

SUGGESTIONS & RECOMMENDATIONS ON THE DRAFT MOEF&CC-2020;GoI

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CATEGORIZATION

| EIA 2020 | Recommendation / Suggestion |
|--|--|
| <ul style="list-style-type: none">•Category 'A'•Category 'B1'•Category 'B2'•Category B2 projects integrated in the schedule•Number of small projects brought under the ambit of B2•Dynamic categorization based scientific principles of nature of project and environmental vulnerability of location by technical experts | <p>Agreed (B1 & B2 TO BE MERGED)</p> |

Environment Clearance Vs Permission

| EIA 2020 | Recommendation / Suggestion |
|--|--|
| <ul style="list-style-type: none">•Environment Clearance & Environment Permission•Cat A & B1 projects shall be referred to EAC•Cat B2 projects not located in sensitive areas shall not be referred to EAC•However, B2 projects located in sensitive areas shall be referred to EAC | B1 & B2- State Government (whether Sensitive or non- Sensitive) |
| <ul style="list-style-type: none">•Environment Permission for B2 projects as per EIA 2020•Maximum time taken 15 days. | Deemed to have to been issued, if not issued within 15 days |

Expansion / Modernization / product mix

| EIA 2020 | Recommendation / Suggestion |
|---|-----------------------------|
| <ul style="list-style-type: none">•Expansion and modernization are made different classes•Modernisation include:-•Change in process or technology•Change in raw material mix or product mix•De-bottlenecking•Automation of the whole process using robotics.•Increase in number of working days•Increase in capacity utilization of plant & machinery•Increase in rate of excavation in the existing ml | Agreed |

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Expansion / Modernization / Product Mix

EIA 2020

| Slab | Increase in prod | Application | Scoping | *EIA | EMP | Appraisal -EAC | PH |
|------|------------------|-------------|---------|------|-----|----------------|----|
| I | No increase | Form-2 | X | X | X | X | X |
| II | Up to 10% | Form-2 | X | X | ✓ | X | X |
| III | > 10 – 25% | Form-2 | X | X | ✓ | ✓ | X |
| IV | > 25 – 50% | Form-2 | X | ✓ | ✓ | ✓ | X |
| V | > 50% | Form-1 | ✓ | ✓ | ✓ | ✓ | ✓ |

Recommendation / Suggestion

The notification should allow the exemptions for capacity enhancements up to 50% as mentioned in the table with the reference being the capacity approved in the last EC.

Instant ToR

| EIA 2020 | Recommendation / Suggestion |
|--|---|
| <ul style="list-style-type: none">•Scoping for Expansion, Building and projects in Ind. estates as per EIA 2006<ul style="list-style-type: none">•Maximum time taken 7 days | <p>Deemed to have been accepted if not done with in 7 days.</p> |
| <ul style="list-style-type: none">•EIA 2020•Instant ToR•Provision of instant ToR on acceptance of application in case of:-<ul style="list-style-type: none">•<i>Expansion projects</i>•<i>New & Expansion located in notified industrial area</i>•<i>Building & Construction</i>•<i>Highway projects in boarder states</i>•However, EAC can prescribe additional conditions if deemed necessary within 30 days•ToR in other cases•The Regulatory authority shall refer to EAC within 30 days, failing which Standard ToR will be prescribed on 30th day by the system | <ul style="list-style-type: none">•Standard ToR can be prescribed as part of the Rules on the basis of experience in projects already cleared.•To examine the said ToR for issuing clearance (EC).•No additional Data be called for.•Deemed cleared if not done in 30 days. |

Public Consultation

| EIA 2020 | Recommendation / Suggestion |
|---|---|
| <ul style="list-style-type: none">•The public consultation shall ordinarily have two components comprising of:<ul style="list-style-type: none">•A <i>PH at the site or in its close proximity, district wise;</i>•<i>Inviting responses in writing from other concerned persons having a plausible stake in the environmental aspects of the project;</i>•In addition, if required, based on the nature of project, public consultation through any other appropriate mode may be recommended by the Appraisal Committee, or the Regulatory Authority, on case to case basis;•However, the Regu. Authority may decide on the feasibility and requirement of PH and/or consultation in the case of defence projects. | <ul style="list-style-type: none">•Public hearing may be conducted by a COMMITTEE of experts from MoEF, State PCB and the experts from the concerned departments of the respective States. <p>The COMMITTEE shall follow the following protocol:</p> <ul style="list-style-type: none">•Explain the details of the Project which shall include Area coverage, Proposed investment, employment potential direct and in ancillary industries or businesses.•Apprise the public Effects and Affects along with remedial measures.•Benefits of the Project-Local, District, State.•EC norms and follow up action by MoEF and PCB.•The project proponent would only act as a source of information about the Project. PH shall be entirely handled by MoEF in association with State PCB and the Expert Committee. |

Contd....

