

Sp. Secy (P)
11.6.19

Indevar Pandey, IAS
Additional Chief Secretary



Government of West Bengal
Environment Department
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No. *1098* / EN / O - 44 / 2018

Date: *10th* June, 2019

Secy (P)

To
The Additional Chief Secretary,
Department of Industry, Commerce & Enterprises,
Govt. of West Bengal,
4, Abanindranath Tagore Sarani (Camac St.),
Kolkata - 700 016.

Sub: Regarding functioning of DEIAA & DEAC after the order of Hon'ble NGT dated 11.12.2018.

Ref: Your letter D.O. No. 297/ ACS/ ICE/ O/ MIN/ GEN-MIS/16/2019 dated 27.05.2019.

Sir,

I would like to mention that we share your concern regarding the matter mentioned above. The Chief Environment Officer of this department has discussed the matter with officials of MoEF&CC and was informed that the matter is sub-judice in the Hon'ble Supreme Court and the final decision is expected during the next hearing only. In the interim period, an order / guideline from MoEF&CC is in the pipeline.

Further, it may be observed that as per amendment of EIA Notification, 2006 vide Notification no. SO 3977(E) dated 14.08.2018 (copy enclosed), mining of minor minerals ≤ 5 ha. is out of the purview of SEIAA. Any delegation to SEIAA may be possible only through an amendment Notification by MoEF&CC.

Yours sincerely,

10/6/2019

(Indevar Pandey)

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http://www.moj.gov.in

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21. का.आ. 1142(अ), तारीख 17 अप्रैल, 2015 ;
22. का.आ. 1141(अ), तारीख 29 अप्रैल, 2015 ;
23. का.आ. 1834(अ), तारीख 6 जुलाई, 2015 ;
24. का.आ. 2571(अ), तारीख 31 अगस्त, 2015,
25. का.आ. 2572(अ), तारीख 14 सितंबर, 2015,
26. का.आ. 141(अ) 15 जनवरी, 2016,
27. का.आ. 648(अ) तारीख 3 मार्च, 2016 ;
28. का.आ. 2269(अ) तारीख 1 जुलाई, 2016 ;
29. का.आ. 2944(अ), तारीख 14 सितम्बर, 2016;
30. का.आ. 3518(अ), तारीख 23 नवंबर, 2016 ;
31. का.आ. 3999(अ), तारीख 9 दिसंबर, 2016;
32. का.आ. 4241(अ), तारीख 30 दिसम्बर, 2016; और
33. का.आ. 3611(अ), तारीख 25 जुलाई, 2018 ।

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 14th August, 2018

S.O. 3977(E).— Whereas, by notification of the Government of India in the erstwhile Ministry of Environment and Forests vide number S.O.1533 (E), dated the 14th September, 2006 issued under sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government directed that on and from the date of its publication, the required construction of new projects or activities or the expansion or modernisation of existing projects or activities listed in the Schedule to the said notification entailing capacity addition with change in process or technology or product mix shall be undertaken in any part of India only after prior environmental clearance from the Central Government or as the case may be, by the State Level Environment Impact Assessment Authority, duly constituted by the Central Government under sub-section (3) of section 3 of the said Act, in accordance with the procedure specified therein;

And whereas, the said Ministry has received requests, for delegation of more powers to State Environment Impact Assessment Authority (SEIAA) and District Environment Impact Assessment Authority (DEIAA) with respect to grant of Environment Clearances;

And whereas clause (a) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986 provides that, whenever the Central Government considers that prohibition or restrictions of any industry or carrying on any processes or operation in any area should be imposed, it shall give notice of its intention to do so;

And whereas, a draft notification for making amendments in the Environment Impact Assessment Notification, 2006 in exercise of the powers conferred under sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986 was published, vide number S.O.3933 (E) dated the 18th December 2017, inviting objections and suggestions from all the persons likely to be affected thereby, within a period of sixty days from the date of publication of said notification in the Gazette of India;

And whereas, copies of the said notification were made available to the public on 18th December 2017;

And whereas, all objections and suggestions received in response to the above mentioned draft notification have been duly considered by the Central Government;

