



J&K ENVIRONMENT IMPACT ASSESSMENT AUTHORITY

(at) DEPARTMENT OF ECOLOGY, ENVIRONMENT AND REMOTE SENSING

S.D.A. Colony, Bemina, Srinagar-190018 (May-Oct) / Paryavaran Bhawan, Transport Nagar, Gladni, Jammu-180006 (Nov-Apr)

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MINUTES OF THE MEETING

In pursuance to the Minutes of the 103rd / 104th Meetings of the JK Expert Appraisal Committee held on 26th/29th December, 2022 through video conferencing issued vide No. No.EAC/JK/22/14482-14495 dated 30-12-2022 & No.EAC/JK/22/14555-14567 dated 09-01-2023, the 89th Meeting of the JK Environment Impact Assessment Authority was held on 14th January, 2023 at 11:30Hrs. through video conferencing:

The following attended the meeting:

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|--|--------------------------|
| 1. Mr. Lal Chand, IFS (Retd.) | Chairman, JKEIAA |
| 2. Er. Nazir Ahmad (Chief Engineer, Retd.) | Member, JKEIAA |
| 3. Shri S. Rakesh Kumar, IFS,
Director, EE&RS, J&K. | Member-Secretary, JKEIAA |

Following are the deliberations & decisions of the meeting:

Agenda Item No.1.

Grant of Environment Clearance in favour of Shri Arvind Mahajan Sr. Vice President IND SWIFT LABORATORIES LTD, SIDCO, for Expansion of API Manufacturing Industrial Unit located at SIDCO Industrial Growth Center, Phase 1, Tehsil Samba, JK UT under proposal No.SIA/JK/IND2/204316/2021 & SIA/JK/IND2/152747/2020.

Brief Summary:

The case pertains to Grant of Environment clearance under B 2 category for expansion of API Manufacturing Industrial Unit located at Industrial Growth Center, Phase 1, Tehsil Samba, JK UT in faavour of Shri Arvind Mahajan, Sr. Vice President, Ind. Swift Laboratories Ltd.,

Status	Category of the project	Project cost (in Cr.)	Spent so far (in Cr.)	Proposed for expansion (in Cr.)	EPM cost proposed (in lacs)		CER budget proposed (lacs)
					Capital	Recurring	
Expansion of existing plant	5 (f)-B	73.73	56.98	16.75	35.00	11.00	17.00

Compliance Report of Earlier E.C.

Date of submission of application for grant of EC for expansion	Compliance Report of previous Environmental Clearance conditions	Date of site inspection by JKPCCC to verify Compliance of EC conditions	Submission date of compliance report
17/03/2021	Verified by JK Pollution Control Committee	17/07/2021	03/08/2021

CONSENT STATUS FROM JK UT PCC

Date of renewal of Consent to Establish/Operate Date of authorization under Rule6(2) of the	Hazardous & other waste Management & Trans- boundary movement Rules, 2016
25/01/2021	25/01/2021

Deliberations/specific observations of the JKEAC:

- a) Earlier the expansion proposal had been considered in terms of MoEF&CC, Govt. of India vide Notification No. S.O. 1223(E) dated 27th March, 2020 read with latest Notification No. S.O. 2859(E) dated 16/07/2021 which reads as:

“All proposals for projects or activities in respect of Active Pharmaceutical Ingredients (API), received from 16th July, 2021 to 31st December, 2021, shall be appraised, as Category ‘B2’ projects, provided that any subsequent amendment or expansion or change in product mix, after the 31st December, 2021, shall be considered as per the provisions in force at that time.”

The project had accordingly been discussed in the 80th meeting held on 29/12/2021 during which the Committee asked the PP to submit compliance to the following observations:

- i. Submission of compliance to General Condition No.5 under Air Quality Monitoring of the earlier EC.
- ii. Solution for upgrading the existing air pollution control devices to match the future pollution load owing to expansion proposal.
- iii. Amelioration of existing ETP to cater to the treatment of the increased quantity of waste water due to expansion of the existing facility.
- iv. Updation of PFR with Clarification as to how the project proponent could expand the unit within the existing space of 3 Ha as there is already shortage of space for any expansion.
- v. Upgradation of the existing ETP with the ZLD technology preferably Muli- effect evaporation system or MBR technology.
- vi. PFR needs to be updated to provide solution for arresting the odour emanating from the unit which needs to be taken care of by suitable pollution control measures.
- vii. Submission of Safety audit report from the UT Disaster Management Authority/Department which should cover entire gamut of protocols required under rules for such units.

