

NOTIFICATION OF MINISTRY OF NATURAL RESOURCES AND ENVIRONMENT**Re: Types and Sizes of Projects or Activities Requiring Environmental Impact Assessment Report and Rules, Procedures, Practices and Guidelines for Preparing Environmental Impact Assessment Report**

Whereas it is expedient to amend the determination of types and sizes of projects or activities belonging to government agencies, state enterprises or the private sector which require an environmental impact assessment report and rules, procedures and practices annexed to the Notification of Ministry of Natural Resources and Environment Re: Types and Sizes of Projects or Activities Requiring Environmental Impact Assessment Report and Rules, Procedures, Practices and Guidelines for Preparing Environmental Impact Assessment Report, Dated 16th June B.E. 2552 (2009);

By virtue of section 46, section 47, section 48, section 49 and section 51 of the Enhancement and Conservation of the National Environmental Quality Act, B.E. 2535 (1992) (as amended by section 114 of the Royal Decree Amending Provisions of Laws to be in line with the Transfer of Authorities of Government Agencies in Complying with the Reorganisation of Ministry, Sub-Ministry, and Department Act, B.E. 2545 (2002)), the Minister of Natural Resources and Environment, with approval of the National Environment Board, hereby issues the Notification as follows:

Clause 1. The Notification of Ministry of Natural Resources and Environment Re: Types and Sizes of Projects or Activities Requiring Environmental Impact Assessment Report and Rules, Procedures, Practices and Guidelines for Preparing Environmental Impact Assessment Report, Dated 16th June B.E. 2552 (2009) shall be repealed.

Clause 2. In this Notification:

“building for retail or wholesale business” means a building under the laws on building control which is used for the operation of retail or wholesale business of consumer goods mainly for personal use, household use or daily use;

“retail or wholesale business” means the retail or wholesale business of consumer goods mainly for personal use, household use or daily use;

“retail” means the business operation of selling goods in small quantities to a consumer;

“wholesale” means the business operation of selling goods in large quantities to a buyer who will subsequently resell to consumers or provide further services;

“main river basin” means the 25 main river basins under Annex 1 of this Notification;

“sluice gate in the principal river” means a structure built on the waterway of the principal river with a sliding gate for water irrigation, stoppage, blockage or drainage pursuant to the details in Annex 2.

Clause 3. Types and sizes of projects or activities requiring an environmental impact assessment report and rules, procedures and practices shall be in accordance with Annex 3 of this Notification, except for projects or activities with type and size under item no. 1.5 and no. 26.2 in Annex 3 of this Notification, which shall be subject to preparation of an initial environmental examination report.

Clause 4. Rules, procedures, practices and guidelines for preparing an environmental impact assessment report or an initial environmental examination report shall be in accordance with Annex 4 of this Notification.

Preparation of the environmental impact assessment report or initial environmental examination report shall be conducted by a person who has been permitted to become an expert on environmental impact assessment.

Clause 5. The provision of Clause 3 shall apply, *mutatis mutandis*, to the expansion of projects or activities subject to preparation of an environmental impact assessment report or an initial environmental examination report.

Clause 6. A project or activity under the Notification under Clause 1 whereby the environmental impact assessment report has been submitted prior to the date on which this Notification comes into force shall continue to comply with the rules, procedures, practices and guidelines for preparing an environmental impact assessment report under the Notification under Clause 1 until the expert committee has made any comment.

Clause 7. A project or activity listed in Annex 3 of this Notification belonging to government agencies, state enterprises or the private sector that is subject to preparation of an environmental impact assessment report as a project or activity that may cause a severe impact on the quality of environment, natural resources and health of a community under the Notification of Ministry of Natural Resources and Environment prescribing types, sizes and practices of projects or activities that may cause a severe impact on the quality of environment, natural resources and health of a community, shall be subject to preparation of an environmental impact assessment report under such Notification only.

Clause 8. This Notification shall come into force as from the day following the date of its publication in the Government Gazette.

