

Agenda No. 128-13 :

(File No. 6368/2019)

Existing Pandapuli limestone mining lease over an extent of 24.32.5Ha at S.F.No. 502, 503, 512, 513, 516/1, 2, 3, 4, 5, 6, 7, 517, 518/1, 2, 3, 4, 5 & 6, Pandapuli Village, Sankarankovil Taluk, Tirunelveli District by M/s. Tamil Nadu Cements Corporation Ltd, Chennai under Activity 1(a) – Mining of major mineral – ToR to be issued under violation notification dated: 14.03.2017 & 08.03.2018 of MoEF & CC.

(SIA/TN/MIN/27367/2018) dated 28.07.2017

The proposal was placed in the 128th SEAC Meeting held on 15.04.2019. The project proponent made a presentation about the project proposal and informed that:

The Proponent M/s. Tamil Nadu Cements Corporation Ltd, Chennai has applied for ToR for the Existing Pandapuli limestone mining lease over an extent of 24.32.5Ha at S.F.No. 502, 503, 512, 513, 516/1, 2, 3, 4, 5, 6, 7, 517, 518/1, 2, 3, 4, 5 & 6, Pandapuli (V) Village, Sankarankovil Taluk, Tirunelveli District, Tamil Nadu on. 28.07.2017.

The Ministry of Environment, Forest and Climate Change (MoEF&CC) Notification S.O. 804 (E) dated 14.03.2017 has stated that the cases of violations will be dealt strictly as per the procedure specified in the following manner:

“In case the project or activities requiring prior Environmental Clearance 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 Environmental Clearance by the SEIAA constituted under sub-section(3) section 3 of the Environment (Protection) Act 1986 shall be appraised for grant of Environmental Clearance only by the Expert Appraisal Committee and Environmental Clearance will be granted at the Central Level”.

Accordingly it was informed that the application for seeking Environmental Clearance after starting activity without prior EC for Existing Pandapuli limestone mining

lease over an extent of 24.32.5Ha at S.F.No. 502, 503, 512, 513, 516/1, 2, 3, 4, 5, 6, 7, 517, 518/1, 2, 3, 4, 5 & 6, Pandapuli (V) Village, Sankarankovil Taluk, Tirunelveli District, could not be processed at SEIAA-TN and the proponent was requested to submit the proposal to MoEF&CC for Environmental Clearance stating the violations.

The MoEF&CC notification S.O.1030 (E) dated 08.03.2018 has stated 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.

The MoEF&CC office memorandum No. F.No.Z-11013/22/2017-IA.II(M) dated: 15.03.2018 have issued the following guidelines regarding implementation of Notification S.O.1030 (E)

- i. The proposals received up to 13th September, 2017 on the Ministry's portal, shall be considered by the EAC or the SEAC / SEIAA in the respective States / UTs, as the case may be, in the order of their submission.
- ii. All the proposals of category 'B' projects / activities pertaining to different sectors, received within six months only i.e. up to 13th September, 2017 on the Ministry's portal, but yet not considered by the EAC in the Ministry, shall be transferred online to the SEAC / SEIAAs in the respective States / UTs.
- iii. The proposals submitted directly for considering of EC (in place of ToR), shall also be considered on the same lines, in order of their submission on the Ministry's portal.
- iv. All the projects of category 'B' pertaining of different sectors, although considered by the EAC in the Ministry and accorded ToR, shall be appraised for grant of EC by the SEAC / SEIAA in the respective States / UTs.

- v. All projects / activities of all sectors, shall be required to adhere to the directions of Hon'ble Madras High Court vide order dated 13th October, 2017 while upholding the Ministry's Notification dated 14th March, 2017.

The MoEF&CC office memorandum No. F.No.Z-11013/22/2017-IA. II(M) dated: 16.03.2018 has issued the following directions regarding compliance of directions of Hon'ble Madras High Court order dated 14th March, 2018 in WMP Nos.3361, 3362 & 3721 of 2018 in WP.No.11189 of 2017.

