



# Environment Clearance

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What is an 'Impact'



# Traffic Congestion - Air Pollution





# Blasting – Noise Pollution





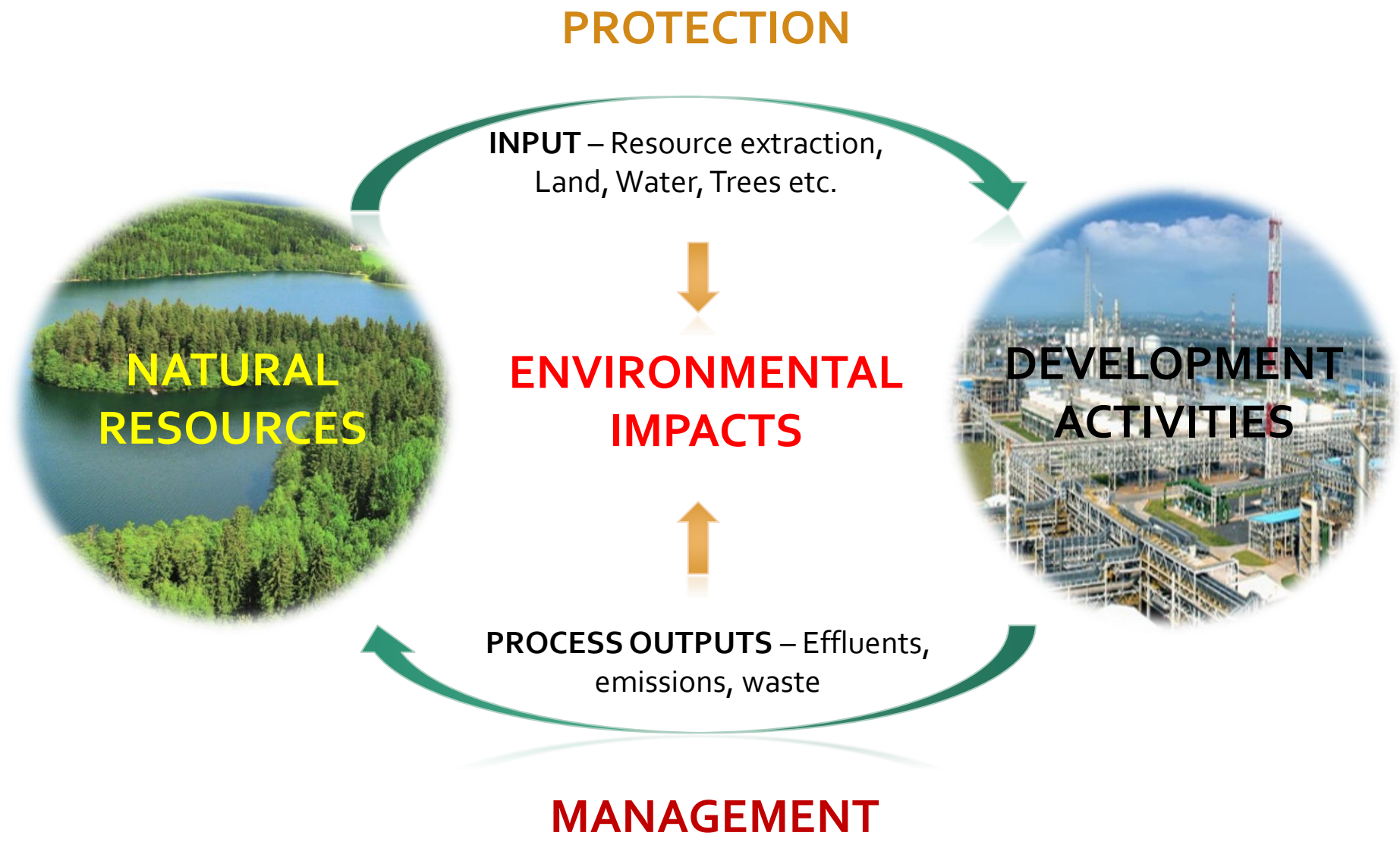
# Runoff from construction - Water Pollution





# Highway Construction through forest areas on hilly terrain – Loss of habitat







# What is EIA?

- A proactive **tool**
  - that anticipates environmental and social implications of the developmental project, programmes, plans and policies ...
- A **process**
  - that influences the concept, design, implementation, operation of the project development cycle to add a value and lend sustainability ...
- An **integrated, participatory, consultative and transparent** mechanism to development



# What is Environmental Clearance?

Environmental Clearance is a permit issued by the regulatory authority for allowing development of certain types of projects/ activities



# Why do Projects require Environmental Clearance?

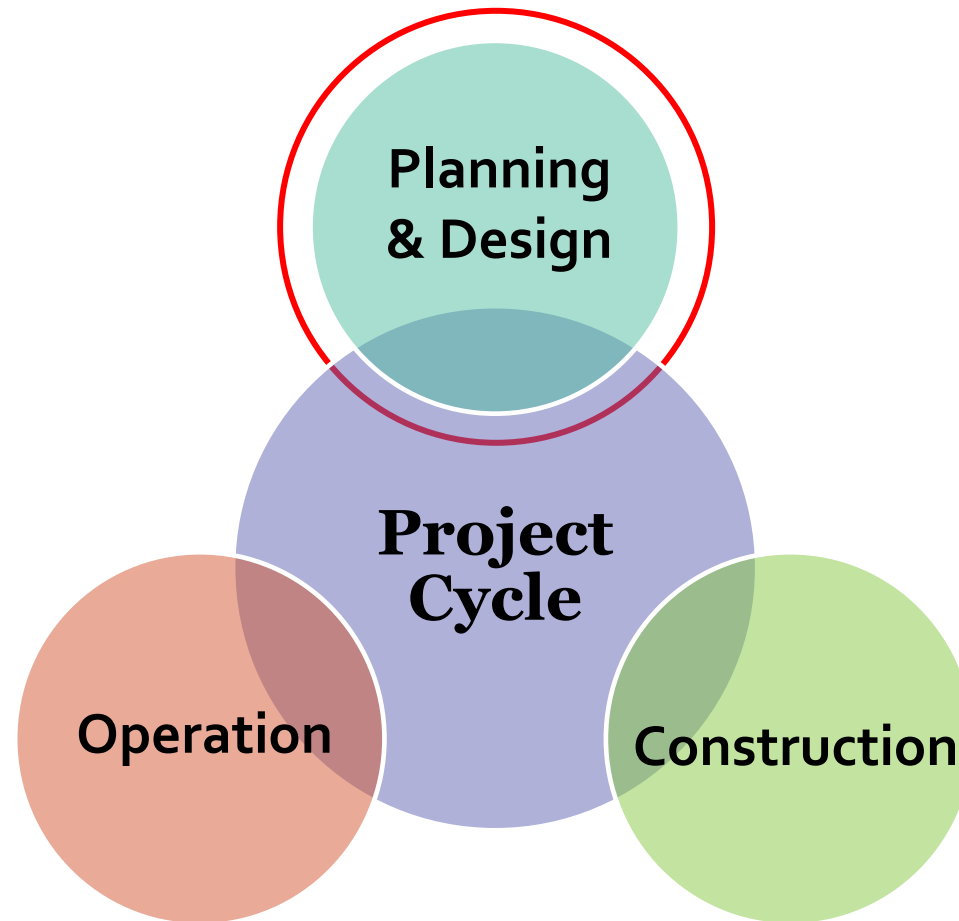
- Development of projects leads to **adverse impacts** on the environment.
- If these impacts are not identified and prevented/ mitigated, they could lead to permanent **environmental damage** and diminish the effectiveness of the project.
- An Environmental Clearance **ensures** that adverse impacts are identified and prevention/ mitigation measures are designed.



Ronald Torres



At **what stage of a project** does environmental clearance have to be obtained?





# Who is required to obtain the Environmental Clearance from the Regulatory Authority?



The Environmental Clearance has to be obtained by the **Project Developer/ Proponent**



# How is Environmental Clearance obtained for a project?

- All submission of projects through single window interface.
- A unique-id for each proposal for future reference.
- Automatic mailer notifications will be triggered for each and every transaction committed in the portal.
- An **Environmental Impact Assessment** of the project and its allied facilities is carried out.
- The **outcome of the study** is submitted to the Regulatory Authority for a Clearance.



# Environmental Clearance in India

- The Environmental Clearance Process in India is governed by the **Environmental Impact Assessment Notification**.
- The first Notification was introduced in 1994.
- The current active Notification is of **2006**.





Central Government hereby directs that on and from the date of its publication (14th September, 2006)

the required construction of new projects or activities or the expansion or modernization of existing projects or activities listed in the Schedule to this notification entailing capacity addition with change in process and or technology shall be undertaken in any part of India only after the prior environmental clearance from the Central Government or as the case may be, by the State Level Environment Impact Assessment Authority, duly constituted by the Central Government under sub-section (3) of section 3 of the said Act, in accordance with the procedure specified hereinafter in this notification.



