

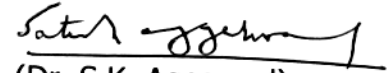
No. J-11013/30/2009-IA.II(I)
Government of India
Ministry of Environment & Forests

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Dated the 11th March, 2011

Sub: Report of the Committee constituted to examine the issues relating to monitoring of projects.

Ministry of Environment & Forests had constituted a Committee in December, 2009 under the Chairmanship of Shri J.M. Mauskar, the then Additional Secretary to examine the monitoring compliance of the stipulated conditions and environmental safeguards while granting environmental clearance under EIA and CRZ Notifications and to suggest effective monitoring mechanism. The Committee had submitted its report in January, 2011, which has since been accepted by the Government.


(Dr. S.K. Aggarwal)
Director

Report

**REPORT OF THE COMMITTEE
CONSTITUTED TO EXAMINE
THE ISSUES RELATING TO
MONITORING OF PROJECTS**

JANUARY, 2011

**MINISTRY OF ENVIRONMENT & FORESTS
NEW DELHI**

PREFACE

Although the regulatory framework for environmental clearance for developmental projects is well laid down, however, increasingly the effectiveness of the post project monitoring mechanism for ensuring an effective compliance to the stipulated conditions and environmental safeguards is a cause of concern. After a detailed review of the EIA Notification, 1994 as well as CRZ Notification, 1991 the Ministry had issued the EIA Notification, 2006 and CRZ / IPZ Notification, 2011. The strengthening of the monitoring and compliance mechanism becomes more pertinent now so as to make it quickly and adequately responsive to the observed deviations and increase the probability of timely punitive action within the framework of law. Besides, the mechanism should also be able to bring back the system to desired normalcy by ensuring the required mitigations measures being put in place.

In December, 2009 a Committee was constituted under my Chairmanship with representatives from various States both coastal as well as land locked, and the Central Pollution Control Board and an expert Dr. B. Sengupta to examine the issues relating to monitoring of projects. The Committee held three formal meetings and held informal discussions at various stages and what is equally important received very valuable inputs from different stakeholders, especially the NGOs and the civil society. The present Report is an outcome of the deliberations of this Committee incorporating the inputs and suggestions received.

The key recommendations of the report outline as to how the current system comprising the Regional Offices of MoEF and the State Pollution Control Boards may be strengthened, improved and made more transparent and accountable to the people at large for ensuring effective compliance. This is a vital aspect because the existing institutions need to undertake the increasingly complex task of monitoring by working in an integrated and coordinated approach and what is also important they need adequate strengthening. Building public credibility of the monitoring system and action against defaulters are other crucial aspects. It has, therefore, been recommended that the role of each agency be well defined as also the data as well as the monitoring reports be credible and put in public domain for scrutiny by various stakeholders. The role of expert agencies / institutions has been suggested for the first time in this regard. It is evident that putting the data in public domain will go a long way in creating public confidence in the regulatory agencies as well as help in creating reliable database for continuous monitoring and updation of the environmental scenario in the country. Encouraging the use of IT / Satellite Technology for time series monitoring in real time and space as well as for enhanced interaction and coordination among the various regulatory agencies has also been recommended. Last but not the least, amending the Environment (Protection) Act, 1986 by enhancement of penalties for non compliance, provision of swifter

mechanism for imposition of penalties and also explicitly providing involvement of CPCB and SPCBs and other specialized agencies in the monitoring compliance mechanism on priority has been recommended.

I would like to place on record my thanks and appreciation to all the members of the Committee for their cooperation and valuable inputs during the course of this Committee, in particular Dr. S.K. Aggarwal, Member Secretary was the anchor of our work. I am also thankful to various stakeholders who have given their detailed responses and suggestions on the draft approach paper which was put on the website of the Ministry for ascertaining their views. Although, it is not possible to name various individuals and organisations, however, I must mention of the Centre of Science and Environment and the Kalpavrikash, New Delhi, whose comments and inputs were of value.

I am happy to present this Report containing various recommendations for strengthening the monitoring and compliance mechanism for EC / CRZ Clearances encompassing both legal component regarding suggested amendment to the EP Act as well as procedural / administrative components for consideration of the Ministry of Environment & Forests.



J.M. Mauskar
Additional Secretary &
Chairman of the Committee

Dated: 31.1.2011

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Report of the Committee constituted to examine the issues relating to Monitoring of projects

1.0 Background:

1.1 The Environment (Protection) Act, 1986 being administered by Ministry of Environment & Forests is an Umbrella Act for protection and improvement of environment and for matters connected therewith. Under the said Act, Ministry has brought out several Notifications prescribing Rules, standards, identification of eco sensitive areas, regulation of activities with prior permission and area specific notifications. For the purpose of the work of this Committee, the two Notifications which are relevant are (i) Coastal Regulation Zone (CRZ) Notification, 1991, which has been superseded by two Notifications namely; (a) CRZ Notification, 2011 and (b) IPZ Notification, 2011 and (ii) Environment Impact Assessment (EIA) Notification, 1994, which has been superseded by the re-engineered EIA Notification, 2006 to regulate developmental activities. The CRZ and IPZ Notifications are area specific Notifications applicable only in coastal and marine areas of the main land and islands of A&N and Lakshadweep respectively as specified in these Notifications while EIA Notification has its jurisdiction throughout the country. Under these Notifications, all developmental activities / processes listed there under are required to obtain prior clearance under the provisions thereof as per the procedure prescribed there under.

1.2 Clearances under EIA Notification, 2006 are granted by MoEF for Category 'A' projects and by State Level Impact Assessment Authorities (SEIAAs) / UT IAAs for Category 'B' projects. Similarly, clearances under CRZ / IPZ Notification, 2011 are also granted by MoEF or the respective SEIAAs as the case may be after the project has been recommended by the concerned Coastal Zone Management Authority. While granting environmental clearances under both these Notifications, various conditions and environmental safeguards are stipulated which are required to be implemented by the project proponent during various stages of project cycle. The conditions so prescribed / stipulated are required to be monitored for their effective implementation.

1.3 Besides, the environmental clearance under both these Notifications as mentioned above, the respective SPCBs / UTPCCs grant 'Consent to Establish' and 'Consent to Operate' to various projects under the provisions of Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981. While issuing these consents, conditions relating to emission and discharge

limits as well as other conditions are stipulated. Implementation of these conditions is also required to be monitored for their effective implementation.

1.4 Ministry of Environment & Forests had during the last few years undertaken review of the regulatory framework relating to environmental clearance and as a result the EIA Notification, 1994 was superseded by the re-engineered EIA Notification, 2006. The regulatory framework relating to coastal regulation zone has also been reviewed and the reengineered CRZ Notification has been issued on 6.1.2011. MOEF is also proposing to constitute a National Environment Assessment and Monitoring Authority (NEAMA), an independent agency to undertake environmental appraisal of projects under EIA Notification, 2006, and also to undertake monitoring of the stipulated conditions for their effective implementation during the project cycle.

