

**MINUTES OF THE 59<sup>th</sup> MEETING OF THE STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY (SEIAA) KERALA HELD ON 27-9-2016 AT 9.30 A.M IN THE CHAMBER OF THE ADDITIONAL CHIEF SECRETARY TO GOVERNMENT, ENVIRONMENT DEPARTMENT.**

Present:

1. Prof. (Dr). K.P. Joy, Chairman, SEIAA
2. Dr. J. Subhashini, Member, SEIAA
3. Sri.V.S.Senthil. I.A.S. Additional Chief Secretary & Member Secretary, SEIAA.

The 59<sup>th</sup> meeting of SEIAA and the 26<sup>th</sup> 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 Department, Thiruvananthapuram, on 27<sup>th</sup> September 2016, from 09.30 A.M.

**Item No. 59.01 Confirmation of minutes of 58<sup>th</sup> meeting of SEIAA**

Confirmed.

*As for actions to be taken on decisions, Member Secretary wanted stop memos in violation cases and pursuant to genuine complaints, credible information from Police, Revenue Authorities, Mining & Geology Department, Inspection Reports of SEAC etc shall be issued by way of a letter from the Member Secretary immediately after the meeting of SEIAA approving the decision.*

*Proceedings pursuant to decisions of the Authority shall be issued within one week of approval of the minutes.*

*Agenda notes may be prepared in such a manner that the proceedings could be issued based on the notes, reducing the time required for drafting etc.*

**Item No. 59.02 SEIAA – Petitions on Environmental Clearance and general complaints on illegal quarries and other environmentally degrading activities (individual cases consolidated)**





the Supreme Court. The rule violated is not quoted. Authority decided to refer the case to SEAC to give clear findings on the recommendation made, within one month.

*Authority also wanted the details of the land holding whether it is on lease or permit, period of lease/permit, commencement thereof to be indicated in the basic details in the agenda notes.*

**Item No: 59.08**                      **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, Kottarakkara Taluk, Kollam district, Kerala by Sri. M. Abbas (File No. 665/SEIAA/EC3/5180/2014)**

The proposal was considered in the 60<sup>th</sup> Meeting of SEAC held on 28<sup>th</sup> & 29<sup>th</sup> July 2016. The main point of contention was that the land selected for quarry is a govt. Poramboke land falling on the crestal part of a hillock which is held as a heritage site by the local people. The proponent has obtained NOC for quarrying in the Government land involved. The sub-committee of SEAC that conducted site visit felt that further enquiry or site visit cannot be conducted due to the prevailing social tension. SEAC suggested that the proponent and complainant may be called to office for hearing and SEIAA may take appropriate decision and the parties may be informed accordingly. The field visit report is silent as to whether the complaints against grant of E.C are factual. The locational details and veracity of the statements in the application form and allegation in the petitions cannot be verified in a meeting at office as proposed by SEAC. Authority therefore decided to refer the case back to SEAC for clear recommendations based on site inspection.

**Item No: 59.09**                      **Environmental clearance for the quarry project in Sy. No. 133/6-1, 134/9-1, 134/9-2, 134/13, 135/2 and 135/4-1 at Manikkal Village, Nedumangadu, Taluk, Thiruvananthapuram District by Sri. P. Vijayan Nair, for M/s Kunjikuzhi Stones (File No. 708/SEIAA/EC1/5685/2014)**

SEIAA in its 54<sup>th</sup> meeting held on 21-6-2016 asked for a clarification from SEAC on the issue of perceived “vulnerability” of houses in the vicinity. SEAC in the 60<sup>th</sup> meeting held on 28/29-7-2016 felt that nearby houses are ‘slightly vulnerable’ but vulnerability can be mitigated by providing fencing and therefore insisted the 4<sup>th</sup> item of the specific conditions recommended in the 52<sup>nd</sup> meeting on 8/8-2-2016. Authority resolved to refer the case to SEAC to suggest in terms of the assessed vulnerability, specific measures for mitigation in terms of the recommendations.

