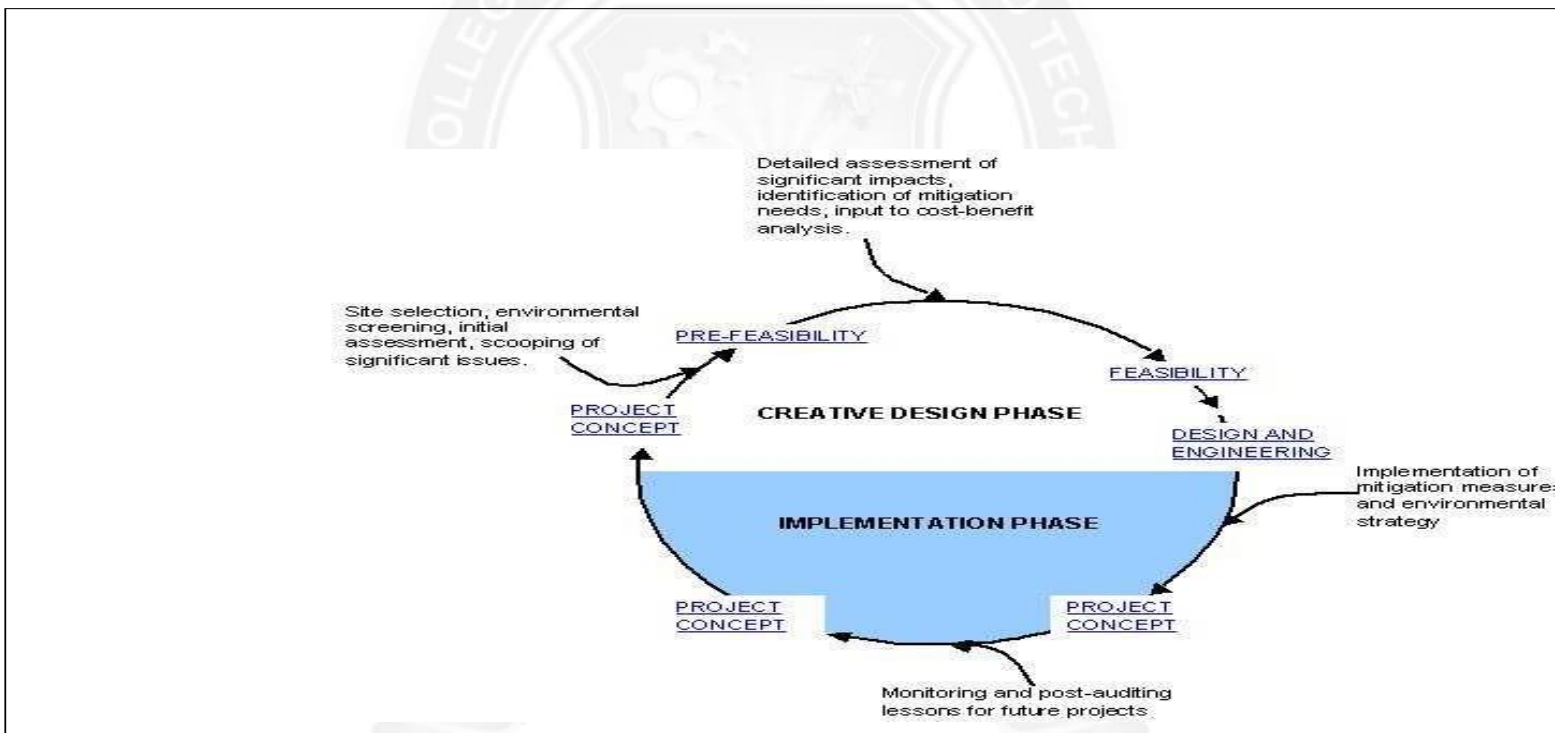


## 1.7 EIA in Project cycle

## 1.8 Environment Impact Assessment Notification



### 1.7-EIA in Project cycle



Source: [http://www.unescap.org/drrpad/vc/orientation/M8\\_2.htm](http://www.unescap.org/drrpad/vc/orientation/M8_2.htm)

The relevant EIA activities for each stage in the project cycle are

- Project Concept / Identification: At the initial stage of the project, quick environmental overview or preliminary EIA can indicate the environmental implications of any proposed alternatives.
- Pre-feasibility Stage: This stage identifies issues and impacts for investigation, which is equivalent to 'Scoping'

- Feasibility Stage: EIA study is carried out during this stage.
- Project Appraisal and Decision: A decision on whether a project is feasible or not will be made at this stage.
- Implementation of the project: If the project is feasible, it will be implemented. EIA report will be used as guideline during this phase.
- Management of EIA Study: Conducting an EIA report that can be understood by all the related stakeholders.

### Project Concept/Identification

At the initial stage of the project planning, information on the detailed project designs will not be available, but the basic nature of the project will be known (for example, whether it is to be a coal, oil or nuclear power station; a highway or a dam/reservoir power output, and an area of land which is likely to be inundated and the site or sites where the project is being proposed to be implemented. At this stage, the project may be subject to "screening" to decide whether a full and comprehensive EIA report must be prepared.

If screening recommends that an EIA report is required, then the initial study will begin. At this early stage quick environmental overview/reconnaissance or preliminary EIA can indicate whether any of the alternatives proposed are environmental "disastrous". These can be eliminated from further consideration, and new alternatives can be identified. Major benefits of a "quick and dirty" overview are as follows:

- identification of "viable" alternatives (from an environmental viewpoint), and
- Provision of an early indication of likely significant impacts for further EIA work.

