

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
Original Application No. 186/2023/EZ**

IN THE MATTER OF:

ANALSON SANGMA.

... APPLICANT

VERSUS

STATE OF MEGHALAYA.

...RESPONDENTS

INDEX

S. NO.	PARTICULAR	PAGE NO
1.	Affidavit on behalf Respondent No. 4, of Meghalaya State Pollution Control Board.	1 - 6
2.	Annexure R/1 A copy of the Consent to Establish dated 9.10.2020 issued to M/s Alpha D Marak Building Stone Mine sis.	7 – 10
3.	Annexure R/2 A copy of Consent to Operate dated 31.3.2021.	11 – 14
4.	Annexure R/3 A copy of Renewed Consent to Operate dated 13.1.2023.	15 – 17
5.	Annexure R/4 A copy of the Inspection Report dated 6.12.2023.	18 – 20
6.	Annexure R/5 A copy of the Show Cause Notice dated 29.1.2024 issued to M/s Alpha D Marak building stone mine.	21
7.	Annexure R/6 In compliance to para 14, the MSPCB has nominated	22

	Shri. S. Swer, Senior Scientist of the Board as Member of the Committee.	
8.	Vakalatnama.	23

Filed on: 20.02.2024
New Delhi

Filed by

K. ENATOLI SEMA
Advocate for Respondent
Meghalaya State Pollution Control Board
310, lawyer's Chamber
C.K. Daphtary block
Supreme Court of India Tilak lane
New Delhi-110001
Mob.9818139636
Enrollment No D-1931-a/2005
Email-enatoli@gmail.com

HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKOTA
ORIGINAL APPLICATION NO.186/2023(EZ)

IN THE MATTER OF:-

Analson SangmaApplicant

Versus

State of MeghalayaRespondents

MEMBER SECRETARY
Meghalaya State Pollution Control Board
Shillong

**STATUS REPORT ON AFFIDAVIT ON BEHALF OF
RESPONDENT NO. 4 - MEGHALAYA POLLUTION
CONTROL BOARD PURSUANT TO ORDER DATED
10.01.2022**

I, Shri. Dr. George Hagi Chyrmang, MFS, Age 42 years, having office at Lumpyngngad, Shillong, Meghalaya, do hereby solemnly affirm and declare as under :-

1. That I am presently posted as the Member Secretary of the Meghalaya State Pollution Control Board, MSPCB, and as such in my official capacity I am conversant with the facts and records of the case and hence competent and authorized to swear this affidavit on behalf of MSPCB, hereinafter referred to as the 'Board'.

2. On 9.1.2024, this Hon'ble Tribunal after noting the allegations contained in the communication dated 16.10.2023 was pleased

SS
SI. Instrument No. 14/02/2024
Date



to implead the Answering Respondent as a party in the instant Original Application and was pleased to direct as under:-

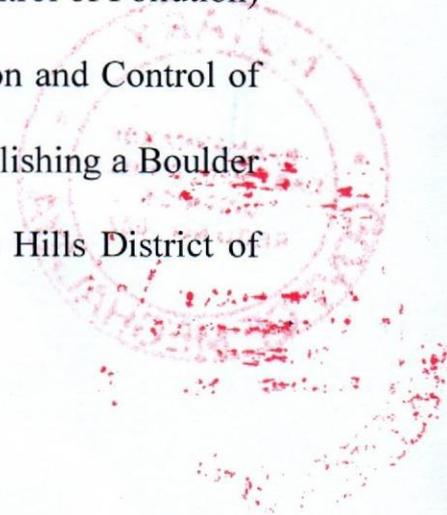
(1). In para 13 of the order - All the Respondents shall file their counter-affidavits

(2). In para 14 of the order - We also deem it appropriate to constitute a Committee comprising of the following Members:-

- i. Senior Scientist, Meghalaya State Pollution Control Board,
- ii. Senior Scientist, Central Pollution Control Board, Regional Office, Shillong, and
- iii. Deputy Commissioner, Baghmara, South Garo Hills, or his senior representative not below the rank of Additional District Magistrate.

3. Hence, it is stated that prior to the formation of the Committee, MSPCB had on 9.10.2020, granted Consent to Establish under Section 25/26 of the Water (Prevention and Control of Pollution) Act, 1974 and Section 21 of the Air (Prevention and Control of Pollution) Act, to M/s Alpha D Marak for establishing a Boulder Stone Mine at Budugre, Chokpot, South Garo Hills District of

MEMBER SECRETARY
Meghalaya State Pollution Control Board
Shillong



Meghalaya. The Consent to Establish contained several general and specific conditions to be complied by the Company.

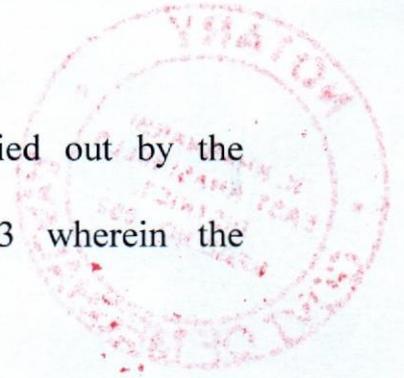
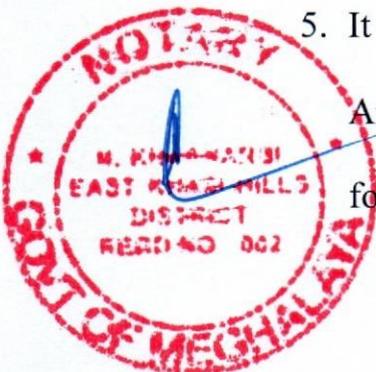
A copy of the Consent to Establish dated 9.10.2020 issued to M/s Alpha D Marak Building Stone Mine sis marked and annexed as **Annexure R/1**.

4. Subsequently, Consent to Operate was issued vide order dated on 31.3.2021 to operate a stone quarry having an area of 4.8 Ha located at Budugre, Chokpot, South Garo Hills District which is valid till 28.2.2022. It is stated that the consent required the Company to comply with all the environmental measures and safeguards recommended in the approved mining plan. Subsequently, the Consent to Operate was renewed on 13.1.2023 which is valid till 28.2.2024.

