

Notification of the Ministry of Natural Resources and Environment
on Projects, Undertakings, or Operations Which May Seriously Impact Natural Resources,
Environmental Quality, Health, Sanitation, Life Quality of People in a Community that are
Required to Provide an Environmental Impact Assessment Report and
Rules, Procedure, and Conditions in Providing an Environmental Impact Assessment Report

As it is appropriate to improve how to stipulate projects, undertakings, or operations that may seriously impact natural resources, environmental quality, health, sanitation, life quality of people in a community that are required to provide an environmental impact assessment report and rules, procedure, and conditions in providing an environmental impact assessment report and in order to be consistent with an amendment to the Enhancement and Conservation of National Environmental Quality Act B.E. 2535,

Under the power of Sections 48 and 51/4 of the Enhancement and Conservation of National Environmental Quality Act B. E. 2535 as amended by the Enhancement and Conservation of National Environmental Quality Act (No. 2) B.E. 2561, the Minister of Natural Resources and Environment, with the National Environmental Board's approval, notifies the followings herewith:

No. 1: The followings shall be repealed:

(1) Notification of the Ministry of Natural Resources and Environment about Defining Type, Size and Procedure for Project or Activity which May affect Community Severely in Respect of Both the Quality of Environment, Natural Resources and Health that Government Agency, State Enterprise or Private Sector Should Prepare Environmental Impact Assessment Report B.E. 2553 (2010), dated 31 August B.E. 2553;

(2) Notification of the Ministry of Natural Resources and Environment about Defining Type, Size and Procedure for Project or Activity which May affect Community Severely in Respect of Both the Quality of Environment, Natural Resources and Health that Government Agency, State Enterprise or Private Sector Should Prepare Environmental Impact Assessment Report (No. 2) B.E. 2553 (2010), dated 19 November B.E. 2553;

(3) Notification of the Ministry of Natural Resources and Environment Re: Types, Sizes and Practices of Projects or Activities that May Cause Severe Impact on Quality of Environment, Natural Resources and Health of Community for which Government Agency, State Enterprise or Private Sector is Required to Prepare Environmental Impact Assessment Report (No. 3) B.E. 2558 (2015), dated 5 November B.E. 2558;

(4) Notification of the Ministry of Natural Resources and Environment Re: Types, Sizes and Practices of Projects or Activities that May Cause Severe Impact on Quality of Environment, Natural Resources and Health of Community for which Government Agency, State Enterprise or Private Sector is Required to Prepare Environmental Impact Assessment Report (No. 4) B.E. 2559 (2016), dated 25 March B.E. 2559;

(5) Notification of the Ministry of Natural Resources and Environment Re: Rules, Procedures, Practices and Guidelines for Preparing Environmental Impact Assessment Report for Projects or Activities that May Cause Severe Impact on Quality of Environment, Natural Resources and Health of Community (No. 4) B.E. 2560, dated 22 August B.E. 2560.

No. 2: In this Notification:

“size” shall include number, production capacity, hold of weight, as the case may be;

“expert committee” means those persons appointed or approved by the National Environmental Board to perform duties in considering environmental impact assessment reports, both in general and in specific areas such as the Bangkok area, other provinces, or the areas required to apply environmental protection measures;

“Carcinogens Group 1” means list of Carcinogenic substances group 1 as notified by the International Agency for Research on Cancer (IARC);

“Carcinogens Group 2 A” means list of Carcinogenic substances group 2 A as notified by the International Agency for Research on Cancer (IARC).

Chapter 1

Projects, Undertakings, or Operations Which May Seriously Impact Natural Resources, Environmental Quality, Health, Sanitation, Life Quality of People in a Community that are Required to Provide an Environmental Impact Assessment Report

No. 3: Those projects, undertakings, or operations of the State or which the State will grant permission to operate, with sizes specified in Annex 1 of this Notification, shall be the projects, undertakings, or operations that may seriously impact natural resources, environmental quality, health, sanitation, life quality of people in a community, of which their operators or persons asking for permission shall provide an environmental impact assessment report.

No. 4: For the projects, undertakings, or operations of the State or which the State will grant permission to operate but their size not reaching the specifications in No. 3, if those projects, undertakings, or operations afterwards are expanded and their size reaches the criteria specified, the operators or persons asking for permission shall provide a report pursuant to this Notification.

