

**MINUTES OF THE 99th MEETING OF THE STATE ENVIRONMENT
IMPACT ASSESSMENT AUTHORITY (SEIAA) KERALA, HELD ON
21st & 22nd NOVEMBER 2019 IN THE CONFERENCE HALL OF
STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY
KERALA**

Present:

- 1. Dr.H.Nagesh Prabhu IFS (Retd), Chairman, SEIAA**
- 2. Dr.Usha Titus I.A.S, Principal Secretary, Higher Education &
Member Secretary, SEIAA**
- 3. Dr. Jayachandran.K, Member, SEIAA**

The meeting started at 11.00 AM and agenda items were taken up for discussion.

Item No.99.01 **Minutes of the 98th meeting of SEIAA held on 18th & 19th October
2019 for information**

Noted

Item No.99.02 **Action Taken Report of 97th SEIAA Meeting held on 24th
September 2019**

Noted.

The follow up actions taken by SEIAA team, on decisions taken in SEIAA meeting is appreciated.

Item No.99.03 **Action Taken Report of 98th SEIAA Meeting held on 18th & 19th
October 2019**

Noted.

The follow up actions taken by SEIAA team, on decisions taken in SEIAA meeting is appreciated.

Item No.99.04 **Environmental Clearance for the proposed Granite Building Stone Quarry Project in Re - Sy. No. 84/27, 84/29, 84/29-1, 84/29-2, 90/6, 90/6-1, 90/7, 90/7-1, 90/10, 96/2, 96/15, 96/16, 96/17 in Nellanad Village, Nedumangad Taluk, Thiruvananthapuram District, Kerala by Mr.Jayan Babu, Managing Director, M/s JBP Granites & Metals Private Limited (File No. 1288/EC2/2019/SEIAA)**

As recommended by SEAC in its 105th meeting held on 28th -29th October 2019, Authority decided to reject the proposal for EC and inform the proponent accordingly quoting the reasons for rejection pointed by SEAC.

Item No.99.06 **Environmental clearance for the proposed building stone quarry in Survey No. 563/2, 563/4 in Vellanad Village, Nedumangad Taluk, Thiruvananthapuram District, Kerala by Smt. Reena P , Managing Partner, Vigneswara Granites (File No. 1259/EC2/2019/SEIAA)**

As directed in the WP(C) No.6028/2019, the proponent was asked to appear before the Authority on 21.11.2019 at 2.00 pm. The proponent had appeared before the Authority and stated she has filed the WP to speed up the process of issuing EC and she has no other grievances. To this effect she has submitted a written statement also.

The proposal was placed in the 94th meeting of SEAC held on 12-13 March 2019 and the committee decided to obtain certain additional documents and the proponent submitted the additional documents. A field inspection was also carried out on 20.04.2019 by an expert team of SEAC.

The proposal was placed in the 99th SEAC meeting held on 26th -27th June 2019. Committee after discussion sought certain additional documents and the proponent submitted the same.

The proposal was placed in the 102nd SEAC meeting held on 26th-27th August 2019 and Committee has sought for few more additional documents and the proponent submitted the same on 24.09.2019. The proposal was placed in the 104th SEAC meeting held on 10th – 11th October 2019 and Committee recommended for issue of EC.

A perusal of the location of project area in Google Earth as per the co-ordinates (Latitude 08°33' 44.80" N to 08°33' 49.76" N to Longitude 77° 4' 15.25" E to 77° 04' 18.54" E) provided in the application, it is seen that the project site is located within 10 km distance from the Peppara and Neyyar Wild Life Sanctuary. The proponent is directed to submit a No Objection certificate from Wild Life Warden, Peppara and Neyyar for necessary further actions.

Item No. 99.07 **Environmental clearance for the Development of Govt. Medical College cum Hospital in Sy.No.643 at Iravan Village, Kozhencherry Taluk, Pathanamthitta District, Kerala by The Principal Incharge, Konni Medical College (File No. 810.A/SEIAA/EC4/2373/2015)**

The Principal in charge, Konni Medical College, Office of the Director of Medical Education, Medical College P.O., Thiruvananthapuram, vide his application received on 23/06/2015, has sought Environmental Clearance under EIA Notification, 2006 for the Development of Govt. Medical College cum Hospital at Sy. No. 643 at Iravan Village, Kozhencherry Taluk, Pathanamthitta District, Kerala. It is interalia, noted that the project comes under the Category B, 8(a) of Schedule of EIA Notification 2006.

Authority noted the observations made by SEAC from 2015 onwards. Authority decided to request SEAC to inform the satisfactoriness of compliance of Panchayat Rules, arrangements for disposal of medical waste and biodegradable non medical waste in the campus including waste water. In the Form I, it is stated that Periyar Tiger Reserve is abutting the North East & Southern sides of site. SEAC may clarify whether the project is located within Ecologically Sensitive Zone of Periyar Tiger Reserve if so, follow up actions to be taken as per OM No.F.No.22-43/2018-IA-III dt.08.08.2019 of MoEF. Further, SEAC may give definite recommendations for the follow up actions to be taken if there is violation of EIA Notification 2006.

Item No.99.08 **Environmental Clearance for the Proposed Information Technology Building at Survey Nos. 281/5(pt), 281/6 (pt), 282/1 (pt), 282/2(pt), 282/3(pt), 282/4(pt), 282/5(pt), 282/6(pt), 282/7(pt), 282/8(pt), 282/9(pt), Plot No. SEZ-2, Block No.17 of Attipra Village, Thiruvananthapuram Taluk, Thiruvananthapuram District, Kerala by Mr.Hrishikesh Shashi, Managing**

Director, M/s Speridian Technologies Private Limited (File No. 1196/EC2/ 2018/SEIAA)

The proposal was placed in the 90th meeting of SEAC held on 04.01.2019. A field inspection was also carried out on 15.01.2019 and certain recommendations were made based on field visit. The proposal was placed in the SEAC meetings held on 21.01.2019 & 12.03.2019 and the proponent provided the clarifications sought for in these meetings.

The proposal was placed in 95th meeting of SEAC held on 27th - 28th March and after a detailed deliberation SEAC has recommended the proposal for the issuance of EC subject certain conditions.

