



**Draft**  
**Environment Impact Assessment**  
**Notification 2005**

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Secretary  
Ministry of Environment & Forests  
New Delhi  
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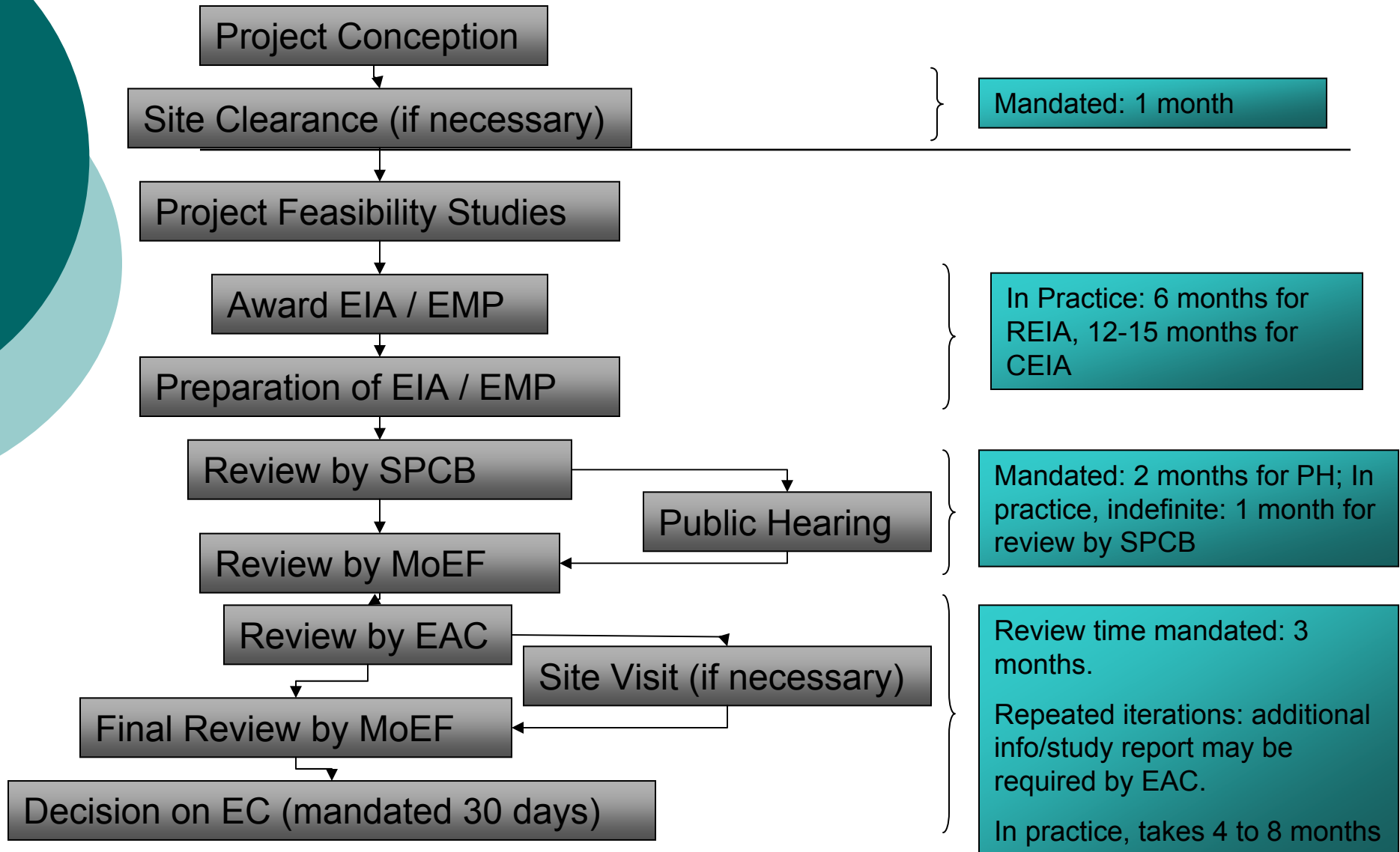
## Existing System: EIA Notification 1994

- EIA mandatory for 32 categories of developmental projects in the sectors of:

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  - Industry
  - Thermal power
  - Mining
  - River valley
  - Infrastructure and nuclear power
  - Large construction projects
  - Industrial estates
  
- Two-stage clearance for site-specific projects:
  - Mining
  - Pit-head thermal power projects
  - River valley projects
  - Ports and harbors.

