

State Level Environment Impact Assessment Authority, Uttar Pradesh

Directorate of Environment, U.P.

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Minutes of the 681st Meeting of the State Level Environment Impact Assessment Authority, UP (SEIAA) held on 05.12.2022

The meeting of 681st State Level Environment Impact Assessment Authority, UP (SEIAA) was held on-line on 05.12.2022 at the Directorate of Environment. The following were present in the meeting:-

1. Dr. Rajiv Kumar Garg	Chairman, SEIAA, U.P
2. Shri Paras Nath	Member, SEIAA, U.P
3. Shri Ajay Kumar Sharma	Member Secretary, SEIAA, U.P

Agenda A - 703rd SEAC-1 Meeting Dated 23/11/2022

1. **Expansion Project of Common Bio Medical Waste Treatment facility, SMS Watergrace Mediawaste Management PVT. LTD. located in Bindwa. File No. 7319/Proposal No. SIA/UP/INFRA2/404755/2022**

SEIAA agreed with the recommendations of SEAC-1 to close/ delist the file as the project proponent did not appear and open only after submission of online request on prescribed online portal. A letter be sent to DM, Lucknow and Deputy Commissioner, Department of Industries, Lucknow to ensure that no mining related to project is carried out without valid EC and in case PP commences mining related activities without valid EC, it should be stopped and legal action should be initiated against the PP.

2. **Sand/Morrum Mining at Ken River Bed, Gata no.-04, Area- 13.0 ha (32.12 Acres) Village- Sandikhadar, Tehsil - Pailani District – Banda, M/s S.S. Infratech. File No. 7322/Proposal No. SIA/UP/MIN/ 403321/2022**

SEIAA agreed with the recommendation of SEAC-1 to issue additional ToR to the title proposal for conducting EIA studies. SEIAA added following points to ToR-

- 1- Data will be collected after Issuance of ToR
- 2- All pages of technical documents/EIA/EMP etc. should be signed by the consultant and project proponent both.
- 3- The lease area its address and production per annum should match with as mentioned in DSR and Lol. In case there is any difference clarification/ amendment letter from competent authority shall be submitted along with EIA. EIA and public hearing shall be conducted as per the lease area its address and production per annum mentioned in DSR and Lol.
- 4- Public hearing shall be conducted as per EIA notification, 2006 (as amended).
- 5- SEIAA opined that the project proponent shall submit permission of CGWA or proposal for alternative source of fresh water.
- 6- KML file for the area and mining lease area should be provided.

- 7- Status of leases granted/to be granted in various mining khands along with production since the formulation of DSR, duly certified by the competent authority should be submitted.
- 8- In case project proponent intends to temporarily store mined out material or any tools, equipment's or other material outside mine lease area then NOC from competent authority for doing so should be submitted and details of such area and associated Environmental impacts should be included in EIA-EMP report. This should also be clearly mentioned during public hearing.
- 9- Road network to be used by the project should be clearly shown on Survey of India toposheet in 1:50,000 scale. In case road network involves forest road, permission should be obtained from Forest Department and a copy of the same should be submitted at the time of appraisal of EIA-EMP report.
- 10- The project proponent should clearly spell out whether it is a green field or brown field project. In case it is a brown field project and -
 - (i) If the earlier and present lease holder are same then compliance report of previous EC should be submitted.
 - (ii) If the earlier and present lease holder are different then environmental footprint of the site and mitigation measures should be included in EIA-EMP report.
- 11- In case of expansion / renewal of earlier EC, following information should be submitted
 - a. Status of compliance of earlier EC conditions by Integrated Regional Office, MoEFCC, GoI, Lucknow.
 - b. Copy of CTE and CTO issued by SPCB.
 - c. Status of submission of six-monthly compliance report to EC granted earlier
 - d. Court cases, if any.
- 12- Observations raised in public hearing, replies submitted by project proponent, suitable modifications carried out in EIA-EMP report.
- 13- PP / consultant in compliance to Hon'ble NGT order dated 06.05.2022 in OA no. 141/2021 (With report dated 31.03.2022) Raj Kumar Vs. State of UP and Others and with OA no. 141/2021 Rajkaran Karn Vs. State of UP and Others, will submit replenishment study, duly approved by DGM, along with EIA-EMP report for seeking FC
- 14- Project Proponent should submit action plan for carrying out plantation at least @1,000 plants / ha of lease area. In this case, PP should prepare a plan, duly approved either by Forest Department or Horticulture Department, for planting at least 13,000 plants, either on government land or community land, within a periphery of 5 km from the boundary of the lease area along with provision for maintenance for 5 years. Survival of plants below Uttar Pradesh Forest Department's survival rate will be treated as violation of EC condition.
- 15- In consultation with District Environment Authority or an Authority nominated by concerned DM, project proponent will prepared a conservation and management plan for rejuvenation and management of water bodies having total surface area of more than 65 ha. Funds for the same will be kept in a separate bank account and six monthly compliance status will be presented by project proponent before the nominated authority in the District.
- 16- Along with the EIA-EMP report, PP / consultant will also submit in tabular form as to how they have addressed entire ToR while preparing draft EIA-EMP report for



PH. Further, PP / consultant will submit in tabular form as to how they have addressed issues raised during public hearing and have incorporated the same in final EIA-EMP report. A presentation to this effect should be made before SEAC at the time of EIA-EMP presentation.

