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AMENDMENT IN EIA NOTIFICATION 2006

Background: The Ministry of Environment and Forests (MOEF), Government of India (GOI) through *Notification number S.O.1533(E)*, dated 14th September 2006 issued the Environment Impact Assessment (EIA) Notification (hereafter referred to as *the EIA Notification 2006*), under *Sub-Section (1) and Clause (v) of Sub-Section (2) of Section (3) of the Environment (Protection) Act 1986 (EPA 1986)* read with *Clause (D) of Sub-Rule (3) of Rule 5 of the EPA 1986*, directed 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 the said *Notification* entailing the capacity addition with change in process or technology and/or product mix shall be undertaken in any part of India only after Prior Environmental Clearance (PEC) from the Central Government or as the case may be, by the State level Environment Impact Assessment Authority (SEIAA), duly constituted by the Central Government under *Sub-Section (3) of Section 3* of the said *Act* in accordance with the procedure specified therein.

Further, the MOEF had constituted a High Level Committee under the Chairmanship of Member (Environment and Forests and Science and Technology), Planning Commission, through *Office Memorandum (OM) No.21-27012008-IA.III* dated 11th December 2012 to review the provisions of *the EIA Notification 2006* relating to granting EC for Roads, Buildings and SEZ (Special Economic Zone) projects and provisions under the *OM* dated 7th February 2012 issued by the MOEF regarding guidelines for High-Rise Buildings.

One of the items in the Terms of Reference (TOR) of the Committee was to review the requirement of EC for highway expansion projects up to the right of way of 60 m and length of 200 Km under *the EIA Notification 2006 (as amended)*.

The Committee submitted its report to the Ministry and on this specific item of the *TOR*, the Committee has recommended exempting highway expansion projects from the requirement of scoping and further that the EIA or Environment Management Plan (EMP) for highway expansion projects may be prepared on the basis of model *TORs* to be posted on Ministry's website. In respect of the requirement of EC, the Committee has recommended that expansion of National Highway (NH) projects up to 100 Km length and involving additional Right of Way (ROW) or land acquisition up to 40 m on existing alignments and 60 m on re-alignments or by-passes may be exempted from the preview of the *Notification*;

The report of the Committee has been examined in the MOEF. All State Highway expansion projects, except those in hilly terrain [above a height of 1,000 m amsl (above mean sea level)] and ecologically sensitive areas, have already been exempted from the purview of the *EIA Notification 2006* through *Notification S.O. 3067(E)*, dated the 1st December 2009.

The MOEF has decided to accept the aforesaid recommendations of the High Level Committee constituted through *OM No.21-270/2008-IA.III*, dated 11th December 2012.

Now, the Central Government, 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)* with *Sub-Rule (4) of Rule (5) of the EPA 1986*, after consultation with the MOEF, has further amended the

Notification of GOI, MOEF S.O. 1533(E), through **Notification#S.O. 2559 (E) dated 22nd August 2013**. The recent amendments in the *Notification* are given below:

Note: The amendment in the *Notification* is highlighted below in grey background and whatever has been substituted through this *Notification* has been stroked through.

2. In the said *Notification*,

(a) In *Paragraph 7*, in *Sub-Paragraph 11*, for *Item (i)*, the following *Item* shall be substituted, namely:

~~(i) "Scoping": refers to the process by which the EAC in the case of *Category 'A'* projects or activities, and State level EAC 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 TOR addressing all relevant environmental concerns for the preparation of an EIA Report in respect of the project or activity for which prior environmental clearance is sought. The EAC or State level EAC concerned shall determine the TOR on the basis of the information furnished in the prescribed application Form1/Form 1A including TOR proposed by the applicant, a site visit by a sub-group of EAC or State level EAC concerned only if considered necessary by the EAC or State Level EAC concerned, TOR suggested by the applicant if furnished and other information that may be available with the EAC or State Level EAC 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.~~

(i) "Scoping" refers to the process by which the Expert Appraisal Committee (EAC) in the case of Category-A projects activities, and State level Expert Appraisal Committee (SEAC) in the case of Category 'B1' projects or activities. including applications for expansion or modernization or change in product mix of existing projects or activities, determine detailed and comprehensive TOR addressing all relevant environmental concerns for the preparation of an EIA Report in respect of the project or activity for which Prior Environmental Clearance (PEC) is sought and the EAC or SEAC concerned shall determine the TOR on the basis of the information furnished in the prescribed *Application Form-I* or *FormI A* including TOR proposed by the applicant, a site visit by a sub-group of EAC or SEAC concerned (only if considered necessary by the EAC or SEAC concerned), TOR suggested by the applicant, if furnished, and other information that may be available with the EAC or SEAC concerned:

Provided that the following shall not require Scoping-

(i) All projects and activities listed as *Category 'B'* in *Item 8* of the *Schedule (Construction or Township or Commercial Complexes or Housing)*.

(ii) All Highway expansion projects covered under *Entry (ii)* of *Column (3)* and *Column (4)* under *Sub-Item (f)* of *Item 7* of the *Schedule*:

Provided further that-

A. The projects and activities referred to in *Clause (i)* shall be appraised on the basis of *Form-I* or *FormIA* and the Conceptual Plan.

B. The projects referred to in *Clause (ii)* shall prepare the EIA and EMP Report on the basis of model TOR specified by the MOEF.

(b) in the *Schedule*, against *Sub-Item (f) of Item 7*, in *Column (3)*, for the *Entry (ii)*, the following entry shall be substituted, namely:

PROJECT OR ACTIVITY		CATEGORY WITH THRESHOLD LIMIT		CONDITIONS, IF ANY
		A	B	
(1)	(2)	(3)	(4)	(5)
7(f)	Highways	(i) New National Highways; and (ii) Expansion of National Highways > 30 Km, involving additional right of way >20 m involving land acquisition and passing through more than one State.	(i) All New State Highway Projects ¹ ; and (ii) State Highway expansion projects in hilly terrain (above 1,000 m AMSL) and or Ecologically Sensitive Areas. (ii) Expansion of NH greater than 100 Km involving additional right of way or land acquisition greater than 40 m on existing alignments and 60 m on re-alignments or by-passes.	General Condition shall apply. <u>Note:</u> Highways include expressways.

If you are interested to know more about specific details provided in the *Original Notification*, scanned copies of the same is attached for your kind review and information.



If you have any queries or need any clarifications or more information on the above, Please contact our *EHS Helpline* on +91-11-2627 1433 OR +91-11- 4052 5413 OR Please send query to envirotrends@indusenviro.com



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¹ Amendment made through Notification dated 4th April 2011.