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No. J-11015/73/2012-IA.II (M)
Government of India
Ministry of Environment & Forests
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751, Paryavaran Bhavan,
C.G.O. Complex, Lodi Road,
New Delhi-110 003
Telefax: 011-24364067
Dated the 5th March, 2013

To

M/s. Jaiprakash Associates Ltd
Sector 128, NOIDA,
Uttar Pradesh-201304

Subject: Enhancement of production from 1.505 to 5.0 MTPA, ML (659 ha) of M/s. Jaiprakash Associates Limited Harudi Kharai Limestone Mines near Village Harudi and Kharai, Tehsil Lakhpat, District Kachchh, Gujarat- Regarding TOR Reconsideration

The Proposal was received in the Ministry on 22.02.2012. The Proposal is to determine the Terms of Reference for which the proponent had submitted information in the prescribed format (Form-1) along with Pre-feasibility report. The Proposal was considered by the Expert Appraisal Committee in its meeting held on 21-23rd November, 2012. The proposal was scheduled for consideration by the EAC in its meeting of July 25-27, 2012. However, Proponent vide letter dated 24.7.2012 intimated that due to unavoidable circumstances, they would not be able to attend the meeting and requested for deferment of the Agenda Item. Hence this reconsideration of the original TOR Proposal. The Proposal was thereafter considered in the EAC meeting held on November, 21-23, 2013.

M/s. Jaypee Gujarat Cements propose to enhance Limestone capacity from 1.505 MTPA to 5 MTPA Harudi-Kharai Limestone Mines to meet further addition of 2MTPA Clinkerisation Plant. This area is falling under the category of restricted zones of Survey of India; the Toposheets of this area are not available. The area is located between Latitude 23°27'11.1" to 23°30'04"N and Longitude 68°40'57" to 68°42'45"E. Since there is no overburden and waste-rock, no land is required for disposal of rock. No waste shall be generated. Ecologically Sensitive Areas namely Kharo Creek and Narayan Sarovar Sanctuary are at the distance of 15 km and 10.27 km respectively. The mining lease area is 659 ha. Total cost of the project is Rs. 45 Crores. There is no forest cover within the lease area. Four Reserve/Protected Forests are present within 10 km radius of the mine lease area. No displacement of villages involved, there will be no diversion of water

body or any disturbance to drainage pattern. The kharo seasonal river flows across the central part of the deposit. Mining and crushing is not permitted within the radius of 3 km from the outer boundary of the Narayan Sarovar Wildlife Sanctuary. Life of the mine is approximately 49 years. Mechanised open cast method will be adopted. 156 m^3/day water will be required which will be availed from Desalination Plant and rainwater harvesting. Compliance of MoEF Environmental Clearance letter No. J-11015/102/2006-IA.II (M) dated 6th December, 2006 was also submitted and perused.

Based on the information furnished, presentation made and discussions held, the Committee prescribed the TORs for undertaking detailed EIA study which are as follows:

1. Year-wise production details since 1994 onwards should be given clearly stating the highest production achieved in any one year prior to 1994. It may also be categorically informed whether there had been any increase in production after the EIA Notification, 1994 coming into force w.r.t. the highest production achieved prior to 1994.
2. A copy of the document in support of the fact that the proponent is the rightful lessee of the mine should be given.
3. All documents including approved mine plan, EIA and public hearing should be compatible with one another in terms of the mine lease area, production levels, waste generation and its management and mining technology and should be in the name of the lessee.
4. All corner coordinates of the mine lease area superimposed on High Resolution
5. Imagery/toposheet should be provided.
6. Does the company have a well laid down Environment Policy approved by its Board of Directors? If so, it may be detailed in the EIA report.
7. Does the Environment Policy prescribe for standard operating process/procedures to bring into focus any infringement / deviation / violation of the environmental or forest norms / conditions? If so, it may be detailed in the EIA.
8. What is the hierarchical system or Administrative order of the company to deal with the environmental issues and for ensuring compliance with the EC conditions? Details of this system may be given.
9. Does the company have a system of reporting of non compliances / violations of environmental norms to the Board of Directors of the company and / or shareholders or stakeholders at large? This reporting mechanism should be detailed in the EIA report.
10. Issues relating to mine safety based on subsidence study should be detailed. The proposed safeguard measure in this regard should also be provided.
11. The study area will comprise of 10 km zone around the mine lease from lease periphery and the data contained in the EIA such as waste generation etc should be for the life of the mine / lease period.
12. Land use of the study area delineating forest area, agricultural land, grazing land, wildlife sanctuary and national park, migratory routes of fauna, water bodies, human settlements and other ecological features should be indicated.

