

No.J-20012/11/98-IA.II(M)
Government of India
Ministry of Environment & Forests

Paryavaran Bhawan,
CGO Complex, Lodi Road,
New Delhi-110003.

Dated: 28th October 2004

C I R C U L A R

In modification to the Circular dated 12.02.2004 in regard to the procedure for obtaining environmental clearance in the case of mining projects under the Environmental Impact Assessment (EIA) Notification, 1994 and amendments thereto, the following are to be followed with immediate effect:

I APPLICABILITY OF EIA NOTIFICATION 1994

The EIA Notification, 1994 as amended from time to time shall include:

- (i) Mining projects of major mineral with more than 5ha lease area, which have started production or increased their production and/or lease area on or after 27.01.994.
- (ii) In addition, all mining projects of major minerals of more than 5 ha lease area which have so far not obtained an environmental clearance under the EIA Notification, 1994 shall do so at the time of renewal of their lease in the context of the SC Judgement dated 18.03.2004 in W.P. 4677/1985 – M.C.Mehta vs UOI & Ors.

II ISSUES PERTAINING TO ROUTING/FORWARDING OF PROPOSAL.

- (i) **Routing of proposal through the concerned Central Government/State Government Department is a must with reference to the following:**
 - (a) The projects in respect of which an application is being made to the Ministry of Environment & Forests for Site/Environmental clearance for the first time either for new lease area/expansion in lease area and/or production or both or for renewal of lease area.
- (ii) **Nodal Department for routing of applications:**
 - (a) The nodal Department in the State Government for routing of proposals of private sector companies is the State Mines and Geology Department or the Department that controls the Mines & Geology/ Mineral Resources Dept./Division.

- (b) Public Sector Projects should be routed through their respective Ministries in the Central Government.
- (iii) The forwarding letter of the Central Govt. Dept./State Govt. must clearly indicate the following:**
- (a) Name of the proposal.
 - (b) Name of the Company.
 - (c) Location: village, Taluk/Mandal, District and State.
 - (d) Details of lease area and production.
 - (e) Details of expansion from ha/tpa toha/tpa (if expansion in area and/or in production).
- (iv)** If the application involves different leases of the same company from the same area/region, then a separate application for each lease has to be made and the forwarding letter should also preferably be for each separate application. In case, the State Government forwards the proposals in one composite letter, then the letter must clearly specify the names of all the leases, their location (village, Taluk, and District), lease area and production capacity for each of the applications.
- (v) Routing of proposal is not required for the following:**
- (a) If the project has already been accorded environmental clearance once from MOEF (after 27.01.1994) and is now again applying for expansion (in lease area and/or production) **for the same project.**
 - (b) IBM/Ministry of Coal's approval of the Mining Plan for the total lease area/project area as the case may be has been obtained even if the application is being made for the first time.

III Expansion in Production

The term 'expansion' would include increase in production or lease area or both.

- (a) If the rated capacity given in the Environmental Clearance letter is being exceeded it would constitute expansion.
- (b) The projects cannot increase production even if they have the IBM/Min. of Coal's approval for the enhanced production until environmental clearance is obtained for the enhanced rated capacity.
- (c) If the annual production of any year from 1994-95 onwards exceeds the annual production of 1993-94 or its preceding years (even if approved by IBM), it would constitute expansion.
- (d) Expansion in production beyond the approved capacity however small would constitute a violation and attract the penal provisions of the Environment (Protection) Act. Therefore, the proponent should make a suitable calendar plan for obtaining clearance for the maximum annual

production levels achievable from the project. The EIA-EMP Study should also be prepared keeping this in view. If the production increases/is proposed to increase beyond what was submitted in the EIA-EMP report for which an environmental clearance was obtained/applied for, then it would constitute expansion.

IV ISSUES PERTAINING TO PUBLIC HEARING

Public Hearing for all mining projects, which attract the provisions of the EIA Notification, 1994 as amended from time to time. However, in view of the various queries received from time to time, it is clarified that Public Hearing is a pre-requisite for the following projects:

- (i) If the proposal is a new one.
- (ii) If a pre-1994 project is being submitted for environmental clearance to MOEF for the first time for proposed expansion in production and or lease area.
- (iii) If a project had obtained an environmental clearance between 1994-1997 (prior to introduction of Public Hearing), and is now applying for environmental clearance for expansion in lease area and/or production.
- (vi) If a project had obtained environmental clearance after 10.09.1997 (after the notification on Public Hearing) and has had Public Hearing already for the original lease area, but is now applying for environmental clearance for expansion in lease area.
- (v) If a project had obtained environmental clearance after 10.09.1997 (after the notification on Public Hearing) and has already had Public Hearing on the proposal and is now applying for expansion in production only.

V ISSUES PERTAINING TO EIA-EMP REPORT

- (a) EIA-EMP Report based on data that is more than **3 years** old shall not be accepted by the MOEF.
- (b) The EIA-EMP Report in the cover as well as in the Introduction para must clearly state the rated capacity and the period for which the study has been made.
- (c) Environmental clearance will be valid only for the rated capacity for which the EIA-EMP Report has been prepared even if the project has IBM approval for a higher rated capacity/production.
- (d) If the proponent has already obtained an environmental clearance after 27.01.1994 and has applied again for increase in production and/or lease area within 5 years from date of obtaining environmental clearance, then a Supplementary EIA-EMP Report incorporating the essential issues should be

submitted to MOEF while making the application in the relevant form and questionnaire along with NOC and Public Hearing and IBM approval for the proposed expansion. A copy of the original EIA-EMP Report would be required to be submitted for the appraisal.

- (e) If there are several mining leases in the same area located contiguous or adjacent to each other or at a distance from each other, the EIA-EMP Report should be prepared for the baseline data of the lease area (core zone) and 10km study area (buffer zone) around each mine separately for each mine.

VI (a) All Mining Plans/Renewal of Mining Schemes close to the last year of the Plan/Scheme period would require to submit the IBM Approval of their renewal for the next 5-year Period while submitting their application for environmental clearance. As Ministry of Coal is approving Mine Plan for the entire life of the mine, the approved calendar plan for annual production for the life of the mine should be submitted.

- (b) If the project after grant of environmental clearance, obtains approval for Mining Plan/renewal of Mining Scheme for a rated capacity higher than that for which the Environmental clearance was granted, a fresh application in accordance with the procedure specified in the EIA Notification should be submitted for obtaining environmental clearance for the higher rated capacity.

(R.CHANDRAMOHAN)

Joint Secretary to the Government of India

To

1. All State Governments (Department of Mines & Geology, Dept. of Environment & Forests)
2. All State Pollution Control Boards
3. FIMI and other Mine Associations
4. Ministry of Coal & Mines: Department of Coal, Department of Mines
5. Indian Bureau of Mines and Coal India Limited
6. MOEF Regional Offices

* * *

AMENDMENT TO NOTIFICATION ON PUBLIC HEARING DT. 10.09.1997

ON PUBLIC HEARING: Presently, there is no provision in the P.H. Notification for reconduct of P.H. There is also no time limit prescribed thereunder for its validity. An amendment to the EIA Notification on P.H. is reqd. specifying that the validity for submission of a P.H. for obtaining environmental clearance is for a maximum period of 5 years only. The amendment will cover the following issues:

Fresh conduct of Public hearing is required w.r.t the following:

- (i) If the proposal was received in the MOEF beyond 5 years time limit from the date of conduct of P.H.
- (ii) Application was received in the MOEF but the file was closed/returned back to proponent/rejected due to any reason (may or may not in reference to P.H.) and 5 years had elapsed since the conduct of P.H.
- (iii) Project was not taken up by the PP even 5 years after the issuance of the environmental clearance.
- (iv) The EIA-EMP Report submitted by the Proponent required extensive revision/resubmission. Summary Report of the revised EIA-EMP report would require to be placed in a P.H. conducted afresh as a result of changes/modifications made to the EIA-EMP Report indicates change in impacts.

No J-11013/41/2006-IA.II (I)
Government of India
Ministry of Environment and Forests
(IA Division)

Paryavaran Bhavan
CGO Complex, Lodhi Road
New Delhi 110003

13th October 2006

CIRCULAR

Subject: EIA Notification 14 September 2006 – Interim Operational Guidelines till 13 September 2007 in respect of applications made under EIA 1994.

Pursuant to the new Environment Impact Assessment Notification of 14 September 2006 ("EIA 2006") replacing the EIA Notification of 27 January 1994 and its various amendments ("EIA 1994"), and in terms of the provisions of Section (Para) 12 of EIA 2006, the following Interim Operational Guidelines are issued for the period up to 13 September 2007, with the approval of the Competent Authority:

1.0 Applications involving violation of EIA 1994:

1.1 Applications which were pending consideration for EIA Appraisal as on 14 September 2006: All such applications, provided the activity is included in Schedule of EIA Notification 2006, are to be considered as per the provisions of EIA 1994, and will continue to attract action under the relevant provisions of the Environment (Protection) Act (EPA) 1986. For those applications which are not covered under EIA 2006 only action under the relevant provisions of the EP Act, 1986 for violation of EIA 1994, will be pursued.

