

Minutes of the 117th SEAC Meeting held on 27<sup>th</sup> July 2018

117- F. 1196/2013	Construction of Residential Building project entitled "SKY DUGAR" by M/s. Dugar Housing Limited at S.F.No. 117/1 & 119 of Ayanambakkam Village, Madhuravoyal Taluk, Thiruvallur District, Tamil Nadu – Activity 8(a) & Category "B2"- Building & Construction Projects – Environmental Clearance (EC) to be issued under violation notification dated: 08.03.2018 of MoEF & CC – Regarding.
	<p>The Project Proponent <b>M/s. Dugar Housing Limited</b> has applied for Environment Clearance to SEIAA-TN for the construction of Residential Building project entitled "SKY DUGAR" with a total built up area of 30,594 Sq.m at S.F.No. 117/1 &amp; 119 of Ayanambakkam Village, Madhuravoyal Taluk, Thiruvallur District, Tamil Nadu, on 08.05.2013.</p> <p>The developments that followed are listed below:</p> <ol style="list-style-type: none"><li>1. After the scrutiny it was found from the photographs furnished by the proponent, which shows that the construction activity was started without prior Environmental Clearance. Hence it was considered as violation of EIA Notification, 2006.</li><li>2. As per the guidelines issued for dealing with the projects involving violation vide MoEF &amp; CC OM dated: 12.12.2012 &amp; 27.06.2013, the project proponent furnished 'Letter of Commitment and Expression of Apology' and also resolved in the form of a formal resolution assuring that such violation will not be repeated.</li><li>3. The Proponent was informed vide SEIAA Letter No. SEIAA-TN/F.1196/2013 dated 12.11.2014 that the project proposal is included in the list of cases involving violations of Environment (P) Act, 1986 and that the project stands delisted in the lists of proposals under process in SEIAA-TN.</li></ol>

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4. As per the MoEF & CC Notification dated: 14.03.2017, the cases of violation will be dealt strictly as per the procedures specified in the following manner

“In case the project or activities requiring prior EC under EIA Notification, 2006 from the concerned regulatory authority are brought for Environmental Clearance after starting the construction work or have undertaken expansion, modernization and change in product mix without prior EC, these projects shall be treated as cases of violations and in such cases, even Category B projects which are granted EC by the SEIAA shall be appraised for grant of EC only by the EAC and Environmental Clearance will be granted at Central level only”. Accordingly, the proponent was addressed to submit the proposal to MoEF & CC for EC under violation category vide SEIAA letter dated: 19.06.2017.

5. Then, the proponent has filed the application to MoEF & CC under violation on 30.06.2017.

6. Subsequently, MoEF&CC issued another notification S.O.1030 (E) dated 08.03.2018, stating that “the cases of violations projects or activities covered under category A of the Schedule to the EIA Notification, 2006, including expansion and modernization of existing projects or activities and change in product mix, shall be appraised for grant of Environmental Clearance by the EAC in the Ministry and the Environmental Clearance shall be granted at Central level, and for category B projects, the appraisal and approval thereof shall vest with



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the State or Union territory level Expert Appraisal Committees and State or Union territory Environment Impact Assessment Authorities in different States and Union territories, constituted under sub-section (3) of section 3 of the Environment (Protection) Act, 1986”.

7. The application was transferred from MoEF & CC to SEIAA-TN on 28.03.2018.

8. The proponent has submitted the hard copy of the proposal to SEIAA-TN on 03.04.2018 for the consideration of ToR under violation notification.

The proposal was placed in the 111<sup>th</sup> SEAC meeting held on 15.05.2018. The proponent made a presentation about the project proposal.

The Committee noted that the project proposal is to be appraised under violation category as per MoEF & CC notification S.O. 1030 (E) dated: 08.03.2018. Since the project has been considered under violation category, the Committee felt that it is necessary to make an on the spot assessment of the status of the project execution for deciding the further course of action.

