



Sustainability Roadmap for Myanmar (Environment Perspective)

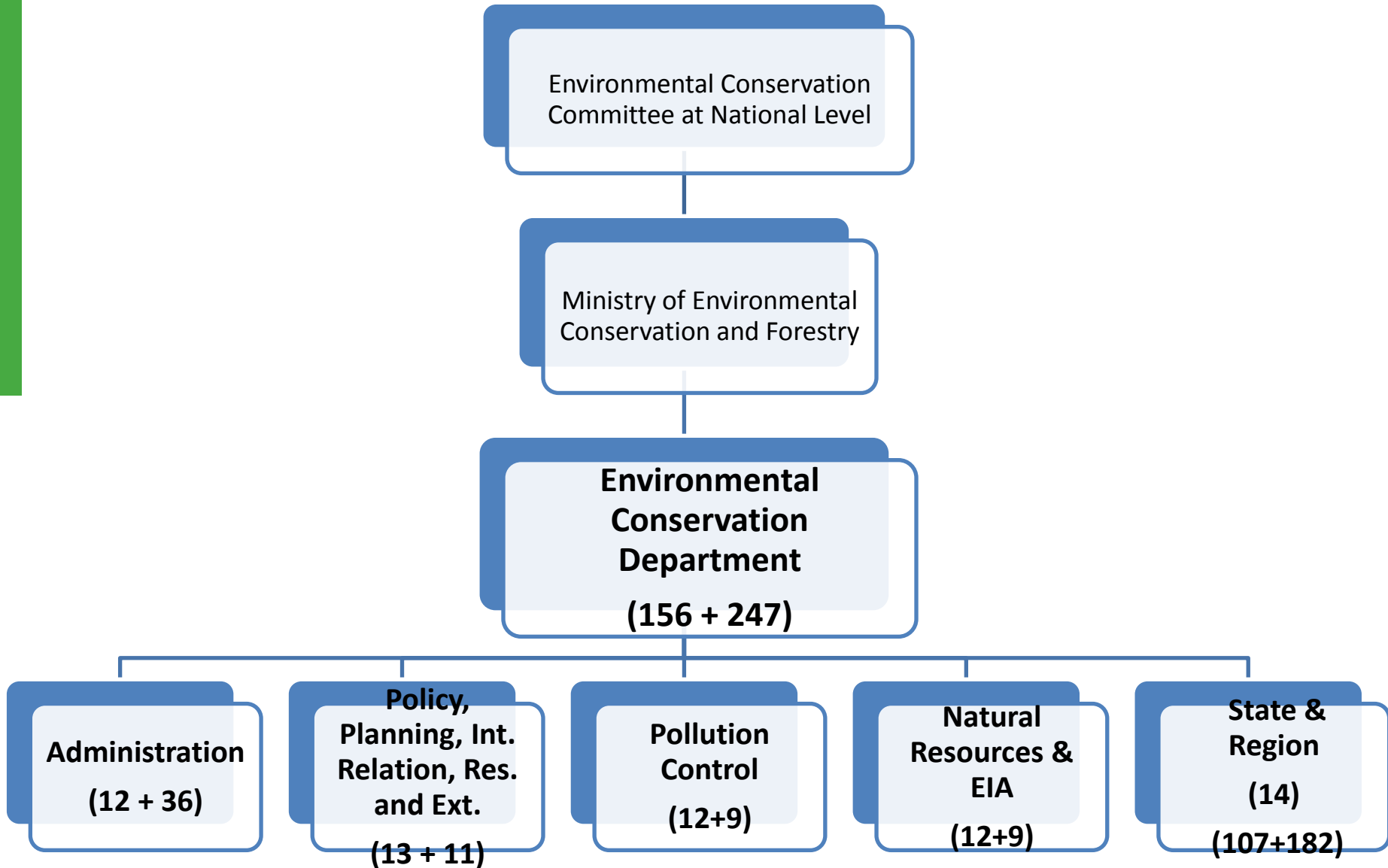
Dr. San Oo

Director

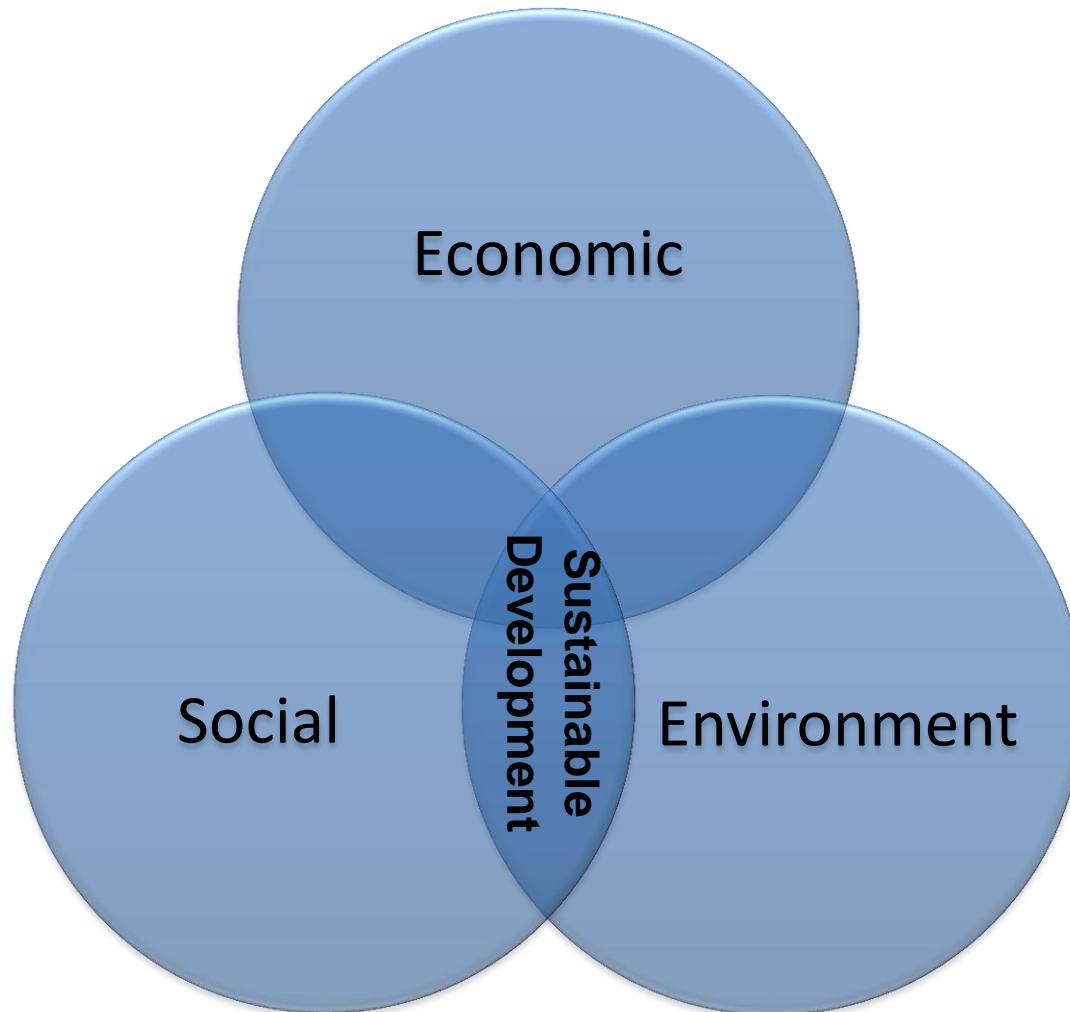
Environmental Conservation Department

20 January 2015

Ministry of Environmental Conservation and Forestry (MOECAF)



Sustainable Development: Economic, Social and Environment



Constitution 2008

Sec. 45

The Union shall protect and conserve natural environment

Sec. 390 (b)

Every citizen has the duty to assist the Union carrying out the environmental conservation

National Environment Policy (1994)

- To achieve harmony and balance between socio-economic, natural resources and environment through the **integration of environmental considerations into the development process** enhancing the quality of the life of all its citizens
- Environmental protection should always be the **primary objective in seeking development**

Initiating to set EIA systems in Myanmar

Legal Framework

- **Environmental Conservation Law, 2012**
- **Environmental Conservation Rules, 2014**
- **EIA Procedures (final draft)**
- **In connection with Investment Law and Rules which is main entrance of proposal for Large scale project or business or activity**

Environmental Conservation Law, 2012

Objectives

Section 3

- (c) to enable to emerge a healthy and clean environment and to enable to conserve natural and cultural heritage for the benefit of present and future generations;**
- (d) to reclaim ecosystems as may be possible which are starting to degenerate and disappear;**
- (e) to enable to manage and implement for decrease and loss of natural resources and for enabling the sustainable use beneficially;**

Environmental Conservation Law (Continued)

The following provisions of Duties and Powers relating to the Env. Cons. of the Ministry are stipulated in EC Law

Section 7

- (a) To specify categories and classes of hazardous wastes generated from the production and use of chemicals or other hazardous substances in carrying out industry, agriculture, mineral production, sanitation and other activities;**
- (b) To prescribe categories of hazardous substances that may affect significantly at present or in the long run on the environment;**
- (c) To promote and carry out the establishment of necessary factories and stations for the treatment of solid wastes, effluents and emissions which contain toxic and hazardous substances;**

