

INDEPENDENT STATE OF PAPUA NEW GUINEA

STATUTORY INSTRUMENT

No 30 of 2002

Environment (Prescribed Activities) Regulation 2002

Being a Regulation to provide for the prescribing of activities to be Level 1, Level 2 (Category A or Category B) and Level 3 activities.

MADE by the Head of State, acting with, and in accordance with, the advice of the National Executive Council under the *Environment Act 2000*.

1. INTERPRETATION

(1) Subject to Subsection (2), in this Regulation, unless the contrary intention appears, the terms used shall have the same interpretation as in *Section 2* of the *Environment Act 2000*.

(2) In this Regulation, unless the contrary intention appears –

“**Act**” means the *Environment Act 2000* as amended;

“**agricultural cultivation**” means the cultivation of crops for commercial purposes including but not limited to cocoa, coconuts, coffee, palm oil, rice, rubber, sugar cane, spices, tea and fresh food;

“**animal unit**” means one head of cattle, five pigs, ten crocodiles, fifty poultry or five of any other kind of animal;

“**chemical process**” means the use of a controlled chemical reaction to manufacture intermediate or finished products;

“**concession area**” means an area set aside for logging under a timber permit;

“**cost**” means the monetary sum needed to carry out the construction of plant and equipment to carry out an activity to which an application relates, other than –

- (a) the monetary sum needed to buy land associated with the works;
and
- (b) any monetary sum needed to construct or modify any building which will not or does not contribute substantially to the control of pollution or to the production capacity of the plant;

“**discharge**” means an emission of a gas, liquid or solid from a point or non-point source;

“**hazardous contaminant**” means a substance prescribed by regulation to be a hazardous contaminant under Section 133 of the Act;

“**intensive animal industry**” is the containment of animals in roofed, walled or caged structures;

“**manufacturing process**” means activity to manufacture intermediate or finished product not necessarily involving chemical reaction;

“ozone depleting substances” means those substances defined in the Montreal Protocol on Ozone Depleting Substances and agreed at subsequent Conventions of the Parties, that Papua New Guinea has ratified as being controlled substances;

“project” means an integrated set of activities intended to produce a commercial product and managed by a single entity;

“reprocessing” means rework of a material to produce a saleable product;

“waste” means an unwanted material generated from any prescribed activity.

2. **LEVEL 1 ACTIVITIES**

Level 1 activities are all those activities that are not prescribed as Level 2 or Level 3 activities.

3. **LEVEL 2 ACTIVITIES**

The activities listed in Schedule 1 are prescribed as Level 2 activities for the purposes of the Act. Within Schedule 1, Level 2 activities are classified as Category A activities or Category B activities for the purposes of the Act and the Regulations to the Act.

4. **LEVEL 3 ACTIVITIES**

The activities listed in Schedule 2 are prescribed as Level 3 activities for the purposes of the Act.

5. **AMALGAMATION OF PERMIT APPLICATIONS**

Where an activity involves two or more categories of Level 2 or Level 3 activities or both Level 2 and Level 3 activities, an application for a permit in relation to that activity shall identify all the categories of Level 2 or Level 3 activity that are relevant to the application.

SCHEDULE 1

Act, Sec. 42
Reg., Sec. 3

THE INDEPENDENT STATE OF PAPUA NEW GUINEA

ENVIRONMENT ACT 2000

LEVEL 2 ACTIVITIES

<i>Column 1.</i> Category number	<i>Column 2.</i> Category of Activity
CATEGORY A	
Sub-Category 1: Petroleum Exploration	
1.1	Drilling of oil and gas wells.
Sub-Category 2: Mineral Exploration and Mining	
2.1	Any drilling program at a defined prospect where the aggregate depth of all holes drilled is greater than 2,500 metres.
2.2	Mechanised mining on a Mining Lease issued under the <i>Mining Act 1992</i> involving non-chemical processing of no greater than 50,000 tonnes per annum.
2.3	Gravel extraction operating continuously for more than 6 months and involving the extraction of no greater than 10,000 tonnes per annum.
2.4	Quarrying involving the extraction of no greater than 100,000 tonnes per annum.
Sub-Category 3: Minor Forest Activities	
3.1	Activities carried out under a Timber Authority issued under the Forest Act.
CATEGORY B	
Sub-Category 4: Manufacturing and chemical processes	
<i>Sub-Category 4A: Manufacturing operations (predominantly physical operations and blending not involving significant chemical reaction)</i>	
4.1	Cement clinker manufacturing and grinding.
<i>Sub-Category 4B: Processes involving chemical reactions</i>	
4.2	Manufacture of products by any chemical process in works designed to produce more than 100 tonnes per year of chemical products.
4.3	Manufacture of fibre-reinforced plastic (FRP) in works with a capacity of more than 50 tonnes per year.
4.4	Manufacture of acrylic compounds, fertilisers, herbicides, insecticides or pesticides by any chemical process.
4.5	Manufacturing operations involving the use of toluene di-isocyanate, methylene di-isocyanate, chlorofluorocarbons and halons.