1.5 It has been realized that while the regulatory framework has been reviewed and made more comprehensive and effective, the existing monitoring mechanism for ensuring effective compliance of the conditions and environmental safeguards stipulated in the environment / CRZ clearances during the project cycle also needs to be reviewed and strengthened to make it more effective and transparent. Accordingly, a Committee was constituted on 14th December, 2009 under the Chairmanship of Additional Secretary (Impact Assessment) to examine the issues relating to monitoring of projects in the light of EIA Notification, 2006 and inputs contained in the Prof. Swaminathan Report, 2009.

1.6 The Committee held detailed discussions on the subject during its three meetings and deliberated on all the related aspects including the review of the existing system in place, its shortcomings, possible approaches for its strengthening, available national resources both human resource and infrastructure, generation of synergy for optimization of resources, among various institutions, public private partnerships, involvement of stakeholders, self monitoring, reliability of data, responsibility and pit falls associated with self monitoring etc. Besides, the Committee had the benefit of formal and informal discussions within MoEF. Based on deliberations of the Committee, a draft approach paper was prepared and put up on the website of MoEF for seeking comments of all concerned. The comments received were considered and deliberated by the Committee and the present report is an outcome of the same.

1.7 The Committee during its deliberations recognized the basic principles that "Polluter Pays" and "Prevention is Better than Cure" which puts the entire responsibility of operating a project in conformity with the environmental best practices and in compliance with the stipulated conditions. Nevertheless, it has not been intended to abridge the powers of any of the Statutory Agencies.

2.0 Present System of Monitoring:

2.1 The implementation of the conditions stipulated while granting environmental clearance is monitored by the six Regional Offices of Ministry of Environment & Forests located at Chandigarh, Lucknow, Bhopal, Bhubaneswar, Bangalore and Shillong as per their respective jurisdiction. Besides, the Regional Offices of MoEF, violations of CRZ Notifications are monitored by the National Coastal Zone Management Authority (NCZMA) and State Coastal Zone Management Authorities (SCZMAs). The consent conditions under Water and Air Act are monitored for their implementation by the respective SPCBs / UT PCCs.

2.2 As per the provisions of the EIA Notification, 2006 and as specifically stipulated in the EC letters, the project proponent is also required to submit six monthly reports relating to the status of implementation of the stipulated conditions to the respective Regional Office of MoEF. These reports are also analysed by the Regional Office as well as in the monitoring cell of MoEF. Recently, MoEF, as part of making the whole system of monitoring more transparent, has been asking the project proponent to put the monitoring reports on their website to make it available in the public domain.

3.0 Limitations in the existing system of Monitoring:

3.1 The existing system of monitoring has been analysed to identify the gaps and limitations for their improvement. It has been observed that the existing system of monitoring suffers from short comings due to (i) procedural and administrative deficiencies, (ii) inadequate infrastructure and trained technical manpower and (iii) Legislative deficiencies. The major identified gaps are enumerated as under:-

- All the conditions are not monitored with equal effectiveness;
- The Regional Offices of MoEF are not equipped with laboratory facilities and as such there are limitations in sampling and analysis;
- Monitoring by the zonal offices of CPCB and regional offices of SPCBs is essentially limited to the monitoring of conditions relating to emission and discharged standards (pollution control conditions);
- Monitoring by SCZMAs does not meet the challenges involved keeping in view the magnitude of work;
- Large variability in the degree of reliability in the monitoring results by private laboratories (3rd party monitoring);
- Self monitoring by industries is not very effective;

- Lack of transparency due to non availability of monitoring reports on the website of the regulatory authority as well as the proponent;
- Limited availability of trained and skilled manpower with the regulatory authorities keeping in view the quantum of work involved;
- The Environment (Protection) Act as it exists today neither deterrent nor punitive enough.

4.0 Classification of EC / CRZ Conditions:

The EC / CRZ conditions may be classified into four categories based on the project cycle and would need to be monitored at each stage. The focus of monitoring will depend upon the nature of the condition and the stage at which it is being monitored. The four stages of monitoring based on project cycle are:-

- Pre-construction Phase
- Construction Phase
- Operation Phase
- Post Operation / Decommissioning Phase.

4.1 Pre-construction and Construction Phase:

The EC conditions during pre-construction and construction phases are such which would require careful physical monitoring. Such conditions may relate to adherence to the approved layout plan, obtaining all the regulatory clearances, implementation of R&R plan, addressing the social issues, earmarking of space for various facilities, provision for waste disposal, rainwater harvesting, topsoil management, provision of infrastructure facilities for construction workers etc. Besides, it also needs to be ensured that the physical features of the site such as wet lands, water bodies etc. are not affected due to the project, unauthorized encroachment into forestland / wildlife habitat does not take place and compliance with the various rules and regulations.

In addition to the above, actual monitoring of air quality parameters including noise as also safety of the workers are important aspects where the concerned SPCBs could play a pivotal role.

Projects especially relating to construction sector, highways, river valley and hydro-electric projects, ports and harbor would have their impacts essentially during construction phase and hence would require rigorous monitoring of EC conditions during construction phase.

4.2 Operation Phase:

The EC conditions during operation phase would require sampling and analysis to ensure their adherence to the prescribed emission and discharge standards and to ensure that the national ambient air quality standards are not violated. In case of industrial projects such as chemical industry, metallurgical industries, thermal power projects etc. the maximum impacts will be during their operation phase due to emission and discharges which need to be monitored and kept under control. It would also need to be ensured that recycling and reuse is practiced for optimization of resource utilization and waste minimization and management. Safety of operation and the conditions related there with such as mine safety, dump slope stabilization, breach of tailing pond / ash dyke, storage of hazardous chemicals would require special attention and monitoring. In addition, occupational health aspects, completion of R&R, activities relating to CSR, greenbelt development and plantations and other issues which gain importance during operation phase and their effective implementation would be a pre-requisite for ensuring sustainable development. Besides, sharing of information in the public domain particularly relating to environmental scenario in the area, pollution load (discharges and emissions) from the project / activity is also required to be carried out during this phase.

4.3 Post Operation / Decommissioning Phase:

Post operation / de-commissioning phase attains significant importance in certain specific projects such as mining (reclamation and restoration of mined out areas and mine closure), site closure for TSDF and de-commissioning of nuclear power plants and related facilities. Monitoring of EC conditions and environmental safeguards during post operation phase would be very much desirable and critical in respect of such projects.

5.0 New Approach to Monitoring EC / CRZ Compliance:

Keeping in view the limitations of the existing system of monitoring and analysis of the EC conditions during different stages of project cycle, a new approach to monitoring of EC / CRZ compliance has been envisaged which is based on the following components:-

- (i) Generation of synergy amongst the available resources in terms of manpower laboratory facilities and other infrastructure and enhanced coordination through dissemination in common data basis.

- (ii) Involvement of specialized agencies / institutions in monitoring EC compliance.
- (iii) Transparent self monitoring by project proponent and enabling community scrutiny and verification.
- (iv) Enhancement of penalty and Environment (Protection) Act.
- (v) Use of IT / Space Technology for inter agency coordination, putting information in public domain on the website as also on display boards and checking of CRZ violations using time series satellite imageries.

