processing industries including sugar mills, beverages, milk and dairy products, with total cost less than Rs. 100 million
3. Man-made fibers and resin projects with total cost of less than Rs. 100 million
4. Manufacturing of apparel, including dyeing and printing, with total cost Of more than Rs.25 million
5. Wood products with total cost of more than Rs.25 million

D Mining and mineral processing

1. Commercial extraction of sand, gravel, limestone, clay, sulphur and other minerals not included in Schedule II with total cost of less than Rs.100million
2. Crushing, grinding and separation processes
3. Smelting plants with total cost of less than Rs.50 million

E. Transport

1. Federal or Provincial highways (except maintenance, rebuilding or re-construction of existing metalled roads) with total cost of less than Rs.50million
2. Ports and harbor development for ships less than 500 gross tons

F Water management, dams, irrigation and flood protection

1. Dams and reservoirs with storage volume less than 50 million cubic meters of surface area less than 8 square kilometers

2. Irrigation and drainage projects serving less than 15,000 hectares

3. Small-scale irrigation systems with total cost less than Rs.50 million

G. Water supply and treatment

Water supply schemes and treatment plants with total cost of less than Rs.25 million

H. Waste disposal

Waste disposal facility for domestic or industrial wastes, with annual capacity less than 10,000 cubic meters

I. Urban development and tourism

1. Housing schemes

2. Public facilities with significant off-site impacts e.g. hospital wastes

3. Urban development projects

J. Other projects

Any other project for which filing of an IEE is required by the Federal Agency under sub-regulation (2) of Regulation 5

SCHEDULE II
(See Regulation 4)

LIST OF PROJECTS REQUIRING AN EIA

A. Energy

1. Hydroelectric power generation over 50 MW

2. Thermal power generation over 200 MW

3. Transmission lines (11 KV and above) and grid stations

4. Nuclear power plants

5. Petroleum refineries

B. Manufacturing and processing

1. Cement plants

2. Chemicals projects

3. Fertilizer plants

4. Food processing industries including sugar mills, beverages, milk and dairy products, with total cost of Rs. 100 million and above

5. Industrial estates (including export processing zones)
6. Man-made fibers and resin projects with total cost of Rs. 100 M and above
7. Pesticides (manufacture or formulations)
8. Petrochemicals complex
9. Synthetic resins, plastics and man-made fibers, paper and paperboard, paper pulping, plastic products, textiles (except apparel), printing and publishing, paints and dyes, oils and fats and vegetable ghee projects, with total cost more than Rs. 10 million
10. Tanning and leather finishing projects

C Mining and mineral processing

1. Mining and processing of coal, gold, copper, sulphur and precious stones
2. Mining and processing of major non-ferrous metals, iron and steel rolling
3. Smelting plants with total cost of Rs.50 million and above

D. Transport

1. Airports
2. Federal or Provincial highways or major roads (except maintenance, rebuilding or re-construction of existing roads) with total cost of Rs.50 million and above
3. Ports and harbor development for ships of 500 gross tons and above
4. Railway works

E. Water management, dams, irrigation and flood protection

1. Dams and reservoirs with storage volume of 50 million cubic meters and above or surface area of 8 square kilometers and above
2. Irrigation and drainage projects serving 15,000 hectares and above

F. Water supply and treatment

Water supply schemes and treatment plants with total cost of Rs.25 million and above

G. Waste Disposal

1. Waste disposal and storage of hazardous or toxic wastes including landfill sites and incineration of hospital toxic waste
2. Waste disposal facilities for domestic or industrial wastes, with annual capacity more than 10,000 cubic meters

H. Urban development and tourism

1. Land use studies and urban plans in large cities
2. Large-scale tourism development projects with total cost more than Rs.50 million

I Environmentally Sensitive Areas

All projects situated in environmentally sensitive areas

J Other projects

1. Any other project for which filing of an EIA is required by the Federal Agency under sub-regulation (2) of Regulation 5.
2. Any other project likely to cause an adverse environmental effect