# Which Projects Require Environmental Clearance?

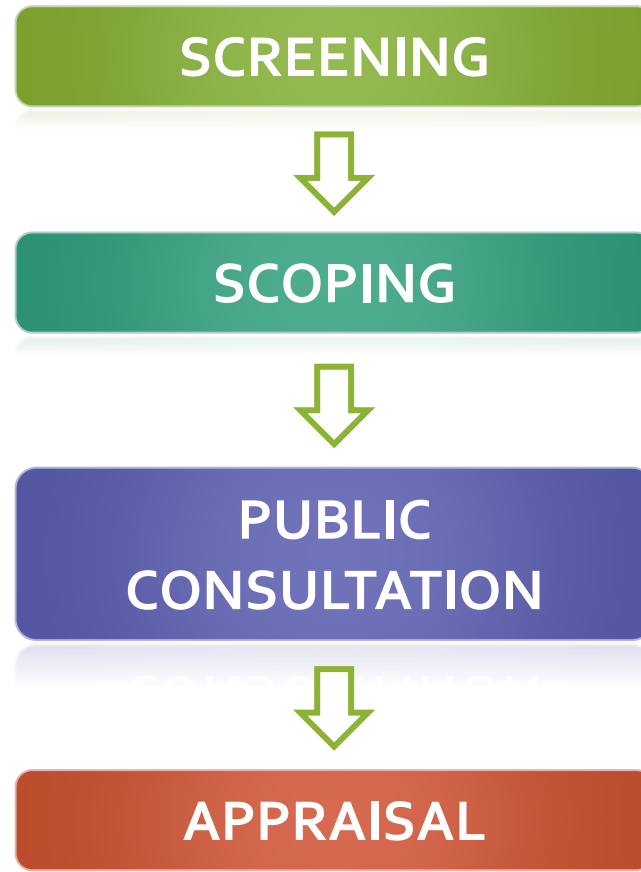
- All **new projects or activities** listed in the **Schedule** of the EIA Notification, 2006
- **Expansion and modernization** of existing projects or activities listed in the Schedule of the notification
  - with addition of capacity crossing the threshold limits given in the Schedule, after expansion or modernization
- Any **change in product - mix** in an existing manufacturing unit included in Schedule beyond the specified range



- ❑ Application shall be made in **Form 1** and supplementary **Form 1A** after identification of site before commencing any construction activity
- ❑ Along with the application a **pre-feasibility project** report also needs to be furnished.
- ❑ Exception to the above are construction projects where **conceptual plan** needs to be furnished



# Key **Milestones** in Environmental Clearance in India





## Screening (Category B projects)

Scrutiny to determine if project requires further studies for EIA report



## Scoping

Process by which EAC/SEAC determine comprehensive Terms of Reference (exceptions Construction/Township/Housing)



## Public Consultation

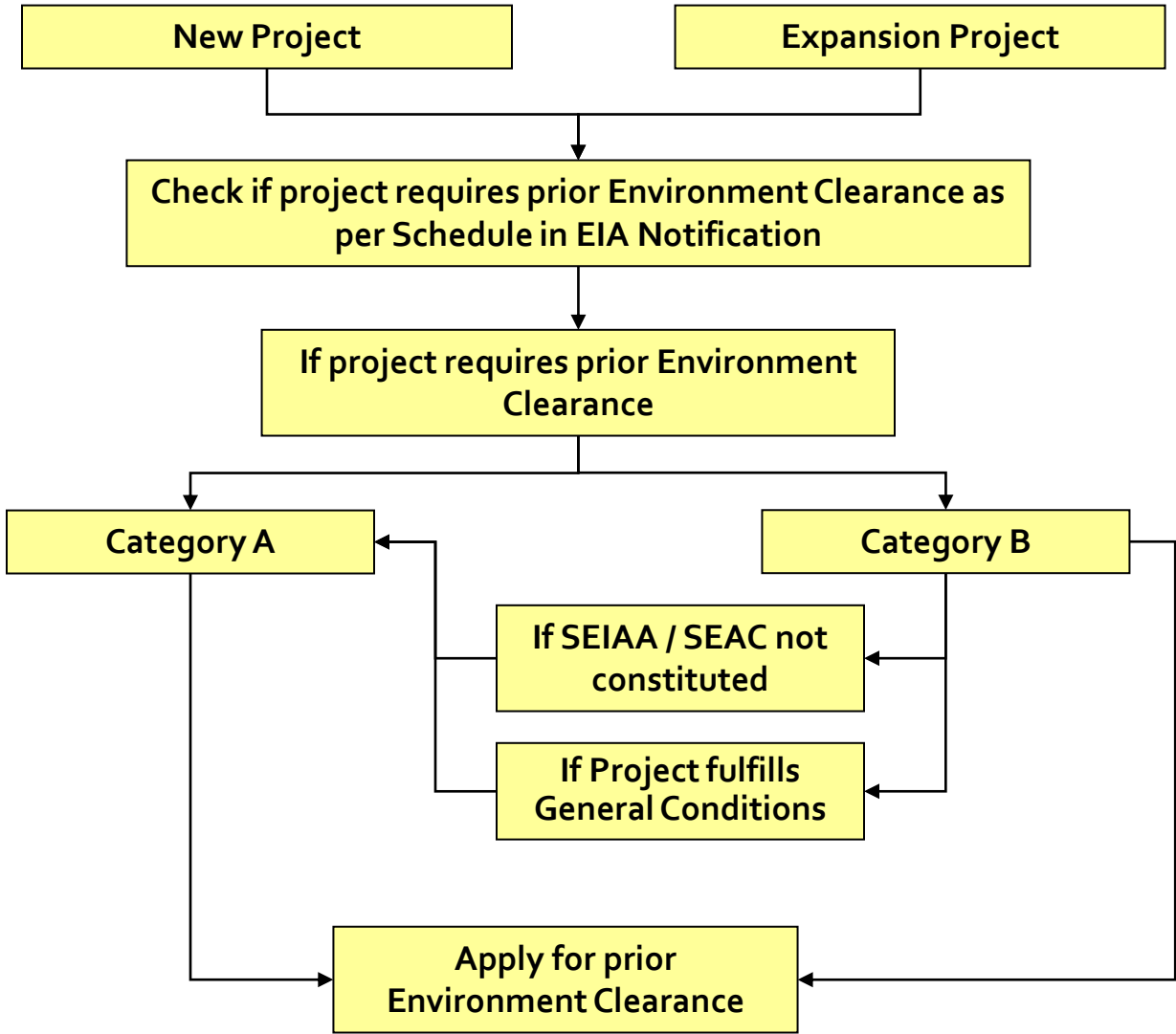
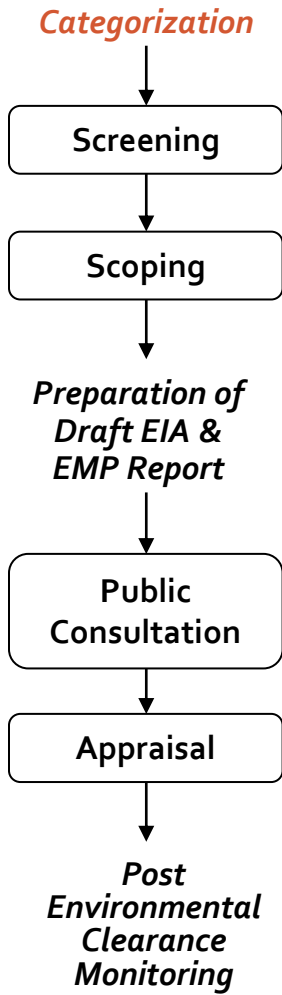
Process by which concerns of local affected persons are ascertained



## Appraisal

Detailed scrutiny by EAC/SEAC for grant of EC with recommendations to regulator leading to grant or rejection

# Categorization



# Categorization Reference



- Refer to Schedule in EIA Notification 2006

## SCHEDULE

(See paragraph 2 and 7)

