

**BEFORE THE NATIONAL GREEN TRIBUNAL SOUTHERN ZONE BENCH AT
CHENNAI**

ORIGINAL APPLICATION NO. 187 OF 2021

IN THE MATTER OF:

Nagendrakumar

S/o Sathyanarayan
Dharanikota Villiage,
Amaravathi Mandal,
Guntur District, Andhra Pradesh.
Email: dandanagendra@gmail.com
Phone: 9949900000

..... Applicant

-Vs-

Government of India,
Rep. by its Secretary,
Ministry of Environment, Forest and Climate Change
central Secretariat
Indira Paryavaran Bhavan, Jorbagh Road
New Delhi – 110003.
Email: secy-moef@nic.in
Ph No. 011-24695132, and 19 others

..... Respondents

ACTION TAKEN REPORT FILED BY 5TH RESPONDENT

DATE-05-12-2022



**M/s MADHURI DONTI REDDY
ADVOCATE**

**STANDING COUNSEL FOR GOVERNMENT OF ANDHRA PRADESH
A.P. POLLUTION CONTROL BOARD
T.T.D. SUPREME COURT OF INDIA**

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COUNSEL FOR 5th Respondent

**ACTION TAKEN REPORT FILED BY THE DEPARTMENT OF MINES &
GEOLOGY GOVT OF ANDHRA PRADESH BEFORE THE HON'BLE
NATIONAL GREEN TRIBUNAL (SZ) CHENNAI IN O.A No. 187 of 2021**

It is humbly submitted that the above O. A 187 OF 2021 the joint committee have filled their report on 19-02-2022 before this Hon'ble Tribunal and the committee is observed some recommendations to the mines department to take action as per the recommendations the following action are taken by the mines department.

RECOMMENDATIONS-1

Replenishment study of the sand bearing areas must be prepared in a scientific manner considering all the technical parameters by a competent person/authority. The District Survey Report shall be strengthened by including replenishment study of sand.

It is submitted that, the Government vide G.O.Ms No. 70, dated 04.09.2019 introduced New Sand Policy-2019 where in the Government has decided to undertake sand quarrying and supply of sand to the public by appointing M/s APMDC Limited, a state PSU, as an agent to operate on behalf of the Government in order to achieve the objectives of sustainable sand mining, compliance to environmental regulations, ensuring affordable prices of sand and raising valuable public revenues to the state exchequer.

As per Rule 9-B(1)(b)(v) of APMMC Rules 1966, the District Collector and Chairman, District Level Sand Committee shall finalise

the specified sand bearing areas based on joint inspection report submitted by the line departments viz Revenue, Ground Water, Irrigation and Mines & Geology and order the Dy. Director of Mines and Geology to obtain Approved Mining Plan, Environmental Clearance, Consent for Establishment and Consent for Operation from the competent authorities and after obtaining statutory clearances the District Collector shall entrust the work to M/s APMDC Ltd to start extraction of sand from the specified sand bearing area.

Accordingly, the Dy. Director of Mines and Geology of the concerned district approved the Mining Plans and obtained all the statutory clearances in the name of District Collector/ADM&G concerned.

The preparation work of DSRs of the AP state was given to M/s. Andhra Pradesh Space Application Centre (APSAC), Vijayawada which is a technically sound and Geologically expertise state owned Organization. Accordingly, M/s. APSAC has prepared all the DSRs of 13 districts duly giving the details of the mineral resources including the sand in accordance with the guidelines given under Sustainable Sand Mining Guidelines-2016. As regards Sand, the details of the available sand resources and the River system details were incorporated in DSRs. Regarding Replenishment studies to be carried out every year, it is to inform that in the state of Andhra Pradesh, the statutory clearances such as EC,CFE and CFO are being obtained for the feasible sand bearing areas for a period of one year only.

For identification of sand reaches feasible for sand quarrying, the line departments viz., Ground Water, Irrigation, Revenue, Mines and Geology shall inspect all the sand bearing areas in the district and identify the sand reaches feasible for sand quarrying duly observing the Andhra Pradesh Water Land Tree Rules, 2004 and Rule 9-B(1)(b) of APMMC Rules, 1966.

The Joint inspection teams will observe the following points while recommending the sand bearing areas for quarrying of sand keeping in view of the guidelines issued under Sustainable sand mining guidelines 2016 by the MoEF& Climate Change:

- i) The original ground level recorded at a regular interval along and across the length of the sand bearing area for confirming the thickness,
- ii) Distances to be maintained for structures like bridges and highways,
- iii) Sediments sampling and calculation of reserves,
- iv) Restrictions for sand mining from the banks of the river
- v) Impact of the sand mining on the river bed and ground water level etc.,.

