

Government of India
Ministry of Environment, Forest and Climate Change
(IA Division)

Indira Paryavaran Bhawan
Jor Bagh Road, Aliganj,
New Delhi – 110003

Dated: 11th April, 2022

OFFICE MEMORANDUM

Sub: Guidelines for granting Environmental Clearance (EC) under para 7(ii)(a) of EIA Notification, 2006, for expansion up to 50%, within the existing premises/ mine lease area, without additional land acquisition – reg.

Expansion or modernization of existing projects or activities listed in the Schedule to the EIA notification 2006 entailing capacity addition with change in process or technology and/or product mix shall be undertaken only after obtaining prior Environmental Clearance (EC).

2. Para 7(ii) of EIA Notification 2006, *inter-alia* provides that:
 - a. Projects seeking prior EC for expansion with increase in the production capacity beyond the capacity for which prior environmental clearance was granted [with increase in lease area or production capacity in mining projects] shall be considered by the concerned Expert Appraisal Committee [or SEAC, as the case may be] to decide whether Environment Impact Assessment and public consultations need to be carried out for grant of EC.
 - b. Expansion of existing projects [listed in item numbers 2, 3, 4 and 5 of the Schedule having Prior Environmental Clearance] with no increase in pollution load shall be exempt from the requirement of prior EC (derived on the basis of such prior EC).
 - c. Any change in configuration of the plant or activity from the EC conditions during execution of the project, shall not require prior EC, if there is no change in production capacity and there is no increase in pollution load.
3. The Ministry has been continuously making efforts to streamline the procedure for projects seeking prior Environmental Clearance (EC) under the different provisions of para 7(ii) of the EIA Notification 2006. Vide O.M. No. J-11015/224/2015-IA.II(M) dated 15.09.2017, the Ministry provided certain guidelines for expansion of Coal mining projects up to 40% capacity in two-three phases subject to certain conditions. Subsequently, vide OM No. IA3-22/23/2021-IA.III [E167077] dated 20.10.2021, the Ministry also issued guidelines for expansion of Iron, Manganese, Bauxite and Limestone mining projects upto 20% capacity, subject to certain conditions.

4. The aforesaid matters have been further examined in the Ministry with the objective of bringing about uniformity and consistency in consideration of projects under Para 7(ii)(a) by concerned Expert Appraisal Committee (EAC)/ State level EACs across all states. Accordingly, the Ministry deems it necessary to issue a guideline to deal with expansion proposals which are received under para 7(ii)(a) of EIA Notification, 2006 in respect of the developmental projects listed in the Schedule to the said notification seeking prior-EC involving expansion with increase in production capacity within the existing premises/ mine lease area; or expansion due to modernization of an existing unit through change in process and or technology or involving a change in the product-mix; or enhancement of cargo handling capacity in ports & harbors, widening of roads; or enhancement in built-up area, subject to the fulfilment of the following criteria:

- i. The project should have gone through the public hearing process, at least once, for its existing EC capacity on which expansion is being sought, except those category of projects which have been exempted as per para 7 III (i) of EIA Notification 2006 and its amendments.
- ii. There should not be change in Category of the project from 'B2' to 'B1' or 'A' due to proposed modernisation or expansion.
- iii. There is no additional land acquisition or forest land diversion involved for the proposed expansion or there is no increase in lease area with regard to mining vis-à-vis the area mentioned in the EC, based on which public hearing has been held earlier.
- iv. The proposed expansion shall not be more than 50% of production capacity as mentioned in the prior EC, issued on the basis of public hearing held and the same shall be allowed in minimum three phases.
- v. Predicted environmental quality parameters arising out of proposed expansion/modernization shall be within the prescribed norms and the same shall be maintained as per prescribed norms.
- vi. The proposed expansion should not result in reduction in the greenbelt area as stipulated in the earlier EC, or if the existing ratio of greenbelt is more than 33%, after expansion it should not reduce below 33%.
- vii. The project proponent should have satisfactorily complied the conditions stipulated in the existing EC(s) and satisfactorily fulfilled all the commitments made during the earlier public hearing/consultation proceedings and also the commitments given while granting previous expansion, as may be applicable. This shall be duly recorded in the certified compliance report issued by the IRO/CPCB/SPCB, which should not be more than one year old at the time of submission of application.
- viii. Public Consultation shall be undertaken [if applicable as per table below] by obtaining response in writing, as per para 7 III (ii) (b) of EIA Notification 2006, except those category of projects which have been exempted as per para 7 III (i) of EIA Notification 2006 and its amendments.
- ix. Effluent monitoring including air quality monitoring systems as specified in the existing EC, if stipulated, should have been installed.

5. Subject to the fulfilment of the conditions at Para 4 (i) to (viii) above, following procedure shall be adopted for processing the application for considering expansion of proposed project up to 50% of capacity as mentioned in the existing EC, in minimum three phases under para 7(ii)(a) of EIA Notification, 2006.

Scenario	Intended change through modernization/ change of product mix/ expansion	Requirement of revised EIA/ EMP report	Requirement of Certified Compliance Report	Requirement of fresh Public Consultation	Whether reference to Appraisal Committee is required
I	Projects which involve modernization/change of product mix without increase in production capacity but with increase in pollution load.	Yes	Yes	No	Yes
II	Up to 20 percent based on environmental safeguards conditions.	Yes	Yes	No	Yes
III	Up to 40 percent based on successful compliance of previous environmental safeguard conditions related to expansion of 20 percent.	Yes	Yes	No	Yes
IV	More than 40 percent but less than 50 Percent based on successful compliance of previous environmental safeguard conditions related to expansion of 40 percent.	Yes	Yes	Yes	Yes

6. Project Proponent shall apply in the requisite form on the PARIVESH Portal under para 7(ii) of EIA Notification 2006, along with EIA/ EMP reports based on standard ToRs and Public consultation report, if applicable. The concerned EAC/SEAC shall appraise the project proposal and it may prescribe additional sector specific and/or other environmental safeguards after due diligence, as required.

7. Other statutory requirements like Consent to Establish/Operate, Clearance from CGWA, approval of Mining Plan, Mine Closure Plan, Mine Closure Status Report, approval of DGMS, Forest Clearance, Wildlife Clearance, etc., if applicable, are to be satisfactorily fulfilled at the time of application.

8. The projects that do not qualify with the above requirement shall continue to be considered on a case-to-case basis by the concerned EAC/ SEAC as per the provisions of para 7(ii)(a) who will decide whether Environment Impact Assessment and public consultations need to be carried out.

9. Those projects which involve modernization/change of product mix with increase in production capacity shall be considered as per Scenarios-II to IV of the table above.

10. This O.M. is issued in supersession of OM J-11015/224/2015-IA.II (M) dated 15.09.2017 and O.M. No. IA3-22/23/2021-IA.III[E167077] dated 20.10.2021 and with the approval of the Competent Authority.


(A.K. Agrawal)
Director

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 I.A. Division

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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