

F.No. IA3-3/87/2022-IA.III
Government of India
Ministry of Environment, Forest & Climate Change
IA-Policy Division

Vayu Wing, 3rd Floor,
Indira Paryavaran Bhawan,
Jorbagh Road, Aliganj,
New Delhi-110 003
E-mail: r.sundar@gov.in
Dated: 27/09/2022

To,
Mr Rajesh Kumar Singh
N- 20, Basement,
Jungpura Extension
New Delhi-110014
Ph: 9868012182

Sub: Original Application no. 462 of 2020 titled Rajeev Suri Vs. Union of India pending before NGT(PB), New Delhi – reg.

Sir,

This has reference to the above captioned subject matter wherein the Hon'ble Tribunal vide Order dated 12/07/2022 (*enclosed herewith*) directed the Ministry to file its response vide email.

2. In this regard, the undersigned has been directed to forward the approved detailed reply affidavit on behalf of the Ministry of Environment, Forest and Climate Change in the above referred matter. Further, it is requested that the same may be filed as per the due procedures vide email at the earliest before the Hon'ble NGT to avoid any adverse orders against the Ministry. Furthermore, a copy of the same may be shared with the Ministry. The next date of hearing is 18/10/2022.

3. This issues with the approval of Competent Authority.

Encl: As above

Yours faithfully,


(Sundar Ramadathan)
Scientist 'E'

(सुन्दर रामानाथन)
(SUNDAR RAMANATHAN)
वैज्ञानिक 'ई'/Scientist 'E'
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
M o Environment, Forest and Climate Change
भारत शांतिनगर, नई दिल्ली-110003
011-26173000

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI**

IN

ORIGINAL APPLICATION No. 462 OF 2022 (PB)

IN THE MATTER OF: -

Rajeev Suri

....Applicant

VERSUS

Union of India

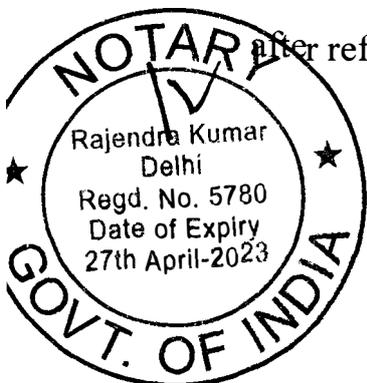
.... Respondent

**REPLY AFFIDAVIT ON BEHALF OF RESPONDENT NO. 1,
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE**

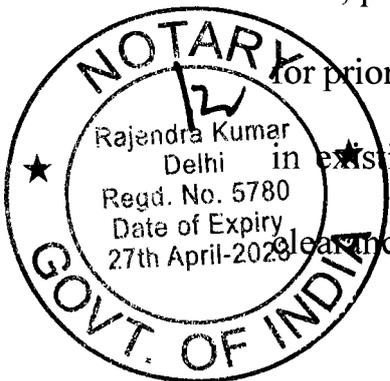
MOST RESPECTFULLY SHOWETH: -

I, Sundar Ramanathan, S/o of Sh. S. Ramanathan aged about 40 years working as Scientist "E" in the Ministry of Environment, Forest & Climate Change, at New Delhi, the deponent herein does hereby solemnly affirm and state on oath as under: -

1. That I am duly authorized and competent to swear the present reply affidavit on behalf of Ministry of Environment, Forest and Climate Change (herein after referred as MoEF&CC).



