



सत्यमेव जयते

File No.: 456846/23-MINB2/12-2023

Government of India

Ministry of Environment, Forest and Climate Change

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



Dated 05/07/2024



To,

HIMANSU NAYAK
HIMANSU NAYAK
S/o- Hrushikesh Nayak Ichhabatiguda, Nabarangapur(m), Nabarangapur, Odisha-764059,
NABARANGPUR, ODISHA, 764059
himansusekhar634@gmail.com

Subject: Grant of prior Environmental Clearance (EC) to the proposed Mining Project under the provisions of EIA Notification 2006-regarding

Sir/Madam,

This is in reference to your application submitted to SEIAA vide proposal number SIA/OR/MIN/456846/2023 dated 27/12/2023 for grant of prior Environmental Clearance (EC) 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) EC Identification No.	EC23C0108OR5157289N
(ii) File No.	456846/23-MINB2/12-2023
(iii) Clearance Type	Mining EC Under 5 Ha
(iv) Category	B2
(v) Project/Activity Included Schedule No.	1(a) Mining of minerals
(vii) Name of Project	NEW PROPOSAL FOR ENVIRONMENT CLEARANCE OF HATIBEDA STONE QUARRY-II OVER 0.45 HECTARE OR 1.12 ACRES IN VILLAGE HATIBEDA UNDER PAPADAHANDI TAHASIL OF NABARANGPUR DISTRICT ODISHA
(ix) Location of Project (District, State)	NABARANGPUR, ODISHA
(x) Issuing Authority	SEIAA
(xii) Applicability of General Conditions	No

The project proponent, Sri Himansu Sekhar Nayak, the successful bidder has submitted an application for EC to SEIAA, Odisha through the Parivesh portal of MoEF&CC, GoI vide online application no. SIA/OR/MIN/456846/2024 dated 27.12.2023 for mining of stone from Hatibeda Stone Quarry-II over 0.45 Hectare or 1.12 acres in Village Hatibeda under Papadahandi Tahasil of Nabarangpur District Odisha.

2. Proposal in brief:

Proposal No.	SIA/OR/MIN/456846/2024
Date of Application	27.12.2023
File No.	456846/23-MINB2/12-2023
Project Type	Proposal for fresh EC
Category	B2
Project/Activity including Schedule No.	1(a) Mining of minerals
Name of the Project	Proposal for EC of Hatibeda Stone Quarry-II over 0.45 Hectare or 1.12 acres in Village Hatibeda under Papadahandi Tahasil of Nabarangpur District Odisha
Name of the company/Organization	Sri Himansu Sekhar Nayak
Location of Project	Village Hatibeda under Papadahandi Tahasil of Nabarangpur District Odisha
ToR Date	N/A
Name of the Consultant	N/A

3. Project details: 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 stone from Hatibeda Stone Quarry-II over 0.45 Hectare or 1.12 acres in Village Hatibeda under Papadahandi Tahasil of Nabarangpur District Odisha.

(ii) The mining area is a part of Survey of India Toposheet No. 65I/7 and is bounded between the Latitude- 19°26'36.40"N to 19°26'38.93" N and Longitude – 82°21'39.11"E to 82°21'44.25"E bearing Khata no. 1015, Plot No. 22, Kissam-Patharbani

(iii) The mining lease is an identified sairat source in the DSR. The Hatibeda Stone Quarry-II sairat source will be leased out under the OMMC Rules, 2016 by Mining Officer, Nabarangpur to the successful bidder (lessee) on the basis of public auction for a lease period of 5 years.

(iv) Documents submitted: -Form-1, EMP, DLC, PFR, checklist, Mining Plan and approval letter, DSR, Village sheet, Cluster certificate from Mining Officer, Nabarangpur, topo map etc.

(v) Whether submitted KML file of the lease area-Yes

(vi) Whether submitted scrutiny fee-Yes of Rs. 1000/- vide e Challan Reference Id no. 4. e Challan Reference Id 35D6330442 dt. 26.12.2023

(vii) Distance from nearest sanctuary/ESZ- Sunabeda WLS-50.79 Km

(viii) Whether the lease area coming in DLC report-No, as certified by Tahasildar, Papadahandi vide letter no. Nil dt. 21.03.2023

(ix) Whether the lease area reflecting in DSR-Yes

(x) Method of mining-Semi-mechanized method

(xi) Distance from nearest road bridge-3.2 km, village road-0.11, Electric transmission line-0.06km

(xii) Whether it is part of cluster – No.

