

**MINUTES OF THE 70<sup>th</sup> MEETING OF THE STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY (SEIAA) KERALA HELD ON 16.06.2017 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 70<sup>th</sup> meeting of SEIAA and the 37<sup>th</sup> 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 16<sup>th</sup> June, 2017 from 10.00 A.M. Chairman Dr.K.P.Joy welcomed the members.

**Item No: 70.01            Confirmation of Minutes of 69<sup>th</sup> SEIAA Meeting**

Confirmed

**Item No: 70.02            Environmental clearance application for removal of Laterite Building Stone (L.T.B.S.) from Sy. No 184/6-2, 6-3, 6-4, Block No. - 24 at Ummannoor Village and Panchayat, Kottarakkara Taluk, Kollam District, Kerala by Sri. Jacob John Vadakadom (File No 986/SEIAA/EC3/4702/15)**

**Sri. Jacob JohnVadakadom**, Vadakadathu, Odanavattom.P.O, Kollam - 691512 has applied for Environmental Clearance for the removal of Laterite Building Stone (L.T.B.S.) for an area of 40.47 Ares of land in Sy. Nos. 184/6-2, 6-3, 6-4, Block No-24 of Ummannoor Village, Ummannoor Panchayat, Kottarakkara Taluk, Kollam District for the purpose and in the manner as particularised below:

The proposal was considered in the 58<sup>th</sup> meeting of SEAC held on 28<sup>th</sup>& 29<sup>th</sup> June 2016. This is a proposal for laterite mining. In all such earlier proposals SEAC has insisted for a mining plan. But vide MoEF notifications dtd. 20.01.16 DEIAA can appraise it in accordance with liberalised guidelines. Hence this is a fit case for transferring to DEIAA. Hence the Committee decided to recommend so to the SEIAA.

SEIAA considered the proposal in its 57<sup>th</sup> meeting held on 26<sup>th</sup> August 2016. Authority assessed that the application received on 16-11-2015 is already with SEAC for appraisal and hence decided to request the Committee to complete the appraisal process and to make recommendation.

The proposal was considered in the 67<sup>th</sup> Meeting of SEAC held on 27<sup>th</sup> January 2017. The Committee in its earlier meeting insisted for a mining plan as the proposal is for laterite mining. In the absence of Mining Plan the Committee recommend to reject the proposal.

SEAC has returned the above file for removal of laterite (building stone) insisting that Mining Plan is necessary to appraise such proposals without explaining the rational behind the decision and without quoting the Rule/O.M in favour of the decision inspite of the fact that SEIAA in its several earlier minutes had taken decision that laterite mining does not require Mining Plan other than that required for extraction of ordinary earth or brick earth as category B2. No blasting is involved.

The proposal was again placed in the 65<sup>th</sup> meeting of SEIAA held on 22.03.2017. The Authority noted that no mining plan is required for laterite mining upto 2 m which does not involve mechanised mining and blasting. In this case SEAC requires mining plan. Since SEAC has already recommended EC in some cases as mentioned above, the Authority decided to call for the clarification of SEAC for the change of policy in this case.

The proposal was again considered in the 72<sup>nd</sup> meeting of SEAC held on 8<sup>th</sup> and 9<sup>th</sup> May 2017. Irrespective of the fact what is mandated in the KMMLC Rules, circulars by the Director Mining and Geology and the decisions of the SEIAA, as per the various OMs by the MoEF& CC a mining plan is a pre-requisite for appraising the proposals for laterite mining. In fact a closer reading of the notification dated 15.01.2016 reiterates the above fact.

Although SEIAA returned the proposal twice to SEAC to reconsider its decision SEAC persisted with their earlier view for insisting upon Mining Plan for laterite cutting. Therefore Authority decided to accept the recommendation of SEAC to delist the proposal as it is without Mining Plan.

**Item No: 70.03      Environmental clearance for removal of ordinary earth in Sy. Nos. 313/1-1 & 313/1-2 at Edamulackal Village and Edamulackal Panchayath, Punalur Taluk, Kollam District, Kerala by Smt. Mini Rajan (File No 1011/SEIAA/EC3/5175/15)**

*Minutes of the 70<sup>th</sup> meeting of SEIAA held on 16<sup>th</sup> June 2017*

Smt. Mini Rajan, Kodiyattu House, Ayoor, Edamulackal, Kollam-691533, has applied for Environmental Clearance for the removal of 1,800 m<sup>3</sup> ordinary earth from 19.35 Ares of land comprised in Sy No. 313/1-1,313/1-2 of Edamulackal Village, Edamulackal Grama Panchayath, Punalur Taluk, Kollam District for the for the purpose and in the manner as particularised below

The proposal was considered in the 58<sup>th</sup> Meeting of SEAC held on 28<sup>th</sup> & 29<sup>th</sup> June 2016. As per the notification of MoEF & CC No. S.O. 141 (E) earth work in connection with the foundation of buildings having approved building plan does not require Environmental Clearance. Therefore the Committee decided to **recommend to delist** the proposal.

The proposal was considered in the 57<sup>th</sup> Meeting of SEIAA held on 26<sup>th</sup> August 2016 and decided as per the notification of MoEF& CC No. S.O. 141 (E) earth work in connection with the foundation of buildings having approved building plan does not require Environmental Clearance. Therefore the proposal was delisted.

Later, as per a letter submitted by the proponent on 6-01-2017, she explains that EC is necessary to get sanction from the Mining and Geology as the removal of Earth is for commercial purpose. The proponent submitted a letter dated 16/10/2016 that she received from the office of SEIAA stating that the foundation of the buildings having approved building plan does not require EC. She produced this order to the Mining & Geology Office of Kollam. But the District Geology Department did not consider their application on the ground that the Environmental Clearance is necessary for the commercial exploitation of soil. In this connection, the Hon'ble High Court Order was quoted here. WP © No.23251/2016(F) *“Hence a mere digging for construction of a building would not require an EC; If there is no commercial exploitation of the excavated earth carried out”*.

The proposal was considered in the 63<sup>rd</sup> meeting of SEIAA, held on 31<sup>st</sup> January 2017. The Authority noticed that, in the application for the removal of OE the proponent has mentioned that the OE to be removed is for commercial purpose and the end use is for the leveling the land for agricultural purpose. The Authority decided to return the proposal to SEAC for re-appraisal in the light of the High Court Order and the applicant's request.

The proposal was again placed in the 68<sup>th</sup> meeting SEAC held on 20<sup>th</sup> & 21<sup>st</sup> February 2017. As per the NOC issued by the RDO, Kollam dated.23.11.2015 appended along with the application, it is observed that the removal of earth is in connection with a building

construction. The built up area of the building is 2588 sq.m. Apparently the removal of earth is in connection with levelling and foundation works. Hence as prescribed in the MoEF notification no separate E.C is required. Therefore the excavation of soil cannot be interpreted as one of commercial in nature and the proponent can be advised to bring these facts to the attention of the District Geologist. The Committee is of the opinion that there is no need for change in its earlier recommendation.

The matter was again placed in the 66<sup>th</sup> meeting of SEIAA held on 07.04.2017. In the light of the Hon'ble High Court Order WP © No.23251/2016(F) the Authority noted that exploitation of earth as noted in their application is for commercial purpose and hence require EC and that, EC is also required for transportation of the removed earth. Hence the Authority again decided to refer the case back to SEAC with a copy of the High Court Order for reappraisal.

The proposal was again considered in the 72<sup>nd</sup> meeting of SEAC held on 8<sup>th</sup> and 9<sup>th</sup> May 2017. The Committee observed that it has already made an unambiguous recommendation in this regard. The statement of the proponent that he is using the dug out earth for commercial purpose does not change the primary reason for excavation namely, as noted in the NOC from the RDO, the construction of a building. Also there is no mandate for SEAC to recommend EC merely for the transportation of the removed earth. Hence the committee decided not to modify its earlier recommendation.