The proposal was placed in SEIAA meeting held on 29.04.2019. Authority decided to call the proponent for a presentation on 21.11.2019. Proponent appeared before SEIAA on 21.11.2019 and presented his case.

SEIAA has examined the documents and heard the proponent. The proponent has taken on lease land from Technopark which has been declared as SEZ. Out of the total land given to proponent, permission has been obtained for conversion of 86.08 cents vide G.O No.40/2018/Revenue dt.03.02.2018.

Technopark representative who attended the hearing stated that request for conversion for balance 113.89 cents of land is pending before revenue department. SEIAA decided to issue EC subject to the general and specific condition

- 1. DG sets may not be housed in the cellar*
- 2. The proponent should obtain the Government permission for conversion of the 113.89 cents before starting construction.*
- 3. Activities relating to Corporate Environmental Responsibilities (2% of total project cost) shall be carried out leading to protection and promotion of environment including waste management in the project district as per OM F.No.22-65/2017-IA-III dt.01.05.2018 of MoEF & CC as directed by Director, Environment and supervised by District Collector.*
- 4. Provision shall be made for the housing of construction labour within the site with all necessary infrastructure and facilities such as fuel for cooking, mobile toilets, mobile STP, safe drinking water, medical health care, crèche etc. The housing may be in the form of temporary structures to be removed after the completion of the project (Circular No.J-11013/41/2006-IA.II(I) of GoI, MoEF dt.22.09.2008).*

Item No.99.09

Environmental clearance for the proposed granite building stone quarry project in Re- survey No. 361/1 at Ongallur II Village, Pattambi Taluk, Palakkad District, Kerala by Mr. Suresh Babu.S., Managing Director, M/s Nila Sandrock Granites Pvt. Ltd. (File No. 1210/EC2/2019/SEIAA)

The proposal was placed in the 93rd SEAC meeting held on 21.02.2019. Committee decided to call for certain details and the proponent submitted the details. A field visit was also carried out on 09.07.2019. The proposal was placed in the 101st SEAC meeting held on 1st-2nd August 2019. The committee directed the proponent to submit some additional documents based on the filed inspection observations and the proponent submitted the same on 17.09.2019. The Proposal was placed in the 104th SEAC meeting held on 10th-11th October 2019 and the Committee decided to recommend for EC.

Authority decided to issue EC for the quantity mentioned in the Mining Plan for a period of 5 years subject to the following specific conditions in addition to the general conditions.

- 1. The NE part of the plot is with steep slope and high relative relief. Chances of slump exist in this part (segment between BP 13, 14 & 18). Afforestation programmes/gabion walls are required in this part to stabilise the slope.*
- 2. A dried up canal (at the time of visit) exists close to the southern boundary of the quarry site. Chances of siltation in the canal are high because of the topography and human interference. Enough silt traps must be provided in the garland drainage. A sketch showing these details have to be submitted.*
- 3. Proper periodic maintenance of the drainage canal is required by engaging two persons.*
- 4. A Public Water tank is present on the upstream side of the quarry site. Though at allowed distance, proper care should be given while blasting.*
- 5. The existing vegetation in the buffer is to be maintained and strengthened.*
- 6. Activities relating to Corporate Environmental Responsibilities (2% of total project cost) shall be carried out leading to protection and promotion of environment including waste management in the project district as per OM F.No.22-65/2017-IA-*

III dt.01.05.2018 of MoEF & CC as directed by Director, Environment and supervised by District Collector.

- 7. The proponent shall carry out quarrying as per the approved Mining Plan and the proponent should strictly follow the Kerala Minor Mineral Concession Rules 2015 and amendments thereby.*
- 8. In the wake of occurrence of large scale landslides in the state, as per the information provided by the Department of Mining & Geology, it is directed to use only NONEL (Non Electrical) technology for blasting to reduce the vibration of the ground, which is one of the causative factors that triggers landslides, formation of cracks in the surrounding buildings and disturbance to human and wildlife.*

Item No.99.10 **Environmental clearance for the proposed masonry stone mine (quarry) project in Survey Nos. 1119, 969/3, 969/3, 969/4, 969/4, 969 in Peermade Village, Peermade Taluk, Idukki District, Kerala by Mr. Raji Mathew, Managing Partner, M/s Highrange Metal Crusher (File No. 1211/EC2/2019/SEIAA)**

In the 95th meeting of SEIAA held on 29.07.2019, it was noticed that the project site falls within 10 km radius from the Idukki Wild Life Sanctuary (Latitude 09°35' 49.39" N to 09°35' 59.01" N to Longitude 77° 02' 16.24" E to 77° 02' 25.99" E) and the proponent was asked to submit Clearance Certificate from the Wild Life Warden, Idukki as per the OM cited. Now the proponent again vide letter dated 21.10.2019 stated that the proposed quarry is situated outside 10 km area of the Idukki Wildlife sanctuary and also requests to issue EC at the earliest.

It is to be noted that proponent himself vide Form -I submitted on 30.01.2019, has stated that the proposed quarry is within 7 km from the Idukki Wildlife Sanctuary. The position was again verified in the Google Map and the map indicates that the project site is located within 10 km distance of Wild Life Sanctuary. Hence Proponent is once again directed to submit a Clearance Certificate from the Wild Life Warden, Idukki for further actions.

Item No.99.11 **Environmental clearance for the proposed building stone quarry project in Block No. 13, Re-Survey No. 487/20 in Mundur II Village, Palakkad Taluk, Palakkad District, Kerala by Mr. Krisheeb.M.R (File No. 1249/EC2/2019/SEIAA)**

As per the decision taken in the 98th SEIAA meeting, rejection proceedings has been issued vide order No. 1249/EC2/2019/SEIAA dated 26.10.2019. Now the proponent vide letter received dated 25.10.2019, requested for reconsidering the proposal. The rejection Proceedings was issued as per the recommendation of SEAC based on a field inspection carried out by a team of SEAC experts and considering all other relevant aspects. Hence Authority decided to stick on to its earlier decision of rejecting the proposal.