Now, therefore, in exercise of 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 makes the following further amendments in the Environment Impact Assessment Notification, 2006 namely:-

In the said Notification, in the SCHEDULE, for item 1(a), 1(c), and the Schematic Presentation of Requirements on Environmental Clearance of Minor Minerals including cluster situation in Appendix-XI and entries relating thereto, the following item and entries shall be substituted, namely:

Project or Activity		Category with threshold limit		Conditions if any
		A	B	
1 Mining, extraction of natural resources and power generation (for a specified production capacity)				
(1)	(2)	(3)	(4)	(5)
1 (a)	(i) Mining of minerals (ii) Slurry pipelines (coal, lignite and other ores) passing through national parks / sanctuaries / coral reefs, ecologically sensitive areas.	> 100 ha. of mining lease area in respect of non-coal mine lease. > 150 ha of mining lease area in respect of coal mine lease Asbestos mining irrespective of mining area. All projects.	≤ 100 ha of mining lease area in respect of non-coal mine lease. ≤ 150 ha of mining lease area in respect of coal mine lease.	General Conditions shall apply except: (i) for project or activity of mining of minor minerals of Category 'B2' (up to 25 ha of mining lease area); (ii) for project or activity of mining of minor minerals of Category 'B1' in case of cluster of mining lease area; and (iii) River bed mining projects on account of inter-state boundary. Note: (1) Mineral prospecting is exempted; (2) The prescribed procedure for environmental clearance for mining of minor minerals including cluster situation is given in Appendix XI;
1(c)	(i) River Valley projects (ii) Irrigation projects	(i) ≥ 50 MW hydroelectric power generation; (ii) ≥ 50,000 ha. of culturable command area	(i) ≥ 25 MW and < 50 MW hydroelectric power generation; (ii) > 2000 ha. and < 50,000 ha. of culturable command area.	General Condition shall apply. Note:- (i) Category 'B' river valley projects falling in more than one state shall be appraised at the central Government Level. (ii) Change in irrigation technology having environmental benefits (eg. From flood irrigation to Drip irrigation etc.) by an existing project, leading to increase in Culturable Command Area but without increase in dam height and submergence, will not require amendment/ revision of EC.
			Irrigation system	Requirement of EC
			(a) Minor Irrigation system (≤ 2000 Ha)	Exempted
			(b) Medium irrigation system (> 2000 and < 10,000 ha.)	Required to prepare EMP and to be dealt at State Level (B ₂ category).

			(c) Major irrigation system ($\geq 10,000$ to $< 50,000$ ha.)	Required to prepare EIA/EMP and to be dealt at State Level (B ₁ category).	
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Schematic Presentation of Requirements on Environmental Clearance of Minor Minerals including cluster situation in Appendix-XI:

Area of Lease (Hectare)	Category of Project	Requirement of EIA / EMP/ DSR	Requirement of Public Hearing	Requirement of EC	Who can prepare EIA/ EMP	Who will apply for EC	Authority to appraise/ grant EC	Authority to monitor EC compliance
EC Proposal of Sand Mining and other Minor Mineral Mining on the basis of individual mine lease								
0 – 5ha	'B2'	Form –IM, PFR, DSR and Approved Mine Plan	No	Yes	Project Proponent	Project Proponent	DEAC/ DEIAA	DEIAA SEIAA SPCB CPCB MoEFCC Agency nominated by MoEFCC
> 5 ha and < 25 ha	'B2'	Form –I, PFR, DSR and Approved Mine Plan and EMP	No	Yes	Project Proponent	Project Proponent	SEAC / SEIAA	
≥ 25 ha and ≤ 100 ha	'B1'	Form –I, PFR, DSR and Approved Mine Plan and EIA and EMP	Yes	Yes	Project Proponent	Project Proponent	SEAC / SEIAA	
> 100 ha	'A'	Form –I, PFR, DSR and Approved Mine Plan and EIA and EMP	Yes	Yes	Project Proponent	Project Proponent	EAC/ MoEFCC	
EC Proposal of Sand Mining and other Minor Mineral Mining in cluster situation								
Cluster area of mine leases up to 5 ha	'B2'	Form –IM, PFR, DSR and Approved Mine Plan	No	Yes	State, State Agency, Group of Project Proponents, Project Proponent	Project Proponent	DEAC/ DEIAA/	DEIAA SEIAA SPCB CPCB MoEFCC Agency nominated by MoEFCC
Cluster area of Mine leases > 5 ha and < 25 ha with no individual lease > 5 ha	'B2'	Form –I, PFR, DSR and Approved Mine Plan and one EMP for all leases in the Cluster	No	Yes	State, State Agency, Group of Project Proponents, Project Proponent	Project Proponent	DEAC/ DEIAA/	
Cluster area of Mine leases > 5 ha and < 25 ha with any individual lease > 5 ha	'B2'	Form –I, PFR, DSR and Approved Mine Plan and one EMP for all leases in the Cluster	No	Yes	State, State Agency, Group of Project Proponents, Project Proponent	Project Proponent	SEAC/ SEIAA	