In case where any project, undertaking, or operation is provided an environmental impact assessment report pursuant to this Notification and a government official with the legal power to grant permission indicates environmental impact prevention and correction measures, environmental impact monitoring measures, and submission of an implementation report of those measures, as conditions for granting permission or renewing a license under relevant laws, the operator or person asking for permission, in adjusting any details, expansion of the project, undertaking, or operation, causing the operation to differ from that indicated in the report, shall provide information, report the detail adjustment, or provide a new environmental impact assessment report. All of these shall be inconsistent and pursuant to adjustment conditions prescribed in the environmental measures of that particular project, undertaking, or operation.

Consideration of an environmental impact assessment report under this Notification, where it requires an amendment, provision of new statistics, information, or academic rationales in any matter, shall fall under an expert committee's discretion. However, the expert committee shall express the properness, commensuration, and necessity in exercising a discretion in that matter. The expert committee's opinions in such matter shall be final.

Chapter 2

Rules, Procedure, and Conditions in Providing an Environmental Impact Assessment Report

No. 5: An environmental impact assessment report of a project, undertaking, or operation that may seriously impact natural resources, environmental quality, health, sanitation, life quality of people in a community, of which the operator or person asking for permission shall provide a report pursuant to No. 3, shall at least consist of the following key substances:

(1) The main report shall comprise the followings:

(a) Introduction: shall demonstrate background, objectives, rationales and necessities, scope of the study, methodology, as well as location alternatives and/or methodology alternatives, which shall be consistent with objectives of and how to implement the project, undertaking, or operation. Reasons and decisions made in choosing those proposed alternatives shall also be specified.

(b) Project Details: shall contain the details that can clearly demonstrate an overall picture of the project, undertaking, or operation, namely, types, sizes, implementation methods, component activities, and location of the project, undertaking, or operation, with photographs and maps showing the location as well as photographs and maps showing environmental components in the areas that may be impacted by the project, undertaking, or operation in a scale of 1:50,000 and/or another appropriate scale. Layout of land use of the project, undertaking, or operation, with appropriate directions and scale, shall also be included.

(c) Current Environmental Situation: shall demonstrate the details with photographs of natural resources, physical and biological environment, value to human beings' utilization, and value to life quality. There shall be details of the study outcome regarding economic and social aspects and public participation, as well as current problems. Environmental maps and land utilization outside the premises that may be impacted by the project, undertaking or operation both in a short and long run shall also be shown. How to organize public consultations for the project, undertaking, or operation that may seriously impact natural resources, environmental quality, health, sanitation, life quality of people in a community, shall be in accordance with guidelines prescribed in the Office of Natural Resources and Environmental Policy and Planning's notification.

(d) Environmental Impact Assessment: shall specify environmental impacts and assess them in every aspect that will occur due to implementation of the project, undertaking, or operation, which directly or indirectly impacts natural resources and environment and different values under (c). Assessments of alternatives to implementing the project, undertaking, or operation and of impacts that may happen under all alternatives shall also be provided.

(e) Environmental Impact Prevention and Correction Measures and Environmental Impact Monitoring Measures: shall at least consist of the following key substances:

1) details of measures to prevent and rectify environmental impacts, established from an assessment of environmental impact under (d) and in case where damages are unavoidable, measures to compensate and remedy such damages shall also be additionally included;

2) details of measures to monitor environmental impacts that are academically proper and practicable and consistent with the environmental impact prevention and correction measures. They shall be deemed part of monitoring after implementation of that project, undertaking, or operation;

3) details of environmental impact prevention and correction measures and environmental impact monitoring measures that were implemented in case where it is the project, undertaking, or operation that was previously in operation.

4) summary table of important environmental impacts: as well as environmental impact prevention and correction measures and environmental impact monitoring measures. An action plan for each aspect of the measures may be submitted for completeness.

(2) Components Attached to Environmental Impact Assessment Report: e.g, list of references such as a sample collection report, an analysis report on environmental quality sample, pictures and layouts or plans used in environmental impact assessment; annexes such as calculations, sample of questionnaires, photographs of interviews with relevant people, and research outcome that helps enhance understandings in providing an environmental impact assessment report.

(3) For the project, undertaking, or operation of a state agency or which a state agency jointly implements with a private sector, the operator, person asking for permission, or state agency who is owner of the project, undertaking, or operation, shall provide a summary report with at least key substances, namely, (a) introduction, (b) brief details of the project, undertaking, or operation with the same content as that in the main report, and (c) summary table of important environmental impacts along with environmental impact prevention and correction measures and environmental impact monitoring measures.

