

## **The Environment Impact Assessment (EIA) Notification, 2006:**

An **environmental impact assessment (EIA)** is an assessment of the possible impact-positive or negative-that a proposed project may have on the environment, together consisting of the natural, social and economic aspects. Its purpose is to identify, examine, assess and evaluate the likely and probable impacts of a proposed project on the environment and, thereby, to work out remedial action plans to minimize adverse impact on the environment. It is an important management tool for ensuring the justified use of natural resources during developmental process.

The Ministry of Environment Forests (MoEF) New Delhi has issued the **Environmental Impact Assessment Notification on 14<sup>th</sup> September, 2006**, which makes prior environmental clearance mandatory for the development activities listed in its schedule.

- **Prior Environmental Clearance Procedure:**

### **Step 1: Application for prior Environmental Clearance**

The following projects or activities requires prior environmental clearance from the concerned **regulatory authority**, before starting any construction work, or preparation of land by the project management (except fencing the land).

1. All new projects or activities listed in the **Schedule of EIA notification, 2006** (refer **Annexure I**);
2. Expansion and modernization of existing projects or activities listed in the Schedule with addition of capacity beyond the threshold limits specified for the concerned sector;
3. Any change in product - mix in an existing manufacturing unit included in Schedule beyond the specified range.

An application seeking prior environmental clearance has to be made in the prescribed **Form 1** and Supplementary **Form 1A**, if applicable, as given in the EIA Notification, 2006. The application has to be made after the identification of prospective site(s) for the project and/or activities, before commencing any construction activity, or preparation of land, at the site by the applicant. The applicant is also required to submit the pre-feasibility project report along with the application. In case of **Building /Construction projects / Area Development projects and Townships**, the applicant is required to submit conceptual plan instead of the pre-feasibility report.

All projects and activities are broadly categorized in **to two categories - Category A and Category B**, based on the spatial extent of potential impacts and potential impacts on human health and natural and man made resources. As per categorization of projects (A or B) defined in the Schedule of EIA Notification, applicant should submit the proposal to Central Government or State Authority.

**The Category ‘A’ projects / activities requires prior environmental clearance from the Ministry of Environment and Forests (MoEF) on the recommendations of Expert Appraisal Committee (EAC) constituted by the Central Government. At State level the State Environment Impact Assessment Authority (SEIAA) is the regulatory authority for matters falling under Category ‘B’, which receives projects recommended by State level Expert Appraisal Committee (SEAC). The SEAC & SEIAA are constituted by Central Government.**

## **Step 2: Project Appraisal at SEAC**

Received applications are processed by SEAC in **4 stages** viz. **Screening, Scoping, Public Consultation & Appraisal**. After appraising, the SEAC recommends the project to SEIAA, along with its suggestions about issuing 'Environmental Clearance' or rejecting the application. The detail procedure followed during these 4 stages is as below:

### **Stage (1) - Screening:**

- This stage involves the scrutiny of application by SEAC for Category 'B' projects or activities. SEAC determines whether or not the project or activity requires further environmental studies for preparation of an **Environmental Impact Assessment (EIA)**, depending upon the nature and location specificity of the project.
- The projects requiring an EIA report is termed as **Category 'B1'** and remaining projects are termed as **Category 'B2'**.

### **Stage (2) - Scoping:**

- "Scoping" refers to the process by which the EAC (for Category 'A' projects or activities), and SEAC (for Category 'B1' projects or activities) determine detailed and comprehensive **Terms of Reference (TOR)** addressing all relevant environmental concerns for the preparation of an Environment Impact Assessment (EIA) Report in respect of the project or activity for which prior environmental clearance is sought.
- Applications for prior environmental clearance may be rejected by the regulatory authority concerned (MoEf or SEIAA) on the recommendation of the EAC or SEAC concerned at this stage itself. In case of such rejection, the decision together with reasons for the same has to be communicated to the applicant in writing within sixty days of the receipt of the application.

