



REGIONAL OFFICE
RAJASTHAN STATE POLLUTION CONTROL BOARD
Old excise office building, Kalalwati, Rajnagar, Dist: Rajsamand - 313324
Phone/Fax no. 02952-294203, E-Mail ID : rorpcb.rajsamand@gmail.com
E-Mail



RPCB/RO RPCB/RAJ/NGT/1988

Date : 27/02/2023

The Registrar General,
Hon'ble National Green Tribunal,
Copernicus Marg,
New Delhi,

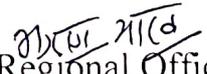
Subject:- Regarding Submission of Compliance Report in compliance of the order dated 23.02.2023 in OA No. – 432/2021 in the matter of Shiv Singh V/s State of Rajasthan & Ors.

Sir,

Kindly refer the subject mentioned above, in compliance of the order dated 23.02.2023 in OA No. – 432/2021 in the matter of Shiv Singh V/s State of Rajasthan & Ors. Compliance Report on behalf of Rajasthan State Pollution Control Board is enclosed herewith for your kind perusal and further necessary action.

Enclosed – As above

Yours Faithfully,


Regional Officer
RPCB, Rajsamand

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI

ORIGINAL APPLICATION NO. 432/2021

Shiv Singh

Applicant

Versus

State of Rajasthan & Ors.

Respondent

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NISHANT AWANA (ADVCOATE)
COUNSEL FOR THE RESPONDENT
RAJASTHAN STATE POLLUTION CONTROL BOARD

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI**

ORIGINAL APPLICATION NO. 432/2021

Shiv Singh

Applicant

Versus

State of Rajasthan & Ors.

Respondent

**COMPLIANCE REPORT OF THE HON'BLE TRIBUNAL ORDER
DATED 23.02.2023 ON BEHALF OF RAJASTHAN STATE
POLLUTION CONTROL BOARD.**

MAY IT PLEASE THIS HON'BLE TRIBUNAL:

The humble answering-respondent most respectfully submit the compliance report as under:-

1. That the Hon'ble Tribunal by order dated 23.02.2023, directed inter-alia as follows:-

"4. Respondent no.3-RSPCB is directed to file report mentioning details regarding status of compliance made by the Project Proponent with regard to environment clearance and CTE/CTO consent conditions and status of proceedings initiated for imposition of environmental compensation on the Project Proponent alongwith copies of relevant documents including recent photographs.

5. Respondent no. 5-theProject Proponent is directed to file affidavit giving requisite details regarding compliance with environment clearance and CTE/CTO consent conditions particularly plantation carried out and the amount spent by it on CSR activities.

6. Report by respondent no.3-RSPCB and affidavit by respondent no. 5- the Project Proponent be filed on or before 28.02.2023 by email at judicialngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF."

शिव सिंह

Regional Officer

Rajasthan State Pollution Control Board
Rajsamand (Raj.)

2. That in compliance of the directions passed by the Hon'ble Tribunal, the mining lease was inspected by the officials of the answering respondent on 25.02.2023. The copy of compliance status of environment clearance is annexed herewith and marked as **Annexure-R/1**. Further, the compliance status of consent to operate conditions is annexed herewith and marked as **Annexure -R/2**.
3. That the answering respondent by letter dated 26.02.2023 has requested the Mining Engineer, Amet, District Rajsamand to provide the details of quantum of over burden and time period in which over burden was found dumped outside the lease area, so that the environment compensation can be assessed accordingly. On receipt of details from the Mining Engineer, Amet the answering respondent will impose environment compensation as per the guidelines 'Mechanism of Calculation, imposition & recovery of Environmental Compensation' issued vide office order dated 08.01.2020. The copy of the letter dated 26.02.2023 and office order dated 08.01.2020 are annexed herewith and marked as **Annexure-R/3 (Collectively)**.

Prayer

It is, therefore, most humbly prayed that in view of submission mentioned herein above the compliance report on behalf of RSPCB may kindly be taken on record and the original application be dismissed.

Dr. Nishant Awana
Regional Officer
 Rajasthan State Pollution Control Board
 Rajsamand (Raj.)

HUMBLE RESPONDENT
 THROUGH HIS COUNSELS

Nishant Awana
(Nishant Awana)
 ADVOCATE

IN COMPLIANCE OF THE HON'BLE NGT ORDER DATED 23.02.2023 IN THE I.A. No. 66/2023 IN ORIGINAL APPLICATION No. 432/2021 IN THE MATTER OF SHIV SINGH VERSUS STATE OF RAJASTHAN AND OTHERS, M/S GEM GRANITES, ML No. – 22/2014, NEAR VILLAGE- KUKER KHEDA, TEHSIL BHIM, DISTRICT –RAJSAMAND WAS INSPECTED ON 25.02.2023 AND COMPLIANCE STATUS OF ENVIRONMENTAL CLEARANCE CONDITIONS AS FOLLOWS:-

Compliance Status of Environmental Clearance issued from SEIAA, Rajasthan vide letter no. F-1(4)/SEIAA/SEAC-Raj/Sectt/Project/Cat.1(a)B2(EC)/14-15 dated 05.01.2016 on the name of M/s Gem Granites (M.L. No. 22/2014) Near Village- Kuker Kheda, Tehsil – Bhim, District- Rajsamand: -

S. No.	EC Condition	Compliance status
Specific conditions		
1	Consent to Establish & Operate should be obtained from RPCB before starting production from the mine.	Complied, PP has obtained Consent to Establish and Consent to Operate from the State Board.
2	This Environmental Clearance (EC) is granted to the project proponent (PP) for the mining lease as per details mentioned against name in the Table 1 above	Being Complied
3	That the PP shall comply with all the applicable provisions mentioned in the MoEF and CC Office Memorandum dated 24 th June, 2014 and 24 th December 2014.	Statutory Condition.
4	That the grant of this E.C. 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 industry/unit/project proponent. 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.	Statutory Condition.
5	As stated by the PP, the total water requirement for the project shall be limited to the quantity 8.35 KLD. Necessary permission shall be taken from CGWA for withdrawal Project Proponent of ground water.	As per information provided by the representative water requirement is 5.0 KLD and is being meet out through tankers. However, no record has been maintained.
6	As envisaged, the PP shall invest the amount as Rs. 150000/- towards annual recurring cost for implementing the Environment Management Plan.	Unit has not submitted details regarding annual recurring cost for implementing the

		Environment Management Plan, however unit representative has informed that unit has made investment of Rs. 3,84,000/- for development and maintenance of garden in mining lease area (from April, 2019 to March -2022) and Rs.35,440/- towards plantation (from July,2018 to March, 2022) in nearby villages and schools. Self certified details submitted by the unit are enclosed as annexure -A .
7	Further, for ESR/C.S.R. amount as Rs. - 95000/- (towards annual recurring cost) shall be kept earmarked for socio economic upliftment activities of the area particularly in the field of education, health, sanitation, other social work (need based) such as drinking water supply, assistance in farming, providing toilets in schools, etc. The amount shall be earmarked, effectively utilized and reflected in the books of accounts. Relevant report of the same to be made a part of social monitoring and six monthly compliance reports should be submitted to RPCB and MoEFCC, Regional Office, Lucknow.	Unit representative has informed that unit has made donation of Rs 1,46,720/- to temples, goshalas and schools in nearby places (from March, 2018 to March, 2022). However no documentary proof (i.e. audited balance) has been submitted for the same. Self certified details submitted by the unit are enclosed as annexure - A .
8	The mining operations shall not intersect ground water table. In case of working below ground water table, prior approval of the Central Ground Water Authority shall be obtained.	Complied, Ground water table has not been intersected as per visual observation during inspection.
9	The PP shall construct Rain Water Harvesting Structure and Artificial Recharge Structure in lease area and also implement other/ suitable conservation measures to augment ground water resources in the area in consultation with the Regional Director, CGWB	During inspection unit representative has committed that, Rain Water Harvesting Structure and Artificial Recharge Structure will be made. At present no such structure has been constructed by the unit.
10	Occupational health and safety of mine labor shall be given in highest priority.	It was informed by the unit representative that medical check-ups of workmen are being done however relevant documents have not been produced during the inspection.
11	Budgetary provision of amount as Rs. 127000/- per annum for the labors working in the Mine for all necessary infrastructure facilities such as health facility, sanitation facility, fuel for cooking along with safe drinking water, medical camps, and toilets for women crèche for infants should be made and submitted to RPCB, Jaipur at the time of CTE/CTO. The housing	Unit has not submitted details regarding their expenditure for such purpose, although during inspection Medical Kit, Sanitation facility, cooking facility and drinking water facility were observed at mining

