

**ORIGINAL APPLICATION NO. 109/2023 (WZ)****PRALHAD T. GAWANDE****V/s****STATE OF MAHARASHTRA & ORS****INDEX**

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**BEFORE THE HON'BLE GREEN TRIBUNAL WESTERN  
ZONE, BENCH AT PUNE**

**O.A. No. 109/2023**

Pralhad Tukaramji Gawande and others .... Applicants

-Versus-

State of Maharashtra and others ... Respondents



**AFFIDAVIT ON BEHALF OF RESPONDENT**

**NO. 3** 4

The respondent no. <sup>4</sup>3 respectfully submits as under:

1. It is submitted that the subject project- Lower Penganga Project is an irrigation project for State of Maharashtra as well as State of Telangana (erstwhile Andhra Pradesh). The Penganga River flows on the border of State of Maharashtra and State of Telangana. Therefore, as per the decision of Godawari Water Dispute Tribunal the irrigation project has to be developed for both States.
2. It is submitted that as per the plan prepared for the project, the Dam for the project is to be constructed in the area falling in State of

Maharashtra. Further, the tribunal has directed that 12% water from the subject irrigation project is to be utilized by State of Telangana and remaining 88% water is for the State of Maharashtra. The cost sharing of the project is also in the same ratio. A copy of the award is annexed herewith as **Annexure No.1.**

3. It is submitted that the State of Maharashtra had applied to the Government of India for environment clearance. The Government of India had accordingly by communication dated 06.04.1984 accorded environment clearance for the subject project after considering all the aspects like the site in question, the benefit of the project, impact of the project on the habitants and various other factors as are contemplated by law. A copy of the environment clearance dated 06.04.1984 is annexed herewith as **Annexure No.2.**
4. However, the project could not be commenced after the grant of environment clearance. In the meanwhile the Central Government issued notification dated 27.01.1994 altering the procedure for obtaining environment clearance. A copy of the said notification is annexed herewith as **Annexure No.3.**

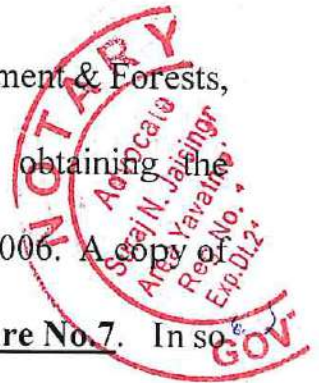


5. It is submitted that since the work under project had not commenced, the Government of India by communication dated 30.08.2000 withdrew the environment clearance granted on 06.04.1984 and directed the Irrigation Department to resubmit the proposal for environment clearance in accordance with new EIA notification of 1994. A copy of the communication dated 30.08.2000 issued by the Government of India is annexed herewith as **Annexure No.4.**

6. Accordingly, the State of Maharashtra through the irrigation department, applied for environment clearance in accordance with the EIA notification of 1994. The public hearing for the said project was conducted on 06.05.2006. A copy of the report of public hearing dated 06.05.2006 is annexed herewith as **Annexure No.5.** The report of public hearing was submitted by Maharashtra Pollution Control Board to the Government of India by communication dated 23.06.2006. A copy of the said communication is annexed herewith as **Annexure No.6.** The Environment Impact Assessment Report was also prepared in respect of subject project.

7. However, in the meanwhile the Ministry of Environment & Forests, Government of India revised the procedure for obtaining the environment clearance by notification dated 14.09.2006. A copy of the said notification is annexed herewith as Annexure No.7. In so far as the subject project is concerned there were no procedural changes in the new notification of 2006. In the procedure under 1994 notification, public hearing and Environment Impact Assessment Report were the main criteria before the grant of environment clearance in so far as irrigation projects are concerned. Furthermore, the committee for considering the proposal for grant of environment clearance also continued to be the same committee in the 2006 notification.

8. Therefore, for grant of environment clearance in so far as the irrigation projects are concerned, there was no substantial difference between the procedure prescribed by 1994 notification and 2006 notification. The Government of India realized that in so far as the projects for which public hearing, EIA report and EMP are required under the 1994 notification and the same have already been prepared, the said proposals can be considered under notification of 1994 as there is no substantial change in the





procedure by 2006 notification. The Government of India accordingly issued Circular dated 08.12.2006 authorizing the competent authority to consider such cases under EIA notification 1994 as the major criteria of EIA, Environment Impact Assessment Report and public hearing were already completed prior to coming into force of the EIA notification 2006. A copy of the said circular dated 08.12.2006 is annexed herewith as **Annexure No.8**.

9. It is submitted that the circular dated 08.12.2006 states that in addition to EIA, Environment Impact Assessment Report and public hearing, the project site must have site clearance. The Irrigation Department of State of Maharashtra by communication dated 17.02.2007 requested the Ministry of Environment and Forest, Government of Maharashtra that since the subject project was already accorded clearance on 06.04.1984, separate site clearance may not be required and the project can be considered as a project with site clearance accorded prior to 14.09.2006. A copy of communication dated 17.02.2007 is annexed herewith as **Annexure No.9**.

10. It is submitted that the Environment Impact Assessment Report, public hearing report, rehabilitation & resettlement plan and the communication dated 17.02.2007 issued by the State of Maharashtra were all considered by the Ministry of Environment and Forest, Government of India in its 52<sup>nd</sup> meeting held on 21/22.02.2007 at New Delhi. Accordingly, the expert committee in its wisdom considered the subject project under EIA notification 1994 as is evident from the said minutes. A copy of the said minutes of expert committee dated 21/22.02.2007 is annexed herewith as **Annexure No.10**. The discussion in respect of subject project has at Item No.8 in the meeting.

11. It is submitted that the decision taken in the said meeting by expert committee was communicated by communication dated 09.03.2007 to the Superintending Engineer, Irrigation Department. A copy of the said communication is annexed herewith as **Annexure No.11**. It is submitted that in the said meeting dated 21/22.02.2007 the expert committee had raised certain queries and desired to have certain information before granting the final environment clearance. The same was, therefore, sought from the Superintending Engineer by said communication dated 09.03.2007.




12. The Irrigation Department by communication dated 14.03.2007 supplied the all the information sought by the expert committee. A copy of the said communication dated 14.03.2007 is annexed herewith as **Annexure No.12**. It is submitted that since the required information was supplied, the proposal for environment clearance on the basis of previous meeting was taken up for further consideration in the 53<sup>rd</sup> meeting of expert committee held on 22.03.2007 at New Delhi.

13. The expert committee was satisfied with the information that was supplied in response to the queries raised in the previous meeting. The expert committee accordingly accorded environment clearance to the subject project under EIA notification 1994. A copy of the minutes of the meeting dated 22.03.2007 is annexed herewith as **Annexure No.13**. The decision in the said meeting was communicated to the Irrigation Department by communication dated 17.05.2007, a copy of which is annexed herewith as **Annexure No.14**.

14. It is therefore submitted that the aforesaid two minutes of meeting are the primary documents which clearly show that the subject

project was considered by the Expert Committee for environment clearance under EIA notification of 1994 and not under EIA notification of 2006. These two documents ought to have been produced by the applicants and the Ministry of Environment and Forest. However, they have deliberately suppressed these documents after knowing that these two documents categorically record that the proposal of the project in question was considered as per EIA notification of 1994 and not under EIA notification of 2006.

15. It is submitted that since the proposal of the subject project was considered in the year 2007 under EIA notification of 1994, if any person including the applicant, had any grievance regarding the same they ought to have challenged the said decisions immediately before the competent forum. The said decisions were not challenged by any of the parties. The said decisions therefore, now attained finality. The said decisions, therefore, cannot be questioned in 2023 i.e. after a period of 16 years, particularly when the said decisions have been implemented and expenditure worth or more than 800 crores has already been incurred for the subject project on the basis of decisions taken in the year 2007.



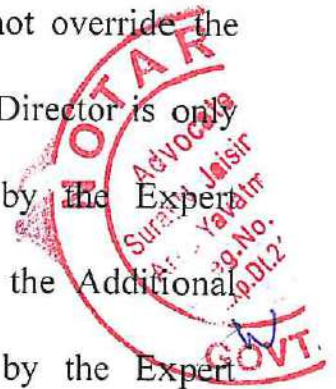
16. It is submitted that the applicant cannot go behind the said decisions taken in the year 2007 and call upon this Hon'ble Tribunal to adjudicate whether the proposal for subject project could have been considered under EIA notification of 1994 or not. The validity of the said decision of 2007 is beyond challenge being barred by delay and laches.

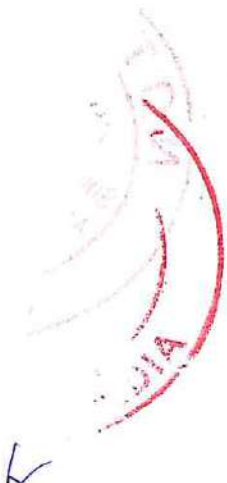
17. It is therefore very respectfully submitted that the question whether the proposal of subject project could have been considered as per the EIA notification of 1994 cannot be opened after a period of 16 years and this Hon'ble Tribunal cannot be called upon to adjudicate the same. The decision was taken in Feb-March/2007 as per EIA notification of 1994 and same has been implemented for all these years.

18. It is submitted that the communication dated 17.05.2007 issued by Additional Director (Pg. No.4.) is secondary document and cannot prevail over the primary document i.e. minutes of meeting of February, 2007 and March, 2007. The said communication to the extent it states in para-4 that the environment clearance is granted as per EIA notification of 2006 is contrary to the minutes of meeting and, therefore, to that extent factually incorrect.

19. It is submitted that the Additional Director cannot override the decisions of Expert Committee. The Additional Director is only required to communicate the decision taken by the Expert Committee in the meeting. Any alteration by the Additional Director cannot override the decisions taken by the Expert Committee. Furthermore, in case of conflict, the decision of the Expert Committee as noted in the minutes would prevail over any communication issued by the Additional Director as the Expert Committee is the competent authority to decide on the issue of environment clearance.

20. A converse case may kindly be considered to ascertain whether the minutes of meeting of Expert Committee would prevail or whether the communication issued by the Additional Director would prevail. If the Expert Committee rejects the environment clearance for a particular project and contrary thereto the Additional Director issue communication granting the project environment clearance. In such a situation it can never be said that the project has been granted environment clearance just on the basis of communication issued by the Additional Director, when the Expert Committee has rejected the same in the minutes of meeting.





21. Therefore, in any situation, the minutes of meeting would always prevail over the communication issued by the Additional Director as the Additional Director is not the decision-making authority but only an officer who communicates the decision taken by the Expert Committee.

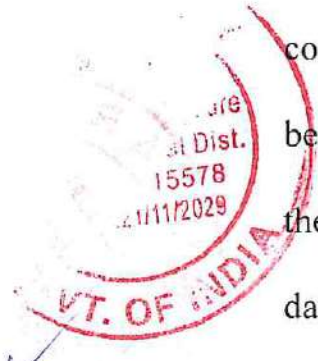
22. This is further substantiated by condition no.8 of the said communication wherein it is recorded that the environment clearance is valid for five years from the date of issue of this letter **“for commencement of construction work”**. This condition is as per EIA notification of 1994 and, therefore, the same was incorporated in the said communication. Therefore, the reference to EIA notification of 2006 is at best a mistake and cannot take away the right of respondents flowing from the primary decision of the expert committee, the EIA notification of 1994 and condition no.8 stated in the said communication. The further facts after environment clearance are as follows.

23. It is submitted that Forest Department by communication dated 07.01.2009 granted formal approval under Forest Conservation Act, 1980 for diversion of affected forest land due to construction of Lower Painganga Irrigation Project. A copy of said communication

dated 07.01.2009 is annexed herewith as **Annexure No.15**. In the said communication the Ministry of Environment and Forest directed the Irrigation Department to deposit the required amount towards various statutory charges like net present value, afforestation, tree felling, CAT plan, and survey and demarcation.

24. The answering respondent accordingly deposited a total amount of Rs.117.30 crores. A copy of the chart indicating the said details is annexed herewith as **Annexure No.16**. The compliance of the conditions imposed in the formal approval was communicated by communication dated 28.04.2011 and accordingly final approval was issued on 13.06.2011. A copy of the said communications dt. 28.04.2011 and final approval dt. 13.06.2011 is annexed herewith as **Annexure No.17**.

25. Accordingly, the work on the subject project commenced and substantial expenditure was incurred towards the project. The Superintending Engineer of the Irrigation Department by communication dated 18.06.2012 informed the Ministry of Environment and Forest that the condition stipulated in the environment clearance that the work of the project should have



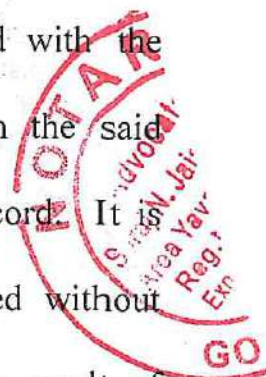
commenced within five years of the environment clearance has been complied with. The Superintending Engineer has submitted the detailed compliance report. A copy of the said communication dated 18.06.2012 is annexed herewith as **Annexure No.18**.

26.The Ministry of Environment and Forest issued notification dated 21.08.2013 clearly stating that as per the EIA notification 1994 the environment clearance is for a period of five years **for** commencement of construction and operation and not for five years **from** the commencement of construction and operation. A copy of the notification dated 21.08.2013 is annexed herewith as **Annexure No.19**.

27.It is submitted that the Ministry of Environment and Forests erroneously issued the corrigendum dated 27.09.2013, a copy of which is annexed herewith as **Annexure No.20**. It is submitted that issue of environment clearance had concluded with the grant of environment clearance and commencement of project. Thereafter, there is no power with the Ministry of Environment and Forests to issue any corrigendum. The said corrigendum was, therefore, totally without authority of law.

28. The said corrigendum states that it has been issued with the approval of competent authority. This assertion in the said corrigendum is factually incorrect and contrary to record. It is submitted that the said corrigendum has been issued without approval of competent authority and the same is the result of ignorance of minutes of meeting of February, 2007 and March, 2007. It is submitted that if the said corrigendum is issued with approval of any competent authority, the respondent no.2 must place the same on record.

29. It is submitted that the said corrigendum was issued on 27.09.2013. Prior to issuance of said corrigendum, the project in question had commenced and substantial expenditure had already been incurred towards the project. This is evident from the contemporaneous communication dated 18.06.2012. Therefore, the condition no.8 of the communication dated 17.05.2007 was acted upon and complied with within a period of five years stipulated therein. The said condition, therefore, could not have been altered as there is no power of review to alter the said condition. Therefore, the



corrigendum dated 27.09.2013 is without authority of law and contrary to record and inconsequential.

30. Further, the said corrigendum has been issued without hearing the answering respondent or the State of Maharashtra. The said corrigendum is therefore *ex facie* violative of Art. 14 of Constitution of India and also a nullity.

31. It is submitted that the present application is beyond limitation. It is submitted that the applicant is actually aggrieved of environment clearance dated 17.05.2007 which is primary decision which is being questioned in the instant proceedings. In order to overcome the bar of limitation the applicant has only challenged the consequential tender issued by the answering respondent for appointment of private contractor. This cannot be permitted. The instant application suffers from gross delay and laches and is therefore required to be dismissed as such.

32. It is submitted that the subject tender is a consequence of aforesaid facts and is a consequential action. It is submitted that unless the applicant challenges the primary decision, the challenge to consequential actions is not tenable.

33. It is submitted that for the Telangana part of the subject project, environment clearance has been granted and the same is annexed herewith as **Annexure no.21**.



34. Lastly, expenditure to the tune of more than 800 crores has already been incurred for the subject project. The situation today is therefore irreversible. The project is an irrigation project, the benefits of which outweigh injury, if any, caused to the applicant. The public interest therefore is in favour of continuing with the project.

Nagpur

Date: 20.02.2025

Deponent

**Executive Engineer**  
**Lower Penganga Project Division**  
**Yavatmal**

**SOLEMN AFFIRMATION**

I, Suraj Kisanrao Rathod s/o Kisanrao Nimbaji Rathod, Aged about 51 years, Occu. Service, Executive Engineer, Lower Penganga Project Division, Yavatmal, do hereby take oath and state as under:

I affirm and state that the contents of above affidavit have been drafted by my counsel as per my instruction. The contents thereof are true and correct as per the information received from the office records and believed by me to be true.

Hence, signed and verified on this the 20<sup>th</sup> day of February, 2025.

Deponent



*[Signature]*  
Executive Engineer  
Lower Penganga Project Division  
Yavatmal  
S.No. 1023/2025 Dt. 20/2/2025  
Solemnly affirmed before me.

*[Signature]*  
Shri. Suraj N. Jaisingpure  
Advocate & Notary  
At. Po. Dist. Yavatmal (M. S.) India  
Page *[Signature]*



~~CANCELLED~~  
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GODAVARY WATER DISPUTES TRIBUNAL

**THE REPORT  
OF THE  
GODAVARI WATER  
DISPUTES TRIBUNAL  
(WITH THE DECISION)**

**VOLUME 1**

**NEW DELHI  
1979**

## ANNEXURE B

**AGREEMENT ENTERED INTO BETWEEN THE STATES OF  
MAHARASHTRA, MADHYA PRADESH AND ANDHRA PRADESH**

On the basis of series of discussions held between the representatives of the States of Maharashtra, Madhya Pradesh and Andhra Pradesh, the following Agreement is arrived at regarding the sub-basin wise allocations of the waters of the Godavari and its tributaries downstream of the Pochampad Dam in the State of Andhra Pradesh, the projects therein and other allied matters, taking into consideration the allocations already agreed to under the Inter-State Agreement dated 19-12-1975 and in furtherance of the same and as a supplement thereto for final allocations of all the waters of the various sub-basins mentioned herein :

**I. G-5 Middle Godavari sub-basin :****(1) Maharashtra.**

The State of Maharashtra can use a quantity of 0.4 TMC of water in the Middle Godavari sub-basin for the existing, under construction and proposed projects/schemes downstream of the Pochampad Dam.

**(2) Andhra Pradesh.**

The State of Andhra Pradesh can use all the remaining waters in the Middle Godavari sub-basin downstream of the Pochampad Dam.

**II. G-6 Manair Sub-basin :****Andhra Pradesh.**

The State of Andhra Pradesh can use all the waters of the Manair sub-basin.

**III. G-7 Penganga Sub-basin :****(1) Maharashtra.**

(A) The State of Maharashtra can use all the water upto :—

(i) Lower Penganga Project site near Chikal Wardha on Penganga river, Lat. 19°-55'N and Long. 75°-15'E subject to the condition that the Lower Penganga Project would be taken up as a joint Project. The details of the joint project will be negotiated separately by the States of Maharashtra and Andhra Pradesh.

(ii) Waghadi Project Dam site on the Waghadi river near village Yelbara, Lat. 20°-12'-30"N and Long 78°-18'-10"E.

(iii) Saikheda Dam on Khuni river near village Lingli, Lat. 20°-06'-30"N and Long 78°-28'-15"E.

(B) In addition to the use of all the waters of the Penganga sub-basin upto the points as specified in clause (III)(1)(A)(i) to (A)(iii) above, the State of Maharashtra can use from the waters of the rest of the Penganga sub-basin 9 TMC for its existing, under construction and proposed schemes/projects each of which individually will not exceed an annual use of 1.5 TMC.

**(2) Andhra Pradesh.**

The State of Andhra Pradesh can use all the remaining waters of the Penganga sub-basin.

**IV. G-8 Wardha Sub-basin :****(1) Madhya Pradesh.**

(a) The State of Madhya Pradesh in terms of the Agreement relating to certain inter-State irrigation and hydel projects between Madhya Pradesh and Maharashtra dated 18th December, 1968 can use 9 TMC for its existing, under construction and proposed schemes/

8-497 Deptt. of Irrigation/ND/79

projects which are located upstream of the contemplated Upper Wardha Project of the State of Maharashtra.

(b) In addition to the use of the waters in clause (IV)(1)(a) above, the State of Madhya Pradesh can use a quantity of 1 TMC for its existing, under construction and proposed schemes/projects in the remaining portion of the sub-basin.

**(2) Maharashtra.**

(i) Subject to the use by State of Madhya Pradesh as stipulated above, the State of Maharashtra can use all the waters of the river Wardha and/or its tributaries for its existing, under construction and proposed projects/schemes upto the following points :—

(a) upto Tulana Project, Lat. 20°-12'N and Long. 78°-57'E on the Wardha river at Tulana village subject to Para (IV)(1)(a) and (b) above.

(b) on the tributaries of the Wardha river joining downstream of the Tulana Project site upto :

(i) Chargaon Project (under construction) across Chargaon river Lat. 20°-23'-20"N and Long. 79°-10'45"E;

(ii) Nirguda Project, Lat. 20°-03'-N and Long. 78°-53'-E; and

(iii) Bandara Project Lat. 19°-40'15"N Long. 79°-23'-55"E.

(ii) In addition to the use of water upto the projects as specified in clauses (IV)(2)(i)(a) & (b), the following uses are agreed to for the schemes existing, under construction and proposed in the Wardha sub-basin downstream of the project sites mentioned above :—

	TMC
(1) Mudhali Project	2.80
(2) Lift Irrign. from Dhanora weir	2.70
(3) Lift Irrign. from Mared weir	2.80
(4) Lift Irrign. from Kalmana weir	2.00
(5) Lift Irrign. from Tobegaon weir	1.60
(6) Lift Irrign. from Sonapur weir	2.00
(7) Usagaon Bulsani and Chandur Lift Irrigation Schemes	3.00
(8) Other Schemes each of which individually utilising not more than 1.5 TMC	9.10

Total.. 26.00

Provided that in the event of full quantity of water agreed to be allocated for any of the items 1 to 7 above can not be sanctioned for use at any of those projects, the balance of the quantity of water allocated herein above for projects at items 1 to 7 above can be sanctioned for use by the State of Maharashtra in any of the other projects as specified in items 1 to 8 subject to the condition that the total uses of all such sanctions for the projects as specified in items 1 to 8 shall not exceed 26 TMC.

**(3) Andhra Pradesh.**

The State of Andhra Pradesh can use all the remaining waters of the Wardha sub-basin.

**V. G-9 Pranhita sub-basin :****(i) Madhya Pradesh.**

(6)

Urgent

No. MTG-1098/1099(169/98)-WRP

Irrigation Department,  
Mantralaya, Mumbai-400 032.

Dated: 2nd January 1998.

To

Shri P. K. Agrawal  
Secretary,  
Government of Andhra Pradesh,  
Irrigation and CAD  
Andhra Pradesh Secretariate,  
Hyderabad-500 022.

Subject :- Inter-State Lower Painganga and  
Lendi Project

Sir,

A copy of the draft minutes of the meeting between Secretary(Irrigation) Government of Maharashtra and Secretary (Irrigation and CAD) Government of Andhra Pradesh held on 10.12.1998 at Mantralaya, Mumbai regarding interstate aspects of Lendi and Lower Painganga Projects is sent herewith for early concurrence of Government of Andhra Pradesh.

Yours faithfully,

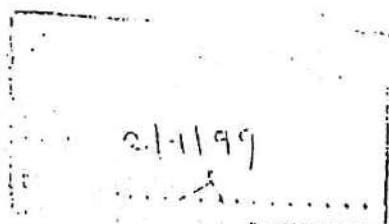
Encl.: As above



( V.M. Kadekar )

Under Secretary to the Government of Maharashtra.

Copy to WRP Collection.



Minutes of the Inter-State Meeting between the Secretary(I), Government of Maharashtra and Secretary(Irrigation & CAD), Government of Andhra Pradesh held on 10.12.1998 at Mantralaya, Mumbai regarding Inter-State aspects of Lendi and Lower Penganga Project.

1. An initial meeting between the Secretary(I), Government of Maharashtra and Secretary (Irrigation and CAD), Government of Andhra Pradesh, prior to the meeting at the level of Minister, Irrigation of both the States ( to be held later on ) was held on 10.12.1998 at 10.00 A.M. at Mantralaya, Mumbai-32 regarding the Inter-State issues of Lendi and Lower Penganga project.

2. The names of officers who attended the meeting are attached separately.

3. Brief description of the discussion and decisions taken in the meeting are as under.

#### A. LENDI PROJECT

i. Fixing of F.R.L. :- As per the suggestion of C.W.C., New Delhi the F.R.L. of Lendi Project is now finally reduced to R.L. 396.00 m from R.L.397.00 m. But the top of the dam is retained at R.L. 401.00 m. <sup>Justification for keeping the top of the dam</sup> may be given by the Chief Engineer, Irrigation Department, Aurangabad to Government of Andhra Pradesh.

ii. Utilisation :- The total utilisation of water for Maharashtra State is 3.94 TMC and for Andhra Pradesh it is 2.38 TMC. Thus the total use would be 6.32 TMC. After accounting 1 TMC of evaporation losses the net water available for use would be 5.32 TMC. Out of 5.32 TMC, Maharashtra's share is 3.32 TMC and Andhra Pradesh's 2.00 TMC. As the success of the project with this utilisation is about 80%, it is decided to see whether Maharashtra's share could be increased to 3.57 TMC. If it is possible i.e. if the success rate is not going below 75%, the sharing will be 3.57:2. If not possible, then the sharing will be 3.32:2. The Chief Engineer, Irrigation Department, Aurangabad may study this possibility and report to both the Governments immediately. It was also decided that the distress/ deficit be shared in the same ratio of water use finally agreed to.

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- iii. Control Board :- Provision of establishment of Control Board headed by the Irrigation Minister's of both the States are included in the draft Inter-State Agreement sent to Government of Andhra Pradesh <sup>for their concurrence. The Secy (I & AD), GOVT of A.P.</sup> suggested that the Control Board may be headed by a neutral eminent person nominated <sup>from</sup> by Central Water Commission, New Delhi or from such other Organisations. The Control Board will finalise the construction programme and decide the level of funding. Decision on the issue will be taken only at Government level.
- iv. Sharing of Cost :- It was agreed that the sharing of cost of head works be on the basis of utilisation and that of common canals on the basis of peak discharge required by the States. The cost of the main canal, branches and distributories serving exclusively the territories of the one State shall be borne by <sup>that</sup> the State alone. The canal for Andhra Pradesh, running through Maharashtra (i.e. 9 km. Initial length) will also be executed by Andhra Pradesh.
- The Secretary(I), Andhra Pradesh stated that the peak discharge requirement of Andhra Pradesh is 208 cusecs where as the requirement considered in the Project Report is 231 cusecs. Therefore, Chief Engineer, Irrigation Department, Aurangabad was directed to justify this aspect.
- v. Rehabilitation :- The Secretary, Government of Andhra Pradesh stated that if adequate land in command area in Maharashtra is not available for giving it to PAPs in Maharashtra and if PAP's are desirous to settle in Andhra Pradesh then only Andhra Pradesh will assist to get the land in the command area of Andhra Pradesh and also ~~for giving legal consultancy.~~ However he clarified that Andhra Pradesh would share the <sup>entire</sup> cost of rehabilitation in the same ratio of utilisation, adopted for sharing of cost of head works. Secretary(I), Government of Maharashtra requested that a copy regarding policy of Rehabilitation of PAPs of Government of Andhra Pradesh be furnished to Government of Maharashtra.
- vi. Interest :- It is agreed to consider <sup>subject to clearance by Finance Deptt of Govt</sup> that the provision of interest for default in payment of fund for the construction of the project by Andhra Pradesh may be

(57)

(3)

retained in the agreement subject to the condition that this would be applicable from 1<sup>st</sup> April, 1999 if ~~Andhra Pradesh signs the agreement~~. No provision for interest for the balance amount upto this date be made. If Maharashtra can not spend the amount provided by Andhra Pradesh in time, the interest on the balance amount will be paid by Government of Maharashtra to Andhra Pradesh.

vii. Estimates :- It is agreed that the estimate of canal pertaining to Andhra Pradesh with RSR 97-98 would be furnished to Government of Maharashtra within one month.

viii. Central Water Commission Remarks :- The compliance of Central Water Commission's remarks will be done from time to time by deputing respective authorities of both the states together to Central Water Commission, New Delhi.

ix. Nodal Officers :- Shri M.J.Shinde, Superintending Engineer, Nanded Irrigation Circle, Nanded, Maharashtra and Shri VVS Ram Murthi, Deputy Director(T), Government of Andhra Pradesh will act as nodal officer for this project.

#### B. LOWER PENGANGA PROJECT.

i. Sharing of water :- It is agreed that the total yield upto Lower Penganga Project (LPP) is 122.779 TMC and the u/s utilisation is 80.31 TMC. Hence the net water available at LPP site is 42.469 TMC. But the project is planned for 41.14 TMC. The remaining 1.329 TMC should be utilised for the project by Maharashtra and Andhra Pradesh by sharing this water in the ratio of 88:12.

ii. Agreement :- An Inter State Agreement for Lower Penganga Project be prepared by Government of Maharashtra with similar clauses of Lendi Project and be forwarded to Government of Andhra Pradesh for its concurrence.

iii. Nodal Officers :- Shri R.R.Gedam, Superintending Engineer, Irrigation Project Investigation and Shri Awadhut Rao, Superintending Engineer, Investigation, Andhra Pradesh will be the Nodal Officer for Maharashtra and Andhra Pradesh respectively.

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## G. NEXT MEETING

It was decided that the next meeting regarding these two projects <sup>be</sup> by taken at the level of Hon. Minister(I) of both the States in the second week of January, 1999 and a final decision on all these issues may be taken in that meeting.

