GUIDELINES FOR SEEKING ENVIRONMENTAL CLEARANCE
OF DEVELOPMENT PROJECTS IN PETROLEUM INDUSTRY

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GUIDELINES FOR SEEKING ENVIRONMENTAL CLEARANCE OF DEVELOPMENT PROJECTS IN PETROLEUM INDUSTRY

Prepared by

COMMITTEE ON GUIDELINES FOR SEEKING ENVIRONMENTAL CLEARANCE OF DEVELOPMENT PROJECTS IN PETROLEUM INDUSTRY

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Preamble

Indian petroleum industry is the energy lifeline of the nation and its continuous performance is essential for sovereignty and prosperity of the country. As the industry essentially deals with inherently flammable substances throughout its value chain – upstream, midstream and downstream – Safety is of paramount importance to this industry as only safe performance at all times can ensure optimum ROI of these national assets and resources including sustainability.

While statutory organizations were in place all along to oversee safety aspects of Indian petroleum industry, Oil Industry Safety Directorate (OISD) was set up in 1986 Ministry of Petroleum and Natural Gas, Government of India as a knowledge centre for formulation of constantly updated world-scale standards for design, layout and operation of various equipment, facility and activities involved in this industry. Moreover, OISD was also given responsibility of monitoring implementation status of these standards through safety audits.

In more than 25 years of its existence, OISD has developed a rigorous, multi-layer, iterative and participative process of development of standards – starting with research by in-house experts and iterating through seeking & validating inputs from all stake-holders – operators, designers, national level knowledge authorities and public at large – with a feedback loop of constant updation based on ground level experience obtained through audits, incident analysis and environment scanning.

The participative process followed in standard formulation has resulted in excellent level of compliance by the industry culminating in a safer environment in the industry. OISD – except in the Upstream Petroleum Sector – is still a regulatory (and not a statutory) body but that has not affected implementation of the OISD standards. It also goes to prove the old adage that self-regulation is the best regulation. The quality and relevance of OISD standards had been further endorsed by their adoption in various statutory rules of the land.

Petroleum industry in India is significantly globalized at present in terms of technology content requiring its operation to keep pace with the relevant world scale standards & practices. This matches the OISD philosophy of continuous improvement keeping pace with the global developments in its target environment. To this end, OISD keeps track of changes through participation as member in large number of International and national level Knowledge Organizations – both in the field of standard development and implementation & monitoring in addition to updation of internal knowledge base through continuous research and application surveillance, thereby ensuring that this OISD Standard, along with all other extant ones, remains relevant, updated and effective on a real time basis in the applicable areas.

Together we strive to achieve NIL incidents in the entire Hydrocarbon Value Chain. This, besides other issues, calls for total engagement from all levels of the stake holder organizations, which we, at OISD, fervently look forward to.

Jai Hind!!!

Executive Director
Oil Industry Safety Directorate
FOREWORD

Oil industry in India is more than 100 years old handling variety of hydrocarbon material, natural gas, crude oil and petroleum products. With the technological advances and need for transportation of bulk energy carrier and natural gas. Over the years a variety of practices have been in vogue because of collaboration/association with different foreign companies and governments.

With this in view, the Ministry of Petroleum & Natural Gas in 1986 constituted a Safety Council assisted by the Oil Industry Safety Directorate (OISD) staffed from within the industry in formulating and implementing a series of regulatory and self regulatory measures aimed at removing obsolescence, standardising and upgrading the existing standards to ensure safer and pollution free operations.

Due to accelerated and enhanced operational activities of petroleum sector, the several development projects have come into existence from time to time and Environmental Clearance were obtained from the regulatory agencies. However industry has realised that seeking Environmental Clearance does involve certain critical issues which still need to be addressed minutely e.g. projects coming up near coastal area, offshore and high sea location etc including gearing of project personnel for seeking environment clearance. With this viewpoint, Oil Industry Safety Directorate (OISD), Ministry of Petroleum & Natural Gas has taken up formulation of Guidelines for Seeking Environmental Clearance of Development Projects in Petroleum Industry.

This document was prepared based on the accumulated knowledge and experience of industry members and the various national and international codes and practices. It is expected that these guidelines on environmental audit would be beneficial to user industry.