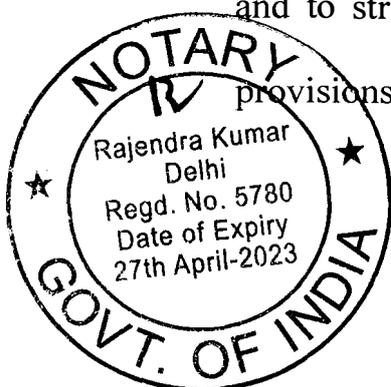
2. That the contents of the application, unless specifically admitted, are denied to the extent that they are inconsistent with submissions made hereinafter.
3. That the instant reply is being filed by the Answering Respondent in compliance of the order dated 12/07/2022 of the Hon'ble NGT without prejudice to its right to file a fuller and more detailed reply at a later stage, if so necessary.
4. That the Ministry of Environment, Forest & Climate Change has notified Environment Impact Assessment (EIA) Notification, 2006 under the provisions of the Environment (Protection) Act, 1986 which deals with the process to grant prior Environment Clearances (EC). As per EIA Notification, 2006 and subsequent amendments, all new projects or activities listed in the Schedule, expansion and modernization of existing projects or activities listed in the Schedule, any change in product-mix in an existing manufacturing unit requires prior EC from the concerned authorities. No activity listed in the schedule of the EIA Notification, 2006 can commence before grant of EC.
5. That, para 7(ii) of the EIA Notification, 2006 while enumerating the process for prior EC process for expansion or modernization or change of product mix in existing projects states that all applications seeking prior environmental clearance for expansion with increase in the production capacity beyond the



capacity for which prior EC has been granted under this notification or with increase in either lease area or production capacity in the case of mining projects or for the modernization of an existing unit with increase in the total production capacity beyond the threshold limit prescribed in the Schedule of the 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 (EAC) or State Level Expert Appraisal Committee (SEAC) 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 in respect of projects or activities other than falling in clause (b) and (c). A copy of para 7(ii) of the EIA Notification, 2006 is annexed at ANNEXURE A/1.

OFFICE MEMORANDUM DATED 11/04/2022

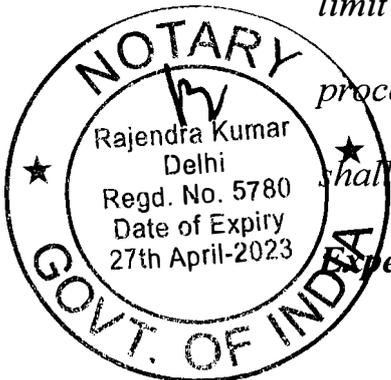
6. It is humbly submitted that, Ministry has been continuously making efforts to streamline the procedure for projects seeking Environmental Clearance (EC) under the different provisions of para 7(ii) of the EIA Notification 2006 without compromising on the environmental rigors. In pursuance of the same and to streamline the procedure for seeking prior EC under the different provisions of para 7(ii) of the EIA Notification, 2006, the Ministry had issued



guidelines for expansion of coal mining projects up to 40% capacity in two-three phases vide OM dated 15/09/2017 subject to certain conditions and for expansion of Iron, Manganese, Bauxite and Limestone mining projects up to 20% subject to certain conditions vide OM dated 20/10/2021. A copy of the OMs dated 15/09/2017 and 20/10/2021 are annexed as ANNEXURE A/2 and ANNEXURE A/3 respectively.

7. Thereafter, the Ministry further examined the OM dated 15/09/2017 and 20/10/2021 with the objective of bringing about uniformity and consistency in consideration of projects under para 7 (ii)(a) by concerned EAC/ SEACs across all states. Para 7(ii)(a) of the EIA Notification provides:

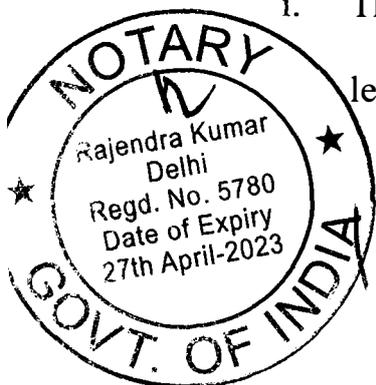
"7(ii)(a) All applications seeking prior environmental clearance for expansion with increase in the production capacity beyond the capacity for which prior environmental clearance has been granted under this notification or with increase in either lease area or production capacity in the case of mining projects or for the modernisation of an existing unit with increase in the total production capacity beyond the threshold limit prescribed in the Schedule to this notification through change in process and or technology or involving a change in the product –mix shall be made in Form I and they shall be considered by the concerned Expert Appraisal Committee or State Level Expert Appraisal



Committee within sixty days, who will decide on the due diligence necessary including preparation of Environment Impact Assessment and public consultations and the application shall be appraised accordingly for grant of environmental clearance."....

