

MINUTES OF THE 73rd MEETING OF THE STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY (SEIAA) KERALA HELD ON 15.09.2017 AT 10.00 AM AT HARITHASREE HALL, STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY (SEIAA) KERALA.

Present:

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

The 73rd meeting of SEIAA and the 40th meeting of the Authority as constituted by the notification No. S.O. 804 (F) dated 19-3-2015 was held at Harithasree Hall, State Environment Impact Assessment Authority, Kerala on 15th September 2017 from 10.00 A.M. with the Chairman, Dr.K.P.Joy in the chair. The Chairman welcomed the members.

Item No: 73.01 Confirmation of Minutes of 72nd SEIAA Meeting

Confirmed

Item No : 73.02 Environmental Clearance for the Proposed Expansion of the Existing Residential Project Survey No. 111/11A, Edappally South Village, Cochin Corporation, Kanayannur Taluk, Ernakulam District, Kerala By Mr. RAHUL R, Secretary, M/s Civil Service Officers Housing (File No. 1080/EC3/SEIAA/2015)

Mr. Rahul R, Secretary, M/s Civil Service Officers Housing, Cooperative Society Ltd., "The Lantern", Thaliparambu Jn., Vennala P.O., Ernakulam, Kerala-682028, vide his application received online and, has sought Environmental Clearance under EIA Notification, 2006 for the Proposed Expansion of the Existing Residential Project Survey No. 111/11A, Edappally South Village, Cochin Corporation, Kanayannur Taluk, Ernakulam District, Kerala. It is interalia, noted that the project comes under the Category B, 8(a) of Schedule of EIA Notification 2006.

The total plot area of the proposed project is 0.59 ha. and the total built-up area of about 21,230.96 sq.m. (Existing 19,945.25 sq.m. + Proposed 1,285.71 sq.m.) and 95

residential units with supporting infrastructure facilities. The total power requirement is 630 kW which will be sourced through Kerala State Electricity Board & D.G. Set (standby). The maximum height from ground level of the proposed project is 45m. No forest land is involved in the present project. The total project cost is 70 Crores.

The proposal was considered in the 70th meeting of SEAC held on 04th & 05th April 2017 and decided to defer the item for field inspection and for submission of the proof for having applied for Wild Life Clearance.

Accordingly, the Subcommittee of SEAC conducted the field visit on 03.05.2017 and also the proponent has submitted the documents sought by 70th SEAC.

The proposal was considered in the 72nd meeting of SEAC held on 8th and 9th May 2017. The proposal was appraised by the Committee considering Form I, Form IA, Conceptual plan, field visit report and all other documents and details provided by the proponent. The Committee verified the additional documents submitted by the proponent and found satisfactory. The Committee decided to **Recommend for issuance of EC** subject to the general conditions in addition to the following specific condition.

- i) *The drain passing along the boundary which is in a disused condition should be maintained properly for ensuring proper hygiene .*

The proposal was placed in the 71st meeting of SEIAA held on 20th July 2017. Since the Inspection team reported that the proposal is an expansion of the existing building and the work is progressing, Authority decided to defer the item for detailed examination to ascertain whether there is violation and place in the next meeting.

Authority decided to authorise the Chairman to ascertain whether the construction already carried out attract violation proceedings and report at the earliest and place in the next meeting.

Item No: 73.03 Environmental clearance for proposed expansion of existing hospital project in Sy. No. 1486/1-4-3-2, 1486/1-4-3, 1486/1-1, 1486/1-4-2, 1486/3-2, 1486, 1486, 1486/3-1, 1486, 1486/1-4-3-2, 1486/1-4-3-1, 1486/1-4-1, 1486/4-18, 1486/2, 1479/3-5, 1479/3-6, 1479/3-4, 1479/3-3, 1482/1-1, 1482/1-5, 1482/4-30, 1482/4-29, 1482/4-23, 1482/4-27, 1482/1-4-1, 1482/1-4-2, 1482/1-2, 1486/2, 1486/1-4-3-1, 1482/1-1, 1486/2-1, 1482/1-1-2, 1482/4-22, 1482/4-22-7, 1482/4-12, 1482/4-25, 1482/1-8, 1482/1-6, 1482/1-3, 1482/1-4, 1482/1-7, 1482/1-2, 1482/4-24-2, 1482/3-2-1-1-2-1, 1482/3-2-1-2, 1482/3-2-1, 1482/4-22, 1482/3-2-1-1-1, 1482/3-2-1-2, 1482/3-2-1-2-1, 1482/4-18-1,

1482/4-18-1, 1482/3, 1482/3-2-1, 1482/3-1-1, 1482/3-1, 1486/1-4-4, 1486/1-5-1-1, 1482/4-26, 1482/4-27, 1482/4-27, 1482/4-27-1, 1482/4-27, 1482/4-27-1, 1482/1, 1482/1-1-1, 1482/3-3-1, 1482/3-3-2, 1482/3-3, 1485/1, 1485/2, 1485/3, 1485/4, 1485/5, 1485/7, 1485/8, 1485/9, 1485/10 Kadakampally Village, Trivandrum Municipal Corporation, Trivandrum Taluk & District, Kerala State by Mr. E.M. Najeeb, Executive Director, M/s KIMS Healthcare Management Ltd. (File No. 1085/EC1/SEIAA/2016)

Sri. E.M. Najeeb, Executive Director, M/s KIMS Healthcare Management Ltd. P.B. No. # 1, Anayara P.O., Trivandrum, Kerala-695029, vide his application received online on 2nd May 2016 and acceptance letter for online application was given by SEIAA on 4th November 2016, has sought Environmental Clearance under EIA Notification, 2006 for the quarry project in Sy. No. 1486/1-4-3-2, 1486/1-4-3, 1486/1-1, 1486/1-4-2, 1486/3-2, 1486, 1486, 1486/3-1, 1486, 1486/1-4-3-2, 1486/1-4-3-1, 1486/1-4-1, 1486/4-18, 1486/2, 1479/3-5, 1479/3-6, 1479/3-4, 1479/3-3, 1482/1-1, 1482/1-5, 1482/4-30, 1482/4-29, 1482/4-23, 1482/4-27, 1482/1-4-1, 1482/1-4-2, 1482/1-2, 1486/2, 1486/1-4-3-1, 1482/1-1, 1486/2-1, 1482/1-1-2, 1482/4-22, 1482/4-22-7, 1482/4-12, 1482/4-25, 1482/1-8, 1482/1-6, 1482/1-3, 1482/1-4, 1482/1-7, 1482/1-2, 1482/4-24-2, 1482/3-2-1-1-2-1, 1482/3-2-1-2, 1482/3-2-1, 1482/4-22, 1482/3-2-1-1-1, 1482/3-2-1-2, 1482/3-2-1-2-1, 1482/4-18-1, 1482/4-18-1, 1482/3, 1482/3-2-1, 1482/3-1-1, 1482/3-1, 1486/1-4-4, 1486/1-5-1-1, 1482/4-26, 1482/4-27, 1482/4-27, 1482/4-27-1, 1482/4-27, 1482/4-27-1, 1482/1, 1482/1-1-1, 1482/3-3-1, 1482/3-3-2, 1482/3-3, 1485/1, 1485/2, 1485/3, 1485/4, 1485/5, 1485/7, 1485/8, 1485/9, 1485/10 Kadakampally Village, Trivandrum Municipal Corporation, Trivandrum Taluk & District, Kerala. It is interalia, noted that the project comes under the Category B, 8(a) of Schedule of EIA Notification 2006. No forest land is involved in the present project. The proposed project site falls within Latitude 8⁰30'52.92" N to 8⁰30'46.64" to Longitude 76⁰54'40.23"E to 76⁰54'30.85" N.

The height of the proposed building is 30 m. and the total plot area of the proposed project is 2.6420 ha. (26,420.43 sq. m.) and the total built-up area is 78,669 sq.m. (existing 37,160 sq.m. + proposed 41,509 sq.m.). The total power requirement is about 5989.98 kW (existing 4419.98 kW + Proposed 1570 kW). Total project cost is about Rs. 300 Crores. The project area does not fall into any ESA village.

The proposed project was awarded 'Green Gold Provisional certification' (IGBC Registration No. NBO 16 0932) by Indian Green Building Council (IGBC) on September 2016.

The proposal was considered in the 68th meeting of SEAC, Kerala, held on 20th & 21st February 2017 and deferred the item for field visit to examine among other things the following aspects such as Parking facilities, Water Balance, Waste Management, Alternate parking facility during construction phase.

Accordingly, the Subcommittee Members of SEAC carried out site inspection on 07.03.2017 and reported as follows ;

Field visit to the project site of expansion of existing hospital by M/s KIMS healthcare management limited was carried out on 07.03.2017 by the sub-committee of SEAC, Kerala, comprising Sri. S. Ajaya Kumar, Dr. George Chackacherry and Sri. John Mathai. The proponent and their representatives were present at the site. The general layout of the structures within the proposed campus, terrain conditions of the site, limit of excavation, storm water management, component of RWH, internal traffic management, parking provisions, other facilities in the vicinity etc were examined.

The project is the expansion of the existing hospital which is located in Kadakampally village, Thiruvananthapuram Taluk. The land having an extent of 264.20 Ares is owned by M/s Great India Healthcare management Limited as per the application. Total built up area is 78669sq.m consisting of existing area of 37,160 sq.m and proposed built up area of 41,509 sq.m. Following observations were made during the inspection.

- 1. Existing hospital is having builtuparea more than 20,000 sq.m but was constructed without EC. The proponents informed that the construction was made in parts with during different time periods and therefore EC was not required at that time. The inspection team asked the proponents to submit their reasoning in writing with necessary documentary proofs.*
- 2. The proponent told that the parking is adequate as per relevant building rule and appropriate government bodies shall be responsible for scrutinising the requirement. The total project contains three separate buildings. One old building on southern side of the road and another building and proposed building on the northern side of the road. The drawing attached to the application mentions carparking for the proposed building and one existing building and do not mention the parking requirement or*

parking availability for one existing building. However, the subcommittee feels that the project of this size and importance needs more car parking space. The requirement of dedicated parking for the Doctors and Staff of KIMS (1490 persons) itself need to be taken into consideration besides the visitors parking. The proponents discussed the feasibility of providing more parking spaces and promised to submit enhanced parking facilities at the project site. Even though the parking may be adequate as per local building rules, it must be enhanced for satisfactory traffic performance of such a large hospital. Therefore, a parking plan should be sought from the proponent showing parking requirement for all the three blocks collectively with available parking (existing + proposed).

- 3. The proposed construction in proposed at the present parking lot which cannot be used during the construction period. Therefore, adequate provision is to be provided during the construction period. The proponents told that they are providing adequate space during construction time at another location. The plan of that area should be sought from the proponents. Parking/obstruction shall be prohibited on the proposed 16 m wide approach road from Poonthi road.*
- 4. All the entry and exits except one are provided to the existing road leading to air force station. But one exit is provided at the junction itself which will cause traffic congestion at the junction. This exit should be closed and alternate arrangements should be made.*
- 5. Water requirement is calculated to be 5 lakh litres per day which is expected from KWA. The dependency on KWA shall be minimised and rain water harvesting tank of 35 lakh litre capacity (7 days requirement) shall be provided.*
- 6. Emergency Assembly points are adequate.*
- 7. Hazardous waste management is adequate. However, the proponent is requested to submit a detailed process description of waste management including processing of radio isotope waste.*
- 8. Excavation for basement in loose earth must be carried out with utmost care such that the sides are adequately supported to prevent any kind of slumping. The steep slopes of the elevated northern flank also need modification with toe/side support. Detailed plan for this activity should be submitted.*

9. *Excavation is likely to result in excess earth which be given for governmental purposes under intimation to the District Collector.*

The proposal was again considered in the 69th meeting of SEAC, Kerala, held on 09th & 10th March, 2017 and deferred the item for submission of the above clarifications sought in the field visit report.

Subsequently, the proponent has submitted the documents sought by the 69th SEAC. The proposal was again placed in the 71st meeting of SEAC held on 20th & 21st April 2017. The Committee verified the additional documents submitted by the proponent. The Committee was not convinced with the explanations given by the proponent that there was no requirement of Environment Clearance for the existing two buildings. The Committee opined that the combined built up area of both the existing buildings exceed the threshold limit of EIA Notification 2006 and therefore violates the provisions of the notification.

However, since the proponent requested for time to produce further documents in support of his argument that there was no violation in the construction, the Committee decided to defer the item.

Later the proponent has submitted the documents sought by SEAC in its 71st meeting. The proposal was considered in the 73rd meeting of SEAC held on 30th and 31st May 2017. The Committee appraised the proposal on the basis of the Form I and Form IA application, conceptual plan, environment management plan, field inspection report of the sub-committee, explanations submitted by the proponent and other connected documents.

The sub-committee during its site inspection has observed that the total built up area of the existing two buildings of the hospital complex is more than 20000 sq.m and there could be a possible case of violation. Accordingly the proponent was asked to explain the position. In the written explanations the proponent has admitted that the total built up area of the two existing buildings is 37160 m². But according to him if the following two aspects are taken into consideration there is no violation.

1) The existing two buildings are in two different plots separated by a PWD road . Hence as per the building rules they are to be considered as separate structures and treated accordingly. Hence combined area cannot be reckoned for considering for the EC. Further, the first

building of 25640 sq.m was completed much before the 2006 EIA notification and received completion report on 2.8.2005. Hence there is no violation.

The Committee rejected the above argument as the hospital as such is functioning as a single unit intimately sharing common amenities and services and whatsoever impacts it is making on the environment has to be assessed together.

2) As regards the second argument the proponent argues that the permit for the second building was granted on 24.4.2006 (Before the EIA notification) for 3 floors. Though the application for revised permit was submitted well before the EIA notification, due to administrative delay it was issued only on 3.2.2007. According to the proponent the EIA notification is applicable only to constructions commenced after the publication of EIA notification on 14.09.2006. In this case construction commenced well before the above date and hence there is no violation.