This document will be reviewed periodically for improvements based on the new experiences and better understanding. Suggestions from industry members may be addressed to:

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These documents are intended to supplement rather than replace the prevailing statutory requirements.
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GUIDELINES FOR SEEKING ENVIRONMENTAL CLEARANCE OF DEVELOPMENT PROJECTS IN PETROLEUM INDUSTRY

1.0 INTRODUCTION

Environmental clearance is required to be obtained from the designated agency under the provisions of EIA Notification issued by Ministry of Environment and Forest 1994 and amended in May 1994 for a new development project, modernisation of existing unit and expansion of the unit.

Number of guidelines and notifications have come in the past on the subject from various agencies at different times but no single document is available at one place for the Petroleum Sector for the purpose of obtaining environmental clearance. Moreover, industry has experienced difficulties on a number of relevant vital issues pertaining to this subject matter.

In this document a step wise procedures for obtaining environmental clearance has been outlined so that necessary Statutory obligations are complied in totality.

2.0 SCOPE

The document is applicable to Oil Exploration, Drilling, Processing, Refining and Transportation Sectors. This will include drilling, workover rigs, group gathering stations, oil collection stations, central tank farms, gas collecting stations, drilling platform, processing platform and any other activity of upstream petroleum sector including transportation of oil.

This will also include petroleum refining, processing of petroleum products, LPG plants, marketing / cross country pipelines and transportation of petroleum products etc. of downstream petroleum sector.

3.0 DEFINITIONS

3.1 Environment Impact Assessment (EIA)

EIA is defined as an activity designed to identify and predict the impact of the proposed project on environment and human health to interpret and communicate information about the impacts.

3.2 Hazard and Risk Analysis

A “hazard” is something with a potential to cause harm and “risk” is the likelihood of its occurrence. Risk analysis is the methodology by which risk is estimated, by combining the consequences and likelihood of the identified hazardous incidents. Risk assessment
is the process by which the results of a risk analysis are used to make decisions, through comparison with risk acceptance criteria.

3.3 Disaster Management Plan (DMP)

Based on findings of risk studies a plan is drawn for onsite and off site of the plant facilities. This plan is drawn to safeguard the men and equipment in the event of any disaster.

3.4 Baseline Studies

Studies conducted to document and monitor the environmental data of a particular location before starting any proposed development activity. The data generated by these studies considered as baseline data for the proposed development project.

3.5 Environment Management Plan (EMP)

A Plan is drawn based on findings of EIA study consisting of environmental protection measures to be taken by the project authorities.

3.6 Upstream Sector

This refers all upstream operational activities pertaining to oil & Gas exploration, drilling, production processing and transportation of hydrocarbons in onshore or offshore area.

3.7 Downstream Sector

This refers to all those activities of oil operations which include refining, cracking, processing, marketing and transportation etc.

3.8 Environmental Statement

Environmental statement is a part of environment audit as notified by Ministry of Environment & Forests on April, 1993 by which every project proponent is required to submit the above statement.

4.0 PROCEDURE FOR OBTAINING ENVIRONMENTAL CLEARANCE AND ROLE OF PROJECT AUTHORITIES

4.1 Procedure for Obtaining Environmental Clearance

For obtaining Environmental Clearances the Project proponents should get the following documents / reports prepared and obtain state level ‘No Objection Certificate’ (NOCs).

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- Feasibility / Project Report
- Site clearance from appropriate authority.
- EIA and EMP Reports
- No Objection Certificate from State Pollution Control Boards and other local authorities
- Duly filled in Environmental Appraisal Questionnaire.
- Risk Analysis and Emergency preparedness Plan.
- Rehabilitation Plan where large scale displacements of people is anticipated
- Clearance from Airports Authority of India, if applicable.
- Details of Public Hearing conducted by the concerned State Pollution Control Board

These documents should be enclosed along with the application form to be submitted for environmental clearance to the Ministry of Environmental & Forests.

The stepwise procedure for obtaining NOC is given as Annexure-I

4.2 Role of Projects Authorities

4.2.1 Feasibility Report of the development project should consider all relevant and environment related information available and submit to the Impact Assessment Agency for obtaining environmental clearance.

4.2.2 Environmental Component (i.e. from site identification, emission inventory and pollution load and necessary budget for mitigation) should be incorporated in project right from the conceptualisation stage.

4.2.3 Site selection should be made in accordance with the existing guidelines on Siting for Industries, Govt. of India published in 1985 and subsequent amendment thereof. Wherever possible, the ecologically sensitive areas, coastal areas, flood plain of the riverine systems, heritage of national and international importance should be avoided and should follow the existing guidelines of site selection, published by Government of India.

4.2.4 Site selection of Site specific projects should be done very carefully and due care should be taken for environmental components while making use of the location for the development project.

