

MINUTES OF THE 47TH MEETING OF THE STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY (SEIAA) KERALA HELD ON 7-1-2016 9.30 A.M IN THE CHAMBER OF THE ADDITIONAL CHIEF SECRETARY TO GOVERNMENT (ENVIRONMENT & FOREST) 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., Additional Chief Secretary & Member Secretary, SEIAA.

The 47th meeting of SEIAA and the 13th meeting of the Authority as constituted by the notification No. S.O. 804 (F) dated 19-3-2015 was held from 9.30.a.m in the chamber of the Additional Chief Secretary to Government (Environment& Forest Department). (Member Secretary SEIAA).

Chairman welcomed the Members. By way of introduction he brought to the notice of the meeting a news item appeared in Malayalamanorama date of 19/12/2015 that the High Court of Kerala has directed the Chief Secretary to submit a report on the functioning of SEIAA on a Writ Petition alleging that so far only five quarries have been given environmental clearance since the formation of the SEIAA in 3/2015. It was noted that in all true.183 E.Cs have been issued, ordinary earth 140, Construction/ Buildings 16, River Sand 2, and Quarries 25.It was decided that details of E.Cs issued may be uploaded in the website once it is reconstructed.

Chairman also raised the issue of grant of E.Cs in areas comprised in ESAs as per Kasturirangan committee report. In the context of certificates of revenue authorities being produced to the effect that the mining area is non- ESAs as per the Oommen.V.Oommen Committee report, question was raised whether applications in such cases can be considered for issue of E.C. Member Secretary [Addl. Chief Secretary (Environment)] clarified that ESAs can be distinguished only on the basis of the final notification of the MoEF on the recommendations on the Kasturirangan Committee and there is no reason to review the earlier decision of SEIAA taken in the 40th meeting held on 3 /4-8-2015.

On the issue of diversion of the funds allotted to SEIAA and consequent non availability of funds for the routine functioning ofthe Authority, Member Secretary wanted to submit proposals for additional allocation.(Also see item 47.20)

Authority decided that the seniority of applications for E.C may be maintained, wherefore on line applications received may be processed maintaining the seniority of the physical files already pending. All applications online are to be transfer to SEAC.

Item No. 47.01 Confirmation of minutes of 46thSEIAA meeting

Confirmed

Item No. 47.02 Action taken Report on minutes of 46thmeeting of SEIAA held on 14th December 2015

Authority declined to consider the letter dated 1-1-2016, the DoECC has sent to the Additional Chief Secretary Environment Department, copy of which was placed before the Authority for comments.

As regards the contract appointment of Project Assistants, Member Secretary wanted them to keep secrecy of the cases and to maintain absolute integrity.

Item No. 47.03 SEIAA – Petitions on Environmental Clearance and general complaints on illegal quarries and other environmentally degrading activities (individual cases consolidated)

47.03.1 District Collector Ernakulum to proceed against the violation of Condition in the E.C., to stop the excavation and to report.

47.03.2, 3. General Decision applies.

Item No. 47.04 Removal of Ordinary earth/Brick earth Environmental Clearance issued-Applications for extension of period of validity of Environmental Clearance.

It was decided to extend the period of validity of the E.Cs in each case by six months.No further extension will be allowed.

Item No. 47.05 Environmental clearance for removal of ordinary sand in Sy.no.111/6-2 at Kuttoor Village and Panchayath, Thiruvalla Taluk, Pathanamthitta District, Kerala by Sri.P.L.Mohanan(File No.785/SEIAA/EC4/1240/15)

The Authority in its 35th meeting held on 9-4-2015 resolved in the matter of extraction of ordinary sand in Wayand district that impact assessment and report as per G.O (Ms) 132/14/ID dated 22-9-2014 is necessary for decision on environmental clearance. Authority therefore decided that the same procedure may be adopted in this case as well.

