

LANDMARK NATIONAL GREEN TRIBUNAL ORDERS

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a. **NGT's guidelines on functioning of EAC**

The judgment highlighted the Expert Appraisal Committee's role in all the stages of grant of EC: Scoping, Public Consultation, Appraisal and Decision for acceptance or rejection of the proposal.

1. Before detailed and comprehensive Terms of Reference addressing all relevant Environmental concerns for the preparation of Environmental Impact Assessment Report are determined, the EAC is expected to be pro-active in to look for other information as to would be available, and secondly it has discretion to reject the application at the stage of scoping upon the total view of the material before it.
2. A conspectus of things previous to the stage of appraisal should be taken by the Expert Appraisal Committee for the purpose of objective evaluation of merits of the proposal for grant of EC and the recommendations are made thereupon.

In addition, the EAC has to consider details of the PP activity in relation to:

- (i) Construction, operation or decommissioning of the project, involving actions, which will cause physical changes in the locality (topography, land use, changes in water bodies).
- (ii) (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)
- (iii) Use, storage, transportation, 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.
- (iv) Production of solid wastes during construction or operation or decommissioning.
- (v) Release of pollutants or any hazardous, toxic or noxious substances to air.
- (vi) Generation of Noise and Vibration, and Emissions of Light and Heat.
- (vii) Risks of contamination of land or water from releases of pollutants into the ground or into sewers, surface waters, ground water, coastal waters or the sea.
- (viii) Risk of accidents during construction or operation of the project, which could affect human health or the environment.
- (ix) 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.
- (x) Environmental sensitivity.

Case Details:

Appeal number 79 of 2014

Debadityo Sinha v. Union of India

Link to

Judgement: http://vindhyabachao.org/embeds/Welspun_Judgment_Mirzapur_Thermal_Power_Dec_2016.pdf

Judgement Date: 21/12/2016

b. Responsibilities of EAC and Project proponent in respect to R&R

There has to be a definite and unambiguous R&R scheme in place before the project can be permitted to be fully established and completely made operational.

Project proponent's responsibilities

- a. At the time of preparation of the TOR, the project proponent has to place all relevant material before the EAC.
- b. PP is expected to disclose the effect of the project on the welfare of the people, vulnerable group of people, who could be affected by the project along with such other information, the disclosure of which would be significant for the purposes of fair consideration of the project.
- c. PP is required to provide full information and, wherever necessary, attach explanatory notes with the Form in relation to land environment, water environment, aesthetics and socio- economic aspects besides environmental management plan.

EAC's responsibilities

- The EAC is required to address all relevant concerns for the preparation of EIA Report in respect of the project or activity for which clearance is sought.
- EAC can recommend imposition of compensation or any other sum payable for causing environmental degradation, and/or for improper disclosure of facts in its application and non- compliance of the terms and conditions of the TOR, the EC, including non-timely furnishing of R&R scheme.
- The authorities concerned, while considering the conditions to be imposed in relation to R&R scheme, shall include all project-affected persons in the R&R scheme, irrespective of the fact whether they have already received compensation or not, wholly or in part, or are still to be paid compensation for acquisition of their land, including the persons otherwise displaced.

- The EAC shall visit the site in question, give public notice and hear the project-affected or displaced persons individually or in a representative capacity and then proceed to record its findings.
- The EAC may impose additional conditions, as it may deem fit and proper, unless the EAC comes to the conclusion that the project ought not to be granted EC.
- The additional conditions shall be imposed in relation to environmental protection, providing of such anti-pollution devices, as may be necessary and particularly for complying with the R&R scheme so formulated.

Case Details:

Appeal number 12 of 2012

M.P.Patil V union of India

Link to Judgement: <https://indiankanoon.org/doc/58003943/>

Judgement date: 13/03/2014

c. Cumulative Impact Assessment and Exemption from Public hearing

Exemption from public consultation, as provided under EIA Notification 2006, is only available to the projects or activities located within the industrial estate or parks which have EIA Notification 2006 as provided for under item 7(c) of the Schedule”.

This provision only exempts such projects located in Industrial area or park, which are already appraised on cumulative basis for their environmental impacts, for activity inside the entire industrial area/park.

The MoEF should conduct inspection of such industries to ascertain comprehensive compliance of EC granted to the Industry and in case of any non-compliance, suitable action be initiated. MoEF should also ascertain cumulative impacts related to thermal power plants in the surrounding areas in this appraisal process.