(4) The operator, person asking for permission, or state agency who is owner of the project, undertaking, or operation, shall submit an environmental impact assessment report using the format indicated in (1)-(2) or (1)-(3) as the case may be, and shall attach the following required documents:

(a) one original copy of the main report under (1) and at least 14 copies of duplicate;

(b) in case of a project, undertaking, or operation of a state agency or which a state agency jointly implements with a private sector which shall have a summary report under (3), the operator, person asking for permission, or state agency who is owner of the project, undertaking, or operation, shall also submit one original copy of the summary report;

(c) item list showing important environmental impacts, environmental impact prevention and correction measures, and environmental impact monitoring measures, pursuant to SPR1 Form;

(d) front and inside covers of the environmental impact assessment report pursuant to SPR2 Form;

(e) certificate document for the environmental impact assessment report pursuant to SPR3 Form;

(f) name list of providers of the environmental impact assessment report pursuant to SPR4 Form;

(g) demonstration of submission details of the environmental impact assessment report pursuant to SPR5 Form;

(h) a duplicate copy of license of a person having a right to provide environmental impact assessment reports.

No. 6: In addition to the original and duplicate copies of the report, a copy of attachments and format of the report which the operator, person asking for permission, or state agency who is owner of the project, undertaking, or operation must provide and submit under No.7 and No. 8, that operator, person asking for permission, or state agency who is owner of the project, undertaking, or operation shall also have a duty to submit documents, layouts, maps, or pictures to be used in the process of examining accuracy of documents; as well as statistical information used in providing a report of an official of the Office of Natural Resources and Environmental Policy and Planning or the state agency assigned by the Office of Natural Resources and Environmental Policy and Planning to consider environmental impact assessment reports for each project, undertaking, or operation as the case may be. This shall be as prescribed in the notification of Secretary-General of the Office of Natural Resources and Environmental Policy and Planning.

Document submissions under paragraph one shall not at all relate to the case where each expert committee has a resolution to require the operator, person asking for permission, or state agency who is owner of the project, undertaking, or operation, to submit additional documents/information for its consideration process in giving opinions to the report.

No. 7: Submission of an environmental impact assessment report of a project, undertaking, or operation that may seriously impact natural resources, environmental quality, health, sanitation, life quality of people in a community, shall be proceeded under the following procedure:

(1) in case of a project, undertaking, or operation of a state agency or which a state agency jointly implements with a private sector that shall require the Cabinet's approval according to governmental rules and regulations, the state agency responsible for such project, undertaking, or operation shall submit the report before requesting for the Cabinet's approval;

(2) in case of a project, undertaking, or operation of a state agency which is not required to acquire the Cabinet's approval or a legal permission, an official of the state agency responsible for such project, undertaking, or operation shall submit the report at the stage of applying for an authorization of the project or annual budget from chief of the state agency, as the case may be;

(3) in case of a project, undertaking, or operation of a private sector which is required a legal permission, the operator or person asking for permission shall submit the report in accordance with the procedure prescribed in the table appeared in Annex 2.

No. 8: An environmental impact assessment report of a project, undertaking, or operation that may seriously impact natural resources, environmental quality, health, sanitation, life quality of people in a community, shall be provided by a person granted a license to have a right to provide environmental impact assessment reports.

No. 9: In case where the operator, person asking for permission, or state agency who is owner of the project, undertaking, or operation, submits an environmental impact assessment report of a project, undertaking, or operation that may seriously impact natural resources, environmental quality, health, sanitation, life quality of people in a community, to an expert committee for a reconsideration under Section 51/1, paragraphs two and four of the Enhancement and Conservation of National Environmental Quality Act B.E. 2535 as amended by

the Enhancement and Conservation of National Environmental Quality Act (No. 2) B.E. 2561 and it is a continuous consideration after the previous one is concluded, statistical information collection, environmental quality information survey, public consultations, environmental impact assessment to be partly or wholly provided, shall be in accordance with a resolution of each expert committee and such resolution of the expert committee shall be final.

No. 10: In case where the notifications specifying areas to implement environmental protection measures issued under Section 45 of the Enhancement and Conservation of National Environmental Quality Act B.E. 2535 do not stipulate of which projects, undertakings, or operations that may seriously impact natural resources, environmental quality, health, sanitation, life quality of people in a community, are specifically required to provide an environmental impact assessment report, the types of projects, undertakings, or operations as indicated in this Notification shall apply to those areas implementing environmental protection measures as abovementioned.

