

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

Original Application No. 47/2024/EZ

Youth United for Sustainable Environment Trust-----Applicants(s)

Versus

State of Odisha & Ors. ----- Respondent(s)

Affidavit on Behalf of the Opposite Party/Respondent No. 11 State
Environment Impact Assessment Authority (SEIAA), Odisha

INDEX

Sl. No.	Particulars	Page No.
1.	Affidavit on Behalf of State Environment Impact Assessment Authority (SEIAA), Odisha	01-05
2.	Copy of EC letter of Nizgarhzami River sand Bed is enclosed as <u>Annexure-I</u>	06-16
3.	Earlier EC copy of Gopinathpur Sand Quarry is attached in <u>Annexure-II</u>	17-20
4.	ToR copy of Gopinathpur Sand Quarry is attached in <u>Annexure-III</u>	21-28

Place: Bhubaneswar
Date: 11/09/2024

Mrs. Rashmi Singhee
Advocate for Respondent No.11
(SEIAA), Odisha
34/1, Bondel Road
6th Floor, Asha Towers
Kolkata -700019
Email- rashmibothra24@gmail.com
Phone No.9830193031

1
X

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

Original Application No. 47/2024/EZ

Youth United for Sustainable Environmental Trust-----Applicant(s)
Versus
State of Odisha & Ors. ----- Respondent(s)

Affidavit on Behalf of the Opposite Party/Respondent No. 11 State
Environment Impact Assessment Authority (SEIAA), Odisha



1. Shri Prem Kumar Jha, IFS, son of late Dr. Harihar Jha aged 56 years, at present working as Director Environment-cum-Special Secretary to Govt. in Forest, Environment & Climate Change Department and Member Secretary, State Environment Impact Assessment Authority, Odisha, do hereby solemnly affirm and state as follows.

2. That I am the deponent in this affidavit and I have been duly authorized to swear this affidavit on behalf of the Opp. Party No.11 before this Hon'ble National Green Tribunal.

3. That, I have gone through the original application order dated 12.03.2024 & 08.07.2024 and understood the contents thereof. I am well acquainted with the facts of the case and the relevant official records. Any contention, allegation or averment not dealt with in the present affidavit shall be construed as denied.

[Handwritten Signature]
MEMBER SECRETARY
State E.I.A Authority
Orissa, Bhubaneswar





4. That, in reply to the averments made in the Para-01 of O.A., the deponent humbly submits that this deponent has no comments to offer.

5. That, in reply to the averments made in the Para-02 to Para-03 of O.A., the deponent humbly submits the following:

i. The SEIAA, Odisha vide EC Identification No. - EC22B001OR190307 dated 28.12.2022 has issued Environmental Clearance (EC) for mining of sand from Nizgarhzami River Sand Quarry over an area of 24.86 acres or 10.06 Ha in Village-Nizgarhzami. Tahasil-Talcher, Dist-Angul in favour of Sri Pitambar Bhutia, the lessee/successful bidder for the said quarry for a period of 5 years but extraction quantity of sand was allowed 18000 cum in 1st year and 4500 cum in 2nd year (i.e. 25% of the 1st year production quantity if, the Annual rate of Replenishment study is not submitted after one year of lease operation). A copy of the same is attached in **Annexure-I.**

ii. Again, the project proponent has submitted for the Amendment of EC proposal vide online application no. SIA/OR/MIN/ 459690/2024 dt. 27.01.2024 to SEAC, Odisha. The proposal was placed in the State Level Expert Appraisal Committee (SEAC) meeting held on 26.02.2024 and the SEAC recommended the replenished quantity of sand 9586 cum for extraction in the ensuing year. Further, the proposal was placed in 162nd meeting of SEIAA, Odisha held on 03.04.2024 & 04.04.2024 and the Authority observed that there is a NGT case in



P. J. In
MEMBER SECRETARY
State E.I.A Authority
Orissa, Bhubaneswar

~~3~~

respect to Nizigarhjami Sand Sairat and the Hon'ble NGT in its order dt. 12.03.2024 on O.A. 47/2024/EZ, Kolkata and accordingly, the proposal is pending at SEIAA, Odisha for disposal.

- iii. There is another sand sairat source named as Gopinathpur Sand Quarry was located 900 meters away from upstream of Nizigarhjami Sand Sairat source and the environmental Clearance (EC) was issued by SEIAA, Odisha vide letter no. 4271/SEIAA dt. 17.08.2015 for Gopinathpur Sand Quarry over an area of 9.10 Ha. in favour of Sri Banamber Bhutia, the lessee/successful bidder and the quarry was operated for last 5 years. After completion of last 5 years lease period, then the PP has applied fresh proposal for Terms of Reference (ToR). Copy of earlier EC letter is attached in **Annexure-II**.
- iv. Presently, the project proponent Sri Banabar Bhutia had submitted ToR application vide online application no. SIA/OR/MIN/64611/2021 dt. 22.10.2021 accordingly, ToR letter was issued by SEIAA, Odisha vide letter no. 3501/SEIAA dt. 25.11.2021 for EIA studies along with Public Hearing for Gopinathpur River Sand Bed, over an area of 22.51 acres or 9.11 hectares in village-Gopinathpur, Tahasil-Talcher, District Angul, Odisha. The PP has not submitted any EC application for the said sand quarry; hence, no fresh EC was granted for Gopinathpur River Sand Bed. Copy of ToR letter is attached in **Annexure-III**.



B. S. Samantaray
MEMBER SECRETARY
State E.I.A. Authority
Orissa, Bhubaneswar

6. That, in reply to the averments made in the Para-04 to Para-15 of O.A., the deponent humbly submits that the present

~~4~~

position of the sand mining is reflected in the joint committee report has been submitted by SPCB, Odisha in pursuance to the to the order dt. 12.03.2023 of Hon'ble NGT/EZ, Kolkata.

7. That, in reply to the averments made in the Para-16 to Para-19 of O.A., the deponent humbly submits that this deponent has no comments to offer.
8. That, in reply to the averments made in the Para-20 of O.A., the deponent humbly submits that the project proponent has submitted replenishment study report of sand through the Amendment of EC proposal dated 27.01.2024 to SEAC, Odisha. The SEAC has recommended the replenished volume of sand 9586 cum for extraction for next year lease period.
9. That, in reply to the averments made in the Para-21 to Para-48 of O.A., the deponent humbly submits that this deponent has no comments to offer.
10. That the facts stated above in this counter affidavit are true to the best of my knowledge and belief which are based on official records that I believe to be true.
11. That the deponent reserves the right to file further affidavit as and when necessary.

Identified by
Advocate



Deponent
MEMBER SECRETARY
State E.I.A Authority
Orissa, Bhubaneswar

5

VERIFICATION

Verified at Bhubaneswar on this day of 11.09.2024
that the contents of the above affidavits are true and correct on
the basis of the records maintained by the respondent in the daily
course of its business, no part of it is false and nothing has been
concealed therefore.