### **Stage (3) - 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 with a view to taking into account all the material concerns in the project or activity design as appropriate.
- All Category 'A' and Category B1 projects or activities are required to undertake Public Consultation, except the following:-
  1. Modernization of irrigation projects (item 1(c) (ii) of the Schedule).
  2. All projects or activities located within industrial estates or parks (item 7(c) of the Schedule) approved by the concerned authorities, and which are not disallowed in such approvals.
  3. Expansion of Roads and Highways (item 7 (f) of the Schedule) which do not involve any further acquisition of land.
  4. All Building /Construction/ Area Development projects and Townships (item 8).
  5. All Category 'B2' projects and activities.
  6. All projects or activities concerning national defense and security or involving other strategic considerations as determined by the Central Government.
- The Public Consultation is ordinarily comprised of two components:-

1. A public hearing at the site or in its close proximity- district wise, to be carried out in the manner prescribed in the notification, for ascertaining concerns of local affected persons;
  2. Obtain responses in writing from other concerned persons having a plausible stake in the environmental aspects of the project or activity.
- The public hearing at, or in close proximity to, the site(s) in all cases is conducted by the State Pollution Control Board (SPCB) or the Union territory Pollution Control Committee (UTPCC) concerned in the specified manner and forward the proceedings to the regulatory authority concerned within 45 (forty five ) days of a request to the effect from the applicant.