- viii. The Committee had also desired that the PP should submit material safety data sheets for each of the raw material to be stored in the premises of the unit.
 - ix. Submission of thumb rule for calculation of water as per designed criteria and the specification with design of all the APCDs and ETP for adequacy of the pollution control measures.
 - x. Submission of audited data to reflect the actual production achieved against the production capacity projected especially after the grant of Environmental Clearance for expansion by JKEIAA.
 - xi. Collection of the requisite base data afresh along with photographs in presence of PCCs Officers duly analyzed by some other reputed NABEL accredited laboratory with proven track record as the existing consultant was blacklisted by JKPCCC.
 - xii. Submission of compliance report of the consent conditions in case, the consent to operate has already been granted to the existing unit by the JK UT PCC.
 - xiii. The Committee also desired that the project proponent should obtain a certificate from the J&K Pollution Control Committee to the effect that further expansion of the pharmaceutical industry with introduction of the products proposed under the present expansion will not cause any future environmental implication in the area that would adversely impact the human and livestock health, agricultural activity, Air & water quality and livelihoods. The JKPCCC may also propose various mitigation measures that could be undertaken by the project proponent to address implications that may arise owing to such expansion.
- b) On 26/12/2022, in the instant meeting, JKEAC asked the consultant Dr. Simranjeet Kaur to present compliances to the observations made by JKEAC in the previous meeting.
- c) The consultant presented following compliances:
- i. With respect to item i, Supra, the consultant informed Terma Cyclone has been installed on 5 TPH boiler so as to achieve SPM emission limit of 100 mg/Nm³. Shri JN Sharma, Environmental Engineer suggested to go for additional two stage treatment for Air Control Pollution design.
 - ii. With respect to item ii, Supra the consultant presented the test reports of stack emission of boiler & incinerator along with DG sets, conducted by JKPCCC. In addition, ambient air monitoring, stack emissions from boiler & work zone monitoring (fugitive emissions) has also been conducted by NABL accredited laboratory viz. Eco Paryavaran Laboratories & Consultants Pvt. Ltd., the consultant said. Shri JN Sharma asked if there was any solution planned for upgrading additional scrubber on the new process stake. Dr. Priyanka presented the Line Diagram showing scrubber systems. But the same was not considered satisfactory and she was asked to revise the same.
 - iii. With respect to item iii, Supra the PP informed that it has been proposed to upgrade existing capacity of ETP from 66 KLD to 80 KLD and existing capacity of MEE from 48 KLD to 60 KLD for future expansion. Feasibility report for ETP of 80 KLD capacity and MEE Of 60 KLD stands submitted.

- iv. With respect to item iv, Supra the consultant informed that PP plans to expand 02 buildings (civil) in plot-1 to cater the future expansion capacity of the project. Also, existing steel shed in plot-2 will be dismantled to act as green area of 9908.61 sq. m. so as to comply the condition of 33% green belt area. Copy of layout plan depicting proposed plant 02 building in plot 1 and shed which is to be demolished in plot-2 was presented. However, JKEAC desired to examine the unit on Google Image and found that the campus of the unit is bisected by a road and that the PP was planning to substitute the green space of the unit across the road. JKEAC desired to assess the ground situation by a Sub-Committee being constituted for site visit to the unit.
- v. With respect to item v, Supra the PP has submitted compliance under Annexure D1 and D2.
- vi. With respect to item vi, Compliance awaited.
- vii. With respect to item vii, The Consultant informed that on the direction of District Magistrate, the Fire Service Dept. had issued the NOC but the JKEAC had desired to obtain it from Disaster Mgmt. Authority in the previous meeting. In this regard, the PP informed that they had approached DDMA, Samba after which the PP was asked to get the third-party audit for safety concerns done vide letter No. DCS/HQA/22-23/216-17 dated 08/07/2022. However, the JKEAC was of the opinion that the third-party expert agency has to submit onsite emergency plan duly attested by the DDMA while as for offsite emergency, the responsibility has to be taken by the DDMA. Therefore, the necessary documentation is required to be submitted by the PP for enabling JKEAC to consider the case. In this regard, JKEIAA may take up the matter with the concerned authority, the Committee desired.
- viii. With respect to item viii, Supra the PP informed that the material safety data sheets for key materials have been submitted.
- ix. With respect to item ix, Supra the PP has submitted that water demand calculations have been estimated based on actual requirement of the process and considering seasonal variation of atmospheric temperature of the cooling towers. She informed that there is as such, no thumb rule for calculation of water. Further, engineering design practices are followed by the agencies for the designing of APCD as well as ETP. Practical learning from earlier installations are also considered while designing the air & water pollution control systems, the consultant informed.
- x. With respect to item x, Supra the PP informed that production capacity of 250.64 MT was achieved during the year 2021 which is less as compared to production capacity of 294 MT granted in earlier EC. CA certificate stating the same was presented.
- xi. With respect to item xi, Supra the PP informed that a fresh analysis has been carried out by NABL accredited laboratory i.e. Eco Paryavaran Laboratories & Consultants Pvt. Ltd. Copy of test reports was presented. In addition, samples for the analysis of inlet & outlet of ETP, Boiler, incinerator stacks & DG sets have been collected by PCCs officers of JKPCC vide letter dated 22/08/2022. Copy of test reports were presented before the forum.
- xii. With respect to item xii, compliance was presented before the committee.

- xiii. With respect to item xiii, compliance is awaited.
- d) JKEAC desired the PP to present the compliance of all conditions of the previous ECs duly verified by concerned agency including those of expansions granted from time to time.
- e) JKEAC desired that before further appraisal of the case, it would be appropriate to constitute a Sub-Committee to visit the premises for making on the spot assessment of the various environmental factors at play and suitability of the site for further expansion of the unit vis-à-vis the compliances made so far and recorded here-in-above.