No. 11: The operator, person asking for permission, or chief or acting chief of the state agency responsible for a project, undertaking, or operation, shall submit an environmental impact assessment report under No. 5 to the Office of Natural Resources and Environmental Policy and Planning or the agency assigned by the Office of Natural Resources and Environmental Policy and Planning, who shall be deemed accurately and completely accepting the report on the date of affixing seal on the documents.

Chapter 3

Transitional Provisions:

No. 12: Those environmental impact analysis reports for a project or activity that may cause severe impact on quality of environment, natural resources and health of community, submitted before this Notification becomes effective and still under an expert committee's consideration, such consideration process shall proceed until the expert committee has a resolution which renders the process concluded.

No. 13: This Notification shall come into effect one day after the date of its publication in the Government Gazette.

Notified on 19 November B.E. 2561

General Surasak Karnjanarat,
Minister of National Resources and Environment

Annex 1

Projects, Undertakings, or Operations Which May Seriously Impact Natural Resources, Environmental Quality, Health, Sanitation, Life Quality of People in a Community that are Required to Provide an Environmental Impact Assessment Report

No.	Type of Projects, Undertakings, or Operations	Size
1.	Land fill in seas or lakes outside existing coastlines, except if it is done for seashore restoration purpose	300 Rai or more
2.	Mining under the law on minerals as follows: 2.1 underground mining designed for subsidence after stopping operation without any suspension or refilling substituted material to avoid subsidence; 2.2 mining of lead, zinc, or other metals using cyanide or mercury or lead nitrate in production process or other metal mines using arsenopyrite as associated mineral; 2.3 coal mining that transports coal mineral out of the area by motor vehicles; 2.4 marine mining.	All sizes All sizes Production capacity of 200,000 tons or more per month; or 2,400,000 tons or more per year All sizes
3.	Industrial estate under the law on Industrial Estate Authority of Thailand or other similar projects as follows: 3.1 more than one factory of industrial estate or other similar projects established to support petrochemical industry indicated in No. 4. or ironworks industry in No. 5.1 or 5.2, as the case may be; 3.2 industrial estate or other similar projects which area is expanded to support petrochemical industry indicated in No. 4. or iron smelting industry in No. 5.1 or 5.2.	All sizes
4.	Petrochemical industry as follows: 4.1 upstream petrochemical industry; 4.2 intermediate petrochemical industry as follows: 4.2.1 manufacturing chemical substances or using chemical substances in Carcinogens Group 1 as a raw material; 4.2.2 manufacturing chemical substances or using chemical substances in Carcinogens Group 2A as a raw material	All sizes; or production capacity expansion of 35% or more from the original capacity Production capacity of 100 tons or more per day; or production capacity expansion altogether of 100 tons or more per day Production capacity of 700 tons or more per day; or production capacity expansion altogether of 700 tons or more per day
5.	Metal smelting or melting industry as follows: 5.1 iron smelting industry;	Mineral input for production of 5,000 tons or more per day; or mineral input for

No.	Type of Projects, Undertakings, or Operations	Size
	5.2 iron smelting industry producing coke or using sintering process; 5.3 copper, gold, or zinc smelting industry 5.4 Lead smelting industry ; 5.5 metal melting industry (except iron and steel, and aluminum) ; 5.6 lead melting industry.	production altogether of 5,000 tons or more per day All sizes Mineral input for production of 1,000 tons or more per day; or mineral input for production altogether of 1,000 tons or more per day All sizes Production capacity (output) of 50 tons or more per day; or production capacity altogether of 50 tons or more per day Production capacity (output) of 10 tons or more per day; or production capacity altogether of 10 tons or more per day
6.	Manufacture, possession, or utilization of atomic energy from nuclear reactors	Generating power of 2 megawatts or more
7.	Central waste treatment plants or factories with a business of burying garbage or unused materials under the laws on factories that burn or bury hazardous waste, except burning in cement ovens using hazardous waste as raw material substitute or additional fuel	All sizes
8.	Aviation transportation system	Construction to expand or increase the number of an airport's runways for 3,000 meters or more
9.	Ports	1) Berth length of 300 meters or more; or front port area of 10,000 square meters or more, except those ports used by people in daily life and for tourism; 2) Watercourse dredging of 100,000 cubic meters or more; 3) Loading and unloading hazardous materials or hazardous waste that are in Carcinogens Group 1, the total quantity of which is 25,000 tons or more per month or 250,000 tons or more per year