**Item No: 59.10**

**Environmental clearance for the Proposed quarry project in Sy. Nos. 14/2(p), 14/1, 14/3, 22/3, 22/1, 13/3, 13/2-1, 13/2, 13/1, 13/4-5, 22/4-1, 22/4-2, 22/4-3, 22/4, 22/5-1, 22/5-2, 22/5-2-1, 22/2, 13/9-1, 13/9-2, 13/4-6, 14/5-1, 13/4, 13/4-7, 14/19, 13/4-1, 13/4-2, 13/4-3, 13/19, 13/8-3, 13/8-4, 13/8, 13/8-2, 13/8-1, 13/20, 1/15, 1/4-2, 13/11, 1/3-2(p), 59/10(P) at Thottapuzhassery & Koipuram Village, block no .24 Thiruvalla Taluk, Pathanamthitta District, Kerala by Sri. K.M Mathew (File No. 916/SEIAA/EC4/3670/2015)**

The proposal was considered in the 60<sup>th</sup> Meeting of SEAC held on 28<sup>th</sup> & 29<sup>th</sup> July 2016. The Committee after examining the mining plan, prefeasibility report, field inspection report and all other documents submitted, decided to recommend for issuance of EC subject to general conditions in addition to the following specific conditions for mining.

1. Considering the presence of steep cuttings, and fragmented way of quarrying, it is to be emphasised that the future working will be from the elevated part following the top to bottom approach.
2. The steep cliff like faces to be marked as danger zones with proper fencing and sign boards. They can be exploited only with the advancement of benches.
3. The seasonal stream in the western side is to be maintained with a check dam or any other suitable conservation mechanism.
4. The storm water from the quarry need proper channelization and clarification before it is let out of the lease area.
5. Top soil and over burden need proper storage area on the lower part/ can be partly used for the reclamation of old pits.

Authority decided to accept the recommendations and to issue E.C for the quarry subject to production of affidavit that 100 m distance will be left from the dwelling units.

**Item No.59.11**

**Environmental clearance for the proposed quarry project in Sy.Nos. 238/1, 238/2, 239/1, 239/2, 239/5, 239/6 & 239/7 at Muthalamada 1 Village, Muthalamada Panchayath, Chittur Taluk, Palakkad District by Sri. A.G. Madhavan, Managing Director for M/s Vengunadu Granite and Sands Pvt. Ltd. (File No. 968/SEIAA/EC1/4478/2015)**

As per the direction under Section 5 of Environment (Protection) Act 1986, issued by the MoEF as per F. No. 1-4/2012- REI (Ptr) dated 13-11-2013, to SEIAAs of the Western Ghat States, mining, quarrying and sand mining are prohibited in the ESA villages, except those cases which have been received by SEIAA before 17-04-2013, the date on which the

report of the HLWG (Kasthurirangan Committee) was put on the web site of MoEF. Muthalamada- 1 village is in ESA. Hence the proposal is delisted.

**Item No.59.12**                      **Environmental clearance for the proposed quarry project in Sy. Nos. 896/1, 896/2, 1508/3, 1508/4, 1508/3 & 6, 1510/1 and 1510/3 at Kodassery Village & Panchayat, Chalakudy Taluk, Thrissur District, Kerala application of Sri. Joseph A. Mattam, Managing Director, M/s J.R.T. Rock Products Pvt. Ltd. (File No. 992/SEIAA/EC1/4813/2015)**

The proposal was considered in the 60<sup>th</sup> Meeting of SEAC held on 28<sup>th</sup> & 29<sup>th</sup> July 2016. The Committee noticed that Kodassery forest is situated within 55m towards North East side of the project. So the Committee recommended to SEIAA to reject the proposal. Authority accepted the recommendation and decided to reject the application.

**Item No. 59.13**                      **E.C for quarry of M/S Amity Rock Products (P) Ltd at Kottangal Village, Mallappally Taluk, Pathanamthitta- Distance condition- Review of Petition- reg (File No. 2305/EC4/2015/SEIAA)**

The proposal was considered in the 60<sup>th</sup> Meeting of SEAC held on 28<sup>th</sup> & 29<sup>th</sup> July 2016. Proponent was granted lease in 2005 and quarry is in operation. The project was then granted EC No 98/SEIAA/KL/1387/2013 with a condition to leave a buffer distance of 100 m from the forest boundary on the north. By the time EC was granted, the upper segments of the area had already been quarried leaving a strip of 60 m as buffer zone as per the advice of Directorate of Mining and Geology in 2005. Now the proponent has made a request for relaxation of the condition of '100 m set back from forest boundary' since KMMCR 2015 stipulates a 50 m buffer from forest boundary and this area has already been quarried. The Committee further appraised the proposal in the light of the field inspection report and decided that quarrying shall be allowed only after leaving 100m from the forest boundary.