1.2 New applications (under EIA 1994) for EIA Appraisal received on or after 14 September 2006 and up to 30th June, 2007: All such complete applications with Public Hearing proceedings where it was necessary under EIA 1994 and provided the activity is included in Schedule of EIA Notification 2006, will continue to attract action under the relevant provisions of the Environment

Protection Act 1986. Otherwise, they would undergo EIA Appraisal by Central Government as per the procedure of EIA (1994)

2.0 Applications NOT involving violation of EIA 1994: No NOC will be required from the SPCB/State Government/UT Administration in such cases for consideration for EIA Appraisal. The following are further specific instructions:

2.1 Applications for EIA Appraisal were pending with MOEF as on 14 September 2006:

2.1.1 Activity requires EIA Appraisal as per Schedule of EIA 2006: There are several sub cases:

- (i) **EIA has already been prepared, and PH conducted as per EIA 1994:** The EIA would be evaluated by the Expert Appraisal Committee (EAC), without insistence on the submission of FORM I/A required under EIA 2006. In case the EIA document is considered complete and accurate, the EC would consider the same, together with the PH proceedings, even if PH is not required under EIA 2006, and furnish its recommendations. In case the EIA document is considered incomplete and/or inaccurate, the EAC would specify ALL the additional Terms of Reference (TORs) to be undertaken by the project sponsor. In case PH is required under EIA 2006, the proceedings of the PH conducted as per EIA 1994 would be considered along with the EIA by the EAC, which would provide its recommendations.

- (ii) **EIA has already been prepared, but PH NOT conducted:** The EIA would be evaluated by the Expert Appraisal Committee (EAC), without insistence on the submission of a FORM I/A required under EIA 2006. In case the EIA document is considered complete and accurate, and PH if required under EIA 2006, the same would be conducted as per the provisions of EIA 2006. In case the EIA document is considered incomplete and/or inaccurate, the EAC would specify ALL the additional Terms of Reference (TORs) to be undertaken by the project sponsor. If required under EIA 2006, the PH would be conducted as per the provisions of EIA 2006. When a complete and accurate EIA document is available, together with the PH proceedings, if required under EIA 2006, the EAC would consider the same and furnish its recommendations.

(iii) Neither has EIA been prepared nor PH conducted. In such cases, the project proponent would be advised to follow the procedure of EIA 2006 in its entirety.

2.1.2 Activity does NOT require EIA Appraisal as per EIA 2006: In all such cases, the applicant shall be informed that the activity does not require EIA Appraisal as per EIA 2006, and the application may be returned to him.

2.2 New applications for EIA Appraisal received on or after 14 September 2006 ^{AM} up to 30th June, 2007: No NOC from SPCB/State Government/UT Administration is necessary in such cases. Such cases may be considered as follows:

2.2.1 Activity requires EIA Appraisal by the MoEF as per Schedule of EIA 2006: The EIA Appraisal applications will be dealt with as follows:

(i) **EIA document has been submitted:** The EAC would not request the submission of the FORM I/A as per EIA 2006, and evaluate the EIA for completeness and accuracy. In the event that it is found to be incomplete and/or inaccurate, the EAC, would specify ALL the additional TORs to be accomplished by the proponent. Upon receipt of the revised EIA, the same would be considered further. In case (or as and when) the EIA as submitted is found to be in order, the same would be considered further by the EAC. In addition if the activity requires PH as per EIA 2006:

(a) In case PH has been conducted as per the procedure of EIA 1994, it would be considered along the EIA by the EAC, which would provide its recommendations.

(b) In case PH has not been conducted at all, it would be conducted as per the procedure of EIA 2006.

2.2.2 Activity requires EIA Appraisal/Clearance by the SEIAA /SEAC as per Schedule of EIA 2006, but SEIAA/SEAC has not yet been notified: The EIA Appraisal applications will be processed/evaluated by MoEF as per the procedure above, till such time as the concerned SEIAA/SEAC is notified. Upon such notification, the papers will be promptly transferred to the SEIAA for further consideration as above.

3.0

Applications in respect of category of Thermal Power projects pending with the State Government under EIA 1994 (delegated powers): The above applications will fall in two categories:

3.1.1 EIA has already been prepared, and PH conducted as per EIA 1994:

All such pending applications should be transferred to concerned SEIAA. In the absence of a duly notified SEIAA the applications should be forwarded to MoEF

3.1.2 EIA has already been prepared, but PH NOT conducted:

The SPCB concerned should be directed to conduct and complete PH as in EIA 2006. Thereafter action should be taken as in 3.1.1 above.

4.0

Applications pending with SPCB's for PH:

In all such cases SPCB's will conduct PH as per procedure prescribed in EIA 2006 and the proceedings should be forwarded to the MOEF /SEIAA.

5.0 No application made as per EIA 1994 will be accepted after 1st July, 2007 for appraisal and clearance under EIA 2006


G.V. Subrahmanyam
Director

To:

All officers of IA Division/SPCBs/State Governments/UT Administrations
MoEF website

Copy to:

1. PPS to Secretary E&F
2. PPS to AS (CC)
3. PS to JS (CC-II)

NoJ-11013/41/2006-IA.II(I)
Government of India
Ministry of Environment and Forests
(IA. Division)

Paryavaran Bhawan
CGO Complex, Lodhi Road,
New Delhi – 110 003

Dated 13th October, 2006

CIRCULAR

Sub: ***EIA Notification 14th September, 2006 – Follow-up action.***

Pursuant to the New Environment Impact Assessment (EIA) Notification coming into force with effect from 14th September, 2006 and a number of new activities viz. coal washeries, mineral beneficiation, coke oven plants, sugar industry, industrial estates/EPZs/SEZs, TSDFs, CETPs, Common Municipal Solid Waste Management Facilities are included in the Schedule to the New Notification, these activities are to be clubbed with appropriate sectors for the purpose of appraisal of such proposals by the respective sectoral Expert Committees.

Accordingly, the following clubbing for the purpose of appraisal in respective sectoral committees is to be followed:

New Activity	Concerned Sectoral Expert Committee for Appraisal
Coal Washeries	Expert Committee (Mining)
Mineral Beneficiation	Expert Committee (Mining)
Sponge Iron Manufacturing > 200 TPD	Expert Committee (Industry)
All Toxic and Heavy Metal Producing units \geq 20,000 tonnes/annum	Expert Committee (Industry)
Coke Oven Plant \geq 2,50,000 TPA	Expert Committee (Industry)
Sugar Industry	Expert Committee (Industry)

Soda Ash Industry	Expert Committee (Industry)
All Ship Breaking Yards including the Ship Breaking Units	Expert Committee (Infrastructure)
Industrial Estates/Parks/Complexes/EPZs/SEZs/Bio-tech, Leather Complexes.	Expert Committee (Infrastructure)
Common Hazardous Waste Treatment Storage and Disposal Facilities (TSDF)	Expert Committee (Infrastructure)
Aerial Ropeways	Expert Committee (Infrastructure)
Common Effluent Treatment Plants CETPs	Expert Committee (Infrastructure)
Common Municipal Solid Waste Management Facilities	Expert Committee (Infrastructure)

This issues with the approval of the Competent Authority.

G.V. Subrahmanyam
(G.V. Subrahmanyam)
Director

To

All Officers of IA Division.

Copy to:

1. PPS to Secretary (E&F)
2. PPS to AS (CC)
3. PS to JS (CC-II)

F.No.J-11013/41/2006-IA-II (I)
Government of India
Ministry of Environment and Forest
IA Division

Paryavaran Bhawan, CGO Complex
Lodi Road, New Delhi-110 003

Dated the November 21, 2006

CIRCULAR

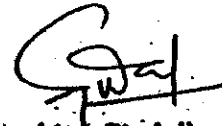
Subject: EIA Notification dated 14th September, 2006 - Interim Operational Guidelines till 13th September, 2007 in respect of Categories of Projects which were not in EIA Notification, 1994.

Pursuant to the new Environment Impact Assessment Notification of 14th September 2006 (EIA 2006) replacing the EIA Notification of 27th January 1994 and its various amendments (EIA 1994) and in terms of the provisions of Para 12 of EIA 2006, the Ministry had earlier issued Interim Operational Guidelines on 13th October 2006. Further to these guidelines, the following guidelines are issued for the Categories of Projects, which did not require EIA Clearance under EIA Notification, 1994 and now require the same under EIA Notification, 2006:

- i. No NOC from the State Government/SPCB is required for Environmental Clearance Process. Consent to Establish (NOC) and prior Environmental Clearance are separate legal requirements, any project proponent has to fulfill. NOCs required under Water and Air Acts are mandatory requirement under those Acts and will have to be taken as required and do not require to be linked to environmental clearance.
- ii. Such projects for which NOCs issued before 14th September, 2006 will not be required to take Environmental Clearance under the EIA Notification, 2006.

