



NOTIFICATION

**of the Ministry of
Natural Resources and
Environment**

Thailand

**Re: Rule, Procedure, Method and Guideline for
Preparation of the Environmental Impact Assessment
Report for Project or Activity which may Seriously
Affect Community with respect to Quality of
Environment, Natural Resources and Health**

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By

Office of Natural Resources and Environmental Policy and Planning

Ministry of Natural Resources and Environment

60/1 Soi Piboonwattana 7 Rama VI, Payathai, Bangkok 10400

Unofficial translation

Pakorn Nilrapunt, Office of the Council of State (www.krisdika.go.th, www.lawreform.go.th)

Remark: This translation has been made so as to establish correct understanding about this Notification to foreigners. Reference to Thai legislation in any jurisdiction shall be made to Thai version only.

Published by

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Notification of the Ministry of Natural Resources and Environment

Re: Rule, Procedure, Method and Guideline for
Preparation of the Environmental Impact Assessment
Report for Project or Activity which may Seriously
Affect Community with respect to Quality of
Environment, Natural Resources and Health

Whereas preparation and consideration of the environmental impact assessment report for project or activity which may seriously affect community differs from consideration of that report of general project or activity and whereas it is necessary to fulfil the requirements of section 67 of the Constitution of the Kingdom of Thailand, the Minister of Natural Resources and Environment, with approval of the National Environmental Board, do hereby, by virtue of section 46 and section 51 of the Promotion and Conservation of National Environmental Quality Act, B.E. 2535 (1992), prescribe rule, procedure, method and guideline for preparation of the environmental impact assessment report for project or activity which may seriously affect community with respect to quality of environment, natural resources and health, as follows:

Clause 1. Prior to carrying out of the project or activity of the government agency, State enterprise or private individual which may seriously affect community as mentioned below, the environmental impact assessment report for project or activity which may seriously affect community with respect to quality of environment, natural resources and health shall be prepared, consultation with the public and interested parties shall be organised and recommendation of the independent organisation shall be given in accordance with the rule and procedure hereto attached:

1.1 the project or activity which has been announced or prescribed under this law or other laws to be project or activity which may seriously affect community with respect to quality of environment, natural resources and health;

1.2 the project or activity which has been decided by the Subcommittee on Complaint for the project or activity which may seriously affect community with respect to quality of environment, natural resources and health as appointed by the National Environmental Board, within thirty days as from the date of receiving the complaint, as to whether it may seriously affect community with respect to quality of environment, natural resources and health.

Clause 2. The preparer of the report under this Notification shall be permitted to prepare environmental impact assessment report and registered with the Office of Natural Resources and Environmental Policy and Planning. In the case where the preparation of such report is required to be permitted under any other law and the procedure for granting of such permission is prescribed by such law, the preparer of the report shall also be permitted under such law.

Clause 3. The Office of Natural Resources and Environmental Policy and Planning shall, upon receiving the report from the preparer under Clause 2, act in compliance with section 48 of the Promotion and Conservation of National Environmental Quality Act, B.E. 2535 (1992) by proposing such report to the Expert Committee for its consideration under section 49 of the Promotion and Conservation of National Environmental Quality Act, B.E. 2535 (1992).

Clause 4. When the approval of the Expert Committee has been given to the environmental impact assessment report, the Office of Natural Resources and Environmental Policy and Planning shall send the result thereof to the State agency which is responsible for such project or activity or to the State agency having authority of granting permission to the project in order to organise consultation with the public and interested parties in accordance with the consultation procedure hereto attached.

Clause 5. In the case where the approval of the Expert Committee has been given to the environmental impact assessment report for project or activity which may seriously affect community with respect to quality of environment, natural resources and health, the Office of Natural Resources and Environmental Policy and Planning shall, prior to conduct further proceeding or the granting of permission of the responsible State agency, send the approved report together with the opinion of the Expert Committee as well as summary of the measures for protection and mitigation of environmental impact to the independent organisation for its appended opinion.