5.1 Synergy of available Resources:

Synergy amongst the various agencies presently involved in monitoring namely CPCB, SPCBs, SCZMAs and the Regional Offices of MoEF need to be generated so as to maximize the output with minimal constraints on the resources. The laboratory facilities and related field infrastructure available with the CPCB and SPCBs may also be optimally utilized for sampling and monitoring of emission and discharges from various units as also to utilize the results of air and water quality network established by these organizations.

Third party monitored data may also be crossed checked by SPCBs for their reliability and authenticity. It would also helped in establishing a reliable data base on environmental parameters in different regions of the country, which may be useful in establishing the trend and decision making for sustainable development planning. A word of caution would need to be added here that the 3rd party monitoring mechanism would need to build into its domain the aspects of responsibility and accountability. Random cross checking of the collected data by one of the regulatory agency will also be desirable. It may include inter-sectoral as well as inter-agency random sampling for enhancing confidence in the reported data. Besides, these data may also help in creation of data basis and their updation for effective spatial planning.

5.2 Involvement of Specialized Agencies / Institutions in EC Compliance Monitoring:

The various specialized agencies / institutions, depending upon their area of expertise may be associated with the EC compliance monitoring. These agencies will be carefully selected so as to guard against any internal conflict of interest taking into the account the involvement of such agencies in environment related commercial activities. The role of the specialized agencies will be clearly specified, including the terms of the monitoring protocol. This will be available on the website

along with the monitoring reports to provide accountability and credibility. Based on the preliminary exercise, some of the institutions have been identified for their possible association (the list is representative and not comprehensive/exhaustive) as given below:

Area	Possible Institutions
Physical Monitoring during pre-construction and construction phase	ROs of MoEF / proposed NEAMA
Air Pollution, Water Pollution, compliance with emission/discharge standards, Hazardous Waste Management	CPCB, SPCBs / UTPCCs
Green Belt / Plantation / Compensatory Afforestation, wildlife conservation, Catchment Area & Command Area Development, Biodiversity Conservation	ICFRE, FSI, ICAR, WII, Central Soil and Water Conservation Research and Training Institute
OB / Tailings Management Mine Closure Plan Mine Safety	IBM, Central Mining Research Institute, Indian School of Mines DGMS
Energy Efficiency Building Layout, Rainwater Harvesting and other conditions for construction projects	BEE School of Planning and Architecture
Radioactive Pollutants Nuclear Waste Management	Health Physics Division, Environmental Surveillance Labs, BARC AERB
Marine / Oceanography related issues and CRZ Issues	NIO (Goa), NIOT (Chennai), ICMAM (Chennai), NCSCM, SAC (Ahmedabad) and SCZMAs
R&R and social issues	Civil Society Groups / Gram Panchyats
Occupational Health	NIOH / Local Medical Colleges
Disaster Management and Emergency Preparedness	National Disaster Management Authority

5.3 Transparency in Self Monitoring by Project Proponent:

To ensure transparency in monitoring of compliance of EC conditions by the project proponent, the results of monitoring need to be shared with all concerned to allay any apprehension regarding the working of the unit. The following action on the part of the project proponent may help achieve the same.

- The project proponent should ensure compliance with the stipulated conditions with the help of in-house team of experts. The credibility of the data should be established by periodic 3rd party monitoring supported by random check by the regulatory authority. The sample analysis should be got done only from labs approved under EP Act, 1986.
- The status of compliance should be reported to MoEF and its ROs, CPCB, SPCBs and also put on the website of the company, and selected parameters to be displayed on display board at a prominent place near the main gate
- Each unit should identify a senior person both at plant level and at company level who will be responsible for non-compliance, analogous to the position of mines manager under the Mines Act.

5.4 Enhancement of Penalty under Environment (Protection) Act:

The existing quantum of penalty prescribed under the Environment (Protection) Act, 1986 is too meager and also the process involved imposing penalty is so cumbersome and time consuming that it makes the law neither deterrent nor punitive enough. It may, therefore, be desirable that:

- The quantum of penalty for non-compliance of the EC conditions may be made sufficiently high and there may not be any ceiling on the quantum of penalty amount for serious offences.
- Serious offences may be made cognizable by police and non bail-able.
- The process of imposing penalty need to be made swifter and prompt in terms of payment of penalty.

The Committee also recognised that enhancement of penalty etc could only be possible through amendment of EP Act, 1986, which is an involved and time consuming process. It was also noted that some of the SPCBs have adopted alternate mechanisms such as securing of bank guarantee for ensuring compliance of the commitments made by an entrepreneur. The Committee felt that this aspect may be further examined by the PL Division of MoEF in the light of the legal framework and related issues.

5.5 Use of IT / Satellite Technology:

With the emerging frontiers of technology particularly in the field of communication and information technology, it may be desirable to use this

technology for enhanced inter-action and coordination among various regulatory agencies. The following guidelines may help in this regard:-

- The compliance reports may be put on the website of the respective agency and updated regularly based on the compliance status provided by the proponent as well as by the monitoring agencies. It may ultimately be endeavored to develop a website which could serve as a central data bank where the results of all the monitoring are made available in a common format for the ease of its updation and future retrieval.
- Action taken or proposed by Government Authority or Courts should also be put in public domain and linked to the monitoring website referred to above.
- Use of Satellite imageries for pollution monitoring and CRZ encroachments / violations should be encouraged.

5.6 Regional Level Monitoring in specific areas with concentration of activities:

It has been observed that certain areas are known to have concentration of developmental activities which are detrimental to the environmental health of the area such as Raigad and Ratnagiri in Maharashtra, Srikakulam in Andhra Pradesh, Singrauli in Uttar Pradesh, Korba in Chhattisgarh having concentration of thermal power plants; Bellary Hospet in Karnataka, Goa, Bara Jamda in Jharkhand having concentration of iron ore mines; Ib Valley and Jharsuguda in Orissa for mining and other large industries. It may, therefore, be desirable that these areas are monitored regularly and comprehensively to assess the environmental matrices of the region in terms of the impact of these activities on air, water, flora and fauna and critical habitat. Because project based monitoring in these areas may not be able to bring the desired results and may not be even cost effective, such a regional level regular monitoring in such areas is considered to be essential. For carrying out these assessments some of the identified premier institutions like Indian Institute of Technology, Mumbai, Institute of Chemical Technology, Hyderabad may be designated as the nodal institutions to undertake the work through a multi-disciplinary team of experts. To start with, assessment in (i) Raigad and Ratnagiri area in Maharashtra, which are known for their rich biodiversity and alphanso plantation and (ii) Srikakulam area in Andhra Pradesh, known for wetlands and water bodies, in both of which areas a large number of coal based thermal power plants are planned, could be considered.

