

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
Original Application No. 165 of 2025**

IN THE MATTER OF:

M/s. KESPYA ENVIRONMENT MANAGEMENT PVT LTD.

...Applicant

-Versus-

The State of Assam & Ors.

...Respondents

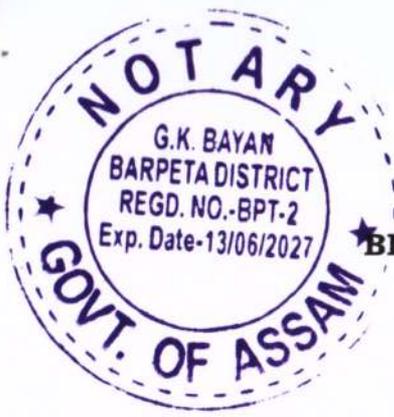
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Filed by:

Bipasha Jaiswal

Bipasha Jaiswal
Advocate
Office: 3A, Gasting Place, Seventh
Floor, Kolkata- 700001;
E: envirolexassocites@gmail.com;
M: 9330812328



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SUPPLEMENTARY AFFIDAVIT ON BEHALF OF THE APPLICANT

I, Raju Saikia, son of Late Ram Saikia, aged about 48 years old, resident of Village, P.O., VTC, Sundaridia, District: Barpeta, Assam, Pin- 781314, Director of M/s. Ksepya Environment Management Pvt Ltd, do hereby solemnly affirm and state as under:

1. That the Deponent is the Director of the Applicant Company, namely M/s. KSEPYA ENVIRONMENT MANAGEMENT PVT. LTD., and is well conversant with the facts and circumstances of the present case and is competent and authorized to swear this Supplementary Affidavit on behalf of the Applicant Company.

2. That this Supplementary Affidavit is being filed in continuation of the Original Application filed before this Hon'ble Tribunal to supplement the facts and to bring on record certain pertinent facts and circumstances that are essential for the just and proper adjudication of the present matter.

Raju Saikia
02/11/26
Gunajit Kr. Bayan
NOTARY; BARPETA

Raju Saikia

*NO: 45
dt: 02.1.25*

*The deponent
is identified by
me in the
How
02.01.2026*

3. That the Applicant, M/s. KSEPYA ENVIRONMENT MANAGEMENT PVT. LTD., is a company which has duly applied for grant of Environmental Clearance for establishing a Common Bio-Medical Waste Treatment Facility (CBMWTF) in the State of Assam. Simultaneously, the Respondent No. 5, namely M/s. Kaziranga Biotech Private Limite, being a competitor in the same field, has also submitted an application for grant of Environmental Clearance for a similar Common Bio-Medical Waste Treatment Facility. Both the applications were submitted in accordance with the Environment Impact Assessment (EIA) Notification, 2006 (as amended from time to time) and particularly in accordance with the amendment brought about by the Ministry of Environment, Forest and Climate Change (MoEF&CC) vide Notification No. S.O.1142(E) dated 17th April, 2015, whereby Common Bio-Medical Waste Treatment Facilities have been included under Schedule 7(da) and categorized as **Category 'B1' projects**. The fundamental and material difference between the two competing applications is that the Applicant herein has proposed to establish the CBMWTF at a location situated more than 2 - 3 km approximately, **away from populated areas and human habitations**, at Village Phukon Khat, Choukhat, District Jorhat, Assam, thereby ensuring minimum environmental and public health impact on the surrounding population, whereas the Respondent No. 5 has proposed to establish its CBMWTF **within the Titabor Industrial Estate**, which is an existing industrial area having various other industrial units in operation. Needless to mention that such an attempt on the part of respondent no. 5 will be a threat to the environment.

Copy of the MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE, New Delhi, August, 2015, Notification no. S.O. 1533 is annexed hereto and marked as annexure P/10.

4. That the SEAC Board (Respondent No. 3), while processing the application of the Respondent No. 5, had erroneously accepted the submission to the effect and/or extent that since the location of the proposed project is within the Titabor Industrial Estate, the requirement of Public Hearing (PH) stands exempted as per the EIA Notification, 2006. Accordingly, the SEAC proceeded to grant the Terms of Reference (ToR) to Respondent No. 5 **without adhering to the mandatory norms and procedures prescribed under the EIA Notification, 2006**. It is submitted with utmost respect that the grant of ToR while simultaneously exempting the Public Hearing process is fundamentally **tantamount to granting Environmental Clearance itself**, thereby bypassing the essential statutory safeguards designed to protect public interest and environmental concerns. The ToR stage is meant to define the scope of environmental assessment, and when Public Hearing is exempted at this stage for a B1 Category project, the entire purpose of the environmental appraisal process is defeated.
5. That the SEAC approved the ToR for Respondent No. 5 without duly considering and appreciating the crucial fact that even if a Common Bio-Medical Waste Treatment Facility (CBMWTF) is proposed to be established within an Industrial Estate or Industrial Park, **such facilities cannot be granted exemption from the mandatory requirement of Public Hearing**. The nature and characteristics of a CBMWTF must be given paramount consideration while determining the applicability of exemptions. A CBMWTF that deals with the treatment and disposal of **highly contagious, infectious, and hazardous bio-medical waste** generated from hospitals, clinics, pathological laboratories, blood banks, and other healthcare establishments is not an emission mutually benign project and

hence a principle of precautionary cannot be dispensed with. Such waste, if not properly handled, treated, and disposed of, poses severe risks to public health and safety, environmental quality, workers involved in the handling process, and may lead to spread of infectious diseases. Since the project falls under **Category B1**, which mandatorily requires preparation of Environment Impact Assessment (EIA) Report and Public Consultation as per the EIA Notification, 2006, the blanket exemption claimed on the ground of location within an Industrial Estate is **legally untenable and against the spirit of environment protection laws.**

6. That it is brought to the kind attention of this Hon'ble Tribunal that while the application of the Applicant has been **put on hold indefinitely** by the SEAC/SEIAA, then several other project proponents who had submitted applications before the same Board were granted approvals with favorable remarks, it is evident from Annexure 5 of the Original Application that various other project proponents were granted Environmental Clearance by the SEAC with the following remarks:

“...Considering the above facts and Office Memorandum issued by the Ministry of Environment, Forest and Climate Changes, New Delhi, Govt. of India vide No. 21-270/2008-IA.III dated 19.06.2013 which inter alia states that SEIAA/SEAC need not to focus on the other issues which are normally looked after by the concerned local bodies / State Government Departments / SPCBs and, therefore, the SEAC is convinced to recommend for grant of the EC by the SEIAA for the project under the special Specific Conditions stipulated here under...”.

Copy of the Office Memorandum dated 19.06.2013 is annexed hereto and marked as annexure P/11.

7. It is most respectfully submitted that the aforesaid Office Memorandum dated 19.06.2013 bearing No. 21-270/2008-IA.III issued by the Ministry of Environment, Forest and Climate Change is **squarely and directly applicable to the case of the Applicant herein**, and the same principle which was extended to other project proponents ought to have been extended to the Applicant as well. The said Office Memorandum was issued pursuant to the recommendations made by the Committee constituted under the Chairmanship of Dr. K. Kasturirangan, Member, Planning Commission, to review the provisions of the EIA Notification, 2006. The relevant portion of the said Office Memorandum is as follows:

“2(iii) In order to meet stipulated timelines, avoid duplication of work, and speed-up the process of scrutiny, the SEIAA/SEAC may only focus on the following thrust areas of environmental sustainability while appraising projects.

- a. **Brief Description of the Project** in terms of location and surroundings.
- b. **Environmental Impacts on Project Land** and its surrounding developments and vice-versa.
- c. Water Balance Chart with a view to promote waste water treatment, recycle, reuse and water conservation.
- d. Waste Water Treatment and its details including target standards.
- e. Alterations in the natural slope and drainage pattern and their environmental impacts on the surroundings.

- f. Ground water potential of the site and likely impacts of the project.
- g. Solid Waste Management during construction and post construction phases.
- h. Air Quality and Noise Levels; likely impacts of the project during construction and operational phases.
- i. Energy requirements with a view to minimize power consumption and promote use of renewal energy sources.
- j. Traffic Circulation System and connectivity with a view to ensure adequate parking, conflict free movements, Energy efficient Public Transport.
- k. Green Belt/Green cover and the Landscape Plan.
- l. Disaster/Risk Assessment and Management Plan,
- m. Socio Economic Impacts of the project and CSR.
- n. EMP during construction and operational phases.
- o. Any other related parameter of the project which may have any other specific impact on environmental sustainability and ecology.

The SEIAA/SEAC **need not focus on other issues which are normally looked after by the concerned local bodies / State Government Departments /SPCBs.**

- 8. That in the present case, the SEAC has put the application of the Applicant on hold citing requirements relating to land classification, NOCs from Revenue authorities, NOC from Gram Panchayat, permission from Central Ground Water Authority (CGWA), and justification for grant of Consent to Establish (CTE) by the Pollution Control Board, Assam. It is submitted that **each and every one of**

these requirements falls within the purview of other statutory authorities and local bodies, and as per the clear mandate of the Office Memorandum dated 19.06.2013, the SEAC is not required to focus on such issues. The land classification and NOC from Circle Office/Revenue Office are matters exclusively within the jurisdiction of the Revenue Department of the State Government. The NOC from Gram Panchayat is a matter within the purview of the local self-government body. The permission from CGWA is granted by a separate statutory authority under the Environment (Protection) Act, 1986. The Consent to Establish is granted by the State Pollution Control Board under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981. Therefore, by the express terms of the Office Memorandum dated 19.06.2013, the SEAC ought not to have held up the application of the Applicant on these grounds.

9. That the selective application of the Office Memorandum dated 19.06.2013 to some project proponents while arbitrarily denying the same benefit to the Applicant herein is a clear case of **discrimination, arbitrariness, and the same is clear violation of Article 14 of the Constitution of India**. The uniform application of the memorandum as referred to above has been consciously violated by SEAC. The concept of level playing field and natural justice have been violated.
10. That based on the aforementioned aspects and particularly in light of the Office Memorandum dated 19.06.2013, the Applicant was entitled to be treated at par with other project proponents, and the application of the Applicant for grant of Terms of Reference (ToR) **ought to have been allowed** following the same parameters and considerations applied to similarly placed applicants. Instead of

according such equal treatment, the application of the Applicant was **indefinitely stopped/kept on hold** with observations and requirements that are squarely covered by the Office Memorandum dated 19.06.2013 as matters falling outside the purview of SEAC's focus areas.

11. That it is categorically submitted that the SEAC put the application of the Applicant on hold with the following observations:

“...It is categorically submitted that the parcel of land in question is an Agricultural land and necessary classification of land befitting establishment of the proposed unit is found wanting. Further, the proponent failed to justify the cogent reasons of obtaining the CTE from the PCBA prior to obtaining the necessary EC from the SEIAA...”.

The following documents were required to be submitted:

1. Jamabandi copy of proposed parcel of land under Lease Agreement including all Dag No. & Patta No. for the proposed site (plot);
2. NOC from the Circle Office / Revenue Office showing that the proposed parcel of land is a piece of non-agricultural land;
3. NOC from the local authority / Gram Panchayat is to be uploaded in the Parivesh 2.0 portal;
4. The Proponent shall upload the permission of the CGWA (Central Ground Water Authority);
5. Cogent reasons are to be furnished by the PCBA for grant of CTE dated 25.02.25 in favour of the PP (Project Proponent) much prior to grant of the EC by the SEIAA and appraisal by the SEAC for issue of ToR.

Decision:

ADS (Additional Documents) on above mentioned points are to be uploaded for further processing of the proposal.