Although the Authority returned the proposal to SEAC twice for re-appraisal they did not want to change their view. Hence the Authority accepted the recommendation of SEAC and decided to delist the proposal.

**Item No: 70.04**

**Environmental clearance for the quarry project in Sy. Nos. 375/7, 385/1, 385/2-1, 385/2-2, 385/3, 385/4-1, 385/4-2, 385/5-2, 385/6, 385/7, 385/8, 385/9, 385/10, 385/11, 385/12, 385/13, 385/14, 385/15, 385/16-2, 385/16-3, 385/17, 386/4, 386/5-2, 386/5-2-1, 386/5-3, 386/5-4, 386/11, 386/12, 386/13, 386/14, 386/15, 386/15-2, 386/15-3, 386/16, 386/17-2, 387/4, 387/5, 387/7-1, 387/8, 387/9, 387/10, 387/11, 387/14-1, 387/14-2, 387/15, 387/16, 387/17, 388/15-2-2, 388/15-2-3, 388/15-3-3, 388/15-6, 388/15-7, 388/15-10, 389/16 2 and 389/17 at Mankode Village, Kottarakkara Taluk, Kollam District, Kerala by Sri. R. Madhoosudanan Nair for M/s. Chithara Crushers Metals (File No. 812/EC3/2477/SEIAA/2015)**

Sri. R. Madhoosudanan Nair, Managing Partner of M/s. Chithara Crushers Metals, RamyaNivas, Pulimoodu Lane, Vattiyoorkavu (PO), Trivandrum – Kerala vide his application received on 29.06.2015, has sought Environmental Clearance under EIA Notification, 2006 for the quarry project in Sy. Nos. 375/7, 385/1, 385/2-1, 385/2-2, 385/3, 385/4-1, 385/4-2, 385/5-2, 385/6, 385/7, 385/8, 385/9, 385/10, 385/11, 385/12, 385/13, 385/14, 385/15, 385/16-2, 385/16-3, 385/17, 386/4, 386/5-2, 386/5-2-1, 386/5-3, 386/5-4, 386/11, 386/12, 386/13, 386/14, 386/15, 386/15-2, 386/15-3, 386/16, 386/17-2, 387/4, 387/5, 387/7-1, 387/8, 387/9, 387/10, 387/11, 387/14-1, 387/14-2, 387/15, 387/16, 387/17, 388/15-2-2, 388/15-2-3, 388/15-3-3, 388/15-6, 388/15-7, 388/15-10, 389/16 2 and 389/17 at Mankode Village, Kottarakkara Taluk, Kollam District, Kerala for an area of 10.3134 hectares.

The 49<sup>th</sup> committee of SEAC held on 7/8<sup>th</sup> Dec. 2015 has appraised the proposal based on the Mining Plan, Prefeasibility Report, field inspection report and all other documents submitted along with the Form-I application and the Cadastral map indicating the boundary and revised responsibility programme based on need analysis and decided to recommend for issuance of Environmental Clearance for mining with following specific conditions, in addition to the general conditions stipulated for mining projects.

1. The worked out area with very steep cliff like feature may be demarcated and fenced as danger zones with sign boards.
2. Overburden should be stored in the designated places and provided with protective support walls. Storage of rejected fine muck from the crusher should also be stored separately as it has utility for basement filling or road work.
3. Storm water drainage from the upper part must be channelised properly through well defined channels. Catch water drain should also be provided
4. The RWH structure and water clarification mechanism should be provided preferably on the lower northern part in continuation with storm water channel and maintained throughout the life of the quarry. Periodic desiltation is mandatory.

The 48<sup>th</sup> meeting of SEIAA held on 23<sup>rd</sup> January 2016, has appraised the proposal and the Authority noted that the mining area is 10.3134 hectares. Certificate of no cluster situation has not been produced. The nearest human settlement is stated to be at more than 100 m by the VO but several buildings are seen existing within that range as per the maps. Question of violation of EIA notification also arises as it is working without environmental clearance in more than 5 ha. Authority therefore decided to refer the matter to SEAC to look

in to the above aspects as well and to make recommendations. The proposal was returned to SEAC on 09.03.2016.

As per the decision taken by 48<sup>th</sup> SEIAA, the proposal was placed before 54<sup>th</sup> SEAC held on 6<sup>th</sup> and 7<sup>th</sup> April for further appraisal. While considering the clarification given by SEAC, the 53<sup>rd</sup> meeting of SEIAA held on 24-05-2016, assessed that mining in more than 5ha without E.C in the same location though under several permits invites violation proceedings. It was decided to initiate violation proceedings and to inform the District Collector. Stop Memo to be issued.

Hence the SEIAA decided to take action against proposal under violation procedure and issue of E.C only after completion of the violation procedure and also to delist the application for E.C pending receipt of evidence for credible action under the Environment (Protection) Act -1986 for the violation.

On the basis of a request submitted by the proponent (regarding there was no residential areas within 100 m of quarrying area and there is no such violation of EIA notified quarrying area) the 60<sup>th</sup> meeting of SEIAA held on 27<sup>th</sup> November 2016 again considered the proposal. He also represented that the Geologist, Kollam had issued 12 quarrying permits for extracting granite building stone in Sy.No.385/3, 387/4 of Mankode Village, Kottarakkara Taluk, Kollam District from 19/11/2008 onwards. The Authority decided to continue with credible follow up action against violation after verifying the records.

The proponent then submitted a certificate of detailed list of Short Term Permits issued by Mining and Geology Department government of Kerala and an affidavit by the authorized signatory of the project as a reflection of 60<sup>th</sup> minutes of SEIAA. Show cause notice/stop memo yet to be issued to the proponent. The proposal was again considered in the 62<sup>nd</sup> meeting of SEIAA held on 23.12.2016. The Authority decided to examine why stop memo has not been issued so far.

In the meanwhile the proponent submitted a request dt.22.02.2017. Out of the total area of 10.3134 ha, quarry is planned only in 4.8336 ha falling in Sy. Nos. 375/7, 385/1, 385/2-1, 385/2-2, 385/3, 385/4-1, 385/4-2, 385/6, 385/7, 385/8, 385/9, 385/10, 385/11, 385/12, 385/13, 385/14, 385/15, 385/16-2, 385/16-3, 385/17, 389/16-2 and 389/17. Other parts falling in Sy. Nos. 385/5-2, 386/4, 386/5-2, 386/5-2-1, 386/5-3, 386/5-4, 386/11, 386/12, 386/13, 386/14, 386/15, 386/15-2, 386/15-3, 386/16, 386/17-2, 387/4, 387/5, 387/7-

1, 387/8, 387/9, 387/10, 387/11, 387/14-1, 387/14-2, 387/15, 387/16, 387/17, 388/15-2-2, 388/15-2-3, 388/15-3-3, 388/15-6, 388/15-7, 388/15-10 are to be excluded from quarrying.

The matter was again considered in the 65<sup>th</sup> meeting of SEIAA held on 22<sup>nd</sup> March 2017. However, there are complaints from the neighbours against the functioning of the quarry. The Authority decided to defer the item for detailed study in the light of the complaints and get a clarification from the District Geologist whether the Survey Nos. of the quarry which is being operated are the same as in the Mining Plan and also whether the quarry is still working without EC and place in the next meeting for a decision.

The District Geologist Kollam, vide the letter No.2609/DOQ/S2/2016 dtd 24/5/2017 informed SEIAA that “ the said quarry extends over a huge area and is very deep, the average depth is more than 60 m. On 06-10-2016, this office conducted an inspection of the quarry and found that the quarry, though very large and deep, was functioning without any safety measures. The majority of quarrying permits issued by the office were only for two survey numbers – ie, 387/4 (24ares) and 385/3 (71.7 ares). It was quite obvious that quarrying was being conducted illegally outside the permitted area. Hence this office requested Tahsildar, Kottarakkara to provide the services of a Taluk Surveyor to conduct a joint inspection in the quarry. But so far the services of Taluk Surveyor have not been provided. On 07/12/2016 this office issued a stop memo to the quarry, as the quarry owners were reluctant to put up a protection wall around the quarry, in spite of directions in this regard from this office.

