RIA in coal sector in Rajasthan

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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 12\textsuperscript{th} 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

Screening and scoping
- Application to Central Government or State Government
- Determination by state government if EIA required
- Scoping – Site visit and determination of ToR for EIA (60 days)

Public consultation
- Public hearing by State Pollution control Board (45 days)
- Final EIA report and environment management plan

Appraisal and decision
- Scrutiny and clarifications by expert appraisal committees
- Recommendations to MOEF/SEIAA (60 days)
- Decision by relevant authorities (45 days)
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

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

Advice, questions or clarifications?