

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

<p>117- F. 2717/2014</p>	<p>Construction of residential project "LUMINA" by M/s. Lancor Guduvanchery Developments Limited at S.F.No. 16/2B1, 13/1B1, 11/4, 11/5A, 11/1, 17/1A1, 17/1A2, 17/1A3, 17/1B1, 17/1B2, 16/1A1, 16/2A1, 13/1A, 29/5, 11/2 & 11/3 of Kayarambedu Village, Chengalpattu Taluk, Kancheepuram District, Tamil Nadu – Activity 8(a) & Category "B2"- Building & Construction Projects – ToR to be issued under violation notification dated: 08.03.2018 of MoEF & CC – Regarding.</p>
	<p>The Project Proponent M/s. Lancor Guduvanchery Developments Limited has applied for Environment Clearance for the construction of residential project "LUMINA" with a total built up area of 77,066.44 Sq.m at S.F.No. 16/2B1, 13/1B1, 11/4, 11/5A, 11/1, 17/1A1, 17/1A2, 17/1A3, 17/1B1, 17/1B2, 16/1A1, 16/2A1, 13/1A, 29/5, 11/2 & 11/3 of Kayarambedu Village, Chengalpattu Taluk, Kancheepuram District, Tamil Nadu on 17.08.2012.</p> <p>The proposal was placed in the 106th SEAC meeting held on 05.04.2018. The proponent made a presentation about the project proposal.</p> <p>From the perusal of the office records, project proposal and the presentation made by the proponent, the following points were noted:</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. The project proposal was included in the list of cases involving violations of Environment (P) Act, 1986 and the project stood delisted in the lists of proposals under process in SEIAA-TN. 3. 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>"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</p>

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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.

4. Then, the proponent has filed the application to MoEF & CC under violation on 02.08.2017.
5. 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".
6. The application was transferred from MoEF & CC to SEIAA-TN.
7. The proponent resubmitted the hard copy of the proposal to SEIAA-TN on 31.03.2018 for the consideration of ToR under violation notification.

The Committee noted that the project proposal is to be appraised under violation category as per MoEF & CC notification S.O. 1030 (E) dated: 08.03.2018. Since the project has been considered under violation category, the Committee felt that it is necessary to make an on the spot assessment of the status of the project execution for deciding the further course of action.

As per the order Lr. No. SEAC-TN/F.No.2717/2014 dated: 05.04.2018 of the Member Secretary, SEAC, a Technical Team comprising of the SEAC Members was constituted to inspect and study the field conditions. Accordingly a Technical Team inspected the project site on 17.04.2018 and submitted the report on 14.05.2018.

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The inspection report of the Technical team was placed in the 111st SEAC meeting held on 15.05.2018. 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) Totally there are 9 towers- 7 towers (E, F, G) completed and handed over and partially occupied. Tower D structure completed, Tower H1 & H2 foundation laid and Tower ABC not yet started. Club house completed fully, similarly the amenities block. STP completed and in operation, WTP in operation, OWC installed and in operation, similarly DG sets installed and in operation. That means the project has gone into operation mode.
- (iii) The construction was started on 20.03.2013 and the area was a vacant land which falls under Kayarambedu Village, Chengalpattu Taluk, Kancheepuram.
- (iv) The project is exclusively for housing residential apartments in the premises.
- (v) This is a construction of residential building complex with total built up area of 77066.44 sq.m in a land area of 32900 sq.m.
- (vi) According to the proponent, there is no change in the land area, built-up area and cost of the project. There is no change in the project components, land area utilization for different purposes, parking area, occupancy load, water supply and sewage generation.
- (vii) The source of fresh water supply is from Private tankers.
- (viii) 245 KLD of treated sewage is proposed to be used for avenue plantation. However, no specific details are available. The proponent was directed to go for more sustainable and environmental friendly of the excess treated sewage management.
- (ix) As seen from the filled in pro forma, the project has in place NOC from Fire and rescue services department & Flood NOC.
- (x) The building plan is approved by CMDA.