Item No. 47.06 **Environmental clearance for removal of Ordinary Earth in Sy.No. 480/1 and 481/1 at Velloor Village, Vaikom, Taluk, Kottayam District, Kerala by Sri. Joseph, M.A (File No. 818/SEIAA/EC4/2490/2015)**

The proposal was placed in the 48th meeting of SEAC held on 6/7-11-2015. The Committee verified the application and found that the District Collector, Kottayam vide letter no. E.12-51207/14 dated 10.03.2014 reported that the proposed land is a part of hill and the removal of earth will adversely affect the neighbouring plots. The consent from the land owners of the adjacent plots has not been submitted by the proponent. The Committee also found that the removal earth from the hilly area will affect the stability of the adjacent plots and hence decided to recommend for rejection of the application.

The Authority accepted the recommendation and decided to reject the application

Item No. 47.07 **Environmental clearance for removal of ordinary earth in Sy. No. 246/14 at Thiruvaniyoor Village, Thiruvaniyoor Panchayath, Kunnathunadu Taluk, Ernakulam District, Kerala by Sri. K. C. Thampi (File No. 820 /EC3/2522/SEIAA /2015)**

Approved for issuance of Environmental clearance on usual conditions for mining of ordinary earth stipulated in O.M No. L.11011/47/2011-IA.II(M) dated 24-6-2013 of the Ministry of Environment & Forests, for removal of brick earth not exceeding 2500 m³ as per recommendations of SEAC. District Collector Ernakulam may ensure that the quantity of O.E removed does not exceed the limit as per the E.C.

Item No. 47.08 **Environmental clearance for removal of ordinary earth in Sy. No. 156/4,3,2 at Arakkapadi Village, Vengola Panchayath, Kunnathunadu Taluk, Ernakulam District, Kerala by Sri. V. K. Rasheed (File No. 829 /EC3/2663/SEIAA /2015)**

Approved for issuance of Environmental clearance on usual conditions for mining of ordinary earth stipulated in O.M No. L.11011/47/2011-IA.II(M) dated 24-6-2013 of the Ministry of Environment & Forests, for removal of brick earth not exceeding 2000 m³ as per recommendations of SEAC. District Collector Ernakulam may ensure that the quantity of O.E removed does not exceed the limit as per the E.C.

Item No. 47.09 **Environmental Clearance for the quarry project in Sy. Nos. 46/12, 46/13, 46/1/1, 46/1 at Moonnillavu Village, Kottayam district by M/s Mankombu Granites- Judgments of the Hon: High Court of Kerala in W.P. 27209/2015 and R.P No. 1022/**

**2015 filed by Sri. M .A Nalinakshan Nair – Further action –
reg (File No. 76/EC4/171/2013/SEIAA)**

The case as already appraised by SEAC in the 13th meeting held on 2-3-2013 and recommendations made by EAC of the MoEF on the application submitted directly to the MoEF were placed in the 45th meeting of SEAC held on 11/12-9-2015 for appraisal and recommendation. The Committee remarked as under:

‘The proposal has been forwarded by MoEF in which they have stipulated action against violation. This has to be reported to SEIAA. However before submitting to MoEF the project was considered by SEAC in its 13th meeting held on 2nd March 2013. Now the proponent has submitted mining plan. It is not in accordance with the KMMC Rules, 2015. Hence he has to submit a revised mining plan. However, the committee permitted to make a brief presentation. The Committee members raised queries regarding the slope and haulage facility in the area. It was informed that the proponent has acquired additional area to facilitate easy haulage and the above area is not included in the mining plan. The Committee decided to defer the item for submission of properly approved mining plan incorporating the entire area proposed for mining and also for field visit’.

The proponent filed W.P.27209/2015 for ‘deemed clearance’. On 01/12/2015 in R.P. No. 1022/2015 filed by the proponent it is ordered by the Hon’ble High Court that if the petitioner has fulfilled all the condition in the recommendation, final decision shall be taken by SEIAA in the light of Ext. P2 and P4 issued by MoEF, within one month from the date of receipt of the order.

