

# Handbook for Public Participation in Environmental Impact Assessment

prepared by Thailand National Chapter, The Access Initiative (TAI) February 2014



# Handbook for Public Participation in Environmental Impact Assessment

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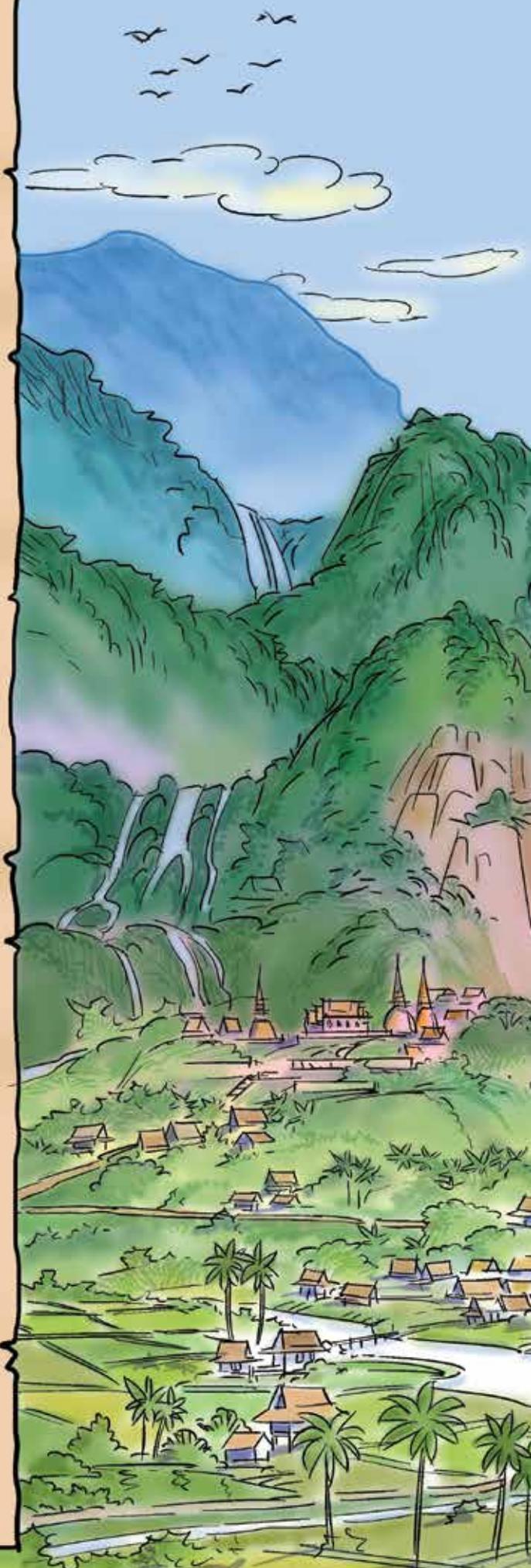
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# Introduction

Environmental Impact Assessment (EIA) is a measure that needs to be conducted according to the law, as stated in the Thai Constitution. It is necessary, therefore, to have local people participate in the consideration and decision-making process when a project, which will generate meaningful public participation is conducted in their area. In order to conduct any project with a sustainable development goal that could conserve abundance and diversity of natural resources, food security, sustainable careers and especially the way of life that is dependent upon natural resources, we need to accept that conducting large-scale projects in Thailand still lacks proper assessment processes, including specialists to study and consider environmental impacts. As a result, developing the country under capitalism that is focused on urgency is currently creating several mistakes, as can be seen from the increasing environmental problems emerging from the various development projects. These accumulated environmental problems have become wounds for the surrounding communities and tend to increase exponentially and more seriously in future.

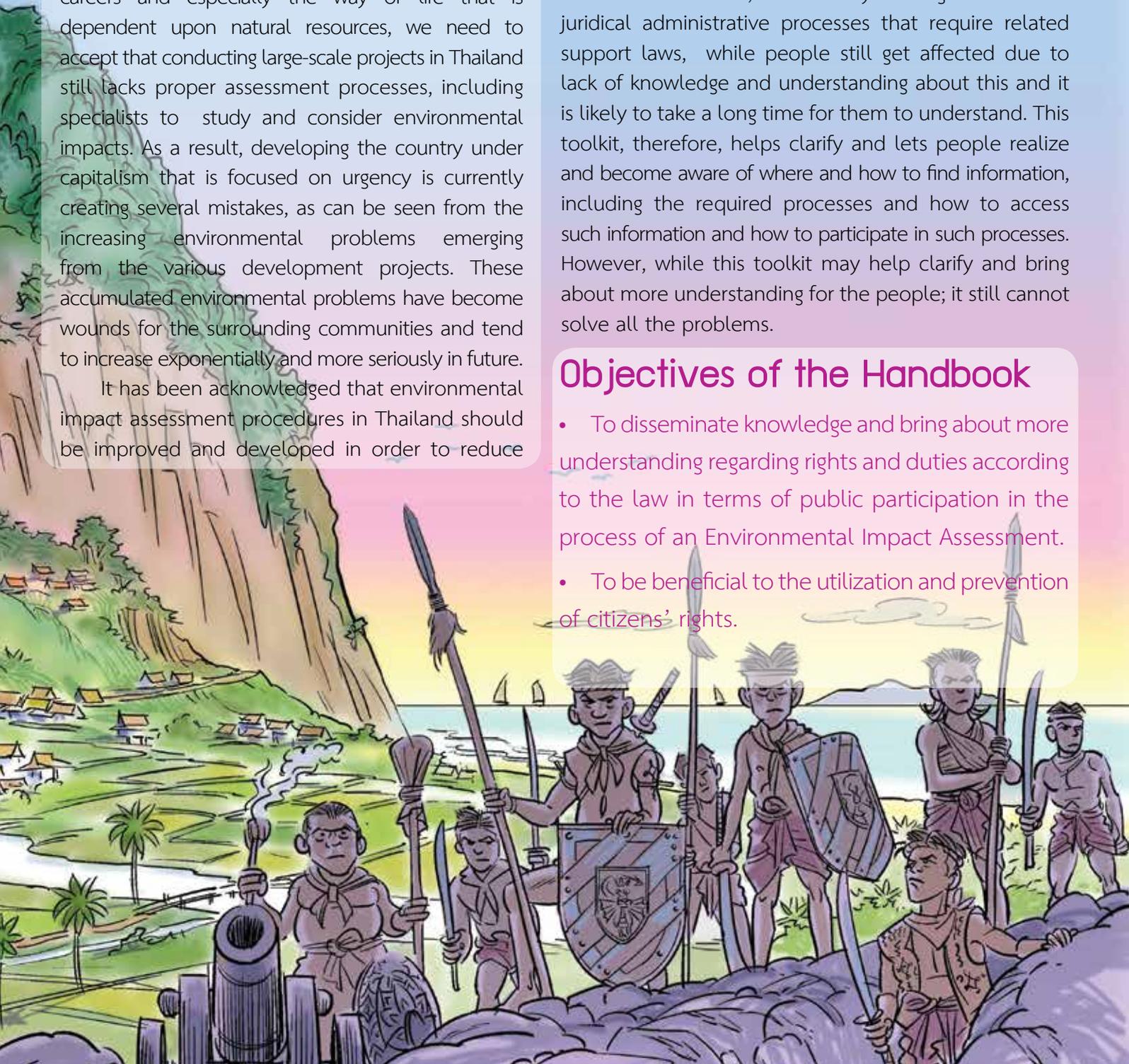
It has been acknowledged that environmental impact assessment procedures in Thailand should be improved and developed in order to reduce

the impact on surrounding areas and people's livelihoods that rely on and relate to the abundance of natural resources. Environmental specialists and researchers from many countries have conducted research, held seminars and academic conference, and agree that in order to bring any development projects into an environmental system, it is necessary to make a Strategic Environment Impact Assessment (SEA) together with health, social, biological, environmental risk and life cycle assessments, as well as the EIA.

At the moment, Thai society has argued over the juridical administrative processes that require related support laws, while people still get affected due to lack of knowledge and understanding about this and it is likely to take a long time for them to understand. This toolkit, therefore, helps clarify and lets people realize and become aware of where and how to find information, including the required processes and how to access such information and how to participate in such processes. However, while this toolkit may help clarify and bring about more understanding for the people; it still cannot solve all the problems.

## Objectives of the Handbook

- To disseminate knowledge and bring about more understanding regarding rights and duties according to the law in terms of public participation in the process of an Environmental Impact Assessment.
- To be beneficial to the utilization and prevention of citizens' rights.



# Citizens' Rights with Public Participation in Environmental and Natural Resources Management

At international or global community levels, there has been discussion with regard to the participation rights of the civil sector in protecting the environment and natural resources, started by the United Nations Conference on Environment and Development (UNCED), held in Rio de Janeiro in 1992. This conference brought about sustainable development principles and later became the Rio Declaration on Environment and Development, focusing on public participation.

The environmental and natural resources management in Thailand has been conducted with a "Top-down approach". This means government units have exclusive authority in decision-making processes without public participation. This has caused several problems, conflicts and impacted on the livelihood of citizens, culture and society, such as migration of foreigners, crime and so on. These all affect the natural resources, environmental conditions, local citizens' health, as well as so many other aspects.

Although there has been amendment to related

laws in order to support people engaging in these matters, the problems still persist. One of the main causes is that the people are unable to access information regarding participation rights in environmental and natural resources management. This includes a lack of understanding and awareness of their legal duties. Consequently, learning about legal citizens' rights is significant and beneficial to both the local people and to the conservation of natural resources among the increasing development projects.

In Thailand, there are many laws relating to participation in the environmental and natural resources management. It began with the Constitution of the Kingdom of Thailand, B.E.2550 (2007), consisting of matters of public participation in more than 30 Articles, particularly Articles 66 and 67, part 2 of section 3 regarding the fundamental rights and freedoms of Thai citizens in terms of community rights.

As well as Article 287, section 14, regarding local administration wherein it clearly states that "local residents have rights to participate in the local administrative activities performed by the local

## Section 57

A person shall have the right to receive data, explanations and reasons from a Government agency, a State agency, a State enterprise or a local government organisation prior to the approval or the operation of any project or activity which may affect the quality of the environment, health and sanitary conditions, the quality of life or any other material interest concerning such person or a local community and shall have the right to express his or her opinions to agencies concerned, for assisting further consideration of such matters.

In planning social, economic, political and cultural development, or in undertaking expropriation, town and country planning, zoning and making by-laws likely to have impacts on essential interests of the public, the State shall cause to be held comprehensive public hearings prior thereto.



administrative organisations and the local administrative organisations shall provide the local residents with such public participation.”

Other than the legal provisions stated in the Thai Constitution, there are other supportive laws encouraging public participation. For example, the Enhancement and Conservation of National Environmental Quality Act, B.E. 2535 (1992) that allows people to take part in an environmental impact assessment procedure prior to establishment of the development projects, as well as the Official Information Act, B.E.2540 (1997) which allows people to request information disclosure in relation to the environment from related government units (See Annexes).

The study and understanding of citizens’ rights with regard to participation in environmental and natural resources management according to the law will enable people to use their rights correctly, resulting in effective participation in such processes. It will also help prevent issues of environmental impact before they happen, as well as addressing the existing issues in time.

The people should, therefore, be eager to learn their rights regarding participation in environmental and natural resources management, in accordance with the law, including the procedure of participation in an environmental impact assessment, in order to make the best use of their rights to protect themselves and their families and also to conserve the existing natural resources.

## Section 67.

The right of a person to give to the State and communities participation in the conservation, preservation and exploitation of natural resources and biological diversities and in the protection, promotion and preservation of the quality of the environment for regular and continued livelihood in the environment which is not hazardous to his or her health and sanitary condition, welfare or quality of life, shall be protected as appropriate.

Any project or activity which may seriously affect the community with respect to the quality of the environment, natural resources and health shall not be permitted, unless, prior to the operation thereof, its impacts on the quality of the environment and on public health have been studied and assessed and a public hearing process has been conducted for consulting the public as well as interested persons and there have been obtained opinions of an independent organisation, consisting of representatives from private organisations in the field of the environment and health and from higher education institutions providing studies in the field of the environment, natural resources or health.

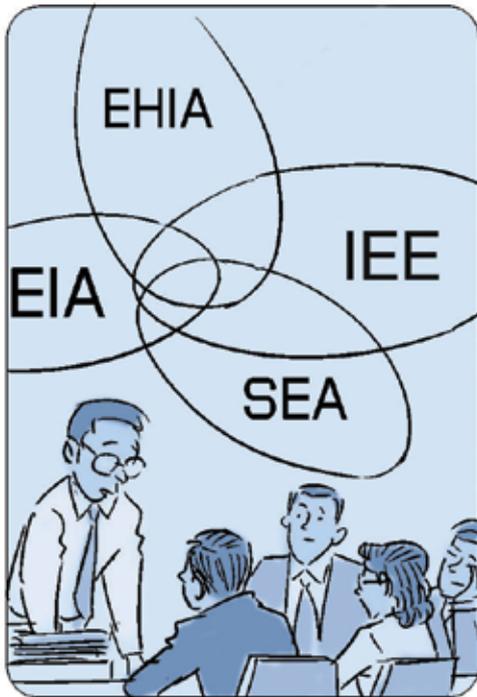
The right of a community to bring a lawsuit against a Government agency, a State agency, a State enterprise, a local government organisation or other State authority which is a juristic person for the performance of duties under this provision shall be protected.

## Section 66.

Persons so assembling as to be a community, a local community or a traditional community shall have the right to conserve or restore their customs, local knowledge, good arts and culture of their community and of the nation and participate in the management, maintenance, preservation and exploitation of natural resources, the environment and the biological diversity in a balanced and sustainable fashion.



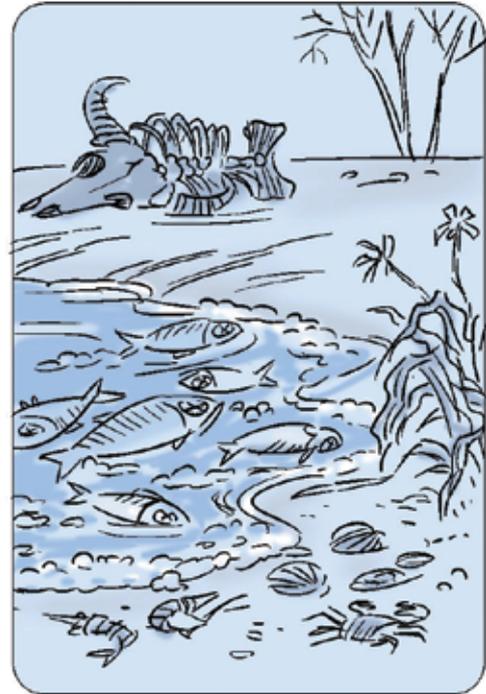
# Kinds of Environmental Impact Assessments



## Strategic Environmental Assessment (SEA)

This is a process to systematically determine an environmental impact assessment method in the scientific and structural way that create an understanding of environmental impact evaluation in terms of policies, plans, programmes, projects and practices on a macro scale. It includes preparing documents used for the decision-making process of people in selecting an appropriate method of assessment.

SEA scopes the environmental impact assessment and other supportive factors, e.g. health, social and life cycle assessments. It makes the EIA effective when it is used for considering whether a project should be carried out or not. If it has to be conducted, how can it be developed sustainably in terms of policies, plans, projects and practices? In other words, the SEA is the process of creating the environmental impact assessment process, which leads to indication of threats in relation to health, society, communities, biological systems and life cycles in parallel with environmental threats indicated in the EIA. More importantly, the SEA is the process that allows public participation from beginning to end.



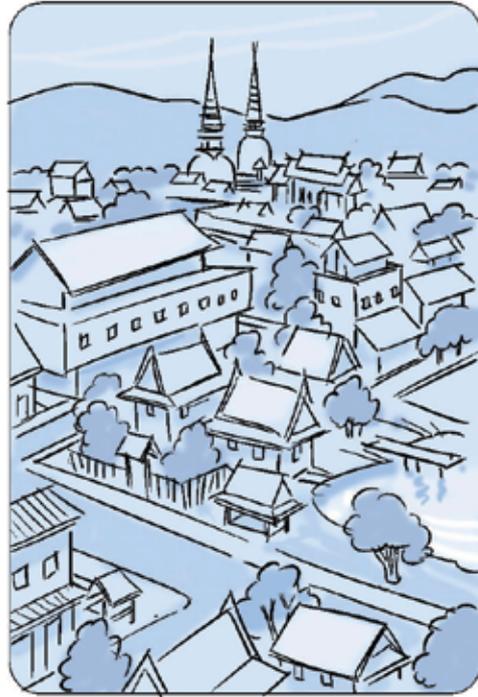
## Initial Environmental Examination (IEE)

This means an initial examination of environmental impacts from a proposed project. It often uses existing information or information that can be found readily. The IEE is a primary evaluation used to find out whether the EIA is needed or not.



### Environmental Impact Assessment (EIA)

This refers to applying forecasting, or predicting principles of possible negative and positive impacts on the environment in every aspect which may arise from the project, including natural resources, economy, society, culture, health and livelihood, in order to prevent negative or undesirable impacts from occurring with as little as possible to zero negative impact. It can also be used as a guideline for impact reduction by making the best use of resources. There are 35 kinds of projects needed to go through the EIA process. (Annex I or Annex Gor).



### Environmental Health Impact Assessment (EHIA)

This refers to an evaluation process of impacts that may arise from a project or activity, which may cause severe impact on communities in terms of the environment, natural resources and health. The EHIA will deal with the health dimension more broadly and link factors that define health with environmental factors, economy, society, health service systems and health behaviors. In addition, this assessment will obviously allow people to take part in the processes and will accept comments and concerns from people and stakeholders, as well as using studies of information as a guideline for making a decision by project administrators. There are 11 kinds of projects needed to undertake the EHIA (Annex II or Annex Kor).

## 1

## The Coal-Fired Power Plant Project, Mae Moh, Lampang Province

## The sobbing Mae Moh Project: The fighting is not yet over.

Mae Moh District has a mineral mine and a 2,600 megawatt power plant, located close to communities. The power plant was built before conducting an EIA.



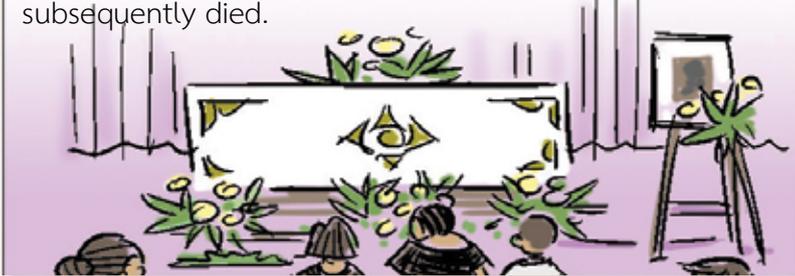
As a result, the local residents who lived in the area before the power plant was built were affected by chemicals, dust, smell, noises, vibration, etc.



This caused social conflicts that separated people into groups.



Moreover many villagers who had made a prosecution had subsequently died.



When villagers requested solutions from related units, starting from the Village Headman to the Sub-District Administrative Organisation.

Do not worry everyone, the government will provide you with compensation.



The incident passed without attention from the government, so the villagers began studying about their rights and began investigating causes of the problems for themselves. They also started asking for an EIA report from other networks.

This! Article 67, says that we have the right to sue and we will also receive protection.

Who will protect us?

Do you have a report?



This made them understand and walk out to protest continuously and of course, not agreeing about the new power plant construction that claimed to replace the old one, because they were afraid that there would be the same issues as in the past.

## How did villagers use their rights in each approach?

### (How did they participate?)

- They started protecting their rights for living in the environment and surrounding conditions that support their health by opposing the project's establishment.

The villagers in Mae Moh District, 16 villages from 5 sub-districts, adhered together and called for solutions by blocking the way in and out of the power plant.

- They used their rights to bring the case to court

In B.E. 2541 (1998), there was a serious leak of sulphur dioxide from the power plant, causing many people to become ill and a lot of livestock to die. This incident was well known and the news spread to other countries. The operator paid about 91-121 \$USD\* compensation to the affected villagers. However, due to some problem with communication, some villagers were not able to receive the compensation within the due date. As a result, this group of villagers finally brought the case into Lampang court in B.E. 2541 (1998).

- They used their rights in gathering and negotiating with responsible units

The affected villagers gathered together in order to request the village headman to go and negotiate with the responsible units. In addition, they established a village committee to represent the affected people in the village, assigning 10 people to act as coordinators to help push forward solutions for the problems, starting with their own village and expanding to another 4 villages nearby, so that they could go out to negotiate with the related government units, such as Sub-district Administrative Organization, Sheriff, Provincial Governor, Members of the House of Representatives and Senators in the area.

## Did the results of each approach fail or succeed? and how?

- Expression of objections by gathering and protesting

Result: The related units visited the affected areas to record the negotiations about prevention and amendment measures. However, there was no implementation carried out as agreed with the villagers.

- Bringing the case to the court

Result: In B.E. 2547 (2005), the Lampang Court adjudged that the power plant should pay for the compensation and in the year B.E. 2552 (2009), the administrative court in Chiang Mai Province announced that the power plant should submit an impact assessment report every two years and provide compensation for the affected people. However, the power plant made an appeal.

Since B.E. 2541 (1998), the power plant has annually allocated a budget of 9 million USD\* for the Association of Quality of Life Development for Mae Moh Citizens. The association had been organized by the association leaders from the first era (B.E. 2535-2541) (1992-1998) until now. However a number of complaints still arose constantly because the pollution in the area was not decreasing.

- The result of appointing representatives of the affected people

Result: The assembly of people going to negotiate with the project owner was not successful. Everything was quiet, but the impacts were becoming more serious.

The establishment of representatives for negotiation, coordination and solving the existing problems caused by the operation of the power plant was unsuccessful. Mutual meetings were conducted. However, they did not bring the resolutions from the meetings into actual implementation.

## Assistance for success and how?

- **The leaders were eager.**

The leaders were eager to find knowledge on their own, whether about environmental matters, laws, how to use citizens' rights according to the law, by attending associated academic forums and conferences. They disseminated this information to their community members, including creating networks with other independent organizations.



- **Civil Society Organizations (CSOs):**

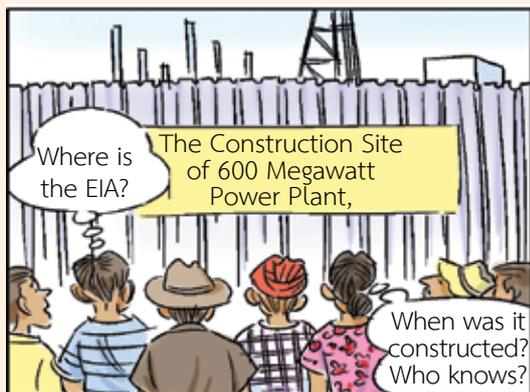
CSOs organized academic forums to provide knowledge, share experiences and exchange ideas about the occurring problems. They invited partners and people who were facing the problems to join the forums and gave advice.

- **Independent Scholars and Researchers:**

Independent scholars from both at the local area and outside the area came to help collaborate with the National Human Rights Commission and the Anti-Global Warming Association to convene academic forums for the villagers and also assisted with the case that was brought to the court.