Authority accepted the recommendation and decided to reject the application for relaxation of the distance condition.

**Item No. 59.14**                      **Environmental clearance for Housing Project (Sobha Rio Vista) in Sy. Nos. 159/28B (p) at Calicut, Feroke Petta (Chandhakadavu), Feroke Village and Panchayath, Kozhikode Taluk, Kozhikode District, Kerala by M/s Sobha Developers Ltd. (File No. 371/SEIAA/EC4/2611/2014)**

In 33<sup>rd</sup> and 36<sup>th</sup> meetings of SEAC, the proponent had been required to furnish certain structural details, which the proponent failed to submit and hence the Committee

recommended to delist the proposal. Before placing the said recommendation in SEIAA for decision, the proponent submitted the clarifications which were placed in the 55<sup>th</sup> meeting of SEAC held on 10/11/20-5-2016. The Committee observed that the proposal was recommended to be delisted in the 53<sup>rd</sup> meeting held on 25/26-2-2016 so that it can be considered only after a decision of SEIAA.

In view of the clarifications offered and report of the KCZMA that the project does not attract CRZ restrictions SEAC was requested by the 54<sup>th</sup> meeting of SEIAA held on 21-6-2016 to reappraise the project in the light of O/M No. 22-154/2015 – 1A/III dated 10/11/2015, of MoEF, insisting that the SEIAA/SEAC need not focus on the other issues which are normally looked after by concerned local bodies/state Government Department/State Pollution Control Board.

The proposal was again placed in the 60<sup>th</sup> meeting of SEAC held on 28/29-7-2016. It was appraised considering the Form I, Form IA, Conceptual Plan and the other documents and details provided by the proponent. The proposal was recommended for issuance of EC subject to general condition in addition to specific condition as follows;

1. Dependable yield of well must be reported to SEIAA
2. Mechanism must be installed at the site to prevent the mixing of harvested rain water and waste water.
3. Excavated earth from the site shall be completely used internally. No part of it shall be taken out of the project site.
4. Proper ventilation shall be provided in the vehicle parking area

The Authority examined the whole case in the light of the recommendations. It is seen that recurring amount given in the CSR undertaking is Rs. 12, 36,500 whereas schemes worth only Rs.10, 97,500 have been proposed. The trees uprooted at the site shall be replanted in the proposed green belt as a part of greening initiatives. Proponent must furnish the entire CSR undertakings rectifying the discrepancy, to be approved by SEIAA for consideration for E.C.

*Authority directed that the chronological order of facts and events adduced in the agenda notes shall be correct and logically arranged. Care must be taken to ensure that the facts stated therein are unambiguous.*

**Item No.59.15**

**Environmental clearance for proposed apartments (Silver Linden) Project in Sy. Nos. 208/1A at Panniyankara Village,**

*Minutes of the 59<sup>th</sup> meeting of SEIAA held on 27<sup>th</sup> September 2016*

**Kozhikode Taluk, Kozhikode District, Kerala by M/s Malabar Highview Builders Pvt. Ltd –Request for withdrawal of application reg-(File No. 436/SEIAA/EC4/2996/2014)**

36<sup>th</sup> SEAC held on 31-10- 2014 recommended for rejection of the proposal and to initiate violation proceedings as construction had been started.

The Authority in the 36<sup>th</sup> meeting held on 18-4- 2015 decided to issue stop memo, to reject the proposal and to initiate violation proceedings. Subsequent request to regularise the violation by imposition of penalty, was considered in the 40<sup>th</sup> meeting of SEIAA. The Authority decided to initiate violation proceedings and also to reject the application. The decisions were intimated to the District Collector Kozhikode.

