

S. S. Hussain I.A.S. (Ex)

Chief Executive Officer

Ref. No. MCHI/CEO/16-17/022

June 21, 2016

Sub: Objections & Suggestions on Gazette Notification issued by Ministry of Environment & Forest and Climate Change dtd. 29th April 2016Dear *Sri Ajay Tha Sahab,*

This has reference to the Gazette Notification issued by Ministry of Environment & Forest and Climate Change dtd. 29th April 2015, wherein the Objections & Suggestions were invited on the proposal contained in the draft Notification within the period of 60 days.

In this regard, please find attached herewith the MCHI's Objections & Suggestions on the said draft Notification, which could be considered by the Government in Ministry before publishing the final Notification.

For your positive and favourable consideration Please!

*Best regards,*Yours *Sincerely*

(S. S. Hussain)

To,
Shri Ajay Narayan Jha (I.A.S)
Secretary
Ministry of Environment, Forest and Climate Change
Indira Paryavaran Bhawan
Jor Bagh Road, Aliganj
New Delhi - 110 003

OBJECTIONS AND SUGGESTIONS ON GAZETTE ISSUED BY MoEF & CC dated 29th April 2016

(Pertaining to EIA Notification 14th September 2006)

Sr. No.	Page No of Gazette	Text as mentioned in Gazette/ Subject	Suggestions	Remarks
1.	Pg 7 (I) 14	The States shall send such proposed changes in their bye-laws and rules to the Ministry of Environment, Forest and Climate Change, who will examine the draft and convey the concurrence. After the State finally notifies the bye-laws and rules concurred by the Ministry, the Ministry shall issue an order under this notification through individual decision that no separate environmental clearance is required for buildings located in those States or local authority areas for which such rules have been notified or laws enacted.	The States shall send incorporate within 3 months such the proposed following changes in their bye-laws and rules and issue the notification accordingly stating that, to the Ministry of Environment, Forest and Climate Change, who will examine the draft and convey the concurrence. After the State finally notifies the bye laws and rules concurred by the Ministry, the Ministry shall issue an order under this notification through individual decision that no separate environmental clearance is required for buildings located in those States or local authority areas for which such rules have been notified or laws enacted.	By asking the state government to send the proposal to MoEF & CC and the ministry will give concurrence for the same, is time consuming process. Therefore, we suggest to ask the state government to incorporate necessary changes in their bylaws and rules and issues a notification in that effect within a time period of 3 months from the finalisation of this notification. This will help to implementation environment rules at the earliest as per the methodology adopted by the government as per Ease of Doing Business.
2.	Pg 7	The term "built up area" for the purpose of this notification, the built up or covered area on all floors put together including its basement and other service areas, which are proposed in the buildings and construction projects. Note 1.- The projects or activities shall not include industrial shed, universities,	The term "built up area" for the purpose of this notification, the built up or covered area on all floors put together including its basement and other service areas, which are proposed in the buildings and construction projects. Note 1.- The projects or activities shall not include industrial shed, universities,	Existing slums are extremely hazardous from environmental considerations and slum dwellers are forced to live in unhygienic conditions with open drains and Wooden fires for cooking purposes etc. and waste of common water connections and open defecation hazards. The slum dwellers cannot afford to maintain the high

		college, hostel for educational institutions, Information Technology Parks, and Godowns (without any manufacturing and processing facility) , but such buildings shall ensure sustainable environmental management and implement environmental conditions given at Appendix XIII. Note 2.-General Condition Shall not apply.	college, hostel for educational institutions, school, slum redevelopment projects , Information Technology Parks, and Godowns (without any manufacturing and processing facility) , but such buildings shall ensure sustainable environmental management and implement environmental conditions given at Appendix XIII. Note 2.- General Condition Shall not apply.	maintenance sewerage treatment plants and being mostly city centric are well provided with drainage network and water network. Thus the condition of STP's to be excluded and even in the existing notification the SRP's do not require prior environmental permission from competent authorities for commencing the redevelopment. Further in the Note 1 department has covered universities, colleges, hostels for educational institutes. However, the school is not mentioned due to oversight. Therefore, school shall be included in the excluded activities.
3.	Pg 7 (I) 14	The local authorities like development authorities, Municipal Corporations; State Pollution Control Boards (for buildings only above 20000 sq. mtrs) will certify the compliance of these environmental conditions prior to issuance of Completion Certificate and Consent to Operate as applicable as per the requirements stipulated for such buildings.	The local authorities like development authorities, Municipal Corporations; State Pollution Control Boards (for buildings only above 20000 sq. mtrs) will certify the compliance of these environmental conditions prior to issuance of Completion Certificate or full occupation certificate and Consent to Operate (except for residential projects), as applicable as per the requirements stipulated for such buildings.	As per Delhi High Court State pollution Control Board Consent to establish and Consent to Operate is not required for residential projects.
4.	Pg 8/9/10	Green Cover Minimum 1 tree for every 80 Sq.mt of land	Land to be replaced y RG/PG/Garden	If we consider 1 tree for every 80 sq meter of land area then number of trees considering the entire area of the land will be much more and therefore it is not practically possible to plant such number of trees on the RG/PG/Garden area. (i.e RG/PG/Garden area is about only maximum 25% of the land area)

