Government of the People's Republic of Bangladesh
Ministry of Environment, Forest and Climate Change
Environment-3 Section
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Circular

Subject: **Standard Operating Procedure (SOP) for issuing Environmental Clearance by the Department of Environment with a view to providing One Stop Service (OSS) of Bangladesh Economic Zone Authority (BEZA).**

1. Environmental Clearance is a mandatory requirement for every industry and project as provided in the Bangladesh Environment Conservation Act, 1995. Section 12 of this Act stipulates that no industrial unit or project shall be established or undertaken without obtaining environmental clearance from the Department of Environment (DoE).

2. The Environment Conservation Rules, 2023 made in accordance with the Act provide detail procedures for issuing environmental clearance. In order to obtain environmental clearance, industries or projects must submit application in prescribed form with all the necessary documentation to the DoE.
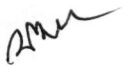
3. For the purpose of issuance of Environmental Clearance Certificate (ECC), the industrial units and projects are, in consideration of their impacts on the environment and human health, classified into the following four categories:

    i)   Green

    ii)   Yellow

    iii)   Orange; and

    iv)   Red

List of the industrial units and projects under the above-mentioned categories has been provided in schedule-1 of Environment Conservation Rules, 2023.

4. For all proposed industrial units and projects falling in the Yellow, Orange and Red categories, firstly a Location Clearance Certificate (LCC) and thereafter an ECC is issued. However, ECC is issued straight away to all proposed industrial units and projects belonging to Green Category as they do not require any LCC.

5. Moreover, in accordance with Rule-6 of ECR, the LCC is also not required for the industrial unit and project located in government and private Export Processing Zones (EPZs), Economic Zones and Bangladesh Small and Cottage Industry Corporation (BSCIC) Industrial Estates.

In this matter, for the establishment of Projects/Industries within the Export Processing Zone/ Economic Zone (Government/Private)/BSCIC the investors have to apply first with all necessary documents/papers to DoE before commencing any kind of construction works. After completion of the required procedures, the DoE will issue the ECC within the stipulated time. After expiration of the ECC, the investor has to apply for the renewal to DoE.

6. Power has been delegated to all district offices by the Director General to issue site/environmental clearance in case of Green and Yellow categories of industries and projects. Besides, in case of Orange category industries and projects (serial no. 1-62 of Scedule-1 of ECR, 2023), power has been delegated to all Divisional/Regional/Metropolitan offices to LCC or ECC. On the other hand, in case of Orange category industries and projects (serial no. 63-113 of Scedule-1 of ECR, 2023) and Red category industries and projects, power to issue LCC or ECC has been delegated to the head office of DoE.

7. For the approval of environmental clearance for the Orange category industries and projects (serial no. from 1 to 62 of Scedule-1 of ECR, 2023), Environmental Clearance Committee has been formed at each Divisional/Regional/Metropolitan office according to the power given in Section 12(4) of Bangladesh Environment Conservation Act, 1995 (amended 2010). For the approval of environmental clearance of the Red and Orange Category industries and projects (serial no. from 63 to 113 of Scedule-1 of ECR, 2023), Environmental Clearance Committee has been formed at the Head office of DoE. As per the TOR of the committee, in each meeting of Environmental Clearance Committee formed for Orange category, after reviewing the opinions from the district offices regarding the applications received for Site/Environmental clearance of Orange Category of industries/projects, approval is given in applicable cases or if there are any lacks of information that are documented in the minutes of the meeting. According to the decisions of the approved meeting minutes, either ECC is issued to the Orange Category industries by the District/Divisional/Regional/Metropolitan office or a letter is issued to the industry/project proponents seeking the desired information.

8. Red Category Projects/Industries

8.1. In case of Red Category industries or projects, the project proponent should apply to the respective district office of DoE along with Environment Management Plan (EMP) and other required documents. District office sends all the documents along with their opinion to Head Office. After that, the submitted EMP report and other documents are reviewed in the meeting of Environmental Clearance Committee of the Head Office and in applicable cases recommendation are given to issue ECC or if there are any lacks of information that are documented in the minutes of the meeting. According to the decision of the meeting the district/divisional/regional/metropolitan office issues ECC or a letter is issued to the industry/project proponents seeking the desired information. But in case of Nationally Important priority Project (e.g. Natural Gas Extraction, Gas transmission Pipeline installation, Mega Power Plant etc.) after the approval from the Director General, ECC is issued directly from the Head Office.

8.2. Mentionable that, the primary data generated for the Economic Zones (EZs) already having an environmental clearance, can be used for the preparation of EMP by the Red Category industries/projects which will be set up later on within the same EZs. But the 'Validity Period for the use of Primary Data generation and used for the preparation of the EMP of EZs, for the use in the preparation of EMP of the Individual Projects/Industries will be 5 (Five) years'. After the end of the validity period, for the preparation of EMP for the proposed Red category projects/industries have to use the updated Primary Data. Also, After the end of the validity

3

8.3. Further mentionable that for the 'Red Category' Projects/Industries before issuance of the ECC – the investor can go for some temporary work like – construction of temporary office shed, labor shed, preliminary construction of storage depot for the construction materials, temporary roads etc. But investor cannot start the construction of any permanent structure of the project before receiving the ECC.

