

## Minutes of the 334<sup>th</sup> Meeting of SEIAA dated. 16.05.2016

The 334<sup>th</sup> meeting of the State Level Environment Impact Assessment Authority was convened on 16.05.2016 at the Authority's Office in Environmental Planning and Co-Ordination Organization (EPCO), Paryavaran Parisar, Bhopal. The meeting was chaired by Shri Waseem Akhtar, Chairman, SEIAA. The following members attended the meeting:-

- |   |                             |                  |
|---|-----------------------------|------------------|
| 1 | Shri H.S. Verma             | Member           |
| 2 | Shri Ajatshatru Shrivastava | Member Secretary |


SEIAA has discussed the matter and directions given by the Hon'ble NGT in its order dated 25.01.2016 in respect of **framing of siting guidelines for establishment of Stone Crusher and carrying-out mining activities**. An Expert Committee was constituted under the Chairmanship of Mr. K. P. Nyati, which has submitted its report and recommendations. The reply in the matter will have to be submitted before the Hon'ble NGT on 18.05.2016. The following decision has been recorded:-

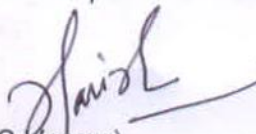
1. The Hon'ble National Green Tribunal (CZ) vide its order dated 25/01/2016 has observed and directed as quoted below:-


*"In this case as well as in many other cases, issues with regard to grant or refusal of EC by SEIAA in respect of establishment of stone crusher and carrying out mining have come before the Tribunal. We find that the MPSEIAA so far, as far as this State is concerned, has not framed any siting guidelines so as to have a uniform application in respect of the relevant criteria such as human settlement, water bodies i.e. lakes, river, well, vulnerable areas such as schools and educational institutions, health institutions, religious places, forests, etc. In view of the absence of guidelines there is, many a time, allegation of subjectivity and violation of Article 14 of the Constitution of India. In order that there is an objective consideration in the matter of appraisal as well grant / refusal of EC there is a need for having a uniform standard siting criteria to be determined so that they can be applied uniformly and are known to all, be it the project proponent or affected persons. However, despite concerns having been raised in this behalf, such guidelines have so far not been brought to our notice."*

2. In compliance of Order No. 5 passed by Hon'ble NGT (CZ), Bhopal on dtd. 25.01.2016 in Appeal No. 50/2015 (CZ), the matter was discussed in 303<sup>rd</sup> SEIAA Meeting dtd. 14.03.16 and it was recorded that :-

*"In compliance of Order No. 5 passed by Hon'ble NGT (CZ), Bhopal on dtd. 25.01.2016 in Appeal No. 50/2015 (CZ) an Expert Committee was constituted to*

  
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(H.S. Verma)  
Member

  
(Waseem Akhtar)  
Chairman




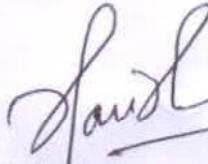
*frame the sitting guidelines for Stone Crushers and Mining activities. The meeting of Expert Committee was held on dtd. 20.02.2016. Issue was discussed in details in light of prevalent MP MMR 1996 & its amendment and the distances taken under consideration by some other States"*


3. The gist of the recommendations of the expert committee are reproduced as under :-

1. **EIA Notification, 2006:** EIA Notification, 2006 and amendments thereof wherein mining activities are covered without indication of crushing units. Stone crushing is independent activity which may be within mining area or outside of the mining area and will not required Environmental Clearance EIA Notification 2006.
2. **Environmental Clearance to mining industries:** For grant of Environmental Clearance to mining industries a detailed guiding manual has been prepared by MoEF&CC which is displayed on - [http://environmentclearance.nic.in/writereaddata/Form-1A/HomeLinks/miningofminerals\\_10may.pdf](http://environmentclearance.nic.in/writereaddata/Form-1A/HomeLinks/miningofminerals_10may.pdf). The Mining activity is site specific and depending on requirement of mineral permission/EC will be granted with due care and procedure laid in EIA notification 2006 hence no separate guidelines need to be prepared.
3. **Central Pollution Control Board comprehensive document:** The Central Pollution Control Board has conducted detailed study on the stone crusher and prepared a comprehensive document on stone crushers. CPCB has also classified the stone crusher. Typical Sizes of Stone Crushers are having large variations in the types of stone crusher setup across the country depending on geographical locations, type of demand for crushed products, closeness to urban areas, type of raw material, availability of plant and machinery locally etc. Primarily the stone crusher industry sector could be divided in three categories small, medium & large. The typical characteristics of each category of stone crushers are briefly discussed below:

**Small size stone crushers:** Typically the stone crushers with a production capacity ranging from 3 to 25 TPH. This category crusher have

  
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only one Jaw type crusher used as primary or secondary crusher along with one or maximum two screens.

