

Public Hearing Notifications

Notification I

Ministry of Environment and Forests

S.O. 318(E), dated April 10, 1997, published in the Gazette of India, Extra., Part II, Section 3(ii), dated 10th April 1997, pp.3-4, No. 244 [No. Z-12013/4/89-IA.I]

Whereas by notification of the Government of India in the Ministry of Environment and Forests No. S.O. 60 (E), dated 7th January, 1994 (hereinafter referred to as the said notification) issued under sub-section (1) and clause (v) of sub-section (2) of Section 3 of the Environment (Protection) Act, 1986 (29 of 1986) (hereinafter referred to as the said Act) read with clause (d) of sub-rule (3) of Rule 5 of the Environment (Protection) Rules, 1986 (hereinafter referred to as the said rules), the Central Government imposed certain restrictions and prohibitions on the expansion and modernization of any activity or the undertaking of any project, unless environment clearance has been granted by the Government;

And whereas, sub-rule (4) of Rule 5 of the said rules provides that, whenever it appears to the Central Government that it is in public interest to do so it may dispense with the requirement of notice under clause (a) of sub-rule (3) of Rule 5 of the said rules;

And whereas, the Central Government is of the opinion that it is in public interest to dispense with the requirement of notice under clause (a) of sub-rule (3) of Rule 5 of the said rules;

Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of Section 3 of the said Act read with sub-rule (4) of Rule 5 of the said rules, the Central Government hereby makes the following further amendments in the said notifications, namely:-

in the said notification, _

(1) in paragraph 2, _

(a) in sub-paragraph I, in item (a), for the words "and an environment Management Plan", "Paryavaran Prabandhak Yojana" the words, "Environment Management Plan and details of public hearing as specified in Schedule IV" shall be substituted;

in sub-paragraph III, for item (c), the following shall be substituted, namely: _

"(c) the Impact Assessment Agency shall prepare a set of recommendations based on the technical assessment of documents and data furnished by the project authorities and supplemented by data collected during visits of sites of factories, if undertaken and details of public hearing.

The assessment shall be completed within a period of ninety days from receipt of the requisite documents and data from the project authorities and completion of public hearing and decision conveyed within thirty days thereafter.

The clearance granted shall be valid for a period of five years from commencement of the construction or operation of the project."

(2) in Schedule-I, for item 21, the following item shall be substituted, namely:- "Highway Projects except projects relating to improvement work including widening and strengthening of roads with marginal land acquisition along the existing alignments provided it does not pass through ecologically sensitive areas such as National Parks, Sanctuaries, Tiger reserves, Reserve forests",

(3) after Schedule III, the following Schedule shall be added at the end, namely: _

"SCHEDULE IV

(See sub-para (1) of Para 2)

Procedure for Public Hearing

(1) Process of Public Hearing - Whoever apply for environmental clearance of projects, shall submit to the concerned State Pollution Control Board twenty sets of the following documents namely:-

(i) An executive summary containing the salient features of the project both in English as well as local language.

(ii) Form XIII prescribed under Water (Prevention and Control of Pollution) Rules, 1975 where discharge of sewage, trade effluents, treatment of water in any form, is required.

(iii) Form I prescribed under Air (Prevention and Control of Pollution) Union Territory Rules, 1983 where discharge of emissions are involved in any process, operation or industry.

(iv) Any other information or document which is necessary in the opinion of the Board for their final disposal of the application.

(2) Notice of Public Hearing -

(i) The State Pollution Control Board shall cause a notice for environmental public hearing which shall be published in at least two news papers widely circulated in the region around the project, one of which shall be in the vernacular language of the locality concerned. State Pollution Control Board shall mention the date, time and place of public hearing. Suggestions, views, comments, and objections of the public shall be invited within thirty days from the date of publication of the notification.

(ii) All persons including bona fide residents, environmental groups and others located at the projects site/sites of displacement/sites likely to be affected can participate in the public hearing. They can also make oral/written suggestions to the State Pollution Control Board.