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13. Land use plan of the mine lease area should be prepared to encompass preoperational, operational and post operational phases and submitted.
14. Details of the land for OB dump outside the mine lease such as extent of land area, distance from mine lease, its land use, R&R issues, if any should be given.
15. High Resolution Satellite Imagery of the proposed area clearly showing the land use and other ecological features of the study area (core and buffer zone) should be furnished.
16. A Certificate from the Competent Authority in the State Forest Department should be provided, confirming the involvement of forest land, if any in the project area, or otherwise, based on land use classification (revenue record) as also in terms of the definition of forest as pronounced in the judgement of the Hon'ble Supreme Court of India in the matter of T.N. Godavarman Vs. Union of India. In the event of any claim by the project proponent regarding the status of forests, the site may be inspected by the State Forest Department along with the Regional Office of the Ministry to ascertain the status of forests, based on which the Certificate in this regard as mentioned above be issued. In all such cases, it would be desirable for representative of the State Forest Department to assist the Expert Appraisal Committees.
17. Status of forestry clearance for the broken up area and virgin forestland involved in the project including deposition of net present value (NPV) and compensatory afforestation (CA). A copy of the forestry clearance should also be furnished.
18. Implementation of status of recognition of forest rights under the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 should be indicated.
19. Impact of the project on the wildlife in the surrounding and any other protected area and accordingly detailed mitigative measures required should be worked out with cost implications and submitted.
20. The vegetation in the RF / PF area with necessary details should be given.
21. A study shall be got done to ascertain the impact of the mining project on wildlife of the area including on the elephant population and details furnished.
22. A confirmation may be adduced, duly authenticated by the competent authority in the State Government to the effect whether the project falls in Aravalli and whether it is covered by the order of the Hon'ble Supreme Court dated 8.4.2005 in the contempt petition (c) 412/2004 in writ petition 202 of 1995 in the matter of Godavarman vs Union of India.
23. Location of National Parks, Sanctuaries, Biosphere Reserves, Wildlife Corridors, Tiger/Elephant Reserves (existing as well as proposed), if any, within 10 km of the mine lease should be clearly indicated supported by a location map duly authenticated by Chief Wildlife Warden. Necessary clearance, if any, as may be applicable to such projects due to proximity of the ecologically sensitive areas as

mentioned above should be obtained from the State Wildlife Department/Chief Wildlife Warden under the Wildlife (Protection) Act, 1972 and copy furnished.