12. That it is humbly submitted that each of the aforesaid requirements raised by the SEAC falls squarely within the ambit of matters that are looked after by other statutory authorities and local bodies as contemplated under the Office Memorandum dated 19.06.2013, and therefore, the SEAC ought not to have held up the application on these grounds:

- (a) **Regarding Jamabandi copy and land classification:** The Jamabandi (Record of Rights) and land classification are matters within the exclusive domain of the Revenue Department of the State of Assam. The classification of land as agricultural or non-agricultural, and the permission for change of land use, are governed by the Assam Land and Revenue Regulation, 1886 and the rules framed thereunder. As per the Office Memorandum dated 19.06.2013, this is a matter which is required to be looked after by State Government Departments, and the SEAC need not focus on the same.
- (b) **Regarding NOC from Circle Office/Revenue Office:** This requirement relates to land revenue administration which is a statutory function of the Revenue Department. The Office Memorandum dated 19.06.2013 specifically covers such matters as falling outside the focus area of SEIAA/SEAC.
- (c) **Regarding NOC from Gram Panchayat:** The Gram Panchayat is a local self-government body constituted under the Assam Panchayat Act, 1994. The Office Memorandum dated 19.06.2013 explicitly states that matters looked after by local bodies need not be focused upon by the SEAC. Therefore, requiring NOC from Gram Panchayat as a condition for

processing the EC application is contrary to the mandate of the said Office Memorandum.

- (d) **Regarding CGWA permission:** The Central Ground Water Authority is constituted under Section 3 of the Environment (Protection) Act, 1986. The permission for extraction of ground water is granted by CGWA as per its guidelines and is an independent statutory process. As per the Office Memorandum dated 19.06.2013, this falls within the purview of concerned authorities and the SEAC need not hold up the EC process pending such permission.
- (e) **Regarding justification for CTE granted by PCBA:** The Consent to Establish (CTE) is granted by the State Pollution Control Board (SPCB) under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981. The Office Memorandum dated 19.06.2013 specifically mentions SPCBs as one of the authorities whose matters need not be focused upon by SEAC. The SEAC cannot question or seek justification for the actions committed by another statutory authority (PCBA) in exercise of its independent statutory powers.

13. That with regard to the SEAC's observation regarding grant of Consent to Establish (CTE) by PCBA prior to obtaining Environmental Clearance, it is submitted that the Environmental Clearance process under the EIA Notification, 2006 and the Consent mechanism under the Water Act, 1974 and Air Act, 1981 are **independent statutory regimes operating in parallel**. There is no statutory provision that mandates obtaining Environmental Clearance prior to obtaining Consent to Establish. The validity and

operation of CTE is subject to the condition of obtaining EC, and the project proponent cannot commence operations without obtaining both clearances. The sequence in which these clearances are applied for or obtained does not vitiate either process. Therefore, the SEAC's insistence on justification for grant of CTE prior to EC is **without legal basis and contrary to the settled position of law.**

14. That it is thus evident that the SEAC has applied the Office Memorandum dated 19.06.2013 selectively and discriminatorily. While recommending grant of Environmental Clearance to other project proponents, the SEAC expressly relied upon the said Office Memorandum to state that it need not focus on matters looked after by local bodies, State Government Departments, and SPCBs. However, while dealing with the application of the Applicant herein, the SEAC has raised precisely those issues which fall within the purview of Revenue Department (land classification, Jamabandi, NOC), local body (Gram Panchayat NOC), Central Government authority (CGWA), and State Pollution Control Board (CTE). This **differential and inconsistent treatment of the Applicant is arbitrary, discriminatory, and violative of Article 14 of the Constitution.**
15. That notwithstanding the above submissions, the Applicant expresses its complete willingness and readiness to comply with all genuine and lawful requirements of the SEAC/SEIAA, and is in the process of obtaining and uploading the requisite documents as demanded. However, the Applicant humbly submits that the same standards, timelines, and principles as applied to other project proponents, particularly the principle enshrined in the Office Memorandum dated 19.06.2013, should be uniformly applied to all

applicants including the Applicant herein and the Respondent No. 5.

16. That in view of the above facts and circumstances, the Applicant most respectfully prays that this Hon'ble Tribunal may be pleased to:

- (a) Direct the Respondent authorities to accord equal and uniform treatment to all applicants including the Applicant herein, in accordance with the Office Memorandum dated 19.06.2013 bearing No. 21-270/2008-IA.III issued by the Ministry of Environment, Forest and Climate Change;
- (b) Direct the Respondent No. 3 (SEAC) to process the application of the Applicant expeditiously and in accordance with law, applying the same principle as applied to other project proponents, namely that the SEAC need not focus on issues normally looked after by local bodies, State Government Departments, and SPCBs;
- (c) Direct that the mandatory requirement of Public Hearing be complied with by Respondent No. 5 before grant of Environmental Clearance for its CBMWTF project;
- (d) Interim and ad interim orders in terms of prayers above;
- (e) Costs;
- (f) Such other and/or further order or orders as this Hon'ble Green Tribunal may deem fit and proper.

And your Petitioner, as in duty bound, shall ever pray.

17. That I therefore most respectfully pray that this Hon'ble Tribunal may take cognizance of the additional facts, evidence, and legal arguments presented in this supplementary affidavit and grant relief and such other orders as may be necessary to vindicate environmental rights and prevent future violations.

18. That the statements made in paragraphs 1 to 17 above are true to my personal knowledge, and the statements made in paragraphs 3 and 6 of the supplementary affidavit are based on documentary evidence which I believe to be true and accurate.

Rajv Saikia

DEPONENT

Prepared at my office

Pravin Singh
Adv.
02.01.2026
Advocate

BEFORE ME



Gunajit Kr. Bayan
02/01/26

NOTARY

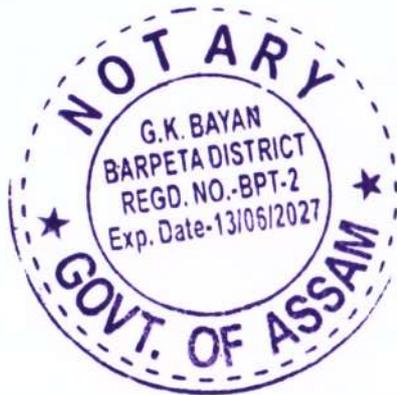
Gunajit Kr. Bayan
NOTARY: BARPETA

VERIFICATION

I, Mr. Raju Saikia, the Deponent above named, do hereby verify that the contents of paragraphs 1 to 18 of this Supplementary Affidavit are true and correct to my knowledge and belief and nothing material has been concealed therefrom.

Raju Saikia

DEPONENT



*Identified by
Meimul Saha
Ddo.
02.01.2026*

Gunajit Kr. Bayan
02/1/26

Gunajit Kr. Bayan
NOTARY; BARPETA

FOR INTERNAL USE

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

New Delhi August, 2015

Notification

S.O. 1533 Whereas, a draft notification **under sub-rule (3) of Rule 5 of the Environment (Protection) Rules, 1986 for imposing** certain restrictions and prohibitions on new projects or activities, or on the expansion or modernization of existing projects or activities based on their potential environmental impacts as indicated in the Schedule to the notification, being undertaken in any part of India¹, unless prior environmental clearance has been accorded in accordance with the objectives of National Environment Policy **as approved by the Union Cabinet on 18th May, 2006** and the procedure specified in the notification, by the Central Government or the State or Union territory Level Environment Impact Assessment Authority (SEIAA), to be constituted by the Central Government in consultation with the State Government or the Union territory Administration concerned under sub-section (3) of section 3 of the Environment (Protection) Act, 1986 for the purpose of this notification, was published in the Gazette of India ,Extraordinary, Part II, section 3, sub-section (ii) vide number S.O. 1324 (E) dated the 15th September ,2005 inviting objections and suggestions from all persons likely to be affected thereby within a period of sixty days from the date on which copies of Gazette containing the said notification were made available to the public;

And whereas, copies of the said notification were made available to the public on 15th September, 2005;

And whereas, all objections and suggestions received in response to the above mentioned draft notification have been duly considered by the Central Government;

Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986, read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986 and in supersession of the notification number S.O. 60 (E) dated the 27th January, 1994, except in respect of things done or omitted to be done before such supersession, the Central Government hereby directs that on and from the date of its publication 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.

¹Includes the territorial waters

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2. Requirements of prior Environmental Clearance (EC):- The following projects or activities shall require prior environmental clearance from the concerned regulatory authority, which shall hereinafter referred to be as the Central Government in the Ministry of Environment and Forests for matters falling under Category 'A' in the Schedule and at State level the State Environment Impact Assessment Authority (SEIAA) for matters falling under Category 'B' in the said Schedule, before any construction work, or preparation of land by the project management except for securing the land, is started on the project or activity:

- (i) All new projects or activities listed in the Schedule to this notification;
 - (ii) Expansion and modernization of existing projects or activities listed in the Schedule to this notification with addition of capacity beyond the limits specified for the concerned sector, that is, projects or activities which cross the threshold limits given in the Schedule, after expansion or modernization;
-

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(iii) Any change in product - mix in an existing manufacturing unit included in Schedule beyond the specified range.

3. State Level Environment Impact Assessment Authority:-

(1) A State Level Environment Impact Assessment Authority hereinafter referred to as the SEIAA shall be constituted by the Central Government under sub-section (3) of section 3 of the Environment (Protection) Act, 1986 comprising of three Members including a Chairman and a Member – Secretary to be nominated by the State Government or the Union territory Administration concerned.

(2) The Member-Secretary shall be a serving officer of the concerned State Government or Union territory administration familiar with environmental laws.

(3) The Chairman shall be an expert in terms of eligibility criteria given in APPENDIX VI in one of the specified fields, with sufficient experience in environmental policy or management.

(4) The other member shall be an expert fulfilling the eligibility criteria given in APPENDIX VI in one of the specified fields.

(5) The State Government or Union territory Administration shall forward the names of the Members and the Chairman referred in sub- paragraph 3 to 4 above to the Central Government and the Central Government shall constitute the SEIAA as an authority for the purposes of this notification within thirty days of the date of receipt of the names.

(6) The non-official Member and the Chairman shall have a fixed term of three years (from the date of the publication of the notification by the Central Government constituting the authority).

(7) All decisions of the SEIAA shall be taken in a meeting and shall ordinarily be unanimous;

Provided that, in case a decision is taken by majority, the details of views, for and against it, shall be clearly recorded in the minutes and a copy thereof sent to MoEF.

4. Categorization of projects and activities:-

(i) All projects and activities are broadly categorized in to two categories - Category A and Category B, based on the spatial extent of potential impacts and potential impacts on human health and natural and man made resources.

(ii) All projects or activities included as Category 'A' in the Schedule, including expansion and modernization of existing projects or activities and change in product mix, shall require prior environmental clearance from the Central Government in the Ministry of Environment and

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Forests (MoEF) on the recommendations of an Expert Appraisal Committee (EAC) to be constituted by the Central Government for the purposes of this notification;

(iii) All projects or activities included as Category 'B' in the Schedule, including expansion and modernization of existing projects or activities as specified in sub paragraph (ii) of paragraph 2, or change in product mix as specified in sub paragraph (iii) of paragraph 2, but excluding those which fulfill the General Conditions (GC) stipulated in the Schedule, *will* require prior environmental clearance from the State/Union territory Environment Impact Assessment Authority (SEIAA). The SEIAA shall base its decision on the recommendations of a State or Union territory level Expert Appraisal Committee (SEAC) as to be constituted for in this notification. In the absence of a duly constituted SEIAA or SEAC, a Category 'B' project shall be considered at the Central Level as a Category 'B' project;

5. Screening, Scoping and Appraisal Committees:-

The same Expert Appraisal Committees (EACs) at the Central Government and SEACs (hereinafter referred to as the (EAC) and (SEAC) at the State or the Union territory level shall screen, scope and appraise projects or activities in Category 'A' and Category 'B' respectively. EAC and SEAC's shall meet at least once every month.