Item No.99.12 **Environmental clearance for the proposed building stone quarry in Re- Survey No. 498/2, 498/3, 499/3, 499/4 in Chalavara Village, Ottapalam Taluk, Palakkad District, Kerala by Mr. Paul.K.T., Managing Director, M/s K.T.Crusher's & Aggregates Pvt. Ltd. (File No. 1260/EC2/2019/SEIAA)**

As per the decision taken in the 98th SEIAA meeting, rejection proceedings has been issued vide order No. 1260/EC2/2019/SEIAA dated 30.10.2019. Now the proponent vide letter dated 21.10.2019 has requested for reconsidering the proposal. The rejection Proceedings was issued as per the recommendation of SEAC based on a field inspection carried out by a team of expert members of SEAC and considering all other relevant aspects specific to the project. Hence Authority decided to stick on to its earlier decision of rejecting the proposal.

Item No: 99.13 **Environmental Clearance for the proposed laterite Building stone quarry in Sy.No. 191/11-1, of Cherunniyur Village, Varkala Taluk, Thiruvananthapuram District by Mr.Kabeer.A(File No. 1411(A)/EC1/2019/SEIAA)**

The proposal was placed in the 104th meeting of SEAC held on 10th -11th October 2019. The proponent was asked to produce certain additional documents and he produced the same. In the 105th meeting of SEAC held on 28-29th October 2019, Committee recommended for issue of EC.

Authority decided to issue EC for 1 year for the quantity mentioned in the Mining Plan subject to the following specific conditions in addition to general conditions.

- *The proponent shall follow the guidelines contained in OM No. L-11011/47/2011-IA.II(M) dated.24.06.2013 of MoEF & CC, issued under EIA Notification (2006).*
- *Activities relating to Corporate Environmental Responsibilities (2% of total project cost) shall be carried out leading to protection and promotion of environment including waste management in the project district as per OM F.No.22-65/2017-IA-III dt.01.05.2018 of MoEF & CC as directed by Director, Environment and supervised by District Collector.*
- *The proponent shall carry out quarrying as per the approved Mining Plan and the proponent should strictly follow the Kerala Minor Mineral Concession Rules 2015 and amendments thereby.*

Item No. 99.14 **Improvements to Udumbanchola – Rajakkadu- Anchal-Randammayil- Chithirapuram road in Idukki District- Environmental Impact Assessment (File No.3634/EC1/2019/SEIAA)**

Authority decided to inform the Chief Engineer, Project Management Unit, Kerala Road Fund Board that, as per EIA Notification 2006, the Environment Impact Assessment Report/Environmental Management Plan has to be prepared by a NABET accredited agency for ascertaining the actual impact. Further it is also informed that as per EIA Notification schedule item no.7(f) the proposed project needs Environmental Clearance.

Item No: 99.15 **Environmental Hazards caused due to the environmental clearance license dated 07.05.2018 issued by the District Environment Impact Assessment Authority , Palakkad to JMC Granites, Cherottur (File No. 3989/EC1/2019/SEIAA)**

Authority noticed that a WP 5589/2019 has been filed in the Hon'ble High Court of Kerala and hence the matter is subjudice. However the Authority decided to call a detailed

report from District Collector, Palakkad for necessary further action. The petitioner may be informed accordingly.

Item No.99.16 **Illegal quarrying in plantation land and violations in Kerala land reforms Act,1963 – Building stone quarry project of Sri.Sadanandan in V-Kottayam Village, Konni Taluk, Pathanamthitta District(File No. 200/SEIAA/EC4/86/2014)**

Authority noticed that the issues relating to land type and ownership do not come under the purview of Authority. However the matter may be brought to the notice of District Collector Pathanamthitta for appropriate further action by enclosing copy of the petition.

Authority also noticed that as per Letter Dt.05.11.2018 (copy enclosed) District Collector has made certain observations about the functioning of the quarry. District Collector may be requested to make definite recommendations in case the EC issued has to be cancelled. The petitioner may be informed accordingly.

Item No: 99.17 **Application for extension of Environmental Clearance issued for Granite building stone quarry project of M/s Chengalathu quarry Industries by Shri.Thomas Mathai (77/SEIA/KL/172/2013)**

Authority noticed that the proponent has filed a WP(C) No.5723 of 2019 dt.23.10.2019 seeking for extension of EC. In the judgment the Hon'ble High Court has directed the proponent to submit a fresh application for the extension of EC. It is also directed to consider the renewal of the Environmental Clearance based on the recommendation of SEAC as expeditiously as possible not more than two weeks from the date of receipt of copy of the judgment.

A perusal of the application submitted for extension of EC it is seen that the applicant has valid quarrying leases only for a part of the area applied and that the area in the Mining Plan is not matching with the area applied for EC. Further in the 104th meeting of SEAC held on 10th-11th October 2019, the Committee has recommended for extension of EC only for the property that have valid mining leases.

In the above circumstances the application for extension of EC cannot be considered and the applicant is directed to submit separate fresh applications for each lease hold (two numbers) along with corresponding approved Mining Plan. While submitting fresh application the other observations made by SEAC may also be considered.

In case the proponent wishes to apply for permit in Survey Nos 575/1-3-2 and 581/1-5-7, he may submit a separate application for EC along with Letter of Intent issued by the Department of Mining & Geology.

Further, as two quarries are functioning side by side, the proponent may also think of clubbing these two areas as per norms for easy management and SEAC while considering application for EC may prescribe sufficient environmental safe guards.

Item No.99.18 **Environmental clearance for the proposed granite building stone quarry project in Re-Survey No. 269/2 in Anavoor Village, Neyyattinkara Taluk, Thiruvananthapuram District, Kerala by Mr. Sharafudeen (File No. 1231/EC2/2019/SEIAA)**

Authority noticed that though the proponent was asked to produce the Clearance Certificate from the respective Wild Life Wardens he has failed to do so. He is once again directed to produce the Clearance Certificates from the respective Wild Life Wardens. He may also be informed that as long as Eco Sensitive Zones for Sanctuaries and National Parks in Kerala are not notified by Govt. of India, the directions contained in the OM No.F.No.22-43/2018-IA-III dt.08.08.2019 of MoEF will prevail, Proponent may proceed accordingly.