### Pre-feasibility Stage

The main EIA activities, at this stage, are identification of issues/impacts for investigation and, formulation of the Terms of Reference (TOR) for the EIA. The term used for this activity is "scoping"

## Feasibility Stage

EIA study should be carried out:

- during feasibility stage in conjunction with economic, technical and design work,
- preliminary EIA works such as scoping and preparation of TOR should be carried out during project pre-feasibility stage,
- If EIA is carried out late in project cycle as an "add on", the process of EIA becomes cumbersome, time consuming and expensive to incorporate the EIA recommendations in the project construction.

## Project Appraisal and Decision

During the project appraisal, a decision is made by the proponent or by the government, and in some case by the lending agencies, as to whether the project is viable. At this stage, EIA results will be put into consideration with feasibility study. An application for authorisation(s) has to be made by the project proponent to a local/central government agency. This decision is the final and determines whether a project is to be implemented. The EIA report also plays an important role in this decision making process.

## Implementation of the Project

At this stage, in the project cycle, the EIA report will act as a "reference" guide to the implementation and use of mitigation strategies and monitoring schemes. Thus, the usefulness of an EIA report does not end with the "official" authorisation to proceed. It may form a basis for management plan to assist project implementation and management practice. For example, EIA report recommendations can form a part of contract tender documents.

Lastly, after the project is completed, an "audit" can be made to determine how close the

EIA's predictions were to the actual impacts of the project. This forms a valuable records for others conducting EIAs on similar projects in the future.

### **Management of EIA Study**

EIA differs from other types of project related studies in the scope and breadth of the work and usually include a diversity of topics ranging from archaeological investigations to noise/vibration assessments. EIA is a multi-disciplinary activity and this factor provides one of its major challenges in terms of project management.

EIA report, unlike other project related reports, has many audiences. The readers/users of engineering and economic financial feasibility studies are the project proponents and the financial backers or supporters with relatively restricted readership. The situation is quite different with EIA reports. Such reports are read/used by the project proponents, financial backers, experts, authorising agencies and other organisations who deserve a rights to comment on an EIA report and submit their views on the desirability of a project and, of course, the members of the public. Thus, there is a challenge of facilitating open communications and understanding of the main issues.

## **1.8-Environment Impact Assessment Notification**

### **Environment Impact Assessment (EIA) Notification, 2006**

The Environment Impact Assessment (EIA) Notification, 2006, is the governing legal instrument to grant green clearance for the establishment or expansion of an industry on the basis of the potential environmental impact of the project. The notification in recent times has been revised several times since its introduction in 1994.

### **Background:**

- While the 2006 notification is flexible and can adjust to the changing times, it has been exploited by governments, who have made efforts to dilute its provisions and norms to make it easier to establish and expand industries that generate pollution.
- This has been achieved through the introduction of office memorandums, which are changes to the notification that do not require public consultation.
- In the past five years, 110 such changes have been introduced, some of which have been challenged in the [National Green Tribunal](#).
- The year 2022-23 saw the highest number of changes introduced in the 2006 notification in the last five years.

**Some of the major changes over the years are:**

**Rating system for state environment impact assessment authority (SEIAA):**

- The Indian government introduced a star-rating system for state environment impact assessment authorities (SEIAAs) to improve their efficiency and accountability.
- However, the system seems to penalize them for following the 2006 EIA notification, which regulates the clearance of projects.

**The faulty compliance module:**

- The MoEFCC released a notification on June 14, 2022, introducing a compliance module for projects that have received environmental clearance under the 2006 EIA notification.
- The module aims to simplify the compliance and monitoring process and prevent delays in the submission of compliance reports to regulatory authorities.
- However, it is unclear whether the reports and supporting documents will be accessible to the public.
- Proponents upload the information on MoEFCC's Parivesh portal using their unique credentials, which may not be publicly available.

**Undermining the public hearing process:**

- The process of public hearing involves public consultation, where comments on the draft EIA report are considered, and a gathering presided over by district officials to hear the concerns of stakeholders.
- However, the Ministry of Environment, Forest and Climate Change issued an office memorandum in October 2021 allowing for a 20% expansion in production in the mining of minor minerals based only on public consultation, undermining the public hearing process.
- In addition, legacy mining cases granted environmental clearance under the 1994 EIA notification now only have to conduct public consultation, not follow the entire process of a public hearing.
- The public consultation process does not mandate the proponent to inform stakeholders via popular media about the project, its expansion or modification.

**Extra details sought viewed as a burden:**

- According to the 2006 EIA notification, the Central and state authorities responsible for granting environmental clearance to projects have the right to seek additional details from project proponents if necessary.
- However, an office memorandum issued by the MoEFCC in June 2021 directed authorities to refrain from asking for Extra Details Sought (EDS) and Additional Details Sought (ADS) that are not relevant to the project appraisal.
- This direction undermines the legitimacy of the experts nominated by the ministry for project appraisal.

**Change in coal source without amendment:**

- The ministry allowed coal thermal power plants to change their coal source without considering the potential increase in emissions resulting from the long-distance transport of coal from mines to the plants.

- The government's directive aimed to increase India's reliance on domestic coal and allowed power plants to change from one domestic source of coal to another without considering the environmental impact of long-distance transport of coal.
- Additionally, the ministry allowed for road transport of coal until the railway lines are laid in the area, diminishing the urgency to build railways to reduce emissions from coal transport.

**Violation cases get recognition under the 2006 EIA notification:**

- In December 2017, the MoEFCC added a provision to the 2006 EIA notification to grant "post-facto" clearance to projects that were in violation of the notification.
- This provision legitimizes projects that have already violated environmental laws and may lead to increased environmental degradation.

So, the recent developments in the environmental clearance process in India seem to be pushing for faster approvals at the cost of due diligence and public participation. It is important for the government to strike a balance between economic development and environmental protection while ensuring transparency, accountability and participation in the process.