(a) The composition of the EAC shall be as given in Appendix VI. The SEAC at the State or the Union territory level shall be constituted by the Central Government in consultation with the concerned State Government or the Union territory Administration with identical composition;

(b) The Central Government may, with the prior concurrence of the concerned State Governments or the Union territory Administrations, constitutes one SEAC for more than one State or Union territory for reasons of administrative convenience and cost;

(c) The EAC and SEAC shall be reconstituted after every three years;

(d) The authorised members of the EAC and SEAC, concerned, may inspect any site(s) connected with the project or activity in respect of which the prior environmental clearance is sought, for the purposes of screening or scoping or appraisal, with prior notice of at least seven days to the applicant, who shall provide necessary facilities for the inspection;

(e) The EAC and SEACs shall function on the principle of collective responsibility. The Chairperson shall endeavour to reach a consensus in each case, and if consensus cannot be reached, the view of the majority shall prevail.

6. Application for Prior Environmental Clearance (EC):-

An application seeking prior environmental clearance in all cases shall be made by the project proponent in the prescribed Form 1 annexed herewith and Supplementary Form 1A, if applicable, as given in Appendix II, after the identification of prospective site(s) for the project and/or activities to which the application relates, before commencing any construction activity, or preparation of land, at the site by the applicant. The applicant shall furnish, along with the

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application, a copy of the pre-feasibility project report except that, in case of construction projects or activities (item 8 of the Schedule) in addition to Form 1 and the Supplementary Form 1A, a copy of the conceptual plan shall be provided, instead of the pre-feasibility report.

7. Stages in the Prior Environmental Clearance (EC) Process for New Projects:-

7(i) The environmental clearance process for new projects will comprise of a maximum of four stages, all of which may not apply to particular cases as set forth below in this notification. These four stages in sequential order are:-

- Stage (1) Screening (Only for Category ‘B’ projects and activities)
- Stage (2) Scoping
- Stage (3) Public Consultation
- Stage (4) Appraisal

I. Stage (1) - Screening:

In case of Category ‘B’ projects or activities, this stage will entail the scrutiny of an application seeking prior environmental clearance made in Form 1 by the concerned State level Expert Appraisal Committee (SEAC) for determining whether or not the project or activity requires further environmental studies for preparation of an Environmental Impact Assessment (EIA) for its appraisal prior to the grant of environmental clearance depending up on the nature and location specificity of the project . The projects requiring an Environmental Impact Assessment report shall be termed Category ‘B1’ and remaining projects shall be termed Category ‘B2’ and will not require an Environment Impact Assessment report. For categorization of projects into B1 or B2 except item 8 (b), the Ministry of Environment and Forests shall issue appropriate guidelines from time to time.

II. Stage (2) - Scoping:

(i) “Scoping” refers to the process to determine detailed and comprehensive Terms of Reference (TOR) addressing all relevant environmental concerns for the preparation of an Environment Impact Assessment (EIA) Report in respect of the project or activity for which prior environmental clearance is sought. Standard TOR developed by the Ministry in consultation with the sector specific Expert Appraisal Committees shall be the deemed approved TOR for the projects or activities. The standard Terms of Reference are displayed on the website of the Ministry of Environment, Forest and Climate Change:

Provided that the Expert Appraisal Committee (EAC) or State Expert Appraisal Committee (SEAC) may finalise amendment, if found necessary for a project within thirty days of the acceptance of application in specified application Form I or Form IA. These standard TOR shall enable the Project Proponent to commence preparation of an Environment Impact Assessment Report after successful online submission and registration of the application:

Provided further that, the Expert Appraisal Committee (EAC) or State Expert Appraisal Committee (SEAC) may stipulate additional Terms of Reference, if found necessary, within thirty days of the acceptance of the application in the specified application Form I or Form IA

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and the Project Proponent shall carry out the EIA study based on the standard TORs as well as the additional TOR, if any, stipulated by EAC/SEAC:

Provided also that the following shall not require Scoping—

- (i) all projects and activities listed under Category ‘B’, against Item 8(a) of the Schedule;
- (ii) all Highway projects in border States covered under entry (i) of column (3) and entry (i) of column (4) against item 7(f) of the Schedule;
- (iii) all Highway expansion projects covered under entry (ii) of column (3) and entry (ii) of column (4) against item 7(f) of the Schedule;

Provided also that –

- (A) the project and activities referred to in clause (i) shall be appraised on the basis of Form I or Form IA and the conceptual plan;
- (B) the projects referred to in clause (ii) shall prepare EIA and EMP report on the basis of standard TOR specified by the Ministry of Environment, Forest and Climate Change;

(ii) Applications for prior environmental clearance may be rejected by the regulatory authority concerned on the recommendation of the EAC or SEAC concerned at this stage itself. In case of such rejection, the decision together with reasons for the same shall be communicated to the applicant in writing within sixty days of the receipt of the application.

III. Stage (3) - Public Consultation:

(i) “Public Consultation” refers to the process by which the concerns of local affected persons and others who have plausible stake in the environmental impacts of the project or activity are ascertained with a view to taking into account all the material concerns in the project or activity design as appropriate. All Category ‘A’ and Category B1 projects or activities shall undertake Public Consultation, except the following:-

- (a) modernization of irrigation projects (item 1(c) (ii) of the Schedule).
- (b) all projects or activities located within industrial estates or parks (item 7(c) of the Schedule) approved by the concerned authorities, and which are not disallowed in such approvals.
- (c) expansion of Roads and Highways (item 7 (f) of the Schedule) which do not involve any further acquisition of land.
- (cc) maintenance dredging provided the dredged material shall be disposed within port limits.
- (d) All Building or Construction projects or Area Development projects (which do not contain any category ‘A’ projects and activities) and Townships (item 8 (a) and 8(b) in the Schedule to the notification).
- (e) all Category ‘B2’ projects and activities.

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- (f) all projects or activities concerning national defence and security or involving other strategic considerations as determined by the Central Government.
 - (g) all linear projects such as Highways, pipelines, etc., in border States.
 - (h) all standalone pelletization plants, which were in existence and in operation on or before the 27th day of May, 2014 and have valid consent to establish and consent to operate from the concerned State Pollution Control Board or the Union Territory Pollution Control Committee.
- (ii) The Public Consultation shall ordinarily have two components comprising of:-
- (a) a 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;
 - (b) obtain responses in writing from other concerned persons having a plausible stake in the environmental aspects of the project or activity.
- (iii) the public hearing at, or in close proximity to, the site(s) in all cases shall be conducted by the State Pollution Control Board (SPCB) or the Union territory Pollution Control Committee (UTPCC) concerned in the specified manner and forward the proceedings to the regulatory authority concerned within 45(forty five) of a request to the effect from the applicant.
- (iv) in case the State Pollution Control Board or the Union territory Pollution Control Committee concerned does not undertake and complete the public hearing within the specified period, and/or does not convey the proceedings of the public hearing within the prescribed period directly to the regulatory authority concerned as above, the regulatory authority shall engage another public agency or authority which is not subordinate to the regulatory authority, to complete the process within a further period of forty five days,.
- (v) If the public agency or authority nominated under the sub paragraph (iii) above reports to the regulatory authority concerned that owing to the local situation, it is not possible to conduct the public hearing in a manner which will enable the views of the concerned local persons to be freely expressed, it shall report the facts in detail to the concerned regulatory authority, which may, after due consideration of the report and other reliable information that it may have, decide that the public consultation in the case need not include the public hearing.
- (vi) For obtaining responses in writing from other concerned persons having a plausible stake in the environmental aspects of the project or activity, the concerned regulatory authority and the State Pollution Control Board (SPCB) or the Union territory Pollution Control Committee (UTPCC) shall invite responses from such concerned persons by placing on their website the Summary EIA report prepared in the format given in Appendix IIIA by the applicant along with a copy of the application in the prescribed form , within seven days of the receipt of a written request for arranging the public hearing . Confidential information including non-disclosable or legally privileged information involving Intellectual Property Right, source specified in the application shall not be placed on the web site. The regulatory authority concerned may also use

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other appropriate media for ensuring wide publicity about the project or activity. The regulatory authority shall, however, make available on a written request from any concerned person the Draft EIA report for inspection at a notified place during normal office hours till the date of the public hearing. All the responses received as part of this public consultation process shall be forwarded to the applicant through the quickest available means.

(vii) After completion of the public consultation, the applicant shall address all the material environmental concerns expressed during this process, and make appropriate changes in the draft EIA and EMP. The final EIA report, so prepared, shall be submitted by the applicant to the concerned regulatory authority for appraisal. The applicant may alternatively submit a supplementary report to draft EIA and EMP addressing all the concerns expressed during the public consultation.

IV. Stage (4) - Appraisal:

(i) Appraisal means the detailed scrutiny by the Expert Appraisal Committee or State Level Expert Appraisal Committee of the application and other documents like the Final EIA report, outcome of the public consultations including public hearing proceedings, submitted by the applicant to the regulatory authority concerned for grant of environmental clearance. This appraisal shall be made by Expert Appraisal Committee or State Level Expert Appraisal Committee concerned in a transparent manner in a proceeding to which the applicant shall be invited for furnishing necessary clarifications in person or through an authorized representative. On conclusion of this proceeding, the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned shall make categorical recommendations to the regulatory authority concerned either for grant of prior environmental clearance on stipulated terms and conditions, or rejection of the application for prior environmental clearance, together with reasons for the same.

(ii) The appraisal of all projects or activities which are not required to undergo public consultation, or submit an Environment Impact Assessment report, shall be carried out on the basis of the prescribed application Form 1 and Form 1A as applicable, any other relevant validated information available and the site visit wherever the same is considered as necessary by the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned.

(iii) The appraisal of an application shall be completed by the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned within sixty days of the receipt of the final Environment Impact Assessment report and other documents or the receipt of Form 1 and Form 1 A, where public consultation is not necessary and the recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee shall be placed before the competent authority for a final decision within the next fifteen days. The prescribed procedure for appraisal is given in Appendix V ;

7(ii). Prior Environmental Clearance (EC) process for Expansion or Modernization or Change of product mix in existing projects:

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All applications seeking prior environmental clearance for expansion with increase in the production capacity beyond the capacity for which prior environmental clearance has been granted under this notification or with increase in either lease area or production capacity in the case of mining projects or for the modernization of an existing unit with increase in the total production capacity beyond the threshold limit prescribed in the Schedule to this notification through change in process and or technology or involving a change in the product –mix shall be made in Form I and they shall be considered by the concerned Expert Appraisal Committee or State Level Expert Appraisal Committee within sixty days, who will decide on the due diligence necessary including preparation of EIA and public consultations and the application shall be appraised accordingly for grant of environmental clearance.

8. Grant or Rejection of Prior Environmental Clearance (EC):

(i) The regulatory authority shall consider the recommendations of the EAC or SEAC concerned and convey its decision to the applicant within forty five days of the receipt of the recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned or in other words within one hundred and five days of the receipt of the final Environment Impact Assessment Report, and where Environment Impact Assessment is not required, within one hundred and five days of the receipt of the complete application with requisite documents, except as provided below.

(ii) The regulatory authority shall normally accept the recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned. In cases where it disagrees with the recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned, the regulatory authority shall request reconsideration by the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned within forty five days of the receipt of the recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned while stating the reasons for the disagreement. An intimation of this decision shall be simultaneously conveyed to the applicant. The Expert Appraisal Committee or State Level Expert Appraisal Committee concerned, in turn, shall consider the observations of the regulatory authority and furnish its views on the same within a further period of sixty days. The decision of the regulatory authority after considering the views of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned shall be final and conveyed to the applicant by the regulatory authority concerned within the next thirty days.

(iii) In the event that the decision of the regulatory authority is not communicated to the applicant within the period specified in sub-paragraphs (i) or (ii) above, as applicable, the applicant may proceed as if the environment clearance sought for has been granted or denied by the regulatory authority in terms of the final recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned.

(iv) On expiry of the period specified for decision by the regulatory authority under paragraph (i) and (ii) above, as applicable, the decision of the regulatory authority, and the final recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned shall be public documents.

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(v) Clearances from other regulatory bodies or authorities shall not be required prior to receipt of applications for prior environmental clearance of projects or activities, or screening, or scoping, or appraisal, or decision by the regulatory authority concerned, unless any of these is sequentially dependent on such clearance either due to a requirement of law, or for necessary technical reasons.

