

Minutes of the 114th SEAC Meeting held on 19th June 2018

<p>114- F. 863/2011</p>	<p>Construction of residential development project "VGN TEMPLE TOWN" by M/s. VGN Developers Private Limited in S.F. No. 99, 101/1, 102/2, 104/1, 104/2, 104/3, 105/1, 105/2, 107/1B & 107/1C of Thiruverkadu Village, Poonamallee Taluk, Tiruvallur District, Tamil Nadu – Activity 8(a) & Category "B"- Building and construction Projects- Environmental Clearance under violation notification dated: 08.03.2018 of MoEF & CC – Regarding.</p>
	<p>The Project Proponent M/s. VGN Developers Private Limited has applied for Environment Clearance for the residential development project "VGN Temple Town" with a total built up area of 65122.31 Sq.m at S.F. No. 99, 101/1, 102/2, 104/1, 104/2, 104/3, 105/1, 105/2, 107/1B & 107/1C of Thiruverkadu Village, Poonamallee Taluk, Tiruvallur District, Tamil Nadu on 27.02.2013.</p> <p>The proposal was placed in the 111st SEAC meeting held on 16.05.2018. 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: 25.07.2014. 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' and also resolved in the form of a formal resolution assuring that such violation will not be repeated. 4. The Proponent was informed vide SEIAA Letter No. SEIAA-TN/F.863/2013 dated 10.11.2014 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.

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	<p>5. 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>6. Then, the proponent has filed the application to MoEF & CC under violation on 23.03.2017.</p> <p>7. Accordingly, the MoEF & CC issued ToR vide F.No. 23-11/2017-IA-III dated: 10.04.2018.</p> <p>8. Subsequently, MoEF&CC issued another notification S.O.1030 (E) dated 08.03.2018, stating that “the cases of violations projects or activities covered under category A of the Schedule to the EIA Notification, 2006, including expansion and modernization of existing projects or activities and change in product mix, shall be appraised for grant of Environmental Clearance by the EAC in the Ministry and the Environmental Clearance shall be granted at Central level, and for category B projects, the appraisal and approval thereof shall vest with 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”.</p> <p>9. The application was transferred from MoEF & CC to SEIAA-TN.</p> <p>10. The proponent submitted the EIA report to SEIAA-TN for the</p>
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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.863/2018 dated: 17.05.2018 of the Member Secretary, SEAC, a Technical Team comprising of the SEAC Members was constituted to inspect and study the field conditions.

To start with, the Technical Team held discussions with the project proponent regarding the construction of residential development project "VGN Temple Town" by **M/s. VGN Developers Private Limited**. The Technical Team took up the various items stated in the checklist for detailed discussions.

For cases where the statement of the proponent has not furnished a reply or given incomplete information, then, the proponent was asked to furnish a checklist (annexure- I) incorporating all the relevant details.

The inspection report was placed before the 114th SEAC Meeting held on 19.06.2018.

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

- (i) The Technical Team learnt that the "violation" attributed to the project is that the construction activity was started before getting the Environmental Clearance.
- (ii) Proponent has obtained TOR from MoEF & CC on 10.04.2018 and started data collection from 21.01.2018 to 20.02.2018.
- (iii) The land area for the project is 28815.71 Sq.m and Built up area is 65122 .31 Sq.m.
- (iv) The Proposal for the project consists of 12 blocks (Stilt +4 Floors) accommodating 524 apartments, club house (G+3 floors), retail block (G+2 Floors) and there will be no basement. The Utilities consists of STP,WTP,OWC,RWH,SWD and D.G sets.
- (v) The stage of construction is as follows:

