



सत्यमेव जयते

File No.: 470386/60-MINB2/04-2024
Government of India
Ministry of Environment, Forest and Climate Change
(Issued by the State Environment Impact Assessment Authority (SEIAA),
ODISHA)



Dated 12/08/2024



To,
Tahasildar Khariar
KHARIAR TAHASIL
Khariar , Baddohel, NUAPADA, ODISHA, , 766107
tah.khariar-od@nic.in

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/470386/2024 dated 24/04/2024 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.	EC24C0108OR5718242N
(ii) File No.	470386/60-MINB2/04-2024
(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	Proposal for obtaining Environment Clearance of BADDOHEL SAND QUARRY over an area 12.30acres or 4.977ha in Baddohel village under Khariar tahasil of Nuapada district Odisha
(ix) Location of Project (District, State)	NUAPADA, ODISHA
(x) Issuing Authority	SEIAA
(xii) Applicability of General Conditions	No

3. In view of the particulars given in the Para-1 above, the project proposal interalia including Form-2 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 15th & 16th May, 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. Brief description of the project is as under:

5. Details of the minerals to be mined along with production capacity and the brief on the salient features of the project as submitted by the project proponent in Form- 2 in the reports and presented before SEAC are annexed to this EC as **Annexure- 2**.
6. The SEAC in its meeting held on 15th & 16th May, 2024, based on information submitted viz: Form-2, EMP report etc. & clarifications provided by the project proponent and after detailed deliberations on all technical aspects and compliance thereto furnished by the Project Proponent, recommended the proposal for grant of Environment Clearance under the provision of EIA Notification, 2006 and as amended thereof subject to stipulation of Specific and Standard EC conditions as detailed in the point below.
7. The State Environment Impact Assessment Authority (SEIAA), Odisha has examined the proposal in 172nd meeting held on 16.07.2024 & 18.07.2024 in accordance with the provisions contained in the Environment Impact Assessment (EIA) Notification, 2006 & further amendments thereto and based on the recommendations of the SEAC hereby accords Environment Clearance for the instant proposal for “extraction of sand from Baddohel River Sand Quarry over an area 12.30 acres or 4.977 ha in Baddohel village under Khariar Tahasil of Nuapada District Odisha to Tahsildar, Khariar under the provisions of EIA Notification, 2006 and as amended thereof subject to compliance of the Specific and Standard EC conditions as given in **Annexure-1**.

Stipulations

Sl.	Descriptions	Stipulation
(i)	Lease Area:	12.30 Acres or 4.977 Ha. (i). The PP shall maintain safety and stability of Riverbanks i.e. 3 meter or 10% of river width whichever is more for protection of river bank and
(ii)	No Mining Zone:	(ii). 7.5-meter safety zone from all sides of lease boundary. (iii). No stream should be diverted for the purpose of sand mining. No natural water course and/ or water resources are obstructed due to mining operations.
(iii)	Maximum Depth of Mining:	1.2 meter as per the approved mining plan
(iv)	Method of Mining:	Manual
(v)	Permitted Quantity:	3000 cum for 1st year 750 cum for 2nd year (i.e. 25% of the 1st year production capacity if Annual Rate of Replenishment Study (ARR) report is not submitted after one year of quarry operation).
(vi)	Validity Period of EC:	The validity of EC is for validity of DSR or validity of lease period whichever is earlier.
(vii)	ARRS report	The PP shall carry out the ARRS study through a NABET or ORSAC empanelled agency and submit to SEIAA, Odisha by 31st March 2026 .