(vi) Deliberate concealment and/or submission of false or misleading information or data which is material to screening or scoping or appraisal or decision on the application shall make the application liable for rejection, and cancellation of prior environmental clearance granted on that basis. Rejection of an application or cancellation of a prior environmental clearance already granted, on such ground, shall be decided by the regulatory authority, after giving a personal hearing to the applicant, and following the principles of natural justice.

9. Validity of Environmental Clearance (EC):

(i) The “Validity of Environmental Clearance” is meant the period from which a prior environmental clearance is granted by the regulatory authority, or may be presumed by the applicant to have been granted under sub paragraph (iv) of paragraph 7 above, 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), to which the application for prior environmental clearance refers. The prior environmental clearance granted for a project or activity shall be valid for a period of ten years in the case of River Valley projects (item 1(c) of the Schedule), project life as estimated by Expert Appraisal Committee or State Level Expert Appraisal Committee subject to a maximum of thirty years for mining projects and seven years in the case of all other projects and activities.

(ii) In the case of Area Development projects and Townships [item 8(b)], the validity period shall be limited only to such activities as may be the responsibility of the applicant as a developer:

Provided that this period of validity may be extended by the regulatory authority concerned by a maximum period of three years if an application is made to the regulatory authority by the applicant within the validity period, together with an updated Form I, and Supplementary Form IA, for Construction projects or activities (item 8 of the Schedule):

Provided further that the regulatory authority may also consult the Expert Appraisal Committee or State Level Expert Appraisal Committee, as the case may be, for grant of such extension.

(iii) Where the application for extension under sub-paragraph (ii) has been filed-

(a) within one month after the validity period of EC, such cases shall be referred to concerned Expert Appraisal Committee (EAC) or State Level Expert Appraisal Committee (SEAC) and based on their recommendations, the delay shall be condoned at the level of the Joint

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Secretary in the Ministry of Environment, Forest and Climate Change or Member Secretary, SEIAA, as the case may be;

- (b) more than one month after the validity period of EC but less than three months after such validity period, then, based on the recommendations of the EAC or the SEAC, the delay shall be condoned with the approval of the Minister in charge of Environment, Forest and Climate Change or Chairman, as the case may be :

Provided that no condonation for delay shall be granted for any application for extension filed 90 days after the validity period of EC.

10. Post Environmental Clearance Monitoring:

(i) (a) In respect of Category 'A' projects, it shall be mandatory for the project proponent to make public the environmental clearance granted for their project along with the environmental conditions and safeguards at their cost by prominently advertising it at least in two local newspapers of the district or State where the project is located and in addition, this shall also be displayed in the project proponent's website permanently. (b) In respect of Category 'B' projects, irrespective of its clearance by MoEF / SEIAA, the project proponent shall prominently advertise in the newspapers indicating that the project has been accorded environment clearance and the details of MoEF website where it is displayed. (c) The Ministry of Environment and Forests and the State / Union Territory Level Environmental Impact Assessment Authorities (SEIAAs), as the case may be, shall also place the environmental clearance in the public domain on Government portal. (d) The copies of the environmental clearance shall be submitted by the project proponents to the Heads of local bodies, Panchayats and Municipal Bodies in addition to the relevant offices of the Government who in turn has to display the same for 30 days from the date of receipt.

(ii) It shall be mandatory for the project management to submit half-yearly compliance reports in respect of the stipulated prior environmental clearance terms and conditions in hard and soft copies to the regulatory authority concerned, on 1st June and 1st December of each calendar year.

(iii) All such compliance reports submitted by the project management shall be public documents. Copies of the same shall be given to any person on application to the concerned regulatory authority. The latest such compliance report shall also be displayed on the web site of the concerned regulatory authority.

11. Transferability of Environmental Clearance (EC):

A prior environmental clearance granted for a specific project or activity to an applicant may be transferred during its validity to another legal person entitled to undertake the project or activity on application by the transferor, or by the transferee with a written "no objection" by the transferor, to, and by the regulatory authority concerned, on the same terms and conditions under which the prior environmental clearance was initially granted, and for the same validity period.

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No reference to the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned is necessary in such cases.

12. Operation of EIA Notification, 1994, till disposal of pending cases:

From the date of final publication of this notification the Environment Impact Assessment (EIA) notification number S.O.60 (E) dated 27th January, 1994 is hereby superseded, except in suppression of the things done or omitted to be done before such suppression to the extent that in case of all or some types of applications made for prior environmental clearance and pending on the date of final publication of this notification, the Central Government may relax any one or all provisions of this notification except the list of the projects or activities requiring prior environmental clearance in Schedule I , or continue operation of some or all provisions of the said notification, for a period not exceeding twenty four months from the date of issue of this notification.

[No. J-11013/---/2015-IA-II (I)]

JOINT SECRETARY TO THE GOVERNMENT OF INDIA

Note: The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section(ii) vide notification number S.O. 1533(E), dated the 14th September, 2006 and amended vide S.O.1737(E) dated the 11th October, 2007, S.O. 3067(E) dated the 1st December, 2009, S.O.695(E) dated the 4th April, 2011, S.O.2896(E) dated the 13th December, 2012 , S.O.674(E) dated the 13th March, 2013, S.O.2204(E) dated the 19th July, 2013, S.O.2555(E) dated the 21st August, 2013, S.O.2559(E) dated the 22nd August, 2013, S.O. 2731(E) dated the 9th September, 2013, S.O. 562(E) dated the 26th February, 2014 , S.O.637(E) dated the 28th February, 2014, S.O.1599(E) dated the 25th June, 2014, S.O. 2601 (E) dated 7th October, 2014, S.O. 2600 (E) dated 9th October, 2014, S.O. 3252(E) dated 22nd December, 2014, S.O. 382 (E) dated 3rd February, 2015, S.O. 811(E) dated 23rd March, 2015, S.O. 996 (E) dated 10th April, 2015, S.O. 1142 (E) dated 17th April, 2015, S.O. 1141 (E) dated 29th April, 2015 and S.O.1834 (E) dated the 6th July, 2015.

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	
1		Mining, extraction of natural resources and power generation (for a specified production capacity)		
(1)	(2)	(3)	(4)	(5)

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1(a)	<p>(i) Mining minerals of</p> <p>(ii) Slurry pipelines (coal, lignite and other ores) passing through national parks / sanctuaries / coral reefs, ecologically sensitive areas.</p>	<p>≥ 50 ha. of mining lease area in respect of non-coal mine lease.</p> <p>>150 ha of mining lease area in respect of coal mine lease</p> <p>Asbestos mining irrespective of mining area</p> <p>All projects.</p>	<p><50 ha of mining lease area in respect of non-coal mine lease.</p> <p>≤ 150 ha of mining lease area in respect of coal mine lease.</p>	<p>General Condition shall apply except for project or activity of less than 5 ha of mining lease area:</p> <p>Provided that the above exception shall not apply for project or activity if the sum total of the mining lease area of the said project or activity and that of existing operating mines and mining projects which were accorded environment clearance and are located within 500 meters from the periphery of such project or activity equals or exceeds 5 ha.</p> <p><u>Note</u></p> <p>(i) Prior environmental clearance is required at the stage of renewal of mine lease for which an application shall be made up to two years prior to the date due for renewal.</p> <p>Provided that no fresh environmental clearance shall be required for a mining project or activity at the time of renewal of mining lease, which has already obtained environmental clearance, under this Notification.</p> <p>(ii) Mineral prospecting is exempted.</p>
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1(b)	Offshore and onshore oil and gas exploration, development & production	All projects		<u>Note</u> Seismic surveys which are part of Exploration surveys are exempted provided the concession areas have got previous clearance for physical survey
1(c)	(i)River Valley projects (ii)Irrigation projects	(i) ≥ 50 MW hydroelectric power generation; (ii) $\geq 10,000$ ha. of culturable command area	(i) < 50 MW ≥ 25 MW hydroelectric power generation; (ii) $< 10,000$ ha. > 2000 ha. of culturable command area	General Condition shall apply Note: Irrigation projects not involving submergence or interstate domain shall be appraised by the SEIAA as Category 'B' Projects. Category 'B' river valley projects falling in more than one state shall be appraised at the central Government Level.
1(d)	Thermal Power Plants	≥ 500 MW (coal/lignite/naphtha & gas based); ≥ 50 MW (all other fuels except biomass). >20 MW (using municipal solid non-hazardous waste, as fuel).	>50 MW < 500 MW (coal/lignite/ naphtha & gas based); <50 MW ≥ 5 MW (all other fuels except biomass and municipal solid non-hazardous waste); <20 MW >15 MW (using municipal solid non-hazardous waste, as fuel). >15 MW plants based on biomass fuel.	General Condition shall apply. Note: (i)Thermal Power Plants up to 15 MW based on biomass or non-hazardous municipal solid waste using auxiliary fuel such as coal, lignite / petroleum products up to 15% are exempt. (ii)Thermal Power plants using waste heat boilers without any auxiliary fuel are exempt.
1(e)	Nuclear power projects and processing of nuclear fuel	All projects	-	
2	Primary Processing			

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2(a)	Coal washeries	≥ 1 million ton/annum throughput of coal	<1million ton/annum throughput of coal	General Condition shall apply (If located within mining area the proposal shall be appraised together with the mining proposal)
2 (b)	Mineral beneficiation	≥ 0.5 million TPA throughput	< 0.5 million TPA throughput	General Condition shall apply (Mining proposal with Mineral beneficiation shall be appraised together for grant of clearance).

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3				
Materials Production				
(1)	(2)	(3)	(4)	(5)
3(a)	Metallurgical industries (ferrous & non ferrous)	<p>a)Primary metallurgical industry</p> <p>All projects</p> <p>b) Sponge iron manufacturing ≥ 200TPD</p> <p>c)Secondary metallurgical processing industry</p> <p>All toxic and heavy metal producing units $\geq 20,000$ tonnes /annum</p> <p>-</p>	<p>Sponge iron manufacturing <200TPD</p> <p>Secondary metallurgical processing industry</p> <p>i.)All toxic and heavy metal producing units $<20,000$ tonnes /annum</p> <p>ii.)All other non –toxic secondary metallurgical processing industries >5000 tonnes/annum</p>	<p>General Condition shall apply.</p> <p>Note:</p> <p>(i)The recycling industrial units registered under the HSM Rules are exempt.</p> <p>(ii)In case of secondary metallurgical processing industrial units, those projects involving operation of furnaces only such as induction and electric arc furnace, and cupola with capacity more than 30000 tonnes per annum (TPA) would require environmental clearance.</p> <p>(iii)Plant / units other than power plants (given against entry no. 1(d) of the schedule), based on municipal solid waste (non-hazardous) are exempted.</p>
3(b)	Cement plants	≥ 1.0 million tonnes/annum production capacity	<1.0 million tonnes/annum production capacity. All Stand alone grinding units	General Condition shall apply
4				
Materials Processing				
(1)	(2)	(3)	(4)	(5)
4(a)	Petroleum refining industry	All projects	-	-

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4(b)	(i)Coke oven plants (ii) Coaltar processing units	≥2,50,000 tonnes/annum	<2,50,000 & ≥25,000 tonnes/annum All projects	General conditions shall apply
4(c)	Asbestos milling and asbestos based products	All projects	-	-
4(d)	Chlor-alkali industry	≥300 TPD production capacity if a unit located out side the notified industrial area/ estate	(i)All projects irrespective of the size, if it is located in a Notified Industrial Area / Estate. <300 tonnes per day (TPD) and located outside a Notified Industrial Area / Estate.	General as well as specific conditions shall apply No new Mercury Cell based plants will be permitted and existing units converting to membrane cell technology are exempted from the Notification.
4(e)	Soda ash Industry	All projects	-	-
4(f)	Skin/hide processing including tanning industry	New projects outside the industrial area or expansion of existing units out side the industrial area	All new or expansion of projects located within a notified industrial area/ estate	General as well as specific conditions shall apply
5		Manufacturing/Fabrication		
5(a)	Chemical fertilizers	All projects including all Single Super Phosphate with H ₂ SO ₄ production except granulation of chemical fertilizers.	All Single Super Phosphate without H ₂ SO ₄ production and granulation of chemical fertilizers	General condition shall apply. Granulation of single super phosphate powder is exempt.
5(b)	Pesticides industry and pesticide specific intermediates (excluding formulations)	All units producing technical grade pesticides	-	-
5(c)	Petro-chemical complexes (industries based	All projects -	-	-