5.	Pg. 8 Appd. XIII	<p>Water conservation - Rain Water Harvesting, and Ground Water Recharge</p> <p>A rain water harvesting plan needs to be designed where the recharge bores (minimum one per 5000 sq mts of built up area) shall be provided. The rain water harvested should be stored in a tank for reuse in household through a provision of separate water tank and pipeline to avoid mixing with potable municipal water supply. The excess rain water harvested be linked to the tube well bore in the premise through a pipeline after filtering arrangement of the rain water</p>	<p>A rain water harvesting plan needs to be designed where the recharge bores (minimum one per 5000 10,000 sq mts of built up area) shall be provided. The rain water harvested should be stored in a tank for reuse in household through a provision of separate water tank and pipeline to avoid mixing with potable municipal water supply. The excess rain water harvested be linked to the tube well bore in the premise through a pipeline after filtering arrangement of the rain water</p>	<p>Rain water harvesting for water conservation shall be insisted for bigger plots having minimum area of 10000 sq meters</p> <p>Though the concept of storing rain water in tank is good, it is practically difficult due to the following constraints:</p> <ol style="list-style-type: none"> Insufficient space available for such storage tanks as most local bodies do not allow any structure in open space. Design capacity of tank is not mentioned. Hence it may lead to miss use of discretionary power of the authority. Maintenance of the tanks becomes an issue as the tanks require frequent cleaning as there is a lot of dirt and suspended solids and entrapped contaminants from air that pass through rain water which may pose a health risk. The total storm water runoff is huge as compared to the size of the tank. The reuse of such rain water depends on the seasonal precipitation.
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6.	Pg 9, 10 S.N 4 (c)	<p>Appendix XIII Category 2, Category 3 – S.N. 4 (c) – regarding use of fly ash bricks</p> <p>Use of flyash bricks. Fly ash should be used as building material in the construction as per the provisions of Fly Ash Notification of September, 1999 and as amended from time to time.</p>	<p>Use of flyash bricks or any other recyclable material. Fly ash should be used as building material in the construction as per the provisions of Fly Ash Notification of September, 1999 and as amended from time to time.</p>	<p>Though the concept of using fly ash is good it should not be restricted to fly ash bricks only. Fly ash can be used in concrete mix, mortar mix and by other means. Also there many other recyclable materials such as GGBS, CLC clocks etc that use recyclable material. Also,</p> <ol style="list-style-type: none"> Only fly ash bricks cannot be made mandatory as the building construction technology has experienced change. Latest technologies include aluminium formwork and AAC, CLC blocks along with dry wall construction.
7.	Pg 9	<p>Appendix XIII Category 3, Category 3 – S.N. 2 (d) – regarding use of sensors</p> <p>Low flow fixtures and sensors be used to promote water conservation.</p>	<p>Low flow fixtures and or sensors be used to promote water conservation.</p>	<p>It is mentioned to use low flow fixtures and sensors. However the word 'and' to be substituted with 'or' as the project proponent must be given freedom to choose whether he wants to use aerator or sensor or any other water saving devices.</p>

8.	Pg. 10 8	The environment infrastructure like Sewage Treatment Plant, Management Landscaping, Rain Water Harvesting, Power backup for environment Plan infrastructure, Environment Monitoring, Solid Waste Management and Solar and Energy conservation, should be kept operational through Environment Monitoring Committee with defined functions and responsibility.	The environment infrastructure like Sewage Treatment Plant, Management Landscaping, Rain Water Harvesting, Power backup for environment Plan infrastructure, Environment Monitoring, Solid Waste Management and Solar and Energy conservation, should be kept operational through Environment Monitoring Committee local planning authority with defined functions and responsibility.	Replace the word “ Environment Monitoring Committee” by “Local Planning Authority” As proposed, in the notification local planning authority shall incorporate the MoEF requirements in their bylaws, rules & regulations. Therefore, the implementation of the requirement shall be checked by the local planning authority.
9.	General	Applicability of this modification The draft nowhere mentions whether the effect will be retrospective or prospective.	This notification shall be made applicable retrospective to cover all pending cases before SEIAA and monitoring of previous EC.	
10.	General	In the above ‘Notification’ ‘Environmental Conditions’ are being prescribes for all the Buildings and Constructions up to 1,5 lacks sqmt of built-up area.	The notification shall also include the environmental conditions for all the buildings and constructions having built up area more the 1,5 lacks sq meter	Streamline the working of Real Estate Industry, it is also kindly requested to define the ‘Environmental Conditions’ also for the Buildings and Constructions having built-up area above 1,50,000 sqmt. so as to save project completion time and allied resources. If required, the MOEF may lay down certain conditions or technical assistance to the local authorities to monitor enforcement of the above assigned conditions.