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	<p>(xi) The project is outside the purview of CRZ notification, 2011.</p> <p>(xii) For Green Belt, an area of 4935 Sq.m. must have been earmarked; the proponent has earmarked 5014 Sq.m. as per the report. Similarly, 412 trees should have been planted but only 184 trees have been actually planted (approved species), leaving a deficit of 224 trees. The proponent was asked to plant 224 numbers of the following species</p> <ul style="list-style-type: none"> a) Pongamia glabra (Pungan) b) Thespesia populnea (Poovarasu) c) Azadirachta indica (Vembu) d) Syzygium cumini (Naval) e) Mimosa elengi (Magilam) f) Ficus retusa (Athi) g) Calophyllum inophyllum (Punnai) h) Ficus religiosa (Arasu) i) Madhuca longifolia (Iluppai) j) Terminalia arjuna (Neermarudhu) k) Terminalia bellarica (Thani) <p>(xiii) For rain water harvesting , one sump of capacity 40000 litres constructed and in use. Additional sump for Block ABC is being planned. 16 recharge pits have been constructed and additional 16 will be constructed in future. Excess storm water from the project site will be connected to the existing drain along the Nellikuppam road, which will finally discharge into Nandivaram lake.</p> <p>(xiv) The proponent should conduct a detailed study regarding inflow and outflow of the traffic and must ensure smooth flow of traffic.</p> <p>(xv) The chlorination of the sewage should be discontinued immediately and UV system should be used for disinfection.</p> <p>(xvi) The stack for DG Sets should have height as per the CPCB norms. The team noted that the present height is very low. Similarly the DG sets are located close to the boundary and they should be shifted to a place away from the boundary.</p> <p>(xvii) For CER activities, the proponent should submit CER activity for a sum of</p>
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	<p>Rs. 95 Lakhs (0.5% of the project cost of Rs. 190 crores) towards local community development while submitting the EIA report.</p> <p>(xviii) The proponent was asked to furnish the updated information with respect to the following checklist provisions:</p> <ol style="list-style-type: none">Site plan showing all detailsCertificate for structural safetyDTCP plan approvalPlan with colour coding showing pipe line conveying the treated effluent for green belt development, toilet flushing, Water supply pipeline, power cables, Storm water drains and Rain Water Harvesting system.Sample medical check up report for workersPhoto to show that the land area for STP & DG set is away from the building and within the boundary of the area.Evidence for usage of Tanker water during constructionSPM and noise data related to construction.Traffic problem – service road entryEnvironmental Management CellPhotographs of the First aid room during construction.Evidence for not encroaching any water bodies for the site <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 24.04.2018. Accordingly the proponent has submitted the revised check list with enclosures on 10.05.2018.</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 checklist submitted by the proponent, the technical team makes the following observation:</p> <ol style="list-style-type: none">The proponent has made a procedural violation in the sense that the proponent has started construction of the Residential building before getting the Environmental Clearance from the competent authority.When the technical team assessed whether the proponent has actually followed in the past, the normal condition stipulated in the EC for all
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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 and quantified 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 SEAC has already finalised the ToR for the construction projects under the Violation category. The recommended ToR will consist of two parts: Part I & Part II. For this project, a part III should be added which will be called as "deficiencies to be rectified". Under this part III, the following points should be added:
 - (i) For Green belt, 224 numbers of additional trees should be planted before submitting the EIA report.
 - (ii) 16 additional recharge pits as and when remaining construction works are completed.
 - (iii) UV for STP should be installed before submitting the EIA report
 - (iv) Traffic study before submitting the EIA report.
 - (v) The stack for DG Sets should have height as per the CPCB norms. The team noted that the present height is very low. Similarly the DG sets are located close to the boundary and they should be shifted to a place away from the boundary. This should be completed before submitting the EIA report
 - (vi) A sustainable and Environmental Friendly proposal should be submitted for the management of the excess treated sewage.

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

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annexed for conducting the EIA study for the project of "LUMINA" with a total built up area of 77,066.44 Sq.m by M/s. Lancor Guduvanchery Developments Limited at S.F.No. 16/2B1, 13/1B1, 11/4, 11/5A, 11/1, 17/1A1, 17/1A2, 17/1A3, 17/1B1, 17/1B2, 16/1A1, 16/2A1, 13/1A, 29/5, 11/2 & 11/3 of Kayarambedu Village, Chengalpattu Taluk, Kancheepuram District, Tamil Nadu.

Based on the ToR, the proponent submitted the EIA report to SEIAA-TN on 04.07.2018. The EIA report was placed in the 117th SEAC Meeting held on 27.07.2018. The proponent made a presentation about the project proposal. Among other things, the SEAC noted that 6 activities that the proponent should have completed as per the time schedule prescribed there in, have been completed.

The SEAC noted that 245 KLD of treated sewage was proposed to be used for Highway avenue plantation/STP disposal. The Committee directed the proponent to submit firm proposals for sustainable and environment friendly methodology for the use of the treated sewage. Accordingly, the proponent submitted a proposal to make use of the treated sewage of 245 KLD in an area of 70642 sq.m in Sriperumbudur Village. Necessary documents for ownership of land and affidavit to this effect have been submitted by the proponent. The undertaking given by the proponent reads as follows:

"The total land extent of 70, 642 sq.m of land is available with us for utilization of excess treated sewage for raising and maintaining the greenbelt/avenue plantations. The land ownership documents pertaining to the above are enclosed herewith for your kind perusal and records. Further, we propose our own transportation system for moving the excess treated sewage from the proposed residential building complex at Kayarambedu Village, Chengalpattu Taluk, Kancheepuram District to the above said disposal location at our own cost. We will adopt the above said system of disposal until we are provided with proper sewage disposal system by the Government/ Local body".