8. There was a lack of clarity as to which projects were to be granted exemption from Public Hearing and EIA Report resulting in non-uniform approach across EACs and SEACs. Accordingly, with the objective of bringing about uniformity and consistency in consideration of projects under para 7 (ii)(a) by concerned EAC/ SEACs across all states, the Ministry vide OM dated 11/04/2022 issued guidelines to deal with expansion proposals which are received under para 7(ii)(a) of EIA Notification, 2006 in respect of the developmental projects listed in the Schedule to the said notification seeking prior-EC involving expansion with increase in production capacity within the existing premises/ mine lease area; or expansion due to modernization of an existing unit through change in process and or technology or involving a change in the product-mix; or enhancement of cargo handling capacity in ports & harbors, widening of roads; or enhancement in built-up area, subject to the fulfillment of certain conditions which inter-alia include:

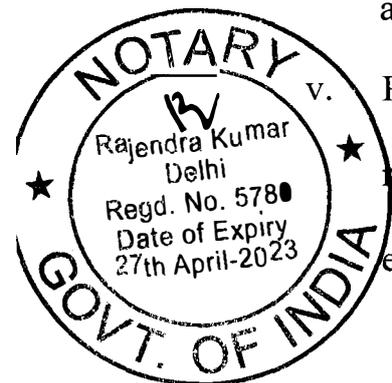
- i. The project should have gone through the public hearing process, at least once, for its existing EC capacity on which expansion is being



sought, except those category of projects which have been exempted as per para 7 III (i) of EIA Notification 2006 and its amendments.

- ii. There is no additional land acquisition or forest land diversion involved for the proposed expansion or there is no increase in lease area with regard to mining vis-à-vis the area mentioned in the EC, based on which public hearing has been held earlier.
- iii. The proposed expansion shall not be more than 50% of production capacity as mentioned in the prior EC, issued on the basis of public hearing held and the same shall be allowed in minimum three phases.
- iv. The project proponent should have satisfactorily complied the conditions stipulated in the existing EC(s) and satisfactorily fulfilled all the commitments made during the earlier public hearing/consultation proceedings and also the commitments given while granting previous expansion, as applicable. This shall be duly recorded in the certified compliance report may be issued by the IRO/CPCB/SPCB, which should not be more than one-year-old at the time of submission of application.

Public Consultation shall be undertaken if applicable for obtaining response in writing, as per para 7 III (ii) (b) of EIA Notification 2006, except those category of projects which have been exempted as per para



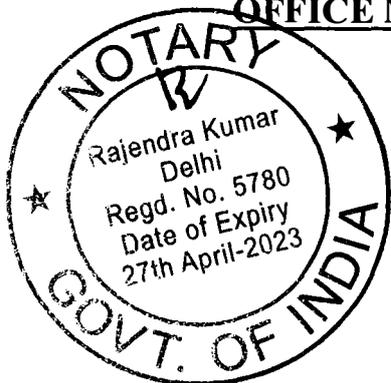
7 III (i) of EIA Notification 2006 and its amendments. A copy of the OM dated 11.4.2022 is annexed as ANNEXURE A/4.

Thus, the applicability of this OM was restricted to only those projects which were applied under the provision of Para 7(ii) of the EIA Notification, 2006 where no additional land acquisition is involved.

9. Further, those projects that do not qualify with the requirement as stipulated in the OM dated 11/04/2022 shall continue to be considered on a case to case basis by the concerned EAC/SEAC as per the provisions of para 7(ii)a who will decide whether EIA and public consultations need to be carried out.

10. That the OM dated 11/04/2022 exempts public hearing for expansion up to 50% in stages which is already provided for in the EIA Notification, 2006. Public Consultation has been prescribed for expansion from 40% to 50%. by obtaining response in writing, as per para 7 III (ii)b of the EIA Notification, 2006. Thus, the Ministry has not changed any of the provisions of the EIA Notification, 2006 with regard to Public Consultation and preparation of EIA/EMP report. The Ministry has merely streamlined the procedure and has brought in uniformity in consideration of such expansion projects by EACs/SEACs that do not involve additional land acquisition.

