

<p>113- F. 433/2010</p>	<p>Construction of Residential Building Complex entitled "OSIAN CHLOROPHYLL" by M/s. SPR & RG Construction Private Limited at S.F.No. 137/1, 138/1, 148/5A & 148/7A of Karambakkam Village, Maduravoyal Taluk, Thiruvallur District, Tamil Nadu – Activity 8(a) & Category "B2"- Building & Construction Projects – ToR to be issued under violation notification dated: 08.03.2018 of MoEF & CC – Regarding.</p>
	<p>The Project Proponent M/s. SPR & RG Construction Private Limited has applied for Environment Clearance to SEIAA-TN for the construction of Residential Building Complex entitled "OSIAN CHLOROPHYLL" with a total built up area of 1,66,480 Sq.m at S.F.No. 137/1, 138/1, 148/5A & 148/7A of Karambakkam Village, Maduravoyal Taluk, Thiruvallur District, Tamil Nadu, on 28.01.2011.</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. After scrutiny of Form-1, Form-IA, proposed ToR, Annexures, certain additional details were called in this office letter No. SEIAA-TN/F.433/2011 dt.14/6/2013. 2. The project proponent in his letter dt.15/7/13 has furnished the Letter of Apology / Commitment, duly resolved by the Board of Directors for the violation of EIA Notification, 2006, as the construction activities have already been started without obtaining the mandatory prior-Environmental Clearance from the Competent Authority. The letter of apology furnished by the Project Proponent was forwarded to Govt. of Tamilnadu, Environment & Forests Department to initiate credible action against violation committed by Project Proponent in this office letter No.SEIAA-TN/F.433/2011 dated: 19.07.2013. 3. The Govt. of Tamilnadu, Environment & Forests Department has directed the TNPCB to initiate legal action against the M/s.SPR&RG

Minutes of the 113th SEAC Meeting held on 04th June 2018

	<p>constructions P.Ltd. vide letter no.18281/EC.3/2013-1 dated: 26.08.2013.TNPCB has filed a case in JM, Ambattur.</p> <p>4. The proposal was placed before the 44th SEAC meeting, the SEAC decided to recommend the proposal for the grant of standard ToR to conduct EIA study in addition certain details also to be incorporated in ToR. The ToR was granted vide letter No. SEIAA-TN/F.433/SEAC-44/TOR-158/2012 dated: 07.10.2013.The Project proponent furnished the EIA report on 28.04.2014.</p> <p>5. The EIA report was placed before the 57th SEAC meeting, the SEAC decided to recommend the proposal to SEIAA-TN, for issue of Environmental Clearance subject to certain conditions.</p> <p>6. Mean while, Hon'ble NGT (SZ), in application no. 135/2014 filed by Thiru.S.P.Muthuraman on 21.05.2014 stayed the OM dated 12.12.2012.After hearing the case on various dates, the Hon'ble NGT, Southern Bench was transferred to Principal Bench of NGT, New Delhi which is registered as O.A. No. 37/2015</p> <p>7. The details along with revised EIA report were furnished by the proponent vide their letter dated: 23.07.2014.</p> <p>8. While the hearing is in progress in the Hon'ble NGT, New Delhi, seven project proponents (M/s. SSM Builders & Promoters, M/s Jones Foundation Pvt. Ltd, M/s. Y.Pondurai, M/s Dugar Housing Ltd., M/s SAS Realtors Pvt. Ltd, M/s Ruby Manoharan Property Developers Pvt. Ltd and M/s. SPRRG Constructions Private Ltd.) have impleaded in the NGT, New Delhi for immediate relief. After hearing their plea, the Hon'ble NGT, New Delhi has quashed the OM's dated: 12.12.2012 & 27.06.2013 on 07.07.2015 which involves the process of regulating the violation cases and constituted a committee to inspect the sites of all these 7 project proponents and report the stage of environmental damages ., etc. Further on 01.09.2015, the NGT New Delhi appointed Thiru.A.K.Mehta, I.A.S., Joint Secretary to Government of India, MoEF& CC as the Chairman of the Committee. The Committee constituted by Hon'ble NGT has</p>
--	---

	<p>submitted the report. It is submitted that the proponent M/s. SPR& RG has paid only Rs. 1.50 Crores to TNPCB out of Rs. 12.5505 Crores levied as Environmental Compensation by the Hon'ble NGT, PB, New Delhi order dated:07.07.2015</p> <p>9. Meanwhile, the proponents except M/s. SSM Builders & Promoters has filed civil appeal before the Hon'ble Supreme Court of India. Hon'ble Supreme Court has stayed the Order(s) and Judgement(s) passed by Hon'ble NGT in O.A. No. 37/2015 based on the appeal preferred by M/s. Dugar housing limited, M/s. SPR & RG constructions P.Ltd, M/s. Jones Foundations Ltd., M/s SAS Realtors Pvt. Ltd, M/s Ruby Manoharan Property Developers Pvt. Ltd & M/s. Y.Pondurai, in C.A no.: 7191-7192/2015, 7193-7194/2015, 9108/2015, 5618/ 2015, 13844 – 13845 of 2015 &38168 / 2015 respectively. Now the OM dated: 12.12.2012 is in operation for the above said proposals.</p> <p>10. Further based on the Hon'ble Supreme Court Judgement dated:24.09.2015, the SEIAA-TN sought for clarification from MoEF&CC vide Letter no.37/NGT/ SEIAA-TN/2015 dated:29.09.2015), stating "whether Environmental Clearances may be issued to such cases where credible action has already been initiated by State Government with a condition that the Project Proponent shall comply the directions of the Hon'ble Supreme Court of India in C.A.No.7191-7192/2015 and 7193-7194/2015 or in light of the stay order issued by the Hon'ble Supreme Court ”.</p> <p>11. The MoEF/Gol, vide letter no. J-11013/97/2007-IA.II(I) dated 08.10.2015 clarified as "directed the SEIAA-TN that there is no Legal Impediment or restrictions on the implementation of the provisions of the OM dated: 12.12.2012 and 27.06.2013, in the treatment of the cases for consideration of Environmental Clearances having Violations and to consider the request of M/s. Dugar Housing for Environmental Clearance in accordance with the provisions of the said OM's immediately".</p>
--	---