  - After completion of the public consultation, the applicant shall address all the material environmental concerns expressed during this process, and make appropriate changes in the draft EIA and EMP. The final EIA report, so prepared, has to be submitted by the applicant to the concerned regulatory authority for appraisal. The applicant may alternatively submit a supplementary report to draft EIA and EMP addressing all the concerns expressed during the public consultation.

**Stage (4) - Appraisal:**

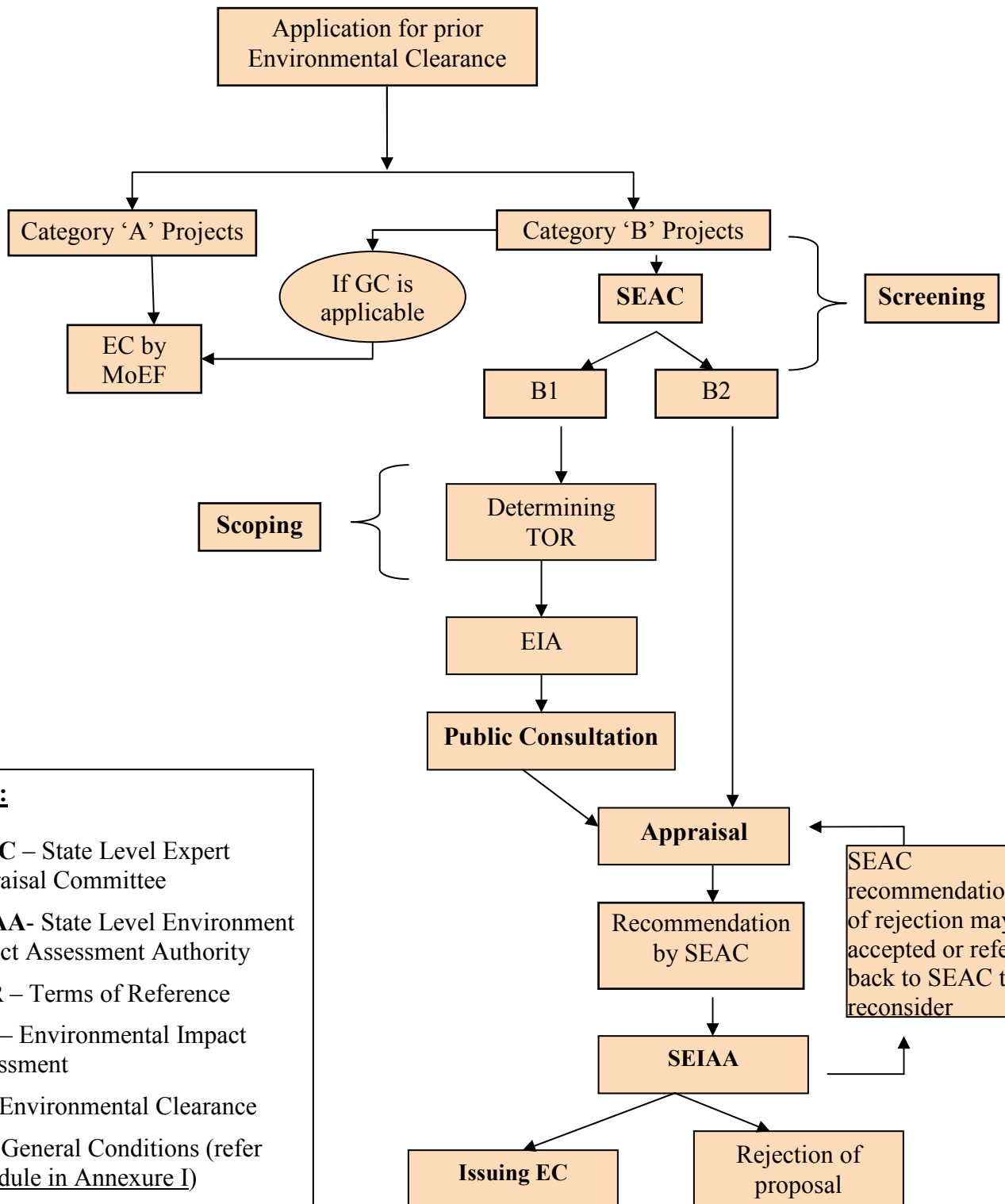
- ‘Appraisal’ means the detailed scrutiny by the EAC or SEAC of the application and other documents like the Final EIA report, outcome of the public consultations including public hearing proceedings, submitted by the applicant to the regulatory authority concerned for grant of environmental clearance.
- This appraisal has to be made by EAC or SEAC concerned in a transparent manner in a proceeding to which the applicant is invited for furnishing necessary clarifications in person or through an authorized representative.
- On conclusion of this proceeding, the EAC or SEAC concerned makes categorical recommendations to the regulatory authority concerned either for grant of prior environmental clearance on stipulated terms and conditions, or rejection of the application for prior environmental clearance, together with reasons for the same.
- The appraisal of an application has to be completed by the EAC or SEAC concerned within sixty days of the receipt of the final Environment Impact Assessment report and other documents or the receipt of Form 1 and Form 1A, where public consultation is not necessary and the recommendations of the EAC or SEAC has to be placed before the competent authority for a final decision within the next fifteen days.