The EIA notification dated 14.09 2006 does not offer any such relief to the on-going constructions. Considering the circumstances of the case the Committee observed that there is a non –intentional technical violation. It deserves a lenient consideration. If the decision of SEIAA is to proceed further against the violation it may be done in accordance with procedures prevailed prior to 14.03.2017, the date on which MoEF issued notification revising procedures for treating cases involving violations, as the delay in processing the application received in SEIAA on 10.11.2016 is due to the administrative shortcomings.

The committee took the commitments intimated by the proponent vide letter dated 29.03.2017 into record and decided to recommend for issuance of EC subject to the general condition along with the specific conditions

1. Enhance total car parking facility for 648 cars which will include mechanical, multilevel and conventional car parking.
2. Parking facilities for 650 two wheelers
3. During construction stage proponent agreed to provide parking facility in a space away from the site with free to and fro shuttle service.
4. Rainwater storage capacity shall be increased to 3500 KL.
5. The sewage will be treated and recycled within the site itself.

6. Exit and entry will be as per revised plan submitted.
7. Emergency assembly points as shown in the revised conceptual plan should be provided.
8. Adequate safety measures shall be ensured to prevent slope failure of steep cutting.
9. Excess earth excavated shall be disposed off without causing environmental problem.

The proponent agreed to spend Rs.1 crore over a period of 3 years for CSR activities for the welfare of the local community in consultation with the local body. For the subsequent years SEIAA may obtain an appropriate commitment from the proponent.

The proposal was placed in the 71st meeting of SEIAA held on 20th July 2017. Authority decided to defer the item for detailed examination to ascertain whether there is violation of EIA Notification and place in the next meeting.

In the meantime, the proponent has submitted a representation dt.12.09.2017. They claim that as per the EIA Notification (Amendment) dt.07.07.2004, wherein building construction prior to 07.07.2004 are not required to take environmental clearance. One Sri. K.J. Chacko has submitted complaint against the above project alleging that the area of the project comes under Wetlands as per the National Wetland Atlas Inventory published by Government of India.

Authority considered the representation submitted by the proponent dt.12.09.2017. In the light of the representation, SEAC may re-examine the project whether there is a non-intentional technical violation or not and give unambiguous recommendation. No where in the EIA Notification, 'there is provision for lenient consideration', as noted in the minutes of SEAC. SEAC may take a decision to give a clear-cut recommendation after verifying the representation of the proponent dated. 12.09.17 and hearing the project proponent and the complainant within a period of one month. SEAC may also re-examine the following points;

- 1) Whether the building connectivity needs NOC from Corporation & PWD?
- 2) Examine whether the designated parking area is used as paid parking ?

Item No: 73.04 **Environmental clearance for the quarry project in Sy. No. 164/1-1 (1), 164/1-1(2), 164/1-20, 164/1-21, 164/1-22, 164/1-23, 164/1-24, 197/1, 197/2-1, 197/2-2, 197/2-3, 200/1-1, 200/1-2, 200/1-3, 200/3-2, 200/4-2, 200/5 and 200/12 of Block – 19 Ayyampuzha Village, Aluva Taluk, Ernakulam district, Kerala by Sri. Joji P.L., M/s. Star Granites (File No. 759/SEIAA/KL/436/2015)**

Sri. Joji P.L., Partner, M/s. Star Granites, Angamaly, Ernakulam District vide his application dated nil received on 09/02/2015 has sought Environmental Clearance under EIA Notification, 2006 for proposed expansion of building stone quarry in an area of 4.4796 Hectares and the proponent was also submitted mining plan for 6.2375 Ha. of Block - 19 at Ayyampuza Village, Aluva Taluk, Ernakulam District by Sri. Joji P. L., Partner, M/s. Star Granites in Sy. No. 164/1-1 (1), 164/1-1(2), 164/1-20, 164/1-21, 164/1-22, 164/1-23, 164/1-24, 197/1, 197/2-1, 197/2-2, 197/2-3, 200/1-1, 200/1-2, 200/1-3, 200/3-2, 200/4-2, 200/5 and 200/12 of Block – 19 Ayyampuzha village, Aluva Taluk, Ernakulam district, Kerala. The proposed project is for quarrying of 37036 m³ per annum of building stone. The project comes under Category B2 as per Notification No.S.O.141 (E) dt.15.01.2016 of Ministry of Environment and Forests, since the area of the project is below 25 hectares. The proposed project is for quarrying of 37036 m³ per annum of building stone. It is an existing quarry with mining lease period of 10years (10.03.2008 to 09.03.2018).

The proposal was placed in the 54th meeting of SEAC held on 6th and 7th April, 2016. The Committee examined the proposal and decided to inform that the proponent to submit a realistic CSR and also the details of existing flora and fauna especially the status of the endangered species if any. The proponent should submit the contour map and storm water drainage management plan of the area for further appraisal. Hence the item was deferred.

A letter has been sent to the proponent for the production of above details/documents by return. Subsequently, the proponent has submitted the additional details/documents sought by the 54th SEAC. Meanwhile, the proponent was also submitted revised application form, Form I, PFR and EMP report.

The proposal was placed in the 62nd meeting of SEAC held on 6th & 7th September 2016 and decided to defer the item for field visit.

Subsequently, site visit was conducted on 08.04.2017 by Subcommittee consisting of Er.P.Sreekumaran Nair, Dr.K.G.Padmakumar & Dr.E.A.Jayson and submitted their report.

The proposal was considered in the 73rd meeting of SEAC held on 30th and 31st May 2017. The Committee verified the additional documents submitted by the proponent and found satisfactory. Based on the Mining plan, Form.1, all other documents submitted with the proposal and the field visit report, the committee decided to **Recommend for issuance of EC** subject to general conditions in addition to the following specific condition.

1. *If any plant species endemic to Western Ghats are noticed in the area they shall be properly protected in situ or by transplanting to an appropriate location inside the lease area.*

A commitment may be obtained from the proponent to set apart Rs.5 lakh (non-recurring) and Rs.5 lakh per annum (recurring) for CSR activities for the welfare of the local community in consultation with the local body.

Authority considered the proposal in the 72nd meeting of SEIAA held on 01st August 2017 and found that the proponent has not submitted the basic information inspite of repeated reminders. Authority decided to defer the proposal for receipt of basic information asker for. Meanwhile the proponent has submitted the basic information.

Authority accepted the recommendation of SEAC and decided to issue EC subject to obtaining legal opinion as decided in the 66th SEIAA meeting whether quarrying on lease areas without Environmental Clearance also come under the scope of violation.

EC is recommended subject to the general condition in addition to the following specific conditions.

1. *Fencing should be properly done.*
2. *Mandatory sign boards are to be in place.*
3. *More numbers of sprinklers is to be provided around the crusher unit to suppress dust.*
4. *Worker facilities, resting area are poor. So the general conditions are to be strictly adhered to immediately.*
5. *If any plant species endemic to Western Ghats are noticed in the area they shall be properly protected in situ or by transplanting to an appropriate location inside the lease area.*

The proponent should set apart an amount of Rs.5 lakh (non-recurring) and Rs.5 lakh per annum (recurring) for CSR activities for the welfare of the local community in consultation with the local Panchayat. EC will be issued only after fulfilling all the pre-mining conditions in the project site. A notarised affidavit stating that all the above conditions have been fulfilled should be submitted and also agreeing to all the general and specific conditions.

Item No: 73.05 Environmental clearance for the quarry project in Sy. Nos. 164/35(P), 164/1-41, 164/1-44 &164/1-45, Ayyampuzha Village, Aluva Taluk,

Ernakulam District, Kerala State by Mr. John Kachappilly, M/s. Udaya Rock Products (File No. 995/SEIAA/ EC3/4888/2015)

Sri. C. John Kachappilly, M/s Udaya Rock Products, Chully P.O., Thanicode Ernakulam District, Kerala - 683581, vide his application received on 25/11/2015, has sought Environmental Clearance under EIA Notification, 2006 for the quarry project in Sy. Nos. 164/35(P), 164/1-41, 164/1-44 & 164/1-45, Ayyampuzha Village, Aluva Taluk, Ernakulam District, Kerala State for an area of 1.81.12 ha out of 2.25.37 ha. The project comes under Category B2 as per Notification No.S.O.141 (E) dt.15.01.2016 of Ministry of Environment and Forests, since the area of the project is below 25 hectares.

The proposed project site falls within Latitude 10°15'07.5"N" to Longitude 76°27'42.1"E. The lease area consists of 1.81.12 ha, which is private own land. The proposed project is for quarrying of 10,3327 M.T.A. of building stone. Distance of the mining area from the nearest human settlement is recorded as more than 0.5 km. The total water requirement is about 14.0 KLD. The total cost of the project is 80.20 Lakhs. It is a fresh quarry.

The proposal was placed in the 60th meeting of SEAC held on 28th & 29th July 2016 and the Committee decided to defer the item for field visit. The proponent agreed to revise the CSR by 7 lakhs/annum for 5 year. The proponent also agreed to spend this amount in consultation with the local Panchayath.

Accordingly, site visit was conducted on 08.04.2017 by Subcommittee consisting of Er.P.Sreekumaran, Dr.K.G.Padmakumar & Dr.E.A.Jayson and submitted their report.

The proposal was considered in the 73rd meeting of SEAC held on 30th and 31st May 2017. The Committee verified the additional documents submitted by the proponent and found satisfactory. Based on the Mining plan, Form.1, all other documents submitted with the proposal and the field visit report, the committee decided to **Recommend for issuance of EC** subject to general conditions in addition to the following specific condition.

1. *If any plant species endemic to Western Ghats are noticed in the area they shall be properly protected in situ or by transplanting to an appropriate location inside the lease area.*
2. *Garland drain and catch water drains to be provided to manage storm water*

The proponent agreed to spend Rs 7 lakhs/annum towards CSR activities in consultation with the local body.

Authority considered the proposal in the 72nd meeting of SEIAA held on 01st August 2017 and found that the proponent has not submitted the basic information inspite of repeated reminders. Authority decided to defer the proposal for receipt of basic information asker for. Meanwhile the proponent has submitted the basic information.

Authority accepted the recommendation of SEAC and decided to issue EC subject to general condition in addition to the following specific conditions.

1. *Scientific benching methods should be followed as in the plan.*
2. *Fencing up of the deep quarry borders area for safety is essential.*
3. *Fringing green belt around the quarry should be developed.*
4. *If any plant species endemic to Western Ghats are noticed in the area they shall be properly protected in situ or by transplanting to an appropriate location inside the lease area.*
5. *Garland drain and catch water drains to be provided to manage storm water*

The proponent should set apart an amount of Rs.7 lakh/annum for CSR activities for the welfare of the local community in consultation with the local Panchayat. EC will be issued only after submitting an affidavit that all the above conditions have been fulfilled in the project site and also agreeing to the CSR amount and all the general, specific conditions.

Item No.73.06 Environmental clearance for the building stone quarry project in Sy. Nos. 781/1-16, 781/1-21-126, 781/1-22, 781/1-26Pt, 781/1-28-D2, 781/1-28-20, 781/1-28-22, 781/1-28-24, 781/1-30 and 781/32 at Athikayam Village, Ranni Taluk, Pathanamthitta District, Kerala by Sri. Kuriakose Sabu (File No. 621/SEIAA/EC4/4775/ 2014)

Sri.Kuriakose Sabu, M/s Kavumkal Granites, Mukkuzhy, MalayalpuzhaEram P.O., Ranni, Pathanamthitta district vide his application received on 9-10-2014 has sought Environmental Clearance under EIA Notification, 2006 for the quarry project in Sy. Nos. 781/1-16, 781/1-21-126, 781/1-22, 781/1-26Pt 781/1-28-D2, 781/1-28-20, 781/1-28-22, 781/1-28-24, 781/1-30 and 781/32 at Athikayam Village, Ranni Taluk, Pathanamthitta District, Kerala for an area of 10.9323 hectares. The project comes under Category B, Activity 1(a), (i) as per the Schedule of EIA Notification 2006 (since it is below 50 hectares) and as per O.M. No. L-11011/47/2011-IA.II(M) dated 18th May 2012 of Ministry of Environment and Forests. The lease period is for 10 years starting from August 2010 to August 2020.

The lease area consists of 10.9323 hectares. The proposed project is for quarrying of 5,70,000TPA of building stone. The expected life of mine will be 12 years. A total quantity of 41,250 tonnes of top soil and 20,800 tonnes per year of over burden (OB) will be generated. The proponent has submitted mining plan as approved by the Geologist, Pathanamthitta. M/s Kavumkal Granites filed petition, WP (C) No. 32863 of 2015 before the Hon'ble High Court of Kerala in which the Hon'ble High Court of Kerala passed a judgement dated 29-10-2015 stating that the application by petitioner shall be considered by SEIAA within a period of one month.

The application was placed in 49th SEAC held on 6,7 November 2015. Since the quarry is proposed in a steep area, the committee felt that field inspection is necessary. Hence the item was deferred for field inspection and the production of a more realistic Social responsibility proposal. Field inspection was conducted on 30.01.2016 by the subcommittee members

Field inspection details are given below:

“The project is located at about three km north of Athikayam and about two km south south west of Vechoochira. This quarry lease area of 10.9323 ha falling in proponents own land occupy the south western slopes of a prominent hillock (Chempanmudi) exposing hard rock. The boundaries of the area are demarcated but permanent pillars or fencing were not provided. This is a well developed quarry with benches especially in the north western part but not in operation currently. On enquiry it is reported that the operation of the quarry was closed due to public agitation on account of earth material being washed down the slope and affecting the plots down the slope. The slope is moderate to steep. The rock type is a charnockite and its variants with sub-horizontal foliation. Pockets of weathered rock with more than 2 m thickness of over burden (OB) and top soil are seen interspersed with rock out crops. The drainage from the elevated land is channelised through the natural hollows with ill defined channel bed. Abandoned pits that were acting as RWH structures have been filled up as per the suggestions of GSI. Rubber plantation is the dominant landuse in the vicinity. Floral biodiversity is not observed as the area is considerably disturbed. No dwelling units were observed within

100 of the proposed quarry area. A crusher unit is associated with the quarry. Another quarry is functioning within 500m but the total area as estimated from satellite image is less than 25 ha.