In compliance with the decision of the 45th meeting of SEAC held on 11/12-09-2015, the proponent has already submitted revised mining plan. It is a working quarry. Authority considered the position that there is a report on this quarry submitted by an expert committee constituted by the Government. It was decided to refer the matter to SEAC to report whether the above report would suffice as site inspection report and if not, to conduct site inspection, reports to be furnished in two weeks. High Court to be moved for extension of time for implementation of the order in R.P No. 1022/15 in W.P No. 27029/15.

Item No. 47.10

Environmental clearance for the proposed quarry project in Survey Nos. 1450/1, 1457/1, 1461/1, 1462/1,2, 1463/1,2, 1464/1 and 1465/1 at Madakkathara Village and Panchayath, Thrissur Taluk, Thrissur District, Kerala by M/s Mridhul Granites and Crusher Pvt. Ltd (File No. 451/SEIAA/KL/3125/2014)

The 43rd meeting of SEAC held on 15/7/2015 appraised the proposal based on the Mining Plan, Prefeasibility Report; all other documents submitted along with the Form I

application and field investigation report submitted by the subcommittee. The subcommittee has reported that the proposed area falls within 10KM from protected area (Peechi – Vazhani Wild life Sanctuary) and hence the item was deferred and decided to direct the proponent to provide a copy of the application preferred seeking wildlife clearance from NBWL. The Committee also found that the copy of the certificate as mentioned in 27 (2) (f) of KMMC rule 2015 submitted by the proponent is ambiguous. Hence the item was deferred for resubmission of the certificate.

On submission of the details sought by SEAC the proposal was again considered by its 48th meeting held on 6th and 7th November, 2015 .The Committee verified the certificate issued by VO as per sec 27(2) (f) of KMM Rule 2015 and details of application submitted for Wildlife Clearance and found satisfactory. The Committee appraised the proposal based on the Mining Plan, Prefeasibility Report, field inspection report and all other documents submitted along with the Form I application and decided to recommend for issuance of Environmental Clearance with specific conditions, in addition to the general conditions stipulated for mining projects.

Authority decided to grant E.C to the quarry subject to production of cluster condition certificate from M& G Department authorities and certificate from the revenue authorities that the land involved is not assigned for other purpose. Copy of the lease order from Government may also be produced since the recommendation of SEAC is not clear whether it is a lease land with condition against quarrying.

Item No. 47.11

Environmental clearance for the quarry project in Resurvey No. 220/1, 220/2, 220/4, 272/5, 272/6 and 272/7 at Mulamkuzhy village, Malayattur-Neeleeswaram Gramma Panchayath, Aluva Taluk, Ernakulam District, Kerala by Sri.BisiK. C. – Managing Director M/s. Anugraha Metals and Sands Private Limited (File No. 497/SEIAA/KL/3485/2014)

The 48th meeting of SEAC held on 6/7-11-2015 considered the matter. The proponent produced the certificate issued by Village Officer, Malayattoor (No.15/15(52) dated 31.07.15). As per the certificate the land comprised in Sy. No. 272/5, 6, 7 are part of Govt. porambokku area. Since the proponent has not submitted NOC for mining in that area the committee decided to consider Sy No. 220/1, 220/2 and 220/4 for the issuance of EC.

The Committee appraised the proposal based on the Mining Plan, Prefeasibility Report, field inspection report and all other documents submitted along with the Form I application and decided to *recommend* for issuance of Environmental Clearance for mining in the area

covered under Sy. Nos. 220/1, 220/2 and 220/4 with the following specific conditions, in addition to the general conditions stipulated for mining projects.

1. Protective fencing must be provided along the steep cuttings and along the boundary of the lease area.
2. Over burden is to be stored in the designated places and provided with protective support walls.
3. The drainage from the quarry must be channelized to the eastern part with proper desiltation and clarification mechanism and led into a RWH structure. Only clarified water is to be let out of the area.
4. It is necessary to provide garland drains on the upper part and catch water drains at the lower levels of the lease area to safely dispose the storm water.
5. The approach road to the quarry from the main road is a narrow road which must be widened and maintained in good motorable condition by the proponent. The access to the crusher must also be maintained.
6. Vegetation seen all around the quarry must be maintained

Authority considered the recommendation and decided to accept the recommendation of SEAC. The approved mining area shall be properly fenced off and permanent boundary markings shall be put up to prevent encroachment of the poromboke rock.