Case details:

Society for Environment Protection Vs. Union of India and others,

1. Application no. 157(THC) OF 2013;

Link to Judgement:

<http://www.wwfindia.org/?12326/Society-for-Environmental-Protection-Amravati-Vs-Union-of-India-Ors>

Judgement Date: 8 August 2014

2. Sunil Kumar Chugh Vs Secretary, Ministry of Environment and Forests, Appeal No. 66 of 2014

Judgement Date: 03/09/2015

Link to Judgement:

<http://www.indiaenvironmentportal.org.in/files/building%20environment%20clearance%20NGT%20Mumbai.pdf>

d. Environmental Compensation for Restoration of the Environment

- The respondent hadn't complied with the requirements of the Environmental clearance and caused serious environmental degradation.
- As under the 'Polluter Pays Principle', an amount of Rs. 50lakhs was imposed
- The court directed the state of UP:
 - to constitute a Committee consisting of District Magistrate, representative of Pollution Control Board, a representative of Water Resources Department, Senior Officer of the city corporation and the representative of Central Ground Water Authority (CGWA) to prepare a plan for environmental restoration in the affected villagers in question
 - Once the plan is concluded, the committee must consult with the affected villagers in order to get their suggestions on the issue

- The City Corporation, in consultation with the CGWA, issue guideline for ensuring that the future constructions permitted in the area take into account the status of ground water table and impose appropriate restrictions on digging below the groundwater level for the purposes of construction of basements in the multi-story buildings/apartments and other related activities.
- Furthermore, environmental restoration plan and guidelines shall be drafted within a period of 2-3 months by the registry of the tribunal.

Case Details:

Appeal number 133 of 2014

Mukesh Yadav V state of Uttar Pradesh

Link to Judgement:

<http://www.cgwb.gov.in/CGWA/NGT/OA%20133%20OF%2014%20JUDGM ENT%20%20IN%20MUKESH%20YADAV.pdf>

Judgement Date: 29/02/2016

e. Upload Environment Clearance On MoEF/SEIAA Website In 7 Days

1. The EC granted should be uploaded on the MoEF/ SEIAA website as early as possible, latest by 7 days from the date it was granted.
2. The SEIAA/MoEF website has to be maintained properly.
3. One of the EC conditions imposed by the MoEF should be that the granted clearance be widely published by all the stakeholders according to the EIA Notification 2006.

Case Details:

Appeal 1 of 2013

Medha Patkar & Anr VS Ministry Of Environment Ors

Link to judgment:

http://www.indiaenvironmentportal.org.in/files/file/pench%20thermal%20project_11July2013_final_order-1.pdf

Judgment Date: July 11, 2013

f. Date on which EC was uploaded on MoEF website to be used for calculating Limitation Period to file Petition with NGT

1. The limitation period for filing petitions with the NGT [under Section 16 of the NGT Act] commences from the date the order is communicated. This refers to the day when: MoEF uploads the EC on its website such that it can be downloaded without a hindrance and the day the order is put on its notice board

Or

The Project Proponent uploads the clearance on his/her website such that it can be downloaded and publishes it in the newspapers

Case details:

Review Application 9 of 2013 of Appeal mentioned above

Medha Patkar & Anr VS Ministry Of Environment Ors

Link to judgment:

[http://www.greentribunal.gov.in/judgment/9_2013\(RA\)_28Nov2013_final_order.pdf](http://www.greentribunal.gov.in/judgment/9_2013(RA)_28Nov2013_final_order.pdf)

Judgment Date: November 28, 2013

g. MoEF should make available all relevant info about a project to the public

h. Cumulative impact assessment required for plant situated close to ecologically fragile ecosystems

1. The MoEF should make available in its website all the relevant information other than EIA report and report of the public hearing considered during the appraisal of the project - including the executive summary of specific studies
2. The State Pollution Control Board (SPCB) should make available in its website pertinent information regarding the public hearing proceedings, Consent to Establish and Consent to Operate, compliance status etc
3. The Project Proponent must upload the compliance status of EC conditions, including the Executive Summary of the specific studies done in respect of the project and update the same periodically
4. Keeping in view the precautionary principle and sustainable development approach, cumulative impact assessment studies are required to be done in order to suggest adequate mitigative measures and environmental safeguards to avoid adverse impacts on ecologically fragile eco-system of Pichavaram Mangroves and to the biological marine environment in the vicinity.