Contd....

- iii. Applications received for NOC by the State Pollution Control Boards before 14th September 2006 may be considered as per provisions of the said Acts. However, they will have to obtain the environmental clearance from the relevant Authority by 30th June 2007, if the category requires EIA Clearance as per the new Notification. In such cases, the unit can meanwhile carry on with the commencement of their project activities. Projects not seeking clearance under EIA Notification, 2006 by 30th June 2007 will be treated as violation cases under Section 15 of Environment (Protection) Act, 1986.
- iv. Applications received for NOC after 14th September 2006 will have to obtain EIA Clearance from the relevant Authority before starting the project activities. Application for EC (TORs / Scoping) may be submitted simultaneously to the relevant Authority/ies.



(Sanchita Jindal)
Additional Director

To:

1. All State Environment Departments
2. All State Pollution Control Boards
3. All Officers of IA Division, MoEF
4. UT Administrations

Copy to:

1. PPS to Secretary (E&F)
2. PPS to AS (CC)
3. PPS to JS-(CC-II)

F.No.J-11013/41/2006-IA-II (I)
Government of India
Ministry of Environment and Forest
IA Division

Paryavaran Bhawan, CGO Complex
Lodi Road, New Delhi-110 003

Dated the December 8, 2006

CIRCULAR

Subject: Recommendations of the Expert Appraisal Committees (EACs) after Appraisal of the Developmental Projects.

It has been observed that the recommendations for environmental clearance of the Expert Appraisal Committees (EACs), after appraisal of the Developmental Projects, are often subject to submission of additional information and its examination by the Ministry. This process leads to uncertainty, ambiguity and loss of transparency of the EC procedure. All Chairmen of EACs are requested, therefore, that EACs may recommend the projects under the following three mutually exclusive categories:

- (i) Recommended;
 - (ii) Deferred [For consideration in the next or future meeting as may be specified in the Committee deliberations, after submission of required additional information to be further reviewed / examined by the EACs].
 - (iii) Rejected [Along with reasons for rejection]
2. The same procedure will be adopted by the State Level Expert Appraisal Committees, upon their constitution.
3. This issues with the approval of the Competent Authority.



(J.M. MAUSKAR)

Joint Secretary to the Govt. of India.

To:
The Chairmen & Members of all Expert Appraisal Committees

Copy to:

1. The Member Secretaries of all Expert Appraisal Committees.
2. All Officers of IA Division, MoEF.
3. PPS to Secretary (E&F)
4. PS to AS (CC)
5. PPS to JS (CC-II)
6. Record File

Ministry of Environment of Forest
IA Division

No- J- 13011/81/2006-IA II (I)

Date: 6th February 2007

C I R C U L A R

Subject: Clarification regarding Consideration of Integrated Projects.

It has been decided that the consideration of the integrated projects having components from industry, power projects, townships, mining etc. sectors by various Expert Committees will be done as follows:

- (i) If the core proposal is for Industry sector along with Captive Power Plant, it will be considered by the "Industry" Committee.
- (ii) Stand-alone Power Projects, captive or otherwise, will be considered by the "Thermal" Committee.
- (iii) Industry Projects with mining component will be considered by the "Industry" Committee.
- (iv) Stand-alone Mining Projects will be considered by "Mining" Committees.
- (v) Projects involving Townships will be considered by the respective Committees considering the Core Project.

2. The experts in the relevant field may be co-opted from the other sector Committee, if required, with the approval of the Joint Secretary (IA Division).

This is issued with the approval of Special Secretary.


(Sanchita Jindal)
Additional Director

To,

All Officers of IA Division

By Speed Post

**No. J-15012/35/2007-IA.II(M)-Part
Government of India
Ministry of Environment & Forests
(IA Division)**

Paryavaran Bhavan,
C.G.O. Complex, Lodi Road,
New Delhi-110003.
Telefax: 24362434

Dated the 2nd July, 2007

CIRCULAR

Sub: Clarification regarding applicability of EIA Notification, 2006 on mining leases of 5 hectare (major minerals) and mining leases of minor minerals which have been operating before 14.9.2006 – Regarding.

Federation of Mining Associations of Rajasthan and others have raised concerns regarding applicability of EIA Notification dated 14th September, 2006 to mining leases of 5 ha for major minerals and mining leases of minor minerals which have been in operation before the said Notification coming into force. The matter has been examined in the Ministry.

It is clarified that all such mining projects which did not require environmental clearance under the EIA Notification, 1994 would continue to operate without obtaining environmental clearance till the mining lease falls due for renewal, if there is no increase in lease area and / or there is no enhancement of production. In the event of any increase in lease area and or production, such projects would need to obtain prior environmental clearance. Further, all such projects which have been operating without any environmental clearance would obtain environmental clearance at the time of their lease renewal even if there is no increase either in terms of lease area or production.

(S.K. Aggarwal)
Director

To

1. Secretary (Environment) of all State / UT Governments
Member Secretary of State / UT Pollution Control Boards / Committees
3. PS to MOS (E), PPS to Secretary (E&F), PPS to SS, PS to JS(JM)
4. All Officers of IA Division.

**Ministry of Environment & Forests
IA-II Division**

Paryavaran Bhawan,
CGO Complex, Lodhi Road,
New Delhi - 110 003

File No. J-11013/41/2006-IA.II(I)

Dated 8th November, 2007

CIRCULAR

Sub: Clarification regarding Applicability EIA Notification, 2006 on the projects listed under Aravalli Notification dated 7th May, 1992 – regarding.

The issue regarding applicability of the EIA Notification, 2006 on the projects covered under Aravalli Notification dated 7th May, 1992 has been raised by the Haryana State Government. In this regard, it is clarified that the projects covered under Aravalli Notification are required to seek prior environmental clearance under both EIA Notification, 2006 and Aravalli Notification, 1992 as per the procedure laid down therein.

2. This issues with the approval of the Competent Authority.


(R. Anandakumar)
Adviser

To,

1. Secretary, Environment, Govt. of Haryana, Panchkula, Haryana.
2. Conservator of Forests, Northern Regional Office, MoEF, Chandigarh.
3. All Officers of IA Division.

Copy to:

1. PS to MOS (Environment)
2. SPPS to Secretary (E&F)
3. PPS to Special Secretary (SB)

F.No.J-11013/41/2006-IA-II (I) (Part)
Government of India
Ministry of Environment and Forest
IA Division

Paryavaran Bhawan, CGO Complex
Lodi Road, New Delhi-110 003

Dated the January 15, 2008

CIRCULAR

Subject: Applicability of EIA Notification, 2006 for Cases where Land has been Acquired before EIA Notification, 1994.

It has been brought to the notice of this Ministry that an interpretation has been taken by some of the State Pollution Control Boards that EIA Notification, 2006 shall not be applicable for the projects for which land was acquired before the EIA Notification, 1994. Further, it has been observed that State Pollution Control Boards have issued NOCs/Consent to Establish (CTE) after 14th September, 2006 without advising the project proponent to seek prior EC under EIA Notification, 2006. In this regard, the following clarification is issued-

- (i) Since the EIA Notification, 1994 has now been superseded by EIA Notification, 2006, all project activities listed under the EIA Notification, 2006 shall require prior environment clearance under the said Notification without linking it to the date of land acquisition, if the project activity has not commenced at the site.
- (ii) Only such projects listed under EIA Notification, 2006 shall not require environment clearance under the said Notification which were not listed in EIA Notification, 1994 and for which NOC was issued on or before September 14, 2006.
- (iii) All such projects listed in both EIA Notifications, 1994 and 2006, shall require prior environment clearance irrespective of issue of NOC if the project related activity has not yet commenced at site. The validity of NOC should not be extended without asking the proponent to seek prior environment clearance under the EIA Notification, 2006.

Contd.

2. In view of the above, it is advised to the State Pollution Control Boards not to grant/extend/revalidate NOC/CTE without advising the proponent to seek environment clearance under EIA Notification, 2006 for the projects which were listed in EIA Notification, 1994 and are now also listed under EIA Notification, 2006 even if they have acquired the land before January 1994. All such projects, which were issued NOC/CTE before September, 2006 and listed in both the Notifications, but have not commenced project activities at the site shall not start project activity now without obtaining prior environment clearance under EIA Notification, 2006 even if the land was acquired before January 1994.

