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Validity expires on 22-12-2020



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**Proceedings of the State Environment Impact Assessment Authority
Kerala**

*Present: Prof. (Dr.) K.P. Joy, Chairman, Dr. J. Subhashini, Member and Sri. P. Mara Pandiyan I.A.S
Member Secretary.*

Sub: Environmental Clearance - Environmental clearance for the quarry project in Sy. Nos. 23/2, 23/2-1, 24, 24/1, 24/2 and 24/3 at Moonilavu Village, Moonilavu Panchayath, Meenachil Taluk, Kottayam district, by M/s P.V. Granites. - E.C- Granted

STATE ENVIRONMENTAL IMPACT ASSESSMENT AUTHORITY

No. 73/SEIAA/EC4/168/2013

dated, Thiruvananthapuram 23-12-2015

- Read:-*
1. Application dated 8-12-2012 from Sri. Scaria Scaria, managing partner, P.V. Granites, Nellapara, Moonnilavu. P.O., Pala, Kottayam -686586.
 2. Minutes of the 13th meeting of SEAC held on 2-3-2013
 3. Minutes of the 18th meeting of SEIAA held on 23-5-2013.
 4. Minutes of the 16th meeting of SEAC held on 31-5-2013 and 1-6-2013.
 5. Minutes of the 17th meeting of SEAC held on 6-7-2013.
 6. Minutes of the 20th meeting of SEAC held on 19-7-2013.
 7. Minutes of the 21st meeting of SEIAA held on 23-8-2013.
 8. Minutes of the 23rd meeting of SEIAA held on 31-10-2013.
 9. Letter dated 19-11-2013 from P.V. Granites, Moonnilavu.
 10. Minutes of the 24th meeting of SEIAA held on 22-11-2013.
 11. Minutes of the 24th meeting of SEIAA held on 18-12-2013.
 12. Proceedings No. H4-34103/2012 dated Nil of the District Collector, Kottayam
 13. Minutes of the 33rd meeting of SEIAA held on 24-9-2014.
 14. Minutes of the 35th meeting of SEAC held on 17/18-10-2014.
 15. Minutes of the 35th meeting of SEIAA held on 9-4-2015.
 16. Minutes of the 39th meeting of SEAC held on 14/15-5-2014.
 17. Minutes of the 39th meeting of SEIAA held on 18-6-2015.
 18. Judgment dated 9-7-2015 of the Hon. High Court of Kerala in W.P.No. 20467/2015 filed by Saji Thomas and 3 others.
 19. Minutes of the 42nd meeting of SEIAA held on 1-10-2015.
 20. Judgment dated 13-10-2015 of the Hon. High Court of Kerala in W.P. No. 31116/2015 filed by Sibi Thomas and another.
 21. Representation dated 4-9-2015 from M/s P.V. Granites, Moonnilavu.

28/01/16

22. Petition dated 11-9-2015 from Sri. Joshi Joshva, Managing Partner, P.V. Granites, Moonnilavu.
23. Representation dated 10-10-2015 from M/s P.V Granites, Moonnilavu.
24. Minutes of the 44th meeting of SEIAA held on 13-11-2015.

ENVIRONMENTAL CLEARANCE NO. /II/ /2015

Sri. Scaria Scaria, Managing Partner, P.V. Granites, Nellapara, Moonnilavu (P.O), Erattupetta, Kottayam applied to SEIAA for Environmental Clearance to a quarry project on 30-01-2013.

Item		Description provided by the proponent
<i>Brief description of the project</i>		Quarry project with an area of 3.3559 ha. & production capacity of 2,00,000 MTA
<i>Category/Subcategory & Schedule</i>		"B2" Category 1 (a) – As per O.M. No. L-11011/47/2011-L.A.II (M) dt. 18-05-2012
<i>Location Sy no/ district, Taluk/ village etc.</i>		Survey No. 23/2, 23/2-1, 24, 24/1, 24/2, 24/3, Moonnilavu Village & Panchayat, Meenanchil Taluk, Kottayam District, Kerala.
<i>GPS co-ordinates</i>		Between 09°46'09.3059" N to 09°45'59.8612" N And 76°48'08.0124" E to 76°48'04.6082" E
	<i>Minimum and maximum height of excavation (MSL)</i>	530 m. MSL and 570 m. MSL
	<i>Life of mine proposed</i>	4.29 years
	<i>Ultimate depth of mining (in MSL)</i>	530 m. MSL
	<i>Distance from the adjacent quarry</i>	Mankombu Granites, 750 m.
	<i>Capacity of production</i>	2,00,000 MTA
<i>Environmental parameters considered</i>		
	Water requirement & sources	The total water requirement is about 5 KLD (Domestic – 1 KLD, Dust suppression – 2 KLD & Plantation – 2 KLD). The source of water is from storm water pond / wells. However the drinking water will be sourced from the existing open well which shall be purified in mini RO plant. It is proposed to collect the storm water into the holding/siltation tank