OFFICE MEMORANDUM DATED 07/05/2022

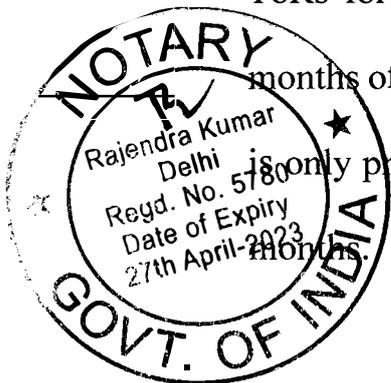


11. Subsequently, the Ministry was in receipt of a request from the Ministry of Coal in light of the huge pressure on the domestic coal supply, for relaxing the requirement of Public Consultation and preparation of EIA/EMP report for expansion from 40% to 50%, for enhancement of production of coal without any further delay and for seeking allowance for expansion of production capacity keeping in view the available reserves in the coal block and compliance of the conditions of the previous EC.

12. Thereafter the Ministry examined the issue and considering the exigency that had arisen, it was decided that those coal mining projects which have been granted expansion of EC up to 40% of original EC capacity as per provisions of above referred OMs, shall be granted expansion EC to increase their production capacity to 50% of original EC capacity, within the same mine lease area without requiring revised EIA/ EMP report for additional capacity and public consultation at the time of grant of EC. However, the project proponent has to submit the Certified Compliance Report of the EC granted for 40 % expansion, along with EIA/EMP report, prepared based on standard ToRs for the additional capacity of 10% on PARIVESH portal within six

months of enhancement of production beyond 40%. Further, this dispensation

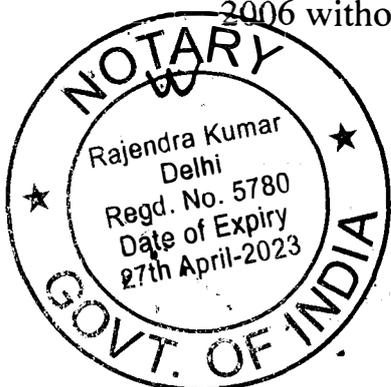
is only provided as a special case in view of the exigency for a period of six



13. Further, in order to bring about more clarity regarding the procedure to be followed for preparing EIA/EMP as per the provisions of the OM dated 11/04/2022, the Ministry subsequently issued OM dated 30/05/2022 clarifying that revised EIA/EMP report based on standard Terms of Reference may be prepared for a maximum of 50% expansion of the original EC capacity for which public hearing had been held, in order to avail the benefit of the OM dated 11/04/2022. However, the EC shall be granted in phases of 20%, 40% and 50% capacity expansion, based on the above mentioned revised EIA/EMP report, subject to submission of Certified Compliance Reports for ECs granted at each stage. A copy of the OM dated 30/05/2022 has been annexed at ANNEXURE A/4.

14. It is humbly submitted that the Ministry has not changed any provision of the EIA Notification, 2006 and has not dispensed with the requirement of EIA/EMP report and Public Hearing other than those dispensations which were already provided in the Notification itself.

15. Further these OMs have been issued to bring uniformity in appraisal process and to ensure utmost transparency in case of those projects that avail the benefit of the provisions as enumerated in para 7(ii) of the EIA Notification, 2006 without compromising on the prescribed environmental safeguards.



16.It is submitted that the present reply affidavit may kindly be taken on record and into consideration and the Hon'ble Tribunal may pass appropriate Order(s), direction(s) as deemed fit and proper under the facts and circumstances of the present case.

P. Manathan

DEPONENT

(सुन्दर रामानाथन)
(SUNDAR RAMANATHAN)
वैज्ञानिक 'ई' / Scientist 'E'
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
M/o Environment, Forest and Climate Change
भारत सरकार, नई दिल्ली
Govt. of India, New Delhi

VERIFICATION

Verified at New Delhi on 27th day of September, 2022 that the contents of the above affidavit are correct to my knowledge and belief based on official records and nothing material has been concealed there from.

