



ABSTRACT

Environment Control - Empowering the Tamil Nadu Pollution Control Board to monitor the compliance of the Environmental Clearance conditions and issuance of the compliance certificate relating to category "B" issued by the State Level Environment Impact Assessment Authority - Orders - Issued.

ENVIRONMENT AND FORESTS (EC.3) DEPARTMENT

G.O. (Ms) No.29

Dated: 21.03.2020

திருவள்ளூர் ஆண்டு - 2051
விகாரி, பங்குனி - 8

Read:

1. From the Deputy Director General of Forests (Central) (I/C), Ministry of Environment, Forest and Climate Change, Government of India, Regional Office (South Eastern Zone), Chennai letter No.DP/12.1/2016-17/ROSEZ/Mon.SEIAA & DEIAA/1593, dated: 25.09.2019.
 2. From the Member Secretary, State Level Environment Impact Assessment Authority letter No.SEIAA-TN/F.No.011850/2018, dated 21.10.2019.
 3. From the Chairman, Tamil Nadu Pollution Control Board letter No. TNPCB/P&D/F.25015/2019, dated 20.12.2019.
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ORDER:

In the letter first read above, the Deputy Director General of Forests (Central) (I/C), Ministry of Environment, Forest and Climate Change, Government of India, Regional Office (South Eastern Zone), Chennai has stated that the Government of Tamil Nadu to examine the necessary enabling orders as done in Andra Pradesh, Telangana and Meghalaya, enabling the State Pollution Control Board or any other Competent agency to assist State Level Environment Impact Assessment Authority in monitoring the Environmental Clearance issued by State Level Environment Impact Assessment Authority and requested that orders may be issued to Tamil Nadu Pollution Control Board to atleast take over the work of issuing Certified Compliance reports to project proponents who have obtained

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Environmental Clearance for category - B projects from State Level Environment Impact Assessment Authority; Tamil Nadu as an interim measure to reduce to the workload and increase the efficiency in this Regional Office and to ensure speedy and timely disposal of requests from project proponents in Tamil Nadu for Certified Compliance reports with respect to Environmental Clearances issued by State Level Environment Impact Assessment Authority-Tamil Nadu.

2. In the letter second read above, the Member Secretary, State Level Environment Impact Assessment Authority has stated in the Circular received from Ministry of Environment, Forests and Climate Change vide letter No: J-11013/6/2010-1A/II(Part), dated: 07.09.2017, it has been directed as follows:-

- i. "This is in continuation to this Ministry's Circular No.J-11011/618/2010-1A/II(1), dated: 30.05.2012, wherein, it was directed that for consideration of Environmental Clearance (EC) to all expansion projects activities under the Environment Impact Assessment Notification, 2006, the project proponent shall submit the certified compliance report on the conditions stipulated in the ECs to the existing projects/activities, through the Regional Offices of the Ministry of Environment, Forest and Climate Change.
 - ii. Now, it has been decided that in order to get the certified compliance report on time, the Member Secretary of the sectoral Expert Appraisal Committee (EAC) shall make a request to the concerned Regional Office of the Ministry at the time of issue of Terms of Reference (ToR) for the said project.
 - iii. Regional Offices of the Ministry are requested to submit certified compliance report within one month of receipt of such requests from the Member Secretary of the sectoral EAC. In case the inspection is not carried out within one month, the certified compliance report from the concerned Regional Offices of Central Pollution Control Board (CPCB) or the Member Secretaries of the respective State Pollution Control Boards shall also be accepted for deliberations by the sectoral EAC.
- (iv) This issues with approval of the Competent Authority."

3. The Member Secretary, State Level Environment Impact Assessment Authority has also stated that as requested by the Regional office, Chennai Ministry of Environment, Forests and Climate Change, Government of India that Tamil Nadu Pollution Control Board may take over the work of issuing Certified Compliance report and monitoring of the Environment Clearance

Terms and Conditions issued to project proponent, who have obtained Environment Clearance for category-B projects from State Level Environment Impact Assessment Authority-Tamil Nadu and to ensure speedy and timely disposal of requests from the project proponents in Tamil Nadu for certified compliance report with respect to Environmental Clearances issued by State Level Environment Impact Assessment Authority, Tamil Nadu and for the effective monitoring and implementation of the Environment Clearance conditions in the State of Tamil Nadu.

4. In the letter third read above, the Chairman, Tamil Nadu Pollution Control Board has stated that the Ministry of Environment, Forest and Climate Change, Government of India has specified the authorities such as State Pollution Control Board (SPCB), Central Pollution Control Board (CPCB), State Level Environment Impact Assessment Authority (SEIAA), District Level Environment Impact Assessment Authority (DEIAA) & Ministry of Environment, Forest & Climate Change (MOEF & CC) to monitor the Environmental Clearance compliance falls under the B2 category, vide its notification, dated 15.01.2016 with reference to mining of minor minerals. In continuation to the above notification, the Ministry of Environment, Forest and Climate Change, Regional Office, Chennai in its letter dated 25.9.2019 has requested the Principal Secretary to Government, Environment and Forest Department to issue G.O/Order authorizing the State Pollution Control Board to monitor and to issue Compliance report on the conditions of Environmental Clearance granted by the State Level Environment Impact Assessment Authority.