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	facilities and group insurance should be provided for mining labors.	lease.
12	Top soil shall be stacked temporarily at earmarked sites only and it should not be kept unutilized for a period more than three years; it should be used for land reclamation and plantation in mined out areas.	As informed by unit representative, no top soil was found in the mining lease area due to outcropping deposit of mineral thus storage and utilization of top soil has not been purposed.
13	The project proponent shall ensure that no natural water course/water body shall be obstructed due to any mining operations.	No obstruction to natural water course/water body was observed during the inspection. Earlier unit has dumped over burden outside the lease area obstructing the natural drain which was removed by unit and same was verified by patwari kuker kheda mauka report dated 20.01.2023 (copy enclosed as annexure -B). During inspection no over burden was found dumped in natural drain.
14	The waste should be dumped at designated site as per approved Mining plan on non-mineralized land within lease area or outside lease area at land provided by district authority or occupied by the lessee, STP/Quarry License holder. The height of the dump shall be as per approved mining plan and toe of the dump should have retaining wall.	Being complied As per Mining Engineer, Amet, District – Rajsamand vide letter dated 21.01.2023 over burden is being dumped as per approved mining scheme (copy enclosed as annexure -C).
15	The benches height, width and slope shall be maintained as per the MMR 1961 or the DGMS approval.	Not related to RSPCB, may be checked by Department of Mines & Geology.
16	Garland drains; settling tanks and check dams of appropriate size, gradient and length shall be constructed both around the mine pit and over burden dumps and sump capacity should be designed keeping 50% safety margin over and above peak sudden rainfall (based on 50 years data) and maximum discharge in the area adjoining the mine site. Sump capacity should also provide adequate pits, which should be constructed at the corners of the garland drains and de-silted.	During inspection it was observed that kachha garland drains and siltation pond have been provided by the unit (Photographs enclosed as annexure - D).
17	Drills shall either be operated with dust extractors or equipped with water injections system.	Being complied Wet drilling is being practiced.
18	As envisaged, plantation shall be raised in an area 33% of total area including green belt in the safety zone around the mining lease by planting the native species	During inspection approx. 410 plants (species like desi Babool, kair,neem) were found in

	around ML area, OB dumps, backfilled and reclaimed around water body, roads etc. or outside lease area in consultation with the Gram Panchayat or Forests Department in the coming rainy season.	boundary of lease area and along side of approach road (GPS photographs enclosed as annexure-E). Unit representative was advised to cover 33% of total area by plantation.
19	Regular water sprinkling should be carried out in critical areas prone to air pollution and having high levels of SPM and RSPM such as haul roads, loading and unloading points and transfer points. It should be ensured that the Ambient Air Quality parameters conform to the norms prescribed by the CPCB.	During inspection mine was found non-operational. Unit representative has informed that regular water sprinkling carried out through tankers during operation of mine.
20	Data on ambient air quality and stack emissions should be submitted to Rajasthan State Pollution control Board once in six months, carried out by MOEF/NABL/CPCB/PCB/ Government approved lab.	Not Complied Regular six-monthly compliance reports have not been submitted by the unit.
21	Blasting operation should be carried out only during the daytime with safe blasting parameters.	Unit representative has informed that no blasting is being done.
22	The project proponent shall all take due care to protect the existing flora and fauna. Utmost precaution shall be taken to conserve wildlife.	Not related to RSPCB.
23	No further expansion or modification in the plant shall be carried out without the approval of the SEIAA, Rajasthan. In case of deviation or alternation in the project proposal from those submitted to this authority for clearance, a fresh reference shall be made to the authority to assess the adequacy of the condition imposed and to add additional environment protection measures required, if any.	Statutory Condition.
24	Applicant shall also take prior environmental clearance under Aravali notification dated 07-05-1992, if applicable (District- Alwar).	Not Applicable

Environmental Clearance General Conditions:-

S. No.	EC Condition	Compliance status
General Conditions		
1	Any change in mining technology/scope of working should be made without prior approval of the SEIAA.	Statutory Condition.
2	Any change in the calendar plan including excavation, quantum of china clay and quartz /OB dumps should be made	Statutory Condition.
3	Periodic monitoring of ambient air quality shall be carried out for PM ₁₀ , PM _{2.5} , SPM, SO ₂ and NO _x monitoring Location of the stations (minimum 6) shall be decided based on the meteorological data, topographical	Not Complied. Regular six-monthly compliance reports have not been submitted

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	features and environmentally and ecologically sensitive targets and frequency of monitoring shall be decided in consultation with the Rajasthan State Pollution Control Board (RSPCB). Six monthly reports of the data so collected shall be regularly submitted to the RPCB/CPCB including the MoEFCC, Regional Office, Lucknow.	by the unit.
4	Measures shall be taken for control of noise levels below 85 dBA in the work environment work environment operations of HEMM etc. shall be provided with earplugs/muffs.	Unit representative has informed that time to time servicing and maintenance of HEMM is being carried out to minimize the noise levels in work environment.
5	Industrial wastewater (workshop and wastewater from the mine) shall be properly collected & treated so as to conform to the standards prescribed under GSR 422(E) dated 19th May, 93 and 31 st December 1999 (amended to date). Oil and grease trap shall be installed before discharge.	During inspection no industrial trade effluent was found discharged within and outside the lease area.
6	Personal working in dusty areas shall wear protective respiratory devices they shall also be provided with adequate training and information on safety and health aspects.	Unit has provided dust masks & personal protective equipments to labor.
7	Occupational health surveillance program of the workers should be undertaken periodically to observe any contractions due to exposure to dust and take corrective measures, if needed.	It was informed by the unit representative that medical check-ups of workmen are being done however relevant documents have not been produced during the inspection.
8	The funds earmarked for environmental protection measures should be kept separate account and not be diverted for other purpose. Year wise expenditure should be reported to the RPCB and the Regional office of MoEFCC located at Lucknow.	Not Complied Unit representative has not produced any such documents during inspection.
9	The RPCB & MoEF, Regional office, Lucknow shall monitor compliance of stipulated conditions. The Project authorities shall provide a set of a filled in questionnaire and EIA/EMR report to them and extend full cooperation to the above office(s) by furnishing the requisite data/information/monitoring reports.	Statutory Condition.
10	The project proponent shall submit six monthly reports on the status of the implementation of the stipulated environmental safeguards to the RPCB, CPCB and MoEF, Regional Office, Lucknow.	Not Complied Regular six-monthly compliance reports have not been submitted by the unit.
11	A copy of the clearance letter will be marked to the concerned panchayat/local NGO, if any from whom suggestions/representations were received while processing the proposal.	Not Related to RSPCB
12	The RPCB shall display a copy of the clearance letter at the regional office, District Industry Centre and Collector/Tehsildar's office for 30 days.	Complied

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13	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	Statutory Condition.
14	The above conditions will be enforced, inter alia under the provisions of the Water (Pollution & Control of Pollution) Act, 1974 the Air (Pollution & Control of Pollution) Act, 1981 the Environment (Protection) Act, 1986 and the Public Liability Insurance Act, 1991 (all amended till date) and notifications, Office Memorandum issued and rules made hereunder and also any other order passed by the Hon'ble Supreme Court of India/High court of Rajasthan and any other court of law relating to the Subject Matter.	Statutory Condition.
15	The PP shall ensure advertising in at least two local news papers widely circulated in the region, one of which shall be in vernacular language that, the project has been accorded environmental clearance and copies of the clearance letters are available with SEIAA, Rajasthan and the Rajasthan State Pollution Control Board and may also be seen on the website of the Board at www.rpcb.nic.in. The advertisement shall be made within 7(Seven) days from the date of issue of the environmental clearance and copy shall also be forwarded to the SEIAA, Rajasthan and Regional Office, Jaipur (S) of the Board.	Complied
16	All the other statutory clearance such as the approvals for storage of diesel and explosive from the Chief Controller of Explosives, Fire Department, Civil Aviation Department, Forest Conservation Act, 1980 and Wildlife (Protection) Act 1972 etc shall be obtained, as may be applicable, by PP from the competent authority.	Statutory Condition.
17	These stipulations would also be enforced amongst the others under the provisions of Water (Pollution & Control of Pollution) Act, 1974; the Air (Pollution & Control of Pollution) Act, 1981; the Environment (Protection) Act, 1986 and the Public Liability Insurance Act, 1991 and EIA Notification, 2006.	Statutory Condition.
18	Under the provisions of Environment (Protection) Act, 1986 legal action shall be initiated against the proponent, if it was found that mining operation have been started without obtaining environmental clearance.	Statutory Condition.
19	Environmental Clearance is subject to final order of the Honb'le Supreme Court of India in the matter of Goa Foundation vs. Union of India in Writ Petition (Civil) No. 460 of the year 2004 as may be applicable to this project.	Statutory Condition.

Other Observations

- 1) During inspection mine was found non - operational.