Given on the 24th Day of April B.E. 2555 (2012)

Preecha Rengsomboonsuk

Minster of Natural Resources and Environment

ANNEX 1

25 Main River Basins of Thailand

1. Salawin River Basin
2. Khong River Basin
3. Kok River Basin
4. Chi River Basin
5. Mun River Basin
6. Ping River Basin
7. Wang River Basin
8. Yom River Basin
9. Nan River Basin
10. Chao Phraya River Basin
11. Sakae Krang River Basin
12. Pasak River Basin
13. Thachin River Basin
14. Mae Klong River Basin
15. Prachin Buri River Basin
16. Bang Pakong River Basin
17. Thole Sap Basin
18. East-Coast Gulf Basin
19. Petchaburi River Basin
20. West-Coast Gulf Basin
21. Peninsula-East Coast Basin
22. Tapi River Basin
23. Thale Sap Songkhla Basin
24. Pattani River Basin
25. Peninsula-West Coast Basin

ANNEX 2

23 Principal Rivers of Thailand

1. Yuam River
2. Songkram River
3. Kok River
4. Chi River
5. Mun River
6. Ping River
7. Wang River
8. Yom River
9. Nan River
10. Chao Praya River
11. Sakae Krang River
12. Pasak River
13. Tachin River
14. Mae Klong River
15. Prachin Buri River
16. Bang Pakong River
17. Chantaburi River
18. Petchaburi River
19. Pranburi River
20. Saiburi River
21. Tapi River
22. Pattani River
23. Trang River

No.	Type of Projects or Activities	Size	Rules, Procedures, Practices
	site inscribed on the World Heritage List according to the World Heritage Convention		
	1.4 Mining projects using explosives;	All sizes	Submitted when applying for a mining concession
	1.5 Other mining projects under the laws on minerals than those under 1.1, 1.2, 1.3 and 1.4	All sizes	Submitted when applying for a mining concession
2	Petroleum development 2.1 Petroleum exploration by drilling; 2.2 Petroleum production	All sizes All sizes	Submitted when applying for approval of a competent or permitting agency under the laws on petroleum Submitted when applying for approval of a competent or permitting agency under the laws on petroleum
3	Petroleum and fuel pipeline transportation system	All sizes	Submitted when applying for a permit or approval from a competent agency
4	Industrial estate under the laws on Industrial Estate Authority of Thailand or other similar projects or land allocation for industrial development projects	All sizes	Submitted when applying for approval or permission of the project
5	Petrochemical industry using chemical process in production	Production capacity of 100 tons per day or more	Submitted when applying for permission for construction or operation, as the case may be
6	Petroleum refining industry	All sizes	Submitted when applying for permission for construction or operation, as the case may be

Remark : The English version is the translation of the original in Thai for information purpose only and please be aware that only the Thai text has legal force. ONEP assumes no responsibility for its accuracy nor be held liable for any loss or damage arising from or related to its use.

No.	Type of Projects or Activities	Size	Rules, Procedures, Practices
7	Natural gas separation industry or natural gas reforming industry	All sizes	Submitted when applying for permission for construction or operation, as the case may be
8	Chlor-alkali industry using sodium chloride (NaCl) as a raw material for the production of sodium carbonate (Na ₂ CO ₃), sodium hydroxide (NaOH), hydrochloric acid (HCl), chlorine (Cl ₂), sodium hypochlorite (NaOCl) and bleaching powder	Production capacity of such products for each, or combined, of 100 tons per day or more	Submitted when applying for permission for construction or operation, as the case may be
9	Cement industry	All sizes	Submitted when applying for permission for construction or operation, as the case may be
10	Pulp industry	Production capacity of 50 tons per day or more	Submitted when applying for permission for construction or operation, as the case may be
11	Industry producing active ingredient or pesticide using chemical process in production	All sizes	Submitted when applying for permission for construction or operation, as the case may be
12	Chemical fertiliser industry using chemical process in production	All sizes	Submitted when applying for permission for construction or operation, as the case may be
13	Sugar industry as follows: 13.1 Producing raw sugar, white sugar or refined sugar;	All sizes	Submitted when applying for permission for construction or operation, as the case may be

Remark : The English version is the translation of the original in Thai for information purpose only and please be aware that only the Thai text has legal force. ONEP assumes no responsibility for its accuracy nor be held liable for any loss or damage arising from or related to its use.

No.	Type of Projects or Activities	Size	Rules, Procedures, Practices
	13.2 Producing glucose, dextrose, fructose or other similar products	Production capacity of 20 tons per day or more	Submitted when applying for permission for construction or operation, as the case may be
14	Iron or steel industry	Production capacity of 100 tons per day or more	Submitted when applying for permission for construction or operation, as the case may be
15	Metallic mineral smelting or dressing or metal melting, other than the iron or steel industry	Production capacity of 50 tons per day or more	Submitted when applying for permission for construction or operation, as the case may be
16	Liquor, alcohol, including beer and wine industry 16.1 Liquor and alcohol industry; 16.2 Wine industry; 16.3 Beer industry	Production capacity of 40,000 litres per month or more (calculated at 28 degrees) Production capacity of 600,000 litres per month or more Production capacity of 600,000 litres per month or more	Submitted when applying for permission for construction or operation, as the case may be Submitted when applying for permission for construction or operation, as the case may be Submitted when applying for permission for construction or operation, as the case may be
17	Central waste treatment plant only for industrial waste under the laws on factory	All sizes	Submitted when applying for permission for construction or operation, as the case may be
18	Thermal power plant	Productivity of electricity of 10 megawatts or	Submitted when applying for permission for construction or operation, as the case may be