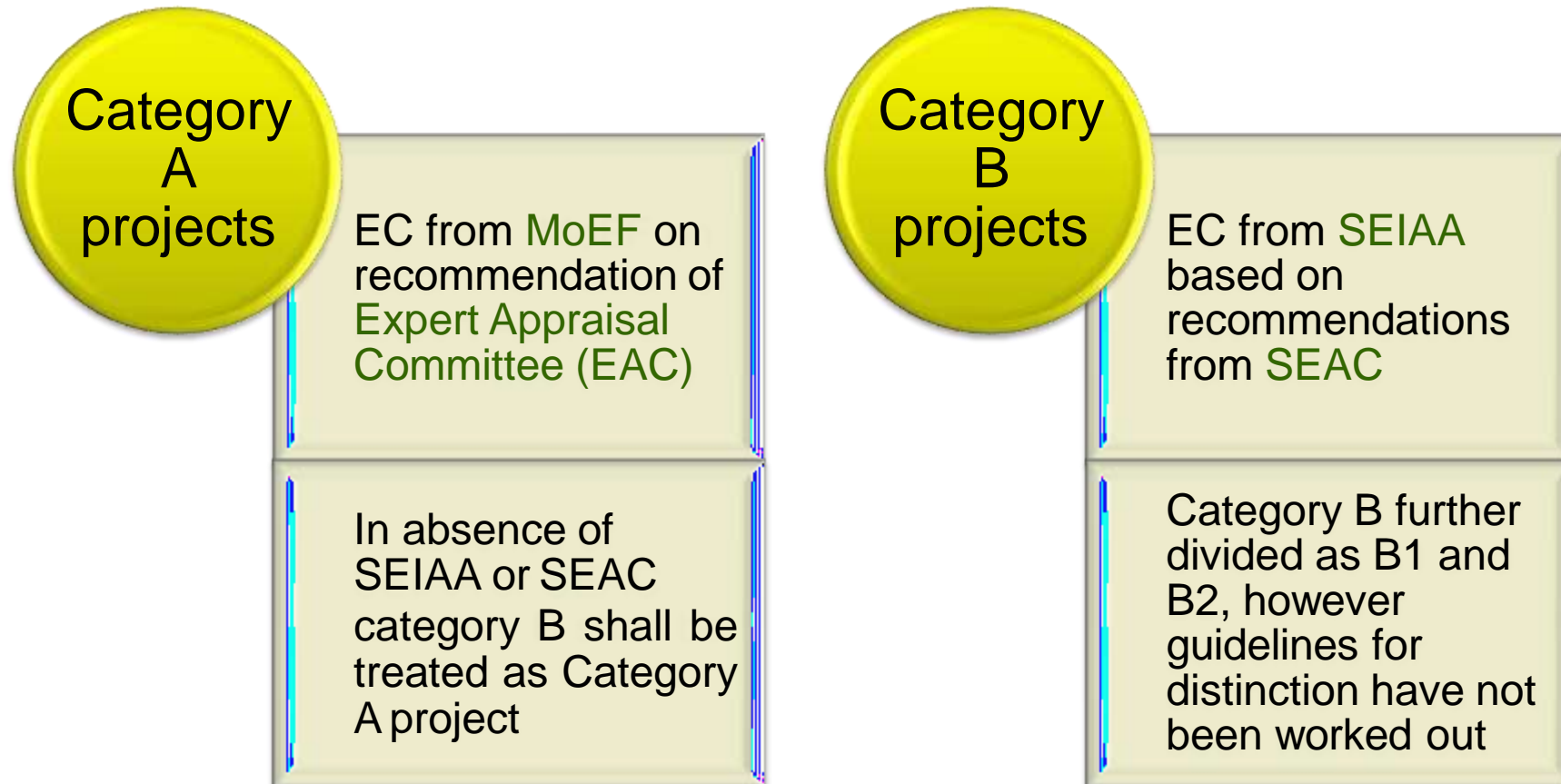
### LIST OF PROJECTS OR ACTIVITIES REQUIRING PRIOR ENVIRONMENTAL CLEARANCE

Project or Activity		Category with threshold limit		Conditions if any
		A	B	
<b>1</b>		<b>Mining, extraction of natural resources and power generation (for a specified production capacity)</b>		
(1)	(2)	(3)	(4)	(5)
1(a)	Mining of minerals	<p>≥ 50 ha. of mining lease area</p> <p>Asbestos mining irrespective of mining area</p>	<p>&lt;50 ha</p> <p>≥ 5 ha .of mining lease area.</p>	<p>General Condition shall apply</p> <p><u>Note</u></p> <p>Mineral prospecting (not involving drilling) are exempted provided the concession areas have got previous clearance for physical survey</p>



# Categorization

- ❑Categorized based on spatial extent of potential impacts on human health and natural and man-made resources





# Institutional Mechanism

- Projects / activities under **Category 'A'** in the Schedule are to be referred to the **Ministry of Environment and Forests** at the Central Level. Category A projects compulsorily need EIA.
- Projects/ activities under **Category 'B'** in the Schedule are to be referred to the **State Environmental Impact Assessment Authority** (SEIAA) at the State level. Classify projects as B1 (require EIA) and B2 (don't require EIA)
- **Expert Appraisal Committee(EAC)** constituted at the Central level and **State Expert Appraisal Committee (SEAC)** constituted at the State levels are a panel of sector experts who review the project / activity and give recommendations for EC



S. N. of Schedule	Activities	Category B2	Category B1
1 (d)	Thermal Power Plants	Thermal power plants based on coal/lignite/naphtha and gas of capacity $\leq 5$ MW.	Thermal power plants based on coal/lignite/ naphtha and gas of capacity $> 5$ MW and $< 500$ MW.
2 (b)	Mineral Beneficiation	The mineral beneficiation activity listed in the Schedule as Category 'B', with throughput $\leq 20,000$ TPA, involving only physical beneficiation.	All other mineral beneficiation activity falling in the Schedule as Category 'B'.
3 (a)	Metallurgical Industries (ferrous & non-ferrous)	All non toxic secondary metallurgical processing industries involving operation of furnaces only, such as induction and electric arc furnaces, submerged arc furnaces, and cupola with capacity $> 30,000$ TPA but $< 60,000$ TPA provided that such projects are located within the notified Industrial Estates.	All other non toxic secondary metallurgical processing industries falling in the Schedule as Category 'B'.

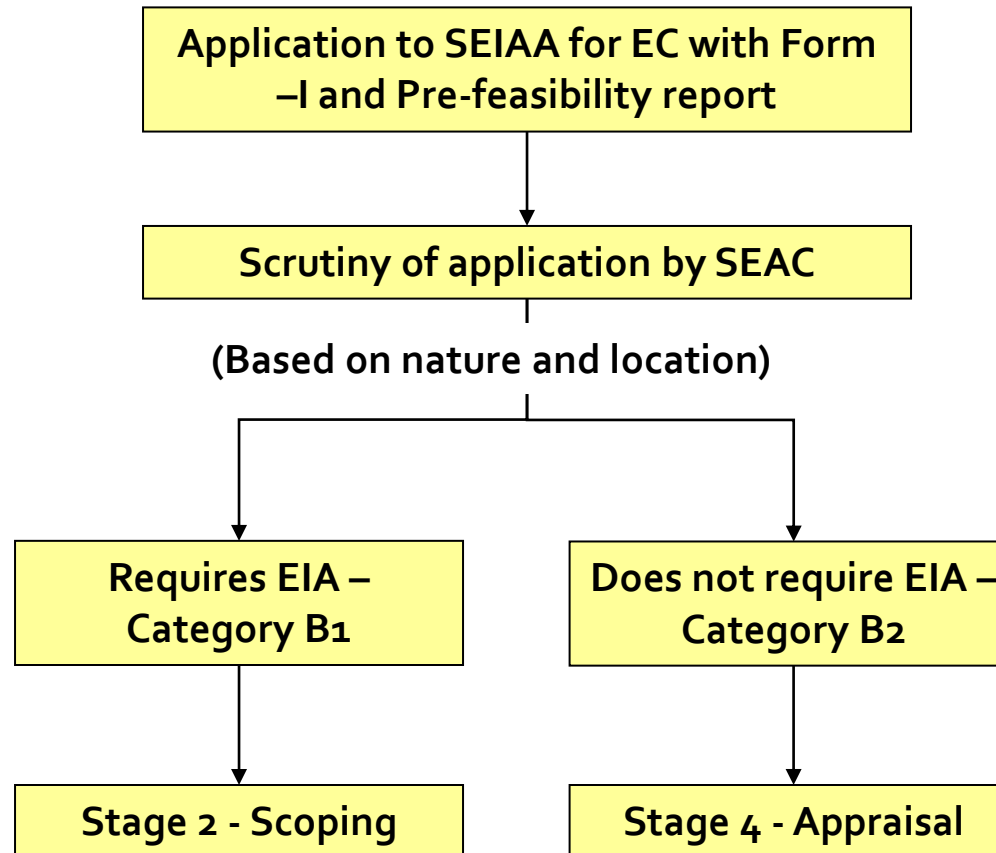
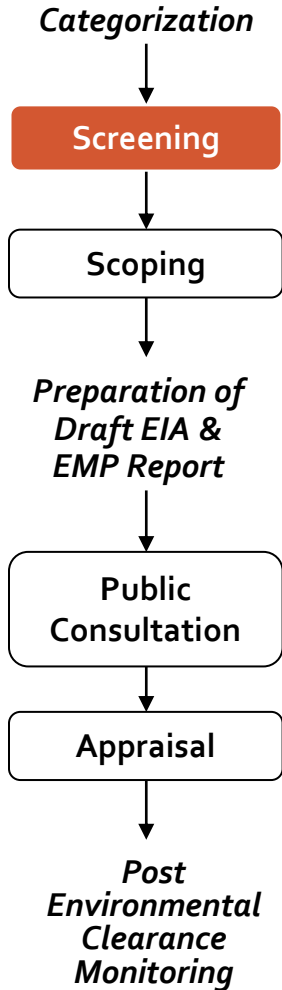
# EIA Schedule