Case Details:

Appeal number 17 f 2011 (t), NEAA No 20 of 2010

T Murugandam & Anr VS MoEF & Ors

Link to judgment:

http://www.ercindia.org/files/EIA-Review-TPP/judgments/NGT_Muruganandam.pdf

Judgment Date: 23 May, 2012

i. MoEF must ensure EIA'S adherence to TOR**j. Suggestions for public hearing**

1. MoEF should evolve a strict mechanism to check that the ToR is duly complied in the draft EIA before it is uploaded on the website conducting the PH
2. The final EIA report shall be evaluated by the MoEF in terms of awarded ToR, draft EIA and suggestions made during PH before it is placed to the EAC for appraisal.
3. The MoEF may consider granting all the clearances that are required under the Environment Protection Act for a project together instead of making a piecemeal approach, which may result in fragmented and incomplete/lopsided evaluation of the project, both environmentally and ecologically
4. A procedure requiring approval of the draft EIA Report needs to be introduced to avoid any ambiguity vis-à-vis with the ToR
5. The MoEF may have to strengthen the PH process and make it more meaningful by taking the following suggestions:
 - a) The draft EIA must be presented by the Project Proponent in the presence of all the people assembled for PH, item wise
 - b) Leaders of local institutions like Gram Panchayat, Samiti, MLAs and MPs can be requested to be present in the hearing. They may also speak as to the viability or otherwise of the project and submit their written representations
 - c) The PH should strictly be confined to the issues that arise from the draft EIA Report and ancillary to it
 - d) The persons who want to speak in the PH may be asked to give their names in a prescribed form indicating details such as name, father/husband's name, name of the village, Taluk/Tehsil, the extent of land if any, affected, and the subject on which he or she wants to speak etc

- e) No person shall be allowed to enter the hall where PH is being conducted holding party flags and they shall not be allowed to raise party slogans.
 - f) Those who do not want to speak may be asked to stand/sit behind the persons intending to speak in a separate enclosure
 - g) Those who have given names may be called to the dais one by one and be allowed to speak on the subject indicated allotting about five minutes time to speak
 - h) The Authority conducting PH may be asked to take active part in following each and every minute procedure required for conducting the PH
 - i) At the end, all the views whether for or against the project may be pulled subject wise/issue wise and the same be briefly replied by the Project Proponent
 - j) The Authority conducting PH shall prepare minutes of the meeting strictly in accordance with the EIA Notification, 2006 and make it known to the public.
 - k) The PH proceedings shall be drawn in a tabular form addressing each and every issue raised in the PH and the reply offered by the project Proponent.
 - l) If the project involves a presentation or clarification that requires knowledge of science and technical issues, an environmentalist or scientist can be invited to speak on the occasion in the presence of the public and submit his/her own views in writing on the subject
6. EAC minutes should incorporate detailed reasons, in writing, for acceptance or otherwise against each issue arising out of PH and brought before it
7. The MoEF may consider placing these suggestions before the EACs for further refinement of the procedure to be adopted in conducting PH.

Case Details:

Appeal No 12 of 2011

Ossie Fernandes & Anr VS MoEF & Ors

Link to judgment:

[http://www.greentribunal.gov.in/judgment/12-2011\(AP\)_30May2012_final_order.pdf](http://www.greentribunal.gov.in/judgment/12-2011(AP)_30May2012_final_order.pdf)

Judgment Date: May 30, 2012

k. Public hearing is not just for locals living close to project site

l. SPCB should carry project info on its website

1. The EIA Notification of 2006 does not preclude or prohibit persons not living in the close proximity of the project site from participating in the public hearing - they too are permitted to participate and express their views for or against the project
2. Locally affected persons can give their responses in writing to the concerned authorities, even if they were unable to participate in the public hearing
3. The EIA Notification does not prohibit a person who lives at a distance from the plant from attending the public hearing
4. If the website of the State Pollution Control Board does not carry relevant information about the project or activity for which a public hearing is contemplated, it can amount to giving inadequate notice to the local populace, thereby vitiating the public hearing

Case Details:

Writ Petition (Civil) No. 9317 of 2009

Samarth Trust & Anr VS Union Of India & Ors

Link to judgment: <http://indiankanoon.org/doc/1050363/>

Judgment Date: May 28, 2010

m. Nuclear radioactivity level of coal should be included in TOR

n. PH should ideally be held within 1 km of project site

1. The Ministry of Environment and Forests shall include in the Terms of Reference of all the future projects asking the Project Proponent to furnish details of possible nuclear radioactivity levels of the coal proposed to be used for the plant
2. It is desirable to conduct the Public Hearing within the close proximity of the project site, say within 1 km radius
3. The notification inviting people to participate in the Public Hearing has to be clearly worded. The authorities should take care to avoid any ambiguous or inappropriate wording

