

## Minutes of the 137<sup>th</sup> Meeting of SEIAA dated 14.06.2013

The 137<sup>th</sup> meeting of the State Level Environment Impact Assessment Authority was convened on 14.06.2013 at 02.30 PM 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:-

- 1 Shri M. Hashim Member
- 2 Shri Sharad Kumar Jain Member Secretary I/C

**A. Policy discussion regarding mining cases less than 5 ha after publication of amendment in MP Minor Minerals Rule, 1996 in the MP Gazette (Extra Ordinary) dated 23.03.2013 in compliance of Hon'ble Supreme Court order dated 27.02.2012 and subsequent O.M. dated 18.05.2013 issued by MoEF, Gol.**

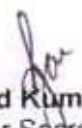
(1). The issue of Environmental Clearance for the mining cases less than 5 ha. with regard to amendment in the MP Minor Minerals Rule, 1996 in the MP Gazette (Extra Ordinary) dated 23.03.2013 in compliance of Hon'ble Supreme Court order dated 27.02.2012 and subsequent O.M. dated 18.05.2013 issued by MoEF, Gol was discussed in depth.


(i) It was noted that Hon'ble Supreme Court had passed order dated 27.02.2012 in I.A. No. 12-13 of 2011 in SLP (C) no. 19628-19629 of 2009 in the matter of Deepak Kumar etc. V/s State of Haryana & Others regarding mining of Minor Minerals. The relevant Para (17, 18 & 19) of the order are mentioned here under :-

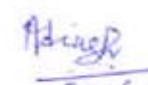
17. *The State of Haryana and various other States have not so far implemented the above recommendations of the MoEF or the guidelines issued by the Ministry of Mines before issuing auction notices granting short term permits by way of auction of minor mineral boulders, gravel, sand etc., in the river beds and elsewhere of less than 5 hectares. We, therefore, direct to all the States, Union Territories, MoEF and the Ministry of Mines to give effect to the recommendations made by MoEF in its report of March 2010 and the model guidelines framed by the Ministry of Mines, within a period of six months from today and submit their compliance reports.*

18. *Central Government also should take steps to bring into force the Minor Minerals Conservation and Development Rules 2010 at the earliest. State Governments and UTs also should take immediate steps to frame necessary rules under Section 15 of the Mines and Minerals (Development and Regulation) Act, 1957 taking into consideration the recommendations of MoEF in its Report of March 2010 and model guidelines framed by the Ministry of Mines, Govt. of India, Communicate the copy of this order to the MoEF, Secretary, Ministry of Mines, New Delhi, Ministry of Water Resources, Central Government Water Authority, the Chief Secretaries of the respective States and Union Territories, who would circulate this order to the concerned Departments.*

19. *We, in the meanwhile, order that leases of minor mineral including their renewal for an area of less than five hectares be granted by the State/Union Territories only after getting environmental clearance from the MoEF."*

  
(Sharad Kumar Jain)  
Member Secretary I/C

  
(M. Hashim)  
Member

  
(Amar Singh)  
Chairman

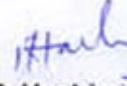


- (ii) It was also noted that in compliance of the above order the MoEF, Gol has issued Office Memorandum vide No. L-11011/47/2011-IA.II(M) dated 18-05-2012. The relevant para (3) is given here under :-

*"In order to ensure compliance of the above referred order of the Hon'ble Supreme Court dated 27.02.2012, it has now been decided that all mining projects of minor minerals including their renewal, irrespective of the size of the lease would henceforth require prior environment clearance. Mining projects with lease area up to less than 50 ha. including projects of minor mineral with lease area less than 5 ha. would be treated as category "B" as defined in the EIA Notification, 2006 and will be considered by the respective SEIAAs notified by MoEF and following the procedure prescribed under EIA Notification 2006."*