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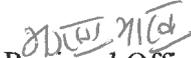
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- 2) Unit representative has informed that mine is non-operational in compliance of Hon'ble NGT order dated 08.02.2023 in OA no. 432/2021 in the matter of Shiv Singh Vs State of Rajasthan & Ors.
- 3) Retaining wall around the O.B. dump has been constructed with granite blocks (GPS photographs enclosed as annexure -F).
- 4) Kachha garland drains and siltation pond have been provided (GPS photographs enclosed as annexure -D) .
- 5) Unit has one bore well in mining lease area. Representative has informed that no water availability in existing bore well and they meet out water requirement through tankers.


(Rohitash Balai)
AEE
RSPCB, Rajsamand


(P. D. Vairagi)
AEE
RSPCB, Rajsamand

C/s


Regional Officer

**GEM GRANITES**

Mines at BHIM (Kukarkheda)

Office - Sahu Yatra Company, Jaipur Road, MADANGANJ-KISHANGARH 305801 (Raj.)

No.

Date

25-02-23

- ① social charges 84,360
- ② donation 97,800
- ③ Gardner salary 372,000
- ④ d.m.f.T. 11,73,817-95
- ⑤ CIVIL WORK/Exp. 3,06,250.
Road & CC. palya.

For GEM GRANITES

Partner

(मौका रिपोर्ट)

सेवा में

श्रीमान विधी-पारमेश्वर
जिला कलेक्टर रायसमन्ध

विषय:- भेसर्स जेम ग्रेनाईट एम. एल. संख्या १२/२०१५ निरुद्ध
ग्राम कुकररवेडा तह. श्रीम (रायसमन्ध) द्वारा माननीय NDA
के प्रकरण संख्या ०१-१०-५३२/२०२१। शिवसिंह बनाम राजस्थान
राज्य व अन्य में आदेश दिनांक ११/१०/२०२२ के अनुपालना में
पुस्तक रिपोर्ट

आज दिनांक २०/०१/२०२३ को ग्राम कुकररवेडा परवारी द्वारा
ग्राम पर उपस्थित क्षेत्र आराजी संख्या ३५५४ को विलाना है,
जिसका ग्राम मुखाना किमा जिसमें किसी प्रकार से प्रकरण व मलका
नष्ट पाया गया है तथा पानी का बहाव भी खुला है पानी की
मिकासी कही भी आवश्यक नहीं है,

अतः रिपोर्ट पेश है,

~~श्रीमान~~
Gummandi

२०/०१/२०२३

प. कुकररवेडा

राजस्थान-सरकार

कार्यालय खनि अभियन्ता, खान एवं भू-विज्ञान विभाग, आमेट जिला राजसमन्द
खनिज भवन, आगरिया रोड आई.टी.आई. के पास, आमेट

दूरभाष- 02908-251660 ईमेल- me.amet@rajasthan.gov.in

क्रमांक: ख.अ./आमेट/एम.एल. नम्बर 22/2014/473

दिनांक : 23/11/23

निमित्त:

श्रीमान् क्षेत्रीय अधिकारी
राजस्थान राज्य प्रदूषण नियंत्रण मण्डल
राजसमंद जिला राजसमंद

विषय : मैसर्स जैम ग्रोनाईट्स एम.एल. संख्या 22/2014 निकट ग्राम कूकरखेड़ा तहसील भीम
जिला राजसमंद द्वारा माननीय NGT के प्रकरण संख्या OA No 432/2021 शिव
सिंह बनाम राजस्थान राज्य व अन्य में आदेश दिनांक 01.11.2022 की अनुपालना में
प्रस्तुत जवाब के सत्यापन हेतु।

प्रसंग : आपका पत्र क्रमांक :राप्रनिम/राजसमंद/1764 दिनांक 16.01.2023 के क्रम में।

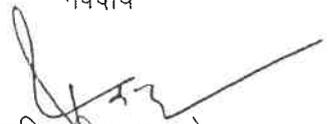
महोदय

उपरोक्त विषयान्तर्गत आपके प्रासंगिक पत्र से मैसर्स जैम ग्रोनाईट्स एम.एल. संख्या 22/2014
निकट ग्राम कूकरखेड़ा तहसील भीम जिला राजसमंद के संबंध में रिपोर्ट चाही गई है।

अतः इस संबंध में कार्यालय के सहायक खनि अभियन्ता कार्यालय हाजा द्वारा दिनांक 19.01.2023
(प्रति संलग्न) को मौके पर उपस्थित होकर निरीक्षण कर रिपोर्ट प्रस्तुत की है जिसके अनुसार खनन पट्टेधारी
द्वारा प्राकृतिक नाले में डाले गये मलबा हटा लिया गया है एवं मलबे को अनुमोदित खनन योजना के अनुसार ही
डाला जा रहा है।

संलग्न : उपरोक्तानुसार।

भवदीय


खनि अभियन्ता आमेट

NPT 12

Handwritten signature

20/01/2023

राज्य (आम) - सारका
कार्यालय स्वतंत्र अभियंता - आमेल -
जॉब - रिपोर्ट

आम दिनांक 19/01/2023 को निम्न सूचीबद्ध कर्तव्य द्वारा राजस्थान राज्य प्रयुक्त मंडल - राजसमंद के विभागीय नाम से प्राप्त एवं प्रमाणित/राजसमंद/1767 दिनांक 16/01/2023 के वृत्त में स्वतंत्र-गेनार्ड स्वतंत्र हेतु सीकृत ख.प. (ख.प.) 22/2014, संख्या नि. ग्रां - कुकरनेडा, तहसील - भीम जिला - राजसमंद, स्वतंत्र पहाड़ी मंडल गेनार्ड मंडल की जॉब की गद्दी हेतु की जॉब - मालापुर के माननीय NDA के प्रमाण सं. 04 No. 432/2021, शिवासेठ वराम राजस्थान राज्य व आम में पारित आदेश सं. 01/11/2022 की अनुपालना हेतु तैयार जवान के संदर्भ में की गई। जॉब में निम्नलिखित तथ्य पाये जाये

- (i) स्वतंत्र पहाड़ी द्वारा अभी तक स्वतंत्र क्षेत्र निकला माला अनुमोदित स्वतंत्र मोफनापुर निष्पक्ष एवं अनुमोदित नाम - पट्टी - डाला गया है
- (ii) वक्ता जॉब स्वतंत्र पहाड़ी क्षेत्र के पास से गुजर रहे वाले से डाले गये माला की दृष्टि विषय गणना हेतु अब किसी प्रकार की कटौत नहीं रही है। यानी का कक्षा बाधित नहीं है, इस संदर्भ में राजस्थान विभाग द्वारा स्वतंत्र सं. 967 के आदेश - भाग में पूर्व से बाधित होना कतलामा परत राजस्थान विभाग से भी रिपोर्ट प्राप्त कक्षा अभिलेखित है।

Handwritten signature
19/01/2023
AMT. Mining Engineer
Amel.

आदेश प्रयोगिता सं.
(RAMSWAROOP MANTRY)
R. S. Mantry
98291-37537



Fig.- Kachha Garland drain and siltation pond



Fig.- Kachha siltation pond



Fig.- Plantation in mining lease area



Fig.- Plantation in mining lease area



Fig.- Plantation in mining lease area



Fig.- Plantation in mining lease area



Fig.- Retaining wall provided with Granite Blocks



Fig.- Retaining wall provided with Granite Blocks

(17)

IN COMPLIANCE OF THE HON'BLE NGT ORDER DATED 23.02.2023 IN THE I.A. No. 66/2023 IN ORIGINAL APPLICATION No. 432/2021 IN THE MATTER OF SHIV SINGH VERSUS STATE OF RAJASTHAN AND OTHERS, M/S GEM GRANITES, ML No. – 22/2014, NEAR VILLAGE- KUKER KHEDA, TEHSIL BHIM, DISTRICT –RAJSAMAND WAS INSPECTED ON 25.02.2023 AND COMPLIANCE STATUS OF CONSENT TO OPERATE CONDITIONS AS FOLLOWS:-

Compliance Status of Consent to operate under section 21(4) of Air (Prevention & Control of Pollution) Act, 1981 and under section 25/26 of the Water (Prevention & Control of Pollution) Act, 1974 was issued to the mine from Regional office, RSPCB, Rajsamand vide letter dated 22.06.2022: -

