

ENVIRONMENTAL REGULATIONS IN PROJECT PLANNING AND MANAGEMENT

Dr. Tanvir Ahmed
Associate Professor
Dept of Civil Engineering, BUET



Environmental Awareness in Bangladesh

- 1972 conference on the Human Environment in Stockholm
- 1992 'Earth Summit' held in Rio De Janeiro

In the late 1980s, the donor agencies started taking EIA on a voluntary basis for the development projects funded by them

- Preparation of EIA guidelines under the USAID-assisted Flood Action Plan (FAP) in 1992
- World Bank funded Jamuna Bridge Multipurpose Project



Environmental Awareness in Bangladesh

Environment had a low priority in Bangladesh before the Rio Conference in 1992.

Events that made the Government more conscious about the consequences of development activities:

- Explosion at the Magurchhara Gas Field
- Effects of the hydraulic power project (Kaptai dam) in 1960s
- Devastating floods of unusual nature (as a consequence of poorly planned development activities)

Govt. started to attach increased importance to the environment in the late 1980s

- Establishment of Ministry of Environment and Forest in 1989
- Restructuring and expansion of the Department of Environment



Bangladesh Environment Conservation Act 1995

It is currently the main Act governing environmental protection in Bangladesh.

- First to address the environment in a comprehensive way
- Establishment of the Department of Environment (DoE)
- Environmental Clearance Certificate
- Power to make Rules
- Legal Action
- Good faith clause
- Providing substantive and procedural provisions
- Declaration of ecologically critical area



Environmental Conservation Rules 1997

consists of **a set of rules to implement the ECA 1995**, which consists of the following:

- o **Categorized list of the projects** as green, orange and red,
- o **Procedure to take environmental clearance**,
- o **Ambient standards** in relation to water pollution, air pollution and noise, as well as **permitted discharge/emission levels** of water and air pollutants and noise by projects Environmental Categories.



Environmental Clearance

new and existing projects/industries are given environmental clearance based on their respective classification:

- Green
 - Orange-A
 - Orange-B
 - Red
- } Location clearance required

- Need to **apply to the respective Divisional Administrator of the DoE** in prescribed form with appropriate fees and necessary documents
- **May appeal**, if rejected
- Must **renew the clearance certificate** after a certain period



Application for site clearance

Application should enclose:

1. Prescribed application form
2. Application fee
3. IEE report of the proposed project (including ToR for EIA)
4. Location map/ layout plan, etc.
5. No Objection Certificate (NOC) from local government authority
6. Preliminary Feasibility Study Report/ DPP of the proposed project, if available

*Site visit by DOE and applicant
aaencv. if required*

Obtaining Site Clearance and approved ToR for EIA

**Applicant agency will conduct EIA study
for the proposed project**

Application for Environmental Clearance

Application should enclose:

1. Prescribed application form
2. EIA report of the proposed project including EMP
3. Outline of relocation, rehabilitation plan, if applicable
4. Feasibility Study Report of the proposed project, if available

*Presentation on the EIA and EMP
by the applicant aaencv to DOE*

Obtaining Environmental Clearance

Renewal of the clearance after each one-year period



Safeguard Policies of Development Partners

World Bank Environmental policies:

- OP/BP 4.01 Environmental Assessment
- OP/BP 4.04 Natural Habitats
- OP/BP 4.09 Pest Management
- OP/BP 4.11 Physical Cultural Resources
- OP/BP 4.36 Forests
- OP/BP 4.37 Safety of Dams