24. A detailed biological study for the study area [core zone and buffer zone (10 km radius of the periphery of the mine lease)] shall be carried out. Details of flora and fauna, duly authenticated, separately for core and buffer zone should be furnished based on primary field survey clearly indicating the Schedule of the fauna present. In case of any scheduled-I fauna found in the study area, the necessary plan for their conservation should be prepared in consultation with State Forest and Wildlife Department and details furnished. Necessary allocation of funds for implementing the same should be made as part of the project cost.
25. Impact, if any, of change of land use should be given.
26. R&R plan / compensation details for the project affected people should be furnished. While preparing the R&R plan, the National Rehabilitation &Resettlement Policy should be kept in view. In respect of SCs / STs and other weaker sections, need based sample survey, family-wise, should be undertaken to assess their requirement and action programmes prepared accordingly integrating the sectoral programme of line departments of the State Government.
27. One season (non-monsoon) primary baseline data on ambient air quality (PM10, SO2 and NOx), water quality, noise level, soil and flora and fauna shall be collected and the AAQ data so collected presented date-wise in the EIA and EMP report. Site-specific meteorological data should also be collected. The location of the monitoring stations should be such as to represent whole of the study area and justified keeping in view the pre-dominant downwind direction and location of sensitive receptors. There should be at least one monitoring station within 500 m of the mine lease in the pre-dominant downwind direction.
28. The mineralogical composition of PM10 particularly for free silica should be given.
29. Air quality modeling should be carried out for prediction of impact of the project on the air quality of the area. It should also take into account the impact of movement of vehicles for transportation of mineral. The details of the model used and input parameters used for modeling should be provided. The air quality contours may be shown on a location map clearly indicating the location of the site, location of sensitive receptors, if any and the habitation. The wind roses showing pre-dominant wind direction may also be indicated on the map.
30. The water requirement for the project, its availability and source to be furnished. A detailed water balance should also be provided. Fresh water requirement for the project should be indicated.
31. Necessary clearance from the Competent Authority for drawl of requisite quantity of water for the project should be provided.
32. Details of water conservation measures proposed to be adopted in the project should be given.
33. Impact of the project on the water quality both surface and groundwater should be assessed and necessary safeguard measures, if any required should be provided.

34. Based on actual monitored data, it may clearly be shown whether working will intersect groundwater. Necessary data and documentation in this regard may be provided. In case the working will intersect groundwater table, a detailed hydro geological study should be undertaken and report furnished. Necessary permission from Central Ground Water Authority for working below ground water and for pumping of ground water should also be obtained and copy furnished.
35. Details of any stream, seasonal or otherwise, passing through lease area and modification / diversion proposed, if any and the impact of the same on the hydrology should be brought out.
36. Details of rainwater harvesting proposed, if any, in the project should be provided.
37. Information on site elevation, working depth, groundwater table etc. should be provided both in AMSL and bgl. A schematic diagram may also be provided for the same.
38. Quantity of solid waste generation to be estimated and details for its disposal and management should be provided. The quantity, volumes and methodology planned for removal and utilisation (preferably concurrently) of top soil should be indicated. Details of backfilling proposed, if any, should also be given. It may be clearly indicated that out of the total waste generated during the mine life, how much quantity would be backfilled and how much quantity would be disposed off in the form of external dump (number of dumps, their height, terraces etc. to be brought out).
39. The reclamation plan, post mine land use and progressive greenbelt development plan shall be prepared in tabular form (prescribed format) and submitted.
40. Impact on local transport infrastructure due to the project should be indicated.
41. Projected increase in truck traffic as a result of the project in the present road network (including those outside the project area) should be worked out, indicating whether it is capable of handling the increased load. Arrangement for improving the infrastructure, if contemplated (including action to be taken by other agencies such as State Government) should be covered.
42. Details of the infrastructure facilities to be provided for the mine workers should be included in the EIA report.
43. Conceptual post mining land use and Reclamation and Rehabilitation of mined out area (with plans and with adequate number of sections) should be given in the EIA report.
44. Phase-wise plan of greenbelt development, plantation and compensatory afforestation should be charted clearly indicating the area to be covered under plantation and the species to be planted. The details of plantation already done should be given.
45. Occupational health impact of project should be anticipated and preventive measures initiated. Details in this regard should be provided. Details of preplacement medical examination and periodical medical examination schedules should be incorporated in the EMP.

46. Public health implication of the project and related activities for the population in the impact zone should be systematically evaluated and the proposed remedial measures should be detailed along with budgetary allocation.
47. Measures of socio economic significance and influence to the local community proposed to be provided by project proponent should be indicated. As far as possible, quantitative dimensions may be given with time frame for implementation.
48. Detailed environmental management plan to mitigate the environmental impacts which, should inter-alia also include the impact due to change of land use, due to loss of agricultural land and grazing land, if any, occupational health impacts besides other impacts of the projects.
49. Public hearing points raised and commitment of the project proponent on the same along with time bound action plan to implement the same should be provided and also incorporated in the final EIA/EMP Report of the Project.
50. Details of litigation pending against the project, if any, with direction /order passed by any Court of Law against the project should be given.
51. The cost of the project (capital cost and recurring cost) as well as the cost towards implementation of EMP should clearly be spelt out.