5.7 Stipulation of additional conditions in respect of mega projects already granted EC:

It has been observed that MoEF, of late, while granting environmental clearance stipulates various conditions inter-alia (i) Conditions relating to continuous monitoring of stack emissions as well as ambient air quality and (ii) Conditions relating to transparency in putting the compliance status in public domain. However, such conditions were not being stipulated in the earlier clearances. It may, therefore, be desirable that additional conditions to cover the above aspects may be incorporated in respect of large projects already granted clearances such as coal based thermal power plants with a capacity of 500 MW and above, integrated steel plants with a capacity of 1 million TPA and above, cement plants with a capacity of 3 million TPA and above. This is just a suggestive list and not comprehensive. After the approach is agreed for implementation, more projects / sectors could be identified for incorporating the additional conditions, since these conditions would be imposed in the interest of environment, public health and transparency, there may not be any need to issue separate order for each EC and a general direction / order should suffice.

6.0 Format of Reporting:

Based on the monitoring carried out by one of the agencies, effective and timely reporting of the observations made during monitoring / inspections is an important aspect for taking effective follow up post monitoring action. It may, therefore, be desirable that a format of reporting is developed so that the reports submitted by various agencies / individuals are mutually cohesive and objective. The conditions whose compliance is quantifiable such as air and water quality, emissions and discharges, quantity of waste generation, extent of recycling and reuse adopted in the project, area covered under plantation, area reclaimed, details of R&R and CSR etc should be reported in quantitative terms. The conditions which need to be complied over a period of time should be backed by a time bound action plan with pert chart to indicate the slippage, if any. Thus, the monitoring report should focus and bring out the following:-

- (i) Availability of all the requisite statutory clearances for the project.
- (ii) Compliance with the physical conditions.
- (iii) Compliance with the notified emissions and discharge standards.
- (iv) Compliance with the conditions required to be implemented *pari passu* with the project and the slippage, if any.

7.0 Analysis of Monitoring Report:

The monitoring reports need to be analysed to assess the degree of non-compliance for the purpose of initiating action under the provisions of Environment (Protection) Act, 1986. Based on the severity of non-compliance, actions may be contemplated against the non-compliant units.

8.0 Post Monitoring Actions:

Based on the analysis of monitoring report, actions may be initiated at different levels. Cases where significant non-compliance have been reported such as violation of the prescribed standards, action may be initiated by the Monitoring Cell in the Ministry based on the recommendations of the concerned Regional Office, wherever necessary. In respect of cases where there is partial non-compliance such as slippage of targets, simple follow-up by the Regional Office or the concerned agency authorized to undertake monitoring may suffice. Even the partial non-compliance beyond a certain time frame may qualify in the category of serious non-compliance attracting actions under the EP Act. Thus, depending upon the degree of non-compliance and its severity, actions could be:

- Persuasive and
- Punitive

9.0 What will it involve?

To effectively implement the approach proposed in the preceding pages, for monitoring compliance of the EC / CRZ conditions, various actions would need to be taken which are summarized as under:-

- (i) Development of protocol for self monitoring.
- (ii) Prescribing criteria to categorize the non compliance into serious and non serious for initiating action.
- (iii) Discussion between identified institutions to decide on the details of the work and procedure to be followed in this regard.
- (iv) Evolving mechanism to coordinate amongst the various agencies for harmonization of action required, if any, based on monitoring.
- (v) Development of uniform formats for submission of reports by various monitoring agencies.

- (vi) Delegation of powers to these institutions / agencies under section 5 of the EP Act as also to fix accountability in the eventuality of non performance.
- (vii) To develop a mechanism for funding of these institutions / agencies to be involved in the monitoring.
- (viii) Strengthening of Regional Offices of MoEF, CPCB and SPCBs.
- (ix) Innovative methods of involving various stakeholders such as Industry Association, NGOs and Civil Society.
- (x) Amendment to EP Act to enhance the penalty for non-compliance.

10.0 Concluding Remarks and Recommendations:

The approach for monitoring compliance to the EC / CRZ conditions proposed in this paper is an outcome of the deliberation of the Committee based on the experience of various members and discussion held in this regard. This paper outlines the way forward for strengthening and streamlining the process for transparent monitoring mechanism. To adopt the above approach and make it operational, various coordinated actions would need to be taken by various agencies which are presently involved as well as which are proposed to be involved in the monitoring process to make the process of monitoring more effective and to achieve the intended goals.

Although, a concept paper regarding setting up of the proposed NEAMA has been conceptualized, it may not be before one year that it gets set up and operationalised with monitoring of projects as one of its mandates. However, till it happens, the following actions are recommended which may subsequently be adopted by NEAMA.

- (i) CPCB, SPCBs and ROs of MoEF be strengthened both in terms of manpower and infrastructure to enable these institutions to undertake monitoring of implementation of EC conditions. [Action: MoEF within 6 months]
- (ii) Environment (Protection) Act, 1986 and the rules made there under may be amended to provide for (a) making the violations of EP Act including non compliance of EC conditions as cognizable by Police and non bailable, (b) process of imposing penalty to be made swifter and prompt in terms of payment of penalty, (c) the quantum of penalty for non compliance of EC conditions to be enhanced sufficiently high, (d) no sealing on the quantum of penalty for serious offences and (e) to provide for involvement of CPCB and SPCBs as well as any other agency in monitoring compliance. [Action: by MoEF within 12 months]

- (iii) MoEF may simultaneously also examine alternate mechanisms which could possibly be adopted in terms of imposing large financial penalties for non compliance of EC conditions till the EP Act is amended as suggested in para (ii) above. [Action: by MoEF within 3 months]
- (iv) Develop a criteria and formulate guidelines for categorization of non compliances into the category of serious and not so serious. [Action: A committee under the Chairmanship of Dr. B. Sengupta with representative from Regional Offices of MoEF and CPCB, within 3 months]
- (v) Protocol and format for self monitoring be developed and put on the website of MoEF to be followed by all the proponents. [Action: All the ROs. To be coordinated by RO, Bangalore, within 3 months]
- (vi) Institutions may be identified to initiate implementation of the proposed approach as also to develop mechanism for their functioning, financial support etc and MOU signed with these agencies / institutions. [Action: MoEF within 6 months]
- (vii) Delegation of powers to the identified institutions under Section 5 of the EP Act, 1986.

No.J-11013/30/2009-IA.II(I)(Pt.)
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Ministry of Environment and Forests
(IA-Mon. & Evaluation)

Paryavaran Bhavan, CGO Complex,
Lodhi Road, New Delhi – 110003.

Dated the 14th December, 2009.

OFFICE ORDER

Sub: Constitution of a Committee to examine the issues relating to Monitoring of projects – regarding.