8. The SEIAA, Odisha reserves the right to stipulate additional conditions, if found necessary.
9. The Environmental Clearance 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. The PP is under obligation to implement commitments made in the Environment Management Plan of **Rs. 1.20 Lakh/annum (Recurring Cost)** which forms part of this EC.
11. Validity of EC is is for validity of DSR or validity of lease period whichever is earlier from which the prior environmental clearance is granted by the regulatory authority.
12. General Instructions:

1. The project proponent shall prominently advertise it at least in two local newspapers of the District or State, of which one shall be in the vernacular language within seven days indicating that the project has been accorded environment clearance and the details of SEIAA website where it is displayed.
 2. The copies of the environmental clearance shall be submitted by the project proponents to the Heads of local bodies, Panchayats and Municipal Bodies in addition to the relevant offices of the Government who in turn must display the same for 30 days from the date of receipt.
 3. The project proponent shall have a well laid down environmental policy duly approved by the Board of Directors (in case of Company) or competent authority, duly prescribing standard operating procedures to have proper checks and balances and to bring into focus any infringements/deviation/violation of the environmental / forest / wildlife norms / conditions.
 4. Action plan for implementing EMP and environmental conditions along with responsibility matrix of the project proponent (during construction phase) and authorized entity mandated with compliance of conditions (during operational phase) shall be prepared. The year wise funds earmarked for environmental protection measures shall be kept in separate account and not to be diverted for any other purpose. Six monthly progress of implementation of action plan shall be reported to the Ministry/Regional Office along with the Six-Monthly Compliance Report.
 5. Concealing factual data or submission of false/fabricated data may result in revocation of this environmental clearance and attract action under the provisions of Environment (Protection) Act, 1986.
 6. The Regional Office of MoEF & CC, Bhubaneswar, SPCB, Odisha and the lease granting Authority shall monitor compliance of the stipulated conditions. The project authorities should extend full cooperation to the officer (s) of the Regional Office by furnishing the requisite data / information/monitoring reports.
 7. Any appeal against this EC 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.
13. This issue with an approval of the Competent Authority.

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, Nuapada , Sub-Collector, Nuapada , DFO, Nuapada , Tahasildar, Khariar /Mining Officer, Nuapada for Information and necessary action.
7. Guard file for record/Website/Parivesh Portal.

Annexure 1

Specific EC Conditions for (Mining Of Minerals)

1. Environmental Conditions And Safeguards Which Need To Be Complied With By The Tahasildar/mining Officer Before Executing Lease Agreement:

S. No	EC Conditions
1.1	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.
1.2	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.
1.3	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.
1.4	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.2,50,000/-, with the respective District Environment Society for raising 500 plants of native species within 2 years in a suitable location adjoining the quarry.
1.5	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.
1.6	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.
1.7	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.
1.8	Other conditions/NOC:- 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.

2. Environmental Conditions And Safeguards Which Need To Be Complied On Field After The Lease Agreement:

S. No	EC Conditions
2.1	Maximum permissible depth: This Environmental Clearance is given with the condition that maximum depth of digging of sand shall be 1.2 m as per mining plan. Any flouting of this restriction shall make this EC liable to cancellation.