The proponent submitted a request dated 17/03/2016 stating that it was intended to construct the apartment project with built up area of 20,809.70m<sup>2</sup> and the building permit was obtained from Kozhikode Corporation for the same. As on date they have constructed only 19,243.12m<sup>2</sup> of built up area. The management has decided that the total built up area of the apartment project be limited to 19957.99 m<sup>2</sup>. Since the built-up area is less than 20,000m<sup>2</sup>, there is no violation of provisions of Environment Act. The application submitted for obtaining EC became irrelevant and hence they have requested to permit to withdraw the application, and to inform all concerned not to proceed with the violation proceedings. The proponent has produced copy of the building permit and work stage certificate, issued by Corporation of Kozhikode.

The proposal was considered in the 60<sup>th</sup> meeting of SEAC held on 28<sup>th</sup> & 29<sup>th</sup> July 2016. Committee observed that since the proponent had already taken building permit from the Corporation for the area above 20,000m<sup>2</sup>, the Corporation may be informed to verify the constructed area before giving the completion certificate and that SEIAA may decide permitting the withdrawal of application.

The application is already rejected. It cannot be permitted to be withdrawn. Also the documents produced to evidence the conformity with EIA Notification, to get the construction exempted from the threshold of plinth area requirement are irrelevant and, do not prove the points for which they have been provided. Authority assessed that this is a clear case of deliberate violation. District Collector has to take credible action under Sections 15



and 19 of the Environment (Protection) Act -1986 as already directed, and to report the action taken within two months.

**Item No. 59.16**                      **Environmental clearance for the Proposed Building Stone quarry project in Sy. Nos. 1257/2, 1257/3, 1257/4, 1258/1, 1258/2, 1258/3, 1258/6, 1271/4 (pt) & 1271/5 (pt) at Kadangode Village, Thalappilly Taluk, Thrissur District, Kerala by Sri.Boby, C. (File No. 854/SEIAA/EC1/2978/2015)**

The proposal was considered in the 60<sup>th</sup> meeting of SEAC held on 28/29-7-2016. The Committee appraised the proposal and noticed that the proponent failed to follow the minutes of 50<sup>th</sup> meeting of SEAC held on 30/31-12- 2015 and also he didn't submit the revised Mining Plan as per KMMC Rule 2015 so far. Therefore the Committee recommended to delist the proposal.

The recommendation is accepted. The proposal will be delisted.

**Item No. 59.17**                      **Environmental clearance for the proposed Residential Project by M/s Claysys lifestyle Pvt. Ltd. in Survey nos. 392/30, 392/31, 395/7-3, 395/7-4, 392/28, 392/29, 395/1-5, 395/1-6 in Block 36 at Kunnathunadu Village, Puthencruz Panchayath, Kunnathunadu Taluk, Ernakulam District, Application of Mr. P.V.S. VinodTharakan, M/s Claysys lifestyle Pvt. Ltd. (File No. 867/SEIAA/EC3/3098/2015)**

Field visit to the project site was carried out on 22.06.2016 by a Sub-committee members of SEAC report on which states that; '*Work has been initiated in the first part for which necessary permits have been obtained*'. Authority wanted to get it clarified as to what are the works started and the extent. Field inspection report may also be furnished.

**Item No. 59.18**                      **Environmental clearance for the residential cum commercial project in Sy. Nos. 220/13-2, 220/13-1, 220/13- 1, 220/7, 220/8-1, 220/8-2, 220/14, 221/1, 221/1-1, 221/1-2, 221/1-3 at Pangappara Village and Pangappara Panchayath, Thiruvananthapuram Taluk, Thiruvananthapuram District, Kerala by Sri. Joyis Jose, General Manger; LADDER (File No. 896/SEIAA/EC1/3457/2015)**

Application for prior environmental clearance for the proposed capital hill flat cum commercial project at Pangappara, Trivandrum. Total built up area is 35112.69 m<sup>2</sup>. But the expected cost is stated to be 82 lakhs. The Authority doubted the veracity of the cost estimated. Also there is no CSR undertaking. Field visit report has also not been furnished.

Authority decided to refer the case to SEAC for clarifications on the above and for field visit report.

