

Secretariat of State Level Expert Appraisal Committee (SEAC) Rajasthan

4, Institutional Area, Jhalana Doongri, Jaipur-302004

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F1 (4)/SEIAA/SEAC-Raj/Sectt/Project / Cat. 1(a)B2 (15703)/ 2019-20/9636

Dated: 16.7.19

To,

M/s Dharti Putra Mines,
R/o 143 -B, Aadarsh Nagar, Distt.- Pali, Rajasthan,
Email.- dharti Putra01@gmail.com

Sub:- Environmental Clearance of Khangar Khet Masonry Stone & Limestone Mine with Crusher (M.L. No. 03/1995) Mining Lease Area: 4.60 Hect., Khasra Number: 1115 and 1017 Located near Village- Khangar Khet, Tehsil- Raipur, Distt. – Pali, Rajasthan, (**Prposal No-93008**)

Ref: Decision taken in the 4.15th meeting of SEAC.

Consultant:- Ramesh Chand Sharma, Baba Ramdev Ji Mandir, Gali No. 8, Bhruniya, Soorsagar, Jodhpur, Rajasthan, Email.- rqpshama@gmail.com Sir,

Apropos above. Your project proposal was considered in the 4.15th meeting of SEAC held on 1th, 2nd, 3rd & 4th July, 2019 at **Additional Agenda no. 09.**

Observation of the committee-

The SEAC considered the reply dated 18.06.2019 submitted by the PP in pursuance to the deliberations held in its 4.14th meeting held on 18-20 June, 2019. The PP in its reply has submitted copy of Aravali certificate as specified by the Mines Department, copy of acknowledgement receipt along with form of NBWL application, details of plantation, revised GT sheet showing environmental sensitivity issues and compliance report of conditions of earlier EC. The SEAC considered the above information submitted by the PP, satisfactory. The PP has, however, not furnished satisfactory and convincing explanation showing that there has been no violation of the common cause judgment pronounced by the Hon'ble Supreme Court. The PP has not explained that the production was not increased after coming to operation of the EIA Notification, 2006 as amended on 09.09.2013 and 07.10.2014 vis-à-vis in the immediately preceding years. Besides these statutory Notifications the MoEF & CC vide OM dated 24.06.2013 provided that in order to ensure compliance of the directions dated 27.02.2012 of the Hon'ble Supreme Court, in the matter of SLP (C) no. 19628-19629 of 2009 titled Deepak Kumar etc. V/s State of Haryana & oth., all mining projects of minor minerals including their renewal irrespective of the size of the lease would henceforth require prior EC. In view of this the PP could not have increased production without obtaining prior EC of the regulatory authority. The production in the year 2012-13 was 17,700 TPA, whereas it was increased to 1,72,230 TPA in the year 2013-14 and again to 4,12,020 TPA in the year 2014-15 without there being any EC for expansion in production. This was a clear violation of the common cause judgment as also the provisions of the EIA Notification, 2006 as amended from time to time. The project, therefore, needs to be dealt with in accordance with the Notifications dated 14.03.2017 and 08.03.2018, relating to violation of the provisions of the EIA Notification. Since the project is a minor mineral project and has lease area of 4.60 hectare which is less than 5 hectare, it is a B2 category project. Therefore, according to the provisions of the EIA Notification, 2006, the project does not require public consultation.

Resolution:

The SEAC after perusing the record relating to the project and reply of query letter, considering the presentation made by the consultant of the PP, deliberation held during presentation and in view of the above observations resolved to issue the following violation ToR without public hearing.