3. "Building Stone (Granite Khanda, Boulder, Bailast (Gitti))" Project at Gata No.- 339 (Khand No.- 38 Old, 35 New), Village- Daharra, Tehsil- Mahoba, District- Mahoba, AKASH KHATRI, Area : 1.417 ha. File No. 7323/Proposal No. SIA/UP/MIN/403323/2022

SEIAA agreed with the recommendation of SEAC-1 to issue additional ToR to the title proposal for conducting EIA studies. SEIAA added following points to ToR-

- 1- Data will be collected after issuance of ToR.
- 2- All pages of technical documents/EIA/EMP etc. should be signed by the consultant and project proponent both.
- 3- The lease area its address and production per annum should match with as mentioned in DSR and Lol. In case there is any difference clarification/ amendment letter from competent authority shall be submitted along with EIA. EIA and public hearing shall be conducted as per the lease area its address and production per annum mentioned in DSR and Lol.
- 4- Public hearing shall be conducted as per EIA notification, 2006 (as amended).
- 5- Plan for using the mine void for productive use in consultation with local administration and gram-panchayat.
- 6- SEIAA opined that the project proponent shall submit permission of CGWA or proposal for alternative source of fresh water.
- 7- KML file for the area and mining lease area should be provided.
- 8- Status of leases granted/to be granted in various mining khands along with production since the formulation of DSR, duly certified by the competent authority should be submitted.
- 9- In case project proponent intends to temporarily store mined out material or any tools, equipments or other material outside mine lease area then NOC from competent authority for doing so should be submitted and details of such area and associated Environmental impacts should be included in EIA-EMP report. This should also be clearly mentioned during public hearing.
- 10- Road network to be used by the project should be clearly shown on Survey of India toposheet in 1:50,000 scale. In case road network involves forest road, permission should be obtained from Forest Department and a copy of the same should be submitted at the time of appraisal of EIA-EMP report.
- 11- The project proponent should clearly spell out whether it is a green field or brown field project. In case it is a brown field project and -
 - (i) If the earlier and present lease holder are same then compliance report of previous EC should be submitted.
 - (ii) If the earlier and present lease holder are different then environmental footprint of the site and mitigation measures should be included in EIA-EMP report.
- 12- In case of expansion / renewal of earlier EC, following information should be submitted
 - a. Status of compliance of earlier EC conditions by Integrated Regional Office, MoEFCC, Gol, Lucknow.
 - b. Copy of CTE and CTO issued by SPCB.



- c. Status of submission of six-monthly compliance report to EC granted earlier
 - d. Court cases, if any.
- 13- Observations raised in public hearing, replies submitted by project proponent, suitable modifications carried out in EIA-EMP report.
 - 14- Project Proponent should submit action plan for carrying out plantation at least @1,000 plants / ha of lease area. In this case, PP should prepare a plan, duly approved either by Forest Department or Horticulture Department, for planting at least 2,000 plants, either on government land or community land, within a periphery of 5 km from the boundary of the lease area along with provision for maintenance for 5 years. Survival of plants below Uttar Pradesh Forest Department's survival rate will be treated as violation of EC condition.
 - 15- In consultation with District Environment Authority or an authority nominated by concerned DM, Project Proponent will prepare a conservation and management plan for the rejuvenation and management of water bodies having a total surface area of not less than 10 ha. Funds for the same will be kept in a separate bank account and six-monthly Implementation status will be presented by the Project Proponent before the nominated authority in the district.
 - 16- Number of mining projects are coming up in district. Department of Geology & Mines, GoUP to carry out regional EIA-EMP report including carrying capacity of environmental components to assess the capacity to further bear the pollution load for such areas within a period of 1 year and submit the same to SEIAA, UP for evaluation.
 - 17- Department of Geology & Mines, GoUP in consultation with UPSPCB will establish required number of CAAQMS in district within a period of one year and submit geo-referenced map of these stations along with data. Details of existing CAAQMS, if any, be submitted within a period of three months.
 - 18- Along with the EIA-EMP report, PP / consultant will also submit in tabular form as to how they have addressed entire ToR while preparing draft EIA-EMP report for PH. Further, PP / consultant will submit in tabular form as to how they have addressed issues raised during public hearing and have incorporated the same in final EIA-EMP report. A presentation to this effect should be made before SEAC at the time of EIA-EMP presentation.
 - 19- Project Proponent in consultation with UPSPCB will establish required number of CAAQMS within a period of one year and submit geo-referenced map of these stations along with data on six monthly basis.
4. Group Housing at Plot No: GH-03A, Sector- 16B, Greater Noida, Gulshan Developers Private Limited. File No. 7321/Proposal No. SIA/UP/INFRA2/ 405395/2022
- In light of discussion held in SEIAA meeting no. 597 dated 05.05.2022. SEIAA opined to accept the recommendation of SEAC- 1 and grant EC to the said project along with all the general and specific conditions as suggested by SEAC-1. In addition to the conditions imposed by SEAC, SEIAA added following additional specific conditions:-
- 1- Project proponent shall use fuels for DG sets approved in NCR region.
 - 2- EC is granted with the condition that EC is valid only for the building plan which has been submitted by PP for seeking EC. In case approved building plan is different from the one submitted for seeking EC then this EC will stand null and void.
 - 3- The project proponent shall submit within the next 3 months the details of solar

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power plant and solar electrification details within the project.