The meeting ended with a vote of thanks to the Secretary(I & CAD), Government of Andhra Pradesh.

Officers who attended the meeting regarding Inter-State aspects of Lendi and Lower Penganga Project held on 10.12.98 in Mantralaya, Mumbai-32 (Room No. 209A - 10 am)

	Name	Designation & Address
GOVERNMENT OF ANDHRA PRADESH		
1.	Shri R.K.Agarwal	Secretary
2.	Shri C. Umamaheshwara Rao	Jt. Secretary
3.	Shri VVS Ram Murthi	Dy. Director(T)
GOVERNMENT OF MAHARASHTRA		
1.	Shri R.G.Kulkarni	Secretary(I)
2.	Shri S.P.Lampuse	Chief Engineer & Joint Secretary
3.	Shri A.A.Jawalekar	Chief Engineer(I) Aurangabad
4.	Shri M.J.Shende	<i>Suplt. Engr.</i> ID, Aurangabad
5.	Shri R.L.Ubale	Deputy Secretary(WR)
6.	Shri V.M.Kadekar	Under Secretary(WRP)
7.	Shri R.R.Gedam	Superintending Engineer, Yavatmal
8.	Shri S.K.Kamble	Executive Engineer, Yavatmal
9.	Shri S.R.Timanwar	Executive Engineer, Yavatmal
10.	O.P.N.Nambudripad	Deputy Engineer,
11.	Shri Shreeram	Sub Divisional Officer, Digras.

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No. J-11016/86/82-Env. 5  
Government of India  
Department of Environment

Bikaner House,  
Shahjahan Road,  
New Delhi-110011.  
Dated the 6th April, 1984.

To

The Chairman,  
Central Water Commission,  
Sewa Bhavan, R.K. Puram,  
New Delhi-110066.

Sub : Lower Ponganga Project, Maharashtra-  
Environmental Clearance.

Dear Sir,

I am pleased to inform you that the above project has been considered by the Environmental Appraisal Committee and approved from the environmental angle provided the following safeguards are implemented during the execution of the project.

- (i) Even though no forest is reported to be going under submergence, it would still be desirable that adequate arrangements to provide fuel to the labour force, at project cost, are made so that indiscriminate tree felling in the neighbouring areas is prevented.
- (ii) Restoration of the construction area, to the extent possible, by undertaking the following work:
  - Levelling and filling of borrow pits;
  - Landscaping of open areas; and
  - Vegetation of exposed slopes.
- (iii) Master Plan should be prepared for rehabilitation of the cuttees.
- (iv) Critically eroded areas in the catchment should be identified for undertaking soil conservation measures as part of the project.
- (v) Area equivalent to that submerged should be acquired or transferred from revenue land for afforestation in the command.
- (vi) A 50 m. green belt should be created around reservoir periphery to trap the sediment flow.

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..2..

- (vii) Command area development project should be prepared and implemented in synchronisation with the engineering project.
- (viii) A monitoring Committee should be constituted to oversee the effective implementation of suggested safeguards.
2. Any assistance required for the implementation of the safeguards shall gladly be extended by the Department.

Thanking you,

Yours faithfully,

sd/-

( S. MAUDGAL )  
Director & Member Secretary  
Environmental Appraisal Committee.

Copy for information to :

1. Shri. B. B. Kardjagi  
Director, TE-II. Central Water Commission,  
Sewa Bhavan, R.K. Puram,  
New Delhi-110066
2. Shri. Kishan Chand  
Director, TE-I.
3. Secretary Central Electricity Authority  
West Block-VIII, R.K. Puram,  
New Delhi-110066.
4. Director (HEP)
5. Shri N. K. Dixit,  
Jt. Adviser (I&CAD)  
Planning Commission,  
New Delhi-110001.
6. Under Secretary to Govt.  
of Maharashtra,  
Irrigation and Power Deptt.,  
Sachivalaya,  
Bombay 32.

sd/4  
( S. MAUDGAL )  
Director & Member Secretary  
Environmental Appraisal Committee.

## ENVIRONMENT IMPACT ASSESSMENT NOTIFICATION

### MINISTRY OF ENVIRONMENT AND FORESTS

#### NOTIFICATION

New Delhi, the 27<sup>th</sup> January, 1994

(Incorporating amendments made on 04/05/1994, 10/04/1997, 27/1/2000, 13/12/2000, 01/08/2001, 21/11/2001, 13/06/2002, 28/02/2003, 7/5/2003, 4/8/2003, 22/9/2003 and 7/7/2004.)

1. S.O. 60 (E) Whereas a notification under clause (a) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986 inviting objections from the public within sixty days from the date of publication of the said notification, against the intention of the Central Government to impose restrictions and prohibitions on the expansion and modernization of any activity or new projects being undertaken in any part of India unless environmental clearance has been accorded by the Central Government or the State Government in accordance with the procedure specified in that notification was published as SO No. 80(E) dated 28<sup>th</sup> January, 1993;

And whereas all objections received have been duly considered;

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 (29 of 1986) read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby directs that on and from the date of publication of this notification in the Official Gazette, expansion or modernization of any activity (if pollution load is to exceed the existing one), or new project listed in Schedule I to this notification, shall not be undertaken in any part of India unless it has been accorded environmental clearance by the Central Government in accordance with the procedure hereinafter specified in this notification;

2. Requirements and procedure for seeking environmental clearance of projects:

- I(a) Any person who desires to undertake any new project in any part of India or the expansion or modernization of any existing industry or project listed in the Schedule-I shall submit an application to the Secretary, Ministry of Environment and Forests, New Delhi.

The application shall be made in the proforma specified in Schedule-II of this notification and shall be accompanied by a project report which shall, inter alia, include an Environmental Impact Assessment Report, an \*\* Environment Management Plan and details of public hearing as specified in Schedule-IV\*\* prepared in accordance with the guidelines issued by the Central Government in the Ministry of Environment and Forests from time to time. However, Public Hearing is not required in respect of

- (i) small scale industrial undertakings located in (a) notified/designated industrial areas/industrial estates or (b) areas earmarked for industries under the jurisdiction of industrial development authorities;
- (ii) widening and strengthening of highways;
- (iii) mining projects (major minerals) with lease area up to 25 hectares.

- (iv) units located in Export Processing Zones, Special Economic Zones
- (v) modernisation of existing irrigation projects
- (vi) offshore exploration activities, beyond 10 kilometres from the nearest habituated village boundary, gaothans and ecologically sensitive areas such as, mangroves (with a minimum area of 1000 sq.m), corals, coral reefs, national parks, sanctuaries, reserve forests and breeding and spawning grounds of fish and other marine life; .

\*\*\*Provided further, that for pipeline projects, Environmental Impact Assessment Report will not be required:

Provided further, that for pipeline and highway projects, public hearing shall be conducted in each district through which the pipeline or highway passes through: \*\*\*

- (b) Cases rejected due to submission of insufficient or inadequate data and \*Plans may be reviewed as and when submitted with complete data and \*Plans. Submission of incomplete data or plans for the second time would itself be a sufficient reason for the Impact assessment Agency to reject the case summarily.

## II In case of the following site specific projects:

- (a) mining;
- (b) pit-head thermal power stations;
- (c) hydro-power, major irrigation projects and/or their combination including flood control;
- (d) ports and harbours (excluding minor ports);
- (e) \*prospecting and exploration of major minerals in areas above 500 hectares; \*
- (f) greenfield airports, petrochemical complexes and refineries.

The project authorities will intimate the location of the project site to the Central Government in the Ministry of Environment and Forests while initiating any investigation and surveys. The Central Government in the Ministry of Environment and Forests will convey a decision regarding suitability or otherwise of the proposed site within a maximum period of thirty days. \*The said site clearance shall be granted for a sanctioned capacity and shall be valid for a period of five years for commencing the construction, operation or mining. \*

- III (a) The reports submitted with the application shall be evaluated and assessed by the Impact Assessment Agency, \*and if deemed necessary it may consult\* a committee of Experts, having a composition as specified in Schedule-III of this Notification. The Impact Assessment Agency (IAA) would be the Union Ministry of Environment and Forests. The Committee of Experts mentioned above shall be constituted by the Impact Assessment Agency or such other body under the Central Government authorised by the Impact Assessment Agency in this regard.

- (b) The said Committee of Experts shall have full right of entry and inspection of the site or, as the case may be, factory premises at any time prior to, during or after the commencement of the operations relating to the project.

- \*\* (c) The Impact Assessment Agency shall prepare a set of recommendations based on technical assessment of documents and data, furnished by the project authorities.

supplemented by data collected during visits to sites or factories if undertaken, and details of public hearing.

The assessment shall be completed within a period of ninety days from receipt of the requisite documents and data from the project authorities and completion of public hearing and decision conveyed within thirty days thereafter.

The clearance granted shall be valid for a period of five years for commencement of the construction or operation of the project. \*\*

No construction work, preliminary or otherwise, relating to the setting up of the project may be undertaken till the environmental and site clearance is obtained.

IV. In order to enable the Impact Assessment Agency to monitor effectively the implementation of the recommendations and conditions subject to which the environmental clearance has been given, the project authorities concerned shall submit a half yearly report to the \*Impact Assessment Agency. Subject to the public interest, \* the Impact Assessment Agency shall make compliance reports publicly available.

V. If no comments from the Impact Assessment Agency are received within the time limit, the project would be deemed to have been approved as proposed by project authorities.

**3. Nothing contained in this Notification shall apply to:**

- (a) any item falling under entry Nos. 3 \*18\*20\* 31\*and 32\* of the Schedule-I to be located or proposed to be located in the areas covered by the Notifications S.O. No.102 (E) dated 1<sup>st</sup> February, 1989, S.O. 114 (E) dated 20<sup>th</sup> February, 1991; \*S.O. No. 416 (E) dated 20<sup>th</sup> June, 1991\* and S.O. No.319 (E) dated 7<sup>th</sup> May, 1992.
- (b) any item falling under entry Nos.1,2,3,4,5,7,9,10,13, 14,16,17,19,\*21\*,25 and 27 of Schedule-I if the investment is less than Rs.100 crores for new projects and less than Rs. 50 crores for expansion/modernization projects;
- (c) any item reserved for Small Scale Industrial Sector with investment less than Rs. 1 crore.
- (d) defence related road construction projects in border areas.
- (e) any item falling under entry No. 8 of Schedule I, if that product is covered by the notification G.S.R. 1037(E) dated 5<sup>th</sup> December 1989.
- (f) Modernisation projects in irrigation sector if additional command area is less than 10,000 hectares or project cost is less than Rs. 100 crores.;
- (g) any construction project falling under entry 31 of Schedule-I including new townships, industrial townships, settlement colonies, commercial complexes, hotel complexes, hospitals and office complexes for 1000 (one thousand)persons or below or with an investment of Rs.50,00,00,000/- (Rupees fifty crores) or below.
- (h) any industrial estate falling under entry 32 of Schedule-I including industrial estates accommodating industrial units in an area of 50 hectares or below but excluding the industrial estates irrespective of area if their pollution potential is high.

Explanation.-

- (i) New construction projects which were undertaken without obtaining the clearance required under this notification and where construction work has not come up to the plinth level shall require clearance under this notification with effect from the 7<sup>th</sup> day of July, 2004.

- (ii) In the case of new Industrial Estates which were undertaken without obtaining the clearance required under this notification, and where the construction work has not commenced or the expenditure does not exceed 25% of the total sanctioned cost, shall require clearance under this notification with effect from the 7<sup>th</sup> day of July, 2004.
- (iii) Any project proponent intending to implement the proposed project under sub-paras (g) and (h) in a phased manner or in modules, shall be required to submit the details of the entire project covering all phases or modules for appraisal under this notification”.

4. Concealing factual data or submission of false, misleading data/reports, decisions or recommendations would lead to the project being rejected. Approval, if granted earlier on the basis of false data, would also be revoked. Misleading and wrong information will cover the following:

- False information
- False data
- Engineered reports
- Concealing of factual data
- False recommendations or decisions

[No.Z-12013/4/89-IA-I]

## SCHEDULE-I

(See paras 1 and 2)

### LIST OF PROJECTS REQUIRING ENVIRONMENTAL CLEARANCE FROM THE CENTRAL GOVERNMENT

1. Nuclear Power and related projects such as Heavy Water Plants, nuclear fuel complex, Rare Earths.
2. River Valley projects including Hydel Power Projects, Major Irrigation Projects and their combination including flood control project except projects relating to improvement work including widening and strengthening of existing canals with land acquisition upto a maximum of 20 metres, (on both sides put together) along the existing alignments provided such canals do not pass through ecologically sensitive areas such as national parks, sanctuaries, tiger reserves and reserve forests.
3. Ports, Harbours, Airports (except minor ports and harbours).
4. Petroleum Refineries including crude and product pipelines; isolated petroleum product storages.
5. Chemical Fertilizers (Nitrogenous and Phosphatic other than single superphosphate).
6. Pesticides (Technical).
7. Petrochemical complexes (Both Olefinic and Aromatic) and Petro-chemical intermediates such as DMT, Caprolactam, LAB etc. and production of basic plastics such as LLDPE, HDPE, PP, PVC.
8. Bulk drugs and pharmaceuticals.
9. Exploration for oil and gas and their production, transportation and storage.
10. Synthetic Rubber.
11. Asbestos and Asbestos products.
12. Hydrocyanic acid and its derivatives.
13. (a) Primary metallurgical industries (such as production of Iron and Steel, Aluminium, Copper, Zinc, Lead and Ferro Alloys).  
(b) Electric arc furnaces (Mini Steel Plants).
14. Chlor alkali industry.
15. Integrated paint complex including manufacture of resins and basic raw materials required in the manufacture of paints.
16. Viscose Staple fibre and filament yarn.
17. Storage batteries integrated with manufacture of oxides of lead and lead antimony alloys.
18. All tourism projects between 200m—500 metres of High Water Line and at locations with an elevation of more than 1000 metres with investment of more than Rs.5 crores.
19. Thermal Power Plants.
20. Mining projects \*(major minerals)\* with leases more than 5 hectares.
21. Highway Projects \*\*except projects relating to improvement work including widening and strengthening of roads with marginal land acquisition along the existing alignments provided it does not pass through ecologically sensitive areas such as National Parks, Sanctuaries, Tiger Reserves, Reserve Forests\*\*
22. Tarred Roads in the Himalayas and or Forest areas.
23. Distilleries.
24. Raw Skins and Hides
25. Pulp, paper and newsprint.
26. Dyes.

- 27. Cement.
- 28. Foundries (individual)
- 29. Electroplating
- 30. Meta amino phenol
- 31. New construction projects
- 32. New industrial estates

## SCHEDULE-II

[See Sub-para I (a) of para 2]

### APPLICATION FORM

1.
  - (a) Name and Address of the project proposed:
  - (b) Location of the project:  
Name of the Place:  
District, Tehsil:  
Latitude/Longitude:  
Nearest Airport/Railway Station:
  - (c) Alternate sites examined and the reasons for selecting the proposed site:
  - (d) Does the site conform to stipulated land use as per local land use plan:
  
2. Objectives of the project:
  
3.
  - (a) Land Requirement:  
Agriculture Land:  
Forest land and Density of vegetation.  
Other (specify):
  - (b)
    - (i) Land use in the Catchment within 10 kms radius of the proposed site:
    - (ii) Topography of the area indicating gradient, aspects and altitude:
    - (iii) Erodibility classification of the proposed land:
  - (c) Pollution sources existing in 10 km radius and their impact on quality of air, water and land:
  - (e) Distance of the nearest National Park/Sanctuary/Biosphere Reserve/Monuments/heritage site/Reserve Forest:
  - (f) Rehabilitation plan for quarries/borrow areas:
  - (g) Green belt plan:
  - (h) Compensatory afforestation plan:
  
4. Climate and Air Quality:
  - (a) Wind rose at site:
  - (b) Max/Min/Mean annual temperature:
  - (c) Frequency of inversion:
  - (d) Frequency of cyclones/tornadoes/cloud burst:
  - (e) Ambient air quality data:

- (f) Nature & concentration of emission of SPM, Gas (CO, CO<sub>2</sub>, NO<sub>x</sub>, CH<sub>n</sub> etc.) from the project:

5. Water balance:

- (a) Water balance at site:  
 (b) Lean season water availability;  
 Water Requirement:  
 (c) Source to be tapped with competing users (River, Lake, Ground, Public supply):  
 (d) Water quality:  
 (e) Changes observed in quality and quantity of groundwater in the last years and present charging and extraction details:  
 (f) (i) The quantum of existing industrial effluents and domestic sewage with incremental load to be released in the receiving water body due to the proposed activities along with treatment details;  
 (ii) The quantum and quality of water in the receiving water body before and after disposal of solid wastes including municipal solid wastes, industrial effluents and domestic sewage;  
 (iii) The quantum of industrial effluents and domestic sewage to be released on land and type of land;  
 (g) (i) Details of reservoir water quality with necessary Catchment Treatment Plan:  
 (ii) Command Area Development Plan:

6. Solid wastes:

- (a) Nature and quantity of solid wastes generated including municipal solid wastes, biomedical wastes, hazardous wastes and industrial wastes.  
 (b) Solid waste disposal method:

7. Noise and Vibrations:

- (a) Sources of Noise and Vibrations:  
 (b) Ambient noise level:  
 (c) Noise and Vibration control measures proposed:  
 (d) Subsidence problem, if any, with control measures:

8. Power requirement indicating source of supply: Complete environmental details to be furnished separately, if captive power unit proposed:

9. Peak labour force to be deployed giving details of:

- Endemic health problems in the area due to waste water/air/soil borne diseases:
- Health care system existing and proposed:

10. (a) Number of villages and population to be displaced:

(c) Rehabilitation Master Plan:

11. Risk Assessment Report and Disaster Management Plan:

Report prepared as per guidelines issued by the Central Government in the MOEF from time to time:

12. (a) Environmental Impact Assessment  
 (b) Environment Management Plan:  
 (c) Detailed Feasibility Report:  
 (d) Duly filled in questionnaire

13. Details of Environmental Management Cell:

I hereby give an undertaking that the data and information given above are due to the best of my knowledge and belief and I am aware that if any part of the data/information submitted is found to be false or misleading

at any stage, the project be rejected and the clearance given, if any, to the project is likely to be revoked at our risk and cost.

Signature of the applicant  
 With name and full address

Given under the seal of

Date:  
 Place:

Organisation on behalf of  
 Whom the applicant is signing.

In respect to item for which data are not required or is not available as per the declaration of project proponent, the project would be considered on that basis.

**SCHEDULE-III**

[See sub-para III (a) of Para 2]

**COMPOSITION OF THE EXPERT COMMITTEES FOR ENVIRONMENTAL IMPACT ASSESSMENT**

1. \*The Committees will consist of experts in the following disciplines:\*
  - (i) Eco-system Management
  - (ii) Air/Water Pollution Control
  - (iii) Water Resource Management
  - (iv) Flora/Fauna conservation and management
  - (v) Land Use Planning
  - (vi) Social Sciences/Rehabilitation
  - (vii) Project Appraisal
  - (viii) Ecology
  - (ix) Environmental Health
  - (x) Subject Area Specialists
  - (xi) Representatives of NGOs/persons concerned with environmental issues.
2. The Chairman will be an outstanding and experienced ecologist or environmentalist or technical professional with wide managerial experience in the relevant development sector.
3. The representative of Impact Assessment Agency will act as a Member-Secretary.
4. Chairman and Members will serve in their individual capacities except those specifically nominated as representatives.
5. The Membership of a Committee shall not exceed 15.

**SCHEDULE -V**

(See Sub-para 1 of para 2)  
 Procedure for Public Hearing

- (1) **Process of Public Hearing:** -Whoever apply for environmental clearance of projects, shall submit to the concerned State Pollution Control Board twenty sets of the following documents namely: -
  - (i) An executive summary containing the salient features of the project both in English as well as local language along with Environmental Impact Assessment (EIA). However, for pipeline project, Environmental Impact Assessment report will not be required. But Environmental Management Plan including risk mitigation measures is required.
  - (ii) Form XIII prescribed under Water (Prevention and Control of Pollution) Rules, 1975 where discharge of sewage, trade effluents, treatment of water in any form, is required.
  - (iii) Form I prescribed under Air (Prevention and Control of Pollution) Under Territory Rules, 1983 where discharge of emissions are involved in any process, operation or industry.
  - (iv) Any other information or document which is necessary in the opinion of the Board for their final disposal of the application.

**(2) Notice of Public Hearing: -**

- (i) The State Pollution Control Board shall cause a notice for environmental public hearing which shall be published in at least two newspapers widely circulated in the region around the project, one of which shall be in the vernacular language of the locality concerned. State Pollution Control Board shall mention the date, time and place of public hearing. Suggestions, views, comments and objections of the public shall be invited within thirty days from the date of publication of the notification.
- (ii) All persons including bona fide residents, environmental groups and others located at the project site/sites of displacement/sites likely to be affected can participate in the public hearing. They can also make oral/written suggestions to the State Pollution Control Board.

**Explanation: -** For the purpose of the paragraph person means: -

- (a) any person who is likely to be affected by the grant of environmental clearance;
- (b) any person who owns or has control over the project with respect to which an application has been submitted for environmental clearance;
- (c) any association of persons whether incorporated or not like to be affected by the project and/or functioning in the filed of environment;
- (d) any local authority within any part of whose local limits is within the neighbourhood, wherein the project is proposed to be located.

**(3) Composition of public hearing panel: -** The composition of Public Hearing Panel may consist of the following, namely: -

- (i) Representative of State Pollution Control Board;
- (ii) District Collector or his nominee;
- (iii) Representative of State Government dealing with the subject;
- (iv) Representative of Department of the State Government dealing with Environment;
- (v) Not more than three representatives of the local bodies such as Municipalities or panchayats;
- (vi) Not more than three senior citizens of the area nominated by the District Collector.

**(4) Access to the Executive Summary and Environmental Impact Assessment Report: -** The concerned persons shall be provided access to the Executive Summary and Environmental Impact Assessment report of the project at the following places, namely: -

- i) District Collector Office;
- (ii) District Industry Centre;
- (iii) In the Office of the Chief Executive Officers of Zila Praishad or Commissioner of the Municipal Corporation/Local body as the case may be;
- (iv) In the head office of the concerned State Pollution Control Board and its concerned Regional Office.
- (v) In the concerned Department of the State Government dealing with the subject of environment.

- (5) Time period for completion of public hearing:  
The public hearing shall be completed within a period of 60 days from the date of receipt of complete documents as required under paragraph 1.

[No.Z-12013/4/89-IA]

**Foot NOTE:** -The Principal Notification was published vide number S.O. 60 (E) dated 27<sup>th</sup> January 1994 and subsequently amended vide numbers

1. S.O. 356(E) dated 4<sup>th</sup> May, 1994,
2. S.O. 318 (E) dated 10<sup>th</sup> April, 1997,
3. S.O. 73 (E) dated 27<sup>th</sup> January, 2000,
4. S.O. 1119 (E) dated 13<sup>th</sup> December 2000,
5. S.O. 737 (E) dated 1<sup>st</sup> August 2001,
6. S.O. 1148 (E) dated 21<sup>st</sup> November 2001,
7. S.O. 632 (E) dated 13<sup>th</sup> June 2002,
8. S.O. 248(E) dated 28<sup>th</sup> February 2003,
9. S.O. 506 (e) dated 7<sup>th</sup> May 2003,
10. S.O. 891 (E) dated 4<sup>th</sup> August 2003 and
11. S.O 1087(E) dated 22<sup>nd</sup> September 2003.
12. S.O 801(E) dated 7<sup>th</sup> July 2004.

\*\*\*\*\*

The portions within asterisks and underlined are amendments

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ANNEXURE -4

तार :

Telegram : PARYAVARAN,  
NEW DELHI

दूरभाष :

Telephone : 436 1316

टेलिग्राफ :

Telex : W-86185 DOE IN

FAX : 4360878

भारत सरकार

पर्यावरण एवं वन मंत्रालय  
GOVERNMENT OF INDIA  
MINISTRY OF ENVIRONMENT & FORESTSपर्यावरण भवन, सी. जी. ओ. कॉम्प्लेक्स  
PARYAVARAN BHAVAN, C.G.O. COMPLEX  
लोधी रोड, नई दिल्ली-110003  
LODHI ROAD, NEW DELHI-110003

30.8.2000

No.J-11016/86/82-Env.5-IA-1

The Chief Engineer  
Irrigation Deptt.  
Sinchan Bhawan  
Amravati  
Maharashtra.

Subject:- Lower Penganga River Irrigation project.

The above referred project was accorded environmental clearance in 1984 subject to implementation of certain environmental safeguards. During 1997, Asst. Chief Engineer, Irrigation Deptt. Amravati had informed this Ministry that no work on the project has been started. The Ministry sought clarification- whether any expenditure has been incurred so far, and if so details of head-wise expenditure. The project authority was also requested to clarify why environmental clearance accorded earlier cannot be revoked. Till date no reply has been received.

This Ministry issued a circular on 23<sup>rd</sup> July, 99 indicating that the environmental clearance issued prior to 1994 will not be valid in the case of projects where work did not commence before 1.8.98. In all such cases fresh environmental clearance would be required.

In view of the above I am directed to inform you that the environmental clearance accorded to Lower Penganga River irrigation project in 1984 has been withdrawn. You are requested to resubmit the proposal in accordance with EIA Notification 1994 and its subsequent amendments for fresh environmental clearance.

Yours faithfully,

*S. Bhowmik*  
(Dr. S. Bhowmik)  
Additional Director

MINUTES OF ENVIRONMENTAL PUBLIC HEARING FOR  
LOWER PAINGANGA PROJECT,  
AT TADSAWALI, TO: GHATANJI/ KHADKA, TO: ARNI, DIST: YAVATMAL  
HELD ON 06/05/2006.

The Department of Irrigation, Government of Maharashtra proposed a major Irrigation Project having project cost of Rs. 1402.43 Crores across River Painganga, near village Tadsawali, Tq: Ghatanji / Khadka, Tq: Arni, of Yavatmal District for obtaining Environment Clearance as per Ministry of Environment & Forest Notification dtd 27/01/1994 and 10/04/1997 & amended from time to time was conducted under Chairmanship, Additional Collector, Yavatmal at Tahsil premises, Arni, Tq. Ghatanji, Dist: Yavatmal on 6<sup>th</sup> of May, 2006 at 13.00 hrs. The advertisements for this Public Hearing was first published by Maharashtra Pollution Control Board in News Papers viz. daily "The Hitvada" (English) and daily "Lokmat", (Marathi) in its issue on 13/01/06 and 12/01/06 & 14/01/06 respectively. As per request made by project proponent regarding revision of the project, the Public Hearing proposed on 14/02/2006 was postponed as per request. After getting the request letter from project proponent again Maharashtra Pollution Control Board issued advertise on 21/03/2006 for conduction of Public Hearing on 20/04/2006 but subsequently the same Public Hearing was also postponed due to same unavailable reasons. Accordingly, the advertisement were published in News Papers viz. daily "Lokmat" (Marathi) and daily "Hitavada" (English) from time to time for postponement and cancellation of Public Hearing. Finally Maharashtra Pollution Control Board had issued Public Notice in News Papers viz. daily "The Hitvada" (English) and daily "Lokmat", (Marathi) in its issue on 29/04/06 and 28/04/06 respectively for conduction of Public Hearing on 06/05/2006. The advertisement newspaper cutting are attached as Annexure - I. The Maharashtra Pollution Control Board has constituted a panel

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of Public Hearing in accordance with the directions of the said Notification vide Office Order No. E-109 of 2006 dtd 27/03/2006. The office order regarding constitution of Panel Members are attached as Annexure – II.

The following Members of the Public Hearing Panel were present at the time of Public Hearing :-

- 1) Shri A.E. Bansod  
Additional Collector Yavatmal. : Chairman
- 2) Shri V.M. Motghare  
Regional Officer,  
Maharashtra Pollution Control Board, Amravati. : Member
- 3) Shri M.A. Matey (Representative)  
Superintending Engineer,  
Yavatmal Irrigation Circle, Yavatmal. : Member.

SENIOR CITIZEN :

- Shri Parasramji B. Sidam  
At Kawatha Tq. Arni Dist. Yavatmal. : Member.
- Shri B. J. Kale, Sub-Regional Officer, Amravati : Convener

The local body member and senior citizens were present in the Public Hearing in audience but due to harmful hindrance caused by the opposition these members could not be allowed to take their seat on the dias. Shri Parasramji B. Sidam, Senior citizen initially seated on the dias but latter on pulled off from the dias by the opposition.

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The attendance data sheet of Public Hearing Panel Members and audience during Public Hearing are also enclosed as Annexure - III.

Dr. Sandeep Dhurve, MLA, Kelapur, Dist. Yavatmal, Shri. Vishwasrao Nandekar; MLA, Wani, Dist. Yavatmal; Shri. Sanjay Deshmukh, MLA, Digras, Dist. Yavatmal; Shri. Wamanrao Chatak, MLA, Rajura, Dist. Chandrapur; Shri. Shivajirao Moghe, Ex-Minister, Maharashtra State, other Public Representative, the Sarpanch of various Grampanchayat, villagers, agriculturist of affected area, representative of project proponent, Govt. Officials were present during Public Hearing.

