Public Consultation: Environmental Impact Assessment (EIA) – Indian Perspective

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<table>
<thead>
<tr>
<th>Year</th>
<th>Key Events</th>
</tr>
</thead>
<tbody>
<tr>
<td>1977/78</td>
<td>EIA as an administrative requirement based on Central Water Commission Guidelines</td>
</tr>
<tr>
<td>1994</td>
<td>EIA legislation with 13 amendments during 1994 – 2006 for 32 numbers (nos.) of development projects</td>
</tr>
<tr>
<td>1997</td>
<td>Public hearing mandated for all EIA category projects</td>
</tr>
<tr>
<td>2006</td>
<td>EIA Notification in suppression of 1994 notification for 39 numbers (nos.) of development projects. Public consultation in place of public hearing</td>
</tr>
</tbody>
</table>
Stages in Prior Environmental Clearance Process - India

**Stage - I**
Screening for EIA Requirement

**Stage - II**
Scoping

**Stage - III**
Public Consultation based on Draft EIA

**Stage - IV**
Appraisal based on Final EIA
Public Consultation Procedure - India

Application to the MS, SPCB, seeking PH date from the respective District Collector / DM

Notice of PH & Wide Publicity to the draft EIA Report

PUBLIC CONSULTATION

PH proceedings & Signature of DM/ Deputy Commissioner

SPCB

MoEF, GoI, for 'A' Category Projects

SEIAA for 'B' Category Projects

Total time for PH 45 days

7 days

30 days

Same day

8 days

PH : Public Hearing
MS : Member Secretary
SPCB : State Pollution Control Board
EIA : Environmental Impact Assessment
DM : District Magistrate
MoEF : Ministry of Environment & Forests
GoI : Government of India
SEIAA : State Level Environment Impact Assessment Authority

MoEF, GoI, for 'A' Category Projects

SEIAA for 'B' Category Projects

IMPACT ASSESSMENT FOR SOCIAL AND ECONOMIC DEVELOPMENT
Public Consultation refers to the process by which the concerns of local affected persons and others who have plausible stake in the Environmental Impacts of the project or activity are ascertained.

Stage III: Public Consultation

Display of Draft EIA, Executive Summary in both English and local language for at least 30 days at local bodies and Government offices

Public Hearing at for local affected persons

Indirect responses (written) from plausible stakeholders

Records of proceedings consisting of Audio, Video recording and minutes of meeting
Public Consultation – Various Shades

(Images from Public domain)
Public Consultation – Various Shades

(Images from Public domain)
Public Consultation – Various Shades

(Images from Public domain)
Public Consultation – Various Shades

(Images from Public domain)
Public Consultation: EIA – Indian Perspective

Review of 40 numbers minutes of meetings of Public Consultation held for mining projects (2008 – 2013)

Attendance in Public Hearing.

Speakers and Representation.

Issues and Concerns.
## Type of Mineral and Mine Lease Area

<table>
<thead>
<tr>
<th>S. No.</th>
<th>Type of Mineral</th>
<th>No. of Projects Reviewed</th>
<th>Mine Lease Area (ha)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Min</td>
</tr>
<tr>
<td>1</td>
<td>Atomic</td>
<td>1</td>
<td>44.62</td>
</tr>
<tr>
<td>2</td>
<td>Fuel</td>
<td>7</td>
<td>198.98</td>
</tr>
<tr>
<td>3</td>
<td>Metallic</td>
<td>10</td>
<td>64.46</td>
</tr>
<tr>
<td>4</td>
<td>Non-Metallic</td>
<td>22</td>
<td>10.32</td>
</tr>
</tbody>
</table>
## Public Consultation and Participation