		by constructing channels all around the foot of hill. The channels will be constructed with intermediate check dams to prevent soil erosion.
	RWH units proposed	Yes, Rain water collection pond
	Impoundment, damming, culverting, realignment or other changes to the hydrology of watercourses or aquifers?	No impoundment, damming, culverting, realignment or other changes to the hydrology of surface water courses.
	Water quality meeting requirements	Water quality meeting requirements after the treatment of water (filtration & disinfection).
	Proximity to forest lands	No
	Access road to the site –Width & Condition	7 m. tarred road
	Storage of explosives /hazardous substances	Yes, Explosives will be stored as per Explosives Act/Rules.
	Facility for solid waste mgmt	The municipal solid waste from the labour quarter will be suitably disposed.
	Topographic features/ slope	The topography of the lease area is hilly area. The slope of the lease area are :- Section 'A – A' = 13° Section 'B – B' = 16° Section 'C – C' = 23° Highest level = 570 north east side Lowest level = 530 south west side
	Proneness of the area for landslides	No
	Significant land disturbance resulting in erosion, subsidence &	No

	instability	
	Top soil, overburden etc.	Top soil – 8,389 m ³ . Overburden – 8,390 m ³ .
	Likely emissions affecting environment	Diesel engine emissions & emissions from movement of vehicles like dumpers, trucks, tankers etc. will also generate. There will be fugitive emissions generated during material handling, transportation, loading, unloading, etc. that are proposed to be managed by regular water sprinkling on haul road, green belt development avoiding overloading of vehicles.
	Energy requirement	The total power requirement will be 75 kW, which will be drawn from diesel engine
	Extent of usage of alternative energy resources	No
	Presence of any endangered species or red listed category	No
	Loss of native species and genetic diversity	For the quarrying activity 207 nos. of trees of native species, shrubs, herbs, climber etc. existing at site will be cleared.
	Likely displacement of fauna	No
	Any introduction of alien / invasive species	No
	Proximity to nearest habitation	102 m. , West
	CSR components suggested	Under the CSR activities an amount of Rs. 5.27 Lakhs already spent and similar activities will be continued by the project proponent under the Corporate Social Responsibility.
	Does it have eco restoration programmes	<ul style="list-style-type: none"> ➤ Green belt development along the boundary of the lease area. ➤ At the end of the mining activity, it is proposed to reclaim the pit area and will be suitably planted with native species for eco-restoration.
	Litigation, if any, against the project	Listed out and referred to below.

Details of Authorised Signatory	Sri. Scaria Scaria Managing Partner M/s P.V. Granites Nellapara, Moonilavu P.O., Pala, Kottayam Kerala – 686586. Telephone No: 04822-286944; Mob. No. 094476362444; E-mail: pvgranites@gmail.com
Details of NABET approved EIA consultant organisation	M/s Enkay Enviro Services Pvt. Ltd. , 24-B, Dadu Marg, Gopal Bari, Ajmer Road, Jaipur, Rajasthan-302001. Tel. No: 0141-4013996/4023996/4016996; Fax; 0141-4026996; Email: info@enkayenviro.com QCI List at Sr. No. = 47 as per NABET list of accredited consultant organizations, Rev. 09 on 5 th June, 2013.

OTHER DETAILS OF THE PROJECT

- Vide para 3 of O.M. No. L-11011/47/2011-IA.II(M) dated 18th May 2012, the mining projects with lease area up to less than 50 ha including projects of minor mineral with lease area less than 5 ha would be treated as category 'B' as defined in the EIA Notification 2006.
- At the end of life of mine, excavated pit (*given as (3.3559 ha) in column 1.1 & 1.10 of Form 1 and 2.8009 ha in column 1.8 of Form 1*) will be fully reclaimed and rehabilitated by plantation. (*in column 9.2 of Form 1 it is given that at the end of life of mine, the reclaimed area (2.8009 ha) will be suitably planted leaving no voids*).
- The proposed project activity involves about 100 % of the pit area for exploring granite building stone.
- The proposed project does not involve any underground mining activities.
- The mining will be done by open cast semi mechanised method of mining.
- The bench height and width proposed is 6 m (*as given in column 1.13 of Form 1 & height and width will be maintained as 5 m and 6 m – as given in questionnaire(pg.19) and details of mining (pg. 30)*).
- A total quantity of 8389 m³ of top soil and 8390 m³ of overburden will be removed during the mining operations. The top soil excavated from the quarry will be dumped separately at pre-determined place and subsequently will be utilized in spreading over reclaimed areas for plantation. Overburden will be utilized for laying internal haul road and will form base in reclamation / plantation. (*But in column 1.3 of Form 1, under present land use the overburden is given as nil*).
- The sewage of 0.8 KLD generated from the mine office will be diverted to the septic tank followed by soak pit.
- About 34 trips of 20 T capacities will be utilised for transporting the mineral on daily basis.
- Kadavupuzha River is located at a distance of 2 km from the project site.