Item No.99.19 **Application for ToR for the proposed building stone quarry project in Sy.No.29/2, 29/3 & 30/4 of Thekkada Village & Survey Nos., 470,472/4/1, 474/1, ½, 472/5, 472/6,469/4/3/4, 469/4/3/3, 469/4/2, 469/4/1/1, 469/4/1/2, 469/4/1/3 & 469/4 of Manickal village, Nedumangad Taluk, Thiruvananthapuram District, Kerala by Mr.Raghunath Kunju Krishnan, Director, M/s Covenant stones Pvt. Ltd. (File No. 1422/EC1/2019/SEIAA)**

Authority noticed that when original EC was granted there is no requirement of EIA study and Public Hearing. However based on the NGT Order dt. 04.09.2018 the applicant has to carryout EIA study as the project area is greater than 5 ha. As the preparation of EIA report and public hearing takes time and the EC period is expiring on 26.11.2019, Authority decided to extend EC for 6 months from the date of expiry of EC. The project proponent shall carryout all the required exercises within this period and no more extension will be given. In the mean time SEAC may conduct a field visit to ascertain whether there is any violation of EC conditions, if so suitable recommendations shall be made while recommending for extension of EC.

Item No. 99.20 **Environmental Clearance for the Proposed Residential Project Construction “VKL Garden” in Sy.No.415/21 at Chellanmangalam Uliyazhathura, Kariyam villages, Thiruvananthapuram Taluk & Thiruvananthapuram District, Kerala of Mr. Shaji.K.Mathew, Director, M/s K V Apartments Pvt. Ltd. (File No. 1190/A2/2018/SEIAA)**

Mr. Shaji.K.Mathew, Director, M/s K V Apartments Pvt. Ltd, 1st Floor, Anjana Complex Vytila- Aroor Bypass Road, Maradu.P.O., Cochin-682304, vide hardcopy of application received dated 24.01.2019 (online submitted dated 14.10.2018), has sought Environmental Clearance under EIA Notification, 2006 for the proposed Residential Project Construction in Sy.No.415/21 at Chellanmangalam Uliyazhathura, Kariyam villages, Thiruvananthapuram Taluk & Thiruvananthapuram District, Kerala. The project comes under the Category B2 of EIA Notification 2006.

The proposal was placed in the 97th, 98th and in 101st meeting of SEAC. The Committee constituted a Sub Committee for field inspection and the site visit was carried out on 26.09.2019. The proposal was placed in the 105th SEAC meeting held on 28th – 29th October 2019, Committee considered the field inspection report and observed that the project is partially completed with the built up area 24,64.15 sq.m hence the project falls under violation category and recommended to SEIAA for initiating violation proceedings.

As per S.O 804(E) dated.14.03.2017 of EIA Notification 2006, sub paragraph (3) in para 13 reads that “in cases of violation action will be taken against the project proponent by respective state or State Pollution Control Board under the provision of S.19 of the EPA Act 1986 and further no Consent to Operate or Occupancy Certificate will be issued till the project is granted EC” and other procedures as per section 4, 5, 6 and 7 of said SO have to be followed.

In the mean time MoEF in its latest OM dated 09th September 2019 has clarified that the violations falling in the window period of 14.03.2017 to 13.09.2017 & 14.03.2018 to 13.04.2018 or prior to it, can be considered for initiating violation procedures under OM dated.14.03.2017 & 08.03.2018. MoEF & CC is silent on the violation that have taken place beyond this window period. In this instant case the violation has taken place beyond this window period.

Authority has taken up the matter with MoEF & CC for an urgent clarification on procedures to be followed for the violation that have taken place beyond the window period. Authority decided to inform the same to proponent.

Item No.99.21 **Complaint against Environmental Clearance issued to M/s Delta Aggregates & Sand Pvt. Ltd in Survey No. 946/2 pt at Chittar Village & Panchayat, Ranni Taluk, Pathanamthitta District, Kerala(File No. 239/SEIAA/KL/969/2014)**

MoEF has forwarded a Letter dt.09.10.2019 attaching a public complaint dt.29.09.2019 submitted by Sri.C.R.Neelakantan, seeking certain clarifications regarding the issue of EC to M/s Delta Aggregates. Authority decided to give a reply to MoEF explaining the steps taken by SEAC/SEIAA leading to issue of EC.

Item No.99.22 **VIP reference letter received from Shri V. Muraleedharan, Hon’ble Minister of State for External Affairs & Minister of State for Parliamentary Affairs, Govt. of India regarding Protection of the Protected Area of "Vellarada Village in the Neyyattinkara Taluk. Trivandrum" free from quarry mining (File No. 3984/EC1/2019/SEIAA)**

As requested the VIP reference, Authority decided to give factual information report on functioning of quarries cited. Authority also decided to inform that while issuing EC all precautions are taken to follow KMMC Rules 2015 and other rules & regulations under Environment Protection Act 1986 to ensure the environmental stability in the State.

Item No.99.23 **Environmental clearance for the proposed Granite Building Stone quarry project in Block No.42, Survey No. 375/14-1in Kooropada Village, Kottayam Taluk, Kottayam District ,Kerala by Mrs. Jessy Tomy (File No. 1314/EC2/2019/SEIAA)**

The proposal was placed in the 100th meeting of SEAC held on 11th -12th July 2019. Committee decided to call for certain additional documents and the proponent submitted the same. A field inspection was also carried out on 03rd September 2019 and Committee has made certain recommendations. The proposal was placed in the 104th SEAC meeting held on 10th -11th October 2019 and Committee decided to recommend for issue of EC.

Authority decided to issue EC for a period of 5 years for the quantity mentioned in the approved Mining Plan subject to the following specific conditions in addition to the general conditions.

- Overburden should be dumped at the north - west side of the project site with a protection wall to avoid chances of erosion.
- A silt trap need to be made in the outlet drainage to arrest all impurities before water reaching a stream flowing 151.8 m away on the north - west direction.
- A proper fencing made on the upper part of the existing quarry to avoid accidents.
- Once mining is over the overburden and top soil should be used for reclamation purpose as specified in the mine closure plan.
- *Activities relating to Corporate Environmental Responsibilities (2% of total project cost) shall be carried out leading to protection and promotion of environment including waste management in the project*

district as per OM F.No.22-65/2017-IA-III dt.01.05.2018 of MoEF & CC as directed by Director, Environment and supervised by District Collector.