- (2). Authority considered the amended rules issued by the State Govt. It appears that these have been framed according to the decision of the Hon'ble Supreme Court mentioned in the previous paragraph. The cardinal feature of the amended rule is that prior environmental clearance of mining projects of minor minerals less than 5 ha is not required under the EIA Notification 2006 issued by the MoEF, Gol. Secondly the prior EC will be required for minor mineral projects of 5 ha and more area. Specific provisions to this effect have been made in rules nos. 18 (2), 37 (1), 68 (2), 68 (4/5) etc.
- (3). In the context of above it was observed that O.M. (vide No. L-11011/47/2011-IA.II(M) dated 18-05-2012) issued by MoEF, Gol was an interim measure and no change has been made in the schedule (**Activity 1 (a) category B**) under EIA Notification 2006 and as amended from time to time related to the mining activity. The Hon'ble Supreme Court in their earlier referred judgment in the Para 19 have mentioned "..... **in the meanwhile** .....". It is evident that the Hon'ble Supreme Court's direction regarding issue of prior EC for less than 5 ha area of minor minerals is a temporary measure till the mining rules are framed according to the model guidelines mentioned in the para 18 of the judgment.
- (4). The Authority decided to refer these developments to the Ministry of Environment & Forests Gol to seek their direction whether prior EC is required in the mining projects of minor minerals of area less than 5 ha because the minor mineral rules have been amended by the State Govt. of Madhya Pradesh in conformity with the model guidelines.
- (5). It was decided to send the copy of this proceeding to the MoEF, Gol along with copy of the MP Minor Minerals Rule, 1996 and the amended MP Minor Mineral Rules published in the MP Gazette (Extra Ordinary) Notification dated 23.03.2013. The copy of letter should be endorsed to the Chief Secretary, GoMP.
- (6). The Authority has considered the recommendations of the SEAC of such cases made before 23.03.2013, i.e. the date of the Notification of the amended rules. Since as per amended rule prior EC is not required for mining projects less than 5 ha of minor minerals it was decided that the cases and applications which have not been finally decided by the Authority shall be kept pending till the clarification is received from the MoEF, Gol.
- (7). It was also decided to ask the SEAC to keep such cases / applications pending till the clarification is received from the MoEF, Gol.

  
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(M. Hashim)  
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(Amar Singh)  
Chairman



**B. Case No. 613/2010 Prior Environmental Clearance for expansion of dolomite & limestone mine (Open cast/Fully Mechanized method) in an area of 19.71 ha for enhancement of production capacity from 6660 TPA to 5,00,000 TPA at Khasra No. Part of 31 and 13 at village Chhapparwah, Tehsil Badwara, District Katni by M/s Ultra Tech Cement Limited (Birla White Unit), D-7, Shastri Nagar Jodhpur (Rajsthan)-342003.-Internal Examination.**

(1). The case was discussed in 129<sup>th</sup> SEIAA meeting dated 06.05.2013 and it was recorded that ..... It was found that as per approved mining plan vide No. MP/Katni/Dol/Mod-M.Sch-02/11-12 dated 12.01.2012, the available reserve is 2587712 ton. Production during gestation period of one year is 522407 ton. After gestation period remaining reserve will be available 2065305 ton. As per proposed production capacity of 5 lack TPA, the anticipated life of mine is 5 years i.e.  $1 + \{2587712 - 522407\} / 500000 = \text{five years}$ .

*It was noted that the proposed case is of enhancement of production capacity from 6660 TPA to 5,00,000 TPA which is about 75 times higher than previous one and it is found that the EIA report has not been critically analyzed by the SEAC in terms of magnitude of environmental impact and mitigative measures thereof. It was decided that SEIAA office will examine the EIA report in this context very soon and the case will be put up for consideration in the meeting.*

(2). The note prepared by the SEIAA office after examining the EIA report in terms of magnitude of environmental impact and mitigative measures thereof was discussed in detail and it was found that the EIA report contains the issues anticipated for capacity enhancement from 6606 TPA to 5,00,000 TPA as per ToR. It was also noted that issues pertaining to enhancement from 6606 TPA to 5,00,000 TPA has been incorporated in the proceeding of the Public Hearing. Nothing adverse is mentioned in the proceeding.

(3). It was decided to accept the recommendation of 99<sup>th</sup> SEAC meeting dtd. 24.07.2012 and 121<sup>st</sup> SEAC meeting dtd. 28.02.2013 to grant Prior Environmental Clearance for expansion of dolomite & limestone mine (Open cast/Fully Mechanized method) in an area of 19.71 ha for enhancement of production capacity from 6660 TPA to 5,00,000 TPA for **Six years** considering the maximum life of mine at present at Khasra No. Part of 31 and 13 at Village Chhapparwah, Tehsil Badwara, District Katni (MP) by M/s Ultra Tech Cement Limited (Birla White Unit), D-7, Shastri Nagar Jodhpur (Rajsthan)-342003.

**C. Cases of revisit/ reconsideration of minor minerals less than 5 ha in respect of 107<sup>th</sup> SEIAA meeting dated 17.09.2012 as per decision taken in 118<sup>th</sup> & 119<sup>th</sup> SEIAA meeting dtd. 05.02.2013 & 07.02.2013 respectively.**

(1). As per issue mentioned at column no. 4 the decision in the respective cases has been taken and mentioned at column no. 5.

