

## Minutes of the 52<sup>nd</sup> Meeting of State level Environment Impact Assessment Authority, Jharkhand, held on 11.11.2017

The 52<sup>nd</sup> meeting of the State Level Environment Impact Assessment Authority (SEIAA) was convened on 11.11.2017 in the office of SEIAA, Ranchi. The meeting was chaired by Shri S.E.H. Kazmi, Chairman, SEIAA, Jharkhand. The attendance in the meeting was as follows:-

1. Shri S.E.H. Kazmi, Chairman, SEIAA, Jharkhand, Ranchi.
2. Shri Jabber Singh, Member Secretary, SEIAA, Jharkhand, Ranchi.
3. Shri S.C. Narayan, Member, SEIAA, Jharkhand, Ranchi.

The decisions taken in the 52<sup>nd</sup> SEIAA meeting are :-

### 1. SEIAA considered the recommendations made by SEAC in its 49<sup>th</sup> meeting held on 16<sup>th</sup> and 17<sup>th</sup> October, 2017 -

The SEAC has deliberated upon the issue of distance of the mining leases from the nearest forest boundary and came to the conclusion that the committee's earlier recommendation in this regard is final. The authority agrees with the arguments and reasons cited for arriving at the recommendations and the same are accepted. The proposals will be appraised by the committee in the light of new set of guidelines and parameters decided by it. Also the common checklist of the documents required for the applications is duly examined by the SEAC so it will be the basis for checking the applications with regard to completeness.

The authority also feels unanimously that the SEAC has worked arbitrarily and took undesirably long time in finalising the guidelines with regard to the distance of the mining leases from the nearest forest boundary. The SEAC was first directed on 13.07.2017 by SEIAA and was advised to conclude this issue before taking up the appraisal of any pending proposals for grant of EC. Since the new guidelines may have different parameters of distance from the forest boundaries so there was strong possibility of selective appraisal of the proposals. The SEIAA also issued reminders to expedite the finalisation of the new guidelines but the SEAC took more than 3 months in communicating its recommendations, although it held 4 meetings (45<sup>th</sup>, 46<sup>th</sup>, 47<sup>th</sup> & 48<sup>th</sup>). The SEAC in its 49<sup>th</sup> meeting again reiterated that all the projects recommended earlier are fit for awarding EC as per new guidelines, hence the SEIAA discussed the recommendations of SEAC and the observations are as follows :-

- A. The SEAC made appraisal and recommended for EC/ToR to 27 proposals related to minor minerals, 2 proposals to industry and 2 proposals to major minerals. During the deliberations it was brought to the notice of the authority that in case of grant of EC for the mining of minor minerals the notification of MoEF dated 14<sup>th</sup> September, 2006 has been duly amended by the notification dated 15<sup>th</sup> January, 2016. The Para 7 (iii) of the notification dated 15.01.2016 provides for preparation of District Survey Report for sand mining or river bed mining and mining of other minor minerals. These district survey reports shall be prepared for each minor minerals in the district separately and shall form the basis for application of Environmental Clearance, Preparation of Reports and Appraisal of Projects.

In compliance to the new directions in the gazette notifications all the concerned officers in the district have been directed by the Chief Secretary by letter no. 1874/CS dated 01.08.2017. Also all the District Environment Impact Assessment Authorities (DEIAAs) were directed by the SEIAA by letter no. 125 dated 28.07.2017 to act as per the gazette notifications dated 15<sup>th</sup> January, 2016 to prepare the District Survey Reports in the formats provided in this notification.

The SEIAA while examining the recommendations of SEAC found no mention of the District Survey Reports (DSR) whereas the DSR should be the basis of appraisal of all the proposals related to minor minerals. The SEIAA has also not received any copy of DSR of any minor mineral from any of the DEIAAs. Hence before arriving at

final conclusion, it will be proper to inquire from the SEAC that whether as per the new guidelines of the notification dated 15<sup>th</sup> January, 2016 for the minor minerals, the DSRs were the basis of appraisal of these projects or not. If the proposals are not examined in the light of DSR then these recommendations are clear violations of notification dated 15<sup>th</sup> January, 2016. The authority also decided to direct all the DEIAAs to strictly implement the amended guidelines of the provisions of the notification in case of mining of minor minerals before issuing any Environmental Clearance for the mining of minor minerals.

**B. SEIAA considered the recommendations made by SEAC in its 46<sup>th</sup> meeting held on 27<sup>th</sup> and 28<sup>th</sup> July, 2017 to grant the ToR to the following project proposals related to Industry:-**

I. LPG Bottling Plant of M/s Hindustan Petroleum Corporation Limited at Adityapur Industrial Area, Large Sector, Vill- Gamharia, P.O- Gamharia, Dist.-East Singhbhum, Jharkhand.