Item No. 47.12 Environmental clearance for the quarry project in Sy.No.302/6, 302/7.1, 302/7.2, 302/8, 302/1.2, 298/15, 298/14, 298/16, 298/13, 298/12, 302/2.2, 301/1, 301/2, 302/5.1 and 302/5.2.2 at Thiruvaniyoor Village, Kunnathunad Taluk, Ernakulam District, Kerala by Sri.Saji K. Alias. (Owner) for M/s Mariyem Industries (File No. 553/SEIAA/KL/4087/2014)

The 44th meeting of SEIAA held on 13/11/2015 had decided that since several complaints with regard to the functioning of the quarry have been received, SEIAA may conduct site inspection and enquire in to the genuineness of matters of the complaints and report to SEIAA. On 30.12.2015 the proponent submitted a copy of the judgment dated 22/12/2015 of the Hon'ble High Court of Kerala in W. P. 37121 of 2015, filed by the proponent holding that if the proponent has complied with the conditions suggested by SEAC he would be entitled for Deemed Clearance. Court directed SEIAA to verify whether the petitioner had complied with all the conditions and to take a decision within two weeks from the date of receipt of copy of the judgment. It was also directed that the objections of the party respondent shall also be adverted to and also the Commission report filed before the Court by Advocate Commissioner, as per order of the Court.

In pursuance of the earlier decision SEIAA decided to conduct site inspection and inform the same decision to the proponent, to satisfy the Court order.

Item No.47.13 **Environmental clearance for the quarry project in Sy. No. 1982 at Vellikulangara Village, Mattathur Panchayath, Chalakkudy Taluk, Thrissur District by Sri. Mathew P Pathrose, Managing Partner, M/s Blue Mountain Granites, Vellikulangara P.O., Chalakkudy, Thrissur - 680699. (File No. 626/SEIAA/EC1/4809/2014)**

On submission of the revised mining plan as per the KMMCR 2015 as per direction of SEAC the proposal was finally considered by SEAC in its 48th meeting held on 6th and 7th November, 2015 and the committee appraised the proposal based on the Mining Plan, Prefeasibility Report, field inspection report and all other documents submitted along with the Form I application and decided to recommend for issuance of Environmental Clearance with the following specific conditions, in addition to the general conditions stipulated for mining projects.

1. Fencing should be provided all around the lease area. The mandatory buffer distance must be left by the side of forest teak plantation, road and HT line.
2. Over burden must be stored in the designated places and provided with protective support walls.
3. The RWH structure and water clarification mechanism provided must be maintained throughout. Periodic desiltation is mandatory.
4. Steps should be taken to limit fly rock within the lease area.

The Authority examined the recommendations. Considering proximity to forest land a buffer distance of 100 meters shall be maintained from the boundary of the land possessed by the proponent. If it is not maintained always, the E.C shall be liable to be withdrawn.

Item No. 47.14 **Environmental clearance for the quarry project in Sy.No. 78/2A Pt at Kumaranellur Village, Karassery Panchayath, Kozhikode Taluk, Kozhikode District, Kerala by Sri.HabeebuRahiman P.M (File No. 646/SEIAA/EC4/4942/2014)**

As per the decision taken by 45th SEAC, field visit was carried out on 2-10-2015 by the sub-committee of SEAC. The major observations are as follows:

- The quarry site is maintained properly.
- Benches have been formed.

- The site protected with sign boards and fencing.
- The water from the site is collected properly, conserved, clarified and discharged to the nearby stream.
- The mining activity can be recommended after stipulating the general conditions.

The proponent submitted the revised Mining Plan and letter of intent as per the KMMC Rule, 2015. The proposal was again placed in the 48th SEAC held on 6/7-11-2015. The Committee appraised the proposal based on the Mining Plan, Prefeasibility Report, field inspection report and all other documents submitted along with the Form I application and decided to recommend for issuance of Environmental Clearance with the general conditions stipulated for mining projects.