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	<p>a) 5 blocks, E,F,G,H,L completed, club house and retail block completed and remaining work in progress.</p> <p>b) STP civil works completed, equipment erection in progress: WTP completed: D G sets 3 installed and 1 to be installed: 1 sump constructed, 10 RWH pits completed, SWD of 5 blocks completed.</p> <p>c) In the completed apartments, 80 units have been occupied. Thus, the project has come into the category of project under operation.</p> <p>(vi) There was a small error in the Survey Nos approved for the project and proponent was directed to clarify the same.</p> <p>(vii) For the project proposal the planning permission, TOR, Joint venture, Sale deed & Power of attorney are all in the name of VGN Developers Private Limited. However, the EC application and EIA reports are in the name of VGN property Developers Private Limited. The proponent was asked to clarify the change.</p> <p>(viii) The proponent has informed that the authorised signatory for both VGN Developers Private Limited and VGN property Developers Private Limited is Shri.K.Rajasekhar.</p> <p>(ix) OSR allocated is 2854.11 Sq.m (9.9 % approved by CMDA).</p> <p>(x) The project is located very close to the River Cooum. The river lies just 180 m on the southern side of the project boundary. There are possibilities of the river acting as source of environmental problem in the form of H₂S gas propagation and mosquito nuisance .The proponent was asked to enhance the green belt along the southern side of the boundary to mitigate this problem.</p> <p>(xi) a) Regarding green belt, it was learned during inspection that 300 trees have been planted which are in the approved list. As per norms 366 more trees should have been planted for which the proponent agreed.</p> <p>b) During inspection it was noticed that the driveway have been paved with paver blocks and that intervals space has been created for the tree plantation. The proponent was asked to remove the paver blocks to the required extent to create a green belt area of 4322.36 Sq.m and furnish the green belt plan with the revised arrangement.</p>
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	<p>(xii) Regarding rain water harvesting, one sump of 350KL has been constructed. Ten recharge pits have been only constructed (4m deep pipe) and 84 more recharge pits will have to be constructed in due course. The proponent was also asked to extend the pipes to 5m depth.</p> <p>(xiii) The project site has two entries and exists.</p> <p>(xiv) The solar energy should be used at least for street lights.</p> <p>(xv) OWC has not been installed and action should be taken immediately.</p> <p>(xvi) There is an excess treated sewage of 204KLD for which the proponent has applied for sewer connection from Thiruverkadu Municipality. Until the sewer line is ready, the excess sewage will be discharged into Koyembedu STP.</p> <p>(xvii) For CER activities the proponent is required to spend a sum of Rs.56.16 Lakhs (0.5 % of project cost of Rs.112.31 Crores).</p> <p>(xviii) The proponent was asked to furnish the updated information with respect to the following checklist provisions:</p> <ul style="list-style-type: none">a) CMDA approved plan and Planning permissionb) Environment Management Cellc) Certificate for structural safety from Anna University/IITd) Flood NoCe) Revised Green belt development planf) Adequacy report for STPg) Revised RWH pits & sumpsh) Proposed CER activitiesi) Proposal for OWCj) Land use classification certificatek) Water quality datal) Permission letter from Thiruverkadu Municipality for water supply and excess treated sewage disposal.m) The proponent was asked to revise the chapter related to remediation plan in the EIA report. <p>The proponent was asked to furnish the particulars as discussed above and</p>
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as per the check list already provided, to the Technical Team on 31.05.2018. Accordingly the proponent has submitted the check list with enclosures on 31.05.2018.

The proponent submitted the check list with enclosures on 31.05.2018. The annexure contains the extract of the checklist. The checklist contains old and supplementary data/information. In the revised checklist the following clarification have been submitted/action taken report submitted,

1. The correct survey number is 104/2 instead of 140/2. The survey number 140/2 mentioned in the EIA report already submitted is corrected to 104/2.
2. The proponent has submitted a letter to the effect that the name M/s. VGN Property developers Private Limited as found in the EC application dated 20.04.2018 and EIA report dated 20.04.2018 gets changed to M/s. VGN developers Private Limited. Hence, the name of the proponent for issue of EC will be M/s. VGN developers Private Limited.
3. The proponent has submitted the revised green belt plan for the area of 4338.02 sq.m which is adequate. Proponent has also submitted the photographs to show that paver blocks have been removed to create the necessary green belt area.