8.4 The establishment of a) Economic Zones (EZs), b) Central Effluent Treatment Plant (CETP), c) Water Treatment Plant (WTP) and d) Sewage Treatment Plant (STP) will be considered Red Category projects/industries and therefore, the procedure for the issuance of the ECC for the construction and establishment of Red Category projects/industries should be followed.

9. Time Frame for Environmental Clearance:
According to the Bangladesh Environmental Conservation Rules 2023, the time frame for the issuance of ECC or the rejection of the application is as follows:

Type of Industry	Type of Clearance	Time frame (working days)	
		Issuance	Rejection
Geeen	Environment Clearance	7	7
Yellow	-do-	7	7
Orange	-do-	20	5 (after decision taken)
Red	-do-	30	7 (after decision taken)

10. Corresponding offic for the submission of application for Environmental Clearance:
-If the location of the industry or project seeking for the ECC falls (within)

(1) any district where there is a district office of the DoE, in that case, the application should be submitted to that district office;

(2) such a district where there is no district office of the DoE, in that case, the application should be submitted to the district/divisional office under related jurisdiction;

(3) Metropolitan City, in that case, the application should be submitted to the related Metropolitan City Office. If there is no separate office for the Metropolitan City, the application should be submitted to the related district office;

(4) under more than one district under the same division, in that case, the application should be submitted to the related Regional/Divisional offices;

(5) under more than one division, in that case the application should be submitted to the Head Quarter.

11. Procedure for Issuing Environmental Clearance for Green Category:

(1) In case of all existing and proposed Green Categories of industries and projects, only ECC is required. To obtain the ECC the investor/entrepreneur of every Green Category industry and project will have to apply online to the related office of the DoE attaching necessary papers mentioned in Appendix-1.

(2) After receiving the application from the investor/entrepreneur with all necessary papers/documents mentioned in the Appendix-1, the related DoE office will issue ECC within 07 (Seven) working days. For any reason, if the application is not approved, the applicant will be informed in writing about the reasons of rejection within 07 working days. As per ECR, 2023, application for the renewal of ECC should be submitted in due time.

12. Procedure for Issuing Environmental Clearance for Yellow Category:

(1) Entrepreneur of every Yellow category of industry or project will have to apply to the related office of the DoE for obtaining ECC attaching all necessary papers/documents mentioned in Appendix-2.

(2) Upon receiving the application from the entrepreneur, the relevant district office will conduct a site inspection of the industry or project. If the overall environmental activities of the industrial establishment or project mentioned in the inspection report and the submitted documents are found satisfactory, the applicant will be informed to pay the clearance fee and VAT. After the applicable fee is submitted, the environmental clearance will be issued by the relevant office within 7 (seven) working days. If the application is rejected for any reason, the applicant must be informed in writing of the specific reasons within 7 (seven) working days. That is, the application will be resolved within 7 (seven) working days of receiving the complete application.

13. Procedure for Issuing Environmental Clearance for Orange Category:

(1) Entrepreneur of every Orange category industry or project should apply to the related office of the DoE for the ECC attaching necessary papers mentioned in Appendix-3.

(2) After receiving the application from the entrepreneur, the relevant office will physically inspect the industry or project to prepare a report with justification and opinion. For industries or projects listed in serial numbers 1 (one) to 62 (sixty-two) of Schedule-1 of the Environment Conservation Rules, 2023, this report, along with the application, will be sent to the relevant Environmental Clearance Committee of the regional, divisional, or metropolitan office, as applicable. For industrial establishments or projects listed in serial numbers 63 (sixty-three) to 113 (one hundred and thirteen) of the same schedule, the report, along with the application, will be sent to the head office of the Department, and a copy will be sent to the regional and divisional offices, as applicable. If the overall environmental activities of the industrial establishment or project mentioned in the inspection report and the submitted documents are found satisfactory, the environmental clearance will be issued by the relevant office within 20 (twenty) working days. If the application is rejected for any reason, the applicant must be informed in writing of the rejection decision, along with the reasons, within a maximum of 5 (five) working days of the decision.

14. Procedure for Issuing Environmental Clearance for Red Category:

(1) Entrepreneur of every Red category industry or project should apply to the related office of the DoE for the ECC attaching necessary papers mentioned in Appendix-4.