7(f)	Highways	<p><sup>23</sup>[i] New National High ways ; and</p> <p>(ii) Expansion of National Highways greater than 100 km involving additional right of way or land acquisition greater than 40m on existing alignments and 60m on re-alignments or by-passes]</p>	<p><sup>24</sup>[i] All New State Highways projects and</p> <p>(ii) State Highways expansion projects in hilly terrain (above 1,000 m ANSL) and or ecologically sensitive areas]</p>	<p><sup>25</sup>[General Condition Shall apply</p> <p>Note; Highways included expressways]</p>
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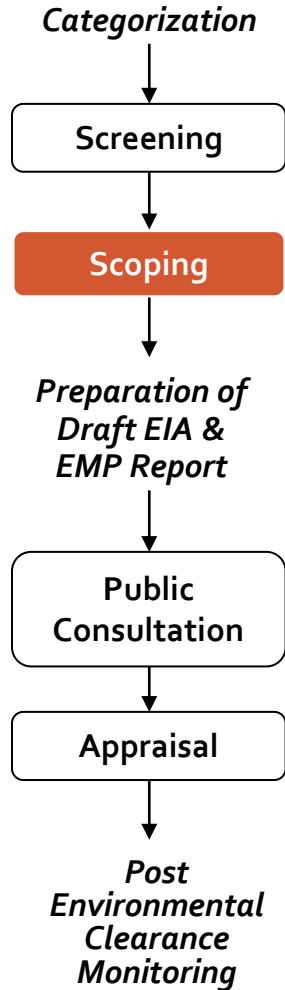
# Screening

Only for Category B projects

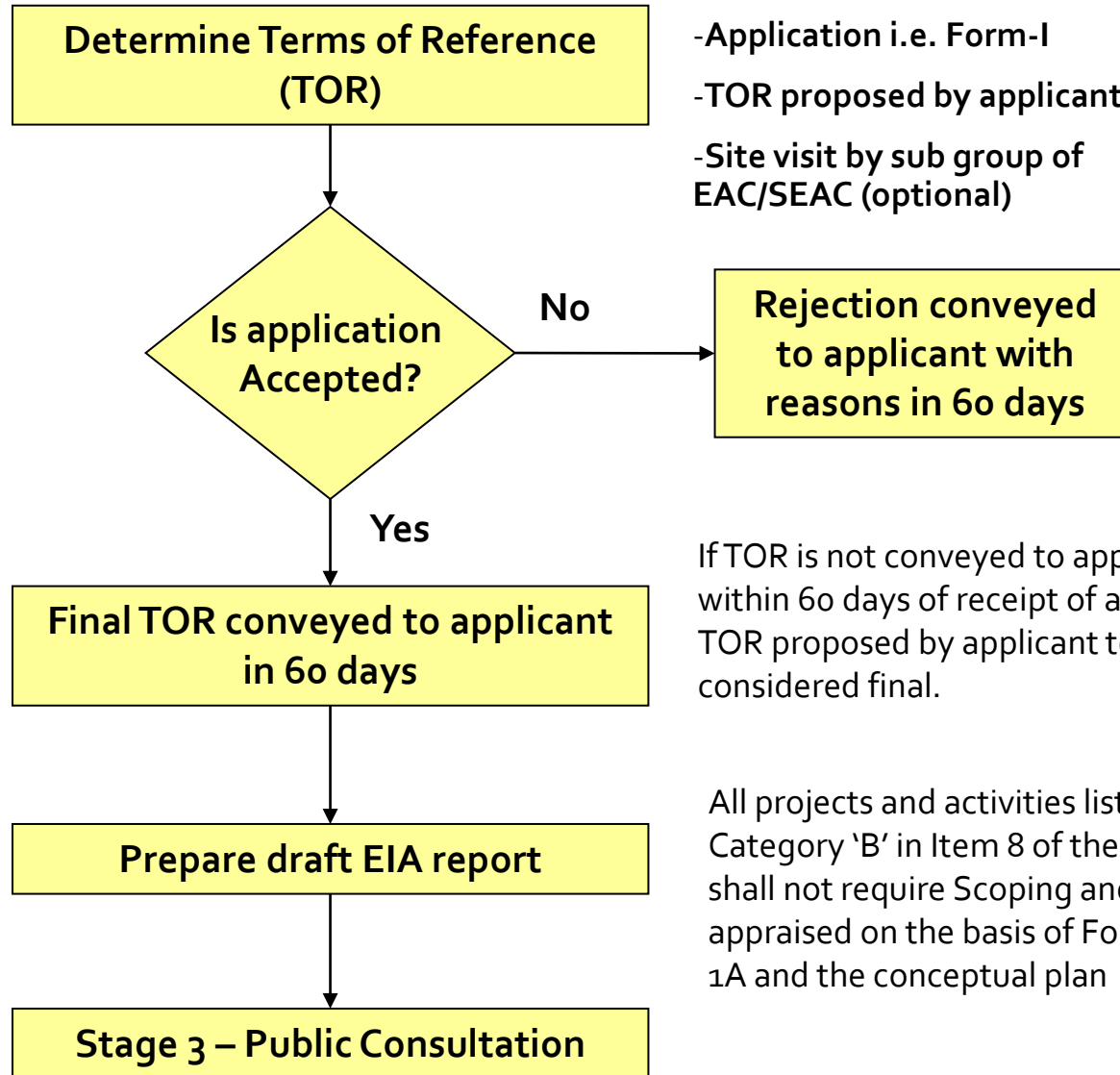




# Scoping



## For Category A & B1



Based on:

- Application i.e. Form-I
- TOR proposed by applicant
- Site visit by sub group of EAC/SEAC (optional)

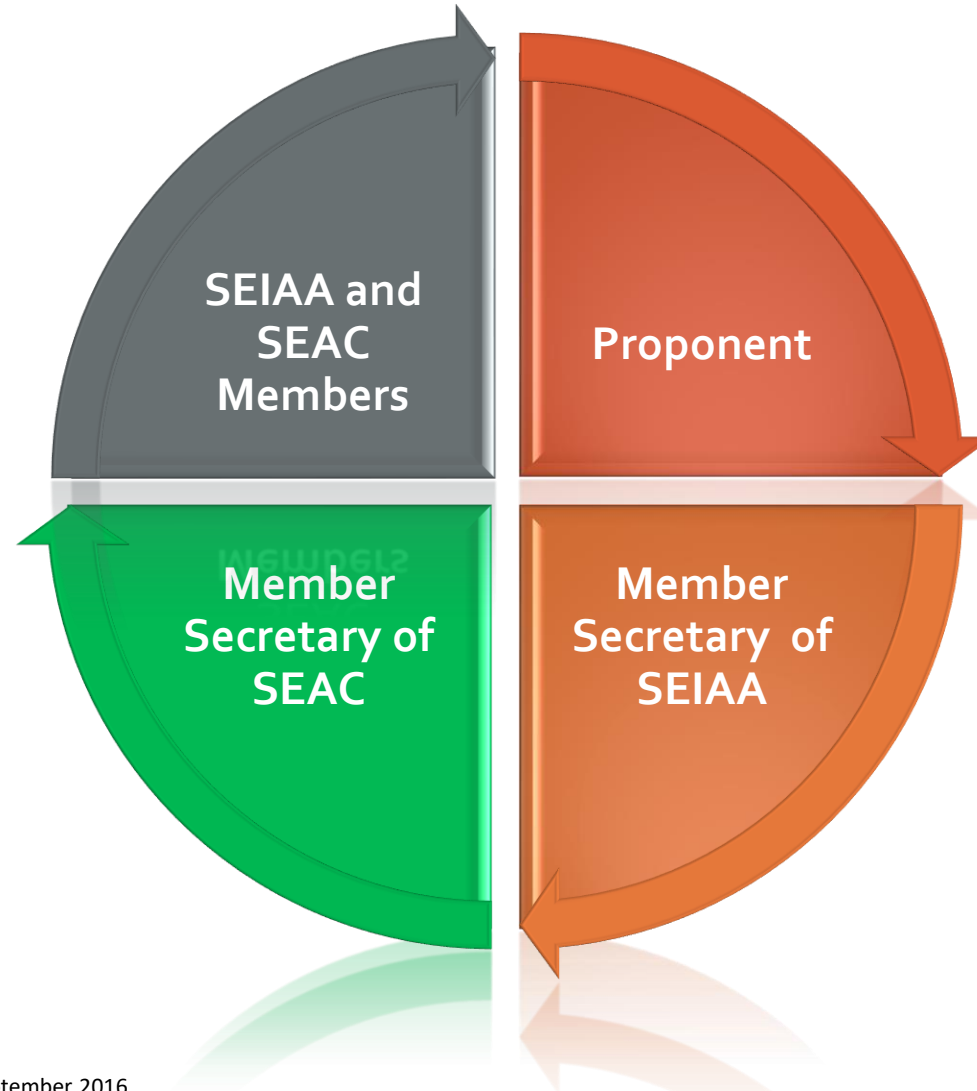
If TOR is not conveyed to applicant within 60 days of receipt of application, TOR proposed by applicant to be considered final.

