

**MINUTES OF THE 36TH MEETING OF THE STATE ENVIRONMENT
IMPACT ASSESSMENT AUTHORITY (SEIAA) KERALA HELD ON
18TH APRIL 2015 AT THE CHAMBER OF THE PRINCIPAL
SECRETARY TO GOVERNMENT (ENVIRONMENT & FORESTS)
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.**

Present

1. Prof. (Dr.) K.P. Joy, Chairman, SEIAA
2. Dr. J. Subhashini, Member, SEIAA
3. Sri. P. Mara Pandiyan, I.A.S. Principal Secretary to Govt. & Member Secretary, SEIAA

The 36th meeting of SEIAA and the second meeting of the Authority as constituted by Notification dated 19-3-2014 was held from 9.30 a.m. onwards on 18-4-2015 in the chamber of the Principal Secretary to Government (Member Secretary, SEIAA). Chairman welcomed the members. By way of introduction he presented a write up on the socio-economic impacts of the clearance granted by SEIAA, Kerala. Projects worth 20,000 crores have been cleared so far. By way of tax Government get Rs. 3,000 crores. 1, 71,085 employment opportunities have also been created. Member Secretary thanked and congratulated the Chairman for undertaking the arduous work.

Member Secretary flagged the details of the meeting on quarries held by the Hon: Chief Minister. On the demand of the quarry owners not to have environmental clearance for mining areas less than 5 ha, the Authority was unanimous that the requirements of prior EIA clearance is statutory as per the Environment (Protection) Act, 1986, the EIA notification, 2006 and the judicial decisions thereon, upon which the **neither the** State Government nor SEIAA have no control. The requirement of approved mining plan is also as per the KMMC Rules, 2015 issued by the Government in Industries Department as upheld by the Hon: High Court.

Chairman referred to the heavy pendency of applications with the SEAC for appraisal and the decision of MoEF to refer about 48 cases of E.C for quarries which were submitted to the Ministry directly by proponents, for clearance when SEIAA was not in existence; which would add up to the pending cases.

The meeting considered the invitation from the MoEF to members of SEIAA on the one day workshop at New Delhi on 25-4-2015, the Ministry is organising in association with Quality Council of India (QCI) / National Accreditation Board for Education & Training (NABET) on “Environmental Impact Assessment: Challenges in India and Way Forward” at Vigyan Bhawan. It is proposed to deliberate on requisites of good quality EIA/EMP, roles of industry, accrediting agencies and the Ministry in improving the EIA/EMP in the country. The workshop will also be addressed by International Experts on latest trends in EIA in developing and developed countries along with case studies of Environment and Social Impact Assessment.

The meeting resolved to propose to Government for the deputation of the Chairman and Member SEIAA for the meeting.

Item No. 36.1 Confirmation of minutes of 35th SEIAA meeting

Confirmed

Item No. 36.2 Action taken Report on minutes of 35th meeting of SEIAA held on 09th April 2015. (File No. 4836/SEIAA/2014)

As to the infrastructure including transportation facilities and additional man power requirements for the Authority Member Secretary in his capacity as Principal Secretary to Government, Environment Department assured that those issues will be looked into in consultation with the DoECC. The meeting desired the presence of the Secretary SEAC (DoECC) in its deliberations.

The Authority resolved that on expiry of the term of re-employment of the Administrator as expert Consultant in the Kerala State Biodiversity Board, SEIAA may continue to avail of his services as Administrator on the same terms and conditions in the Board, for which to take up the matter with Government.

As to accommodation for SEIAA it was decided to give advertisement in leading news papers for a rental building of not less than 4000 sq ft. within 5 kms of the Secretariat and to take up the acceptable response with DOECC/ Government for sanction.

Item No. 36.3 SEIAA - Petitions on E.C. and general complaints (individual cases consolidated)