**Medium size stone crushers:** Typically the crushers having more than one crusher i.e. one primary and one secondary or one/two primary and two secondary crushers along with one or more vibratory screens are categorized as medium size crushers. Medium size stone crushers will have a production capacity in the range of 25 - 100 TPH.

**Large stone crushers:** Typically having two or more numbers each of primary, secondary and tertiary type crushers with at least two or more vibratory screens with mechanized loading, unloading conveying operations and producing more than 100 TPH crushed stones.


4. **M.P. Pollution Control Board Guide Lines:** M.P. Pollution Control Board has developed the guidelines for control of pollution from stone crushers in year 2004 which includes siting of stone crushers also-

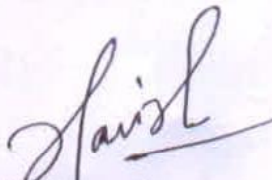
- a. The distance between crusher boundary and the boundary of National /State Highways shall be as specified below in case of new installation. The siting details are as follows :-


S. No.	Cluster/ Crusher	Distance between crusher/cluster/ National Highway/ State Highway	Green belt area at the boundary
1.	Single crusher	100 meters	05 meters
2.	10 crusher	150 meters	10 meters
3.	25 crusher	250 meters	30 meters
4.	50 crusher	300 meters	50 meter

Note :- The crusher boundary implies the line joining all the emission sources such as jaw crusher, conveyer belt head rotary screen etc. in the crushing unit.

- b. If the distance between two crushers is more than 100 mts., it will be considered as a single crusher. If, the distance between the crusher boundaries is less than 100 mts., it will be considered as a cluster.
- c. In respect of Residential area, No Stone crushing industries are to be allowed to operate within 500 mts. From Residential area as per the orders of Hon'ble Supreme Court of India in the Civil Appeal No. 10732/1995 dated 25.04.90.

  
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- d. The stone crusher shall obtain NOC from local body/Gramsabha in prescribed form (Enclosure -1).
- e. Existing crushers which are near the National or State Highway and not meeting the above criteria should provide a 15 to 20 feet wall on all the three sides [parallel to National/State Highway and both the sides] and up to the length to be stipulated on the alignment of road and boundary of the crusher.


**Before finalizing the guidelines for siting of stone crushers following issues to be addressed. As given in the terms of reference given below :-**

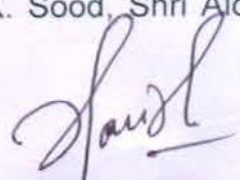
Preparation of guidelines through technical agencies like – NEERI, NPC, ASCI etc. with appropriate justification based on following Terms of Reference :-


1. Consultation with stakeholders like Crushers association, public etc.
2. Manufacturers of crusher units for in-built air pollution control arrangements.
3. Justifications for the distances with respect to availability of safer zones could be explored with available land use in the State.
4. Desirability of crusher technology with respect to technologies with in-built air pollutions control systems.
5. In overview of air pollution control technologies for all kinds of crushers including mobile crushers and their feasibility and economic viability.

It may be emphasized that all the other state such Karnataka, Rajasthan, Punjab etc have all been finalized guidelines after requisite studies by credible technical agencies with wider stakeholder consultation therefore the committee recommends that such a process should also be followed in the State of MP before finalizing above stated siting guidelines.

4. A meeting was convened on 14.03.2016 with MP Stone Crusher Industries Association which was attended by Shri Devendra Pal Singh Chawla, Chairman, Shri Z.M. Khan, Shri I.K. Sood, Shri Alok Goswami, Shri Rajesh

  
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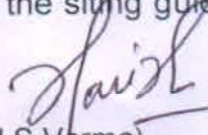
  
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Chairman




Sharma, Shri Suresh Lahoti and Others. The association after detailed discussions has submitted some suggestions, which are listed below :-

- a. Establishment of crusher should be permitted within 5 km. of the lease area.
  - b. For the establishment of the crusher the distance of 50 m. be kept from rural kaccha road and 100 m from the pakka road.
  - c. The distance of the crusher from the human settlement should be as under:-
    - (i) For 100 persons, distance be 100 m.
    - (ii) For 500 persons, distance be 250m.
    - (iii) For 1000 persons, distance be 500m.
  - d. Where 10 crusher units have been established within 5 km radius, the area should be declared as mining zone.
  - e. Non-perennial water streams, the distance restriction should be waived off.
5. After the careful scrutiny of the observations and directions made by the Hon'ble Tribunal it is explicit that the Hon'ble Tribunal has given two fold directions in this matter, firstly it is pertaining to the siting guidelines for the establishment of the stone crusher and secondly it is for siting criteria's for the mining projects as far as first point is concerned for establishment of stone crushers such activity do not require any EC as such the activity is not included in the schedule of activities which require prior EC in the EIA notification 2006, as a uniform policy across the country the Pollution Control Boards are conferred with the power to grant air/water consent within the purview of air/water act for the establishment and set up of stone crushers, the MPPCB being the statutory authority has framed the siting guidelines for establishment of stone crushers and only after the consideration of siting criteria's of the guidelines the air/water consent are granted by the Pollution Control Board.
6. The MPPCB is the authority to regulate the activities of stone crushers vide circular dated 19/02/2004 has framed the siting guidelines pertaining to stone