P. Manathan

DEPONENT

(सुन्दर रामानाथन)
(SUNDAR RAMANATHAN)
वैज्ञानिक 'ई' / Scientist 'E'
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
M/o Environment, Forest and Climate Change
भारत सरकार, नई दिल्ली
Govt. of India, New Delhi



RAJENDRA KUMAR, NOTARY, Reg. No. 5780
F No.-5(486)
EMPOWERED TO ADMINISTER THE OATH
SECTION 138 OF CPC 1908
SECTION 297 OF ORPC 1973
DELHI HIGH COURT RULES 1967
PART-8, CHAPTER XVIII-227
EVIDENCE BY AFFIDAVIT BEFORE NOTARY
SUPREME COURT RULES, 2013
ORDER IX-7

27 SEP 2022

59680

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BEFORE ME *Rajendra Kumar*
RAJENDRA KUMAR
NOTARY, DELHI-R-5780
GOVERNMENT OF INDIA
SUPREME COURT OF INDIA
COMPOUND, NEW DELHI
Register Pg./Sl. No. *5968*
Mobile No.: 9899446209

27 SEP 2022

I CERTIFY THAT THE CONTENTS EXPLAINED TO THE
DEPONENT EXECUTANT WHO IS SEEMED PERFECTLY
UNDERSTAND & AFFIRMED DEPOSED BEFORE ME AT
DELHI ON
27 SEP 2022 IDENTIFIED BY
IDENTITY OF THE EXECUTANT / DEPONENT WHO HAS
SIGNED IN MY PRESENCE.

IDENTITY THE EXECUTANT / DEPONENT
WHO WAS SIGNED IN THE PRESENCE OF

concerned regulatory authority for appraisal. The applicant may alternatively submit a supplementary report to draft EIA and EMP addressing all the concerns expressed during the public consultation.

IV. Stage (4) - Appraisal:

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

(ii) The appraisal of all projects or activities which are not required to undergo public consultation, or submit an Environment Impact Assessment report, shall be carried out on the basis of the prescribed application Form I and Form IA 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 be²⁵ 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 I and Form IA, 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).²⁶ Prior Environmental Clearance (EC) process for Expansion or Modernization or Change of product mix in existing projects:

(a) 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 modernisation of an existing unit with increase in the total production capacity beyond the threshold limit prescribed in the Schedule to this notification through change in process and or technology or involving a change in the product –mix shall be made in Form I and they shall be considered by the concerned Expert Appraisal Committee or State Level Expert Appraisal Committee within sixty days, who will decide on the due diligence necessary including preparation of Environment Impact Assessment and public consultations and the application shall be appraised accordingly for grant of environmental clearance in respect of projects or activities other than falling in clause (b) and (c).

²⁵ Amended *vide* S.O. 1939(E), dated the 13th November, 2006

²⁶ Substituted *vide* S.O. 3518(E), dated the 23rd November, 2016, substituted word *vide* S.O 980(E) dated 2nd March,2021

(b) ²⁷ **Existing projects (having Prior Environmental Clearance) with no increase in pollution load:** Any increase in production capacity in respect of processing or production or manufacturing sectors (listed against item numbers 2,3, 4 and 5 in the Schedule to this notification) with or without any change in (i) raw material-mix or (ii) product-mix or (ii) quantities within products or (ii) number of products including new products falling in the same category or (iv) configuration of the plant or process or operations in existing area or in areas contiguous to the existing area (for which prior environmental clearance has been granted) shall be exempt from the requirement of Prior Environmental Clearance provided that there is no increase in pollution load (derived on the basis of such Prior Environmental Clearance):

Provided that such exemption shall be applicable only consequent to -

- A. the project proponent furnishing information regarding such changes along with no increase in pollution load certificate, from the environmental auditor or reputed institutions empanelled by the State Pollution Control Board or Union Territory Pollution Control Committee or Central Pollution Control Board or Ministry of Environment, Forest and Climate Change, as per the procedure laid down in Appendix-XIII, on PARIVESH portal as well as to the concerned State Pollution Control Board or Union Territory Pollution Control Committee.

Note: If on verification, the State Pollution Control Board or Union Territory Pollution Control Committee, as the case may be, after giving the project proponent the opportunity of being heard, holds that such change or expansion or modernisation results in increase in pollution load, the exemption claimed under this clause shall not be valid and it shall be deemed that the project proponent was always liable to obtain prior environmental clearance, in respect of such change or expansion or modernisation, as per the clause (a) and the provisions of Environment (Protection) Act, 1986 shall apply accordingly;

- B. installation and implementation of Online Continuous Monitoring System (OCMS) with at least 95% uptime, connected to the servers of the Central Pollution Control Board and State Pollution Control Board or Union Territory Pollution Control Committee concerned to report the quantity and quality, of emission and discharges:

Provided further that the provisions of this clause shall not be applicable if such change or increase results in change in category of project or activity from Category-‘B2’ to either Category-‘A’ or Category ‘B1’.

