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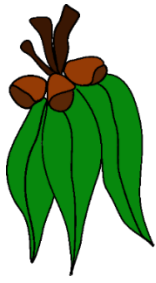


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PO Box 434
Hornsby, NSW, Australia 1630
ABN: 54 415 438 073

(+61) 423 513 732
paul.harvey@environmentalsciencesolutions.com

**Expert Advice: Sepik Development
Project Environmental Impact
Statement**



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Environmental Science Solutions
PO BOX 434 Hornsby NSW 1630
www.environmentalsciencesolutions.com
+61 423 513 732

Mrs Evelyn Katu Wohuinangu
The Papua New Guinea Centre for Environmental Law and Community Rights Inc.
PO Box 4373
Boroko
National Capital District
Papua New Guinea

19 March 2020

Dear Evelyn Katu Wohuinangu,

Re: Revised Expert Advice – Sepik Development Project Environmental Impact Statement

Thank you for the opportunity to provide expert advice regarding the Sepik Development Project Environmental Impact Statement. Please find attached the revised advice.

This expert advice is prepared for the Papua New Guinea Centre for Environmental Law and Community Rights Inc (CELCOR). This report is prepared pro bono by Dr Paul Harvey of Environmental Science Solutions.

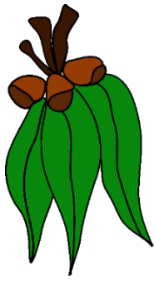
In preparing this expert advice:

1. I (Dr Harvey) have read the practice note, have prepared the report according to the note and agree to be bound by the note.
2. I (Dr Harvey) have provided this expert opinion based wholly or substantially on specialised knowledge arising from training, study or experience as an Environmental Scientist and Environmental Chemist.

This expert advice addresses the following questions posed by CELCOR:

1. Please provide a plain English summary of the key issues raised by the Project EIS, relevant to your area of expertise.





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2. In your opinion, was the assessment of environmental impacts, as far as it relates to your areas of expertise, appropriate and sufficient?
3. What, if any, concerns do you have about the environmental impacts of Project, bearing in mind the mitigation measures proposed?
4. In your opinion, has the EIS adequately considered the likely impacts of the Project, should any of the proposed infrastructure, particularly the Integrated Storage Facility, fail?
5. In your opinion, does the EIS comply with the Information Guidelines as they relate to your area of expertise?
6. Provide any further observation or opinions which you consider to be relevant.

Please refer to the Expert Brief appended to the end of the expert advice for the list of documents and related information (items 7 – 11) that has been used to inform this advice. Due to the size of these documents they have not been included here. The documents are available from the Freida River website (www.friedariver.com/eis).

Should you have any questions or require further clarification regarding this advice please do not hesitate to contact me on the details listed above.

Kind regards

Dr Paul Harvey BEnv (Hons)



Expert Advice – Sepik Development Project Environmental Impact Statement

The following expert advice has been prepared to answer the questions posed by the Papua New Guinea Centre for Environmental Law and Community Rights Inc (CELCOR). The advice has been structured to answer the specific questions

a) Please provide a plain English summary of the key issues raised by the Project EIS, relevant to your area of expertise.

The Sepik Development Project (the Project) is a large-scale mining, hydroelectric power and associated infrastructure development project proposed for the north-western region of Papua New Guinea. The Project is a multi-faceted entity that includes the Freida River Copper-Gold Project, the Frieda River Hydroelectric Project and associated infrastructure the Sepik Infrastructure Project and Sepik Power Grid Project. The Sepik River Development is proposed by Freida River Limited.

The Project footprint will span approximately 16,000 ha with the largest single component of the Project being the Integrated Storage Facility (ISF) that will occupy approximately 75% of the project site. The Freida and Sepik Rivers are both associated with the Project. The Project is projected to cost around \$6.9 billion. The Freida River Copper-Gold Project is projected to have an operational life of 33 years. The Freida River Hydroelectric Project has a projected operational life of 100 years.

The key issues raised by the EIS from an environmental contamination and pollution perspective (relevant area of expertise) include:

1. Water contamination arising from discharges associated with mining in the upper catchment of the Freida River.
2. The impact of environmental contaminant discharges on downstream sensitive receptors.
3. Suitability of the Integrated Storage Facility for storage and long-term containment of the mine tailings waste.
4. The suitability of the proposed open-pit lakes that will be used at the end of operational phase.
5. The impact on the existing natural environment (primarily including soil, vegetation, water quality, groundwater quality and noise) resulting from construction, operational and decommissioning phases of the Project.

The EIS has a primary focus on the ISF, with other infrastructure associated with the Project, despite the equal significance in the Project, assessed at a lower level of detail. The EIS documentation utilises an impact matrix that is used to inform proposed management strategies.

The EIS, while well written, regularly does not provide sufficient justification for the assumptions used or the conclusions reached. The EIS document often fails to adequately identify and quantify perceived, actual or potential impacts and therefore does not suitably assess the impact of the Project.

In the presented form, the EIS attempts to capture all of the perceived, actual and potential impacts associated with the ISF, however, many are overlooked and this could ultimately have the impact of environmental damage and/or loss of life in the event of a major or catastrophic incident. The EIS therefore requires substantial reconsideration to ensure all environmental and social impacts have been accounted for and assessed.

b) In your opinion, was the assessment of environmental impacts, as far as it relates to your areas of expertise, appropriate and sufficient?

The Environmental Impact Assessment for the Project primarily presents information relating to the operational facilities of the Freida River Copper-Gold project. The EIS is extensive and detailed with regard to the Integrated Storage Facility (ISF), however the assessment was often poorly justified and does not provide adequate detail to satisfy the reader that the environmental impacts of the Project are sufficiently identified or appropriately assessed. Following detailed interrogation of the EIS documentation, a number of questions remain unanswered which are materially significant to the environmental impacts of the site.

1. Clarity of information presented in EIS

The primary purpose of an Environmental Impact Statement (EIS) is to:

‘provide information on a project, including its environmental impacts and mitigation measures, and is used to inform development consent’¹

Critically an EIS should have information that is ‘presented clearly and in a way that can be easily understood’²

The Project EIS Chapter 8 – Physical and Biological Impact Assessment adopts an Impact Assessment Framework (s 8.1) (the Framework) ‘used to assess the physical and biological impacts’. The Framework identifies two methods that were used to assess the level of impacts of the Project on identified environmental values and these include:

Significance assessment. The significance assessment method has been adopted where a qualitative (or semi-qualitative) assessment is required. This method allows for the development of the most suitable and practical management measures as it only considers credible impacts with a likelihood of occurring.³

Compliance assessment. The compliance assessment method has been adopted where a quantitative assessment is required. The method relies on international, national or best practice limits or guidance to measure an impact. As part of the EIS, the compliance assessment has been adopted for air quality, noise and water quality which can be modelled compared to existing standards.⁴

¹ New South Wales Planning and Environment (2017). Preparing an Environmental Impact Statement. Draft Environmental Impact Assessment Guidance Series June 2017. Page 1.

² New South Wales Planning and Environment (2017). Preparing an Environmental Impact Statement. Draft Environmental Impact Assessment Guidance Series June 2017. Page 3 (3.1).

³ Coffey SDP-6-G-00-01-T-084-010 Frieda River Limited Sepik Development Project Environmental Impact Statement. Chapter 8 – Physical and Biological Impact Assessment. Section 8.1 Impact Assessment Framework.

⁴ Coffey SDP-6-G-00-01-T-084-010 Frieda River Limited Sepik Development Project Environmental Impact Statement. Chapter 8 – Physical and Biological Impact Assessment. Section 8.1 Impact Assessment Framework.

A cursory reading of s 8.1 and the two clauses noted above does not provide the reader with a clear and easily understood description of the EIS rationale used to make an assessment on the Project. In an effort to clarify the assessment rationale the EIS draws attention to a further description of the ‘identified environmental values’ in s 8.1.1-8.1.2 and include:

- 8.1.1. Environmental Values
- 8.1.2 Significance Assessment
 - Magnitude of Impact
 - Impact Assessment

A ‘matrix of significance’ rationale for determining the outcome of actual, potential and perceived environmental impacts arising from various stages of inception, construction, operation and closure of the Project is presented in Table 8.3. The matrix of significance (Table 8.3) is informed by s 8.1.1 and s 8.1.2 however there is no explanation provided for the levels of determination ranging from negligible to extreme in the matrix. A striking omission and consequent concern of the EIS documentation is the absence of strong justification for the assessment rationale and the reasoning behind the matrix of significance approach. The outcome of the environmental impact assessments undertaken in the EIS hinges on the matrix of significance approach. The matrix of significance approach is unconventional for an EIS and creates uncertainty in all conclusions informed by the assessment.

The limited justification and reasoning behind the matrix of significance (Table 8.3) that is relied upon throughout the EIS assessment of Chapter 8 and the limited transparency of the assessment methods adopted by the EIS create concern regarding the appropriateness of the EIS assessment method overall.

2. Data Gaps

The EIS identifies the Project as a multi-entity construction involving mine operational infrastructure, waste water treatment infrastructure, a hydroelectric generation facility, overland pipelines, access roads and port facilities.

The EIS does not provide sufficient detail to adequately assess the majority of the Project components. Information is generally supplied for the Integrated Storage Facility and pit-lake however the assumptions and modelling adopted by the EIS do not adequately satisfy the general expectation of an EIS in that it will consider all environmental impacts arising from a proposal. A revised EIS should be prepared that considers all aspects of the Project, detailing and assessing their impacts and provides management strategies for those impacts. Currently, the EIS does not provide suitable information regarding access infrastructure, pipeline infrastructure of marine/port infrastructure. These components of the Project should either be allocated more assessment space in the EIS or should form part of a separate EIS process, with the latter being the preferred option.

c) What, if any, concerns do you have about the environmental impacts of Project, bearing in mind the mitigation measures proposed?

1. Water quality, silt transport and metal bioavailability

The dominant feature of the Project is the Integrated Storage Facility (ISF). The ISF is proposed to act as a subaqueous tailings and waste storage facility. Regarding the functional role of the ISF, the EIS notes [emphasis added]:

‘given that the ISF is expected to function as a trap for natural sediments, construction-derived sediments and mine waste, **only small particle sizes** (i.e., less than 8 microns (μm), Appendix 2a) **that do not settle within the residence time in the ISF are predicted to reach the Frieda and Sepik rivers and be transported further downstream** as part of the wash load without settling.’⁵

Concern regarding the downstream fluvial and marine environments is raised at this point. It is identified in the EIS that the existing condition of the downstream fluvial environment has a circumneutral pH with a high dissolved organic content (DOC). These parameters have resulted in generally low labile (bioavailable) copper. The EIS notes that silts and clays ($<63 \mu\text{m}$) contain the greatest concentrations of contaminants.

It is evidenced from the existing environmental parameters that:

‘waterbodies with acidic pH have a reduced capacity to organically bind dissolved copper regardless of DOC concentrations and other variables.’⁶

‘the labile copper concentration is likely to form a greater proportion of dissolved copper at these locations and would therefore be more bioavailable to aquatic biota’⁷.

The ISF will not retain fine fraction particles that contain the highest content of metals. The propensity for finer fraction particles to contain higher concentrations of contaminants creates cause for concern. Further investigation and clarification in the EIS is required to determine how these fine fraction metals will be managed. The design of the ISF to store low pH (acidic) mine waste in a subaqueous manner is a poor option for this setting due to the potential for catastrophic failure, overtopping or end-of-life neglect of the infrastructure. Acidic metal-rich waste waters are notoriously destructive to vegetation, fluvial and marine ecosystems and often irreparably damages ground- and potable-water supplies. It is unreasonable to suggest that the impacts of the ISF will be mitigated indefinitely with the application of a buffer (lime). Many issues may arise which can include limited lime for treatment, or, the incorrect dosage may be used. Furthermore, the addition of a pH buffer would not be timely or adequate in the event of a sudden overtopping of the ISF, an unexpected breach, or a catastrophic failure. Allowing a supply of material that is known to be negatively impactful to the downstream natural environment to be perched precariously in the valley with only a single containment wall separating that material from the downstream environment and no robust management strategies will inevitably lead to catastrophic consequences for the downstream ecosystems and communities in the event of a failure.

2. Discharge water quality

⁵ Coffey SDP-6-G-00-01-T-084-010 Frieda River Limited Sepik Development Project Environmental Impact Statement. Chapter 8 – Physical and Biological Impact Assessment. Page 8-8.

⁶ Coffey SDP-6-G-00-01-T-084-009 Frieda River Limited Sepik Development Project Environmental Impact Statement. Chapter 7 – Description of Existing Environment. Page 7-106.

⁷ Coffey SDP-6-G-00-01-T-084-009 Frieda River Limited Sepik Development Project Environmental Impact Statement. Chapter 7 – Description of Existing Environment. Page 7-106.

‘The open-pit water quality is expected to be poor due to the exposure of potentially acid-forming (PAF) sulphide mineralisation located on the open-pit benches, and subsequent generation of acid and metalliferous drainage (AMD). Water from the open-pit will be treated with quicklime or hydrated lime to neutralise acidity and precipitate metals. Treated water will then be released to Ubai Creek, from where it will flow into the ISF and be subject to further dilution prior to entering the downstream environment. Clean water diversions will be constructed upslope of open-pit areas to divert water around mining areas and reduce water management requirements.’

The concern here is that the water quality exiting the mine is already expected to be poor. The solution that has been offered to remedy this is the addition of a pH balancing lime agent to neutralise the acid and precipitate metals. There is no clear evidence throughout the EIS that the addition of the pH balancing agent will be suitable for the Freida and Sepik River ecosystems. There is no description of the methods that will be implemented to remove the metal precipitate from the water once formed.

Another more substantial concern is that this method of water treatment is a responsive action and not a precautionary action approach. This means that there is a potential for a systems breakdown or failure in the water treatment process. In the event of unpredicted rainfall and water discharge, will there be adequate treating agent on-hand to manage the requirement? It is unclear what contingency measures will be adopted to mitigate unplanned, emergency or unpredicted flow events.

3. Erosion

Erosion, soil loss and loss of capacity for soil to hold vegetation is highlighted throughout EIS Chapter 8. Notably, 8.2.2 comments:

‘Physical disturbance exposes soils and, if unmanage [*sic*], this may lead to erosion and/or compaction of soils causing reduced or lost capacity to support vegetation, gardens or crops. Physical disturbance may also destabilise landforms causing or increasing the potential for landslips and erosion. Soil contamination may reduce the capacity of soils to support soil biota natural vegetation, gardens or crops.’⁸

‘Physical disturbance will be greatest during construction and decommissioning, due to the concentration of ground disturbing works. The potential impacts resulting from chemical alterations to soils will be greatest during operations and without appropriate management may extent into closure’⁹.

Further

⁸ Coffey SDP-6-G-00-01-T-084-010 Frieda River Limited Sepik Development Project Environmental Impact Statement. Chapter 8 – Physical and Biological Impact Assessment. Page 8-7.

⁹ Coffey SDP-6-G-00-01-T-084-010 Frieda River Limited Sepik Development Project Environmental Impact Statement. Chapter 8 – Physical and Biological Impact Assessment. Page 8-7.

‘The project is located in a high rainfall environment with infrastructure located in areas of moderately steep slopes. Soil types of the mountainous and hill landform unit are naturally shallow and exposed to weathering and eroding processes (wind and rain).’¹⁰

While the EIS provides extensive comments throughout relating to soil erosion and instability of landforms, the management strategies put forward for mitigating the impacts of disturbing the soil in the Project footprint are lacking sufficient detail (as would be suitable for the EIS stage) to confidently demonstrate that measures will be implemented that will adequately limit the adverse impacts from soil disturbance. While present, the landform management measures are not suitably detailed for the challenging soil environment. The following are noted:

MM002 – Appropriate diversion structures will be designed to channel surface water away from constructed landforms

This mitigation measure is vague in its description, rendering it open to interpretation that will result in it becoming redundant.

MM008 – Instigate ripping and soil reinstatement in disturbed areas prior to revegetation efforts where practicable.

Ripping of soil in a high erosion setting will only exacerbate the erosion and vegetation loss. This is not a suitable approach for steep, high rainfall terrain.

4. Erosion of Ok Binai waste dump.

‘Constructed forms susceptible to instability include the Ok Binai waste dump’¹¹. The EIS provides low-level impact assessment results for this feature. Contrary to the EIS, the impact assessment levels should be moderate to high based on the locality of the waste dump to floodplain, the unknown nature of the waste dump composition, and a lack of geochemistry data modelling the likely soil-water-waste interactions of the Ok Binai dump.

5. Visual Amenity (p 8-15)

‘The assessment of impacts on landscape character and visual amenity is essentially subjective since individuals and cultures have different perspectives about what is or is not visually important.’¹²

Dismissing visual amenity as subjective is not a suitable approach to assessing this parameter. Visual amenity can be assessed using a range of modelling software that quantifies the impact on sensitive receivers and provides suitable scenarios to reduce the impact on those receivers. It is noted in the EIS that ‘In general terms, the natural landscapes hold particular importance for individuals from remote PNG villages and if these are physically distorted – such as by cutting into hills to build a new road – then this is likely to cause concern.’

¹⁰ Coffey SDP-6-G-00-01-T-084-010 Frieda River Limited Sepik Development Project Environmental Impact Statement. Chapter 8 – Physical and Biological Impact Assessment. Page 8-9.

¹¹ Coffey SDP-6-G-00-01-T-084-010 Frieda River Limited Sepik Development Project Environmental Impact Statement. Chapter 8 – Physical and Biological Impact Assessment. Page 8-13.

¹² Coffey SDP-6-G-00-01-T-084-010 Frieda River Limited Sepik Development Project Environmental Impact Statement. Chapter 8 – Physical and Biological Impact Assessment. Page 8-15.

The paucity of management and mitigation strategies proposed for visual amenity overall draws attention to this area of the EIS as one that is deficient.

6. Open-Pit Lake

An open-pit lake is proposed for the Project as an end-of-life strategy for managing the excavation created during the operational phase. The open-pit will be formed during mine operation and ‘comprises a large-scale open-pit mine feeding ore to a comminution and flotation process plant producing a copper-gold concentrate’¹³. The open-pit is culmination of three smaller open-pits including the: HIT, Ekwai and Koki open-pits. The largest of the three smaller pits is the HIT that extends 2.6 km long and 2.4 km wide (Figure 1; Coffey Figure 5.3). Combined, the open-pits will produce 1,500 Mt of mill feed and 1,450 Mt of waste rock.

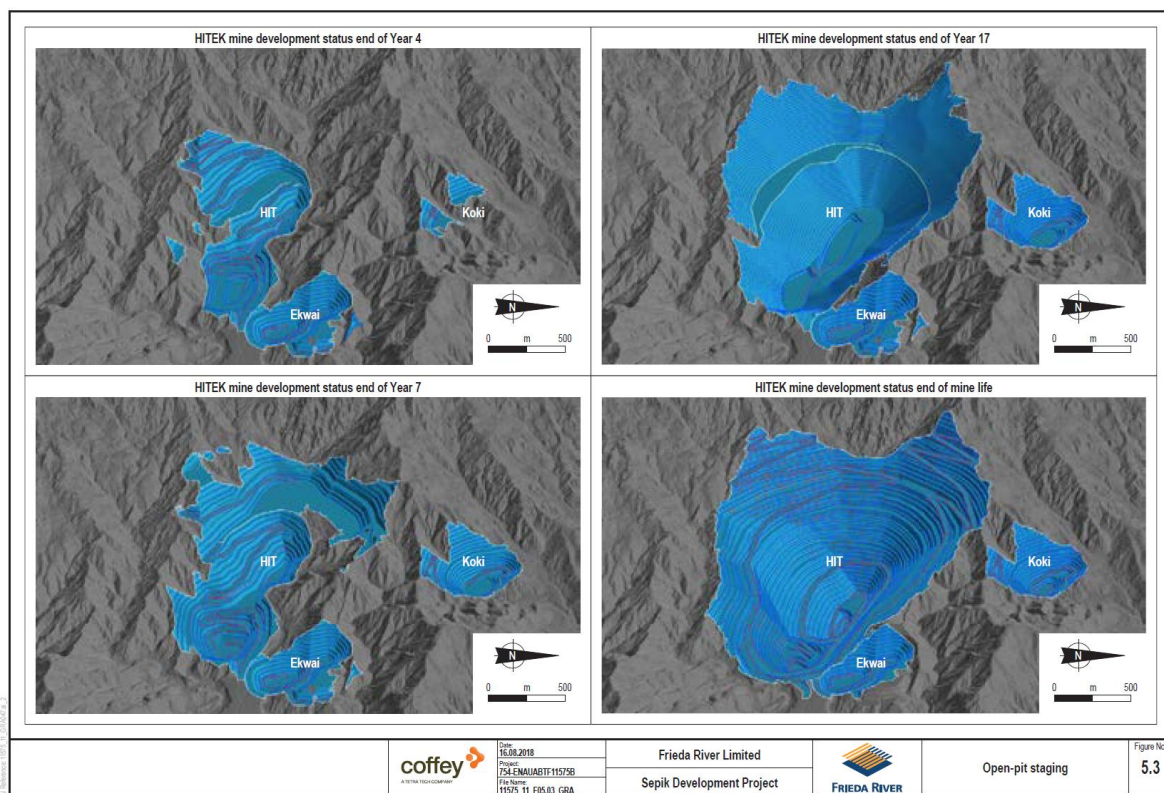


Figure 1 Layout of the pit lake proposed for the Project.

Open-pit lakes are commonplace on post-operational mines. The mined material has long been removed from site and there is insufficient material to place back into the mine excavation hole to return the environment to a near-rehabilitated pre-mining state. Open-pit lakes are often criticised as a low-cost exit strategy following completion of mining works¹⁴. Concerns that are often raised and apply in this setting regarding open-pit lakes include:

¹³ Coffey SDP-6-G-00-01-T-084-007 Frieda River Limited Sepik Development Project Environmental Impact Statement. Chapter 5 – Description of the Proposed Development.

¹⁴ Vandenberg et al. 2015. Key issues in mine closure planning related to Pit Lakes. 10th International Conference on Acid Rock Drainage & IMWA Annual Conference.

- Suitability of the environment, particularly hill-slopes, for stability of a long-term excavation.
- The onus of responsibility for ongoing management of the pit-lake in perpetuity following the cessation of the mine.
- How will the water stored in the pit-lake interact under variable and changing conditions, particularly, how will surface waters interact with groundwaters?
- How will contaminants be managed in the event that the pit-lake is overtopped or is catastrophically damaged?

Despite the EIS acknowledging that ‘The experience of other mining developments, both in PNG and globally, highlights the importance of considering downstream effects due to Project related discharges and waterways during construction and operations’¹⁵ the questions above have not been adequately dealt with in this EIS.

7. Integrated Storage Facility

The Project proposes the use of an Integrated Storage Facility (ISF) as a water management device downstream of the primary mining operation. The ISF is intended to store water prior to discharge directly downstream of the hydroelectric facility. The ISF represents one of the only large-scale buffers between the mine operation and the downstream fluvial environment, near-shore marine environment and the villages dependant on those resources.

The mine operation is expected to produce waste water of a poor grade that is proposed to be treated in various facilities on site. The ISF is planned to become a mine-waste dumping and storage facility that will over time have a reduced water storage capacity. The concern regarding the ISF is that the EIS poorly details the outcome of operational and post-closure breaches of the ISF.

d) In your opinion, has the EIS adequately considered the likely impacts of the Project, should any of the proposed infrastructure, particularly the Integrated Storage Facility, fail?

As noted previously, concerns are held regarding the depth of assessment undertaken and the absence of details relating to specific aspects of the Project. Of primary concern are the impacts associated with the shoreline infrastructure, the access roads and pipeline infrastructure, the hydroelectric scheme and the ISF.

Focusing on the ISF, the EIS has not provided suitable assessment details to satisfy a general reader that a comprehensive evaluation of the actual, potential and perceived impacts has occurred. Most critically, the EIS does not provide a suitable body of information to demonstrate that the impacts of a potential breach in the ISF or an overtopping of the ISF have been considered. The ISF is to contain a large volume of water and sediment/tailings that will contain a vast array of contaminants. In addition to this, the ISF will be subject to Acid Mine Drainage (AMD) problems and will require a constant head of water to prevent AMD associated reactions from occurring. The EIS is weak in its evaluation of the downstream impact on sensitive receptors including the fluvial habitat and the local communities resulting from discharge of these contaminants. The EIS dependence on the

¹⁵ Coffey SDP-6-G-00-01-T-084-011 Frieda River Limited Sepik Development Project Environmental Impact Statement. Chapter 9 – Socio-Economic Impact Assessment.

impact matrix places doubt around the legitimacy of the impact assessment. In recent years that has been considerable attention given to mine tailings dams that have been breached due to an unforeseen event¹⁶. These occurrences have resulted in substantial loss of habitat and human life. The current EIS does not consider loss of life as a potential impact resulting from an event where the ISF discharges in an uncontrolled manner downstream (Refer Table 9.1¹⁷).

The EIS also poorly details the impacts on the environment should the construction or operational phases of the mine suddenly cease. It is commonplace for mines to cease operation prior to their lifespan due to fluctuations in the global commodity prices, among other factors. In the event that the Project progression is halted, the EIS does not detail what contingencies will be in place to mitigate impacts arising from incomplete infrastructure. Similarly, the EIS does not adequately address the impacts that may arise post-closure. Concern is raised regarding management of the mine and associated infrastructure in perpetuity particularly in the event of a catastrophic failure of the ISF at the end-of-life stages. This should be clearly assessed as part of the EIS.

e) In your opinion, does the EIS complies with the Information Guidelines as they related to your area of expertise?

The EIS as presented appears to be generally in accordance with the Information Guidelines. However, these guidelines are brief when compared to other international examples (e.g. New South Wales, Australia) and do not offer a high level of prescriptive requirements.

The Information Guidelines require details of decommissioning and closure stages, however while included, the EIS is not well furnished with these details.

Additionally, assumptions made in the impact assessment process of the EIS presented in the impact rationale appear arbitrary and not based on any industry best practice. This may be a result of the brief nature of the Information Guidelines.

It is concerning that water quality is assessed in this EIS under a range of guidelines including the outdated PNG Standards for Drinking Water. The EIS correctly refers to more recent World Health Organization guidelines, however the EIS persists with using the PNG Standards for Drinking Water where it is convenient for the impact being assessed. This practice undermines the integrity of the analysis and impact assessment.

Utilising international environmental trigger values in the absence of local environmental trigger values may be suitable for an information only basis of assessment, however it is not suitable for a formal EIS process. In the absence of suitable environmental trigger guidelines, the proponent should seek to resolve that knowledge gap by generating local environmental trigger values.

f) Provide any further observations or opinions which you consider to be relevant.

1. Suitability of terrain

¹⁶ <https://www.abc.net.au/news/2015-11-06/bhp-owned-mine-dam-bursts-in-brazil-devastating-nearby-town/6919074>

¹⁷ Coffey SDP-6-G-00-01-T-084-011 Frieda River Limited Sepik Development Project Environmental Impact Statement. Chapter 9 – Socio-Economic Impact Assessment.

Page two of the Executive Summary uses the highlight box to draw the reader's attention to the following:

'The FRCGP mine area and FRHEP are located in a remote area of northwest PNG characterised by steep terrain, very high rainfall, low population density and a near-absence of infrastructure such as road, power and communication networks.'

Paragraph two of Page 3 then comments:

'The Project presents a transformative development opportunity for the underdeveloped Sepik region of PNG. The Project aligns with the PNG Development Strategic Plan 2010-2030 (PNGDSP) by leveraging the FRCGP and FRHEP to develop an economic corridor that provides important power, transport and communications infrastructure for shared-use.'

Question: Given that the steep terrain and challenging climatic conditions, low population density and limited infrastructure are notable of the region, what value will this Project have for the region if approved and undertaken?

2. Stakeholder interests

The complexity of stakeholder interests in this project is a point of concern. As noted in the EIS Executive Summary page 6 [emphasis added]:

'The Project proponent is the Freida River Joint Venture, an unincorporated joint venture between FRL and Highlands Frieda Limited. FRL (a PNG incorporated company and wholly owned subsidiary of PanAust) will operate the FRCGP on behalf of the Freida River Joint Venture. **It is anticipated that third-party entities will own and operate the remaining Project elements at some stage during the life of the Project.**

'PanAust is an Australian incorporated company that is owned by Guangdong Rising H.K. (Holding) Limited, a wholly owned subsidiary of Guangdong Rising Assets Management Co. Ltd (GRAM). GRAM is a Chinese state-owned company regulated under the State-owned Assets Supervision and Administration Commission, the People's Government of the Guangdong Province in China.'

'Highland Frieda Limited, a wholly owned subsidiary of Highlands Pacific Limited (Highlands) is a PNG incorporated company listed on the Australian Securities Exchange (AS) and the Port Moresby Stock Exchange (POMSoX).'

While it is commonplace for a range of financial interests and investors to become involved with a large-scale project of this nature, concern is raised here regarding the trans-jurisdictional governance of the financial stakeholders. It is unclear what regulatory authority will be accountable for ensuring compliance with environmental protection regulations. It is also unclear as to who the legal financial entity will be in the event of an accident or incident at the Project. The stakeholder structure exposes the environment and communities that are potentially impacted by adverse occurrences at the Project to risk associated with an inability to suitably remedy any transgressions against relevant environmental regulations.

3. Physical Disturbances

‘People’s wellbeing will be most affected where disturbance occurs on lands which are used by local people for subsistence living or in land areas rich in cultural heritage. Project activities and infrastructure will impede access to land and water-related resources through the placement of facilities such as the ISF, open-pit, process plant, spoil dumps, and other physical barriers such as accommodation villages and fences. People who rely on these resources for their livelihoods (e.g., drinking water, fishing and washing sago) may be affected as the utility or productivity of land or waterbodies are reduced.’¹⁸

The EIS is very clear about the perceived negative impacts on the environment and cultural life as a result of the Project. In the converse, the perceived physical impacts are presented in the EIS:

‘While the physical disturbance caused by the Project will have the negative impacts described above, physical disturbance will also indirectly create positive impacts, notably establishment of the public road and transmission line which enable business, employment and social development opportunities. The most common positive impacts of the Project identified by communities include the public road (which they anticipate to provide improved access to markets, economic activity, health and social services) and access to mains electricity.’¹⁹

The reasoning in the above clause is a source of confusion. The EIS identifies that communities will become displaced or will be otherwise negatively impacted by the Project. If not for the Project, these communities would not be moved from their existing land areas. Have the survey respondents been adequately informed of all of the potential impacts associated with the Project? Have the survey respondents been informed that the proposed access road will be utilised by mining vehicles and associated traffic, rendering it dangerous for inexperienced road users. It is questionable whether the survey respondents would willingly trade their existing land and cultural assets for the benefits of a roadway that will ultimately be unsafe for villagers that may not have access to motor vehicles.

4. Enabling environment

The EIS provides as confusing justification for the Project. According to the EIS [emphasis added]:

‘While the Project is underpinned by the development of the FRCGP, which is a national priority of the PNG Government, **one of the central themes of the PNGDSP is for the PNG economy to advance beyond the mining and petroleum sectors. The Project provides an enabling environment for investment and economic participation through the construction, operation and renovation of physical infrastructure that provides a platform for most other economic activities that are envisaged by the PNGDSP.**’²⁰

¹⁸ Coffey SDP-6-G-00-01-T-084-011 Frieda River Limited Sepik Development Project Environmental Impact Statement. Chapter 9 – Socio-Economic Impact Assessment.

¹⁹ Coffey SDP-6-G-00-01-T-084-011 Frieda River Limited Sepik Development Project Environmental Impact Statement. Chapter 9 – Socio-Economic Impact Assessment.

²⁰ Coffey SDP-6-G-00-01-T-084-011 Frieda River Limited Sepik Development Project Environmental Impact Statement. Chapter 9 – Socio-Economic Impact Assessment. (s 9.2.1)

A cursory plain English reading of the above clause of the EIS informs the reader that the Project is being used to generate revenue to further advance the economic and financial strategy of the PNGDSP. If economic impacts (positive or negative) are considered a feature of the Project, then these should be included and adequately assessed at the individual, community and government scales in the socio-economic assessment. Currently, there is limited and inadequate assessment for the individual stakeholders.

5. Pipeline and roadway infrastructure

The pipeline and roadway infrastructure proposed for the Project is not well assessed by the EIS. While mention is made of these features, there is very little assessment of their impact undertaken. Specifically, the concern pertains to environmental contamination and pollution during:

1. The construction of this infrastructure
2. The operational phase of this infrastructure
3. The end-of-life phase of this infrastructure
4. Major event and catastrophic failures of the infrastructure

6. Emergency Response

Concern is raised about the emergency response management strategies presented in the EIS²¹. The following points are noted:

1. The management plans do not provide assessment of detailed scenarios or their response mechanisms.
2. The management plans do not consider the end-of-life stages of the Project, or, after the Project is decommissioned.
3. There is no provision for the responsible party that will provide financial capacity to ensure the future maintenance of the ISF and other critical infrastructure, or, who will provide funding for emergency response should a major event or catastrophic failure occur.

Final Statement

This expert advice identifies a number of inadequacies and poorly clarified components of the Project EIS. Based on the information presented in this advice, it is recommended that the EIS is reconsidered and the abovementioned concerns addressed.

Should you have any further comments regarding this advice, please do not hesitate to make contact.

Kind regards

²¹ Coffey SDP-6-G-00-01-T-084-012 Frieda River Limited Sepik Development Project Environmental Impact Statement. Chapter 11 – Extreme Natural Hazards and Incidental Events.



Dr Paul Harvey BEnv (Hons)



**Centre for Environmental Law and Community Rights, Inc.
Friends of the Earth Papua New Guinea**

PO Box 4373
BOROKO
National Capital District
Papua New Guinea

Phone: (675) 323 4590 / 323 4237
Fax: (675) 311 2106
Email: info@celcor.org
Website: www.celcor.org.pg

Office 10.B, Level 3, Ori Lavi Haus, Turumu Street, Port Moresby, N.C.D

Our Ref:

Your Ref:

Dr Paul Harvey
Environmental Scientist and Environmental Chemist
Environmental Science Solutions

23 December 2019

By email: paul.harvey@environmentalsciencesolutions.com

Dear Dr Harvey,

Expert Brief – Sepik Development Project Environmental Impact Statement

- 1) The Papua New Guinea (**PNG**) Centre for Environmental Law and Community Rights Inc (**CEL COR**) is representing customary landowners in the Sepik region in relation to the proposed Sepik Development Project (**Project**).
- 2) On behalf of its clients, CELCOR wishes to retain your services to provide expert advice in relation to the Environmental Impact Statement (**EIS**) on matters relevant to your area of expertise, namely environmental chemistry and any potential human health impacts.

Primary purpose to provide independent expert advice

- 3) As a preliminary matter, please note that our primary purpose in briefing you to prepare your report is to provide independent expert advice in your area of expertise. We do not ask you to be an advocate for our client. You are requested to prepare an independent report that is clear and well-written.
- 4) Although this matter is not currently subject to legal proceedings, we are of the view that the same standards should apply. The PNG National Court of Justice does not have a practice note or direction for expert witnesses but, to further explain your expert duty, we request that you prepare an independent report that complies with Division 23.12 of Part 23 of the Australian Federal Court Rules and the Expert Evidence Practice Note including the associated Annexures (**Practice Note**) which govern the use of expert evidence in the Australian Federal Court. We enclose a copy of the Practice Note.
- 5) Your report should include an acknowledgment that you have read the Practice Note and agree to be bound by it.

Overview of work requested

- 6) We request that you undertake the following work:
 - a) review the documents listed below; and
 - b) prepare a written expert report that addresses the issues identified below ('Issues to address in your expert report'), and ensure that the work is prepared in accordance with the Practice Note.

The documents

- 7) Full Project documentation is available at <https://friedariver.com/eis/>. The following documents relating to the Project are provided for your particular consideration:
 - c) Executive Summary: <https://friedariver.com/wp-content/uploads/2019/09/Executive-Summary-English.pdf>.
 - d) Chapter 5 - Description of the Proposed Development: <https://friedariver.com/wp-content/uploads/2019/09/Chapter-5-Description-of-the-Proposed-Development.pdf>.
 - e) Chapter 7 - Description of Existing Environment (particularly pp 98-111 of 226): <https://friedariver.com/wp-content/uploads/2019/09/Chapter-7-Description-of-Existing-Environment.pdf>
 - f) Chapter 8 - Physical and Biological Impact Assessment: <https://friedariver.com/wp-content/uploads/2019/09/Chapter-8-Physical-and-Biological-Impact-Assessment.pdf>.
 - g) Chapter 9 - Socio-Economic Impact Assessment: <https://friedariver.com/wp-content/uploads/2019/09/Chapter-9-Socio-Economic-Impact-Assessment.pdf>.
 - h) Chapter 11 - Extreme Natural Hazards and Incidental Events: <https://friedariver.com/wp-content/uploads/2019/09/Chapter-11-Extreme-Natural-Hazards-and-Incidental-Events.pdf>.
 - i) Appendix 1 - Assessment of the Geochemical Characteristics of Waste Rock and Process Tailings: <https://friedariver.com/wp-content/uploads/2019/09/Appendix-1-Assessment-of-the-Geochemical-Characteristics-of-Waste-Rock-and-Process-Tailings.pdf>.
 - j) Appendix 5 - Sediment Transport Assessment: <https://friedariver.com/wp-content/uploads/2019/09/Appendix-5-Sediment-Transport-Assessment.pdf>.
 - k) Appendix 7a - Water Quality, Sediment Quality and Aquatic Ecology Baseline: <https://friedariver.com/wp-content/uploads/2019/09/Appendix-7a-Water-Quality-Sediment-Quality-and-Aquatic-Ecology-Baseline.pdf>.
 - l) Appendix 7b - Integrated Storage Facility Bioaccumulation/Biomagnification Analyses - Sepik Development Project: <https://friedariver.com/wp-content/uploads/2019/09/Appendix-7b-Integrated-Storage-Facility-Bioaccumulation-Biomagnification-Analyses-Sepik-Development-Project.pdf>.
 - m) Appendix 13 - Social Impact Assessment: <https://friedariver.com/wp-content/uploads/2019/09/Appendix-13-Social-Impact-Assessment.pdf>.
- 8) The *Environment Act 2000* refers to Operational Procedures, including at section 53(2) which regulates EISs and provides that "Operational Procedures shall provide for the form, content, timing and procedures for the preparation and submission of an environmental impact statement." As defined at section 2 of the

Environment Act, "Operational Procedure" means an Operational Procedure issued by the Director under section 132. Under this latter section the Director "may issue Operational Procedures consistent with this Act for the purposes of achieving the objectives of this Act, including but not limited to (a) setting out the form in which any information is to be provided, notification given or application made; and (b) setting out the procedure for making any decision required to be made by the Director, under this Act, an Environment Policy or the Regulation."

- 9) We consider that the attached Operational Manual is most likely the Operational Procedures that is referred to in the Environment Act (see sections 52(2), 53(2), and s.132). Page 14 of the Operational Manual sets out the Regulatory Procedures for Level 3 activities, including that the Director "assesses the Environmental Impact Statement using requirements in Information Guideline as benchmark".
- 10) The Information Guideline referred to is the "Information Guideline – Guideline for Conduct of Environmental Impact Assessment & Preparation of Environmental Impact Statement" (attached).
- 11) The Information Guideline also requires an assessment of the Project against the Fourth National Goal and Directive Principle of the National Constitution PNG (i.e. whether it is in line with it). It does not set out the Fourth National Goal so we set it out below:

We declare our fourth goal to be for Papua New Guinea's natural resources and environment to be conserved and used for the collective benefit if us all, and to be replenished for the benefit of future generations.

WE ACCORDINGLY CALL FOR –

1. *wise use to be made of our natural resources and then environment in and on the land or seabed, in the sea, under the land, and in the air, in the interests of our development and in trust for future generations; and*
2. *the conservation and replenishment, for the benefit of ourselves and posterity, of the environment and its sacred, scenic, and historical qualities; and*
3. *all necessary steps to be taken to give adequate protection to our valued birds, animals, fish, insects, plants and trees.*

- 12) Please let us know as soon as possible if you require further information for the purpose of giving your expert opinion.

The purpose of your expert report

- 13) CELCOR will work with our clients to disseminate your expert advice. This may include submitting your advice to the PNG Government in response to the public consultation on the Project EIS.

- 14) Your expert report will be used as evidence in chief of your professional opinion. In providing your opinion you must set out all the assumptions upon which the opinion is based. This may include, for example, facts observed as a result of field or lab work or 'assumed' facts based on a body of scientific opinion. If the latter, you should provide references which demonstrate the existence of that body of opinion.
- 15) Your expert report must also set out the process of reasoning which you have undertaken in order to arrive at your conclusions. It is insufficient for an expert report to simply state your opinion or conclusion reached without an explanation as to how this was arrived at. The purpose of providing such assumptions and reasoning is to enable decision makers to make an assessment as to the soundness of your opinion.