It was decided to issue the ToR to the project proponent.

II. Integrated Municipal Solid Waste Management Scheme of Giridih Nagar Panchayat at Village- Mohanpur, Dist. – Giridih, Jharkhand.

It was decided to issue the ToR to the project proponent.

**C. SEIAA considered the recommendations made by SEAC in its 47<sup>th</sup> meeting held on 17<sup>th</sup> and 18<sup>th</sup> August, 2017 for extension of ToR to the following project proposal related to Major minerals:-**

Proposed Expansion of Mosabani Copper Ore Concentration Plant from 0.612 MTPA to 0.9 MTPA of M/s Hindustan Copper Limited at Village- Badia, Block- Mosabani, District- East Singhbhum, Jharkhand.

The Authority considered the recommendation of SEAC wherein recommended to extend the validity of ToR but it was also observed that 12<sup>th</sup> meeting of SEAC dated 26<sup>th</sup> to 29 December, 2013 has stated that the Surda Mines which is the primary source of material is operating without EC and is a case of violation. It was learnt that PP was issued closure notice and was also told by JSPCB to stop mining from the mine.

PP has argued vide MoEF& CC OM No.- J-11013/41/2006-IA-II(I) (part) dated- 07.11.2014 that "In case of project proponent seeking Environment Clearance for expansion of the existing unit but had committed certain violation and the project proponent has submitted all the information and details but the State has not filed case under section 15/19 of Environment (Protection) Act, 1986, such cases shall also be considered by the Authority, as the project proponent is not at fault."

Hence authority decided unanimously to extend the validity of ToR for another one year i.e. 05.03.2017 to 04.03.2018.

**D. SEIAA considered the recommendations made by SEAC in its 48<sup>th</sup> meeting held on 14<sup>th</sup> and 15<sup>th</sup> September, 2017 to grant the EC to the following project proposal related to Major:-**

Murma Graphite Mine Project of Sri Krishna Kumar Poddar at Village – Murma, P.S.- Satbarwa, Dist. – Palamau, Jharkhand (4.93 ha).

Authority considered the recommendation of SEAC wherein it recommended this case for grant of EC but it was also informed that SEAC in its 48<sup>th</sup> meeting dated 14<sup>th</sup> and 15<sup>th</sup> September, 2017 found that CTO was issued by JSPCB and was valid till December, 2014 but the lessee extracted the ore beyond December, 2014.

MS, SEAC has written to JSPCB whether this is a case of violation or not and requested to SEIAA vide memo no. 210 dated 24.10.2017 that any decision will be taken after the clarification received by JSPCB.

The same kind of matter was dealt by SEAC earlier as a case of violation of Environment (Protection) Act, 1986. There is no satisfactory basis for taking two different kinds of decisions in similar cases. Also the SEAC should have not written this letter directly to JSPCB and such kind of ambiguous recommendation should not be made.

Hence authority decided unanimously to ask the JSPCB to provide the information in this regard within seven days.

2. The Member Secretary informed the authority that in order to streamline the process, each proposal submitted online is being processed in a separate file. This will enable easy access to all the information related to particular proposal in a single file. Presently, once the hard copies of the proposals are submitted in the SEIAA, the same are forwarded to SEAC for appraisal without verification of transfer of fee amount in the account of SEIAA. It was decided that before taking up the proposals for appraisal the fee should be deposited in the SEIAA account and a proof in this regard must be kept in the file.
3. The SEIAA has been constantly receiving letters from the Member Secretary, SEAC with regard to working of the SEAC as a whole and the Chairman SEAC in particular. The chronology of the letters written by MS SEAC to the Chairman SEAC is as follows:-
  - a. Letter no.138 dated 27.04.2017 – The MS SEAC addressed to all the members that certain members created undue and unauthorised pressure and behaved in uncivilised manner which resulted into unfortunate wastage of valuable time and the committee failed to carry out its scheduled task.
  - b. Letter no.160 dated 28.06.2017 – The MS SEAC addressed to all the Members and Chairman of the committee that because of whims of certain members the minutes of 43<sup>rd</sup> meeting could not be finalised even in 45<sup>th</sup> meeting. He raised questions on the work efficiency and the competence of the committee.
  - c. Letter no.164 dated 07.07.2017 – The MS SEAC addressed to all the Members and Chairman and wrote that it was observed that after the decision taken in the committee major changes are brought forward during the finalisation of the minutes without any basis of established norms or provisions. The committee was requested to bring qualitative improvement in the working and to try to avoid undue delay in finalisation of the minutes of the meeting.
  - d. Letter no.192 dated 08.09.2017 – The MS SEAC informed the Chairman that during the 47<sup>th</sup> meeting few members and the chairman left after the lunch break as a result the minutes could not be finalised. Though there is dearth of manpower still lacklustre attitude of few members is adversely affecting the work of the committee. They were requested to bring qualitative and effective improvement in the working.
  - e. Letter no.201 dated 06.10.2017 – The MS SEAC wrote this letter to the Chairman SEAC regarding financial claims made by him. It was informed that the Chairman received the sitting charges and travel allowances related to the meetings held on 06/07.12.2016, 22/23.12.2016 and 22/23.06.2017 still these bills were again submitted on 15.09.2017 for payment. This is an act of fraud/financial irregularity. The bills submitted by the Chairman are not dated which indicates mala-fide interests.