Recommendations of the JKEAC:

In view of the above deliberations and insight gained during the above cited appraisal process, the Committee recommended as:

1. The following sub-committee is constituted to conduct site visit of the unit in the 2nd week of January, 2023 as agreed by the project proponent and the consultant, to assess the suitability of the premises for further expansion. The Sub-Committee will also verify the compliances of conditions of all the ECs including those of expansions granted earlier from time to time and those of CTOs made by the proponent at site besides, reporting any other aspect of the unit that is considered useful in the appraisal process. The following Sub-Committee was constituted:
 - a) Er. B.B Sharma..... Member
 - b) Mr. Irfan Yasin..... Member
 - c) Prof. A.K Raina..... Member
 - d) Shri J.N Sharma, Environmental Engineer, JKPCC

In this connection, the project proponent and the consultant shall liaise with the concerned members for smooth conduct of the site visit.

Decisions of the JKEIAA:

After due deliberations, the JKEIAA decided to consider the case on the recommendation of JKEAC after the site visit report of the Sub-Committee.

Agenda Item No.02.

Grant of Environment Clearance in favour of Shri Showket Ahmad Ganai S/O Shri Gh. Ahmad Ganai R/O Near Jama Masjid Ambripora Devsar, Bona Devsar, District Kulgam, JK UT for Minor Mineral Block No.21, with resized area of 2.35ha. U-Brazlo Bridge Upstream Vishu Nallah, District-Kulgam, JK UT under proposal No.SIA/JK/MIN/63018/2021 & SIA/JK/MIN/57505/2020.

Brief Summary:

The case pertains to Grant of Environment clearance under B 1 category (Cluster situation) in favour of Shri Showket Ahmad Ganai S/O Shri Gh. Ahmad Ganai R/O Near Jama Masjid Ambripora Devsar, Bona Devsar, District Kulgam, JK UT for Minor Mineral Block No.21, with resized area of 2.35ha. U-Brazlo Bridge Upstream Vishu Nallah, District-Kulgam, JK UT.

The letter of intent to the project has been issued on 16-07-2020 which was extended up to 01-07-2022 and its validity was up to 31-12-2022. Mining plan has been approved on 31-08-2020. The Terms of Reference were issued to the project on 08-11-2021 and public hearing was conducted on 17-03-2022. The case was earlier discussed by the JKEAC on 17-11-2020 & 24-07-2021. The area of the project has been reduced by the Geology & Mining Department on 10-03-2021. The status of No Objection Certificates shows that Stakeholder departments had issued NOC's (conditionally) in favour of the project. NOCs have not been submitted as per standard format available on the website of the Dept. of Environment at URL www.jkdears.com and are generalized in nature, especially those from Irrigation, Fisheries and Flood Control Departments.

Deliberations/specific observations of the JKEAC:

- a) The case had been discussed by the Expert Appraisal Committee earlier in the 19th Meeting held on 17/11/2020 for grant of ToRs favouring mining block with original size of 4.15Ha during which the Committee had observed that the mining block was found to be at a distance of only 299 mts. from the bridge. The Committee had recommended rejection of ToRs for the project or alternatively, resizing/relocating it at the request of the project proponent from the Geology and Mining Department to ensure a minimum distance of 500mts from the bridge.
- b) The PP had again approached the JKEIAA for considering the case for the Grant of TORs in the 48th meeting held on 24/07/2021 with a resized mining block area of 2.35 ha. during which the committee asked PP to obtain the following additional details from the concerned:
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 - i. Copy of NOCs issued by the concerned stakeholder departments especially; Irrigation Dept., Flood Control Dept, Fisheries Dept. etc in favour of Mining block as reflected in the Annexure to letter No. DCK/Estt/2021-22/364 dated 15/06/2021 issued by Adl. Dy. Commissioner, Kulgam District.
 - ii. In view of apprehensions expressed by the AEE, Jal shakti is concerned, a clear-cut NOC from the concerned department be submitted to the effect that the mining activity in the designated mining block will not affect the water supply schemes in the area.
 - iii. A clear-cut NOC from the Irrigation department be submitted to the effect that the mining activity in the designated mining block will not affect the flow of water into the Irrigation Kuhls in the area.
- c) The PP had again approached the JKEIAA for considering the case for the Grant of TORS during the 67th meeting held on 26/10/2021 during which the committee recommended the Project for Grant of TORs subject to:
 - i. Report on illegal mining from MDDLTF cell to the effect that the PP is not involved in any illegal mining activity.
 - ii. Fit for mining certificate.
 - iii. Budget for Surveillance equipment.
 - iv. Revised detailed project cost
 - v. Revised Bulk density.

