

Minutes of the 335th Meeting of SEIAA dated 24.05.2016

The 335th meeting of the State Level Environment Impact Assessment Authority was convened on 24.05.2016 at the Authority's Office in Environmental Planning and Co-Ordination Organization (EPCO), Paryavaran Parisar, Bhopal. The meeting was chaired by Shri Waseem Akhtar, Chairman, SEIAA. The following members attended the meeting:-

- | | | |
|---|-----------------------------|------------------|
| 1 | Shri H.S. Verma | Member |
| 2 | Shri Ajatshatru Shrivastava | Member Secretary |

A. Following other than mining cases received from SEAC have been considered:-

S.No.	Case No.	Category	No. & date of latest SEAC
1.	3363/2015	8 (a)	274 th SEAC meeting dtd. 12.04.2016
2.	5122/2016	8 (a)	274 th SEAC meeting dtd. 12.04.2016

B. Following mining cases received from SEAC and case of query response have been considered:-

S.No.	Case No.	Category	No. & date of latest SEAC
3.	99/2008	1(a)	329 th SEIAA meeting dtd. 07.05.2016
4.	636/2011	1(a)	255 th SEAC meeting dtd. 02.01.2016
5.	1127/2013	1(a)	248 th SEAC meeting dtd. 12.12.2015
6.	1409/2013	1(a)	329 th SEIAA meeting dtd. 07.05.2016
7.	3128/2015	1(a)B2	-

1. **Case No. 3363/2015** Prior Environment Clearance for approval of proposed 350 Bedded Government Hospital at Khasra No.-732/1, 736/1, 737/1, 738/1, 739/1, 740/1, 742, Vill.-Vidisha, Tehsil & District - Vidisha (MP) by Shri K.K. Lachhe, Executive Engineer, Public Works Department, Vidisha (MP)-464001

After detailed discussion and perusal of the recommendations of 274th SEAC meeting dtd. 12.04.2016, PP should be invited for a detailed presentation.

2. **Case No.- 5122/2016** Prior Environment Clearance for Proposed Housing Development Project "Ultimate English Villas" at Khasra no.-220, 221, 222, 223, 225/1, 226, 227/2, 227/3, 227/4, 228/1, 228/2, 229, 232, 234/1, 234/2, 237, 238, 250, Village-Borda-Kolar Road, Tehsil- Huzur, District-Bhopal (MP) by Shri Bhupendra Vishwakarma, Partners, M/s Ultimate Builders, 59, Tagore Nagar, Phase-I, Khajuri Kalan Road, Bhopal (MP)-462021 Env. Con. – ENV DAS India, Lucknow (U.P.)

The case was discussed in 274th SEAC meeting dtd. 12.04.2016 and it is recorded that "The case was scheduled for the presentation today and the PP and their consultant were also present. During scrutiny of documents it was observed that it's a case of violation which is evident from the affidavit and resolution of board of directors submitted by the PP along with application from stating that approx. 40% of the project already constructed prior to submission of the application for grant of environmental clearance.

Since it's a clear case of violation, the committee after deliberations decided to refer back this case to SEIAA for credible action as per MoEF&CC OM dated 12/12/2012."

In response to above the Authority is of the view that it is undisputed that PP has already started construction work for the project "Ultimate English Villas" at Village-Borda-Kolar Road, Tehsil- Huzur, District-Bhopal without obtaining prior EC under EIA Notification 2006, hence it is a case of violation. **It is decided that In view of Hon'ble NGT order dated 07.07.2015 and as per the policy decision in the 219th SEIAA meeting dtd. 16.07.2015, regarding violation cases needing credible**

(Ajatshatru Shrivastava)
Member Secretary

(H.S. Verma)
Member

(Waseem Akhtar)
Chairman

action, the proceedings of the above project has been kept in abeyance. PP should be informed accordingly."

3. **Case No. 99/2008** Prior Environmental Clearance for **Dubiyara Iron Ore Mine** in an area of 32.374 Ha, for production capacity of 0.20 Million T/Y at Khasra No. 628/1 at Village Dubiyara Tehsil-Sihora, District-Jabalpur (MP) M/s Nirmala Minerals, Smt. Nirmala Pathak, Partner, Pathak Ward P.O. Katni, District Katni (MP)-483501.

