



सत्यमेव जयते

File No: 491540/38-MINB1/08-2024

Government of India

Ministry of Environment, Forest and Climate Change

(Issued by the State Environment Impact Assessment Authority (SEIAA),
ODISHA)



Dated 07/11/2024



To,

MR. ADITYA SHARMA
AT/PO- JHARSUGUDA, JHARSUGUDA, ODISHA, 768201
adityasharma.jhg@gmail.com

Subject: Grant of Terms of Reference under the provision of the EIA Notification 2006-regarding.

Sir/Madam,

This is in reference to your application for Grant of Terms of Reference under the provision of the EIA Notification 2006-regarding in respect of project Bhaunra Sand Bed-B over an area of 12.50 acres or 10.05 Ha (under cluster i.e. Bhaunra Sand Bed-B and Bhaunra Sand Bed-A total cluster area 10.05 ha) in Village-Bhaunra, Tahasil- Kirmira, District-Jharsuguda, State-Odisha. submitted to SEIAA, Odisha vide proposal number SIA/OR/MIN/491540/2024 dated 07/08/2024.

2. The particulars of the proposal are as below :

(i) TOR Identification No.	TO24B0107OR5517749N
(ii) File No.	491540/38-MINB1/08-2024
(iii) Clearance Type	TOR
(iv) Category	B1
(v) Project/Activity Included Schedule No.	1(a) Mining of minerals
(vii) Name of Project	Bhaunra Sand Bed B in Village- Bhaunra, Tahasil- Kirmira, District- Jharsuguda, State-Odisha.
(viii) Name of Company/Organization	ADITYA SHARMA
(ix) Location of Project (District, State)	JHARSUGUDA, ODISHA
(x) Issuing Authority	SEIAA
(xii) Applicability of General Conditions	no
(xiii) Applicability of Specific Conditions	no

3. In view of the particulars given in the Para-1 above, the project proposal interalia including Form-1 (Part A & B) were submitted to the SEAC for an appraisal by the State Level Expert Appraisal Committee (SEAC) under the provision of EIA notification 2006 and its subsequent amendments thereto.

4. The above-mentioned proposal has been considered by SEAC in its meeting held on 25.09.2024. The minutes of the meeting and all the project documents are available on Parivesh portal which can be accessed from the Parivesh portal by scanning the QR Code above.
5. The details of the project along with the brief on the salient features of the project as submitted by the project proponent in Form-1(Part A & B) and as presented before SEAC are annexed to this Terms of Reference (ToR) as Annexure- 2.
6. The proposal was placed in the SEAC meeting held on 25.09.2024, based on information & clarification provided by the project proponent and after detailed deliberations in the matter and the SEAC recommended that the appraisal for issue of ToRs for the minor mineral proposals of lease area 25 ha. or less (including cluster approach) may be considered with following specific ToRs as well as standard ToRs based on merit of the proposal without presentation.
7. The State Environment Impact Assessment Authority (SEIAA), Odisha has examined the proposal in its 176th meeting held on 25.10.2024 in accordance with the EIA Notification, 2006 and further amendments thereto and after accepting the recommendation of the SEAC, hereby decided to grant both standard and specific Terms of Reference(ToR) for instant proposal of Sri Aditya Sharma for grant of ToR for Bhaunra Sand Bed-B over an area of 12.50 acres or 10.05 Ha (cluster proposal of Bhaunra Sand Bed-B and Bhaunra Sand Bed-A total cluster area 10.05 ha) in Village-Bhaunra, Tahasil- Kirmira, District- Jharsuguda, State-Odisha under the provisions of EIA Notification, 2006 and as amended thereof.
8. The SEIAA, Odisha reserves the right to stipulate additional conditions, if found necessary.
9. The Terms of Reference to the aforementioned project is under provisions of EIA Notification, 2006. It does not tantamount to approvals/consent/permissions etc. required to be obtained under any other Act/Rule/regulation. The Project Proponent is under obligation to obtain approvals /clearances under any other Acts/ Regulations or Statutes, as applicable, to the project.
10. This issues with the approval of the Competent Authority.