Sl. No.	Petitioner and Address	Details of E.C given	Decision of SEIAA
1.	Sajeena Anwar Farhana Manzil Kurampala (P.O) Pandalam	Revenue authorities not honouring E.C. Works delayed. 35 th SEIAA decided to extend validity of E.C. up to 30-09-2015.	Environmental Clearance will prevail.
2.	C. Gopinath Managing Partner, Rock N' Rock Granites, Kanakkanpara, Chittur, Palakkad	Environmental Clearance for quarries at Perimbalavu , Thalappally Taluk- To grant EC without documents prepared by accredited consultants	The EIA report for environmental clearance shall be that prepared by an accredited consultant as per the standing orders of the Ministry of Environment & Forests. SEIAA in its 35 th meeting has decided that in view of the rule position and the judicial interpretation thereon, mining plan approved by the competent authority would be mandatory in all applications for environmental clearance for quarry projects.
3.	Jose, K. Francis, Managing Director, Cannon Granites -Pvt Ltd, Municipal building, Round South, Thrissur-1	E.C for permit quarries- Agent demanding huge money to obtain E.C. Guidance on obtaining the E.C by the proponent himself.	Instances of touts approaching proponents in matters related to E.C may be reported to police authorities promptly. The EIA report for environmental clearance shall be that prepared by an accredited consultant as per the standing orders of the Ministry of Environment & Forests. SEIAA in its 35 th meeting has decided that in view of the rule position and the judicial interpretation thereon, mining plan approved by the competent authority would be mandatory in all applications for environmental clearance for quarry projects.
4.	Sunil Chandran Thediparambil veedu, Kuttanalloor P.O. Trissur	Petition against not accepting power of attorney of land owners for removal of OE, executed in favour of others. There is no direction of SEIAA, but such applications are being rejected by oral	Power of attorney legally executed, will be acceptable.

		communication	
5.	Habeeb Rahaman Puthoor madathil, Mukkom, Kozhikode, C/o M/s Profile Granites	E.C issued vide No. 130/SEIAA/KL/2437/2013 dtd 1-4-2014. By typographical error, the date was indicated as 1-4-2014. Application is for changing the date to 1-10-2014 so as not to affect the validity condition	The request is allowed and erratum for the proceedings changing the date as 1-10-2014 instead of 1-4-2014 to be issued.
6	Muhammad Ashraf, D. Chelathandathil House Pullancherry (PO) Manjery (Via) Malappuram(Dist.)	Not to give E.C. to P.G.I. quarries as it is creating problems to his house and environment (application for E.C. not received)	Petitioner to approach the concerned authorities.

Item No. 36.4 Application for environmental clearance for extraction of ordinary sand (കരമണൽ) in Wayanad District-recommendations of SEAC for EIA study (6 files).

SEIAA approved the recommendations of SEAC to have EIA reports in all the 6 cases of ordinary sand extraction from river banks and flood plains as applied for. It was also decided that proposals be submitted to Government to fix processing fee separately for ordinary sand (കരമണൽ) extraction, considering the market price and severe environmental impacts.

Item No. 36.5 Environmental Clearance for removal of brick earth in Re. Sy. No. 24 at Kunnamangalam Village, Kaaranthoor Desom, Kunnamangalam GramaPanchayath, Kozhikode Taluk, Kozhikode District, Kerala by Sri. Murugan K. (File No. 339/SEIAA/KL/2171/2014)

Application allowed and approved for issue of Environmental Clearance on usual conditions for mining of brick earth stipulated in O.M. No. L-11011/47/2011-IA.II(M) dt. 24.06.2013 of Ministry of Environment and Forests, to remove 900 m³ of brick earth from Re. Sy. No. 24 of Kunnamangalam Village, Kozhikode Taluk, Kozhikode District. After brick earth mining the area should be reclaimed for agricultural purpose

Item No. 36.6 **Environmental Clearance for removal of brick earth in Sy. No. 38/2 at Kodyathoor Village, Kozhikode Taluk, Kozhikode District, Kerala by Sri. M. G. Gopinath (File No. 340/SEIAA/KL/2172/2014)**

Approved for issue of Environmental Clearance on usual conditions for mining of brick earth stipulated in O.M. No. L-11011/47/2011-IA.II(M) dt. 24.06.2013 of Ministry of Environment and Forests, to remove 900 m³ of brick earth from Re. Sy. No. 38/2 of Kodyathoor Village, Kozhikode Taluk, Kozhikode District .

Before issue of E.C, the applicant must produce the documents to prove the consent of the land owner for utilization of land and purpose of utilisation of the removed earth.

After brick earth mining the area should be reclaimed for agricultural purpose.

Item No. 36.7 **Environmental Clearance for removal of brick earth in Sy. No. 38/2 at Kodyathoor Village and Panchayath, Kozhikode Taluk, Kozhikode District, Kerala by Managing Partner, Hindustan Tile Works, Kolathara (File No. 343/SEIAA/KL/2196/2014)**

Approved for issue of Environmental Clearance on usual conditions for mining of brick earth stipulated in O.M. No. L-11011/47/2011-IA.II(M) dt. 24.06.2013 of Ministry of Environment and Forests, to remove 900 m³ of brick earth from Re. Sy. No. 38/2 of Kodyathoor Village, Kozhikode Taluk, Kozhikode District.