World Bank Social Policies

- OP/BP 4.10 Indigenous Peoples
- OP/BP 4.12 Involuntary Resettlement

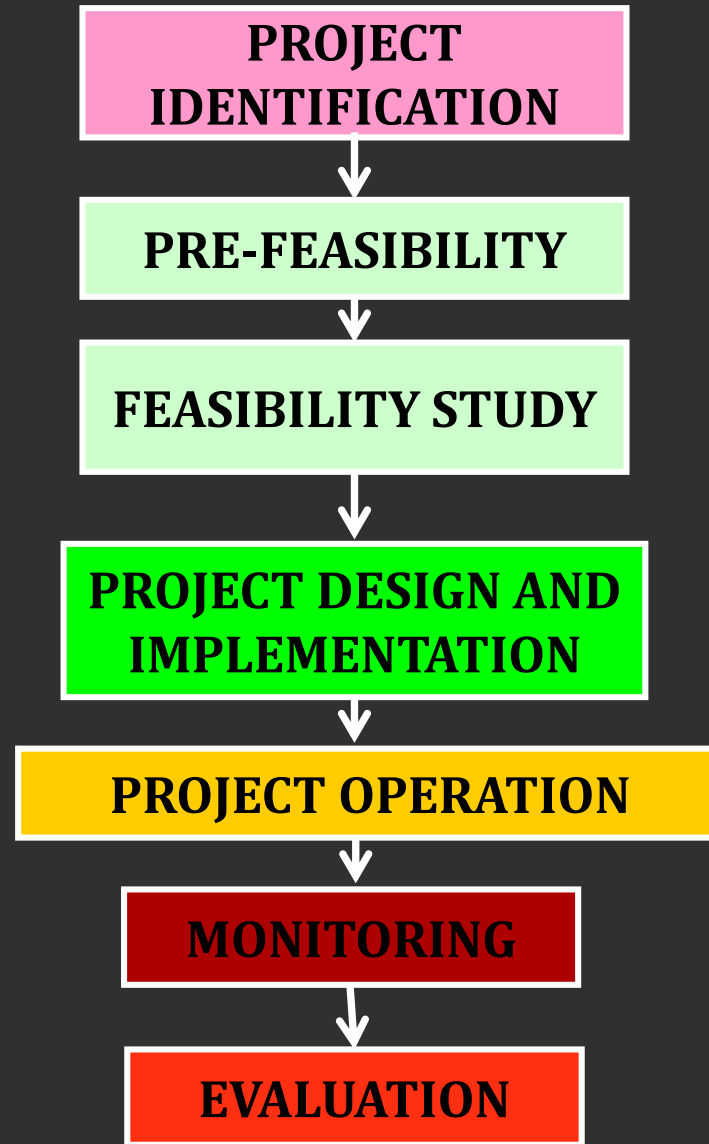
World Bank Legal Policies