3. This has approval of the Competent Authority.

(Sanchita Jindal)
Additional Director

To:

1. All State Environment Departments
2. All State Pollution Control Boards
3. All Officers of IA Division, MoEF
4. UT Administrations

Copy to:

1. PPS to Secretary (E&F)
2. PPS to AS (CC)
3. PPS to Adviser (CC-II)

No. 23/3/2007-IA.III
Government of India
Ministry of Environment & Forests
(IA Division)

Paryavaran Bhavan,
C.G.O. Complex, Lodi Road,
New Delhi-110003.
Telefax: 24362434

Dated the 5th February, 2008

CIRCULAR

**Sub: EIA Notification, 2006 – Consideration of Proposals of
Construction Sector – Procedure - Regarding.**

The EIA Notification, 2006 issued vide SO 1533(E) dated 14th September, 2006 provides for submission of approved scheme / building plan in respect of construction sector (item 8(a) and 8(b) of the schedule to the Notification) before environmental clearance is granted to such projects. Since, there is a delay by the project proponents in submitting the building plan for obtaining environmental clearance, it is brought to the attention of all concerned that henceforth the environmental clearance will be accorded only after the submission of approved scheme / building plans complying with the environmental conditions. In the first stage, the Environment Impact Assessment Authority (EIAA) would consider the proposal based on the Form-1, 1A and conceptual plan. Based on which, EIAA would indicate the conditions to be complied with for according environmental clearance. Thereafter, the project proponents, after the approval of the schemes/building plans and compliance of environmental conditions shall seek environmental clearance from the Impact Assessment Authority.

This issues with the approval of the Competent Authority.

(S.K. Aggarwal)
Director

1. Member Secretaries of all the State / UT Level Environment Impact Assessment Authorities.
2. Secretary (Environment) of all the States / UTs.
3. Member Secretary of all State Pollution Control Board / Pollution Control Committees.
4. All the Officers of IA Division, MoEF.
5. PPS to Secretary (E&F)
6. PPS to AS (JM)
7. PS to MOS(E)
8. Guard File.

No. J-11013/56/2004-IA.II(I)-Pt. file
Government of India
Ministry of Environment & Forests

By Speed Post

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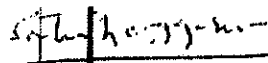
Dated the 6th May, 2008

Sub: Scrutiny by SPCBs of Draft EIA/EMP Reports submitted by the project proponents for conducting of public hearing in terms of the provisions of the EIA Notification, 2006 – Regarding.

It has been brought to the notice of the Ministry of Environment & Forests that some of the State Pollution Control Boards are refusing to give receipt of Draft EIA/EMP reports submitted to them by the project proponents for conduct of public hearing in terms of the provisions of the EIA Notification, 2006 on the plea that these reports are required to be checked for their completeness in terms of the prescribed TORs. This action leads to avoidable delay in conduct of public hearing. The matter has been considered in the Ministry.

All the State/ UT Pollution Control Boards / Committees are hereby directed that as soon as the request for conduct of public hearing along with requisite number of hard and soft copies of the Draft EIA/EMP Report and other documents as prescribed in the EIA Notification, 2006 is submitted by the project proponent, an acknowledgment for the same should be issued immediately and further necessary action for conduct of public hearing should be initiated as per the procedure laid down.

This issues with the approval of the Competent Authority.


(Dr. S.K. Aggarwal)
Director

To

Member Secretaries of all the State / UT SPCBs/ Committees

11-A

No. J-11013/41/2006-IA.II(I)
Government of India
Ministry of Environment & Forests

Paryavaran Bhavan,
C.G.O. Complex, Lodi Road,
New Delhi-110003.
Telefax: 24362434

*This circular is
modified on
23/2/09
see No. 15*

Dated the 31st July, 2008

CIRCULAR

Sub: Environmental Clearance of Projects under the EIA Notification, 2006 and related matters - Procedure for submissions of files and level of decision making - Regarding.

It has been decided that the present system for submission of files and levels of decision making relating to grant of Environmental Clearance under the EIA Notification, 2006 and the related matters, as given hereunder, shall continue to be followed.

S.No	Activity	Route of Submission	Level of Decision Making
1.	Constitution of State Level Environment Impact Assessment Authorities (SEIAA) and State Expert Appraisal Committee (SEAC)	Director →Adviser →AS(JMM) →Secretary(E&F) →MOS(Env.) →MEF(PM)	MEF(PM)
2.	Notifications and their amendments	AD→Director→Adviser →AS(JMM) →Secretary(E&F) →MOS(Env.) →MEF(PM)	MEF(PM)
3.	Category 'A' projects, EIA, 2006	AD→Director→Adviser →AS(JMM) →Secretary(E&F) →MOS(Env.)	Approval/ rejection by MOS(Env.)
4.	Category 'B' Projects, EIA, 2006	AD→Director→Adviser →AS(JMM) →MOS(Env.)	Approval/ rejection by MOS(Env.)

5.	Clearance under CRZ Notification, 1991	AD→Adviser(NB) →AS(JMM) →Secretary(E&F) →MOS(Env.)	Approval/ rejection by MOS(Env.)
6.	Amendments to the environmental clearance letters issued to the projects	(a) : Amendments for corrections relating to factual information and if there is no change in project capacity : AD→Director→Adviser →AS(JMM) (b) : Amendments of technical nature, change of scope etc. after approval by sector specific EACs : AD→Director→Adviser →AS(JMM) →MOS(Env.)	AS(JMM) MOS(Env.)
7.	Consideration of projects out of turn	(a) Projects of PSUs and Defence related activities : AD→Director→Adviser →AS(JMM) (b) Other projects : AD→Director→Adviser →AS(JMM) →MOS(Env.)	AS(JMM) MOS(Env.)
8.	Transfer of environmental clearance	AD→Director→Adviser →AS(JMM)	AS(JMM)
9.	Terms of Reference (TOR) for projects	AD→Director→Adviser	Adviser
10.	Changes in TOR	AD→Director→Adviser	Adviser
11.	De-listing of projects from pendency list due to non-submission of information	AD→Director→Adviser →AS(JMM)	AS(JMM)
12.	Monitoring of approved projects	(a) Routine matters : Director→Adviser (b) Directions and Policy	Adviser AS(JMM)

		matter : Director→Adviser → AS(JMM)	
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This issues with the approval of the Competent Authority.

(S.K. Aggarwal)
Director

To

All Officers of IA Division.

Copy to:-

PS to MOS (E), PPS to Secretary (E&F), PPS to AS(JMM), Adviser (GKP), Adviser (NB).

No. J-11013/41/2006-IA.II(I)
Government of India
Ministry of Environment & Forests

Paryavaran Bhavan,
C.G.O. Complex, Lodi Road,
New Delhi-110003.
Telefax: 24362434

Dated the 22nd September, 2008

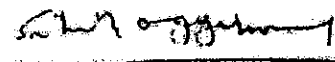
CIRCULAR

Sub: Environmental Clearance of Projects under the EIA Notification, 2006 – stipulation of condition to improve the living conditions of construction labour at site -- Regarding.

It has been decided that henceforth, while granting environmental clearance to developmental projects under the provisions of EIA Notification, 2006, the following condition shall be stipulated.

"Provision shall be made for the housing of construction labour within the site with all necessary infrastructure and facilities such as fuel for cooking, mobile toilets, mobile STP, safe drinking water, medical health care, crèche etc. The housing may be in the form of temporary structures to be removed after the completion of the project."

This issues with the approval of the Competent Authority.



(S.K. Aggarwal)
Director

To

1. All Officers of IA Division.
2. Member Secretaries of all the SEIAAs

Copy for information:-

3. PS to MOS (E), PPS to Secretary (E&F), PPS to AS(JMM), Adviser (GKP), Adviser (NB).
4. Shri S.C.L. Das, Director, Prime Minister's Office.

No. J-11013/41, 2006-IA.II(I)
Government of India
Ministry of Environment and Forests
I.A. Division

Paryavaran Bhawan,
CGO Complex, Lodi Road,
New Delhi-11003

Dated the 22nd September, 2008

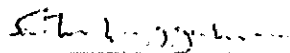
CIRCULAR

Subject: Clarification regarding applicability of EIA Notification, 2006 in respect of the Beneficiation Plant-regarding.

State Pollution Control Board, Orissa has sought clarification regarding applicability of EIA Notification dated 14th September, 2006 to stand alone iron ore crusher, when the process involves crushing and screening (sizing of ore only) through dry route without upgrading the quality of ore. The matter has been examined in the Ministry.

It is clarified that crushing and screening (sizing of ore) without upgrading of quality of ore is not covered by the provisions of the EIA Notification, 2006. However, necessary clearance under the provisions of the Water (Prevention & Control of Pollution) Act, 1974, the Air (Prevention & Control of Pollution) Act, 1981 and any other Acts as may be applicable to such projects should be obtained.