Place: Bhubaneswar

Date:

Deponent
MEMBER SECRETARY
State E.I.A Authority
Orissa, Bhubaneswar

IDENTIFIED BY ME
[Signature]
11-09-2024
ADVOCATE

SWORN BEFORE ME



[Signature]
11-09-2024
DUSASAN SAMANTARAY
NOTARY, GOVT. OF ODISHA
BHUBANESWAR, ODISHA
REGD. NO. 88/2012
MOB-9439143015



Government of India
Ministry of Environment, Forest and Climate Change
(Issued by the State Environment Impact Assessment
Authority(SEIAA), Orissa)

**ENVIRONMENTAL
CLEARANCE**

To,

The LESSEE
 PITAMBAR BHUTIA
 MANDAPAL TALCHER TOWN -759107

Subject: Grant of Environmental Clearance (EC) to the proposed Project Activity under the provision of EIA Notification 2006-regarding

Sir/Madam,

This is in reference to your application for Environmental Clearance (EC) in respect of project submitted to the SEIAA vide proposal number SIA/OR/MIN/61829/2021 dated 04 Jul 2022. The particulars of the environmental clearance granted to the project are as below.

- | | |
|---------------------------------------------------|-------------------------|
| 1. EC Identification No. | EC22B001OR190307 |
| 2. File No. | 61829/250-MINB1/07-2022 |
| 3. Project Type | New |
| 4. Category | B1 |
| 5. Project/Activity including Schedule No. | 1(a) Mining of minerals |
| 6. Name of Project | Nizgarhzami Sand Quarry |
| 7. Name of Company/Organization | PITAMBAR BHUTIA |
| 8. Location of Project | Orissa |
| 9. TOR Date | 08 Jul 2021 |

The project details along with terms and conditions are appended herewith from page no 2 onwards.

Date: 28/12/2022

(e-signed)
 Dr. K. Murugesan, IFS
 Member Secretary
 SEIAA - (Orissa)

Note: A valid environmental clearance shall be one that has EC identification number & E-Sign generated from PARIVESH. Please quote identification number in all future correspondence.

This is a computer generated cover page.

PARIVESH

**(Pro-Active and Responsive Facilitation by Interactive,
and Virtuous Environmental Single-Window Hub)**





STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, ODISHA
 5RF-2/1, Unit-IX, Bhubaneswar-751022, Tel: 0674-3510075, Email: seiaaodisha@gmail.com
 statutory body constituted by Ministry of Environment, Forest & Climate Change under Environment
 (Protection) Act, 1986

ENVIRONMENTAL CLEARANCE FOR SAND QUARRY

Subject: Application of Sri Pitambar Bhutia for mining of Sand from Nizgarhzami Sand Quarry Over an area of 24.86Acres or 10.06Ha in Village- Village –Nizgarhzami, Tahasil- Talcher, District- Angul - Environmental Clearance reg.

The Project Proponent Sri Pitambar Bhutia has submitted an application for EC to SEIAA, Odisha through the Parivesh portal of MOEF&CC,GOI vide online application no. SIA/OR/MIN/61829/2021 dated 04.07.2022 for mining of Sand from Nizgarhzami Sand Quarry Over an area of 24.86Acres or 10.06Ha in Village- Village –Nizgarhzami, Tahasil- Talcher, District- Angul in terms of the provisions of the Environment Impact Assessment(EIA) Notification, 2006 & amendments thereto under the Environment(Protection) Act,1986.

2. Proposal in Brief:

Proposal No.	SIA/OR/MIN/61829/2021
Date of Application	04.07.2022
File No.	61829/250-MINB1/07-2022
Project Type	EC
Category	B1
Project/Activity including Schedule No.	1(a) Mining of minerals
Name of the Project	Proposal for EC for Nizgarhzami Sand Quarry Over an area of 24.86Acres or 10.06Ha in Village- Village –Nizgarhzami, Tahasil- Talcher, District- Angul
Name of the company/Organization	Sri Pitambar Bhutia
Location of Project	Odisha
ToR Date	24.05.2021

3. **Project details:** The highlights of the project, as ascertained from the application and as revealed from the proceedings/discussions held during the meetings of SEAC/SEIAA, are given as under:

- This is a proposal for mining of river sand of Nizgarhzami Sand Quarry lying in the Brahmani River bed, over an area of 24.86 Acre or 10.06 Ha located at Village - Nizgarhzami, Tahasil- Talcher, District- Angul of Sri Pitambar Bhutia.
- The mining lease is an identified sairat source in the DSR. The Nizgarhzami Sand Quarry (Brahmani River bed), sairat source will be leased out under the OMMC Rules,2016 by

DAE



STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, ODISHA
 5RF-2/1, Unit-IX, Bhubaneswar-751022, Tel: 0674-3510075, Email: seiaaodisha@gmail.com
 statutory body constituted by Ministry of Environment, Forest & Climate Change under Environment
 (Protection) Act, 1986

- Tahasildar, Talcher Sadar to the successful bidder (lessee) on the basis of public auction for a lease period of 5 years. The lease period of 5 years shall take effect from the date of registration of duly executed lease deed in this regard by the Tahasildar.
- (iii) The mining plan for the sand mining project has been approved by Joint Director of Geology Zonal Survey, Dhenkanal vide letter No. 666 on 01.06.2020.
- (iv) The cluster certificate has been furnished by the Tahasildar certifying that there is no other mine located within 500 meters from the periphery of the proposed mine lease area. As reported by the Tahasildar, this sairat source is not a part of any cluster.
- (v) The Terms of Reference (ToR) has been granted by SEIAA, Odisha vide letter no. 1341/SEIAA dated 24.05.2021 for undertaking detailed EIA study for the project.
- (vi) The public hearing has been conducted on 24.11.2021 at 10 A.M. at Tahasil Office, Talcher under Angul district, Odisha. Major issues raised during PH were on Employment opportunity to local villagers, sand at low cost to the villagers for construction of their house, Plantation in village and Water sprinkling for dust suppression.
- (vii) The baseline data has been collected from Dec, 2020 to Feb, 2021 (post Monsoon) for the project.
- (viii) Location and Connectivity - The mining area is a part of Survey of India Toposheet No.73H/1, bounded by Latitude: 20° 55' 20.56" N to 20° 55' 35.14" N & Longitude: 85° 14' 19.86" E to 85° 14' 31.77" E. The quarry area is accessible by all weather & well-connected by road and rail. The lease area is located at a distance of 3.2kms from Talcher town, 21kms from the District Headquarters Angul and 130kms from the State Capital Bhubaneswar. Talcher Railway station is the nearest railway station located at a distance of 4.13kms from the lease area. Nearest Road bridge is at a distance of 1kms from the mining lease. Metal road connecting to the lease area with the village – Nizgarhjami is at distance of 0.32 meters. SH – 63 is the nearest State Highway which is at distance of 17.7km. NH 200 is the nearest National Highway at 1 km and NH 23 which is major district road at a distance of 2.5kms. The project proponent has submitted that there is no national park, wild life sanctuary, eco sensitive areas situated within 10Kms radius of the lease area.
- (ix) Total Reserves and Production Details: – The project proponent has submitted that the total geological reserve has been estimated as 103069 cum considering the thickness of the sand is 1.0m for the QL period. Similarly, the extractable mineable reserve of river bed sand has been estimated to be 46488 cum (excluding safety zone) considering the thickness of the sand is 1.0m. The project proponent has proposed a total production of 90000 cum of sand considering the thickness of the sand is 1.0m from this quarry during the valid lease period of 5 years, with a maximum production 18000 cum per annum. Mining will be done by semi mechanized method. Excavation & loading of sand will be

[Handwritten signature]



~~SECRET~~

STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, ODISHA
 SRF-2/1, Unit-IX, Bhubaneswar-751022, Tel: 0674-3510075, Email: seiaaodisha@gmail.com
*statutory body constituted by Ministry of Environment, Forest & Climate Change under Environment
 (Protection) Act, 1986*

done through dumpers and trucks/tractors.

