

November 27, 2025

To

The Secretary
Ministry of Environment, Forest and Climate Change
Indira Paryavaran Bhawan
Jor Bagh Road, Aliganj
New Delhi – 110003

Dear Sir/Madam,

Subject: Submission of Comments on Draft Amendment to the EIA Notification, 2006 (S.O. 4531(E), dated 03 October 2025)

I am writing on behalf of Citizen consumer and civic Action Group (CAG), Chennai, a 40-year-old non-profit organisation working towards protecting citizens' rights in consumer, civic, and environmental issues and promoting good governance processes, including transparency, accountability, and participatory decision-making.

We thank the Ministry for the opportunity to review and offer comments on the Draft Amendment to the EIA Notification, 2006, proposing the exemption of Common Municipal Solid Waste Management Facilities (CMSWMFs), including landfills and Waste-to-Energy (WtE) plants, from the requirement of prior Environmental Clearance (EC).

We recognise and appreciate the Ministry's intent to improve regulatory efficiency, promote essential environmental services, and reduce procedural delays. Strengthening waste management systems is a national priority, and we fully share the Ministry's objective of ensuring effective, safe, and sustainable waste infrastructure across the country.

At the same time, based on our research and field experience with urban local bodies, state agencies, and communities across India, we respectfully submit the following concerns for the Ministry's kind attention:

Our key concerns are as follows:

1) Erosion of the Precautionary Principle and statutory safeguards:

Exempting landfills and WtE plants from prior EC removes the only independent, science-based assessment available to evaluate cumulative impacts, disaster risk, groundwater vulnerability, and long-term environmental hazards. This contradicts Section 3(1) of the Environment (Protection) Act, 1986, which mandates precautionary action.

2) Elimination of public hearings and violation of natural justice:

Removing prior EC directly eliminates mandatory public consultation. Communities living adjacent to dumpsites and incinerator zones, often low-income and marginalised, are denied their constitutional right to participate in decisions affecting their health, environment, and livelihoods.

TRUSTEES

Dr. George S. Thomas (Orthopaedic Surgeon) Dr. Sandeep Murali (General Surgeon)
Dr. R. Hema (Associate Professor) Mr. Sriram Panchu (Senior Advocate)
Dr. C. Rammanohar Reddy (Economist & Editor) Dr. Suchitra Ramkumar (Doctor and Teacher)

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Mr. N.L. Rajah (Senior Advocate)

3) Misclassification of high-risk facilities as ‘Environmental Essential Services’:

WtE incinerators are industrial thermal plants that emit dioxins, heavy metals, ash residues, and greenhouse gases. Categorising them as essential environmental services and granting EC exemption overlooks global scientific evidence, India’s own pollution data, and SWM Rules 2016, which prioritise decentralised, non-burning solutions.

4) Inadequacy of Consent mechanisms to replace Environmental Clearance:

State Pollution Control Board consents cannot substitute for detailed EIA-level assessments. Consents do not include social impact analysis, cumulative emissions modelling, disaster preparedness, or long-term pollution monitoring, elements critical for high-impact waste facilities.

5) Contradiction with the Solid Waste Management Rules, 2016:

The exemption risks incentivising large, mixed-waste landfills and incineration systems, undermining the Rules’ emphasis on segregation, decentralised processing, recycling, and minimising landfill dependency.

6) Increase in fires, leachate contamination, and public health hazards:

India’s landfills routinely experience fires, methane explosions, and groundwater contamination. Exempting such facilities from EC will worsen environmental health risks and expose cities to long-term ecological liabilities.

7) Misalignment with India’s circular economy and climate commitments:

Large disposal-centric projects lock cities into carbon-intensive pathways that contradict the goals of Mission LiFE, India’s NDCs, and national circular economy objectives.

In view of these concerns, CAG urges the Ministry to withdraw the proposed exemption and instead strengthen regulatory frameworks for waste infrastructure. We respectfully submit the following recommendations:

- 1) Retain prior EC and public hearing for all landfills, WtE incinerators, and MSW processing facilities.**
- 2) Introduce a strengthened, sector-specific EIA protocol for waste facilities, including health impact assessment, cumulative impact modelling, and climate-risk evaluation.**
- 3) Classify high-risk facilities (landfills, WtE plants) separately from low-impact environmental services.**
- 4) Mandate third-party audits and transparent monitoring of all waste facilities.**

CAG would be pleased to support the Ministry through technical inputs, consultations, or analysis as the amendment process progresses. We remain committed to constructive engagement in strengthening India’s environmental governance systems.

Thank you for considering our submission.

Regards,

A handwritten signature in blue ink, appearing to read 'Vamsi'.

Vamsi Kapilavai
Programme Lead - Environment and Climate Action