

**Date: 07/11/2019**

Dr. Rajiv Gupta ( IAS )  
Chairman – Gujarat Pollution Control Board,  
Pariyavaran bhavan,  
Opp. Bij Nigam,  
CHH Road, Sector -10A,  
Gandhinagar – 382010

**Sub: Request to advice concerned authorities to clear pending environmental clearance applications WRT Office memorandum of MoEFCC dated 31<sup>st</sup> October, 2019.**

**Durgesh V. Buch**  
President

**Natubhai Patel**  
Sr. Vice President

**Bhargav Thakkar**  
Vice President

**Sanjeev Chhajer**  
Secretary

**Dilip M. Padhya**  
Secretary (R)

**Pathik S. Patwari**  
Treasurer

Respected Sir,

Greetings from Gujarat Chamber of Commerce & Industry (GCCCI).

We are thankful to the GPCB for standing with the Gujarat based industries with respect to NGT Orders against adverse CEPI Scores, and we are equally thankful to the government of Gujrat who has expressed the views of Gujarat based Industries to CPCB and MoEFCC as and when requested for.

As you may be aware, due to non-availability of mechanism for environmental management of critically and severely polluted areas and consideration of activities/projects against the Hon. NGT order dated 19/08/2019 published on 23/08/2019 by MoEFCC, various industrial expansion projects in the state were on hold due to non-clearance of Environmental Clearance.

We therefore request you with reference to the office memorandum of MoEFCC dated 31<sup>st</sup> October, 2019 that it is now clear that all pending and returned application of EC and CC can now be processed with stipulated conditions of previous office memorandum of 24th Octob-2019 WRT NGT order dated 23<sup>rd</sup> August, 2019.

We hope that you will consider our request and act immediately, so that Industrial growth of the state which was suffering will get relief.

**Best Regards,**



**Durgesh Buch**

**(President)**

**Encl: Copy of Office Memorandum of MoEFCC dated 31<sup>st</sup> October, 2019**

F. No. 22-23/2018-IA.III (Pt)  
Government of India  
Ministry of Environment, Forest and Climate Change  
(Impact Assessment Division)

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Indira Paryavaran Bhawan  
Aliganj, Jorbagh Road  
New Delhi-110 003

Dated: 31<sup>st</sup> October, 2019

**OFFICE MEMORANDUM**

**Sub.: Compliance of Hon'ble NGT order dated 19.08.2019 (published on 23.08.2019) in O.A. No. 1038 2018 - reg.**

The Hon'ble NGT in O.A.No.1038/2018 had passed orders regarding formulation of a mechanism for environmental management of critically and severely polluted areas and consideration of activities/projects in such areas.

2. Accordingly, many proposals for environment clearance were kept on hold pending formulation of the above mentioned mechanism.
3. The mechanism has now been finalized by the Ministry (copy enclosed), and necessary action may be taken as given below:
  - a) In cases pertaining to Critically and Severely Polluted Areas, where the environmental clearance proposal is yet to be referred to the EACs/SEACs, the mechanism may be provided to the EACs/SEACs which after due diligence may prescribe additional conditions as incorporated in the mechanism for environmental protection.
  - b) In cases pertaining to Critically and Severely Polluted Areas, where the environmental clearance proposal has already been recommended by the EACs/SEACs, and the proposal was kept on hold, the mechanism may now be considered by the concerned sectors of the Ministry/SEIAAs and after due diligence the concerned sectors of the Ministry/SEIAAs may prescribe additional conditions as incorporated in the mechanism for environmental protection while issuing ECs.
4. This issue with the approval of the competent authority.

  
(Sharath Kumar Pallerla)  
Director /IA Policy Division

Encl: As above

To

1. All the Member Secretaries of IA Division, MoEFCC
2. All Chairmen and Member Secretaries SEIAAs/SEACs

Copy to

1. PPS to AS (RSP), AS (RA)
2. PPS to JS (GM), JS (AKN), JS (SKB)

No. Q-16017/38/2018-CPA  
GOVERNMENT OF INDIA  
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE  
(CP Division)

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1<sup>st</sup> Floor, Agni Block,  
Indira Paryavaran Bhawan,  
Jor Bagh Road,  
Aliganj, New Delhi-110003

Dated: 24<sup>th</sup> October, 2019

To,

**Member Secretary**  
Central Pollution Control Board  
Parivesh Bhawan, East Arjun Nagar  
Delhi-110032

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**Subject - Compliance of Hon'ble NGT order dated 19.08.2019 (published on 23.08.2019) in O. A. No. 1038 2018 - reg.**