Clause 6. If the project or activity under Clause 1 is the project or activity of the government agency or State enterprise or the project that jointly with private individual which requires the approval of the Council of Ministers, the Office of Natural Resources and Environmental Policy and Planning shall submit the opinion of the Expert Committee and that of the independent organisation as well as the consultation report with the public and interested parties prepared by the responsible agency to the National Environmental Board for its consideration and for the issuance of its opinion to the Council of Ministers for consideration.

Clause 7. This Notification shall come into force as from the day following the date of its publication in the Government Gazette.¹

Given on the 29th Day of December B.E. 2552

Suwit Khunkitti
Minister of Natural Resources and Environment

¹
Published in the Government Gazette, Vol. 126, Special Issued 188 Ngo, dated 29th December B.E. 2552 (2009).

Annex

A. Guideline for preparation of the environmental impact assessment report for project or activity which may seriously affect community with respect to quality of environment, natural resources and health comprises of:

1. Substantial Matters

1.1 Summary Report shall contain the following matters:

1.1.1 description of the project or activity together with related undertakings;

1.1.2 location of the project or activity with picture and map thereof, including map demonstrating environmental components in the area which may be affected by the project or activity in the scale of 1:50000 or other appropriated scale;

1.1.3 alternative location and operational method of the project or activity together with justification and consideration for selection of the proposed option;

1.1.4 report on impact which may affect significant environment, protection and remedy thereof and investigation and examination of environmental impact to be made in accordance with Form So Pho Ro. 1;

1.1.5 conclusion on impact which may seriously affect community with respect to quality of environment, natural resources and health, together with supported justification or consideration.

1.2 Main Report shall contain the following matters:

1.2.1 Introduction: describing background, objectives, justification and necessity of the project or activity as well as the objectives for the preparation of the report and terms of reference and methodology thereof;

1.2.2 Location of the project or activity: composing of picture and map of the project or activity, including map demonstrating environmental components in the area which may be affected by the project or activity in the scale of 1:50000 or other appropriated scale shall be annexed;

1.2.3 Description of the project or activity: describing detailed information thereof holistically, viz., category, size and location of the project or activity, its operational method as well as land use plan of the project or activity with appropriate direction and scale;

1.2.4 Existing environmental conditions: describing detailed information, with picture, of physical and biological natural resources and environment by classifying them into remediation and non-remediation, describing their value for human being utilisation and quality of live and identifying problems existed in the area of the project or activity, together with the map demonstrating environmental components in the area of the project or activity, in respect of

social and health of the public therein which may be affected by the operation of the project or activity and in respect of land use in the vicinity area of the project or activity and other areas which may be affected by the operation of the project or activity, both in short and long terms;

1.2.5 Evaluation of the alternative and assessment of impact which may emerge from the project or activity:

(1) Alternative operation of the project or activity: The environmental impact assessment report for the project or activity which may seriously affect community with respect to quality of environment, natural resources and health shall recommend the alternative on location and operation method of the project or activity. All recommended alternatives shall comply with the objectives and shall be clarified as to whether they are capable to achieve the target and necessity for having or not having such project or activity and whether they have protective and remedy measures for all impacts. In this regard, the most appropriate alternative for the operation of the project or activity shall be recommended with supported justification and necessity, with due regard to health and social information of the public in the area which may be affected by the operation of the project or activity, both short and long terms;

(2) Environmental impact assessment: Impact to be assessed shall be the impact which may emerge from the project or activity, both direct and indirect impact, on natural resources, environment and other values as specified in 1.2.4. In so doing, the natural resources shall be classified into remediation and non-remediation. Additionally, the impact which may emerge from all alternatives of the project or activity shall be compared. In this regard, the health impact assessment shall be in accordance with Annex B and the consultation with the public and interested parties shall be in accordance with Annex C whereby impact that may seriously affect community with respect to quality of environment, natural resources and health as well as supported justification or rule for consideration shall be identified;

1.2.6 Measure for protection and remedy of environmental impact and compensation: Description of measure for protection and remedy of emerged impact under 1.2.5 shall be clarified. In case of unavoidable damage, compensation plan for such damage shall also be proposed. In determining of measure for protection and remedy of environmental impact and compensation, regard shall also be extended to measure for protection and remedy in respect of health and social;

1.2.7 Measure for investigation and examination of environmental impact: The appropriate measures and plan, both in term of technical and operational aspects, for investigation and examination of environmental impact shall be proposed and this may be the part of post-operation investigation and examination of the project or activity. Measure for investigation and examination of environmental impact shall include the measures for investigation and examination in respect of health and social.