<table>
<thead>
<tr>
<th>Type of Mineral</th>
<th>No. of Participants (Range)</th>
<th>No. of Speakers (Range)</th>
<th>No. of written Representation (Range)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Local Residents</td>
<td>Public Representatives</td>
</tr>
<tr>
<td>Atomic</td>
<td>280</td>
<td>18</td>
<td>27</td>
</tr>
<tr>
<td>Fuel</td>
<td>65-450</td>
<td>7-18</td>
<td>2-6</td>
</tr>
<tr>
<td>Metallic</td>
<td>75-150</td>
<td>0-57</td>
<td>0-5</td>
</tr>
<tr>
<td>Non-Metallic</td>
<td>45-400</td>
<td>0-33</td>
<td>0-8</td>
</tr>
</tbody>
</table>
## Aspects and Concerns

<table>
<thead>
<tr>
<th>S. No.</th>
<th>Aspects</th>
<th>No. of Projects Where Concern Related to an Aspect is Raised</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Atomic</td>
</tr>
<tr>
<td>1</td>
<td>Land use</td>
<td>1</td>
</tr>
<tr>
<td>2</td>
<td>Soil Contamination</td>
<td>--</td>
</tr>
<tr>
<td>3</td>
<td>Water Pollution</td>
<td>--</td>
</tr>
<tr>
<td>4</td>
<td>Air Pollution</td>
<td>--</td>
</tr>
<tr>
<td>5</td>
<td>Noise and Vibration</td>
<td>--</td>
</tr>
<tr>
<td>6</td>
<td>Socio Economic</td>
<td>1</td>
</tr>
<tr>
<td>7</td>
<td>Ecology</td>
<td>--</td>
</tr>
<tr>
<td>8</td>
<td>Occupational safety</td>
<td>--</td>
</tr>
<tr>
<td>9</td>
<td>CSR</td>
<td>--</td>
</tr>
<tr>
<td>10</td>
<td>Others</td>
<td>1</td>
</tr>
</tbody>
</table>

| No. of Projects reviewed | 1 | 7 | 10 | 22 |
Conclusion

Provision of employment to local residents followed by request for participation in local developmental activity as part of Corporate Social Responsibility (CSR).

Agricultural productivity due to mining activity was a major concern among local affected people.

The public consultation process is vibrant with active participation mainly by local residents.
Thank you for your attention...

Any Questions ...
Advertisement in News Papers

ANDHRA PRADESH POLLUTION CONTROL BOARD
REGIONAL OFFICE, TIRUPATI - 517 502
ENVIRONMENTAL PUBLIC HEARING NOTIFICATION

In accordance with the Notification No. S.O.1533, Dt. 14-09-2008 of the Ministry of Environment & Forests, Government of India, A.P. Pollution Control Board hereby notifies an Environmental Public Consultation on the proposal for setting up a Granite mining unit of Mrs. Shiva Granite. The details of the project activities are given by the proponent as follows.

1. Name of the company with Address
   Mrs. Shiva Granite, H.No. 28-1383/3, Near Balaji Colony, Chittoor - 517 001
   Address: 231 of Kammakapuram Beat, Pararami Reserve Forest, Chittoor West Range, Chittoor District, Andhra Pradesh.

2. Location of the proposed project with extent
   Sri P. Babu Prasad, Proprietor
   Phone: 0862948270, 09740523484
   Fax: 08572-234044

3. Name of the Authorised person to be contacted with address and telephone no.
   Mrs. Shiva Granite, H.No. 28-1383/3, Near Balaji Colony, Chittoor - 517 001.
   Ph.: 0862948270, 09740523484
   Fax: 08572-234044

4. Capital Cost of the proposed project
   Rs. 25.00 Lakhs

5. Line of Activity with Capacity
   Semi Mechanised Open cast mining for Black Granite (Dolomite) of mine lease on an extent of 5.0 Ha.

6. Date, Time & Venue of the public hearing
   Date: 03.01.2013
   Time: 10.00 a.m.
   Venue: Near proposed site at Sampangi Nalluru Village, Tellarallapally Gram Panchayath, Yadamari Mandal, Chittoor Dist.