Copy To

1. Principal Secretary, Forest, Environment & Climate Change Dept., Government of Odisha for information.
2. Member Secretary, State Pollution Control Board, Odisha, Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-8, Bhubaneswar for information.
3. The Director of Mines, Steel & Mines Dept, Govt. of Odisha Bhubaneswar for information.
4. Additional Principal Conservator of Forests, Integrated Regional Office (IRO), Ministry of Environment & Forests, A-31, Chandrasekharapur, Bhubaneswar for information.
5. Chairman, Central Pollution Control Board, CBD-cum-Office Complex, East Arjun Nagar, New Delhi-110032 for information
6. Chairman/Member/Member Secretary, SEIAA for information
7. Member Secretary, SEAC, Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-VIII, Bhubaneswar for information.
8. Collector & DM, Jharsuguda, Sub-Collector, Jharsuguda, DFO, Jharsuguda, Tahasildar, Kirmira/Mining Officer, Jharsuguda for Information and necessary action.
9. Guard file for record/Website/Parivesh Portal

Annexure 1

Standard Terms of Reference for (Mining of minerals)

1.

S. No	Terms of Reference
1.1	A copy of the document in support of the fact that the Proponent is the rightful lessee of the mine should be given.
1.2	All documents including approved mine plan, EIA and Public Hearing should be compatible with one another in terms of the mine lease area, production levels, waste generation and its management, mining technology etc. and should be in the name of the lessee.
1.3	All corner coordinates of the mine lease area, superimposed on a High Resolution Imagery/toposheet, topographic sheet, geomorphology and geology of the area should be provided. Such an Imagery of the proposed area should clearly show the land use and other ecological features of the study area (core and buffer zone).
1.4	Information should be provided in Survey of India Toposheet in 1:50,000 scale indicating geological map of the area, geomorphology of land forms of the area, existing minerals and mining history of the area, important water bodies, streams and rivers and soil characteristics.
1.5	Details about the land proposed for mining activities should be given with information as to whether mining conforms to the land use policy of the State; land diversion for mining should have approval from the State land use board or the concerned authority.
1.6	It should be clearly stated whether the proponent Company has a well laid down Environment Policy approved by its Board of Directors? If so, it may be spelt out in the EIA Report with description of the prescribed operating process/procedures to bring into focus any infringement/deviation/ violation of the environmental or forest norms/ conditions? The hierarchical system or administrative order of the Company to deal with the environmental issues and for ensuring compliance with the EC conditions may also be given. The system of reporting of non-compliances / violations of environmental norms to the Board of Directors of the Company and/or shareholders or stakeholders at large, may also be detailed in the EIA Report.
1.7	The study area will comprise of 10 km zone around the mine lease from lease periphery and the data contained in the EIA such as waste generation etc. should be for the life of the mine / lease period.
1.8	A study shall be done to ascertain the impact of the Mining Project on wildlife of the study area and details furnished. Impact of the project on the wildlife in the surrounding and any other protected area and accordingly, detailed mitigative measures required, should be worked out with cost implications and submitted.
1.9	Location of National Parks, Sanctuaries, Biosphere Reserves, Wildlife Corridors, Ramsar site Tiger/ Elephant Reserves/(existing as well as proposed), if any, within 10 km of the mine lease should be clearly indicated, supported by a location map duly authenticated by Chief Wildlife Warden. Necessary clearance, as may be applicable to such projects due to proximity of the ecologically sensitive areas as mentioned above, should be obtained from the Standing