(xiii) Whether EC obtained earlier-Yes. EC obtained earlier from DEIAA, Nabarangpur vide letter no. 1086 dt. 18.05.2016 and further extension of validity of EC obtained from SEIAA, Odisha vide letter no. 2956/SEIAA dt. 28.09.2021.

(xiv) Date of approval of mining plan- by the Joint Director Geology, Zonal Survey, Koraput vide letter no. 960 dt. 14.12.2023.

(xv) Production capacity per annum-13273 cum/annum (max.), total production in 5 years period-12055 cum, Geological reserve-62681 cum and Mineable reserve-17401 cum.

(xvi) The DSR has not 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).

- (xvii) Budget provision for EMP of Rs. 2.6 lakh (Capital cost) and Rs. 3.2 lakh/annum (Recurring Cost).
- (xviii) The cluster certificate has been furnished by the Tahasildar, Papadahandi certifying that there are no other quarries are coming within the radius of 500meter of the proposed quarry. Hence it is not coming under cluster proposal.
4. As per EIA Notification, 2006 as amended time to time, and the minor mineral extraction project falls under Category B2 as the mining lease area is less than 5 ha.
5. The proposal was considered by the State Level Expert Appraisal Committee (SEAC) in its meeting held on 29th April, 01st, 02nd, 03rd & 04th May 2024 and the SEAC recommended to grant EC valid from the date of EC accorded up to the lease period with additional conditions.
6. The matter was further examined in the State Environment Impact Assessment Authority (SEIAA), Odisha in its 168th SEIAA meeting held on 24.06.2024 & 25.06.2024 and after detailed deliberation in the matter the Authority decided to grant Environmental Clearance with usual stipulated conditions as applicable for stone quarry.
7. Environmental Clearance (EC) is granted under the provisions of EIA Notification No. S.O. 1533 (E) dated the 14th September, 2006 of the Government of India in the erstwhile Ministry of Environment and Forests, as amended from time to time for Hatibeda Stone Quarry-II over 0.45 Hectare or 1.12 acres in Village Hatibeda under Papadahandi Tahasil of Nabarangpur District Odisha with the following stipulations, environmental conditions and safeguards attached as Annexure-1.

Copy To

1. Additional Chief 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. Member Secretary, SEAC, Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-VIII, Bhubaneswar for information.
4. Deputy D.G.Forest., Integrated Regional Office (IRO), Ministry of Environment & Forests, A-31, Chandrasekharpur, Bhubaneswar for information.
5. The Director of Mines, Steel & Mines Dept, Govt. of Odisha Bhubaneswar for information.
6. Collector & DM, Nabarangpur, Sub-Collector, Nabarangpur, DFO, Nabarangpur, Tahasildar, Papadahandi /Mining Officer, Nabarangpur for Information and necessary action.
7. Guard file for record/Website/Parivesh Portal.

ANNEXURE-1

A: Stipulations:

Sl.	Descriptions	Stipulation
(i)	Lease Area:	1.12 Acres or 0.45 Ha
(ii)	No Mining Zone:	7.5meter safety zone from all along the lease boundary.
(iii)	Maximum Depth of Mining:	Maximum 6.00 Mtr. from the ground level/surface level of this area as stipulated in rule 37(1)(a) of the OMMC Rule, 2016.
(iv)	Method of Mining	Semi-mechanized without blasting
(v)	Permitted Quantity:	1st year- 13273 cum/annum 2nd year-1032 cum/annum 3rd year-1032 cum/annum 4th year-1032 cum/annum 5th year-1032 cum/annum
(vi)	Validity Period of EC:	This EC is valid till validity of DSR or validity of lease period whichever is earlier.

Specific Stipulation/Conditions

- (i) There is a village road-0.11 km & Electric transmission line-0.06km away from the proposed mining area. The minimum distance criteria for permitting stone quarrying of CPCB vide their letter no. CPCB/IPC-II/NGT-OA 304 of 2019/2020 dt. 12.05.2020 stipulates that minimum distance criteria be **100 meters when blasting is not involved and the minimum distance be 200 meters when blasting is involved. Hence, no blasting is allowed in this case and the PP is required to modify the mining plan in respect to no blasting before quarry operation.**
- (ii) Consent / NoC shall be obtained from the concerned authority if village road is to be used for transportation. The said road shall also be maintained by the lessee.
- (iii) In view of likely revision of DSR the mention of this deposit with final coordinates is to be ensured.

