

**APPROVED MINUTES OF THE 18<sup>TH</sup> MEETING OF THE  
STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY  
(SEIAA) KERALA, HELD ON 23.05.2013 AT THE  
DIRECTORATE OF ENVIRONMENT AND CLIMATE CHANGE**

The following persons were present:

1. Dr. A.E. Muthunayagam - Chairman, SEIAA  
Former Secretary to Government of India
2. Dr. K.P. Joy - Member, SEIAA  
Former Director, School of Environmental Studies  
of M.G. University and Kannur University
3. Shri. James Varghese IAS  
Principal Secretary to Government  
Environment, Ports & Fisheries Department  
Govt. of Kerala -Member Secretary, SEIAA
4. Sri. P. Sreekantan Nair  
Director, Department of Environment  
& Climate Change, Govt. of Kerala - Secretary, SEAC (Special Invitee)

The meeting was chaired by Dr. A.E. Muthunayagam. He welcomed all the members. The Authority discussed the agenda items one by one and took the following decisions:

**Item No. KLA/18. 01                      Remarks by Chairman and Members of SEIAA**

The Authority was informed of Sri. James Varghese IAS, present Member Secretary, SEIAA Kerala will be shortly handing over the charge of Principal Secretary, Environment Department to Sri. Pradeep Kumar IAS who shall be the new Member Secretary to SEIAA Kerala. Mr James Varghese could join this meeting only for a short time. SEIAA recorded its appreciation and thanked the outgoing Member Secretary for his services.

Chairman SEIAA brought to the attention of SEIAA, the copy of office order No. J-11013/5/2013-IA.I dt. 22.04.2013 of MoEF, addressed to him. SEIAA noted that MoEF has asked for monthly reports from the SEIAAs of all the states to monitor the status of cases, being processed by the SEIAAs. MoEF has given a format for submission of the data. This communication was passed onto SEIAA secretariat for further action. SEIAA directed the secretariat to acknowledge the receipt of the communication from MoEF. It is also decided that Secretariat shall prepare the required report every month, get the approval of Member Secretary of SEIAA and submit it to MoEF on or before 5<sup>th</sup> of every month. Soft copies of the report shall be sent to all SEIAA members and Chairman of SEAC. It is also decided that a consolidated

report of all the cases processed till end of May 2013 by SEIAA shall be prepared and sent to MoEF as the first report from SEIAA Kerala during the first week of June 2013.

The Authority observed that the existence and functioning of SEIAA Kerala is not made known to many civic organizations in the state even though SEIAA Kerala is established in October 2011. The suggested awareness program is not implemented by the Secretariat yet. The brochure on SEIAA Kerala which was suggested in an earlier SEIAA meeting is not yet prepared. SEIAA directed that SEIAA secretariat prepare the brochure with all required details in a comprehensive manner and submit it along with the agenda notes of the 19<sup>th</sup> SEIAA meeting.

SEIAA appreciated the improvements in the SEAC Appraisal reports. SEIAA suggested that the format for the SEAC appraisal reports may be fine tuned to address the environmental parameters to be examined, the assessment of SEAC on these parameters as presented by the project proponents, adverse environmental impacts, if any, and the measures to mitigate them and final recommendations of SEAC. SEIAA suggested that the projects considered by SEAC may be grouped into two groups: Group 1 on Constructions and developments and Group 2 on Quarry and mining, and two different formats may be evolved by SEAC. SEIAA further stressed that the role of SEAC must be well understood and it is a technical body to appraise the proposal seeking Environment Clearances and make recommendations to SEIAA. Policy decisions and approvals for Environment Clearances shall be made only by SEIAA. Further SEIAA resolved that copy of approved minutes of SEIAA meetings should be sent to members of SEAC and vice versa.

Further SEIAA suggested that General conditions applicable to a category may be expanded to include references to all statutory provisions as applicable and the guidelines and policies established by SEIAA.