Environmental Conservation Law (Continued)

- (j) To prescribe the terms and conditions relating to effluent treatment in industrial estates and other necessary places and buildings and emissions of machines, vehicles and mechanisms;
- (m) To lay down and carry out a system of EIA and SIA as to whether or not a project or activity to be undertaken by any Government department, organization or person may cause a significant impact on the environment;
- (o) To manage to cause **the polluter to compensate for environmental impact**, cause to contribute fund by the organizations which obtain benefit from the natural environmental service system, cause to contribute a part of the benefit from the **businesses which explore, trade and use the natural resources in environmental conservation works**;

Monitoring

Section 13.

The Ministry shall, under the guidance of the Committee, maintain a comprehensive monitoring system and implement by itself or in co-ordination with relevant Government departments and organizations in the following matters:

- (a) the use of agro-chemicals which cause to impact on the environment significantly;
- (b) transport, storage, use, treatment and disposal of pollutants and hazardous substances in industries;
- (c) disposal of wastes which come out from exploration, production and treatment of minerals, industrial mineral raw materials and gems;
- (d) carrying out waste disposal and sanitation works;
- (e) carrying out development and constructions;
- (f) carrying out other necessary matters relating to environmental pollution.

Environmental Conservation Law (Continued)

Responsibilities of project proponent/ business owner for reducing environmental impact

Section 14. A person causing a point source of pollution shall treat, emit, discharge and deposit the substances which cause pollution in the environment in accord with stipulated environmental quality standards.

Section 15. The owner or occupier of any business, material or place which causes a point source of pollution shall install or use an on-site facility or controlling equipment in order to monitor, control, manage, reduce or eliminate environmental pollution. If it is impracticable, it shall be arranged to dispose the wastes in accord with environmentally sound methods.