4.2.5 In case certain pipelines or any other installation falls under or passes through Reserve Forest, Agricultural Land, Tea Gardens, Sanctuaries, Wildlife, Corals, Mangroves area and National Park etc. the necessary approval of concerned authority should be obtained.

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4.2.6 For laying inter state or cross country surface or sub surface pipeline necessary approval on Right on Use (ROU) basis should be obtained from the concerned authorities along with environmental considerations.

5.0 STATE LEVEL OBLIGATIONS FOR COMPLIANCE:

5.1 In case the project requires land which is under forest, area necessary steps for obtaining forest land clearance should be taken with the State Forest Authorities or whosoever an appropriate agencies designated for such purpose as per the Forest Act and the rules thereunder along with subsequent amendment thereof.

5.2 Public hearing should also be organised as desired under the provision of EIA Notification 1994 and amendment thereof and Public Hearing Notification S.O. 318(E), Dtd. 10.04.1997. The procedure for Public hearing is given in Annexure II.

5.3 Project Authorities should obtain ‘No Objection Certificate’ from the concerned State Pollution Control Boards as per procedures given in Annexure-I.

5.4 For Coastal locations, necessary approval / NOC from the Shipping Deptt. or concerned Coastal Regulation Authority be obtained whosoever is the designated agency for the purpose.

5.5 Project authorities should meet provisions of Coastal Regulation Zone Notification vide SO no. 944(E) dated 15th December, 1990 and subsequent amendments thereof which have notified from time to time if their location of activity is likely to come under such zone.

5.6 The Offshore facilities pertaining to Hydrocarbon Exploration, Production, Processing and Transportation do not require any approval of State Pollution Control Board.

6.0 NATIONAL LEVEL OBLIGATION FOR COMPLIANCE:

6.1 Project Authorities should submit their proposal for seeking environmental clearance to Ministry of Environment and Forests with the following documents, if the cost of the project is above Rs.50.00 crores (EIA Notification 94 and subsequent amendment thereof);

(i) Copy of the Public hearing report (this document is mandatory for submission of the application without this application for environmental clearance may not be accepted by the concerned authorities
(ii) Application Form as prescribed in Schedule II of EIA Notification
(iii) Feasibility / Project Report

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(iv) Site Clearance from appropriate authority.
(v) No Objection Certificate from respective State Pollution Control Board or any other designated concerned authority for such purpose
(vi) Commitment of availability regarding water and electricity from the competent authority.
(vii) Questionnaire for Environmental Appraisal for Industrial Projects as per Ministry of Environment and Forests (MOEF) requirement.
(viii) Environmental Impact Assessment Report (Based on one season data).
(ix) Risk Analysis
(x) Disaster Management Plan
(xi) Report of the Safety Audit (As applicable for expansion and modernisation projects)
(xii) Environmental Statement (As applicable for expansion and modernisation projects)
(xiii) Rehabilitation plans, if any for the anticipated displacement.

6.2 Project authorities should meet provision of NOS-DCP Merchant Shipping Act and any other applicable International Treaty.

7.0 ROLE OF PROJECT AUTHORITIES FOR MODERNISATION AND EXPANSION PROJECTS

7.1 For seeking environmental clearance, Project Authorities should obtain approval and No Objection Certificate from competent agency i.e. either respective State Pollution Control Board or Shipping Authorities or Coastal Regulation Authorities regarding pollution load certification if they are going for modernisation of the existing plant.

7.2 In case resultant pollution load is not exceeding the existing levels, the Project Authorities may refer Explanatory Note regarding the impact assessment notification dt.27th January, 1994 for the projects given in Annexure-III.

7.3 In case due to modernisation and expansion of the existing plant the resultant pollution load is exceeded from the existing one, then the Project Authorities should submit relevant documents for seeking environmental clearance to the appropriate authorities as per the EIA Notification 1994.

7.4 Project authorities during modernisation and expansion should continue to obtain Renewal of Consent as per Water Act 1974 and Air (Prevention and Control of Pollution) Act 1981 and also liable to make notification of major accidents, Approval of Notification of Site, preparation of Safety Report and Safety Audit Report, Material Safety Data Sheet (MSDS) of chemicals handled should be obtained. Acceptance of Onsite Emergency Plans and assisting Deputy Collector in

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preparation of Offsite Emergency Plan as per Manufacture, Storage and Import of Hazardous Chemical Rule 1989 and Amendments Rules, 19th Jan 2000 and subsequent amendment thereof should be complied as applicable.