1.2.8 Table summarising significant environmental impacts together with measure for protection and remedy thereof.

2. Document and Evidence to be submitted

- 2.1 Main report of not less than fifteen copies;
- 2.2 Summary report of not less than fifteen copies;
- 2.3 Front cover and inside cover of the environmental impact assessment report made in accordance with Form *Sor Phor Ror. 2*;
- 2.4 Certificate for preparation of the environmental impact assessment report made in accordance with Form *Sor Phor Ror. 3*;
- 2.5 Copy of permission to be preparer of the environmental impact assessment report;
- 2.6 List of the persons preparing the environmental impact assessment report made in accordance with Form *Sor Phor Ror. 5*;
- 2.7 Form for submission of the environmental impact assessment report made in accordance with Form *Sor Phor Ror. 6*.

B. Guideline for evaluation of health impact for project or activity which may seriously affect to community in respect of quality of environment, natural resources and health

Health impact assessment for the above mentioned project or activity shall be made in accordance with the Guideline for Health Impact Assessment published in the Environmental Impact Assessment Report of Thailand, Volume December 2552 (2009), by the Office of Natural Resources and Environmental Policy and Planning, Ministry of Natural Resources and Environment or the Guideline as amended for the compliance with the rule and procedure for assessment of health impact emerging from public policy issued by the Office of National Health Committee, as follows:

1. In order to enhance participation of the public, interested parties and other sectors to present their concerns and guideline of health impact assessment and to ensure that the health impact assessment is made upon all-round basis, the agency which is responsible for the project or activity or the applicant for permission or license to operate the project or activity shall organise forum on the determination of terms of reference and guideline for health impact assessment and shall then submit the report on determination of the terms of reference and guideline of health impact assessment to the Expert Committee for consideration. The discussion forum on the determination of terms of reference and guideline of health impact assessment shall be organised in accordance with the guideline for consultation as specified in Annex C.1.

2. The health impact assessment published in the environmental impact assessment report for the project or activity which may seriously affect community in respect of quality of environment, natural resources and health shall, at least, cover the factors that may affect health as follows:

2.1 change in condition and utilisation of natural resources, irrespective of whether it is land, water, fishery, forestry, biological diversity, mineral and other natural resources, and ecological system;

2.2 production, transportation and storage of hazardous substance whereby category, quantity and handling method thereof shall be clarified;

2.3 origination and discharge of waste and health threatening substance from construction, production process and any other process, whether it is discard, waste, hazardous waste, wasted water, infectious waste, heat, air pollutant material, dust, light, noise, odour, vibration and radioactivity;

2.4 exposure to pollution and health threatening substance regardless of route of bodily exposure, e.g. inhalation, consumption, skin contact etc., exposure of worker or operator of the project or activity, exposure of the public surrounding the project or activity etc.;

2.5 change and effect on occupation, employment and local working condition, both positive and negative perspectives, e.g. risk and accident at work, change in ecological system, natural resources and supply chain of goods and service which are foundation of principal livelihood of a particular group of people in the area;

2.6 change and effect on relationship of people and community, both internal and external community, particularly to the migration of population and labour, incensement and decrease of public place in community and conflict that may have been arisen from the operation of such project or activity;

2.7 change in the area which is important or cultural heritage, e.g. religious place, place of worship of the public or place for performing religious ceremony by local community, and the area with historic and ancient sites;

2.8 specific or severe impact on particular group of people, especially such sensitively vulnerable group as children, disable persons, elderly persons, single parents, minority etc.;

2.9 resources and readiness of public health in respect of the enhancement, prevention, treatment and rehabilitation of public health which may relate to the project or activity, including readiness of health information in the area prior to operation, information database for monitoring of impact, capability in searching of diseases and taking care of accident and public calamity that may occur.

