

MINUTES OF THE 50TH MEETING OF THE STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY (SEIAA) KERALA HELD ON 25-2-2016 AT 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 50th meeting of SEIAA and the 17th 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 Departments). (Member Secretary SEIAA).

By way of introduction Chairman pointed out that the minutes of the last meeting of SEAC held on 8/9-2-2016 has not yet been received even after 19 days. The delay in getting minutes of the SEAC hampers the functioning of SEIAA and is the main reason for the delay in disposal of the applications under consideration. As per the EIA notification minutes of SEAC shall be furnished within five days after the meeting. Minutes as approved by Chairman and Secretary SEAC may be furnished to SEIAA at least within one week.

Chairman informed the meeting that the proposals for sitting fee/ honorarium for the Chairmen and members of SEIAA/SEAC have been approved by the Hon Minister for Environment and C.M on which Government orders may be issued. Additional Chief Secretary (Environment) informed that the draft G.O need be got vetted by Finance department for which it is being forwarded to that department. Chairman informed that without suitably remunerating the members of SEAC who conduct site inspections, the delay in getting reports and resultant delay in disposal of applications for E.C cannot be avoided. Especially when Government are charging processing fee on every application for E.C the entitlements of the Chairmen / Members may be fixed at the earliest. Hence the Chairman and Member desired to issue orders immediately to be ratified in the Council later, as noted by Minister for Environment and CM in the file.

Item No. 50.01

Confirmation of minutes of 49th SEIAA meeting

Confirmed

Minutes of the 50th meeting of SEIAA held on 25th February 2016

Item No. 50.02 Action taken Report on minutes of 49th meeting of SEIAA held on 5th February 2016.

Hearing of Sri.Tinson John, Mnaging Partner Aiswarya Granites, Elamadu, Kottarakkara (File.129/EC3/2014/SEIAA)

As decided in the meeting of SEIAA held on 5-2-2016 the Authority heard Sri. Tinson John, Proprietor, Aiswaraya Granites, Elamad, Kottarakara. He explained that he purchased the land from M/S PathiBel Ltd in 2007. They were mining with 15 permits of one week duration. Now they have NOC of District Collector Kollam, for quarrying in Govt lands involved. The complaints and agitation of a few persons started in 2012 consequent on their denial for donation for a construction by a religious group without a resolution for the contribution. .Earlier they had contributed to purchase of a bus for the school run by the organization.They have not increased the production from what Pathi Bel was taking. The machinery used are also those used by Pathi Bel. There are no environmental issues. The rock mined is not being taken out for sales. It is being used in their crusher at a distance of 400m from the mining area. They also have a dairy farm nearby. Of the mining areas 3 hectares have been excluded on expiry of permit. It has not been included in the application for EC.The other quarries are working under orders of the Hon. High Court/Supreme Court.

As regards quarrying in patta land assigned for rubber cultivation, it is stated that they have brought it not on patta conditions but from a company which was conducting quarries in theselands. It was Sri. Kabir's parents who originally sold the land for quarrying to Diamond Industries who in turn sold it to Pathi Bel. There is a Govt. Order permitting quarrying in such patta lands. There is also a judgement of the High Court of Kerala in their favour directing to grant EC within 3 weeks. Sri. Tinson John submitted a note containing his statements.

The Authority wanted the party to clarify the issue regarding the nature of the land and how quarrying is possible in the land assigned for agriculture where mining is not permitted.

Item No. 50.03 SEIAA – Petitions on Environmental Clearance and general complaints on illegal quarries and other environmentally degrading activities (individual cases consolidated)

General decisions applicable to quarries having E.C, and in which applications for E.C. is not received may be intimated.

Item No. 50.04 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 the case by six months .No further extension will be allowed.

Item No. 50.05 Environmental clearance for proposed Malabar Medical College Hospital and Research Centre project in Re Sy.Nos.18/1, 4, 5, 19/2A, 2B, 21, 23, 24 in Ward No.1 of Atholi Grama Panchayath and Re Sy. Nos. 8/4, 11, 13, 14/2 in Ward No.12 of Balussery Grama Panchayath at Modakkallur Village, Koyilandy Taluk, Kozhikode District, Kerala by Sri. V. Anil Kumar, M/s Anjaneya Medical Trust (File No. 666/SEIAA/EC4/5181/2014)

Showcause notice was issued as decided in the 43rd meeting held on 16-10-2015. The proponent filed his explanation.