- The mineral produced from the proposed mine will be sent to the crusher plant located within the complex at 14 m towards east direction from the pit boundary for crushing it to the required size before dispatching it to end use. The various end products will be used in road construction, concrete mixing, solid block manufacturing and plastering works in building construction. The quarry in 3.3559 hectare of a private land owned by another person.

2. The proposal which was considered as agenda item no. 13.06 in the 13th SEAC meeting held on 2nd March 2013 was deferred to get a legal opinion from the Law Department of Government of Kerala to proceed further as it was known that a petition is pending before the Hon. High Court of Kerala regarding the project. In the meantime, SEIAA considered the W.P. (C) No. 11892/2013 filed before the Hon. High Court of Kerala, against illegal operation of quarrying in Moonilavu Village in Meenachil Taluk, Kottayam District in its 18th meeting held on 23.05.2013 and found that the respondent no. 10 (the project proponent) has applied for obtaining EC on 30.01.2013 well before filing the Writ Petition. The Authority observed that the focus of the petition is for seeking violation proceedings against the violators of Environment (Protection) Act and existing laws, and not against processing applications for Environmental clearances. Hence, the Authority was of the opinion that even though a litigation is pending against the proponent, it did not prevent him from applying for E.C. and the application shall be processed as per law by SEAC/SEIAA and hence may be further appraised by SEAC. The decision of SEIAA in the matter was placed before SEAC in its 16th meeting held on 31st May and 1st June 2013 for further action in the matter. Taking into consideration the decision of SEIAA, SEAC decided to consider the proposal in its next meeting scheduled to be held on 6th July 2013 and to intimate the proponent accordingly.

3. On 6.5.2013, Sri. Kuttichan, Paramathottu House, Moonnilavu (P.O), Kottayam claiming to be a resident about 100 m away from the quarry, and praying for action against the quarry by the District Collector, Kottayam filed W.P.(C) No. 21892/2013. SEIAA is the 3rd respondent. SEAC in the 17th meeting held on 6-7-2013 recommended the project with conditions. The case was placed before the SEIAA in the 20th meeting held on 19.07.2013. Authority observed that there is a court case against the proponent on the ground that the operations commenced before getting the EC. Secretary SEAC was authorised to conduct a site inspection to verify the situation. In the inspection it was found that mining activity had been conducted in derogation of the directions of MoEF, that no activity shall be undertaken in project sites before getting EC except fencing of the site. It was decided that the application should be processed only after initiating violation proceedings and reporting to Government/ revenue authorities. In the 22nd meeting it was decided to issue notice why the application should not be summarily rejected. It was replied that the blasting done was not for commercial purpose, but to comply with the directions of the technical committee constituted by Govt. of Kerala and by the Mine Safety Department (GoI). The 24th meeting took the decision that Secretary SEAC may examine the details and put up the report in the next meeting. On the recommendation of Secretary SEAC, the 25th SEIAA on 18-12-2013, decided to refer the matter to the Law Department for legal opinion as to whether the matter attracts violation proceedings under the

EIA Notification 2006 and further the proponent was directed to submit a copy of the judgment to ascertain whether the case is still under the consideration of the High Court. The matter was taken up with Law Department on 21-1-2014. As per Govt. letter No. 5400/F2/2014/Law dated 29-4-2014 it was informed that the letter was transferred to Environment Department of Govt. Secretariat for action as per Secretariat procedure.

4. The following cases have been filed in the High Court in this matter:

Sl. No.	Case No.	Petitioner	Subject	Status
1	25312/12	Kuttichan	Against license given by Moonnilavu Grama Panchayath	Technical Committee of Government found no pollution issues. Panchayath can consider application.
2	11892/13	Kuttichan	To take action for illegal quarrying. To comply all legal formalities	Pending
3	4174/14	Scaria Scaria	Direct SEIAA to give E.C	Disposed of on 24.7.2014. SEIAA to consider the request in the letter dated 25.1.14 of petitioner based on an earlier order passed by District Collector Kottayam, within 4 weeks from the date of receipt of judgment. (received on 27.8.14)
4	21259/14	Kuttichan	Direct Chairman SEIAA to consider his petition dated 19.7.2014, before given EC to P.V. Granites.	Chairman to consider petition dated 19.7.14, after personal hearing to the petitioner and to decide as per the judgment in W.P. 4174/14

Also there is a report of the technical Committee constituted by Government on the complaint against P.V. Granites. Government have not informed any adverse decisions. Petition dated 19.7.2014 of Sri. Kuttichan contains the following objections:

- Mining area is a tribal land where mining is not permissible.
- Gadgil/ Kasturirangan Committees on Western Ghats banned all mining activities in tribal lands and special protection is ensured for it.
- N.G.T has cancelled E.C given in tribal lands.
- Kerala State Scheduled Tribes Commission is seized of the matter.
- Drinking water sources have been affected.
- P.W.D roads pass through nearby, and the quarry poses threat to life and property.
- Quarrying started without E.C, and continuing since 4/2013.
- Application contains false details as to the project.