<i>Column 1.</i>	<i>Column 2.</i>
Category number	Category of Activity
Sub-Category 5: Activities involving petroleum or chemicals	
5.1	Manufacturing of organic chemicals requiring a Petroleum Processing Facility Licence issued under the <i>Oil and Gas Act 1998</i> .
5.2	Pipeline transport and storage using facilities with a holding capacity of more than 0.5 million litres.
Sub-Category 6: Forestry and production of timber products	
6.1	Activities associated with a logging operation which are or should be undertaken under a timber permit or a licence, unless such licence holder is a subcontractor of a timber permit, (including sewage disposal, camp construction including power & water reticulation, operation of machinery workshops and construction of road and other infrastructure works including wharf and ship loading and unloading facilities).
6.2	Operation of stationary sawmills and treatment facilities with a production capacity of greater than 30,000 m ³ per year of sawn timber.
6.3	Chemical treatment of timber using copper-chrome-arsenate solutions with a capacity of greater than 100 tonnes of treated wood product per year.
6.4	Processing of wood to form veneer, plywood, particleboard or fibre board.
6.5	Processing of wood, wood products, waste paper or other cellulose materials to form pulp, paper or cardboard.
Sub-Category 7: Mining and extraction	
7.1	Mechanised mining on a Mining Lease issued under the Mining Act 1992 involving chemical processing of no greater than 50,000 tonnes per annum.
7.2	Mechanised mining on a Mining Lease issued under the Mining Act 1992 involving non-chemical processing of more than 50,000 tonnes per annum.
7.3	Mineral beneficiation or processing other than alluvial mining in accordance with an Alluvial Mining Lease issued under the Mining Act 1992.
7.4	Quarrying involving the extraction of more than 100,000 tonnes per year.
7.5	Gravel extraction operating continuously for more than 6 months and involving the extraction of more than 10,000 tonnes per year.
7.6	Commercial salt harvesting.
Sub-Category 8: Aquaculture and agriculture	
8.1	Intensive animal industries including the raising of cattle, sheep, pigs, poultry and crocodiles with an annual production capacity of more than 200 animal units.
8.2	Operation of livestock holding pens with a capacity of more than 2,000 animal units per year.
8.3	Operation of aquaculture facilities with a design discharge flow rate greater than 1 per day or 100 tonnes of wet product per year.
8.4	Aquaculture carried out in “open sea” (cage) operations.
8.5	Agricultural cultivation of an area greater than 1,000 hectares.

<i>Column 1.</i>	<i>Column 2.</i>
Category number	Category of Activity
	Sub-Category 9: Food processing and plant product processing
9.1	Processing of alcoholic and non-alcoholic beverages in a plant with a design production of more than 5,000 litres per day.
9.2	Operation of abattoirs and poultry processing facilities processing more than 200 animal units per year.
9.3	Processing coconut oil in plants producing more than 10,000 tonnes per year.
9.4	Processing of coffee or cocoa in plants producing more than 5,000 tonnes per year.
9.5	Palm oil extraction and processing in plants producing more than 5,000 tonnes per year.
9.6	Seafood processing operations which involve the production of more than 500 tonnes per year.
9.7	Production of stock feed in mills producing more than 5000 tonnes per year.
9.8	Processing of latex and rubber in operations producing more than 500 tonnes per year.
9.9	Sugar refining operations with a production capacity of more than 5,000 tonnes per year.
	Sub-Category 10: Energy production
10.1	Operation of hydroelectric plants with a capacity of more than 2 Megawatts (MW).
10.2	Operation of fuel burning power stations with a capacity of more than 5MW, but not including emergency generators.
10.3	Operation of fuel burning appliances including furnaces and boilers with a rated thermal output of 20MW.
	Sub-Category 11: Waste treatment
11.1	Sewage treatment in plants serving more than an equivalent population of 5,000 people.
11.2	Septic tank sludge disposal systems intended to serve an equivalent population of greater than 500 people.
11.3	Operation of public and private landfills for the disposal of municipal wastes, serving a population of more than 10,000 people.
11.4	Incineration, reprocessing, treatment or disposal of industrial or biomedical waste of a capacity greater than 10 tonnes per year.
11.5	Operation of rendering works with a capacity of greater than 500 tonnes per year.
11.6	Recycling waste material including but not limited to glass, oil, metal, paper and putrescible materials with a capacity greater than 100 tonnes per year.
11.7	Commercial drum reconditioning.
	Sub-Category 12: Infrastructure
12.1	Operation of maritime construction, deballast and repair facilities designed to handle vessels of a mass of greater than 50 tonnes.
12.2	Construction of marinas and boating facilities designed or used to provide moorings for more than 50 powered vessels at any one time.
12.3	Operation of potable water treatment plants with a design capacity of greater than 1 million litres per day.
12.4	Construction of aerodromes or airfields except unpaved airstrips more than 10 km from an urban area.