The decision of SEAC to exempt the construction of Medical College building from E.C. was on 29-5-2015. Field visit was on 30-7-2015, when it was seen that the Medical College with hospital already started functioning and patients were admitted. Built up area of the hospital building alone is 23910 m². The explanation having been found unconvincing the Authority decided to take violation proceedings and to call for report on credible action.

Item No. 50.06 Environmental Clearance for the quarry project in Sy. Nos. 46/12, 46/13, 46/1/1, 46/1 at Moonnilavu 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 recommendations of the EAC of the MoEF were placed in the 45th meeting of SEAC held on 11/12-9-2015 for appraisal and recommendation. 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 in the above W.P, 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 submitted revised mining plan. Authority in its 47th meeting held on 7-1-2016 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 was moved for extension of time for implementation of the order in R.P No. 1022/15 in W.P No. 27029/15. Meanwhile the proponent filed contempt of Court Case No. 123/2016 against the Member Secretary SEIAA alleging non implementation of the order in the R.P. No. 1022/2015. Adv. General informed that when the case came up before the High Court on 9-12-2016, the Court declined to give extension of time. It has been advised to comply with the direction in R.P. No. 1022/13 urgently.

The specific order of High Court in the order dated 1-12-2015 in R.P. No.1022/2015 filed by the proponent is that if the petitioner has fulfilled all the conditions in the recommendation, final decision shall be taken by the second respondent/the State Environmental Impact Assessment Authority, in the light of Exts.P2 and P4 issued by the Ministry of Environment, Forests and Climate Change, within a period of one month from the date of receipt of a copy of the order.

Order in the R.P requires the proponent to fulfil all the conditions in the recommendations of the EAC, before final decision is taken by SEIAA, based on the above two documents. Usually such conditions form specific conditions in the E.C. Now that SEAC has not reported on the reference from SEIAA in the 47th meeting held on 7-1-2016, Authority considered the report of the expert committee submitted to the state Govt. in January 2013, which contain specific conditions on mitigation of environmental impacts of this quarry and decided to grant of E.C with the following specific and the modified general conditions for mining projects.

Specific Conditions

1. The quarrying activities of Mankombu granites in mid slope can influence both upslope and downslope considering the topography and settings. Dislodging of loose boulders and rock pieces from the upslope is a possibility and hence strict structural measures have to be ensured.

2. The quarrying operations should not affect the drainage channel on either side of the quarry face.
3. Left over debris should not reach the streams that are in close proximity to the quarry site as it is a drinking water source of the local inhabitants at the downstream.
4. Proper garland drains, slit traps, dust suppression measures noise reduction measures etc. will be mandatory so that human habitations are least affected.
5. As applied for and approved the lease area will be 3.9942 ha with production limit of 2, 40,000 MTA.
 - a. Land use within the lease area during mining will be as follows:
 - b. Pit 3.0842 ha
 - c. Green belt 0.24 ha
 - d. Road 0.01ha
 - e. Infrastructure 0.05 ha
 - f. Undisturbed 0.61
 - g. Total 3.39942 ha**
6. The boundaries of the lease area shall be properly demarcated and the geographic location of the quarry delineated erecting pillar boundary of the lease area on permanent pillars with coordinates conspicuously exhibited at all times.
7. There will be no underground mining activities. Life of mine is expected to be 6.5 years.
8. The bench height will be maintained at 5m and width 6m. Mining will be done from top to bottom by slicing 2.5 m thick. The ultimate depth of the mine working will be 551 m AMSL.
9. At the end of the life of the mine, excavated pit (3.0842ha) will be fully reclaimed and rehabilitated by plantation, leaving no voids.
10. The topsoil excavated (11977cu.m) from the quarry will be dumped separately at predetermined place and utilised for spreading over the reclaimed areas for plantation. OB will be utilised for laying internal haul roads and reclamation.
11. Mining, blasting, mine drainage, stacking of mineral rejects and disposal of wastes environmental management and progressive Mine closure shall be strictly in accordance with the documents submitted to SEIAA.
12. Controlled blasting should be carried out in such a manner that PPV levels are maintained below 10mm/sec and ground vibration resulting from the blasts will not cause any damage to structures in the surroundings and there is no fly rock problem.