Explanation. - for the purpose of the paragraph person means._

a) any person who is likely to be affected by the grant of environmental clearance;

b) any person who owns or has control over the project with respect to which an application has been submitted for environmental clearance;

c) any association of persons whether incorporated or not likely to be affected by the project and /or functioning in the field of environment;

d) any local authority within any part of whose local limits, is within the neighborhood, wherein the project is proposed to be located.

(3) Composition of public hearing panel. - The composition of Public Hearing Panel may consist of the following, namely:-

i) Representative of State Pollution Control Board;

ii) District Collector or his nominee;

iii) Representative of State Government dealing with the subject;

iv) Representative of Department of the State Government dealing with Environment,

v) Not more than three representatives of the local bodies such as Municipalities or panchayats;

vi) Not more than three senior citizens of the area

nominated by the District Collector.

(4) Access to the Executive Summary:- The concerned persons shall be provided access to the Executive Summary of the Project at the following places namely:-

i) District Collector Office,

ii) District Industry Centre,

iii) In the Office of the Chief Executive Officers of Zila Parishad or Commissioner of the Municipal Corporation/Local body as the case may be;

iv) In the head office of the concerned State Pollution Control Board and its concerned Regional Office;

v) In the concerned Department of the State Government dealing with the subject of environment;

Notification II

Ministry of Environment and Forests

S.O. 319(E), dated April 10, 1997, published in the Gazette of India, Extra, Part II, Section 3(ii), dated 10th April, 1997, pp, 7-10, No. 244 [No. Z-12013/4/89-I.A.I]

In exercise of the powers conferred by Section 23 of the Environment (Protection) Act, 1986 (29 of 1986) (hereinafter referred to as the said Act, the Central Government hereby directs that the powers conferred on it by sub-section (1) of Section 3 of the said Act to take measures for protecting and improving the quality of the environment and preventing, controlling and abating environmental pollution by exercisable also by the State Government as notified in the notification of the Government of India in the Ministry of Environment and Forests No. S.O. 60(E) dated the 27th January, 1994 in relation to the Thermal Power Plants specified in Schedule-I annexed to this notification subject to the conditions and limitations specified in Schedule II annexed to this notification.

SCHEDULE- I

Category of Thermal Power Plants requiring environmental clearance from the State Government.

I. Co-generation Captive Plants:

(i)Co-Generation Plants:

All co-generation Plants

irrespective of the installed capacities.

(ii) Captive Power Plants :

Up to 250 MW (both coal and gas/naphtha based) coming up

separately and not along the main industry.

II. Utility Projects:

i) Coal based plants up to 500 MW using fluidized bed technology subject to sensitive areas restrictions.

ii) Coal based Power Plants up to 250 MW using conventional technologies.

iii) Gas/Naphtha based plants up to 500 MW.

Note: Any project proposed to be located within the radius of twenty five km boundary of reserved forests, ecologically sensitive area which may include National Parks, Sanctuaries, Biosphere Reserves, critically polluted area and within fifty kms of inter-state boundary shall require environmental clearance from the Central Government.

SCHEDULE-II

Procedure for seeking environment clearance of projects :

1. (1) Any person who desires to establish a thermal power plant of any category mentioned in Schedule-I, shall submit an application to the Department of the State Government dealing with the subject of Environment.

(2) The application shall be made in the Form 'A' specified in Schedule-II annexed to this notification and shall be accompanied by a detailed project report which shall, inter alias, include an Environmental Impact Assessment Report and an Environment Management Plans prepared in accordance with the guidelines issued by the State Department of Environment from time to time.

(3) Cases rejected due to submission of insufficient or inadequate data and Action Plans may be reviewed as and when submitted with complete data and Action Plans. Submission of incomplete data for the second time would itself be a sufficient reason for the State Government to reject the case summarily.

2. In case of the pit-head thermal power plants, the applicant shall intimate the location of the project site to the State Government while initiating any investigation and surveys. The State Government will convey a decision regarding suitability or otherwise of the proposed site within

a maximum period of thirty days. The said site clearance will be granted for a sanctioned capacity and it will be valid for a period of five years for commencing the construction or operation of the project.