A copy of Consent to Operate dated 31.3.2021 is marked and annexed as **Annexure R/2**.

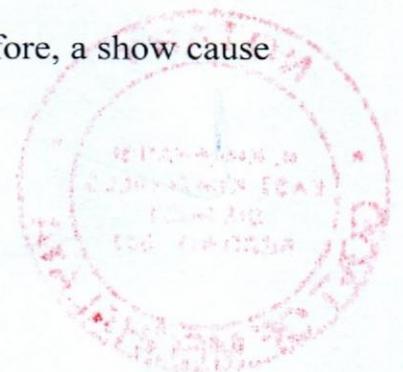
A copy of Renewed Consent to Operate dated 13.1.2023 is marked and annexed as **Annexure R/3**.

5. It is further stated that inspection was carried out by the Answering Respondent Board, on 6.12.2023 wherein the following was observed: -



- a. At the portion where mining activity was commencing, the topsoil observed was very thick (20 feet in height) and the overburden was observed to have been dumped near pillar No.3 at very steep slope towards River Daren;
- b. Due to absence of proper drainage system/gullies and settling tank, the overburden observed to be eroded downstream leading its way to the river. A large amount of excavated earth had previously slid down upto the river before construction of the masonry retaining wall;
- c. Retaining wall has been constructed outside the mining lease area at a distance of around 60 meter from pillar no.3 and 40 m from the bank of the river to prevent further spills;
- d. The retaining wall is a three-level gabion wall measuring approximately 8 ft height and 15 ft in length.

From the inspection it was noted that M/s Alpha D Marak building Stone Mine had violated specific condition Sl 1,2,3,4 & 5 of the Consent to Operate issued to it. Therefore, a show cause



notice has been issued on 29.1.2024 to the proprietor of the stone mine.

A copy of the Inspection Report dated 6.12.2023 is marked and annexed as **Annexure R/4**

A copy of the Show Cause Notice dated 29.1.2024 issued to M/s Alpha D Marak building stone mine is marked and annexed as **Annexure R/5**

6. In compliance to para 14, the MSPCB has nominated Shri. S. Swer, Senior Scientist of the Board as Member of the Committee.

Annexure R/6

The Committee will visit the site in question and submit its report on affidavit.

7. I say that the facts stated in the above paras are true and correct to the best of my knowledge and information.

Identified by:

Miss. P. S. Barch

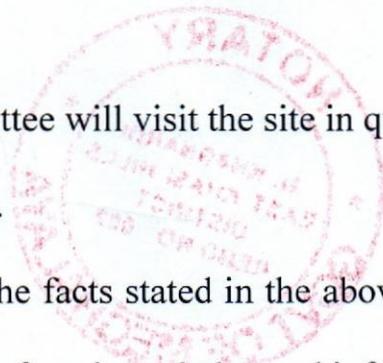

(Advocate)

Solemnly Affirmed before me this Day
On 14/02/2024 the Deponent is identified
By P. S. Barch, Adv
I Certify that the contents of the Affidavit
are read over and Explained to the Deponent
who verified the same before me


NELSON KHARNARBI
NOTARY
East Khasi Hills District
Meghalaya


DEPONENT

MEMBER SECRETARY
Meghalaya State Pollution Control Board
Shillong



VERIFICATION

Verified at *Shillong* on this the *14th* day of February, 2024 that the contents of the above affidavit are true and correct to the best of my knowledge and belief. No part of it is false and nothing material has been concealed there from.


DEPONENT

MEMBER SECRETARY
Meghalaya State Pollution Control Board
Shillong



**Meghalaya State Pollution Control Board**

Forests & Environment Department, Government of Meghalaya

'ARDEN' Lumpynggad, Shillong-793014

Website: <http://megspcb.gov.in>

No. MPCB/TB-ONLINE-CTE(GH)/2020-2021/24

Dated Shillong, the 9 October, 2020

CONSENT TO ESTABLISH

CONSENT TO ESTABLISH under Section 25/26 of the Water (Prevention & Control of Pollution) Act, 1974, as amended and under Section 21 of the Air (Prevention & Control of Pollution) Act, 1981, as amended (to be referred as Water Act and Air Act respectively).

CONSENT is granted to **M/S ALPHA D. MARAK BUILDING STONE MINE** for establishing a Stone Quarry over an area of 4.80 Ha with production capacity 294030 MTPA located at Budugre, Chokpot, South Garo Hills District and a Project cost of ₹ 24.50 lakhs (Rupees Twenty Four Lakhs and Fifty Thousand) only under the following **terms and conditions**:

1. This Consent has been accorded based on the particulars furnished by the applicant on behalf of **M/S ALPHA D. MARAK BUILDING STONE MINE** and subject to addition of further or more conditions if so warranted by subsequent developments. The Consent will automatically become invalid if any change or alteration or deviation is made in actual practice;
2. The Consent to Establish is valid for a period up to **30th September, 2021** unless otherwise suspended or revoked. The validity period shall be extended if necessary till such time the unit is in operation;
3. This Consent may be modified, suspended or revoked by the Board in whole or in part during its term for cause including, but not limited to the following:-
 - (a) Violation of any Terms and Conditions of this Consent;
 - (b) Obtaining the Consent by misrepresentation or failure to disclose fully all relevant facts;
 - (c) A change in any condition that require temporary or permanent reduction or elimination of the authorized discharge/emission;
4. This Consent does not convey any property right in either real or personal property or any exclusive privileges, nor does it authorizes any injury to private property or any invasion of personal rights, nor any infringement of Central State or Local Laws or Regulation;
5. No air, water and soil pollution shall be created by the Industry beyond the prescribed permissible limits;
6. The industry shall take adequate measures for control of noise from all sources so as to comply with the Standards below:

LIMIT in dB (A) LEQ	
DAY TIME (6:00AM-9:00PM)	NIGHT TIME (9:00PM-6:00AM)
75	70

7. To maintain the environment and ecology of the area, development of green belt by planting selected species of trees, the height of which should not be less than 5 (five) metres when matured and at a spacing of 1 (One) metre should be made invariably at an area of 15 ha around the mine and 2.0 ha around the colony;

opc



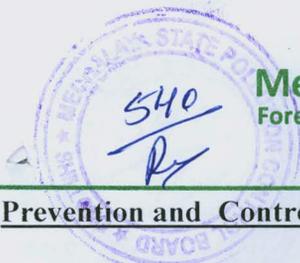
8. As per the provisions of the Water (Prevention and Control of Pollution) Act, 1974 as amended and the Air (Prevention and Control of Pollution) Act, 1981 as amended that any Officer empowered by the Board on its behalf shall have without interruption, the right at any time to enter the Plant/factory/for inspection, collection of sample for analysis and may call for any information as deemed necessary. Denial this right will cause withdrawal of the Consent Order;
9. The Company shall comply with all the environment protection measures and safeguards recommended in the approved mining plan
10. The caves should be preserved, if encountered in the area shall have to be reported to the Board immediately.
11. The company shall comply with all the Terms & Conditions of the Environmental Clearance granted by the State Environment Impact Assessment Authority, East Khasi Hills District, Shillong vide No. ML/SEIAA/MIN/SGH/P-46/2020/1642 Dt. 10th Sept,2020 and implement the Environment protection measures and safeguards incorporated in the EIA/EMP.

II. Specific Conditions:

A. Prevention & Control of Water Pollution:

The following measures should be taken up by the industry for prevention and control of water pollution:

1. Check dams/tailing dams should be provided wherever necessary to prevent the direct discharge of mine's effluent/run off etc. into the natural water courses.
2. Facilities should be maintained for utilizing the water collected in the dams for spraying of the mine, haul roads, etc. but not to discharge directly into the natural streams without proper treatments so as to conform to the prescribed effluent standards.
3. Dumping of overburden, mine spoils etc. should be properly made in identified and demarcated Sites. Such dumping sites should be on impervious and stable ground to avoid percolation of contaminations into the water table and for prevention of landslides.
4. Proper planning should be made so that the dumps are to be done in steps for better stabilization and the dumping sequence should be planned in such a way that plantation over the dumps can be done simultaneously with dumping.
5. Continuous compacting of the dumps should be done to ensure its stability.
6. Sedimental basin below the overburden dumps including plantation and vegetation over the dumps should be maintained to prevent siltation of the natural water courses.
7. Facilities should be maintained for storing the top soil separately so that the same be utilized for afforestation/plantation over the dumps and excavated mines pits.
8. Setting up of requisite number of permanent water quality monitoring stations on the natural water courses both upstream & downstream and selection of sampling points/stations should be made in consultation with this Board at the earliest.



Meghalaya State Pollution Control Board

Forests & Environment Department, Government of Meghalaya

'ARDEN' Lumpynggad, Shillong-793014

Website: <http://megspcb.gov.in>



B. Prevention and Control of Air & Noise Pollution:

1. Setting up & operation of at least three ambient air quality monitoring station with 120⁰ angle between stations for monitoring the ambient air quality including micro meteorological data should be done immediately. Selection of station should be done in consultation with this Board.
2. The Ambient Air Quality within the Plant premises and surrounding areas should be maintained within the National Ambient Air Quality Standards prescribed below:-

Sl. No.	Pollutants	Time Weighted average	Concentration in Ambient Air (Industrial, Residential, Rural Areas) µg/m ³
1.	SO ₂	Annual 24 hours	50 80
2.	NO ₂	Annual 24 hours	40 80
3.	Particulate Matter, PM ₁₀ (size less than 10 µm)	Annual 24 hours	60 100
4.	Particulate Matter, PM _{2.5} (size less than 2.5 µm)	Annual 24 hours	40 60

3. A well equipped mechanical workshop should be maintained for proper maintenance of heavy earth movable machineries (HEMM). Fuel/air burning ratio of all the HEMM is to maintained at an optimum condition so as to reduce air pollution from the exhaust emission of these machineries.
4. Regular checking of the exhaust emission from HEMM should be conducted by using requisite instruments for the purpose.
5. If dry drilling is to be employed, appropriate dust collectors should be provided to control the concentration of suspended particulate matters in the emission.
6. Plantation along the haul roads to reduce dust retention in the air should be maintained.
7. Proper maintenance, lubrication etc. of all moving machineries should be maintained and all engines should be provided with high efficiency silencers.
8. Primary blasting methods should be chosen in such a way so as to have a minimum impact of noise and vibration on the environment.
9. Usage of hydraulic rock breaker for boulder breaking instead of conventional secondary blasting to minimize noise pollution should be adopted as far as practicable.
10. Adequate measures taken should be made to minimize the air blast so that the blast size is kept at the optimum for less noise.
11. Periodic monitoring of noise and vibration level should be conducted by following prescribed norms & measuring instruments for the purpose.



Meghalaya State Pollution Control Board

Forests & Environment Department, Government of Meghalaya
 'ARDEN' Lumpynggad, Shillong-793014
 Website: <http://megspcb.gov.in>



12. The optimum stemming column is to be maintained so that explosives are blasted in confinement stage.

A detailed Report of Compliance to all the Terms and Conditions stipulated in this Consent should be submitted along with the application for grant of the Consent to Operate before operation of the quarry.

MEMBER SECRETARY
 Meghalaya State Pollution Control Board
 Shillong

Copy to: -

1. The Member Secretary, State Environment Impact Assessment Authority, Shillong , East Khasi Hills District, for favour of information.
2. The Deputy Commissioner, South Garo Hills District
3. The Director of Mineral Resources, Meghalaya, Shillong for information and necessary action.
4. The Division Forest Officer, South Garo Hills (T) Division, Baghmara for favour of information and necessary action.
5. **M/S ALPHA D. MARAK BUILDING STONE MINE**, C/o Smt. Alpha D. Marak, Umpling, Dongsharum, East Khasi Hills District, Meghalaya for favour of information and necessary action.
6. Guard File TB-ONLINE-CTE(2020).