Public Consultation

| EIA 2020 | Recommendation / Suggestion |
|---|--|
| <ul style="list-style-type: none">• Presided by• <i>Not less than the rank of ADM for cat-A projects</i>• <i>Not less the rank of SDM for cat-B projects</i>• Notice period: 20 days• Time Lines (days): TOTAL 40 days<ul style="list-style-type: none">• Finalization of the date: 10• Advertisement: 5• Notice period: 20• Submission of proceedings: 5 | <ul style="list-style-type: none">•Finalization of the date: 7 days•Advertisement: 5 days•Notice period: 15 days•Submission of proceedings: 3 days•Total: 40 - 10 = 30Days |

Public consultation - Exemption

| EIA 2020 | Recommendation / Suggestion |
|---|---|
| <ul style="list-style-type: none">• modernization of irrigation projects;• all projects falling under items 10(vi), 16, 17, 19, 20, 21, 23, 24, 25, 27, 37, 41 within Notified Industrial Estates;• all projects falling under item 43;• all Category 'B2' projects;• projects related to mining of 'minor minerals' with ML up to 5 hectare;• all projects concerning national defence and security or involving other strategic considerations as determined by the Central Government;• all linear projects such as Highways or Expressways, Pipelines, etc., in Border Areas.• All the projects located beyond the 12 NM• Provided further, all the projects under item 32 of the schedule, the public consultation shall be limited to the district (s), where the NP/ESA located. | <ul style="list-style-type: none">• Exempt Public hearing for the projects related to mining of both Major and Minor minerals up to 25 hectare. Incorporate EC conditions into ML/PL Deeds. |

Validity of Environmental Clearance

| EIA 2020 | Recommendation / Suggestion |
|--|---|
| <ul style="list-style-type: none">• Mining projects: 50 yrs(subject to commencement of mining within 10 yrs)• River valley projects: 15 years• Nuclear projects: 15 years• Other projects: 10 years• Validity at a time• Period under NCLT for 3 years shall not be considered• Validity for construction / operation and closure phase clearly defined• Perpetuity and partial completion cases were addressed | <ul style="list-style-type: none">• Agreed to the 10 year slot for commencement of Mining operations.• The period of Mining Lease shall be till the exhaustion of the mineral deposit as decided by the Lessee subject to checking by the concerned Authority. |

Validity of Terms of References

| EIA 2020 | Recommendation / Suggestion |
|---|--|
| <ul style="list-style-type: none"><li data-bbox="79 325 581 372">• River Valley: 5 Years<li data-bbox="79 425 645 472">• Other projects: 4 Years<li data-bbox="79 525 517 572">• Validity at a time | <p data-bbox="1006 325 1856 439">Validity of ToR for Mining projects shall be till the Expiry of the Mining Lease.</p> |

Baseline data

| EIA 2020 | Recommendation / Suggestion |
|---|-----------------------------|
| <ul style="list-style-type: none">• Validity: 3 Years• Flexibility in collection• One year for River valley• One season for other projects• Secondary data allowed for projects beyond 12 NM• Study Area:-<ul style="list-style-type: none">• For Cat-A: 10 Km• For Cat-B: 5 Km | Agreed |

Non-compliance Vs Violation

| EIA 2020 | Recommendation / Suggestion |
|---|-----------------------------|
| <p>“Violation” means the projects which have started the construction work or installation or excavation, whichever is earlier, on site or expanded the production and / or project area beyond the limit specified in the Prior EC or without obtaining EC/Prior EP</p> | <p>Agreed</p> |