Shri. B.J. Kale, Sub-Regional Officer, Maharashtra Pollution Control Board, Amravati-II as a Convener of Public Hearing welcomed the Chairman, Panel Members, Public Representatives and all other Public participants and introduced Panel Members to the audience. He briefed the purpose and procedure Public Hearing. As per the directions in the said Notification, the copies of Executive Summary of this project in English & Marathi were made available one month in advance at the offices mentioned in the said Notification and the Public Notice was also published in News-Papers viz. "Hitavada" (English) and "Lokmat" (Marathi) before one month prior to the Public Hearing as per MoEF Notification dtd 10/04/1997.

Shri. V.M. Motghare, Member and Regional Officer, M.P.C. Board, Amravati delivered the speech regarding the purpose and procedure of Public Hearing which includes Presentation by Project proponent, questions/objections/suggestion form audience and subsequent answer by the project proponent then he requested the project proponent for presentation about this project.

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The Project Proponent Shri M.A. Matey, Superintending Engineer, Yavatmal Irrigation Circle, Yavatmal delivered introductory speech. He presented in detail with all details & importance of the Lower Penganga Project before the audience who were present for the Public Hearing, give brief about project.

Then Shri V.M.Motghare, Member, Regional officer, Pollution Control Board, Amravati requested the audience present to express their views about the proposed Lower Penganga River Project. Accordingly following persons express their objections/views/ suggestions etc. as under :

**(1) Shri Bhaskar Ithape, Working President of Nimna Painganga Dharan Virodhi Sangharsh Samiti, has raised the following points :-**

1. How many Panel Members of the Public <sup>Hearing Panel</sup> are present on the dais?
2. Are the Panel Members taken from affected area of the project ?
3. Is Notification of the Public Hearing is published in Marathwada Region.
4. Number of trees, age & category of the trees in project area is not mentioned in environmental report.
5. Number of villages & number of people affected due to water containing fluoride is not mentioned in the report.
6. Project affected area bears approximately 20 lacs trees having age ranging from 1 year to 200 years. This fact is not mentioned in the report.
7. It is assured that plantation will be done on alternative non forest area. These newly planted trees will not yield fruitful results at least for 20 years from the date of plantation. So what alternative arrangements are made to maintain environmental balance for these 20 years.
8. Generally 33% forest land is to be kept reserved for plantation, what is the status in the present case ?

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9. Canal runs through Tipeshwar sanctuary. During execution of canal in this project area, 10,000 workers will be working on this work. Then how wild life in this area will be protected from these works and movement of peoples.
10. Wild animals will be disturbed by noisy sound of machinery & they will turn towards nearby villages. How villages & these wild animals will be protected from each other.
11. Aquatic lives will be destroyed due to canal water flowing through sanctuary.
12. There exists historical monuments which are 600 years old as well as temples like Kapileshwar, Unakeshwar. How losses due to destruction of these structures will be recovered.
13. Agency who has prepared the Environmental Report is treated as illegal by the Hon'ble Court.
14. Whether Environmental Department, Govt. of India, has carried out field inspection ?
15. 42 villages comes under submergence, out of which 41 villages are tribal. What measures are taken to protect tribal culture, which will be destroyed being in submergence area.
16. Back water of storage tank will spread in low lying area adjacent to submergence, which will cause disease like Malaria etc. What measures are being taken to avoid this?

(2) Shri Pralhadrao Patil Jagtap, President of Nimna Painganga Dharan Virodhi Sangharsh Samiti, has raised the following points:-

1. Irrigation should be done by constructing barrages on Penganga River like 'Vishnupuri barrage' instead of Lower Penganga major dam.
2. Canal runs through Western Coalfields Ltd area, in view of this Western Coalfield Ltd. has not accorded permission for this, whether the permission is taken or not ?
3. As per Annexure-5 of constitution, special rights are awarded to tribal people by virtue of which land belonging to tribal community can not be handed over to non-tribal. In view of this, how will Government acquire land in the ownership of tribal community.

(3) Shri Mubarak Tanwar Vice President, Zilla Parishad, Yavatmal has raised following points :-

1. Hot water springs exist at villages Datodi, Kapeshwar, Siddheshwar hence there is possibility of earthquake. How irrigation will be possible by using this water. It is the natural gift to this area.
2. Activities of land selling & purchasing are prohibited only in Yavatmal district but in the Nanded district, these activities are on going. Why?

(4) Shri Ainuddin Solanki, Resident of near village stated that Anti-dam committee has filed several petitions against this project. Results are awaiting for some of these petitions, hence this public hearing is illegal.

(5) Adv. Shri Balaji Yerawar, Legal Advisor to Nimna Painganga Dharan Virodhi Sangharsh Samiti, has raised the following points:-

1. Environmental Report is false. What is the necessity of this project, even though Government of India has refused to accord permission to this project twice.

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2. There is no permission from Central Water Commission to this project.
3. Every dam has two canals. This project has only one canal. Water Resources Department says that benefit cost ratio of this project is attractive, but there is no project in Maharashtra which proved to be successful to the extent of more than 24%.
4. 50,000 Acres of land in the command area is handed over to 'Ispat' by Western Coalfields Ltd., issue till date not resolved?
5. This is split project. Hydro power generation is proposed at Sahastrakund project. At canal head of Lower Penganga project about 6 MW Hydro power generation is shown. How this can be achieved by Irrigation Deptt.
6. Information regarding cropping pattern is false. 15% ground nut & 5% sunflower in Kharif is incorrect cropping pattern.
7. It is wrong to say that flood will be controlled safely due to dam. In July 2003, Arni town was badly affected due to flood of Arunavati River. Arni town was flooded by Arunavati River even though there exists Arunavati River Project @ upstream of this town.
8. Only non-living objects like schools, roads, wells, drains are mentioned in rehabilitation programme. However no programme is shown regarding employment to the project affected persons.
9. Decrease in the level of oxygen due to cutting of 20 lacs trees coming under 20,000 Ha. submergence area is not mentioned in the report.
10. It is common experience that dam water contains fluoride which leads to development of disease like flurosis.
11. Designed storage of water will not be accumulated near dam site.
12. It is mentioned in the report that the top fertile soil from the submergence area of 50,000 Acres will be recovered and reused in the aforestation area. This is not manageable.

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13. Considering average depth of river as 10 met. from Upper Penganga Project to confluence of Penganga-Wardha river, 2700 Million cubic meters of water can be stored in river section itself. Hence there is no necessity of this project.
14. Andhra Pradesh has opposed for Babhali & Tembhu Projects in Maharashtra then what is cause in providing water to Andhra Pradesh at the cost of submergence land of Maharashtra State.

(6) Shri Jadhao, Resident of Village Rampur, has raised that following points:-

1. Storage of water at proposed Lower Penganga Project site should be such that rehabilitation & resettlement will be very less.
2. Due to planning of this project, development activities in the project area have been stopped since last 20 years & hence people are now scared.

(7) Shri Arjun Ade Vice President of Nimna Painganga Dharan Virodhi Sangharsh Samiti, has raised the following points:-

1. Tribal people are against this project. Instead of such major dam, barrages like Vishnupuri should be constructed so as to avoid submerge area.
2. Maharashtra Government is already in heavy debt by constructing such large dams, debt burden on Maharashtra Government should not be increased.

(8) Shri Ramkrushna Dada Patil :- Resident of nearby villages has raised following points :

1. "Dam means death". It is observed that where ever dams were constructed, actual irrigation is not more than that of 40% . Villages from Yavatmal Dist. are coming under submergence, where as benefits are shared by Chadrapur (Maharashtra) & Adilabad District (Andhra Pradesh).
2. 100 rivers are flowing in the vicinity of project area. By constructing 2000 Bandharas & supplying electricity to beneficiaries irrigation can be done.

People are destroying dams in foreign. Hence Lower Penganga Project should not be constructed.

(9) Adv. Dilip Mankar, of the Sangharsh Samiti has raised the following points :

1. Project affected person do not get satisfactory compensation. Whatever they get, that too very late. Sometimes for their legal claims they need to step in the Courts which is a long process.
2. Instead of large dam acceptable solution may be to enlarge the river width to the same extent and to construct series of barrages in the river.

(10) Dr. Sushama Dakhore, of the Sangharsh Samiti has raised the following points :

Previously Adiwasi and Dalit were not the land owner. They were doing works only. Now they are getting an opportunity of owing the land through assistance in the project area. Major community is Adiwasi and because of this project they will be homeless/landless, where should they go?

Life of the dam is considered to be 60 to 80 years. It is seen that till the end of life of the dam, no where, the target of the irrigation potential is achieved.

(11) Shri Nandu Santan, Resident of Mahur, Dist. Nanded, has raised the following points :-

1. Kolam the main Adiwasi community from Mahagaon, (Dist: Yavatmal) and Kinwat Taluka, (Dist: Nanded) lives in affected area of Lower Penganga Project. Notice of this Public Hearing was not served in this area.
2. Few Panel Members of this Public Hearing Committee belonging to the Adiwasi group could not attend this meeting because of their financial ability. How should we expect common Adiwasi to remain present here. Therefore these meeting should have been arranged in their residential zones, and hence this Public Hearing is illegal.

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3. Whether the water is tasted for fluoride contamination or not ?

The number of representations from local MLA Dr. Sanjay Dhurve, Sarpanchas of nearby Granpanchayat and other peoples regarding the opposition of the dam projects are also received during the course of Public Hearing are also attached herewith for ready reference.

**(12) Shri Wamanrao Chatap, Member of Legislative Assembly, Rajura Dist. Chandrapur, raised the following points in support of the project :-**

1. For all type of the projects, two groups are there one says 'Yes' other says 'No'. Dams are landmark of National Development.
2. It is not true that because of the dams, Environmental balance is disturbed. In our Vidharbha we have very few number of dams. Coverage of Forest land is 38% in Vidharbha. For the sake of this project if 1% forest land is released nothing goes wrong? and because of this there will be no adverse effect on environment .
3. Naxal activity is the cause of non development. Due to this project development of this area will occur. Naxal activity will be reduced.
4. Large number of 'farmers suicides' are occurring in Yavatmal district. Over this matter investigating committee like Tata Institute of Social Sciences, Swami Nathan Committee etc. have done detailed study & one common reason all these Committees have expressed that irrigation backlog is one of the reason for this, and they have recommend that irrigation backlog should be removed of this area. Therefore it is imperative to take up this project.
5. Rehabilitation of project affected persons should be a first priority before the construction of the dam. This policy should be adopted.
6. Project affected persons should be provided and facilitated to acquire cultivable irrigation land in the benefited zone.

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7. Land rate should be given as per ready reckoner.

8. Adiwasis are about 9% in Maharashtra. Most of them are far away from main social stream. Their rehabilitation due to the project is an opportunity to bring them in the main stream.

The Dharan Virodhi Sangharsh Samiti members and opponent peoples has disrupted the speech of Shri Wamanrao Chatap making noisy statements, so he could not express his views on the project further.

**(13) Shri Vasant Rathod**, Resident of nearby villages could not speak due to harmful hindrance by the opposition group. Hence he handed over a written statement to the Chairman of Public Hearing.

**(14) Shri Vijay Mahadeorao Niwal** Resident of nearby villages could not speak due to harmful hindrance by the opposition group. Hence he handed over a written statement to the Chairman of Public Hearing.

**(15) Shri Vijay Bhure** :- Resident of nearby villages could not speak due to harmful hindrance by the opposition group. Hence he handed over a written statement to the Chairman of Public Hearing.

The MLA, Vishwas Nandekar, Wani, Dist. Yavatmal, Ramji Bhavsing Ade, Zilla Parishad Member, Yavatmal, Sarpanch Grampanchayat, Arni, Adv. Shivajirao Moghe, Ex. Minister Maharashtra State, Maroti R. Kanake, Z. P. Member local body Panel Member, Senic Citizens were also present during meeting but opposition group he prevented them from expressing their views in support of dam project by creating the noisy scene, hence they have handed over their written representation regarding the support of project during the public Hearing. The representation received from Hon'ble Haribhau Rathod, Member Parliament (Loksabha) Yavatmal, Vamanrao Kasawar,

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Ex. MLA, Wani, Manikrao Thakre, President, Yavatmal District Congress Committee and other prominent persons regarding the support of the project is also attached herewith.

Project opposition group interrupted the public hearing by making noisy voices often, and continued their opposition. In view of the above circumstances, Add: Collector Yavatmal & Chairman of Public Hearing Panel delivered vote of thanks to all the members of Public Hearing Panel and the participants/audience and concluded the Public Hearing after nearly 4 ½ hours of hearing.



(B. J. Kale)

Sub-Regional Officer

MPC Board, Amravati - II.



(V. M. Motghare)

Regional Officer

MPC Board, Amravati.



(A. E. Bansod)

Chairman, Public Hearing Panel

&amp;

Additional District Collector

Yavatmal.



# MAHARASHTRA POLLUTION CONTROL BOARD

☎: 24010437

☎: 24024068

Visit us at: <http://mpcb.mah.nic.in>Email: [mpcb@vsnl.net](mailto:mpcb@vsnl.net)

KALPATARU POINT, 2<sup>nd</sup>, 3<sup>rd</sup> & 4<sup>th</sup> Floor,  
Opp. Cineplanet, Near Sion Circle,  
Sion East, MUMBAI: 400 022

NO.BO/RO (P&amp;P)/PH/B- 537

Date: 23/06/2006

To,  
The Secretary,  
Ministry of Environment & Forests,  
Government of India,  
Paryavaran Bhawan,  
CGO Complex, Lodi Road,  
New Delhi-110 003.

Sub: Environmental Clearance for Proposed Project.

Sir,

Please find submitted herewith the report of the proceedings of the public hearing conducted on 06.05.2006 for Lower Painganga River Project of Vidarbha Irrigation Development Corporation at Tadsawali, Tq. Ghatangi, Dist: Yavatmal.

Yours faithfully,

(D. B. Boralkar)  
Member Secretary

D.A.: Report of Public Hearing.

Copy submitted to:

The Secretary (Environment), Government of Maharashtra, Mantralaya,  
Mumbai-32, for information.

Copy to Applicant of the project:

1. Chief Engineer, Irrigation Dept., Amravati Division, Amravati.

Copy to:

1. Regional Officer, MPCB, Amravati.
2. Sub-Regional Officer, MPCB, Amravati-II.

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**(Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii)  
MINISTRY OF ENVIRONMENT AND FORESTS  
New Delhi 14<sup>th</sup> September, 2006  
Notification**

S.O. 1533(E). - 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 India, unless prior environmental clearance has been accorded in accordance with the objectives of National Environment Policy as approved by the Union Cabinet on 18<sup>th</sup> 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 15<sup>th</sup> 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 15<sup>th</sup> 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 27<sup>th</sup> 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

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I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

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.

Includes the territorial waters

**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;
- (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 other two Members shall be either a professional or expert fulfilling the eligibility criteria given in Appendix VI to this notification.

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I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

- (4) One of the specified Members in sub-paragraph (3) above who is an expert in the Environmental Impact Assessment process shall be the Chairman of the SEIAA.
- (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).

<sup>1</sup>“(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 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 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. <sup>II</sup> “In the absence of a duly constituted SEIAA

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I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

or SEAC, a Category 'B' project shall be considered at 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 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 application, a copy

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

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 by which the Expert Appraisal Committee in the case of Category 'A' projects or activities, and State level Expert Appraisal Committee in the case of Category 'B1' projects or activities, including applications for expansion and/or modernization and/or change in product mix of existing projects or activities, determine detailed and comprehensive Terms Of Reference (TOR) addressing all relevant environmental concerns for the preparation of an Environment Impact Assessment (EIA) Report in respect of the project or activity for which prior environmental clearance is sought. The Expert Appraisal Committee or State level Expert Appraisal Committee

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I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

concerned shall determine the Terms of Reference on the basis of the information furnished in the prescribed application Form 1/Form 1A including Terms of Reference proposed by the applicant, a site visit by a sub- group of Expert Appraisal Committee or State level Expert Appraisal Committee concerned only if considered necessary by the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned, Terms of Reference suggested by the applicant if furnished and other information that may be available with the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned. All projects and activities listed as Category 'B' in Item 8 of the Schedule (Construction/Township/Commercial Complexes /Housing) shall not require Scoping and will be appraised on the basis of Form 1/ Form 1A and the conceptual plan.

- (ii) The Terms of Reference (TOR) shall be conveyed to the applicant by the Expert Appraisal Committee or State Level Expert Appraisal Committee as concerned within sixty days of the receipt of Form 1. In the case of Category A Hydroelectric projects Item 1(c) (i) of the Schedule the Terms of Reference shall be conveyed along with the clearance for pre-construction activities .If the Terms of Reference are not finalized and conveyed to the applicant within sixty days of the receipt of Form 1, the Terms of Reference suggested by the applicant shall be deemed as the final Terms of Reference approved for the EIA studies. The approved Terms of Reference shall be displayed on the website of the Ministry of Environment and Forests and the concerned State Level Environment Impact Assessment Authority.
- (iii) 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).

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I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

- (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.
- III "(cc) maintenance dredging provided the dredged material shall be disposed within port limits.";
- III "(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.
- f) all projects or activities concerning national defence and security or involving other strategic considerations as determined by the Central Government.
- (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

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I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b) , (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

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 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:**

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I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

- (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:**

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

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I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

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

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I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

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.
- (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):**

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 five years in the case of all other projects and activities. However, in the case of Area Development projects and Townships [item 8(b)], the validity

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I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

period shall be limited only to such activities as may be the responsibility of the applicant as a developer. This period of validity may be extended by the regulatory authority concerned by a maximum period of five years provided an application is made to the regulatory authority by the applicant within the validity period, together with an updated Form 1, and Supplementary Form 1A, for Construction projects or activities (item 8 of the Schedule). In this regard the regulatory authority may also consult the Expert Appraisal Committee or State Level Expert Appraisal Committee as the case may be.

#### 10. Post Environmental Clearance Monitoring:

- IV (i)(a) In respect of Category 'A' project, it shall be mandatory for the project proponent to make public the environment 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 the 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 Governmental 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.”;
- IV (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 1<sup>st</sup> June and 1<sup>st</sup> December of each calendar year.
- IV (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

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I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

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. 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 27<sup>th</sup> 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 one year from the date of issue of this notification.

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I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

## SCHEDULE

(See paragraph 2 and 7)

## LIST OF PROJECTS OR ACTIVITIES REQUIRING PRIOR ENVIRONMENTAL CLEARANCE

Project or Activity		Category with threshold limit		Conditions if any
		A	B	
1		Mining, extraction of natural resources and power generation (for a specified production capacity)		
(1)	(2)	(3)	(4)	(5)
<sup>v</sup> 1(a)	(i) Mining of minerals.  (ii) Slurry pipelines (coal lignite and other ores) passing through national parks / sanctuaries / coral reefs, ecologically sensitive areas.	≥ 50 ha. of mining lease area in respect of non-coal mine lease.  > 150 ha of mining lease area in respect of coal mine lease.  Asbestos mining irrespective of mining area  All projects.	<50 ha ≥ 5 ha .of mining lease area in respect of non-coal mine lease.  ≤ 150 ha ≥ 5 ha of mining lease area in respect of coal mine lease.	General Condition shall apply Note: Mineral prospecting is exempted.”;
1(b)	Offshore and onshore oil and gas exploration, development & production	All projects		Note Exploration Surveys (not involving drilling) are exempted provided the concession areas have got previous clearance for physical survey
1(c)	River Valley projects	(i) ≥ 50 MW hydroelectric power generation; (ii) ≥ 10,000 ha. of culturable command area	(i) < 50 MW ≥ 25 MW hydroelectric power generation; (ii) < 10,000 ha. of culturable command area	<sup>v</sup> “General Condition shall apply. Note: Irrigation projects not involving submergence or inter-state domain shall be appraised by the SEIAA as Category ‘B’ Projects.”;

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

(1)	(2)	(3)	(4)	(5)
1(d)	Thermal Power Plants	<sup>v</sup> " ≥ 500 MW (coal / lignite / naphtha & gas based); ≥ 50 MW (Pet coke diesel and all other fuels including refinery residual oil waste except biomass); ≥ 20 MW (based on biomass or non hazardous municipal waste as fuel).";	< 500 MW (coal / lignite / naphtha & gas based); <50 MW ≥ 5MW (Pet coke, diesel and all other fuels including refinery residual oil waste except biomass); ≥ 20 MW > 15 MW (based on biomass or non hazardous municipal waste as fuel).";	<sup>v</sup> "General Condition shall apply. Note: (i) Power plant up to 15 MW, based on biomass and using auxiliary fuel such as coal / lignite / petroleum products up to 15% are exempt. (ii) Power plant up to 15 MW, based on non-hazardous municipal waste and using auxiliary fuel such as coal / lignite / petroleum products up to 15% are exempt. (iii) Power plants using waste heat boiler without any auxiliary fuel are exempt.";
1(e)	Nuclear power projects and processing of nuclear fuel	All projects		
<b>2</b>		<b>Primary Processing</b>		
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	≥ 0.1million ton/annum mineral throughput	< 0.1million ton/annum mineral throughput	General Condition shall apply (Mining proposal with Mineral beneficiation shall be appraised together for grant of clearance)

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

3				
Materials Production				
(1)	(2)	(3)	(4)	(5)
3(a)	Metallurgical industries (ferrous & non ferrous)	a) Primary metallurgical industry  All projects  b) Sponge iron manufacturing $\geq 200$ TPD  c) Secondary metallurgical processing industry  All toxic and heavy metal producing units $\geq 20,000$ tonnes /annum	Sponge iron manufacturing $<200$ TPD  Secondary metallurgical processing industry  i.) All toxic and heavy metal producing units $<20,000$ tonnes /annum  ii.) All other non-toxic secondary metallurgical processing industries $>5000$ tonnes/annum	v "General condition shall apply. Note: (i) The recycling industrial units registered under the HSM Rules, are exempted. (ii) In case of secondary metallurgical processing industrial units, those projects involving operation of furnaces only such as induction and electrical arc furnace, submerged arc furnace, and cupola with capacity more than 30,000 tonnes per annum (TPA) would require environmental clearance. (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."
3(b)	Cement plants	$\geq 1.0$ 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	-	-
4(b)	Coke oven plants	$\geq 2,50,000$ tonnes/annum	$<2,50,000$ & $\geq 25,000$ tonnes/annum	v "General Condition shall apply."
4(c)	Asbestos milling and asbestos based products	All projects	-	-

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

(1)	(2)	(3)	(4)	(5)
4(d)	Chlor-alkali industry	≥300 TPD production Capacity or a unit located out side the notified industrial area/ estate	v "(i) All projects irrespective of the size, if located in a Notified Industrial Area/ Estate. (ii) <300 tonnes per day (TPD) and located outside a Notified Industrial Area/ Estate."	v "General as well as specific condition shall apply. No new Mercury Cell based plants will be permitted and existing units converting to membrane cell technology are exempted from this notification."
4(e)	Soda ash Industry	All projects	-	-
4(f)	Leather/skin/hide processing industry	New projects outside the industrial area or expansion of existing units out side the industrial area	All new or expansion of projects located within a notified industrial area/ estate	v "General as well as specific condition shall apply."
5		<b>Manufacturing / Fabrication</b>		
5(a)	Chemical fertilizers	v "All projects except Single Super Phosphate."	v "Single Super Phosphate."	-
5(b)	Pesticides industry and pesticide specific intermediates (excluding formulations)	All units producing technical grade pesticides	-	-
5(c)	Petro-chemical complexes (industries based on processing of petroleum fractions & natural gas and/or reforming to aromatics)	All projects -	-	-
5(d)	Manmade fibers manufacturing	Rayon	Others	General Condition shall apply
5(e)	Petrochemical based processing (processes other than cracking & reformation and not covered under the complexes)	Located out side the notified industrial area/ estate -	Located in a notified industrial area/ estate	v "General as well as specific condition shall apply."

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

(1)	(2)	(3)	(4)	(5)
5(f)	Synthetic organic chemicals industry (dyes & dye intermediates; bulk drugs and intermediates excluding drug formulations; synthetic rubbers; basic organic chemicals, other synthetic organic chemicals and chemical intermediates)	Located out side the notified industrial area/ estate	Located in a notified industrial area/ estate	v "General as well as specific condition shall apply."
5(g)	Distilleries	(i) All Molasses based distilleries (ii) All Cane juice/ non-molasses based distilleries $\geq 30$ KLD	All Cane juice / non-molasses based distilleries - <30 KLD	General Condition shall apply
5(h)	Integrated paint industry	-	All projects	General Condition shall apply
5(i)	Pulp & paper industry excluding manufacturing of paper from waste paper and manufacture of paper from ready pulp with out bleaching	Pulp manufacturing and Pulp & Paper manufacturing industry	Paper manufacturing industry without pulp manufacturing	General Condition shall apply
5(j)	Sugar Industry	-	$\geq 5000$ tcd cane crushing capacity	General Condition shall apply
5(k)	v Omitted			
6	<b>Service Sectors</b>			
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		-

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

(1)	(2)	(3)	(4)	(5)
6(b)	Isolated storage & handling of hazardous chemicals (As per threshold planning quantity indicated in column 3 of schedule 2 & 3 of MSIHC Rules 1989 amended 2000)	-	All projects	General Condition shall apply
7		<b>Physical Infrastructure including Environmental Services</b>		
7(a)	Air ports	v "All projects including airstrips, which are for commercial use."	-	v "Note: 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©	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.	v "Genral as well as special 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 > 20,000 Sq. mts. 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

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

(1)	(2)	(3)	(4)	(5)
7(e)	<sup>v</sup> "Ports, harbours, 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	<sup>v</sup> "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 Management Plan (EMP) was prepared and environmental clearance obtained."
7(f)	Highways	i) New National High ways; and ii) Expansion of National High ways greater than 30 KM, involving additional right of way greater than 20m involving land acquisition and passing through more than one State.	<sup>v</sup> " i) All State Highway Project; and ii) State Highway expansion projects in hilly terrain (above 1,000 m AMSL) and or ecologically sensitive areas."	General Condition shall apply. Note: Highways include expressways."
7(g)	Aerial ropeways	<sup>v(xvi)(a)</sup> "(i) All projects located at altitude of 1,000 mtr. And above. (ii) All projects located in notified ecologically sensitive areas."	<sup>v(xvi)(b)</sup> "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		<b>Building /Construction projects/Area Development projects and Townships</b>		
8(a)	Building and Construction projects		≥20000 sq.mtrs and <1,50,000 sq.mtrs. of built-up area#	#(built up area for covered construction; in the case of facilities open to the sky, it will be the activity area)
8(b)	Townships and Area Development projects.		Covering an area ≥ 50 ha and or built up area ≥1,50,000 sq .mtrs ++	++All projects under Item 8(b) shall be appraised as Category B1

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

**Note:-****V(xvii) "General Condition (GC):**

Any project or activity specified in Category 'B' will be treated as Category A, if located in whole or in part within 10 km from the boundary of: (i) Protected Areas notified under the Wild Life (Protection) Act, 1972, (ii) Critically Polluted areas as identified by the Central Pollution Control Board from time to time, (iii) Eco-sensitive areas as notified under section 3 of the Environment (Protection) Act, 1986, such as, Mahabaleshwar Panchgani, Matheran, Pachmarhi, Dahanu, Doon Valley, and (iv) inter-State boundaries and international boundaries:

Provided that the requirement regarding distance of 10 km of the inter-State boundaries can be reduced or completely done away with by an agreement between the respective States or U.Ts sharing the common boundary in case the activity does not fall within 10 kilometres 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).

[No. J-11013/56/2004-IA-II (I)]  
(R.CHANDRAMOHAN)

JOINT SECRETARY TO THE GOVERNMENT OF INDIA

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I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

**APPENDIX I**  
**(See paragraph – 6)**  
**FORM 1**

**VI(a) “(I) Basic Information**

Serial Number	Item	Details
1.	Name of the project/s	
2.	S. No. in 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, Zilla 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.		
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 project has been submitted?	

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

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 propose 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 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		

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

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?		
1.22	Stream crossings?		
1.23	Abstraction or transfers of water from 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?		

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

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, sand / soil (expected source – MT)		
2.5	Forests and timber (source – MT)		
2.6	Energy including electricity and fuels (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		

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

**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
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 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		

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

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
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:

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?		

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

**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	Lead to development of supporting, utilities, ancillary development or development stimulated by the project which could have impact on the environment e.g.: <ul style="list-style-type: none"> <li>• Supporting infrastructure (roads, power supply, waste or waste water treatment, etc.)</li> <li>• housing development</li> <li>• extractive industries</li> <li>• supply industries</li> <li>• other</li> </ul>		
9.2	Lead to after-use of the site, which could have an 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		

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

**(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, esting, 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 ( <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> )		

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

**(IV). Proposed Terms of Reference for EIA studies**

<sup>VI(b)</sup> "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 give, 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/Authorised Signatory)

**NOTE:**

1. The projects involving clearance under Coastal Regulation Zone Notification, 1991 shall submit with the application a C.R.Z. 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 projects to be located within 10 km of the National Prks, Sancturies, Biosphere Reserves, Migratory Corridors of Wile Animals, the project proponenet shall submit the map duly authenticated by Chief Wildlife Warden showing these features vis-à-vis the project location and the recommendations or comments of the Chief Wildlife Warden thereon (at the stage of EC)."
3. All correspondence with the Ministry of Environment & Forests including aubmission of application for TOR/Environmental Clearance, subsequent clarifications, as may be required from time to time, participation in the EAC Meeting on behalf of the project proponenet shall be made by the authorized signatory only. The authorized signatory should also submit a document in support of his claim of being and authorized signatory for the specific project."