This issues with the approval of the competent authority.


(Dr. S.K. Aggarwal)
Director

To:

- (1) The Member Secretary, All SPCBs/ UT Pollution Control Committees.
- (2) The Secretary, Department of Environment of all States/ UTs.
- (3) The Member Secretary of all SEIAAs
- (4) All Officers of IA Division
- (5) All Regional Offices of the Ministry of Environment and Forests.

Copy to:

1. PS to MOS (E).
2. PPS to Secretary (E&F).
3. PPS to AS(JMM).

No. J-11013/41/2006-IA.II(I)
Government of India
Ministry of Environment & Forests

Paryavaran Bhavan,
C.G.O. Complex, Lodi Road,
New Delhi-110003.
Telefax: 24362434

Dated the 4th November, 2008

CIRCULAR

Sub: Instructions for maintenance of transparency and streamlining of procedure for disposal of EC cases in IA Division - Regarding.

The Impact Assessment (IA) Division in the Ministry of Environment & Forests has been entrusted with the responsibility of appraisal of developmental projects in terms of the provisions of the EIA Notification, 2006 and CRZ Notification, 1991. As part of the process, interaction with various stake holders including project authorities, their authorized officials, NGOs and the Consultants, who prepare the EIA Report for their clients becomes unavoidable. Instructions have already been issued for submission of all the documents by the project proponent in the Central Registry (CR) Section and from where it will internally reach IA Section. The status of various projects thus received in the IA Section will be displayed on Ministry's website. It has, however, been observed that the project authorities and other persons continue to come to IA Division and interact with various Officers and staff members to enquire about the status of their project and also to expedite clearances at all levels.

2. Recognizing the sensitivity involved in dealing with the various stakeholders including the representative of the project proponent, it has been decided that unnecessary public interaction by various officials and staff members of IA Division should be avoided to ensure transparency in its functioning. In case where meeting is unavoidable and absolutely necessary, it would only be done at the level of the concerned Member Secretaries / Directors dealing with the particular Sector or the Advisors.

3. The following guidelines will be noted for immediate compliance by all concerned:

- (1) All the projects documents would be submitted in the Central Registry (CR) Section and no individual officer or staff of IA Division would receive them. On receipt of the project documents from CR Section, the Member Secretaries would take up the projects in chronological order of their receipt, except in case of certain public sector projects and others with prior approval of the Competent Authority.
- (2) All the project authorities shall be requested to provide mail ID and various communications should be through e-mail in addition to the conventional system of postal dispatch of TORs, clearance letter and queries etc.
- (3) Only the Member Secretaries/Director level Officers dealing with the concerned Sectors or the Advisors should interact with project proponents. The other Officers and staff of IA Division should avoid any public interaction.

- (4) All the receipts received in the section should be submitted within five days to the respective officers for their consideration.
- (5) The EAC would follow the Guidelines issued from time to time and particularly that the cases would be either recommended for approval or rejection. If additional information is sought by the Committee, the case would be deferred; however, the time frame for its submission would be clearly indicated. The file examination of supplementary information submitted by the proponent should be avoided to the maximum possible extent.
- (6) Any queries, as raised by Expert Appraisal Committees (EACs), would be communicated by the Member Secretaries of respective EACs and it would be clearly indicated in the letter that responses would be addressed only to the Member Secretaries with proper reference Number.
- (7) For deferred cases, time limit for submission of additional information / clarification will be indicated and project would de-listed in case information is not submitted within the stipulated time.
- (8) The present practice of uploading Minutes would be further streamlined and copies would be mailed to Advisor concerned.
- (9) For maintaining transparency, the list of projects, minutes of the meeting and environmental clearances shall be reviewed and uploaded on a regular basis.
- (10) The procedure for submission of files and the level of the decision-making shall be as per the enclosed circular of 31st July, 2008.

This issues with the approval of the Competent Authority.

(Dr. S.K. Aggarwal)
Director

To

1. All Officers of IA Division.
2. Section Officer (IA.I) / IA.II / IA.III)

Copy for information:-

PPS to Secretary (E&F), PPS to AS(JMM), Adviser (GKP), Adviser (NB).

No. J-11013/41/2006-IA.II(I)
- Government of India
Ministry of Environment & Forests

Paryavaran Bhavan,
C.G.O. Complex, Lodi Road,
New Delhi-110003.
Telefax: 24362434

Dated the 23rd February, 2009

CIRCULAR

Sub: Environmental Clearance of Projects under the EIA Notification, 2006 and related matters - Procedure for submissions of files and level of decision making – Regarding.

In partial modification of para 8 only to this Ministry's earlier circular of even no. dated 31st July, 2008 on the above mentioned subject, it has been decided that the following system for submission of files and levels of decision making relating to grant of Environmental Clearance under the EIA Notification, 2006 and the related matters, as given hereunder, shall be followed.

S.No	Activity	Route of Submission	Level of Decision Making
1.	Constitution of State Level Environment Impact Assessment Authorities (SEIAA) and State Expert Appraisal Committee (SEAC)	Director →Adviser →AS(JMM) →Secretary(E&F) →MOS(Env.) →MEF(PM)	MEF(PM)
2.	Notifications and their amendments	AD→Director→Adviser →AS(JMM) →Secretary(E&F) →MOS(Env.) →MEF(PM)	MEF(PM)
3.	Category 'A' projects, EIA, 2006	AD→Director→Adviser →AS(JMM) →Secretary(E&F) →MOS(Env.)	Approval/ rejection by MOS(Env.)
4.	Category 'B' Projects, EIA, 2006	AD→Director→Adviser →AS(JMM) →MOS(Env.)	Approval/ rejection by MOS(Env.)

5.	Clearance under CRZ Notification, 1991	AD→Adviser(NB) →AS(JMM) →Secretary(E&F) →MOS(Env.)	Approval/ rejection by MOS(Env.)
6.	Amendments to the environmental clearance letters issued to the projects	(a) : Amendments for corrections relating to factual information and if there is no change in project capacity : AD→Director→Adviser →AS(JMM) (b) : Amendments of technical nature, change of scope etc. after approval by sector specific EACs : AD→Director→Adviser →AS(JMM) →MOS(Env.)	AS(JMM) MOS(Env.)
7.	Consideration of projects out of turn	(a) Projects of PSUs and Defence related activities : AD→Director→Adviser →AS(JMM) (b) Other projects : AD→Director→Adviser →AS(JMM) →MOS(Env.)	AS(JMM) MOS(Env.)
8.	Transfer of environmental clearance	(a) Change of name without change of ownership AD→Director→Adviser →AS(JMM) (b) Change of name with change of ownership AD→Director→Adviser →AS(JMM) →MOS(Env.)	AS(JMM) MOS (Env.)
9.	Terms of Reference (TOR) for projects	AD→Director→Adviser	Adviser
10.	Changes in TOR	AD→Director→Adviser	Adviser

11.	De-listing of projects from pendency list due to non-submission of information	AD→Director→Adviser →AS(JMM)	AS(JMM)
12.	Monitoring of approved projects	(a) Routine matters : Director→Adviser (b) Directions and Policy matter : Director→Adviser → AS(JMM)	Adviser AS(JMM)

This issues with the approval of the Competent Authority.

(S.K. Aggarwal)
Director

To

All Officers of IA Division.

Copy to:-

1. PS to MOS (E),
2. PPS to Secretary (E&F)
3. PPS to AS(JMM)
4. Adviser (GKP)
5. Adviser (NB)
6. JS (Admn.)

No.10-103/2008-IA-III
Government of India
Ministry of Environment and Forests
(IA-III Division)

Paryavaran Bhawan,
CGO Complex, Lodhi Road,
New Delhi-110003.

Dated the 25th February, 2009

OFFICE ORDER

Sub: Locating helipads in Coastal Regulation Zone area – regarding.

For the purpose of conserving and protecting the coastal environment, the Ministry has issued the Coastal Regulation Zone (CRZ) Notification, 1991, which regulates and prohibits certain activities.

2. The Ministry has been receiving proposals for locating helipads in the CRZ areas including those on the rooftops of high rise buildings which are in CRZ area. It is also noted that helipads are required for providing relief and rescue operations in the coastal areas.

3. The Ministry has examined the activities involved in the construction and operation of helipads and recognizes the need for locating helipads in CRZ area for relief, rescue and for maintaining coastal security in the coastal areas of the country; it was noted that the CRZ Notification, 1991 is silent about location of helipads in the CRZ area.

4. In view of the above factual matrix, the Ministry hereby clarifies that the helipads could be located in the following CRZ areas subject to the conditions listed below:-

4.1.1 Helipads may be permitted in CRZ-I and III areas only for emergency requirements for providing relief and rescue operations during floods, cyclones and other natural and manmade disasters, including maintaining coastal security.