Dealing of Non-compliance

| EIA 2020 | Recommendation / Suggestion |
|--|--|
| <ul style="list-style-type: none">• Cognizance of violation & late filing fee<ul style="list-style-type: none">• Suo moto (damage charges 1.5 times)• Reported by authorities (2 times)• Appraisal for ToR<ul style="list-style-type: none">• Negative: Direction for closure• Positive: ToR& action under section 19 of EPA• Damage assessment; Public consultation• Appraisal for EC;<ul style="list-style-type: none">• Finalization of remediation plan• Bank guarantee and credible proof of action under section 19 of EPA | <p>The levy of penalty may be a lump sum amount as is prescribed 1.5 times if the lease holder declares or 2 times if reported by authorities for any category of mines.</p> |

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Dealing of Non-compliance

| EIA 2020 | Recommendation / Suggestion |
|--|-----------------------------|
| <ul style="list-style-type: none">• Cognizance of non-compliance<ul style="list-style-type: none">• Suo moto• Reported by authorities• Appraisal for time bound action plan• PP will be invited for clarification• Personal meeting or video conference• Bank guarantee• Implementation of action plan | Agreed |

Monitoring of Prior-Environmental Clearance

| EIA 2020 | Recommendation / Suggestion |
|--|---|
| <ul style="list-style-type: none">• Annual compliance reports• Provision for late filing fee• Monitored by:-• Cat-A: Regional office / Regional Directorates of CPCB;• Cat-B: SPCB• Provision of third-party institutes | <p>Agreed</p> <ul style="list-style-type: none">• Cat-B: SPCB (B1 & B2) |

Delegation to SEIAA

EIA 2020

| | |
|----------------------------------|-----------|
| Mining | 100 Ha |
| Coal Mining | 100 Ha |
| Oil & Gas Exploration | All |
| River Valley | 75 MW |
| Thermal Power | |
| Coal | 500 MW |
| Biomass & Others | 100 MW |
| Mineral beneficiation | 1 MTPA |
| Pellet Plans | ALL |
| Integrated steel Plants | 1 MTPA |
| Sponge iron plants | 0.5 MTPA |
| Ferro Alloy Plants | 1.5 LTPA |
| Secondary metallurgy | All |
| Cement Plants with vertical kiln | All |
| Stand-alone grinding units | All |
| Lead acid batteries | All |
| Coke oven | 0.8 MTPA |
| Manufacturing acids | All H2SO4 |
| Pesticides | Ind. Area |
| Dyes & Dye Intermediates | All |
| Bulk drugs | All |

| | |
|-----------------------------------|-----------|
| Distilleries | |
| Molasses based | 100 KLD |
| Grain based | 200 KLD |
| Expansion for EBP | All |
| Manufacturing of explosives | All |
| Isolated storages | All |
| Harbours (Fish handling capacity) | 30000 TPA |
| Aerial ropeways | All |
| Building & Construction | All |

Recommendation / Suggestion

| | |
|--|------------------------|
| Mining | Irrespective of extent |
| Sponge iron plants | All |
| Ferro Alloy Plants | |
| Gold & other Precious metals Ore Process Plants | |
| Base metals & REEs (Copper, Lead, Zinc, Molybdenum, Tungsten, RM-REEs etc) | |
| Industrial Minerals & fertilizer Minerals Processing | |
| | |

Category B2 projects

| EIA 2020 | Recommendation / Suggestion |
|--|-----------------------------|
| <ul style="list-style-type: none">– Mining up to 5 Ha of– Oil & Gas exploration– Hydro-electric up to 25 MW– Irrigation up to 10,000 CCA– Biomass TPP up to 15 MW– Mineral Beneficiation (small & medium enterprises) | Mining up to 25 Ha |
| <ul style="list-style-type: none">– Stand-alone clinker grinding units up to 1 MTPA– Stand-alone clinker grinding units with transportation through rail/sea– Stand-alone clinker grinding (small & medium enterprises)– Halogen units up to 300 TPD located in Ind. Estates– Leather production units without tanning in Ind. Estates | Agreed |

Exemption

| EIA 2020 | Recommendation / Suggestion |
|---|--|
| <ul style="list-style-type: none">– Mineral exploration– Seismic Surveys– Irrigation up to 2,000 CCA– Waste heat recovery boiler based TPP– Crushing & Screening without up-gradation of ore– Mineral Beneficiation (micro enterprises)– Pellet Plants (micro enterprises)– Induction / Electric Arc / SME Furnaces up to 1,00,000 TPA– Cupula Furnaces up to 60, 000 TPA– Steel rolling mills involving pickling with capacity up to 1,00,000 TPA– Steel rolling mills without pickling up to 2,00,000 TPA and any re-rolling mills without pickling and fuel for re-heating | <p>Inclusion of Steel Cut and Bend Units engaged in steel tubes making as part of the list.</p> <p>There shall also be a mention as regards the Units involved in producing iron and steel products which simply cut and bend products or manufacture steel tubes by bending plates and welding.</p> |

Contd....