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I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

**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.)

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I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

- 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

- 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)
- 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 it's 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.

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I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

- 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?
- 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.

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I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

- 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.
- 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

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I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

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"> <li>• Purpose of the report</li> <li>• Identification of project &amp; project proponent</li> <li>• Brief description of nature, size, location of the project and its importance to the country, region</li> <li>• Scope of the study – details of regulatory scoping carried out (As per Terms of Reference)</li> </ul>
2.	Project Description	<ul style="list-style-type: none"> <li>• 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: <ul style="list-style-type: none"> <li>• Type of project</li> <li>• Need for the project</li> <li>• Location (maps showing general location, specific location, project boundary &amp; project site layout)</li> <li>• Size or magnitude of operation (incl. Associated activities required by or for the project)</li> <li>• Proposed schedule for approval and implementation</li> <li>• Technology and process description</li> </ul> </li> <li>• Project description. Including drawings showing project layout, components of project etc. Schematic representations of the feasibility drawings which give information important for EIA purpose</li> <li>• Description of mitigation measures incorporated into the project to meet environmental standards, environmental operating conditions, or other EIA requirements (as required by the scope)</li> <li>• Assessment of New &amp; untested technology for the risk of technological failure</li> </ul>

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

3.	Description of the Environment	<ul style="list-style-type: none"> <li>• Study area, period, components &amp; methodology</li> <li>• Establishment of baseline for valued environmental components, as identified in the scope</li> <li>• Base maps of all environmental components</li> </ul>
4.	Anticipated Environmental Impacts & Mitigation Measures	<ul style="list-style-type: none"> <li>• 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</li> <li>• Measures for minimizing and / or offsetting adverse impacts identified</li> <li>• Irreversible and Irretrievable commitments of environmental components</li> <li>• Assessment of significance of impacts (Criteria for determining significance, Assigning significance)</li> <li>• Mitigation measures</li> </ul>
5.	Analysis of Alternatives (Technology & Site)	<ul style="list-style-type: none"> <li>• In case, the scoping exercise results in need for alternatives:</li> <li>• Description of each alternative</li> <li>• Summary of adverse impacts of each alternative</li> <li>• Mitigation measures proposed for each alternative and</li> <li>• Selection of alternative</li> </ul>
6.	Environmental Monitoring Program	<ul style="list-style-type: none"> <li>• Technical aspects of monitoring the effectiveness of mitigation measures (incl. Measurement methodologies, frequency, location, data analysis, reporting schedules, emergency procedures, detailed budget &amp; procurement schedules)</li> </ul>
7.	Additional Studies	<ul style="list-style-type: none"> <li>• Public Consultation</li> <li>• Risk assessment</li> <li>• Social Impact Assessment. R&amp;R Action Plans</li> </ul>
8.	Project Benefits	<ul style="list-style-type: none"> <li>• Improvements in the physical infrastructure</li> <li>• Improvements in the social infrastructure</li> </ul>

I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

		<ul style="list-style-type: none"> <li>• Employment potential –skilled; semi-skilled and unskilled</li> <li>• Other tangible benefits</li> </ul>
9.	Environmental Cost Benefit Analysis	If recommended at the Scoping stage
10.	EMP	<ul style="list-style-type: none"> <li>• Description of the administrative aspects of ensuring that mitigative measures are implemented and their effectiveness monitored, after approval of the EIA</li> </ul>
11	Summary & Conclusion (This will constitute the summary of the EIA Report )	<ul style="list-style-type: none"> <li>• Overall justification for implementation of the project</li> <li>• Explanation of how, adverse effects have been mitigated</li> </ul>
12.	Disclosure of Consultants engaged	<ul style="list-style-type: none"> <li>• The names of the Consultants engaged with their brief resume and nature of Consultancy rendered</li> </ul>

### 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

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I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

**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 or State or Union Territory, the public hearing is mandated in each 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 report 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.
- (d) Concerned Regional Office of the Ministry of Environment and Forests

2.3 On receiving the draft Environmental Impact Assessment report, the abovementioned authorities except the Regional Office of 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.

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

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I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

inspection in select offices or public libraries or any other suitable location 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**

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.

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I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

- 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 Persons 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. Thereafter 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 those concerns."
- 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

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I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

(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 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.

**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 14<sup>th</sup> September, 2006 and amended vide S.O. 1737 (E), dated the 11<sup>th</sup> October, 2007.

**APPENDIX VI**

(See paragraph 5)

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I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b) , (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

**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 (EAC(s) 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:** Experts in measurement/monitoring, analysis and interpretation of data in relation to environmental quality
- **Sectoral Experts in Project Management:** Experts in Project Management or Management of Process/Operations/Facilities in the relevant sectors.
- **Environmental Impact Assessment Process Experts:** 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 Experts**
- **Life Science Experts in floral and faunal management**
- **Forestry and Wildlife Experts**

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I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

- **Environmental Economics Expert with experience in project appraisal**
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 outstanding and experienced environmental policy expert or expert in management or public administration with wide experience in the relevant development sector.
  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.
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**I; II; III (i), (ii); IV (a), (b); V (i), (ii), (iii)(a), (b), (c), (iv), (v), (vi) (a), (b), (vii), (viii) (a), (b), (ix), (x), (xi), (xii) (a), (b), (xiii), (xiv) (a), (b), (xv) (a), (b), (xvi) (a), (b), (xvii); VI (a), (b); VII & VIII** of the Notification, S.O. 3067(E) dated 01.12.2009 of the Ministry of Environment and Forests, (Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii), No. 2002] New Delhi, Tuesday, November 1, 2009; an amendment to EC notification S.O.1533(E) dated 14.09.2006

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

**Paryavaran Bhawan**  
**CGO Complex, Lodhi Road**  
**New Delhi 110003**

**8<sup>th</sup> December, 2006**

**CIRCULAR**

**Subject: EIA Notification 14 September 2006 -- Interim Operational Guidelines till 13 September 2007 in respect of River Valley and Hydro-Electric Power Project applications made under EIA 1994.**

Pursuant to the new Environment Impact Assessment Notification of 14 September 2006 ("EIA 2006") replacing the EIA Notification of 27 January 1994 and its various amendments ("EIA 1994"), and in terms of the provisions of *Para 12* of EIA 2006, the Ministry had earlier issued Interim Operational Guidelines on 13<sup>th</sup> October, 2006 and 21<sup>st</sup> November, 2006. Further to these Guidelines, the following Guidelines are issued in respect of River Valley and Hydro-Electric Power Project applications made under EIA Notification, 1994 with the approval of Competent Authority:

- i. In respect of cases where site clearance has been accorded before 14<sup>th</sup> September, 2006 and EIA and EMP has been prepared and public hearing has been conducted; appraisal etc. will be in accordance to the procedure given in EIA Notification, 1994.
- ii. In respect of cases where site clearance has been accorded before 14<sup>th</sup> September, 2006 but EIA and EMP and public hearing have not been completed; appraisal under EIA Notification, 1994 will be done only for those cases where receipt of the complete documents including public hearing

conducted as per EIA Notification, 2006 is made by 30<sup>th</sup> June, 2007. Other such cases will be appraised under EIA Notification, 2006.

- iii. In respect of cases where site clearance has not been accorded but which were pending with the Ministry prior to 14<sup>th</sup> September, 2006 Notification; site clearance is not required and all such cases have to be processed as per EIA Notification dated 14<sup>th</sup> September, 2006.

(G.V. Subrahmanyam)  
Director

To:

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

Copy to:

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

No. 744/T-8/LPP/Envir/07

Office of the  
Superintending Engineer,  
Yavatmal Irrigation Circle,  
Yavatmal

Date :- 17.2.2007

The Secretary  
Ministry of Environment & Forest  
Govt. of India  
Paryavarn Bhavan CGO Complex  
Lodhi Road New Delhi

(Attent :- Dr.S. Bhowmik Additional Director)

**Subject :- Lower Penganga Project in Maharashtra -  
Environmental Clearance.**

**Ref. :- MoEF letter No. 21011/13/2001-IA. I Dt. 31.03.2006**

With reference to the letter cited above Environmental proposal of Lower Pengnaga Project will be considered by the expert committee on 21<sup>st</sup> Feb. 2007.

In this respect it is to state that Environmental clearance was already accorded to Lower Pengnaga Project by MoEF GoI in 1984, but the work of project could not be started for want of Forest Clearance.

As per the MoEF (IA Division) Circular dated 8<sup>th</sup> Dec. 2006, for Interim Operational Guide Lines in respect of River Valley & Hydro-Electric Power Project applications made under EIA 1994 provision para-i No. is for the project where site clearance is accorded before 14<sup>th</sup> Sept, 2006 and EIA & EMP has been prepared and public hearing has been conducted, appraisal etc. will be in accordance to the procedure given in EIA Notification 1994.

As made clear in the above para the final Environmental clearance for the project was accorded to the Lower Penganga Project in 1984 and hence separate

site clearance may not be required and it can be considered as the project with site clearance accorded before 14<sup>th</sup> Sept. 2006.

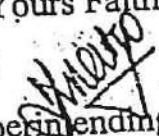
EIA & EMP reports along with R/R plan were submitted to the MoEF, GoI, by the State Govt. vide letter dated 28.6.2006. Though it was submitted to the forest wing as per MoEF directive the same may be considered as submission of EIA & EMP before 14<sup>th</sup> Sept. 2006.

The exhaustive public hearing of the project has been conducted on dated 6.5.2006 by Maharashtra Pollution Control Board as per the directive of MoEF vide letter dated 5.10.2005. As the Public hearing has been conducted through State representative of Environmental wing and as per the directive of MoEF, GoI, the same Public hearing needs to be considered for Environmental appraisal of the Project.

As made clear above, the Lower Penganga Project satisfies all the provisions in para 1 of the circular of MoEF dated 8<sup>th</sup> Dec. 2006, and the same may be appraised as per the procedure given in EIA notification 1994. Hence Final environmental clearance may be accorded to the project in the Expert Committee's meeting proposed to be held on 21.2.2007.

Thanking you

Yours Faithfully

*o/c*  
  
 Superintending Engineer,  
 Yavatmal Irrigation Circle,  
 Yavatmal.

D.A: 1) Brief.note ( <sup>Nine</sup> copies)

*cc: [unclear]  
 [unclear]  
 2/2/07*

**Government of India  
Ministry of Environment and Forests  
(IA-I Division)**

**Sub: Summary Record of discussion of the 52<sup>nd</sup> meeting of the Expert Committee for River Valley and Hydroelectric projects held on 21<sup>st</sup> & 22<sup>nd</sup> February, 2007 in Paryavaran Bhavan, New Delhi.**

The list of participants is appended.

**Item No. 1**

**Confirmation of the minutes of the last EC meeting.**

The minutes of the 51st meeting of Expert Committee for River Valley and Hydroelectric projects were confirmed as no comments were received from the members.

**1. Sawara Kudda HE Project in Himachal Pradesh:**

A brief presentation was given by Shri A.K. Awasthi, Managing Director of the Corporation. The committee noted that the proposal envisages construction of a 9 m high diversion barrage from river bed level across river Pabbar for generating 111 MW hydropower. The power house will be underground. A total of 97.62 ha land will be required. Out of that 53.21 ha is forest land and forest clearance has been obtained.

The committee also noted that the project authority has already prepared EIA & public hearing also conducted. The EIA was also found adequate. Except certain clarification, no further TOR is required. Therefore they decided to consider the project for environmental clearance as per clarification given by the Ministry vide circular dated 13.10.2006. After careful examination the committee desired the following information:

- vii) No land use / land cover pattern of study area using overfly mapping techniques viz. Geographic Information systems presented in the report. False colour Composite (FCC) generated from satellite data to be submitted.

-2-

- viii) Revised CAT Plan to be submitted, which must show the completion of implementation of CAT Plan before.
- ix) A study of site specific earthquake design parameters is being conducted. The result of the study needs to be forwarded and approved by the NCSDP, CWC, New Delhi.
- x) Details of tunnel driving such as for conventional controlled blasting the charge density, the amount of delay, schematic plan etc. needs to be provided.
- xi) Soil analysis is incomplete. It needs to be redone.
- xii) Land holding of the persons, whose land is being acquired should be given along with quantity of land acquired. If the percentage of land acquired is more than 70% then the land looser shall be treated as fully affected person.

### **3. Kotli Bhel HE Project in Uttarakhand:**

It was brought to the notice of the project authority that a NGO named MATU has send representation to all the committee members as well as to the Ministry intimating that public hearing has not been conducted properly. The EIA report has not been prepared in Hindi language and not kept in designated places. To this the project authority informed that State Pollution Control Board has organized the public hearing, they have only provided the requisite number of copies of EIA/EMP and executive summary (in Hindi & English) to SPCB. There is no direction in the P H Notification that EIA to be prepared in Hindi.

The proposal was considered as per 1994 EIA Notification for according Environment Clearance as site clearance Stage-I and Stage-II were accorded on 20.10.03 & on 09.05.05 respectively. The consultant gave a presentation, highlighting the main findings of the EIA study and a brief of various EMPs. Further, several queries were raised by the committee members with reference to categorization of partially and fully affected families, drinking water supply, downstream discharges up to TRT discharge point, FRL & MDDL, etc. which were suitably replied by the consultant and the NHPC officials. Executive Director, NHPC informed the committee that the project has been accorded Techno-economic Clearance by CEA vide letter dt. 03.10.2006 and has been further recommended by PIB in its meeting held on 07.02.2007 After detailed discussion the committee desired to have the following information:

- i) Listing of cryptogams including micro-flora present in the area.

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- ii) Clarifications as to, whether issue of any threat to the bathing ghat at Devprayag, had been considered or not.
- iii) A flow diagram pertaining to treatment plan for drinking water.
- iv) Soil quality analysis for parameters like N, P & K to be provided.
- v) Accepted SYI values under CAT Plan to be mentioned and the Table 1.6 of EMP to be corrected accordingly.
- vi) Status of the approval of National Committee on Seismic Design Parameters.
- vii) Reasons for not including the biodiversity Conversation Plan under EMP.

### 3. Kelo major irrigation project in Chattishgarh.

Shri R.C. Divedi, Executive Engineer attended the meeting and delivered a brief presentation. The committee noted that this is a major irrigation project to irrigate 22800 ha. area (CCA is 24396 ha.). The project envisages construction of 24.22 m high masonry and earthen composite dam. The proposed irrigation system has 26.62 km main canal and 16.10 km branch canal. The project will need 230.13 ha of forest land. 91 families consisting of 619 persons likely to be affected.

After detailed discussion the committee proposed following change/addition of Terms of Reference (TOR):

1. Add sedimentation rate after sedimentation on page 75.
2. Baseline data (soil, air, ground and surface water, noise, flora and fauna) shall be collected for Study Duration, that is the duration of field observation and comprises of one year i.e. three seasons (pre monsoon, monsoon and post monsoon). The EIA report shall contain complete data of these three seasons.
3. Groundwater table in the command area needs to be reported.
4. SO<sub>x</sub> shall replaced by SO<sub>2</sub> on page 76.
5. Add Compensatory Afforestation in Environmental management plan (EMP).
6. Add Reservoir Rim Treatment Plan in the EMP.
7. Physical and financial schedule of Catchment Area Treatment (CAT) Plan shall be provided. The works of CAT shall complete prior completion.

### 4. Koyna (left bank) dam foot power house(2x40 MW) in Maharashtra.

The proposal was considered for environment clearance as EIA report has already been prepared and public hearing completed. Er. V.V. Gaikwad, Secretary, WRD.GOM attended te meeting along with other officials and consultant. A brief presentation on the proposal was given by the consultant. The committee noted that the project envisages construction of a power house in the left bank at about 150m down stream of Koyna dam in Gadhavkop village in Satara district.

Under water lake tap is proposed to utilize water from the existing Shivaji Sagar lake (Koyna reservoir) for power generation.

The committee also noted that Rapid EIA was placed before the public during P.H. However, based on the suggestion during PH comprehensive EIA prepared and submitted for EC.

After detailed discussion the committee desired to have the following information –

- vii) On page 108 of EIA the statement recorded regarding earthquake has mixed up the intensity and magnitude of earthquake. This para needs to be changed
- viii) A study of site specific earthquake design parameters is necessary for safety and safe guard. The report of the site specific earthquake design parameters study shall be forwarded for approval to the NCSDP. The approved design earthquake parameters of NCSDP need to be used for final design.
- ix) For ambient air quality(p-157) report for Co also.
- x) Soil analysis is incomplete in the absence of organic carbon. Report N,P,K in terms of available nutrient in Kg/ha.
- xi) For post project monitoring of water quality include nitrate, floride, heav metals like eu, Mn, Zn, cd, Pb etc. Also report what parameters of soil will b monitored.
- xii) Details of tunnel driving.

**7. Thangchi-Lachung HEP in Sikkim**

**8. Bhimkyong HEP In Sikkim**

**7. Bop HEP in Sikkim**

The Committee noted that all the three projects are belong to are company and in vicinity of each other. Member Secretary brought it to the notice of the committee that the study on "Carrying capacity of Teesta basin in Sikkim" has identified above chungthan area as eco sensitive. The Ministry had issued site clearance to all these projects for investigation & survey. However, they have again submitted the proposal as per new EIA Notification 2006 as they felt, the EIA report can not be completed by 30<sup>th</sup> June 2007, cut of date announced by MOEF for consideration of EC under 1994 EIA notification.

The committee noted that all the three projects are ROR scheme and out of these three projects, Thangeh-Lachung and Bhimkyong HEPs will be constructing small barrages and BOP HEP will be drawn water from collection gallery of Bhimkyong HEP.

After detailed discussion the following TORs were suggested in addition to the proposed TORs.

1)Physical-Chemical Environment shall also include

- i. Physical geography, Topography, Stratigraphy, Regional Geology of the study area. Landslide zone or areas prone to landslide existing in the study area especially along the periphery of the reservoir need to be examined.
- ii. Seismicity, tectonics, history of past earthquakes and design seismic parameters.
- iii. Presence of important economic mineral deposit if any.
- iv. Meteorology of the study area (*viz.* precipitation, temperature, relative humidity, wind speed/direction *etc.*)
- v. Basin Characteristic
- vi. Water availability, design flood for the project, sedimentation rate *etc.*
- vii. Flow of water in the Lachung Chu between barrage (HRT for Bop HEP) and the confluence of TRC with the river. Disposal of sewage if any in this stretch of river needs to be reported. The study of comprehensive downstream impact shall address overall ecological impact in this stretch of river

2)Biological Environment shall also include

- i. Characterisation of forest types in the study area.
- ii. General vegetation pattern and floral diversity *viz.* trees, shrubs, grasses, herbs, significant microflora *etc.*
- iii. Species frequency, density, abundance need to be detailed. Biodiversity index (Shannon-Weaver index) and Importance Value Index (IVI) of the species must be calculated. Methodology used for calculating the various diversity indices along with details of locations of quadrates, size of quadrates *etc.* must be reported.
- iv. Economical important species *viz.* medicinal, timber, fuel wood *etc.*
- v. Flora under RET need to be categorised using IUCN and Botanical Survey of India's Red Data list along with economic significance.
- vi. Birds (resident, migratory), Land animals including reptiles, insects and fish species reported and surveyed in the study area need to be enlisted. Significant microflora must be enumerated.
- vii. RET fauna species are to be classified in two ways *viz.* as per IUCN Red Data list and as per different schedule of Indian Wildlife Protection Act, 1972.
- viii. Report existence of barriers and corridors (if any) for wild animals. Habitat fragmentation and destruction of wild animal due to project.
- ix. Effect on fish migration and habitat degradation due to project.
- x. Existence of National Park, Sanctuary, Biosphere, Reserve Forest *etc.* in the study area if any, needs to be detailed.

- xi Physical and budgetary year wise schedule of CAT plan need to be provided. The work of CAT plan shall be completed during construction period.
- Xii Base line data on catch composition, fish density, fish standing crop are to be generated as a part of the EIA to ascertain the present status of fisheries and likely impact on fisheries.
- xiii. Presence of migratory fish if any, study should include impact of the proposed dam construction on fish migration needs to be indicated and proper budget provisions is to be made for justified fisheries development and management in the reservoir.

### 8. Lower Penganga project in Maharashtra

The committee noted that this project was accorded environmental clearance during 1984. However, no construction work has been started till date. The project authority has prepared EIA report and public hearing completed. The proposal was considered for EC under EIA Notification 1994.

It was noted that the project envisages construction of 35.63 m high earthen dam with central gated masonry spillway at about 2 km upstream of Tadsali village in Yatmal district across Penganga river. The project will irrigate 1,40,818 ha in Maharashtra and 19,232 ha in Adilabad district of Andhra Pradesh. In addition to irrigation 4 MW power also likely to be generated. Total land requirement for the project is 18,826 ha which include 17184 ha private land, 998 ha. of forest land and 644 ha Government land. The project will affect 46 villages, out of which 32 villages will be fully affected and 14 villages partially affected. The number of project affected families is 8136.

After critically examining all the environment related issues the committee desired to have the following information –

- i) 19,232 ha area in Andhra Pradesh will be getting water for irrigation. Private land likely to be acquired for laying canals. No information has been given about land losers in A.P. and compensation. A letter from A.P. govt. in this regard shall be submitted.
- ii) Command Area Development Plan for both the states.
- iii) In the proposed cropping pattern (page-7-Form 1) sugarcane and 'others' have been introduced without defining the 'others' and without specifying areas under them. Is there any mechanism to stop the farmers from cultivating sugarcane and rice after irrigation water is available and protect

-7-

- iv) the vulnerable silty clay loam soil from turning useless in no time due to irrigation induced water logging and salinity?
- v) The original river flow will not be maintained after construction of the dam and diversion of reservoir water for irrigation. What percentage of the undisturbed river flow will be maintained in the d/s of the dam in different months?
- vi) Information under competing water users does not identify the d/s water users, their water requirements and water availability after impoundment and diversion of water for irrigation.
- vii) 4 MW power to be generated. No technical information in this regard has been given.
- viii) Pre & post monsoon ground water table at well distributed locations in the proposed command area for about preceding 10 years.
- ix) The EIA provides a list of most commonly seen trees in the surroundings of project area. Biodiversity index viz shanon-weaver index, Importance value index(ivi) etc. of the species have not been reported.
- x) It appears from public hearing proceeding that public hearing was abandoned. It may please be clarified whether P.H was completed or not and reason for low attendance.(only 47)
- xi) Distance from canal to wildlife sanctuary may be intimated:
- xii) Dam break analysis & disaster management plan.
- xiii) Different figures have been given in the schedule-II form, in respect of land under submergence(15951 ha-page-2, 121694. 33 ha on p-33& 15951.10 on p-9) . Correct figure may be intimated.
- xiv) 998 ha forest land will be affected by the project. Compensatory afforestation plan has not been included in the EMP.
- xv) Tables of financial details of CAT plan is not complete. SYI values not given for prioritization of sub watershed.
- xvi) Health Management plan not formulated.

**9. Gundia HEP (400 MW) in Karnataka.**

A brief presentation was given by the proponent on the proposal. The committee noted that the proposed scheme envisaged in two phases. The present proposal is for phase-I which involves construction of three weirs and two dams. The height of these weirs are 15 m, 8m and 32m to be built on stream yettinahole, kerihole and Hongadaballa. The height of the two dams are 62 m and 90m which are proposed to be constructed on Bettakumbri and Hongadahalla streams. The water will be transferred to main reservoir through inter connecting tunnel. Except weirs and reservoirs all other components such as water conductor systems and powerhouse are proposed to be located in underground locations.

After detailed discussion committee noted that under Form 1, instead of proposing TOR they have attached copy of rapid EIA which does not highlight the perceived environmental impacts due to the project and the corresponding management plans to mitigate the adverse impacts.

The committee proposed following TORs –

- b) Three seasons(pre monsoon, monsoon & post monsoon) data for all environmental baseline parameter should be considered.
- x) Details of tunnel driving i.e. possibility of use of TBM, for conventional controlled blasting, the charge density, the amount of delay, schematic plan etc. need to be provided.
- xi) Catchment area treatment plan based on silt yield index method(AISLUS) along with yearwise physical & financial target to be provided.
- xii) First hand data collection on sediment outflow in all the tributaries that are planned to be tapped to be reported.
- xiii) Rainfall-Runoff data to be reexamined(Prof. Bhattacharya's comment enclosed).
- xiv) Bio-diversity index viz. shamon-weaver index, IVI etc. of species to be provided.
- xv) Dam break analysis and disaster management plan.

- xvi) The R&R package to be provided to the PAPs should not be less than the package mentioned under NPRR-2003.

The committee also recommended clearance for pre construction activities.

**10. Saheed Lakhan Nayak small HEP(25 MW) in Orissa.**

This proposal was considered by EAC at its last meeting held on 17<sup>th</sup> January, 2007. The clarification sought by the Committee was found satisfactory and recommended environmental clearance.

**11. Ken-Betwa River linking project.**

This proposal was not in agenda. However, on request from project authority chairman agreed to discuss, as the project was earlier considered by the committee on 20.12.2006. Clearance for pre construction activity could not be recommended as the project involved areas of wildlife sanctuary. The project authority stated that they want to prepare DPR and for that TOR is to be finalized for environment chapter. The clarification sought by the committee at its earlier meeting was discussed at length and the committee was satisfied with the clarification. The project authority was requested to explore the TBM for tunneling.

**12. Rangit-IV HEP in Sikkim**

This proposal was considered by the EAC at its meeting held on 17<sup>th</sup> January 2007. The clarifications sought by the committee was submitted by the project authority and same was considered by the committee. The clarification was found satisfactory and project was recommended for environmental clearance with the condition that new list for green belt plantation to be furnished to the Ministry as some species prescribed for green belt re fit for planting only at higher altitude(e.g.-Betulia utilis), not in project area.

**13. Athrapally HEP(163 MW) in Kerala.**

Representation against this project forwarded by PMO was discussed at length and examined all the points raised in the representation. In view of the fresh facts(information) received, it was decided to supersede the earlier decision on recommendation of environment clearance to the project and take up a site visit of subgroup of the committee consisting of following member –

- a. Prof.P.G. Sastry - Chairman

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- b. Prof. SPS Kushwaha
- c. Prof. S. Chanda
- d. Representative of CWC
- e. Dr. S. Bhowmik - Member Secretary.

The committee noted that as per MOEF guidelines only three members are allowed for visit. However, as this project has created lot of concern among local people and environmentalists committee requested to allow the above mentioned members or special case.

- 14. Malari Jhelam(55 MW) in Uttarakhand.
- 15. Jhelam-Tanak HEP(60 MW) in Uttarakhand.

Except for project specific information most of the information for both the projects are similar. Brief presentation was delivered by the representative of PA. The committee noted that a concrete gravity dam of 24.5 height above river bed level is envisaged across river Dhaultganga near malaria village in Chamoli district. The site is located within buffer zone of Nandadevi bio.sphere reserve. The project will require 9 years to complete, that include 2 years for preparation of detailed project report, 2 years for pre construction activity and 5 years for construction period.

A concrete gravity dam of some height has been proposed for Jhelam HEP also. The site is located near village Jelam . A similar true frame of malaria Jhelam HEP is proposed for project completion.

The committee noted that the proposed TOR does not specify any action vis-avis the project area being highly sensitive to earthquake and landslide. A study of site specific earthquake design parameters is necessary for these projects. The water availability of the project in the PFR is based on regional model and does not take into account snowfed and rainfed catchment. Moreover no rainfall-run off data was used.

After critically examining all the environment related issues the committee recommended clearance for pre construction activity with following additional TORs for both the projects.

- 8. Three seasons(pre monsoon, monsoon & post monsoon) data for environmental baseline parameter to be provided.
- 9. Snowfed and rainfed catchment to be demarcated. Rainfall-runoff data to be given.

10. Sedimentation rate to be estimated.
11. Lean season downstream release of water to be specified. The study of comprehensive downstream impact shall also include area up to 10 km downstream of the confluence of TRC with river and shall address overall ecological impact.
12. Use of TBM need to be explored. For conventional controlled blasting the charge density, amount of delay and schematic plan etc. need to be provided.
13. List of microflora(Cryptogram) to be provided.
14. False colour composite map to be provided.
16. Tipaimukh HEP(1500 MW) in Manipur.

This project was considered by the EAC at a special meeting held on 25<sup>th</sup> November, 2006. The clarification sought by the Committee was furnished by the PA. The same was considered by the committee. The committee also noted that comment on the representations received from a NGO and Shri Mani Charanmei, M P was sought from the State Government and NEEPCO. Though NEEPCO submitted their comment but State Government has not given any specific comment. They have simply forwarded the comments of Manipur Pollution Control Board.

It was noted that third season's data i.e. monsoon data has not been furnished, which is the longest season in North-East. The consultant could not clarify whether degraded catchment area is identified on the basis of AISLUS method or not. The project authority has not given bio-diversity indices and stated that 'measurement of species diversity with relevant indices like Shanon-weaver, simpson etc. is not possible at this stage.....the prevailing law and order situation do not warrant undertaking such a study due to time duration involved in such type of field work'.

This clarification was not accepted by the committee.

After detailed discussion and critically examining reply given by the PA, the committee desired information on the following issues –

- i) Three seasons data on baseline environmental parameters should be given.

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Only two seasons data have been given. Monsoon seasons data to be provided.

