

Brief Summary on The Gazette published by MOEF, dt 9th Decemeber 2016 on Integration of Environmental Conditions in Building Bye-laws:

- The EIA Notification of 2006 is amended vide this Gazette.
- As per the amendment, construction projects having built up area less than 1,50,000 sq.m. are exempted from purview of the EIA Notification of 2006 subject to completion of the process as stipulated in the Gazette.
- However, Local Authorities granting Building Permissions are required to adhere to the objectives and monitorable environment conditions as attached.
- States to adopted these changes in their bye-laws and relevant state laws to incorporate these conditions while approving building construction plans, after which EC will not be needed from MOEF.
- States to forward these proposed bye-laws changes to MOEF, and upon examination of the same, MOEF will convey concurrence to respective State governments.
- ONLY AFTER State Government notifies these bye-laws and rules (concurred by MOEF), Central Government will issue an order to that effect stating NO separate EC is required for buildings to be constructed in that State / Local Authority.
- State Govt / Local Authorities to constitute Environmental Cell to compliance and monitoring of building projects.
- The projects having built up area between 5000 sq.m. & 20,000 sq.m are required to submit Form 1A and certification from Qualified Building Environment Auditor. These are to be submitted along with application for building permission. On the basis of this self-certification building permission will be granted.
- For projects having built up area equal to or more than 20,000 sq.m. and less than 1,50,000 sq.m., the proposal will be assessed by a Committee. The Committee will be constituted by the State Government or the local authority. Environment Cell will be responsible to present the proposal to the Committee. The Committee will appraise the project and will stipulate the conditions to be incorporated in the building permission.
- The Committee will be headed by head of the local authority which approves the building permissions.
- The Committee will consist of at least three dedicated experts in the field of Waste

Management, water conservation, resource efficiency including building materials, energy efficiency; etc.

- Local Authorities to certify compliance of Environmental Conditions prior to Completion certificate based on recommendation of Environment Cell constituted in Local Authority.
- For the purpose of certification, empanelled QBEA's to assess and certify the building projects.
- The Environment Cell may also appoint third party auditing process and this cell will function under administrative control of local authorities.
- Under section 8(a), the Building Categories to be divided based on the size of the Project as under:
5000 to < 20000 sqm
20000 to < 50000 sqm
50000 to 150000 sqm
- Projects above 150000 sqm will continue to follow existing process for obtaining EC.
- Projects having built up area equal to or more than 3,00,000 sq.m. will be treated as Category A projects i.e. the EC will be processed at MOEF&CC, Delhi level.
- The project proponent will be required to submit performance data and continued compliance of the project every five years after completion of the project with focus on energy use; energy generated onsite from renewable energy sources; water use and waste water generated, treated and reused; etc.
- Compliance with ECBC norms is made compulsory.
- The Env Cell may randomly check project compliance (including 5 years audit report by QEBA's) and may impose financial penalties for non-compliance. Financial Penalty to be decided by local authority.
- No Consent to Establish & Operate will be required from State PCB's for projects under 150,000 sqm
- Treated Effluent to be utilized as much as possible within the project. Thereafter, surplus treated effluent can be disposed off as per CPCB norms (i.e. in nalas, streams for irrigation or in certain water bodies only)
- Violations under this notification will invite financial penalties.
- Built-up Area definition: All covered area on all floors including basements, service areas, etc proposed to be built in project.

IMPORTANT NOTE :

- **Please do NOT start work until Building plans along with new EC conditions are approved by Local Authority as per rules stipulated in this Gazette.**

PRO's:

1. "Ease of Doing Business" Reform for Building Construction Industry
2. Clarity in Environmental Conditions and expectations from Developer during planning stage
3. Third Party Certification to ensure parity and transparency
4. Local Authority is better aware of local conditions, so better control and monitoring of Environment Parameters
5. RERA compliance will be easier as Local authority will issue building permits and EC together
6. Simplified EC norms will ensure better Environment Protection (without shortcuts)
7. Violation cases could be handled better at local level.
8. Consent to Establish & operate will not be required

CON's:

1. Projects below 20000 sqm now under EC perview. It may result in marginal cost increase.
2. State Government not very proactive to accet this change may delay this implementation.
3. Local Authorities may be rigid to take this up as they also become liable for monitoring and checkin
4. Environment Cell establishment timelines & random selection for checking guidelines are not clear
5. QBEA's empanelment procedure is not clear. Status of existing NABET accredited consultants in also not clear.
6. Third party audit guidelines are not clear in this Gazette.
7. Groundwater permission may not be easy to get leading to heavy tanker charges
8. 5-year Compliance Report costs to be significant.

Please read the Gazette in greater detail for specific information and detailed study before implementation of these norms in your project.

Regards,

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