- 4- The project proponent shall ensure to plant broad leaf trees and their maintenance. The CPCB guidelines in this regard shall be followed.
- 5- The project proponent shall submit within the next 3 months the details on quantification of year wise CER activities along with cost and other details. CER activities must not be less 2% of the project cost. The CER activities should be related to mitigation of Environmental Pollution and awareness for the same.
- 6- The project proponent shall submit within the next 3 months the details of estimated construction waste generated during the construction period and its management plan.
- 7- The project proponent shall submit within the next 3 months the details of segregation plan of MSW.
- 8- The project proponent shall ensure that waste water is properly treated in STP and maximum amount should be reused for gardening flushing system and washing etc. For reuse of water for irrigation sprinkler and drip irrigation system shall be installed and maintained for proper function. Part of the treated sewage, if discharged to sewer line, shall meet the prescribed standards for the discharge.
- 9- Under any circumstances untreated sewage shall not be discharged to municipal sewer line.
- 10- The project proponent will ensure that proper dust control arrangements are made during construction and proper display board is installed at the site to inform the public the steps taken to control air pollution as per the Construction and Demolition Waste Management Rules.
- 11- The project proponent shall install micro solar power plants, toilets in nearby villages, public place or school from CER fund of the project for which E.C is granted in addition to and water harvesting pits and carbon sequestration parks / designed ecosystems.
- 12- A certificate from Forest Department shall be obtained that no forest land is involved and if forest land is involved the project proponent shall obtain forest clearance and permission of Central and State Government as per the provisions of Forest (conservation) Act, 1980 and submit before the start of work.
- 13- In compliance to Hon'ble Supreme Court order dated 13/01/2020 in IA no. 158128/2019 and 158129/2019 in Writ petition no. 13029/1985 (MC Mehta Vs GOI and others) anti-smog guns shall be installed to reduce dust during excavation. If the proposed project is situated in notified area of ground water extraction, where creation of new wells for ground water extraction is not allowed, requirement of fresh water shall be met from alternate water sources other than ground water or legally valid source and permission from the competent authority shall be obtained to use it.
- 14- Provision for charging of electric vehicles as per the guidelines of GoI / GoUP should be submitted within the next 3 months.
- 15- PP should display EC granted to them on their website. 6-monthly compliance report should be displayed on their website and to be given every six month to residents / occupants of the building.

5. Sand/Morrum River Bed Mining at Gata No. 840/1, Village – Behta Ballu, Tehsil - Kayamganj, District – Farrukhabad, Area- 7.0 ha. File No. 7324/Proposal No. SIA/UP/MIN/404933/2022

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Minutes of the 681st Meeting of the SEIAA, UP held on 05.12.2022

SEIAA agreed with the recommendation of SEAC-1 to issue additional ToR to the title proposal for conducting EIA studies. SEIAA added following points to ToR-

- 1- Data will be collected after issuance of ToR
- 2- All pages of technical documents/EIA/EMP etc. should be signed by the consultant and project proponent both.
- 3- The lease area its address and production per annum should match with as mentioned in DSR and Lol. In case there is any difference clarification/ amendment letter from competent authority shall be submitted along with EIA. EIA and public hearing shall be conducted as per the lease area its address and production per annum mentioned in DSR and Lol.
- 4- Public hearing shall be conducted as per EIA notification, 2006 (as amended).
- 5- SEIAA opined that the project proponent shall submit permission of CGWA or proposal for alternative source of fresh water.
- 6- KML file for the area and mining lease area should be provided.
- 7- Status of leases granted/to be granted in various mining khands along with production since the formulation of DSR, duly certified by the competent authority should be submitted.
- 8- In case project proponent intends to temporarily store mined out material or any tools, equipment's or other material outside mine lease area then NOC from competent authority for doing so should be submitted and details of such area and associated Environmental impacts should be included in EIA-EMP report. This should also be clearly mentioned during public hearing.
- 9 Road network to be used by the project should be clearly shown on Survey of India toposheet in 1:50,000 scale. In case road network involves forest road, permission should be obtained from Forest Department and a copy of the same should be submitted at the time of appraisal of EIA-EMP report.
- 10- The project proponent should clearly spell out whether it is a green field or brown field project. In case it is a brown field project and -
 - (i) If the earlier and present lease holder are same then compliance report of previous EC should be submitted.
 - (ii) If the earlier and present lease holder are different then environmental footprint of the site and mitigation measures should be included in EIA-EMP report.
- 11- In case of expansion / renewal of earlier EC, following information should be submitted
 - a. Status of compliance of earlier EC conditions by Integrated Regional Office, MoEFCC, GoI, Lucknow.
 - b. Copy of CTE and CTO issued by SPCB.
 - c. Status of submission of six-monthly compliance report to EC granted earlier
 - d. Court cases, if any.
- 12- Observations raised in public hearing, replies submitted by project proponent, suitable modifications carried out in EIA-EMP report.
- 13- PP / consultant in compliance to Hon'ble NGT order dated 06.05.2022 in OA no. 141/2021 (With report dated 31.03.2022) Raj Kumar Vs. State of UP and Others and with OA no. 141/2021 Rajkaran Karn Vs. State of UP and Others, will submit replenishment study, duly approved by DGM, along with EIA-EMP report for seeking EC.