General TOR:

1. The validity period of this ToR would be for a period of three years from the date of dispatch of the ToR letter.
2. The study area will comprise 10 km zone around the mine lease from lease periphery and the data contained in the EIA with respect to mining operations such as conceptual pit limits, waste generation etc. should be for the life of the mine/lease period.
3. Location of other industries & mines within the study area along with their production and pollutants generated by them, estimated pollution load and cumulative impact on environment including the proposed project should be submitted. The same shall be accounted for while generating mathematical models of pollution dispersion for preparation of the EMP.
4. In the case of existing mine, year-wise production (since inception of the mines) details clearly indicating the proposed highest production for the life of the mine/lease period should be submitted.
5. Details of land to be used as the designated 'dumping site for OB dump should be selected and proposed within the lease area as per the approved mining plan. In no case the overburden should be dumped outside the lease area, however proposal for utilization of OB for construction or other meaningful use to the extent possible may be submitted and should try to work on zero waste patterns. Details regarding quantity of solid waste generation to be estimated and details for its disposal and dump management are to be provided.
6. Land use plan of the mine lease area should be prepared to encompass pre-operational, operational and post operational phases.
7. The P.P. should provide a mining plan along-with progressive mine closer plan and implementation plan at the time of submission of application for the EC.
8. Based on the study and the points raised by the people during public hearing, the P.P. shall work out an effective plan to address the environmental, socio-economic and other issues identified during the process, with suitable funds allocation for the purpose. Further PP shall implement all commitments made during public hearing, while implementing the project.
9. Certificate regarding mine lease area not falling in the Aravalli Hills issued by the Mining Engineer/ Assistant Mining Engineer in the prescribed format, as per the instructions contained in the letter no. DMG/ADM/Env/EC/F11/06/17-76 dt. 17.01.2011 issued by the Director, Department of Mines and Geology, GoR, Udaipur, should be submitted.
10. List/details within 10 km radius of the mine lease area, the location of human settlement, water bodies, Reserve Forest, National Parks, Sanctuaries, Biosphere Reserves, Wildlife Corridors, Tiger/Elephant reserves (existing / proposed), shall be clearly indicated giving the land use. Necessary clearance, if any, as may be applicable to such projects due to proximity of the ecologically sensitive areas as mentioned above shall be obtained from the Chief Wildlife Warden under the Wildlife (Protection) Act' 1972 and submitted. This location map should also indicate the list and location of other mine leases existing, if any, within 10 km radius.
11. The ToR is subject to the specific condition that the PP shall obtain prior clearance from forestry and wild life angle including clearance from Standing Committee of the National Board Wild Life if applicable. It is further categorically stated that grant of EC does not necessary implies that forestry and wild life clearance shall be granted to the project and that their proposals for forestry and wild life clearance will be considered by the respective authorities on their merits and decision taken. The investment made in the project, if any, based on environment clearance so granted, in anticipation of the clearance from forestry and wildlife angle shall be entirely at the cost and risk of the project proponent and Ministry of Environment & Forests shall not be responsible in this regard in any manner.
12. A detailed biological study for the study area [core zone and buffer zone (10 km radius of the periphery of the mine lease)] shall be carried out. Details of flora and fauna, duly authenticated,

separately for core and buffer zone should be furnished based on field survey. The details regarding flora to include information regarding (a) trees, shrubs, grasses, (b) frequency, density, I V I, abundance % of species occurring on proposed site, (c) dominant species of trees, shrubs, grasses (d) endemic species, (e) threatened species, (f) rare species, (g) endangered species and (h) vulnerable species. The details of fauna to include information regarding list and distribution clearly indicating the Schedule of the fauna present. In case of any scheduled-I fauna found in the study area, the necessary plan for their conservation should be prepared in consultation with State Forest and Wildlife Department and details furnished. Necessary allocation of funds for implementing the same should be made as part of the project cost.

