

# **REVISED ENVIRONMENTAL CLEARANCE PROCESS**

**Presentation by**

**MINISTRY OF ENVIRONMENT & FORESTS  
NEW DELHI**

**5<sup>th</sup> December 2006**

## **BACKGROUND FOR RE-ENGINEERING**

- **MoEF conducted a comprehensive review of the then EC process under the Environmental Management Capacity Building Project in 2001**
- **Govindarajan Committee setup by the Central Government for Reforming Investment Approvals and Implementation Procedures**
- **MoEF studies brought out the need for reforms, which are consistent with the Govindarajan Committee recommendations.**

## **IDENTIFIED CONSTRAINTS IN EC PROCESS UNDER EIA Notification, 1994**

- **Cumbersome procedure**
- **Disproportionate details sought with applications**
- **Delay in appraisal meetings**
- **Time consuming and requiring undue effort**
- **Reopening of technical issues during various stages of appraisal**
- **Poor quality of EIA studies by consultants**
- **Delays by other concerned agencies**

# **EIA Notification, 2006**

*Issued on 14.09.2006*

## **OBJECTIVES**

**To formulate a transparent, decentralized and efficient regulatory mechanism to:**

- **Incorporate necessary environmental safeguards at planning stage**
- **Involve stakeholders in the public consultation process**
- **Identify developmental projects based on impact potential instead of the investment criteria**

## **DEVELOPMENTAL ACTIVITIES REQUIRING 'EC'**

- **All new projects/activities listed in Schedule;**
- **Expansion and/or modernization of existing projects /activities; and**
- **Change in product mix**

## **DIFFERENCES BETWEEN EIA NOTIFICATION, 1994 & 2006**

- **No NOC for EC**
- **Revised Schedule based on potential impacts instead of investment criteria**
- **Categorization into A and B1 & B2**
- **Category A at Central level, Category B1, B2 at State Level (with exceptions),**
- **Check-list information in Form-1/Form-1-A**
- **Scoping to determine TORs for EIA, if required;**
- **Finality of TORs**
- **Scoping stage incorporate site clearance – No separate site clearance is required.**

## **DIFFERENCES BETWEEN EIA NOTIFICATION, 1994 & 2006 (Contd.)**

- **Public consultation structured; To be conducted by SPCB and presided by DM (with in 45 days); proceedings to be videographed; MoEF to intervene if PH not held in time**
- **Time limits with consequences at each stage**
- **State Level Environment Impact Assessment Authority (SEIAA), Expert Appraisal Committees (EAC) – Notification defines qualifications/experience in Appendix-VI**



# State Level Environment Impact Assessment Authority (SEIAA)

- SEIAA is an independent body
- Three (3) Member SEIAA to be notified by MOEF on receiving nominations from all concerned States and UTs
- Chairman and other member shall be experts fulfilling the eligibility criteria given in Appendix VI.
- Chairman shall be an expert in EIA process.
- Member Secretary shall be a serving officer of the State Government familiar with environmental laws.
- MoEF to notify SEIAAs within 30 days from the date of receipt of nominations
- Time period for Authority defined (3 years)
- Decision of the Authority shall be on the basis of consensus
- No funding from MoEF



# Stages in Prior Environmental Clearance Process

## Stage I: Screening

Screening refers scrutiny of category 'B' projects seeking prior environmental clearance made in Form-1 by the concerned State Level Expert Appraisal Committee for determining whether or not the project requires further environmental studies for preparation of EIA for its appraisal depending upon the nature and location specificity of the project.

## Stage II: Scoping

Scoping refers to the process by which the EAC in the case of Category 'A' projects or activities, and SEAC in the case of Category 'B1' projects or activities determine detailed and comprehensive TORs addressing all the relevant environmental concerns for the preparation of EIA report.

# Stages in Prior Environmental Clearance Process

## Stage III: Public Consultation

Public Consultation refers to the process by which the concerns of local affected persons and others who have plausible stake in the environmental impacts of the project or activity are ascertained.

