

CHAPTER 5

During Submission Stage of EIA Report

5.1 Submission of EIA Report

EIA Reports for activities falling under the First Schedule are to be submitted to the respective DOE state offices, while those falling under the Second Schedule are to be submitted to the DOE Headquarters. If a project is located on a site involving two or more states, the Report shall be submitted to the DOE Headquarters.

EIA Reports shall be prepared in the form of hard and soft copies, accompanied with a cover letter bearing the Project Proponent's letter head which shall be submitted to the respective DOE office. A summary of EIA Report submission requirements is shown in Table 5.1.

Table 5.1: EIA Report Submission Requirements

| Item | First Schedule Activities | Second Schedule Activities |
|--------------------------|---|---|
| Submission of EIA Report | DOE State* (*For prescribed activity that traverses across states, the EIA report shall be submitted to the DOE Headquarters) | DOE Headquarters |
| No. of EIA Report | <u>Five (5) weeks procedure:</u> <ul style="list-style-type: none">• Minimum twelve (12) hard copies and 1 soft copy to State DOE | Minimum thirty fives (35) Hard copies and one (1) soft copy |

| Item | First Schedule Activities | Second Schedule Activities |
|------|---|----------------------------|
| | <ul style="list-style-type: none"> • Minimum one (1) hard copy and 1 soft copy to DOE HQ | |

5.2 EIA Review Process

5.2.1 Objectives of EIA Review

The key objectives of EIA review are to:

- Assess the adequacy and completeness of the EIA Report to ensure it meets the scope of work required of the EIA
- Assess that information presented in the EIA Report is clear, concise, transparent, quantitatively accurate, well defined, explicit, and is of adequate quality for decision making;
- Assess public comments and feedbacks for the EIA Report for prescribed activities with adverse significant environmental impacts and high public interest; and
- Make decision on the approval of the Report and the conditions to be attached to the approval.

5.2.2 Roles and Responsibilities of Parties Involved in the EIA Procedure

Several individuals and organizations play important and specific roles and shoulder different responsibilities in the EIA procedure. The roles and responsibilities are briefly described below

(a) **The Project Proponent**

The Project Proponent (PP) is an individual or organization that is proposing to undertake the development of a prescribed activity.

The PP may be from the public or the private sector and he may be represented by a consultant. The PP is responsible for all aspects related to the development of the project including the environmental planning of the project and its associated cost. He may delegate the task of conducting the environmental impact assessment of the project to his project consultant or to another organization but he remains ultimately responsible for the content of the EIA Report on his project.

(b) The EIA Consultant

The EIA Consultant is an individual who has been tasked by the Project Proponent to conduct the Environmental Impact Assessment (EIA) of the project. The Consultant is typically the leader of a team of consultants from various disciplines relevant to the proposed project and is responsible to the Project Proponent. The EIA team leader who may work for an EIA consulting firm and the subject matter experts shall be DOE-registered consultants who shall maintain professionalism in conducting a comprehensive EIA study and produce a quality EIA Report that is useful for decision-making purposes.

(c) The Environmental Related Agencies and Experts

Environmental related agencies and individuals who have vast technical expertise and experience in specific areas have an important role to play in providing relevant inputs on environmental impacts, impact study techniques, and pollution prevention and mitigation measures. The inputs from these agencies and individuals may be sought by the DOE whenever deemed necessary.

(d) The Public

Public participation is an essential and integral part of project development to provide an avenue for the public to channel their views on the proposed project. Public engagement is a direct method of obtaining information on the concerns of the impacted community resulting from the project implementation. Some form of public participation to obtain their inputs to the EIA study, shall be implemented which may include public engagement and public display of EIA Reports.