Column 1. *Column 2.*

Category
number

Category of Activity

(Continue) **Sub-Category 12: Infrastructure**

- 12.5 Construction of new national roads.
- 12.6 Construction of electricity transmission lines or pipelines greater than 10 km in length.
- 12.7 Construction of housing estates with an area of more than 5 hectare.
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Sub-Category 13: Other activities

- 13.1 Damming or diversion of rivers or streams.
- 13.2 Discharge of waste into water or onto land in such a way that it results in the waste entering water, except where such discharge is ancillary or incidental to, or associated with, any other activity in this Regulation in which case that category of activity will apply to the discharge of waste.
- 13.3 Abstraction or use of water for commercial purposes, except where such abstraction or use is ancillary or incidental to, or associated with, any other activity in this Regulation in which case that category of activity will apply to the abstraction or use of water.
- 13.4 Import or export of ozone depleting substances or pesticides.
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SCHEDULE 2

Act, Sec. 42
Reg., Sec. 4

THE INDEPENDENT STATE OF PAPUA NEW GUINEA

ENVIRONMENT ACT 2000

LEVEL 3 ACTIVITIES

<i>Column 1.</i>	<i>Column 2.</i>
Category number	Category of Activity
Sub-Category 14: General	
14.1	Activities involving investment of a capital cost of more than K50 million, except where such investment is made in pursuing an activity otherwise dealt with in this Regulation in which case that category of activity will apply to the investment.
14.2	Activities involving the generation of a volume of liquid waste of more than 7,000,000 m ³ per year (approximately 20 million litres per day).
14.3	Activities that will involve the discharge, emission or deposit of hazardous contaminants, except where such discharge, emission or deposit is ancillary or incidental to, or associated with, any other activity in this Regulation in which case that category of activity will apply to the discharge, emission or deposit.
14.4	Activities that may result in a significant risk of serious or material environmental harm within Wildlife Management Areas, Conservation Areas, National Parks and Protected Areas or any area declared to be protected under the provisions of an International Treaty to which Papua New Guinea is a party and which has been ratified by the Parliament of the Independent State of Papua New Guinea.
Sub-Category 15: Manufacturing and processing	
15.1	Activities involving investment of a capital cost of more than K20 million and which involve manufacturing or chemical processes not previously used in Papua New Guinea.
15.2	Manufacture of hazardous contaminants, except where such manufacture is ancillary or incidental to, or associated with, any other activity in this Regulation in which case that category of activity will apply to the manufacture.
Sub-Category 16: Forest harvesting and land clearance	
16.1	Logging operations where the minimum annual allowable cut is greater than 70, 0000 m ³ per annum.
16.2	Any large scale clearing carried out under section 90 (a), (b), (c) or (d) of the Forest Act.
Sub-Category 17: Mining and extraction	
17.1	Mining activities which require the issue of a Special Mining Lease under the Mining Act 1992.
17.2	Mechanised mining on a Mining Lease involving chemical processing, except where the activity falls within the ambit of a Category B, Level 2 activity.
17.3	Extraction of off-shore coral deposits for roading, commercial lime making or similar use.
17.4	Submarine tailings disposal.

<i>Column 1.</i>	<i>Column 2.</i>
Category number	Category of Activity
Sub-Category 18: Petroleum and gas production and processing	
18.1	Recovery, processing, storage or transportation of petroleum products requiring the issue of a Petroleum Development Licence or a Pipeline Licence under the <i>Oil and Gas Act 1998</i> .
18.2	Refining of petroleum or manufacture and processing of petrochemicals or liquefaction of natural gas requiring a Petroleum Processing Facility Licence issued under the <i>Oil and Gas Act 1998</i> , except where the activity falls within the ambit of a Category B, Level 2 activity.
Sub-Category 19: Infrastructure construction	
19.1	Construction of major hydropower schemes or water supply reservoirs inundating an area greater than 5 km ² .
19.2	Construction of sea ports and ship repair facilities serving ships of an individual tonnage of more than 500 tonnes.
19.3	Infrastructure construction that requires the reclamation of more than 5 hectares of land below the high water mark.
19.4	Construction of sewage treatment plants designed to serve an equivalent population of greater than 50,000.
Sub-Category 20: Fisheries	
20.1	Aquaculture operations designed to discharge a volume of waste greater than 10 million litres per day.
Sub-Category 21: Waste Disposal	
21.1	Construction and operation of municipal landfills serving populations of more than 20,000 people.
21.2	Construction of commercial sites for the storage, treatment, reprocessing, incineration or disposal of hazardous contaminants.