

GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

LOK SABHA
UNSTARRED QUESTION NO. 4454
TO BE ANSWERED ON 19.07.2019

Environmental Clearance

4454. SHRI VINAYAK RAUT;
SHRI GIRISH BHALCHANDRA BAPAT;
SHRI CHANDRA SEKHAR SAHU;
DR SHRIKANT EKNATH SHINDE;
SHRI SRIRANGA APPA BARNE

Will the Minister of ENVIRONMENT, FOREST AND CLIMATE CHANGE be pleased to state:

- (a) whether the Minister has provided a six months window, a one-time opportunity to such units operating without prior Environment Clearance (EC) to apply for the same and if so, the details thereof;
- (b) whether strict action would be taken on such projects which have been operational without obtaining prior EC for violation/non-compliance of the same, if so, the details thereof;
- (c) whether any guidelines have been issued by the Government in this regard, and if so, the details and the present status of implementation of these guidelines;
- (d) whether an Expert Appraisal Committee (EAC) has been constituted in this regard; and
- (e) if so, the manner in which the cases of violation will be assess by the expert committee and the extent to which the Government will be able to enforce compliance?

ANSWER

MINISTER OF STATE IN THE MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE
(SHRI BABUL SUPRIYO)

(a) Yes, Sir.Ministry has provided a six months window, vide Notification number S.O. 804(E) dated 14th March, 2017, a one-time opportunity to the projects which have commenced work on site, expanded production beyond the limitof Environmental Clearance or changed the product mix without obtaining prior Environmental Clearance under theEnvironment Impact Assessment Notification, 2006.

(b) &(c) Yes, Sir. In all such cases of violation, action will be taken against the project proponent by the respective State or State Pollution Control Board under the provisions of section 19 of the Environment (Protection) Act, 1986 and further, no consent to operate or occupancy certificate will be issued till the project is granted Environmental Clearance.

Ministry has issued procedure vide Notification S.O. 804 (E) dated 14.03.2017 and S.O. 1030 (E) dated 08.03.2018.At present, the cases of violation are being appraisedby Expert Appraisal Committee (EAC) constituted for the purpose of dealing with category 'A' projects/activities or

the concerned State Level Expert Appraisal Committees (SEAC) for the purpose of category 'B' projects/activities based on procedure stipulated in the aforesaid Notifications.

(d) Yes, Sir. Ministry constituted a separate EAC for the purpose of dealing with category 'A' projects/activities and empowered the concerned SEAC for the purpose of dealing with category 'B' projects/activities involving violation.

(e) As per the procedure specified in the Notification S.O 804 (E), all such cases of violation, appraised by the EAC or SEAC, as the case may be, with a view to assess that the project has been constructed at a site which under prevailing laws is permissible and expansion has been done which can be run sustainably under compliance of environmental norms with adequate environmental safeguards; and in case, where the finding of the committee is negative, closure of the project will be recommended along with other actions under the law.

In case, where the findings of the committee are affirmative, the projects under this category will be prescribed the appropriate Terms of Reference for undertaking Environment Impact Assessment and preparation of Environment Management Plan. Further, the EAC or SEAC will prescribe a specific Terms of Reference for the project on assessment of ecological damage, remediation plan and natural and community resource augmentation plan and it shall be prepared as an independent chapter in the environment impact assessment report by the accredited consultants. The collection and analysis of data for assessment of ecological damage, preparation of remediation plan and natural and community resource augmentation plan shall be done by an environmental laboratory duly notified under Environment (Protection) Act, 1986, or an environmental laboratory accredited by National Accreditation Board for Testing and Calibration Laboratories, or a laboratory of a Council of Scientific and Industrial Research institution working in the field of environment.

The EAC or SEAC shall stipulate the implementation of Environmental Management Plan, comprising remediation plan and natural and community resource augmentation plan corresponding to the ecological damage assessed and economic benefit derived due to violation as a condition of environmental clearance.

The project proponent will be required to submit a bank guarantee equivalent to the amount of remediation plan and Natural and Community Resource Augmentation Plan with the State Pollution Control Board and the quantification will be recommended by Expert Appraisal Committee and finalized by Regulatory Authority and the bank guarantee shall be deposited prior to the grant of environmental clearance and will be released after successful implementation of the remediation plan and Natural and Community Resource Augmentation Plan, and after the recommendation by regional office of the Ministry, Expert Appraisal Committee and approval of the Regulatory Authority.
