

**Corrected Minutes of the 121<sup>st</sup> SEAC meeting held on 30.11.2018 by M/s.Tamil Nadu Magnesite Limited for Existing Magnesite Quarry over an extent of 96.34.0 Ha at Thathiengarpatti Village, Omalur Taluk, Salem District:**

**Agenda 121-12:**

**Existing Magnesite Quarry over an extent of 96.34.0 Ha at Thathiengarpatti Village, Omalur Taluk, Salem District, by M/s.Tamil Nadu Magnesite Limited – Activity 1(a) – Mining of major mineral – ToR to be issued.**

The proponent, **M/s.Tamil Nadu Magnesite Limited** has applied for Environmental Clearance for Existing Magnesite and Dunite Quarry over an extent of 96.34.0 Ha at Thathiengarpatti Village, Omalur Taluk, Salem District, Tamil Nadu on 04.10.2018. The Project Proponent has obtained Environment Clearance under EIA notification 1994 from MoEF&CC vide No.8-53/97-FC dated 23.06.1998.

The Magnesite is a major mineral as per the MMDR Act, 2015 as amended and as per EIA Notification, 2006 under activity 1(a) Category “B”, the project requires Environmental Impact Assessment. To enable EIA Study, a ToR needs to be issued.

The salient features of the project proposal as submitted by the project proponent is as follows:

**1. Government order/Lease details :**

In the year 1979, the government of Tamil Nadu took over M/s Salem Magnesite Pvt ltd Mines which was operating since 1938 and setup TANMAG vide G.O.Ms.No.41, Industries Department.

**2. Mining Plan/Scheme of Mining approval details:**

The first lease period: 1998-2008 ML area 177.96 ha vide G.O.Ms.No 234 Environment and Forests Department. Combined Forest and Environment Clearance from MoEF vide letter No.8-53/97-FC dated: 23.06.1998. Subsequent lease renewal period 2008-2028 ML area 96.34ha vide G.O.Ms.No.79, Environment and Forests Department.



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Forest Clearance renewal: 2008-2028 Government letter – Ministry of Environment and Forests (F.C.Division) F.No.8-53/97-FC dated: 14.07.2008. Lease period was renewed upto 2028.

The Mining Operation and quantity of Material are as follows:

<b>Years</b>	<b>Magnesite Production as per CTO (MT)</b>	<b>Achieved (MT)</b>
2008-09	114000	117260.87
2009-10	114000	127274.76
2010-11	114000	98356.53
2011-12	114000	107586.68
2012-13	114000	107899.63
2013-14	114000	84050.28
2014-15	114000	139396.20
2015-16	114000	107119.09
2016-17	114000	76264.70
2017-18	114000	86394.85
2018-19 upto April 2018	9500	6549.87
<b>Total</b>	<b>1149500</b>	<b>1058153.46</b>

3. The production schedule for the year 2018-2019 to 2022 -23.

	<b>Magnesite</b>	<b>Dunite</b>
For 2018-19	- 124260 MT	133698 MT
For 2019-20	-117157 MT	120959 MT
For 2020-21	-119679 MT	98237 MT
For 2021-22	- 117123 MT	109077 MT
For 2022-23	-122371 MT	105107 MT



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The project proposal was placed in the 121st meeting of the SEAC held on 30.11.2018. Based on the presentation made by the proponent and the documents furnished, the SEAC decided to defer the proposal for the following reasons:

It was observed that as per the MoEF&CC Notification S.O.1530 (E) dated 06.04.2018 states that

*"The Hon'ble Supreme Court vide judgment dated the 2nd February, 2018 in writ petition (Civil) No.114 of 2014 in the matter of common cause versus Union of India and others, inter-alia, has directed that the validity of the environmental clearances grated for mining projects under the notification number S.O.60 (E) dated 27.01.1994 of the Government of India in the erstwhile Ministry of Environment and Forests shall be five years.*

*The Hon'ble Supreme Court vide judgment dated the 7th February, 2018 in Special Leave to Appeal (Civil) No. 32138 of 2015 in the matter of Goa Foundation versus M/s. Sesa Sterile Ltd., & Others has reiterated that the validity of the Environmental Clearances for mining projects grated under the EIA Notification, 1994 shall be five years.*