All projects and activities listed as Category 'B' in Item 8 of the Schedule shall not require Scoping and will be appraised on the basis of Form 1/ Form 1A and the conceptual plan



# Conduct of Environmental Impact Assessment Studies and Preparation of Draft Report including Environmental Management Plan

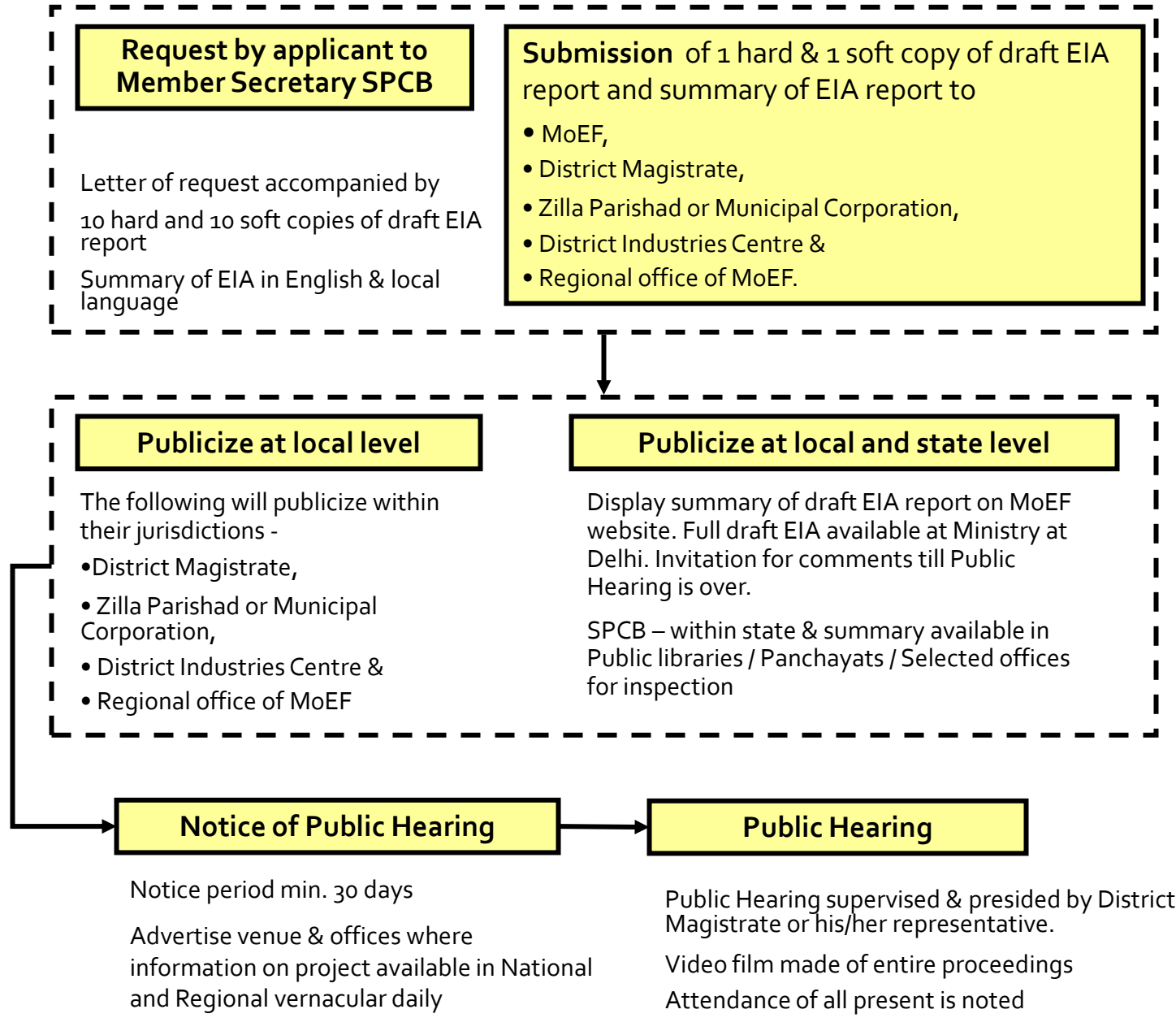
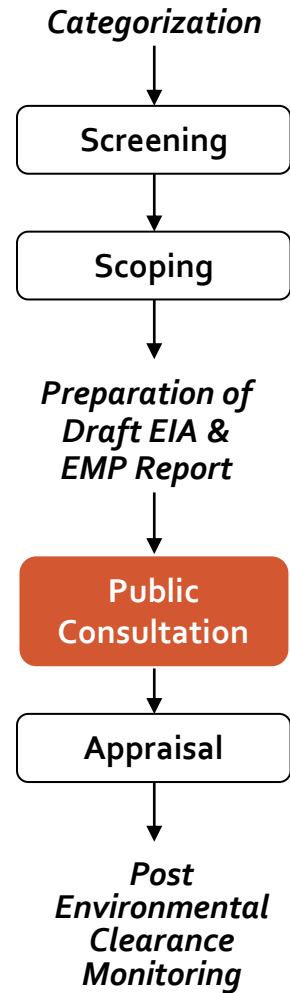
# Roles in System for Category-B



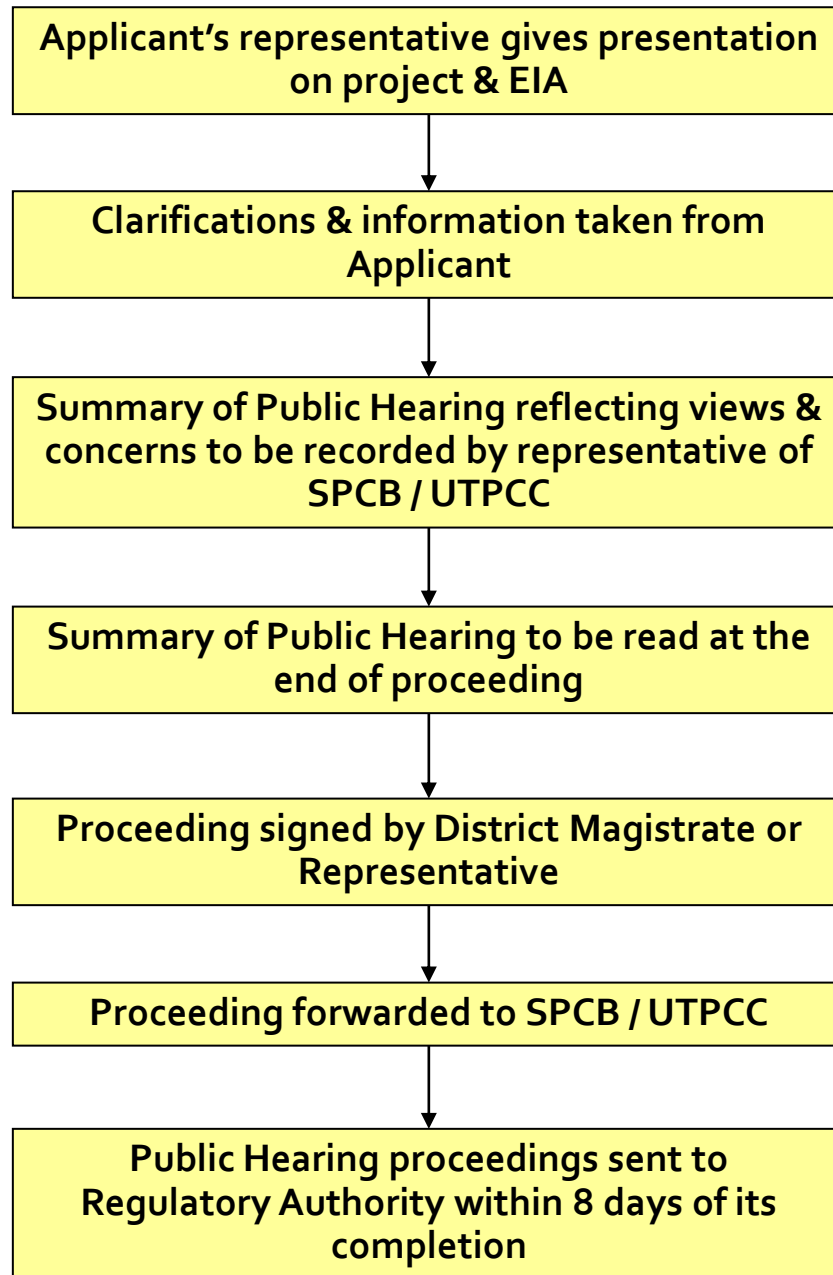
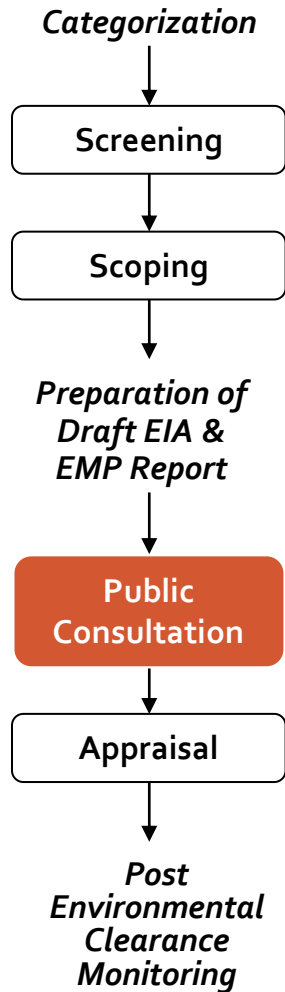
# Public Consultation