# Overview of Existing EC Process



Total Average Time = 14 to 19 months (REIA) & 21 to 28 months (CEIA) + time required for project feasibility studies



## Reforms in EC process

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- A comprehensive review undertaken by the MOEF under the Environmental Management and Capacity Building Project (EMCB) funded by World Bank in 2001
- This review by MOEF brought out the need for reforms in line with the Govindarajan Committee recommendations
- Re-engineering is based on principles given in Govindarajan Committee recommendations



# Problems in existing EC Process

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- Time consuming and requiring undue effort
- Disproportionate/unnecessary details sought with applications
- Delays in appraisal meetings
- Reopening of technical issues during various stages of appraisal
- Poor quality of EIA studies
- Insistence on clearances by other regulatory agencies before appraisal is conducted



## Addressing the Problems - Generic and Specific

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- Problems in MoEFs regulatory systems have been segregated as “generic” i.e. common to all systems; and “specific” issues relating to particular systems
- Generic issues have been addressed by *enforceable* “Good Practices in Regulation” (issued 7.05.04) and “Operational Guidelines for Good Practices” (issued 15.09.04)
- Specific issues relating to EIA process have been addressed through a systematic re-engineering exercise.



## “Good Practices (GP)...”

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### GP comprises the following:

- i. Fixed dates (e.g. 3<sup>rd</sup> Wednesday of each month) for meetings of expert cttee/regulator; agenda on website 15 days earlier
- ii. Initial consideration of applications to be taken up without fail in 1<sup>st</sup> meeting of Cttee/regulator following 30 days after receipt in MoEF (for technical scrutiny)
  - i. At 1<sup>st</sup> meeting, all required information to be advised to applicant and *additional information not to be sought afterwards under any circumstances*
  - ii. On applicant completing any due diligence required, subsequent consideration at next meeting following 30 days of reporting outcome of due diligence to MoEF



## “Good Practices (GP)...”

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- iv. Cttee/regulator not to act as watchdog for other regulators  
i.e. different regulatory mechanisms to proceed *in parallel*  
and not sequentially
- v. Applicant to be given opportunity to present proposal to  
Cttee/regulator in person
- vi. Only Speaking Orders/Recommendations by Cttee/regulator

MoEF staff are *accountable* for following GP guidelines and  
Operational Instructions

Implementation is reviewed every fortnight in Sr. Officers  
Meeting!