S.No.	Specific Condition	Compliance Status				
1	That this consent is being granted in favour of M/s. GEM GRANITES, a Mine of Minor Mineral having M.L.No.- 22/2014, in an area measuring 3.0000 Hectares at/near Village-Kuker Kheda ,Tehsil-Bhim,District-Rajsamand.	Being complied				
2	That this consent is valid for a period from 01/10/2022 to 30/09/2027	Being complied				
3	That this consent is valid for following mining activities :- <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;">Mineral</td> <td>Permitted mining capacity</td> </tr> <tr> <td>Granite</td> <td>120000.00 TPA</td> </tr> </table>	Mineral	Permitted mining capacity	Granite	120000.00 TPA	Being complied
Mineral	Permitted mining capacity					
Granite	120000.00 TPA					
4	That the project proponent will comply with the Standard as prescribed vide the Ministry of Environment, Forest and Climate Change notification no. GSR 826(E) dated 16th November, 2009 with respect to National Ambient Air Quality standards.	Agreed for compliance by the unit.				
5	That this consent to establish/consent to operate is only for carrying out mining of mineral/ore and not for any processing/beneficiation or crushing/grinding of ore/mineral for which a separate application for consent to establish and/or consent to operate should be submitted. The project proponent is required to obtain seprate consent to establish and consent to operate for carrying out mining of other minerals(s), if any or processing/beneficiation of such mineral(s) and for any addition/modification/alteration or change in process.	Being complied				
6	That this Consent to Operate is for mining / processing / beneficiation of product as mentioned above in M.L.No.-22/2014, and a separate Consent to Operate is required to be obtained for any other Mineral mining/ processing/ beneficiation Plant/process if any and for any addition/ modification/ alteration or change in process	Being complied				
7 (I)	That the production capacity mentioned in Condition No.-3 of this Consent order is given on behalf of capacity mentioned in the Environmental Clearance and further Mining shall be done as per the approved Mining Plan/Scheme and annual production must not exceed the capacity as mentioned in the approved Mining Plan/Scheme or capacity as mentioned in Environmental Clearance, whichever is less.	Being complied				
7 (II)	That the project proponent/lessee shall comply with all conditions as imposed in Environmental Clearance letter issued from State Level	As above				

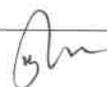
	Environment Impact Assessment Authority, Rajasthan LetterNo.F1(4)/SEIAA/SEAC- Raj/Sectt/Project/Cat.1(a)B2(EC)/2014-15 Jaipur dated 05.01.2016 and compliance report shall be submitted to this office once in six month positively with evidences.	
7 (III)	That lessee has deposited Consent to Operate fees Rs. 66000.00 (Five years) under the provisions of Air Act, 1981 & Water Act, 1974 for (Minor Mineral, Red Category, Area 01 Hectare and above but less than 05 Hectare, as per notification dated 26.05.2016	Not Applicable
7 (IV)	That the lessee has submitted the Mining Engineer Certificate vide Letter No.- 1554 dated 26/05/2022 issued by Mining Engineer, Amet, Rajsamand	Not Applicable
8 (I)	That this consent shall be subject to valid & approved mining plan and the approved mining plan/scheme shall be approved/renewed well in time by the competent authority & copy of the same shall be submitted to the Board within 30 days of its expiry and mining shall be strictly carried out as per approved mining plan/scheme. That this consent shall cease to remain in force instantly on expiry of the mining plan validity.	Being complied
8 (II)	That this consent is issued on the basis of the copies of valid lease agreement by Mining Department and Environmental Clearance, affidavit and other relevant documents submitted by the project proponent/ lessee without physical verification of the mine area. Later on upon verification if any violation is found, this consent may be revoked /refused without any further notice and legal action may be initiated accordingly.	Being complied
8 (III)	That the unit shall comply with the Guidelines for Abatement of Pollution from mining operations issued by the Board vide Letter No.F.14(38) policy/RPCB/Plg./2786-2817 dated 15.07.2011. The guidelines are available on website of the Board www.rpcb.nic.in.	Agreed for compliance by the unit.
8 (IV)	That garland drains, settling tanks and check dams of appropriate size,gradient and length shall be constructed around the mineral and overburden dumps to prevent runoff water and flow of sediments	Kachha garland drains and siltation pond have been provided
8 (V)	That the lessee shall comply with the standards, with respect to National Ambient Air Quality, as prescribed vide MOEF Notification No. GSR 826(E)dated 16th November, 2009.	Agreed for compliance by the unit.
8 (VI)	That the lessee shall comply with the MOEF&CC Notification No. S.O.2731(E) dated 09th September, 2013, Notification No. S.O. 2601(E) dated 7th October, 2014 and other subsequent Orders/Notifications in future	Statutory Condition
8 (VII)	That as per submitted Deputy Conservator of Forest (WL), Rajsamand vide Letter No. 4740 dated 27/05/2022, mine lease is not located within 1-10 km of boundary of Kumbhalgarh Wildlife Sanctuary and also located outside the Eco-Sensitive Zone of TadgarhRawli Wildlife Sanctuary	Statutory Condition.
8 (VIII)	That as per submitted document the Mining Lease is valid upto 04/10/2067	Statutory Condition.
9(I)	That the overburden should not be dumped in such a manner that it flows with water in the nearby tanks, reservoirs and ponds etc. during the rainy season.	During inspection overburden not found dumped in natural water bodies. Unit has Provided retaining

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		wall around the overburden with granite blocks (photographs enclosed as annexure -F)
9(II)	That plantation shall be developed so as to cover at least 33% of the total land use for mining and allied activities as given in approved Mining Plan and shall be maintained at all the time to maintain ambient air quality around the mine	During inspection approx. 410 plants (species like Babool, kair,neem) were found in boundary of lease area and along side of approach road (GPS photographs enclosed as annexure-E).Unit representative was advised to cover 33% of total area by plantation.
9(III)	That top soil shall be stacked separately and used for plantation & agriculture	As informed by unit representative, no top soil was found in the mining lease area due to outcropping deposit of mineral thus storage and utilization of top soil has not been purposed.
9(IV)	That no natural watercourse and/or water resources should be obstructed due to any mining operation. Adequate measures shall be taken for protection of the older-streams, if any, emanating/ passing through the mining area during the course of mining operation.	No obstruction to natural water course/water body was observed during the inspection. Earlier unit has dumped overburden outside the lease area obstructing the natural drain which was removed by unit and same was verified by patwari kuker kheda mauka report dated 20.01.2023. during inspection no over

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		burden was found dumped in natural drain (copy enclosed as annexure -B).
9(V)	That the lessee shall apply for fresh/renewal of this consent at least 120 days in advance prior to expiry date of this consent letter else additional fees shall have to be deposited in accordance with the Rajasthan Water & Air (Prevention & Control of Pollution) (Amendment) Rules, 2016 and amendment thereafter	Being Complied
9(VI)	That the project proponent/lessee must submit point wise compliance of this consent order once in a year.	Not submitted regularly
9(VII)	That the lessee shall not dig/install any bore well/ground water source or not carry out abstraction of Ground Water without prior permission from Central Ground Water Authority.	Unit has one bore well in mining lease area. representative has informed that no water availability in existing bore well and they meet out water requirement through tankers.
9(VIII)	That this consent is subject to valid permission of forest diversion by competent authority if applicable for the mining lease under reference. In case of applicability of same i.e. lessee is required to obtain forest diversion permission for its mine lease and if same is not valid/expired/not obtained, this Consent shall be stand/treated as revoked/withdrawn automatically without any further intimation (Only applicable for the Forest diversion required leases).	Statutory Condition
9(IX)	That the project proponent shall obtain Environmental Clearance and/or Wildlife Clearance from the Standing Committee of the N.B.W.L., if and as may be required under the Environmental Protection Act, 1986 or the Wildlife (Protection) Act, 1972 and any orders of the Hon'ble NGT or the Hon'ble Supreme Court.	Statutory Condition
10 (I)	That this consent does not absolve project proponent from other statutory obligations prescribed under any other law or any other instrument of force. The sole & complete responsibility to comply with the conditions laid down in all other laws for time being in force, rests with the industry/unit/project proponent.	Statutory Condition
10 (II)	That any information submitted/mentioned in the consent application form/declaration/ affidavit/ supporting enclosures if found incorrect later on, shall make the lessee liable for legal action under Section 42 of the Water Act, 1974 and Section 38 of the Air Act, 1981.	Statutory Condition
10 (III)	That if emissions after monitoring from competent authority if required, found to be discharged in excess of the standards prescribed shall make the lessee liable for legal action under Section 43 of the Water Act, 1974 and Section 37 of the Air Act, 1981.	Statutory Condition
10 (IV)	That this consent is subject to any order or direction from any Court of the competent jurisdiction	Statutory Condition
10 (V)	That project proponent/lessee shall obtain prior consent for any addition/insertion/alteration/modification/replacement/change/expansion/increase	Complied

