

# LAW & POLICY UPDATE

ENVIRONMENT, HEALTH & SAFETY



## Draft Environmental Impact Assessment Notification, 2020

By: Projects, Energy & Infrastructure Team

Ministry of Environment, Forest and Climate Change (**MoEFCC**) issued a Draft EIA Notification, 2020 (**Draft Notification**) which will replace the earlier EIA Notification, 2006. The Draft Notification proposes a new set of rules for various industrial projects and aims to make the process of issuing environmental clearances more transparent and expedient through implementation of an online system.

The two most significant changes in the new EIA draft are provisions for a post facto clearance of projects and abandoning the public trust doctrine. The notification codifies the process to identify and evaluate the environmental effects of proposed development and industrial projects and also provides the basis of a plan to mitigate these effects.

The salient features of the Draft Notification are:

- It mentions three categories of projects namely A, B1 and B2 founded on social, economical and geographical impacts.
- It also mentions two types of approvals – prior environment clearance (**EC**) with the approval of expert committees and environmental permission or provision (**EP**) without the approval of expert committees.
- Nearly 40 different projects such as clay and sand extraction or digging well or foundations of buildings, solar thermal power plants and common effluent treatment plants are exempted from prior EC or prior EP.
- Several projects such as all B2 projects, irrigation, production of halogens, chemical fertilizers, acids manufacturing, biomedical waste treatment facilities, building construction and area development, elevated roads and flyovers, highways or expressways are exempted from public consultation.
- Further construction projects of up to 1,50,000 square metre are exempted from EIA norms. Additionally, all inland waterways and national highways projects are exempted from prior clearance.
- In cases of a violation reported by a government authority or by the regulatory authority processing an application, the violator under the Environmental Management Plan process shall be only liable for remediation and resource augmentation equivalent to 1.5-2 times of the ecological damage and the economic benefit derived from the violation. As for late applicants, a fee of INR 2,000 - 10,000 per day shall be paid by the project developer for the period of delay.