From the perusal of the original proposal of the proponent, site inspection of the construction site and 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

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	<p>caused at the time of construction which cannot be verified now.</p> <ol style="list-style-type: none">3. The proponent should install OWC of required capacity and show evidences before getting EC.4. Structural stability certificate and STP adequacy certificate should be submitted before CTE.5. Green belt development should be completed and evidence shown before getting EC. Thick greeneries should be developed on the southern side.6. 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. <p>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:</p> <ol style="list-style-type: none">a. About Ecological damage created by the proponent, Remediation plan proposed and cost-<ol style="list-style-type: none">1. Land environment- Minimal damage2. Water Environment- Significant impact over the ground water quality. Hence, project has damaged on water environment.3. Air Environment - Minimal damage4. Noise Environment- the project site does not have significant adverse impact on the surrounding ambient noise level.5. Biological Environment – No major disturbance to the surrounding ecology.b. Natural resource augmentation plan and cost:<ul style="list-style-type: none">➤ Air environment – cost projected – 0.03% of total project cost – Rs. 3.37
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MEMBER SECRETARY, SEAC


CHAIRMAN, SEAC

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Lakhs (remediation to mitigate the air emission)

- Water environment - cost projected – 0.028% of total project cost – Rs. 3.14 Lakhs (To mitigate the water pollution)
- Land Environment - cost projected – 0.02% of total project cost – Rs. 2.25 Lakhs (for land environment protection)
- Noise environment - cost projected – 0.017% of total project cost – Rs. 1.91 Lakhs (to control the noise pollution)
- Biological Environment - cost projected – 0.01% of total project cost – Rs. 1.12 Lakhs (development of green belt)
- To strengthen the Ayanambakkam lake bunds and plant drought resistant Palm trees to prevent the bunds from eroding in consultation with PWD, Tamil Nadu within a period of 8 months after obtaining EC - cost projected – 0.22% of total project cost – Rs. 24.7 Lakhs.

c. Community resource augmentation plan and cost

1. Plan to provide basic amenities like sanitary facilities, drinking water facilities, etc for Government High School located at Thiruverkadu - cost projected – 0.18% of total project cost – Rs. 20.22 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 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)	CER (% 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. VGN Developers Private Limited at S.F. No. 99, 101/1, 102/2, 104/1, 104/2, 104/3, 105/1, 105/2, 107/1B & 107/1C of Thiruverkadu Village, Poonamallee Taluk, Tiruvallur District, comes under the "High 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. 56.16 lakhs), natural resource augmentation(Rs. 22.47 lakhs) & community resource augmentation (Rs. 33.7 lakhs), totalling Rs. 112.33 lakhs shall be remitted in the form of bank guarantee to Tamil Nadu Pollution Control board,



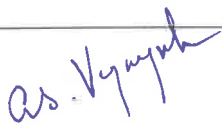

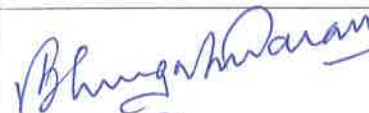


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before obtaining Environmental Clearance and submit the acknowledgement of the same to SEIAA-TN. The funds should be utilized for the remediation plan, Natural resource augmentation plan & Community resource augmentation plan as indicated in the EIA/EMP report.

2. The amount specified as CER (Rs. 112.31 Lakhs) shall be remitted in the form of DD before issue of EC for the following activities.

Sl.No	Activities	Name and address of the beneficiary	Amount & DD favouring	Purpose
1.	Education	The Head Master, Government Higher Secondary School, R. Pattanam – 637 408, Rasipuram Taluk, Namakkal District	Rs. 15 Lakhs, DD favouring “The Head Master, Government Higher Secondary School, R. Pattanam, Rasipuram”	Infrastructure facilities like furnitures, laboratories and drinking water facilities.
2.	Education	The Head Mistress C.M.S. EVA. Middle School, Paruthipadu & Post, Moolakaraipatti – Via, Tirunelveli District – 627 354	Rs. 18.31 Lakhs, DD favouring “The Head Mistress C.M.S. EVA. Middle School, Paruthipadu”	For the construction of classrooms.
3.	Education	The chief conservator of Forest & Additional Director i/c, Tamil Nadu Forestry Academy, Coimbatore	Rs. 30 Lakhs, DD favouring “SWIFT society” payable at Coimbatore	Maintenance and infrastructure facilities for hostel with 150 rooms which is housing forest range officers and forest trainees
5.	Education	Registrar, Anna University, Chennai - 25	Rs. 50 Lakhs, DD favouring “Registrar, Anna University”	To set up an advanced laboratory in the department of mining engineering for rock blasting

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				studies related to mining operations. The laboratory will serve as a referral laboratory for the appraisal of mining projects by SEAC/SEIAA & DEAC/DEIAA.
	3. The SEAC recommends that SEIAA may look into any other legal and regulatory issues that are applicable before issuing the post construction EC			
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	