3. In order to ensure that the health impact assessment is made upon all-round basis, the agency which is responsible for the project or activity or the agency having authority under the law in granting permission or license shall organise consultation so as to review the draft environmental impact assessment report for the project or activity which may seriously affect community in respect of quality of environment, natural resources and public and shall submit the report on consultation with interested parties and the public together with its opinion and clarification thereon to the Expert Committee for further proceeding. The consultation for reviewing the draft environmental and health impact assessment report shall be in accordance with the guideline for consultation with the public and interested parties as specified in Annex C.3.

C. Guideline for consultation with the public and interested parties in the process of environmental impact assessment for project or activity which may seriously affect community in respect of quality of environment, natural resources and health

C. 1 Consultation with the public and interested parties for determination of terms of reference and guideline for environmental and health impact assessment

1. The agency which is responsible for the project or activity shall organise the forum on the determination of terms of reference and guideline for health impact assessment so as to enhance the public, interested parties and relevant agencies to express their concerns and guideline for environmental and health impact assessment and to ensure that the environmental and health impact assessment is made upon all-round basis.

2. The forum on the determination of the terms of reference and guideline of environmental and health impact assessment shall be organised as follows:

2.1 the Office of Natural Resources and Environmental Policy and Planning, the Office of National Health Committee and the public shall be notified in advance for the period of not less than one month. Such notification shall be made through at least three public communication channels so as to ensure the preparation of the interested agency and the public;

2.2 the project document specifying background, necessity, source of fund, process and operation guideline of the project, including basic information relating to factor which may produce environmental and health impact and the draft term of reference and guideline for environmental and health impact assessment shall be disclosed through at least three public communication channels in order to allow interested parties and the public to review in advance for the period of not less than fifteen days;

2.3 the registration to the forum shall be organised for the convenience of the public, interested parties and related agency and registration in advance has to be allowed;

2.4 the consultation with the public and interested parties shall be organised during appropriate period, but not less than two hours and the total period shall not less than one-half of the total duration of the forum, in order to allow interested parties and the public to present their concerns, relevant information and guideline for environmental and health impact assessment;

2.5 after the forum, at least two communication channels shall be opened for receiving public opinion for not less than fifteen consecutive days.

3. The agency which is responsible for the project or activity or the applicant for permission or license to operate the project or activity shall prepare and submit the summary report on opinions of interested parties and the public together with its clarification thereon and proposed terms of reference and guideline for environmental and health impact assessment to the Office of Natural Resources and Environmental Policy and Planning for acknowledgement and to the Office of National Health Committee for public announcement.

■ C. 2 Consultation with the public and interested parties at the stage of assessment and preparation of the environmental impact assessment report for project or activity which may seriously affect community in respect of quality of environment, natural resources and health

At the stage of assessment and preparation of the environmental impact assessment report for project or activity which may seriously affect community in respect of quality of environment, natural resources and health, the owner of the project or the preparer of the environmental impact assessment report shall act in accordance with the Guideline for Public Participation and Social Impact Assessment in the Environmental Impact Assessment Report published by the Office of Natural Resources and Environmental Policy and Planning, Ministry of Natural Resources and Environment, in order to ensure all-round participation. In this regard, the owner of the project or the preparer of the environmental impact assessment report shall act as follows:

1. The preparer of the environmental impact assessment report shall disclose information related to the project or activity to be assessed which, at least, composing of the following information:

1.1 type, size, production capacity and area of the project or activity
 1.2, pollution which may emerge from the operation of the project or activity, source of water or public place to be used as waste-yard for waste water or substance from the project or activity (if any), including factors which may affect health;

1.2 guideline for environmental and health impact assessment and measure for protection and mitigation of environmental and health impact (if any);

1.3 expected commencement of the project or activity;

1.4 name of the owner of the project or agency having authority in granting of permission or license under the law, together with telephone number and address for further information;

1.5 date, time and place for consultation with the public and interested parties;

1.6 the place for installation of the sign board displaying information under 1.1-1.5 and the size of the sign board shall be conveniently accessible and readable by the public and interested parties.