## Stage IV: Appraisal

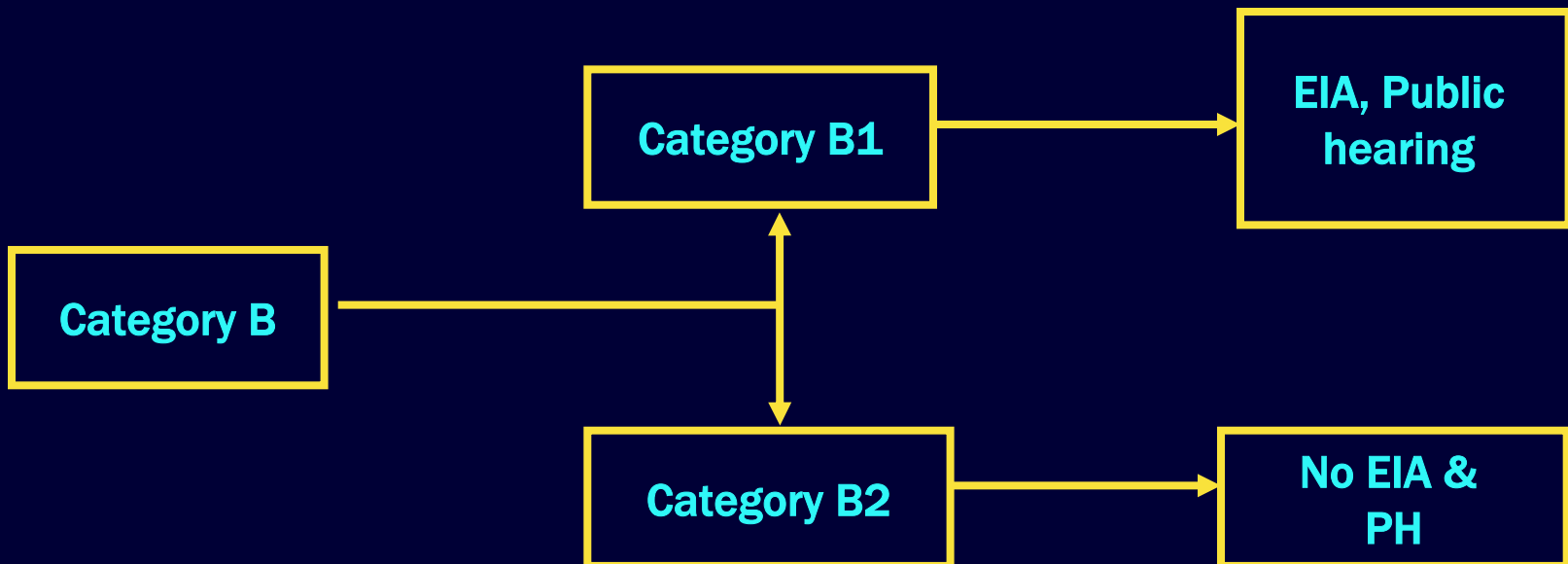
Appraisal means the detailed scrutiny by the Expert Appraisal Committee or State Level Expert Appraisal Committee of the application and other documents submitted by the applicant for grant of environmental clearance.

## Screening, Scoping and Appraisal Committees

- MoEF to constitute EAC at Central level for Scoping and Appraisal of projects as per composition and eligibility criteria given in Appendix-VI.
- MoEF to notify SEAC at state level on receiving nominations from State Government for screening, scoping and Appraisal of projects as per composition and eligibility criteria given in Appendix-VI.
- MoEF to consider the request of State Govts, to constitute combined SEAC for more than one state/UT with concurrence of concerned State Governments.
- EAC/SEAC may inspect sites (during screening, scoping and appraisal)
- EAC/SEAC shall not have more than 15 regular members.
- Chairperson may co-opt an expert as a member in a relevant field for a particular meeting of the committee as per eligibility criteria given in Appendix-VI.
- Time period for Committees defined (3-years).
- All members will be part-time and expenditure to be borne by State Government.