7. Place(s) at which summary & EIA report of the project is made available
   a) Office of the District Collector's Office, Chittoor.
   b) Office of the GEO, Zilla Parishad, Chittoor.
   c) Office of the District Industries Centre, Chittoor.
   d) Office of the Revenue Divisional Officer, Chittoor.
   e) Office of the Regional Office (Southern Zone), GOI, M.O.E & F, Kendriya Sadan, IV Floor, Environment & Forest Wings, Karimnagar, Bangalore-34.
   f) Office of the A.P. Pollution Control Board, Board Office, Sanath Nagar, Hyderabad.
   g) Office of the A.P. Pollution Control Board, Zonal Office, Near Krishna Nagar Rhy Gate, Kurnool.
   h) A.P. Pollution Control Board, Regional Office, N.T.Road, Tirupati.
   i) Office of the Tahsildar, Yadamari Mandal, Chittoor Dist.
   j) Office of the Tellarallapally Gram Panchayath, Yadamari Mandal, Chittoor Dist.

Concerns of the local affected persons, and all the other concerned persons (as defined at Serial No. 7 III (ii) a and b of MoEF Notification No. S.O.1533 dated 14.09.2008) having a subsisting stake in the Environmental aspects of the proposed activity are invited within 30 days from the date of publication of this Notification. All the above persons can make written responses to the undersigned Officer of A.P. Pollution Control Board. All these persons can also participate in the Environmental Public Consultation on the date and at the venue mentioned above.

Place: Tirupati
Date: 01-12-2012

Sd: Environmental Engineer
A.P. Pollution Control Board
Date: 01-12-2012
Regional Office, Tirupati.
Concerns and Suggestions

**AIR**
- Health impact due to air pollution
- Adoption of air pollution control measures
- Dust suppression during mining and transport
- Wet drilling to control dust emission
- Covered trucks to avoid spillage during transport of mineral
- Provision of rain guns along the roads
- Reduced crop yields due to emissions from transport

**WATER**
- Collect, Store and Reuse Storm water
- Ground Water depletion due to blasting
- Water pollution due to mining activity
- River pollution due to untreated mine discharge
- Treatment of mine discharge
- Prevention of Over Burden dump runoff
- Reuse of mine discharge for domestic and irrigation
- Induced Salinity due to pits
- Impact on agriculture due to mine discharge
- Storage of rain water in the pits resulting in soil salinity due to raise in ground water table.

**NOISE**
- Impact of vibrations on habitation
- Adopt latest techniques for blasting operations.
- Depletion of ground water due to ground level vibrations
- Controlled blasting to reduce noise
- Blasting noise and its impact on people, animals and forest cover resulting in animal – human conflict.
Concerns and Suggestions

**SOCIO ECONOMIC**
- Establishment of Educational Institutions for local population.
- Establishment of health facilities for local population.
- Sale of waste stone to locals.
- Water supply and sanitation facilities.
- Distribution of 10% of profits to local people.
- Employment to displaced people.
- Employment to the nominees of affected farmers.
- Loss of grazing lands.
- Provision of employment to local people.
- Mine owners are misleading people regarding employment to local people.
- Livelihood improvement programs for displaced people.
- Loss of connectivity to adjacent farm lands and neighboring villages.
- Medical camps in surrounding villages.

**Corporate Social Responsibility (CSR)**
- Improving Corporate Social Responsibility (CSR) Activities.
- Green belt development under Corporate Social Responsibility (CSR).
- Equitable distribution of royalty and seine rage to Local villages.
- Appreciation for Corporate Social Responsibility (CSR) activity.
- Provision of Emergency medical centre.