Issues to address in your expert report

- 16) We ask that your report address the following issues in regards to any impacts arising as a result of the Project:
- a) Please provide a plain English summary of the key issues raised by the Project EIS, relevant to your area of expertise.
 - b) In your opinion, was the assessment of environmental impacts, as far as it relates to your areas of expertise, appropriate and sufficient?
 - c) What, if any, concerns do you have about the environmental impacts of Project, bearing in mind the mitigation measures proposed?
 - d) In your opinion, has the EIS adequately considered the likely impacts of the Project, should any of the proposed infrastructure, particularly the Integrated Storage Facility, fail?
 - e) In your opinion, does the EIS comply with the Information Guidelines as they relate to your area of expertise?
 - f) Provide any further observations or opinions which you consider to be relevant.

Key dates

- 17) Submissions to the EIS are due on 31 March 2020. To allow sufficient time for your advice to be disseminated to our clients, we would appreciate receiving your advice by **31 January 2020**.

Duty of confidentiality

- 18) Please treat your work as strictly confidential until your expert report is provided to members of the public or the PNG Government, unless authorised by us.

Fees and Terms

- 19) Thank you for agreeing to provide your advice in this matter on a pro bono (volunteer) basis. CELCOR relies on experts such as you to assist in matters with very little financial compensation.

20) Please note the following terms:

- a) your work will only be used by CELCOR to assist its clients. Our clients may choose to make your expert advice publicly available;
- b) CELCOR will take all reasonable steps to prevent your work being used for purposes other than that mentioned above, but we accept no responsibility for the actions of third parties;
- c) regardless of the above points, CELCOR may choose not to use your work; and
- d) you will not be covered by the CELCOR's insurance while undertaking the above tasks.

21) If you would like to discuss this brief further, in the first instance, please contact our Australian colleague at EDO NSW Scientific Director, Megan Kessler on (02) 9262 6989 or email megan.kessler@edonsw.org.au.

We are grateful for your assistance in this matter.

Yours sincerely,

Centre for Environmental Law & Community Rights Inc.

A handwritten signature in blue ink, appearing to read 'Katu', with a long horizontal line extending to the right.

**Evelyn Katu Wohuinangu (Mrs.)
Principal Lawyer**



EXPERT EVIDENCE PRACTICE NOTE (GPN-EXPT)

General Practice Note

1. INTRODUCTION

- 1.1 This practice note, including the *Harmonised Expert Witness Code of Conduct* (“**Code**”) (see **Annexure A**) and the *Concurrent Expert Evidence Guidelines* (“**Concurrent Evidence Guidelines**”) (see **Annexure B**), applies to any proceeding involving the use of expert evidence and must be read together with:
- (a) the Central Practice Note (CPN-1), which sets out the fundamental principles concerning the National Court Framework (“**NCF**”) of the Federal Court and key principles of case management procedure;
 - (b) the Federal Court of Australia Act 1976 (Cth) (“**Federal Court Act**”);
 - (c) the *Evidence Act 1995* (Cth) (“**Evidence Act**”), including Part 3.3 of the Evidence Act;
 - (d) Part 23 of the *Federal Court Rules 2011* (Cth) (“**Federal Court Rules**”); and
 - (e) where applicable, the Survey Evidence Practice Note (GPN-SURV).
- 1.2 This practice note takes effect from the date it is issued and, to the extent practicable, applies to proceedings whether filed before, or after, the date of issuing.

2. APPROACH TO EXPERT EVIDENCE

- 2.1 An expert witness may be retained to give opinion evidence in the proceeding, or, in certain circumstances, to express an opinion that may be relied upon in alternative dispute resolution procedures such as mediation or a conference of experts. In some circumstances an expert may be appointed as an independent adviser to the Court.
- 2.2 The purpose of the use of expert evidence in proceedings, often in relation to complex subject matter, is for the Court to receive the benefit of the objective and impartial assessment of an issue from a witness with specialised knowledge (based on training, study or experience - see generally s 79 of the *Evidence Act*).
- 2.3 However, the use or admissibility of expert evidence remains subject to the overriding requirements that:
- (a) to be admissible in a proceeding, any such evidence must be relevant (s 56 of the *Evidence Act*); and
 - (b) even if relevant, any such evidence, may be refused to be admitted by the Court if its probative value is outweighed by other considerations such as the evidence

being unfairly prejudicial, misleading or will result in an undue waste of time (s 135 of the Evidence Act).

- 2.4 An expert witness' opinion evidence may have little or no value unless the assumptions adopted by the expert (ie. the facts or grounds relied upon) and his or her reasoning are expressly stated in any written report or oral evidence given.
- 2.5 The Court will ensure that, in the interests of justice, parties are given a reasonable opportunity to adduce and test relevant expert opinion evidence. However, the Court expects parties and any legal representatives acting on their behalf, when dealing with expert witnesses and expert evidence, to at all times comply with their duties associated with the overarching purpose in the Federal Court Act (see ss 37M and 37N).

3. INTERACTION WITH EXPERT WITNESSES

- 3.1 Parties and their legal representatives should never view an expert witness retained (or partly retained) by them as that party's advocate or "hired gun". Equally, they should never attempt to pressure or influence an expert into conforming his or her views with the party's interests.
- 3.2 A party or legal representative should be cautious not to have inappropriate communications when retaining or instructing an independent expert, or assisting an independent expert in the preparation of his or her evidence. However, it is important to note that there is no principle of law or practice and there is nothing in this practice note that obliges a party to embark on the costly task of engaging a "consulting expert" in order to avoid "contamination" of the expert who will give evidence. Indeed the Court would generally discourage such costly duplication.
- 3.3 Any witness retained by a party for the purpose of preparing a report or giving evidence in a proceeding as to an opinion held by the witness that is wholly or substantially based in the specialised knowledge of the witness¹ should, at the earliest opportunity, be provided with:
 - (a) a copy of this practice note, including the Code (see Annexure A); and
 - (b) all relevant information (whether helpful or harmful to that party's case) so as to enable the expert to prepare a report of a truly independent nature.
- 3.4 Any questions or assumptions provided to an expert should be provided in an unbiased manner and in such a way that the expert is not confined to addressing selective, irrelevant or immaterial issues.

¹ Such a witness includes a "Court expert" as defined in r 23.01 of the Federal Court Rules. For the definition of "expert", "expert evidence" and "expert report" see the Dictionary, in Schedule 1 of the Federal Court Rules.

4. ROLE AND DUTIES OF THE EXPERT WITNESS

- 4.1 The role of the expert witness is to provide relevant and impartial evidence in his or her area of expertise. An expert should never mislead the Court or become an advocate for the cause of the party that has retained the expert.
- 4.2 It should be emphasised that there is nothing inherently wrong with experts disagreeing or failing to reach the same conclusion. The Court will, with the assistance of the evidence of the experts, reach its own conclusion.
- 4.3 However, experts should willingly be prepared to change their opinion or make concessions when it is necessary or appropriate to do so, even if doing so would be contrary to any previously held or expressed view of that expert.

Harmonised Expert Witness Code of Conduct

- 4.4 Every expert witness giving evidence in this Court must read the *Harmonised Expert Witness Code of Conduct* (attached in Annexure A) and agree to be bound by it.
- 4.5 The Code is not intended to address all aspects of an expert witness' duties, but is intended to facilitate the admission of opinion evidence, and to assist experts to understand in general terms what the Court expects of them. Additionally, it is expected that compliance with the Code will assist individual expert witnesses to avoid criticism (rightly or wrongly) that they lack objectivity or are partisan.

5. CONTENTS OF AN EXPERT'S REPORT AND RELATED MATERIAL

- 5.1 The contents of an expert's report must conform with the requirements set out in the Code (including clauses 3 to 5 of the Code).
- 5.2 In addition, the contents of such a report must also comply with r 23.13 of the *Federal Court Rules*. Given that the requirements of that rule significantly overlap with the requirements in the Code, an expert, unless otherwise directed by the Court, will be taken to have complied with the requirements of r 23.13 if that expert has complied with the requirements in the Code and has complied with the additional following requirements. The expert shall:
 - (a) acknowledge in the report that:
 - (i) the expert has read and complied with this practice note and agrees to be bound by it; and
 - (ii) the expert's opinions are based wholly or substantially on specialised knowledge arising from the expert's training, study or experience;
 - (b) identify in the report the questions that the expert was asked to address;
 - (c) sign the report and attach or exhibit to it copies of:
 - (i) documents that record any instructions given to the expert; and

- (ii) documents and other materials that the expert has been instructed to consider.

5.3 Where an expert's report refers to photographs, plans, calculations, analyses, measurements, survey reports or other extrinsic matter, these must be provided to the other parties at the same time as the expert's report.

6. CASE MANAGEMENT CONSIDERATIONS

6.1 Parties intending to rely on expert evidence at trial are expected to consider between them and inform the Court at the earliest opportunity of their views on the following:

- (a) whether a party should adduce evidence from more than one expert in any single discipline;
- (b) whether a common expert is appropriate for all or any part of the evidence;
- (c) the nature and extent of expert reports, including any in reply;
- (d) the identity of each expert witness that a party intends to call, their area(s) of expertise and availability during the proposed hearing;
- (e) the issues that it is proposed each expert will address;
- (f) the arrangements for a conference of experts to prepare a joint-report (see Part 7 of this practice note);
- (g) whether the evidence is to be given concurrently and, if so, how (see Part 8 of this practice note); and
- (h) whether any of the evidence in chief can be given orally.

6.2 It will often be desirable, before any expert is retained, for the parties to attempt to agree on the question or questions proposed to be the subject of expert evidence as well as the relevant facts and assumptions. The Court may make orders to that effect where it considers it appropriate to do so.

7. CONFERENCE OF EXPERTS AND JOINT-REPORT

7.1 Parties, their legal representatives and experts should be familiar with aspects of the Code relating to conferences of experts and joint-reports (see clauses 6 and 7 of the Code attached in Annexure A).

7.2 In order to facilitate the proper understanding of issues arising in expert evidence and to manage expert evidence in accordance with the overarching purpose, the Court may require experts who are to give evidence or who have produced reports to meet for the purpose of identifying and addressing the issues not agreed between them with a view to reaching agreement where this is possible ("**conference of experts**"). In an appropriate case, the Court may appoint a registrar of the Court or some other suitably qualified person ("**Conference Facilitator**") to act as a facilitator at the conference of experts.

- 7.3 It is expected that where expert evidence may be relied on in any proceeding, at the earliest opportunity, parties will discuss and then inform the Court whether a conference of experts and/or a joint-report by the experts may be desirable to assist with or simplify the giving of expert evidence in the proceeding. The parties should discuss the necessary arrangements for any conference and/or joint-report. The arrangements discussed between the parties should address:
- (a) who should prepare any joint-report;
 - (b) whether a list of issues is needed to assist the experts in the conference and, if so, whether the Court, the parties or the experts should assist in preparing such a list;
 - (c) the agenda for the conference of experts; and
 - (d) arrangements for the provision, to the parties and the Court, of any joint-report or any other report as to the outcomes of the conference (“**conference report**”).

Conference of Experts

- 7.4 The purpose of the conference of experts is for the experts to have a comprehensive discussion of issues relating to their field of expertise, with a view to identifying matters and issues in a proceeding about which the experts agree, partly agree or disagree and why. For this reason the conference is attended only by the experts and any Conference Facilitator. Unless the Court orders otherwise, the parties' lawyers will not attend the conference but will be provided with a copy of any conference report.
- 7.5 The Court may order that a conference of experts occur in a variety of circumstances, depending on the views of the judge and the parties and the needs of the case, including:
- (a) while a case is in mediation. When this occurs the Court may also order that the outcome of the conference or any document disclosing or summarising the experts' opinions be confidential to the parties while the mediation is occurring;
 - (b) before the experts have reached a final opinion on a relevant question or the facts involved in a case. When this occurs the Court may order that the parties exchange draft expert reports and that a conference report be prepared for the use of the experts in finalising their reports;
 - (c) after the experts' reports have been provided to the Court but before the hearing of the experts' evidence. When this occurs the Court may also order that a conference report be prepared (jointly or otherwise) to ensure the efficient hearing of the experts' evidence.
- 7.6 Subject to any other order or direction of the Court, the parties and their lawyers must not involve themselves in the conference of experts process. In particular, they must not seek to encourage an expert not to agree with another expert or otherwise seek to influence the outcome of the conference of experts. The experts should raise any queries they may have in relation to the process with the Conference Facilitator (if one has been appointed) or in

accordance with a protocol agreed between the lawyers prior to the conference of experts taking place (if no Conference Facilitator has been appointed).

- 7.7 Any list of issues prepared for the consideration of the experts as part of the conference of experts process should be prepared using non-tendentious language.
- 7.8 The timing and location of the conference of experts will be decided by the judge or a registrar who will take into account the location and availability of the experts and the Court's case management timetable. The conference may take place at the Court and will usually be conducted in-person. However, if not considered a hindrance to the process, the conference may also be conducted with the assistance of visual or audio technology (such as via the internet, video link and/or by telephone).
- 7.9 Experts should prepare for a conference of experts by ensuring that they are familiar with all of the material upon which they base their opinions. Where expert reports in draft or final form have been exchanged prior to the conference, experts should attend the conference familiar with the reports of the other experts. Prior to the conference, experts should also consider where they believe the differences of opinion lie between them and what processes and discussions may assist to identify and refine those areas of difference.

Joint-report

- 7.10 At the conclusion of the conference of experts, unless the Court considers it unnecessary to do so, it is expected that the experts will have narrowed the issues in respect of which they agree, partly agree or disagree in a joint-report. The joint-report should be clear, plain and concise and should summarise the views of the experts on the identified issues, including a succinct explanation for any differences of opinion, and otherwise be structured in the manner requested by the judge or registrar.
- 7.11 In some cases (and most particularly in some native title cases), depending on the nature, volume and complexity of the expert evidence a judge may direct a registrar to draft part, or all, of a conference report. If so, the registrar will usually provide the draft conference report to the relevant experts and seek their confirmation that the conference report accurately reflects the opinions of the experts expressed at the conference. Once that confirmation has been received the registrar will finalise the conference report and provide it to the intended recipient(s).

8. CONCURRENT EXPERT EVIDENCE

- 8.1 The Court may determine that it is appropriate, depending on the nature of the expert evidence and the proceeding generally, for experts to give some or all of their evidence concurrently at the final (or other) hearing.
- 8.2 Parties should familiarise themselves with the *Concurrent Expert Evidence Guidelines* (attached in Annexure B). The Concurrent Evidence Guidelines are not intended to be exhaustive but indicate the circumstances when the Court might consider it appropriate for

concurrent expert evidence to take place, outline how that process may be undertaken, and assist experts to understand in general terms what the Court expects of them.

- 8.3 If an order is made for concurrent expert evidence to be given at a hearing, any expert to give such evidence should be provided with the Concurrent Evidence Guidelines well in advance of the hearing and should be familiar with those guidelines before giving evidence.

9. FURTHER PRACTICE INFORMATION AND RESOURCES

- 9.1 Further information regarding Expert Evidence and Expert Witnesses is available on the Court's website.
- 9.2 Further information to assist litigants, including a range of helpful guides, is also available on the Court's website. This information may be particularly helpful for litigants who are representing themselves.

J L B ALLSOP
Chief Justice
25 October 2016

HARMONISED EXPERT WITNESS CODE OF CONDUCT²

APPLICATION OF CODE

1. This Code of Conduct applies to any expert witness engaged or appointed:
 - (a) to provide an expert's report for use as evidence in proceedings or proposed proceedings; or
 - (b) to give opinion evidence in proceedings or proposed proceedings.

GENERAL DUTIES TO THE COURT

2. An expert witness is not an advocate for a party and has a paramount duty, overriding any duty to the party to the proceedings or other person retaining the expert witness, to assist the Court impartially on matters relevant to the area of expertise of the witness.

CONTENT OF REPORT

3. Every report prepared by an expert witness for use in Court shall clearly state the opinion or opinions of the expert and shall state, specify or provide:
 - (a) the name and address of the expert;
 - (b) an acknowledgment that the expert has read this code and agrees to be bound by it;
 - (c) the qualifications of the expert to prepare the report;
 - (d) the assumptions and material facts on which each opinion expressed in the report is based [a letter of instructions may be annexed];
 - (e) the reasons for and any literature or other materials utilised in support of such opinion;
 - (f) (if applicable) that a particular question, issue or matter falls outside the expert's field of expertise;
 - (g) any examinations, tests or other investigations on which the expert has relied, identifying the person who carried them out and that person's qualifications;
 - (h) the extent to which any opinion which the expert has expressed involves the acceptance of another person's opinion, the identification of that other person and the opinion expressed by that other person;
 - (i) a declaration that the expert has made all the inquiries which the expert believes are desirable and appropriate (save for any matters identified explicitly in the report), and that no matters of significance which the expert regards as relevant have, to the

² Approved by the Council of Chief Justices' Rules Harmonisation Committee

- knowledge of the expert, been withheld from the Court;
- (j) any qualifications on an opinion expressed in the report without which the report is or may be incomplete or inaccurate;
 - (k) whether any opinion expressed in the report is not a concluded opinion because of insufficient research or insufficient data or for any other reason; and
 - (l) where the report is lengthy or complex, a brief summary of the report at the beginning of the report.

SUPPLEMENTARY REPORT FOLLOWING CHANGE OF OPINION

- 4. Where an expert witness has provided to a party (or that party's legal representative) a report for use in Court, and the expert thereafter changes his or her opinion on a material matter, the expert shall forthwith provide to the party (or that party's legal representative) a supplementary report which shall state, specify or provide the information referred to in paragraphs (a), (d), (e), (g), (h), (i), (j), (k) and (l) of clause 3 of this code and, if applicable, paragraph (f) of that clause.
- 5. In any subsequent report (whether prepared in accordance with clause 4 or not) the expert may refer to material contained in the earlier report without repeating it.

DUTY TO COMPLY WITH THE COURT'S DIRECTIONS

- 6. If directed to do so by the Court, an expert witness shall:
 - (a) confer with any other expert witness;
 - (b) provide the Court with a joint-report specifying (as the case requires) matters agreed and matters not agreed and the reasons for the experts not agreeing; and
 - (c) abide in a timely way by any direction of the Court.

CONFERENCE OF EXPERTS

- 7. Each expert witness shall:
 - (a) exercise his or her independent judgment in relation to every conference in which the expert participates pursuant to a direction of the Court and in relation to each report thereafter provided, and shall not act on any instruction or request to withhold or avoid agreement; and
 - (b) endeavour to reach agreement with the other expert witness (or witnesses) on any issue in dispute between them, or failing agreement, endeavour to identify and clarify the basis of disagreement on the issues which are in dispute.

ANNEXURE B

CONCURRENT EXPERT EVIDENCE GUIDELINES

APPLICATION OF THE COURT'S GUIDELINES

1. The Court's Concurrent Expert Evidence Guidelines ("**Concurrent Evidence Guidelines**") are intended to inform parties, practitioners and experts of the Court's general approach to concurrent expert evidence, the circumstances in which the Court might consider expert witnesses giving evidence concurrently and, if so, the procedures by which their evidence may be taken.

OBJECTIVES OF CONCURRENT EXPERT EVIDENCE TECHNIQUE

2. The use of concurrent evidence for the giving of expert evidence at hearings as a case management technique³ will be utilised by the Court in appropriate circumstances (see r 23.15 of the *Federal Court Rules 2011* (Cth)). Not all cases will suit the process. For instance, in some patent cases, where the entire case revolves around conflicts within fields of expertise, concurrent evidence may not assist a judge. However, patent cases should not be excluded from concurrent expert evidence processes.
3. In many cases the use of concurrent expert evidence is a technique that can reduce the partisan or confrontational nature of conventional hearing processes and minimises the risk that experts become "opposing experts" rather than independent experts assisting the Court. It can elicit more precise and accurate expert evidence with greater input and assistance from the experts themselves.
4. When properly and flexibly applied, with efficiency and discipline during the hearing process, the technique may also allow the experts to more effectively focus on the critical points of disagreement between them, identify or resolve those issues more quickly, and narrow the issues in dispute. This can also allow for the key evidence to be given at the same time (rather than being spread across many days of hearing); permit the judge to assess an expert more readily, whilst allowing each party a genuine opportunity to put and test expert evidence. This can reduce the chance of the experts, lawyers and the judge misunderstanding the opinions being expressed by the experts.
5. It is essential that such a process has the full cooperation and support of all of the individuals involved, including the experts and counsel involved in the questioning process. Without that cooperation and support the process may fail in its objectives and even hinder the case management process.

³ Also known as the "hot tub" or as "expert panels".

CASE MANAGEMENT

6. Parties should expect that, the Court will give careful consideration to whether concurrent evidence is appropriate in circumstances where there is more than one expert witness having the same expertise who is to give evidence on the same or related topics. Whether experts should give evidence concurrently is a matter for the Court, and will depend on the circumstances of each individual case, including the character of the proceeding, the nature of the expert evidence, and the views of the parties.
7. Although this consideration may take place at any time, including the commencement of the hearing, if not raised earlier, parties should raise the issue of concurrent evidence at the first appropriate case management hearing, and no later than any pre-trial case management hearing, so that orders can be made in advance, if necessary. To that end, prior to the hearing at which expert evidence may be given concurrently, parties and their lawyers should confer and give general consideration as to:
 - (a) the agenda;
 - (b) the order and manner in which questions will be asked; and
 - (c) whether cross-examination will take place within the context of the concurrent evidence or after its conclusion.
8. At the same time, and before any hearing date is fixed, the identity of all experts proposed to be called and their areas of expertise is to be notified to the Court by all parties.
9. The lack of any concurrent evidence orders does not mean that the Court will not consider using concurrent evidence without prior notice to the parties, if appropriate.

CONFERENCE OF EXPERTS & JOINT-REPORT OR LIST OF ISSUES

10. The process of giving concurrent evidence at hearings may be assisted by the preparation of a joint-report or list of issues prepared as part of a conference of experts.
11. Parties should expect that, where concurrent evidence is appropriate, the Court may make orders requiring a conference of experts to take place or for documents such as a joint-report to be prepared to facilitate the concurrent expert evidence process at a hearing (see Part 7 of the Expert Evidence Practice Note).

PROCEDURE AT HEARING

12. Concurrent expert evidence may be taken at any convenient time during the hearing, although it will often occur at the conclusion of both parties' lay evidence.
13. At the hearing itself, the way in which concurrent expert evidence is taken must be applied flexibly and having regard to the characteristics of the case and the nature of the evidence to be given.
14. Without intending to be prescriptive of the procedure, parties should expect that, when evidence is given by experts in concurrent session:

- (a) the judge will explain to the experts the procedure that will be followed and that the nature of the process may be different to their previous experiences of giving expert evidence;
 - (b) the experts will be grouped and called to give evidence together in their respective fields of expertise;
 - (c) the experts will take the oath or affirmation together, as appropriate;
 - (d) the experts will sit together with convenient access to their materials for their ease of reference, either in the witness box or in some other location in the courtroom, including (if necessary) at the bar table;
 - (e) each expert may be given the opportunity to provide a summary overview of their current opinions and explain what they consider to be the principal issues of disagreement between the experts, as they see them, in their own words;
 - (f) the judge will guide the process by which evidence is given, including, where appropriate:
 - (i) using any joint-report or list of issues as a guide for all the experts to be asked questions by the judge and counsel, about each issue on an issue-by-issue basis;
 - (ii) ensuring that each expert is given an adequate opportunity to deal with each issue and the exposition given by other experts including, where considered appropriate, each expert asking questions of other experts or supplementing the evidence given by other experts;
 - (iii) inviting legal representatives to identify the topics upon which they will cross-examine;
 - (iv) ensuring that legal representatives have an adequate opportunity to ask all experts questions about each issue. Legal representatives may also seek responses or contributions from one or more experts in response to the evidence given by a different expert; and
 - (v) allowing the experts an opportunity to summarise their views at the end of the process where opinions may have been changed or clarifications are needed.
15. The fact that the experts may have been provided with a list of issues for consideration does not confine the scope of any cross-examination of any expert. The process of cross-examination remains subject to the overall control of the judge.
16. The concurrent session should allow for a sensible and orderly series of exchanges between expert and expert, and between expert and lawyer. Where appropriate, the judge may allow for more traditional cross-examination to be pursued by a legal representative on a particular issue exclusively with one expert. Where that occurs, other experts may be asked to comment on the evidence given.
17. Where any issue involves only one expert, the party wishing to ask questions about that issue should let the judge know in advance so that consideration can be given to whether

arrangements should be made for that issue to be dealt with after the completion of the concurrent session. Otherwise, as far as practicable, questions (including in the form of cross-examination) will usually be dealt with in the concurrent session.

18. Throughout the concurrent evidence process the judge will ensure that the process is fair and effective (for the parties and the experts), balanced (including not permitting one expert to overwhelm or overshadow any other expert), and does not become a protracted or inefficient process.

Information Guideline



DEPARTMENT OF ENVIRONMENT
AND CONSERVATION

Environment Division, 6th Floor, Somare Foundation House, Cnr. Sir John Guise Dr. & Independence Dr., Waigani.
Phone (675) 325 0194, Fax (675) 325 0182.

DEC Publication: *GL-Env/02/2004*.

1st January 2004.

GUIDELINE FOR CONDUCT OF ENVIRONMENTAL IMPACT ASSESSMENT & PREPARATION OF ENVIRONMENTAL IMPACT STATEMENT.

INTRODUCTION.

The *Guideline* is intended to assist and guide prospective developers (or their consultants) with an intention to carry out Level 3 activities in Papua New Guinea ("PNG"), to meet their legal obligations under *Section 51* and *Section 53* of *Environment Act 2000* (the "Act").

The Act gives effect to the National Goals and Directive Principles in the National Constitution, in particular the fourth goal on Natural Resources and Environment.

It also provides the legal framework for regulating the environmental effects of development activities in order to promote sustainable development in PNG. In essence, the environment protection legislation will encourage socio-economic development while protecting and maintaining environmental quality by safeguarding the life supporting capacity of air, water, soil and the ecosystems for the present and future generations.

The Act requires a person or company that intend to venture into an activity defined as a Level 3 activity under the *Environment (Prescribed Activities) Regulation 2002* to carry out an Environmental Impact Assessment and to prepare and submit an Environmental Impact Statement. At this stage the proponent should also have previously lodged a Notification of Preparatory Work (refer to ¹DEC Publication No. *IB-ENV/01/2004*) in accordance with *Section 48* of the Act and an Environmental Inception Report (refer DEC Publication No. *GL-ENV/01/2004*) as required under *Section 52* of *Environment Act 2000*.

Statutory approval for a project may only be granted if DEC is satisfied that the assessment and resulting statement covers all relevant issues relating to all possible adverse impacts on the environment

The developer must submit an Environmental Impact Statement that provides a full documentation of all environmental and social issues and committing to the employment of relevant mitigation measures in relation to the development activity. The Environmental Impact Statement should substantially comply with this *Guideline*.

It should be noted that the Environmental Impact Assessment process and the Environmental Impact Statement are key inputs, together with comments received from referral bodies and other stakeholders, that will be used by DEC to assess whether or not a proposal is recommended for approval.

¹ Department of Environment and Conservation

The required format for the Environmental Impact Statement is outlined below. It is intended to provide DEC and other stakeholders with unambiguous documentation of potential environmental impacts on which DEC can base its assessment and any subsequent approval that may be granted.

CONTENT OF THE ENVIRONMENTAL IMPACT STATEMENT

If information relevant to a proposal is not supplied, the application may be rejected or its acceptance for assessment delayed until the required information is received in an acceptable form

The applicant should provide detail responses to all areas below that are relevant to the development proposal.

LETTER OF TRANSMITTAL OR COVER LETTER

It is important that an Environmental Impact Statement on the proposal must be transmitted to DEC with a cover letter signed by the responsible company official or its authorised representative (i.e., consultant - engaged by the company to act on its behalf).

If an external consultant is used, the letter must also authorise the consultant to make statements and provide further information on behalf of the company in relation to the application.

1. EXECUTIVE SUMMARY OR OVERVIEW OF PROPOSAL

One of the main objectives of this section is to provide an explanation of the project for non-technical readers.

Information provided in the Executive Summary shall concisely describe the following -

- description of the proposed development activity and its objectives,
- anticipated bio-physical and socio-economic impacts (direct/indirect, reversible/irreversible) of the activity,
- details of remedial actions that are proposed,
- description of all benefits to be derived from the project,
- details of consultation program undertaken by the applicant, including degree of public interest,
- description of rehabilitation and/or end-use plans for the development activity in relation to community needs.

NOTE:

The summary should not be more than five pages in length and be written in English, Tok Pisin and the relevant Local Dialect. Appendices may be attached to the relevant sections of the Environment Impact Statement in order to provide complete information on the development proposal.

2. PURPOSE OF THE DEVELOPMENT

The purpose of this section is to ensure that only development activities that are in the best interest of all Papua New Guineans, and therefore in line with the PNG Government's overall development strategy and planning guidelines, are considered for approval.

This section shall include but not limited to the following -

- describe if the development is in line with the Fourth National Goal and Directive Principle of the National Constitution of PNG,
- explain if the proposed development is compatible with National, Provincial and Local Level Government development goals and planning guidelines,
- detail the economic benefits to the Nation, Province, Local Level Governments and to the local community being impacted.

NOTE:

The proponent needs to demonstrate commitment to the conservation of natural ecosystems and protection of environmental values within the proposed development area.

The presence of company's planning or policy frameworks or other procedures (such as its Environment Management System) which provide mechanisms for managing potential environmental impacts should be highlighted

3. VIABILITY OF THE PROJECT

Provide information on the viability of the proposed development activity.

These details shall include but not limited to the following –

- information on the capital cost associated with the development,
- details of the proponent's technological expertise and resources,
- results of any feasibility investigations that has been carried out,
- information on the extent of landowner and/or resource owner support, including a copy of the formal written approval of their consent,
- details of the life-span and development phases of the project.

4. DESCRIPTION OF THE PROPOSED DEVELOPMENT ACTIVITY

All relevant details on the proposed development activity required under this section should be provided where it is applicable to the proposal.

Details to be provided under this section may include the following -

- background information to the proposal, process technologies to be employed, etc.
- detail location maps (drawn to scale), site layout, etc.,
- information on method of site selection including alternatives investigated, plant or building designs, relevant diagrams and drawings,
- detail flowcharts, mass balances (including feedstocks, products and wastes generated, etc.),
- description of nearby development activities that may contribute to additive effects on background pollution levels or other baseline conditions,
- information on associated infrastructure/facilities that is to be constructed.

5. DEVELOPMENT TIMETABLE

Information on the development timetable provided under this section should be clear and easy for DEC to understand the different phases in the development proposal. For reasons of clarity, a Flow chart, Gantt or PERT chart should be used where appropriate.

Information provided in this section shall include but not limited to the following -

- Information on funding arrangement for proposed activity or if availability of funds subjected to this or other approvals being granted,
- details of pre-construction activities,
- information on consultation program with all affected parties (i.e., parties that may be directly and indirectly affected),
- details of construction schedule, staging, etc.,
- details of commissioning and operational schedules,
- details of infrastructure development schedule.
- details of closure and rehabilitation schedule.

6. CHARACTERISTICS OF THE RECEIVING ENVIRONMENT

Available Environmental Studies & Investigations

Information provided in this sub-section shall include but not limited to the following -

- historic or current baseline data on physical, biological and social systems,
- a written estimate of research and/or study time already expended and to be further undertaken.

Physical Environment

Provide details on the existing physical environment including data on ambient environmental quality of various segments of the environment.

Information provided in this sub-section shall include but not limited to the following -

- geomorphological, topographical and geological characteristics,
- any natural or induced hazard in the area (e.g. flood, earthquake, volcanic zone, etc.),
- climatic regime (e.g. rainfall, temperature, etc.),
- air quality and meteorological data set for air dispersion modeling, etc.,
- seasonal surface water quality and hydrological information,
- seasonal ground water quality and flow regime,
- noise levels.

Particular emphasis should be given to detailing any existing adverse environmental impacts or evidence of pre-existing pollution

The baseline information on the socio-cultural and economic environment of the potential impact areas is essential for the present and the future planning and decision-making processes. It distinguishes between the areas or zones whose inhabitants will experience varying degrees of impacts on their environment and the resulting changes to their social, cultural and economic lifestyle

Separation of environmental management, monitoring and reporting requirements during the various stages of the development is recommended. This shall include requirements for the construction phase, operational phase, decommissioning and closure phases

Biological Environment

Detail information should be provided on the existing biological environment and shall include but not limited to the following details -

- presence of a protected area (Conservation Area or Wildlife Management Area), if any,
- details of any special purpose areas (e.g., wetland area, etc.),
- aquatic and terrestrial ecology of the area,
- information on vulnerable (endangered) species,
- other relevant biological information.

Social Environment

This sub-section deals with the existing social structure and socio-economic data on the resource/land owners, Local Level Government, the Province and PNG as a whole.

Issues that may arise within and outside of the project area should be identified including whether this is a direct or indirect outcome of the physical, biological or socio-economic effects of the proposed development activity.

The outcome of the Social Impact Assessment process is the Social Impact Statement, which is included in this section of the Environmental Impact Statement that is submitted to DEC for assessment.

Information provided in this sub-section shall include but not limited to the following details -

- demographic information,
- information on existing infrastructure,
- information on public health issues (if applicable),
- information on present economic status of the project area,
- description of existing social services,
- details of archaeological, historical, cultural or religious features of the project area under consideration, etc.

7. WASTE MINIMISATION, CLEANER PRODUCTION AND ENERGY BALANCE

Information detailed in this section should include consideration of options associated with waste minimisation, cleaner production and energy balance and the ability of the proponent to employ these strategies in its proposed activity.

Detail information to be covered in this section shall include but not limited to -

- details of other alternative “cleaner production” technologies or processes that has been considered,
- information on the basis for choosing the proposed technology or process,
- available technical background on the process chosen,
- details of the Waste Minimisation Strategy developed for the proposal,
- details of an “energy balance” for the proposal.

8. ENVIRONMENTAL MANAGEMENT, MONITORING AND REPORTING

Sufficient information on this section of the Environmental Impact Statement should be provided to enable DEC to anticipate possible environmental management, monitoring and reporting requirements for an Environment Permit.

Information listed should reflect the proponent’s environmental policy (environment management system) and the translation of that policy to meet the requirements under this Section and Section 7 (POTENTIAL IMPACTS OF PROPOSAL) during different stages in the project life, from construction to decommissioning and closure.

Information detailed in this section shall include but not limited to the following -

- details of information on plant operating conditions, including management and monitoring strategy,
- information on socio-economic management and monitoring strategy,
- mechanism and frequency for reporting monitoring results to DEC and other stakeholders, especially to directly affected stakeholder groups,
- availability of contingency and/or emergency plans drawn up for the proposal,
- details of Environment Improvement Plan,
- details of Waste Minimisation and/or Management Plans,
- information on potential rehabilitation issues and its strategies including Rehabilitation Plan.

9. OTHER STATUTORY DECISIONS.

Provide detailed information on other statutory decision(s) that are relevant to this proposed development activity. Provide the draft or finalised Project Development Contract, Memorandum of Agreements or other similar legal decisions that are relevant to the proposal.

10. CONFIDENTIAL INFORMATION.

Details of classified information relating to a manufacturing or industrial process or trade secret used in carrying on or operating any particular undertaking or equipment or information of a business or financial nature in relation to the proposed activity should be clearly defined.

Such information would be classified as “confidential information” and excluded from the Environmental Impact Statement before the document is made available for public review.

11. REFERENCES.

Provide details of reference materials used in sourcing information and/or data used in the Environmental Impact Statement.

12. ACKNOWLEDGEMENTS.

Detail relevant acknowledgments.

13. STUDY TEAM.

Provide detailed information on persons who assisted in the conduct of the Environmental Impact Assessment study and compilation of the Environmental Impact Statement. Information on persons involved should be the same as those approved in the Environmental Inception Report.

COPIES TO BE LODGED.
THE PROPONENT IS REQUIRED TO PROVIDE TEN (10) COPIES OF THE ENVIRONMENTAL IMPACT STATEMENT DURING LODGMENT OF THE APPLICATION TO ENABLE THE DIRECTOR OF ENVIRONMENT TO ASSESS THE STATEMENT IN ACCORDANCE WITH SECTION 54 OF ENVIRONMENT ACT 2000.

Lodge the above submission with:

Director of Environment

Department of Environment
and Conservation,
P.O. Box 6601, BOROKO,
National Capital District,
Papua New Guinea.

Attention: First Assistant Secretary
Environment Division



THE INDEPENDENT STATE OF PAPUA NEW GUINEA

DEPARTMENT OF ENVIRONMENT AND CONSERVATION

ENVIRONMENT ACT 2000

OPERATIONAL MANUAL

Environment Division
Department of Environment & Conservation,
6th Floor, Somare Foundation House,
Waigani, N.C.D.

January 2004

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Foreword.

The commencement of the *Environment Act 2000* would lead to an improvement in the quality of the environment that most Papua New Guineas rely on for their livelihood. Communities in rural and urban areas will benefit from the level of protection that will be offered under the new Act to preserve and maintain their local environmental quality and the values it supports.

Environment Act 2000 is a modern environment protection legislation that provides the legal framework for identifying the various environmental values treasured by the community and offering the correct level of protection to ensure that these values are available to them. This strategy will be achieved through introduction of statutory policies and regulations that will define the appropriate environmental quality criteria that are necessary to protect the values that the a community wishes to preserve.

The Act also presents a streamlined regulatory process for dealing with applications for an environmental permit, whether it is a Level 3 or a Level 2 (Category-A or Category-B) activity. Although Level 1 activities are exempted from the obligation to obtain an environment permit, activities under this category are still subjected to the requirements under the Act and the environmental policies and regulations developed under the Act.

Another significant advantage of the new legal framework is the “one-stop-shop” approach that it offers. Under this framework, applications will now be processed under a single legislation compared to the past where applications are put through regulatory processes under three separate environment protection legislation.

The new streamlined process for assessment of environment permit applications is a bonus to an investor who may wish to venture into a development activity in Papua New Guinea. The regulatory process is explicitly defined in the Act, which is convenient to the clients as well as Department of Environment and Conservation (“DEC”/the “Department”). This feature of the Act makes it easy for both parties to familiarise themselves with the requirements in each step of process and comply. This step-by-step procedure in the regulatory process is defined in the Operational Manual.

Operational Manual is a dynamic administrative tool that will assist the Department to efficiently administer the regulatory process under the new legislation. The manual consists of both statutory and administrative permitting procedures under the *Environment Act 2000*, which has been simplified to enable a non-legal person that deals with an environmental application to use as a reference source.

This version of the Operations Manual gives more priority to the statutory procedures than the administrative steps. Future version of the Manual may include more administrative steps for the Level 3 and Level 2 regulatory processes, which are as important for the efficient administration of the regulatory framework.

On this note, I recommend that all officers from Environment Division, who are directly involve in the administration of the Act, to adhere to the procedures and guidelines in this Operational Manual. This will guarantee that the regulatory process under the Act is effectively and consistently applied.

Dr. Wari Iamo
Secretary

Chapter One

ENVIRONMENTAL REGULATORY FRAMEWORK.

The *Environment Act 2000* amalgamates the three former environment protection legislation that deals with protection of the environment into a single Act of Parliament that regulates discharges to the air, land and water including controlling the level of noise emissions. The basic philosophy of the Act is one of preventing pollution and environmental damage by setting appropriate ambient environmental quality objectives and regulating activities in order to achieve them.

The environmental regulatory framework under the *Environment Act 2000* provides a significant step forward in the way in which the environment in Papua New Guinea would be managed and protected. Environmental quality within each segment of the environment would be defined by establishing the characteristics of the natural environment and the values that it supports. Where environmental quality has been modified as a result of anthropogenic input, the existing *status quo* would be appraised before deciding, with inputs from relevant stakeholders, the level of protection that can be offered to protect certain environmental values but to forego others due to the level of impact.

The Act also provides the legal basis for the establishment of a range of mechanisms for the protection and management of the environment, including –

- (a) **Regulations.** Five Regulations have been developed under the Act and includes: *Environment (Permits & Transitional) Regulation*, *Environment (Prescribed Activities) Regulation*, *Environment (Fees & Charges) Regulation*, *Environment (Water Quality Criteria) Regulation* and *Environment (Procedures) Regulation*.

The requirements in each of the Regulation, apart from *Environment (Procedures) Regulation*, are specific for a variety of pollution control purposes.

- (b) **Environment Permit.** The permitting process would enable DEC to have direct control of activities that may impact on the environment. The permit is a tool that is employed by the Department to have an early input into the design of a project to ensure that the overall objectives of the *Environment Act* would be complied with. Specific discharge conditions are also incorporated into the permit to ensure that those objectives will be met.
- (c) **Enforcement.** Enforcement tools available under the Act include issuance of notices in situations where an environmental problem has occurred or is likely to occur. Depending on the nature of the problem, the appropriate notice is served on the person who is effectively in charge of the premises requiring an evasive action or clean up after an incident has occurred.