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. a. Ecological remediation plan and cost as proposed by the proponent :

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Loss of Top soil, Loss of vegetation and habitation, Change in course of natural drainage, Loss of area for ground water, Particulate matter emission and pollution caused by vehicles and Noise emission from the equipment/machinery. Amount already spent Rs. 255.54 lakhs and amount to be spent, Rs. 18.77 lakhs (Details in the EIA report)

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 and Safety/ security of human resources. Amount already spent Rs. 195.39 lakhs and amount to be spent, Rs. 36 lakhs (Details in the EIA report)

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

Plantation of trees and installation of Rain water harvesting system - Amount to be spent -Rs 3 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.

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. Lancor Guduvanchery Developments Limited at S.F.No. 16/2B1, 13/1B1, 11/4, 11/5A, 11/1, 17/1A1, 17/1A2, 17/1A3, 17/1B1, 17/1B2, 16/1A1, 16/2A1, 13/1A, 29/5, 11/2 & 11/3 of Kayarambedu Village, Chengalpattu Taluk, Kancheepuram District, comes under the "High 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:**


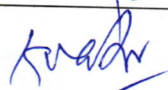
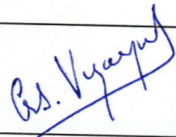
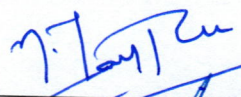
1. The amount prescribed for Ecological remediation(Rs. 95.03 lakhs), natural resource augmentation (Rs. 38.02 lakhs) & community resource augmentation (Rs. 57.01 lakhs), totalling Rs. 190.06 lakhs shall be remitted in the form of bank guarantee to Tamil Nadu Pollution Control board, before

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. 190.06 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	The Department of Applied Geology, University of Madras, Guindy campus, Chennai - 25	Rs. 75 Lakhs, DD favouring "The Registrar, University of Madras"	Advanced hydro geological lab to act as a referral lab for mining projects at Department of Applied Geology.
2.	Education	The Headmaster, Panchayat Union Middle School, Karaisalkudiyiruppu - 627 807, Tenkasi Union, Tirunelveli District	Rs. 15 Lakhs, DD favouring "The Headmaster, Panchayat Union Middle School, Karaisalkudiyiruppu"	Infrastructural facilities including classrooms, toilets, compound wall, furnitures
3.	Education	The Headmistress, CSI Northwick Girls Higher Secondary School, No. 20, Shaik maistry Street, Royapuram, Chennai -13	Rs. 15 Lakhs, DD favouring "The Headmistress, CSI Northwick Girls Higher Secondary School"	Infrastructural facilities like toilets and renovation of classrooms including flooring
4.	Education	The Head Master, CSI Primary School, Gundiperumbedu Village,	Rs. 5 Lakhs, DD favouring "The Head Master, CSI Primary School,	Infrastructural facilities like toilets for boys and girls

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		Sriperumbudur - 602105, Kancheepuram District	Gundiperumbedu, Sriperumbudur"	and renovation of school building facilities.
5.	Forest Conservation	The Field Director, Mudumalai Tiger Reserve, Udhagamandalam	Rs. 30 Lakhs, DD favouring "the Executive Director, Mudumalai Tiger Conservation Foundation, Udhagamandalam"	Eco-tourism infrastructure development
6.	Education & Forest Conservation	Additional Principal Chief Conservator of Forests and Director, Tamil Nadu Forest Academy, R.S. Puram, Coimbatore	Rs. 50.06 Lakhs, DD favouring "SWIFT Society, Coimbatore"	For renovating and maintenance of Tamil Nadu Forestry Training College at Vaigai Dam
<p>4. The proponent submitted a proposal to make use of the treated sewage of 245 KLD in an area of 70642 sq.m in Sriperumbudur Village. Necessary documents for ownership of land and affidavit to this effect have been submitted by the proponent. The proponent should implement the proposal as committed by him.</p>				
S.No	Name	Designation	Signature	
1	Dr. K. Thanasekaran	Member		
2	Dr.K.Valivittan	Member		
3	Dr.Indumathi M. Nambi	Member		
4	Dr. G. S. Vijayalakshmi	Member		
5	Dr. M. Jayaprakash	Member		

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6	Shri V. Sivasubramanian	Member	
7	Shri V. Shanmugasundaram	Member	<i>Shanmugasundaram</i>
8	Shri B. Sugirtharaj Koilpillai	Member	<i>B. Sugirtharaj</i>
9	Shri. P. Balamadeswaran	Co-opt Member	<i>P. Balamadeswaran</i>
10	Shri. M.S. Jayaram	Co-opt Member	<i>M.S. Jayaram</i>