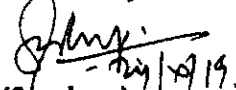
Sir,

Please refer to your letter No. CPCB/IPC-VII/CEPI/NGT/2019 dated 18.10.2019 regarding the subject mentioned as above. In this context, find enclosed herewith the mechanism for environmental management of Critically and Severely Polluted Areas and consideration of activities/projects in such areas in compliance of directions issued by Hon'ble National Green Tribunal on 19.08.2019 (published on 23.08.2019) in O. A. No. 1038 2018. The enclosed Mechanism may be shared with the State/UT Governments and SPCB/PCCs for implementation. However, the report regarding CEPI and EPI assessment study done by CPCB may be put up to the Ministry for further deliberation.

This issues with the approval of the Competent Authority.

**Encl: as above**

Your Faithfully

  
(Sundeep)

Director/Scientist 'F'

Email: [sundeep.moef@gmail.com](mailto:sundeep.moef@gmail.com)

Phone/Fax:011-24695339

**Mechanism evolved after consultation with stakeholders for new activities/ expansion by Red & Orange Category of industries in Critically/ Severely Polluted areas**

**A. Environmental Management of CPAs and SPAs**

Protocol to be followed by the State Pollution Control Boards (SPCBs)/ Pollution Control Committees(PCCs) For improvement of environmental quality in the Critically Polluted Areas (CPAs) and Severely Polluted areas(SPAs)

- i. The CEPI score assessment done by CPCB may be used as warning tool by the State Governments, SPCBs and other concerned to understand the severity of pollution existing in the area and to formulate appropriate action plan.
- ii. The State Govts. / Union Territories / SPCBs/PCCs may finalize the time bound action plans within three months for the identified CPAs and SPAs to restore environment quality within norms. Short term and long term action points have to be formulated with time frames of up to one year and more than one year, as may be required, respectively.
- iii. The action plan may be prepared by a committee constituted by Chief Secretary. Representative of industries association may be included in the committee constituted. The final preparation of action plan including its execution may be overseen by the Chief Secretary of the concerned state. The same may shall be submitted to CPCB for consideration & approval.
- iv. While preparing action plans, the committee constituted by the Chief Secretary shall follow the directions, issued by CPCB under section 18(1) (b) of the Water (Prevention & Control of pollution) Act, 1974 and the Air (Prevention & Control of pollution) Act,1981 on 26.04.2016, which include (i) environmental quality monitoring in all CPAs, (ii) installation of continuous ambient air quality monitoring stations/ Strengthening of manual monitoring stations (iii) installation of continuous water quality monitoring stations, (iv) application of revised CEPI version and (v) action plan & monitoring. Long term and short term action plans, along with sector and region wise action points, should be defined clearly with time lines and responsible implementing agencies. Additionally, Source apportionment Studies may be conducted to ascertain contribution from sources including industries for planning actions.
- v. The progress of implementation of action points may be reviewed by district and State Level Monitoring Committees, quarterly. It would be ensured that there is no slippage either in terms of time frame or the activities to be completed relating to the action plan. In case of delay/ inefficiency in implementation of action plan, the concerned State

Government will take appropriate action against the responsible authorities, implementing agencies, industries, etc. under the provisions of relevant acts/laws.

- vi. The SPCBs/PCCs may undertake environmental quality monitoring for evaluating CEPI in the critically and severely polluted areas falling under their jurisdiction through an outside third party recognized agency (laboratory) under Environment (Protection) Act, 1986 and accredited under NABL. The frequency of monitoring may be twice in a year i.e. pre-monsoon season and post-monsoon season.
  - vii. The action plans prepared for the CPAs/SPAs, environmental quality monitoring data, evaluated CEPI scores (as per revised CEPI-2016 concept) and progress reports of committee meetings to be placed in public domain through their respective State Govts. / UTs / SPCBs / PCCs websites. CPCB may also review the progress of implementation of action plans of CPAs/ SPAs on a quarterly basis.
  - viii. In case CEPI scores of a particular CPA continue to be in critical category for a year, MoEF&CC may review the action plans with the concerned State Govt. / Union territory and impose additional safeguards such as revising the time limits for implementation of action points, supplementary action points and may recommend penal action against the authorities responsible for implementation of action plan for environmental management of CPAs/SPAs.
  - ix. CPCB may also carry out re-assessment of CEPI scores in CPAs, with concurrence of MoEF&CC and report outcome for further consideration and decision by MoEF&CC
  - x. Carrying capacity study of the each of the area may be carried out by State Govts. / Union Territories /SPCBs/PCCs based on the protocols prepared by CPCB.
- B. Consideration of proposals for grant of Environmental clearance for new and expansion activities listed in 'Red' and 'Orange' Categories located in Critically Polluted Areas and Severely Polluted areas:**
- i. Any project or activity specified in Category B1 will be appraised at the Central Level, if located in whole or in part within 5 km from the boundary of Critically Polluted Areas or Severely Polluted Areas. However, Category B2 projects shall be considered at state level stipulating Environmental Clearance conditions as applicable for the Category 'B1' project/activities.