- d) As per records, the PP had subsequently applied for grant of EC on 29/03/2022 but the Letter of Intent (LoI) issued by the G&M Dept. in favour of the PP expired on 31/03/2022 as a result of which JKEIAA issued an Essential Documents Sought (EDS) on the parivesh portal for obtaining the LoI from the G&M Dept.
- e) Subsequently, the PP filed a writ petition on 21/06/2022 under No. WPC/1343/2022 and CMP No. 3186/2022 before the Hon'ble High Court of J&K at Srinagar. The Hon'ble High Court issued an interim order dated 23/06/2022, the operative part of which directed the respondents 1-6 (including JKEIAA as respondent No.6) to consider the claim of the petitioner for environmental clearance within a period of one week.
- f) Subsequently, the Member Secretary, JKEIAA filed the response on behalf of JKEIAA with a consideration order bearing No. 68-DEERS of 2022 dated 28/07/2022 informing the Hon'ble Court that the case was currently lying in the domain of the project proponent and would be considered as and when the PP uploads the LoI to be issued by the G&M Dept.
- g) Now, after the PP uploaded the copy of extension to his LoI on the portal, the case has been forwarded to JKEAC for appraisal for grant of EC
- h) In the instant meeting, the consultant Shri Hemanshu Goel in his PowerPoint presentation, presented the replenishment report of the mining block compiled by the Department of Geology & Mining. As per the report, the average annual replenishment recorded in the mining block is of the order of 0.30m which is based on L-Section only and the same is not in conformity with the sand mining guidelines of 2020. As such, the Committee desired that the replenishment rate may be adopted and treated actionable for the year 2022-23 only. The Committee however, observed that though the process of replenishment studies has been initiated but the same needs to be made fully conformant with the sand mining guidelines and needs to be based on both L Section and Cross Section with data recorded in the appropriate months peculiar to unique climatic / weather conditions of Kashmir valley (as already dealt with in the 102nd Minutes of Meeting of JKEAC).
- i) JKEAC after thorough deliberations further desired that JKEIAA may take a policy decision on not granting EC to those RBM cases where the average annual replenishment rate is reported less than 0.30m, considering as poor and not justified for mining. Accordingly, the ECs for RBM cases may be considered only if the average annual replenishment is 0.30m (1 foot) and above, provided other environmental conditions are also within the acceptable norms including physical condition of the mining block as discernible from the Google Earth images.
- j) The Committee observed that G&M Department had only submitted replenishment reports for block 3, Block 17 and block 21 of Vishu Nala of Kulgam district where EC is yet to be considered but had failed to submit replenishment reports of other mining blocks where EC stand already granted. JKEAC therefore, desired that the G&M Dept. be asked to submit the replenishment reports of all the remaining mining blocks whether in operation or otherwise, failing which the District Administration may be asked to stop mining operations in all such mining blocks where replenishment reports for the year 2022-23 have not been submitted by the G&M Dept.

- k) JKEAC also referred to page 34-35 of the Enforcement & Monitoring Guidelines for Sand Mining 2020 relating to compliance of Hon'ble NGT order dated 04.09.2018 in O.A. 173/2018 which makes annual environmental audit of the mining leases mandatory and reads as, "One of the conditions of every lease of mine or minerals would be that there will be independent environmental audit at least once in a year by reputed third party entity and report of such audit be placed in the public domain. In the course of such an environmental audit, a three-member committee of the local inhabitants will also be associated. Composition of three member's committee may preferably include ex-servicemen, a former teacher and former civil servant. The committee will be nominated by the District Magistrate." Therefore, JKEAC desires that JKEIAA may empanel / register persons qualified in Environmental Science who could be engaged by the mine lease holders to act as environmental Auditors for conducting yearly environmental audit of the mine leases and thereby facilitating compliance to the orders of Hon'ble NGT.
- l) The consultant presented the report on illegal mining from Multi Department District Level Task Force Cell (MDDLTF) cell vide letter dated 30/03/2022 mentioning therein, that the PP is not involved in any illegal mining activity in the said mining block.
- m) The consultant also presented a 'fit for mining cum replenishment certificate' from the Geology & Mining Dept. which has however, not been officially endorsed to JKEIAA by the Director/Joint Director, G&M department, the Committee observed and desired the same to be got endorsed, prior to grant of EC.
- n) Other compliances against observations made during the grant of ToRs have also been made.
- o) The compliance to specific ToR condition relating to photographs of display screen displaying the date of collection of data missing in EIA report which needs to be submitted.
- p) The NOC issued by Flood Control Dept. is on a generalized format and not as per the standard format available on the website of the Department of Ecology, Environment & Remote Sensing at www.jkdears.com. JKEAC desired that the NOC w.r.t resized mining block be submitted to JKEIAA as per standard format.
- q) JKEAC also observed that NOCs issued by Irrigation Dept. and Fisheries Dept. are also on a generalized format. JKEAC desired that the NOC w.r.t resized mining block be submitted to JKEIAA as per standard format.
- r) NOC from PHE(Jalshakti) Department and title verification from Revenue Dept. though not as per standard format, yet these are clear and were found to be useful in the appraisal process.
- s) The EIA/EMP and the Public Hearing report were also deliberated upon by the Committee. JKEAC desired that the PP should revise the EMP in accordance with the deliberations made herein above.
- t) Mining depth of 0.30m per annum and bulk density of 2 be adopted and the PFR/EIA/EMP be accordingly updated.

The Committee desired PP to get the mining plan revised for permissible mining depth and revised area, bulk density, etc.