Minutes of the 113th SEAC Meeting held on 04th June 2018

	<p>12. Further, the MoEF/Gol has clarified vide letter No. F.No.J-11013/97/2007-IA-II(I) dated: 17.11.2015, "SEIAA, Tamilnadu should grant Environmental Clearance in accordance with the provisions of EIA Notification, 2006 based on merits of the cases as sought by M/s.Dugar Housing Limited (CA No.7193), M/s.SPR&RG Constructions P.Ltd.(CA No. 7194) and M/s.Jones Foundations P.Ltd (CA No.9108)-this also being the case in which supreme court has stayed the impugned order of NGT.</p> <p>13. The Clarification as sought by SEIAA, Tamilnadu vide their letter dated: 29.09.2015 on the treatment of other cases under consideration of Environmental Clearance involved in cases of Violation will be issued separately.</p> <p>14. And also the MoEF/Gol, vide letter no. J-11013/97/2007-IA.II(I) dated 07.12.2015 directed the "SEIAA, Tamilnadu should grant Environmental Clearance in accordance with the provisions of EIA Notification, 2006 based on facts and merits of the case as sought by Thiru.Y.Pondurai, Chennai, M/s. Ruby Manoharan Property Developers Pvt. Ltd., Chennai, M/s. SAS Realtors Pvt. Ltd., Chennai.</p> <p>15. Based on the clarification by MoEF/Gol, SEIAA-TN requested the proponents to furnish required details for the consideration of Environmental Clearance. On receipt of the additional particulars, and recommendations from the SEAC, SEIAA-TN after obtaining the indemnity bond from the proponent conditional Environment Clearance was issued to M/s.SPR & RG Constructions Pvt Ltd., on 19.11.2015, stating that the "Project proponent shall abide by whatever the directions/Legal outcome of the cases in Hon'ble Suprem Court of India, Hon'ble NGT, Principal Bench and their respective Judicial Magistrate Court. If the above affirmation is proved as incorrect/wrong at a later date, I may be punished according to law".</p> <p>16. In the Environmental Clearance condition no. xxxix of Part C- Conditions for Operation Phase/Post Construction Phase/Entire Life</p>
--	--

	<p>of the Project</p> <p>“Failure to comply with any of the conditions mentioned above may result in withdrawal of this clearance and attract action under the provisions of the Environment (Protection) Act, 1986”.</p> <p>17. In the meantime, the Hon'ble Supreme Court in its order dated: 04.07.2016 in civil Appeal No(s): 1119-1120/2016, called for other appeals viz C.A.No.7193-7194/2015 (M/s. M/s. SPR&RG constructions P.Ltd.), C.A no.: 13844-13845/2015 (m/s. Ruby Manoharan Property Developers P.Ltd.) , C.A no.: 7191-7192/2015 (M/s. Dugar housing Ltd.), C.A. No: 5618/ 2015 (M/s. SAS Realtors), C.A.9108/2015 (M/s. Jones Foundations P.Ltd.), C.A. Diary No. 38168 (Thiru. Y. Pondurai), directed the “parties shall be free to urge the Tribunal for their relief”.</p> <p>18. In this regard, when the O.A No. 452/2015, 453/2015 (main O.A No 37/2015) came up for hearing on 08.07.2016, the Hon'ble NGT, (PB) New Delhi after detailed deliberation about O.A.no 452/2015 & 453/2015 in the Hon'ble NGT (PB), New Delhi as well as the order of the Hon'ble Supreme Court dated:04.07.2016 in civil Appeal No(s): 1119-1120/2016. The Hon'ble NGT (PB) New Delhi ordered the following which has been communicated through the Counsel Advocate:</p> <p>i) To withdraw all the Environmental Clearance (ECs) issued to all the proponents related the said O.A by today (08.07.2016) positively.</p> <p>ii) TN SEIAA have to submit the details of the ECs granted and the details of the ECs(why the ECs were granted, when the ECs were granted, to whom the ECs were granted... etc..) with relation to all the project proponents appeared before the Hon'ble Supreme Court of India, New Delhi and also before the Hon'ble NGT, Principal Bench, New Delhi by the next hearing i.e 12.07.2016.</p>
--	--