- (x) Replenishment study: - The replenishment study has been carried out during May,2021 (pre monsoon) and November, 2021 (post monsoon) by volumetric method. Estimated annual replenishment volume is 20120 cum. However, the extractable Mineable Reserve as per approved Mining Plan is 90636 cum. The annual proposed production is 18000 cum.
 - (xi) Water Requirement: – The total water requirement will be 7.0 KLD for different purposes like Domestic, Dust suppression, plantation purposes. Source: Nearby village with the help of tankers.
 - (xii) Power Requirement: - No use of electric power as the operation will be done in the day time.
 - (xiii) Green Belt Development: Greenbelt plantation will be done by planting 940 nos. saplings of suitable species by the lessee in vicinity of the river bank, haulage roads and near village.
 - (xiv) Employment Potential - A total of 30 nos. of workers are to be employed during mining operation.
 - (xv) The project cost is estimated to be Rs.60.00 lakhs and there is a budgetary provision of Rs.4.67 lakhs as capital cost and Rs.4.20 Lakhs as recurring cost towards environmental protection measures. The PP has estimated a budget of Rs.1.20 lakhs on CER.
 - (xvi) Whether the DSR has been prepared as per the MoEF& CC, Govt. of India Notification S.O. 3611(E) dated 25.07.2018, Sustainable sand mining guidelines-2016 and Enforcement & Monitoring Guideline for sand mining-2020- **No**
 - (xvii) Whether the replenishment rate study of sand was done as per the Enforcement & Monitoring Guideline for sand mining-2020-**No**
 - (xviii) The Environment consultant M/s P & M Solutions, Noida (U.P) along with the project proponent has made a detailed presentation on the EIA/EMP report on 05.08.2022.
4. This proposal conforms to the item no. 1(a) in the schedule of EIA Notification, 2006 as amended time to time, and the minor mineral extraction project falls under Category B1 as the mining lease area is more than 5ha.
 5. The proposal is duly appraised by the SEAC in its meeting held on 05.11.2022. The SEAC has submitted the appraisal report and recommended for grant of EC for the proposal with stipulated conditions.
 6. The matter was further examined in the State Environment Impact Assessment Authority (SEIAA), Odisha in its 102th meeting held on 06.12.2022 in accordance with the EIA Notification, 2006 and further amendments thereto as well as the Judgement dated 2nd February,2022 of Hon'ble National Green Tribunal in OA No.33/2020/EZ (Laxmidhar PalaiVrs. District Collector, Balasore).

S M

~~10~~
STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, ODISHA

5RF-2/1, Unit-IX, Bhubaneswar-751022, Tel: 0674-3510075, Email: seiaaodisha@gmail.com

statutory body constituted by Ministry of Environment, Forest & Climate Change under Environment (Protection) Act, 1986

7. Environmental Clearance (EC) is granted under the provisions of EIA Notification No. S.O. 1533 (E) dated the 14th September, 2006 of the Government of India in the erstwhile Ministry of Environment and Forests, as amended from time to time for mining of Sand from Nizgarhzami Sand Quarry Over an area of 24.86Acres or 10.06Ha located in Village-Village –Nizgarhzami, Tahasil- Talcher, District- Angul with the following stipulations, environmental conditions and safeguards.

A: Stipulations:

Sl.	Descriptions	Stipulation
(i)	Lease Area:	24.86 Acres or 1.06 Ha
(ii)	No Mining Zone:	1/4 th of river width for protection of river bank and 7.5 meter safety zone from all side of lease boundary.
(iii)	Maximum Depth of Mining:	1.0 meter as per the approved mining plan
(iv)	Permitted Quantity:	1 st year:18000 cum 2 nd year:4500 cum
(v)	Validity Period of EC:	Two years from date of issue

B: SPECIFIC ENVIRONMENTAL CONDITIONS AND SAFEGUARDS WHICH NEED TO BE COMPLIED WITH BY THE TAHASILDAR BEFORE LEASE AGREEMENT:

- 7.1 **Boundary Demarcation:-**The boundary of the lease area shall be demarcated on ground at the project cost, by erecting 1.20 meter (4 feet approx.) high reinforced concrete pillars above ground, each inscribed with its serial number, distance from pillar to pillar and GPS co-ordinates by any empanelled agency of ORSAC.
- 7.2 **Digital Map:-**A digital map (in KML format as well as PDF version) showing GPS coordinates of all boundary pillars duly countersigned by the Tahasildar shall be submitted to SEIAA, Odisha through email at seiaaorissa@gmail.com.
- 7.3 **Intimation of EC:-**The copies of the EC shall be sent to the Sarpanch(s) of the concerned Gram Panchayat(s), Urban Local Bodies and relevant other Offices of the Government with a request to display the same for 30 days from the date of receipt.
- 7.4 **Tree Plantation:-**Compensatory Tree Planting (CTP) shall be carried out with minimum @100 trees per Ha. of lease area as per the approved cost norm for avenue plantations of the State Forest Department. The Project Proponent (lease holder) shall deposit Rs. 4,50,000/-, with the respective District Environment Society for raising 1000 plants of native species within 2 years in a suitable location adjoining to quarry.