Later, a “Bengali” quarry worker died after falling into a water logged pit in this quarry, but this matter was not intimated to this office. When the quarry owners tried to remove the dead body of the “Bengali” worker, some local women, who were protesting against the quarry, tried to oppose this. The women protestors were then brutalized by the police and the hench-men of the quarry owners. This incident made headlines in the newspapers and Sub Collector, Kollam also issued a stop memo against the functioning of the quarry.

This Office (Department of Mining & Geology, District Office, Kollam) submitted reports about the quarry to Human Rights Commission, Women’s Commission, and SC-ST Commission. However, just before the visit of SC-ST Commission to the quarry, the quarry owners finally put up protective shades all around the quarry”.

In the light of the report of the District Geologist, Kollam, Authority noticed that the average depth of the quarry is more than 60 m, the quarrying was being conducted illegally outside the permitted area, after all there is wide public protest against the quarry and also the Sub Collector, Kollam & the District Geologist, Kollam has issued Stop Memo to the quarry- in the light of all these facts the Authority decided to reject the proposal.

**Item No.70.05      Environmental clearance for the proposed building stone quarry project in survey Nos. 21/1, 3, 4 & 5 (p), 25/2 & 3(p), 26, 26/1, 3, 1-1, & 4-1 (p) & 26/4, Kottickal Village, Kanjirapally Taluk, Kottayam District, Kerala by Sri. Vineeth Joseph Vazathara – Managing Director, Vazhathara Granites and Aggregates Pvt. Ltd., (File. No 1105/EC/ SEIAA/KL/2017)**

Sri. Vineeth Joseph Vazathara – Managing Director, Vazhathara Granites and Aggregates Pvt. Ltd., Building No.269, Rubber Board (P.O), Puthuppaly, Kottayam 686009, vide his application received online, has sought Environmental Clearance under EIA Notification, 2006 for the quarry project in survey Nos. 21/1, 3, 4 & 5 (p), 25/2 & 3(p), 26, 26/1, 3, 1-1, & 4-1 (p) & 26/4, Kottickal Village, Kanjirapally Taluk, Kottayam District, Kerala for an area of 5.8076 Ha. 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 18<sup>th</sup> May 2012 of Ministry of Environment and Forests. It is further categorized as Category B2 as per the O.M. No. J-13012/12/2013-IA-II (I) dt. 24.12.2013 of Ministry of Environment and Forests, since the area of the project is below 25 hectares.

**As per the MoEF Notification F. No. 1-4/2012 - RE (Pt.) dated 13 .11.2013 Government of India, Koottickal Village, Kanjirappally Taluk, Kottayam District is categorised under an ESA Village. During the scrutiny it is seen that the proposed project site is also located in the Koottickal Village, Kanjirappally Taluk, Kottayam District.**

The proposal was considered in the 72<sup>nd</sup> meeting of SEAC held on 8<sup>th</sup> and 9<sup>th</sup> May 2017. Since the project is proposed in Kottickal, which is an ESA Village, the Committee decided to recommend to reject the proposal.

The Authority accepted the recommendation of 72<sup>nd</sup> meeting of SEAC held on 08<sup>th</sup> & 09<sup>th</sup> May 2017 and decided to delist the proposal since the proposal falls in ESA Village.

**Item No:70.06 Environmental clearance for the quarry project in Sy. No. 83/20-1, 83/20-2, 83/10, 83/28, 83/31, 82/13-2, 83/16, 82/9, 83/29, 83/33, 82/13-1, 83/9, 82/5-2, 82/16, 82/10, 82/15, 83/5 & 84 P (Govt. Land) at Mankode village, Kottarakkara taluk, Kollam district, Kerala by Sri. M. Abbas (File No. 665/SEIAA/KL/5180/2014)**

Sri. M. Abbas, A R. Villa, Side wall, Mancode village, Kottarakkara, Kollam District vide his application dated 27/10/2014 has sought Environmental Clearance under EIA Notification, 2006 for the proposed Expansion of Building Stone Quarry in an area of 2.0082 Hectares at Pooyappally Village, Kottarakkara Taluk, Kollam District by Sri K. Anilkumarin Sy. No. 83/20-1, 83/20-2, 83/10, 83/28, 83/31, 82/13-2, 83/16, 82/9, 83/29, 83/33, 82/13-1, 83/9, 82/5-2, 82/16, 82/10, 82/15, 83/5 & 84 P (Govt. Land) at Mankode village, Kottarakkara taluk, Kollam district, Kerala. 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 18<sup>th</sup> May 2012 of Ministry of Environment and Forests.

The SEAC in its 44<sup>th</sup> meeting held on 12<sup>th</sup> and 13<sup>th</sup> August, 2015 decided to defer the item for a site inspection by a sub-Committee and also to direct the proponent to submit FM sketch/cadastral map of the proposed area.

Field visit to the Quarry project site of Sri. M. Abbas, Mankode Village, Kottarakkara Taluk, Kollam district, Kerala was carried out on 25.09.2015 by the sub-committee of SEAC, Kerala, comprising Dr.Kesav Mohan and Sri. John Mathai. The representative of the Proponent was present at the site at the time of site visit. The visited team reported that;

*The project is a proposed quarry located at Boundar Mukku about 2.5 km south of Chithara. This quarry lease area of 2.0082 ha falling mostly in Govt. Land and partly in own land occupy the elevated rocky region with slopes to north. The elevation ranges from 260 m to 190 m. The area proposed to be quarried is divided into two blocks with a narrow band of land (reported to be govt. land) in between. These two blocks occupy the upper most part of the hill. The approach road and other facilities are planned on the steeply sloping northern part closer to the public road. The rock type is a mixture of khondalite and charnockite suite of rocks. Pockets of weathered rock with about 1 m thick over burden (OB) and top soil is seen in the upper part in between the rock exposures. The OB thickness in the eastern block (own land) is higher. The entire drainage from the elevated land including the proposed quarry flows as overland sheet flow. Vegetation is sparse limited to patches of rubber plantation and other mixed trees. Approach road is a well-developed public road but the*

*main haulage road to the working faces are to be formed negotiating the steep slopes. Dwelling units are seen on the lower slope close to the road.*

*A perusal of the mine plan shows that benches are formed in such a way that they are at an angle to the horizontal. In a steeply sloping segment this can lead to hazardous condition.*

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

- 1. Fencing should be provided all around the lease area.*
- 2. Workings must be in the form of benches 5m x 5m size and along the strike of the body. Clarification from the RQP is needed in this regard.*
- 3. Over burden should be stored in the designated places on the lower part and provided with protective support walls.*
- 4. Storm water drainage from the upper part must be channelised properly and let out through well-defined channels after clarification. Catch water drains must be provided on the lower slope to collect the overland flow and dispose storm water safely.*
- 5. A proper RWH body must be provided in the lease area with water clarification mechanism and maintained throughout. Periodic desiltation is mandatory*
- 6. Ultimate depth of mine will depend on the possible benches of 5m width and 5m height in the lease area as there major streams are not in the neighbourhood.*
- 7. The main haulage within the quarry should dolloped first for the safe transport of men and material.*
- 8. Other items from general conditions like a)Appropriate sign boards should be displayed, b) The blasting time must be displayed and strictly adhered to, c) The PPV values must be less than 10 mm/sec, d) Steps to be taken to limit fly rock to within the lease area. Rock fragments should not fall anywhere outside the lease area, e) Dust suppression mechanism must be in place f)A belt of trees (Vegetation belt) should be maintained all around the quarry but must be maintained till the entire life of quarry, g) A separate small plot to be maintained in the premise to preserve rare and endemic species, if any, listed in the biodiversity assessment and the promised activity under CSR may be added.*
- 9. 100 m distance must be left from the dwelling units*

The 46<sup>th</sup> meeting of SEAC held on 29<sup>th</sup> & 30<sup>th</sup> September 2015 deferred the item for submission of FM sketch/cadastral map of the proposed area.