4.1.2 It shall be ensured that construction and operation of such helipads will be undertaken subject to the following conditions:-

- (a) No fuel storage facility to be located in the CRZ area.
- (b) No destruction of any mangroves, coral reefs and other ecologically sensitive features.
- (c) No relocation of the local communities.
- (d) No obstruction to the activities of the local communities.
- (e) Not to be used for commercial activities.

4.2 The helipads in CRZ-II areas including on the rooftops of high rise buildings may be permitted subject to the following:-

- i) Not be used for commercial activities.
- ii) No fuel storage in the CRZ area.
- iii) Structural design of the building shall provide for operation of the helipad.

- iv) All safety measures shall be incorporated in the building design and operation of the helipad by the concerned agencies.
- v) Noise level shall be within norms.
- vi) The surrounding buildings/infrastructures, such as towers and high tension lines, shall not fall in the flypath of the helicopters and no disturbance shall be caused to the nearby establishment.

5. Further, since, the matter entails very careful consideration from the view point of the public living in the vicinity of the congested and thickly inhabited areas of CRZ-II, the following additional safeguards shall also be taken into consideration:-

- i. Concerns, if any, of the public residing in the vicinity of the proposed helipad site shall be obtained as per the local bylaws and addressed comprehensively.
- ii. Site visit shall be undertaken, as necessary.

6. The proposal for helipads as indicated at para 4 above shall be in the first instance scrutinized by the concerned State/Union territory Coastal Zone Management Authority to ensure satisfactory compliance to all the conditions listed above in each of the CRZ category for locating such helipads. The State/Union territory Coastal Zone Management Authority thereafter shall accord clearance to such projects located in CRZ-I, II and III areas in accordance with para 3(v) of the CRZ Notification, 1991 which stipulate an investment limit of Rs.5 crore to be accorded clearance by the respective State/Union territory Coastal Zone Management Authority. In case the project cost is more than Rs.5 crores clearance from Ministry of Environment and Forests would be required for which the State/Union territory Coastal Zone Management Authorities would send a self contained proposal with its recommendation.

7. This Office Order issues with the approval of the Competent Authority.

Sd/-
(Dr. A. Senthil Vel)
Additional Director

To,

- (i) **Chairman of all UT and State Coastal Zone Management Authorities.**
- (ii) **Secretary of all the coastal State/UT Environment Department.**
- (iii) **Member Secretary, UT/ State Coastal Zone Management Authorities.**
- (iv) **Joint Secretary, Ministry of Defence.**
- (v) **Joint Secretary, Ministry of Home.**

No. J-11013/41/2006-IA.II(I)
Government of India
Ministry of Environment & Forests

Paryavaran Bhavan,
C.G.O. Complex, Lodi Road,
New Delhi-110003.
Telefax: 24362434

Dated the 24th March, 2009

CIRCULAR

Sub: Increasing transparency in disposal of EC cases – Regarding.

Pursuant to the decision taken during the Internal meeting of Impact Assessment Division in the Ministry of Environment & Forests held on 30th December, 2008, it has been decided that the following conditions shall specifically be stipulated in all the clearance letters to be issued henceforth.

1. A copy of the clearance letter shall be sent by the proponent to concerned Panchayat, Zila Parishad/Municipal Corporation, Urban Local Body and the Local NGO, if any, from whom suggestions / representations, if any, were received while processing the proposal. The clearance letter shall also be put on the website of the Company by the proponent.
2. The proponent shall upload the status of compliance of the stipulated EC conditions, including results of monitored data on their website and shall update the same periodically. It shall simultaneously be sent to the Regional Office of MoEF, the respective Zonal Office of CPCB and the SPCB. The criteria pollutant levels namely; SPM, RSPM, SO₂, NOx (ambient levels as well as stack emissions) or critical sectoral parameters, indicated for the project shall be monitored and displayed at a convenient location near the main gate of the company in the public domain.
3. The project proponent shall also submit six monthly reports on the status of compliance of the stipulated EC conditions including results of monitored data (both in hard copies as well as by e-mail) to the respective Regional Office of MoEF, the respective Zonal Office of CPCB and the SPCB.

This issues with the approval of the Competent Authority.


(S.K. Aggarwal)
Director

To

All Officers of IA Division.

Copy to:-

1. PS to MOS (E),
2. PPS to Secretary (E&F)
3. PPS to AS(JMM)
4. Adviser (GKP)
5. Adviser (NB)

No.Z.11011/2/2009-IA-II(I)
Ministry of Environment and Forests
(IA Division)

Paryavaran Bhawan
CGO Complex, Lodi Road
New Delhi - 110 003.

Dated 29th April, 2009

Sub: Time bound issue of Environmental Clearances - Guidelines regarding.

The Impact Assessment Division is responsible for appraisal of developmental projects in a time bound manner. There is a general perception that there are delays in processing of the proposals after their recommendations by the respective sector specific Expert Appraisal Committees (EACs). This perception needs to be removed and our aim has to be to avoid delays in processing of proposals after recommendation by the respective EACs have been received. Hence, the process has to be further streamlined.


2. In view of the above, the Member Secretaries of EAC(s) should adhere to the following while processing environmental clearance cases:

- The Member Secretaries should facilitate in reaching at decisions in EAC with clarity by making recommendations in the following categories:
 - Recommended for approval;
 - Rejection on specific environmental grounds; and
 - Reconsideration with additional details;
- The Minutes of the meeting be got approved within five days of the EAC meeting(s);
- The projects would then be processed for environmental clearance for getting the approval of the Competent Authority within next 10 days so that a final view is taken within 15 days of the EAC recommendations and the environmental clearance thereafter would be displayed on the Ministry's website immediately;

3. Necessary instructions would be issued by the Member Secretaries to the concerned Additional/Joint Directors and Section Officers for timely submission of proposals for approval by Competent Authorities.

4. Although, a time schedule of 45 days is provided in the EIA Notification, 2006, but all the Member Secretaries and IA Division's officers should work towards achieving the goal of clearance of projects within 15 days.

This issues with the approval of the Competent Authority.


(Dr. S.K. Aggarwal)
Director

Distribution to :

1. All Member Secretaries of respective sector specific Expert Appraisal Committees (EACs);
2. All the officers of the IA Division;
3. Section Officers (IA-I, II and III)
4. PS to MOS(Env.)
5. PPS to Secretary (E&F)
6. PPS to AS(JMM)
7. PS to Adviser(GKP) / Adviser(NB)

Copy to :

Director, PMO, New Delhi

No. J-11013/41/2006-IA.II(I)
Government of India
Ministry of Environment & Forests

Paryavaran Bhavan,
C.G.O. Complex, Lodi Road,
New Delhi-110003.
Telefax: 24362434

Dated the 14th May, 2009

CIRCULAR

Sub: Implementation of the Circulars no. J-11013/41/2006-IA.II(I) dated 22nd September, 2008 and 24th March, 2009 – Regarding.

Reference is invited to the earlier circulars of even no. dated 22nd September, 2008 and 24th March, 2009 vide which instructions were issued to all the Officers of IA Division to stipulate conditions in the environmental clearance letters relating to (i) Improve the living conditions of construction labour at site and (ii) Putting EC letters as well as the compliance status of EC conditions as also the monitored data on the company's website and display at project site. It has, however, been observed that these instructions are some times not being followed while submitting the files for obtaining approval of the Competent Authority for grant of environmental clearance. These conditions also need to be incorporated in the amended EC for amendments, expansions, change of name etc. of any project.

The undersigned has been directed to convey that the Member Secretaries of the EACs would be responsible to ensure that these instructions are followed scrupulously without fail.

This issues with the approval of the Competent Authority.


(S.K. Aggarwal)
Director

To

All Officers of IA Division

Copy to:-

1. PPS to AS(JMM)
2. Advisor (GKP)
3. Advisor (NB)

No. J-11013/41/2006-IA.II(I)
Government of India
Ministry of Environment & Forests

Paryavaran Bhavan,
C.G.O. Complex, Lodi Road,
New Delhi-110003.
Telefax: 24362434

Dated the 14th May, 2009

CIRCULAR

Sub: Raising of queries in the EAC Meetings – Regarding.

It has been emphasized time and again in the past that all the queries relating to a particular project during its consideration by the respective Expert Appraisal Committees should be raised in one go so as to ensure that the response / clarifications, if any, could be obtained comprehensively and any piece-meal seeking of information is not in order. It has, however, been reported that for some cases information is being asked from the project proponent in a piece-meal manner and every time the project comes up for hearing by the Expert Appraisal Committee, some new issues are raised.