- OP/BP 7.50 International Waterways
- OP/BP 7.60 Disputed Areas

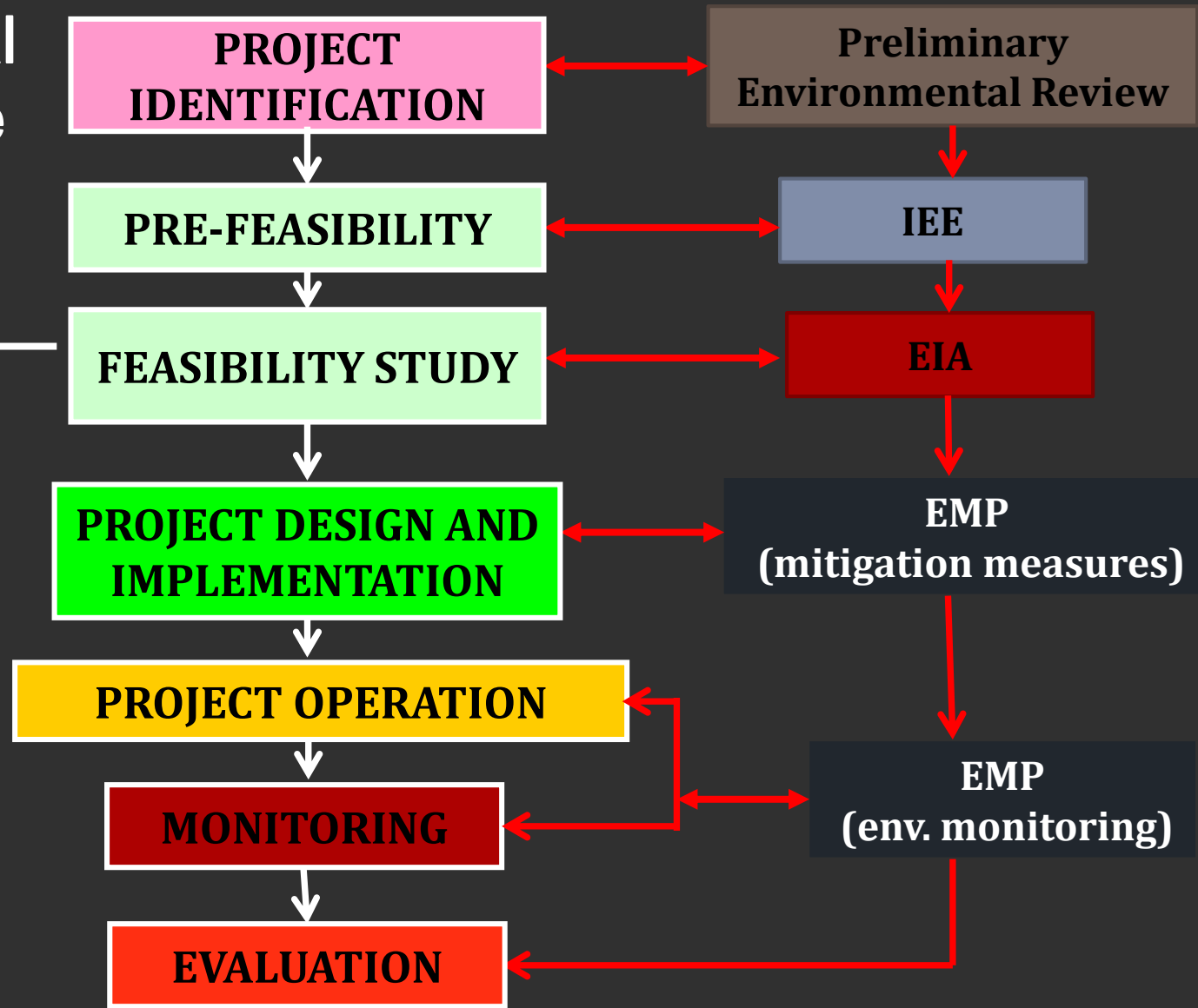
Others: IFC Guidelines for EHS, Access to Information