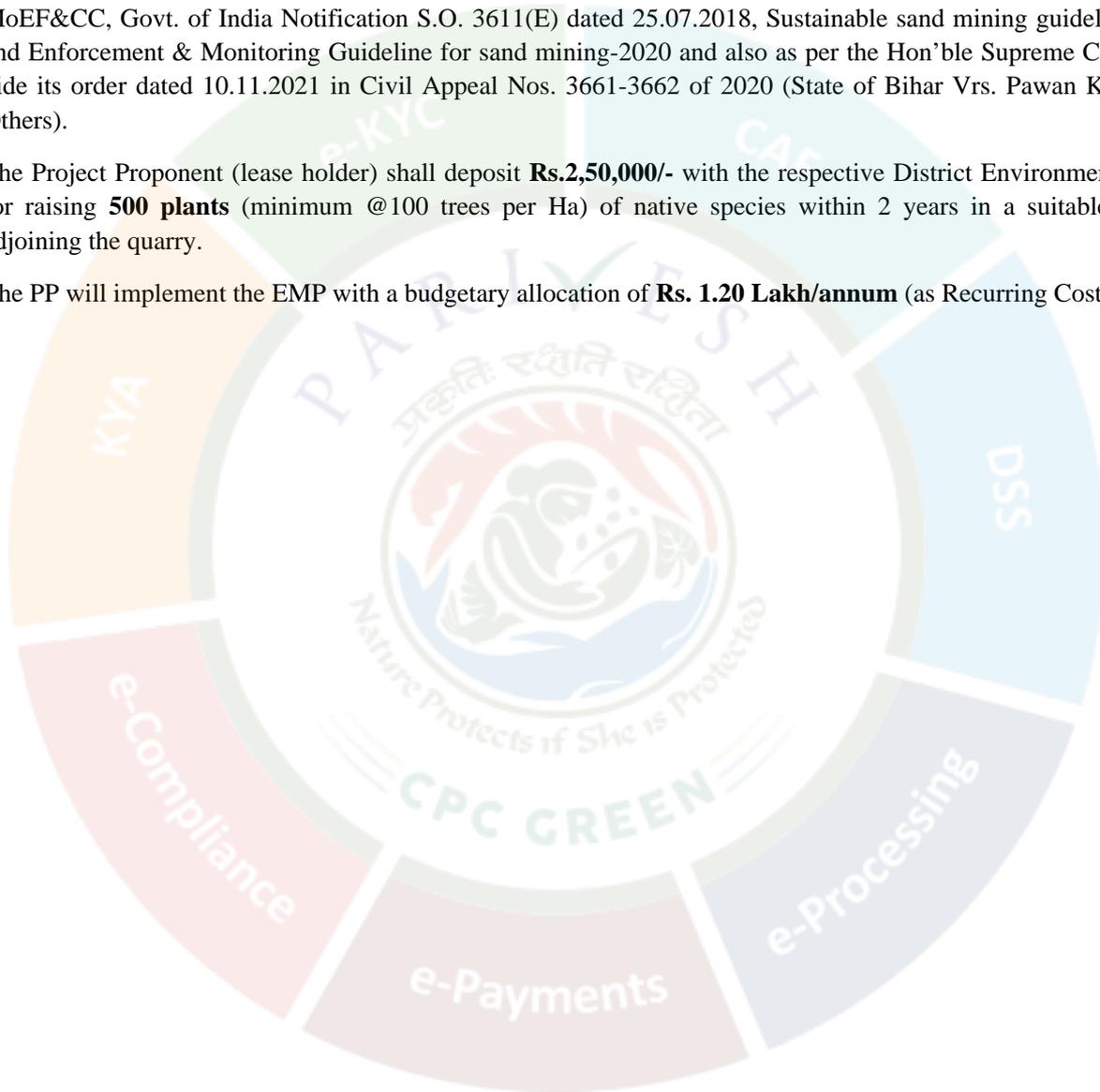
S. No	EC Conditions
2.2	<p>Maximum permissible quantity: Maximum yearly quantity of extraction from the quarry shall not exceed the annual limit as specified above under stipulation in Table 'A stipulations'-sl. A(v) i.e. 3000 cum in 1st year and 750 cum for 2nd year (i.e. 25% of the 1st year production capacity if Annual Rate of Replenishment Study (ARRS) report is not submitted after one year of quarry operation). Any flouting of this quantitative restriction shall make this EC liable to cancellation.</p>
2.3	<p>Annual Replenishment Rate Study of Sand: -The Project Proponent shall carry out Annual Rate of Replenishment study of sand by ORSAC empanel agency or NABET Consultant as per prescribed drone method of MoEF & CC, Govt. of India by collecting pre monsoon & post monsoon data from the field 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. The detailed methodology for finding the rate of replenishment study of sand is laid down in the Enforcement & Monitoring Guidelines for Sand Mining, 2020 issued by the MoEF & CC, Govt. of India. The finding of the study shall be submitted to SEIAA to assess the actual rate of replenishment of mined out sand in the lease area. PP shall carry out Annual Rate of Replenishment Study (ARRS) through ORSAC empanel agency in every year and submit the report to SEIAA, Odisha during submission of EC compliance with attaching real-time geo-coordinating photographs both pre and post monsoon data collection time.</p>
2.4	<p>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).</p>
2.5	<p>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 the approved mining plan prepared for this project. The detailed production of sand from the lease area of each year shall be submitted in tabular form during submission of compliance report.</p>
2.6	<p>Environmental Management Plan: 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 EMP. The PP will implement the EMP with a budgetary allocation of Rs. 1.20 Lakh/annum (Recurring Cost).</p>
2.7	<p>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.</p>
2.8	<p>No Working Zone: - The lessee shall ensure that no sand mining is carried out in the areas as specified below: -</p>