**HEALTH**
- Impact on health due to mining.
- Provision of medical facilities for contract employees.
- Provision of hospital for employees and local population.
Concerns and Suggestions

**ECOLOGY**
- Increase Green Belt area
- Use non active area of mine for agriculture
- Development of village forest
- Disturbance to wild life due to usage of forest land
- Plantation on Over Burden dumps.
- Disturbance to wild life due to mining activity.
- Loss of trees due to mining activity

**Land Use**
- Mine pit rehabilitation
- Loss of grazing land
- Land acquisition without Rehabilitation and Resettlement
- Change in land use

**OCCUPATIONAL SAFETY**
- Provision of Personal protective equipment (PPE)

**INFRASTRUCTURE**
- Lift irrigation facilities for local farmers.
- Development & restoration of local Tourist place.
- Community building development
- Repair and up gradation of roads
- Provision of community toilets
References

Website of Andhra Pradesh Pollution Control Board, http://appcb.ap.nic.in/public%20hearing/dir_con_torr.php last viewed 30.11.2013
Website of Tamil Nadu Pollution Control Board, http://www.tnpcb.gov.in/publichearing.htm last viewed 30.11.2013
Website of Orissa State Pollution Control Board, http://www.orissapcb.nic.in/ last viewed 30.11.2013
Website Ministry of Environment and Forest http://environmentclearance.nic.in/Search.aspx last viewed 30.11.2013
Website of Maharashtra Pollution Control Board http://mpcb.gov.in/notices/PublicHearingconducted2012.php last viewed 30.11.2013
Website of Ministry of Mines http://mines.nic.in/ last viewed on 30.11.2013
Public Consultation (PC)

- Exceptions to certain projects
- To be completed in 45 days
- DM to preside over the Public Hearing (PH) process
- Alternate Public Authority / Agency to be engaged by MoEF in case State Pollution Control Board (SPCB) fails to comply with time limit
- Incorporation of public concerns in Environmental Impact Assessment (EIA) report
- Videography of proceedings must and to be enclosed with application for Environmental Clearance (EC)
- Preparation of Public Hearing (PH) proceedings and signature by DM/ADM on the same day
- Display of PH Proceedings in web site and other Govt. Offices
- PH is not a decision stage - it is only to ascertain the concerns of local affected persons and from plausible stakeholders
Public Consultation - Requirements

- A minimum notice period of 30 days in 2 local news papers.
- Where the newspapers do not reach, the Authority should arrange to inform the local public about the PH by the other means.
- A statement of the issues raised by the public and the comments of the applicant shall also be prepared in the local language or the official state language, as the case may be, and in English and annexed to the proceedings.
- Display of the minutes of PH at – Panchayat, Zilla Parishad, District Magistrate and SPCB. SPCB to display on the website also.
Stage-III Public Consultation

“Public Consultation” refers to the process by which the concerns of local affected persons and others who have plausible stake in the environmental impact of the project or activity are ascertained with a view to taking into account all the material concerns in the project or activity design as appropriate.

After completion of the public consultation, the applicant shall address all the material environmental concerns expressed during this process, and make appropriate changes in the draft Environmental Impact Assessment (EIA) and Environmental Management Plan (EMP). The final EIA report, so prepared, shall be submitted by the applicant to the concerned regulatory authority for appraisal. The applicant may alternatively submit a supplementary report to draft EIA and EMP addressing all the concerns expressed during the public consultation.
Procedure for Conducting Public Consultation

The PH shall be arranged at the project site or in its close proximity, district wise, by the SPCB. The applicant shall make a request through a simple letter to the Member Secretary of SPCB to arrange PH.

In case the project site is covering more than one district or State or Union Territories (UT), the PH is mandated in each district, State or Union Territories (UT).

The applicant shall enclose with a letter of request, at least 10 hard and soft copies of the draft EIA including the summary EIA in English and in the official language of the state/local language.

The applicant shall arrange one hard and one soft copy of the draft EIA report along with the summary EIA report to the –

- District Magistrate/District Collector/Deputy Commissioner
- ZP or MC or Panchayat union
- DIC
- ULBs/PRIs concerned/Development authorities
- Concerned Regional Office of MoEF

The above mentioned authorities except the RO of MoEF shall arrange to widely publicize it within their respective jurisdictions requesting the interested persons to send their comments to the concerned regulatory authorities.