- (1) The case was discussed in 329th SEIAA meeting dtd. 07.05.2016 it was recorded that :-

- (1) "The case was recommended in 17th SEAC-II meeting dtd 06.04.2016 with 14 special conditions and a clarification to be sought from SEIAA :-

"PP has submitted the information and the case was placed for the presentation. The case was presented by the PP and their consultant on above issues. After presentation and discussion of above, it was observed that only issue remains unanswered is clearance / certificate of DFO for distance from forest boundary. PP during discussion submitted that since their mine is sanctioned prior to 2002, thus this clearance is not applicable in this case. **The committee after deliberation decides that SEIAA may be requested to provide necessary clarification on this issue.** Committee also decided that it being very old case, a site visit may also be carried out for this site to ascertain the present status of mine."


- (2) The case was then discussed in 319th SEIAA meeting dtd 20.04.2016 and PP/Consultant was invited for presentation. Thereafter, PP/Consultant made a presentation on all aspects of the project and all concerned issues were discussed in details.

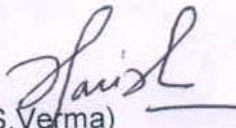
- I. It was noted that the criteria of inter-state boundary is not applicable as mining site falls in Sihora Tehsil of District - Jabalpur, National Park/Sanctuary is not located within 10 km radius. Hence, the General Condition is not attracted.
- II. SEIAA took note of the site visit made by Members of SEAC.
- III. Mining plan is approved by the IBM (vide Letter No. 314(3)/2007-MCCM (CZ)/MP-04 dtd. 26.07.2007).
- IV. The proposed plantation program was examined and it was found that 74000 trees covering an area of 32.109 ha shall be planted during the lease period.
- V. It was also noted that the Public Hearing was carried out on 02.09.2009 at mine site, Village - Dubiyara, Tehsil- Sihora, Distt. - Jabalpur (MP) under the Chairmanship of Upper Collector, Jabalpur.

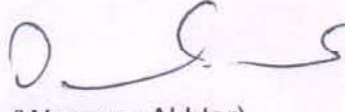
- (3) After detailed discussions and perusal of recommendations of 17th SEAC -II meeting dtd 06.04.2016, presentation made by the PP in SEIAA & SEAC, it was decided that:

- I. PP shall submit the document regarding distance of forest boundary from the lease area.
- II. PP shall submit the present status of the lease renewal and supporting documents.
- III. PP should also submit map showing 7.5 barrier zone between the two mines.
- IV. PP should submit all the details of the crushing equipments and its pollution remedial measures proposed outside the lease area. It was observed that PP intends to crush the excavated material on the neighboring mining site for which EC was granted for a limited crushing capacity. PP should also submit the Air & Water consent issued by PCB for crushing unit.

- (4) **PP shall submit the documents before 31.05.2016 after submission of the above information."**


(Ajatshatru Shrivastava)
Member Secretary



(H.S. Verma)
Member

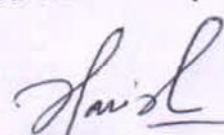

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Chairman


- (2) In response to above query, reply submitted by PP was discussed in 329th SEIAA meeting dtd. 07.05.2016 it is noted that:-

PP has submitted above desired information vide letter dtd. 13.05.2016, accordingly