Authority accepted the above recommendation and to grant E.C subject to the General Conditions for mining projects. However if any genuine complaints about the quarry is received, E.C issued shall be reviewed.

Item No. 47.15 Environmental clearance for the quarry project in Sy. No. 83/20-1, 83/20-2, 83/10, 83/28, 83/31, 82/13-2, 83/16, 82/9, 83/29, 83/33, 82/13-1, 83/9, 82/5-2, 82/16, 82/10, 82/15, 83/5 & 84 P (Govt. Land) at Mankode village, Kottarakkataluk, Kollam district, Kerala by Sri.M. Abbas (File No. 665/SEIAA/KL/5180/2014)

The 48th meeting of SEAC held on 6/7 Nov. 2015 considered the matter. The Committee appraised the proposal based on the Mining Plan, Prefeasibility Report, field inspection report and all other documents submitted along with the Form I application and decided to recommend for issuance of Environmental Clearance with the following specific conditions, in addition to the general conditions stipulated for mining projects.

1. Workings must be in the form of benches 5m x 5m size and along the strike of the body.
2. The main haulage within the quarry should be developed first for the safe transport of men and material.
3. 100 m buffer distance must be left from the dwelling units

Petition has been filed by Appooppankavu Kshethra Samrakshana Samithi, Plamoodu, Thalavarambu, Chithara P.O., Kollam 691559 against issuance of prior environmental clearance to this quarry, alleging that it would violate the heritage and cultural wellbeing of the area very adjacent to the place of worship. Authority found that there is no mention of the

temple, wild animals etc. in the site inspection report. It was decided that SEAC may consider the petitions against the quarry and report within 15 days.

Item No. 47.16 **Environmental clearance for the building stone quarry project in Sy. No. 402/1, 403/1, 403/2-1 at Chengalam East Village, Kottayam Taluk, Kottayam District, Kerala by Sri. Charles Mathew (File No. 835/SEIAA/EC4/2713/2015)**

The proposal was placed in the 48th SEAC held on 6/7-11-2015. The Committee appraised the proposal based on the Mining Plan, Prefeasibility Report, and all other documents submitted along with the Form I application and decided to recommend for issuance of Environmental Clearance with the following specific conditions, in addition to the general conditions stipulated for mining projects.

1. The set back from the nearby thodu should be maintained.
2. A set back of 100 m from the nearby house should be maintained

Authority accepted the above recommendation and to grant E.C subject to the above specific conditions and the General Conditions for mining projects. However if any genuine complaints about the quarry is received, E.C issued shall be reviewed.

Item No.47.17 **Environmental clearance for the quarry project in Sy. Nos. 459/1, 459/2, 459/2-1, 459/3, 459/4, 460/5, 460/5-1, 461/2, 461/3, 461/4, 461/4-1, 461/5, 461/5-1, at Meenachil Village, Kozhuvanal Panchayath, Meenachil Taluk, Kottayam District, Kerala by Sri.Ebin Jose (File No. 836/SEIAA/EC4/2714/2015)**

The proposal was placed in the 48th meeting of SEAC held on 6/7-11-2015. The area proposed for quarrying is 2.0765 hectares. The life of mine is 10 years. The highest elevation of the proposed site is 129m AMSL and lowest is 121m AMSL. The Committee appraised the proposal based on the Mining Plan, Prefeasibility Report and all other documents submitted along with the Form I application and decided to recommend for issuance of Environmental Clearance with the general conditions stipulated for mining projects

Authority decided to accept the recommendation and to issue E.C subject to the general conditions for mining projects. However if any genuine complaints about the quarry is received, E.C issued shall be reviewed.