- 14- Project Proponent should submit action plan for carrying out plantation at least @1,000 plants / ha of lease area. In this case, PP should prepare a plan, duly approved either by Forest Department or Horticulture Department, for planting at least 7,000 plants, either on government land or community land, within a periphery of 5 km from the boundary of the lease area along with provision for maintenance for 5 years. Survival of plants below Uttar Pradesh Forest Department's survival rate will be treated as violation of EC condition.
- 15- In consultation with District Environment Authority or an Authority nominated by concerned DM, project proponent will prepared a conservation and management plan for rejuvenation and management of water bodies having total surface area of more than 35 ha. Funds for the same will be kept in a separate bank account and six monthly compliance status will be presented by project proponent before the nominated authority in the District.
- 16- Along with the EIA-EMP report, PP / consultant will also submit in tabular form as to how they have addressed entire ToR while preparing draft EIA-EMP report for PH. Further, PP / consultant will submit in tabular form as to how they have addressed issues raised during public hearing and have incorporated the same in final EIA-EMP report. A presentation to this effect should be made before SEAC at the time of EIA-EMP presentation.

6. Building Stone (Sand stone) Mining Project at Araj No - 37 Village: Dakahi, Tehsil- Chunar, District- Mirzapur, Rama Chaubey, Area- 1.818 Ha. File No. 7325/6952/Proposal No. SIA/UP/MIN/405419/2022

In light of discussion held in SEIAA meeting no. 597 dated 05.05.2022. SEIAA opined to accept the recommendation of SEAC-1 and grant EC to the said project along with all the general and specific conditions as suggested by SEAC-1 adding following specific conditions:-

1. Validity period of this EC is 5 years from the date of issue as the Lol has been issued for a period of 5 years or co-terminus with the validity of current mine plan or current lease period whichever is earlier. After this period the EC will become null and void.
2. Directions/suggestions given during public hearing and commitment made by the project proponent should be strictly complied.
3. A certificate from Forest Department shall be obtained that no forest land is involved in mining or as a route and if forest land is involved the project proponent shall obtain forest clearance and permission of Central and State Government as per the provisions of Forest (conservation) Act, 1980 and submit before the start of work.
4. The mining lease holders shall, after ceasing mining operations, undertake re-grassing the mining area and any other area which may have been disturbed due to their mining activities and restore the land to a condition which is fit for growth of fodder, flora fauna etc.
5. Three tier green shelter belt of 7.5m width should be developed on the periphery of mine lease area. Local and native species should be planted in consultation with Forest/Horticulture Department/Agriculture University.
6. Plan for using the mine void for productive use in consultation with local administration and gram-panchayat.
7. If the proposed project is situated in notified area of ground water extraction, where creation of new wells for ground water extraction is not allowed, requirement of fresh water shall be met from alternate water sources other than ground water or legally valid source and permission from the competent authority shall be obtained to use it.

8. Project Proponent should submit action plan for carrying out plantation at least @1,000 plants / ha of lease area. In this case, PP should prepare a plan, duly approved either by Forest Department or Horticulture Department, for planting at least 2,000 plants, either on government land or community land, within a periphery of 5 km from the boundary of the lease area along with provision for maintenance for 5 years. Survival of plants should not be less than the survival rate notified by Uttar Pradesh Forest Department otherwise it will be treated as violation of EC condition.
9. In consultation with District Environment Authority or an Authority nominated by concerned DM, project proponent will prepared a conservation and management plan for rejuvenation and management of water bodies having total surface area of more than 10 ha. Funds for the same will be kept in a separate bank account and six monthly compliance status will be presented by project proponent before the nominated authority in the District.
10. Department of Geology and Mines, Government of Uttar Pradesh and / or concerned district administration, before releasing the security deposit to Project Proponent will ensure that Project Proponent has fully complied with the EC conditions. Non-compliance, if any, should be reported to UPSPCB for appropriate legal action and recovery of compensation.
11. Any application for transfer of this EC, during its validity period unless it is cancelled by a competent authority, has to be necessarily accompanied with status of compliance of EC conditions duly certified by IRO, MoEFCC, GoI, Lucknow.
12. Number of mining projects are coming up in district. Department of Geology & Mines, GoUP to carry out regional CIA-CMP report including carrying capacity of environmental components to assess the capacity to further bear the pollution load for such areas within a period of 1 year and submit the same to SEIAA, UP for evaluation.
13. Department of Geology & Mines, GoUP in consultation with UPSPCB will establish required number of CAAQMS in district within a period of one year and submit geo-referenced map of these stations along with data. Details of existing CAAQMS, if any, be submitted within a period of three months.
14. Large number of mining projects are ongoing as well as new mining leases are coming up in the district. A reference be sent to DGM and MS, SPCB for preparing mitigation plan for controlling air pollution in the district especially in mining areas.
15. If the air quality deteriorates due to mining, then District Administration & Directorate of Mining should ensure that mining be stopped immediately. Adequate measures be taken for restoring air quality and mining should commence only when air quality attains the prescribed standards.