## Problems, challenges and recommendations in this case of Mae Moh

The project had not gone through the EIA processes so the local residents were not able to participate .



The power plant operator was not sincere about addressing the problem.



### Villagers' proposal for consideration of the power plant

- Prior to building the new power plant in Mae Moh, the project owner should have brought the villagers who would be affected out of the risky area in advance.
- Funds for the surrounding areas of the power plant should have been allocated in a separate remedial budget for those people affected by the power plant operation as it actually happened and should not have left those people suffering without attention from the project owner.



## Did the results of each approach fail or succeed? and how?

- **Assembly of people**

Result: This made Tha Sala villagers stronger to combat threats from the industrial sector by using knowledge, information and facts as tools without using emotions.

- **Defining themselves as “food producers and these whole areas are for food production for all fellow human beings throughout the world”**

Result: This created a clear joint standpoint, encouraged them to fight for their home and defined their future on their own.

- **Not participating in public hearing forum organized by the project owner**

Result: This sent some message to the business operator that there were people opposing establishment of the project in the area and that it was a peaceful opposition mobility. However this approach was not quite effective due to the project owner's use of a questionnaire instead of listening directly to the villagers' comments through the public hearing forum which was one of the requirements of the EHIA process.

- **Participation in the community health impact assessment (CHIA)**

Result: The community could learn from this and at the same time, it generated public participation in

- Organising academic forums to present to the public the information received from the Community Health Impact Assessment, i.e. the forum at Walailak University, inviting representatives of the Health Impact Assessment Commission, the Office of Natural Resources and Environmental Policy and Planning (ONEP), the Marine Department, the Provincial Fisheries Office, communities and other sectors, to participate in the forums.

- Publishing documents, so-called before “become” something else ‘we would define the future ourselves’ from open sea to the ground: from people who catch fish to people who eat fish worldwide, to tell the public that Tha Sala villagers were mobilizing peacefully to combat threats from the industrial sector and to maintain the area as food resources for all humanity worldwide.



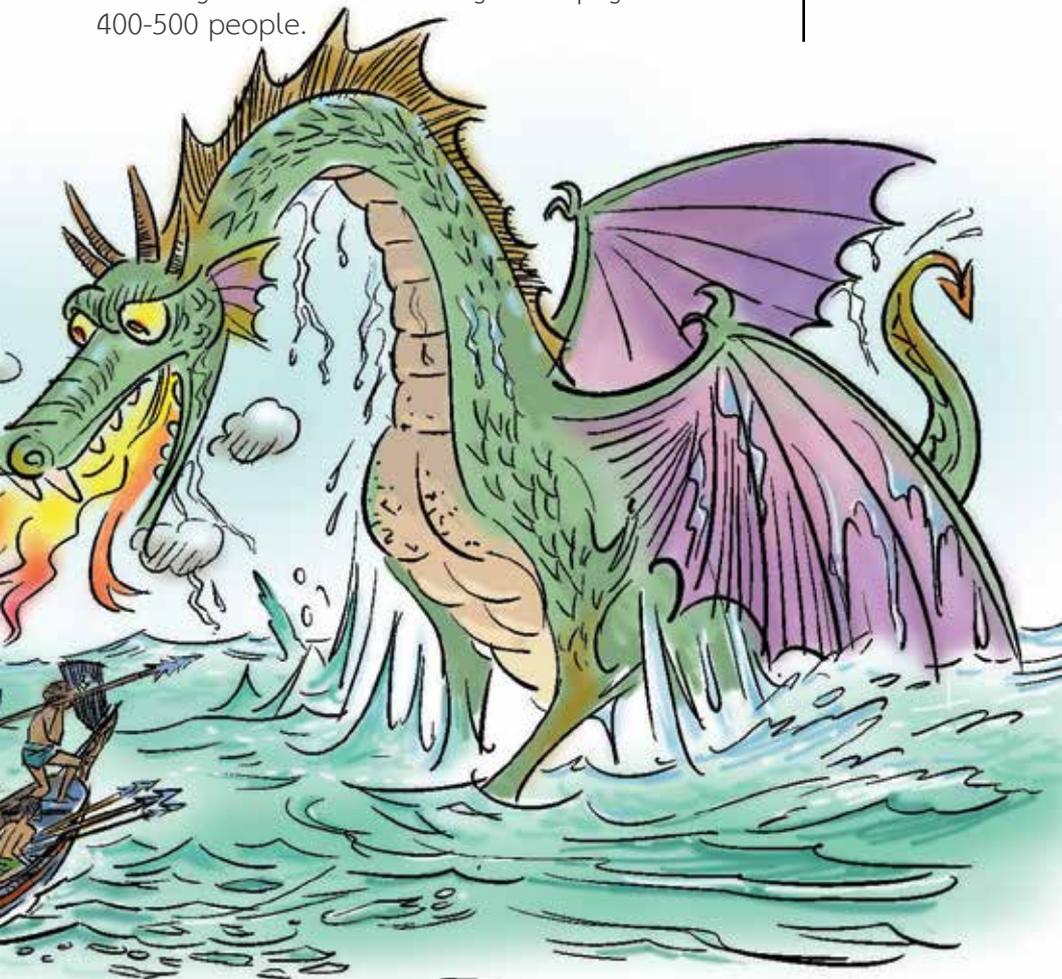
the decision-making process in selecting development projects that support community health and create participation in defining the community's future. It also influenced the community not to follow the EIA processes because these processes did not allow the community to engage in the decision-making process. What Tha Sala community did was to show the deficiency of the information presented in the EIA report conducted by consultant firms. The CHIA report was shown to the public so that people could see the deficiency of the EIA report in comparison with the CHIA report. It also led to determination of area development directions. This included using the information received from CHIA processes to oppose the establishment of the project based on the facts presented. As a result, this made the information presented to the public trustworthy.

- **Communication with the public in several ways. i.e. notification boards, social networks, seminars, academic forums and distribution of fact sheets**

Result: This helped the public to acquire actual information regarding current situations, as well as issues and other related deficiencies, bringing about more alliances who supported Tha Sala community i.e. using social networks to get fan pages of about 400-500 people.

## Assistance of success and how?

- **Villagers** insisted on fighting for their rights
- **A group of scholars** played a significant role in clarifying procedures in producing the EIA report, especially the analytical procedure of the EIA which was complicated in both contents and processes. This analysis helped local people to understand and led them to question and opposed the inaccuracy of the Expert Committee. The scholars were, therefore, significant to Tha Sala villagers in clarifying the EIA and CHIA processes used in comparison with the EIA from the consultant firms.
- **Government units** such as the National Health Commission played an important role in academic support and organizing academic workshops. This enabled Tha Sala villagers to understand the underlying theories, but also enabled them to put these into practice.



As a result of the activities mentioned, the project owner stopped work on the project in the area after all, despite the fact that the Expert Committee had already approved the EHIA of the project.

....seminars, academic dialogues, etc.



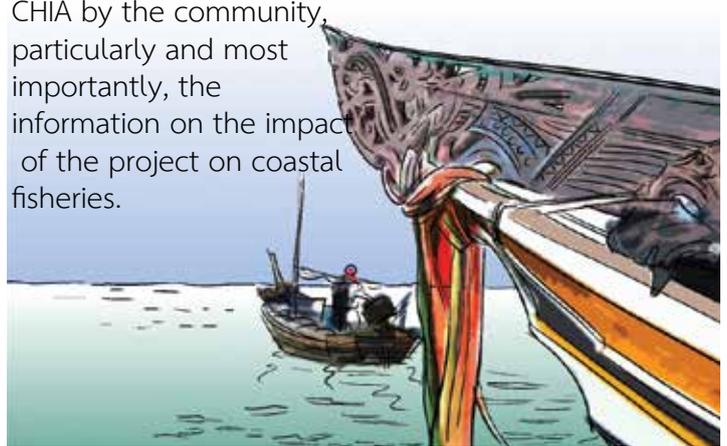
However, in the end, the Expert Committee did not use the information from the CHIA report proposed by the community for project approval in Tha Sala area. Instead, the Committee agreed with the results of the EHA report conducted by consultant firms who had been hired by the project owner on September 11, 2012.



Tha Sala villagers opposed this project without emotion, but based solely on knowledge and facts derived from reliable research and studies of the Community Health Impact Assessment (CHIA) conducted by the community, independent scholars and academics from the National Health Commission.



In fact, the information gained from the project owner was different from the information collected from the CHIA by the community, particularly and most importantly, the information on the impact of the project on coastal fisheries.



## How did villagers use their rights in each approach? (How did they participate?)

- Tha Sala villagers gathered to learn and fight together. They used knowledge and facts, based on research, not from their emotions.
- They defined themselves as “food producers, and these whole areas are for food production for all fellow human beings throughout the world - these are not areas allocated for industrial projects.”. They used this concept to communicate with the public.
- Some Tha Sala villagers expressed their objections by not participating in the public hearing process in defining the scope of the

environmental health impact assessment organized by the project owner.

- They engaged with the EIA processes via the community health impact assessment (CHIA) that truly corresponded to the true facts of the community and showed the potential of the area, including development directions of the area under the existing potentials.
- They communicated with the public in several styles, such as...

## Problems and challenges of the Operation Support Center for Petroleum Exploration and Production in the Gulf of Thailand, Tha Sala District

Even though this project did make an EHIA correctly according to the law and regulations, the analysis found that:

### Participating in EIA did not change the consequence

Comments from public hearing received from local villagers were only recorded in the report, but were not being used (by the project owner and “the Expert Committee” who had the authority for project approval) for consideration of the project’s feasibility, as it could be seen that local people/community were not involved in any part of the decision-making process, even in a single step.

### The Community Health Impact Assessment (CHIA) was not used for consideration by related government units who had authority for approval

Even though CHIA was one of four impact assessment methods used under the notification of the National Health Commission, and was the process that used the actual information from the actual site because the community collected and provided the data itself according to academic principles with the supervision of scholars and hence the information was reliable in terms of academic authenticity, the related government units did not use such information for consideration in approving the project.

### EIA was only a tool in approving the project

EIA reflected unclear development direction in Thailand that became a tool of scholars in making profits without responsibility. If we fairly consider the past industrial projects approved by the EIA report, when they were actually operated, they all damaged the environment and natural resources, including society, as seen in the existing examples throughout the country. As a consequence, the EIA report did not have a significant impact on environmental conservation at all. On the contrary, it became a tool in creating legitimacy for the industrial sector.

In this respect, it does not mean that EIA was not useful, but it means that the deficiency arose from the report providers. From this lesson, it was found

that the processes of conducting the EIA report by the project owner were incomplete. This could be summarized as follows:

### The scope of the study did not cover the entire area, or all affected people to adequately assess the impact of the project.

Apart from the inadequate consideration given due to the deficient size of the defined affected area, (apart from a 5 kilometer radius that did not cover all affected people, such as fishermen and others seriously affected), the study still had other gaps. This was due to considering the study areas in terms of marine ecological systems, sea water quality and the area scope affecting fisheries, particularly the project area within 500 meters to the North and to the South of the project and just 3 kilometers from artificial coral reefs, including another area that was used to dispose of sediment only 10 kilometres from the shore. In fact, if the project had been operated, it would have



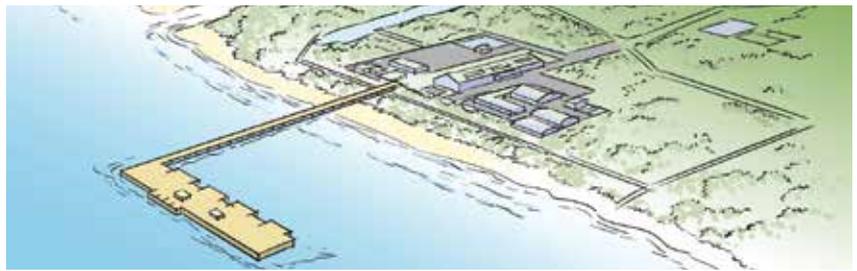
## 2

## The Construction of Operation Support Center for Petroleum Exploration and Production Project, Tha Sala District, Nakhon Sri Thammarat Province

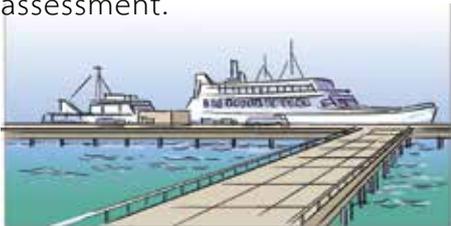
The New Operation Support Center for Petroleum Exploration and Production was planned for construction at Ban Bang San, Klai Sub-District, Tha Sala District, Nakhon Sri Thammarat Province.



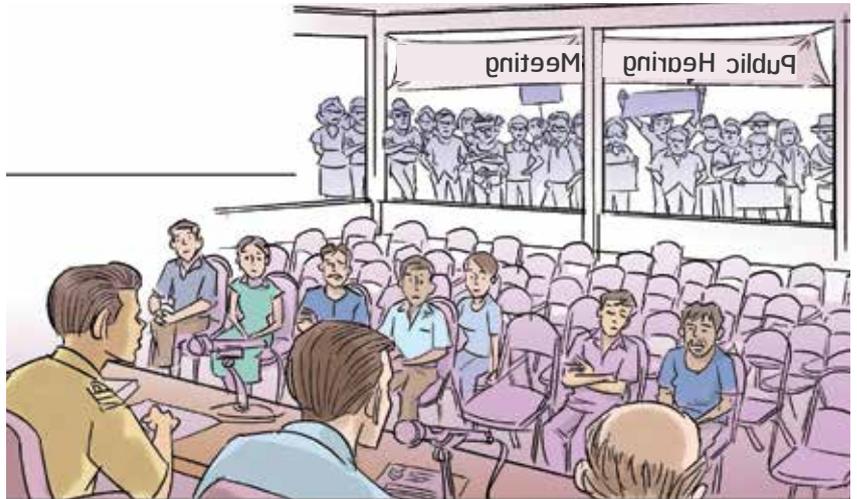
The key components of the center were a wharf used to transfer equipment and materials between the operational areas in the sea and the onshore supportive areas and the building ashore. This plan was expected to start in the year 2012 and be ready for use in the year 2013. The construction would take about 18 months to complete.



This project with a wharf 330 meters in length was regarded as a project with a potentially serious negative impact on the community, according to the notification of the Ministry of Natural Resources and Environment under Article 67, paragraph 2 of The Constitution of the Kingdom of Thailand, 2007, stating that such a project needs to conduct an environmental health impact assessment.



During February 2008 and December 2009, the project operator organized a meeting to define the scope of the impact assessment but the community refused to participate.



Since 2007 onward, the Tha Sala community agreed that when they knew about the establishment of the projects in their hometown, they would mobilize to oppose the projects by claiming their rights in many ways, such as not participating in the public hearing in the EIA process.



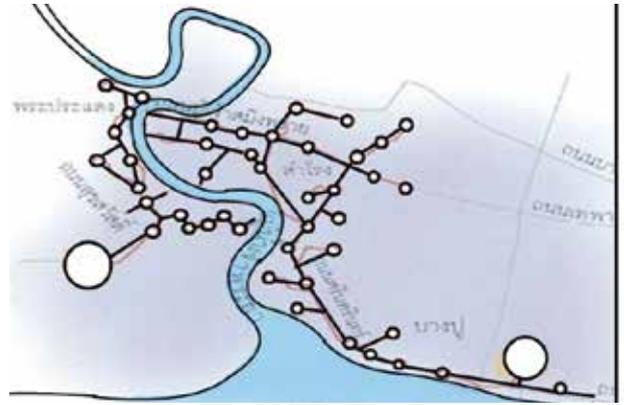
And communicated with the public about negative impacts that may occur in the environment and natural resources in their areas through media and other channels such as fact sheets,



## 3

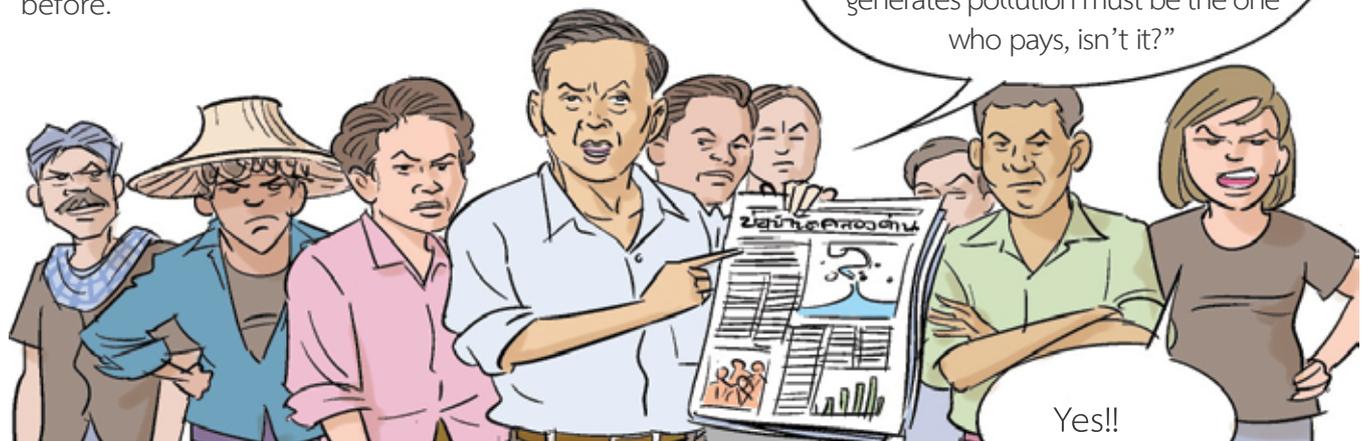
## Klong Dan Wastewater Treatment Plant Project, Bangbo District, Samut Prakarn Province

In 1995, the Thai cabinet agreed on Klong Dan Wastewater Treatment Plant Project within the pollution control area, Samut Prakarn Province, aiming to create a wastewater treatment system to cope with wastewater from households and industrial factories in the province within 20 years. The two sites would be applied with the Aerated Lagoon system and took about 7 years to complete construction, from 1995 (2538) to 2001 (2544) with a budget of 411 million USD. The project was controlled by and responsible to the Department of Pollution Control, the Ministry of Science, Technology and Environment at that time.



In 1998, Klong Dan villagers knew that their area was becoming a site for the Wastewater Treatment Plant Project for Samut Prakarn Province while this area had never had any wastewater issue or industrial factories before.

Why does the government choose Klong Dan as a wastewater treatment site? This is in contrast to the polluters pay principle that “anyone who generates pollution must be the one who pays, isn’t it?”



The cooperation to go up against building the wastewater treatment site in Klong Dan started in 1998 with the reason that Klong Dan was a greenery area upon which the villagers were mostly dependent for fishing and agriculture for their living. It was located 20 kilometers away from the industrial area.



We’ve never generated pollution, why do we have to face environmental impacts from this project?



adversely affected the marine ecological systems so that those people who would have been affected would be those people who benefited from the sea or the marine ecological systems in the area and not only those limited within 5 kilometers from the project area. The scope of the impact assessment should have covered the entire area and the people who might have been impacted from the entire project. As a result, the study's scope did not cover the entire area, or the fishermen, and other related occupations that were involved with catching aquatic animals. The value of utilization of ecological systems that should be prevented as the measures of impact prevention and mitigation are not be truly accomplished.

### **Operating the project might generate impacts on ecological systems, specifically areas of importance to the existence of fishing communities that could lead to a collapse of the fishing community.**

This was due to Tha Sala area having a particular ecological system which was abundant and was an important fishery resource in the Gulf of Thailand. The output from marine resources created huge economic value. This project would have seriously impacted on the fishery area in Tha Sala. The impact on the ecological systems in such an area would have implications for the existence of the fishery community that had been inherited for more than 100 years and would probably lead to the collapse of the community and the occupations related to fishing. As a result, it was an impact that would not have been possible to compensate.

### **Selecting the project site without participation from local residents**

Although this project was owned by the private sector, it was developed by using the area onshore, while using a construction site in the sea, which was public property. However the area selection process lacked involvement by local residents. Therefore, proposing the project into the consideration process whilst the project was using the sea area which was public property, plus the lack of participation, including the fact that related units did not check, analyze and evaluate the negative impacts of these, it was an action that did not guard the rights of the local people in gaining

information prior to the EHIA. These units did not perform their duties for the benefit of the people according to rules and procedures for good governance.

### **The consideration of expert committees were deficient in principles regarding completion and comprehension of impact indication**

The deficiency in principles regarding completion and comprehension of impact indication did not lead to comprehensive and appropriate impact assessments, particularly the lack of consideration of land use impact assessment, as well as social and health impacts. With regard to these issues, it lacked the consideration of a specific ecological system that was valuable to living, such as highlands under the sea, where various aquatic animals inhabit seasonally, and also a source of income for coastal communities, the collapse of the way of life of coastal fishery communities that are affected continuously toward community economic networks which need to rely on fisheries because the sea is regarded as "live" for them.

### **Data collection from target groups tended towards support groups, but ignored local residents**

A survey and public hearing conducted by the project operator used a quantitative study. They studied statistics from secondary data, conducting field surveys and using questionnaires with the stakeholder, i.e. provincial government units, Sub-district Administrative Organisation, community leaders from Klai and Srakeaw Sub-district, interviews of stakeholder and related units, including Nakhon Sri Thammarat Provincial Health Office, Provincial Fisheries office, District Fisheries office, Klai Sub-District Administrative Organisation, Srakeaw Sub-District Administrative Organisation, Tha Sala hospital, resort owners, the 4<sup>th</sup> Regional Office of Fine Arts, etc. However, the interviews did not include the whole community and its leaders because the project owner wanted to present (show) that the masses were willing to support the project, especially influencers and organizations in the area.



## Experiences of Public Participation in Environmental Impact Assessment Processes



Having issued the first Environmental Impact Assessment in Thailand in B.E. 2515 (1972) from the construction project of Srinakarin Dam, this kind of assessment has been produced continuously up until now with the expectation that every construction project shall not cause any environmental issues and, at the same time, could satisfy society.

However, environmental issues resulting from the construction and after the construction finished, continue to increase and even to harm the people's health. Likewise, changing land uses even a little, particularly in aquatic areas, i.e. sea and mangrove forests, could cause ongoing trespass and damage to those areas. This also leads to a huge reduction of natural resources and to the continual rise in natural disasters in surrounding community areas, such as floods, landslides, coastal erosion and sedimentation in water resources, creating uninhabitable areas for aquatic animals and plants.

These are some examples which reflect that, although there is an EIA, with efficient mitigation measures, it does not focus on the accumulated impacts. On the contrary, it only places emphasis on the short term impacts. Hence, when conducting the EIA, it must be performed by experts who possess profound knowledge, understanding and experience in parallel with participation by the public.

### Case studies

Public participation in the EIA processes has been seen in many areas. There are both failures and successes as shown in the following 4 cases:

1. The Coal Fired Power Plant Project, Mae Moh, Lampang Province
2. The Construction of Operation Support Center for Petroleum Exploration and Production Project, Tha Sala District, Nakhon Sri Thammarat Province
3. Klong Dan Wastewater Treatment Plant Project, Bangbo District, Samut Prakarn Province
4. The 600 Megawatt Coal Fired Power Plant Project, Khao Hin Son Sub-District, Phanom Sarakham District, Chachoengsao province

There is no notification for local residents about the project”

No public hearing conducted before approval of the project

There is no Initial Environmental Evaluation (IEE)

The contract also benefited the contractor which made the government pay additional money from 411 million USD to 716 million USD.