(e) The Technical Review Committee

The review of the EIA Reports is carried out by a committee known as the EIA Technical Review Committee (EIATRC) established both at the DOE state office and at the DOE Headquarters. The EIATRC at the DOE state office reviews the EIA Reports of activities under the First Schedule while the EIATRC at the DOE Headquarters reviews Reports of activities under the Second Schedule. Members of both EIATRCs are the TRC members, representatives from relevant government agencies (GAs), and individuals appointed (AIs) from within or outside of the DOE, who have vast technical experiences in the relevant areas related to the proposed project. The technical areas may include potential project environmental impacts, impact study methodologies, and applicable pollution prevention and mitigation measures. Additionally, Non-Governmental Organizations (NGOs) may also be invited to sit on the committees as general representatives or as Appointed Individuals (AIs). In the case of the EIATRC at the DOE state offices which reviews EIA Reports of the First Schedule activities, AIs will only be appointed when needed on a case to case basis, as described earlier.

The Approving Authority

The approving authority is the Government Authority that has the task of deciding, in view of the environmental and development costs, and the benefits of the proposed project to the community, how (or whether) a project should proceed. The project approving authorities include:

- (i) The National Development Planning Committee (NDPC) for Federal Government sponsored projects;
- (ii) The State Executive Council (EXCO) for State Government sponsored projects;
- (iii) The various Local Authorities or Regional Development Authorities (RDA) with respect to planning approval within their respective areas;
- (iv) The Ministry of International Trade and Industry or MIDA for industrial projects.

5.2.3 EIA Review Process Timeline

The timeline for the EIA review process and decision is as follows:

- (a) For EIA Reports of projects falling under the First Schedule
 - 25 working days (5 weeks)
- (b) For EIA Reports of projects falling under the Second Schedule
 - 60 working days (12 weeks)

The general requirements on EIA Report review are summarized in Table 5.2 while the committees involved in the review process are summarized in Table 5.3.

Table 5.2: Summary of General Requirements on EIA Report Review

| Components of EIA Review Process | First Schedule Activities | Second Schedule Activities |
|---|---|---|
| Submission of EIA Report | Submit to DOE State Office | Submit to DOE HQ |
| Public participation in EIA study | Not required | Required |
| Public display of EIA Report | Not required | Required |
| Web display of EIA Report | Required. Submit softcopy of the EIA Report to DOE State Office | Required. Submit softcopy of the EIA Report to DOE HQ |
| Advertisement of EIA Report | Not required | Required. Advertise in two major newspapers |

Table 5.3: Summary of Committees Involved in EIA Report Review Process

| Details of Review Committee | Personnel involved | |
|------------------------------------|--|--|
| | First Schedule Activities | Second Schedule Activities |
| Name of Review Committee | DOE State Office EIA Technical Review Committee (EIATRC) | DOE Headquarters EIA Technical Review Committee (EIATRC) |
| Chairperson of Review Committee | Director of DOE State Office | Director General of Environment |

| | | |
|-----------------------------|---|---|
| Members of Review Committee | DOE state officers, appointed individuals (Als) – in certain circumstances, representatives from Government Agencies (GAs) and NGOs | DOE Head Office officers, appointed individuals (Als), representatives from Government Agencies (GAs) and NGOs, if required |
|-----------------------------|---|---|

