

EIA Notification,1994

MINISTRY OF ENVIRONMENT AND FORESTS

NOTIFICATION

**New Delhi, the 27th January, 1994
(As amended on 04/05/1994, 10/04/1997, 27/1/2000 and
13/12/2000)**

1. S.O. 60 (E) Whereas a notification under clause (a) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986 inviting objections from the public within sixty days from the date of publication of the said notification, against the intention of the Central Government to impose restrictions and prohibitions on the expansion and modernization of any activity or new projects being undertaken in any part of India unless environmental clearance has been accorded by the Central Government or the State Government in accordance with the procedure specified in that notification was published as SO No. 80(E) dated 28th January, 1993;

And whereas all objections received have been duly considered;

Now, therefore, 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) read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby directs that on and from the date of publication of this notification in the Official Gazette, expansion or modernization of any activity (if pollution load is to exceed the existing one, or new project listed in Schedule I to this notification, shall not be undertaken in any part of India unless it has been accorded environmental clearance by the Central Government in accordance with the procedure hereinafter specified in this notification;

2. Requirements and procedure for seeking environmental clearance of projects:

- 1(a) Any person who desires to undertake any new project in any part of India or the expansion or modernization of any existing industry or project listed in the Schedule-I shall submit an application to the Secretary, Ministry of Environment and Forests, New Delhi.

The application shall be made in the proforma specified in Schedule-II of this notification and shall be accompanied by a project report which shall, inter alia, include an Environmental Impact Assessment Report, an

Environment Management Plan and details of public hearing as specified in Schedule-IV prepared in accordance with the guidelines issued by the Central Government in the Ministry of Environment and Forests from time to time.

Provided that for pipeline projects, Environmental Impact Assessment report will not be required.

Provided further, that for pipeline and highway projects, public hearing shall be conducted in each district through which the pipeline or highway passes through.

(b) Cases rejected due to submission of insufficient or inadequate data and Plans may be reviewed as and when submitted with complete data and Plans. Submission of incomplete data or plans for the second time would itself be a sufficient reason for the Impact assessment Agency to reject the case summarily.

II In case of the following site specific projects:

a) mining;

(b) pit-head thermal power stations;

(c) hydro-power, major irrigation projects and/or their combination including flood control;

(d) ports and harbours (excluding minor ports);

(e) prospecting and exploration of major minerals in areas above 500 hectares;

The project authorities will intimate the location of the project site to the Central Government in the Ministry of Environment and Forests while initiating any investigation and surveys. The Central Government in the Ministry of Environment and Forests will convey a decision regarding suitability or otherwise of the proposed site within a maximum period of thirty days. The said site clearance shall be granted for a sanctioned capacity and shall be valid for a period of five years for commencing the construction, operation or mining.

III (a) The reports submitted with the application shall be evaluated and assessed by the Impact Assessment Agency, and if deemed necessary it may consult a committee of Experts, having a composition as specified in Schedule-III of this Notification. The Impact Assessment Agency (IAA) would be the Union Ministry of Environment and Forests. The Committee of Experts mentioned above shall be constituted by the Impact Assessment Agency or such

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other body under the Central Government authorised by the Impact Assessment Agency in this regard.

(b) The said Committee of Experts shall have full right of entry and inspection of the site or, as the case may be, factory premises at any time prior to, during or after the commencement of the operations relating to the project.

(c) The Impact Assessment Agency shall prepare a set of recommendations based on technical assessment of documents and data, furnished by the project authorities, supplemented by data collected during visits to sites or factories if undertaken, and details of public hearing.

The assessment shall be completed within a period of ninety days from receipt of the requisite documents and data from the project authorities and completion of public hearing and decision conveyed within thirty days thereafter.

The clearance granted shall be valid for a period of five years for commencement of the construction or operation of the project.

III A. No construction work, preliminary or otherwise, relating to the setting up of the project may be undertaken till the environmental and site clearance is obtained.

IV. In order to enable the Impact Assessment Agency to monitor effectively the implementation of the recommendations and conditions subject to which the environmental clearance has been given, the project authorities concerned shall submit a half yearly report to the Impact Assessment Agency. Subject to the public interest, the Impact Assessment Agency shall make compliance reports publicly available.