# SCREENING

- No screening required for Category A projects
- Category B projects will be further screened at the state level for categorization into either B1 or B2. Specific guidelines to be evolved by MoEF



Apply in Form-I for screening


# SCOPING

Scoping required for Category A and Category B1 projects, upon finalization of site - **To complete in 60 days**

Application in Form-1,  
Pre-feasibility Report & Draft TOR by PP



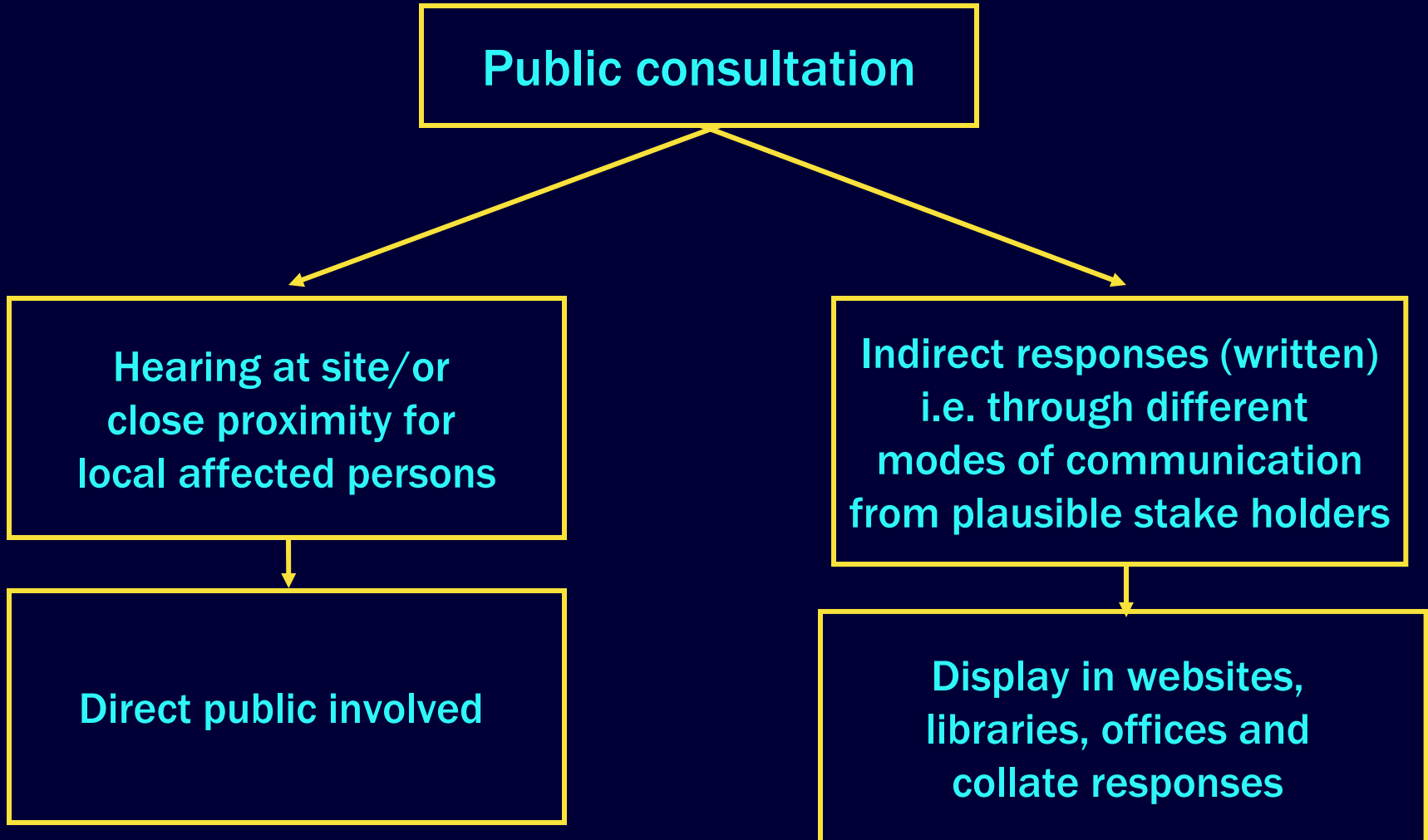
EAC/SEAC to determine  
TOR for EIA Preparation



