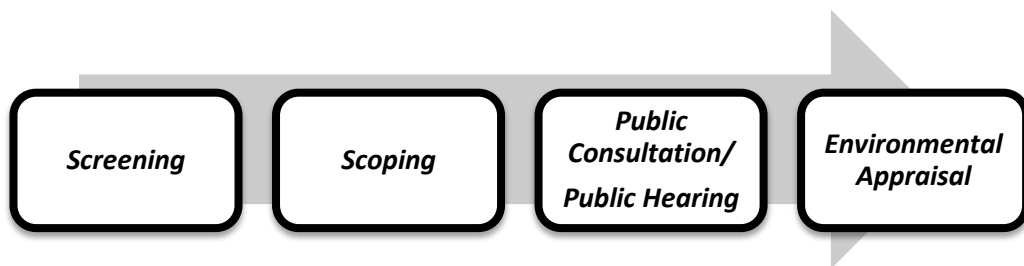


Environment Clearance in India: A Step-by-Step Guide

Process of Environmental Clearance

Environmental clearance process is governed by EIA Notification 2006 of MoEF and CC and its complete process involves screening, scoping, hearing consultation and appraisal of the project. The main objective of Environmental clearance is to assess the impact of the proposed project on the environment and habitant in that area and try to abate the impact of the same.

Environmental Clearance process involves following stages to obtain final Appraisal of the proposed project by Appraisal Committee.



Based on the Category A or B of upcoming/proposed project shall be reviewed and approved or rejected by EAC or State level EAC.

Stage I:

Screening- After the selection of the project location which will comply with the guideline. The project proponent then will assess in which category the proposed project falls in and if it requires environmental clearance and environment impact assessment study.

There are two categories – **A category and B category.**

- Projects falling under **A category** go to MoEF & CC for clearance.
- Projects falling under **B category** go to State government for clearance which further gets categorized into B1 and B2 projects.

B2 projects do not require preparation of EIA report. But depending upon the project and its location the Appraisal Committee can ask project proponent to carry out EIA study.

Stage II:

Scoping-

- 1) Expert Appraisal Committee (EAC) in the case of Category 'A' projects or activities.
- 2) State level Expert Appraisal Committee (SEAC) in the case of Category 'B1' projects.

Both project/activity includes applications for expansion and/or modernization; 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 concerned shall determine the Terms of reference on the basis of the information furnished in the prescribed application Form1 and upon duly considering the Terms of Reference proposed by the applicant. A site visit by a sub-group of the EAC or the SEIAA concerned, as is relevant, may be undertaken only if considered necessary by them. Additional items for investigation for EIA study may be included in the TOR on the basis of the report of the site visit sub-group/Committee.

Terms of Reference

TOR or Terms of Reference is a document produced by the authority conducting the EIA study. It is formed during Scoping, the second stage in the EIA process. All the stakeholders are invited to submit their concerns regarding the project during a public hearing organized by the EIA committee, which is followed by discussions and deliberations. The finalized list of this stage of EIA is submitted to the Ministry in the form of TOR.

TOR is an important document in the process of EIA because it sets the guidelines for the study. A TOR is drawn up with the following questions in mind.

1. The purpose of the study/project.
2. The extent of the study.
3. The stakeholders' requirements; each stakeholder looks at different aspects of the project differently. Complex information needs to be explained appropriately.

Content of TOR

TOR highlights the points that need to be covered (the TOR itself does not elaborate on these points unless required) during the EIA study, which include:

- i. A description of the project, its purposes and extent.
- ii. All the agencies responsible in the developmental project and the EIA study.
- iii. A description of the existing environmental conditions in the project site and surrounding areas.
- iv. The stakeholders that will be benefited and harmed by the fulfilment of the project.
- v. The environmental aspects the project is likely to affect.
- vi. The impacts, both positive and negative, the project will have on the environmental and social aspects of the project area. This is undertaken through checklists, matrices or networks.
- vii. A list/description of the species endemic to the area, which are likely to be affected.
- viii. How in-depth does the EIA study need to be: whether baseline data is available or whether the study be sourced from secondary data.
- ix. Possible alternatives for the project in terms of design, site, technology, implementation, etc.
- x. The legal requirements of the project and future legislation that need to be drafted.
- xi. If the project site comes under special categories, and the legislation regarding the same.
- xii. Recommended mitigation strategies.
- xiii. The expertise required for the EIA study.
- xiv. The expected time limit for the entire EIA study.
- xv. Natural Resource Valuation (NRV), if possible.
- xvi. The budget of the study, also called cost-benefit analysis.

It is important that the TOR be drawn up exhaustively to ensure that the EIA study carried out is effective in warding off as much environmental damage as possible. TORs take about 45 days to prepare in today's EIA studies. If the TOR are not finalized and conveyed to the applicant within 60 days of the receipt of Form 1 and if there is no communication from the MoEF otherwise, the TOR suggested by the applicant shall be deemed final and approved for EIA studies.

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.

Stage III:

Public Hearing- Public hearing is a mandatory step in the process of environmental clearance for certain developmental projects. It is a part of EIA study. This provides public of an area to come forward and express their concerns and views regarding the proposed project to the project proponent and the Government.

Following is the process involved in public hearing-

The District Collector is the chairperson of the public hearing committee. Other members of the committee include the official from the district development body, SPCB, Department of Environment and Forest, Taluka and Gram Panchayat representative, and senior citizen of the district, etc. The hearing committee hears the objections/suggestions from the public and after inserting certain clauses it is passed on to the next stage of approval, i.e. Ministry of Environment and Forest (MoEF).

Stage IV:

Environmental Appraisal- Once all the requisite documents and data from the project authorities are received and public hearings (where required) have also been held, assessment and evaluation of the project from the environment angle is completed within 90 days and the decision of the ministry either approved or rejected shall be conveyed within 30 days thereafter.

In Maharashtra state, the application is first scrutinized by SEAC Committee (State Environment Appraisal Committee).

There are 3 SEAC Committee's-

1. SEAC 1 gives appraisal for projects like industries, mining etc.
2. SEAC 2 Committee gives appraisal for Infrastructure projects located in Mumbai and its suburbs.
3. SEAC 3 Committee gives appraisal for infrastructure projects excluding Mumbai and its suburbs.

After scrutinized by the SEAC Committee, the project if accepted will be recommended to SEIAA (State Environment Impact Assessment Authority). The project will then be scrutinized by SEIAA for the compliance points recommended by SEAC and if accepted, SEIAA will grant Environment Clearance with certain conditions.

If the conditions said in the Environment Clearance are not followed then the Appraisal Committee has the right to cancel EC granted for that project.

The EC granted is valid for certain years depending upon the type of project. If EC is expired, the project proponent can go for renewal of EC by following the same procedure.

Validity of EC

- Ten years in the case of River Valley projects
- Thirty years for mining projects
- Five years in the case of all other projects and activities
- Area Development projects and Townships, the validity period shall be limited only to such activities as may be the responsibility of the applicant as a developer.

Post Environmental Clearance Monitoring

Mandatory for the project management to submit half-yearly compliance reports in respect of the stipulated prior environmental clearance terms.

Summary of EIA Process and rough timelines

Submission of application (Form1, prelim reports)	•Investor
Stage 1: Screening; Decide project A, B1 or B2	•Expert Committee •60 Days
Stage 2: Scoping; Come up with Terms of Reference	
Prepare preliminary EIA report	•Investor
Stage3: Public consultation (2 components) Update EIA Report	•State Pollution Control Board •45 Days
Stage 4: Appraisal	•Expert Committee •60 Days
Final Decision	•Regulatory Authority •30 Days

Reference

1. www.cseindia.org/environmental-clearance---the-process
2. <https://envibrary.com/eia-and-environmental-clearance-process/>
3. <https://parivesh.nic.in/acts.aspx?id=EC>