The proponent has submitted FM Sketch for the proposed area as per the directions of SEAC. The 48<sup>th</sup> meeting of SEAC held on 6/7 Nov. 2015 considered the matter as item no. 48.11. The Committee appraised the proposal based on the Mining Plan, Prefeasibility Report, field inspection report and all other documents submitted along with the Form I application and decided to recommend for issuance of Environmental Clearance with the following specific conditions, in addition to the general conditions stipulated for mining projects.

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

The proposal was considered by SEIAA in its 47<sup>th</sup> meeting held on 07.01.2016. in the said meeting the Authority observed that there is no mention of the temple, wild animals etc. in the site inspection report as alleged in the petition put in by Appooppankavu Kshethra Samrakshana Samithi, Plamoodu, Thalavarambu, Chithara P.O., Kollam 691559 and returned the proposal to SEAC for consideration of the petitions against the quarry and report within 15 days.

The proposal was placed in the 52<sup>nd</sup> meeting of SEAC held on 8<sup>th</sup> and 9<sup>th</sup> February, 2016. The Committee appraised the proposal and decided to defer the item for field visit and to hear the petitioner during the visit. The field visit report, received on 20.07.2016 is given below:

*Field visit to the Quarry project site of Sri. Abbas, Mancode Village, Kottarakkara Taluk, Kollam district, Kerala was carried out on 08.07.2016 by the sub-committee of SEAC, Kerala, comprising Dr. Keshav Mohan and Sri. John Mathai. As directed efforts were first made to hear the petitioner since complaints were received from a local group to protect Appooppan kunnu.*

*Prior intimation was given to both the Proponent and the representatives of the Petition. At the time of the site visit a large gathering of local people were present close to*

*Minutes of the 70<sup>th</sup> meeting of SEIAA held on 16<sup>th</sup> June 2017*

*the site. The petitioners under leadership of Shri. A B Vijayan, Member GP, Vattamon Ward, Sri. Shajiruddin, Imam in the locality and Sri. S. Rajiv, Chairman of Samrakshana Samiti held initial discussions with the sub-committee. The main point of contention was that the land selected for quarry is a govt. Poramboke land falling on the crestal part of a hillock which is held as a heritage site by the local people. The proponent has obtained NOC for the area. Discussions could not be continued due to heated arguments between two groups leading to physical assault.*

*The sub-committee felt that further enquiry or site visit cannot be conducted due to the prevailing social tension. The proponent and complainant may be called to office for hearing. A decision may be taken and the parties may be informed accordingly.*

The proposal was placed in the 60th meeting of SEAC held on 28<sup>th</sup> and 29<sup>th</sup> July 2016. The Committee appraised the proposal based on mining plan, prefeasibility report, field inspection report and all other documents submitted. As directed, efforts were first made to hear the petitioner during site visit since complaints were received from a local group to protect Appooppan kunnu. The main point of contention was that the land selected for quarry is a govt. Poramboke land falling on the crestal part of a hillock which is held as a heritage site by the local people. The proponent has obtained NOC for the area. Discussions could not be continued due to heated arguments between two groups leading to physical assault. The sub-committee felt that further enquiry or site visit cannot be conducted due to the prevailing social tension. The proponent and complainant may be called to office for hearing. SEIAA may take appropriate decision and the parties may be informed accordingly.

The Authority decided that, SEAC may avail police protection for conducting site inspection. SEIAA may also write to DGP for allowing the same.

#### **Item No:70.07            Court Cases, Hearing & Complaints**

- 1) **Hearing of the Petitioner Shri.P.J.Johny in the SEIAA meeting to be held on 16<sup>th</sup> June 2017, as per Judgment WP(C) 13072 ( File No.1031 As decided in the 69<sup>th</sup> SEIAA meeting held on 1<sup>st</sup> June 2017) Informed P.J.Johny for hearing**

Sri.P.J.Jony, Pakkarambel, Ettumanoor P.O, Kottayam District - 686631 has applied for Environmental Clearance for the removal of 30,000 m<sup>3</sup> ordinary earth from an area of 0.46.81 ha of land in Sy.No457/1B7, 458/1, 458/1-2 at VellurVillage, VaikomTaluk, Kottayam District.

The proposal was considered in the 58<sup>th</sup> Meeting of SEAC held on 28<sup>th</sup> & 29<sup>th</sup> June 2016 as agenda item no.58.28. The Committee appraised the proposal based on the details provided by the applicant and decided to recommend for issuance of Environmental Clearance for removal of 8000 m<sup>3</sup> of ordinary earth subject to the condition that removal should be in terraced manner limiting maximum depth of removal to 2m.

SEIAA in its 57<sup>th</sup> meeting held on 26/8/2016 approved for issuance of Environmental Clearance on usual conditions for mining of ordinary earth as stipulated in O.M No. L.11011/47/2011-IA.II(M) dated 24-6-2013 of the Ministry of Environment & Forests for removal of 8000 m<sup>3</sup> of ordinary earth subject to the condition that removal should be in terraced manner limiting maximum depth of removal to 2m.

Shri.P.J.Jony, Pakkarambil House, Ettumanoor P.O, Kottayam submitted a representation to SEIAA to extend the validity period of EC No.1031/SEIAA/EC4/219/2016 dt.30.09.2016 issued for the removal of OE. In the 64<sup>th</sup> meeting of SEIAA held on 23.02.2017 it was decided that no new application for extension of time will be accepted by SEIAA and all such applications will be transferred to the concerned DEIAA for consideration. The present case was considered as a special case because of the court order. So it was placed in the 67<sup>th</sup> meeting of SEIAA held on 28/4/2017. The Hon'ble High Court vide judgment dt.11.04.2017 in the W.P(C) No.13072/2017 filed by the proponent directed the 1<sup>st</sup> respondent (member Secretary, SEIAA) to consider and pass orders on the application submitted by the proponent within 3 months after hearing the petitioner. The Judgment dated 11/4/2017 was received in SEIAA office on 11/5/2017. The three months time limit will expire on 10/8/2017.

The Authority in its 69<sup>th</sup> meeting held on 1<sup>st</sup> June 2017 decided to hear the petitioner in the next SEIAA meeting scheduled to be held on 16<sup>th</sup> June 2017.

The proponent Sri.P.J.Johny attended the hearing held in the 70<sup>th</sup> meeting of SEIAA on 16.06.2017. Considering the arguments of the proponent SEIAA decided to grant extension of EC for four months.

- 2) **Judgment dated 16/2/2017 in WP(C) 3399/2017 filed by Paristhithi Samrakshna Janakeeya Samithi – Contempt of Court Case No .691/2017 (file No.843/SEIAA/EC3/2805/15) -**

Sri K.M.Joy, Managing Partner, M/s J.B.Granites., Kachappily House, Puliyanam P.O., Angamaly, Kerala-683572., vide his application received on 21-07-2015 has sought

*Minutes of the 70<sup>th</sup> meeting of SEIAA held on 16<sup>th</sup> June 2017*

Environmental Clearance under EIA Notification, 2006 for the quarry in Sy. No 217/2-2,217/2-3,217/2-1,218/3 at Parakkadavu Village, Aluva Taluk, Ernakulam District,, Kerala by Sri K.M. Joy, for an area of 2.4169 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 18<sup>th</sup> May 2012 of Ministry of Environment and Forests.