The members of the EAC and SEAC, concerned, may inspect any site(s) connected with the project or activity in respect of which the prior environmental clearance is sought, for the purposes of screening or scoping or appraisal.

### **Step 3: 'Environmental Clearance' by SEIAA**

A **State Level Environment Impact Assessment Authority (SEIAA)** is constituted by the Central Government under the Environment (Protection) Act, 1986 for the purpose of the EIA notification. This is the 'Environmental Clearance' issuing authority, which scrutinizes the projects appraised by SEAC and gives the final decision on issuing 'Environmental Clearance' or rejecting the application.

**Procedural work flow for Environmental Clearance:**



**Note:**  
**SEAC** – State Level Expert Appraisal Committee  
**SEIAA**- State Level Environment Impact Assessment Authority  
**TOR** – Terms of Reference  
**EIA** – Environmental Impact Assessment  
**EC**- Environmental Clearance  
**GC**- General Conditions (refer Schedule in Annexure I)

**Annexure I - SCHEDULE**

**(See paragraph 2 and 7) LIST OF PROJECTS OR ACTIVITIES**

**REQUIRING PRIOR ENVIRONMENTAL CLEARANCE**

		Category with threshold limit		Conditions if any
Project or Activity		A	B	
<b>1</b>		<b>Mining, extraction of natural resources and power generation (for a specified production capacity)</b>		
<b>(1)</b>	<b>(2)</b>	<b>(3)</b>	<b>(4)</b>	<b>(5)</b>
<b>“1(a)</b>	<p><b>(i) Mining of minerals</b></p> <p><b>(ii) Slurry pipelines (coal lignite and other ores) passing through national parks/ sanctuaries/ coral reefs, ecologically sensitive areas.</b></p>	<p><b>≥50 ha of mining lease area in respect on non-coal mine lease.</b></p> <p><b>&gt; 150 ha of mining lease area in respect of coal mine lease.</b></p> <p><b>Asbestos mining irrespective of mining area.</b></p> <p><b>All Projects.</b></p>	<p><b>&lt; 50 ha ≥ 5 ha of mining lease area in respect of non-coal mine lease.</b></p> <p><b>≤ 150 ha ≥ 5 ha of mining lease area in respect of coal mine lease.</b></p>	<p><b>General Condition shall apply</b></p> <p><b>Note:</b></p> <p><b>(i) Prior Environmental Clearance is as well required at the stage of renewal of mine lease for which application should be made up to one year prior to date of renewal.</b></p> <p><b>(ii) Mineral prospecting is exempted</b></p>
<b>1(b)</b>	Offshore and onshore oil and gas exploration, development & production	All projects		Note Exploration Surveys (not involving drilling) are exempted provided the concession areas have got previous clearance for physical survey

1(c)	River projects Valley	(i) $\geq 50$ MW hydroelectric power generation; (ii) $\geq 10,000$ ha. of culturable command area	(i) $< 50$ MW $\geq 25$ MW hydroelectric power generation; (ii) $< 10,000$ ha. of culturable command area	<b>“General Condition shall apply.</b>  <b>Note: Irrigation Project not involving submergence or interstate domain shall be appraised by the SEIAA as Category ‘B’ Projects.”;</b>
1(d)	Thermal Power Plants	<b>“<math>\geq 500</math> MW (coal/lignite/naphtha &amp; gas based);</b>  <b><math>\geq 50</math> MW (Pet coke, diesel and all other fuels including refinery residual oil waste except biomass);</b>  <b><math>\geq 20</math> MW (based on biomass or non hazardous municipal solid waste as fuel).”;</b>	<b>“<math>&lt; 500</math> MW (coal/lignite/naphtha &amp; gas based);</b>  <b><math>&lt; 50</math> MW <math>\geq 5</math> MW (Pet coke, diesel and all other Fuels including refinery residual oil waste except biomass);</b>  <b><math>&lt; 20</math> MW <math>&gt; 15</math> MW (based on biomass or non hazardous municipal solid waste as fuel).”;</b>	<b>“General Condition shall apply.</b> <b>Note:</b> <b>(i) Power plants up to 15 MW based on biomass and using auxiliary fuel such as coal/ lignite / Petroleum products up to 15% are exempt.</b> <b>(ii) Power plants up to 15 MW, based on non-hazardous municipal waste and using auxiliary fuel such as coal / lignite / petroleum products up to 15% are exempt.</b> <b>(iii) Power plants using waste heat boiler without any auxiliary fuel are exempt.”;</b>

(1)	(2)	(3)	(4)	(5)
1(e)	Nuclear power projects and processing	All projects		
2	<b>Primary Processing</b>			
2(a)	Coal washeries	≥ 1 million ton/annum throughput of coal	<1 million ton/annum throughput of coal	General Condition shall apply (If located within mining area the proposal shall be appraised together with the mining proposal)
2(b)	Mineral beneficiation	≥ 0.1 million ton/annum mineral throughput	< 0.1 million ton/annum mineral throughput	General Condition shall apply (Mining proposal with Mineral beneficiation shall be appraised together for grant of clearance)
3	<b>Materials Production</b>			
3(a)	Metallurgical industries (ferrous & non ferrous)	a)Primary metallurgical industry All projects b) Sponge iron manufacturing ≥ 200TPD c)Secondary metallurgical processing industry All toxic and heavy metal producing units ≥ 20,000 tonnes /annum	Sponge iron manufacturing <200TPD Secondary metallurgical processing industry i.)All toxic and heavy metal producing units <20,000 tonnes /annum ii.)All other non -toxic secondary metallurgical processing industries >5000 tonnes/annum	<b>“General Condition shall apply.</b>  <b>Note:</b> <b>(i) The recycling industrial units registered under the HSM Rules, are exempted.</b>  <b>(ii) In case of secondary metallurgical processing industrial units, those projects involving operation of furnace, only such as induction and electric arc furnace, submerged arc furnace, and cupola with capacity more than 30,000 tonnes per annum(TPA) would require environmental clearance.</b>  <b>(iii) Plants / units other than power plants (given against entry no. 1(d) of the schedule), based on municipal solid waste (non-hazardous) are exempted.”</b>