- Public Consultation shall ordinarily have two components
  - public hearing at the site or in its close proximity- district wise, to be carried out in the manner prescribed in Appendix IV, for ascertaining concerns of local affected persons
  - obtain responses in writing from other concerned persons having a plausible stake in the environmental aspects of the project
- All Category 'A' and Category B1 projects or activities shall undertake Public Consultation
  - A big list of exception

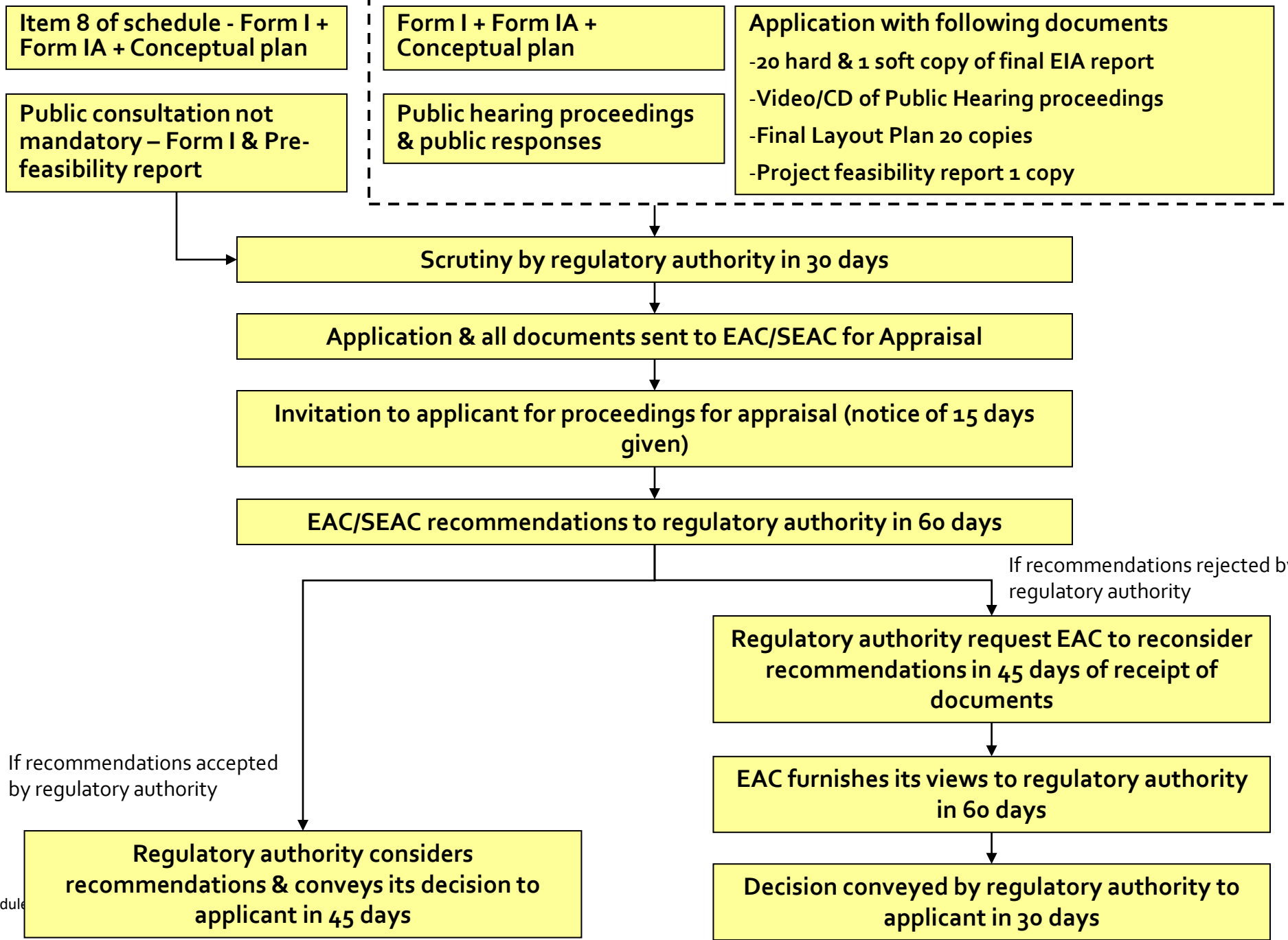


# Public Hearing



- Proceedings shall be displayed at
- Panchayat office
  - Zilla Parishad
  - District Magistrate's office
  - SPCB/UTPCC office and website
- Comments may be sent directly to regulatory authority or applicant