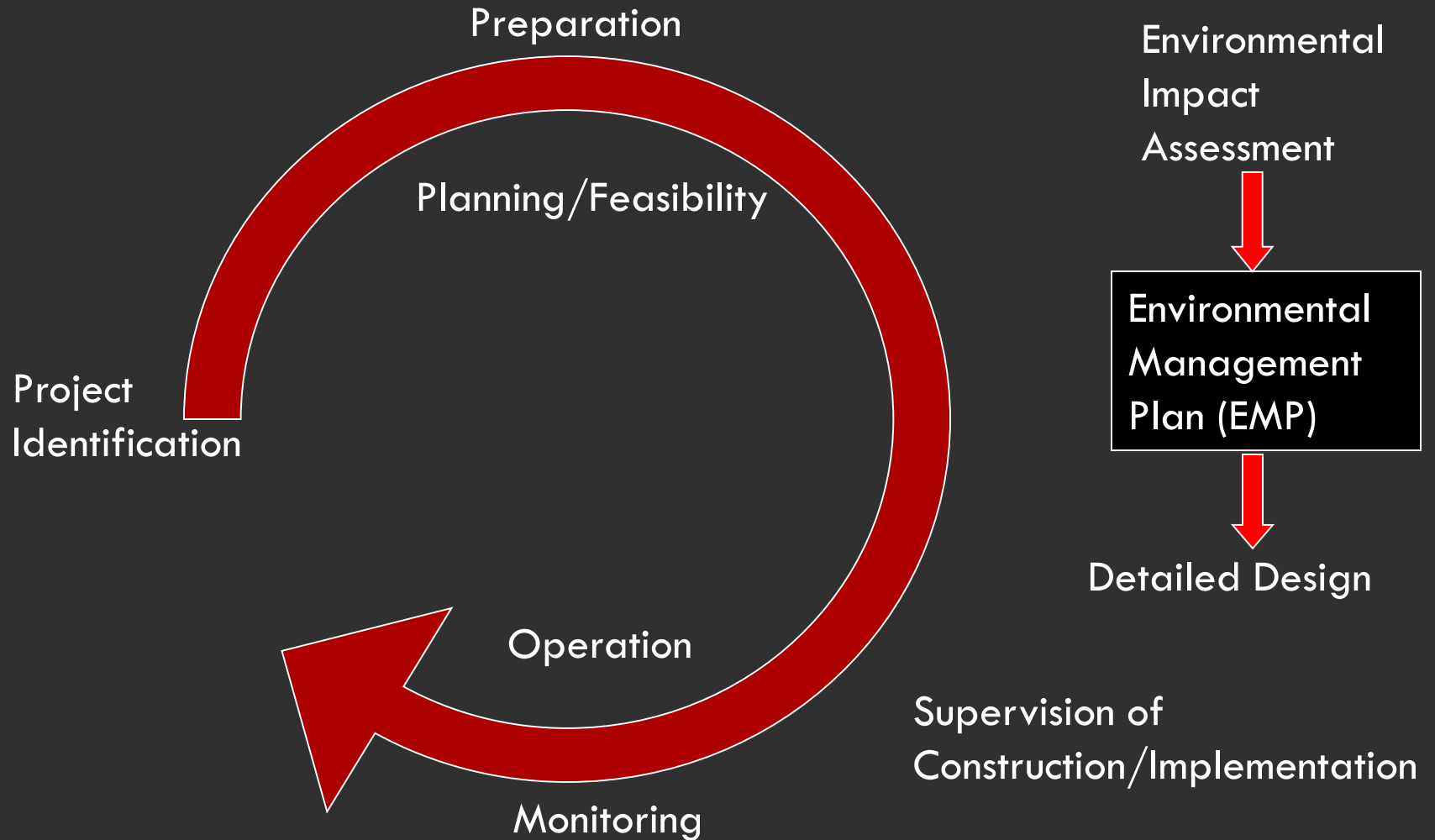
Conventional Project Cycle