Based on an overall evaluation of the site, the quarry operations may be recommended with following conditions:

- 1. The exact area to be quarried as per the mine plan should be demarcated on the ground, provided with permanent boundary pillars and fenced. The coordinates of the boundary pillars should be documented and displayed.*
- 2. Considering the steep disposition of the land and it occupying the upper slope, the operation should necessarily begin from the top most part.*
- 3. Benches should be formed along the contours and not across it as it will lead to formation of deep pits that are not desirable in the upper slope*
- 4. Considering an elevation difference of 120 m every sixth bench- at a elevation difference of 25 m- should have a width of at least 8 m. This is to arrest and accommodate any object that is likely to be dislodged and move down from the upper slopes.*
- 5. The base of such benches must be provided with guided storm water channels to channelise the runoff to the natural flow channels.*
- 6. The storage of OB and top soil should be in such a way that it will not be dislodged under any circumstances. Retaining walls or such structures should be provided. It can also be used for concurrent eco-restoration of excavated benches with vegetation cover.*
- 7. The natural flow channels conducting storm water down the slope- three channels are observed- must be well defined with in the property of the proponent.*
- 8. A clear buffer distance of 100 m should be provided from the HT tower line to the quarry face.*
- 9. Considering the topography catch water drain should be provided close to the lower boundary. The storm water should be clarified by suitable mechanism before it is let out.*
- 10. Collection of rainwater on the upper slopes in pits should be avoided.*
- 11. Ultimate depth of mine should not exceed the lower ground level of the lease*

area.

12. Blasting should be restricted to two times a day at predefined time. It must be avoided in seasons of prolonged rainfall.

The CSR need redrafting with inclusion of felt needs of the locality.”

The proponent has submitted revised CSR as per the decision taken by 49th SEAC. The proposal was considered in the 53rd meeting of SEAC held on 25th and 26th February 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 all the specific conditions for mining suggested by the inspection team as given above (1-10).

The Authority in its 52nd meeting held on 29.04.2016 also examined and discussed the complaints received by SEIAA against the functioning of quarries in Chembanmudi Hills of Athikkayam Village, Ranni Taluk, Pathanamthitta District, including the quarry of the proponent. The quarry is situated in an elevated area in Chembanmudi in Athikkayam Village of Pathanamthitta District. Extent of the mining area is 10.9323 hectares. Considering the allegations made in the complaints and the statement in the field inspection report that the operation of the quarry was closed due to public agitation on account of earth material being washed down the slope etc. SEIAA decided to defer the case pending a site inspection by Chairman and Member of SEIAA before decision is taken on the recommendations of SEAC.

Although the Member and Chairman visited the quarry, on account of the disturbances which were going on around the quarry, they could not complete their mission. It is noted in the note file that order may be issued for violation proceedings as it is above 5 ha as admitted by the proponent, after placing in the SEIAA meeting.

Aggrieved by the delay in getting EC, the proponent filed WP(C) No.21092/16 in the Hon'ble High Court with a request to order that he has obtained deemed EC. The Hon'ble HC vide judgment dated 09.03.2017 granted the request of the petitioner and directed the 1st respondent (SEIAA) to consider the objections of the respondents 5-7 after hearing together with the petitioner. Accordingly, they were invited for hearing scheduled at 11 am on 07.04.2017.

Only the petitioners attended the hearing held on 07.04.2017. The proponent was absent.

During the hearing on 07.04.2017 the complainants Shri.Shaji Pathalil and others argued that *“the quarry started functioning in 2010 without EC. Consequent to the landslide occurred in 2013, the geological survey of India conducted a study and found that the landslides occurred as a result of quarrying. The Hon’ble High Court directed the Disaster Management Authority to conduct a study. The deemed license is liable to be cancelled since they have conducted quarrying in violation of rules and suppressed the facts.*

The deemed license may be cancelled on the basis of the above facts and the orders of NGT in a similar case and the verdict of High Court in WP(C) 21092/16”.

The Authority decided to give one more chance for hearing to the proponent, which was scheduled on 11.30 am on 28.04.2017. At that time also the proponent did not turn up. So the hearing was not conducted. Later as per the request of the proponent, he was given a last chance for hearing on 01.06.2017 which he attended.

The arguments of the proponent is as below;

1. Quarrying permit was obtained in 2012 & 2013 for the lease area under their possession. Hence there has not been violation, deemed license may not be cancelled and instead the final license may be granted. A crusher unit which had been issued stop memo along with us is functioning at present.
2. The allegation that the landslide was reported is not true. A copy of the report of geological survey of India had been handed over to SEAC. GSI has never used the term ‘unchecked quarrying’.
3. Action initiated under WP(C) 21092 has been withdrawn

In the above circumstances the proponent has requested not to cancel the deemed license.

The proposal was considered by the Authority in its 70th meeting held on 16th June 2017. Authority examined the statements of both the proponent and the petitioner. In the light of the above serious situation in the functioning of the large quarry in the land slide prone area, the apprehension reported by the Geological Survey of India, the directions in the judgments in the matter and public complaints and agitations, the Authority decided to have a detailed scientific report of SEAC with special attention to issues arising out of the possibility for land slide in the area, after due site inspections and examination of the reports and judgments referred to above and decided to seek clarification from SEAC for following points;

- i) Whether it is a landslide prone area (The petitioner argues that the land is a landslide prone area and the proponent argues that it is due to the movement of the overburden).
- ii) Since the quarry is having above 5 ha and working without EC before 2012, does it attract any violation?
- iii) SEAC may also look into the hearing notes of the proponent & the petitioner

The SEAC is requested to give a scientific report within one month with reference to the examination of reports, judgment and hearing notes in the backdrops of the previous incidents in the working of the quarry.

The proposal was placed in the 75th meeting of SEAC held on 29th & 30th June 2017. The Committee decided to provide the following clarification to SEIAA

1. Whether it is a landslide prone area?

The proposed lease area is not prone to landslides. This aspect was looked into during the site visit. The portion of the site falling in the crestal and upper slope region mostly exposes hard rock. Over burden is limited to pockets. Hence, loose material to be dislodged and carried down the slope is negligible. It is clear from the report of GSI that the landslide event in this site occurred on May 7, 2013 when the area experienced an isolated heavy rainfall. It must be pointed out that, the event occurred not during the rainy season. The material involved is M sand and stacked OB, the products of quarrying and not insitu earth material. The construction of a clarification tank blocking the natural flow and absence of proper storm water management on the quarried slope led to the uncontrolled washing out of stored material down slope. The quarry was in operation since 2004 and during this intervening period incidence of landslides has not been reported from the site. The future quarrying operations in this site has been recommended with conditions in which the landslide aspect has also been taken into consideration.

2. Since the quarry is having above 5 ha and working without EC before 2012, does it attract any violation?

Quarrying in 6.0750 ha of land in this site was being carried out with lease sanctioned on 7.08.2010 by the Department of Mining and Geology without EC. This is having

validity up to 15.08.2020. The application seeking EC from SEIAA, Kerala was submitted in 2014. To that extend there is a violation.

3. SEAC may also look into the hearing notes of the proponent and the petitioner.

The apprehensions of the petitioners regarding the safety aspects have already been addressed while framing the conditions for quarrying. Additional material evidence to change the recommendation of SEAC is not seen in the hearing notes. Other aspects exchanged during the hearing may be looked into by SEIAA.

Authority after detailed study decided to accept the recommendation of SEAC that this is a case of violation and may be informed to the proponent and that he may be directed to take up the proposal with the Ministry of Environment & Forests, Government of India, vide Notification No. S.O. 804 E dated 14.03.2017.

Item No.73.07 Environmental clearance for the quarry project in Sy. No. 236/1, 544/1, 544/2, 545/1, 545/2, 545/3 at Vengappalli Village, Vengappalli Panchayath, Vythiri Taluk, Wayanad District, Kerala by Mr.V.Abdul Majeed, Managing Partner, M/s MMT Construction Company (File No. 888/SEIAA/EC3/ 3319/2015)

Mr.V.Abdul Majeed, Managing Partner, M/s MMT Construction Company, Mooricap, Pinangod P.O, Kalpetta, Wayanad, Kerala – 689 692 vide his application received on 18.08.2015 has sought Environmental Clearance under EIA Notification, 2006 for the quarry project in Sy. No. 236/1, 544/1, 544/2, 545/1, 545/2, 545/3 at Vengappalli Village, Vengappalli Panchayath, Vythiri Taluk, Wayanad District, Kerala for an area of 2.6813 hectares. The project comes under Category B2 as per Notification No.S.O.141 (E) dt.15.01.2016 of Ministry of Environment and Forests, since the area of the project is below 25 hectares. The present application area is 2.6813 ha. and there is no quarry operation at site. The quarry was in operation with a short term permit (Permit no. 60/2015-16/MM/GS/DOW/M-2728/2015 dt.21.12.2015 valid upto 20.12.2016) and there is no quarry operation at site.

The proposed project site falls within 11⁰37'46.57" N to 11⁰37'55.04" N Latitude and 76⁰02'02.15" E to 76⁰02'09.50" E Longitude. The lease area consists of 2.6813 hectares, which is private land. The proposed project is for quarrying of 70,000 MTA of building

stone. The proponent has submitted the Mining plan as per Kerala Minor Mineral Concession Rule, 2015 on 22/04/2016 along with the application. The project cost is 2.50 crores.

The proposal was considered in the 68th SEAC Meeting held on 20th & 21st February 2017 and the Committee deferred the item for field inspection. The Committee also decided to examine whether clearance under Land Utilization Rules is required for taking up quarrying operations in a coffee plantation.

Accordingly, the Subcommittee Members of SEAC comprising Dr. Khaleel Chowwa and Sri. John Mathai carried out site inspection 01.04.2017 and submitted their report.

Meanwhile the proponent has also submitted Acknowledgement received on submission of application for wildlife Clearance from NBWL at MoEF along with the Wildlife Report.

The proposal was placed in the 71st meeting of SEAC held on 20th & 21st April 2017 and the Committee **deferred** for submission of the following document/details.

1. *A copy of the certificate from the village officer stating that the land is not assigned for any specific purpose .*
2. *The exact Co-ordinates of the boundary pillars to be measured once again and submitted in a tabular form.*

As the proponent has submitted the documents/clarifications sought by 71st SEAC, the proposal was placed in the 75th meeting of SEAC held on 29th & 30th June 2017. The Committee verified the additional documents submitted by the proponent and found satisfactory. Based on the Mining plan, Form.1, Pre-Feasibility Report, field visit report and all other documents submitted with the proposal, the Committee decided to **Recommend for issuance of EC** subject to general conditions in addition to the following specific condition.

1. *The approach road must be widened and surfaced for smooth movement of vehicles.*
2. *A RWH structure to be provided in the lowest part on the western side for clarification and storage of water.*
3. *Ultimate depth of the quarry to be limited to the elevation of the main valley floor which is at 740 m amsl (40 m depth from Boundary pillar- 1).*
4. *If any plant species endemic to Western Ghats are noticed in the area they shall be properly protected in situ or by transplanting to an appropriate location inside the lease area.*

The proponent agreed to set apart Rs.6 lakh (non-recurring) and Rs.6 lakh per annum (recurring) for CSR activities for the welfare of the local community in consultation with the local Panchayat.

Authority accepted the recommendation of SEAC and decided to issue EC subject to general condition in addition to the following specific conditions.

1. *The approach road must be widened and surfaced for smooth movement of vehicles.*
2. *A RWH structure to be provided in the lowest part on the western side for clarification and storage of water.*
3. *Ultimate depth of the quarry to be limited to the elevation of the main valley floor which is at 740 m amsl (40 m depth from Boundary pillar- 1).*
4. *If any plant species endemic to Western Ghats are noticed in the area they shall be properly protected in situ or by transplanting to an appropriate location inside the lease area.*

The proponent should set apart Rs.6 lakh (recurring) and Rs.6 lakh(non-recurring) for CSR activities for taking up welfare activities of the local community in consultation with the local body. EC will be issued only after completing all the pre-mining conditions in the project site. A notarised affidavit to this extent and for the commitment of CSR activities and also agreeing all the general and specific conditions should be submitted before the issuance of EC.

Item No.73.08 Environmental clearance for the quarry project in Sy. No. 2981/A, A1A of Ambalavayal Village, Sulthan Bathery Taluk, Wayanad District, for Quarry of Sri. Clippy. K.G. File No. (903/EC4/3464/SEIAA/2015)

Sri. Clippy K.G, Managing Partner, M/s C.B.M. Enterprises, Kolagappara P.O, Ambalavayal Village, Sulthan Bathery Taluk, Wayanad District vide his application received on 25.08.2015, has sought Environmental Clearance under EIA Notification, 2006 for the quarry project in Sy. No. 298 1/A, A1Aof Ambalavayal Village, Sulthan Bathery Taluk, Wayanad District, Kerala for an area of 1.8717 hectares. The project comes under Category B2 as per Notification No.S.O.141 (E) dt.15.01.2016 of Ministry of Environment and Forests,

since the area of the project is below 25 hectares. It is new quarry. Productive capacity is 90,000 MTA. Total project cost is Rs.1.75 crores.

The proposal was considered in the 55th meeting of SEAC, Kerala, held on 10th, 11th and 20th of May, 2016. It is likely that the area falls within 10kms of the Wayanad Wildlife Sanctuary. If so, the proponent has to apply for Wild Life Clearance from the MoEF. This aspect may be examined with the records at the time of field visit. The item is **deferred** for filed visit. Site visit was conducted on 23.6.2016 by subcommittee consisting of Dr. P. S. Harikumar, Dr George Chackachery and Sri S. Ajayakumar.

The proposal was considered in the 59th meeting of SEAC, Kerala, held on 11th and 12th July, 2016. Further to the intimation of SEAC, the proponent attended the meeting; the committee expressed the apprehension regarding the site visit and deferred the item and directed to submit the following details.

1. Map showing the boundary of the project. Boundary shall be marked at site.
2. Location sketch
3. Copy of application for Forest clearance from NBWL

The proponent submitted the documents.

The proposal was considered in the 62nd meeting of SEAC, Kerala, held on 06th & 07th September, 2016. The committee appraised the proposal based on the mining plan, pre-feasibility report, field inspection report and all other documents submitted by the proponent. The Committee decided to ask the proponent to mark the boundary in the field and intimate, so that the subcommittee can conduct a proper site inspection. Hence the item was deferred.