Remark : The English version is the translation of the original in Thai for information purpose only and please be aware that only the Thai text has legal force. ONEP assumes no responsibility for its accuracy nor be held liable for any loss or damage arising from or related to its use.

No.	Type of Projects or Activities	Size	Rules, Procedures, Practices
		more	
19	Expressway system under the laws on Expressway Authority of Thailand or other similar projects	All sizes	Submitted when applying for approval or permission of the project
20	<p>Highway or road as defined by the laws on highways, passing through the following areas:</p> <p>20.1 Wildlife sanctuary or non-hunting area under the laws on wildlife conservation and protection;</p> <p>20.2 National park under the laws on national park;</p> <p>20.3 Class 2 Watershed Area designated by the Cabinet resolution;</p> <p>20.4 Mangrove forest area designated as a national forest;</p> <p>20.5 Coastal area within 50 meters of the highest natural sea-level rise;</p> <p>20.6 Area in or within 2 kilometers from Ramsar Site or world heritage site inscribed on the World Heritage List according to the World Heritage Convention;</p> <p>20.7 Area within 2 kilometers from an ancient monument, archaeological site, historic site or historic park under the laws on ancient monuments, antiques, objet d'art and national museums</p>	<p>All sizes</p> <p>All sizes</p> <p>All sizes</p> <p>All sizes</p> <p>All sizes</p> <p>All sizes</p> <p>All sizes</p>	<p>Submitted when applying for approval or permission of the project</p> <p>Submitted when applying for approval or permission of the project</p> <p>Submitted when applying for approval or permission of the project</p> <p>Submitted when applying for approval or permission of the project</p> <p>Submitted when applying for approval or permission of the project</p> <p>Submitted when applying for approval or permission of the project</p> <p>Submitted when applying for approval or permission of the project</p>
21	Rail mass transit system	All sizes	Submitted when applying for approval or permission of the project
22	Port	Capacity for vessels of 500 gross tons or more or quay length of 100 meters or more or total port area of 1,000 square	Submitted when applying for approval or permission of the project

Remark : The English version is the translation of the original in Thai for information purpose only and please be aware that only the Thai text has legal force. ONEP assumes no responsibility for its accuracy nor be held liable for any loss or damage arising from or related to its use.

No.	Type of Projects or Activities	Size	Rules, Procedures, Practices
		meters or more	
23	Recreational port	Capacity for 50 boats or more or total port area of 1,000 square meters or more	Submitted when applying for approval or permission of the project
24	Land reclamation	All sizes	Submitted when applying for approval or permission of the project
25	<p>Construction or expansion of a structure around or in the sea</p> <p>25.1 Seawall adjacent to the coastline;</p> <p>25.2 Groin, jetty, training wall;</p> <p>25.3 Offshore breakwater</p>	<p>Length of 200 meters or more</p> <p>All sizes</p> <p>All sizes</p>	<p>Submitted when applying for approval or permission of the project</p> <p>Submitted when applying for approval or permission of the project</p> <p>Submitted when applying for approval or permission of the project</p>
26	<p>Aviation transportation system</p> <p>26.1 Construction or expansion of commercial service airport or temporary takeoff and landing area for commercial purposes;</p> <p>26.2 Water airport</p>	<p>Runway length of 1,100 meters or more</p> <p>All sizes</p>	<p>Submitted when applying for approval or permission of the project</p> <p>Submitted when applying for establishment or aircraft takeoff/landing permission</p>
27	<p>Building under the laws on building control that falls within any of the following locations or utilization purposes:</p> <p>27.1 located adjacent to a riverbank, seashore, lake or beach, or near or in a national park or historic park, which may cause impact to the environmental quality; or</p>	Height of 23.00 meters or more or total floor area or individual floor area in the same	Submitted when applying for a construction permit; or in the case of notifying a local competent official under the laws on building control without applying for a permit, submitted when notifying the local competent official

Remark : The English version is the translation of the original in Thai for information purpose only and please be aware that only the Thai text has legal force. ONEP assumes no responsibility for its accuracy nor be held liable for any loss or damage arising from or related to its use.