(c)²⁷ Any change in configuration of the plant or activity from the environmental clearance conditions during execution of the project after detailed engineering, in respect of projects or activities, falling in any item of the Schedule to this notification, shall not require prior environmental clearance, if there is no change in production capacity and there is no increase in pollution load subject to furnishing particulars of such changes on PARIVESH portal in the format as may be provided by the Government from time to time, before implementing such changes whereupon a system generated acknowledgement will be issued by the concerned Regulatory Authority. ²⁸

Explanation:- For the purpose of this sub-paragraph, “Pollution load” shall be determined on the basis of multiplication of quantity and concentration of different components and parameters (as provided or referred in the Prior Environment Clearance or the Environment Impact Assessment Report (EIA) and Environment Management Plan based on which such Prior Environment

²⁷ Para substituted *vide* notification number S.O.908 (E), dated the 2nd March, 2021

²⁸ Substituted Clause (c) of sub para (ii) of para 7 *vide* S.O 236(E) 16th January, 2020

Clearance has been granted), in respect of emissions, effluents or discharge, solid, industrial hazardous waste and such other parameters notified under the Environment (Protection) Rules, 1986 as amended from time to time²⁹.

8. ³⁰ Grant or Rejection of Prior Environmental Clearance (EC):

(i) The regulatory authority shall consider the recommendations of the **EAC or SEAC or DEAC** 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 or **District 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 or **District Level Expert Appraisal Committee** concerned. In cases where it disagrees with the recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee or **District Level Expert Appraisal Committee** concerned, the regulatory authority shall request reconsideration by the Expert Appraisal Committee or State Level Expert Appraisal Committee or **District 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 or **District 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 or **District 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 or **District Level Expert Appraisal Committee** concerned shall be final and conveyed to the applicant by the regulatory authority concerned within the next thirty days.

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

²⁹ Para substituted *vide* notification number S.O.908(E), dated the 2nd March, 2021

³⁰ Words in bold in the para were substituted *vide* S.O. 141(E), dated the 15th January, 2016

F. No.J-11015/224/2015-IA.II
Government of India
Ministry of Environment, Forest and Climate Change
(IA-II Section)

Indira Paryavaran Bhawan,
Jorbagh Road, N Delhi - 3
Dated: 15th September, 2017

Office Memorandum

**Sub: Environmental Clearance for expansion of Coal Mining Projects -
Exemption from Public hearing - reg.**

In order to facilitate grant of Environmental Clearance (EC) to the expansion projects of coal mines, Office Memorandums have been issued by this Ministry from time to time providing exemption from public hearing.

2. Ministry of Coal in order to allow rapid expansion in coal production has made request for further dispensation in public hearing to expedite Environmental Clearances.

3. The request of Ministry of Coal was considered by the Expert Appraisal Committee (EAC) in the Ministry constituted for appraisal of projects relating to Thermal and Coal sectors. The Committee has recommended for exemption from public hearing while considering grant of environmental clearances to the expansion projects of coal mines, involving increase in production capacity up to 40% in 2-3 phases after the due diligence and subject to fulfilment of certain requirements as under:-

- (i) Predicted air quality parameters are within the prescribed norms.
- (ii) Coal transportation is through conveyor system up to the silo and then loading to railway wagons, involving no transportation through roads.
- (iii) Coal mining is done through deployment of surface miners, replacing three dust generating operations of the conventional mining system namely drilling, blasting and crushing in one go.
- (iv) Public hearing already conducted for the total mine lease area involved and no more area is required for the proposed expansion.
- (v) Compliance status of EC conditions monitored by the concerned Regional Office of this Ministry is found to be satisfactory.
- (vi) Other statutory requirements like Consent to Establish/Operate, Clearance from CGWA, approval of Mining Plan and the Mine Closure Plan, Mine Closure Status Report as applicable, Forest Clearance, etc are satisfactorily fulfilled.