- ii. Proposals located in CPAs and SPAs may be examined by the sectoral Expert Appraisal Committee (EAC) during scoping/ appraisal based on the CEPI scores of Air/Water/Land Environment as published by CPCB from time to time. In such proposals, appropriate mitigation measures for the environment possessing higher CEPI score may be made by EAC in the form of recommendations/ decision. These recommendations may be explicitly mentioned in the Terms of Reference/Environmental Clearance letter and to be ensured by the member secretary concerned.
- iii. SPCBs/PCCs may prescribe following additional conditions, deemed fit for grant Consent to establish (CTE)/Consent to Operate (CTO) to those projects/activities of Red/Orange Categories located in CPAs/SPAs which are not covered under the provisions of the EIA Notification, 2006.

Environment	Mitigation Measures
Air	<p><u>Stipulation of conditions such as:</u></p> <ul style="list-style-type: none"> <li>i. Stack emission levels should be stringent than the existing standards in terms of the identified critical pollutants.</li> <li>ii. CEMS may be installed in all large/medium red category industries (air polluting) and connected to SPCB and CPCB server.</li> <li>iii. Effective fugitive emission control measures should be imposed in the process, transportation, packing etc.</li> <li>iv. Transportation of materials by rail/conveyor belt, wherever feasible.</li> <li>v. Encourage use of cleaner fuels (pet coke/ furnace oil/LSHS may be avoided).</li> <li>vi. Best Available Technology may be used. For example, usage of EAF/SAF/IF in place of Cupola furnace. Usage of Supercritical technology in place of sub-critical technology.</li> <li>vii. Increase of green belt cover by 40% of the total land area beyond the permissible requirement of 33%, wherever feasible.</li> <li>viii. Stipulation of greenbelt outside the project premises such as avenue plantation, plantation in vacant areas, social forestry, etc.</li> </ul>

	<p>ix. Assessment of carrying capacity of transportation load on roads inside the industrial premises. If the roads required to be widened, shall be prescribed as a condition.</p>
Water	<p><u>Stipulation of conditions such as:</u></p> <ul style="list-style-type: none"> <li>i. Reuse/recycle of treated wastewater, wherever feasible.</li> <li>ii. Continuous monitoring of effluent quality/quantity in large and medium Red Category Industries (water polluting).</li> <li>iii. A detailed water harvesting plan may be submitted by the project proponent</li> </ul>
	<p>iv. <del>Zero liquid discharge wherever techno-economically feasible.</del></p> <p>v. In case, domestic waste water generation is more than 10 KLD, the industry may install STP.</p>
Land	<p><u>Stipulation of conditions such as:</u></p> <ul style="list-style-type: none"> <li>i. Increase of green belt cover by 40% of the total land area beyond the permissible requirement of 33%, wherever, feasible for new projects.</li> <li>ii. Stipulation of greenbelt outside the project premises such as avenue plantation, plantation in vacant areas, social forestry, etc.</li> <li>iii. Dumping of waste (fly ash, slag, red mud, etc.) may be permitted only at designated locations approved by SPCBs/ PCCs.</li> <li>iv. More stringent norms for management of hazardous waste. The waste generated should be preferably utilized in co-processing.</li> </ul>
Other Condition(Additional):	<ul style="list-style-type: none"> <li>i. Monitoring of compliance of EC conditions may be submitted with third party audit every year.</li> <li>ii. The % of the CER may be at least 1.5 times the slabs given in the OM dated 01.05.2018 for SPA and 2 times for CPA in case of Environmental Clearance.</li> </ul>