

F. No. 22-39/2020-IA.III
Government of India
Ministry of Environment, Forest and Climate Change
Impact Assessment Division

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Office Memorandum

Subject: Guidelines for siting industries which are in close proximity with the river – reg.

In light of various court directions about the criteria for siting of industries, which are in close proximity to a river, the requirement for framing specific criteria with regards to siting of industries has arisen.

2. The "Environmental guidelines for industries" of the Ministry with regard to siting of industries prescribes that industrial sites shall maintain at least ½ km., from flood plain or modified flood plain affected by dam in the upstream or by flood control systems.
3. The Hon'ble National Green Tribunal while considering restoration measures for Yamuna and Ganga rivers dealt with the issue of flood plains vide judgment dated 13.01.2015 in OA No. 6/2012 and O.A. No. 300/2013, in the context of river Yamuna, observed that, *"it is necessary to call upon the authorities to demarcate the floodplain for the flood of once in 25 years and to prohibit any kind of development activity in the area in question"*.
4. Further vide judgement dated 13.07.2017 in OA No. 200/2014, M.C. Mehta vs. Union of India & Ors. reported in 2017 NGTR (3) PB1 in the context of river Ganga, it was observed that *"till the demarcation of the floodplains and identification of permissible and non-permissible activities by the State Government of this judgement, we direct that 100 meters from the edge of the river would be treated as no development/ construction zone in Segment-B of Phase-I (Haridwar to Unnao, Kanpur)"*.
5. Based on the above, the aspect related to siting of industries was deliberated in the Ministry and suggestions/comments/observations were sought from different Ministries including Ministry of Jal Shakti (MoJS). Based on the inputs received, it is hereby directed that the following criteria for siting of industries in close proximity to rivers shall be followed:

"Industries shall not be located within the river flood plain corresponding to one in 25 years flood, as certified by concerned District Magistrate/ Executive Engineer from state water resource Deptt. or any other officer authorised by State Govt. for this purpose."

6. This above criterion is subjected to following conditions:

- i. The activities undertaken under Namami Gange Programme like construction/development / renovation of STPs, CETPs, RFDs, bathing ghats, crematoria, toilets etc. for pollution abatement of river Ganga and its tributaries are not prohibited. Further, any "developmental project" taken by MoJS under the said program are also exempted from these guidelines.
- ii. River Ganga (Rejuvenation, Protection and Management) Authorities Order notified vide Notification no. S.O. 3187(E) dated 07.10.2016 which defines the floodplain as such area of river Ganga and its tributaries which comes under water on either side of it due to floods corresponding to its greatest flow or with water on either side of it due to floods corresponding to its greatest crown or with a flood or frequency once in hundred years, will prevail over any other guideline.
- iii. Further, in respect of regulatory activities in floodplain of the river Ganga and its tributaries, prior approval of National Mission on Clean Ganga (NMCg) is required to be taken by the concerned authorities/ departments/agencies /persons.
- iv. As per the draft Flood Plain Zoning Bill, 2020 prepared by Central Water Commission (CWC), a Flood Plain Zoning Authority shall, on the basis of the remote sensing/modeling results/ground survey, establish flood plain zones of different frequencies. After its creation, guidelines/decisions/orders of Flood Plain Zoning Authority will prevail over above guidelines.
- v. Any other directions/judgments of Courts/Tribunals with regard to siting of Industries in the proximity of rivers and/or demarcation of flood plain.

7. The siting criteria prescribed in "Environmental guidelines for industries" in respect of flood plains of the riverine systems shall get modified to this extent.

8. This is issued with the approval of the competent authority.


(A K Agrawal)
Director

To

1. Chairman of all the Expert Appraisal Committees
2. Chairperson/Member Secretaries of all the SEIAAs/SEACs
3. Chairperson of all State/UT Pollution Control Boards and Pollution Control Committees

Copy for information to

1. PS to Hon'ble Minister for Environment, Forest and Climate Change
2. PS to Hon'ble MoS (EF&CC)
3. PPS to Secretary (EF&CC)
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