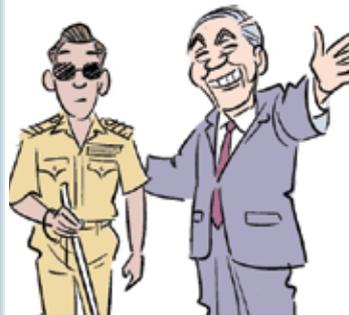
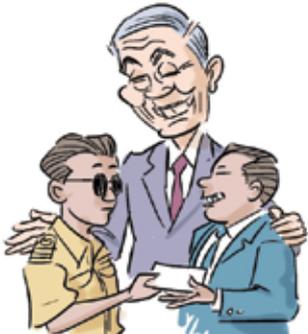


Lack of price inspection because the land price was higher than the actual cost by up to 32 million USD.

Lack of land inspection to ascertain whether the entire amount of land sold was received before transferring ownership.

No inspection conducted on feasibility of the site regarding water flow treatment system in the Gulf

No calculation for economic losses, food sources and abundance of the locality



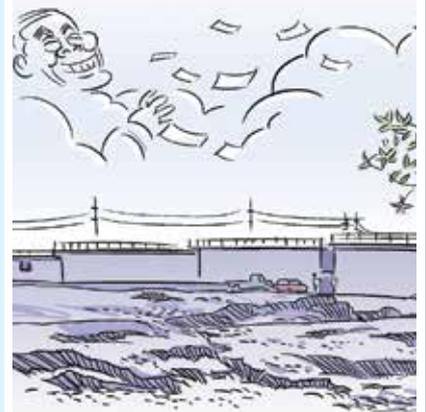
No inspection to ascertain whether this treatment system is sufficiently safe for the environment or not



No operational management plans that specify a responsible person

Over the past 3-4 years of Klong Dan villagers going against the project, the contractor still kept building the treatment system and the pond, and the project was 90 percent complete at that time.

No water quality and smell management, as well as final sediment disposal



No calculation for operational expenditure, i.e. electricity bill, maintenance fees, etc.



## How did villagers use their rights in each approach? (How they participate?)

- Studying about rights and related laws and how to claim their rights.

The leaders studied about citizens' rights and related regulations, including how to claim the right when it was infringed.

- Making use of the right to access to official information in searching for in-depth information in order to produce opposed documents.

Klong Dan community leaders put a big effort into searching for information related to the project from associated state agencies at both district and provincial levels.

- Submitting petitions and complaint letters to related government units

The community leaders corrected a list of villager names up to 3,000 people and made a complaint letter, submitted to the Ministry of Science, Technology and Environment in order to oppose constructing the wastewater treatment plant in their area.

- Submitting petitions and complaint letters to leaders of related organisations

The community leaders submitted petitions and complaint letters to related organisations. This started on 23 March 2542 (1999), Klong Dan villagers 1,500 people went to visit and submit the letter to the Prime Minister at that time, followed by the Minister of the Ministry of Science, Technology and Environment, Samut Prakarn Provincial Governor, Committees on Agriculture of Senate, Department

of Fishery, Lawyers council of Thailand and Asian Development Bank to inform them about the happening problems.

- Claiming rights by protesting

At late December 2543 (2000), there were protests occurring in both construction site and Bangkok to call for abeyance of the project until the EIA result was known and corruption inspection was carried on.

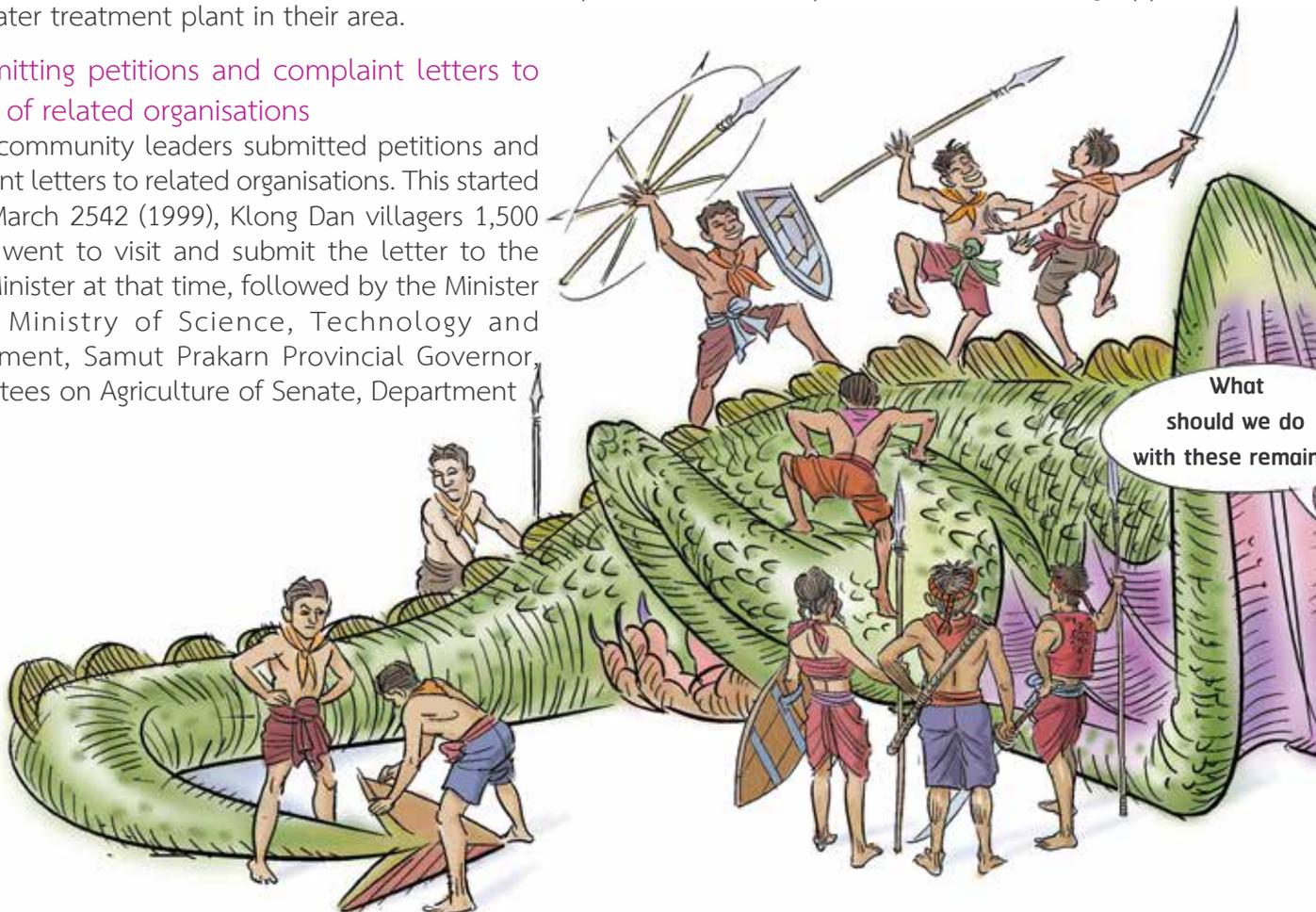
- In-depth study

The community leaders together with independent scholars had performed in-depth studies with regards to unsuitability of the project under the title "The investigative study of Klong Dan wastewater treatment plant: Policy Corruption, supported by Civil Journalism Fund for Anti-Corruption.

## Did the results of each approach failed or succeeded? and how?

- Studying about rights and related laws and how to claim their rights

Result: The information was used to produce the petitions and complaint letters, including opposed



documents toward this project. Furthermore, it also made the community leaders and the villagers aware of their rights according to the laws and able to accurately use their rights to make a complaint to the related government units. This also made them understand and able to appropriately choose an approach in making a complaint corresponding to the situations. In addition, they used legal knowledge to make a complaint to the Ministry of Science, Technology and Environment, opposing constructing the project by providing a reason that the responsible units for this project had violated villagers' rights due to they were not informed about the project before it was approved while it would also affect the environment, ecological systems and livelihood of Klong Dan community.

- **Making use of the right to access to official information to search for in-depth information used in producing opposed documents**

Result: This method was not quite successful, even the community leaders tried to find the information about the project from related government units at both district and provincial levels but the answers from the officials were that information requesters should directly request the information from the project operator themselves.

- **Submitting petitions and complaint letters to related government units**

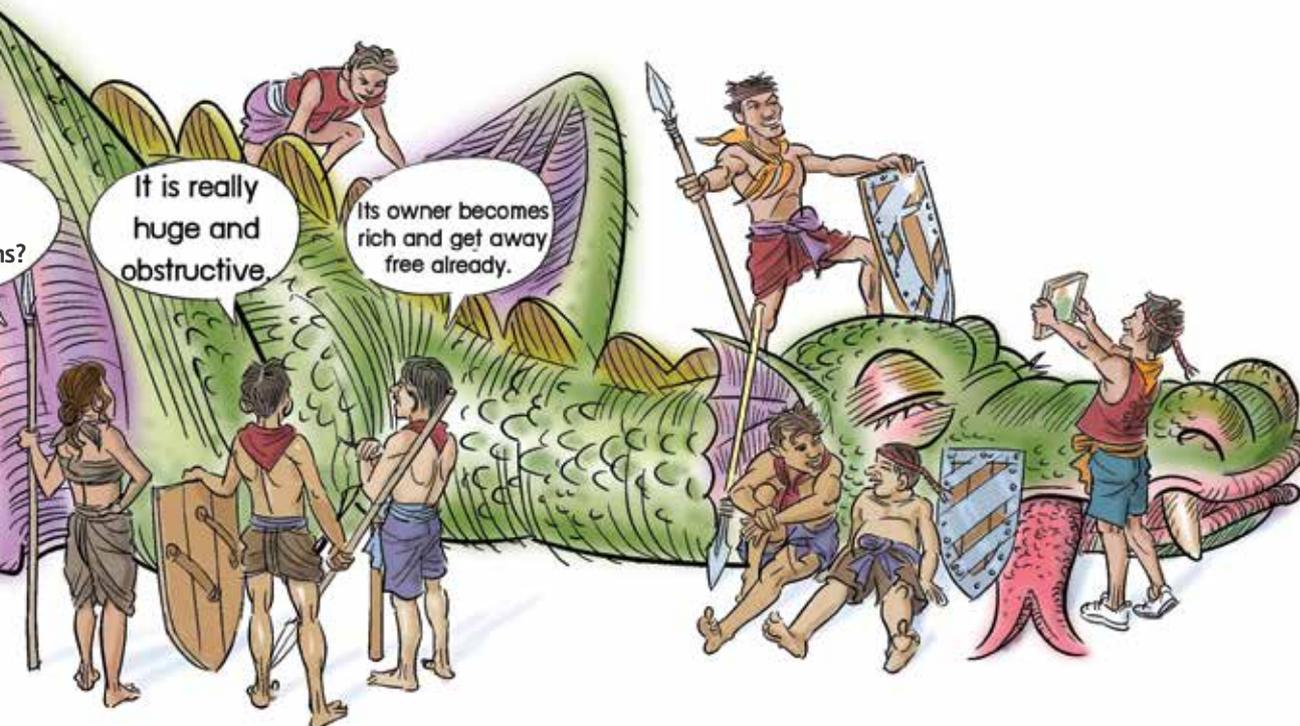
Result: The related units sent their officers to explain and clarify things with community representatives. However, the villagers did not receive a clear answer from the officials about the issues that they were wondering.

- **Submitting petitions and complaint letters to executive of related organisations**

Result: After the villagers tried to submit letters to many organisations, it made several committees in the parliament send officers to investigate and they finally found conclusion consistent with the information indicated in the complaint letters. The letters indicated that the project had negative impacts on the environment of Klong Dan and lacked transparency in operations. As a result, this project should be suspended for inspection.

Meanwhile Asian Development Bank (ADB), on behalf of financial supporter of the project, appointed an inspection committee to find out the truth and they also found a similar conclusion that this project had impacts on people who relied on fishery from the problem of diluted seawater and contamination of heavy metal. Subsequently, ADB acknowledged that they were wrong to approve the budget for this project.

Nonetheless, this project was not suspended and the government at that time still paid every installment according to the contract.



- **Claiming rights by protesting**

Result: The peaceful protests were not successful and also there were confrontations between protesters and the project's employees. This incident caused injuries for the villagers and brought about more supporters. Although the protests did not succeed in terms of negotiation, it was drawing many attentions from both national and international reporters. These people helped disseminate information and actual situations to the public which was an effective way for Klong Dan villagers in communicating with the public.

- **In-depth study**

Result: This approach was successful because the in-depth study led to the disclosure of corruption, at cost of 604 million USD. This research was widely publicized in many newspapers that enabled the public to recognize that this project had corruption problems. The Ministry of Science, Technology and Environment appointed the committee to investigate the project and on 24 February 2546 (2003), Mr. Prapat Panyachadrak, the Minister, at that time, announced the result of the investigation, found that the contract resulted in damage to the country so he ordered to terminate the project since then and appointed another committee to investigate and bring offenders to the court.

In February 2546 (2003), the government announced the termination of this project and appointed the committee to investigate.

## Assistance of success and how?

- **Harmony**

Harmony, strong assistance and cooperation and awareness on problems of Klong Dan villagers were key success.

- **Strong community leaders**

The community leaders were strong and always seeking knowledge and understanding about things regarding the project, including citizen rights and claiming.

- **Joining networks**

The community leaders joined civil society networks and attended every academic forum organized by civil society organisations (CSOs) that tried to push forward the problem of the wastewater treatment plant project to the public.

- **Independent scholars and researchers**

Independent scholars and researchers helped research and sought in-depth information. This helped make the research and information reliable and acknowledgeable

- **Media**

The presentation from media enabled the public to recognize the existing problems, happening to Klong Dan villagers.

## Problems and challenges of Klong Dan wastewater treatment plant project

- **Problem of access to information**

The related government units did not provide the information for requesters as stated in the Official Information Act, B.E. 2540 (1997)

- **Government officials lack profound knowledge and understanding**

The government officials did not really understand procedure of information request according to the Official Information Act, B.E. 2540 (1997). This resulted in deficiency in performing their duties and also made the access to information of people fail.

- **Problem of public acknowledgement**

The problem was this wastewater treatment plant located in an unsuitable place and the public did not accept it.

- **Problem of corruption**

The problem of corruption happened from this project.

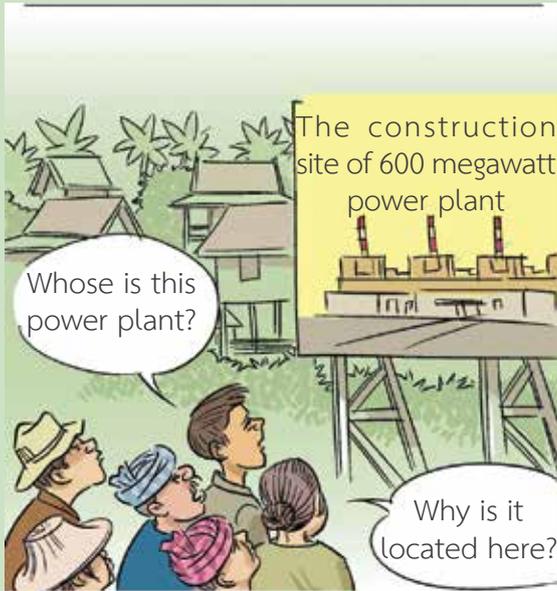


*The remains of the project that cost 716 million USD with the 90% construction complete but it was not used at all*

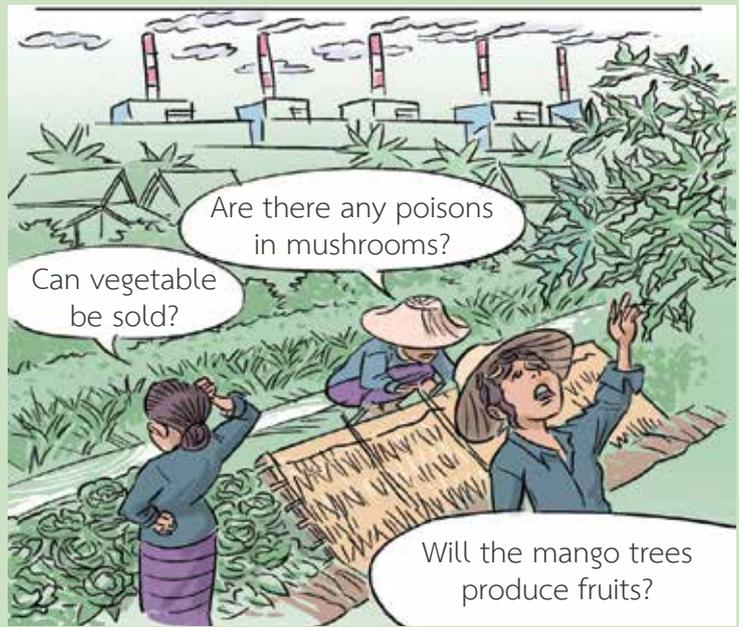
*Picture: google earth*

# 4 The 600 Megawatt Coal Fired Power Plant Project, Tha-Lad Khao Hin Sorn Sub-district, Chachoengsao Province

Local people did not know there would be construction.



Local people were afraid of agricultural impacts



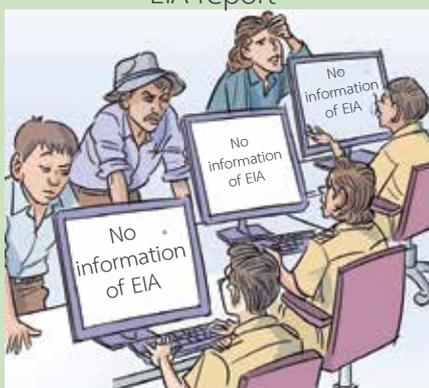
...It is estimated that water will be insufficient for the power plant because nowadays, the water has not been enough for agricultural sector.



Where is EIA?



There is a problem in access the EIA report



Go through the problems with assistance and cooperation of civil society networks that are facing similar problems.



Assembly of civil society networks that are facing the similar situations and oppose 4 mega power plant construction projects which are Nong Saeng Power Plant project, Saraburi Province, the Coal-Fired Power Plant Project, Saraburi Province, Bang Kla Power Plant Project, Chachoengsao Province and Khao Hin Sorn – Tha Lad Coal-Fired Power Plant Project, Chachoengsao Province. This created a network of the impact monitoring of the Coal-Fired Power Plant at Khao Hin Sorn Sub-District.



Submit objection letters to senators and the Prime Minister



Providing a name list of people who oppose the project and send it to the Office of Natural Resources and Environmental Policy and Planning, the National Human Rights Commission under Community Right Principle, Article 67 and the US Embassy because it is a joint venture of companies from the US.



Expert Committee agreed on the EIA of the project, reflecting the defeat of Tha Lad villagers that altogether oppose this project.



On 4 October, 2553 (2010), the network of the impact monitoring of the Coal-Fired Power Plant at Khao Hin Sorn submitted a letter to claim their rights according to the Article 11 of the National Health Act, B.E. 2550 (2007) to the National Health Commission, asking for the health impact assessment from such a project.



## How did villagers use their rights in each approach? (How did they participate?)

- **Started using their rights according to the law to request information**

After villagers learned that there would be a power plant project taking place in the area, about which they knew nothing, they started using their rights to request information from government units, for example EIA report, information of the project owner and so on.

- **Using their rights to express objections against the project**

Villagers and leaders expressed objections opposing construction of the coal-fired power plant in the area through various techniques of public communication, i.e. notice boards, flags, shirts, head bands, campaign marching, campaigns in local schools and also by providing a name list of villagers who opposed such a project.

- **Using their rights to request academic assistance from government units and independent scholars and researchers**

Villagers were aware of the importance of information and realized that they still lacked knowledge and understanding about the problems and situations they were facing at that moment. Therefore they requested assistance from the National Health Commission, the Healthy Public Policy Foundation and ENLAWTHAI Foundation.

- **Using their rights according to Article 11 of the National Health Act, B.E. 2550 (2007)**

After the expert committee agreed on the EIA of the project operator, the villagers requested academic support from the Office of the Private Education Commission in providing a health impact assessment conducted by the community in order to prepare reliable data/information. This would help create participation by the villagers who were affected by the project and would allow them to comment on the processes of doing an EHIA by the consultant firms for both the impact assessment process and public review process in providing the community health impact assessment (CHIA).

- **Using their rights to protest**

After the network of impact monitoring of Tha Lad power plant submitted the letter to claim their rights according to Article 11 of the National Health Act and waiting for an answer from the Office of the Private Education Commission, Tha Lad villagers went out and protested. They shut the roads and called on the related government units to listen to their requests.

- **Using their rights according to the law in bringing the case into the administrative court and petitioning**

Some villagers brought the case into the administrative court and petitioned with assistance from the Anti-Global Warming Association.

## Did results of each approach fail or succeed and how?

- **Started using their rights according to the law to request information**

Result: Requesting information from government units was not successful. Villagers and leaders did not gain the information requested from the government units. Therefore the villagers and leaders used their connections with social movement activists in other areas that had similar experience as an information resource i.e. group of Mr. Suthi Atchasai from Rayong Province.

- **Using their rights to express objections against the project**

Result: Communication with the public by various techniques led to good results. It made the public recognize the problem and the current situations that villagers were facing. It could be seen from the news presented by the media, including the increase of supporters from a few people in the first place, to thousands of people.

Result: Gathering names of people who opposed the project which at the end received 3,000 names and was delivered to the Prime Minister, the Office of Natural Resources and Environmental Policy and Planning, the National Human Rights Commission, Provincial Governor, Energy Policy and Planning Office, the US Embassy in Thailand and local school directors.

*However these activities were not successful as it was seen that the expert committee had agreed on the EIA report of this project in September 2009.*

- Using their rights to request academic assistance from government units and independent scholars and researchers

Result: Villagers received academic support as requested from several organizations such as the National Health Commission which provided knowledge about providing CHIA, the Healthy Public Policy Foundation that provided knowledge about impacts from power plant construction procedures, including conducting dialogues and recording issues in order to assess health impacts, while ENLAW foundation provided knowledge about citizens' rights, laws and pollution from power plants.

- Using their rights according to the Article 11 of the National Health Act, B.E. 2550 (2007)

Result: The Office of the Private Education Commission agreed to conduct the CHIA which corresponded to the request of the community on December 3, 2010, so that they could prepare information and evidence of the impact on community health which would be used to express their opinions in the ERIA process efficiently.

- Using their rights to protest

Result: Related persons sent a representative to receive a letter from villagers

- Using their rights to bring the case into administrative court and petition

Result: The case has been in process.

## Assistance of success and how?

- Tha Lad villagers and their leaders

Leaders and their villagers were eager to seek knowledge. They strongly fought together and in order to save their homeland they never gave up to any obstacles.