1. The project proponent, who have not submitted the proposals within six months window i.e up to 13th September, 2017 in pursuance of the ministry's notifications.O.804(E) dated 14.03.2017, are required to submit the proposals within 30 days, to the EAC for category A projects or the SEAC/SEIAA in the respective States/UTs for category B projects.
2. The project proponent, who have submitted the proposals on the Ministry's portal after 13th September, 2017 are also required to submit the proposals within 30 days, to the EAC for category A projects or the SEAC/SEIAA in the respective States/UTs for category B projects

In view of the above directions, the project proponent, who have submitted the proposals within the stipulated time on 12.04.2018 i.e up to 15th April, 2018 in pursuance of the MoEF&CC office memorandum No. F.No.Z-11013/22/2017-IA. II(M) dated: 16.03.2018, has submitted the details of the proposal to the O/o SEIAA-TN for obtaining specific Terms of Reference for Existing Pandapuli limestone mining lease over an extent of 24.32.5Ha at S.F.No. 502, 503, 512, 513, 516/1, 2, 3, 4, 5, 6, 7, 517, 518/1, 2, 3, 4, 5 & 6, Pandapuli (V) Village, Sankarankovil Taluk, Tirunelveli District.

The Government of Tamil Nadu has granted Existing Pandapuli limestone mining lease over an extent of 24.32.5Ha at S.F.No. 502, 503, 512, 513, 516/1, 2, 3, 4, 5, 6, 7, 517, 518/1, 2, 3, 4, 5 & 6, Pandapuli (V) Village, Sankarankovil Taluk, Tirunelveli District Tamil Nadu State vide G.O. Ms. No.739, dated: 19.07.1990 for the period of 10 years.

Second renewal of mining lease was submitted to the secretariat Industries, Government of Tamil Nadu on 16.07.1998 for a period of 20 Years from 14.08.1999 to 13.08.2019. The Mining lease renewal application has been submitted to the State Government which is under process.

The mining plan was approved by IBM vide letter No.TN/TNL/MP/LST-1122 SZ, Dated: 05.01.1999 for second renewal of mining lease.

The first scheme of mining (2005-06 to 2009-10) was approved by IBM vide letter No.TN/TNL/LST/MS-360 SZ, Dated: 17.05.2006.

The second scheme of mining (2010-11 to 2014-15) was approved by IBM vide letter No.TN/TNL/LST/MS-674 SZ, Dated: 05.12.2012.

Latest scheme of mining plan with PMCP (2015-16 to 2019-20) is being prepared and submitted to IBM vide letter No.TN/TNL/LST/MS-1206-MDS, Dated: 19.05.2015.

Meanwhile, the MoEF& CC has directed that "the mine leases which continue to operate without obtaining EC after 15.01.2016 shall be considered as violation cases and the same shall be dealt with in accordance with the violation policy under Environmental Impact Assessment Notification, 2006 as amended" vide MoEF & CC letter No. Z-11013/24/2017-IA.II(M), dated. 03.04.2017. Hence, this is a violation project.

Now, as per MoEF & CC notification dated: 14.03.2017, Form – I, ToR and feasibility report is submitted to MoEF & CC, Delhi for prescribing

Proposed excavation in five years:

Lime stone – 5,25,029 Tonnes

Rejects – 2,25,012 Tonnes

Top Soil – 11,312 Tonnes

Side burden – 8,53,763

Total Excavation : 16,15,116 Tonnes for five years.

The area is marked in the Survey of India Topo sheet No. 58-G/11. The area lies in the Eastern Longitude of 77° 34' 47.4" - 77° 35' 6.17" and Northern Latitude of 09° 18' 57.4" - 09° 19' 17.7".

The lease area does not include any forest land. No ecologically sensitive features like national parks, biospheres, sanctuaries, elephant corridors, Tiger reserves, flight paths of migrating fauna, etc occur in core & buffer areas of the project. The area does not come under CRZ category. There is no any litigation pending against the project or land. No state boundary or national boundaries falls.