*The Hon'ble Supreme Court in its aforesaid judgment dated the 7th February 2018 has held that para 9 of the notification S.O.1533 (E) dated 14th September 2006 of the Government of India in the erstwhile Ministry of Environment and Forests (hereinafter referred to as the EIA Notification, 2006), provides that the environmental clearance would be valid for the estimated project life subject to maximum of 30 years;*

*And whereas, in the view of the above, there would be two categories of cases related to mining projects under EIA notification, 1994, namely:-*

- a) Mining projects, which were granted environmental clearance under the EIA Notification, 1994, and also granted environmental clearance for expansion/modernization/ amendment under the EIA Notification, 2006; and*
- b) Mining projects, which were granted environmental clearance under the EIA Notification, 1994, and but not obtained environmental clearance for expansion/modernization/ amendment under the EIA Notification, 2006.*

*And whereas, as per third paragraph above, the projects mentioned in clause (a) of fourth paragraph above do not suffer from the infirmity of validity of environmental clearance being five years;*

  
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*And whereas, the projects mentioned in clause (a) of fourth paragraph above, do not suffer from the infirmity of expansion vis-à-vis the base production as these projects were already appraised and granted environmental clearance under the EIA Notification, 2006;*

*And whereas, all mining projects mentioned in clause (b) of fourth paragraph above are required to obtain environmental clearance under the EIA Notification, 2006, in pursuance of the aforesaid judgments of the Hon'ble Supreme Court;*

*And whereas, the Ministry of Environment, Forest and Climate Change it necessary for implementation of the aforesaid judgments of the Hon'ble Supreme Court as well as for the protecting and improving the quality of environment and abating the environmental pollution, that all projects mentioned in clause (b) of fourth paragraph above, be brought under the regulatory framework of the EIA Notification, 2006;*

*Now, therefore, in exercise of the powers conferred by sub-selection (1) and clause (V) of sub-selection (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) read with sub-rule (4) of rule 5 of Environment (Protection) Rules, 1986, the Central Government hereby directs, after having dispensed with the requirement of notice under clause (a) of sub-rule (3) of the rule 5 of the said rules in public interest, for implementation of the aforesaid judgments of the Hon'ble Supreme Court, that the project proponent in all such cases involving validity of the environmental clearance and expansion of mining projects vis-à-vis the base production, shall make application within six months from the date of issue of this notification in Form-1 as given in Appendix-II of the EIA Notification, 2006, for grant of environmental clearance under the provisions of the EIA notification, 2006, and all such application shall be considered by the concerned Expert Appraisal Committee or the State Level Expert Appraisal Committee, as the case may be, who shall decide on the due diligence necessary including preparation of Environmental Impact Assessment Report and public consultation and the application shall be appraised accordingly for grant of environmental clearance."*

In the view of the above, it is informed that as per the MoEF&CC Notification S.O.1530 (E) dated 06.04.2018, the project proponent in all such cases involving validity of the environmental clearance and expansion of mining projects vis-à-vis the base production, shall make application within six months from the date of issue of this notification. The date of six



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month for application for validity of the environmental clearance issued by MoEF&CC and expansion of mining projects vis-à-vis the base production expired on 05.10.2018.

It was observed that the project proponent has submitted application to SEIAA-TN (Both hard copy on 19.11.2018 and Online application on 10.11.2018) after the cutoff date of six month issued by the MoEF &CC Notification S.O.1530 (E) dated 06.04.2018.

The project proponent has informed that online application was submitted to MoEF&CC on 30.05.2018 for the aforesaid project proposal within the stipulated time as mentioned in the MoEF &CC Notification S.O.1530 (E) dated 06.04.2018.

In view of the above, the Committee decided that the project proponent may approach MoEF & CC to transfer the online application filed by the proponent to MoEF & CC for seeking EC on 30.05.2018 to SEIAA-TN along with the hard copy of the application with note file processed by the MoEF & CC, and SEAC cannot process any application which is active in MoEF & CC.



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