

2005
01/09/233/26
4/9/23

F. No. 3-70/2020-IA.III [141127]
Government of India
Ministry of Environment, Forest and Climate Change
(IA Division)

Indira Paryavaran Bhawan
Jor Bagh Road, Aliganj,
New Delhi - 110003

Dated: 21st August, 2023

OFFICE MEMORANDUM

Subject: Monitoring and enforcement mechanism for the Standard Operating Procedure (SoP)/environmental safeguards issued for (i) Extraction or sourcing or borrowing of ordinary earth for the linear projects such as roads, pipelines, etc. and (ii) dredging and de-silting of dams, reservoirs, weirs, barrages, rivers and canals for the purpose of their maintenance, upkeep and disaster management - reg.

The Ministry vide Notification S.O. 1224 (E) dated 28/03/2020 had *inter-alia* provided exemption from prior Environmental Clearance for extraction or sourcing or borrowing of ordinary earth for the linear projects such as roads, pipelines, etc., and dredging and de-silting of dams, reservoirs, weirs, barrages, rivers and canals for the purpose of their maintenance, upkeep and disaster management.

2. Subsequently, in pursuance to the order dated 28/10/2020 of Hon'ble National Green Tribunal, Principal Bench in Original Application No. 190/2020 in the matter of Noble M. Paikada Vs. Union of India & Ors, the MoEF&CC issued Office Memoranda of even number dated 8/8/2022 and 12/07/2023 respectively regarding the Standard Operating Procedure (SoP)/environmental safeguards to be followed for the entries 6 and 7, as mentioned below, under the Appendix IX of the EIA Notification, 2006 which have been exempted from the requirement of obtaining environment clearance vide Notification dated 28/03/2020:

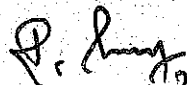
6. Extraction or sourcing or borrowing of ordinary earth for the linear projects such as roads, pipelines, etc.
7. Dredging and de-silting of dams, reservoirs, weirs, barrages, river and canals for the purpose of their maintenance, upkeep and disaster management.

3. The Ministry deems it necessary to ensure that aforementioned SoP/environmental safeguards are implemented in letter and spirit at the field level, for which a monitoring and enforcement mechanism needs to be put in place.

4. In this regard, it is enjoined upon all the Project Proponents availing of the aforesaid provisions and carrying out activities related to entries 6 and 7 of Appendix IX of the EIA Notification, 2006 to inform the concerned State Pollution Control Board (SPCBs) / Pollution Control Committees (PCCs) at least a fortnight before start of such activities in writing giving details of such activities and the environmental safeguards being observed by them as laid out in the applicable SOP referred to in the para number 2 above.

5. All the State Pollution Control Board (SPCBs) / Pollution Control Committees (PCCs) shall independently monitor the compliance status of the aforementioned SoP/environmental safeguards as the case may be. All the State Pollution Control Board (SPCBs) / Pollution Control Committees (PCCs) shall also monitor the aforementioned SoP/environmental safeguards while monitoring the compliances of the CTE (Consent to Establish) and CTO (Consent to Operate) conditions. Further, the SPCBs/PCCs shall initiate legal action against the project proponent under the relevant provisions of Environment (Protection) Act, 1986 for the projects not complying with the aforesaid SoP/environmental safeguards, as may be applicable.

6. This is issued with the approval of the Competent Authority.


 (Sundar Ramanathan)
 Scientist 'E'

To

1. Chairman, Central Pollution Control Board (CPCB)
2. Chairman and Member Secretaries of SEIAA/ SEACs
3. Chairpersons/Member Secretaries of all SPCBs/UTPCCs
4. All the Officers of I.A. Division

Copy for information to:

1. PS to Hon'ble Minister for Environment, Forest and Climate Change
2. PS to Hon'ble MoS (EF&CC)
3. PPS to Secretary (EF&CC)
4. PPS to DGF&SS (EF&CC)
5. PPS to AS(TK)/PPS to JS (SKB)
6. Website, MoEF&CC/Guard file