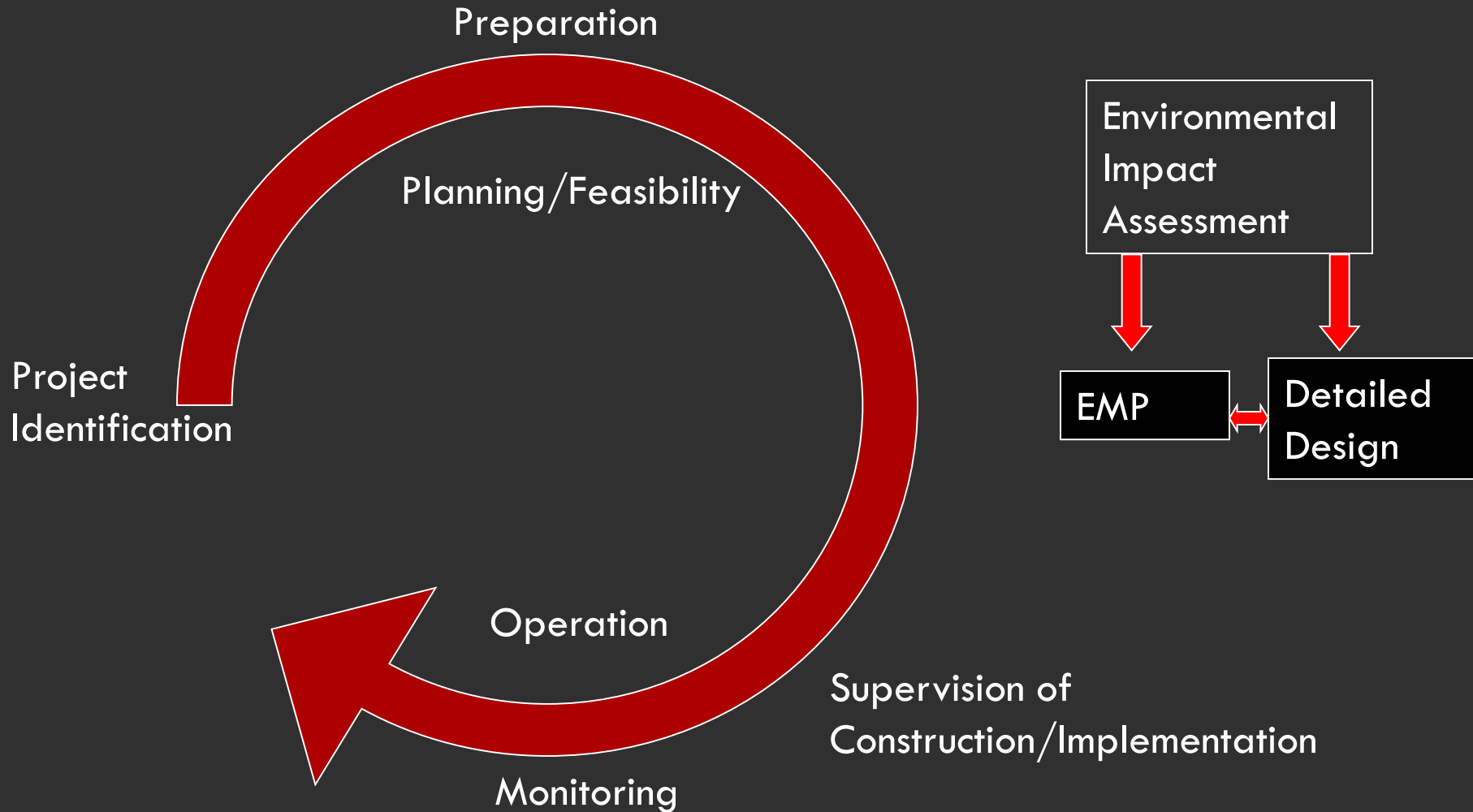
Environmental Due Diligence in the Project Cycle