As per the Sustainable Sand Mining Guidelines 2016, the Sand Mining shall be made depending upon the location, thickness of sand deposition, agricultural land/River bed, the method of mining may be manual, semi-mechanized or mechanized.

The Joint inspection reports will be placed before the District Level Sand Committee of the concerned District and after recommendations of the DLSC, the mining plan will be approved by the concerned Dy. Director of Mines and Geology. The Dy. Director of Mines and Geology concerned will obtain for EC, CFE and CFO for a period of one year only.

In the State of Andhra Pradesh major sand mining activity is confined to Vth order and above rivers viz., Godavari, Krishna, Penna etc., Every year, Rivers in their course of action carries sediments from their catchment areas and deposit the sediments wherever the River currents are slowed and in favourable areas, rivers deposit huge deposits of sand carried from their origin and various drainage basins over the length of the River.

The deposition of sand is a continuous process and replenishment takes place in every monsoon season.

In connection with the sand mining, while identifying the new sand bearing areas for sand quarrying Joint Inspection teams will recommend reaches for sand mining after conducting feasibility study duly observing the guidelines issued under Sustainable sand mining guidelines 2016 by the MoEF& Climate Change. EC, CFE and CFO are obtaining for these reaches for a period of one year or till the quantity permitted is exhausted whichever is earlier. Therefore, in place of replenishment study, a feasibility study for identifying the sand reaches suitable for sand mining is being carried out in accordance

Sustainable Sand Mining guidelines-2016 and AP WALT Rules, 2004 and APMMC Rules, 1966.

It is pertinent to mention here that a Replenishment study for every year is required in the cases where the sand bearing area for which EC, CFE and CFO were obtained for more than a year and such area was leased out accordingly. Thus, in view of the above, this above process itself is in a way a scientific replenishment study and the same are in place.

RECOMMENDATIONS-2

Operation of number of reaches with mine lease area of less than 5 ha. at a particular area may leads to cluster formation. Instead of number of reaches, a single mine lease of having mine lease area up to 25 ha may be identified and processed

It is to inform that as per WALT Rules 2004, no sand mining is permitted within 500m. of infrastructure facilities such as bridges, dams, weirs or any other cross drainage structure as well as within 500 Meters of any ground water extraction structures (s) either for irrigation or drinking water purposes. As such, to undertake sand extractions, areas have to be identified which are of adequate distance from the various infrastructure facilities mentioned above. Considering the prevalence of these structures, it is quite challenging to identify

areas upto 25 Ha., which are beyond the prescribed distances from all such infrastructure facilities. As such, it is found to be practical to identify smaller areas, so that the guidelines on distance are met and sand can be extracted duly protecting the infrastructure facilities.

Further, it is also submitted that taking up quarrying in a limited extent, giving a single outlet to enter into the river bed and formation of roads and keeping a vigil over such smaller area, it is easier to monitor the EC conditions.

RECOMMENDATIONS-3

The Director of Mines and Geology Department (DM&G) may declare above areas sand mining zone and mine leases may grant up to 25ha.

It is to inform that as per WALTA Rules 2004, no sand mining is permitted within 500m. of infrastructure facilities such as s bridges, dams, weirs or any other cross drainage structure as well as within 500 Meters of any ground water extraction structures (s) either for irrigation or drinking water purposes. As such, to undertake sand extractions, areas have to be identified which are of adequate distance from the various infrastructure facilities mentioned above. Considering the prevalence of these structures, it is quite challenging to identify areas upto 25 Ha., which are beyond the prescribed distances from all such infrastructure facilities. As such, it is found to be practical to

identify smaller areas, so that the guidelines on distance are met and sand can be extracted duly protecting the infrastructure facilities.

Further, it is also submitted that taking up quarrying in a limited extent, giving a single outlet to enter into the river bed and formation of roads and keeping a vigil over such smaller area, it is easier to monitor the EC conditions.

RECOMMENDATIONS-4

The SEIAA, Andhra Pradesh may carefully examine and appraise the EC applications for sand mine reaches especially the reaches falls at cluster area.

SEIAA, AP has to give the remarks.

RECOMMENDATIONS-5

The DM&G is required to obtain prior EC for sand mining at third order streams for quantities more than 5000 Cum.