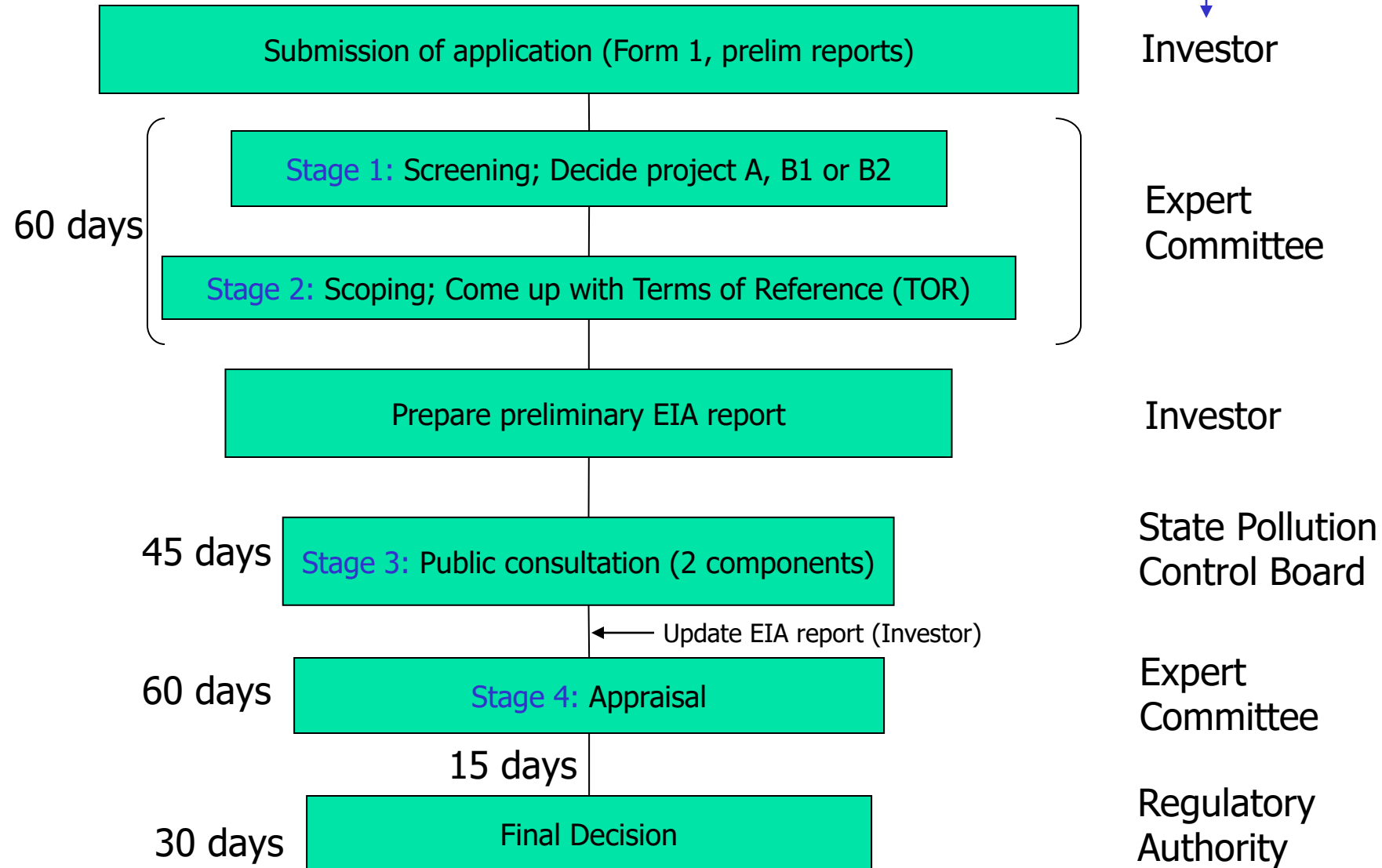
# APPRAISAL





# Summary of EIA process and Rough Timelines

Who does it?



# Environmental Clearance



F. No. 10-4/2010-IA.III

Government of India

Ministry of Environment & Forests

(IA Division)

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

Dated: 31<sup>st</sup> August 2010

To,

National Highways Authority of India,  
Ministry of Shipping Road Transport & Highways,  
G - 5 & 6, Sector - 10, Dwarka,  
New Delhi - 110075

**Subject: Environmental Clearance for 4/6- laning of Jammu-Udhampur Section including Nagrota Bypass and Udhampur bypass of NH-1A in the State of Jammu & Kashmir by M/s. NHAI- Reg.**

This has reference to your application No: 11013/12/1/2k/ GM (Env.) dated 02.02.2010 and subsequent letters dated 25.03.2010 and 09.04.2010 seeking prior Environmental Clearance for the above project under the EIA Notification - 2006. The proposal has been appraised as per prescribed procedure in the light of provisions under the EIA Notification - 2006 on the basis of the mandatory documents enclosed with the application viz., the Questionnaire, EIA, EMP and the additional clarifications furnished in response to the observations of the Expert Appraisal Committee constituted by the competent authority in its meetings held on held on 25<sup>th</sup> - 26<sup>th</sup> February, 2010 and 28<sup>th</sup> - 29<sup>th</sup> June, 2010.

2. It is interalia, noted that the proposal involves for 4/6- laning of Jammu-Udhampur Section (9.7 km to 72.750 km) of NH-1A including Nagrota Bypass and Udhampur in State of Jammu & Kashmir. The project road is a part of NH-1A, which originates at Jammu bypass (km 9.7) and passes through Sidhra, Khanpur, Kamini, Jagti, Dhammi, Panjgram, Ban, Sitleen, Jhanaakha, Suketar, Dayni, Jhajiarkotli, Mand, Tikri, Garnai, Malaad, Battal, Ballian, Rathain, Thanda-Padder, Karlia-



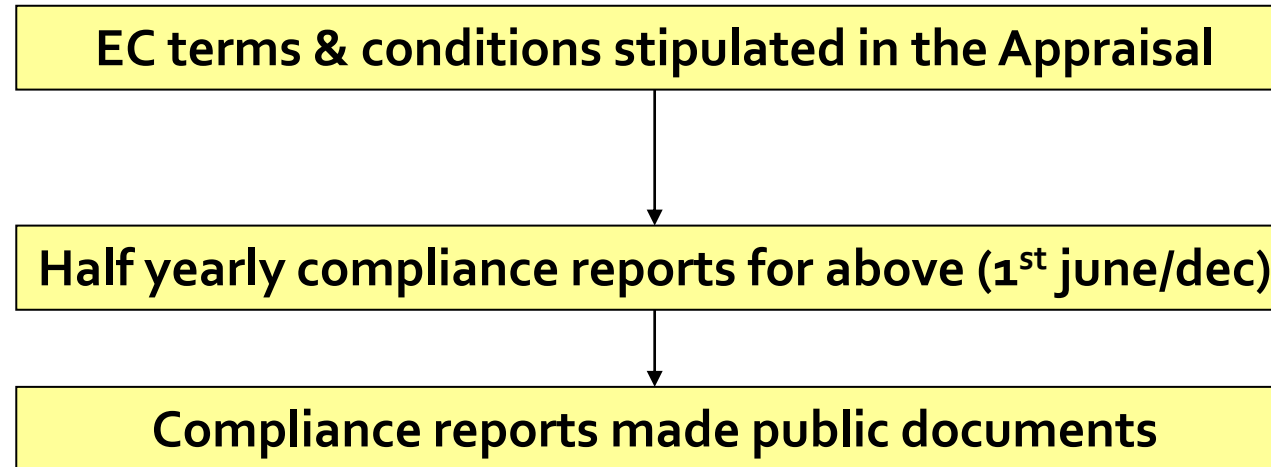
Accordingly, the Ministry hereby accord necessary Environmental Clearance for the above project as per the provisions of Environmental Impact Assessment Notification – 2006 and its subsequent amendments, subject to strict compliance of the terms and conditions as follows:

**5. SPECIFIC CONDITIONS:**

- (i) A confirmation shall be obtained from Defence Authorities to the effect that the road meets the required standards for the movement of troops and other heavy vehicles.
- (ii) Sufficient measures shall be taken to prevent land sliding, rock blocks rolling /falling on the forest area and damaging the trees.
- (iii) All necessary clearances from the concerned authorities including clearance from the Steering Committee of National Board of Wildlife (NBWL) and forest clearance shall be obtained before initiating the project.
- (iv) Necessary mitigative measures against adverse impact to the water bodies that are to be affected shall be provided.
- (v) The road profile shall be raised on the low lying structures to prevent flooding of road.
- (vi) Green belt development shall undertaken as suggested in EMP.
- (vii) Rain water harvesting including oil and grease trap shall be provided. Water harvesting structures shall be located at every 500 mts along the road. Vertical drain type rainwater harvesting structures shall be set up to minimize surface runoff losses of rainwater.



# Post Environmental Clearance monitoring



Copies of these documents given to any person on application

Latest report displayed on website of regulatory authority



# Monitoring EC Conditions

- Types of conditions:
  - Limits on use of natural resource
  - Pollution prevention and management
  - Obtaining permits from other regulatory agencies
  - Creation of infrastructure
  - Defining manpower requirements
  - Monitoring and reporting



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Permit

Infra  
creation



- (viii) The seismic nature of the area shall be taken into account while designing the project.
- (ix) No ground water shall be used for the project.
- (x) The project proponent shall obtain necessary permission from the State Irrigation Department before drawing water from the river sources for the purpose of the proposed construction activity.
- (xi) Sidewalk shall be provided along the bridges.
- (xii) The drain shall be at least 1 m. away from the toe of the embankment of the road adopting IRC guidelines.
- (xiii) Longitudinal drains shall be provided all along the project road to ensure proper drainage of the area. In addition, adequate number of under passes and culverts to act as cross drainage structures shall also be provided.
- (xiv) The solid waste generated shall be used for rehabilitating the borrow areas.
- (xv) For providing safety to the crossing animals and avoid road accidents speed breakers/rumbled strips shall be constructed at the identified locations of the animal movements. Enough hoardings and signages shall also be put up for the public and vehicles convenience.