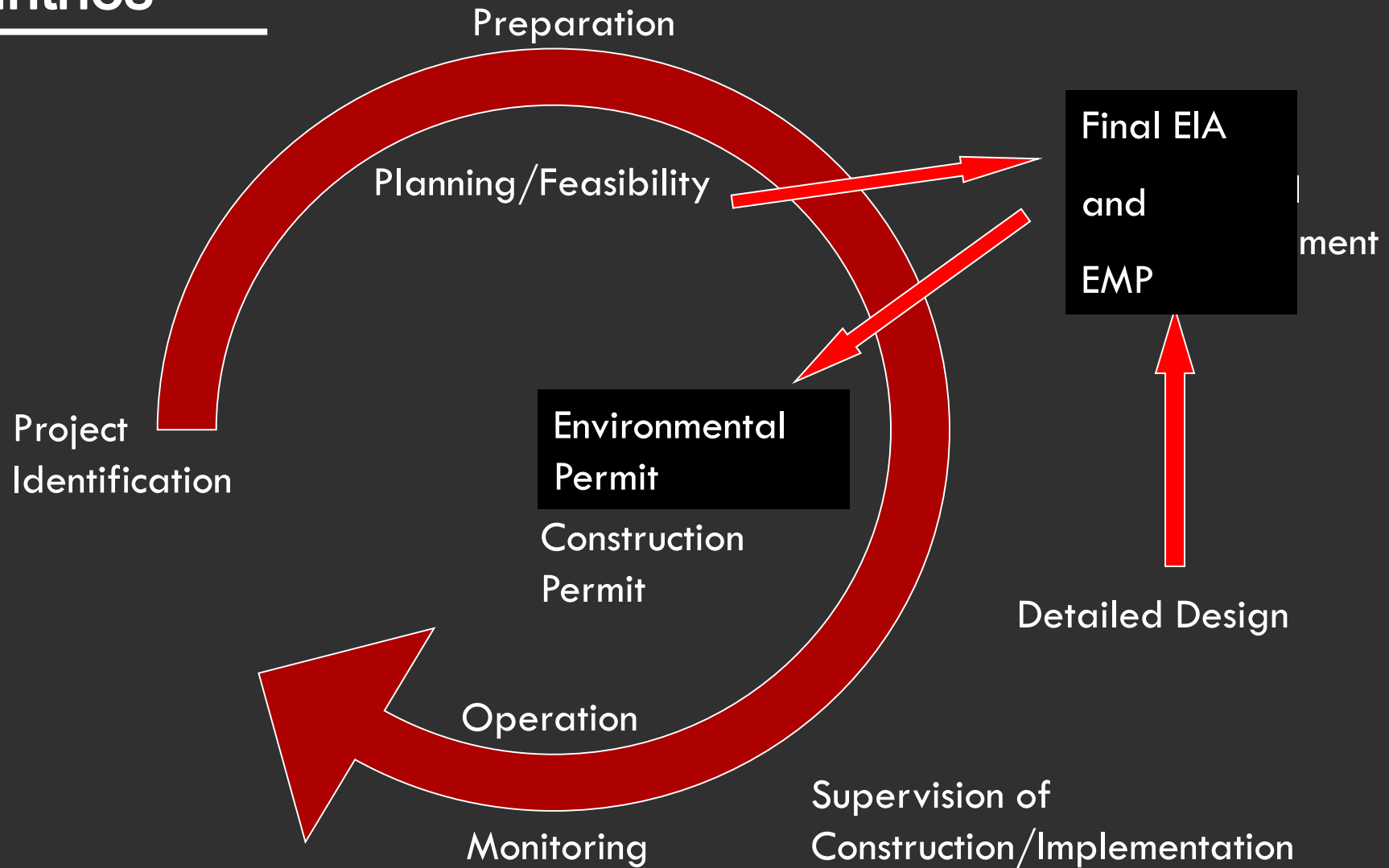
EMP in the Project Cycle (Option 1)