Exemption

| EIA 2020 | Recommendation / Suggestion |
|---|--|
| <ul style="list-style-type: none">– Secondary metallurgy small & micro enterprises– Secondary metallurgy registered under HWM Rules– Stand-alone clinker grinding (micro enterprises)– Change in product mix for Ordinary Portland Cement (OPC), Portland Pozzolana Cement (PPC), Portland Slag Cement (PSC), Masonary cement or any other type of cement within the sanctioned capacity of conditions of prior-EC– Petroleum products (micro enterprises)– Synthetic resins / adhesive (micro enterprises)– Stand-alone projects for melting of ‘coal tar pitch’– Stand-alone Granulation of SSP powder– Neem coating of fertilizer– Fortification of fertilizers | <p>Inclusion of Steel Cut and Bend Units engaged in steel tubes making as part of the list.</p> <p>There shall also be a mention as regards the Units involved in producing iron and steel products which simply cut and bend products or manufacture steel tubes by bending plates and welding.</p> |

Contd....

Exemption

| EIA 2020 | Recommendation / Suggestion |
|--|-----------------------------|
| <ul style="list-style-type: none">– Extraction of ordinary clay or sand by manual mining, by the Kumhars (Potter) to prepare earthen pots, lamp, toys, etc. as per their customs– Extraction of ordinary clay or sand by manual mining, by earthen tile makers who prepare earthen tiles– Removal of sand deposits on agricultural field after flood by farmers– Customary extraction of sand and ordinary earth from sources situated in Gram Panchayat for personal use or community work in village– Community works like de-silting of village ponds or tanks, construction of village roads, ponds, bunds under MGNRE and linear projects | Agreed |

Contd....

