

Dated: 17<sup>th</sup> May, 2018

**ORDER**

**Sub.:** Reconstitution and Extension of tenure of Expert Committee constituted in the Ministry for examination and recommendation on various technical issues like review of projects/activities for its inclusion under EIA Notification, 2006, categorization of Category 'B' projects/activities into Category 'B1' & 'B2' under EIA Notification, 2006, review of classification of projects/activities into 'A' & 'B' and General Conditions as contained in the aforesaid Notification-regarding.

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This has reference to this Ministry's earlier office Memoranda of even number dated 30.01.2013, 30.04.2013, 30.07.2013, 31.03.2014, 31.01.2015 and 21.04.2017 on constitution/extension of Expert Committee on the aforementioned subject. The tenure of the committee has expired on 31.12.2017.

The Ministry has further decided to re-constitute and extend the tenure of the Expert Committee for a period of six months from the date of issue of the order.

The revised constitution of the committee is as follows:

Dr. S.R. Wate, Former Director, NEERI, Nagpur (Non-Official)	Chairman
Shri R.K. Garg, Mumbai (Non-Official)	Member
Dr. G.V. Subrahmanyam, Former Advisor, MoEF&CC (Non-Official)	Member
Shri K. Gowarappan, Plot No. 6, Ganesh Avenue, II Street Sakthi Nagar, Chennai -600116 (Non-Official)	Member
Sr. Seema Arora, Executive Director, CII-ITC Centre of Excellence for Sustainable Development, New Delhi (Non-Official)	Member
K.P. Nyati, New Delhi (Non-Official)	Member
Member Secretary, CPCB, New Delhi	

environmental clearance. However, the use of...  
...the proposal of B category projects...  
...the Expert Committee will deliberate further about the categorization...  
...in the expert committee meeting held on 13.09.2017, as no decision could be taken on...  
...suggested to issue an O.M. in continuation of O.M. No. 1-13013/12/2013-LA-IBD...  
...to issue the following criteria:

- i. Total liquid discharge
- ii. Water consumption is not more than 3 KJ per day
- iii. Fuel consumption is not more than 3 tonnes per day

In the expert committee meeting held during 28.07.2017, the committee deliberated and opined that since the proposal of manufacturing of Linear Alkyl Benzene Sulphonic Acid (LABSA) falls under category 5(f) of Schedule to EIA Notification, it requires Environmental Clearance. However, in view of the fact that there is no fuel involved and no effluent is generated, it does not have very significant environmental impact. It may therefore, be considered as a B2 category project. The specific consideration for Environmental Clearance has to be for the utilization/disposal of dilute H<sub>2</sub>SO<sub>4</sub> which get generated in the process.

**7. Applicability of EIA Notification, 2006 for jetty construction in rivers and dredging in rivers and Inland waterways development projects**

In a representation, the Inland Waterways Authority of India (IWAI), Ministry of Shipping has mentioned that they are in the process of implementation of the 'Jal Marg Vikas Project for augmentation of navigation in the Haldia-Varanasi stretch of National Waterway-1 (NW-1).

As per EIA Notification, 2006 and further amendment vide S.O. No. 141(E) dated 15.01.2016, the dredging and de-silting of dams, reservoirs, weirs, barrages, river and canals for the purpose of their maintenance, upkeep and disaster management, are in the category of cases which are exempted from the requirement of prior environmental clearance. This is in the context of mining of minor minerals especially the river sand mining. As per EIA Notification amendment dated 01.12.2009, the Capital Dredging inside and outside the ports or harbors and channels are included; maintenance dredging is exempt provided it forms part of the original proposal for which Environment Management Plan (EMP) was prepared and environmental clearance obtained.

Since the instant proposal of IWAI involves the Capital Dredging, it has to be covered under item 7(e) of EIA Notification, 2006 as amended from time to time (as mentioned in the previous paragraph). However, IWAI has requested to exempt construction of jetties and dredging in rivers for Inland Waterways Development Projects from environmental clearance under the EIA Notification, 2006.

Detailed discussion took place in the meeting. However, it was felt that some more information and facts would be required to reach at decision. So, it was decided to discuss this issue in next meeting of Expert Committee after gathering desired information from various sources.

In the expert committee meeting held on 18.05.2017, the representatives of the Inland Waterways Authority of India (IWAI), Ministry of Shipping mentioned that they are in the process of implementation of the 'Jal Marg Vikas Project' for augmentation of navigational aids in the Haldia-Varanasi stretch of National Waterway-1 (NW-1). The project involves the development of navigation in 1390 Km length from Varanasi to Haldia running through the Ganges, Bhagirathi and Hoogly river system with having fixed terminals at Haldia, Farrakka and Patna and floating terminals at most of the riverside cities like Kolkata, Varanasi etc. The project also involves the construction of Multi-Modal Terminals, Jetties and dredging.