After brick earth mining the area should be reclaimed for agricultural purpose.

Item No. 36.8 **EC application for removal of ordinary earth from Sy. No. 296/7 at Kanayannur Village, Chottanikkara Panchayath, Kanayannur Taluk, Ernakulam District, Kerala by Sri. Dennis M. Paul (File No. 358/SEIAA/KL/2514/2014)**

Approved for issue of Environmental Clearance on usual conditions for mining of brick earth stipulated in O.M. No. L-11011/47/2011-IA.II(M) dt. 24.06.2013 of Ministry of Environment and Forests, to remove 7000 m³ of ordinary earth from Re. Sy. No. 38/2 of Kanayannur Village, Kanayannur Taluk, Ernakulam District subject to the following specific conditions:

- 1.The earth must be removed in a stepped manner taking consideration of the sloping nature of the area. There is no need to flatten the entire area.

2. The height of the cut faces should not be more than 3m. The safety of the steep cut faces must be ensured by providing sufficient support mechanism.
3. Excavation and removal of earth should not expose white clay rich layers.
4. The storm water from the entire plot must be conserved through appropriate rain water harvesting structures and should not be let out into open drains.

Item No. 36.9 **Environmental clearance for removal of ordinary earth in Re. Sy. No.41/6 Block 31 at PazhayaKunnummel Village, PazhayaKunnummelPanchayath, Chirayinkeezhu Taluk, Thiruvananthapuram District, Kerala by Smt. Jaseena** (File No.498/SEIAA/KL/3489/2014)

The application was taken up in the 34th SEAC held on 26/27-9-2014 the, 35th SEAC and 36th SEAC held on 31-10-2014. The applicant did not attend any of the meetings despite advance notice. Since the proponent was absent despite the chances given to her to appear before the committee for hearing, the 36th meeting of SEAC recommended delisting the case.

Authority decided to accept the recommendation to delist the application and to close the file.

Item No. 36.10 **Environmental clearance for removal of ordinary earth in Sy.No. 1908/A-1-4, 1908/a-1-4-1 at Kizhuvilam Village, Chirayinkeezhu Taluk, Thiruvananthapuram District, Kerala by Sri. Muhammed Rahim & Smt. Sheeba** (File No. 503/SEIAA/KL/3606/2014)

Approved for issue of Environmental Clearance on usual conditions for mining of ordinary earth stipulated in O.M. No. L-11011/47/2011-IA.II(M) dt. 24.06.2013 of Ministry of Environment and Forests, to remove 1500 m³ of ordinary earth from Re. Sy. No. 1908/A-1-4, 1908/a-1-4-1 at Kizhuvilam Village, Chirayinkeezhu Taluk, Thiruvananthapuram District subject to the specific condition that the removed earth must be used for levelling the plot as specified in the application.

Item No. 36.11 **Environmental clearance for removal of ordinary earth in Sy. No. 42/2, 42/8 at Shoranoor Village, Ottappalam Taluk, Palakkad District, Kerala by Mrs.Nalini** (File No. 528/SEIAA/KL/3832/2014)

The application was taken up in the 34th SEAC held on 26/27-9-2014 the 35th SEAC and 36th SEAC held held on 31-10-2014. The applicant did not attend any of the meetings despite advance notice. Since the proponent was absent despite the chances given to her to

appear before the committee for hearing, the 36th meeting of SEAC recommended delisting the case.

Authority decided to accept the recommendation to delist the application and to close the file.

Item No. 36.12 **EC application for removal of ordinary earth from Sy. No. 59/2 at Thekkada Village, VembayamPanchayath, NedumangadTaluk, Thiruvananthapuram District, Kerala by Sri. L. Thankappan (File No. 364/SEIAA/KL/2523/2014).**

On 28-3-2015 the applicant informed that the application need not be considered and he is withdrawing it. SEAC recommended permitting to withdraw it and therefore the application is permitted to be withdrawn.

Item No. 36.13 **Environmental clearance for the quarry project in Sy. Nos. 9/1,8/19,8/26,8/27 and 8/28 at Alakode Village, Edavetty Panchayath, Thodupuzha Taluk, Idukki District, Kerala by Sri. Renjith Jacob (File No. 429/SEIAA/KL/2989/2014).**

Proponent may be required to submit approved mining plan for appraisal by SEAC as per the Kerala Minor Mineral Concession Rules -2015.

