

No J-11013/41/2006-IA.II (I)
Government of India
Ministry of Environment and Forests
(IA Division)

Paryavaran Bhavan
CGO Complex, Lodhi Road
New Delhi 110003

13th October 2006

CIRCULAR

Subject: EIA Notification 14 September 2006 – Interim Operational Guidelines till 13 September 2007 in respect of applications made under EIA 1994.

Pursuant to the new Environment Impact Assessment Notification of 14 September 2006 (“EIA 2006”) replacing the EIA Notification of 27 January 1994 and its various amendments (“EIA 1994”), and in terms of the provisions of Section (*Para*) 12 of EIA 2006, the following Interim Operational Guidelines are issued for the period up to 13 September 2007, with the approval of the Competent Authority:

1.0 Applications involving violation of EIA 1994:

1.1 Applications which were pending consideration for EIA Appraisal as on 14 September 2006: All such applications, provided the activity is included in Schedule of EIA Notification 2006, are to be considered as per the provisions of EIA 1994, and will continue to attract action under the relevant provisions of the Environment (Protection) Act (EPA) 1986. For those applications which are not covered under EIA 2006 only action under the relevant provisions of the EP Act , 1986 for violation of EIA 1994, will be pursued .

1.2 New applications (*under EIA 1994*) for EIA Appraisal received on or after 14 September 2006 and up to 30th June, 2007: All such complete applications with Public Hearing proceedings where it was necessary under EIA ,1994 and provided the activity is included in Schedule of EIA Notification 2006, will continue to attract action under the relevant provisions of the Environment

Protection Act 1986. Otherwise, they would undergo EIA Appraisal by Central Government as per the procedure of EIA (1994),

2.0 Applications NOT involving violation of EIA 1994: No NOC will be required from the SPCB/State Government/UT Administration in such cases for consideration for EIA Appraisal. The following are further specific instructions:

2.1 Applications for EIA Appraisal were pending with MOEF as on 14 September 2006:

2.1.1 Activity requires EIA Appraisal as per Schedule of EIA 2006: There are several sub cases:

- (i) **EIA has already been prepared, and PH conducted as per EIA 1994:** The EIA would be evaluated by the Expert Appraisal Committee (EAC), without insistence on the submission of FORM I/IA required under EIA 2006. In case the EIA document is considered complete and accurate, the EC would consider the same, together with the PH proceedings, even if PH is not required under EIA 2006, and furnish its recommendations. In case the EIA document is considered incomplete and/or inaccurate, the EAC would specify ALL the additional Terms of Reference (TORs) to be undertaken by the project sponsor. In case PH is required under EIA 2006, the proceedings of the PH conducted as per EIA 1994 would be considered along with the EIA by the EAC, which would provide its recommendations.

- (ii) **EIA has already been prepared, but PH NOT conducted:** The EIA would be evaluated by the Expert Appraisal Committee (EAC), without insistence on the submission of a FORM I/IA required under EIA 2006. In case the EIA document is considered complete and accurate, and PH if required under EIA 2006, the same would be conducted as per the provisions of EIA 2006. In case the EIA document is considered incomplete and/or inaccurate, the EAC would specify ALL the additional Terms of Reference (TORs) to be undertaken by the project sponsor. If required under EIA 2006, the PH would be conducted as per the provisions of EIA 2006. When a complete and accurate EIA document is available, together with the PH proceedings, if required under EIA 2006, the EAC would consider the same and furnish its recommendations.

(iii) **Neither has EIA been prepared nor PH conducted:** In such cases, the project proponent would be advised to follow the procedure of EIA 2006 in its entirety.

2.1.2 Activity does NOT require EIA Appraisal as per EIA 2006: In all such cases, the applicant shall be informed that the activity does not require EIA Appraisal as per EIA 2006, and the application may be returned to him.

2.2 New applications for EIA Appraisal received on or after 14 September 2006 and up to 30th June, 2007: No NOC from SPCB/State Government/UT Administration is necessary in such cases. Such cases may be considered as follows:

2.2.1 Activity requires EIA Appraisal by the MoEF as per Schedule of EIA 2006: The EIA Appraisal applications will be dealt with as follows:

(i) **EIA document has been submitted:** The EAC would not request the submission of the FORM I/IA as per EIA 2006, and evaluate the EIA for completeness and accuracy. In the event that it is found to be incomplete and/or inaccurate, the EAC would specify ALL the additional TORs to be accomplished by the proponent. Upon receipt of the revised EIA, the same would be considered further. In case (or as and when) the EIA as submitted is found to be in order, the same would be considered further by the EAC. In addition if the activity requires PH as per EIA 2006:

(a) In case PH has been conducted as per the procedure of EIA 1994, it would be considered along the EIA by the EAC, which would provide its recommendations

(b) In case PH has not been conducted at all, it would be conducted as per the procedure of EIA 2006.

2.2.2 Activity requires EIA Appraisal/Clearance by the SEIAA /SEAC as per Schedule of EIA 2006, but SEIAA/SEAC has not yet been notified: The EIA Appraisal applications will be processed/evaluated by MoEF as per the procedure above, till such time as the concerned SEIAA/SEAC is notified. Upon such notification, the papers will be promptly transferred to the SEIAA for further consideration as above.

3.0 Applications in respect of category of Thermal Power projects pending with the State Government under EIA 1994 (delegated powers): The above applications will fall in two categories:

3.1.1 EIA has already been prepared, and PH conducted as per EIA 1994:

All such pending applications should be transferred to concerned SEIAA. In the absence of a duly notified SEIAA the applications should be forwarded to MoEF

3.1.2 EIA has already been prepared, but PH NOT conducted:

The SPCB concerned should be directed to conduct and complete PH as in EIA 2006. Thereafter action should be taken as in 3.1.1 above.

4.0 Applications pending with SPCB's for PH:

In all such cases SPCB's will conduct PH as per procedure prescribed in EIA 2006 and the proceedings should be forwarded to the MOEF /SEIAA.

5.0 No application made as per EIA 1994 will be accepted after 1st July, 2007 for appraisal and clearance under EIA 2006

(G.V. Subrahmanyam)
Director

To:

**All officers of IA Division/SPCBs/State Governments/UT Administrations
MoEF website**

Copy to:

- 1. PPS to Secretary E&F**
- 2. PPS to AS (CC)**
- 3. PS to JS (CC-II)**