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(Published in the Gazette of India, Extraordinary, Part-II, and Section 3, Sub-section (ii))
MINISTRY OF ENVIRONMENT AND FORESTS

New Delhi 14th September, 2006

Notification

S.O. 1533 Whereas, a draft notification **under sub-rule (3) of Rule 5 of the Environment (Protection) Rules, 1986 for imposing** certain restrictions and prohibitions on new projects or activities, or on the expansion or modernization of existing projects or activities based on their potential environmental impacts as indicated in the Schedule to the notification, being undertaken in any part of India¹, unless prior environmental clearance has been accorded in accordance with the objectives of National Environment Policy **as approved by the Union Cabinet on 18th May, 2006** and the procedure specified in the notification, by the Central Government or the State or Union territory Level Environment Impact Assessment Authority (SEIAA), to be constituted by the Central Government in consultation with the State Government or the Union territory Administration concerned under sub-section (3) of section 3 of the Environment (Protection) Act, 1986 for the purpose of this notification, was published in the Gazette of India, Extraordinary, Part II, section 3, sub-section (ii) vide number S.O. 1324 (E) dated the 15th September, 2005 inviting objections and suggestions from all persons likely to be affected thereby within a period of sixty days from the date on which copies of Gazette containing the said notification were made available to the public;

And whereas, copies of the said notification were made available to the public on 15th September, 2005;

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 the powers conferred by 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 and in supersession of the notification number S.O. 60 (E) dated the 27th January, 1994, except in respect of things done or omitted to be done before such supersession, the Central Government hereby directs that on and from the date of its publication the required construction of new projects or activities or the expansion or modernization of existing projects or activities listed in the Schedule to this notification entailing capacity addition with change in process and or technology shall be undertaken in any part of India only after the 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 hereinafter in this notification.

¹Includes the territorial waters

2. Requirements of prior Environmental Clearance (EC):- The following projects or activities shall require prior environmental clearance from the concerned regulatory authority, which shall hereinafter referred to be as the Central Government in the Ministry of Environment and Forests for matters falling under Category 'A' in the Schedule and at State level the State Environment Impact Assessment Authority (SEIAA) for matters falling under Category 'B' in the said Schedule, before any construction work, or preparation of land by the project management except for securing the land, is started on the project or activity:

- (i) All new projects or activities listed in the Schedule to this notification;
- (ii) Expansion and modernization of existing projects or activities listed in the Schedule to this notification with addition of capacity beyond the limits specified for the concerned sector, that is, projects or activities which cross the threshold limits given in the Schedule, after expansion or modernization;
- (iii) Any change in product - mix in an existing manufacturing unit included in Schedule beyond the specified range.

3. State Level Environment Impact Assessment Authority:- (1) A State Level Environment Impact Assessment Authority hereinafter referred to as the SEIAA shall be constituted by the Central Government under sub-section (3) of section 3 of the Environment (Protection) Act, 1986 comprising of three Members including a Chairman and a Member - Secretary to be nominated by the State Government or the Union territory Administration concerned.

- (2) The Member-Secretary shall be a serving officer of the concerned State Government or Union territory administration familiar with environmental laws.
- (3) The other two Members shall be either a professional or expert fulfilling the eligibility criteria given in Appendix VI to this notification.
- (4) One of the specified Members in sub-paragraph (3) above who is an expert in the Environmental Impact Assessment process shall be the Chairman of the SEIAA.
- (5) The State Government or Union territory Administration shall forward the names of the Members and the Chairman referred in sub- paragraph 3 to 4 above to the Central Government and the Central Government shall constitute the SEIAA as an authority for the purposes of this notification within thirty days of the date of receipt of the names.
- (6) The non-official Member and the Chairman shall have a fixed term of three years (from the date of the publication of the notification by the Central Government constituting the authority).
- (7) All decisions of the SEIAA shall be unanimous and taken in a meeting.

4. Categorization of projects and activities:-

- (i) All projects and activities are broadly categorized in to two categories - Category A and Category B, based on the spatial extent of potential impacts and potential impacts on human health and natural and man made resources.