7. Building Stone (Granite Khanda, Boulder, Bailast (Gitti)) Mining at Gata No.- 2277, Village- Pahra, Tehsil- Mahoba, District- Mahoba, U.P. (Applied Area- 1.518 ha.) Smt. Vineeta Sahu, Area: 1.518 ha. File No. 7326/Proposal No. SIA/UP/MIN/400845/2022

In light of discussion held in SEIAA meeting no. 597 dated 05.05.2022. SEIAA opined to accept the recommendation of SEAC-1 and grant EC to the said project along with all the general and specific conditions as suggested by SEAC but SEIAA replaces the specific condition regarding cluster certificate as "If in future during the progressive mining this lease area becomes part of cluster i.e. area equal to or more than 5 ha., limited to B-1 category, then additional conditions based on the EIA conducted by the concerned lease holders shall be imposed and joint EMP shall be implemented. The lease holder shall mandatorily follow all the imposed conditions otherwise it will amount to violation of E.C.

conditions. If the certificate related to cluster provided by the competent authority is found false or incorrect then punitive actions as per the law shall be initiated against the authority issuing the cluster certificate" and adding following conditions:-

1. Validity period of this EC is 5 years from the date of issue as the Lol has been issued for a period of 5 years or co-terminus with the validity of current mine plan or current lease period whichever is earlier. After this period the EC will become null and void.
2. A certificate from Forest Department shall be obtained that no forest land is involved in mining or as a route and if forest land is involved the project proponent shall obtain forest clearance and permission of Central and State Government as per the provisions of Forest (conservation) Act, 1980 and submit before the start of work.
3. The mining lease holders shall, after ceasing mining operations, undertake re-grassing the mining area and any other area which may have been disturbed due to their mining activities and restore the land to a condition which is fit for growth of fodder, flora fauna etc.
4. Three tier green shelter belt of 7.5m width should be developed on the periphery of mine lease area. Local and native species should be planted in consultation with Forest/Horticulture Department/Agriculture University.
5. Plan for using the mine void for productive use in consultation with local administration and gram-panchayat.
6. If the proposed project is situated in notified area of ground water extraction, where creation of new wells for ground water extraction is not allowed, requirement of fresh water shall be met from alternate water sources other than ground water or legally valid source and permission from the competent authority shall be obtained to use it.
7. Project Proponent should submit action plan for carrying out plantation at least @1,000 plants / ha of lease area. In this case, PP should prepare a plan, duly approved either by Forest Department or Horticulture Department, for planting at least 2,000 plants, either on government land or community land, within a periphery of 5 km from the boundary of the lease area along with provision for maintenance for 5 years. Survival of plants should not be less than the survival rate notified by Uttar Pradesh Forest Department otherwise it will be treated as violation of EC condition.
8. In consultation with District Environment Authority or an Authority nominated by concerned DM, project proponent will prepared a conservation and management plan for rejuvenation and management of water bodies having total surface area of more than 10 ha. Funds for the same will be kept in a separate bank account and six monthly compliance status will be presented by project proponent before the nominated authority in the District.
9. Department of Geology and Mines, Government of Uttar Pradesh and / or concerned district administration, before releasing the security deposit to Project Proponent will ensure that Project Proponent has fully complied with the EC conditions. Non-compliance, if any, should be reported to UPSPCB for appropriate legal action and recovery of compensation.
10. Any application for transfer of this EC, during its validity period unless it is cancelled by a competent authority, has to be necessarily accompanied with status of compliance of EC conditions duly certified by IRO, MoEFCC, GoI, Lucknow.
11. Number of mining projects are coming up in district. Department of Geology & Mines, GoUP to carry out regional EIA-EMP report including carrying capacity of environmental components to assess the capacity to further bear the pollution load

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for such areas within a period of 1 year and submit the same to SEIAA, UP for evaluation.

12. Department of Geology & Mines, GoUP in consultation with UPSPCB will establish required number of CAAQMS in district within a period of one year and submit geo-referenced map of these stations along with data. Details of existing CAAQMS, if any, be submitted within a period of three months.
13. Large number of mining projects are ongoing as well as new mining leases are coming up in the district. A reference be sent to DGM and MS, SPCB for preparing mitigation plan for controlling air pollution in the district especially in mining areas.
14. If the air quality deteriorates due to mining, then District Administration & Directorate of Mining should ensure that mining be stopped immediately. Adequate measures be taken for restoring air quality and mining should commence only when air quality attains the prescribed standards.

8. Ordinary earth Mine, Khasra/Gata No.- 17 in village Kandauli, Tehsil -Dhaulana, District:- Hapur, Shahid Ali, Area 2.291 ha. File No. 7328/Proposal No. SIA/UP/MIN/404993/2022

SEIAA noted that the recommendation of SEAC-1 to grant EC to the above project. SEIAA gone through file and documents and opined that project proponent should submit agreement from all the land owners, affidavit that ordinary earth would not be used in brick kilns.