Natural  
Resource

Pollution  
Management

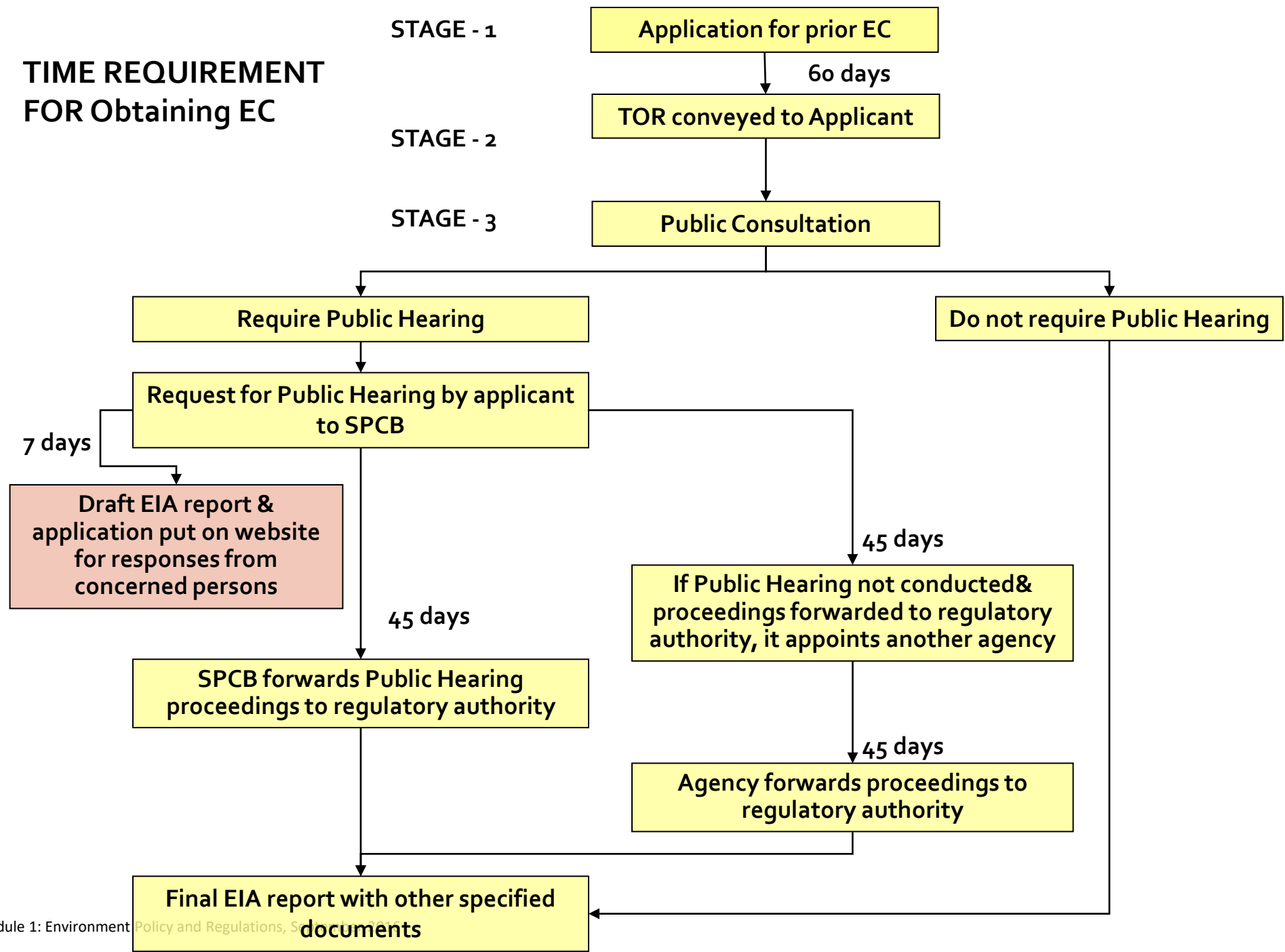


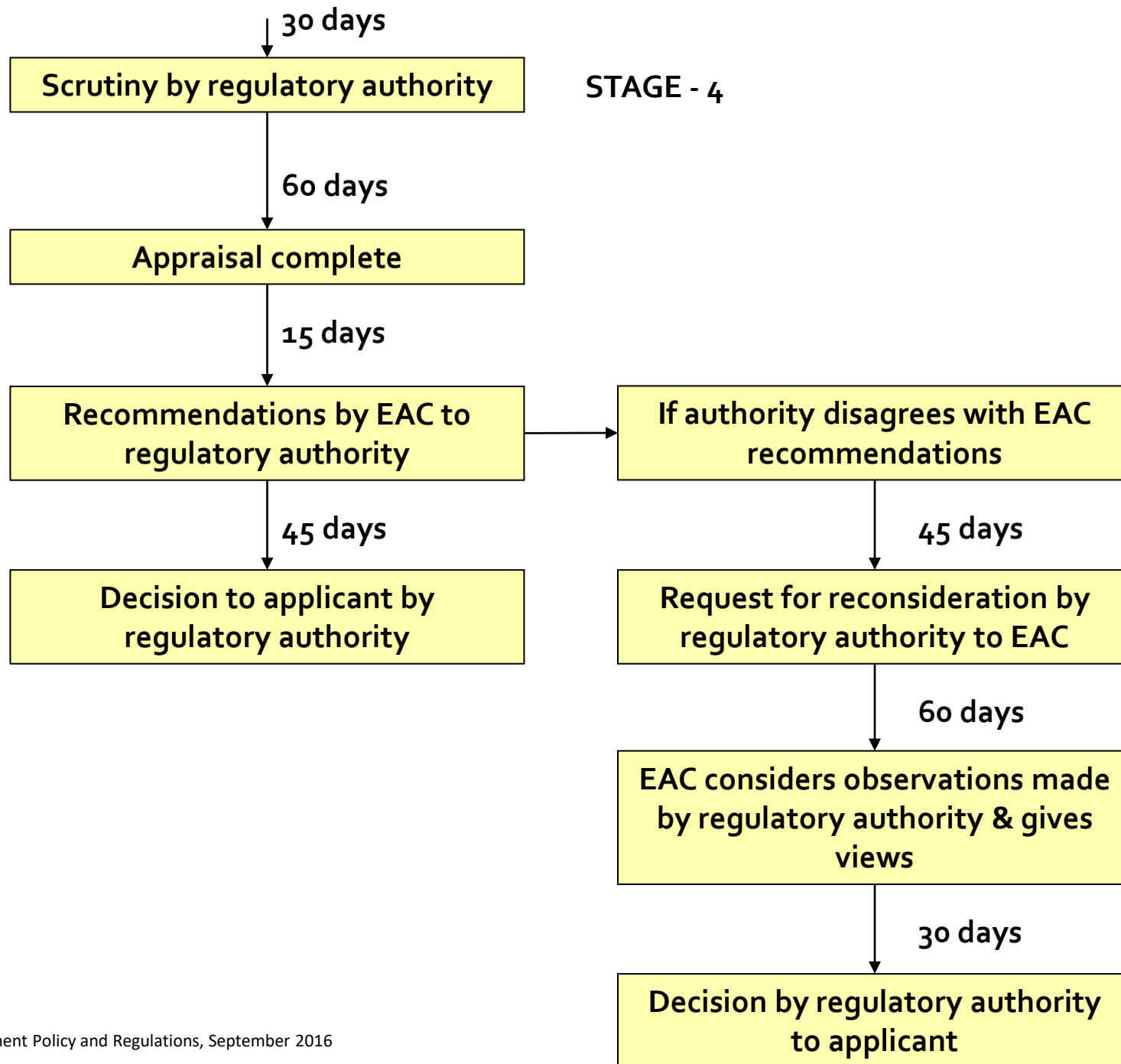
# Validity of Environmental Clearance

- The **period from** which a prior EC is granted by the regulatory authority, to the **start of production operations** by the project or activity, or completion of all construction operations in case of construction projects (item 8 of the Schedule).
  - 10 years in the case of River Valley
  - 30 years for mining projects
  - 5 years in the case of all other projects and activities
- Validity may be **extended** by a maximum period of **7 years** on application.



# TIME REQUIREMENT FOR Obtaining EC







# Timeline for Environmental Clearance

- For Category A Projects & Category B1 Projects requiring Public Hearing:
  - Minimum Time – 255 days
  - Timeline with delays – 390 days
  
- For Category B1 projects without Public Hearing:
  - Minimum Time – 210 days
  - Timeline with delays – 300 days
  
- For Category B2 projects
  - Maximum Timeline - 180 days
  
- **Does not include time required for Preparation of EIA Report**



# NABET Accreditation

- National Accreditation Board for Education and Training (NABET) conducted first set of accreditation of environmental consultants in 2010-11
- Environmental Consultants with accreditation under NABET are only allowed to conduct EIA and present it to the EAC/ SEAC since June 2011
- Accreditation has been given based on
  - Sectors
  - Categories of projects



- Prior EC granted for a specific project **may be transferred** during its validity to another legal person with **“no objection”** by transferor and regulatory authority on same terms and conditions under which EC was initially granted and for the same validity period



# Common **Misconceptions** about Environmental Clearance

- A project which is granted EC, does not require Forest and/or Wildlife Clearance. **FALSE**
- If a project does not require EC, it does not require Coastal Regulation Zone Clearance. **FALSE**
- EC is same as Consent to Establish and Consent to Operate. **FALSE**
- Grant of building permission from Municipal Corporation encompasses EC. **FALSE**



Thankyou