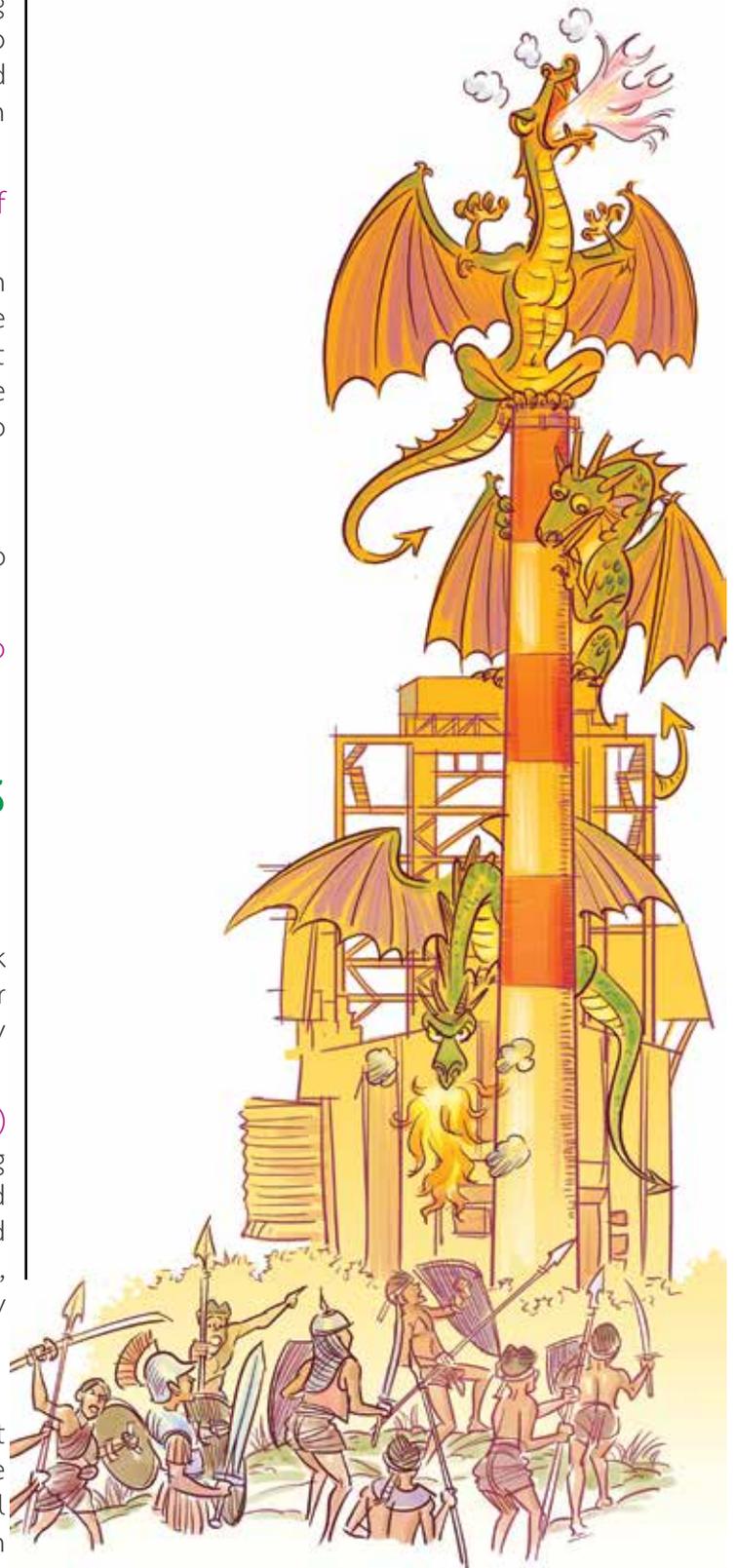
- Environmental Civil Society Organisations (CSOs)

Many Civil Society Organisations played a role in being responsible for society. They did not ignore it and provided academic assistance for both theoretical and practical matters, i.e. Urban Planning for Society Network, ENLAW foundation and the Healthy Public Policy Foundation.

- Scholars from government units

The Development of Environmental Impact Assessment System and Mechanism Commission, the National Health Commission Office, provided technical support about how to conduct the community health impact assessment. Moreover they and Tha Lad villagers,

as well as independent scholars, organized academic forums together to present information received from the CHIA, including a representative of Tha Lad villagers to elucidate for the expert committee on the date required to give a decision on the ERIA of this project.



## Part 2

# Useful Vocabulary

### Handbook<sup>1</sup>

A handbook offers specific knowledge and specific instructions on how to use particular items (e. g. weapon) or how to carry out specific procedures. And it refers to a book with specific knowledge used with textbooks, facilitating particular studies or practices or instruction of a particular equipment.



### To assess<sup>1</sup>

This is to approximate a value or a price that it should be i.e. price assessment.



### To affect<sup>1</sup>

It refers to being hit, touched and attacked or to speak of the others.



### Environment<sup>1</sup>

It refers to balance of nature which is animals, plants, natural resources and what is made by human for existence of human. The environment will benefit to the livelihood of people and prosperity of mankind.



### People<sup>1</sup>

It means citizens and general people that are not government officials, merchants and priests.



### Participation<sup>1</sup>

It means receiving more or less impacts from activities conducted with the others i.e. jointly making a merit, jointly participating in corruption, joint venture, etc.

### Public participation<sup>2</sup>

It refers to procedure that includes public concerns, requirements and social values with decision-making process of the government and private sector. It is a two-way communication, aiming for better decisions and gaining public support.

### TOR, Terms of Reference<sup>2</sup>

This is a set of details like a contract which someone such as an employer would require an employee to do. This would clarify the scope of work, the required duration, the required qualifications of employees under the scope of work, including processes and what would be provided in return (wages). On the other hand, TOR may include a penalty if the employee cannot meet the requirements. The method of supervision of the work, such as hiring a supervisor/consultant, is included and so on, In other words, this is a comprehensive contract, provided for employees. Therefore a candidate employee would be able to consider the requirements and decide whether he/she will be capable, qualified, and appropriately skilled.

### Stakeholder<sup>2</sup>

It refers to being hit, touched and attacked or to speak of the others. merchants and priests.

It refers to people who may get affected negatively and positively in a form of direct or indirect damage. This includes people who are benefitting from the projects. It consists of as follows:

1. People who are beneficial from the projects.
2. People who lose a benefit from the projects.
3. People nearby who are affected by the projects.
4. People who are interested in the projects.

5. Local Administrative Organisation

6. Non-Governmental Organisations and Civil Society Organisations

7. Scholars, particularly from related professional Organisations

8. The project owner, both government agency and private sector such as ONEP, consulting firms, academic institute, Local Administrative Organisation, People and communities.

9. The consideration units such as the government units in the project areas, the approval authority unit and the National Environment Board.



### Screening a project<sup>2</sup>

This is a process to judge whether a proposed project needs to undergo an environmental impact assessment or not. The screening process will consider whether the impacts from the project will have significant effect and impact on the environment or not. The screening is used to judge whether the levels of impact from the project on the environment are serious.

### IEE, Initial Environmental Examination<sup>2</sup>

It refers to an initial evaluation about environmental impacts from the proposed projects. It often uses existing information that can find immediately. This is a process to define whether the EIA needs to be undertaken or not.

### EIA, Environmental Impact Assessment<sup>2</sup>

It means an impact evaluation in terms of environment.

### EHIA, Environmental Health Impact Assessment<sup>2</sup>

It refers to an evaluation of environmental and health impacts for projects that may cause severe impacts to communities in terms of environment and health.



### CHIA, Community Health Impact Assessment<sup>2</sup>

It means a health assessment at a community level.

### Project<sup>1</sup>

It means a plan or defined activity. This includes projects from government units, state enterprises, joint operations with private sector that need to request permission from the Cabinet and such projects shall be approved from the government as well.

### Severe Project<sup>2</sup>

It means any projects or activities that probably generate severe impacts to a community in terms of environment, natural resources and health could not be operated, exempting the environmental and health impact assessment of people in such community have been done and public consultation has been organized before. There are 11 kinds of severe project needed to undertake EHIA report.



### Owner<sup>1</sup>

It refers to people who possess ownership.

### To approve<sup>1</sup>

It means approving or granting or agreeing or giving permission to do something

### Legal Entity<sup>1</sup>

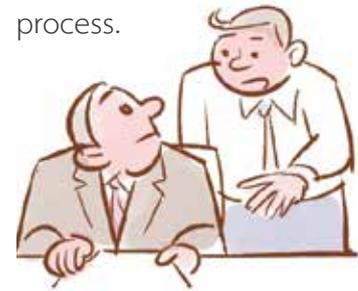
It means a group of people or organizations or property allocated as a fund for operating any activities that are not categorized as natural person. A legal entity shall be established under Civil and Commercial Codes or other related laws. The legal entity shall have rights and duties according to the Civil and Commercial Codes or other laws under the scope of duties or objectives of the provisions as stated in regulations or constitutions. In addition, the legal entity also has the same rights and duties as the natural person do, exempting the rights and duties in terms of status that are not a natural person i.e. the Ministry and Department, Provincial Administrative Organization, Municipal and Sub-District Administrative Organisations, Bangkok Metropolitan Administration and Pattaya City, Company limited, Associations, foundations, etc.

### Consultant<sup>1</sup>

It means a person who has a duty in giving advice.

### Public participation in EIA<sup>2</sup>

It means how people who may be affected by a project including NGOs, other related agencies and interested people could have participation in receiving information, giving comments, presenting data, disputing and exchanging ideas about the project or in other words in every single step of the environmental impact assessment process.



Source:

*1 Royal Institute Dictionary, B.E. 2542 (1999)*

*2 The Office of Natural Resource and Environmental Policy and Planning, 2556 (2013)*

## Abbreviations



### ONEP

means the Office of the Natural Resources and Environmental Policy and Planning, Ministry of Natural Resources and Environment (MONRE)

### Expert Committee (EC)

means the Expert Committee on EIA Consideration who are appointed according to the National Environment Committee, No. 14 B. E. 2540 (1997).



### National Health Commission

means the National Health Commission, Ministry of Health

**National Environment Committee** means the National Environment Committee who are appointed according to The Enhancement and Conservation of National Environmental Quality Act, B.E. 2518 (1992). At present, this Committee is under the Office of the Natural Resources and Environmental Policy and Planning, Ministry of Natural Resources and Environment (MONRE)



### ICEH

means the Independent Commission on Environment and Health under the Office of Commission on Environment and Health that is established according to the Article 62, Clause 2 of the Constitution of the Kingdom of Thailand B.E. 2550 (2007)



### Cabinet

means the cabinet that has authority to govern the country according to the government policy presented to the parliament. According to the constitution and law, the cabinet consists of 1 head of cabinet, named the Prime Minister and other ministers as cited in the constitution or related laws.

Person/group of persons qualified/eligible to conduct EIA:

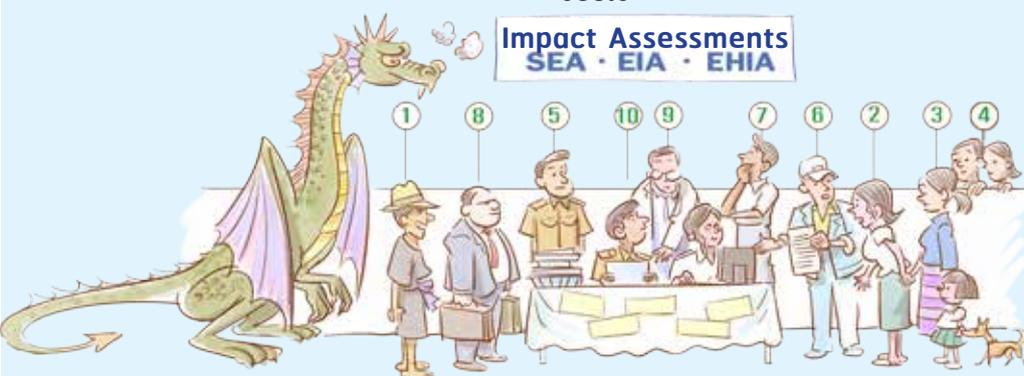
1. A University (Tertiary academic institution) or research institute, holding the status of juristic person according to Thai law
2. A juristic person who registers according to Thai law
3. A juristic person who register according to international law but who must also have a juristic person from 1. or 2. who has a license to conduct EIA to join in the EIA study.
4. A state enterprise that is established by a specific law in that type of state enterprise
5. A mining council according to the Act on mining councils

## Other related knowledge that should be known

### Key Stakeholders

#### Consist of

1. People who benefit from the project
2. People who lose benefits from the project
3. People nearby who are affected by the project
4. General people who are interested in this project
5. Local Administrative Organisation
6. Non-Governmental Organisations and Civil Society Organisations
7. Scholars, particularly from related professional organizations
8. The project owners both government units and private sector
9. The project operators which are
  - The Office of Natural Resources and Environmental Policy and Planning
  - Consultant firms/academic institutes
  - Local Administrative Organisations
  - Local residents and communities
10. People who have authority to consider the project, who are
  - The government units in the area
  - Approval units
  - The National Environment Board



## Other related knowledge that should be known

### Principle of Public Participation Development

This is to allow people and all related persons from all sectors to engage with the government sector, for which the levels of public participation can be classified into 5 levels, as follows:

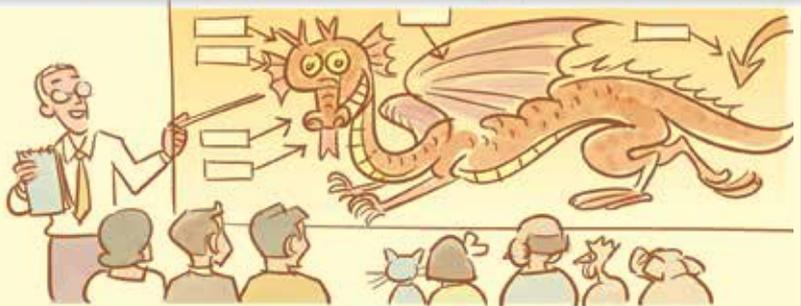
#### 1. Access to information

This is the most important level because it is the first step wherein the government allows people from every group including groups of ladies and vulnerable persons, to participate in the process. Methods in giving information can be carried out in several ways i.e. documents, publications, websites, letters, notification boards, exhibitions, press conferences, etc.



#### 2. Consultation

This is a process that allows general people to participate in providing information, facts and comments to be used for the consideration of the government units. It can be done in many ways i.e. public forums, questionnaires, comments through websites, etc.



#### 3. Engagement

This is to allow general people to engage with operations or provide recommendations that lead to the decision-making process and to make people confident that their comments will be used for consideration as alternatives for operational management of the government, i.e. public policy issues, public hearing, etc.



#### 4. Collaboration

This is to allow groups of people or public representatives to engage with the government in every step of the decision-making process and to conduct activities continuously, i.e. the Committee that consists of the civil sector as one of the committee members, etc.



#### 5. Empowerment

This is the highest level of participation that allows general people to take part in, that is, the people will be the ones who make a decision logically, i.e. exchanging ideas and experiences with each other, etc. This is to give power to the people to decide everything, while the government acts as a facilitator.



## Person/group of persons who is qualified/eligible to conduct EIA

1. University (Tertiary academic institution) or research institute, holding a status of juristic person according to Thai law

2. Legal entity who registers according to Thai law

3. Legal entity who registers according to international law but must have legal entity in 1 or 2 who has a license to conduct EIA joins in EIA study.

4. State enterprise that is established by a specific law in that type of state enterprise

5. Mining council according to the Act on mining council



## Key Principle of Public Participation



### 1. First start

To provide information prior to the start of the project in order to let the communities know the operational plans and try to urge people and communities to express their ideas before making a decision that will aid in the consideration of more appropriate alternatives or solutions for the communities.

### 2. Target of participation

To create assurance for everyone that is involved with information access, including thinking and making decisions and achieving mutual agreements

### 3. Comprehension of stakeholders

To think of all stakeholders, whether directly or indirectly, and give them a chance to engage and also to have to listen to information and consult the directly affected people first.

### 4. Sincerity

To organize all processes sincerely, openly and honestly, without biases and to provide two-way communication every time, particularly accurate, transparent and adequate information that can respond to and resolve the doubts of stakeholders.

### 5. Appropriate approach

To select appropriate techniques or styles of public participation by considering many factors, i.e. different characteristics of areas, groups of stakeholders including woman and vulnerable groups, culture, society, social values, levels of interest of the communities regarding the projects, abilities and readiness, including limitations of responsible units, etc.

# Other Associated Knowledge that should be known

## Techniques in providing information for public

**1**  
Providing information in a short summary



**2**  
Exhibitions and presentations



**3**  
Writing articles



**4**  
Public information resources i.e. public libraries



**5**  
Internet



**6**  
Important technical or environmental reports



**7**  
Sending documents or brochures directly to people's dwellings



**8**  
Interviews via media channels or appearing on TV programmes that allow discussions

Environment Discussions



**9**  
Document sets for the media



**10**  
Press conferences with information summary

Hazardous waste causes the death of farmers!



**11**  
Newsletters targeted at people who are interested in the issue



**12**  
Interleafs



**13**  
Press releases



**14**  
Advertisements

Whose benefit?



**15**  
Discussion forums

Who chooses a development option?



**16**  
Presentations to many groups



**17**  
Announcement of public service matters



**18**  
Organising seminars or academic dialogues

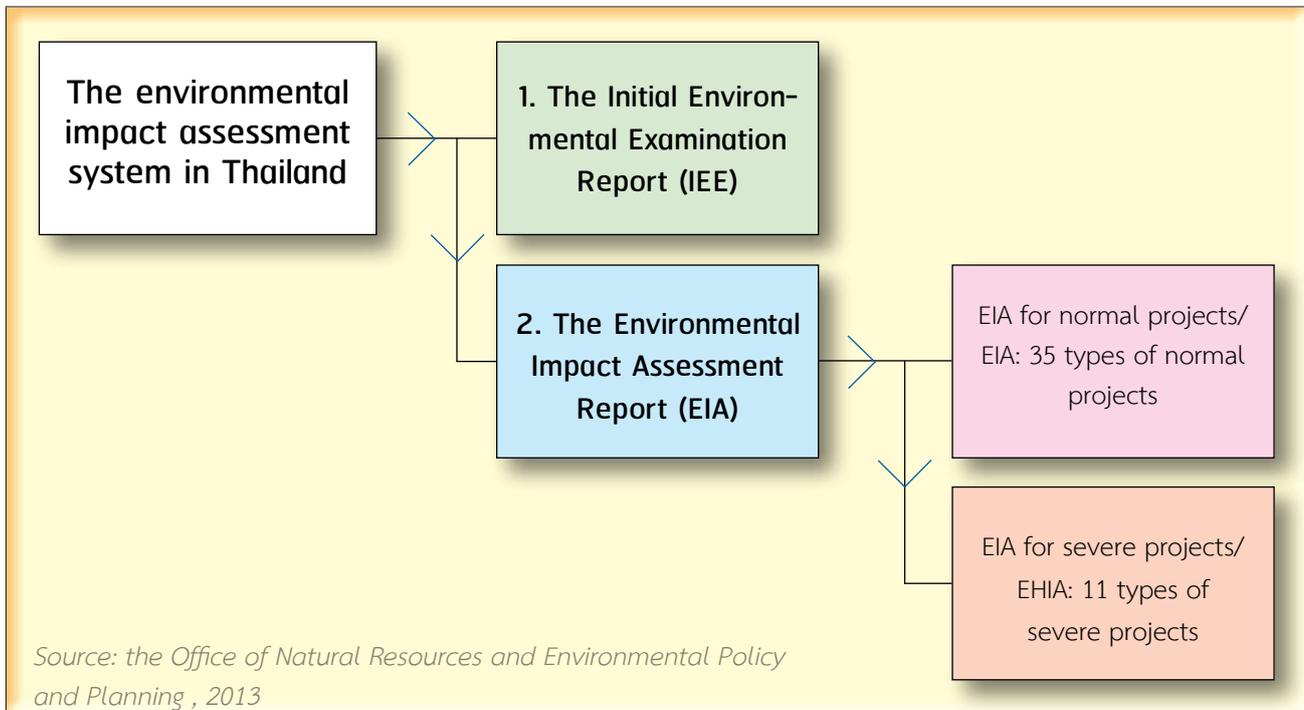
Who chooses a development option?



## Current Environmental Impact Assessment Processes

At present, the environmental impact assessment in Thailand by the Office of Natural Resources and Environmental Policy and Planning, which is the main unit responsible under the Ministry of Natural

Resources and Environment, has categorized types sorts of current environmental impact assessment as shown in the picture:



The initial environmental examination (IEE) is a form of report that Thailand uses to study the environmental impacts of small projects that may have an impact on the environment.

### Criteria for projects and businesses that have to make an environmental impact assessment

Projects and businesses that need to do an environmental impact assessment according to notification of the Ministry of Natural Resource and Environment and related resolution of the Cabinet in order to propose it to the Cabinet for project approval as follows:

1. Types and size of the projects and businesses that follow Article 46 of the Enhancement and Conservation of the National Environmental Quality Act B.E. 2535 (1992):

- 35 types of projects and businesses (see in Annex I or Annex Kor) shall provide the environmental impact assessment report while the order of 1.5 : a metallic mineral mine project in every size and the order of 26.2: a seaplane based project in every size, both need to provide an Initial Environmental Examination (IEE).

- 11 types of projects and businesses (see in

Annex I or Annex Kor) that probably have severe impacts on communities need to provide an environmental impact assessment.

2. Types and size of projects and businesses according to notification of environmental conservation areas under Article 44 (3) of the Enhancement and Conservation of the National Environmental Quality Act B.E. 2535 (1992).