9. "Ordinary Soil Excavation Project" at Gata No.- 116, Village- Kakraora, Tehsil- Safipur, District-Unnao, Smt. Kamlesh Kumari, Area - 1.0120 ha. File No. 7340/Proposal No. SIA/UP/MIN/405889/2022

In light of discussion held in SEIAA meeting no. 597 dated 05.05.2022. SEIAA opined to accept the recommendation of SEAC-1 and grant EC to the said project along with all the general and specific conditions as suggested by SEAC but SEIAA replaces the specific condition regarding cluster certificate as "If in future during the progressive mining this lease area becomes part of cluster i.e. area equal to or more than 5 ha., limited to B-1 category, then additional conditions based on the EIA conducted by the concerned lease holders shall be imposed and joint EMP shall be implemented. The lease holder shall mandatorily follow all the imposed conditions otherwise it will amount to violation of E.C. conditions. If the certificate related to cluster provided by the competent authority is found false or incorrect then punitive actions as per the law shall be initiated against the authority issuing the cluster certificate" and adding following conditions:-

1. Validity period of this EC is 3 months from the date of issue as the Lol has been issued for a period of 3 months or co-terminus with the validity of current mine plan or current lease period whichever is earlier. After this period the EC will become null and void.
2. A certificate from Forest Department shall be obtained that no forest land is involved in mining or as a route and if forest land is involved the project proponent shall obtain forest clearance and permission of Central and State Government as per the provisions of Forest (conservation) Act, 1980 and submit before the start of work.
3. The mining lease holders shall, after ceasing mining operations, undertake re-grassing the mining area and any other area which may have been disturbed due to their mining activities and restore the land to a condition which is fit for growth of fodder, flora fauna etc.

4. If the proposed project is situated in notified area of ground water extraction, where creation of new wells for ground water extraction is not allowed, requirement of fresh water shall be met from alternate water sources other than ground water or legally valid source and permission from the competent authority shall be obtained to use it.
 5. Project Proponent should submit action plan for carrying out plantation at least @1,000 plants / ha of lease area. In this case, PP should prepare a plan, duly approved either by Forest Department or Horticulture Department, for planting at least 2,000 plants, either on government land or community land, within a periphery of 5 km from the boundary of the lease area along with provision for maintenance for 5 years. Survival of plants should not be less than the survival rate notified by Uttar Pradesh Forest Department otherwise it will be treated as violation of EC condition.
 6. In consultation with District Environment Authority or an Authority nominated by concerned DM, project proponent will prepared a conservation and management plan for rejuvenation and management of water bodies having total surface area of more than 10 ha. Funds for the same will be kept in a separate bank account and six monthly compliance status will be presented by project proponent before the nominated authority in the District.
 7. Department of Geology and Mines, Government of Uttar Pradesh and / or concerned district administration, before releasing the security deposit to Project Proponent will ensure that Project Proponent has fully complied with the EC conditions. Non-compliance, If any, should be reported to UPSPCB for appropriate legal action and recovery of compensation.
 8. Any application for transfer of this EC, during its validity period unless it is cancelled by a competent authority, has to be necessarily accompanied with status of compliance of EC conditions duly certified by IRO, MoEFCC, Gol, Lucknow.
 9. If the air quality deteriorates due to mining, then District Administration & Directorate of Mining should ensure that mining be stopped immediately. Adequate measures be taken for restoring air quality and mining should commence only when air quality attains the prescribed standards.
10. Expansion of Existing Sugar unit from 10000 TCD to 13000 TCD along with co gen power from 24.0 MW to 44.9 MW within existing premises at Khasra No.-2723, 2724, 16, 32, 33, 45, 46, 49, 19, 21, 27, 22, 23, 24, 26, 51, 4Ka, 1ka, 3kha, 1kha, 10ka, 11, 12, 13, 14ka, 2659, 2661, 3413, 1kha, 6kha, 7, 278, 298, 280, 282mi, 284, 287, 285/2, 147, 114, 115, 110mi, 298, 290, 296, 289/332, 288mi, 32mi, 35mi, 41mi, 44mi, 32mi, 35mi, 44mi, 46, 280, 282mi, 284, 287, 295, 290, 296, 289/332, 282, 291, 9a, Village: Seohara, Girdhapur, Safiyabad, Shayamabad & Saidpur, Pargana: Seohara, Tehsil: Dhampur, District: Bijnor, U.P., M/s Avadh Sugar & Energy Limited, Unit: Seohara Shri Pankaj Kumar. File No. 7352/6982/Proposal No. SIA/UP/IND2/406523/2022

In light of discussion held in SEIAA meeting no. 597 dated 05.05.2022. SEIAA opined to accept the recommendation of SEAC-1 and grant EC to the said project along with all the general and specific conditions as suggested by SEAC-1. In addition to the conditions imposed by SEAC-1, SEIAA added following additional specific conditions:-

1. Government of India discharge notification dated 14.01.2016 to be complied.
2. The project proponent shall ensure that the distillery shall be on ZLD with incineration of spent wash in slop boiler. As proposed treated waste water should be completely recycled /reused and ZLD should be achieved. Under no circumstances treated waste



water and effluent shall not be discharged to any drain/sewer line/ inland surface water/Nala etc.