The proposal was considered in the 61<sup>st</sup> Meeting of SEAC on 11<sup>th</sup> August 2016. The Committee after examining the mining plan, prefeasibility report, Field Inspection Report and the other documents and details provided by the proponent decided to recommended for issuance of EC. The site visit was conducted by Subcommittee of SEAC on 15.07.2016, comprising Dr. K.G. Padmakumar and Sri. John Mathai. The proponent Sri. K M Joy and his associates were present at the site at the time of site visit. The details of which are given below:

*The project is located at about 2 km west of Karukutty. This quarry lease area falling in own land occupy parts of a hillock exposing hard rock. The approach road is narrow and not surfaced. Several old pits and working quarries were noted in the area. Boundary pillars of this plot are erected and numbered displaying GPS values. Part of the area was being worked with permits but not at the time of inspection. Pits of old workings with cliff like faces and presently filled with rainwater are seen where fish culture is being practised. In the area proposed for quarry is elevated with patches of OB and top soil of variable thickness. Rubber plantation is the dominant land use. Dwelling units are seen on the western side but beyond 100 m.*

*The quarry may be recommended for EC after considering the following points:-*

- 1. Considering the presence of steep cuttings, and fragmented way of quarrying, it is to be emphasised that the future working will be from the elevated part following the top to bottom approach.*
- 2. The steep cliff like faces to be marked as danger zones with proper fencing and sign boards. They can be exploited only with the advancement of benches.*
- 3. The present practise of utilisation of the deep pit for RWH and fish culture can continue.*
- 4. 100 m distance to be left from the dwelling units especially on the western side.*
- 5. Top soil and OB need proper storage area on the lower part on the southern side*

6. *The approach roads need widening and surfacing even though it is proposed to regulate the movement of trucks through the two approach roads with an one way movement.*
7. *The certificate from District Geologist on the details of quarries in 500 m vicinity with their names and respective areas.*
8. *Details of CSR and land document may be verified from the application.*

The proposal was placed in the 60<sup>th</sup> meeting of SEIAA held on 27<sup>th</sup> October 2016. The Authority resolved to accept the recommendation of SEAC to issue Environmental Clearance on the following conditions in addition to general conditions.

1. The approach road should be widened to minimum of 6m width.
2. Considering the presence of steep cuttings and fragmented way of quarrying, it is to be emphasised that the future working will be from the elevated part following the top to bottom approach.
3. The steep cliff like faces to be marked as danger zones with proper fencing and sign boards. They can be exploited only with the advancement of benches.
4. The present practise of utilisation of the deep pit for RWH and fish culture can continue.

Authority noted that, as per the certificate issued by the district Geologist there are 8 other quarries working with short term permit/lease within 500m radius of the proposed area. Hence 'no cluster certificate' should be presented. "A Cluster Certificate issued by the District Geologist stating the status of the all quarries located within 500 meter of the project was submitted by proponent vide letter dated 22/12/2016. It is observed that the cumulative area of all quarries is 8.34 hectares which is less than 25 hectares and therefore the instant project is categorised as B<sub>2</sub> category." As per the decision of the 60<sup>th</sup> SEIAA, held on 27/10/2016, Environmental Clearance No.16/2017 was granted to him on 15/2/2017 on the following conditions.

1. The approach road should be widened to minimum of 6m width.
2. Considering the presence of steep cuttings and fragmented way of quarrying, it is to be emphasised that the future working will be from the elevated part following the top to bottom approach.

3. The steep cliff like faces to be marked as danger zones with proper fencing and sign boards. They can be exploited only with the advancement of benches.
4. The present practise of utilisation of the deep pit for RWH and fish culture can continue.

The proponent should continue quarrying only after presenting a certificate from a competent authority that the pre mining specific conditions No 1 and 3 have been fulfilled. (Subsequently the Village Officer, Parakaduvu vide letter No.142/2017 dated 25/1/2017 has certified that the above pre-mining condition have been fulfilled.)

Meanwhile, WP(C) 3399/2017 had been filed before the Hon'ble High Court against the granting of Environmental Clearance to M/s.J.B.Granites and the Hon'ble Court, while considering the case along with three other writ petition No. 561, 4689 & 5016 of 2017 on 16/2/2017 had directed the SEIAA to give a personal hearing before taking a decision in giving EC. It was also ordered that if the SEIAA/ DEIAA has, during the pendency of the writ petition, takes a decision to grant Environmental Clearance to any project proponent, the said decisions shall not be given effect to, until the hearing as directed, is completed. A copy of the Judgment was received on 25/2/2017. As per the judgment, on 25/3/2017 the petitioner had been directed by SEIAA vide letter No.843 /SEIAA/EC3/2805/2015 not to operate quarry till further orders from State Environment Impact Assessment Authority.

The petitioner was called for hearing on 7/4/2017 and 28/4/2017 but was postponed at their request. Finally, they were heard on 12/5/17. Objections raised by the petition in WP(C) 3399/17 during the hearing conducted on 12/5/17, as the following :-

- 1) The SEIAA does not have Jurisdiction to consider and grant EC for land below 5 ha after the amendment notification dated 15/1/2016 as clarified by OM dated 15/3/16. The area proposed is less than 5ha and the site visit was conducted after 15/1/16, the application pending should have been forwarded to District Authorities for fresh processing. Hence the proceedings is to be cancelled.
- 2) Non consideration of 8 nearby quarries as a cluster initiates the entire proceedings. SEIAA noted that there are 8 other quarries within 500 meter radius. In Deepak Kumar's case, the Hon'ble Supreme Court had directed that all existing quarries is 500mt radius shall be considered as a cluster. All the 8 quarries near the proposed land had been working till 2015 under permits and license. This fact has been suppressed by the proponent.

- 3) The report of the State Authority had not been called for and have not assigned specific reason
- 4) Presence of many residential building within 100 m distance from the proposed area was not taken into consideration by SEIAA.
- 5) Suppression of material facts.
  - The presence of Ayroor Parakkedan drinking water tank with 4.5 lakh lit capacity within 200 m was suppressed.
  - The site is situated at a place having slope greater than 45<sup>0</sup> is not disclosed.
  - Width of the road is less than 6 m at about 90% of its length and all other connection roads are only 3-4 at wide.
  - The proponent had already done deep quarrying very close to 2 public roads and possess threat to local residents.
  - Proponent included deep mined areas also in the proposal without segregation with a view to regularise the illegal mining done and mislead SEIAA and SEAC for grant of expost facto clearance.

Meanwhile contempt of case proceedings has been initiated against the SEIAA in CC(c) 691/2017, and the Hon'ble High Court has called for report. Hence the request of the petitioner for cancellation of Environmental Clearance was placed in the SEIAA for decision.

The Authority decided to extend the suspension order for stopping of the quarrying activities till SEIAA takes a decision in this regard. SEIAA also decided to have a site inspection to verify the suppression of facts if any and report within 15 days.

With reference to the court direction the Authority in its 69<sup>th</sup> meeting held on 1<sup>st</sup> June 2017 examined the matter in detail and decided to inform SEAC to conduct a site inspection to verify whether there is suppression of relevant facts as alleged by the petitioner and to submit the report within 15 days so as to consider the matter by SEIAA at the earliest. This decision was conveyed to the Hon'ble High Court vide e-mal dated 05<sup>th</sup> June 2017.

The matter was considered by SEAC in the 74<sup>th</sup> meeting held on 14<sup>th</sup> June 2017. The report of SEAC is as follows:

1. Illegal quarrying.

The petitioners alleges illegal mining by the proponent under the cover of the permit he had obtained from the Department of Mining and Geology. The petitioners though promised have not produced any evidence to support this argument. The basic legality of mining based on permits itself was a general issue in Kerala and since the govt itself was

issuing the permit no action against violation was recommended till the Hon High Court ruled the practice as illegal. In the instant case the fact the mining was carried out in area on basis of permit was a known fact and recorded in the site inspection report of the SEAC sub-committee.

2. Destruction of Environment

The petitioners alleges underground mining, pumping out of ground water, sound pollution, contamination of water sources , sound pollution due to the excessive use of explosives etc. The sub-committee during its site inspection has observed short comings in the mining operations conducted in the past. But the mining plan approved by the Department of Mining and Geology takes care of those issues and envisages scientific mining with proper safe guards. The recommendation of the SEAC also addresses environmental issues.