4. In view of the aforesaid recommendations by EAC, the Ministry has decided to consider the proposals for grant of EC to the expansion of coal mining projects providing exemption from public hearing, in the manner and/or subject to the conditions as under:-

- (a) The proposed expansion can go up to a maximum of 40% of capacity, wherein the last public hearing was conducted.
- (b) There is no increase in area for the proposed expansion vis-a-vis the area in EC, wherein last public hearing was conducted.
- (c) Coal transport is through conveyor system up to the silo and loading to railway wagons, and not by road.
- (d) The EAC shall carry out the due diligence on all the parameters mentioned in para 3 above, and make its recommendations accordingly.
- (e) EAC may consider the need for a third party study through an expert agency in a time bound manner, after grant of EC.

5. This OM shall be in supersession of the earlier OMs issued by the Ministry as under:

- (i) OM No. J-11015/30/2004-IA.II (M) dated 19th December, 2012
- (ii) OM No. J-11015/30/2004-IA.II (M) dated 7th January, 2014
- (iii) OM No. J-11015/30/2004-IA.II (M) dated 30th May, 2014
- (iv) OM No. J-11015/30/2004-IA.II (M) dated 28th July, 2014
- (v) OM No. J-11015/30/2004-IA.II (M) dated 2nd September, 2014

6. This issues with approval of the competent authority.

SKJ
15/9/2017
(S.K. Srivastava)
Scientist E

F. No.IA3-22/23/2021-IA.III [E167077]
Government of India
Ministry of Environment, Forest and Climate Change
(Impact Assessment Division)

Indira Paryavaran Bhawan
Aliganj, Jorbagh Road
New Delhi-110003

Dated: 20th October, 2021

OFFICE MEMORANDUM

Sub: Guidelines for granting Environmental Clearance (EC) for up to 20% expansion of Iron, Manganese, Bauxite and Limestone mining projects – reg.

The Ministry is in receipt of representations from Ministry of Mines and other stakeholders for simplifying the procedure for issuing Environmental Clearance (EC) for Iron, Manganese, Bauxite and Limestone, as done in case of Coal mines to facilitate enhancing the production.

2. The matter was referred to the Joint Expert Appraisal Committee (Coal and Non-Coal Mining Sectors) for its consideration. The committee after due deliberation has provided its recommendations.

3. The matter has been examined in the Ministry in light of the provision already available in the clause (a) of Para 7(ii) of EIA Notification 2006 as amended from time to time wherein applications for prior EC for expansion or modernization or change of product mix in existing projects shall be considered by the concerned Expert Appraisal Committee or State Level Expert Appraisal Committee, who will decide on the due diligence necessary including preparation of EIA report and public consultations and the application shall be appraised accordingly for grant of EC.

4. The Ministry has also examined the recommendations of the committee. With a view to encourage compliant mining projects with 5-star ratings, it has been decided that the expansion of Iron, Manganese, Bauxite and Limestone mining projects (with 5-star ratings) upto 20% of the production capacity (for which EC had been granted on the basis of public hearing) shall be allowed to undertake public consultation instead of Public Hearing at site while granting EC subject to the conditions as under:

- i. The said relaxation would be applicable to only those mining projects that have 5-star rating of Mines as per as per notification from Ministry of Mines.
- ii. The expansion up to a maximum of 20% of production capacity, authorized through prior EC (issued on the basis of public hearing), would be allowed.