- ii) Degraded catchment area should be identified on the basis of AISLUS method. Yearwise physical and financial break up of CAT plan to be furnished.
- iii) It is reiterated that Bio-diversity plan should include all the relevant indices like Shanon -Wiener index.

The committee also noted that a PIL has been filed in Guwahati High Court on this project, but the Hon'ble High Court has not given any direction regarding consideration of the project by the Ministry.

The EAC decided to depute a sub group to visit the proposed site after receipt of above information.

**17. Rupsiabagar- Khasiabara HEP (260 MW) in Uttarakhand.**

Shri R. Baderia DGM, NTPC gave a brief presentation on the proposal. The committee noted that a dam of 60m height is proposed to be constructed across river Goriganga near Paton village, Pithoragarh district, Uttarakhand. The project costing is based on 2003 figure, only direct draining area has been considered for CAT. DG set may be used for construction power.

After detailed discussion the committee recommended clearance for pre construction activity with following additional TOR;

- xii) Indirect draining area also to be considered for CAT plan.
- xiii) Cost of the project should be brought up to the current(2007) price level.
- xiv) Impact of DG set on surrounding environmental
- xv) Complete listing of micro flora & micro fauna.
- xvi) The flow in about 10.5 km between downstream of the dam and the confluence of tail race tunnel with river Goriganga needs to be specified.
- xvii) The study of comprehensive downstream impact shall also include area upto 10 km downstream of the confluence of TRT river and shall address overall ecological impact.

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- xviii) For conventional proposed blasting, the details of charge density, the amount of delay, maximum diameter and depth of holes and schematic plan etc. need to be provided.
- xix) Areas prone to land slide in the study area required be identified and the treatment if any for stabilization of slides need to be reported.
- xx) Dam break analysis & DMP.
- xxi) Base line data on catch composition, fish density, fish standing crop, fish population dynamics in and around project area.
- xxii) Presence of migratory/ endangered fish if any, migration measures should include monitoring the impact of the proposed dam construction on the above parameters. The EMP should indicated proper budget provisions for justified fisheries development, management and conservation in the reservoir.

#### 18. Rangit -II Hydroelectric Project ( 60 MW) In Sikkim

The project proponent gave a brief presentation on the proposal. The committee noted that the proposed project will utilize the water of Rimbi Khola River which is tributary to Rathong River with proposed installed capacity of 60 MW. The project involves the construction of 38 m high dam above deepest river bed, 5.18 km long HRT and power house of 2x 30 MW. The site of the dam is located at Village – Yang Thang in West Sikkim District. The construction period envisaged is 5 years and the cost of the project is Rs. 338.26 Crores. After careful scrutiny and examination taking all the environmental related issues into consideration, it was noted that the "Rimbi Khola is a perennial, rain fed and glacial fed river". The committee felt that the snowfed and rainfed regions in the catchment area need to be demarcated in the EIA report by the proponent.

The PFR reveals that the curve which gave the maximum value of regression coefficient has been chosen for calculating the derived discharge series of Rimbi which is unclear as to what is to be conveyed by giving this statement by the proponent. A more rational method of water availability, design floods and rate of sedimentation need to be presented in EIA report. The downstream discharge in about 3 km stretch between downstream of dam and confluence of Rimbi Khola with Rathong Chu needs to be specified.

The term of reference for preparation of EIA were considered by the committee. In addition to proposed, the Committee proposed the following TOR items

while preparing EIA report on the project:

- a) Structure height [dam/barrage height]
- b) Construction methodology/period
- c) Design discharge & its RI [Recurrence interval]
- s) Submergence area
- t) Water body inundating forest area
- u) Compensatory afforestation
- v) Design earthquake parameter
- w) Comprehensive EIA report should include three seasons data viz. pre-monsoon, monsoon & winter
- x) Indicate distance from biosphere reserve on a map
- y) For project affected families who are likely to loose land only, the following information are to be given
  - land available before acquisition
  - land taken from them and land remaining with the family
  - In case 70% of land of any family is taken, then that family should be counted as a fully affected family
- k) Shannon Wiener diversity index, plant fossil, phytoplankton as well as micro-fauna, avifauna, animal fossil
- n) Details on tunneling aspect, such as machines to be employed, for controlled blasting charge density etc.
- aa) Comprehensive downstream impact. This shall include not only the area bypassed stretch of the river but also downstream of the power house. The issue is not only about quantities of minimum flows to be maintained in the bypassed reach but also about the overall ecological impacts within 10 km radius
- bb) Dam break analysis & disaster management
- cc) Critically degraded catchment area should be identified as per AISLUS method year-wise physical and financial target
- dd) Options assessment study to show what are the options available for fulfilling the needs of the people that the project hopes to deliver. This section should also show if and how the proposed project is the least cost option and also include reducing the transmission and distribution losses to the minimum
- ee) Impact of DG sets on surrounding environment
- ff) Snow-fed and rain-fed regions in the catchment area need to be demarcated

19. Gohana Tal Hydroelectric Project (60 MW) in Uttarakhand

The project proponent gave a brief presentation on the proposal. The

- ii) Critically degraded catchment area should be identified as per AISLUS method year-wise physical and financial target
- jj) Options assessment study to show what are the options available for fulfilling the needs of the people that the project hopes to deliver. This section should also show if and how the proposed project is the least cost option and also include reducing the transmission and distribution losses to the minimum
- kk) Impact of DG sets on surrounding environment
- ll) Snow-fed and rain-fed regions in the catchment area need to be demarcated.
- mm) Base line data on catch composition, Fish density, fish standing crop.
- nn) Presence of migratory fish if any, mitigation measures should include monitoring the impact of the proposed dam construction on the above parameters.

**20. Tolong Hydroelectric Project ( 2 x 80 MW) in Arunachal Pradesh**

The project proponent gave a brief presentation on the proposal. The committee noted that the proposed project will utilize the water of Kameng River for generation of 2x 80 MW electricity. The project involves construction of 102 m high dam above deepest river bed. The site of the dam is located at Village – Pachi in Arunachal Pradesh. The construction period envisaged is 4 years and the cost of the project is Rs. 903.92 Crores. After careful scrutiny and examination taking all the environmental related issues into consideration, it was noted that the project is located in the zone V of the seismic zoning map of India and the site is situated in very severe seismic intensity area. The site specific earthquake design parameters needs to be approved by National Committee of Seismic Design Parameters (NCSDP), CWC, New Delhi. The catchment area of the proposed dam site is 28030 ha that includes 12500 ha of snowfed area. The committee felt that the snowfed and rainfed regions in the catchment area need to be demarcated in the EIA report using overlay mapping techniques (viz. GIS) by the proponent.

The proposed term of reference for preparation of EIA were considered by the committee. The Committee recommended clearance for the pre-construction activity with the following additional TOR items for preparing EIA report.

- a) Structure height [dam/barrage height]
- b) Construction methodology/period
- c) Design discharge & its RI [Recurrence interval]
- d) Submergence area
- e) Water body inundating forest area

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- f) Compensatory afforestation
- g) Design earthquake parameter
- h) Comprehensive EIA report should include three seasons data viz. pre-monsoon, monsoon & winter
- i) Indicate distance from biosphere reserve on a map
  
- j) For project affected families who are likely to lose land only, the following information are to be given
  - land available before acquisition
  - land taken from them and land remaining with the family
  - In case 70% of land of any family is taken, then that family should be counted as a fully affected family
- k) Shannon Wiener diversity index, plant fossil, phytoplankton as well as micro-fauna, avifauna, animal fossil
- l) Details on tunneling aspect, such as machines to be employed, for controlled blasting charge density etc.
- m) Comprehensive downstream impact. This shall include not only the area bypassed stretch of the river but also downstream of the power house. The issue is not only about quantities of minimum flows to be maintained in the bypassed reach but also about the overall ecological impacts within 10 km radius
- n) Dam break analysis & disaster management
- o) Critically degraded catchment area should be identified as per AISLUS method year-wise physical and financial target
- p) Options assessment study to show what are the options available for fulfilling the needs of the people that the project hopes to deliver. This section should also show if and how the proposed project is the least cost option and also include reducing the transmission and distribution losses to the minimum
  
- q) Impact of DG sets on surrounding environment
  
- gg) Snow-fed and rain-fed regions in the catchment area need to be demarcated.

### Grading of EIA report

1. Swara-Kuddu HEP – 60%
2. Kotli-Bhel Stage-IA - 70%
3. Koyna HEP - 55%
4. Lower penganga - 50%

### Item No. 3

Any other item with permission of the chair.

- i) The Member-Secretary brought it to the notice of the committee that Ministry's regional office Chandigarh has given some suggestions for stipulating the environmental clearance of Nimoo-Bazgo HEP in Ladak. The committee noted the suggestions and was of the opinion that fish ladder is not required. Regarding consolidation and compaction method for handling of muck, it is being an integral part of the project ( muck dumping) the same was not specifically stipulated in the clearance letter.
- iii) Another issue, on TOR was brought to the notice of the EAC. Tawan HEPs stage I & II of NHPC were considered by the EAC on 15.11.2006. NHPC represented vide letter dated 22.02.2007 for clarification & deletion regarding three TORs which were communicated to NHPC vide Ministry's letter dated 08.12.2006. These are regarding details on plant fossil, animal fossil, microfauna ; Benefits from carbon trading; and transmission & distribution losses. After critically examining the TORs the EAC agreed to delete the conditions No. n & o. Regarding collection of primary data and study of plant / animal fossil, microfauna and cryptogams the committee stated that "to the best of the ability listing up to species level to be done.

The next meeting will be held on 21<sup>st</sup> March, 2007.

The meeting ended with thanks to the Chair.

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**List of participants attended the 52nd meeting of Environmental Expert Committee for River Valley and Hydroelectric projects held on 21<sup>st</sup> February, 2007 in Paryavaran Bhawan.**

<u>Sl.No.</u>	<u>Name</u>	
1.	Dr. P.G. Sastry	Chairman
2.	S.P.S. Kushwaha	Member
3.	Dr. A. Sarkar	"
4.	Prof. Susanta Basu	"
5.	Dr. A. K. Bhattacharya	"
6.	Dr. O. P. Sisodia	"
7.	R.K. Khanna, Director, CWC	"
8.	Bendre V.M.	Member Secretary
9.	Dr. S Bhowmik	MOEF
10.	P.V. Subarao	

**Sawra Kuddu HEP in Himachal Pradesh**

1.	Er. Awasthi
2.	Sh. V.K. Tiwari
3.	Er. P.K. Puri

**Kotli - Bhel HEP**

1.	Sh. V.K. Kapoor	ED(Pig) NHPC
2.	Sh. BCK Mishra	CE NHPC
3.	Er. Usha Bhat	Chief(Env.),NHPC
4.	Sh. Vinod Bahuguna	"
5.	Prof. N.P. Todaria	HNB Garwal University
6.	Prof. M.S.S. Rawat	"
7.	Prof. J.P. Bhatt	"
8.	Dr. Poonam P. Semwal	
9.	Anil Bhatnagar	CE NHPC
10.	Sh. Anil K. Tripathi	SM NHPC
11.	J.K. Yachu	Chief Geology
12.	Roli Pal	Sr. Sup(IT)
13.	Rajeev Ranjan	Asstt. Manager

**Keolo Irrigation Project in Chhattisgarh**

Rupsiabagar-Khasiabara HEP

1.	Sh. Rajesh K. Baderia	DGM/NTPC
2.	Deepak K. Gopalani	CDE
3.	Dr. A.K. Sharma	Dy.C.S. WAPCOS
4.	Dr. J.K.Soni	DGM(Env. Engg)
5.	Sh. Hemant Jain	AE

Rangit - II Project

1.	Sh.M.S.Bisht	CISMHE
2.	Dr.D.C.Nautiyal	CISMHE
3.	Dr. J.P.Bhatt	CISMHE
4.	Dr. A.K. Pattanayak	CISMHE
5.	Sh. Ashish Gupta	GZL
6.	Sh.D.KI. Singhj	GZL

Tipalmukh HEP

1.	T.C. Borgothain	ED
2.	K. Devi	GM
3.	R.P. Singh	GM
4.	G.L. Singh	DGM
5.	B.K. Shome	SR.MGR
6.	S.S. Adhikari	SR.MGR
7.	Upadhaya	ED AFC

Malari Jhelam & Jhelam Tamak HEP

1.	S.K. Grover	AGM THDC
2.	Y.S.Rathore	Sr. Manager
3.	R.S. Penwar	Eng.
4.	Alka Singh	Sr. Manager
5.	D.C.Nautiyal	CISMHE
6.	M.S. Bisht	CISMHE
7.	J.P.Bhatt	CISMHE

2. Sh S.S.Pattnayak Consultant

Gundia HEP.

1.	.Sh R.N. Jayanth	CE
2.	Sh S. Radha Krishna	SE
3.	Dr. T. Ananda Rao	Consultant
4.	Dr. Shyama Sunder	EE
5.	Sh Suryanarayana	DGH
6.	Sh M.F.Rahman	Fish & Fisheries
7.	Sh T.Sannappa	Resident Eng.

NWDA (Ken- Betwa Link

1.	Sh. M.K. Sinha	CE
2.	Sh. K.P. Gupta	SE
3.	Jabbar Ali	DD, NWDA

List of participants attended the 52nd meeting of Environmental Expert Committee for River Valley and Hydroelectric projects held on 22<sup>nd</sup> February, 2007 in Paryavaran Bhawan.

<u>Sl.No.</u>	<u>Name</u>	
1.	Dr. P.G. Sastry	Chairman
2.	Prof. Chanda	Member
3.	Prof. Susanta Basu	"
4..	S.P.S. Kushwaha	Member
5.	Dr. A. K. Bhattacharya	"
6.	.N. Mukherjee, CWC	"
7.	Dr. O. P. Sisodia	"
8.	Dr. C.P.Juyal	"
9..	Bendre V.M.	"
10..	Dr. S Bhowmik	Member Secretary
11.	P.V. Subarao	MOEF

Rangit - 4 Project

1.	Dr. Aman Sharma	ACE
2.	Dr. A.K. Sharma	Dy.C.S.

		CISMHE
8.	Dr.S.K. Pattanayak	
	<u>Tolong HEP</u>	
		Manager
1.	Vishal Srivastava	GM
2.	R.S.Rona	GM
3.	H. Manocha	AGM
4.	Rajib Mishra	ES
5.	Dr.A.K. Shyam	CISMHE
6.	D.C.Nautiyal	CISMHE
7.	S.K. Pattnayak	

No.J.12011/36/2006-IA.I

09.03.2007

The Superintending Engineer  
Yatmal Irrigation Circle  
Yavatmal  
Maharashtra

Subject - Lower Penganga Project in Maharashtra-

24 APR 2007  
Sir,

The above mentioned project was considered by the Expert Appraisal Committee on 21<sup>st</sup> February 2007. The committee noted that this project was accorded environmental clearance during 1984. However, no construction work has been started till date. The project authority has prepared EIA report and public hearing completed. The proposal was considered for EC under EIA Notification 1994.

It was noted that the project envisages construction of 35.63 m high earthen dam with central gated masonry spillway at about 2 km upstream of Adsall village in Yatmal district across Penganga river. The project will irrigate 40,818 ha in Maharashtra and 19,232 ha in Adilabad district of Andhra Pradesh. In addition to irrigation 4 MW power also likely to be generated. Total land requirement for the project is 18,826 ha which include 17184 ha private land, 998 ha. of forest land and 644 ha Government land. The project will affect 16 villages, out of which 32 villages will be fully affected and 14 villages partially affected. The number of project affected families is 8136.

After critically examining all the environment related issues the committee desired to have the following information -

i) 19,232 ha area in Andhra Pradesh will be getting water for Irrigation. Private land likely to be acquired for laying canals. No information has been given about land losers in A.P. and compensation. A letter from A.P. govt. in this regard shall be submitted.

Command Area Development Plan for both the states.

In the proposed cropping pattern (page-7-Form 1) sugarcane and 'others' have been introduced without defining the 'others' and without specifying areas under them. Is there any mechanism to stop the farmers from cultivating sugarcane and rice after irrigation water is available and protect

the vulnerable silty clay loan soil from turning useless in no time due to irrigation induced water logging and salinity?

पाटबंधारे नंबर	.....
यवतमाळ	.....
अ.अ. ....	.....
सा.अ. ....	.....
उ.अ. ....	.....
अ.अ. ....	.....
श.अ. ....	.....
आ.अ. ....	.....
क.अ. ....	.....
पु.अ. ....	.....
दिनांक	.....
सहपत्र	.....

का. ....	.....
उ. ....	.....
ले. ....	.....
प्र. ....	90/8/06
आ. ....	90/8/06
दिनांक	.....
सहपत्र	.....

- v) The original river flow will not be maintained after construction of the dam and diversion of reservoir water for irrigation. What percentage of the undisturbed river flow will be maintained in the d/s of the dam in different months?
- vi) Information under compelling water users does not identify the d/s water users, their water requirements and water availability after impoundment and diversion of water for irrigation.
- vii) 4 MW power to be generated. No technical information in this regard has been given.
- viii) Pre & post monsoon ground water table at well distributed locations in the proposed command area for about preceding 10 years.
- ix) The EIA provides a list of most commonly seen trees in the surroundings of project area. Biodiversity index viz shanon-weaver index, Importance value index (ivi) etc. of the species have not been reported.
- x) It appears from public hearing proceeding that public hearing was abandoned. It may please be clarified whether P.H was completed or not and reason for low attendance. (only 47)
- xi) Distance from canal to wildlife sanctuary may be intimated.
- xii) Dam break analysis & disaster management plan.
- xiii) Different figures have been given in the schedule-II form, in respect of land under submergence (15951 ha-page-2, 121694.33 ha on p-33 & 15951.10 on p-9). Correct figure may be intimated.
- xiv) 998 ha forest land will be affected by the project. Compensatory afforestation plan has not been included in the EMP.
- xv) Tables of financial details of CAT plan is not complete. SYI values not given for prioritization of sub watershed.
- xvi) Health Management plan not formulated.

The above information/clarification may please be submitted at the earliest to enable us to take action on the proposal.

Yours faithfully,

*S. Bhowmik*  
(Dr. S. Bhowmik)  
Additional Director

कार्यालय  
शिक्षक अभियंता  
पञ्चतमाल पाटबंधारे मंडळ  
यशतमाल

दि. - 5 APR 2007

जा.क. 9338 / सां.र/नि.क.प/००

प्रति, कार्यकारी अभियंता  
निम्न पैनगंगा प्रकल्प विभाग,  
यशतमाल यांना माहिती व आवश्यक कार्यवाही साठी अश्रेणीत.

*Ramesh*  
शिक्षक अभियंता करिता  
पञ्चतमाल पाटबंधारे मंडळ

यशतमाल

No. 1008/T-8/LPP/Env./07

Office of the  
Superintending Engineer  
Yavatmal Irrigation circle,  
Yavatmal, Maharashtra.  
Ph. No. - 07232/242135  
Fax .No. - 07232/242434

Date: 14.03.2007

To,  
The Secretary, Government of India,  
Ministry of Environment & Forest,  
Paryavaran Bhavan,  
CGO Complex, Lodi Road,  
New Delhi - 110 003.

Kind Atten. - Dr. S. Bhowmik (Additional Director)

Sub: Lower Penganga Project, Tq-Ghatangi, District-Yavatmal (Maharashtra) /  
Environmental Clearance.

Ref: Expert committee's meeting held on 21.02.07 @ Paryavaran Bhavan, New Delhi.

Respected Sir,

The meeting for Environmental Clearance for Lower Penganga Project was held at Paryavaran Bhavan, New Delhi on 21<sup>st</sup> of February 2007. This river valley Project was taken up for discussions in the meeting. Some clarifications regarding environmental issues were raised by Honourable Committee Members in the meeting.

Compliance report of the clarifications raised in the above meeting is submitted herewith for your consideration in the meeting proposed to be held on 21<sup>st</sup> / 22<sup>nd</sup> March 2007.

The copy of Compliance Report, Questionnaire and EIA/EMP is enclosed herewith.

D.A.:- - As above - O/C Signed by S.E.

Yours faithfully



for Superintending Engineer  
Yavatmal Irrigation Circle  
Yavatmal, Maharashtra.

Copy submitted to all Expert Committee Members

D.A.:- - As above -

**Government of India  
Ministry of Environment and Forests  
(IA-I Division)**

**Sub: Summary Record of discussion of the 53<sup>rd</sup> meeting of the Expert Committee for River Valley and Hydroelectric projects held on 21-22 March, 2007 in Paryavaran Bhavan, New Delhi.**

The list of participants is appended.

**Item No. 1**

**Confirmation of the minutes of the last EC meeting.**

The minutes of the 52<sup>nd</sup> meeting of Expert Committee for River Valley and Hydroelectric projects were confirmed with the following corrections:

In respect of Thangchi-Lachung HEP, Bhimkyong HEP, Bop HEP, Gohana –Tal HEP and Rangit stage II HEP; - The EAC recommended clearance for pre construction activities to be added before proposed TORs.

In respect of Rupsiabagar – Khasiabara HEP Sl. No. of TORs may be read as ( i), (ii) etc. Similar correction to be made in respect of Sawara kudu HEP & Koyna Dam Foot Power House.

Spelling mistake of Shanon –Wiener has appeared in Tipaimukh HEP & Tolong HEP. This may be read as Shannon – Weaver.

Prof. S. Chanda's name to be included in the list of attendance for 21.2.2007.

**1. Jigaon Irrigation project in Maharashtra**

Secretary (WR), Govt. of Maharashtra attended the meeting along with other officials and consultant (NEERI). The proposal was considered as per provisions of EIA Notification 1994. The committee noted that this proposal was considered by the committee during 2001 without Public Hearing. Therefore, the project authority was asked to come again with the public hearing proceeding. As such the PH was conducted on 04<sup>th</sup> March 2006.

A brief presentation was given by Shri Gaekwad and Dr. Kelkar on the proposal. It was noted that the proposal envisages construction of an earthen dam about 7.68 km in length and 34.50 m height, with masonry gated central spillway across river Purna in Buldana district near village Jigaon to store 736.58Mm<sup>3</sup> of water. The gross command area is 1,40,400 ha. C.C.A is 1,12,320 ha. The command area anticipated for irrigation is 84,249 ha. The anticipated area for irrigation may not be irrigated by gravity flow due to flat topography.

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Hence lift cum canal flow irrigation has been proposed. The submergence area under the dam is 14,567 ha. Out of which 1055.64 ha. is forest land. 46 villages will be affected. Out of that, 31 is fully and 15 are partially consisting of 24,731 persons likely to be affected. Total cost of the project is Rs. 1221 Crores. and the construction period is 10 years.

After critically examining all the environment related issues the committee desired to have the following clarifications/additional information:-

1. The Maharashtra government / the project authority may consider establishing demonstration farms to enable the cultivators learn and subsequently practice the techniques of good water management practices on their irrigated lands which should also include - to partially switch over to water saving methods of irrigation by adopting pressurized irrigation system. This will enable irrigating more area with the same quantity of water available and achieve better productivity without causing land degradation. Therefore, while developing demonstration farms for the benefit of the cultivators, this aspect may be kept in view.

2. The volume II Annexures (Revised) contains some apparent errors, which may be addressed for correcting them or if they are correct, they are to be discussed properly. These errors are:

- a. Unit of salinity is missing in Table 7.
- b. N, P, K etc are total or available and their unit are to be mentioned in Table 7.
- c. The salinity 0 of Purna River water in Table 9 is unbelievable and is in contrast to the information given in Fig. 4.
- d. Pages 86 to 96 are redundant in view of the corresponding Tables.
- e. The saturated hydraulic conductivity values, as reported in Table 6 of Vol II are nowhere near the values reported on Page 009 of Application Form. These must be reconciled.
- f. The information on long term groundwater table data are appreciated. However, there are several discrepancies in the data. The discrepancies are: (i) post-monsoon water table is deeper than the pre-monsoon water table; (ii) the post-monsoon and the pre-monsoon water tables are identical and (iii) post-monsoon water table depth is at ground surface whereas, the pre-monsoon water table was very deep.
- g. Annual energy (Power ) requirement for irrigation to be submitted.
- h. A study of site specific earthquake design parameters to be conducted. The result needs to be approved by the NCSDP for large dams.
- i. Census data of 1991 has been used for R & R. Revised R & R to be submitted using 2001 census data.
- j. Dam Break analysis for Disaster management to be furnished.

- k. Discharge data of Purna river is of 1996. Recent discharge data may be provided.

The questions raised by EAC relate mainly to command area development and R&R based on 1991 census data. It was, therefore, resolved to put up the clarification from the project proponents to Dr. A. K. Bhattacharya and Dr. O. P. Sisodia. After their acceptance of the clarifications, the Ministry may Process for Environmental Clearance of the Project without once again placing before the EAC.

## 2. Jamrani Dam – Multi Purpose Project in Uttarakhand.

A brief presentation was given by Shri P.C.Pant EE, The committee noted that the proposal envisages construction of a 130.6 m high (from river bed level) Roller Compactor Gravity Dam near Jamrani village across river Gola in District Nainital, This project will irrigate 150302 ha culturable command area (CCA), to supply domestic water of 52.93 Mm<sup>3</sup> and to generate power of maximum capacity 30 MW. The catchment area at the dam site is 45,000 hectares. Total cost of the project projected as Rs. 927.93 crores. A total of 1832 persons will be displaced. The project will be completed in a time span of 5 years.

The committee also noted that the project was sanctioned by the Planning Commission in 1975 at a cost of Rs. 61.25 crores with some very pertinent observations, which are valid even today. The foundation stone was laid in 1976. The developments in the interregnum have not been clarified. The project with some revision is again put up 30 years later, in 2007, for scoping and now the estimated project cost is Rs. 927.93 crores, i.e., a price escalation of Rs. 866.68 crores in 30 years that the nation has to bear. It is a policy of the government to abolish posts that lie vacant for a long time. If the project was found important in 1975 when it was sanctioned and then the initial rituals were completed and life is still going on for 30 years without the project, the natural question would be is it necessary to consider the project now? And the next pertinent question would be, subject to environmental clearance, will the project take off? This case is similar to the Krishna-Koyna Lift Irrigation project in Maharashtra. The above observations are made to put on record the degree of seriousness (actually, the lack of it) in developmental projects.

After critically examining the environment related issues the committee felt that in the Form 1 and in the DPR, there should have been a starting page describing why the revision was made and what the revision features are. While the financial returns are negative even after full development of irrigation, yet the B:C ratio is 3.27 and this is not clear. The Table under item (vi) on page 6 does not give the information desired. Reply to item E (i) on Page 6 goes against the Planning Commission's express directive at item (d) on Page 310. Phase I of the project is stated to have been completed and the Phase II work is yet to be started. It would have been more comprehensible if the 'completed' and 'to be started' activities were briefly mentioned. It is noted that the river bed level did not change at all from 1975 up to 2005 (Item III ii a on Page 10). Is this a fact? Does it imply a 'no erosion' and 'no silting' situation? With respect to Item VI on Page 13, how the presently irrigated area is 78,786 ha out of a CCA of 60,000 ha? And how with increased irrigated area to 1, 39, 386 ha from the existing

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78,786 ha (Page 13) the irrigation water requirement has come down drastically from 911 Mm<sup>3</sup> to 417.19 Mm<sup>3</sup> (Page 14)? The net revenue is negative, yet the IRR is high and positive, how?

The project is located in zone IV of the seismic zoning map.

The EAC recommended clearance for Pre-construction activity and in addition to the proposed TORs, the Committee proposed the following TOR items while preparing EIA report on the project

- A. Comprehensive EIA with three seasons data.
- B. Physico-chemical environment
  - i. Physical geography, topography, stratigraphy, regional geology of the catchment area.
  - ii. Tectonics and seismicity of the study area.
  - iii. Presence of important economic mineral deposit, if any.
  - iv. Meteorology of the study area
  - v. Ambient air quality parameters (SPM, RSPM, SO<sub>2</sub>, NO<sub>x</sub> and CO of the study area.
  - vi. Existing noise levels and traffic density in the area.
  - vii. Soil classification, physical parameters
  - viii. Identification of free draining/directly draining catchment.
  - ix. Generation of thematic maps.
  - x. Delineation of sub and micro watershed environment. Critically degraded catchment area should be identified as per AISLUS method year-wise physical and financial target
  - xi. Run off, discharge, water availability for the project.
  - xii. Physico-chemical parameters of surface and ground water quality.
  - xiii. Downstream water use and its impact.
- C. Biological environment
  - i. Characterization of forest types – general vegetation pattern and floral diversity in the study area.
  - ii. Shannon Wiener diversity index, plant fossil, phytoplankton as well as micro-fauna, avifauna, animal fossil.
  - iii. Economically important species (medicinal, timber, fuelwood, etc.).
  - iv. Categorisation of flora and fauna.
  - v. Report existence of barriers and corridors for wild animals, habitat fragmentation and destruction of wild animals due to project and effect on fish migration and habitat degradation due to project.