S. No	Terms of Reference
	Committee of National Board of Wildlife and copy furnished.
1.10	A detailed biological study of the study area [core zone and buffer zone (10 km radius of the periphery of the mine lease)] shall be carried out. Details of flora and fauna, endangered, endemic and RET Species duly authenticated, separately for core and buffer zone should be furnished based on such primary field survey, clearly indicating the Schedule of the fauna present. In case of any scheduled- I fauna found in the study area, the necessary plan along with budgetary provisions for their conservation should be prepared in consultation with the State Forest and Wildlife Department and details furnished. Necessary allocation of funds for implementing the same should be made as part of the project cost.
1.11	Proximity to Areas declared as 'Critically Polluted' or the Project areas likely to come under the 'Aravali Range', (attracting court restrictions for mining operations), should also be indicated and where so required, clearance certifications from the prescribed Authorities, such as the SPCB or State Mining Dept. Should be secured and furnished to the effect that the proposed mining activities could be considered.
1.12	One season (non-monsoon) [i.e. March-May (Summer Season); October-December (post monsoon season) ; December-February (winter season)]primary baseline data on ambient air quality as per CPCB Notification of 2009, water quality, noise level, soil and flora and fauna shall be collected and the AAQ and other data so compiled presented date-wise in the EIA and EMP Report. Site- specific meteorological data should also be collected. The location of the monitoring stations should be such as to represent the whole of the study area and justified keeping in view the predominant downwind direction and location of sensitive receptors. There should be at least one monitoring station within 500 m of the mine lease in the predominant downwind direction. The mineralogical composition of PM10, particularly for free silica, should be given.
1.13	Air quality modeling should be carried out for prediction of impact of the project on the air quality of the area. It should also take into account the impact of movement of vehicles for transportation of minerals. The details of the model used and input parameters used for modeling should be provided. The air quality contours may be shown on a location map clearly indicating the location of the site, location of sensitive receptors, if any, and the habitation. The wind rises showing predominant wind direction may also be indicated on the map.
1.14	The water requirement for the Project, its availability and source should be furnished. A detailed water balance should also be provided. Fresh water requirements for the Project should be indicated.
1.15	Necessary clearance from the Competent Authority for drawl of requisite quantity of water for the Project should be provided.
1.16	Description of water conservation measures proposed to be adopted in the Project should be given. Details of rainwater harvesting proposed in the Project, if any, should be provided.

S. No	Terms of Reference
1.17	Impact of the Project on the water quality, both surface and groundwater, should be assessed and necessary safeguard measures, if any required, should be provided.
1.18	A time bound Progressive Greenbelt Development Plan shall be prepared in a tabular form (indicating the linear and quantitative coverage, plant species and time frame) and submitted, keeping in mind, the same will have to be executed up front on commencement of the Project. Phase-wise plan of plantation and compensatory afforestation should be charted clearly indicating the area to be covered under plantation and the species to be planted. The details of plantation already done should be given. The plant species selected for green belt should have greater ecological value and should be of good utility value to the local population with emphasis on local and native species and the species which are tolerant to pollution.
1.19	Impact on local transport infrastructure due to the Project should be indicated. Projected increase in truck traffic as a result of the Project in the present road network (including those outside the Project area) should be worked out, indicating whether it is capable of handling the incremental load. Arrangement for improving the infrastructure, if contemplated (including action to be taken by other agencies such as State Government) should be covered. Project Proponent shall conduct Impact of Transportation study as per Indian Road Congress Guidelines.
1.20	Details of the onsite shelter and facilities to be provided to the mine workers should be included in the EIA Report.
1.21	Conceptual post mining land use and Reclamation and Restoration of mined out areas (with plans and with adequate number of sections) should be given in the EIA report.
1.22	Occupational Health impacts of the Project should be anticipated and the proposed preventive measures spelt out in detail. Details of pre-placement medical examination and periodical medical examination schedules should be incorporated in the EMP. The project specific occupational health mitigation measures with required facilities proposed in the mining area may be detailed.
1.23	Public health implications of the Project and related activities for the population in the impact zone should be systematically evaluated and the proposed remedial measures should be detailed along with budgetary allocations.
1.24	Measures of socio economic significance and influence to the local community proposed to be provided by the Project Proponent should be indicated. As far as possible, quantitative dimensions may be given with time frames for implementation.
1.25	Detailed environmental management plan (EMP) to mitigate the environmental impacts which, should inter-alia include the impacts of change of land use, loss of agricultural and grazing land, if any, occupational health impacts besides other impacts specific to the proposed Project.