10 (VI)	That this consent is subject to Forest & Wild Life Clearance from Forest Department, if required & is subjected to the provisions of Forest (Cons.) Act, 1980, Forest (Cons.) Rules, 1981 & other relevant statutes, orders & guidelines as may be applicable to lease from time to time	Statutory Condition
10 (VII)	That mining operations shall be restricted to above ground water table & should not intersect ground water table. In case of working below ground water table, prior approval of Ministry of Environment, Forest & Climate Change and C.G.W.A. shall be obtained	Ground water table not intersected as per visual observations
10 (VIII)	That you shall not establish/operate any stone crusher/mineral grinding/mineral processing plant within said lease without obtaining prior consent of the State Board	No stone crusher/mineral grinding/mineral processing plant was found during inspection
11	That all other general conditions enclosed as Annexure shall be strictly complied with.	As above
12	That this Consent is subject to the conditions as stated above and general conditions as stated in Annexure. Further, the mining unit will comply with the provisions of the Air (Prevention & Control of Pollution) Act, 1981 & Water (Prevention & Control of Pollution) Act, 1974 and any such conditions as may be specified from time to time by the State Board under the provisions of the aforesaid Acts.	Statutory Condition
13	That the grant of this Consent to Operate 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 industry/ unit/ project proponent.	Statutory Condition
14	That the grant of this Consent to Operate shall not, in any way, adversely affect or jeopardize the legal proceedings, if any, instituted in the past or that could be instituted against you by the State Board for violation of the provisions of the Act or the Rules made thereunder.	Statutory Condition
15	That the grant of this consent to establish/operate 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 legal 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 industry/unit/project proponent.	Statutory Condition

Other Observations

- 1) During inspection mine was found non - operational.
- 2) Unit representative has informed that mine is non-operational in compliance of Hon'ble NGT order dated 08.02.2023 in OA no. 432/2021 in the matter of Shiv Singh Vs State of Rajasthan & Ors.
- 3) Retaining wall around the O.B. dump has been constructed with granite blocks (GPS photographs enclosed as annexure -F).

Rich

[Signature]

- 4) Kachha garland drains and siltation pond have been provided (GPS photographs enclosed as annexure -D) .
- 5) Unit has one bore well in mining lease area. Representative has informed that no water availability in existing bore well and they meet out water requirement through tankers.


(Rohitash Balai)
AEE
RSPCB, Rajsamand


(P. D. Vairagi)
AEE
RSPCB, Rajsamand

C/s


Regional Officer

सोनीया रिपोर्ट

सोनीया गौरी

श्रीमान विष्णु प्रारगुप्त
जिला कलेक्टर रायसमन्ढ

विषय:- मेसर्स जेम्स डेनार्ड एग. एल. संख्या १२/२०१५ निरुद्ध
ग्राम कुकरशेखा तह. गौरी (रायसमन्ढ) द्वारा माननीय NGA
के प्रकरण संख्या ०१-NO-५३२/२०२१। शिवसिंह बनाम राजस्थान
राज्य व अन्य में आदेश दिनांक ११/१०/२०२२ के अनुपालना में
पुस्तक रिपोर्ट

आप दिनांक १०/०१/२०२३ के ग्राम कुकरशेखा घटवारी द्वारा
मार्के पर उपस्थित चक्र आराजी संख्या ३५५४ पर बिलानाग है,
जिसका मार्के मुआना किमा जिसमें किसी प्रकार से प्रस्तर व गलब
नष्ट पाया गया है तथा पानी का बहाव भी खुला है पानी की
मिकासी कही भी आवश्यक नहीं है,
अतः रिपोर्ट पेश है,