No.MSPCB/ONLINE-CTO(GH)/2020-21/32

Dated Shillong, the 31st March, 2021

CONSENT TO OPERATE

Consent under Section 25/26 of the Water (Prevention & Control of Pollution) Act, 1974, as amended and under Section 21 of the Air (Prevention & Control of Pollution) Act, 1981, as amended (to be referred as Water Act and Air Act respectively)

CONSENT TO OPERATE is granted to **M/s ALPHA D. MARAK BUILDING STONE MINE** of Smt. Alpha D. Marak for operating a stone quarry having an area of **4.8 Ha** with a production capacity of **294030 TPA** (Two lakh ninety-four thousand thirty tonnes per annum), located at **Budugre, Chokpot, South Garo Hills District** and a Project Cost of **₹24,50,000/-** (Rupees twenty-four lakhs fifty thousand) only under the following terms and conditions:

1. This Consent has been accorded based on the particulars furnished by the applicant on behalf of to **M/s ALPHA D. MARAK BUILDING STONE MINE**, and subject to addition of further or more conditions if so warranted by subsequent developments. The Consent will automatically become invalid if any change or alteration or deviation is made in actual practice;
2. This Consent is valid for a period up to **28th FEBRUARY, 2022** unless otherwise suspended or revoked;
3. This Consent may be modified, suspended or revoked by the Board in whole or in part during its term for cause including, but not limited to the following:-
 - (a) Violation of any Term and Condition of this Consent;
 - (b) Obtaining the Consent by misrepresentation or failure to disclose fully all relevant facts;
 - (c) A change in any condition that requires temporary or permanent reduction or elimination of the authorized discharge/emission;
4. This Consent does not convey any property right in either real or personal property or any exclusive privilege, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Central State or Local Laws or Regulation;
5. No air, water and soil pollution shall be created by the Industry beyond the prescribed permissible limits;
6. The industry shall take adequate measures for control of noise from all sources so as to comply with the Standards below:

LIMIT in dB (A) LEQ	
DAY TIME (6:00AM-9:00PM)	NIGHT TIME (9:00PM-6:00AM)
75	70

7. To maintain the environment and ecology of the area, development of green belt by planting selected species of trees, the height of which should not be less than 5 (five) metres when matured and at a spacing of 1 (One) metre should be made invariably at an area of 15 ha around the mine and 2.0 ha around the colony;
8. As per the provisions of the Water (Prevention and Control of Pollution) Act, 1974 as amended and the Air (Prevention and Control of Pollution) Act, 1981 as amended that any Officer empowered by the Board on its





behalf shall have without interruption, the right at any time to enter the Plant/factory/for inspection, collection of sample for analysis and may call for any information as deemed necessary. Denial of this right will cause withdrawal of the Consent Order;

9. The Company shall comply with all the environment protection measures and safeguards recommended in the approved mining plan;
10. The caves should be preserved, if encountered in the area shall have to be reported to the Board immediately;

II. Specific Conditions:

A. Prevention & Control of Water Pollution:

The following measures should be taken up by the industry for prevention and control of water pollution:

1. Check dams/tailing dams should be provided wherever necessary to prevent the direct discharge of mine's effluent/run off etc. into the natural water courses;
2. Facilities should be maintained for utilizing the water collected in the dams for spraying of the mine, haul roads, etc. but not to discharge directly into the natural streams without proper treatments so as to conform to the prescribed effluent standards;
3. Dumping of overburden, mine spoils etc. should be properly made in identified and demarcated Sites. Such dumping sites should be on impervious and stable ground to avoid percolation of contaminations into the water table and for prevention of landslides;
4. Proper planning should be made so that the dumps are to be done in steps for better stabilization and the dumping sequence should be planned in such a way that plantation over the dumps can be done simultaneously with dumping;
5. Continuous compacting of the dumps should be done to ensure its stability;
6. Sedimental basin below the overburden dumps including plantation and vegetation over the dumps should be maintained to prevent siltation of the natural water courses;
7. Facilities should be maintained for storing the top soil separately so that the same may be utilized for afforestation/plantation over the dumps and excavated mines pits;
8. Setting up of requisite number of permanent water quality monitoring stations on the natural water courses both upstream & downstream and selection of sampling points/stations should be made in consultation with this Board at the earliest.

B. Prevention and Control of Air & Noise Pollution:

1. Setting up & operation of at least three ambient air quality monitoring stations with 120° angle between stations for monitoring the ambient air quality including micro meteorological data should be done immediately. Selection of station should be done in consultation with this Board;

MU



Meghalaya State Pollution Control Board

Forests & Environment Department, Government of Meghalaya

'ARDEN' Lumpyngngad, Shillong-793014

Website: <http://megspcb.gov.in>



2. The Ambient Air Quality within the Plant premises and surrounding areas should be maintained within the National Ambient Air Quality Standards prescribed below:-

Sl. No.	Pollutants	Time Weighted average	Concentration in Ambient Air (Industrial, Residential, Rural Areas) $\mu\text{g}/\text{m}^3$
1.	SO ₂	Annual	50
		24 hours	80
2.	NO _x	Annual	40
		24 hours	80
3.	Particulate Matter, PM ₁₀ (size less than 10 μm)	Annual	60
		24 hours	100
4.	Particulate Matter, PM _{2.5} (size less than 2.5 μm)	Annual	40
		24 hours	60