Intimation of Final TOR to project  
proponent  
and display in Website

# PUBLIC CONSULTATION

To ascertain the concerns of local affected persons and others who have a plausible stake in environmental impacts of the project/ activity



## **PUBLIC HEARING (PH)**

- Exceptions to certain projects
- To be completed in 45 days
- DM to preside over the PH process
- Alternate Public Authority / Agency to be engaged by MoEF in case SPCB fails to comply with time limit
- Incorporation of public concerns in EIA report
- Videography of proceedings must and to be enclosed with application for EC
- Preparation of PH proceedings and signature by DM/ADM on the same day
- Display of PH Proceedings in web site and other Govt. offices
- PH is not a decision stage - it is only to ascertain the concerns of local affected persons and from plausible stakeholders



## **EXPANSION AND MODERNIZATION PROJECTS & CHANGE IN PRODUCT MIX**

- **Make application to EAC/SEAC in Form-I**
- **EAC/ SEAC to decide the necessity of EIA / Public consultation within 60 days for prior environmental clearance**

## POST PROJECT MONITORING

- Project Proponent to submit Half yearly compliance report to stipulated conditions in hard and Soft copy (Submit by 1<sup>st</sup> June and 1<sup>st</sup> December)
- Compliance reports are public documents and displayed in the MoEF/ SEIAA web-sites.
- Post project monitoring in respect of Category 'A' and 'B1' Projects to be carried out by MoEF's Regional Offices.

## VALIDITY OF EC

- Max. 30 years for mining projects
- 10 years for River valley projects
- 5 years for all other projects
- Limited period for Area development projects till the developer is responsible
- Can be extended to another 5 years upon submission of application in Form-1 within validity period.

*Validity of EC means the period from which prior EC is granted to the start of production/operations*

## WHAT STATES/ UTs NOW HAVE TO DO ?

- **Proposals for SEIAA**
- **Proposals for Expert Appraisal Committee**
- **Identification of State level Agency to act as Secretariat for SEIAA and to provide all financial and logistic support including accommodation, transportation etc. in respect of all its statutory functions**
- **Depoliticized System: SEIAA is solely responsible for its decisions; cannot seek/receive directions from any other Authority**
- **Interim arrangements - how to deal with pending cases.**

## **OPERATION OF EIA NOTIFICATION**

- **The new notification is effective from the date of publication in gazette of India i.e. 14.09.2006 and has superseded the earlier EIA Notification, 1994.**
- **The part or full provisions of EIA 1994 will continue to operate for one year in case of all or some type of applications made for prior EC and pending on or before 14.09.2006.**
- **The Central Government may relax any one or all provisions of the new Notification except the list of the projects or activities requiring prior EC given in schedule of the Notification, 2006.**

# Flowchart for Revised EC Process for all Cat-A projects (Go! Level)

START

Checklist information as part of pre-feasibility report by PP

Time-line

Total = 210 days  
(with certainty)

Technical Review by MoEF

60 days

Specifications of TORs for EIA by Expert Committee

(EC meets at least once every month on a fixed date)

Draft EIA/EMP preparation by PP

45 days  
by SPCB

PH by SPCB

Review by MoEF as per ToR

Communicate  
inadequacies (if any)

60 days

Appraisal by Independent Expert Committee

(EC meets at least once every month on a fixed date)

Reject EIA/EMP

Recommended by EC?

No

Yes

END

Technical Review by MoEF

45 days

Decision by MEF

No

Project  
proponent  
MoEF

Has decision been made by  
MoEF within 30 days?