While complying with the judgment in W.P. 4174/14 filed by Sri. Scaria Scaria, SEIAA has also to consider the communication dated 25-1-2014 sent by the project proponent based on a proceedings issued by the District Collector, Kottayam in compliance with the judgment dated 2-7-2013 in W.P No 13547/13 filed by one Mathai Chacko.

5. The request in the said letter dated 25-1-2014 was to be considered and decided by SEIAA on or before 26-9-2014. Accordingly, the matter was considered by SEIAA in its 33rd meeting held on 24.09.2014. The Authority examined the issues arising out of the judgments of the Hon. High Court of Kerala in W/Ps 4174/14 and 21259/14 raising rival demands. Authority examined the contents in the letter dated 25-1-2014 submitted by Sri. Scaria Scaria, based on a proceedings issued by the District Collector Kottayam in compliance with the judgment dated 2-7-2013 in W.P No 13547/13 filed by one Mathai Chacko and that of the letter dated 19-7-2014 submitted by Sri. Kuttichan.

6. Sri. Kuttichan was called for a personal hearing on 23-9-2014 by the Chairman SEIAA, but he did not turn up. However in deference to the directions of the Hon. High Court, the Authority resolved to get the views of SEAC on the above objections raised by Sri. Kuttichan. In addition, it was also decided to get the position reported by SEAC whether the blasting done before getting the E.C. was as required by the Mine Safety authorities and whether it is the usual practise in such cases. The representations were disposed of as above. Position conveyed to the Writ Petitioners. The reference of SEIAA was placed in 35th SEAC meeting held on 17th & 18th October 2014. The Committee had visited the field as per the Government Order. G.O.(Rt) No. 152/12/Env't dated 29.10.2012. The Director of Mine Safety issued NOC to the proponent for conducting trial blasting by National Institute of Rock Mechanics, Surathkal in the proposed area subject to conditions. The study report of the Impact of Blasting Operations was submitted by the proponent. It was test blasting that was conducted. The Committee verified the objections raised by Sri. Kuttichan one by one and its views are furnished below:

Sl. No	Objections	Remarks
1	Mining area is a tribal land where mining is not permissible.	The Village Officer, Munnilavu at the hearing on 30.11.2012 informed that the proposed area is not a tribal land
2	Gadgil/ Kasturirangan Committees on Western Ghats banned all mining activities in tribal lands and special protection is ensured for it.	It comes under the ESZ II of WGEEP and does not fall in HLWG report. Hence quarrying is not banned in this area.
3	N.G.T has cancelled E.C given in tribal lands.	Not a tribal land, hence not applicable
4	Kerala State Scheduled Tribes Commission is seized of the matter.	No reference is given.

	Drinking water sources have been affected.	Not evident at the time of field visit. The committee in its report recommended that left over debris should not reach the streams that are in close proximity to the quarry site as it is a drinking water source of the local inhabitants down streams
5	P.W.D roads pass through nearby, and the quarry poses threat to life and property.	Mandatory buffer distance to be maintained.
6	Quarrying started without E.C, and continuing since 4/2013.	Permission was issued from the Mining and Geology Department for conducting quarrying activity. Additional field visit was conducted on 23.07.2014 by SEAC Secretary as directed by SEIAA in its 20 th meeting held on 19 th July 2013. During the field visit, some quarrying activities are seen conducted. This is a trial blast study carried out to assess the impact of blasting. Details are given in page. no. 727 to 732 of proposal file.
7	Application contains false details as to the project.	Not Evident

SEAC opined that the complaint raised by Sri. Kuttichan has no substance. The proposal was recommended for Environmental Clearance stipulating the following specific conditions:

- Blast timings should be restricted to the times of least traffic as 11- 11.30 am and 2-2.30pm
- Periodic cleaning of RWH tank must be done.
- Source of water should be RWH units.
- CSR activity must be made to provide toilet and drinking water facilities to the nearby school through the Grama Panchayath earmarking 1 percent of the profit (Vellara school)
- Mining should be restricted to the area specified in the survey plan of Village Officer.
- At the end of mining, the total mined area should not exceed 2.8009 hectares.

7. The 34th SEIAA, while reviewing the action taken report on the minutes of the 33rd SEIAA, decided that Sri. Kuttichan may be heard after the report of SEAC is received. Sri. Kuttichan was asked to attend the 35th meeting of SEIAA. Sri. P. V Kuttichan who was called a second time for personal hearing was absent that time also. However in the light of the new MMRC Rules 2015, proponent was required to submit approved Mining Plan for appraisal by SEAC and additional recommendations if any. The proponent submitted approved mining plan. Case was placed in the 39th meeting of SEAC held on 14/15-5/2015. The proponent along with the consultant attended the meeting and the consultant made a brief power-point presentation. The proponent informed the Committee that presently no litigations are pending against the project. He informed the Committee that they have not commenced quarrying, but have only

undertaken test blasting. About 50% of the total area will be mined during the initial 3 years. The Committee appraised the proposal based on the Form I application, Mining Plan, Prefeasibility Report and other documents and decided to agree with the decision of the 35th meeting of the SEAC held on 17th & 18th October, 2014 and recommended issuance of Environmental Clearance with the following specific conditions in addition to the general conditions stipulated for mining projects.