3. A well equipped mechanical workshop should be maintained for proper maintenance of heavy earth movable machineries (HEMM). Fuel/air burning ratio of all the HEMM is to be maintained at an optimum condition so as to reduce air pollution from the exhaust emission of these machineries;
4. Regular checking of the exhaust emission from HEMM should be conducted by using requisite instruments for the purpose;
5. If dry drilling is to be employed, appropriate dust collectors should be provided to control the concentration of suspended particulate matters in the emission;
6. Plantation along the haul roads to reduce dust retention in the air should be maintained;
7. Proper maintenance, lubrication etc. of all moving machineries should be maintained and all engines should be provided with high efficiency silencers;
8. Primary blasting methods should be chosen in such a way so as to have a minimum impact of noise and vibration on the environment;
9. Usage of hydraulic rock breaker for boulder breaking instead of conventional secondary blasting to minimize noise pollution should be adopted as far as practicable;
10. Adequate measures taken should be made to minimize the air blast so that the blast size is kept at the optimum for less noise;
11. Periodic monitoring of noise and vibration level should be conducted by following prescribed norms & measuring instruments for the purpose;
12. The optimum stemming column is to be maintained so that explosives are blasted in confinement stage;



66
Meghalaya State Pollution Control Board

Forests & Environment Department, Government of Meghalaya

'ARDEN' Lumpyngngad, Shillong-793014

Website: <http://megspcb.gov.in>



13. A Detailed Report on Compliance to the terms and conditions as laid down in this *Consent to Operate* shall be submitted along with Environmental Statement in Form V and apply for its renewal prior to expiry of the validity date.

MEMBER SECRETARY

*Meghalaya State Pollution Control Board
Shillong*

Copy to: -

1. The Member Secretary, SEIAA, Meghalaya, Shillong. For favour of information.
2. The Director of Mineral Resources, Meghalaya, Shillong. For information and necessary action with regard to Mining Lease issued.
3. The Divisional Forest Officer, South Garo Hills Division, Baghmara. For favour of information and necessary action.
4. M/s Alpha D. Marak Building Stone Mine, c/o Smt. Alpha D. Marak, Umpling, Dongsharum, Shillong – 06.
5. Guard File CTO 2020



No. MPCB/ONLINE-RCTO(R-1)/SGH/2021/2022-2023/ |

Dated Shillong, the 13th January, 2023**RENEWAL OF CONSENT TO OPERATE**

CONSENT TO OPERATE under Section 25/26 of the Water (Prevention & Control of Pollution) Act, 1974, as amended and under Section 21 of the Air (Prevention & Control of Pollution) Act, 1981, as amended (to be referred as Water Act and Air Act respectively).

CONSENT is granted to **M/S ALPHA D.MARAK BUILDING STONE MINE** vide T.O No. MSPCB/ONLINE-CTO(GH)/2020-21/32 Dated 31st March, 2021 for operating a **4.8 Ha Stone Mine** located at Budugre, Chokpot, South Garo Hills District with production capacity **294030 TPA** and with a Project cost of ₹ **24,50,000/- (Rupees Twenty Four Lakh Fifty Thousand)** only and which expired on **28th February 2022** is hereby renewed for a period of 2 (Two) years i.e; upto **28th February 2024** under the following **terms and conditions**:

1. This Consent has been accorded based on the particulars furnished by the applicant on behalf of **M/S ALPHA D.MARAK BUILDING STONE MINE** and subject to addition of further or more conditions if so warranted by subsequent developments. The Consent will automatically become invalid if any change or alteration or deviation is made in actual practice;
2. The Consent to Operate is valid for a period upto **28th February 2024** unless otherwise suspended or revoked. Application for renewal of Consent to Operate shall be made within 3 (Three) months from the date of expiry of this consent order;
3. This Consent may be modified, suspended or revoked by the Board in whole or in part during its term for cause including, but not limited to the following:-
 - (a) Violation of any Terms and Conditions of this Consent;
 - (b) Obtaining the Consent by misrepresentation or failure to disclose fully all relevant facts;
 - (c) A change in any condition that require temporary or permanent reduction or elimination of the authorized discharge/emission;
4. This Consent does not convey any property right in either real or personal property or any exclusive privileges, nor does it authorizes any injury to private property or any invasion of personal rights, nor any infringement of Central State or Local Laws or Regulation;
5. No air, water and soil pollution shall be created by the Industry beyond the prescribed permissible limits.
6. To maintain the environment and ecology of the area, development of green belt by planting selected species of trees, the height of which should not be less than 5 (five) metres when matured and at a spacing of 1 (One) metre should be made around the colony;
7. The industry shall take adequate measures for control of noise from all sources so as to comply with the Standards below:

LIMIT in dB (A) LEQ	
DAY TIME (6:00AM-9:00PM)	NIGHT TIME (9:00PM-6:00AM)
75	70

8. As per the provisions of the Water (Prevention and Control of Pollution) Act, 1974 as amended and the Air (Prevention and Control of Pollution) Act, 1981 as amended that any Officer empowered by the Board on its behalf shall have without interruption, the right at any time to enter the Plant/factory/for inspection, collection of sample for analysis and may call for any information as deemed necessary. Denial this right will cause withdrawal of the Consent Order;
9. The Company shall comply with all the environment protection measures and safeguards recommended in the approved mining plan.
10. The caves should be preserved, if encountered in the area shall have to be reported to the Board immediately.



11. The company shall comply with all the Terms & Conditions of the Environmental Clearance granted by the State Environmental Impact Assessment Authority, East Khasi Hills District, Shillong vide No. ML/SEIAA/MIN/SGH/P-46/2020/1642 Dt.10th September, 2020 and implement the Environment protection measures and safeguards incorporated in the EIA/EMP.

II. Specific Conditions:

A. Prevention and Control of Water Pollution:

The following measures should be taken up by the industry for prevention and control of water pollution:

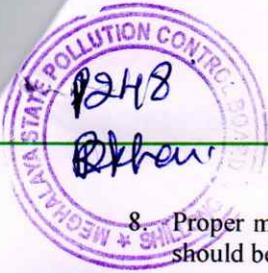
1. Check dams/tailing dams should be provided wherever necessary to prevent the direct discharge of mine's effluent/run off etc. into the natural water courses.
2. Dumping of overburden, mine spoils etc. should be properly made in identified and demarcated Sites. Such dumping sites should be on impervious and stable ground to avoid percolation of contaminations into the water table and for prevention of landslides.
3. Proper planning should be made so that the dumps are to be done in steps for better stabilization and the dumping sequence should be planned in such a way that plantation over the dumps can be done simultaneously with dumping.
4. Continuous compacting of the dumps should be done to ensure its stability.
5. Facilities should be maintained for storing the top soil separately so that the same be utilised for afforestation/plantation over the dumps and excavated mines pits.

