

F.No. 19-131/2019-IA-III [E 128798]
Government of India
Ministry of Environment, Forest and Climate Change
(Impact Assessment Division)

Indira Paryavaran Bhawan
3rd Floor, Vayu Wing, Jor Bagh Road
Ali Ganj, New Delhi-3

Dated: 4th October, 2022

OFFICE MEMORANDUM

Subject: Clarification regarding Gazette Notification No. S.O. 3252 (E) dated 22.12.2014 on applicability of Environmental Clearance - regarding.

Ministry of Environment, Forest and Climate Change vide Notification S.O. 3252 (E) dated 22/12/2014, amended the item 8 (a) of schedule to the EIA Notification 2006 to state that industrial shed, school, college, hostel for educational institution shall be exempted from requirement of Environmental Clearance (EC) but shall ensure sustainable environmental management, solid and liquid waste management, rainwater harvesting and may use recycled materials such as fly ash bricks.

2. Subsequently, the Ministry had clarified vide Office Memorandum (O.M) dated 05/03/2015 stating that "The word '*Industrial Shed*' implies building (whether RCC or otherwise) which is being used for housing plant and machinery of industrial units and shall include Godowns and buildings connected with production related and other associated activities of the unit in the same premise". Further, Ministry issued an OM dated 9/06/2015 clarifying that Notification dated 22/12/2014 provides exemption to buildings of educational institutions including universities from obtaining prior EC under the provisions of EIA Notification 2006 subject to sustainable environmental management and provided a set of guidelines to be followed for building projects to ensure sustainable environmental management.

3. In addition to the above, the Ministry vide letter dated 06/09/2016 clarified that the principle is of a dominant purpose. If an Industry is not covered under the EIA Notification 2006 for obtaining prior EC, it shall not be required to obtain prior EC under

item 8 of the schedule to the EIA Notification, 2006 if the size of the Industrial shed under which that industry is proposed to be housed is more than 20,000 sq. mtrs of built up area.

4. Thereafter, the Ministry issued an OM on 19/05/2022 stating that exemption provided for educational institutions vide Ministry's Notification No. S.O. 3252 (E) dated 22/12/2014 shall be applicable to all educational institutions covered under the definition of educational institution as mentioned in Noise Pollution (Regulation and Control) Rules, 2000. However, these educational institutions shall strictly implement the guidelines issued vide OM dated 9/06/2015 to ensure sustainable environmental management.


5. The Ministry is now in receipt of representations to exempt warehouses for storage of raw materials and finished goods of all consumption and industrial products including but not limited to industrial and factory-made products (except hazardous materials) from the requirement of prior EC along with industrial sheds, schools / colleges/ hostels for educational institutions as per the provisions contained in item 8(a) of schedule to the EIA Notification, 2006.

6. The matter has been examined in consultation with the concerned sector appraising Infrastructure Projects. Based on the inputs provided by the concerned sector of the IA Division, and further deliberation, the Ministry deems it necessary to clarify that, the word *Industrial Shed* mentioned in the Notification S.O. 3252 (E) dated 22/12/2014 implies buildings/ warehouses/ sheds (whether RCC or otherwise) which are used for housing machinery of industrial units and/or storage of raw materials and finished goods and industrial products including but not limited to industrial and factory-made products, irrespective of the location and proximity of the Industrial Shed *vis-a-vis* any Industry. These Industrial Sheds shall strictly implement the guidelines issued vide OM dated 9/06/2015 to ensure sustainable environmental management. However, if any of the activities/processes covered in the schedule to the EIA Notification 2006 are housed in the said Industrial Shed, then the same shall be required to obtain prior EC under the provisions of EIA Notification, 2006.

7. It is further mentioned that if the size of the industrial shed is $\geq 1,50,000$ sq.mtrs of built up area it shall be required to obtain prior EC under item 8(b) of schedule to the EIA Notification 2006, irrespective of the type of industry/ utility it houses.

8. In view of the existence of the interim Order issued by High Court of Kerala at Ernakulum [in writ petition W.P. (C) No. 3097 of 2016 (S)] dated 17/09/2020 and 23/11/2020 against the amendment to the EIA Notification, 2006 dated 22/12/2014, this clarification, within the territorial jurisdiction of High Court of Kerala, is subject to the outcome of the said court case.

9. This clarification is issued in supersession of OM no.19-2/2014-IA.III dated 05/03/2015 and with the approval of the Competent Authority.


(Sundar Ramanathan)
Scientist E

To

1. Chairman, Central Pollution Control Board (CPCB).
2. Chairman of all the Expert Appraisal Committees
3. Chairperson/Member Secretaries of all the SEIAAs/SEACs
4. Chairpersons/Member Secretaries of all SPCBs/UTPCCs
5. All the Officers of IA Division

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