On the whole, the regulatory framework will enable DEC to effectively discharge its statutory responsibilities in ensuring that activities with potential for causing environmental harm are adequately regulated in order to promote sustainable socio-economic developments while protecting and maintaining environmental quality.

1.1 Regulatory Process

The environmental regulatory framework provides a three-tier process for dealing with activities with potential for causing environmental harm. Activities are classified as a Level 1, Level 2 or Level 3 activity. The Level 3 category is essentially those projects of national importance and has the potential to cause serious environmental harm. These activities are subjected to the environment impact assessment process. The Minister for Environment and Conservation must issue an *Approval In Principle* to a Level 3 activity before an Environment Permit for discharge of wastes can be obtained.

The activities in the Level 2 category have the potential to cause environmental harm. Level 2 category is further categorised into Level 2 (Category A) and Level 2 (Category B). Levels 2 (Category A) are those activities (e.g., water extraction, etc.) with low potential for causing environmental harm and are exempted from the notification and public consultation requirement under the permit assessment process. On the other hand, the Levels 2 (Category B) activities have high potential for causing environmental harm and are put through the full environment permit assessment process.

Level 1 activities are those activities that are not prescribed in the *Environment (Prescribed Activities) Regulation 2002* as Level 2 or Level 3 activities. These are activities with very low risk of causing environmental harm. The environmental performance of these activities is guided by environmental guidelines, codes of practices and notices. The Level 1 activities are also obliged to comply with the Act and the regulations or statutory policies developed under the Act.

1.2 Applicant's Responsibilities

Although, the regulatory processes are clearly set out in the legislation, it is beneficial for a proponent to have an early consultation with DEC on the proposed activity before formally lodging an application. Early notification is a requirement under the Act for a Level 2 or Level 3 activity. This provision is intended to ensure that all the relevant environmental performance standards relating to the proposed activity is made known to the proponent during the project planning stage.

Information Guidelines issued by DEC during the notification process will enable the proponent to note and include the environmental considerations into the design of the proposed activity. It is also at this stage that the relevant legal requirements under the environment regulatory process are notified to the proponent. The guidelines issued by the Department must be understood, otherwise the proponent can seek clarification from DEC.

It is important for the proponent that the application contains sufficient information on the proposed activity as well as the correct application fee before the application for an *Approval In Principle* and/or Environment Permit is lodged. Information guidelines or bulletins should be consulted in order to submit the required information. Delay in processing of an application due to insufficient information will be avoided if quality data and relevant information are provided in the first instance.

During processing of an application, additional information may be requested from the proponent in order to complete the assessment. In those situations, the proponent should respond promptly and where verbal advice is given this must be confirmed in writing.

With this proactive participation of the proponent, the submission and assessment of an application under the environmental regulatory process would be conducted efficiently.

1.3 DEC's Responsibilities

The responsibility of DEC under the new environmental regulatory framework is enormous. However, this workload can be streamlined and efficiently managed if relevant administrative tools are developed.

This *Operational Manual* is one such tool that will assist in standardizing and streamlining the administrative process for handling of the environmental applications. It is important that officers use this manual as a guide for responding to each step in the permitting process.

Operational Manual is a dynamic and evolving document that should be continually improved as situations arise to meet the new demands. At the same time, the improved efficiency that is anticipated from the use of the manual would assist DEC to function properly and project an image of an organisation that has an efficient regulatory process. This improvement in the performance will in turn enable the Department to meet the expectations of the public, the business community and the Government of Papua New Guinea.

Chapter Two

NOTIFICATION OF INTENTION TO CARRY OUT PREPARATORY WORKS.

Notification of an intention to carry out a proposed activity with DEC during the conceptual stage is necessary for the relevant environmental requirements to be incorporated into the planning and design of a proposed Level 2 or Level 3 activity. It is also essential to avoid the situation where other approvals for the proposal has been secured and the Department is “forced” to make decisions that are not in the best interest of environment protection and biodiversity conservation.

The obligation to notify DEC of an intention to undertake preparatory work is a statutory requirement under the Act (*Section 48*). A person or a company who intended to carry out preparatory work on an activity that is classified as a Level 2 or Level 3 must register that intention with the Director of Environment. Registration must occur at least one month prior to the preparatory work.

“Preparatory work” is defined in the Act as work associated with -

- (a) undertaking a feasibility study, or
- (b) carrying out other studies relevant to environmental issues, or
- (c) applying for approval under the *Investment Promotion Act 1992* to carry out an activity, or
- (d) applying for an approval or a permit or licence under another Act, in relation to a proposed activity.

The statutory and administrative processes for notification of intention to carry out preparatory work are provided in Table 1 below.

Table 1. Statutory and Administrative Procedures for Notification of Intention to Carry Out Preparatory Work.

Step	Activity	Person Responsible
1.	<ul style="list-style-type: none">▪ Registration of business with Investment Promotion Authority and pick up DEC information package (if available, otherwise contact DEC for relevant information).▪ For existing businesses, pick up DEC information package from DEC Head Office or other locations where information are available.	Proponent
2.	Determine if the proposed business venture or activity is Level 2 or Level 3. Refer to <i>Environment (Prescribed Activities) Regulation 2002</i> . The same information is also available in DEC Information Bulletin for <i>Notification of Preparatory Work on Level 2 & Level 3 Activities (IB-ENV/01/2004)</i> .	Proponent
3.	Notification of intention to carry out Level 2 (Category B) or Level 3 activity with Director of Environment (the “Director”). Submission should comply with DEC Information Bulletin for <i>Notification of Preparatory Work on Level 2 & Level 3 Activities (IB-ENV/01/2004)</i> . Level 2 (Category A) activities are exempted from notification.	Proponent
4.	Director confirms criteria level (Appendix B1(a)/ Appendix B2(a)) and sends Application Form for Level 2 activity and DEC Information Guidelines (EIR/EIS) for Level 3 activity.	Director
5.	Preparation of “draft” application (including supporting documentation) and meeting with FAS-Environment Division to discuss draft. This may include permit application for Level 2 activity and EIR for Level 3 activity.	Proponent
6.	Amendment of “draft” application and formal submission with Director (with relevant application fee and copies of application).	Proponent

2.1 Environment Regulatory Framework

The environment regulatory framework provides the mechanisms for dealing with activities with potential for causing environmental harm and the different categories of environmental harm. Activities with risk of causing environmental harm and serious environmental harm are defined in the *Environment Act 2000* as prescribed activities and are permitted. Non-prescribed activities do not require a permit to operate but they must operate in accordance with the requirements of the Act.

The regulatory framework provides for the establishment of three different regulatory processes to enable DEC to adequately control and regulate development activities based on their different levels of risk of causing environmental harm. Those activities with very low risk of causing environmental harm are classified as Level 1 activities and are exempted from the permitting requirement. Level 2 activities have low to high potential for causing environmental harm and are subjected to the permitting process. Activities that present a high risk of causing serious or material environmental harm are of importance to DEC are put through the environment impact assessment process before an Environment Permit can be issued.

2.1.1 Level 1 activity

Level 1 activities are exempted from the obligation to have an Environment Permit. However, activities under this category are required to observe the appropriate environmental guidelines and code of practice that are relevant to the activity. More importantly, Level 1 activities should be carried out in accordance with the requirements under the Act, Regulations and the Policies that are established under the *Environment Act 2000*.

The Act also provides for a “call up” of Level 1 activity into Level 2 if the Director has formed an opinion that a Level 1 activity involves a substantial risk of material environmental harm. Where such a decision is reached, the Director services a notice on the person or company carrying out the Level 1 activity and advice that the activity has a potential risk of causing material environmental harm and direct the person or company to apply for an Environment Permit.

2.1.2 Level 2 activity

Activities that are classified as Level 2 under the *Environment (Prescribed Activities) Regulation 2002* are required to have an Environment Permit prior to commencement of works. Level 2 activities are further categorised into Level 2 (Category A) and Level 2 (Category B).

Level 2 (Category A) activities are defined as those activities that are exempted from notification and referral process because they do not pose a high risk of causing environmental harm (e.g. water extraction, trade in chemical products, etc.). Applications under this category should be processed within 30 days of acceptance of application unless the Director requires an extension in the assessment timeframe.

Level 2 (Category B) activities are differentiated from Level 2 (Category A) activities due to their high level of risk of causing environmental harm. Activities under this category go through the notification and referral requirements under the permit assessment process. Applications from a Level 2 (Category B) activity should be processed within 90 days of acceptance of application unless the Director requires an extension in the assessment timeframe.

A Level 2 activity may also be streamed into a Level 3 category using the “call up” provision in the legislation. A decision for calling up of a Level 2 activity is made by the Minister on recommendation of Environment Council and administered by the Director. This decision is guided by a set of criteria provided in the Act and includes activities that –

- (a) consist of new industrial or manufacturing process, or
- (b) are subjects of international treaties/conventions, etc. which PNG has ratified, or
- (c) pose a threat of causing serious environmental harm.

2.1.3 Level 3 activity

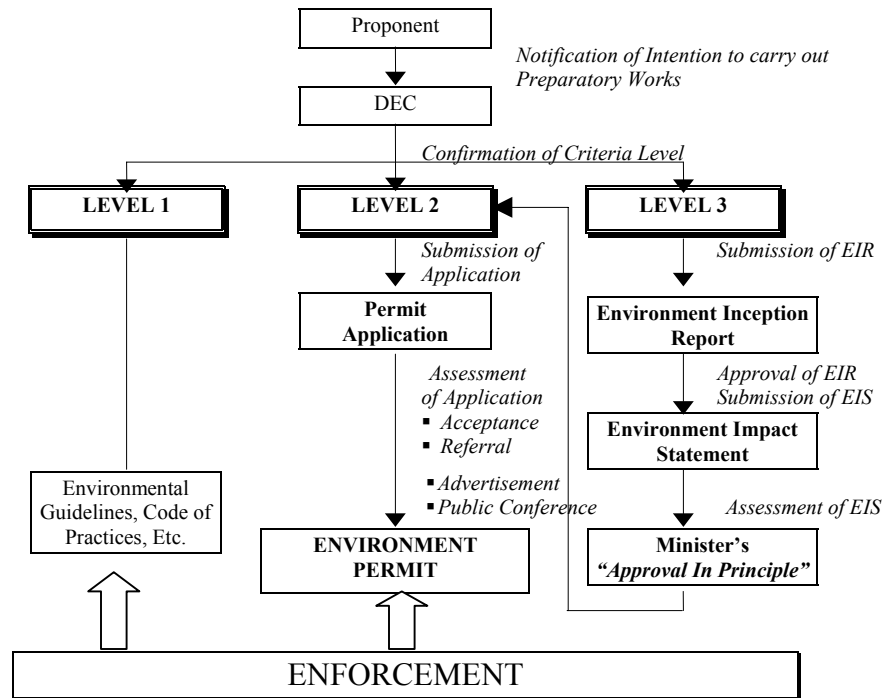
Level 3 activities are those activities that are of national importance and involve substantial capital investment. This category also include activities that pose a high risk of serious and material environmental harm due to the nature of the industrial and manufacturing process or the sensitivity of the environment they will be located in.

Activities under this category are subjected to the environmental impact assessment process, starting with the submission of an Environmental Inception Report. Once the process has been completed and the Minister has issued an *Approval In Principle*, the applicant must obtain an Environment Permit prior to commencement of works.

Permit applications from Level 3 activities in which an *Approval In Principle* has been issued by the Minister are exempted from the notification and referral requirements under the permit assessment process. These applications should be processed within 30 days of acceptance of application unless the Director requires an extension in the assessment timeframe.

The flow chart illustrating the general overview of the Environment Regulatory Process is provided in Figure 1 below.

Figure 1. Overview of Environment Regulatory Process



Chapter Three

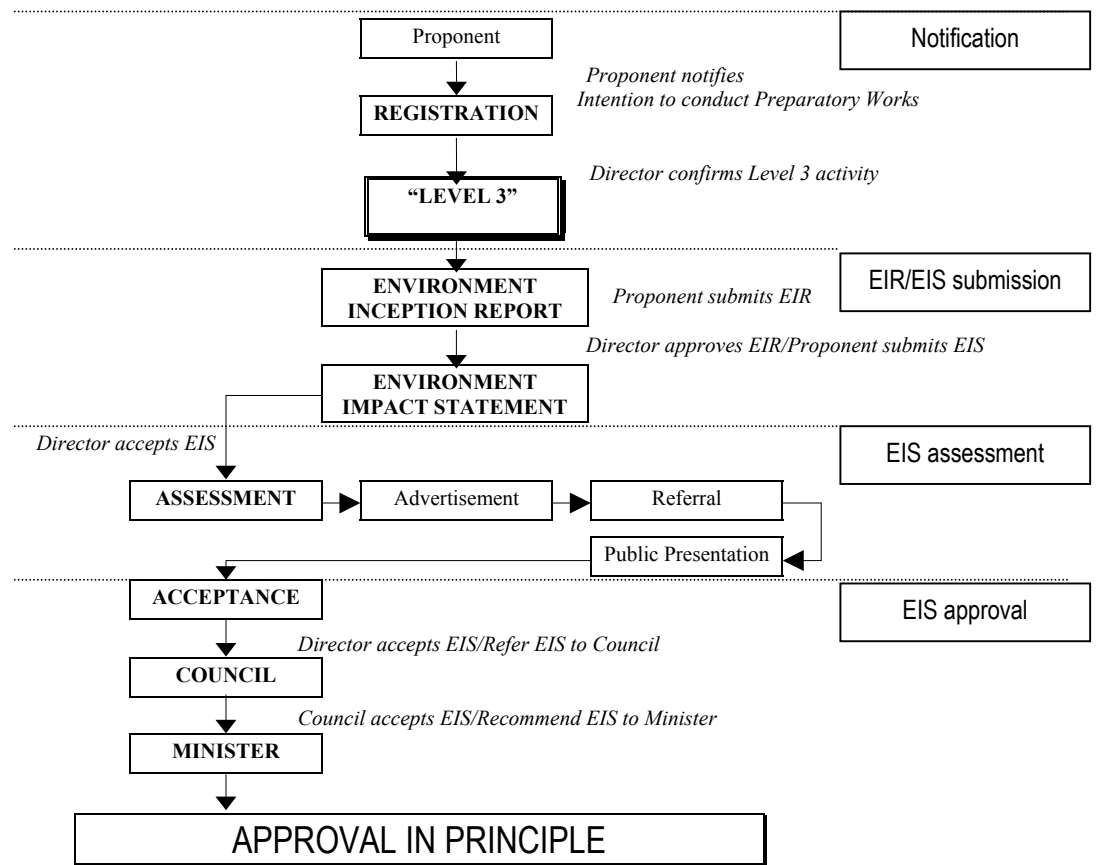
REGULATORY PROCESS FOR LEVEL 3 ACTIVITY.

The regulatory process for a Level 3 activity is defined in the Act. The process is based on the principle that development activities that present a high risk of causing serious and material environmental harm pose a threat to the quality of the environmental and the values it supports and therefore should be subjected to the environment impact assessment process. This enables DEC to thoroughly screen Level 3 activities and recommend relevant improvements to the proposal or its environment management regime before an Environment Permit is issued.

Activities that comes under this category are those of national importance or may pose a high risk of serious and material environmental harm due to the nature of the industrial process or the sensitivity of the environment in which they will be located.

Level 3 activities are required to go through the environmental impact assessment process and obtain an *Approval In Principle* before they can apply for an Environment Permit. The flow chart for a Level 3 regulatory process is provided in Figure 2 below.

Figure 2. Level 3 - Environment Regulatory Process.



NOTE: It is at this stage that the proponent applies for an Environment Permit and the Level 3 process converges with Level 2 environment regulatory process.

3.1 Procedures for Assessment of Level 3 Application.

The steps in the Level 3 Environment Regulatory Process are tabulated below to provide a clear “step-by-step” procedure to follow in relation to a Level 3 application. Consultation between the proponent and DEC is essential and should occur before an application is formally lodged.

Table 1. Level 3 - Environment Regulatory Procedures.
Environment Impact Assessment Process.

Step	Activity	Reference
1. Notification of Intention to Carry Out Preparatory Work.		
1.1	PROPONENT notifies Director of Environment of its intention to carry out a Level 3 activity. The notification should be in a form of a submission (less than 5 pages) that comply with Information Bulletin for <i>Notification of Preparatory Work on Level 2 & Level 3 Activities (IB-Env/01/2004)</i> and accompanied by a cover letter. Go to STEP 1.2	Information Bulletin (Appendix F1)
1.2	DIRECTOR confirms and notifies Proponent that the proposal is a Level 3 activity. Director provides the proponent with DEC Information Guidelines for <i>Environmental Inception Report (GL-Env/01/2004)</i> and <i>Conduct of Environmental Impact Assessment & Preparation of Environmental Impact Statement (GL-Env/02/2004)</i> . Go to STEP 2.1	Notice (Appendix B1(a)) Information Guidelines (Appendix D1 & Appendix D2)
2. Submission of Environmental Inception Report.		
2.1	PROPONENT submits ten (10) copies of the <i>Environmental Inception Report</i> . Report should comply substantially with the <i>Information Guideline for Environmental Inception Report</i> . Go to STEP 2.2 or STEP 2.3	
2.2	DIRECTOR assesses the <i>Environmental Inception Report</i> using requirements in Information Guideline as the benchmark. Director is not satisfied with Report and it is REJECTED. Director notifies Proponent that further amendment is required before Report can be accepted. Repeat STEP 2.1	Letter (Appendix A1(a))
2.3	DIRECTOR assesses the <i>Environmental Inception Report</i> in accordance with requirements in Information Guideline. Director is satisfied with Report and it is ACCEPTED. Director notifies Proponent of his decision. Go to STEP 3.1	Letter (Appendix A1(b))
3. Submission of Environmental Impact Statement.		
3.1	PROPONENT submits ten (10) copies of the <i>Environmental Impact Statement (Fee)</i> . Statement should comply with the <i>Information Guideline for Conduct of Environmental Impact Assessment & Preparation of Environmental Impact Statement</i> . Go to STEP 3.2 or STEP 3.3	
3.2	DIRECTOR assesses the <i>Environmental Impact Statement</i> using requirements in Information Guideline as the benchmark. Director is not satisfied with Statement (Fee) and it is REJECTED. Director notifies Proponent that further amendment (correct fee) is required before Statement can be accepted. Repeat STEP 3.1	Letter (Appendix A1(c))
3.3	DIRECTOR assesses the EIS using requirements in Information Guideline as the benchmark. Director is satisfied with Statement (Fee) and it is ACCEPTED. Director notifies Proponent of his decision and advice on assessment period. Copy of Assessment Schedule and receipt are attached with the notice. Go to STEP 4.1	Letter (Appendix A1(d))

(Continue)

4. Assessment of Environmental Impact Statement.		
Step	Activity	Reference
4.1	DIRECTOR assesses Statement under Section 54 of the Act. Go to STEP 4.2 or STEP 5.1	
4.2	DIRECTOR notifies Proponent of an extension to the assessment Timeframe (see STEP 3.3) and provides an amended Assessment Schedule to the Proponent. (OPTIONAL – FOR DIRECTOR TO DECIDE). Go to STEP 5.1	Letter (Appendix A1(e))
5. Public Review and Submissions on EIS.		
5.1	DIRECTOR notifies Proponent to conduct Public Review of Environment Impact Statement and provide following attachments: (a) Public Advertisement Notice, (b) Referral Letter and (c) Referral List. Director advice Proponent to conduct a Public Presentation and requests a proposed Program for Public Review from the Proponent. Go to STEP 5.2	Letter (notification) (Appendix A1(f)) Letter (referral) (Appendix A1(g)) Referral List (Attachment-1, p.26) Advertisement Notice (Appendix C1)
5.2	PROPONENT provides a proposed Program for Public Review to the Director for his approval. Program should conform to assessment timeframe in STEP 3.3 or STEP 4.2 (amendment). Go to STEP 5.3 or STEP 5.4	
5.3	DIRECTOR assesses the Program for Public Review and REJECTS the program. Director directs the Proponent to amend and resubmit the program. Repeat STEP 5.2	Letter (to be drafted)
5.4	DIRECTOR assesses the Program for Public Review and ACCEPTS the program. Go to STEP 5.5	Letter (to be drafted)
5.5	PROPONENT conducts Public Review (Advertisement & Referral of Application and Public Presentation) in accordance with the approved Public Review Program. Go to STEP 5.6 (objections) or STEP 6.1 (no objections)	
5.6	DIRECTOR refers EIS to the proponent for amendment or to clarify issues raised during the Public Review. Go to STEP 5.6	Letter (Appendix A1(h))
5.7	PROPONENT amends EIS or provides additional information to Director to clarify concerns raised during the Public Review. Go to STEP 6.1	
6. Acceptance of Environmental Impact Statement.		
6.1	DIRECTOR ACCEPTS the EIS and notifies the Proponent of his decision. Go to STEP 7.1	Letter (Appendix A1(i))
7. Referral of EIS to Environment Council.		
7.1	DIRECTOR notifies Council of his decision to accept the EIS. Go to STEP 8.1 or STEP 8.4	Notice (Appendix B1(b))
8. Council's Recommendation.		
8.1	COUNCIL REJECTS Statement and directs Proponent to amend and resubmit EIS to the Director. Council also asks for a representation to be made by the Proponent before the Council. Go to STEP 8.2	Notice (Appendix B1(c))
8.2	DIRECTOR refers EIS to the proponent for amendment. Go to STEP 8.3	
8.3	PROPONENT amends EIS or provides additional information to Director to clarify concerns raised by the Council. Go to STEP 8.4	
8.4	COUNCIL ACCEPTS EIS and notifies Minister of its decision. Go to STEP 9.1 or STEP 9.2	Notice (Appendix B1(d))

(Continue)

9. Minister May Grant "Approval In Principle".		
9.1	MINISTER REFUSES to approve the application and directs the Council to appoint a Working Committee (A.s.24).	Letter (to be drafted)
9.2	MINISTER ACCEPTS the recommendation of the Council and issues an <i>Approval In Principle</i> .	Notice (Appendix B1(e))

NOTE: Steps that are in *italic* are intended to make the Level 3 regulatory procedures clearer and easy to follow. These steps are merely actions that have to be performed by either the Proponent or the Director before the next Step in the procedure can occur.

After the Minister has issued an *Approval In Principle*, the Proponent is then expected to apply to the Director for an Environment permit. It is also at this stage that the Level 3 process converges with the Level 2 Environment Regulatory Process.

It is important to note that a Level 3 activity that has been issued an *Approval In Principle* by the Minister is exempted from the notification and referral requirements when their applications for an Environment Permit is processed.

Applications from Level 3 activities in which an *Approval In Principle* has been obtained should be processed within 30 days of acceptance of application unless the Director requires an extension in the assessment timeframe.

Level 3 - Environment Regulatory Procedures.

In order for the Level 3 regulatory procedures to be clearly understood, a similar table to the one above containing statutory timeframes and references to the legislation is provided in APPENDIX - II.

The details available in the table include the relevant provisions of the Act and the Regulation that deals with permitting procedures. These references are essential in appreciating the source of the regulatory process and its simplified version that is reproduced in the Operational Manual.

Statutory timeframes which are now part of the environment regulatory process including that for the Level 3 process are also included in that table. It is DEC's responsibility to ensure that the statutory timeframes are observed during assessment of an application.

These details should be consulted for clarification in relation to the steps involved in a Level 3 regulatory procedure.

Chapter Four

REGULATORY PROCESS FOR LEVEL 2 ACTIVITY.

The environment regulatory process for dealing with Environment Permit applications from a Level 2 activity is provided in the *Environment (Permits and Transitional) Regulation 2002*. The statutory process ensures that assessments of applications from activities with high risk of causing environmental harm are based on the level of risk involved. The regulatory process also provides for public consultation for activities of high-risk category (Level 2 (Category B)) while the low-risk activities (Level 2 (Category A)) are exempted from these requirements.

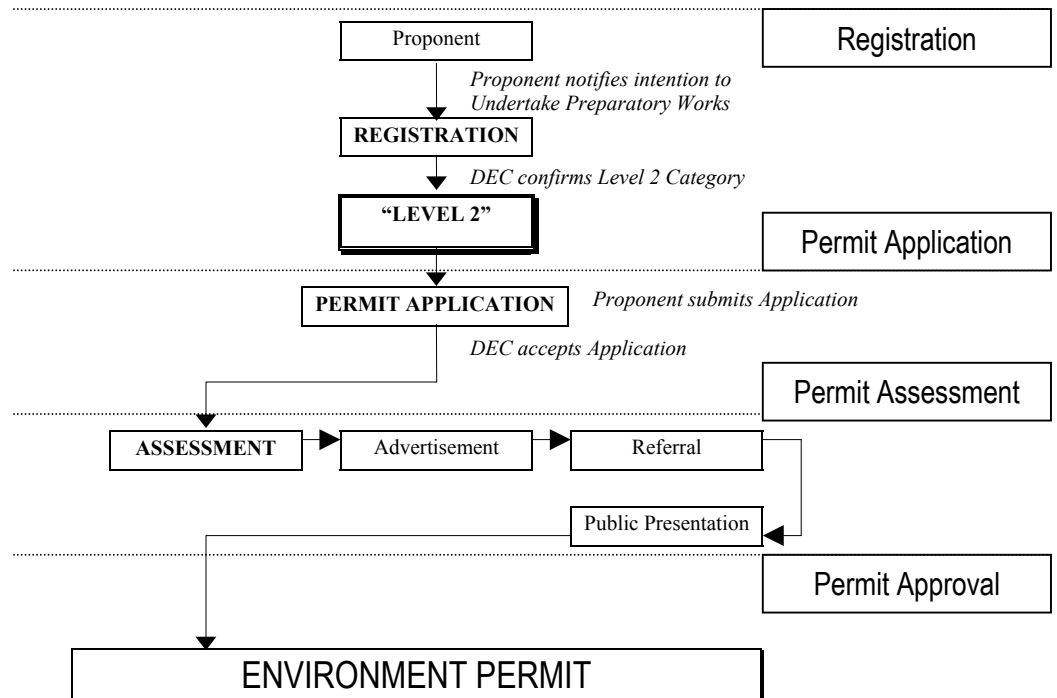
Activities under the Level 2 category present a risk of causing environmental harm when these activities are carried out. Level 2 activities are further categorised into Level 2 (Category A) and Level 2 (Category B). Differences between the two sub-categories are explained in Chapter 2.

Level 2 (Category A) activities such as water extraction and importation of ozone depleting substances are exempted from the notification and referral processes. On the other hand, Level 2 (Category B) activities are required to go through the full permit assessment process including the notification and referral requirements before an Environment Permit can be issued.

Applications from Level 2 (Category A) activities should be processed within 30 days while Level 2 (Category B) activities are required to be processed within 90 days. However, these assessment timeframes are subjected to extension as required by the Director.

The flow chart for a Level 2 process is provided in Figure 3 below.

Figure 3. Level 2 - Environment Regulatory Process.



4.1 Procedures for Assessment of Level 2 Application.

The steps in the Level 2 Environment Regulatory Process are provided in tables below. These “step-by-step” procedures should be observed when dealing with Level 2 applications for amendment, renewal, transfer or surrender of Environment Permits. Consultation between the Proponent and DEC is important and should occur before an application is formally lodged.

For the efficient administration of the environment-permitting regime, the five different permits that are issued under the Act have been designated different classification based on the function of the permit. The five different Environment Permits that are currently issued by the Director are –

- (a) **Environment (Waste Discharge) Permit** – the permit is issued to all new Level 2 and Level 3 activities where waste discharge will occur. An Environment (Waste Discharge) Permit should be obtained for the construction and operational phases of an activity and the subsequent discharge of wastes. The permit is used by DEC to control the quantity and quality of the wastes that are discharged into the environment in order to ensure that the environmental values are safeguarded.

Existing activities in which an Environment Plan Approval or a Water Use Permit for discharge of wastewater has been issued under the repealed Acts would continue to operate as if these were an Environment Permit issued under the *Environment Act 2000*.

- (b) **Environment (Water Extraction) Permit** – abstraction or use of water for commercial purposes requires an Environment (Water Extraction) Permit. An activity that involves damming or diversion of a stream or a river including the extraction of water from surface or ground water sources should obtain an Environment (Water Extraction) Permit before carrying out that activity.

Abstraction or use of water for a commercial purpose, except where such abstraction is associated with a prescribed Level 2 or Level 3 activity, that category of activity will apply to the abstraction or use of water.

The Director determines the rate and quantity of water that is prescribed in an Environment (Water Extraction) Permit after considering the hydrological flow regime and other competing uses of the water source. The permit is also a management tool that is available to DEC for managing and allocating water resources in PNG to meet the diverse uses.

Holders of valid Water Use Permits for water extraction that were issued under the *Water Resources Act* (repealed) would continue to exercise that right in accordance with the terms and conditions of the permit. Those permits are deemed to be Environment (Water Extraction) Permits for the purpose of the Act until they expire or revoked according to law.

- (c) **Environment (Water Investigation) Permit** – water investigation permit is issued by DEC for hydrological investigation for the purpose of establishing if there is sufficient water available within the water source for extraction at a sustainable rate. The permit is also required for investigating the level of pollution in ground water aquifer or surface water due to a waste discharge.

Hydrological data that are obtained from the investigation are passed onto DEC. Environment (Water Investigation) Permits are issued for a term of one year only.

- (d) **Environment (Pesticide) Permit** – the permit is used in controlling the importation, manufacture, distribution and sale of pesticide products in PNG. The permit enables DEC to impose restrictions on importation of pesticide products that are banned or placed on a high priority listing by the World Health Organisation due to their carcinogenic effects on human health and their persistency in the environment.

Existing pesticide permits that were issued under the *Environment Contaminants Act* (repealed) would continue to be in force as if these permits were issued under the Act until they sooner expire or revoked according to law.

- (e) **Environment (ODS Import) Permit** – the permitting regime commenced in January 2004 to enable DEC, to meet PNG’s obligation under the Montreal Protocol for elimination of certain Ozone Depleting Substance (“ODS”) that contribute to the depletion of the ozone layer by the year 2008. The Environment (ODS Import) Permit ensures that only permit holders are allowed to import ODS into PNG based on a quota allocated by DEC.

The ODS permitting regime will operate until 2008 when the last quota would be issued to the permit holders and after which importation of the ODS controlled substances would be banned.

4.1.1 *Assessment Procedure for New Permit Applications.*

The assessment process for dealing with new applications for an Environment Permit is detailed in Table 3. These procedures should be followed when assessing new Environment Permit applications.

During the assessment process, it is important to note that Level 2 (Category A) activities are exempted from the requirement to notify the Director of its intention prior to carrying out preparatory work. Permit applications from Level 3 activities in which an *Approval In Principle* have been issued are also exempted from that requirement.

Table 3. Procedure for a New Application for an Environment Permit.

Step	Activity	Reference
1. Registration of Intention to Carry Out Preparatory Work.		
1.1	PROPONENT notifies Director of Environment of its intention to carry out a Level 2 (Category B) activity. The notification should be in a form of a submission (less than 5 pages) that comply with Information Bulletin for <i>Notification of Preparatory Work on Level 2 & Level 3 Activities (IB-Env/01/2004)</i> and accompanied by a cover letter. Go to STEP 1.2	Information Bulletin (Appendix F1)
1.2	DIRECTOR confirms and notifies Proponent that the proposal is - <ul style="list-style-type: none"> ▪ Level 2 (Category B) activity. Director provides the DEC Information Guideline for <i>Environmental Permit Application (IG-Env/03/2004)</i> and Technical Guidelines on <i>Air Discharges, Noise Discharges</i> and <i>Water/Land Discharges</i>. 	Notice (Appendix B2(a)) Application Form (Appendix G1) Information Guideline (Appendix D3) Technical Guidelines (Appendices - E1, E2 & E3)

(Continue)

Step	Activity	Reference
	<ul style="list-style-type: none"> Level 2 (Category B) activity that relates to <i>matters of national importance</i> (A.s.50(2)). Minister determines on recommendation of Council and Director serves notice on Proponent to undertake EIA (Level 2 "call up"). 	Letter (to be drafted)
	Go to STEP 2.1	
2. Submission of Environmental Permit Application.		
2.1	<p>PROPONENT submits an Environmental Permit Application (Fee). Application should comply with the Information Guideline for Level 2 (B) and the Application Form for Level 2 (A) activities, for new activities.</p> <p>Note: Level 3 activities in which AIP has been issued should also lodge an application. Where relevant details are already available in the EIS, these may be referred to in the application for use by DEC during assessment of the permit application.</p> <p>Go to STEP 2.2 or STEP 3.3</p>	
2.2	<p>DIRECTOR assesses the Environmental Permit Application (Fee) against requirements in Information Guideline for Level 2B activities and Application Form for Level 2A activities. Director is not satisfied with information (Fee) contained in Permit Application and notifies Proponent that further information (correct fee) is required before Application can be accepted.</p> <p>Go to STEP 2.3</p>	Letter (Appendix A2(a))
2.3	<p>PROPONENT submits additional information (Fee) as requested by the Director in STEP 2.2.</p> <p>Go to STEP 3.1 or STEP 3.2</p>	
3. Acceptance of Environmental Permit Application.		
3.2	<p>DIRECTOR assesses the Environmental Permit Application (Fee) against requirements in Information Guideline for Level 2B activities and Application Form for Level 2A activities. Director is still not satisfied with Permit Application and additional information (Fee) provided and Application is REJECTED. Director notifies Proponent of his decision.</p> <p>Repeat STEP 2.1 (OPTIONAL - FOR PROPONENT TO DECIDE)</p>	Notice (Appendix B2(b))
3.3	<p>DIRECTOR assesses the Environmental Permit Application (Fee) against requirements in Information Guideline for Level 2B activities and Application Form for Level 2A activities. Director is satisfied with Application (Fee) and it is ACCEPTED.</p>	
	<ul style="list-style-type: none"> Level 3 (AIP issued/existing EP Approval): Director notifies Proponent of his decision and includes assessment schedule. Go to STEP 6.5 	Notice (Appendix B2(c))
	<ul style="list-style-type: none"> Level 2 (Category B): Director notifies Proponent of his decision and request for relevant copies of application for his assessment. Go to STEP 4.1 	Notice (Appendix B2(d))
	<ul style="list-style-type: none"> Level 2 (Category A): Director notifies Proponent of his decision and includes assessment schedule. Go to STEP 6.5 	Notice (Appendix B2(e))
4. Referral of Environment Permit Application.		
4.1	<p>PROPONENT submits relevant copies of the Environmental Permit Application as requested in STEP 3.3. (NOTE: FAILURE BY PROPONENT TO PROVIDE RELEVANT COPIES MAY RESULT IN SUSPENSION OF ASSESSMENT PROCESS).</p> <p>Go to STEP 4.2</p>	
4.2	<p>DIRECTOR serves copies of the Permit Application on relevant persons and Government Agencies.</p> <p>Go to STEP 5.1</p>	Letter (Appendix A2(b))
5. Advertisement of Environment Permit Application.		
5.1	<p>DIRECTOR notifies the Proponent of his intention to conduct public review on the Application. Director provides an Advertisement Notice for publication by the Proponent. The Director also provides an Assessment Schedule to the Proponent.</p> <p>Go to STEP 5.2</p>	Letter (Appendix A2(c)) Advertisement Notice (Appendix C2)
5.2	<p>PROPONENT publishes Advertisement Notice as requested by the Director in STEP 5.1. (NOTE: FAILURE TO ADVERTISE MAY RESULT IN SUSPENSION OF ASSESSMENT PROCESS).</p> <p>Go to STEP 6.1</p>	(Not Applicable)

(Continue)

Step	Activity	Reference
6. Conference of Interested Parties.		
6.1	DIRECTOR receives comments from Public Review including recommendations and objections on the Permit Application. Where there are - <ul style="list-style-type: none"> ▪ Objections/risk of serious environmental harm Go to STEP 6.2 ▪ No objections/low risk of serious environmental harm Go to STEP 6.5 or STEP 7.1 	
6.2	DIRECTOR notifies Proponent of objections raised during public review and/or his view that proposed activity involves risk of serious environmental harm. Director directs Proponent to make presentation on the Application during Conference of Interested Parties. Go to STEP 6.3	Letter (Appendix A2(d))
6.3	DIRECTOR notifies the parties who raised objections to attend the conference and the presentation by the Proponent. Go to STEP 6.4	Letter (Appendix A2(e))
6.4	DIRECTOR schedules a Conference of Interested Parties and Proponent make presentation on the Application. Go to STEP 6.5	
6.5	DIRECTOR notifies Proponent of extension required on the assessment timeframe (see STEP 3.3 for Level 2(A)/Level 3 (AIP issued/existing EP Approval) & STEP 5.1 for Level 2(B)) and provides an amended Assessment Schedule to the Proponent. (OPTIONAL - FOR DIRECTOR TO DECIDE) Go to STEP 7.1	Letter (Appendix A2(f))
7. Decision on Environment Permit Application.		
7.1	DIRECTOR completes assessment of the Application in accordance with assessment timeframe (see STEP 3.3/STEP 6.5 for Level 2(A)/Level 3 (AIP issued/existing EP Approval) or STEP 5.1/STEP 6.5 for Level 2 (B)). Go to STEP 7.2 or STEP 7.3	
7.2	DIRECTOR does not accept the Environment Permit Application and REFUSES to issue an Environment Permit.	Letter (Appendix A2(g))
7.3	DIRECTOR ACCEPTS the Environment Permit Application and notifies Proponent to publish Advertisement Notice announcing grant of an Environment Permit. (NOTE: ONLY APPLICABLE FOR LEVEL 2(B) – NEW APPLICATIONS/ACTIVITIES) Go to STEP 7.4	Letter (Appendix A2(h)) Advertisement Notice (Appendix C3)
7.4	PROPONENT publishes Advertisement Notice as requested by the Director in STEP 7.3. (NOTE: FAILURE TO ADVERTISE MAY RESULT IN DELAY IN GRANTING & ISSUING OF PERMIT). Go to STEP 7.5	
7.5	DIRECTOR issues an Environment Permit and advises Proponent of its environmental obligations.	Letter (Appendix A2(h)) Permit (Appendix H1-H5)

NOTE: The detail procedures for assessment of new Environment Permit applications, including the statutory timeframes and references to the relevant provisions in the Regulation and the Act are provided in APPENDIX – 12.

After the Director has issued an Environment Permit, the permitting process ceases and the environment monitoring and enforcement programs are initiated.

DEC monitoring programs may be carried out regular during the commencement of works when environmental risks are higher than during the operational phase where the issues are more predictable. The monitoring programs should be strategically directed so that the limited resources of the Department is wisely used to achieve the maximum desired outcome in terms of ensuring compliance with permit conditions.

In certain circumstances, enforcement actions may be required in order to get the permit holder to comply with the permit conditions. In those situations, the enforcement procedures in the *Enforcement Policy* should be observed. Officers should note that collaboration and co-operation with permit holders using the co-operative approach is encouraged than the regulatory approach.

This is not to say that regulatory approach should not be used, as there will be instances where the use of the regulatory approach in addressing an offence will be more appropriate.

It should be noted that the Environment Permit and the environment performance conditions in the permit become the primary criteria for assessing the environmental performance of the permit holder. That does not exempt the holder from observing other relevant statutory environmental requirements in the *Environment Act 2000* or the Regulations and Policies developed under the Act.

4.1.2 Assessment Procedure for Permit Amendment Applications.

4.1.2.1 Permit Amendment by the Director.

The procedure that the Director would use for amending terms and conditions of Environmental Permits that are inconsistent with the Act, Environment Policy, Regulation or standards are provided below. These steps should be followed when the Director is considering amendments of the above nature in order to bring an activity into compliance with an environment policy objectives or performance standards.

Table 4. Procedure for Amending an Environment Permit by the Director.

Step	Activity	Reference
1. Notification of Permit Amendment		
1.1	DIRECTOR notifies the Permit Holder of his intention to amend existing permit conditions relating to provision of reports/information or those which are inadequate to prevent serious or material environmental harm. (NOTE: Director allows Permit Holder 28 days from date of notice to make representation) Go to STEP 2.1 – if representation made. Go to STEP 4.1 – if no representation made.	Letter (Appendix A3(a))
2. Submissions by Permit Holder		
2.1	PERMIT HOLDER makes representation to the Director within the 28 days period notified by the Director regarding the amendment. Go to STEP 3.1	
3. Assessment of Submissions by Permit Holder		
3.1	DIRECTOR reviews representation made by the Permit Holder in relation to the proposed amendment. Go to STEP 3.2	
3.2	DIRECTOR notifies Permit Holder of his decision regarding the representation made on the proposed amendment. Go to STEP 4.1 – if proposed amendments would NOT take into account submissions by Permit Holder Go to STEP 4.2 - if proposed amendments would take into account submissions by Permit Holder	Letter (Appendix A3(b))
4. Decision on Permit Amendment.		
4.1	DIRECTOR amends and issues the permit in accordance with his written notice (see STEP 1.1).	Letter (Appendix A3(c))
4.2	DIRECTOR amends the permit but also take into account the representations make by the Permit Holder.	Letter (Appendix A3(d))

NOTE: Permit amendments initiated by the Director do not carry an Application Fee.