Issue / Reject EC in terms of  
Expert Committee recommendation

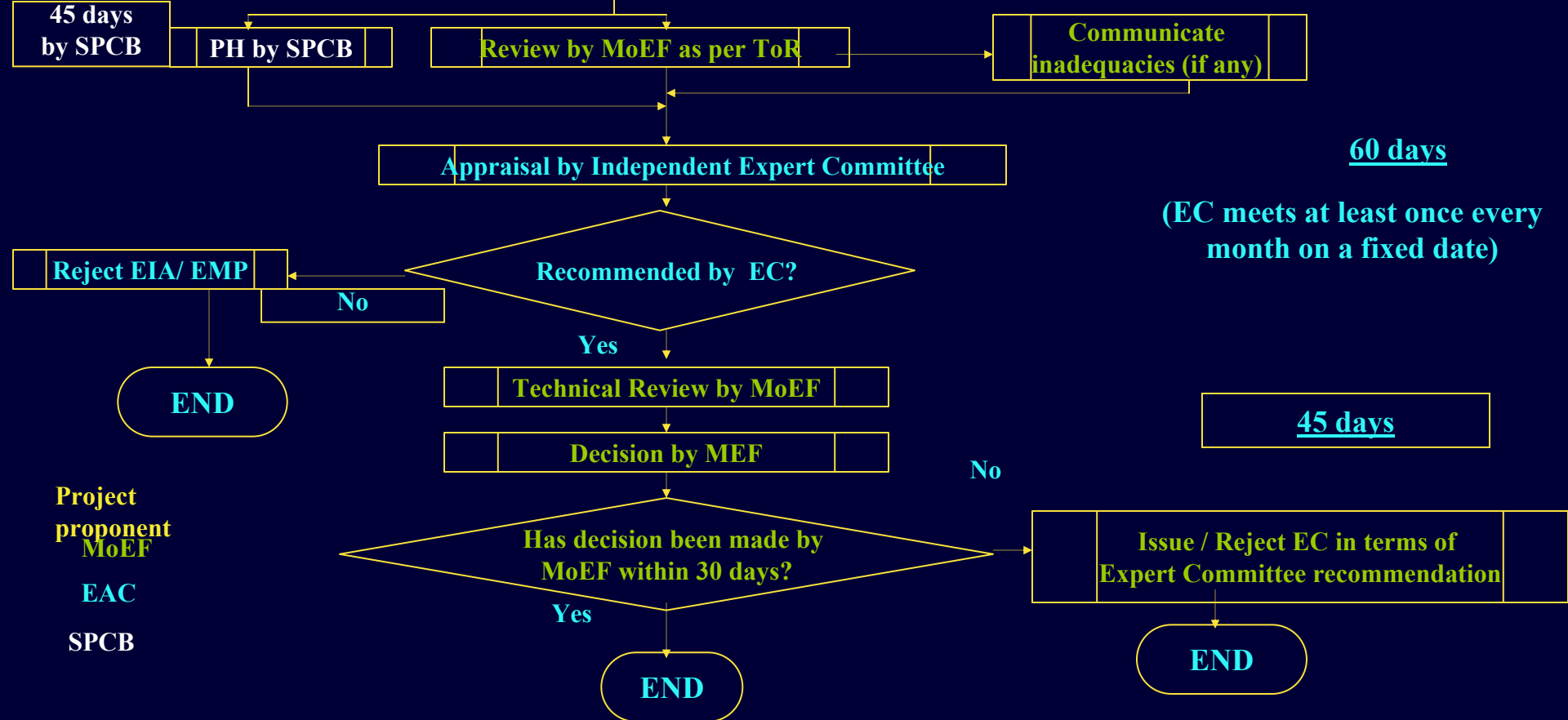
EAC

SPCB

Yes

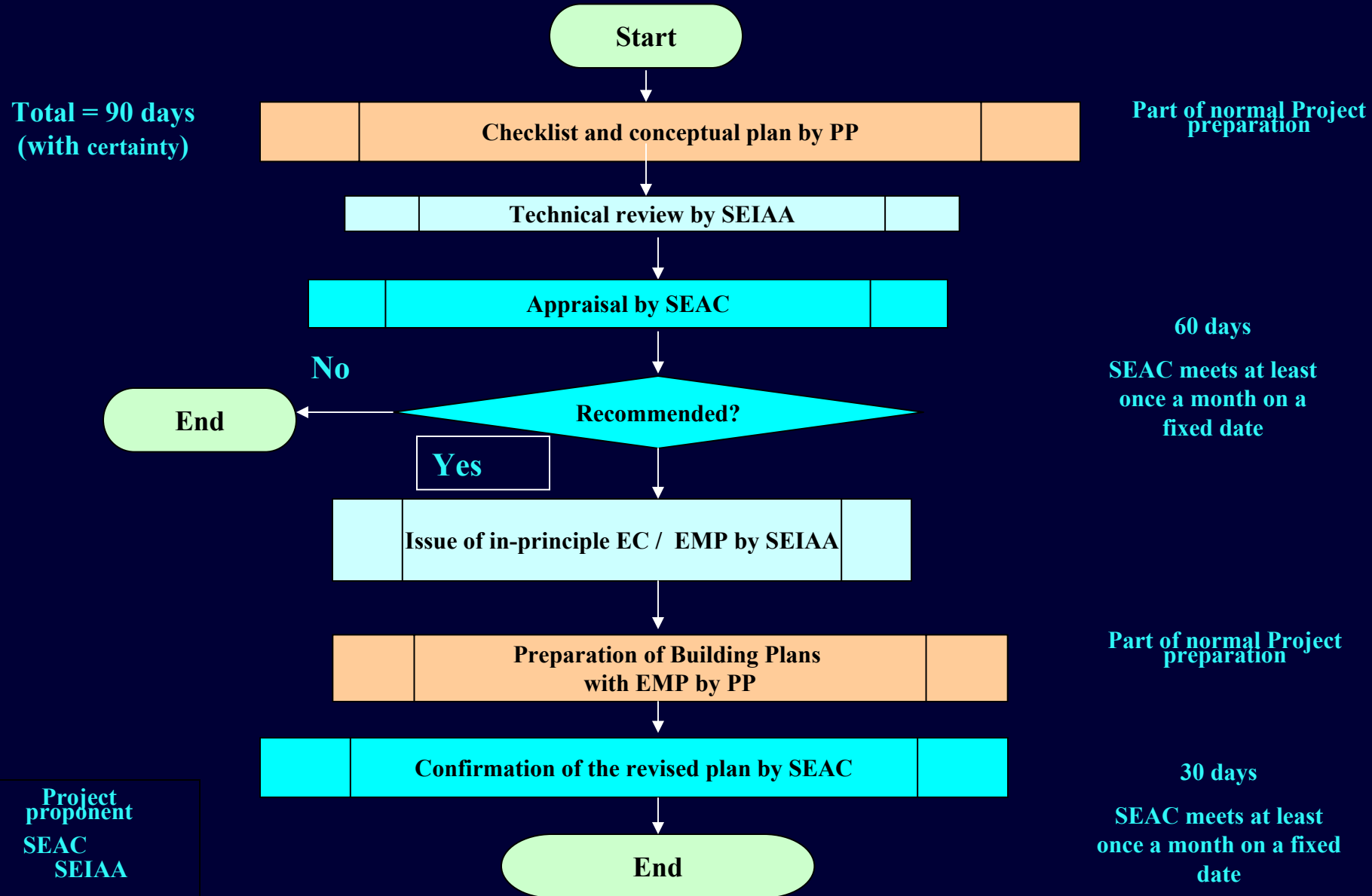
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END





# Revised Environmental Appraisal for Category “B” projects (State level) – Building Projects







# INTERIM OPERATIONAL GUIDELINES

(Valid till 13.09.2007)

**New Applications for EIA Appraisal received on or after 14.09.2006 and upto 30.06.2007 and covered in EIA, 2006**

**EIA submitted and Public Hearing Conducted:**

- **Not to insist for Form-1/1A**
- **Evaluate the EIA for completeness and accuracy**
- **If incomplete EAC to specify additional TORs**
- **If complete appraise along with PH by EAC/SEAC for recommendation**

**EIA submitted and Public Hearing not Conducted:**

- **PH to be conducted as per the procedure of EIA, 2006 and forward to EAC/SEAC for evaluation and appraisal as above**

# **INTERIM OPERATIONAL GUIDELINES**

**(Valid till 13.09.2007)**

**Activity requires EC by the SEIAA/SEAC as per EIA 2006 but SEIAA/SEAC has not yet been notified**

- **Will be processed by MOEF till SEIAA/ SEAC is notified**
- **Upon notification, the proposals will be transferred to SEIAA for further consideration**
- **Project authorities submit new applications directly to MoEF till SEIAA/SEAC notified by MoEF**