Item No. 36.14 . **Environmental Clearance for the building stone quarry project in Survey No. 83 (p) at Kumaranellur Village, Kozhikode Taluk, Kozhikode District, Kerala by M/s Ponoorpoyil Granites (File No. 442/SEIAA/KL/3034/2014)**

Authority observed that SEAC has not considered the findings in the inspection report and made recommendations thereon. The recommendation itself is with three conditions not being any specific conditions. Authority resolved that such defects shall be detected and supplied for at the screening or appraisal and not in the final stage of decision on recommendations. Before final recommendations SEAC must ensure that all the required documents have been produced.

Authority decided to refer the case back to SEAC for consideration of the findings in the inspection report. Proponent may be required to submit approved mining plan for appraisal by SEAC as per the Kerala Minor Mineral Concession Rules -2015.

Item No. 36.15. Environmental Clearance for expansion of shopping mall project in Re- Sy. Nos. 21/1, 21/2, & 21/3 at Olavanna Village and Panchayath, Kozhikkodu Taluk, Kozhikkodu District, Kerala by Sri. Musliyarakoth Mehaboob for HILITE Realtors (India) LLP. (File No. 411/SEIAA/KL/2911/2014)

The recommendation of SEAC is with an ambiguous non- specific condition that before issue of E.C, SEIAA should obtain additional clarification regarding rain water harvesting system designed in such a way that the facility may provide adequate supply of fresh water for at least 15 days.

The Authority observed that SEAC itself should satisfy that such clarifications are received before the project is recommended to SEIAA. The Authority may not be made to do the original appraisal process to be undertaken by SEAC. The SEAC should satisfy about capacity of RWH structure etc, and only firm specific conditions shall be recommended to be incorporated in the E.C to be issued. The authority decided to grant EC subject to the condition recommended by SEAC.

Item No. 36.16 Environmental Clearance for proposed apartments (Silver Linden) Project (Sobha Rio Vista) in Sy. Nos. 208/1A at Panniyankara Village, Kozhikode Taluk, Kozhikode District, Kerala by M/s Malabar Highview Builders Pvt. Ltd (File No. 436/SEIAA/KL/2996/2014)

The project is to construct 139 apartments with total built up area of 20809.70m². SEAC had appraised the same project in the 14th meeting on 6-4-2013. At that time itself it was found that construction had commenced without E.C However the application was delisted on the ground that the proponent failed to submit certain additional clarifications called for. When the subcommittee of SEAC conducted site visit again on 11-10-2014 it was found that the first tower is nearly completed and the structure of the second tower up to 10 floors is completed. The 36th SEAC held on 31-10-2014 recommended to *reject* the proposal as this is a case of violation and recommended action as per O.M. No. J-11013/41/2006-IA.II(I) dated 19-8-2010 of the MoEF.

The Authority evaluated that stop memo should have been issued and further activities at the site prevented at the first instance. Authority wanted to ascertain the action taken in the earlier instance, as per the standing orders on violation of EIA notification. If no

stop memo had been issued, it must be issued, the District Collector, Kozhikode to enforce the stop memo.

SEIAA accepted the recommendation of SEAC to **reject** the proposal.

**Item No. 36.17: Issuance of environmental clearance within 45 days by SEIAA-
Suggestions of Chairman**

Authority discussed at length the note circulated by the Chairman on matters related to speedy disposal of applications for E.C. It was decided that subject to the availability of cases as recommended by the SEAC, meetings of SEIAA may be held as frequently as required. Authority was also concerned on the delay in getting the approved minutes of meetings of SEAC after its meetings. It was tentatively agreed to make suggestions to the SEAC to work out an effective way out to avoid the delay by firming up the minutes at the conclusion of the meeting and authorising the Chairman and Secretary to approve the minutes to be forwarded to SEIAA for decision.

The Authority adverting to conditions in the recommendations of SEAC not being specific conditions to be included in the E.Cs, reflected that such contingencies and essentialities to be complied with by project proponents must be adverted to by the SEAC at the time of appraisal or before. Member Secretary proposed a protocol for SEAC to be self-adopted by SEAC, incorporating the suggestions of Chairman in the agenda note. The meeting decided to discuss these issues with the Secretary-SEAC also and to have a discussion with the Chairman-SEAC on the next day of meeting of SEIAA, the proposals to SEAC to be furnished thereafter.

The Authority resolved to have the next meeting at 10.00 'O' Clock on 2-5-2015 in the chamber of the Principal Secretary, Environment Department. The proposed meeting with Chairman-SEAC to be held at 9.30 to 10.00 'O' Clock before the meeting of SEIAA.

The meeting concluded at 10.30 a.m.