

Minutes of the 110th SEAC Meeting held on 03rd May 2018

110 - F.1946 2013	<p>Proposal seeking Environment Clearance for the existing Residential building by M/s Appaswamy Real Estates Limited, at S.F.No. 494/1A2A, Sholinganallur Village, Sholinganallur Taluk, Kancheepuram District – Activity 8(a) & Category “B2”- Building & Construction Projects - Environmental Clearance under violation notification dated: 08.03.2018 of MoEF & CC – Regarding.</p>
	<p>The project proponent, M/s Appaswamy Real Estates Limited., has submitted application on 07.11.2013 for the existing Residential building at S.F.No.494/1A2A of Sholinganallur Village, Sholinganallur Taluk, Kancheepuram District.</p> <p>The proposal was placed in the 106th SEAC meeting held on 05.04.2018. The proponent made a presentation about the project proposal.</p> <p>From the perusal of the office records, project proposal and the presentation made by the proponent, the following points are noted:</p> <ol style="list-style-type: none">1. While scrutinizing, 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, 2006.2. The proponent was requested to furnish the ‘Letter of Commitment and Expression of Apology’ vide SEIAA-TN letter dated: 04.12.2013.3. As per the guidelines issued for dealing with the projects involving violation vide MoEF & CC OM dated: 12.12.2012 & 27.06.2013, the project proponent furnished ‘Letter of Commitment and Expression of Apology’ vide letter dated 23.12.2013 and also resolved in the form of a formal resolution assuring that such violation will not be repeated.4. The same was sent to the State Government vide SEIAA Letter No. SEIAA-TN/F.1946/2013 dated 13.12.2013 for initiating credible action on the said violation by invoking powers under Section 19 of the Environment (Protection) Act, 1986.5. The State Government in Letter No. 295/EC.3/2014-1 dated

	<p>24.01.2014 forwarded the same to the Tamil Nadu Pollution Control Board (TNPCB) for initiating legal action on the violation under the EIA Notification, 2006 in the residential project.</p> <p>6. TNPCB vide their letter dated: 30.06.2014 has informed SEIAA that a complaint was filed against the proponent for the violation of EIA Notification, 2006 before the Chief Judicial Magistrate Court, Chengalpattu.</p> <p>7. The Proponent was informed vide SEIAA Letter No. SEIAA-TN/F.1946/2013 dated 25.11.2014 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.</p> <p>8. As per the MoEF & CC Notification dated: 14.03.2017, stated that the cases of violation will be dealt strictly as per the procedures specified in the following manner</p> <p>“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.</p> <p>9. Then, the proponent has filed the application to MoEF & CC under violation on 20.03.2017.</p> <p>10. Accordingly, the MoEF & CC issued ToR vide F.No. 23-8/2017-IA-II dated: 28.02.2018.</p> <p>11. Subsequently, MoEF&CC issued another notification S.O.1030 (E)</p>
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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 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”.

12. The application was transferred from MoEF & CC to SEIAA-TN.

13. The proponent submitted the EIA report to SEIAA-TN dated: 16.03.2018 for the consideration of EC under violation notification.

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. 1946/2013 dated: 05.04.2018 of the Chairman, SEAC, a technical team comprising of the SEAC Members was constituted to inspect and study the field conditions in the project site for the existing residential building by M/s Appaswamy Real Estates Limited, at S.F.No. 494/1A2A, Sholinganallur Village, Sholinganallur Taluk, Kancheepuram District on 16.04.2018 and submitted the report on 29.04.2018.

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

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. Prior to construction, an individual building existed and that building was demolished by the previous owner and handed over to the present owner as a vacant site.
3. The stage of construction is that the construction work is completed in all respects and ready for occupation. That means that the project has not come into operation mode.
4. The Construction of STP is completed and ready for operation.
5. Installation of OWC was completed and ready for operation.
6. The Technical Team asked the proponent to furnish a certificate from revenue authority to the effect that there is no encroachment on water bodies and the proposed site is not prone to flooding during rains.
7. 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.
8. The proponent has arranged for water supply from CMWSSB and also got permission for disposal of excess treated sewage.
9. Rain water harvesting proposals have been formulated as per Rain Water Harvesting and Conservation Manual by CPWD, Gol. The excess storm runoff will be discharged into the nearby drain and is ready for connection.
10. NOC & licence from fire service and Airport obtained.
11. For Green belt, as per norms, an area of 2414 Sq.m (15%) should be provided for the Green belt. The Technical Team observed that 2414 Sq.m (15%) area has been earmarked for Green belt. About 182 nos. of native tree species have been planted within the site and 56 Nos. of trees planted in the OSR area with the following species.
 - i) Azadirachta indica (Neem) - 60 Nos
 - ii) Ficus religiosa (Arasa maram) - 20 Nos