- The proponent shall carry out quarrying as per the approved Mining Plan and the proponent should strictly follow the Kerala Minor Mineral Concession Rules 2015 and amendments thereby.*
- In the wake of occurrence of large scale landslides in the state, as per the information provided by the Department of Mining & Geology, it is directed to use only NONEL (Non Electrical) technology for blasting to reduce the vibration of the ground, which is one of the causative factors that triggers landslides, formation of cracks in the surrounding buildings and disturbance to human and wildlife.*

Item No.99.24

Application for Environmental Clearance for the Proposed Development of Govt. General Hospital Kottayam in Re Sy.Nos. 1, Block-48 of Muttanbalam Village, Kottayam Taluk, Kottayam District, Kerala by Dr.Bindu Kumari.R, Superintendent, Govt. General Hospital, Kottayam (File No. 1381/EC2/2019/SEIAA)

The proposal was placed in the 100th meeting of SEIAA held on 11th -12th July 2019. A field inspection was also carried out on 03rd September 2019 and the Committee had made certain observations. The proposal was placed in 104th meeting of SEAC held on 10th - 11th October 2019 and based on appraisal carried out, Committee recommended to issue EC.

Authority decided to issue EC for 7 years subject to the following specific conditions in addition to the general conditions.

- 1. Excess excavated soil of 10,000 cu. m shall be given to Govt. agencies for utilization in public works.*
- 2. Rainwater harvesting should be carried out and proper drainage should be provided.*

3. *All green building norms to be followed and a Green belt should be established along the boundary.*
4. *The proponent shall make all the arrangement for the proper segregation and disposal of biomedical waste by installing suitable on site biomedical waste treatment plants.*
5. *Effluent water should be recycled and reused.*
6. *Activities relating to Corporate Environmental Responsibilities (2% of total project cost) shall be carried out leading to protection and promotion of environment including waste management in the project district as per OM F.No.22-65/2017-IA-III dt.01.05.2018 of MoEF & CC as directed by Director, Environment and supervised by District Collector.*
7. *Provision shall be made for the housing of construction labour within the site with all necessary infrastructure and facilities such as fuel for cooking, mobile toilets, mobile STP, safe drinking water, medical health care, crèche etc. The housing may be in the form of temporary structures to be removed after the completion of the project (Circular No.J-11013/41/2006-IA.II(I) of GoI, MoEF dt.22.09.2008).*

Item No.99.25

Environmental clearance for the Proposed Mining of heavy mineral sand in Re survey Nos. 81/3 to 81/4, 81/7 to 81/13, 82, 83, 84/1 to 84/14, 85 to 93, 122 to 126, 127/1 to 127/4, 127/7 to 127/13, 128, 129/1, 129/4 to 129/16, 139/1 to 139/5, 139/9, 139/10, 140 to 142, 143/1 to 143/3, 143/6 to 143/10, 151/1, 151/2, 152, 153, 168 at Alappad Village and 1, 2/1, 2/8 to 2/18, 5/1 to 5/4 at Panmana village, Karunagappally Taluk, Kollam District, by M/s Indian Rare Earth Ltd. (File No. 610/SEIAA/KL/4639/2014)

Authority noticed the observations made by SEAC in its nine sittings held from October 2018 to October 2019. It is noticed that two complaints Dt.05.08.2019 & 12.11.2019 from Theeradesha Samrakshana Samithi have been received. In the complaint it is stated that the area of Alappad Panchayat reduced from 89.5 km² to 6.89 km² due to mining by IREL. It is also alleged that the sources of drinking water have dried up due to mining.

Further it is also alleged that SEAC members have not met the local people who have been suffering from the impacts of illegal mining activities being carried out at Alappad Panchayath for the last 50 years. It also requested to conduct a proper field inspection before considering the application of IREL.

On perusal of the Mining Plan it is seen that the lease is for 102.77 ha and it is clearly mentioned that it is 'A' category mine. According to EIA Notification 2006 the project has to be appraised by Ministry of Environment, Forestry & Climate Change.

A perusal of KCZMA Letter dt.16.03.2016 it is seen that the project area comes under CRZ IA, IB, III and CRZ IV and KCZMA has recommended mining only in CRZ III. In the circumstance EC cannot be given for the project area falling in CRZ IA, CRZ IB. SEAC may clarify these two points.

Authority decided to forward the complaints to the District Collector, Kollam who has chaired the public hearing which was part of EIA report, for a factual report. While reporting it is also suggested to peruse the available study reports on the impact of shore mining in this area to suggest corrective/prohibitive measures to protect the environmental stability of the region.

Item No.99.26 **Complaint against the existing quarry M/s Trissur Sand and Gravel (p) Ltd by the Secretary Madakkathara Grama Panchayath (Fil No.991/EC1/4812/SEIAA)**

Authority decided to forward the Panchayat Secretary's request which was enclosed with the Grama Panchayat Committee decision, to the District Collector, Thrissur for report and necessary further action.

If the functioning of the quarry has to be stopped due to the reasons mentioned by the Panchayat Secretary, the District Collector may give definite recommendation with the supporting reasons.

Item No.99.27 **Environmental clearance for the proposed Building stone quarry project in Re.Survey No.324/4 in Venganellur Village,**

**Thalappilly Taluk, Thrissur District, Kerala by Mr.Moly Shaji,
Proprietor, (File No. 1251/EC2/2019/SEIAA)**

Proposal was placed in the 105th SEAC meeting held on 28th – 29th October and SEAC recommended to reject the proposal. Authority has accepted the same. The decision of Authority may be conveyed to the proponent quoting reasons for rejection.

**Item No. 99.28 Complaint against the quarry of Mr.Biju M.K, Managing
Director & Authorized Signatory, M/s Vismaya Rocks Private
Limited (File No. 1205/ EC1/2018/SEIAA)**

Authority decided to inform the complainant the issues raised by him have been considered while issuing EC, however if there is any violation of EC conditions appropriate actions shall be taken as per the KMMC Rules 2015. This may be informed to the complainant. Authority noted the suggestions made by Kerala Sasthra Sahithya Parishath with regard to M/s Vismaya Rock.