- (iv) Depth of Mining as proposed should not be beyond 6m from the ground level/surface level of this area.
- (v) Mitigation measures for flying Rock for safety be put in place.
- (vi) Stone quarry project proponent need to maintain periodic health check-up records of their employees and ensure use of face mask by workers in crushing and handling sections of the stone quarry for ensuring that working personnel are not affected by silicosis.
- (vii) The boundary area of the deposit as per the revised / updated DSR to be defined by geo coordinates based on DGPS survey superimposed on the cadastral map.
- (viii) Construction of garland drains retaining wall and settling tank should be ensured to prevent erosion during rainfall and to collect silt generated during the mining activity.
- (ix) Topsoil excavated during mining to be stacked separately in the ML area and to be used or plantation in and around the ML area.
- (x) The project proponent shall undertake re-grassing of the area or any other area which may have been disturbed due to their mining activities and restore the land to a condition which is fit for fodder, flora, fauna etc. after ceasing mining operation that is at the time of mine closure.
- (xi) The project proponent shall maintain periodic health check-up records of their employees and ensure use of face mask by workers in crushing and handling sections of the stone quarry for ensuring that working personnel are not affected by silicosis.
- (xii) Haulage road shall be developed and maintained perennially and perpetually by the proponent in consultation with the concerned authority of the Govt.

B: ENVIRONMENTAL CONDITIONS AND SAFEGUARDS WHICH NEED TO BE COMPLIED WITH BY THE TAHASILDAR/MINING OFFICER BEFORE EXECUTING LEASE AGREEMENT:

- 7.1 **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.
- 7.2 **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.
- 7.3 **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.

- 7.4 **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.1,00,000/-, with the respective District Environment Society for raising 200 plants of native species within 2 years in a suitable location adjoining to quarry.
- 7.5 **State EMF Fund:** - An amount equal to five percent (5%) of the royalty payable shall be collected from the lessee by the Tahasildar/Mining Officer and deposited to the State Environment Management Fund, which will be utilized as per provisions of Rule 49(3) of the OMMC Rule, 2016 preferably, in and around the areas where mining activities are undertaken.
- 7.6 **Condition by Collector:** - Any other condition(s) the Collector & Chairman, District Environment Impact Assessment Authority (DEIAA), may impose in the interest of protection and safeguarding the local environment.
- 7.7 **Compliance report for Transfer of EC:** - Any transfer of EC to a PP/Lessee shall be considered by SEIAA, Odisha only after receipt of the full compliance report through Tahasildar/Mining Officer concerned of the above environmental conditions and safeguards.

C: ENVIRONMENTAL CONDITIONS AND SAFEGUARDS WHICH NEED TO BE COMPLIED ON FIELD AFTER THE LEASE AGREEMENT:

- 7.8 **Maximum permissible depth of mining:** - Maximum depth of mining from the top surface/ground level of this area, at any point, up to which quarrying may be permitted shall be **6 meters** as stipulated in rule 37(1) (a) of the OMMC Rule, 2016. Quarry excavation shall not proceed below a level on the hill slope, and shall not touch the base of the hill in any case. The exploitation of stone material from the hill shall be carried out in a systematic manner, spreading the quarrying activity to cover all the economic veins of mineral and proceeding uniformly to more and more depths from all sides simultaneously.
- 7.9 **Maximum permissible quantity:** Maximum yearly quantity of extraction from the quarry shall not exceed annual limit as specified above under stipulation in Table 'A stipulations'-sl. A(v) and the total production shall be **17401 cum** during the valid lease period of five years as per the approved mining plan. Any flouting of this quantitative restriction shall make this EC liable to cancellation.
- 7.10 **District Survey Report:** In view of likely revision of DSR as per the Ministry guidelines, the mention of this deposit in DSR with final coordinates is to be ensured by Tahasildar/Mining Officer **before expiry of the existing current DSR.** The boundary area of the deposit as per the updated DSR defined by geo

coordinates based on DGPS survey be superimposed on the cadastral map. The Grant of EC for further period will be considered after submission of DSR approved by SEIAA 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 also 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).