7.5 The Project authorities should also meet provisions of Hazardous Wastes (Management and Handling) Rules, 1989 and Amendment Rules of 6th Jan. 2000 i.e. obtaining authorisation for handling hazardous wastes, Packaging- labeling and transport of hazardous waste, inventory of disposal site, accident reporting if any, treatment, colour codes etc. The Project authorities should also identify the Disposal Site in association with concerned State authorities, get the design approved and conduct EIA of the disposal site and then Conduct public hearing of the same etc. for getting necessary approval for operation.

7.6 The Project authorities should also meet provisions of The Public Liability Insurance Act, 1991 as amended.
8.0 REFERENCES


2. Questionnaire for Environmental Appraisal (Revised) Industry sector Projects only.


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20. Paris Commission Guidelines for Monitoring Methods to be used in the vicinity of Platforms in the North Sea.

Annexure - I

Procedure to Obtain Consent (NOC)

The consent prior to establishment / operation of an industry, process or operation is mandatory according to the provisions of Section 25 of the Water Act, 1974 and / or Section 21 of the Air Act, 1981 as may be applicable to a particular unit.

A consent / NOC of the State Board is required by - industrial units, mining units, hospitals etc. to operate/establish such industry, operation or process or any treatment and disposal system or an extension or addition thereto which is likely to emit any air pollutant and/or to discharge sewage or trade effluent into a stream, well, sewer or on land.

This consent of the Board is a precondition for facilitating the release of loans, sewer /water/electricity connection etc. The NOC is issued as per requirements of Section 25 and Section 21 of Water (Prevention & control of Pollution) Act, 1974 and Air Act 1981 respectively in the following sequence:

a) Consent to establish (Provisional No Objection Certificate)
b) No Objection Certificate, for the release of power connection (No E-II)
c) Consent to operate (Final No Objection Certificate)

1. Consent to Establish

The application for consent to establish a proposed industrial unit should include the following documents

I. “NOC Proforma” Proforma can be obtained from the Board

II. “Form ‘I’” and/or “Form XIII”: each set in triplicate under Air Act, 1981 and Water Act, 1974 as may be applicable to the unit.

III. “Project Report” of the proposed industry duly approved and accepted by the Industries Department. It should include the detailed manufacturing process along with flow chart of various operations to be carried out, type of raw materials, details of plant and machinery, inputs of various additions. Chemical processes in which water is likely to be used, details about the total cost of the project and the approximate expenditure earmarked for pollution control measures.

IV. “Engineering Design and Drawings” of the proposed pollution control measures for treatment and control of waste water emissions and solid waste. These proposals are to be supported by information about likely waste water quality / emission quality of air pollutants, safe disposal of hazardous wastes, efficiency of equipment,
mode of final disposal of treated effluent / air emissions and air quality after treatment and before discharge.

V. **The “Site Plan”** showing the location of the proposed industry and physical, features like streams, villages towns and distance from the nearest link road and main road, detailed layout plan showing manufacturing units, water supply and waste lines, location of treatment units / air pollution control equipment and solid waste disposal site.

VI. **“NOC/Consent Fee”:** Fee for all development projects which is identical under both water and air acts. The fee is payable based on capital investment.

VII. **“EIA Report and proposed EMP”**

VIII. **Public hearing”.**

IX. **“Mining Plan / Environmental Management Plan”:** While applying for consent to establish, the mining lessees should submit copy of mining lease deed along with a copy of approved Mining Plan / EMP from the competent authority.

i) Environmental assimilative and carrying capacity of the location where an unit is proposed.

ii) Broad conformity to the Environmental Siting Guidelines in view of nature of the proposed unit.

iii) Assessing potential environmental impacts in terms of water, air and soil pollution.

iv) Evaluation of EMP and engineering designs and drawings with reference to the adequacy of the mitigation measures proposed therein.

v) Compliance to any other relevant Rules.