The amendment provision provided in the *Environment (Permits and Transitional) Regulation* is intended to provide the Director with the ability to control the environmental performance of each permit holder to ensure that the activity is carried out in accordance with the environment policy objectives.

Where existing permit conditions are insufficient in achieving the required level of compliance to the policy objectives, the Director in accordance with the above procedures may amend these conditions to attain the desired outcome.

The process may be initiated after results from monitoring reports indicated a continuous non-compliance with the policy objectives and the existing conditions are inadequate to achieve the required level of performance. The amendment of the existing conditions may include installation of additional controls within the existing waste treatment system or use of active/passive controls.

Where the amendment would result in submission of an Environment Improvement Plan, the relevant process for requisition of the plan under *Section 75* of the Act should be followed.

4.1.2.2 Permit Amendment on Application by the Permit Holder.

The procedure for dealing with permit applications submitted by permit holders for the amendment of Environmental Permits are provided below. These steps should be observed when assessing the permit amendment applications.

Table 5. Procedure for Amending an Environment Permit on Application by the Permit Holder.

Step	Activity	Reference
1. Submission of an Application for Permit Amendment		
1.1	APPLICANT submits an application (Fee) for amendment of an Environmental Permit. Application should include sufficient details on the proposed amendment in order for the Director to decide whether the application constitutes a major or a minor amendment. Go to STEP 1.2	Application Form (Appendix G6)
1.2	DIRECTOR reviews details in the Environmental Permit application and the Application Fee. Go to STEP 1.3 – if information/fee submitted is NOT adequate Go to STEP 2.1 – if information/fee submitted is adequate	
1.3	DIRECTOR is not satisfied with information (Fee) in Permit Application and notifies Proponent that further information (correct fee) is required before Application can be accepted. Go to STEP 1.4	Letter (Appendix A4(a))
1.4	APPLICANT submits additional information (correct fee) as requested by the Director. Go to STEP 2.1	
2. Acceptance of Application		
2.1	DIRECTOR is satisfied that information (fee) provided are adequate and ACCEPTS the application. Go to STEP 3.1	Letter (Appendix A4(b))
3. Assessment of Application		
3.1	DIRECTOR assesses application in accordance with R.s.23. Go to STEP 4.1 or STEP 4.2 – for major amendment Go to STEP 4.3 – for minor amendment	
4. Decision on the Application		
4.1	DIRECTOR noted that the proposed amendment would result in a significant change to the nature of the activity or the Level 2 activity becoming a Level 3 activity. Director refuses to accept the application and directs the Applicant to apply for a new permit in relation to the activity. (NOTE: Refer to Level 2 process for new permit applications)	Letter (Appendix A4(c))

(Continue)

Step	Activity	Reference
4.2	DIRECTOR noted that the proposed amendment is a major amendment due to the high risk of serious environmental harm posed by substantial change in quantity and quality of contaminant to be released and their impacts. Director refuses to accept the application and directs the Applicant to undertake an environment impact assessment in relation to the proposed amendment. (Refer to Level 3 process for new applications).	Letter (Appendix A4(d))
4.3	DIRECTOR noted that the proposed amendment is a minor amendment (or a major amendment in which the AIP has been issued in accordance with STEP 4.2) and issues the permit with the amended terms and conditions	Letter (Appendix A4(e)) Letter (Appendix A4(f))

When an application for amendment of an Environment Permit is received from a permit holder, a decision should be made on whether the proposed amendment is a major or a minor amendment. This is achieved by following the above procedures. Once that decision is reached, the relevant process for assessment of the application is pursued.

Major Amendment

An application that is determined as a major amendment is subjected to the environment impact assessment process (see Table 2, A.s.71). The criteria for a major amendment is provided in *Section 23(4) of the Environment (Permits and Transitional) Regulation* and includes proposed variations that may trigger –

“a substantial increase in the risk of serious environmental harm under the amended permit because of a substantial change in -

- (a) the quantity or quality of contaminant permitted to be released into the environment; or*
- (b) the results of the release of a quantity or quality of contaminant permitted to be released into the environment”.*

There are two options for dealing with major amendments. These are –

- (a) the Director may issue a notice to the applicant to undertake an environmental impact assessment in relation to the proposed amendment and defer consideration of the application until the Minister has granted an *approval in principle* for the amendment, or
- (b) if a major amendment would result in a significant change in the nature of the activity or a Level 2 activity becoming a Level 3 activity, the Director may refuse to accept the application and directs the applicant to apply for a new permit in relation to the activity.

Minor Amendment

On the other hand, applications for amendments that do not meet the criteria for major amendment are regarded as minor amendments for the purpose of the Act. Applications involving minor amendments are assessed in accordance with the permit amendment procedures described above before an amended permit is issued.

4.1.2.3 Permit Amendment due to changes in Policy, Regulation, etc.

The procedure for amending Environmental Permits due to variations in an Environment Policy, Regulation or standard is provided below. These steps should be observed when the Director is considering amendments of permits where the existing conditions are inconsistent with the new Environment Policy, Regulation or standards.

Table 6. Procedure for Amending an Environment Permit due to Statutory Variations.

Step	Activity	Reference
1. Notification of Permit Amendment.		
1.1	DIRECTOR notifies the Permit Holder of his intention to amend existing permit conditions that are inconsistent with an environment policy or regulation. (NOTE: Permit Holder has 3 months from date of notice or such period allowed by the Director to make representations) Go to STEP 1.2 – if EIP is NOT required by the Director Go to STEP 1.3 – if EIP is required by the Director	Letter (Appendix A5(a))
1.2	PERMIT HOLDER responds and makes representation to the Director in relation to the proposed amendment. (NOTE: Submission of an EIP is optional for the Permit Holder to decide. However, EIP submission becomes obligatory if requested by the Director) Go to STEP 4.1 – if EIP is NOT submitted by Permit Holder Go to STEP 1.3 – if EIP is submitted by Permit Holder	
1.3	APPLICANT makes written submission and includes an Environment Improvement Plan (“EIP”), which outline the steps by which the Permit Holder will achieve compliance with the proposed amendment. Go to STEP 2.1	
2. Acceptance of Environment Improvement Plan.		
2.1	DIRECTOR reviews the EIP and is satisfied with level of details provided and ACCEPTS the EIP. Go to STEP 3.1	Letter (Appendix A5(b))
3. Assessment of Environment Improvement Plan.		
3.1	DIRECTOR assesses EIP in accordance with A.s.75(2). Go to STEP 3.2 – if Director is NOT satisfied with matters set out in A.s.75(2) Go to STEP 4.2 – if Director is satisfied with matters set out in A.s.75(2)	
3.2	DIRECTOR is not satisfied that the implementation of the EIP will achieve compliance with the Environment Policy, Regulation or standards or the person making the submission will implement the plan. Director notifies the Permit Holder of his decision and calls for a meeting to discuss the terms of the EIP. Go to STEP 3.3	Letter (Appendix A5(c))
3.3	DIRECTOR convenes the meeting with the Permit Holder to discuss the terms of the EIP. Go to STEP 3.4 – if parties do NOT agree on the terms of EIP (60 days after start of discussion) Go to STEP 4.2 – if parties agree on terms of EIP	
3.4	DIRECTOR notifies the Permit Holder that he is not satisfied with the outcome of the meeting in relation to the matters set out in A.75(2) (see STEP 3.2) and REJECTS the EIP. Go to STEP 3.5	Letter (Appendix A5(d))
3.5	PERMIT HOLDER decides whether to lodge an appeal against the decision of the Director or to submit a revised EIP to the Director. Go to STEP 3.6 – if Permit Holder decides to lodge an appeal Go to STEP 3.7 – if Permit Holder decides to submit a revised EIP	
3.6	PERMIT HOLDER lodges an appeal against the decision of the Director within 21 days after being notified of Director’s decision in STEP 3.4. (NOTE: The appeal process is triggered when the Director receives a notice of appeal from the Permit Holder. Refer to the Appeal Procedures). Go to STEP 3.7 – if appeal by Permit Holder is dismissed by Environment Council	
3.7	PERMIT HOLDER submits a revised EIP within 28 days from date of rejection by the Director (see STEP 3.4) or 28 days from the date of dismissal of the appeal by Environment Council (see STEP 3.6). Go to STEP 4.1 – if a revised EIP is NOT submitted Go to STEP 4.2 – if a revised EIP is submitted	

NOTE: Permit amendments due to statutory variations do not carry an Application Fee.

(Continue)

Step	Activity	Reference
4. Decision on Permit Amendment.		
4.1	DIRECTOR considers representations made by the Permit Holder and amend the permit as originally proposed or amend the permit as agreed with the Permit Holder and issues the permit.	Letter (Appendix A5(e))
4.2	DIRECTOR is satisfied with the terms of the EIP and the matters set out in A.s.75(2) (see STEP 3.2) and amends the permit as originally proposed with an additional condition to ensure that the Permit Holder complies with the approved EIP.	Letter (Appendix A5(f))

This amendment process is initiated by the Director to bring the operations of prescribed activities into compliance with a new statutory requirement as a result of variation to an existing Environment Policy, Regulation or the introduction of a new legislation.

Level 2 (Category A) activities may not necessarily need to submit an Environment Improvement Plan (“EIP”) when notified by the Director of his intention to amend a permit condition(s) that is inconsistent with the new statutory requirement(s).

A statement declaring the Permit Holder’s ability to attain compliance with the new requirement(s) within a reasonable timeframe may be sufficient for acceptance by the Director.

Although, submission of an EIP may be optional for the Permit Holder to decide when considering his response to the Director’s notice of intention to amend a permit, it becomes mandatory when requested by the Director. The EIP contains the Permit Holder’s proposed programs which when implemented will achieve compliance with the new policy requirements or standards.

4.1.3 Assessment Procedure for Permit Renewal Applications.

The procedure for dealing with permit applications for the renewal of Environmental Permits is provided below. These steps should be observed when assessing the permit renewal applications.

Table 7. Procedure for Renewing of an Environment Permit.

Step	Activity	Reference
1. Submission of an Application for Permit Renewal.		
1.1	APPLICANT submits an application (Fee) for renewal of an Environmental Permit. Application should state if there are changes in the nature of the activity or the manner in which the activity is carried out and provide relevant details. Go to STEP 1.2	Application Form (Appendix G7)
1.2	DIRECTOR reviews details in the Environmental Permit application and the Application Fee. Go to STEP 1.3 – if information/fee submitted is NOT adequate Go to STEP 2.1 – if information/fee submitted is adequate	
1.3	DIRECTOR is not satisfied with information (Fee) in Permit Application and notifies Proponent that further information (correct fee) is required before Application can be accepted. Go to STEP 1.4	Letter (Appendix A6(a))
1.4	APPLICANT submits additional information (correct fee) as requested by the Director. Go to STEP 2.1	

(Continue)

Step	Activity	Reference
2. Acceptance of Application		
2.1	DIRECTOR is satisfied that information (fee) provided are adequate and ACCEPTS the application. Go to STEP 3.1	Letter (Appendix A6(b))
3. Assessment of Application		
3.1	DIRECTOR assesses application against Applicant's record of compliance with the permit conditions within 28 days of acceptance of application. Go to STEP 4.1 – if Director is NOT satisfied with Applicant's record of compliance with permit conditions Go to STEP 4.2 – if Director is satisfied with Applicant's record of compliance with permit conditions	
4. Decision on the Application		
4.1	DIRECTOR is not satisfied with Applicant's record of compliance with the conditions of the permit and takes the following decisions -	
	▪ Director refuses to renew the permit and notifies the Applicant of the decision.	Notice (Appendix B3)
	▪ Director renews the permit with amendment to existing conditions or with new conditions and provides a copy of the permit to the Applicant.	Letter (Appendix A6(c))
4.2	DIRECTOR is satisfied with Applicant's record of compliance with the conditions of the permit and renews the permit with the same conditions and provides a copy of the permit to the Applicant.	Letter (Appendix A6(d))

NOTE: An application for renewal of an Environment Permit that is received a day after the expiry date of the permit should not be accepted as a renewal application. Late applications should be treated as if these were new permit applications and the relevant process for dealing with a new application should be applied. It is a statutory requirement that applications for renewal of an environment permit should be lodged “not less than six months before the expiry date of the permit” (R.18(2)) and acceptance of renewal applications after the expiry date would be in breach of that provision and bring into disrepute the integrity of the regulatory process.

A permit in which an application for renewal has been lodged with the Director prior to its expiry date would continue to be in force until the Director has taken a decision on the application. Where the Director decides to renew the permit, the commencement date of the renewed permit would be the date after the expiry of the original term of the permit.

In addition, the permit should be renewed for the same term as the original term of the permit unless a different term is requested by the Permit Holder.

4.1.4 Assessment Procedure for Permit Surrender Applications.

The procedure for dealing with permit applications for the surrender of Environmental Permits is provided below. These steps should be observed when assessing the permit surrender applications.

Table 8. Procedure for Surrendering of an Environment Permit.

Step	Activity	Reference
1. Submission of an Application for Permit Surrender		
1.1	APPLICANT submits an application for surrender of an Environmental Permit. Application should state whether the permit holder has ceased carrying on activities authorised by the permit for a continuous period of 12 months. Go to STEP 1.2	Application Form (Appendix G8)
1.2	DIRECTOR reviews details in the application for the surrender of an Environmental Permit. (NOTE: Application fee is NOT required) Go to STEP 1.3 – if information/fee submitted is NOT adequate Go to STEP 2.1 – if information/fee submitted is adequate	

(Continue)

Step	Activity	Reference
1.3	DIRECTOR is not satisfied with information in the Application and notifies Proponent that further information is required before Application can be accepted. (NOTE: Director may require an audit to be conducted on the Applicant's performance (see A.s.74) and the audit report submitted before the application is accepted). Go to STEP 1.4	Letter (Appendix A7(a))
1.4	APPLICANT submits additional information as requested by the Director. This may include an audit report of the Applicant's performance if required by the Director. Go to STEP 2.1	
2. Acceptance of Application		
2.1	DIRECTOR reviews information provided with the Environmental Permit Application. Director is satisfied with information provided and ACCEPTS the application. Go to STEP 3.1	Letter (Appendix A7(b))
3. Assessment of Application		
3.1	DIRECTOR completes assessment of the application after acceptance of application where audit is not required or after receipt of the audit report where audit is required. Go to STEP 4.1 – if audit is required Go to STEP 4.3 – if audit is NOT required	
4. Decision on the Application		
4.1	DIRECTOR is <u>not</u> satisfied with Applicant's record of compliance with the conditions of the permit and takes the following decisions - Director relieves the permit holder from obligations to comply with some or all of the existing conditions of the permit and imposes further conditions on the permit to ensure the protection or restoration of the environment and notifies the Applicant of the decision, and Director notifies Applicant that application would be approved when these conditions have been fulfilled or arrangements have been made to fulfil these requirements. Go to STEP 4.2	Letter (Appendix A7(c))
4.2	APPLICANT complies with the requirements set by Director in STEP 4.1 and notifies Director that conditions have been complied with or adequate arrangements have been made for compliance with these requirements. Go to STEP 4.3	
4.3	DIRECTOR is satisfied with Applicant's record of compliance with the conditions of the permit and approves the surrender of the permit without further terms and conditions and notifies the Applicant of his decision.	Notice (Appendix B4)

NOTE: Permit surrender applications do not carry an Application Fee.

It is important to note that the permit which is surrendered ceases to have effect on the date of the surrender. This process may be used in ensuring the rehabilitation requirements are conformed to at the end of the life of a project (e.g., mining or petroleum projects, etc.) before the Permit Holder is released from its obligations.

4.1.5 Assessment Procedure for Permit Transfer Applications.

The procedure for dealing with permit applications for the transfer of Environmental Permits is provided below. These steps should be observed when assessing the permit transfer applications.

Table 9. Procedure for Transferring of an Environment Permit.

Step	Activity	Reference
1. Submission of an Application for Permit Transfer		
1.1	APPLICANT submits an application (Fee) for transfer of an Environmental Permit. Application should include the Applicant's copy of the permit and a statement of consent by the relevant government authority if the environment permit is the subject of another permit or approval issued by that government authority. Go to STEP 1.2	Application Form (Appendix G9)
1.2	DIRECTOR reviews details in the Environmental Permit application and the Application Fee. Go to STEP 1.3 – if information/fee submitted is NOT adequate Go to STEP 2.1 – if information/fee submitted is adequate	
1.3	DIRECTOR is not satisfied with information (Fee) in Permit Application and notifies Proponent that further information (correct fee) is required before Application can be accepted. (NOTE: Director may require an audit to be conducted on the Applicant's performance (see A.s.74) and the audit report submitted before the application is accepted). Go to STEP 1.4	Letter (Appendix A8(a))
1.4	APPLICANT submits additional information (correct fee) as requested by the Director. This may include an audit report of the Applicant's performance if required by the Director. Go to STEP 2.1	
2. Acceptance of Application		
2.1	DIRECTOR is satisfied that the information (correct fee) provided are adequate and ACCEPTS the application. Go to STEP 3.1	Letter (Appendix A8(b))
3. Assessment of Application		
3.1	DIRECTOR completes assessment of the Application within 28 days of acceptance of application where audit is not required or within 14 days of receipt of the audit report where audit is required. Go to STEP 4.1	
4. Decision on the Application		
4.1	DIRECTOR is satisfied that the application for transfer of an Environmental Permit is in order and issues a new permit in the name of the Transferee on the same terms and conditions and for the same period as the cancelled permit.	Letter (Appendix A8(c))

Where the Director has decided to transfer an Environment Permit, he shall cancel the old permit and issue the new permit in the name of the transferee on the same terms and conditions.

Chapter Five

CONCLUSION.

Administration of the *Environment Act 2000* would be difficult without the necessary statutory tools to assist with the implementation of the environment regulatory regime. On the same token, relevant administrative and statutory procedures are essential for an efficient administration of the regulatory process.

The *Operational Manual* is an important administrative tool that incorporates relevant statutory and administrative steps within the regulatory process. These steps have been expanded and formulated into the *Operational Manual* to make the implementation of the process user-friendly and easy to manage.

Officers who are charged with the administration of the new environment protection legislation are encouraged to use the *Operational Manual* to guide them in handling the applications from a Level 2 or Level 3 activity. The document is intended to provide a standardize approach to dealing with environment applications and therefore the steps involved should be observed by all.

The consistent application of the environment regulatory process would provide a consistent approach and promote efficiency in the assessment and decision on environmental applications. This in turn would advance DEC's competency to deliver on its mandate to the expectations of the State and people of Papua New Guinea.

Appendices

APPENDIX A. LETTERS

Appendix A1(a). Level 3 - Rejection of EIR

DEPARTMENT OF ENVIRONMENT & CONSERVATION

ENVIRONMENT DIVISION

Telephone: (675) 325-0194
Facsimile: (675) 325-0182
Email: env@daltron.com.pg
odir@daltron.com.pg

Level 6, Somare Foundation House,
Waigani, National Capital District.
P.O. Box 6601,
BOROKO, N.C.D.,
Papua New Guinea.

*("NAME OF PERSON/COMPANY OFFICIAL
& REGISTERED ADDRESS")*

Date:
Our Reference:
Action Officer:

Dear Sir,

SUBJECT: REJECTION OF ENVIRONMENTAL INCEPTION REPORT.

Thank you for the submission of your Environmental Inception Report for *("NAME OF ACTIVITY")* received on *("DATE")*.

An assessment of the Environmental Inception Report has shown that the document was not drafted in accordance with the DEC Information Guideline for *Environmental Inception Report* and did not sufficiently identify the potential environmental and social impacts of the proposed activity. Consequently, the Report has been REJECTED. You are now required to amend and resubmit the Environmental Inception Report.

Take note that the following amendments are required before the Report can be accepted –

- *(Provide details of amendments required with reference to relevant sections in the Guideline, which were not properly addressed, etc.)*

If you need additional information or assistance, please contact *("NAME")*, Assessment Officer on Phone 325 0194 or Facsimile 325 0182.

Yours sincerely,

.....
("NAME")

**First Assistant Secretary
Delegate of the
Department of Environment and Conservation**

Appendix A1(b). Level 3 - Approval of EIR

DEPARTMENT OF ENVIRONMENT & CONSERVATION

ENVIRONMENT DIVISION

Telephone: (675) 325-0194
Facsimile: (675) 325-0182
Email: env@daltron.com.pg
odir@daltron.com.pg

Level 6, Somare Foundation House,
Waigani, National Capital District.
P.O. Box 6601,
BOROKO, N.C.D.,
Papua New Guinea.

("NAME OF PERSON/COMPANY OFFICIAL
& REGISTERED ADDRESS")

Date:
Our Reference:
Action Officer:

Dear Sir,

SUBJECT: APPROVAL OF ENVIRONMENTAL INCEPTION REPORT.

Thank you for the submission of your Environmental Inception Report for ("*TITLE OF PROJECT*") received on ("*DATE*").

An assessment of the Environmental Inception Report has shown that the document was drafted in accordance with the DEC Information Guideline for *Environmental Inception Report* and sufficiently identified the potential environmental and social impacts of the proposed activity. Consequently, the Report has been APPROVED. You are now required to conduct an Environmental Impact Assessment and submit an Environmental Impact Statement.

Take note that the study conducted and details documented in the Environmental Impact Statement should comply with the DEC Information Guideline for *Conduct of Environment Impact Assessment & Preparation of Environment Impact Statement*.

FAILURE TO COMPLY WITH THE REQUIREMENTS IN THE INFORMATION GUIDELINE MAY RESULT IN REJECTION OF THE APPLICATION.

If you need additional information or assistance, please contact ("*NAME*"), Assessment Officer on Phone 325 0194 or Facsimile 325 0182.

Yours sincerely,

.....
 ("*NAME*")

**First Assistant Secretary
Delegate of the
Department of Environment and Conservation**

Appendix A1(c). Level 3 – Rejection of EIS & Fee

DEPARTMENT OF ENVIRONMENT & CONSERVATION

ENVIRONMENT DIVISION

Telephone: (675) 325-0194
Facsimile: (675) 325-0182
Email: env@daltron.com.pg
odir@daltron.com.pg

Level 6, Somare Foundation House,
Waigani, National Capital District,
P.O. Box 6601,
BOROKO, N.C.D.,
Papua New Guinea.

*("NAME OF PERSON/COMPANY OFFICIAL
& REGISTERED ADDRESS")*

Date:
Our Reference:
Action Officer:

Dear Sir,

SUBJECT: REJECTION OF ENVIRONMENTAL IMPACT STATEMENT.

Thank you for the submission of your Environmental Impact Statement and an application fee for *("TITLE OF PROJECT")* received on *("DATE")*.

An assessment of the application has revealed the following deficiency –

- *(the Environmental Impact Statement was not drafted in accordance with the DEC Information Guideline for Conduct of Environment Impact Assessment & Preparation of Environment Impact Statement)*
- *(the Application Fee submitted is not correct and should be ("AMOUNT"))*

Consequently, the application has been REJECTED. You are now required to –

- *(amend and resubmit the Environmental Impact Statement. Take note that the following amendments are required before the Statement can be accepted –*
 - *provide details of amendments required with reference to relevant sections in the Information Guideline, which were not properly addressed, etc.)*
- *(submit the required fee before the Statement can be accepted)*

If you need additional information or assistance, please contact *("NAME")*, Assessment Officer on Phone 325 0194 or Facsimile 325 0182.

Yours sincerely,

.....
("NAME")

**First Assistant Secretary
Delegate of the
Department of Environment and Conservation**

Appendix A1(d). Level 3 – Acceptance of EIS & Fee

DEPARTMENT OF ENVIRONMENT & CONSERVATION

ENVIRONMENT DIVISION

Telephone: (675) 325-0194
Facsimile: (675) 325-0182
Email: env@daltron.com.pg
odir@daltron.com.pg

Level 6, Somare Foundation House,
Waigani, National Capital District,
P.O. Box 6601,
BOROKO, N.C.D.,
Papua New Guinea.

(*"NAME OF PERSON/COMPANY OFFICIAL
& REGISTERED ADDRESS"*)

Date:
Our Reference:
Action Officer:

Dear Sir,

SUBJECT: ACCEPTANCE OF ENVIRONMENTAL IMPACT STATEMENT.

Thank you for the submission of your Environmental Impact Statement and application fee for (*"TITLE OF PROJECT"*) received on (*"INSERT DATE"*).

An assessment of the application has shown that the Environmental Impact Statement was drafted in accordance with the DEC Information Guideline for *Conduct of Environment Impact Assessment & Preparation of Environment Impact Statement* and contained the relevant application fee. Consequently, the Statement has been ACCEPTED.

In order to conduct an assessment of the Environmental Impact Statement in accordance with *Section 54* and *Section 55* of *Environment Act 2000*, a period of (*"TIMEFRAME"*) is required. The timeframe is necessary for the assessment process to be completed before the Director of Environment can accept the Statement.

Attached, are the receipt and the tentative Assessment Schedule for your information.

If you need additional information or assistance, please contact (*"NAME"*), Assessment Officer on Phone 325 0194 or Facsimile 325 0182.

Yours sincerely,

.....
(*"NAME"*)

**First Assistant Secretary
Delegate of the
Department of Environment and Conservation**

Appendix A1(e). Level 3 – Extension of EIS Assessment Timeframe

DEPARTMENT OF ENVIRONMENT & CONSERVATION

ENVIRONMENT DIVISION

Telephone: (675) 325-0194
Facsimile: (675) 325-0182
Email: env@daltron.com.pg
odir@daltron.com.pg

Level 6, Somare Foundation House,
Waigani, National Capital District.
P.O. Box 6601,
BOROKO, N.C.D.,
Papua New Guinea.

*("NAME OF PERSON/COMPANY OFFICIAL
& REGISTERED ADDRESS")*

Date:
Our Reference:
Action Officer:

Dear Sir,

SUBJECT: NOTIFICATION OF EXTENSION TO TIMEFRAME FOR ASSESSMENT OF ENVIRONMENTAL IMPACT STATEMENT.

Further to the notification on the assessment timeframe for the Environmental Impact Statement for *("TITLE OF PROJECT")*, be advise that an extension to that timeframe is necessary.

The extension is required to enable the following activities to be completed in accordance with *Section 54* and *Section 55* of *Environment Act 2000* before the Director of Environment can accept the Statement –

- *(Provide details of activities still to be completed and reason for delay, etc.)*

As a result, the timeframe has been extended from *("OLD TIMEFRAME")* to *("NEW TIMEFRAME")*.

Attached, is the amended Assessment Schedule for your information.

If you need additional information or assistance, please contact *("NAME")*, Assessment Officer on Phone 325 0194 or Facsimile 325 0182.

Yours sincerely,

.....
("NAME")

**First Assistant Secretary
Delegate of the
Department of Environment and Conservation**

Appendix A1(f). Level 3 – Notification of Public Review

DEPARTMENT OF ENVIRONMENT & CONSERVATION

ENVIRONMENT DIVISION

Telephone: (675) 325-0194
Facsimile: (675) 325-0182
Email: env@daltron.com.pg
odir@daltron.com.pg

Level 6, Somare Foundation House,
Waigani, National Capital District,
P.O. Box 6601,
BOROKO, N.C.D.,
Papua New Guinea.

("NAME OF PERSON/COMPANY OFFICIAL
& REGISTERED ADDRESS")

Date:
Our Reference:
Action Officer:

Dear Sir,

SUBJECT: PUBLIC REVIEW AND SUBMISSIONS ON ENVIRONMENTAL IMPACT STATEMENT.

Further to the submission of your Environmental Impact Statement for ("*TITLE OF PROJECT*") received on ("*DATE*"), you are now required to undertake the following activities in accordance with *Section 66* of the *Environment Act 2000* -

- provide copies of the Environment Impact Statement ("*AND ASSESSMENT REPORTS, IF ANY, FROM DIRECTOR'S ASSESSMENT, A.S.54*"), with the omission of "confidential information", to the persons and/or Government Authorities as provided in the referral list (Attachment 1), and
- advertise the availability of the application, in accordance with the media notice (Attachment 2), in a national newspaper and a radio-broadcasting service (if any) which serves the province where the proposed activity will be carried out, and
- make a public presentation, at a place and time as approved by the Director, to persons who are likely to be affected when the proposed activity is carried out.

In order to comply with the above, you are to submit a program for public review for approval by the Director. Take note that the program should be consistent with the assessment timeframe notified to you earlier.

If you need additional information or assistance, please contact ("*NAME*"), Assessment Officer on Phone 325 0194 or Facsimile 325 0182.

Yours sincerely,

.....
 ("*NAME*")
First Assistant Secretary
Delegate of the
Department of Environment and Conservation

(Attachments: Referral List, Referral Letter, Media Notice)

Appendix A1(g). Level 3 – Referral of EIS

DEPARTMENT OF ENVIRONMENT & CONSERVATION

ENVIRONMENT DIVISION

Telephone: (675) 325-0194
Facsimile: (675) 325-0182
Email: env@daltron.com.pg
odir@daltron.com.pg

Level 6, Somare Foundation House,
Waigani, National Capital District.
P.O. Box 6601,
BOROKO, N.C.D.,
Papua New Guinea.

(*"NAME OF PERSON/GOVERNMENT AGENCIES, ETC.
& POSTAL ADDRESS"*)

Date:
Our Reference:
Action Officer

Dear Sir,

SUBJECT: PUBLIC REVIEW OF ENVIRONMENTAL IMPACT STATEMENT.

Attached is an Environment Impact Statement for (*"TITLE OF PROJECT"*) received on (*"DATE"*), for your assessment and comments.

The Environmental Impact Statement is now subjected to public review for (*"TIMEFRAME"*). Submissions in writing should be provided by 4:00pm on (*"DATE"*). Any relevant comments will be considered in the assessment of the Environmental Impact Statement and recommendation to the Environment Council.

All submissions must be addressed to:

Director of Environment,
Department of Environment & Conservation,
P.O. Box 6601, BOROKO,
National Capital District.

If you need additional information or assistance, please contact (*"NAME"*), Assessment Officer on Phone 325 0194 or Facsimile 325 0182.

Yours sincerely,

.....
(*"NAME"*)

**First Assistant Secretary
Delegate of the
Department of Environment and Conservation**

Referral List

REFERRAL LIST.

List of persons and/or Government Authorities who must be provided with a copy of the Environmental Impact Statement (*“AND ASSESSMENT REPORTS, IF ANY, FROM DIRECTOR’S ASSESSMENT, A.S.54”*) for the purpose of public review and submissions. The Environmental Impact Statement should be sent out with the transmission letter from the Director of Environment.

Government Authorities

- (list relevant Government Authorities, semi-government agencies, educational institution, etc.)

Provincial Government

- (name of relevant Provincial Authority)

Others

- (list of persons or “experts” who should receive a copy of application)

Appendix A1(h). Level 3 – Amendment of EIS

DEPARTMENT OF ENVIRONMENT & CONSERVATION

ENVIRONMENT DIVISION

Telephone: (675) 325-0194
Facsimile: (675) 325-0182
Email: env@daltron.com.pg
odir@daltron.com.pg

Level 6, Somare Foundation House,
Waigani, National Capital District.
P.O. Box 6601,
BOROKO, N.C.D.,
Papua New Guinea.

*(“NAME OF PERSON/COMPANY OFFICIAL
& REGISTERED ADDRESS”)*

Date:
Our Reference:
Action Officer

Dear Sir,

SUBJECT: AMENDMENT OF ENVIRONMENTAL IMPACT STATEMENT.

Further to the public review of your Environmental Impact Statement for *(“TITLE OF PROJECT”)*, a number of issues were raised that require further clarification. These issues are –

- *(“PROVIDE CLEAR DETAILS OF RELEVANT ISSUES THAT WERE RAISE DURING PUBLIC REVIEW PROCESS THAT NEEDED RESPONSES FROM THE APPLICANT”)*

You are now required to provide the Director with detail response to each of these issues before your Environmental Impact Statement can be accepted in accordance with *Section 56* of the *Environment Act 2000*.

If you need additional information or assistance, please contact *(“NAME”)*, Assessment Officer on Phone 325 0194 or Facsimile 325 0182.

Yours sincerely,

.....
(“NAME”)

**First Assistant Secretary
Delegate of the
Department of Environment and Conservation**

Appendix A1(i). Level 3 – Acceptance of EIS

DEPARTMENT OF ENVIRONMENT & CONSERVATION

ENVIRONMENT DIVISION

Telephone: (675) 325-0194
Facsimile: (675) 325-0182
Email: env@daltron.com.pg
odir@daltron.com.pg

Level 6, Somare Foundation House,
Waigani, National Capital District.
P.O. Box 6601,
BOROKO, N.C.D.,
Papua New Guinea.

(“NAME OF PERSON/COMPANY OFFICIAL &
REGISTERED ADDRESS”)

Date:
Our Reference:
Action Officer:

Dear Sir,

SUBJECT: ACCEPTANCE OF ENVIRONMENTAL IMPACT STATEMENT.

Further to your application for an *Approval In Principle* received on (“DATE OF RECEIPT”) and accepted on (“DATE OF ACCEPTANCE OF EIS & FEE”), I am satisfied that -

1. the environment impact statement contains an adequate description of the nature and extent of physical and social environmental impacts which are likely to result from carrying out of your proposed activity, and
2. all reasonable steps will be taken to minimise environmental harm which may result from the carrying out of the activity, and
3. the activity will be carried out in a manner which is consistent with all relevant Environmental Policies and Regulations.

Consequently, I have ACCEPTED the Environment Impact Statement in accordance with *Section 56* of the *Environment Act 2000*.

The Environmental Impact Statement together with my assessment report (containing public submissions and other relevant information) will now be referred to the Environment Council in accordance with *Section 57* of the *Environment Act 2000*.

Yours sincerely,

.....
 (“NAME”)

Director of Environment

**Appendix A2(a). Level 2 (New Application):
Notification to Provide Additional Information**

DEPARTMENT OF ENVIRONMENT & CONSERVATION

ENVIRONMENT DIVISION

Telephone: (675) 325-0194
Facsimile: (675) 325-0182
Email: env@daltron.com.pg
odir@daltron.com.pg

Level 6, Somare Foundation House,
Waigani, National Capital District.
P.O. Box 6601,
BOROKO, N.C.D.,
Papua New Guinea.

*("NAME OF PERSON/COMPANY OFFICIAL
& REGISTERED ADDRESS")*

Date:
Our Reference:
Action Officer:

Dear Sir,

SUBJECT: PROVISION OF ADDITIONAL INFORMATION

Further to your submission of an Environment Permit Application and an application fee for ("*NAME OF ACTIVITY*") received on ("*DATE*"), an assessment of the application has revealed the following deficiency -

- (*the Application does not contained adequate information as required in the DEC Information Guideline for Submission of an Application for an Environment Permit to Discharge Waste, Application Form, etc.*)
- (*the Application Fee submitted is not correct and should be ("AMOUNT")*)

Consequently, the Application can not be accepted until the ("*RELEVANT INFORMATION AND/OR APPLICATION FEE*") is submitted. You are now required to submit the ("*RELEVANT INFORMATION AND/OR FEE*"), as detailed below within 21 days from the date of this notice.

- (*PROVIDE DETAILS OF AMENDMENTS OR ADDITIONAL INFORMATION REQUIRED. USE RELEVANT SECTIONS IN THE GUIDELINE OR APPLICATION FORM, WHICH DETAILS ARE CURRENTLY LACKING, ETC.*)
- (*SUBMIT THE REQUIRED APPLICATION FEE BEFORE THE APPLICATION CAN BE ACCEPTED*)

FAILURE TO PROVIDE THESE INFORMATION ("*FEE*") MAY RESULT IN REJECTION OF THE APPLICATION.

If you need additional information or assistance, please contact ("*NAME*"), Assessment Officer on Phone 325 0194 or Facsimile 325 0182.

Yours sincerely,

.....
 ("*NAME*")

**First Assistant Secretary
Delegate of the
Department of Environment and Conservation**

Appendix A2(b). Level 2 (New Application): Referral of Application

DEPARTMENT OF ENVIRONMENT & CONSERVATION

ENVIRONMENT DIVISION

Telephone: (675) 325-0194
Facsimile: (675) 325-0182
Email: env@daltron.com.pg
odir@daltron.com.pg

Level 6, Somare Foundation House,
Waigani, National Capital District.
P.O. Box 6601,
BOROKO, N.C.D.,
Papua New Guinea.

*("NAME OF PERSONS/GOVERNMENT AGENCIES, ETC.
& REGISTERED ADDRESS")*

Date:
Our Reference:
Action Officer:

Dear Sir,

SUBJECT: PUBLIC REVIEW OF ENVIRONMENT PERMIT APPLICATION.

Attached is an Application for an Environment Permit for *("TITLE OF PROJECT")* received on *("DATE")*, for your assessment and comments.

You have 28 days from the date of this notice to make your submission. Written submissions regarding your objection or recommendation should be provided by 4:00pm on *("DATE")*.

You are also to advise on whether or not –

- (a) the proposed activity will require a permit, licence or approval under any Act administered by your organisation, and
- (b) the proposed activity is prohibited by or under the provision(s) of any other Act administered by your organisation.

Take note that all relevant comments will be considered in the assessment of the Environment Permit Application. Written submissions must be addressed to –

Director of Environment,
Department of Environment & Conservation,
P.O. Box 6601,
BOROKO,
National Capital District.

If you need additional information or assistance, please contact *("NAME")*, Assessment Officer on Phone 325 0194 or Facsimile 325 0182.

Yours sincerely,

.....
("NAME")

**First Assistant Secretary
Delegate of the
Department of Environment and Conservation**

**Appendix A2(c). Level 2 (New Application):
Notification of Public Advertisement**

DEPARTMENT OF ENVIRONMENT & CONSERVATION

ENVIRONMENT DIVISION

Telephone: (675) 325-0194
Facsimile: (675) 325-0182
Email: env@daltron.com.pg
odir@daltron.com.pg

*Level 6, Somare Foundation House,
Waigani, National Capital District.
P.O. Box 6601,
BOROKO, N.C.D.,
Papua New Guinea.*

*("NAME OF PERSON/COMPANY OFFICIAL
& REGISTERED ADDRESS")*

*Date:
Our Reference:
Action Officer:*

Dear Sir,

SUBJECT: PUBLIC ADVERTISEMENT OF ENVIRONMENT PERMIT APPLICATION.

Thank you for lodging the required copies of the application for ("*TITLE OF PROJECT*") for my assessment.

Pursuant to *Section 10(3)* of the *Environment (Prescribed Activities) Regulation*, the application will now be published for public review process and you are required to meet the cost associated with the advertisement of the Application. The public notification should be conducted in accordance with the media notice (Attachment 1) in a national newspaper and a radio-broadcasting service (if any) which serves the province where the proposed activity will be carried out.

Take note that the Director of Environment is not obliged to publish the notice unless you have met the costs of the publication.

Attached, is an Assessment Schedule for your information.

If you need additional information or assistance, please contact ("*NAME*"), Assessment Officer on Phone 325 0194 or Facsimile 325 0182.

Yours sincerely,

.....
("NAME")
**First Assistant Secretary
Delegate of the
Department of Environment and Conservation**

**Appendix A2(d). Level 2 (New Application):
Notification of Conference of Interested Parties**

DEPARTMENT OF ENVIRONMENT & CONSERVATION

ENVIRONMENT DIVISION

Telephone: (675) 325-0194
Facsimile: (675) 325-0182
Email: env@daltron.com.pg
odir@daltron.com.pg

*Level 6, Somare Foundation House,
Waigani, National Capital District.
P.O. Box 6601,
BOROKO, N.C.D.,
Papua New Guinea.*

*("NAME OF PERSON/COMPANY OFFICIAL
& REGISTERED ADDRESS")*

*Date:
Our Reference:
Action Officer:*

Dear Sir,

**SUBJECT: PRESENTATION OF APPLICATION DURING CONFERENCE OF
INTERESTED PARTIES.**

Further to the public review of the Environmental Permit Application for ("*TITLE OF PROJECT*"), a number of relevant objections were raised by the interested parties. Furthermore, I am of the view that there is a potential risk that serious environmental harm may result from carrying out of the proposed activity.

Pursuant to *Section 63(1)(g) of Environment Act 2000*, a Conference of Interested Parties is necessary and would be staged at ("*LOCATION*") on ("*DATE*"). You are required to make a presentation on the Application during the conference to the parties who have lodged an objection during the public review process.