Minutes of the 113th SEAC Meeting held on 04th June 2018

	<p>iii) TN SEIAA have to give notice immediately to all the project proponents stating that they have to present before Hon'ble NGT, Principal Bench, New Delhi on 12.07.2016.</p> <p>19. Also, the Project Proponent have not communicated the compliance status of the EC conditions Nos. 1, 4 & 14 in the Pre-Construction phase, however the construction is going on. And also the Project Proponent have not communicated the compliance status of the EC conditions Nos.16 & 28 in the Construction phase, which are required to be complied before taking further construction activity.</p> <p>20. It is further observed from the reports of the Committees constituted by the Hon'ble NGT (PB), New Delhi and SEIAA-TN, that the project Proponent have not complied the Environment Clearance (EC) Conditions.</p> <p>21. In this regard, the SEIAA, in its 179th meeting held on 11.07.2016, has resolved to withdraw the Environmental Clearance issued.</p> <p>22. Accordingly, the Environmental Clearance issued vide Letter No. SEIAA /TN /F.433 /EC /8(b)/426 /2015 dt:19.11.2015 was withdrawn vide T/O Letter No. SEIAA/TN/F.433/ 8(b)/2016 dt:.14.07.2016.</p> <p>23. 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:</p>
--	---

	<p>19.06.2017.</p> <p>24. Then, the proponent has filed the application to MoEF & CC under violation on 25.07.2017.</p> <p>25. The MOEF & CC has addressed a letter dated: 19.01.2018 to the Member Secretary SEIAA-TN, in which it was stated that</p> <p>“As per the order dated: 16.01.2018 of Hon’ble NGT, PB at New Delhi in M.A. 23 of 2018 in Appeal no.40 of 2016 and M.A. 24 of 2018 in Appeal no.41 of 2016, directed the MOEF & CC to dispose the applications of the appellants for the grant of EC on considering the said recommendations in light of the notification dated: 14.03.2017 in accordance with law within one month. In compliance of the above directions of the Hon’ble NGT, the proposal was placed in the 4th EAC meeting related to Violation of EIA notification, 2006 , held on 19-21 February 2018”.</p> <p>26. The Committee noted that the project was granted EC by SEIAA-TN vide letter dated: 19.11.2018 after payment of the Environmental Compensation as per the orders of the Hon’ble NGT, even after having been identified under Violation category and no extract provisions to deal with such cases at that stage. Further the said EC was revoked by SEIAA-TN vide letter dated: 17.07.2016, apparently due to no valid reasons on record and/or no orders of Hon’ble Courts/NGT. The EAC after deliberations and in view of legal interventions prior to grant of EC ad even after that , the EAC asked the PP to provide complete details of the matter for better understanding of the case, and thus to comply with the directions of Hon’ble NGT in letter and spirit. The Committee also desired for opinion of this ministry on applicability of the notification dated: 14.03.2017 in such cases to facilitate the further consideration of the proposal.</p> <p>27. Meanwhile, the Ministry vide Notification No. S.O. 1030 (E) dated: 08.03.2018 followed by OM’s dated: 15th & 16th March, 2018 for</p>
--	---

MEMBER SECRETARY, SEAC


CHAIRMAN, SEAC

Minutes of the 113th SEAC Meeting held on 04th June 2018

implementation of said notification interalia provides that the projects/activities covered under Category B shall be considered by the SEAC/SEIAA in respective states / UTs.

The above said proposal has already been transferred online to SEIAA – TN. In view of the above, the proposal of M/s. SPR & RG Constructions private Limited may be considered in pursuance of the Notification No. S.O. 1030 (E) dated: 08.03.2018 followed by OM's dated: 15th & 16th March, 2018 for implementation of said notification and in compliance of the order dated: 16.01.2018 of Hon'ble NGT, PB, New Delhi.”

The proposal was placed in the 111th SEAC meeting held on 15.05.2018. The proponent made a presentation about the project proposal.

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.433/2013 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 Building Complex entitled “OSIAN CHLOROPHYLL” by M/s. SPR & RG Construction 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 revised checklist incorporating all the relevant details.

The proposal was placed before the 113th SEAC Meeting held on 04.06.2018.

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

- (i) The existing land use for the site is Industrial and Primary residential zone as per CMDA Notification. The project category is residential. The proponent is directed to obtain the necessary land use certificate to justify the construction of residential complex at the chosen site and must obtain necessary certificate from the CMDA.
- (ii) The Technical Team learnt that the "violation" attributed to the project is that the construction activity was started before getting the Environmental Clearance.
- (iii) There will be totally 9 towers, all completed (98%) and only finishing & landscaping work remaining to be done. Regarding utilities, STP & DG set have been installed and in operation.
- (iv) The water balance diagram is to be revised taking into consideration the use of treated sewage for OSR green belt development.
- (v) The recharge covers installed for the recharge pits should have adequate openings to allow rain water inflow. The recharge well should have 1.5m depth.
- (vi) There will be totally 1050 apartments in 9 towers. 150 apartments have been handed over to the buyers. About 90-95 apartments have been occupied by the buyers. Thus, the project has to be categorized as the project under operation.
- (vii) During construction, 18 trees were cut and compensation trees (180 trees) have not been planted. For green belt, 5368 sq.m area will be required and the proponent has earmarked 5380 sq.m of green belt. Totally 448 trees of approved species should be planted and 237 trees have been planted already. However, only 137 trees are under the approved species. Considering all this, the proponent should plant 311 trees more for the normal green belt and 180 trees as part