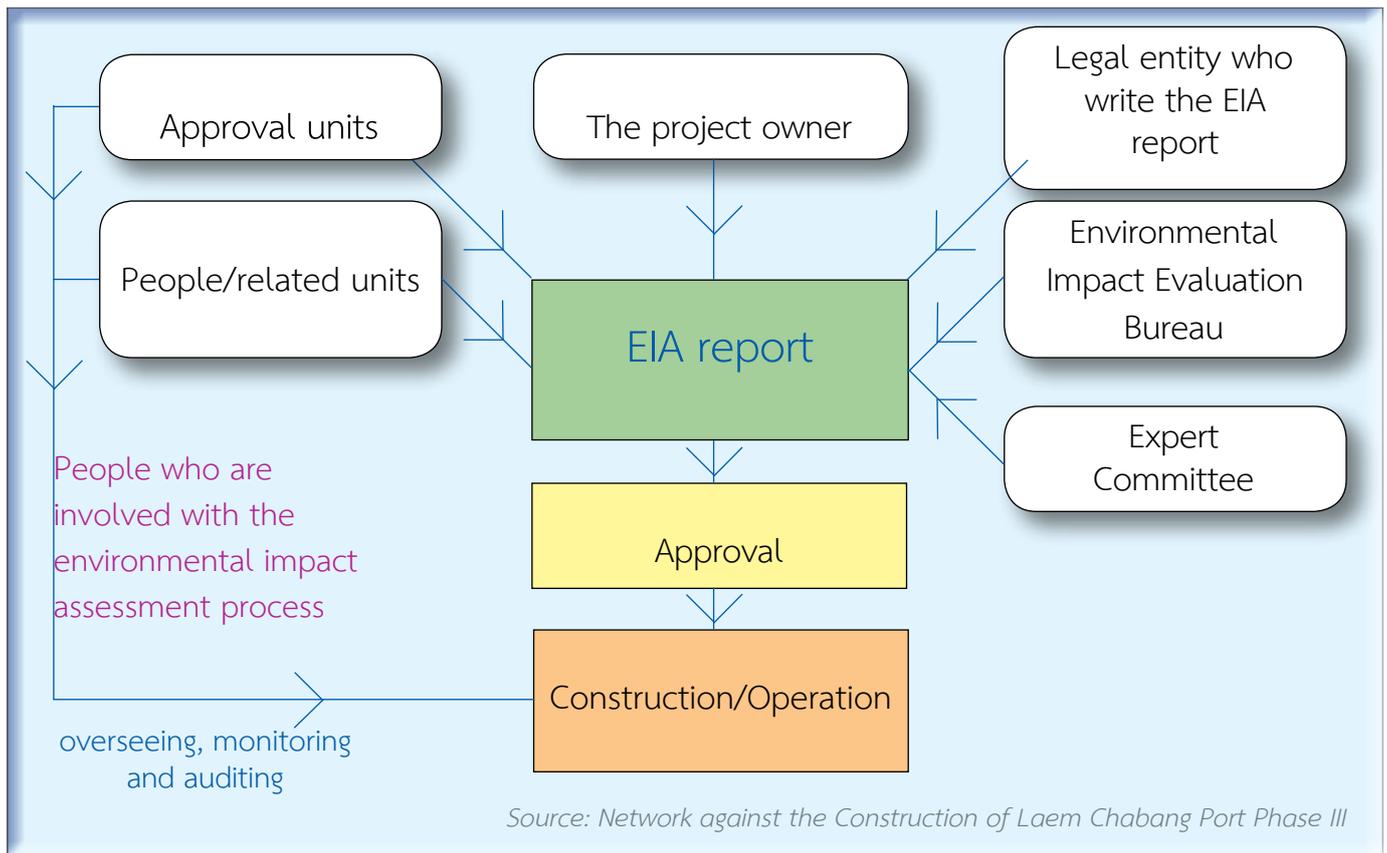
3. Projects according to resolution of the Cabinet in relation to additional forest conservation.

4. Development projects in wetland areas that are critical at national and international levels.

### People who are involved with the environmental impact assessment processes

People who are involved with the environmental impact assessment processes can be categorized into 2 groups which are Normal EIA and Severe EIA/

EHIA as follows:



## Responsible persons involved with Normal EIA and Severe EIA/EHIA

### Normal EIA Processes

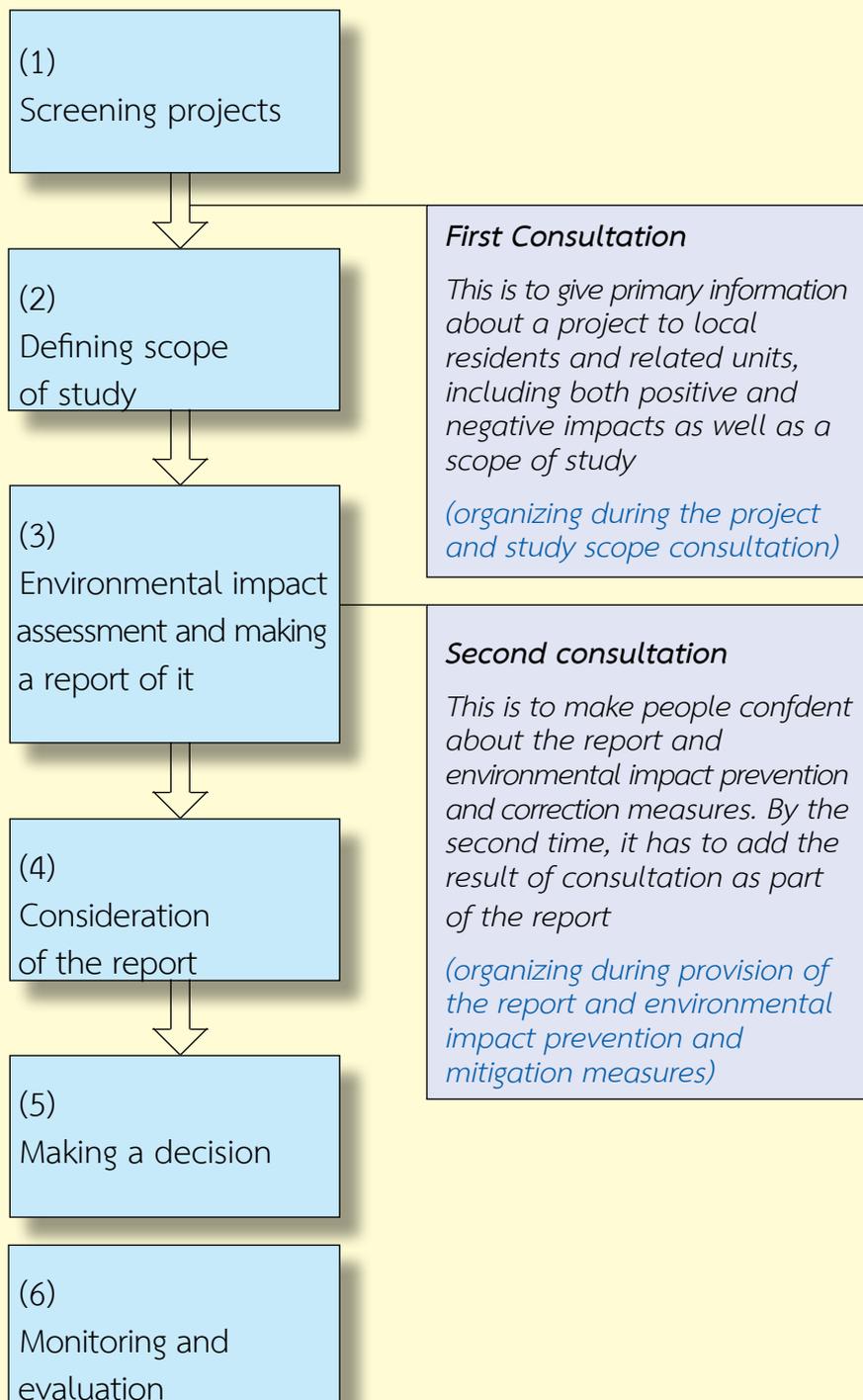
1. The project owner
2. Consultant firms who are eligible to do such a report
3. The Office of Natural Resource and Environmental Policy and Planning
4. The Expert Committee
5. The National Environment Board
6. People/related units
7. Local Administrative Organisation
8. Approval units

### Severe EIA Processes

1. The project Owner
2. Consultant firms who are eligible to do such a report
3. The Office of Natural Resource and Environmental Policy and Planning
4. The Expert Committee
5. The National Environment Board
6. People/related units
7. Local Administrative Organisation
8. Approval units
9. Independent Commission on Environment and Health

## Environmental impact assessment procedure for common projects or normal EIA

### Environmental impact assessment procedure for common projects or normal EIA

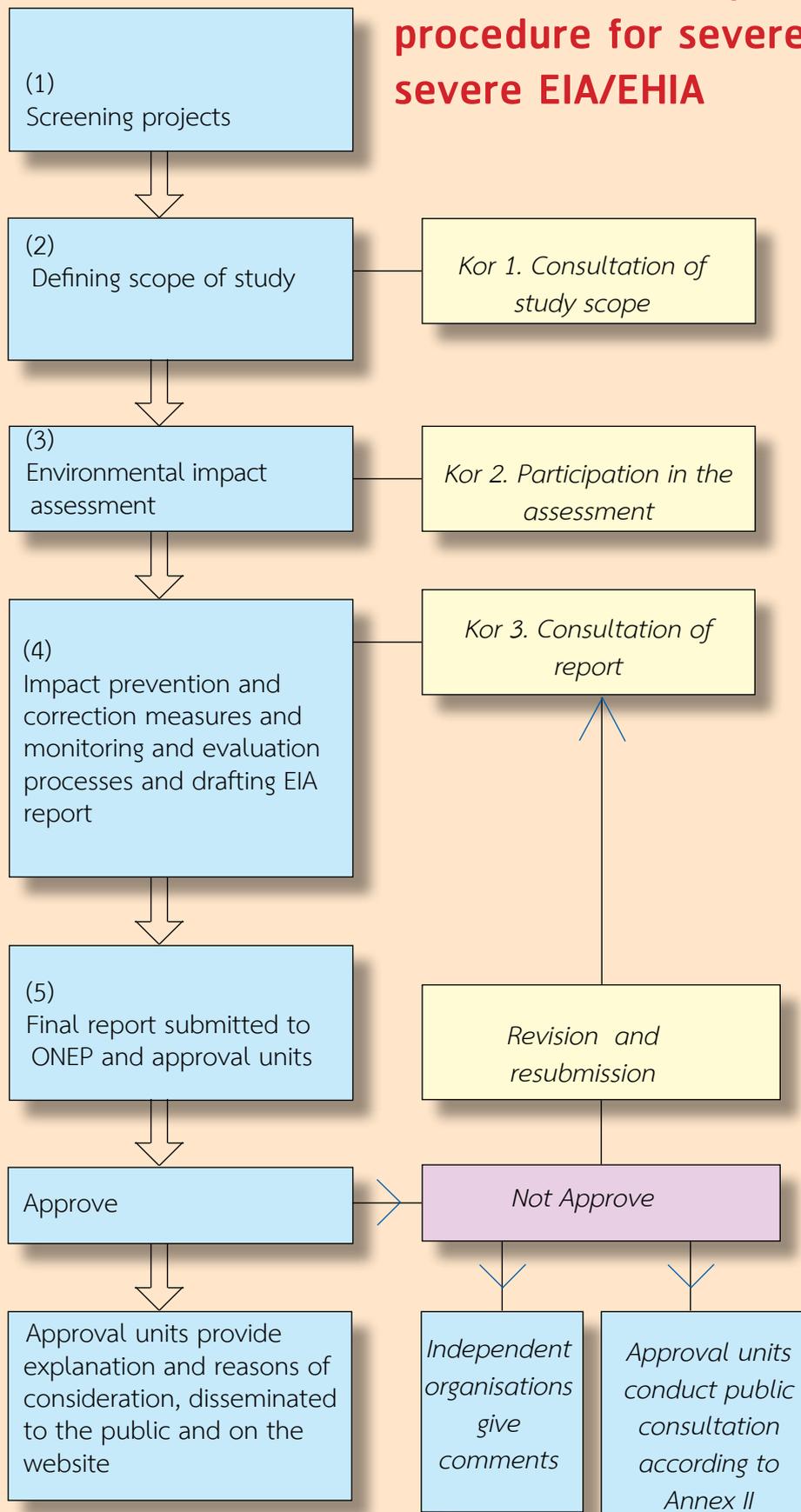


According to notification of the Prime Minister's Office, the project owner shall proceed with the public consultation at least twice in order to have the subsequent result with consideration procedure. The consultation shall focus on the contents rather than on the number of consultations with several ways official interaction (Public hearing) (Creighton, James L, translated by Prof. Dr. Vanchai Wattanasap, Dr. Tawinwadee Bureekul and Asst. Prof. Dr. Methisa Pongsaksri) as follows:

1. Public Meetings/City Council Meeting
2. Summary Lectures with Q&A session
3. Panel Discussion
4. Large and Small Group Discussion
5. Workshops
6. Open House
7. Coffee house Forum
8. Seminar
9. Samone circle
10. Open area

*Resources: the Office of Natural Resources and Environmental Policy and Planning, 2009*

## Environmental impact assessment procedure for severe projects or severe EIA/EHIA



## Consideration Procedure of EIA

According to the law, before any project approval, it needs to go through the consideration process i.e., after a consultant firm has already provided an EIA report, the project owner shall submit that report to the authority unit to proceed with the next step as follows:

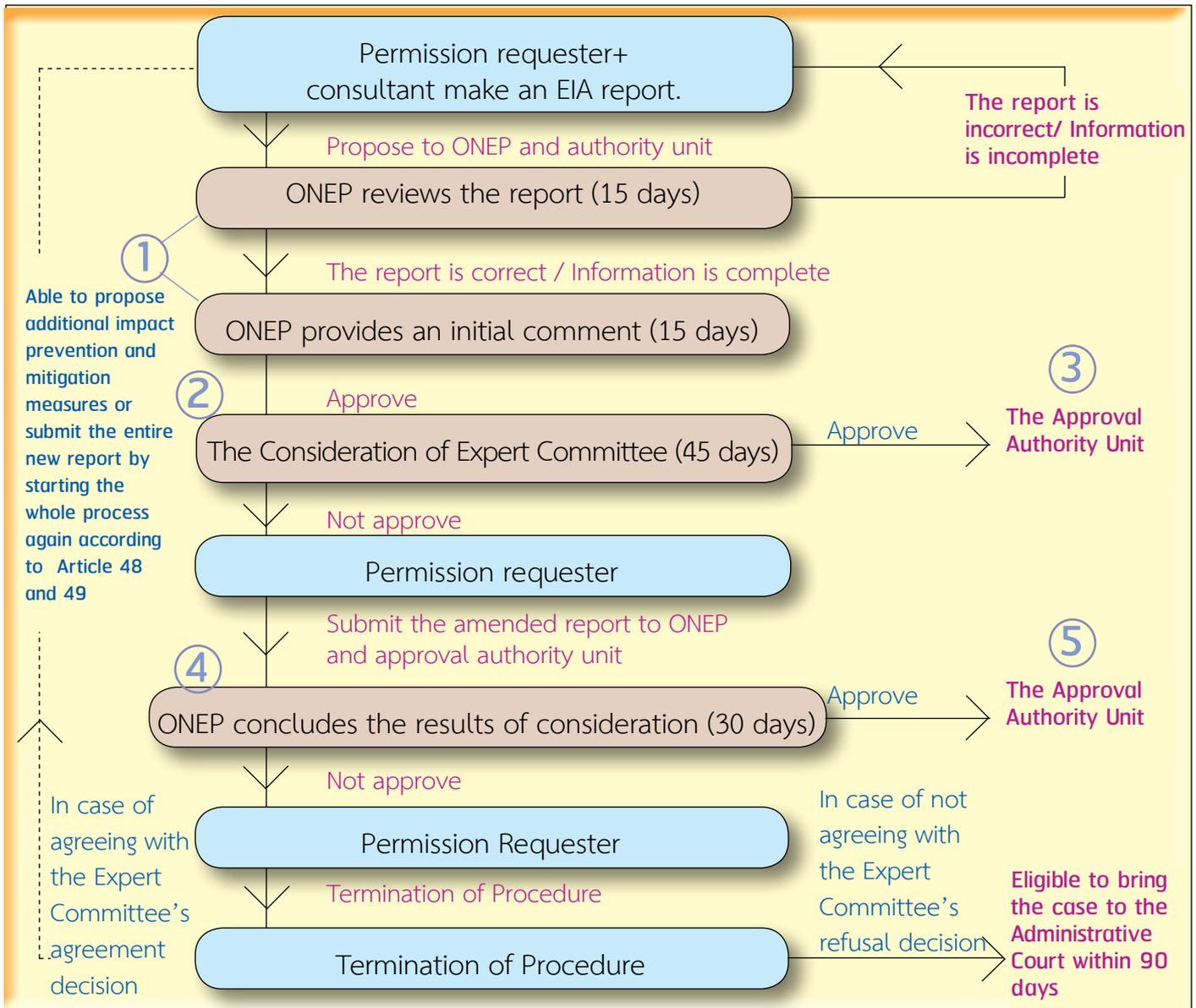
### The cases of projects / businesses that need to request permission from the Cabinet

#### Initial description of consideration procedure

1. Prior to submission of an EIA report, a requester shall employ a consulting firm to provide a report and the result of the public consultation process shall be part of the EIA report. *\*\*Before proposing to the Expert Committee, ONEP shall do a site survey, to check current conditions. At which stage, people can give comments and information to ONEP directly\*\** Cabinet and there shall be another public consultation of the stakeholder together with the consideration (approve/not approve)  
*People engage in providing comments for consideration together with the approval authority: In step 1, 2 and 3*
2. ONEP shall be the unit that summarises the EIA report and proposes it to the Expert Committee.
3. After the Expert Committee has finished consideration, it shall be passed to the National Environment Board and then the



## The cases of projects / businesses that need not request permission from the Cabinet



\*\* If the Expert Committee does not agree with the amended report, this shall be regarded as termination of the process \*\*

People could give comments to the approval authority unit: in steps 1,3 and 5

1. Before a proposal to the Expert Committee, ONEP shall make a site visit first, to check current conditions and situations during which stage, general people could give comments and information directly to ONEP. This includes people asking for the EIA report from ONEP as well.

2. 45 days after that, if there has not been a decision from the Expert Committee, this will be

regarded as meaning that they agree with the EIA report automatically and the report shall be delivered to an approval authority unit to proceed to the next step.

3. The approval authority officer shall provide public consultation for stakeholders prior to giving permission to the project.

4. After 30 days from submission of the amended report, if the Expert Committee has yet to

provide a decision on the report, this shall be regarded as meaning that they agree with the report automatically and the report shall be delivered to an approval authority unit to proceed to the next step.

5. If they agree with the amended report, ONEP shall summarise the result of consideration and submit it to an approval authority unit (the authority unit shall conduct public consultation of stakeholders prior to giving a decision to the project).

## Consideration Procedure of EHIA

### The cases of projects / businesses that need to request permission for the Cabinet

#### Description of Consideration Procedure

1. Permission requester (State agency / State Enterprise) shall submit a feasibility study report and EIA report to the Expert Committee.

2. ONEP shall summarise the EIA report and hand it over to the Expert Committee.

*\*\* Prior to the proposal to the Expert Committee, ONEP shall do a site survey first, to check current conditions and situations, at which stage, general people could give comments and information to ONEP directly as well as asking for*

*the EIA report from ONEP as well\*\**

3. The Expert Committee considers the report

3.1 Agree with the report and ONEP submit the result of consideration

3.1.1 ONEP submits the result to the project unit responsible or the approval authority unit

3.1.2 ONEP submits the result to the Independent Commission on Environment and Health and organizes public consultation of stakeholders

3.2 Not agree with the

report, ONEP shall summarise the result and make a proposal to the National Environment Board.

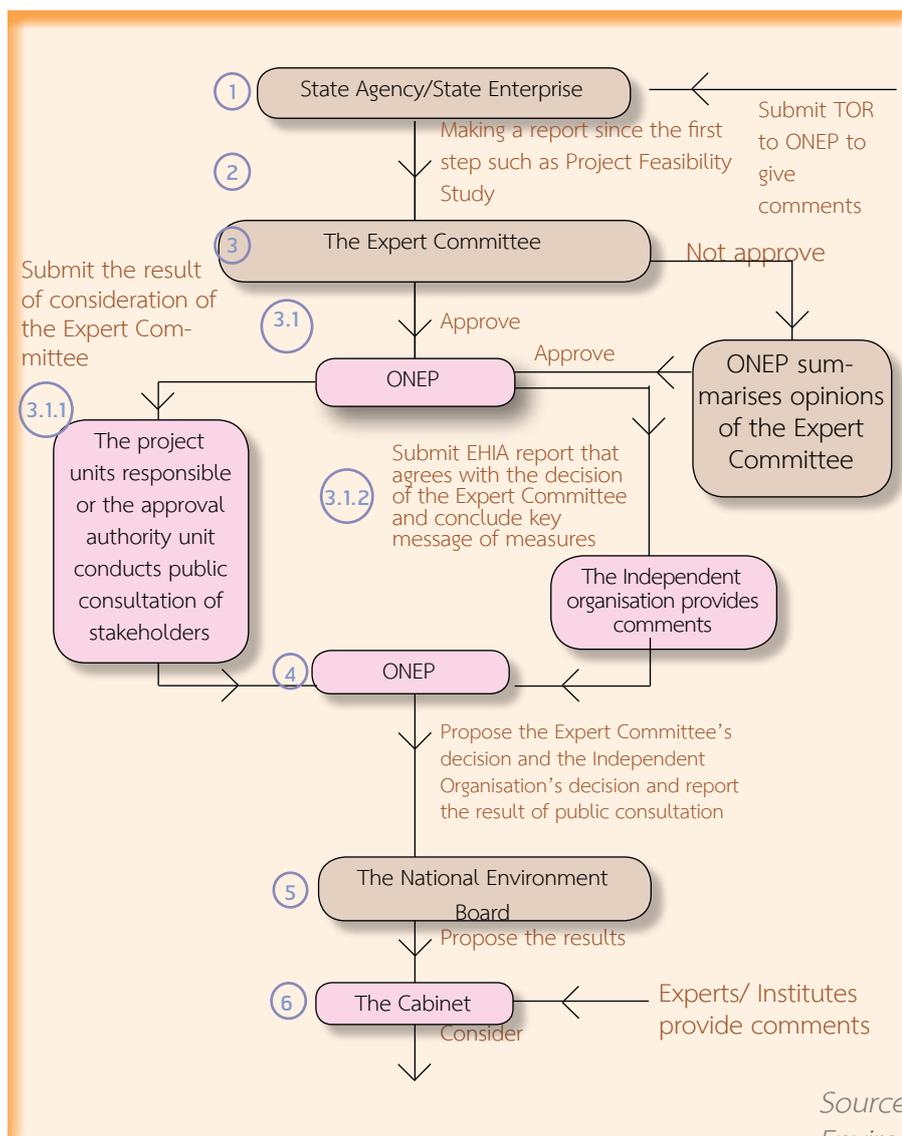
4. ONEP shall receive the results of consideration from the project units responsible or the approval authority unit and the Independent Commission on Environment and Health.

5. The National Environment Board shall receive the results of consideration from 3 groups; 1) the Expert Committee 2) the project units responsible, or the approval authority unit 3) the Independent Commission on Environment and Health

6. Having gone through consideration from the National Environment Board, it shall be passed to the Cabinet to consider and a public consultation of stakeholders shall be conducted for using the consideration (Approve/not approve)

People could give comments to the approval authority unit to be used with the consideration : in step 2, 3.1.1, 3.1.2 and 6

*\*\*It can be seen that the step of proposing the report to the approval authority unit that needs to ask for permission from the Cabinet has no time limitation in consideration\*\**



## Description of Consideration Procedure

1. A permission Requester (State Agency/State Enterprise/ Public-Private Partnership/Private Firm) shall submit the EIA report conducted by the consultant firm to the Expert Committee.

2. ONEP reviews the report, whether it has complete information or not, within 15 days and provides initial comments in another 15 days.

*\*\* Prior to the proposal to the Expert Committee, ONEP shall conduct a site survey first, to check current conditions and situations which, at this stage, general people could give comments and information to ONEP directly as well as being able to ask for the EIA report from ONEP as well\*\**

3. After the Expert Committee has 45 days for consideration

3.1 The Expert Committee agrees with the amended report

3.1.1 ONEP summarises the result of consideration and submits it to the approval authority unit

3.1.2 ONEP submits the EIA report and approval decision of the Expert Committee to the Independent Commission on Environment and Health.