If you need additional information or assistance, please contact ("*NAME*"), Assessment Officer on Phone 325 0194 or Facsimile 325 0182.

Yours sincerely,

.....
 ("*NAME*")

**First Assistant Secretary
Delegate of the
Department of Environment and Conservation**

**Appendix A2(e). Level 2 (New Application):
Invitation to Attend Conference of Interested Parties**

DEPARTMENT OF ENVIRONMENT & CONSERVATION

ENVIRONMENT DIVISION

Telephone: (675) 325-0194
Facsimile: (675) 325-0182
Email: env@daltron.com.pg
odir@daltron.com.pg

*Level 6, Somare Foundation House,
Waigani, National Capital District.
P.O. Box 6601,
BOROKO, N.C.D.,
Papua New Guinea.*

*("NAME OF PERSON/GOVERNMENT AGENCIES, ETC.
& POSTAL ADDRESS")*

*Date:
Our Reference:
Action Officer:*

Dear Sir,

SUBJECT: INVITATION TO ATTEND CONFERENCE OF INTERESTED PARTIES.

Further to the public review of the Environmental Permit Application for ("*TITLE OF PROJECT*"), a number of relevant objections were raised by the interested parties. Furthermore, I am of the view that that there is a potential risk that serious environmental harm may result from carrying out of the proposed activity.

Pursuant to *Section 63(1)(g) of Environment Act 2000*, a Conference of Interested Parties is necessary and would be staged at ("*LOCATION*") on ("*DATE*"). You are invited to attend the conference and the presentation on the Application by ("*APPLICANT'S NAME*").

If you need additional information or assistance, please contact ("*NAME*"), Assessment Officer on Phone 325 0194 or Facsimile 325 0182.

Yours sincerely,

.....
 ("*NAME*")

**First Assistant Secretary
Delegate of the
Department of Environment and Conservation**

**Appendix A2(f). Level 2 (New Application):
Notification of Extension to Assessment Timeframe**

DEPARTMENT OF ENVIRONMENT & CONSERVATION

ENVIRONMENT DIVISION

Telephone: (675) 325-0194
Facsimile: (675) 325-0182
Email: env@daltron.com.pg
odir@daltron.com.pg

*Level 6, Somare Foundation House,
Waigani, National Capital District.
P.O. Box 6601,
BOROKO, N.C.D.,
Papua New Guinea.*

*("NAME OF PERSON/COMPANY OFFICIAL
& REGISTERED ADDRESS")*

*Date:
Our Reference:
Action Officer:*

Dear Sir,

SUBJECT: NOTIFICATION OF EXTENSION TO TIMEFRAME FOR ASSESSMENT OF ENVIRONMENT PERMIT APPLICATION.

Further to your application for an Environment Permit for *("NAME OF ACTIVITY")*, be advice that an extension to the assessment timeframe is necessary.

The extension is required to enable the following activities to be completed before the Director of Environment can make a decision on your application –

- *(Provide details of activities still to be completed and reason for delay, etc.)*

As a result, the timeframe has been extended from *("OLD TIMEFRAME")* to *("NEW TIMEFRAME")*. An amended work schedule is attached for your information.

If you need additional information or assistance, please contact *("NAME")*, Assessment Officer on Phone 325 0194 or Facsimile 325 0182.

Yours sincerely,

.....
("NAME")

**First Assistant Secretary
Delegate of the
Department of Environment and Conservation**

**Appendix A2(g). Level 2 (New Application):
Notification of Refusal to Grant a Permit**

DEPARTMENT OF ENVIRONMENT & CONSERVATION

ENVIRONMENT DIVISION

Telephone: (675) 325-0194
Facsimile: (675) 325-0182
Email: env@daltron.com.pg
odir@daltron.com.pg

*Level 6, Somare Foundation House,
Waigani, National Capital District.
P.O. Box 6601,
BOROKO, N.C.D.,
Papua New Guinea.*

*("NAME OF PERSON/COMPANY OFFICIAL
& REGISTERED ADDRESS")*

*Date:
Our Reference:
Action Officer:*

Dear Sir,

SUBJECT: REFUSAL OF GRANT OF AN ENVIRONMENT PERMIT.

Thank you for the application for an Environment Permit for *("NAME OF ACTIVITY")* received on *("DATE")*.

An assessment of your Environment Permit Application has been completed and based on that assessment, I have refused to grant an Environment Permit for your proposed activity. The reasons for this decision are given below -

- *(PROVIDE REASONS FOR REFUSAL OF APPLICATION – USE SECT. 65 OF ACT, AS BASIS FOR REJECTION. ALSO SEE SECT. 15(2) OF REG.)*

Take note that the Director of Environment can not issue an Environment Permit where the carrying out of the activity would be inconsistent with *Section 65* of the *Environment Act 2000*. Consequently, your Environmental Permit Application has been REJECTED.

If you need additional information or assistance, please contact *("NAME")*, Assessment Officer on Phone 325 0194 or Facsimile 325 0182.

Yours sincerely,

.....
("NAME")

Director of Environment

**Appendix A2(h). Level 2 (New Application):
Notification to Advertise Grant of Permit**

DEPARTMENT OF ENVIRONMENT & CONSERVATION

ENVIRONMENT DIVISION

Telephone: (675) 325-0194
Facsimile: (675) 325-0182
Email: env@daltron.com.pg
odir@daltron.com.pg

*Level 6, Somare Foundation House,
Waigani, National Capital District.
P.O. Box 6601,
BOROKO, N.C.D.,
Papua New Guinea.*

*("NAME OF PERSON/COMPANY OFFICIAL
& REGISTERED ADDRESS")*

*Date:
Our Reference:
Action Officer:*

Dear Sir,

SUBJECT: ADVERTISEMENT OF GRANT OF AN ENVIRONMENT PERMIT.

Further to your application for an *Environmental Permit* for *("NAME OF ACTIVITY")*, be advice that your application has been approved.

Pursuant to *Section 16* of the *Environment (Permits and Transitional) Regulation*, you are now required to advertise the grant of the permit in accordance with the public notice attached (Attachment 1). The Environment Permit would be registered and released as soon as this requirement is fulfilled.

If you need additional information or assistance, please contact *("NAME")*, Assessment Officer on Phone 325 0194 or Facsimile 325 0182.

Yours sincerely,

.....
("NAME")

**First Assistant Secretary
Delegate of the
Department of Environment and Conservation**

**Appendix A2(i). Level 2 (New Application):
Issuance of an Environment Permit**

DEPARTMENT OF ENVIRONMENT & CONSERVATION

ENVIRONMENT DIVISION

Telephone: (675) 325-0194
Facsimile: (675) 325-0182
Email: env@daltron.com.pg
odir@daltron.com.pg

*Level 6, Somare Foundation House,
Waigani, National Capital District.
P.O. Box 6601,
BOROKO, N.C.D.,
Papua New Guinea.*

*("NAME OF PERSON/COMPANY OFFICIAL
& REGISTERED ADDRESS")*

*Date:
Our Reference:
Action Officer:*

Dear Sir,

SUBJECT: GRANT OF AN ENVIRONMENT PERMIT.

Attached is an *Environmental Permit* for *("NAME OF ACTIVITY")* that was issued on *("DATE")*.

The conditions in the permits are to ensure that your activity complies with the *Environment Act 2000* and its policy objectives. These conditions would be one of the reference points from which your environmental performance will be measured against. Therefore, it is important that you should always be conscious of the permit conditions can comply.

If you need additional information or assistance, please contact *("NAME")*, Assessment Officer on Phone 325 0194 or Facsimile 325 0182.

Yours sincerely,

.....
("NAME")

Director of Environment

**Appendix A3(a). Level 2 (Amendment by Director):
Notification of Proposed Amendment**

DEPARTMENT OF ENVIRONMENT & CONSERVATION

ENVIRONMENT DIVISION

Telephone: (675) 325-0194
Facsimile: (675) 325-0182
Email: env@daltron.com.pg
odir@daltron.com.pg

*Level 6, Somare Foundation House,
Waigani, National Capital District.
P.O. Box 6601,
BOROKO, N.C.D.,
Papua New Guinea.*

*("NAME OF PERSON/COMPANY OFFICIAL
& REGISTERED ADDRESS")*

*Date:
Our Reference:
Action Officer:*

Dear Sir,

SUBJECT: NOTIFICATION OF AMENDMENT OF PERMIT BY THE DIRECTOR.

I have reviewed the conditions in your Environment (*"PERMIT TYPE"*) Permit and consider it necessary to amend the existing condition(s) of the permit relating to

- (*"provision of reports or information of administrative or technical nature"*), and/or
- (*"existing condition(s) of the permit which are inadequate to prevent serious or material environmental harm"*)

The proposed amendments are –

- (*"STATE CLEARLY THE PROPOSED AMENDMENTS AND GROUNDS FOR AMENDMENTS"*)
- (*"OUTLINE FACTS & CIRCUMSTANCES FORMING THE BASIS FOR THE GROUNDS"*)

Take note that you have 28 days from the date of this notice to make a written representation on the proposed amendments and to show cause why the permit should not be amended.

If you need additional information or assistance, please contact (*"NAME"*), Assessment Officer on Phone 325 0194 or Facsimile 325 0182.

Yours sincerely,

.....
("NAME")

Director of Environment

**Appendix A3(b). Level 2 (Amendment by Director):
Response to Written Representation**

DEPARTMENT OF ENVIRONMENT & CONSERVATION

ENVIRONMENT DIVISION

Telephone: (675) 325-0194
Facsimile: (675) 325-0182
Email: env@daltron.com.pg
odir@daltron.com.pg

*Level 6, Somare Foundation House,
Waigani, National Capital District.
P.O. Box 6601,
BOROKO, N.C.D.,
Papua New Guinea.*

*("NAME OF PERSON/COMPANY OFFICIAL
& REGISTERED ADDRESS")*

*Date:
Our Reference:
Action Officer:*

Dear Sir,

**SUBJECT: RESPONSE TO WRITTEN REPRESENTATION ON PROPOSED
AMENDMENT OF PERMIT BY THE DIRECTOR.**

Further to your written representation received on ("*DATE*") regarding the proposed amendment, I have considered those arguments and have reached the following decision.

- (*"The facts and circumstances forming the grounds for the proposed amendment are crucial for - (a) provision of reports or information of administrative or technical nature, and and/or (b) prevent serious or material environmental harm"*).
(*"Therefore, I would proceed with the amendments as originally notified to you"*).
- (*"The arguments put forward in your written representation are relevant and have been taken into account"*).
(*"Therefore, I would modify the proposed amendments to take into consideration your written views"*).

If you need additional information or assistance, please contact ("*NAME*"), Assessment Officer on Phone 325 0194 or Facsimile 325 0182.

Yours sincerely,

.....
("NAME")
Director of Environment

**Appendix A3(c). Level 2 (Amendment by Director):
Issuance of Amended Permit (no Representation)**

DEPARTMENT OF ENVIRONMENT & CONSERVATION

ENVIRONMENT DIVISION

Telephone: (675) 325-0194
Facsimile: (675) 325-0182
Email: env@daltron.com.pg
odir@daltron.com.pg

*Level 6, Somare Foundation House,
Waigani, National Capital District.
P.O. Box 6601,
BOROKO, N.C.D.,
Papua New Guinea.*

*("NAME OF PERSON/COMPANY OFFICIAL
& REGISTERED ADDRESS")*

*Date:
Our Reference:
Action Officer:*

Dear Sir,

SUBJECT: ISSUANCE OF (AMENDED) PERMIT.

Attached is an *Environmental Permit* for ("*NAME OF ACTIVITY*") that was amended on ("*DATE*") to incorporate the crucial amendments that were notified to you earlier.

The conditions in the permits are to ensure that your activity complies with the *Environment Act 2000* and its policy objectives. These conditions would be one of the reference points from which your environmental performance will be measured against.

Therefore, it is important that you should always be conscious of the permit conditions can comply.

Attached, is a copy of the amended permit.

Yours sincerely,

.....
("NAME")
Director of Environment

**Appendix A3(d). Level 2 (Amendment by Director):
Issuance of Amended Permit (with Representation)**

DEPARTMENT OF ENVIRONMENT & CONSERVATION

ENVIRONMENT DIVISION

Telephone: (675) 325-0194
Facsimile: (675) 325-0182
Email: env@daltron.com.pg
odir@daltron.com.pg

*Level 6, Somare Foundation House,
Waigani, National Capital District.
P.O. Box 6601,
BOROKO, N.C.D.,
Papua New Guinea.*

*("NAME OF PERSON/COMPANY OFFICIAL
& REGISTERED ADDRESS")*

*Date:
Our Reference:
Action Officer:*

Dear Sir,

SUBJECT: ISSUANCE OF (AMENDED) PERMIT.

Attached is an *Environmental Permit* for *("NAME OF ACTIVITY")* that was amended on *("DATE")* and which also incorporates your written views.

The conditions in the permits are to ensure that your activity complies with the *Environment Act 2000* and its policy objectives. These conditions would be one of the reference points from which your environmental performance will be measured against.

Therefore, it is important that you should always be conscious of the permit conditions can comply.

Attached, is a copy of the amended permit.

Yours sincerely,

.....
("NAME")
Director of Environment

**Appendix A4(a). Level 2 (Amendment by Permit Holder):
Provision of Additional Information**

DEPARTMENT OF ENVIRONMENT & CONSERVATION

ENVIRONMENT DIVISION

Telephone: (675) 325-0194
Facsimile: (675) 325-0182
Email: env@daltron.com.pg
odir@daltron.com.pg

*Level 6, Somare Foundation House,
Waigani, National Capital District.
P.O. Box 6601,
BOROKO, N.C.D.,
Papua New Guinea.*

*("NAME OF PERSON/COMPANY OFFICIAL
& REGISTERED ADDRESS")*

*Date:
Our Reference:
Action Officer:*

Dear Sir,

SUBJECT: PROVISION OF ADDITIONAL INFORMATION

Further to your application for an amendment to your Environment Permit for ("*NAME OF ACTIVITY*") received on ("*DATE*"), an assessment of the application has revealed the following deficiency -

- *(the application does not contained adequate information as required in the Application Form etc., which are essential for the Director of Environment to decide if your application relates to a major or a minor amendment)*
- *(the Application Fee submitted is not correct and should be ("AMOUNT"))*

Consequently, the Application can not be accepted until the ("*RELEVANT INFORMATION AND/OR APPLICATION FEE*") is submitted. You are now required to submit the ("*RELEVANT INFORMATION AND/OR FEE*"), as detailed below within ("*TIMEFRAME*") days from the date of this notice.

- *(PROVIDE DETAILS OF AMENDMENTS OR ADDITIONAL INFORMATION REQUIRED. USE RELEVANT SECTIONS IN APPLICATION FORM, WHICH DETAILS ARE CURRENTLY LACKING, ETC.)*
- *(SUBMIT THE REQUIRED APPLICATION FEE BEFORE THE APPLICATION CAN BE ACCEPTED)*

FAILURE TO PROVIDE THESE INFORMATION ("*FEE*") MAY RESULT IN REJECTION OF THE APPLICATION.

If you need additional information or assistance, please contact ("*NAME*"), Assessment Officer on Phone 325 0194 or Facsimile 325 0182.

Yours sincerely,

.....
("NAME")
Director of Environment

**Appendix A4(b). Level 2 (Amendment by Permit Holder):
Acceptance of Application**

DEPARTMENT OF ENVIRONMENT & CONSERVATION

ENVIRONMENT DIVISION

Telephone: (675) 325-0194
Facsimile: (675) 325-0182
Email: env@daltron.com.pg
odir@daltron.com.pg

*Level 6, Somare Foundation House,
Waigani, National Capital District.
P.O. Box 6601,
BOROKO, N.C.D.,
Papua New Guinea.*

*("NAME OF PERSON/COMPANY OFFICIAL
& REGISTERED ADDRESS")*

*Date:
Our Reference:
Action Officer:*

Dear Sir,

**SUBJECT: ACCEPTANCE OF APPLICATION FOR AMENDMENT OF AN
ENVIRONMENT (WASTE DISCHARGE) PERMIT**

Further to your application for amendment of an Environment (Waste Discharge) Permit for *("TITLE OF PROJECT")* received on *("DATE")*, I have considered the details in the application and noted that it contained sufficient information for assessment as required in the Application Form.

Furthermore, a correct application fee was also submitted and consequently the application has been ACCEPTED for processing.

If you need additional information or assistance, please contact *("NAME")*, Assessment Officer on Phone 325 0194 or Facsimile 325 0182.

Yours sincerely,

.....
("NAME")
Director of Environment

**Appendix A4(c). Level 2 (Amendment by Permit Holder):
Notice to Apply for new Permit (Major Amendment)**

DEPARTMENT OF ENVIRONMENT & CONSERVATION

ENVIRONMENT DIVISION

Telephone: (675) 325-0194
Facsimile: (675) 325-0182
Email: env@daltron.com.pg
odir@daltron.com.pg

Level 6, Somare Foundation House,
Waigani, National Capital District.
P.O. Box 6601,
BOROKO, N.C.D.,
Papua New Guinea.

*("NAME OF PERSON/COMPANY OFFICIAL
& REGISTERED ADDRESS")*

Date:
Our Reference:
Action Officer:

Dear Sir,

**SUBJECT: NOTICE TO APPLY FOR A NEW ENVIRONMENT (WASTE DISCHARGE)
PERMIT**

Further to your application for amendment of an Environment (Waste Discharge) Permit for *("TITLE OF PROJECT")* received on *("DATE")*, I have considered the details in the application and noted that the proposal constitutes a *major amendment* in accordance with *Section 71* of the *Environment Act 2000*.

This decision is based on the results of the assessment, which concluded that the proposed amendment would result in –

- (a). a significant change to the nature of the activity being carried out, or
- (b). a Level 2 activity becoming a Level 3 activity.

Pursuant to *Section 23(1)* of the *Environment (Permits and Transitional) Regulation*, you are required to apply for a new permit in relation to the activity before you can proceed any further with the proposal.

The application for a new permit should consist of a completed Permit Application Form, a document containing the main submission and the Application Fee.

Attached is a copy of the Application Form and DEC Information Guideline for *Submission of an Application for an Environmental Permit to Discharge Waste*. DEC Technical Guidelines for *Water/Land Discharges, Noise Discharges & Air Discharges* are also enclosed to assist you in completing and submitting your application.

If you need additional information or assistance, please contact *("NAME")*, Assessment Officer on Phone 325 0194 or Facsimile 325 0182.

Yours sincerely,

.....
("NAME")
Director of Environment

**Appendix A4(d). Level 2 (Amendment by Permit Holder):
Notice to undertake EIA (Major Amendment)**

DEPARTMENT OF ENVIRONMENT & CONSERVATION

ENVIRONMENT DIVISION

Telephone: (675) 325-0194
Facsimile: (675) 325-0182
Email: env@daltron.com.pg
odir@daltron.com.pg

Level 6, Somare Foundation House,
Waigani, National Capital District.
P.O. Box 6601,
BOROKO, N.C.D.,
Papua New Guinea.

*("NAME OF PERSON/COMPANY OFFICIAL
& REGISTERED ADDRESS")*

Date:
Our Reference:
Action Officer:

Dear Sir,

SUBJECT: NOTICE TO UNDERTAKE ENVIRONMENT IMPACT ASSESSMENT

Further to your application for amendment of an Environment (Waste Discharge) Permit for *("TITLE OF PROJECT")* received on *("DATE")*, I have considered the details in the application and decided that the proposal would constitute a *major amendment* in accordance with *Section 71* of the *Environment Act 2000*.

This decision is based on the assessment of the application which concluded that the proposed amendment would result in a substantial increase in the risk of serious environmental harm under the amended permit because of a substantial change in –

- (a). the quantity and quality of contaminant permitted to be released into the environment, or
- (b). the results of the release of a quantity or quality of contaminant permitted to be released into the environment.

Pursuant to *Section 23(2)* of the *Environment (Permits and Transitional) Regulation*, you are required to carry out an Environmental Impact Assessment in accordance with *Section 50* of *Environment Act 2000* in relation to the activity before you can proceed any further with the proposal.

Attached are copies of the DEC Information Guidelines for *Environment Inception Report* and *Conduct of Environment Impact Assessment & Preparation of Environment Impact Statement*.

Take note that the studies conducted and information documented should comply substantially with the Information Guidelines before an application is lodged with the Director of Environment.

If you need additional information or assistance, please contact *("NAME")*, Assessment Officer on Phone 325 0194 or Facsimile 325 0182.

Yours sincerely,

.....
("NAME")
Director of Environment

**Appendix A4(e). Level 2 (Amendment by Permit Holder):
Issuance of Amended Permit (Major Amendment)**

DEPARTMENT OF ENVIRONMENT & CONSERVATION

ENVIRONMENT DIVISION

Telephone: (675) 325-0194
Facsimile: (675) 325-0182
Email: env@daltron.com.pg
odir@daltron.com.pg

*Level 6, Somare Foundation House,
Waigani, National Capital District.
P.O. Box 6601,
BOROKO, N.C.D.,
Papua New Guinea.*

*("NAME OF PERSON/COMPANY OFFICIAL
& REGISTERED ADDRESS")*

*Date:
Our Reference:
Action Officer:*

Dear Sir,

SUBJECT: ISSUANCE OF (AMENDED) PERMIT

Further to your application for amendment of an Environment (Waste Discharge) Permit for *("TITLE OF PROJECT")* received on *("DATE")*, I have noted that the application was *major amendment* in which an *Approval in Principle* has been issued by the Minister.

Therefore, the application has been approved with relevant amendments to the permit conditions to reflect the proposed changes in the activity. These conditions are to ensure that your activity complies with the *Environment Act 2000* and its policy objectives.

The conditions would be one of the reference points from which your environmental performance will be measured against. For that reason, it is important that you should always be conscious of the permit conditions can comply.

Attached, is a copy of the amended permit.

Yours sincerely,

.....
("NAME")
Director of Environment

**Appendix A4(f). Level 2 (Amendment by Permit Holder):
Issuance of Amended Permit (Minor Amendment)**

DEPARTMENT OF ENVIRONMENT & CONSERVATION

ENVIRONMENT DIVISION

Telephone: (675) 325-0194
Facsimile: (675) 325-0182
Email: env@daltron.com.pg
odir@daltron.com.pg

*Level 6, Somare Foundation House,
Waigani, National Capital District.
P.O. Box 6601,
BOROKO, N.C.D.,
Papua New Guinea.*

*("NAME OF PERSON/COMPANY OFFICIAL
& REGISTERED ADDRESS")*

*Date:
Our Reference:
Action Officer:*

Dear Sir,

SUBJECT: ISSUANCE OF (AMENDED) PERMIT

Further to your application for amendment of an Environment (Waste Discharge) Permit for *("TITLE OF PROJECT")* received on *("DATE")*, I have considered the details in the application and noted that the proposal constitutes a *minor amendment* in accordance with *Section 71* of the *Environment Act 2000*.

This decision is based on the results of the assessment, which concluded that the proposed amendment would not result in –

- (a). a significant change to the nature of the activity being carried out, or
- (b). a Level 2 activity becoming a Level 3 activity, or
- (c). a substantial increase in the risk of serious environmental harm under the amended permit.

Therefore, the application has been approved with relevant amendments to the permit conditions to reflect the proposed changes in the activity. These conditions are to ensure that your activity complies with the *Environment Act 2000* and its policy objectives.

The conditions would be one of the reference points from which your environmental performance will be measured against. For that reason, it is important that you should always be conscious of the permit conditions can comply.

Attached, is a copy of the amended permit.

Yours sincerely,

.....
("NAME")
Director of Environment

**Appendix A5(a). Level 2 (Amendment due to Statutory Variations):
Notification of Proposed Amendment**

DEPARTMENT OF ENVIRONMENT & CONSERVATION

ENVIRONMENT DIVISION

Telephone: (675) 325-0194
Facsimile: (675) 325-0182
Email: env@daltron.com.pg
odir@daltron.com.pg

*Level 6, Somare Foundation House,
Waigani, National Capital District.
P.O. Box 6601,
BOROKO, N.C.D.,
Papua New Guinea.*

*("NAME OF PERSON/COMPANY OFFICIAL
& REGISTERED ADDRESS")*

*Date:
Our Reference:
Action Officer:*

Dear Sir,

SUBJECT: NOTICE OF PERMIT AMENDMENT DUE TO STATUTORY VARIATION.

I have reviewed the conditions in your Environment Permit and consider it necessary to amend the existing condition(s) of the permit relating to

- *("PROVIDE PERMIT CONDITONS THAT ARE INCONSISTENT WITH THE NEW POLICY REQUIREMENTS")*

The proposed amendments are –

- *("STATE CLEARLY THE PROPOSED AMENDMENTS AND GROUNDS FOR AMENDMENTS")*
- *("OUTLINE FACTS & CIRCUMSTANCES FORMING THE BASIS FOR THE GROUNDS")*

Take note that you have three months from the date of this notice to make a written representation on the proposed amendments and to show cause why the permit should not be amended.

If you need additional information or assistance, please contact *("NAME")*, Assessment Officer on Phone 325 0194 or Facsimile 325 0182.

Yours sincerely,

.....
("NAME")

Director of Environment

**Appendix A5(b). Level 2 (Amendment due to Statutory Variations):
Acceptance of Environment Improvement Plan**

DEPARTMENT OF ENVIRONMENT & CONSERVATION

ENVIRONMENT DIVISION

Telephone: (675) 325-0194
Facsimile: (675) 325-0182
Email: env@daltron.com.pg
odir@daltron.com.pg

*Level 6, Somare Foundation House,
Waigani, National Capital District.
P.O. Box 6601,
BOROKO, N.C.D.,
Papua New Guinea.*

*("NAME OF PERSON/COMPANY OFFICIAL
& REGISTERED ADDRESS")*

*Date:
Our Reference:
Action Officer:*

Dear Sir,

SUBJECT: ACCEPTANCE OF ENVIRONMENT IMPROVEMENT PLAN

Further to your submission of an Environment Improvement Plan received on ("*DATE*") regarding the proposed permit amendment, I have assessed the information in the Environment Improvement Plan and reached the following decision.

- (a) The Environment Improvement Plan, if carried out, will achieve compliance with the all the relevant Environment Policies, the Regulations and the relevant standards or requirements under the Act within a reasonable time, and
- (b) The person submitting the plan will carry out the plan.

Consequently the Environment Improvement Plan has been ACCEPTED for processing.

If you need additional information or assistance, please contact ("*NAME*"), Assessment Officer on Phone 325 0194 or Facsimile 325 0182.

Yours sincerely,

.....
("NAME")
Director of Environment

**Appendix A5(c). Level 2 (Amendment due to Statutory Variations):
Notification of Consultation on EIP**

DEPARTMENT OF ENVIRONMENT & CONSERVATION

ENVIRONMENT DIVISION

Telephone: (675) 325-0194
Facsimile: (675) 325-0182
Email: env@daltron.com.pg
odir@daltron.com.pg

*Level 6, Somare Foundation House,
Waigani, National Capital District.
P.O. Box 6601,
BOROKO, N.C.D.,
Papua New Guinea.*

*("NAME OF PERSON/COMPANY OFFICIAL
& REGISTERED ADDRESS")*

*Date:
Our Reference:
Action Officer:*

Dear Sir,

**SUBJECT: NOTICE FOR CONSULTATION ON THE ENVIRONMENT IMPROVEMENT
PLAN**

Further to your written submission including the Environment Improvement Plan received on ("*DATE*") regarding the proposed permit amendment, I have assessed the information in the Environment Improvement Plan and am NOT satisfied that -

- (a) The Environment Improvement Plan, if carried out, will achieve compliance with the all the relevant Environment Policies, the Regulations and the relevant standards or requirements under the Act within a reasonable time, and/or*
- (b) The person submitting the plan will implement the plan.*

Consequently, your written submission including the Environment Improvement Plan can not be processed any further until we meet and discuss the relevant terms of the Environment Improvement Plan.

I proposed that the meeting be convened on ("*DATE*") at ("*TIME*") at the ("*VENUE*"). Please advice if this arrangement is convenient to you.

If you need additional information or assistance, please contact ("*NAME*"), Assessment Officer on Phone 325 0194 or Facsimile 325 0182.

Yours sincerely,

.....
("NAME")
Director of Environment

**Appendix A5(d). Level 2 (Amendment due to Statutory Variations):
Rejection of Environment Improvement Plan**

DEPARTMENT OF ENVIRONMENT & CONSERVATION

ENVIRONMENT DIVISION

Telephone: (675) 325-0194
Facsimile: (675) 325-0182
Email: env@daltron.com.pg
odir@daltron.com.pg

Level 6, Somare Foundation House,
Waigani, National Capital District.
P.O. Box 6601,
BOROKO, N.C.D.,
Papua New Guinea.

*("NAME OF PERSON/COMPANY OFFICIAL
& REGISTERED ADDRESS")*

Date:
Our Reference:
Action Officer:

Dear Sir,

SUBJECT: REJECTION OF ENVIRONMENT IMPROVEMENT PLAN

Further to our consultation on ("*DATE*") regarding your written submission including the Environment Improvement Plan on the proposed permit amendment, I am still NOT satisfied that -

- (a) The Environment Improvement Plan, if carried out, will achieve compliance with the all the relevant Environment Policies, the Regulations and the relevant standards or requirements under the Act within a reasonable time, and/or*
- (b) The person submitting the plan will implement the plan.*

The reasons I have reached this decision are outlined below.

- ("*OUTLINE DETAILS OF PERMIT CONDITONS THAT ARE INCONSISTENT WITH THE NEW POLICY REQUIREMENTS*")
- ("*STATE CLEARLY THE PROPOSED AMENDMENTS AND GROUNDS FOR AMENDMENTS*")
- ("*OUTLINE FACTS & CIRCUMSTANCES FORMING THE BASIS FOR THE GROUNDS*")
- ("*STATE CLEARLY THE REASONS INCLUDING THE RELEVANT TERMS OF THE EIP THAT ARE NECESSARY TO ACHIEVE COMPLIANCE WITH THE PROPOSED PERMIT AMENDMENTS*")

Consequently, your written submission including the Environment Improvement Plan has been REJECTED.

You have 21 days from the date of this notice to appeal this decision if you wish. Should you decide to appeal this decision, a further 28 days would be allowed from the date of rejection of your appeal by the Environment Council, for you to resubmit the Environment Improvement Plan with the relevant terms.

However, if you decide not to lodge an appeal against this decision then you have 28 days from the date of this notice to resubmit the Environment Improvement Plan with the relevant terms.

If you need additional information or assistance, please contact ("*NAME*"), Assessment Officer on Phone 325 0194 or Facsimile 325 0182.

Yours sincerely,

.....
 ("*NAME*")

Director of Environment

**Appendix A5(e). Level 2 (Amendment due to Statutory Variations):
Issuance of Amended Permit (no EIP)**

DEPARTMENT OF ENVIRONMENT & CONSERVATION

ENVIRONMENT DIVISION

Telephone: (675) 325-0194
Facsimile: (675) 325-0182
Email: env@daltron.com.pg
odir@daltron.com.pg

*Level 6, Somare Foundation House,
Waigani, National Capital District.
P.O. Box 6601,
BOROKO, N.C.D.,
Papua New Guinea.*

*("NAME OF PERSON/COMPANY OFFICIAL
& REGISTERED ADDRESS")*

*Date:
Our Reference:
Action Officer:*

Dear Sir,

SUBJECT: ISSUANCE OF (AMENDED) PERMIT

Further to your written submission received on *("DATE")* regarding the proposed permit amendment, I am satisfied that the proposed amendment is necessary in order to bring your activity into compliance with *("the relevant Environment Policies, the Regulations and the relevant standards under the Act")*

The permit conditions have been amended to ensure that your activity complies with the *Environment Act 2000* and its policy objectives.

The conditions would be one of the reference points from which your environmental performance will be measured against. For that reason, it is important that you should always be conscious of the permit conditions can comply.

Attached, is a copy of the amended permit.

Yours sincerely,

.....
("NAME")
Director of Environment

**Appendix A5(f). Level 2 (Amendment due to Statutory Variations):
Issuance of Amended Permit (with AIP)**

DEPARTMENT OF ENVIRONMENT & CONSERVATION

ENVIRONMENT DIVISION

Telephone: (675) 325-0194
Facsimile: (675) 325-0182
Email: env@daltron.com.pg
odir@daltron.com.pg

*Level 6, Somare Foundation House,
Waigani, National Capital District.
P.O. Box 6601,
BOROKO, N.C.D.,
Papua New Guinea.*

*("NAME OF PERSON/COMPANY OFFICIAL
& REGISTERED ADDRESS")*

*Date:
Our Reference:
Action Officer:*

Dear Sir,

SUBJECT: APPROVAL OF ENVIRONMENT IMPROVEMENT PLAN

Further to your written submission including the Environment Improvement Plan received on (*"DATE"*) regarding on the proposed permit amendment, I am now satisfied that -

- (a) The Environment Improvement Plan, if carried out, will achieve compliance with the all the relevant Environment Policies, the Regulations and the relevant standards or requirements under the Act within a reasonable time, and/or*
- (b) The person submitting the plan will implement the plan.*

In addition to the proposed amendment notified to you earlier, a further condition has been imposed to ensure that the commitments made in the Environment Improvement Plan are implemented within the agreed timeframe.

The amended permit conditions are to ensure that your activity complies with the *Environment Act 2000* and its policy objectives.

The conditions would be one of the reference points from which your environmental performance will be measured against. For that reason, it is important that you should always be conscious of the permit conditions can comply.

Attached, is a copy of the amended permit.

Yours sincerely,

.....
("NAME")

Director of Environment

**Appendix A6(a). Level 2 (Renewal Application):
Provision of Additional Information**

DEPARTMENT OF ENVIRONMENT & CONSERVATION

ENVIRONMENT DIVISION

Telephone: (675) 325-0194
Facsimile: (675) 325-0182
Email: env@daltron.com.pg
odir@daltron.com.pg

*Level 6, Somare Foundation House,
Waigani, National Capital District.
P.O. Box 6601,
BOROKO, N.C.D.,
Papua New Guinea.*

*("NAME OF PERSON/COMPANY OFFICIAL
& REGISTERED ADDRESS")*

*Date:
Our Reference:
Action Officer:*

Dear Sir,

SUBJECT: PROVISION OF ADDITIONAL INFORMATION

Further to your application for the renewal of an Environment Permit for ("*NAME OF ACTIVITY*") received on ("*DATE*"), an assessment of the application has revealed the following deficiency -

- (*the application does not contained adequate information as required in the Application Form etc., which are essential in order for the assessment to be conducted*)
- (*the Application Fee submitted is not correct and should be ("AMOUNT")*)

Consequently, the Application can not be accepted until the ("*RELEVANT INFORMATION AND/OR APPLICATION FEE*") is submitted. You are now required to submit the ("*RELEVANT INFORMATION AND/OR FEE*"), as detailed below within ("*TIMEFRAME*") days from the date of this notice.

- (*"PROVIDE DETAILS OF ADDITIONAL INFORMATION REQUIRED, INCLUDING APPLICANT'S COMPLIANCE WITH THE TERMS & CONDITIONS OF THE PERMIT, IF RELEVANT"*)
- (*"RELEVANT APPLICATION FEE"*)

FAILURE TO PROVIDE THESE INFORMATION ("*FEE*") MAY RESULT IN REJECTION OF THE APPLICATION.

If you need additional information or assistance, please contact ("*NAME*"), Assessment Officer on Phone 325 0194 or Facsimile 325 0182.

Yours sincerely,

.....
("NAME")
Director of Environment

**Appendix A6(b). Level 2 (Renewal Application):
Acceptance of Application**

DEPARTMENT OF ENVIRONMENT & CONSERVATION

ENVIRONMENT DIVISION

Telephone: (675) 325-0194
Facsimile: (675) 325-0182
Email: env@daltron.com.pg
odir@daltron.com.pg

*Level 6, Somare Foundation House,
Waigani, National Capital District.
P.O. Box 6601,
BOROKO, N.C.D.,
Papua New Guinea.*

*("NAME OF PERSON/COMPANY OFFICIAL
& REGISTERED ADDRESS")*

*Date:
Our Reference:
Action Officer:*

Dear Sir,

**SUBJECT: ACCEPTANCE OF APPLICATION FOR RENEWAL OF AN ENVIRONMENT
PERMIT**

Further to your application for renewal of an Environment ("*PERMIT TYPE*") Permit for ("*TITLE OF PROJECT*") received on ("*DATE*"), I have considered the details in the application and noted that it contained sufficient information and the correct application fee.

Consequently the application has been ACCEPTED. You would be advised of the outcome as soon as the assessment process is completed.

If you need additional information or assistance, please contact ("*NAME*"), Assessment Officer on Phone 325 0194 or Facsimile 325 0182.

Yours sincerely,

.....
("NAME")

Director of Environment

**Appendix A6(c). Level 2 (Renewal Application):
Renewal of Environment Permit (with Amendment)**

DEPARTMENT OF ENVIRONMENT & CONSERVATION

ENVIRONMENT DIVISION

Telephone: (675) 325-0194
Facsimile: (675) 325-0182
Email: env@daltron.com.pg
odir@daltron.com.pg

*Level 6, Somare Foundation House,
Waigani, National Capital District.
P.O. Box 6601,
BOROKO, N.C.D.,
Papua New Guinea.*

*("NAME OF PERSON/COMPANY OFFICIAL
& REGISTERED ADDRESS")*

*Date:
Our Reference:
Action Officer:*

Dear Sir,

SUBJECT: RENEWAL OF AN ENVIRONMENT PERMIT

Further to your application for renewal of an Environment Permit received on ("*DATE*"), I am not satisfied that you have complied with the terms and conditions of the permit. In order to bring your activity into compliance with ("*the relevant Environment Policies, the Regulations and/or the relevant standards under the Act*"), the following amendments/new conditions has been made to the permit –

- ("*PROVIDE DETAILS OF AMENDMENTS/NEW CONDITIONS*").

These permit conditions are to ensure that your activity complies with the *Environment Act 2000* and its policy objectives.

The conditions would be one of the reference points from which your environmental performance will be measured against. For that reason, it is important that you should always be conscious of the permit conditions can comply.

Attached, is a copy of the renewed permit.

Yours sincerely,

.....
("NAME")
Director of Environment

**Appendix A6(d). Level 2 (Renewal Application):
Renewal of Environment Permit (same Conditions)**

DEPARTMENT OF ENVIRONMENT & CONSERVATION

ENVIRONMENT DIVISION

Telephone: (675) 325-0194
Facsimile: (675) 325-0182
Email: env@daltron.com.pg
odir@daltron.com.pg

*Level 6, Somare Foundation House,
Waigani, National Capital District.
P.O. Box 6601,
BOROKO, N.C.D.,
Papua New Guinea.*

*("NAME OF PERSON/COMPANY OFFICIAL
& REGISTERED ADDRESS")*

*Date:
Our Reference:
Action Officer:*

Dear Sir,

SUBJECT: RENEWAL OF AN ENVIRONMENT PERMIT

Further to your application for renewal of an Environment Permit received on ("*DATE*"), I am satisfied that you have complied with the terms and conditions of the permit. Consequently, your permit has been renewed on the same terms and conditions.

These permit conditions are to ensure that your activity complies with the *Environment Act 2000* and its policy objectives.

The conditions would be one of the reference points from which your environmental performance will be measured against. For that reason, it is important that you should always be conscious of the permit conditions can comply.

Attached, is a copy of the renewed permit.

Yours sincerely,

.....
("NAME")
Director of Environment

**Appendix A7(a). Level 2 (Surrender Application):
Provision of Additional Information**

DEPARTMENT OF ENVIRONMENT & CONSERVATION

ENVIRONMENT DIVISION

Telephone: (675) 325-0194
Facsimile: (675) 325-0182
Email: env@daltron.com.pg
odir@daltron.com.pg

*Level 6, Somare Foundation House,
Waigani, National Capital District.
P.O. Box 6601,
BOROKO, N.C.D.,
Papua New Guinea.*

*("NAME OF PERSON/COMPANY OFFICIAL
& REGISTERED ADDRESS")*

*Date:
Our Reference:
Action Officer:*

Dear Sir,

SUBJECT: PROVISION OF ADDITIONAL INFORMATION

Further to your application for the surrender of an Environment Permit for *("NAME OF ACTIVITY")* received on *("DATE")*, an assessment of the application has revealed the following deficiency -

- *(the application does not contained adequate information as required in the Application Form etc., which are essential in order for the assessment to be conducted)*

Consequently, the Application can not be accepted until the *("RELEVANT INFORMATION")* is submitted. You are now required to submit the *("RELEVANT INFORMATION")*, as detailed below within *("TIMEFRAME")* days from the date of this notice.

- *("PROVIDE DETAILS OF ADDITIONAL INFORMATION REQUIRED, INCLUDING REQUIREMENT FOR AN AUDIT OF APPLICANT'S COMPLIANCE WITH THE TERMS & CONDITIONS OF THE PERMIT, IF REQUIRED BY DIRECTOR")*

FAILURE TO PROVIDE THESE INFORMATION MAY RESULT IN REJECTION OF THE APPLICATION.