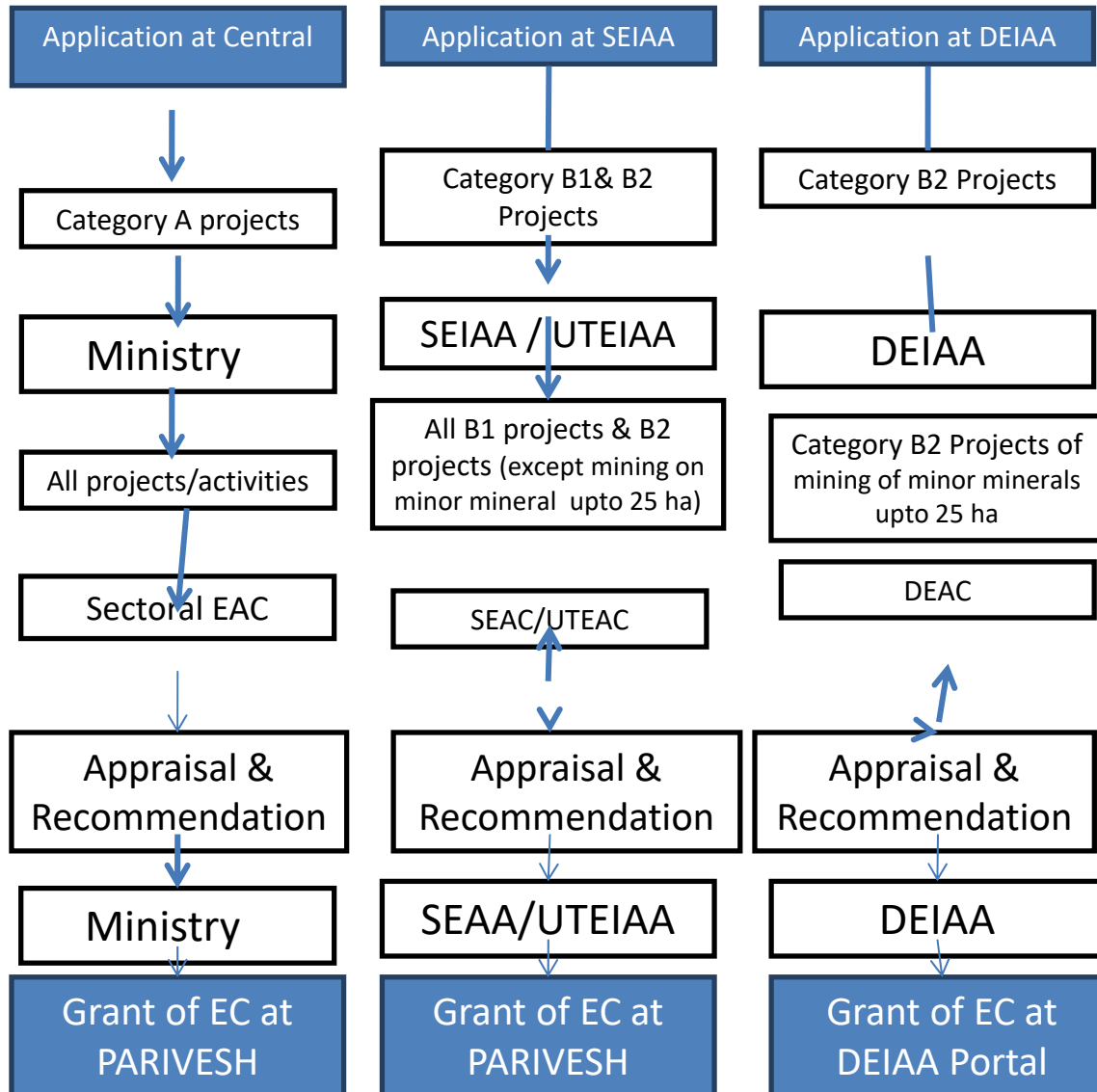
Exemption

| EIA 2020 | Recommendation / Suggestion |
|--|-----------------------------|
| <ul style="list-style-type: none">– Dredging and de-silting of dams, reservoirs, weirs, barrages, river, and canals for the purpose of their maintenance, upkeep and disaster management– Traditional occupational work of sand by Vanjara and Oads in Gujarat– Lime dead shell collection– Digging of well for irrigation or drinking water– Digging of foundation for buildings– Excavation of ordinary earth or clay for plugging of any breach caused in canal, nallah, drain, water body, etc– Activities declared by State Government under legislations or rules as non-mining activity | Agreed |

Contd....