**Item No.99.29 Complaint against the quarry of Sri.Charles Mathew, Palathara
constructions Pvt.Ltd. (File No.835/EC4/2713/2015/SEIAA)**

Authority noticed that SEAC has recommended to reject the complaint as there is no substance in it. However the findings in the field inspection report by Committee of experts are totally opposite to what is recommended. SEAC is requested to clarify the position.

Further it is brought to the notice of the Authority that a communication has been received from the Standing Counsel of SEIAA, that the Hon'ble High Court has given directions to provide one more opportunity of being heard to Smt.Marykutty. Accordingly Authority decided to issue a registered A/D notice to Smt.Marykutty on priority to appear before the SEIAA in its next meeting.

Item No.99.34 **Application for Terms of Reference for Granite building stone Quarry in Re-Survey No 115/13 in Padichira village, Sultan Bathery Taluk, Wayanad District. (File No.1304/EC1/2019/SEIAA)**

For the reasons already stated Authority decided to stick on to the direction already given to the proponent.

Item No.99.38 **Application for Environmental Clearance for mining of Laterite stone in Re.Sy.No.83/111 in Kodiyathur Village, Kozhikode Taluk, Kozhikode District by Sri. Hashif.A.K, Malappuram (File No.556/A1/2019/SEIAA)**

As recommended by SEAC, Authority decided to reject the proposal.

Item No.99.43 **Application for Extension of Environmental Clearance for mining of laterite stone – in Sy.No.540/1/1, 540/1/2, 540/2 at Thamarakkulam Village, Mavelikkara Taluk, Alappuzha District by Sri.Vijayan Pillai - Request for review (File No.1092/A2/2019/SEIAA)**

On perusal of the documents submitted by the proponent, Authority is convinced that the representation of the proponent dated.29.10.19, needs consideration. Hence Authority decided to issue EC for 1 year for the quantity as mentioned in the approved Mining Plan subject to the following specific conditions in addition to general conditions.

- *Activities relating to Corporate Environmental Responsibilities (2% of total project cost) shall be carried out leading to protection and promotion of environment including waste management in the project district as per OM F.No.22-65/2017-IA-III dt.01.05.2018 of MoEF & CC as directed by Director, Environment and supervised by District Collector.*
- *The proponent shall carry out quarrying as per the approved Mining Plan and the proponent should strictly follow the Kerala Minor Mineral Concession Rules 2015 and amendments thereby.*

Item No.99.53 **Renewal of environmental clearance for the removal of ordinary earth from Sy. No.B.24, 321/9 at Mulanthuruty Village, Kanayannur Taluk, Ernakulam District Kerala by Sri.P.M.Paulose, Pathepallil Pulikamyali P.O, Mulanthuruthy, Ernakulam – 682314. (File No.471/A2/2019/SEIAA)**

Authority decided to effect necessary correction in the Survey No. in the EC already issued and inform the same to proponent.

Item No.99.55 **Judgment dated 4.10.2019 in WP(C) No.31684/2016 filed by Tomy Thomas (File No.1255/EC4/2016/SEIAA) (Common Judgment in WP © 31684/2016, WP (C).15505/2016 &WP (C) 25529/2019).**

Authority noticed that the Hon'ble High Court by its common judgment dated 04.10.2019 in WP(C) No.31684/16, 15505/16 & 25529/19 has directed the SEIAA to finalise the proceedings pertaining to Ext P11 Stop Memo dated 22.09.16 issued by the SEIAA, after providing an opportunity of hearing to the petitioner, petitioner in WP(C) No.25529 of 2019, 8th respondent in WP(C) No.31684/16, ie. K.G.Anil Kumar, Convenor, Kizhakkemala Protection Council, Secretary of the Grama Panchayat and all other stake holders including Centre for Earth Science Studies (CESS). Hence Authority decided to give an opportunity of being heard to all the above persons in the next SEIAA meeting and notices may be issued accordingly.

Item No.99.57 **Environmental Clearance for the Proposed Expansion of HPCL-LPG Mounded Storage Facility At Kochi LPG Bottling Plant, in Survey No. 28/12-26, Thiruvankulam Village, Kanayannur Taluk, Ernakulam District, Kerala by Sri.Gopakumar Balakrishnan, Sr. Manager, Hindustan Petroleum Corp. Ltd (File No. 1136 (B)/EC/SEIAA/KL/2017)**

Authority noticed that, as per the notification S.O.1960(E) dated 13.06.2019, an amendment was made to EIA Notification, 2006 by omitting item 6(b) and the entries relating thereto. Accordingly, item 6(b), which requires prior EC, is not in the schedule to

the EIA Notification, 2006 at present, vide the above amended notification. Hence EC is not required for this project.

However it is seen that an Environmental Impact Assessment has already been carried out as a part of the appraisal. The Project Proponent may prepare a detail Environmental Management Plan (EMP) and carry out these activities to protect and nurture the environment of the project region.

The proponent may also carryout activities relating to Corporate Environmental Responsibilities (2% of total project cost) leading to protection and promotion of environment including waste management in the project district as per OM F.No.22-65/2017-IA-III dt.01.05.2018 of MoEF & CC as directed by Director, Environment and supervised by District Collector.

Item No. 99.63

Order dated 4.10.2019 in WP (C) 33556/2017 filed by Shri. Ajayghosh &in 55550 of 2018 filed by Sobha Ltd (File No.4587/EC6/SEIAA/2017 &371/SEIAA/KL/2611/2014)

An Environmental clearance was issued to M/s Sobha Developers for the construction of a housing project vide Proceedings No. 371/SEIAA/2611/2014 dated 20.03.2017 (EC NO. 23/17). In the Environmental Clearance, there is a specific direction that “excavated earth from the site will be completely used internally. No part of it shall be taken out of the project site”. However during the course of construction, as reported by the District Collector, Kozhikkode, M/s Sobha Developers have taken out 10,318 cu.m of excavated earth out of the project site, apparently with the payment of royalty and as per the passes issued by the Department of Mining & Geology. However this is in violation of EC conditions.