If you need additional information or assistance, please contact *("NAME")*, Assessment Officer on Phone 325 0194 or Facsimile 325 0182.

Yours sincerely,

.....
("NAME")
Director of Environment

**Appendix A7(b). Level 2 (Surrender Application):
Acceptance of Application**

DEPARTMENT OF ENVIRONMENT & CONSERVATION

ENVIRONMENT DIVISION

Telephone: (675) 325-0194
Facsimile: (675) 325-0182
Email: env@daltron.com.pg
odir@daltron.com.pg

*Level 6, Somare Foundation House,
Waigani, National Capital District.
P.O. Box 6601,
BOROKO, N.C.D.,
Papua New Guinea.*

*("NAME OF PERSON/COMPANY OFFICIAL
& REGISTERED ADDRESS")*

*Date:
Our Reference:
Action Officer:*

Dear Sir,

**SUBJECT: ACCEPTANCE OF APPLICATION FOR SURRENDER OF AN ENVIRONMENT
PERMIT**

Further to your application for surrender of an Environment (*"PERMIT TYPE"*) Permit for (*"TITLE OF PROJECT"*) received on (*"DATE"*), I have considered the details in the application and noted that it contained sufficient information for assessment.

Consequently the application has been ACCEPTED. You would be advised of the outcome as soon as the assessment process is completed.

If you need additional information or assistance, please contact (*"NAME"*), Assessment Officer on Phone 325 0194 or Facsimile 325 0182.

Yours sincerely,

.....
("NAME")

Director of Environment

Appendix A7(c). Level 2 (Surrender Application): Deferral of Surrender of Permit

DEPARTMENT OF ENVIRONMENT & CONSERVATION

ENVIRONMENT DIVISION

Telephone: (675) 325-0194
Facsimile: (675) 325-0182
Email: env@daltron.com.pg
odir@daltron.com.pg

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Waigani, National Capital District.
P.O. Box 6601,
BOROKO, N.C.D.,
Papua New Guinea.

*("NAME OF PERSON/COMPANY OFFICIAL
& REGISTERED ADDRESS")*

Date:
Our Reference:
Action Officer:

Dear Sir,

SUBJECT: DEFERRAL OF SURRENDER OF AN ENVIRONMENT PERMIT

Further to your application for surrender of an Environment (*"PERMIT TYPE"*) Permit for (*"TITLE OF PROJECT"*) received on (*"DATE"*), I have considered the details in the application and am not satisfied that the terms and conditions of the permit have been complied with.

Consequently, I have reached the following decisions –

- *The permit holder is relieved from complying with some or all the existing conditions of the permit ("PROVIDE DETAILS"), and*
- *Further conditions have been imposed to ensure protection or restoration of the environment ("PROVIDE DETAILS").*

Take note that the application to surrender an Environment Permit will be approved at such time that I am satisfied that the conditions have been complied with or that satisfactory arrangements have been made for compliance with them.

If you need additional information or assistance, please contact (*"NAME"*), Assessment Officer on Phone 325 0194 or Facsimile 325 0182.

Yours sincerely,

.....
(*"NAME"*)
Director of Environment

**Appendix A8(a). Level 2 (Transfer Application):
Provision of Additional Information**

DEPARTMENT OF ENVIRONMENT & CONSERVATION

ENVIRONMENT DIVISION

Telephone: (675) 325-0194
Facsimile: (675) 325-0182
Email: env@daltron.com.pg
odir@daltron.com.pg

Level 6, Somare Foundation House,
Waigani, National Capital District.
P.O. Box 6601,
BOROKO, N.C.D.,
Papua New Guinea.

*("NAME OF PERSON/COMPANY OFFICIAL
& REGISTERED ADDRESS")*

Date:
Our Reference:
Action Officer:

Dear Sir,

SUBJECT: PROVISION OF ADDITIONAL INFORMATION

Further to your application for the transfer of an Environment Permit for *("NAME OF ACTIVITY")* received on *("DATE")*, an assessment of the application has revealed the following deficiency -

- *(the application does not contained adequate information as required in the Application Form etc., which are essential in order for the assessment to be conducted)*
- *(the Application Fee submitted is not correct and should be ("AMOUNT"))*

Consequently, the Application can not be accepted until the *("RELEVANT INFORMATION AND/OR APPLICATION FEE")* is submitted. You are now required to submit the *("RELEVANT INFORMATION AND/OR FEE")*, as detailed below within *("TIMEFRAME")* days from the date of this notice.

- *("PROVIDE DETAILS OF ADDITIONAL INFORMATION REQUIRED, INCLUDING REQUIREMENT FOR AN AUDIT OF APPLICANT'S COMPLIANCE WITH THE TERMS & CONDITIONS OF THE PERMIT, IF REQUIRED BY DIRECTOR")*
- *("RELEVANT APPLICATION FEE")*

FAILURE TO PROVIDE THESE INFORMATION *("FEE")* MAY RESULT IN REJECTION OF THE APPLICATION.

If you need additional information or assistance, please contact *("NAME")*, Assessment Officer on Phone 325 0194 or Facsimile 325 0182.

Yours sincerely,

.....
("NAME")
Director of Environment

**Appendix A8(b). Level 2 (Transfer Application):
Acceptance of Application**

DEPARTMENT OF ENVIRONMENT & CONSERVATION

ENVIRONMENT DIVISION

Telephone: (675) 325-0194
Facsimile: (675) 325-0182
Email: env@daltron.com.pg
odir@daltron.com.pg

*Level 6, Somare Foundation House,
Waigani, National Capital District.
P.O. Box 6601,
BOROKO, N.C.D.,
Papua New Guinea.*

*("NAME OF PERSON/COMPANY OFFICIAL
& REGISTERED ADDRESS")*

*Date:
Our Reference:
Action Officer:*

Dear Sir,

**SUBJECT: ACCEPTANCE OF APPLICATION FOR TRANSFER OF AN ENVIRONMENT
PERMIT**

Further to your application for transfer of an Environment ("*PERMIT TYPE*") Permit for ("*TITLE OF PROJECT*") received on ("*DATE*"), I have considered the details in the application and noted that it contained sufficient information and the correct application fee.

Consequently the application has been ACCEPTED. You would be advised of the outcome as soon as the assessment process is completed.

If you need additional information or assistance, please contact ("*NAME*"), Assessment Officer on Phone 325 0194 or Facsimile 325 0182.

Yours sincerely,

.....
("NAME")

Director of Environment

**Appendix A8(c). Level 2 (Transfer Application):
Transfer of an Environment Permit**

DEPARTMENT OF ENVIRONMENT & CONSERVATION

ENVIRONMENT DIVISION

Telephone: (675) 325-0194
Facsimile: (675) 325-0182
Email: env@daltron.com.pg
odir@daltron.com.pg

*Level 6, Somare Foundation House,
Waigani, National Capital District.
P.O. Box 6601,
BOROKO, N.C.D.,
Papua New Guinea.*

*("NAME OF PERSON/COMPANY OFFICIAL
& REGISTERED ADDRESS")*

*Date:
Our Reference:
Action Officer:*

Dear Sir,

SUBJECT: TRANSFER OF AN ENVIRONMENT PERMIT

Further to your application for transfer of an Environment Permit received on ("*DATE*"), I am satisfied that your application is in order. Consequently, your permit has been transferred to ("*NAME OF NEW PERMIT HOLDER*") on the same terms and conditions.

Please ensure that the new owner of the Environment Permit is advised that the permit conditions are to ensure that the activity is carried out in accordance with the *Environment Act 2000* and its policy objectives.

The conditions would be one of the reference points from which the environmental performance of ("*NAME OF NEW PERMIT HOLDER*") will be measured against. For that reason, it is important that holder of the permit is conscious of the permit conditions can comply.

Attached, is a copy of the permit.

Yours sincerely,

.....
("NAME")
Director of Environment

APPENDIX B. NOTICES

Appendix B1(a). Level 3 – Confirmation of Level 3 Activity

THE INDEPENDENT STATE OF PAPUA NEW GUINEA

NOTICE

Act, Sec.50

Environment Act 2000

NOTICE TO UNDERTAKE ENVIRONMENT IMPACT ASSESSMENT

TO: *("NAME OF APPLICANT")*

OF: *("REGISTERED ADDRESS")*

Further to your notification of intention to carry out preparatory work received on *("DATE")*, please note that your proposed activity is classified as a **Level 3** *("SUB-CATEGORY")* activity under the *Environment (Prescribed Activities) Regulation*.

In accordance with *Section 50* of *Environment Act 2000*, you are required to carry out an Environmental Impact Assessment on the proposed activity. The Environmental Impact Assessment process would involve the following steps -

- Step (1): submission of an Environmental Inception Report in accordance with *Section 52* of the *Act*, and
- Step (2): submission of an Environmental Impact Statement in accordance with *Section 53* of the *Act*.

Attached are copies of the DEC Information Guidelines for *Environment Inception Report* and *Conduct of Environment Impact Assessment & Preparation of Environment Impact Statement*.

Take note that the studies conducted and information documented should comply substantially with the Information Guidelines in terms of content and the format used before an application is lodged with the Director of Environment.

FAILURE TO COMPLY WITH REQUIREMENTS IN THE INFORMATION GUIDELINES MAY RESULT IN REJECTION OF AN APPLICATION.

Dated:/...../.....

Signature:

Name:

**First Assistant Secretary
Delegate of the
Department of Environment and Conservation**

Appendix B1(b). Level 3 – Referral of EIS to Council

THE INDEPENDENT STATE OF PAPUA NEW GUINEA

NOTICE

Act, Sec.57

Environment Act 2000

REFERRAL OF ENVIRONMENT IMPACT STATEMENT TO ENVIRONMENT COUNCIL

TO: ENVIRONMENT COUNCIL OF PAPUA NEW GUINEA

Further to the receipt of an Environmental Impact Statement on ("*DATE*") from ("*NAME OF APPLICANT*") for ("*NAME OF ACTIVITY*"), I have conducted an assessment and public review as required under *Section 54* and *Section 55* of the *Environment Act 2000* and have accepted the Statement in accordance with *Section 56* of the Act.

Therefore, I am satisfied that -

1. the Environment Impact Statement contains an adequate description of the nature and extent of physical and social environmental impacts which are likely to result from carrying out of the proposed activity, and
2. all reasonable steps will be taken by the applicant to minimise environmental harm which may result from the carrying out of the activity, and
3. the activity will be carried out in a manner which is consistent with all relevant Environmental Policies and Regulations.

Pursuant to *Section 57* of the *Environment Act 2000*, I hereby refer the Environmental Impact Statement together with an Assessment Report (containing public submissions and other information) to the Environment Council for its consideration.

Dated:/...../.....

Signature:

Name:

Director of Environment

Appendix B1(c). Level 3 – Council’s Rejection of EIS

THE INDEPENDENT STATE OF PAPUA NEW GUINEA

NOTICE

Act, Sec.57

Environment Act 2000

AMENDMENT OF ENVIRONMENTAL IMPACT STATEMENT

TO: (*"NAME OF APPLICANT"*)

OF: (*"REGISTERED ADDRESS"*)

Further to the receipt of an Environmental Impact Statement and an Assessment Report on (*"DATE"*) from the Director of Environment regarding your application for (*"NAME OF ACTIVITY"*), the Environment Council has assessed the submission and REJECTED the application in accordance with *Section 58(1)(b)* of the *Environment Act 2000*.

It its deliberation, the Council was not satisfied that *Section 58(1)(a)* and/or *Section 58(2)* of the Act was taken into consideration during preparation and/or assessment of the application.

These concerns are –

- (*"PROVIDE CLEAR DETAILS OF RELEVANT CONCERNS IN ORDER FOR THE APPLICANT TO PROVIDE ITS RESPONSE"*)

You are now required to amend your Environmental Impact Statement to address each of these concerns and to liaise with the Director of Environment to ensure that these amendments are satisfactory. You may also make a representation to the Council on these matters before the Statement can be accepted in accordance with *Section 58(1)(a)* of the *Environment Act 2000*.

Dated:/...../.....

Signature:

Name:

Chairman – Environment Council

Appendix B1(d). Level 3 – Council’s Acceptance of EIS

THE INDEPENDENT STATE OF PAPUA NEW GUINEA

NOTICE

Act, Sec.57

Environment Act 2000

RECOMMENDATION FOR AN “APPROVAL IN PRINCIPLE”

TO: Hon. (“*MINISTER’S NAME*”), M.P.
Minister for Environment and Conservation

Further to the receipt of an Environmental Impact Statement and an Assessment Report on (“*DATE*”) from the Director of Environment regarding an application by (“*NAME OF APPLICANT*”) for (“*NAME OF ACTIVITY*”), the Environment Council has assessed the submission and accepted the application in accordance with *Section 58(1)(a)* of the *Environment Act 2000*.

It its deliberation, the Council is satisfied that -

1. the Environment Impact Statement contains an adequate description of the nature and extent of physical and social environmental impacts which are likely to result from carrying out of the proposed activity, and
2. all reasonable steps will be taken by the applicant to minimise environmental harm which may result from the carrying out of the activity, and
3. the activity will be carried out in a manner which is consistent with all relevant Environmental Policies and Regulations, and

that the provisions of Section 58(2) of the *Environment Act 2000* was taken into consideration before the submission was accepted.

Pursuant to *Section 58(1)(a)* of the *Environment Act 2000*, the Council hereby recommend that an *Approval In Principle* be issued for this application. Attached is a form for an *Approval In Principle* for your consideration and decision.

Dated:/...../.....

Signature:

Name:

Chairman – Environment Council

Appendix B1(e). Level 3 – Minister’s “Approval In Principle”

THE INDEPENDENT STATE OF PAPUA NEW GUINEA

NOTICE

Act, Sec.59(1)
Reg., Sec. 2(1)(a)

Environment Act 2000

MINISTER’S APPROVAL IN PRINCIPAL

TO: (*“NAME OF PERSON/COMPANY”*)

OF: (*“REGISTERED ADDRESS”*)

I, (*“MINISTER’S NAME”*), have received a recommendation from the Environment Council in accordance with *Section 58* of the *Environment Act 2000* and give notice that I give **Approval-In-Principle** to the (*“NAME OF ACTIVITY”*).

The Department of Environment and Conservation has allocated Register Number (*“REGISTRY NUMBER”*) to the activity.

Note that you are required to apply to the Director of the Environment for an Environment Permit prior to carrying on the activity.

Dated:/...../.....

Signature:

Name:
**Minister for Environment and
Conservation**

**Appendix B2(a). Level 2 (New Application):
Confirmation of Level 2 (Category B) Activity**

THE INDEPENDENT STATE OF PAPUA NEW GUINEA

NOTICE

Act, Sec. 50

Environment Act 2000

NOTICE TO APPLY FOR AN ENVIRONMENT PERMIT

TO: *("NAME OF APPLICANT")*

OF: *("REGISTERED ADDRESS")*

Further to your registration of intention to carry out preparatory work received on *("DATE")*, please note that your proposed activity is classified as a **Level 2 (Category B** *("SUB-CATEGORY"))* activity under the *Environment (Prescribed Activities) Regulation*.

In accordance with *Section 60* of *Environment Act 2000*, you are required to apply for an Environmental Permit for the proposed activity. The application should consist of the following -

1. a completed Permit Application Form and a document containing the main submission, and
2. a Permit Application Fee of *("APPLICATION FEE")*.

Attached is a copy of the Application Form and DEC Information Guideline for *Submission of an Application for an Environmental Permit to Discharge Waste*. DEC Technical Guidelines for *Water/Land Discharges, Noise Discharges & Air Discharges* are also enclosed to assist you in completing and submitting your application.

Take note that the application should comply substantially with the DEC Information Bulletin for *Submission of Environmental Permit Application* in terms of content and the format used before an application is lodged with the Director of Environment.

FAILURE TO COMPLY WITH REQUIREMENTS IN THE INFORMATION GUIDELINE MAY RESULT IN REJECTION OF AN APPLICATION.

Dated:/...../.....

Signature:

Name:

**First Assistant Secretary
Delegate of the
Department of Environment and Conservation**

Appendix B2(b). Level 2 (New Application): Rejection of Application

THE INDEPENDENT STATE OF PAPUA NEW GUINEA

NOTICE

*Act, Sec. 61
Reg., Sec. 8(3)*

Environment Act 2000

DECISION IN RELATION TO APPLICATION FOR AN ENVIRONMENT PERMIT

TO: *("NAME OF APPLICANT")*

OF: *("REGISTERED ADDRESS")*

Further to your application for an Environment Permit for *("TITLE OF PROJECT")* received on *("DATE")*, I have considered the details in the application and noted the following deficiency –

- *(the Application does not contain adequate details as required in the DEC Information Guideline for Submission of an Application for an Environment Permit to Discharge Waste, Application Form, etc. Also provide other specific reasons for Rejection)*
- *(the Application Fee submitted is not correct and should be ("AMOUNT"))*

Consequently, the application has been REJECTED. You may wish to resubmit your application in future as long as all the relevant information and the correct application fee are submitted with your application.

If you need additional information or assistance, please contact *("NAME")*, Assessment Officer on Phone 325 0194 or Facsimile 325 0182.

Dated:/...../.....

Signature:

Name:

**First Assistant Secretary
Delegate of the
Department of Environment & Conservation**

**Appendix B2(c). Level 2 (New Application):
Acceptance of Application for a Level 3 (AIP
issued/existing EP approval)**

THE INDEPENDENT STATE OF PAPUA NEW GUINEA

NOTICE

*Act, Sec. 61
Reg., Sec. 8(3)*

Environment Act 2000

DECISION IN RELATION TO APPLICATION FOR AN ENVIRONMENT PERMIT

TO: *("NAME OF APPLICANT")*

OF: *("REGISTERED ADDRESS")*

Further to your application for an Environment Permit for *("TITLE OF ACTIVITY")* received on *("DATE")*, I have considered the details in the application and noted that it contained sufficient information for assessment and has the relevant application fee. Consequently, the Application has been ACCEPTED.

The registry number *("REGISTER NO.")* is allocated to your application. Attached, are the receipt and the tentative Assessment Schedule for your information.

If you need additional information or assistance, please contact *("NAME")*, Assessment Officer on Phone 325 0194 or Facsimile 325 0182.

Dated:/...../.....

Signature:

Name:

**First Assistant Secretary
Delegate of the
Department of Environment & Conservation**

**Appendix B2(d). Level 2 (New Application):
Acceptance of Application for a Category B activity**

THE INDEPENDENT STATE OF PAPUA NEW GUINEA

NOTICE

*Act, Sec. 61
Reg., Sec. 8(3)*

Environment Act 2000

DECISION IN RELATION TO APPLICATION FOR AN ENVIRONMENT PERMIT

TO: *("NAME OF APPLICANT")*

OF: *("REGISTERED ADDRESS")*

Further to your application for an Environment Permit for *("TITLE OF PROJECT")* received on *("DATE")*, I have considered the details in the application and noted that it contained sufficient information for assessment as required in the DEC Information Guideline for *Submission of an Application for an Environment Permit to Discharge Waste*. Furthermore, the correct application fee was also submitted and consequently the application has been ACCEPTED.

The registry number *("REGISTER NO.")* is allocated to your application. You are now required to submit *("NO. OF COPIES")* copies of the application before it can be processed further.

If you need additional information or assistance, please contact *("NAME")*, Assessment Officer on Phone 325 0194 or Facsimile 325 0182.

Dated:/...../.....

Signature:

Name:

**First Assistant Secretary
Delegate of the
Department of Environment & Conservation**

**Appendix B2(e). Level 2 (New Application):
Acceptance of Application for a Category A activity**

THE INDEPENDENT STATE OF PAPUA NEW GUINEA

NOTICE

*Act, Sec. 61
Reg., Sec. 8(3)*

Environment Act 2000

DECISION IN RELATION TO APPLICATION FOR AN ENVIRONMENT PERMIT

TO: *("NAME OF APPLICANT")*

OF: *("REGISTERED ADDRESS")*

Further to your application for an Environment Permit for *("TITLE OF ACTIVITY")* received on *("DATE")*, I have considered the details in your application and noted that it contained sufficient information for assessment and contained the correct application fee. Consequently, the application has been ACCEPTED.

The registry number *("REGISTER NO.")* is allocated to your application. Attached, is the tentative Assessment Schedule for your information.

If you need additional information or assistance, please contact *("NAME")*, Assessment Officer on Phone 325 0194 or Facsimile 325 0182.

Dated:/...../.....

Signature:
Name:

**First Assistant Secretary
Delegate of the
Department of Environment & Conservation**

**Appendix B3. Level 2 (Renewal Application):
Refusal to Renew an Environment Permit**

THE INDEPENDENT STATE OF PAPUA NEW GUINEA

NOTICE

*Act, Sec.57
Reg, Sec.18(6)*

Environment Act 2000

REFUSAL TO RENEW AN ENVIRONMENT PERMIT

TO: *(“NAME OF PERSON/COMPANY OFFICAL”)*

OF: *(“REGISTERED ADDRESS”)*

Further to your application for renewal of an Environment Permit received on *(“DATE”)*, I have considered the details in your application and reached the following decision.

The application for renewal of an Environment Permit *(“REGISTRY NUMBER”)* is rejected on the following grounds –

(“PROVIDE DETAIL REASONS FOR THE REJECTION”)

Take note that if your are aggrieved by this decision, you may appeal to the Environment Council for a review of the decision.

Dated:/...../.....

Signature:

Name:

Director of Environment

**Appendix B4. Level 2 (Surrender Application):
Approval of Surrender of an Environment Permit**

THE INDEPENDENT STATE OF PAPUA NEW GUINEA

NOTICE

*Act, Sec.50
Reg, Sec.22(9)(a)*

Environment Act 2000

APPROVAL OF SURRENDER OF AN ENVIRONMENT PERMIT

TO: *("NAME OF APPLICANT")*

OF: *("REGISTERED ADDRESS")*

Further to your application for surrender of an Environment Permit dated *("DATE")*, I have considered the details in your application and am satisfied that the permit holder has complied with the relevant requirements under *Section 22* of the *Environment (Permits and Transitional) Regulation*.

Take note that the surrender of Environment Permit *("REGISTRY NUMBER")* is hereby approved and ceased to have effect as of the date of this notice.

Dated:/...../.....

Signature:

Name:
Director of Environment

Appendix B5. Level 2 – Notice to Apply for an Environment Permit for an Existing Activity

THE INDEPENDENT STATE OF PAPUA NEW GUINEA

NOTICE

Act, Sec. 45(2)
Reg., Sec. 3(1)

Environment Act 2000

NOTICE TO APPLY FOR AN ENVIRONMENT PERMIT FOR AN EXISTING ACTIVITY

TO: (*“NAME OF COMPANY/PERSON CARRYING ON AN ACTIVITY”*)

OF: (*“SITE ADDRESS”*)

Take note that pursuant to *Section 45(2)* of the *Environment Act 2000*, you are required to apply for an Environment Permit. I have considered the nature of your activity (*“DESCRIBE ACTIVITY”*) at (*“SITE ADDRESS”*) and am of the opinion that the activity involve a substantial risk of material environmental harm.

You are also required to lodge an Environmental Improvement Plan in accordance with *Section 75* of the Act as part of your application for an Environment Permit (*“DELETE IF NOT APPLICABLE”*).

You must apply for an Environment Permit in accordance with this notice within (*“TIME, WHICH MUST NOT BE LESS THAN 28 DAYS”*) day from the date of service of this notice.

The application should be addressed to -

The Director,
Department of Environment and Conservation,
P.O. Box 6601,
Boroko,
National Capital District.

Any queries regarding this notice should be directed to the Department of Environment and Conservation on Phone 325 0194 or Facsimile 325 0182.

Dated:/...../.....

Signature:

Name:

Director of Environment

APPENDIX C. ADVERTISEMENT NOTICES

Appendix C1. Level 3 – Advertisement Notice for Public Review

THE INDEPENDENT STATE OF PAPUA NEW GUINEA

NOTICE

Act, Sec.55(2)(a)

Environment Act 2000

PUBLIC REVIEW AND SUBMISSIONS ON AN ENVIRONMENT IMPACT STATEMENT

Pursuant to *Section 55* of the *Environment Act 2000*, an application for an “**Approval In Principle**” is hereby published to advertise its availability for public review.

(“NAME OF ACTIVITY”)

(“REGISTERED NAME OF COMPANY”) proposes to ***(“BRIEF DESCRIPTION OF ACTIVITY AND SITE LOCATION”)***.

The Director of Environment has accepted an application for this project. The Environmental Impact Statement is now available for viewing by interested parties for ***(“TIMEFRAME”)*** from ***(“DATE”)*** to ***(“DATE”)***.

The application may be viewed at the following locations -

1. ***(“REGISTERED OFFICE OF THE COMPANY”)***, or
2. ***(“ADDRESS OF OFFICES OF RELEVANT PROVINCIAL GOVERNMENTS”)***, or
3. ***(“LIST OTHER PLACES WHERE THE “EIS” MAY BE VIEWED”)***, or
4. Department of Environment & Conservation,
6th Floor, Somare Foundation House,
Corner of John Guise Drive & Independence Drive,
WAIGANI, National Capital District.

Submissions in writing are invited from the public and interested parties regarding the application. Submissions will close on 4:00pm on ***(“DATE”)***. Any relevant comments will be considered in the assessment of the Environmental Impact Statement and recommendation to the Environment Council.

All submissions must be addressed to:

The Director of Environment,
Department of Environment & Conservation,
P.O. Box 6601,
BOROKO,
National Capital District.

Appendix C2. Level 2 – Advertisement Notice for Public Review

THE INDEPENDENT STATE OF PAPUA NEW GUINEA

NOTICE

Act, Sec. 63(1)(f)

Reg., Sec. 10(2)

Environment Act 2000

PUBLIC NOTICE OF ACCEPTANCE OF AN APPLICATION FOR AN ENVIRONMENT PERMIT

Pursuant to *Section 63(1)(f)* of the *Environment Act 2000*, an application for an “Environment Permit” is hereby published to advertise its availability for public review.

(“NAME OF ACTIVITY”)

Take note that *(“APPLICANT’S NAME”)* proposes to carry out an activity at *(“SITE ADDRESS”)*. The activity would involve *(“BRIEF DESCRIPTION OF ACTIVITY”)*.

The Director of Environment has accepted an application for an *Environment (Waste Discharge) Permit* for this project. The Application is now available for viewing by interested parties for 21 days from *(“DATE”)* to *(“DATE”)*.

The application may be viewed at the following locations -

1. *(“REGISTERED OFFICE OF THE COMPANY”)*, or
2. *(“ADDRESS OF OFFICES OF RELEVANT PROVINCIAL GOVERNMENTS”)*, or
3. *(“LIST OTHER PLACES WHERE THE “APPLICATION” MAY BE VIEWED”)*, or
4. Department of Environment & Conservation,
6th Floor, Somare Foundation House,
Corner of John Guise Drive & Independence Drive,
WAIGANI, National Capital District.

Submissions in writing are invited from the public and interested parties regarding the application. Submissions will close on 4:00pm on *(“DATE”)*. All submissions lodged will be regarded as a public document and any relevant comments will be considered in the assessment of the Environmental Permit Application.

All submissions must be copied to the following addresses -

The Director of Environment,
Department of Environment & Conservation,
P.O. Box 6601,
BOROKO,
National Capital District.

(“NAME AND ADDRESS OF PERMIT APPLICANT”)

Appendix C3. Level 2 – Advertisement Notice for Grant of an Environment Permit

THE INDEPENDENT STATE OF PAPUA NEW GUINEA

NOTICE

Act, Sec. 66

Reg., Sec. 16(3)

Environment Act 2000

PUBLIC NOTICE OF GRANT OF AN ENVIRONMENT PERMIT

Pursuant to *Section 16(1)(d)* of the *Environment (Permits and Transitional) Regulation*, the grant of an “**Environment Permit**” is hereby published to advertise its existence to the public.

(“NAME OF ACTIVITY”)

Take note that ***(“PERMIT HOLDER’S NAME”)*** proposes to carry out an activity at ***(“SITE ADDRESS”)***. The activity would involve ***(“BRIEF DESCRIPTION OF ACTIVITY”)***.

The Director of Environment has granted an Environment Permit for this activity, which would come into operation on ***(“DATE”)***. The Permit is available for viewing by interested parties for 14 days from ***(“DATE”)*** to ***(“DATE”)***

The approved Permit and related documentation ***(“INCLUDING MINISTER’S APPROVAL IN PRINCIPLE/PERMIT APPLICATION – INCLUDE, IF RELEVANT”)*** may be viewed at the following locations -

1. ***(“REGISTERED OFFICE OF THE COMPANY”)***, or
 2. ***(“LIST OTHER PLACES WHERE THE “APPLICATION” MAY BE VIEWED”)***, or
 3. Department of Environment & Conservation,
6th Floor, Somare Foundation House,
Corner of John Guise Drive & Independence Drive,
WAIGANI,
National Capital District.
-

APPENDIX D. INFORMATION GUIDELINES

Appendix D1. Guideline for Environment Inception Report

DEC Publication: *GL-Env/01/2004*.

1st January 2004.

GUIDELINE FOR PREPARATION OF ENVIRONMENTAL INCEPTION REPORT.

The Director of Environment determines if an activity is a Level 3 activity after receiving notification of intention to carry out preparatory works.

This is an Inception Report used to identify impacts and issues. It is in fact commencement of the Environment Impact Assessment process and drafting of the Environmental Impact Statement

INTRODUCTION

This Information Guideline is intended to assist prospective proponents of development activities in Papua New Guinea to meet their legal obligations under *Section 52* of the *Environment Act 2000* (the "Act"). The Act requires a person or company that intends to carry out a proposed Level 3 activity to prepare and submit an Environmental Inception Report.

This requirement should be fulfilled prior to carrying out a detailed Environmental Impact Assessment and submitting an Environmental Impact Statement.

In submitting the Environmental Inception Report, a proponent must list the issues to be covered in an Environmental Impact Statement, which will be generated as a result of a thorough environmental impact assessment process. The Environmental Inception Report process is intended to identify, at an early stage, all the potential environmental impacts that need to be addressed. It also assists with commencement of the essential consultation process with all relevant stakeholders.

The Environmental Inception Report should comply substantially with the requirements of this Guideline. Approval of the content of the Environmental Inception Report may only be granted if ¹DEC is satisfied that the Report lists all the relevant issues relating to the potential impacts of the proposed activity on the environment.

It should be noted that the Environmental Inception Report is effectively a scoping document for the preparation of the formal Environmental Impact Statement, which is the key document, used to assess whether or not an "Approval-In-Principle" is granted by the Minister.

¹ Department of Environment and Conservation

The suggested layout for the Environmental Inception Report given below is intended to make generation and submission of the final Environment Impact Statement an easier and more consistent process.

If the information previously submitted in accordance with the requirement for *Notification of Preparatory Work on Level 2 or Level 3 activities* (refer to DEC Publication No. *IB-ENV/01/2004*) has altered, it is important that DEC is notified of those changes prior to the submission of the Environmental Inception Report.

CONTENT OF THE ENVIRONMENTAL INCEPTION REPORT

The applicant should provide detail answers to all areas below that are relevant to the particular proposal.

1. Introduction.

Include information on the proposed development activity and its objectives. Provide description of the activity and anticipated bio-physical and socio-economic impacts as well as potential benefits to be derived from the project.

2. Purpose of the Development.

Provide information to verify if the development activity is in the best interest of all Papua New Guineans and therefore in line with the PNG Government's overall development strategy and planning guidelines.

3. Viability of the Project.

Include details on compatibility of proposal with Government's development strategy, suitability of project to district, provincial and national levels, financing, etc.

4. Description of the Proposed Development.

Provide a summary of the proposed project in less than 500 words.

5. Development Timetable.

Include details of the project schedule as well as expected dates on which other relevant statutory approvals will be secured.

6. Bio-physical Environmental Issues.

Provide details of both on and off-site bio-physical environmental issues relating to the proposed activity and the mitigatory measures.

For physical environment, cover -

- Air emission,
- Water extraction and wastewater discharge,
- Land contamination, solid waste disposal, etc.,
- Noise emission.

For biological environment cover -

- Flora (vegetation clearance),
- Fauna (displacement of fauna, impacts, etc.)

This section has a special significance in the PNG context, particularly if the proposed development is located in rural areas

7. Socio-Economic Issues.

Provide details of all socio-economic issues and their mitigatory measures.

At this planning stage of the proposed activity, certain aspects that need to be identified now and then covered more fully in the Environmental Impact Assessment process and documented in the subsequent Environmental Impact Statement are –

- delineation of project impact area,
- distinguish differing levels of impact within the project area,
- define the different “local community” groups that may be affected by the project and should be included in the consultation/negotiation process (e.g., “land/resource owners” versus “downstream” communities).

For ease of differentiation, these socio-economic impacts should be separated into two distinct groups (Group A & Group B) to make it clear which impacts will occur as a direct or indirect result of the project. This also assists in the delineation of what mitigative measures can be reasonably addressed under a DEC approval and what areas are the responsibilities of other levels of Government (i.e., National, Provincial and Local Level Governments).

Group (A) Impacts

Group (A) impacts are those that can be identified and addressed by the DEC approval process. They arise directly from adverse impacts upon the bio-physical environment as caused by the development.

Some of these issues include but not limited to -

- degradation in air or water quality,
- increased noise levels,
- land contamination,
- loss of food sources,
- habitat loss , etc.

Group (B) Impacts

Group (B) impacts are secondary socio-economic effects that are reasonably expected to manifest themselves and are normally best handled by the responsible National, Provincial or Local Level Government agencies.

Examples of these issues are -

- social structure
- law and order,
- migration and population issues,
- inadequate infrastructure concerns,
- historical and cultural issues, etc.

NOTE:

The consultants engaged to prepare input for *Section (6)* and *Section (7)*, above should **jointly** review their inputs so that each is aware of any information that will or may affect each others findings/submissions.

8. Availability of Baseline Information/Data.

Include details of the baseline information/data available on aspects identified in *Section (6)* and *Section (7)*, above. If baseline information are not available, identify where and how these data would be obtained.

9. Site Selection.

Provide details if alternative sites were considered and why and how the proposed site was chosen.

10. Qualification of Environmental Consultants.

Provide details including Resume of consultants that have been or will be appointed to carry out the Environmental Impact Assessment study and prepare the Environmental Impact Statement. Information on their experience in PNG (if any) or other similar cultural contexts should be submitted.

COPIES TO BE LODGED.

THE PROPONENT IS REQUIRED TO PROVIDE TEN (10) COPIES OF THE ENVIRONMENTAL INCEPTION REPORT DURING LODGMENT OF THE APPLICATION TO ENABLE THE DIRECTOR OF ENVIRONMENT TO ASSESS THE REPORT.

Lodge the above submission with:

Director of Environment

Department of Environment
and Conservation,
P.O. Box 6601, BOROKO,
National Capital District,
Papua New Guinea.

Attention: First Assistant Secretary
Environment Division

Appendix D2. Guideline for Environment Impact Statement

DEC Publication: GL-Env/02/2004.

1st January 2004.

GUIDELINE FOR CONDUCT OF ENVIRONMENTAL IMPACT ASSESSMENT & PREPARATION OF ENVIRONMENTAL IMPACT STATEMENT.

INTRODUCTION.

The *Guideline* is intended to assist and guide prospective developers (or their consultants) with an intention to carry out Level 3 activities in Papua New Guinea ("PNG"), to meet their legal obligations under *Section 51* and *Section 53* of *Environment Act 2000* (the "Act").

The Act gives effect to the National Goals and Directive Principles in the National Constitution, in particular the fourth goal on Natural Resources and Environment.

It also provides the legal framework for regulating the environmental effects of development activities in order to promote sustainable development in PNG. In essence, the environment protection legislation will encourage socio-economic development while protecting and maintaining environmental quality by safeguarding the life supporting capacity of air, water, soil and the ecosystems for the present and future generations.

The Act requires a person or company that intend to venture into an activity defined as a Level 3 activity under the *Environment (Prescribed Activities) Regulation 2002* to carry out an Environmental Impact Assessment and to prepare and submit an Environmental Impact Statement. At this stage the proponent should also have previously lodged a Notification of Preparatory Work (refer to ²DEC Publication No. *IB-ENV/01/2004*) in accordance with *Section 48* of the Act and an Environmental Inception Report (refer DEC Publication No. *GL-ENV/01/2004*) as required under *Section 52* of *Environment Act 2000*.

The developer must submit an Environmental Impact Statement that provides a full documentation of all environmental and social issues and committing to the employment of relevant mitigation measures in relation to the development activity. The Environmental Impact Statement should substantially comply with this *Guideline*.

Statutory approval for a project may only be granted if DEC is satisfied that the assessment and resulting statement covers all relevant issues relating to all possible adverse impacts on the environment

² Department of Environment and Conservation

If information relevant to a proposal is not supplied, the application may be rejected or its acceptance for assessment delayed until the required information is received in an acceptable form

It should be noted that the Environmental Impact Assessment process and the Environmental Impact Statement are key inputs, together with comments received from referral bodies and other stakeholders, that will be used by DEC to assess whether or not a proposal is recommended for approval.

The required format for the Environmental Impact Statement is outlined below. It is intended to provide DEC and other stakeholders with unambiguous documentation of potential environmental impacts on which DEC can base its assessment and any subsequent approval that may be granted.

CONTENT OF THE ENVIRONMENTAL IMPACT STATEMENT

The applicant should provide detail responses to all areas below that are relevant to the development proposal.

LETTER OF TRANSMITTAL OR COVER LETTER

It is important that an Environmental Impact Statement on the proposal must be transmitted to DEC with a cover letter signed by the responsible company official or its authorised representative (i.e., consultant - engaged by the company to act on its behalf).

If an external consultant is used, the letter must also authorise the consultant to make statements and provide further information on behalf of the company in relation to the application.

1. EXECUTIVE SUMMARY OR OVERVIEW OF PROPOSAL

One of the main objectives of this section is to provide an explanation of the project for non-technical readers.

Information provided in the Executive Summary shall concisely describe the following -

- description of the proposed development activity and its objectives,
- anticipated bio-physical and socio-economic impacts (direct/indirect, reversible/irreversible) of the activity,
- details of remedial actions that are proposed,
- description of all benefits to be derived from the project,
- details of consultation program undertaken by the applicant, including degree of public interest,
- description of rehabilitation and/or end-use plans for the development activity in relation to community needs.

NOTE:

The summary should not be more than five pages in length and be written in English, Tok Pisin and the relevant Local Dialect. Appendices may be attached to the relevant sections of the Environment Impact Statement in order to provide complete information on the development proposal.

2. PURPOSE OF THE DEVELOPMENT

The purpose of this section is to ensure that only development activities that are in the best interest of all Papua New Guineans, and therefore in line with the PNG Government's overall development strategy and planning guidelines, are considered for approval.

The presence of company's planning or policy frameworks or other procedures (such as its Environment Management System) which provide mechanisms for managing potential environmental impacts should be highlighted

This section shall include but not limited to the following -

- describe if the development is in line with the Fourth National Goal and Directive Principle of the National Constitution of PNG,
- explain if the proposed development is compatible with National, Provincial and Local Level Government development goals and planning guidelines,
- detail the economic benefits to the Nation, Province, Local Level Governments and to the local community being impacted.

NOTE:

The proponent needs to demonstrate commitment to the conservation of natural ecosystems and protection of environmental values within the proposed development area.

3. VIABILITY OF THE PROJECT

Provide information on the viability of the proposed development activity.

These details shall include but not limited to the following –

- information on the capital cost associated with the development,
- details of the proponent's technological expertise and resources,
- results of any feasibility investigations that has been carried out,
- information on the extent of landowner and/or resource owner support, including a copy of the formal written approval of their consent,
- details of the life-span and development phases of the project.

4. DESCRIPTION OF THE PROPOSED DEVELOPMENT ACTIVITY

All relevant details on the proposed development activity required under this section should be provided where it is applicable to the proposal.

Details to be provided under this section may include the following -

- background information to the proposal, process technologies to be employed, etc.
- detail location maps (drawn to scale), site layout, etc.,
- information on method of site selection including alternatives investigated, plant or building designs, relevant diagrams and drawings,
- detail flowcharts, mass balances (including feedstocks, products and wastes generated, etc.),
- description of nearby development activities that may contribute to additive effects on background pollution levels or other baseline conditions,
- information on associated infrastructure/facilities that is to be constructed.

5. DEVELOPMENT TIMETABLE

Information on the development timetable provided under this section should be clear and easy for DEC to understand the different phases in the development proposal. For reasons of clarity, a Flow chart, Gantt or PERT chart should be used where appropriate.