Cluster of mine leases of area ≥ 25 hectares with individual lease size ≤ 100 ha	'B'	Form -I, PFR, DSR and Approved Mine Plan and one EIA/EMP for all leases in the Cluster	Yes	Yes	State, State Agency, Group of Project Proponents, Project Proponent	Project Proponent	SEAC/ SEIAA
Cluster of any size with any of the individual lease > 100 ha	'A'	Form -I, PFR, DSR and Approved Mine Plan and one EIA/EMP for all leases in the Cluster	Yes	Yes	State, State Agency, Group of Project Proponents, Project Proponent	Project Proponent	EAC/ MoEFCC

[F. No. 19-2/2013-IA.III (Pt.II)]

GYANESH BHARTI, Jt. Secy.

Note: The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii) vide number S.O. 1533 (E), dated the 14th September, 2006 and subsequently amended vide the following numbers: -

1. S.O. 1949 (E) dated the 13th November, 2006
2. S.O. 1737 (E) dated the 11th October, 2007;
3. S.O. 3067 (E) dated the 1st December, 2009;
4. S.O. 695 (E) dated the 4th April, 2011;
5. S.O. 156 (E) dated the 25th January, 2012;
6. S.O. 2896 (E) dated the 13th December, 2012;
7. S.O. 674 (E) dated the 13th March, 2013;
8. S.O. 2204 (E) dated the 19th July 2013;
9. S.O. 2555 (E) dated the 21st August, 2013;
10. S.O. 2559 (E) dated the 22nd August, 2013;
11. S.O. 2731 (E) dated the 9th September, 2013;
12. S.O. 562 (E) dated the 26th February, 2014;
13. S.O. 637 (E) dated the 28th February, 2014;
14. S.O. 1599 (E) dated the 25th June, 2014;
15. S.O. 2601 (E) dated the 7th October, 2014;
16. S.O. 2600 (E) dated the 9th October, 2014
17. S.O. 3252 (E) dated the 22nd December, 2014;
18. S.O. 382 (E) dated the 3rd February, 2015;
19. S.O. 811 (E) dated the 23rd March, 2015;
20. S.O. 996 (E) dated the 10th April, 2015;
21. S.O. 1142 (E) dated the 17th April, 2015;
22. S.O. 1141 (E) dated the 29th April, 2015;
23. S.O. 1834 (E) dated the 6th July, 2015;
24. S.O. 2571 (E) dated the 31st August, 2015;
25. S.O. 2572 (E) dated the 14th September, 2015;
26. S.O. 141 (E) dated the 15th January, 2016;
27. S.O. 648 (E) dated the 3rd March, 2016;
28. S.O. 2269(E) dated the 1st July, 2016;
29. S.O. 2944(E) dated the 14th September, 2016;

30. S.O. 3518 (E) dated 23rd November 2016;
31. S.O. 3999 (E) dated the 9th December, 2016;
32. S.O. 4241(E) dated the 30th December, 2016; and
33. S.O. 3611(E) dated the 25th July, 2018.

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