SEIAA further decided to add the following in the General Conditions of Environmental Clearance for construction projects:

1. Safety measures should be implemented as per the Fire and Safety Regulations.
2. STP should be installed and made functional as per KSPCB guidelines.
3. Generation of solar energy should be enhanced to the maximum possible extent with the possibility of contributing the same to the national grid in future.
4. The conditions specified in the Companies Bill, 2011 should be observed for Corporate Social Responsibility.

It was also decided to add the following in the General Conditions of Environmental Clearance for mining projects:

1. A licensed person should supervise/ control the blasting operations.
2. Control measures on noise and vibration suggested by KSPCB should be implemented.
3. Quarrying activities should be limited to day time as per KSPCB guidelines.
4. The conditions specified in the Companies Bill, 2011 should be observed for Corporate Social Responsibility.
5. Rain Water Harvesting capacity should be installed as per the prevailing provisions of KMBR / KPBR.

**Item No. KLA/18. 02**

Confirmation of the minutes of 17<sup>th</sup> meeting of State Level Environment Impact Assessment Authority (SEIAA) Kerala

Confirmed the approved minutes.

**Item No. KLA/18. 03**

**Action taken report on the decisions of the 17<sup>th</sup> SEIAA Meeting**

Regarding Item No. KLA/17.01, SEIAA noted the proposal for manpower requirement for SEIAA sent to Government by SEIAA Secretariat. SEIAA felt that a parallel effort to accelerate the government approval process is necessary through Chief Minister who is also the Environment minister. For this, SEIAA secretariat was requested to prepare a detailed proposal bringing out the new SEIAA organization, the functions and work load in each section/division and justification for man power. SEIAA felt that the posts of Clerk may be replaced by Assistants. Pending government approvals, SEIAA secretariat should be permitted to employ persons against these posts on a casual basis. Member Secretary SEIAA who is also the Principal Secretary to Government of Kerala is requested to issue necessary orders.

All other actions reported in the agenda notes were noted.

**Item No. KLA/18. 04**

**Application for environmental clearance for the quarry project at Block No. 34 in Survey Nos. 106/1, 106/2, 106/3, 106/4, 130/2-3, 130/3 at Bharananganam Village, Bharananganam Panchayath, Meenachil Taluk, Kottayam District, Kerala by M/s Bharananganam Industries (File No. 62/SEIAA/KL/7683/2012)**

The Authority reviewed the course of appraisal for the quarry project of M/s Bharananganam Industries and observed that lack of clarity in the documents submitted to SEIAA was the cause for the error occurred while approving the specific conditions for issuance of the EC, in its 16<sup>th</sup> meeting held on 15.03.2013. After detailed discussions and clarifications the proposal is **approved for issuance of Environmental Clearance** stipulating the following specific conditions:

1. Quarrying should be limited to Sy. Nos. 106/1, 106/2, 106/3, 106/4, 130/2-3 and 130/3 in an extent of 4.2213 hectares.
2. Quarrying activity should not be carried out in places where slope is greater than 45<sup>0</sup>.
3. Garland drains should be provided with clarifiers and should be connected with the channels such that loading of water is minimized on slopes.
4. The approach road should have culverts in all channels for storm water management.
5. Rainwater harvesting should be made at the lowermost part of the land.
6. Retaining walls/bunds must have channels to let out storm water.

**Item No. KLA/18. 05**

**Application for obtaining environmental clearance for the proposed quarry project in Sy. Nos. 1/1, 278/Pt and 165/2, at Village & Panchayath Oorakam, Morayur and Nediyruppu, Taluk Tirurangadi & Eranad, Malappuram district, Kerala by M/s Hi-Tech Metals (File No. 70/SEIAA/KL/165/2013)**

After detailed discussions on the proposal, clarifications provided by Secretary SEAC and analyzing the appraisal report of SEAC, the proposal is **approved for issuance of Environmental Clearance** stipulating the following specific conditions:

1. Rain water harvesting units should be installed on the lower elevation near to the entrance of the project site.
2. The distance criteria for mining from the nearby dwelling units should be a minimum of 100 m or the distance fixed by KSPCB or any other agency whichever is higher.
3. Separate permissions should be obtained from KSPCB and other statutory bodies for the crusher units, as required.
4. Retaining walls to be provided adjacent to the road with public access to retain debris from upper slopes.