V. If no comments from the Impact Assessment Agency are received within the time limit, the project would be deemed to have been approved as proposed by project authorities.

3. Nothing contained in this Notification shall apply to:

(a) any item falling under entry Nos. 3, 18 and 20 of the Schedule-I to be located or proposed to be located in the areas covered by the Notifications S.O. No.102 (E) dated 1st February, 1989, S.O. 114 (E) dated 20th February, 1991; S.O. No. 416 (E) dated 20th June, 1991 and S.O. No.319 (E) dated 7th May, 1992.

(b) any item falling under entry Nos.1,2,3,4,5,7,9,10,13,14, 16,17,19,21,25,27 of Schedule-I if the investment is less than Rs.100 crores for new projects and less than Rs. 50 crores for expansion/modernization projects.

(c) any item reserved for Small Scale Industrial Sector with investment less than Rs. 1 crore.

(d) defence related road construction projects in border areas.

(e) any item falling under entry No . 8 of Schedule-I ,if that product is covered by the notification G.S.R.1037(E)dated 5th December 1989.

(f) Modernization projects in irrigation sector if additional command area is less than 10,000 hectares or project cost is less than Rs. 100 crores.

4. Concealing factual data or submission of false, misleading data/reports, decisions or recommendations would lead to the project being rejected. Approval, if granted earlier on the basis of false data, would also be revoked. Misleading and wrong information will cover the following:

- False information
- False data
- Engineered reports
- Concealing of factual data
- False recommendations or decisions

[No.Z-12013/4/89-IA-I]

SCHEDULE-I

(See paras 1 and 2)

LIST OF PROJECTS REQUIRING ENVIRONMENTAL CLEARANCE FROM THE CENTRAL GOVERNMENT

1. Nuclear Power and related projects such as Heavy Water Plants, nuclear fuel complex, Rare Earths.
2. River Valley projects including hydel power, major Irrigation and their combination including flood control.
3. Ports, Harbours, Airports (except minor ports and harbours).
4. Petroleum Refineries including crude and product pipelines.
5. Chemical Fertilizers (Nitrogenous and Phosphatic other than single superphosphate).
6. Pesticides (Technical).
7. Petrochemical complexes (Both Olefinic and Aromatic) and Petro-chemical intermediates such as DMT, Caprolactam, LAB etc. and production of basic plastics such as LLDPE, HDPE, PP, PVC.
8. Bulk drugs and pharmaceuticals.
9. Exploration for oil and gas and their production, transportation and storage.
10. Synthetic Rubber.
11. Asbestos and Asbestos products.
12. Hydrocyanic acid and its derivatives.
- 13(a) Primary metallurgical industries (such as production of Iron and Steel, Aluminium, Copper, Zinc, Lead and Ferro Alloys).

(b) Electric arc furnaces (Mini Steel Plants).
14. Chlor alkali industry.

15. Integrated paint complex including manufacture of resins and basic raw materials required in the manufacture of paints.

16. Viscose Staple fibre and filament yarn.

17. Storage batteries integrated with manufacture of oxides of lead and lead antimony alloys.

18. All tourism projects between 200m—500 metres of High Water Line and at locations with an elevation of more than 1000 metres with investment of more than Rs.5 crores.

19. Thermal Power Plants.

20. Mining projects (major minerals) with leases more than 5 hectares.

21. Highway Projects except projects relating to improvement work including widening and strengthening of roads with marginal land acquisition along the existing alignments provided it does not pass through ecologically sensitive areas such as National Parks, Sanctuaries, Tiger Reserves, Reserve Forests

22. Tarred Roads in the Himalayas and or Forest areas.

23. Distilleries.

24. Raw Skins and Hides

25. Pulp, paper and newsprint.

26. Dyes.

27. Cement.

28. Foundries (individual)

29. Electroplating

30. Meta amino phenol

SCHEDULE-II

[See Sub-para I (a) of para 2]

APPLICATION FORM

1.(a) Name and Address of the project proposed:

(b) Location of the project:

Name of the Place:

District, Tehsil:

Latitude/Longitude:

Nearest Airport/Railway Station:

(c) Alternate sites examined and the reasons for selecting the proposed site:

(d) Does the site conform to stipulated land use as per local land use plan:

2. Objectives of the project:

3.(a) Land Requirement:

Agriculture Land:

Forest land and Density of vegetation.