Minutes of the 113th SEAC Meeting held on 04th June 2018

	of the compensation green belt.
(viii)	The proponent should discontinue the practice of using treated sewage for growing edible varieties like brinjal.
(ix)	Rain water harvesting structures with 4 numbers of recharge wells are in place. In addition, 3 sumps of 70 cu.m capacity have been constructed. Excess storm runoff will be disposed into the existing storm water drain near the project site.
(x)	A WTP will be installed.
(xi)	The stacks attached to the DG sets are low in height and they should have height as per CPCB norms.
(xii)	The proponent should segregate the MSW at the source and manage the segregated portions as per the scientific principles. The present fact is of collecting the waste from the apartments in one common place and segregating the same, was not in order as observed during the inspection.
(xiii)	The inspection team also noted the channel constructed as part of the diversion channel as per the PWD approval.
(xiv)	OSR land has been provided as per norms.
(xv)	Excess treated sewage of 345 KLD will be disposed to Nesapakkam STP.
(xvi)	For CER activities, an amount of Rs. 125.51 Lakhs (0.5% of Rs. 251.01 Crores) should be earmarked. This amount should be utilized for creating infrastructure facility for the local Government schools and villages nearby. The proponent should furnish a detailed proposal in the EIA report to cover Rs. 125.51 Lakhs.
(xvii)	The proponent was asked to furnish the updated information with respect to the following checklist provisions: <ul style="list-style-type: none"> i. Site plan showing all details ii. Fire NOC/ Airport NOC/ Traffic NOC iii. Planning permission from CMDA iv. Green belt plan v. Environmental Management Cell

- vi. Certificate for structural safety from Anna University/IIT
- vii. Land use certificate

The proponent was asked to furnish the particulars as discussed above and as per the check list already provided, to the Technical Team on 28.05.2018. Accordingly the proponent has submitted the revised check list with enclosures on 28.05.2018.

The proponent submitted the revised check list with enclosures on 28.05.2018. The annexure contains the extract of the revised checklist. The revised checklist contains old and supplementary data/information. The proponent has completed the following activities after the inspection.

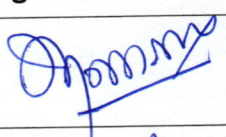
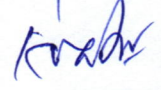
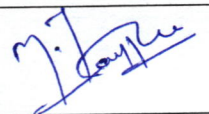
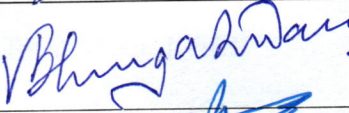
- i. The depth for the collection cum recharge well has been increased to 1.5 m.
- ii. Perforated manual covers have been provided for the storm water drain.

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:

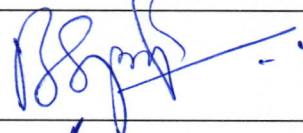
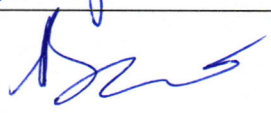
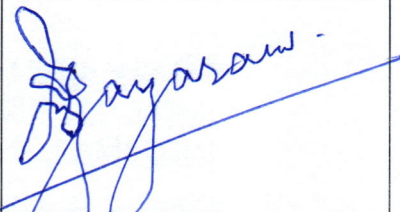
1. The proponent has made a procedural violation in the sense that the proponent has started construction of the Residential project before getting the Environmental Clearance from the competent authority.
2. When the technical team assessed whether the proponent has actually followed in the past, the 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 now.
3. The technical team recommends the proposal to SEAC to favourably process proposal for recommendation to SEIAA for the grant of ToR. However, it is to be pointed out that this proposal is not a "regular"

Minutes of the 113th SEAC Meeting held on 04th June 2018

	<p>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> <p>4. The proponent should complete the following activities/submit necessary documents by the time of submitting the EIA report:</p> <ol style="list-style-type: none"> Common green belt & compensation green belt should be completed before submission of the EIA. Stack of adequate height should be installed. Proposals for CER activities should be submitted Land use certificate should be submitted for permissible activities. <p>The SEAC accepted the recommendations of the technical team and decided to recommend the proposal to SEIAA for considering issue of ToR in 3 parts as annexed for conducting the EIA study for the project of construction of Residential Building Complex entitled "OSIAN CHLOROPHYLL" at S.F.No. 137/1, 138/1, 148/5A & 148/7A of Karambakkam Village, Maduravoyal Taluk, Thiruvallur District, Tamil Nadu.</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. Shanmugasundaram	Member	

Minutes of the 113th SEAC Meeting held on 04th June 2018

7	Shri B. Sugirtharaj Koilpillai	Member	
8	Shri. P. Balamadeswaran	Co-opt Member	
9	Shri. M.S. Jayaram	Co-opt Member	

MEMBER SECRETARY, SEAC


CHAIRMAN, SEAC

ANNEXURE

Part-I

STANDARD TERMS OF REFERENCE FOR CONDUCTING ENVIRONMENT
IMPACT ASSESSMENT STUDY FOR CONSTRUCTION PROJECTS AND
INFORMATION TO BE INCLUDED IN EIA/EMP REPORT