5.3 Review Process of EIA Report for First Schedule Activities

5.3.1 Procedural steps for five (5) weeks assessment of EIA Report

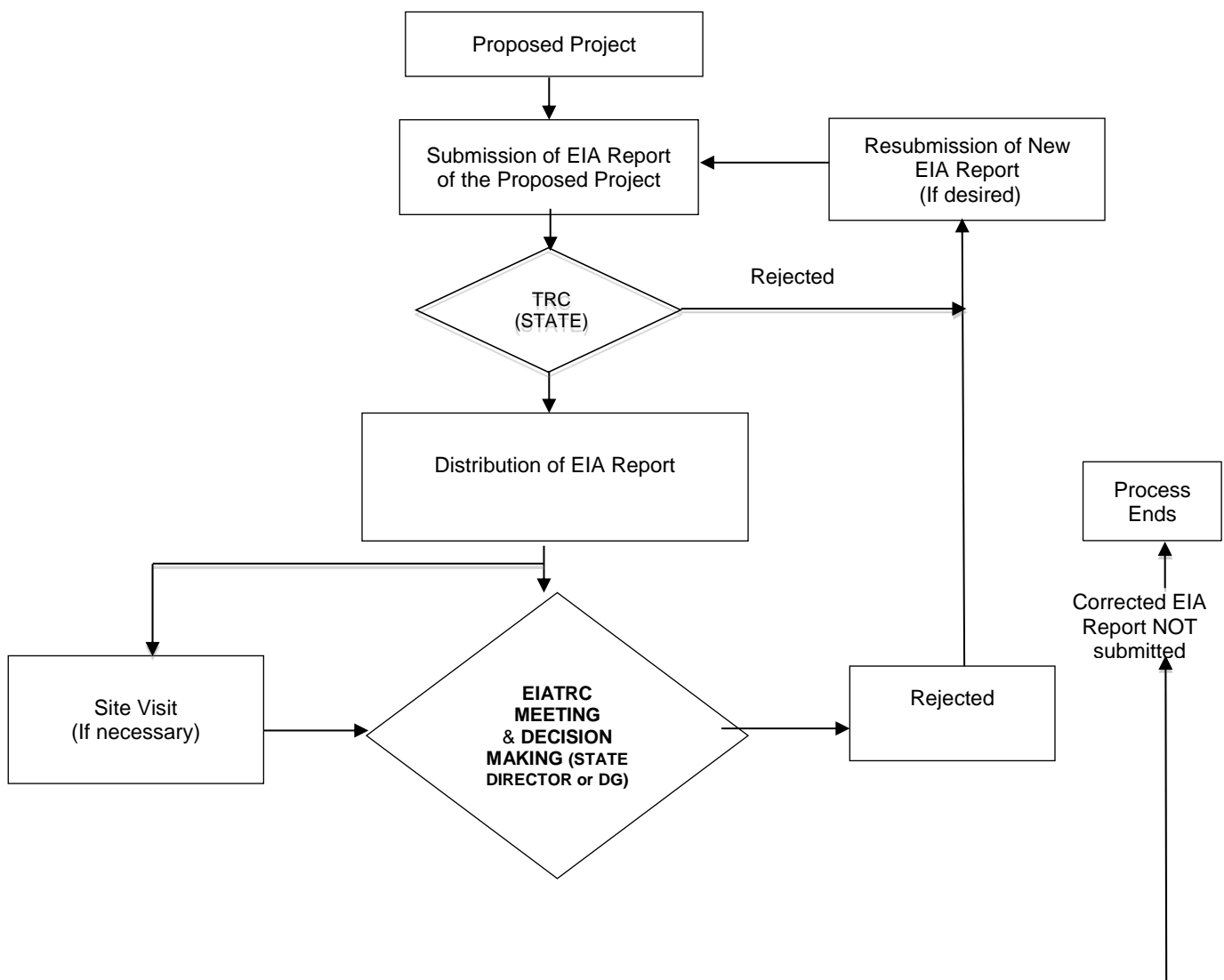
The review process will be undertaken within a period of 5 weeks (25 working days). Figure 5.1 shows the procedural steps for five (5) weeks assessment of EIA Report. This five weeks assessment procedure is characterized by the following:

- a. A minimum of 12 hard copies and 1 softcopy (in PDF format) of the EIA Report are to be submitted to the DOE State Office and 1 softcopy to the DOE Headquarters.