**Item No.59.19 Decision on defective pending applications for Environmental Clearance in SEIAA – reg. (File No. 871/SEIAA/EC1/3102/2015)**

The following applications for ECs are pending with SEIAA, for non-submission of approved Mining Plan. As per the general decision of SEIAA in the 35<sup>th</sup> meeting held on 09-04-2015 the defect has already been communicated to the proponents. But there is no response till date

Sl.No	File No	Name of Proponent	Date of intimation	Details of required documents
1	871/SEIAA/EC1/3102/2015	Sri. Arun Varghese,	01-04-2016	Approved Mining Plan
2	876/SEIAA/EC1/3157/2015	Sri. A MohamoodBasheer,	01-04-2016	Approved Mining Plan
3	877/SEIAA/EC1/3158/2015	Sri. A MohamoodBasheer	01-04-2016	Approved Mining Plan
4	933/SEIAA/EC1/3910/2015	Sri. Aniyam Mathew	01-04-2016	Approved Mining Plan
5	976/SEIAA/EC1/4551/2015	Sri. Ramachandran, N.,	01-04-2016	Approved Mining Plan
6	540/SEIAA/EC4/3884/2014	Sri. M. P. Kuriakose	27-06-2016	Approved Mining Plan and processing fee

As these cases are pending for fault of the applicants, and contribute to the list of long pending cases, Authority decided to reject the cases and to inform the applicants.

**Item No. 59.20 Environmental clearance for the building stone quarry project in Sy. No. 328/2-1, 2-2, 3,6, 326/1-2,1-1,2, 325/2,4,5, 301/34,37 at Chadayamangalam village, Kottarakkara (Taluk), Kollam district, by Sri. Shaji. S (File no. 752/SEIAA/KL/301/2015)**

The proponent represented that the Survey numbers **301/34, 301/37 and 328/6** were not included in the revised mining plan he had submitted and hence to issue revised E.C with Survey numbers **328/3, 328/2-1 (P), 328/2-2 (P), 326/1-1, 326/1-2, 326/2 (P), 325/2, 325/4 and 325/5** only as in the revised mining plan.

Authority agreed to modify the E.C issued on submission of revised Form.1 by the proponent with the survey numbers as included in the approved Mining Plan as per KMMC Rules 2015 as appraised by SEAC for issue of the E.C.

It was also directed that in such cases of amendment proposals only the details of the error occurred need be stated in the notes to the Authority.

**Based on inputs from Chairman and Member Secretary, Authority also decided that:**

- 1. The website of the Authority may be modified with provisions for uploading details of complaints received, and status of violation proceedings, with link to petitions and compliance reports, stop memos issued, and action taken in each case.**
- 2. Training programmes at regional level to be held next month for all members /Chairmen of DEIAA/DEACs on EIA procedure and grant of E.C for mining of minor minerals, to be dealt with by them. Chairmen and Members of SEIAA/SEAC may impart training on matters to be dealt with by DEIAA and DEAC respectively.**
- 3. SEIAA being only a regulatory agency and not charged with any programme implementation, the annual budgetary allocations now being provided in the plan budget of Environment department needs to be shifted to a non-plan head of account. Estimates for the administrative, regulatory and logistical budgetary support to be provided by the State Government may be under appropriate Non-plan heads of account, so that the present delay in getting the funds released in time could be avoided.**
- 4. The Processing Fee being levied on applications for environmental clearance and now remitted to Govt. Treasury may be availed of by SEIAA for the purpose for which it is being collected from applicants. If not, adequate funds for the activities of the Authority may be made available as non-plan grants as proposed above, for which Government may be moved with data regarding the requirements under each activity and liability.**
- 5. Chairman wanted draft budget proposals for SEIAA for 207-18 to be prepared and submitted for approval of the Authority to be proposed to Government.**

6. **A separate meeting of the Authority may be held for deliberating on issues on structuring the Authority and matters of staff required Accounts and Statutory Audit etc.**

The meeting concluded at 11.30.It was decided to hold the next meeting on 22-10-2016.

Dr. K.P. JOY  
**Chairman**

Dr. J. SUBHASHINI  
**Member**

Sri.V.S.SENTHIL. I.A.S  
**Member Secretary**