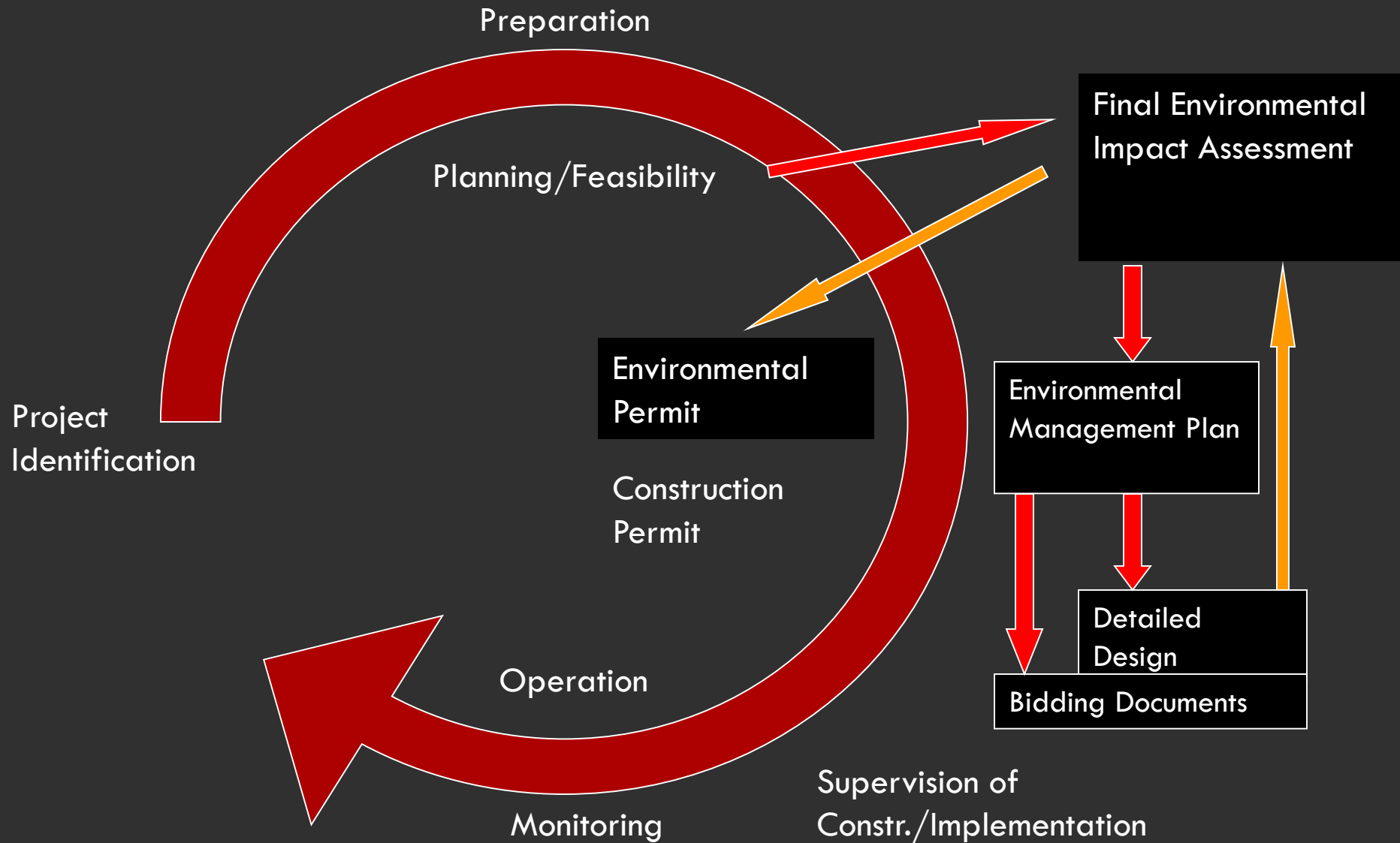
EMP in the Project Cycle (Option 2)



