Legal Aspects of EIA

ECA 1995

- Declaration of Ecological critical Area (ECA)
- Regulation controlling vehicle emitting smoke
- Environmental Clearance
- Regulation for the industries
- Provision for quality of standards for air, water, noise and soil
- Limit for discharge of wastes
- Environmental Guidelines

ECA 1995

- Section 5: Declaration of Ecologically Critical Area (ECA)
- Section 6: Vehicles emitting smoke
- Section 10: Powers of Entry
- Section 12: Environmental Clearance
- Section 15: Penalty
- Schedule-1: Categorization of industries or projects based on degree of pollution

ECR 1997

- The Rules categorized different industrial units and projects based on the degree of pollution and suggested measures for undertaking Environmental impact Assessment (EIA)
- Rules specified Environmental Quality Standards (EQS) for air, water, noise, motor vehicle exhaust, sewer, waste and gaseous discharge

Check-list for Environmental Clearance

- Site Location
- Project Components
- Raw Materials
- Energy Use
- Effluents and its Management
- Impacts on Health, Habitat, Society, Eco-system and Environment
- Water Logging, Land Erosion

Legal Basis of EIA

- Environment Conservation Act 1995 (section 12) made provision for environmental clearance prior to setting up of industries
- Environment Conservation Rules 1997 (section 7) categorized the industries into four: Green, Orange A, Orange B and Red

Environmental Clearance

- Green: Site Clearance (TV/radio assembly, book-binding, tea packing, sports goods, laundry without washing)

Required Documents for Application to DoE

Green Category

- **Application through prescribed form-3 under Environment Conservation Rules 2023**
- **Prescribed fees under schedule-13 under Environment Conservation Rules 1997**
- General information about the industrial unit or project
- Description of raw materials & finished products
- NOC from local authority

Environmental Clearance

- Orange-A: General inform., process flow diagram, layout plan (dairy, poultry, saw mill, printing press, restaurant, cinema hall, dry cleaning)
- Orange-B: Feasibility Report, IEE, Environmental Management Plan (EMP) (glass factory, edible oil, jute mill, coal tar, hotel, multi-storied apartment, brick field, ice cream factory)

Required Documents for Application to DoE

Orange A projects are those with minor and mostly temporary environmental impacts. Application for Department of Environment's environmental clearance required:

- General information about the industrial unit or project;
- Exact description of the raw materials and the manufactured product a feasibility report;
- A process flow diagram, layout plan of ETP;
- Effluent discharge arrangement outlines of the plan for relocation, rehabilitation (if applicable)
- NOC from local authority and other necessary information (if applicable).

Required Documents for Application to DoE

Orange B projects are those with moderately significant environmental impacts. These requires Environmental Clearance Certificate from DoE, for which

- Report on the feasibility of the industrial unit or project;
- Initial Environmental Examination (IEE) report;
- Process flow diagram, Layout Plan (showing location of Effluent Treatment Plant), design of the Effluent Treatment Plant (ETP) of the unit or project;
- Environmental Management Plan (EMP);
- An emergency plan relating adverse environment impact;
- Plan for mitigation of the effect of pollution are needed;
- Outline of the relocation, rehabilitation plan (where applicable)
- NOC from local authority

Environmental Clearance

- Red: Feasibility Report, IEE, EMP, full-scale EIA, Public Opinion
  (tannery, urea factory, power plants, chemical dyes, cement, refinery, paper & pulp, distillery, sugar etc)

Required Documents for Application to DoE

Red category projects are those which may cause ‘significant adverse’ environmental impacts. They require:

- Feasibility Study Report (for proposed industry/project);
- Initial Environmental Examination (IEE) report and EIA report (based on approved ToR);
- Layout Plan (showing location of ETP), Process Flow Diagram, design and time schedule of the ETP;
- Environmental Management Plan (EMP) Report (for existing industry / project);
- NOC from local authority;
- Emergency plan relating adverse environmental impact
- Pollution minimization plan;
- Outline of relocation, rehabilitation plan

(a) No industrial unit included in this list shall be allowed to be located in any residential area.

(b) Industrial units shall preferably be located in areas declared as industrial zones or in areas where there is concentration of industries or in vacant areas.

(c) Industrial units likely to produce sound, smoke, odor beyond permissible limit shall not be acceptable in commercial areas.

(d) After obtaining location clearance on the basis of Initial Environment Examination (IEE) Report, the Environmental Impact Assessment (EIA) Report in accordance with the approved terms of reference along with design of ETP and its time schedule shall be submitted within approved time limit.

General Process Steps for Environmental Clearance

Step 1 : Submit application with supporting documents.

Step 2: Verification of application and supporting documents by DoE

Step 3 : Inspection by the authorized officer after verification of all report and documents. [Then make decision about the clearance (Only Green and Orange-A)]

Step 4: Meeting of Environmental Clearance Committee (for Orange-B and Red Category)

Step 5 : Decision

Time Frame:

S.L.	Category	Site Clearance	Environmental Clearance
1.	Green	N/A	15 Days
2.	Orange-A	30 Days	15 Days
3.	Orange-B	60 Days	30 Days
4.	Red	60 Days	30 Days

General Process Steps for Environmental Clearance

Renewal Process:

The period of validity of an Environmental Clearance Certificate shall be, in case of Green Category, 3 years from the date of its issuance and in all other cases 1 year. Each Environmental Clearance Certificate has to be applied for renewal at least thirty (30) days before expiry.

EIA Report

Executive Summary

- Introduction
- Policy, Legal, Administrative Framework
- Project Description
- Baseline Environment: Physico-chemical, Ecological, Social
- Public Consultation and Information Disclosure
- Impact Identification and Evaluation
- Mitigation Measures
- Analysis of Alternatives
- Environmental Management Plan (EMP)
- Conclusion