Recommendations of the JKEAC:

In view of the above deliberations/observations made by the Committee here-in-above, the Expert Appraisal Committee recommended EC to the mining block subject to:-

- a) Condition that the EC shall be valid for a period of one year only and further extension shall be subject to submission of replenishment report formulated as per methodology and Enforcement & Monitoring Guidelines for Sand Mining 2020 and subject to minimum average annual replenishment of 0.30m.
- b) Annual environmental audit by third party entity registered/empanelled by JKEIAA.
- c) Standard and Specific Conditions as per Annexure B to these Minutes of Meeting.
- d) Revision of mining plan as per deliberations made herein above, prior to grant of EC.
- e) Compliance of specific ToR condition relating to photographs of display screen displaying the dates of collection of baseline data, prior to grant of EC.
- f) Revision of EMP budget as suggested in the remark's column of EMP table here-in-above, prior to grant of EC.
- g) Submission of revised NOCs from Irrigation, Flood Control and Fisheries Dept. as per standard format, prior to grant of EC.
- h) Strict adherence to the terms and conditions of the NOCs of the stakeholder departments especially conditions laid by the Fisheries Department, Irrigation and Flood Control Dept. which need to be monitored by the enforcement agencies and concerned dept.
- i) No JCBs/ Excavators/ Bulldozers to be used in mining and no water course to be disturbed while transporting minor minerals.
- j) Maximum targeted mineral production of 8400 MT.
- k) Condition that the geographical coordinates as per revised area issued by G&M Dept. are mentioned in the EC letter by JKEIAA.
- l) Compliance of other observations made herein above under deliberations, prior to grant of EC.

Decisions of the JKEIAA:

After due deliberations, the JKEIAA upheld the recommendations of JKEAC to grant EC in favor of the project with following conditions:

- a) Revalidation of Lol by the Geology and Mining Department.
- b) Condition that the EC shall be valid for a period of one year only and further extension shall be subject to submission of replenishment report formulated as per methodology and Enforcement & Monitoring Guidelines for Sand Mining 2020.
- c) Annual environmental audit as per Sand Mining Enforcement Guidelines, 2020 to be got done through NABET accredited consultant and a three-member committee nominated by District Magistrate shall be associated during the audit exercise.
- d) Standard and Specific conditions as per Annexure-B to these Minutes of Meeting.
- e) Revision of the mining plan with mine closure plan, revised mining depth, surface plan, and its approval by the competent authority within a period of three months from the date of issuance of E.C.

- f) Compliance to the specific ToR condition relating to photographs of display screen displaying the date of collection of data within six months of grant of formal EC.
- g) Revision of EMP budget as suggested in the remark's column of EMP table here-in-above, prior to grant of EC.
- h) Submission of revised NOCs from Irrigation, Flood Control and Fisheries Dept. as per standard format, prior to grant of EC.
- i) Strict adherence to the terms and conditions of the NOCs of the stakeholder departments especially conditions laid by the Fisheries Department, Irrigation and Flood Control Dept. which need to be monitored by the enforcement agencies and concerned dept.
- j) No JCBs/ Excavators/ Bulldozers to be used in mining and no water course to be disturbed while transporting minor minerals.
- k) Mining depth be restricted to max. 0.30m in aggregate and bulk density of 2.0 be adopted for calculating mineral production subject to maximum production of **8400MT**.
- l) Condition that the geographical coordinates as per revised area issued by G&M Dept. are mentioned in the EC letter by JKEIAA.

Agenda Item No.03.

Grant of Environment Clearance under B1 category in favour of Shri Mushtaq Ahmad Khanday S/O Shri Lal-ud-Din Khanday District-Kulgam, JK UT for Minor Mineral Block 17, with revised area of 1.20ha. Q-Kulgam Bridge Upstream Nallah Vishu, District- Kulgam, JK UT under proposal No.SIA/JK/MIN/69623/2021 & SIA/JK/MIN/57493/2020.

Brief Summary:

The case pertains to Grant of Environment clearance under B 1 in favour of Shri Mushtaq Ahmad Khanday S/O Shri Lal-ud-Din Khanday District-Kulgam, JK UT for Minor Mineral Block 17, with revised area of 1.20ha. Q-Kulgam Bridge Upstream Nallah Vishu, District- Kulgam, JK UT.

The letter of intent to the project has been issued on 16-07-2020 which was extended up to 28-12-2021 and its validity was up to 31-12-2022. Mining plan has been approved on 31-08-2020. The Terms of Reference were issued to the project on 26-07-2021 and public hearing was conducted on 16-11-2021. The case was earlier discussed by the JKEAC on 17-11-2020, 10-07-2021 & 19-03-2022. The area of the project has been reduced by the Geology & Mining Department on 10-03-2021.

The status of No Objection Certificates shows that Stakeholder departments had issued NOC's(conditionally) in favour of the project.

Deliberations/specific observations of the JKEAC:

- a) The project had earlier been discussed in 19th meeting held on 17/11/2020 during which the Committee rejected the mining block comprising of area 4.08Ha for grant of ToRs in the present form (in view of proximity to bridge). Alternatively, if the Geology & Mining Department relocates/resizes the mining blocks of the cluster on the request of the