The undersigned has been directed to reiterate that the information / clarifications, required, if any, relating to a particular project should be sought from the proponent in one go only. No fresh issues should be raised subsequently until and unless these issues have a direct bearing with the issues raised earlier or the clarifications / information furnished in response to the earlier queries. The reasons for seeking second set of queries / information should accordingly be reflected in the minutes of meeting too. All the Member Secretaries / Officers of IA Division are requested to note these instructions and implement without fail.

This issues with the approval of the Competent Authority.



(S.K. Aggarwal)
Director

To

All Officers of IA Division

Copy to:-

1. PPS to AS(JMM)
2. Advisor (GKP)
3. Advisor (NB)

No. J-11013/41/2006-IA.II(1)
Government of India
Ministry of Environment & Forests

Paryavaran Bhavan,
C.G.O. Complex, Lodi Road,
New Delhi-110003.
Telefax: 24362434

Dated the 26th May, 2009

CIRCULAR

**Sub: Sector-wise E-Mail IDs for IA Division in the Ministry of Environment & Forests –
Regarding.**

It is for the information of all concerned that Sector-wise e-mail IDs have been created in the Impact Assessment Division of the Ministry of Environment & Forests as per the details given below:

Sl. NO.	Sector	Name of the concerned Officer/ Member Secretary	E-mail ID
1	Industry	Dr. P.L. Ahujarai	ms.industry-mef@nic.in
2	Thermal Power	Shri Lalit Kapoor	ms.thermal-mef@nic.in
3	Non Coal Mining for Rest of India	Dr. S.K. Aggarwal	ms.mining1-mef@nic.in
4	Non Coal Mining for Southern States, Maharashtra, Goa and Chhattisgarh	Dr. P.L. Ahujarai	ms.mining2-mef@nic.in
5	Coal Mining	Dr. T. Chandni	ms.coal-mef@nic.in
6	River Valley and Hydroelectric	Dr. S. Bhowmik	ms.rvhe-mef@nic.in
7	Nuclear Power	Dr. S.K. Aggarwal	ms.nuclear-mef@nic.in
8	Infrastructure and CRZ	Shri Bharat Bhusan	ms.infrastructure-mef@nic.in
9	Construction Sector Committee-I	Shri Bharat Bhusan	ms.construction1-mef@nic.in
10	Construction Sector Committee-II	Shri K.C. Rathor	ms.construction2-mef@nic.in
11	Advisor-I	Dr. G.K. Pandey	advisor1.ia-mef@nic.in
12	Advisor-II	Dr. Nalini Bhat	advisor2.ia-mef@nic.in

All correspondence by e-mail relating to a particular sector may be made with the respective Member Secretaries / concerned Officers at the above-mentioned addresses.

This issues with the approval of the Competent Authority.


(S.K. Aggarwal)
Director

1. All the Officers of IA Division
2. All the Member Secretaries of SEIAAs
3. Member Secretary, CPCB
4. Member Secretaries of all the SPCBs

Copy to:-

1. PPS to AS(JMM)
2. Advisor (GKP)
3. Advisor (NB)

No. J-20012/1/2006-IA.II(M)
Government of India
Ministry of Environment & Forests

Paryavaran Bhavan,
C.G.O. Complex, Lodi Road,
New Delhi-110003.
Telefax: 24362434

Dated the 27th May, 2009

CIRCULAR

Sub: Key parameters to be monitored in respect of Mining Projects by the Project Proponents for putting on their website and for display on display board in the public domain – Regarding.

It has been recognized that self-monitoring of key environmental parameters by the respective project proponents and placing the same for information for all concerned in the public domain is crucial for ensuring effective compliance of the stipulated conditions and environmental safeguards. Accordingly, in respect of mining projects, it has been decided as under:

- I. The information to be put in public domain will be in two parts comprising of (i) static information relating to physical data about the mine lease in terms of its area, production, lease duration and date of commencement of work and (ii) dynamic parameters to be monitored periodically and put into public domain such as AAQ, quality of discharged water, area under plantation and number of trees planted and vibration due to blasting (peak particle velocity).
- II. The broad parameters to be monitored and their frequency as decided by the Committee are as under:

(i) Ambient Air Quality:

SPM, RSPM and NOx for opencast mining

Name of the Mineral	Production Capacity (\geq)	Frequency of Monitoring
Iron Ore	0.5 MTPA	15 days
Bauxite	0.1 MTPA	15 days
Lime Stone (Cement / Chemical Grade)	0.5 MTPA	15 days
Lead, Zinc, Copper	0.5 MTPA	15 days
Chromite	0.1 MTPA	15 days
Silica Sand (Glass)	0.1 MTPA	30 days
Building Stone (Dimensional Stone)	0.5 MTPA	15 days

(ii) Vibration:

Peak particle velocity at 300 m distance or within the nearest habitation, whichever is closer, for opencast mine using large diameter hole blasting (100 mm and above).

(iii) Quality of Discharge Water:

TDS, DO, PH, total suspended solids (TSS), Cr⁺⁶ (only for chromite mine)

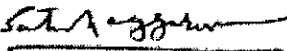
(iv) Greenbelt / Plantation:

Number of trees planted, calendar year wise (progressive) and area covered.

III. In case of small mines operating in clusters, it would be desirable that these mines form a cooperative and monitor the environmental parameters as a group of mines and display the monitored parameters on a display board to be located at a suitable location in the area to show the environmental conditions in the public domain.

2. It is thus brought to the information of all the project proponents of mining projects to take note of the above instructions for compliance with immediate effect.

This issues with the approval of the Competent Authority.


(S.K. Aggarwal)
Director

To

- | | |
|---------------------------------------|--|
| 1. All the Officers of IA Division | |
| 2. All the Regional Offices of MoEF } | with a request to give
wide publicity to this
circular for compliance. |
| 3. Member Secretary, CPCB } | |
| 4. Member Secretary of all SPCBs } | |

Copy to:-

1. PPS to AS(JMM)
2. Advisor (GKP)
3. Advisor (NB)

No. J-11013/30/2009-IA.II(I)
Government of India
Ministry of Environment & Forests

Paryavaran Bhavan,
C.G.O. Complex, Lodi Road,
New Delhi-110003.
Telefax: 24362434

Dated the 3rd June, 2009

CIRCULAR

Sub: Mandate / Guidelines of Monitoring to be followed by the Regional Offices of the Ministry of Environment and Forests – Instructions – Regarding.

Some instances have been brought to the notice of the Ministry of Environment & Forests where Scientists or Officials of the Regional Offices of this Ministry have been directly interacting with various other Statutory and Regulatory Authorities on behalf of the project proponents on matters concerning the EIA Notification, 2006; such as exemption from public hearing, approval for change of technologies etc.

2. It may be noted that the Regional Offices are to monitor the implementation of the stipulated conditions and environmental safeguards contained in the Environmental Clearance letters, obviously after the project has been granted environmental clearance. Sometimes the Regional Offices are formally requested by the Ministry to provide any specific information as may be requisite for appraisal of any particular project.

3. In view of the above role, it has, therefore, been reiterated that the Regional Offices should not take up issues of any project proponent with various Statutory Authorities directly. Such cases should be invariably referred to the Ministry for advice and guidance, henceforth.

This issues with the approval of the Competent Authority.


(S.K. Aggarwal)
Director

To

1. All the Regional Offices of MoEF
2. Member Secretaries of all the SEIAAs/SEACs

Copy to:-

1. PPS to AS(JMM)
2. Advisor (GKP)
3. Advisor (NB)
4. Director (SVA), Monitoring Cell, IA Division.

No. J-11013/41/2006-IA.II(I)
Government of India
Ministry of Environment & Forests

Paryavaran Bhavan,
C.G.O. Complex, Lodi Road,
New Delhi-110003.
Telefax: 24362434
Dated the 3rd June, 2009

Office Memorandum

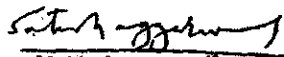
**Sub: Consideration of Projects under Clause 7(ii) of the EIA Notification,
2006 – Exemption of Public Hearing - Instructions Regarding.**

The EIA Notification, 2006, in Para 7 (i), sub-section III relating to public consultation unambiguously specifies the projects / activities exempted from undertaking public hearing. Para 7 (ii) relating to prior environmental clearance process for expansion or modernization or change of product mix in existing projects prescribes that the EAC / SEAC will decide on the due diligence necessary, including preparation of EIA and public consultations, for grant of environmental clearance.

2. Instances have been brought to the notice of the Ministry of Environment & Forests where public consultations have been exempted by invoking the provisions of para 7 (ii) of the EIA Notification, 2006 without giving detailed justification, in terms of increase in pollution load, requirement of additional land / water etc. for the expansion projects, stating sometimes that the project is small and pollution load may not be significant.