~~IX~~

STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, ODISHA
 SRF-2/1, Unit-IX, Bhubaneswar-751022, Tel: 0674-3510075, Email: seiaaodisha@gmail.com
 statutory body constituted by Ministry of Environment, Forest & Climate Change under Environment
 (Protection) Act, 1986

- 7.5 **State EMF Fund:-**An amount equal to five percent(5%) of the royalty payable shall be collected from the lessee by the Tahasildar and deposited to the State Environment Management Fund, which will be utilized as per provisions of Rule 49(3) of the OMMC Rule, 2016 preferably, in and around the areas where mining activities are undertaken.
- 7.6 **Condition by Collector:-**Any other condition(s) the Collector & Chairman, District Environment Impact Assessment Authority (DEIAA), may impose in the interest of protection and safeguarding the local environment.
- 7.7 **Compliance report for Transfer of EC:-**Any transfer of EC to a PP/Lessee shall be considered by SEIAA, Odisha only after receipt of the full compliance report through Tahasildar concerned of the above environmental conditions and safeguards.
- C: STANDARD ENVIRONMENTAL CONDITIONS AND SAFEGUARDS WHICH NEED TO BE COMPLIED ON FIELD AFTER THE LEASE AGREEMENT**
- 7.8 **Specific Condition:** NOC from Irrigation Deptt., Govt. of Odisha shall be obtained that proposed mining will not affect the barrage proposed/under construction adversely. Mining activity shall be commenced after obtaining NoC from Irrigation Deptt., Govt. of Odisha
- 7.9 **Maximum permissible depth:** This Environmental Clearance is given with the condition that maximum depth of digging of sand shall be 1.0m as per mining plan. Any flouting of this restriction shall make this EC liable to cancellation.
- 7.10 **Maximum permissible quantity:** Maximum quantity of quarry material that can be permitted by the lesser to be removed from the quarry area is 18000 cum in the 1st year and 4500 cum in the 2nd year. Any flouting of this quantitative restriction shall make this EC liable to cancellation.
- 7.11 **Annual Replenishment Rate Study of Sand:-**The Project Proponent shall carry out by engaging appropriate consultant, annual replenishment rate study of sand as per prescribed drone method by collecting pre monsoon & post monsoon data from the field to know the quantum of volume of sand deposited/replenished & extracted in the mining lease area. The detailed comparison of both pre-monsoon and post-monsoon elevation data shall be included in the study report. The detailed methodology for finding the rate of replenishment study of sand is laid down in the Enforcement & Monitoring Guidelines for Sand Mining, 2020 issued by the MoEF & CC, Govt. of India. The finding of the study shall be submitted to SEIAA to assess the actual rate of replenishment of mined out sand in the lease area.
- 7.12 **District Survey Report:** The District Survey Report (DSR) shall be prepared by the competent District Authority as per the MoEF & CC, Govt.of India Notification S.O.3611(E) dated 25.07.2018, Sustainable Sand Mining Guidelines-2016 and

DN



STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, ODISHA
 5RF-2/1, Unit-IX, Bhubaneswar-751022, Tel: 0674-3510075, Email: seiaaodisha@gmail.com
*statutory body constituted by Ministry of Environment, Forest & Climate Change under Environment
 (Protection) Act, 1986)*

- Enforcement & Monitoring Guidelines for Sand Mining-2020 and submitted to competent authority for approval..
- 7.13 **EC Extension:-**Any further extension of EC beyond two year shall be considered only with submission of duly approved District Survey Report and Annual Replenishment Rate Study report of sand.
- 7.14 **Any change in mining plan requires fresh EC:-**Any change in the calendar plan, change in production quantity or method of mining shall not be made without **prior** approval of the SEIAA. Mining activity shall adhere to the working parameters of approved mining plan prepared for this project. The detailed production of sand from the lease area of each year shall be submitted in tabular form during submission of compliance report.
- 7.15 **Environmental Management Plan:** EMP shall be implemented by PP to ensure compliance with the environmental conditions specified above. The year wise funds earmarked for environmental protection measures shall be kept in separate account and shall be spent according to the plan proposed in EMP. Year wise progress of implementation of EMP shall be reported to the SEIAA, Odisha and OSPCB along with the compliance report. The Tahasildar shall ensure the compliance of this condition along with all lease holders of his jurisdiction.
- 7.16 **No Working Zone:** - The lessee shall ensure that no sand mining is carried out in the areas as specified below:-
- During the rainy season;
 - Within the water channel or stream flow area throughout the year;
 - Mining shall not be undertaken in a mining lease located in 200-500 meter of bridge, 200 meter upstream and downstream of water supply/irrigation scheme, 100 meter from the edge of National Highway and railway line, 50 meter from a reservoir, canal or building, 25 meter from the edge of State Highway and 10 meter from the edge of other roads except on special exemption by the Sub-Divisional level Joint Inspection Committee.
 - The mining or any ancillary activity shall not in any way disturb the flow pattern of the river water during the non monsoon period.
 - No stream shall be diverted for the purpose of sand mining and no natural water course shall be obstructed.
 - Sand mining operations shall not affect the existing sources for irrigation / drinking water / industrial purpose.
 - The natural sand dunes, if any, near or surrounding the lease area shall not be disturbed.
- 7.17 **Transport Safeguards:**

Das

~~13~~

STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, ODISHA
 SRF-2/1, Unit-IX, Bhubaneswar-751022, Tel: 0674-3510075, Email: seiaaodisha@gmail.com
 statutory body constituted by Ministry of Environment, Forest & Climate Change under Environment
 (Protection) Act, 1986

- a) No transportation of the minerals shall be allowed on any road passing through villages/habitations without prior explicit permission.
- b) Transportation of minerals through existing rural roads can be allowed only by the concerned Govt. Department/ Gram Panchayat/BDO after required strengthening such that the carrying capacity of road is increased to handle the mineral carrying truck traffic. The project proponent shall bear the cost towards the widening and strengthening of existing public roads in case the same is proposed to be used for the project.
- c) Project proponent shall ensure that the transport of minerals will be as per IRC Guidelines with respect to complying with traffic congestion and traffic density.
- d) Vehicles hired for transportation of minor mineral from the site should be in good condition and should have pollution check certificate and should conform to applicable air and noise emission standards and should be operated only during non-peak hours. Speed of vehicle be regulated and in no case >30 Kms / hr be allowed.
- e) The vehicles shall not be overloaded and shall be covered with Tarpaulin. The Tahasildar may collect an appropriate additional road maintenance levy from the lessee as part of the lease conditions on the basis of quantum of mineral transported, and utilize the proceeds of the levy for proper maintenance of the extraction paths and roads to prevent their degradation on account of plying of mineral carrying trucks.
- f) Water spraying should be made on the village road to control particulate matter (dust particles) pollution in surrounding air during transportation from the quarry. Garland drain shall be constructed on the hill slope to arrest downward flow of particulate matter with rainwater.

7.18 **Other Environmental Conditions:-**The Project Proponent shall follow all the provisions of Sand Policy of Govt. Of Odisha dated 02.09.2021 for this sand mining project.

- a) The Tahasildar shall take adequate measures to prevent unauthorized mining;
- b) The project proponent should carry out river bed sand mining manually by engaging local laborers to check over exploitation of sand at the source;
- c) The lessee shall ensure safety of human life and livestock from accidents in case village / any habitation is very nearby the mining lease area.
- d) River Bank stabilization shall be made through stone patching. Stone patching on river bank with plantation in-between and the ramp construction shall be done in consultation with and advice of concerned Water Resource Department, Government of Odisha.

D.M.



STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, ODISHA
 SRF-2/1, Unit-IX, Bhubaneswar-751022, Tel: 0674-3510075, Email: seiaaodisha@gmail.com
 statutory body constituted by Ministry of Environment, Forest & Climate Change under Environment
 (Protection) Act, 1986

- e) At the end of mine closure, the proponent shall immediately remove all the sheds put up in the quarry and all the equipment in the area before closure of the quarry.
- 7.19 **Common Forum for EMP:-** All the individual quarry lessee holders coming under the Tahasil may create a common forum in coordination with the Tahasildar and contribute funds to it for grading, compaction and maintenance of haulage road, provision of water spray on the village road to control particulate matter (dust particles) pollution in surrounding air during transportation from the quarry, and provision of thick, multilayer and a continuous green belt around the lease area excluding the entry and exit gate for prevention of environmental pollution and noise during mining activity.
- 7.20 **Public Hearing Compliance:-**The activities proposed in action plan prepared for addressing the issues raised during the Public Hearing shall be completed as per the budgetary provisions mentioned in the action plan and within a stipulated time frame as submitted in the Final EIA/EMP Report. The Status Report on implementation of action plan shall be submitted to the concerned Regional Office of the Ministry along with District Administration. The project proponent shall comply in true spirit all the issues raised and recorded in proceedings of public hearing w.r.t. environment / pollution / CER shall be complied by the Mining Authority as per OM F. No. 22-65/2017-IA.III, dated 30.09.2020 of MoEF&CC, Govt. of India.
- 7.21 **Intimation of EC:-** (i)The project proponent shall advertise in at least two local Newspapers widely circulated in the region, one of which shall be in the vernacular language informing that the project has been accorded Environmental Clearance and copies of clearance letters are available with the State Pollution Control Board and may also be seen on the website of the Ministry. The advertisement shall be made within seven days from the date of receipt of the Clearance letter and a copy of the same shall be forwarded to the Regional Office of MoEF&CC, Bhubaneswar.
 (ii) A copy of this Environmental Clearance letter shall be displayed on the website of the Odisha State Pollution Control Board. The EC letter shall also be displayed at the Regional Office, District Industries centre and Collector's Office/ Tahasildar's office for 30 days.
- 7.22 **Half-yearly Compliance Report:-**It shall be mandatory for the project management to submit half yearly compliance reports on the status of implementation of the above stipulated environmental safeguards to the SEIAA, Odisha / Regional Office of the MoEF& CC, Bhubaneswar in soft copies on 1st day of June and December of each calendar year. The proponent shall also upload the compliance report including results of monitored data, as applicable in the website of the Ministry for monitoring of EC Conditions, failing which EC is liable to be revoked.

Day



STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, ODISHA
 5RF-2/1, Unit-IX, Bhubaneswar-751022, Tel: 0674-3510075, Email: seiaaodisha@gmail.com
*statutory body constituted by Ministry of Environment, Forest & Climate Change under Environment
 (Protection) Act, 1986*

- 7.23 **Concomitant Monitoring:-**The conditions stipulated in the environmental clearance will be closely monitored on the ground by the lease granting authority, i.e. the Tahasildar, who shall ensure compliance of the stipulated conditions and take corrective measures promptly in case of any non-compliance and also ensure that the project proponent submits quarterly compliance reports.
- 7.24 **Independent Monitoring:-**The concerned Regional Office of the MoEF & CC/ SPCB, Odisha shall periodically monitor compliance of the stipulated conditions as applicable for this project. The project authorities should extend full cooperation to the MoEF & CC officer(s)/SPCB officer(s) by furnishing the requisite data / information / monitoring reports.
- 7.25 **Revocation of EC:-**The SEIAA, Odisha may revoke or suspend the EC, if implementation of any of the above conditions is not satisfactory. The SEIAA, Odisha reserves the right to alter /modify the above conditions or stipulate any further condition in the interest of environment protection.
- 7.26 **Change in Ownership of Lease:-**This EC shall not be transferred without the permission of SEIAA, Odisha. The Tahasildar shall inform the SEIAA of any change in ownership of the mining lease. No mining is allowed without transfer of EC as per provisions of the para 11 of EIA Notification, 2006, as amended from time to time.
8. **Basis of Permitted Quantity:-**It is made clear that the EC granted is on adhoc basis as the applicant has not submitted the approved District Survey Report (DSR) or Annual Replenishment Rate Study Report (ARRS). In the absence of approved District Survey Report (DSR) the area for removal of minerals shall not exceed 60% of the mine lease area, and any deviation or relaxation in this regard shall be adequately supported by the scientific report (Refer Para: 4.3 (r) of the Enforcement & Monitoring Guidelines for Sand Mining issued in January, 2020 by the Ministry of Environment, Forest and Climate change). The permitted quantity in the 1st year has been calculated on the basis of 60% mine lease area or quantity mentioned in the Mining Plan, whichever is less. Further in the absence of approved Annual Replenishment Rate Study Report an annual replenishment rate of @25% of the 1st year quantity is allowed for 2nd year w.r.t Order dated 02.02.2022 of the Hon'ble NGT in OA No.33/2020/EZ (Laxmidhar Palai Vrs. District Collector, Balasore). Further amendment to the permitted quantity in the 2nd year shall be considered on submission of duly approved ARRS.
9. The above conditions will be enforced inter-alia, under the provisions of the Water (Prevention & Control of Pollution) Act, 1974, the Air (Prevention & Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986 and the Public Liability Insurance Act, 1991 along with their amendments and rules made there under and also any

Day

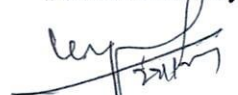
16



STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY, ODISHA
 SRF-2/1, Unit-IX, Bhubaneswar-751022, Tel: 0674-3510075, Email: seiaaodisha@gmail.com
 statutory body constituted by Ministry of Environment, Forest & Climate Change under Environment
 (Protection) Act, 1986

- other orders passed by the Hon'ble Supreme Court of India/ High Court and any other Court of Law relating to the subject matter.
10. This Environmental Clearance (EC) is subject to orders/judgment of Hon'ble Supreme Court of India, Hon'ble High Court and Hon'ble NGT as may be applicable.
 11. Any appeal against this environmental clearance shall lie with the National Green Tribunal, if preferred, within a period of 30 days as prescribed under section 16 of the National Green Tribunal Act, 2010.

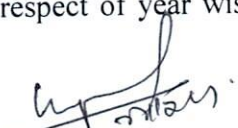
Yours Faithfully,


Member Secretary

Copy to

1. Additional Chief Secretary, Forests & Environment Dept., Government of Odisha for information.
2. Member Secretary, State Pollution Control Board, Odisha, Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-8, Bhubaneswar for information.
3. Member Secretary, SEAC, Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-VIII, Bhubaneswar for information.
4. Deputy D.G.Forest., Regional Office (EZ), Ministry of Environment & Forests, A-31, Chandrasekharapur, Bhubaneswar for information.
5. Principal Secretary, Revenue and DM Department, Govt. of Odisha Bhubaneswar for information.
6. Collector & DM, Angul/ DFO, Angul/ Sub Collector, Talcher /Tahasildar, Talcher for Information and necessary action with specific reference to para in respect of year wise permitted quantity.
7. Guard file for record/Website/Parivesh Portal.




Member Secretary



2
8/9/15



STATE ENVIRONMENT IMPACT ASSESSMENT AUTHORITY (SEIAA), ODISHA.