(1)	(2)	(3)	(4)	(5)
3(b)	Cement plants	≥1.0million<1.0 million tonnes/annum production capacity	<1.0 million tonnes/annum production capacity. All Stand alone grinding units	General Condition shall apply
4	<b>Materials Processing</b>			
4(a)	Petroleum refining industry	All projects		
4(b)	Coke oven plants	≥2,50,000 tonnes/annum	<2,50,000 & ≥25,000 tonnes/annum	<b>“ General Conditions shall apply”,</b>
4(c)	Asbestos milling and asbestos based products	All projects		
4(d)	Chlor-alkali industry	≥300 TPD production capacity or a unit located out side the notified industrial area/ estate	<b>“(i) All Projects irrespective of the size, if it is located in a Notified Industrial Area/Estate.  (ii) &lt;300 tonnes per day (TPD) and located outside a Notified Industrial Area/Estate.”;</b>	<b>“General as well as Specific Condition shall apply  No new Mercury Cell based plants will be permitted and existing units converting to membrane cell technology are exempted from this notification.,”;</b>
4(e)	Soda ash Industry	All projects	-	-
4(f)	Leather/skin/hide processing industry	New projects outside the industrial area or expansion of existing units out side the industrial area	All new or expansion of projects located within a notified industrial area/ estate	<b>“General as well as specific condition shall apply.”</b>
5	<b>Manufacturing/Fabrication</b>			
5(a)	Chemical fertilizers	<b>“All projects except Single Super Phosphate.”</b>	<b>“Single Super Phosphate”;</b>	-

(1)	(2)	(3)	(4)	(5)
5(b)	Pesticides industry and pesticide specific intermediates (excluding formulations)	All units producing technical grade pesticides		
5(c)	Petro-chemical complexes (industries based on processing of petroleum fractions & natural gas and/or reforming to aromatics)	All projects		
5(d)	Manmade fibers manufacturing	Rayon	Others	General Condition shall apply
5(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	<b>“General as well as specific conditions shall apply.”</b>
5(f)	Synthetic organic chemicals industry (dyes & dye intermediates; bulk drugs and intermediates excluding drug formulations; synthetic rubbers; basic organic chemicals, other synthetic organic chemicals and chemical intermediates)	Located out side the notified industrial area/ estate	Located in a notified industrial area/ estate	<b>“General and specific conditions shall apply.”</b>

(1)	(2)	(3)	(4)	(5)
5(g)	Distilleries	(i) All Molasses based distilleries (ii) All Cane juice/ non-molasses based distilleries $\geq 30$ KLD	All Cane juice/non-molasses based distilleries <30KLD	General Condition shall apply
5(h)	Integrated paint industry	-	All projects	General Condition shall apply
5(i)	Pulp & paper industry excluding manufacturing of paper from waste paper and manufacture of paper from ready pulp with out bleaching	Pulp manufacturing and Pulp& Paper manufacturing industry -	Paper manufacturing industry without pulp manufacturing	General Condition shall apply
5(j)	Sugar Industry	-	$\geq 5000$ tcd cane crushing capacity	General Condition shall apply
6		Service Sectors		
6(a)	Oil & gas transportation pipe line (crude and refinery/ petrochemical products), passing through national parks /sanctuaries/coral reefs /ecologically sensitive areas including LNG Terminal	All projects -		