Other (specify):

(b)(i) Land use in the Catchment within 10 kms radius of the proposed site:

(ii) Topography of the area indicating gradient, aspects and altitude:

(iii) Erodibility classification of the proposed land:

(c) Pollution sources existing in 10 km radius and their impact on quality of air, water and land:

(d) Distance of the nearest National Park/Sanctuary/Biosphere Reserve/Monuments/heritage site/Reserve Forest:

(e) Rehabilitation plan for quarries/borrow areas:

(f) Green belt plan:

(g) Compensatory afforestation plan:

4.Climate and Air Quality:

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- (a) Windrose at site:
- (b) Max/Min/Mean annual temperature:
- (c) Frequency of inversion:
- (d) Frequency of cyclones/tornadoes/cloud burst:
- (e) Ambient air quality data:
- (f) Nature & concentration of emission of SPM, Gas (CO, CO₂, NO_x, CH_n etc.) from the project:

5. Water balance:

- (a) Water balance at site:
- (b) Lean season water availability;
Water Requirement:
- (c) Source to be tapped with competing users (River, Lake, Ground, Public supply):
- (d) Water quality:
- (e) Changes observed in quality and quantity of groundwater in the last years and present charging and extraction details:
- (f) (i) Quantum of waste water to be released with treatment details:
(ii) Quantum of quality of water in the receiving body before and after disposal of solid wastes:
(iii) Quantum of waste water to be released on land and type of land:
- (g)(i) Details of reservoir water quality with necessary Catchment Treatment Plan:
(ii) Command Area Development Plan:

6. Solid wastes:

- (a) Nature and quantity of solid wastes generated
- (b) Solid waste disposal method:

7. Noise and Vibrations:

- (a) Sources of Noise and Vibrations:
- (b) Ambient noise level:
- (c) Noise and Vibration control measures proposed:
- (d) Subsidence problem, if any, with control measures:

8. Power requirement indicating source of supply: Complete environmental details to be furnished separately, if captive power unit proposed:

9. Peak labour force to be deployed giving details of:

- Endemic health problems in the area due to waste water/air/soil borne diseases:
- Health care system existing and proposed:

10. (a) Number of villages and population to be displaced:
(b) Rehabilitation Master Plan:

11. Risk Assessment Report and Disaster Management Plan:

Report prepared as per guidelines issued by the Central Government in the MOEF from time to time:

12. (a) Environmental Impact Assessment
(b) Environment Management Plan:
(c) Detailed Feasibility Report:
(d) Duly filled in questionnaire

13. Details of Environmental Management Cell:

I hereby give an undertaking that the data and information given above are due to the best of my knowledge and belief and I am aware that if any part of the data/information submitted is found to be false or misleading at any stage, the project be rejected and the clearance given, if any, to the project is likely to be revoked at our risk and cost.

Signature of the applicant

With name and full address

Given under the seal of

Date:

Organisation on behalf of

Place:

Whom the applicant is signing

In respect to item for which data are not required or is not available as per the declaration of project proponent, the project would be considered on that basis.

SCHEDULE-III

[See sub-para III (a) of Para 2]

COMPOSITION OF THE EXPERT COMMITTEES FOR ENVIRONMENTAL IMPACT ASSESSMENT

1. The Committees will consist of experts in the following disciplines:
 - (i) Eco-system Management
 - (ii) Air/Water Pollution Control
 - (iii) Water Resource Management
 - (iv) Flora/Fauna conservation and management
 - (v) Land Use Planning
 - (vi) Social Sciences/Rehabilitation
 - (vii) Project Appraisal
 - (viii) Ecology
 - (ix) Environmental Health
 - (x) Subject Area Specialists
 - (xi) Representatives of NGOs/persons concerned with environmental issues.

2. The Chairman will be an outstanding and experienced ecologist or environmentalist or technical professional with wide managerial experience in the relevant development sector.

3. The representative of Impact Assessment Agency will act as a Member-Secretary.

4. Chairman and Members will serve in their individual capacities except those specifically nominated as representatives.