As per the order Lr. No. SEAC-TN/F.No.1196/2013 dated: 17.05.2018 of the Member Secretary, SEAC, a Technical Team comprising of the SEAC Members was constituted to inspect and study the field conditions. The technical team inspected the project site on 22.05.2018 and submitted the report to SEAC on 04.06.2018.

The report of the technical team was placed before the 113<sup>th</sup> SEAC Meeting held on 04.06.2018.

A summary of the review of the checklist and the actual field inspection is as follows:

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1. The Technical Team learnt that the "violation" attributed to the project is that the construction activity was started without obtaining the Environmental Clearance.
2. This is a construction of residential complex with 241 dwelling units covering a total build up area of 30,594 square meters and total land area of 13,240sq.m.
3. The stage of construction is that construction work completed in all respects and ready for occupation. That means that the project has not come into operation mode.
4. According to the proponent, there is no change in the land area, built-up area and cost of the project. There is no change in the project components, land area utilization for different purposes, parking area, occupancy load, water supply and sewage generation.
5. The proponent has informed that fresh water supply will be obtained from Thiruverkadu Municipality and no proof for permission for supply of water is submitted.
6. The construction work of STP was completed. The installation of machineries of the STP completed except filter press and UV treatment system. The proponent informed the team that the filter press and UV treatment system of STP will be installed before submitting the EIA report.
7. For the disposal of the treated sewage for OSR, it is requested to furnish the permission letter from the competent authority.
8. The proponent proposed to dispose the treated sewage of 75KLD into the proposed sewer line to be laid by Thiruverkadu Municipality and no permission letter has been obtained for the same. The proponent has informed that the treated sewage will be disposed into Thiruverkadu Municipality STP through tanker lorries until the completion of sewer line to be laid by Thiruverkadu Municipality
9. The building plan is approved by CMDA.
10. The project is outside the purview of CRZ notification, 2011.
11. The proponent informed that during the construction stage, they have followed the procedures with regard to sanitation facilities for the



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workmen.

12. The Technical team has asked the proponent to submit photographs and also the documentary evidence for the labour camps with regard to necessary housing, health, drinking water, septic tank and other facilities provided.
13. Rain water harvesting collection sumps of 130 KL (1x45KL and 1x85KL) have been provided. The recharge pits supposed to have been constructed, are not as per standard recommendations. The proponent was directed to construct the recharge pits as per standard recommendations.
14. The proponent informed that during the construction phase, the diesel generators were used with acoustic enclosures while diesel was purchased from outside for the requirements and hence not stored within the premises.
15. The proponent also informed that the construction materials were transported to the project site only during non peak hours. Fly ash bricks were utilised in construction as per the provisions of fly ash notification.
16. The proponent informed that high quality ready mix concrete was used for the construction.
17. The area for the OWC was earmarked and the proponent assured to provide the OWC for organic solid waste.
18. The team observed that the DG set was installed near the compound wall. The proponent has assured that the DG set will be shifted from the present site closer to compound wall to a place away from the compound wall.
19. Towards green belt, the project proponent has informed that 70 tree saplings have been planted along the periphery of the area. As the project is spread over an area of 13240 sq.m, greenbelt should have been developed over an area of 1986 sq.m with 166 plants of indigenous species, as per norms to act as a barrier for air and noise pollution. The proponent has planted the following species:
  - (i) Peltophorum pterocarpum

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- (ii) Syzygium cumini
- (iii) Spathodea campanulata
- (iv) Thespesia populnea
- (v) Pongamia pinnata

The proponent is directed to remove the saplings of Peltophorum pterocarpum & Spathodea campanulata and replant with the following species.

- (i) Mimosa elengi
- (ii) Madhuca longifolia
- (iii) Ficus religiosa
- (iv) Ficus glomerata
- (v) Calophyllum inophyllum
- (vi) Thespesia populnea
- (vii) Pongamia pinnata

20.As the green belt area is found to be below the norms, the proponent is directed to remove pavers block all along the boundary and cover it with greenery by planting with a minimum of 66 plants of indigenous species in addition to the existing 100 plants. The proponent is directed to submit a plan of green belt all along the periphery for plantation.