Solaseri River situated at a distance of 2.6 km from the mine site.

The method of mining is fully Opencast Mechanized mining method.

The total water requirement is about 9.5KLD, comprising 2 KLD for domestic purpose, 4.5 KLD for dust suppression and 3 KLD for green belt development. Total water required for the mine will be supply by tanker. (Private contractor)

The total cost of the project is Rs. 2.31 Crores. Mines office and other facilities already exist. Total manpower required will be 43 persons on direct basis.

The project attracts violation as per MoEF & CC gazette notification S.O No 804 (E) Dated 14.03.2017.

The project proponent has submitted the documents regarding the particulars of the lease and mining working. It was observed that mine was in operation without obtaining Environmental Clearance. As the case above stands affirmative, the project is being granted Terms of Reference for undertaking Environmental Impact Assessment and preparation of EMP. The SEAC recommends the Terms of Reference for the project for assessment of Ecological damage, remediation plan and natural & community resource augmentation plan to be prepared as an independent chapter in the Environment Impact assessment report by the Accredited consultant and also with collection and analysis of data for assessment of ecological damage, preparation of remediation plan and natural & community resource augmentation plan to be done by an environmental laboratory duly notified under the Environment (Protection) Act, 1986, accredited by NABET or a laboratory of Council of Scientific and Industrial research Institutions working in the field of environment. Three months data relating to the ecological parameters is to be submitted with analysis.

The project proponent besides above has to also submit the Affidavit/ No Objection certificate (NOC) in compliance of the orders of the Hon'ble Supreme court to approach State Mines and Geology Department for certification regarding payment of 100% cost of illegally mined minerals to the State Government in terms of the Section 21(5) of the MMDR Act, 1957. The amounts so payable to the state government for the Lime stone would inter-alia, account for the mining operation in violation of the following:-

- Without Environmental Clearance (EC) or in excess of quantity approved in EC.
- Without consent to Operate (CTO) or in excess of quantity approved in CTO.
- Without mining plan/scheme of mining or in excess of quantity approved in mining plan/scheme of mining.

- Without forest clearance
- Any other violation.

The project proponent is hereby directed to furnish Affidavit as per the guidelines issued by MoEF & CC, in connection with the orders of the Hon'ble Supreme court and the annexure provided by SEIAA, while submitting EIA/EMP for consideration of EC.

Based on the presentation made by the proponent and the documents furnished, the committee decided to recommend for the grant of Standard ToR for mining projects as specified by MoEF & CC subject to the above conditions in addition to the Additional TOR specified (Annexure-II) by the SEAC to deal with the violation aspects of the mining projects. The public hearing shall be conducted as per the directions of Hon'ble High Court of Judicature at Madras in W.P. No. 11189 of 2017

In addition to the above, the proponent shall submit the following details:

1. The report for green belt developed with necessary photographs.
2. The proponent shall furnish the photographs for fencing around the project site.
3. The proponent shall furnish the proposal for CER.
4. Contour map for the 1 Km radius surrounding the site, village map, FMB & A Register may be furnished.
5. The comprehensive study shall be carried out to evaluate the impact of mining operations on the environment through expertise in the field of hydrogeology, ecology, mining and environment.
6. The proponent furnish in affidavit undertaking inter-alia includes commitment of the Project Proponent not to repeat any such violation in future as follows as per MoEF & CC, Office Memorandum No. F.No.3-50/2017-IA.III(Pt.) dated:30.05.2018
7. Conduct Hydro geological study and furnish the report along with EIA.
8. "I/We, the applicant / the Project Proponent, commit to comply with all the statutory requirements and judgments of Hon'ble Supreme Court dated the 2nd August 2017 in Writ Petition (Civil) No.114 of 2014 in the matter of the common cause versus Union of India and Ors. Before grant of ToR/ EC and I am also to commit, not to repeat any such violation in future. In case of any violation of the above the ToR/Environmental Clearances shall be liable to be terminated forthwith".