Environmental Conservation Law (Continued)

Responsibilities of project proponent/ business owner for reducing environmental impact

Section 16. A person or organization operating business in the industrial estate or business in the SEZ or category of business stipulated by the Ministry:

- (a) is responsible to carry out by contributing the stipulated cash or kind in the relevant combined scheme for the environmental conservation including the management and treatment of waste;**
- (b) shall contribute the stipulated users' charges or management fees for the environmental conservation according to the relevant industrial estate, SEZ and business organization;**
- (c) shall comply with the directives issued for environmental conservation according to the relevant industrial estate, SEZ or business.**

IEE / EIA Process

Screening IEE or EIA or No EIA/IEE

IEE Process

IEE preparation and Review

IEE Approval

EIA Process

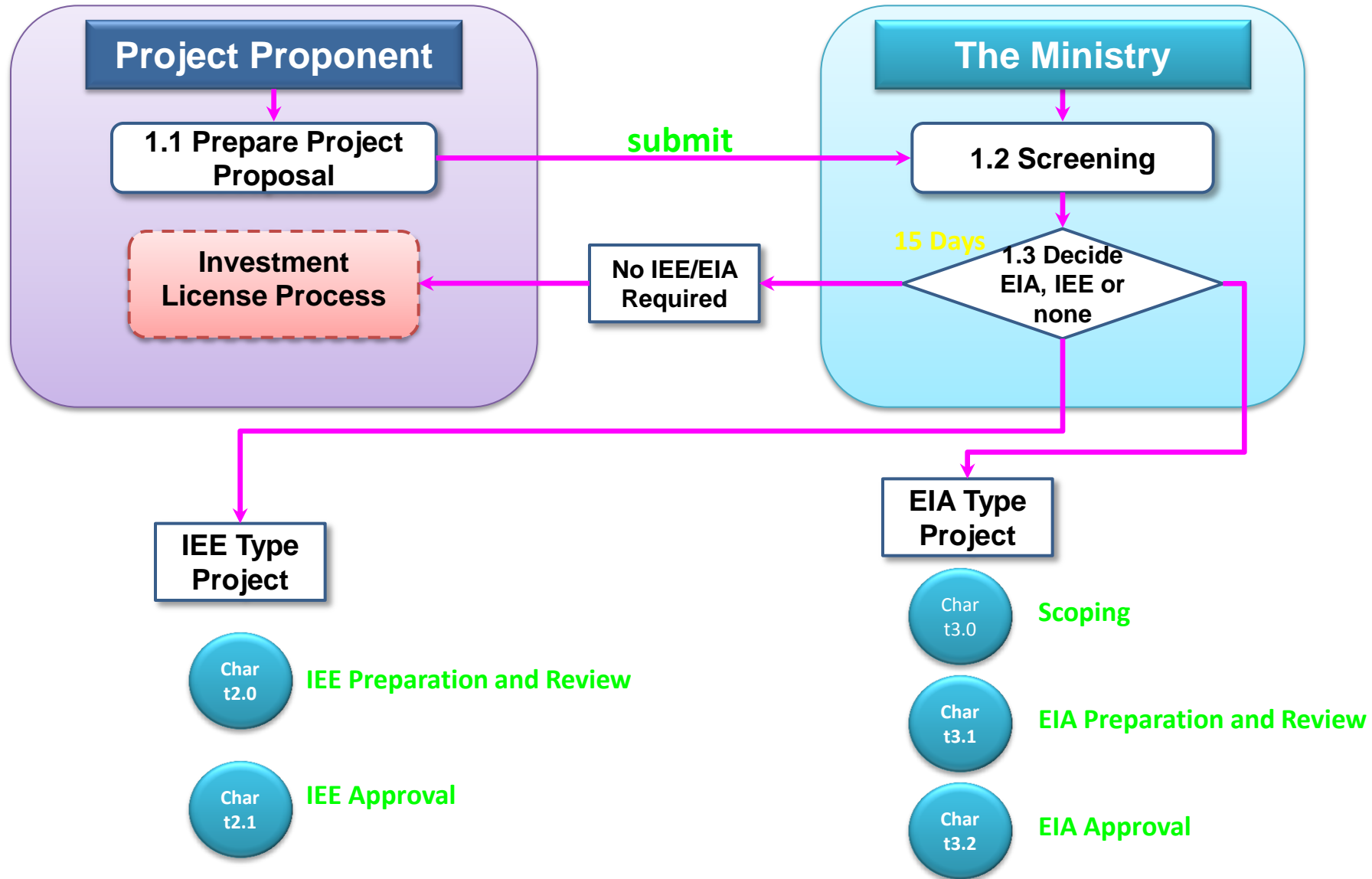
Scoping for EIA

EIA preparation and Review

EIA Approval

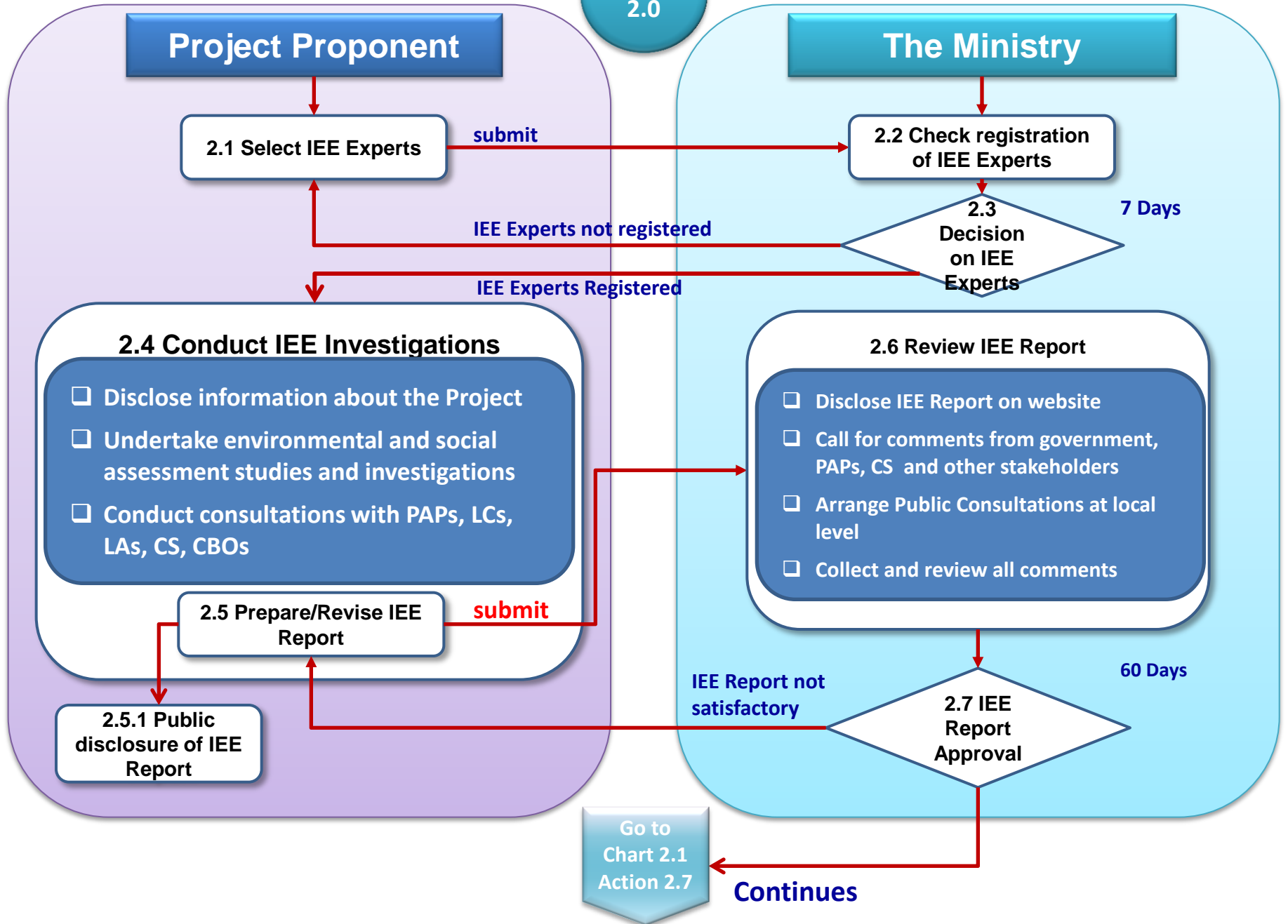
Appeal

Screening



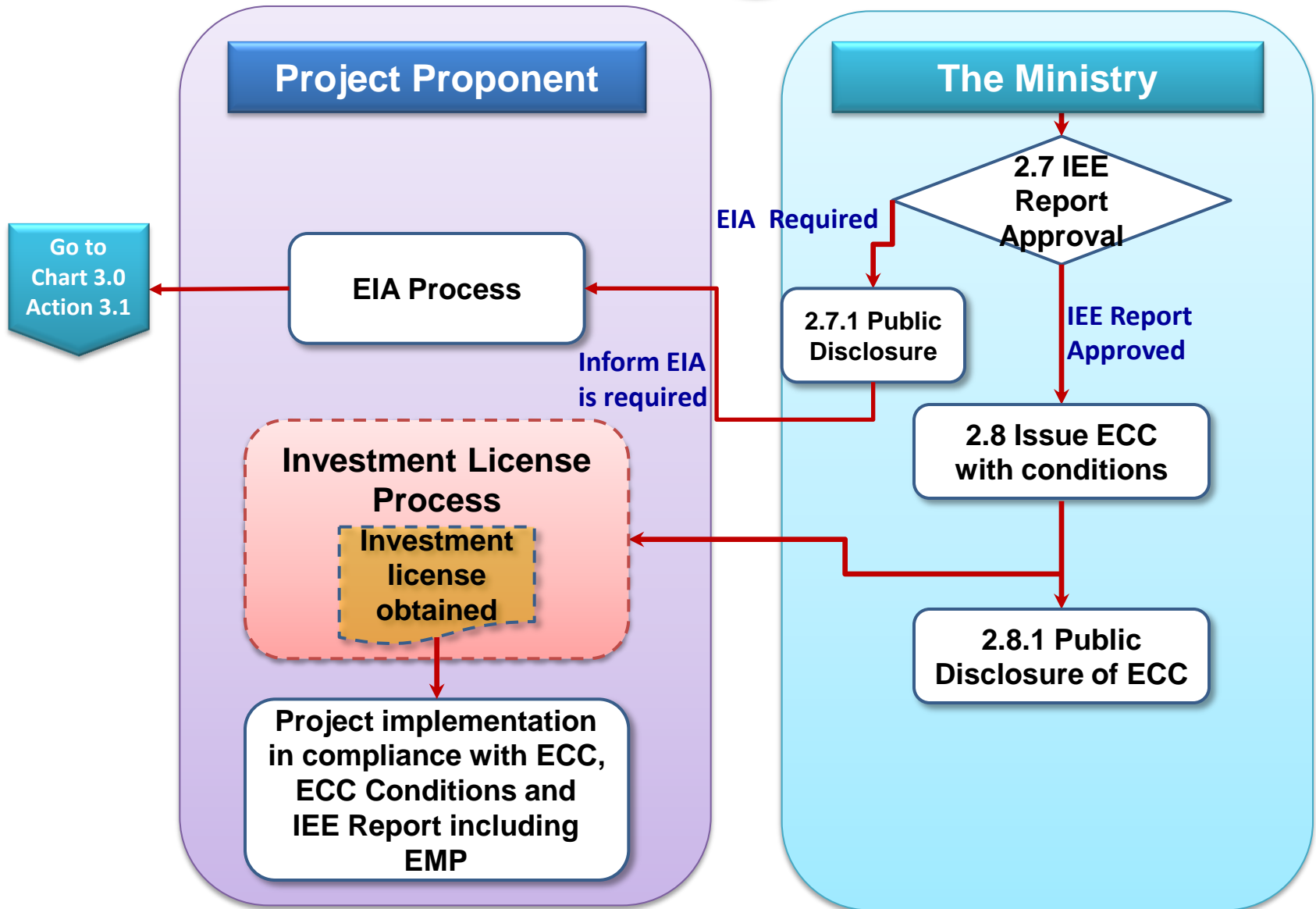
IEE Preparation and Review

Chart 2.0



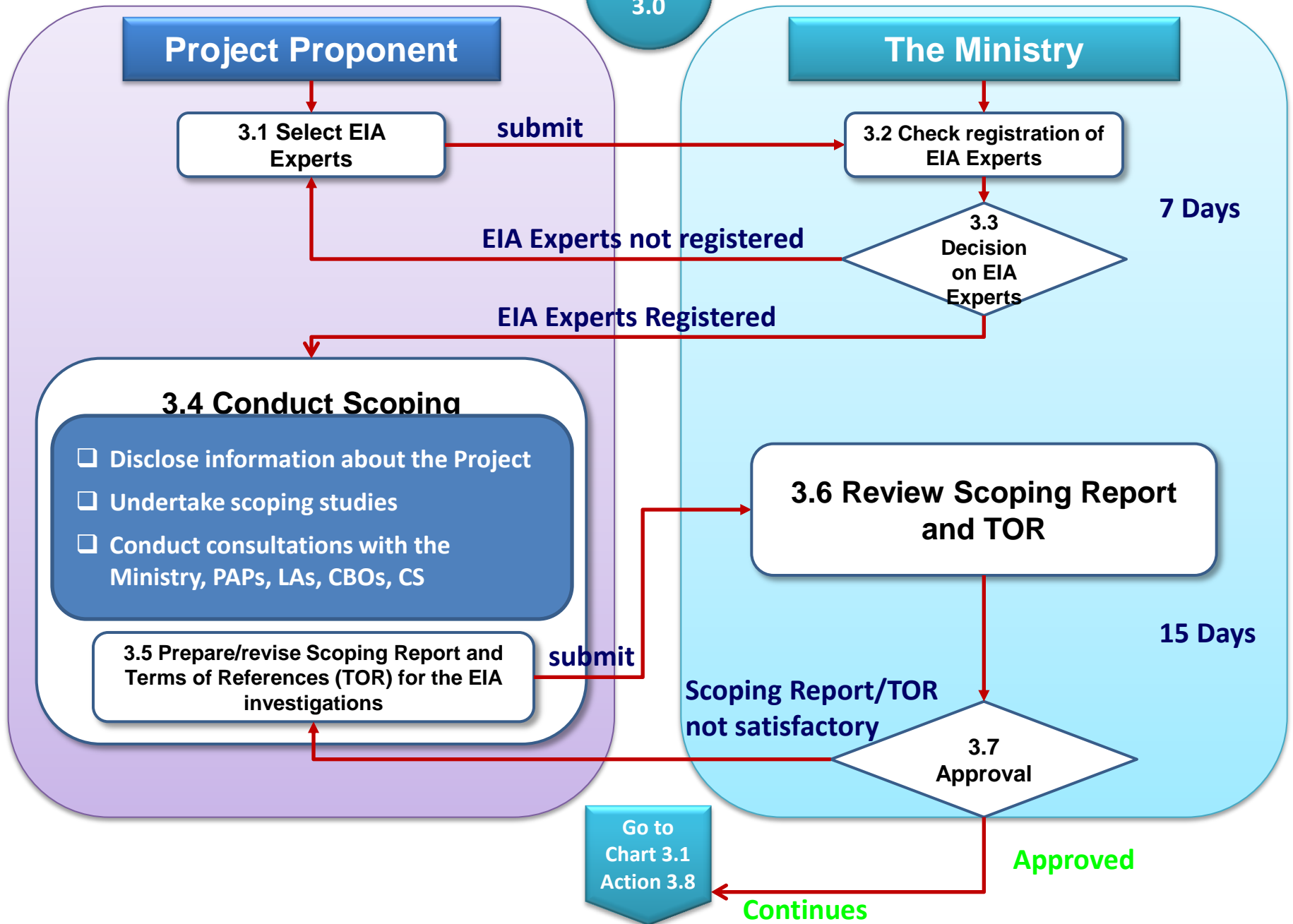
IEE Approval

Chart 2.1



Scoping

Chart
3.0