- Blast timings should be restricted to the times of least traffic as 11- 11.30 am and 2-2.30pm
- Periodic cleaning of RWH tank must be done.
- Committed Social Responsibilities shall be adhered to without any short fall.
- Mining should be restricted to the area specified in the survey plan of Village Officer.
- At the end of mining, the total mined area should not exceed 2.8009 hectares.
- Reclamation and eco-restoration should be done by planting indigenous tree species.

It was placed in the 35th meeting of SEIAA held on 18/06/2015. The Authority decided to give Sri. Kuttichan a final chance for hearing for which registered notice was issued on 08/07/2015. Proponent was asked to submit no cluster certificate and a certificate to the effect that there is no forest or ESA within 200 meters. Those have since been produced. Sri. Kuttichan was heard by Chairman and Member SEIAA on 10/08/2015. He submitted that the land is a Tribal land. Due to the disturbance from the quarry he and family have shifted residence. As to the enquiry whether there is any evidence regarding the interference of the commission for SC/ST in this matter, he said evidence has to be made. Chairman informed that the matter was deferred so far, for implementation of the orders of the High Court, in the W.P filed by him and even now he is not in possession of valid evidence to prove his case.

8. Sri. Kuttichan informed that during summer the area become uninhabitable due to dust from the crusher, water scarcity etc. There are other complainants also against the quarry. He had 40 cents of land at 50 meters from the quarry. After quarrying so far, now it is below 100 meters away from the quarrying area. The operators purchased the land of the other two petitioners in the W.P. filed in the High Court. Rs. 2.00 lakhs each was given to two others. Now the land costs Rs. 1.00 lakh per cent. The other petitioners have no complaint now. 1 acre 30 cents of land belonging to their family is available there. His parents are staying there. His brother is also having land there. It is fearing blisters and sound and for education of his children that he had shifted from his residence. Parents are aged. They are of the stand that they can live there somehow. There is nobody close staying there. Now he is single handedly against the quarry.

9. Chairman wanted him to produce evidence for the statements made within one month from 10/08/2015, or else the petition would be dismissed as baseless. He agreed thereto. As per letter dated 20/08/2015, Sri. Kuttichan was informed of the decision in the hearing and asked to produce evidence before 09/09/2015. Meanwhile the project proponent complained that Sri. Kuttichan is pressurising to purchase his land at exorbitant price, and that he makes such complaint before other authorities to prevent issue of permits to the quarry. They also submitted

that Sri. Kuttichan is a known criminal and is an accused in O R 29/2010 of Thodupuzha Forest Range Office. According to them he is a person who extracts money from others by threatening them. On 04/09/2015 the proponent submitted another letter stating that Sri. Kuttichan demanded Rs. 1 crore to sell his land to the proponent. On 11/9/2015 Sri. Joshy Joshuva, Managing Partner, P.V. Granites informed that he belongs to Malayaraya (ST) community and the land belongs to him. He stated that nobody can challenge his right to conduct quarry in his property. Sri Kuttichan is filing frivolous complaints as they are not amenable to his illegal demand to purchase his property at exorbitant price. Any attempt to prevent him from conducting the quarry in his property will attract penal consequences under Section 3 (1) (v), 3 (1) (viii) and 3 (1) (ix) of the Prevention of Atrocities against Scheduled Tribes Act – 1989.

10. On 09/09/2015, Sri. Kuttichan produced a letter stating that the Village Officer, Moonnilavu declined to give S.T certificate in respect of Sri. Joshy Joshuva, as applied for by the former. He wanted SEIAA to get the S.T. certificate. He has produced the following.

1. Copy of a petition already submitted demanding rejection of application for E.C.
2. Copy of GO (Ms) 2/14/Env't dated 21/02/2014.
3. Copy of judgment in W.P. 9973/15 dated 10/04/15.
4. Copy of judgment W.P. 20467/2015 filed by Saji Thomas and others. (SEIAA not impleaded)
5. Copy of KMML rules
6. Copy of complaint to DMS, Bangalore, against PV Granites.
7. Copy of GO (Rt) 152/12/ Env't dated 29/10/2012.
8. Copy of report of CESS on guidelines for safe quarrying.