- concerned PPs to ensure 500mts distance from mining block to the bridge, the case may be resubmitted for reconsideration for grant of ToRs.
- b) Subsequently, the case was again discussed during the 47th meeting held on 10/07/2021 during which the Committee recommended the project for grant of Terms of Reference.
- c) Thereafter the PP had approached JKEIAA for the grant of environmental clearance under B1 category (owing to cluster situation) in the 90th JKEAC held on 19/03/2022 with revised area of 1.20 Ha. to maintain safe distance from the bridge, during which the committee had asked to submit compliance to the following observations:
- i. The Committee desired project proponent to obtain field verification report on the observations made by the Committee (regarding presence of a kuhl headway as observed on Google image), from the concerned Xen Irrigation Dept with local PRI on board indicating therein presence or absence of irrigation offtake point within 200m of the resized mining block of 1.20 Ha preferably with details marked on Colour Google image of the area depicting the mining block boundary and Kuhls/canals off-take points.
 - ii. Non-involvement of PP in illegal mining activity from the Multi Dept. District level Task Force (MLDDTF) Cell.
 - iii. Compliance to specific ToR condition relating to photographs of display screen displaying the date of collection of data missing in EIA report which needs to be submitted.
 - iv. Mining depth of 2.5m & bulk density of 2.3 adopted in the mining plan not agreed by the Committee.
- d) During deliberations in the instant meeting, the JKEAC observed as: -
- i. The PP has changed the consultant from M/S Globus Environment Engineering Services to M/S OCEAO-ENVIRO Management Solutions Pvt. Ltd.
 - ii. In the instant meeting, the consultant Shri Hemanshu Goel in his PowerPoint presentation, presented the replenishment report of the mining block compiled by the Department of Geology & Mining. As per the report, the average annual replenishment recorded in the mining block is of the order of 0.30m which is based on L-Section only and the same is not in conformity with the sand mining guidelines of 2020. Therefore, the Committee desired that the replenishment rate may be adopted and treated actionable for the year 2022-23 only. The Committee however, observed that though the process of replenishment studies has been initiated but the same needs to be made fully conformant with the sand mining guidelines and needs to be based on both L-Section and Cross Section with data recorded in the appropriate months peculiar to unique climatic / weather conditions of Kashmir valley (as already dealt with in the 102nd Minutes of Meeting of JKEAC).
 - iii. JKEAC reiterated its stand as deliberated herein above under agenda 2 wherein JKEAC desired JKEIAA to take a policy decision on not granting EC to those RBM cases where the average annual replenishment rate is reported less than 0.30m, considering as poor and not justified for mining. As such, the ECs for RBM cases may

- be considered only if the average annual replenishment is 0.30m (1 foot) and above, provided other environmental conditions are also within the acceptable norms including physical condition of the mining block as discernible from the Google Earth images.
- iv. In compliance to item-i of deliberations of previous meeting as referred herein above, the PP has submitted the revised NOC issued by the Executive Engineer (Irrigation Division Kulgam) vide No. 6847-48 dated 17/11/2022 which states that no irrigation dept. asset viz. head work/intake/inlet of an irrigation scheme/canal/surface water conductor/ siphon/ khul is located within the area covered under the allocated mining block and the area stretching 250 m, both upstream & downstream from the edge of the mining block.
 - v. With respect to item ii of deliberations of previous meeting as referred herein above, the PP has submitted the report from Multi Dept. District level Task Force (MLDDTF) Cell which states that the PP is not involved in any illegal mining activity in and around the mining block.
 - vi. With respect to item iii of deliberations of previous meeting as referred herein above, the PP has not submitted the compliance to specific ToR condition relating to photographs of display screen displaying the date of collection of baseline data. Therefore, JKEAC desired that the same be submitted.
 - vii. With respect to item iv, supra the PP has not submitted the revised mining plan with respect to mining depth & bulk density. Therefore, JKEAC desired PP to submit same as per deliberations.
 - viii. EMP needs to be revised with appropriate budget as suggested in the remark's column of EMP table herein above.
 - ix. Active water channel detected in the mining block which needs to be excluded while calculating the revised targeted mineral production.
 - x. The EIA/EMP and the Public Hearing report were also deliberated upon by the Committee. JKEAC desired that the PP should revise the EMP in accordance with the deliberations made herein above.
 - xi. Mining depth of 0.30m per annum and bulk density of 2 be adopted and the PFR/EIA/EMP be accordingly updated.
 - xii. The Committee desired PP to get the mining plan revised for mining depth and revised area, bulk density, etc.

Recommendations of the JKEAC:

In view of the above deliberations and insight gained during the above cited appraisal process, the Committee recommended the case for grant of Environmental Clearance subject to: -

- a) Condition that the EC shall be valid for a period of one year only and further extension shall be subject to submission of replenishment report formulated as per methodology and Enforcement & Monitoring Guidelines for Sand Mining 2020 and subject to minimum average annual replenishment of 0.30m.
- b) Annual environmental audit by third party entity registered/empanelled by JKEIAA.
- c) Standard and Specific Conditions as per Annexure B to these Minutes of Meeting.

- d) Revision of mining plan as per deliberations made herein above, prior to grant of EC.
- e) Compliance of specific ToR condition relating to photographs of display screen displaying the dates of collection of baseline data, prior to grant of EC.
- f) Revision of EMP budget as suggested in the remark's column of EMP table herein above prior to grant of EC.
- g) Submission of revised NOCs from Irrigation, Flood Control and Fisheries Dept. as per standard format, prior to grant of EC.
- h) Strict adherence to the terms and conditions of the NOCs of the stakeholder departments especially conditions laid by the Fisheries Department, Irrigation and Flood Control Dept. which need to be monitored by the enforcement agencies and concerned dept.
- i) No JCBs/ Excavators/ Bulldozers to be used in mining and no water course to be disturbed while transporting minor minerals.
- j) Maximum targeted mineral production of **4300 MT**.
- k) Condition that the geographical coordinates as per revised area issued by G&M Dept. are mentioned in the EC letter by JKEIAA.
- l) Compliance of other observations made herein above under deliberations, prior to grant of EC.