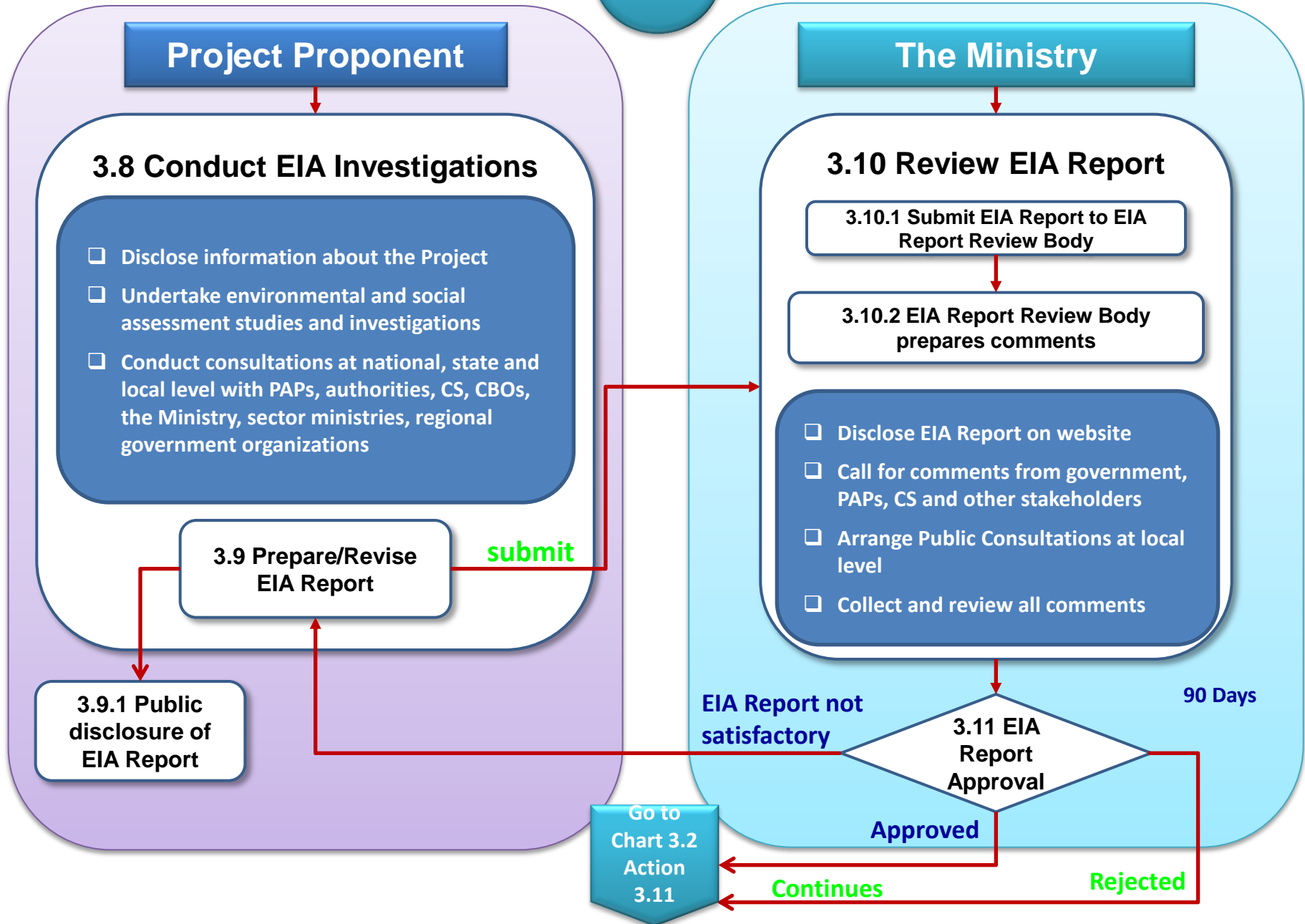


Content of Scoping Report

- Executive Summary
- Context of the Project
- Overview of the Policy, Legal and Institutional Framework
- Project Description and Alternatives
- Description of the Environment together with maps in proper scale indicating all relevant features
- Key Potential Environmental Impacts and Mitigation Measures
- Public Consultation and Disclosure
- Conclusions and Recommendations