11. None of these documents pertain to the adverse impacts of P.V. Granites. Govt. had vide the G.O 7th cited ordered an enquiry in to the working of this quarry. No adverse report or order of Govt. restraining functioning of the quarry has been made. The objection of Kuttichan had been examined by SEAC in it 35th meeting held on 17/18-2014 and dismissed. Later while apprising the mining plan also on 14/15-05/2015 the 39th SEAC recommended the case. Sri. Kuttichan could not prove any of the allegations he had raised against the quarry and he himself proved to be a forest offender. His attempt it seems is to thwart grant of E.C. and to protract the process. He himself has referred to the land transactions involved, and that his co-petitioner whose lands have been brought by the proponent has no complaint now.

12. The Authority examined the statements and documents received for and against the quarry in the 42nd meeting held on 1-10-2015. In view of the incessant complaints, and directions of the Hon; High Court the Authority decided to visit the site for first-hand information and thereafter to give E.C. Pursuantly the Chairman and Member of SEIAA along with the Administrator visited the site on 9-10-2015. It was found that the plot belonging to Sri. Kuttichan is away from the mining area opposite to the mine face and he is not residing there. His tharavad is the nearest residence. It is also more than 100 meters away from the periphery of the mining

area. There are five land owners in between the quarry and Sri. Kuttichan's land. Other houses are situated at more than 250 meters from the quarry boundary. The quarrying is not in the direction of the house and land belonging to Kuttichan and his parents. There is the Panchayat road and the road to the quarry through the quarry owner's property in between the land belonging to Sri. Kuttichan and the site. There is also good tree cover in between. The land owner Sri. Joshi Joshua said that he is a member of Scheduled Tribe, and the Managing Partner of P.V Granites. According to him the land still belongs to him and the complaints of Sri. Kuttichan are concocted to make them purchase the latter's land at high price, which they declined.

13. Heeding to the complaints of some persons who are residing nearby, that the quarry is causing severe sound problems and fly rocks are being spread all over their property causing threat to their children and affecting their studies, works in the quarry are going on late in to the night and cracks have been formed in their houses due to the blasts the team examined the nearest house that belongs to a complainant Sri. P.N. Chacko, Paramthottam, Nellappara, Machazhy, His son Sijomon and immediate neighbor Sri. Soman, Plackkal were also present and they also had similar complaints. They said it is the sound of the breaker that is unbearable and splinters have fallen in their premises. There is also dust problem. The team examined the alleged cracks on the wall and found that the hairline cracks are there in between the lintel and slab. No serious cracks have been noted. Also it is admitted that the house was constructed in 2013, whereas the quarry is nonfunctional since 2012.

14. The quarry is a comparatively small one which may not pose grave environmental issues if mitigation measures as undertaken in the EMP and Mining Plan are adopted. It is a permit quarry which was shut down before the permissible period was over. Permit quarries were allowed to function without E.C. till early 2015. There is no authorisation of the SEIAA for the closure of the quarry for want of E.C. No other orders have been brought to notice of the Authority. The Members felt that the complaint that sound menace due to blasting, breaking and working of the machines could be true and has to be looked into. However it is a matter to be considered by the state Pollution Control Board as well.

- Blasting shall be as per the recommendation of SEAC.
- The quarry shall not function between 6.00 p. m. and 8. 00.a. m . If the timing condition fixed by the PCB is more stringent that will prevail.
- Blasting shall be strictly in accordance with the conditions of the Mine Safety Directorate and Chapter 5 of the Mining Plan submitted.
- Noise pollution shall be controlled adopting the measures undertaken in para 11.0 (D) (v) of the Mining Plan and conditions prescribed by the PCB.

15. The inspection team did not find any apparent situations that warrant denial of environmental clearance to the quarry. It is recommended by the inspection team that Environmental Clearance may be given subject to the specific recommendations of SEAC and the above site specific conditions in addition to the general conditions stipulated for mining

projects. Validity may be five years subject to inspection by SEIAA on annual basis and compliance of the conditions, subject to earlier review of E.C, in case of violation or non-compliance of conditions or genuine complaints from residents within the security area of the quarry.

16. Sri. Sibi Thomas, Kunnath House, Mankombukara, Mechal. P.O, Moonnilavu Kottayam filed W.P. 31116/2015 seeking direction to the SEIAA to consider the representation filed by the petitioners against the quarry. On 13-10-2013 Hon. High Court disposed of the case directing SEIAA to consider the representation of the petitioners by SEIAA before finalising environmental clearance. It is seen that S/ Sri. Sibi Thomas Kunnath and Jose Vazhayil are signatories in an undated mass representation against the quarry in which all the above situations have been stated and requested not to grant E.C to P.V granites. The complaints in the petition have been examined in detail in the previous meetings of SEIAA and site verification has also been made.