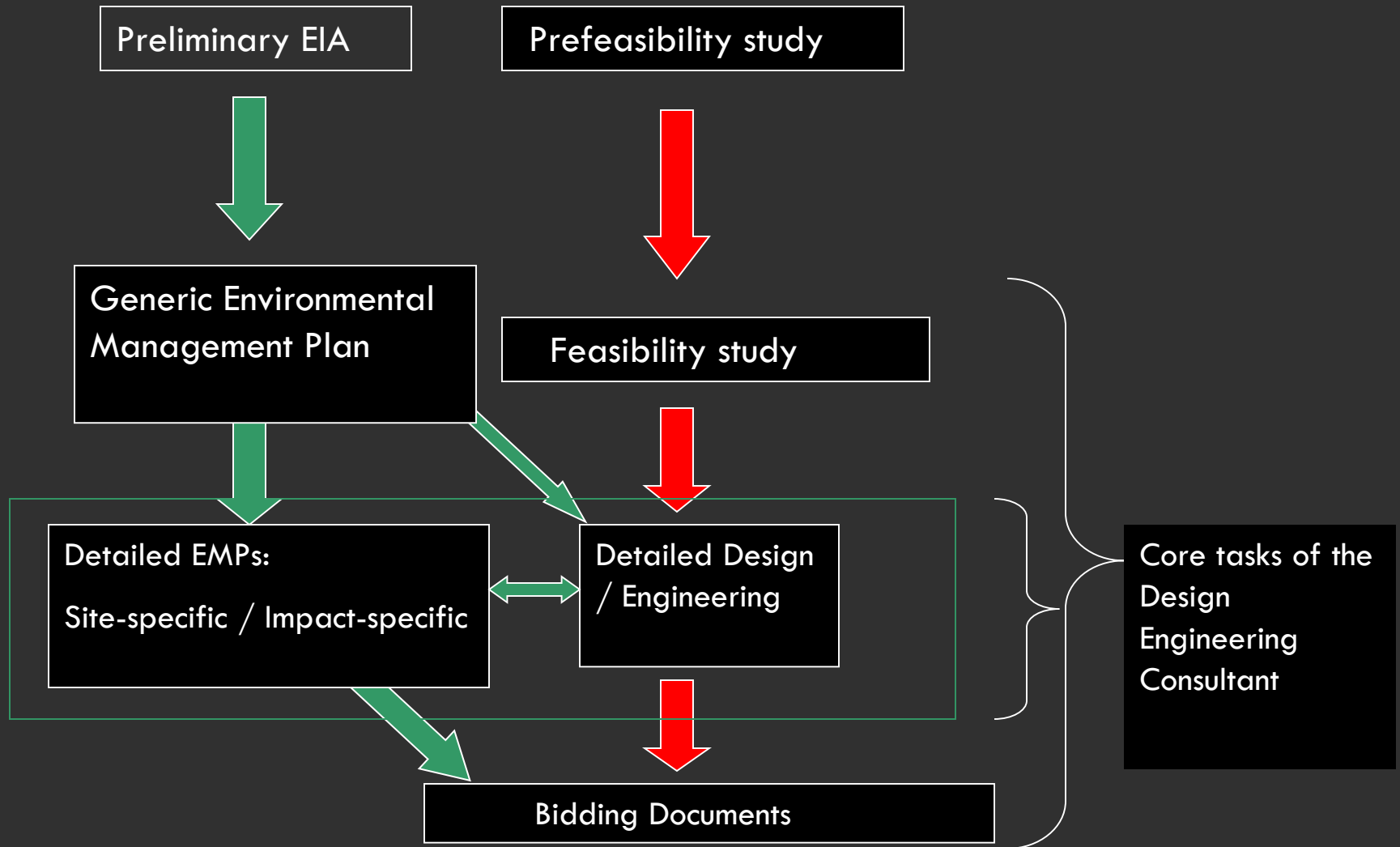
EIA and Project Cycle: Standard Practice in many countries



Integration of EMP into Standard Practice



Integration of EMP into Project Design



Typical Contents of an EMP

- ❑ Summary of impacts
- ❑ Description of mitigation measures
- ❑ Description of monitoring program
- ❑ Institutional arrangements, including training
- ❑ Implementation schedule and reporting procedures
- ❑ Cost estimates and sources of funds



Who Prepares the EMP?

EMP is part of the EA done by the implementing Agency (Borrower in case of donor-funded projects)

The Implementing agency often puts a PIU in charge of tasks such as EMP

Consultants assist the borrower/PIU

For construction projects, EMP may be developed by:

- Design engineering consultant
- Construction or EPC contractor



Who Supervises the Implementation of EMP?

For a construction project:

- Depending on project structure, design engineering consultant may prepare detailed (site-specific, impact-specific) EMPs
- Construction contractors may be asked to develop the EMPs further, even prepare their own EMPs as appropriate
- Construction supervising engineer oversees compliance of contractors with EMP(s)



Donor Agency Environmental Policies and National Environmental legislations (example: World Bank)

- Where requirements or standards differ, **the more stringent requirements prevail** (might be national, might be WB)
- Where WB policies and national laws conflict, **WB policies prevail for projects with WB financing** (even for project components financed by Govt. or others)
 - ❖ Legal basis: Loan Agreement with WB has **standing of international treaty, superseding national law**
 - ❖ Result: ideally national policy reform, **but may be “ring-fencing” of project** (can lead to situation of different standards applied in different cases)
 - ❖ **Some flexibility in implementation** as long as consistent with fundamental principles of Safeguard policies



Thank You for Listening

Any Questions?