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	on processing of petroleum fractions & natural gas and/or reforming to aromatics)			
5(d)	Manmade fibres manufacturing	Rayon	Others	General Condition shall apply
5(e)	Petrochemical products and petrochemical based processing such as production of carbon black and electrode grade graphite (processes other than cracking & reformation and not covered under the complexes).	Located out side the notified industrial area/ estate	Located in a notified industrial area/ estate	General as well as specific conditions shall apply. Note: Manufacturing of products from polymer granules is exempt.
5(f)	Synthetic organic chemicals industry (dyes & dye intermediates; bulk drugs and intermediates excluding drug formulations; synthetic rubbers; basic organic chemicals, other synthetic organic chemicals and chemical intermediates)	Located out side the notified industrial area/ estate except small units as defined in column (5)	(i) Located in a notified industrial area/ estate. (ii) Small units as defined in column (5)	General as well as specific conditions shall apply. Small units: with water consumption <25 cu mt per day, fuel consumption <25 TPD and not covered in the category of MAH units as per the Management, Storage and Import of Hazardous Chemical Rules, 1989.
5(g)	Distilleries	(i) All Molasses based distilleries (ii) Non-molasses based distilleries ≥ 60 KLD	Non-molasses based distilleries – <60 KLD	General Condition shall apply

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5(h)	Integrated paint industry	-	All projects	General Condition shall apply
5(i)	Pulp & paper industry	Pulp manufacturing and Pulp & Paper manufacturing industry except from waste paper	Pulp manufacturing from waste paper and paper manufacturing from waste paper pulp and other ready pulp	General Condition shall apply. Note: Paper manufacturing from waste paper pulp and ready pulp without deinking, bleaching and colouring is exempt.
5(j)	Sugar Industry	- -	≥ 5000 tcd cane crushing capacity	General Condition shall apply
6		Service Sectors		
6(a)	Oil & gas transportation pipe line (crude and refinery/ petrochemical products), passing through national parks /sanctuaries/coral reefs /ecologically sensitive areas including LNG Terminal	All projects		-
6(b)	Isolated storage & handling of hazardous chemicals (As per threshold planning quantity indicated in column 3 of schedule 2 & 3 of MSIHC Rules 1989 amended 2000)	-	All projects	General Condition shall apply
7		Physical Infrastructure including Environmental Services		

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7(a)	Air ports	All projects including airstrips, which are for commercial use	-	Air strips which do not involve bunkering / refueling facility and or Air Traffic Control, are exempted.
7(b)	All ship breaking yards including ship breaking units	All projects	-	-
7(c)	Industrial estates/ parks/ complexes/ areas, export processing Zones (EPZs), Special Economic Zones (SEZs), Biotech Parks, Leather Complexes.	If at least one industry in the proposed industrial estate falls under the Category A, entire industrial area shall be treated as Category A, irrespective of the area. Industrial estates with area greater than 500 ha. and housing at least one Category B industry.	Industrial estates housing at least one Category B industry and area <500 ha. Industrial estates of area > 500 ha. and not housing any industry belonging to Category A or B.	General as well as specific conditions shall apply Note: 1. Industrial Estate of area below 500 ha. and not housing any industry of category A or B does not require clearance. 2. If the area is less than 500 ha. But contains building and construction projects > 20000 sq. mtr. and or development area more than 50 ha it will be treated as activity listed at serial no. 8(a) or 8(b) in the Schedule, as the case may be.
7(d)	Common hazardous waste treatment, storage and disposal facilities (TSDFs)	All integrated facilities having incineration & landfill or incineration alone	All facilities having land fill only	General Condition shall apply
7(da)	Bio-Medical Waste Treatment Facilities	-	All projects	-
7(e)	Ports, harbors, break waters, dredging	≥ 5 million TPA of cargo handling capacity (excluding fishing harbours)	< 5 million TPA of cargo handling capacity and/or ports/ harbours ≥10,000 TPA of fish handling capacity	General Condition shall apply Note: 1. Capital dredging inside and outside the ports or harbors and channels are included; 2. Maintenance dredging is exempt provided it formed part of the original proposal for which Environment

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				Management Plan (EMP) was prepared and environmental clearance obtained.
7(f)	Highways	<p>i) New National Highways; 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 alignment and 60 m on re-alignment or by-passes</p>	<p>i) All New State Highway Projects;</p> <p>ii) State Highway expansion projects in hilly terrain (above 1000 m AMSL) and or ecologically sensitive areas.</p>	<p>General Condition shall apply</p> <p>Note: Highways include expressways.</p>
7(g)	Aerial ropeways	<p>(i) All projects located at altitude of 1000 mtr. and above;</p> <p>(ii) All projects located in notified ecologically sensitive areas.</p>	All projects except those covered in column (3).	General Condition shall apply
7(h)	Common Effluent Treatment Plants (CETPs)		All projects	General Condition shall apply
7(i)	Common Municipal Solid Waste Management Facility (CMSWMF)		All projects	General Condition shall apply
8		Building or Construction projects or Area Development projects and Townships		
8(a)	Building and Construction projects		≥20000 sq.mtrs and <1,50,000 sq.mtrs. of built up area	The term “built up area” for the purpose of this Notification the built up or covered area on all the floors put together including its basement and other service areas, which

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				<p>are proposed in the building or construction projects.</p> <p>Note 1.- The projects or activities shall not include industrial shed, school, college, hostel for educational institution, but such buildings shall ensure sustainable environmental management, solid and liquid waste management, rain water harvesting and may use recycled materials such as fly ash bricks.</p> <p>Note-2.- “General Conditions” shall not apply.</p>
8(b)	Townships and Area Development projects.		Covering an area of > 50 ha and or built up area > 1,50,000 sq .mtrs	<p>A project of Township and Area Development Projects covered under this item shall require an Environment Assessment report and be appraised as Category ‘B1’ Project.</p> <p>Note.- “General Conditions” shall not apply.</p>

Note:-**General Condition (GC):**

Any project or activity specified in Category ‘B’ will be appraised at the Central Level as Category ‘A’, if located in whole or in part within 5 km from the boundary of: (i) Protected Areas notified under the Wild Life (Protection) Act, 1972 (53 of 1972); (ii) Critically Polluted areas as notified by the Central Pollution Control Board constituted under the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974) from time to time; (iii) Eco-sensitive areas as notified under sub-section (2) of section 3 of the Environment (Protection) Act, 1986, and (iv) inter-State boundaries and international boundaries; provided that for River Valley Projects specified in item 1(c), Thermal Power Plants specified in item 1(d), Industrial Estates/parks/complexes/areas, Export Processing Zones (EPZ), Special Economic Zones (SEZs),

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biotech parks, leather complexes specified in item 7 (c) and common hazardous waste treatment, storage and disposal facilities (TSDFs) specified in item 7 (d), the appraisal shall be made at Central level even if located within 10 km.

Provided further that the requirement regarding distance of 5 km or 10 km, as the case may be, of the inter-State boundaries can be reduced or completely done away with by an agreement between the respective States or the Union Territories sharing the common boundary in case the activity does not fall within 5 km or 10 km, as the case may be of the areas mentioned at item (i), (ii), and (iii) above.

Specific Condition (SC):

If any Industrial Estate/Complex / Export processing Zones /Special Economic Zones/Biotech Parks / Leather Complex with homogeneous type of industries such as Items 4(d), 4(f), 5(e), 5(f), or those Industrial estates with pre –defined set of activities (not necessarily homogeneous, obtains prior environmental clearance, individual industries including proposed industrial housing within such estates /complexes will not be required to take prior environmental clearance, so long as the Terms and Conditions for the industrial estate/complex are complied with (Such estates/complexes must have a clearly identified management with the legal responsibility of ensuring adherence to the Terms and Conditions of prior environmental clearance, who may be held responsible for violation of the same throughout the life of the complex/estate).

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APPENDIX I

(See paragraph – 6)

FORM 1

(I) Basic Information

Serial Number	Item	Details
1	Name of the Project/s	
2	S. No. in the Schedule	
3	Proposed capacity/ area / length/ tonnage to be handled/ command area/ lease area/ number of wells to be drilled	
4	New/ Expansion/ Modernization	
5	Existing Capacity/ Area etc.	
6	Category of Project i.e. 'A' or 'B'	
7	Does it attract the general condition? If yes, please specify.	
8	Does it attract the specific condition? If yes, please specify.	
9	Location Plot / Survey / Khasra No. Village Tehsil District State	
10	Nearest railway station / airport along with distance in kms.	
11	Nearest Town, city, District Headquarters along with distance in kms.	
12	Village Panchayats, Zila Parishad, Municipal Corporation, Local body (complete postal addresses with telephone nos. to be given)	
13	Name of the applicant	
14	Registered Address	
15	Address for correspondence:	
	Name	
	Designation (Owner/ Partner/ CEO)	
	Address	
	Pin code	
	E-mail	
	Telephone No.	
	Fax No.	

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16	Details of alternative sites examined, if any. Location of these sites should be shown on a topo sheet	Village-District-State 1. 2. 3.
17	Interlinked Projects	
18	Whether separate application of interlinked projects has been submitted?	
19	If Yes, date of submission	
20	If No, reason	
21	Whether the proposal involves approval/ clearance under: if yes, details of the same and their status to be given. (a)The Forest (Conservation) Act, 1980? (b)The Wildlife (Protection)Act, 1972? (c)The C.R.Z. Notification 1991?	
22	Whether there is any Government Order / Policy relevant / relating to the site?	
23	Forest land involved (hectares)	
24	Whether there is any litigation pending against the Project and / or land in which the project is proposed to be set up? (a)Name of the Court (b) Case No. (c) Orders / directions of the Court, if any and its relevance with the proposed project.	

(II) Activity

1. **Construction, operation or decommissioning of the Project involving actions, which will cause physical changes in the locality (topography, land use, changes in water bodies, etc.)**

S.No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities /rates, wherever possible) with source of information data
1.1	Permanent or temporary change in land use, land cover or topography including increase in intensity of land use (with respect to local land use plan)		
1.2	Clearance of existing land, vegetation and buildings?		
1.3	Creation of new land uses?		
1.4	Pre-construction investigations e.g. bore		

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	houses, soil testing?		
1.5	Construction works?		
1.6	Demolition works?		
1.7	Temporary sites used for construction works or housing of construction workers?		
1.8	Above ground buildings, structures or earthworks including linear structures, cut and fill or excavations		
1.9	Underground works including mining or tunneling?		
1.10	Reclamation works?		
1.11	Dredging?		
1.12	Offshore structures?		
1.13	Production and manufacturing processes?		
1.14	Facilities for storage of goods or materials?		
1.15	Facilities for treatment or disposal of solid waste or liquid effluents?		
1.16	Facilities for long term housing of operational workers?		
1.17	New road, rail or sea traffic during construction or operation?		
1.18	New road, rail, air waterborne or other transport infrastructure including new or altered routes and stations, ports, airports etc?		
1.19	Closure or diversion of existing transport routes or infrastructure leading to changes in traffic movements?		
1.20	New or diverted transmission lines or pipelines?		
1.21	Impoundment, damming, culverting, realignment or other changes to the hydrology of watercourses or aquifers?		

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1.22	Stream crossings?		
1.23	Abstraction or transfers of water form ground or surface waters?		
1.24	Changes in water bodies or the land surface affecting drainage or run-off?		
1.25	Transport of personnel or materials for construction, operation or decommissioning?		
1.26	Long-term dismantling or decommissioning or restoration works?		
1.27	Ongoing activity during decommissioning which could have an impact on the environment?		
1.28	Influx of people to an area in either temporarily or permanently?		
1.29	Introduction of alien species?		
1.30	Loss of native species or genetic diversity?		
1.31	Any other actions?		