Accordingly, the Subcommittee Members of SEAC were carried out site inspection on 01.04.2017 by the sub-committee of SEAC comprising Dr. Khaleel Chowwa and Sri. John Mathai.

The proposal was placed in the 71st meeting of SEAC held on 20th & 21st April 2017 and decided to **defer the item** for submission of the following document/details.

1. *The certificate that the land is not assigned for any specific purpose must be produced.*
2. *The two houses seen within 100 m of the proposed quarry area were noted to have been presently occupied. Since they are owned by the proponent they are to be vacated and fact intimated.*

As the proponent has submitted the documents sought by 71st SEAC the proposal was placed in the 75th meeting of SEAC held on 29th & 30th June 2017. The Committee verified the additional documents submitted by the proponent and found satisfactory. Based on the Mining plan, Form.1, Pre-Feasibility Report, field visit report and all other documents submitted with the proposal, the Committee decided to **Recommend for issuance of EC** subject to general conditions in addition to the following specific condition.

1. *The approach road, presently planned from the north, must be widened to say 7 m width and surfaced for smooth movement of vehicles.*
2. *Two buildings within 100 m of the quarry area are presently used for residential purpose. The existing tenants have to be evacuated before the commencement of quarrying operation.*
3. *At least two check dams and a RWH structure to be provided in the lowest part on the northern side for clarification and storage of water.*
4. *Considering the location of a wide valley in the vicinity with fairly good agricultural practice, the ultimate depth of quarry must be limited 770 m msl (30 m depth from the lowest point of the lease area) being the elevation of valley floor/ stream bed.*
5. *If any plant species endemic to Western Ghats are noticed in the area they shall be properly protected in situ or by transplanting to an appropriate location inside the lease area.*

SEIAA may also obtain a commitment from the proponent to spent an appropriate amount for CSR activities for the welfare of the local community in consultation with the local body.

Authority accepted the recommendation of SEAC and decided to issue EC subject to general condition in addition to the following specific conditions.

1. *The approach road, presently planned from the north, must be widened to say 7 m width and surfaced for smooth movement of vehicles.*
2. *Two buildings within 100 m of the quarry area are presently used for residential purpose. The existing tenants have to be evacuated and the buildings should be demolished.*
3. *At least two check dams and a RWH structure to be provided in the lowest part on the northern side for clarification and storage of water.*
4. *Considering the location of a wide valley in the vicinity with fairly good agricultural*

practice, the ultimate depth of quarry must be limited 770 m msl (30 m depth from the lowest point of the lease area) being the elevation of valley floor/ stream bed.

5. *The IUCN Red listed vulnerable species and endemic species of plants referred in the field inspection report should be protected insitu by fencing and a buffer distance from the area should be left out for mining.*

EC shall be issued only after ascertaining by a competent authority that the above conditions have been fulfilled, particularly how the IUCN Red Listed vulnerable endemic species are protected. A revised CSR activity amounting to a minimum of 2% of the total project cost is to be submitted. A notarised affidavit for the commitment of CSR activities and agreeing to all the general and specific conditions should be submitted before the issuance of EC.

Item No: 73.09 Environmental clearance for the proposed china clay mining project in Sy. Nos. 427/1, 1-1, 1-2, 2, 4 & 5 at Melthonnakal Village, Trivandrum Taluk, Trivandrum District, Kerala by Sri. Chandrasekaran for M/s EICL limited (File No. 940/SEIAA/EC1/4098 /2015)

Sri. Chandrasekaran R. (DGM-Mines English India Clay Limited) Melthonnakal (PO) Thiruvananthapuram, Kerala-695317, vide his application received on 06.10.2015, has sought Environmental Clearance under EIA Notification, 2006 for the quarry project in Sy. Nos. 427/1, 1-1, 1-2, 2, 4 & 5 at Melthonnakal Village, Trivandrum Taluk, Trivandrum District, Kerala. The project comes under Category B, Activity 1(a), (i) as per the Schedule of EIA Notification 2006 and as per O.M. No. L-11011/47/2011-IA.II(M) dated 18th May 2012 of Ministry of Environment and Forests. The proposed project site falls within N: 8° 37' 40" to N: 8° 37' 50" and E: 76°51'5" to E: 76°51'10". The lease area consists of 2.8999 hectares, which is private land having production capacity 25000 TPA.

The proponent in the basic details given by them states that they have a lease for 20 years vide GO MS No.07/08/ID, Dt.16.01.2008 for an area of 2.8999 Ha. The area is a fresh lease. Mining is yet to be started.

The proponent has submitted the approved mining plan under rule 22 of MCR-1960. According to the G.O.(Ms) No. 07/08/ID dated 16.01.2008 and G.O.(Ms) No. 68/08/ID dated 20.05.2008, the mining plan approved by Indian Bureau of Mines is valid for china clay

mining since it is classified as a minor mineral. The total project cost is Rs.6.0 crores.

58th Meeting of SEAC held on 28th& 29th June, 2016 appraised the proposal and deferred the item for field visit. Field visit to the Quarry project site was carried out on 19.08.2016 by the sub-committee of SEAC, comprising Sri. P. Sreekumaran Nair and Sri. John Mathai.

The proposal was considered in the 62nd meeting of SEAC, Kerala, held on 06th& 07th September, 2016. The Committee decided to defer the item for the production of the following additional documents

- A combined plan of entire plot under EICL in cadastral scale indicating a) individual quarry leases with the status like working, refilled, yet to be exploited, b) plant area, office area and other ancillary facilities c) RWH structures and d) space left for other purposes. Indicate the main roads also
- Copy of the letter from DGMS permitting EICL to work as a single unit to be provided
- Total area of all lease holds with in 500 m radius
- A detailed write up of proposed CSR with recurring and non recurring expenditure to be provided.

Subsequently the proponent has submitted the documents/clarifications sought by 62nd SEAC. The proposal was placed in the 68th meeting SEAC held on 20th& 21st February 2017. The Committee verified the additional documents submitted by the proponent and found satisfactory. Based on the Mining plan, Form.1, all other documents submitted with the proposal and the field visit report, the Committee decided to Recommend for issuance of EC subject to the general conditions.

The mine is not working, the lease is a fresh one. The proponent requested that only after obtaining environmental clearance the mine will become operational. The lease is valid for a period of 20 years from the date of execution. The lease deed execution will be done only after the issuance of environmental clearance.

The proposal was placed in the 66th meeting of SEIAA held on 07.04.2017. On examination of the file the Authority found that there are two representations/complaints about the projects one by Janasakthi Action Council and the other by Thanal and in a joint meeting held on 16.03.2016 at the Chamber of District Collector, Thiruvananthapuram

certain conditions were laid down. Hence the Authority decided to return the proposal back to SEAC for clear-cut recommendation after ascertaining whether those conditions of District Level meeting have been implemented., if found pertinent.

The proposal was placed in the 72nd meeting of SEAC held on 08th & 09th May 2017. The Committee decided to defer the item for further clarification regarding the validity of the mining plan.

Then the proponent has submitted the documents sought by the Committee. The proposal was placed in the 75th meeting of SEAC held on 29th & 30th June 2017. SEIAA has referred back both the above cases to ascertain whether the proponent has implemented the decisions of the meeting taken by the District Collector. The Committee examined the matter and is of the opinion that the question of adherence to the decisions of a meeting taken by the District Collector is a matter to be looked into by district administration. But the Committee has noted that various apprehensions and complaints raised by different individuals/organisations are well taken care of in the mining plan and through other interventions that are being taken up by the proponent in the locality. Hence as recommended earlier, EC can be issued after on completion of proceedings against violations already pointed out and subject to other conditions already proposed.

Authority observed that the proponent is having multiple leases in contiguous area in the locality for mining china clay. Many of the leases are obtained prior to 2006 when the MoEF notification dated 27.01.1994 was in force. According to the above notification, mining of major minerals with leases in more than 5 ha required environment clearance and at that point in time china clay was classified as a major mineral. The proponent was mining china clay from a contiguous area of more than 5 ha though the areas of individual leases were less than 5 ha. Hence the company has failed to comply with the conditions of MoEF Notification dtd. 27.01.1994 and to that extent there is violation.

Now the proponent has submitted a representation stating that the area is a fresh one and no mining has started and the question of violation does not arise. Hence SEIAA decided to return the proposal to SEAC and decide whether the project comes under the scope of violation in the light of the representation, if necessary after hearing the proponent.

Item No: 73.10 Environmental clearance for the proposed china clay mining project in Sy. Nos. 434/6, 8, 9, 15, 16, 17,482/11, 483/2, 6 and 484/1, 2 at Melthonnakal Village, Trivandrum Taluk, Trivandrum

**District, Kerala by Sri. Chandrasekaran for M/s EICL limited
(File No. 941/ SEIAA /EC1/4099/2015)**

Sri. Chandrasekaran R. (DGM-Mines English India Clay Limited) Melthonnakal (PO) Thiruvananthapuram, Kerala-695317, vide his application received on 06.10.2015, has sought Environmental Clearance under EIA Notification, 2006 for the quarry project in Sy. Nos. 434/6, 8, 9, 15, 16, 17,482/11, 483/2, 6 and 484/1, 2 at Melthonnakal Village, Trivandrum Taluk, Trivandrum District, Kerala. The project comes under Category B, Activity 1(a), (i) as per the Schedule of EIA Notification 2006 and as per O.M. No. L-11011/47/2011-IA.II(M) dated 18th May 2012 of Ministry of Environment and Forests. The proposed project site falls within N: 8⁰37'40" N to 8⁰37'50" N and E76⁰51'5" E to 76⁰51' 10" E. The lease area consists of 2.6588 hectares of new field, which is private land having production capacity 40540 TPA.

The proponent in the basic details given by them states that they have a lease for 20 years vide GO MS No.68/08/ID, Dt.20.05.2008 for an area of 2.6588 Ha. EICL Ltd had applied for renewal of the mining lease for complete extraction of clay. Though the lease is under deemed extension, mining will be carried out after obtaining the EC. This means that this is an existing quarry. The production capacity of the quarry is 40,000 T/annum. Total cost of the project is 6.0 crores.

The proponent has submitted the approved mining plan under rule 12(3) of MCDR-1988. According to the G.O.(Ms) No. 07/08/ID dated 16.01.2008 and G.O.(Ms) No. 68/08/ID dated 20.05.2008, the mining plan approved by Indian Bureau of Mines is valid for china clay mining since it is a minor mineral.

The 58th Meeting of SEAC held on 28th & 29th June, 2016 appraised the proposal and deferred the item for field visit. Field visit to the Quarry project site was carried out on 19.08.2016 by the sub-committee of SEAC, comprising Sri. P. Sreekumaran Nair and Sri. John Mathai.

The proposal was considered in the 62nd meeting of SEAC, Kerala, held on 06th & 07th September, 2016. The Committee after examining the mining plan, prefeasibility report, field inspection report and all other documents submitted decided to defer the item for the production of the following additional documents

- A combined plan of entire plot under EICL in cadastral scale indicating a) individual

quarry leases with the status like working, refilled, yet to be exploited, b) plant area, office area and other ancillary facilities c) RWH structures and d) space left for other purposes. Indicate the main roads also

- Copy of the letter from DGMS permitting EICL to work as a single unit to be provided
- Total area of all lease holds within 500 m radius
- A detailed write up of proposed CSR with recurring and non recurring expenditure to be provided.

Subsequently the proponent has submitted the documents/clarifications sought by 62nd SEAC.

The proposal was placed in the 68th meeting SEAC held on 20th & 21st February 2017. The Committee verified the additional documents submitted by the proponent and found satisfactory. Based on the Mining plan, Form.1, all other documents submitted with the proposal and the field visit report, the committee decided to **Recommend for issuance of EC** subject to the general conditions.

M/s EICL, the proponent of the proposals under item No.68.19 & 68.20 has agreed to set apart Rs.72 lakh (non-recurring) and Rs.50 lakh per annum (recurring) for CSR activities for the welfare of the local community in consultation with the local Panchayat.

The proponent is having multiple leases in contiguous area in the locality for mining china clay. Many of the leases are obtained prior to 2006 when the MoEF notification dated 27.01.1994 was in force. According to the above notification, mining of major minerals with leases in more than 5 ha required environment clearance and at that point in time china clay was classified as a major mineral. **The proponent was mining china clay from a contiguous area of more than 5 ha though the areas of individual leases were less than 5 ha. Hence the company has failed to comply with the conditions of MoEF Notification dtd. 27.01.1994 and to that extent there is violation.** This is brought to the attention of SEIAA for taking suitable decision before EC is granted as recommended above.

On 04/04/2017 the proponent submitted that their mine has a valid lease & permits and is working. It is operated under deemed extension clause 24 (A) (6) of Mineral Concession rules, 1960.

The proposal was placed in the 66th meeting of SEIAA held on 07.04.2017. On examination of the file the Authority found that there are representations and complaints about the projects one by Janasakthi Action Council and other by Thanal and in a meeting held on 16.03.2016 at the Chamber of District Collector, Thiruvananthapuram certain conditions were laid down. The Authority decided to return the proposal back to SEAC for unambiguous recommendation about the nature of violation after verifying the complaints by Janasakthi and Thanal and ascertain whether the conditions of the District Level meeting have been implemented, if they are found pertinent.

The proposal was placed in the 72nd meeting of SEAC held on 08th & 09th May 2017. The Committee decided to defer the item for further clarification regarding the validity of the mining plan.

Then the proponent has submitted the documents/clarification sought by the Committee. The proposal was placed in the 75th meeting of SEAC held on 29th & 30th June 2017. SEIAA has referred back both the above cases to ascertain whether the proponent has implemented the decisions of the meeting taken by the District Collector. The Committee examined the matter and is of the opinion that the question of adherence to the decisions of a meeting taken by the District Collector is a matter to be looked into by district administration. But the Committee has noted that various apprehensions and complaints raised by different individuals/organisations are well taken care of in the mining plan and through other interventions that are being taken up by the proponent in the locality. Hence as recommended earlier, EC can be issued after on completion of proceedings against violations already pointed out and subject to other conditions already proposed.