Decisions of the JKEIAA:

After due deliberations, the JKEIAA upheld the recommendations of JKEAC to grant EC in favor of the project with following conditions:

- a) Revalidation of Lol by the Geology and Mining Department.
- b) Condition that the EC shall be valid for a period of one year only and further extension shall be subject to submission of replenishment report formulated as per methodology and Enforcement & Monitoring Guidelines for Sand Mining 2020.
- c) Annual environmental audit as per Sand Mining Enforcement Guidelines, 2020 to be got done through NABET accredited consultant and a three-member committee nominated by District Magistrate shall be associated during the audit exercise.
- d) Standard and Specific Conditions as per Annexure B to these Minutes of Meeting.
- e) Revision of the mining plan with mine closure plan, revised mining depth, surface plan, and its approval by the competent authority within a period of three months from the date of issuance of E.C.
- f) Compliance to the specific ToR condition relating to photographs of display screen displaying the date of collection of data within six months of grant of formal EC.
- g) Revision of EMP budget as suggested in the remark's column of EMP table herein above prior to grant of EC.
- h) Submission of revised NOCs from Irrigation, Flood Control and Fisheries Dept. as per standard format, prior to grant of EC.
- i) Strict adherence to the terms and conditions of the NOCs of the stakeholder departments especially conditions laid by the Fisheries Department, Irrigation and Flood Control Dept. which need to be monitored by the enforcement agencies and concerned dept.
- j) No JCBs/ Excavators/ Bulldozers to be used in mining and no water course to be disturbed while transporting minor minerals.

- k) Mining depth be restricted to max. 0.30m in aggregate and bulk density of 2.0 be adopted for calculating mineral production subject to maximum production of **4300MT**.
- l) Condition that the geographical coordinates as per revised area issued by G&M Dept. are mentioned in the EC letter by JKEIAA.

Agenda Item No.04.

Grant of Environment Clearance in favour of Shri Mr. Amit Mahajan S/O Shri Adarsh Mohan Mahajan R/O, Near Kali Mata Mandir, Kolluwali Gali Pathankot, Punjab for River Bed Mining in Block No. 05, MINING LEASE AREA- 4.22ha. under construction Bridge, Chapper Gund to Wayul upstream Sindh River at Village- Chappergund, Tehsil & District- Ganderbal, JK UT under proposal No.SIA/JK/MIN/263177/2022 & SIA/JK/MIN/67988/2021 & SIA/JK/MIN/61359/2021.

Brief Summary:

The case pertains to Grant of Environment Clearance under B2 category in favour of Shri Mr. Amit Mahajan S/O Shri Adarsh Mohan Mahajan R/O, Near Kali Mata Mandir, Kolluwali Gali Pathankot, Punjab for River Bed Mining in Block No. 05, MINING LEASE AREA- 4.22ha. under construction Bridge, Chapper Gund to Wayul upstream Sindh River at Village- Chappergund, Tehsil & District- Ganderbal, JK UT.

The letter of intent to the project has been issued on 20-07-2020 which was extended up to 01-07-2021 and its validity was up to 31-12-2022. Mining plan has been approved on 22-02-2021. The Terms of Reference were declined on 26-10-2021. The case was earlier discussed by the JKEAC on 26-10-2021 & 31-03-2022. The area of the project has been reduced by the Geology & Mining Department on 19-03-2022.

The status of No Objection Certificates shows that Deputy Commissioner Ganderbal Vide No: DCG-ARA-1473-76 dated 22-05-2021 had conveyed NOC's of Stakeholder departments under Single window system.

Deliberations/specific observations of the JKEAC:

- a) The case had been discussed by the Expert Appraisal Committee earlier during the 92nd Meeting held on 31/03/2022 for grant of Environmental Clearance during which the Committee did not agree to recommend the case for grant of EC in its present form unless the following compliances were made by the PP: -
 - i) Specific and categorical clearance is obtained from the Irrigation and Flood Control Dept due to presence of Khul in the close vicinity of the mining block.
 - ii) Revision of Bulk density.
- b) In the instant meeting, the consultant Shri Manas Vyas in his PowerPoint presentation, presented the replenishment report of the mining block compiled by the Department of Geology & Mining. As per the report, the average annual replenishment recorded in the mining block is of the order of 0.30m which is based on L-Section only and the same is not in conformity with the sand mining guidelines of 2020. Therefore, the Committee desired that the replenishment rate may be adopted and treated actionable for the year 2022-23

only. As deliberated in foregoing agendas, the Committee further observed that though the process of replenishment studies has been initiated but the same needs to be made fully conformant with the sand mining guidelines and needs to be based on both L-Section and Cross Section with data recorded in the appropriate months peculiar to unique climatic / weather conditions of Kashmir valley.

- c) Since, under agenda 2 and 3, JKEAC recommended the ECs for RBM cases to be considered only if the average annual replenishment is 0.30m (1 foot) and above, provided other environmental conditions are also within the acceptable norms including physical condition of the mining block as discernible from the Google Earth images.
- d) In the light of the above observation, the other norms and aspects were also examined in the instant case and it was found that the revised NOC issued by the Executive Engineer, Irrigation is not as per the standard format available on the website of the Department of Ecology, Environment & remote Sensing at URL www.jkdears.com and is ambiguous in nature.
- e) Further, the examination of the mining block on the latest available Google / Online ArcGIS image revealed that there is virtually no material available for mining due to extensive and heavy illegal mining in the area. As such, JKEAC desired that mining block be given rest for at least 3 years.