2. Use of Natural resources for construction or operation of the Project (such as land, water, materials or energy, especially any resources which are non-renewable or in short supply):

S.No.	Information/checklist confirmation	Yes/No	Details thereof (with approximate quantities /rates, wherever possible) with source of information data
2.1	Land especially undeveloped or agricultural land (ha)		
2.2	Water (expected source & competing users) unit: KLD		
2.3	Minerals (MT)		
2.4	Construction material – stone, aggregates, and / soil (expected source – MT)		
2.5	Forests and timber (source – MT)		
2.6	Energy including electricity and fuels		

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	(source, competing users) Unit: fuel (MT), energy (MW)		
2.7	Any other natural resources (use appropriate standard units)		

3. Use, storage, transport, handling or production of substances or materials, which could be harmful to human health or the environment or raise concerns about actual or perceived risks to human health.

S.No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
3.1	Use of substances or materials, which are hazardous (as per MSIHC rules) to human health or the environment (flora, fauna, and water supplies)		
3.2	Changes in occurrence of disease or affect disease vectors (e.g. insect or water borne diseases)		
3.3	Affect the welfare of people e.g. by changing living conditions?		
3.4	Vulnerable groups of people who could be affected by the project e.g. hospital patients, children, the elderly etc.,		
3.5	Any other causes		

4. Production of solid wastes during construction or operation or decommissioning (MT/month)

S.No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data

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4.1	Spoil, overburden or mine wastes		
4.2	Municipal waste (domestic and or commercial wastes)		
4.3	Hazardous wastes (as per Hazardous Waste Management Rules)		
4.4	Other industrial process wastes		
4.5	Surplus product		
4.6	Sewage sludge or other sludge from effluent treatment		
4.7	Construction or demolition wastes		
4.8	Redundant machinery or equipment		
4.9	Contaminated soils or other materials		
4.10	Agricultural wastes		
4.11	Other solid wastes		

5. Release of pollutants or any hazardous, toxic or noxious substances to air (Kg/hr)

S.No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever
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			possible) with source of information data
5.1	Emissions from combustion of fossil fuels from stationary or mobile sources		
5.2	Emissions from production processes		
5.3	Emissions from materials handling including storage or transport		
5.4	Emissions from construction activities including plant and equipment		
5.5	Dust or odours from handling of materials including construction materials, sewage and waste		
5.6	Emissions from incineration of waste		
5.7	Emissions from burning of waste in open air (e.g. slash materials, construction debris)		
5.8	Emissions from any other sources		

6. Generation of Noise and Vibration, and Emissions of Light and Heat:

S.No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data with source of information data
6.1	From operation of equipment e.g. engines, ventilation plant, crushers		
6.2	From industrial or similar processes		
6.3	From construction or demolition		
6.4	From blasting or piling		
6.5	From construction or operational traffic		
6.6	From lighting or cooling systems		
6.7	From any other sources		

7. Risks of contamination of land or water from releases of pollutants into the ground or into sewers, surface waters, groundwater, coastal waters or the sea:

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S.No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
7.1	From handling, storage, use or spillage of hazardous materials		
7.2	From discharge of sewage or other effluents to water or the land (expected mode and place of discharge)		
7.3	By deposition of pollutants emitted to air into the land or into water		
7.4	From any other sources		
7.5	Is there a risk of long term build up of pollutants in the environment from these sources?		

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8. Risk of accidents during construction or operation of the Project, which could affect human health or the environment

S.No.	Information/Checklist confirmation	Yes/ No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
8.1	From explosions, spillages, fires etc from storage, handling, use or production of hazardous substances		
8.2	From any other causes		
8.3	Could the project be affected by natural disasters causing environmental damage (e.g. floods, earthquakes, landslides, cloudburst etc)?		

9. Factors which should be considered (such as consequential development) which could lead to environmental effects or the potential for cumulative impacts with other existing or planned activities in the locality

S. No.	Information/Checklist confirmation	Yes/No	Details thereof (with approximate quantities/rates, wherever possible) with source of information data
9.1	<p>Lead to development of supporting, lities, ancillary development or development stimulated by the project which could have impact on the environment e.g.:</p> <ul style="list-style-type: none"> • Supporting infrastructure (roads, power supply, waste or waste water treatment, etc.) • housing development • extractive industries • supply industries • other 		
9.2	Lead to after-use of the site, which could have an		

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	impact on the environment		
9.3	Set a precedent for later developments		
9.4	Have cumulative effects due to proximity to other existing or planned projects with similar effects		

(III) Environmental Sensitivity

S.No.	Areas	Name/ Identity	Aerial distance (within 15 km.) Proposed project location boundary
1	Areas protected under international conventions, national or local legislation for their ecological, landscape, cultural or other related value		
2	Areas which are important or sensitive for ecological reasons - Wetlands, watercourses or other water bodies, coastal zone, biospheres, mountains, forests		
3	Areas used by protected, important or sensitive species of flora or fauna for breeding, nesting, foraging, resting, over wintering, migration		
4	Inland, coastal, marine or underground waters		
5	State, National boundaries		
6	Routes or facilities used by the public for access to recreation or other tourist, pilgrim areas		
7	Defence installations		
8	Densely populated or built-up area		
9	Areas occupied by sensitive man-made land uses (<i>hospitals, schools, places of worship, community facilities</i>)		
10	Areas containing important, high quality or scarce resources		

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	<i>(ground water resources, surface resources, forestry, agriculture, fisheries, tourism, minerals)</i>		
11	Areas already subjected to pollution or environmental damage. <i>(those where existing legal environmental standards are exceeded)</i>		
12	Areas susceptible to natural hazard which could cause the project to present environmental problems <i>(earthquakes, subsidence, landslides, erosion, flooding or extreme or adverse climatic conditions)</i>		

(IV). Proposed Terms of Reference for EIA studies

I hereby given undertaking that the data and information given in the application and enclosures are true to the best of my knowledge and belief and I am aware that if any part of the data and information submitted is found to be false or misleading at any stage, the project will be rejected and clearance given, if any to the project will be revoked at our risk and cost.

Date:

Place:

Signature of the applicant
With name and full address
(Project Proponent / Authorized Signatory)

NOTE:

1. The project involving clearances under Coastal Regulation Zone Notification, 1991 shall submit with the application a CRZ map duly demarcated by one of the authorized agencies, showing the project activities, w.r.t. C.R.Z (at the stage of ToR) and the recommendations of the State Coastal Zone Management Authority (at the stage of EC). Simultaneous action shall also be taken to obtain the requisite clearance under the provisions of the C.R.Z. Notification, 1991 for the activities to be located in the CRZ.

2. The project to be located within 10 km of the National Parks, Sanctuaries, Biosphere Reserves, Migratory Corridors of Wild Animals, the project proponent shall submit the map duly authenticated by Chief Wildlife Warden showing these features vis-à-vis the project location and the recommendation or comments of the Chief Wildlife Warden thereon (at the stage of EC).

3. All correspondence with the Ministry of Environment & Forests including submission of application for TOR / Environmental Clearance, subsequent clarification, as may be required from time to time, participation in the EAC Meeting on behalf of the project proponent shall be made by the authorized signatory only. The authorized signatory should also submit a document in support of his claim of being an authorized signatory for the specific project.

FOR INTERNAL USE**APPENDIX II****(See paragraph 6)****FORM-1 A (only for construction projects listed under item 8 of the Schedule)****CHECK LIST OF ENVIRONMENTAL IMPACTS****(Project proponents are required to provide full information and wherever necessary attach explanatory notes with the Form and submit along with proposed environmental management plan & monitoring programme)****1. LAND ENVIRONMENT****(Attach panoramic view of the project site and the vicinity)**

1.1. Will the existing landuse get significantly altered from the project that is not consistent with the surroundings? (Proposed landuse must conform to the approved Master Plan / Development Plan of the area. Change of landuse if any and the statutory approval from the competent authority be submitted). Attach Maps of (i) site location, (ii) surrounding features of the proposed site (within 500 meters) and (iii) the site (indicating levels & contours) to appropriate scales. If not available attach only conceptual plans.

1.2. List out all the major project requirements in terms of the land area, built up area, water consumption, power requirement, connectivity, community facilities, parking needs etc.

1.3. What are the likely impacts of the proposed activity on the existing facilities adjacent to the proposed site? (Such as open spaces, community facilities, details of the existing landuse, disturbance to the local ecology).

1.4. Will there be any significant land disturbance resulting in erosion, subsidence & instability? (Details of soil type, slope analysis, vulnerability to subsidence, seismicity etc may be given).

1.5. Will the proposal involve alteration of natural drainage systems? (Give details on a contour map showing the natural drainage near the proposed project site)

1.6. What are the quantities of earthwork involved in the construction activity-cutting, filling, reclamation etc. (Give details of the quantities of earthwork involved, transport of fill materials from outside the site etc.)

1.7. Give details regarding water supply, waste handling etc during the construction period.

1.8. Will the low lying areas & wetlands get altered? (Provide details of how low lying and wetlands are getting modified from the proposed activity)

1.9. Whether construction debris & waste during construction cause health hazard? (Give quantities of various types of wastes generated during construction including the construction labour and the means of disposal)

2. WATER ENVIRONMENT

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- 2.1. Give the total quantity of water requirement for the proposed project with the breakup of requirements for various uses. How will the water requirement met? State the sources & quantities and furnish a water balance statement.
- 2.2. What is the capacity (dependable flow or yield) of the proposed source of water?
- 2.3. What is the quality of water required, in case, the supply is not from a municipal source? (Provide physical, chemical, biological characteristics with class of water quality)
- 2.4. How much of the water requirement can be met from the recycling of treated wastewater? (Give the details of quantities, sources and usage)
- 2.5. Will there be diversion of water from other users? (Please assess the impacts of the project on other existing uses and quantities of consumption)
- 2.6. What is the incremental pollution load from wastewater generated from the proposed activity? (Give details of the quantities and composition of wastewater generated from the proposed activity)
- 2.7. Give details of the water requirements met from water harvesting? Furnish details of the facilities created.
- 2.8. What would be the impact of the land use changes occurring due to the proposed project on the runoff characteristics (quantitative as well as qualitative) of the area in the post construction phase on a long term basis? Would it aggravate the problems of flooding or water logging in any way?
- 2.9. What are the impacts of the proposal on the ground water? (Will there be tapping of ground water; give the details of ground water table, recharging capacity, and approvals obtained from competent authority, if any)
- 2.10. What precautions/measures are taken to prevent the run-off from construction activities polluting land & aquifers? (Give details of quantities and the measures taken to avoid the adverse impacts)
- 2.11. How is the storm water from within the site managed?(State the provisions made to avoid flooding of the area, details of the drainage facilities provided along with a site layout indication contour levels)
- 2.12. Will the deployment of construction labourers particularly in the peak period lead to unsanitary conditions around the project site (Justify with proper explanation)
- 2.13. What on-site facilities are provided for the collection, treatment & safe disposal of sewage? (Give details of the quantities of wastewater generation, treatment capacities with technology & facilities for recycling and disposal)

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2.14. Give details of dual plumbing system if treated waste used is used for flushing of toilets or any other use.

3. VEGETATION

3.1. Is there any threat of the project to the biodiversity? (Give a description of the local ecosystem with its unique features, if any)

3.2. Will the construction involve extensive clearing or modification of vegetation? (Provide a detailed account of the trees & vegetation affected by the project)

3.3. What are the measures proposed to be taken to minimize the likely impacts on important site features (Give details of proposal for tree plantation, landscaping, creation of water bodies etc along with a layout plan to an appropriate scale)

4. FAUNA

4.1. Is there likely to be any displacement of fauna- both terrestrial and aquatic or creation of barriers for their movement? Provide the details.

