



सत्यमेव जयते

File No.: 458099/02-MIN/01-2024

Government of India

Ministry of Environment, Forest and Climate Change

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



Dated 27/08/2024



To,

HARENDRA PATTNAIK
HARENDRA PATTNAIK
nuapadads2023@gmail.com

Subject: Extension in validity of prior Environmental Clearance (EC) dated granted to the project under the provision of the EIA Notification 2006 and as amended thereof regarding.

Sir/Madam,

This is in reference to your application submitted to Ministry vide proposal number SIA/OR/MIN/458099/2024 dated 10/01/2024 for an extension in validity of prior Environmental Clearance (EC) granted to the project under the provision of the EIA Notification 2006-and as amended thereof.

2. The particulars of the proposal are as below :

(i) Validity Extension Identification No.	EC24B0108OR5890953N
(ii) File No.	458099/02-MIN/01-2024
(iii) Clearance Type	Application for Validity Extension of EC- Form-6
(iv) Category	B1
(v) Schedule No./ Project Activity	1(a) Mining of minerals Proposal for extension of Nuapada Decorative Stone Mine over an area of 8.575 Ha. Located at Plot No. 74/P & 237/P, Khata No. 203, At/PO- Nuapada, Tahasil- Bhawanipatna, District- Kalahandi, Odisha of Sri Harendra Kumar Pattnaik.
(vii) Name of Project	
(viii) Location of Project (District, State)	KALAHANDI, ODISHA
(ix) Issuing Authority	SEIAA
(x) EC date	
(xi) Status of implementation of the project	CTE was taken but no construction/development started
(xiii) Whether any amendment to the earlier EC has been sought?	No

3. In view of the particulars given in the Para 1 above, the project proposal interalia including Form-6 were submitted to the State Level Expert Appraisal Committee (SEAC) under the provision of Para 9.0 of the EIA notification 2006 and its subsequent amendments. Details in Form-6 can be accessed from the PARIVESH portal by scanning the QR Code above.
4. The brief about the reasons for an extension of validity of EC, as submitted by the Project Proponent in Form-6 and presented during SEAC is annexed to this letter as **Annexure (2)**.
5. The above-mentioned proposal has been considered by SEAC in the meeting held on 21/03/2024. The minutes of the meeting and all the project documents are available on PARIVESH portal which can be accessed by scanning the QR Code above.
6. The SEAC, in its meeting held on 21/03/2024 based on information & clarifications provided by the project proponent and after detailed deliberations recommended the proposal for extension in validity in Environment Clearance under the provision of EIA Notification, 2006 and as amended thereof.
7. The SEIAA has examined the proposal in 173rd meeting held on 06.08.2024 & 08.08.2024 in accordance with the provisions contained in the Para-9 of Environment Impact Assessment (EIA) Notification, 2006 & further amendments thereto and based on the recommendations of the SEAC Appraisal Committee hereby accords Extension in Validity of Environment Clearance upto the lease period i.e. 15.08.2032 for the instant proposal of Nuapada Decorative Stone Mine over an area of 8.575 Ha. Located at Plot No. 74/P & 237/P, Khata No. 203, At/Po- Nuapada, Tahasil-Bhawanipatna, District- Kalahandi, Odisha of Sri Harendra Kumar Pattnaik under the provisions of EIA Notification, 2006 and as amended thereof subject to compliance of EC conditions, general instructions issued vide EC letter no. 4234/SEIAA dated 17.08.2015 subject to condition that the PP shall include the source in the DSR of Kalahandi District.
8. This issues with the approval of the Competent Authority

Copy To

1. Joint Secretary (Environment), Ministry of Environment, Forests and Climate Change Govt. of India, Indira Paryavaran Bhavan, Jor Bagh Road, Aliganj, New Delhi-110003 for information.
2. Principal Secretary, Forests & Environment Dept., Government of Odisha for information.
3. Member Secretary, State Pollution Control Board, Odisha, Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-8, Bhubaneswar for information.
4. Additional Principal Conservator of Forests, Regional Office (EZ), Ministry of Environment & Forests, A-31, Chandrasekharpur, Bhubaneswar for information.
5. Chairman, Central Pollution Control Board, CBD-cum-office Complex, East Arjun Nagar, New Delhi-110032 for information.
6. Member Secretary, CGWA, 18/11, Jamnagar House, Man Singh Road, New Delhi-110011 for information.
7. Copy to Director of Mines, Steel & Mines Dept., Govt. of Odisha for information and necessary action.
8. Copy to the Collector/Sub Collector, Kalahandi, DFO, Kalahandi Mining Officer Kalahandi /Tahasildar, Bhawanipatna for information and necessary action.
9. Chairman/Member / Member Secretary, SEIAA for information.
10. Chairman, SEAC/Member Secretary, SEAC, Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-VIII, Bhubaneswar for information.
11. Guard file for record.