B. Prevention and Control of Air & Noise Pollution:

1. Setting up & operation of at least three ambient air quality monitoring station with 120° angle between stations for monitoring the ambient air quality including micro meteorological data should be done immediately. Selection of station should be done in consultation with this Board.
2. The Ambient Air Qu
3. ality within the Plant premises and surrounding areas should be maintained within the National Ambient Air Quality Standards prescribed below:

Sl. No.	Pollutants	Time Weighted average	Concentration in Ambient Air (Industrial, Residential, Rural Areas) $\mu\text{g}/\text{m}^3$
1.	SO ₂	Annual	50
		24 hours	80
2.	NO ₂	Annual	40
		24 hours	80
3.	Particulate Matter, PM ₁₀ (size less than 10 μm)	Annual	60
		24 hours	100
4.	Particulate Matter, PM _{2.5} (size less than 2.5 μm)	Annual	40
		24 hours	60

4. Fuel/air burning ratio of all the HEMM is to maintained at an optimum condition so as to reduce air pollution from the exhaust emission of these machineries.
5. Regular checking of the exhaust emission from HEMM should be conducted by using requisite instruments for the purpose.
6. If dry drilling is to be employed, appropriate dust collectors should be provided to control the concentration of suspended particulate matters in the emission.
7. Plantation along the haul roads to reduce dust retention in the air should be maintained.



Meghalaya State Pollution Control Board

Forests & Environment Department, Government of Meghalaya

'ARDEN' Lumpyngngad, Shillong - 793014

Website : <http://megspcb.gov.in>

17



8. Proper maintenance, lubrication etc. of all moving machineries should be maintained and all engines should be provided with high efficiency silencers.
9. Primary blasting methods should be chosen in such a way so as to have a minimum impact of noise and vibration on the environment.
10. Usage of hydraulic rock breaker for limestone breaking instead of conventional secondary blasting to minimize noise pollution should be adopted as far as practicable.
11. Adequate measures taken should be made to minimize the air blast so that the blast size is kept at the optimum for less noise.


MEMBER SECRETARY
Meghalaya State Pollution Control Board
Shillong

Copy to: -

1. The Member Secretary, SEIAA, Meghalaya, Silviculture Building, Forests & Environment Department, Shillong for favour of information.
2. The Deputy Commissioner, South Garo Hills District for favour of Information
3. The Director of Mineral Resources, Meghalaya, Shillong for information and necessary action.
4. The Divisional Forest Officer, South Garo Hills (T) Division, Baghmara for favour of information and necessary action.
5. **M/S ALPHA D.MARAK BUILDING STONE MINE**, C/o Smt. Alpha D. Marak, Umpling, Dongsharum, East Khasi Hills District, Meghalaya for information and necessary action.
6. Guard File ONLINE-RCTO(SGH)-2023.

INSPECTION REPORT

In pursuance of the complaint received from Shri. A.R. Sangma, Nokma 1-6(07) Budugre A King, South Garo Hills, Meghalaya, inspection of M/s Alpha D. Marak Building Stone Mine (4.8 Ha) of Smt. Alpha D. Marak located at Budugre, Chokpot, South Garo Hills District were carried out by the Board's officials, Shri. J.F. Lamurong, Environmental Engineer and Smt. R.R. Marak, Asst. Environmental Engineer on 6th December, 2023 along with Shri. Dilbo Sangma, representatives of M/s Alpha D. Marak Building Stone Mine and the observations are as follows.

The complainant could not be contacted as there is no mobile number provided.

Observations:

1. Old approach road to the mining lease area has been abandoned. New approach road has been constructed leading to Pillar No. 4 and 5.
2. Mining activity has been commenced along eastern side within the mining lease area. Mining activity was not in operation at the time of inspection, however transportation of stone boulder was observed by Mahindra Pickup from the already excavated boulder stone.
3. At the portion where mining activity was commencing, the top soil observed to be very thick (20 feet in height) and the overburden was observed to have been dumped near pillar No. 3 at very steep slope towards River Dareng. The person present at site informed that new site has been identified and the overburden is dumped presently across the PWD Road.
4. When enquired from the person present at site, it was informed that boulder stone will be excavated vertically downward.
5. Due to absence of proper drainage system/ gullies and settling tank, the overburden was observed to be eroded downstream leading its way to the river. A large amount of excavated earth had previously slid down upto the river before construction of the Masonry retaining wall.
6. Retaining wall has been constructed outside the mining lease area at a distance of around 60 meter from pillar no. 3 and 40 m from the bank of the river to prevent further spills.
7. The retaining wall is a three-level gabion wall measuring approximately 8 ft height and 15 ft in length.

Recommendations:

1. Proper drainage system and settling tank should be constructed to arrest the over burden during runoff.
2. Feasible location should be identified for dumping of overburden and permission from the competent authority should be obtained.
3. Quarterly Water Monitoring of the river should be conducted by the Project proponent and submit report to MSPCB.
4. Additional Rubble stone wall should be constructed within the mining lease area towards the steep slope along Pillar No. 3 to avoid landslide during rainy season.
5. The already dumped earth should be properly compacted by planting trees for stability of the soil to avoid further erosion.