- (i). PP vide google map and affidavit dtd. 13.05.2016 along with SDM Certificate dtd. 04.10.2015 has informed that there is no forest area within 250 m. from the mining lease periphery and also certified that Khasra No. 628/1 area 32.374 ha village Dubiyara is revenue land.
 - (ii). PP has submitted the copy of Mines and Minerals (Development and Regulation) Amendment Act, 2015, wherein it is mentioned that "*all mining leases granted before the commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2015 shall be deemed to have been granted for a period of fifty years*".
 - (iii). PP has submitted the copy of Surface Plan showing the 7.5 m. barrier zone.
 - (iv). In context of crushing equipments/crush the excavated material on the neighbouring mining site, PP has mentioned that the mining lease has no crushing equipments nor is proposed outside the lease area. The lessee proposes to sale the iron ore mined out from the lease area under reference at pit head. It will not be crushed within the mining lease area or at adjoining mining lease area.
- (3) In view of above it was decided to accept the recommendations of SEAC for grant of prior EC to the project subject to the following specific conditions:
- I. The grant of environment clearance is subject to the issue/execution of lease agreement between the intrested party.
 - II. Issue of EC should not be deemed as a precursor to the issue / execution of lease agreement.
 - III. PP shall abide to any decisions passed by any court of law against the project.
 - IV. The PP shall demarcate a minimum buffer zone of 100 m from the periphery of the nearest human habitation of Ghugghari & Dubyara village boundary in consultation with Revenue/Mining Department around the mining lease area and this will be treated as "*no mining activity zone*". The conditions imposed in the minutes of 17th SEAC-II meeting (item No. 10) regarding 50 m. buffer zone is superceded.
 - V. Develop a green belt in the demarcated buffer zone of suitable plant specie like Khameer, Sejha, Guava, Jackfruit, Karanj, Neem, Gulmohar, Mango, Shisham, Kachnar, Amla, Jamun, Agaves etc. This will be in addition to the existing plantation, which should be properly maintained, adequately densified and organised as a green belt.
 - VI. No crushing will be allowed within the lease area nor in the adjoining area. PP should not dump the minerals outside the lease area.
 - VII. The overburden will be dumped horizontally in the South-East direction with proper angle of repose.

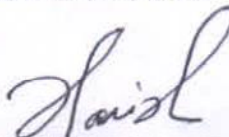

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- VIII. In the public hearing an issue was raised that dust will be generated due to transportation of minerals by the vehicles. Therefore the haulage road from the pit head/loading point to the main road (pakka road) should be constructed either of concrete or bituminized to avoid dust emissions.
- IX. Water fogging arrangement on internal roads, loading and unloading and transfer point shall be provided and properly maintained.
- X. PP shall abide by all safety rules as prescribed by IBM and Industrial health and safety from time to time.
- XI. In order to check siltation due to run off during incessant rains, check dams shall be constructed which will be de-silted after the rainy season.
- XII. PP should construct garland drain around the pit area and mining lease boundary with provision of sump/settling tank of suitable size.
- XIII. PP shall leave 7.5 m. barrier from the neighbouring mine in the entire section of the mining lease area.
- XIV. Provision of toe wall/retention walls at the foot of the dumps.
- XV. The domestic waste water will be reused for plantation purposes.
- XVI. The PP shall undertake the following activities in nearby villages on priority and made separate budget provisions more than Rs 10.50 lakhs under the CSR for these activities:
- a) Sanitation activities including construction of toilets in consultation with village Panchayat.
 - b) Installation of rainwater harvesting structure.
 - c) Plantation of fruit bearing plants in nearby villages.
 - d) Maintenance of road to Pratappur.
 - e) Providing pipeline for drinking water supply to Dubiyara and Ghughari Villages.
 - f) Improve transport facilities to enhance access to existing services from Dubiyara and Ghughari to Majgahwan and Sihora Villages.
- XVII. PP has committed to maintain the approach road near the mining lease area and the road through which transportation of ore will be carried out. The lessee has made a provision of budget under CSR for fulfilment of the public hearing issue regarding strengthening of the road.
- XVIII. To mitigate any health hazard to the villagers in the close proximity of the mining site, due to exposure of ore dust the villagers and mining workers shall be examined periodically in order to determine early symptoms of any major ailment.
- XIX. Individual health cards will be issued to the villagers of Ghughari & Dubiyara and mine workers including women and children. Every three months, the card holders will be examined in a health camp specially lung function test etc. (to be organized by PP) in consultation with the local panchayat.
- XX. PP shall provide facilities for workers like potable drinking water, rest rooms, toilet facilities for men and women, canteen and first-aid facilities.


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Hence, Prior Environmental Clearance is granted for **Dubiyara Iron Ore Mine** (Opencast other than fully mechanized method) in an area of 32.374 Ha, for production capacity of 0.20 Million T/Y at Khasra No. 628/1 at Village Dubiyara Tehsil-Sihora, District-Jabalpur (MP), **for the lease period** to M/s Nirmala Minerals, Smt. Nirmala Pathak, Partner, Pathak Ward P.O. Katni, District Katni (MP)-483501.