Annexure 1

Additional EC Conditions

1. The Project Proponent (PP) shall revise the DSR as per minerals deposit along with final coordinates to be ensured by the concerned lease granting Authority.
2. The project proponent shall take geo-coordinating photographs of the lease area before mining and also subsequent period of mining and submit to SEIAA, Odisha in six (06) months EC compliance.
3. **Boundary Demarcation:** - The boundary of the lease area shall be demarcated on ground at the project cost, by erecting 1.20 meter (4 feet approx.) high reinforced concrete pillars above ground, each inscribed with its serial number, distance from pillar to pillar and GPS co-ordinates by any empanelled agency of ORSAC.
4. **Digital Map:** -A digital map (in KML format as well as PDF version) showing GPS coordinates of all boundary pillars duly countersigned by the Tahasildar/Mining officer shall be submitted to SEIAA, Odisha through email at seiaaodisha@gmail.com.
5. **Intimation of EC:** -The copies of the EC shall be sent to the Sarpanch (s) of the concerned Gram Panchayat (s), Urban Local Bodies and relevant other Offices of the Government with a request to display the same for 30 days from the date of receipt. The Project Authorities should widely advertise about the grant of this EC letter by printing the same in at least two local newspapers, one of which shall be in vernacular language of the concerned area. The advertisement shall be done within 7 days of the issue of the clearance letter mentioning that the instant project has been accorded EC and copy of the EC letter is available with the State Pollution Control Board and web site of the Ministry of Environment, Forest and Climate Change (www.parivesh.nic.in). A copy of the advertisement may be forwarded to the concerned MoEF&CC Regional Office for compliance and record.
6. **Tree Plantation:** -Compensatory Tree Planting (CTP) shall be carried out with minimum @100 trees per Ha. of lease area as per the approved cost norm for plantations of the State Forest Department. The Project Proponent (lease holder) shall deposit **Rs.4,50,000/-**, with the respective District Environment Society for raising **900 plants** of native species within 2 years in a suitable location adjoining the quarry.
7. **Reclamation & Restoration:**-Pursuant to MoEF & CC, O.M No 22-34/2018-1A.IIIdated 16.01.2020 and in compliance to the directions dated 8th January 2020 of Hon'ble Supreme Court in W.P. (Civil) No.114/2014 in the matter of Common Cause vs Union of India, the mining lease holder shall, after ceasing mining operations, undertake re-grassing the mining area and any other area which may have been disturbed due to other mining activities and restore the land to a condition which is fit for growth of fodder, flora, fauna etc. The Project Proponent shall submit a detailed plan of action in this regard to Tahasildar/Mining Officer within six months, indicating definite timelines and physical outcomes for the reclamation & restoration of the mined-out area. The Tahasildar/ Mining Officer shall submit a compliance report to SEIAA, Odisha at the end of lease period.
8. **Half-yearly Compliance Report:** - It shall be mandatory for the project management to submit half yearly compliance reports on the status of implementation of the above stipulated environmental and upload the compliance report including results of monitored data, as applicable in the website of the Ministry for monitoring of EC Conditions, failing which EC is liable to be revoked.
9. **Statutory compliance on Grant of CTE & CTO from SPCB:-** Project Proponent (PP) shall obtain Consent to Operate after grant of EC and effectively implement all the conditions stipulated therein. The mining activity shall not commence prior to obtaining Consent to Establish / Consent to Operate from the concerned State Pollution Control Board. The SPCB, Odisha shall ensure that there is no change in the extraction quantity as given in the EC stipulations in respect of year wise permitted quantity before giving 'consent to operate' to this project.
10. **Other Environmental Conditions:** -The lessee shall ensure safety of human life and livestock from accidents in case the village / any habitation is very near the mining lease area.
 1. Topsoil, if any, shall be stacked properly with proper slope with adequate measures and should be used for plantation purposes.
 2. Dumping of quarry material is in no case permissible on any forest land; and all dump yards shall be on duly permitted non forest land.
 3. Waste oils, used oils generated from the EM machines, mining operations, if any, shall be disposed as per the

Hazardous Wastes (Management, Handling, and trans-boundary movement) Rules, 2008 and its amendments thereof to the recyclers authorized by SPCB, Odisha.

