

Minutes of the 60th Meeting of SEIAA dtd 14-6-2011

The 60th meeting of the State Level Environment Impact Assessment Authority was convened on 14th June, 2011 at 3.00 P.M at the Authority's office in M.P. Pollution Control Board Building, Paryavaran Parisar, Bhopal. The meeting was chaired by Shri Amar Singh, Chairman, SEIAA. The following members attended the meeting:-

Shri M. Hashim, Member
Shri Praveen Garg, Member Secretary

1. Case no 513/10. Indian Institute of Science Education and Research(IISER,), Institutional cum Residential Campus at Village-Bhauri Teh-Huzur, Bhopal

The Authority considered the recommendation of SEAC in which prior EC is recommended with special conditions that (i) PP shall obtain the permission of ground water from CGWA. (ii) PP shall establish proposed STP near green area away from Upper Lake. Since the proposed IISER project is of national importance, the Authority decided to accord prior EC as a special case with the condition that the proponent should implement the above mentioned conditions as recommended by SEAC, prior to start of construction work of the project.

2. Case No. 463/09. Shri Anand Khedia, P.O. -Bijuri , Distt- Anuppur Silpatpura Granite mine 5.50 ha. at Village Silpatpura Taluka- Laundi, Distt- Chhatarpur-M.P.


The case was recommended for prior EC by SEAC in its 61st meeting dtd 29-07-10. The Authority while scrutinising the documents observed that the proponent has not submitted following documents:

- i. Latest notarised/ certified copy of Khasra Panchshala no 28/1 of vill. Silpatpura
- ii. Certified/ notarised copy of mining lease document.
- iii. Distance from interstate boundary from the proposed mining lease area

Hence, the Authority decided to write to proponent to submit latest notarised/ certified copy of Khasra Panchshala no. 28/1 village Silpatpura and certified/ notarised copy of mining lease document by 31 July, 10. It was also decided to write letter to Collector for indicating the distance of the mining lease area from the interstate boundary.


(Praveen Garg)
The then Member Secretary


(M. Hashim)
Member

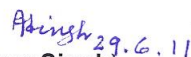

(Amar Singh) 29.6.11
Chairman

3. Office memorandum No. J.11013/5/2010-IA-II (I) dtd 24-05-11 issued by MOEF, GoI

- I The contents of above Office Memorandum are being reproduced- "In continuation to Ministry of Environment and Forests Office Memorandum of even no. dated 28th April, 2011, it is to clarify that the building and construction sector projects, item 8(a) and township and area development projects, item 8(b) of the EIA Notification, 2006 as amended on 4th April, 2011 do not attract the general conditions. Hence, Building and Construction projects and Township and Area Development projects would continue to remain as category 'B' irrespective of their location with respect to identified critically polluted areas. Such projects would continue to be appraised by the respective SEIAAs".
- II In para 2 of EIA notification 2006 schedule has been mentioned. Category A projects are to be considered by MOEF, GOI, while category B projects are to be considered by SEIAA. The schedule has 5 columns. In column 3 details of the activity/projects are mentioned which are to be decided by MOEF. Similarly, activity/projects mentioned in column 4 are to be decided by SEIAA. Column 5 has details of conditions if any applicable to the project/activity. Two types of conditions are mentioned in this column. One, is 'General Condition' and other is 'Specific Condition'.
- III Against the entry 8(a) and 8 (b) in the schedule there is no mention in the column no.5 if 'General Condition' shall be applicable to these. The General Condition starts as "Any project or activity specified in Category 'B' will be treated as Category A....." in the schedule just below entries of activities/projects.
- The 'General Condition' also provides 4 special areas to which it is attracted. One of these is Critically Polluted Areas as notified by the Central Pollution Control Board from time to time.
- IV Chairman's, considered view is that entries in the column 5 of schedule are of general nature and the contents of general condition are of special nature. Special provisions over-ride the general provisions. According to the 'General Condition' all category- B projects will be treated as category- A if they are located in critically polluted areas, declared by Central Pollution Control Board.


(Praveen Garg)
The then Member Secretary


(M. Hashim)
Member


(Amar Singh)
Chairman

- V Chairman was of the view that the clarification issued by the Ministry in the above Office Memorandum is in-consistent with the provision of 'General Condition'. The projects/ activities mentioned at s.no. 8(a) & 8(b) of the schedule located in 4 special areas provided in the 'General Condition' can be considered and decided by SEIAA only when 'General Condition' is duly amended and it is provided that " Any project or activity specified in category B except at s.no. 8(a) & 8(b) -----". Thus there will be consistency in column '5' & in, 'General Condition'. Without this amendment in the 'General Condition'. SEIAA has no jurisdiction to decide grant of Prior EC to projects/ activities mentioned at s.no 8(a) & 8(b) located in critically polluted area.
- VI Chairman suggested that these should be brought to the notice of MOEF, GOI to withdraw their above office memorandum and to make amendment as suggested in sub para (6) in the 'General Condition'.
- VII Member and Member Secretary, SEIAA were of the opinion that the office memorandum dtd 24-05-11 issued by the ministry has given clarification. Therefore, the building and construction sector projects, item 8 (a) and township and area development projects, item 8 (b) of the EIA notification, 2006 as amended on 4th April, 2011 do not attract the general conditions. Such projects would continue to be appraised by the respective SEIAAs. However, the Chairman SEIAA did not agree with the opinion of the Member Secretary & Member SEIAA based on the Office Memorandum of MOEF, GOI dt 24-05-2011 and the facts mentioned above.


Thus decision was taken on majority basis for examining the cases as per office memorandum dtd 24-5-11.

4 Ministry of Environment & Forests Notification – S.O 695(E) dated 4th April 2011 amendment of EIA notification 2006

- I In the above notification, 4 amendments have been circulated. The first amendment is relating to para 6 of the notification dated 14.9.2006. The second amendment is relating to para 7 of the notification. The third amendment is relating to the entries made in the schedule of the notification. Item No. 1(a), 7(f) & 8(a) have been amended and the fourth amendment is relating to Appendix V.
- II The issue is relating to the amendment made to the entry 7(f) of column 4 of the schedule. According to the amended provision "All new State Highway Projects are required to seek prior E.C". In the clause (i) of para 2 of the main notification of 14.9.2006 it has been clearly, mentioned that all new projects are required to obtain prior Environmental Clearance. The Authority feels that the Ministry of Environment and Forests, GOI should remove " new" from this amendment.


(Praveen Garg)
The then Member Secretary


(M. Hashim)
Member


(Amar Singh)
Chairman

- III The clause (ii) of para 2 of main notification 14.9.06 is being reproduced "Expansion and modernization of existing projects or activities listed in the Schedule to this notification with addition of capacity beyond the limits specified for the concerned sector, that is, projects or activities which cross the threshold limits given in the Schedule, after expansion or modernization". Such activities also require Prior Environmental Clearance.

Considering above the Authority decided to seek clarification from the Ministry of Environment & Forests, GOI, if the widening of the State Highways located in areas other than hilly terrain or ecologically sensitive area also require grant of prior E.C. by the SEIAA? A letter is to be sent to the Ministry, soon to send the clarification.

The meeting ended with vote of thanks to Chair


(Praveen Garg)
The then Member Secretary


(M. Hashim)
Member


(Amar Singh)
Chairman
29.6.11