

Minutes of the 114th SEAC Meeting held on 19th JUNE 2018

114- F. 2716/2013	Existing Information Technology Park by M/s. A. R. Foundations Private Limited in S.F. No. 1148/2, 1148/3 & 1147/11 (Plot No. 148) of Mylapore Village, Mylapore Taluk, Chennai District, Tamil Nadu – Activity 8(a) & Category “B2”- Building & Construction Projects - ToR under violation notification dated: 08.03.2018 of MoEF & CC – Regarding.
	<p>The Project Proponent M/s. A. R. Foundations Private Limited has applied for ToR for preparing EIA/EMP report for Environmental Clearance for the Existing Information Technology Park with a total built up area of 24182.79 Sq.m at S.F. No. 1148/2, 1148/3 & 1147/11 (Plot No. 148) of Mylapore Village, Mylapore Taluk, Chennai District, Tamil Nadu on 18.04.2018.</p> <p>From the perusal of the office records, project proposal and the presentation made by the proponent, the following points are 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 proponent was requested to furnish the ‘Letter of Commitment and Expression of Apology’ and the proponent has also submitted the same. 3. The Proponent was informed vide SEIAA Letter No. SEIAA-TN/F.2716/2014 dated 05.12.2014 that the project proposal is included in the list of cases involving violations of Environment (P) Act, 1986 and that the project stands delisted in the lists of proposals under process in SEIAA-TN. 4. As per the MoEF & CC Notification dated: 14.03.2017, stated that the cases of violation will be dealt strictly as per the procedures specified in the following manner “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

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work or have undertaken expansion, modernization and change in product mix without prior EC, these projects shall be treated as cases of violations and in such cases, even Category B projects which are granted EC by the SEIAA shall be appraised for grant of EC only by the EAC and Environmental Clearance will be granted at Central level only". Accordingly, the proponent was addressed to submit the proposal to MoEF & CC for EC under violation category vide SEIAA letter dated: 19.06.2017.

5. Then, the proponent has filed the application to MoEF & CC under violation on 06.09.2017.
6. 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".
7. The application was transferred from MoEF & CC to SEIAA-TN.
8. The proponent has applied for EC under violation to SEIAA-TN on 18.04.2018. However, the SEAC decided to issue ToR first for preparing the EIA / EMP report as per the Violation Notification dated: 08.03.2018.

The proposal was placed in the 110th SEAC meeting held on 04.05.2018. The proponent made a presentation about the project proposal.

The SEAC noted that the project proposal is to be appraised under

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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 SEAC 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.2716/2013 dated: 04.05.2018 of the Member Secretary, SEAC, a Technical Team comprising of the SEAC Members was constituted to inspect and study the field conditions.

To start with, the Technical Team held discussions with the project proponent regarding Existing Information Technology Park by M/s. A. R. Foundations Private Limited. The Technical Team took up the various items stated in the checklist for detailed discussions.

For cases where the statement of the proponent has not furnished a reply or given incomplete information, then, the proponent was asked to furnish a revised checklist incorporating all the relevant details.

The inspection report was placed before the 114th SEAC Meeting held on 19.06.2018

A summary of the review of the checklist and the actual field inspection is as follows:

- (i) The Technical Team learnt that the “violation” attributed to the project is that the construction activity was started before getting the Environmental Clearance.
- (ii) The construction of IT park was started in the year 2004 and completed in 2007. The park became operational in the year 2007. The park has been leased out to 6 companies which employ roughly 2000 people. Thus, the park is a fully constructed and running project. The proponent has applied for CTE from TNPCB in the year 2007.
- (iii) The total built up area is 24182.79 sq.m.
- (iv) The components in the park are single block IT building having 12 floors, car parking facilities, STP, WTP and DG sets, all in place and in operation.