Case Details:

Appeal No 7 of 2011 (T)

Krishi Vigyan Arogya Sanstha & Anr Vs MoEF & Ors

Link to judgment: <http://www.ercindia.org/files/Koradi%201.pdf>

Judgment Date: September 20, 2011

o. EAC should scrutinise final EIA for how the concerns of the local people have been addressed

EAC should conduct a detailed scrutiny of the Final EIA and state as to how the objections raised by the members of public have been addressed by the Project Proponent

Case Details:

Appeal No. 10/2011 (T)

Jeet Singh Kanwar & Anr VS MoEF & Ors

Link to judgment:

<http://www.indiankanoon.org/doc/16871829/>

Judgment Date: 16 April, 2013

p. No drastic variation allowed between draft & final EIA

Suggestions to the MoEF

1. The MoEF should evolve a mechanism to check that the draft EIA has been prepared by the Project Proponent according to the ToR.
2. The MoEF should ensure that the draft EIA is according to the ToR, and then place it on its website before conducting the PH.
3. If the draft EIA report prepared by the Project Proponent is not in consonance with the ToR awarded, it may reject the same and ask for fresh draft EIA.
4. After conducting the PH and submission of the final EIA, the MoEF should evaluate if it is in tune with the ToR and the proceedings of the PH.
5. The MoEF may take care that there are no drastic variations between the draft and final EIA except for certain intrinsic technical and scientific information related to the project, and things which are necessary for furthering the environmental and ecological interest.
6. The MoEF to consider displaying the final EIA in public domain before the grant of EC – so that representations can be made before the EAC.
7. The PH cannot be said to be vitiated because it was not conducted within 45 days from the date of receipt of the draft EIA by the MoEF.

Case details:

Appeal No. 20/2011 (T)

Ramesh Agrawal & Anr VS SEIAA & Ors

Link to judgment: <http://www.indiankanoon.org/doc/59958653/>

Judgment Date: May 31, 2012

q. Primary data for socio-economic data in EIA is a must

During the preparation of the EIA Report, Environmental Consultants should gather some primary material with respect to the socio-economic data in the Project area and carry out some preliminary survey to understand the basic needs of the people in the project area so that appropriate environmental management plan is formulated.

Case Details:

Appeal No. 25 of 2011

Vinod R. Patel VS Gujarat State Level Environment Impact Assessment Authority

Link to Judgment: <http://www.indiankanoon.org/doc/161693875/>

Judgment Date: December 18 2012

r. MoEF to review scrutiny mechanism of EAC

1. The Expert Appraisal Committee [EAC] should record and maintain the details of technical discussion amongst its members. It is essential that the views, opinions, comments and suggestions made by each and every member of the committee are recorded in a structured manifest/ format.
2. Where a particular point is not decided unanimously by the EAC, specific noting should be prepared and scientific reasons for accepting the majority view should be recorded and maintained for future reference.
3. Seldom do the minutes of EAC meetings make a specific mention about the viewing of videograph of the public hearing submitted for its consideration. The EAC should take note of this and incorporate its view on the same in the minutes of the meeting, in future.
4. The EAC is directed to review its appraisal process with regard to issues raised in the public hearing and give attention to points missed by it, if any, during the earlier process of appraisal and stipulate additional conditions, if so warranted.
5. The MoEF is directed to restrict generic conditions in the Environmental Clearance document to a bare minimum and impose conditions that would reflect the need and feasibility to address specific issues on a case to case basis.
6. The scrutiny mechanism of the EAC should be reviewed by the MoEF and a more explicit documentation be made and maintained, in future. The Chairman of EAC has been directed to ensure complete compliance of this aspect in all future appraisals.

Case Details:

Appeal No. 9 of 2011

SAMATA & Anr Vs The Union of India & Ors

Link to Judgment:

[http://www.greentribunal.gov.in/judgment/92011\(SZ\)\(Ap\)_13Dec2013_final_order.pdf](http://www.greentribunal.gov.in/judgment/92011(SZ)(Ap)_13Dec2013_final_order.pdf)

Judgment Date: 13 December, 2013

IMPORTANT CIRCULARS OF MOEF

- 1. Additional studies beyond TOR**
- 2. Corporate Social Responsibility**
- 3. Ash content standards**
- 4. Exemption from public consultation**
- 5. Categorization of Environmental Clearance conditions**
- 6. Transfer of EC**
- 7. Preparation and presentation of EIA/EMP report by accredited consulting agencies**
- 8. Categorization of Category 'B' projects/activities**
- 9. Information Submission & Availability**
- 10. Coal Linkage**
- 11. Ultra Mega Power Projects (UMPP)**
- 12. Violation Of EC/FC/CRZ**
- 13. Public Hearing**
- 14. Monitoring Existing Plants**
- 15. Projects on Same Land**
- 16. Corporate Environment Policy**
- 17. Permitted Activities Before Issue of EC**
- 18. Project Expansion**
- 19. Validity of ToR**
- 20. Interlinked Projects**