**Item No. KLA/18. 06**

**Application for obtaining environmental clearance for the proposed Engineering College and School Project in Sy. Nos. 329/7, 329/4, 330/7, 330/13, 330/10, 330/14, 338/17, 334-9-1, 334/8, 326/19, 338/6, 330/8, 326/3, 326/20, 330/16, 330/19, 326/4-2, 328-1-3, 328/1-2, 329/8, 330/1, 330/4, 326/6, 326/4-1, 329/9, 329/11, 328/3, 335/9, 329/1, 330/15, 329/3, 330/11, 330/13-1, 330/9, 330/12, 334/9, 335/7, 326/5, 330/20, 338/16, 326/21, 326/3-2, 326/3-1, 329/5, 326-4-3, 328/1, 328/1-1, 330/3, 330/18, 326/7, 330/5, 329/6, 329/12, 328/2, 335/10, 331/1-6 at Ayirooppara Village, Thiruvananthapuram Taluk and Corporation, Kerala by The Mar Thoma Church Educational Society (File No. 88/SEIAA/KL/703/2013)**

After detailed discussions on the proposal, clarifications provided by Secretary SEAC and analyzing the appraisal report of SEAC, the proposal is **approved for issuance of Environmental Clearance** stipulating the following specific conditions:

1. Cuttings in laterite greater than 3 m should be provided with a strong retaining wall.
2. Rain water recharging pits should be provided at the upper reaches and the storm water should be clarified to make it potable.
3. Inflow and outflow of the Panchayath pond shall not be interfered and public access to the pond shall not be disturbed.
4. Safe vertical and horizontal buffer distance shall be maintained from the KSEB tower line as per the KSEB norms.

5. A sub-surface dyke as agreed should be constructed on the SW side at the lower portion of the rain water collection pond to arrest the seepage and enhance water availability during lean seasons.
6. Hazardous waste management should be followed as per KSPCB norms.

**Item No. KLA/18. 07**      **Application for environmental clearance for the proposed Housing Project in Survey Nos. 699/2, 3, 4, 5, 7 & 8 at Village Kakkanad, Municipality Thrikkakkara, Taluk Kanayannur, District Ernakulam, Kerala by M/s Ayles Properties and Developers Pvt. Ltd. (File No. 38/SEIAA/KL/7082/2012)**

SEIAA observed that SEAC has modified the format of the Appraisal report. The descriptive records presented as “Appraisal Report” was more like the minutes of SEAC proceedings and was lacking focus. Minutes of SEAC meetings cannot substitute the SEAC appraisal reports. Therefore SEIAA decided to defer discussions on this proposal and returned the file back to SEAC with a request that the appraisal report may be submitted as done in the past with improvements in the format if possible.

**Item No. KLA/18. 08**      **Application for obtaining environmental clearance for the proposed quarry project in Survey Nos. 373/1, 373/2, 378/2-2, 372/1-2 and 164/1-187 at Ayyampuzha Village and Panchayath, Aluva Taluk, Ernakulam District, Kerala by M/s Poabs Granites Products Pvt. Ltd. (File No. 49/SEIAA/KL/7178/2012)**

SEIAA observed that SEAC has modified the format of the Appraisal report. The descriptive records presented as “Appraisal Report” was more like the minutes of SEAC proceedings and was lacking focus. Minutes of SEAC meetings cannot substitute the SEAC appraisal reports. Therefore SEIAA decided to defer discussions on this proposal and returned the file back to SEAC with a request that the appraisal report may be submitted as done in the past with improvements in the format if possible.

**Item No. KLA/18. 09**      **Application for obtaining environmental clearance for the quarry in Survey No. 59/2 at Kariavattom Village, Vettathoor Panchayath, Perinthalmanna Taluk, Malappuram District, Kerala by M/s Poabson Granite Products Pvt. Ltd. (File No. 50/SEIAA/KL/7241/2012)**

SEIAA observed that SEAC has modified the format of the Appraisal report. The descriptive records presented as “Appraisal Report” was more like the minutes of SEAC proceedings and was lacking focus. Minutes of SEAC meetings cannot substitute the SEAC appraisal reports. Therefore SEIAA decided to defer discussions on this proposal and returned the file back to SEAC with a request that the appraisal report may be submitted as done in the past with improvements in the format if possible.