X **No Objection Certificate for Sanction and Release of Power Connection**

Some Electricity Boards have issued instructions that the power load and electric connection will be issued only after clearance from the concerned State Pollution Control Board. For this purpose the Board issues consent to establish based on which the power load is sanctioned by the concerned Electricity Board. Before issuing consent to establish, the State Pollution Control Board ensures that the industry has approached with details of manufacturing processes and details of treatment of wastes and emissions if any. After the unit is ready for production NOC-II is issued for the release of power after satisfying that adequate measures for treating the waste water/emissions have been taken by the industry. For this purpose the unit owner is required to apply on a plain paper giving all the details regarding status on the compliance to the conditions imposed

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XI. Consent to Operate

Before the last installment of loan is released by financial institutions as the case may be, consent to operate is issued by the Board after ensuring that the unit has provided for measures to treat the effluents / emissions as per directions of the Board. At this stage, industry has to apply for consent to operate under the Air Act or Water Act or both Acts as may be applicable. In addition to above referred requirement before consent to operate is issued, the promoter should also have to supply On site emergency plan, apply for “Authorization for Storage, handling, treatment and disposal of Hazardous Waste” if applicable. On a prescribed format as per the Hazardous Waste (Management and Handling) Rules, 1989 under Environment Act 1986.

XII. Renewal of Consent

The application for renewal of consent should be filed by the consentees one month prior to the expiry of validity of consent to avoid any penal liability.

The renewal of consent will be granted subject to proper installation and functioning of pollution control equipment to the entire satisfaction of the Board. The renewal of consent should also be subject to compliance of all the conditions imposed in various consent orders.
Annexure II

PROCEDURE FOR PUBLIC HEARING

1. Process of Public Hearing: Whoever applies for environmental clearance of projects, should submit to the concerned State Pollution Control Board the following documents namely: -
   (i) An Executive summary containing the salient features of the project in English and in local language.
   (ii) Form XIII prescribed under Water (Prevention and Control of Pollution) Rules, 1975 where discharge of sewage, trade effluents, treatment of water in any form, is required.
   (iii) Form 1 prescribed under Air (Prevention and Control of Pollution) Union Territory Rules, 1983 where discharge of emissions are involved in any process, operation or industry.
   (iv) Any other information or document which is necessary in the opinion of the Board for their final disposal of the application.

2. Notice of Public Hearing: -
   (i) The State Pollution Control Board should issue a notice for environmental public hearing which should be published in at least two newspapers widely circulated in the region around the project, one of which should be in the vernacular language of the locality concerned. State Pollution Control Board should mention the date, time and place of public hearing. Suggestions, views, comments and objects of the public should be invited within thirty days from the date of publication of the notification.
   (ii) All persons including bonafide residents, environmental groups and others located at the project site/sites of displacement/sites likely to be affected can participate in the public hearing. They can also make oral/written suggestions to the State Pollution Control Board.

Explanation: For the purpose of the paragraph person means –

(a) any person who is likely to be affected by the grant of environmental clearance.
(b) Any person who owns or has control over the project with respect to which an application has been submitted for environmental clearance;
(c) any association of persons (whether incorporated or not) likely to be affected by the project and/or functioning in the field of environment.
(d) any local authority any part of whose local limits is within the neighborhood where the project is proposed to be located.
3. Composition of Public Hearing Panel :- The composition of Public Hearing Panel may consist of the following, namely :-
   (i) Representative of State Pollution Control Board.
   (ii) District Collector or his nominee.
   (iii) Representative of State Government dealing with the subject of power.
   (iv) Representative of Department of the State Government dealing with Environment.
   (v) Not more than three representatives of the local bodies such as Municipalities or Panchayats.
   (vi) Not more than three senior citizens of the area nominated by the District Collector.

4. Access to the Executive Summary :- The concerned persons should be provided access to the Executive Summary of the Project at the following places namely :-
   (i) District Collector’s Office;
   (ii) District Industry Centre;
   (iii) In the Office of the Chief Executive Officer of Zila Parishad or Commissioner of the Municipal Corporation / Local body as the case may be;
   (iv) In the head office of the concerned State Pollution Control Board and its concerned Regional Office.
   (v) In the concerned Department of the State Government dealing with the subject of environment.
CERTIFICATION OF POLLUTION LOAD BY REGULATORY AUTHORITIES

A project proponent is required to seek environmental clearance for a proposed expansion/modernisation activity if the resultant pollution load is to exceed the existing levels. The words "pollution Load" will in this context cover emissions, liquid effluents and solid or semi-solid wastes generated. A project proponent may approach the concerned State Pollution Control Board (SPCB) for certifying, whether the proposed modernisation/expansion activity as listed in Schedule-I to the notification is likely to exceed the existing pollution load or not. If it is certified that no increase is likely to occur in the existing pollution load due to the proposed expansion or modernisation, the project proponent will not be required to seek environmental clearance, but a copy of such certificate issued by the SPCB will have to be submitted to the Impact Assessment Agency (IAA) for information. The IAA will however, reserve the right to review such cases in the public interest if material facts justifying the need for such review come to light.