Item No. 47.18 **Environmental clearance for the proposed quarry project in Sy. No. 101/5, 101/6, at Edayur Village, Edayur Panchayath,**

**Thirur Taluk, Malappuram District, Kerala by
Sri.BinuCherian(File No. 839/SEIAA/EC1/2717/2015)**

The proposal was considered by SEAC in its 48th meeting held on 6th to 7th November 2015. The area proposed for quarrying is 2.6872 hectares. The life of mine is 10 years. The highest elevation of the proposed site is 150 m AMSL and lowest is 85 m AMSL. Annual production of the unit proposed is 1, 00,000 MTA. The Committee appraised the proposal based on the Mining Plan, Prefeasibility Report and all other documents submitted along with the Form I application and decided to recommend for issuance of Environmental Clearance with the general conditions stipulated for mining projects.

Authority decided to accept the recommendation and to issue E.C subject to the General Conditions for mining projects. However if any genuine complaints about the quarry is received, E.C issued shall be reviewed.

Item no. 47.19

Guidelines or Terms of Reference (ToR) to take up the EIA/EMP study of the installation of additional tanks to store crude oil in special economic zone in Sy. No. 347 at Puthuvypeen Village, Puthuvypeen Taluk, Ernakulam District, Kerala by Sri. G. Radhakrishna Pillai M/s BPCL (File No. 810/EC3/2306/SEIAA/2015)

The ToR submitted by the proponent was accepted in the 46th SEAC meeting with suggestions to include some additional points. As per the decision of 47th meeting of SEAC the proponent has submitted EIA Report prepared by M/s. S.V. Envirolabs & Consultant, Visakapatanam a NABET accredited agency. The proponent has submitted letter from KCZMA (No.119/MS/2015/KCZMA dated 18.09.2015), in which it is stated that the 72nd meeting of KCZMA held on 17.09.2015 considered the application of BPCL for CRZ clearance and made the following recommendations:

‘KCZMA vide the decision on the agenda item no. 72.02.392 in the 72nd KCZMA meeting held on 17.09.2015 and 29.09.2015 decided to recommend the proposal as the proposal is permissible under the provisions of CRZ notifications. hence I am to forward herewith the proposal and inform you that construction of two additional crude oil storage tanks at Puthuvypeen in Ernakulam district is recommended subject to the implementation of safety regulations including guidelines issued by the Oil Industry Safety Directorate of the Ministry of Petroleum and Natural Gas and guidelines issued by MoEF and subject to further terms and conditions for implementation of ameliorative and restorative measures in relation to environment’.

The project falls within CRZ area. The Committee considered the proposal in detail and took into consideration the fact that the proposal is implemented by a public sector undertaking, is situated in a SEZ and is for the expansion of the existing storage capacity. The original application, EIA Report and other connected documents were examined in detail. There after the committee decided to recommend the proposal for issuance of environmental clearance with the following specific conditions in addition to the general conditions and also after incorporating the recommendations of KCZMA.

1. Constant vigil shall be maintained to prevent oil spillage in any form to the backwaters.
2. All safety measures to deal such any such situation shall be properly maintained strictly adhering the relevant rules and protocols.
3. The mitigation measures proposed in EIA reports during the construction and implementation period shall be strictly followed.
4. The entire stretch of the pipeline shall be buried underground except at the booster pumping station, which will be properly fenced and the station would be manned round the clock. The buried lines should be protected with anticorrosive collar based coating. The coating will be tested with high voltage detector in accordance with prescribed standards.
5. Markers shall be installed at every 30 m to indicate the position of the line.
6. The smooth and safe operation of the system will be ensured by incorporating a computerised SCADA (Supervisory Control and Data Acquisition) system.
7. There should be safety boards at critical locations giving emergency instructions as well as contact details of Cochin Refineries Ltd.
8. It shall be ensured that the mangrove along the proposed area, if any shall not be adversely affected due to the project.
9. Storage of petroleum products shall be permitted within the provisions of CRZ Notifications 1991, and its subsequent amendments.
10. The impact of oceanographic parameters on the subsea pipelines such as bulking, slope stability, prediction of marine growth, local bad effects, pipe line spanning, liquefaction, etc. shall be studied.