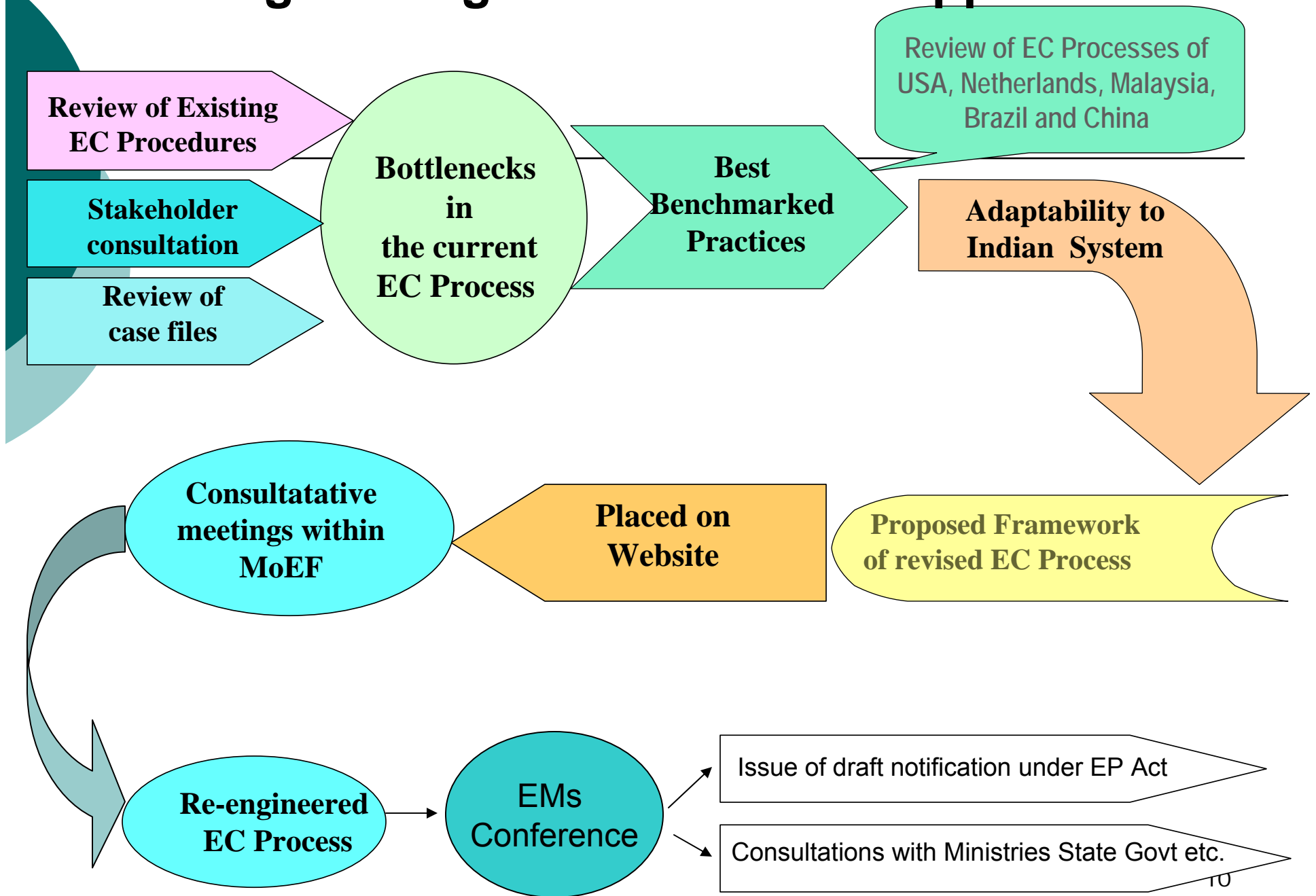


## Re-Engineering of EC process

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- Used results of World Bank – EMCB project
- Detailed consultations with concerned stakeholders on draft report
- Draft further revised in MOEF
- Draft notification finalized and issued on 15.9.2005

# Re-engineering of EC Process - Approach





## Proposed Re-engineered EC process ...

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- **Step 1:** Proponent prepares a checklist EIA in terms of standard prescribed format (*process is under control of proponent*)
- **Step 2:** Proponent submits checklist EIA to State PCB and MoEF simultaneously
- **Step 3:** In-house examination by MoEF staff, but mandatory submission to EAC for initial consideration within time-period specified by GP guidelines; *no issues to be raised directly with proponent by MoEF staff*



## Re-engineered EC...

- **Step 4:** “Screening”: EAC determines environmental category (i.e. ‘A’ for clearance by Centre; ‘B’ for clearance by SEIAA); and “Scoping”: i.e.TORs of the EIA for Cat A. State Government participates in screening and scoping,
- **Step 5:** Proponent prepares EIA in terms of prescribed TORs;
- **Step 6:** Public hearing to be conducted by SPCB within stipulated 60 days; *if not MoEF will nominate another agency under control of Central Government to do so*
- **Step 7:** Proponent submits completed EIA and results of public hearing to MoEF; in-house comments by MoEF but no correspondence/queries directly with proponent by MoEF staff;
- **Step 8 :** MoEF submits EIA with comments to EAC within time period specified in GP guidelines
- **Step 9:** EAC considers EIA together with MoEF comments; any information/clarifications to be sought **only once** in consolidated manner. Process to be completed in terms of GP guidelines time-limits