1. Additional studies beyond TOR

During the appraisal stage of the project, when the EAC/SEAC finds the EIA/EMP reports has any false/misleading information or the EAC/SEAC doesn't feel satisfied with the report interms with TOR, it can seek for Additional studies/ Additional information from the proponent beyond the TOR which is site-specific.

Date: 7/10/2014

Link:http://www.moef.gov.in/sites/default/files/OM_EAC_SEAC_07_10_2014.pdf

2. Corporate Social Responsibility

This circular seeks to incorporate Companies (Corporate Social Responsibility Policy) Rules, 2014 issued by Ministry of Corporate Affairs within the EIA report, specifically activities ensuring sustainable development listed out in schedule VII of section 135 of the Companies Act, 2013.

It has provided for

- In respect of valid concerns expressed during the public consultations, mitigation issues emerging from social impact assessment and R&R Plan, the project proponent in the EIA / EMP report will clearly state the activity-wise costs involved, including the phasing of these activities along with costs and also as to how such expenditure would be met.
- The costs and the timelines for various activities as prepared by the project proponent may be looked into by the concerned Expert Appraisal Committee (EAC). Appropriate recommendations in the matter reflected in the minutes of EAC meeting
- In case, these activities (or some of these activities) are proposed to be covered by the project proponent under CSR activities, the project proponent should commit providing for the same.
- In either case, the position regarding the agreed activities, their funding mechanism and the phasing should be clearly reflected in the EC letter.

Date: 11/08/2014

Link:http://www.moef.gov.in/sites/default/files/OM_ESCSR.pdf

3. Ash content standards

In order to ensure compliance with the above notification, passed by the Ministry of forest, Environments and Climate Change regarding supply and use of coal with ash content not exceeding 34% to coal based Thermal Power Plants, the following is recommended:

- The thermal power plants that attract the notification must submit its compliance along with reports of environmental safeguards given in the ECs and consents to the Ministry's Regional Office and the concerned SPCB.
- The regional office and SPCB should ensure that the above is followed and take necessary actions if it is not followed. Any non-compliance must be brought to the notice of the regional office and the concerned SPCB
- The concerned EACs/ SEACs must look into and make sure the notice is complied with. This shall be done while appraising the proposals for EC, especially with the expansion cases and accordingly provide for the requisite conditions.

Date: 25/09/2014

Link: http://www.moef.gov.in/sites/default/files/OM_use_of_coal_25_09_2014.pdf

4. Exemption from public consultation

The exemption from public hearing is available to all projects or activities located within industrial estate or parks who were notified before 14.09.2006 or before the 2006 Notification came into force.

Date: 10/12/2014

Link: <http://www.moef.nic.in/sites/default/files/O.M%20Dated%2010.12.2014.pdf>

5. Categorization of Environmental Clearance conditions

Currently the conditions for the granting of the EC under the notification of 2006 are broadly categorized into "specific" and "general". While some of the EC conditions may apply for the entire life of the project, others may specifically apply for the different phases of

implementation of project. Accordingly, henceforth, in both the general and specific, for both category A and category B projects, it may be categorised under the following categories

- Conditions for pre-construction phase
- Conditions for construction phase
- Conditions for post-construction/ operation phase
- Conditions for the entire life of the project

Date: 07/10/2014

Link: http://www.moef.gov.in/sites/default/files/OM_phases_IA_Projects_07-10-2014.pdf

6. Transfer of EC

Where an allocation of coal block is cancelled in any legal proceedings, the government in accordance with law, Environment Clearance which is granted for this coal block shall be transferred to any other legal person to whom the coal block is allocated. In this case, they need not obtain a “no objection certificate” or refer to an Expert Appraisal committee or state level appraisal committee.

Date: 23/03/2015

Link: <http://envfor.nic.in/sites/default/files/S.O.%20811%20E%20.pdf>

7. Preparation and presentation of EIA/EMP report by accredited consulting agencies

Preparation and presentation of Environment Impact Assessment (EIA) report and Environment Management Plan (EMP).-

The Environmental consultant organisations accredited with the Quality Council of India (QCI) or National Accreditation Board for Education and Training (NABET) or any other agency as may be notified by the Ministry of Environment, Forest and Climate Change is authorised to prepare the EIA report and EMP of a project in that sector and category for a particular sector and the category of project for that sector.