# **INTERIM OPERATIONAL GUIDELINES**

**(Valid till 13.09.2007)**

**Applications in respect of Thermal Power projects pending with State Governments under EIA 1994 (delegated powers)**

**EIA prepared and PH conducted as per EIA 1994**

- **To be transferred to concerned regulatory authority**
- **In the absence of SEIAA, to be forwarded to MOEF**

**EIA prepared but PH not conducted**

- **The SPCB to conduct PH as per procedure in EIA 2006**
- **To be transferred to concerned regulatory authority**
- **In the absence of SEIAA, to be forwarded to MOEF**

# INTERIM OPERATIONAL GUIDELINES

(Valid till 13.09.2007)

## Applications pending with SPCBs for PH

- SPCBs to conduct PH as per EIA 2006 and forward proceedings to MOEF/SEIAA
- No NOC for appraisal

No application made as per EIA 1994 will be accepted after 1<sup>st</sup> July 2007 for appraisal under EIA 2006

# **INTERIM OPERATIONAL GUIDELINES**

**(Valid till 13.09.2007)**

## **Categories of Projects not covered under EIA, 1994 but are covered under EIA, 2006**

- 1. NOC already issued before 14.09.2006**
  - EC not required under EIA, 2006
- 2. Applications received before 14.09.2006**
  - May be considered by SPCB for NOC
  - Unit can carry with commencement of the project activities
  - Project has to seek prior EC before 13.06.2007
  - If not will be treated as violation under EP Act
- 3. Application received for NOC after 14.09.2006**
  - Will require prior EC as per EIA Notification, 2006





# Significant features of the Revised EC Process

- Introduction of Scoping.
- Structured Public Consultations with stipulated time frame
- Decentralization of appraisal
- Ensures quality control of EIA
- No NOC requirement from SPCB

# Comparison of Existing & Proposed systems

Steps	Problem(s) in Existing System	How addressed in proposed system
Screening	Related to project investment, and nature of activity (except designated ecofragile areas)	Criteria are: Scale of impact, severity of impact, nature of location
Scoping	None: Project Consultant has to guess at concerns of regulator	Regulator specifies TORs leaving no scope for repeated iterations in EIA Process
Public Consultation	Unstructured method, isolated from EMP and duration not under control of proponent	Structure is provided; timeframe is determinate; safeguard against perverse iterations
Appraisal	Centralised, Uncertain with respect to time and information for decision-making leading to multiple iterations	Decentralised. Defined time & information limits and outcomes at each stage of processing & decision-making leading to certainty in timeframe

# Post Project Monitoring

- Project Proponent to submit Half yearly compliance report to stipulated conditions in hard and Soft copy (Submit by 1<sup>st</sup> June and 1<sup>st</sup> December)
- Compliance reports are public documents and displayed in MOEF/SPCB websites

# List of Projects (as per Schedule

# Category 'A' [Sole Central List]

- Offshore & onshore oil & gas exploration and production
- Nuclear power projects and processing of nuclear fuel
- Petroleum refining industry
- Asbestos milling and asbestos based products
- Soda ash industry
- Chemical fertilizers
- Pesticide and pesticide specific intermediates (excluding formulations) – All units producing technical grade pesticides
- Petrochemical complexes (industries based on processing of petroleum fractions & natural gas and/or reforming to aromatics)

- Oil & gas transportation pipeline (crude and refinery/ petrochemical products), passing through national parks/sanctuaries/coral reefs/ecologically sensitive areas including LNG terminal
- Airports
- All ship breaking yards including ship breaking units
- Asbestos mining
- Primary metallurgical industry
- All molasses based distilleries
- Pulp manufacturing and pulp & paper
- New national highways

## Category 'B' [Sole State List]

- Integrated paint industry
- Induction/arc furnaces/cupola furnaces 5TPH or more
- Isolated storage & handling hazardous chemicals (as per threshold planning quantity indicated in column 3 of Schedule 2 & 3 of MSIHC Rules 1989 amended 2000)
- Aerial ropeways
- Common effluent treatment plants (CETPs)
- Common municipal solid waste management facility (CMSWMF)
- Building and construction projects
- Township and area development projects
- Paper manufacturing (non-pulp manufacturing)
- New state highways