No.	Type of Projects or Activities	Size	Rules, Procedures, Practices
		building of 10,000 square meters or more	
	<p>27.2 used for retail or wholesale business</p> <p>27.3 used as an office or place of business of the private sector</p>	<p>Height of 23.00 meters or more or total floor area or individual floor area in the same building of 10,000 square meters or more</p> <p>Height of 23.00 meters or more or total floor area or individual floor area in the same building of 10,000 square meters or more</p>	<p>Submitted when applying for a construction permit; or in the case of notifying a local competent official under the laws on building control without applying for a permit, submitted when notifying the local competent official</p> <p>Submitted when applying for a construction permit; or in the case of notifying a local competent official under the laws on building control without applying for a permit, submitted when notifying the local competent official</p>
28	Land allocation for residential or commercial purposes under the laws on land development	500 land plots or more or total allocated area of more than 100 rai	Submitted when applying for a land allocation permit under the laws on land development
29	<p>Hospital or sanatorium under the laws on sanatoriums</p> <p>29.1 In the case of being located within 50 meters from a river, seashore, lake or beach;</p>	30 in-patient beds or more	Submitted when applying for a construction permit; or in the case of notifying a local competent official under the laws on building control without applying for a permit, submitted when notifying the local competent official

Remark : The English version is the translation of the original in Thai for information purpose only and please be aware that only the Thai text has legal force. ONEP assumes no responsibility for its accuracy nor be held liable for any loss or damage arising from or related to its use.

No.	Type of Projects or Activities	Size	Rules, Procedures, Practices
	29.2 Other projects not specified in 29.1	60 in-patient beds or more	Submitted when applying for a construction permit; or in the case of notifying a local competent official under the laws on building control without applying for a permit, submitted when notifying the local competent official
30	Hotel or resort under the laws on hotels	80 units or more or usable area of 4,000 square meters or more	Submitted when applying for a construction permit; or in the case of notifying a local competent official under the laws on building control without applying for a permit, submitted when notifying the local competent official
31	Residential building under the laws on building control	80 units or more or usable area of 4,000 square meters or more	Submitted when applying for a construction permit; or in the case of notifying a local competent official under the laws on building control without applying for a permit, submitted when notifying the local competent official
32	Irrigation	Irrigated area of 80,000 rai or more	Submitted when applying for approval or permission of the project
33	All types of projects located in the Class 1 Watershed Area designated by the Cabinet resolution	All sizes	Submitted when applying for approval or permission of the project
34	Transbasin diversion as follows: 34.1 Transbasin diversion of main river basins, except for temporary diversion in the case of a disaster or where there is an impact on national security; 34.2 International transbasin diversion, except for temporary diversion in the case of a disaster or where there is an impact on national security	All sizes All sizes	Submitted when applying for approval or permission of the project Submitted when applying for approval or permission of the project
35	Sluice gate in the principal river	All sizes	Submitted when applying for approval or permission of the project

Remark : The English version is the translation of the original in Thai for information purpose only and please be aware that only the Thai text has legal force. ONEP assumes no responsibility for its accuracy nor be held liable for any loss or damage arising from or related to its use.

ANNEX 4

A. Guidelines for preparing an environmental impact assessment report are as follows:

1. Key elements

1.1 Executive summary report, which shall comprise the following matters:

1.1.1 Type and size of the project including related activities;

1.1.2 Project location, which shall present photos and a location map including a map showing environmental elements in the area that may be affected by the project. Scale of map shall be 1 : 50,000 or other appropriate scale;

1.1.3 Alternatives of the project location and the project implementation methodology with reasons and considerations for choosing the proposed alternatives;

1.1.4 Report describing significant environmental impacts with mitigation measures and monitoring measures in accordance with Sor Por. 1 Form

1.2 Main report, which shall comprise the following matters:

1.2.1 Introduction: describing background, objective of the project, rationale and necessity for project implementation, objective of report preparation, scope of the study and methodology of the study;

1.2.2 Project location: presenting photos and a location map including a map showing environmental elements in the area that may be affected by the project. Scale of map shall be 1 : 50,000 or other appropriate scale;

1.2.3 Project detail: providing a clear detailed project overview, i.e. type, size, project location, project implementation methodology or related activities, and a land use plan of the project in appropriate scale and direction;

1.2.4 Existing environmental condition: presenting details and photos of natural resources and environment, in regards to physical and biological aspects, which shall be classified into capable and incapable of rehabilitation; details of human use values and