5. The Membership of a Committee shall not exceed 15.

SCHEDULE-IV
(See Sub-para 1 of para 2)
Procedure for Public Hearing

(1) **Process of Public Hearing:** - Whoever apply for environmental clearance of projects, shall submit to the concerned State Pollution Control Board twenty sets of the following documents namely: -

(i) An executive summary containing the salient features of the project both in English as well as local language along with Environmental Impact Assessment (EIA). However, for pipeline project, Environmental Impact Assessment report will not be required. But Environmental Management Plan including risk mitigation measures is required.

(ii) Form XIII prescribed under Water (Prevention and Control of Pollution) Rules, 1975 where discharge of sewage, trade effluents, treatment of water in any form, is required.

(iii) Form I prescribed under Air (Prevention and Control of Pollution) Under Territory Rules, 1983 where discharge of emissions are involved in any process, operation or industry.

(iv) Any other information or document, which is necessary in the opinion of the Board for their final disposal of the application.

(2) **Notice of Public Hearing:** -

(i) The State Pollution Control Board shall cause a notice for environmental public hearing which shall be published in at least two newspapers widely circulated in the region around the project, one of which shall be in the vernacular language of the locality concerned. State Pollution Control Board shall mention the date, time and place of public hearing. Suggestions, views, comments and objections of the public shall be invited within thirty days from the date of publication of the notification.

(ii) All persons including bona fide residents, environmental groups and others located at the project site/sites of displacement/sites likely to be affected can participate in the public hearing. They can also make oral/written suggestions to the State Pollution Control Board.

Explanation: - For the purpose of the paragraph person means: -

(a) any person who is likely to be affected by the grant of environmental clearance;

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(b) any person who owns or has control over the project with respect to which an application has been submitted for environmental clearance;

(c) any association of persons whether incorporated or not like to be affected by the project and/or functioning in the filed of environment;

(d) any local authority within any part of whose local limits is within the neighbourhood, wherein the project is proposed to be located.

(3) **Composition of public hearing panel:** - The composition of Public Hearing Panel may consist of the following, namely: -

(i) Representative of State Pollution Control Board;

(ii) District Collector or his nominee;

(iii) Representative of State Government dealing with the subject;

(iv) Representative of Department of the State Government dealing with Environment;

(v) Not more than three representatives of the local bodies such as Municipalities or panchayats;

(vi) Not more than three senior citizens of the area nominated by the District Collector.

(4) **Access to the Executive Summary and Environmental Impact Assessment report :-** The concerned persons shall be provided access to the Executive Summary of the project at the following places, namely:-

(i) District Collector Office;

(ii) District Industry Centre;

(iii) In the Office of the Chief Executive Officers of Zila Praishad or Commissioner of the Municipal Corporation/Local body as the case may be;

(iv) In the head office of the concerned State Pollution Control Board and its concerned Regional Office.

(v) In the concerned Department of the State Government dealing with the subject of environment.

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5. Time period for completion of public hearing:

The public hearing shall be completed within a period of 60 days from the date of receipt of complete documents as required under paragraph 1”

[No.Z-12013/4/89-IA(part)]
Dr. V. RAJAGOPLALAN,Jt. Secy

Foot NOTE: The Principal Notification was published vide number S.O. 60 (E) dated 27th January 1994 and subsequently amended vide numbers S.O. 356(E) dated 4th May, 1994, S.O. 318 (E) dated 10th April, 1997, S.O. 73 (E) dated 27th January, 2000 , S. O. 1119 (E) dated 13th December, 2000, S.O 737(E)dated the 1st August,2001 and S .O 632(E)dated 13th June ,2002

List of Environmentally Sensitive Places

- Religious and historic places
- Archaeological monuments/sites
- Scenic areas
- Hill resorts/mountains/ hills
- Beach resorts
- Health resorts
- Coastal areas rich in corals, mangroves, breeding grounds of specific species
- Estuaries rich in mangroves, breeding ground of specific species Gulf areas
- Biosphere reserves
- National park and wildlife sanctuaries
- Natural lakes, swamps Seismic zones tribal Settlements
- Areas of scientific and geological interests
- Defense installations, specially those of security importance and sensitive to pollution
- Border areas (international)
- Airport
- Tiger reserves/elephant reserve/turtle nestling grounds
- Habitat for migratory birds
- Lakes, reservoirs, dams
- Streams/rivers/estuary/seas
- Railway lines
- Highways
- Urban agglomeration