3.2 The Expert Committee does not agree with the amended report

3.2.1 The requester resubmits the amended report to the Expert Committee

*\*\* After the 30 day submission of the amended report, if the Expert Committee has yet to provide a decision on the report, this shall be regarded as meaning that they agree with the report automatically and that the report should be*

*delivered to an approval authority unit to proceed to the next step.*

3.2.1.1 The Expert Committee agrees and leads to steps 3.1, 4 and 5

3.2.1.2 The Expert Committee does not agree and this shall terminate the consideration procedure.

-In the case that the requester does not agree with such a decision, the requester can, however, bring the case to the Administrative Court within 90 days.

-In case the procedure is complete and the requester or the project owner would like to submit the EIA report again, it would need to go through the whole process again\*\*

4. The approval authority unit shall consider the decisions from 2 groups: (1) the Expert Committee and (2) the Independent Commission on Environment and Health.

5. The approval authority unit shall make available to the public an explanation of the reason for the decision.

*People could give comments and information being used for consideration to the approval authority unit: in step 2, 3.1.1, 3.1.2 and 5*

## Problems of EIA Consideration

1. Conflict of interest, it means the project-related people, or the project owners, employ a consultant firm to make an EIA report as employer. As a result, the consulting firm has to satisfy the employer as an employee.

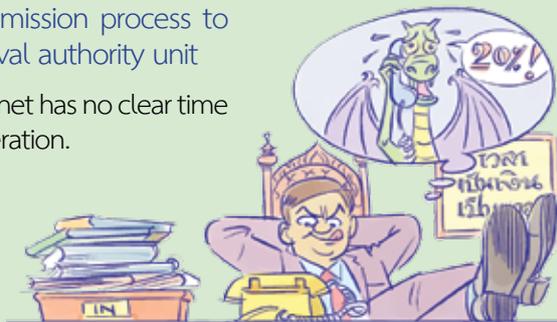


2. Information from the public consultation in EIA report or feasibility study report before submitting to the approval authority unit does not correspond to the truth, so it needs to be rechecked with third party units.

### Public Hearing of the Construction of



3. EIA submission process to the approval authority unit or the Cabinet has no clear time for consideration.



4. Reliability of the Environmental Expert Committee in project consideration

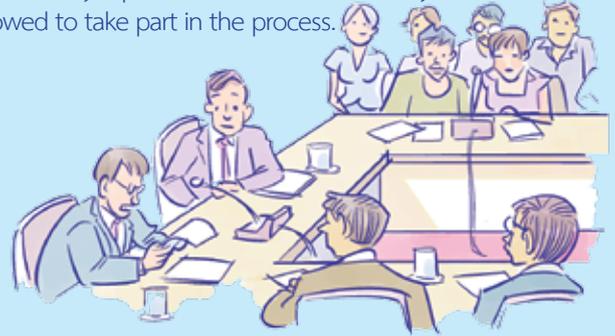


5. The people have no participation in the project and no opportunity to offer information. In addition, they are not informed about progress on the project.



## Recommendations on EIA consideration process

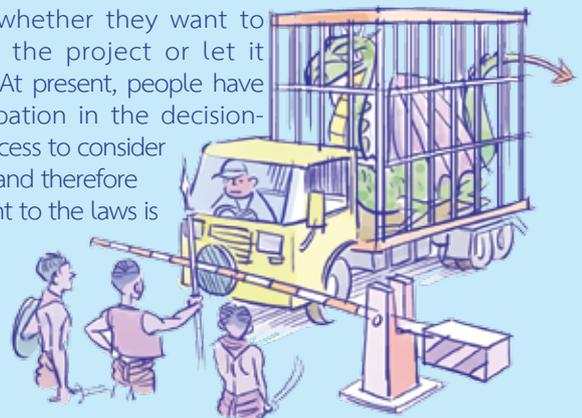
1. At the stage of listening to comments of the Expert Committee and the National Environment Board on EIA report, stakeholders and community representatives who are directly affected should be allowed to take part in the process.



2. After a consultant hands over the EIA report to ONEP people already request to see it, ONEP should allow everyone to see it without any conditions, or refusals or telling people to ask to see it from the consultant.



3. The directly affected people should be the ones who make a decision, whether they want to terminate the project or let it continue. At present, people have no participation in the decision-making process to consider the report and therefore amendment to the laws is needed.



4. In case the EIA report is amended, the community of affected people should be informed about progress on the report.



5. There should be additional provisions or regulations that allow non-profit organizations (foundations, associations, NGOs, etc) that work on environment, health, community and human rights, to be eligible to do the EIA report.



6. There should be establishment of Environmental and Health Independent Organisations as stated in the Constitution of the Kingdom of Thailand, B.E. 2550 (2007).

## Could general people do the environmental impact assessment?

### Who could do an EIA report?

Producing an EIA report needs to be done by legal entities as juristic persons who are eligible to do so and who are already registered with the Office of Natural Resources and Environmental Policy and Planning according to the Second Ministerial Regulations, B.E. 2527 (1984) under The Enhancement and Conservation of the National Environmental Quality Act B.E. 2535 (1992) (the Office of Natural Resources and Environmental Policy and Planning, June 2555 (2012) by having the following qualifications:

(1) Academic Institutions at tertiary level, or research institutes that have a legal entity status as juristic person according to Thai laws

(2) Legal entities that are registered under Thai laws  
-Limited partnership  
-Company limited

(3) Legal entities that are registered under foreign laws  
However, there must be legal entities to incorporate with juristic persons from (1) and (2) who are qualified to do the EIA report.

(4) State enterprise that is certified by a particular law, used for state enterprise activities only

(5) Mining Industry Council under the Mining Industry Council laws, used with members; activities only

Individuals who are eligible to receive the work permit certificate, (1) and (2), must have their head office or offices in the Kingdom of Thailand, and for (2) and (3) must aim to operate a business about research and academic consultancy.

Any individuals who are eligible to apply for work permit certification according to paragraph 1 shall never have it withdrawn, except when the period of certificate withdrawal has passed by more than 3 years from the date the certificate was withdrawn.

The individual who applies for the certificate has to provide personnel as follows:

1. Specialist, at least 1 person  
A permanent specialist who is responsible for making a report
2. General staff, at least 3 persons  
General staff who join the EIA study

### Could general people do an EIA report?

People are eligible to do a simple EIA report by presenting rationales and facts that exist and by showing their standpoint, as the case study of Tha Lad District mentioned earlier. However, if people have to do such a report, they need to consult with an expert or scholar for academic purposes.

Nowadays, even EIA reports of people are not yet acknowledged and protected by laws; it can be used in comparison with the EIA report of the project owner as evidence in disputing or supporting to the Expert Committee. Furthermore, it can be used as evidence in the court. Hence the constraints of people in doing the EIA report as follows:

#### Regulations:

No regulations exist to certify the EIA of people due to the fact that there is not yet amendment of the Enhancement and Conservation of the National Environmental Quality Act B.E. 2535 (1992) (as shown in detail in Annex of related laws)

#### Understanding:

People still lack academic knowledge and understanding in conducting the EIA report, so they need to consult scholars or specialists.

#### Budget:

Conducting the EIA report requires a high budget.

### If people cannot do the EIA report, how could they participate?

According to the diagram of normal EIA procedure on page 33, how could people participate?



## Environmental impact assessment procedure for common projects or normal EIA

(1)  
Screening projects



(2)  
Defining scope of study



(3)  
Environmental impact assessment and providing a report



(4)  
Consideration of the report



(5)  
Making a decision

(6)  
Monitoring and evaluation

### *First Consultation*

*This is to give primary information about the project to local residents and related units, including both positive and negative impacts, as well as a scope of study*

*(organizing during consideration of term of reference (TOR) and study scope)*

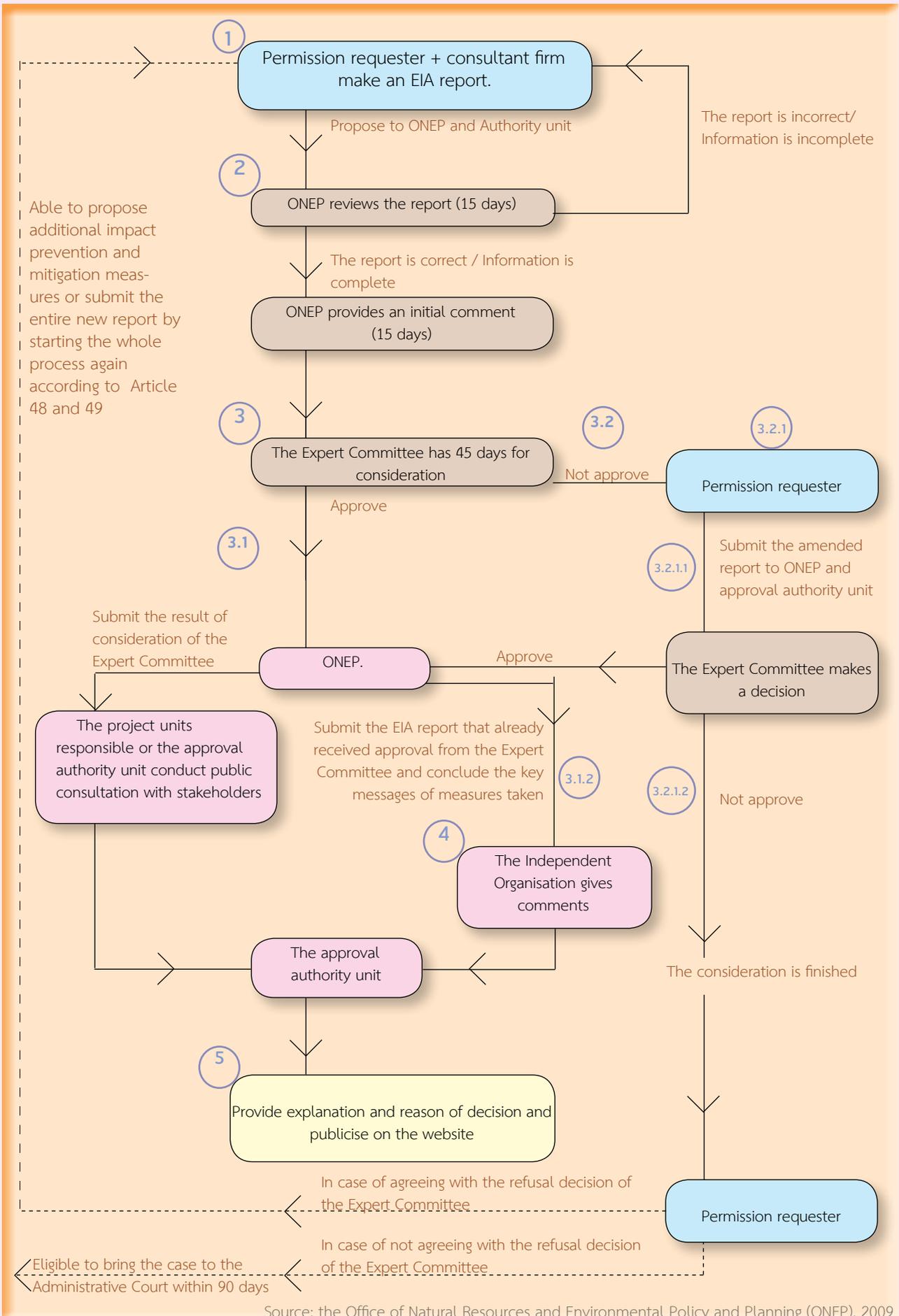
### *Second consultation*

*This is to make people confident about the report and environmental impact prevention and mitigation measures. By the second time, it has to add the result of consultation as part of the report*

*(organizing during provision of the report and environmental impact prevention and mitigation measures)*

*Source: the Office of Natural Resources of Environmental Policy and Planning, 2552 (2009)*

The cases of projects and activities that need not request permission from the Cabinet



Public consultation allows people to participate in the EIA process. The consultation needs to be conducted prior to operation of the project. People could ask questions or request information about their concerns, such as social, health, livelihood, environmental and economic impacts that they should know from the beginning of the project. The people could have engagement in processes as follows:

### (1) Screening projects

### (2) Defining scope of study

This is a process, taking place before the EIA report is carried out, in which public consultation will be organised: people will be informed of details of the projects, impacts that may arise from the projects, both negative and positive, including scope of study, whether in terms of areas or academic purpose.

## How could people have participation in public consultation 1?

### 1. Receiving information about the project before it starts

- This is to know details of the projects before doing the EIA report - what are they doing?/ where? (near temple, school, market, tourist attractions, etc)/how many areas are being used for construction?/how?/whose is this project?/why is this project conducted?/what are the impacts?/ who will be affected?(which community is directly affected?) so that people and aid agencies can make an inspection.

- People should know at least 4 months prior to the EIA process begins.

- Have participation in giving comments and expressing their concerns arising from the project.

- Clarification letters should be provided to villagers, for example, providing information about the possibility that chemical storage areas can have leaks. This is because providing sufficient information can make people understand.

- In case there is a problem occurring during the preparation phase and construction phase, where and to whom can they contact? And how?

- Other than meetings, where can villagers acquire additional information? and how?

### Scholars and Consultant Firms

- Who are they? and where do they come from?

- It should be a scholar or a professional association with no bias
- How reliable? There should be clarification of their bibliography
- Sincere and able to answer all concerns clearly
- Talented and understand surrounding conditions, culture and custom of areas or not?
- Involved in conflict of interest, or not?

### 2. Engaging in decision-making of EIA process

People should have engagement in defining the scope of study, in terms of area, with the project owner or consulting firms. It is necessary to identify a clear study area. However, it should cover more than 5 kilometers and should also consider ecological impacts that will probably happen,

- If measures have been defined for some aspects, but late, they are not implemented as planned and promised, so what should be done to address such a problem?

- Having participation in providing recommendations to reduce impacts in many aspects that may occur from the project, such as signal installations, or having signs to show emergency cases in construction or operation, so that people are aware and can prepare themselves in time in case something happens.

- Having a chance to express opinions to a person or group of people who will do the EIA. The project owner/consulting firm shall incorporate comments and recommendations from people with the EIA report.

### 3. Attending to realize impacts that may arise from the projects

#### 3.1 In terms of society, livelihood and safety of people

Before the project implementation/ Construction Preparation phase

- How have villagers' livelihoods changed? For example the effects on farming due to water becoming polluted, blockage of waterway in communities

- If the project takes place, what is the community facing? i.e. how has the local economy changed? (e.g. if the new and bigger market is built in the community to cope with immigrants that move in to work, will it affect the businesses of local sellers in the local community?, etc.)

- What is the assistance plan for affected people? What is the emigrational plan?

- What is management's plan in case there is a conflict between local people and outsiders who come to work in the area?

- Has the project owner an environmental management plan for villagers, or not? i.e. in case of tailing storage collapse or in emergency cases, what do villagers have to do?

### Construction Phase

- Vibrations, noises, dust and other irritants that have an impact on people who live nearby. What are the measures to prevent and address these problems?
  - What are the measures to address problems of crime, robbery and burglary from the growing community when the construction takes place?
    - In case there is an emergency case, what is the warning system? What are the signs to alert people and make them understand easily and clearly, including how reliable is the management system?

### During operation (after the construction is complete)

- After the construction is complete and commences operation, will people still be able to participate in proposing additional comments and recommendations about agreements that were proposed before the construction regarding pollution management?

*Remark: In case a consultant offers more opportunities of employment to villagers' offspring, people should be aware of the environmental and health issues and consider logically when comparing this kind of benefit.*

### 3.2 In terms of environment

- What substances will be released by the project? Which are dangerous? Which are not?
  - Will the released substances have an environmental impact or not?
    - Will chemicals spread out?
      - How far will it disperse?
    - If there is chemical that is harmful to people, but the symptoms occur later, how can it be managed?
      - How can dust be managed?
      - Where are the water resources for production? Is it affecting household water consumption?
        - Is there any contamination of chemicals in the ground water? And what is the water flow direction of ground water?
          - After the project takes place will there be a guarantee that plants/animals in the area remain the same, and are not being destroyed. This has to be explained clearly to the villagers and possibly in practice.
  - What is waste disposal management? (what kind of waste?/who is responsible for this waste?)

### 3.3 In terms of health

- What is a measure to deal with hazardous substances?
  - What is the impact of substances or dust on people's health, including on animals and vegetables?

How much (i.e. what level) is regarded as not harmful?
 

- Should there be a quality test for rainfall, or not, in case the villagers use and drink it? In which case, if there is a project, it will cause such a problem.

*The technical aspect i.e. waste water, polluted air, pollution, etc. is what the villagers are not capable of, so they need to find technical consultants, such as scholars in various disciplines.*

## (3) Environmental Impact Assessment and how to produce a report

It is a process during conducting the EIA and public consultation 2 will be organized at this stage: the project owner and consultant firm must present a draft report of EIA to the villagers and the villagers will have confidence in the impact prevention and mitigation measures presented in the draft report, and the people will have to check the accuracy and completion of the report and try to understand it.

In the second consultation, comments and recommendations of people from such an event shall be incorporated as part of the EIA report prior to submission to the Office of Natural Resources and Environmental Policy and Planning.

### How could people have participation in public consultation II?

For public consultation 2, the project owner and its consultant must inform the public of details of the event and need to deliver related documents to the people at least 30 days prior to the event taking place. As a result, people should try to understand all documents and the draft EIA report, and should check the accuracy and completion of information and report. In case there are enquiries, they should ask the project owner and its consultant.

## 1. Checking accuracy and completion of draft EIA report

1.1 This is to check whether information presented in the draft EIA report is correct and complete or not (i.e. Is the number of water resources in the community equal to the number of water resources presented by the consultant or not/ are those water resources important to the community?/ are all groups affected?, etc.)

1.2 In the draft EIA report, does it present all chemicals used/occurred by the project or not? (type/ quantity/ benchmark, all these things are shown in the Annex or in the contents/ whether the chemicals exceed the standard, and what is a solution?

### For example

Dust that is not exceeding 10 microns (PM10) is the dust suspended in the air, arising from materials that are ground, crushed, pounded into very tiny parts and when they are carried by wind, they will disperse everywhere in the air and fall onto the ground/ floors. Duration of falling is dependent on the particles' weight. Activities generating dust are construction work, dust in the road, combustions and so on.

- Particle Monitoring System will be based on samples, collected over 24 hours.
- The particulate matter less than 10 microns, will have a respiratory affect that happens to everyone and every age. It will affect the nasal cavity, oral cavity, pharyngeal cavity, larynx, bronchiole, bronchus and alveolar air that is the end of respiratory organs. Consequently, it causes respiratory diseases i.e. bronchitis, pulmonary emphysema, asthma, etc.
- The mean of particles, less than 100 microns in 24 hours should not exceed 0.33 micrograms/ cubic meter.

This is to make it clear, for example, that particle monitoring reports in the North on 25 March, 2556 (2016) found the average of particles with less than 10 microns (PM10) in 24 hours, between 191-356 micrograms per cubic meter, overall quality ranging from having an impact on health to having a serious impact on health.

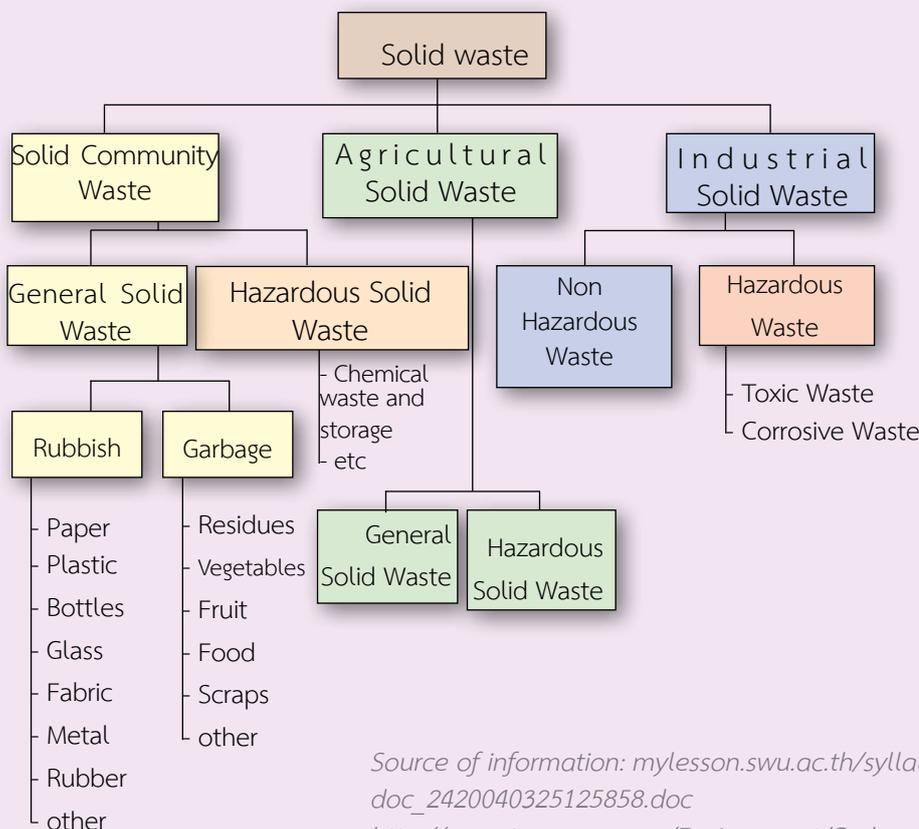
1.3 In the report, are there ongoing solutions for all potential problems? and how? For instance where is a waste storage facility?/what is waste management?/who is the responsible unit for waste disposal?, etc.

1.4 If an incinerator must be built, where is the budget coming from?/ Are maintenance plans defined or not?

1.5 Are there any temporary and permanent evacuation plans in case of emergency? Who is responsible for such plans/ Is equipment ready and prepared or not? what are they?, what are their functions?/ is there any warning tower?/ is there any regular annual training practice.