3. In order to enhance the transparency in decision making when the provisions of para 7 (ii) of EIA Notification, 2006 are invoked for exempting Public Hearing for any project, it is requested that this exemption should be applied judiciously, based on the available data on incremental pollution load and use of additional natural resources vis-à-vis sustainable development without compromising on environmental integrity. The reasons for invoking clause 7 (ii) while granting exemption from public hearing should also be appropriately recorded in the minutes of the EAC Meeting.

This issues with the approval of the Competent Authority.


(S.K. Aggarwal)
Director

To

1. All the Officers of IA Division
2. Member Secretaries of all the SEIAAs/SEACs

Copy to:-

1. PPS to AS(JMM)
2. Advisor (GKP)
3. Advisor (NB)

No. J-11013/91/2006-JA.H(3)
 Government of India
 Ministry of Environment & Forests

Paryavaran Bhavan,
 C.G.O. Complex, Lodi Road,
 New Delhi-110003.
 Telefax: 24362434

Dated the 30th June, 2009

GENERAL

Subj: Environmental Clearance of Projects under the EIA Notification, 2006 and related matters, procedure for submissions of files and level of decision making - Regarding.


In partial modification to this Ministry's earlier circulars of even no. dated 31st July, 2008 and 23rd February, 2009 on the above mentioned subject, it has been decided that the following system for submission of files and levels of decision making relating to grant of Environmental Clearance under the EIA Notification, 2006 and the related matters, as given hereunder, shall be followed.

S.No	Activity	Route of Submission	Level of Decision Making
1.	Constitution of State Level Environment Impact Assessment Authorities (SEIAA) and State Expert Appraisal Committee (SEAC)	Director →Advisor →AS(JMM) →Secretary(E&F) →MEF	MEF
2.	Notifications and their amendments	AD→Director→Advisor →AS(JMM) →Secretary(E&F) →MEF	MEF
3.	Approval/ Rejection of Category 'A' projects under EIA Notification, 2006	AD→Director→Advisor →AS(JMM) →Secretary(E&F) →MEF	MEF
4.	Approval/ Rejection of Category 'B' Projects under EIA Notification, 2006	AD→Director→Advisor →AS(JMM) →MEF	MEF

5.	Approval/Rejection of projects under CRZ Notification, 1991	AD → Advisor (NB) → AS (JMM) → Secretary (EBF) → MEF	MEF
6.	Amendments to the environmental clearance letters issued to the projects	(a) : Amendments for corrections relating to factual information and if there is no change in project capacity : AD → Director → Advisor → AS (JMM) (b) : Amendments of technical nature, change of scope etc. after approval by sector specific EACs : AD → Director → Advisor → AS (JMM) → MEF	AS (JMM) MEF
7.	Consideration of projects out of turn	(a) Projects of PSUs and Defence related activities : AD → Director → Advisor → AS (JMM) (b) Other projects : AD → Director → Advisor → AS (JMM) → MEF	AS (JMM) MEF
8.	Transfer of environmental clearance	(a) Change of name without change of ownership AD → Director → Advisor → AS (JMM) (b) Change of name with change of ownership AD → Director → Advisor → AS (JMM) → MEF	AS (JMM) MEF
9.	Terms of Reference (TOR) for projects	AD → Director → Advisor	Advisor
10.	Changes in TOR	AD → Director → Advisor	Advisor

11.	On filing of projects from pending list due to non-submission of description.	AD → Director → Advisor → AS(JMM)	AS(JMM)
12.	Monitoring of approved projects	(a) Routine matters : Director → Advisor (b) Directions and Policy matter : Director → Advisor → AS(JMM)	Advisor AS(JMM)

This issues with the approval of the Competent Authority.


(S.K. Aggarwal)
Director

To

All Officers of IA Division.

Copy to:-

1. PS to MEF;
2. PS to Secretary (E&F)
3. PS to AS(JMM)
4. Advisor (JMP)
5. Advisor (NB)
6. JS (Admin.)

No. J-11013/41/2006-IA.II(I)
Government of India
Ministry of Environment & Forests

Parivaran Bhavan,
C.G.O. Complex, Lodi Road,
New Delhi-110003.
Telefax: 24362434

Dated the 30th June, 2009

CIRCULAR

Subject: Increasing transparency in disposal of EC cases - Regarding.

This is in continuation to this Ministry's earlier circular of even no. dated 24th March, 2009 on the above mentioned subject, vide which it was decided that specific conditions shall be stipulated in all the clearance letters for putting the compliance status of EC conditions as well as monitored environmental parameters in public domain through the website of the company as well as on the display board near the main gate of the company. It also required to send the six monthly monitoring report/information by e-mail to the respective Regional Offices of MoEF, CPCB and SPCB.

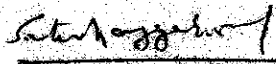
The matter has been considered further. It has now been decided that besides the conditions stated in the earlier circular dated 24th March, 2009 referred to above, it shall also be compulsory on the part of the project proponent to put the environmental statement for each financial year ending 31st March in Form-V, which is mandated under the Environment (Protection) Rules, 1986 as amended subsequently, on the website of the company along with the status of compliance of the EC conditions.

Accordingly, the four conditions to be stipulated in all the clearance letters to be issued henceforth are reproduced below:

1. A copy of the clearance letter shall be sent by the proponent to concerned Panchayat, Zila Parishad/Municipal Corporation, Urban Local Body and the Local NGO, if any, from whom suggestions / representations, if any, were received while processing the proposal. The clearance letter shall also be put on the website of the Company by the proponent.
2. The proponent shall upload the status of compliance of the stipulated EC conditions, including results of monitored data on their website and shall update the same periodically. It shall simultaneously be sent to the Regional Office of MoEF, the respective Zonal Office of CPCB and the SPCB. The criteria pollutant levels namely, SPM, RSPM, SO₂, NO_x (ambient levels as well as stack emissions) or critical sectoral parameters, indicated for the project shall be monitored and displayed at a convenient location near the main gate of the company in the public domain.

3. The project proponent shall also submit six monthly reports on the status of compliance of the stipulated EC conditions including results of monitored data (both in hard copies as well as by e-mail) to the respective Regional Office of MoEF, the respective Zonal Office of CPCB and the SPCB.
4. The environmental statement for each financial year ending 31st March in Form V as is mandated to be submitted by the project proponent to the concerned State Pollution Control Board as prescribed under the Environment (Protection) Rules, 1986, as amended subsequently, shall also be put on the website of the company along with the status of compliance of EC conditions and shall also be sent to the respective Regional Offices of MoEF by e-mail.

This issues with the approval of the Competent Authority.


(S.K. Aggarwal)
Director

To

All Officers of IA Division.

Copy to:-

1. PS to MEF
2. PPS to Secretary (E&F)
3. PPS to AD (MM)
4. Advisor (G&P)
5. Advisor (NB)

No. J-11013/41/2006-IA-II (I)
Govt. of India
Ministry of Environment and Forests
(IA Division)

Email: plabujarat@vsnl.com
Tele fax: 24363973
Paryavaran Bhavan, CGO Complex,
Lodi Road, New Delhi-110003
Dated the June 22, 2009

To

All the Member Secretaries/Secretaries,
State Environment Impact Assessment Authorities/
State Environment Appraisal Committees

Sub: Enforcement of Ambient Air Norms at the project site.

Sir,

As per the provisions of Environmental Impact Assessment (EIA) Notification, 2006, the State Level Environmental Impact Assessments (SEIAAs) have been constituted for appraisal of category 'B' projects. Instances have been brought to the notice of Ministry indicating that projects have been proposed in the area where the concentration of the Suspended Particulate Matter (SPM) in the Ambient Air is more than the prescribed National standards. A query, accordingly, has been raised as to whether the new projects can be granted environmental clearances if the norms of ambient air quality are already beyond the prescribed limits at the site of the projects.

2. The matter has been examined in the Ministry and it is to clarify that the Ministry has notified National Ambient Air Quality Standards for various land uses for criteria pollutants including Suspended Particulate Matter (SPM). The standards for SPM are different for various land uses.

3. It may be noted that due to changes in the land use pattern, there is a thin differentiation between industrial area and mixed land use. The actual measured values of ambient air quality would also depend upon the equipment and the method used. The air quality would also depend upon the season and the duration of the measurement. Therefore, there are two standards, one for annual average and other one for 24 hours average. These are issues, which need to be addressed during preparation of EIA/EMP Reports.

4. The ambient air quality depends on the geological and meteorological conditions in the area and various industrial activities in the neighborhood. In absence of source apportionment studies, it would be difficult to apportion contribution to SPM from various activities. However, whenever the ambient air

quality standards are nearer to the threshold values, it is advisable to undertake longer duration monitoring for annual average value.

5. In view of the foregoing, the projects need to be examined technically within the ambient notified environmental standards, the land use of the area, various other activities and the proposed environmental mitigation measures covered in the Environmental Management Plan (EMP).

Yours Faithfully,

(Dr. P.L. Ahujarai)
Director