3. Threat to water tank of Kerala Water Authority

The petitioner alleges the presence of a water tank within the prohibitory distance. The mandatory distance from such structures as per the KMMC rules is 100 mts. The proponent is prohibited from carrying out quarrying operations within 100 mts of such structures by rules as well as by the conditions stipulated in the EC.

The petitioners also point out threats to public road, schools, irrigation canal, human beings and livestock etc. The poor condition of the roads is also pointed out. All these allegations are general in nature without pointing out any specific incident or evidence. The safety measures and practices stipulated in the mining plan prepared by the recognized qualified person if properly implemented will take care of the concerns of the petitioners. Different arms of the govt by their periodical checks and inspections are expected ensure its compliance.

The sub-committee of SEAC has conducted a thorough field inspection on 15.07.16 and submitted its report. The Committee is of the view that no facts which have bearing on issuing EC are either suppressed or over looked. Hence there is no need for a separate field visit. After considering all facts the committee is of the view that there is no reason to reconsider its earlier recommendation

The report of the SEAC was considered by the SEIAA in the 70<sup>th</sup> meeting held on 16.06.2017 and the matter was examined afresh in the light of the report of SEAC. It is noted

that the arguments of the complainants as reported by SEAC does not merit consideration and hence the decision of SEIAA to grant EC need not be reviewed. The position may be intimated to Hon'ble High Court.

**3) Judgment dated 16/2/2017 in WP(C) 5016/2017 filed by Shri.Bijo Jose – Contempt of Court Case No .687/2017**

Shri. Bijo Jose, Kannur had filed WP(C) 5016/2017 before the Hon'ble High court of Kerala requesting for affording him an opportunity of hearing before granting environmental clearance for the application to conduct quarry operation to Shri.Jilson Joseph. The Hon'ble High Court while considering the case along with similar cases, on 16/2/2017 had directed the SEIAA/SEAC to afford the personal hearing to the petitioner before taking a final decision with regard to grant of environmental clearance to the project proponent.

The project proponent Shri.Jilson Joseph had applied for Environment Clearance on 29/12/2016 online and the proposal has been considered by 73<sup>rd</sup> meeting of SEAC held on 30<sup>th</sup> May 2017. Further decision will be taken after conducting the site inspection. EC is not issued to the proponent. It has been decided to intimate the date of site inspection to the petitioner Shri.Bijo Jose so as to enable him to air his grievances before the site inspection team of SEAC.

In the meantime Shri.Bijo Jose has asked for information through RTI Act 2005 vide his application dated 28/2/2017 to furnish the details of the application for EC by shri.Jilson Joseph. He went on appeal complaining that he had not been furnished the information he asked for on time. In reply to the appeal SEIAA vide letter No.2983/EC2/2017/SEIAA dated 25/05/2017 informed him that the details shall be furnished by remitting the prescribed fee.

The Authority in its 69<sup>th</sup> meeting held on 1<sup>st</sup> May 2017 decided to hear the petitioner during field visit to be conducted by SEAC and to inform the Hon'ble High Court. Accordingly the Hon'ble High Court was informed by SEIAA vide mail letter dated 5<sup>th</sup> June 2017. It was decided to intimate the date of inspection to the petitioner so as to enable him to air his grievance. It was decided to furnish the details of application for EC to the petitioner under RTI Act as soon as the prescribed fee is remitted. Accordingly the details of the application of EC was given to the petitioner by post on 06<sup>th</sup> June 2017.

Authority noted the decision. SEIAA decided to request SEAC to speed up the field inspection and hear the petitioner and report within two weeks, since the issue is under consideration of Hon'ble High Court.

**4) Environmental Clearance –Granite Building Stone –Chadayamangalam (File No 752/SEIAA/KL/301/2015).**

Sri.Shaji.S, Thekkuvilamelathil, Kudavattoor (P.O), Kottarakkara (Taluk), Kollam vide his application dated 24/01/2015, has sought Environmental Clearance under EIA Notification, 2006 for the granite building stone open cast quarry is proposed by Shah Quarry in Sy. No. 328/2-1, 2-2, 3,6, 326/1-2,1-1,2, 325/2,4,5, 301/34,37 at Chadayamangalam village, Kottarakkara (Taluk), Kollam district, Kerala for an area of 4.6725 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 18<sup>th</sup> May 2012 of Ministry of Environment and Forests.

The proposal was placed before 53<sup>rd</sup> SEAC for appraisal. The Committee appraised the proposal in the light of the field inspection report. The site inspection has been completed on 13.01.2016 by the subcommittee comprised of Dr. K. Harikrishnan and Sri. John Mathai. The Proponent with his representatives were present at the site at the time of site visit. The report is as follows;

*“The project is an active quarry located near Kuriyode on the MC road. This quarry lease area of 4.6725 ha falling partly in own land and partly in government land occupy the elevated part of a gently undulating area. Boundary pillars are erected and numbered displaying GPS values. The rock type is a mixture of gneiss and charnockite. The removed OB from the existing quarry is stocked at convenient places based on the place of excavation. RWH structures are not seen. A seasonal stream is seen by the side of the quarry land with both flanks owned by the proponent. Rubber is the dominant landuse. Floral and fuanal biodiversity is not observed as the area is cleared for rubber. Dwelling units are seen in the immediate vicinity but beyond 100 m. Two buildings within 100 m are used as office and other facilities for workers. The documents regarding NOC for Govt land has not been verified.*

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

- 1. Fencing should be provided all around the lease area.*
- 2. Top soil and Over burden should be stored in a designated place on the lower slope away from the working area and provided with protective support walls.*

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3. *Ultimate depth of mine must be limited to the stream bed level seen in the vicinity.*
4. *The seasonal stream should be provided with protective embankments to prevent entry of quarry waste. It should also be provided with low level check dams at least at two places to arrest silt being washed down stream. Periodic desiltation is essential.*
5. *The approach road is narrow and presently not maintained for movement of heavy vehicles. This should be taken up on priority basis.*
6. *The CSR activity need revision”.*

It was found that there is a case of violation. It was decided to recommend for issuance of EC after completing action against violation subject to the above specific conditions suggested by the inspection team in addition to general conditions applicable for mining proposals.

CSR activity must be submitted before the Authority.

The 52<sup>nd</sup> meeting of SEIAA held on 29<sup>th</sup> April 2016 decided to accept the recommendations of SEAC except that on violation proceedings as per *the Hon'ble Supreme Court* interim order to maintain status quo as on 30-10-2015. The proponent is entitled to the benefit of the interim order. Hence SEIAA decided *to grant E.C subject to production of revised CSR undertakings, and the above specific conditions in addition to the general conditions. As per the recommendation of SEIAA, EC was granted on 1/6/2016 as EC No.83/2016.*

As per a letter received by SEIAA on 21/3/2017 from the Sub Collector Kollam it is reported that Environmental clearance was granted to the quarry project in Sy. No. 328/2-1, 2-2, 3,6, 326/1-2,1-1,2, 325/2,4,5, 301/34,37 Chadayamangalam village, Kottarakkara (Taluk), Kollam district, Kerala by Sri.Shaji S., M/s Shah Quarry (File No 752/SEIAA/KL/301/2015). On a joint inspection conducted by the Sub Collector Kollam and the ASP Punalur in the quarry site on 28.02.2017 pointed out that the quarry owner has totally violated the condition stipulated in para (3) of the Environmental Clearance.

The violations are mentioned below:-

1. Fencing is not seen done around the lease area and the quarrying pit which may leads to loss of life to both human beings and animals.
2. According to the Environmental Clearance, top soil can only be removed and shall be used for refilling the quarrying pit and for plantation. In this case, soil is seen used for making paths way to the quarry.
3. Water sprinkling system is not seen installed for arresting dust particles which may leads to air pollution. It is also to report that the licensee has neither kept the records and accounts of explosives nor the stock register, due to which the police authorities have locked the magazine for further verification.

