

F.No.23-77/2018-IA (III)
Government of India
Ministry of Environment Forest and Climate Change
(IA Division)

Indira Paryavaran Bhawan
Jorbagh Road, New Delhi- 3
Dated: 8th August, 2019

To,

The Director (Planning & Projects)
M/s The Singareni Collieries Company Ltd (SCCL),
Kothagudam Collieries (PO)
Bhadradri- 507101 (Telangana)

Email: gm_env@scclmines.com, env_crp@scclmines.com

Sub: JalagamVengal Rao Opencast - I Expansion Project of annual production from 2.50 to 5 MTPA in an area of 544.81 ha of M/s The Singareni Collieries Company Limited at Village Ayyagaripeta, Mandal Sathupalli, District Khammam (Telangana) - Terms of Reference - reg.

Ref: Online proposal No. IA/TG/CMIN/66088/2017 dated 11th July, 2017

Sir,

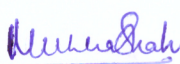
This refers to your online proposal No. IA/TG/CMIN/66088/2017 dated 11th July, 2017 for consideration in terms of the provisions of this Ministry's Notification S.O.804 (E) dated 14th March, 2017 for grant of reference to the above project.

2. The project involves opencast coal mining operations from JalagamVengal Rao Opencast - I Expansion Project of annual production from 2.50 to 5 MTPA in an area of 544.81 ha of M/s The Singareni Collieries Company Limited at Village Ayyagaripeta, Mandal Sathupalli, District Khammam (Telangana).

3. The said mine is an operating Opencast coal mine opened in the year 2007 under JVR OCP - I and JVR OCP - I Expansion Mining Leases. Original JVR OCP - I Mining Lease was obtained vide GO MS No.51 dated 23rd March, 2005 for 20 years from 23rd March, 2005 to 22nd March, 2025. Original JVR OCP - I Expansion Mining Lease was obtained vide GO MS No 115 dated 10th November, 2008 for 20 years from 10th November, 2008 to 9th November, 2028.

4. As per provisions of the EIA Notification, 1994/2006, read with subsequent OMs/guidelines/circulars, prior environmental clearance for the project was to be obtained for carrying out Opencast coal mining operations and/or while renewal of the mining lease. However, given the status as above, the proposal has been submitted for consideration in pursuance of the Ministry's Notification dated 14th March, 2017.

5. Meanwhile, Hon'ble Supreme Court vide order dated 2nd August, 2017 in WP (Civil) No.114/2014 in the matter of 'Common Cause Vs Union of India & others' has also observed such cases of illegal mining in terms of the provisions of the MMDR Act, 1957. While taking cognizance of the same, Hon'ble Court has directed for payment of 100% penalty for compensation against the illegal mining, which needs to be settled by the project proponent through the State Government.



6. In pursuance of the Ministry's Notification dated 14th March, 2017 relating to violation of the EIA Notification, 2006, the proposal was considered by the Expert Appraisal Committee in its meeting held on 13-14 June, 2018. The Committee, after deliberations on the proposal in terms of the provisions of the above said Notification, confirmed the case to be of violation of the EIA Notification, 2006 and recommended the following: -

(i) The State Government/SPCB to take action against the project proponent under the provisions of section 19 of the Environment (Protection) Act, 1986, and further no consent to operate for expansion project to be issued till the project is granted EC for the expansion.

(ii) The project proponent shall be required to submit a bank guarantee equivalent to the amount of remediation plan and natural and community resource augmentation plan with the SPCB prior to the grant of EC. The quantum shall be recommended by the EAC and finalized by the regulatory authority. The bank guarantee shall be released after successful implementation of the EMP, followed by recommendations of the EAC and approval of the regulatory authority.

(iii) Assessment of ecological damage with respect to air, water, land and other environmental attributes. The collection and analysis of data shall be done by an environmental laboratory duly notified under the Environment (Protection) Act, 1986, or an environmental laboratory accredited by NABL, or a laboratory of a Council of Scientific and Industrial Research (CSIR) institution working in the field of environment.

(iv) Preparation of EMP comprising remediation plan and natural and community resource augmentation plan corresponding to the ecological damage assessed and economic benefits derived due to violation.

(v) The remediation plan and the natural and community resource augmentation plan to be prepared as an independent chapter in the EIA report by the accredited consultants.

(vi) The PP is required to conduct public hearing as per EIA notification, 2006.

(vii) Certified compliance report of earlier EC conditions from concerned regional office, MoEF&CC

(viii) Fund allocation for Corporate Environment Responsibility (CER) shall be made as per Ministry's O.M. No. 22-65/2017-IA.III dated 1st May, 2018 for various activities therein. The details of fund allocation and activities for CER shall be incorporated in EIA/EMP report.

(ix) The Project Proponent shall give an undertaking by way of affidavit to comply with all the statutory requirements and judgment of Hon'ble Supreme Court dated the 2nd August 2017 in Writ Petition (Civil) No. 114 of 2014 in the matter of Common Cause versus Union of India and Ors. before grant of ToR/ EC. The undertaking inter-alia include commitment of the PP not to repeat any such violation in future.

(x) In case of violation of above undertaking, the ToR/Environmental Clearance shall be liable to be terminated forthwith.