2. In conducting survey and consultation of the public and interested parties, the preparer of the environmental impact assessment report shall clarify name of the project or activity, objective, target and issue to be surveyed or consulted. In this regard, each issue shall correspond with details of such project or activity.

3. In conducting survey and consultation, priority should be given to the gathering of information and study to the way of life and environment of the community in the area which may be affected from the operation of the project or activity.

4. Survey and consultation to be organised by the preparer of the environmental impact assessment report may be as follows:

4.1 individual interviews;

4.2 submitting opinion by post, telephone, facsimile, information technology networks system or other means;

4.3 allowing the public and interested parties to obtain information and express their opinion at the State agency which is responsible for the project;

4.4 small group discussions;

4.5 workshops;

4.6 meeting of representatives of the related or interested parties.

5. The preparer of the environmental impact assessment report shall, within fifteen days upon the completion of the survey, conclude the result thereof, both positive and negative aspects, and shall display such report at Changwat natural resources and environment office, Changwat health office, Amphoe office, Amphoe health office, local administration organisation office, Kamnan office, Phuyaiban office and State health service agency located in the area of the project or activity. In this regard, the report shall be displayed at conveniently accessible place for, at least, not less than fifteen days.

■ C. 3 Consultation with the public and interested parties in reviewing the draft environmental impact assessment report for project or activity which may seriously affect community in respect of quality of environment, natural resources and health

1. The agency which is responsible for the project or activity shall organise forum for reviewing the draft environmental impact assessment report of the project or activity which may seriously affect community in respect of quality of environment, natural resources and health in order to allow the public, interested parties and relevant agencies to review its accuracy and completion and to present their additional information, fact and opinion thereto.

2. The forum shall be organised as follows:

2.1 the Office of Natural Resources and Environmental Policy and Planning, the Office of National Health Committee and the public shall be notified in advance for the period of not less than one month. Such notification shall be made through at least three public communication channels;

2.2 the draft of final environmental impact assessment report shall be disclosed through at least three public communication channels in order to allow interested parties and the public to review in advance for the period of not less than fifteen days;

2.3 the forum shall be organised during appropriate period, but not less than three hours and the total period shall not less than one-half of the total duration of the forum, in order to allow interested parties and the public to present their additional information, fact and opinion thereto;

2.4 after the forum, at least two communication channels shall be opened for receiving public opinion for not less than fifteen consecutive days.

3. The agency which is responsible for the project or activity shall prepare and submit the summary report on opinions of interested parties and the public together with the opinion and clarification of its own or of government agency having authority in granting of permission or license or other related agencies to the Office of Natural Resources and Environmental Policy and Planning for acknowledgement and to the Office of National Health Committee for public announcement.

D. Consultation with the public and interested parties of the agency having authority in granting of permission or license

1. The State agency having authority in granting of permission or license shall appoint a Consultation Committee, consisting of a Chairperson and not less than two, but not more than four members.

The Chairperson and members shall not have any interest with the project or activity and at least one-thirds of the members shall be appointed from person who is not government officials, member of the National Assembly, member of local assembly or local administrator.

2. The Consultation Committee shall act as follows:

2.1 study details of the project or activity to be consulted;

2.2 determine consultation process, procedure, venue and time with due regard to convenience of all stakeholders;

2.3 advertise the call for consultation in at least one daily newspaper widely circulated in the area of construction of the project and its vicinity for at least three days in order to enable the public and interested parties who desire to express their opinion to register with the Consultation Committee in advance for not less than fifteen days. The registration period shall be not less than five days prior to the date of consultation;

2.4 make known to the public and interested parties who have registered of the date of consultation. The duration for consultation shall not less than fifteen days;

2.5 openly post information relating to the project or activity at the office of State agency having authority in granting of permission or license and at the local administration organisation office where such project or activity is located and on the website of State agency calling for consultation. This step shall be made at least fifteen days prior to the commencement of consultation.