It can also appear before the concerned Expert Appraisal Committee (EAC) or the State Expert Appraisal Committee (SEAC).

The Ministry will also prepare a panel of national level reputed educational and research institutions to work as Environmental Consultant Organisations

Date: 03/03/2016

Link: <http://envfor.nic.in/sites/default/files/168381.pdf>

8. Categorization of Category 'B' projects/activities

For the Thermal power plants based on coal/ignite/naphtha which has the capacity less than 5 MW will be categorised as B2 and which is greater than 5 mw but less than 500 mw will be B1 category

Date: 24/12/2013.

Link: <http://www.envfor.nic.in/sites/default/files/ia-24122013.pdf>

9. Information Submission & Availability

UPLOADING ON WEBSITE:

ToR, Form 1 & Pre Feasibility Report should be uploaded on the MoEF website before the ToR is conveyed to the Project Proponent. This is the responsibility of the concerned Director and Member Secretary of the sectoral EAC. That officer should also ensure the EIA, EMP, Public Hearing Minutes, EAC Minutes and EC are uploaded on the MoEF website before EC is conveyed to Project Proponent

Date of Order: August 29, 2013

Link: <http://www.MoEF.nic.in/sites/default/files/OM-reg-sTorage-of-files-29.8.13.pdf>

SUBMISSION OF ADDITIONAL INFORMATION:

If the EAC asks a Project Proponent to submit any information, it has to be submitted within 6 months of the EAC meeting date. After this period, if the information has not been submitted, the project will be delisted from the list of pending projects. If it has been pending for three - six months from the EAC's request for information, a reminder can be sent to the Project Proponent to provide it in a month. If the Project Proponent fails to do so, the project should be delisted from the pending projects list.

Date: 30 October 2012

Link : <http://MoEF.nic.in/assets/ia-30102012.pdf>

SUBMISSION OF SOFT COPIES OF PROJECT DOCUMENTS:

In addition to hard copies, Project Proponent should submit soft copies as PDFs of the following documents to the MoEF/SEIAA:

- Form 1
- Pre Feasibility Report
- Draft ToR
- EIA
- Filled-in Questionnaire for EIA Projects
- Public Hearing Proceedings
- All Study Reports undertaken at the instance of the EACs
- Any Additional Information submitted by Project Proponent to the EAC

This is to facilitate uploading of these documents in the MoEF/ SEIAA websites. Any information submitted without soft and hard copies should be considered incomplete and not processed. Member Secretaries of EAC and the SEIAA should upload these documents along with EAC/ SEAC Site Visit Reports.

Date: March 20, 2012

Link: <http://envfor.nic.in/downloads/public-information/order-20032012-a.pdf>

PROVIDING CORRECT & ORIGINAL INFORMATION:

The onus of submitting correct data in the EIA rests with the Project Proponent as it is time consuming for the MoEF or the EAC to compare the contents of one EIA with another to check for copied data or information. So, the Project Proponent has to submit an undertaking in the EIA report, owning the contents of the EIA. If it is brought to the notice of the MoEF at any stage that data has been lifted out of other reports in the EIA, the project will be summarily rejected. The Project Proponent should then apply afresh for EC. If the EC has been issued based on a copied EIA Report, it will be cancelled. The procedure for clearance has to be initiated afresh in this case.

Further, the EIA Consultant will be delisted from the list of accredited consultants.

Date: October 5, 2011

Link: http://envfor.nic.in/downloads/public-information/OM_IA_ownershipEIA.pdf

10. Coal Linkage

For Thermal Power Plants dependent on domestic coal from coal baskets of Coal India or Singareni Collieries Company which have the EC/FC, proposal for EC will be considered only when the calorific value, ash and sulphur content of the coal in the basket is mentioned in the EIA/EMP.

Coal linkage is a prerequisite for awarding clearance for a proposed project. A Fuel Supply Agreement or a linkage to a specific mine/ basket of mines/ dedicated coal block, as stipulated by the Standing Linkage Committee of the Ministry of Coal is required. The linkage must provide the ash and sulphur content of the coal, apart from its calorific value. These qualities of coal must be taken into account while preparing the EIA for the project.

Later, if any of these parameters of coal have changed, it has to be referred to the MoEF for revisiting the conditions of the EC and to check for adequacy. These may include additional conditions, including provisions for Flue Gas Desulphurisation for control of Sulphur Oxide emissions.