(Constituted vide Order No. S.O. 2674 (E) Date 17th Nov. 2008 of Ministry of Environment & Forest, Govt. of India, Under Environment Protection Act, 1986.)
Qr. No. 5RF-2/1, Unit - IX, Bhubaneswar - 751022
E-mail : seiaaorissa@gmail.com

Ref. No. SEIAA/ 4271

Date 17.08.15
18.08.15

From

Shri S.B. Samant, IFS
Member Secretary,
State Environment Impact Assessment Authority (SEIAA), Odisha,
Bhubaneswar

Sarwat
de 20/08/15

Tejal
8/9/15
R.P. No. 128
9.15
6/11/15
4/11/15

The Tahasildar,
Tahasil- Talcher
Dist- Angul

Sub: Brahmani River Sand Bed of Sri Banamber Bhutia at village - Gopinathpur, Tahasil- Talcher, District- Angul (9.10 ha) - Environmental Clearance Regarding.

Sir,

This has reference to your letter no. 4166 dated 08.07.2015 seeking environmental clearances for the above project under EIA Notification 2006. The proposal has been appraised as per the provisions under the EIA Notification 2006 and on the basis of the documents enclosed with the application such as Checklist, Form-1, Prefeasibility Report, Approved Mining Plan etc. and observations of the State Expert Appraisal Committee, Odisha.

It is a proposed mining of minor mineral- Sand from Brahmani River Sand Bed located at Village- Gopinathpur, Tahasil- Talcher, District- Angul, Odisha with total production capacity of 38187 cum of sand over lease area of 9.10 ha. The Brahmani River Sand Bed has been negotiated by Tahasildar Talcher, to Sri Banamber Bhutia. The mining plan along with progressive mine closure plan of this mining project has been approved by the Deputy Director Mines Talcher Circle, Talcher on dt 20.07.2015. Mineable reserves as per the approved mine plan are 38187 cum with total production capacity of 38187 cum during the lease period as stated in the approved mining plan. There is no forest land involved in the lease area. There is no protected areas i.e. National

Sarwat

~~18~~

Park, Sanctuary, Habitat for Migratory Birds, Tiger Reserve, Protected Monuments, Inter-State boundary and critically polluted area as identified by CPCB etc. located within 5 km radius of the mine lease area and there is no court case / litigation pending against the project.


Considering the information/documents furnished by the project proponent, the State Expert Appraisal Committee (SEAC) after due considerations of the relevant documents submitted by the project proponent have recommended for Environmental Clearance with certain stipulations.

The State Environment Impact Assessment Authority (SEIAA) after considering the proposal and recommendations of SEAC, Odisha hereby accords Environmental Clearance in favour of the project upto the lease period as recommended by the Tahasildar Talcher vide letter no. 4166 dated 08.07.2015 under the provisions of EIA Notification 2006 and 2009 and subsequent amendments thereto subject to strict compliance of the stipulated conditions as follows.

Stipulated Conditions:-

- 1) This environmental clearance shall be valid for the lease period as recommended by the lease granting authority.
- 2) The project proponent shall take statutory clearance /approval /permission from the concerned authorities in respect of his project as and when required.
- 3) The project proponent shall carry out mining activity strictly as per the approved mining plan submitted.
- 4) Any change in mining technology/scope of working shall not be made without prior approval of the SEIAA.
- 5) Any change in the calendar plan including excavation, quantum of mineral and waste shall not be made.
- 6) All mining activity shall be done manually and it shall be ensured that sand mining does not in any way disturb the flow pattern of the river water.
- 7) No in stream mining shall be allowed.
- 8) Sand mining shall not be carried out within 200 m of any existing structure such as bridges, dams, weirs, intake structure (s) either for irrigation or drinking water purposes, or any other cross drainage structure.
- 9) Sand mining operations shall not affect the existing sources for irrigation or drinking water or industrial purpose.
- 10) Vehicular emissions shall be kept under control and regularly monitored. Measures shall be taken for maintenance of vehicles used in mining operations and in transportation of minerals. The vehicles shall be covered with a tarpaulin and shall not be overloaded. The project proponent shall ensure that the vehicle must have pollution under control certificate.
- 11) The depth of mining shall not exceed 3 m/ water level, whichever is less.
- 12) Permission from the Competent Authority shall be obtained for drawl of ground water, if any, required for the project.
- 13) The project proponent shall take all precautionary measures during mining operation for protection & conservation of flora and fauna.

- ~~19~~
- 4) Personnel working in the project shall be provided with requisite safety devices such as masks, gloves etc.
 - 5) The proponent shall take necessary measures to ensure no adverse impacts due to mining operations on the human habitation existing nearby.
 - 6) The natural sand dune should not be leased out.
 - 7) No mining shall be carried out in the vicinity of natural /manmade archeological sites.
 - 8) The area from which the sand has been extracted be leveled and free of any foreign debris or materials.
 - 9) The surface of stockpile and sand processing areas outside the river bed to be scarified to a depth of 50 cm, graded evenly and the top soil previously stored, shall be returned to its original depth over the area.
 - 20) Necessary fund for environmental measures be deposited in Odisha Environment Management Fund as per the simplified guidelines provided by State Government in case of minor mineral extraction.
 - 21) A copy of the clearance letter shall be sent by the proponent to concerned Panchayat, Zila Parisad/Municipal Corporation, Urban Local Body and the Local NGO, if any, from whom suggestions/ representations, if any, were received while processing the proposal.
 - 22) The proponent shall obtain all other mandatory clearances from respective departments, as applicable to the project before start of mining operation.
 - 23) The SEIAA, Odisha may revoke or suspend the order, if implementation of any of the above conditions is not satisfactory. The SEIAA, Odisha reserves the right to alter/modify the above conditions or stipulate any further condition in the interest of environment protection.
 - 24) The conditions stipulated in the environmental clearance must be totally complied with before the lease granting authority.
 - 25) Concealing factual data or submission of false/fabricated data and failure to comply with any of the conditions mentioned above may result in withdrawal of this clearance and attract action under the provisions of Environment (Protection) Act, 1986.
 - 26) That the grant of this Environment Clearance is issued from the environmental angle only, and does not absolve the project proponent from the other statutory obligations prescribed under any other law or any other instrument in force. The sole and complete responsibility, to comply with the conditions laid down in all other laws for the time being in force, rests with the lease granting authority/project proponent.
 - 27) Any appeal against this environmental clearance shall lie with the National Green Tribunal, if preferred, within a period of 30 days as prescribed under section 16 of the National Green Tribunal Act, 2010.



17.8.15
Member Secretary

Memo No 4272 /Dt. 17.08.15

Copy to

1. Ministry of Environment, Forests and Climate Change Govt. of India, Indira Paryavaran Bhavan, Jor Bagh Road, Aliganj, New Delhi-110003 for kind information.
2. Additional Chief Secretary, Forests & Environment Dept., Government of Odisha for kind information.
3. Chairman, State Pollution Control Board, Odisha, Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-8, Bhubaneswar for kind information.