- vi. Existence of National Park, Sanctuary, Biosphere, Reserve Forest, Etc. in the study area, if any, needs to be detailed.
- D. Present cropping pattern, yields and cost need to be reported. The EIA report must contain proposed cropping pattern, estimated yields and returns.
- E. Environmental Management Plan should comprise of
- i. For project affected families who are likely to loose land only, the following information is to be given - land available before acquisition; land taken from them and land remaining with the family. In case 70% of land of any family is taken, then that family should be counted as a fully affected family.
  - ii. Muck Disposal Plan.
  - iii. CAT Plan should be prepared micro watershed-wise.
  - iv. Compensatory Afforestation Program.
  - v. Layout map showing land slide/landslip zone around the reservoir periphery need to be prepared.
  - vi. Suitable species of plants for the proposed green belt along the periphery of the reservoir (Reservoir rim treatment plan)
  - vii. Biodiversity Conservation Plan
  - viii. Method of tunneling to be detailed. Use of Tunnel Boring Machine needs to be explored.
  - ix. Dam Break Analysis for Disaster Management.
  - x. Flow diagram for water treatment.
  - xi. Flow diagram for solid waste generated from colony.

### **3. Dikchu HEP in North and East Districts of Sikkim (J-12011/14/07-IA-I)**

A brief presentation was given by Shri. B. Murali Mohan Reddy, MD, Sneha Kinetic Power Projects Ltd., Hyderabad. He informed the committee that while allotting the project, the Sikkim Government has made it mandatory that EIA report must be prepared through the Forest department of Govt. of Sikkim. As such the work is being done by the forest department and collection of data has been started since April 2006. Shri Reddy could not clarify (due to his ignorance) why forest department started collecting data without taking site clearance for investigation & survey which was pre requisite as per EIA Notification 1994. He also informed that monsoon & post monsoon data have already been collected. The committee permitted to use the collected data for preparation of EIA/EMP report. The committee noted that the proposal envisages construction of power project on River Dikchu, tributary to River Teesta between villages Dikchu and Lingdok in North and East Districts of Sikkim State for

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generating 96 MW (3 x 32MW) hydropower. The height of the dam is 35 m with underground power station. The project will have a HRT length of 5.7 km and a tailrace tunnel of 1.2 km. The total requirement of land is 28 hectares out of which 12 hectares is forest land. Total cost of the project projected as Rs. 550.88 crores.. The project will be completed in a time span of 4 years.

After carefully examining all the environment related issues the committee recommended clearance for pre construction activity and in addition to the proposed TORs, the Committee proposed the following additional TOR items for preparing EIA report on the project:

- a) Construction methodology/period
- b) Design discharge & its RI [Recurrence interval].
- c) Sedimentation rate.
- d) Submergence area
- e) Water body inundating forest area
- f) Compensatory afforestation
- g) Design earthquake parameter
- h) Comprehensive EIA report should include three seasons data viz. pre-monsoon, monsoon & winter
- i) For project affected families who are likely to lose land only, the following information are to be given
  - land available before acquisition
  - land taken from them and land remaining with the family
  - In case 70% of land of any family is taken, then that family should be counted as a fully affected family
- j) Shannon Wiener diversity index, plant fossil, phytoplankton as well as
- k) micro-fauna, avifauna, animal fossil
- l) Details on tunneling aspect, such as machines to be employed, for
- m) controlled blasting charge density etc.
- n) 15% water flow in lean season should be maintained.
- o) Dam break analysis & disaster management
- p) Critically degraded catchment area should be identified as per AISLUS method year-wise physical and financial target
- q) Impact of DG sets on surrounding environment
- r) Flow diagram for water treatment and solid waste generated from colony.

#### 4. Umngot HEP (2 x 139 MW) in Meghalaya

Mr. L.S. Tariang, Chief Engineer delivered a brief presentation on the proposal. The committee noted that the scheme envisages construction of a concrete gravity dam of about 107 mt. high from deepest foundation level across river Umngot. The proposed site is located in Khasi Hills district.

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The committee noted that under item 7 of Form 1, contamination risk due to sewage disposal is stated to be 'No' but it is not clarified if the sewage generated from the project colony and labour colony will be treated before disposal. The replies under 9.1 and 9.2 are 'No' and hence, the 'Yes' reply to 9.4 is confusing. In the proposed TOR, the first item is EMP, which can be prepared only after a comprehensive EIA is done. The CAT is to be planned after identifying and prioritizing sub-catchments with respect to their erosion severity by following the SYI method of AISLUS. The 'Meteorological Management' of item 9 of TOR is not clear. EIA must be based on at least three seasons' data. The map appended at the end of Form 1 is incomplete and of inferior quality. It is not clear if substantial population exists near the reservoir site but the above-ground power house seems to be close to some inhabited area. In view of this a drinking water component may be an important component and a service to the society. There is no mention of availability of safe drinking water and the reason for not considering a drinking water component in the project.

After critically examining all the environment related issues the committee recommended clearance for pre construction activity along with the following additional TORs.

#### 1) Physical-Chemical Environment

- i. Physical geography, Topography, Stratigraphy, Regional Geology of the catchment area. Landslide zone or areas prone to landslide existing in the study area especially along the periphery of the reservoir need to be examined.
- ii. Tectonics and seismicity of the study area.
- iii. Presence of important economic mineral deposit if any.
- iv. Meteorology of the study area (*viz.* precipitation, temperature, relative humidity, wind speed/direction etc.)
- v. Ambient air quality with parameters, *viz.* suspended particulate matter (SPM), respirable particulate matter (RPM) *i.e.* suspended particulate materials < 10 microns, sulphur dioxide (SO<sub>2</sub>), oxides of nitrogen (NO<sub>x</sub>) and carbon monoxide (CO) for the study area.
- vi Existing noise levels and traffic density in the area.
- vii. Soil classification, physical parameters (*viz.* texture, moisture content, porosity, bulk density and water holding capacity) and chemical characteristics (*viz.* pH, electrical conductivity, sodium, potassium, calcium, magnesium, nitrogen, total nitrogen, exchangeable sodium percentage (ESP), Sodium adsorption ratio (SAR), organic matter, sulphur, manganese, phosphorous, silica *etc.*) for the study area.

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- viii. Identification of free draining/directly draining catchment.
- ix. Generation of thematic maps viz. slope map, drainage map, soil map, land use/land cover map etc. Based on these thematic maps, an erosion Intensity map need to be prepared.
- x. Delineation of sub and micro watershed, their location and extent based on All India Soil and Land use Survey (AISLUS), Deptt. of Agriculture, Govt. of India. Erosion levels in each micro-watershed and prioritisation of micro-watersheds through Sediment Yield Index (SYI) method of AISLUS.
- xi. Basin Characteristic
- xii. Run off, discharge, water availability for the project, sedimentation rate etc.
- xiii. Physical, Chemical and Bacteriological parameters of surface water quality. Physical parameters include temperature, pH, electrical conductivity, total dissolved solids (TDS), DO, turbidity. Chemical parameters are salinity, alkalinity, Ca, Mg and total hardness, chlorides, iron, manganese, arsenic, fluorides, nitrogen (organic, ammonia, nitrite and nitrate), phosphate, sulphates, sulphides, heavy metals (mercury, lead, chromium, cadmium and zinc), biochemical oxygen demand (BOD), chemical oxygen demand (COD), total organic carbon (TOC) and total oxygen demand (TOD) and Bacteriological parameters that comprises of fecal and total coliform.
- xiv. Downstream water use and its impact. Disposal of sewage if any in the downstream needs to be reported.

## 2 Biological Environment

- i. Characterisation of forest types in the study area.
- ii. General vegetation pattern and floral diversity viz. trees, shrubs, grasses, herbs, significant microflora etc.
- ii. Species frequency, density, abundance need to be detailed. Biodiversity index (Shannon-Weaver index) and Importance Value Index (IVI) of the species must be calculated. Methodology used for calculating the various diversity indices along with details of locations of quadrats, size of quadrats etc. must be reported.
- iv. Economical important species viz. medicinal, timber, fuel wood etc.

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v. Flora under REET need to be categorised using World Conservation Union or International Union for the Conservation of Nature and Natural Resources(IUCN) and Botanical Survey of India's Red Data list along with economic significance.

vi. Cropping and Horticulture pattern and practices in the study area.

Vii Birds (resident, migratory), Land animals including reptiles, insects and fish species reported and surveyed in the study area need to be enlisted. Significant microflora must be enumerated.

Viii. REET fauna species are to be classified in two ways viz. as per IUCN Red Datalist and as per different schedule of Indian Wilde Life Protection Act, 1972.

ix. Report existence of barriers and corridors (if any) for wild animals. Habitat fragmentation and destruction of wild animal due to project.

x. Effect on fish migration and habitat degradation due to project.

xi. Existence of National Park, Sanctuary, Biosphere, Reserve Forest etc. in the study area if any, needs to be detailed.

### 3) EMP comprising of

i. Resettlement and Rehabilitation (R&R) plan need to be prepared with due consultation with Project Affected Families (PAFs). It shall include community development strategies and a list containing name of PAFs, age, educational qualification, family size, sex, religion, caste, source of income, house with type and amount of land holding, house/land to be acquired, any other property, possession of cattle etc. The information of percentage of land left after land acquisition with the family needs to be furnished for PAFs likely to lose land. A PAF is a Total Affected Family (TAF) if 70% or more land holding of the family is acquired. The provision of the prepared R&R plan must be at per or better than National Policy of Resettlement and Rehabilitation of PAF (NPRR - 2003). Detailed budgetary estimates must be provided.

ii. Muck Disposal Plan

iii. CAT plan shall be prepared micro-watershed wise. Areas falling under 'very severe' and 'severe' erosion categories are required to be treated. Both biological and engineering measures need to be proposed in consultation with State Forest Department. Year wise schedule of work and monetary allocation shall be provided. CAT plan shall be completed prior reservoir impoundment.

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iv. Layout map showing land slide/land slip zones if any, around the reservoir periphery needs to be prepared. Suitable engineering and biological measures for the identified land slip zones treatment must be provided with physical and financial schedule.

v. Method of tunneling needs to be detailed. Use of Tunnel Boring Machine (TBM) needs to be explored. For conventional controlled blasting the charge density, the amount of delay and schematic plan *etc.* need to be provided.

vi. Public Health Management Plan

vii. Compensatory Afforestation in lieu of the forest land required for the project needs to be proposed. Choice of plants must be prepared in consultation with State Forest Department.

viii. Suitable species of plants for the proposed green belt along periphery of reservoir (Reservoir Rim Treatment Plan), colonies, approach road, canals *etc.* must be suggested. Complete plan with physical and financial details and layout of the proposed sites of green belt development must be included.

ix. Suitable Biodiversity conservation plan in consultation with State Forest Department must be included.

x. Wild Life Conservation Plan

xi. Fishery Management Plan including base line data on catch composition, fish density, fish standing crop, fish population dynamics in and around project area, presence of migratory/endangered fish if any to be checked and mitigation measures should include monitoring the impact of the proposed construction on the fish resources.

xii. Dam Break Analysis for Disaster Management.

xiii. Various maps providing salient features of the project need to be depicted in proper scale map of at least 1:15,000 like

1. The location map of the proposed project.

2. The project layout shall be superimposed on a contour map of ground elevation showing main project features (*viz.* location of dam, head works, main canal, branch canals, quarrying *etc.*) shall be depicted in a scaled map.

3. Drainage map of the catchment up to the project site.

4. Soil map of the study area.

5. Geological and seismotectonic maps of the study area showing main project features.

6. Remote sensing studies, interpretation of satellite imagery, topographic sheets along with ground verification shall be used to develop the land use/land cover

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pattern of study area using overlay mapping techniques viz. Geographic Information Systems(GISs). False colour composite (FCC) generated from satellite data of study area shall be presented.

**5. Sawara Kuddu HEP in Himachal Pradesh.**

This project was earlier considered by the EAC at its last meeting held on 21<sup>st</sup> February 2007. The clarification sought by the committee was presented. The EAC expressed their satisfaction with the submitted clarification and recommended environment clearance to the project.

**6. Jangi-Thopan-Powari Hydroelectric Power Project (960 MW) in Himachal Pradesh**

A brief presentation was given by Shri Arun Sharma, -Brakel Kinnaur Power Private Limited, Shimla. The committee noted that the proposal is a run of the river development on river Satluj in District Kinnaur of Himachal Pradesh to generate 960 MW (Jangi Thopan -480 MW and Thopan Powari -480 MW) hydropower. The height of the dam is 65 m with an underground power station. About 250 hectares of land is required. No resettlement is anticipated due to this project. Total projected cost of the project is Rs. 3052 crores. The project will be completed in a time span of 5 years.

The project is located in zone V of the seismic zoning map.

The term of reference for preparation of EIA were considered by the committee. In addition to proposed, the Committee proposed the following TOR items while preparing EIA report on the project:

- a. Structure height [dam/barrage height]
- b) Construction methodology/period
- c) Design discharge & its RI [Recurrence interval]
- d) Submergence area
- e) Water body inundating forest area
- f) Compensatory afforestation
- g) Design earthquake parameter
- h) Comprehensive EIA report should include three seasons data viz. pre-monsoon, monsoon & winter
- i) Indicate distance from biosphere reserve on a map
- j) For project affected families who are likely to loose land only, the following information are to be given
  - land available before acquisition
  - land taken from them and land remaining with the family

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- In case 70% of land of any family is taken, then that family should be counted as a fully affected family
- k) Shannon Wiener diversity index, plant fossil, phytoplankton as well as micro-fauna, avifauna, animal fossil
  - l) Details on tunneling aspect, such as machines to be employed, for controlled blasting charge density etc.
  - m) Comprehensive downstream impact. This shall include not only the area bypassed stretch of the river but also downstream of the power house. The issue is not only about quantities of minimum flows to be maintained in the bypassed reach but also about the overall ecological impacts within 10 km radius
  - n) Dam break analysis & disaster management
  - o) Critically degraded catchment area should be identified as per AISLUS method year-wise physical and financial target
  - p) Options assessment study to show what are the options available for fulfilling the needs of the people that the project hopes to deliver. This section should also show if and how the proposed project is the least cost option and also include reducing the transmission and distribution losses to the minimum
  - q) Impact of DG sets on surrounding environment
  - r) Snow-fed and rain-fed regions in the catchment area need to be demarcated

#### 7. Teesta II HEP (4 x 120 MW) in Sikkim (J-12011/16/07-IA-I)

A brief presentation was given by Shri S. Sengupta and Dr Bist on the proposal. The committee noted that the proposal envisages construction of power project on River Lachen Chu, in Sikkim State for generating 480 MW (4 x 120 MW) hydropower. The height of the dam is 83 m. The project will have a HRT length of 10.71 km and a tailrace tunnel of 1595.5 m. Total cost of the project projected as Rs. 3023.69 crores. Kanchendzanga Wild life Sanctuary is at a distance of 5 km. The project will be completed in a time span of --- years. On a query from the members the project authority informed that there was no agreement with them for getting the EIA report prepared by the forest department of Govt. of Sikkim.

It was brought to the notice of the Committee that the project is located above Chungthang area of North Sikkim, which is identified in the Carrying Capacity Study of Teesta Basin as ecologically sensitive area.

After discussing carefully all the environment related issues the committee recommended clearance for pre construction activities along with following additional TORs.

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- i) Justification for execution of the project above Chungthang area which is identified as ecological sensitive area under the Carrying Capacity Study of Teesta Basin.
- ii) Construction methodology should include Tunnel driving.
- iii) The catchment area at the dam site is 1772 km<sup>2</sup>. Snow fed and rain fed areas should be demarcated for a realistic estimate of water availability.
- iv) Sedimentation rate in the Lachen Chu needs to be estimated.
- v) F C C to be supplied.
- vi) Kanchendzangha Wild life sanctuary is only five km away. Comment of Chief Wild life Warden on impact on the sanctuary due to construction work to be submitted.
- vii) A study of site specific earthquake design parameters to be done. The result of the site specific earthquake design parameters needs to be approved by the NCSDP (National Committee of Seismic Design Parameters, Central Water Commission, New Delhi) for large dams.
- viii) The lean season flow in down stream to be specified. Any discharge of untreated sewage and waste water The study of comprehensive down stream shall include area up to 10 km down stream of the confluence of TRT with river and shall address overall ecological impact.
- ix) Rehabilitation & Resettlement package should not be less than NPRR-2003. In respect of families whose land is only acquired, information on percentage of land left after land acquisition with the family needs to be furnished. If 70% or more land is acquired the family should be counted as fully affected family.
- x) Dam Break analysis & Disaster Management Plan.

8. **Parwan Major Irrigation cum Drinking Water Supply Project**  
**(J- 12011/25/07-IA-I)**

A brief presentation was given by Shri A. K. Chaurasiya, S E Water Resource Department, Rajasthan. The committee noted that the proposal envisages construction of a 38 m high (from foundation level) masonry dam with a Reservoir of Gross Storage capacity as 490 m.cum on river Parwan near

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Akawad Kalan village of Tehsil Khanpur, District Jhalawar. This project across Parwan river will irrigate 138239 ha culturable command area (CCA), to supply domestic water of 450 Mm<sup>3</sup>. The catchment area at the dam site is 8242 sq.km. The project is located in zone IV of the seismic zoning map. Total cost of the project projected as Rs. 1114 crores.

The committee after critically examining the environmental issues noted that the large document shows many repetitions of statements, even at places where they are not pertinent. Page 1-18 gives the provision for drainage as Rs. 700 lakhs, calculated @ Rs. 1000/- per hectare. I do not know from where this rate was obtained but the figure is too little.

For an irrigation project, OFD work is most important and this is not mentioned. Rajasthan has the examples of excellent OFD works in the Chambal command area in and around Kota. It is suggested that cost figures for OFD, including drainage may be decided upon consultation with RLDG. Black cotton soil may be generally good for agriculture but it is not so for unrestricted flow irrigation. Particular notice is drawn to the very compact soil as indicated by the bulk density values in Table 2.1. This will inhibit infiltration of applied irrigation water, will make the clay soil unworkable due to prolonged wet condition and cause substantial delay in maintaining timeliness of agricultural operations, thereby negating the beneficial effects of irrigation and turning the land saline/alkali in the long run. This inevitable process must be foreseen, as there are ample examples of it in India and a scientific OFD work needs to be planned and implemented before starting the release of irrigation water to the arable land. Ignoring this requirement may prove to be disastrous to the soil health and agriculture. Soil characteristics as limiting factors in the entire command area are also highlighted in irrigability classes of Table 2.5.

The Fluoride concentration in the surface water samples (Table 2.9) exceeds the permissible limit of drinking water, as stipulated by BIS, in three of the four cases. For the single case of Parwan River, it is close to the upper limit of the permissible range. Besides, concentration measured in November is not a good indicator. Water quality is to be measured in the dry and in the wet seasons (April/may and August, respectively). Surprisingly, however, the two unnumbered Tables following Table 2.9 do not show high Fluoride concentration except in two cases namely, at Unda and Piplaj. It is not clear if the water source, as reported in Table 2.9 is the same as reported in the following two Tables.

The logic given for not adopting surface drainage (or sparingly adopting it) in Page 5-8 is scientifically unacceptable in view of the soil characteristics and the flow irrigation to be practiced in the command area. Surface drainage must be an integral component of irrigation development and should be addressed accordingly. Bio-drainage is irrelevant for the command area as trees uptake

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water from deeper soil zones, which are not posing any problem at present because the water table is deep enough. Besides, the effectiveness of bio-drainage in water table control has not been proved decisively and quantitatively in India. Further, the effect on water table is felt directly under the plantation area and not in the adjoining area to any significant extent. For an irrigation project, therefore, bio-drainage option is ruled out. The report should contain information on dry season and wet season groundwater table in the command area in selected villages and its trend over the past ten years. The report also does not mention the minimum flow to be maintained in the river downstream to the reservoir to meet the water requirement of the human and cattle and leaves this to the seepage from the dam in a non-quantitative manner.

The term of reference for preparation of EIA were considered by the committee. The Committee recommended clearance for pre-construction activities and In addition to proposed TORs, the Committee proposed the following TOR items for preparing EIA report on the project:

- i. Three seasons (pre monsoon, monsoon & post monsoon) data should be collected for environmental base line parameters.
- ii. Ambient air quality parameters (SPM, RSPM, SO<sub>2</sub>, NO<sub>x</sub> and CO of the study area.
- iii. Soil classification, physical parameters
- iv. Identification of free draining/directly draining catchment:
- v. Delineation of sub and micro watershed environment. Critically degraded catchment area should be identified as per AISLUS method year-wise physical and financial target
- vi. Run off, discharge, water availability for the project.
- vii. Surface drainage.
- viii. Minimum flow to be maintained in the river down stream to the reservoir to meet the water requirement of the human and cattle.
- ix. Characterization of forest types – general vegetation pattern and floral diversity in the study area.
- x. Shannon Wiener diversity index, plant fossil, phytoplankton as well as micro-fauna, avifauna, animal fossil.
- xi. Economically important species (medicinal, timber, fuelwood, etc.).
- xii. Categorisation of flora and fauna.
- xiii. Report existence of barriers and corridors for wild animals, habitat fragmentation and destruction of wild animals due to project and effect on fish migration and habitat degradation due to project.
- xiv. Existence of National Park, Sanctuary, Biosphere, Reserve Forest, Etc. in the study area, if any, needs to be detailed.

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- xv. Present cropping pattern, yields and cost need to be reported. The EIA report must contain proposed cropping pattern, estimated yields and returns.

Environmental Management Plan should comprise of:

- i. For project affected families who are likely to loose land only, the following information is to be given - land available before acquisition; land taken from them and land remaining with the family. In case 70% of land of any family is taken, then that family should be counted as a fully affected family.
- ii. Muck Disposal Plan.
- iii. CAT Plan should be prepared micro watershed-wise.
- iv. Compensatory Afforestation Program.
- v. Layout map showing land slide/landslip zone around the reservoir periphery need to be prepared.
- vi. Suitable species of plants for the proposed green belt along the periphery of the reservoir (Reservoir rim treatment plan)
- vii. Biodiversity Conservation Plan
- ix. Dam Break Analysis for Disaster Management.

#### **8. Jangji-Thopan-Powari Hydroelectric Power Project (960 MW) in Himachal Pradesh**

Shri Arun Sharma Vice President of , Brakel Kinnaur Power Private Limited, Shimla attended the meeting along with other officials. A brief presentation was delivered on the proposal. The committee noted that the proposal is actually for two projects viz : Jangji Thopan HEP (480 MW) and Thopan Powari HEP (480 MW). These two projects have been combined into one scheme to avoid construction of a diversion dam at Thopan. The project envisages construction of a 65 m high (above river bed) concrete gravity dam on the river Satluj near village Jangji. The under ground power house is located at Powari. About 250 ha. of land are estimated to be required for the project. No resettlement of human population is anticipated. Total projected cost of the project is Rs. 3052 crores. The project will be completed in a time span of 5 years.

The committee noted that the proposed TORs do not indicate any steps - for migration of fishes in the down stream; though PFR states "migration of fish

along Sullej has already been prevented by the construction of Naptha Jhakri project down stream.

The committee recommended clearance for pre construction activity. The term of reference for preparation of EIA were considered by the committee. In addition to proposed, the Committee proposed the following TOR items while preparing EIA report on the project:

- i) For project affected families who are likely to lose land only, the following information are to be given
  - land available before acquisition
  - land taken from them and land remaining with the family
  - In case 70% of land of any family is taken, then that family should be counted as a fully affected family
- ii) Shannon Wiener diversity index, plant fossil, phytoplankton as well as micro-fauna, avifauna, animal fossil
- iii) Details on tunneling aspect, such as machines to be employed, for controlled blasting charge density etc.
- iv) Comprehensive downstream impact. This shall include not only the area bypassed stretch of the river but also downstream of the power house. The issue is not only about quantities of minimum flows to be maintained in the bypassed reach but also about the overall ecological impacts within 10 km radius
- v) Dam break analysis & disaster management
- vi) Critically degraded catchment area should be identified as per AISLUS method. Action plan to be submitted with year-wise physical and financial target
- vii) Remote sensing studies, interpretation of satellite imagery, topographic sheets along with ground verifications shall be used to develop the land use/land cover pattern of study area using overlay mapping techniques viz. Geographic Information Systems.
- viii) False Colour Composite (FCC) generated from Satellite data of study area shall be presented.
- ix) Impact of DG sets on surrounding environment

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x) The environmental base line data (water, air, noise and soil) to be collected within 10 km area from periphery of project area for one year i.e. three seasons (pre monsoon, monsoon, and post monsoon). The instruments used and methodology adopted for data collection shall be reported.

xi) Base line data on catch composition, Fish density, fish standing crop, fish population dynamics in and around project area to be collected. Presence of migratory / endangered fish if any to be checked and, mitigation measures should include monitoring the impact of the proposed construction on the fish resources. The EMP should include proper budget provisions for fisheries development, management and conservation.

### 22.3.2007

#### 9. Lower Penganga Project in Maharashtra.

This project was considered by the EAC at its earlier meeting held on 21<sup>st</sup> February 2003. Clarification and additional information furnished by the proponent was considered by the committee. Sri Gackwad, Secretary, Govt. of Maharashtra attended the meeting with other officials and consultant.

After critically examining the clarifications and additional information the committee noted that there are some minor correction is needed such as regarding seismicity horizontal co-efficient always should be higher than vertical.

The committee recommended clearance for Maharashtra portion only; as Public hearing for Andhra Pradesh portion has not been done.

#### 10. Kotlibhel stage-I A HEP in Uttarakhand by NHPC.

This project was considered earlier by the EAC at its meeting held on 21.2.2007. The clarification sought by the committee was presented before the EAC. The committee was satisfied with the clarification and recommended environmental clearance.

#### 11. Kotlibhel stage-I B HEP (320 MW) in Uttarakhand by NHPC.

This proposal was considered as per clarification given by MOEF under 2.1 – (II) of MOEF Circular dated 13.10.07. The consultant of the project proponent delivered a brief presentation on the environmental

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aspects of the proposed project. The committee noted that the project is located in two districts. As per new EIA Notification PH is to be conducted district wise. However, public hearing has been conducted only in one district.

The project envisages construction of 70.5 m high concrete gravity dam across river Alaknanda, a surface power house with four units of 80 MW each on its right bank. An area of 550.619 ha will be required. Out of which 383.756 ha is civil forest land, 112.437 ha is reserve forest land and 54.426 ha is private land. 27 villages consisting of 1521 families are going to be affected. NPRR – 2003 as well as NHPC's R&R package will be followed for rehabilitating & resettlement of project affected persons. In all, fourteen (14) temples will be affected. NHPC has proposed to reconstruct all these temples. At suitable places in consultation with the local people. Twentyone cremation ghats also will be submerged which will be reconstructed at a cost of Rs. 21 /- lakh. For conservation of migratory fishes like Tor and Schizothorax Spp. creating of hatcheries have been proposed. Suitable sites for establishment of hatcheries will be identified in consultation with the State Fisheries and TEC Lonawala, Mumbai.

The committee also noted that due to submergence, the habitat of *Lutra perspicillapa* (Otter) may get partially affected. They have proposed to declare the area as restricted for conservation of Otter habitat. In addition to the above plans, the proponent has prepared plans for, reservoir treatment, muck disposal, green belt development, health management, bio diversity conservation plan. DMP etc.

After critically examining all the environment related issues the EAC recommended environment clearance with the condition that CAT plan to be revised, so that the treatment work may be completed before filling up the reservoir and as per the provision of EIA notification public hearing in other district to be conducted. Ministry may process the proposal after receipt of the proceedings of said public hearing.

27 villages consisting of 1521 families are going to be affected. NPRR- 2003 as well as NITPC's R&R package will be followed for PAPs. In all fourteen (14) temples will be affected. PA has proposed to reconstruct all these temples at suitable places in consultation with the local people. 21 cremations ghats will be submerged which will be reconstructed at a cost of Rs.21 lakhs. For conservation of migratory fishes like Tor and Schizothorax species creating hatcheries has been proposed. Suitable site for establishment of hatchery will be identified in consultation with state fisheries and TEC Lonawala, Mumbai.

The committee also noted that due to submergence, the habitat of *Lutra perspicillapa* (Otter) may get partially affected. They have proposed to

-20-

declare the area as restricted for conservation of Otter habitat. In addition to the above plans, the PA has prepared plans for reservoir treatment, muck disposal, green belt development, health management, solid waste management, biodiversity conservation plan, DMP etc.

The committee recommended environmental clearance to the project subject to condition that as per provisions of EIA notification 2006, Public Hearing to be conducted in other districts also and CAT plan to be revised so that the treatment work may be completed before inundation.

#### **12. Loktak Down stream HEP (66 MW) in Manipur**

The committee noted that this project was earlier accorded environmental clearance for generation of 90 MW electricity. However, the earlier proposed project could not be implemented due to law & order problem and cost factor. Now, a revised proposal has been prepared and the project is now restructured from Dam to barrage with a capacity of 66 MW instead of 90MW as proposed earlier. FRC has also been reduced from EL 330 m to EL 307 m.

After carefully examining all the environment related issues the committee recommended clearance for pre construction activity and the following TORs in addition to the proposed by PA.

- i. construction methodology including tunnel driving
- ii. baseline data for all environmental parameters should be collected for three seasons
- iii. sedimentation rate
- iv. B:C ratio
- v. Public hearing to be conducted near project site

#### **13. Lower Jurala HEP ( 6 x 40 MW) in Andhra Pradesh by APGENCO**

The Managing Director, A.P. Power Generation Corporation Ltd., attended the meeting with other officials and consultant. A brief presentation on the proposal was delivered. The committee noted that the proposal was considered by the EAC at its earlier meeting held on

-21-

20.12.2006 for Scoping. The proposed project is located in Mahabubnagar district, A.P. in Telangana region on river Krishna about 7-9 km downstream of the existing Priyadarshini Jurla project near Rekulapaaly village. A weir 1470 m in length and 5 m average height (11 m maximum) with a power house channel of 1.723 km long and a tail race channel of 1.55 km long to be constructed. There is no forest land to be acquired and no wildlife sanctuaries present in nearby area. There are no sites of archaeological importance and any industry in the nearby area. The land requirement of the proposed project is 50 hectares for construction of intone channel power house, tail race channel and colony. The submergence is restricted to river banks. The estimated cost of the project is about Rs.885.08 Crores.