- 1) Examine details of land use as per Master Plan and land use around 10 km radius of the project site. Analysis should be made based on latest satellite imagery for land use with raw images. Check on flood plain of any river.
- 2) Submit details of environmentally sensitive places, land acquisition status, rehabilitation of communities/ villages and present status of such activities.
- 3) Examine baseline environmental quality along with projected incremental load due to the project.
- 4) Environmental data to be considered in relation to the project development would be (a) land, (b) groundwater, (c) surface water, (d) air, (e) bio-diversity, (f) noise and vibrations, (g) socio economic and health.
- 5) Submit a copy of the contour plan with slopes, drainage pattern of the site and surrounding area. Any obstruction of the same by the project
- 6) Submit the details of the trees to be felled for the project.
- 7) Submit the present land use and permission required for any conversion such as forest, agriculture etc.
- 8) Submit Roles and responsibility of the developer etc for compliance of environmental regulations under the provisions of EP Act.
- 9) Ground water classification as per the Central Ground Water Authority.
- 10) Examine the details of Source of water, water requirement, use of treated waste water and prepare a water balance chart.
- 11) Rain water harvesting proposals should be made with due safeguards for ground water quality. Maximize recycling of water and utilization of rain water. Examine details.
- 12) Examine soil characteristics and depth of ground water table for rainwater harvesting.
- 13) Examine details of solid waste generation treatment and its disposal.
- 14) Examine and submit details of use of solar energy and alternative source of energy to reduce the fossil energy consumption. Energy conservation and energy efficiency.
- 15) DG sets are likely to be used during construction and operational phase of the

Minutes of the 113th SEAC Meeting held on 04th June 2018

- project. Emissions from DG sets must be taken into consideration while estimating the impacts on air environment. Examine and submit details.
- 16) Examine road/rail connectivity to the project site and impact on the traffic due to the proposed project. Present and future traffic and transport facilities for the region should be analysed with measures for preventing traffic congestion and providing faster trouble free system to reach different destinations in the city.
 - 17) A detailed traffic and transportation study should be made for existing and projected passenger and cargo traffic.
 - 17) Examine the details of transport of materials for construction which should include source and availability.
 - 18) Examine separately the details for construction and operation phases both for Environmental Management Plan and Environmental Monitoring Plan with cost and parameters.
 - 19) Submit details of a comprehensive Disaster Management Plan including emergency evacuation during natural and man-made disaster.
 - 20) Details of litigation pending against the project, if any, with direction /order passed by any Court of Law against the Project should be given.
 - 21) The cost of the Project (capital cost and recurring cost) as well as the cost towards implementation of EMP should be clearly spelt out.
 - 22) Any further clarification on carrying out the above studies including anticipated impacts due to the project and mitigative measure, project proponent can refer to the model ToR available on Ministry website "<http://moef.nic.in/Manual/Townships>".
-

MEMBER SECRETARY, SEAC


CHAIRMAN, SEAC

Minutes of the 113th SEAC Meeting held on 04th June 2018

PART-II

Additional TOR specified by the SEAC to deal with the violation aspects of the construction projects

SECTION A

As per the MoEF & CC Notification S.O. 1030 (E) dated: 08.03.2018,

1. "The cases of violations will be appraised by the Expert Appraisal Committee at the Central level or State or Union territory level Expert Appraisal Committee constituted under sub-section (3) of section 3 of the Environment (Protection) Act, 1986 with a view to assess that the project has been constructed at a site which under prevailing laws is permissible and expansion has been done which can run sustainably under compliance of environmental norms with adequate environmental safeguards, and in case, where the findings of Expert Appraisal Committee for projects under category A or State or Union territory level Expert Appraisal Committee for projects under category B is negative, closure of the project will be recommended along with other actions under the law.
2. In case, where the findings of the Expert Appraisal Committee or State or Union territory level Expert Appraisal Committee on point at subparagraph (4) above are affirmative, the projects will be granted the appropriate Terms of Reference for undertaking Environment Impact Assessment and preparation of Environment Management Plan and the Expert Appraisal Committee or State or Union territory level Expert Appraisal Committee, will prescribe specific Terms of Reference for the project on assessment of ecological damage, remediation plan and natural and community resource augmentation plan and it shall be prepared as an independent chapter in the environment impact assessment report by the accredited consultants, and the collection and analysis of data for assessment of ecological damage, preparation of remediation plan and natural and community resource augmentation plan shall be done by an environmental laboratory duly notified under the Environment (Protection) Act, 1986, or a environmental laboratory accredited by the National Accreditation Board for Testing and Calibration Laboratories, or a

Minutes of the 113th SEAC Meeting held on 04th June 2018

laboratory of the Council of Scientific and Industrial Research institution working in the field of environment.”

After the appraisal of the project, the SEAC decided that the Para No.2 stated above is applicable to the project. Hence, the proponent is directed to prepare appropriate reports as contained in the Para 2.

While complying with the specific aspects of the MoEF & CC directions as stated in the Para 2 above, the following steps should be followed:

Step 1: Enumerate the aspects of Violation:

- a) The proponent should enumerate the violations as applicable to the project.
- b) Furnish a description of each violation with quantitative and qualitative data.
- c) Violation categories are to be decided taking into consideration the stage at which the project execution stands.

Step 2: Ecological Damage Assessment:

- a) For each aspect of violation enumerated in step (1), identify the resultant environmental damage that may have been caused.
- b) Furnish a description of the environmental damages with quantitative and qualitative data.