The Government of AP vide G.O.Ms.No.2, PR&RD Department, dated 06.01.2022 issued amendments to Rule 23(1) of APWALT Rules, 2004 wherein sand extraction from Ist to IIIrd order streams shall be permitted from the non-notified areas having estimated sand deposits of more than 5000 cum.,. Accordingly, the Government of Andhra Pradesh Industries and Commerce

Department vide G.O.Ms.No.4, dated 04.02.2022 issued amendments to Rule 9-B of APMMC Rules, 1966 with a provision to operate such identified Ist to IIIrd order streams where sand deposit is estimated as more than 5000 cum., duly obtaining AMP, EC,CFE and CFO.

A total of 44 No. of III order streams having sand deposit more than 5000 CuM., have been identified and the total estimated quantity is 14,82,557CuM.

RECOMMENDATIONS-6

As a part of post mining, the approach roads / ramps should be removed and the gravel / boulders should be stacked outside the river bank for further use in other sand reaches.

It is informed that in post mining, trenches will be dug out so that any further movement into the river bed will be prevented. The gravel/ small boulders used for ramps to enter into the river bed will be spread out evenly so that it will not obstruct the river course. This method will be followed in so that it will be easier to fill the trenches and to form the ramp / approach road for re-use if the same reach is feasible for sand quarrying after conducting feasibility / replenishment study.

RECOMMENDATIONS-7

The mining plans of sand reaches shall have detailed information regarding total sand reserves available in respective reach.

It is to submit that currently, while preparing the Mining Plan, the thickness of the sand deposit is being assessed and accordingly, where the thickness is more than 8 meters, sand mining is being permitted upto 2 meters. Similarly, where the thickness is between 3 to 8 meters, sand mining is being permitted upto 1 meters.

As recommended, the details of total sand reserves shall be incorporated in future mining plans.

RECOMMENDATIONS-8

The mining plans shall be included scientific mine closure plan along with detailed map of approach roads / ramps to the sand reach.

It is informed that sand quarrying is permitted to remove sand deposit upto limited depth only, that too, evenly through-out the leased area. Further, post mining, trenches will be dug out so that any further movement into the river-bed will be prevented. While there is not much usage of gravel/small boulders for ramps to enter into the river bed, whatever limited extent they are used, will be spread out evenly so that it will not obstruct the river course. The

necessary modalities for the same may be incorporated in the mining plan itself.

Moreover, it may also be noted that whatever sand is extracted will likely be refilled, due to deposition of new sand from natural flow of river.

Therefore, it is not necessary for preparation of mine closure plan for every reach to include in the mining plan.

RECOMMENDATIONS-9

The mining plan shall include detailed mine closure plan.

It is informed that sand quarrying is permitted to remove sand deposit upto limited depth only, that too, evenly through-out the leased area. Further, post mining, trenches will be dug out so that any further movement into the river-bed will be prevented. While there is not much usage of gravel/small boulders for ramps to enter into the river bed, whatever limited extent they are used, will be spread out evenly so that it will not obstruct the river course. The necessary modalities for the same may be incorporated in the mining plan itself.

Moreover, it may also be noted that whatever sand is extracted will likely be refilled, due to deposition of new sand from natural flow of river.

Therefore, it is not necessary for preparation of mine closure plan for every reach to include in the mining plan.

RECOMMENDATIONS-10

The mining plan shall include the Plates / sketches, as produced for other minor minerals.

As per the procedure adopted by the DMG, mining plans are approved only with the following documents:

- 1. Key Plan. Toposheet showing 5 km radius.*
- 2. Lease deed sketch/Google Map*
- 3. Surface Plan/Geological Plan*
- 4. Production and Development Plan*
- 5. Environmental Management Plan*
- 6. River section plan*

RECOMMENDATIONS-11

Financial Assurance for the mine closure shall be furnished.

It is not necessary in view of the remarks stated for the recommendations 8 & 9.

RECOMMENDATIONS-12

The DM&G must comply all the conditions stipulated in Environmental Clearances and Consent for Operation.

It is informed that sand reaches are being regularly inspected by the officials of Mines and Geology, Revenue, Panchayat Raj, Police and Special Enforcement Bureau who are authorized under Rule 26 of APMMC Rules, 1966. Further, instructions were given to the field officers at the District Level to check any illegal quarrying and transportation of sand and to levy penalty if any violations are found.

It is further submitted that M/s JPVL is conducting the Sand operations in the reaches through semi mechanized method as per the permission granted in Environmental Clearance issued by SEIAA, AP.

This is submitted for kind information.

Date- 29-11-2022

DIRECTOR OF MINES AND GEOLOGY, ANDHRA PRADESH


Director of Mines and Geology
Govt. of Andhra Pradesh
Ibrahimpatnam, Vijayawada.
Krishna District.