Besides the above, the below mentioned general points should also be followed:-

a) A note confirming compliance of the TOR, with cross referencing of the relevant sections / pages of the EIA report should be provided.
b) All documents may be properly referenced with index and continuous page numbering.
c) Where data are presented in the report especially in tables, the period in which the data were collected and the sources should be indicated.
d) Where the documents provided are in a language other than English, an English translation should be provided.
e) The Questionnaire for environmental appraisal of mining projects as prescribed by the Ministry shall also be filled and submitted.
f) Approved mine plan along with copy of the approval letter for the proposed capacity should also be submitted.
g) While preparing the EIA report, the instructions for the proponents and instructions for the consultants issued by MoEF vide O.M. No. J-11013/41/2006-IA.II(I) dated 4th August, 2009, which are available on the website of this Ministry should also be followed.
h) Changes, if any made in the basic scope and project parameters (as submitted in Form-I and the F.R for securing the TOR) should be brought to the attention of MoEF with reasons for such changes and permission should be sought, as the TOR may also have to be altered. Post Public Hearing changes in structure and content of the draft EIA/EMP (other than modifications arising out of the P.H. process) will entail conducting the PH again with the revised documentation.

The EIA report should also include (i) surface plan of the area indicating contours of main topographic features, drainage and mining area, (ii) geological maps and sections and (iii) sections of the mine pit and external dumps, if any, clearly showing the land features of the adjoining area.

The prescribed TORs would be valid for a period of two years for submission of the EIA/EMP reports, as per the O.M. No. J-11013/41/2006-IA.II(I) dated 22.3.2010.

After preparing the draft EIA (as per the generic structure prescribed in Appendix-III of the EIA Notification, 2006) covering the above mentioned issues, the proponent will get the public hearing conducted and take further necessary action for obtaining environmental clearance in accordance with the procedure prescribed under the EIA Notification, 2006.

(Dr. Saroj)
Director

Copy to:

1. The Secretary, Ministry of Mines, Government of India, Shastri Bhawan, New Delhi-110 001.
2. The Secretary, Department of Mines & Geology, Government of Gujarat, Secretariat, Gandhinagar.
3. The Secretary, Department of Environment, Government of Gujarat, Secretariat, Gandhinagar.
4. The Secretary, Department of Forests, Government of Gujarat, Secretariat, Gandhinagar.
5. The Chief Wildlife Warden, Government of Gujarat, Dr. Jivaji Mehta Bhavan, Block No. 14, 1st Floor, Old Sachivalaya, Gandhinagar-382 010.
6. The Chief Conservator of Forests, Regional Office (WZ), Kendriya Paryavaran Bhawan, Link Road No.3, Ravi Shankar Nagar, Bhopal - 462 016.
7. The Chairman, Central Pollution Control Board, Parivesh Bhavan, CBD-cum-Office complex, East Arjun Nagar, New Delhi-1100032.
8. The Member Secretary, Central Ground Water Authority, A-2, W3, Curzon Road Barracks, K.G. Marg, New Delhi-110001.
9. The Chairman, Gujarat State Pollution Control Board, Sector 10-A, Gandhi Nagar - 382043, Gujarat.

10. The Controller General, Indian Bureau of Mines, Indira Bhavan, Civil Lines, Nagpur-440 001.
11. The District Collector, Kachh District, Gujarat.
12. EI Division, Ministry of Environment and Forests, Paryavaran Bhawan, C. G. O. Complex, Lodi Road, New Delhi-110 003.
13. Monitoring File/Guard File/Record File.

(Dr. Saroj)
Director