- 7.11 **No change in the mining plan without prior approval of SEIAA:** - Any change in the calendar plan, change in production quantity or method of mining shall not be made without prior approval of the SEIAA. Mining activity shall adhere to the working parameters of approved mining plan prepared for this project. The detailed production of laterite stone from the lease area of each year shall be submitted in tabular form during submission of compliance report.
- 7.12 **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 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 OSPCC along with the compliance report. The Tahasildar/Mining Officer shall ensure the compliance of this condition along with all lease holders of his jurisdiction.
- (ii) **The PP will implement the EMP with a budgetary allocation of Rs. 2.6 lakh (Capital cost) and Rs. 3.2 lakh/annum (Recurring Cost) for the lease area as proposed during the valid lease period of 5 years. The detailed expenditure on EMP shall be submitted with six monthly compliance report.**
- 7.13 **No Mining Zone:** The lessee shall ensure that no quarrying or mining is carried out in the areas as specified below: -
- 7.5-meter safety zone shall be kept from all side of the lease boundary as per the approved mining plan.
 - within 100m (minimum distance criteria when blasting is **not involved**) and within 200m (minimum distance criteria when blasting is **involved**) from residential/ public buildings, inhabited sites, protected monuments, Heritage sites, National/State Highway, District roads, public roads, Railway line/area, Ropeway or Ropeway trestle or station, Bridges, Dam, Reservoirs, river, Canals, lakes or Tanks, or any other locations etc.
 - below ground water table under any circumstances. If ground water table occurs /intervenes within the permitted mining depth, then the quarrying shall be stopped immediately;
 - in the vicinity of natural /manmade archeological sites;
- 7.14 **Transport Safeguards:**
- No transportation of the minerals shall be allowed on any road passing through villages/habitations without prior explicit permission.
 - 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 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 mineral from the site should be in good condition and should have pollution check certificate 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.

7.15 Other Environmental Conditions: -

- a) The lessee shall ensure safety of human life and livestock from accidents in case village / any habitation is very nearby the mining lease area.
- b) Topsoil, if any, shall be stacked properly with proper slope with adequate measures and should be used for plantation purpose.
- c) Dumping of quarry material is in no case permissible on any forest land; and all dump yard shall be on duly permitted non forest land.
- d) 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.
- e) 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.
- f) Permanent barricading/barbed wired 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.
- g) The Project Proponent shall undertake phased restoration, reclamation and rehabilitation of land affected by mining and completes 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.

7.16 Common Forum for EMP:- All the individual quarry lessee holders coming under the Tahasil may create a common forum in coordination with the Tahasildar/Mining Officer and contribute funds to it for grading, compaction and

maintenance of haulage road, provision of water spray on the village road to control particulate matter (dust particles) pollution in surrounding air during transportation from the quarry, and provision of thick, multilayer and a continuous green belt around the lease area excluding the entry and exit gate for prevention of environmental pollution and noise during mining activity.

- 7.17 **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.
- 7.19 **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.
- 7.18 **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.
- 7.20 **Concomitant Monitoring:** - The conditions stipulated in the environmental clearance will be closely monitored on the ground by the lease granting authority, i.e. the Tahasildar/ Mining Officer, who shall ensure compliance of the stipulated conditions and take corrective measures promptly in case of any non- compliance and also ensure that the project proponent submits quarterly compliance reports.
- 7.21 **Independent Monitoring:** -The concerned Regional Office of the MoEF & CC/ SPCB, Odisha shall periodically monitor compliance of the stipulated conditions as applicable for this project. The project authorities should extend full cooperation to the MoEF & CC officer(s)/SPCB officer(s) by furnishing the requisite data / information / monitoring reports.

- 7.22 **Revocation of EC:** -The SEIAA, Odisha may revoke or suspend the EC, if implementation of any of the above conditions is not satisfactory. The SEIAA, Odisha reserves the right to alter /modify the above conditions or stipulate any further condition in the interest of environment protection.
- 7.23 **Change in Ownership of Lease:** - This EC shall not be transferred without the permission of SEIAA, Odisha. The Tahasildar/ Mining Officer shall inform the SEIAA of any change in ownership of the mining lease. No mining is allowed without transfer of EC as per provisions of the para 11 of EIA Notification, 2006, as amended from time to time.
8. The above conditions will be enforced inter-alia, under the provisions of the Water (Prevention & Control of Pollution) Act, 1974, the Air (Prevention & Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986 and the Public Liability Insurance Act, 1991 along with their amendments and rules made there under and also any other orders passed by the Hon'ble Supreme Court of India/ High Court and any other Court of Law relating to the subject matter.
9. This Environmental Clearance (EC) is subject to orders/judgment of Hon'ble Supreme Court of India, Hon'ble High Court and Hon'ble NGT as may be applicable.
10. 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.