<b>S.No</b>	<b>Project / Activity</b>	<b>Exemption</b>	<b>Central</b>	<b>State</b>
1(a)	Mining of minerals	<5 ha MLA	≥50 ha. of ML area	<50 ha ≥ 5 of MLA
1(c)	River valley projects	(i) <25 MW	(i) ≥ 50 MW hydro-electric power (ii) ≥ 10000 ha of culturable command area	(i) <50 MW ≥25MW (ii) <10000 ha
1(d)	Thermal power plants	<5MW	≥500 MW (coal/lignite/naphtha/gas) ≥50 MW (pet coke/diesel/other fuels)	<500 MW <50MW - ≥5MW
2(a)	Coal washeries		≥1 million ton/annum throughput of coal	<1 million ton/annum
2(b)	Mineral beneficiation		≥0.1 million ton/annum mineral throughput	<0.1 million ton/annum

# Category with Threshold Limit

SINo	Project / Activity	Exemption	Central	State
3(a)	Metallurgical industries (ferrous & non ferrous)	ii) <5000 tons/annum	b) Sponge iron manufacturing $\geq 200$ TPD c) Secondary metallurgical processing industry All toxic & heavy metal producing units $\geq 20000$ tons/annum	<200TPD  i) <20000 tons/annum ii) All other non-toxic secondary metallurgical processing > 5000tons/annum
3(b)	Cement plants		$\geq 1$ million tons/annum	<1 million
4(b)	Coke oven plants	<25000	$\geq 250000$ tons/annum	25000 - 250000
4(d)	Chlor-alkali industry		$\geq 300$ TPD or industry outside industry area	<300TPD within industry area
4(f)	Leather/skin/hide processing		All new outside industrial area	All new/expansion within Indstr area

S.No	Project / Activity	Exemption	Central	State
5(d)	Manmade fibers manufacturing		Rayon	Others
5(e)	Petrochemical based processing (processing other than cracking & reformation and not covered under the complexes)		Located outside industrial area	Located within industrial area
5(f)	Synthetic organic chemicals industry (dyes & intermediates; bulk drugs excluding formulations; synthetic rubber; basic organic chemicals)		Located outside industrial area	Located within industrial area

S.No	Project / Activity	Exemption	Central	State
5(g)	All cane juice/non-molasses based distilleries		≥30 KLD	<30 KLD
5(j)	Sugar industry	<5000 tcd cane	-	≥5000 tcd cane crushing capacity
7(c)	Industrial estates/parks/complexes/areas, EPZs, SEZs, biotech parks, leather complexes	<500ha & not having A or B	Having atleast 1 category A industry >500 ha having atleast 1 category B industry	<500 ha having atleast 1 category B >500 ha and not having A or B
7(d)	Common hazardous waste (TSDF)		Having incineration	Having landfill only
7(e)	Ports, harbours	<10000 TPA fish handling	≥5 million TPA cargo	<5 million TPA cargo, ≥10000 TPA fish handling

S.No	Project / Activity	Exemption	Central	State
7(f)	Highways	≤30KM &/or ≤20m ROW and/or no land acquisition	Interstate NH expansion >30KM, >20m ROW & land acquisition	Within state >30KM NH/SH, >20m ROW & land acquisition
7(g)	Aerial Ropeways		All Projects	
7(h)	Common Effluent Treatment Plants		All Projects	
7(i)	Common Municipal Solid Waste Management Facility		All Projects	
8(a)	Building and Construction Projects	≥ 20,000 sq.mtrs		≤20,000 sq. mtrs and ≤ 1,50,000 sq. mtrs. Of built up area
8(b)	Townships and Area Development Projects	Covering an area ≤ 50 ha.		Covering an area ≥ 50 ha. or built up area ≥ 1,50,000 sq. mtrs

# Web Site

<http://www.ciionline.org/services/70/default.html>

<http://www.sustainabledevelopment.in/>