The SPCB/UTPCC shall also make similar arrangements for giving publicity. They shall also additionally make available a copy of the draft EIA report to the above 5 authorities/offices.
Procedure for Conducting Public Consultation

- The Member Secretary of the SPCB shall finalize the date, time and exact venue of PH within 7 days of receipt of the draft EIA report and advertise the same in one major national daily and one regional vernacular daily/official state language. A minimum notice of 30 days shall be provided to the public.

- DM/ DC/ Dy. Commissioner or representative not below the rank of Addl. DM assisted by representative of SPCB shall supervise and preside PH.

- SPCB shall arrange to video the entire proceedings and send the video tape/ CD with public hearing proceedings to the regulatory authority.

- The attendance of all those who are present at the venue shall be noted and annexed with the final proceedings.

- Representative of the applicant shall initiate the proceedings with a presentation on the project and the summary EIA report.

- Persons present at the venue shall be granted the opportunity to seek information or clarifications on the project from the applicant.

- The summary of the public hearing proceedings shall be read over to the audience and the agreed minutes shall be signed by the DM/DC/DY. Commissioner.

- A statement of the issues raised by the public and the comments of the applicant shall be prepared and annexed to the proceedings.

- The proceedings of the PH shall be displayed at a Panchayat office, ZP, DM, SPCB.

- The SPCB shall also display the proceedings on the website for general information. Comments on the proceedings may be sent directly to the Regulatory authority and the applicant.
Time limits - Prior Environmental Clearance Process - India

- EAC and SEAC shall meet at least once in every month
- Approval of TOR – 60 days (otherwise deemed for approval)
- Public Hearing – 45 days (otherwise Central/State Government shall engage other agency/authority to complete the process)
- The final EIA report and other documents shall be scrutinized in the office of the regulatory authority within 30 days
- Appraisal by EAC or SEAC – 60 days (on receipt of the final EIA report and other documents)
- Placing recommendations of EAC or SEAC before the competent authority for the final decision – within next 15 days
- The applicant shall be informed at least 15 days prior to the schedule date of EAC/SEAC meeting
- The minutes of the EAC/SEAC – within 5 working days & shall be displayed on the regulatory authority website
Screening refers to the scrutiny of category ‘B’ projects seeking prior environmental clearance made in Form-1 by the concerned State Level Expert Appraisal Committee for determining whether or not the project requires further environmental studies for preparation of EIA for its appraisal depending upon the nature and location specificity of the project.

- No screening required for Category A projects
- Category B projects will be further screened at the state level for categorization into either B1 or B2. Specific guidelines to be evolved by MoEF

Diagram:

- Category B
- Category B1 → EIA, Public Hearing
- Category B2 → No EIA & PH
Stage II: Scoping

Scoping refers to the process by which the EAC in the case of Category ‘A’ projects or activities, and SEAC in the case of Category ‘B1’ projects activities determine detailed and comprehensive TORs addressing all the relevant environmental concerns for the preparation of EIA report.

The scope of an EIA is the issues and impacts it addresses
Scoping is the process of deciding which of a project’s possible alternatives and impacts should be addressed in the EIA
An EIA should focus only on the significant issues and impacts

Diagram:

1. Application in Form-1, Pre-feasibility Report & Draft TOR
2. EAC/SEAC to determine TOR for EIA Preparation
3. Intimation of Final TOR to project Proponent
Appraisal means the detailed scrutiny by the Expert Appraisal Committee or State Level Expert Appraisal Committee of the application and other documents submitted by the applicant for grant of environmental clearance.
**Screening** (does the project require EIA?)

**Scoping** (what issues and impacts should the EIA address?)

**Baseline studies** (establish the environmental baseline)

**Alternatives** (consider the different approaches)

**Impact prediction** (forecast the environmental impacts)

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**Impact assessment** (interpreting the impacts)

**Mitigation** (what can be done to alleviate negative impacts?)

**EIS preparation/review** (document the EIA findings)

**Public consultation** (consult general public and NGOs)

**Monitoring** (monitor impacts of project)