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	<ul style="list-style-type: none">iii) Thespesia Populnea (Puvarasu) – 20 Nosiv) Pongamia pinnata (Pongam) - 20 Nosv) Millingtonia Hortensis (Maramalli) – 20 Nosvi) Alstonia scholaris (Devil tree) - 19 Nosvii) Peltophorum pterocarpum (copper pod tree) - 51 Nos <p>12. The Parking plan is as per CMDA norms.</p> <p>13. The Technical Team asked the proponent to ensure that there is smooth movement of vehicles from the project area to surrounding area and vice versa.</p> <p>14. The Technical Team inspected the STP constructed below ground level. The Team asked the proponent to ensure that the movement of people in the STP area is safe from head injuries.</p> <p>15. The Odour and noise from the STP should be properly controlled. Intense green belt development should be ensured around STP as there are residential apartments very close to the project site.</p> <p>16. From the water balance diagram, it was noticed that 100 KLD of treated sewage (which is excess) will be discharged into the CMWSSB Sewer line.</p> <p>17. Sample toilets used by the workers were shown to the technical team.</p> <p>18. The proponent was asked to furnish the storm water management plan which includes mode of disposal of excess storm water.</p> <p>19. For CSR activities the proponent was asked to commit Rs.37.3 Lakhs (0.5 % of project cost). He was also asked to spend the CSR funds on permanent infrastructure for local community like Schools on items related to education and sports.</p> <p>20. The proponent was asked to furnish the updated information with respect to the following checklist provisions:</p> <ul style="list-style-type: none">i. Site plan showing all detailsii. Certificate for structural safetyiii. CMDA plan approval
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- iv. Plan with color coding
- v. Institutional vetting of Building plan
- vi. Sample medical check up report for workers
- vii. Photo to show that STP & DG set away from the project boundary.
- viii. Tanker water usage for construction
- ix. SPM and noise data related to construction.
- x. Traffic problem – service road entry
- 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 19.04.2018. Accordingly the proponent has submitted the revised check list with enclosures on 19.04.2018.

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 makes the following observation:

1. The proponent has made a procedural violation in the sense that the proponent has started construction of the residential apartment before getting 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 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. Similarly, there are no violation in built up area and utilities like STP, DG sets, Solid Waste Management, Rain Water Harvesting,

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OSR land, Energy conservation, parking area furnished and Green belt.

4. The technical team recommends the proposal to SEAC to favourably process proposal for recommendation to SEIAA for the grant of EC. 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 inspection report was placed before the 110th SEAC meeting held on 03.05.2018. 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. About Ecological damage created by the proponent, Remediation plan proposed and cost-

1. Air Environment- with respect to PM_{2.5}, PM₁₀, SO₂, NO₂ no ecological damage is ascertained during construction phase.

2. Water Environment-No impact identified on ground water during construction phase.

3. Soil Environment-minimum impact.

4. Noise environment-Minimum impact, as one of the restoration plan native trees will be planted inside the site and also in Pallikaranai Marsh Land.

b. Natural resource augmentation plan and cost:

1. Restoration of Pallikaranai marsh land-0.25% of the project cost, i.e. 18.65 lakhs.

2. Restoration of Pallikaranai dumping site-0.1% of the project cost, i.e. 7.46 lakhs.

3. Tree plantation to be provided for migratory birds to

Pallikaranai marsh land around 100m radius-cost not projected.

c. Community resource augmentation plan and cost

1. Providing toilets , latest books and infrastructure for school library to the nearby girls government school
 2. Conducting health camps for nearest slum dwellers
- Budget provision (1+2)= 0.15% of the project cost, i.e. 11.19 lakhs.

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

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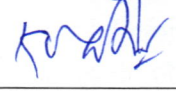
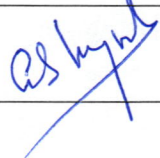
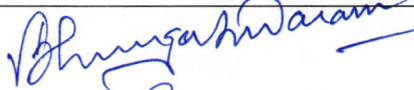
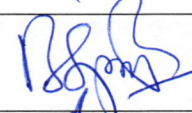

and penalty by following the below mentioned criteria.

Level of damages	Ecological remediation cost (% of project cost)	natural resource augmentation cost (% of project cost)	community resource augmentation cost (% of project cost)	Penalty (% of project cost)	total (% of project 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 M/s Appaswamy Real Estates Limited, at S.F.No. 494/1A2A, Sholinganallur Village, Sholinganallur Taluk, Kancheepuram District, 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. 18.66 lakhs), natural resource augmentation(Rs. 7.46 lakhs) & community resource augmentation (Rs.11.19 lakhs) , totalling Rs.37.32 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 amount specified as penalty (Rs. 18.66 lakhs) shall be remitted in the

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	<p>form of DD favouring "The Headmaster, Government PCC higher Secondary School, Cholavaram, Chennai-67" for the purpose of infrastructure development like providing permanent toilet facilities or smart class or solar lamp, submit the receipt to SEIAA before obtaining EC.</p> <p>3. The SEAC recommends that SEIAA may look into any other legal and regulatory issues that are applicable before issuing the post construction EC.</p>		
S.No	Name	Designation	Signature
1	Dr. K. Thanasekaran	Member	
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. Sivasubramanian	Member	
7	Shri V. Shanmugasundaram	Member	
8	Shri B. Sugirtharaj Koilpillai	Member	
9	Shri. P. Balamadeswaran	Co-opt Member	
10	Shri. M.S. Jayaram	Co-opt Member	