Date: 19 April 2012

Link : <http://envfor.nic.in/downloads/public-information/notif-20042012.pdf>

The Coal Linkage is required in the EIA Report and not for issuance of Terms of Reference.

Date: 19 January 2011

Link : <http://envfor.nic.in/downloads/public-information/Cir-19-01-2011.pdf>

11. Ultra Mega Power Projects (UMPP)

Inviolate areas are those in which certain industrial activities are not permitted. If a coal block linked to an UMPP is not in an inviolate area, then the EC for the UMPP will be considered individually, without being linked to the EC & Stage 1 FC necessary for the coal allocation.

For UMPPs that are using imported coal, the following parameters are a must:

Gross Calorific Value (Kcal/Kg)	-	5000 minimum
Ash content	-	12% maximum
Sulphur content	-	0.8% maximum

The validity of the EC is subject to the adherence to these parameters.

The EIA/EMP for these projects should also include these details:

- Port, Jetty, Railway Line required for imported coal

- Coal handling capacity of port
- Transportation of coal from port to plant

Date of Order 1 - 30December 2013

Link : <http://MoEF.nic.in/sites/default/files/OM%2030.12.2013.pdf>

Date of Order 2 - February 5, 2013

Link : <http://MoEF.nic.in/assets/om-050513.pdf>

12. Violation Of EC/FC/CRZ

Project Proponent must explore the feasibility of locating the project on non-forest land. If that is not possible, a prior application should be made seeking approval for diversion of forest land and before submitting a Form 1. The EC has to be issued for such projects only after Stage 1 approval for diversion of forest land (under the Forest Conservation Act, 1980) has been obtained.

- If the Project Proponent has carried on construction without a valid CRZ or FC or EC or in violation of conditions therein, the MoEF should order suspension of construction activities at the existing level till the required clearance is obtained or is amended.
- If a Project Proponent is engaged in production beyond the capacity for which CRZ/EC has been issued, then the MoEF should order the proponent to restrict production to the approved capacity till clearance for the expanded amount has been obtained.
- If a plant is operating without a CRZ/EC, then the MoEF should order full stoppage of production till the clearances are obtained.
- Modernisation of a project or changing its product mix should be stopped by the MoEF till the clearances are obtained and status quo prior to such modernisation/change should be maintained.

The MoEF is entrusted the task of issuing these orders, apart from obtaining compliance of the same from the Project Proponent. For any violation of the directions issued above, legal action can be taken by the MoEF against the Project Proponent under the provisions of the EPA 1986, and clearances summarily rejected.

Date of Order: June 27th 2013

Link: <http://www.MoEF.nic.in/sites/default/files/om-270613.pdf>

OPERATING WITHOUT CLEARANCE:

If complaints are received by the MoEF about a plant operating without required CRZ/EC, the veracity of the complaint will be verified by the Coastal Zone Management Authority, State Government or Regional Offices of the MoEF. In 60 days, the Project Proponent has to take the matter to the Board of Directors (for Companies) or the CEO (for Trusts) and obtain a formal resolution to not repeat the violation. In the meantime, the project will be delisted by the MoEF. The details of the Project Proponent and a copy of the resolution will be uploaded in the MoEF website.

If no response has been received within 60 days, it will be assumed that the Project Proponent is not interested in pursuing the project and the file will be closed. Fresh Procedures need to be initiated if Project Proponent is still interested in the project.

State Governments should initiate credible action for taking legal action on the Project Proponent for the period of violation. It should then provide MoEF evidence of credible action taken.

After action has been taken on violation/s, the usual procedure for obtaining the clearance will be adopted. However, giving ToR or EC for these cases will not be a matter of right for the Project Proponent. If the nature of the violation is serious, the Ministry can reject the proposal outright.

Date: 12 December 2012

Link : <http://MoEF.nic.in/assets/om-12122012-b.pdf>

13. Public Hearing

PUBLICITY:

Hearings related to different projects cannot be held at the same time on a given day. Sufficient time should be given between the two hearings if they are scheduled on the same day.

The Public Hearing proceedings should mention details of publicity given by the SPCB for the hearing. SPCB should certify that the process followed was adequate.

April 19, 2010

Link : http://envfor.nic.in/divisions/iass/Cir/pub_hear_EIA.pdf

PUBLIC HEARING IN SEZs:

If an SEZ as a whole has had a public hearing, its individual units can be exempt from holding another hearing. But fresh hearing must be conducted for any type of individual unit/process, not part of the SEZ during the earlier public hearing.