## Tips for waste :

### Generating sources and kinds of solid waste from activities



Source of information: [mylesson.swu.ac.th/syllabus/doc\\_2420040325125858.doc](http://mylesson.swu.ac.th/syllabus/doc_2420040325125858.doc)

[http://www.tungsong.com/Environment/Garbage\\_n/garbage\\_11.html](http://www.tungsong.com/Environment/Garbage_n/garbage_11.html)

[http://www.act.ac.th/work\\_project/act\\_enviroment/w\\_garbage.html](http://www.act.ac.th/work_project/act_enviroment/w_garbage.html)

- Lubricants and batteries have hydrocarbons and heavy metals
- Paint thinners contain solvents
- Dry cells contain manganese, mercury and other heavy metals

### How to manage household hazardous waste

- Buying and using as necessary
- Buying and using environmentally friendly products, green label products, i.e. dry cells that do not consist of lead, refrigerators with green label, emulsion paints with special formula that reduce toxic substances
  - Buying/using natural substances or herbs instead of using synthetic chemicals
  - Buying/using reusable products i.e. rechargeable batteries, refillable agents to reduce containers
  - Not mixing hazardous waste with general solid waste
  - Not throwing away hazardous waste on floors, in drains and in water resources
    - Separating and storing them in a proper container and waiting for a local government unit to collect
    - Putting them into containers provided by local government units or giving them to the officers on the due date
    - Giving them back to a sales representative's shop to get a discount or exchange with another product

### Guidelines for Hazardous Waste Disposal

#### Local level/Municipality

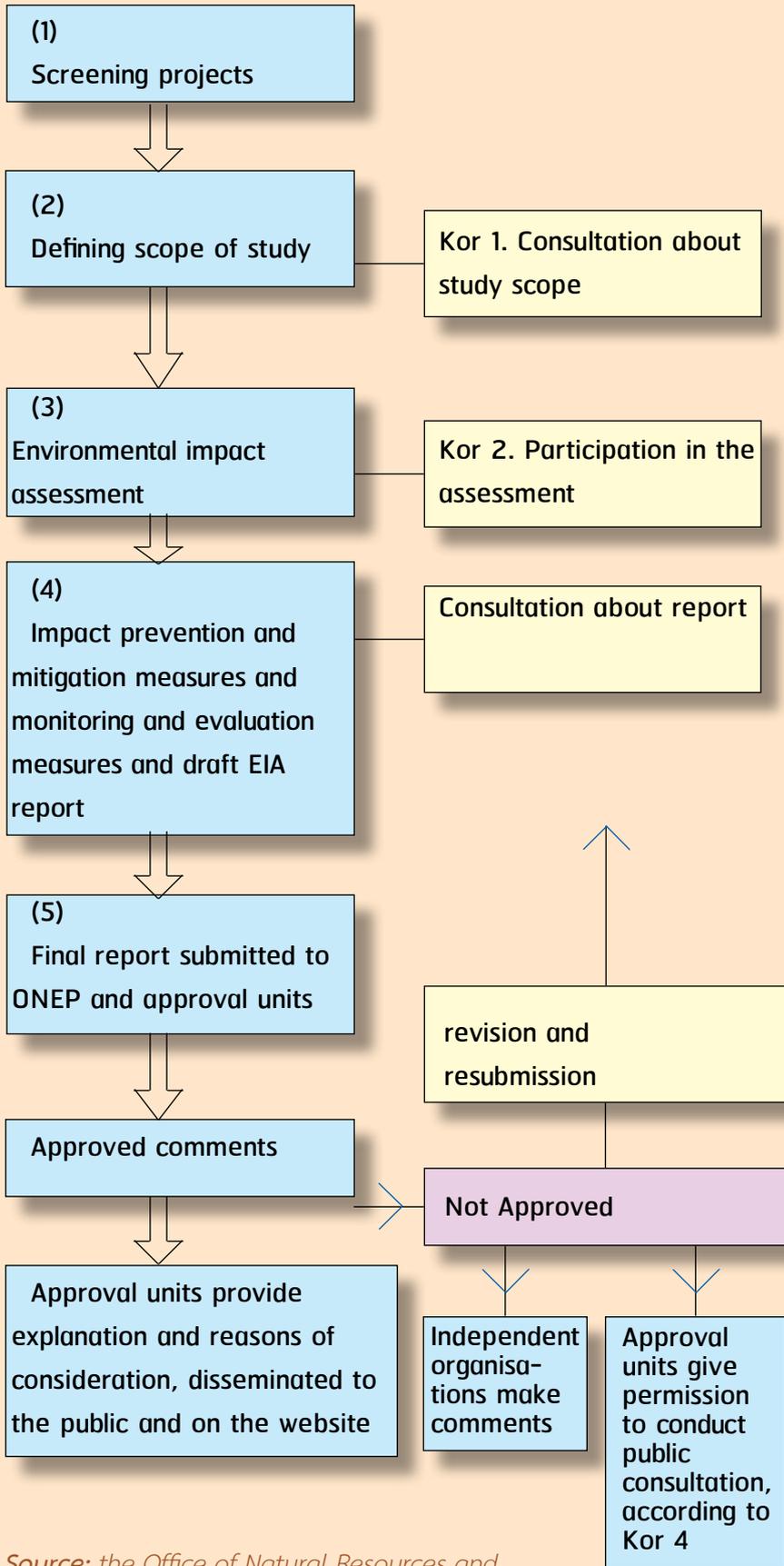
- Campaigning to get business operators and people to separate hazardous waste, and not combine it with general solid waste
  - Providing a proper container for hazardous waste with lid to seal it that is appropriate for the kinds of waste
  - Providing a special truck to transport hazardous waste
    - Defining campaign days to collect hazardous waste i.e. national holidays, New Year's Eve, environmental days, etc.
    - Providing a manifest system that controls generating sources, collection, transportation and disposal
    - Building a provincial transfer center for hazardous waste to collect/separate the waste, and the waste that is not reusable to be disposed of at a regional waste disposal center
    - Building a regional waste disposal center by starting from selecting sites, purchasing land,

- designing systems, construction and operational control
- Training related officers of the responsible units and providing knowledge for people
  - Promoting public relations to get people participating in proper hazardous waste disposal

#### Business Operator

- Not throwing away hazardous waste such as lubricants, paint thinner, bleach, cleaning agents, inks, infectious waste chemicals from laboratories, fluorescent lamps, dry cells, etc, together with other general solid waste
  - Not throwing away hazardous waste on floors, in drains and water resources, as well as burying
  - Separating and storing it in a proper container and waiting for a local government unit to collect
  - Putting it into containers provided by local government units or giving it to the officers on the due date
  - Giving it back to a sales representative's shop i.e. batteries, dry cells, pesticide containers, etc.

## Environmental impact assessment procedure for severe projects or severe EIA/EHIA



### (1) Screening projects:

This is the stage that needs to identify environmental and health problems in the project area, operations, threats and impacts on health defining factors.

### (2) Defining study scope:

This is the stage before conducting the EIA report. Public Consultation 1 will be organized: at this stage, people will know about information and details of the project, positive and negative impacts and study scopes whether in terms of areas and technical proposal as follows:

2.1 Being informed before the project starts

2.2 Participating in making a decision about conducting the EIA

2.3 Being informed of the impacts that will probably arise from the project. The detail of each study scope is shown in the public hearing of EIA I.

### (3) Impact Assessment:

Consultation firms will propose the draft EIA report and inform people of the possible negative and positive impacts as well as listen to people's comments.

#### How can people participate in Public Consultation 2

- People give comments on levels of impact arising from the project with aspects of water resources, air, noise, vibrations and quality of life, etc. This includes during the preparation phase, construction phase and operational phase.

## 2. Participation in checking and Monitoring EIA processes

2.1 Having checked the draft report of EIA already, people should double check whether the consultant firm has really surveyed the site and allows local people to give information and participate in the site survey. In a case, it was found that the consultant has not really gone to survey the field or the survey is not comprehensive, people should inform ONEP, or the approval authority unit.

**Recommendations:** *When people receive related documents or a report before the meeting, they should try to review the report before the meeting takes place which may require a discussion within the community, with scholars or experts beforehand in order to assign each individual to ask clear questions at the meeting.*

### (4) Consideration of EIA

At this stage, the related unit, which is ONEP, will receive the draft report from the project owner and bring it into the consideration process. All procedures and how people can participate will be provided under the title "Procedure of EIA Consideration, How do they do?" in another section.

### (5) Decision-Making

Presently, the decision-making process does not allow general people to take part. In other words, people are not permitted to participate in considering the EIA report. The authority to make a decision, belongs to the Expert Committee, the National Environment Board and the approval authority unit.

### (6) Monitoring and Evaluation

This process occurs after the EIA report is approved and the project can then be further developed or constructed, at which time the people can participate as follows:

- Be informed of the progress of the EIA report
- Be informed of the consideration result of the Expert Committee as to whether there will be a change or termination or approval.
- Helping monitor the environmental impact reduction measures proposed in the report (who produces the report/what are the roles and duties of people in the monitoring system?)
  - The impact monitoring report will be shared with local people
  - The monitoring results will be publicized and presented on public notice boards

From the diagram of the EIA procedure for severe

projects or severe EIA in Page 33, how can people have participation?

## Guideline for Hazardous Waste Management from Community

(Cited from the Pollution Control Department: [http://www.pcd.go.th/info\\_serv/waste\\_garbage.html#s7](http://www.pcd.go.th/info_serv/waste_garbage.html#s7))

Hazardous Waste refers to any waste that consists of or is contaminated with hazardous substances, such as explosive substances, flammable substances, oxidized substances and peroxide, toxic substances, radioactive substances, substances that modify genes, corrosive substances that cause irritation and any substances, including chemical products that harm human, animals, vegetables, property and/or the environment.



Hazardous waste arising from community activities i.e. households, laundries, photo shops, laboratory etc. which is about 300,000 tones, is combined with general solid waste and it tends to increase continually. The hazardous waste from communities is, for example, fluorescent lamps that contain lead, Electronic Ballasts that consist of PCB, cleaning agents that are base and acid, Ammonia cans, pesticides, lubricants, batteries that have hydro carbon substance and heavy metals, paint thinners, dry cells containing manganese, mercury and other heavy metals.

If these kinds of hazardous materials are not properly disposed of it could have an impact on people's health as well as on environmental quality.

### Hazardous Waste in Households

- Fluorescent lamps contain mercury and electronic ballasts consist of PCB.
- Cleaning agents contain base and acid chemicals and ammonia
- Pesticide cans contain pesticide chemicals. Remains, sprays contain left over chemicals .

- Checking the assessment performed by the consultant firm regarding information as to whether it is correct, reasonable and complete, or not.
- Checking whether people clearly understand the EIA performed by the consultation firm.
- Not constraining rights in suing and revoking the EIA with the Administrative Court

#### **(4) Impact Prevention and mitigation Measures and Monitoring and Evaluation measures and draft EIA.**

This is to propose the most complete EIA report after modification from Public Consultations 1 and 2 to ONEP in order to bring it into the consideration process.

#### **How could people participate in Public Consultation 3 ?**

4.1 People must receive the draft EIA report before the consultation takes place, in order to understand key details and issues. This could be done by having an internal meeting and separating duties prior to joining the event, i.e. decide which questions will be asked by whom?

4.2 If people have found that the assessment and reporting procedures are not transparent, people could oppose during kor 3 consultation meeting phase, and by writing a statement of objection before the severe EIA/EHIA report is brought into the consultation process of the Expert Committee under the National Environment Board, the Office of Natural Resources of Environmental Policy and Planning.

4.3 After such a report has been through the consideration process of the Expert Committee, people could still give opposing information to the committee in order to use such information for decision-making.

4.4 If people are ill or wonder whether their health is abnormal, i.e. they had skin rashes since long before the project took place, such a symptom should be recorded and kept as evidence of medical checkup, as well as informing the community leaders.

4.5 After the project is finished, people must have a body checkup and compare the result with the previous body checkup prior to the project's establishment.

People should not only attend the public consultation but they should ask questions and provide recommendations with regard to what is not clear or what they are wondering about. This is to clarify matters publicly for every party and stakeholder.

People must treat with importance every public consultation process according to citizens' rights and duties as to who may be affected both negatively and positively, otherwise it will probably be too late to terminate a project and consequently the potential severe impacts on livelihood and health.

#### **(5) Final report submitted to ONEP and the approval authority unit:**

This is the stage where the ONEP receives the final report of EIA from the project owner and proceeds to a consideration step. Procedures and detailed steps of consideration with public participation are explained under the section "Procedure of EIA Consideration - how is it done?" in the following sections.

#### **Public Consultation for Normal EIA and Severe EIA/EHIA**

- Public consultation should not result in public resolution or voting for consensus, but it should be conducted in an appropriate manner with logical listening.
- People or representatives of communities shall take part in the monitoring and evaluation processes before the project takes place.
- Public consultation is not distributing stuff such as rice to villagers
  - Public participation is not only about public hearing, but it includes several ways.
  - Every project has the same problem, that is that the people who participate in the consultation process are not the people who are really affected, and the consultation is conducted only one time, but claims that there is legitimacy.
  - Public consultation requires sufficient time to consider and it should be made easy enough to understand with no time limitation for the consultation.

# Tips

## Question 1

In the case that some projects are not on the list of severe projects, could we get the consideration committee to consider them as a severe project?

### Answer

Yes, and the committee for receiving a petition will be at ONEP

## Question 2

In the case that people do not agree with EIA report provided by the consultant firm, what should they do?

### Answer

People should make a complaint to ONEP because it is an overseeing unit of a consulting firm. And if there is no response from ONEP, this must then proceed to the Administrative Court.

## Question 3

In case an EIA report has been approved by ONEP already, could it be stopped by people?

### Answer

People could not stop it; however they could proceed with some activities as follows:

- In case of normal EIA, people could submit a letter of objection to the approval authority unit.
- In case of severe EIA/EHIA, villagers could engage in public consultation with no constraint in making a prosecution to the Administrative Court.

**If villagers are able to understand the environmental impact assessment or the EIA, this should lead to termination of the EIA that is not towards sustainable development.**



## Access to Information and Seeking Justice from Government Agencies Involved in EIA Process

People have the right to information, according to the law throughout the EIA process, starting from the public hearing. It is the responsibility of project owners and consultants to submit project details or documents before the meetings.

**Approaches for information dissemination to people by project owners and consultants before the meetings can vary**, but the majority of approaches are conducted in the following ways:

1. Shortened information package
2. Organize exhibitions and galleries
3. Special documentaries
4. Public information facilities, such as public library
5. Internet
6. Disseminating important technical reports or environment-related documents
7. Sending many documents or publications directly to residents' houses
8. Give interviews to the media and appearing on TV shows
9. News packages
10. Press conference and information summary to the media
11. News correspondents and reports to interested individuals
12. Leaflet in newspaper
13. Press release
14. Paid advertisements
15. Discussion forum
16. Presentation to different groups in the

community

17. Announcements about public services
18. Organize seminar

**After you have received information about the project, what can you do and how can you prepare for the upcoming meetings?**

1. Prepare topics/issues to ask on the public hearing day (details are already explained in from Page 41 to 49)
2. Contact project owners and consultants to clarify any unclear information before the meeting, so they can prepare answers for you.
3. Keep all documents given to you as evidence, such as letters of invitation to a meeting, meeting documents, project posters, or other public relations materials. Be sure to take notes of names of project owners and consultants responsible for EIA reporting, and poster about the project.
4. Inform local media for news reports as well as raising critical questions for the public to give their opinion on the project. This process will open opportunities for media involvement and public information dissemination about the project.

**If you feel that your rights have been violated** (such as not having received clear details on the project, incorrect project information, non-accountability to the project, etc.) during the EIA process, you can report your case to the following agencies:

### 1. Report directly to the government agency responsible for the project:

Project owner is the government agency responsible for the project in terms of monitoring and evaluation of different projects and project activities as shown in the table:

Sector	Report to the responsible agency (local government agency)	Agency granting permission (central government agency)
Mining site	Provincial Industry Office	Department of Primary Industries and Mines
Factories and Industrial plants	Provincial Industrial Office	Department of Industrial Works
Water resources and dams	Regional and Provincial Irrigation Office	Royal Irrigation Department
Transportation	Provincial Highway Office or Bureau of Maintenance	Department of Highways
Habour	Regional Marine Office	Marine Department

Contacting and reporting to different government agencies should be in a written form and sent to responsible central government agency directly through its websites and petition channels.

Central government agency granting permission	Contact numbers	Websites
Department of Primary Industries and Mines	02-202-3555, 02-202-3565, 02-202-3567	<a href="http://www.dpim.go.th/petition">http://www.dpim.go.th/petition</a>
Department of Industrial Works	02-202-4000, 4014	<a href="http://reg.diw.go.th/claim/form_user.asp">http://reg.diw.go.th/claim/form_user.asp</a>
Royal Irrigation Department	02-241-0020-29 hotline: 1460	<a href="http://kromchol.rid.go.th/person/saisaad/cominfo.html">http://kromchol.rid.go.th/person/saisaad/cominfo.html</a>
Department of Highways	02-281-4872, 02-283-1292 hotline: 1111	<a href="http://mop-server.doh.go.th/complainboard_doh/topicpeople.asp">http://mop-server.doh.go.th/complainboard_doh/topicpeople.asp</a>
Marine Department	02-233-1311-8 hotline: 1199, 1111	<a href="http://www.md.go.th/call_md/call.php">http://www.md.go.th/call_md/call.php</a>

## 2. Reporting to local government agencies:

If you did not receive any information regarding the incoming project in your area as mentioned above, you can directly send a petition to the local government agency that grants permission to the project as follows:

### 2.1 Sub-district Administration Organization:

You can report problems that affect you and cause nuisance to the local Sub-district Administration Organization in order for the office to investigate

the problem first. If your house is not located in the Sub-district Administration Organization area, you can report your problem to the local District Office.

### 2.2 Dhamrongtham Center

The center is an official agency under the Ministry of Interior and the Provincial Governor is the chairman of the center. All provinces has one center to accept complaints and petitions from citizens, provide support to people that has been treated unfairly and unjustly by government officials or government agencies as well as monitoring all illegal acts. The center is open 24 hours.

Location of Provincial Operation Center

Provincial Hall of every province or District Office

Hotline

1567 (one number for the whole country/free of charge)

Postal address

P.O. Box 101, Mahadthai Postal Office, Bangkok 10206; or send to P.O. Box 101, Postal Office of the province for all provinces

Email

[www.mahadthai.com](http://www.mahadthai.com)

## 3. Reporting to central government agency:

If people are still unclear about the information or feels that they have been treated unjustly, they can send a petition to the following offices:

### 3.1 Office of National Environment Board

Address: Office of National Environment Board 4<sup>th</sup> Floor, Office of Natural Resources and Environmental Policy and Planning 60/1 Soi Phibun Watthana 7, Rama 6 Road, Samsen Nai Sub-district, Phaya Thai District, Bangkok 10400

Tel. 0-2265-6603-4 Fax. 0-2265-6602

Email <http://www.onep.go.th/oneb/Law.htm>

### 3.2 Office of the Official Information Commission

The office is responsible for disseminating information according to Official Information Act, considers and examines complaints and petitions on government information disclosure as well as supporting people's rights to access information.

*Office of the Official Information Commission:*

*Address: 2nd Floor, the Prime Minister's Office Building, Government House, Bangkok 10300*

*Tel. 0-2282-1366, 0-2281-8559, 0-2282-2283, 0-2282-8562, 0-2282-9270, 0-2282-2013, 0-2281-2726 ext. 337, 338, 481, 482, 483, 484, or 485*

*Email: <http://www.oic.go.th/content/default.asp>*

### 3.3 Environmental Division of Administrative Court:

This division has the legal authority to enact a law or give orders to negligence or delay in performing the role and responsibilities in controlling a project or activities that has an impact on the environment and disputes over an environment. The scope of work extends to protection of public benefits and people's rights to live normally in a safe and healthy environment.

#### 3.3.1 Administrative Court

Oversee rulings in Bangkok Metropolitan, Nakhon Pathom Province, Nonthaburi Province, Pathum Thani Province, Ratchaburi Province, Samut Prakan Province, Samut Songkhram Province, Samut Sakhon Province, Nakhon Nayok Province, Phra Nakhon Si Ayutthaya Province, Lopburi Province, Saraburi Province, Sing Buri Province, Ang Thong Province, Kanchanaburi Province, Chai Nat Province, Suphan Buri Province, Phetchaburi Province, Prachuap Khiri Khan Province, and UthaiThani Province.

#### Central Administrative Court

Address: 120, Village No. 3, Chaengwattana Road, Thung Song Hong Sub-District, Lak Si District, Bangkok 10210

Tel. 02 141 111 Hotline 1355

If you are located in other above provinces, you can contact the regional administrative court as follows:

#### 3.3.2 North region

##### • Chiang Mai Administrative Court

Oversee rulings in Chiang Mai Province, Chiang Rai Province, Mae Hong Son Province, Lampang Province, Lamphun Province, and with additional rulings for Nan Province, Phayao Province, and

Phrae Province.

(Uttaradit Province cases are transferred to Phitsanulok Administrative Court according to Royal Thai Government Gazette Volume 129, Number 127n on December 28, B.E. 2555 (2011))

##### **Address: Chiang Mai Administrative Court**

333, Chotana Road, Chang Phueak Sub-district (in the Chiang Mai Government Complex), Mueang Chiang Mai District, Chiang Mai Province 50300

Tel. 0 5310 7999

##### • Phitsanulok Administrative Court

Oversee rulings in Phitsanulok Province, Kamphaeng Phet Province, Tak Province, Nakhon Sawan Province, Phichit Province, Phetchabun Province, Sukhothai Province, and Uttaradit Province.

##### **Address: Phitsanulok Administrative Court**

Wallop Building, 723/13-17, Phichaisongkhram Road, Nai Mueang Sub-district, Mueang District, Phitsanulok Province 65000

Tel. 0 5526 6230-7 Fax. 0 5526 6224

#### 3.3.3 Northeast region

##### • Ubon Ratchathani Administrative Court

Oversee the rulings for Yasothon Province, Roi Et Province, Sisaket Province, Ubon Ratchathani Province, and Amnat Charoen Province

*Address: Ubon Ratchathani Administrative Court Office* 444, Village No. 3, Chaeng Sanit Road (the 9<sup>th</sup> Kilometer marker), Jayramae Sub-district, Mueang Ubon Ratchathani District, Ubon Ratchathani Province 34000

Tel. 0 4531 9600-04

##### • UdonThani Administrative Court

Oversee the rulings for Loei Province, Nongkhai Province, Nong Bua Lamphu Province, Udon Thani Province, and with additional rulings in Nakhon Phanom Province, Bueng Kan Province, and Sakon Nakhon Province

*Address: Udon Thani Administrative Court Office*

58/12-16, Ponepisai Road, Mak Khaeng Sub-district, Mueang UdonThani District, Udon Thani Province, 41000

Tel. 0 4222 4110

##### • Khon Kaen Administrative Court

Oversee rulings for Khon Kaen Province, Kalasin Province, Maha Sarakham Province, and with additional rulings for Mukdahan Province

Address: Khon Kaen Administrative Court Office

Khon Kaen Business Center Building 177/48, Mittraphap Road, Nai Mueang Sub-district, Mueang District, Khon Kaen Province 40000

Tel. 0 4322 7433-4 Fax. 0 4322 3704

- **Nakhon Ratchasima Administrative Court**

Oversee the rulings for Nakhon Ratchasima Province, Chaiyaphum Province, and with additional rulings for Buri Ram Province and Surin Province

Nakhon Ratchasima Administrative Court Office

Address: 345, Village No. 6, Mittraphap Road (city bypass), Nhong Kratoom Sub-district, Mueang District, Nakhon Ratchasima Province 30000

Tel. 0 4430 7700-2 Fax. 0 4430 7030

### 3.3.4 East region

- **Rayong Administrative Court**

Oversee rulings for Rayong Province, Chanthaburi Province, Chachoengsao Province, Chon Buri Province, Trat Province, Prachinburi Province, and Sa Kaeo Province

**Rayong Administrative Court Office**

Address: 777, Sukhumvit Road, NoenPhra Sub-district, Mueang Rayong District, Rayong Province 21150

Tel. 0 3869 4513-31 Fax. 0 3869 4511-12

### 3.3.5 South region

- **Nakhon Si Thammarat Administrative Court**

Oversee rulings for Nakhon Sri Thammarat Province, Krabi Province, Phang Nga Province, Phuket Province, Surat Thani Province, and with additional rulings for Chumphon Province and Ranong Province

**Nakhon Si Thammarat Administrative Court Office**

Address: Twin Lotus Plaza Project Commercial Building, 6/157-166, Phatthanakan-Khukwang Road, Nhai Mueang Sub-district, Mueang Nakhon Sri Thammarat District, Nakhon Sri Thammarat Province 80000

Tel. 0 7532 5201-10 Fax. 0 7535 8431

- **Songkhla Administrative Court**

Oversee rulings for Songkhla Province, Trang Province, Phatthalung Province, Satun Province, and with additional rulings for Narathiwat Province, Pattani Province, and Yala Province

**Songkhla Administrative Court Office**

Address: 1111, Village No. 2, Songkhla-KohYo Road, Phawong Sub-district, Mueang Songkhla District, Songkhla Province 90100

Tel. 0 7433 4789-90 Fax. 0 7433 4931

### 3.4 Office of the National Human Rights Commission of Thailand

Address: The Government Complex Commemorating

*His Majesty the King's 80th Birthday Anniversary 5<sup>th</sup> December, B.E. 2550, Ratthaprasasanabhakti Building (Building B)*

120, Village No. 3, Chaengwattana Road, Thung Song Hong Sub-district, Laksi District, Bangkok 10210

Tel. 0-2141-3800, 0-2141-3900

Hotline 1377

### 3.5 The Standing Committees of the House of Representatives, the Committee on Land, Natural Resources and Environment:

Roles and responsibilities of the committee (in accordance with the Rules of Procedure of the House of Representatives number 82 (17), B.E. 2551 (2008) are to investigate or undertake studies related to land use and natural resources and environmental management, including the promotion, conservation and protection of environmental quality.

