

Amendments to EIA rules

July 23, 2022

Manifest Pedagogy:

The important aspects of EIA are risk assessment, environmental management and post project monitoring. The recent changes in the EIA rules focuses on easing the EIA process for certain categories of projects. Though the objective of these amendments is good especially for the strategic sector, it must not bypass the core essence of EIA process. There must be an optimum balance between environment protection and pace of development.

In News: The Ministry of Environment, Forests and Climate Change has notified amendments to the Environment Impact Assessment (EIA) Rules.

Placing it in Syllabus: Environment Static Dimensions

- Environmental Impact Assessment (EIA)
- Steps in EIA
- 2006 Amendment to the EIA Notification

Current Dimensions

- Draft EIA Notification 2020
- Amendments in EIA rules
- Significance of the amendments.
- Issues with these amendments

Content

Environmental Impact Assessment (EIA)

- The EIA is a process of evaluating the likely environmental impacts of a proposed project or development.

- The UNEP defines **Environmental Impact Assessment (EIA)** as a tool used to identify the environmental, social and economic impacts of a project prior to decision-making.
- It aims to predict environmental impacts at an early stage in project planning and design, find ways and means to reduce adverse impacts, shape projects to suit the local environment and present the predictions and options to decision-makers.
- EIA was **introduced in India in 1978**, with respect to river valley projects.
- Later the EIA legislation was enhanced to include other developmental sections.
- EIA comes under Notification on Environmental Impact Assessment (EIA) of developmental projects 1994 under the provisions of **Environment (Protection) Act, 1986**.
- Besides EIA, the Government of India under Environment (Protection) Act 1986 issued a number of other notifications, which are related to environmental impact assessment.

Amendments in EIA rules

- **Thermal power plants** up to 15 MW based on biomass or non-hazardous municipal solid waste using auxiliary fuel such as coal, lignite or petroleum products up to 15 per cent have also been exempted – as long as the fuel mix is eco-friendly
- **Fish handling ports and harbours**-Taking into account issues of livelihood security of fishermen involved at fish handling ports and harbours, and the less pollution potential of these ports and harbours compared to others, increasing the threshold of ports which exclusively deals in fish handling, and caters to small fishermen, will be exempted from environmental clearance
- **Toll plazas** that need more width for installation of toll collection booths to cater to a large number of vehicles are exempted

- **Airport**-Expansion activities in existing airports related to terminal building expansion without increase in the airport's existing area, rather than expansion of runways also exempted.
- **Strategic Projects**-For projects of strategic importance-
 "Highway projects related to defence and strategic importance in border States are sensitive in nature and that needs to be executed on priority keeping in view strategic, defence and security considerations.
 - Exemption of such projects from the requirement of Environmental Clearance in border areas, subject to specified Standard Operating Procedure along with standard environmental safeguards for such projects for self-compliance by the agency executing such projects.
 - Any project which is 100 km from the Line of Control, among other locations, will be exempted from an environmental clearance before construction.

Significance of the amendments

- Faster infrastructure development in strategic areas like border areas.
- Quick expansion projects without the need for an elaborate EIA process.
- It will improve the investment climate and attract investment in these sectors.
- Create jobs and support livelihood especially poor fishermen.
- Ease the traffic flow on congested highways due to easier expansion of toll plaza.

Issues with these amendments

- There are several projects with significant environmental impacts that are exempted from the notification.

- Some of the exempted projects can have a huge impact on biodiversity and the ecosystem.
- Public residing in the area will not have any say as these projects will be outside the purview.
- Apart from strategic projects , other projects must go through scrutiny and analysis of the environmental impact it will have.

Steps in EIA

EIA involves the steps mentioned below. However, the EIA process is cyclical with interaction between the various steps.

- **Screening:** The project plan is screened for scale of investment, location and type of development and if the project needs statutory clearance.
- **Scoping:** The project's potential impacts, zone of impacts, mitigation possibilities and need for monitoring.
- **Collection of baseline data:** Baseline data is the environmental status of the study area.
- **Impact prediction:** Positive and negative, reversible and irreversible and temporary and permanent impacts need to be predicted which presupposes a good understanding of the project by the assessment agency.
- **Mitigation measures and EIA report:** The EIA report should include the actions and steps for preventing, minimizing or by passing the impacts or else the level of compensation for probable environmental damage or loss.
- **Public hearing:** On completion of the EIA report, public and environmental groups living close to the project site may be informed and consulted.
- **Decision making:** Impact Assessment Authority along with the experts consult the project-in-charge along with the consultant to take the final decision, keeping in mind EIA and EMP (Environment Management Plan).