After carefully examining all the environment related issues the EAC recommended environmental clearance for the project.

#### 14. Bhasmey HEP ( 51 MW) in Sikkim by GATI infrastructure

The project was considered by EAC at its meeting held on 20.12.2006 for Scoping. The final EIA report submitted incorporating the additional TORs proposed by the EAC. Shri. Avdesh Kumar, CEO of the company attended the meeting along with other officials and consultant. Prof. Dubey (consultant) gave a brief presentation on the proposal.

It was noted that the proposed site is located in East Sikkim district in the vicinity of Rongpu village. Construction of a symmetrical gravity dam with 33.2 m height from foundation level across river Rangpo has been proposed. 28 ha forest land and 19 ha private land will be required for the project. The committee noted that they have not done dam break analysis and disaster management plan though it was included in the proposed TOR on the plea that this is a run of the river project with small pondage. This was not accepted by the EAC. It was also noted that they have applied to Secretary-cum-Principal Chief Conservator of forests for issuing letter regarding impact of the project on wildlife which is still awaited. The bulk density of soil which is reported appears incorrect.

As this mistake can be corrected within a short period, the EAC recommended environmental clearance to the project with the condition that –

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- i. dam break analysis and disaster management plan should be prepared
- ii. letter of CWLW/PCCF to be submitted
- iii. improved soil analysis, correcting the mistakes regarding bulk density, water holding capacity, nutrients etc to be submitted
- iv. an understanding to the extent that the design parameters given by NCSDP should be used for designing the dam

Dam break analysis and disaster management plan and soil analysis data need not be submitted to the EAC again. The same may be shown to Dr. Bhattacharya. After his approval of the documents, Ministry may process the proposal for environment clearance.

#### **15. Sada-Mangder HEP ( 71 MW) in Sikkim – GATI Infrastructure**

This project was considered as per provision of EIA notification 1994. The committee noted that Public hearing was conducted on 16.10.2004. The CEO of the company informed the committee due to financial closure, they could not submit the proposal immediately after the public hearing.

The committee noted that the project is located in west district of Sikkim. The project envisages a peaking power plant comprising two intakes each with a storage reservoir with a small surface area of 1.01 ha and 1.0 ha for Rangit and Ralli Chu respectively and a headrace tunnel each joining together to a common headrace tunnel an underground surge shaft, an underground power house with two units and an outdoor switchyard.

The total forest land requirement is 31.0756 hectares and private land is 18.5840 hectares.

The biodiversity conservation plan, fishery development in Rangit and Ralli Chu, muck disposal, solid waste management plan and other plans were critically examined by the EAC. The committee noted that the two dams are under category of big dam as they are 45.9 m and 47.3 m high respectively from foundation level but dam break analysis has not been done. The committee recommended environmental clearance to the project with the following conditions:

- i) Dam-break analysis and disaster management plan to be prepared and submitted to the Ministry, and

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- ii) An undertaking to be given to the Ministry that the Design parameters given by NCSDP would be used for the design of the dam.
- iii) Dam-break analysis and disaster management plan submitted by the Project proponent need not be placed before the EAC.
- iv) The same would be placed before Dr. Bhattacharya.
- v) After the approval, Ministry will process the proposal for EC.

**16 Under Any Other Item:**

- i) The Chairman and the Committee members thanked the Member Secretary, Dr. S. Bhowmik, and wanted to place on record their appreciation for his hard work, integrity in pursuing the policies of the MOEF, and facilitation extended to the Committee to carry out the proceedings smoothly during the life of the present Committee.
- ii) The Chairman extended his grateful thanks to all the Members for their co-operation and services rendered to the conservation of Environment and Ecosystems while promoting Irrigation and Hydropower Development during the life of the present Committee.
- iii) All the members expressed their appreciation and conveyed their indebtedness to the Chairman for his erudition and Technical & Managerial skills in the smooth conduct of the proceedings during the life of the present Committee.

The next meeting will be held on 18th April, 2007

The Minutes are confirmed by the Chairman.

P.G. Sastry  
Chairman, EAC

List of participants attended the 53<sup>rd</sup> meeting of Environmental Expert Committee for River Valley and Hydroelectric projects held on 21<sup>st</sup> March, 2007 in Paryavaran Bhawan.

<u>Sl.No.</u>	<u>Name</u>	
1.	Dr. P.G. Sastry	Chairman
2.	Dr. O. P. Sisodia	Member
3.	Sh. R.S.Bharthi	"
4..	Mrs.V.M. Bendre	"
5.	R.K. Khanna, Director, CWC	"
6.	Prof. Chanda	"
7.	Dr. A. K. Bhattacharya	"
8.	Prof. Susanta Basu	"
9..	Dr. C.P.Juyal	"
10..	Dr. S Bhowmik	Member Secretary

Jigaon Irrigation Project

1.	Sh. P.S. Kelkar	NEERI
2.	Sh. R.M. Landge	ED VIDC
3.	V.V.Gaikwad	Secy.(WR)
4.	M.V. Patil	CE(WR)
5.	Sh. Sharad Gawande	SE
6.	R.K. Dhawale	EE
7.	S.G. Umap	AE-I
8.	Dr. Anuradha Gadkari	NEERI(Retd.)
9.	V.K. Gadkari	SE-II
10.	P.C. Pant	EE
11.	K.Krishna	

Dikchu HEP

1.	R.B. Maniyam
2.	Ravinder
3.	B, Murali Mohan Reddy
4.	Ramajin

Umngot HEP (2X130 MW)

1.	L.S. Tariang	CE, MESBB
2.	A. Mahanta	SE
3.	A.K. Krishnan	EE

Jangi Thopan HEP

1.	Arun Sharma	Vice-President (Operation)
2.	Lan Bunton	Halwow
3.	Ashok Sharma	"
4.	Iftikhar Drabo	"
5.	B.R. Gautam	"

Sawara Kuddu HEP

1.	Er. A.K. Awasthi	MD PVPCL
2.	V.K. Tiwari	Conservator
3.	Er. P.K. Puri	Sr, Xen

Teesta – II HEP

1.	S. Singuptu	Sr. Manager
2.	Gogan AG	V.P
3.	K.V. Rao	V.P.
4.	M.S. Bisht	CISMHE, DU
5.	R.B. Singh	Unison Arice
6.	R.S.K. Nair	Liaison Officer
7.	Dr. Surya Prakash	Env. Engineer

Parwan Major Irrq - Drinking Water Project

1.	A.K. Chaurasia	Suptd.Engineer
2.	S.N. Gupta	Xen
3.	K.L. Ahuja	Consultant
4.	A.K. Seth	Consultant

List of participants attended the 53<sup>rd</sup> meeting of Environmental Expert Committee for River Valley and Hydroelectric projects held on 22<sup>nd</sup> March, 2007 in Paryavaran Bhawan.

<u>Sl.No.</u>	<u>Name</u>	
1.	Dr. P.G. Sastry	Chairman
2.	Dr. A.K. Sarkar	Member
2.	Dr. O. P. Sisodia	"
3.	Sh. R.S.Bharthi	"
4..	Mrs.V.M. Bendre	"
5.	R.K. Khanna,	"
6.	Prof. S. Chanda	"
7.	Dr. A. K. Bhattacharya	"
8.	Prof. Susanta Basu	"
9..	Dr. C.P.Juyal	"
10..	N. Mukherjee, CWC	"
11.	Dr. S Bhowmik	Member Secretary

Lower Penganga Irrigation Project

1..	Sh. R.M. Landge	ED VIDC
2.	V.V.Gaikwad	Secy.(WR)
3.	M.V. Patil	CE(WR)
4.	M.A.Matey	SE
5.	S.K. Singh	V.P. Bhgevathi A.L. Ltd
6.	Dr. B. N.Rao	Bhgevathi A.L. Ltd.
7.	A.P. Dandge	AE-II
8.	A.J. Sarage	SEct. Engr.
9.	S.A. Wani	ACE
10	R.N. Pise	Ex. Eng.

Kotli- Bhel stage I A & I B HEP

1.	S.S. Bist	Sr. M (Env)
1.	V.K. Kapur	ED, Planning Dn.
2.	B.R. Sarof	G.M. Planning Dn
3.	Dr. A.K. Tripathi	S.M.(Env.)
4.	Dr. Vinod K. Bohagh	Chief (Env)
5.	Imran Sayeed	Chief (Geology)
6.	Y.K. Chaubey	CE (Design)
7.	A.K. Rahut	Chief (Geo)

8.	P.K. Jain	SM (Design Civil)
9.	K.K. Shrivastav	CE
10.	Dr. N.P.Todaria	HNB
11.	J.P. Bhatt	HNB
12.	A.K. Roy	CE
13.	S.Dasgupta	Consultant
14.	Poonam P. Senwal	Consultant
15.	Dr. Shahid Ali Khan	Sr. Manager
16.	M. Lalmani Singh	CE

Lower Jurala HEP

1.	Ajay Jain, IAS	MP BPEENW
2.	U.G. Krishna Murthy	
3.	Dr. D.V.Ramana	GM
4.	P.D.V.L. Kumar	SE
5.	P.Sreeremi Reddy	EE
6.	G. Adishesu	Director
7.	Prof. K.B. Reddy	Env. Scientist
8.	V.Ram Mohan Reddy	AE
9.	M.Dharuva Reddy	AFC
10.	K. Subramanyam	ADE

Bhasmey HEP & Sadamangder HEP

1.	Dr. C.S. Duvey
2.	A. Kumar\
3.	Manoj Kumar
4.	J.K. Thakur
5.	B.K. Khatram
6.	R.P. Sharma
7.	Ms. Jasmeet
8.	Avdesh Kumar

तार :  
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भारत सरकार  
 पर्यावरण एवं वन मंत्रालय  
 GOVERNMENT OF INDIA  
 MINISTRY OF ENVIRONMENT & FORESTS  
 पर्यावरण भवन, सी. जी. ओ. कॉम्प्लेक्स  
 PARYAVARAN BHAVAN, C.G.O. COMPLEX  
 लोधी रोड, नई दिल्ली-110003  
 LODHI ROAD, NEW DELHI-110003

17.05.2007

No.J.12011 /68/2006-IA.I

The Superintending Engineer  
 Yavatmal Irrigation Circle  
 Yavatmal  
 Maharashtra

Sub: Lower Penganga Irrigation Project-in the District of Yavatmal of Maharashtra –  
 Environmental Clearance – regarding..

Sir,

This has reference to your letters No.5341/T-8/LPP/Environment/06 dated 30.11.2006 and 6.1.2007 on the above mentioned subject.

2. The above referred proposal was considered by the Expert Appraisal Committee for River Valley & Hydroelectric projects in its meeting held on 21<sup>st</sup> February, 2007 and reconsidered on 22 March, 2007. This project was accorded environmental clearance during 1984. However, no construction work has been started till date. The project envisages construction of a 35.63 m high earthen dam with central gated masonry spillway at about 2 km upstream of Tadsali village in Yavatmal district across Penganga river. The project will irrigate 1,40,818 ha in Maharashtra and 19,232 ha in Adilabad district of Andhra Pradesh. As Public hearing was held only for Maharashtra on 25.04.2006 the proposal for irrigation in Andhra Pradesh was not considered by the Expert Appraisal Committee. In addition to irrigation, 4 MW power also likely to be generated. Total land requirement for the project is 18,826 ha which include 17184 ha private land, 998 ha. of forest land and 644 ha Government land. The project will affect 46 villages, out of which 32 villages will be fully affected and 14 villages partially affected. The number of project affected families is 8136. The maximum and minimum distance of canal alignment from the boundary of Tipeshwar Wildlife Sanctuary is about 17.50 km and 2 km respectively. The total estimated cost is about Rs.1402.43 Crores.

3. The Ministry of Environment and Forests hereby accords environmental clearance only for Maharashtra portion, as per the provisions of Environmental Impact Assessment Notification 2006, subject to strict compliance of the terms and conditions as follows:

**Part A: Specific Conditions**

- (i) Catchment Area Treatment Plan as has been proposed should be completed in five years. The plan is given below :

(I) BIOLOGICAL MEASURES	Year 1	Year 2	Year 3	Year 4	Year 5	Total
Development and maintenance of nursery (L.S)	1	1	1	1	1	1
Plantation of degraded forest land	30 ha	40 ha	30 ha	-	-	100 ha

Maintenance of plantations	-	30 ha	40 ha	100ha	70 ha	100 ha
Road side plantation (Km)	2	4	4	-	-	10
Maintenance of Road side plantation up to 5 <sup>th</sup> year (Km)	-	2	6	10	10	10
Vegetative Check Dam (Nos)	60	60	60	60	60	300
<b>(II) ENGINEERING MEASURES</b>						
CAT Office establishment and maintenance (Year)	1	1	1	1	1	5
Barbed wire fencing for protection (KM)	40	40	30	-	-	110
Gully plugging (Nos)	200	100	100	100	-	500
Providing wire crate (Nos)	200	180	120	-	-	500
Stream bank protection (Nos)	40	40	40	40	40	200
Stone masonry check Dam (Cum)	50	100	50	50	-	250
Maintenance of protection works up to 5 <sup>th</sup> Year	1	1	1	1	1	5

- (ii) Forest Clearance to be obtained for acquiring 988 hectares forest land & submit it to this Ministry.
- (iii) Consolidation and compilation of the muck should be carried out in the muck dump sites and the dump sites should be above high flood level.
- (iv) A study of site specific earthquake design parameters is mandatory for large dams. The result of the site specific design parameters needs to be approved by the NCSDP, CWC, New Delhi. The approved design earthquake parameter shall be used for final design.
- (v) Water user association/ Co-operative and involvement of the whole community for disciplined use of available waters should be formed.
- (vi) Any other clearance from any other organization if required should be obtained.
- (vii) Occurrence of stagnant pools/slow moving water channels during construction and operation of the project providing breeding source for vector mosquitoes and other parasites. The river should be properly channelised so that no small pools and poodles are allowed to be formed. Even after taking precaution, due to unforeseen situations, breeding of mosquito and resultant malaria or mosquito borne diseases can increase. If such a situation arises, It will be the responsibility of project authorities to take all steps i.e. residual insecticidal spray in all the project area and surrounding 3 km. area keeping the flight range of mosquitoes in consideration
- (viii) Command area development plan as proposed in the letter dated 14.3.2007 should be followed.

#### Part-B: General Conditions

- (i) Adequate free fuel arrangement should be made for the labour force engaged in the construction work at project cost so that indiscriminate felling of trees is prevented.
- (ii) Fuel depot may be opened at the site to provide the fuel (kerosene/wood/LPG). Medical facilities as well as recreational facilities should also be provided to the labourers.

- (ii i) All the labourers to be engaged for construction works should be thoroughly examined by health personnel and adequately treated before issuing them work permit.
- (iv) Restoration of construction area including dumping site of excavated materials should be ensured by leveling, filling up of burrow pits, landscaping etc. The area should be properly treated with suitable plantation.
- (v) Adequate financial provision should be made in the total budget of the project for implementation of the above suggested safeguard measures.
- (vi) A Multidisciplinary committee should be constituted in consultation with the Ministry with ecologists, environmental scientists, conservationists, and experienced administrators etc. to oversee the effective implementation of the suggested safeguard measures.
- (vii) The MOEF would also refer to the Standing Committee of the National Board for Wildlife under Section 5(b) and 5(c)(ii) of the Wildlife (Protection) Act, the cases where environmental clearance has already been granted where activities are within 10 km zone.
- (viii) Six monthly monitoring reports should be submitted to the Ministry and its Regional Office, Bhopal for review.

4. Officials from Regional Office MOEF, Bhopal who would be monitoring the implementation of environmental safeguards should be given full cooperation, facilities and documents/data by the project proponents during their inspection.

5. The responsibility of implementation of environmental safeguards rests fully with the Vidarbha Irrigation Development Corporation Ltd. and Government of Maharashtra.

6. In case of change in the scope of the project, project would require a fresh appraisal.

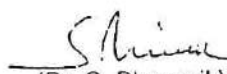
7. The Ministry reserves the right to add additional safeguard measures subsequently, if found necessary and to take action including revoking of the clearance under the provisions of the Environment (Protection) Act, 1986, to ensure effective implementation of the suggested safeguard measures in a time-bound and satisfactory manner.

8. This clearance letter is valid for a period of five years from the date of issue of this letter for commencement of construction work.

9. A copy of the clearance letter will be marked to concerned Panchayat / local NGO, if any, from whom any suggestion/ representation has been received while processing the proposal.

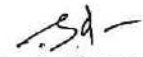
10. State Pollution Control Board / Committee should display a copy of the clearance letter at the Regional Office, District Industries Center and Collector's office/ Tehsildar's office for 30 days.

11. The project proponent should advertise at least in two local newspapers widely circulated in the region around the project, one of which shall be in the vernacular language of the locality concerned informing that the project has been accorded environmental clearance and copies of clearance letters are available with the State Pollution Control Board / Committee and may also be seen at Website of the Ministry of Environment and Forests at [http:// www.envfor.nic.in](http://www.envfor.nic.in)

  
(Dr. S. Bhowmik)  
Additional Director

Copy to:

1. The Secretary, Ministry of Water Resources, Shram Shakti, Bhawan, Rafi Marg, New Delhi-110001.
2. The Adviser (I & CAD), Planning Commission, Yojna Bhawan, New Delhi - 110001.
3. Secretary (Energy & Power), Government of Maharashtra, Mumbai.
4. The Member Secretary, Maharashtra State Pollution Control Board, Mumbai
5. The Chief Engineer, Project Appraisal Directorate, Central Water Commission, Sewa Bhawan, R.K. Puram, New Delhi-110066.
6. The Secretary (Irrigation), Government of Andhra Pradesh, Secretariat, Hyderabad- 500 022
7. The Regional Office, Ministry of Environment & Forests, Bhopal.
8. E1- Division, Ministry of Environment & Forests, New Delhi-110003.
9. Guard file.

  
(Dr. S. Bhowmik)  
Additional Director



- as Reserved Forest under Section 4 / Protected Forest areas of the Indian Forest Act, 1927, by the State Government immediately.
- 1672
- (iv) The State Government shall charge the Net Present Value (NPV) for the 1.98 ha forest area to be diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 30.10.2002, 01.08.2003, 28.03.2008 and 09.05.2008 in IA No. 566 in WP (C) No. 202/1995 and as per the guidelines issued by this Ministry vide letters No. 5-1/1998-FC (Pt. II) dated 18.09.2003, as well as letter No. 5-2/2006-FC dated 03.10.2006 in this regard.
- (v) Additional amount of the NPV of the diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India shall be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to this effect.
- (vi) All the funds received from the User Agency under the project shall be transferred to in Account No. 344901010070128 of Union Bank of India, Sunder Nagar, New Delhi-110003.
- (vii) The Catchment Area Treatment (CAT) Plan shall be implemented in accordance to the approved CAT plan for the purpose, in the next five years. However, the User Agency shall immediately transfer the funds for the purpose to the State Forest Department.
- (viii) The User Agency shall implement the Ministry of Tribal Affairs, Government of India's approved Master plan for Resettlement and Rehabilitation of the project affected families at the Project Cost. The implementation of the R & R plan shall be periodically monitored by the Regional Office, Ministry of Environment and Forests, Bhopal and a report thereon shall be submitted periodically.
- (ix) The User Agency shall comply with all the conditions stipulated by the Principal Chief Conservator of Forests, Maharashtra State, in the specific Recommendations forwarded at the time of submitting the proposal to the Ministry of Environment and Forests.
- (x) The tree felling in the forest area, so diverted, shall be only as per the actual requirement and with prior permission of the competent authority.
- (xi) The User Agency shall take up afforestation activities all along the reservoir/dam in consultation with the State Forest department at the Project cost.
- (xii) The forest land diverted shall not be used for any purpose other than that specified in the proposal.
- (xiii) There shall be no tree felling between FRL (Full Reservoir Level) and FRL - 4 meters.
- (xiv) The User Agency shall make arrangements for free supply of fuel-wood preferably alternate energy source to laborers and staff working on the project site so as to avoid any pressure on the adjacent forest areas.
- (xv) The User Agency shall provide free water from the Project for all forestry related activities.
- (xvi) The in-principle approval is subject to approval of the Resettlement and Rehabilitation plan of the project for affected families by the Ministry of

Tribal affairs, Government of India and clearance from the Central Water Commission.

- (xvii) All other conditions under different rules, regulations and guidelines including environmental clearance shall be complied with before transfer of forest land.
- (xviii) This in principle approval shall be subject to the different order and judgements of Hon'ble Supreme Court in respect of Civil writ petition no 202 of 1995.

3. After receipt of the compliance report on the fulfilment of the above mentioned conditions contained in Para 2 above, from the State Government of Maharashtra, formal approval will be issued in this regard under Section-2 of the Forest (Conservation) Act, 1980. The transfer of forest land to the User Agency shall not be affected by the State Government till formal orders approving the diversion of forest land are issued by the Central Government.

Yours faithfully

*Handwritten signature*

(B. K. Singh)

Sr. Assistant Inspector General of Forests

Copy to:

- 1. The Principal Chief Conservator of Forests, Government of Maharashtra, Nagpur.
- 2. The Nodal Officer, Forest Department, Government of Maharashtra, Nagpur.
- 3. The Chief Conservator of Forest, Regional Office, Bhopal
- 4. User Agency
- 5. Monitoring Cell, Ministry of Environment and Forests
- 6. Guard File.

*Handwritten signature*

(B. K. Singh)

Sr. Assistant Inspector General of Forests

Outward No. / 2 / PB-2 / 2009

office

Executive Engineer  
Lower Penganga Lift Irrigation Division,  
ARNI, DIST. YAVATMAL.

Date: - 14/11/09

To, Assistant Engineer Grade-1/  
Sub-Divisional Officer,  
Lower Penganga Lift Irrigation,  
Sub-Div. No. 1, 3 & 4

for Information & necessary action.

निम्न उपाययुक्त विवरण
प्रतिपाद्यक
दि. वि. अ.
स. अ. वि.
अ. वि. अ.
पृष्ठ सं. ०३/११/०९
दि. वि. अ.

*Handwritten signature*

MADHUCON

66916881116

*Approved*  
Executive Engineer for  
Lower Penganga Lift Irrigation Division,  
ARNI, DIST. YAVATMAL.

न. उपाययुक्त व  
नवे इत / अ. वि. अ. - II  
यांना पुन अ. वि.  
वे. ग. वि. अ. वि. अ. इ. वि. अ.

*Handwritten signature*

## LOWER PENGANGA PROJECT

Tq. Ghatarji

Dist. Yavatmal

Present status of details of amount transferred to  
Forest Department

Sr. No	Cheque No/DD & Date	Amount transferred & Rs. In Crores)	Purpose of transferring the Amount	Remarks
1	2	3	4	5
1	757536 dated 31-3-2009	Rs.66.99	Net Present Value	Total amount transferred to Forest Department for various items for final clearance of forest proposal.
2	101169 Dated 16-4-2010	Rs. 24.08	Net Present Value	1) NPV- Rs.91.07 Crores
3	1) 101169 dated 16-4-2010 2) 948069 date 29-2-2012 3) 948081 date 26-3-2012	Rs.8.87 Rs. 2.00 Rs. 5.97	Afforestation Afforestation Afforestation	2) Afforestation - Rs. 16.84 Crores 3) Tree felling- Rs. 2.95 Crores 4) Survey & demarcation- Rs 0.81 Crores
4	525664 Dated 16-11-2010	Rs. 2.95	Tree Felling	5) CAT plan- Rs 5.63 Crores Total Rs. 117.30 Crores.
5	194365 date 31-1-2011	Rs. 2.25	CAT Plan	
6	194373 dated 31-1-2011	Rs.0.81	Survey & demarcation	
7	194438 Dated 31-3-2011	Rs.3.38	CAT plan	
	Total	117.30		



PRINCIPAL CHIEF CONSERVATOR OF FORESTS

(Head of Forest Force)

MAHARASHTRA STATE, NAGPUR.No. Desk-17/NC/ID 11074/ 14<sup>th</sup> /10-11  
Nagpur - 440 001, Date : 23/4/2011Add. Chief Secretary (Forests)  
Revenue & Forests Department,  
Mantralaya Mumbai -32,

क्र. सं.	
दि. सं.	13/04/11
सं. सं.	9688
दि. सं.	01/4/11
सं. सं.	

Sub: - Diversion of 1089.06 ha. of forest land (later modified to 998.10 ha.) for construction of Lower Painganga Major Irrigation Project in Yawatnal, Nanded and Chandrapur Distt. of Maharashtra.

- Ref :- 1) Government of India's letter No.8-129/2007-FC, Dt. 7/1/2009.  
2) Government of India's letter No.8-129/2002-FC, Dt. 5/2/2009.  
3) Government of Maharashtra letter no. FLD-3202/CR50/F-10, dt.13/04/2011.

The Government of India vide their above cited letter, had agreed in principle to sanction the diversion of 1089.06 ha. of forest land (later modified to 998.10 ha.) for construction of Lower Painganga Major Irrigation Project in Yawatnal, Nanded and Chandrapur Distt. of Maharashtra state subject to fulfillment of conditions stated in the letter under reference. The compliance report of conditions is furnished as under.

Condition No. (i) :-

The cost of raising compensatory afforestation over 998.10 ha. of non forest land at the rate of Rs.88864/- per hectare, that is Rs. 8,86,95,158/- has been deposited through RTGS in Adhoc CAMPA, New Delhi.

The Agency has submitted an undertaking to deposit the cost of Compensatory Afforestation as per revised rate.

Condition No. (ii) :-

The mutation entry of compensating non forest land area 758.82 ha. from Dy. Conservator of forests, Pusa and 239.28 ha. from Dy. Conservator of Forests, Yawatnal in favour of State Forest Department has already been carried out by the Revenue Department, in their Revenue Record. Area transferred of gut no.145 Bhavani is corrected and shown on 7/12 extract.

Condition No. (iii) :-

Proposal to notify reserved forest under section -IV of Indian Forest Act has been submitted to concerned authority.

Condition No. (iv) :-

The Project Authority has deposited Rs.91,07,82,330/- as Present Value of 998.10 ha. (Rs.45,08,97,580 for 508.34 ha. of Yawatnal Division & Rs.45,96,870/- for 489.76 ha. of Pandharkawada Division & Rs.2,00,00,000/- of Nanded

The Project Authority has deposited Rs.91,07,82,330/- as Present Value of 998.10 ha. (Rs.45,08,97,580 for 508.34 ha. of Yawatnal Division & Rs.45,96,870/- for 489.76 ha. of Pandharkawada Division & Rs.2,00,00,000/- of Nanded



Division) forest land belonging to Eco-class III very dense forest has been deposited in Adhoc CAMPA, New Delhi.

Condition No. (v) :-

The Agency has submitted an undertaking to deposit the revised Net Present Value, in case it is so required.

Condition No. (vi):-

The Project Authority has deposited Rs. 2,25,27,200/- for cost of Catchment Area Treatment Plan and Rs. 3,37,90,800/- of balance amount of Catchment Area Treatment Plan has also deposited.

Condition No. (vii):-

The agency has submitted R/R plan to this office. Besides, the project agency has informed this office that resettlement and rehabilitation plan has been sent to Secretary, GOI, Ministry of Tribal Affairs, New Delhi through Principal Secretary, Tribal Development Department, GOM, Mumbai vide letter no. IRR-2009/C.R.39/D-11, dt.16/8/2010. The same is being attached herewith.

Condition No. (ix):-

Project agency has deposited Rs. 81,34,140/- for the cost of survey and demarcation.

Condition No. (xi) :-

The Project Authority has deposited Rs. 2,94,90,860/- as the cost of felling of trees involved in the project.

Condition No. (xii):-

The project agency has submitted the scheme of afforestation.

Condition No. (xiii) (xiv) & (xv) :-

The Agency has submitted an undertaking.

Condition No. (xvi):-

As per condition no. (viii) above.

Condition No. (xvii):-

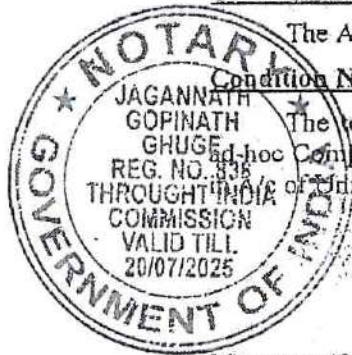
Environmental clearance has been received vide letter no. J-12011/68/2006-1AI, dt. 7/5/2007.

Condition No. (xviii):-

The Agency has agreed.

Condition No. (vi) :-

The total amount of Rs. 106,39,29,518/- has been transferred through RTGS to ad-hoc Compensatory Afforestation Fund Management and Planning Agency (CAMPA) of Union Bank of India, Sunder Nagar, New Delhi, The details are below.