  
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crushers and therefore the MPPCB is the authorized authority to consider siting criteria for the stone crushers in the State of Madhya Pradesh and since there is no prior requirement of any EC for this particular activity, therefore framing guidelines pertaining to the establishment of stone crushers is out of the ambit and jurisdiction of MPSEIAA.

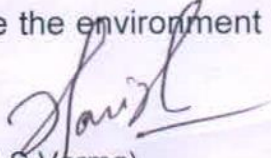
7. Now the second point is related to the siting norms of mining projects are concerned the siting criteria is already in place there are some restrictions are imposed by the State Government of Madhya Pradesh under Rule 5 of the MP Minor Mineral Rules 1996 which is quoted as under:-

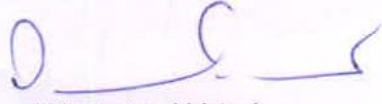
- a. No quarry lease, or [trade quarry] shall be granted to any person unless such person is and Indian National or a company as defined in sub section (1) of Section 3 of the Companies Act, 1956 (No. 1 of 1956) and satisfies such conditions prescribed in these rules:

Explanation:- In case of a firm or any other association of individuals, for the purpose of this sub-rule, a person shall be deemed to be an Indian National only, if all the members of the firm or association are citizens of India.

- b. Notified by the Government as reserved for the use of the Government, Local authorities or for any other public or for special purpose except with the previous approval of the State Government.
- c. In the forest land without the permission of appropriate authority as prescribed in the Forest (Conservation) Act, 1980.
- d. Within a distance of 300 meters from sensitive areas like radio station, doordarshan Kendra, airport, defence establishment etc., 100 meters from any bridge, national/state highway, railway line, public place, 50 meters from the Pakka Road and 10 meters from grameen kachcha rasta.
- e. Except for the mineral sand or bajri, within a distance of 100 meters from river bank, nalas, canal, reservoir, dam, any natural water course or any water impounding structure.
8. While considering the EC applications and during the appraisal by the SEAC the same criteria's and restrictions imposed by the State Government of Madhya Pradesh under MP MMR, 1996 while granting mineral concession are taken into consideration. But since the environment is not having any bar

  
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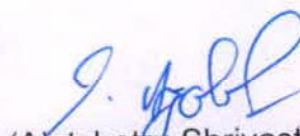
  
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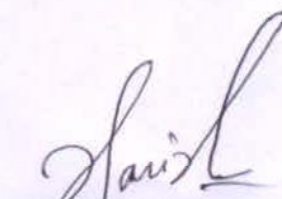
  
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- of boundaries therefore in some cases specific as well as special conditions are imposed while granting EC by MPSEIAA. During the appraisal of EC it would be difficult to adopt any straight jacket formula. Ecosystem, ecology, flora & fauna, strata, seismic impacts etc weather conditions and wind directions and the past record are analyzed. Therefore framing any specific siting guidelines, then it would be difficult for the appraisal committee to deviate from it.
9. It is also pertinent to mention over here for EC and appraisal there could not be any standard guidelines as after the issuance of EIA notification 2006, there are lot of changes in the appraisal and issuance process of EC by SEAC & SEIAA respectively based on standard/specific/special condition of new research and suggestions made by experts appointed by the competent authorities from time to time.
10. It is also noteworthy to mention over here that the mineral occurrence and availability is site specific meaning thereby the mining of any mineral could only be carried out from the site where the mineral is naturally available. The environmental sensitivities are also site specific and there cannot be any thumb rule for the appraisal of the environmental norms. Therefore after considering the holistic ground situation of the specific site the SEAC gives its recommendation to the SEIAA therefore it would not be prudent for MPSEIAA to evolve, device or design any siting guidelines for mining projects.
11. The MPSEIAA is a creation of MoEF & CC and is therefore abide by the notifications, circulars, office memorandums and directions issued by the MoEF & CC for the appraisal and issuance of the EC. The MoEF & CC has not conferred or delegated any independent power with the MPSEIAA to frame any siting guidelines particularly for the State of Madhya Pradesh because the MoEF & CC normally frames a uniform policy of all the States in the country, in case, the draft guidelines are even prepared by the MPSEIAA in that case also it will not have any force of law without having any proper notification under the Environment (Protection) Act 1986.

*Meeting ended with a vote of thanks to the Chair.*

  
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