21.The proponent has provided an area of 1338 Sq.m .(10% of the total area) under OSR, as per CMDA norms.

22.Towards the structural stability and design of the blocks, a certificate has to be obtained from Anna University.

23.The percentage of fly ash consumed has also to be submitted by the proponent.

24.The stack height provided for the Diesel generator is not as per the CPCB norms. It is of low height and will cause pollution in operation.

25.The Technical Team asked proponent to ensure that there is smooth movement of vehicles from the project area to surrounding area and vice versa.

26.For CSR activities the proponent was asked to commit Rs.50.82 Lakhs (0.5 % of project cost). He was also asked to spend the CSR funds on



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permanent infrastructure for local community like Schools on items related to health, education and sports.

27. The proponent was asked to furnish the updated information with respect to the following checklist provisions:

- i. Site plan showing all details
- ii. Certificate for structural safety
- iii. CMDA plan approval
- iv. Flood NOC from competent authority.
- v. Plan with colour coding
- vi. Institutional vetting of Building plan
- vii. Sample medical check up report for workers
- viii. Photo to show that STP & DG set away from the project boundary.
- ix. Tanker water usage for construction
- x. SPM and noise data related to construction.
- xi. Environmental Management Cell

The proponent was asked to furnish the particulars as discussed above and as per the check list already provided, to the Technical Team on 31.05.2018. Accordingly the proponent has submitted the revised check list with enclosures on 31.05.2018.

The proponent submitted the revised check list with enclosures on 31.05.2018. The annexure contains the extract of the revised checklist. The revised checklist contains old and supplementary data/information

From the perusal of the original proposal of the proponent, initial checklist submitted by the proponent, site inspection of the construction site, revised checklist submitted by the proponent, the technical team made the following observation:

1. The proponent has made a procedural violation in the sense that the proponent has started construction of the residential apartment without obtaining the Environmental Clearance from the competent authority.
2. When the technical team assessed whether the proponent has actually followed in the past, the normal condition stipulated in the EC for all

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conditions, pre-construction & construction stages, the team is of the opinion that the proponent has not violated any conditions that are verifiable now. But there are certain conditions such as possible air pollution, noise pollution and soil pollution that could have been caused at the time of construction which cannot be verified and quantified now.

3. The present land use classification of the project site is general industrial use zone. According to the proponent the CMDA has empowered the TNPCB permit alternative land use based on the site condition (the copy of the letter written from CMDA to TNPCB is enclosed). The TNPCB has accorded permission for use of the site for residential purpose. (Copy of the TNPCB permission letter is enclosed). Based on TNPCB permission the CMDA has given the plan approval.
4. As per the direction, the proponent has reported that the pavers blocks have been removed all along the boundary and planted 100 number of tree saplings of the recommended species and submitted the photos in support of their claim.
5. Rain water harvesting collection sumps of 130 KL (1x45KL and 1x85KL) have been provided. The recharge pits supposed to have been constructed, are not as per standard recommendations. The proponent was directed to construct the recharge pits as per standard recommendations.
6. The technical team recommends the proposal to SEAC to favourably process the proposal for recommendation to SEIAA for the grant of ToR. However, it is to be pointed out that this proposal is not a "regular" project seeking EC but a special project to be covered under "violation category". There are guidelines set forth by MoEF & CC on how to proceed with such cases. The SEAC may decide further course of action in the light of the MoEF & CC notification for violation cases.

The proponent should complete the following activities/submit necessary documents by the time of submitting the EIA report:

1. The project proponent shall furnish the permission letter from the



Thiruverkadu Municipality to dispose the excess treated sewage of 75KLD into the Thiruverkadu Municipality STP. Similarly, the permission from Thiruverkadu Municipality for fresh water supply should also be obtained.