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	<p>(v) During the discussion, it was mentioned by the Rep of proponent that a few trees (2 or 3) which existed before construction, were cut and removed and an old building (70 years old) which existed at the site was demolished for construction of the IT Park.</p> <p>(vi) As per norms, an area of 792 sq.m should be earmarked for green belt. The proponent has earmarked only 299.59 sq.m (5.67% of total area). There is a deficit of roughly 492 sq.m in the green belt area. In terms of number of trees, 66 trees should have been planted whereas 30 trees have been planted. There is a deficit of 36 trees. In addition, the compensatory trees (30 numbers) for cutting the 3 trees which existed already, should also be planted. The following indigenous species shall be planted:</p> <ul style="list-style-type: none">a. Pongamia pinnata (Pungan)b. Thespesia populnea (Poovarasu)c. Azadirachta indica (Vembu)d. Syzygium cumini (Naval)e. Mimusops elengi (Magilam)f. Ficus glomerata (Athi)g. Calophyllum inophyllum (Punnai)h. Ficus religiosa (Arasu)i. Madhuca longifolia (Iluppai)j. Terminalia arjuna (Neermarudhu)k. Terminalia bellarica (Thani) <p>(vii) Regarding rain water harvesting, 3 recharge pits have been constructed. The proponent was directed to construct additional recharge pits as per norms. The proponent at present is reported to have 5 sumps and the proponent was directed to use one of the sumps for storing roof run off.</p> <p>(viii) The proponent was asked to furnish complete details about the various kinds of e-waste generated over a period of time, its quantity and the e-waste management measures implemented already and being implemented.</p>
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	<p>(ix) The proponent was directed to get STP adequacy certificate from reputed institutions like Anna University/IIT.</p> <p>(x) Source of water supply (45.4 KLD) for the park is CMWSSB/Private water tankers. The proponent was directed to furnish the water quality data for private water tankers.</p> <p>(xi) There is no excess sewage generated in the IT Park.</p> <p>(xii) The proponent was directed to furnish revised water balance diagram with clarity about water used for cleaning purposes.</p> <p>(xiii) The proponent informed that bore well water from the site is also a source of water. If that be the case, necessary permission should be obtained from competent authority.</p> <p>(xiv) The proponent was directed to use UV system in the place of chlorination in the STP.</p> <p>(xv) For CER activities, the proponent should submit CER activity for a sum of Rs. 29 Lakhs (0.5% of the project cost, RS. 58 Crores) towards local community development while submitting EIA report.</p> <p>(xvi) The proponent was asked to furnish the updated information/certificates with respect to the following checklist provisions:</p> <ul style="list-style-type: none">i. Certificate from corporation for re-use of sewage in OSR areaii. Flood NOCiii. First aid facilitiesiv. Certificate for structural safety from Anna University/IITv. Land use certificatevi. STP adequacy certificate from Anna University/IIT.vii. Revised green belt planviii. Revise rain water harvesting planix. CER proposalsx. Revised water balance diagramxi. Permission for drawing ground water <p>The proponent was asked to furnish the particulars as discussed above and</p>
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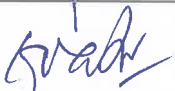

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as per the check list already provided, to the Technical Team on 15.05.2018. Accordingly the proponent has submitted the revised check list with enclosures on 15.05.2018.

The proponent submitted the revised check list with enclosures on 15.05.2018. The annexure contains the extract of the revised checklist. The revised checklist contains old and supplementary data/information. On 24.05.2018, the inspection team perused the revised checklist and informed the Rep of proponent in person that the checklist information is totally incomplete and hence was asked to revise the same and submit to SEAC for further necessary action. Till date (06.06.2018), there has been no response from the proponent regarding this aspect. Hence, the inspection team decided to finalize its report based on the information already submitted by the proponent on 15.05.2018. The recommendation of the inspection team has been finalized keeping in mind the report submitted on 15.05.2018.

From the perusal of the original proposal of the proponent, initial checklist (15.05.2018) submitted by the proponent, site inspection of the construction site, the technical team makes the following observation:

1. The proponent has made a procedural violation in the sense that the proponent has started construction of the IT Park before getting the Environmental Clearance from the competent authority.
2. When the technical team assessed whether the proponent has actually followed in the past, the normal condition stipulated in the EC for all conditions, pre-construction & construction stages, the team is of the opinion that the proponent has not violated any conditions that are verifiable now. But there are certain conditions such as possible air pollution, noise pollution and soil pollution that could have been caused at the time of construction which cannot be verified now.
3. From the perusal of the checklist, the following observations are made:
 - a) The filled in checklist submitted by the proponent does not contain relevant information for many questions. Due to

<p>this, it was not possible to make any conclusion about the activities that could have been carried out during the execution of the project and the possible adverse impacts that could have been created. In terms of statistics, for out of about 60 questions, the answer furnished by the proponent for 25 questions is “will be submit in EIA”. Further for many questions, the proponent informs that “building already constructed”, which is a known fact.</p> <p>b) As an example, for e-waste management which is a very crucial activity for the IT Park which is functional from 2007, the proponent simply informs that “disposed to authorized vendors”. The inspection team specifically asked full details about the e-waste management. However, no details have been furnished.</p> <p>c) In view of the above observations, the inspection team would like to make the recommendation that the request of the proponent for issue of ToR for the project may be taken up for consideration only on the submission of the comprehensive reply to the checklist.</p> <p>The SEAC accepted the recommendations of the technical team and decided that the request of the proponent for issue of ToR for the project will be taken up for consideration only on receipt of the comprehensive reply to the checklist regarding the environmental compliance during the execution of the project before obtaining EC. The SEAC further decided to direct the proponent to furnish a comprehensive & detailed reply for all the points in the checklist.</p>			
S.No	Name	Designation	Signature
1	Dr. K. Thanasekaran	Member	
2	Dr.K.Valivittan	Member	
3	Dr.Indumathi M. Nambi	Member	

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4	Dr. G. S. Vijayalakshmi	Member	<i>G.S. Vijayal</i>
5	Dr. M. Jayaprakash	Member	<i>M. Jayaprakash</i>
6	Shri V. Shanmugasundaram	Member	<i>Shanmugasundaram</i>
7	Shri B. Sugirtharaj Koilpillai	Member	<i>B. Sugirtharaj</i>
8	Shri. P. Balamadeswaran	Co-opt Member	<i>P. Balamadeswaran</i>
9	Shri. M.S. Jayaram	Co-opt Member	<i>M.S. Jayaram</i>