**Item No. KLA/18. 10**

**Application for obtaining environmental clearance for the proposed quarry project in Sy. Nos. 351/1-1 part and 351/1-2 at Aikkaranad South Village, Poothrikka Panchayat, Kunnathunadu Taluk, Ernakulam District, Kerala by M/s Poovelil Aggregates (File No. 89/SEIAA/KL/1049/2013)**

SEIAA observed that SEAC has modified the format of the Appraisal report. The descriptive records presented as “Appraisal Report” was more like the minutes of SEAC proceedings and was lacking focus. Minutes of SEAC meetings cannot substitute the SEAC appraisal reports. Therefore SEIAA decided to defer discussions on this proposal and returned the file back to SEAC with a request that the appraisal report may be submitted as done in the past with improvements in the format if possible.

**Item No. KLA/18. 11**

**Application for obtaining environmental clearance for the proposed quarry project in Survey Nos. 110/8, 111/3 pt, 112/4 pt and 110/5 at Koodal Village, Kalanjoor Panchayath, Adoor Taluk, Pathanamthitta District, Kerala by M/s Aswathy Granites Pvt. Ltd. (File No. 94/SEIAA/KL/1054/2013)**

SEIAA observed that the application for Environmental Clearance is for an area of 4.5345 hectares in different patches (3.3455 hectares of own land and 1.1890 hectare of Government land on lease) wherein a total area of 21.8532 hectares is owned by the project proponent. Authority noted that the proponent has restricted the present proposal for quarrying activities for an area of 4.5345 hectares including a small portion of Government land when they own 21.8532 hectares of land of their own. The proponent has fragmented a contiguous area into three portions of Pit 1, 2 and 3 which can have adverse impacts on environment. The proponent has also not explicitly stated their future plans in exploring the total area. SEIAA noted the observation of Hon. Supreme Court in the special leave petition (C) No. 19628-19629 of 2009 in the Deepak Kumar etc. Vs State of Haryana and others etc. on the chances of flouting the EIA Notification dt. 14.09.2006 by breaking the homogeneous area into pieces of less than 5 hectares and the possible environmental or ecological impact on quarrying of minor minerals. Based on the above grounds, the proposal is REJECTED for Environmental Clearance and the proponent is directed to submit a fresh proposal, if necessary, involving contiguous area.

**Item No. KLA/18. 12**

**Any other item with the approval of Chairman**

**Additional Item No. KLA/18.12.1**

**Office order No. J-11013/19/2012-IA.II(I) dt. 20.03.2012 from Ministry of Environment Forests**

SEIAA secretariat was informed very recently about the office order No. J-11013/19/2012-IA.II(I) dt. 20.03.2012 from Ministry of Environment Forests regarding submission of project documents and information by the proponent for obtaining environment clearance in electronic format along with hard copy, and directions to SEIAAs to upload the above mentioned information, SEAC site visit report, if any, on the website of SEIAA with effect from 1st April, 2012. Immediately, notification for submission of soft copies also was uploaded in SEIAA website. SEIAA secretariat realized that complying with this new directive

from MoEF will result in uploading huge volume of documents on each proposal and it could adversely affect the performance of the web site. Hence SEIAA secretariat proposed that all project proponents may be requested to supply a soft copy of all their submissions including the additional clarifications in addition to the hard copy currently submitted to SEIAA. SEIAA secretariat also proposed that a communication may be sent to MoEF about the belated receipt of their communication and a permission to keep records of both soft copies and hard copies of all proposals and clarifications from the project proponents in the SEIAA secretariat and continue with the present practice of uploading in the SEIAA website. These documents shall be made available to public on request as per the approved procedure. Officer in Charge of SEIAA Secretariat explained the details. After discussions, SEIAA approved the proposal of SEIAA secretariat and directed the OIC-SEIAA secretariat to prepare a draft of the communication to MoEF for discussions in the next SEIAA meeting.