4.2. Any direct or indirect impacts on the avifauna of the area? Provide details.

4.3. Prescribe measures such as corridors, fish ladders etc to mitigate adverse impacts on fauna

5. AIR ENVIRONMENT

5.1. Will the project increase atmospheric concentration of gases & result in heat islands? (Give details of background air quality levels with predicted values based on dispersion models taking into account the increased traffic generation as a result of the proposed constructions)

5.2. What are the impacts on generation of dust, smoke, odorous fumes or other hazardous gases? Give details in relation to all the meteorological parameters.

5.3. Will the proposal create shortage of parking space for vehicles? Furnish details of the present level of transport infrastructure and measures proposed for improvement including the traffic management at the entry & exit to the project site.

5.4. Provide details of the movement patterns with internal roads, bicycle tracks, pedestrian pathways, footpaths etc., with areas under each category.

5.5. Will there be significant increase in traffic noise & vibrations? Give details of the sources and the measures proposed for mitigation of the above.

5.6. What will be the impact of DG sets & other equipment on noise levels & vibration in & ambient air quality around the project site? Provide details.

6. AESTHETICS

6.1. Will the proposed constructions in any way result in the obstruction of a view, scenic amenity or landscapes? Are these considerations taken into account by the proponents?

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6.2. Will there be any adverse impacts from new constructions on the existing structures? What are the considerations taken into account?

6.3. Whether there are any local considerations of urban form & urban design influencing the design criteria? They may be explicitly spelt out.

6.4. Are there any anthropological or archaeological sites or artefacts nearby? State if any other significant features in the vicinity of the proposed site have been considered.

7. SOCIO-ECONOMIC ASPECTS

7.1. Will the proposal result in any changes to the demographic structure of local population? Provide the details.

7.2. Give details of the existing social infrastructure around the proposed project.

7.3. Will the project cause adverse effects on local communities, disturbance to sacred sites or other cultural values? What are the safeguards proposed?

8. BUILDING MATERIALS

8.1. May involve the use of building materials with high-embodied energy. Are the construction materials produced with energy efficient processes? (Give details of energy conservation measures in the selection of building materials and their energy efficiency)

8.2. Transport and handling of materials during construction may result in pollution, noise & public nuisance. What measures are taken to minimize the impacts?

8.3. Are recycled materials used in roads and structures? State the extent of savings achieved?

8.4. Give details of the methods of collection, segregation & disposal of the garbage generated during the operation phases of the project.

9. ENERGY CONSERVATION

9.1. Give details of the power requirements, source of supply, backup source etc. What is the energy consumption assumed per square foot of built-up area? How have you tried to minimize energy consumption?

9.2. What type of, and capacity of, power back-up to you plan to provide?

9.3. What are the characteristics of the glass you plan to use? Provide specifications of its characteristics related to both short wave and long wave radiation?

9.4. What passive solar architectural features are being used in the building? Illustrate the applications made in the proposed project.

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9.5. Does the layout of streets & buildings maximise the potential for solar energy devices? Have you considered the use of street lighting, emergency lighting and solar hot water systems for use in the building complex? Substantiate with details.

9.6. Is shading effectively used to reduce cooling/heating loads? What principles have been used to maximize the shading of Walls on the East and the West and the Roof? How much energy saving has been effected?

9.7. Do the structures use energy-efficient space conditioning, lighting and mechanical systems? Provide technical details. Provide details of the transformers and motor efficiencies, lighting intensity and air-conditioning load assumptions? Are you using CFC and HCFC free chillers? Provide specifications.

9.8. What are the likely effects of the building activity in altering the micro-climates? Provide a self assessment on the likely impacts of the proposed construction on creation of heat island & inversion effects?

9.9. What are the thermal characteristics of the building envelope? (a) roof; (b) external walls; and (c) fenestration? Give details of the material used and the U-values or the R values of the individual components.

9.10. What precautions & safety measures are proposed against fire hazards? Furnish details of emergency plans.

9.11. If you are using glass as wall material provides details and specifications including emissivity and thermal characteristics.

9.12. What is the rate of air infiltration into the building? Provide details of how you are mitigating the effects of infiltration.

9.13. To what extent the non-conventional energy technologies are utilised in the overall energy consumption? Provide details of the renewable energy technologies used.

10. Environment Management Plan

The Environment Management Plan would consist of all mitigation measures for each item wise activity to be undertaken during the construction, operation and the entire life cycle to minimize adverse environmental impacts as a result of the activities of the project. It would also delineate the environmental monitoring plan for compliance of various environmental regulations. It will state the steps to be taken in case of emergency such as accidents at the site including fire.

APPENDIX III**(See paragraph 7)****GENERIC STRUCTURE OF ENVIRONMENTAL IMPACT ASSESMENT DOCUMENT**

S.NO	EIA STRUCTURE	CONTENTS
1.	Introduction	<ul style="list-style-type: none"> • Purpose of the report • Identification of project & project proponent • Brief description of nature, size, location of the project and its importance to the country, region • Scope of the study – details of regulatory scoping carried out (As per Terms of Reference)
2.	Project Description	<ul style="list-style-type: none"> • Condensed description of those aspects of the project (based on project feasibility study), likely to cause environmental effects. Details should be provided to give clear picture of the following: • Type of project

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		<ul style="list-style-type: none"> • Need for the project • Location (maps showing general location, specific location, project boundary & project site layout) • Size or magnitude of operation (incl. Associated activities required by or for the project) • Proposed schedule for approval and implementation • Technology and process description • Project description. Including drawings showing project layout, components of project etc. Schematic representations of the feasibility drawings which give information important for EIA purpose • Description of mitigation measures incorporated into the project to meet environmental standards, environmental operating conditions, or other EIA requirements (as required by the scope) • Assessment of New & untested technology for the risk of technological failure
3.	Description of the Environment	<ul style="list-style-type: none"> • Study area, period, components & methodology • Establishment of baseline for valued environmental components, as identified in the scope • Base maps of all environmental components
4.	Anticipated Environmental Impacts & Mitigation Measures	<ul style="list-style-type: none"> • Details of Investigated Environmental impacts due to project location, possible accidents, project design, project construction, regular operations, final decommissioning or rehabilitation of a completed project • Measures for minimizing and / or offsetting adverse impacts identified • Irreversible and Irretrievable commitments of environmental components • Assessment of significance of impacts (Criteria for determining significance, Assigning significance)

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		<ul style="list-style-type: none"> • Mitigation measures
5.	Analysis of Alternatives (Technology & Site)	<ul style="list-style-type: none"> • In case, the scoping exercise results in need for alternatives: • Description of each alternative • Summary of adverse impacts of each alternative • Mitigation measures proposed for each alternative and • Selection of alternative
6.	Environmental Monitoring Program	<ul style="list-style-type: none"> • Technical aspects of monitoring the effectiveness of mitigation measures (incl. Measurement methodologies, frequency, location, data analysis, reporting schedules, emergency procedures, detailed budget & procurement schedules)
7.	Additional Studies	<ul style="list-style-type: none"> • Public Consultation • Risk assessment • Social Impact Assessment. R&R Action Plans
8.	Project Benefits	<ul style="list-style-type: none"> • Improvements in the physical infrastructure • Improvements in the social infrastructure • Employment potential –skilled; semi-skilled and unskilled • Other tangible benefits
9.	Environmental Cost Benefit Analysis	If recommended at the Scoping stage
10.	EMP	<ul style="list-style-type: none"> • Description of the administrative aspects of ensuring that mitigative measures are implemented and their effectiveness monitored, after approval of the EIA
11	Summary & Conclusion (This will constitute the summary of the EIA Report)	<ul style="list-style-type: none"> • Overall justification for implementation of the project • Explanation of how, adverse effects have been mitigated
12.	Disclosure of Consultants engaged	<ul style="list-style-type: none"> • The names of the Consultants engaged with their brief resume and nature of Consultancy rendered

APPENDIX III A
(See paragraph 7)

CONTENTS OF SUMMARY ENVIRONMENTAL IMPACT ASSESSMENT

The Summary EIA shall be a summary of the full EIA Report condensed to ten A-4 size pages at the maximum. It should necessarily cover in brief the following Chapters of the full EIA Report: -

1. Project Description
2. Description of the Environment
3. Anticipated Environmental impacts and mitigation measures
4. Environmental Monitoring Programme
5. Additional Studies
6. Project Benefits
7. Environment Management Plan

APPENDIX IV

(See paragraph 7)

PROCEDURE FOR CONDUCT OF PUBLIC HEARING

1.0 The Public Hearing shall be arranged in a systematic, time bound and transparent manner ensuring widest possible public participation at the project site(s) or in its close proximity District -wise, by the concerned State Pollution Control Board (SPCB) or the Union Territory Pollution Control Committee (UTPCC).

2.0 The Process:

2.1 The Applicant shall make a request through a simple letter to the Member Secretary of the SPCB or Union Territory Pollution Control Committee, in whose jurisdiction the project is located, to arrange the public hearing within the prescribed statutory period. In case the project site is covering more than one District, State or Union Territory in which the project is located and the applicant shall make separate requests to each concerned SPCB or UTPCC for holding the public hearing as per this procedure.

2.2 The Applicant shall enclose with the letter of request, at least 10 hard copies and an equivalent number of soft (electronic) copies of the draft EIA Report with the generic structure given in Appendix III including the Summary Environment Impact Assessment report in English and **in the official language of the state** / local language, prepared strictly in accordance with the Terms of Reference communicated after Scoping (Stage-2). Simultaneously the applicant shall arrange to forward copies, one hard and one soft, of the above draft EIA Report along with the Summary EIA to the following authorities or offices, within whose jurisdiction the project will be located:

- (a) District Magistrate / **District Collector / Deputy Commissioner / s**
- (b) Zila Parishad or Municipal Corporation **or Panchayats Union**
- (c) District Industries Office
- (d) Urban Local Bodies (ULBs) / PRIs concerned / **Development Authorities**
- (e) Concerned Regional Office of the Ministry of Environment and Forests

2.3 On receiving the draft Environmental Impact Assessment report, the above-mentioned authorities except the MoEF, shall arrange to widely publicize it within their respective jurisdictions requesting the interested persons to send their comments to the concerned regulatory authorities. They shall also make available the draft EIA Report for inspection electronically or otherwise to the public during normal office hours till the Public Hearing is over.

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2.4 The SPCB or UTPCC concerned shall also make similar arrangements for giving publicity about the project within the State/Union Territory and make available the Summary of the draft Environmental Impact Assessment report (Appendix III A) for inspection in select offices or public libraries or any other suitable locations etc. They shall also additionally make available a copy of the draft Environmental Impact Assessment report to the above five authorities/offices as given in para 2.2.

3.0 Notice of Public Hearing:

3.1 The Member-Secretary of the concerned SPCB or UTPCC shall finalize the date, time and exact venue for the conduct of public hearing within 7(seven) days of the date of receipt of the draft Environmental Impact Assessment report from the project proponent, and advertise the same in one major National Daily and one Regional vernacular Daily / Official State Language. A minimum notice period of 30 (thirty) days shall be provided to the public for furnishing their responses;

3.2 The advertisement shall also inform the public about the places or offices where the public could access the draft Environmental Impact Assessment report and the Summary Environmental Impact Assessment report before the public hearing. In places where the newspapers do not reach, the Competent Authority should arrange to inform the local public about the public hearing by other means such as by way of beating of drums as well as advertisement / announcement on radio / television.

3.3 No postponement of the date, time, venue of the public hearing shall be undertaken, unless some untoward emergency situation occurs and then only on the recommendation of the concerned District Magistrate / District Collector / Deputy Commissioner, the postponement shall be notified to the public through the same National and Regional vernacular dailies and also prominently displayed at all the identified offices by the concerned SPCB or Union Territory Pollution Control Committee;

3.4 In the above exceptional circumstances fresh date, time and venue for the public consultation shall be decided by the Member –Secretary of the concerned SPCB or UTPCC only in consultation with the District Magistrate / **District Collector / Deputy Commissioner**, and notified afresh as per procedure under 3.1 above.

4.0 Supervision and Presiding over the Hearing:

~~4.1~~ The District Magistrate / District Collector / Deputy Commissioner or his or her representative not below the rank of an Additional District Magistrate assisted by a representative of SPCB or UTPCC, shall supervise and preside over the entire public hearing process.