13. Collection of one season (non-monsoon) primary baseline data on ambient air quality, water quality, noise level, soil and flora and fauna, ambient air quality should be determined by measuring the concentration of parameters like P.M._{2.5}, P.M.₁₀, SO₂, NO_x according to the latest standards prescribed by CPCB. Site-specific meteorological data should also be collected. The location of the monitoring stations (minimum 6) should be justified. Date wise collected baseline AAQ data should form part of EIA and EMP report. The monitoring shall be carried out by CPCB/NABL/ MOEF&CC/GoR approved laboratory and copy of the report to be submitted.
14. Air quality modelling should be carried out for prediction of impact of the project on the air quality of the area. It should also take into account the impact of movement of vehicles for transportation of mineral. The details of the model used and input parameters used for modelling should be provided. The air quality contours may be shown on a location map clearly indicating the location of the site, location of sensitive receptors, if any, and the habitation. The wind roses showing pre-dominant wind direction should be indicated on map. Wind Rose Diagram should be representative and include stability class and inversion phenomenon of that area along with the lapse rate.
15. Surface and ground water study should be carried out, both pre-monsoon and post monsoon monitoring. Information about proposed working depth of mining area, groundwater table both in above MSE and Below Ground Level (BGL) should be provided. Based on actual monitored data, it may clearly be shown whether mine working will intersect groundwater table or not. In case the mining activity intersects the ground water table then necessary permission from CGWA should be obtained. Impact of the project on the water quality both surface and groundwater should also be assessed and necessary safeguard measures, if any required should be provided. Further, submit water drainage plan of the 10 km study area.
16. The P.P. should ensure compliance of the order of the Hon'ble Rajasthan High Court, Jodhpur, in D. B. Civil writ petition no. 1536 of 2003 in the matter of Abdul Rahman vs State of Rajasthan and others and submit a brief note regarding compliance of the court order.
17. The water requirement for the project, its availability and source to be furnished. A detailed water balance should also be provided. Fresh water requirement (if any) for the project should also be indicated. Necessary clearance from the Competent Authority for drawl of requisite quantity of water for the project should be provided. Details of water conservation measures including rainwater harvesting should be provided and to be adopted in the project.
18. Consumption of diesel and its storage should be provided along with an action plan for its efficient consumption.
19. The Conceptual post mine land use plan and Reclamation & Rehabilitation (R&R) plan of mined out area (with plans and sections at appropriate scale as per MCDR 1988) should be submitted.
20. Impact on local transport and infrastructure due to the project: Projected increase in hauling vehicles as a result of the project in the present road network (including those outside the project area) and whether it is capable of handling the increased load. Arrangement for improving the infrastructure to avoid any congestion especially at junctions and mishaps throughout the route of transportation of

mineral should be ensured and action to be taken by other agencies such as State Government, if any, should be covered.

21. The green belt area should be developed in 33% of total lease area, provide time taken for progressive greenbelt development, plantation and compensatory afforestation clearly indicating the 33% area to be covered under plantation giving detail of local species, width of plantation, plantation schedule etc. along with year wise financial expenditure. The proposal for completion should be within a period of 3 years from the start of mining operation. Information regarding greenbelt development plan shall also be prepared in a tabular form, indicating the location of the area, type of tree and its number supported by a map. In case plantation is not possible in the mining lease area then proposal for plantation on alternate land of area measuring 33% of the lease area should be ensured after due procreation/ identification of such land with due consent of the land owner. **Further, existing mining projects should carryout plantation in 33% of lease area and thereafter come for the EC.**
22. Budgetary provision for the labours (registered/unregistered/others) working in the mine should be submitted for all necessary infrastructure facilities such as health facility, sanitation facility, and fuel for cooking, along with provision for safe drinking water, monthly medical camps and distribution of medicines, primary education and toilets for women, crèche for infants.
23. Details regarding occupational health impact of the project should be provided. Health study in the surrounding area be carried out covering information regarding prevailing diseases, mortality rate etc. Health and Safety Plan should be prepared and submitted.
24. The P.P. will carry out proper Socio-economic survey of the villages situated in the study area. The details of survey are given in format 'J'. Based upon its findings and also as per public hearing issues and keeping in view the felt needs of local population, the P.P. will provide adequate budget for carrying out CER activities including provision for toilets for girls in nearby schools, monthly medical camps, and improvement in educational facilities in the nearby schools. **Further, existing mining projects should carryout CER for a period of at least one year and thereafter come for the EC.**
25. Measures for socio economic influence on the local community due to proposed project to be provided by project proponent. As far as possible, appropriate quantitative dimension to be given. Analysis of job requirements vis-à-vis employability of local population need to be provided.
26. Detailed environmental management plan (EMP) to mitigate the environmental impacts inter-alia including the impact due to change of land use, due to loss of agricultural land and grazing land, if any, should also be submitted besides other impacts of the project. The budgetary provision (both capital and recurring) for implementing the proposed EMP should be clearly spelt out.
27. Points to be raised during Public hearing and commitment of the project proponent on the same along with time bound action plan to implement the commitments and the necessary allocation of funds for the same should be provided.
28. Any litigation pending against the project and /or any direction /order passed by any Court of Law against the project, if so, details thereof should be submitted.
29. That the Project Proponent shall clearly spell out details of the explosives and blasting to be used, if any, for carrying on mining activity along with the impact of blasting on the environment and safety major to be proposed.
30. Provide details about transfer/allotment of mining lease, extension of lease period etc. along with authenticated copies of orders for lease allotment / transfer / extension of validity period.
31. A balance sheet certified by Authorized Financial Expert to clearly indicate the provision made / amount spent for EMP/ERP/CER/ Safety/Labour welfare/ Legal Obligations etc to be enclosed.