13. Muffling arrangement using steel wire mesh overlain by sand bags should be employed for blasting operation in the quarry.
14. Blast timings should be restricted to the times of least traffic as 11- 11.30 am and 2- 2.30pm
15. CSR activity must be conservation oriented in consultation with the Bio Diversity Management Committee of Moonnilavu Grama Panchayat.
16. At the end of mining, the total mined area should not exceed 3.0842 ha.
17. The quarry shall not function between 6.00 p. m. and 8.00 a. m. If the timing condition fixed by the PCB is more stringent that will prevail.
18. Blasting shall be strictly in accordance with the conditions of the Mine Safety Directorate and Chapter 5 of the Mining Plan submitted.
19. The above conditions shall be without prejudice to compliance of more stringent conditions as may be stipulated as per any other statutory requirements or government orders, and in such situations the more stringent conditions will prevail.

Before granting consent to operate, the Kerala state Pollution Control Board shall ensure that the condition precedents to be complied with as in the specific and general conditions are duly complied with.

Validity will be 5 years.

**Item No. 50.07 Construction of Dry dock at Muhamma in Alappuzha District –
NOC called for by Grama Panchayat – (File No.
404/EC4/2016/SEIAA)**

This is a 1700m² construction. The project is not included in the category 'B' of the schedule to EIA notification 2006. This does not require E.C from SEIAA. The Port Department and Muhamma Grama Panchayat may be informed of the above position.

On submission of proof for remittance of processing fee, DoECC may refund the amount collected.

**Item No. 50.08 Extraction of O.E for civil water of CIAL – Application of Sri.
A.M. Mustafa- (File No. 1025/EC3/145/SEIAA/2016)**

In view of the urgency to supply earth for construction of Airport Parking bays, Taxi Links & Installation of associated airfield grounds lighting system in connection with the new International Terminal building of Cochin International Airport Authority decided to grant E.C for extraction of 15000m³ of O.E from 1.5 ha of land as applied for.

Item No. 50.09 SEIAA Removal of O.E- E.C. granted to Smt. Sajeena Anwar-Objection by Palamel Grama Panchayat-Representation against (File No. 157/3421/2013/SEIAA)

The action of Palamel Grama Panchayat authorities in not permitting removal of O.E. despite Judicial Orders and E.C. is not in order. Such a stand would make the whole E.C process meaningless. As requested for, the validity of the E.C. granted is extended till the activity permitted as per the E.C is accomplished in accordance with the conditions therein. That objections related to Environmental Impacts may not be raised by other agencies in such activities having E.C of SEIAA, may be intimated to the Palamel Grama Panchayat, and Police authorities. Petitioner may approach the Hon'ble High Court if the Judgment in W.P 21020/2015 and orders dated 25/04/2013 of the Tribunal for Local Self Government Institution, in Appeal No. 912/2012 have been disobeyed or not implemented by those bound to comply with or implement the orders.

Item No. 50.10 Constitution of DEIAAs/ DEACs at district level by MoEF-

Authority approved the proposals and decided to write to all District Collectors, Pollution Control Board, State Government and MoEF based on the proposals. The question of transferring the applications for mining in 5ha and below now pending with SEIAA will be taken after the DEACs /DEIAA are duly constituted in all districts.

Item No. 50.11 Application for 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 for M/s Mariyem Industries- Notice on contempt of court (File No. 553/SEIAA/EC4/4087/2014)

On 18-2-2016 Adv. Girish, R. sent notice on behalf of Sri. V.A. Bhaskaran that before the site visit he was not heard and it is contempt of the judgment in W.P No. 32698/15 filed by Sri. Bhaskaran. The E.C in respect of the quarry has not been issued. In view of the notice the Authority decided to hear Sri. V. A. Bhaskaran in the next meeting, E.C. to be issued thereafter.

Item No. 50.12 SEIAA – Smt. Vidyalakshmi, Vipin, standing Counsel, NGT (SZ) – Participation in the International Conference on Environment at New Delhi Proposal (5177/EC2/2015/SEIAA)

Additional Chief Secretary (Envnt) informed that action is being taken by Government on the proposal and SEIAA need not pursue the matter.

Item No. 50.13

SEIAA – Purchase of Office Equipments.

Approved

The meeting ended at 12.00 noon.

Sd/-

Prof. (Dr). K.P Joy

CHAIRMAN

Sd/-

Dr.J. Subhashini

MEMBER

Sd/-

Sri. P.Mara Pandiyan I.A.S

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