Step 3: Remediation Plan:

- a) For the Environmental damage(s) identified in the step (2) above, prepare the remediation plan for the each or combination of damages.
- b) The remediation plan should essentially consists of problem statement, target to be achieved (quantity), standards, technology/procedure for remediation, equipment and machinery to be used, time schedule and remediation cost(direct and indirect cost, capital as well as O&M costs).

MEMBER SECRETARY, SEAC


CHAIRMAN, SEAC

Minutes of the 113th SEAC Meeting held on 04th June 2018

SECTION B

1. Natural resource Augmentation:

a) The resources that should be considered for augmentation should essentially consist of land, biota, air, water and other resources as applicable.

b) Proponent may choose one or more of the resource augmentation as applicable and provide a description of the augmentation proposal in detail for each resource.

c) The proponent should also furnish the cost for each augmentation scheme.

2. Community resource Augmentation:

a) The proponent should prepare a plan of action for addressing the needs of the community in terms of resources in the sectors of education, health and sports primarily and other such resources as applicable to the community in the vicinity of the project.

b) The community resource augmentation plan should consist of rehabilitation of houses and people, budget allocation and time schedule for completing the activity.

SECTION C

The proponent should prepare content for the ecological damage assessment, remediation plan, natural resource augmentation and community resource augmentation separately in a chapter and include in the EIA / EMP report.

SECTION D

a) After the appraisal of the EIA / EMP report submitted by the proponent, the SEAC will make a judgement of the quality of the content in the EIA / EMP report specifically with reference to the chapter covering the ecological damage assessment, remediation plan, natural resource augmentation and community resource augmentation.

Minutes of the 113th SEAC Meeting held on 04th June 2018

- b) In the judgement of SEAC, if the quality of the content in the chapter is not satisfactory, the SEAC may direct the proponent to further revise the chapter and resubmit the EIA/EMP report.
- c) If SEAC concludes that the technical part is satisfactory and the costing aspect is not satisfactory then the SEAC may revert to legal provisions, MoEF & CC guidelines and similar expert committee recommendations for finalizing the cost aspects or the SEAC may use its own expertise and experience in finalizing the cost.

SECTION E

The proponent is directed to furnish data as per the CHECKLIST (Enclosure). It will help the SEAC in arriving at the nature of violations, the ecological damage and the associated cost.

MEMBER SECRETARY, SEAC

19


CHAIRMAN, SEAC

Minutes of the 113th SEAC Meeting held on 04th June 2018

Enclosure

CHECKLIST

To be filled in by the project proponent with supporting documents. Furnish reply to each question listed below.

Name of the project:

Project location:

Stage at which the project execution stands:

Part - A – Applicable for Pre-construction:

1. Have the constructions of STP, Solid Waste Management facility, E-waste management facility, DG sets, etc., been made in the earmarked area only?
2. Have statutory clearances and approvals been obtained?
 - a) Chief Controller of Explosives,
 - b) Fire and Rescue Services Department,
 - c) Civil Aviation Department,
 - d) Forest Conservation Act, 1980 and Wild Life (Protection) Act, 1972,
 - e) State / Central Ground Water Authority,
 - f) Coastal Regulatory Zone Authority, Bio-Diversity Act, 2002, Wetland Authority Act & Rules, other statutory and other authorities as applicable to the project been obtained by project proponent from the concerned competent authorities?
3. Have trees been cut? If yes, has the compensation plantation been done, in the ratio of 1: 10?
4. Have the Plastic wastes been segregated and disposed as per the provisions of Plastic Waste (Management & Handling) Rules 2016?
5. Has a separate environmental management cell formed with suitable qualified personnel?

Part - B –Pre construction phase:

6. Has the approval of the competent authority been obtained for structural safety of the buildings during earthquake, adequacy of fire fighting equipments.

Minutes of the 113th SEAC Meeting held on 04th June 2018

etc as per National Building Code including protection measures from lightning etc before commencement of the work?

7. Have all required sanitary and hygienic measures for the workers were in place before starting construction activities and the same have been maintained throughout the construction phase?
8. Are the designs of buildings in conformity with the Seismic Zone Classifications?
9. Has the construction of the structures been undertaken as per the plans approved by the concerned local authorities/local administration?
10. Has any construction activity of any kind been taken up in the OSR area?
11. Has the Consent of the local body concerned been obtained for using the treated sewage in the OSR area for gardening purpose?
12. Are the height and coverage of the constructions in accordance with the existing FSI/FAR norms as per Coastal Regulation Zone Notification, 2011?
13. Is the basement of the building above the maximum flood level documented by the Water Resource Department, PWD, Government of Tamil Nadu in consultation with the CMDA?
14. Are the pipelines marked with different colors with the following details?
 - i. Location of STP, compost system, underground sewer line.
 - ii. Pipe Line conveying the treated effluent for green belt development.
 - iii. Pipe Line conveying the treated effluent for toilet flushing
 - iv. Water supply pipeline
 - v. Gas supply pipe line, if proposed
 - vi. Telephone cable
 - vii. Power cable
 - viii. Storm water drains, and
 - ix. Rain water harvesting system.,
15. Has a First Aid Room been provided in the project site during the entire construction and operation phases of the project?
16. Has the structural design of the proposed building been vetted by premier academic institutions like Anna University, IIT Madras, etc?
17. Is there any threat to the biodiversity due to the proposed development?