- b. The submitted EIA Reports will firstly be checked for “Report Adequacy” (RAC) by a technical committee comprised of a team of DOE officers (TRC). This quality check process will check the EIA Report for compliance with the EIA Report format, absence of obvious technical errors, coherence of the report, environmental pledge by the Project Proponent, etc. An EIA Report which does not pass the RAC will be rejected. The EIA Report which passes the RAC will be reviewed by the EIATRC.
- c. The EIA Report which passes the RAC will be distributed to relevant government agencies (GAs) for written comments and a minimum of three working days will be given before comments are due.
- d. A visit to the project site by the DOE officers (TRC) (if necessary).
- e. A presentation to the DOE State EIA Technical Review Committee (EIATRC) by the Project Proponent and his Consultant. As mentioned earlier section 3.2.8.1 of this EIA Guideline, members of EIATRC are TRC members (DOE state officers), representatives from government agencies (GAs) and in certain circumstances whenever needed, appointed individuals (AIs) from within the DOE or outside of DOE, who possess vast experience or specific expertise relevant to the EIA study will be appointed on a case to case basis. Non-Governmental Organizations (NGOs) may also be invited to attend the EIATRC meeting as general representatives or as Appointed Individual (AIs).
- f. The EIA review meeting will be conducted in the third week from date of submission of the EIA Report to the DOE.
- g. The outcome of the EIA review meeting may lead to:
 - (i) Approval of the EIA Report, provided:
 - The EIA Report meets with the requirements of the section 34A(3) of EQA 1974;

(ii) Rejection of EIA Report, if:

- The EIA Report that does not meet the requirements of the section 34A(4) of EQA 1974.