The Ministry proposes to critically examine in a holistic manner the issues relating to monitoring of environmental clearance issued under the Environment Impact Assessment Notification, 2006 and Coastal Regulation Zone Notification, 1991. For this purpose, a Committee has been constituted with the following composition and scope of work,-

2. The composition of the Committee will be as follows:

- | | | |
|-----|---|----------|
| (1) | Shri J.M. Mauskar,
Additional Secretary, IA Division,
MOEF. | Chairman |
| (2) | Dr. S.P. Gautam,
Chairman,
Central Pollution Control Board,
Parivesh Bhavan, East Arjun Nagar,
Shahdara,
Delhi. | Member |
| (3) | Dr. G.K. Pandey,
Adviser,
MOEF. | Member |
| (4) | Dr. Nalini Bhat,
Adviser,
MOEF. | Member |
| (5) | Dr. B. Sengupta,
Ex-Member Secretary, CPCB,
S-161, Medha Apartment,
Mayur Vihar, Phase-I,
Delhi : 110091. | Member |
| (6) | Shri J. Hari Narayan, Chairman,
Andhra Pradesh Pollution Control Board,
Paryavaran Bhavan,
A-3, Industrial Estate, Sanath Nagar,
Hyderabad : 500 018. | Member |

- | | | |
|------|---|------------------|
| (7) | Shri C.L. Meena, Chairman,
Gujarat Pollution Control Board,
Sector 10-A,
Gandhinagar : 382 010. | Member |
| (8) | Shri Shyam Lal Goyal, Chairman,
Maharashtra Pollution Control Board,
Kalpataru Point, 3 rd & 4 th Floors,
Sion Matunga Scheme Road No. 6,
Opp. Cine Planet, Sion Circle, Sion (E),
Mumbai : 400 022, | Member |
| (9) | Shri Yogesh Goel, Chairman,
Punjab Pollution Control Board,
Vatavaran Bhavan, Nabha Road,
Patiala : 147 001, | Member |
| (10) | Chairman,
Kerala State Coastal Zone Management Authority,
Sasthra Bhawan, Pattom,
Thiruvananthapuram - 4. | Member |
| (11) | Chairman,
Orissa State Coastal Zone Management Authority &
Principal Secretary, Science, Technology &
Environment and Forests Wing,
Orissa Secretariat,
Bhubaneswar : 751 001. | Member |
| (12) | Chairman,
Tamil Nadu State Coastal Zone Management
Authority & Principal Secretary,
Department of Environment & Forests,
First Floor, Panagal Building,
Saidapet,
Chennai : 600 015. | Member |
| (13) | Chairman,
West Bengal State Coastal Zone Management
Authority & Secretary,
Department of Environment,
Government of West Bengal,
Writers Building, G-Block, 2 nd Floor,
Kolkatta : 700 001. | Member |
| (14) | Dr. Sunita V. Auluck,
Director,
MOEF. | Member Secretary |

3. The above Committee shall examine the following:-

- a. The existing monitoring procedures/methodology adopted under Environment Impact Assessment Notification and Coastal Regulation Zone Notification.

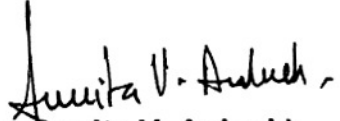
- b. Suggestions for an effective monitoring mechanism for various projects that are accorded clearance under Environment Impact Assessment and Coastal Regulation Zone Notifications.
- c. Suggestions for the monitoring mechanisms to bring in quantitative analysis of the parameters listed in the environmental clearance letter.
- d. Suggestions for use of information technology for effective monitoring at Ministry/State level, Regional Office level and at the level of industrial unit.
- e. Any other suggestion with the permission of the Chair.

4. The Committee may co-opt additional members with prior approval of the Ministry or invite experts, if felt necessary, for assisting the Committee.

5. The tenure of the Committee will be for a period of three months from the date of issue of this Order.

6. The Committee may convene its meeting(s) anywhere in the country. TA/DA and sitting fee of Rs. 1,000/- (Rupees one thousand only) per day for non-official members will be paid as per rules.

8. This issues with the concurrence of the Integrated Finance Division vide their Dy. No. 2780/IFD/09 dated 8th December, 2009.


(Dr. Sunita V. Auluck)
Director

Copy forwarded to:

1. PS to MEF.
2. PPS to Secretary (E&F).
3. PPS to AS(JMM).
4. All Members of the Committee.
5. CCF, Regional Offices, Ministry of Environment and Forests.
6. Adv.(Statistical), with a request to upload it on the website of the Ministry.
7. Guard File.

No. J-11013/30/2009-IA.II(I)-Pt.
Government of India
Ministry of Environment & Forests

Paryavaran Bhavan,
C.G.O. Complex, Lodi Road,
New Delhi-110003.
Telefax: 24362434

Dated 4th May, 2010

Office Memorandum

**Sub: Committee to examine the issues relating to Monitoring of
Projects - Regarding.**

In continuation to this Ministry's earlier Office Order of even no. dated 14th December, 2009 constituting the above-mentioned Committee, the tenure of the said Committee with the following composition has been extended up to 30th September, 2010. The terms of the reference of the Committee as specified in the above referred Office Order shall remain unchanged:

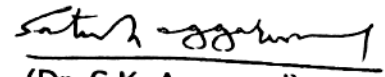
1. Additional Secretary,
In-charge of IA Division,
MoEF - Chairman
2. Chairman, Central Pollution Control Board,
Parivesh Bhavan, East Arjun Nagar,
Shahdara, Delhi. - Member
3. Advisor,
IA Division,
MoEF - Member
4. Dr. B. Sengupta
Ex-Member Secretary, CPCB,
S-161, Medha Apartment,
Mayur Vihar, Phase-I, Delhi. - Member
5. Chairman,
Andhra Pradesh Pollution Control Board,
Paryavaran Bhavan, A-3,
Industrial Estate,
Sanath Nagar,
Hyderabad - 500 018. - Member

6. Chairman,
Gujarat Pollution Control Board,
Sector 10-A, Gandhi Nagar – 382 010
Gujarat. - Member
7. Chairman,
Maharashtra Pollution Control Board,
Kalpataru Point, 3rd & 4th Floors,
Sion Matunga Scheme Road No. 6,
Opposite Cine Planet, Sion Circle, Sion (E)
Mumbai – 400 022. - Member
8. Chairman,
Punjab Pollution Control Board,
Vatavaran Bhavan, Nabha Road,
Patiala – 147 001 (Punjab). - Member
9. Chairman,
Kerala State Coastal Zone Management Authority,
Sasthra Bhawan, Pattom,
Thiruvananthapuram – 4. - Member
10. Chairman,
Orissa State Coastal Zone Management
Authority & Principal Secretary,
Science, Technology & Environment and Forests Wing,
Orissa Secretariat,
Bhubaneswar-751 001 (Orissa). - Member
11. Chairman,
Tamil Nadu State Coastal Zone Management
Authority & Principal Secretary,
Department of Environment & Forests,
First Floor, Panagal Building,
Saidapet, Chennai – 600 015. - Member
12. Chairman,
West Bengal State Coastal Zone Management
Authority & Secretary,
Department of Environment,
Government of West Bengal,
Writers Building, G-Block, 2nd Floor,
Kolkata – 700 001. - Member

13. Director In-charge (Monitoring),
IA Division, MoEF

- Member Secretary

This issues with the approval of the Competent Authority.