2. The proponent shall furnish the following certificates
  - i. Certificate for structural safety from Anna University/IIT
  - ii. Flood NoC from competent authority
  - iii. Certificate from competent authority stating that the project site does not encroach any water bodies and poromboke land
  - iv. The proponent shall furnish the letter from Thiruverkadu Municipality for the fresh water supply.
3. The proponent shall install the filter press for removing the excess water in the sewage sludge and UV system for disinfection of treated sewage.
4. The proponent shall relocate the DG set location away from the compound wall as committed and provide the stack height for the DG sets as per CPCB norms.
5. The proponent shall provide OWC.
6. The proponent shall plant 80 numbers of the indigenous species excluding 100 saplings already planted as agreed by the proponent with the following species,
  - a) Mimusops elengi
  - b) Madhuca longifolia
  - c) Ficus religiosa
  - d) Ficus glomerata
  - e) Calophyllum inophyllum
  - f) Thespesia populnea
  - g) Pongamia pinnata
7. For CER activities the proponent is required to spend a sum of Rs.50.82 Lakhs (0.5 % of project cost).
8. The recharge pits supposed to have been constructed, are not as per standard recommendations. The proponent was directed to construct

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the recharge pits as per standard recommendations.

The SEAC accepted the recommendations of the technical team and decided to recommend the proposal to SEIAA for considering issue of ToR in 3 parts as annexed for conducting the EIA study for the project of construction of Residential Building project entitled "SKY DUGAR" at S.F.No. 117/1 & 119 of Ayanambakkam Village, Madhuravoyal Taluk, Thiruvallur District. The SEAC recommendation along with the proposal for ToR was placed in the 313<sup>th</sup> SEIAA meeting held on 08.06.2018. The Authority issued the terms of reference on 08.06.2018.

Based on the ToR, the proponent submitted the EIA report to SEIAA-TN on 06.07.2018. The EIA report was placed in the 117<sup>th</sup> SEAC meeting held on 27.07.2018. The proponent made the presentation about the project proposal.

Among other things, the SEAC noted that 8 activities that the proponent should have completed as per the time schedule prescribed there in, have been completed.

The SEAC as per the MoEF & CC notification assessed the project based on Ecological damage, remediation plan and natural & community resource augmentation plan furnished as an independent chapter in the Environment Impact assessment report by the proponent. The extract from the report is as follows:

- a. Ecological remediation plan and cost as proposed by the proponent :  
Loss of Top soil, Loss of area for ground water recharge, Particulate matter emission and pollution caused by vehicles and Noise emission from the equipment/machinery. Amount already spent Rs77.57 lakhs and amount to be spent, Rs 0.65 lakhs (Details in the EIA report)
- b. Natural resource augmentation plan and cost as proposed by the proponent:  
Soil conservation, Water conservation, Energy Conservation, Prevention and control of Emission, Recycling of Waste, Use of fly ash, Greenbelt development and Safety/ security of human resources. Amount already spent Rs 131.32 lakhs and amount to be spent, Rs 9.47 lakhs (Details in the EIA report)



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c. Community resource augmentation plan and cost as proposed by the proponent:

Plantation of native species (30 numbers) to Ayanambakkam Village- Amount to be spent Rs 1.5 lakhs(Details in the EIA report).

Based on the inspection report and the violation notification, the SEAC classified the level of damages by the following criteria:

1. Low level Ecological damage:
  - a. Only procedural violations (started the construction at site without obtaining EC)
2. Medium level Ecological damage:
  - a. Procedural violations (started the construction at site without obtaining EC)
  - b. Infrastructural violation such as deviation from CMDA/local body approval.
  - c. Non operation of the project (not occupied).
3. High level Ecological damage:
  - a. Procedural violations (started the construction at site without obtaining EC)
  - b. Infrastructural violation such as deviation from CMDA/local body approval.
  - c. Under Operation (occupied).

As per the OM of MoEF & CC dated: 01.05.2018, the SEAC deliberated the fund allocation for Corporate Environment Responsibility which shall be to a maximum of 2% of the project cost.

In view of the above and based on the inspection report & the Ecological damage, remediation plan and natural & community resource augmentation plan furnished by the proponent, the SEAC decided the fund allocation for Ecological remediation, natural resource augmentation & community resource augmentation and penalty by following the below mentioned criteria.