Authority decided to accept the recommendation and to grant integrated E.C subject to the recommendations of the KCZMA and the above specific conditions recommended by the SEAC and also subject to strict observance of the Chemical Accidents (Emergency Planning, Preparedness and Response) Rules, 1996.

Item No.47.20**SEIAA- Budget allocations – Exhausted – Additional allocations – Proposals (File No. 1293/EC2/2015/SEIAA)**

As per G.O (Ms) No. 15/2015/Envvt dated 28/11/2015 Government have issued orders sanctioning additional project personnel entailing additional expenditure. Authority estimated that the minimum expenditure for the remaining months of the financial year would be as under:

Wages for project staff	-	Rs. 8,60,000.00
Administrator (arrears)	-	Rs. 7,50,000.00
Standing Counsel (arrears)	-	Rs. 11,25,000.00
Rent, stationary	-	Rs. 2,00,000.00
Vehicle	-	Rs. 1,00,000.00
Meeting of SEAC	-	Rs. 2,00,000.00
Computer, Website Furniture etc.	-	Rs. 5,00,000.00
Total	-	Rs. 37,35,000.00

Authority resolved that the DoECC may be requested to move Government for additional allocation by re-appropriation or Supplementary Demands for Grants. This will not entail additional expenditure as SEIAA has already credited about Rs.6.00 Crores by way of processing fee, to the Government Treasury. It was also decided to request Government to release the annual allocations to SEIAA in three instalments from 2016-'17, to be credited to S.B Account No.67175853565 of SBT,Pettah.

It is also decided that the cheques shall be signed by Member Secretary an advance Rs. 10,000/- shall be given to the Administrator to be recouped on production of bills/ vouchers/ Receipts.

Item No. 47.21**Decision of SEAC in the 48th meeting held on 06/07/-11-2015, to be considered by SEIAA.**

Authority discussed at length the observations of SEAC minuted in its 48th meeting held on 06/07/-11-2015, proposed to be taken note of by SEIAA and the memorandum dated 1-1-2015 submitted by the Accredited Consultants (EIA) in the context of SEAC substituting attendance of accredited consultants for presentation of projects for E.C, with a new system sans accredited consultants .On the observations of SEAC the Authority decided as under:

1. Preparation of agenda notes.
2. Pre-appraisal scrutiny of applications.

It is for the precise reason that Government have ordered to spare the services of Dr. Ajayakrishnan, Environment Scientist, DoECC, to SEIAA on working arrangement, as had been provided by detailing Smt. Chanchu, Environment Officer during 2012-14. But the G.O was not implemented.

3. Online processing of EC applications.

SEIAA has already shifted to OSMEC. Applications have been received on line and one has been sent to SEAC. In view of heavy pendency of already received offline applications, in order to maintain the seniority, applications on line cannot be sent to SEAC en-bloc. Also the NIC (MoEF) has not yet furnished individual passwords for Members of SEIAA/SEAC. A few more computer systems are to be procured. However shift to on line after rectify the limitations at present shall be done immediately.

4. Engaging accredited consultants.

Decision of SEAC to do away with the system of accredited consultants attending presentation/representing project proponents, has invited strong opposition from the accredited consultants. SEIAA has received representations in this regard.

It is seen that in the call letter dated 23/12/2015 sent by DoECC and Secretary SEAC to the project proponents for the 50th meeting held on 30/31-12-2015, a condition was included that '*you are requested to be present along with authorized person RQP (for quarries) / Architects (for building for B2 category projects and accredited consultants for B1 category projects*'. The Accredited Consultancy organisation has taken objection to this also as unauthorised.

As per EIA notification 2006/para 7(i) I) the projects requiring on EIA report shall be termed category B1 and remaining projects shall be termed category B2 and will not require and EIA report. For categorization as B1 and B2 MoEF has issued O.M. No. J-13012/12/2013 IA-11(i) dated 24/12/2013. Mining of miner minerals with mining area <25 hector except river sand mining will be appraised as category B2 projects. These projects will be appraised based on the following documents:

- a. Form 1 as per appendix 1 under EIA notification, 2006
- b. Prefeasibility report of the projects.
- c. Mining plans approved by authorised agency of the concerned State Government.