(1)	(2)	(3)	(4)	(5)
6(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)		All projects	General Condition shall apply
7		<b>Physical Infrastructure including Environmental Services</b>		
7(a)	Air ports	<b>“All projects including airstrips, which are for commercial use.”;</b>		<b>“Note: Air strips, which do not involve bunkering/refueling facility and or Air Traffic Control, are exempted.”;</b>
7(b)	All ship breaking yards including ship breaking units	All projects		
7(c)	Industrial estates/parks/ complexes/ areas, export processing Zones (EPZs), Special Economic Zones (SEZs), Biotech Parks, Leather Complexes.	If at least one industry in the proposed industrial estate falls under the Category A, entire industrial area shall be treated as Category A, irrespective of the area. Industrial estates with area greater than 500 ha. and housing at least one Category B industry.	Industrial estates housing at least one Category B industry and area <500 ha. Industrial estates of area > 500 ha. and not housing any industry belonging to Category A or B.	<b>“General as well as specific conditions shall apply.</b>  <b>Note:</b> <b>1. Industrial Estate of area below 500 ha and not housing any industry of Category ‘A’ or ‘B’ does not require clearance.</b>  <b>2. If the area is less than 500 ha but contains building and construction projects &gt; 20,000 Sq mtr. and or development area more than 50 ha it will be treated as activity listed at serial no. 8(a) or 8(b) in the Schedule, as the case may be.”</b>
7(d)	Common hazardous waste treatment, storage and disposal facilities (TSDFs)	All integrated facilities having incineration & landfill or incineration alone	All facilities having land fill only	General Condition shall apply

(1)	(2)	(3)	(4)	(5)
7(e)	<b>“Ports, harbours, break waters, dredging.”</b>	≥ 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	<b>“General Condition shall apply.</b> <b>Note:</b> <b>1. Capital dredging inside and outside the ports or harbors and channels are included;</b> <b>2. Maintenance dredging is exempt provided it formed part of the original proposed for which Environment Management Plan (EMP) was prepared and environmental clearance obtained.”</b>
7(f)	Highways	i) New National High ways; and ii) Expansion of National High ways greater than 30 KM, involving additional right of way greater than 20m involving land acquisition and passing through more than one State.	<b>“ (i) All New State Highway Projects”</b> <b>(ii) State Highway expansion projects in hilly terrain (above 1,000 m AMSL) and or ecologically sensitive areas.”;</b>	<b>“General Condition shall apply .</b> <b>Note: Highways include expressways.”</b>
7(g)	Aerial ropeways	<b>“(i) All Projects located at altitude of 1,000 mtr. and above</b> <b>(ii) All Projects located in notified ecologically sensitive areas.”;</b>	<b>“All projects except those covered in column (3).”</b>	General Condition shall apply
7(h)	Common Effluent Treatment Plants (CETPs)		All projects	General Condition shall apply

(1)	(2)	(3)	(4)	(5)
7(i)	Common Municipal Solid Waste Management Facility (CMSWMF)		All projects	General Condition shall apply
8		<b>Building /Construction projects/Area Development projects and Townships</b>		
8(a)	Building and Construction projects		$\geq 20000$ sq.mtrs and $< 1,50,000$ sq.mtrs. of built-up area#	The built up area for the purpose of this Notification is defined as “the built up or covered area on all the floors put together including basement(s) and other service
8(b)	Townships and Area Development projects.		Covering an area $\geq 50$ ha and or built up area $\geq 1,50,000$ sq.mtrs++	++All projects under Item 8(b) shall be appraised as Category B1

**Note:-**

**“General Condition (GC):**

Any project or activity specified in Category 'B' will be treated as Category 'A', 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 notified by the Central Pollution Control Board from time to time; (iii) Eco-sensitive areas, as notified under section 3 of the Environment (Protection) Act, 1986, such as Mahabaleshwar, Pangani, Matheran, Panchmarhi, Dhanu, Doon valley, and (iv) inter-State boundaries and international boundaries:

Provided that the required regarding distance of 10 km of the inter-State boundaries can be reduced or completely done away with by an agreement between the respective States or U.Ts sharing the common boundary in case the activity does not fall within 10 kilometers of the areas mentioned at item (i),(ii) and (iii) above.”

**Specific Condition (SC):**

If any Industrial Estate/Complex / Export processing Zones /Special Economic Zones/Biotech Parks / Leather Complex with homogeneous type of industries such as Items 4(d), 4(f), 5(e), 5(f), or those Industrial estates with pre -defined set of activities (not necessarily homogeneous, obtains prior environmental clearance, individual industries including proposed industrial housing within such estates /complexes will not be required to take prior environmental clearance, so long as the Terms and Conditions for the industrial estate/complex 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).