Level of damages	Ecological remediation cost (% of	natural resource augmentation	community resource augmentation	CER (% of project	Total (% of project

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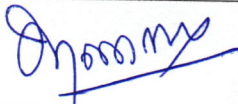

	project cost)	cost (% of project cost)	cost (% of project cost)	cost)	cost)
Low level Ecological damage	0.25	0.10	0.15	0.25	0.75
Medium level Ecological damage	0.35	0.15	0.25	0.5	1.25
High level Ecological damage	0.50	0.20	0.30	1.00	2.00

The Committee observes that the project of "SKY DUGAR" by M/s. Dugar Housing Limited at S.F.No. 117/1 & 119 of Ayanambakkam Village, Madhuravoyal Taluk, Thiruvallur District, Tamil Nadu, comes under the "Low level Ecological damage category". The Committee decided to recommend the proposal to SEIAA for grant of post construction EC subject to the following conditions in addition to the normal conditions:

1. The amount prescribed for Ecological remediation(Rs. 13.61 lakhs), natural resource augmentation(Rs. 5.44 lakhs) & community resource augmentation (Rs. 8.16 lakhs), totalling Rs. 27.21 lakhs shall be remitted in the form of bank guarantee to Tamil Nadu Pollution Control board, before obtaining Environmental Clearance and submit the acknowledgement of the same to SEIAA-TN. The funds should be utilized for the remediation plan, Natural resource augmentation plan & Community resource augmentation plan as indicated in the EIA/EMP report.
2. The project proponent shall carry out the works assigned under ecological damage, natural resource augmentation and community resource augmentation within a period of six months. If not the bank guarantee will be forfeited to TNPCB without further notice.
3. The amount specified as CER (Rs. 13.61 Lakhs) shall be remitted in the form of DD to the beneficiary before issue of EC for the following activities. A




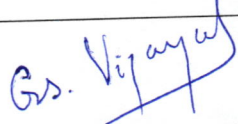

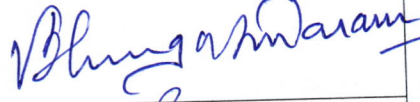


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copy of receipt from the beneficiary shall be submitted before issue of EC.				
Sl.No	Activities	Name and address of the beneficiary	Amount & DD favouring	Purpose
1.	Education	Panchayat Union School, Singilikuppam, Alamathi post, Thiruvallur District, 600052.	Rs.13.61 lakhs: DD favouring "Village Education Committee, Singilikuppam"	Construction and Renovation of School Building and furniture (Rs.12.61 lakhs) and Fencing (Rs. 1 lakh)
<p>4. Certificate for structural safety from Stability certificate should be obtained from reputed institutions like Anna University, IIT, NIT, Central Universities, Government Engineering colleges, PWD &amp; Structural Engineering Research Centre of Government of India before obtaining CTO from TNPCB.</p> <p>5. The proponent should install the filter press for removing the excess water in the sewage sludge and UV system for disinfection of treated sewage before obtaining CTO from TNPCB.</p> <p>6. The proponent shall relocate the DG set location away from the compound wall as committed and provide the stack height for the DG sets as per CPCB norms before obtaining CTO from TNPCB.</p> <p>7. The proponent should provide OWC before obtaining CTO from TNPCB and maintain the same.</p> <p>8. The recharge pits supposed to have been constructed, are not as per standard recommendations. The proponent is directed to construct the recharge pits as per standard recommendations before obtaining CTO from TNPCB.</p>				
S.No	Name	Designation	Signature	
1	Dr. K. Thanasekaran	Member		
				

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2	Dr.K.Valivittan	Member	
3	Dr.Indumathi M. Nambi	Member	
4	Dr. G. S. Vijayalakshmi	Member	
5	Dr. M. Jayaprakash	Member	
6	Shri V. Shanmugasundaram	Member	
7	Shri B. Sugirtharaj Koilpillai	Member	
8	Shri. P. Balamadeswaran	Co-opt Member	
9	Shri. M.S. Jayaram	Co-opt Member	