17. The Authority discussed the entire gamut of the case. The complaints in the petition have been examined in detail in the previous meetings of SEIAA and site verification has also been made. Sri. Kuttichan and other petitioners failed to prove any of their allegations against the quarry. The proponent has produced evidence to doubt his bonafides. The project has been recommended twice by SEAC overruling such baseless allegations. The petitioner is an accused in a forest related crime. The Authority therefore decided to grant E.C to the proposed quarry project in Sy. Nos. 23/2, 23/2-1, 24, 24/1, 24/2 and 24/3 at Moonnilavu Village, Moonnilavu Panchayath, Meenachil Taluk, Kottayam district, by M/s P.V. Granites subject to the specific conditions recommended by SEAC, conditions suggested in the Inspection Report of SEIAA, the mitigation measures undertaken in the EMP in the PFR and Mining plan submitted and the general conditions in the annexure as applicable to mining projects .

18. The clearance issued will also be subject to full and effective implementation of all the undertakings given in the application form , mitigation measures as assured in Chapter 7 of the Environment Management Plan and the mining features including progressive mine closure plan as submitted with the application and relied on for grant of this clearance. The above undertakings and the conditions and undertakings in Chapter 4(Mining), Chapter 5 (Blasting), Chapter 6 (Mine Drainage), Chapter7 (stacking of mineral rejects and disposal of wastes) Chapter 11 (EMP) of the Mining Plan and the entire Progressive Mine Closure Plan as submitted will be deemed to be part of this proceedings as conditions as undertaken by the proponent, as if incorporated herein.

19. Validity of the environmental clearance will be five years form the date of this clearance, subject to earlier review in the event of violation or non- compliance of any of the conditions stipulated herein.

20. Compliance of the conditions herein will be monitored by the Directorate of Environment and Climate Change or its agencies and also by the regional office of the Ministry of Environment & Forests, Govt. of India, Bangalore.

i) Necessary assistance for entry and inspection should be provided by the project proponent and those who are engaged or entrusted by him to the staff for inspection or monitoring.

ii) Instances of violation if any shall be reported to the District Collector, Kottayam to take legal action under the Environment (Protection) Act 1986.

iii) The given address for correspondence with the authorized signatory of the project is Sri. Scaria Scaria, Managing Partner, Nellappara, Moonnilavu. P.O., Pala, Kottayam-686586.

Sd/-

P. MARA PANDIYAN, I.A.S.,
Member Secretary, SEIAA
&
Addl. Chief Secretary
Environment & Forests Department.
Government of Kerala.

To,

Sri. Scaria Scaria,
Managing Partner,
Nellappara, Moonnilavu. P.O., Pala,
Kottayam- 686586.

Copy to:

1. MoEF Regional Office, Southern Zone, Kendriya Sadan, 4th Floor, E&F Wing, II Block, Koramangala, Bangalore-560034
2. The Additional Chief Secretary to Government, Environment Department, Government of Kerala
3. The District Collector, Kottayam
4. Director, Dept. of Environment and Climate Change, Govt. of Kerala, Tvm-24
5. Director, Mining & Geology, Thiruvananthapuram -4.
6. The Member Secretary,
Kerala State Pollution Control Board, Pattom, Thiruvananthapuram -4.
7. The Secretary, Moonnilavu Grama Panchayat, Kottayam
8. Chairman, SEIAA, Kerala
9. Sri. P.V. Kuttichan,
Paramthottu House,

- Moonnilavu. P.O,
Kottayam. 686586.
10. Sri. Sibi Thomas,
Kunnath House,
Mankombukara,
Mechal. P.O,
Moonnilavu,
Kottayam.
11. Website
12. S/F, O/c



Forwarded/By Order

Administrator, SEIAA

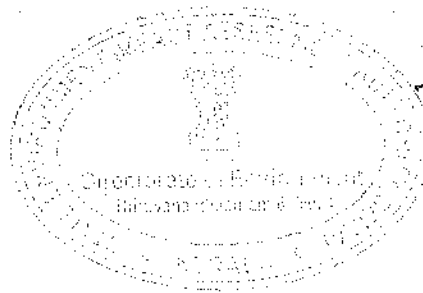
STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY KERALA

GENERAL CONDITIONS (for mining projects)