श्रीमान
Gumrandy
१०/०१/२०२३
प. कुकरशेखा

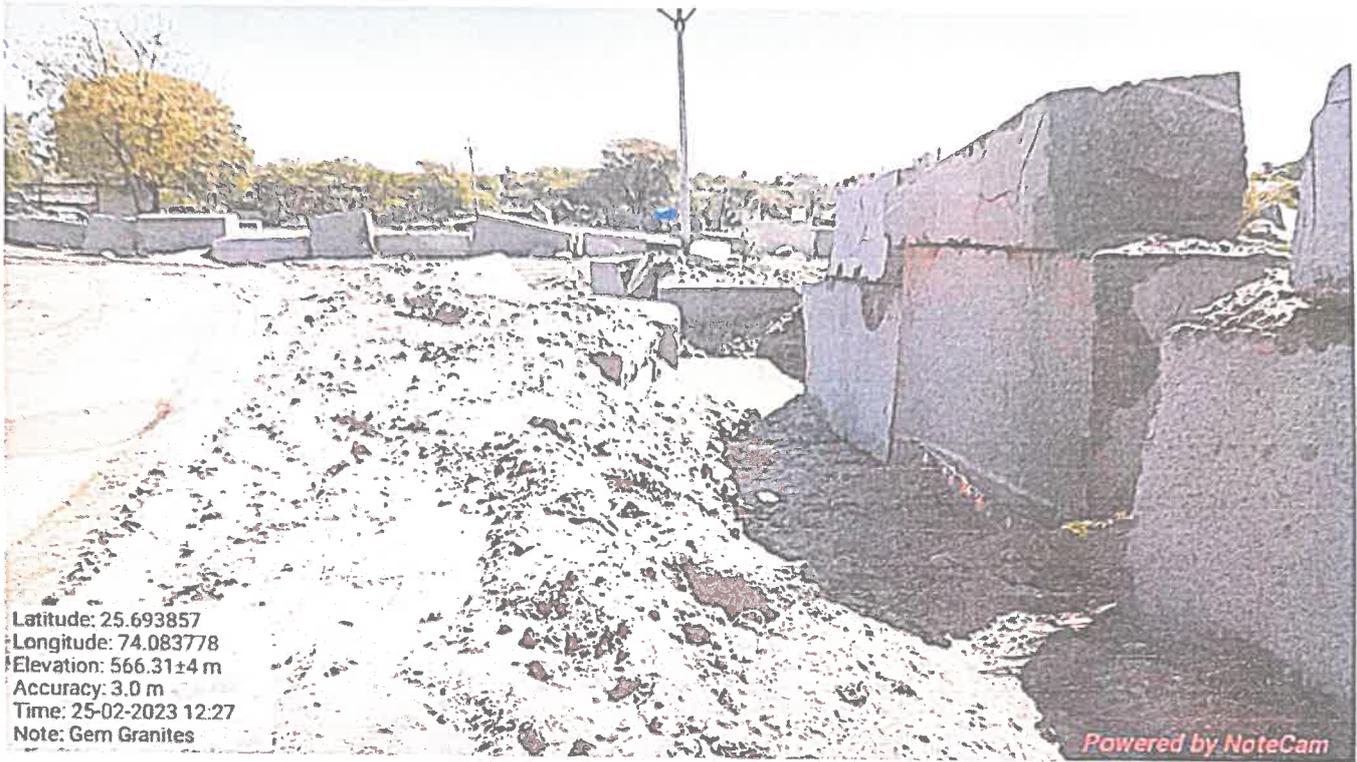


Fig.- Kachha Garland drain and siltation pond



Fig.- Kachha siltation pond



Fig.- Plantation in mining lease area

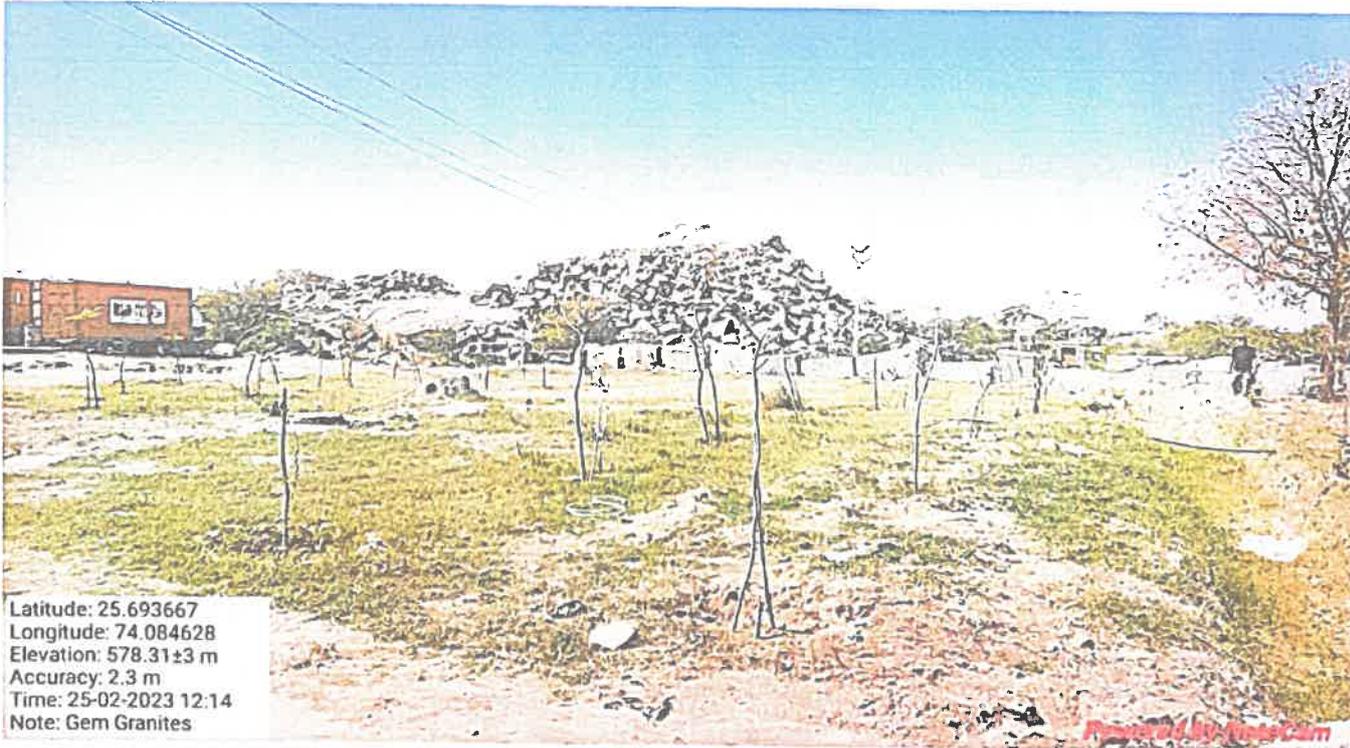


Fig.- Plantation in mining lease area



Fig.- Plantation in mining lease area



Fig.- Plantation in mining lease area



Fig.- Retaining wall provided with Granite Blocks



Fig.- Retaining wall provided with Granite Blocks



REGIONAL OFFICE
RAJASTHAN STATE POLLUTION CONTROL BOARD
 Old excise office building, Kalalwati, Rajnagar, Dist: Rajsamand - 313324
 Phone/Fax no. 02952-294203, E-Mail ID : rorpcb.rajsamand@gmail.com
E-Mail



RPCB/RO RPCB/RAJ/ 116

Date : 26/02/2023

Registered/E-mail

Mining Engineer,
 Department of Mines & Geology,
 Amet, District -Rajsamand.
 E-mail:- mc.amet@rajasthan.gov.in.

Subject:- M/s Gem Granites, ML No. -22/2014, Near Village -Kuker Kheda, Tehsil - Bhim,
 District -Rajsamand-Reg.

- Ref.:- 1. Hon'ble NGT, Principal Bench, New Delhi order sheet dated 08.02.2023 &
 23.02.2023 in the matter of original application no. 432/2021 Shiv Singh Vyas Vs
 State of Rajasthan and Others.
 2. Your letter no. 473 dated 23.01.2023.

Sir,

With respect to subject cited above, it is requested to please provide details of quantum of over burden and time period in which over burden was found dumped outside the lease area and in natural storm water drain in violation of previous approved Mining Plan of M/s Gem Granites vide SME Rajsamand letter dated 20.03.15 and also the details of overburden which was removed from the drain and outside lease area so that environmental compensation may be accessed and imposed against unit for default period in compliance of Hon'ble Principal Bench, New Delhi order sheet dated 08.02.2023 & 23.02.2023 in the matter of original application no. 432/2021 Shiv Singh Vs State of Rajasthan and Others.

Yours Faithfully,

(Signature)
 Regional Officer
 RPCB, Rajsamand



Rajasthan State Pollution Control Board

Headquarter, 4, Institutional Area, JhalanaDoongri, Jaipur-302004

Phone :0141-5159699,5159604 e-mail : member-secretary@rpcb.nic.in

TollFreeHelpLineNo. : 18001806127 Ext. 7

OFFICE ORDER

For compliance of directions passed by the Hon'ble Supreme Court and Hon'ble National Green Tribunal, this office has constituted Environmental Compensation Cell as well as Environmental Compensation Committee vide office order no F-10(193-corres)/RPCB/Plg./E.C./1306-1337 and no 1338-1369 dated 25.06.2019.

In continuation to these office orders, the State Board hereby issues mechanism for assessing, imposition and recovery of environmental compensation from the defaulter units, copy enclosed.

The ROs and GICs are directed to submit proposals in accordance with this mechanism.

Environmental Compensation Committee is directed to assess Environmental Compensation from the defaulters accordingly. Committee shall also reassess the Environmental Compensation amount and take necessary action for its recovery in the matter of those units on which interim Environmental Compensation has already been imposed.

This bears approval of the competent authority.

-sd-

(Shailaja Deval)
Member Secretary

F(Env. Comp.-18) RPCB/EG-257+0297

Date: 08/01/2020

Copy to following for information and necessary action:-

1. P.S. to Chairperson, RSPCB, Jaipur.
2. Addln. P.S. to Member Secretary, RSPCB, Jaipur.
3. Chief Environment Engineer, RSPCB, Jaipur/ Chief Scientific Officer, RSPCB, Jaipur/ Chief Accounts Officer, RSPCB, Jaipur/ Head of Office, RSPCB, Jaipur.
4. Group In charge, Environmental Clearance/Hazardous /MSW/BMW& E-waste/Hotel, Oil & Metals /Textile/Cement &Power /Planning/IT/CD&Cess/MUID/Mines/DF/ IEC/VTR/SPIO/Training & Project/SCMG &DS/Legal, RSPCB, Jaipur.
5. Regional Officer, Regional Office, RSPCB, Kota/Jaipur(S)/Jaipur(N)/Bikaner/Alwar/Udaipur/Bharatpur/Chittorgarh/ Kishangarh/Pali/Sikar/Bhilwara/ Balotra/Jodhpur/Bhiwadi.
6. Master File.


Member secretary

**Mechanism of
Calculation, Imposition & Recovery of
Environmental Compensation**



Rajasthan State Pollution Control Board

Headquarter, 4, Institutional Area,
Jhalana Doongri,
Jaipur-302004

1. Background

The Hon'ble Supreme Court in Writ Petition Civil No. 375/2012 Paryavaran Suraksha Samiti & Others. Vs Union of India & Others and the Hon'ble NGT in Original Application No. 606/2018 - Compliance of Municipal Solid Waste Management Rules, 2016 and in several other cases has directed the Board to impose Environmental Compensation on all the individuals/ units /industries/ mines/ institution/ entities etc. who are causing damage to the environment on the principle of 'POLLUTER PAYS'.

The Hon'ble National Green Tribunal, in the matter of OA No.593/2011 – Paryavaran Suraksha Samiti and Others. Vs. Union of India and Ors., in the order dated 19.02.2019 directed that:-

"CPCB may take penal action for failure against those accountable for setting up and maintaining STPs, CETPs and ETPs and CPCB may also assess and recover compensation for damage to the environment and the said fund may be kept in a separate account and utilized in terms of an action plan for protection of the environment".

The NGT vide Order dated 12.03.2019 in OA No. 710/2017 held that the SPCBs are also authorized to recover compensation from the polluters or laying down their own scale which should not be less than the scale fixed by CPCB.

The CPCB has developed methodology for assessing environmental compensation for industries and guidelines for assessing environmental compensation charges against health care facilities and common biomedical waste treatment facilities.

The State Board vide orders dated 25.06.2019 has already constituted an Environmental Compensation Cell and Environmental Compensation Committee (ECC). So far, the State Board has been levying interim environmental compensation on defaulters based on its own criteria.

The State Board hereby devises mechanism for assessing environmental compensation on the lines of guidelines/ methodology framed/ suggested by CPCB.

2. Procedure for calculating amount of environmental compensation for industries

The environmental compensation for the industries will be calculated as per the following formula:

$$EC = PI \times N \times S \times LF \times RF$$

Where, EC is the amount of environmental compensation in Rs.

PI is Pollution Index of sector

N is the number of days of violation

S is a factor for scale of operation

LF is location factor

RF is a factor in Rupees for EC, which takes into account the violations on part of the PP

The above variables may be fixed as per following procedure:-

PI (Pollution Index)

The following values of PI have been recommended in the CPCB report:-

Category	Red	Orange	Green
PI	80	50	30

On similar lines, values of PI for industries, hotels, construction projects, hospitals, mines, common facilities etc. are indicated at annexure 'A'.

S (Scale of operation)

Value of S may be taken varying from 0.25 to 1.25 depending upon the scale of operation.

Different values of S has been worked out for Industries, Hotels, Mines, Hospitals, HCEs other than hospitals, construction projects, CETP/ STP, CTDF for HW, CTDF for BMW,

CTDF for E-waste and other activities having only source of pollution such as DG sets. These values are given at Annexure 'B'.