Authority observed that the proponent is having multiple leases in contiguous area in the locality for mining china clay. Many of the leases are obtained prior to 2006 when the MoEF notification dated 27.01.1994 was in force. According to the above notification, mining of major minerals with leases in more than 5 ha required environment clearance and at that point in time china clay was classified as a major mineral. The proponent was mining china clay from a contiguous area of more than 5 ha though the areas of individual leases were less than 5 ha. Hence the company has failed to comply with the conditions of MoEF Notification dtd. 27.01.1994 and to that extent there is violation. Hence the Authority decided to take violation proceedings as per MoEF Notification S.O. 804 E dated 14.03.2017 and inform the proponent accordingly.

Item No.73.11 Environmental clearance for the proposed China Clay project in survey Nos. 177, 178, 179, 180, 241, 242, 181/21, 181/10, 182/3, 182/4, 482/5, 182/6, 182/10, 182/11, 182/12, 182/17, 183, 184, 240/2, 240/13, 240/14, 240/12, 229/14-1 of Veiloor Village, Thiruvanthapuram Taluk & Thiruvanthapuram District, Kerala by Sri. R. Chandrasekaran, for M/s EICL Ltd. (File No. 1091/EC/SEIAA/2017)

Sri. R. Chandrasekaran, for M/s EICL Ltd., Thonnakkal P.O, Thiruvanthapuram. Kerala - 695 317. vide his application received online, has sought Environmental Clearance under EIA Notification, 2006 for the quarry project in survey Nos. 177, 178, 179, 180, 241, 242, 181/21, 181/10, 182/3, 182/4, 482/5, 182/6, 182/10, 182/11, 182/12, 182/17, 183, 184, 240/2, 240/13, 240/14, 240/12, 229/14-1 of Veiloor Village, Thiruvanthapuram Taluk & Thiruvanthapuram District, Kerala for an area of 14.5129 Ha. hectares. The project comes under Category B, Activity 1(a), (i) as per the Schedule of EIA Notification 2006 and as per O.M. No. L-11011/47/2011-IA.II(M) dated 18th May 2012 of Ministry of Environment and Forests. The proposed project is for quarrying of 70,000 mT/year. Distance of the mining area from the nearest human settlement is located at 50 m from the lease. The total project cost is Rs. 20 crores.

The proponent in the basic details given by them states that they have a lease for 30 years vide GO MS No.09/08/ID, Dt.16.01.2008 for an area of 14.5129 Ha. After the execution of the lease, mining operation started in the area in 2008. Presently the mine is not in operation as the Director, Mining & Geology has insisted on EC. Capacity of production is 70,000 TPA.

The proponent has submitted the Mining plan as per Kerala Minor Mineral Concession Rule, 2015 along with Form 1 application.

The proposal was placed in 71st meeting of SEAC held on 20th & 21st April 2017. The proponent already has a single lease for 14.5129 Ha from 2008 for 30 years. **This lease and subsequent mining from the area are in violation of the 2006 MoEF Notification dt.14.09.2006.** However the Committee decided to defer the item for field inspection before taking further action in the matter.

Accordingly the site inspection was conducted by the Sub Committee members consisting of Sri. Gopinathan.V (Chairman) and Sri. S. Ajayakumar on 23/05/2017. The

Sub Committee noted that *“The proposal is for EC for mining Kaolin clay form 14.5129 ha of area in Veiloor village of Thiruvananthapuram taluk. The proponent has acquired the lease and commenced mining in 2008 without EC. Though the mining operations are now discontinued substantial initial extraction has already taken place. The proponent was directed to give a note on the extent of operations already carried out in the area. The violations committed by the proponent in this locality and in its operations elsewhere in the nearby areas are substantial in nature”*.

The proposal was placed in the 74th meeting of SEAC held on 14th & 15th June 2017 and decided to defer the item for submission of the original Mining Plan and detailed CSR commitment.

The proponent has submitted the documents sought by 74th SEAC meeting. The proposal was placed in the 75th meeting of SEAC held on 29th & 30th June 2017. Based on the Mining plan, Form.1, Pre-Feasibility Report, all other documents submitted with the proposal and the site inspection report the Committee appraised the proposal.

The proposal involves serious violations of the stipulations contained in the 2006 EIA notification. The application is for EC for mining Kaolin clay from 14.5129 ha of area in Veiloor village of Thiruvananthapuram taluk. The proponent has acquired the lease and commenced mining in 2008 without the mandatory EC. Though substantial initial extraction had been carried out from the area presently all the operations are discontinued. Hence it is recommended to initiate proceedings against the above violations.

The Committee also decided to **Recommend to issue EC** on completion of proceedings against violations subject to the following specific conditions over and above the general conditions.

1. The proposed channel along the boundary for diverting the existing local stream shall be built only with the consent of the local panchayat and the district administration.

The company has submitted their commitments for taking up CSR activities. They shall ensure that it is over and above the mandatory requirements.

Janasakthi Action Council vide letter dated 07.08.2017 has filed objection against the China clay mining project of EICL, Veiloor village, Thiruvananthapuram, stating that the matter has been considered in the 75th SEAC meeting held on 29th and 30th June 2017 as item no. 75.10 and has decided to recommend to issue EC (after completion of proceedings against violation), without making a scientific study on the environment impact of the area. It is also

alleged that the proposed project area is highly populated and people are facing problems such as acute drinking water scarcity, pollution of air, water and farmlands. The complainant has also stated that there are 5 court cases pending of which the company has hidden in their application.

Authority observed that the proposal involves serious violations of the stipulations contained in the 2006 EIA notification. The application is for EC for mining Kaolin clay from 14.5129 ha of area in Veiloor village of Thiruvananthapuram taluk. The proponent has acquired the lease and commenced mining in 2008 without the mandatory EC. Though substantial initial extraction had been carried out from the area, presently all the operations are discontinued. Hence the Authority decided to take violation proceedings as per MoEF Notification S.O. 804 E dated 14.03.2017 and inform the proponent accordingly.

Item No: 73.12 Environmental clearance for proposed Common Biomedical Waste Treatment facility at Survey Nos. 4410/2.2,2.3, 4411/1& 2.2 Peringamala Village, Nedumangadu Taluk & Trivandrum District, Kerala by Dr. A. V. Jayakrishnan, State President, M/s Indian Medical Association Goes Eco-friendly (IMAGE) (File No. 1059/SEIAA/EC1/1083/2016)

Dr. A. V. Jayakrishnan, State President, M/s Indian Medical Association Goes Eco-friendly (IMAGE), IMA State Headquarters, Anayara Post, Thiruvananthapuram Taluk, Thiruvananthapuram District, Kerala, vide his application received on 20.06.2016 has sought Terms of Reference (ToR) for the EIA study for the Common Biomedical Waste Treatment facility at Survey Nos. 4410/2.2,2.3, 4411/1& 2.2 Peringamala Village, Nedumangadu Taluk & Trivandrum District, Kerala. It is interalia, noted that the project comes under the Category B, 7(da) of Schedule of EIA Notification 2006.

The probable service area for the proposed project at Thiruvananthapuram spreads over SIX revenue districts and has varying size and treatment specialization of health care establishments. The proposed CBMWTF is envisaged to cover an area of 150Km radius from its proposed location, Palode near Thiruvananthapuram.

The application for ToR was placed in 58th meeting of SEAC held on 28/29th June 2016 and since the proponent didn't turn up for the meeting it was deferred for the next meeting. Again 59th meeting of SEAC held on 11th and 12th July, 2016 considered the

proposal and appraised the Terms of Reference (ToR) and deferred the item to the next meeting to finalize the Terms of Reference (ToR).

Thereon the application was considered in the 62nd meeting of SEAC held on 06/07-09-2016. The Committee appraised the Terms of Reference (ToR) and decided to suggest the standard ToR issued by MoEF for similar projects for conducting the EIA study.

The proposal was considered in the 60th meeting of SEIAA. The Authority resolved that the Terms of Reference (ToR) suggested/approved by SEAC may be communicated to the project proponent. The proponent has submitted EIA report.

The proposal was considered in the 66th meeting of SEAC, Kerala, held on 19th December, 2016. Further to the intimation of SEAC, the Proponent and Consultant attended the meeting. The Committee appraised the proposal based on Form1, Form 1 A and all other documents submitted with the proposal. The Committee observed that the proposed site is in an ESA village where there is prohibition for setting up biomedical waste treatment plants envisaged in the application. Hence decided to recommend to reject the application.

Now the proponent submitted a request to Secretary, SEAC regarding the proposed project (CBWTF) at Palode not coming under the purview of Kasthuri Rangan Report.

The proposal was placed in the 68th meeting of SEAC held on 20th & 21st February 2017. The Proponents were explained the provisions of the MoEF Notification F. No. 1-4/2012 - RE (Pt.) dated 13 .11.2013 which effectively prohibits the establishment of the proposal in a ESA village. Peringamala is a notified ESA Village and hence the Committee explained to the proponents its inability to recommend the proposal.

Authority considered the proposal in its 66th meeting held on 07.04.2017. The Authority decided to accept recommendation of SEAC to reject the proposal as per the 66th and 68th minutes of SEAC.

Now a letter was received from Environment Department requesting to report whether EC could be given to the proposed project by treating it as a pre Kasthurirangan case.

The proposal was placed in the 75th meeting of SEAC held on 29th & 30th June 2017. The Committee examined the query raised by the Govt. and decided to point out that Secretariat of the SEAC is not keeping any records of the old proposals. They are all available with the SEIAA office only. Hence a appropriate reply in the matter can be given by SEIAA itself.

In the meantime Chief Minister had called for a meeting with the Environment, Health & LSGD Officials and has directed SEIAA to take a decision whether these case can be considered as a Pre-Kasturirangan case. The application for EC was received on 20.06.2016, which was after Kasturirangan Report.

Authority decided to obtain clarification from the Pollution Control Board regarding the status of the proposal ie, whether it belongs to Red or Orange category.

Item No: 73.13 Environmental clearance for the proposed quarry project in Sy.Nos. 93/1, 95/2 & 95/3 at Vadakkangara Village, Perinthalmanna Taluk, Malappuram District, for quarry of Sri. P. Abdulla (File No. 966/SEIAA/EC1/4476/2015)

Sri. P. Abdulla, Palliyalil House, Vellila, Mankada, Malappuram District- 679324., vide his application received on 27-10-2015, has sought Environmental Clearance under EIA Notification, 2006 for the quarry project in Survey Nos. 93/1, 95/2& 95/3 of Vadakkangara Village, Perinthalmanna Taluk, Malappuram District. The project comes under Category B2 as per Notification No.S.O.141 (E) dt.15.01.2016 of Ministry of Environment and Forests, since the area of the project is below 25 hectares. The total cost is 2.5 crores.

The proponent in the basic details given by them states that they have a Letter of Intent from Directorate of Mining & Geology Department, Trivandrum (No. 9889 / M3 / 2015 Dt. 29-09-2015) for an area of 4.3954 hectares. The quarry is working from 2016 for the last 10 years and that now it is not working. The annual production is estimated to be 1,00,000 MTA.

The proposal was first considered in the 58th meeting of SEAC held on 28th & 29th June 2016 and recommended for issuance of EC for mining subject to the general conditions.

57th meeting of SEIAA held on 26th August 2016 considered the matter. As Site inspection has not been conducted, Authority decided to have the site inspection conducted by SEAC, before decision is taken on grant of environmental clearance.

The proposal was considered in the 63rd Meeting of SEAC held on 4th October 2016. The Committee decided to wait for the decision of the SEIAA on site inspection.

The proposal was considered in the 61st meeting of SEIAA, held on 30th November 2016. The Authority decided to return the proposal for recommendation based on site inspection.

The proposal was placed in the 68th meeting of SEAC held on 20th & 21st February 2017. The Committee examined the suggestions made by SEIAA and decided to **defer** the item for site inspection. Accordingly the site visit to the quarry was carried out on 21 May 2017 by Dr P S Harikumar and Dr Khaleel Chovva. The report records that “*On the day of the site visit no activity was seen in the quarry.*”

The site is badly maintained without sign boards, pillars or fencing. Rain water is not properly stored and drainage is badly maintained.

In addition to the general conditions, the following specific conditions should be imposed before recommending for issuance of clearance:

- *Boundary pillars are to be erected all around the site Fencing should be provided around the quarry area*
- *Top soil and overburden should be collected properly and store at an appropriate place at the lower region of the quarry site with protective cover*
- *Sign boards need to be provided around the site.*
- *If any plant species endemic to Western Ghats are noticed, they shall be properly protected in insitu or transplanted to a suitable site inside the lease area.*
- *Water should be collected and stored in a pit and any overflow should be allowed to drain only after proper clarification”*

The proposal was placed in the 75th meeting of SEAC held on 29th & 30th June 2017. The Committee appraised the proposal based on Form I, Pre-feasibility Report, Mining Plan, field inspection report of the Sub Committee and all other documents submitted with the proposal. The Committee decided to **Recommend for issuance of EC** subject to general conditions in addition to the following specific condition for mining.

1. *Boundary pillars are to be erected all around the site Fencing should be provided around the quarry area*
2. *Top soil and overburden should be collected properly and store at an appropriate place at the lower region of the quarry site with protective cover*
3. *Sign boards need to be provided around the site.*
4. *Water should be collected and stored in a pit and any overflow should be allowed to drain only after proper clarification*
5. *If any plant species endemic to Western Ghats are noticed, they shall be properly protected in insitu or transplanted to a suitable site inside the lease area.*

The proponent agreed to set apart Rs 12 lakhs (non-recurring) and 11 lakhs (recurring) per year for activities for the welfare of the local community. The proponent also agreed to spend this amount in consultation with the local panchayath.

Authority accepted the recommendation of SEAC and decided to issue EC subject to general condition in addition to the following specific conditions noted above (1-5).