The MS SEAC in his letter no. 206 dated 13.10.2017 informed the MS SEIAA that Mr. Bhawsinka the Chairman SEAC made false financial claims and submitted wrong information which is a criminal offence under various sections of IPC and in order to down play his fraud and financial irregularities he has charged the MS SEAC without any basis. The MS SEAC has also requested the SEIAA to

consider the issue of financial irregularities and fraud committed by Mr. Bhawsinka and to take necessary action.

The letters quoted above were considered by the SEIAA in their words and spirit. It clearly comes out that the SEAC as a body is not being able to perform its assigned duties as per the norms and guidelines decided in the notification. The SEAC has been entrusted with highly technical and serious responsibility. Unfortunately on various occasions the SEIAA has found that the technical appraisal of the projects referred to the committee lack the standards of quality appraisal. SEIAA has also observed that SEAC has forwarded defective recommendation to SEIAA and authority has pointed out those discrepancies respectively in its 46<sup>th</sup> meeting dated 10.03.2017, 48<sup>th</sup> meeting dated 12.06.2017 and 49<sup>th</sup> meeting 09.08.2017 and informed to SEAC to forward flawless recommendations but the committee did not pay any attention in this regard. For the reasons explained in various letters of MS SEAC, the committee could not finalise its minutes within the stipulated timelines on various occasions. In clear violation of the directions given by the SEIAA, the SEAC didn't finalise the guidelines related to the distance from the forest boundaries instead it carried on appraisal of the projects keeping the finalisation of guidelines pending for more than 3 months.

The authority strongly feels that the issue of alleged financial irregularity by the Chairman SEAC and the inefficient working of the committee must be brought to the notice of the State Government. The government should also be again requested to immediately act upon the earlier proposals submitted by SEIAA for creation of its secretariat. In the absence of properly notified secretariat for SEIAA combined with inefficient working of the SEAC on the technical issues it is increasingly becoming difficult to adhere to the time frame and the guidelines to decide the applications for the grant of Environmental Clearance.

4. The authority also discuss the letter 4215 dated 20.09.2017 of Office of The Lokayukt Jharkhand. It was informed that the required report has been submitted to the Department of Forests Environment & Climate Change vide letter no. 212 dated 01.11.2017. The perusal of the order passed by Lokayukt Jharkhand on 16-08-2017 and the complaint filed, it was found that terms of both the SEIAA and SEAC members named in the complaint have ended and presently new panel of members in SEIAA and SEAC is in office. As far as staff working in SEIAA and SEAC Jharkhand is concerned it was noted that all the staff members charged in the complaint other than one computer operator who is still working, have been removed from the duties.

5. In one of the cases the SEAC has recommended for grant of EC to the applicant and same time the authority has been informed that a report has been sought from the JSPCB with regard to the possible violation of the provisions of the Water Act, Air Act and the Environment Protection Act. The MS SEAC also informed that this report from JSPCB is still pending. The decision on such kind of recommendation cannot be taken without cross verification about the facts inquired by SEAC from the JSPCB. This may result into unnecessary delays.

The SEAC being a technical body to assist the SEIAA by way of making clear recommendations after appraisal of the proposals referred to it by SEIAA, it has to act on the directions and advice of the authority. In order to avoid confusion and administrative chaos it is desirable that the SEAC shall not make direct communication with any organisation, department or agencies etc. However the SEAC can make direct correspondence or communication with the project proponent/applicant in case any information is required to reach at final conclusion. The information required from any department should be recorded in the proceedings of the SEAC meeting. On receipt of the minutes of the meeting the SEIAA will take the due action to collect the same and to communicate it back to SEAC.