5. The Chairman, Tamil Nadu Pollution Control Board has also stated that the Hon'ble National Green Tribunal in its order, dated 30.11.2018 in O.A. No.837/2018 has directed that the compliance of conditions of Environmental Clearances must be monitored on periodical basis, atleast once in a quarter and further observed that in the absence of an appropriate monitoring mechanism the conditions issued in the Environmental Clearances are flouted with impunity and rendered futile. Accordingly, the Ministry of Environment, Forest and Climate Change (MoEF & CC) was directed to evolve an appropriate mechanism to that effect and to furnish a report.

6. The Chairman, Tamil Nadu Pollution Control Board has further stated that the Hon'ble National Green Tribunal in its order dated 23.07.2019 in O.A. No. 837/2018, passed various orders in connection with effective monitoring mechanism for compliance of Environmental Clearance conditions interalia that;

"Para (5) During interaction, the Tribunal has conveyed to the Joint Secretary that with regard to category 'A' projects, the data validation has

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to be the primary concern of the Ministry of Environment, Forest and Climate Change and ought not be outsourced. For category 'B' projects, such data validation may be done through State Level Environment Impact Assessment Authority. It is necessary to have an action plan providing for revamping the existing mechanism by providing for 100% monitoring of category 'A' projects through the mechanism of regional offices of Ministry of Environment, Forest and Climate Change and Central Pollution Control Board. The Monitoring of category 'B' projects may be done through instrumentalities of the State Level Environment Impact Assessment Authority and the State Boards in the same manner. Accordingly, both the regional offices of Ministry of Environment, Forest and Climate Change and the Central Pollution Control Board for category 'A' projects and State Level Environment Impact Assessment Authority and State Boards/PCCs for category 'B' projects need to be strengthened by way of gap analysis and providing of adequate man force / human resources / scientific / technical personnel as and when needed. The action plan in this regard may be prepared within one month which may be implemented in two phases of three months each".

7. The Chairman has also stated that considering the above, suitable proposal was placed before the Board meeting held on 18.11.2019. The Board vide it's resolution No.279-3-9, dated 18.11.2019, stated that the Board has gone through the proposal and directed to bring the subject again before the Board, with the legal provisions to the proposed monitoring cell to verify the compliance of the conditions stipulated in Environmental Clearance issued by the State Level Environment Impact Assessment Authority under the provision of the Environment (Protection) Act, 1986.

8. The Chairman has further stated that it was decided to obtain opinion from the Board Standing Counsel in terms of the S.O.394 (E) dated 29.03.89, so as to confirm the legal provision available to the Tamil Nadu Pollution Control Board to monitor the Compliances of the Environmental clearance conditions and further issuance of the compliance certificate accordingly.

"The Board standing Counsel has opined that, "In my considered opinion and aforesaid unambiguous legal position, the State Government may notify by way of a Government Order delegating powers to the Board to assist State Level Environment Impact Assessment Authority to monitor the compliance of conditions or Environmental Clearances issued by the Ministry of Environment, Forest & Climate Change and State Level Environment Impact Assessment Authority."

9. The Chairman, Tamil Nadu Pollution Control Board has therefore requested the Government to examine the said issue and pass necessary orders empowering the Tamil Nadu Pollution Control Board such a way to monitor the Compliances of the Environmental clearance conditions and further issuance of the compliance certificate relating to Category B projects issued by the State Level Environment Impact Assessment Authority.

10. The Government, after careful examination, accept the proposal of the Chairman, Tamil Nadu Pollution Control Board and empower the Tamil Nadu Pollution Control Board to monitor the Compliances of the Environmental Clearance conditions and further issuance of the Compliance Certificate relating to Category "B" projects issued by the State Level Environment Impact Assessment Authority.

(BY ORDER OF THE GOVERNOR)

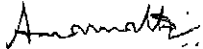
SHAMBHU KALLOLIKAR
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Chairman,
Tamil Nadu Pollution Control Board, Chennai-32.
The Director of Environment, Chennai-15.
The Member Secretary,
State Level Environment Impact Assessment Authority, Chennai-15.

Copy to:-

The Hon'ble Chief Minister's Office, Chennai-9.
The Special Personal Assistant to Hon'ble Deputy Chief Minister, Chennai-9.
The Special Personal Assistant to Hon'ble Minister (Environment), Chennai-9.
The Special Personal Assistant to Hon'ble Minister (Industries), Chennai-9.
The Private Secretary to the Chief Secretary to Government, Chennai-9.
The Private Secretary to the All Additional Chief Secretary/
Principal Secretary/Secretary, Chennai-9.
All District Collectors,
The Private Secretary to the Principal Secretary to Government,
Environment and Forests Department, Chennai-9.
The Private Secretary to the Principal Secretary to Government,
Housing and Urban Development Department, Chennai-9.
The Private Secretary to the Principal Secretary to Government,
Industries Department, Chennai-9.
SF/SCs.

//Forwarded By Order//


Section Officer