It may be important to note that river ecosystems, in general, have unidirectional flowing water with dynamic flow rates, containing many different micro & macro aquatic habitats and plants and animals that have adapted to live within water flow condition. A variety of plants can be found growing in a river system. The water of Ganga is rich in a diverse faunal regime with 140 species of fish and 90 species of amphibians, 12 species of freshwater turtles and also endangered *magar* and *gharial* crocodiles as well as bull sharks and Gangetic sharks (endangered) down near the Bay of Bengal in estuarine terminals apart from dolphins. These are the vital part of Ganga's ecosystem. As per the report of IIT Consortium, biological profile of Lower Ganga (Varanasi-Farakka), LGB (Farakka-Sagar) includes a variety of Diatoms, Green Algae, Zoo Benthos, 35/37 fish families with 12/16 RET species and higher vertebrates like turtles, Gangetic Dolphins, Crocodile *etc.*

The representatives from IWAI made a detailed presentation before the committee wherein various technical, economic and social aspects of the proposed waterways system and construction activities/projects therein were discussed. It was also informed that in order to move a 2,000-tonne barge, there is a need of minimum three-metre depth/draft between October to April. In the first phase, attempts will be made to create a 1,400-km channel with a width of 45 metres and a minimum draft of 3 metres from Varanasi to Haldia to enable two vessels to pass smoothly.

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Maintenance dredging will be done to get the minimum depth of 2.2 m to 3.0 m in varying from place to place. The dumping of the dredged material will be done back to the river (which, according to Expert Committee, would have an additional burden on the river ecosystem).

These proposed site also encompass the Kashi Turtle Sanctuary (Varanasi) and Vikramshila Gangetic Dolphin Sanctuary (Bhagalpur), two major hotspots from various EIA studies for the proposed project have already been carried out in view of the ecological sensitivity of the region. It was also informed that the MoEF&CC for Haldia Modal Terminal with reference to Coastal Regulation Zone (CRZ) clearance and the proposal was discussed at the meeting of the Expert Appraisal Committee meeting held on 11<sup>th</sup> May 2017 in the Ministry.

The IWAI representatives pointed out towards the provisions mentioned in item 7(e) of the Schedule under EIA Notification, 2006 amended from time to time and claimed that that the maintenance dredging is exempted from obtaining environmental clearance. They also mentioned that as per the Ministry's Sustainable Sand Mining Management Guidelines, 2016, the de-silting of the reservoir, dredging for upkeep and maintenance of structures, channels and averting natural disasters will not be treated as mining for the purpose of environmental clearance.

The Committee heard the presentation and argument made by project proponent in favour of proposed project for development of NW-1 between Varanasi and Haldia for a stretch of 1390 km. The IWAI representatives also indicated the issues associated with water depth creation as per the vessel size, maintenance dredge required, issues related to flora fauna and studies that are carried out for turtle sanctuary, dolphin conservation including social impact assessment and risk assessment for bunkering facilities, storage for conventional fuel and creating a LNG (Liquid Natural Gas) facility at specified facilities at Gazipur, it appears that project must have environmental impact assessment as an integral part of DPR or otherwise. Therefore, the committee felt that, in the interest of such project and their sustenance, both during the time of creation or operation for longer duration with environmental and social viability of the project must be included in the EIA Notification, 2006 and be appraised as 'Category A' project with reference to specific issues addressing river as living entity, changing hydrology, riparian rights, interstate boundary impacts, protection of banks, and floodplain zones of the river system.

It is further reiterated that in item 7(e) of the Schedule under the EIA Notification, 2006, as amended from time to time, it is mentioned, "Maintenance dredging is exempt provided it formed part of the original proposal for which

*Environment Management Plan (EMP) was prepared and environmental clearance obtained.* One of the Expert Committee members has mentioned that the EAC for 'Infrastructure-2' in its 10<sup>th</sup> meeting held on 24-25<sup>th</sup> October 2016, has already recommended ToR along with public hearing prescribed for a proposal on Development of Stretch of Mandovi River (NW-68), Zuari River (NW-111) and Cumberjua Canal (NW-27) of National Waterway in the State of Goa by the M/s Inland Waterway Authority of India.

After detailed deliberations during the meeting, the committee clarified that the proposal for implementation of 'Jal Marg Vikas Project' for augmentation of navigational aids in the Haldia-Varanasi stretch of National Waterway-1 (NW-1) by NWAI is covered under the EIA Notification, 2006 and be appraised as 'Category A' project with reference to specific issues addressing river as living entity, changing hydrology, riparian rights, transboundary impacts, protection of banks, and floodplain zones of the river system. Also, the maintenance dredging involved in this project cannot be exempted from environmental clearance as the project has not obtained any prior environmental clearance as provided in column 5 of item 7(e) of EIA Notification as amended from time to time. In order to bring more clarity regarding the applicability of such projects under EIA Notification, 2006, the Expert Committee recommended for amending the EIA Notification, 2006 to include 'Inland Waterways, Jetties and Multi-Modal Terminals under the list of items requiring prior environmental clearance in Column 2 against item 7(e) of the Schedule requiring prior environmental clearance as Category A projects. However, Public Hearing in respect of Inland Waterways may be restricted to areas where facilities such as jetties, terminals, storage are created.

During the expert committee meeting held on 28.07.2017, the committee while appraising the project noticed that authority has carried out detailed EIA studies including impacts on aquatic environment related to dolphins, crocodile and other animals as well as also public consultation as it is a mandatory requirement of the World Bank. The committee felt the organization is very sensible to approach the issue as per World Bank and felt that same sensible approach could be extended to Ministry also. Therefore, the stand taken by the committee is reiterated, the project of dredging attracts EC. The point which is referred in para (14) of the MoM dated 18th May 2017 regarding recommendation for amending the EIA Notification are the additional aspects for further clarity in EIA Notification.

**8. Applicability of EIA Notification, 2006 for Common Solid Waste Management facilities and their threshold limits.**

The Ministry of Urban Development has requested to revisit the process of Environmental Clearance (EC) for Solid Waste Management Treatment and Disposal Facilities and exempt the Common Municipal Solid Waste Management