SCHEDULE

(See paragraph 2 and 7)

LIST OF PROJECTS OR ACTIVITIES REQUIRING PRIOR ENVIRONMENTAL CLEARANCE

| 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) | Mining of minerals | ≥ 50 ha. of mining lease area Asbestos mining irrespective of mining area | <50 ha ≥ 5 ha .of mining lease area. | General Condition shall apply <u>Note</u> Mineral prospecting (not involving drilling) are exempted provided the concession areas have got previous clearance for physical survey | |
| 1(b) | Offshore and onshore oil and gas exploration, development & production | All projects | | <u>Note</u> Exploration Surveys (not involving drilling) are exempted provided the concession areas have got previous clearance for physical survey | |
| 1(c) | River Valley projects | (i) ≥ 50 MW hydroelectric power generation; (ii) ≥ 10,000 ha. of culturable command area | (i) < 50 MW ≥ 25 MW hydroelectric power generation; (ii) < 10,000 ha. of culturable command area | General Condition shall apply | |
| 1(d) | Thermal Power Plants | ≥ 500 MW (coal/lignite/naptha & gas based); ≥ 50 MW (Pet coke diesel and all other fuels -) | < 500 MW (coal/lignite/naptha & gas based); <50 MW ≥ 5MW (Pet coke ,diesel and all other fuels) | General Condition shall apply | |

| (1) | (2) | (3) | (4) | (5) |
|-------|---|---|---|--|
| 1(e) | Nuclear power projects and processing of nuclear fuel | All projects | - | |
| 2 | | Primary Processing | | |
| 2(a) | Coal washeries | ≥ 1 million ton/annum throughput of coal | <1million ton/annum throughput of coal | General Condition shall apply (If located within mining area the proposal shall be appraised together with the mining proposal) |
| 2 (b) | Mineral beneficiation | ≥ 0.1million ton/annum mineral throughput | < 0.1million ton/annum mineral throughput | General Condition shall apply (Mining proposal with Mineral beneficiation shall be appraised together for grant of clearance) |

| 3 | | Materials Production | | |
|------|--|---|---|---|
| (1) | (2) | (3) | (4) | (5) |
| 3(a) | Metallurgical industries (ferrous & non ferrous) | <p>a) Primary metallurgical industry</p> <p>All projects</p> <p>b) Sponge iron manufacturing $\geq 200\text{TPD}$</p> <p>c) Secondary metallurgical processing industry</p> <p>All toxic and heavy metal producing units $\geq 20,000$ tonnes /annum</p> <p>-</p> | <p>Sponge iron manufacturing $< 200\text{TPD}$</p> <p>Secondary metallurgical processing industry</p> <p>i.) All toxic and heavy metal producing units $< 20,000$ tonnes /annum</p> <p>ii.) All other non-toxic secondary metallurgical processing industries > 5000 tonnes/annum</p> | General Condition shall apply for Sponge iron manufacturing |
| 3(b) | Cement plants | ≥ 1.0 million tonnes/annum production capacity | < 1.0 million tonnes/annum production capacity. All Stand alone grinding units | General Condition shall apply |

| | | | | |
|-------------|---|--|--|--|
| 4 | | Materials Processing | | |
| (1) | (2) | (3) | (4) | (5) |
| 4(a) | Petroleum refining industry | All projects | - | - |
| 4(b) | Coke oven plants | ≥2,50,000 tonnes/annum - | <2,50,000 & ≥25,000 tonnes/annum | - |
| 4(c) | Asbestos milling and asbestos based products | All projects | - | - |
| 4(d) | Chlor-alkali industry | ≥300 TPD production capacity or a unit located out side the notified industrial area/ estate | <300 TPD production capacity and located within a notified industrial area/ estate | Specific Condition shall apply No new Mercury Cell based plants will be permitted and existing units converting to membrane cell technology are exempted from this Notification |
| 4(e) | Soda ash Industry | All projects | - | - |
| 4(f) | Leather/skin/hide processing industry | New projects outside the industrial area or expansion of existing units out side the industrial area | All new or expansion of projects located within a notified industrial area/ estate | Specific condition shall apply |
| 5 | | Manufacturing/Fabrication | | |
| 5(a) | Chemical fertilizers | All projects | - | - |
| 5(b) | Pesticides industry and pesticide specific intermediates (excluding formulations) | All units producing technical grade pesticides | - | - |