Particular emphasis should be given to detailing any existing adverse environmental impacts or evidence of pre-existing pollution

Information provided in this section shall include but not limited to the following -

- Information on funding arrangement for proposed activity or if availability of funds subjected to this or other approvals being granted,
- details of pre-construction activities,
- information on consultation program with all affected parties (i.e., parties that may be directly and indirectly affected),
- details of construction schedule, staging, etc.,
- details of commissioning and operational schedules,
- details of infrastructure development schedule.
- details of closure and rehabilitation schedule.

6. CHARACTERISTICS OF THE RECEIVING ENVIRONMENT

Available Environmental Studies & Investigations

Information provided in this sub-section shall include but not limited to the following -

- historic or current baseline data on physical, biological and social systems,
- a written estimate of research and/or study time already expended and to be further undertaken.

Physical Environment

Provide details on the existing physical environment including data on ambient environmental quality of various segments of the environment.

Information provided in this sub-section shall include but not limited to the following -

- geomorphological, topographical and geological characteristics,
- any natural or induced hazard in the area (e.g. flood, earthquake, volcanic zone, etc.),
- climatic regime (e.g. rainfall, temperature, etc.),
- air quality and meteorological data set for air dispersion modeling, etc.,
- seasonal surface water quality and hydrological information,
- seasonal ground water quality and flow regime,
- noise levels.

Biological Environment

Detail information should be provided on the existing biological environment and shall include but not limited to the following details -

- presence of a protected area (Conservation Area or Wildlife Management Area), if any,
- details of any special purpose areas (e.g., wetland area, etc.),
- aquatic and terrestrial ecology of the area,
- information on vulnerable (endangered) species,
- other relevant biological information.

The baseline information on the socio-cultural and economic environment of the potential impact areas is essential for the present and the future planning and decision-making processes. It distinguishes between the areas or zones whose inhabitants will experience varying degrees of impacts on their environment and the resulting changes to their social, cultural and economic lifestyle

Social Environment

This sub-section deals with the existing social structure and socio-economic data on the resource/land owners, Local Level Government, the Province and PNG as a whole.

Issues that may arise within and outside of the project area should be identified including whether this is a direct or indirect outcome of the physical, biological or socio-economic effects of the proposed development activity.

The outcome of the Social Impact Assessment process is the Social Impact Statement, which is included in this section of the Environmental Impact Statement that is submitted to DEC for assessment.

Information provided in this sub-section shall include but not limited to the following details -

- demographic information,
- information on existing infrastructure,
- information on public health issues (if applicable),
- information on present economic status of the project area,
- description of existing social services,
- details of archaeological, historical, cultural or religious features of the project area under consideration, etc.

7. POTENTIAL IMPACTS OF PROPOSAL

This section should include a comprehensive analysis of the potential effects of the proposed development activity.

Information provided shall include but not limited to the following -

- details of predicted impacts of the proposal on the physical, biological and social environment,
- details of ambient and emission standards used to assess project effects against, and later to be met in any discharge permit issued for the proposal,
- an assessment of resilience of the environment to cope with the expected changes,
- in assessing predicted impacts the applicant must cover aspects such as - worst case scenarios, potential risks, emergency situations, confidence of prediction of impact, etc.

8. WASTE MINIMISATION, CLEANER PRODUCTION AND ENERGY BALANCE

Information detailed in this section should include consideration of options associated with waste minimisation, cleaner production and energy balance and the ability of the proponent to employ these strategies in its proposed activity.

Detail information to be covered in this section shall include but not limited to -

- details of other alternative “cleaner production” technologies or processes that has been considered,
- information on the basis for choosing the proposed technology or process,
- available technical background on the process chosen,
- details of the Waste Minimisation Strategy developed for the proposal,
- details of an “energy balance” for the proposal.

Separation of environmental management, monitoring and reporting requirements during the various stages of the development is recommended. This shall include requirements for the construction phase, operational phase, decommissioning and closure phases

9. ENVIRONMENTAL MANAGEMENT, MONITORING AND REPORTING

Sufficient information on this section of the Environmental Impact Statement should be provided to enable DEC to anticipate possible environmental management, monitoring and reporting requirements for an Environment Permit.

Information listed should reflect the proponent's environmental policy (environment management system) and the translation of that policy to meet the requirements under this Section and Section 7 (POTENTIAL IMPACTS OF PROPOSAL) during different stages in the project life, from construction to decommissioning and closure.

Information detailed in this section shall include but not limited to the following -

- details of information on plant operating conditions, including management and monitoring strategy,
- information on socio-economic management and monitoring strategy,
- mechanism and frequency for reporting monitoring results to DEC and other stakeholders, especially to directly affected stakeholder groups,
- availability of contingency and/or emergency plans drawn up for the proposal,
- details of Environment Improvement Plan,
- details of Waste Minimisation and/or Management Plans,
- information on potential rehabilitation issues and its strategies including Rehabilitation Plan.

10. OTHER STATUTORY DECISIONS.

Provide detailed information on other statutory decision(s) that are relevant to this proposed development activity. Provide the draft or finalised Project Development Contract, Memorandum of Agreements or other similar legal decisions that are relevant to the proposal.

11. CONFIDENTIAL INFORMATION.

Details of classified information relating to a manufacturing or industrial process or trade secret used in carrying on or operating any particular undertaking or equipment or information of a business or financial nature in relation to the proposed activity should be clearly defined.

Such information would be classified as "confidential information" and excluded from the Environmental Impact Statement before the document is made available for public review.

12. REFERENCES.

Provide details of reference materials used in sourcing information and/or data used in the Environmental Impact Statement.

13. ACKNOWLEDGEMENTS.

Detail relevant acknowledgments.

14. STUDY TEAM.

Provide detailed information on persons who assisted in the conduct of the Environmental Impact Assessment study and compilation of the Environmental Impact Statement. Information on persons involved should be the same as those approved in the Environmental Inception Report.

COPIES TO BE LODGED.

THE PROPONENT IS REQUIRED TO PROVIDE TEN (10) COPIES OF THE ENVIRONMENTAL IMPACT STATEMENT DURING LODGMENT OF THE APPLICATION TO ENABLE THE DIRECTOR OF ENVIRONMENT TO ASSESS THE STATEMENT IN ACCORDANCE WITH *SECTION 54 OF ENVIRONMENT ACT 2000.*

Lodge the above submission with:

Director of Environment

Department of Environment
and Conservation,
P.O. Box 6601, BOROKO,
National Capital District,
Papua New Guinea.

Attention: First Assistant Secretary
Environment Division

Appendix D3. Guideline for Environment Permit Application to Discharge Waste

DEC Publication: *GL-Env/03/2004*.

1st January 2004.

GUIDELINE FOR SUBMISSION OF AN APPLICATION FOR AN ENVIRONMENT PERMIT TO DISCHARGE WASTE.

INTRODUCTION

This Information Guideline has been developed to guide proponents of Level 2 (Category B) activities and Level 3 activities where Minister's *Approval In Principle* has been issued, to submit relevant information when applying for an Environment Permit to discharge wastes.

The requirements in the Information Guideline are generic in order to capture relevant information from different category of prescribed activities that may need an Environment Permit before they commence operation. The waste discharge specifications for an activity varies according to the process and raw material used, site location, sensitivity of the local environment and so on.

However, a permit application should contain sufficient information on the proposed activity as well as the correct application fee before it is lodged. Relevant ³Technical Guidelines for waste discharges should be consulted in order to submit the required information. Delay in processing an application due to insufficient details will be avoided if quality data and accurate information are provided in the first instance.

Preliminary consultation between the applicant and DEC is essential and should occur prior to the formal lodgment of an application. This step would be of benefit to the applicant in that the type of information that will be required in the application and the permit assessment process will be explained. On the other hand, this exchange of information would enable DEC to have an appreciation of the type and nature of the activity and recommend key information that should be contained in the application for an Environment (Waste Discharge) Permit.

It is important that information in the application should identify all potential waste streams associated with the proposed activity from the construction to operational and closure phases. Accurate identification of the waste streams and their sources will make it easier in allocating the appropriate waste control measure to each waste stream.

Waste minimisation will also be a key consideration when assessing an application and it is important that applicants incorporate waste minimisation programs as part of their waste management strategy.

³ Technical Guidelines for Noise, Air and Water & Land Discharges is intended to assist applicants in submitting the relevant technical information in the permit application. Other similar guidelines may be developed in future to address a specific environmental concern or to recommend best practice environmental guidelines in relation to a prescribed activity.

However, where discharge of a waste into the environment is inevitable, relevant details on the characteristics of the waste stream and the waste treatment and disposal system (passive and active controls) should be provided. These information are vital and maybe used as permit conditions for controlling the operating conditions of the waste treatment and disposal system in order to ensure that the discharge complies with the Environment Policies, Regulations and standards.

CONTENT OF AN APPLICATION FOR AN ENVIRONMENTAL PERMIT

Detail information must be provided to all matters below that are relevant to the proposed activity and the nature of the application. An application from a new activity should submit all the relevant information required in this Information Guideline. Permit amendment, transfer and renewal applications from existing prescribed activities are required to submit only those details that are necessary for the assessment of the application.

Early consultation with DEC on the appropriate information to submit in an application is vital in order to avoid submission of information that may be inadequate or excessive but not necessary due to the type of application.

NOTE: The Application Form for an Environment Permit to Discharge Waste must be completed and included with this submission. This submission is part of that application.

1. Introduction.

(1 page)

This section should include brief description of the following –

- proposed activity and its objectives,
- potential bio-physical impacts,
- potential socio-economic impacts (direct results of bio-physical impacts),
- potential benefits of the activity.

2. Purpose of the Activity.

(1 page)

This section should include brief description of the following –

- objectives of the activity,
- description on whether the proposed development is compatible with National, Provincial and Local Level Government development goals and planning strategies,
- description of benefits to the Nation, Province, District and to the local community.

3. Viability of the Activity.

(1 page)

This section should include brief description of the following –

- information on the capital cost associated with the development,
- financing arrangement,
- proponent's technological expertise and resources,
- results of any feasibility investigations that has been conducted,
- information on landowner and/or resource owner support, including a copy of the formal written approval of their consent,

4. Development Timetable.

(1 page)

This section should include details of the project schedule that includes timeframes for site preparation, commissioning, commencement of operation, decommissioning, closure, etc as well as expected dates on which other relevant statutory approvals will be secured. A Flow chart, Gantt or PERT chart should be attached where appropriate.

5. Site Selection.

(1 page)

This section should provide details of alternative sites that were considered and reasons for selection of the proposed site.

6. Baseline Environmental Information/Data.

(5 pages)

This section should provide detail environmental baseline data on environmental quality within the proposed project location that may be affected when the activity is carried out.

For BIO-PHYSICAL environment, provide baseline data on the following –

- geomorphological, topographical and geological characteristics,
- natural or induced hazard in the area (e.g. flood, earthquake, volcanic zone, etc.),
- climatic regime (e.g. rainfall, temperature, etc.),
- air quality and meteorological data set for air dispersion modeling,
- seasonal surface water quality and hydrological data,
- seasonal ground water quality data and flow regime,
- noise levels,
- details of other pollution sources available within the locality and the additive effects of their emissions on the baseline environmental quality.

For BIOLOGICAL environment, provide baseline data on the following –

- presence of a protected area (Conservation Area or Wildlife Management Area),
- details of any special purpose areas (e.g., wetland area, etc.),
- aquatic and terrestrial ecology of the area,
- information on vulnerable (endangered) species,
- other relevant biological data.

7. Description of the Activity.

(10 pages)

This section should include a detail description of the proposed activity. This must include description of the main activity and all its sub-activities. Information provided in this section is essential in identifying the potential waste stream from each part of the process or sub-activity. Detail information must be provided on the potential waste stream from each sub-activity and the operating conditions of the waste treatment and disposal systems. These data are vital to the design of the permit conditions.

Information to be provided may include the following -

- background information to the proposal, process technologies to be employed, etc.
- detail site map (A4 size and drawn to scale) indicating site layout, features, proposed discharge point to the air, land, water, etc.,
- information on plant or building designs, relevant diagrams and drawings,
- flowcharts, mass balances (including feedstocks, products and wastes generated, etc.),
- information on associated infrastructure/facilities that will be constructed.

NOTE: Specific requirements on this section are provided in the DEC Technical Guidelines for Noise Discharges (IB/Env/01/2004), Air Discharges (IB/Env/02/2004) and Water/Land Discharges (IB/Env/03/2004). These guidelines should be consulted for relevant details to provide under this section.

8. Potential Impacts of the Activity.

(5 pages)

This section should include a comprehensive analysis of the potential impacts of the proposed activity, including the effects of its waste discharges on environmental quality and the related socio-economic impacts (if any).

Information provided should include the following -

- details of predicted impacts on the physical, biological and social environment,
- details of ambient and emission standards used to assess the effects of the project,
- an assessment of resilience of the environment to cope with the expected changes,
- describe aspects such as worst case scenarios, potential risks, emergency situations, confidence of prediction of impact, etc.

For BIO-PHYSICAL impacts, provide analysis on the effects of the following –

- Noise emission,
- Air emission,
- Water and land discharge,
- Land contamination, solid waste disposal, etc.,

NOTE: Specific details required on the impacts of environmental emissions are available in the DEC Technical Guidelines for Noise, Air and Water/Land Discharges.

For BIOLOGICAL impacts, provide analysis on the effects of the activity on the following –

- Flora (vegetation clearance),
- Fauna (displacement of fauna, impacts, etc.),
- Protected or ecologically sensitive areas (if any).

For SOCIO-ECONOMIC impacts, provide details of the potential socio-economic impacts that may arise as a result of the bio-physical and biological impacts of the activity. These are social effects that can be addressed by the environmental permitting process and include the following -

- degradation in air quality,
- degradation in water quality,
- increased noise levels,
- land contamination,
- loss of food sources,
- habitat loss , etc.

9. Waste Minimisation and Cleaner Production.

(3 pages)

This section should include commitment by applicant to incorporate waste minimisation and cleaner production measures into the design and operation of the activity.

Information provided in this section should include the following -

- details of alternative “cleaner production” technologies or processes considered,
- information on the basis for choosing the proposed technology or process,
- available technical expertise on the process chosen,
- details of the Waste Minimisation Strategy developed for the proposal (e.g. wastewater reuse and recycling, etc.).

NOTE: Specific requirements are also available in the DEC Technical Guidelines for Noise, Air and Water/Land Discharges.

10. Confidential Information.

(1 page)

Details of classified information relating to a manufacturing or industrial process or trade secret used in carrying on or operating any particular undertaking or equipment or information of a business or financial nature in relation to the proposed activity should be clearly defined.

This information would be classified as “confidential information” and excluded from the document before it is made available for public review.

11. Reference.

(1 page)

Provide details of reference materials used in sourcing information and/or data used in this submission.

Lodge the above submission with:

Director of Environment

Department of Environment
and Conservation,
P.O. Box 6601, BOROKO,
National Capital District,
Papua New Guinea.

*Attention: First Assistant Secretary
Environment Division*

APPENDIX E. TECHNICAL GUIDELINES

Appendix E1. Technical Guideline for Noise Discharge

DEC Publication: IB-ENV/03/2004.

1st January 2004.

NOISE DISCHARGES.

In addition to the requirements set out in the DEC Information Guideline for *Submission of an Application for an Environment Permit to Discharge Waste*, the following information, where applicable, should be provided as part of an application for an Environment (Waste Discharge) Permit where NOISE emissions may be generated.

OUTLINE OF PROPOSAL

Describe the nature and extent of activities to be carried out on the premises.

SITE PLANS & LOCATION

The A4 site plan (requested in Information Guideline) should also indicate:

- (a) scale, direction of north, boundaries, site features and buildings
- (b) the location of all external plant equipment including:
 - air cleaning equipment, e.g. cyclones, fabric filters and scrubbers
 - cooling towers
 - roof mounted exhaust fans
 - compressors
 - vehicle access, parking and loading bays
 - steam release/safety valves

MAP OF SURROUNDING AREA

The map should indicate the zoned land use in the local planning scheme and the positions of nearby residences and residentially-zoned areas. A contour map of 1km radius should be provided for rural developments where the land is not predominantly flat.

FLOOR PLAN OF INTERNAL PLANT

The floor plan of factory or manufacturing area should include:

- (a) major items of noise-producing plant and details of any existing or proposed noise suppression measures, e.g. enclosures, silencers or barriers. Please also supply details of material transfer lines (waste and product)
- (b) details of materials used for building walls and roofing; including window, vent (including ridge vent) and doorway dimensions

SOUND POWER DATA

Sound power levels (or sound pressure levels at a specified distance) of all significant plant items and power ratings (kW) of all stationary motors.

HOURS OF OPERATION OF THE PLANT

Background measurements should be taken over proposed operating period and be expressed in terms of hourly L90 measured in A-weighted decibels.

Where an application contains insufficient information, the Director will request further information. The application cannot be acted upon until the further information sought is received and accepted as adequate.

Appendix E2. Technical Guideline for Air Discharge

DEC Publication: IB-ENV/02/2004.

1st January 2004.

AIR DISCHARGES.

In addition to the requirements set out in the DEC Information Guideline for *Submission of an Application for an Environment Permit to Discharge Waste*, the following information, where applicable, should be provided as part of an application for an Environment (Waste Discharge) Permit where AIR emissions may be generated.

OUTLINE OF PROPOSAL

Describe the nature and extent of activities to be carried out on the premises including:

- (a) process description.
- (b) treatment plant description.
- (c) proposed source, nature, composition and rate of waste input and/or discharge.
- (d) impact of the proposal on the environment.

SITE PLANS & LOCATION

In addition to the A4 site plan (requested in Information Guideline), please provide two (2) A3-size drawings. All plans should be drawn to scale and indicate the following:

- (a) dimensions of boundaries and site features.
- (b) scale and direction of north.
- (c) exact location of proposed discharge points to the environment (on A4 site plan as indicated above). Please number all discharge points.
- (d) elevations of buildings and discharge points.
- (e) name and exact location of equipment used in the processing, treatment and/or discharge of waste.
- (f) name and exact location of equipment giving rise to such waste.
- (g) land use within 2000 metres of the site boundary.
- (h) location of nearest residences.

PROCESS DETAILS

Describe the manufacturing processes to be employed including:

- (a) flowsheet.
- (b) process and instrumentation diagrams.
- (c) material balance.
- (d) material safety data sheets for all chemicals used or manufactured.
- (e) contingency procedures to avoid discharges resulting from process failure and shutdown.

- (f) chemical storage and handling.

WASTE MINIMISATION

Provide information on waste minimisation practices that will be employed including:

- (a) a preferred waste management plan by which the proponent will minimize the production of waste.
- (b) information on different process options applicable to the industry and details of the options examined.
- (c) details of proposed waste reclamation and recycling.

RISK ASSESSMENT

Provide description of risk assessment that covers:

- (a) an assessment of the likely risk of plan failure causing an environmental hazard.
- (b) description of plant safety measures to avoid an environmental hazard.

STACK EMISSION DETAILS

For each discharge point being applied for, please complete the table attached.

Please note - all discharge points on premises for prescribed activities require an Environment Permit. Refer to the *Environment (Prescribed Activities) Regulation 2002* for further definitions.

ENVIRONMENTAL IMPACT OF THE PROPOSAL

Provide details of:

- (a) calculated ground level concentration of every waste proposed to be discharged to air under normal and maximum operating conditions and start up and shutdown conditions.
- (b) ground level concentrations are to be calculated using the 'Ausplume Gaussian Plume Dispersion Model' (computer package) or other DEC approved mathematical model.

A consultant who has experience in the use of the model may be engaged to do the calculations.

The data should be presented for each discharge point and for a multistack arrangement, which would lead to maximum potential emission characteristics at the boundary of the premises.

- (c) data should be presented for each discharge and for a multi-stack arrangement which would lead to maximum potential emission characteristics at the boundary of the premises.
- (d) results must be presented with all relevant input data, including any assumptions made in establishing model conditions, effects of existing on-site discharges and existing loadings from neighbouring industries
- (e) summary of the environmental impact of the proposal, e.g. what effects will emissions have on the receiving environment.

POLLUTION CONTROL EQUIPMENT

Provide details of control equipment with discharges to the environment:

- (a) for pollution control equipment, provide details on:
 - type and manufacturer.
 - performance: destruction or removal efficiency.
 - design basis: calculations, empirical data from similar applications.
 - engineering drawings and manufacturer's brochures.
 - instrumentation to monitor performance (i.e., emissions and satisfactory operation of unit).
 - any pre or post treatment needed to supplement main control device, e.g., condensers, cyclones, mist eliminators.

Please note - specific information for fabric filters, afterburners and wet scrubbers is listed later.

- (b) the disposal of any collected material (i.e. what happens to bag filter dust or scrubbing liquor from a wet scrubber etc).
- (c) arrangements for the operation and management of the systems, training of plant operators and the ongoing involvement of consultants and equipment suppliers (if any).
- (d) maintenance procedures, in particular, precautions to avoid occasional additional discharges to the environment resulting from plant breakdowns, power failures, accidental discharges and other reasonably foreseeable situations.

(Include details of process instrumentation, alarms and interlocks to control or stop processes).

CONTROL EQUIPMENT

Specific details for commonly used pollution control devices.

Fabric Filter

Additional information to be provided for the device should include:

- (a) model number
- (b) cleaning mechanism: dust collection and disposal.
- (c) air to cloth ratio
- (d) bag material
- (e) air flow rate
- (f) inlet gas temperature
- (g) moisture content of air/dew point
- (h) mass loading
- (i) particle size distribution
- (j) opacity/pressure drop monitoring
- (k) type/nature of particles to be filtered
- (l) noise level (particularly during cleaning)

Afterburner

Provide additional information on:

- (a) foul air flow and quality (calorific value if any)
- (b) dimensions of combustion chamber (primary and secondary)
- (c) inlet temperature
- (d) temperature and residence time
- (e) calculated gas flow rate
- (f) burner size
- (g) instrumentation and interlock specifications
- (h) excess air requirement
- (i) will solid or liquid particles be incinerated
- (j) details of waste heat recovery, including gas temperatures
- (k) fan specifications
- (l) ducting design

Scrubber

Additional information to be provided for the device should include:

- (a) gas stream:
 - flow rate
 - wastes to be scrubbed including dust loading
 - temperature
- (b) scrubbing liquor:
 - flow rate
 - pH
 - temperature
 - quality (concentration of scrubbing liquid)
 - means of disposal

- (c) scrubber:
- material of construction
 - dimensions
 - spray mechanism
 - mist elimination mechanism
 - packing: type, size, material, depth

- (d) design basis:
- calculation for H_{tu} and N_{tu} equilibrium data
 - empirical data results from units operating elsewhere
 - throat velocity if venturi

Where an application contains insufficient information, the Director will request further information. The application cannot be acted upon until the further information sought is received and accepted as adequate.

DETAILS OF DISCHARGE POINTS (DP) AS NUMBERED ON SITE PLAN

This table is an attachment to the Technical Guideline for Air Discharge.

Details	DP1	DP2	DP3	DP4, etc.
Fuel used and alternative fuel (if any)				
Maximum sulfur content of fuels, as %by weight				
Maximum fuel mass rates in kilograms per hour				
Incinerator – maximum rate of disposal in kilograms per hour				
Aggregate number of hours of discharge per week				
Height of discharge point above ground level in meters				
Temperature of exhaust gases at the outlet in °C				
Volume flow of water vapour in m ³ per minute at discharge temperature				
Volume flow of dry gas in m ³ per minute at discharge temperature				
Geometric shape of outlet cross-section (circular, rectangle or square)				
Cross-sectional area of outlet in m ²				
Velocity of discharge at point of discharge in metres per second				
Provide details of wastes which are not discharged freely and vertically				
Describe odorous waste, e.g. 'phenolic'				

Appendix E3. Technical Guideline for Water & Land Discharge

DEC Publication: IB-ENV/04/2004.

1st January 2004.

WATER & LAND DISCHARGES.

In addition to the requirements set out in the DEC Information Guideline for *Submission of an Application for an Environment Permit to Discharge Waste*, the following information, where applicable, should be provided as part of an application for an Environment (Waste Discharge) Permit where WATER/LAND emissions may be generated.

SITE PLANS & LOCATION

In addition to the A4 site plan (requested in Information Guideline), please provide two (2) large-scale drawings. All plans should be drawn to scale and indicate the following:

- (a) proposed treatment system indicating general layout, method of operation, dimensions, materials and grade.
 - specifications describing proposed works (e.g. land irrigation system) if not indicated on drawings.
- (b) scale and direction of north showing the site in relation to roads, streams, residential allotments, and other landmarks, indicating:
 - boundaries and dimensions of the premises.
 - location and dimensions of proposed works.
 - zoning and/or land use within 1km of the premises.
 - location of any relevant site features, easements, or watercourse within or adjacent to the premises, including nearest residence.
 - location of proposed discharge point(s) and sampling point(s).

INFORMATION

Provide details on the following:

- (a) design basis of the proposed wastewater treatment and disposal system, indicating:
 - treatment process including details of wastewater generation, waste minimization, waste collection and storage.

- design calculations or performance characteristics to show that the system will produce the stated results.
- disposal method (i.e. to land or water).
- effluent quality and quantify expected to be produced.
- proposed operational and maintenance procedures and plant failure contingency plans.

- (b) description of the discharge point from the premises, if it is proposed to discharge wastes to water, indicating:

- dimensions and materials of construction of discharge pipes or drains.
- location and name of receiving waters, both immediate (e.g. stormwater drain) and eventual (e.g. a particular creek, lake or bay).
- beneficial values of the receiving water (e.g. drinking, fishing, recreational, etc.), within 1km downstream of the discharge point.
- seasonal ambient water quality data and hydrological information.
- climate regime (e.g., rainfall, temperature, etc.).
- information on pre-existing pollution source(s), type(s) and level(s).

- (c) for wastewater discharges to land:

- details of groundwater regime (seasonal), groundwater quality and groundwater use within 1km of premises.
- characterisation of soils.
- water balance (e.g. losses due to evaporation, seepage, and runoff) to be provided for land disposal systems.

- (d) for wastewater discharges to land and/or water:

- water balance to be provided for water intake and wastewater produce from the premises.
- details of investigations into wastewater recycling and reuse.

- water balance to be provided for water intake and wastewater produce from the premises.
- details of investigations into wastewater recycling and reuse.
- water conservation measures taken to reduce water usage.
- source of wastewater and expected effluent quality and quantity.
- rates of discharge (litres per hour, hours per day, days per month, months per year).
- design basis of the treatment system using results of field evaluation studies and method of disposal:
 - (i) *beneficial values used to assess effects of discharge against*
 - (ii) *water quality criteria for protection of these values and which may be used in the Environment Permit.*
- availability of sewerage and/or expected date of availability.

WASTE MINIMISATION

Provide details on the following:

- (a) Information on different wastewater minimisation options applicable to the industry and details of the options examined.
 - details of investigations into wastewater recycling and reuse.
 - water conservation measures taken to reduce water usage.
- (b) Details of applicants proposed wastewater minimisation strategy (Avoidance, Reduction, Reuse, Recycle, Treatment & Disposal).
- (c) Information on alternative treatment and disposal system considered.
- (d) Basis for choosing the proposed treatment and disposal system.

RISK ASSESSMENT

- (a) An assessment of the likely risk of treatment and disposal system failure causing an environmental hazard.
 - Worse case scenarios (e.g. pond seepage)
 - Emergency situations (e.g. pond overflow, flooding, etc.)
- (b) A description of treatment and disposal system safety measures to avoid an environmental hazard.
- (c) Contingency plan for the treatment and disposal system must be based on the findings of the risk assessment.

AUTHORISATIONS

If wastewater is to be discharged across or on to land owned by others or to a drain controlled by other, written proof that appropriate permission has been obtained.

Where the information exceeds 10 pages in length a summary is required and should include:

- Process description and waste discharge rate.
- Treatment plant description.
- Nature, composition and source of waste.

Where an application contains insufficient information the Director will request further information. The application cannot be acted upon until the further information sought is received and accepted as adequate.

APPENDIX F. INFORMATION BULLETINS

Appendix F1. Bulletin for Notification of Preparatory Work

DEC Publication: IB-ENV/01/2004.

1st January 2004.

NOTIFICATION OF PREPARATORY WORK ON LEVEL-2 AND LEVEL-3 ACTIVITIES.

INTRODUCTION

This Information Bulletin is aimed at assisting prospective proponents of development activities that may be classified as a Level 2 or Level 3 activity in accordance with the *Environment (Prescribe Activities) Regulation 2002* to meet their legal obligations under *Section 48* of the *Environment Act 2000*.

The *Act* requires a person or company who intends to carry out preparatory work in relation to a Level 2 or Level 3 activity to register that intention in writing with the Director of Environment.

To assist with this requirement, categories of activities that are prescribed as Level 2 and Level 3 in the Regulation are appended to this Bulletin.

This notification must be in the format detailed below and provided at least one month prior to commencing any "preparatory work" in relation to the proposed activity.

"Preparatory work" is defined in the Act as work associated with —

- (a) undertaking a feasibility study, or
 - (b) carrying out other studies relevant to environmental issues, or
 - (c) applying for approval under the *Investment Promotion Act 1992* to carry out an activity, or
 - (d) applying for an approval or a permit or licence under another Act,
- in relation to a proposed activity.

INFORMATION REQUIRED

- 1. Name of Proponent?**
Details of individual, company, etc.
- 2. Name of Proponent's Authorised Contact and Spokesperson.**
Name of person authorised to represent the proponent.
- 3. Address of Principal Office in PNG.**
Contact details such as postal address, phone no., fax no., e-mail address, etc.
- 4. Company Registration Details.**
Registration details as registered with the Investment Promotion Authority.
- 5. Site Address.**
Address of the site activity will be conducted. Include details of allotment, section, street name, map coordinates for remote areas, etc.
- 6. Details of Site Ownership.**
Information on site ownership including lease, freehold, customary ownership, etc.
- 7. Has the Proponent negotiated and signed an Agreement with Government of Papua New Guinea in relation to this proposal?**
Include details of any agreement signed or negotiated with the State or any endorsement in principle given by the National Government.

8. Other Government Departments or Statutory Bodies Approached.

Provide information on other National, Provincial or Local Level Government Agencies that have been approached and responses made in regard to the proposed activity.

9. Other formal Government Approvals that are required to be obtained.

Provide details of other Government approvals that are required in order for the proposed activity to commence operation.

10. Status of Negotiations with Relevant Landowner/Resource Owner Groups.

Provide details of negotiations (if any) that has taken place between the proponent and the land/resource owners.

11. Estimated Cost (in Kina) of Works.

Provide a approximate value of the works in Kina. The estimated cost is the amount in Kina needed to carry out the works to which an application relates other than the amount needed to buy land associated with the works and any amount needed to construct or modify any building which will not or does not contribute substantially to the control of pollution or to the production capacity of the plant.

12. Scope and Description of the proposed Activity or Works.

Provide a summary in less than 500 words. Any further information available may be provided only as an attachment. NOTE that the summary is still required!

13. Description of Project Site.

It is important that basic information on the existing status of the environment within and near the project site is described. For developments in urban areas, include zoning and other land use classifications. Development activities proposed for rural settings should provide information on environmentally sensitive areas, protected areas, risk of off-site impacts (e.g., riverine discharge), etc.

14. Applicant's Assessment of whether proposed activity is a Level 2 or Level 3 Activity.

Indicate which Category (Level 2 or Level 3), in the *Environment (Prescribed Activities) Regulation 2002* is most applicable to the planned activity.

To assist the proponent in determining if a proposed activity is a Level 2 or Level 3 activity, categories of activities that are prescribed under the Act, are attached to this Information Bulletin.

15. Timeline or Schedule for the Planned Activity.

This should include but not limited to important milestones that may be applicable such as -

- construction commencement date,
- construction completion date,
- commissioning period, and
- date of commencement of normal production.

Lodge the above details with:

Director of Environment

Department of Environment
and Conservation
P.O. Box 6601,
BOROKO,
National Capital District,
Papua New Guinea.

Attention: *First Assistant Secretary*
Environment Division.

LEVEL (2) ACTIVITIES

Level 2 activities are prescribed in *Schedule 1 of Environment (Prescribed Activities) Regulation*. Information provided by a person or company during registration of intention to carry out preparatory works would be assessed against the activities prescribed in the Regulation in order for Director of Environment to determine if a proposed activity is a Level 2 activity.

<i>Column 1.</i> Category number	<i>Column 2.</i> Category of Activity
CATEGORY A	
Sub-Category 1: Petroleum Exploration	
1.1	Drilling of oil and gas wells.
Sub-Category 2: Mineral Exploration and Mining	
2.1	Any drilling program at a defined prospect where the aggregate depth of all holes drilled is greater than 2,500 metres.
2.2	Mechanised mining on a Mining Lease issued under the Mining Act 1992 involving non-chemical processing of no greater than 50,000 tonnes per annum.
2.3	Gravel extraction operating continuously for more than 6 months and involving the extraction of no greater than 10,000 tonnes per annum.
2.4	Quarrying involving the extraction of no greater than 100,000 tonnes per annum.
Sub-Category 3: Minor Forest Activities	
3.1	Activities carried out under a Timber Authority issued under the Forest Act.
Sub-Category 13: Other activities (SEE EXPLANATORY NOTE, BELOW)	
13.1	Damming or diversion of rivers or streams.
13.2	Discharge of waste into water or onto land in such a way that it results in the waste entering water, except where such discharge is ancillary or incidental to, or associated with, any other activity in this Regulation in which case that category of activity will apply to the discharge of waste.
13.3	Abstraction or use of water for commercial purposes, except where such abstraction or use is ancillary or incidental to, or associated with, any other activity in this Regulation in which case that category of activity will apply to the abstraction or use of water.
13.4	Import or export of ozone depleting substances or pesticides.
CATEGORY B	
Sub-Category 4: Manufacturing and chemical processes	
<i>Sub-Category 4A: Manufacturing operations (predominantly physical operations and blending not involving significant chemical reaction)</i>	
4.1	Cement clinker manufacturing and grinding.
<i>Sub-Category 4B: Processes involving chemical reactions</i>	
4.2	Manufacture of products by any chemical process in works designed to produce more than 100 tonnes per year of chemical products.
4.3	Manufacture of fibre-reinforced plastic (FRP) in works with a capacity of more than 50 tonnes per year.
4.4	Manufacture of acrylic compounds, fertilisers, herbicides, insecticides or pesticides by any chemical process.
4.5	Manufacturing operations involving the use of toluene di-isocyanate, methylene di-isocyanate, chlorofluorocarbons and halons.

EXPLANATORY NOTE: Level 2 – Sub-category 13 was incorrectly prescribed as Level 2 (Category B) activity instead of Level 2 (Category A). Amendment to the Regulation is being organised to correct this error.

<i>Column 1.</i> Category number	<i>Column 2.</i> Category of Activity
Sub-Category 5: Activities involving petroleum or chemicals	
5.1	Manufacturing of organic chemicals requiring a Petroleum Processing Facility Licence issued under the <i>Oil and Gas Act 1998</i> .
5.2	Pipeline transport and storage using facilities with a holding capacity of more than 0.5 million litres.
Sub-Category 6: Forestry and production of timber products	
6.1	Activities associated with a logging operation which are or should be undertaken under a timber permit or a licence, unless such licence holder is a subcontractor of a timber permit, (including sewage disposal, camp construction including power & water reticulation, operation of machinery workshops and construction of road and other infrastructure works including wharf and ship loading and unloading facilities).
6.2	Operation of stationary sawmills and treatment facilities with a production capacity of greater than 30,000 m ³ per year of sawn timber.
6.3	Chemical treatment of timber using copper-chrome-arsenate solutions with a capacity of greater than 100 tonnes of treated wood product per year.
6.4	Processing of wood to form veneer, plywood, particleboard or fibre board.
6.5	Processing of wood, wood products, waste paper or other cellulose materials to form pulp, paper or cardboard.
Sub-Category 7: Mining and extraction	
7.1	Mechanised mining on a Mining Lease issued under the Mining Act 1992 involving chemical processing of no greater than 50,000 tonnes per annum.
7.2	Mechanised mining on a Mining Lease issued under the Mining Act 1992 involving non-chemical processing of more than 50,000 tonnes per annum.
7.3	Mineral beneficiation or processing other than alluvial mining in accordance with an Alluvial Mining Lease issued under the Mining Act 1992.
7.4	Quarrying involving the extraction of more than 100,000 tonnes per year.
7.5	Gravel extraction operating continuously for more than 6 months and involving the extraction of more than 10,000 tonnes per year.
7.6	Commercial salt harvesting.
Sub-Category 8: Aquaculture and agriculture	
8.1	Intensive animal industries including the raising of cattle, sheep, pigs, poultry and crocodiles with an annual production capacity of more than 200 animal units.
8.2	Operation of livestock holding pens with a capacity of more than 2,000 animal units per year.
8.3	Operation of aquaculture facilities with a design discharge flow rate greater than 1 per day or 100 tonnes of wet product per year.
8.4	Aquaculture carried out in “open sea” (cage) operations.
8.5	Agricultural cultivation of an area greater than 1,000 hectares.

<i>Column 1.</i> Category number	<i>Column 2.</i> Category of Activity
Sub-Category 9: Food processing and plant product processing	
9.1	Processing of alcoholic and non-alcoholic beverages in a plant with a design production of more than 5,000 litres per day.
9.2	Operation of abattoirs and poultry processing facilities processing more than 200 animal units per year.
9.3	Processing coconut oil in plants producing more than 10,000 tonnes per year.
9.4	Processing of coffee or cocoa in plants producing more than 5,000 tonnes per year.
9.5	Palm oil extraction and processing in plants producing more than 5,000 tonnes per year.
9.6	Seafood processing operations which involve the production of more than 500 tonnes per year.
9.7	Production of stock feed in mills producing more than 5000 tonnes per year.
9.8	Processing of latex and rubber in operations producing more than 500 tonnes per year.
9.9	Sugar refining operations with a production capacity of more than 5,000 tonnes per year.
Sub-Category 10: Energy production	
10.1	Operation of hydroelectric plants with a capacity of more than 2 Megawatts (MW).
10.2	Operation of fuel burning power stations with a capacity of more than 5MW, but not including emergency generators.
10.3	Operation of fuel burning appliances including furnaces and boilers with a rated thermal output of 20MW.
Sub-Category 11: Waste treatment	
11.1	Sewage treatment in plants serving more than an equivalent population of 5,000 people.
11.2	Septic tank sludge disposal systems intended to serve an equivalent population of greater than 500 people.
11.3	Operation of public and private landfills for the disposal of municipal wastes, serving a population of more than 10,000 people.
11.4	Incineration, reprocessing, treatment or disposal of industrial or biomedical waste of a capacity greater than 10 tonnes per year.
11.5	Operation of rendering works with a capacity of greater than 500 tonnes per year.
11.6	Recycling waste material including but not limited to glass, oil, metal, paper and putrescible materials with a capacity greater than 100 tonnes per year.
11.7	Commercial drum reconditioning.
Sub-Category 12: Infrastructure	
12.1	Operation of maritime construction, deballast and repair facilities designed to handle vessels of a mass of greater than 50 tonnes.
12.2	Construction of marinas and boating facilities designed or used to provide moorings for more than 50 powered vessels at any one time.
12.3	Operation of potable water treatment plants with a design capacity of greater than 1 million litres per day.
12.4	Construction of aerodromes or airfields except unpaved airstrips more than 10 km from an urban area.
12.5	Construction of new national roads.
12.6	Construction of electricity transmission lines or pipelines greater than 10 km in length.
12.7	Construction of housing estates with an area of more than 5 hectare.

<i>Column 1.</i> Category number	<i>Column 2.</i> Category of Activity
	Sub-Category 13: Other activities
13.1	Damming or diversion of rivers or streams.
13.2	Discharge of waste into water or onto land in such a way that it results in the waste entering water, except where such discharge is ancillary or incidental to, or associated with, any other activity in this Regulation in which case that category of activity will apply to the discharge of waste.
13.3	Abstraction or use of water for commercial purposes, except where such abstraction or use is ancillary or incidental to, or associated with, any other activity in this Regulation in which case that category of activity will apply to the abstraction or use of water.
13.4	Import or export of ozone depleting substances or pesticides.

LEVEL (3) ACTIVITIES

Level 3 activities are prescribed in *Schedule 2 of Environment (Prescribed Activities) Regulation*. Information provided by a person or company during registration of intention to carry out preparatory works would be assessed against the activities prescribed in the Regulation in order for Director of Environment to determine if a proposed activity is a Level 3 activity.