LF (Location Factor)

Value of Location Factor will be based on population of the city/town and location of the industrial activity. For the industrial unit located within municipal boundary or up to 10 Km distance from the municipal boundary of the city/town, following values of location factors (LF) has been taken based on the population of the city/town:

S.No.	Population(in Lacs)*	Location Factor
1	Upto one lac	1.0
2	More than one lac upto 5 lac	1.25
3	More than 5 lac upto 10 lac	1.5
4	More than 10 lac	2.0

**Population of the city/town as per the latest Census of India.*

LF will be 1.0 in case unit is located at a distance > 10Km from the municipal boundary.

RF (Rupee Factor)

Value of RF will include all possible violations and each violation will have different weightage depending upon its gravity/ impact on the environment and RF is equal to sum of 200+ weightages of all violations. However, an upper limit of 300 has been considered which means that the RF will not exceed 300 in any case. Values of weightages of various violations for different sectors are listed at Annexure 'C'.

Note:-

- i. In any case, N (number of days) may be different for various violations. In such case, the amount will be calculated individually for different violations and added.
- ii. In case of results of analysis not conforming to the prescribed standards, the number of days will be counted from the date of collection of sample up to the date of

submission of analysis report (from State Board or laboratory recognized by the RSPCB/CPCB/MoEF& CC) conforming to the prescribed standards after rectifying the shortcomings in pollution control measures by the Project Proponent.

- iii. In case of repetition of violations, the amount of environmental compensation will be increased by 25%, on each repetition.
- iv. Although effort has been made to include all possible violations, which a PP may make, there might be cases of violations which do not fit into any of the category. In such cases, the ECC will decide the weightage and RF of such violation.

3. Guidelines for imposing environmental compensation on violators

Following cases will be considered for taking cognizance of non-compliance and fit for levying Environmental Compensation:-

1. Discharging environmental pollutants in excess of the standards prescribed under EP Rules and/ or prescribed in the consent orders issued under Air /Water Act.
2. Non-compliance of the directions issued by the State Board such as directions under section 33A/ 31A of Water & Air Acts or section 5 of E.P Act or non-adherence to the action plans submitted to the Board etc.
3. Failure to install OCEMS, intentional avoidance of data submission or data manipulation by tampering OCEMS.
4. Accidental discharge of effluent/ emissions for short durations which may cause damage to the environment.
5. Intentional discharge of effluent or emissions including bypassing pollution control devices, which may result in damage to the environment.
6. Discharge or disposal of effluent at a point/ place other than permitted in the consent order or environmental clearance.
7. Failure to prevent discharge of pollutants into water bodies.
8. Operating without obtaining prior consent to operate under the Water (Prevention and Control of Pollution) Act, 1974 and/or Air (Prevention and Control of Pollution) Act, 1981.

9. Operation of Health Care Facilities without authorization under BMW Rules, 2016;
10. No membership of CBWTF for disposal of biomedical waste;
11. Improper Segregation of generated biomedical waste as per color coded system prescribed under BMW Rules, 2016;
12. No facility for pre-treatment of yellow (h) category waste (microbiology, biotechnology and other clinical laboratory waste);
13. Storage facility not provided for segregated biomedical waste (applicable for bedded hospitals);
14. Not provided Effluent Treatment Plant for treatment of wastewater, in case when city sewerage network is not connected to terminal STP; and
15. Non-compliance to other responsibilities as stipulated for Healthcare Facilities under BMW Rules, 2016.
16. Any other violation of Environmental Regulations not covered above which ECC deems fit for imposition of environmental compensation.

Note –

- i) In any case, minimum compensation shall be as under:

1	Hospitals	1200/- per day
2	Common BMW disposal facility	3000/- per day
3	Discharge of untreated/partial treated Sewage (city population more than 15 lacs)	Rs 10crore
4	Discharge of untreated/partial treated Sewage (city population more than 5 lacs upto 15lacs)	Rs 1crore
5	Discharge of untreated/partial treated Sewage (city population more than 1 lac upto 5lacs)	Rs 10 lac
6	Discharge of untreated/partial treated Sewage (city population upto 1lac)	Rs 5lac
7	Improper Solid Waste Management (city	Rs 5crore

	population more than 15 lacs)	
8	Improper Solid Waste Management(city population more than 5 lacs upto 15lacs)	Rs 1 crore
9	Improper Solid Waste Management(city population more than 1 lacs upto 5lacs)	Rs 10 lac
10	Improper Solid Waste Management (city population upto 1lac)	Rs 5lac
11	Other units	5000 /- per day

- ii) In specific cases, where the Board is of the view that the damages caused to the environment are of such magnitude that it may require enormous efforts/ money to restore the environment or reconstruct/ repair property including damage to crop/ crop yield or compensate the affected masses till such restoration is completed, a detailed study may be ordered to be carried out by ECC through one or more expert agencies/ institutions to assess such damages and work out the cost of restoration and environmental compensation to be levied on polluters. The expenditure incurred on such study (studies) shall be borne by the polluters.
- iii) The formula for working out environmental compensation as given in these guidelines is for causing minor undetectable damages to the environment.
- iv) Number of days for which violation took place is the period between the day of violation observed/due date of implementation /compliance and the day of compliance verified by the Regional Office.

4. Imposition of Interim Environmental Compensation

Since imposition of final EC can be done only after the industry/project proponent rectifies the violation, the ECC may impose interim EC on the basis of period of violation when the violation was detected by the State Board and time period needed to rectify the violations available if any. In case no such time period is available, ECC may impose interim EC based on estimated time by which the violation can be rectified.

However, in all such cases where interim EC has been imposed will be reviewed by ECC for deciding final EC once the violations are completely rectified and verified by the State Board.

5. Procedure to impose Environmental Compensation

Following procedure shall be adopted by GICs and ROs in cases of EC:-

1. Regional Officer will forward the case for imposing EC to the respective GIC with all supporting documents. The GIC at his level may also initiate cases for imposing EC.
2. GIC shall process the case on Group file and decision regarding imposition of EC will be taken after due approval of the Chairperson within a period of 10 days after receipt of complete proposal from Regional Officer.
3. The case for imposition of EC will be forwarded to the EC cell mentioning all the details of violations and grounds on which EC is being recommended on the industry/ mine/ hospital/other units within a period of 7 days. A format of Data Sheet which should mandatorily be enclosed with each case forwarded to ECC for imposing EC is enclosed as annexure 'D'. A soft copy of the proposals with Data Sheet may also be forwarded by the GIC to ECC.
4. The Environmental Compensation Committee (ECC) will consider details furnished in the Data Sheet and take a view on the tentative amount of EC to be imposed within 15 days' time from receipt of the proposal from the GIC.
5. OBH will be given to the PP before Chairperson prior to deciding the final amount of EC for which a show cause notice for intended directions under section 31 A of the Air Act, 1981 and 33 A of the Water Act, 1974 or E.P Act, 1986 will be issued by EC Cell mentioning the ground on which EC is proposed to be imposed and the tentative amount of EC.

6. After the outcome of the OBH, directions to impose EC under section 31 A of the Air Act, 1981 and 33 A of the Water Act, 1974 or E.P Act, 1986 will be issued after due approval of the Chairperson within 10 days from the date on which OBH was held.

6. **Mechanism to recover Environmental Compensation**

Following procedure will be adopted for recovery of the EC imposed by the State Board:-

1. EC imposed will need to be deposited by PP at concerned Regional Offices within a period of 60 days from issue of directions.
2. In case of failure to deposit EC amount within 60 days, the defaulting PP shall be liable to pay additional 1.5% of the EC amount per month till such payment is made.
3. Concerned Regional Officers will follow up with the units which fail to deposit EC within the stipulated time period through holding of camps, meeting with Associations, or by providing OBH at their level. This process will be completed by ROs within a period of 30 days after expiry of the time by which the EC was to be deposited by the PP.
4. Thereafter, Regional Officers will intimate details of units which fail to deposit EC despite their best efforts to EC Cell with a copy to concerned GIC, along with *correspondence address, e-mail address and mobile numbers. (action to be taken by Regional Officers within next 15 days).*
5. Final OBH will be given to the PP at the Head Office before Chairperson before taking any further action. Suitable time extension may be considered during the OBH based on the facts of each individual case.
6. Names of units which fail to deposit EC amount even after the additional time granted during OBH will be recommended by EC Cell to concerning GICs within a period of 15 days from expiry of additional time for taking action regarding refusal/revocation of consent and issue of closure directions.

