

RIA in coal sector in Rajasthan

Amol Kulkarni

Outline

- Background
- Legislations identified
- Approvals identified
- Process of approvals
- Comparison of legislations
- Stakeholder feedback
- Key findings
- Issues for discussion

Background

- 69K MW coal based capacity expansion is targeted under the 12th plan. Out of this, 43K MW is expected to be contributed by private sector (*CEA*)
- In FY 13-14, capacity commissioned by private sector in Rajasthan was 1,320 MW, amongst highest in the country (*MoP, April 2014*)
- One of the biggest hindrance to coal IPPs is environment approvals
- Existence of suspended particles in air, and high temperature, increases the problem in Rajasthan

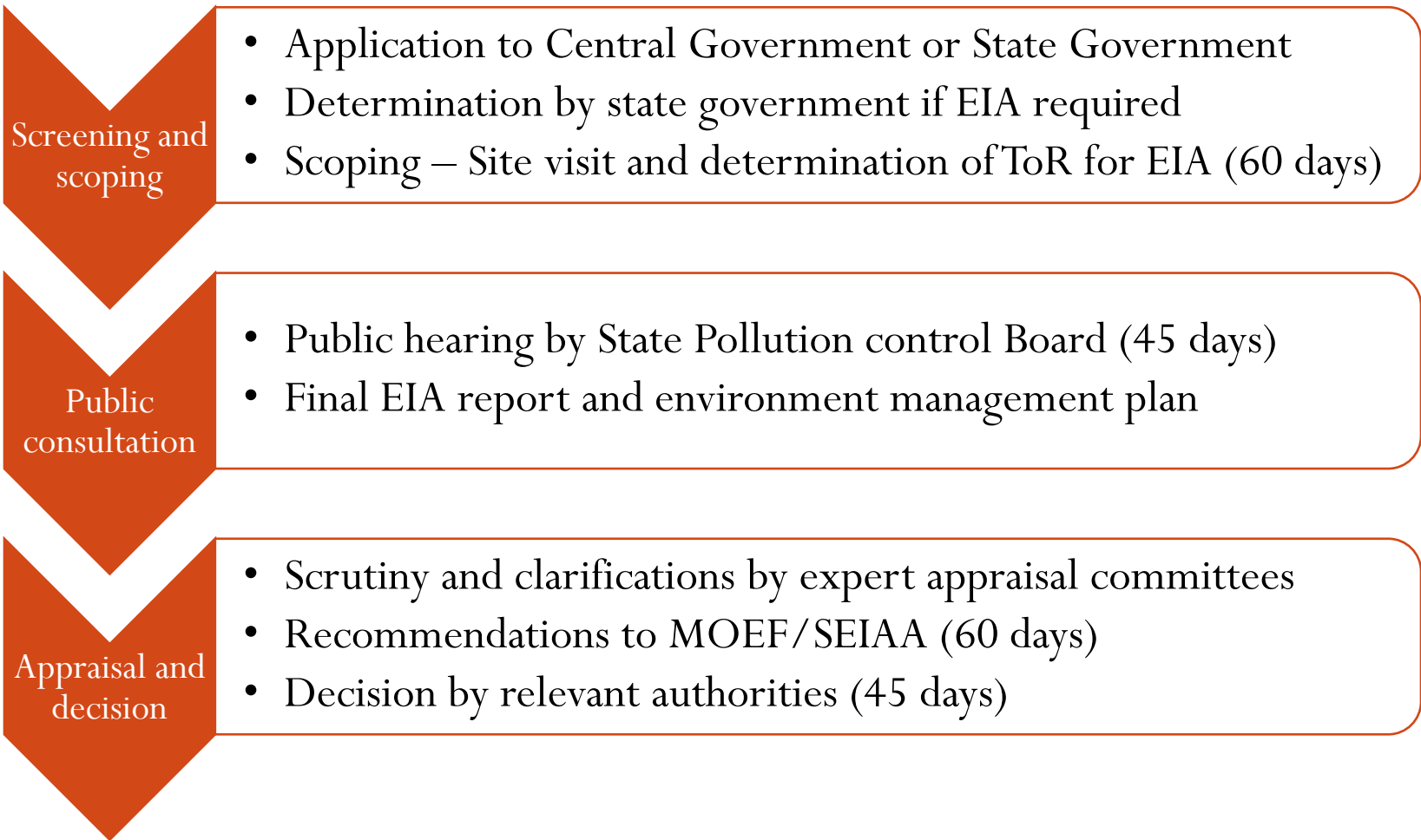
Legislations identified

- Environment Protection Act, 1986
- Environment Protection Rules, 1986
- Environment Impact Assessment Notification, 2006
- Water (Prevention and Control of Pollution) Act, 1974
- Air (Prevention and Control of Pollution) Act, 1981
- Rajasthan Water (Prevention and Control of Pollution) Rules, 1975
- Rajasthan Air (Prevention and Control of Pollution) Rules, 1983

Approvals identified

- Environment clearance under EIA Notification
- Consent to establish under Air Act and Water Act
- Consent to operate under Air Act and Water Act

Clearance under EIA 2006



Consents under Air/Water Acts

- Application for consent with relevant documents, other approvals and fee
- Inspection by relevant officers
- Additional clarification/information
- Grant of consent subject to conditions
- Deemed consent within four months

Comparison of legislations

Indicator	EIA Notification	Air/Water Act
Approvals	EC, preceded by, inspection, EIA by every station, public hearing	CTE and CTO, after inspection
Time period	105 days till public hearing, 105 days from EIA report (deemed)	120 days (deemed)
Documents	15 hard copies of draft EIA report, 20 hard copies of final EIA report, EMP	Application in prescribed form with relevant documents, feasibility report, EC, application to CGWA
Reporting	Half yearly compliance reports	Compliance reports
Cost	Environment management	Application fee and compliance cost
Authorities	Multiple	State Pollution Control Board
Additional conditions	Approval subject to multiple conditions, including other approvals (such as from AAI)	Approval subject to multiple conditions, including other approvals (such as hazardous waste management)

Stakeholder feedback

- Scope for rationalisation of timelines, requirements and interaction with multiple agencies
- Up gradation of technology has resulted in irrelevance of some standard conditions in approval
- Policy uncertainty is a huge cost – it could be difficult to upgrade/comply with raised standards after establishment
- Scope for standardisation and establishing clear situations that require other approvals
- Public sector entities are better placed as compared to private sector counterparts

Key findings

- Process, time and cost of obtaining clearance under EIA Notification seems to be more onerous
- Cost of compliance with revised norms seems to be more onerous in case of consents under the Air Act and Water Act
- EC as well as consents could be subject to additional conditions that are difficult to comply with
- EC is pre-requisite for consents under Air Act and Water Act
- Wide discretionary powers and absence of grievance redressal

Issues for discussion

- Which is the most relevant legislation on which RIA should be undertaken?
- From July 1, 2014, environment clearance proposals to central government will be accepted only through online mode. How is this expected to impact the selection of legislations?
- The Supreme Court has directed the government to establish national regulator. How is this expected to impact the project?

THANK YOU

Advice, questions or clarifications?