

F. No. 22-44/2018-IA.III  
Government of India  
Ministry of Environment, Forest and Climate Change  
(IA Division)

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

Dated: 14<sup>th</sup> May, 2020

**OFFICE MEMORANDUM**

**Subject: Flexibility in coal or mineral production of capacity irrespective of calendar plan subject to maximum of capacity granted in the environmental clearance – clarification regarding.**

Ministry is in receipt of request for clarification on requirement of amendment or issuance of fresh environmental clearance for production of coal or mineral up to peak production capacity, envisaged in the environmental clearance or any change in the sequence of operations. It has been reported that general condition is being stipulated in the environmental clearances that no change in the calendar plan including quantum of mineral coal and waste, being produced, shall be made. Therefore, the mining companies are restricted to produce the coal or mineral as per the calendar plan envisaged, though the environmental clearance is granted for peak production capacity.

The matter was deliberated in the expert committee meeting held during 23-24<sup>th</sup> January, 2020. The committee opined that as long as the peak production capacity, mining lease area, mine closure conditions remain unchanged the project proponent can produce to a maximum of peak production capacity permitted in the EC. The committee has given the opinion in view of the fact that the project has already been appraised and agreed for an operation to produce to the peak production capacity in the specified mining lease area and the mitigation measures envisaged in the EIA/EMP are already agreed for the peak capacity. Therefore the project proponent can have the flexibility in the production capacity irrespective of calendar plan subject to maximum of EC capacity and simultaneous adherence to the mitigation measures corresponding /commensurate to the maximum production undertaken up to that time. The committee also deliberated on the similar issue of change in the sequence of the operations of mining. After detailed deliberation, the committee opined that the change in the sequence of operations of mining may also be



allowable as long as there is no change in the peak production capacity, total mine lease area and mine closure plan.

The matter has been examined in the ministry. It is hereby clarified that:-

If,

- i. the peak production capacity, mining lease area, mine closure conditions remain unchanged; and
- ii. The activities of the project proponent are within the boundaries defined by the above parameters; and
- iii. The project proponent has taken mitigation measures, as committed in the prior-EC granted or EIA/EMP, corresponding to the maximum quantum of excavation undertaken up to that point of time.

Then,

- i. the project proponent can produce up to a maximum of peak production capacity, permitted in the prior-EC; and / or
- ii. the project proponent can undertake, inter alia, change in the sequence of mining operations

The above permission is subject to the conditions that the project proponent shall:-

- i. report such change in the scheduled production and / or sequence of operations along with commensurate and corresponding mitigation measures, as per (iii) above, in the periodic compliance report.
- ii. obtain all the requisite permissions under any other law, time being in force, for such change in the scheduled production and / or sequence of operations

It is further clarified that, failure to put in place mitigation measure corresponding to the quantum of production (as per the iii above) or as required in view of change in sequence of operation, shall be considered as 'non-compliance' on part of the project proponent, who shall be liable for requisite action.

This issues with the approval of competent authority

  
(Sharath Kumar Pallerla)  
Scientist 'F'

To

1. Chairman, Central Pollution Control Board (CPCB).
2. Chairman of all the Expert Appraisal Committees

3. Chairperson/Member Secretaries of all the SEIAAs/SEACs
4. All the Officers of I.A. Division
5. Chairpersons/Member Secretaries of all SPCBs/UTPCCs

**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 AS (RSP)/AS(RA)
5. PPS to JS (GM)/JS(SKB)/JS(AKN)
6. Website, MoEF&CC
7. Guard file.

*14/5/2020*  
**(Sharath Kumar Pallerla)**  
**Scientist 'F'**