| (1) | (2) | (3) | (4) | (5) |
|------|---|---|---|--------------------------------|
| 5(c) | Petro-chemical complexes (industries based on processing of petroleum fractions & natural gas and/or reforming to aromatics) | All projects - | - | - |
| 5(d) | Manmade fibres manufacturing | Rayon | Others | General Condition shall apply |
| 5(e) | Petrochemical based processing (processes other than cracking & reformation and not covered under the complexes) | Located out side the notified industrial area/ estate - | Located in a notified industrial area/ estate | Specific Condition shall apply |
| 5(f) | Synthetic organic chemicals industry (dyes & dye intermediates; bulk drugs and intermediates excluding drug formulations; synthetic rubbers; basic organic chemicals, other synthetic organic chemicals and chemical intermediates) | Located out side the notified industrial area/ estate | Located in a notified industrial area/ estate | Specific Condition shall apply |
| 5(g) | Distilleries | (i) All Molasses based distilleries (ii) All Cane juice/ non-molasses based distilleries ≥ 30 KLD | All Cane juice/non-molasses based distilleries - < 30 KLD | General Condition shall apply |
| 5(h) | Integrated paint industry | - | All projects | General Condition shall apply |

| (1) | (2) | (3) | (4) | (5) |
|------|---|---|---|-------------------------------|
| 5(i) | Pulp & paper industry excluding manufacturing of paper from waste paper and manufacture of paper from ready pulp with out bleaching | Pulp manufacturing and Pulp& Paper manufacturing industry - | Paper manufacturing industry without pulp manufacturing | General Condition shall apply |
| 5(j) | Sugar Industry | - - | ≥ 5000 tcd cane crushing capacity | General Condition shall apply |
| 5(k) | Induction/arc furnaces/cupola furnaces 5TPH or more | - - | All projects | General Condition shall apply |
| 6 | | Service Sectors | | |
| 6(a) | Oil & gas transportation pipe line (crude and refinery/ petrochemical products), passing through national parks /sanctuaries/coral reefs /ecologically sensitive areas including LNG Terminal | All projects - | | - |

| (1) | (2) | (3) | (4) | (5) |
|------|--|---|--|---|
| 6(b) | Isolated storage & handling of hazardous chemicals (As per threshold planning quantity indicated in column 3 of schedule 2 & 3 of MSIHC Rules 1989 amended 2000) | - | All projects | General Condition shall apply |
| 7 | | Physical Infrastructure including Environmental Services | | |
| 7(a) | Air ports | All projects | - | - |
| 7(b) | All ship breaking yards including ship breaking units | All projects | - | - |
| 7(c) | Industrial estates/ parks/ complexes/ areas, export processing Zones (EPZs), Special Economic Zones (SEZs), Biotech Parks, Leather Complexes. | <p>If at least one industry in the proposed industrial estate falls under the Category A, entire industrial area shall be treated as Category A, irrespective of the area.</p> <p>Industrial estates with area greater than 500 ha. and housing at least one Category B industry.</p> | <p>-Industrial estates housing at least one Category B industry and area <500 ha.</p> <p>Industrial estates of area > 500 ha. and not housing any industry belonging to Category A or B.</p> | <p>Special condition shall apply</p> <p>Note: Industrial Estate of area below 500 ha. and not housing any industry of category A or B does not require clearance.</p> |
| 7(d) | Common hazardous waste treatment, storage and disposal facilities (TSDFs) | All integrated facilities having incineration & landfill or incineration alone | All facilities having land fill only | General Condition shall apply |

| (1) | (2) | (3) | (4) | (5) |
|------|---|--|---|-------------------------------|
| 7(e) | Ports, Harbours | ≥ 5 million TPA of cargo handling capacity (excluding fishing harbours) | < 5 million TPA of cargo handling capacity and/or ports/ harbours ≥10,000 TPA of fish handling capacity | General Condition shall apply |
| 7(f) | Highways | i) New National High ways; and ii) Expansion of National High ways greater than 30 KM, involving additional right of way greater than 20m involving land acquisition and passing through more than one State. | i) New State High ways; and ii) Expansion of National / State Highways greater than 30 km involving additional right of way greater than 20m involving land acquisition. | General Condition shall apply |
| 7(g) | Aerial ropeways | | All projects | General Condition shall apply |
| 7(h) | Common Effluent Treatment Plants (CETPs) | | All projects | General Condition shall apply |
| 7(i) | Common Municipal Solid Waste Management Facility (CMSWMF) | | All projects | General Condition shall apply |