6. **Letter No. 199 Ranchi dated 25.09.2017 of MS SEAC regarding RTI.**

SEIAA considered the letter no.- 199, Ranchi dated- 25.09.2017 of MS, SEAC regarding nomination of public information office at SEIAA and SEAC, Jharkhand. As we aware with

the fact that the proposal for SEIAA secretariat is pending before state government for approval.

Since the SEAC is not an independent entity and being a committee of the authority it has no secretariat/office so the authority decided unanimously that the MS, SEAC will be PIO and MS, SEIAA will First Appellate Authority of SEIAA Jharkhand.

**7. Department of Forest, Environment and Climate Change Government of Jharkhand Letter No.- 7/ पर्या० प्रदू०-29/2015 4222व०प०राँची, दिनांक- 12.10.2017.**

The Authority sought the opinion from the Government on the question of RQP/Consultant working as RQP and as an expert member of SEIAA/SEAC or DEIAA/DEAC at same time.

The Government provided the clarification vide letter no.- 7/ पर्या० प्रदू०-29/2015 4222व०प०राँची, दिनांक- 12.10.2017 that no Environment Clearance will be issued on the mining plans which were prepared by RQP/Consultants who are an expert member of SEIAA/SEAC or DEIAA/DEAC because it is a matter of **conflict of interest**.

Hence authority decided unanimously that any mining plan prepared by RQP/Consultant who are an expert member of SEIAA/SEAC will not be considered for Environmental Clearance. Authority also decided to ask all the DEIAA/DEACs of Jharkhand not to consider any mining plan prepared by RQP/Consultant who are an expert member of DEIAA/DEAC.

**8. Department of Forest, Environment and Climate Change Government of Jharkhand Letter No.- 7/ पर्या० प्रदू०-29/2015 4232व०प०राँची, दिनांक- 12.10.2017.**

The Authority sought the opinion to the Government in the matter of decision taken in its 48<sup>th</sup> meeting dated- 12.06.2017 regarding **“Fatehpur Stone Mine Project Hindustan Construction Pvt. Ltd., Village & Mouza - Fatehpur, Thana- Hiranpur, District- Pakur, Jharkhand (5.62 Ha).”** Wherein it was mentioned that RQP of proposal is Mr. R.N. Singh who is an expert member in State Level Expert Appraisal Committee, Jharkhand. That in such cases where the RQP is a member of SEIAA/SEAC whether the violation of “no conflict of interest assurance” given to the Government of Jharkhand by the members at the time of appointment has taken place or not

The Government has communicated to SEIAA on the above matter to seek the clarification from Mr. R. N. Singh an expert member in State Level Expert Appraisal Committee, Jharkhand whether they have violated the “no conflict of interest assurance” given to the Government of Jharkhand at the time of appointment.

Hence authority decided unanimously to seek explanation from Mr. R.N. Singh in this regard.

**9. Application No - Nil, dated – 24.08.2017 of M/s Shivay Enterprises Partner – Shri Rajesh Jhalani & Durgesh Jhalani S/O – Shri Mohan Lal Jhalani, Vill – Katras Road Matkuriya, Post – Dhanbad, Thana – Dhanbad, Dist – Dhanbad at Mouza – Saalpatra, Plot No. – 77, Area – 2.36 Acre.**

SEIAA considered the application of complainant wherein he stated that DEIAA, Dhanbad didn't grant Environmental Clearance to the above mentioned project due to a **river** **Joria** within 100 meters from project site and presence of high tension wire at a distance of 100 crossing over the project site.

PP drew the attention of the authority that as per letter no.- 1164 dated- 11.12.2015 a certificate issued by Circle Officer, Baliyapur, Dhanbad, no water reservoir is situated within 500 meters from project site.

Guideline/decision dated 07.05.2013 of the State level Environment Impact Assessment Authority, Jharkhand in this regard clearly mentioned that:-

- The no high tension wire (33 KV and above) should cross over proposed site.

b. No River, Dam is situated within 500 meter from the proposed site.

Hence authority decided unanimously to ask the DEIAA, Dhanbad to reconsider the arguments of the proponent and to pass a speaking order.

**10. Expansion Cum Modernization of M/s Mongia Steel Ltd. at Village – Burhiadih, Tehsil – Giridih, Dist – Giridih, Jharkhand (31.29 Ac).**

SEIAA considered the application dated 04.10.2017 of the consulting advisor of above mentioned project wherein he prayed for extension of validity of ToR.