(Dr. S.K. Aggarwal)
Director

To

All Members of the Committee

Copy to:

1. PS to MEF
2. PPS to Secretary (E&F)
3. All Regional Offices of Ministry of Environment & Forests
4. Advisor (Statistical), with a request to upload it on the website of the Ministry
5. Guard File.

No. J-11013/30/2009-IA.II(I)-Pt.
Government of India
Ministry of Environment & Forests

Paryavaran Bhavan,
C.G.O. Complex, Lodi Road,
New Delhi-110003.
Telefax: 24362434

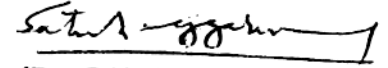
Dated 1st October, 2010

Office Memorandum

**Sub: Committee to examine the issues relating to Monitoring of
Projects - Regarding.**

In continuation to this Ministry's earlier Office Order of even no. dated 14th December, 2009 and subsequent office memorandum dated 4th May, 2010, constituting the above-mentioned Committee, the tenure of the said Committee has been extended up to 31st December, 2010. The terms of the reference of the Committee as specified in the above referred Office Order shall remain unchanged:

This issues with the approval of the Competent Authority.


(Dr. S.K. Aggarwal)
Director

To

1. Chairman, Central Pollution Control Board,
Parivesh Bhavan, East Arjun Nagar,
Shahdara, Delhi.
2. Dr. B. Sengupta
Ex-Member Secretary, CPCB,
S-161, Medha Apartment,
Mayur Vihar, Phase-I, Delhi.
3. Chairman,
Andhra Pradesh Pollution Control Board,
Paryavaran Bhavan, A-3,
Industrial Estate,
Sanath Nagar,
Hyderabad - 500 018.
4. Chairman,
Gujarat Pollution Control Board,
Sector 10-A, Gandhi Nagar - 382 010
Gujarat.

5. Chairman,
Maharashtra Pollution Control Board,
Kalpataru Point, 3rd & 4th Floors,
Sion Matunga Scheme Road No. 6,
Opposite Cine Planet, Sion Circle, Sion (E)
Mumbai - 400 022.
6. Chairman,
Punjab Pollution Control Board,
Vatavaran Bhavan, Nabha Road,
Patiala - 147 001 (Punjab).
7. Chairman,
Kerala State Coastal Zone Management Authority,
Sasthra Bhawan, Pattom,
Thiruvananthapuram - 4.
8. Chairman,
Orissa State Coastal Zone Management
Authority & Principal Secretary,
Science, Technology & Environment and Forests Wing,
Orissa Secretariat,
Bhubaneswar-751 001 (Orissa).
9. Chairman,
Tamil Nadu State Coastal Zone Management
Authority & Principal Secretary,
Department of Environment & Forests,
First Floor, Panagal Building,
Saidapet, Chennai - 600 015.
10. Chairman,
West Bengal State Coastal Zone Management
Authority & Secretary,
Department of Environment,
Government of West Bengal,
Writers Building, G-Block, 2nd Floor,
Kolkata - 700 001.

Copy to:

1. PS to MEF
2. PPS to Secretary (E&F)
3. PS to AS(JMM)
4. PS to Advisor (NB)
5. All Regional Offices of Ministry of Environment & Forests
6. Advisor (Statistical), with a request to upload it on the website of the Ministry
7. Guard File.

Resume of the meeting of the Special Committee constituted under the Chairmanship of Shri J. M. Mauskar, Additional Secretary on "Improving the mechanism for monitoring of projects cleared under Environment Impact Assessment Notification or CRZ Notification" held on 14.1.2010 in Room No.403, Paryavaran Bhawan, CGO Complex, Lodhi Road, New Delhi.

List of participants is annexed.

Shri J. M. Mauskar, Chairman welcomed the Members and the Special Invitees. He made a detailed presentation on the subject and mentioned the various provisions that are relevant for clearance of projects from environmental angle under Water (Prevention and Control of Pollution) Act, 1974, Air (Prevention and Control of Pollution) Act, 1981, Hazardous Waste Management Rules, 1989/2008, Environment Impact Assessment (EIA) Notification, 2006 and Coastal Regulation Zone (CRZ) Notification, 1991. He also outlined the gaps in the monitoring mechanism of environmental clearance conditions.

2. It was mentioned that the monitoring of the environmental clearance conditions are not effectively done. The Regional Offices of the Ministry has no facilities for testing of any parameters related to air/water and other pollutant. While, the zonal offices of Central Pollution Control Board and State Pollution Control Board do monitor pollution but are not linked to the environmental clearance issued under EIA Notification, 2006. Further the third party monitoring through private lab cannot be relied upon totally. The self monitoring system of the industries are not effective. For the purpose of transparency hosting of monitoring and compliance data carried out by statutory bodies are not put on the website. There is lack of staff especially the skilled manpower in this area of monitoring. Further, with regard to CRZ the Coastal Zone Management Authorities have not been able to enforce, regulate and monitor the conditions. He also outlined the issues that are required to be addressed by the Committee for making the monitoring system effective.

3. After the presentation, Chairman invited comments from the Members.

4. Shri P. J. Vachhani, Government of Gujarat suggested that the continuous online monitoring system should be emphasized for obtaining reliable data for monitoring of pollutants at source. He also indicated that the monitoring system should be strengthened by involving Regional Office of State Pollution Control Board and also by utilizing satellite imagery. With regard to infrastructure projects such as roads, construction etc., he suggested that such projects should be monitored at construction stage. The Chairman requested Shri Vachhani to provide a note on a third party auditing system that is being undertaken in the State of Gujarat.
5. Dr. E. P. Yashodharan, Chairman, STEC and KSCZMA suggested that there needs for a mechanism to be put in place to monitor the Coastal Regulation Zone projects. The Coastal Zone Management Authorities have limited staff and no financial support to undertake monitoring activities. With regard to involvement of NGOs for monitoring, he indicated that these organizations should be used for obtaining information that would help the enforcement Authorities. Statutory powers for monitoring may not be provided to the NGOs.
6. Shri M. L. Meena, Principal Secretary, Environment Department, Government of West Bengal indicated that the role of State Pollution Control Board and their Regional Offices have not been defined in the Environment Impact Assessment Notification, with regard to monitoring of projects. He suggested that the zonal office of Central Pollution Control Board may be involved for monitoring alongwith State Pollution Control Board. He suggested that the monitoring cell may have experts from outside who could scrutinize the monitoring reports. The need for transparency by placing the monitoring report on the website was highlighted. He also emphasized that automatic ambient air quality monitoring should be made mandatory.
7. Shri U. N. Bhera, Government of Orissa suggested that an independent monitoring Authority may be constituted. It was suggested that various actions taken with regard to directions, show cause notices, etc., need to be put on the

website. He pointed out the need for financial resources for staffing and capacity building for the State of Orissa for effective monitoring of the environmental parameters. With regard to the moratorium placed by MoEF on development of clusters, it was suggested that it may not be appropriate as it would affect the functioning of thermal power plants if mining in cluster of coal mines is stopped. He also suggested the need for strengthening the monitoring of the Coastal Regulation Zone projects.