The proponent should set apart an amount of Rs 12 lakhs (non-recurring) and 11 lakhs (recurring) for CSR activities for the welfare of the local community in consultation with the local Panchayat. EC will be issued on condition that a certificate from a competent authority should be submitted stating that all the premining conditions noted above have been fulfilled in the project site. A notarised affidavit should also be submitted for the commitment of CSR activities and agreeing all the general and specific conditions

Item No.73.14 Environment Clearance for proposed Mixed use Development Project in Survey Nos. 135/1, 141, Vazakala Village Ernakulam District, Kerala State by Mr. Ravisankar.T.N., M/s Prime Meridian Infrastructure Pvt. Ltd. (File.No. 1090/EC3/SEIAA/ 2017)

Mr.Ravisankar.T.N., M/s Prime Meridian Infrastructure Pvt. Ltd., S.L. Avenue, Kundannoor, Maradu, Ernakulam, Kerala – 682304, vide his application received online and, has sought Environmental Clearance under EIA Notification, 2006 for the proposed Sport City, Kochi Project in Survey Nos. 135/1, 141, Vazakala Village Ernakulam District, Kerala State, by Mr. Ravisankar.T.N. M/s Sport City, Kochi Project. It is inter alia, noted that the project comes under the Category B, 8(a) of Schedule of EIA Notification 2006. The total plot area of the proposed project is 6.47 ha. (64,703.6 sq.m.)and total built-up area about 140179.70 m².

The proposal was placed in 70th meeting of SEAC held on 4th & 5th April 2017. The Committee expressed its concern about the inadequate width of the access road to the project site. Further the proponent has to submit the proof for having applied for Wild Life Clearance. Nevertheless the Committee decided to defer the item for field visit.

Subsequently, the site visit to the quarry was carried out on 03/05/2017 by Dr K.G Padma Kumar and Sri S Ajayakumar. The report is as follows;

The proposal is a new development. It is located at a place having access from road connecting Palachuvadu to Seaport Airport Road. A mud road connects the proposed site to this road.

The plot is in the middle of a vast wetland and cannot be considered as an extension of an existing habitation. The proponent has produced a KLU order permitting to convert the land. There is an existing stream passing along the boundary of the plot whose water level is almost at the same level as the plot even at the peak of summer. Storm water from the plot can be drained into this stream. This stream is the only stream to carry water from vast areas on its both sides and its carrying capacity viz. a viz the water shed area is unknown. Moreover, this storm water drainage has all chances of creating flood downstream and thereby affecting human habitation there. The finished level of the yard is above 1.8 above the prevailing ground level and the finished floor level of the basement is 1.2 m below the prevailing ground level and therefore may balance the cut and fill. However, quantities are not available not it is sure whether the cut soil is suitable for filling.

The proposal has two roads connecting to it. One road leads to palachuvadu junction having width 5.2, 5.5 & 5.0 measured at different points. Other mud road leads to a road connecting Palachuvadu to Seaport Airport Road. This mud road (kutchra road) is having width 6.5 m measured at different points. The ownership of the road is to be ascertained. The proponents told that they have already acquired the rights of a third road having average width of 5 mts which connects to this mud road. However the proponents are banking on a proposed road having a width of 30 m. This road, however, does not exist at present.

This development will provide great impetus to convert surrounding wetland also. Therefore, it is recommended that the committee may deliberate of the advisability of permitting such a large development taking into consideration, its location as a saucer shaped trough with respect to the wetland around and beyond the plot and drainage pattern before and after commissioning and a scenario in which surrounding land also gets converted to building plots. It may also consider the advisability of allowing such a huge project without sufficient access roads.

It all requires a detailed study comprising the developments in the vicinity also. In such circumstances we recommend that the proponents may be asked to revise the submitted

Environment Management Plan with due emphasis on the following functional areas. The quantifiable data should be quantified and included in the report.

- a. Drainage pattern and mitigation measures if required; considering the watershed in which the plot is located, rain water accumulation, carrying capacity of the adjoining stream , measures to maintain the stream and possibility of flood in the downstream.*
- b. Water balance study including enhanced storage capacity and quantifying the water requirement for the maintenance of the football ground.*
- c. Sewage treatment measures including the effluent treatment and final disposal, its effect on the flora and fauna downstream.*
- d. Cutting and filling, whether the cut soil is suitable for filling and if not how the earth for filling is sourced and transported with quantity.*
- e. Road connectivity to residents travelling to Kakkanad direction and Ernakulum city centre, including road width at salient points, number of roads, traffic capacity of palachuvadu junction including alternate routes. Ownership of the connecting roads should be mentioned along with its reduced level*
- f. The extent of congestion on the roads, with reference to the carrying capacity of the present approach roads*
- g. FAR and coverage of the proposal (1) considering the total area (2) after deducting the area denoted as 'Future development' and (3) after deducting area denoted as 'Future development' and area earmarked for football ground. This is to ascertain the density and congestion of the residential area.*
- h. Solid waste disposal system including Material Recovery Facility (MRF)*
- i. Evacuation facilities in case of emergency*
- j. The source of earth for such a large filling/ reclamation and the future plans for development of such a designated large open space, within the property*

The proponent also submitted the documents sought by 70th meeting of SEAC. The proposal was placed in the 73rd meeting of SEAC held on 30th & 31st May 2017. The Committee expressed its concern about the ecological sensitivity of the project area. The project is proposed in a land proposed to be reclaimed from a large wetland existing on the western side of the sea port –air port road near Thuthiyoor. The access to the plot is through a

newly formed road meandering through this wetland. This project apart from its own environmental impacts is bound to set in motion the complete reclamation of the adjoining lands. After examining all the aspects the Committee decided to have a closer look at the project by deputing a larger team of Committee members and hence decided to defer the item.

Accordingly the Sub Committee members consisting of Sri Sreekumaran Nair, Sri S. Ajayakumar, Sri John Mathai, Sri KG Padmakumar, Sri George Chackacherry and Sri EA Jayson conducted the site visit on 22nd June 2017. The report is as follows;

As per the decisions of the 73rd meeting of SEAC, a second field visit to the site of Prime Meridian Infrastructure Pvt Ltd in Vazhakkala Village, Kanayannur Taluk, Ernakulam district was carried out on 22.06.2017 by the sub-committee of SEAC comprising, Shri.P.Sreekumaran Nair, Dr. KG. Padmakumar, Dr.George Chackacherry, Dr. E Jayason and Shri.John Mathai. The proponent with other representatives was present at the site.

The previous visit of the sub-committee with Dr. KG. Padmakumar and Shri. S. Ajayakumar has already brought to light several issues regarding the lie of the land, the wetland nature, the presence of a perennial stream on the eastern side, the narrow nature of access roads, the possible negative impacts due to the project and above all the vast stretch of wetlands in the vicinity that have the potential to be developed for mixed use leading to an unplanned development. Considering the fragile nature of the land, the site is evaluated along with its surrounding lands.

1. *The site of Prime Meridian falls in the flood plain of the stream flowing along its eastern boundary. The soil analysis of the site indicates a >3 m thick organic rich clay layer all around indicating that it was part of an old wet land system. Such areas falls in the depositional zone receiving all the fine sediments from the upper catchment and remains seasonally flooded. The presence of tidally active channels in close proximity suggests a flat land, elevation about 2- 3 m amsl, and local water level controlled by the tidal variation. Hence this area should continue to function as a sink for water and sediments.*

2. *Analysis of multi-date satellite images indicates the rapid changes in landuse of the site. In February 2005, well after the cessation of both monsoon seasons, the site proposed to be developed for residential units (on the southern part) was almost entirely water logged. The extent of water spread is seen on either side of the existing thodu. The*

rest of the area proposed for future development and sports activity (on the north) was under paddy and coconut. Shallow water table condition is indicated even there indicating that this linear bit of land falling on either side of the stream is covered with water seasonally. The image of December 2009, indicates that the site was filled up with red earth. Filling up a flood cushion area, under the strength of a KLU order, without providing alternate channels of flood abatement can only aggravate flooding in the area. Recent images of March 2017 shows the presence of a green grass covered area with a cemented border and a cemented patch adjacent to it developed to promote sports. However, at the time of inspection, it is seen than the plots though filled with earth have segments covered with water indicating that the area continues to receive flood waters.

3. 3-4 m thick organic rich clay with negligible cohesive strength is the substrate below the filled up layer. This material is unsuitable for filling any site. The excavation and refilling as planned will involve transport of large quantity of clay out of the site and red earth from elsewhere into the site.

4. The District disaster management plan for Ernakulum district indicates this site to be in the flood prone zone.

5. On delineating the watershed of the stream that flows adjacent to the site, it is estimated that the storm water from an area of about 400 ha reaches the exit point located adjacent to the site. The upper catchment near Kakkanad or Padamukal is reasonably covered with hard surfaces such that the entire storm water finds its way due south into the stream. Considering a rain fall of 10 cm and the present slope, about 60% of precipitation (2.4 lakh m³) will reach the site in few hours. The constricted and weed infested nature of the stream will retard the flow leading to spreading of the storm waters resulting in flood like situation. It is these low lying areas that are to act as flood cushions. Hence filling up of the site need to be prohibited.

6. The area given in the proposal is 6.4 ha out of which ~ 2 ha is set apart for future development. Another 2 ha is dedicated to sports related activity. The balance 2.4 ha is available for residential purposes planning to build 1.4 lakh sq. m of built up.

7. At present the access to the plot is through a narrow road of 5 m width. In the image it is clear that access roads are not yet developed. On tracing the proposed access

road, shown as bright line due the presence of mud, it follows the stream with a culvert for crossing. The total length of about a km has to be developed as an all-weather road with a width of more than 12 m. The permission of the land owners is a must. It should also be ensured that the stream width is not compromised while constructing the road

The area, by virtue of its location in the flood plain, proximity to tidally active creeks, presence of a thick substrate of organic rich clay, receives flood waters from a large sloping area with higher level of paved surfaces and development etc., is a fragile land and need to be developed with utmost care. The site should also facilitate some level of flood cushioning. Avoidance of excavation and removal of underlying organic layer is a better option so that the hydraulic regime is not altered. Green belt and open spaces should be provided. Connectivity of water channels as existed prior to filling should be restored (KLU order, though inadvertently, insists on it).

An overall evaluation of the site along with the adjacent plots having similar disposition indicate that the development of the plot cannot be considered in isolation from its neighborhood since any development here will have serious implication on the surrounding land also. Mitigation of environmental effects of this development need the active participation of surrounding landowners also, be in laying of wider roads and traffic environment, in storm water management measures, widening/deepening of stream or in liquid waste treatment.

In this context the proposal cannot be accepted in its present form.

The proposal was placed in the 75th meeting of SEAC held on 29th & 30th June 2017. The Committee appraised the proposal based on Form I, Form 1A and the field visit report submitted by the Sub-Committees.

Both the Sub-Committees have raised serious concerns about the project. The site is located near the confluence of a storm water discharge from a vast wet land . Though the area is earmarked for residential purpose in Structural Plan for Cochin, haphazard and piecemeal developments are likely to create irreparable bottlenecks in the overall scheme of things. Hence a well planned storm water drainage plan along with properly laid out road net works for the entire locality have to be formulated by the local body before venturing to take up huge projects like the one proposed by the proponent. The road proposed now is only 5m wide meandering through the wet land for almost a km which is grossly inadequate. Further

though the total area exceeds 6 ha, the present development is planned in an area of less than 2.5 ha. This land is insufficient to support the planned development after providing the mandatory open spaces. Hence the Committee decided to recommend to SEIAA to advise the proponent to resubmit the proposal dovetailing it into the detailed town planning scheme for the surrounding area approved by the local body.

Authority examined that the project is proposed in a land proposed to be reclaimed from a large wetland existing on the western side of the sea port –air port road near Thuthiyoor. The plot is in the middle of a vast wetland and cannot be considered as an extension of an existing habitation. An overall evaluation of the site along with the adjacent plots having similar disposition indicate that the development of the plot cannot be considered in isolation from its neighborhood since any development here will have serious implication on the surrounding land also. The District disaster management plan for Ernakulam district indicates this site to be in the flood prone zone. The Sub Committees also expressed their concern about the inadequate width of the access road to the project site. It was not advisable for allowing such a huge project without sufficient access roads.

In view of the negative impact of the project on the environment, as reported by the Sub Committee and SEAC the Authority decided that the project cannot be considered for the grant of EC and inform the proponent accordingly.

Item No. 73.15 Environmental clearance for the Proposed Residential Apartment Project in Sy. Nos. 224/1 Poonithura Village, Kanayannur Taluk, Ernakulam District, Kerala of Mr.K.V.Abdul Azeez, Managing Partner, M/s Skyline Builders (File No. 1114/EC/SEIAA/KL/2017)

Mr.K.V.Abdul Azeez, Managing Partner, M/s Skyline Builders , 41/349 B, Skyline House,Rajaji Road, Cochin, Ernakulam, Kerala-682035, vide his application received online, has sought Environmental Clearance under EIA Notification, 2006 for the proposed Residential Project in survey Nos. 224/1 Poonithura Village, Kanayannur Taluk, Ernakulam District, Kerala. It is interalia, noted that the project comes under the Category B, 8(a) of Schedule of EIA Notification 2006. No forest land is involved in the present project.

The proposed project site falls within Latitude 09°59'11.30"N to 09°59'07.84"N to Longitude 76°18'08.99"E to 76°18'06.16"E. The height of the proposed building is 83.25 m

and the total plot area of the proposed project is 4,917.105 sq.m. The total built-up area of about 23,609.06 sq.m. with supporting infrastructure facilities. The total cost of the project is Rs. 41.40 Crores.

The proposal was placed in the 73rd meeting held on 30th & 31st May 2017. The Committee sought more clarity/ assurance from the proponent on the following points.

- a) *Adequacy of the source of water*
- b) *In view of the nearby water body whether the site needs clearance under the CRZ notification*
- c) *Proof of having applied for the wildlife clearance.*
- d) *Portion of energy requirements proposed to be met from non-conventional sources*

The proponent agreed to set apart an amount of Rs.25 lakh over a period of 3 years for CSR activities for the welfare of the local community in consultation with the local body. The Committee decided to **defer the item for field inspection.**

Accordingly the Sub Committee members conducted the site visit on 22nd June 2017. Accordingly the Sub Committee members consisting of Sri Sreekumaran Nair, Sri S. Ajayakumar, Sri John Mathai, Sri KG Padmakumar, Sri George Chackacherry and Sri EA Jayson conducted the site visit on 22nd June 2017. The report is as follows;

The proposal is located along the Stadium link road behind Kaloor international stadium and adequate access is available. The proposal is for the expansion of the existing building under construction with a valid permit received on 10.1.2013. A drain is passing through the western side of the plot with 8 m setback. Storm water can be let out into the drain. Parking is adequate with satisfactory manoeuvring facility. Road having a width of 5 m is available all around. STP is proposed below ground level and adequate. RWH of 320 KL capacity is adequate. Solid waste disposal facility and MRF are adequate.