The Authority in its 69<sup>th</sup> meeting held on 01.06.2017 decided to give a hearing to the proponent in the next SEIAA meeting scheduled to be held on 16<sup>th</sup> June 2017 to know his views about the allegation made.

The proponent attended the hearing. Authority directed the proponent to install water sprinkler and to demolish the buildings within 100 m. An affidavit certified by the Sub Collector, Kollam to the effect that all the above violations have been rectified should be submitted before continuing with quarrying.

5) **Granite (Building Stone) – quarrying permit- Cancellation (212/SEIAA/KL/0251/2014)**

Mr.Thankachan M.S.Owner,M/S Mathalikunnel Quarry, Mathalikunnel, Koombara BazarP.O., Kozhikode District vide application received on 16.01.2014, has sought Environmental clearance for the Building Stone Quarry Project in Sy. No. 2442 p at Koodaranhi Village, Kozhikode Taluk, Kozhikode District, (File No. 212/SEIAA/KL/251/2014) It is categorized as Category B2 as per the O.M.No.J-13012/12/2013-1A-II (1) dt.24.12.2013 of Ministry of Environment and Forests, since the area of the project is below 25 hectares.

The proposal was considered in the 34<sup>th</sup> meeting of SEIAA & SEAC held on 31.10.2014 and the Authority approved the proposal for issue of environmental clearance subject to the general and seven special conditions as per the recommendations of SEAC. EC will be issued subject to the decision of the joint meeting of SEIAA and SEAC scheduled to be held on 24.10.2014. EC was issued by SEIAA on 5.12.2014.

Now on 9/6/2017, SEIAA has obtained a letter (T-3152/2017) from the District Forest Officer, Kozhikode stating that a quarrying lease was granted to Sri.Thankachan M.S, for

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quarrying granite (Building Stone) over an area comprised in Sy.No.2442/pt of Koodaranchi Village, Thamarassery Taluk. On field inspection it is revealed that above quarrying is done within 100 m distance from the forest boundary. They pointed that this is violation of existing Rules and guidelines issued by State Environmental Impact Assessment Authority.

Hence the Divisional Forest Officer requested that necessary steps may be taken to cancel the above quarrying permit urgently.

Authority decided to refer the case to SEAC for clarification as referred in item (iii) of 70.09.

**Item No. 70.08          General Item**

**i)          Engagement of Auditor for Statutory Audit of Accounts 2016-17 Quotations Called for – proposal Sanctioned M/s.GSPU & Associates Thiruvananthapuram – Sanctioned –request – reg**

The 69<sup>th</sup> meeting of SEIAA had considered the proposal for engaging as audit firm for conducting statutory audit of accounts for 2015-16 & 2016-17 and decided to negotiate with the firm M/s.GSPU & Associates.

The Accountant has informed that the firm has agreed to complete the audit for 2015-16 and 2016-17 including cost of data entry of vouchers and other entries in tally packages, at a total cost of Rs.50,000/-

Authority accepted the proposal.

**ii)          Remuneration to dailywaged/Contract Staff**

As per GO(P) 56/17/Fin dated 28/4/2017 wages to daily waged/contract employees has been revised w.e.f 1/4/2017, as per which clerk/DEO is eligible for Rs.710/- per day (Contract Rs.19950/-monthly) and office Attendant is eligible for Rs.630/- per day.

Hence the following daily waged/contract employees may be sanctioned revised wages w.e.f the dates noted against each.

1. Shri.Sreeraj	Office Attendant	1.4.2017
2. Smt.Shalini.P	Data Entry Operator	1.4.2017
3. Shri.Devapalan Nair	Clerk`	1.4.2017
4. Smt.Malini.V	Data Entry Operator	18.6.2017

The Authority accepted the proposal.

**iii) Remuneration to Project Assistant**

The 68<sup>th</sup> meeting of SEIAA held on 12/5/2017 had decided to engage Project Assistant in SEIAA on daily wages. As such, Smt.Alpha has been engaged on daily wages basis w.e.f. 15/5/2017. The monthly remuneration as notified earlier was Rs.20,000/- p.m on contract basis.

As per GO(P) 56/17/Fin dated 28/4/2017, wages to daily waged/contract employees has been enhanced. But the category 'Project Assistant' is not mentioned in the Government order. Since the qualifications prescribed for Project Assistant is post graduation in Environment Science, she may be paid, at least, the wage admissible to Assistant for which the qualification is 'degree'.

The Project Assistant engaged on daily wages may be paid Rs.1025/- per day under category VIII of the G.O. referred above.

The Authority accepted the proposal.

**Item No.70.09 Hearing Notes**

- i) **Environmental clearance for the quarry project in Sy. No. 148/6, 145/6, 145/5, 145/9, 145/3, 148/3, 145/7, 148/4, 145/6-1, 148/10, 145/8, 145/3-1, 145/2, 146/8, 150/1-1, 148/9 at Ezhumattoor Village, 158/3, 159/14-1, 159/15 at Kottangal Village, Mallappally Taluk and Pathanamthitta District, Kerala-686661 by Sri. K.A. Thomas, Mallappally Taluk, Pathanamthitta Dist.For M/s T.M. Constructions of Sri. K.A. Thomas. (File No.899/SEIAA/EC4/3460/2015)**

Sri.K.A. Thomas, Managing Partner, MML No. XX/466, Muvattupuzha, Ernakulam Kerala-686661 vide his application received on 25/08/2015, has sought Environmental Clearance under EIA Notification, 2006 for proposed quarry Project at Sy. No. 148/6, 145/6, 145/5, 145/9, 145/3, 148/3, 145/7, 148/4, 145/6-1, 148/10, 145/8, 145/3-1, 145/2, 146/8, 150/1-1, 148/9 at Ezhumattoor Village, 158/3, 159/14-1, 159/15 at Kottangal Village, Mallappally Taluk, Pathanamthitta District, Kerala-686661 for an area of 4.5491 hectares.

The proposal was considered in 55<sup>th</sup> SEAC held on 10<sup>th</sup>, 11<sup>th</sup> and 20<sup>th</sup> of May, 2016. The Committee deferred the item for site inspection and decided to examine the complaint received from Sri. Biju Kumar, T.R during the time of field visit.

Field visit to the Quarry project site of M/s T.M. Constructions., Ezhumattoor and Kottangal Village, Mallappally taluk, Pathanamthitta district, Kerala was carried out on 08.07.2016 by the sub-committee of SEAC, Kerala, comprising Dr. Keshav Mohan and Sri. John Mathai. The representatives of the proponent were present at the site at the time of site visit. The report is as follows:

*The project is located at about 2 km SSE of Vaipur. This quarry lease area of 4.5491 ha falling in own land occupy the northern slopes of a hill ridge exposing hard rock. On the southern flanks are two other quarries for which EC has been recommended. Boundary pillars of the plot are erected and numbered displaying GPS values but not the quarry area. The rock type is variants of charnockite. The lease area is currently not being worked but shows old working pits. The thickness of OB and top soil varies with relatively deeper cover on the foot hill zone near to the road. The storm water from the entire area is likely to flow as sheet flow into the lower valley part to meet the stream. Rubber plantation is the dominant land use. Floral and faunal biodiversity is not observed as the area is cleared of natural vegetation. Dwelling units are seen within 100 m on the north-eastern side close to the road.*

*Based on an overall evaluation of the site, following conditions may be fulfilled before it is recommended for EC:*

- 1. Though the area under ownership is demarcated, the Mine lease area with boundary pillars is not demarcated precisely. It should be carried out on a priority basis and intimated. The areas with top soil and OB in excess of 2 m seen close to the road are to be avoided while demarcating the quarry area. The quarry area can be on the upslope of the old workings.*
- 2. Top soil and Over burden should be stored in a designated place on the lower slope away from the working area and provided with protective support walls.*
- 3. The water draining into the valley will need clarification once the quarry is in operation. It must be managed by providing a RWH/desiltation structure. A catch water drain is needed on the lower slopes leading to the desiltation structure. Near to the entry the approach road crosses a stream without any culvert.*

4. *Settlements are seen adjacent the road. A clear aerial distance in excess of 100 m should be provided. As such there are complaints about the method of working and the time of operations in the past.*
5. *The approach road is narrow and need to be widened and surfaced for the movement of heavy vehicles.*
6. *The CSR activity needs revision addressing the needs of the locality.*

The proposal was considered in the 60<sup>th</sup> SEAC meeting held on 28-29<sup>th</sup> July, 2016 and deferred the item asking the proponent to submit the additional documents clarifying the above conditions suggested by SEAC.