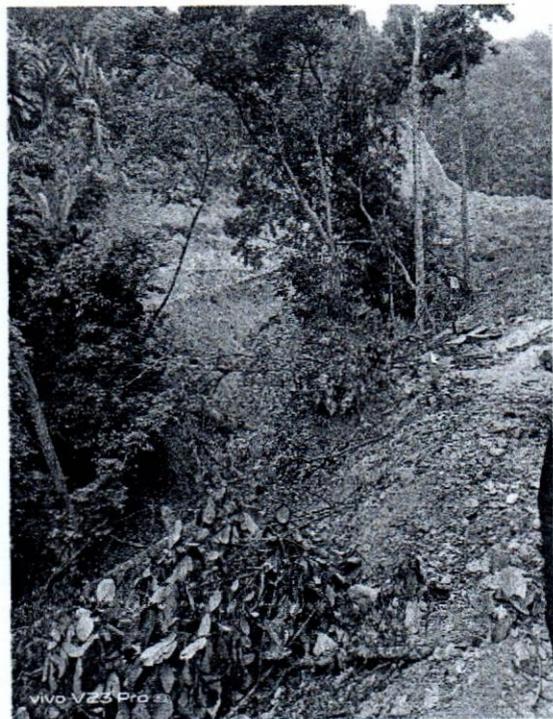
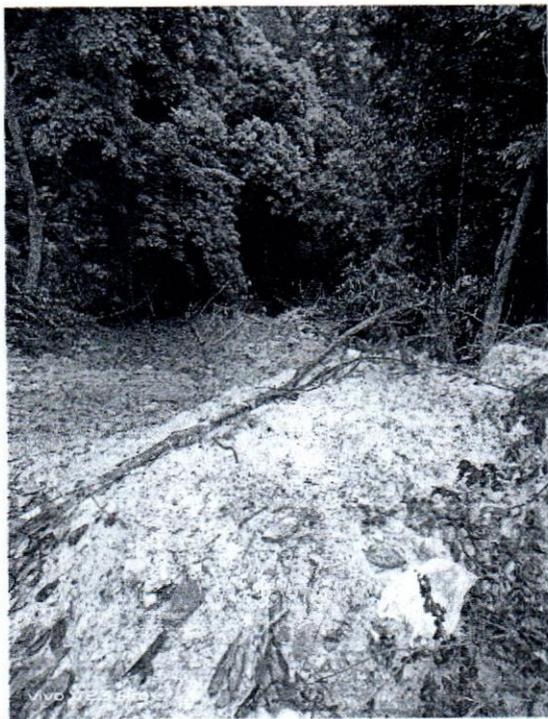

R.R. Marak,
AEE, MSPCB


J.F. Lamurong,
EE, MSPCB

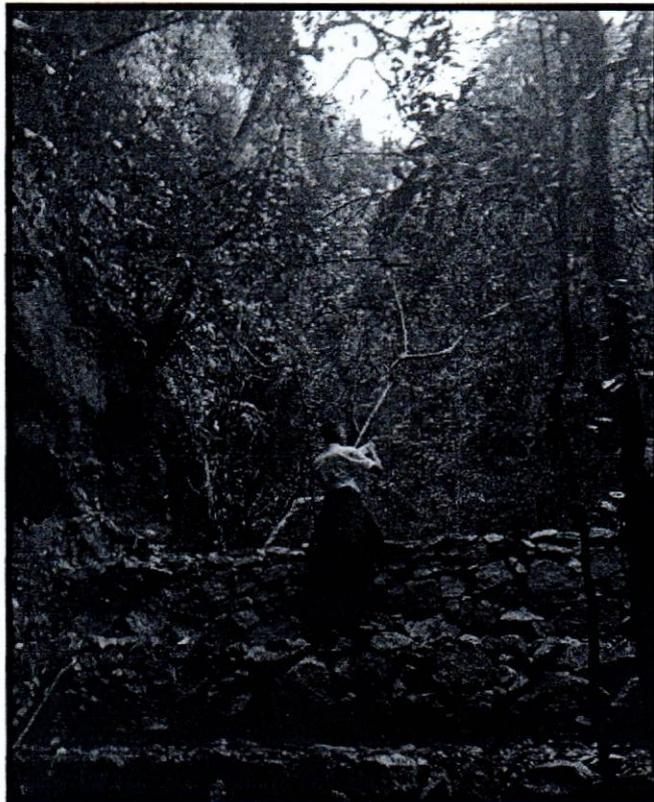
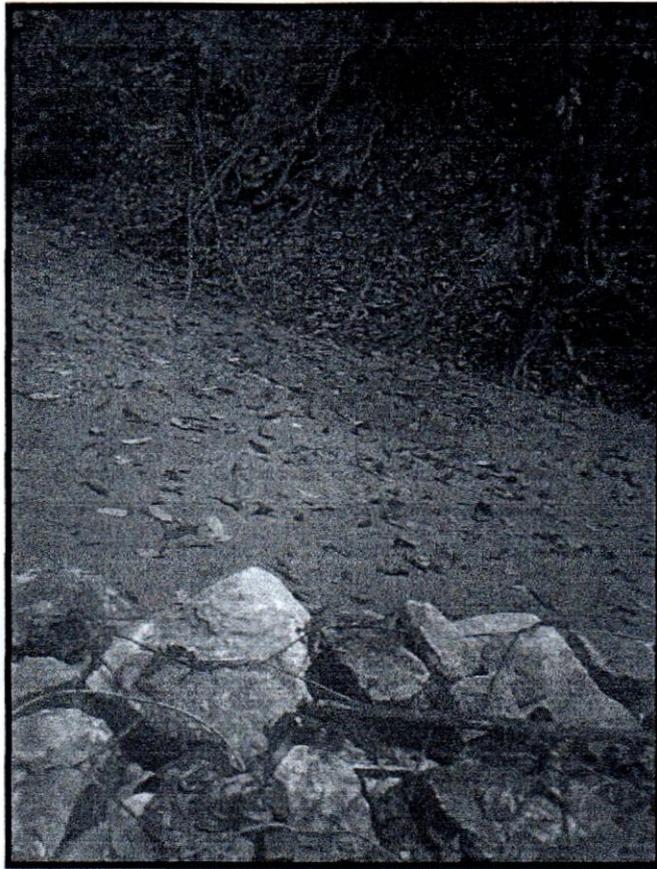
Photographs of the mine site near Pillar no. 4 & 5 where mining activity has commenced



Photographs of the mine site near Pillar no. 3 where overburden were dumped



Photographs of the Retaining Wall



No. MPCB/TB-7(H)/2023-2024/11

Dtd. Shillong the 24th January, 2024

To,

M/s Alpha D. Marak Building Stone Mine,
C/o Smt Alpha D. Marak,
Umpling, Dongsharum,
Shillong, Meghalaya