4. **Case no. 636/2011** Prior Environmental Clearance for **Jhilti Iron ore, laterite Mine** in an area 27.05 ha. for production capacity of 2.7 MTPA at Khasra No. 412 & 426 at Village - Jhilti, Tehsil- Sihora Distt- Jabalpur (M.P) by Sh. Pradeep K. Mittal, Partner M/s Pacific Exports, 11-12, Dunn Market Jabalpur Road, Bargawan, Distt. - Katni (M.P.) – 483501.


The case was discussed and recommended in 21st SEAC-II meeting dtd. 04.05.2016, it was recorded that:-

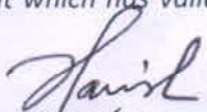
SEIAA vide letter no. 6935 dated 30/10/2015 has forwarded an application submitted by M/s Pacific Exports, Katni stating that PP vide their letter dtd. 23/02/2015 has requested to extend the period of Prior EC and informed that the mine plan for further period of 5 years is under preparation and as per reserve the life of mine estimation has been estimated at 31/3/2020. The status of facts regarding this case is given hereunder.

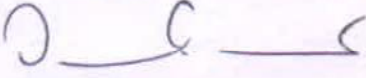
- i. *Prior Environmental Clearance (EC) has been granted (Vide letter no. 1676/SEIAA/12 dtd. 10/12/2012) for Jhiti Iron Ore, Laterite mine in an area of 27.05 ha for enhancement of Production Capacity from 80,640 TPA to 2.7 Million TPA at Village – Jhiti, Tehsil – Sehora, Distt. Jabalpur (M.P.) to M/s. Pacific Exports, 11-12, Dunn Market, Jabalpur Road, Bargawan, Katni, Distt. Katni (M.P.) = 483 501 for 7 years by considering expected life of mine with 53 standard condition and 08 specific conditions as recommended by SEIAA & SEAC.*
- ii. *The approved mining plan (vide IBM letter no. MP/Jabalpur/Iron/Ore /M.Sch. – 99/14-15/2851 dtd. 07./5/2015) for the further 05 years (2015-16 to 2019-20) has been submitted at MPSEIAA office on 20/5/2015. The life of mine in the new mining plan is for 07 years. However, the lease period of the mine will end by 17/8/2040.*
- iii. *The compliance report for the period of January 2015 to June 2015 against the environment clearance issued for above project has also been submitted at SEIAA office on 06/08/2015.*
- iv. *Lastly the PP has requested (vide letter dtd. 24/06/2015) to extend the Prior EC up to the lease period i.e. 17/8/2040 on the basis of availability of minerals in the mining lease area as estimated in the new mining scheme.*

The case was discussed in the 255th SEAC meeting dated 02/01/2016 wherein it was recorded that the above letter of SEIAA along with the PP's request and case file was placed before the committee for consideration. The committee after discussion decided that the EC may be extended as per the provisions of EIA Notification subject to the following: Expansion or modernization in the project, entailing capacity addition with change in process and or technology and any change in product - mix in proposed mining unit shall require a fresh Environment Clearance.

SEIAA vide their letter no. 10887/SEIAA/16 dated 01/02/2016 resend the above file to SEAC stating that " SEAC has not given clear recommendation on the case and therefore it is returned for favour of further clarification". The case was scheduled for the discussion today wherein the PP and their consultant were also present for any query/clarification sought by the committee. The consultant presented the case and stated that they have not propose any change in the lease area, product quantum as well as in minerals, mining technology & product mix. PP also submitted that as per MoEF&CC OM No. J-11011/15/2012-IA.II (M) dated 20/03/2015 the project proponent which has valid and subsisting EC for their mining


(Ajatshatru Shrivastava)
Member Secretary


(H.S. Verma)
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Chairman

project either under EIA Notification, 1994 or EIA Notification, 2006, will not be required to obtain fresh EC at the time of renewal of the lease. This is subject to the maximum period of validity of the EC being for mining lease for 30 years. The committee after deliberations recommended the case for the extension of validity period of EC as PP has not made any change in the lease area, product quantity, minerals, mining technology & product mix."