3.(1)The applicant shall obtain No Objection Certificate from the concerned Pollution Control Board. The State Pollution Control Board shall issue No Objection Certificate to establish only after completing public hearing as specified in Schedule-IV annexed to this notification.

(2) The reports submitted with the application, and No Objection Certificate from the State Pollution Control Board shall be evaluated and assessed by the State Government, in consultation with a Committee of experts which shall be constituted by the State Government as specified in Schedule III appended to this notification.

(3)The said Committee of Experts shall have full right of entry and inspection of the site or, as the case may be, factory premises at any time prior to, during or after the commencement of the operations relating to the plant.

(4)The State Government Department dealing with the subject of Environment shall prepare a set of recommendations based on technical assessment of documents and data furnished by the applicant supplemented by data collected during visits to sites, if undertaken and interaction with affected population and environment groups, if necessary.

(5)The assessment shall be completed within a period of ninety days from receipt of the requisite documents and data from the applicant and decision conveyed within thirty days thereafter.

(6)The environmental clearance granted shall be valid for a period of five years from commencement of the construction or operation of the project.

4.concealing factual data or submission of false, misleading data or reports, decisions of recommendations would lead to the project being rejected. Approval, if granted, earlier on the basis of false data, can also be revoked.

(Form A)

Application Form

1. (a)Name and Address of the project proposed :

(b)Location of the projects :

Name of the place :

District, Tehsil :

Latitude/Longitude :

Nearest Airport /Railway Station :

(c)Alternate sites examined and the reasons for selecting the proposed site :

(d)Does the site conform to stipulated land use as per local land use plan;

2. Objectives of the project:

3. (a)Land Requirement :

Agriculture Land :

Forest Land and Density of vegetation,

Others (Specify) :

(b) (i)Land use in the Catchment/within 10 km. radius of the proposed site :

(ii)Topography of the area indicating gradient, aspects and altitude :

(iii)Erodability classification of the proposed land :

(c)Pollution sources existing in 10 km. radius and their impact on quality of air, water and land:

(d)Distance of the nearest National Park/Sanctuary/Biosphere Reserve/Monuments/heritage site/Reserved Forests :

(e)Rehabilitation on plan for quarries/borrow areas :

(f)Green belt plan :

(g)Compensatory afforestation plan :

4. Climate and Air Quality :

a)Windrose at site :

b)Max/Min/Mean annual temperature :

c)Frequency of inversion :

d)Frequency of cyclones /tornadoes/cloud burst :

e)Ambient air quality data :

f) Nature and concentration of emission of SPM, Gas (CO, CO₂, SO₂, NO_x, CH₄ etc.) from the project :

5. Water balance :

a) Water balance at site :

b) Lean season water availability :

Water requirement :

c) Source to be tapped with competing users (river, lake, ground, public supply) :

d) Water quality :

e) Changes observed in quality and quantity of ground water in the last 15 years and present charging and extraction details :

(f)(i) Quantum of waste water to be released with treatment details :

(ii) Quantum of quality of water in the receiving body before and after disposal of solid wastes:

(iii) Quantum of waste water to be released on land and type of land :

(g)(i) Details of reservoir water quality with necessary Catchment Treatment Plan :

(ii) Command Area Development plan :

6. Solid wastes :

(a) Nature and quantity of solid wastes generated :

(b) Solid waste disposal method :

7. Noise and Vibrations :

(a) Sources of noise and Vibrations :

(b) Ambient noise level :

(c) Noise and Vibration control measures proposed :

(d) Subsidence problem if any with control measures.

8. Power requirement indicating source of supply : Complete environmental details to be furnished separately, if captive power unit proposed :

9. Peak labour force to be deployed giving details of :

- Endemic health problems in the area due to waste water/air/soil borne diseases :

- Health care system existing and proposal :

10. (a) Number of villages and population to be displaced :

(b) Rehabilitation Master Plan :

11. Risk assessment report and Disaster Management Plan :

12. (a) Environmental Impact Assessment :

(b) Environment Management Plan :

(c) Detailed Feasibility Report :

(d) Duly filled in questionnaire :

Report prepared as per guidelines issued by the Central Government in the MoEF from time to time.