Sub: **SHOW CAUSE NOTICE**

- Whereas, Consent to Establish under Section 25/26 of the Water (Prevention and Control of Pollution) Act, 1974 and Section 21 Air (Prevention and Control of Pollution) Act, 1981 as amended was granted to M/s Alpha D. Marak Building Stone Mine vide T.O. No. MPCB/ONLINE-CTE(GH)/2020-2021/24 dated 9th October, 2020 for establishing a Boulder Stone Mine at Budugre, Chokpot, South Garo Hills District of Meghalaya ;
- Whereas, M/s Alpha D. Marak Building Stone Mine was Consent to Operate under Section 25/26 of the Water (Prevention and Control of Pollution) Act, 1974 and Section 21 Air (Prevention and Control of Pollution) Act, 1981 as amended vide T.O. No. MPCB/ONLINE-CTO(GH)/2020-2021/32 31st March, 2021 and subsequent renewal which will expired on 28th February, 2024;
- Whereas, as per the inspection carried out by the Board's Official on 6th December, 2023 it was observed that:
 - At the portion where mining activity was commencing, the top soil observed to be very thick (20 feet in height) and the overburden was observed to have been dumped near pillar No. 3 at very steep slope towards River Dareng.
 - Due to absence of proper drainage system/ gullies and settling tank, the overburden was observed to be eroded downstream leading its way to the river. A large amount of excavated earth had previously slid down upto the river before construction of the Masonry retaining wall.
 - Retaining wall has been constructed outside the mining lease area at a distance of around 60 meter from pillar no. 3 and 40 m from the bank of the river to prevent further spills.
 - The retaining wall is a three-level gabion wall measuring approximately 8 ft height and 15 ft in length.
- Whereas, M/s Alpha D. Marak Building Stone Mine has violated Specific Condition Sl. 1,2,3,4,5 under Prevention and Control of Water Pollution of the Consent to Operate;

Therefore in view of the above, **M/s Alpha D. Marak Building Stone Mine** is hereby given 15 (fifteen) days time to show cause as to '*why*' powers conferred upon the Board under Section 33 (A) of the Water (Prevention and Control of Pollution) Act, 1974 and Section 31 (A) of the Air (Prevention and Control of Pollution) Act, 1981 should not be implemented against the unit, failing which, '*exparte*' action will be taken against it.

(R. Nainamalai, IFS)

CHAIRMAN

Meghalaya State Pollution Control Board

Shillong

Dtd. Shillong the 24th January, 2024

Memo No. MPCB/TB-7(H)/2023-2024/11-A

Copy to:-

- The Deputy Commissioner, South Garo Hills, Baghmara, for kind information.
- The Director, Mining and Geology, Shillong for kind information.
- The Divisional Forest Officer, SF & Territorial Division, South Garo Hills, Baghmara for kind information and necessary action.

CHAIRMAN

No. MPCB/TB-7(H)/2023-2024/

Dtd. Shillong the

January, 2024

To,

The Deputy Commissioner,
South Garo Hills,
Baghmara
Email: dc-sgh-meg@nic.in

Sub: Nomination of Board's Official in the Matter O.A. No. 186/2023/EZ Analson Sangma vs State of Meghalaya - reg

Sir/Madam,

With reference to the subject cited above and in compliance of the Hon'ble NGT Order in the Matter O.A. No. 186/2023/EZ Analson Sangma Vs State of Meghalaya, the Board is pleased to nominate Shri S. Swer, Senior Scientist, Meghalaya State Pollution Control Board as Member of the Committee. His contact details +91 9615164705.

This is for your kind information and necessary action.

Yours faithfully

(Dr. G.H. CHYRMANG, MFS)

MEMBER SECRETARY

Meghalaya State Pollution Control Board

Shillong

Memo No. MPCB/TB-7(H)/2023-2024/ 10-11

Dtd. Shillong the 24 January, 2024

1. The Chairman, Meghalaya State Pollution Control Board, Shillong for kind information.
2. Shri S. Swer, Senior Scientist, Meghalaya State Pollution Control Board, Shillong for information and necessary action.
3. The Legal Officer, Meghalaya State Pollution Control Board, Shillong for information and necessary action.

MEMBER SECRETARY

Meghalaya State Pollution Control Board

Shillong

**IN THE NATIONAL GREEN TRIBUNAL,
EASTERN ZONE BENCH, KOLKATA.
ORIGINAL APPLICATION NO. 186/2023/EZ**

Analson Sangma

Applicant(s)

VERSUS

State of Meghalaya

Respondent(s)

VAKALATNAMA

I Shri Dr. George Hagi Chyrmang, MFS Petitioner(s)/Appellant(s) in the above suit/Petition/Appeal/Application do hereby appoint and retain Ms. K Enatoli Sema, Advocate to act and appear for me/us in the above suit/Petition/Appeal/Application and on my/our behalf to conduct and prosecute (or defend) or with draw the same and all proceedings that may be taken in respect of any application connected with the same or any decree or order passed therein, including proceedings in taxation and application for Review, to file and obtain, return of documents and to deposit and receive money on my/our behalf in the above Suit/Petition/Appeal/Application and application for Review, and to represent me/us/and to take all necessary steps on my/our behalf in the above matter. I/We agree to ratify all acts done by the aforesaid Advocate, in pursuance of this authority.

Dated this the 29 day of January 2024

Accepted


 MEMBER SECRETARY
 Meghalaya State Pollution Control Board
 Shillong
APPELLANT(S)/PETITIONER(S)
INTERVENORS/RESPONDENT(S)

()
 Advocate

MEMO OF APPEARANCE

To,

The Registrar,
National Green Tribunal,
Eastern zone bench, kolkata

Sir,

Please enter my appearance for the above named Petitioner (s)/Appellant (s)/
Respondent(s)/Intervenor(s) in the above matter.

Dated 29.01.2024

Yours Faithfully,

()
 Advocate