S. No	Terms of Reference
1.26	Public Hearing points raised and commitment of the Project Proponent on the same along with a time bound Action Plan with budgetary provisions to implement the same should be provided and also incorporated in the final EIA/EMP Report of the Project.
1.27	Details of litigation pending against the project, if any, with direction /order passed by any Court of Law against the Project should be given.
1.28	The cost of the Project (capital cost and recurring cost) as well as the cost towards implementation of EMP should be clearly spelt out.
1.29	A Disaster management Plan shall be prepared and included in the EIA/EMP Report.
1.30	Benefits of the Project if the Project is implemented should be spelt out. The benefits of the Project shall clearly indicate environmental, social, economic, employment potential, etc.
1.31	<p>Besides the above, the below mentioned general points are also to be followed: -</p> <ul style="list-style-type: none"> a. All documents to be properly referenced with index and continuous page numbering. b. Where data are presented in the Report especially in Tables, the period in which the data were collected and the sources should be indicated. c. Project Proponent shall enclose all the analysis/testing reports of water, air, soil, noise etc. using the MoEF&CC/NABL accredited laboratories. All the original analysis/testing reports should be available during appraisal of the Project. d. Where the documents provided are in a language other than English, an English translation should be provided. e. The Questionnaire for environmental appraisal of mining projects as devised earlier by the Ministry shall also be filled and submitted. f. While preparing the EIA report, the instructions for the Proponents and instructions for the Consultants issued by MoEF vide O.M. No. J-11013/41/2006-IA.II(I) dated 4th August, 2009, which are available on the website of this Ministry, should be followed. g. Changes, if any made in the basic scope and project parameters (as submitted in Form-I and the PFR for securing the TOR) should be brought to the attention of MoEF&CC with reasons for such changes and permission should be sought, as the TOR may also have to be altered. Post Public Hearing changes in structure and content of the draft EIA/EMP (other than modifications arising out of the P.H. process) will entail conducting the PH again with the revised documentation. h. As per the circular no. J-11011/618/2010-IA.II(I) dated 30.5.2012, certified report of the status of compliance of the conditions stipulated in the environment clearance for the existing operations of the project, should be obtained from the Regional Office of Ministry of Environment, Forest and Climate Change, as may be applicable. i. The EIA report should also include (i) surface plan of the area indicating contours of main topographic features, drainage and mining area, (ii) geological maps and sections and (iii) sections of the mine pit and external dumps, if any, clearly showing the land features of the adjoining area.
1.32	CSR Plan along with details of villages and specific budgetary provisions (capital and recurring) for specific activities over the life of the project should be given.
1.33	Corporate Environment Responsibility:

S. No	Terms of Reference
1.34	Details on Public Hearing should cover the information relating to notices issued in the newspaper, proceedings/minutes of Public Hearing, the points raised by the general public and commitments made by the proponent and the time bound action proposed with budgets in suitable time frame. These details should be presented in a tabular form. If the Public Hearing is in the regional language, an authenticated English Translation of the same should be provided.
1.35	Detailed Chronology of the project starting from the first lease deed allotted/Block allotment/ Land acquired to its No. of renewals, CTO /CTE with details of no. renewals, previous EC(s) granted details and its compliance details, NOC details from various Govt bodies like Forest NOC(s), CGWA permissions, Power permissions, etc as per the requisites respectively to be furnished in tabular form.
1.36	The first page of the EIA/ EMP report must mention the peak capacity production, area, detail of PP, Consultant (NABET accreditation) and Laboratory (NABL / MoEF & CC certification)
1.37	The compliances of ToR must be properly cited with respective chapter section and page no in tabular form and also mention sequence of the respective ToR complied within the EIA-EMP report in all the chapter,s section.