3. Directions/suggestions given during public hearing and commitment made by the project proponent should be strictly complied.
4. Ash generated will be stored in dedicated areas with proper fencing.
5. The project proponent will install 3 CAQMS in consultation with UPPCB.

11. Discussion on Hon'ble NGT, New Delhi order 04/07/2022 in OA No. 212/2021 (Earlier Appeal No. 16/2021):

- a) Sand/ Morrum Mining at Gata No.- 2558, 2563, Khand No.- 05, Village- Bandhauli, Tehsil- Urai, District- Jalaun, Shri Rupesh Kumar Chauhan, Area-12.145 Ha. (MoEFCC Parivesh Id – SIA/UP/MIN/72949/2018) EC Letter no. 237/parya/SEAC/4081/2018 dated 16.03.2018
- b) Sand/Morrum Mining at Khand No.-04, Gata No.- 2558, 2563, Village- Bandhauli, Tehsil- Urai, District- Jalaun, Shri Yashpal Singh Parmar, M/s Khajuraho Motors Pvt. Ltd Area-16.194 Ha. (MoEFCC Parivesh Id – SIA/UP/MIN/22333/2018) EC Letter no. 426/parya/SEIAA/4130/2020 dated 15.10.2020
- c) Bed Sand/Morrum Mining Project at Gata No.-05A, Gata No.- 2556 & 2557, Village- Bandhauli, Tehsil- Urai, Distt.- Jalaun, Shri Sumit Kumar Singh, M/s A.S.V.P. Construction, Area 36.437 Ha. (MoEFCC Parivesh id –SIA/UP/MIN/56971/ 2020), EC Letter no. 455/parya/SEIAA/5878-5664/2020 dated 15.10.2020

This issue was discussed In 627th SEIAA meeting dated 07.07.2022 in which SEIAA opined as follows-

SEIAA gone through the Order dated 04.07.2022 of Honourable NGT case O.A. no. 212/2021(earlier appeal no. 16/2021)

Four ECs dated 16.03.2018, 26.12.2018, 15.10.2020 and 15.10.2020 with respect to four mines situated at Gata No. 2558 in village Bandhauli, Tehsil – Orai, District Jalaun, UP were challenged in Honourable NGT, Principal Bench, New Delhi. These 4 ECs were issued vide letter no. –

- a) 601/parya/SEAC/4196/2018 dated 26.12.2018 (MoEFCC Parivesh id – SIA/UP/MIN/23808/2018)
- b) 237/parya/SEAC/4081/2018 dated 16.03.2018 (MoEFCC Parivesh id – SIA/UP/MIN/72949/2018)
- c) 426/parya/SEIAA/4130/2020 dated 15.10.2020 (MoEFCC Parivesh id – SIA/UP/MIN/22333/2018)
- d) 455/parya/SEIAA/5878-5664/2020 dated 15.10.2020 (MoEFCC Parivesh id – SIA/UP/MIN/56971/2020)

SEIAA noted that Hon'ble NGT in its order dated 04.07.2022 in OA no. 212/2021 (Earlier Appeal No. 16/2021) has said as follows –

The Issue – permissibility of mining without DSR, EIA/EMP, replenishment study as per judgements of Hon'ble Supreme Court and this Tribunal Finding and directions

6. It is not disputed that there is no replenishment study. Cluster procedure has not been followed as per procedure laid down by the MoEF&CC in Notification dated 15.01.2016. In two cases the PPs do not have requisite CTO while in the remaining illegal extraction of ground water has been observed. Since requirement of DSR and replenishment studies are laid down by the MoEF&CC under the EMGSM, 2020 in the light of judgment of the Hon'ble Supreme Court in Deepak Kumar vs. State of Haryana & Ors. read with orders

of this Tribunal dated 14.10.2020 in OA No. 40/2020/EZ with OA No. 57/2020/EZ, Pawan Kumar vs. State of Bihar & Ors. and earlier orders, reiterated by the Hon'ble Supreme Court vide recent judgment dated 10.11.2021 in Civil Appeal No. 3661-3662 of 2020, State of Bihar & Ors. vs. Pawan Kumar & Ors., **we are of opinion that ECs/other permissions granted by SEIAA need to be revisited.** This view has been taken by this Tribunal repeatedly, including in recent order dated 01.07.2022 in O.A. No.319/2022, Dileep Singh vs. State of Uttar Pradesh & Ors.

7. Respondent No. 9 has submitted that it has legitimate source of water and is not extracting groundwater but the documents annexed shows supply of water for 'drinking purposes' and not for mining. Further, it is stated that borewell which was installed is not used by the PP which is not substantiated.

8. In view of the above, mining by all the private respondents is held to be illegal. SEIAA, UP may revisit the ECs within two months. State PCB may also revisit consents, wherever granted and take action where illegal mining is taking place, following due process of law. Action taken may include recovery of compensation for illegal mining. District Magistrate, Jalaun may also proceed in the matter as per law.