Minutes of the 113th SEAC Meeting held on 04th June 2018

18. Has the present land use surrounding the project site got disturbed at any point of time?
19. Has the existing land use been altered due to the project and is it in consistent with the surroundings?
20. Has the green belt area been planted with indigenous native trees, in adequate numbers and areas?
21. Have the natural vegetation listed particularly the tress, been removed during the construction phase? Was there disturbance to the aquatic eco-system within and outside the area?
22. Did the construction activities of the site adhere to all environmental and ecological standards and safeguards?
23. Have the rain water harvesting system (storage + recharge pits) been designed as per the Rain water harvesting and conservation manual of CPWD?
24. Has the land earmarked for OSR been identified, earmarked in coordination with CMDA adjacent to the entry or exit and it has been fenced?
25. Does storm water generated within the premises find access to any water bodies directly/indirectly?
26. Are proper Fire fighting plan and disaster management plan in place?
27. Does the building spoil the green views and aesthetics of surroundings and does it provide enough clean air space?
28. Are the DG Sets and STP located away from the boundary of the project site to ensure minimal disturbance to the neighbours?

Part - C – Construction phase:

29. Have all the labourers engaged for construction been screened for health and adequately treated before and during their employment on the work at the site?
30. Were Personnel working in dusty areas given protective respiratory devices and provided with adequate training and information on safety and health aspects? Have Occupational health surveillance program of the workers been undertaken periodically to observe any contradictions due to exposure to dust?

31. Have Periodical medical examination of the workers engaged in the project been carried out and records maintained?

32. Water Supply:

- i) If water requirement during construction phase was met from ground water source, then approval of the PWD Department of water resources is necessary. Was it obtained?
- ii) Was provision made for the housing labour within the site with all necessary infrastructures and facilities such as fuel for cooking, mobile toilets, mobile STP, safe drinking water, medical health care, crèche etc?
- iii) Was adequate drinking water and sanitary facilities provided for construction workers at the site? Was the treatment and disposal of waste water through dispersion trench after treatment through septic tank? The MSW generated disposed through Local Body?
- iv) Was water demand during construction reduced by use of pre-mixed concrete, curing agents and other best practices prevalent?
- v) Are the fixtures for showers, toilet flushing and drinking water of low flow type by adopting the use of aerators / pressure reducing devices / sensor based control?

33. Solid Waste Management:

- i) Was the solid waste in the form of excavated earth excluding the top soil generated from the project activity scientifically utilized for construction of approach roads and peripheral roads?

34. Top Soil Management:

- i) Was the top soil excavated during construction activities stored for use in horticulture/ landscape development within the project site?

35. Did disposal of construction debris during construction phase affect the neighboring communities and was it disposed off only in approved sites, with the approval of Competent Authority with necessary precautions for general safety and health aspects of the people? Was the construction and demolition waste managed as per Construction & Demolition Waste Management Rules, 2016?

MEMBER SECRETARY, SEAC


CHAIRMAN, SEAC

Minutes of the 113th SEAC Meeting held on 04th June 2018

36. Did Construction spoils, including bituminous materials and other hazardous materials, watercourses? Was the dump sites for such materials secured so that they should not leach into the adjacent land/ lake/ stream etc?

37. Diesel Generator sets:

- i) For the diesel generator used during construction phase, was the air and noise emission in conformity to the standards prescribed in the Rules under the Environment (Protection) Act, 1986, and the Rules framed thereon?
- ii) Was the diesel required for operating stand by DG sets stored in underground tanks fulfilling the safety norms? Was clearance from Chief Controller of Explosives was taken?
- iii) Are the acoustic enclosures installed at all noise generating equipments such as DG sets, air conditioning systems, cooling water tower, etc?

38. Air & Noise Pollution Control:

- i) Were vehicles hired for bringing construction materials to the site in good condition and conformed to air and noise emission standards, prescribed by TNPCB/CPCB? Were the vehicles operated only during non-peak hours?
- ii) Ambient air and noise levels should conform to residential standards prescribed by the TNPCB, both during day and night. Was the Incremental pollution loads on the ambient air and noise quality closely monitored during the construction phase? Was any pollution abatement measures implemented?
- iii) Traffic congestion near the entry and exit points from the roads adjoining the proposed project site shall be avoided. Is parking fully internalized and no public space utilized? Is Parking plan as per CMDA norms?
- iv) Do the buildings have adequate distance between them to allow free movement of fresh air and passage of natural light, air and ventilation?

39. Building material:

- i) Were Fly-ash blocks used as building material in the construction as per the provision of Fly ash Notification of September, 1999 and amended

Minutes of the 113th SEAC Meeting held on 04th June 2018

as on 27th August, 2003 and Notification No. S.O. 2807 (E) dated: 03.11.2009?

- ii) Was Ready-mix concrete used in building construction and necessary cube-tests conducted to ascertain their quality?
- iii) Is the use of glass reduced up to 40% to reduce the electricity consumption and load on air conditioning?

40. Storm Water Drainage:

Is Storm water management around the site and on site established by following the guidelines laid down by the storm water manual?