S. No	EC Conditions
	<ul style="list-style-type: none"> • During the rainy season; • Within the water channel or stream flow area throughout the year; • Mining shall not be undertaken in a mining lease located in 200-500 meter of bridge, 200 meter upstream and downstream of water supply/irrigation scheme, 100 meter from the edge of National Highway and railway line, 50 meter from a reservoir, canal or building, 25 meter from the edge of State Highway and 10 meter from the edge of other roads except on special exemption by the Sub-Divisional level Joint Inspection Committee. • The mining or any ancillary activity shall not in any way disturb the flow pattern of the river water during the non-monsoon period. • No stream shall be diverted for the purpose of sand mining and no natural water course shall be obstructed. • Sand mining operations shall not affect the existing sources for irrigation / drinking water / industrial purposes. • The natural sand dunes, if any, near or surrounding the lease area shall not be disturbed.
2.9	<p>Transport Safeguards:</p> <ul style="list-style-type: none"> • 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 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. • Project proponents shall ensure that the transport of minerals will be as per IRC Guidelines with respect to complying with traffic congestion and traffic density. • 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. • 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. • 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.
2.10	<p>Other Environmental Conditions: -The Project Proponent shall follow all the provisions of Sand Policy of Govt. Of Odisha dated 02.09.2021 for this sand mining project.</p> <ul style="list-style-type: none"> • The Tahasildar/ Mining Officer shall take adequate measures to prevent unauthorized mining;

S. No	EC Conditions
	<ul style="list-style-type: none"> • The project proponent should carry out river bed sand mining manually by engaging local laborers to check over exploitation of sand at the source; • 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. • 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.
2.11	<p>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 environment. The project authority is mandatory to upload the compliance report of EC conditions including results of monitored data, as applicable in the website of the Ministry for monitoring of EC Conditions. No hard copy and soft copy required to submit to SEIAA, Odisha, failing which EC is liable to be revoked.</p>
2.12	<p>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 half yearly compliance reports.</p>
2.13	<p>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.</p>
2.14	<p>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.</p>
2.15	<p>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.</p>
2.16	<p>Basis of Permitted Quantity: - It is made clear that the EC granted is on adhoc basis as the applicant has not submitted the approved District Survey Report (DSR) or Annual Replenishment Rate Study Report (ARRS). In the absence of approved District Survey Report (DSR) the area for removal of minerals shall not exceed 60% of the mine lease area, and any deviation or relaxation in this regard shall be adequately supported by the scientific report (Refer Para: 4.3 (r) of the Enforcement & Monitoring Guidelines for Sand Mining issued in January, 2020 by the Ministry of Environment, Forest and Climate change). The permitted quantity in the 1st year has been calculated on the basis of 60% mine lease area or quantity mentioned in the Mining Plan, whichever is less. Further in the absence of approved Annual Replenishment Rate Study Report an annual replenishment rate of @25% of the 1st year quantity is allowed for 2nd year w.r.t Order dated 02.02.02022 of the Hon'ble NGT in OA No.33/2020/EZ (Laxmidhar Palai Vrs. District Collector, Balasore). Further amendment to the permitted quantity in the 2nd year shall be considered on submission of duly approved ARRS.</p>