8. Dr. A. N. Singh, ICFRE indicated that ICFRE can take up activities relating to monitoring of green belt and restoration of mines, as they have adequate forest officers, but, they would require training for such activity.

9. Shri M. D. Pathak, Maharashtra indicated that the role of NGOs in monitoring should be carefully examined before implementation. He also emphasized the need for self auditing by the industries and suggested that the annual environmental statement may be amended to include energy efficiency, pollution control statement etc. It was suggested that continuous monitoring systems should be placed in critically polluted areas. He also stressed the need for transparency in the monitoring system and suggested that the monitoring report be placed on the website. With regard to the Coastal Regulation Zone matter, Shri Pathak indicated the action taken by Government of Maharashtra for streamlining the Coastal Regulation Zone clearance process, wherein, various Departments have been involved. The use of satellite imagery for monitoring was suggested. Further, networking of various agencies such as Central Pollution Control Board, State Pollution Control Board, industries for monitoring activities was suggested.

10. Shri T. S. Srinivasamurthy, Director, Environment Department, Government of Tamil Nadu and Member Secretary, TNCZMA, with regard to Coastal Regulation Zone Notification, 1991 it was indicated that Government of Tamil Nadu have created District Coastal Zone Management Authority which report to the State Coastal Zone Management Authority. However, the SEIAA and State Coastal Zone Management Authorities lack resources to monitor the Coastal

Regulation Zone and EIA conditions. He also indicated that the enforcement is weak with regard to the Coastal Regulation Zone projects. He highlighted the need for Information Technology especially through website for putting up the monitoring reports. The use of satellite imagery for monitoring was also stressed especially with regard to shoreline changes due to port projects.

11. Dr. B. Sengupta stressed the need for installation of continuous monitoring systems by the industries and uploading them on their respective websites including sending to MoEF, Central Pollution Control Board, State Pollution Control Board officers. He indicated that the data used by the consultants for preparing EIA Reports is not reliable, as no consultant is involved in collecting primary data. He stressed for the need for a standardized format for environmental clearance that are being accorded by MoEF and SEIAA. He pointed out that certain conditions stipulated by MoEF while according environmental clearance are technically not feasible, hence such conditions should be re-looked for implementation and monitoring point of view. He pointed out that while renewing the consent the State Pollution Control Board/Pollution Control Committee may make it mandatory for industries to install continuous monitoring systems. He stressed for the continuous monitoring system of ambient air in critically polluted areas. He pointed out that the data should be collected with retrospective affect. Total organic compounds should also be monitored by Central Pollution Control Board especially for CETPs.

12. Dr. G. K. Pandey, Adviser highlighted the need for studying the occupational health of the people located around the industrial unit. He also stressed the need for making public the environmental parameter data and the health statistics. It was indicated that automatic monitoring systems especially at the stack should be installed which should be programmed to raise an alarm if the pollutant exceeds its prescribed limits. The strengthening of Regional Office of MoEF was stressed.

13. Dr. Rajneesh Dube, Joint Secretary, MoEF stressed the need for improving monitoring of environmental conditions as it has direct bearing on the pollution. He stressed the need for increasing the man power and their capacity for effective monitoring including installation of technology for monitoring purposes. Continuous to be incorporated as a condition in the consent. This may be done with retrospective effect. He also suggested a need for harmonizing the consent procedure and the clearance procedure under EIA. It was pointed out that the environmental clearance is a one time affair while, the consent mechanism is continuous. Hence, there needs to be a linkage between these two clearance procedures. With regard to strengthening of the Regional Offices, he suggested that the setting up of NEPA would take care of this issue but suggested the need to strengthen the Coastal Zone Management Authorities. He suggested a different monitoring approach for various kind of projects based on their impacts such as, pre-project and post-project. He highlighted the need for involvement of civil society and monitoring.
14. Prof. S. P. Gautam, Chairman, Central Pollution Control Board stressed the need for continuous monitoring that could be made with retrospective effect. With regard to use of Information Technology and satellite technology, he pointed out that open path method/LIDAR could be used for continuous monitoring of air pollutants from stack. He also stressed the need for continuous monitoring of water quality. GIS and GPS technology could also be used to study the pollution load. With regard to involvement of NGOs and civil society, he suggested that this matter needs to be examined further.
15. Based on the above inputs, the Chairman concluded the meeting with the following suggestions:-
- (i) The power point presentation on the above subject may be circulated to all the Members of the Committee and comments sought in writing/through e-mail within a week.

- (ii) A concept paper on the subject be formulated and put up on the website for receiving comments within a period of one month.
- (iii) Further, interactions would be held with the concerned agencies with regard to use of technology including satellite imagery and information technology for effective monitoring. In this regard interaction would be held by MoEF with Space Application Centre, Ahmedabad, NRSA and NIC.
- (iv) Wherever, the Chairman of the Coastal Zone Management Authority is a Member of the above Committee, he/she may also obtain the comments from the concern State Pollution Control Board and vice versa and provide the consolidated comments to the Committee.

Meeting ended with thanking the Chair.

Annexure

List of officers who attended the meeting on 14.01.2010 at Paryavaran Bhawan, New Delhi

S.No.	Name, Designation and Address	Telephone/Fax/Mobile	e-mail
1.	Sh J.M. Mauskar, Additional Secretary, MoEF, New Delhi	24364687	Jm.mauskar@nic.in
2.	Dr. Rajneesh Dube, Joint Secretary, MoEF	24363956	r.dube@nic.in
3.	Dr G. K. Pandey, Adviser, MoEF	24360467	Panday-mef@nic.in
4.	Dr. Nalini Bhat, Adviser, MoEF	24360478	Nalini51@yahoo.com
5.	Prof. (Dr.) S.P. Gautam, Chairman, CPCB	22304948, 9958881294	Ccb.cpcb@Nic.in
6.	Sh. M. L. Meena, Pr. Secretary, Deptt. Of Environment, Govt. of West Bengal	033-22145592	madanmeena@yahoo.com
7.	Dr. E.P. Yesodharan, Chairman, CZMA Kerala	0471-2543701, 9847193695	epyesodharan@gmail.com
8.	Sh. UN Behera, Pr. Secretary, Forests & Environment, Govt. of Orissa and Chairman, CZMA, Orissa	0674-2536822 2395820(Fax), 9437489800	unbehera@hotmail.com
9.	Sh. T.S Srinivasamurthy, Director, Environment, Govt. of TN	044-24336421	tn.doe@nic.in
10.	Sh. P. J. Vachhani, Environmental Engineer, Guj. Pollution Control Board, Gandhinagar	9898135799	Unit1-uh-gpcb@gujaratgov.in
11.	Dr. A.N. Singh, Scientist, ICFRE, Dehradun	9411173674	singan@icfre.org
12.	Sh. M. D. Pathak, Member Secretary, Maharashtra Pollution Control Board, Mumbai	022-24010706	ms@mpcb.gov.in
13.	Dr. B. Sengupta, Mayur	9810043771	

