

Minutes of the 117th SEAC Meeting held on 27th July 2018

<p>117- F. 1615/2010</p>	<p>Construction of residential building project by M/s. Asvini Foundations at Old S.F.No.12/5, 13/1A, 13/1A1, 14/1A, New S.F.No. 12/5, 13/1A1A, 13/1A1B, 13/1A1D, 13/1A1E, 13/1A1F, 13/1A1G, 13/1A1H, 14/1A1, 14/1A2, 14/1A3, 14/1A4, 14/1A5, 14/1A6, 14/1A7, 14/1A8 of Rajakilpakkam Village, Tambaram Taluk, Kancheepuram District, Tamil Nadu – Activity 8(a) & Category “B”- Building & Construction Projects – Environmental Clearance (EC) to be issued under violation notification dated: 08.03.2018 of MoEF & CC – Regarding.</p>
	<p>The Project Proponent, M/s Asvini Foundations has applied for Environment Clearance to SEIAA-TN for the construction of residential building project with a total built up area of 40200 Sq.m at Old S.F.No.12/5, 13/1A, 13/1A1, 14/1A, New S.F.No. 12/5, 13/1A1A, 13/1A1B, 13/1A1D, 13/1A1E, 13/1A1F, 13/1A1G, 13/1A1H, 14/1A1, 14/1A2, 14/1A3, 14/1A4, 14/1A5, 14/1A6, 14/1A7, 14/1A8 of Rajakilpakkam Village, Tambaram Taluk, Kancheepuram District, Tamil Nadu, on 19.10.2011.</p> <p>The developments that followed are listed below :</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. 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. 3. The same was sent to the State Government vide SEIAA Letter No. SEIAA-TN/F.1615/2013 dated 22.10.2013 for initiating credible action on

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	<p>the said violation by invoking powers under Section 19 of the Environment (Protection) Act, 1986.</p> <p>4. The State Government 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>5. The Proponent was informed vide SEIAA Letter No. SEIAA-TN/F.1615/2013 dated 20.11.2014 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>6. As per the MoEF & CC Notification dated: 14.03.2017, 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>
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7. Then, the proponent has filed the application to MoEF & CC under violation on 29.08.2017.
 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".
 9. The application was transferred from MoEF & CC to SEIAA-TN on 28.03.2018.
 10. The proponent submitted the hard copy of the proposal to SEIAA-TN on 13.04.2018 for the consideration of ToR under violation notification.
- The proposal was placed in the 111th SEAC meeting held on 16.05.2018. 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

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of the project execution for deciding the further course of action.

As per the order Lr. No. SEAC-TN/F.No.1615/2013 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. The technical team inspected the project site on 23.05.2018 and submitted the report to SEAC on 04.06.2018.

The report of the technical team 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 Technical Team learnt that the “violation” attributed to the project is that the construction activity was started before getting the Environmental Clearance.
- (ii) There will be totally 3 towers for residential purpose and one block for utility.
- (iii) For residential towers, civil works completed and remaining works yet to start. For the utility block construction is yet to start. Construction started on 30.12.2012 and stopped in February, 2014. So the project is to be categorized as project under construction.
- (iv) Prior to construction the area was a vacant land with 10 trees which were retained as such.
- (v) The proponent proposes to arrange for water supply from CMWSSB at 165 KLD. Excess sewage of 143 KLD is proposed to be discharged into Sholinganallur/Tambaram STP.
- (vi) Rain water harvesting structures with 22 numbers of recharge pits are proposed along with 3 numbers of sumps – 10 KL (2 nos) & 15 KL (1 no). Excess storm water will be disposed to Rajakilpakkam Lake.
- (vii) For green belt, an area of 1701 sq.m (15% of 11340 sq.m) should be provided and the proponent has complied with this requirement. Totally 142 trees of approved species should be planted and proponent

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	<p>has committed for planting 150 trees.</p> <p>(viii) For CER activities the proponent is required to spend a sum of Rs.38.06 Lakhs (0.5 % of project cost)..</p> <p>(ix) The proponent was directed to add a water treatment plant, carbon monoxide monitors in the basement and acoustic enclosures for the air blowers in the STP.</p> <p>(x) The proponent was directed to furnish clarification regarding the survey number – whether 12/5 is valid or 12/3 is valid in the approved survey numbers allotted for construction of the project.</p> <p>(xi) 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. Fire NOC/ Airport NOC/ Traffic NOCiii. Planning permission from CMDAiv. Green belt planv. Environmental Management Cellvi. Certificate for structural safety from Anna University/IITvii. Land use certificateviii. Flood NOCix. STP adequacy certificatex. Commitment letter for the disposal of sewage to the STP, Sholinganallur/Tambaram.xi. The proponent has earmarked OSR land as per norms. <p>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.</p> <p>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.</p> <p>From the perusal of the original proposal of the proponent, initial checklist submitted by the proponent, site inspection of the construction site, revised</p>
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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" 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.
4. The proponent should complete the following activities/submit necessary documents by the time of submitting the EIA report:
 - a) The proponent should plant 150 trees of approved species
 - b) The correct land use certificate with appropriate survey numbers should be submitted along with EIA report.
 - c) Certificate for structural safety from Anna University/IIT.
 - d) STP adequacy certificate
 - e) Commitment letter for the disposal of sewage to the STP, Sholinganallur/Tambaram
 - f) Flood NOC
5. The proponent should complete the construction / installation of the following utilities by the time the construction of the main towers is completed:

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- a) DG sets & stack of adequate height with acoustic enclosures
- b) STP
- c) WTP
- d) Rain Water Harvesting system
- e) Carbon monoxide detectors in the basement
- f) Acoustic enclosures for blowers in STP
- g) OWC

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 project at Old S.F.No.12/5, 13/1A, 13/1A1, 14/1A, New S.F.No. 12/5, 13/1A1A, 13/1A1B, 13/1A1D, 13/1A1E, 13/1A1F, 13/1A1G, 13/1A1H, 14/1A1, 14/1A2, 14/1A3, 14/1A4, 14/1A5, 14/1A6, 14/1A7, 14/1A8 of Rajakilpakkam Village, Tambaram Taluk, Kancheepuram District. The SEAC recommendation along with the proposal for ToR was placed in the 317th SEIAA meeting held on 18.06.2018. The Authority issued the terms of reference on 18.06.2018.

Based on the ToR, the proponent submitted the EIA report to SEIAA-TN on 13.07.2018. The EIA report was placed in the 117th SEAC meeting held on 27.07.2018. The proponent made the presentation about the project proposal. Among other things, the SEAC noted that 5 activities that the proponent should have completed as per the time schedule prescribed there in, has completed.

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. Ecological remediation plan and cost as proposed by the proponent :
Loss of Top soil, Loss of area for ground water recharge, Particulate matter emission and pollution caused by vehicles and Noise emission from the equipment/machinery. Amount already spent Rs 6.62 lakhs and amount to be spent, Rs 3.6 lakhs (Details in the EIA report)

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b. Natural resource augmentation plan and cost as proposed by the proponent:

Soil conservation, Water conservation, Energy Conservation, Prevention and control of Emission, Recycling of Waste, Use of fly ash, Greenbelt development and Safety/ security of human resources. Amount already spent Rs 8.9 lakhs and amount to be spent, Rs 47.3 lakhs (Details in the EIA report)

c. Community resource augmentation plan and cost as proposed by the proponent:

Plantation of tree saplings (26 numbers) to govt. High school around the project site - Amount to be spent Rs 1.8 lakhs (Details in the EIA report).

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.

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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 Asvini Foundations** has applied for Environment Clearance to SEIAA-TN for the construction of residential building project with a total built up area of 40200 Sq.m at Old S.F.No.12/5, 13/1A, 13/1A1, 14/1A, New S.F.No. 12/5, 13/1A1A, 13/1A1B, 13/1A1D, 13/1A1E, 13/1A1F, 13/1A1G, 13/1A1H, 14/1A1, 14/1A2, 14/1A3, 14/1A4, 14/1A5, 14/1A6, 14/1A7, 14/1A8 of Rajakilpakkam Village, Tambaram Taluk, Kancheepuram District, Tamil Nadu, 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. 19.03 lakhs), natural resource augmentation(Rs. 7.61 lakhs) & community resource augmentation (Rs. 11.42 lakhs), totalling Rs. 38.06 lakhs shall be remitted in the form of

MEMBER SECRETARY, SEAC

CHAIRMAN, SEAC

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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 project proponent shall carry out the works assigned under ecological damage, natural resource augmentation and community resource augmentation within a period of six months. If not the bank guarantee will be forfeited to TNPCB without further notice.
3. The amount specified as CER (Rs. 19.03 Lakhs) shall be remitted in the form of DD to the beneficiary before issue of EC for the following activities. A copy of receipt from the beneficiary shall be submitted before issue of EC.

Sl.No	Activities	Name and address of the beneficiary	Amount & DD favouring	Purpose
1.	Education	Chennai Higher Secondary School, Maduvinkarai, Guindy, Chennai-600032	Rs. 2lakhs, DD favouring: "Head master, Chennai Higher Secondary School, Maduvinkarai"	Basketball Board repairing/Public address system/Toilet repair/Furniture
2.	Education	Head Master, Panchayat Union Middle School, Kannagapattu, Thiruporur block, Kancheepuram district, 603110	Rs. 17.03 Lakhs, DD favouring: "School Development Committee, Kannagapattu, Panchayat Union Middle School"	Renovation and flooring of classrooms, Compound wall, Toilets and Drinking water facility with RO

4. Certificate for structural safety from Stability certificate should be obtained from reputed institutions like Anna University, IIT, NIT, Central Universities, Government Engineering colleges, PWD & Structural Engineering Research Centre of Government of India before obtaining CTO from TNPCB.
5. Adequacy certificate for STP should be obtained from reputed institutions like Anna University, IIT, NIT, Central Universities, Government Engineering colleges, PWD & Structural Engineering Research Centre of

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	<p>Government of India before obtaining CTO from TNPCB.</p> <p>6. The proponent should complete the construction / installation of the following utilities by the time the construction of either one or two or three main towers completed and put into operation:</p> <p>a) DG sets & stack of adequate height with acoustic enclosures</p> <p>b) STP</p> <p>c) WTP</p> <p>d) Rain Water Harvesting system</p> <p>e) Carbon monoxide detectors in the basement</p> <p>f) Acoustic enclosures for blowers in STP</p> <p>g) OWC</p>
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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	
7	Shri B. Sugirtharaj Koilpillai	Member	
8	Shri. P. Balamadeswaran	Co-opt Member	
9	Shri. M.S. Jayaram	Co-opt Member	