(2) Upon receiving the application, the relevant office will conduct a site inspection of the industrial establishment or project and send a report with justification and opinion regarding the issuance of the environmental clearance to the head office of the Department. If the overall environmental activities of the industy or project mentioned in the inspection report and the submitted documents are found satisfactory, the environmental clearance will be approved within a maximum of 30 (thirty) working days, and the entrepreneur will be informed to pay the clearance fee within a maximum of 7 (seven) working days. After receiving the applicable fee, the environmental clearance will be issued by the relevant district office or the head office within 7 (seven) working days. If the application is rejected for any reason or if there are any objections, the applicant must be informed in writing of the rejection decision, along with the reasons, within a maximum of 7 (seven) working days of the decision.

15. Validity Period of Environmental Clearance Certificate:

(1) The validity period of ECC for the Green Category industry or project is 5 (Five) years, the validity period for Yellow Category is 2 (Two) years and for Orange and Red Category industry or project is 1 (One) year.

(2) Application for renewal of ECC should be submitted minimum 30 (Thirty) days prior to the expiry date of the validity period.

16. Renewal of Environmental Clearance Certificate:

(1) To apply for renewal of the clearance, the prescribed form (Form 5) must be completed and submitted to the relevant office of the Department.

(2) If the relevant office is satisfied after conducting a site inspection of the industrial establishment or project and if the conditions stipulated in the environmental clearance are properly followed, the environmental clearance will be renewed.

17. This is hereby canceling the previous notification of Ministry of Environment, Forest and Climate Change issued on 19 February 2019 vide memo number: 22.00.0000.074.18.001.17.44.

Dr. Farhina Ahmed
Secretary

Necessary papers for Green Category of Industry or Project

1) Online application in a prescribed form (Form-3);
2) Pollution Control Management (PCM);
3) General information;
4) NOC from local authority
5) BEZA's License/Registration Certificate;
6) Location map and Layout plan;
7) Detail List and Description of raw materials, Production process-flow diagram and list of Products;
8) Ownership deed /Lease deed/Rent agreement of the place;
9) License/Opinion/No-objection certificate (In applicable case) by the related Government authority.
10) Scheduled payment of clearance fees (mentioned in Schedule-6 of ECR'23) as per capital of the project (Copy of treasury chalan) and the VAT on the fees of Clearance Certificate by National Board of Revenue (Copy of treasury chalan).

Necessary papers for Yellow Category of Industry or Project

1) Online application in a prescribed form (Form-3);
2) Pollution Control Management (PCM);
3) Project Profile/DPP/Feasibility Report (if applicable);
4) General information;
5) BEZA's License/Registration Certificate;
6) Location map and Layout plan;
7) Detail List and Description of raw materials, Production process-flow diagram and list of Products;
8) Waste management Plan;
9) Ownership deed /Lease deed/Rent agreement of the place;
10) License/Opinion/No-objection certificate (In applicable case) by the Government relate authority;
11) Scheduled payment of processing fees (mentioned in Schedule-6 of ECR'23) as per capital of the project (Copy of treasury chalan) and the VAT on the fees of Clearance Certificate by National Board of Revenue (Copy of treasury chalan).
12. Based on the industry/project required papers and documents on the Site, Technology, Type and Nature.

Necessary papers for Orange Category of Industry or Project

1) Online application in a prescribed form (Form-3);
2) General information;
3) Environmental Management Plan (EMP) Report;
4) Project Profile/DPP/Feasibility Report (if applicable);
5) NOC from local authority;
6) BEZA's License/Registration Certificate;
7) Location map and Layout plan;
8) Detail List and Description of raw materials, Production process-flow diagram and list of Products;
9) Ownership deed /Lease deed/Rent agreement of the place;
10) Waste Management;
11) Resettlement Action Plan (if applicable);
12) License/Opinion/No-objection certificate (In applicable case) by the Government relate authority;
13) Scheduled payment of processing fees (mentioned in Schedule-6 of ECR'23) as per capital of the project (Copy of treasury chalan) and the VAT on the fees of Clearance Certificate by National Board of Revenue (Copy of treasury chalan).
14. Based on the industry/project required papers and documents on the Site, Technology, Type and Nature.

<u>Necessary papers for Red Category of Industry or Project</u>

1) Online application in a prescribed form (Form-3);
2) General information/project profile/DPP/feasibility study report;
3) Environmental Plan Management (EMP) report;
4) Project Profile/DPP/Feasibility Report (if applicable);
5) NOC from local authority;
6) BEZA's License/Registration Certificate;
7) Location map and Layout plan;
8) Description of produced goods with raw materials and process-flow diagram;
9) Ownership deed /Lease deed/Rent agreement of the place;
10) Waste Management;
11) Trade License;
12) Resettlement Action Plan (if applicable);
13) License/Opinion/No-objection certificate (In applicable case) by the Government relate authority;
14) Scheduled payment of processing fees (mentioned in Schedule-6 of ECR'23) as per capital of the project (Copy of treasury chalan) and the VAT on the fees of Clearance Certificate by National Board of Revenue (Copy of treasury chalan).
15. Based on the industry/project required papers and documents on the Site, Technology, Type and Nature.