- ~~20~~
4. Chief Conservator of Forests, Regional Office (EZ), Ministry of Environment & Forests, A-31, Chandrasekharapur, Bhubaneswar for kind information.
 5. Chairman, Central Pollution Control Board, CBD-cum-office Complex, East Arjun Nagar, New Delhi-110032 for kind information.
 6. Collector, Angul for kind information and necessary action.
 7. Copy forwarded to Sri Banamber Bhutia, At/Po- Gopinathpur, Dist- Angul, for kind information.
 8. Chairman/Member/Member Secretary, SEIAA for kind information.
 9. Chairman, SEAC/Secretary, SEAC, Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-VIII, Bhubaneswar for kind information.
 10. Guard file for record.


17.5.11
Member Secretary

File No.68957/165-MINB1/11-2021

Government of India

State Level Environment Impact Assessment Authority

Orissa

To,

M/s BANABAR BHUTIA
Village-Gopinathpur, Tahsil-Talcher,
Anugul-759132
Orissa

Tel.No.-; Email:gopinathpursand@gmail.com

Sub. Terms of Reference to the Gopinathpur Sand Mines, Village-Gopinathpur, Tahsil-Talcher

Dear Sir/Madam,

This has reference to the proposal submitted in the Ministry of Environment, Forest and Climate Change to prescribe the Terms of Reference (TOR) for undertaking detailed EIA study for the purpose of obtaining Environmental Clearance in accordance with the provisions of the EIA Notification, 2006. For this purpose, the proponent had submitted online information in the prescribed format (Form-1) along with a Pre-feasibility Report. The details of the proposal are given below:

- | | |
|-----------------------------------------|-------------------------|
| 1. Proposal No.: | SIA/OR/MIN/68957/2021 |
| 2. Name of the Proposal: | Gopinathpur Sand Mines |
| 3. Category of the Proposal: | Non-Coal Mining |
| 4. Project/Activity applied for: | 1(a) Mining of minerals |
| 5. Date of submission for TOR: | 05 Nov 2021 |

Date : 13-12-2021

Sri Susanta Nanda

(Director, Environment-Cum- Special Secretary, And Member Secretary)

Office : **Qtr no. 5 RF 2/1, Unit- 9- Bhubaneswar, Pin 751022**

Phone No : Mobile : **9778669006**

Email id : **membersecretaryseiaaodisha@gmail.com**

Note : This is auto tor granted letter.

~~22~~

In this regard, under the provisions of the EIA Notification 2006 as amended, the Standard TOR for the purpose of preparing environment impact assessment report and environment management plan for obtaining prior environment clearance is prescribed with public consultation as follows:



STANDARD TERMS OF REFERENCE (TOR) FOR EIA/EMP REPORT FOR PROJECTS/ACTIVITIES REQUIRING ENVIRONMENT CLEARANCE

Terms of Reference (TOR) for preparation of Environmental Impact Assessment (EIA) and Environmental Management Plan (EMP) for "Mining of Minerals" as per the EIA Notification, 2006 has been devised to improve the quality of the reports and facilitate decision-making transparent and easy. TOR will help the project proponents to prepare report with relevant project specific data and easily interpretable information. TOR for mining of minerals is expected to cover all environmental related features.

Mining of minerals plays a positive role in the process of country's economic development. In addition to the contribution towards economic growth, mining can also be a major source of degradation of physical as well as social environment, unless it is properly managed. Environmental impacts can arise during all activities of the mining process. Minimizing the damage due to mining operations depends on sound environmental practices in a framework of balanced environmental legislation. The potential adverse effects of mining activities include air pollution, surface and groundwater pollution, noise and vibration, damage to local ecology, natural topography and drainage, depletion of water resources etc. All these environmental components are required to be considered while selecting a proper methodology of mining, mitigation measures to reduce pollution load, conservation of natural resources etc.

The projects of mining of minerals as stated in the schedule require prior environment clearance under the EIA notification, 2006. Category 'A' Projects are handled in the MoEF&CC and Category 'B' projects are being handled by the respective State Environment Impact Assessment Authorities (SEIAAs) notified by MoEF&CC and following the procedure prescribed under the EIA Notification, 2006. As per this Notification, as amended, the projects of mining of minor minerals with mining lease area equal to or greater than 50 hectare are to be handled at the level of the MoEF&CC for grant of EC. Such projects with mining lease area less than 50 hectare are to be handled by the respective State Environment Impact Assessment Authority (SEIAA).

1(a):STANDARD TERMS OF REFERENCE FOR CONDUCTING ENVIRONMENT IMPACT ASSESSMENT STUDY FOR NON-COAL MINING PROJECTS AND INFORMATION TO BE INCLUDED IN EIA/EMP REPORT

- 1) Year-wise production details since 1994 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 came 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, mining technology etc. and should be in the name of the lessee.
- 4) All corner coordinates of the mine lease area, superimposed on a High Resolution Imagery/ toposheet, topographic sheet, geomorphology and geology of the areashould be provided. Such an Imagery of



STANDARD TERMS OF REFERENCE (TOR) FOR EIA/EMP REPORT FOR PROJECTS/ ACTIVITIES REQUIRING ENVIRONMENT CLEARANCE

the proposed area should clearly show the land use and other ecological features of the study area (core and buffer zone).

- 5) Information should be provided in Survey of India Toposheet in 1:50,000 scale indicating geological map of the area, geomorphology of land forms of the area, existing minerals and mining history of the area, important water bodies, streams and rivers and soil characteristics.
- 6) Details about the land proposed for mining activities should be given with information as to whether mining conforms to the land use policy of the State; land diversion for mining should have approval from State land use board or the concerned authority.
- 7) It should be clearly stated whether the proponent Company has a well laid down Environment Policy approved by its Board of Directors? If so, it may be spelt out in the EIA Report with description of the prescribed operating process/procedures to bring into focus any infringement/deviation/violation of the environmental or forest norms/ conditions? The hierarchical system or administrative order of the Company to deal with the environmental issues and for ensuring compliance with the EC conditions may also be given. The 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, may also be detailed in the EIA Report.
- 8) Issues relating to Mine Safety, including subsidence study in case of underground mining and slope study in case of open cast mining, blasting study etc. should be detailed. The proposed safeguard measures in each case should also be provided.
- 9) 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.
- 10) Land use of the study area delineating forest area, agricultural land, grazing land, wildlife sanctuary, national park, migratory routes of fauna, water bodies, human settlements and other ecological features should be indicated. Land use plan of the mine lease area should be prepared to encompass preoperational, operational and post operational phases and submitted. Impact, if any, of change of land use should be given.
- 11) Details of the land for any Over Burden Dumps 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.
- 12) 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. In the event of any contrary 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.
- 13) 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) should be indicated. A copy of the forestry clearance should also be furnished.