**Additional Item No. KLA/18.12.2      **Approved minutes of 14<sup>th</sup> and 15<sup>th</sup> SEAC meetings****

SEIAA noted the contents of the approved minutes of 14<sup>th</sup> and 15<sup>th</sup> SEAC meeting submitted to SEIAA. Chairman pointed out SEIAA cannot take any action or respond to any statement in the minutes of SEAC meeting unless specific communication is addressed to SEIAA from Chairman SEAC. SEIAA also restated that minutes of SEAC meeting cannot be a substitute to the SEAC Appraisal reports.

**Additional Item No. KLA/18.12.3      **W.P. (C) No. 11892/2013 filed before the Hon. High Court of Kerala – Kuttichan Vs The Govt. Of India & Others (File No. SEIAA/E4/1351/2013)****

The writ petition from Honorable High Court of Kerala, addressed to Chairman SEIAA was handed over to SEIAA Secretariat with instructions to inform the matter to all SEIAA members and to take action to represent SEIAA in the petition. SEIAA held detailed discussions on the matter and since it was found that the case will be posted on or after 24.05.2013, the Authority directed SEIAA Secretariat to prepare para wise comments in the petition for proper defense of the case and authorized Director, DoECC who is the OIC-SEIAA secretariat to take appropriate steps towards this. SEIAA found that the respondent no. 10 has applied for obtaining EC on 30.01.2013 well before this writ petition which is filed on 6<sup>th</sup> May 2013. The Authority observed that the focus of the petition is for seeking violation proceedings against the violators of Environment (Protection) Act and existing laws, and not against processing applications for Environmental clearances. Hence, the Authority was of the opinion that even though a litigation is pending against the proponent, it did not prevent him from applying for EC and the application shall be processed as per law by SEAC/SEIAA and hence may be further appraised by SEAC.

**Additional Item No. KLA/18.12.4      **Inspection of Records under Section 4 of RTI Act, 2005****

Under RTI Act an application was submitted by Mr. Byrappa Mayanna Gowda for Inspection of Records of SEIAA Kerala. He appeared in person on 26<sup>th</sup> April 2013 and inspected

the records. Subsequently, he sent letters to Govt. of India and Govt. of Kerala appreciating the functioning of SEIAA Kerala in the Department of Environment and Climate Change, stating that 'We inform with great pleasure the staff of Department of Environment and Climate Change, Kerala which act as the Secretariat of SEIAA Kerala have exceeded our expectations of assistance; their proactive attitude needs to be commented' placing appreciations on Mr. P. Sreekantan Nair, Director, DoECC & Secretary, SEAC, Mr. Keshab Chand S., Administrative Officer, DoECC, Ms. Chanchu, Asst. Environmental Officer, DoECC and Ms. Priya Mohan, Typist, DoECC. Mr. Byrappa Mayanna Gowda sought copies of three files and was provided by the SEIAA Secretariat following existing procedures. This has been informed by the SEIAA Secretariat and copies of all relevant details were placed for information/consideration of SEIAA. The item was noted by SEIAA.

**Item No. KLA/18. 13**                      **Request from M/s Nikunjam Constructions Private Limited**  
(File No. 8/SEIAA/KL/393/2012)

M/s Nikunjam Constructions Pvt. Ltd. has given a submission addressed to Chairman SEIAA regarding the violation proceedings initiated against them and as per the instructions from the Chairman SEIAA the same has been forwarded to Member Secretary SEIAA. The Government has sought for the entire file regarding the application for Environmental Clearance submitted by M/s Nikunjam Constructions Pvt. Ltd. and now it is with the Government. SEIAA decided to wait for Government decisions on the matter.

**Item No. KLA/18. 14**                      **Report on the status of processing of the applications for**  
**Environmental Clearance by SEIAA Secretariat**

Noted.

**Item No. KLA/18. 15**                      **Concluding remarks by Member Secretary**

None.