The Consultation Committee shall take arguments of all parties including impacts in all aspects into its consideration and shall organise the consultation upon flexibility, integrity and fairness basis in order to obtain clear and accurate information and correspond to academic principles and existing condition for the purpose of decision making of the agency having authority in granting of permission or license.

3. Upon the completion of consultation, the Consultation Committee shall prepare the consultation report which contains, at least, the followings:

3.1 names of members, the public and interested parties registering and attending the meeting;

3.2 summary of consultation process, procedure, date, time and venue;

3.3 written record of each opinion expressed by the public and interested parties;

3.4 conclusion of consultation regarding to appropriateness, impact, alternative and other recommendations.

4. The Consultation Committee shall submit the report under 3 together with clarification of all related agencies to the appointing State agency within fifteen days as from the date of completion of consultation. The report is deemed to be public document and shall be published on the website.

5. The State agency having authority in granting of permission or license shall take the opinions obtained from the public and interested parties together with clarification of relevant agencies into its consideration and shall clarify in writing its justification to each issue and publish such clarification to the public and on the website.

Form *Sor Phor Ror. 1*

Report
 on Impact which may affect Significant Environment, Protection and
 Remedy and Investigation and Examination of Environmental Impact

Environmental components and their values	Impact on significant environment	Measures for protection and remedy	Measures for investigation and examination of environmental impact
Physical environmental resources			
Biological environmental resources			
Ecological system			
Value for human being utilisation			
Value for quality of life			

Form *Sor Phor Ror. 2*

Environmental Impact Assessment Report

Project Name

Project Location

Project Owner

Address of Project Owner

Power of Attorney

[.....] Project owner has granted power of attorney to
to present the report on his behalf according to the power of
attorney hereto attached

[.....] No power of attorney

Prepared by

.....
(Name of juristic person preparing report)

Form *Sor Phor Ror. 3*

Certificate for Preparation of Environmental Impact Assessment Report

Date .. Month Year

This letter is made to certify that is the preparer of the environmental impact assessment report of the project to for under application number The expert and officials responsible for the preparation of this report are as follows:

Expert

Signature

.....

.....

Officials

Signatures

.....

.....

.....

.....

.....

.....

.....

(.....)

Position

(affixed with seal of juristic person)

Form *Sor Phor Ror. 5***List of the Persons Preparing
the Environmental Impact Assessment Report**

Names	Responsible field/issue of study	Proportion of work in this report in %

Form *Sor Phor Ror. 6*

Form for Submission of the Environmental Impact Assessment Report

Justification for submission of the report

- This project is required to prepare the report in accordance with the Notification of the Ministry of Natural Resources and Environment, Re: Rule, Procedure, Method and Guideline for Preparation of Environmental Impact Assessment Report for Project or Activity which may Seriously Affect Community with respect to Quality of Environment, Natural Resources and Health, in the category of
- Being the project which is required by the resolution of the Council of Ministers, Re: dated to prepare the report (The resolution of the Council of Ministers and relevant documents have to be annexed herewith)
- Report is prepared upon the request of the Office of the Board of Investment
- Others (please specify) Date of contract for preparation of the report

Application for project's license

- This report is prepared for application of license from..... (identify agency having authority in granting of permission or license) under the Act on Section/Category/Clause/No. ...
- The report is prepared for application of approval of the Council of Ministers
- This project is not required to have any permission or license from a government agency and approval of the Council of Ministers
- Others (please specify)

Project status (Selection may be made for more than one choice)

- Pre-project feasibility study
- In process of project feasibility study
- Prior to construction
- Under construction (Picture and date of taken shall be annexed herewith)
- Engine test run stage
- Under operation

Project status is reported on the date