32. PP should clearly mention in the documents whether there is any violation of provisions of EIA Notification and inform at the start of presentation (to be a part of computer presentation also) as per MoEF Notification dated 8.3.2018.
33. The PP shall submit final and authenticated copy of the DSR (District Survey Report) as contemplated under Appendix-X of the EIA Notification 2006.
34. The Environmental Clearance will not be operational till such time the project proponent complies with all the statutory requirements and judgment of Hon'ble Supreme Court dated the 2nd August 2017 in Writ Petition (Civil) No. 114 of 2014 in the matter of Common Cause versus Union of India and Ors.
35. State Government concerned shall ensure that mining operation shall not commence till the entire compensation levied, if any, for illegal mining is paid by the Project Proponent through their respective Department of Mining & Geology in strict compliance of judgment of Hon'ble Supreme Court dated 2nd August 2017 in Writ Petition (Civil) No. 114 of 2014 in the matter of Common Cause versus Union of India and Ors.
36. Used filter papers (Air monitoring) along with photographs of the site showing Air / Water sampling / monitoring activity / equipment used at each station should be submitted. Original copies of analysis report of all the relevant data referred in the documents should be enclosed.
37. After preparing the draft EIA (as per the generic structure prescribed in Appendix-III of the EIA Notification, 2006 and as amended from time to time) covering the above mentioned issues, the proponent shall get the public hearing conducted (strictly following the procedure laid down in the Appendix IV of the Amendment Notification dated 01.12.2009 and MoEF circular no. J-15012/29/2010/IA.II (M) dated 19.04.2010, as per amendment, if any). In this regard due care would be taken in (i) deciding the venue of public hearing (at the project site or in its close proximity, to ensure widest possible public participation), (ii) forwarding the Draft EIA Reports with Executive Summary Reports and notice for hearing to various authorities / offices, specifically to Urban Local Bodies/ Panchayati Raj. Institutions (i.e Zila Parishad, Panchayat Samiti & Gram Panchayat)/ Development Authorities (i.e. U.I.T., J.D.A. etc.), (iii) adequate publicity regarding date, place and time of public hearing among local public, (iv) recording requisite "certificate" at the end of public hearing proceedings / report and (v) displaying the report in the office of Gram Panchayat, Zila Parishad, Collectorate etc.(vi) videography of the complete proceedings of the public hearing to be carried out. After completing the public hearing process as described above, the proponent shall take further necessary action for obtaining environmental clearance in accordance with the procedure prescribed under the EIA Notification, 2006 and subsequent amendments.
38. The information regarding the work order/agreement issued by the P.P. to the consultant (Accredited from QCI/ NABET for proposed project Sector) should be submitted along with, (a) Dispatch No. of the work order/agreement, (b) Date of issue of work order (c) Date of start of air/water/other monitoring work (as applicable) and (d) Postal address/ Email Address/ Fax Number/ Mobile Number and Landline Number of the P.P.

Points to be included in TOR as per MoEF&CC circular no. J-11013/41/2006-IA.II(I)-Pt. dt. 19.05.2011 regarding Corporate Environmental Responsibility.