<i>Column 1.</i> Category number	<i>Column 2.</i> Category of Activity
Sub-Category 14: General	
14.1	Activities involving investment of a capital cost of more than K50 million, except where such investment is made in pursuing an activity otherwise dealt with in this Regulation in which case that category of activity will apply to the investment.
14.2	Activities involving the generation of a volume of liquid waste of more than 7,000,000 m ³ per year (approximately 20 million litres per day).
14.3	Activities that will involve the discharge, emission or deposit of hazardous contaminants, except where such discharge, emission or deposit is ancillary or incidental to, or associated with, any other activity in this Regulation in which case that category of activity will apply to the discharge, emission or deposit.
14.4	Activities that may result in a significant risk of serious or material environmental harm within Wildlife Management Areas, Conservation Areas, National Parks and Protected Areas or any area declared to be protected under the provisions of an International Treaty to which Papua New Guinea is a party and which has been ratified by the Parliament of the Independent State of Papua New Guinea.
Sub-Category 15: Manufacturing and processing	
15.1	Activities involving investment of a capital cost of more than K20 million and which involve manufacturing or chemical processes not previously used in Papua New Guinea.
15.2	Manufacture of hazardous contaminants, except where such manufacture is ancillary or incidental to, or associated with, any other activity in this Regulation in which case that category of activity will apply to the manufacture.
Sub-Category 16: Forest harvesting and land clearance	
16.1	Logging operations where the minimum annual allowable cut is greater than 70,000 m ³ per annum.
16.2	Any large scale clearing carried out under section 90 (a), (b), (c) or (d) of the Forest Act.
Sub-Category 17: Mining and extraction	
17.1	Mining activities which require the issue of a Special Mining Lease under the Mining Act 1992.
17.2	Mechanised mining on a Mining Lease involving chemical processing, except where the activity falls within the ambit of a Category B, Level 2 activity.
17.3	Extraction of off-shore coral deposits for roading, commercial lime making or similar use.
17.4	Submarine tailings disposal.

<i>Column 1.</i> Category number	<i>Column 2.</i> Category of Activity
Sub-Category 18: Petroleum and gas production and processing	
18.1	Recovery, processing, storage or transportation of petroleum products requiring the issue of a Petroleum Development Licence or a Pipeline Licence under the <i>Oil and Gas Act 1998</i> .
18.2	Refining of petroleum or manufacture and processing of petrochemicals or liquefaction of natural gas requiring a Petroleum Processing Facility Licence issued under the Oil and Gas Act 1998, except where the activity falls within the ambit of a Category B, Level 2 activity.
Sub-Category 19: Infrastructure construction	
19.1	Construction of major hydropower schemes or water supply reservoirs inundating an area greater than 5 km ² .
19.2	Construction of sea ports and ship repair facilities serving ships of an individual tonnage of more than 500 tonnes.
19.3	Infrastructure construction that requires the reclamation of more than 5 hectares of land below the high water mark.
19.4	Construction of sewage treatment plants designed to serve an equivalent population of greater than 50,000.
Sub-Category 20: Fisheries	
20.1	Aquaculture operations designed to discharge a volume of waste greater than 10 million litres per day.
Sub-Category 21: Waste Disposal	
21.1	Construction and operation of municipal landfills serving populations of more than 20,000 people.
21.2	Construction of commercial sites for the storage, treatment, reprocessing, incineration or disposal of hazardous contaminants.

APPENDIX G. APPLICATION FORMS

Appendix G1. Application Form for Environment (Waste Discharge) Permit

THE INDEPENDENT STATE OF PAPUA NEW GUINEA

Environment Act 2000

Act, Sec.60

APPLICATION FOR AN ENVIRONMENT PERMIT TO DISCHARGE WASTE

- 1. **Details of Applicant:**
 - 1.1 Name of Company or Individual (if not a Company):
 - 1.2 Registered Address:
 - 1.3 Head Office:
 Phone: Facsimile: E-mail:
 - 1.4 Site Address:
 (Section) (Allotment) (Street) (Suburb)
 Phone: Facsimile: E-mail:

- 2. **Nature of application:**
 - 2.1 Classification of activity (*Environment (Prescribed Activities) Regulation*):
 - 2.2 Reason for application:

- 3. **Details of application:**
 - 3.1 Legal description of land involved (customary/alienated):
 (a) Name of owner (b) Tenure:
 - 3.2 Description of adjacent land: (a) Name of owner: (b) Address:
 - 3.3 Brief description of the proposed works:
 - 3.4 Proposed works: (a) commencement date/...../..... (b) completion date/...../.....
 (c) estimated costs of works K.....
 - 3.5 Segments of the environment where wastes will be discharged: (a) air (b) land (c) water
 (d) noise emission (e) no discharge (f) waste treatment/storage facility

- 4. **Period for which permit is required:**
 (Period not exceeding 25 years)

- 5. **Application fee:** K00.

I declare that details in this application are true and correct to the best of my knowledge and belief.

Signed:

Name:
(Authorized person)

Designation:

Date:

Office use only	
Date of Receipt:	/ /
Application No.:	

Company seal
(where appropriate)

NOTE: Detail information on the application should be provided separately as a submission (refer to DEC Information Guideline for Submission of an Application for an Environment Permit to Discharge Waste). This completed Application Form is also required and must be provided with the submission.

Appendix G2. Application Form for Environment (Water Extraction) Permit

THE INDEPENDENT STATE OF PAPUA NEW GUINEA
Environment Act 2000

Act, Sec.60

APPLICATION FOR AN ENVIRONMENT PERMIT TO TAKE, DAM, DIVERT OR OTHERWISE USE WATER

1. Details of Applicant:

Name of Company or Individual (if not a Company):

Registered Address:

Site Address:
(Section) (Allotment) (Street) (Suburb)

Phone: Facsimile: E-mail:

2. Details of proposal:

Description of water source:

Map coordinate (Easting and Northing) and Diagram (include as attachment):

Legal description of land involved (customary/alienated):

Name of owner: Tenure:

Description of adjacent land: Name of owner: Address:

Plan of structure(s) for taking, damming or diverting water:

Other relevant details:

3. Hydrological data on water source:

Estimated annual flow (L/hr.): Minimum: Maximum: Mean:

Estimated dry weather or low flow (L/hr.): Minimum: Maximum: Mean:

Estimated wet weather or high flow (L/hr.): Minimum: Maximum: Mean:

4. Environmental values 1km downstream of proposed site that may be affected (indicate below):

Aquatic ecosystem: Drinking water: Recreational: Aesthetic:

Transportation: Cultural: Others (specify):

5. Proposed volume of water to be used:

Estimated quantity: Litres per hour: Hours per day: Days per month: Months per year:

Maximum rate in litres per hour: Estimated quantity of water to be returned to water source: Litres per hour: Hours per day: Days per month: Months per year:

6. Period for which permit is required:

(Period not exceeding ten year)

7. Application fee: K 100.00

I declare that details in this application are true and correct to the best of my knowledge and belief.

Signed:

Name:
(Authorized person)

Designation:

Date:

Office use only	
Date of Receipt:	/ /
Application No.:	

Company seal
(where appropriate)

NOTE: Additional details should be provided as an attachment to this completed Application Form.

Appendix G3. Application Form for Environment (Water Investigation) Permit

THE INDEPENDENT STATE OF PAPUA NEW GUINEA

Environment Act 2000

Act, Sec.60

APPLICATION FOR AN ENVIRONMENT PERMIT TO CONDUCT WATER INVESTIGATION

1. Details of Applicant:

Name of Company or Individual (if not a Company):

Registered Address:

Site Address:

Phone: Facsimile: E-mail:

2. Details of proposal:

Description of water source:

Map coordinate (Easting and Northing) and Diagram (include as attachment):

Legal description of land involved (customary/alienated):

Name of owner *Tenure*:

Plan of structure(s) for conducting hydrological investigation:

Other relevant details:

3. Drilling activity and potential impacts :

Details of drill materials (drill mud, fluids, etc.) to be used and their chemical composition:

..... Potential environmental impacts:

4. Period for which permit is required:

(Period not exceeding one year)

5. Application fee:

K 500.00.

I declare that details in this application are true and correct to the best of my knowledge and belief.

Signed:

Name:

(Authorized person)

Designation:

Date:

Office use only	
<i>Date of Receipt:</i> / /
<i>Application No.:</i>

Company seal
(where appropriate)

NOTE: Additional details should be provided as an attachment to this completed Application Form.

Appendix G4. Application Form for Environment (ODS Import) Permit

THE INDEPENDENT STATE OF PAPUA NEW GUINEA

Environment Act 2000

Act, Sec.60

APPLICATION FOR AN ENVIRONMENT PERMIT TO IMPORT AN OZONE DEPLETING SUBSTANCE

2 completed copies of this Form should be submitted.

1. Details of Applicant:

Name of Company or Individual (if not a Company):

Registered Address:

Site Address:
(Section) (Allotment) (Street) (Suburb)

Phone: *Facsimile:* *E-mail:*

2. Name of Ozone Depleting Substance:

- CFC:
- HCFC:
- METHYL BROMIDE:
- OTHERS:

3. Attachments.

- *Summary of intended use patterns and/or a statement of the need to use the ODS in PNG.*
- *2 original copies of the label which will be used when the product is imported and sold.*
- *Copy of the current MSDS (Material Safety Data Sheet) for the ODS.*

4. Application Fee: K50.00

I declare that details in this application are true and correct to the best of my knowledge and belief.

Signed:

Name:
(Authorized person)

Designation:

Date:

Office use only	
<i>Date of Receipt:</i>	/ /
<i>Application No.:</i>	

Company seal
 (where appropriate)

NOTE: An approval will only be issued to existing importers of CFCs (i.e. importers who have imported CFCs within the 12 months till 31st December 2003) and will be subject to annual import quotas. Other ODS may be subject to quota in future.

Appendix G5. Application Form for Environment (Pesticide) Permit

THE INDEPENDENT STATE OF PAPUA NEW GUINEA

Environment Act 2000

Act, Sec.60

APPLICATION FOR AN ENVIRONMENT PERMIT TO IMPORT/SELL/MANUFACTURE/DISTRIBUTE A PESTICIDE

2 Copies to be submitted.

Permit No:

Receipt No.

1. **Type of Permit Sought:** **Import / Manufacture / Distribute / Sell** (Delete where not applicable)
2. **Product Name:**
3. **Name and Address of Applicant:**
4. **Active Ingredient(s) (using ISO nomenclature) and Concentration in g/kg (solids) or g/l (liquids):**
5. **Formulation:**
6. **Use Type:**
7. **Overseas Registration (give country and registration number):**
8. **Name and address of Formulator/Manufacturer:**
9. **Country of Origin of the Active Ingredient:**
10. **Attachments.**
 - *Summary of intended use patterns and/or a statement of the need to use the pesticide in PNG.*
 - *Evidence that the product is registered overseas (copies of registration certificates, affidavits or certified labels).*
 - *2 original copies of the label which will be used when the product is imported and sold.*
 - *Copy of the current MSDS (Material Safety Data Sheet) for the pesticide.*
11. **Period for which permit is required:**
12. **Application Fee:** K50.00

I declare that details in this application are true and correct to the best of my knowledge and belief.

Signed:

Name:
(Authorized person)

Designation:

Date:

<i>Office use only</i>	
<i>Date of Receipt:</i>	/ /
<i>Application No.:</i>	

Company seal
(where appropriate)

Appendix G6. Application Form for Amendment of an Environment (Waste Discharge) Permit

THE INDEPENDENT STATE OF PAPUA NEW GUINEA

Environment Act 2000

*Act, Sec.60
Reg., Sec. 23(5)(a)*

APPLICATION FOR AMENDMENT OF AN ENVIRONMENT (WASTE DISCHARGE) PERMIT

Pursuant to *Section 23(5)(a)* of the *Environment (Permits and Transitional) Regulation*, I give notice of my intention to amend an Environment Permit.

1. Details of Applicant:

- 1.1 Name of Company or Individual (if not a Company):
- 1.2 Registered Address:
- 1.3 Head Office:
- Phone: Facsimile: E-mail:
- 1.4 Site Address:
- (Section) (Allotment) (Street) (Suburb)*
- Phone: Facsimile: E-mail:

2. Permit Details:

- 2.1 Permit No.:
- 2.2 Classification of activity (*Environment (Prescribed Activities) Regulation*):
- 2.3 Brief description of activity:

3. Details of application (additional details should be provided as attachments):

- 3.1 Legal description of land involved (customary/alienated):
- (a) Name of owner* *(b) Tenure*:
- 3.2 Description of adjacent land: *(a) Name of owner*: *(b) Address*:
- 3.3 Details of proposed amendment:
- 3.4 Reasons for amendment:
- 3.5 Potential environmental implications:
- 3.4 Proposed works: *(a) commencement date*/...../..... *(b) completion date*/...../.....
- (c) estimated costs of works* K.....
- 3.5 Segments of the environment where wastes will be discharged: *(a) air* *(b) land*
- (c) water* *(d) noise emission* *(e) no discharge*

4. Application fee: K00.

I declare that details in this application are true and correct to the best of my knowledge and belief.

Signed:

Name:
(Authorized person)

Designation:

Date:

(where appropriate) Office use only	
Date of Receipt:	/ /
Application No.:	

Company seal
(where appropriate)

NOTE: Sufficient details on the proposed amendment should be provided as an attachment to this completed application form in order for the Director of Environment to decide if the proposal is a major or a minor amendment.

Appendix G7. Application Form for Renewal of an Environment (Waste Discharge) Permit

THE INDEPENDENT STATE OF PAPUA NEW GUINEA

Environment Act 2000

*Act, Sec.60
Reg., Sec. 18(1)(a)*

APPLICATION FOR RENEWAL OF AN ENVIRONMENT (WASTE DISCHARGE) PERMIT

In accordance with *Section 18(1)(a)* of the *Environment (Permits and Transitional) Regulation*, an application is made to renew an Environment (Waste Discharge) Permit.

1. Details of Applicant:

- 1.1 Name of Company or Individual (if not a Company):
- 1.2 Registered Address:
- 1.3 Head Office:
- Phone: Facsimile: E-mail:
- 1.4 Site Address:
- (Section) (Allotment) (Street) (Suburb)
- Phone: Facsimile: E-mail:

2. Nature of application:

- Permit Type:
- Permit Number:

3. Details of application:

Please TICK one of the boxes below to indicate if–

- There has not been any substantial change in the nature of the activity or the way in which the activity is carried out, which would otherwise differ from the details provided in the original application.
- Where there is a change in the nature of the activity or the way in which the activity is carried out – provide details of the variation(s) and the potential environmental harm or risks involved. Provide brief description of the variation:

4. Period for which permit is required:

5. Application fee: K00.

I declare that details in this application are true and correct to the best of my knowledge and belief.

Signed:

Name:
(Authorized person)

Designation:

Date:

Office use only	
Date of Receipt:	/ /
Application No.:	

Company seal
(where appropriate)

- NOTE:**
1. Additional information on the change in the nature of the activity or the way in which the activity is carried out should be provided as attachments.
 2. Application for permit renewal must be made not less than 6 months before the expiry of the permit.

Appendix G8. Application Form for Surrender of an Environment (Waste Discharge) Permit

THE INDEPENDENT STATE OF PAPUA NEW GUINEA

Environment Act 2000

*Act, Sec.60
Reg., Sec. 18(1)(a)*

APPLICATION FOR SURRENDER OF AN ENVIRONMENT (WASTE DISCHARGE) PERMIT

In accordance with *Section 22(1)* of the *Environment (Permits and Transitional) Regulation*, I give notice of
..... intention to surrender an Environment Permit.
(Permit Holder)

1. Details of Applicant (Permit Holder):

- 1.1 Name of Company or Individual (if not a Company):
- 1.2 Registered Address:
- 1.3 Head Office:
Phone: Facsimile: E-mail:
- 1.4 Site Address:
(Section) (Allotment) (Street) (Suburb)
Phone: Facsimile: E-mail:

2. Permit Details:

- 3.1 Permit Type: 3.2 Permit Number:
- 3.3 Classification of Activity: 3.4 Brief description of Activity:
.....
.....

3. Reasons for Surrender:

Brief reason for the application for transfer of an Environment Permit.
.....
.....
.....

4. Date of Surrender:

The proposed date of surrender is/...../.....

I declare that details in this application are true and correct to the best of my knowledge and belief.

Signed:

Name:
(Authorized person)

Designation:

Date:

Office use only	
<i>Date of Receipt:</i>	/ /
<i>Application No.:</i>	

Company seal
(where appropriate)

Appendix G9. Application Form for Transfer of an Environment (Waste Discharge) Permit

THE INDEPENDENT STATE OF PAPUA NEW GUINEA

Environment Act 2000

*Act, Sec.60
Reg., Sec. 18(1)(a)*

APPLICATION FOR TRANSFER OF AN ENVIRONMENT (WASTE DISCHARGE) PERMIT

In accordance with *Section 22(1)* of the *Environment (Permits and Transitional) Regulation*, I give notice of
..... intention to transfer an Environment Permit.
(Permit Holder)

1. Details of Applicant (Permit Holder):

- 1.1 Name of Company or Individual (if not a Company):
- 1.2 Registered Address:
- 1.3 Head Office:
Phone: Facsimile: E-mail:
- 1.4 Site Address:
(Section) (Allotment) (Street) (Suburb)
Phone: Facsimile: E-mail:

2. Details of Proposed Transferee:

- 1.1 Name of Company or Individual (if not a Company):
- 1.2 Registered Address:
- 1.3 Head Office:
Phone: Facsimile: E-mail:

3. Permit Details:

- 3.1 Permit Type: 3.2 Permit Number:
- 3.3 Classification of Activity: 3.4 Brief description of Activity:

4. Reasons for Transfer:

Brief reason for the application for transfer of an Environment Permit.
.....
.....

5. Attachments:

- The following attachments should be provided –
- Statement by relevant Government Authority consenting to the transfer, and
 - Copy of the Environment Permit.

6. Application fee: K00.

I declare that details in this application are true and correct to the best of my knowledge and belief.

Signed:

Name:
(Authorized person)

Designation:

Date:

Company seal
(where appropriate)

Office use only	
Date of Receipt:	/ /
Application No.:	

APPENDIX H. ENVIRONMENT PERMITS

Appendix H1. Environment (Waste Discharge) Permit

THE INDEPENDENT STATE OF PAPUA NEW GUINEA

Environment Act 2000

Act, Sec. 65 & 66

Reg., Sec. 16(1)

ENVIRONMENT (WASTE DISCHARGE) PERMIT

An Environment (Waste Discharge) Permit is hereby issued under *Section 65* of the *Environment Act 2000*

TO: (*"NAME OF PERMIT HOLDER"*)

OF: (*"REGISTERED ADDRESS & SITE ADDRESS WHERE ACTIVITIES MAY BE CONDUCTED"*)

(*"DESCRIPTION OF ACTIVITIES BEING APPROVE WITH RESPECT TO CLASSIFICATION UNDER ENVIRONMENT (PRESCRIBED ACTIVITIES) REGULATION. COMPLIANCE WITH TERMS AND CONDITIONS OF THE PERMIT TO BE STATED"*)

1. DATE OF ISSUE
(*"ISSUE DATE"*)
2. DATE OF COMMENCEMENT
(*"COMMENCEMENT DATE >28 FROM DATE OF ISSUE"*)
3. TERM OF PERMIT
(*"DURATION OF PERMIT"*)
4. PERMIT NUMBER
(*"REGISTRY NUMBER"*)
5. TERMS AND CONDITIONS
(*"DETAIL TERMS AND CONDITIONS OF PERMIT"*)

Signature:

Name:

Director of Environment

Appendix H2. Environment (Water Extraction) Permit

THE INDEPENDENT STATE OF PAPUA NEW GUINEA

Environment Act 2000

Act, Sec. 65 & 66

Reg., Sec. 16(1)

ENVIRONMENT (WATER EXTRACTION) PERMIT

An Environment (Water Extraction) Permit is hereby issued under *Section 65* of the *Environment Act 2000*

TO: (*"NAME OF PERMIT HOLDER"*)

OF: (*"REGISTERED ADDRESS & SITE ADDRESS WHERE ACTIVITIES MAY BE CONDUCTED"*)

1. DATE OF ISSUE
(*"ISSUE DATE"*)
2. DATE OF COMMENCEMENT
(*"COMMENCEMENT DATE >28 FROM DATE OF ISSUE"*)
3. TERM OF PERMIT
(*"DURATION OF PERMIT"*)
4. PERMIT NUMBER
(*"REGISTRY NUMBER"*)
5. TERMS AND CONDITIONS
(*"DETAIL TERMS AND CONDITIONS OF PERMIT"*)

Signature:

Name:

Director of Environment

Appendix H3. Environment (Water Investigation) Permit

THE INDEPENDENT STATE OF PAPUA NEW GUINEA

Environment Act 2000

Act, Sec. 65, 66 & 89

Reg., Sec. 16(1)

ENVIRONMENT (WATER INVESTIGATION) PERMIT

An Environment (Water Investigation) Permit is hereby issued under *Section 65* of the *Environment Act 2000*

TO: (*"NAME OF PERMIT HOLDER"*)

OF: (*"REGISTERED ADDRESS & SITE ADDRESS WHERE ACTIVITIES MAY BE CONDUCTED"*)

1. DATE OF ISSUE
(*"ISSUE DATE"*)
2. DATE OF COMMENCEMENT
(*"COMMENCEMENT DATE >28 FROM DATE OF ISSUE"*)
3. TERM OF PERMIT
(*"DURATION OF PERMIT"*)
4. PERMIT NUMBER
(*"REGISTRY NUMBER"*)
5. TERMS AND CONDITIONS
(*"DETAIL TERMS AND CONDITIONS OF PERMIT"*)

Signature:

Name:

Director of Environment

Appendix H4. Environment (ODS Import) Permit

THE INDEPENDENT STATE OF PAPUA NEW GUINEA

Environment Act 2000

Act, Sec. 65 & 66

Reg., Sec. 16(1)

ENVIRONMENT (ODS IMPORT) PERMIT

An Environment (ODS Import) Permit is hereby issued under *Section 65* of the *Environment Act 2000*

TO: (*"NAME OF PERMIT HOLDER"*)

OF: (*"REGISTERED ADDRESS & SITE ADDRESS WHERE ACTIVITIES MAY BE CONDUCTED"*)

to IMPORT / DISTRIBUTE / SELL / MANUFACTURE (Delete where not applicable)
..... (*"NAME OF ODS PRODUCT"*) in Papua New Guinea in accordance with the
terms and conditions of this permit.

1. DATE OF ISSUE
(*"ISSUE DATE"*)
2. DATE OF COMMENCEMENT
(*"COMMENCEMENT DATE >28 FROM DATE OF ISSUE"*)
3. TERM OF PERMIT
(*"DURATION OF PERMIT"*)
4. PERMIT NUMBER
(*"REGISTRY NUMBER"*)
5. TERMS AND CONDITIONS
(*"DETAIL TERMS AND CONDITIONS OF PERMIT"*)

Signature:

Name:

Director of Environment

Appendix H5. Environment (Pesticide) Permit

THE INDEPENDENT STATE OF PAPUA NEW GUINEA

Environment Act 2000

Act, Sec. 65 & 66

Reg., Sec. 16(1)

ENVIRONMENT (PESTICIDE) PERMIT

An Environment (Pesticide) Permit is hereby issued under *Section 65* of the *Environment Act 2000*

TO: (*"NAME OF PERMIT HOLDER"*)

OF: (*"REGISTERED ADDRESS & SITE ADDRESS WHERE ACTIVITIES MAY BE CONDUCTED"*)

to IMPORT / DISTRIBUTE / SELL / MANUFACTURE (Delete where not applicable)
..... (*"NAME OF PESTICIDE PRODUCT"*) in Papua New Guinea in accordance
with the terms and conditions of this permit.

1. DATE OF ISSUE
(*"ISSUE DATE"*)
2. DATE OF COMMENCEMENT
(*"COMMENCEMENT DATE >28 FROM DATE OF ISSUE"*)
3. TERM OF PERMIT
(*"DURATION OF PERMIT"*)
4. PERMIT NUMBER
(*"REGISTRY NUMBER"*)
5. TERMS AND CONDITIONS
(*"DETAIL TERMS AND CONDITIONS OF PERMIT"*)

Signature:

Name:

Director of Environment

APPENDIX I. ENVIRONMENT REGULATORY PROCESS

Appendix I1. Level 3 Process (with Additional Details)

Step	Activity	Reference
1. INTENTION TO CARRY OUT PREPARATORY WORK.		
1.1	Proponent registers its intention to carry out Preparatory Work for a Level 3 activity with the Director in accordance with s.48 of the Act. The intention is registered as a submission (less than 5 pages) in compliance with Information Bulletin for Notification of Preparatory Work on Level 2 and Level 3 Activities (IB-ENV/01/2004).	Appendix E1 Information Bulletin (IB-ENV/01/2004)
1.2	The Director confirms and notifies the Proponent that the proposal is Level 3 and therefore is required to undertake and Environmental Impact Assessment using Notice Letter Form (OM-PW(L3)/N1).	Appendix B1(a) Notices (OM-PW(L3)/N1)
1.3	Director also provides the Proponent with DEC Information Guidelines for (i) Environmental Inception Report (GL-ENV/01/2004) and (ii) Conduct of Environmental Impact Assessment and Preparatory of Environmental Impact Statement (GL-ENV/02/2004).	Appendices D1(a) & D1(b) Information Guidelines (GL-ENV/01/2004) & (GL-ENV/02/2004)
<i>Note: All the above procedures should be completed within 30 days</i>		
2. ENVIRONMENTAL IMPACT ASSESSMENT (EIA)		
A Submission and Acceptance of Environmental Inception Report (EIR)		
2.1	Proponent will submit ten (10) copies of its Environmental Inception Report prepared using DEC Information Guidelines for Environmental Inception Report (GL-ENV/01/2004).	Appendix D1(a) Information Guideline (GL-ENV/01/2004)
2.2	The Director assesses the Environmental al Inception Report using Information Guidelines (GL-ENV/01/2004) requirements as the benchmark.	Appendix D1(a) Information Guideline (GL-ENV/01/2004)
2.3	The Director when not satisfied, rejects the Environmental Inception Report than the Proponent is notified that further amendments is required prior to re-submission and acceptance.	
2.4	When Director is satisfied and accepts the Environmental Inception Report than the Proponent is notified using Approval Letter (OM-EIR/Le2).	Appendix A1(b) Letter (OM-EIR/Le2)
<i>Note: All the above procedure should be completed within 60 days from date of submission</i>		
B Submission and Acceptance of Environmental Impact Statement (EIS)		
2.5	Proponent will submit ten (10) copies of its Environmental Impact Statement to the Director with appropriate Fees enclosed. The Environmental Impact Statement will be prepared in accordance to DEC Information Guideline for Conduct of Environmental Impact Assessment and Preparatory of Environmental Impact Statement (GL-ENV/02/2004).	Appendix D1(b) Information Guideline (GL-ENV/02/2004)
2.6	The Director assesses the Environmental Impact Statement using requirements of GL-ENV/02/2004 as the benchmark.	Appendix D1(b) Information Guideline (GL-ENV/02/2004)
2.7	Where the Director is not satisfied, with contents and inadequate Fees enclosed than the EIS is rejected. Director notifies the Proponent that further amendments (with correct fees) are required prior to re-submission and acceptance.	Appendix A1(c) Letter (OM-EIS/Le3)
2.8	Where the Director is satisfied with contents and appropriate fees enclosed, than the EIS is accepted. Director notifies the Proponent of his decision and also advises on assessment period required. Copy of Assessment Schedule is enclosed to Notice.	Appendix A1(d) Letter (OM-EIS/Le4)
C Assessment of Environmental Impact Statement (EIS)		
2.9	Director causes the Statement to be assessed on receipt of the EIS by notifying Proponent in writing, the period required to assess the EIS. Director also notifies Proponent on whether or not to accept the EIS in accordance with s.56 within 30 days.	Section 54 of the Act
2.10	Director may notify Proponent on further period required in necessitating the assessment and decision making and provides an amended assessment schedule to the Proponent. This will allow for s.54 of the Act.	Section 54 (3) of the Act
2.11	Referral to Provincial Environmental Committee only on establishment of such Committee in areas related to EIS.	Section 54(5) of the Act

Continue.

Step	Activity	Reference
D Public Review and Submissions		
2.12	Director notifies Proponent to conduct public review on its EIS within a period and manner which submissions may be made to the Director or Council.	Section 55(1) of the Act
2.13	Director may direct Proponent to (i) meet all costs for any information or statement advertised plus costs for persons attending the presentation on behalf of the Director; (ii) provide copies of EIS through referrals; and (iii) make public presentations consistent to s.55 of the Act.	Section 55(2) of the Act
2.14	Proponent provides a proposed program for public review for Director's assessment or amendment and accepts on satisfaction. Public review conducted in accordance to this approved program.	Section 55(3) of the Act
2.15	Director refers EIS to Proponent for amendment or to clarify issues raised during the public review. Proponent amends EIS or provides additional information to the Director to clarify concerns and issues raised during this public review.	Section 55(6) of the Act
E Acceptance of Environmental Impact Statement (EIS)		
2.16	The Director accepts EIS and notifies Proponent in writing on his decision.	Section 56 of the Act
2.17	Where the Director has not made a decision within period notified, extended or otherwise, Director is deemed to have refused the EIS and is subjected to s.68 of the Act.	Section 56(3) of the Act

Step	Activity	Reference
3. REFERRAL TO THE COUNCIL		
3.1	Director notifies Council of his decision within 14 days of the date of acceptance and refer the EIS and its (i) assessment report; and (ii) any public submissions made through public review.	Section 57 of the Act
4. COUNCIL'S RECOMMENDATION		
4.1	Council considers referral from the Director under s.57 and within 90 days (i) if satisfied consistent to s.58(i) - (iii), accept the EIS and recommend to the Minister to Approve in Principle with specific conditions; or (ii) Refuse to accept the EIS, advise the Proponent to amend the EIS and re-submit to the Director.	Section 58(1) of the Act
4.2	The re-submitted EIS is subjected through Steps 2.5 - 2.8 to address issues raised by the Council.	Section 54 of the Act
4.3	Council shall allow the Proponent to make representations only on written application, and where Council is satisfied as to matters set out in s.58(1)(a) & (2), accept the EIS and make recommendation to the Minister for Approval in Principle.	Section 58(5) of the Act
5. APPROVAL IN PRINCIPLE		
5.1	The Minister grants and Approval in Principle within 28 days of receiving recommendation from the Council using Form 1 of Schedule 1 of the Environment (Permits and Transition) Regulation 2002, and register in the Register.	Environment (Permit & Transition) Regulation 2002 Form 1 of Schedule 1
5.2	Where Minister refuses approval, the Council immediately appoints Working Group to provide advice in accordance with s.24 of the Act.	Section 24 of the Act
6. LODGEMENT AND ACCEPTANCE OF PERMIT APPLICATION		
6.1	Proponent is deemed to have lodged the application as per s.7 of Environment (Permits and Transition) Regulation 2002 if the Proponent has fulfilled all the requirements under s.5 of the Regulation and s.60 of the Act.	Section 7 of Environment (Permit & Transition) Regulation 2002
6.2	Director accepts the application in accordance with s.61 of the Act and notifies his decision to the applicant in Form 3 of Schedule 1 of the Environment (Permits and Transition) Regulation and a copy is registered in the Register.	Section 61 of the Act and Section 8 of the Permit & Transition Regulation
	Note: In accordance with s.12 of the Environment (Permits and Transition) Regulation 2002 and for purposes of s.63(1)(h) of the Act, sections 9, 10, 11, 12 and 13 of the Regulation, the application of notification and referral is not required.	
7. GRANTAL OF PERMIT		
7.1	The Director approves the application and grants a permit when he is satisfied subject to s.65 of the Act; or refuses the application and notify the applicant of his decision no later than 30 days after an application is lodged unless the time limit is extended through prior agreement.	Section 65 of the Act and Section 14(1)(a) - (c) of the Regulation
7.2	Notice of refusal shall state the reasons for refusal and be registered in the Register.	Section 14(3) of the Regulation

Continue.

Step	Activity	Reference
8. PUBLICATION OF GRANT		
8.1	Director issues the permit using Form 5 of Schedule 1 of the Regulation with endorsed conditions as per s.66 of the Act.	Permit and Transition Regulation Form 5 of Schedule 1 and Section 66 of the Act
8.2	Director specifies the commencement date not less than 28 days after the date on which permit is issued and duration of the permit.	Section 16 of Permit & Transition Regulation 2002
8.3	Director publishes a notice of the granting of permit within 7 days in appropriate media circulated in the project area; and	Section 16(1)(d) of the Regulation
8.4	Director forwards a copy of the permit to the applicant and registers the permit in the Register.	Section 16(1)(e) - (f) of the Regulation
	<i>Note: The Director has no obligation to publish the notice or give copy of the permit to applicant or register the permit unless the applicant has met all the costs.</i>	

Appendix I2. Level 2 Process (with Additional Details)

Step	Activity	Reference
1. Intention to Carry Out Preparatory Work.		
1.1	Proponent registers its intention to carry out Preparatory Work for a Level 2 activity with the Director in accordance with s.48 of the Act. The intention is registered as a submission (less than 5 pages) in compliance with Information Bulletin for Notification of Preparatory Work on Level 2 and Level 3 Activities (IB-ENV/01/2004).	Appendix E(1) Information Bulletin (IB-ENV/01/2004)
1.2	<p>The Director confirms and notifies the Proponent using Notice Form (OM-PW(L2)/N1) that the proposal is a:</p> <ul style="list-style-type: none"> ▪ Level 2 (Category A) activity. Director provides the relevant Environment Permit application forms. These forms should be completed by the Proponent and lodged with the Director accompanied by appropriate application fees. ▪ Level 2 (Category B) activity. Director provides DEC Information Guideline for Environment Permit Application (IG-ENV/OX/2004) and Information Bulletin for Air Discharges, and Water & Land Discharges ▪ Level 2 (Category B) activity that is determined by the Minister to be of national importance and on recommendation by Council and Director, a notice is served on Proponent to undertake EIA. Level 3 process applies. <p><i>Note: Level 2 activity called up to Level 3</i></p>	<p>Notice (OM-PW(L2)/N1)</p> <p>Application Forms (OM-EP/Water/App), (OM-EP/Pest/App), (OM-EP/Ozone/App), (OM-EP/WI/App)</p> <p>Appendix E2, E3 & E4 Information Bulletin (IB-ENV/02/2004), (IB-ENV/03/2004), (IB-ENV/04/2004) & (OM-EP Disch/App)</p> <p>Appendix B2(a) Notice (OM-PW(L2)/N1) & Section 50(2) of the Act</p>
2. Environment Permits		
A	Lodgement of Environment Permit Application	
2.1	Proponent submits an application for the Environment Permit with the Director in accordance to s.60 of the Act and in compliance with s.5 of the Permits & Transition Regulation 2002. The application should also comply with Information Guideline for Level 2(B) activities.	Section 60 of the Act and Section 5 & 7 of the Regulation
2.2	<p>Director uses s.5 of the Regulation as the benchmark to confirm information accompanying the application. Where the Director is not satisfied with the information disclosed, Applicant is notified using Form 3 of Schedule 1 of the Regulation that further information is needed in compliance to s.6 of the Regulation.</p> <p><i>Note: Director serves notice in writing within 28 days of receipt of the application for additional information and states a specified period for response which is not more than 21 days.</i></p>	Form 3 of Schedule 1 of the Regulation 2002
2.3	Proponent submits additional information as required under s.6 of the Regulation and the Director reassesses the information against s.5 of the Regulation and the notice that was served to the applicant.	
2.4	Proponent is considered to have lodged the application under s.7 of the Regulation if the application has fulfilled all the requirements under s.5 of the Regulation, notice for additional information (if served) and s.60 of the Act. Fees prescribed under Part V of the Act and Fees & Charges Regulation should be duly paid.	Permits & Transition Regulation, Fees & Charges Regulation & Section 60 of the Act
B	Acceptance of Environment Permit Application	
2.5	Where the application is not lodged in accordance with s.7 of the Regulation, Director refuses to accept the application and notifies the applicant using Form 3 of Schedule 1 of the Regulation. Director shall specify (if relevant) type of information and number of copies of the application that must be lodged to further process the application.	Form 3 of Schedule 1 of the Regulation 2002
2.6	<p>Where the Director has rejected the application, the Proponent has an option to either resubmit application with additional information as requested for under s.6 of the Regulation and the notice or apply to the Environment Council to review the Director's decision as required under s.68 of the Act.</p> <p><i>Note: Application for review of Director's decision should be made within 21 days after the day decision was notified and lodged with the Director.</i></p>	Section 68 of the Act and Section 6 of the Regulation

Continue.

Step	Activity	Reference
2.7	The Director's decision to reject the application will be suspended when an application to review the decision is lodged as per s.68(2) of the Act or where an application is made for review of the decision and decision is not suspended, the applicant may apply to the National Court for stay of operation of original decision as per s.69(1) of the Act to allow the review.	Section 68(2) & 69(1) of the Act
2.8	Where Director is satisfied with the information accompanying the application and the application is lodged in accordance with s.7 of the Regulation, Applicant is notified of the acceptance using Form 3 of Schedule 1 of the Regulation. An assessment schedule is enclosed for all Level 2(A) activities.	Form 3 of Schedule 1 of the Regulation
2.9	A copy of the accepted application is registered in the Register. <i>Note: All Level 2(A) activities will skip steps 2.11 - 2.13 unless specifically requested or sections 9, 10, 11, 12 and 13 of the Regulation.</i>	
C	Referral of Environment Permit Application	
2.10	On acceptance of the application under s.61 of the Act and s.8 of the Regulation, Director requests relevant number of application copies for his assessment and referrals for all Level 2(B) activities.	
2.11	Director serves copies of the application and any information to relevant line government agencies and person(s) in accordance with s.9 of the Regulation within 14 days after requisite number of copies have been received. These recipients of the referral have 28 days after the date of the notice to make written submissions. <i>Note: Failure to provide relevant number of copies may result in suspension of processing of the application.</i>	
2.12	All relevant stakeholders are also notified that within the same 28 days of the date of the notice of referral, they may advise the Director on whether the activity will require a permit, license or approval under any other Acts administered by themselves or prohibited activity under their respective Act. They may make written objections or recommendations in relation to the application. <i>Note: Level 2(A) activities are excluded from Steps 2.10 – 2.12.</i>	
D	Notification of Applications	
2.13	The Director shall within 28 days publish a notice after acceptance of application in all appropriate news media circulated or aired within the project area. The notice shall be in Form 4 of Schedule 1 of the Regulation.	
2.14	Director advises that interested person(s) may make written representation with copies made to the Director and the Applicant within 21 days of the date of publication of the notice.	
2.15	The Applicant will meet all costs of any notice published. <i>Note: Director has no obligation to publish the notice unless all costs of the publication are first paid for.</i> <i>Note: All Level 2(A) activities are excluded from Steps 2.13 – 2.15 above except when directed by the Director.</i>	
E	Conference of Interested Parties	
2.16	Director may convene a conference for interested parties within 21 days of the expiry of the period for making written representations under Step 2.14, if he is of the opinion that there is a real risk for serious environmental harm from the activity.	
2.17	Director will advise all interested parties of a venue and time for the convening of the conference.	
2.18	Director requires the Applicant to make presentation on the application and invite any person who has made written representations to discuss the application. <i>Note: All Level 2(A) activities are excluded from Steps 2.16 – 2.18 above except when directed by the Director.</i>	
F	Assessment of Application	
2.19	Director notifies Level 2(A) Applicant of his decision to accept the application and disclose an assessment schedule.	
2.20	Director may require an independent expert in a specific field to consider particular issue in the application for Level 2(B) activities and report back to him.	
2.21	Director notifies the Applicant in writing on his nominated independent expert, the terms of reference and the cost, which will be taken up by the Applicant.	
2.22	Where there is no agreement between the Applicant and the Director on the nominated independent expert, terms of reference or the cost, the matter is referred to the Council for determination.	

Continue.

Step	Activity	Reference
2.23	The Council assumes the power of the Director as required under s.13(1) of the Regulation and require both the Applicant and the Director to make submissions in writing and orally in relation to the dispute.	
G Granting of Environment Permit		
2.24	Director will regard all submissions made and objections raised under sections 9,10,& 11 of the Regulation when considering the granting of the permit.	
2.25	Director may refuse granting a permit when Head of Department responsible for health matters and National Physical Planning Board or another planning authority advises against that proposed activity on the grounds of health matters or planning and zoning requirement.	
2.26	After fulfilling all requirements for all Level 2 activities, s.65 of the Act will be used as the benchmark to finalise the processing of permit. Conditions will be imposed as Director considers necessary and including but not limited to conditions required under s.66 of the Act.	
2.27	Director grants permit in accordance with s.65 and s.66 of the Act. The permit is issued in Form 5 of Schedule 1 of the Regulation.	
H Publication of Grant of Permit		
2.28	Director specifies a commencement date not less than 28 days after the date on which the permit is issued.	
2.29	The duration of the permit should comply with s.16(1)(c) of the Regulation.	
2.30	Director shall publish a notice of the granting of the permit within 7 days in a newspaper circulating nationally and through radio broadcasting within the project area.	
2.31	Director shall give a copy of the permit to the Applicant, and register the permit in the Register. <i>Note: The Applicant shall pay the cost of any notice published in above.</i>	