- Monitoring and implementation of environmental management plan: The various phases of implementation of the project are monitored.
- **Assessment of Alternatives**, Delineation of Mitigation Measures and Environmental Impact Assessment Report: For every project, possible alternatives should be identified, and environmental attributes compared. Alternatives should cover both project location and process technologies.
- Once alternatives have been reviewed, a mitigation plan should be drawn up for the selected option and is supplemented with an Environmental Management Plan (EMP) to guide the proponent towards environmental improvements.
- **Risk assessment**: Inventory analysis and hazard probability and index also form part of EIA procedures.

2006 Amendment to the EIA Notification

- Decentralisation of Project Clearances: It classified the developmental projects in two categories:
 - Category A (national level appraisal): projects are appraised by Impact Assessment Agency (IAA) and the Expert Appraisal Committee (EAC)
 - Category B (state level appraisal): State Level Environment Impact Assessment Authority (SEIAA) and State Level Expert Appraisal Committee (SEAC) provide clearance to the Category B projects.
- Introduction of Different Stages: The Amendment introduced four stages into EIA Cycle; Screening, Scoping, Public hearing and Appraisal.
- Projects with Mandatory Clearance: Projects such as mining, thermal power plants, river valley, infrastructure (road, highway, ports, harbours and airports) and industries including very small electroplating or foundry units are mandated to get environment clearance.

Draft EIA Notification 2020

- **Reduced Time for Public Hearings:** One of the major steps of the EIA Mechanism is the public participation. The 2020 draft proposes to reduce the notice period for public hearings from 30 days to 20 days.
- **Exemption of Projects:** Furthermore, by classifying a number of projects into A, B1 and B2, a host of projects are exempted from public scrutiny.
 - Category B2 projects do not require mandatory Environment Clearance (EC), unlike the Category A and B1 projects.
 - Exempted Projects: The projects under this exempted category include Offshore and onshore oil, gas and shale exploration.
- **Post-clearance compliance:** It implies that once a project gets approved by the concerned authority, the proponent projects are required to adhere to certain rules laid down in the EIA report in order to ensure that no further environmental damages take place.
- The new EIA proposes the submission of compliance reports annually whereas as per the 2006 notification, the compliance report was to be submitted every six months.
- The EIA Notification 2020 **excludes reporting of violations and non-compliance by the public.** Instead, the government will take cognisance of reports only from the violator-promoter, government authority, Appraisal Committee or Regulatory Authority.
- Granting 'post-facto clearance' where a project that has been operating without environmental clearance, can be regularised or allowed to apply for clearance
- Firms found violating the terms of their establishment, if they have to get the clearance, however, will have to pay a penalty.

Way Forward

- The focus of EIA needs to shift from utilisation and exploitation of natural resources to conservation of natural resources.
- Creation of an Independent EIA Authority.
 - It is critical that the preparation of an EIA is completely independent of the project proponent.
- Sector wide EIAs needed.
- NGOs, civil society groups and local communities need to build their capacities to use the EIA notification towards better decision making on projects.
- Public hearings should be applicable to all hitherto exempt categories of projects which have environmental impacts.
- Citizens should be able to access the authority for redressal of all violations of the EIA notification as well as issues relating to non-compliance.
- An automatic withdrawal of clearance if the conditions of clearance are being violated and introduce more stringent punishment for noncompliance.
- All those projects where there is likely to be a significant alteration of ecosystems need to go through the process of environmental clearance, without exception.
- No industrial developmental activity should be permitted in ecologically sensitive areas. large number of vehicles are exempted

Mould your thoughts

1. What is an Environment Impact assessment (EIA) ? Critically analyse the recent amendments to EIA rules. (250 words)

Approach to the answer.

- Define EIA and process
- Amendments in the rules
- Significance of these amendments

- Issues with these amendments
- Way Forward and conclusion.