7. Based on recommendations of the EAC and in pursuance of the provisions of the Notification dated 14th March, 2017, the Ministry of Environment, Forest and Climate Change, hereby accords approval for the terms of reference to the project/activity for JalagamVengal Rao Opencast - I Expansion Project of annual production from 2.50 to 5 MTPA in an area of 544.81 ha of M/s The Singareni Collieries Company Limited at Village Ayyagaripeta, Mandal Sathupalli, District Khammam (Telangana), for undertaking Environmental Impact Assessment

Munna Shah

(EIA) and preparation of Environment Management Plan as enumerated in **Annexure - I**, along with public hearing for consideration of the proposal of environmental clearance to the project.

The ToR is valid for a period of three years, which can be extended for a maximum period of one year provided an application in this regard is submitted by the project proponent, well before expiry of the validity period.

8. Further, based on recommendations of the EAC and the Ministry's OM dated 30th May, 2018, the Ministry has also approved the following: -

(i) The State Government/SPCB shall take action against the project proponent under the provisions of the Environment (Protection) Act, 1986, and further no consent to operate to be issued till the project is granted environmental clearance.

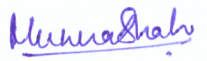
(ii) The coal company/project proponent shall be liable to pay the compensation against the illegal mining, if any, and as raised by the respective State Governments at any point of time, in terms of the orders dated 2nd August, 2017 of Hon'ble Supreme Court in WP (Civil) No.114/2014 in the matter of 'Common Cause Vs Union of India & others'.

(iii) The concerned State Government shall ensure that mining operations shall not commence till the entire compensation levied, if any, for illegal mining, is paid by the project proponent through their respective Department of Mining & Geology, in strict compliance of the judgment of Hon'ble Supreme Court.

(iv) The environmental clearance shall not be operational till such time the project proponent complies with the above said judgment of Hon'ble Supreme Court, as applicable, and other statutory requirements.

(v) The project proponent shall submit an undertaking by way of affidavit to comply with all the statutory requirements and judgement of Hon'ble Supreme Court before issuing the ToR/EC.

9. This issues with approval of the competent authority after receipt of the desired undertaking from the project proponent vide their letter No. CRP/ENV/A/403A/114 dated 4th March, 2019 regarding no violation of the EIA Notification, 2006 in future.


(Munna Kumar Shah)
Scientist D

Copy to: -

1. The APPCF, Regional office (EZ), Ministry of Environment, Forest and Climate Change, 1st&2nd Floor, Handloom Export Promotion Council, Cathedral Garden Road, Nungambakkam, Chennai - 34 (Tamil Nadu)
2. The Secretary, Department of Environment & Forests, Government of Telangana
3. The Member Secretary, Central Pollution Control Board, CBD-cum-Office Complex, East Arjun Nagar, Delhi - 32
4. The Member Secretary, Telangana State Pollution Control Board, Paryavaran Bhawan, A-3 Industrial Estate, Sanatnagar, Hyderabad - 500038
5. Monitoring File 6. Guard File 7. Record File 8. Notice Board

Terms of Reference for preparation of Environment Impact Assessment / Environment Management Plan

1. Project description, its importance and the benefits.
2. Project site details (location, toposheet of the study area of 10 km, coordinates, google map, layout map, land use, geological features and geo-hydrological status of the study area, drainage).
3. Land use as per the approved Master Plan of the area, permission/approvals required from the land owning agencies, Development Authorities, Local Body, Water Supply & Sewerage Board , etc.
4. Land acquisition status, R&R details.
5. Forest and Wildlife and eco-sensitive zones, if any in the study area of 10 km - Clearances required under the Forest (Conservation) Act, 1980, the Wildlife (Protection) Act, 1972 and/or the Environment (Protection) Act, 1986.
6. Baseline environmental study for ambient air (PM10, PM2.5, SO2, NOx, & CO), water (both surface and ground), noise and soil for one season (except monsoon) as per MoEF&CC/CPCB guidelines at 6-8 locations in the study area of 10 km.
7. Details on flora and fauna and socio-economic aspects in the study area.
8. Likely impact of the project on the environmental parameters (ambient air, surface and ground water, land, flora and fauna and socio-economic, etc).
9. Source of water for different identified purposes with the permissions required from the concerned authorities, both for surface water and the ground water (by CGWA) as the case may be, rain water harvesting, etc.
10. Waste water management (treatment, reuse and disposal) for the project and also the study area,
11. Assessment of ecological damage with respect to air, water, land and other environmental attributes. The collection and analysis of data shall be done by an environmental laboratory duly notified under the Environment (Protection) Act, 1986, or an environmental laboratory accredited by NABL, or a laboratory of a Council of Scientific and Industrial Research (CSIR) institution working in the field of environment.
12. Preparation of EMP comprising remediation plan and natural and community resource augmentation plan corresponding to the ecological damage assessed and economic benefits derived due to violation.
13. The remediation plan and the natural and community resource augmentation plan to be prepared as an independent chapter in the EIA report by the accredited consultants.
14. Other scope of work as contends in the standard TOR notified by the Ministry for Opencast coal mining.