EIA Preparation and Review

Chart 3.1

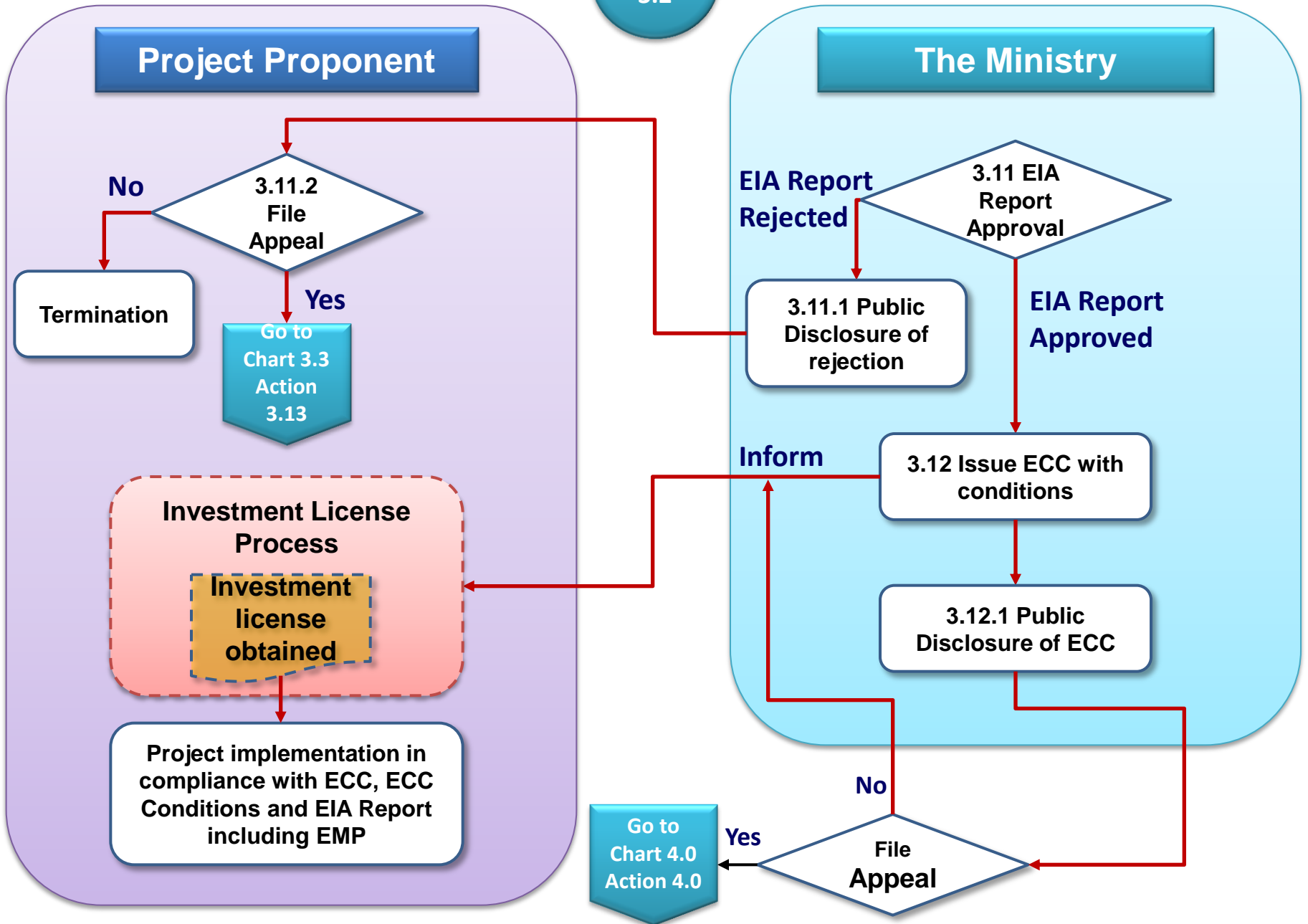


Content of EIA Report:

- Executive Summary
- Introduction
- Policy, Legal and Institutional Framework
- Project Description and Alternative Selection
- Description of the Surrounding Environment
- Impact and Risk Assessment and Mitigation Measures
- Cumulative Impact Assessment
- Environmental Management Plan
- Public Consultation and Disclosure

EIA Approval

Chart
3.2



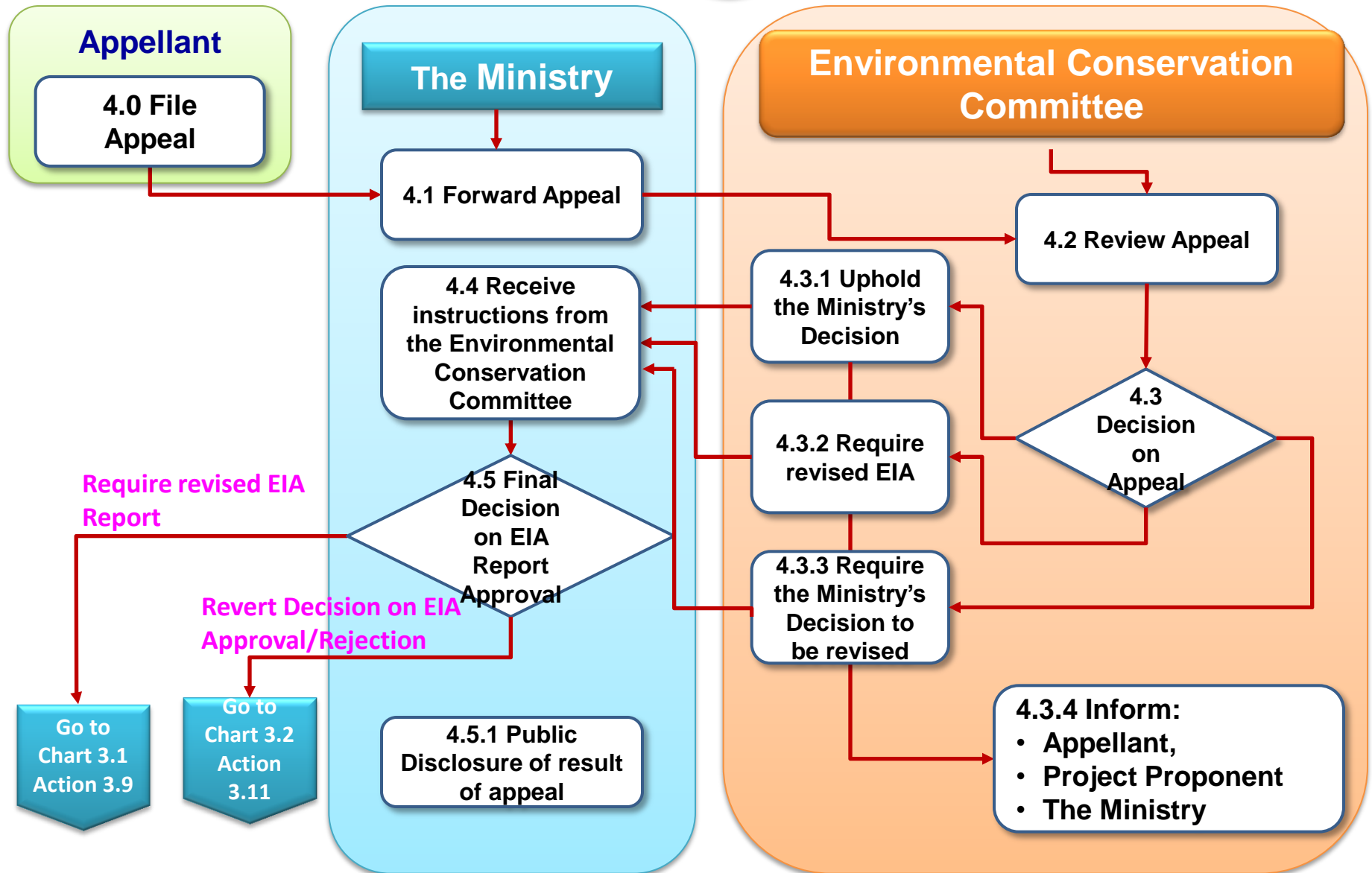
•**The conditions of an ECC. Such conditions may encompass any or all of:**