Sri.Ajayaghosh filed a WP (C) No.33556/2017 seeking interim relief to stay all construction activities of 8th respondent ie, Sobha M/s.Sobha Developers alleging EC violations. Vide Order dated 4.10.2019 in WP (C) 33556/2017 filed by Shri. Ajayghosh & in WP(C) 5550 of 2018 filed by Sobha Ltd, Hon’ble High Court directed 2nd respondent, SEIAA to consider the report furnished by District Collector dated 18.1.2018 and to file report before High Court as to whether any further action thereon is required to be taken

against 8th respondent ie. Sobha Developers, alleging violations of EC conditions. Accordingly a report has been filed.

The matter was placed in the 98th SEIAA meeting held on 18-19th October 2019. The Authority decided to issue a Stop memo and call for a report from the Geologist on the issuance of passes for transportation of excavated soil outside the project site.

As decided by Authority, a Stop Memo was issued and M/s Sobha Developers have stopped the construction activities. Authority has also received the report from the District Geologist on 14.11.2019 in which he has stated that 7750 cu.m of ordinary earth has been taken out as per the mineral transport passes issued.

On 04.11.2019, M/s Sobha Developers have given a representation to the Member Secretary, SEIAA requesting to invoke the stop memo narrating the range of events that have taken place. In their representation, they have stated that 300 workers and staff have been employed at site and the construction materials have been mobilised for the construction activities. They have also reiterated that they will abide by all the conditions of Environmental Clearance during the construction and operation phases of the project.

Considering the fact that part of the excavated earth has to be removed from the site for the construction works and the transport passes have been already issued by the Department of Mining & Geology, Authority decided the following :

- 1) To impose a penalty as per Kerala Minor Minerals Concession Rules 2015 and Kerala Minerals Prevention of Illegal Mining, storage and transportation Rules 2015 for the quantity of ordinary earth taken out from the project site in violation of EC condition (Three times the royalty of ordinary earth removed and other penalties if any as per rules).
- 2) To inform the Director, Mining & Geology to investigate the circumstances under which the mineral transport passes have been issued in violation of EC conditions and take appropriate action against the officer concerned who has issued the transport passes.
- 3) M/s Sobha Developers to submit an approved Mining Plan for the excavation and removal of ordinary earth from the project site clearly specifying total quantity of ordinary earth to be excavated, ordinary earth already excavated from project site, ordinary earth that can be used at site and earth to be removed out of

project site. After the receipt of Mining Plan, SEAC shall cause a field inspection to verify the veracity of the contents of Mining Plan. Further, SEAC shall also verify whether any environmental damage has been caused due to this violation and suggest for ameliorative measures, which will be carried out by M/s Sobha Developers in a time bound manner to the satisfaction of SEAC.

- 4) M/s Sobha Developers should not use the excavated earth for filling paddy field & wet lands and they should produce a sworn in affidavit from the owners of the land expressing their willingness to deposit the ordinary earth. To the extent possible the excavated earth shall be given for Govt. sponsored public work projects.

Subject to the above Authority decided to invoke the Stop memo on a condition that if any violation is noticed in future the EC will be cancelled.

Item No.99.65 **Removal of laterite stone by INKEL for Govt purpose- Request for exemption for obtaining EC- Reg. (File No. 3145/A1/2019/SEIAA)**

Environment Department in Govt. may be informed that as per EIA Notification 2006 no power is given to Authority for exempting EC to the works related govt. purposes.

Item No.99.66 **Request for exemption from Environmental Clearance for Construction of Auditorium & Pilgrim Centre (ശബരിമലഇടത്താവളം) at SreeKadambuzha Bhagavathy Temple- Remarks called for by Govt in Environment –Department (File No. 3479/A1/2019/SEIAA)**

Environment Department in Govt. may be informed that as per EIA Notification 2006 no power is given to Authority for exempting EC to the works related govt. purposes.

Item No.99.67 **To Furnish remarks on proposal of PWD for fish farming in the quarry pit under the control of public works Department at Malakkara, Aranmula Village (File No.3733/A1/2019/ SEIAA)**

Environment Department in Govt. may be informed that this item is not covered in the Schedule of activities under EIA Notification 2006. However they may approach Department of Mining & Geology who may have definite plans for reclamation of such quarries.

Item No.99.69 **Request for reconsidering the rejection notice by Sri.K.M. Mathew, M/s Kuzhuvommannil Granite Metals Pvt Ltd, Thottapuzhassery & Koipuram Village, Thiruvalla Taluk, Pathanamthitta District (File No. 916/SEIAA/EC4/3670/15 & File No.3900/A1/2019/SEIAA WP (C) 3010 of 2019 filed by Sri.K.M.Mathew**

Authority noticed that as per G.O(P) No. 25/2017/ID dated 27.06.2017 the distance to be maintained from the dwelling unit is 50mts. Under the circumstance the proponent may be asked to submit a fresh application along with Letter of Intent issued by Department of Mining & Geology to reconsider the proposal.

Item No.99.70 **General decision 1 of 97th SEIAA meeting - To Review the list of general conditions prescribed while issuing Environmental Clearance (File No. 3583/A1/2019/SEIAA)**

Finalised general conditions may be placed before next SEIAA meeting for approval. In the meantime copies of present general conditions may be circulated among members of SEAC for their comments.

Item No.99.71 **Request from Sri. C Anwar Sadath, Director, Calicut Landmark Builders & Developers (India), Pvt Ltd. for reviewing the earlier decision of SEIAA to reject their application for EC(File No.909/SEIAA/EC4/3588/15)**

The proponent has submitted application dt.07.09.2015 for a Mixed Township project for a construction of a building with builtup area 1,45,000 sq.m in Kodenchery Village, Kozhikkode. SEAC sub Committee had made site visit on 23.06.2016. In the subsequent meeting of SEAC, the Committee appraised the project as Category 8(a) and

recommended to reject the proposal since Kodenchery village has been declared as ESA village as per order of MoEF dt.13.11.2013 and the area of the project exceeded the permissible limit of construction in a ESA village. In the 61st SEIAA meeting the authority decided to accept the recommendation of SEAC.