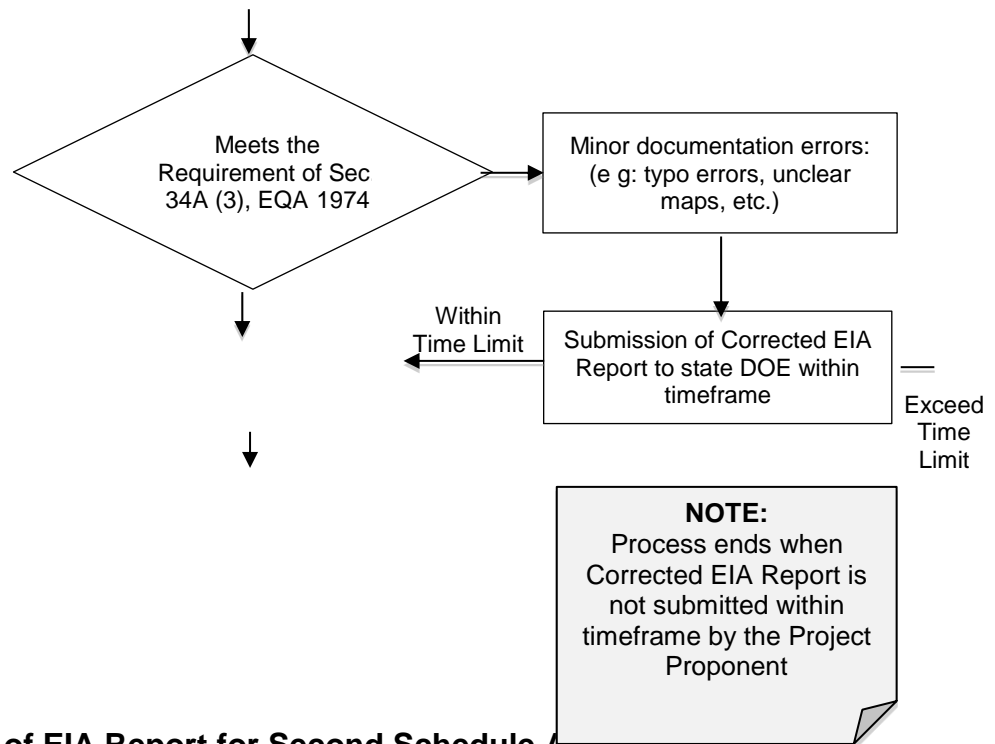


Figure 5.1: Procedural steps for five (5) weeks assessment of EIA Report

5.4 Review Process of EIA Report for Second Schedule Activities

5.4.1 EIA Report Reviewing Procedures

The review of EIA Report for Second Schedule activities is carried out by the DOE Headquarters as described as follows: Firstly, the DOE HQ Technical Review Committee (TRC) comprised of a team of DOE officers will check for “Report Adequacy” (RAC). This quality check process will check the EIA Report for compliance with the Terms of Reference (TOR) and EIA Report format, absence of obvious technical errors, coherence of the report, environmental pledge by the Project Proponent, etc. An EIA Report which does not pass the RAC will be rejected. The EIA Report which passes the RAC will be reviewed by the EIATRC, which is composed of individuals specifically appointed (Als) on an ad hoc basis from within the DOE or outside of DOE, and representatives from relevant government agencies (GAs). EIATRC may include NGOs, either invited to sit on the committee as general representatives or appointed as Als. The

individuals appointed (Als) based on their broad experience or particular expertise on a subject matter relevant to the EIA study are required to critically review the Report and submit a written comment on the Report to the DOE. The reviews by the Als shall focus on specific subject areas and examine whether they have been addressed in a technically defensible manner. Additionally, the review shall evaluate whether the proposed pollution prevention and mitigation measures are adequate and can be considered to be the best available technologies (BATs) or the best industry practices. The Director General will make the final decision whether to approve or not to approve the EIA Report after taking into account the opinions of the EIATRC members.

5.4.2 Display of EIA Reports

The EIA Reports for Second Schedule activities are also displayed at the relevant DOE state offices, public libraries and local authority offices for public review and comments. The Reports can also be accessed through the DOE's homepage. The public is notified through the mass media and homepage of the DOE as to when and where the EIA Reports are available for review and comment.

The entire review process will be completed by the DOE within a period of 60 working days. Figure 5.2 shows the EIA Report Review Process for Second Schedule Activities. The review process is characterized by the following:

- (i) The review process will be completed within a period of 12 weeks.
- (ii) A minimum of 35 hard copies and 1 softcopy (in PDF format) of the report shall be submitted to the DOE HQ. Additional copies are to be submitted whenever necessary. The DOE will distribute the Report through the Project Proponent to the relevant government agencies and members of the EIATRC. The Project Proponent shall display the Report at specified locations. Additionally, the Project Proponent/Consultant may also recommend suitable display locations besides those specified by the

DOE. This is to allow as many affected or interested parties to review the Report and submit comments to the DOE. This has to be done within one week from the date of submission of the EIA Report.

- (iii) Upon submission of the EIA Report, the Project Proponent shall advertise in major newspapers to announce the availability of the EIA Report for public review. This entails placing advertisements in at least two (2) major newspapers for three (3) consecutive days (a total of 6 advertisements). A draft copy of the advertisement shall be submitted to the EIA Secretariat for approval prior to the placement. The advertisement shall include information on the project and the locations where copies of the Reports may be reviewed or purchased. For projects in Sabah and Sarawak, the advertisement must be placed in at least one regional newspaper. The Project Proponent may also choose to advertise in on-line news portals, subject to agreement by the DOE.
- (iv) The Project Proponent and/or the Consultant shall make available the EIA Report, both in the form of hard copies and soft copies (in PDF format) for purchase by the public. The price of the Report in hard copy shall be affordable to the public and shall normally be equivalent to its printing cost.
- (v) The EIA Report shall be displayed for 30 days from the date of announcement. The time frame for public to submit their comments to the DOE is 45 days.
- (vi) A visit to the project site by the DOE officers (TRC) (if necessary).
- (vii) The Project Proponent and the Consultant shall respond to all the written comments received from the public. The responses are to be submitted to the DOE Headquarters for review.