Date: November 1, 2012

Link : <http://MoEF.nic.in/assets/ia-01112012.pdf>

UPLOADING PH PROCEEDINGS:

All State Pollution Control Boards/ Union Territories Pollution Control Committees should regularly and with due priority display the proceedings of the public hearing in their respective websites.

Date: March 20, 2012

Link : <http://envfor.nic.in/downloads/public-information/order-20032012-b.pdf>

14. Monitoring Existing Plants

Site visits by the regional office of MoEF to monitor compliance to EC conditions of existing projects, should also check compliance of transparency conditions of the EC. This should be included in their monitoring report.

The transparency condition in EC letters usually includes a condition on uploading compliance status and monitoring data on the website of the proponent. The latest Compliance Report should be uploaded in the MoEF/SEIAA website. All Compliance Reports are public documents.

Date: August 5, 2011

Link : <http://envfor.nic.in/downloads/public-information/O.M-dated-05.08.2011.pdf>

Existing Thermal Power Plants with a capacity over 500 MW should conduct a continuous monitoring of stack emissions as well as ambient air quality of their plant. Corrective measures as required must be taken to ensure emissions are within permissible limits.

A six monthly monitoring report has to be submitted to the SPCB, Regional Office of the MoEF and uploaded in the Project Proponent company's website. The ambient air quality data and stack emission data should be displayed in public domain in a common place near the main gate of the company and updated real time.

Date: April 6, 2011

Link : <http://envfor.nic.in/downloads/public-information/Addtnl-Con-mega-prjt.pdf>

15. Projects on Same Land

If two projects have applied for Environmental Clearance on the same land, both projects will be put on hold, and the respective state government asked to advice on this. The project favoured by the state government will then be taken up for appraisal, and EIA procedure duly followed.

Date: 8 June, 2011

Link : <http://envfor.nic.in/downloads/public-information/App-rcvd-prcdr.pdf>

16. Corporate Environment Policy

All Central Public Sector Units and TPPs with capacity equal to and over 500 MW should adopt a Corporate Environment Policy to ensure adherence to Forestry/Environmental Clearance conditions. Their Board of Directors should be informed of any violations of the EC and FC conditions that have been found by the Ministry or any public authority and should be announced in the Project Proponent's website and annual report. For all project proposals, the EAC should deliberate on aspects related to the Corporate Environment Policy, especially about its adherence and comprehensiveness.

Date: 26 April 2011

Link : <http://envfor.nic.in/downloads/public-information/corporate-env-res.pdf>

17. Permitted Activities Before Issue of EC

Fencing of the site to prevent encroachment.

Construction of temporary sheds for security personnel.

For any other activity, ToR can be suspended or withdrawn and penal action initiated against the Project Proponent under the provisions of the Environment Protection Act, 1986.

Date: 19 August, 2010

Link : <http://envfor.nic.in/downloads/public-information/Act-prior-EC.pdf>

18. Project Expansion

The proposal for EC for an expansion project will be considered only if the implementation of the previous phase has commenced. If EC has not been issued for the earlier phase, the Project Proponent has to apply afresh clubbing all the phases so that the environmental issues can be assessed holistically.

Date: March 22, 2010

Link : http://envfor.nic.in/divisions/iass/Cir/EXP_EC.pdf

When a Project Proponent applies for EC for expanding an existing project, a certified report by the Regional Office of the MoEF should be submitted on compliance to EC conditions. Without this document, the application for expansion will not be accepted. This compliance report should be discussed in the EAC meeting for the appraisal of the expansion project, and duly recorded in its minutes.

Date: May 30, 2012

Link : <http://MoEF.nic.in/downloads/public-information/eia-300512.pdf>

19. Validity Of ToR

The ToR should be issued with a validity period of 2 years for the submission of the EIA/EMP reports. Exemption may be given with an outer limit of three years based on proper justification and approval of the EAC/SEAC.

March 22, 2010

Link : http://envfor.nic.in/divisions/iass/Cir/TOR_EC.pdf

20. Interlinked Projects

Integrated and interlinked projects having multi-sectoral components should prepare a common EIA report, covering each of the components comprehensively, after obtaining ToRs from each sectoral EAC/SEACs. The common EIA report should be considered cumulatively by each of the sectoral EAC/SEACs. Based on their recommendations, the proposals will be processed on individual files for obtaining simultaneous approval of the regulatory authorities.

Date: December 24, 2010

Link : <http://envfor.nic.in/downloads/public-information/integrated-interlinked-prjt.pdf>