The proposal was placed in the 75th meeting of SEAC held on 29th & 30th June 2017. The Committee appraised the Form I, Form IA, Conceptual plan, field visit report and all other documents. The Committee verified the additional documents submitted by the proponent and found satisfactory. The Committee decided to **Recommend for issuance of**

EC subject to the general conditions and a written commitment about the quantity of energy proposed to be met from solar source.

The proponent agreed to set apart an amount of Rs.25 lakh over a period of 3 years for CSR activities for the welfare of the local community in consultation with the local body.

Authority noticed that the field inspection states that the proposal is for the expansion of the existing building under construction with a valid permit received on 10.01.2013. As the vertical expansion of building is going on, without EC the Authority authorized the Chairman to ascertain whether the construction already carried out attract violation proceedings by visiting the site for consideration in the next meeting.

Item No. 73.16 Personal Hearing to Sri.Bijo Jose

Mr. Jilson Joseph, Veliyathil House, Naduvil Via, Pulikurumba P.O. Kannur District, Kerala-670582, vide his application received online, has sought Environmental Clearance under EIA Notification, 2006 for the quarry project in survey Nos . 28 Nediyinga Village, Taliparamba Taluk, Kannur District, Kerala for an area of 8.0804 Ha.

On 16.02.2017, the Hon'ble High Court while considering WP(C) 561/17 filed by Sri.Bijo Jose, against granting of EC to the quarry of Sri.Jilson Joseph directed the SEIAA/SEAC, to give an opportunity of hearing to the petitioner. The Petitioner moved contempt of court proceedings for not having heard him. Hence the Hon'ble Court had been assured that the complainant, Shri.Bijo Jose, will be intimated of the site inspection to hear his arguments at that time.

The proposal was placed in the 73rd Meeting of SEAC held on 30th & 31st May 2017 and decided to hear Mr.Bijo Jose at the time of field visit as ordered by the Hon. High Court in WP© 561/17. The date of site visit was intimated to the petitioner. The site visit to the quarry was carried out on 9th July 2017 by Dr P S Harikumar and Dr Khaleel Chovva. The Sub Committee Members tried to contact the petitioner 4 times but, eventhough the phone was ringing Mr Bijo did not attend it. As per his request, he was again given a chance to express his grievances during the 76th meeting of SEAC held on 25th July 2017 which was also unattended by the petitioner. Shri.Bijo Jose then requested for another hearing by SEIAA, intimating the date well in advance.

Sri.Bijo Jose has been informed vide letter no.3240/EC2/2017/SEIAA dt.16.08.2017 that the Authority has decided to give a final opportunity for a personal hearing during the 73rd meeting of SEIAA scheduled to be held on 15.09.2017 at 11 am at Harithasree Hall, State Environment Impact Assessment Authority, Devikripa, Pallimukh, Petta P.O, Thiruvananthapuram – 695 024.

The petitioner Sri.Bijo Jose attended the personal hearing. The objections raised by him has been recorded.

Item No. 73.17 Decision on Legal Opinion – Whether mining in lease area without EC comes under the scope of violation.

SEIAA meeting held on held on 28/04/2017 has taken a decision to take the legal opinion as to whether Environmental Clearance is required for lease quarries before the expiry of lease period. In reply to this two legal opinions are being obtained. One from the Additional Chief Secretary Environment Department and another from Advocate and Standing Counsel, SEIAA at NGT.

Dated 21.7.2017, the first legal opinion states that “In case where quarrying/mining/ lease which were existing on the date of issuance of Notification dated 14/9/2006 or on the date of issue of the order dated 18/5/2012 by the Government of India, Ministry of Environment & Forest with regard to area less than 5hecatres no environmental clearance with regard to extraction of minor mineral is required. Notification dated 14.9.2006 contemplated obtaining environmental clearance only with regard to new projects/new activities.

Judgment of Apex Court in Deepak Kumar’s case (supra) did not contemplate environmental clearance for an area less than 5 hectares with regard to existing mining lease/mining permit on the date of judgment. Paragraph 29 of the judgment clearly directed that leases of minor mineral including the renewal for an area of less than 5 hectares be granted by the State/Union Territories only after getting environmental clearance.

Environmental Clearance as contemplated by Notification dated 14-09-2006 required environmental clearance for new projects/new activities”

The second legal opinion states that “in the light of the Apex Court Judgment, Notifications issued by MoEF and Judgments issued by various High Courts and National Green Tribunal I am of the opinion that leases of minor minerals, including their renewal for

an area of less than five ha, be granted by the states/union territories only after getting environmental clearance from the MoEF. The leases of minor minerals require environmental clearance at the time of renewal of its lease and also for fresh grant of lease.

The mining lease prior to Deepak Kumar case

- (1) When the mining lease has been existing and it was an existing mining before Deepak Kumar case and when it is for renewal after Deepak Kumar case requires EC and may not be treated as violators.
- (2) Lease renewed after Deepak Kumar Case and yet not applied for EC amounts to violation and should be treated as violators.

The lease after Deepak Kumar Case

- (1) The mining lease taken after Deepak Kumar Case and continue with mining without EC would amounts to violation and may be treated as violators.”

In the meantime the Director of Mining & Geology vide letter dated 19.12.2016 has issued the applicability of environmental clearance to the existing quarrying leases stating that EC is required at the time of the expiry of the lease period. However this order dated 19.12.2016 issued by the Director of Mining & Geology is cancelled by the Hon’ble National Green Tribunal, Principal Bench dated August 17,2017 with the result that lease quarries also require EC on or before the expiry of lease permit.

Authority decided to request the Advocate General to clarify the applicability of the NGT order as SEIAA is not a party especially when there is an order of the High Court, Kerala which has a different stand. Till that time EC recommended may be kept pending.

**Item No. 73.18 Inspection Report of Blue Star Industries, Cheriya Konni,
Aravikara, Thiruvananthapuram
(FileNo.858/SEIAA/EC1/2987/ 2015)**

The project proposal (File No.858/SEIAA/EC1/2987/2015) was submitted on 29/07/2015. As the general procedure SEAC in its 66th held on 19.12.2016 meeting decided to recommend for Environmental Clearance based on certain general and specific conditions. Based on that State Environment Impact Assessment Authority in its 64th meeting held on 23/2/2017 considered the project for the issuance of EC. In the mean time one complaint was received from Sri.Binil Kumar. A, Neeraj Bhavan , Manamboor, Cheriya Konni, Thiruvananthapuram. In the complaint it is stated that there are some dwelling units in and

around the quarry and that there is no water in the wells nearby and the quarry is working without EC.

Based on Shri.Binil Kumar's complaint SEIAA decided for site inspection to examine the veracity of the complaint. As directed by SEIAA in the 68th meeting held on 12/05/2017 Chairman and Member of SEIAA visited the quarry project site, Blue Star Industries of Mr.M.V.Somasekharan Nair on 26.07.2017.

Inspection Report is as follows:

Mining started in 2006 on lease. First Lease period is from 2006-2018. Now the quarry is working on lease obtained on 2011. The duration of the lease is 2011-2023. There is no dwelling units near to the working quarry and there is no evidence of water shortage in the wells in and around the area as in the complaint of Binil Kumar mentioned. Office building are located nearer to the quarry area. Fencing is partial around the crusher unit and the lease area. Rain Water Harvest structure deepened to store bulk of rain water as directed by the SEAC committee. There is no dust suppression unit. Mining is not scientific. There is no bench formation. Deep mining pits are not reclaimed. But water is sprinkled for dust suppression. The petitioner has now withdrawn his complaint against the quarry. It is not clear why the petitioner has withdrawn the complaint. Since there is no complaint against the quarry now, conditions proposed by SEAC Committee are to be rectified. EC can be issued for this quarry only after an evidence is produced that all above drawbacks and the specific conditions suggested by SEAC inspection reports are rectified.

Authority examined the inspection report and decided that EC can be issued for this quarry only after an evidence is produced that all above drawbacks and the specific conditions suggested by SEAC inspection reports are rectified.

Item No. 73.19 Environmental clearance for the quarry project in Sy. No. 1080/2(P) at Onakkoor village, Muvattupuzha Taluk, Ernakulam District, Kerala State by Sri.Philip George, M/s. Murickans Quarry (File No. 915/SEIAA/EC3/3661/2015) – Request to reconsider – reg:-

Sri.Philip George (Proprietor) M/s. Murickans Quarry, Murical house, Periyappuram P.O., Muvattupuzha Taluk, Ernakulam District vide his application dated 11.09.2015, has

sought Environmental Clearance under EIA Notification, 2006 for the Proposed Building Stone Quarry in Sy. No. 1080/2(P) at Onakkoor village, Muvattupuzha Taluk, Ernakulam District, Kerala State for an area of 1.4761 Hectares. The proposed project site falls within Latitude (N) 09°52'04.83" to 09°52'11.14" Longitude (E) 76°32'04.21" to 76°32'08.41". This is an existing quarry of an area 0.286 Ha. The proposed mine lease area of 1.4761Ha is a patta land and is in lessee possession. The total mine lease area is 1.4761 Ha.

The proposal was considered in the 56th Meeting of SEAC held on 6th & 7th June 2016. The proponent admitted that the quarry is presently operational and hence there is a violation. This may be looked into by SEIAA. The SEAC has decided to **Recommend for issuance of EC** on completion action against violation subject to the following specific condition along with other general conditions.

1. There is an adjacent quarry named 'Edaayan Crushers'. From the presentation, it was observed that there is no set out, between the two. This should be strictly provided as stipulated in rules.

2. Presently bench formation is not followed at all. This should be strictly adhered to.

The proposal was considered in the 55th meeting of SEIAA held on 16th July 2016. Authority wanted to get it clarified by SEAC as to when did the violation take place, and whether the case attract the order dated 30-10-2015 of the Hon. Supreme Court in SLP No. 30103/2015 to maintain status quo. SEIAA is the 8th respondent in that case.

The proposal was placed in the 67th meeting of SEAC held on 27th January 2017. The Committee examined the suggestions made by SEIAA and decided to defer the item for site inspection.

Subsequently, site visit was conducted on 08.04.2017 by Subcommittee consisting of Er. P. Sreekumaran Nair, Dr.K.G.Padmakumar & Dr.E.A.Jayson. The representatives of the proponent were present at the site at the time of site visit. The report is as follows;

Sri.Philip George (Proprietor) M/s. Murickans Quarry, Murical house, Periyappuram P.O., Muvattupuzha Taluk, ErnakulamDistrictvide his application dated 11.09.2015, has sought Environmental Clearance under EIA Notification, 2006 for the Proposed Building Stone Quarry in Sy. No. 1080/2(P) at Onakkoor village, Muvattupuzha Taluk, Ernakulam District, Kerala State for an area of 1.4761Hectares. The proposed project site falls within Latitude (N) 09°52'04.83" to 09°52'11.14" Longitude (E) 76°32'04.21" to 76°32'08.41" This is an existing quarry of an area 0.286 Ha. The proposed mine lease area of 1.4761Ha is a

patta land and is in lessee possession. The total mine lease area is 1.4761 Ha. The proposed project is for quarrying of 50,000 TPA (250 TPD) of building stone.

Distance of the mining area from the nearest human settlement is recorded as approximately about 102m from the lease boundary. The proposed project area is not adjacent to any of the ecologically sensitive features the project area does not fall into ESZ – I of WGEEP Report and ESA of HLWG. The quarry is at present operational on permit. There is an adjacent quarry named 'Edaayan Crushers'. As observed earlier during the presentation, it was observed that there is no set out, between the two, as stipulated in rules. Presently bench formation is not followed at all. This should be strictly insisted to.

The proposal was considered in the 73rd meeting of SEAC held on 30th & 31st May 2017. The Committee opined that the proponent was operating the quarry based on permit without EC. The proponent admitted the fact during his presentation before the committee on 07.06. 2016. Hence, it is a case of violation, which may be looked into SEIAA.

The proposal was placed in the 71st meeting of SEIAA held on 20th July 2017 Authority decided to accept the recommendation of SEAC that the working of the quarry is a case of violation and hence decided to take action on violation.

Now the proponent Mr.Philip George has submitted a request that has been received in this office on 13.09.2017. He has requested to re-evaluate the decision of SEAC committee and to give permission to operate the quarry. He explained that he has operated the quarry only on the permit order of the Hon'ble Supreme Court and after that he has not continued quarrying after November 2016. He also submitted a Certificate form Village Officer that the quarry was not operational. This was placed before SEIAA meeting for decision.

As SEAC in its minutes and inspection report has recorded violation, and the proponent himself has agreed violation to it, and also SEIAA has taken a decision on violation as recommended by SEAC, Authority decided to return the file to SEAC for reconsideration in the light of the representation of the project proponent and also after hearing the proponent.

Item No. 73.20 M/s Mavanal Granites Pvt Ltd. (File No.81/SEIAA/KL/183/2013 (Application for Erratum).

EC has been issued to M/s. Mavanal Granites, for an area of 5.2377 hectares, as per Proceedings No. 81/SEIAA/KL/183/2013 dated 16/8/2017. The project proponent has now

informed that the parameters mentioned in the EC Order is not as per revised Form 1 and basic information submitted by them. They have submitted the correct details of Latitude (N) and Longitude(E). Authority decided to issue Erratum to the proponent.