- iii. Public Consultation shall be undertaken by obtaining response in writing, as per para 7 III (ii) (b) of EIA Notification 2006.
 - iv. The project must have a prior EC (issued on the basis of public hearing) and capacity indicated in the EC shall be treated as base for expansion.
 - v. The expansion should not involve any increase in the mining lease area that has been authorized through the prior EC.
 - vi. The project proponent shall prepare a detailed Environment Management Plan (EMP).
 - vii. Air quality online monitoring systems, as stipulated by the EAC/SEAC, as per prior EC (already issued) should have been installed.
 - viii. Predicted environmental quality parameters should be within the prescribed norms and the same shall be maintained as per prescribed norms.
 - ix. Project Proponent shall apply in Form-2 on the PARIVESH Portal under para 7(ii) of EIA Notification 2006. The concerned EAC/SEAC shall appraise the project proposal and may prescribe additional environmental safeguards as per requirement after due diligence.
 - x. The dispensation shall be considered only for project that are compliant to the existing EC conditions and the same shall be ensured through a certified compliance report from the concerned Regional Office of the Ministry, not older than one year at the time of application.
 - xi. Other statutory requirements like Consent to Establish/Operate, Clearance from CGWA, approval of Mining Plan, Mine Closure Plan, Mine Closure Status Report, approval of DGMS, Forest Clearance, Wildlife Clearance etc., if applicable, are to be satisfactorily fulfilled at the time of application.
5. This is issued with the approval of the competent authority.


(A K Agrawal)
Director

To

1. Chairman of all the Expert Appraisal Committees
2. Chairperson/Member Secretaries of all the SEIAAs/SEACs
3. Chairmen of all State/UT Pollution Control Boards and Pollution Control Committees
4. Ministry of Mines, Government of India
5. All the Officers of IA Division, MOEFCC

Copy for information to

1. PS to Hon'ble Minister for Environment, Forest and Climate Change
2. PS to Hon'ble MoS (EF&CC)
3. PPS to Secretary (EF&CC)
4. PPS to AS(RA)/JS(SKB)
5. Website MoEF&CC/ Guard file.

F. No. IA3-22/10/2022-IA.III [E177258]
Government of India
Ministry of Environment, Forest and Climate Change
(IA Division)

Indira Paryavaran Bhawan
Jor Bagh Road, Aliganj,
New Delhi - 110003

Dated: 30th May, 2022

OFFICE MEMORANDUM

Subject: Clarification on preparation of revised EIA/EMP report as per the provisions of Office Memorandum dated 11th April 2022 - regarding

Reference is invited to this Ministry's Office Memorandum (OM) dated 11th April 2022 regarding guidelines for granting Environmental Clearance (EC) under para 7(ii)(a) of EIA Notification, 2006, for expansion up to 50%, within the existing premises/mine lease area, without additional land acquisition.

2. In the above mentioned OM, Public Hearing is exempted for expansion up to 50% in stages subject to the project proponent applying on PARIVESH portal in the requisite form under para 7(ii) of the EIA Notification 2006 along with revised EIA/EMP report prepared based on standard ToRs. Further for expansion from 40% to 50% Public Consultation report, as per para 7 III (ii) (b) of EIA Notification 2006, needs to be submitted in addition to the above.

3. In this context, there have been requests for clarification with regard to the procedure to be followed for preparing revised EIA/EMP report for meeting the requirement for expansion as per the provisions of the OM dated 11th April 2022.

4. The matter has been examined in the Ministry. In order to avoid undue delay in obtaining requisite clearance and to ensure that due environmental safeguards are in place, it is hereby clarified that the revised EIA/EMP report based on standard ToRs, may be prepared for a maximum of 50% expansion of the original EC capacity for which public hearing has been held, in order to avail the benefit of the above-said OM dated 11th April 2022. However, the EC shall be granted in phases of 20%, 40% and 50% capacity expansion, based on the above mentioned revised EIA/EMP report, subject to submission of Certified Compliance Reports for ECs granted at each stage.

5. The project proponent shall not be required to prepare revised EIA/EMP report for each expansion phase, if the initial revised EIA/EMP report was prepared for the proposed higher capacity or maximum 50% capacity expansion, whichever is applicable.

6. This is issued with the approval of the Competent Authority.


(Sundar Ramanathan)
Scientist 'E'

Page 1 of 2

To

1. Chairman, Central Pollution Control Board (CPCB).
2. Chairman of all the Expert Appraisal Committees
3. Chairperson/Member Secretaries of all the SEIAAs/SEACs
4. Chairpersons/Member Secretaries of all SPCBs/UTPCCs
5. All the Officers of I.A. Division

Copy for information to:

1. PS to Hon'ble Minister for Environment, Forest and Climate Change
2. PS to Hon'ble MoS (EF&CC)
3. PPS to Secretary (EF&CC)
4. PPS to DGF&SS (EF&CC)
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