	Vihar, New Delhi		
14.	Dr. SK Aggarwal, Director, MoEF	24362434	skag@nic.in
15.	Dr. A. B. Harapanahalli, Director, MoEF, RO, Bangalore	080-25635906	adavesh2@rediffmail.com
16.	Dr. V. P. Upadhyay, Director(s), MoEF, RO, Bhubaneswar-23	0674- 2301248, 2302432(Fax), 9437129945	vpupadhyay@gmail.com
17.	Sh. R. K. Pathak, Technical Director, NIC, Paryavaran Bhawan, CGO Complex, New Delhi	24360465, 9871226271	rkpathak@nic.in
18.	Dr. Sunita V. Auluck, Director, MoEF, New Delhi	24367685	sv.auluck@nic.in
19.	Sh. A. Santhil Vel, Additional Director, MoEF, New Delhi	9868209241	Santhil.vel@nic.in
20	Dr K C Rathore, Addl. Director, MoEF New Delhi	24360789	rathore27@yahoo.com

**Ministry of Environment & Forests
(IA Division)

Summary record of the 2nd meeting of the Committee constituted to examine the issues relating to monitoring of projects held on 23.11.2010 at Paryavaran Bhawan, CGO Complex, Lodi Road, New Delhi.

The 2nd meeting of the above mentioned Committee was held on 23.11.2010 at Paryavaran Bhawan, New Delhi under the Chairmanship of Shri J.M. Mauskar, Additional Secretary, MoEF. The list of participants is annexed.

Welcoming all the participants of the meeting, the Chairman recalled the 1st meeting of the Committee held on 14.1.2010, which was in the nature of a brainstorming to recapitulate the existing procedure being followed for monitoring the compliance of the EC / CRZ conditions and based on the experience of all the participants, it was decided to put forth their views so as to strengthen and streamline the monitoring process. During this meeting, all the members were also requested to give their written comments / inputs on the subject. Having received inputs from various participants as also the inputs and feedback received from the Regional Offices of MoEF, based on their rich experience of monitoring, monitoring cell in IA Division of the Ministry came up with an approach paper for strengthening monitoring of compliances. This approach paper was also discussed internally within the Ministry as also with some of the Delhi based members of the Committee. Based on the inputs received and discussions held, a draft paper so prepared was put on the website of the Ministry in public domain for inviting comments / suggestions from all concerned before its finalisation. The comments / suggestions received on the draft approach paper were circulated to all the members of the Committee and the instant meeting is to ascertain the views / comments of all the members keeping in view the draft approach paper prepared by the Monitoring Cell as well as the comments / suggestions received. With this background the further discussion of the subject was initiated and all the members shared their views one by one.

The various views / comments which emerged are summarised below:

- Under EP Act, 1986, no powers have been delegated to the various State Pollution Control Boards. In the process of EIA, the involvement of SPCBs is limited to conduct of public hearing. The SPCBs are made to react only when there is a specific complaints against the working of a unit.
- Involvement of locals in the monitoring as suggested by Centre for Science and Environment would be a very good idea to be adopted.
- Multiplicity of institutions in monitoring should be avoided.
- Protocols for monitoring should be developed.
- The State Coastal Zone Management Authorised have not been assigned any role presently in under the existing system of monitoring, which needs to be looked into.
- While, we involve various institutions in monitoring as also have proposed to encouraged self monitoring, there should be a clear cut responsibility attached to such monitoring in the eventuality that the reporting has not been done faithfully.
- Third party monitoring should also be encouraged.
- Capacity building of various institutions including SPCBs, SCZMAs as also other institutions to be involved in monitoring need to be given a high priority.
- Formats for reporting, sector specific need to be developed.
- Non compliance of various conditions need to be categorised into serious and not so serious categories to decide on the further follow up.
- Protocol for self monitoring should also be developed.
- Mechanism of sharing of information between the SPCBs and industries has to be properly put in place.

- The 3rd party monitoring should be backed by accountability and responsibility.

It was decided that all the members / participants will give their written comments / suggestions / views to the MoEF within one week so that all the views including the once which were made during the meeting as summarised above will be duly taken on board and a draft report of the Committee will be prepared and circulated to all the members to the finalised in the next meeting.

The meeting concluded with a vote of thanks to the Chair.

**Ministry of Environment & Forests
(IA Division)

Summary record of the 3rd meeting of the Committee constituted to examine the issues relating to monitoring of projects held on 5.1.2011 at Paryavaran Bhawan, CGO Complex, Lodi Road, New Delhi.

The 3rd meeting of the above mentioned Committee was held on 5.1.2011 at Paryavaran Bhawan, New Delhi under the Chairmanship of Shri J.M. Mauskar, Additional Secretary, MoEF. The list of participants is annexed.

Welcoming all the participants of the meeting, the Chairman briefly recalled the discussions held during the 2nd meeting of the Committee on 23.11.2010, wherein all the members were requested to send their written comments for finalisation of the report of the Committee. Accordingly, the draft approach paper prepared earlier was revised incorporating the comments received from the members as well as from other stakeholders. The draft report so prepared was circulated to all the members for its finalisation and discussion during the meeting.

The draft report was accordingly discussed during the meeting wherein by and large the members were in agreement with the draft report circulated; however, some of the suggestions and clarifications emerged during the meeting, which are summarised hereunder:

- More agencies need to be identified for their involvement in the monitoring based on their area of expertise.
- Besides, comprehensive coverage of agencies, the list of areas to be covered also needs to be made comprehensive. In this regard, the areas which were identified for their incorporation included occupational health monitoring, disaster management and emergency preparedness.
- As the judicial process / remedy takes sufficiently long time, some arbitration process needs to be looked into for ensuring effective compliance mechanism.
- SPCBs need to be given greater role in monitoring.

Participants List

1. Shri J.M. Mauskar, Additional Secretary - Chairman
2. Shri T.S. Srinwasa Murthy, Director of Environment
Govt. of Tamil Nadu, Chennai
3. Shri Rajat Agarwal, Chairman, Punjab PCB
4. Dr. Babu Ram, Member Secretary, Punjab PCB
5. Shri R.S. Kori, Additional Director, CPCB
6. Shri N.K. Gupta, Sr. Env. Engineer, CPCB
7. Shri K.S. Rajendra, Govt. of West Bengal
8. Shri Hardik Shah, Member Secy, Gujarat PCB
9. Dr. Ajay Deshpande, Zonal Officer, Maharashtra PCB
10. Dr. V.P. Upadhyay, Scientist 'F', MoEF;
Regional Office Bhubaneswar
11. Dr. A.B. Harapanahalli
Director, MoEF, RO Banagalore
12. Dr. B. Sengupta, Former Member Secy, CPCB
13. Shri Siddharta Das, Member Secy, Orissa PCB
Bhubaneswar
14. Dr. M.T. Karuppiyah, MoEF
15. Dr. S.K. Aggarwal, Director, MoEF - Member Secretary