7. No new/renewal of CTE/CTO of the defaulter shall be entertained until and unless the EC is deposited.
8. Concerned GIC will ensure that process of refusal/revocation of consent and issue of directions for closure under section 33 A of the Water Act and/or 31 A of the Air Act or section 5 of E.P. Act is completed within a period of 30 days after receipt of recommendation from EC Cell.
9. Legal actions/prosecution/contempt of Hon'ble court/NGT order against the defaulter in accordance with law will also be initiated against the unit by concerned GIC. The legal action may include filing of prosecution against the unit under the provisions of Water/Air Act/EP Act or an execution application before the Hon'ble Tribunal.
10. After expiry of six months by the defaulter in depositing the EC, the concerned District collector shall be requested to recover the EC amount in accordance with law i.e. Rajasthan Public Demand recovery Act, 1952 or any other Act for the time being in force.

7. Mechanism for Appeal

Any person aggrieved by the directions of the State Board regarding imposition of EC may prefer an appeal before the competent authority within 30 days of issue of the directions (competent authority under Air Act is Appellate Authority constituted by the State Government and Hon'ble NGT under Water Act and E.P. Act).

Annexure-'A'

Pollution index			
S. No.	Polluter type	Category	PI
1	Industry	Red	80
2	Industry	Orange	50
3	Industry	Green	30
4	Hotel	Red	80
5	Hotel	Orange	50
6	Construction projects	Orange	50
7	Construction projects	Green	30
8	Hospitals	Red	80
9	HCEs other than hospitals	Red	80
10	Mine	Red	80
11	CTDF (HW)	Red	80
12	CTDF (BMW)	Red	80
13	Land Fill Site (MSW)	Red	80
14	E-waste recycling/refurbishing/dismantling	Red	80
15	CETP/ STP	Red	80
16	Activities/ operations (no industry) and not covered above; like D.G. set etc.	Green / White	30

Annexure-'B'

Industry	S factor			
	micro	small	medium	large
	0.25	0.5	1	1.25
Hotel	upto 50 beds	more than 50 beds and less than 300 beds	300 beds or more	
	0.25	0.5	1.25	
Construction projects	built up area less than 20000 sq metre	built up area more than 20000 sq metre and upto 1.50 lac sqm.	built up area more than 1.5 lac sq m. Upto 5 lac sq.m.	built up area more than 5 lac sq.m.
	0.25	0.5	0.75	1.25
Hospitals	upto 20 beds	more than 20 and upto 200 beds	more than 200 and upto 500 beds	more than 500 beds
	0.25	0.5	0.75	1.25
HCEs other than hospitals	Clinics/ dispensaries	Animal houses	Veterinary institutes	
	0.25	0.5	0.5	
Mine	upto 5 ha	more than 5 ha and upto 100 ha	more than 100 ha.	
	0.25	0.5	1.25	
CTDF (HW)	Area of facility upto 10Acre	Area of facility more than 10 upto 20 Acre	Area of facility more than 20 Acre	
	0.25	0.5	1.25	
CTDF (e-Waste)	Area of facility upto 1000 square meter	Area of facility more than 1000 square meter upto 5000 square meter	Area of facility more than 5000 square meter upto 10000 square meter	Area of facility more than 10000 square meter
	0.25	0.5	0.75	1
CTDF (BMW)	Bed connected with facility upto 5000	Bed connected with facility from 5001 upto 10000	Bed connected with facility more than 10000	
	0.25	0.5	1.25	
Land Fill Site(MSW)	Benifited population upto 1 Lac	Benifited population more than 1 Lac upto 5 Lac	Benifited population more than 5 Lac upto 10 Lac	Benifited population more than 10 Lac
	0.25	0.5	1	1.25
CETP/ STP	Design capacity upto 200 kld	Design capacity more than 200 kld and upto 1 MLD	Design capacity more than 1 MLD and upto 10 MLD	Design capacity more than 10 MLD
	0.25	0.5	1	1.25
Activities/ operations not covered above; like D.G. set etc.	D.G. set upto 1 MVA	D.G. set more than 1 MVA and less than 5 MVA	D.G. set of 5 MVA or more	
	0.25	0.5	0.75	

Weightage of violations											
Industry/ Hotel/ Construction projects	Hospital/ HCES			Mine			CTDF (HW/E-Waste/ BMW/ MSW)		CETP/ STP		Activities/ operations not covered above; like D.G.
	RF	Violation		RF	Violation		RF	Violation	RF	Violation	
Operating without consent	10	Operating without consent or authorisation		10	Operating without consent		10	Operating without consent or authorisation	10	Operating without consent	10
Operating in violation of closure directions	15	Operating in violation of closure directions		15	Operating in violation of closure directions		15	Operating in violation of directions under section 31A/ 33A	15	Operating in violation of closure directions	15
Abstraction of ground water without permission	20	ETP not provided		20	Violation of EIA Notification or EC conditions		20	Violation of EIA Notification or EC conditions	20	Inadequate height of DG stack	15
Effluent/ emission not conforming to standards (exceedance more than 25%)	25	No arrangement/membership for disposal of BMW with CBWTF		30	Indiscriminate disposal of mine waste within lease area		10	Abstraction of ground water without permission	10	Acoustic enclosures not provided with DG set	20
Making discharge of effluent at any place in violation of consent conditions or bypassing SCADA (in case of CETP connected units)	25	Effluent/ emission not conforming to standards (exceedance more than 25%)		25	Indiscriminate disposal of mine waste outside lease area		25	Effluent/ emission not conforming to standards (exceedance more than 25%)	25	Making discharge of effluent at any place in violation of consent conditions	25

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Manufacturing a product, which is banned/ prohibited	25	Making discharge of effluent at any place in violation of consent conditions	25	Intersection of ground water table or abstraction of without prior permission	10	Making discharge of effluent at any place in violation of consent conditions	25	Making discharge of effluent at any place in violation of consent conditions	25	Violation of consent condition	20
Indiscriminate handling/ storage/ disposal of HW	25	Improper segregation of BMW	15	Inadequate PCM (Air or Water)	20	Not collecting BMW from designated HCEs regularly	15	Absence of flow meters at inlet or outlet	10	If handling of HW is involved	25
Adequate PCM not installed	25	Improper storage of BMW	20	Any other violation of Rules	10	Improper storage of waste	20	Improper storage of HW	20	Any other violation of Rules	10
Adequate PCM installed, however not meeting the prescribed standards	10	BMW not collected and disposed within 48 hours	20			Not complying with standards of autoclave/ microwave	20	OCEMS required but not installed	15		
OCEMS required but not installed	15	Adequate PCM not installed				Running without STP	30	Intentional avoidance of data submission or data manipulation by tampering the OCEMS	10		
Intentional avoidance of data submission or data manipulation by tampering the OCEMS	10	Adequate PCM installed, however not meeting the prescribed standards	10			Running with inadequate capacity of STP	15	Any other violation of the Act/ Rules	10		

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Any other violation of Rules	10	Any other violation of Rules	10	OCEMS required but not installed	15				
				Intentional avoidance of data submission or data manipulation by tampering the OCEMS	10				
				Any other violation of Rules	10				
Total (RF)	215	Total (RF)	225	Total (RF)	135	Total (RF)	240	Total (RF)	170
				Total (RF)	140				

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Annexure-'D'

Data sheet for cases forwarded to ECC for imposing Environmental Compensation (EC)

A. General information

1.	Name of establishment/ entity	
2.	Site address	
3.	Distance from the municipal boundary of the nearest city/town (in kilometres)	
4.	Population of the nearest city/town as per latest Census of India(In Lacs)	
5.	District	
6.	Correspondence address	
7.	Unit ID (in MIS, if any)	
8.	Email ID	
9.	Category – Red/ Orange/ Green	
10.	Type (Sector), as per categorization of the Board	
11.	Size- In case of industry (Large/ Medium/ Small/ Micro) In case of hospital (Number of beds) In case of other HCFs whether it is Clinics/dispensaries/animal House/Veterinary institutes In case of Hotel (number of beds and star) In case of mine (lease area)	

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<p>In case of CETP/ STP (Capacity in MLD)</p> <p>In case of CTDF for HW(Total land in Acre)</p> <p>In case of CTDF for BMW(No. Of beds connected)</p> <p>In case of CTDF for E-Waste(Total land in Square metre)</p> <p>MSW (Total population of the city/town)</p> <p>In case of building/ construction projects, total built up area</p> <p>In case of D.G. Set(Capacity)</p>	
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B. Details of violations:-

1.	Details of violations for which EC is being recommended.	1.
2.	Period of violation in number of days (If period of violation is not available period from the date of violation observed first time up to date of expected rectification may be given).	
3.	Details of NGT/ court orders if any, for imposing EC on this entity.	

4.	Whether EC imposed in past? (Yes/ No)? If yes; please give following details:- i. Date of issuing directions ii. Amount of EC imposed.	
5.	Remarks	

- Please enclose copy of necessary documents such as the inspection report, analysis reports of samples, copy of show cause notices/directions issued etc.

Signature

With name and designation

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