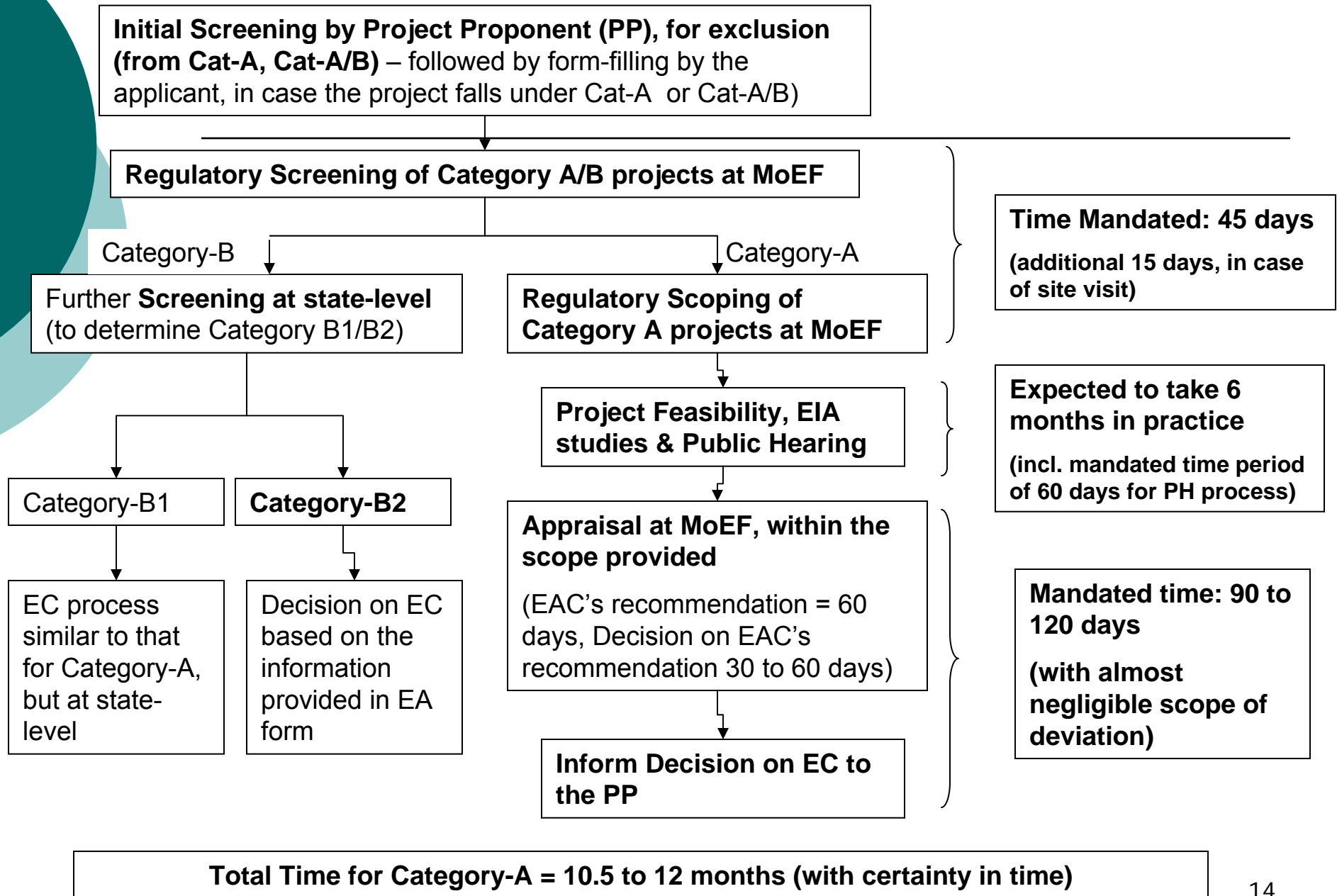


## Re-engineered EC...

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- **Step 10:** EAC recommendations to be submitted by MoEF with in-house comments to MEF; any information/queries may be sought by MEF only, not by staff
- **Step 11:** MoEF issues clearance with MEFs orders (statutory limit: 120 days limit from EACs recommendations), failing which proponent may proceed *in line with EACs recommendations*
- **Other:** Entire process from initial receipt of checklist to final clearance/refusal to be placed on MoEF website updated at each stage to facilitate stakeholder review of adherence to process/GP guidelines

# Overview of Re-engineered EC Process





## Conceptual basis of categorization of projects

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- Scale of Impact
- Severity of Impact
- Nature of location
- Based on above, categories of regulated activities are:

Category A: Clearance by Central Government

Category B: Clearance by State level Environmental Appraisal  
Agency

Category A/B: Classified by EAC of Central Government into  
A or B on basis of checklist at Screening stage

# 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 without reference to likely impacts	Criteria are: Scale of impact, severity of impact, nature of location
Scoping	None: Project Consultant has to guess at concerns of regulator	EAC specifies TORs leaving no scope for repeated iterations in EIA Process
Public Consultation	<p>Unstructured method, isolated from EMP and duration not under control of proponent</p> <p><i>Time limit of 60 days for PH (but no remedy if not done)</i></p>	<p>Clear structure; timeframe is determinate; safeguard against perverse iterations</p> <p><i>Time limit of 60 days for PH (but alternative provided if not done)</i></p>
Appraisal	Centralized; uncertain with respect to time and information for decision-making leading to multiple iterations	Decentralized. Defined time & information limits and outcomes at each stage of processing & decision-making leading to certainty in timeframe