41. Are the following Energy Conservation Measures been implemented?

- i) Roof should meet prescriptive requirement as per Energy Conservation Building Code by using appropriate thermal insulation material, to fulfill the requirement.
- ii) Opaque wall should meet prescribed requirement as per Energy Conservation Building Code which is mandatory for all air conditioned spaces by use of appropriate thermal insulation material to fulfill the requirement.
- iii) All norms of Energy Conservation Building Code (ECBC) and National Building Code, 2005 as energy conservation have to be adopted Solar lights shall be provided for illumination of common areas.
- iv) Application of solar energy should be incorporated for illumination of common areas, lighting for gardens and street lighting. A hybrids system or fully solar system for a portion of the apartments shall be provided.
- v) A report on the energy conservation measures conforming to energy conservation norms prescribed by the Bureau of Energy Efficiency shall be prepared incorporating details about building materials & technology; R & U factors etc and submitted to the SEIAA in three month's time.
- vi) Energy conservation measures like installation of CFLs/TFLs for lighting the areas outside the building should be integral part of the project design and should be in place before project commissioning.

42. Fire Safety:

MEMBER SECRETARY, SEAC


CHAIRMAN, SEAC

Minutes of the 113th SEAC Meeting held on 04th June 2018

- i) Are adequate fire protection equipments and rescue arrangements in place as per the prescribed standards?
- ii) Is proper and free approach road for fire-fighting vehicles upto the buildings and for rescue operations in the event of emergency in place?

43.Green Belt Development:

- i) Has the Project Proponent planted tree species with large potential for carbon capture in the proposed green belt area based on the recommendation of the Forest department well before the project is completed?

44.Sewage Treatment Plant:

- i) Is the Sewage Treatment Plant (STP) installed certified by an independent expert/ reputed Academic institutions for its adequacy?

45.Rain Water Harvesting:

- i) Is roof rain water collected from the covered roof of the buildings, etc harvested so as to ensure the maximum beneficiation of rain water harvesting by constructing adequate sumps so that 100% of the harvested water is reused?
- ii) Is Rain water harvesting for surface run-off implemented as per plan? Before recharging the surface run off, is pre-treatment planned with screens, settlers etc done to remove suspended matter, oil and grease, etc? Are adequate number of bore wells / percolation pits/ as provided?
- iii) Is the roof rain water collected and stored in the sumps proposed to be treated before water is put to any beneficial use?

46.Building Safety:

- i) Is lightning arrester properly designed and installed at top of the building and where ever is necessary?

Part – D Operation Phase

1. Has the "Consent to Operate" been obtained from the Tamil Nadu pollution Control Board before the start of the operation of the project?
2. Is the Proponent responsible for the maintenance of common facilities including greening, rain water harvesting, sewage treatment and disposal, solid

Minutes of the 113th SEAC Meeting held on 04th June 2018

waste disposal and environmental monitoring including terrace gardening for a period of 3 years?

3. Is the ground water level and its quality monitored and recorded regularly in consultation with Ground Water Authority?
4. Is treated effluent emanating from STP recycled / reused to the maximum extent possible? Does the treated sewage conform to the norms and standards for bathing quality laid down by CPCB irrespective of any use? Are necessary measures in place to mitigate the odour and mosquito problem from STP?
5. Is the STP continuously operated by providing stand by DG set in case of power failure?
6. Is the treated sewage used for green belt development/ avenue plantation without causing pollution?
7. Are adequate measures being taken to prevent odour emanating from solid waste processing plant and STP?
8. Is regular monitoring done regarding operation and maintenance of STP, reuse and disposal of untreated sewage and effluent, swimming pool, Solid waste Management?
9. Have any CSR / CER activities been carried out?
10. Is organic waste convertor proposed for managing the municipal solid waste (Organic components) in place? If yes, is care taken to operate and maintain the OWC such a way that there is no problem to the nearby residents?
11. Is the Municipal solid waste generated collected, segregated and disposed as per Solid Waste Management Rules, 2016?
12. Is the e - waste generated collected and disposed to a nearby authorized e-waste centre as per E- waste (Management& Handling), Rules 2016?
13. Is the height of stack of DG sets equal to the height needed as per CPCB norms?
14. Is the noise level maintained as per MoEF/CPCB/TNPCB guidelines/norms both during day and night time?
15. Is spent oil from D.G sets stored in HDPE drums in an isolated covered facility and disposed as per the Hazardous& other Wastes (Management & Transboundary Movement) Rules 2016?

Minutes of the 113th SEAC Meeting held on 04th June 2018

16. Is the storm water drain provided at the project site maintained without choking or without causing stagnation? Is the storm water properly disposed off in the natural drainage / channels without disrupting the adjacent public?
17. Are the used CFLs and TFLs properly collected and disposed off/sent for recycling as per the prevailing guidelines/rules of the regulatory authority to avoid mercury contamination?

Signature:

Name of the proponent:

Date:

PART III:

DEFICIENCIES TO BE RECTIFIED BEFORE SUBMITTING THE EIA REPORT:

The proponent should furnish the following certificates along with the EIA report:

- a) Common green belt & compensation green belt should be completed before submission of the EIA.
- b) Stack of adequate height should be installed.
- c) Proposals for CER activities should be submitted
- d) Land use certificate should be submitted for permissible activities

MEMBER SECRETARY, SEAC


CHAIRMAN, SEAC