Address: Commissioner Office 3, The Secretariat of the House of Representatives

U Thong Nai Road, Dusit District, Bangkok, 10300

Tel. 0-2244-2565-74

### 3.6 The Standing Committees of the Senate Committee on Natural Resources and Environment:

This committee considers draft acts of parliament, investigates, or undertakes studies related to land use, water management, and other natural resources management, including promotion, conservation, and protection of environmental quality by studying problems related to consumption, prevention, conservation of the environment and others.

Senate Committee on Natural Resources and Environment

Address: The Secretariat of the Senate, U Thong Nai Road, Dusit District, Bangkok 10300

Sukpraprute Building, Pracha Chuen Road, Bang Sue District, Bangkok 10800

Tel. 0-2244-1777-8

### 3.7 Office of the Ombudsman Thailand

Individual report submission at

**Office of the Ombudsman**

The Government Complex Commemorating His Majesty the King's 80th Birthday Anniversary 5<sup>th</sup> December, B.E. 2550, Building B, 5th floor

120, Village No. 3, Chaengwattana Road, Thung Song Hong Sub-district, Laksi District, Bangkok 10210

Tel. 0 2141 9100 or 1676 Fax. 0 2143 8341



# Annex I.

## 35 Project Categories



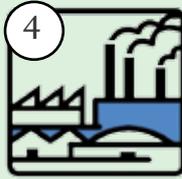
Mining



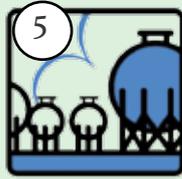
Petroleum development



Petroleum oil transportation via pipeline



Industrial estates



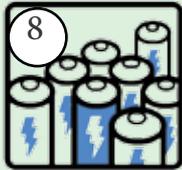
Petrochemical industry having chemical process



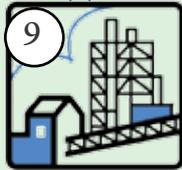
Oil refinery



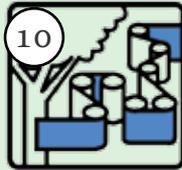
Natural gas separation industry



Chlor-alkaline Industry



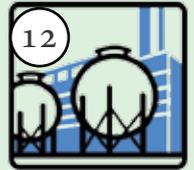
Cement industry



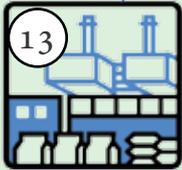
Pulp industry



Pesticide industry or industry producing active ingredient by chemical process



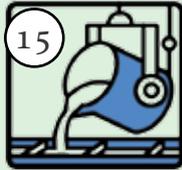
Chemical fertilizer industry by chemical process



Sugar industry



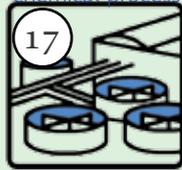
Iron or steel industry



Ore or metal smelting, other than iron and steel industry



Liquor, alcohol, including beer, and wine industry



Central waste treatment plant



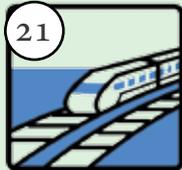
Thermal power plant



Expressway system



Highway and road



Mass transportation system by rail



Port



Port for cruise and sport ship



Land reclamation



Construction or expansion of a construction onshore and offshore



Air transport system



Buildings



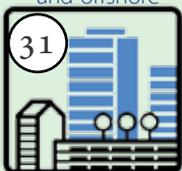
Land development



Hospital or health facility



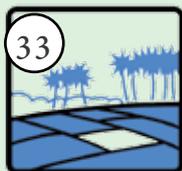
Hotels or resorts



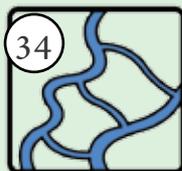
Residential building



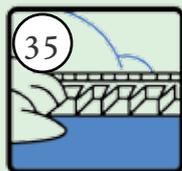
Irrigation



All projects located in the areas approved by the Cabinet as watershed area class 1



Inter-basin water diversion



Sluice in Main Rivers

## Notification of Ministry of Natural Resources and Environment

**Subject: Type and Size of Project or Activity Required to Submit Environmental Impact Assessment Report; Principle, Method and Procedure to Prepare EIA Reports**

No.	Type of Project/Activity	Size	Principle, Method, Procedure
<b>1.</b>	<b>Mining as defined by the Mineral Act</b>		
	1.1 Mining as follows:		
	1.1.1 Coal mining	All sizes	- Submit when applying for a concession
	1.1.2 Potash mining	All sizes	- Submit when applying for a concession
	1.1.3 Rock salt mining	All sizes	- Submit when applying for a concession
	1.1.4 Limestone mining for cement Industry	All sizes	- Submit when applying for a concession
	1.1.5 All types of metal ore mining	All sizes	- Submit when applying for a concession
	1.2 Underground mining		
	1.3 All mining projects located in the following areas:	All sizes	- Submit when applying for a concession
	1.3.1 Watershed area class 1 by the cabinet resolution	All sizes	- Submit when applying for a concession
	1.3.2 Reserved forest added by the cabinet resolution	All sizes	- Submit when applying for a concession
	1.3.3 Wetland, internationally recognized	All sizes	- Submit when applying for a concession
	1.3.4 Areas adjacent within 2 km. to ancient site, archeological site, historical site or historical park defined by laws related with historical site and object, artifact, and national museum, and world heritage site registered according to the world heritage convention.	All sizes	- Submit when applying for a concession
	1.4 Mining that uses explosives	All sizes	- Submit when applying for a concession
	1.5 Other mining projects according to The Mineral Act, except 1.1, 1.2, 1.3, 1.4	All sizes	- Submit when applying for a concession
<b>2.</b>	<b>Petroleum development</b>		
	2.1 Petroleum exploration by geophysical Drilling	All sizes	- Submit when applying for an approval or permission from a competent office or an
	2.2 Petroleum production	All sizes	- authority that grants a permit according to the petroleum law.
<b>3</b>	<b>Petroleum and oil transportation via pipeline</b>	All sizes	- Submit when applying for a license or for an approval from a competent office.

No.	Type of Project/Activity	Size	Principle, Method, Procedure
4	Industrial estate as defined by the industrial estate laws; or other projects with similar features of industrial estate; or land development for industry project	All sizes	- Submit when applying for approval or permission of the project
5.	<b>Petrochemical industry having chemical process</b>	Production Capacity $\geq 100$ ton/day	- Submit when applying for approval or permission of the project
6.	Oil refinery	All sizes	- Submit when applying for permission for construction or operation, as the case maybe.
7.	Petroleum and oil transportation viapipeline	All sizes	- Submit when applying for permission for construction or operation, as the case maybe.
8.	Chlor-alkaline Industry using sodium chloride (NaCl) as raw material for production of sodium carbonate (Na <sub>2</sub> CO <sub>3</sub> ), sodium hydroxide (NaOH), hydro chloric Acid (HCl), chlorine (Cl <sub>2</sub> ), sodium hipochloride (NaOCl) and bleaching powder	Production capacity of each or combined products $\geq 100$ tons/day	- Submit when applying for permission for construction or operation, as the case maybe.
9.	Cement production	All sizes	Submit when applying for permission for construction or operation, as the casemaybe.
10.	Pulp production	All sizes Production Capacity $\geq 50$ tons/day	- Submit when applying for permission for construction or operation, as the casemaybe.
11.	Pesticide Industry or industry producing active ingredient by chemical process	All sizes	- Submit when applying for permission for construction or operation, as the case maybe.
12.	Chemical fertilizer industry by chemical process	All sizes	- Submit when applying for a license or for an approval from a competent office.
13.	Sugar industry as follows:	All sizes	- Submit when applying for permission for construction or operation, as the case maybe.
	13.1 producing raw sugar, white sugar, refined sugar		
	13.2 producing glucose, dextrose, fructose or others similar	Production Capacity $\geq 20$ tons/day	- Submit when applying for permission for construction or operation, as the case maybe.
14.	Iron or steel industry	Production Capacity $\geq 100$ tons/day	- Submit when applying for permission for construction or operation, as the case maybe.
15.	Ore or metal smelting, other than iron and steel industry	Production Capacity $\geq 50$ tons/day	- Submit when applying for permission for construction or operation, as the case maybe.

No.	Type of Project/Activity	Size	Principle, Method, Procedure
16.	Liquor, alcohol, including beer and wine production		
	16.1 Liquor and alcohol production	$\geq 40,000$ L/month (calculated at 28 degree)	- Submit when applying for permission for construction or operation, as the case maybe.
	16.2 Wine production	$\geq 600,000$ L/month	- Submit when applying for permission for construction or operation, as the case maybe.
	16.3 Beer production	$\geq 600,000$ L/month	- Submit when applying for permission for construction or operation, as the case maybe.
17.	Central Waste Treatment Plant defined by the Factory Act	All sizes	- Submit during apply for a permit of project construction or operation
18.	Central waste treatment plant according to the factory act	All sizes	- Submit when applying for permission for construction or operation, as the case maybe.
19.	Expressway as defined by the Expressway and Rapid Transit Authority of Thailand Act or other projects alike	All sizes	- Submit when applying for project approval or permission
20.	High way or road as defined by the highway act, passing through following areas:		
	20.1 Wildlife sanctuaries and wildlife non-hunting areas as defined by the wildlife conservation and protection act	All sizes	- Submit when applying for permission for construction or operation, as the case maybe.
	20.2 National park as defined by the national park act	All sizes	- Submit when applying for permission for construction or operation, as the case maybe.
	20.3 Watershed area class 2 approved by the Cabinet Resolution	All sizes	- Submit when applying for permission for construction or operation, as the case maybe.
	20.4 Mangrove forests designated as the national forest reserve	All sizes	- Submit when applying for permission for construction or operation, as the case maybe.
	20.5 Coastal area within 50 meters of high tide level	All sizes	- Submit when applying for permission for construction or operation, as the case maybe.
	20.6 Area adjacent within 2 km. to the internationally recognized watershed area or world heritage site registered according to the world heritage convention.	All sizes	- Submit when applying for permission for construction or operation, as the case maybe.
	20.7 Areas adjacent within 2 km. to ancient site, archeological site, historical site or historical park defined by laws related with historical site and object, artifact, and national museum.	All sizes	- Submit when applying for permission for construction or operation, as the case maybe.

No.	Type of Project/Activity	Size	Principle, Method, Procedure
21.	Mass transportation system by rail	All sizes	- Submit when applying for project approval or permission
22.	Port	Accommodation Capacity of $\geq 500$ ton gross Ship; or port width $\geq 100$ m.; or total port area $\geq 1,000$ m <sup>2</sup>	- Submit when applying for project approval or permission.
23.	Port for cruise and sport ship	Accommodation of 50 ships; or $\geq 1,000$ m <sup>2</sup>	- Submit when applying for project approval or permission.
24.	Land reclamation	All sizes	- Submit when applying for project approval or permission.
25.	Construction or expansion of a construction onshore and offshore		
	25.1 Sea wall next to coastline	$\geq 200$ m.	- Submit when applying for project approval or permission.
	25.2 Groin, training jetty, training wall	All sizes	- Submit when applying for project approval or permission.
	25.3 Offshore breakwater	All sizes	- Submit when applying for project approval or permission.
26.	Air transportation system		
	26.1 Construction or expansion of commercial airport or temporary take off and landing strip	Runway $\geq 1,100$ m.	- Submit when applying for project approval or permission.
	26.2 Water airport	All sizes	- Submit when applying for establishment or permission of taking off and landing
27.	Building, as defined by the building control law, having located at or its purpose of utilization as follows:		
	27.1 Adjacent to river, sea, lake, beach, national park or historical park, which may cause impact to environmental quality of those areas	Height $\geq 23$ m. or total floor area or individual floor of $\geq 10,000$ m	- Submit when applying for a construction permit or when reporting to the local officer according to the building control law in case of not applying for a construction permit.
	27.2 Building used for retail or wholesale business	Height $\geq 23$ m. or total floor area or individual floor of $\geq 10,000$ m	- Submit when applying for a construction permit or when reporting to the local officer according to the building control law in case of not applying for a construction permit.
	27.3 Office building	Height $\geq 23$ m. or total floor area or individual floor of $\geq 10,000$ m	- Submit when applying for a construction permit or when reporting to the local officer according to the building control law in case of not applying for a construction permit.
28.	Land development for residential or commercial purpose according to the land development law	$\geq 500$ laand plots or area $> 100$ rai	- Submit when applying for land development permit according to the land development law.

Report to networks of the Office of the Ombudsman Lawyers Council or its office branches in Thailand, Office of the Attorney General, and Department of Civil Rights Protection and Legal Aid, Provincial Office of the Attorney General throughout Thailand

#### Report to members of the House of Representatives or Senators

After reporting to members of the House of Representatives or Senators in your area, an officer from the Office of the Ombudsman will be sent to retrieve your case from Parliament House during the opening session of the Parliament.

### 4. Reporting to other offices

for consultation or recommendations

#### 4.1 Anti-Global Warming Association

51/119, Village No. 9, Lad Sawai Sub-district, Lum Luk Ka District, Pathum Thani Province 12150  
Tel. 02-152-8568 Fax. 02 152 8569  
www.thaisgwa.com

#### 4.2 Lawyers Council

Lawyers Council of Thailand Under the Royal Patronage

7/89 Building 10, Ratchadamnoen Klang Road, Bowon Niwet Sub-district, Phra Nakhon District, Bangkok 10200 Tel. 02-6291430

(Answering questions related to law is only the basic approach)

#### 4.3 EnLAW Thai Foundation

505/12 Soi Ramkhamhaeng 39, Plubpla Sub-district, Wangthonglang District, Bangkok 10310  
Tel. 0-2318-9439, 0-2184-4523  
Fax. 0-2318-9439

Email: info@sharingsociety.org or www.sharingsociety.or

#### 4.4 Internet Dialogue on Law Reform (iLaw)

iLaw is a website that educates and supports the Thai public to propose their own Bills

##### *iLaw Office*

409 1st Floor, Thai Volunteer Service Foundation Building, SoiRohit Suk, Ratchada Road 14, Huai Khwang District, Bangkok

Postal address: P.O Box 55, Sutthisan Post Office, Bangkok 10321

Tel. 02 276 3676 Fax. 02 690 2712

If you are experiencing health impacts from the project, you must keep all evidence of your visits to the doctor, or keep pictures of the effects, such as pictures of dead fish, black smog, etc.

*In case you choose to report your problem to an agency that does not have a ready-made form or template for petition, you must prepare the following:*

#### 1. Identify the issue or problem clearly

*For example, you must clearly identify the affects you are experiencing, such as, you are affected by turbid water, noise pollution from the project, dust or particles pollution in the air from transportation for the project, or unwanted smell, etc.*

#### 2. Mention how you or your family's health are affected

*For example, a member of your family is sick; your vegetable or fruit orchards are destroyed, and your livestock is dead etc.*

#### 3. Bring any evidence to be included in your petition

*For example, you can use pictures, receipts of hospital visits as a result of the project (with doctor's analysis), other documents you received from the project including any petition sent to the project owners or explanations from project owners and other related documents.*

### Important note:

*When you are sending any petition documents to responsible government agencies by postal services, you must send it as registered mail with returned receipts as evidence. In addition, you must make copies of all documents you sent for future evidence.*

No.	Type of Project/Activity	Size	Principle, Method, Procedure
29.	Hospital or health facility according to the health facility law as follows:		
	29.1 Adjacent within 50 m. to river, seashore, lake or beach	in-patient beds $\geq 30$	- Submit when applying for a construction permit or when reporting to the local officer according to the building control law in case of not applying for a construction permit.
	29.2 Others not specified in 29.1	in-patient beds $\geq 60$	-Submit when applying for a construction permit or when reporting to the local officer according to the building control law in case of not applying for a construction permit.
30.	Hotel or resort as defined by the hotel law Hotel or resort as defined by the hotel law	Room $\geq 80$ or total areas $4,000 \text{ m}^2$	- Submit when applying for a construction permit or when reporting to the local officer according to the building control law in case of not applying for a construction permit.
31.	Residential building as defined by the building control law	Room $\geq 80$ or total areas $\geq 4,000 \text{ m}^2$	- Submit when applying for a construction permit or when reporting to the local officer according to the building control law in case of not applying for a construction permit.
32.	Irrigation	Irrigated area $\geq 80,000 \text{ rai}$	- Submit during apply for project permission or approval
33.	All types of projects located in the areas approved by the Cabinet as watershed area class 1	All sizes	- Submit when applying for project approval or permission.
34.	Inter-basin water diversion as follows:		
	34.1 Diversion across main river basins except in a disaster case or for national security, which is temporarily implemented.	All sizes	- Submit when applying for project approval or permission.
	34.2 International water diversion except in a disaster case or for national security, which is a temporarily implemented.	All sizes	
35.	Sluice in the main river	All sizes	- Submit when applying for project approval or permission.

## Annex II.

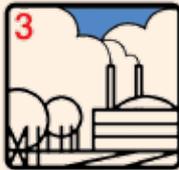
### 11 Kinds of Projects



1  
Land reclamation in  
the sea or lake



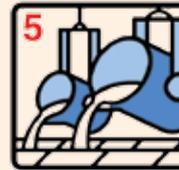
2  
Mining



3  
Industrial Estate



4  
Petrochemical  
Industry



5  
Mineral Smelting  
Industry or  
Melting Metal Industry



6  
Manufacturing,  
disposal



7  
Central Waste  
Treatment Plant



8  
Project of  
aviation  
transportation  
system



9  
Port



10  
Dam or reservoir



11  
Thermal Power Plant

#### Notification of Ministry of Natural Resources and Environment

**Subject: Type and Size of Project or Activity Required to Submit Environmental Impact Assessment Report; Principle, Method and Procedure to Prepare EIA reports**

Type of projects or activities	Sizes
1. Land reclamation in the sea or lake in the external existing coastline except it is done for seashore improving purpose.	More than 300 Rai of land
2. Mining with defined by the Mineral Act as follow:	
2.1 Underground mining which the structure has been specifically designed for subsidence after stopping operation without being suspended or without refilling substituted material to avoid subsidence.	All sizes
2.2 Lead mine, Zinc mine or other metal which used Cyanide or Mercury or Lead Nitrate in production process or other metal mine which used Arsenopyrite as associated mineral.	All sizes
2.3 Coal mining which is specifically loaded Coal from the area by trucks.	More than 200,000 ton per month or 2,400,000 ton per year
2.4 Marine mining	All sizes

Type of projects or activities	Sizes
<p>3. Industrial Estate in accordance to Industrial Estate Act or Project with identical characteristics of Industrial Estate mentioned as follow:</p>	
<p>3.1 Industrial Estate or Project with identical characteristics of Industrial Estate which is established to support petrochemical industry described in 4 or ironworks industry that described in 5.1 or 5.2 more than 1 factory.</p>	All sizes
<p>3.2 Industrial Estate or Project with identical characteristics of Industrial Estate which is expanding area to support petrochemical industry described in 4 or ironworks industry that described in 5.1 or 5.2</p>	All sizes
<p>4. Petrochemical Industry that mentioned in the following:</p>	
<p>4.1 Upstream Petrochemical Industry</p>	All sizes or extensive productivity more than 35% of the existing production
<p>4.2 Intermediate Petrochemical Industry which is mentioned as follow:</p>	Productivity is more than 100 ton per day or total extensive
<p>4.2.1 Intermediate Petrochemical Industry which is manufactured chemical substance or used chemical substances which are Cancer stimulant group 1 as raw material</p>	production is more than 100 ton per day
<p>4.2.2 Intermediate Petrochemical Industry which is manufactured chemical substance or used chemical substances which are Cancer stimulant group 2A as raw material</p>	Productivity is more than 700 ton per day or total extensive production is more than 700 ton per day
<p>5. Mineral Smelting Industry or Melting Metal Industry which is mentioned in the following:</p>	
<p>5.1 Ironworks Industry</p>	Quantity of Ore input of production is more than 5,000 ton per day or the total quantity of ore input in production process is more than 5,000 ton per Day
<p>5.2 Ironworks Industry which is manufactured Coke Coal or provided with sintering process</p>	All sizes
<p>5.3 Mineral Smelting Industry of Copper, Gold or Zinc</p>	Quantity of Ore input of production process is more than 1,000 ton per day or the total quantity of ore input in production process is more than 1,000 ton per day
<p>5.4 Smelting Lead</p>	All sizes
<p>5.5 Melting Metal (except Iron and Aluminum) Industry</p>	Quantity of output is more than 50 ton per day or the total output is more than 50 ton per day
<p>5.6 Melting Lead Industry</p>	Quantity of output is more than 10 ton per day or the total output is more than 10 ton per day

Type of projects or activities	Sizes
6. Manufacturing, disposal or modification of radioactive substance	All sizes
7. Central Waste Treatment Plant or buried garbage or unused material manufacturer as defined by the Factory Act which is burning or buried hazardous waste except burning in cement oven that used hazardous waste as substituted raw material or additional fuel	All sizes
8. Project of aviation transportation system	With the construction or expansion or extension of runway is longer than 3,000 meters
9. Port	1. With the berth length is 300 meters or more Or port area is 10,000 square meters or more except port that local people use in daily life and for tourism purpose 2. With the digging of water course is 100,000 cubic meters or more 3. which used in loading hazard material or hazardous waste which is cancer stimulant group 1 in total quantity of 25,000 tons per month or more or 250,000 tons per year or more
10. Dam or reservoir	1. With the capacity of stored water is 100 million cubic meters or more 2. The area of stored water is 15 square kilometers or more
11. Thermal Power Plant as follow: 11.1 Electric Plant using coal as fuel 11.2 Electric Plant that used biomass fertilization as fuel 11.3 Electric Plant that used natural gas as fuel which is co-thermal system of combined cycle or co-generation 11.4 Nuclear Power Plant	Total productivity of electricity is more than 100 megawatts Total productivity of electricity is more than 150 megawatts Total productivity of electricity is more than 3,000 megawatts All sizes

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