1. Does the company have a well laid down Environment Policy approved by its Board of Directors? If so, it may be detailed in the EIA report.
2. Does the Environment Policy prescribed for standard operating process/procedures to bring into focus any infringement/deviation/violation of the Environmental or forest norms /conditions? If so, it may be detailed in the EIA report.
3. What is the hierarchical system or administrative order of the company to deal with the Environmental issues and for ensuring compliance with the EC conditions? Details of this system may be given.

4. Does the company have a system of reporting of non-compliances/violations of Environmental norms to the Board of Directors of the company and /or shareholders or stakeholders at large? This reporting mechanism should be detailed in the EIA report.

Specific ToRs applicable, in the cases of violation only in terms of the Notification dated 14.3.2017 and 8.3.2018 and OMs dated 30.5.2018, 4.7.2018 of the MoEF&CC :

1. The PP shall undertake assessment of ecological damage, remediation plan and natural and community resource augmentation plan. Such plan shall be prepared as an independent chapter in the Environment Impact Assessment report. The report shall be prepared by the accredited consultant. Collection and analyses of data for assessment of ecological damage, preparation of remediation plan and natural and community resource augmentation plan shall be done by an environmental laboratory duly notified under the Environment (Protection) Act, 1986 or an environmental Laboratory, accredited by the National Accreditation Board for Testing and Calibration Laboratories or a Laboratory of the Council of Scientific and Industrial Research Institution working in the field of environment.
2. The Environment Management Plan shall comprise remediation plan and natural and community resource augmentation plan corresponding to ecological damage assessed and economic benefit derived due to the violation.
3. The PP shall undertake Final Environment Impact Assessment and prepare Final Environment Management Plan after conducting Public Hearing.
4. The PP shall be required to submit a bank guarantee equivalent to the amount of remediation plan and natural and community resource augmentation plan with the State Pollution Control Board and the PP shall deposit the bank guarantee prior to the grant of Environmental Clearance and which shall be released after successful implementation of the remediation plan and natural and community resource augmentation plan and after recommendation by Regional Office of the Ministry, State Level Expert Appraisal Committee and approval of SEIAA.
5. The project proponent shall give an undertaking by way of affidavit to comply with all the statutory requirements and judgment of Hon'ble Supreme Court dated the 2nd August, 2017 in Writ Petition (Civil) No. 114 of 2014 in the matter of Common Cause versus Union of India and Ors. before grant of ToR/ EC the undertaking inter-alia include commitment of the PP not to repeat any such violation in future.
6. In case of violation of above undertaking, the Environmental Clearance shall be liable to be terminated forthwith as per OM dated 30.5.2018 of the MoEF&CC.

In the final EIA /EMP report , compliance of points of ToRs should be reported point wise in a statement of three columns as indicated below:-

S. No	Items in the letter of the ToRs	Reply / Response by the PP
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This TOR letter has been e-mailed to you at the e-mail address provided by you.

Yours faithfully,

— Sd —

(R. K. Thakuria)

Secretary, SEAC, Rajasthan

For cases related to TOR:

- 1) Why the proposed area has been identified [The cultural map of the area be prepared]
- 2) Socio-economic composition of population of the area:
 - (1)Caste (2) Tribe(3)Religion(4) Sex(5) Literacy(6) Educational achievement(7)Child Sex Ratio(8) Marriageable age(9) Occupation(10) Sex-ratio(11) Class status(12)size of family(13) Income/wages(14)land holding(15)Age
 - Number of Schools, dispensaries and their nature.
 - Nature of roads and houses. Nature of other public buildings.
 - Nature of diseases and its consequences in the area in the last five years. Mortality rate (child, girl)
 - Material assets of family (5% to 10 % of the family of various nature)\
 - Resources of water and its social use.
- 3) Local Resources, local Knowledge, Local history.
- 4) Peoples' expectations [five in terms of preference]
[These expectations will be based on diverse population and will find place in CSR/ESR activities]
- 5) The kind of technology support to local occupations extended by project owner be identified.
- 6) Employability, livelihood and new occupational and professional arrangement [if possible]
- 7) Any developmental activity suggested by project owner.
 - Inputs from government studies, related secondary resources, pictorial support, photographs and record and minutes of meetings.