SEIAA opined as follows –

1. Copy of Honourable NGT order be sent to SEAC-1 & SEAC-2 with the direction that ECs issued to mining leases / projects bearing odd number of MoEFCC Parivesh id be examined by SEAC-1 and ECs issued to mining leases / projects bearing even number of MoEFCC Parivesh id be examined by SEAC-2. SEAC-1 and SEAC-2 should submit their self-speaking recommendations regarding ECs to SEIAA within 1 month.
2. Honourable NGT, Principal Bench, New Delhi order be discussed in their SEACs and brought to the notice of all the members and in future while examining the proposals, directions given by Honourable NGT should be followed.
3. Copy of Honourable NGT order be sent to Director, Directorate of Geology and Mining, GoUP, DM, Jalaun and MS, SPCB for necessary compliance.

SEAC-1 in their MoM has commented as below:-

"The committee gone through the Hon'ble National Green Tribunal order dated 04/07/2022 passed in OA No. 212/2022 and opined that the site visit of each mining lease should be undertaken by a joint committee comprising Mining Officer, Jalaun, Regional Officer, UPPCB and Member nominated by District Magistrate, Jalaun regarding the compliance of Environmental Clearance conditions imposed by SEIAA, U.P. and submit the report to SEIAA."

SEAC-2 has not taken up the case in their meeting till date.

SEIAA opined as follows:-

1. Issue Orders keeping ECs issued to the above projects in abeyance.
2. MS, SEIAA to constitute a team for site inspection and team so constituted to give the report within 15 days.
3. Reference be send to DM, Jalaun with reference to Hon'ble NGT above Order that no mining should take place till further orders.



12. Majeedpur Soil Mining Project from Gata No.- 347, 348, 13, 114, 292, 8, 7, 16, 258, 365, 319, 320 Village Majeedpur, Tehsil Puwanya, District- Shahjahanpur, Shri Sachin Kumar, Area- 2.9226 ha. File No. 7226/Proposal No. SIA/UP/289819/2022.

In light of discussion held in SEIAA meeting no. 597 dated 05.05.2022. SEIAA opined to accept the recommendation of SEAC-1 and grant EC to the said project along with all the general and specific conditions as suggested by SEAC but **EC to be issued only after submission affidavit that ordinary earth would not be used in brick kilns.** SEIAA replaces the specific condition regarding cluster certificate as "If in future during the progressive mining this lease area becomes part of cluster i.e. area equal to or more than 5 ha., limited to B-1 category, then additional conditions based on the EIA conducted by the concerned lease holders shall be imposed and joint EMP shall be implemented. The lease holder shall mandatorily follow all the imposed conditions otherwise it will amount to violation of E.C. conditions. If the certificate related to cluster provided by the competent authority is found false or incorrect then punitive actions as per the law shall be initiated against the authority issuing the cluster certificate" and adding following conditions:-

1. Validity period of this EC is 3 months from the date of issue as the Lol has been issued for a period of 3 months or co-terminus with the validity of current mine plan or current lease period whichever is earlier. After this period the EC will become null and void.
2. A certificate from Forest Department shall be obtained that no forest land is involved in mining or as a route and if forest land is involved the project proponent shall obtain forest clearance and permission of Central and State Government as per the provisions of Forest (conservation) Act, 1980 and submit before the start of work.
3. The mining lease holders shall, after ceasing mining operations, undertake re-grassing the mining area and any other area which may have been disturbed due to their mining activities and restore the land to a condition which is fit for growth of fodder, flora fauna etc.
4. If the proposed project is situated in notified area of ground water extraction, where creation of new wells for ground water extraction is not allowed, requirement of fresh water shall be met from alternate water sources other than ground water or legally valid source and permission from the competent authority shall be obtained to use it.
5. Project Proponent should submit action plan for carrying out plantation at least @1,000 plants / ha of lease area. In this case, PP should prepare a plan, duly approved either by Forest Department or Horticulture Department, for planting at least 3,000 plants, either on government land or community land, within a periphery of 5 km from the boundary of the lease area along with provision for maintenance for 5 years. Survival of plants should not be less than the survival rate notified by Uttar Pradesh Forest Department otherwise it will be treated as violation of EC condition.
6. In consultation with District Environment Authority or an Authority nominated by concerned DM, project proponent will prepared a conservation and management plan for rejuvenation and management of water bodies having total surface area of more than 15- ha. Funds for the same will be kept in a separate bank account and six monthly compliance status will be presented by project proponent before the nominated authority in the District.
7. Department of Geology and Mines, Government of Uttar Pradesh and / or concerned district administration, before releasing the security deposit to Project

AP

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Proponent will ensure that Project Proponent has fully complied with the EC conditions. Non-compliance, if any, should be reported to UPSPCB for appropriate legal action and recovery of compensation.

8. Any application for transfer of this EC, during its validity period unless it is cancelled by a competent authority, has to be necessarily accompanied with status of compliance of EC conditions duly certified by IRO, MoEFCC, GoI, Lucknow.
9. If the air quality deteriorates due to mining, then District Administration & Directorate of Mining should ensure that mining be stopped immediately. Adequate measures be taken for restoring air quality and mining should commence only when air quality attains the prescribed standards.

**Assistant Nodal/Nodal Officer
SEIAA, UP**

MoM prepared by Secretariat in consultation with
Chairman & Members on the basis of decisions
taken by SEIAA during the meeting.



**(Ajay Kumar Sharma)
Member-Secretary
SEIAA**

**(Paras Nath)
Member
SEIAA**

**(Dr. Rajiv Kumar Garg)
Chairman
SEIAA**