Table

Cheque No.	Amount deposited (in Rs.)	Amount required (in Rs.)	Remarks
757536, dt. 31/3/09	Rs. 66,99,94,450/-	Rs. 8,86,95,158/-	Cost of compensatory afforestation
191169, dt. 15/4/10	Rs. 32,94,82,928/-	Rs. 91,07,82,220/-	Cost of Net Present Value.
194373, dt. 31/1/11	Rs. 81,34,140/-	Rs. 81,34,140/-	Cost of Survey Demarcation
194365, dt. 31/1/11	Rs. 2,25,27,200/-	Rs. 5,63,18,000/-	Cost of CAT Plan
194438, dt. 31/3/11	Rs. 3,37,90,800/-		
	Rs. 106,39,29,518/-	Rs. 106,39,29,518/-	

The Collector of Yawatmal vide its letter dt. 11/4/11 the process of the taking Gram Sabha for the Resolution under Dweller's Act, 2006, is under process.

In view of above facts, it is requested that the Government of India may kindly be moved to issue formal approval order under section-2 (ii) of the Forest (Conservation) Act, 1980, as early as possible.

Encl: As above

  
Chief Conservator of Forests & Nodal Officer  
Maharashtra State, Nagpur.

Copy forwarded to Chief Conservator of Forests, Yawatmal Circle, Yawatmal for information. He is requested to recover the funds for plantation as per plantation scheme from agency.

Copy forwarded to Dy. Conservator of Forests, Yawatmal/Pandharkawada/Nanded Division, for information.

Copy forwarded to the Executive Engineer, Lower Penganga Project Division, Yawatmal for information.





No. 1556 /LPP /T-1 /ECC / 2012.

**Office of the Executive Engineer**  
Lower Penganga Project Division  
Yavatmal.

Date – 18/6/2012,  
email – eelppdiv@gmail.com

To,

**Superintending Engineer**  
**Yavatmal Irrigation Circle.**  
**Yavatmal**

**Subject - Lower Penganga Project, Tq.-Ghatanji, Dist.-Yavatmal.**  
Factual Report of the Project.

**Reference-** MoEF, New Delhi letter No. J 12011/68/2006-1A/dated 17-5-2007

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Lower Penganga project is an Inter-State Irrigation project between Maharashtra & Andhra Pradesh. It is originally administratively approved by Govt. of Maharashtra on 26<sup>th</sup> June 1997 for Rs. 1402.43 Crores. (CSR-1995-1996)

Revised administrative approval is accorded by Vidharbha Irrigation Development Corporation, Nagpur vide Order No – VIDC / T-3 / 637 / YIC / LPP / RAA / 2009 Dt. 14-08-2009 for Rs. 10429.39 Crores. (CSR-2008-2009)

Project will create total irrigation potential of 2,27,271 Ha. benefiting Yavatmal ( 1,41,607 Ha.) Chandrapur (58,355 Ha.) districts of Maharashtra & Adilabad district (27,309 Ha.) of Andhra Pradesh.

This is the major Inter-State project. Environmental Clearance is granted to this Project by MoEF with letter No. J 12011 / 68 / 2006-1A / dated 17-5-2007.

Ministry of Environment & Forest, G.O.I. has accorded in- principle consent to forest Proposal ( 998.10 Ha.) of this project with the letter No. F/8-129/2007-FC/ dated 7-1-2009.

**Rs. 117.30** Crores are deposited towards forest department against Net Present Value, cost for afforestation, cost of tree cutting, catchment area treatment plan and surey and demarcation work.

Compliance report of the remarks raised by MoEF while according in- principle consent to Forest Proposal is submitted to the MoEF Govt. of India by state government ( Forest Dept ) on date 13/06/2011

CWC have been given in principal consent to Lower Penganga Project vide CWC letter date 31/10/2011.

998.10 Ha. land required for necessary afforestation is transferred to forest department.

The work of the project is taken in hand and the present status of the project work is as below –

1) Survey work for canal and lift is completed with the expenditure of Rs. 24.11 Crores.

- 2) Private land 751 Ha. required for dam seat, quarry and adjacent to Dam site is taken in possession by direct purchase and the expenditure done on land acquisition is Rs. 52.46 Crores.
- 3) In order to create the 1/3 potential with the completion of Dam, the Executive Director, Vidarbha Irrigation Development Corporation, Nagpur has been given permission for floating the tender of canal and Dam works and the tender procedure was also completed, the work orders were issued to the contractor in 2009.
- 4) As the land required for Dam seat and quarries are in the possession of the department, the work related to project was started in JUNE-2011. (Works photographs are attached separately)
- 5) Environmental Clearance is granted to this Project by MoEF with letter No. J 12011/68/2006-1A/dated 17-5-2007 and vide condition no – 8 mentioned in the order the clearance is valid for a period of 5 years from the date of issue of Clearance order for commencement of construction work.

**As the work was started before one year, the condition no.8 mentioned in the order of Environmental clearance is fulfilled.**

This is for information and necessary action.

**Enclosure – In 2 Sets**

- 1) Short Note
- 2) Necessary Xeroxs with Index
- 3) Work Photographs

*o/c*

*S.R.*  
(S.R.Borse)

**Executive Engineer**

Lower Penganga Project Division.

Yavatmal *Yavatmal*

रजिस्ट्री सं० डी० एल०-33004/99

REGD. NO. D. L.-33004/99



# भारत का राजपत्र

## The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

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No. 1956]

NEW DELHI, THURSDAY, AUGUST 22, 2013/SHRAVANA 31, 1935

पर्यावरण और वन मंत्रालय

अधिसूचना

नई दिल्ली, 21 अगस्त, 2013

का.आ. 2555(अ).—पर्यावरण (संरक्षण) नियम, 1986 की नियम 5 के उपनियम (3) के खंड (घ) के साथ पठित पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की और धारा 3 की उप-धारा (1) और उप-धारा (2) के खंड (ज) के अधीन जारी भारत सरकार के पर्यावरण और वन मंत्रालय की अधिसूचना संख्यांक का.आ. 60 (अ), तारीख 27 जनवरी, 1994 (जिसे इसमें इसके पश्चात् अधिसूचना कहा गया है) द्वारा केंद्रीय सरकार ने जब तक कि उस सरकार द्वारा पर्यावरण संबंधी अनापत्ति मंजूरी न दे दी गई हो तब तक किसी परियोजना के आरंभ किए जाने वाले क्रियाकलाप या नई परियोजना के संबंध में विस्तार और आधुनिकीकरण के संबंध में कतिपय रूप से निर्बंधित और प्रति-बोध अधिशोषित करती है।

2. और, उपरोक्त उक्त अधिसूचना को अधिसूचना संख्यांक का.आ. 356 (अ), तारीख 4 मई, 1994 द्वारा और संशोधित किया गया था और उक्त अधिसूचना के पैरा 2 के (iii) के खंड (ग) यह उपबंध करता है कि -

“दी गई अनापत्ति, संनिर्माण या संक्रिया के प्रारंभ होने से पांच वर्षों की अवधि के लिए विधिमाम्य होगी”।

3. और केंद्रीय सरकार का आशय यह रहा है और सदैव यह रहा है कि पर्यावरण संबंधी अनापत्ति की विधिमाम्यता, संनिर्माण या प्रचालन के प्रारंभ “के लिए” पांच वर्षों है और न कि संनिर्माण या प्रचालन के आरंभ से पांच वर्षों के लिए है।

4. और उक्त अधिसूचना का. आ. 60, तारीख 27 जनवरी, 1994 और उसके पश्चात्पूर्वी संशोधन भारत सरकार के पर्यावरण और वन मंत्रालय की अधिसूचना संख्यांक का. आ. 1533 (अ) तारीख 14 सितंबर, 2006 द्वारा अधिक्रान्त किए गए थे। उक्त अधिसूचना का पैरा 9 अन्य बातों के साथ-साथ यह अनुबद्ध करता है कि संनिर्माण परियोजनाएं जिसको पूर्व पर्यावरण संबंधी अनापत्ति के लिए आवेदन भेजा जाता है, के मामले में परियोजना या क्रियाकलाप द्वारा उत्पादन, प्रचालन के आरंभ करने को पूर्व पर्यावरण संबंधी अनापत्ति मंजूर की जाती है।

5. और किसी परियोजना या क्रियाकलाप के लिए नदी घाटी परियोजनाओं की दशा में दस वर्षों की अवधि के लिए विशेष-ज्ञ आकलन समिति या संबंधित राज्य स्तर विशेष-ज्ञ आकलन समिति द्वारा यथा प्रकलित परियोजना की अवधि खनन परियोजनाओं के लिए अधिकतम तीस वर्षों के लिए और अन्य सभी अन्य परियोजनाओं और क्रियाकलापों की दशा में पांच वर्षों होगी और इस प्रकार केंद्रीय सरकार का आशय पूर्ण रूप से यह संप्रेषित था कि पर्यावरण संबंधी अनापत्ति की विधिमाम्यता संनिर्माण या प्रचालन “के लिए” थी न कि संनिर्माण या प्रचालन के प्रारंभ “होने से” थी।

6. और, शंकर रघुनाथ जोग और अन्य बनाम तलालुकर एंड सन्स प्राइवेट लिमिटेड और अन्य के मामले में रिट याचिका संख्या, 2011 का 6 में तारीख 12 अगस्त, 2011 के आदेश में गोवा स्थित बंबई उच्च न्यायालय ने उक्त अधिसूचना और उसके संशोधनों का निर्वचन करते समय यह अभिनिर्धारित किया है कि पर्यावरण और वन मंत्रालय द्वारा मंजूर की गई पर्यावरण संबंधी अनापत्ति की विधिमाम्यता खनन परियोजनाओं के प्रचालन या परियोजना के विस्तार के प्रारंभ की तारीख से पांच वर्षों की अवधि के लिए है।

7. और, पर्यावरण और वन मंत्रालय ने तारीख 12 अगस्त, 2011 के आदेश के विरुद्ध भारत संघ शंकर रघुनाथ जोग के मामले में विशेष-इजाजत याचिका (सी सी 20925/2012) की है और इस बीच अधिसूचना संख्यांक का.आ. 356 (अ), तारीख 4 मई, 1994 की अधिसूचना के पैरा 2 के उप-पैरा (iii) के खंड (ग) के विनाय में स्प-टीकारक अधिसूचना जारी की जानी है।

8. और, केंद्रीय सरकार ने अधिसूचना संख्यांक का.आ. 356 (अ), तारीख 4 मई, 1994 के अधीन चल रही हजारों परियोजनाओं के संबंध में जारी की गई पर्यावरण संबंधी अनापत्ति की विधिमान्यता पर बंबई उच्च न्यायालय के ऊपर वर्णित आदेश द्वारा संनिर्माण या प्रचालन के प्रारंभ की तारीख से केवल पांच वर्ष की पर्यावरण संबंधी अनापत्ति की विधिमान्यता का निर्वचन करने के कारण प्रकट हुई असंगत स्थिति और पारिणामिक प्रतिप्रभाव को दूर करने के लिए स्प-टीकरण जारी करने का विनिश्चय किया है।

9. अतः अब, केंद्रीय सरकार पर्यावरण (संरक्षण) नियम, 1986 के नियम 5 के उपनियम (4) के साथ पठित पर्यावरण (संरक्षण) अधिनियम, 1986 और धारा 3 की उप-धारा (1) और उप-धारा (2) के खंड (xiv) के अधीन प्रदत्त शक्तियों का प्रयोग करते हुए भारत के राजपत्र, असाधारण, भाग 2, खंड 3, उप-खंड (ii), तारीख 4 मई, 1994 में प्रकाशित भारत सरकार के पर्यावरण और वन मंत्रालय की अधिसूचना संख्यांक का. आ. 356(अ) तारीख 4 मई, 1994 में यह स्प-ट करती है कि "से पांच वर्ष की अवधि के लिए" पद से "संनिर्माण या प्रचालन के प्रारंभ के लिए पांच वर्ष की अवधि के लिए और न कि संनिर्माण या प्रचालन के प्रारंभ से पांच वर्ष" अभिप्रेत होगा।

[फा. सं. एल-11011/12/2011-आईए-II(एम) पार्टी]

अजय त्यागी, संयुक्त सचिव

## MINISTRY OF ENVIRONMENT AND FORESTS

### NOTIFICATION

New Delhi, the 21st August, 2013.

**S.O. 2555(E).**— Whereas by notification of the Government of India in the Ministry of Environment and Forests vide number S.O. 60(E), dated the 27th January, 1994 (hereinafter referred to as the said notification), issued under sub-section (1) and clause (v) of sub-section (2) of Section 3 of the Environment (Protection) Act, 1986 (29 of 1986) read with clause (d) of sub-rule (3) of Rule 5 of the Environment (Protection) Rules, 1986, the Central Government imposed certain restrictions and prohibitions on the expansion and modernisation of any activity or the undertaking of any project unless environmental clearance has been granted by that Government.

2. And whereas the above said notification was further amended vide notification number S.O. 356(E), dated the 4th May, 1994. Clause (c) of sub-paragraph (III) of paragraph (2) of the said notification provides that—

"the clearance granted shall be valid for a period of five years from commencement of the construction or operation".

3. And whereas the intent of the Central Government has been and has always been that the validity of the environmental clearance is five years "for" commencement of the construction or operation and not that the environmental clearance is only for five years "from" the commencement of construction or operation.

4. And whereas the said notification S.O. 60(E), dated the 27th January, 1994 and subsequent amendments thereto were superseded by the Government of India in the Ministry of Environment and Forests vide notification number S.O. 1533(E), dated the 14th September, 2006. Para 9 of the said notification, inter alia, stipulates that prior environmental clearance is granted to the start of production operations by the project or activity, or completion of all construction operations in case of construction projects to which the application for prior environmental clearance refers.

5. And whereas 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, 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 five years in the case of all other projects

and activities and as such conveying the intent of the Central Government all through that the validity of the environment clearance was "for" construction or operation and not "from" commencement of the construction or operation.

6. And whereas the High Court of Bombay, at Goa in its order dated the 12th August, 2011 in Writ Petition no. 6 of 2011 in the matter of Shankar Raghunath Jog and Ors. vs. Talaulicar and Sons Pvt. Ltd. and Ors. while interpreting the provisions of the said notification and amendments thereof has held that the validity of the Environmental Clearance granted by the Ministry of Environment and Forests is for a period of five years from the date of the commencement of the operation of the mining projects or expansion of the project.

7. And whereas the Ministry of Environment and Forests has preferred a Special Leave Petition (cc 20925/2012)- in the matter of Union of India vs. Shankar Raghunath Jog and Anr. against the order dated the 12th August, 2011 and meanwhile to issue a clarificatory notification with respect to clause (c) of sub-paragraph (III) of paragraph (2) of notification number S.O. 356 (E), dated the 4th May, 1994.

8. And whereas the Central Government has decided to issue a clarification in order to remove the anomalous situation emerged due to the interpretation held by the aforementioned order of the High Court of Bombay in construing the validity of the Environmental clearance merely five years from the date of the commencement of the construction or operation and consequential repercussions on the validity of environment clearance issued to several thousand ongoing projects under notification number S.O. 356 (E), dated the 4th May, 1994.

9. Now, therefore, in exercise of the powers conferred under sub-section (1) and clause (xiv) of sub-section (2) of Section 3 of the Environment (Protection) Act, 1986, read with sub-rule (4) of Rule 5 of the Environment (Protection) Rules, 1986 the Central Government hereby clarifies that in the notification of the Government of India in the Ministry of Environment and Forests, vide number S.O. 356 (E), dated the 4th May, 1994, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii), dated the 4th May, 1994 the expression "for a period of five years", shall mean "for a period of five years for commencement of the construction or operation and not five years from commencement of the construction or operation".

[F. No. L-11011/12/2011-IA-II(M)-Part]

AJAY TYAGI, Jt. Secy.

(54)

No. J-12011/68/2006-IA.I  
Government of India  
Ministry of Environment & Forests  
[IA.I - Division]

Paravaran Bhavan  
CGO. Complex, Lodi Road  
New Delhi - 110 003

Dated 27<sup>th</sup> September, 2013

CORRIGENDUM

give copy to  
in sec (WR) / ENV/IA.I  
EE Arun EE LPP/IA.I  
Letter 107

Subject: Lower Penganga Irrigation Project in District Yavatmal of Maharashtra by M/s. Yavatmal Irrigation Circle, Yavatmal, Government of Maharashtra - Validity of Environmental Clearance (EC) - regarding

28/9/10

This has reference to the letter no. 4193/YIC/T-6/LPP/ECC/2012 of Superintending Engineer, Yavatmal Irrigation Circle, Yavatmal, Government of Maharashtra dated 18.6.2012 regarding the validity of environmental clearance with regard to the above project. As per Para-8 of the EC of even number dated 17.5.2007, the validity was mentioned as 5 years for commencement of construction work. In this context, the following amendment in para-8 of the EC of even number dated 17.5.2007, is hereby made:

5/9/10  
21 E

The environmental clearance is valid for a period of 10 years from the date of issue of this letter for commissioning of the project

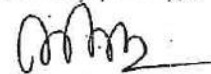
28/9/10

instead of

The environmental clearance is valid for a period of 5 years from the date of issue of this letter for commencement of construction work

- All other terms and conditions of the Environmental Clearance Letter no. J-12011/68/2006-IA.I dated 17.5.2007 remains unchanged.
- This issues with the approval of the Competent Authority.

Yours faithfully,



(B. B. Barman)  
Director

Copy to:

- The Secretary, Department of Environment, Government of Maharashtra, Mumbai
- The Superintending Engineer, Yavatmal Irrigation Circle, Yavatmal, Maharashtra
- The Member Secretary, Maharashtra State Pollution Control Board, Kalptaru Point, 3<sup>rd</sup> floor, Near Sion Circle, Opp Cine Planet Cinema, Sion (E), Mumbai
- The Secretary, Ministry of Water Resources, Shram Shakti Bhavan, New Delhi -1

**No. J-12011/28/2012-IA.I**  
 Government of India  
 Ministry of Environment, Forest & Climate Change  
 [IA.I – Division]

Indira Paryavaran Bhavan  
 3<sup>rd</sup> Floor, Vayu Wing  
 Jor Bagh Road, New Delhi-3

**Dated: 28<sup>th</sup> May, 2015**

To

The Commissioner  
 P & D of Godavari Basin  
 I & CAD (PW) Department  
 Government of Telangana  
 Basement Floor, Jalasoudha Building  
 Errummanzil  
 Hyderabad – 500 082.

**Sub: Lower Penganga Irrigation (Interstate) Project in Maharashtra and Adilabad District of Telangana by M/s. Irrigation & CAD Department, Government of Telangana – For Environmental Clearance – regarding.**

This has reference to your letter No. Comm/GB/DCE/OT1/AE2/LPP/Vol.VII dated 4.2.2015 and 27.2.2015 on the above mentioned subject.

2. The above referred proposal was considered by the Expert Appraisal (EAC) Committee for River Valley & Hydroelectric Power Projects (RVP & HEP) at its meeting held on 26-27<sup>th</sup> February, 2015. The comments and observations of EAC of this project may be seen in the minutes of the meeting available on the web-site of this Ministry.

3. This project is an interstate irrigation project between Maharashtra and Andhra Pradesh. The net annual flows at Lower Penganga dam are assessed as 42.67 TMC and to be shared in the ratio of 88:12 between Maharashtra and Andhra Pradesh (i.e. Maharashtra-37.55 TMC & Andhra Pradesh-5.12 TMC). This will create an irrigation potential of gross command area (GCA) of 29,757 ha and culturable command area (CCA) of 19,233 ha in Adilabad District of Andhra Pradesh. The environmental clearance (EC) for Lower Penganga project was accorded on 17.5.2007 for Maharashtra portion. The project proponent (Andhra Pradesh) could not provide information on environmental issues pertaining to Andhra Pradesh at that time.

The project proponent (Andhra Pradesh) made a separate proposal for Lower Penganga for Andhra Pradesh portion. The scoping/TOR clearance for this project was accorded on 28.2.2013 when the Andhra Pradesh was not bifurcated. Now the state is bifurcated into Telangana State and Andhra Pradesh State and the project falls in the bifurcated Telangana State.

The net annual flows at Lower Penganga dam are assessed as 42.67 TMC and to be shared in the ratio of 88:12 between Maharashtra and Telangana. This implies that share of Maharashtra is 37.55 TMC & that of Telangana is 5.12 TMC. The Telangana State's share of water is proposed to be utilized for irrigation & drinking water purpose in the backward Tribal area of Adilabad District.

*SH*

It is noted that the project envisages construction of an earthen dam across Penganga River on both flanks of concrete dam and canal on left flank. The Telangana canal takes off at CH.11.91 km of left bank canal (LBC) to draw water. The take-off point is at RD 11.91 km from the dam and subsequent canal length of 1.925 km will take water into Telangana border to provide irrigation facility to 19,233 ha of land in Adilabad District. The total land requirement for project is 509.261 ha out of which 8.78 ha is forest land, and 500.48 ha is private land. No submergence is involved. About 3 villages consisting of 4200 families are likely to be affected due to this project. The Tippeswar Wildlife Sanctuary is 2 km away from the link canal. The total cost of the project is about Rs.1111 Crores.

4. Public hearing for the project was conducted on 14.11.2014 at village Jimma, Jainath Mandal in the District Adilabad of Telangana.

5. The Expert Appraisal Committee, after due consideration of the relevant documents submitted by the project proponent and clarification furnished in response to its observations, have recommended grant of Environmental Clearance to the project. Accordingly, the Ministry of Environment, Forest & Climate Change hereby accords necessary environmental clearance to the above project as per the provisions of Environment Impact assessment Notification, 2006 and its subsequent amendment in 2009, subject to compliance of following conditions:

**Part A: Specific Conditions**

- (i) The project proponent has to prepare the R&R benefits & plan for PAFs as per the "Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013" which has come into effect since January, 2014.
- (ii) For the land losing households will be as per the National Rehabilitation and Resettlement Policy, 2007 or as per the State Rehabilitation and Resettlement Policy, whichever is more beneficial to project affected persons (PAFs). Adequate publicity of the compensation package of NRRP 2007 shall be given in the affected villages. All R&R issues shall be completed before commissioning of the project.
- (iii) The implementation of R&R shall be closely monitored and is to be ensured that all project affected families (PAFs) get adequate & timely compensation before commissioning of the project.
- (iv) A Monitoring Committee for R&R shall be constituted which must include representatives of project affected persons including from SC/ST community and at least a woman beneficiary.
- (v) All the commitment made during the public hearing shall be fulfilled completely by the State Government in letter and spirit.
- (vi) The equipment likely to generate high noise levels during the construction period or otherwise shall meet the ambient noise level standards as notified under the Noise Pollution (Regulation and Control) Rules, 2000, as amended in 2010 under the Environment Protection Act (EPA), 1986.
- (vii) Conjunctive use of surface water shall be planned to check water logging as well as to increase productivity.

*SK*

- (viii) Water User Association/s (WUAs)/Co-operative shall be formed and involvement of the whole community for disciplined use of available waters shall be ensured.
- (ix) The On Farm Development (OFD) works shall be completed and WUAs (Water User Associations) shall be made functional before commencement of irrigation.
- (x) The proposed Compensatory Afforestation in 8.85 ha of area should be taken-up with State Forest Department. Biodiversity Conservation & Management Plan should be implemented with State Forest Department. Allocated grant of Rs.3.09 Crores for this purpose shall be fully utilized and not to be diverted for any other purpose.
- (xi) The proposed Conservation of Arli Reserve Forests & Tippeswar Wildlife Sanctuary should be implemented with State Forest Department. Allocated grant of Rs.15 lakhs for this purpose shall be fully utilized and not to be diverted for any other purpose.
- (xii) The Tippeswar Wildlife Sanctuary is 2 Km away from the intake canal and hence "No objection certificate" should be obtained from the PCCF, Government of Maharashtra along with clearance from the Standing Committee of NBWL.
- (xiii) The proposed avenue plantation around various project appurtenances & along the road sides in consultation with State Forest Department shall be strictly adhered to. Allocated grant of Rs.88.25 lakhs shall be fully utilized and not to be diverted for any other purpose.
- (xiv) Occurrence of stagnant pools/slow moving water channels during construction and operation of the project providing breeding source for vector mosquitoes and other parasites. The river should be properly channelized so that no smell pools and puddles are allowed to be formed. Even after taking precaution, due to unforeseen situations, breeding of mosquito and resultant malaria borne diseases can increase. If such a situation arises, it will be responsibility of the project authorities to take all steps i.e. residual insecticidal spray in all the project area and surrounding 3 km. Area keeping the flight range of mosquitoes in consideration.
- (xv) Any other clearance from any other organization/department if required should be obtained.

**Part-B: General Conditions**

- (i) Adequate arrangements for providing free fuel like kerosene/wood/LPG shall be made at the project cost for the labour engaged in the construction work so that indiscriminate felling of trees is prevented.
- (ii) Medical facilities as well as recreational facilities shall also be provided to the labourers.
- (iii) The labourers to be engaged for construction works shall be thoroughly examined by health personnel and adequately treated before issuing them work permit.
- (iv) Water sprinkling arrangements shall be made to suppress the fugitive emissions.
- (v) Potable drinking water and proper sanitary facilities shall be provided for the labour force.
- (vi) Restoration of construction area including dumping sites of excavated materials shall be ensured by leveling, filling up of borrow pits, landscaping etc. The area should be properly treated with suitable plantation.

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- (vii) Environmental parameters shall be monitored and six monthly monitoring reports shall be submitted to the concerned Regional Office of the Ministry and to Ministry of Environment, Forest & Climate Change, New Delhi for their review.
6. The Project Proponent shall provide full cooperation and all required documents/ data to the Officials from concerned Regional Office of the Ministry who would be monitoring the implementation of environmental safeguards.
7. The responsibility of implementation of environmental safeguards rests fully with the I & CAD Department, Government of Telangana.
8. The livelihood plan to be prepared, if found necessary in consultation with concerned state government departments. The Government of Telangana should submit compliance on this component & also while submitting six monthly compliance report.
9. Besides the above stated conditions, the Project Proponent shall also implement all other environmental safeguards, as proposed in the EIA/EMP report and other reports from time to time. The Government of Telangana may also like to monitor implementation of EMP at regular intervals.
10. The Environmental Management Plan (EMP) shall be strictly adhered to and a sum of Rs. 15 Crores, the budgetary provisions for implementation of EMP shall be fully utilized and not to be diverted for any other purpose. In case of revision of the project cost due to price level change, the cost of EMP shall also be updated proportionately.
11. In case of change in the scope of the project, the same shall be intimated to the Ministry and fresh approval, if required, shall be taken from the Ministry.
12. The Ministry reserves the right to add additional safeguard measures subsequently, if found necessary and to take action including revoking of the clearance under the provisions of the Environment (Protection) Act, 1986, to ensure effective implementation of the suggested safeguard measures in a time-bound and satisfactory manner.
13. This clearance letter is valid for a period of 10 years from the date of issue of this letter for commissioning of the project.
14. A copy of the clearance letter shall be marked to concerned Panchayat/Zilla Parishad/Municipal Corporation, Urban local body and local NGO, if any, from whom any suggestion/representations were received while processing the proposal. The clearance letter shall also be put on website by the project proponent.
15. State Pollution Control Board / Committee shall display a copy of the clearance letter at the Regional Office, District Industries Centre and Collector's/Tehsildar's Office for 30 days.
16. The project proponent should advertise at least in two local newspapers widely circulated in the region around the project, one of which shall be in vernacular language of the locality concerned informing that the project has been accorded environmental clearance and copies of clearance letters are available with the State Pollution Control Board / Committee and may also be seen at Website of the Ministry of Environment, Forest & Climate Change at <http://www.moef.nic.in>.

*SK*

17. After 5 years of the commissioning of the Project, a study shall be undertaken regarding impact of the project on the environment and downstream ecology. The study shall be undertaken by an independent agency, decided in consultation with the Ministry.

18. The project proponent shall also submit six monthly reports on the status of compliance of stipulated EC conditions including the results of monitored data (both in hard copies as well as by email) including the respective Regional Office of MOEF and Zonal Office of CPCB and SPCB.

19. Any appeal against this environmental clearance shall lie with the National Green Tribunal, if preferred, within a period of 30 days from the date of issue, as prescribed under Section-10 of the National Green Tribunal Act, 2010.

Yours faithfully,

*S.K.S.*  
28/5/2015  
(S. K. Srivastava)  
Scientist-E

Copy to:

1. The Secretary, Ministry of Water Resources, Shram Shakti, Bhawan, Rafi Marg, New Delhi-1.
2. The Principal Secretary (I & CAD), Government of Telangana, Telangana Secretariat, Hyderabad
3. The Secretary, Department of Environment, Government of Telangana, Telangana Secretariat, Hyderabad
4. The Engineer-in-Chief, (I& CAD), Government of Telangana, Errummanzil, Hyderabad.
5. The Chief Engineer, Project Appraisal Directorate, Central Water Commission, Sewa Bhawan, R.K. Puram, New Delhi-110066.
6. The CCF, Regional Office (SE Zone), Ministry of Environment, Forest & Climate Change, Cathedral Garden Road, Nugambakam, Chennai – 600 034.
7. Member Secretary, Telangana State Pollution Control Board, Paryavaran Bhawan, Industrial Estate, Hyderabad.
8. EI- Division, Ministry of Environment, Forest & Climate Change, New Delhi-110003.
9. NIC Cell – with a request to upload on MoEF website
10. PS to JS (BS)
11. Guard file/Notice Board.

*S.K.S.*  
28/5/2015  
(S. K. Srivastava)  
Scientist-E