No.	Type of Projects, Undertakings, or Operations	Size
10.	Dams or reservoirs	Water storage of 100 million cubic meters or more; or water storage area of 15 square kilometers or more
11.	Thermal power plants as follows: 11.1 power plants using coal as fuel 11.2 power plants using biomass fuel 11.3 power plants using natural gas as fuel, applying co-thermal system type of combined cycle or cogeneration 11.4 nuclear power plants	Total electricity productivity of 100 megawatts or more Total electricity productivity of 150 megawatts or more Total electricity productivity of 3,000 megawatts or more All sizes
12.	Coke production	All sizes

Unofficial Translation

Annex 2

Stage for Submission of an Environmental Impact Assessment Report for Projects, Undertakings, or Operations Which May Seriously Impact Natural Resources, Environmental Quality, Health, Sanitation, Life Quality of People in a Community

No.	Type of Projects, Undertakings, or Operations	Stage
1.	Land fill in seas or lakes outside existing coastlines, except if it is done for seashore restoration purpose	when applying for authorization or permission of the project, as the case may be
2.	Mining under the law on minerals as follows: 2.1 underground mining designed for subsidence after stopping operation without any suspension or refilling substituted material to avoid subsidence; 2.2 mining of lead, zinc, or other metals using cyanide or mercury or lead nitrate in production process or other metal mines using arsenopyrite as associated mineral; 2.3 coal mining that transports coal mineral out of the area by motor vehicles; 2.4 marine mining.	when applying for a mining concession
3.	Industrial estate under the law on Industrial Estate Authority of Thailand or other similar projects as follows: 3.3 more than one factory of industrial estate or other similar projects established to support petrochemical industry indicated in No. 4. or ironworks industry in No. 5.1 or 5.2, as the case may be; 3.4 industrial estate or other similar projects which area is expanded to support petrochemical industry indicated in No. 4. or iron smelting industry in No. 5.1 or 5.2.	when applying for authorization or permission of the project, as the case may be
4.	Petrochemical industry as follows: 4.1 upstream petrochemical industry; 4.2 intermediate petrochemical industry as follows: 4.2.1 manufacturing chemical substances or using chemical substances which are Carcinogens Group 1 as a raw material; 4.2.2 manufacturing chemical substances or using chemical substances which are Carcinogens Group 2A as a raw material	when applying for construction, operation, or expansion permission, as the case may be
5.	Metal smelting or melting industry as follows: 5.1 iron smelting industry; 5.2 iron smelting industry producing coke or using sintering process; 5.3 copper, gold, or zinc smelting industry 5.4 lead smelting industry; 5.5 metal melting industry (except iron and steel, and aluminum) ; 5.6 lead melting industry.	when applying for construction, operation, or expansion permission, as the case may be
6.	Manufacture, possession, or utilization of atomic energy from nuclear reactors	when applying for operation permission
7.	Central waste treatment plants or factories with a business of burying garbage or unused materials under the laws on factories that burn or bury hazardous waste, except burning in cement ovens using hazardous waste as raw material substitute or	when applying for construction or operation permission, as the case may be

No.	Type of Projects, Undertakings, or Operations	Stage
	additional fuel	
8.	Aviation transportation system	when applying for authorization or permission of the project, as the case may be
9.	Ports	when applying for authorization or permission of the project, as the case may be
10.	Dams or reservoirs	when applying for authorization or permission of the project, as the case may be
11.	Thermal power plants as follows: 11.5 power plants using coal as fuel 11.6 power plants using biomass fuel 11.7 power plants using natural gas as fuel, applying co-thermal system type of combined cycle or cogeneration 11.8 nuclear power plants	when applying for construction or operation permission, as the case may be
12.	Coke production	when applying for authorization or permission of the project, as the case may be

Unofficial Translation

**Item List Showing Important Environmental Impacts,
Environmental Impact Prevention and Correction Measures, and
Environmental Impact Monitoring Measures**

Project Name:

Environmental Components and Different Values	Important Environmental Impacts	Environmental Impact Prevention and Correction Measures	Environmental Impact Monitoring Measures
Physical Environmental Resources Biological Environmental Resources Value to Human Beings' Utilization Value to Life Quality			

Unofficial Translation

Environmental Impact Assessment Report

Project Name:

Location:

Project Owner:

Address of Project Owner:

Assignment of Power:

- Project owner delegates his/her power to
to submit the report as indicated in the attached power of attorney.
- Project owner does not delegate his/her power to any person.