Exemption

EIA 2020

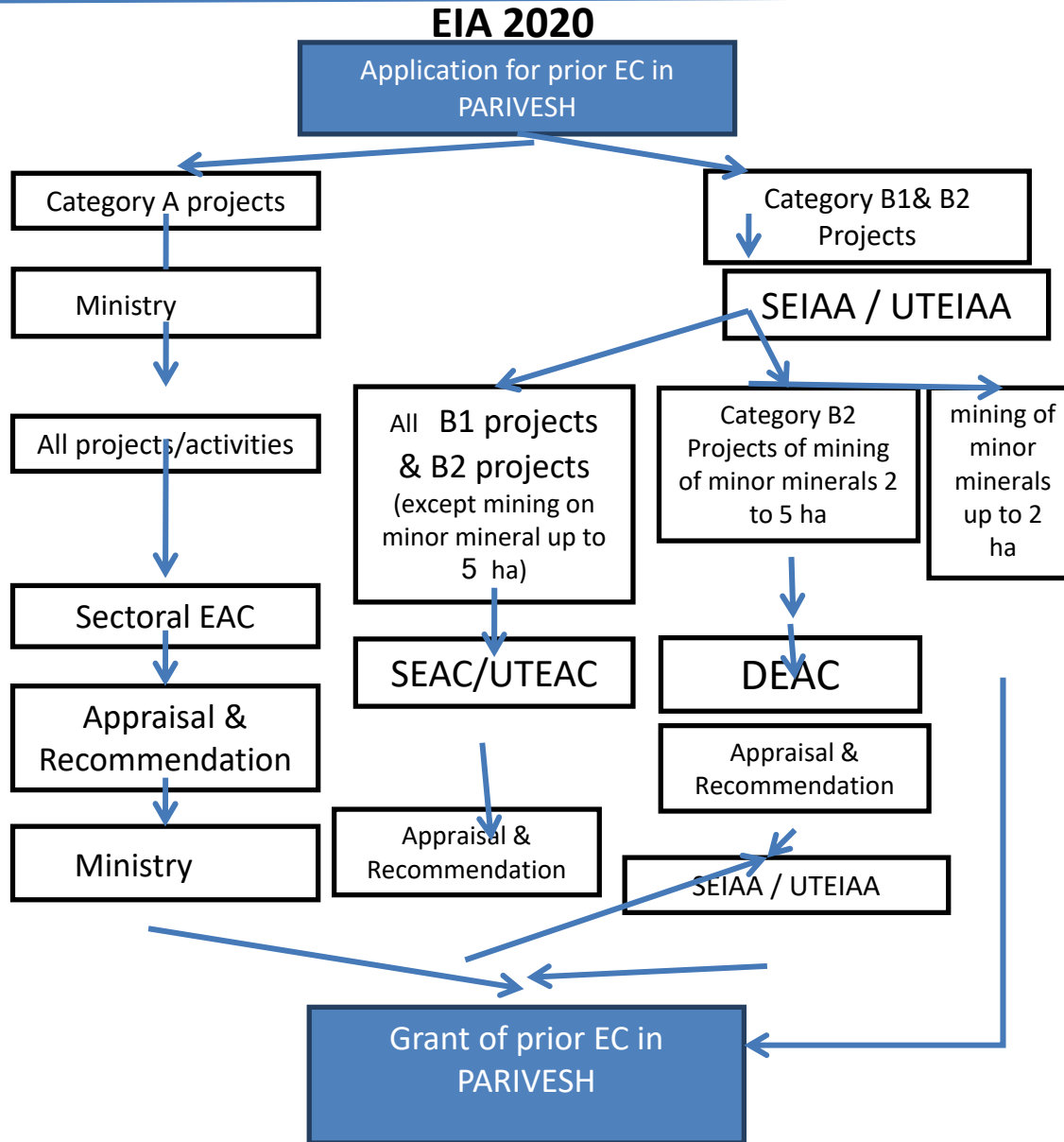


Recommendation / Suggestion

No DEIAA, DEAC, as the NGT New Delhi struck down Notification No. 141, 15.1.2016 issued by MoEF by giving reasons that no experts would be available at District Level MoEF may have to prepare a structure as per NGT orders and as such DEAC and DEAA shall have to be removed Alternatively REAC and REIAA may be restructured as certain experts can be identified to issue ECs for the extents 25 Ha and below.

Contd....

Exemption



Recommendation / Suggestion

The applications for prior EC may have a flow chart as per the earlier suggestion / recommendations made for considering the extents upto 25 Ha by REAC, REIAA and SEAC, SEIAA .

The EC may be issued in the case of violations pointed out by SEAC and SEIAA from zero to irrespective of extent and such delegations may be given to SEAC, SEIAA the power of issuing of EC in the case of clusters available from Zero to irrespective of extent above by SEAC and SEIAA

Authorities & Committees

| EIA 2020 | Recommendation / Suggestion |
|--|--|
| <ul style="list-style-type: none">– Ministry<ul style="list-style-type: none">– EAC– Technical committee– Monitoring committee– SEIAA<ul style="list-style-type: none">– SEAC | REAC, REIAA shall be substituted in place of DEAC, DEIAA |

General

EIA 2020

| | |
|--|---------------------|
| Title | Provided |
| Definitions | Provided |
| Extension of tenure SEIAA/ SEAC | Provided (3 months) |
| Constitution of SEIAA by Gol without referring to State Govt | Provided |
| Delegation of power for constitution of REAC | SEIAA |
| PH exemption in special cases | Yes |
| On-line provisions | Provided |

Recommendation / Suggestion

| | | |
|--|---------------------|--|
| Extension of tenure SEIAA/ SEAC | Provided (3 months) | Till next team is formed |
| Constitution of SEIAA by Gol without referring to State Govt | Provided | To Constitute at the State Level and inform the MoEF Gol |