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*Thank you for your attention!*

**LIST OF PROJECTS OR ACTIVITIES REQUIRING PRIOR ENVIRONMENTAL CLEARANCE**

S.No.	Project or Activity	NIC code (2004)	ISIC	Category			Conditions if any	
			Code	A	A/B	B		
1	<b>Mining, extraction of natural resources and power generation (for a specified production capacity)</b>							
	(a)	Mining of minerals	101excluding 10103, 102 excluding 10203, 120, 131, 132, 141, 142		≥ 50 ha. of mining lease area	< 50ha. > 15ha. of mining lease area	≤ 15 ha ≥ 5 ha .of mining lease area.	General Condition (GC-1)
	(b)	Offshore and onshore oil and gas exploration, development & production	1110, 1120		All projects	-	-	-
	©	River Valley projects	40101,45205, 45206		(i) ≥ 20 MW hydroelectric power generation; (ii) ≥ 10,000 ha. of culturable command area	-	(i) < 20 MW hydroelectric power generation; (ii) < 10,000 ha. of culturable command area	GC-1
	(d)	Thermal Power Plants	40102, 40103, 45207		≥ 500 MW (coal & gas based); ≥ 50 MW (diesel based)	-	< 500 MW (coal & gas based); <50 MW (diesel based)	GC-1

(e)	Nuclear power projects and processing of nuclear fuel	40104, 45207 23300		All projects	-		
<b>2</b>							
<b>Primary Processing</b>							
(a)	Coal washeries	10103, 10203		≥ 1 million ton/annum throughput of coal	-	<1million ton/annum throughput of coal	GC-1
(b)	Mineral beneficiation			≥ 0.1million ton/annum mineral throughput	-	< 0.1million ton/annum mineral throughput	GC-1
<b>3</b>							
<b>Materials Production</b>							
(a)	Primary metallurgical industries (ferrous & non ferrous)	271 excluding 27120, 272		All projects	-	-	-
(b)	Sponge iron industry	27120		-	-	All projects	GC-1
©	Cement plants	26941,26942, 26949		≥ 1.0 million tonnes/annum production capacity	-	<1.0 million tonnes/annum production capacity	C-1
(d).	Manufacture of lead acid batteries			All projects	-	-	-
<b>4</b>							
<b>Materials Processing</b>							
(a)	Petroleum refining industry	2320		All projects	-	-	-

	(b)	Coke oven plants	231		All projects	-	-	-
	©	Asbestos based products	-		All projects	-	-	-
	(d)	Chlor-alkali industry, soda ash industry	24117*		≥ 100 TPD production capacity or located outside the notified industrial area/ estate	-	<100 TPD production capacity and located within a notified industrial area/ estate	GC-1  (No new Mercury Cell based plants will be permitted and existing units converting to membrane cell technology are exempted from this Notification )
	(e)	Leather/skin/hide processing industry	1911 excluding 19116		-		Located within a notified industrial area/ estate	Specific condition (SC) (No new unit and expansion of an existing unit will be permitted outside a notified industrial area /estate)
5								<b>Manufacturing/Fabrication</b>

(a)	Chemical fertilizers	2412		All projects	-	-	-
(b)	Pesticides & Pesticides intermediates (excluding formulations)	2421*		All projects	-	-	-
©	Petro-chemical complexes (industries based on processing of petroleum fractions & natural gas and/or reforming to aromatics)			All projects	-	-	-
(d)	Manmade fibres manufacturing	2430		Rayon	-	Others	GC-1
(e)	Petrochemical based processing (processes other than cracking & reformation and not covered under the complexes)			Located out side the notified industrial area/ estate	-	Located in a notified industrial area/ estate	GC-1
(f)	Synthetic organic chemicals industry (dyes & dye intermediates; bulk drugs and intermediates; Synthetic rubbers; basic organic chemicals)	2411 excluding 24117*2423 excluding 24236*; 2413*		Located out side the notified industrial area/ estate		Located in a notified industrial area/ estate	SC

(g)	Distilleries	1551,		(i) All Molasses based distilleries		All Cane juice/non-molasses based distilleries – <30 KLD	GC-1
				(ii) All Cane juice/non-molasses based distilleries ≥30 KLD			
(h)	Integrated paint industry	24222		-	-	All projects	GC-1
(i)	Pulp & paper industry	2101		Pulp manufacturing and Pulp & Paper manufacturing industry	-	(Paper manufacturing industry without pulp manufacturing)	GC-1
(j)	Sugar Industry	1542 excluding (gur & boora) 15422&23, 15426 & 27		-	-	≥ 2500 tcd cane crushing capacity	GC-1
(k)	Induction/arc furnaces			-	-	All projects	GC-1 & SC