Para 7(i) II of the EIA notification, as amended in 2011 stipulates that all projects or activities listed as category B in the item 8 (a) of the schedule (Building and Construction

projects) shall not require scoping and will be appraised on the basis of form1/form 1A and conceptual plan. As per para 7 (iv) (ii), the appraisal of all projects which are not required to undergo public consultation or submit an EIA report shall be carried on the basis of application form1 and Form 1A as applicable and any other relevant validated information available and site visit, wherever the same is considered as necessary by SEAC.

O.M.No. J-11015/333/2009-1A/1(M) dated 25/2010 further guides that, the authorised representative of the project of the proponent should be a reasonable senior officer/executive duly authorised in writing. In case the consultant is to be nominated as the authorised representative, it should be through an irrevocable power of attorney duly extended and formally registered with the sub registrar concerned. A copy of the authorisation/ registered power of attorney as the case may be should be submitted to the Ministry for record. The authorised representative only participate EAC meeting on the behalf of project proponents. The consultants (s) experts may, however, assist the authorised representative during the meeting.

The action is purportedly because of *'the huge fee small proponents have to shell out for engaging accredited consultants'*. SEIAA assessed the situation as under:

No.	Contention of Accredited Consultants	Decision of SEIAA
1.	8(a)projects(building/construction) are B and not B2. Category B works can be done by consultants only.	As per para 7 (i) 11(i), category 8 (a) projects do not require scoping and will be appraised based on form1, 1A and conceptual plan. As per 7 (iv) (ii) site visit may be conducted where ever it is necessary. The same logic applies against permitting RQPs and Architects, especially also as scoping/EIA is not necessary for B2 and 8(a) projects. Appraisal shall be in accordance with the EIA notification and connected O.Ms of MoEF.
2.	EIA/ EMP building/construction projects can be prepared by accredited consultants only (O.M. dated 02/12/2009) Practice followed in Kerala since 2011.	There is no rule/memorandum that only accredited consultants can prepare form1,1A, PFR/C.P. But EIA/EMP for projects requiring EIA can be prepared by accredited consultants only. Also the question arises why there should be presentation by PP or agent when appraisal is not based on EIA report. O.M dated 28/06/2010 would not apply as it pertain to A or B1 which involve ToR and EIA/EMP document.
3.	Engaging Ac. Consultants is right of the PP. Some PP cannot prepare Form1/1A/EMP. While architects	PP can engage consultants for preparation of Form1/1A/PFR/CP etc.PP has the right to authorise representative, who can be senior

<p>were called for representing PP, accredited consultants were banned.</p> <p>SEIAA may permit Ac. Consultants for presentation before SEAC for building projects and not permit others not accredited.</p>	<p>officer/executive, duly authorised in writing. In case a consultant is authorised, there should be an irrevocable registered power of attorney. Consultants and other experts may assist the authorised representative during the meeting (O.M dated 25/02/2010). Site inspection may more effectively replace the 'presentation' which also entail avoidable expenses to the PP and contribute to delay. SEAC has rightly dispensed with the 'presentation' in the case of mining of ordinary earth. The question whether accredited consultants can be banned in category 8 (a) and B2 projects and RQP and Architects alone permitted to be present before SEAC and whether presentation before SEAC is mandatory for category 8(a) and B2 projects may be taken up with MoEF for clarification. Till then the position under O.M dated 25/02/2010 (ie. nominees as duly authorised by PP attending SEAC) is to be continued.</p>
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Next meeting at 9.30 a.m on 23-1-2016 in the chamber of the Additional Chief Secretary (Environment).

The meeting concluded at 11.30 a.m.

Prof (Dr).K.P JoyDr.J. Subhashini Sri. P.Mara Pandiyan

CHAIRMAN

MEMBER

MEMBER SECRETARY &
ADL. CHIEF SECRETARY
(ENVIRONMENT & FOREST)