5.0 Videography

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5.1 The SPCB or UTPCC shall arrange to video film the entire proceedings. A copy of the videotape or a CD shall be enclosed with the public hearing proceedings while forwarding it to the Regulatory Authority concerned.

6.0 Proceedings

6.1 The attendance of all those who are present at the venue shall be noted and annexed with the final proceedings.

6.2 There shall be no quorum required for attendance for starting the proceedings.

6.3 A representative of the applicant shall initiate the proceedings with a presentation on the project and the Summary EIA report.

6.4 Person present at the venue shall be granted the opportunity to seek information or clarifications on the project from the applicant. The summary of the public hearing proceedings accurately reflecting all the views and concerns expressed shall be recorded by the representative of the SPCB or UTPCC and read over to the audience at the end of the proceedings explaining the contents in the **local** / vernacular language and the agreed minutes shall be signed by the District Magistrate / **District Collector** / **Deputy Commissioner** or his or her representative on the same day and forwarded to the SPCB/UTPCC concerned.

6.5 A Statement of the issues raised by the public and the comments of the Applicant shall also be prepared in the local language or the Official State Language, as the case may be, and in English and annexed to the proceedings.

6.6 The proceedings of the public hearing shall be conspicuously displayed at the office of the Panchyats within whose jurisdiction the project is located, office of the concerned Zila Parishad, District Magistrate / **District Collector** / **Deputy Commissioner**, and the SPCB or UTPCC . The SPCB or UTPCC shall also display the proceedings on its website for general information. Comments, if any, on the proceedings which may be sent directly to the concerned regulatory authorities and the applicant concerned.

7.0 Time period for completion of public hearing

7.1 The public hearing shall be completed within a period of 45 (forty five) days from date of receipt of the request letter from the Applicant. Therefore the SPCB or UTPCC concerned shall sent the public hearing proceedings to the concerned regulatory authority within 8 (eight) days of the completion of the public hearing. ***Simultaneously, a copy will also be provided to the project proponent.*** The applicant may also directly forward a copy of the approved public hearing proceedings to the regulatory authority concerned along with the final Environmental Impact Assessment report or supplementary report to the draft EIA report prepared after the public hearing and public consultations incorporating the concerns expressed in the public hearing along with action plan and financial allocation, item wise, to address these concerns.

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7.2 If the SPCB or UTPCC fails to hold the public hearing within the stipulated 45 (forty five) days, the Central Government in Ministry of Environment and Forests for Category 'A' project or activity and the State Government or Union Territory Administration for Category 'B' project or activity at the request of the SEIAA, shall engage any other agency or authority to complete the process, as per procedure laid down in this Notification.

APPENDIX –V
(See paragraph 7)

PROCEDURE PRESCRIBED FOR APPRAISAL

1. The applicant shall apply to the concerned regulatory authority through a simple communication enclosing the following documents where public consultations are mandatory: -

- Final Environment Impact Assessment Report [20(twenty) hard copies and 1 (one) soft copy]
- A copy of the video tape or CD of the public hearing proceedings
- A copy of final layout plan (20 copies)
- A copy of the project feasibility report (1 copy)

2. The Final EIA Report and the other relevant documents submitted by the applicant shall be scrutinized in office within 30 days from the date of its receipt by the concerned Regulatory Authority strictly with reference to the TOR and the inadequacies noted shall be communicated electronically or otherwise in a single set to the Members of the EAC /SEAC enclosing a copy each of the Final EIA Report including the public hearing proceedings and other public responses received along with a copy of Form-1or Form-1A and scheduled date of the EAC /SEAC meeting for considering the proposal.

3. Where a public consultation is not mandatory, the appraisal shall be made on the basis of the prescribed application Form 1 and EIA report, in the case of all projects and activities other than Item 8 of the Schedule. In the case of Item 8 of the Schedule, considering its unique project cycle, the EAC or SEAC concerned shall appraise all Category B projects or activities on the basis of Form 1, Form 1A and the conceptual

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plan and make recommendations on the project regarding grant of Environmental Clearance or otherwise and also stipulate the conditions for environmental clearance.

4. Every application shall be placed before the EAC /SEAC and its appraisal completed within 60 days of its receipt with requisite documents / details in the prescribed manner.

5. The applicant shall be informed at least 15 (fifteen) days prior to the scheduled date of the EAC /SEAC meeting for considering the project proposal.

6. The minutes of the EAC /SEAC meeting shall be finalised within 5 working days of the meeting and displayed on the website of the concerned regulatory authority. In case the project or activity is recommended for grant of EC, then the minutes shall clearly list out the specific environmental safeguards and conditions. In case the recommendations are for rejection, the reasons for the same shall also be explicitly stated.

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APPENDIX VI

(See paragraph 5)

COMPOSITION OF THE SECTOR/ PROJECT SPECIFIC EXPERT APPRAISAL COMMITTEE (EAC) FOR CATEGORY A PROJECTS AND THE STATE/UT LEVEL EXPERT APPRAISAL COMMITTEES (SEACs) FOR CATEGORY B PROJECTS TO BE CONSTITUTED BY THE CENTRAL GOVERNMENT`

1. The Expert Appraisal Committees (EACs) and the State/UT Level Expert Appraisal Committees (SEACs) shall consist of only professionals and experts fulfilling the following eligibility criteria:

Professional: The person should have at least (i) 5 years of formal University training in the concerned discipline leading to a MA/MSc Degree, or (ii) in case of Engineering /Technology/Architecture disciplines, 4 years formal training in a professional training course together with prescribed practical training in the field leading to a B.Tech/B.E./B.Arch. Degree, or (iii) Other professional degree (e.g. Law) involving a total of 5 years of formal University training and prescribed practical training, or (iv) Prescribed apprenticeship/article ship and pass examinations conducted by the concerned professional association (e.g. Chartered Accountancy),or (v) a University degree , followed by 2 years of formal training in a University or Service Academy (e.g. MBA/IAS/IFS). In selecting the individual professionals, experience gained by them in their respective fields will be taken note of.

Expert: A professional fulfilling the above eligibility criteria with at least 15 years of relevant experience in the field, or with an advanced degree (e.g. Ph.D.) in a concerned field and at least 10 years of relevant experience.

Age: Below 70 years. However, in the event of the non-availability of /paucity of experts in a given field, the maximum age of a member of the Expert Appraisal Committee may be allowed up to 75 years

2. The Members of the EAC shall be Experts with the requisite expertise and experience in the following fields /disciplines. In the event that persons fulfilling the criteria of “Experts” are not available, Professionals in the same field with sufficient experience may be considered:

- **Environment Quality:** Experts in measurement, monitoring, analysis and interpretation of data in relation to environmental quality
- **Sectoral Project Management:** Experts in Project Management or Management of Process or Operations or Facilities in the relevant sectors.
- **Environmental Impact Assessment Process:** Experts in conducting and carrying out Environmental Impact Assessments (EIAs) and preparation of Environmental Management Plans (EMPs) and other Management plans and who have wide expertise and knowledge of predictive techniques and tools used in the EIA process
- **Risk Assessment**

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- **Life Science (Floral and Faunal management)**
- **Forestry and Wildlife Expert**
- **Environmental Economics with experience in project appraisal**
- **Public Administration or Management covering various developmental sectors and environmental issues.**

3. The Membership of the EAC shall not exceed 15 (fifteen) regular Members. However the Chairperson may co-opt an expert as a Member in a relevant field for a particular meeting of the Committee.

4. The Chairperson shall be an eminent person having experience in environmental policy related issues, in management or in public administration dealing with various developmental sectors.

5. The Chairperson shall nominate one of the Members as the Vice Chairperson who shall preside over the EAC in the absence of the Chairman /Chairperson.

6. A representative of the Ministry of Environment and Forests shall assist the Committee as its Secretary.

7. The maximum tenure of a Member, including Chairperson, shall be for 2 (two) terms of 3 (three) years each.

8. The Chairman / Members may not be removed prior to expiry of the tenure without cause and proper enquiry.

No.21 -270/2008-IA.III
Government of India
Ministry of Environment & Forests

Dated: June 19, 2013

OFFICE MEMORANDUM

Subject: Environment Clearance for buildings and real estate projects.

Ministry of Environment & Forests vide OM dated 11.12.2012, had constituted a Committee under the Chairmanship of Dr. K. Kasturirangan, Member, Planning Commission to review the provisions of the Environment Impact Assessment Notification (EIA), 2006, relating to granting environment clearances for roads, buildings, SEZ projects and the provisions under the OM dated 7.2.2012 related to high-rise buildings. The Committee has since submitted its report to the Ministry.

2. One of the terms of reference (ToR) of the aforesaid Committee was to review the requirement of environment clearance for buildings and real estate projects to avoid duplication considering that such projects will be covered by the local civic authorities and under the provisions of the relevant master plan, building control regulations and safety regulations. The recommendation of the Committee on this ToR has been accepted and the following has been decided:

- i. Timelines stipulated in the EIA Notification, 2006 shall be strictly adhered to by SEIAA and SEAC while processing the proposals for TOR/EC for the building and construction projects and township and area development projects. SEAC will make appropriate recommendations within sixty days of the receipt of the complete proposal from the project proponents. SEIAA shall consider the recommendations of the SEAC and convey its decision to the applicant within forty five days of the receipt of the recommendations. MoEF will regularly review the progress in disposal of cases by SEIAAs with the view to ensuring meeting of these timelines.
- ii. With the view to avoiding delay in processing of proposals, project proponents should provide complete information at the first instance only while submitting documents for TOR/EC so that the processing of proposals is not held up in the absence of requisite details. Incomplete proposals not tallying with the check -list should not be accepted by the SEIAA/SEAC.
- iii. In order to meet the stipulated timelines, to avoid duplication of work, and to speed-up the process of scrutiny, SEIAA/SEAC may only focus on the following thrust areas of environmental sustainability while appraising the 'Building and Construction' and 'Township and Area Development' projects.
 - a. **Brief Description of the Project** in terms of location and surroundings.
 - b. **Environmental Impacts on Project Land** and its surrounding developments and vice-versa.

- c. **Water** Balance Chart with a view to promote waste water treatment, recycle, reuse and water conservation.
- d. **Waste Water Treatment** and its details including target standards.
- e. Alterations in the natural slope and **drainage pattern** and their environmental impacts on the surroundings.
- f. **Ground water** potential of the site and likely impacts of the project.
- g. **Solid Waste Management** during construction and post construction phases.
- h. **Air Quality and Noise Levels**; likely impacts of the project during construction and operational phases.
- i. **Energy** requirements with a view to minimize power consumption and promote use of renewal energy sources.
- j. **Traffic Circulation System and connectivity** with a view to ensure adequate parking, conflict free movements, Energy efficient Public Transport.
- k. **Green Belt/Green cover** and the Landscape Plan.
- l. **Disaster/Risk Assessment and Management Plan.**
- m. **Socio Economic Impacts** of the project and CSR.
- n. **EMP** during construction and operational phases.
- o. **Any other** related parameter of the project which may have any other specific impact on environmental sustainability and ecology.

The SEIAA/SEAC need not focus on the other issues which are normally looked after by the concerned local bodies/ State Government Departments/SPCBs.

- iv. In case of a large pendency in a State and in case the concerned State Government feels that there is a need for another SEAC, the State Government may accordingly send the proposal to MoEF for setting up/ notifying another SEAC and MOEF may consider the same.
3. Necessary action in the matter may be taken by the State Governments, SEIAAs and SEACs.
4. This issues with the approval of the Competent Authority.


(Lalit Kapur)

Director

Telefax: 24368592

To

1. All the Officers of IA Division
2. Chairpersons/Member Secretaries of all the SEIAAs/SEACs
3. Chairman, CPCB
4. Chairpersons / Member Secretaries of all SPCBs / UTPCCs

Copy to:

1. PStoMEF
2. PPS to Secretary (E&F)
3. PPS to JS(AT)
4. Website of the MoEF
5. Guard File