Recommendations of the JKEAC:

In view of the above deliberations/observations made by the Committee here-in-above, the Expert Appraisal Committee recommended the project for rejection of EC and to give the mining block rest for at least 3 years.

Decisions of the JKEIAA:

After due deliberations, the JKEIAA upheld the recommendations of the JKEAC to reject the case for grant of E.C. and the mining block be given rest for 3 years.

Agenda Item No.5.

To examine and evaluate the Replenishment Report of Minor Mineral Block No. 1, 5, of Tawi River, Block No 7, of Thathi Khad, Block No 8, of Birma Nalla, Block No 9, of Birmeen Di khad, Block No 10 and 11 of Ramnagar Nagar wali Khad of District Udhampur, JK UT formulated by Geology & Mining Department.

Deliberations/specific observations of the JKEAC:

The replenishment report of the above cited mining blocks was presented by Dr. Ishya Devi from G&M Dept. The Committee observed that the replenishment study has not been carried out as per the Enforcement & Monitoring guidelines for Sand Mining-2020. However, it was desired that though the process of replenishment studies has been initiated but the same needs to be made fully conformant with the sand mining guidelines and needs to be based on both L-Section and Cross Section. It was further observed that data from only four locations per minor mineral block seems to have been collected randomly and presented in the report although as per Enforcement

& Monitoring Guidelines for Sand Mining-2020, the L-Sectional and Cross-sectional measurements should have been taken at regular intervals of 10m both for pre-monsoon and post monsoon in the form of a grid to arrive at reliable estimates of replenishment in each block. Further, the Committee also observed that the figure of 2.25 as bulk density mentioned in the report without supporting data and a note on its methodology cannot be accepted.

Recommendations of the JKEAC:

In view of the above deliberation, JKEAC desired that before considering the replenishment reports of mining blocks of Udhampur District for adoption, the Geology & Mining Department may be asked to constitute a team of officers (other than the authors of the replenishment reports) headed by Joint Director (Geology & Mining Department), to check / verify and certify the authenticity of replenishment data and other parameters to the effect that the same has been compiled in strict accordance with the methodology given in the Enforcement & Monitoring Guidelines for Sand Mining-2020. Shortcomings in the report may be rectified in light of the standing guidelines/deliberations made here-in-above.

Decisions of the JKEIAA:

After due deliberations, the JKEIAA is in agreement with the shortcomings pointed out by the committee. Accordingly the G&M department shall address these shortcomings in the replenishment report as per the methodology given in the Enforcement & Monitoring Guidelines for Sand Mining, 2020 and submit the report.

Agenda Item No.6.

To examine and evaluate the content of the revised Replenishment Report of Minor Mineral Block No 3, 5 and 7 of Anji Khad, Block No 11, 13 and 14 of River Ans, Block No 27 and 28 of River Chanab, Block No 33 of Phare Khad, Block No. 1 and 34 of Tanda Seri Khad, Block No. 21 of Tawi Khad, Block No. 32 of Pei Khad, District Reasi, JK UT formulated by Geology & Mining Department.

Deliberations/specific observations of the JKEAC:

The replenishment report of Reasi was presented by Mr. Mohammad Sarfraz of Geology & Mining Department. The Committee made observations similar to those under agenda 5 with respect to replenishment data and other parameters presented in the report and desired that the report needs to be formulated strictly as per the National Mining guidelines of 2020. Further, the Committee also observed that the graphs were not discernible because of inappropriate scale used in depiction.

Recommendations of the JKEAC:

The JKEAC made same recommendations as in the case of agenda item No.6 here-in-above.

Decisions of the JKEIAA:

After due deliberations, the JKEIAA is in agreement with the shortcomings pointed out by the committee. Accordingly, the G&M department shall address these shortcomings in the

replenishment report as per the methodology given in the Enforcement & Monitoring Guidelines for Sand Mining, 2020 and submit the report.

The meeting ended with the vote of thanks to the Chair,

Sd/-
S. Rakesh Kumar, IFS, Director,
Member Secretary, JKEIAA, EE&RS

Sd/-
Nazir Ahmad (Rtd. Chief Engineer)
Member, JKEIAA

Sd/-
Lal Chand, IFS (Rtd.)
Chairman, JKEIAA

No: JKEIAA/2016/02/IX/7895-7906

Dated: 14-01-2023

Copy by email to:

1. Mr. Lal Chand, IFS (Rtd.), Hon'ble Chairman, JKEIAA, for information.
2. Er. Nazir Ahmad (Rtd. Chief Engineer), Hon'ble Member, JKEIAA, for information.
3. Commissioner/Secretary to Government, Forest, Ecology & Environment Department, J&K Government, Civil Secretariat, Jammu for favour of kind information.
4. Secretary to Government, Mining Department, J&K Government for favour of information.
5. Director, EE&RS, Member Secretary, JKEIAA, for information
6. Director, Geology & Mining Department, J&K Government, Jammu for information and necessary action.
7. Deputy Commissioner, Samba / Kulgam / Ganderbal for information and necessary action.
8. The Secretary, JK Expert Appraisal Committee for information.
9. Website(s)



(Staff Officer)
Director EERS/Member Secretary JKEIAA