As per the above recommendation of SEAC, the case was discussed at length in pursuance of the EIA Notification dated 14.09.2006 Para – 9 and Office Memorandum issued by MoEF & CC dated 20.03.2015

9. Validity of Environmental Clearance (EC):


The "Validity of Environmental Clearance" is meant the period from which a prior environmental clearance is granted by the regulatory authority, or may be presumed by the applicant to have been granted under sub paragraph (iv) of paragraph 7 above, to the start of production operations by the project or activity, or completion of all construction operations in case of construction projects (item 8 of the Schedule), to which the application for prior environmental clearance refers. The prior environmental clearance granted for a project or activity shall be valid for a period of ten years in the case of River Valley projects (item 1(c) of the Schedule), project life as estimated by Expert Appraisal Committee or State Level Expert Appraisal Committee subject to a maximum of thirty years for mining projects and five years in the case of all other projects and activities. However, in the case of Area Development projects and Townships [item 8(b)], the validity period shall be limited only to such activities as may be the responsibility of the applicant as a developer. This period of validity may be extended by the regulatory authority concerned by a maximum period of five years provided an application is made to the regulatory authority by the applicant within the validity period, together with an updated Form 1, and Supplementary Form 1A, for Construction projects or activities (item 8 of the Schedule). In this regard the regulatory authority may also consult the Expert Appraisal Committee or State Level Expert Appraisal Committee as the case may be."

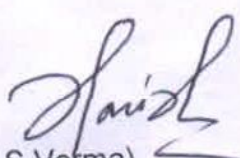
OM No. J-11011/15/2012-IA.II (M) dated 20.03.2015 issued by MoEF & CC :-

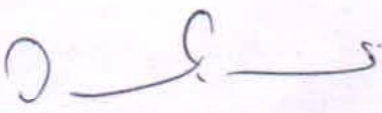
"After due consideration and examination of relevant judicial pronouncements and the OMs issued in this regards, it is clarified that the project proponent which has a valid and subsisting EC for their mining projects either under EIA Notification 1994 or EIA Notification 2006 will not be required to obtain fresh EC at the time of renewal of the lease. This is subject to the maximum period of validity of EC being for mining lease for 30 years."

According to the above Notification dtd. 14.09.2006, OM dtd. 20.03.2015 and recommendations of SEAC-II meeting dtd. 04.05.2016, the validity of EC is extended upto the mining lease period subject to approval of mining schemes by the Competent Authorities from time to time and availability of minerals and subject to the following:-

Expansion or modernization in the project, entailing capacity addition with change in process and or technology and any change in product - mix in proposed mining unit shall require a fresh Environment Clearance. All conditions imposed in the EC vide no. 1676 dated 10.12.2012 shall remain in place and PP should continue to submit regular compliance reports. RO MoEF & CC, Bhopal should oversee and monitor the conditions of the EC.


(Ajatshatru Shrivastava)
Member Secretary


(H.S. Verma)
Member


(Waseem Akhtar)
Chairman

5. **Case No. - 1127/2013** Prior Environmental Clearance for **Ochre, Laterite, White Clay Mine** in an area of 4.89 ha. at Village Chitgarh, Tehsil Rampur Baghelan, District-Satna, (M.P.) 20000 TPA to 80,000 TPA at Khasra No. 62/1 k, Teh. – Kotar, Distt. – Satna (M.P.) Lease Area – (12.10 Acre) 4.89 ha by Smt. Kamlesh Singh, Vill.-Itour, PO Rajrwar, Th.- Kotar, District-Satna, M.P.

The case was discussed and recommended in 248th SEAC 12.12.2015. A representation of Nitin Saxena, Social Worker and RTI Activist, New Ashoka Garden Bhopal received in SEIAA officer on dtd. 16.05.2016. The case may be sent to SEAC with the copy of representation for re-appraisal on the issues raised in the complaints.

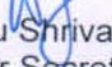
6. **Case No. 1409/2013** Prior Environmental Clearance for Sarima (Kothra- Kothar) Ochre & Laterite Mine In 16.87 ha Village Kothra-Kothar, Tehsil Semaria, District-Rewa (MP) M/S Lachchhilal & Sons, P.O.-Jaitwara, Distt. Satna (M.P.), PIN - 485221.

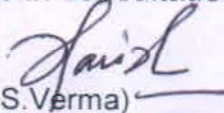
1. The case was recommended in 17th SEAC -II meeting dtd 06.04.2016 with 15 special conditions.
2. The case was discussed in 329th SEIAA meeting dtd 07.05.2016 and it was decided that.....