S. No.	Case No.	SEIAA meeting	Issue of Revisit	Decision
1	2	3	4	5
1.	976/12 Stone/Boulder	118 <sup>th</sup> meeting dtd 05.02.2013	Primary School & Habitation	It was decided to write to the Collector to seek information regarding the exact distance of habitation & Primary School from the

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Member Secretary I/C


(M. Hashim)  
Member


(Amar Singh)  
Chairman




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S. No.	Case No.	SEIAA meeting	Issue of Revisit	Decision
1	2	3	4	5
				mining site, number of houses within habitation and likely impact of the proposed mining activity on them. It should be made available to SEIAA within one month. A copy of the letter should be endorsed to the PP also
2.	978/12 Murrum	119 <sup>th</sup> SEIAA dtd. 07.02.2013	Habitation & Water body	It was decided to write to the Collector to seek information regarding the existing number of houses within settlement, size of the water body, water availability in it, use of its water by local residents and likely impact of the proposed mining activity on them. It should be made available to SEIAA within one month. A copy of the letter should be endorsed to the PP also.
3.	979/12 Murrum		Water body	It was decided to write to the Collector to seek information regarding the size of the water body, water availability in it, use of its water by local residents and likely impact of the proposed mining activity on it. It should be made available to SEIAA within one month. A copy of the letter should be endorsed to the PP also.
4.	981/12 Murrum		Habitation & Water body	It was decided to write to the Collector to seek information regarding the number of houses within habitation, water availability in the water body (Pokhari), use of its water by local residents and likely impact of the proposed mining activity on them. It should be made available to SEIAA within one month. A copy of the letter should be endorsed to the PP also.
5.	982/12 Murrum		Habitation, School Building & Water body	It was decided to write to the Collector to seek information regarding the number of houses within habitation, water availability in the water body (Pond), use of its water by local residents and likely impact of the proposed mining activity on them. It should be made available to SEIAA within one month. A copy of the letter should be endorsed to the PP also.

  
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S. No.	Case No.	SEIAA meeting	Issue of Revisit	Decision
1	2	3	4	5
6.	983/12 Stone/Boulder		Craft Paper Factory	It was decided to write to the Collector to seek information regarding the likely impact of the proposed mining activity on the craft paper factory. It should be made available to SEIAA within one month. A copy of the letter should be endorsed to the PP also
7.	984/12 Stone/Boulder		Habitation	It was decided to write to the Collector to seek information regarding the number of houses within habitation, water availability in the water body (Pond), use of its water by local residents and likely impact of the proposed mining activity on them. It should be made available to SEIAA within one month. A copy of the letter should be endorsed to the PP also
8.	985/12 Stone/Boulder		Craft Paper Factory	It was decided to write to the Collector to seek information regarding the likely impact of the proposed mining activity on the craft paper factory. It should be made available to SEIAA within one month. A copy of the letter should be endorsed to the PP also.
9.	989/12 Boulder		Water body (App-1 by RI)	It was decided to write to the Collector to seek information regarding the exact distance of water body, size of the water body, water availability in it, use of its water by local residents and likely impact of the proposed mining activity on it. It should be made available to SEIAA within one month. A copy of the letter should be endorsed to the PP also.
10.	990/12 Stone/Boulder		Habitation	It was decided to write the Collector to seek information regarding the exact distance of the Habitation from the mining site, number of houses within habitation and likely impact of the proposed mining activity on it. It should be made available to SEIAA within one month. A copy of the letter should be endorsed to the PP also.
11.	992/12 Murrum		Habitation & Water body	It was decided to write to the Collector to seek information regarding the exact distance of the

  
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1	2	3	4	5
				water body from mining site, size of the water body, water availability in it, use of its water by local residents, number of houses within habitation and likely impact of the proposed mining activity on them. It should be made available to SEIAA within one month. A copy of the letter should be endorsed to the PP also.
12.	994/12 Stone/Boulder		Habitation	It was decided to write the Collector to seek information regarding the exact distance of the habitation from the mining site, number of houses within habitation and likely impact of the proposed mining activity on it. It should be made available to SEIAA within one month. A copy of the letter should be endorsed to the PP also
13.	997/12 Murrum		Habitation, Water body, River & School	It was decided to write to the Collector to seek information regarding the exact distance of the water body, size of the water body, water availability in it, use of its water by local residents, number of houses within habitation and likely impact of the proposed mining activity on habitation, school, water body & river. It should be made available to SEIAA within one month. A copy of the letter should be endorsed to the PP also

*The meeting ended with vote of thanks to the chair.*

  
**(Sharad Kumar Jain)**  
 Member Secretary I/C

  
**(M. Hashim)**  
 Member

  
**(Amar Singh)**  
 Chairman