13. Details of Environmental Management Cell :

I hereby give an undertaking that the data and information given above are true to the best of my knowledge and belief and I am aware that if any part of the data/information submitted is found to be false or misleading at any stage, the project be rejected and the clearance given, if any, to the project is likely to be revoked at our risk and cost.

Signature of the applicant with name and full address

Date :

Place :

Given under the seal of Organisation on behalf of whom the applicant is signing.

In respect to item for which data are not required or are not available as per the declaration of project proponent, the project would be considered on that basis.

SCHEDULE III

(See Sub-para (2), Para 3 of Schedule-II)

COMPOSITION OF THE EXPERT COMMITTEES FOR ENVIRONMENTAL IMPACT ASSESSMENT

1. The Committees will consist of experts in the following disciplines:

- a)Eco-system Management
- b)Air/Water Pollution Control
- c)Water Resource Management
- d)Flora/Fauna Conservation and management
- e)Land Use Planning
- f)Social Sciences/Rehabilitation
- g)Project Appraisal
- h)Ecology
- i)Environmental Health
- j)Subject Area Specialists
- k)Representatives of NGOs/persons concerned with environmental issues.

2. The Chairman will be outstanding and experienced ecologist or environmentalist or technical professional or wide managerial experience in the relevant development sector.

3. The representative of Impacts Assessment Agency will act as a Member-Secretary.

4. Chairman and Members will serve in their individual capacities except those specifically nominated as representatives.

5. The Membership of a Committee shall not exceed 15.

"SCHEDULE-IV

(See Para 3, sub-paragraph (2) of Schedule-II)

PROCEDURE OF PUBLIC HEARING

(1) Process of Public Hearing - Whoever apply for environmental clearance of projects, shall submit to the concerned State Pollution Control Board twenty sets of the following documents namely:_

- i. An Executive summary containing the salient features of the project both in English as well as local language.
- ii. Form XIII prescribed under Water (Prevention and Control of Pollution) Rules, 1975 where discharge of sewage, trade effluents, treatment of water in any form, is required.

iii. Form I prescribed under Air (Prevention and Control of Pollution) Union Territory Rules, 1983 where discharge of emissions are involved in any process, operation or industry.

iv. Any other information or document which is necessary in the opinion of the Board for their final disposal of the application.

(2) Notice of Public Hearing - (i) The State Pollution Control Board shall cause a notice for environmental public hearing which shall be published in at least two newspapers widely circulated in the region around the project, one of which shall be in the vernacular language of the locality concerned. State Pollution Control Board shall mention the date, time and place of public hearing. Suggestions, views, comments, and objections of the public shall be invited within thirty days from the date of publication of the notification.

(ii) All persons including bona fide residents, environmental groups and others located at the project site/sites of displacement/sites likely to be affected can participate in the public hearing. They can also make oral/written suggestions to the State Pollution Control Board.

Explanation - For the purpose of the paragraph person means_

(a) any person who is likely to be affected by the grant of environmental clearance;

(b) any person who owns or has control over the project with respect to which an application has been submitted for environmental clearance;

(c) any association of persons whether incorporated or not likely to be affected by the project and/or functioning in the field of environment;

(d) any local authority within any part of whose local limits is within the neighborhood wherein the project is proposed to be located.

(3) Composition of public hearing panel. - The composition of Public Hearing Panel may consist of the following, namely:_

i. Representative of State Pollution Control Board;

ii. District Collector or his nominee;

iii. Representative of State Government dealing with the subject of power;

iv. Representative of Department of the State Government dealing with Environment;

v. Not more than three representatives of the local bodies such as Municipalities or Panchayats;

vi. Not more than three senior citizens of the area nominated by the District Collector.

(4) Access to the Executive Summary - The concerned persons shall be provided access to the Executive Summary of the Project at the following places namely:-

i. District Collector Office;

ii. District Industry Centre;

iii. In the Office of the Chief Executive Officer of Zila Parishad or Commissioner of the Municipal Corporation/Local Body as the case may be;

iv. In the head office of the concerned State Pollution Control Board and its concerned Regional Office;