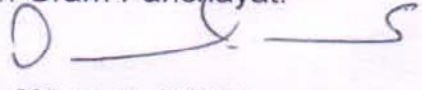
"PP sought another date for presentation which was granted in the meeting".

Thereafter, PP/Consultant made a presentation on all aspects of the project and all concerned issues were discussed in details.

3. It was noted that the inter-state boundary of Uttar Pradesh is at 12 km
4. It was also noted that the National Park/Sanctuary is not located within 10 km radius. Hence, the General Condition is not attracted.
5. Mining plan is approved by the IBM (vide L.No. MP/Rewa/Ochre/MPLN/R-20/2013-14 dtd. 02.09.2014).
6. It was noted that 33240 trees shall be planted covering an area of 16.187 ha (161870 sq.mtr.) under plantation at the end of lease period
7. It was also noted that the Public Hearing was carried out on 04.03.2015 at mine site, Govt. Primary School, Village Kolora, Tehsil Semariya, District Rewa under the Chairmanship of ADM, Rewa.
8. After detailed discussions and perusal of recommendations of 17th SEAC -II meeting dtd 06.04.2016, presentation made by the PP in SEIAA & SEAC, it was decided that:
 - I. PP shall carry out mining upto the ultimate depth of 310 MSL and not beyond that.
 - II. PP shall carry out three row plantation in non-mining area.
 - III. Garland drain with proper settling tank shall be developed all around the ML area.
 - IV. Plantation shall be carried out as per the submitted afforestation plan and no plant should be aged less than 03 years during the time of plantation.
 - V. Entire plantation shall be carried out in the current year.
 - VI. Approach road from mining site to tar road shall be made Pakka by PP and maintain it on regular basis in consultation with Gram Panchayat.


(Ajatshatru Shrivastava)
Member Secretary


(H.S. Verma)
Member

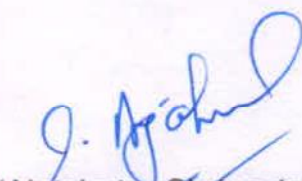

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Chairman

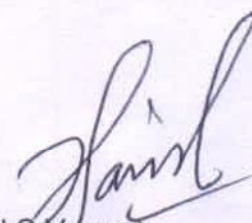
- VII. PP shall carry out the mining activity as per the approved mining plan.
- VIII. PP shall demarcate the material loading point.
- IX. IBM & D (G & M) officials shall monitor the mining activities regularly.
- X. PP shall submit the bi-annual compliance report to SEIAA.
- XI. PP shall fulfilled the conditions given at point no. IX of ToR and follow the backfilling plan as presented before SEIAA in full content and spirit.
- XII. Backfilling shall be carried out in the current year before execution of the mining operation. Black cotton soil shall be used as external material for backfilling and plantation shall be initiated in the current year on it.
- XIII. Air quality monitoring shall be carried put on the regular basis in consultation with MPPCB.
- XIV. PP shall made separate fund for contour trenching.
- XV. Contour trenching shall also be carried out outside the ML area in consultation with Collector, Rewa.
- XVI. Budget for EMP shall be increased to 20 lakhs per year.
- XVII. PP ensured during the presentation that following information shall be submitted by 28.05.2016:
 - a. Detailed transportation plan
 - b. Proper mine management plan mentioning the benching pattern.
 - c. EMP including the proposed plantation programme outside the ML area.


7. **Case No. – 3128/2015** Prior Environmental Clearance for Sand Quarry Lease Area - 4.00 Capacity - 5940 cum/year at Village-Gagawan, Tehsil-Maheshwar, District Khargone (M.P.) Shri Rajeev Saxena, OIC, Sub Off.-Dhamnod, M.P. State Mining Corporation Ltd., Tehsil-Dharampuri, Dhar (M.P.)-454552

The case was returned by SEAC for want of desired information from PP. Since the case is of less than 5 ha. it has been decided to transfer the case to DEIAA, Khargone.

Meeting ended with a vote of thanks to the Chair.


(Ajatshatru Shrivastava)
Member Secretary


(H.S. Verma)
Member


(Waseem Akhtar)
Chairman