The ToR was granted by SEIAA as on 01.05.2015 for a period of two years and after expiry of validity of ToR the compliance report was uploaded by project proponent on dated 15.06.2017. In this situation MoEF& CC OM No.- J-11013/41/2006-IA-II (I) (Part) dated 29<sup>th</sup> August, 2017 clearly stated:-

**Quote**

**“The above validity period can be extended by the concerned Regulatory Authority for a maximum period of one year without referring the proposal to the EAC/SEAC concerned, provided an application is made by the applicant before expiry of the validity period, together with an updated Form-1 and proper justification and there is no change in terms and conditions of the ToRs. After the lapse of validity, such extension will need EAC/SEAC consideration.”**

Project proponent has not submitted/uploaded a prayer for extension of the validity period of ToR with and updated Form-1 with proper justification till date.

Hence authority decided unanimously to ask the PP to provide updated Form-1 with proper justification for extension of validity of ToR and to refer the matter to the SEAC for further action.

**11. Regularisation Cum Expansion of M/s Santpuria Alloys (P) Ltd. at Village – Manjhaladih, Tehsil – Gadisrirampur, Dist – Giridih, Jharkhand (15.82 Ac).**

SEIAA considered the application dated 04.10.2017 of the consulting advisor of above mentioned project wherein prayed for extension of validity of ToR.

The ToR was granted by SEIAA as on 01.05.2015 for a period of two years and after expiry of validity of ToR the compliance report was uploaded by project proponent on dated 1<sup>st</sup> July, 2017. It was also observed by authority that in 27<sup>th</sup> (part-A) meeting of State Level Expert Appraisal Committee, Jharkhand held on 24<sup>th</sup> to 27<sup>th</sup> March, 2015 treated this case as a violation of Environment (Protection) Act, 1986 and accordingly State level Environment Impact Assessment Authority, Jharkhand, In its 29<sup>th</sup> meeting held on 2<sup>nd</sup> April, 2015 approved the recommendation of SEAC, Jharkhand because the decision of ToR was taken as per the that time of prevailing guideline of MoEF & CC regarding violation case.

Hence authority decided unanimously to ask the PP to provide updated Form-1 with proper justification for extension of validity of ToR and to refer the matter to the SEAC for further action.

**12. Hazardous Waste Management Facility of M/s Adityapur Auto Cluster at Village – Dugni, Tehsil – Saraikela, Dist - Saraikela-Kharsawan, Jharkhand.**

The authority considered the application no. AAC/MD/22/10-17, dated- 07.10.2017 of the PP wherein it is mentioned to treat this case as an amendment in EC instead of issuance of ToR.

As per notification of MoEF & CC SO - 695 (E) dated- 14<sup>th</sup> September, 2006 under para 7 (ii) clearly stated that

**Quote**

“ All applications seeking prior Environmental Clearance for expansion with increase in the production capacity beyond the capacity for which prior Environmental Clearance has been granted under this notification or with increase in either lease area or production capacity in the case of mining projects or for the modernisation of an existing unit with increase in the total production capacity beyond the threshold limit prescribed in the schedule to this notification through change in process and or technology or involving a change in the product- mix shall be made in Form-1 and they shall be considered by the concerned Expert Appraisal Committee or State Level Expert Appraisal Committee within sixty days, who will decide on the due diligence necessary including preparation of EIA and public consultations and the application shall be appraised accordingly for grant of Environmental Clearance.”

Hence authority decided unanimously not to change the decision of 49<sup>th</sup> meeting of SEIAA, Jharkhand held on dated 07.08.2017 in this regard.

**13. Letter no. 165, dated 08.09.2017 regarding site visit to Tiruldih Balu Ghat, Saraikela-Kharsawan.**

In the matter of “Tiruldih Sand Mining of M/s Mata Enterprises of Shri Tarun Kumar Dey of Village – Tiruldih, Tehsil – Kukru, P.S. – Tiruldih, District – Saraikela-Kharsawan, Jharkhand (18.16 Ac/7.349 Ha).” SEIAA directed SEAC vide letter no.- 165 dated – 08.09.2017 letter number – 198, dated – 25.09.2017 and memo no.- 199, dated – 05.10.2017 to set up two member inquiry team to examine the facts in the complaint which was received in SEIAA.

It was informed that the committee has entrusted Dr. B. K. Tiwary and Sri U. P. Singh expert members of SEAC to inquire into the matter but the report in this regard is still awaited so the authority decided unanimously to instruct SEAC to expedite the matter and to submit the report.

The meeting concluded with vote of thanks to the Chairman.

  
Member  
SEIAA

  
Member – Secretary  
SEIAA

  
Chairman  
SEIAA