4. At the end of mine closure, the proponent shall immediately remove all the sheds put up in the quarry and all the equipment in the area before closure of the quarry.
5. Permanent barricading/barbed wire fencing of the mining lease area site shall be done after completion of mining activities to prevent any danger for stray animals and human habitations from accidents.
6. The Project Proponent shall undertake phased restoration, reclamation and rehabilitation of land affected by mining and complete this work before abandonment of mine. Filling of the ditch by fly ash is to be ensured by the lessee, as also fencing the area, guard wall for safety of cattle & traffic.

11. Transport Safeguards:

- a) No transportation of the minerals shall be allowed on any road passing through villages/habitations without prior explicit permission.
- b) Transportation of minerals through existing rural roads can be allowed only by the concerned Govt. Department/ Gram Panchayat/BDO after required strengthening such that the carrying capacity of the road is increased to handle the mineral carrying truck traffic. The project proponent shall bear the cost towards the widening and strengthening of existing public roads in case the same is proposed to be used for the project.
- c) Project proponent shall ensure that the transport of minerals will be as per IRC Guidelines with respect to complying with traffic congestion and traffic density.
- d) Vehicles hired for transportation of minor minerals from the site should be in good condition and should have pollution check certificates and should conform to applicable air and noise emission standards and should be operated only during non-peak hours. Speed of vehicle be regulated and in no case >30 Kms / hr be allowed.
- e) The vehicles shall not be overloaded and shall be covered with Tarpaulin. The Tahasildar/Mining Officer may collect an appropriate additional road maintenance levy from the lessee as part of the lease conditions on the basis of quantum of mineral transported, and utilize the proceeds of the levy for proper maintenance of the extraction paths and roads to prevent their degradation on account of plying of mineral carrying trucks.
- f) Water spraying should be made on the village road to control particulate matter (dust particles) pollution in surrounding air during transportation from the quarry. Garland drain shall be constructed on the hill slope to arrest downward flow of particulate matter with rainwater.

12. Environmental Management Plan: (i) EMP shall be implemented by PP to ensure compliance with the environmental conditions specified above. The year wise funds earmarked for environmental protection measures shall be kept in a separate account and shall be spent according to the plan proposed in coordination with Tahasildar/Mining Officer. Year wise progress of implementation of EMP shall be reported to the SEIAA, Odisha and OSPCB along with the compliance report. The Tahasildar/Mining Officer shall ensure the compliance of this condition along with all the lease holders of his jurisdiction.

(ii) The PP will implement the EMP with a budgetary allocation of **Rs.5.0 Lakh** for the lease area as proposed during the valid lease period. The detailed expenditure on EMP shall be submitted with six monthly compliance reports.

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 extension of validity of EC Nuapada Decorative Stone Mine over an area of 8.575 Ha. Located at Plot No. 74/P & 237/P, Khata No. 203, At/Po-Nuapada, Tahasil- Bhawanipatna, District- Kalahandi, Odisha.
- (ii) The project proponent has obtained EC from SEIAA, Odisha vide EC letter no. EC Identification No. – 4234/SEIAA dt. 17.08.2015 for Nuapada Decorative Stone Mine over an area of 8.575 Ha. Located at Plot No. 74/P & 237/P, Khata No. 203, At/PO-Nuapada, Tahasil- Bhawanipatna, District- Kalahandi, Odisha.
- (iii) CTE for SPCB vide letter no. 23 dt. 02.01.2017
- (iv) The PP has mentioned that the lease renewal application was rejected wrongly vide no. 9639/S&M, Bhubaneswar, Dtd. 10.11.2020 which was set-aside by the Hon'ble High Court vide W.P.(C) 32467 of 2021 since the lease was not in working condition due to the rejection order renewal of CTO was not applicable. Accordingly, the subject mine was not in working condition after obtaining the EC vice Letter No. SEIAA/4234, Dtd. 17.08.2015 which is subsisting as per the Office Memorandum F. No. 1A3-22/28/2022-1A.111 (E 181584), Dtd. 13.12.2022
- (v) Mining Plan was approved vide letter 1308 dt. 16.02.2015 by Director of Mines, Odisha, BBSR.
- (vi) Lease agreement made dt 06.08.2002 for 10 years
- (vii) Category: As per the EIA Notification dated 14th September 2006 and its subsequent amendments the proposed project falls under category B of Schedule in item 1 (a) – mining of minerals.
- (viii) Location and connectivity: The project area is located at Plot No. 74/P & 237/P, Khata No. 203, At/PO-Nuapada, Tahasil- Bhawanipatna, Dist-Kalahandi. The geographical co-ordinates of centre of project site are Latitude: 20° 09' 85" N To 20° 10' 02" N Longitude: 83° 01' 28" E To 83° 01' 28" E. Toposheet No: 64P/4, Kisam- Abad Ajogya Anabadi.
- (ix) The project is not located within Eco-Sensitive Zone (ESZ) or Eco-Sensitive Area (ESA) notified by the MoEF&CC. The nearest Wildlife Sanctuary is Karlapat Wildlife Sanctuary- 27.8 Km.
- (x) Total Reserves Production: The total Geological Reserves for the ML area is 1,629,500Cum, Mineable Reserves for the ML area is 933,500Cum.
- (xi) Water requirement: About 5KLD of water will be required in the mine for domestic and non-domestic purpose.
- (xii) Solid waste generation: A total waste of 30,664m³ or 36,797m³ (swollen) waste/rejects will be generated during the conceptual period.
- (xiii) Mitigation of solid waste produced: The waste rejects will be dumped over an area of 4,530m² at 8.5m height (approx).
- (xiv) Greenbelt Development: They have proposed for afforestation program of 240 saplings in the safety zone over an area of 1,500sq.m.
- (xv) Total Employment: A total of 37 nos. of people will be employed in the mine.
- (xvi) Project Cost: The total project cost is 1.5 Crores. The Capital cost allocated for implementation of EMP is 5 Lakhs.
- (xvii) Environment Consultant: The Environment consultant M/s. Green Circle, INC., Vadodara, along with the proponent made a presentation on the proposal before the Committee.