Environment Clearances vs Permission for Fresh, Renewal and Transfer of Mining leases (Major Minerals)

| Sl. No | Competent Authority for issuing EC | Extent | Category | Public Consultancy and Hearing | Environment Permission | Maximum Time for issuing EC |
|--------|------------------------------------|-----------------------|-------------|---------------------------------------|---|---|
| 1 | REAC & REIAA | 0 to 5 Ha | B2 Category | Not Required | 1. Application Form -1 with pre-feasibility report & EMP 2. Scrutiny by REIAA and acceptance of application. 3. System generated EC with Standard conditions. | Fifteen days Deemed to have been issued beyond fifteen days of period |
| 2 | REAC & REIAA | Above 5 to 25 Ha | B2 Category | Not Required | 1. Application Form -1 with pre-feasibility report & EMP 2. Scrutiny by REIAA and acceptance of application. 3. System generated EC with Standard conditions. | Fifteen days. Deemed to have been issued beyond fifteen days of period |
| 3 | SEAC & SEIAA | Above 25 Ha to 100 Ha | B1 Category | Required. As per the norms of MoEF | As per the norms of MoEF | Six Months |
| 4 | CEAC & CEIAA | Above 100 Ha | A Category | Required. As per the norms of MoEF | As per the norms of MoEF | Nine Months |

Note: 1. Environment Committee should be co-terminus with mining / Quarry lease period.

2. EC is sufficient to conduct mining /quarrying operations. CFE & CFO may not be insisted.

3. Delegation of powers to concerned State EFS&T / SEAC/SEIAA for violation and rectification of contraventions / Violation of conditions under Section 19 read with Section 15 of EPA 1986 irrespective of Extent, as per the norms issued by MoEF

4. 4. Delegation of powers to concerned State SEAC/SEIAA for grant of EC on cluster of Mining Lease irrespective of extent of area/cluster, as per the norms issued by MoEF

Environment Clearances vs Permission for Fresh, Renewal and Transfer of Quarry leases (Minor Minerals)

| Sl. No. | Competent Authority for issuing EC | Extent | Category | Public Consultancy and Hearing | Environment Permission | Maximum Time for issuing EC |
|---------|------------------------------------|-----------------------|-------------|---------------------------------------|---|---|
| 1 | REAC & REIAA | 0 to 5 Ha | B2 Category | Not Required | 1. Application Form -1 with pre-feasibility report & EMP 2. Scrutiny by REIAA and acceptance of application. 3. System generated EC with Standard conditions. | Fifteen days Deemed to have been issued beyond fifteen days of period |
| 2 | REAC & REIAA | Above 5 to 25 Ha | B2 Category | Not Required | 1. Application Form -1 with pre-feasibility report & EMP 2. Scrutiny by REIAA and acceptance of application. 3. System generated EC with Standard conditions. | Fifteen days. Deemed to have been issued beyond fifteen days of period |
| 3 | SEAC & SEIAA | Above 25 Ha to 100 Ha | B1 Category | Required. As per the norms of MoEF | As per the norms of MoEF | Six Months |
| 4 | SEAC & SEIAA | Above 100 Ha | A Category | Required. As per the norms of MoEF | As per the norms of MoEF | Nine Months |

- Note: 1. Environment Committee should be co-terminus with mining / Quarry lease period.**
- 2. EC is sufficient to conduct mining /quarrying operations. CFE & CFO may not be insisted.**
- 3. Delegation of powers to concerned State EFS&T / SEAC/SEIAA for violation and rectification of contraventions / Violation of conditions under Section 19 read with Section 15 of EPA 1986 irrespective of Extent. as per the norms issued by MoEF**
- 4. 4. Delegation of powers to concerned State SEAC/SEIAA for grant of EC on cluster of quarry lease irrespective of extent of area/cluster, as per the norms issued by MoEF**

General Suggestions

- **The Notification should detail out the scheme of CER and the method of calculation of the same in order to avoid ambiguity and differences in the implementation of this mandate as is being experienced now, inspite of the circular of May 2018, with different EACs calculating CER mandate in different manner.**
- **The exemption from need for CTE for individual installation, in cases of dynamic industry like mining where facilities (like HEMM Service Centres, OCSL Plants etc) needs to be shifted during the course of mine operations, needs to be highlighted in the notification.**
- **Moreover, exemption from CTE for cases of new projects wherein the SPCB is involved in the EC process, also needs to be reiterated in the notification.**

THANK YOU