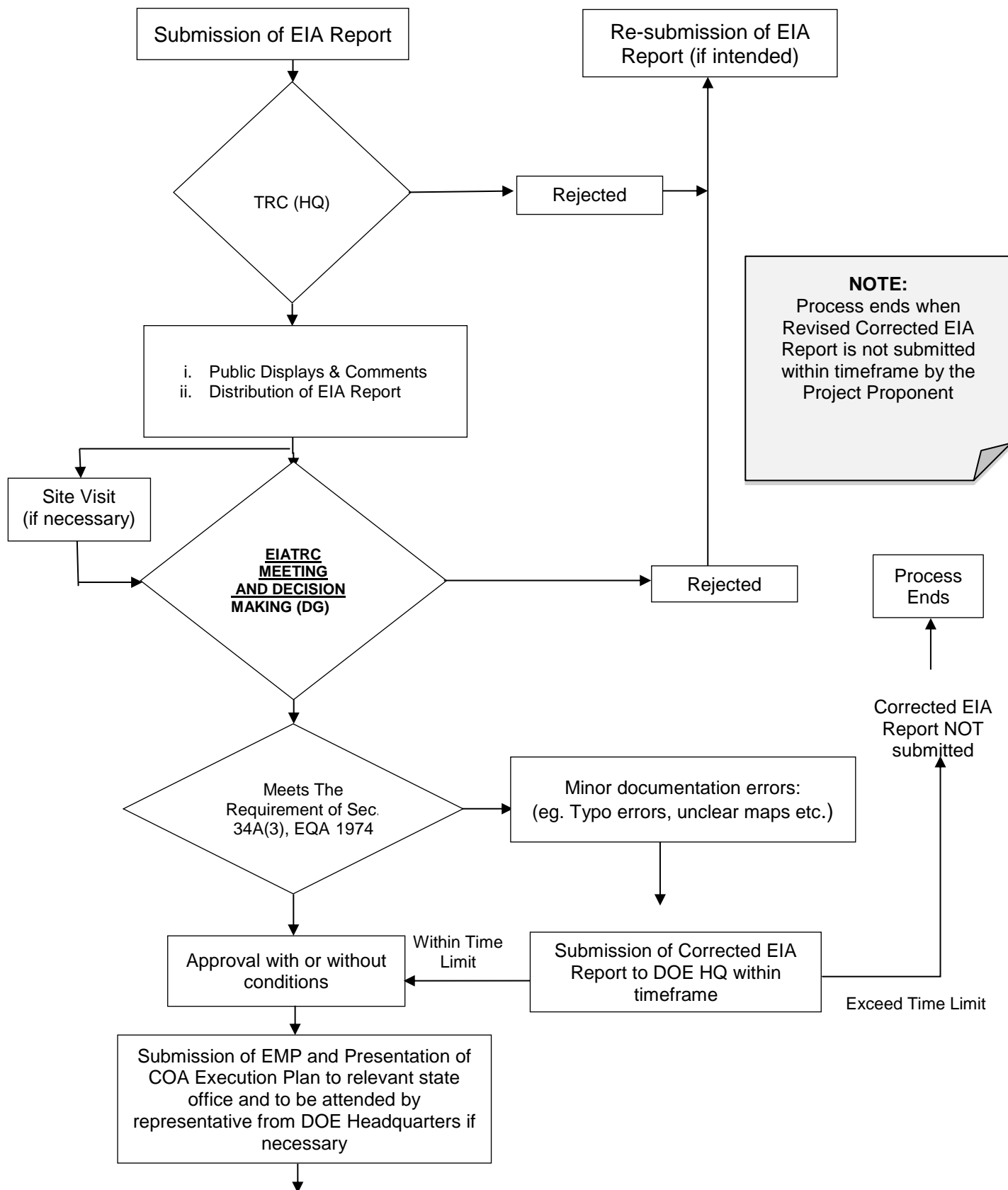
The outcome of the EIA review meeting may lead to:

(a) Approval of the EIA Report, provided:

- The Report meets with the requirements of the section 34A(3) of EQA 1974.

(b) Rejection of the EIA Report, where:

- The Report does not meet the requirements of the section 34A(4) of the EQA 1974.



**Figure 5.2: Procedural steps for
assessment of EIA Report for Second
Schedule Activities – EIA Report Review
Stage**

-Compliance Monitoring (CM)
-Impact Monitoring (IM)
-Performance Monitoring (PM)
-3rd Party Audit
-EMR, EAR, etc