



ENVIRONMENTAL LAW

UNIT - V

EPA 1986 • EIA • Coastal • Waste streams

Twenty slides in this unit

1. EPA 1986 as umbrella

2. Offences under EPA

3. Eco-Mark and audit

4. CRZ – coastal regulation

5. CRZ cases and ideas

6. EIA – two models

7. EIA 2006 machinery

8. EIA cases

9. Bio-medical waste

10. Solid waste

11. Hazardous and other wastes

12. NGT as the working forum

13. Connecting Units IV and V

14. Officer and company liability

15. Unit-V answer plan

16. Revision

17. Revision

18. Cases

19. Takeaways

20. Close

EPA 1986 as umbrella

Passed after Bhopal. s.3 gives the Centre wide power to take measures to protect and improve the environment.

s.2 definitions

Environment, pollutant, handling, hazardous substance.

s.3

Rule-making and authority-creating engine.

s.5

Directions, including closure and stoppage of electricity/water.

s.17

Bind the Government.

Offences under EPA

s.15 penalties; company s.16; Government departments s.17. Cognizance rules in s.19.

Who prosecutes

Authorised officer.

Continuing offence

Daily fine logic.

2023-24 tweaks

Check current fine levels if asked.

NGT

EPA is scheduled; substantial questions of environment.

Eco-Mark and audit

Eco-Mark is a labelling scheme for environmentally friendly products. Environmental audit is a compliance and management tool, sometimes required in consent conditions.

Eco-Mark

BIS / MoEF scheme – information to buyers.

Audit

Internal + sometimes statutory as a condition.

Not a substitute

Label is not a consent.

Exam

Two-line distinction is enough.

CRZ – coastal regulation

CRZ Notifications under EPA s.3. Zones I–IV with different building and industry bars. CZMAs appraise.

CRZ-I

Most sensitive – ecologically fragile.

CRZ-II

Developed municipal shores.

CRZ-III

Rural coastal.

CRZ-IV

Water area.

CRZ cases and ideas

S. Jagannath (shrimp farms), later beach-resort and Mumbai coastal road fights.

Public hearing / plans

CZMP is the map.

Hazard line

Erosion and sea-level.

Fishing communities

Livelihood as an environmental interest.

NGT

Frequent CRZ forum.

EIA – two models

Environmental Impact Assessment. India uses a notification under EPA (1994, then 2006, later tweaks).

Discretionary model

Agency may demand EIA.

Mandatory model

Listed projects must get EC before work.

India

Mandatory for notified categories (A / B1 / B2).

Steps

Screening, scoping, public hearing, appraisal, clearance, monitoring.

EIA 2006 machinery

Category A → Central (Expert Appraisal Committee + MoEF). Category B → SEIAA / SEAC.

Public consultation

Hearing + written comments.

ToR

Scoping terms.

Violation route

Later drafts on ex-post – politically hot.

Appeal

NGT.

EIA cases

Common cause / Alembic / Keystone – start-work-before-EC is illegal. Courts have demolished or frozen projects.

No ex-post facto as a rule

SC has blown hot and cold; state the latest honest position:
prior EC is the norm.

Public hearing defects

Can void an EC.

Concealment

EC obtained by suppression falls.

Conditions

Binding; breach is actionable.

Bio-medical waste

Bio-Medical Waste Management Rules (EPA). Segregation at source, colour codes, authorised common facilities.

Yellow / red / white / blue

The colour code is exam-friendly.

Who

Hospitals, clinics, labs.

CPCBs / SPCBs

Authorisation.

COVID overlay

Temporary extra rules – mention if facts are pandemic.

Solid waste

Solid Waste Management Rules 2016: segregation, door-to-door, user fee, dumpsite vs sanitary landfill, bulk generators.

ULB duty

Municipal obligation.

Almitra Patel

SC on municipal waste for years.

Legacy dumps

Biomining directions.

Plastic / e-waste / C&D

Sister EPA rules.

Hazardous and other wastes

HOWM Rules – authorisation, manifest, landfill standards, import bars.

Generator duty

Prevent, recycle, dispose.

Illegal dump

Bichhri pattern.

Transboundary

Basel Convention echo.

Liability

Polluter pays + EPA s.5.

NGT as the working forum

NGT Act 2010: specialist bench, six-month ambition, principles of SD, precaution, polluter pays (s.20).

Schedule I Acts

Water, Air, EPA, Wildlife, FCA, Biological Diversity...

s.14 / 15 / 16

Original, relief, appeal from clearances.

Bar of civil court

s.29.

Appeal to SC

s.22.

Connecting Units IV and V

Medium Acts (water/air/wildlife/forest) + umbrella EPA rules (EIA, CRZ, waste).

Consent

Water/Air.

EC

EIA notification.

CRZ

Extra coastal filter.

Waste rules

EPA s.3 offspring.

Officer and company liability

EPA s.16 / Water and Air company clauses: person in charge who consented to or neglected the offence.

Not automatic

Due-diligence defence exists.

Directors

Named if in charge of the business.

Municipal officers

Can be in the frame on waste.

Combine with Oleum

Civil absolute liability is separate from the crime.

Unit-V answer plan

Identify the stream (EIA / CRZ / BMW / solid waste) → quote the parent (EPA s.3 / s.5) → name the rule year → add NGT + one case.

EIA facts

Prior EC + public hearing.

Coast facts

CRZ zone + CZMA.

Hospital facts

BMW colour code.

Dump facts

SWM Rules + Almitra.

CASES

Landmark authorities

S. Jagannath (1997)

Coastal aquaculture and CRZ.

Almitra Patel

Municipal solid waste.

Common Cause / EC line

Prior environmental clearance.

Indian Council Enviro-Legal

Hazardous dump – pays.

NGT jurisprudence

s.20 principles applied.

Vellore

Still the doctrinal backbone.

Key takeaways

- 01** EPA ss.3 and 5 are the umbrella powers.
- 02** EIA 2006: prior EC for listed projects; public hearing matters.
- 03** CRZ notification zones the coast.
- 04** BMW Rules and SWM Rules 2016 are the waste pillars.
- 05** NGT is the first forum for most of these statutes.
- 06** Cite Jagannath, Almitra Patel, Bichhri, Vellore.

End of UNIT – V

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