STANDARD TERMS OF REFERENCE (TOR) FOR EIA/EMP REPORT FOR PROJECTS/ACTIVITIES REQUIRING ENVIRONMENT CLEARANCE

- 14) Implementation status of recognition of forest rights under the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 should be indicated.
- 15) The vegetation in the RF / PF areas in the study area, with necessary details, should be given.
- 16) A study shall be got done to ascertain the impact of the Mining Project on wildlife of the study area and details furnished. 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.
- 17) Location of National Parks, Sanctuaries, Biosphere Reserves, Wildlife Corridors, Ramsar site 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, as may be applicable to such projects due to proximity of the ecologically sensitive areas as mentioned above, should be obtained from the Standing Committee of National Board of Wildlife and copy furnished.
- 18) A detailed biological study of 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, endangered, endemic and RET Species duly authenticated, separately for core and buffer zone should be furnished based on such 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 alongwith budgetary provisions 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.
- 19) Proximity to Areas declared as 'Critically Polluted' or the Project areas likely to come under the 'Aravali Range', (attracting court restrictions for mining operations), should also be indicated and where so required, clearance certifications from the prescribed Authorities, such as the SPCB or State Mining Dept. Should be secured and furnished to the effect that the proposed mining activities could be considered.
- 20) Similarly, for coastal Projects, A CRZ map duly authenticated by one of the authorized agencies demarcating LTL. HTL, CRZ area, location of the mine lease w.r.t CRZ, coastal features such as mangroves, if any, should be furnished. (Note: The Mining Projects falling under CRZ would also need to obtain approval of the concerned Coastal Zone Management Authority).
- 21) R&R Plan/compensation details for the Project Affected People (PAP) should be furnished. While preparing the R&R Plan, the relevant State/National Rehabilitation & Resettlement Policy should be kept in view. In respect of SCs /STs and other weaker sections of the society in the study area, a need based sample survey, family-wise, should be undertaken to assess their requirements, and action programmes prepared and submitted accordingly, integrating the sectoral programmes of line departments of the State Government. It may be clearly brought out whether the village(s) located in the mine lease area will be shifted or not. The issues relating to shifting of village(s) including their R&R and socio-economic aspects should be discussed in the Report.

STANDARD TERMS OF REFERENCE (TOR) FOR EIA/EMP REPORT FOR PROJECTS/ACTIVITIES REQUIRING ENVIRONMENT CLEARANCE

- 22) One season (non-monsoon) [i.e. March-May (Summer Season); October-December (post monsoon season) ; December-February (winter season)] primary baseline data on ambient air quality as per CPCB Notification of 2009, water quality, noise level, soil and flora and fauna shall be collected and the AAQ and other data so compiled 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. The mineralogical composition of PM10, particularly for free silica, should be given.
- 23) 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.
- 24) The water requirement for the Project, its availability and source should be furnished. A detailed water balance should also be provided. Fresh water requirement for the Project should be indicated.
- 25) Necessary clearance from the Competent Authority for drawl of requisite quantity of water for the Project should be provided.
- 26) Description of water conservation measures proposed to be adopted in the Project should be given. Details of rainwater harvesting proposed in the Project, if any, should be provided.
- 27) 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.
- 28) 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. The Report inter-alia, shall include details of the aquifers present and impact of mining activities on these aquifers. 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.
- 29) Details of any stream, seasonal or otherwise, passing through the lease area and modification / diversion proposed, if any, and the impact of the same on the hydrology should be brought out.
- 30) 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.
- 31) A time bound Progressive Greenbelt Development Plan shall be prepared in a tabular form (indicating the linear and quantitative coverage, plant species and time frame) and submitted, keeping in mind, the same will have to be executed up front on commencement of the Project. Phase-wise plan of plantation and compensatory afforestation should be charted clearly indicating the area to be covered

STANDARD TERMS OF REFERENCE (TOR) FOR EIA/EMP REPORT FOR PROJECTS/ACTIVITIES REQUIRING ENVIRONMENT CLEARANCE

under plantation and the species to be planted. The details of plantation already done should be given. The plant species selected for green belt should have greater ecological value and should be of good utility value to the local population with emphasis on local and native species and the species which are tolerant to pollution.

- 32) Impact on local transport infrastructure due to the Project should be indicated. 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 incremental load. Arrangement for improving the infrastructure, if contemplated (including action to be taken by other agencies such as State Government) should be covered. Project Proponent shall conduct Impact of Transportation study as per Indian Road Congress Guidelines.
- 33) Details of the onsite shelter and facilities to be provided to the mine workers should be included in the EIA Report.
- 34) Conceptual post mining land use and Reclamation and Restoration of mined out areas (with plans and with adequate number of sections) should be given in the EIA report.
- 35) Occupational Health impacts of the Project should be anticipated and the proposed preventive measures spelt out in detail. Details of pre-placement medical examination and periodical medical examination schedules should be incorporated in the EMP. The project specific occupational health mitigation measures with required facilities proposed in the mining area may be detailed.
- 36) Public health implications 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 allocations.
- 37) Measures of socio economic significance and influence to the local community proposed to be provided by the Project Proponent should be indicated. As far as possible, quantitative dimensions may be given with time frames for implementation.
- 38) Detailed environmental management plan (EMP) to mitigate the environmental impacts which, should inter-alia include the impacts of change of land use, loss of agricultural and grazing land, if any, occupational health impacts besides other impacts specific to the proposed Project.
- 39) Public Hearing points raised and commitment of the Project Proponent on the same along with time bound Action Plan with budgetary provisions to implement the same should be provided and also incorporated in the final EIA/EMP Report of the Project.
- 40) Details of litigation pending against the project, if any, with direction /order passed by any Court of Law against the Project should be given.
- 41) The cost of the Project (capital cost and recurring cost) as well as the cost towards implementation of EMP should be clearly spelt out.
- 42) A Disaster management Plan shall be prepared and included in the EIA/EMP Report.



STANDARD TERMS OF REFERENCE (TOR) FOR EIA/EMP REPORT FOR PROJECTS/ACTIVITIES REQUIRING ENVIRONMENT CLEARANCE

- 43) Benefits of the Project if the Project is implemented should be spelt out. The benefits of the Project shall clearly indicate environmental, social, economic, employment potential, etc.
- 44) Besides the above, the below mentioned general points are also to be followed:-
- a) All documents to be properly referenced with index and continuous page numbering.
 - b) Where data are presented in the Report especially in Tables, the period in which the data were collected and the sources should be indicated.
 - c) Project Proponent shall enclose all the analysis/testing reports of water, air, soil, noise etc. using the MoEF&CC/NABL accredited laboratories. All the original analysis/testing reports should be available during appraisal of the Project.
 - 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 devised earlier by the Ministry shall also be filled and submitted.
 - f) 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 be followed.
 - g) Changes, if any made in the basic scope and project parameters (as submitted in Form-I and the PFR for securing the TOR) should be brought to the attention of MoEF&CC 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.
 - h) As per the circular no. J-11011/618/2010-IA.II(I) dated 30.5.2012, certified report of the status of compliance of the conditions stipulated in the environment clearance for the existing operations of the project, should be obtained from the Regional Office of Ministry of Environment, Forest and Climate Change, as may be applicable.
 - i) 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.