Additional Terms of Reference

Specific ToR Conditions

1. The Project Proponent is required to submit the full-scale compliance of earlier EC conditions with mentioning year-wise production details during EC application.
2. 1:50,000 scale topomap with indicate the working area boundaries of the proposed sand bed, transporting route, bridge, water intake points and area proposed for plantation etc.
3. The consultant shall submit **geo-coordinating real-time photographs** of all points during data collection and submit it in the EIA report.
4. The project proponent has to carry out Annual Rate of Replenishment Study (ARRS) of Sand through NABET consultant or ORSAC empanel agency, a study of the annual replenishment rate of sand by collecting pre monsoon & post monsoon data from the field (**the consultant required to submit proof on the date of data collection with attaching google earth map geo-coordination photographs**) to know the quantum of volume of sand deposited/replenished & extracted in the mining lease area. The detailed comparison of both pre-monsoon and post-monsoon elevation data shall be included in the study report. As per the MOEF&CC, Govt. of India's Enforcement and Monitoring Guideline for Sand Mining, 2020, there are two methods prescribed for the study of rate of replenishment of sand on a stretch of river bed. These are (1) physical survey of the field by the conventional method and (2) use of UAV / Drone and other image data processing techniques. The second method UAV/ Drone method is the one which has been found suitable for the above purpose and recommended by the ORSAC, Bhubaneswar and there are some organizations in Odisha state who are empanelled by ORSAC to conduct such surveys. The details of the UAV / Drone method is attached to a separate sheet. The finding of the study shall be submitted to SEIAA to assess the rate of replenishment of mined out sand in the lease area. The finding of the study shall be submitted to SEIAA along with the final EIA / EMP report to assess the rate of replenishment of mined out sand.
5. Details procedure of sand replenishment study, date of study, pre-monsoon sand deposit and post-monsoon deposit and quantum of sand replenishment with attaching real-time geo-coordinating photographs in field of different period of study and data collection.
6. Area of the 'no mining zone' specially demarcated within the lease out area for safety of the river bank / any bridge or such other structure nearby; and the **dimensions and geo-coordinates of this zone** w.r.t lease boundary.

7. Study of river ecology (i.e. aquatic habitat, fish catching area for nearest villagers, turtle habitat and birthing place for villagers, or any other eco-sensitive area that hamper the river ecology due to sand mining if any) should be mention in the EIA report and accordingly prepare for EMP.
8. Any approach road existing or will be constructed inside the safety zone?
9. Mitigation measures to be taken to ensure not to disturb free flow of the river.
10. Distance of the river bank / embankment from the lease boundary. Is it a river bank or embankment?
11. Any ramp existing or will be constructed on the river bank / embankment for movement of vehicles to reach the nearest road.
12. Distance of the village road / city road / district road / public road for the river bank. Is this road single road / double road?
13. No. of village (s) and name of village (s) or the city (s) or urban place (s) or semi urban place (s) through which the sand carrying vehicles will ply and the distance of it from the river bank or embankment whether there is any forest land in the intervening area through which the sand carrying trucks will ply.
14. Whether schools / colleges / hospitals / health centers / bus stops / religious places exist nearby and if so, the distances of it from the bank or the road through which the vehicle will ply or existing alongside the road?
15. Any plantation done in the safety zone or embankment in case of an existing mine and if so, the area of plantation, number of species? If not, the plan for it to arrest bank erosion.
16. Any stone packing in the river bank / embankment existing in case of existing mines and if not, the plan for it.
17. Whether any alternative mine exists or is explored or can be explored if this mine is otherwise found unsuitable? Please furnish details.
18. Whether permission is taken or will be taken from Water Resource Authority or the concerned Authority of the roads to be used for plying of vehicles loaded with sand or empty vehicles for the same after the river bank.
19. Responsibility of perennial perpetual maintenance of these roads and the mechanism for the same.
20. No and type of vehicles to be used daily and the frequency for the purpose of transportation and the time and duration of such transportation. Whether permission taken or will be taken for the appropriate authority for the purpose.
21. Intersection points of the haulage roads with the main SH / NH / public road and the traffic density study at appropriate locations by domain experts with remedial measures for decongestion and road safety.
22. Any bridge (road / rail) existing and the distance of it from the lease boundary.
23. Any culvert or small bridge will be used by the plying vehicles carrying the sand minerals.
24. Any High Transmission Electric line existing and if yes, the distance of the same from the boundary of the lease.
25. The issues raised during the public hearing and commitment of the project proponent to address the same shall be compiled and submitted in a time bound action plan. The action plan shall, inter alia, contain the year-wise activities with corresponding financial allocations.