(xviii) The PP has submitted recent approved mining plan in SEIAA, Odisha Email. The Mining Plan was approved vide letter no. 3178 Dt 16.03.2024 by Joint Director of Mines, O/o- Directorate of Mines and Geology Steel and Mines Department, Govt. of Odisha, Bhubaneswar. For the period 2024-25 to 2026-27

(xix) Any deficiencies/omission have been noticed in the above documents-**There is no information whether the source included in the DSR of Kalahandi District and not submitted earlier EC compliance.**

2. Whether SEAC recommended the proposal –Yes, the proposal was placed in the SEAC meeting held on 21.03.2024 and after detailed discussion, the SEAC decided to recommend the proposal Nuapada Decorative Stone Mine, over an area Page 18 of 20 of 8.575 Ha. located at Plot No. 74/P & 237/P, Khata No. 203, At/PO-Nuapada, Tahasil - Bhawanipatna, District- Kalahandi, Odisha for extension of Environmental Clearance valid upto the lease period i.e. 2032. However, SEIAA shall grant EC after the project proponent submits the updated approved mining plan.

3. The proposal was placed in 168th SEIAA meeting held on 30.04.2024 & 02.05.2024. The authority observed the following: -

(i) Govt. of Odisha, Steel & Mines Deptt. vide their proceeding no. 12638/S&M dated 18.12.2023 has allowed extension of the lease period of Nuapada Decorative stone mine over an area of 8.575 ha. in village Nuapada under Bhawanipatna Tahasil, District Kalahandi for a period of 30 years from the date of original grant i.e. upto 15.08.2032.

(ii) The Mining Plan submitted has a validity period of five years for F.Y. 2012-13 to F.Y. 2016-17 approved by Order no. 1308/BM dated 16.2.2015.

(iii) Earlier EC has been issued vide SEIAA letter no. SEIAA/4234 dated 17.08.2015 under the then B2 category for which public hearing was not required. However, as per extant guideline, this is now categorized as B1 and requires Public Hearing (As the lease area is more than 5 ha.).

After detailed discussion, the authority decided to referred back the proposal to SEAC for their considered view whether public hearing is required or not in the instant case.

4. The SEAC observed the following:

a) Earlier EC was recommended by SEAC (under then B2 category) upto to the lease period.

b) This project is not fresh proposal rather an ongoing project. Due to amendment in MoEF&CC, Govt. of India Notification 2006, the proposal has now been changed from B2 category to B1 category. Fresh Public Hearing may not be applicable to an ongoing mining project.

c) As per extant guideline, there is provision for re - appraisal of those cases, where EC has been granted by DEIAA. There is no guidelines/information for those cases applied under Extension of EC (i.e. cases like the present proposal which has now been changed from B2 category to B1 category).

After detailed discussion, the SEAC decided reiterates its earlier recommendation with a request that the SEIAA, Odisha may consider the case for extension of EC as per observation made by SEAC in Para 19 or may seek clarification from MoEF&CC, Govt. of India, New Delhi whether such case can be considered for Extension of EC.