(l)	Automobile manufacturing units (Scooters, motorcycles, cars, trucks and other heavy duty vehicles)	3410		-	All projects	-	
<b>6 Service Sectors</b>							
(a)	Oil & gas transportation pipe line (crude and refinery/ petrochemical products)	60300		All projects passing through more than one State/UT	-	All projects within a State or UT	-
(b)	Isolated storage & handling of hazardous chemicals (As per threshold planning quantity indicated in column 3 of schedule 2 & 3 of MSIHC Rules 1989 amended 2000)	63023*			-	All projects	GC-1
<b>7 Physical Infrastructure including Environmental Services</b>							
(a)	Air ports			All projects	-	-	-

(b)	All ship breaking yards including ship breaking units	35117		All projects	-	-	-
©	Industrial estates/parks/ complexes/ areas, export processing Zones (EPZs), Special Economic Zones (SEZs), Biotech Parks, Leather Complexes ,having projects or activities which require EC as per Schedule	-		All projects covering an area >50 ha.	All projects covering an area of <50 ha -		
(d)	Common hazardous waste treatment, storage and disposal facilities (TSDFs)	-	3712, 3722, 3800	All projects	-	-	-
(e)	Ports, Harbours	45203*		≥ 5 million TPA of cargo handling capacity (excluding fishing harbours)	-	< 5 million TPA of cargo handling capacity and/or ports/ harbours ≥10,000 TPA of fish handling capacity	GC-1





<b>(f)</b>	Roads Highways	45203*		All new National Highways, Express ways and bypasses $\geq 30$ km length  or  All National Highways, Express way expansion projects $\geq 30$ km length and additional right of way of more than 20 m	-	All State Highway projects $\geq 30$ km length  All State Highway expansion projects $\geq 30$ km length and additional right of way of more than 20 m	GC-1
<b>(g)</b>	Aerial passengers ropeways $\geq 1000$ metre above the sea level	45203*			All projects		
<b>(h)</b>	Common Effluent Treatment Plants (CETPs)	-		-	All projects		



(i)	Common Biomedical Waste Management Facility (CBMWF)	-		-	-	All projects	GC-1
(j)	Common Municipal Solid Waste Management Facility (CMSWMF)	90001		-	-	All projects	GC-1
(k)	Mass Rapid Transport Systems in Metro Cities	60212		All projects			
(l)	Flyovers, Bridges, Tunnels in urban areas	45203				All projects	GC-1
<b>8 Construction/Town(ship)/Commercial Complexes/Housing</b>							
(a)	Construction of all projects (Residential and Non Residential)	45201, 45202,8511 0,55101 including 4510,4530,4 540,		≥1,00,000 sq.mtrs of built-up area		≥20000 sq.mtrs and <1,00,000 sq.mtrs. of built-up area#	GC-2 built up area for covered construction; in the case of facilities open to the sky, it will be the activity area
(b)	New Towns, townships and settlement colonies.	7010		Covering an area ≥100 ha.		Located in an area ≥50 ha and <100 ha	GC-2



**Note:**

- Code applicable only to the extent specified.

**Conditions:**

**General Conditions (GC):**

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**GC-1**

Any project or activity specified in category 'B' will be treated as category 'AB', if located in whole or in part within 10 km from the boundary of: (i) Protected Areas notified under the Wild Life (Protection) Act, 1972, (ii) Critically Polluted areas as identified by the Central Pollution Control Board from time to time, (iii) Notified Eco-sensitive areas, and (v) inter-State boundaries.

**GC-2:**

Projects or activities specified in category 'B' in Sl. 8(a) or 8(b) of schedule will be treated as "A/B" if located in whole or in part in Cities with population greater than 3 million as per the latest Census.

**Specific Conditions (SC):**

If any industrial estate/complex with homogeneous type of industries such as Items 3(b), 4(e), 5(f), 5(k) obtains prior environmental clearance, individual industries within such complexes will not be required to take prior environmental clearance, so long as the Terms and Conditions for the industrial complex/estate are complied with (Such estates/complexes must have a clearly identified management with the legal responsibility of ensuring adherence to the Terms and Conditions of prior environmental clearance, who may be held responsible for violation of the same throughout the life of the complex/estate).