- **General management:** (i) procedures and management systems to identify, control, prevent or minimize all Adverse Impacts, (ii) procedures to ensure compliance with all environmental commitments, (iii) procedures to implement the measures described in the EMP, Construction Phase EMP, and/or Operational Phase EMP, as the case may be, (iv) procedures to improve the environmental performance of the Project, (v) organization with qualified environmental personnel, v) Documentation and reporting procedures;
- **Emissions:** (i) Emissions not allowed, (ii) Emission Limit Values in terms of types, substances, loads, concentrations, rates, timing, duration, frequency, seasons, Project phase, (iii) Emission points, (iv) form and media, (v) recipients, (vi) contribution to Environmental Quality Standards, (vii) statistical methods for determining compliance;
- **Use of energy and natural resources:** amounts, type, origin of resource, rates, effectiveness of use, waste generation;
- **Pollution Prevention: Effectiveness of production or construction methods or waste storage and treatment facilities** to (i) prevent or, where this is not practicable, to minimize pollution, and to (ii) prevent or minimize the risk of pollution;
- **Nature conservation and management:** (i) sites, environments or species, (ii) effectiveness of environmental measures to prevent or minimize Adverse Impacts on certain environments or species;
- **Hazardous or toxic materials including waste:** (i) limits to the types, categories, and amounts, (ii) methods and systems of collection, storage, handling, transport, treatment and disposal;

- **Waste management:** (i) limits to the types, categories, and amounts of waste (liquid, solid, atmospheric) generated, (ii) methods and systems of collection, storage, handling, transport, treatment and disposal, (iii) recycling or reuse of wastes;
- **Transport and access:** (i) access points, (ii) means of transport of materials and people to and from the Project, (iii) transport routes for products, materials or waste, (iv) access control measures;
- **Decommissioning, rehabilitation, clean-up and closure:** (i) sites, areas / environments and facilities, (ii) objectives and standards, (iii) site conditions and after use, (iv) timing, (v) controls and monitoring;
- **Control measures:** (i) prevention of accidents, (ii) measures and procedures in case of accidents, incidents, and operational Irregularities, (iii) control and maintenance of pollution prevention / minimization measures, (iv) safety zones;
- **Monitoring:** i) parameters, ii) methods, iii) sampling and analyses, iv) point of monitoring, v) frequency, vi) timing, vii) data management, viii) maintenance and control of monitoring equipment, ix) documentation and reporting;
- **Documentation and reporting:** (i) parameters and issues that must be documented and reported, (ii) types and methods, (iii) frequency and timing, (iv) quality controls, (v) recipients;
- **Financial guarantee:** (i) type of guarantee, (ii) amount, (iii) timing, (iv) application, (v) type and financial capacity of guarantor;
- **Funding of inspection by the Ministry:** (i) amounts, (ii) payment procedure, (iii) timing and frequency.

Appeal

Chart
4.0



Policy guidelines : Guidelines of Investment by MIC



Foreign Investment Rules:

34. In submitting the proposal for the capital intensive investment projects designated by the Commission and designated businesses which need to assess the environmental impact by the Ministry of Environmental Conservation and Forestry, **the environmental impact assessment and social impact assessment reports shall be attached together with the investment proposal.**

Time frame (EIA Process and MIC permission process)

EIA Process	Duration	MIC Permission	duration
Screening Proposal (IEE/EIA/NON)	15 days	Screening Proposal	15 days
		MIC Permission	90 days
IEE Process			
• IEE expert approval (Third party or not)	7 days		
• Preparing IEE Report	?		
• IEE Report approval	60 days		
EIA Process			
• EIA expert approval (Third party or not)	7 days		
• Developing Scoping Report and TOR	?		
• Scoping report & TOR approval	15 days		
• Investigation & Developing EIA Report	?		
• EIA report approval	90 days		

Constraints

- **To set time frame of EIA/IEE process harmonizing with the MIC permission process**
- **To clarify that the Project Proposals shall have to be submitted which to MIC or to MOECAAF at first**
- **According to the FI Rule 34, the EIA and SIA reports shall be attached together with the investment proposal**

In this context, all Projects which requiring to conduct IEE or EIA stipulated in notification 1/2013 and 50/2014 by MIC need to obtain an Environmental Compliance Certificate issued by the MOECAAF before proceeding to MIC, any ministry, or any other competent authority for permit to implement the projects

Hydropower Project

No.	Categories of investment project	IEE	EIA
1	Hydropower Plants	Installed capacity \geq 1 MW But <15 MW	\geq 15 MW
2	Hydropower Plants	Reservoir volume (full supply level) < 20,000,000 m³	Reservoir volume (full supply level) \geq 20,000,000 m³
3	Hydropower Plants	Reservoir area (full supply level) < 400 ha	\geq 400 ha

Towards Strategic Environmental Assessment (SEA)

- EIA systems - initiated in first stage
- Environmental Protection measures - mainstreaming in National Development Planning – international cooperation is promoted
- EIA only covers to each development project which the measures to be taken for avoiding, preventing, mitigating, monitoring and compensating all Adverse Impacts resulting from the design, construction, implementation, operation, maintenance, decommissioning, closure and post closure or other aspects of the proposed Project or business or activity.

- to ensure Sustainable Development in Myanmar, SEA needed to develop in the primary stage of decision-making process for national development planning, to develop environmentally sector wide / region wide / nation wide
- Therefore, we intend to improve EIA system and also set SEA in cooperation/ collaboration with national, regional and international organizations.



***Thank you
For your attention***