Remark : The English version is the translation of the original in Thai for information purpose only and please be aware that only the Thai text has legal force. ONEP assumes no responsibility for its accuracy nor be held liable for any loss or damage arising from or related to its use.

quality of life values; as well as current problems around the project location with a map of the surrounding area and land use around the project and the area that may be affected from the project implementation in the short and long term;

1.2.5 Evaluation of the alternatives and assessment of potential impacts from the project;

(1) Alternatives: The report shall provide alternatives, which may be either a project location or project implementation methodology, provided that all proposed alternatives shall be consistent with the objective of the project and provide reasons for achieving the goal and necessity of the project implementation. Mitigation measures must be provided for all alternatives and the most suitable alternative for project implementation must be indicated with reasons and necessity;

(2) Assessment of environmental impacts: assessing potential impacts of the project, both direct and indirect, upon the natural resources, environment and values under 1.2.4. Natural resources shall be classified into capable and incapable of rehabilitation. All potential impacts from each alternative shall be assessed and compared.

1.2.6 Mitigation measures for environmental impacts and compensation measures: explaining the mitigation measures under 1.2.5 in detail and in the case of unavoidable damage, compensation measures shall be included;

1.2.7 Monitoring measures for environmental impacts: presenting appropriate measures and implementation plan for monitoring environmental impacts, both in technical and practical aspects. These measures and plan shall become a part of the monitoring and evaluation after the project implementation;

1.2.8 Table summarising significant environmental impacts with mitigation measures for such impacts.

The environmental impact assessment report shall be prepared by adhering to the guideline for public participation and social impact assessment and the guideline for health impact assessment.

2. Documentary evidence to be submitted

2.1 Main report of not less than 15 copies;

2.2 Executive summary report of not less than 15 copies;

2.3 Front cover and title page of the environmental impact assessment report in accordance with Sor Por. 2 Form;

Remark : The English version is the translation of the original in Thai for information purpose only and please be aware that only the Thai text has legal force. ONEP assumes no responsibility for its accuracy nor be held liable for any loss or damage arising from or related to its use.

2.4 Certification of preparation of the environmental impact assessment report in accordance with Sor Por. 3 Form;

2.5 A copy of the license for preparation of an environmental impact assessment report;

2.6 List of the preparers of the environmental impact assessment report in accordance with Sor Por. 5 Form;

2.7 Submission form for the environmental impact assessment report in accordance with Sor Por. 6 Form.

B. Guidelines for preparing an initial environmental examination report are as follows:

1. Key elements

1.1 Introduction: describing objective of the project, rationale and necessity for project implementation, objective of report preparation, scope of the study and methodology of the study;

1.2 Project location: presenting photos and a location map including a map showing environmental elements in the area that may be affected by the project in appropriate scale;

1.3 Alternatives of the project location and the project implementation methodology with reasons and considerations for choosing the proposed alternatives;

1.4 Project detail: providing a clear detailed project overview, i.e. type, size, project location, alternatives of the project location and the project implementation methodology with reasons and considerations for choosing the proposed alternatives, process details or related activities, and a land use plan of the project in appropriate scale and direction;

1.5 Existing environmental condition: presenting details and photos of natural resources and environment, in regards to physical and biological aspects, which shall be classified into capable and incapable of rehabilitation; details of human use values and quality of life values; as well as current problems around the project location with a map of the surrounding area and land use around the project and the area that may be affected from the project implementation in the short and long term;

1.6 Major potential impacts from the project: assessing initial environmental impacts by focusing on significant impacts which may occur from the project, both direct and indirect, upon the natural resources, environment and values under 1.5;

1.7 Mitigation measures for environmental impacts and compensation measures: explaining the mitigation measures under 1.6 in detail and in the case of unavoidable damage, compensation measures shall be included;

1.8 Environmental quality monitoring measures: presenting monitoring and evaluation measures and plans after the project implementation;

1.9 Table summarising significant environmental impacts with mitigation measures for such impacts.

The initial environmental examination report shall be prepared by adhering to the guideline for public participation and social impact assessment.

2. Documentary evidence to be submitted

2.1 Initial environmental examination report of not less than 15 copies;

2.2 Front cover and title page of the initial environmental examination report in accordance with Sor Por. 7 Form;

2.3 Certification of preparation of the initial environmental examination report in accordance with Sor Por. 8 Form;

2.4 List of the preparers of the initial environmental examination report in accordance with Sor Por. 9 Form;

2.5 A copy of the license for preparation of an environmental impact assessment report