

F. No. IA-J-11011/579/2017-IA-II(I)
Government of India
Ministry of Environment, Forest and Climate Change
(IA-II Section)

Indira Paryavaran Bhawan
Jorbagh Road, New Delhi -3

Dated: 4th February, 2019

To

The Principal Secretary/ Additional Chief Secretary,
Environment Department, Government of Maharashtra
15th Floor, New Administrative Building,
Mantralaya, Mumbai - 32

Sub: Environmental Clearance to the projects in MIDC Dhatav, Taluka Roha, District Raigad (Maharashtra) - Applicability of General Conditions - reg.

Sir,

The Environment Impact Assessment (EIA) Notification, 2006 under the Environment (Protection) Act, 1986 mandates the requirement of prior environmental clearance (EC) to the projects/activities listed in the schedule to the Notification. These projects/activities require appraisal and approval by the concerned regulatory authority (MoEF&CC/SEIAAs in different States/UTs) depending upon the categorization (A/B), based on the threshold production/areal extent and the applicability of general conditions as listed and provided in the schedule to the said Notification.

2. As per the provisions of the EIA Notification, 2006, read with subsequent amendments, '**General Condition**' quotes as under:-

'Any project or activity specified in Category 'B' will be appraised at the Central Level as Category 'A', if located in whole or in part within 5 km from the boundary of (i) Protected Areas notified under the Wild Life (Protection) Act, 1972 (ii) Critically Pollutes areas as identified by the Central Pollution Control Board constituted under the Water (Prevention and Control of Pollution) Act, 1974 from time to time (iii) Eco-sensitive areas as notified under sub-section (2) of section 3 of the Environment (Protection) Act, 1986, and (iv) Inter-State boundaries and international boundaries; provided.....'

Accordingly, in case of applicability of general conditions, the project/activity covered under category B are to be considered as category A, requiring appraisal/approval at central level in the Ministry.

3. This Ministry is in receipt of proposals for environmental clearance to the projects covered under category B mainly of item 5(f) 'Synthetic organic chemicals industry' located in MIDC Dhatav, Taluka Roha, Roha, District Raigad (Maharashtra). As per EIA Notification 2006, appraisal/approval of such projects is vested with the concerned SEAC/SEIAA at the State level.

Dhatav village has been identified as a part of the eco-sensitive area as per the Ministry's draft Notification S.O.2435 dated 4th September, 2015. However, since the notification is still in the draft stage, proposals pertaining to Dhatav were not accepted in the Ministry and were advised to be taken up by the concerned SEAC/SEIAA. Now it has been informed that the concerned authorities in the State of Maharashtra are also not accepting the proposals on the grounds that there are no clear directives from the Ministry on the subject.

4. In view of above, it is clarified that such proposals be considered for environmental clearance as per the provisions of the EIA Notification, 2006, which clearly provides for applicability of general condition in respect of eco-sensitive areas **notified** under sub-section (2) of section 3 of the Environment (Protection) Act, 1986.
5. This issues with approval of the competent authority.


(Sharath Kumar Pallerla)
Director

Copy to:-

1. The SEIAA, Maharashtra
2. The Member Secretary, Maharashtra Pollution Control Board, Mumbai
3. Guard File/Monitoring File/Website/Record File.