Item No. 73.21 Court Cases

1. SLP (C) 19720/2017 filed by Sri Sakeer against the impugned interim order dated 21.06.2017 in WP(C) No. 20379/2017 passed by the High Court of Kerala. The Member Secretary, SEIAA is the 5th respondent. As no Order or action of this Authority is not challenged by the petitioner, the Authority decided to give formal affidavit in this SLP.
2. WP (C) NO. 656/17 filed by Sri. M.K.Babu challenging the Educational Qualifications of Members of Wayanad and Kozhikode DEAC/DEIAA. It is decided to issue direction to DEIAA/DEAC Wayanad & Kozhikkode to file Counter Affidavit on behalf of the 5th respondent, the Member Secretary, SEIAA.
3. O.S. 266/2017 filed by Dr. Rajendra Prasad Vijayan & 6 others against the issuance of EC in favour of M.K.Biju, Director, (SEIAA is the 6th respondent) prayed to restrain the 1st Respondent, M.K.Biju from conducting any sort of crushing operations in the proposed project (Karthika Metal Crusher) and also restrain the other 2nd to 8th respondents from reviewing the permit/licence for the operations in plaint quarry and crusher unit till the disposal of the above numbered suit. SEIAA is of the opinion that the case is to be dealt by the NGT and do not come under the jurisdiction of the Munsiff Court.

4. Non –Intimation Court Cases

There are several court cases where SEIAA is marked as respondents in the Hon'ble High Court of Kerala. But SEIAA is not informed of such case or and if at all informed it is just before the case that came up for hearing from the Office of the Advocate General, with the result that SEIAA is constrained to file Statement of Facts/Affidavits on time. For example, an appeal WA.No1806/17 filed by J.B.Granites came up for hearing on 14/9/2017. But SEIAA was not informed of this case. It is understood that the Judgment of the Court in the above Writ Appeal was pronounced against the Environmental Clearance to be issued by SEIAA. It is not known whether SEIAA was represented by the GPs while the case came up for hearing. In several such cases SEIAA is not receiving details like copies of Writ Petitions, Judgments, and even names of the GPs appearing for SEIAA. The

Authority decided that the matter may be brought to the attention of Advocate General to do the needful.

Item No. 73.22 General Items

1. Request from Sri. C Anwar Sadath, Director, Calicut Landmark Builders & Developers (India), Pvt Ltd. for reviewing the earlier decision of SEIAA to reject their application for EC

Calicut Landmark Builders & Developers (India), Pvt Ltd. has informed that SEAC has rejected their request for EC for a township project in 19.34 acres of land at Re Sy no. 15/1 of Kodenchery Village of Kozhikode district, stating that only townships with area greater than 1,50,000/- sqmtrs come under 8(b), which SEIAA has also upheld. They have now informed that as per the Supreme court judgment dated 3.12.2010 in WP(C) 202 /2009 filed by T.N.Godavarman Thirumulpad against Union of India, it has been clarified that townships with area below 1,50,000 sqmtrs should also obtain EC from SEIAA or MoEF. Calicut Landmark Builders & Developers (India), Pvt Ltd. has therefore submitted a petition to the Hon. Chief Minister to for review the earlier decision of SEIAA to reject their application for EC.

Authority decided to obtain legal opinion in the matter from the standing counsel of NGT and legal department of the State Government.

2. Request from Smt. Radhamani for wage hike

Smt. P Radhamani has requested enhancement of wages from Rs.200/- per day to Rs. 300/- per day . Though GO(Ms) No.09/17/Envnt dated 07.07.2017 specifying wage hike of contract / daily wage employees of SEIAA does not mention the category of sweepers. File no. 3648/EC2/17/SEIAA regarding the issue has been submitted to Director, DoECC for orders.

Authority decided to give emoluments as per rules.

3. Administrative and Financial matters routing through Director :

As per Govt. Letter No.A1/252/2016-Envnt dated 4-8-2017, addressed to the Chairman, SEIAA which has been issued on the basis of a letter dated 4.4.2017 of the Director of Environment & Climate Change Department, Government have directed that :

“(i) Files dealing with administrative and financial matters in SEIAA should be routed through Director, DoECC and be submitted to Member Secretary, SEIAA

(ii) Files dealing with Environmental Clearance should be submitted directly to Member Secretary, SEIAA.

It has also been informed that staff may be employed on contract basis by keeping all the rules and regulations in force in order to overcome the dearth of staff. “

The matter was placed before the meeting of SEIAA for taking a decision regarding complying with the above Government decisions in points (i) and (ii) and for examining whether there is dearth of staff at SEIAA at present as normal functioning of SEIAA is being carried out smoothly with existing staff at present and furnishing a reply to Government in this regard.

SEIAA noted the following repercussions of the above order.

It was as per GO(MS)7/2015/Envt-dated 21.05.2015 that Government after considering the functions of SEIAA thus far, entrusted the entire administrative responsibility of SEIAA on an Administrator exclusively for SEIAA. Government has categorically observed as under:

‘But Government is aware of the fact and SEIAA is conceived and constituted as an independent Statutory Authority to consider and dispose applications related to environmental clearance in respect of projects and proposals in the State as provided under Environmental Protection Act 1986. For safeguarding the independent nature of its statutory functions and for ensuring timely decisions and avoiding complaints Government decided in principle to make SEIAA and SEAC as separate independent Statutory entities with full functional freedom.’

The system worked fine without any complaints. The above decision of Government may go against the very intention of government in separating the administration of SEIAA from the Government Department. It may also be pointed out that such an arrangement was made in the wake of serious allegations and deliberations in the Legislative Assembly on the involvement of the Directorate in the matter of SEIAA. **Vigilance enquiries are also pending in these matters. The effect of the directions for routing of SEIAA files would be reversal of the earlier order of Government, upholding autonomy of SEIAA.**

Government may also be requested to seek the issues of the SEIAA while deciding on such proposals of the DoECC, who had no role in the administrative/financial matter of SEIAA.

SEIAA noted its apprehensions whether the new arrangement would render unnecessary delay in the disbursement of salary, honorarium and TA/DA and other emoluments due to the Chairman and Members of SEIAA and SEAC in addition to the matters related and administration. The Authority decided to bring all these apprehensions of SEIAA to Government.

4. Request from Sri. Seban for refund of fee remitted :

Sri. P.S. Seban vide letter dated 28.06.2017 has requested that the amount of Rs.1,00,000/- remitted as processing fee for obtaining Environment Clearance for removal of Ordinary Earth in Sy. Nos. 528/12,529, 528/9-5, 529/8, 528/9-2, 528/9-3, 528/4-2, 528/4-3, 528/4-4, 528/9-1, 528/4-5, 529/5, , 529/6, and 529/9-4 of Piramattam Village Kunnathunad Taluk, Ernakulam, stating that his request for EC was rejected by SEIAA as a court case is existing regarding Land Conservation Act against the site. The complainant has also

informed that though the report of Tehsildar stating the above fact had been submitted along with the application, SEIAA had accepted the same and had requested him to remit the above fee, which is against natural justice. He has therefore requested that the above fee may be refunded to him at the earliest.

The Authority decided that the processing fee cannot be returned since the application was rejected after processing the same by SEAC and SEIAA.

However since the fee is already remitted to Government treasury, the applicant may approach the Government with his request for refund.

5. Request from Sri. Abraham Thomas (M/s. Amity Rock Products) for lowering the distance limit from forest border :

Government vide letter no. A3/207/2017/Envnt dated 05.08.2017 has forwarded a copy of the petition submitted by Sri. Abraham Thomas before Petitions Committee (2016-19) for report . The petitioner has stated that he has been carrying out quarrying operations and metal crusher unit in Re Sy nos 446/1,443/1,443/1-3, 464/4, 447/1, 447/1-2, 447/1-3, 448/2, of Mallappally Taluk, Kottangal village of Pathanamthitta district as per EC No.98/SEIAA/KL/1378/2013 and that the unit is operating at a distance of 60 meters from forest border as per guidelines of Mining and Geology Department. He has stated that even though quarrying is being carried out at a distance of 60 m from forest border, there has been no adverse impact on environment or bio- diversity at the site.

He has further stated that as per GO(Ms)No. 239/2010/ID dated 01.12.2010 the distance limit of quarrying has been fixed at 50 mtrs on the basis of KMMCR 40(1) of 2015 and that fixing a different distance limit overlooking the same is not valid as per Environment / Forest rules and that though he has been granted EC for mining 6,06,000 tons he is unable to mine the same as the distance limit is fixed as 100 mts. Sri. Abraham Thomas has informed that SEAC had conducted site visit at his quarry on 28.04.2016 and have reported that conducting quarrying operations at 50 mtrs will not cause adverse impact on environment or bio- diversity at the site. He has therefore requested the committee may review the decision and grant permission for mining at a distance of 7.5 meters as per guidelines in Forest Conservation Act 1980. In the meantime he has filed a case against SEIAA in WPCs 19350/2017 and the case is pending for hearing.

SEIAA as a general and specific condition has put 100 meters distance from forest boundary for mining. Authority opined that in this case a decision may be taken only after the pending court verdict. It may be a matter of subjudice in case a decision is taken in this regard at present.

6. Compliance Report :

EC is being issued to project proponents subject to the condition that they will furnish compliance reports within the specified period. However, due to dearth of staff, compliance reports received were not scrutinised properly till date. Hence a decision on the need for

bringing in a format for compliance report, who should scrutinise it, the period of submission of compliance report etc may be taken by placing the matter in the SEIAA meeting with a proposal by the Administrator.

7. Extention of EC for removal of Ordinary Earth – Transfer of files to DEIAA - reg :

It was decided in the 64th meeting of SEIAA held on 23.02.2017 that application for extension for removal of ordinary earth in cases where EC has already been given by SEIAA, is to be submitted to the concerned DEIAA. But a confusion still prevails whether the application is to be submitted to SEIAA or DEIAA since the original application and documents are with SEIAA. Hence it was decided that all the DEIAA may be directed to receive application for extension and to request SEIAA to transfer the original documents and applications from SEIAA for processing the case.

8. Recording status of files opened :

As a decision regarding proper recording of status of files and stacking them in order is to be taken, Administrator is authorised to present a scheme for this in the next SEIAA meeting.

9. EC granted to M/s. Ananthapuri Blue Metals complaint that Government land has been included without NOC :

EC has been issued to to M/s. Ananthapuri Blue Metals vide proceedings no. 799/EC3/2042/SEIAA/2015 dated 11.02.2016 for the quarry project in Sy. Nos. 111/8-2, 113/1-2, 113/1-3, 112/5, 114/1 , 114/12, 114/7 and 113/1 of Chithara Village, Kottarakkara Taluk, Kollam. Geologist, Kollam has now informed that of the above survey nos, Sy No. 113/1 with an area of 1.2992 ha is Government land and that the then Geologist, Kollam had approved the mining plan by mistake / negligence. The Geologist has informed that this grave error has been notified to DC, Kollam and Director, Mining and Geology, Thiruvananthapuram. The Geologist, Kollam has also requested to inform whether SEIAA was aware that to M/s. Ananthapuri Blue Metals had no NOC in 113/1.

On examination of the file, it is seen that the proponent has furnished a notorised copy of the NOC obtained from Revenue Authorities for mining 1,00,000 MT of building stone for a period of 5 years or earlier, subject to conditions.

Authority decided to inform the Geologist, Kollam of the above facts, and to takeup further action.

10. EC issued to M/s. Reena Metals correction in Geo coordinates requested :

EC has been issued to M/s. Reena Metals, Kannur, as per Proceedings No. 210/EC4/221/2014/SEIAA dated 17.01.2017. The project proponent has now informed that

the readings of Geo Coordinates was erroneously furnished by their consultants and that this human error may kindly be amended and EC may be issued with corrected Geo Coordinates. The matter was placed before SEIAA meeting for deciding on whether it is possible to make corrections in Geo Coordinates in an EC that has been issued for mining at a particular site .

Complaints have been received in SEIAA office from Sri.Joseph Chandi, Thottuvelil 'SriNagar' Pallikunnu.P.O., Kannur, and Sri.Saji Mathew, Kanjirathunkal, Charal P.O, vide letters dated 07.09.2017 & 22.02.2017 respectively stating that the quarry is working without the 61 conditions stated by SEIAA. They explain that this is adversely affect the environment and life of people living there. A petition filed by Sri.P.J.Devassia (Appeal No.24 of 2017) is also pending in NGT.

Authority decided to conduct a site inspection since complaints has been received against the grant of EC and to verify the geo-cordinates.

11. Requests from Member Secretary, DEIAA, Thrissur and DC, Pathanamthitta :

(i) Member Secretary, DEIAA, Thrissur has requested that they may be adviced on the break up of sitting fees, DA and other expenses, if any to members of DEIAA and DEAC.

(ii) DC Pathanamthitta : District Collector , Pathanamthitta has though the CCF, Kollam has been requested to nominate an expert member to DEIAA/DEAC, Kollam repeatedly, no nominations have been received till date. DC, Pathanamthitta has hence requested to offer advice on whether the services of Expert Members of nearby districts like, Kollam, Alappuzha and Kottayam ,may be utilised in DEIAA / DEAC . It has also been requested to nominate Expert Members to the above Authority / Committee if suitable candidates are available.

As per the MoEF Notification S.O141(E0 dt.15th January 2016, clause (ii) the District Magistrate, and District Collector shall notify an agency to act as Secretariat for the DEIAA and the DEAC and shall provide all financial and logistic support for the statutory functioning and as per S.O 190(E) dt.20th January 2016 the expert members is to be nominated by the Divisional Commissioner or Chief Conservator of Forest. Clause 9 and 10 of the said Notification clearly gives the direction on their logistic and functional support in accordance with the concerned rules of the state Government. Any confusion in the above matter is to be clarified by State Government and MoEF.

12. Correction in Environmental Clearance – (File No.980/SEIAA/EC2616/2015)

Environmental Clearance was issued for the proposed Residential Apartment project 'Artech Metropolis'(EC No.26/2017) in Sy.No. 103/4 at Ulloor Village, Thiruvananthapuram Taluk, Thiruvananthapuram District of Viju Varghese, M/s Artech Realtors.In the application form submitted to SEIAA, the proponent had made a mistake in the number of floors of the proposed project. The number of floors is written as 19, whereas the actual number of floors is 4B+G+18. This mistake had been found in the Environmental Clearance issued also. So,

the proponent requests for issuing revised Environmental Clearance with number of floors as 4B+G+18.

Since on verification it is seen that the proponent has submitted documents for 4B+G+18 floors, and the same was appraised by SEAC, hence it is decided to issue erratum.

The meeting came to a close by 2.30 pm.

Sd/-
Dr.K.P.Joy
Chairman

Sd/-
Dr.J.Subhashini
Member

Sd/-
Shri.James Varghese I.A.S
Member Secretary