Additional EC Conditions

1. Maximum depth of mining 1.2 meter and maximum quantity of extraction shall be limited to **3000 cum** in the 1st year and **750 cum** for the 2nd year from the date of issue of EC.
2. The PP shall carry out the ARRS study in subsequent years through a NABET Consultant or ORSAC empanelled agency and submit the report to SEIAA, Odisha by **31st March, 2026**.
3. 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.
4. The EC is valid till the validity of DSR or validity of lease period whichever is earlier.
5. The Grant of EC for further period will be considered after submission of approved DSR 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).
6. The Project Proponent (lease holder) shall deposit **Rs.2,50,000/-** with the respective District Environment Society for raising **500 plants** (minimum @100 trees per Ha) of native species within 2 years in a suitable location adjoining the quarry.
7. The PP will implement the EMP with a budgetary allocation of **Rs. 1.20 Lakh/annum** (as Recurring Cost).



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 Baddohel Sand Quarry over an area 12.30 acres or 4.977ha in Baddohel village under Khariar tahasil of Nuapada district Odisha.
- (ii) The mining area is a part of Survey of India Toposheet No. F44W15 and is bounded between the Latitude- 20°15'12.35"N to 20°15'18.96"N and Longitude – 82°47'30.86"E to 82°47'48.61"E bearing Khata no. 233 , Plot No. 668(P), Kissam-Nadi
- (iii) The mining lease is an identified sairat source in the DSR. The Baddohel Sand Quarry sairat source will be leased out under the OMMC Rules, 2016 by Tahasildar, Khariar, to the successful bidder (lessee) on the basis of public auction for a lease period of 5 years.
- (iv) Documents submitted: -Form-1, EMP, PFR, checklist, Mining Plan and approval letter, DSR, Village sheet, Cluster certificate from Tahasildar, Khariar, topo map etc.
- (v) Whether submitted KML file of the lease area-Yes
- (vi) Whether submitted scrutiny fee-No as Tahasildar is the applicant.
- (vii) Distance from nearest sanctuary/ESZ- Sunabeda WLS-25.0 Km
- (viii) Whether the lease area coming in DLC report-No, NA
- (ix) Whether the lease area reflecting in DSR-Yes
- (x) Method of mining-Manual
- (xi) River-Sundar, Depth of sand deposition-1.2 meter
- (xii) Distance from nearest road bridge-3.9 km, Village road-0.90 km
- (xiii) Whether it is part of cluster – No.
- (xiv) Whether EC obtained earlier-Yes, and submitted EC compliance but not satisfactory
- (xv) Date of approval of mining plan- by the Joint Director of Geology, Zonal Survey, Balangir vide letter no. 664 dt. 28.07.2022.
- (xvi) Production capacity per annum-3000 cum/annum (max.), total production in 5 year period-15000 cum, Geological reserve-54191 cum and Mineable reserve-44499 cum.
- (xvii) 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).
- (xviii) Budget provision for EMP of Rs. 1.20 Lakha/annum (Recurring cost).
- (xix) Any deficiencies/omission have been noticed in the above documents- Nil

2. **Whether SEAC recommended the proposal** – The proposal was placed in the SEAC meeting held on 15th and 16th May 2024 and **the SEAC recommended the following:**

- i) As per CAF item 1.4- Earlier EC has been rejected by observing satellite imagery taken on November month but as per Drone survey conducted on January shows availability of sand on lease area hence Reapplication has been proposed.
- ii) However, it is seen that in the present proposal the kml file attached shows imagery of 11.11.23 and the same shows availability of Sand in marked lease area.
- iii) Further drone survey said to be done in January is done on 3.4.24 as per documents attached.
- iv) As per present details available the proposal can be considered subject to satisfactory compliance of the above discrepancies.

In case of grant of EC following conditions in addition to usual conditions-

1. Water channel shall not be disturbed either during mining or transportation.
2. Sufficient safety zone (preferably 10 meters) shall be left from the bank.