The proponent there after submitted a request for reviewing the decision of SEIAA. Hearing was conducted on 21.11.2019 during which the proponent submitted the order F No.1/9/2018-ESZ dt.03.12.2018 of MoEF exempting certain villages in Kerala from ESA, as per which the survey nos of the proponents project area do not fall in ESA. Further the village Officer Kodenchery has provided a Certificate dt.25.06.2019 that the said survey nos do not fall in ESA area. SEAC has already appraised the proposal and EC was held up because of ESA issue.

Authority decided to issue EC for 7 years subject to the following specific conditions in addition to the general conditions.

- 1. Proponent shall attend all the observations made by SEAC during appraisals of the project.*
- 2. Activities relating to Corporate Environmental Responsibilities (2% of total project cost) shall be carried out leading to protection and promotion of environment including waste management in the project district as per OM F.No.22-65/2017-IA-III dt.01.05.2018 of MoEF & CC as directed by Director, Environment and supervised by District Collector.*
- 3. Provision shall be made for the housing of construction labour within the site with all necessary infrastructure and facilities such as fuel for cooking, mobile toilets, mobile STP, safe drinking water, medical health care, crèche etc. The housing may be in the form of temporary structures to be removed after the completion of the project (Circular No.J-11013/41/2006-IA.II(I) of GoI, MoEF dt.22.09.2008).*

Item No.99.73 **NGT ORDER in OA No.24/2019 (SZ) Site Inspection Report submitted by KSPCB(File No.3381/A2/2019/SEIAA)**

Authority noted the report

Item No.99.74**Minutes of the Meeting held on 12.09.2019 to review the activities of SEIAA/SEAC (File No. 3272/A1/2019/SEIAA)**

Noted

Item No.99.75**Environmental clearance for sand mining from rivers. (File No.4001/A1/2019/SEIAA)**

In the meeting conducted by Chief Secretary on 7.11.2019, it was opined that, as per Appendix IX in EIA Notification 2006 (amendment Notification No. S.O 141 (E) dt.15.01.2016), prior Environmental Clearance is exempted for dredging & desilting of dams, Reservoirs, weirs, barrage, river, and canals for the purpose of their maintenance, upkeep and disaster management.

Government in Environment Department has requested SEIAA to inform whether there has been any subsequent order of MoEF superseding the 2016 guidelines.

In this connection the following are brought to the notice of Environment Department for kind consideration.

- 1) Though there are amendments to EIA Notification 2006 subsequent to the above amendment, there are no amendments with regards to dredging & desilting of dams, Reservoirs, weirs, barrage, river, and canals for the purpose of their maintenance, upkeep and disaster management. However, NGT in its Order dt.11.12.2018 has directed that the Notification dated.15.01.2016 will not be acted upon till a fresh Notification issued. Copy of the NGT Order is enclosed for ready reference.
- 2) The Hon'ble NGT vide its Judgment in OA No.935/2018 dt.04.04.2019 (Anumolu Gandhi Vs State of Andhra Pradesh) on the illegal sand mining causing damage to Krishna and Godawari rivers and their tributaries in the state of Andhra Pradesh and has adjudicated the various issues relating to river sand mining and passed adverse remarks on unscientific and illegal river sand mining. NGT has directed State of Andhra Pradesh to deposit an interim amount of Rs.100 crores with the Central Pollution Board within one month from the date of judgment which may be

recovered from the polluters and the persons responsible for illegal mining or the colluding erring officers. The amount is to be spent for restoration of environment. Copy of the Judgment is enclosed for ready reference.

- 3) The Hon'ble Minister of Environment & forest, Govt. Of India, MoEF & Climate Change in the Press, briefing held on 24.09.2015 has stated that EC is exempted if dredging & desilting of dams, Reservoirs, weirs, barrages, river and canals for the purpose of their maintenance and upkeep and the dredged material is used departmentally. If the dredging activities are undertaken for the purpose of winning of mineral and selling it commercially, it will be considered mining and prior EC will be required. This reflects the approach of MoEF on such matters. A copy of the Press Information Bureau is enclosed for reference.

It is suggested that to streamline the mining of river sand in Kerala, a District Survey Report may be prepared for all the rivers flowing in each district and a combined EC may be given to each district by Authority on priority for a period of 5 years, so that the mining can be carried out as per the guidelines of EIA Notification to avoid the unpleasant situations mentioned in NGT Order cited above. This is suggested to streamline the scientific & sustainable removal of river sand to be used for essential developmental activities in the State.

Item No.99.76 **Office Memorandum dated 05.11.2019 (File No.4146(1) /A1/2019/ SEIAA)**

Noted

Item No.99.77 **Office Memorandum dated 31.10.2019 from MoEF in compliance of Hon'ble NGT order dated 19.08.2019 (published on 23.08.2019) in O.A.No.1038/ 2018 (File No. 4146/A1/2019/SEIAA)**

Noted

Item No.99.78 **Sanction to withdraw files in PARIVESH Portal**

Sanction is accorded to withdraw files in PARIVESH Portal as suggested.

Item No.99.79

Interim Order dated 08.11.2019 in WP (C) No. 29023/2019 filed by Manikampara Granites Pvt.Ltd. (4089/A2/19/SEIAA)

Authority decided to request SEAC to cause a field inspection and give a detailed report. The representative from District Disaster Management Authority shall accompany SEAC for field inspection. A copy of the interim Order of Hon'ble High Court in WP No.2933/2019 of Hon'ble High Court of Kerala may also be provided to SEAC. SEAC is requested to submit the reply within two weeks as the time bound reply has to be given to Hon'ble High Court of Kerala.

General Decisions :-

Authority decided to take up the deferred balance Agenda items in the next meeting of SEIAA.

**Sd/-
Dr.H.Nagesh Prabhu IFS (Retd)
Chairman, SEIAA**

**Sd/-
Dr.Usha Titus I.A.S.
Principal Secretary
& Member Secretary, SEIAA**

**Sd/-
Dr. Jayachandran.K
Member, SEIAA**