1. Proposal in brief:

The highlights of the proposal as ascertained from the application and as revealed from proceedings/discussion held during the meeting of SEAC/SEIAA, are given as under.

- (i) This is a proposal for mining of sand from Bhaunra Sand Bed-B over an area of 12.50 acres or 10.05 Ha in Village-Bhaunra, Tahasil- Kirmira, District- Jharsuguda, State- Odisha.
- (ii) The mining area is a part of Survey of India Toposheet No. F45G4 & F45M1 bounded by Latitude: 22°00'15.90" N to 22°00'43.22" N and Longitude: 84°06'40.99" E to 84°07'00.25" E bearing Khata no.271, Plot no. 38/P, Kissam-Nadi
- (iii) The mining lease is an identified sairat source in the DSR. The Bhaunra Sand Bed-B sairat source will be leased out under the OMMC Rules, 2016 by Mining Officer, Jharsuguda to the successful bidder (lessee) on the basis of public auction for a lease period of 5 years.
- (iv) Documents submitted: -Form-1, PFR, checklist, Mining Plan and approval letter, DSR, Village sheet, Cluster certificate from Mining Officer, Jharsuguda, topo map etc.
- (v) Distance from nearest sanctuary/ESZ- Ushakothi WLS-59.35.0km
- (vi) Whether the lease area coming in DLC report- No, N/A
- (vii) Whether submitted scrutiny-Yes, of Rs. 2000/- vide e Challan Reference Id no. 38113C0DF5 dated 07.08.2024
- (viii) Whether submitted KML file-Yes
- (ix) Whether the lease area reflecting in DSR-Yes
- (x) Method of mining-Semi-mechanized
- (xi) River- Safei, Depth of sand deposition-1.5 meter.
- (xii) Distance from nearest road bridge-1.23 km, village -1.0km
- (xiii) Whether it is part of cluster – Yes, Bhaunra Sand Bed-B and Bhaunra Sand Bed-A total cluster area 10.05 ha
- (xiv) Whether EC obtained earlier-Yes
- (xv) Date of approval of mining plan- Deputy Director Geology, Zonal Survey, Sambalpur vide letter no. 556 dt. 01.06.2024 & vide letter no. 554 dt. 01.06.2024
- (xvi) Production capacity per annum-2502 cum/annum (max.), total production in 5 years period-12510 cum, Geological reserve-66075 cum and Mineable reserve-12510 cum.
- (xvii) Budget provision for EMP- Rs. 3.45 Lakh (Capital Cost) Rs. 2.0 lakh (Recurring Cost), CER Cost 1.0 Lakh/annum
- (xviii) Whether the DSR has been prepared as per the MoEF& CC, Govt. of India Notification S.O. 3611(E) dated 25.07.2018, Sustainable sand mining guidelines-2016 and Enforcement & Monitoring Guideline for sand mining-2020 and as per the Hon'ble Supreme Court order vide its order dated 10.11.2021 in Civil Appeal Nos. 3661-3662 of 2020 (State of Bihar Vrs. Pawan Kumar and Others)- No
- (xix) Any deficiencies/omission have been noticed in the above documents- Nil

2. **Whether SEAC recommended the proposal** – Yes, the proposal was placed in SEAC meeting held on 25.09.2024 and the committee observed that presently minor mineral mining projects of lease area > 5 ha. require EIA study including public hearing for grant of Environmental Clearance as per the MoEF&CC, Govt. of India OM no. F. No. L-1 1011/175/2018-IA-II (M), dated 12.12.2018. The MoEF&CC, Govt. of India also stipulated time period of 30 days for issue of Terms of Reference including specific Terms of Reference for EIA study. Since, the number of cases of minor mineral of lease area > 5 ha. are large, it is not possible to issue ToRs including specific ToRs for EIA study for such projects within the stipulated time period after doing presentation of such cases. Further, the presentation of such cases of similar type do not add any additional appraisal or environmental concerns.

After detailed discussion, the SEAC decided that the appraisal for issue of ToRs for the minor mineral proposals of lease area 25 ha. or less (including cluster approach) may be considered with following specific ToRs as well as standard ToRs based on merit of the proposal without presentation.