- (i) Rain Water Harvesting facility should be installed as per the prevailing provisions of KMBR / KPBR, unless otherwise specified.
- (ii) Environment Monitoring Cell as agreed under the affidavit filed by the proponent should be formed and made functional.
- (iii) Suitable avenue trees should be planted along either side of the tarred road and open parking areas, if any, including of approach road and internal roads.
- (iv) Maximum possible solar energy generation and utilization shall be ensured as an essential part of the project.
- (v) Sprinklers shall be installed and used in the project site to contain dust emissions.
- (vi) Eco-restoration including the mine closure plan shall be done at the own cost of the project proponent.
- (vii) At least 10 percent out of the total excavated pit area should be retained as water storage areas and the remaining area should be reclaimed with stacked dumping and overburden and planted with indigenous plant species that are eco-friendly.
- (viii) Corporate Social Responsibility (CSR) agreed upon by the proponent should be implemented
- (ix) The lease area shall be fenced off with barbed wires to a minimum height of 4ft around, before starting of mine
- (x) Warning alarms indicating the time of blasting (to be done at specific timings) has to be arranged as per stipulations of Explosive Department.
- (xi) Control measures on noise and vibration prescribed by KSPCB should be implemented.
- (xii) Quarrying activities should be limited to day time as per KSPCB guidelines.
- (xiii) Blasting should be done in a controlled manner as specified by the regulations of Explosives Department or any other concerned agency.
- (xiv) A licensed person should supervise/ control the blasting operations.
- (xv) Access roads to the quarry shall be tarred to contain dust emissions that may arise during transportation of materials.
- (xvi) Overburden materials should be managed within the site and the old quarries, if any, should be reclaimed and restored.
- (xvii) Height of benches should not exceed 5 m and width should not be less than 5 m.
- (xviii) Mats to reduce fly rock blast to a maximum of 10 PPV should be provided.
- (xix) Maximum depth of mining from general ground level at site shall not exceed 10m
- (xx) No mining operations should be carried out at places having a slope greater than 45°.
- (xxi) Acoustic enclosures should have been provided to reduce sound amplifications in addition to the provisions of green belt and hollow brick envelop for crushers so that the noise level is kept within prescribed standards given by CPCB/KSPCB.
- (xxii) The workers on the site should be provided with the required protective equipment such as ear muffs, helmet, etc.
- (xxiii) Garland drains with clarifiers to be provided in the lower slopes around the core area to channelize storm water.
- (xxiv) The transportation of minerals should be done in covered trucks to contain dust emissions.
- (xxv) The proponent should plant trees at least 5 times of the loss that has been occurred while clearing the land for the project.
- (xxvi) Disposal of spent oil from diesel engines should be as specified under relevant Rules/ Regulations.
- (xxvii) Explosives should be stored in magazines in isolated place specified and approved by the Explosives Department.
- (xxviii) A minimum buffer distance of 100m from the boundary of the quarry to the nearest dwelling unit or other structures, not being any facility for mining shall be provided
- (xxix) 200 m buffer distance should be maintained from forest boundaries.
- (xxx) Consent from Kerala State Pollution Control Board under Water and Air Act(s) should be obtained before initiating activity.
- (xxxi) All other statutory clearances should be obtained, as applicable, by project proponents from the respective

competent authorities including that for blasting and storage of explosives.

- (xxxii) In the case of any change(s) in the scope of the project, the project would require a fresh appraisal by this Authority.
- (xxxiii) The Authority reserves the right to add additional safeguard measures subsequently, if found necessary, and to take action including revoking of the environment clearance under the provisions of the Environment (Protection) Act, 1986, to ensure effective implementation of the suggested safeguard measures in a time bound and satisfactory manner.
- (xxxiv) The stipulations by Statutory Authorities under different Acts and Notifications should be complied with, including the provisions of Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) act 1981, the Environment (Protection) Act, 1986, the Public Liability (Insurance) Act, 1991 and EIA Notification, 2006.
- (xxxv) The project proponent should advertise in at least two local newspapers widely circulated in the region, one of which (both the advertisement and the newspaper) shall be in the vernacular language informing that the project has been accorded Environmental Clearance and copies of clearance letters are available with the Department of Environment and Climate Change, Govt. of Kerala and may also be seen on the website of the Authority at www.seiaakerala.org. The advertisement should be made within 10 days from the date of receipt of the Clearance letter and a copy of the same signed in all pages should be forwarded to the office of this Authority as confirmation.
- (xxxvi) A copy of the clearance letter shall be sent by the proponent to concerned Grama Panchayat/ District Panchayat/ Municipality/Corporation/Urban Local Body and also to the Local NGO, if any, from whom suggestions / representations, if any, were received while processing the proposal. The Environmental Clearance shall also be put on the website of the company by the proponent.
- (xxxvii) The proponent shall submit half yearly reports on the status of compliance of the stipulated EC conditions including results of monitored data (both in hard copies as well as by e-mail) and upload the status of compliance of the stipulated EC conditions, including results of monitored data on their website and shall update the same periodically. It shall simultaneously be sent to the respective Regional Office of MoEF, Govt. of India and also to the Directorate of Environment and Climate Change, Govt. of Kerala.
- (xxxviii) The details of Environmental Clearance should be prominently displayed in a metallic board of 3 ft x 3 ft with green background and yellow letters of Times New Roman font of size of not less than 40. Sign board with extent of lease area and boundaries shall be depicted at the entrance of the quarry, visible to the public
- (xxxix) The proponent should provide notarized affidavit (indicating the number and date of Environmental Clearance proceedings) that all the conditions stipulated in the EC shall be scrupulously followed.
- (xl) The above conditions shall prevail notwithstanding anything to the contrary, in consistent, or simplified, contained in any other permit, license on consent given by any other authority for the same project



[Signature]
to Member Secy (SEIAA)