The proposal was considered in the 64<sup>th</sup> Meeting of SEAC held on 16<sup>th</sup> and 17<sup>th</sup> November 2016. 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 the item subject to the following specific conditions in addition to the general conditions.

1. The areas with top soil and OB in excess of 2 m seen close to the road are to be avoided while quarrying.
2. The approach road is narrow and need to be widened and surfaced for the movement of heavy vehicles.
3. 100M clear distance from quarrying area and residential buildings shall be strictly observed.
4. The CSR is modified for an amount of 7 lakhs per annum for recurring activities & 6 lakhs for non-recurring activities.

As per the new Rules, Lease/permit to the quarries are issued by the Department of Mining & Geology only after the receipt of environmental clearance from concerned Authority.

SEIAA in its 62<sup>nd</sup> meeting held on 23/12/2016 noticed the observation of 60<sup>th</sup> meeting of SEAC held on 28<sup>th</sup>& 29<sup>th</sup> July 2016 that there are complaints about the method of working and the time of operation in the past. Also in the inspection report it is noted that dwelling units are seen within 100 m on the north eastern side close to the road. Therefore the Authority authorised SEIAA Chairman and Member to inspect and verify the above aspects and method of working of the quarry.

As directed by the 62<sup>nd</sup> SEIAA meeting held on 23.12.2016, Chairman and the member of SEIAA visited the quarry project site of M/s TM Construction of K.A Thomas at

Ezhumattoor and Kottangal Village, Mallappally Taluk, Pathanamthitta District on 03/03/2017.( File No.899/SEIAA/EC4/3460/2015) Survey Nos. Are 148/6, 145/6, 145/5, 145/9, 145/3, 148/3, 145/7, 148/4, 145/6-1, 148/10, 145/8, 145/3-1, 145/2, 146/8, 150/1-1, 148/9 at Ezhumattoor Village & 158/3, 159/14-1, 145/5 at Kottangal Village.The report is as follows:

*Mining started in 2005 on permit. Permit period expired on 15.01.2016 and hence there is no mining work at present. The project was submitted on 25.08.2015 for E.C. The project is located at about 2 km SSE of Vaipur, quarry lease area is 4.5491 ha of his own land. Quarrying mainly of building stone for 48569 m<sup>3</sup> annually. It is now not working since 15.01.2016. Topography of the land is hilly and there is no overburden. The mine lease area with boundary pillars are not demarcated. The lease area with a latitude of N 09<sup>0</sup>25'53.36" and Longitude E 76<sup>0</sup>42'46.37". The lease area shows old working pits, the land occupy the northern slopes a hill ridge exposing hard rock. There is no possibilities of land slides and soil erosion. Dwelling units are seen within 100 ms on the north eastern side close to the road. There is no fencing around the quarry. Mining is not done by bench formation. Floral and faunal biodiversity is not observed as the area is cleared of natural vegetation. The approach road is narrow and need to be widened and surfaced for the movement of heavy vehicles. There is no facility of Rain Water Harvesting. The total cost of the project and CSR are not clearly mentioned.*

*There is one complaint against the quarry by Sri.Biju Kumar, Thekkumplakkal, Ezhumattoor P.O and others. The complainant had requested for a hearing before EC is recommended.*

*On the overall evaluation the application may be recommended for EC with the following specific conditions.*

- 1. The dwelling units within 100 m should be demolished before EC is issued.*
- 2. Quarrying should be scientifically done with bench formation.*
- 3. Fencing should be done around the lease area with barbed wires.*
- 4. The approach road should be widened and surfaced for the movement of heavy vehicles.*
- 5. Rain Water Harvesting structure should be installed.*
- 6. The areas with top soil and OB in excess of 2 m seen close to the road are to be avoided while quarrying.*

7. *Biodiversity of the area should be maintained with native plants and of any endemic species removed must be replanted.*

8. *More realistic CSR amount should be submitted.*

The Authority in its 67<sup>th</sup> meeting held on 28/4/2017 decided to give the complainant Sri.Biju Kumar an opportunity for hearing as per his request before the issue of Environmental Clearance.

During the hearing on 1/6/2017 Shri.Biju Kumar informed that the low lying fields would be affected by the quarrying operations and face water scarcity. The traffic in the near by roads will be affected. There had been instances when huge rocks fell on their houses. He requested not to grant Environmental Clearance.

Authority examined the arguments of the proponent and noticed that he lives outside 100m and his arguments are not acceptable. Hence the Authority accepted the recommendation of SEAC & SEIAA decided to issue EC with the following specific condition in addition to general condition. An affidavit satisfying all the specific conditions should be submitted before the issuance of EC.

1. The areas with top soil and OB in excess of 2 m seen close to the road are to be avoided while quarrying.
2. The approach road is narrow and need to be widened and surfaced for the movement of heavy vehicles.
3. 100M clear distance from quarrying area and residential buildings shall be strictly observed.
4. The CSR is modified for an amount of 7 lakhs per annum for recurring activities & 6 lakhs for non-recurring activities.

ii) **Environmental clearance for the building stone quarry project in m 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 18<sup>th</sup> May 2012 of Ministry of Environment and Forests.

The proposed project site falls within Latitude N 9°24'42.1'' to N 9°25'05.1'' and Longitude E 76°50'25.0'' to E 76°50'40.9''. The land use classification as per revenue records is private own land. The lease area consists of 10.9323 hectares. The proposed project is for quarrying of 5,70,000 TPA 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 project does not require approval/clearance under forest conservation act or Wild life protection act or CRZ notification, since there is no declared biosphere reserve, wild life sanctuaries, or tiger sanctuary or migrating corridor, coastal zone etc. in the core zone and 10 km buffer zone.

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 49<sup>th</sup> 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 overburden (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 49<sup>th</sup> SEAC. The proposal was considered in the 53<sup>rd</sup> meeting of SEAC held on 25<sup>th</sup> and 26<sup>th</sup> 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 the following specific conditions for mining.

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 channelize 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.

The Authority 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 1<sup>st</sup> 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*

*Minutes of the 70<sup>th</sup> meeting of SEIAA held on 16<sup>th</sup> June 2017*

*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 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 are 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 not reported is not true. A copy of the report of geological survey of Industry 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.

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 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.

**iii) 100 m buffer distance from Forest boundary – Clarification Sought**

SEIAA, in all the EC's issued has put a specific & general condition to leave 100 meter buffer distance from Forest for quarrying.

In file No.212/SEIAA/KL/0251/2014 M/s Mathalikunnel quarry, Kozhikkode District, Divisional Forest Officer has requested SEIAA to take necessary steps to cancel the EC as it was found that the above condition was violated by the project proponent(refer 70.07 (v)).

There are several representations and litigations like WP(C) No19350 of 2017 challenging the criteria of 100 m buffer distance from the forest boundary. Apart from the merit of this individual case, SEAC may give its view on the scientific rationale for the condition to insist 100 m distance from the forest within 15 days. SEAC is requested to give its view at the earliest.

Sd/-  
**Dr.K.P.Joy**  
**Chairman**

Sd/-  
**Dr.J.Subhashini**  
**Member**

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