Provided by

.....

(Juristic Person - Provider of Environmental Impact Assessment Report)

Unofficial Translation

Certificate for Environmental Impact Assessment Report

Date.....Month.....B.E.....

The document certifies thatis a provider of an environmental impact assessment report of the project... for... for the purpose of.....under the application number.....with the natural person holding a right to provide reports and co-provider(s) of the report as follows:

Natural person holding a right to provide reports

Signature

.....

.....

Co-provider(s) of the report

Signature

.....

.....

.....

.....

.....

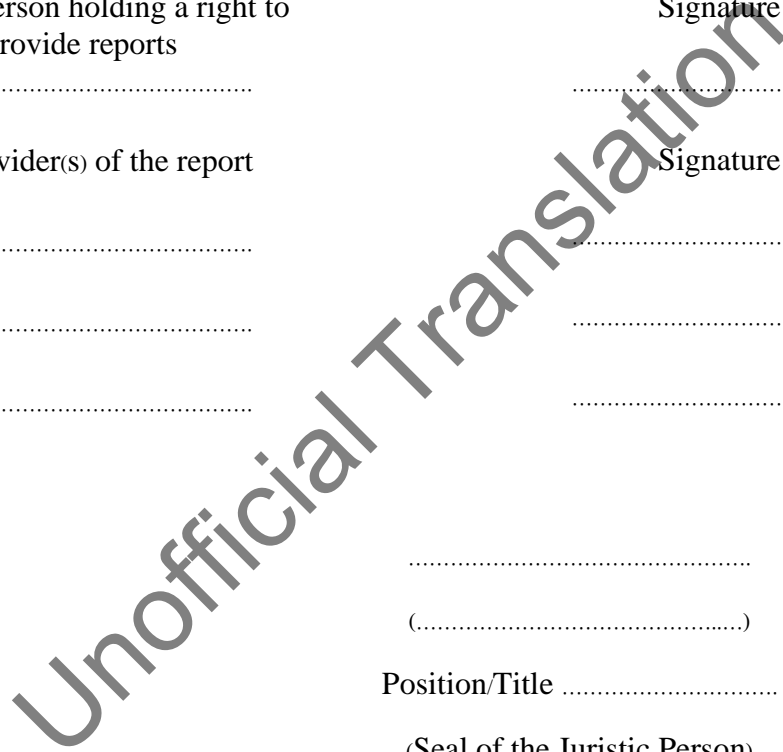
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(.....)

Position/Title

(Seal of the Juristic Person)



Name List of Providers of Environmental Impact Assessment Report

Project Name:

Name-Surname / Education	Work Topics	Home Address / Current Work Address	Proportion (%) of Work to the Whole Report	Signature
<p>Unofficial Translation</p>				

Demonstration of Submission Details of Environmental Impact Assessment Report

Project Name:

Location:

Project Owner:

Reasons for Report Submission

- A project required to provide a report under the notification.....
for a project, undertaking, or operation type
- A project being provided a report because of the Cabinet's resolution
regarding.....on (date/month/year).....
(Please attach the relevant Cabinet's resolution(s) and document(s).)
- A project being provided a report according to investment promotion conditions
- Others (Please indicate.).....

Application for Project Authorization/Permission

- This report is provided to attach to an authorization/ permission from
.....(Please indicate name of the agency granting
authorization/ permission) as required by (Act)
Section/Type/No./Order
- This report is provided to attach to a request for the Cabinet's authorization.
- This report is a project that is not required to request for a state agency's
permission nor the Cabinet's authorization.
- This report is a project, undertaking, or operation in an aspect of (Please
indicate.).....which is in an urgent necessity for the benefit
of public interests pursuant to Section 49, paragraph four of the Enhancement
and Conservation of National Environmental Quality (No. 2) B.E. 2561.
- Others (Please indicate.).....

Project Status at the Stage of Report Submission (can indicate more than one option)

- Project construction/implementation has not been started.
- Project construction has been started. (Please indicate date, brief details, and an
administrative order, if any.)
- Project has been implemented.
- Others (Please indicate.).....

Project Status Reported on (date/month/year)